

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8591 HOUSE JUDICIARY

HB

87

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 87

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: An Act authorizing youth courts BRU: Trial Courts
 Components: _____
 Sponsor: Reps. B. Davis, Davies, Robinson
 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						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	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
 Agency: Alaska Court System Phone: 264-8228
 Date: 03/20/95

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

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

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB87

Revision Date: _____
 Title: Authorizing Youth Courts for peer adjudication of minors
and renaming community legal assistance grant fund.
 Sponsor: B. Davis
 Requestor: House (HES)

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

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: 30.0

ANALYSIS: Attach a separate page if necessary

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

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

Phone: 465-3191
 Date: 01/25/95
 Date: 1/26/95

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STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB87

Revision Date: _____
 Title: Authorizing Youth Courts for peer adjudication of minors
 and renaming community legal assistance grant fund.
 Sponsor: B. Davis
 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

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						
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 to the department if this bill were to become law.

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

Phone: 465-3191
 Date: 01/25/95

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

Date: 1/26/95

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HOUSE COMMITTEE REPORT

(7)

Date Referred: January 17, 1995

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 3/23/95

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 87

HOUSE BILL NO. 87

AUTHORIZING YOUTH COURTS

"An Act authorizing youth courts to provide for peer adjudication of minors who have allegedly committed violations of state or municipal laws, and renaming the community legal assistance grant fund and amending the purposes for which grants may be made from that fund in order to provide financial assistance for organization and initial operation of youth courts."

recommends it be replaced the same title
with the following committee substitute _____ 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) Court System zero fiscal note(s) _____
3 - H+SS

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Larry L. Jones</i>	✓			
<i>Don Blende</i>	✓			
<i>Alan K. Kelley</i>	✓			
<i>Carolyn Robinson</i>	✓			
<i>Ann Price</i>	✓			

CHAIR'S SIGNATURE *Don Blende*

ALASKA STATE LEGISLATURE

100 N. FOURTH AVE., SUITE 470
ANCHORAGE, ALASKA 99501
907-258-4161
FAX 907-258-5571

STATE CAPITOL
LITTLE ALASKA 99801-1182
907-465-1873
FAX 907-465-2294



MINORITY WHIP
CHAIR
CHILDREN'S CAUCUS
HEALTH, EDUCATION
& SOCIAL SERVICES
STATE AFFAIRS
ECONOMIC TASK
FORCE

REPRESENTATIVE BETTYE DAVIS

DISTRICT 21

SPONSOR STATEMENT

HB 87: "An act authorizing youth courts to provide for peer adjudicator of minors who have allegedly committed violations of state or municipal laws, and renaming the community legal assistance grant fund and amending the purposes for which grants may be made from that fund in order to provide financial assistance for the organization and initial operation of youth courts."

A youth court is a court in which the roles of attorneys, judges, bailiffs, clerks and jurors are filled by young people. Anchorage has had a youth court since 1989 and the recidivism rate is much less in teens handled by the youth court as compared with those dealt with in the standard juvenile justice system.

A youth court accomplishes more than just lightening the volume of cases burdening the legal system. It affords teenagers an opportunity to play a positive role in the administration of justice, thus gaining an awareness and respect for their legal responsibilities.

Youth courts have the advantage of providing peer pressure along with justice. The sentences are usually community service and the defendants generally are first time offenders charged with misdemeanors.

Youth courts also afford the defendants a chance via trial by their peers to resolve legal problems without receiving a criminal record.

Sponsor Statement
Youth Court
Page 2

Representative Joe Sitton, impressed by the achievements of the Anchorage Youth Court, introduced this Bill in the Eighteenth Legislature. It passed the House resoundingly with 36 Yeas and 4 excused. Unfortunately, it did not reach the Senate floor.

I am re-introducing this Bill because I feel that the Youth Courts offer a second chance to young defendants who would not normally receive one, while teaching respect and understanding of the law at the same time.

**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

January 25, 1995

SUBJECT: House Bill 87, relating to the use of youth courts for certain minors -- sectional analysis. (Work Order No. 9-LS0384\A)

TO: Representative Betty Davis
ATTN: Liz Roberts

FROM: Jack Chenoweth
Legislative Counsel

HB 87 authorizes youth courts to provide for peer adjudication of minors charged with violations of state laws or municipal ordinances. The bill also proposes to broaden (and rename) the use of the community legal assistance grant fund as a source of financial support for new youth courts.

Section 3. This bill section, the measure's principal operative provision, adds a new section to the body of codified law. AS 18.05.100 is added as a part of the title concerned generally with health and safety matters. The section authorizes establishment of youth courts "to hear, determine, and dispose of cases involving a minor whose alleged act that brings the minor within the jurisdiction of [the Alaska Court System]" constitutes a violation of a state law or municipal ordinance. The section defines the jurisdiction of youth courts, sets out the process for establishment of a youth court, imposes significant standards and procedures that are to guide a youth court as it operates, and provides the Alaska Court System general authority to refer a possible delinquency matter to a youth court.

Bill sections 4 - 8 rename and revise the objectives of the existing Community Legal Assistant Grant Fund.

Section 4. The amendments proposed to AS 44.47.200 by this bill section change the name of the fund and authorize use of money in the fund to help nonprofit corporations start operations as youth courts.

Section 6. The addition of AS 44.47.210(b) proposed by this bill section permits nonprofit corporations planning to operate youth courts to apply for a grant from the fund, direct that

Representative Bettye Davis

January 25, 1995

Page 2

the grant be matched, but permit waiver of the match requirement under the circumstances noted.

Section 8. The addition of AS 44.47.220(b) proposed by this bill section sets limits on the amount that may be awarded as a grant from the fund to a corporation planning to operate a youth court, and limits on the proper use by the grantee of the money received by the grant.

Sections 5 and 7. The changes made by these two bill sections are technical changes to existing law made in light of the proposed additions set out in bill sections 4, 6, and 8.

*

Sections 1 and 2. In these uncodified sections are set out a statement of purpose of the Act and a brief summary of the state's recent experience with youth courts.

JBC:lmb:pl
95-085.lmb

ANCHORAGE YOUTH COURT

**P.O. BOX 102735
Anchorage, Alaska 99510
(907) 274-5986
FAX (907) 272-0491**

WHAT IS YOUTH COURT?

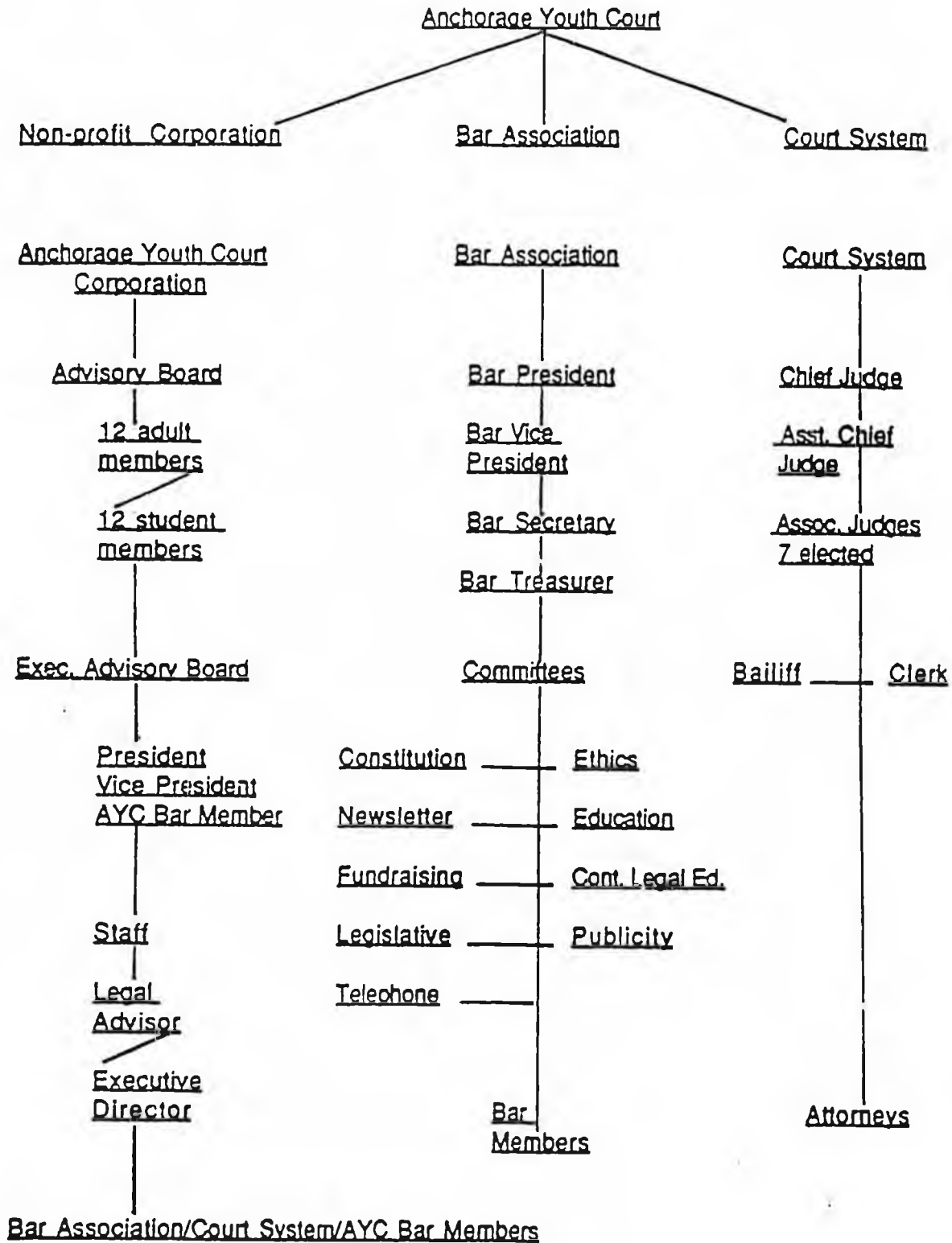
Youth Court provides the opportunity for young people grades 7 through 12 and/or ages 12 through 18 who are accused of breaking the law, to be judged. It is a court in which the roles of attorneys, judges, bailiffs, clerks and jurors are filled by young people. Youth Court members develop and apply an understanding of the law through legal education, Anchorage Youth Court Bar Association membership, and actual participation in Anchorage Youth Court trials. Defendants are afforded a chance via trial by their peers to resolve their legal problems without receiving a criminal record. The community benefits by receiving valuable service work as a partial redress for the wrongs committed.

