

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

11129 SENATE HEALTH, EDUCATION & SOCIAL SERVICES

SB

179

# Pharmacy Forum<sup>®</sup>

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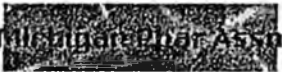
## Five states pass collaborative practice laws

Drug Topics<sup>®</sup> Archive  
Nov. 18, 2002

To the delight of pharmacists, collaborative practice acts have passed in a flurry of states recently. The laws, which enable pharmacists to initiate or modify drug therapy under protocol with physicians, were enacted in Connecticut, Hawaii, Maryland, Oklahoma, and Pennsylvania.

These laws vary somewhat from state to state. In Pennsylvania, collaborative drug therapy management (CDTM) is limited to hospital practice. But community pharmacists are not necessarily excluded. They can participate in the vaccination portion of the law, and they can help manage drug therapy in nursing homes that fall under the definition of health facilities.

"Managing drug therapy is not about who you work for but where the patient is," said Robert Patti,



Pharm.D., JD, clinical coordinator at York Hospital in York, Pa., and the legislative chair for the Pennsylvania Society of Health-System Pharmacists. Patti said he expects that most pharmacists will wait for the state pharmacy board to develop regulations before initiating any drug administration or vaccination protocols. This could take as long as 18 months. "The board could add more to what's required or add finer details," he said.

He noted, however, that many hospital R.Ph.s are already involved in CDTM, which, under the new law, includes drug therapy protocols approved by hospital P&T committees. "We've done that already," he said. "The law is a validation of a practice that was already in place across the country." He expects the law to have the biggest impact in hospitals that have no such protocols in place yet.

Pharmacists in Pennsylvania intend to broaden the CDTM law to include patients in community settings. "We're going to be very involved," said Patti of his organization.

Connecticut is following a similar strategy. By limiting CDTM to inpatients, pharmacists were able to make the bill in this state more palatable for physicians and legislators. Connecticut's CDTM, too, includes protocol-based practice.

"We are certainly going back this session to ask that it be extended to the long-term care and community practice settings," said Margherita Giuliano, R.Ph., executive v.p. of the Connecticut Pharmacists Association. Pharmacists already have the support of the medical society to establish CDTM in long-term care facilities, and they would like to do pilot studies

in community settings. Giuliano envisions recruiting pharmacists who are involved in disease state management. "Collaborative practice is the next step in disease state management."

Hawaii has just accomplished what both Pennsylvania and Connecticut plan to try. The state's CDTM law, which once applied only to the hospital setting, has now been extended to all other institutions and to community practice, said Les Krenk, R.Ph., president, Hawaii Pharmacists Association.

Under the new law, pharmacists could enter into agreements with physicians to do a range of drug therapy management, from starting patients on blood glucose monitors and test strips to more complex tasks such as ordering lab tests and adjusting doses (per protocol only).

Krenk believes the entrepreneur in the community pharmacy will take advantage of the new CDTM law. "There are also some innovative pharmacists in chains," he said. As owner of Maui Clinic Pharmacy, Krenk can capitalize on the good working relationship he has with the physicians in his clinic. "We're interested in starting something with anticoagulants," he said.

Krenk envisions the demand for CDTM services building as physicians see the positive results their colleagues have had. His next project is to get an emergency contraception bill passed in the next legislative session. "We think that will be the next big step."

Like their counterparts in Pennsylvania, Maryland

R.Ph.s waged a protracted battle before getting their bill through the legislature. The bill met with a good bit of resistance, mostly from the state's medical society. Unlike Pennsylvania, however, Maryland was able to get CDTM privileges for community pharmacists. The pharmacists must, however, have either a Pharm.D. or equivalent training, and there are very specific requirements for protocol standards and approvals.

"The 'equivalent training' is a sore spot," said Howard Schiff, PD, executive director of the Maryland Pharmacists Association. The state must now determine what exactly constitutes that training. "But, it is a step for us," said Schiff.

Oklahoma pharmacists managed to get approval for CDTM, but they did it without using the term. It started with a legal problem when the state's attorney general warned that if the definition for "administer" was not added to the state statutes, pharmacists would not be able to counsel patients on using inhalers, applying patches, injecting insulin, and so on.

In the legislation created to correct that omission, said Phil Woodward, Pharm.D., executive director of the Oklahoma Pharmacists Association, the lawmakers included the ability for pharmacists to enter into agreements with physicians. Even though the term "collaborative practice" is not in the new law, by including this provision for agreements, "it does give us the right to do collaborative therapy with physicians," Woodward said. "We went a long way this time with [this legislation]."

**Jillene Magill-Lewis, R.Ph.**

# FISCAL NOTE

STATE OF ALASKA  
2003 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: Senate Bill 179  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: EED  
Title An Act allowing teacher certification BRU Teaching & Learning Support  
based on a criminal history check Component Teacher Certification  
Sponsor Senator Therriault  
Requester \_\_\_\_\_ Component No. 1240

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

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
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>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<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>

Estimate of any current year (FY2003) cost: 0.0  
Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This is a zero fiscal note.

Prepared by: Barbara Thompson Phone 907-465-8727  
Division Teaching & Learning Support Date/Time 4/15/03 3:13 PM  
Approved by: Karen Rehfeld, Acting Commissioner Date 4/15/2003  
Agency Department of Education

# Alaska State Legislature

SENATOR  
GENE THERRIAULT

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## Senate

Senate Bill 179: "An act allowing teacher certification for certain persons based on a criminal history background check without fingerprints."

Sponsor: Senator Gene Therriault 

To receive a teaching certificate in the State of Alaska an applicant must meet several criteria including a criminal background check to ensure the safety of our children. The criminal background check, by statute, is required to be verified by fingerprints submitted by the applicant. In the past, teachers have moved out of state or retired and then attempted to come back to teach in Alaska's schools. Unfortunately, in many cases their fingerprints have eroded over time from the years of handling paperwork.

Fingerprint experts state that the two most common professions where fingerprints erode to the point of illegibility are teachers and nurses. The problem is that when these teachers try to re-obtain their teaching certificate they run into the problem of not passing a background check because their fingerprints have been worn to the point that they are unreadable by examiners. Conditional certificates are then issued every three months when a new set of prints are submitted. The teachers are then required to go through a cycle of resubmitting fingerprints and receiving conditional certificates every three months and never actually having a criminal background check completed.

Senate Bill 179 will create an alternative for people who submit two separate sets of fingerprints in which the state fingerprint examiner determines to be illegible due to permanent skin condition. The applicant would then be allowed to have a background check performed based on their name, thus giving parents some assurance that a criminal background check is performed on all teachers and allow teachers without fingerprints to avoid the hassle of resubmitting fingerprints and paperwork every three months.

SB 179 creates the same alternative process for an applicant with a permanent disability that makes it impossible to submit fingerprints.

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# STATE OF ALASKA

## MEMORANDUM

State of Alaska  
Department of Education  
& Early Development

To: Zach Warwick, Legislative Aide  
For Senator Therriault

Date: March 13, 2003

Phone:

File:

From: Linda Judd *Linda Judd*  
Supervisor, Teacher Certification

Subject: Fingerprint Submissions

Per your request, Teacher Education & Certification has collected the following data for fiscal year 2003, to date.

