

ALASKA LEGISLATURE COMMITTEE FILES 1999-2000 8672

10011 HOUSE STATE AFFAIRS

FEA Info for 94-112

All @ Less than FT

CALC	FTE	YAALPH	YASTDD	YAPAST01
0.3		JEGLUM,	2.1	Active
0.36		CURTIS,	2.5	Active
0.36		IRONS III,	2.5	Active
0.36		ROBERTS	2.5	Active
0.5		BARBER,	3.5	Active
0.5		BETTANO	3.5	Active
0.5		BOERTJE	3.5	Job Share-paid
0.5		COLLINS,	3.5	Sabbatical-paid
0.5		COVELL,	3.5	Unpaid Long Term LO
0.5		FALLON,	3.5	Unpaid Long Term LO
0.5		FITZGER	3.5	Job Share-paid
0.5		GALEREA,	3.5	Active
0.5		GILBERT-	3.5	Job Share-paid
0.5		GILMAN,	3.5	Active
0.5		GREEN, L	3.5	Active
0.5		HARRIES,	3.5	Job Share-paid
0.5		HAWKINS	3.5	Active
0.5		LACHMA	3.5	Job Share-paid
0.5		LUEBKE,	3.5	Unpaid Long Term LO
0.5		MASTER	3.5	Job Share-paid
0.5		MCINTOS	3.5	Job Share-paid
0.5		MEATH, L	3.5	Job Share-paid
0.5		MORLEY,	3.5	Active
0.5		PADGETT	3.5	Job Share-paid
0.5		PIPPIN, K	3.5	Active
0.5		ROBERTS	3.5	Job Share-paid
0.5		SARGENT	3.5	Job Share-paid
0.5		SEVERNS	3.5	Active
0.5		SMITH, JE	3.5	Active
0.5		STOCKBR	3.5	Active
0.5		SWEEN,	3.5	Active
0.5		VEAZEY,	3.5	Active
0.5		VEAZEY,	3.5	Active
0.5		WATKINS,	3.5	Active
0.5		WILLETT,	3.5	Job Share-paid
0.5		WOOD, E	3.5	Active
0.53		GUSTAFS	3.71	Active
0.56		NACHTRA	3.92	Active
0.56		SMITH, D	3.92	Active
0.57		ELLINGS	4	Active
0.57		KUNTZ, M	4	Active
0.57		KUSINSKI	4	Active
0.57		MCKEE, E	4	Active
0.6		HADAWA	4.2	Active

FEA Info for 94-112

0.75	FREY, SH	5.25	Active	
0.8	DROGHE	5.6	Active	
0.83	DART, JO	5.81	Active	
0.83	EASLEY,	5.81	Active	
0.83	WILDER,	5.81	Active	
0.9	SPENCER,	6.3	Active	

49

Juneau

31

+ one administrator

There are 30 part time teachers in the ~~SEA~~ ranging from .23 to .90

To NEA Alaska

Number Of Staff		PART TIME FTE
--------------------	--	---------------

12 @ - .50 FTE

08 @ - .60 FTE

02 @ - .90 FTE

01 @ - .83 FTE

01 @ - .23 FTE

03 @ - .75 FTE

1 @ - .67 FTE

01 @ - .25 FTE

01 @ - .40 FTE

01 @ .49 FTE Administrator

Hope this help. Jim Burns, Personnel

Juneau School District
Juneau, Alaska

15

002

NEA-AK JUNEAU

NEA-ALASKA

05-07-99 FRI 08:53 FAX 1 907 274 0551

MOCT0550
RUN DATE 05/07/99 12:43
SEA Memberships

NATIONAL EDUCATION ASSOCIATION
DETAIL MEMBERSHIP REPORT
MEMBERSHIP YEAR 98-99

PAGE : 1
DATA AS OF : 05/06/99

STATE NBA-ALASKA AK
STAFFLOC Active Agency Fee TOTAL
 Certified Certified
 3/4 3/4

DILLINGHAM E A	1		1
BRISTOL BAY EDUC	1		1
FAIRBANKS ED ASSN	6	2	8
HAINES TEACHERS ASSO	1		1
JUNEAU EDUC ASSN	4		4
KENAI PENINSULA EDUC	15		15
KODIAK BORO EDUC	5	2	7
LOWER KUSKOWIN BA	2		2
MAT-SU EDUCATION	6		6
SITKA EDUC ASSN	1		1
WRANGELL TCIRS ASSN	1		1

Total For NEA-ALASKA AK

Individual Count# 0



NEA-ALASKA

Affiliated with the National Education Association

JUNEAU OFFICE

FAX COVER SHEET

DATE: 5-7-99 TIME: _____

THIS TRANSMISSION CONSISTS OF 2 PAGES (INCLUDING THIS SHEET).

PLEASE DELIVER THIS TRANSMISSION TO:

NAME: Bill Church - C/O: _____

OFFICE: _____

FAX/TELECOPY NUMBER: 465-3086

MESSAGE:

Did you get the report that Mat-su S.D. has 8 FTE at more than 50 and less than 100%? Attached is a report from our membership files showing numbers of teacher members at 75 and less than 100%

THIS DOCUMENT IS FROM: Denise

RE: _____

FAX NUMBER: (907) 586-2744

IF FAXED PAGES ARE NOT LEGIBLE OR YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL OUR OFFICE AT (907) 586-3090 OR 888-478-3090. THANK YOU.

[Fwd: Amendment to AS 14.25.220]

Subject: [Fwd: Amendment to AS 14.25.220]
Date: Mon, 10 May 1999 10:34:18 -0800
From: Representative Con Bunde <Representative_Con_Bunde@legis.state.ak.us>
Organization: Alaska State Legislature
To: Patti Swenson <Patti_Swenson@legis.state.ak.us>

RICHARD P HERTZ wrote:

Thank you for asking my opinion on the proposed amendment. I shared my thoughts with Patty Swenson. I think it is an issue of inequity that needs to be corrected. I do have two concerns. 1. I know that the larger districts are already recording the information properly and would not have a problem giving that information to the Division of Retirement and Benefits. Are the smaller school districts able to do this also? 2. The second concern has to do with retroactivity. I would want an actuary to review the proposal to make sure it doesn't negatively impact the retirement fund. If these two items do not create problems, I am in favor of the proposed amendment. Betty Hertz, Chair TRS Board

HB 236

Letters of Support

[Fwd: AS14.25.220]

Subject: [Fwd: AS14.25.220]

Date: Mon, 10 May 1999 10:37:17 -0800

From: Representative Con Bunde <Representative_Con_Bunde@legis.state.ak.us>

Organization: Alaska State Legislature

To: Patti Swenson <Patti_Swenson@legis.state.ak.us>

Charlie Arteaga wrote:

> In response to your request for my opinion regarding amendments to
> AS14.25.220, I am in support of your efforts. My only caution lies with
> the concern that the amendment would attempt to give partial credit for
> those teachers employed less than 50% of a contract. I can only support 50%
> or more.
> Thanks for your efforts and good luck.
>
> C.Arteaga,
> TRS Board Member

Subject: Amend Sec. 14.25.220

Date: Mon, 10 May 1999 12:44:33 -0400

From: "Robert P. Wells" <wellsbad@alpena.cc.mi.us>

Organization: Minnesota Mutual Life

To: Patti_Swenson@legis.state.ak.us

As a member of the TRS Board, I offer complete support and agreement to the proposed amendment to Sec. 14.25.220 Definitions (43) (C) to grant a member part-time credit equal to the percentage of time worked; i.e., if a member works on a 60% contract, they will receive 60% credit in the TRS system instead of the 50% they presently receive.

Thanks for your attention to this inequity. Dorothy Wells, TRS Board

Gail Coray
9530 Copper Drive
Anchorage, AK 99507
(907) 338-8278

Coll
Cleanse Bolder

April 8, 1999

Ms. Ramona Barnes
House of Representatives
State Capitol
Juneau, Alaska 99801-1182

Dear Ms. Barnes,

You are my representative, and as such I hope you can act on my behalf and on the behalf of public school teachers in the State of Alaska who are working or have ever worked part-time.

Part-time teachers in the State of Alaska are credited by the Teacher Retirement System (TRS) with only 1/2 year towards retirement for each year they work, whether they have a 60%, 80%, or 90% contract. A teacher working at 80% (which is fairly common) would have to work 40 years to gain 20 years towards retirement! This is the law.

NEA Alaska has said they will be lobbying in favor of a change in this law; I am not aware of any bills at this point. **A change in this law would not require any appropriations;** the TRS is responsible for the financial aspect.

I am one of the teachers who have worked part-time and feel unfairly discriminated against with this system. I have lost several years fairly due me for the years I worked part-time. Any support (including suggestions) from you would be gratefully appreciated.

D 22 Party
P 423

Sincerely,

Gail Coray

Gail Coray

Phone contact
5/3/99 *Clean Bolder*
279 3458

P.S. Is there anyone you would suggest I write to regarding this matter?