In order to become members of the Anchorage Youth Court, young people complete a legal training course whereby they learn basic legal principals and practices. The Anchorage Youth Court Bar Association holds meetings on a regular basis. At the meetings, members participate in activities designed to give a broader perspective of the judicial system. Activities may include workshops, mock trials, speakers, and movies about the judicial system.

Defendants are usually first time offenders charged with petty crimes, who have been referred to the Anchorage Youth Court by a Referring Authority, usually the juvenile probation department. Once a defendant is referred to the Anchorage Youth Court, the defendant is arraigned, and if he or she pleads guilty, may be sentenced to community service. If the defendant pleads not guilty, he or she is tried by a jury or a panel of judges. A criminal record is not accrued upon a finding of guilt.

At completion of a case, The Anchorage Youth Court will return its findings to the Referring Authority for final disposition.

ANCHORAGE YOUTH COURT
ORGANIZATIONAL CHART



CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

ANCHORAGE YOUTH COURT

**P.O. BOX 102735
Anchorage, Alaska 99510
(907) 274-5986
FAX (907) 272-0491**

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At completion of a case, The Anchorage Youth Court will return its findings to the Referring Authority for final disposition.

YOUTH COURT REFERRALS

Intake will make referrals to Youth Court on appropriate juveniles. Target cases will be those in which the School District is the victim, such as vandalism cases, second degree burglary or where the offense occurs within the school, such as theft from lockers, other students, and/or teachers. The offense will be of a serious enough nature to warrant court action if the juvenile referred does not cooperate with Youth Court and their recommendation(s) on sentencing.

Intake will screen the family prior to making the referral. The juvenile and family will be told that going through Youth Court is voluntary and will result in not having a formal record. They will also be notified that failure to comply will result in having the case handled by Intake. Intake will have the family and the juvenile sign an agreement and hold our case open for four months or until Youth Court is completed. They will also be told they can confer with an attorney prior to agreeing to Youth Court.

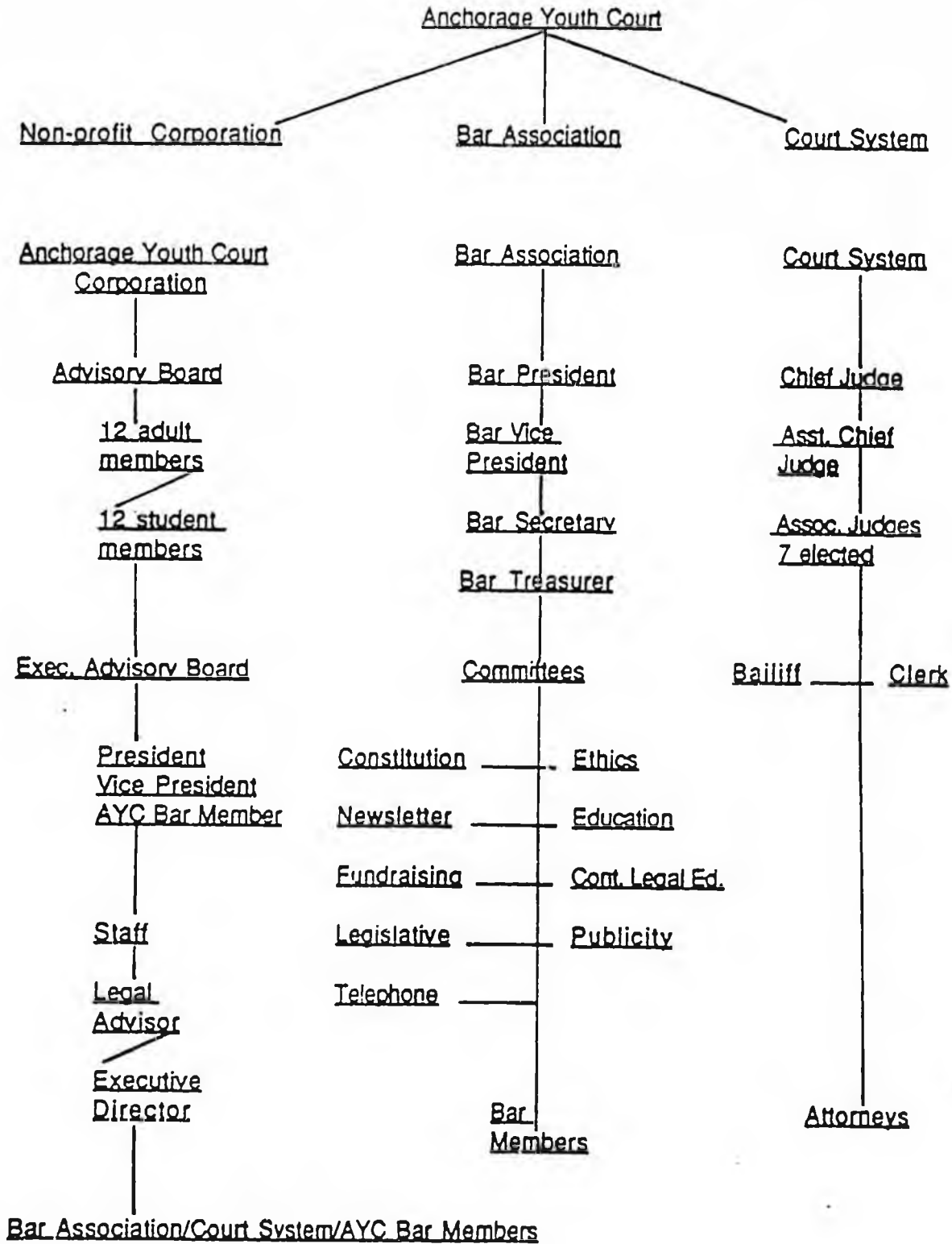
Once the agreement is signed a copy of that agreement and a copy of the police report will be forwarded to Youth Court. If the juvenile has any prior record that information will also be forwarded.

Intake will hold an open file for a period not to exceed four months. All action by Youth Court will need to be completed within this time frame. Youth Court will not have authority to place a juvenile in a detention facility or impose formal probation.

After all action is completed by Youth Court, their findings will be sent to Intake and the case will be considered closed. Intake will not take further action on these cases unless the juvenile referred refuses to cooperate or complete the sentence. Also further infraction of the law could be reason to have the referral revoked.

The closed record will be filed and treated like other informal and referred cases, with no formal record.

ANCHORAGE YOUTH COURT
ORGANIZATIONAL CHART



OVERVIEW OF ANCHORAGE YOUTH COURT COURSE

Logistics

The Anchorage Youth Court course is a 10 week course, with classes held once a week for two hours each. Classes are scheduled on Monday through Thursday evenings and on Saturday. Students will be assigned to one "class day" for the entire course, meeting with the same instructor(s) on the same day, at the same place each week. Teachers need to **KEEP ATTENDANCE**. An attendance sheet is included for that purpose. Students with more than two absences and/or who have not participated in the mock trial may not take the bar exam. Teachers will be asked to submit a list of students eligible to take the bar exam.

Instructors are responsible to confirm each class with their students. Instructors may use office conference rooms (their own or other locations, if they do not have conference rooms available) libraries, or classrooms. These facilities are free. Arrangements have been made for classrooms at Dimond, Service, West, East, Bartlett and Chugiak and selected junior high schools on a regular, ongoing basis for the extent of the course. Instructors may rearrange a class schedule, either time or place, (or add a class or event) as the needs or desires of students and instructors dictate, but each instructor is responsible for confirming such changes with his or her students. If classroom changes are necessary, please notify the AYC coordinator well in advance of the date.

Goals

Course goals are twofold. First, to teach the basic concepts necessary for students to participate in Youth Court. To participate in Youth Court, each student must pass the Youth Court bar examination, and be sworn in. Second, the Anchorage Youth Court course should provide an introduction to law that educates students about the judicial system and generates enthusiasm about Anchorage Youth Court and the legal field. Every student who wants to participate should be able to do so. After the first few classes, a special tutorial session should be provided for students who want to "catch up," reinforce their knowledge and/or ask questions. Our goal is to equip each student with necessary skills to be an effective member of Anchorage Youth Court.

THE ALASKA LEGISLATURE



DRAFT

SPONSOR'S APPROVAL

BD

* HONORING *

* ANCHORAGE YOUTH COURT *

We, the members of the Eighteenth Alaska State Legislature, take this opportunity to recognize and acknowledge the outstanding work of the Anchorage Youth Court.

The Anchorage Youth Court is a court in which the roles of attorneys, judges, bailiffs, clerks and jurors are filled by young people. Defendant youth are afforded a chance via trial by their peers to resolve legal problems without receiving a criminal record.

We congratulate the Anchorage Youth Court for winning the 1993 American Bar Association/Information America Public Education Project Award for working in partnership with the justice system to produce a program involving teen lawyers, judges and defendants.

One hundred eighty-eight teenagers ranging from seventh through twelfth graders are recipients of this award, which came with a \$5,000 cash grant as well as the Outstanding Partnership Award.