Total number of applicants who submitted fingerprints:	1,567	
Applicants who were required to resubmit at least two times* for Alaska Department of Public Safety clearance	9	.6%
Applicants who were required to resubmit at least two times* for F.B.I. clearance	33	2.1%
Total number of applicants who were required to resubmit at least two times* (D.P.S. and F.B.I. combined)	42	2.7%

\* "resubmit at least two times" means a total of at least three submissions (initial submission plus two resubmissions)

**“An Act relating to criminal records; and providing for an effective date.”**

**\* Section 1.** AS 12.62 is amended by adding a new section to read:

**Article 2. National criminal history records check.**

**Sec. 12.62.400. National criminal history records check for employment, licensing, and other purposes not related to criminal justice.** (a) To obtain a national criminal history records check for determining an applicant's qualifications for a license, permit, or position described in this section, a person shall submit the applicant's fingerprints to the department with the fee established by the department under AS 12.62.160. The department may submit the fingerprints to the Federal Bureau of Investigation to obtain a national criminal history records check for the purpose of evaluating an applicant's qualifications for

(1) licensure to manufacture, sell, offer for sale, possess for sale or barter, traffic in, or barter an alcoholic beverage under AS 04.11.295;

(2) admission to the Alaska Bar Association under AS 08.08.137;

(3) licensure as a collection agency operator under AS 08.24.120;

(4) licensure to practice nursing under AS 08.68.270;

(5) certification as a nurse aide under AS 08.68.334;

(6) a position involving supervisory or disciplinary power over a minor or dependent adult under AS 12.62.160(b)(9);

(7) a teacher certificate under AS 14.20.020;

- (8) employment in a nursing facility under AS 18.20.302;
- (9) licensure as a security guard under AS 18.65.410;
- (10) a concealed handgun permit under AS 18.65.700 - 18.65.705;
- (11) licensure as an insurance producer, managing general agent, reinsurance intermediary broker, reinsurance intermediary manager, surplus lines broker, or independent adjuster under AS 21.27.040;
- (12) serving and executing process issued by a court under AS 22.20.130;
- (13) a school bus driver permit under AS 28.15.046;
- (14) licensure as an instructor for a commercial driver training school under AS 28.17;
- (15) registration as a broker-dealer, agent investment adviser, representative, or state investment adviser under AS 45.55.040;
- (16) a position as a home care provider under AS 47.05.017;
- (17) employment in an assisted living facility under AS 47.33.100 and AS 47.33.550;
- (18) licensure to operate a foster home, residential child care facility, semi-secure residential child care facility, secure residential psychiatric treatment center, child placement agency, or maternity home under AS 47.35.

(b) The department may release the results of the national criminal history records check obtained under (a) of this section to a government agency that

- (1) is required or authorized by law to evaluate the applicant's

qualifications for the license, permit, or position; or

(2) has agreed in writing to evaluate the applicant's qualifications for the license, permit, or position on behalf of a person who is required or authorized by law to evaluate the applicant's qualifications but is not a government agency.

(c) In this section, "criminal history records" has the meaning given in AS 12.64.010.

\*Sec. 2. AS 47.05.017(a) is amended to read:

(a) State money may not be used for a home care provider unless records under AS 12.62.160 and AS 12.62.400 [AS 12.62.035(a)] are requested for the provider within 10 business days after the provider is hired to provide the care and are reviewed within five business days after they are received. The department shall require the grantee or contractor to do the records request [AND REVIEW] required under this subsection for a home care provider employed by a person who has a grant or contract from the department to provide home care services.

# 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

April 22, 2003

**SUBJECT:** Drafting changes and violation of single subject requirement, CSSB 179( ), (Work Order No. 23-LS0938\D)

**TO:** Senator Gene Therriault  
Attn: Zach

**FROM:** Barbara R. Craver *BRC*  
Legislative Counsel

Enclosed is your bill draft. You asked that CSSB 179( ) be drafted to include:

1 - current text of SB 179 regarding name only criminal background checks for teacher certificate applicants without fingerprints;

2 - text of HB 136 allowing persons to teach without a certificate for up to five months if their application hasn't been acted upon by the Department of Education and Early Development;

3 - a new section, AS 12.62.400, directs the Department of Public Safety to send fingerprints to the FBI for a national criminal history background check for evaluating an applicant's qualifications for, a large list of licenses, certificates, permits, registration, associations, certain positions and employment.

I have two comments, first, the bill is quite a bit longer than the draft you provided with the request. It is the view of this office that requirements relating to particular occupations or licensing schemes should be located in the statutes regarding those occupations or licensing schemes. A reader of the Alaska Statutes, and particularly a person who is subject to regulation because of their occupation or other criteria that subjects the person to licensing, should be able to look at the statutes relating to a particular occupation or licensing scheme and see all the requirements applying to that occupation or license. The draft supplied with your request does not achieve this goal. While the approach used in the draft supplied with your request may make it easier for the Department of Public Safety to keep track of the different occupations and licensing schemes that can request national criminal history record checks, in approximately half of the occupations or licensing schemes listed in the original draft there was no reference at all in the statutes relating to that occupation or license of a criminal history record check. A person having one of those occupations or applying for one of those licenses would have no notice of that requirement when looking at those statutes. A person might forego applying for a particular license if they knew of this requirement.

Senator Gene Therriault

April 22, 2003

Page 2

Secondly, the bill does not have a single subject. The sections dealing with background checks (everything but sec. 8) have a single subject, and the sections dealing with teacher certificates (secs. 8-11) have a single subject. But, the bill as a whole does not, which violates art. II, sec. 13 of the state constitution.

You can have 1 and 2 in the same bill, or 1 and 3 in the same bill, but not all three together without violating the single-subject requirement of article II, section 13 of the Alaska Constitution.

BRC:med/mdr

03-417.med

Enclosure

23-LS0938VD  
Craver  
4/22/03

**CS FOR SENATE BILL NO. 179( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-THIRD LEGISLATURE - FIRST SESSION**

BY

Offered:  
Referred:

Sponsor(s): SENATOR THERRIAULT

**A BILL**  
**FOR AN ACT ENTITLED**

1 "An Act relating to criminal history records and background checks; allowing persons  
2 to teach in the public schools for up to five months without a teaching certificate if the  
3 person has applied for a certificate and the application has not been acted upon by the  
4 Department of Education and Early Development; allowing teacher certification for  
5 certain persons based on a criminal history background check without fingerprints; and  
6 providing for an effective date."

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

8 \* Section 1. AS 04.11.295(a) is amended to read:

9 (a) An applicant for the issuance or transfer of a license or permit under this  
10 title shall submit to the board, with the application, the applicant's fingerprints and the  
11 fees required by the Department of Public Safety under AS 12.62.160 for criminal  
12 justice information and a national criminal history record check. The board may  
13 require an applicant for renewal of a license under this title to submit fingerprints and

1 pay fees as required by this subsection. The board shall submit the fingerprints to the  
2 Department of Public Safety to obtain a report of criminal justice information under  
3 AS 12.62 and a national criminal history record check under AS 12.62.400. The  
4 Department of Public Safety may submit the fingerprints to the Federal Bureau of  
5 Investigation for a national criminal history record check. The board shall use the  
6 information obtained under this section in its determination of an applicant's  
7 qualification for issuance, transfer, or renewal of a license.

8 \* Sec. 2. AS 04.11.295(b)(1) is amended to read:

9 (1) "applicant" means all individuals whose names and addresses are  
10 required to be provided with an application for a new license or permit under  
11 AS 04.11.260;

12 \* Sec. 3. AS 08.08.137 is amended to read:

13 **Sec. 08.08.137. Fingerprints.** The Board of Governors shall require an  
14 applicant for admission to be fingerprinted and provide the fees required by the  
15 Department of Public Safety under AS 12.62.160 for criminal justice information  
16 and a national criminal history record check. The fingerprints and fees shall be  
17 forwarded to the Department of Public Safety to obtain a report of criminal  
18 justice information under AS 12.62 and a national criminal history record check  
19 under AS 12.62.400 [USED TO DETERMINE WHETHER THE APPLICANT HAS  
20 A RECORD OF CRIMINAL CONVICTIONS IN THIS STATE OR ANOTHER  
21 JURISDICTION]. The Board of Governors may use the information obtained from  
22 the fingerprinting only in its official determination of the character and fitness of the  
23 applicant for admission to the Alaska Bar Association.

24 \* Sec. 4. AS 08.24.120 is amended to read:

25 **Sec. 08.24.120. Application for operator's license.** (a) An application for  
26 an operator's license shall be made on forms furnished by the department and must  
27 contain the information required in AS 08.24.110 and the following:

28 (1) a complete set of fingerprints and the fees required by the  
29 Department of Public Safety under AS 12.62.160 for criminal justice information  
30 and a national criminal history record check;

31 (2) a 2" x 3" photograph showing a front view of head and shoulders;

1 (3) if it is an original application, the application fee;

2 (4) the biennial license fee.

3 (b) The department may make a complete investigation of applicants,  
4 including inquiry of police agencies as to the applicant's record of arrest or conviction  
5 of crime. The department shall submit the fingerprints and fees received under  
6 (a)(1) of this section to the Department of Public Safety for a report of criminal  
7 justice information under AS 12.62 and a national criminal history record check  
8 under AS 12.62.400.