May 10, 1999

To: Senator Con Bunde

From: Gayle W. Harbo

Box 10201

Fairbanks Alaska 99710

907-457-7815

Thank you for your willingness to sponsor legislation which would give teachers a fair credit for the retirement dollars they contribute. Teachers working more than 50% but less than 100% of the time should receive benefits in proportion to time worked. It is a fairness issue. With the easy adaption of change to computer programs this should not be a reporting problem or an unnecessary burden to school districts.

I am a newly appointed to the TRS Board but have always followed legislation concerning the system and believe you are to be commended for forwarding legislation on this issue.

Thank you for your help.

May 11, 1999

Representative Con Bunde
State Capital Building
Juneau, Alaska 99801

RE: Retirement and Vesting

Dear Honorable Bunde,

I am a part-time certificated school nurse with the Anchorage School District. I am concerned about how retirement and vesting for part-time certificated school employees is credited under the current system. I am a single parent of three children due to my discovery of the sexual abuse my children suffered from their father, which thankfully resulted in his incarceration.

I finally retained a contract the beginning of the 96/97 school year after substituting for the district since the spring of 1992. Under the current system I receive only half a year of credit towards retirement. The first two years I was in a .70 FTE position and this year I am in a .80 FTE position. I pay more into the TRS retirement system than if I was in a .50 FTE position. As it stands now I will only have 1.5 years of credit towards retirement at the end of this school year. If I would be given credit for what I worked I would have 2.2 years of credit towards retirement.

There are more than 30 part-time certificated school nurses in the Anchorage School District that are impacted by the current system whom have positions that range from .50 FTE to .90 FTE. I am concern about having a fair retirement system for all the part-time certificated school employees throughout Alaska whether they are teachers, counselors, speech therapists, psychologists, nurses, etc.. Many part-time certificated school employees have worked more years than I have and have not received fair credit towards their retirement. Under the current system I will have to work 40 years, well into my 80's, to be able to have 20 years of credited service for retirement.

Also, I am concern about how vesting for part-time employees is credited. I was told that a part-time certificated school employee will not be considered vested until they have worked 12 years and hope that this can be addressed.

Honorable Bunde, I would truly appreciate your assistance in passing a bill that would address the above issues so part-time certificated school employees would receive fair credit for the time they dedicate to their professional work for the children of Alaska. It certainly impacts my future when I will reach the stage in my life when I will not be able to work.

Thank-you for your time and any assistance you can give to address these issues.

Sincerely,



Gertrude R. Browning
3533 West 79th Ave.
Anchorage, Alaska 99502
Home #: (907) 248-4077
Work #: (907) 272-9455

February 3, 2000 .

Jeannette James
House State Affairs Committee

Dear Ms. James:

I am writing to you in support of House Bill 236. As a teacher who has worked part-time, I feel it is unfair to pay more into the teacher retirement system that one receives credit for. For example, during my first year teaching, I worked eighty percent, yet only received half a year towards retirement. This is in spite of the fact that I paid eighty percent into my retirement.

Most teachers do not complain because they are quickly moved into full-time slots. There are several teachers however, where this is not the case. I certainly empathize with their situation. Over the course of several years, this inequity can be very costly.

Please support House Bill 236. If you have any questions, please call me at (907) 272-2581.

Sincerely,

Jane Yokoyama
Jane Yokoyama

Gail Coray
9530 Copper Drive
Anchorage, AK 99507
(907) 338-8278

Ms. Jeaneatte James
House State Affairs Committee

Re: HB 236 Part Time Teacher Equity

I fervently urge you to see that this bill moves forward. Any teacher who has ever worked part time or does work part time is being unfairly treated by the State Retirement system. Those who work a 60, 70 or 80% contract are credited with only 1/2 year towards retirement, yet they pay at the rate of their contract. Part timers only want credit for the amount they work, which is what this bill proposes. The retirement system is responsible for the financial aspect; it would require no money appropriation from the legislature.

Sincerely,



Gail Coray



Alaska State Legislature

Please enter into the record my testimony to the House State Affairs

committee on HB 236 , dated 2/8/00
bill/ subject committee name

I am requesting your support of HB 236 for several reasons. First, flex schedules are beneficial to employees wanting a schedule that allows them time to have families or pursue educational interest. Secondly, Districts have more diversity with staffing when several teachers can share a position. During the time I had my children the Dist. worked with me on a schedule to optimize the teaching position and my role as a mother. I worked 3 and 4 days a week as the Correspondence teacher. My retirement was deducted from my salary but only 50% of a year was credited, rather than 60% and 80%.

Signed:

Valerie Plaster
Testifier

Representing (Optional)

Address P.O. Box 141 Delta Jct. AK

Phone No. 907 895 4115

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 236

Revision Date <u>2/2/00</u>	Dept. Affected <u>Administration</u>
Title <u>An Act relating to credited service in the teachers' retirement system for part-time employment</u>	BRU <u>Centralized Administrative Services</u>
Sponsor <u>Representative Bunde</u>	Component <u>Retirement & Benefits</u>
Requester <u>(H) STA</u>	Component No. <u>64</u>

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The Teachers' Retirement System (TRS) has adopted a long term funding rate of 12 percent. Over the years this rate has proven to be adequate to fund the system. This legislation would increase the calculated contribution rate by approximately 0.06 percent of covered payroll.

Since the actuarially projected rate of 12 percent is adequate to meet system funding, including this change, this legislation would not create any financial impact to the system.

Prepared by: <u>Guy Bell</u>	Phone: <u>465-4471</u>
Division: <u>Retirement and Benefits</u>	Date/Time: <u>2/2/00 2:15 PM</u>
Approved by Commissioner: <u>Robert Poe Jr.</u>	Date: <u>2/2/00 2/2/00</u>
Agency: <u>Department of Administration</u>	

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HB

259

(7)

HOUSE COMMITTEE REPORT

Date Referred to Committee: January 10, 2000

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 1/25/00

The STATE AFFAIRS Committee considered:

HB 259

HOUSE BILL NO. 259

PUBLIC DEFENDER CHILDREN'S PROCEEDINGS

"An Act relating to a parent's eligibility to be represented by the public defender before and during the probable cause and temporary placement hearing that is held after the state takes emergency custody of a child."

recommends it be replaced with the following committee substitute CSHA 259 (STA) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) Admin zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Jeannette A. James</i>	✓			
<i>Patricia Kuntz</i>		✓	✓	
<i>James H. [unclear]</i>	✓			
<i>Bill [unclear]</i>	✓			
<i>[unclear]</i>	✓			
<i>Scott [unclear]</i>	✓			
<i>H. Smalley</i>				✓

CHAIR'S SIGNATURE *Jeannette James*



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the (H) STA. AFF.
 Committee on MB 259 Committee Name Dated 1-25-00
Bill / Subject

→ AMEND:

(A) - PAGE 1, LINE 7;

• DELETE: "[A.S. 47.10.142]"

• INSERT: "A.S. 47.10 AND A.S. 47.12"

(B) - LINE 9;

• INSERT: "FIRST" BEFORE "HEARING".

(C) - LINE 13; (SAME AS 'A', ABOVE).

(D) - PAGE 2, LINE 10;

- DELETE: "[UPON REQUEST]" AND "[ALL]"

- INSERT: "NOT" BEFORE "RELEASE".

(E) AND, LINE 11:

- DELETE: THE WORDS FOLLOWING "SUBSECTION" BEGINNING "[EXCEPT INFORMATION...]" TO THE END.

(F) ADD COURT RULES CHANGE FOR NOTICE REQUIREMENTS

SIGNED:

SCOTT TRAFFORD, CALDER

Testifier

SAFE FAMILIES

Representing

P.O. 75011 FBILS 99707 (907) 474-0174

Address / Phone Number

Note for the file:

Due to the attached message from the bill drafter, HB 259 was put back on the schedule for the next State Affairs meeting.

A motion was made to rescind the previous meeting's action which moved the amended bill out of committee. During the discussion, Green refused to accept a conceptual amendment without seeing the final product – James didn't want to move a flawed bill out without fixing it – no one wanted to delay the bill in spite of it all - and the final vote was NO.

Thus the move to rescind failed and the CS moved out the same as it was passed at the last meeting.

A handwritten signature in cursive script, appearing to read "J. Green", is centered on the page.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 25, 2000

SUBJECT: CSHB 259(STA)
TO: Representative Jeannette James
Attn: Barbara Cotting
FROM: Terri Lauterbach
Legislative Counsel

TLauterbach

Enclosed is the CS you requested for HB 259.

The changes made by the House State Affairs Committee have made the bill unclear with respect to whether the cost of representation at the first hearing must be paid by the parents if it is later determined that they do not meet the indigency test.

I strongly recommend that the bill be clarified.

TML:glc
00-028 glc

Enclosure

CS FOR HOUSE BILL NO. 259(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVE COGHILL

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a parent's eligibility to be represented by the public defender
2 before and during the probable cause and temporary placement hearing that is
3 held after the state takes emergency custody of a child."