As a result of the Anchorage Youth Court:

- Anchorage teenagers have gained an awareness and respect for their legal responsibilities.
- They are afforded the opportunity to play a positive role in administration of justice.
- The volume of cases burdening the judicial system has been lightened.
- Anchorage lawyers have been able to provide a service to the public by educating students about substantive and procedural criminal law.
- The community has received valuable service and redress for the wrongs committed.

We, the members of the Eighteenth Alaska State Legislature, acknowledge with gratitude the opportunity the Anchorage Youth Court has given young people and adults to work together to resolve problems in their community.

CITATION



Alaska State Legislature

Official Business

State Capitol
Juneau, AK 99801-1182

QUESTIONS THAT ARE COMMONLY ASKED ABOUT YOUTH COURT LEGISLATION

QUESTION: What is the difference between a youth court program and other diversion programs?:

Juvenile intake refers youths to diversion programs and the youth court program is simply one other diversion program, similar to a "shoplifting class," for example. However, one unique characteristic which sets the youth court program apart from other diversion programs is that when a youth participates in a youth court proceeding, he/she is getting a taste of what adult court would be like; it is truly a mirror image of the adult court, except for the fact that the participants are peers.

QUESTION: Who decides whether or not a youth is referred to the youth court?

Under the Anchorage Youth Court Program, the youth and the parents must both agree to a youth court referral. In addition, the juvenile intake officer must also decide that this is an appropriate action.

QUESTION: What offenses are eligible for youth court proceedings?

Under current law, the juvenile intake officer, within the Department of Health and Social Services, Division of Family and Youth Services, is the sole referring agency. The juvenile intake officer decides on the disposition of all cases. When the Anchorage Youth Court Program was first established, only first-time misdemeanors were referred to the youth court; now, however, because the program has been so effective, the youth court does hear certain felonies - such as concealed weapons.

QUESTION: Could a youth court program hear a murder case?

Under the current provisions of law, it is technically possible but realistically, the juvenile intake officer would not refer such a case to the youth court, even if the youth and the parents requested this.

QUESTION: What is the role of the Court System in a youth court program?

In Anchorage, the Court System provides the space for the youth court to hold its proceedings. Otherwise, the Court system is not

directly involved in juvenile offenses; it is totally within the purview of the Division of Family and Youth Services

QUESTION: What groups need to be involved in order to truly effect community support?

The Department of Health and Social Services, the Alaska Court System, the Alaska Bar Association, the local bar association (if there is one), law enforcement agencies, the school district, parent organizations.

QUESTION: How old are the youths that are referred to a youth court program and how old are the youth court attorneys, jurors, judges, etc.?

Any youth under the age of 18 is eligible for referral to the program and youths under the age of 18 may volunteer to sit on the youth court. In this way, it is really peer adjudication.

QUESTION: Don't the youth courts tend to "go easy" on offenders because they are peers?

While that might seem to be a reasonable assumption, in reality, the youth court generally tends to be extremely "tough on crime" and has a reputation for being extremely strict in its sentencing.

QUESTION: What is the youth court recidivism rate and how does this compare to other proceedings?:

Out of a total of 69 cases before the Anchorage youth court, only four juveniles were arrested for a second offense. This compares with an approximately 50% recidivism rate for minor offenders.

QUESTION: Why does the legislation only specify "nonprofit corporations" as recipients of the \$5,000 grant?

House Bill 87 was modelled after the Anchorage Youth Court Program which was administered as a non-profit corporation. This was done to ensure the protection of the corporate veil, among other things. There is no reason that the legislation could not be expanded to include other entities.

QUESTION: Would House Bill 87 conflict or undermine legislation which requires minors to be treated as adults for certain offenses?

No, the youth court program only applies to minors in juvenile court and if legislation is enacted requiring a minor to be tried in adult court, he/she would no longer be within the purview of juvenile intake.

QUESTION: How will youth court programs work for the rural areas or small Alaskan communities?

House Bill 87 has been developed specifically in an attempt to make it possible for rural communities to establish youth court programs. Of course, each program may well be different. Under this legislation, it would be possible for one small community to have its own youth court program or for several villages to "link together" and form a youth court program to serve several communities.

QUESTIONS: Under the grant program established under the Department of Community and Regional Affairs, how will one community be selected over another, assuming there is a limited amount of money?

First of all, under House Bill 87, an applicant will only be able to receive a one-time only grant for setting up a youth court program. The Department will establish criteria by regulation. One of the criteria will have to be for the applicant to show a 50% in-kind or monetary match.

ALASKA STATE LEGISLATURE

716 W. FOURTH AVE., SUITE 470
ANCHORAGE, ALASKA 99501
(907) 258-8161

STATE CAPITOL
JUNEAU, ALASKA 99801-1102
(907) 465-3875
FAX: 907-465-4588

CO-CHAIR
ANCHORAGE CAUCUS
JUDICIARY
OIL & GAS
LEGISLATIVE COUNCIL

REPRESENTATIVE BETTYE DAVIS DISTRICT 21

MEMORANDUM

**TO: Representative Brian Porter
Chairman Judiciary Committee**

FROM: Representative Bettye Davis

DATE: April 3, 1995

RE: HB87

=====
In answer to your question about why HB87 is in Title 18 and not Title 47, my staff contacted Jack Chenowith of Legal Services who drafted the original Bill.

Jack said that the Bill had been in Title 47, however, Representative Sitton specifically asked to have it put into "juvenile intake" in Title 18.

As there was no suitable place for this Bill in Title 18, it was just stuck in the front with other unrelated subjects.

9-LS0384C
Chenoweth
4/14/95

CS FOR HOUSE BILL NO. 87()

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES B.DAVIS, Davies, Robinson

A BILL

FOR AN ACT ENTITLED

1 "An Act authorizing youth courts to provide for peer adjudication of minors who
2 have allegedly committed violations of state or municipal laws, and renaming the
3 community legal assistance grant fund and amending the purposes for which
4 grants may be made from that fund in order to provide financial assistance for
5 organization and initial operation of youth courts."

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

7 * Section 1. PURPOSE OF ACT. The purpose of this Act is to provide a means by which
8 young people under the age of 18, with the concurrence of the juvenile intake unit of the
9 Department of Health and Social Services, may choose to work with their peers and with
10 interested adults in order to resolve their legal problems ~~without receiving a criminal record~~

11 * Sec. 2. CONSIDERATIONS RELATING TO THE ACT'S ADOPTION. (a) "...
12 [P]ursuant to [state] constitutional authority granting rulemaking power to the Alaska supreme
13 court," the Alaska Court System has adopted a body of rules applicable to the practice and

*Exclude the traditional juvenile justice system
criminal record.*

1 procedures governing certain juvenile proceedings, the Alaska Delinquency Rules. To the
2 extent of any inconsistency between them, the supreme court has observed, the delinquency
3 rules supersede and prevail over related procedural provisions of the state statutes.

4 (b) The court's delinquency rules authorize the informal disposition of alleged juvenile
5 delinquency matters before the filing with the court of a petition for juvenile delinquency
6 adjudication. They assign primary responsibility for those informal dispositions to the juvenile
7 intake unit of the Department of Health and Social Services.

8 (c) The authorization and expansion of the youth court model made by this Act as a
9 pre-petition diversion program is prompted by the success enjoyed by the Anchorage Youth
10 Court model since its inception in 1989. In the Anchorage Youth Court model, interested
11 young people and adults, with the generous support and assistance of the juvenile intake
12 office, Department of Health & Social Services, the Alaska Court System, the Alaska Bar
13 Association, the Anchorage Bar Association, law enforcement and school district officials,
14 professionals, and parents, have developed and implemented a mechanism by which to respond
15 to juvenile legal problems and to adjudicate them informally, promptly, and effectively, in a
16 way that is meaningful to the offender, the victim, and the community.

17 (d) This Act is adopted in furtherance of the recommendation expressed in Legislative
18 Resolve 61 adopted by the Seventeenth Alaska State Legislature urging expanded use of youth
19 courts within the state.

20 * Sec. 3. AS 44.47.200 is amended to read:

21 Sec. 44.47.200. [COMMUNITY] LEGAL ASSISTANCE AND JUVENILE
22 JUSTICE GRANT FUND. There is created in the department the [COMMUNITY]
23 legal assistance and juvenile justice grant fund. From legislative appropriations to the
24 fund, the department shall make grants

25 (1) to eligible communities and regions for the purpose of enabling
26 them to obtain legal assistance; and

27 (2) to a nonprofit corporation established under AS 47.10.265 to
28 operate as a youth court.

29 * Sec. 4. AS 44.47.210 is amended to read:

30 Sec. 44.47.210. ELIGIBILITY. First and second class cities and
31 unincorporated villages, and regional associations of those communities, may apply to

1 the department for a grant under AS 44.47.200(1) [AS 44.47.200]. Grants shall be
2 made only to those communities or regions that would otherwise be unable to obtain
3 legal assistance. A regional or village corporation formed under 43 U.S.C. 1601 -
4 1608 (Alaska Native Claims Settlement Act) is not eligible for a grant under
5 AS 44.47.200(1) [AS 44.47.200].

6 * Sec. 5. AS 44.47.210 is amended by adding a new subsection to read:

7 (b) Nonprofit corporations proposing to establish and operate youth courts
8 under AS 47.10.265 may apply to the department for an organizational grant under
9 AS 44.47.200(2). A grant under this subsection must be matched on a dollar-for-dollar
10 basis by the grantee in cash or in kind. The commissioner may waive the match
11 required under this subsection on a showing satisfactory to the commissioner by the
12 prospective applicant that matching funds are not available.

13 * Sec. 6. AS 44.47.220 is amended to read:

14 Sec. 44.47.220. GRANTS. Grants made under AS 44.47.200(1)
15 [AS 44.47.200] shall be used for a single legal project and not for the provision of
16 general legal counsel. The department shall assure that the grant is spent for necessary
17 legal assistance and that appropriate accounting procedures are maintained. Grants
18 made under AS 44.47.200(1) and this subsection may not exceed \$20,000.