9 \* Sec. 5. AS 08.68.110(a) is amended by adding a new paragraph to read:

10 (10) require applicants under this chapter to submit fingerprints and the  
11 fees required by the Department of Public Safety under AS 12.62.160 for criminal  
12 justice information and a national criminal history record check; the department shall  
13 submit the fingerprints and fees to the Department of Public Safety for a report of  
14 criminal justice information under AS 12.62 and a national criminal history record  
15 check under AS 12.62.400.

16 \* Sec. 6. AS 12.62.160 is amended by adding a new subsection to read:

17 (e) When an interested person requests information under (b)(9) of this  
18 section, the department may also conduct a national criminal history record check  
19 under AS 12.62.400 if the person submits the fees required for that check under (d) of  
20 this section.

21 \* Sec. 7. AS 12.62 is amended by adding a new section to read:

22 **Article 1A. National Criminal History Record Check.**

23 **Sec. 12.62.400. National criminal history records checks for employment,**  
24 **licensing, and noncriminal justice purposes.** (a) When a national criminal history  
25 record check is authorized by law and upon receipt of the fingerprints of the person  
26 subject to the check and the fees required under AS 12.62.160, the department may  
27 submit the fingerprints to the Federal Bureau of Investigation to obtain a national  
28 criminal history record check of the person.

29 (b) The department may release the results of the national criminal history  
30 record check obtained under (a) of this section to a government agency that

31 (1) is required or authorized by law to evaluate the person's fitness or

1 qualifications for a position, license, or other purpose; or

2 (2) has agreed in writing to evaluate the person's fitness or  
3 qualifications for a position, license, or other purpose on behalf of another person who  
4 is required or authorized by law to evaluate the person's fitness or qualifications but is  
5 not a government agency.

6 \* Sec. 8. AS 14.20.010 is amended to read:

7 Sec. 14.20.010. **Teacher certificate required.** A person may not be  
8 employed as a teacher in the public schools of the state unless that person possesses a  
9 valid teacher certificate except that a person who has made application to the  
10 department for a teacher certificate, including a preliminary teacher certificate under  
11 AS 14.20.015, or renewal of a teacher certificate that has not been acted upon by the  
12 department may be employed as a teacher in the public schools of the state until the  
13 department has taken action on the application, but in no case may employment  
14 without a certificate last longer than five [THREE] months.

15 \* Sec. 9. AS 14.20.020(c) is amended to read:

16 (c) The board may establish by regulation additional requirements for the  
17 issuance of certificates. The board shall require teachers to submit fingerprints  
18 and the fees required by the Department of Public Safety under AS 12.62.160 for  
19 criminal justice information and a national criminal history record check. The  
20 board shall submit the fingerprints and fees to the Department of Public Safety  
21 for a report of criminal justice information under AS 12.62 and a national  
22 criminal history record check under AS 12.62.400. The department shall establish  
23 by regulation the fees to be charged for each certificate [, INCLUDING FEES FOR  
24 CRIMINAL HISTORY BACKGROUND CHECKS] and for other charges assessed  
25 against teachers as part of certification. In establishing the fees to be charged, the  
26 department shall establish the fee levels so that the total amount of the fees collected  
27 relating to the certification of teachers approximately equals, when added to the other  
28 fees collected from teachers, the actual regulatory costs for certifying and disciplining  
29 teachers in the state. The department shall annually review each fee level to determine  
30 whether the regulatory costs are approximately equal to fee collections. If the review  
31 indicates that fee collections and regulatory costs are not approximately equal, the

1 department shall calculate fee adjustments to the fees for certification of teachers and  
2 adopt regulations under this subsection to implement the adjustments. In January of  
3 each year, the department shall report on all fee levels and revisions for the previous  
4 year under this subsection to the office of management and budget. The department  
5 shall consider the board's recommendations concerning the fee levels and regulatory  
6 costs before revising fee schedules to comply with this subsection. In this subsection,  
7 "regulatory costs" means costs of the department that are attributable to regulation of  
8 the teaching profession, including the portion of the expenses of the board that are  
9 attributable to the regulation of the teaching profession and the expenses of the  
10 Professional Teaching Practices Commission.

11 \* **Sec. 10.** AS 14.20.020 is amended by adding a new subsection to read:

12 (j) Whenever required by a provision of this chapter to submit fingerprints to  
13 use for a criminal background check for the purpose of determining a person's  
14 suitability for employment as a teacher, the department shall accept a name-based  
15 criminal history background check on a person from the agency performing the  
16 background check if the

17 (1) person cannot submit legible fingerprint cards due to a permanent  
18 disability that precludes the person's ability to submit fingerprints; or

19 (2) agency informs the department that its examination of at least two  
20 separate sets of fingerprint cards shows that the person's fingerprints are illegible due  
21 to a permanent skin condition.

22 \* **Sec. 11.** AS 14.20.022(b) is amended to read:

23 (b) To be eligible for a subject-matter expert limited teacher certificate, a  
24 person shall

25 (1) hold at least a baccalaureate degree from an institution of higher  
26 education accredited by a recognized regional or national accrediting association or  
27 approved by the commissioner and

28 (A) have majored or minored in the subject that the person will  
29 be teaching; or

30 (B) have at least five years experience in the subject matter that  
31 the person will be teaching;

1 (2) have submitted fingerprints and the fees required by the  
2 Department of Public Safety under AS 12.62.160 for criminal justice information  
3 and a national criminal history record check to the department; the department  
4 must have submitted the fingerprints and fees to the Department of Public Safety  
5 for a report of criminal justice information under AS 12.62 and a national  
6 criminal history record check under AS 12.62.400 and the person must [TO BE  
7 USED FOR A CRIMINAL HISTORY BACKGROUND CHECK AND] have been  
8 found by the department to be suitable for employment as a teacher under  
9 AS 14.20.020(f); and

10 (3) be currently enrolled in an approved post-baccalaureate teacher  
11 education program at a regionally accredited institution meeting the requirements of  
12 AS 14.20.020(b) that provides for completion of the regular teacher certificate  
13 education requirements within two years after receipt of a subject-matter expert  
14 limited teacher certificate under this section [; AND

15 (4) PAY THE FEE REQUIRED BY THE DEPARTMENT UNDER  
16 AS 14.20.020(c) TO DEFRAY THE COST OF THE CRIMINAL HISTORY  
17 BACKGROUND CHECK; THE AMOUNT MAY NOT EXCEED THE FEE  
18 REQUIRED FOR APPLICATION FOR AN INITIAL REGULAR TEACHER  
19 CERTIFICATE].

20 \* Sec. 12. AS 18.20.302(a) is amended to read:

21 (a) A nursing facility may not employ an individual in a paid position that the  
22 department has determined is covered by this section, according to its regulations,  
23 unless the individual, before beginning employment,

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

26 (2) provides to the facility the results of a name-check criminal  
27 background investigation that was completed by the Department of Public Safety no  
28 more than 30 days before the individual is hired; and

29 (3) submits to the facility two full sets of the individual's fingerprints  
30 and the fees required under AS 12.62.160 by the Department of Public Safety for  
31 criminal justice information under AS 12.62 and a national criminal history

1           record check under AS 12.62.400.

2       \* **Sec. 13.** AS 18.20.302(b) is amended to read:

3           (b) Within 30 days after employing an individual in a paid position, a nursing  
4           facility shall submit to the Department of Public Safety the fingerprints and fees  
5           obtained under (a)(3) of this section. The Department of Public Safety shall submit  
6           the fingerprints to the Federal Bureau of Investigation for a national criminal history  
7           record check. When the results are received, the department shall advise the facility of

8                       (1) the date on which the fingerprint background check was completed;

9           and

10                      (2) whether the check shows that the individual has committed an  
11           offense described in (c) of this section.

