

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8908 SENATE JUDICIARY

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB270

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: Relating to Juveniles, Records, Releases and Records BRU: Family and Youth Services
 Sponsor: Senator Halford Component: Northern Region
 Repeater: Senate (JUD) COMPONENT SERIAL NO. 255
 See also (S#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
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)

	(507.4)	(507.4)	(507.4)	(507.4)	(507.4)	(507.4)
1002 Federal Receipts						
1003 GF Match						
1004 GF	507.4	507.4	507.4	507.4	507.4	507.4
1005 GF:Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: 0.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)). The state would lose \$507.4 in Title IVE federal funds for Foster Care and Subsidized Adoption & Guardianship in Northern Region. The total cost to the Division if this bill passed is \$8,489.5.

Prepared by: L. Diane Worley, Director
 Division: Family & Youth Services
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 02/26/96
 Date: 2/21/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB270

Revision Date: _____
 Title: Relating to Juveniles, Records, Release
 of Records _____
 Sponsor: Senator Halford
 Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
 BRU: Purchased Services
 Component: Sub Adoption & Guardianship
 COMPONENT SERIAL NO. 1962
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
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)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts	(1,364.6)	(1,364.6)	(1,364.6)	(1,364.6)	(1,364.6)	(1,364.6)
1003 GF Match						
1004 GF	1,364.6	1,364.6	1,364.6	1,364.6	1,364.6	1,364.6
1005 GF/Program Receipts						
1006 GF/MTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

POSITIONS	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME						
PAR-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

Revising 17.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)). The state would lose \$1364.6 in Title IVE federal funds for Subsidized Adoption & Guardianship. The total cost to the Division if this bill were to be passed is \$8,489.5.

S Prepared by: L. Diane Worley, Director Phone: 465-3191
 Division: Family & Youth Services Date: 02/26/96
 Approved by Commissioner: [Signature] Date: 2/26/96
 Agency: Department of Health & Social Services

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB270

Revision Date: _____
Title: Relating to Juveniles, Records, Release
of Records _____
Sponsor: Senator Halford
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
BRU: Purchased Services
Component: Family Preservation
COMPONENT SERIAL NO. 1628
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
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)

	(1,022.9)	(1,022.9)	(1,022.9)	(1,022.9)	(1,022.9)	(1,022.9)
1002 Federal Receipts						
1003 GF Match						
1004 GF	1,022.9	1,022.9	1,022.9	1,022.9	1,022.9	1,022.9
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: 0.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)). The state would lose \$1,022.9 in Title IVE federal funds for Family Preservation. The total cost to the Division if this bill were to pass is \$8,489.5.

Prepared by: I. Diane Worley, Director
Division: Family & Youth Services
Approved by Commissioner: Karla Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-3191
Date: 02/26/96
Date: 2/26/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB270

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: Relating to Juveniles, Records, Release of BRU: Purchased Services
 Records _____ Component: Foster Care
 Sponsor: Senator Halford COMPONENT SERIAL NO. 252
 Requestor: Senate (JUD) See also (SN#): _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
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	(1,330.0)	(1,330.0)	(1,330.0)	(1,330.0)	(1,330.0)	(1,330.0)
1003 GF Match						
1004 GF	1,330.0	1,330.0	1,330.0	1,330.0	1,330.0	1,330.0
1005 GF/Program Receipts						
1006 GF/MHTA						
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 (FY96) cost: 30.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)). The state would lose \$1330.0 in Title IVE federal funds for Foster Care. The total cost to the Division if this bill were to pass is \$8,489.5.

Prepared by: L. Diane Worley, Director Phone: 465-3191
 Division: Family & Youth Services Date: 02/26/96
 Approved by Commissioner: Karen Priddy, Commissioner Date: 2/26/96
 Agency: Department of Health & Social Services

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FISCAL NOTE

STATE OF ALASKA
199 LEGISLATIVE SESSION

BILL NO. SB270

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: Relating to Juveniles, Records, Release of BRU: Purchased Services
 Records Component: Delinquency Prevention
 Sponsor: Senator Halford COMPONENT SERIAL NO. 249
 Requestor: Senate (JUD) See also (SN#): _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
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)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts	1800.21	(800.2)	(800.2)	(800.2)	(800.2)	(800.2)
1003 GF Match						
1004 GF	800.2	800.2	800.2	800.2	800.2	800.2
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: 30.0

ANALYSIS: (Attach a separate page if necessary)

Section I of this bill would appear not to affect the Division of Family and Youth Services because such ordinance violations do not now come to the Division and would not in the future. In reality, some district court judges have become impatient with juveniles already waived to their courts for minor consuming or cigarette smoking who do not pay their fines, have found those juveniles in contempt of court, and have ordered them detained in youth corrections facilities. Although the judge maintains that the detention was ordered on a violation of a state criminal statute, ie contempt of court, the staff of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) looks to the original offense as the cause of action and maintains that each such detention is a violation of OJJDP rules. Consequently, DFYS would lose roughly \$800.2 in federal funding in Delinquency Prevention Component and \$63.4 in Central Office component. (Continued)

Prepared by: I. Diane Worley, Director *I. Diane Worley* Phone: 465-3191
 Division: Family & Youth Services Date: 02/26/96
 Approved by Commissioner: Karen Petre, Commissioner *Karen Petre* Date: 2/26/96
 Agency: Department of Health & Social Services

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ANALYSIS (cont.):

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)). The total cost to the Division if this bill were to pass is \$8,489.5.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 270

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to juveniles; relating to the BRU: _____
jurisdiction of juvenile courts; relating to the release of juveniles... Component: _____
 Sponsor: Senator Halford
 Requester: Senate Judiciary COMPONENT SERIAL NO. _____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	10.7	10.7	10.7	10.7	10.7	10.7
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	10.7	10.7	10.7	10.7	10.7	10.7

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	10.7	10.7	10.7	10.7	10.7	10.7
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	10.7	10.7	10.7	10.7	10.7	10.7

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

This bill would amend AS 47.10.090(c) to unseal and make available for public inspection, juvenile records when the individual is charged with a felony offense within two years of the date the juvenile records were sealed.

Central Records at the Department of Corrections is currently responsible for storing closed juvenile records which were sent to the department prior to three years ago. The amended section AS 47.10.090(c) would require an additional part-time Administrative Clerk III to work in central records for approximately 10 hours per week, at a cost of \$10.7 per year. This position would be responsible for coordinating public inspection requests for records made available by the court.

Prepared by: Jennifer Lloyd
 Division: Office of the Commissioner
 Approved by Commissioner: *Marionell K. Pugh*
 Agency: Department of Corrections

Phone: 465-4652
 Date: 2/26/96
 Date: 2/26/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 270

Revision Date: _____
 Title: "An Act relating to juveniles; relating to the jurisdiction of juvenile courts..."
 Sponsor: Sen. Halford
 Requestor: (S) JUD

Dept. Affected: Administration
 BRU: Office of Public Advocacy
 Component: Office of Public Advocacy

COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	00	00	00	00	00	00

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	00	00	00	00	00	00

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

There is no fiscal impact to the Office of Public Advocacy.

Prepared by Grant McGee, Public Advocate
 Division Office of Public Advocacy

Phone 274-1684
 Date _____

Approved by Commissioner Mark Doyet
 Agency Department of Administration

Date 5/11/95

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 270

Revision Date: _____
 Title: "An Act relating to juveniles; relating to the jurisdiction of juvenile courts..."
 Sponsor: Sen. Halford
 Requestor: (S) JUD

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	00	00	00	00	00	00

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	00	00	00	00	00	00

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

There is no fiscal impact to the Public Defender Agency.

Prepared by John Salem, Director
 Division Public Defender Agency

Phone 264-4400
 Date _____

Approved by Commissioner Mark Hoyer
 Agency Department of Administration

Date _____

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 270

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to juveniles...jurisdiction of juveniles...release of juveniles...records concerning juveniles." BRU: Civil Division
 Sponsor: Senator Halford Component: General Legal Services
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 2087

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTU/ 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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CHANGE IN REVENUES (
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FUND SOURCE

(Thousands of Dollars)

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

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

This bill will have no fiscal impact on the Department of Law.

Prepared by: Richard H. Riggs, Director
 Division: Administrative Services Division
 Approved by Commissioner: Bruce A. Bode, Attorney General
 Agency: Department of Law

Phone: 465-3673
 Date: 2/26/96
 Date: 2/26/96

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JAN 06 1996



Anchorage Star of the North
Chamber of Commerce

Anchorage Chamber of Commerce
Criminal Justice System Reform
Resolution 95/96-5

WHEREAS the public is unsafe due to the "Catch and Release" of drug offenders who continue to operate after arrest; and

WHEREAS Civil Abatement is a useful tool in preventing illegal activities and is available only to the State and not local municipalities; and

WHEREAS juvenile offenders are becoming more dangerous and are exempt from public censure because of confidentiality laws; and

WHEREAS the sealing of the records of juvenile offenders obscures the fact after their 18th birthday that they have a criminal history; and

WHEREAS the State has sole jurisdiction over juvenile crime and municipalities are barred from addressing juvenile crime; and

WHEREAS the "best interest of the juvenile" standard conflicts with society's expectation of accountability to and protection of the public; and

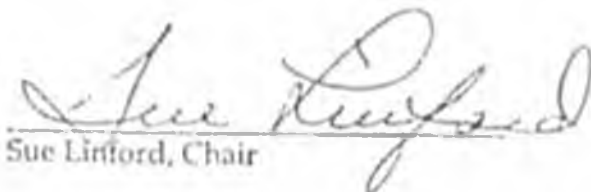
WHEREAS the Municipality of Anchorage has assumed costs of criminal justice services in excess of \$5,535,00 those costs normally reserved to the state, and yet is burdened with inadequate numbers of correctional facilities and magistrates;

NOW THEREFORE BE IT RESOLVED that the Anchorage Chamber of Commerce does hereby support the Criminal Justice Proposals brought forward by the Municipality of Anchorage that propose more stringent conditions for bail for repeat drug offenders, allow municipalities to utilize Civil Abatement procedures, revise the confidentiality laws concerning juvenile offenders, give municipalities jurisdiction over less serious juvenile crimes, and provide for at least equal consideration of the best interest of the Public and the victims in bail and sentencing procedures for juveniles; and

BE IT FURTHER RESOLVED that the Anchorage Chamber of Commerce supports the Municipality of Anchorage's initiative to call upon the state to recognize the importance of increasing the number of correctional facilities and magistrates serving Anchorage by raising their priority within the state budget; and

BE IT FURTHER RESOLVED that the Anchorage Chamber of Commerce urges all of its members to actively support these proposals by encouraging their Senators and Representatives to support these measures.