19 * Sec. 7. AS 44.47.220 is amended by adding a new subsection to read:

20 (b) Grants made under AS 44.47.200(2) shall be used to defray the costs of
21 organization of youth courts under AS 47.10.265. The department shall assure that the
22 grant is spent for necessary organizational assistance and that appropriate accounting
23 procedures are maintained. Grants made under AS 44.47.200(2) and this subsection
24 may not exceed \$5,000. Only one grant may be made to a grantee under authority of
25 this subsection.

26 * Sec. 8. AS 47.10.020(a) is amended to read:

27 (a) Whenever circumstances subject a minor to the jurisdiction of
28 AS 47.10.010 - 47.10.142, the court shall

29 (1) provide, under procedures adopted by court rule, that, for a minor
30 who is alleged to be a delinquent minor under AS 47.10.010(a)(1), a state agency shall
31 make a preliminary inquiry to determine if any action is appropriate and may take

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appropriate action to adjust or dispose of the matter without a court hearing; if, under this paragraph,

(A) the state agency makes a preliminary inquiry and takes appropriate action to adjust or dispose of the matter without a court hearing, the minor may not be detained or taken into custody as a condition of the adjustment or disposition and, subject to (d) of this section, the matter shall be closed by the agency if the minor successfully completes all that is required of the minor by the agency in the adjustment or disposition; in a municipality or municipalities in which a youth court has been established under AS 47.10.265, adjustment or disposition of the matter under this paragraph may include referral to the youth court;

(B) the agency concludes that the matter may not be adjusted or disposed of without a court hearing, the agency may file a petition under (2) of this subsection setting out the facts; or

(2) appoint a competent person or agency to make a preliminary inquiry and report for the information of the court to determine whether the interests of the public or of the minor require that further action be taken; if, under this paragraph, the court appoints a person or agency to make a preliminary inquiry and to report to it, then upon the receipt of the report, the court may informally adjust or dispose of the matter without a hearing, or it may authorize the person having knowledge of the facts of the case to file with the court a petition setting out the facts; if the court informally adjusts or disposes of the matter, the minor may not be detained or taken into the custody of the court as a condition of the adjustment or disposition, and the matter shall be closed by the court upon adjustment or disposition.

* Sec. 9. AS 47.10 is amended by adding a new section to read:

ARTICLE 3A. YOUTH COURTS.

Sec. 47.10.265. YOUTH COURTS. (a) The department may use youth courts to hear, determine, and dispose of cases involving a minor whose alleged act that brings the minor within the jurisdiction of AS 47.10.010 - 47.10.142 constitutes a violation of a state law that is a misdemeanor or a violation or that constitutes a violation of a municipal ordinance that prescribes a penalty not exceeding the penalties

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for a class A misdemeanor under state law.

(b) Unless otherwise directed by the commissioner, the jurisdiction of a youth court is coextensive with the boundaries of the municipality in which the youth court is located. Only one youth court may be established within the boundaries of a municipality. Nothing in this subsection prohibits two or more municipalities from operating a single youth court for the municipalities by agreement between them.

(c) A nonprofit corporation may obtain recognition from the commissioner to serve as a youth court. The corporation may exercise only the powers that are delegated to a youth court by the commissioner, and shall exercise those powers as authorized by the corporation's articles of incorporation and bylaws. The bylaws of the corporation must set out standards and procedures by which the corporation, in its capacity as a youth court,

(1) guarantees the constitutional rights of the minor that are guaranteed by the state and federal constitutions;

(2) may secure jurisdiction over a minor; the youth court may secure jurisdiction over the minor only with the consent of the minor and the agreement of the minor's legal custodian;

(3) sets out the process for disposing of matters referred to it for resolution;

(4) provides a process for appeal of a verdict or sentence, and defines the basis for appeals;

(5) reserves the right to refer to the department, under AS 47.10.020(a)(1), a matter transmitted to the youth court for disposition in which the minor fails, without good cause, to comply with all requirements ordered by the youth court as a part of sentence imposed on the minor; and

(6) prepares and delivers a report of the disposition of the matter referred to it for resolution to the commissioner.

(d) Subject to the privileges that witnesses have in the courts of this state, the commissioner may compel by subpoena, at a specified time and place, the

(1) appearance and sworn testimony of a person who the commissioner reasonably believes may be able to give information relating to a matter before a youth

Why this statute (a)(2) included?

(2) Consent of parents + juvenile

(d) No Juvenile Record

1 court; and

2 (2) production by a person of a record or object that the commissioner
3 reasonably believes may relate to a matter before a youth court.

4 (e) If a person refuses to comply with a subpoena issued under (d) of this
5 section, the superior court may, upon application of the commissioner, compel
6 obedience by proceedings for contempt in the same manner as in the case of
7 disobedience to the requirements of a subpoena issued by the court or refusal to testify
8 in the court.

9 (f) The commissioner shall make and keep records of all cases referred to a
10 youth court. The records of a youth court proceeding must be afforded at least the
11 same protection and are subject to the same procedural safeguards in matters relating
12 to access, use, and security as they would be under AS 47.10.093.

(g) Define youth courts

9-1,501384M

Chenoweth

4/18/95

CS FOR HOUSE BILL NO. 87()

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES B.DAVIS, Davies, Robinson

A BILL

FOR AN ACT ENTITLED

1 "An Act authorizing youth courts to provide for peer adjudication of minors who
2 have allegedly committed violations of state or municipal laws, and renaming the
3 community legal assistance grant fund and amending the purposes for which
4 grants may be made from that fund in order to provide financial assistance for
5 organization and initial operation of youth courts."

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

7 * Section 1. PURPOSE OF ACT. The purpose of this Act is to provide a means by which
8 young people under the age of 18, with the concurrence of the juvenile intake unit of the
9 Department of Health and Social Services, may choose to work with their peers and with
10 interested adults in order to resolve their legal problems outside the traditional juvenile justice
11 system.

12 * Sec. 2. CONSIDERATIONS RELATING TO THE ACT'S ADOPTION. (a) ". . .
13 [P]ursuant to [state] constitutional authority granting rulemaking power to the Alaska supreme

1 court," the Alaska Court System has adopted a body of rules applicable to the practice and
2 procedures governing certain juvenile proceedings, the Alaska Delinquency Rules. To the
3 extent of any inconsistency between them, the supreme court has observed, the delinquency
4 rules supersede and prevail over related procedural provisions of the state statutes.

5 (b) The court's delinquency rules authorize the informal disposition of alleged juvenile
6 delinquency matters before the filing with the court of a petition for juvenile delinquency
7 adjudication. They assign primary responsibility for those informal dispositions to the juvenile
8 intake unit of the Department of Health and Social Services.

9 (c) The authorization and expansion of the youth court model made by this Act as a
10 pre-petition diversion program is prompted by the success enjoyed by the Anchorage Youth
11 Court model since its inception in 1989. In the Anchorage Youth Court model, interested
12 young people and adults, with the generous support and assistance of the juvenile intake
13 office, Department of Health & Social Services, the Alaska Court System, the Alaska Bar
14 Association, the Anchorage Bar Association, law enforcement and school district officials,
15 professionals, and parents, have developed and implemented a mechanism by which to respond
16 to juvenile legal problems and to adjudicate them informally, promptly, and effectively, in a
17 way that is meaningful to the offender, the victim, and the community.

18 (d) This Act is adopted in furtherance of the recommendation expressed in Legislative
19 Resolve 61 adopted by the Seventeenth Alaska State Legislature urging expanded use of youth
20 courts within the state.

21 * Sec. 3. AS 44.47.200 is amended to read:

22 Sec. 44.47.200. [COMMUNITY] LEGAL ASSISTANCE AND JUVENILE
23 JUSTICE GRANT FUND. There is created in the department the [COMMUNITY]
24 legal assistance and juvenile justice grant fund. From legislative appropriations to the
25 fund, the department shall make grants

26 (1) to eligible communities and regions for the purpose of enabling
27 them to obtain legal assistance; and

28 (2) to a nonprofit corporation established under AS 47.10.265 to
29 operate as a youth court.

30 * Sec. 4. AS 44.47.210 is amended to read:

31 Sec. 44.47.210. ELIGIBILITY. First and second class cities and

1 unincorporated villages, and regional associations of those communities, may apply to
2 the department for a grant under AS 44.47.200(1) [AS 44.47.200]. Grants shall be
3 made only to those communities or regions that would otherwise be unable to obtain
4 legal assistance. A regional or village corporation formed under 43 U.S.C. 1601 -
5 1608 (Alaska Native Claims Settlement Act) is not eligible for a grant under
6 AS 44.47.200(1) [AS 44.47.200].

7 * Sec. 5. AS 44.47.210 is amended by adding a new subsection to read:

8 (b) Nonprofit corporations proposing to establish and operate youth courts
9 under AS 47.10.265 may apply to the department for an organizational grant under
10 AS 44.47.200(2). A grant under this subsection must be matched on a dollar-for-dollar
11 basis by the grantee in cash or in kind. The commissioner may waive the match
12 required under this subsection on a showing satisfactory to the commissioner by the
13 prospective applicant that matching funds are not available.

14 * Sec. 6. AS 44.47.220 is amended to read:

15 Sec. 44.47.220. GRANTS. Grants made under AS 44.47.200(1)
16 [AS 44.47.200] shall be used for a single legal project and not for the provision of
17 general legal counsel. The department shall assure that the grant is spent for necessary
18 legal assistance and that appropriate accounting procedures are maintained. Grants
19 made under AS 44.47.200(1) and this subsection may not exceed \$20,000.

