

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9712 SENATE RULES

- The DRS will comply fully with the Americans With Disabilities Act and will actively market to and encourage use of the system by people experiencing disabilities.
- The DRS will be an all First Class System, providing comfort and safety to the elderly and young. Lodging facilities will be of 2 Stars quality or better.
- KHI has proposed the construction of a 60 bed Travelers Hostel near the Wonder Lake area facilities in order to provide a lower price point facility for those traveling on student budgets.
- Terminals will have emergency medical facilities capable of providing service to the interior region of the Park on an emergency basis. The DRS will develop a comprehensive emergency plan for the entire route including fire response.
- The DRS will generate new revenue for Denali National Park and Preserve. Based on a \$5 per passenger head fee, the estimated 525,000 passengers annually could generate \$2,625,000 in revenue, about 40% of the current operating budget of the Park. This revenue should exceed any increase in operational costs experienced by the NPS in relation to the operation of the DRS.
- The DRS will create a museum quality, educational and informative atmosphere within the Visitor Center/Hotel/Terminal facilities. Diorama, electronic, pictorial, mechanical, and other methods of display will be used in the interpretive process.
- The DRS will provide an alternative to those not wishing to take the arduous 8 to 12 hour bus based wildlife tours on the park road and those more interested in the opportunity to view The Mountain.
- All developmental and operational costs for the DRS will be undertaken with private capital.
- The DRS will connect to the Alaska Railroad System which in turn connects to International Airports in Fairbanks and Anchorage. The DRS is truly an efficient and ethical Intermodal infrastructure concept. Air-Rail Touring packages for the independent traveler as well as, the larger packaged groups will be able to utilize the DRS infrastructure.

On Dec. 14th, 1994, following a presentation KHI, the National Park System Advisory Board (NPSAB), the parent board of the Denali Task Force, endorsed the creation of a new northern railroad route to Wonder Lake. Soon after, in early February of 1995, KHI petitioned Secretary of the Interior Bruce Babbitt to create a rail / utility corridor and grant a lease of that right-of-way to KHI under the Secretary's management powers. In 1996, Congress mandated a "North Access Study" for Denali, to be completed by late March or early April of 1997, subject to that study and other factors, the decision to create a right-of-way is still pending before the Secretary.

The DRS Project has another very significant potential that other proposed activities around Denali do not. The DRS system will create long term year-round jobs for Alaskans, between 350 and 650 people seasonally. Current efforts to create "Touch the Park experiences", outside the park, south of the Park's entrance all rely on the appropriation of public funds, and create very few, if any, year-round jobs. At best, the South Side Plan will be 10 to 15 years in the making. The DRS can be complete within four years with elements operational

within two years. There is no doubt that this development will benefit the Alaskan economy in a far superior fashion.

Denali National Park is a very large Park, 6.4 Million Acres or 10,000 square miles. Imagine a quarter mile long strip of land. Walk to the middle of that strip, turn 90 degrees either direction and walk for forty thousand miles! That is the size of Denali. The existing road corridor is about 3,300 Acres (300' x 90mi.), the equivalent of 1/1955th of the Park. The 57 miles of 200' wide **DRS** railroad right-of-way equals only 1381 acres - 1/4631th of the Park. Two - thirds (2/3) of Denali, about 4.2 million acres is non-Wilderness Area, Park and Preserve, mostly on the north side. In all that area, there are scarcely more than 10 miles of road, none connecting to the front country of the park without going through the Wilderness Area. This Project will have little negative impact on the Park

In closing, the **DRS** Project is an ideal opportunity for a Public - Private development relationship. Clearly, Denali is an economic engine for Alaska, particularly so for the Railbelt of the Alaska. But it needs better access.

The attached documents present the broad constituency the **DRS** Project has developed in Alaska. We believe this constituency is very similar to the make-up of the general population of America and that the **DRS** concept is a unique and innovative way of dealing with the problems facing many of the other national parks in the west as well. If you have questions or comments, please contact me directly.

Sincerely,

Joseph N. Fields III, Chairman & President  
Kantishna Holdings Inc.

**SR**

**1**

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Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

*Senate Rules Committee 3/2/98 1:29 p.m.*



# SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

## MEMORANDUM

To: Senator Tim Kelly  
Chair, Senate Rules Committee

From: Senator Dave Donley *DD*

Date: February 27, 1998

Re: **Floor Action on SR 1** – Holocaust victim's compensation  
by the Swiss Government and banking industry.

I respectfully request that you calendar SR 1 for floor action at your earliest convenience. SR 1 encourages the Swiss government and banking industry to release information on dormant accounts that may have belonged to individuals who were victims of the holocaust. With passage of this legislation, Alaska will be joining a number of other states that are considering, or have already enacted legislation, to help bring about a resolution to this painful chapter in history. SR 1 received **do pass** votes from all five members of the State Affairs committee.

We recognize that the Swiss have begun to act on this matter, so on the advice of the United States Department of State and national and international Jewish organizations we are not calling for sanctions of any kind. Rather, we are thanking the Swiss for their progress so far, and encouraging them to continue with disclosure of the information, and finally, compensation to the victims and their heirs.

DD/jm

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*MEMBER:* Senate Finance Committee • Legislative Budget & Audit Committee  
• Senate Community & Regional Affairs Committee

Produced in House

**HB**

**2**

Memorandum Re: HALE V. STATE OF ALASKA,  
DEPARTMENT OF REVENUE, PERMANENT FUND  
DIVISION, 3 AN 95-1076 CI

1. Permanent Fund Division denied her 1994 Application for Permanent Fund Dividend.
2. Mark Handley, Hearing Examiner for Department of Revenue, on
3. November 29, 1995, ruled that " the Division decision that Joan H. Hale is not not eligible for a 1994 Permanent Fund Dividend will stand."
4. Superior Court Judge Shortell ruled in the case December 3, 1996:
  - a. The question is one of law and the proper standard of review is the Substitution of Independent Judgment Test.
  - b. The issue in this case does not fall within the ZEILER decision by collateral estoppel because in ZEILER spouses at issue were non-residents; in HALE, both Hale and her spouse are residents.
  - c. The State incorrectly interpreted and applied ZEILER:
    - 1) In HALE, both Hale and her spouse were residents when they left the State.
    - 2) 15 AAC 23.163©(15) does not require a finding of ineligibility based solely on the residency of the spouse; rather, the regulation retains Hale's eligibility and leaves the State free to evaluate her residency and eligibility based on all of the evidence in the record.
  - d. Collateral estoppel did not require the State to deny Hale's PFD application. Further more, ZEILER did not invalidate the regulation as it applies to Hale. Hale's scenario fits squarely within the circumstances envisioned by ZEILER when it found that it was reasonable to allow residents to "piggyback" onto the allowable absence of a resident spouse because the spouse's residency is factor tending to show a likelihood that the applicant intends to return to the
  - e. State. ZEILER at p. 17-18. For these reasons, it is ordered that Hale's PFD application is remanded to the Department of Revenue for reconsideration with instructions that the regulation, including the spousal exception, applies. State's Motion to Reconsider denied 18 December 1996.
  - f. . Notice of Appeal to Alaska Supreme Court filed January 22, 1997. Final briefs submitted November 1997. Possibility of filing class action suit under consideration by counsel.

# Alaska State Legislature House of Representatives

## Committees

**Rules Committee, Chair**  
Legislative Council  
International Trade & Tourism  
Military & Veterans Affairs  
World Trade & State/Federal Relations



Interim:  
10928 Eagle River Rd. Suite 141  
Eagle River, AK 99577

Session:  
Alaska State Capitol  
Juneau, AK 99801

## Sectional Analysis Senate CS for CS for HB 2( )

**Section 1:** This is a technical change amending the cited statute number. AS 43.23.095(8) was the prior number of the statute which addressed allowable absences. The new statute addressing allowable absences is numbered AS 43.23.008.

**Section 2:** This section makes some stylistic changes to AS 43.23.005(a). The phrase "calendar year immediately preceding January 1 of the current dividend year" is replaced by the phrase "qualifying year." Part (6) is new and provides that individuals must be physically present in the state during the entire qualifying year unless they are gone for an allowable absence.

**Section 3:** This section includes a requirement that each person who leaves the state on an allowable absence must return to the state for a period of 72 consecutive hours every two years.

**Section 4:** This section makes a stylistic change. The words "calendar year immediately preceding that dividend" are replaced with the word "qualifying."

**Section 5:** This section is entirely new. Part (a) lists the allowable absences previously found under AS 43.23.095(8) with the addition of employees of the United States Congress and their staff and participants on a national athletic team which were previously found in regulation. Other additions are Foreign Service personnel, teacher exchange participants and the spouses, dependents and disabled dependents of eligible residents.

Part (17) of this section is taken from current regulation 15 AAC 23.163 and is included here into statute. This section clarifies the periods of absence, which are acceptable for an individual to claim and still be eligible to receive a permanent fund dividend.

Part (b) requires those individuals who are absent more than 180 days but are otherwise eligible, to be present in the state for six consecutive months prior to leaving the state.

Part (c) provides that anyone who was eligible for the prior ten dividends and may have been absent for 180 days or more each qualifying year of those dividends is only eligible for the current year dividend if the individual was absent 180 days or less during the qualifying year. This provision does not apply to those members of Congress, their staff, and their spouses and dependents.



## Representative Pete Kott

Juneau Office (907) 465-3777 Toll Free 1-800-861-KOTT(5688) Fax (907) 465-2819  
Eagle River Office (907) 694-8944 Fax (907) 694-8945 E-Mail: representative\_pete\_kott@legis.state.ak.us



Section 6: This section amends the style of writing in AS 43.23.028(a). The words "calendar year immediately preceding that dividend" are substituted by the word "qualifying."

Section 7: This section amends AS 43.23.095(8), modifying the definition of a state resident. "State resident" means an individual who is physically present in the state with the intent to remain "indefinitely, rather than "permanently." Most of this section is deleted and replaced by language in section 4 of this bill.

Section 8: This section defines the term "qualifying year" which is used in sections 2, 3 and 5 of this bill.

Section 9: This section makes section 4 (c) applicable only to those individuals absent during January 1, 1998, and thereafter.

Section 10: This section is entirely new. The section is in response to a ruling by the Superior Court in Zeiler v. State Department of Revenue which invalidated the Department of Revenue's regulation that authorized the payment of dividends to spouses of Alaskans who are out of state on allowable absences. This section reinstates the authority to pay these spouses and dependents. Individuals will be eligible provided; they would have otherwise been eligible and (1) applied for the 1998 dividend during the 1998 application period; or (2) if the individual did not apply during the 1998 application period, applies for the 1998 dividend before the end of the 1999 application period.

The Department of Revenue is instructed to prescribe and furnish an application form for those in this situation.

Section 11: This section establishes retroactivity to January 1, 1998 for section 10.

Section 12: This section establishes an immediate effective date for sections 10 and 11.

Section 13: This section establishes an effective date of January 1, 1999 for sections 1,2, and 4-9.

Section 14. This section establishes an effective date of January 1, 2000 for section 3.

# LEGAL SERVICES

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## MEMORANDUM

March 10, 1998

**SUBJECT:** Absences for religious missions and eligibility for PFDs  
(SCSCSHB 2)

**TO:** Representative Pete Kott  
Attn: Nicole Thibodeau

**FROM:** Tamara Brandt Cook  
Director

TBC

You have asked about including absences for religious missions among the allowable absences for purposes of eligibility for permanent fund dividends. It is possible that such a provision will be susceptible to challenge under the equal protection clause of the state constitution. Under the state equal protection clause, a statute is evaluated on a sliding scale under which the goal of the legislation and the importance of the individual rights affected are considered. (State v. Anthony, 810 P.2d 155 (Alaska 1991)) As the importance of the individual rights affected increases, the burden increases on the state to show that the state's goal justifies the intrusion on the individual's interests in equal treatment and that the state's goal is rationally related to the means chosen to achieve the goal.

An individual's interest in receiving a permanent fund dividend is accorded a low level of protection under the state equal protection clause because only an economic interest is implicated and that interest is not based on the need of the applicant. (Underwood v. State, 881 P.2d 322 (Alaska 1994)) However, even minimum scrutiny under the state constitution may be more demanding than under the federal constitution. (State Department of Revenue v. Cosio, 858 P.2d 621 (Alaska 1993))

(State Department of Revenue)  
What is the state's goal in treating individuals who are absent for religious missions differently from individuals who are absent for other reasons? It is possible that, in applying a minimum scrutiny equal protection test, the court would find that a sufficiently rational basis exists for treating individuals on religious missions differently from other residents who have good reasons for leaving the state, but the basis for the distinction does not immediately occur to me.