Approved December 15, 1995


Sue Lirford, Chair


Carol Heyman, President

SUPPORTING DOCUMENTS

FEB 14 1996

Municipality
of
Anchorage



P.O. Box 196650
Anchorage, Alaska 99519-6650
Telephone: (907) 343-4433

Rick Mystrom, Mayor

OFFICE OF THE MUNICIPAL MANAGER

February 9, 1996

Senator Rick Halford
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Re: S.B. 270

Dear Senator Halford:

Thank you for sponsoring S. B. 270, "An Act relating to juveniles, relating to the jurisdiction of juvenile courts; relating to the release of juveniles; and relating to records concerning juveniles."

This bill offers important reform to the way in which juvenile criminal activity is addressed.

Attached are issue summaries supporting the need for the proposed changes.

Thank you again for sponsoring this legislation. If we can offer further information, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tim Powers".

Tim Powers

Legislative Program Coordinator

**MUNICIPALITY OF ANCHORAGE
PUBLIC SAFETY PARTNERSHIP PROGRAM
LEGISLATIVE ISSUES**

Allow municipalities to respond to less serious juvenile behavior by expanding its jurisdiction to include the ability to subject juvenile offenders to civil infractions and/or mediation

Early intervention has been proven an effective means of changing young people's attitudes and behaviors. Because the current juvenile justice system is overwhelmed with serious offenses and offenders, many offenders who begin with lower level or less dangerous conduct receive no meaningful consequences until they graduate to the higher level.

According to the 1994 Anchorage Police Department Annual Report, juvenile arrests have increased 66% since 1990. Juvenile offenders have become increasingly dangerous and increasingly blatant regarding their offenses in the knowledge that the system can do very little to them.

Recognizing this situation, the Municipality of Anchorage would like the ability to respond to less serious juvenile behavior by expanding its jurisdiction to include the ability to subject juvenile offenders to civil infractions and/or mediation. This will allow the juvenile justice system to focus on the more serious criminal activity while assuring that juvenile offenders of less serious offenses receive more immediate consequences for their actions.

**MUNICIPALITY OF ANCHORAGE
PUBLIC SAFETY PARTNERSHIP PROGRAM
LEGISLATIVE ISSUE**

Allow the court to consider standard bail and sentencing factors and the best interest of the public in addition to the best interests of the juvenile.

The Alaska Juvenile Justice Code was adopted at a time when the reaction model to juvenile offenders had not yet recognized the importance of victim's rights or the degree of lethality now more common within it. Therefore, no goal other than the best interests of the juvenile was recognized.

Currently, the courts and juvenile authorities are not allowed to consider such factors as what is best for the public, the degree of dangerousness of the offender, or the offender's likelihood to re-offend, or any other factor beyond what is best for the juvenile.

Unfortunately, there are times when the interests of the public will differ from the best interest of the juvenile. The court should be granted the flexibility to respond to the myriad of potentially competing goals of the justice system. Amending the statute as proposed to allow consideration of all relevant factors, including the best interests of the juvenile will provide that flexibility.

SB

271

**Municipality
of
Anchorage**



P.O. Box 196650
Anchorage, Alaska 99519-6650
Telephone: (907) 343-4138

Rick Mystrom, Mayor

OFFICE OF THE MUNICIPAL MANAGER

April 16, 1996

Senator Loren Leman
Alaska State Legislature
State Capitol
Juneau, AK 99801

VIA TELEFAX

Re: SB 271

Dear Senator Leman:

Attached is a memorandum from the Anchorage Municipal Attorney documenting the need for SB 271 and comparing it to SB 6.

If you have any questions regarding the memo, please feel free to contact me.

Thank you for your continued support of this important bill.

Sincerely,

A handwritten signature in cursive script that reads "Tim Rogers".

Tim Rogers
Legislative Program Coordinator



MUNICIPALITY OF ANCHORAGE
MUNICIPAL ATTORNEY'S OFFICE

MEMORANDUM

DATE: April 16, 1996

TO: Tim Rogers, Executive Assistant, Municipal Manager

THRU: Mary K. Hughes, Municipal Attorney *MKH/Aue*

THRU: Ann Rosch, Deputy Municipal Attorney *AR/Aue*

FROM: Stephanie Galbraith, Assistant Municipal Attorney *SG*

SUBJECT: Revision To Method For Imposition Of Penalties For Minor Traffic Offenses Comparison of SB 271 and SB 5.

Problem: The Municipality of Anchorage and the State of Alaska court system have encountered difficulties for a number of years with a large number of outstanding bench warrants for unresolved minor traffic violations. Currently, any bench warrants which are outstanding for more than two years are deleted from the system. As a result, many individuals are not punished for their traffic violations. At any given time there may be approximately 12,000 warrants on the system for traffic violations. In a given year as many as 4,000 - 5,000 may be deleted and the cases administratively closed.

The resources available to the Anchorage Police Department are insufficient to concentrate on service of minor traffic violation warrants. The average value of outstanding warrants for non-jailable traffic violations is approximately \$60.00 - \$65.00. The average cost to serve a warrant of this type is \$120.00. As a result, the current system which relies on service of bench warrants is not cost efficient and is largely ineffective.

Solution: The Municipality requests that a procedure for resolving non-jailable traffic violations be revised to use a default judgment system rather than a bench warrant system for enforcement.

Comparison of SB 271 and SB 5:

SB 271. SB 271 allows for the entry of a "conviction by default" by the court when a person has failed to pay bail or a fine or fails to appear in court for a traffic offense. SB 271 allows for the court to enter a civil default judgment not to exceed the scheduled amount of bail. Judgments entered on a default basis can be recorded and collected in the same

Tim Rogers
April 16, 1996
Page 2 of 3

manner as other civil judgments and may be accumulated for entry of bulk judgments. This procedure will greatly reduce administrative time and costs and would solve the problem faced by Anchorage and the court system outlined above.

There is good public policy behind SB 271. Once a conviction of default is entered, points will be assessed on the individual's driver's license. This will discourage bad driving. SB 6 does not have this effect.

SB 6: SB 6 will not resolve the difficulties that the Municipality of Anchorage and the State of Alaska court system have encountered relating to the large number of outstanding bench warrants. SB 6 is ineffective for the following reasons:

1. If the intent of SB 6 is to allow for automatic suspension of a driver's license or attachment of a permanent fund dividend to pay a fine plus cost, it is legally and procedurally invalid. It is legally invalid because there is no provision for a judgment or conviction to be entered. It fails procedurally because there is no language that directs either the court or the citing agency to follow any specific guidelines regarding individuals who have failed to pay or appear.
2. Since there is no provision for a judgment, in order to obtain attachment of a person's permanent fund, a separate small claims action would have to be filed. The Municipality already has this ability under existing law. However, due to lack of manpower and resources, such actions are virtually impossible to bring for all individuals who have failed to voluntarily resolve their infractions. In other words, SB 6 adds nothing new to existing law.
3. SB 6 will not cut down on the back log of cases since it lacks procedural mechanisms for enforcement.
4. SB 6 lacks certainty since the language states that failure to pay the bail or fine or appear in court for a moving motor vehicle offense "may" result in suspension of a driver's license or attachment of a person's permanent fund.
5. Without a provision for a judgment, the citing agency is severely restricted in the ways in which it can collect the fine.
6. The loss of license provision in SB 6 may conflict with the penalty provisions set forth in the underlying infractions and therefore may be legally invalid.

Summary: The current bench warrant system is cumbersome, outmoded, and too costly to enforce. SB 271 is a concise and a tightly drafted piece of legislation that will allow for

Tim Rogers
April 10, 1996
Page 3 of 3

the entry of default in bulk against thousands of individuals who fail to resolve their minor traffic violations. SB 271 will allow local governments flexibility in collecting on the judgment while at the same time providing a system which is administratively practical. On the other hand, SB 6, as drafted, does not allow for a default judgment and is legally and procedurally deficient. The Municipality urges the passage of SB 271.

rogers



SENATOR LOREN LEMAN'S OFFICE

TELECOPIER COVER SHEET

716 W 4th Avenue, Ste. 540, Anchorage, Alaska 99501-2133
907-258-8189 (office) 907-258-3768 (fax)

ATTN: Chuck Achberger FAX: _____
OFFICE: _____ PHONE: _____
FROM: Mary Vilkendorf DATE/TIME: 4/17 3:15
COMMENTS: _____
Comparison of SB6 VS SB271

NUMBER OF PAGES (including cover sheet): 5

*** Please note address and telephone changes ***



WOMEN IN CRISIS

Counseling and Assistance

717 Ninth Avenue • Fairbanks, Alaska 99701

(907) 452-2293 • Fax: 452-2613 • 1-800-478-7273

April 17, 1996

The Honorable Robln Taylor
Senate Judiciary Committee
State Capitol - Room 30
Juneau, AK 99801-1182

Dear Senator Taylor:

I am writing in fervent support of HB 314 "The Domestic Violence Prevention and Victim Protection Act of 1996".

The court system would like to amend this bill to allow the court to refer mediation. We oppose this idea. Mediation, by its very nature, assumes each party has equal power. This is never so in cases involving domestic violence. Therefore, in cases where the parties have been involved in a domestic violence situation, the mediation process could never be fair.

Please do not allow mediation.

Respectfully,

A handwritten signature in cursive script that reads "Sandy Samaniego".

Sandy Samaniego
Executive Director

SB

272

SENATE BILL NO. 272
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY SENATORS TORGERSON, Taylor

Introduced: 2/9/96

Referred: JUD

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to small claims actions; relating to actions that may be heard
2 by a magistrate; relating to representation by an attorney in civil actions in
3 which a corporation is a party and to representation by an attorney in certain
4 civil claims asserted by assignment; amending Rules 11(a)(4), 15(c), and 17(b),
5 Alaska District Court Rules of Civil Procedure; and providing for an effective
6 date."