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

5 * Section 1. AS 18.85.100 is amended by adding a new subsection to read:

6 (e) A person who is the natural or adoptive parent of a child who is taken into
7 emergency custody of the state under AS 47.10.142 may be represented, pending a
8 determination of indigency, at public expense and without a court order by an attorney
9 employed by the Public Defender Agency in connection with the hearing held under
10 AS 47.10.142(d). Representation under this subsection may include investigation and
11 other preparation before the hearing is held as well as representation at the hearing.
12 Continued representation of the person by the Public Defender Agency after the
13 hearing is held under AS 47.10.142(d) is contingent on satisfaction of the eligibility
14 requirements of (a) - (d) of this section, the issuance of an appropriate court order, and

1 compliance with the applicable laws and court rules relating to court-appointed counsel
2 employed at the public's expense.

3 * Sec. 2. AS 18.85.120(d) is amended to read:

4 (d) Except as provided in AS 18.85.100(e), as [AS] a condition of receiving
5 services under this chapter, a person shall affirm indigency under oath to the court and
6 execute a general waiver authorizing the release to the court of income information
7 regarding any income source the person has had for a period of three years
8 immediately preceding the person's first court appearance in connection with each
9 cause. At the conclusion of all services by the public defender to the person, the court
10 shall upon request release to the attorney general all information received under this
11 subsection except information that might incriminate or tend to incriminate the person.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 259

Revision Date: January 21, 2000
Title: "An Act relating to a parent's eliqibility to be represented by the public defender..."
Sponsor: Representative Coghill
Requestor: (H) STA

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2 002	FY 2003	FY 2004	FY 2005
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	-0.0	0.0

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

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

FUND SOURCE: (Thousands of Dollars)

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

Estimate of any current year (FY 99) cost: \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

See attached.

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

Phone: (907) 264-4414
Date: January 21, 2000

Approved by Commissioner: Robert Poe, Jr. *[Signature]*
Agency: Department of Administration

Date: January 21, 2000 *1/21/2000*

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FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 259

2000 LEGISLATIVE SESSION

ANALYSIS: (continued)

This bill would allow the Public Defender Agency to represent parents whose children have been taken into emergency custody by state social workers without the parents first having to go through a formal indigency screening process and appointment by the court.

The Public Defender Agency does not anticipate any fiscal impact from this legislation if it is amended so that we are not obligated to represent non-indigent parents. We have to do the same amount of work in these cases anyway. If we can get started a little earlier, so much the better.

However, in predicting the lack of any fiscal impact, we are making the following assumptions. First, we assume that the bill will be amended so we do not represent non-indigent people. Our lawyers can ask a few questions and get a pretty clear idea of whether someone is indigent or not. If people are able to hire their own lawyers, we can refer them to private attorneys.

Second, we assume the words "may be represented" give us leeway as to whom we represent and the scope of the representation. We must be able to turn down requests for this type of immediate representation if we have a conflict of interest or for other legitimate reasons. In addition to conflicts of interest, we have to be careful that the Public Defender Agency takes the most serious case. For example, if a mother calls saying her children have been taken because her husband is accused of sexual abuse, we should make sure that we end up representing the husband, not her. The husband may end up being a defendant in an expensive criminal case. If we can represent him in both the Child in Need of Aid and criminal cases, we can save the expense of having another lawyer appointed through the Office of Public Advocacy in the criminal case. Finally, we have limited resources and cannot promise an immediate response in every case. If all our lawyers are in court hearings, we may have to delay taking intake calls.

Subject: PLAN B

Date: Tue, 25 Jan 2000 16:55:55 -0900

From: Barbara Cotting <Barbara_Cotting@legis.state.ak.us>

Organization: Alaska State Legislature

To: Beth_Tobey <Beth_Tobey@legis.state.ak.us>,
Paulyn_Swanson <Paulyn_Swanson@legis.state.ak.us>,
Gretchen_Keiser <Gretchen_Keiser@legis.state.ak.us>,
Linda_Hay <Linda_Hay@legis.state.ak.us>,
Jennifer_Adzima <Jennifer_Adzima@legis.state.ak.us>,
Ryan_Colgan <Ryan_Colgan@legis.state.ak.us>,
Melinda_Hofstad <Melinda_Hofstad@legis.state.ak.us>,
Loretta_Bevegni <Loretta_Bevegni@legis.state.ak.us>

We just got HB 259 (the one that was moved from committee this morning) back from the drafter. The amendment caused some fiscal questions and needs FIXING before Rep. James is willing to transmit it.

SC0000000 - we'll have a State Affairs meeting Thursday morning after al., 8:00 a.m., just a quickie we hope. Please let your bosses know.

THANKS!

Barbara

AMENDMENT

1

OFFERED IN THE HOUSE STATE AFFAIRS

BY REPRESENTATIVE COGHILL

TO: HB 259

1 Page 1, line 6, after the word "person":

2 Delete: [, whether or not indigent,]

3 Page 1, line 8, after the word "represented":

4 Insert: , pending a determination of indigency,

5

6

7

8

9

10

11

12

13

14

15

16

17

18

HOUSE BILL NO. 259

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE COGHILL

Introduced:
Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a parent's eligibility to be represented by the public defender
2 before and during the probable cause and temporary placement hearing that is
3 held after the state takes emergency custody of a child."

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

5 * Section 1. AS 18.85.100 is amended by adding a new subsection to read:

6 (e) A person ~~whether or not indigent~~, who is the natural or adoptive parent
7 of a child who is taken into emergency custody of the state under AS 47.10.142 may
8 be represented at public expense and without a court order by an attorney employed
9 by the Public Defender Agency in connection with the hearing held under
10 AS 47.10.142(d). Representation under this subsection may include investigation and
11 other preparation before the hearing is held as well as representation at the hearing.
12 Continued representation of the person by the Public Defender Agency after the
13 hearing is held under AS 47.10.142(d) is contingent on satisfaction of the eligibility
14 requirements of (a) - (d) of this section, the issuance of an appropriate court order, and

*AM #1
Passed
Pending a determination
of indigency*

1 compliance with the applicable laws and court rules relating to court-appointed counsel
2 employed at the public's expense.

3 * Sec. 2. AS 18.85.120(d) is amended to read:

4 (d) Except as provided in AS 18.85.100(e), as [AS] a condition of receiving
5 services under this chapter, a person shall affirm indigency under oath to the court and
6 execute a general waiver authorizing the release to the court of income information
7 regarding any income source the person has had for a period of three years
8 immediately preceding the person's first court appearance in connection with each
9 cause. At the conclusion of all services by the public defender to the person, the court
10 shall upon request release to the attorney general all information received under this
11 subsection except information that might incriminate or tend to incriminate the person.

ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:

119 N. Cushman, Suite 211
Fairbanks, AK 99701
(907)-456-5081
Fax# (907)-456-8245



Session Contact:

(907)-465-3719

FAX# (907)-465-3258

State Capitol

Room 416

REPRESENTATIVE JOHN COGHILL

HB 259 PUBLIC DEFENDERS FOR 48 HOUR HEARING SPONSOR STATEMENT

Pursuant to AS 47.10.142 (4)(d) after DFYS takes physical custody of a child, the court must immediately hold a hearing at which the court shall determine whether probable cause exists to deem the child a "Child In Need of Assistance" (CINA). The public defender's office would welcome the statutory change to allow them to legally provide assistance in an area they feel is necessary.

When a child is removed from the family home, the effects can be traumatic; so much so that the parents are unaware of what has just happened, why it has happened, and what should be done next. The common situation is that the parents are distraught because their child has been removed by the state and feel intimidated by the judicial process for CINA determinations. They don't even know they can ask the judge for a continuance to seek legal advice.

Under current law a person does not qualify for assistance from the public defender's office until indigence is determined. Many parents go to court not knowing their rights or the process because they can not find legal assistance in time for the 48 hour hearing. This legislation allows anyone to get legal assistance from the Public Defender's office for the 48-hour hearing regardless of whether or not they are indigent. The best case scenario in many cases will mean an end to the case and the child is returned to the parents. In other cases, a continuance would be issued to allow the parents to provide additional information to the court that the caseworker and the AG's office have not provided.

If, after the court has reviewed the evidence, it rules the child is a CINA during the 48 hour hearing, the parents would then apply for further assistance from the public defender's office and their qualification would be determined by whether or not they were indigent.

While some may argue this legislation will result in added expenses to the State, this legislation could actually reduce the cost of CINA cases in Alaska. By providing all the information in a professional manner at the first hearing of determination, the number of children in state custody for 90 days to six months then returned to their family will be reduced. This means a reduction in foster care, case worker, and health care costs, as well as, long-term public defender, guardian ad litem, and AG expenses.

STATE OF ALASKA

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF FAMILY AND YOUTH SERVICES

TONY KNOWLES, GOVERNOR

P.O. BOX 110630

JUNEAU, ALASKA 99811-0630

PHONE: (907) 465-3170

FAX: (907) 465-3397

MEMORANDUM

DATE: December 27, 1999

TO: Elmer Lindstrom
Special Assistant to the Commissioner

FROM: Roger P. Withington
Research Analyst

SUBJECT: Children Returned Home

Per your request of December 23, 1999, I have calculated, from PROBER[®], for all of the children who were released from DFYS custody and returned to their parents during FY1999, the length of time these children spent in continuous DFYS custody. This information is provided in the following table.