This logic points out the fact that the existing allowable absences statute may be vulnerable to an equal protection challenge as it is written, simply because the state has drawn distinctions between people based upon the reasons they may be absent from the state (judging some to be more worthy than others) and it is not clear that those distinctions actually bear much relationship to the underlying question of whether a particular individual

Representative Pete Kott

March 10, 1998

Page 2

is or is not an actual state resident. In this regard, let me hasten to add that the court has upheld a difference in treatment between full-time and part-time students who are absent, so it is clear that some differences will be upheld. (State, Department of Revenue v. Bradley, 896 P.2d 237 (Alaska 1995))

In addition to the possible equal protection problem created when one class of people is permitted to be absent from the state while other classes are not, it is possible that treating absences for religious missions as allowable under the permanent fund dividend program would be held to violate the establishment clause of the state or federal constitution. It might be possible to argue in defense of the suggested change that the existing statute, in not permitting absences from the state for religious reasons while permitting absences for certain other reasons, places an unconstitutional burden on religious practice or belief. Such a defense would have been bolstered by the federal Religious Freedom Restoration Act (42 U.S.C. 2000bb et seq.) and Sherbert v. Verner, 374 U.S. 398 (1963), holding that governmental actions that substantially burden a religious practice must be justified by a compelling governmental interest.

However, since the United States Supreme Court has found that the Religious Freedom Restoration Act is invalid, it appears doubtful that the defense would prevail. (City of Boerne v. Flores, 117 S.Ct. 2157, 138 L.Ed.2d 624 (1997)) The U. S. Supreme Court has also previously acknowledged that the Sherbert "compelling interest" test has only been successful in unemployment compensation cases and the court has declined to apply it in other contexts, finding instead that a law of general applicability that only incidentally burdens religious practices should not be deemed invalid. (Employment Division, Department of Human Resources of Oregon v. Smith, 494 U.S. 872 (1990))

TBC:jdr

98-144.jdr

SENATE FINANCE COMMITTEE  
**SUMMARY OF SCS CS HB 2 (FIN)**

As of February 9, 1998

- 1) This bill reinstates the allowable absence for piggybacking spouses prospectively starting with the 1998 Permanent Fund Dividend (PFD) (*Sections 4, 9, 10, 11 and 12*);
- 2) Effective for the 1999 PFD, it minimally narrows allowable absences by placing all existing statutory and regulatory absences into statute (using some of the more explicit language currently in regulation) except the
  - a) Peace Corp absence currently allowed by statute;
  - b) Commissioner's current statutory authority to adopt new absences by regulation;
  - c) athletic team participation absence currently allowed by regulation; and
  - d) currently proposed regulatory absence for Public Health Service (*Sections 4 and 12*);
- 3) Effective for the 1999 PFD, it amends the two year return rule to require applicants to be in state for at least 72 consecutive hours (3 days) in the two year period, as opposed to the current "touch the earth" requirement (*Sections 2 and 12*).
- 4) Effective for the 1999 PFD, it places into statute the current regulatory requirement that an individual must have been a state resident for at least six consecutive months before the individual can claim an absence allowed to exceed 180 days during the qualifying year (*Sections 4 and 12*).

SENATE FINANCE COMMITTEE  
**SUMMARY OF SCS CS HB 2 (FIN)**

As of February 9, 1998

- 5) Effective prospectively starting January 1998, it limits to 10 the number of consecutive PFDs an applicant could receive based on qualifying years during which the applicant was absent more than 180 days per year. To re-establish eligibility the applicant would have to return to the state and live for a year without being absent more than 180 days during that year. This limitation does not apply to
  - a) the Alaska Congressional delegation;
  - b) the Alaska delegation staff; and
  - c) spouses and dependants of the Alaska Congressional delegation and the delegation's staff  
(Sections 4, 8 and 12);
- 6) Effective for the 1999 PFD, it modifies the current definition of state resident for permanent fund dividend purposes substituting the term "indefinitely" for "permanently" to conform to the general state residency definition in AS 01.10.055(a), and removing all reference to allowable absences (Sections 6 and 12);
- 7) Effective for the 1999 PFD, it defines and substitutes the term "qualifying year" for the lengthy description currently appearing in several places in the PFD statutes (Sections 2, 3, 5, 7 and 12); and
- 8) Finally, this bill updates statutory references in other law to correspond to the new absence section added by this legislation (Sections 1 and 12).

SENATE FINANCE COMMITTEE  
**SCS CS HB 2 (FIN) SECTIONAL ANALYSIS**

February 9, 1998

*Sec. 1:* Amends AS 23.40.210(e), the definition of state resident for determination of employee cost of living adjustments, to update the statutory reference to allowable absences.

*Sec. 2:* Amends AS 43.23.005(a) by

- a) eliminating redundant language;
- b) substituting the term "qualifying year" for the technical description of that period;
- c) adding a 72 consecutive hour minimum to the current two year return rule; and
- d) adding to the list of eligibility criteria the requirement that an individual must have been physically present or only absent for a reason specifically allowed by law, referencing the new section of law that addresses allowable absences.

*Sec. 3:* Amends AS 43.23.005(d) by substituting the term "qualifying year" for the technical description of that period.

*Sec. 4:* Establishes a new allowable absences section AS 43.23.008

- a) minimally narrowing allowable absences by re-enacting all existing statutory and regulatory absences into statute (using some of the more explicit language currently in regulation) except the
  - i) Peace Corp service absence currently allowed by statute;
  - ii) Commissioner's current statutory authority to adopt new absences by regulation;
  - iii) athletic team participation absence currently allowed by regulation; and
  - iv) currently proposed regulatory absence for employment by the Public Health Service.
- b) placing in statute the current regulatory requirement that an individual must have been a state resident for 6 months immediately before departing on an allowable absence of more than 180 days; and

SENATE FINANCE COMMITTEE  
**SCS CS HB 2 (FIN) SECTIONAL ANALYSIS**

February 9, 1998

- c) Limiting to 10 the number of consecutive dividends an applicant could receive based on qualifying years during which the applicant was absent more than 180 days per year. To re-establish eligibility the applicant would have to return to the state and live for a year without being absent more than 180 days during that year. This limitation would not apply to the
  - i) Alaska Congressional delegation;
  - ii) Alaska delegation staff; and
  - iii) spouses and dependants of the Alaska Congressional delegation and the delegation's staff.

*Sec. 5:* Amends AS 43.23.028(a) by substituting the term "qualifying year" for the technical description of that period.

*Sec. 6:* Amends AS 23.23.095 by

- a) removing all existing allowable absences from the definition of state resident; and
- b) substituting the term "indefinitely" for the word permanently in the definition of state resident to conform with the statutory definition of state resident that appears in AS 01.10.055.

*Sec. 7:* Amends AS 23.23.095 by adding a new subsection (10) to define the term "qualifying year" consistent with existing law.

*Sec. 8:* Enacts temporary law that makes the 10 consecutive year limitation on absences greater than 180 days per year prospective starting January 1, 1998.

*Sec. 9:* Enacts temporary law that

- a) allows "piggybacking" spouses to qualify for the 1998 dividend; and
- b) provides a method for the department to accept applications from those spouses.

*Sec. 10:* Establishes a January 1, 1998 effective date for the "piggybacking" spouse provision of section 9.

SENATE FINANCE COMMITTEE  
**SCS CS HB 2 (FIN) SECTIONAL ANALYSIS**

February 9, 1998

- Sec. 11:* Establishes an immediate effective date for sections 9 and 10.
- Sec. 12:* Establishes a January 1, 1999 effective date for the rest of the bill, making those changes effective for the 1999 dividend.

**HB**

**6**

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Mary Pagenkopf

Senate Rules Committee 5/1/98 10:51 a.m.

April 30, 1997

Everett Harrison  
5970 Duffy Loop Road  
Fairbanks, Alaska 99712

Senate Rules Committee  
Vice Chair Senator Leman  
Juneau, Alaska 99801  
Fax 465-3756

RE: HB6

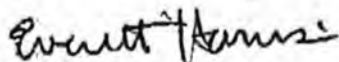
Dear Senator Leman:

I believe we as a State and Nation are hurting our selves by protecting juveniles who break the law again and again. Our society lets them go virtually unpunished and no one knows who they are or what is happening with them after a crime.

We need to send the message that crime doesn't pay and will not be tolerated against others. We need to disclose who they are and stop protecting them.

Mr. Kellys HB6 is a step in the right direction. Please support HB6. Thank you.

Sincerely



Everett Harrison

Post-it <sup>®</sup> Fax Note	7671	Date	# of pages ▶ 1
To	Senator Leman	From	Everett
Company	Senate Rules Comm	Co.	
Phone #		Phone #	479-7940
Fax #	465-3756	Fax #	

# FISCAL NOTE

No. 28  
 Bill Version: SCS CSHB6(FIN)  
 (S) Publish Date: 4/30/97

STATE OF ALASKA  
 1997 LEGISLATIVE SESSION

Revision Date:	Dept. Affected: <u>Department of Law</u>
Title: <u>"An Act relating to minors and amending laws relating to disclosure of information relating to certain minors . . ."</u>	BRU: <u>Criminal Division/Civil Division</u>
Sponsor: <u>Representative Kelly</u>	Component: <u>Criminal Division</u>
Requester: <u>Senate Finance Committee</u>	General Legal Services
	COMPONENT SERIAL NO. <u>2085/2087</u>

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	19.4	38.8	38.8	38.8	38.8	38.8
TRAVEL	0.3	0.5	0.5	0.5	0.5	0.5
CONTRACTUAL	2.9	5.8	5.8	5.8	5.8	5.8
SUPPLIES	0.4	0.8	0.8	0.8	0.8	0.8
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>22.9</b>	<b>45.8</b>	<b>45.8</b>	<b>\$45.8</b>	<b>45.8</b>	<b>45.8</b>

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	22.9	45.8	45.8	45.8	45.8	45.8
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>22.9</b>	<b>45.8</b>	<b>45.8</b>	<b>\$45.8</b>	<b>45.8</b>	<b>45.8</b>

Estimate of any current year (FY97) 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)

SCS CSHB 6 (FIN) amends AS 47.12.110 by adding a new subsection permitting the Department of Health and Social Services to petition the court to open adjudications of a minor as a delinquent under certain specified circumstances. These provisions are contained in section 1 of the proposed committee substitute.

While the remainder of the bill is not anticipated to have a fiscal impact on the Department of Law, section 1 will. We would expect each motion asking the court to open the hearing to the public to become relatively pro forma, however, the factual situation will differ in each case, requiring a certain amount of legal time to prepare. In addition, the department expects defense counsel for the minor to oppose these motions in most cases, with a court hearing on the motion necessary to resolve the dispute. We anticipate that the process of requesting the hearing be opened to the public would take an average of one hour of legal services for each case.

During 1996, approximately 917 juvenile felony petitions were filed. In addition, there were approximately

Prepared by: Joan M. Kasson  
 Division: Administrative Services Division  
 Approved by Commissioner: Bruce M. Botelho, Attorney General  
 Agency: Department of Law

Phone: 465-5370  
 Date: 4/29/97  
 Date: 4/29/97

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ANALYSIS CONTINUATION:

662 petitions to revoke probation. \* The Department of Law estimates that, were SCSCSHB 7 (FIN) to be enacted, motions to open the adjudication hearing to the public would be filed in approximately one-third to one-half of these cases in response to community pressure. Conservatively estimating one-third, the cost to the department is anticipated to be \$45,774 ( 1,580 cases x .3333 @ one hour each x \$87/hour).

The cost estimate is based on the department's FY 97 standard attorney cost schedule, \$87 per hour, which includes clerical support, communications, space, supplies, data processing, and other normal overhead expenses. Allocation of costs between divisions is detailed below, based on case statistics. Southeast Alaska juvenile delinquency cases are handled by the Criminal Division, with the bulk of the rest of the state handled by the Human Services sections of the Civil Division in Anchorage and Fairbanks. Since the effective date of the Senate Finance Committee Substitute is January 1, 1998, all costs are divided in half for FY 98.

Criminal Division

Southeast Region (\$ in thousands)

55 felony petitions	x 1 hour	x \$87	=	\$4.8
28 petitions to revoke	x 1 hour	x \$87	=	\$2.5

Line item breakdown

100	\$6.1
200	\$0.1
300	\$0.9
400	\$0.1
	<u>\$7.2</u>

Civil Division

Southcentral/Western Regions (\$ in thousands)

179.2 felony petitions	x 1 hour	x \$87	=	\$15.6
137.5 petitions to revoke	x 1 hour	x \$87	=	\$12.0

Central/Northern Regions (\$ in thousands)

72 felony petitions	x 1 hour	x \$87	=	\$6.2
55 petitions to revoke	x 1 hour	x \$87	=	\$4.8

Line item breakdown

100	\$32.6
200	\$0.4
300	\$4.9
400	\$0.6
	<u>\$38.6</u>

\* Case numbers are estimates. DFYS statistics could not be obtained in the time available to prepare this fiscal note.