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

8 * Section 1. AS 22.15.040(a) is amended to read:

9 (a) When a claim for relief does not exceed \$10,000 [~~\$5,000~~] exclusive of
10 costs, interest, and attorney fees, and request is so made, the district judge or
11 magistrate shall hear the action as a small claim unless important or unusual points of
12 law are involved or the state is a defendant. A small claims judgment may be
13 enforced as provided under the Alaska Rules of Civil Procedure. The supreme

1 court shall prescribe the procedural rules and standard forms to assure simplicity and
2 the expeditious handling of small claims.

3 * Sec. 2. AS 22.15.120(a) is amended to read:

4 (a) A magistrate shall preside only in cases and proceedings under
5 AS 22.15.040, 22.15.100, and 22.15.110, and as follows:

6 (1) for the recovery of money or damages only when the amount
7 claimed, exclusive of costs, interest, and attorney fees, does not exceed \$10,000
8 [~~\$5,000~~];

9 (2) for the recovery of specific personal property when the value of the
10 property claimed and the damages for the detention do not exceed \$10,000 [~~\$5,000~~];

11 (3) for the recovery of a penalty or forfeiture, whether given by statute
12 or arising out of contract, not exceeding \$10,000 [~~\$5,000~~];

13 (4) to give judgment without action upon the confession of the
14 defendant for any of the cases specified in this section, except for a penalty or
15 forfeiture imposed by statute;

16 (5) to give judgment of conviction upon a plea of guilty or no contest
17 by the defendant in a criminal proceeding within the jurisdiction of the district court;

18 (6) to hear, try, and enter judgments in all cases involving
19 misdemeanors that are not minor offenses if the defendant consents in writing that the
20 magistrate may try the case;

21 (7) to hear, try, and enter judgments in all cases involving minor
22 offenses and violations of ordinances of political subdivisions;

23 (8) for the extradition of fugitives as authorized under AS 12.70;

24 (9) to provide post-conviction relief under the Alaska Rules of Criminal
25 Procedure for any of the cases specified in (5), (6), or (7) of this section if the
26 conviction occurred in the district court;

27 (10) for establishing the fact of death of any person in the manner
28 prescribed in AS 09.55.020 - 09.55.060.

29 * Sec. 3. AS 22.20.040(a) is amended to read:

30 (a) An action or proceeding may be prosecuted or defended by a party in
31 person or by attorney. However,

- 1 (1) the United States shall appear by an attorney in all cases; and
2 (2) a corporation, either public or private, shall appear by an attorney
3 in all cases unless the amount in controversy, exclusive of costs, interest, or
4 attorney fees, is \$10,000 or less or an exception to the corporation's appearance by
5 an attorney has been explicitly made by law.

Delete

6 * Sec. 4. Rule 15(c), Alaska District Court Civil Rules, is amended to read:

7 (c) Any party, except an attorney at law, asserting a claim that is greater than
8 \$10,000 as an assignee thereof, whether for collection, fee, or value, shall be
9 represented at all stages of an action upon the claim by an attorney at law, or a legal
10 intern. On application of a party or on its own motion, the court shall dismiss without
11 prejudice any action filed or proceeded with in violation of this rule.

12 * Sec. 5. Rule 17(b), Alaska District Court Civil Rules, is amended to read:

13 (b) Judgment on the pleadings and summary judgment [PLEADING] may
14 be entered after motion by a party and as otherwise allowed under [PURSUANT
15 TO] Rules 13(b) and 10(d).

Delete

16 * Sec. 6. Rule 11(a)(4), Alaska District Court Civil Rules, is repealed.

17 * Sec. 7. This Act takes effect immediately under AS 01.10.070(c).

\$7,500 instead of \$10,000

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 272

Revision Date: _____ Dept. Affected: Department of Law
 Title: "...relating to small claims...relating to actions that BRU: Civil Division
may be heard by a magistrate..." Component: General Legal Services
 Sponsor: Senator Torgerson
 Requester: (S) JUD COMPONENT SERIAL NO. 2087

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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 (FY96) cost: \$ 0.0

POSITIONS

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 22 to increase the amount of relief that may be sought under the relaxed rules of small claims court (generally not requiring the representation of legal counsel) from \$5,000 to \$10,000. The bill will not have a fiscal impact for the Department of Law.

Prepared by: Richard I. Peques, Director Phone: 465 3572
 Division: Administrative Services Division Date: 3/26/96
 Approved by Commissioner: Bruce M. Berman, Attorney General Date: 3/26/96
 Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 272

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: An Act relating to small claims actions BRU: Trial Courts
 Component: _____
 Sponsor: Sens. Torgerson & Taylor
 Requestor: _____ COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	35.5	35.5	35.5	35.5	35.5	35.5
TRAVEL	30.1	19.6	19.6	19.5	19.6	19.9
CCNTRACTUAL	0.8					
SUPPLIES	1.5					
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	67.9	55.1	55.1	55.1	55.1	55.1

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	67.9	55.1	55.1	55.1	55.1	55.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	67.9	55.1	55.1	55.1	55.1	55.1

Estimate of any current year (FY 96) cost: None

Positions

Full-Time	1.0	1.0	1.0	1.0	1.0	1.0
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel Phone: 264-8228
 Agency: Alaska Court System Date: 03/27/96
 Approved by: Arthur H. Snowden, II, Administrative Director Date: 03/27/96
 Agency: Alaska Court System

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Alaska Court System
Fiscal Analysis
SB 272

SB 272 makes substantial changes to the statutes and court rules governing small claims jurisdiction.

Currently, small claims procedures can be elected in cases claiming \$5,000 or less; this limit was enacted in 1986. Sections 1 and 2 of SB 272 reflect an increase in this limit to \$10,000. According to federal figures, the consumer price index has increased only 32.86 percent since 1986; when adjusted to 1996 dollars, the \$5,000 limit should thus be approximately \$6,650.

The primary effect of the remainder of SB 272 is to make it easier and cheaper for collection agencies to use small claims procedures to litigate commercial claims assigned to them by the real party in interest. The bill does this by removing the requirement that assignees be represented by an attorney in small claims proceedings (section 4), by allowing small claims judgments to be entered without a hearing after a summary judgment motion has been filed (section 5), and by allowing service of small claims process on out-of-state defendants in all cases, not just cases involving landlord-tenant disputes or motor vehicles (section 6).

Contrary to popular belief, cases proceeding under small claims rules are more expensive for the court system to handle than are small cases subject to formal rules. Small claims procedures exist to lessen the burden on private citizens, not to lessen the burden on the courts. Small claims cases require a substantially larger per-case commitment of clerical resources, because court clerks are required to provide procedural assistance to litigants who are proceeding without the benefit of an attorney. A large percentage of small claims cases result in a trial, however brief; very few cases under \$10,000 proceeding under formal rules would result in a trial. Moreover, unlike small claims litigants, most litigants subject to formal rules will consult an attorney before filing a case, and thus the court system never sees many cases which are settled or otherwise disposed of by the lawyer prior to filing.

At court locations where there is a superior court or district court judge, the caseload shift (of claims in the \$5,000 to \$10,000 range, from district court to small claims court) will not have a severe impact. However, at court locations served only by a magistrate, there will be a substantial increase in cases filed and trials resulting from the new \$10,000 limit. This will necessitate additional clerical resources at those locations.

More than half the magistrates employed by the court system are not attorneys. The dramatic increase in jurisdictional limit, the use of summary judgment motions for disposition prior to trial, and the use of confusing long arm jurisdiction rules for out-of-state defendants will substantially increase the complexity of the caseload. This fiscal note reflects increased costs for magistrate training, as well as revision of the forms and informational literature provided to small claims litigants.

Alaska Court System
Fiscal Analysis
SB 272

Personal Services

<u>Position</u>	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Court Clerk II, range 10A, PFT, 12 months, Anchorage/Statewide	\$24,012	\$11,475	\$35,487

Travel

Committee Meetings - (one-time cost) 10,570

This legislation will require revision of existing small claims rules of procedure, forms, informational literature for the litigants and the clerk's manual. The court system will convene special meetings in Anchorage of the Civil Rules Committee, the standing Forms Committee and Clerk's Manual Committee to revise rules, forms, clerks instructional materials and informational literature. The travel costs are for committee members stationed outside Anchorage.

Regional Training Conferences - 19,550

Conferences will be held in Anchorage, Fairbanks, Kotzebue, Bethel and Juneau. The conferences will be attended by all magistrates and by administrative office training staff.

Contractual (one-time cost)

Postage for mailing forms, manuals and informational literature. 750

Supplies (one-time cost)

Paper, dividers and notebooks training materials for the regional conferences 1,500
Printing of forms, manuals and informational literature.

Estimated Total Cost

\$67,857

Alaska State Legislature

District Address:
145 Main St. Loop; Suite 226
Kenai, AK 99611
(907) 283-2690; fax 283-9267



Session Address:
State Capitol, Room 427
Juneau, AK 99801-1182
(907) 465-2828; fax 465-4779

Senator John Torgerson

SPONSOR STATEMENT

SB 272 - Small Claims Court Jurisdiction & Procedure

The purpose of this legislation is to: (1) allow creditors to appear without legal representation in relatively small claim cases in both regular District Court and its subset, Small Claims Court; (2) increase the maximum amount of a claim from \$5,000 to \$10,000; (3) allow motion practice in Small Claims Court; and (4) allow service for small claims cases on defendants outside Alaska.

District Court Rule 15(c) requires that any person asserting a claim as an assignee shall be represented at all stages of an action by an attorney or a legal intern, regardless of the amount of the claim. When claims are relatively small, it is cost-prohibitive to employ an attorney to collect those accounts. The debtor then escapes his or her debts since they are too small to collect economically. This bill amends Court Rule 15(c) by inserting new language so that claims which are \$10,000 or less do not require representation by an attorney or a legal intern.

This legislation amends existing statutes by increasing the amount of a maximum claim from \$5,000 to \$10,000. The last time this amount was increased was in 1986, when it was increased from \$2,000 to \$5,000.

Small Claims Court does not allow motion practice, which is usually the most economical way to decide a case. In a Small Claims trial, all parties and witnesses are required to appear, even where the matter is clear cut and could be decided upon by affidavits, the usual practice in formal rules of District Court proceedings. Assignees and creditors should be allowed to directly participate in such proceedings without the cost of an attorney. Providing this process should help avoid the cost and delay of trials for individuals and also reduce the burden upon the Court System.