12       \* **Sec. 14.** AS 18.65.410(a) is amended to read:

13           (a) Application for a license as a security guard must be made on forms  
14           provided by the commissioner. The application must require the furnishing of  
15           information reasonably required by the commissioner to carry out the provisions of  
16           AS 18.65.400 - 18.65.490, including classifiable fingerprints and the fees required  
17           under AS 12.62.160 for criminal justice information under AS 12.62 and a  
18           national criminal history record check under AS 12.62.400 to determine if the  
19           applicant has [TO ENABLE THE SEARCH OF CRIMINAL INDICES FOR  
20           EVIDENCE OF] a prior criminal record. The application must be accompanied by a  
21           nonrefundable application fee of \$50 for a security guard and \$200 for a security  
22           guard agency.

23       \* **Sec. 15.** AS 18.65.700(a) is amended to read:

24           (a) The department shall issue a permit to carry a concealed handgun to a  
25           person who

26                      (1) applies in person at an office of the Alaska State Troopers;

27                      (2) qualifies under AS 18.65.705;

28                      (3) submits a completed application on a form provided by the  
29           department, that provides the information required under AS 18.65.705 and 18.65.710;  
30           with each application form provided by the department, the department shall provide a  
31           copy of the state laws and regulations relating to concealed handguns, which must

1 include a concise summary of where, when, and by whom a handgun can be carried  
2 under state and federal law;

3 (4) submits two complete sets of fingerprints on Federal Bureau of  
4 Investigation approved fingerprint cards that are of sufficient quality so that the  
5 fingerprints may be processed; the fingerprints must be taken by a person, group, or  
6 agency approved by the department; the department shall maintain a list of persons,  
7 groups, or agencies approved to take fingerprints and shall provide the list to the  
8 public upon request; the fingerprints shall be used to obtain a report of criminal  
9 justice information under AS 12.62 and a national criminal history record check  
10 under AS 12.62.400;

11 (5) submits evidence of successful completion of a handgun course as  
12 provided in AS 18.65.715;

13 (6) provides one frontal view color photograph of the person taken  
14 within the preceding 30 days that includes the head and shoulders of the person and is  
15 of a size specified by the department;

16 (7) shows a valid Alaska driver's license or identification card at the  
17 time of application;

18 (8) does not suffer a physical infirmity that prevents the safe handling  
19 of a handgun; and

20 (9) pays the application fee required by AS 18.65.720.

21 \* Sec. 16. AS 21.27.040(e) is amended to read:

22 (e) As part of the application required by (a) of this section, an applicant shall  
23 furnish to the director a full set of fingerprints and the fees required by the  
24 Department of Public Safety under AS 12.62.160 for criminal justice information  
25 and a national criminal history record check so that the director may obtain  
26 criminal justice information as provided under AS 12.62 about the applicant. The  
27 director shall submit the completed fingerprint card and fees to the Department of  
28 Public Safety for a report of criminal justice information under AS 12.62 and a  
29 national criminal history record check under AS 12.62.400 [. THE  
30 DEPARTMENT OF PUBLIC SAFETY IS AUTHORIZED TO SUBMIT THE  
31 FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR A

## 1 NATIONAL CRIMINAL HISTORY RECORD CHECK].

2 \* Sec. 17. AS 22.20.130(a) is amended to read:

3 (a) The commissioner shall be assisted in the execution of the authority and  
4 duty vested by AS 22.20.100 - 22.20.140 by members of the division of state troopers  
5 or Alaska state constabulary who the commissioner designates. The commissioner is  
6 responsible on official bond for the acts of all persons designated under this  
7 subsection. The persons designated under this subsection have the same authority and  
8 duty granted to the commissioner and are subject to orders of the courts of the state in  
9 the same manner as the commissioner. They are responsible to the commissioner and  
10 to the courts, and shall be executive officers of the courts. In order to be designated  
11 under this section, the commissioner may require the person to submit the  
12 person's fingerprints and the fees required under AS 12.62.160 for criminal  
13 justice information and a national criminal history record check. The  
14 commissioner may obtain a report of criminal justice information under  
15 AS 12.62 and a national criminal history record check under AS 12.62.400.

16 \* Sec. 18. AS 28.15.046(b) is amended to read:

17 (b) The department may not issue a license under this section unless the  
18 applicant

19 (1) is at least 21 years of age;

20 (2) has had a license to operate a motor vehicle at least three years  
21 before the date of application;

22 (3) has successfully completed all required driving, written, and  
23 physical examinations;

24 (4) has submitted the applicant's fingerprints, the fees required by  
25 the Department of Public Safety under AS 12.62.160 for criminal justice  
26 information and a national criminal history record check, and other information  
27 sufficient to complete a background check consisting of a fingerprint check of national  
28 criminal records and state criminal records of the state or states in which the applicant  
29 has resided for the past two years; the department shall submit the fingerprints and  
30 fees to the Department of Public Safety for a report of criminal justice  
31 information under AS 12.62 and a national criminal history record check under

1           **AS 12.62.400:**

2                           (5) has completed a state approved school bus driver training course  
3                           established under AS 14.07.020(a)(14) or has for the previous two years been licensed  
4                           by the state to operate a school bus.

5       \* **Sec. 19.** AS 28.17.031 is amended by adding a new subsection to read:

6                           (c) The department shall require an applicant for a license under this chapter  
7                           to submit the applicant's fingerprints and the fees required by the Department of  
8                           Public Safety under AS 12.62.160 for criminal justice information and a national  
9                           criminal history record check. The department shall submit the fingerprints and fees  
10                          to the Department of Public Safety for a report of criminal justice information under  
11                          AS 12.62 and a national criminal history record check under AS 12.62.400.

12       \* **Sec. 20.** AS 45.55.040 is amended by adding a new section to read:

13                          (k) The administrator shall require an applicant for registration under  
14                          AS 45.55.030 - 45.55.060 to submit the applicant's fingerprints and the fees required  
15                          by the Department of Public Safety under AS 12.62.160 for criminal justice  
16                          information and a national criminal history record check. The administrator shall  
17                          submit the fingerprints and fees to the Department of Public Safety for a report of  
18                          criminal justice information under AS 12.62 and a national criminal history record  
19                          check under AS 12.62.400.

20       \* **Sec. 21.** AS 47.05.017(a) is amended to read:

21                          (a) State money may not be used for a home care provider unless records  
22                          under **AS 12.62.160 and 12.62.400** [AS 12.62.035(a)] are requested for the provider  
23                          within 10 business days after the provider is hired to provide the care and are reviewed  
24                          within five business days after they are received. The department shall require the  
25                          grantee or contractor to do the records request [AND REVIEW] required under this  
26                          subsection for a home care provider employed by a person who has a grant or contract  
27                          from the department to provide home care services.

28       \* **Sec. 22.** AS 47.33.100(a) is amended to read:

29                          (a) An assisted living home may not employ an individual in a paid position  
30                          that the applicable licensing agency has determined is covered by this section,  
31                          according to its regulations, unless the individual, before beginning employment,

1 (1) provides to the home a sworn statement as to whether the  
2 individual has been convicted of an offense described in (c) of this section; [AND]

3 (2) provides to the home the results of a name-check criminal  
4 background investigation that was completed by the Department of Public Safety no  
5 more than 30 days before the individual is hired; and

6 (3) submits to the home two full sets of the individual's fingerprints  
7 and the fees required by the Department of Public Safety under AS 12.62.160 for  
8 criminal justice information and a national criminal history record check.

9 \* Sec. 23. AS 47.33.100(b) is amended to read:

10 (b) Within 30 days after employing an individual in a paid position, an  
11 assisted living home shall submit to the Department of Public Safety the fingerprints  
12 and fees obtained under (a)(3) of this section for a report of criminal justice  
13 information under AS 12.62 and a national criminal history record check under  
14 AS 12.62.400 [. THE DEPARTMENT OF PUBLIC SAFETY SHALL SUBMIT  
15 THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR  
16 A NATIONAL CRIMINAL HISTORY RECORD CHECK]. When the results are  
17 received, the department shall advise the home of

18 (1) the date on which the fingerprint background check was completed;  
19 and

20 (2) whether the check shows that the individual has committed an  
21 offense described in (c) of this section.

22 \* Sec. 24. AS 47.33.550 is amended by adding a new subsection to read:

23 (j) In evaluating whether administrative sanctions may be imposed under this  
24 section, a licensing agency may require a person to provide the person's fingerprints  
25 and the fees required by the Department of Public Safety under AS 12.62.160 for  
26 criminal justice information and a national criminal history record check. The  
27 licensing agency shall submit the fingerprints and fees to the Department of Public  
28 Safety for a report of criminal justice information under AS 12.62 and a national  
29 criminal history record check under AS 12.62.400.