20 * Sec. 7. AS 44.47.220 is amended by adding a new subsection to read:

21 (b) Grants made under AS 44.47.200(2) shall be used to defray the costs of
22 organization of youth courts under AS 47.10.265. The department shall assure that the
23 grant is spent for necessary organizational assistance and that appropriate accounting
24 procedures are maintained. Grants made under AS 44.47.200(2) and this subsection
25 may not exceed \$5,000. Only one grant may be made to a grantee under authority of
26 this subsection.

27 * Sec. 8. AS 47.10.020(a) is amended to read:

28 (a) Whenever circumstances subject a minor to the jurisdiction of
29 AS 47.10.010 - 47.10.142, the court shall

30 (1) provide, under procedures adopted by court rule, that, for a minor
31 who is alleged to be a delinquent minor under AS 47.10.010(a)(1), a state agency shall

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make a preliminary inquiry to determine if any action is appropriate and may take appropriate action to adjust or dispose of the matter without a court hearing; if, under this paragraph,

(A) the state agency makes a preliminary inquiry and takes appropriate action to adjust or dispose of the matter without a court hearing, the minor may not be detained or taken into custody as a condition of the adjustment or disposition and, subject to (d) of this section, the matter shall be closed by the agency if the minor successfully completes all that is required of the minor by the agency in the adjustment or disposition; in a municipality or municipalities in which a youth court has been established under AS 47.10.265, adjustment or disposition of the matter under this paragraph may include referral to the youth court;

(B) the agency concludes that the matter may not be adjusted or disposed of without a court hearing, the agency may file a petition under (2) of this subsection setting out the facts; or

(2) appoint a competent person or agency to make a preliminary inquiry and report for the information of the court to determine whether the interests of the public or of the minor require that further action be taken; if, under this paragraph, the court appoints a person or agency to make a preliminary inquiry and to report to it, then upon the receipt of the report, the court may informally adjust or dispose of the matter without a hearing, or it may authorize the person having knowledge of the facts of the case to file with the court a petition setting out the facts; if the court informally adjusts or disposes of the matter, the minor may not be detained or taken into the custody of the court as a condition of the adjustment or disposition, and the matter shall be closed by the court upon adjustment or disposition.

* Sec. 9. AS 47.10 is amended by adding a new section to read:

ARTICLE 3A. YOUTH COURTS.

Sec. 47.10.265. YOUTH COURTS. (a) The department may use youth courts to hear, determine, and dispose of cases involving a minor whose alleged act that brings the minor within the jurisdiction of AS 47.10.010 - 47.10.142 constitutes a violation of a state law that is a misdemeanor or a violation or that constitutes a

1 violation of a municipal ordinance that prescribes a penalty not exceeding the penalties
2 for a class A misdemeanor under state law.

3 (b) Unless otherwise directed by the commissioner, the jurisdiction of a youth
4 court is coextensive with the boundaries of the municipality in which the youth court
5 is located. Only one youth court may be established within the boundaries of a
6 municipality. Nothing in this subsection prohibits two or more municipalities from
7 operating a single youth court for the municipalities by agreement between them.

8 (c) A nonprofit corporation may obtain recognition from the commissioner to
9 serve as a youth court. The corporation may exercise only the powers that are
10 delegated to a youth court by the commissioner, and shall exercise those powers as
11 authorized by the corporation's articles of incorporation and bylaws. The bylaws of
12 the corporation must set out standards and procedures by which the corporation, in its
13 capacity as a youth court,

14 (1) establishes a system by which the minor may be held accountable
15 for the conduct that brings the minor within the jurisdiction of the youth court by
16 being tried, represented, and adjudicated by the minor's peers;

17 (2) guarantees the constitutional rights of the minor that are guaranteed
18 by the state and federal constitutions;

19 (3) ~~may secure~~ jurisdiction over a minor; the youth court may secure
20 jurisdiction over the minor only with the consent of the minor and the agreement of
21 the minor's legal custodian;

22 (4) sets out the process for disposing of matters referred to it for
23 resolution;

24 (5) provides a process for appeal of a verdict or sentence, and defines
25 the basis for appeals;

26 (6) reserves the right to refer to the department, under
27 AS 47.10.020(a)(1), a matter transmitted to the youth court for disposition in which
28 the minor fails, without good cause, to comply with all requirements ordered by the
29 youth court as a part of sentence imposed on the minor; and

30 (7) prepares and delivers a report of the disposition of the matter
31 referred to it for resolution to the commissioner.

1 (d) Subject to the privileges that witnesses have in the courts of this state, the
2 commissioner may compel by subpoena, at a specified time and place, the

3 (1) appearance and sworn testimony of a person who the commissioner
4 reasonably believes may be able to give information relating to a matter before a youth
5 court; and

6 (2) production by a person of a record or object that the commissioner
7 reasonably believes may relate to a matter before a youth court.

8 (e) If a person refuses to comply with a subpoena issued under (d) of this
9 section, the superior court may, upon application of the commissioner, compel
10 obedience by proceedings for contempt in the same manner as in the case of
11 disobedience to the requirements of a subpoena issued by the court or refusal to testify
12 in the court.

13 (f) The commissioner shall make and keep records of all cases referred to a
14 youth court. The records of a youth court proceeding

15 (1) relating to a minor who complies with all requirements ordered by
16 the youth court as a part of sentence imposed on the minor shall be sealed by the
17 commissioner and may not be used for any purpose; and

18 (2) except as to a record described in (1) of this subsection, shall be
19 afforded at least the same protection and are subject to at least the same procedural
20 safeguards in matters relating to access, use, and security as they would be under
21 AS 47.10.093.

06

HB

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 90

Revision Date: _____ Dept. Affected: Executive Branch Agencies
 Title: "An Act changing the date that the legislature convenes
in the years following a gubernatorial election." BRU: Various
 Sponsor: Rep. B. Davis Component: Various
 Requestor: Rep. B. Davis **COMPONENT SERIAL NO.** _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.0	0.0	0.0	(5.7)	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	(5.7)	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	(5.0)	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
1081 Information Services Fund				(0.7)		
Total	0.0	0.0	0.0	(5.7)	0.0	0.0

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

(Please see attached)

The Information Services Fund (ISF) portion of the reduction (.7) would also be recorded as a reduction in I/A receipt authority in the ISF portion of the front section of the appropriation bill.

Prepared by: Nancy Slagle, Director *Nancy Slagle* Phone: 465-4681
 Division: Budget Review Date: 2/14/95

Approved by Commissioner: Annalee McConnell, Director *Annalee McConnell* Date: 2/14/95
 Agency: Office of Management & Budget

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HOUSE BILL 90 COST SAVINGS ANALYSIS

Executive Branch Overtime Cost Savings (Based on 1/16/95 overtime costs)

Commissioner's Executive Secretaries	3,514
Governor's Executive Office over-time eligible staff	1,528
Department of Administration, Information Services over-time eligible staff	705
Total	5,747

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

NO. _____
BILL VERSION: HB 90
PUBLISH DATE: _____

Revision Date: _____ Department Affected: Legislative Affairs Agency
Title: "An Act changing the date that the
legislature convenes in the years following a gubernatorial...
Sponsor: Representative B. Davis BRU: All
Requestor: Representative B. Davis Component: All

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Karla Schofield, Deputy Director *Carla Schofield* Phone: 465-3852
Division: Administrative Services Date: 1/3/95

Approved By: Pamela A. Varni, Executive Director *Pamela Varni*
Agency: Legislative Affairs Agency Date: 1/30/95

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov., & Impacted Agency(ies).

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 22, 1995

FURTHER REFERRALS:

Date of Committee Action: 3/10/95

The JUDICIARY Committee considered:

HB 90

HOUSE BILL NO. 90

CONVENING LEGISLATURE AFTER GOV ELECTION

"An Act changing the date that the legislature convenes in the years following a gubernatorial election."

recommends it be replaced [] the same title
 with the following committee substitute _____ [] 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) Various Executive [] fiscal note(s) _____

Branch Offices (negative)

[] zero fiscal note(s) _____ [] zero fiscal note(s) LAA/2-22-95

Exec Branch 2-14-95

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i>				X
<i>[Signature]</i>	X			
<i>Brian Porter</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			

CHAIR'S SIGNATURE Brian Porter

ALASKA STATE LEGISLATURE

16 W. FOURTH AVE. SUITE 470
ANCHORAGE, ALASKA 99501
PHONE 258-8161
FAX 907-258-3371

STATE CAPITOL
JUNEAU, ALASKA 99801-1182
PHONE 465-1873
FAX 907-465-2204



MINORITY WHIP
CHAIR
CHILDREN'S CAUCUS
HEALTH, EDUCATION
& SOCIAL SERVICES
STATE AFFAIRS
ECONOMIC TASK
FORCE

REPRESENTATIVE BETTYE DAVIS
DISTRICT 21

SPONSOR STATEMENT

HB90: A BILL CHANGING THE DATE THE LEGISLATURE MEETS IN THE YEAR FOLLOWING A GUBERNATORIAL ELECTION

It is now nine years since the President and Congress of the United States declared Dr. Martin Luther King, Jr's Birthday a National Holiday.

Ironically, in Alaska, this holiday falls on the opening day of the Session in the year following a gubernatorial election. This not only means that the Alaskan Legislators are not able to pay proper homage to this great leader, but the hundreds of state workers who act as back-up staff are impacted as well.

I propose that this particular Session day be changed to the following Tuesday. This would bring Alaska into line with the other 48 states that observe this Holiday.

I would like to quote the Executive Proclamation issued by Governor Walter J. Hickel,:

"Dr. King is remembered for his tireless dedication to achieving, through peaceful means, freedom and equal rights for all people, and for making the promise of democracy truly an inalienable right for all members of society."

Surely as elected legislators it is our responsibility to set an example to the millions of people who have benefited from the dreams and promises of Dr. Martin Luther King, Jr.

Position Statement

HB 90

The Knowles Administration supports HB 90. This bill would shift the beginning date of legislative sessions following gubernatorial elections by one day, in order to avoid having the opening day of the session on Martin Luther King, Jr. Day.