This legislation amends existing statutes so that a corporation can appear without an attorney if the amount in controversy is \$10,000 or less.

Finally, Small Claims Court practice currently allows service on defendants outside Alaska only in accordance with the Landlord-Tenant Act and AS 09.05.020, Service of Process on Nonresident Owner or Operator of Motor Vehicle. This legislation repeals Court Rule 11(a)(4) in its entirety.

01 maj SB 272 3/23/91

SPONSOR STATEMENT

SB

275

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CS SB #275 (STA)

Revision Date: <u>4/3/96</u>	Dept. Affected: <u>DOT&PF</u>
Title: <u>"An Act relating to state procurement practices and procedures; and providing for an effective date."</u>	DRU: <u>Office of the Commissioner</u>
Sponsor: <u>Senate Rules</u>	Component: <u>Commissioner's Office</u>
Requester: <u>JUD, FIN</u>	COMPONENT SERIAL NO. <u>#530</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other - All CIP Sources						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ _____

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)

(See Attachment)

Prepared by: <u>Loren Rasmussen, P.E., Acting Director</u>	Phone: <u>465-3900</u>
Division: <u>Engineering and Operations</u>	Date: <u>4/3/96</u>
Approved by: <u>Joseph L. Petrus</u>	Date: <u>4/3/96</u>
Agency: <u>Department of Transportation and Public Facilities</u>	

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FISCAL NOTE ATTACHMENT

For CS SB 275

The passage of this legislation will have a positive and multi-fold effect on the department's project efficiency.

Greater efficiencies will occur in the capital budgets, and will be, in essence, rolled back into other projects, resulting in project enhancements such as better roads and facilities. As an example of cost savings on Capital Improvement Projects (CIP) that are not fiscal but do accrue as efficiencies benefiting the projects, consider the following:

Section 13

Section 13 permits the procurement officer to reduce the circulation period for bids and proposals when there is adequate competition.

- On average, three (3) requests for reduced circulation typically occur per year.
- The average cost for receipt, review, and completion of reduced time requests is estimated to be \$ 500. Under this bill these requests will no longer be necessary.

Calculation: 3 requests x \$ 500 cost per request = \$1.5K savings in staff time.

Section 15

Section 15 provides discretion to the procurement officer to decide when to use a competitive sealed proposal rather than a competitive sealed bid. Law currently requires the determination to be made by the Chief Procurement Officer, resulting in several reviews and written determinations that are eliminated by this section.

- On average, two (2) requests for use of Competitive Sealed Proposal in lieu of a Competitive Sealed Bid are processed each year.
- The average cost for receipt, review, and completion of determinations to use a Competitive Sealed Proposal is estimated to be \$ 500 each.

Calculation: 2 determinations x \$ 500 cost per determination = \$1K savings in staff time.

Section 26

Section 26 extends small procurement procedures to purchase of goods, services, and professional services up to \$50,000, construction to \$100,000, or lease of space that does not exceed 5,000 square feet. Procurement officers may reduce time and complexity in purchases by using a quote rather than formal Invitation to Bid.

- The department processes an average of 30 - 35 administrative bid waivers per year which involve procurements or projects that exceed the current limits for small procurements. The average cost to process an administrative bid waiver (Request for Alternate Procurement [RAP]) is approximately \$ 500. Under this bill these waivers will no longer be required at the headquarters level.

Calculations: 30-35 administrative bid waivers (RAPs) x \$ 500 cost per waiver (RAP) = \$15K - \$16.5K savings in staff time.

Construction Projects

- Statewide in FY 95, there were 54 construction projects bid between \$25K and \$100K. The average savings from not having to formally prepare, advertise and award would be approximately \$7.5K.
- Statewide in FY 95, there were 29 Professional Service Agreements (PSA) established that were between \$25K and \$100K. The average savings from not having to perform consultant selection through the formal process would be approximately \$ 9.5K.

Calculations: 54 Construction projects @ \$7.5K (Advertisement costs) = \$405K.
29 PSA contracts @ \$ 9.5K (Selection costs) = \$ 275.5K.

Total Possible (Intangible) CIP Benefit =\$699.5K

SB

277



Alaska State Legislature

RECEIVED

MAR 25 1996

Please enter into the record my testimony to the Senate Judiciary ^{Ans'd}.....
committee name

committee on SB 277, dated 3/20/96
bill/subject

Passage of this bill will financially
cripple non profits state wide.
The Mat-Su Home builders assoc and
myself personally are fully against
the passage of this Bill

Signed: William H Brun
Testifier

Mat-Su Home Builders Assoc.
Representing (Optional)

351 W Paris Highway Ste 212 Wasilla 99654
Address

907 373 2296
Phone No.



ALASKA INDEPENDENT BLIND

1102 W. International Airport Road • Anchorage, AK 99518 • Phone: 563-2525 • Fax: 562-5051



March 22, 1966

Senate Judicial Committee

Dear Senate Committee Members:

RE: Senate Bill 277

I am writing in regard to Senate Bill 277. I have a number of reasons why this bill should not be passed. As the state president of the largest organization of the blind, I am asking you to repress this bill.

If this bill is passed, we would almost have to file a class action law suit, because these machines could be a violation of the ADA regulations. These machines are new to this state and are visual only; therefore, a blind person cannot play these machines. A blind person cannot read a Black Jack machine to see if they need a hit, or a Poker machine to tell which numbers to discard for the draw. KENO you have to pick the numbers you want.

I cannot comprehend how any charity could possibly afford to purchase these machines when they cost \$7,000 a piece. Each charity can have gaming in five separate locations and can install 10 machines in each. The total purchase price of the machines would be \$350,000.

There is a potential profit of \$200,000. The charity would get 30% or \$60,000, the bar would get \$60,000, the state would get \$30,000, and the municipality would get \$50,000. These percentages show that it could take a charity, at \$60,000 profit per year, just under six years of machine earnings to pay for the machines. This is not feasible.

If you want to put in machines that would satisfy the blind, slot machines that pay out coins would be satisfactory - the old One-Armed Bandits.

Sorry, but you must vote against this bill.

Sincerely,

Allen Sanderson
President

AS:bc

TELECONFERENCE, March 20, 1996. SB 277, introduced by Sen. Robin Taylor titled, "An Act relating to charitable gaming and gaming on State ferries; and providing for an effective date."

Commenting: Donna Kowalski, Co-Chairman Seward Emblem Club #250 Charitable Gaming Committee

This Bill, SB 277, seems to have been presented for one reason only - to make pull-tabs in our charitable gaming organizations illegal, and to replace them with video gaming machines. Its title is misleading: "An Act relating to charitable gaming and gaming on State ferries; and providing for an effective date." Sounds innocent enough, doesn't it?

Although the Bill does address gaming on State Ferries, its predominant concern is with replacing pull-tabs with expensive gaming machines, thus making it mandatory for a Permittee to work with a Vendor in order to earn monies for charitable works.

Section 18. AS 05.15.690 (43) reads: "Vendor means a business whose primary activity is not regulated by this chapter, but that

- A. Conducts video lotteries on behalf of the Permittee
- B. Holds a business license, and
- C. Is an establishment holding a valid Beverage Dispensing License from the Alcohol Control Board!"

Dispersing Net Machine Income, which is defined in the Bill as "Money put into a video lottery machine, minus credits paid out in cash", is explained in Section 19 of the Bill, AS Amended. Of this "Net", 30% goes to the Permittee, 30% to the Vendor, 15% to the State, and 25% to the Municipality or to the State if located outside municipalities in unorganized Boroughs -- presumably to include State Ferries, from which the State would then derive 40%. See Section 05.15.340.

Under Section 05.15.330, the Permittee is the only legal purchaser of the machines, reaping the same percentage as the vendor, and often less than the State. Neither the vendor nor the State has any investment here. How does the Permittee get back the thousands of dollars that were spent on purchasing the machines, handling repairs, depreciation, etc.?

Small Clubs and Organizations such as ours, holding gaming permits, do their own Bingo, Pull-tabs, Raffles, etc. and will be left out if pull-tabs are no longer available. This is a VERY important moneymaker for us. Our Club has 57 members, and volunteers do all our own work, including bookkeeping and reporting. No one is paid. At the end of the year we come up with approximately \$25,000 for charity. Every penny goes for scholarships, hospital equipment, medical assistance, travel aid for families in distress, local school projects, home monitors for senior citizens, Christmas baskets and other help for needy families, donations to cancer, special olympics, and much much more! Our Club would not purchase video lottery machines and install them with a vendor to replace our pulltabs. Where would we place them? Who would monitor them in the bar or lounge? Who would repair them? - Move them from place to place?

This Bill is well thought out, with an eye to confusing and obscuring an issue. It is well written by experts, but says the wrong things. Seward Emblem Club #250 wishes to go on record AGAINST it. Thank you.



Alaska State Legislature

RECEIVED
MAR 25 1996

Ans'd.....

Please enter into the record my testimony to the SENATE JUDICIAL
committee name

committee on SB 277, dated 3/11/96
bill/subject

You may have received several P.O.M.'s AGAINST
THIS BILL TODAY. THEY WERE BASED ON THE BILL DATED
2/9/96 (INTRODUCED). AFTER SEEING THE "WORK DRAFT"
DATED 3/11/96, WE ARE IN FAVOR OF IT. THIS IS
BASED ON THE WORDING AS PRESENTED IN THE
"WORK DRAFT."

Signed: Maria M. Matthews
Testifier

VALLEY VETERANS
Representing (Optional)

P.O. Box 870361 WASHAKA AK 99637
Address

376-3724
Phone No.

Alaska State Legislature

Chairman,
Judiciary Committee

Vice Chairman,
Transportation Committee

Member,
Resources Committee
Western Legislative Forestry Task Force



State Capitol
Juneau, Alaska 99801-1182
Phone: (907) 465-3873
Fax: (907) 465-3922

352 Front Street
Ketchikan, Alaska 99901
Phone: (907) 225-8088
Fax: (907) 225-0713

Senator Robin L. Taylor

Sponsor Statement

CSSB 277 (JUD)

The language of this committee substitute is intended to bring charitable gaming in Alaska at least part of the way into the world of modern technology.

The original version of SB 277 envisioned doing away with pull tabs, replacing them entirely with video lottery machines. Comment from charitable organizations from around the state presents a convincing argument that many of the smaller operations would be seriously hurt by a total ban on pull tabs. The committee substitute is a compromise proposal.