30 \* Sec. 25. AS 47.35.017(b) is amended to read:

31 (b) An application submitted under this section must contain at least the

1 following information:

2 (1) the name and address of the applicant and, if the applicant is an  
3 agency, corporation, partnership, association, or any other form of organization, the  
4 name, address, and title of each individual who has an ownership or management  
5 interest in the facility; if the applicant is an individual, the application must include the  
6 name, age, and driver's license number, if any, of each member of the individual's  
7 household;

8 (2) the name, physical location, and mailing address of the facility or  
9 agency for which the license is sought;

10 (3) the name and address of the administrator of the facility or agency,  
11 if any;

12 (4) evidence that the administrator or foster parent is an adult with  
13 sufficient experience, training, or education to fulfill the duties of an administrator or  
14 foster parent;

15 (5) a release for the administrator or foster parent and for each other  
16 person who is 16 years of age or older, as specified by the department by regulation,  
17 who will have contact with individuals served by the facility or agency, authorizing  
18 the department to review all federal, state, and municipal criminal justice information,  
19 whether of this state, of a municipality of this state, or of another jurisdiction, medical  
20 records, licensing records, and protective services records, identified in regulations  
21 adopted under this chapter, that are relevant to the person who is the subject of the  
22 release and to the type of license for which the application has been submitted;

23 (6) two sets of fingerprints, the fees required by the Department of  
24 Public Safety under AS 12.62.160 for criminal justice information and a national  
25 criminal history record check, and the social security number of each person  
26 required to provide a release under (5) of this subsection; [IN ORDER FOR] the  
27 department shall [TO] submit the fingerprints and fees to the Department of Public  
28 Safety to obtain a report of [FOR THE PURPOSE OF CONDUCTING STATE  
29 AND NATIONAL CRIMINAL BACKGROUND CHECKS FROM] criminal justice  
30 information [RECEIVED] under AS 12.62 and a national criminal history record  
31 check under AS 12.62.400 [REGULATIONS ADOPTED UNDER AS 12.62]; the

1 department may not approve an application under this section until the report and the  
2 results of the national criminal history record [BACKGROUND] check have been  
3 submitted to the department;

4 (7) for a facility, the number of individuals that will be served in the  
5 facility;

6 (8) the type of facility or agency for which the license is sought;

7 (9) copies of all inspection reports and approvals required by state fire  
8 prevention and environmental health and safety authorities for operation of the facility  
9 or agency, including any variances granted by these authorities;

10 (10) a plan of operation, as required by the department by regulation;

11 (11) a staffing plan that describes the number of people who will work  
12 at the facility or agency, staff qualifications, a description of each person's  
13 responsibilities, and, for a facility other than a maternity home, a supervision schedule  
14 for the children in care that meets the requirements established by the department by  
15 regulation;

16 (12) evidence that the applicant is capable of meeting the minimum  
17 standards of care established by the department under AS 47.14.120;

18 (13) evidence that the applicant has completed orientation or training  
19 required by the department, by regulation, for holders of the type of license for which  
20 the application was submitted; and

21 (14) other information required by the department, by regulation, in  
22 order to monitor compliance with this chapter and regulations adopted under this  
23 chapter.

24 \* **Sec. 26.** Except for secs. 3 and 14 of this Act, this Act takes effect immediately under  
25 AS 01.10.070(c).

26 \* **Sec. 27.** Sections 3 and 14 of this Act take effect July 2, 2003.

## SENATE COMMITTEE REPORT First Committee of Referral

DATE: 4/8/03

FURTHER: Finance

Date of 5-Day Notice: \_\_\_\_\_  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 5.9.03

Health, Education and Social Services Committee considered

SENATE BILL NO. 179

### SB 179 TEACHER CERTIFICATION : FINGERPRINTS

"An Act allowing teacher certification for certain persons based on a criminal history background check without fingerprints."

and recommends:

be replaced with \_\_\_\_\_ CS \_\_\_\_\_ SB 179 ( HES )

adopt previous \_\_\_\_\_ CS \_\_\_\_\_ ( \_\_\_\_\_ )

attached amendment(s)

adopt Letter of Intent by \_\_\_\_\_ Committee

further referral to \_\_\_\_\_ Committee

**Senate Bill:**

same title

new title

**House Bill:**

same title

technical title

new: SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
EED	4/14		x	

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Conny White</i>	✓			
<i>Bethye Davis</i>			X	
CHAIR: <i>Paul By...</i>	✓			

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avis

son

# LEGAL SERVICES

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

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
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State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

May 6, 2003

**SUBJECT:** Criminal History Records Checks and draft CSSB 179( )  
(Work Order No 23-LS0938I)

**TO:** Senator Gene Therriault

**FROM:** Gerald P. Luckhaupt *Jerry*  
Legislative Counsel

Barbara Craver *BRC*  
Legislative Counsel

Enclosed is the bill draft you requested. This draft is based upon the "D" version with sec. 7 of the bill having been changed to reflect word for word the introductory language supplied by the Department of Law in their draft of proposed AS 12.62.400. In reverting to this language it is important to note that AS 12.62.400 refers to an "applicant" for a "license, permit, registration, employment, or position." Not all of the persons whose fingerprints will be used for a criminal history record check are "applicants." For example, in secs. 13, 21, and 23 of the bill the record check is done after a person has been hired. In sec. 24 of the bill the check is done to determine if administrative sanctions should be imposed.

In order to avoid a single subject problem with the bill draft due to the inclusion of the criminal history record check provisions as requested by the Department of Law a change was made in AS 14.20.010 in sec. 8 of the bill to allow a five month exception only for delays solely caused by obtaining criminal history record checks. In essence, the three month exception in AS 14.20.010 would remain unchanged and an additional two months would be provided to those whose background checks have delayed the issuance of a certificate. The bill title has been modified accordingly. If this does not work for your purposes, please let Barbara know.

GPL:lmb:mdr  
03-174.lmb

Enclosure

23-LS0938U  
Craver/Luckhaupt  
5/6/03

**CS FOR SENATE BILL NO. 179( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-THIRD LEGISLATURE - FIRST SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): SENATOR THERRIAULT**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to criminal history records and background checks; allowing persons**  
2 **to teach in the public schools for up to five months without a teaching certificate if the**  
3 **person has applied for a certificate and the application has not been acted upon by the**  
4 **Department of Education and Early Development due to a delay in receiving criminal**  
5 **history records; allowing teacher certification for certain persons based on a criminal**  
6 **history background check without fingerprints; and providing for an effective date."**

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

8 **\* Section 1.** AS 04.11.295(a) is amended to read:

9 (a) An applicant for the issuance or transfer of a license or permit under this  
10 title shall submit to the board, with the application, the applicant's fingerprints and the  
11 fees required by the Department of Public Safety under AS 12.62.160 for criminal  
12 justice information and a national criminal history record check. The board may  
13 require an applicant for renewal of a license under this title to submit fingerprints and

1 pay fees as required by this subsection. The board shall submit the fingerprints to the  
2 Department of Public Safety to obtain a report of criminal justice information under  
3 AS 12.62 and a national criminal history record check under AS 12.62.400. The  
4 Department of Public Safety may submit the fingerprints to the Federal Bureau of  
5 Investigation for a national criminal history record check. The board shall use the  
6 information obtained under this section in its determination of an applicant's  
7 qualification for issuance, transfer, or renewal of a license.

8 \* Sec. 2. AS 04.11.295(b)(1) is amended to read:

9 (1) "applicant" means all individuals whose names and addresses are  
10 required to be provided with an application for a new license or permit under  
11 AS 04.11.260;

12 \* Sec. 3. AS 08.08.137 is amended to read:

13 **Sec. 08.08.137. Fingerprints.** The Board of Governors shall require an  
14 applicant for admission to be fingerprinted and provide the fees required by the  
15 Department of Public Safety under AS 12.62.160 for criminal justice information  
16 and a national criminal history record check. The fingerprints and fees shall be  
17 forwarded to the Department of Public Safety to obtain a report of criminal  
18 justice information under AS 12.62 and a national criminal history record check  
19 under AS 12.62.400 [USED TO DETERMINE WHETHER THE APPLICANT HAS  
20 A RECORD OF CRIMINAL CONVICTIONS IN THIS STATE OR ANOTHER  
21 JURISDICTION]. The Board of Governors may use the information obtained from  
22 the fingerprinting only in its official determination of the character and fitness of the  
23 applicant for admission to the Alaska Bar Association.