FISCAL NOTE

No. 27

Bill Version: SCS CSHB(6)(FIN)

(S) Publish Date: 4/30/97

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
Title: Relating to the disclosure of information  
relating to certain minors  
Sponsor: Representative Kelly  
Requestor: Senate (FIN)

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: McLaughlin Youth Center  
COMPONENT SERIAL NO. 264  
See also (SN#): 252,253,254,255,258,259,2134

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES			(24.1)	(24.1)	(24.1)	(24.1)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>(24.1)</b>	<b>(24.1)</b>	<b>(24.1)</b>	<b>(24.1)</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF			(24.1)	(24.1)	(24.1)	(24.1)
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>(24.1)</b>	<b>(24.1)</b>	<b>(24.1)</b>	<b>(24.1)</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

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

Phone: 465-3191  
Date: 04/29/97

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

Date: 4/29/97

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Revision Date: \_\_\_\_\_

**ANALYSIS (cont.):**

Change in position:	
Superintendent II PCN 08-3483 R 21 will be down graded to a R 20.	(\$93.5)
	<u>\$69.4</u>
<u>Total savings due to downgrade</u>	(24.1)

**FISCAL NOTE**

No. 26  
 Bill Version: SLC CSHB6(FIN)  
 (S) Publish Date: 4/30/97

STATE OF ALASKA  
 1997 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
 Title: Relating to the disclosure of information  
relating to certain minors  
 Sponsor: Representative Kelly  
 Requestor: Senate (FIN)

Dept. Affected: Health and Social Services  
 BRU: Family and Youth Services  
 Component: Southeastern Region  
 COMPONENT SERIAL NO. 258  
 See also (SN#): 252,253,254,255,259,264,2134

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	(4.4)	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>(4.4)</b>	<b>(8.8)</b>	<b>(8.8)</b>	<b>(8.8)</b>	<b>(8.8)</b>	<b>(8.8)</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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**FUND SOURCE**

(Thousands of Dollars)

	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts	(22.1)	(44.2)	(44.2)	(44.2)	(44.2)	(44.2)
1003 GF Match						
1004 GF	17.7	35.4	35.4	35.4	35.4	35.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>(4.4)</b>	<b>(8.8)</b>	<b>(8.8)</b>	<b>(8.8)</b>	<b>(8.8)</b>	<b>(8.8)</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

**ANALYSIS:** (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructure will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructure and the reduction in federal claims as of that date.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section.

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: 04/29/97  
 Date: 4/29/97

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**ANALYSIS (cont.):**

This fiscal note is based on the implementation of the Division restructure occurring 1/1/98.

	FY98	FY99-03
Loss of Federal Funds:	(\$22.1)	(\$44.2)
Change in positions:		
PCN 06-3482 Regional Administrator	(41.3)	(\$82.6)
New PCN Social Worker V, Range 21	\$36.9	\$73.8
Total	(\$4.4)	(\$8.8)

**FISCAL NOTE**

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

No. 25  
Bill Version: SCS CSHB6(FIN)  
(S) Publish Date: 4/30/97

Revision Date: \_\_\_\_\_  
Title: Relating to the disclosure of information  
relating to certain minors  
Sponsor: Representative Kelly  
Requestor: Senate (FIN)

Dept. Affected: Health and Social Services  
BRU: Family & Youth Services  
Component: Probation Services  
COMPONENT SERIAL NO. 2134  
See also (SN#): 252,253,254,255,258,259,264

**Expenditures/Revenues:** (Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	299.3	489.8	497.2	504.6	512.2	519.9
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>299.3</b>	<b>489.8</b>	<b>497.2</b>	<b>504.6</b>	<b>512.2</b>	<b>519.9</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGES IN REVENUES</b>	( )					
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**FUND SOURCE** (Thousands of Dollars)

	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF	299.3	489.8	497.2	504.6	512.2	519.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>299.3</b>	<b>489.8</b>	<b>497.2</b>	<b>504.6</b>	<b>512.2</b>	<b>519.9</b>

**POSITIONS:**

	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME	9					
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

**ANALYSIS:** (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

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

Phone: 465-3191  
Date: 04/29/97  
Date: 4/29/97

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**ANALYSIS (cont.):**

This fiscal note is based on the implementation of the Division restructure occurring 1/1/98. The three new upper level positions would be implemented on 10/1/97 in order to establish a clear separation between the youth corrections and child protection functions into clearly separate organizational units and to effect a smooth transition enabling implementation of the restructure on 1/1/98. Eliminating the three Regional Administrator positions would occur on 12/31/97 as a part of the restructure. The loss of federal funds is based on the transition occurring 1/1/98.

	FY98	FY99-03
Change in positions:		
New position Youth Superintendent III Range 21	\$55.4	\$73.8
NEW Chief Probation Officer Range 23	\$82.9	\$83.9
New (3) Administrative Clerk II Range 8	\$56.0	\$112.0
New (3) Administrative Assistant I Range 13	\$89.3	\$138.6
New Juvenile Probation Officer V Range 21	\$55.7	\$74.3
Total*	\$299.3	\$482.6

\* FY 99 through FY 03 figures include a 1.5% per year COLA.

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

No. 24  
Bill Version: SCS CSHB6(FIN)  
(S) Publish Date: 4/30/97

Revision Date: \_\_\_\_\_  
Title: Relating to the disclosure of information  
relating to certain minors  
Sponsor: Representative Kelly  
Requestor: Senate (FIN)

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: Northern Region  
COMPONENT SERIAL NO. 255  
See also (SN#): 252,253,254,258,259,264,2134.

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	(80.6)	(121.1)	(121.1)	(121.1)	(121.1)	(121.1)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>(60.6)</b>	<b>(121.1)</b>	<b>(121.1)</b>	<b>(121.1)</b>	<b>(121.1)</b>	<b>(121.1)</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts	(56.9)	(113.8)	(113.8)	(113.8)	(113.8)	(113.8)
1003 GF Match						
1004 GF	(3.7)	(7.3)	(7.3)	(7.3)	(7.3)	(7.3)
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>(60.6)</b>	<b>(121.1)</b>	<b>(121.1)</b>	<b>(121.1)</b>	<b>(121.1)</b>	<b>(121.1)</b>

**POSITIONS:**

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME	-1					
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

**ANALYSIS:** (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

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

Phone: 907 465-3191  
Date: 04/29/97

Date: 4/29/97

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**ANALYSIS (cont.):**

This fiscal note is based on the implementation of the Division restructure occurring 1/1/98. The three new upper level positions would be implemented on 10/1/97 in order to establish a clear separation between the youth corrections and child protection functions into clearly separate organizational units and to affect a smooth transition enabling implementation of the restructure on 1/1/98. Elimination of the three Regional Administrator positions would occur on 12/31/97 as part of the restructure.

	FY98 (1/1/98)	FY99-03
Loss of Federal Funds:	(\$58.9)	(\$113.8)
Change in positions:		
Delete Regional Administrator PCN 08-3218	(\$50.0)	(\$99.9)
Delete Social Worker V in Nome PCN 08-3089	(\$49.15)	(\$98.3)
New PCN Social Worker V in Fairbanks	\$38.55	\$77.1
Total	(\$60.6)	(\$121.1)

**FISCAL NOTE**

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

No. 23  
Bill Version: SCS CSHRB(FIN)  
(S) Publish Date: 4/30/97

Revision Date: \_\_\_\_\_  
Title: Relating to the disclosure of information  
relating to certain minors  
Sponsor: Representative Kelly  
Requestor: Senate (FIN)

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: DFYS Central Office  
COMPONENT SERIAL NO. 259  
See also (SN#): 252, 253, 255, 258, 264, 2134

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	60.4	122.4	124.2	126.1	128.0	129.9
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>60.4</b>	<b>122.4</b>	<b>124.2</b>	<b>126.1</b>	<b>128.0</b>	<b>129.9</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

	(40.0)	(80.0)	(80.0)	(80.0)	(80.0)	(80.0)
1002 Federal Receipts						
1003 GF Match						
1004 GF	100.4	202.4	204.2	206.1	208.0	209.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>60.4</b>	<b>122.4</b>	<b>124.2</b>	<b>126.1</b>	<b>128.0</b>	<b>129.9</b>

**POSITIONS:**

FULL-TIME	2					
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

**ANALYSIS:** (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section.

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

Phone: 465-3191  
Date: 04/29/97

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

Date: 4/29/97

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**ANALYSIS (cont.):**

The loss of federal funds is based on the implementation of the Division restructure occurring 1/1/98.

	FY98	FY99-03
Loss of Federal Funds:	(\$40.0)	(\$80.0)
Change in positions:		
New PCN Administrative Clerk II Range 8	\$18.7	\$37.3
New PCN CPS (FS) Admin Officer Range 23	\$41.7	\$83.3
Total	\$60.4*	\$120.6*

\*FY 99 through FY03 figures include 1.5% COLA.

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

No. 22  
Bill Version: SCS CSHB(6)(FIN)  
(S) Publish Date: 4/30/97

Revision Date: \_\_\_\_\_  
Title: Relating to the disclosure of information  
relating to certain minors  
Sponsor: Representative Kelly  
Requestor: Senate (FIN)

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: Southcentral Region  
COMPONENT SERIAL NO. 254  
See also (SN#): 252,253,255,258,259,264,2134

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	(9.2)	(18.4)	(18.4)	(18.4)	(18.4)	(18.4)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>(9.2)</b>	<b>(18.4)</b>	<b>(18.4)</b>	<b>(18.4)</b>	<b>(18.4)</b>	<b>(18.4)</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts	(78.8)	(157.5)	(157.5)	(157.5)	(157.5)	(157.5)
1003 GF Match						
1004 GF	88.0	139.1	139.1	139.1	139.1	139.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>9.2</b>	<b>(18.4)</b>	<b>(18.4)</b>	<b>(18.4)</b>	<b>(18.4)</b>	<b>(18.4)</b>

**POSITIONS:**

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

**ANALYSIS:** (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

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

Phone: 465-3191  
Date: 04/29/97

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

Date: 4/29/97

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## ANALYSIS (cont.):

The FY98 fiscal note is based on the implementation of the Division restructure occurring 1/1/98.

	FY98	FY99-03
Loss of Federal Funds:	(\$78.8)	(\$157.5)
Change in positions:		
PCN 06-3482 Regional Administrator, Range 23 is deleted	(\$48.1)	(\$92.2)
New PCN Social Worker V, Range 21	\$38.9	\$73.8
Total	(\$9.2)	(\$18.4)

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

No. 21  
Bill Version: SCS (SHB 6/FIN)  
(S) Publish Date: 4/30/97

Revision Date: \_\_\_\_\_  
Title: Relating to the disclosure of information  
relating to certain minors  
Sponsor: Representative Kelly  
Requestor: Senate (FIN)

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: Residential Child Care  
COMPONENT SERIAL NO. 253  
See also (SN#): 252,254,255,258,259,264,2134

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts	(142.1)	(284.1)	(284.1)	(284.1)	(284.1)	(284.1)
1003 GF Match						
1004 GF	142.1	284.1	284.1	284.1	284.1	284.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

**ANALYSIS:** (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section. The FY98 fiscal note is based on the implementation date of 1/1/98.

Loss of Federal Funds: FY98 (\$142.1) FY99-FY03 (\$284.1)

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

Phone: 465-3191  
Date: 04/29/97

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

Date: 4/29/97

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# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

No. 20  
Bill Version: SCS CSHB (w/FIN)  
(S) Publish Date: 4/30/97

Revision Date: \_\_\_\_\_  
Title: Relating to the disclosure of information  
relating to certain minors  
Sponsor: Representative Kelly  
Requestor: Senate (FIN)

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: Foster Care  
COMPONENT SERIAL NO. 252  
See also (SN#): 253,254,255,258,259,264,2134

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGES IN REVENUES</b> ( )						
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**FUND SOURCE**

(Thousands of Dollars)

	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts	(9.3)	(18.8)	(18.8)	(18.8)	(18.8)	(18.8)
1003 GF Match						
1004 GF	9.3	18.8	18.8	18.8	18.8	18.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

**ANALYSIS:** (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring as of 1/1/98 and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section.

Loss of Federal Funds:            FY98 (\$9.3)    FY99 (\$18.8)

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

Phone: 465-3191  
Date: 04/29/97

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

Date: 4/29/97

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**HB**

**9**

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Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

Senate Rules Committee 4/30/97 10:55a.m.

# FISCAL NOTE

STATE OF ALASKA

BILL NO:

No. 9

Bill Version: SCS (SHB 9) (JUD)

(S) Publish Date: 4/16/97

## 1997 LEGISLATIVE SESSION

Revision Date: 2/15/97

Dept. Affected: Public Safety

Title: Victim's Rights to be Present at Trial

DPS Statewide Support

Component: Commissioner's Office

Sponsor: Representative Porter

Requestor: S.JUD

COMPONENT SERIAL NO. 0523

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL EXPENDITURES</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES ( )</b>	-0-	-0-	-0-	-0-	-0-	-0-
Code      Revenue						

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 97) 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.)  
 No fiscal impact is anticipated to the Department of Public Safety

Prepared By: Sandy Perry-Provost, Special Assistant to the Commissioner

Phone: 465-4322

Division: Commissioner's Office

Date: 4/15/97

Approved by Commissioner: *Ronald L. Otte*  
 Agency: Ronald L. Otte, Dept. of Public Safety

Date: 4/15/97

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# FISCAL NOTE

No. 8  
 Bill Version: SCS CSHB 9 (JUD)  
 (S) Publish Date: 4/16/97

STATE OF ALASKA  
 1997 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Law  
 Title: ... to the rights of crime victims . . collection by BRU: Criminal Division/Civil Division  
victims of restitution . . safety of victims . . amending court rules Component: Criminal Division/General Legal Services  
 Sponsor: Representative Porter  
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 2085/2087

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	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 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ 0.0

**POSITIONS**

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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 clarifies the "rights of crime victims" amendment contained in art. I, sec. 24, of the Alaska Constitution. The bill amends AS 12.61 by providing that the victim has a right to be present at every proceeding in a criminal prosecution or delinquency adjudication in which the defendant or a minor has the right to be present. Further, the bill amends provisions in the substantive and procedural criminal law to facilitate, particularly from the victim's perspective, the prosecution of a person charged with a crime or the adjudication of a minor for delinquent acts. The bill also adopts provisions intended to better protect the safety and welfare of victims, other persons, and the community. It requires a court to consider the safety of the victim in setting bail and conditions of release. It makes it a class A misdemeanor to interfere with the report to law enforcement of a domestic violence crime. The bill facilitates the collection of restitution by providing that the weekly income and liquid assets exemptions from execution do not apply to collection of court-ordered restitution from a prisoner from funds held outside a correctional facility. Finally, the Senate Judiciary Committee Substitute for HB 9 provides that if the state is appealing an order dismissing an indictment or

Prepared by: Joan M. Kasson *Joan M. Kasson*  
 Division: Administrative Services Division  
 Approved by Commissioner: Bruce M. Botelho, Attorney General *Bruce M. Botelho*  
 Agency: Department of Law

Phone: 465-5370  
 Date: 4/15/97  
 Date: 4/15/97

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FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SCS CSHB 9 (JIUD) ~~8~~

ANALYSIS CONTINUATION:

complaint, or granting a new trial, the defendant will be treated the same as if under pretrial release, and be subject to custody or bail.