The bill would still prohibit the funding of political activities from income derived from charitable gaming, including contributions to candidates for public office or to groups that support candidates for public office. It would delete political and labor organizations from the definition of a bona fide civic or service organization qualified for a charitable gaming permit.

The main thrust of SB 277, however, is the introduction of video lottery machines. These machines will make charitable gaming in Alaska more accountable. They are capable of being linked to a central computer and can keep a permanent record of all transactions.

SPONSOR STATEMENT

Distric A

Hilder • Ketchikan • Kuparuk • Meares Clack • Petersburg • Seward • Sitka • Wrangell

Sponsor Statement
CSSB 277 (JUD)
Page Two

SB 277 also directs that proceeds from video lottery machines will be distributed differently than those from pull tabs. It gives 30 percent to the permittee, or charity; 30 percent to the vendor; 15 percent to the state and 25 percent to the municipality where the machine is located. If the machine is located in the unorganized borough, outside municipalities, that share would also go to the state.

If the Alaska Marine Highway System so desires, SB 277 contains a provision stating it may be licensed to operate video gaming on the state ferries.

It is the sponsor's conviction that as Alaska's charities become familiar with video gaming and its accountability, they will gradually phase out the less accountable pull tabs we have today for this new technology.

SB

279



**Seward Chamber of Commerce
Convention & Visitors Bureau**

RECEIVED
MAR 15 1996
Ans'd.....

March 14, 1996

The Honorable Robin Taylor
Chairman, Senate Judiciary Committee
Alaska State Senate
Pouch V.
Juneau, Alaska 99801

RE: SB 273

Dear Senator Taylor:

At the request of the Seward Chamber of Commerce Senator Torgerson introduced SB 279 relating to salmon classics and race classics.

Sec. 4 AS 05.15.690(40) Section (B) would specifically allow the Seward Chamber of Commerce Visitors and Convention Bureau to allow those who wish to to wager on the weight of the winning silver salmon caught during the Seward Silver Salmon[®] Derby, now in its 41st year.

Sec. 5. AS 05.15.690 (45) would also permit the Seward Chamber of Commerce Visitors and Convention Bureau to allow those who wish to to wager on the winning time of the winner of the Mt. Marathon Race[®] which has been run on the 4th of July in Seward for 69 years.

For many years, before the restrictions on this activity a local merchant sold many, many tickets to those who wanted to guess the winning time of the Mt. Marathon[®] Race with no adverse effects.

It is no longer possible, as a result of the cuts in revenue sharing with the cities, for the City of Seward to fund a major portion of the Chamber's budget as it has in past years. The operation of the Chamber is dependent solely on the proceeds from the Silver Salmon Derby[®], which is dictated by the availability of fish and the vagaries of nature; and the Mt. Marathon Race[®], which while world famous is not a large revenue generator.

Senator Robin Taylor

SB 279

March 14, 1996

Page 2

Along with some other forms of charitable gambling, we feel this is of benefit to the whole community of Seward, in that the businesses will not have to be oppertuned to increase their already substantial support to the Chamber as it pursues its mission of economic development and tourism enhancement.


As with many other non-profit organizations, as State funds are diverted to other uses, other opportunities for revenue must be pursued. We feel this is an area of charitable gambling that is similar to other already approved classics and certainly not subject to manipulation. This would be conducted solely by the Seward Chamber of Commerce and **would not be farmed out** to an independent operator.

We would appreciate your support of this bill and pass it out of the Judiciary Committee.

Thank you for your consideration.

Sincerely yours,

SEWARD CHAMBER OF COMMERCE CONVENTION AND VISITORS BUREAU



Margaret A. Branson
President

CC: Senator Lyda Green
Senator Mike Miller
Senator Johnny Ellis
Senator Al Adams

Alaska State Legislature

Committee Chair
Community & Regional Affairs

Committee Vice-Chair
Labor & Commerce

Committee Membership
Legislative Council



District Address:
145 Main St. Loop, Suite 220
Kenai, AK 99811
(907) 283-2690; fax 283-9267

Session Address:
State Capitol, Room 427
Juneau, AK 99801-1182
(907) 465-2828; fax 465-4779

Senator John Torgerson

SPONSOR STATEMENT

SB 279 - Charitable Gaming Salmon and Race Classic

This legislation amends AS 05.15.100(a) by including race classics as one of the games of skill and chance which municipalities or qualified organizations are allowed to conduct. The purpose of this amendment is to authorize a classic for the Seward Mt. Marathon Race, to be operated by the Seward Chamber of Commerce Convention & Visitors' Bureau.

It also amends AS 05.15.690(40) by extending the definition of a salmon classic to include the Seward Silver Salmon Derby Classic and the Sterling Area Senior Citizen's, Inc. sockeye salmon crossing classic.

Both the Seward Chamber of Commerce Convention & Visitors' Bureau and the Sterling Area Senior Citizen's, Inc., are non-profit corporations. Both entities provide a valuable community service and, like many local service organizations, they are searching for ways to supplement their revenues.

Providing these potential revenue vehicles will assist these service organization in the continuation of the services they provide for their respective communities.

(JT.ma) SB 279, 3/12/96)

— SPONSOR STATEMENT —

Alaska State Legislature

Committee Chair
Community & Regional Affairs

Committee Vice-Chair
Labor & Commerce

Committee Member/Chair
Legislative Council



District Address:
145 Main St. Loop, Suite 220
Kenai, AK 99611
(907) 283-2690; fax 283-9207

Session Address:
State Capitol, Room 427
Juneau, AK 99801-1182
(907) 465-2828; fax 465-4770

Senator John Torgerson

SECTIONAL ANALYSIS

SB 279 - Charitable Gaming Salmon and Race Classic

Section 1: Amends AS 05.15.100(a) by inserting "race classics".

Section 2: Amends AS 05.15.115(c) by inserting "race classics".

Section 3: Amends AS 05.15.180(b) by inserting "race classics".

Section 4: Amends AS 05.15.690(40) by including:

- (A)** new subsection "A" defined to renumber for additions (B) and (C), no language changes to existing section;
- (B)** New subsection and language authorizing a Seward Silver Salmon Derby Classic;
- (C)** New subsection and language authorizing a Sterling Area Senior Citizen's, Inc. sockeye salmon crossing classic.

Section 5: Amends AS 05.15.690 by inserting new subsection **(45)** which defines a "race classic".

Sections 6 -8: These bill sections amend a 1995 session law. They are necessary due to the sunset or repealer provided in ch. 13, SLA 1995. That session law provided for mushing sweepstakes and for the sunset of those sweepstakes in 2000. The sunset was accomplished by having sections 2, 4, and 6 of the session law take effect in the year 2000. Because those sections are going to be repealed and reenacted in 2000, it is necessary to amend the session law to include any intervening amendments to those sections to avoid the repeal of intervening amendments - like this one for "race classics".

UT:majSB 279: 3/12/96

— SECTIONAL ANALYSIS —

Revision Date: March 13, 1996 Dept. Affected: Revenue
 Title: Charitable Gaming Salmon and Race Classic BRU: Revenue Operations
 Component: Charitable Gaming Division
 Sponsor: Senator Torgerson
 Requestor: (S) JUD COMPONENT SERIAL NO. 1883

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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						
1007 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The Department of Revenue, Charitable Gaming Division does not anticipate any changes in program receipts in respect to this bill.

Prepared by: Dennis R. Poshard, Director Phone: 465-2279
 Division: Charitable Gaming Division Date: 3/13/96
 Approved by Commissioner: Wilson L. Condon Date: 3/13
 Agency: Department of Revenue

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Sterling Area Senior Citizen's, Inc.
P.O. Box 154
Sterling, Alaska 99672
(907) 767-6808

March 13, 1996

Senator John Torgeson
State Capitol, Room 427
Juneau, Ak. 99801

Dear Senator Torgeson;

The Sterling Area Senior Citizens fully support S.B.279 and ask that it be approved as soon as possible. We intend to make this our major fund raising activity. We ask for your assistance in obtaining legislative approval of our proposed annual classic.

Thank you for your continuing support of our Senior Center.

Sincerely,

Will Casey
Will Casey
Vice President
Sterling Seniors

SB

289

9-LS1635V
Lauterbach
2/15/96

CS FOR SENATE BILL NO. 289()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS FRANK, Miller, Phillips, Halford

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to runaway minors and their families or legal custodians."

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

3 • Section 1. AS 11.51.130(a) is amended to read:

4 (a) A person commits the crime of contributing to the delinquency of a minor
5 if, being 19 years of age or older or being under 19 years of age and having the
6 disabilities of minority removed for general purposes under AS 09.55.590, the person
7 aids, induces, causes, or encourages a child

8 (1) under 18 years of age to do any act prohibited by state law unless
9 the child's disabilities of minority have been removed for general purposes under
10 AS 09.55.590;

11 (2) under 18 years of age to enter or remain in the same room in a
12 building where the unlawful sale of a drug occurs unless the child's disabilities of
13 minority have been removed for general purposes under AS 09.55.590;

14 (3) under 16 years of age to be repeatedly absent from school, without
15 just cause; or

1 (4) under 18 years of age to be absent from the custody of a parent,
2 guardian, or custodian without the permission of the parent, guardian, or custodian
3 under circumstances where the parent, guardian, or custodian has notified the
4 Department of Health and Social Services, a law enforcement agency, or a peace
5 officer within 12 hours after the parent, guardian, or custodian knew or should
6 have known that the minor was absent without permission [JUST CAUSE], unless
7 the child's disabilities of minority have been removed for general purposes under
8 AS 09.55.590 or the person has immunity under AS 47.10.350 or 47.10.398(a); it is
9 an affirmative defense to a prosecution under this paragraph that, at the time of
10 the alleged offense, the defendant

11 (A) reasonably believed that the child's health or welfare
12 was in imminent danger;

13 (B) determined, after using reasonable efforts, that there
14 was no immediate space available in the community at an office of the
15 Department of Health and Social Services, a program for runaway minors
16 licensed under AS 47.10.310, a shelter for runaways with a permit under
17 AS 47.35.085, or a facility or contract agency of the Department of Health
18 and Social Services; and

19 (C) within 12 hours after taking the actions comprising the
20 alleged offense, notified the Department of Health and Social Services, a
21 law enforcement agency, or a peace officer of the name of the child and
22 the child's location.