24 \* Sec. 4. AS 08.24.120 is amended to read:

25 **Sec. 08.24.120. Application for operator's license.** (a) An application for  
26 an operator's license shall be made on forms furnished by the department and must  
27 contain the information required in AS 08.24.110 and the following:

28 (1) a complete set of fingerprints and the fees required by the  
29 Department of Public Safety under AS 12.62.160 for criminal justice information  
30 and a national criminal history record check;

31 (2) a 2" x 3" photograph showing a front view of head and shoulders;

1 (3) if it is an original application, the application fee;

2 (4) the biennial license fee.

3 (b) The department may make a complete investigation of applicants,  
4 including inquiry of police agencies as to the applicant's record of arrest or conviction  
5 of crime. The department shall submit the fingerprints and fees received under  
6 (a)(1) of this section to the Department of Public Safety for a report of criminal  
7 justice information under AS 12.62 and a national criminal history record check  
8 under AS 12.62.400.

9 \* Sec. 5. AS 08.68.100(a) is amended by adding a new paragraph to read:

10 (10) require applicants under this chapter to submit fingerprints and the  
11 fees required by the Department of Public Safety under AS 12.62.160 for criminal  
12 justice information and a national criminal history record check; the department shall  
13 submit the fingerprints and fees to the Department of Public Safety for a report of  
14 criminal justice information under AS 12.62 and a national criminal history record  
15 check under AS 12.62.400.

16 \* Sec. 6. AS 12.62.160 is amended by adding a new subsection to read:

17 (e) When an interested person requests information under (b)(9) of this  
18 section, the department may also conduct a national criminal history record check  
19 under AS 12.62.400 if the person submits the fees required for that check under (d) of  
20 this section.

21 \* Sec. 7. AS 12.62 is amended by adding a new section to read:

22 **Article 1A. National Criminal History Record Check.**

23 **Sec. 12.62.400. National criminal history records checks for employment,**  
24 **licensing, and noncriminal justice purposes.** (a) To obtain a national criminal  
25 history records check for determining an applicant's qualifications for a license,  
26 permit, registration, employment, or position, a person shall submit the applicant's  
27 fingerprints to the department with the fee established by AS 12.62.160. The  
28 department may submit the fingerprints to the Federal Bureau of Investigation to  
29 obtain a national criminal history records check of the person for the purpose of  
30 evaluating an applicant's qualifications for the license, permit, registration,  
31 employment, or position.

1 (b) The department may release the results of the national criminal history  
2 record check obtained under (a) of this section to a government agency that

3 (1) is required or authorized by law to evaluate the applicant's  
4 qualifications for the license, permit, registration, employment, or position; or

5 (2) has agreed in writing to evaluate the applicant's qualifications for  
6 the license, permit, registration, employment, or position on behalf of a person who is  
7 required or authorized by law to evaluate the applicant's fitness or qualifications but is  
8 not a government agency.

9 \* Sec. 8. AS 14.20.010 is amended to read:

10 **Sec. 14.20.010. Teacher certificate required.** A person may not be  
11 employed as a teacher in the public schools of the state unless that person possesses a  
12 valid teacher certificate except that a person who has made application to the  
13 department for a teacher certificate, including a preliminary teacher certificate under  
14 AS 14.20.015, or renewal of a teacher certificate that has not been acted upon by the  
15 department may be employed as a teacher in the public schools of the state until the  
16 department has taken action on the application, but in no case may employment  
17 without a certificate last longer than three months. A person who has made  
18 application for a certificate under this section may teach for an additional 60  
19 days beyond three months without a certificate if the department grants a written  
20 extension. An extension may be granted under this section for not more than 60  
21 days to the person solely due to delay in the department's receipt of criminal  
22 justice information under AS 12.62 or a national criminal history record check  
23 under AS 12.62.400.

24 \* Sec. 9. AS 14.20.020(c) is amended to read:

25 (c) The board may establish by regulation additional requirements for the  
26 issuance of certificates. The board shall require teachers to submit fingerprints  
27 and the fees required by the Department of Public Safety under AS 12.62.160 for  
28 criminal justice information and a national criminal history record check. The  
29 board shall submit the fingerprints and fees to the Department of Public Safety  
30 for a report of criminal justice information under AS 12.62 and a national  
31 criminal history record check under AS 12.62.400. The department shall establish

1 by regulation the fees to be charged for each certificate [, INCLUDING FEES FOR  
2 CRIMINAL HISTORY BACKGROUND CHECKS] and for other charges assessed  
3 against teachers as part of certification. In establishing the fees to be charged, the  
4 department shall establish the fee levels so that the total amount of the fees collected  
5 relating to the certification of teachers approximately equals, when added to the other  
6 fees collected from teachers, the actual regulatory costs for certifying and disciplining  
7 teachers in the state. The department shall annually review each fee level to determine  
8 whether the regulatory costs are approximately equal to fee collections. If the review  
9 indicates that fee collections and regulatory costs are not approximately equal, the  
10 department shall calculate fee adjustments to the fees for certification of teachers and  
11 adopt regulations under this subsection to implement the adjustments. In January of  
12 each year, the department shall report on all fee levels and revisions for the previous  
13 year under this subsection to the office of management and budget. The department  
14 shall consider the board's recommendations concerning the fee levels and regulatory  
15 costs before revising fee schedules to comply with this subsection. In this subsection,  
16 "regulatory costs" means costs of the department that are attributable to regulation of  
17 the teaching profession, including the portion of the expenses of the board that are  
18 attributable to the regulation of the teaching profession and the expenses of the  
19 Professional Teaching Practices Commission.

20 \* **Sec. 10.** AS 14.20.020 is amended by adding a new subsection to read:

21 (j) Whenever required by a provision of this chapter to submit fingerprints to  
22 use for a criminal background check for the purpose of determining a person's  
23 suitability for employment as a teacher, the department shall accept a name-based  
24 criminal history background check on a person from the agency performing the  
25 background check if the

26 (1) person cannot submit legible fingerprint cards due to a permanent  
27 disability that precludes the person's ability to submit fingerprints; or

28 (2) agency informs the department that its examination of at least two  
29 separate sets of fingerprint cards shows that the person's fingerprints are illegible due  
30 to a permanent skin condition.

31 \* **Sec. 11.** AS 14.20.022(b) is amended to read:

1 (b) To be eligible for a subject-matter expert limited teacher certificate, a  
2 person shall

3 (1) hold at least a baccalaureate degree from an institution of higher  
4 education accredited by a recognized regional or national accrediting association or  
5 approved by the commissioner and

6 (A) have majored or minored in the subject that the person will  
7 be teaching; or

8 (B) have at least five years experience in the subject matter that  
9 the person will be teaching;

10 (2) have submitted fingerprints and the fees required by the  
11 Department of Public Safety under AS 12.62.160 for criminal justice information  
12 and a national criminal history record check to the department; the department  
13 must have submitted the fingerprints and fees to the Department of Public Safety  
14 for a report of criminal justice information under AS 12.62 and a national  
15 criminal history record check under AS 12.62.400 and the person must [TO BE  
16 USED FOR A CRIMINAL HISTORY BACKGROUND CHECK AND] have been  
17 found by the department to be suitable for employment as a teacher under  
18 AS 14.20.020(f); and

19 (3) be currently enrolled in an approved post-baccalaureate teacher  
20 education program at a regionally accredited institution meeting the requirements of  
21 AS 14.20.020(b) that provides for completion of the regular teacher certificate  
22 education requirements within two years after receipt of a subject-matter expert  
23 limited teacher certificate under this section [; AND

24 (4) PAY THE FEE REQUIRED BY THE DEPARTMENT UNDER  
25 AS 14.20.020(c) TO DEFRAY THE COST OF THE CRIMINAL HISTORY  
26 BACKGROUND CHECK; THE AMOUNT MAY NOT EXCEED THE FEE  
27 REQUIRED FOR APPLICATION FOR AN INITIAL REGULAR TEACHER  
28 CERTIFICATE].