Length of Time in Custody Episode	Number of Children
2 Days or Less	50
3 to 90 Days	56
91 to 182 Days	45
6 Months to 1 Year	56
1 - 2 Years	75
2 - 3 Years	44
3 - 4 Years	20
4 + Years	30
Total	376

I urge you to use caution when interpreting these numbers. The DFYS has a chronic and ongoing problem with field staff entering accurate information into PROBER[®] with respect to releases from custody.

If I may be of further assistance, please feel free to contact me.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CSHB 259 (STA)

Revision Date: January 27, 2000
 Title: "An Act relating to a parent's eligibility to be represented by the public defender..."
 Sponsor: Representative Coohill
 Requestor: (H) STA

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE: (Thousands of Dollars)

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

Estimate of any current year (FY 99) cost: \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

See attached.

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

Phone: (907) 264-4414
 Date: January 27, 2000

Approved by Commissioner: Robert Poe, Jr.
 Agency: Department of Administration

Date: January 27, 2000

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FISCAL NOTE

STATE OF ALASKA

BILL NO. CSHB 259 (STA)

2000 LEGISLATIVE SESSION

ANALYSIS: (continued)

This bill would allow the Public Defender Agency to represent parents whose children have been taken into emergency custody by state social workers without the parents first having to go through a formal indigency screening process and appointment by the court.

The Public Defender Agency does not anticipate any fiscal impact from this legislation if it is amended so that we are not obligated to represent non-indigent parents. We have to do the same amount of work in these cases anyway. If we can get started a little earlier, so much the better.

However, in predicting the lack of any fiscal impact, we are making the following assumptions. First, we assume that the bill will be amended so we do not represent non-indigent people. Our lawyers can ask a few questions and get a pretty clear idea of whether someone is indigent or not. If people are able to hire their own lawyers, we can refer them to private attorneys.

Second, we assume the words "may be represented" give us leeway as to whom we represent and the scope of the representation. We must be able to turn down requests for this type of immediate representation if we have a conflict of interest or for other legitimate reasons. In addition to conflicts of interest, we have to be careful that the Public Defender Agency takes the most serious case. For example, if a mother calls saying her children have been taken because her husband is accused of sexual abuse, we should make sure that we end up representing the husband, not her. The husband may end up being a defendant in an expensive criminal case. If we can represent him in both the Child in Need of Aid and criminal cases, we can save the expense of having another lawyer appointed through the Office of Public Advocacy in the criminal case. Finally, we have limited resources and cannot promise an immediate response in every case. If all our lawyers are in court hearings, we may have to delay taking intake calls.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 259

Revision Date: January 21, 2000
 Title: "An Act relating to a parent's eligibility to be represented by the public defender..."
 Sponsor: Representative Coghill
 Requestor: (H) STA

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	-0.0	0.0

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

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

FUND SOURCE: (Thousands of Dollars)

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

Estimate of any current year (FY 99) cost: \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

See attached.

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

Phone: (907) 264-4414
 Date: January 21, 2000

Approved by Commissioner: Robert Poe, Jr.
 Agency: Department of Administration

Date: January 21, 2000

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FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 259

2000 LEGISLATIVE SESSION

ANALYSIS: (continued)

This bill would allow the Public Defender Agency to represent parents whose children have been taken into emergency custody by state social workers without the parents first having to go through a formal indigency screening process and appointment by the court.

The Public Defender Agency does not anticipate any fiscal impact from this legislation if it is amended so that we are not obligated to represent non-indigent parents. We have to do the same amount of work in these cases anyway. If we can get started a little earlier, so much the better.

However, in predicting the lack of any fiscal impact, we are making the following assumptions. First, we assume that the bill will be amended so we do not represent non-indigent people. Our lawyers can ask a few questions and get a pretty clear idea of whether someone is indigent or not. If people are able to hire their own lawyers, we can refer them to private attorneys.

Second, we assume the words "may be represented" give us leeway as to whom we represent and the scope of the representation. We must be able to turn down requests for this type of immediate representation if we have a conflict of interest or for other legitimate reasons. In addition to conflicts of interest, we have to be careful that the Public Defender Agency takes the most serious case. For example, if a mother calls saying her children have been taken because her husband is accused of sexual abuse, we should make sure that we end up representing the husband, not her. The husband may end up being a defendant in an expensive criminal case. If we can represent him in both the Child in Need of Aid and criminal cases, we can save the expense of having another lawyer appointed through the Office of Public Advocacy in the criminal case. Finally, we have limited resources and cannot promise an immediate response in every case. If all our lawyers are in court hearings, we may have to delay taking intake calls.

HB

270

(7)

Date Referred to Committee: February 18, 2000

HOUSE COMMITTEE REPORT

FURTHER REFERRALS:

HES
Finance

Date of Committee Action: 3/9/00

The STATE AFFAIRS Committee considered:

SSHB 270

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 270

SEXUAL ASSAULT EXAMINATIONS

"An Act relating to sexual assault and sexual abuse and to payment for certain examinations in cases of alleged sexual assault or sexual abuse."

recommends it be replaced with the following committee substitute SSHB 270 (STA) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dep/Date) _____

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) DPS

zero fiscal note(s) _____

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

CHAIR'S SIGNATURE Deannette James

1-LS1108M
Luckhaupt
2/25/00

Adopted

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 270()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES CROFT, Halcro, Kerttula, Smalley

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to payment for certain examinations in cases of sexual assault."**

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

3 *** Section 1. AS 18.68 is amended by adding a new section to read:**

4 **Sec. 18.68.040. Sexual assault victim may not be required to pay for**
5 **examination. A law enforcement agency, health care facility, or other entity may not**
6 **require an adult victim of sexual assault under AS 11.41.410 - 11.41.425 to pay,**
7 **directly or indirectly, through health insurance or any other means, for the costs of**
8 **examination of the victim necessary for**

9 (1) **collecting evidence using the sexual assault examination kit under**
10 **AS 18.68.010 or otherwise; or**

11 (2) **determining whether a sexual assault has occurred.**



Representative Eric Croft

Sponsor Statement

Sponsor Substitute for House Bill 270

"Payment of Evidentiary Forensic Exams"

SSHB 270 makes sure that adult victims of sexual assault are not charged for the costs of evidentiary forensic exams.

A victim of sexual assault has by definition been victimized once. In order to facilitate investigation of the crime and prosecution of the criminal, a victim is often asked to submit to a forensic exam to gather evidence. The forensic exams often involve taking physical samples and photographs. While it is the ordinary police practice to pay for these evidence gathering exams, some victims now report that they have been asked to pay for the cost of the forensic exam itself through their medical insurance. To many victims of sexual assault, this is a third victimization.

No victim should have to pay the cost of the exam, especially after such a traumatic and painful experience. When a house is burglarized and law enforcement takes photos, fingerprints or electronic analysis of evidence, the victim is never sent the bill, directly or indirectly. Nor should they. We have faith that most law enforcement agencies take responsibility for victims' needs and appropriately pay for evidentiary exams as needed. Those few law enforcement agencies that attempt to transfer this cost to the victim should be stopped.

With the passage of HB 270, victims would be assured that they could not be required to pay for evidentiary forensic exams.

REPRESENTATIVE ERIC CROFT

Memorandum

TO: Rep. Jeanette James, Chair
House State Affairs

FROM: Rep. Eric Croft *Eric Croft*

DATE: February 17, 2000

RE: SSHB 270

I am requesting a hearing on SSHB 270, relating to payment for certain medical costs and examinations in cases of sexual assault. Though cases of victims of sexual assault paying either out of pocket or through private insurance is rare, I believe this bill would eliminate any case from occurring in the future.

I have included with this memo:

- Copy of the bill
- Sponsor statement

*Who does
pay - ??*



Subject: SSHB 270

Date: Wed, 23 Feb 2000 10:28:32 -0900

From: Sam Shepard <Sam_Shepard@legis.state.ak.us>

Organization: Alaska State Legislature

To: Barbara Cotting <Barbara_Cotting@legis.state.ak.us>

Can you please, please, please schedule our bill for next week????
Pretty please?

Call Sam

Per Sam 2/29/00

*now Public Safety
pays - Victim
Should NOT
Pay - This
is open to
discussion RE
WHO pays.*

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355

February 3, 2000

COPY

Business Manager

Joseph E. Young
Anchorage

Board of Directors

John Charbonneau, President
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Robin Lown, Vice President
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Tod McGillivray, Member
Kenai
Pres. Kenai Chapter

Leo Brandlen, Member
Anchorage
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Angella Long, Member
Palmer
Pres. Mat-Su Chapter

Tonya Barnes, Member
Fairbanks
Pres. Farthest North Chapter

Robert Fletcher, Member
Juneau
Pres. Capitol City Chapter

Leroy Mestas, Member
Ketchikan
Pres. First City Chapter

Robert Claus, Member
Craig
Pres. Prince of Wales Chapter

John Lucking, Jr., Member
Unalaska
Pres. Aleutian Islands Chapter

Representative Eric Croft
Alaska State Legislature
State Capital
Juneau, Alaska 99801-1182

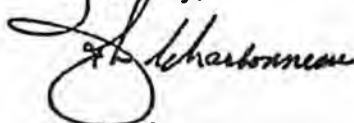
Dear Representative Croft:

Thank you for providing us yesterday with a copy of the current (attached) work draft of CSHB 270.