23 * Sec. 2. AS 47.10.141(b) is amended to read:

24 (b) A peace officer shall take into protective custody a minor described in (a)
25 of this section if the minor is not otherwise subject to arrest or detention. Unless (c)
26 of this section applies, the peace officer shall [EXERCISE THE OFFICER'S
27 DISCRETION AND] (1) return the minor to the legal custodian at the legal
28 custodian's residence or place of employment if the legal custodian consents to the
29 return except that the officer may not use this option if the officer has reasonable cause
30 to suspect that the minor has experienced physical or sexual abuse in the legal
31 custodian's household; (2) take the minor to a nearby location agreed to by [THE

1 MINOR AND] the legal custodian if the legal custodian does not consent to return
2 of the minor under (1) of this subsection or the officer is precluded from using
3 that option because of a reasonable cause to suspect that the minor has
4 experienced physical or sexual abuse in the legal custodian's household; or (3) if
5 disposition of the minor is not made under (1) or (2) of this subsection, take the
6 minor to an office specified by the Department of Health and Social Services, a
7 program for runaway minors licensed by the department under AS 47.10.310, a shelter
8 for runaways that has a permit from the department under AS 47.35.085 that agrees
9 to shelter the minor, or a facility or contract agency of the department. If the peace
10 officer plans to take the minor to an office, program, shelter, or facility under (3)
11 of this subsection, the peace officer shall give the highest priority to taking the
12 minor to an office, program, shelter, or facility that is semi-secure. If an office
13 specified by the department, a licensed program for runaway minors, a shelter for
14 runaways that will accept the minor, or a facility or contract agency of the department
15 does not exist in the community, the officer shall take the minor to another suitable
16 location and promptly notify the department. A minor under protective custody may
17 not be housed in a jail or other detention facility but may be housed in a semi-secure
18 portion of an office, program, shelter, or other facility under (3) of this
19 subsection. Immediately upon taking a minor into protective custody, the officer shall
20 advise the minor [ORALLY AND IN WRITING] of the right to available mediation
21 and social services under AS 47.10.142(b), and, if known, the officer shall advise the
22 legal custodian that the minor has been taken into protective custody and that
23 mediation and counseling services for the custodian and the minor's household may
24 be available under AS 47.10.142(b).

25 • Sec. 3. AS 47.10.141(e) is amended to read:

26 (e) In this section,

27 (1) "law enforcement agency" has the meaning given in AS 12.36.090;

28 (2) "semi-secure" means operated according to standards that may

29 be established by the department in regulations that are designed to require a
30 level of security that will reasonably ensure that, if a minor leaves without
31 permission, the minor's act of leaving will be immediately noticed.

1 * Sec. 4. AS 47.10.141 is amended by adding a new subsection to read:

2 (f) In the absence of gross negligence or intentional misconduct, an office,
3 program, shelter, or facility, or an employee of an office, program, shelter, or facility,
4 to which a minor is taken by a peace officer for secure or semi-secure custody is not
5 subject to civil or criminal liability based on the minor's leaving the office, program,
6 shelter, or facility without permission unless the office, program, shelter, or facility is
7 not in compliance with the department's regulations that set standards for security or
8 semi-security and the lack of compliance was a material factor in the minor's being
9 able to leave without permission.

10 * Sec. 5. AS 47.10.142(b) is amended to read:

11 (b) The department shall offer available mediation and counseling services
12 to the person having legal custody of a minor described in AS 47.10.141 and to the
13 members of the minor's household if it determines that mediation or counseling
14 services would be appropriate in the situation. If, after assessing the situation, offering
15 available mediation and counseling services to the legal custodian and the minor's
16 household, and furnishing appropriate mediation or social services to the minor, the
17 department considers it necessary, the department may take emergency custody of the
18 minor.

19 * Sec. 6. AS 47.10.310(c) is amended to read:

20 (c) A program for runaway minors shall

21 (1) explain to a minor who seeks assistance from the program the legal
22 rights and responsibilities of runaway minors and the services and assistance provided
23 for runaway minors by the program and by the state or local municipality;

24 (2) upon admission of a minor to the program, attempt to determine
25 why the [A] minor [IN THE PROGRAM] is a runaway and what services may be
26 necessary or appropriate for reuniting the minor with the minor's family;

27 (3) provide or help arrange for the provision of services necessary to
28 promote the health and welfare of a minor in the program and, if appropriate, members
29 of the minor's family; services may include, but are not limited to, the provision of
30 food, shelter, clothing, medical care, and individual, group, or family counseling;

31 (4) within one state working day after admission of a minor to the

1 program [PROMPTLY] inform the department of a minor in the program

2 (A) who claims to be the victim of child abuse or neglect, as
3 defined in AS 47.17.290;

4 (B) whom an employee of the program has cause to believe has
5 been a victim of child abuse or neglect; or

6 (C) whom an employee of the program has reason to believe is
7 evading the supervision of the department, the person to whom the department
8 has entrusted supervision, or the minor's legal guardian;

9 (5) be operated with the goal of reuniting runaway minors with their
10 families, except in cases in which reunification is clearly contrary to the best interest
11 of the minor; and

12 (6) maintain adequate staffing and accommodations to ensure physical
13 security and to provide crisis services to minors residing in a facility operated by the
14 program; a program shall maintain semi-secure portions of its facilities in a
15 proportion that meets regulations established by the department; residents under
16 18 years of age shall be segregated from residents who are 18 years of age or older.

17 * Sec. 7. AS 47.10.390 is amended by adding new paragraphs to read:

18 (3) "secure" has the meaning given in AS 47.10.141(e);

19 (4) "semi-secure" has the meaning given in AS 47.10.141(e).

20 * Sec. 8. AS 47.10.394(b) is amended to read:

21 (b) The provider of a shelter for runaways shall promptly, but within one state
22 working day [48 HOURS], inform the department of a runaway minor in the shelter

23 (1) who claims to be the victim of child abuse or neglect, as defined
24 in AS 47.17.290;

25 (2) whom the provider has reasonable cause to suspect has been a
26 victim of child abuse or neglect, or

27 (3) whom the provider has reason to believe is evading the supervision
28 of the department, the person to whom the department has entrusted supervision, or the
29 minor's legal guardian.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 289

Revision Date: _____
 Title: "An Act relating to runaway minors and their families or legal custodians."
 Sponsor: Sen. Frank
 Requestor: (S) JUD

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	00	00	00	00	00	00

CAPITAL EXPENDITURES	0	0	0	0	0	0
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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						
1037 GF/Mental Health						
OTHER						
TOTAL	00	00	00	00	00	00

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Public Defender Agency.

Prepared by John Salemi, Director
 Division Public Defender Agency

Phone: 264-4400
 Date _____

Approved by Commissioner Mark Boyer
 Agency Department of Administration

Date 7/11/95

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 289

Revision Date: _____
Title: "An Act relating to runaway minors and their families or legal custodians."
Sponsor: Sen. Frank
Requestor: (S) JUD

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Office of Public Advocacy.

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

Phone 274-1684
Date _____

Approved by Commissioner Mark Boyer
Agency Department of Administration

Date 1/1/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SB 289

Revision Date: _____ Dept. Affected: Public Safety
 Title: Miscellaneous laws relating to runaway minors BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Senator Frank
 Requestor: S. Judiciary COMPONENT SERIAL NO. 0799

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 96) impact: \$ _____

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.)

This bill will have an inestimable fiscal impact on the Division of Alaska State Troopers. The bill requires that peace officers return runaway minors to their guardian at the guardian's residence or place of employment. This eliminates any flexibility in returning the minor and in some cases will require more of the officers time to transport the minor to those locations, especially if those locations are in different cities. The bill also requires that if a peace officer is going to take the minor to a shelter that the officer must select a specific type of shelter first, again increasing the transport time.

Prepared By: Lt. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: February 26, 1996
 Approved by Commissioner: *[Signature]* Date: 2/26/96
 Agency: Ronald L. Otte, Department of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB289 (JUD)

Revision Date: _____
 Title: An Act Relating to Runaway Minors and their Families or Legal Custodians
 Sponsor: Senator Frank
 Requestor: Senate (JUD)

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

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	170.0					
MISCELLANEOUS						
TOTAL OPERATING	170.0	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	170.0					
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	170.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

This bill directs a peace officer to deliver a runaway minor to a semi-secure facility, if possible. It further provides that the Department develop regulations for semi-secure care. It will result in the Division administering grants for one time costs of installing hardware for semi-secure care. The Division has not had time to do an accurate estimate of cost of installation of semi-secure hardware (door and window alarms) of the six shelters that the Division believes would be involved. However, we have a recent shelter of six beds that has recently had a semi-secure alarm installed which cost \$12,000. Therefore, if we project that to the six shelters which have eighty-five beds, the cost would be approximately \$170,000. This does not mean, however, that all six facilities would choose to become semi-secure. A few of these six shelters which do not have alarms already feel that they are semi-secure based on their staffing patterns. In other words, there is 24 hour staff checking rooms and/or staff sitting at a desk at the door.

Prepared by: [Signature] Diane Worley, Director
 Division: Family & Youth Services
 Approved by Commissioner: [Signature] Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 02/28/96
 Date: 2/28/96

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AMENDMENT

Offered by: ~~Senator Steve Frank~~

Page 1, line 14-15

Delete: without just cause

Page 2, line 5

Delete: Within 12 hours

Page 2, line 29

Delete: suspect

Add: believe

Page 3, line 3

Delete: suspect

Add: believe

STEVE FRANK

119 N. Cushman, Rm. 213
Fairbanks, Alaska 99701
(907) 452-3421

Alaska State Legislature



While in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-3709
Capitol Rm. 417

Senate

SPONSOR STATEMENT

CS SB 289 "An Act relating to runaway minors and their families or legal custodians."

I introduced this legislation to address the growing concern among parents for the safety of their runaway children. It is a significant problem in our communities that I feel needs serious consideration. This sponsor substitute refers to the proposed committee substitute for SB 289, 9-L.S1635NF.

CS SB 289 will strengthen the language within AS 11.51.130 regarding to contributing to the delinquency of a minor. By discouraging people from housing runaways, it will force these children to take advantage of available services that will be able to asses the child's situation and begin the process of reconciliation with their family.