29 \* Sec. 12. AS 18.20.302(a) is amended to read:

30 (a) A nursing facility may not employ an individual in a paid position that the  
31 department has determined is covered by this section, according to its regulations,

1 unless the individual, before beginning employment,

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

4 (2) provides to the facility the results of a name-check criminal  
5 background investigation that was completed by the Department of Public Safety no  
6 more than 30 days before the individual is hired; and

7 (3) submits to the facility two full sets of the individual's fingerprints  
8 and the fees required under AS 12.62.160 by the Department of Public Safety for  
9 criminal justice information under AS 12.62 and a national criminal history  
10 record check under AS 12.62.400.

11 \* Sec. 13. AS 18.20.302(b) is amended to read:

12 (b) Within 30 days after employing an individual in a paid position, a nursing  
13 facility shall submit to the Department of Public Safety the fingerprints and fees  
14 obtained under (a)(3) of this section. The Department of Public Safety shall submit  
15 the fingerprints to the Federal Bureau of Investigation for a national criminal history  
16 record check. When the results are received, the department shall advise the facility of

17 (1) the date on which the fingerprint background check was completed;  
18 and

19 (2) whether the check shows that the individual has committed an  
20 offense described in (c) of this section.

21 \* Sec. 14. AS 18.65.410(a) is amended to read:

22 (a) Application for a license as a security guard must be made on forms  
23 provided by the commissioner. The application must require the furnishing of  
24 information reasonably required by the commissioner to carry out the provisions of  
25 AS 18.65.400 - 18.65.490, including classifiable fingerprints and the fees required  
26 under AS 12.62.160 for criminal justice information under AS 12.62 and a  
27 national criminal history record check under AS 12.62.400 to determine if the  
28 applicant has [TO ENABLE THE SEARCH OF CRIMINAL INDICES FOR  
29 EVIDENCE OF] a prior criminal record. The application must be accompanied by a  
30 nonrefundable application fee of \$50 for a security guard and \$200 for a security  
31 guard agency.

1 \* Sec. 15. AS 18.65.700(a) is amended to read:

2 (a) The department shall issue a permit to carry a concealed handgun to a  
3 person who

4 (1) applies in person at an office of the Alaska State Troopers;

5 (2) qualifies under AS 18.65.705;

6 (3) submits a completed application on a form provided by the  
7 department, that provides the information required under AS 18.65.705 and 18.65.710;  
8 with each application form provided by the department, the department shall provide a  
9 copy of the state laws and regulations relating to concealed handguns, which must  
10 include a concise summary of where, when, and by whom a handgun can be carried  
11 under state and federal law;

12 (4) submits two complete sets of fingerprints on Federal Bureau of  
13 Investigation approved fingerprint cards that are of sufficient quality so that the  
14 fingerprints may be processed; the fingerprints must be taken by a person, group, or  
15 agency approved by the department; the department shall maintain a list of persons,  
16 groups, or agencies approved to take fingerprints and shall provide the list to the  
17 public upon request; the fingerprints shall be used to obtain a report of criminal  
18 justice information under AS 12.62 and a national criminal history record check  
19 under AS 12.62.400;

20 (5) submits evidence of successful completion of a handgun course as  
21 provided in AS 18.65.715;

22 (6) provides one frontal view color photograph of the person taken  
23 within the preceding 30 days that includes the head and shoulders of the person and is  
24 of a size specified by the department;

25 (7) shows a valid Alaska driver's license or identification card at the  
26 time of application;

27 (8) does not suffer a physical infirmity that prevents the safe handling  
28 of a handgun; and

29 (9) pays the application fee required by AS 18.65.720.

30 \* Sec. 16. AS 21.27.040(e) is amended to read:

31 (e) As part of the application required by (a) of this section, an applicant shall

1 furnish to the director a full set of fingerprints and the fees required by the  
2 Department of Public Safety under AS 12.62.160 for criminal justice information  
3 and a national criminal history record check so that the director may obtain  
4 criminal justice information as provided under AS 12.62 about the applicant. The  
5 director shall submit the completed fingerprint card and fees to the Department of  
6 Public Safety for a report of criminal justice information under AS 12.62 and a  
7 national criminal history record check under AS 12.62.400 [. THE  
8 DEPARTMENT OF PUBLIC SAFETY IS AUTHORIZED TO SUBMIT THE  
9 FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR A  
10 NATIONAL CRIMINAL HISTORY RECORD CHECK].

11 \* Sec. 17. AS 22.20.130(a) is amended to read:

12 (a) The commissioner shall be assisted in the execution of the authority and  
13 duty vested by AS 22.20.100 - 22.20.140 by members of the division of state troopers  
14 or Alaska state constabulary who the commissioner designates. The commissioner is  
15 responsible on official bond for the acts of all persons designated under this  
16 subsection. The persons designated under this subsection have the same authority and  
17 duty granted to the commissioner and are subject to orders of the courts of the state in  
18 the same manner as the commissioner. They are responsible to the commissioner and  
19 to the courts, and shall be executive officers of the courts. In order to be designated  
20 under this section, the commissioner may require the person to submit the  
21 person's fingerprints and the fees required under AS 12.62.160 for criminal  
22 justice information and a national criminal history record check. The  
23 commissioner may obtain a report of criminal justice information under  
24 AS 12.62 and a national criminal history record check under AS 12.62.400.

25 \* Sec. 18. AS 28.15.046(b) is amended to read:

26 (b) The department may not issue a license under this section unless the  
27 applicant

28 (1) is at least 21 years of age;

29 (2) has had a license to operate a motor vehicle at least three years  
30 before the date of application;

31 (3) has successfully completed all required driving, written, and

1 physical examinations;

2 (4) has submitted the applicant's fingerprints, the fees required by  
3 the Department of Public Safety under AS 12.62.160 for criminal justice  
4 information and a national criminal history record check, and other information  
5 sufficient to complete a background check consisting of a fingerprint check of national  
6 criminal records and state criminal records of the state or states in which the applicant  
7 has resided for the past two years; the department shall submit the fingerprints and  
8 fees to the Department of Public Safety for a report of criminal justice  
9 information under AS 12.62 and a national criminal history record check under  
10 AS 12.62.400;

11 (5) has completed a state approved school bus driver training course  
12 established under AS 14.07.020(a)(14) or has for the previous two years been licensed  
13 by the state to operate a school bus.

14 \* Sec. 19. AS 28.17.031 is amended by adding a new subsection to read:

15 (c) The department shall require an applicant for a license under this chapter  
16 to submit the applicant's fingerprints and the fees required by the Department of  
17 Public Safety under AS 12.62.160 for criminal justice information and a national  
18 criminal history record check. The department shall submit the fingerprints and fees  
19 to the Department of Public Safety for a report of criminal justice information under  
20 AS 12.62 and a national criminal history record check under AS 12.62.400.

21 \* Sec. 20. AS 45.55.040 is amended by adding a new section to read:

22 (k) The administrator shall require an applicant for registration under  
23 AS 45.55.030 - 45.55.060 to submit the applicant's fingerprints and the fees required  
24 by the Department of Public Safety under AS 12.62.160 for criminal justice  
25 information and a national criminal history record check. The administrator shall  
26 submit the fingerprints and fees to the Department of Public Safety for a report of  
27 criminal justice information under AS 12.62 and a national criminal history record  
28 check under AS 12.62.400.

29 \* Sec. 21. AS 47.05.017(a) is amended to read:

30 (a) State money may not be used for a home care provider unless records  
31 under AS 12.62.160 and 12.62.400 [AS 12.62.035(a)] are requested for the provider

1 within 10 business days after the provider is hired to provide the care and are reviewed  
2 within five business days after they are received. The department shall require the  
3 grantee or contractor to do the records request [AND REVIEW] required under this  
4 subsection for a home care provider employed by a person who has a grant or contract  
5 from the department to provide home care services.