Our original opposition was to the financial responsibility for testing for sexually transmitted diseases and emergency contraception. Those matters were not law enforcement related. Now that those components have been removed from the bill, we have changed our position. We agree that victims should not have to pay for evidentiary exams. We've reviewed the changes and now endorse the attached work draft of CSHB 270.

You may contact us at the APOA office in Anchorage at 277-0515.

Sincerely,



John Charbonneau
State President

Attachment

cc: Representative Jeannette James

RECEIVED BY

FEB - 7 2000

Rep. Jeannette James

WORK DRAFT

WORK DRAFT

WORK DRAFT

1-LS1108VG
Luckhaupt
1/21/00

CS FOR HOUSE BILL NO. 270()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES CROFT, Halcro, Kerttula

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to sexual assault and sexual abuse and to payment for certain
2 medical costs and examinations in cases of alleged sexual assault or sexual abuse."

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

4 * Section 1. AS 18.68 is amended by adding new sections to read:

5 **Sec. 18.68.040. Sexual assault victim may not be required to pay for**
6 **examination.** A law enforcement agency or other authority that is investigating a
7 sexual assault that is alleged or suspected to have occurred within its jurisdiction or
8 a health care provider or health care facility may not require the victim to pay for the
9 costs of examination of the victim necessary for

10 (1) collecting evidence using the sexual assault examination kit under
11 AS 18.68.010 or otherwise; or

12 (2) determining whether a sexual assault has occurred.

13 **Sec. 18.68.100. Definition.** In this chapter, "sexual assault" has the meaning
14 given in AS 18.66.990.

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355

January 27, 2000

Business Manager

Joseph E. Young
Anchorage

Board of Directors

John Charbonneau, President
Anchorage

Robin Lown, Vice President
Juneau

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Pres. Kenai Chapter

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Angella Long, Member
Palmer
Pres. Mat-Su Chapter

Tonya Barnes, Member
Fairbanks
Pres. Farthest North Chapter

Robert Fletcher, Member
Juneau
Pres. Capitol City Chapter

Leroy Mestas, Member
Ketchikan
Pres. First City Chapter

Robert Claus, Member
Craig
Pres. Prince of Wales Chapter

John Lucking, Jr., Member
Unalaska
Pres. Aleutian Islands Chapter

Representative Jeannette James
Alaska State Legislature
State Capital
Juneau, Alaska 99801-1182

Dear Representative James:

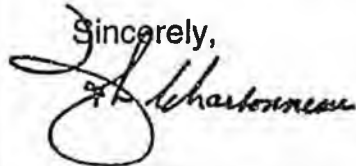
At a recent meeting of the APOA Board of Directors, we unanimously agreed to oppose HB 270.

We oppose the proposed amendment to AS 18.68 regarding the financial responsibility for testing for sexually transmitted diseases and emergency contraception. These matters are not law enforcement related.

We feel this amendment is inappropriate and should not be enacted.

You may contact us at the APOA office in Anchorage at 277-0515.

Sincerely,



John Charbonneau
State President

cc: Representatives Eric Croft and Andrew Halcro

RECEIVED BY

FEB - 1 2000

Rep. Jeannette James

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. SSHB 270

Revision Date _____	Dept. Affected <u>Public Safety</u>	
Title <u>SEXUAL ASSAULT & SEXUAL ABUSE</u>	BRU <u>Alaska State Trooper Detachments</u>	
	Component: <u>Alaska State Trooper Detachments</u>	
Sponsor <u>Representative Croft</u>		
Requester <u>H. State Affairs Committee</u>	Component No. <u>2325</u>	

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

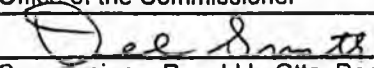
Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill is not expected to have an adverse impact on the budget.

Prepared by: <u>Royce Weller, Special Assistant</u>	Phone: <u>465-4322</u>
Division: <u>Office of the Commissioner</u>	Date/Time: <u>3/3/2000</u>
Approved by: <u></u>	Date: <u>3-6-00</u>
Agency: <u>Commissioner Ronald L. Otte, Dept. of Public Safety</u>	

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HB

291

(7)

HOUSE COMMITTEE REPORT

Date Referred to Committee: January 18, 2000

FURTHER REFERRALS:

Finance

Date of Committee Action: 2/8/00

The STATE AFFAIRS Committee considered:

HB 291

HOUSE BILL NO. 291

ADMINISTRATIVE PROCEDURE NOTICES

"An Act relating to the use of electronic format for certain state agency notices."

recommends it be replaced with the following committee substitute CS HB 291 (STA) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) GOV.

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Jeannette James</i>	✓			
<i>John S. ...</i>	✓			
<i>Beth Kettala</i>	✓			
<i>Bill ...</i>	✓			
<i>M. ...</i>	✓			
<i>Scott ...</i>	✓			

CHAIR'S SIGNATURE Jeannette James

1-LS1244H
Bannister
2/7/00

CS passed, Am #1 passed.

CS FOR HOUSE BILL NO. 291()

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE KERTTULA

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the giving of certain state agency notices."

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

3 * Section 1. AS 44.62.190(a) is amended to read:

4 (a) At least 30 days before the adoption, amendment, or repeal of a regulation,
5 notice of the proposed action shall be

6 (1) published in the newspaper of general circulation or trade or
7 industry publication that the state agency prescribes and in the Alaska Administrative
8 Journal; in the discretion of the state agency giving the notice, the requirement of
9 publication in a newspaper or trade or industry publication may be satisfied by using
10 a combination of publication and broadcasting; when broadcasting the notice, an
11 agency may use an abbreviated form of the notice if the broadcast provides the name
12 and date of the newspaper or trade or industry journal where the full text of the notice
13 can be found;

14 (2) furnished [MAILED] to every person who has filed a request for
15 notice of proposed action with the state agency;

1 (3) if the agency is within a department, furnished [MAILED OR
2 DELIVERED] to the commissioner of the department;

3 (4) when appropriate in the judgment of the agency,

4 (A) furnished [MAILED] to a person or group of persons
5 whom the agency believes is interested in the proposed action; and

6 (B) published in the additional form and manner the state
7 agency prescribes;

8 (5) furnished to the Department of Law together with a copy of the
9 proposed regulation, amendment, or order of repeal for the department's use in
10 preparing the opinion required after adoption and before filing by AS 44.62.060;

11 (6) furnished by electronic format, if the state agency has the
12 technological capability, to all incumbent State of Alaska legislators, and furnished
13 to the Legislative Affairs Agency; if the state agency does not have the
14 technological capability to furnish the notice by electronic format to the
15 legislators, the state agency shall furnish the notice to the legislators by other
16 means;

17 (7) furnished to the standing committee of each house of the legislature
18 having legislative jurisdiction over the subject matter treated by the regulation under
19 the Uniform Rules of the Alaska State Legislature, together with a copy of the
20 proposed regulation, amendment, or order of repeal for the committee's use in
21 conducting the review authorized by AS 24.05.182;

22 (8) furnished to the staff of the Administrative Regulation Review
23 Committee, together with a copy of the proposed regulation, amendment, or order of
24 repeal and, if preparation of an appropriation increase estimate is required by
25 AS 44.62.195, a copy of the estimate.

26 * Sec. 2. AS 44.62.190(b) is amended to read:

27 (b) If the form or manner of notice is prescribed by statute, in addition to the
28 requirements of filing and furnishing [MAILING] notice under AS 44.62.010 -
29 44.62.300, or in addition to the requirements of filing and mailing notice under
30 other sections of this chapter, the notice shall be published, posted, mailed, filed, or
31 otherwise publicized as prescribed by the statute.

1 * Sec. 3. AS 44.62.190(c) is amended to read:

2 (c) The failure to furnish [MAIL] notice to a person as provided in this
3 section does not invalidate an action taken by an agency under AS 44.62.180 -
4 44.62.290.

5 * Sec. 4. AS 44.62.190 is amended by adding a new subsection to read:

6 (e) Notwithstanding (a) of this section, if a person who is to receive a notice
7 under (a) of this section requests that the state agency mail the notice, the state agency
8 shall furnish the notice to the person by mail.