This legislation will also make clear that a police officer's first course of action, after picking up a runaway, is to take that child back to his or her parents unless the officer suspects abuse to the minor. If the parent will not accept the child, then the second course of action will be to take the minor to a place agreed to by the parent. If this cannot be accomplished either, then the police officer must take the child to a semi-secure shelter for assessment of the child's situation and determination of the course of action that is in the best interest of the child.

I feel this legislation is an important step in dealing with this continuing problem and I would appreciate your support.

Thank you for your consideration.

SPONSOR STATEMENT

SB

295

ALASKA STATE LEGISLATURE

Senate Health, Education and
Social Services Committee

Senate Judiciary Committee

Department of Health and Social
Services Budget Subcommittee

Department of Law
Budget Subcommittee




Alaska House
State Capitol Room 9
Juneau, Alaska 99801
(907) 586-3700
Fax (907) 586-2520

Alaska Senate
200 West 4th Avenue, Ste. 400
Anchorage, Alaska 99501
(907) 258-6182
Fax (907) 258-5571

SENATOR JOHNNY ELLIS

MEMORANDUM

TO: Senator Robin Taylor, Chair
Senate Judiciary Committee

FROM: Senator Johnny Ellis 

DATE: March 7, 1996

RE: SB 295 - Consumer Protection

I respectfully request that you schedule SB 295, relating to consumer protection, for a hearing at your earliest convenience. I have attached a sponsor statement and other supporting materials.

If you have questions regarding this legislation please don't hesitate to contact me or my legislative aide, Alexis Ross Miller, at 465-3704.



Alaska Public Interest Research Group
P.O. Box 101093, Anchorage, AK 99510 (907) 278-3661

Consumer Protection Fact Sheet

Consumer fraud is a crime which robs both Alaska consumers and honest Alaska businesses. The biggest "crime wave" in Alaska is nonviolent, but it costs the average Alaska household an estimated \$460 a year. Every year Alaskans lose over \$10 million to fraudulent business scams and financial con games. Much of this money is lost to Outside con artists, so that the local Alaska economy loses as well as the individual.

Enforcement of consumer protection laws is inadequate. Ever since the state government started slashing funding for consumer protection in the mid-1980's, Alaska has been without an effectively funded Consumer Protection Agency. Legislative attempts to provide consumer protection, like the AKPIRG sponsored telemarketing law (which made phone fraud a felony with serious fines, prison terms, and extradition procedures), provide little deterrent without active enforcement.

Common scams in Alaska:

Free vacation or prize give-away. Additional costs and restrictions often make the "free" offer more expensive than what it actually costs. Or, a "processing fee" or taxes of up to \$500 are required to be paid up front, and the free gift is never received.

Fraudulent consumer protection. Occasionally a second con artist will contact someone recently scammed, posing as a consumer protection agent. He or she will require money to pursue the case.

Bogus invoices. Phony invoices are sent for services never rendered. Sometimes these include a note threatening legal action if the "overdue" bill is not paid.

Auto or home repairs. Unnecessary work is done, or claimed to have been done, or advance money is required, but the contractor never arrives.

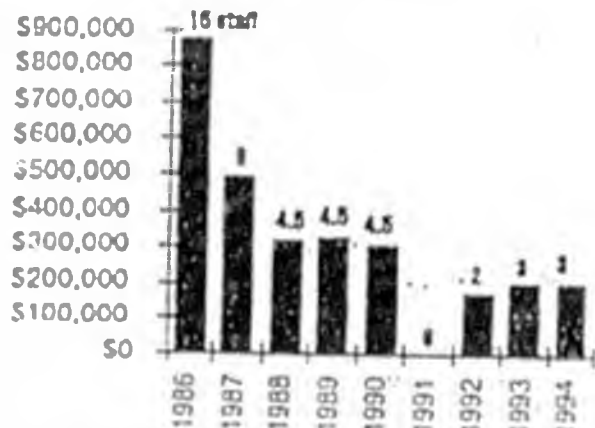
Investment scams. Art prints or precious metals turn out to be cheap reproductions; or securities, commodities, or foreign bank investments prove to be nonexistent.

History of Consumer Protection in Alaska

Alaska's Consumer Protection Agency was once an effective and well-staffed program. While the state has slashed funding in the last eight years, consumer fraud has skyrocketed.

In 1991, Governor Steve Cowper completely eliminated funding for the Consumer Protection Agency from the state budget. In 1992, AKPIRG campaigned to restore the program, but ultimately the legislature appropriated only token funding. In the last two years, only one half-time lawyer was funded to prosecute violators of Alaska's consumer protection laws.

Alaska Consumer Protection Budget and Staffing



The Solution:

The Alaska Public Interest Research Group (AKPIRG) is fighting for consumer rights, and seeks to return consumer protection to state government and the Alaskan marketplace.

A fully-funded Consumer Protection Agency would result in strict enforcement of consumer protection laws. AKPIRG's consumer protection platform calls for:

- Three Agency offices in Anchorage, Juneau, and Fairbanks.
- A 1-800 Agency consumer hotline for rural communities.
- An Agency staff of paid professionals to handle all legal, investigative, and field work.

Even a budget increase of \$125,000, for a total budget of \$300,000, could support a staff of two lawyers, four volunteer paralegal interns from the University of Anchorage, and investigative and support staff. This minimum budget would provide enough money to begin enforcement of Alaska's telephone fraud law.

An effective Consumer Protection Agency would require no additional funding from the state. In the 1980's, with operational budgets of \$300,000 to \$400,000, the Consumer Protection Agency recouped all of its expenses in successful prosecutions and resultant fines.

The Campaign for Effective Consumer Protection

To re-establish an effective Consumer Protection Agency, the state legislature must step forward and ensure that the budget allocates money for this important program.

AKPIRG is calling upon candidates for the state legislature to endorse a consumer protection platform. Throughout the summer and until the November elections, we will be collecting 2,000 letters and post-cards to these candidates, demonstrating widespread support for consumer protection. We also ask that you write a letter to your representative about this important issue; a sample is provided to the right.

Consumer protection will be an AKPIRG priority in the coming legislative session.

Sample letter

Dear _____,

Alaska has the weakest Consumer Protection law enforcement of all state governments. Many Alaska households lose over \$450 a year or more to fraud in the marketplace. We need more protection because our state is isolated and news of permanent fund checks makes us special targets. Only the Department of Law has the muscle to enforce the laws already on the books.

I urge you to support a budget next session which would reopen three offices in Anchorage, Fairbanks, and Juneau to deter major fraud and handle daily consumer complaints, and restore a hot-line in Fairbanks for the Bush communities. Please listen to your constituents and help bring back strong Consumer Protection for honest consumers and honest businesses alike.

Sincerely,

ALASKA

Cuts reduce consumer protection staff

■ *One attorney and two staffers try to track down scam artists*

THE ASSOCIATED PRESS

ANCHORAGE - A decade ago, the state attorney general's office had a 16-member consumer protection staff working in five cities around Alaska.

Now there is a single attorney and two full-time staff members in Anchorage to investigate and prosecute lawbreakers who run scams ranging from phone sales fraud to hawking damaged cars.

The whittling down of an office devoted to looking out for Alaska's consumers has some asking the question: Does the state watchdog have any bite?

"I'm concerned that consumer

protection is just going down the tubes," Stephen Conn, executive director of the Alaska Public Interest Research Group. "There are people who think the state should, at some level, function as a protector of consumers."

The governor's proposal for the budget year that starts July 1 would lump funding for Fair Business Practices - which includes antitrust matters - into the Department of Law's fund for general legal services. The proposed funding would drop to \$349,500, from the \$415,000 in this year's budget.

Rep. David Finkelstein, D-Anchorage, said Wednesday he will push for more consumer protection funding, but he doesn't expect to succeed.

The consumer protection office can file civil lawsuits against bus-

inesses suspected of defrauding the public or enter into agreements with companies to stop certain business practices.

The office obtained the refund of more than \$30,000 to telemarketing customers within the last year, assistant attorney general Daveed Schwartz said.

Also last year, the office won a verdict against Anchorage Nissan over the sale of defective cars and filed a suit against Block & Cleaver Meats Inc., a bulk-meat retailer accused of using "bait and switch" tactics to lure customers.

"But we could be doing a heck of a lot more with more staff," Schwartz said.

The attorney said he has lost a mediator position in Fairbanks in the last year, but has added a part-time, temporary investiga-

tor in Anchorage. "We are able to provide some level of deterrent," he said.

Amid funding cutbacks a few years ago, the Better Business Bureau started screening complaints and forwarding the worst cases to the attorney general's office.

The BBB gets about 3,000 calls per month, and as many as 40 percent of them are complaints of some kind, president Rick Gilmore said.

"But we are not an enforcement agency," Gilmore said.

"It is a travesty, to me, that the Legislature puts so little emphasis on consumer protection. There has got to be a force in Alaska that can hit people over the head," he said. "And we can't do that."

The consumer

A call for better protection

An ad you might see in a newspaper-someday if Alaskans aren't careful:

CROOKS and CON ARTISTS

Have you been chased out of the Lower 48 by overvigilant consumer protection officers? Alaska's state government has already cut a bunch of money from efforts to enforce fair business practices and now state officials are working really, really hard to cut even more.

If you can't make it big in Alaska, you can't make it anywhere! So come on up; the fishing's great!

Gov. Tony Knowles, continuing what the legislature has started, proposes to cut funding for the Fair Business Practices section of the Department of Law by \$65,500. Starting July 1, money formerly earmarked for the section would be tossed into the department fund for general legal services.

Consumer protection looks like a casualty of the push to close the fiscal gap.

The state is missing a bet. Instead of squeezing a paltry few bucks from the budgeted funds to go after con artists, we should allow the scammers themselves to contribute to consumer protection. Not only do they have plenty of money, all derived illegally, but if the crooks weren't here we wouldn't need a consumer protection division.

A legislature that takes consumer crime seriously could and would pass legislation to make this possible.

As Les Gara, an attorney and Alaska Public Interest Research Group board member, suggested last year on behalf of AkPIRG:

- The state should be entitled to recoup full costs and attorney fees from con artists who lose in court.

- There should be substantial fines against people who commit consumer fraud. Provisions for what fines the state can impose are vague; the law says only that the fine will be between zero and \$25,000. For big-time crooks, \$25,000 is quickly absorbed.