SCS CSHB 9(JUD) will have no fiscal impact on the Department of Law.

**HB**

**11**

WORK DRAFT

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*adopted by  
S. RLS 5-10-98*

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Ford

5/8/98

*de Taylor*

SENATE CS FOR HOUSE BILL NO. 11( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTIETH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES GREEN, Dyson

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to driver's licensing; and providing for an effective date."

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

3 \* Section 1. AS 28.15.031(a) is amended to read:

4 (a) The department may not issue a driver's license to a person who is

5 (1) under the age of 16 years, except that the department may issue a  
6 permit under AS 28.15.051 or a restricted license under AS 28.15.121; or

7 (2) at least 16 years of age but not yet 18 years of age unless the  
8 person meets the requirements of AS 28.15.057.

9 \* Sec. 2. AS 28.15.051(a) is amended to read:

10 (a) Except as provided in (b) of this section, a person who is at least 14 years  
11 of age may apply to the department for an instruction permit. The department may,  
12 after the applicant has successfully passed all parts of the examination under  
13 AS 28.15.081 other than the driving test, issue to the applicant an instruction permit.  
14 The permit allows a person, while having the permit in the person's immediate  
15 possession, to drive a specified type or class of motor vehicle on a highway or

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vehicular way or area for a period not to exceed two years. The permittee shall [MUST] be accompanied by a person at least 21 [19] years of age who has been licensed at least one year to drive the type or class of vehicle being used, who is capable of exercising control over the vehicle and who occupies a seat beside the driver, or who accompanies and immediately supervises the driver when the permittee drives a motorcycle. An instruction permit may be renewed.

\* Sec. 3. AS 28.15 is amended by adding new sections to read:

Sec. 28.15.055. Provisional driver's license. Upon application, the department may issue a provisional driver's license to a person who is at least 16 years of age but not yet 18 years of age if the person has been licensed under an instruction permit issued under AS 28.15.051 or under the law of another state with substantially similar requirements for at least six months.

Sec. 28.15.057. Restrictions on driver's license issued to a person under 18. Except as provided under AS 28.15.051, a person who is at least 16 years of age but not yet 18 years of age may not be issued a driver's license unless the person has been licensed under an instruction permit issued under AS 28.15.051 for at least six months and has held a valid provisional driver's license issued under AS 28.15.055 for at least one year.

\* Sec. 4. AS 28.15.183(f) is amended to read:

(f) A revocation imposed under this section shall be consecutive to a revocation imposed under another provision of law, except that a revocation imposed under this section for an offense for which a revocation is required under AS 28.15.185 shall be concurrent with a revocation imposed under AS 28.15.185 that is based on the same incident. A department hearing officer may grant limited license privileges in accordance with the standards set out in AS 28.15.201 to a person whose driver's license, permit, or privilege was revoked under this section.

\* Sec. 5. AS 28.15.183(g) is amended to read:

(g) Except as provided under (h) of this section, the department may not issue a new license or reissue a license to a person whose driver's license, permit, or privilege to drive has been revoked under this section unless the person is enrolled in and is in compliance with, or has successfully completed,

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1 (1) an alcoholism education or rehabilitation treatment program  
2 approved under AS 47.37, if the revocation resulted from possession or consumption  
3 of alcohol in violation of AS 04.16.050 or a municipal ordinance with substantially  
4 similar elements, from operating a vehicle after consuming alcohol in violation of  
5 AS 28.35.280, or from refusal to submit to a chemical test of breath in violation of  
6 AS 28.35.285; or

7 (2) a drug education or rehabilitation treatment program, if the  
8 revocation resulted from possession or use of a controlled substance in violation of  
9 AS 11.71 or a municipal ordinance with substantially similar elements.

10 \* Sec. 6. AS 28.15.185(a) is amended to read:

11 (a) A person who is at least 1<sup>2</sup> years of age but not older than 17 years of age  
12 is subject to revocation, under (b) of this section, of the person's driver's license,  
13 privilege to drive, or privilege to obtain a license if the person [WHO] is convicted  
14 of or [WHO] is adjudicated a delinquent minor by a [JUVENILE] court for [OF]

15 (1) misconduct involving a controlled substance under AS 11.71 or a  
16 municipal ordinance with substantially similar elements; or

17 (2) [POSSESSION OR CONSUMPTION OF ALCOHOL UNDER  
18 AS 04.16.050 OR A MUNICIPAL ORDINANCE WITH SUBSTANTIALLY  
19 SIMILAR ELEMENTS; OR

20 (3)] an offense involving the illegal use or possession of a firearm that  
21 is punishable under AS 11 or a municipal ordinance with substantially similar elements  
22 [IS SUBJECT TO REVOCATION OF THE PERSON'S DRIVER'S LICENSE,  
23 PRIVILEGE TO DRIVE, OR PRIVILEGE TO OBTAIN A LICENSE UNDER (b) OF  
24 THIS SECTION].

25 \* Sec. 7. AS 28.15.185(c) is amended to read:

26 (c) When a person described in (a) of this section has been convicted of  
27 or adjudicated a delinquent minor for [UPON CONVICTION OR ADJUDICATION  
28 OF] an offense listed in (a) of this section, the court may, upon petition of the person,  
29 review the revocation and may restore the driver's license, except a court may not  
30 restore the driver's license until

31 (1) at least one-half of the period of revocation imposed under this

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section has expired; and

(2) the person has taken and successfully completed a state approved program of drug education or rehabilitation if convicted or adjudicated of misconduct involving a controlled substance under AS 11.71 or a municipal ordinance with substantially similar elements [~~, OR ALCOHOL EDUCATION OR REHABILITATION IF CONVICTED OR ADJUDICATED OF POSSESSION OR CONSUMPTION OF ALCOHOL UNDER AS 04.16.050 OR A MUNICIPAL ORDINANCE WITH SUBSTANTIALLY SIMILAR ELEMENTS~~]; ~~however~~, this paragraph does not apply to a person who resides in an area that does not offer a state approved drug [~~OR ALCOHOL~~] education or rehabilitation program or a person that the court determines does not need [~~ALCOHOL OR~~] drug education or rehabilitation.

\* Sec. 8. AS 28.15.211(d) is amended to read:

(d) At the end of a period of revocation or limitation following a revocation, a person whose driver's license has been revoked may apply to the department for the issuance of a new license, but shall submit to reexamination, pay all required fees including a reinstatement fee, and, if the license was revoked under AS 28.15.181(a)(5) or (8), submit proof of

(1) enrollment in and compliance with or completion of an alcoholism education and rehabilitation treatment program approved under AS 47.37 if the person was sentenced under AS 28.15.181(c)(1); or

(2) completion of and payment for an alcoholism education and rehabilitation treatment program approved under AS 47.37 if the person was convicted under AS 28.15.181(c)(2) - (4).

\* Sec. 9. AS 28.15.241(b) is amended to read:

(b) In addition to (a) of this section, two points shall be deducted from the assessed total upon the driver's furnishing to the department adequate proof of successful completion, within 12 months of the date of the driver's last violation, of a driver improvement course approved by the department or an alcohol information course approved by the Department of Health and Social Services, except that

(1) not [~~. NO~~] more than one driver improvement or one alcohol information course may be used to obtain a reduction in points in any 12-month

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period; and

(2) a driver improvement course for a person under 21 years of age must be a course that is designed to benefit persons under 21 years of age and must be certified by a national organization.

\* Sec. 10. AS 28.15.253 is amended to read:

Sec. 28.15.253. Driver improvement or alcohol information courses [COURSE]. Upon conviction of a violation of a traffic law that results in a driver accumulating six or more points from offenses committed during any consecutive 12-month period or nine or more points from offenses committed during any 24-month period, (1) on request of the department, the court may, in addition to any other penalty authorized by law, require the driver to successfully complete a driver improvement course approved by the department or an alcohol information course approved by the Department of Health and Social Services within a period of time prescribed by the court; and (2) the department shall require a person licensed under a provisional license to complete a driver improvement course approved by the department within a time period prescribed by the department. A driver improvement course approved under this section for a person who is under 21 years of age must be a course that is designed to benefit persons under 21 years of age and must be certified by a national organization. The department may suspend, revoke, or deny the driver's license of a person who fails to successfully complete the driver improvement course or the alcohol information course required by the court under this section within the prescribed time period.

\* Sec. 11. AS 28.40.100(a)(8) is amended to read:

(8) "driver's license" or "license," when used in relation to driver licensing, means a license, provisional license, or permit to drive a motor vehicle, or the privilege to drive or to obtain a license to drive a motor vehicle, under the laws of this state [,] whether or not a person holds a valid license issued in this or another jurisdiction;

\* Sec. 12. AS 47.37.040(14) is amended to read:

(14) cooperate with the Department of Public Safety and the Department of Transportation and Public Facilities in establishing and conducting

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1 programs designed to deal with the problem of persons operating motor vehicles while  
 2 intoxicated or under the influence of drugs, and develop and approve alcohol  
 3 information courses required to be taken by drivers under AS 28.15 or made  
 4 available to drivers to reduce points assessed for violation of traffic laws:

5 \* Sec. 13. AS 47.37.045(c) is amended to read:

6 (c) Community action against substance abuse grant funds awarded under this  
 7 section may be used for

8 (1) Police-In-School Liaison programs staffed by officers that are  
 9 certified by the Alaska Police Standards Council;

10 (2) technical assistance for neighborhood based substance abuse  
 11 prevention or treatment programs;

12 (3) coordinators for court ordered community service;

13 (4) preventative or educational programs for youth that involve the  
 14 community, parents, youth, and local schools;

15 (5) programs or projects that the division determines are effective in  
 16 preventing or treating substance abuse at the community level; [OR]

17 (6) supervised youth recreation programs that focus on preventing or  
 18 treating substance abuse; or

19 (7) youth assessment and referral programs that provide substance  
 20 abuse screening services to and monitor compliance for a minor required to  
 21 participate in an alcoholism or drug education or rehabilitation treatment  
 22 program under AS 28.15.183 or before the minor's driver's license may be  
 23 reinstated under AS 28.15.211.

24 \* Sec. 14. APPLICABILITY. Sections 4, 6, and 7 of this Act apply to offenses committed  
 25 on or after the effective date of this Act. However, references to previous convictions include  
 26 violations and offenses committed on, before, or after the effective date of this Act.

27 \* Sec. 15. This Act takes effect January 1, 1999.

# FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. SCS HB 11 (RLS)

DRAFT

Revision Date: 05/08/98 Dept. Affected: Health and Social Services  
 Title: An Act related to drivers licensing; and BRU: Alcohol and Drug Abuse Services  
providing for an effective date Component: ADA Admin  
 Sponsor: Rep. Green COMPONENT SERIAL NO. \_\_\_\_\_  
 Requestor: Senate RLS See also (SN#): #302

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES	92.0	95.0	98.0	101.0	104.0	107.0
TRAVEL	4.0	4.0	4.0	4.0	4.0	4.0
CONTRACTUAL	2.0	2.0	2.0	2.0	2.0	2.0
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>100.0</b>	<b>103.0</b>	<b>106.0</b>	<b>109.0</b>	<b>112.0</b>	<b>115.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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**FUND SOURCE**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	100.0	103.0	106.0	109.0	112.0	115.0
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>100.0</b>	<b>103.0</b>	<b>106.0</b>	<b>109.0</b>	<b>112.0</b>	<b>115.0</b>

**POSITIONS:**

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

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

**ANALYSIS:** (Attach a separate page if necessary)

See attached.