Although the legislature often meets on other national holidays in the midst of the legislative session, in this instance all that is required to accommodate the Martin Luther King, Jr. holiday is to move the start of the session by one day every four years. The Administration believes that this change would minimally impact legislative business, and would allow legislators, legislative staff and other state employees to appropriately honor and celebrate the birth of this great civil rights leader. In addition, this bill would result in some cost savings from a reduction in holiday overtime required to be paid to some employees who now must work on the holiday.

Alaska is geographically far removed from the heart of the civil rights movement in which Martin Luther King, Jr. played such an important leadership role. But the rights of equality and freedom for all, which he advocated, are as central to the spirit of Alaska as to any state in the Union.

Legislator wants delay for holiday

By IAN MADER
The Associated Press

JUNEAU — Alaska's sole black state legislator said Monday the state constitution should be changed so the legislature is not required to convene on Martin Luther King Day every four years.



Opening day usually falls on the second Monday in January, which does not conflict with the national and state holiday on the third Monday.

But a conflict arises during a new

Please see Page B-3, **HOLIDAY**

HOLIDAY: Constitutional change needed

Continued from Page B-1

governor's first year, when the Alaska Constitution requires the body to convene the third Monday to give the governor extra time to put together an administration.

The federal government also chose that date in 1986 for a holiday to honor the slain civil rights leader who sought equal rights for blacks. All but one state, New Hampshire, have followed suit with a state holiday.

While most Alaskans had the day off Monday, lawmakers were sworn in by Lt. Gov. Fran Ulmer during a full day of ceremony and meetings.

Rep. Bettye Davis, D-Anchorage, said she will introduce a measure this week to change the opening day to Tuesday during years of a new governor. It must be passed by two-thirds majorities of both chambers and approved by voters in a general election.

"We have to change with the times," Davis said.

Blacks make up about 4 percent of

Alaska's population, and most reside in Anchorage, where several events Monday commemorated King.

"There's all kinds of activities," Davis said. "I'm missing every one of them."

Davis said she would have made an issue of the holiday in 1990, but that she was a freshman lawmaker then and felt she didn't have the necessary clout.

Rep. Gail Phillips, R-Homer and the new House speaker, said Davis' proposal would be an easy way to solve the problem, but would not predict its chances for passing. "I certainly think people would look favorably on that," Phillips said.

After her expected election as speaker, Phillips referred to King in a speech to her colleagues calling for bipartisan efforts in the 19th legislature.

"His message most of all was a message of peace. And I hope that our legislative body — when we adjourn two years from now — that people will remember us that way."

HOUSE COMMITTEE REPORT

2/22/95

(7)

Date Referred: January 17, 1995

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 2/21/95

The STATE AFFAIRS Committee considered:

HB 90

HOUSE BILL NO. 90

CONVENING LEGISLATURE AFTER GOV ELECTION

"An Act changing the date that the legislature convenes in the years following a gubernatorial election."

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) _____ [] fiscal note(s) _____

[] zero fiscal note(s) LAA [] zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Richard Porter</i>	Porter	✓			
<i>James Green</i>	Green	✓			
<i>Ivan</i>	Ivan	✓			
<i>Robinson</i>	Robinson	✓			
<i>Willis</i>	Willis	✓			
<i>Ogan</i>	Ogan	✓			
<i>Jeanette James</i>	James	✓			
		(7)			

CHAIR'S SIGNATURE *Jeanette*

HB

103

POM sent from Herb Simon:

Correction industries provide inmate vocational rehabilitation training. Products, services, produced are significant in reducing costs in prison system. Mt. McKinley Meats is unique. It operates the only inspected slaughterhouse statewide providing quality Alaska grown meat products for Alaska consumers; therefore there is no competition or alternatives. Should be deregulated.

Entered:
LIO CPTAT
01/26/95
094357 POM 200

Transcribed by committee aide from telephone conversation 2/1/95 with Mr. Simon.

HOUSE BILL NO. 103

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES KOTT, Bunde

Introduced: 1/20/95

Referred: Judiciary, Finance

*AS 33.32 -
Correctional
Industries*

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the sale of correctional industries products and services."

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

3 * Section 1. AS 33.32.017(d) is amended to read:

4 (d) In exchange for the inmate workers and other services provided to it, and if
5 the services are not covered by AS 33.32.100, the private industry or organization shall
6 pay to the commissioner a weekly payment in an amount not less than the sum of the
7 existing minimum hourly wage, established under AS 23.10.065, multiplied by the total
8 number of hours worked during that week by inmates employed in the "Free Venture"
9 correctional industry. If the services are covered by AS 33.32.100, the private
10 industry or organization shall pay to the commissioner weekly payment in an
11 amount that complies with the requirements of AS 33.32.100.

12 * Sec. 2. AS 33.32 is amended by adding a new section to read:

13 Sec. 33.32.100. SALE OF PRODUCTS AND SERVICES. Notwithstanding the
14 other provisions of this chapter, the commissioner of corrections may not sell or authorize

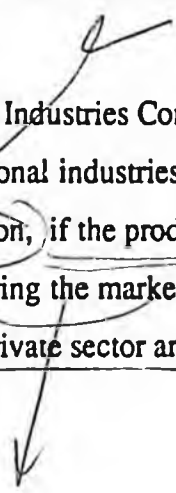
*Conversion
written*

*This
is
amended*

?
in the
State

1
2
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the sale of, and the Correctional Industries Commission may not authorize the sale of, a product or service of a correctional industries program to a private person, including a business or nonprofit organization, if the product or service is available from a private business without the state entering the market, unless a reasonable wage and overhead rate that are prevailing in the private sector are factored into the price of the product or service.



L

HB 103

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 103

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to the sale of correctional industrie BRU: Statewide Operations
products and services. Component: Correctional Industries Product Area
 Sponsor: Rep. Kott
 Requester: _____ COMPONENT SERIAL NO. 702

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						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES ()	(55.4)	(55.4)	(55.4)	(55.4)	(55.4)	(55.4)
-------------------------------	---------------	---------------	---------------	---------------	---------------	---------------

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other	(55.4)	(55.4)	(55.4)	(55.4)	(55.4)	(55.4)
TOTAL	(55.4)	(55.4)	(55.4)	(55.4)	(55.4)	(55.4)

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

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would require DOC to demand from private industry participants in "free venture" enterprises at least the legal minimum wage. It would also prohibit the sale of products or services to either profit or non-profit businesses unless "reasonable wage and overhead..." rates prevailing in the private sector are factored into the price of the product or service.

Based on actual FY 94 and year-to-date FY 95 Correctional Industries sales to a private persons, non-profit organizations, and wholesale to the private sector: a decrease in program revenues is anticipated in the amount of \$55.4 under this bill. Mt. McKinley meats would cease custom cutting and wrapping. (-\$29.1) and miscellaneous sales, mostly furniture, would be lost. (-\$26.3) Lost sales were based on a statewide Correctional Industries operations in designated markets where existing private sector manufacturing and retail businesses are currently in operation. The creation of new private sector businesses was not taken into account.

Assumptions included that Correctional Industries pricing was required to reflect the actual cost of related training hours at prevailing private sector wage levels. It was anticipated that this procedure would result in artificially high pricing and a total loss of existing sales to the designated markets.

Prepared by: Jerry Shriner
 Division: Office of the Commissioner
 Approved by Commissioner: *Warrant M. Pugh*
 Agency: Department of Corrections

Phone: 465-4640
 Date: 1/27/95
 Date: 1/27/95

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INDIAN VALLEY MEATS INC.

HC 52, P.O. BOX 8809 • INDIAN, ALASKA 99540 • (907) 653-7511 - 653-7512 • Fax: 653-7694

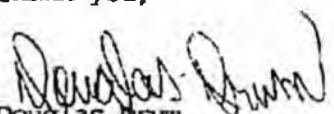
January 31, 1995

RE: House bill 103

To Whom It May Concern,

I would like to take this opportunity to address the proposed house bill 103. We are a privately owned small business in the state of Alaska, that has done custom processing for the last 18 years. The competition in this field is fierce, but it has not been unattainable to make a living in this profession in the past. Which is simply due to the fact that it has always been a "fair competitive field" of business. If you let a state funded facility, that can pay below minimum wage to employees, monopolize the field you then create an "unfair competitive field", and directly hurt the businesses in this state. There would be no way that small businesses in this field could compete and you would be forcing them out of business. We strongly support this bill!

Thank you,


Douglas Drum
President



MIKE'S QUALITY MEATS

REGIONAL PARK PLAZA
12110 BUSINESS BLVD
EAGLE RIVER, AK 99577
907-696-1888
FAX 907-696-0096

1/28/95

To Whom It May Concern:

Regarding House Bill 103: Mt. McKinley Meats does custom meat smoking, cutting, and sausage-making; in other words, exactly what our business does. They directly compete with us, but since they are state-owned, they are not under any obligation to make a profit. Their labor costs are also much lower, because they use inmates.

Why is the state subsidizing an operation which directly competes with, and in fact undercuts, private enterprise? I contend that this is an unfair and improper use of state funds, and urge you to support House Bill 103.

Thank you for your time.

Sincerely,

Greg Giannulis, owner

House Judiciary Committee Report

From: Mike Schulte 895-1368

Delta Junction, AK

It is my understanding that HB 103 would limit the activities at the Palmer Slaughter Facility.

Therefore I am opposed to this bill. The slaughter facility, operated by Correctional Industries is starting to work like it should, which means it provides a dependable market for Alaska raised beef and pork.

Don't mess with it! Please!

Thank you

A Delta Grain Producer,

Mike Schulte

Mike Schulte

HC 62 Box 5440, Delta, AK 99537

Fax message to House Judiciary Committee
fax no 465 2864

Please forward this message
for a 1:00 pm hearing today Jan. 30, '92

Thank you.