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 291(), Draft Version "H"

1 Page 1, line 3:

2 Delete "AS 44.62.190(a) is amended to read:"

3 Insert "AS 44.62.190 is amended to read:

4 **Sec. 44.62.190. Notice of proposed action."**

5 Page 2, lines 16 - 25:

6 Delete ";

7 (7) furnished to the standing committee of each house of the
8 legislature having legislative jurisdiction over the subject matter treated by the
9 regulation under the Uniform Rules of the Alaska State Legislature, together with a
10 copy of the proposed regulation, amendment, or order of repeal for the committee's
11 use in conducting the review authorized by AS 24.05.182;

12 (8) furnished to the staff of the Administrative Regulation Review
13 Committee, together with a copy of the proposed regulation, amendment, or order of
14 repeal and, if preparation of an appropriation increase estimate is required by
15 AS 44.62.195, a copy of the estimate"

16 Insert

17 "[(7) FURNISHED TO THE STANDING COMMITTEE OF EACH
18 HOUSE OF THE LEGISLATURE HAVING LEGISLATIVE JURISDICTION OVER
19 THE SUBJECT MATTER TREATED BY THE REGULATION UNDER THE
20 UNIFORM RULES OF THE ALASKA STATE LEGISLATURE, TOGETHER WITH
21 A COPY OF THE PROPOSED REGULATION, AMENDMENT, OR ORDER OF
22 REPEAL FOR THE COMMITTEE'S USE IN CONDUCTING THE REVIEW
23 AUTHORIZED BY AS 24.05.182;

24 (8) FURNISHED TO THE STAFF OF THE ADMINISTRATIVE

1 REGULATION REVIEW COMMITTEE, TOGETHER WITH A COPY OF THE
2 PROPOSED REGULATION, AMENDMENT, OR ORDER OF REPEAL AND, IF
3 PREPARATION OF AN APPROPRIATION INCREASE ESTIMATE IS REQUIRED
4 BY AS 44.62.195, A COPY OF THE ESTIMATE]"

5 Page 2, line 26:

6 Delete all material.

7 Page 3, line 1:

8 Delete all material.

9 Page 3, following line 4:

10 Insert a new subsection to read:

11 "(d) Along with a notice furnished under (a)(2), (4)(A), or (6) [, (7), OR (8)]
12 of this section, the state agency shall include the reason for the proposed action, the
13 initial cost to the state agency of implementation, the estimated annual costs to the
14 state agency of implementation, the name of the contact person for the state agency,
15 and the origin of the proposed action."

16 Page 3, line 5:

17 Delete "Sec. 4."

18 Insert "Sec. 2."

ALASKA STATE LEGISLATURE

REPRESENTATIVE
JEANNETTE JAMES
PO Box 56622
North Pole, Alaska 99705
(907) 488-1546
FAX (907) 488-4271



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-3743
FAX (907) 465-2381

House of Representatives
House District 34

DATE: 2/7/00
TO: State Affairs Committee members
RE: HB 291, Administrative Procedure Notices

There will be a CS and an amendment for HB 291.

Bill drafters are swamped today so the CS and amendments are unavailable at the time packets are being distributed.

They will be on your desk when the bill is heard Tuesday morning.

JCC

February 7, 2000

RE: HB 291

Terry Bannister is drafting two items which probably won't be ready until this afternoon so will have to be given to the committee during the meeting:

1. A CS which makes a few more technical changes, substituting "furnish" for "mail", etc.
2. A proposed amendment to that CS which totally removes Sections 7 and 8.

That way the committee can adopt the new CS to work from, and then debate whether to adopt the more radical changes proposed in the amendment.



Subject: fiscal note

Date: Thu, 03 Feb 2000 13:56:25 -0900

From: Barbara Cotting <Barbara_Cotting@legis.state.ak.us>

Organization: Alaska State Legislature

To: shari_kochman@gov.state.ak.us

I have scheduled the following bill for hearing in House State Affairs on Tuesday, February 8, and need a fiscal note:

HB 291, Administrative Procedure Notices (Admin)

Thanks,

Barbara

1-LS1244G
Bannister
2/2/00

CS FOR HOUSE BILL NO. 291(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVE KERTTULA

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the use of electronic format for certain state agency notices."**

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

3 *** Section 1.** AS 44.62.190(a) is amended to read:

4 (a) At least 30 days before the adoption, amendment, or repeal of a regulation,
5 notice of the proposed action shall be

6 (1) published in the newspaper of general circulation or trade or
7 industry publication that the state agency prescribes and in the Alaska Administrative
8 Journal; in the discretion of the state agency giving the notice, the requirement of
9 publication in a newspaper or trade or industry publication may be satisfied by using
10 a combination of publication and broadcasting; when broadcasting the notice, an
11 agency may use an abbreviated form of the notice if the broadcast provides the name
12 and date of the newspaper or trade or industry journal where the full text of the notice
13 can be found;

14 (2) mailed to every person who has filed a request for notice of
15 proposed action with the state agency;

1 (3) if the agency is within a department, mailed or delivered to the
2 commissioner of the department;

3 (4) when appropriate in the judgment of the agency,

4 (A) mailed to a person or group of persons whom the agency
5 believes is interested in the proposed action; and

6 (B) published in the additional form and manner the state
7 agency prescribes;

8 (5) furnished the Department of Law together with a copy of the
9 proposed regulation, amendment, or order of repeal for the department's use in
10 preparing the opinion required after adoption and before filing by AS 44.62.060;

11 (6) furnished by electronic format, if the state agency has the
12 technological capability, to all incumbent State of Alaska legislators, and furnished
13 to the Legislative Affairs Agency; if the state agency does not have the
14 technological capability to furnish the notice by electronic format to the
15 legislators, the state agency shall furnish the notice to the legislators by other
16 means;

17 (7) furnished to the standing committee of each house of the legislature
18 having legislative jurisdiction over the subject matter treated by the regulation under
19 the Uniform Rules of the Alaska State Legislature, together with a copy of the
20 proposed regulation, amendment, or order of repeal for the committee's use in
21 conducting the review authorized by AS 24.05.182;

22 (8) furnished to the staff of the Administrative Regulation Review
23 Committee, together with a copy of the proposed regulation, amendment, or order of
24 repeal and, if preparation of an appropriation increase estimate is required by
25 AS 44.62.195, a copy of the estimate.

26 * Sec. 2. AS 44.62.190 is amended by adding a new subsection to read:

27 (e) In (a) of this section, when a notice is required to be mailed, the agency
28 may use an electronic format to provide the notice.



Representative Beth Kerttula

Alaska State Legislature, District 3
State Capitol • Juneau, Alaska 99801-1182 • (907) 465-4766 • Fax (907) 465-4748
E-mail: Representative_Beth_Kerttula@legis.state.ak.us • <http://www.kerttula.net>

Memorandum

Date: January 26, 2000

To: Representative Jeanette James, Chair
House State Affairs Committee

From: Beth Kerttula, Representative, District 3 *Beth Kerttula*

Re: HB 291 – Electronic Notices under Administrative Procedure Act

I respectfully request that you schedule a hearing in the House State Affairs Committee for this bill. Attached you will find a copy of the bill and a sponsor statement

Thank you.

1-LS1244D ✓
Bannister
1/29/00

CS FOR HOUSE BILL NO. 291(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE KERTTULA

A BILL

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7 industry publication that the state agency prescribes and in the Alaska Administrative
8 Journal; in the discretion of the state agency giving the notice, the requirement of
9 publication in a newspaper or trade or industry publication may be satisfied by using
10 a combination of publication and broadcasting; when broadcasting the notice, an
11 agency may use an abbreviated form of the notice if the broadcast provides the name
12 and date of the newspaper or trade or industry journal where the full text of the notice
13 can be found;

14 (2) mailed to every person who has filed a request for notice of
15 proposed action with the state agency;

1 (3) if the agency is within a department, mailed or delivered to the
2 commissioner of the department;

3 (4) when appropriate in the judgment of the agency,

4 (A) mailed to a person or group of persons whom the agency
5 believes is interested in the proposed action; and

6 (B) published in the additional form and manner the state
7 agency prescribes;

8 (5) furnished the Department of Law together with a copy of the
9 proposed regulation, amendment, or order of repeal for the department's use in
10 preparing the opinion required after adoption and before filing by AS 44.62.060;

11 (6) provided by electronic format, if the state agency has the
12 technological capability, [FURNISHED] to all incumbent State of Alaska legislators,
13 and furnished to the Legislative Affairs Agency; if the state agency does not have
14 the technological capability to provide the notice by electronic format to the
15 legislators, the state agency shall furnish the notice to the legislators by other
16 means;

17 (7) furnished to the standing committee of each house of the legislature
18 having legislative jurisdiction over the subject matter treated by the regulation under
19 the Uniform Rules of the Alaska State Legislature, together with a copy of the
20 proposed regulation, amendment, or order of repeal for the committee's use in
21 conducting the review authorized by AS 24.05.182;

22 (8) furnished to the staff of the Administrative Regulation Review
23 Committee, together with a copy of the proposed regulation, amendment, or order of
24 repeal and, if preparation of an appropriation increase estimate is required by
25 AS 44.62.195, a copy of the estimate.

26 * Sec. 2. AS 44.62.190(d) is amended to read:

27 (d) Along with a notice furnished under (a)(2), (4)(A), (6), (7), or (8) of this
28 section or provided by electronic format under (a)(6) of this section, the state
29 agency shall include the reason for the proposed action, the initial cost to the state
30 agency of implementation, the estimated annual costs to the state agency of
31 implementation, the name of the contact person for the state agency, and the origin of

1 the proposed action.