Prepared by: Loren A. Jones Phone: 465-2071  
 Division: Alcoholism and Drug Abuse Date: 05/08/98  
 Approved by Commissioner: Karen Perdue, Commissioner Date: 5/9/98  
 Agency: Department of Health & Social Services

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DRAFT

**DRAFT****ANALYSIS (cont.):**

This bill would transfer to the Division of Alcoholism and Drug Abuse the responsibility for the approval of alcohol information courses (Alcohol Information Schools (AIS)) for all persons needing such a course as a result of alcohol related crimes, primarily minor consuming, minor in possession and driving while intoxicated. Currently all such AIS classes also contain a driver improvement section and are targeted primarily at adults.

The curriculum currently being used has not been reviewed and updated in many years. There are no outcomes or expectations for the AIS (other than to not have repeated the criminal behavior) or for the impact on the individual. It is time that this was updated and specific outcomes and expectations be established.

With the passage of the "Use It and Lose It" law there has been a dramatic increase in the number of minors losing their drivers license and being required to complete an AIS or treatment in order to have their license re-instated. This new law has shown a significant gap in our ability to respond appropriately and to assure that the education received is of value and will result in positive outcomes for the youth. We have attached several charts which shows the number of revocations for the last three calendar years. The data on the attached charts are taken from the Division of Motor Vehicles administrative revocation of the driver's license. Not all these youth have been convicted in court of the offenses as the loss of the driver's license is an administrative procedure.

A number of these youth, like adults, may need more than an AIS to address their needs. In reviewing the number of minors losing their driver's license the number of second or more offenders is about equal to the first time loss. This would indicate that the law, in and of itself, is not stopping repeat offenses. An age appropriate AIS will have an impact. However, we know that for some persons additional services may be needed.

The Division also feels that to provide appropriate AIS a different curriculum and teaching method is needed for minors. The Division will locate and/or develop an appropriate model for adult and youth Alcohol/Drug Information School (AIS). These courses would be age appropriate and meet the needs of DMV for driving related issues. There will be a different response for the 18-20 year olds than for those under age 18. One major difference will be information on inhalants for the under 18 age group.

The Division of Alcoholism and Drug Abuse would establish a set of policy guidelines and outcomes for communities to use in developing a local approach to establishing the appropriate entry program for these minors. This would include policies on defining appropriate assessment, referral, defining compliance and completion of appropriate services, and evaluation standards for the program. Thus those who need only AIS would be sent in the correct direction and those who need additional services would also get those.

These policies would include the role of partnership with schools for alternative to suspension programs, for working with courts, working with youth probation, and with local treatment agencies. We would need to address differences for rural villages. We would need to address development of a community based prevention and intervention services.

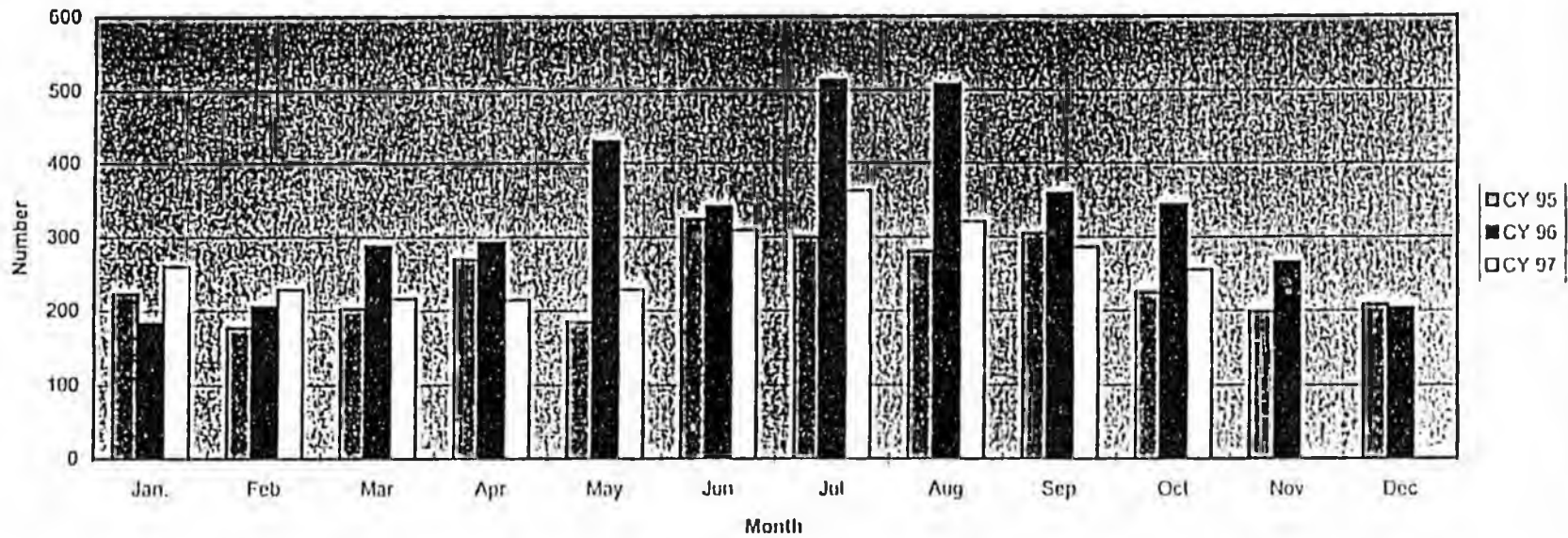
The Division would require two new positions consisting of 1 probation officer and 1 clerical staff for program & policy development, quality assurance of the AIS classes and staff support. This staff would write the P&P, Regulations and monitor compliance of the AIS providers and the local agencies providing the services.

The revenue generated from the drivers license issuance fees would provide the increase in funds to pay for this new service. This would generate the revenue needed to put in place programs to reduce the number of offenders.

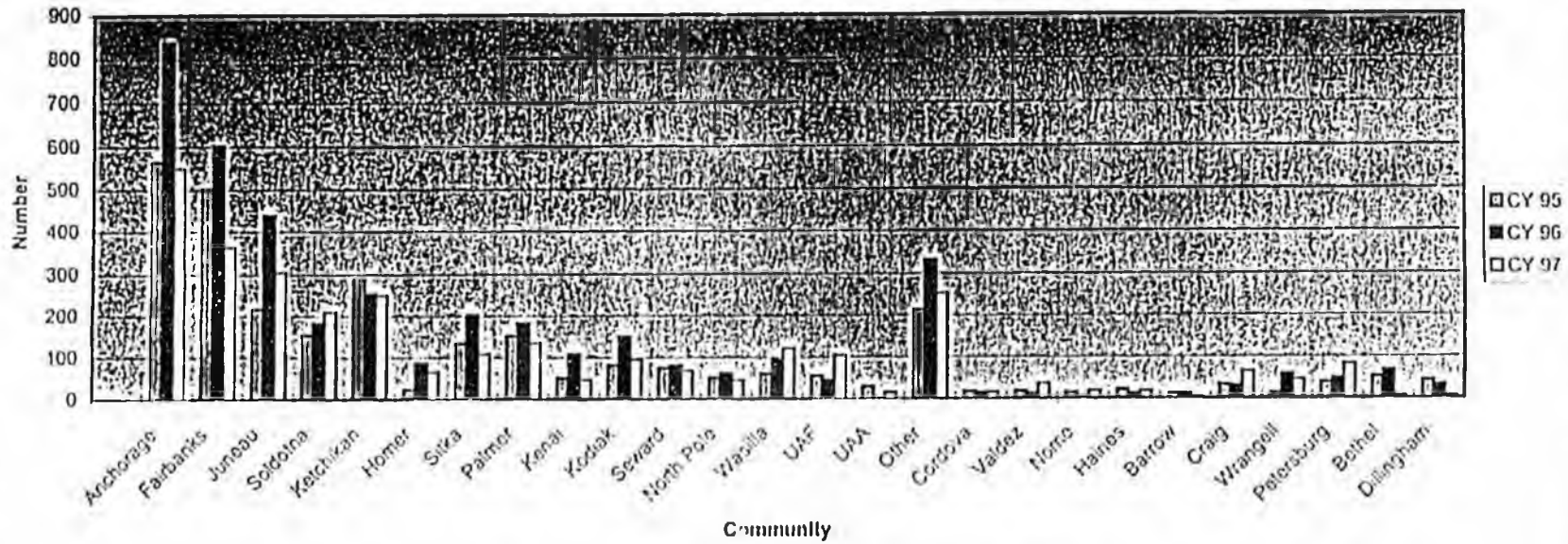
**DRAFT**

Driver's license loss due to alcohol or drug consumption or possession													
	Jan.	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
CY 95	223	176	202	269	184	324	299	280	304	225	198	207	2891
CY 96	183	205	287	292	430	341	514	508	358	343	265	203	3929
CY 97	259	229	216	214	229	309	362	320	285	255			2678

Number Youth Who Lost Drivers License Due to "Use It and Lose It" Law by Month for CY 1995, 1996, 1997

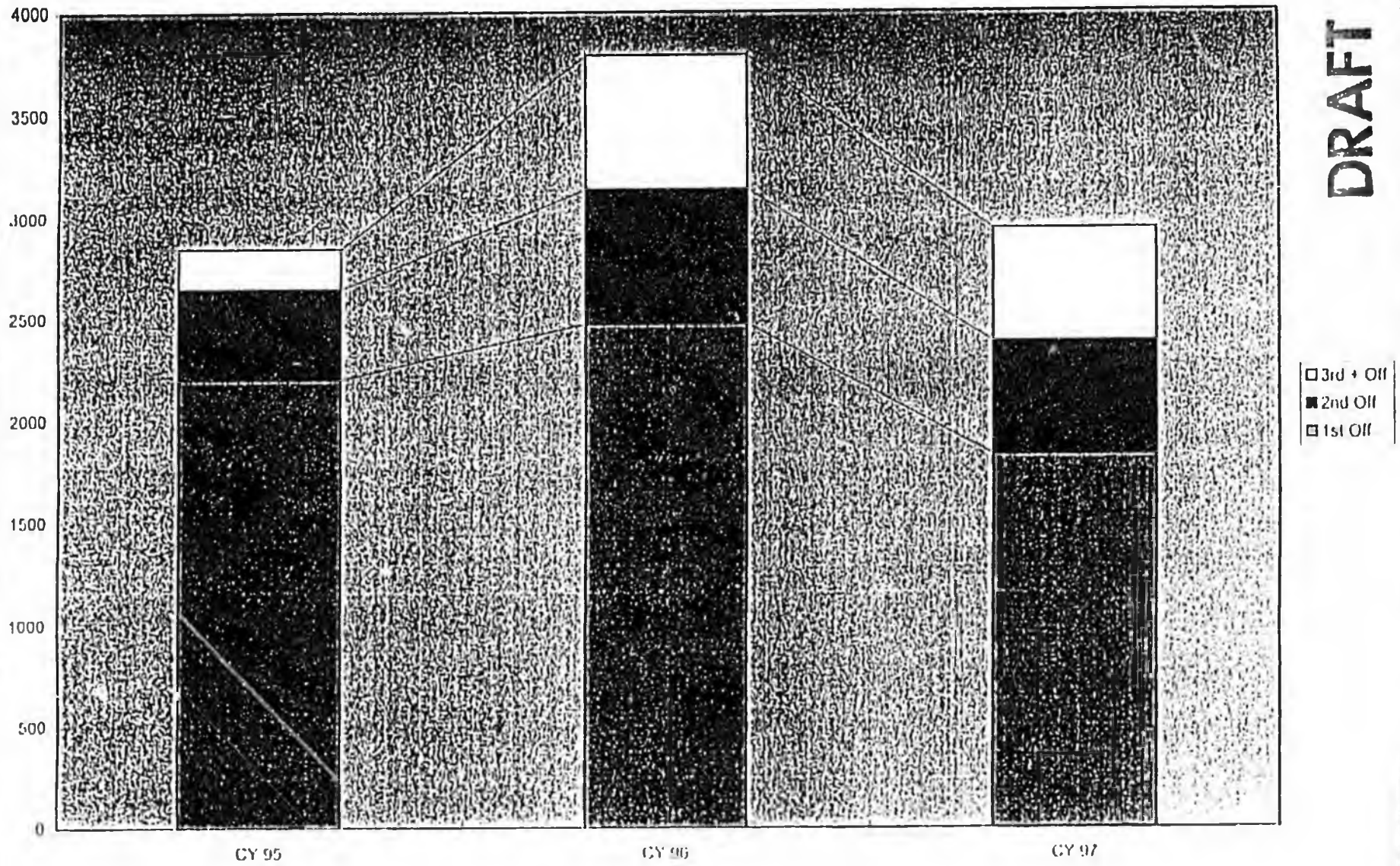


Number of Youth Who Lost Drivers License Duo to "Use It and Lose It" Law by Community for CY 1995, 1996, 1997



DRAFT

Comparison of the number of Repeat Offenses in CY 1995, 1996, 1997



**DRAFT**

**FISCAL NOTE**

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. SCS HB 11 (RLS)

**DRAFT**

Revision Date: 05/08/98  
 Title: An Act related to drivers licensing; and providing for an effective date  
 Sponsor: Rep. Green  
 Requestor: Senate RLS

Dept. Affected: Health and Social Services  
 BRU: Alcohol and Drug Abuse Services  
 Component: ADA Admin  
 COMPONENT SERIAL NO. \_\_\_\_\_  
 See also (SN#): #302

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES	92.0	95.0	98.0	101.0	104.0	107.0
TRAVEL	4.0	4.0	4.0	4.0	4.0	4.0
CONTRACTUAL	2.0	2.0	2.0	2.0	2.0	2.0
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>100.0</b>	<b>103.0</b>	<b>106.0</b>	<b>109.0</b>	<b>112.0</b>	<b>115.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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**FUND SOURCE**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	100.0	103.0	106.0	109.0	112.0	115.0
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>100.0</b>	<b>103.0</b>	<b>106.0</b>	<b>109.0</b>	<b>112.0</b>	<b>115.0</b>

**POSITIONS:**

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

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

**ANALYSIS:** (Attach a separate page if necessary)

See attached.