Mike Melvick

2 pages

HB

104

AMENDMENT

#1

OFFERED IN THE HOUSE
TO: CSSH B 104(HES)

BY REPRESENTATIVE FINKELSTEIN

- 1 Page 1, line 10, after "offense":
- 2 Insert "set out in AS 11.41"

Finkelstein

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) _____

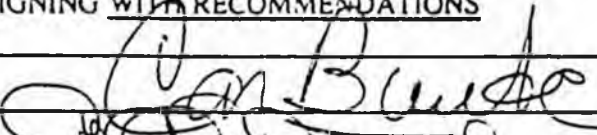
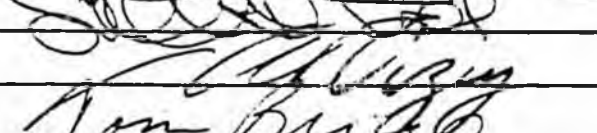
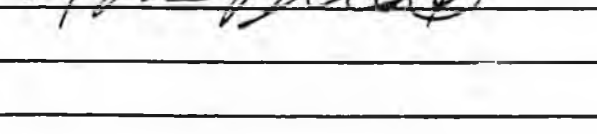
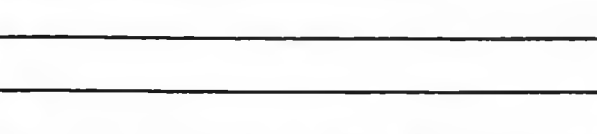
fiscal note(s) _____

fiscal note(s) _____

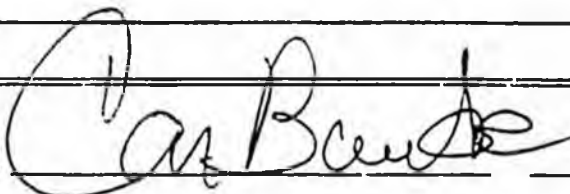
zero fiscal note(s) Public Safety

zero fiscal note(s) _____

Court System, H-SS

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

CHAIR'S SIGNATURE



Revision date: _____ Date 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 () Revenue Code	-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: [Signature] Date: 4-4-95
 Agency: Ronald L. Otte, Dept. of Public Safety

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1995 ALASKA LEGISLATURE

Revision Date: 03/27/95 Dept. Affected: Alaska Court System
 Title: Disclosure of juvenile records BRU: Trial Courts
 Components: _____
 Sponsor: Rep. Kott, Bunde, 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						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	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 *CS* Phone: 264-8228
 Agency: Alaska Court System Date: 03/20/95
 Approved by: Arthur H. Snowden, II, Administrative Director *AS*
 Agency: Alaska Court System Date: 03/20/95

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

Writing Date:

Title: Disclosure of Information on Minors

Dept. Affected: Health and Social Services

BRU: Family and Youth Services

Component: DFYS Central Office

Sponsor: Representative Kott

COMPONENT SERIAL NO. 259

Requestor: House (HES)

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

Division: Family & Youth Services

Phone: 465-3191

Date: 04/05/95

Approved by Commissioner: Karen Perdue, Commissioner

Agency: Department of Health & Social Services

Date: 4/5/95

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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: SSB 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 zero fiscal note(s) _____

Court System, H+SS

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

CHAIR'S SIGNATURE *Car Bunde*

Alaska State Legislature House of Representatives

COMMITTEE ASSIGNMENTS:

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MILITARY & VETERANS AFFAIRS, CHAIRMAN
COMMUNITY & REGIONAL AFFAIRS
RESOURCES
INTERNATIONAL TRADE / TOURISM
LEGISLATIVE COUNCIL



CSSS HB104(HES) SPONSOR STATEMENT

INTERIM:
10928 EAGLE RIVER ROAD, SUITE 141
EAGLE RIVER, AK 99577
PHONE (907) 694-8944
FAX 594-8949

SESSION:
STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE (907) 465-3777
FAX (907) 465-2819

The serious nature and 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 problem and to identify the perpetrators.

This legislation allows the arresting entity to release the identity of a juvenile if the offense they are charged with would have been a felony when committed by an adult. The information release could also include the date and place of the offense and a description of the nature of the offense.

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



Representative Pete Kott



Alaska State Legislature
House of Representatives

COMMITTEE ASSIGNMENTS:

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SESSION:
STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE (907) 465-3777
FAX (907) 465-2819

CSSS HB104(HES)
SECTIONAL ANALYSIS

Sec. 1. Amends AS 09.25.125, Public records, to allow entities employing an arresting officer to release the juvenile's name, date and place of the offense and nature of the offense, if the offense would have been a felony if committed by an adult.



Representative Pete Kott



FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSSSHB 104 (HES)

Revision Date: _____
 Title: "An Act relating to disclosures of information about certain minors."
 Sponsor: Rep. Kott
 Requestor: (H) JUD

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

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						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
-----------------------------	---	---	---	---	---	---

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

FUND SOURCE: (Thousands of Dollars)

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

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)
 No measurable impact on the Public Defender Agency is anticipated.

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

Phone: 264-4400
 Date: _____

Approved by Commissioner: Mark Bover
 Agency: Department of Administration

Date: 4/18/95

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HB

108

HOUSE BILL NO. 108

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES TOOHEY, Bunde

Introduced: 1/20/95

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to claims on permanent fund dividends for defaulted public
2 assistance overpayments."

*AR exemption
act - bankruptcy
information*

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

4 * Section 1. AS 43.23 is amended by adding a new section to read:

*Execution of
Judgments*

5 Sec. 43.23.068. CLAIMS ON DEFAULTED PUBLIC ASSISTANCE
6 OVERPAYMENT. (a) AS 09.38 does not apply to permanent fund dividends taken
7 under AS 47.05.080(b). Notwithstanding AS 09.35, execution on a dividend claimed
8 under AS 47.05.080(b) is accomplished by delivering a certified claim to the
9 department containing the following information:

10 (1) the name and social security number of the individual whose
11 dividend is being claimed;

*Added
see
Book*

12 (2) the amount the individual owes on the overpayment claim; and

13 (3) a statement that

14 (A) the Department of Health and Social Services has notified

1 the individual that future permanent fund dividends of the individual will be
2 taken to satisfy the overpayment claim;

3 (B) the individual was notified of the right to request a hearing
4 and allowed 30 days from the date of the notice under (A) of this paragraph to
5 request the Department of Health and Social Services to hold a hearing on the
6 overpayment claim;

7 (C) the overpayment claim has not been contested, or, if
8 contested, that the issue has been resolved in favor of the Department of Health
9 and Social Services; and

10 (D) if the overpayment claim has been contested and resolved
11 in favor of the Department of Health and Social Services, no appeal is pending,
12 the time limit for filing an appeal has expired, or the appeal has been resolved
13 in favor of the Department of Health and Social Services.

14 (b) The Department of Health and Social Services shall notify the individual
15 if a dividend is claimed under (a) of this section. The notice shall be sent to the
16 address provided in the individual's permanent fund dividend application and must
17 provide the following information:

18 (1) the amount of the overpayment claim;

19 (2) notice that the amount of the permanent fund dividend that does not
20 exceed the amount of the overpayment claim shall be paid to the Department of Health
21 and Social Services; and

22 (3) notification that the individual has a right to request a hearing and
23 has 30 days from the date the notice is mailed in which to file with the Department
24 of Health and Social Services an objection to the dividend claim if a mistake has been
25 made.

26 (c) AS 44.62.330 - 44.62.630 apply to a hearing requested by an individual
27 under (b)(3) of this section.

28 * Sec. 2. AS ~~47.05.080~~ is amended by adding a new subsection to read:

29 (b) The permanent fund dividend of a former recipient of a public assistance
30 program listed under (a) of this section may be taken under AS 43.23.065(b)(6) and
31 43.23.068 to satisfy the balance due on a defaulted overpayment claim.

Administrative Procedure Act
Retention of Overpayments
Just added
Exception to
overpayment on Long or PFD



OFFICIAL BUSINESS

Alaska State Legislature

House of Representatives

REPRESENTATIVE
CYNTHIA TOOHEY
DISTRICT 13

STATE CAPITOL ROOM 104
JUNEAU, ALASKA 99801-1182
(907) 485-4919

716 WEST 4TH AVENUE, SUITE 330
ANCHORAGE, ALASKA 99501-2173
(907) 258-8195

SPONSOR STATEMENT

House Bill 108

"An Act relating to claims on permanent fund dividends for defaulted public assistance overpayments"

House Bill 108 would give the Department of Health and Social Services the administrative authority to garnish permanent fund dividends of individuals who have received public assistance overpayments and are delinquent in repaying the debt.

Frequently persons receiving overpayments agree to repay the debt, but fail to do so. If a person is still on public assistance, the person's benefit can be reduced as a means of collection, but if a person is off assistance, collection becomes difficult. There is currently over half a million dollars in outstanding debt due the Department.

Collection through the court system can be time-consuming and costly, House Bill 108 would allow the Department to pursue in the same manner that delinquent student loans are pursued.

Your support would be appreciated.

SECTIONAL ANALYSIS OF HB 108

Sec. 1. The Alaska Exemptions Act (AS 09.38) does not apply to permanent fund dividends taken to satisfy the balance due on a defaulted public assistance overpayment claim. The provisions dealing with execution on claims do not apply and a method of executing on a dividend is set out.

Sec. 2. The permanent fund dividend of a former recipient of a public assistance program may be taken to satisfy the balance due on a defaulted overpayment claim.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 108

Revision Date: _____ Dept. Affected: Department of Revenue
 Title: Use PFD's to Recover Welfare Payments BRU: Permanent Fund Dividend Division
 Component: Permanent Fund Dividend Division

Sponsor: Representatives TOOHEY, Bunda
 Requester: House Judiciary COMPONENT SERIAL NO. 981

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						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

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

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

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This legislation would establish a procedure for serving attachments against dividends that is virtually identical to the process currently in place under AS 43.23.067 for the Alaska Commission on Postsecondary Education. Accordingly, the Division does not anticipate any significant additional costs to implement this legislation if enacted.