2 * Sec. 3. AS 44.62.190 is amended by adding a new subsection to read:

3 (e) In (a) of this section, when a notice is required to be mailed, the agency
4 may use an electronic format to provide the notice.

1-LS1244D
Bannister
1/29/00

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CS FOR HOUSE BILL NO. 291(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE KERTTULA

A BILL

FOR AN ACT ENTITLED

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8 Journal; in the discretion of the state agency giving the notice, the requirement of
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10 a combination of publication and broadcasting; when broadcasting the notice, an
11 agency may use an abbreviated form of the notice if the broadcast provides the name
12 and date of the newspaper or trade or industry journal where the full text of the notice
13 can be found;

14 (2) mailed to every person who has filed a request for notice of
15 proposed action with the state agency;

1 (3) if the agency is within a department, mailed or delivered to the
2 commissioner of the department;

3 (4) when appropriate in the judgment of the agency,

4 (A) mailed to a person or group of persons whom the agency
5 believes is interested in the proposed action; and

6 (B) published in the additional form and manner the state
7 agency prescribes;

8 (5) furnished the Department of Law together with a copy of the
9 proposed regulation, amendment, or order of repeal for the department's use in
10 preparing the opinion required after adoption and before filing by AS 44.62.060;

11 (6) ^{FURNISHED} ~~provided~~ by electronic format, if the state agency has the
12 technological capability, [DELETED] to all incumbent State of Alaska legislators,
13 and furnished to the Legislative Affairs Agency; if the state agency does not have
14 the technological capability to provide the notice by electronic format to the
15 legislators, the state agency shall furnish the notice to the legislators by other
16 means:

17 (7) furnished to the standing committee of each house of the legislature
18 having legislative jurisdiction over the subject matter treated by the regulation under
19 the Uniform Rules of the Alaska State Legislature, together with a copy of the
20 proposed regulation, amendment, or order of repeal for the committee's use in
21 conducting the review authorized by AS 24.05.182;

22 (8) furnished to the staff of the Administrative Regulation Review
23 Committee, together with a copy of the proposed regulation, amendment, or order of
24 repeal and, if preparation of an appropriation increase estimate is required by
25 AS 44.62.195, a copy of the estimate.

26 ~~Sec. 2. AS 44.62.190(d) is amended to read:~~

27 ~~(d) Along with a notice furnished under (a)(2), (4)(A), (6), (7), or (8) of this~~
28 ~~section or provided by electronic format under (a)(6) of this section, the state~~
29 ~~agency shall include the reason for the proposed action, the initial cost to the state~~
30 ~~agency of implementation, the estimated annual costs to the state agency of~~
31 ~~implementation, the name of the contact person for the state agency, and the origin of~~

omit

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~~the proposed action.~~

* Sec. 3. AS 44.62.190 is amended by adding a new subsection to read:

(e) In (a) of this section, when a notice is required to be mailed, the agency may use an electronic format to provide the notice.



Representative Beth Kerttula

Alaska State Legislature, District 3
State Capitol • Juneau, Alaska 99801-1182 • (907) 465-4760 • Fax (907) 465-4748
E-mail: Representative_Beth_Kerttula@legis.state.ak.us • http://www.kerttula.net

Memorandum

Date: January 27, 2000
To: Barbara Cotting, Committee Aide
House State Affairs Committee
From: Gretchen Keiser, Aide *GKeiser*
Re: Proposed Language for Committee Substitute for HB 291

As we discussed yesterday, this memorandum provides suggested language to improve on House Bill 291 in a committee substitute.

We suggest the following language on Page 2, beginning line 11:

“...(6) **provided by electronic format if the state agency has the technological capability** {FURNISHED} to all incumbent State of Alaska legislators, and **furnished to** the Legislative Affairs Agency;

This proposed language addresses two issues:

- 1) It provides a caveat about technological capability to address the comment we received from the Department of Law that there are apparently a few state agencies that do not have email capability at this time. As suggested by the Department of Law, we used language addressing a similar issue in CSSB 24(FIN) am (Page 5, lines 2-4: attached.
- 2) It removes the “legislator’s designated staff member” text that could create confusion with staff changes during the interim or between sessions. If the email is simply sent to a legislator’s address, that individual or their staff will read the message.

Thank you for your attention to this bill.

Attachment



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AS 44.62.195, a copy of the estimate;
(9) published on the Internet by a designated state agency proposing the action if the designated state agency has the technological capability to publish on the Internet.

* Sec. 6. AS 44.62.200(a) is amended to read:

(a) The notice of proposed adoption, amendment, or repeal of a regulation must include

(1) a statement of the time, place, and nature of proceedings for adoption, amendment, or repeal of the regulation;

(2) reference to the authority under which the regulation is proposed and a reference to the particular code section or other provisions of law that are being implemented, interpreted, or made specific;

(3) an informative summary of the proposed subject of agency action;

(4) other matters prescribed by a statute applicable to the specific agency or to the specific regulation or class of regulations;

(5) a summary of the fiscal information required to be prepared under AS 44.62.195;

(6) a statement that a copy of the cost-benefit analysis is available from the designated state agency proposing the regulatory action if the cost-benefit analysis is required under AS 44.62.035, or if a cost-benefit analysis is not required due to the operation of AS 44.62.035(b), that a copy of the fiscal note identified in AS 44.62.035(b) is available from the designated state agency proposing the regulatory action.

* Sec. 7. AS 44.62.200(b) is amended to read:

(b) Except for designated state agencies, a [A] regulation that is adopted, amended, or repealed may vary in content from the summary specified in (a)(3) of this section if the subject matter of the regulation remains the same and the original notice was ~~was~~ to assure that members of the public are reasonably notified of the of agency action in order for them to determine whether their affected by agency action on that subject.

Why was this attached?

s amended by adding a new subsection to read:

CSSB 24(FIN) am

what is this?



Representative Beth Kerttula

Sponsor Statement

House Bill 291

Electronic Notices under Administrative Procedure Act

This bill changes the public notice procedures used by state agencies for adopting regulations. HB 291 requires state agencies to provide legislators' offices a notice of their proposed regulations via email, rather than the traditional paper copy. HB 291 also clarifies that a state agency may use an electronic format when it is required to "mail" a notice to other parties under AS 44.62.190(a).

HB 291 utilizes today's technology to streamline government processes. By using an electronic format, HB 291 simplifies the production, handling and delivery of notices. Substituting one email message for 60 letters mailed to legislators' offices reduces agency staff time, printing, and mailing costs. At the receiving end, legislative staff time handling the regulatory paperwork will be reduced. To the extent that State agencies increase their electronic transmission of regulatory notices to other parties, HB 291 also facilitates more efficient and timely delivery of notices statewide to individuals, organization and business, where appropriate.

HB

292

TONY KNOWLES
GOVERNOR
governor@gov.state.ak.us

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

P.O. Box 110601
Juneau, Alaska 99811-0600
(907) 465-3500
Fax (907) 465-3532
www.gov.state.ak.us

January 18, 2000

The Honorable Brian Porter
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Porter:

People in the last decades of the twentieth century have had to address an important question that those before have not confronted: How do we achieve the delicate balance when releasing personal information between individual rights and the need to protect the public? One decision that has already been made in Alaska and other states is that some criminal justice information should be available to people making sensitive employment and license decisions. We have decided, for example, that an employer in a nursing home should be able to know whether a prospective employee has been convicted of elder abuse or other crimes; or that a person operating a day care center should have access to criminal history information for prospective child care workers.

This bill I transmit today adopts The National Crime Prevention and Privacy Compact (Compact) which simplifies procedures and establishes a framework for inter-state sharing of criminal history records. The records are intended for use in noncriminal justice matters, such as employee background checks, as allowed by law.

The National Criminal History Access and Child Protection Act, which adopts the Compact, was enacted in 1998. Two states have adopted the Compact and other states are now considering it. Adoption by a majority of states is expected within the next few years.

The Compact would not change or expand the decisions Alaskans have already made about employers and licensing agents who should have access to criminal history information. Nor would adoption of the Compact change any of the procedures, such as

The Honorable Brian Porter
January 18, 2000
Page 2

submission of fingerprints and payment of a fee through the state repository, for obtaining information. Rather, adoption of the Compact would allow persons who may obtain criminal justice information under present law to obtain more complete and accurate information.

Currently, Alaska obtains out-of-state criminal history information from the Federal Bureau of Investigation (FBI). The information available depends on records that have been supplied to the FBI by other states. However, states may fail to provide information to the FBI or, as a matter of state policy, do not submit certain records to the FBI. Thus, the information in the FBI's files is often incomplete. By adopting the Compact, Alaska will obtain the records directly from other Compact states instead of relying on the accuracy of the FBI's duplicate repository. The information would be distributed according to Alaska law. Further, as a Compact state, Alaska would supply its criminal history records (other than information that is sealed under Alaska law such as juvenile records) to other Compact states upon request.

The bill simplifies Alaska law for dissemination of records by allowing all past conviction information to be released, rather than basing release on time lapsed since the date of unconditional discharge. This ensures that all relevant information is available and removes the current confusion in determining the unconditional discharge date.