Prepared by: Loren A. Jones  
 Division: Alcoholism and Drug Abuse

Phone: 465-2071  
 Date: 05/08/98

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

Date: 5/9/98

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**DRAFT**

**DRAFT****ANALYSIS (cont.):**

This bill would transfer to the Division of Alcoholism and Drug Abuse the responsibility for the approval of alcohol information courses (Alcohol Information Schools (AIS)) for all persons needing such a course as a result of alcohol related crimes, primarily minor consuming, minor in possession and driving while intoxicated. Currently all such AIS classes also contain a driver improvement section and are targeted primarily at adults.

The curriculum currently being used has not been reviewed and updated in many years. There are no outcomes or expectations for the AIS (other than to not have repeated the criminal behavior) or for the impact on the individual. It is time that this was updated and specific outcomes and expectations be established.

With the passage of the "Use It and Lose It" law there has been a dramatic increase in the number of minors losing their drivers license and being required to complete an AIS or treatment in order to have their license re-instated. This new law has shown a significant gap in our ability to respond appropriately and to assure that the education received is of value and will result in positive outcomes for the youth. We have attached several charts which shows the number of revocations for the last three calendar years. The data on the attached charts are taken from the Division of Motor Vehicles administrative revocation of the driver's license. Not all these youth have been convicted in court of the offenses as the loss of the driver's license is an administrative procedure.

A number of these youth, like adults, may need more than an AIS to address their needs. In reviewing the number of minors losing their driver's license the number of second or more offenders is about equal to the first time loss. This would indicate that the law, in and of itself, is not stopping repeat offenses. An age appropriate AIS will have an impact. However, we know that for some persons additional services may be needed.

The Division also feels that to provide appropriate AIS a different curriculum and teaching method is needed for minors. The Division will locate and/or develop an appropriate model for adult and youth Alcohol/Drug Information School (AIS). These courses would be age appropriate and meet the needs of DMV for driving related issues. There will be a different response for the 18-20 year olds than for those under age 18. One major difference will be information on inhalants for the under 18 age group.

The Division of Alcoholism and Drug Abuse would establish a set of policy guidelines and outcomes for communities to use in developing a local approach to establishing the appropriate entry program for these minors. This would include policies on defining appropriate assessment, referral, defining compliance and completion of appropriate services, and evaluation standards for the program. Thus those who need only AIS would be sent in the correct direction and those who need additional services would also get those.

These policies would include the role of partnership with schools for alternative to suspension programs, for working with courts, working with youth probation, and with local treatment agencies. We would need to address differences for rural villages. We would need to address development of a community based prevention and intervention services.

The Division would require two new positions consisting of 1 probation officer and 1 clerical staff for program & policy development, quality assurance of the AIS classes and staff support. This staff would write the P&P, Regulations and monitor compliance of the AIS providers and the local agencies providing the services.

The revenue generated from the drivers license issuance fees would provide the increase in funds to pay for this new service. This would generate the revenue needed to put in place programs to reduce the number of offenders.

**DRAFT**

**HB**

**13**

## SPONSOR STATEMENT

### CSHB 13(FIN) am

"An Act relating to marine safety training and education programs."

Safety training is required by the Commercial Fishing Vessel Safety Act of 1988 to communities throughout Alaska. The Act, which took effect in 1991, requires a minimum in safety training and equipment for commercial fishing vessels.

Although the AMSEA organization is no longer specified in this legislation. It is anticipated that they will receive the funds provided by this bill as they are the only statewide marine safety organization and have an exemplary reputation.

The Alaska Marine Safety Education Association (AMSEA) has been operating in the State of Alaska for 12 years. The primary purpose of this organization is to reduce the loss of life and injury in the Alaskan marine environment by providing education through a statewide network of qualified marine safety instructors.

AMSEA also helps Alaskans by training marine safety instructors, some of whom teach drill instructor courses. Other marine safety instructors also train the Alaska boating and fishing public, including many children and adults, in marine safety. Of the 7300 people AMSEA trained in 1995, 2000 were from the commercial fishing industry, 3700 were Alaskan children, and the remaining 1600 were from all walks of life.

The Fishermen's Fund (AS 23.35.060) was created before statehood. One hundred percent of the fishermen's fund is funded by commercial fishing license fees. Sixty percent of license fees are dedicated to this fund. Since commercial fishermen are often the beneficiaries of the required marine safety training, it is appropriate to allow part of the interest on the fund to be used to fund marine safety programs.

It is estimated that the Fishermen's Fund generates approximately \$450,000 in interest a year. By way of this legislation, I am requesting \$150,000 for fiscal year 98 to help maintain a minimum of water and boating safety in our state.

Revision Date: \_\_\_\_\_ Dept. Affected: Revenue  
 Title: Marine Safety Training and Education BRU: Revenue Operations  
 Component: Treasury  
 Sponsor: Rep. Ivan Austerman  
 Requestor: (S) FIN COMPONENT SERIAL NO. 121

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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	150.0	150.0	150.0	150.0	150.0	150.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>150.0</b>	<b>150.0</b>	<b>150.0</b>	<b>150.0</b>	<b>150.0</b>	<b>150.0</b>

Estimate of any current year (FY97) cost \$ 0.00

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS:

Earnings on the Fisherman's Fund currently are left with the General Fund and do not belong to the fund. This bill would allow for appropriating upto one-half of the interest that currently goes to the General Fund to be used for marine safety and education programs. Treasury will incur no additional costs if this bill is passed. While we have shown the funding source above as General Fund, it is unclear which agency would reflect the expenditure of the money as the bill does not address the administration of the programs.

ASSUMPTIONS:

Current balance is approx \$9 million. The money in the fund is currently earning at a rate that equates to over \$400,000 per year in income to the general fund. Although the bill allows up to 50% of this income to be appropriated, Revenue has been asked to assume \$150,000 will be needed in FY98.

Prepared by: Betty Martin, Comptroller Phone: 465-2350  
 Division: Treasury Date: 4/24/97  
 Approved by Commissioner: Ross Kinney, Deputy Commissioner Date: 4/24/97  
 Agency: Department of Revenue

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# FISCAL NOTE

Bill Version: CSHB 13 (FIN) 27M  
(S) Publish Date: 4-29-97

Revision Date: \_\_\_\_\_ Dept. Affected: Community & Regional Affairs  
 Title: Marine Safety Training and Education BRU: Administration & Support  
 Component: Administrative Services  
 Sponsor: Rep. Ivan Austerman  
 Requestor: (S) FIN COMPONENT SERIAL NO. 684

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	150.0	150.0	150.0	150.0	150.0	150.0
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>150.0</b>	<b>150.0</b>	<b>150.0</b>	<b>150.0</b>	<b>150.0</b>	<b>150.0</b>
<b>CAPITAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	150.0	150.0	150.0	150.0	150.0	150.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>150.0</b>	<b>150.0</b>	<b>150.0</b>	<b>150.0</b>	<b>150.0</b>	<b>150.0</b>

POSITIONS:

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

Estimate of current (FY97) impact \$ \_\_\_\_\_

**ANALYSIS:** (Attach a separate page if necessary)

**ANALYSIS:**  
This bill would allow for appropriating up to one-half of the interest that currently goes to the General Fund to be used for marine safety and education programs.

**ASSUMPTION:**  
Current balance is approx \$9 million. The money in the fund is currently earning at a rate that equates to over \$400,000 per year in income to the general fund. Although the bill allows up to 50% of this income to be appropriated, DCRA has been asked to assume only \$150,000 will be needed in FY98.

Prepared by: Remond Henderson, Director *Remond Henderson* Phone: 465-4708  
 Division: Division of Administrative Services Date: *4/28/97*  
 Approved by Commissioner: *[Signature]* Date: *4.28.97*  
 Agency: Mike Irwin, Dept. of Community & Regional Affairs

**FISCAL NOTE**

Page 3

Bill Version: CSHB 13(FIN)

(H) Publish Date: 3/6/97

**STATE OF ALASKA  
1997 LEGISLATIVE SESSION**

Title: Marine Safety Training & Education  
Sponsor: Rep. Alan Austerman  
Requestor: \_\_\_\_\_

Dept. Affected: Revenue  
BRU: Revenue Operations  
Components: Treasury  
Serial # 121

**EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)**

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>REVENUE</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUNDING: (THOUSANDS OF DOLLARS)**

General Fund	0.0	0.0	0.0	0.0	0.0	0.0
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**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 attached analysis

Prepared by: House Finance Committee

Date: 3/5/97

Approved by: *Mark Hanley*

Phone: 465-4797

Co-Chair Mark Hanley

*Gene Therriault*

Phone: \_\_\_\_\_

Co-Chair Gene Therriault

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Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

*Senate Rules Committee 5/1/97 10:51 am*

**HB**

**16**

# Alaska State Legislature

REPRESENTATIVE  
PETER KELLY

Mailing Address:  
119 N. Cushman, Suite 203  
Fairbanks, Alaska 99701  
(907) 456-8161



White in Juneau  
State Capitol  
Juneau, Alaska  
99801-1182  
(907) 465-2327

House District 31

## House Of Representatives

### Sponsor Statement

#### House Bill 16

House Bill 16 is a product of the Governor's Conference on Juvenile Justice, offering several solutions to the problems facing Alaska's juvenile justice system.

The juvenile justice system operates on the presumption that minors make mistakes, sometimes serious ones, but that they deserve additional attention and care because they have a greater possibility of rehabilitation. Increasingly serious juvenile crime and increasingly frequent rates of crime have placed the juvenile justice system under great stress. HB 16 does not pretend to solve all of these problems, but it does provide the juvenile justice system with additional tools to address some of these needs:

- 1) Provides for dual sentencing of serious juvenile offenders;
- 2) Allows municipalities to seek civil court remedy for juveniles who violate municipal ordinances;
- 3) Allows the Department of Health and Social Services to draw upon the available resources of local communities or other entities who desire to get involved in juvenile crime issues; and
- 4) Reduces the burden on victims, by allowing police officers to report their input at preliminary hearings.

HB 16 also provides additional insight into the workings of our juvenile justice system. I have added portions of the existing Alaska Court Delinquency Rules to the statutes in an effort to give police, DFYS and the Courts a single set of instructions to follow when dealing with juveniles.

# Alaska State Legislature

REPRESENTATIVE  
PETER KELLY

Mailing Address:  
119 N. Cushman, Suite 203  
Fairbanks, Alaska 99701  
(907) 456-8161



While in Juneau  
State Capitol  
Juneau, Alaska  
99801-1182  
(907) 465-2327

House District 31

## House Of Representatives

March 30, 1998

Talking Points

HB 16.

---

### New tools for the Juvenile Justice System:

- 1) Dual sentencing of serious offenders.  
Sections 5, 10, 12, 13, 15, 16, 17, 18, 19, 20, 21, 25, 26, 27, 28,  
29, 39, 40, 41, & 43.
- 2) Amends the Juvenile Waiver statute to provide that minors who commit murder or other serious class "A" felonies are treated like adults.  
Sections
- 3) Authorizing municipalities to take minors before civil court.  
Sections 1, 2, 3 & 4.
- 4) Involving communities in the informal adjudication process.  
Sections 8, 9 & 43.
- 5) Allow police officers to testify at the preliminary detention hearing and to report matters observed by victims or witnesses. This prevents the victims from having to report to the court many times before the trial.  
Sections 19, 32 & 51.
- 6) Community service.  
Section 22.
- 7) Communication between federal and state officials.  
Section 39.
- 8) Providing semi-secure and secure residential treatment for minors with mental health problems who now end up in our juvenile detention centers.  
Sections 7, 8, 9, 10, 11, 12, 13, 14, 33, 44, 46, 47, 48, 49 & 50.

# Alaska State Legislature

REPRESENTATIVE  
PETER KELLY

Mailing Address:  
119 N. Cushman, Suite 203  
Fairbanks, Alaska 99701  
(907) 456-8161



While in Juneau  
State Capitol  
Juneau, Alaska  
99801-1182  
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House District 31

## House Of Representatives

Sectional

House Bill 16

4/29/98, HB 16U

**Section 1 & 2.** Technical reference.

**Section 3.** Requires a municipality to provide notification to the Department of Health and Social Services when the Municipality commences a civil action against a minor. This keeps the records of HSS intact.

**Section 4.** Authorizes Municipalities to take a **minor to civil court** for violations of municipal ordinances.

**Section 5.** Collateral references to the dual sentence provided in section 12.

**Section 6.** Encourages the Department of Law to extend its victim witness assistance program to the juvenile justice system. This is in response to Fairbanks constituents who discovered that, although their homes had been broken into, they were faced great difficulty gaining access to police reports and the court process.