Prepared by: Thomas C. Williams, Director *Thomas Williams* Phone: 465-2323
 Division: Permanent Fund Dividend Division Date: 1/25/95
 Approved by Commissioner: _____ Date: 1/25/95
 Agency: Department of Revenue

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HB

109

CS FOR HOUSE BILL NO. 109(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES BROWN, Navarre, B.Davis

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to telephone solicitations, advertisements, and directory listings."**

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

3 *** Section 1. AS 45.50.471(b) is amended by adding a new paragraph to read:**

4 (41) failing to comply with AS 45.50.475.

5 *** Sec. 2. AS 45.50 is amended by adding a new section to read:**

6 **Sec. 45.50.475. UNLAWFUL, UNWANTED TELEPHONE**

7 **ADVERTISEMENTS AND SOLICITATIONS. (a) A person is in violation of**

8 **AS 45.50.471(b)(41) if the person**

9 (1) engages in the telephone solicitation of a residential telephone
10 customer of a telecommunications company and the customer is identified in the
11 telephone directory as not wishing to receive telephone solicitations; or

12 (2) originates a telephone call using an automated or recorded message
13 as a telephonic advertisement or solicitation.

14 (b) A local exchange telecommunications company and a company that
15 provides a telephone directory on behalf of a local exchange telecommunications

1 company shall provide for the identification in the telephone directory of those
2 residential customers who do not wish to receive telephone solicitations. A residential
3 customer who requests to be so identified shall pay for the cost of the identification.

4 (c) A local exchange telecommunications company shall, upon request, provide
5 to a person who engages in telephone solicitation a list of all telephone numbers
6 identified in the telephone directory as residential customers who do not wish to
7 receive telephone solicitations. If possible and if requested by the person who engages
8 in telephone solicitation, this list shall be provided in computer readable format. The
9 local exchange telephone company may impose a reasonable charge for the list.

10 (d) Local exchange telecommunications companies shall inform residential
11 customers of the provisions of this section. Notification may be made by

12 (1) annual inserts in the billing statements mailed to residential
13 customers; or

14 (2) conspicuous publication of the notice in the consumer information
15 pages of local telephone directories.

16 (e) In this section,

17 (1) "charitable organization" has the meaning given in AS 45.68.900;

18 (2) "customer" means a residential telephone customer of a
19 telecommunications company;

20 (3) "telephone solicitation"

21 (A) means the solicitation by a person by telephone of a
22 customer at the residence of the customer for the purpose of encouraging the
23 customer to purchase property, goods, or services, or make a donation;

24 (B) does not include

25 (i) calls made in response to a request or inquiry by the
26 called customer or communications made during a call made by the
27 customer;

28 (ii) calls made by a charitable organization, a public
29 agency, or volunteers on behalf of the charitable organization or public
30 agency to members of the organization or agency or to persons who,
31 within the last 24 months, have made a donation to the organization or

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agency or expressed an interest in making a donation;

(iii) calls limited to polling or soliciting the expression of ideas, opinions, or votes;

(iv) business-to-business calls; or

(v) a person soliciting business from prospective purchasers who have, within the last 24 months, purchased from the person making the solicitation or from the business enterprise for which the person is calling but only if the person or business enterprise has not received a written request from the prospective purchaser asking that telephone solicitations cease; the person or business enterprise is presumed to have received a written request no later than 10 days after the prospective purchaser mailed it, properly addressed and with the appropriate postage.

* Sec. 3. AS 45.50.472 is repealed.

L

HOUSE COMMITTEE REPORT

(7)

Date Referred: May 4, 1995

FURTHER REFERRALS:

Date of Committee Action: 2/14/96

The JUDICIARY Committee considered:

HB 109

HOUSE BILL NO. 109

TELEPHONE DIRECTORY LISTING/SOLICITATIONS

"An Act relating to telephone directory listings and solicitations."

recommends it be replaced with the following committee substitute CSRB 109 (JUD)

[4 the same title [] a new title

[] additional referral to _____ Committee [] attached amendment(s)

ADOPTS: JUD Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[] fiscal note(s) _____ [] fiscal note(s) _____

[4 zero fiscal note(s) Law Comm - [] zero fiscal note(s) _____

ere (APUC)

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

CHAIR'S SIGNATURE Brian Porter

Alaska State Legislature



House of Representatives
House Judiciary Committee

State Capitol, Room 120
Juneau, Alaska 99801-1182
(907) 465-4990

House Judiciary Committee Letter of Intent for CSHB 109 (JUD)

CSHB 109 was passed out by the House Judiciary Committee on February 14, 1996. The committee's intent is that this bill, which makes it a violation of Alaska's consumer protection laws to telephonically solicit residential telephone users under some circumstances, not result in liability for local exchange telecommunication companies for such violations.

DATED: 2-15-96

By: Brian D. Porter
Brian Porter, Chairman House Judiciary Committee

2/14/96

HOUSE LETTER OF INTENT

BY: HOUSE JUDICIARY COMMITTEE

TO: CSHB 109 (), "F" version dated 2/9/96

This Act does not make local exchange telecommunication companies liable for violations by telephone solicitors.

9-LS0424F

Cramer

2/9/96

CS FOR HOUSE BILL NO. 109()

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES BROWN, Navarre, B.Davis

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to telephone solicitations, advertisements, and directory listings."

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

3 * Section 1. AS 45.50.471(b) is amended by adding a new paragraph to read:

4 (41) failing to comply with AS 45.50.475.

5 * Sec. 2. AS 45.50 is amended by adding a new section to read:

6 Sec. 45.50.475. UNLAWFUL, UNWANTED TELEPHONE
7 ADVERTISEMENTS AND SOLICITATIONS. (a) A person is in violation of
8 AS 45.50.471(b)(41) if the person

9 (1) engages in the telephone solicitation of a residential telephone
10 customer of a telecommunications company and the customer is identified in the
11 telephone directory as not wishing to receive telephone solicitations; or

12 (2) uses an automated or recorded message as a telephonic
13 advertisement or solicitation.

14 (b) A local exchange telecommunications company and a company that
15 provides a telephone directory on behalf of a local exchange telecommunications

1 company shall provide for the identification in the telephone directory of those
2 residential customers who do not wish to receive telephone solicitations.

3 (c) A local exchange telecommunications company shall, upon request, provide
4 to a person who engages in telephone solicitation a list of all telephone numbers
5 identified in the telephone directory as residential customers who do not wish to
6 receive telephone solicitations. If possible and if requested by the person who engages
7 in telephone solicitation, this list shall be provided in computer readable format.

8 (d) Local exchange telecommunications companies shall inform residential
9 customers of the provisions of this section. Notification may be made by

10 (1) annual inserts in the billing statements mailed to residential
11 customers; or

12 (2) conspicuous publication of the notice in the consumer information
13 pages of local telephone directories.

14 (e) In this section,

15 (1) "customer" means a residential telephone customer of a
16 telecommunications company;

17 (2) "telephone solicitation"

18 (A) means the solicitation by a person by telephone of a
19 customer at the residence of the customer for the purpose of encouraging the
20 customer to purchase property, goods, or services, or make a donation;

21 (B) does not include

22 (i) calls made in response to a request or inquiry by the
23 called customer or communications made during a call made by the
24 customer;

25 (ii) calls made by a charitable organization, a public
26 agency, or volunteers on behalf of the charitable organization or public
27 agency to members of the organization or agency or to persons who
28 have made a donation to the organization or agency or expressed an
29 interest in making a donation;

30 (iii) calls limited to polling or soliciting the expression
31 of ideas, opinions, or votes;

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(iv) business-to-business calls; or

(v) a person soliciting business from prospective purchasers who have previously purchased from the person making the solicitation or from the business enterprise for which the person is calling but only if the person or business enterprise has not received a written request from the prospective purchaser asking that telephone solicitations cease; the person or business enterprise is presumed to have received a written request no later than 10 days after the prospective purchaser mailed it, properly addressed and with the appropriate postage.

* Sec. 3. AS 45.50.472 is repealed.

SENATE BILL NO. 239

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY SENATOR RIEGER

Introduced: 1/26/96

Referred: L&C, FIN

A BILL

FOR AN ACT ENTITLED

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11 telephone directory as not wishing to receive telephone solicitations; or

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2 residential customers who do not wish to receive telephone solicitations.

3 (c) A local exchange telecommunications company shall, upon request, provide
4 to a person who engages in telephone solicitation a list of all telephone numbers
5 identified in the telephone directory as residential customers who do not wish to
6 receive telephone solicitations. If possible and if requested by the person who engages
7 in telephone solicitation, this list shall be provided in computer readable format.

8 (d) Local exchange telecommunications companies shall inform residential
9 customers of the provisions of this section. Notification may be made by

10 (1) annual inserts in the billing statements mailed to residential
11 customers; or

12 (2) conspicuous publication of the notice in the consumer information
13 pages of local telephone directories.

14 (e) In this section,

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16 telecommunications company;

17 (2) "telephone solicitation"

18 (A) means the solicitation by a person by telephone of a
19 customer at the residence of the customer for the purpose of encouraging the
20 customer to purchase property, goods, or services, or make a donation;

21 (B) does not include

22 (i) calls made in response to a request or inquiry by the
23 called customer or communications made during a call made by the
24 customer;

25 (ii) calls made by a charitable organization, a public
26 agency, or volunteers on behalf of the charitable organization or public
27 agency to members of the organization or agency or to persons who
28 have made a donation to the organization or agency or expressed an
29 interest in making a donation;

30 (iii) calls limited to polling or soliciting the expression
31 of ideas, opinions, or votes;