The bill also allows the state to release all information about prior convictions, not just for a "serious offense." This solves the dilemma of trying to determine whether a crime in another jurisdiction would be a serious offense in Alaska and expands the relevant information available to interested persons.

Sincerely,



Tony Knowles
Governor

(7)

HOUSE COMMITTEE REPORT

Date Referred to Committee: January 21, 2000

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 3/16/00

The STATE AFFAIRS Committee considered:

HB 292

HOUSE BILL NO. 292

DISCLOSURE OF CRIMINAL HISTORY RECORDS

"An Act adopting the National Crime Prevention and Privacy Compact; making criminal justice information available to interested persons and criminal history record information available to the public; making certain conforming amendments; and providing for an effective date."

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

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) _____ zero fiscal note(s) DPS

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Jeannette James</i>	<input checked="" type="checkbox"/>			
<i>Phil Swales</i>			<input checked="" type="checkbox"/>	
<i>Bern Kerby</i>			<input checked="" type="checkbox"/>	
<i>Bill Hudson</i>			<input checked="" type="checkbox"/>	
<i>[Signature]</i>			<input checked="" type="checkbox"/>	

CHAIR'S SIGNATURE *Jeannette James*



DOUGLAS B. GRIFFIN
DIRECTOR

STATE OF ALASKA
Department of Revenue
Alcoholic Beverage Control Board

550 W. 7th Avenue
Anchorage, AK 99501
Phone (907) 267-6350
FAX (907) 472-9412

Aunee Carpanetti
is drafting an
amendment -
authorizing AOC
Board to utilize
the Service & set
FBI background check
for non-criminal
purposes.

2/24/00

3/7/00 - Aunee said they'll do it
in the next committee.

STATE OF ALASKA

Tony Knowles, Governor
Ronald L. Otte, Commissioner

DEPARTMENT OF PUBLIC SAFETY DIVISION OF ADMINISTRATIVE SERVICES

P.O. BOX 111200

JUNEAU, ALASKA 99811-1200

PHONE: (907) 465-4336

FAX: (907) 586-2762

January 25, 2000

The Honorable Jeannette James
Chair, House State Affairs Committee
State Capitol
Juneau, AK 99801-1182

Act 1000
FSS
for Bureau
Porter

Dear Representative James:

This is to request a hearing of House Bill 292, An Act adopting the National Crime Prevention and Privacy Compact.

The National Crime Prevention and Privacy Compact simplifies procedures and establishes a framework for inter-state sharing of criminal history records. The records are intended for use in noncriminal justice matters, such as employee background checks, as allowed by law.

The National Criminal History Access and Child Protection Act, which adopts the Compact, was enacted in 1998. Four states have adopted the Compact (Montana, Nevada, Georgia, Florida) and approximately twelve other states are introducing legislation to adopt the compact this year. Adoption by a majority of states is expected within the next few years.

The Compact would not change or expand the decisions Alaskans have already made about employers and licensing agents who should have access to criminal history information. Nor would adoption of the Compact change any of the procedures, such as submission of fingerprints and payment of a fee through the state repository, for obtaining information. Rather, adoption of the Compact would allow persons who may obtain criminal justice information under present law to obtain more complete, timely and accurate information.

Sincerely,

Kenneth E. Bischoff

Kenneth E. Bischoff
Director



STATE OF ALASKA
DEPARTMENT OF PUBLIC SAFETY
ADMINISTRATIVE SERVICES
DIRECTOR'S OFFICE
P. O. BOX 111200
JUNEAU, AK 99811-1200
PHONE: (907) 465-4336
FAX: (907) 586-2762

FAX TRANSMITTAL

TO: Representative James
ATTN: Barbara Cotting
FAX NO: 465-2381
PHONE NO: _____

DATE: 3/3/00
FROM: Ken Bischoff
Number of Pages Sent: 2
(including cover page)
SENT BY: _____

COMMENTS: Barbara, this is a cleaned up version
of the comments I would like to make before
House State Affairs when it hears HR 292
Thanks for your help. Ken

The information contained in this FAX is CONFIDENTIAL AND/OR PRIVILEGED. This FAX is intended to be reviewed by only the individual named above. If you have received this FAX in error please immediately notify the sender by telephone and mail this FAX to the Sender at the above address. Thank you.

Summary of Public Safety Testimony on HB 292 by Ken Bischoff, Director, Division of Administrative Services (465-5488)

HB 292 Does not: change who has access to criminal justice information, state or national. Requestors of this information will still require a basis authorized in law to receive this information.

HB 292 does the following:

1. Section 2 contains the language necessary to adopt the National Crime Prevention and Privacy Compact. The National Crime Prevention and Privacy Compact allows states to get national criminal history records by exchanging state records directly with other states, instead of relying on the FBI to keep duplicate records of all state criminal records. Because not all states manage to send duplicates of all their records to the FBI, exchanging records directly between states will provide more complete and timely access to criminal justice information for the purposes of licensing and employment. The Department of Public Safety will be better able to respond to employers and licensing agencies that are attempting to comply with Alaska Statutes and federal laws. Examples include:

- ✓ Alaska Bar Association (AS 08.08)
- ✓ Alaska Securities Act (AS 45.55)
- ✓ Assisted Living Homes (AS 47.33)
- ✓ Certification of Teachers (AS 14.20)
- ✓ Child Care, Child Placement and Maternity Homes (AS 07.35)
- ✓ Collection agencies (AS 08.24)
- ✓ Concealed handgun permits (AS 18.65.700)
- ✓ HUD Housing Opportunity Program (PL 104-120)
- ✓ Licensing of School Bus Drivers (AS 28.17)
- ✓ National Child Protection Act (PL 18.20)
- ✓ Regulation of Hospitals (AS 18.20)
- ✓ Security Guard Licensing (AS 18.65.410)
- ✓ Any agency that employs or licenses persons to be in authority over children or vulnerable adults (AS 12.62.160)

The Department performs approximately 20,000 of these types of checks each year.

2. Section 1 makes two house-keeping changes to AS 12.62 to provide more appropriately, all relevant information contained in a criminal history record to authorized employers and regulatory agencies. This would include arrest information without court dispositions and information beyond the ten year "unconditional discharge date" that is difficult to compute.

This change is needed to mitigate research and costs associated with filtering specific information to be able to respond to Alaska's 20,000 requests as well as national requests which will be received as a result of adoption of the compact.

3. Section 3 updates the definition of serious offense referenced by AS 12.62 regarding release of criminal justice information.

Table 21: Criminal history records of Interstate Identification Index (III) participants maintained by the State criminal history repository and the Federal Bureau of Investigation, FY 1997

State	III records indexed with the State's Identification (SID) pointers	Percent of State records	III records maintained by the FBI for the State	Percent of total records available through III maintained by the State
Total	18,390,100		11,936,100	
Alabama	45,600	11%	387,100	89%
Alaska	33,300	32	69,700	68
Arizona*	0	0	631,700	100
Arkansas	84,700	37	142,200	63
California	3,024,900	76	971,500	24
Colorado	402,400	72%	155,400	28%
Connecticut	142,100	51	134,200	49
Delaware	76,200	55	62,600	45
District of Columbia	0	0	128,000	100
Florida	2,191,600	82	496,900	18
Georgia	1,478,800	91%	151,800	9%
Hawaii	0	0	111,100	100
Idaho	97,800	73	35,700	27
Illinois	309,400	21	1,143,800	79
Indiana*	800	0	350,600	100
Iowa	18,100	7%	259,600	93%
Kansas	0	0	312,900	100
Kentucky	0	0	262,400	100
Louisiana	0	0	565,700	100
Maine	0	0	52,500	100
Maryland*	0	0	700,600	100%
Massachusetts	0	0	218,800	100
Michigan	724,800	90	82,700	10
Minnesota	224,100	86	36,700	14
Mississippi*	0	0	168,400	100
Missouri	306,400	60%	200,500	40%
Montana	52,400	51	49,400	49
Nebraska*	0	0	120,400	100
Nevada	105,600	34	203,200	66
New Hampshire	0	0	81,700	100
New Jersey	997,800	95%	48,500	5%
New Mexico*	100	0	234,000	100
New York	2,167,700	90	240,800	10
North Carolina	593,600	93	42,300	7
North Dakota	9,000	23	30,200	77
Ohio	628,100	78%	182,200	22%
Oklahoma	85,200	26	238,700	74
Oregon	365,200	83	75,800	17
Pennsylvania	680,600	67	342,500	33
Puerto Rico	0	0	68,300	100
Rhode Island	0	0%	81,700	100%
South Carolina	673,500	93	47,100	7
South Dakota	30,500	27	83,600	73
Tennessee	0	0	492,800	100
Texas	1,917,200	91	178,300	9
Utah	174,600	80%	44,900	20%
Vermont	0	0	36,800	100
Virgin Islands	0	0	10,300	100
Virginia	520,700	68	245,300	32
Washington	177,900	30	420,100	70
West Virginia*	0	0%	116,700	100%
Wisconsin	0	0	366,400	100
Wyoming	49,400	70	21,000	30