**Sections 7, 8, 9, 10, 11, 12, 13, & 14.** Creates "secure residential psychiatric treatment" for troubled youth. Many youth with mental health and substance abuse problems now end up in with serious offenders in Youth Facilities for delinquents. To achieve treatment for less severe mental health problems, and substance abuse a less restrictive, but secure facility is appropriate. These new residential facilities will complete the spectrum of treatment, providing a less expensive alternative to Youth Facilities and the Alaska Psychiatric Institute.

The deletions of [NONPROFIT] from the code will allow private hospitals, including Charter North, possibly Brightway, to provide services funded by private insurance. See also Sections 33, 44, 46, 47, 48, 49, & 50.

**Section 15.** An expansion of the goals and purposes of the delinquency chapter. Incorporates elements of the "restorative justice model" into Alaska's goals for juveniles.

**Section 16.** Amends the code that provides for the waiver of juveniles to adult court. Fixes the "taxi cab killer" case in Anchorage, where 16 and 17 year olds were not treated like adults under a court ruling that found "arraignment" to mean grand jury indictment. This amendment corrects this issue by correcting the word usage to "charged by complaint, information, of indictment."

**Section 17 & 18.** Allow the department to bring communities i.e. "entities" into the juvenile justice system.

**Section 19.** Dual sentencing.

(a) The department shall refer a case to the District attorney if the minor was:

- (1) at least 13, but not yet 16, and the offense is
  - (A) an unclassified or class A felony, and the minor would have been waived into adult court if 16 years of age; or
  - (B) sexual assault in the second degree; or
- (2) 16 years of age or older, and the offense was
  - (A) a felony crime against a person and the minor has been previously adjudicated a delinquent for a felony offense.
  - (B) sexual abuse of a minor in the second degree.

(b) The **District Attorney** is authorized to take a case before a **grand jury for indictment**, and then may seek imposition of a dual sentence.

**Section 20.** Clarifies that the minor has the right to **confront adverse witnesses** at the full petition hearing. See also section 24.

**Section 21.** Technical reference.

**Section 22.** **Opens the court proceedings to the public**, when the District Attorney seeks the imposition of a **dual sentence**.

**Section 23.** (Page 13) **Expands the court's ability to assign community service.**

**Section 24.** Deletes the 90 day court review required for CINA, but not needed for Delinquency proceedings.

**Section 25.**

New part (i) from delinquency court rule 11(a).

New part (J), **dual sentencing**. If the district attorney seeks imposition of a dual sentence, and the court finds the minor to be delinquent, then the court shall (1) enter a juvenile sentence under AS 47.12.120(b); and (2) pronounce an adult sentence that must include some period of imprisonment that is not suspended by the court.

**Section 26.** Technical reference.

**Section 27.** The department may petition for imposition of the adult portion of the dual sentence if:

- (1) the minor commits a subsequent felony offense;
  - (2) commits a subsequent offense against a person that is a misdemeanor and involves injury to a person or the use of a deadly weapon;
  - (3) fails to comply with the terms of a restitution order;
  - (4) fails to engage in or satisfactorily complete a rehabilitation program ordered by a court or required by a facility or juvenile probation officer; or
  - (5) escapes from a juvenile correction facility.
- (e) if the court finds, by the preponderance of the evidence that the minor has failed as listed above, then the minor is transferred to adult corrections.

**Section 28, 29.** Technical references.

**Section 30.** Allows a minor to be incarcerated in an adult correctional facility if **16 years of age or older**, and the court has imposed a dual sentence and transferred custody of the minor to the Department of Corrections.

**Section 31.** Arrest procedures from delinquency court rule 7(a) combined with existing code AS 47.12.250(a).

**Section 32.** Arrest procedure language is conformed in these two sections to completely place Court Rule 7 into statute.

**Section 33.** Deletes the requirement that the accused have the right to "confront adverse witnesses" at the initial 48 hour probable cause court hearing. (The right to "confront adverse witnesses" is a constitutional right – however it applies to the court hearing under AS 47.12.110(a) – not to the initial hearing that serves like the bail hearing in adult court.)

**Section 34.** New **secure residential psychiatric treatment centers**, same as in 47.10, see sections 7 through 14.

**Sections 35, 36, 37 & 38.** Technical references & conforming edits.

**Section 39.** New part (g). **Dual sentencing court proceedings open to the public.** This section provides the minor with the protections afforded adults by open court hearings. It prevents "star chamber" like secret hearings.

**Section 40.** (b)(1) Provides for communication between **federal** and state law enforcement agencies and the department of Health and Social Services.

**Section 41.** Technical reference.

**Section 42.** Allows the Department of Health and Social Services to discuss otherwise confidential delinquency cases with legislators. This will allow the department to respond factually to constituent concerns made by legislators, but it does not allow legislators to communicate confidential information to anyone else.

**Section 43.** Technical reference.

**Section 44.** Defines "**entity**" as used in sections 10 & 11.

**Section 45.** Links definitions of "gravely disabled," "mental health professional," "mental illness," and "secure residential psychiatric treatment center" to the same meanings used in existing mental health provisions.

**Section 46.** Rendition. Alaska is a signatory to the Interstate Compact on Juveniles, providing for extradition or juvenile offenders, this codifies these provisions.

**Sections 47, 48, 49, 50 & 51.** Adds "semi-secure residential" and "secure residential psychiatric treatment centers" to the list of options for our mental health professionals. The deletions of [NONPROFIT] allow private hospitals to provide these services, with appropriate court oversight, and to access private insurance funding.

**Section 52.** Changes delinquency court rule 10(c) to allow a police officer to present evidence at a preliminary detention hearing on behalf of witnesses and victims. This has the effect of reducing the burden now placed on victims. Allowing them to concentrate their efforts to the actual trial, not all of the preliminary hearings and motions for delay.

**Sections 53.** Repeal delinquency court rules that define executive branch actions. Rule 6 defines the juvenile intake process and rule 7 defines the arrest process. This legislation places these procedures into statute, and the court rules are duplicative.

**Section 54.** Repeal of AS 47.12.110(c), This is an old, unused portion of code. It requires school principles to give judges lists of students for selection for "young adult advisory panels." This concept has been supplanted with the youth court. Its repeal in no way impairs the youth court, which is entirely different.

AS 47.12.120(g) is also repealed. This provision was required for CINA cases, and is not needed for delinquency cases. It is a clean-up of the new delinquency code created in my HB 387.

**Sections 55 & 56.** Court rule changes resulting from the dual sentencing provisions of this bill.

**Section 57.** The dual sentencing provisions apply to crimes committed after July 1, 1998.

**Section 58.** Applicability of the rendition provision in section 45.

**Section 59.** Effective date is July 1, 1998.

Conceptual  
0-LS0121\J

Amendment

Offered in the Senate

By: Adams

To: HB 16\J

- 1 Page 25, line 8:
- 2 Delete "or"
- 3 Page 25, line 9, following "corporation"
- 4 Insert "; or
- 5 (3) two or more persons recognized by the community and operating under contract or license from the department."

HB 16

HB 16 would implement a number of improvements to Alaska's Juvenile Delinquency statutes. Many of these proposals came out of the 1996 Governor's Conference On Youth And Justice and are supported by a broad and bi-partisan constituency including local citizen groups, victim advocates, law enforcement, juvenile corrections personnel and members of both the majority and minority parties of the Alaskan Legislature. Here are a few of the highlights of the bill.

<b>Balanced Justice</b>	<ul style="list-style-type: none"> <li>• The Goals and purposes of AS 47.12.010 establish a balance between public safety, offender accountability, victim and community restoration and offender rehabilitation</li> <li>• Swift and consistent consequences</li> <li>• Early and individualized response</li> <li>• Mandatory community work service</li> </ul>
<b>Community Involvement</b>	<ul style="list-style-type: none"> <li>• Provides opportunities for local communities and groups to play an active role in the juvenile justice process</li> <li>• Allows the Department to enter in to partnerships with local groups to process minor offenses</li> </ul>
<b>Enhanced Victim Services</b>	<ul style="list-style-type: none"> <li>• Increased victim support, greater access to juvenile information</li> <li>• Victim's insurance company would have access to juvenile information</li> <li>• Victim assistance provided by the Department of Law</li> </ul>
<b>Dual Sentencing</b>	<ul style="list-style-type: none"> <li>• A "last chance" sentencing option for certain 16 and 17 year olds who commit serious felony offenses. Allows the court to pronounce an adult sentence and a juvenile disposition giving the juvenile an opportunity for rehabilitation in the juvenile system</li> <li>• Opens "dual sentencing" hearings to the public</li> </ul>
<b>Increased Treatment Options</b>	<ul style="list-style-type: none"> <li>• Enhanced continuum of care</li> <li>• Expands semi-secure care</li> <li>• Creates new secure psychiatric residential treatment center category</li> </ul>
<b>Procedural Improvements</b>	<ul style="list-style-type: none"> <li>• Department may disclose information to state officials in a manner now allowed under the child protection law, AS 47.10</li> <li>• Extends authority to share juvenile information with Federal law enforcement agencies</li> </ul>

**FISCAL NOTE**

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. CSHB 16 (FIN)

Revision Date: 3/23/98 at 10:00 a.m.  
Title: "An Act relating to delinquent minors..."  
Sponsor: Representative Kelly  
Requestor: (H) FIN

Department Aff. cted: Administration  
BRU: Legal and Advocacy Services  
Component: Public Defender Agency  
COMPONENT SERIAL NO. 1631

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	36.5	36.5	36.5	36.5	36.5	36.5
TRAVEL	1.8	1.8	1.8	1.8	1.8	1.8
CONTRACTUAL	8.5	8.5	8.5	8.5	8.5	8.5
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	6.5	.7	.7	.7	.7	.7
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>54.3</b>	<b>48.5</b>	<b>48.5</b>	<b>48.5</b>	<b>48.5</b>	<b>48.5</b>

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

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

**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	54.3	48.5	48.5	48.5	48.5	48.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>54.3</b>	<b>48.5</b>	<b>48.5</b>	<b>48.5</b>	<b>48.5</b>	<b>48.5</b>

Estimate of any current year (FY 98) cost: \$ \_\_\_\_\_

**POSITIONS:**

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

**ANALYSIS:** (Attach a separate page if necessary.)

See attached.

Prepared by: Barbara K. Brink, Director  
Division: Public Defender Agency

Phone: \_\_\_\_\_  
Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
Agency: Department of Administration

Date: 3/23/98

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FISCAL NOTE

STATE OF ALASKA

BILL NO. CSHB 16(FIN)

1998 LEGISLATIVE SESSION

ANALYSIS: (continued)

Section 7 of this CS authorizes the court to place a child who is already in state's custody as a CINA or delinquent in a secure residential psychiatric treatment center if certain conditions are met. Those conditions are similar to the ones required to commit an adult: the child must be gravely disabled or suffering from mental illness and likely to cause serious harm to the child or another person. There has to be no less restrictive alternative available and reason to believe the child's mental condition could be improved by treatment or would deteriorate if untreated. The Department of Health and Social Services estimates 60 children a year would be petitioned into this involuntary commitment process. The amendment does not currently contain language explicitly guaranteeing the right to counsel but it is assumed it will be included as constitutionally required. It is further assumed that the Public Defender Agency would be appointed to represent these children in this process, at least in the instance where no legal conflict of interest existed. A part-time Attorney III with attendant support costs would be necessary to handle this influx of new proceedings with a FY 99 cost of \$54.3.

Note: The Public Defender Agency supports the CONCEPTUAL amendment. That is, we agree with the wisdom of having a secure psychiatric facility available for children in the State of Alaska and agree with expanding the eligible facilities. However, the amendment as drafted is woefully inadequate in terms of a fair process. It fails to provide the minimal protections built in to the current civil commitment process: explicit right to counsel; mandatory screening investigation; probable cause hearing before a judicial officer within 48 hours; mandatory evaluation by a mental health professional and a physician within 24 hours after arrival at a facility; 30-day commitment hearing held within 72 hours; written notification of rights; the right to communicate with a guardian or other adult; the right to present evidence and cross-examine witnesses; the right to be free from the effects of medication unless certain procedures are followed; and written notification of the allegations, the lack of any less restrictive alternative, the witnesses anticipated to be called and the facts and specific behavior alleged. At the 30-day hearing there are additional safeguards: the right to be present; to view and copy all petitions and reports; to have the hearing open or closed to the public as desired; to have the rules of evidence and civil procedure followed; to have an interpreter; to present evidence; to cross-examine witnesses; to remain silent; and to call experts. The state's case has to be proven by clear and convincing evidence, there is a right to appeal and if commitment is sought to extend past the 30 days, the respondent has the right to a jury trial. (AS 47.30.700-805). These safeguards must be built into this process. Additionally, the CS allows continued involuntary commitment upon a much lower standard. It is doubtful if this prolonged restraint will be found to be constitutional.