- The money should go into a separate account within the general fund, so it will be instantly apparent how much the state received from prosecuting consumer fraud.

- Fine fraudulent businesses that refuse to compensate victims and that clog up the court system with their foot-dragging. Make them pay, say, \$3,000 per week, Mr. Gara suggests, until trial. Only if found guilty would the wrongdoer actually pay.

Con artists don't stick a gun to anybody's head, but they leave a trail of grief behind them just the same. Disreputable telemarketers prey on the elderly — in particular, on people who may be lonely enough to enjoy chatting with a charming stranger.

Rick Gilmore of the Better Business Bureau says he has talked with 15 or so people, each of whom lost from \$10,000 to \$38,000 to telemarketers. A Homer woman discovered after her 83-year-old mother died that the woman had sent more than \$87,000 to a con artist in Las Vegas. She was lured with the promise of free trips, cars and cash, what she got was mini Frisbees printed with "Just Say No to Drugs" and chintzy brass key chains.

One scammer put ads in the paper offering great deals on computer equipment. About 30 people paid between \$1,100 and \$3,500 and got nothing.

A meat company lured customers with promises of low-priced specials on steaks and other choice cuts, then dissuaded people from buying the advertised special in favor of meat for \$6 or more a pound. Some folks paid as much as \$2,500 for the packaged "deal."

Con artists hurt more than just their initial victim; they take money that could have otherwise been spent at honest businesses that deliver what they promise.

The Better Business Bureau in Anchorage receives more than 3,000 calls for help each month. "Our main function is to try to educate consumers, but there has to be somebody standing behind us to investigate and if necessary to take action," the BBB's Rick Gilmore says.

If all the attorney general can do is send out "cease and desist" warning letters, the crooks can just move on, change their names and bilk others down the road.

Consumers have to take responsibility for being informed shoppers. Consumers can't count on the government to protect them. But consumers should be able to count on the government to enforce the law.

SB

296

FISCAL NOTE

STATE OF ALASKA

BILL NO SB 296

1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Public Safety
 Title: An Act requiring fingerprint criminal background BRU: DPS Statewide Support
checks person employed in nursing home Component: AK Criminal Records & ID
 Sponsor: Senator Ellis
 Requestor: Senate Judiciary COMPONENT SERIAL NO. 1190

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 ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

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

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

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.)

The Department of Public Safety supports fingerprint based criminal history background checks as part of the background investigation prior to employment or licensing for sensitive positions who come in routine contact with dependent adults. This bill proposes such a requirement for nursing homes and assisted living facilities.

Certain amendments are requested in the attached analysis which we believe will accommodate the sponsor intent but conform these sections dealing with fingerprint checks to existing state and federal practices.

(ANALYSIS CONTINUED... SEE ATTACHED)

Prepared By: Kenneth E. Bischoff, Director Phone: 465-4336
 Division: Administrative Services Date: 3/4/95
 Approved by Commissioner: *Ronald L. Otto* Date: 3/14/95
 Agency: Ronald L. Otto, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SB 296

Revision Date: _____ Dept. Affected: Public Safety

ANALYSIS CONTINUED:

SB 296

Senate bill 296 is a measure adding the requirement for a State and Federal fingerprint based criminal history background check for employees of nursing homes and assisted living homes. The following is an analysis of the fiscal and operational impact on the Records and Identification Bureau, should this bill become law.

FISCAL IMPACT

Under this legislation, managers of nursing facilities and assisted living homes should make decisions regarding the suitability of applicants for employment based upon regulations adopted by the Department of Health and Social Services and Department of Administration and criminal history record information provided to them under the authority of this bill. The Department of Public Safety provides some of the information required by these facility managers necessary to allow them to make informed decisions but should not be placed in the position of making these determinations. Accordingly the department provides the following information and requested changes to the bill.

Provided the following amendments are accepted, there will be no fiscal impact to the Department of Public Safety. These amendments are necessary to allow this bill to conform to current state and federal practices, will assist in developing more useful, understandable regulations and help to ensure release of appropriately specified information:

Amendment 1 - Replace the language contained in Section 1, Subsection (a) with the following:

In order to determine the applicant's suitability for employment in a nursing facility, the nursing facility, under authority of regulations adopted under AS 47.33.920 shall require the applicant to furnish to the nursing facility, two full sets of fingerprints to enable a criminal background investigation to be conducted. The nursing facility shall submit the completed fingerprint cards to the Department of Public Safety. The Department of Public Safety is authorized to submit the fingerprints to the FBI for a national criminal history record check.

Amendment 2 - Modify Section 1, Subsection (b), 1-3 to identify disqualifying offenses by specific Alaska Statute Citation (see AS 12.62.900, definition of "serious offense" as an example).

Amendment 3 - Modify Section 1, Subsection (b), (3) by deleting the words after offense "where there was evidence that alcohol use by the applicant contributed to the assault." We believe any assault to be inappropriate and disqualifying.

Amendment 4 - Replace the language contained in Section 2, Subsection (a) with the following:

In order to determine the applicant's suitability for employment in an assisted living home, the assisted living home, under authority of regulations adopted under AS 47.33.920 shall require the applicant to furnish to the assisted living home, two full sets of fingerprints to enable a criminal background investigation to be conducted. The assisted living home shall submit the completed

fingerprint cards to the Department of Public Safety. The Department of Public Safety is authorized to submit the fingerprints to the FBI for a national criminal history record check.

Amendment 5 - Modify Section 2, Subsection (b), 1-3 to identify disqualifying offenses by specific Alaska Statute Citation (see AS 12.62.900, definition of "serious offense" as an example.

Amendment 6 - Modify Section 2, Subsection (b), (3) by deleting the words after offense, "where there was evidence that alcohol use by the applicant contributed to the assault." We believe any assault to be inappropriate and disqualifying.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO: CSC3 296(JUD)

Revision Date: April 18, 1996 Dept. Affected: Public Safety
 Title: An Act requiring fingerprint criminal BRU: _____
checks person employed in nursing home Component: _____
 Sponsor: Senator Ellis
 Requesto Senate Judiciary COMPONENT SERIAL NO. _____

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	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

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

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.)

The Department of Public Safety supports fingerprint based criminal history background checks as part of the background investigation prior to employment or licensing for sensitive positions who come in routine contact with dependent adults. This bill proposes such a requirement for nursing homes and assisted living facilities.

Prepared By: Kenneth E. Bischoff, Director Phone: 465-4336
 Division: Administrative Services Date: April 18, 1996
 Approved by: *Ronald L. Otte* Date: 4/18/96
 Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO: CSSB 296(JUD)

Revision Date: April 16, 1996
 Title: An Act requiring fingerprint criminal background checks person employed in nursing home
 Sponsor: Senator Ellis
 Requestor: Senate Judiciary

Dept. Affected: Public Safety
 BRU: _____
 Component: _____
 COMPONENT SERIAL NO. _____

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 ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

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

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

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.)

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Certain amendments are requested in the attached analysis which we believe will accommodate the sponsor intent but conform those sections dealing with fingerprint checks to existing state and federal practices.

(ANALYSIS CONTINUED...SEE ATTACHED)

Prepared By: Kenneth E. Bischoff, Director Phone: 465-4336
 Division: Administrative Services Date: April 16, 1996
 Approved by Commissioner: *Ronald L. Utto* Date: 4/16/96
 Agency: Ronald L. Utto, Dept of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO: CSSB 296 (JUD)

Revision Date: April 16, 1996

Dept. Affected: Public Safety

ANALYSIS CONTINUED:

CSSB 296 (JUD)

CS Senate Bill 296 (JUD) is a measure adding the requirement for a State and Federal fingerprint based criminal history background check for employees of nursing homes and assisted living homes. The following is an analysis of the fiscal and operational impact on the Records and Identification Bureau, should this bill become law.

FISCAL IMPACT

Under this legislation, managers of nursing facilities and assisted living homes should make decisions regarding the suitability of applicants for employment based upon regulations adopted by the Department of Health and Social Services and Department of Administration and criminal history record information provided to them under the authority of this bill. The Department of Public Safety provides some of the information required by these facility managers necessary to allow them to make informed decisions but should not be placed in the position of making these determinations. Accordingly the department provides the following information and requested changes to the bill.

Provided the following amendments are accepted, there will be no fiscal impact to the Department of Public Safety. These amendments are necessary to allow this bill to conform to current state and federal practices, will assist in developing more useful, understandable regulations and help to ensure release of appropriately specified information.

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Amendment 3 - Modify Section 1, Subsection (b), (3) by deleting the words after offense "where there was evidence that alcohol use by the applicant contributed to the assault." We believe any assault to be inappropriate and disqualifying.

Amendment 4 - Replace the language contained in Section 2, Subsection (a) with the following:

In order to determine the applicant's suitability for employment in an assisted living home, the assisted living home, under authority of regulations adopted under AS 47.33.920 shall require the applicant to furnish to the assisted living home, two full sets of fingerprints to enable a criminal background investigation to be conducted. The assisted living home shall submit the completed

fingerprint cards to the Department of Public Safety. The Department of Public Safety is authorized to submit the fingerprints to the FBI for a national criminal history record check.

Amendment 5 - Modify Section 2, Subsection (b), 1-3 to identify disqualifying offenses by specific Alaska Statute Citation (see AS 12.62.900, definition of "serious offense" as an example.

Amendment 6 - Modify Section 2, Subsection (b), (3) by deleting the words after offense, "where there was evidence that alcohol use by the applicant contributed to the assault." We believe any assault to be inappropriate and disqualifying.

9-LS1295AK
Lauterbach
4/15/96

CS FOR SENATE BILL NO. 296()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR ELLIS

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring criminal background checks before certain persons may be
2 employed in a nursing home or assisted living facility; and prohibiting the
3 hiring or retention of certain nursing home and assisted living facility employees
4 convicted of specified offenses."

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

6 * Section 1. AS 18.20 is amended by adding a new section to read:

7 Sec. 18.20.302. CRIMINAL BACKGROUND CHECK FOR EMPLOYEES. (a)
8 A nursing facility may not employ an individual in a paid position that the department
9 has determined is covered by this section, according to its regulations, unless the
10 individual, before beginning employment,

11 (1) provides to the facility a sworn statement as to whether the individual
12 has been convicted of an offense described in (c) of this section;

13 (2) provides to the facility the results of a name-check criminal
14 background investigation that was completed by the Department of Public Safety no