Section 18 of the CS revises the proposed dual sentencing provisions to apply only to 16 and 17 years olds accused of felony crimes against persons with previous adjudication of a felony crime against a person, or sexual abuse of a minor in the second degree. According to estimates by the Department of Health and Social Services, this could involve approximately 11 cases a year. Were these predictions to hold true, the Public Defender would not anticipate additional fiscal impact.

**FISCAL NOTE**

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO. CSHB 16 (FIN)**

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to delinquent minors, to the taking action based on the alleged criminal misconduct of certain..."  
 Sponsor: Representative Kelly  
 Requestor: (H) FIN

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

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	36.9	36.9	36.9	36.9	36.9	36.9
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	11.0	11.0	11.0	11.0	11.0	11.0
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	5.6					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>54.5</b>	<b>48.9</b>	<b>48.9</b>	<b>48.9</b>	<b>48.9</b>	<b>48.9</b>

<b>CAPITAL EXPENDITURES</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	54.5	48.9	48.9	48.9	48.9	48.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>						

Estimate of any current year (FY 98) cost: \$ 0

**POSITIONS:**

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

**ANALYSIS: (Attach a separate page if necessary.)**

The new section seven of this committee substitute authorizes the court to place a child who is already in the state's custody as a child in need of aid or as a delinquent in a residential psychiatric treatment center under certain conditions. The Department of Health and Social Services estimates 60 children a year would be petitioned into this involuntary commitment process. The amendment contains no specific statutory guarantee of the right to counsel but there is little question that courts will require the state to provide counsel to these children. Further, the Public Defender Agency and the Office of Public Advocacy are the logical choices to provide such counsel.

The new section seven is curious in that it does not provide for the traditional, and seemingly essential, constitutional guarantees that are currently afforded to adult respondents in commitment proceedings. This fiscal note assumes that the current language will be amended to include those protections or that a court will, in order to hold the statute constitutional, enforce the guarantees afforded to adults.

(continued)

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

Phone: 269-3500  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Bover  
 Agency: Administration

Date: 3/23/98

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FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. CSHB 16 (FIN)

**ANALYSIS:** (continued)

The Office of Public Advocacy assumes that it will provide representation in at least half of the 60 complex proceedings now anticipated. Because of the location of current facilities, the agency further assumes that it will provide these services in Anchorage. Given the complexity of these proceedings, and the constitutional necessity of subsequent hearings, the agency anticipates it would require the part-time services of an Attorney III with attendant support costs for a total of \$81.9 in FY 99.

# FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. CSHB 16 (FIN)

Revision Date: _____	Dept. Affected: <u>Department of Law</u>
Title: <u>. . .delinquent minors, to the taking of action based on the alleged criminal misconduct of certain minors . . .</u>	BRU: <u>Criminal Division/Civil Division</u>
Sponsor: <u>Representative Kelly</u>	Component: <u>1st-4th Jud District/OSPA</u>
Requester: <u>House Finance Committee</u>	<u>Human Services #2198/99/</u>
	COMPONENT SERIAL NO. <u>2251/79/01/03/08</u>

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	21.0	21.0	21.0	21.0	21.0	21.0
TRAVEL	0.1	0.1	0.1	0.1	0.1	0.1
CONTRACTUAL	3.4	3.4	3.4	3.4	3.4	3.4
SUPPLIES	0.3	0.3	0.3	0.3	0.3	0.3
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>24.8</b>	<b>24.8</b>	<b>24.8</b>	<b>24.8</b>	<b>24.8</b>	<b>24.8</b>

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

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	24.8	24.8	24.8	24.8	24.8	24.8
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>24.8</b>	<b>24.8</b>	<b>24.8</b>	<b>24.8</b>	<b>24.8</b>	<b>24.8</b>

Estimate of any current year (FY98) 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 repeals and reenacts AS 47.12.010 (purposes of juvenile delinquency laws) to set out a new philosophy toward juvenile offenders, balancing the goal of reformation of a juvenile offender with protection of the public. Further, the bill authorizes local communities to handle minor juvenile offenses by allowing municipalities to assess civil penalties for juvenile offenses and by allowing the Department of Health and Social Services to delegate to community programs or review panels the authority to handle minor offenses. This bill also amends the delinquency adjudication statutes to authorize district attorneys to seek "dual sentencing" in certain serious juvenile criminal cases; i.e., the state asks the court to pronounce both a juvenile and an adult sentence for the offense, but the adult sentence would be imposed only if the minor commits a new offense or fails to abide by the ordered conditions of the juvenile sentence. Included in the bill is also a provision to enact the rendition amendment to the Interstate Compact on Juveniles that allows one state to take into custody and return to another state a juvenile who is alleged to have violated a criminal law in the second state but who has not been adjudicated a delinquent, and a provision to permit the Department of Health and Social Services to

Prepared by: Joan M. Kasson *Joan M. Kasson*  
Division: Attorney General's Office

Phone: 465-5370  
Date: 3/18/98

Approved by Commissioner: Bruce M. Botelho, Attorney General  
Agency: Department of Law

Date: 3/18/98

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ANALYSIS CONTINUATION:

provide additional information to public officials, such as legislators, who are contacted by parents with concerns about children's proceedings. Without this amendment, the state is unable to explain to these officials why the action it has taken was necessary.

Passage of this legislation will have no fiscal impact on the Criminal Division. The House Finance Committee Substitute eliminates 13 -15 year olds from the dual sentencing provisions, and makes them optional for the remaining juveniles. The department estimates that approximately 10 cases per year, statewide, may require additional criminal proceedings under the proposed dual sentencing provisions. Although this represents an increase in the Criminal Division caseload. when this increase is spread between the division's several offices, fiscal note costs are not warranted.

This bill was also amended in House Finance to authorize courts to place certain children in need of aid, as well as delinquent children, in secure residential psychiatric treatment centers. It will be necessary for the Department of Law's Civil Division, Human Services attorneys to appear at these children's initial placement hearings, as well as at hearings every 90 days for the continuation of the placement. It is expected that the initial hearings will be contested and thus last three to four hours and that the continuation hearings will require one hour of an attorney's time. Finally, it is assumed that on average one continuation hearing will be necessary in each case.

The department anticipates there will be 60 children annually for whom secure treatment is sought through an initial hearing, requiring a total of 240 attorney hours (60 cases x 4 hours), and in 90 percent of the cases (54) a disposition for secure treatment will be granted. Of those 54 cases, the department assumes that half of these children will be moved to a less restrictive setting within 90 days, and half will require a hearing for placement continuation, requiring an additional 27 attorney hours (54 cases/2 x 1 hour). Using the Civil Division's FY98/99 standard attorney cost schedule of \$92.72/hour, the total cost of this provision will be \$24,756 (240 + 27 = 267 hours x \$92.72/hour).

Action by municipalities on minor juvenile offenses will have no fiscal impact on the department, either positive or negative. The types of cases that would be handled by municipal authorities under these amendments do not require the use of Department of Law staff under current law, so no savings would be achieved in the Civil Division from a reduced caseload.

# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO.** CSHB 16 (FIN)

Revision Date (Note if correction) 3/16/98 Dept. Affected Corrections  
 Title An Act relating to delinquent minors, to the BRU Administration and Operations  
 taking of action based on the alleged criminal misconduct... Component ALL  
 Sponsor Representative Kelly  
 Requester House Finance Committee Component Serial No. #0694

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous		109.5	219.1	327.8	401.7	365.2
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>109.5</b>	<b>219.1</b>	<b>327.8</b>	<b>401.7</b>	<b>365.2</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF		109.5	219.1	327.8	401.7	365.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>109.5</b>	<b>219.1</b>	<b>327.8</b>	<b>401.7</b>	<b>365.2</b>

Estimate of any current year (FY98) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

See attached analysis.

Prepared by Bruce Richards  
 Division Commissioner's Office  
 Approved by Commissioner Margaret M. Pugh Margaret M. Pugh  
 Agency Department of Corrections

Phone 465-3307  
 Date 3/16/98  
 Date 3/16/98

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FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION  
DEPARTMENT OF CORRECTIONS

BILL NO. CSHB 16 (FIN)  
PAGE 2 of 2  
DATE 3/16/98

The major impact of this bill upon the Dept. of Corrections (DOC) is Section 18 where AS 47.12 is amended by adding a new section whereby delinquent minors age 16 and 17 may have dual juvenile and adult sentencing provisions imposed on them if the crime they are charged with committing is sexual abuse of a minor in the second degree or a felony that is a crime against a person and the minor has previously been adjudicated a delinquent for another felony offense that was a crime against a person.

DOC does not anticipate an impact during the first year of this legislation. A juvenile would have to unsuccessfully go through juvenile proceedings and a number of other alternative diversions before the adult dual sentencing provision would be imposed. Based on the statewide average daily cost of \$100.07 per day, the first year financial impact on the DOC would be \$109,576 (\$109.5), with three (3) new juveniles and \$109.5 added every year thereafter until FY 03. In that year, it is anticipated that one of the three juveniles who began serving an adult sentence in FY 00 will have finished the two-year presumptive sentence for a class C felony and be released. Similarly, the next year it is anticipated that one of the three juveniles for FY 01 will complete his or her sentence and be released. (It is assumed that the other two juveniles each year are serving four-year presumptive sentences for class B felonies).

# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO. CSHB 16 (FIN)**

Revision Date: \_\_\_\_\_ Dept. Affected: Alaska Court System  
 Title: Delinquent Minors - Dual Sentencing BRU: Trial Courts  
 Component: \_\_\_\_\_  
 Sponsor: Rep. Kelly  
 Requestor: House Finance COMPONENT SERIAL NO. 768

**Expenditures/Revenues (Thousands of Dollars)**

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	*	*	*	*	*	*
<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES ( )</b>						

**Fund Source (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	*	*	*	*	*	*
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	*	*	*	*	*	*

Estimate of any current year (FY 98) cost: \$ None

**Positions**

Full-Time						
Part-Time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

See attached analysis.

Prepared by: Drug Wooliver, Administrative Attorney  
 Agency: Alaska Court System  
 Approved by: Stephanie J. Cole, Administrative Director  
 Agency: Alaska Court System

Phone: 264-8265  
 Date: 03/17/98  
 Date: 03/17/98

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Alaska Court System  
Fiscal Analysis  
CSHB 16(FIN)

The court system does not anticipate a fiscal impact from the passage of CSHB 16(FIN). However, should the number of minors subject to the dual sentencing provisions of the bill increase, the court system may return to the legislature for additional funding.

Additionally, CSHB 16(FIN) allows the court to authorize the Department of Health and Social Services to place certain minors in a secure residential psychiatric treatment center. The court is to review that placement every 90 days. The court system does not currently foresee significant costs associated with the 90-day reviews because, according to the department, placements in secure facilities rarely exceed 90 days. Additionally, the department has historically only placed 5 or 6 minors a year into such facilities. However, should the number of such placements increase (due to the availability of in-state facilities), or should the length of placements increase to beyond 90 days, or should extra procedural steps be required prior to placement, the court system may return to the legislature for additional funding.

Finally, this note does not estimate the additional costs that will result from allowing municipalities to bring civil actions against minors for violations of municipal ordinances. It is not known how many municipalities will choose this option or how often they will utilize it. Should there be a significant impact, however, the court system may return to the legislature for additional funding.

# FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. CSHB 16 (FIN)

Revision Date: 03/09/98  
 Title: relating to institutions for juveniles; cfd  
 Sponsor: Kelly  
 Requestor: House Finance

Dept. Affected: Health and Social Services  
 BRU: Medical Assistance  
 Component: Medicaid Facilities  
 COMPONENT SERIAL NO. 230  
 See also (SN#): \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
-------------------------	--	--	--	--	--	--

**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY99	FY00	FY01	FY02	FY03	FY04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

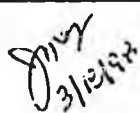
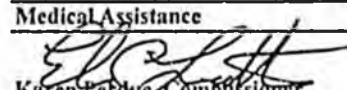
POSITIONS	FY99	FY00	FY01	FY02	FY03	FY04
FULL-TIME						
PART-TIME						
TEMPORARY						

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

**ANALYSIS:** (Attach a separate page if necessary)

There does not appear to be a substantial Medicaid program impact associated with the provisions of CSHB 16 (FIN). This is because a Residential Psychiatric Treatment Center (RPTC) may already enroll as a Medicaid provider regardless of the provisions of the bill. A limited fiscal impact may result from the bill's provisions for "semi-secure" or "secure", but such impacts could arguably increase costs related to fire code requirements for secure facilities, or arguably decrease costs due to the availability of secure RPTC as an alternative to less appropriate placements in higher cost settings.

Medicaid enrolled RPTCs are already authorized to bill under Medicaid regulations. One in-state RPTC has been paid since 1993 and several out-of-state providers have been billing Medicaid for the past two years. A new in-state RPTC (30 beds) has submitted a request for Medicaid enrollment (a 2 to 3 week process), and enrollment of another new RPTC (10 beds) is actively being pursued. Enrollment of these facilities is not dependent upon the provisions of the bill and, thus, any increased expenditures required by their enrollment is also not dependent upon


 Prepared by: Dave Williams  
 Division: Medical Assistance  
 Approved by Commissioner:   
 Agency: Department of Health & Social Services

Phone: 465-3355  
 Date: 03/16/98

Date: 3/19/98

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