6 \* Sec. 22. AS 47.33.100(a) is amended to read:

7 (a) An assisted living home may not employ an individual in a paid position  
8 that the applicable licensing agency has determined is covered by this section,  
9 according to its regulations, unless the individual, before beginning employment,

10 (1) provides to the home a sworn statement as to whether the  
11 individual has been convicted of an offense described in (c) of this section; [AND]

12 (2) provides to the home the results of a name-check criminal  
13 background investigation that was completed by the Department of Public Safety no  
14 more than 30 days before the individual is hired; and

15 (3) submits to the home two full sets of the individual's fingerprints  
16 and the fees required by the Department of Public Safety under AS 12.62.160 for  
17 criminal justice information and a national criminal history record check.

18 \* Sec. 23. AS 47.33.100(b) is amended to read:

19 (b) Within 30 days after employing an individual in a paid position, an  
20 assisted living home shall submit to the Department of Public Safety the fingerprints  
21 and fees obtained under (a)(3) of this section for a report of criminal justice  
22 information under AS 12.62 and a national criminal history record check under  
23 AS 12.62.400 [. THE DEPARTMENT OF PUBLIC SAFETY SHALL SUBMIT  
24 THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR  
25 A NATIONAL CRIMINAL HISTORY RECORD CHECK]. When the results are  
26 received, the department shall advise the home of

27 (1) the date on which the fingerprint background check was completed;  
28 and

29 (2) whether the check shows that the individual has committed an  
30 offense described in (c) of this section.

31 \* Sec. 24. AS 47.33.550 is amended by adding a new subsection to read:

1 (j) In evaluating whether administrative sanctions may be imposed under this  
2 section, a licensing agency may require a person to provide the person's fingerprints  
3 and the fees required by the Department of Public Safety under AS 12.62.160 for  
4 criminal justice information and a national criminal history record check. The  
5 licensing agency shall submit the fingerprints and fees to the Department of Public  
6 Safety for a report of criminal justice information under AS 12.62 and a national  
7 criminal history record check under AS 12.62.400.

8 \* Sec. 25. AS 47.35.017(b) is amended to read:

9 (b) An application submitted under this section must contain at least the  
10 following information:

11 (1) the name and address of the applicant and, if the applicant is an  
12 agency, corporation, partnership, association, or any other form of organization, the  
13 name, address, and title of each individual who has an ownership or management  
14 interest in the facility; if the applicant is an individual, the application must include the  
15 name, age, and driver's license number, if any, of each member of the individual's  
16 household;

17 (2) the name, physical location, and mailing address of the facility or  
18 agency for which the license is sought;

19 (3) the name and address of the administrator of the facility or agency,  
20 if any;

21 (4) evidence that the administrator or foster parent is an adult with  
22 sufficient experience, training, or education to fulfill the duties of an administrator or  
23 foster parent;

24 (5) a release for the administrator or foster parent and for each other  
25 person who is 16 years of age or older, as specified by the department by regulation,  
26 who will have contact with individuals served by the facility or agency, authorizing  
27 the department to review all federal, state, and municipal criminal justice information,  
28 whether of this state, of a municipality of this state, or of another jurisdiction, medical  
29 records, licensing records, and protective services records, identified in regulations  
30 adopted under this chapter, that are relevant to the person who is the subject of the  
31 release and to the type of license for which the application has been submitted;

1 (6) two sets of fingerprints, the fees required by the Department of  
2 Public Safety under AS 12.62.160 for criminal justice information and a national  
3 criminal history record check, and the social security number of each person  
4 required to provide a release under (5) of this subsection; [IN ORDER FOR] the  
5 department shall [TO] submit the fingerprints and fees to the Department of Public  
6 Safety to obtain a report of [FOR THE PURPOSE OF CONDUCTING STATE  
7 AND NATIONAL CRIMINAL BACKGROUND CHECKS FROM] criminal justice  
8 information [RECEIVED] under AS 12.62 and a national criminal history record  
9 check under AS 12.62.400 [REGULATIONS ADOPTED UNDER AS 12.62]; the  
10 department may not approve an application under this section until the report and the  
11 results of the national criminal history record [BACKGROUND] check have been  
12 submitted to the department;

13 (7) for a facility, the number of individuals that will be served in the  
14 facility;

15 (8) the type of facility or agency for which the license is sought;

16 (9) copies of all inspection reports and approvals required by state fire  
17 prevention and environmental health and safety authorities for operation of the facility  
18 or agency, including any variances granted by these authorities;

19 (10) a plan of operation, as required by the department by regulation;

20 (11) a staffing plan that describes the number of people who will work  
21 at the facility or agency, staff qualifications, a description of each person's  
22 responsibilities, and, for a facility other than a maternity home, a supervision schedule  
23 for the children in care that meets the requirements established by the department by  
24 regulation;

25 (12) evidence that the applicant is capable of meeting the minimum  
26 standards of care established by the department under AS 47.14.120;

27 (13) evidence that the applicant has completed orientation or training  
28 required by the department, by regulation, for holders of the type of license for which  
29 the application was submitted; and

30 (14) other information required by the department, by regulation, in  
31 order to monitor compliance with this chapter and regulations adopted under this

1 chapter.

2 \* Sec. 26. Except for secs. 3 and 14 of this Act, this Act takes effect immediately under  
3 AS 01.10.070(c).

4 \* Sec. 27. Sections 3 and 14 of this Act take effect July 2, 2003.

SB

192

SESSION ADDRESS:  
Alaska State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-4925  
Fax: (907) 465-3517  
Toll Free: 1-800-821-4925

*Senator Gary Stevens*  
*Alaska State Legislature*

INTERIM ADDRESS:  
112 Mill Bay Road  
Kodiak, Alaska 99615  
(907) 486-4925  
Fax: (907) 486-5264

**Memorandum**

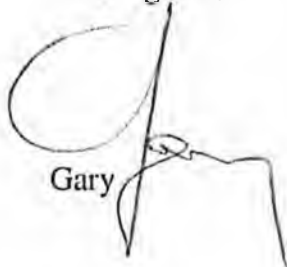
Date: April 25, 2003  
To: Senator Fred Dyson  
Chair, Senate HESS Committee  
Fr: Senator Gary Stevens  
Re: SB 192

I respectfully request a committee hearing be scheduled at your earliest possible convenience for SB 192, "An Act relating to teachers and training programs in the Department of Labor and Workforce Development, to the placement in the exempt service of certified teachers employed by the Department of Labor and Workforce Development, to their eligibility to participate in the Teachers' Retirement System of Alaska, and to the functions of the Alaska Workforce Investment Board regarding the Kotzebue Technical Center and the Alaska Vocational Technical Center; and providing for an effective date."

I would like to add the Seward LIO to the teleconference list.

Thank you for consideration of this request.

Best regards,

  
Gary

SESSION ADDRESS:  
Alaska State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-4925  
Fax: (907) 465-3517  
Toll Free: 1-800-821-4925

**Senator Gary Stevens**  
**Alaska State Legislature**

INTERIM ADDRESS:  
112 Mill Bay Road  
Kodiak, Alaska 99615  
(907) 486-4925  
Fax: (907) 486-5264

**SPONSOR STATEMENT-TERS/PERS BILL**

This year, Governor Murkowski has proposed transferring the Alaska Vocational Technical Center (AVTEC) from the Department of Education and Early Development to the Alaska Department of Labor and Workforce Development. While the transfer of the school will be accomplished through the FY 2002 budget process, Senate Bill 192 will allow the transfer to occur with minimal disruption to the staff and operation of the school.

SB 192 would specifically grant statutory authority to the Department of Labor and Workforce Development to employ teachers who are members of the Teachers Retirement System (TRS) and would enable current AVTEC instructional staff to remain members of the TRS after AVTEC transfers to the Department of Labor and Workforce Development. It also would allow future AVTEC instructional staff to become TRS members. Without this bill, the current teachers at AVTEC would need to transfer to the Public Employees Retirement System (PERS). This would not only be unfair to employees who were originally hired under the TRS system, but it would hamstring AVTEC management in their teacher recruitment efforts. The management of AVTEC has found it advantageous to offer a TRS retirement benefit as an incentive to attract experienced teachers to accept employment at AVTEC. It would be a disincentive to experienced teachers who have accrued years of TRS membership at other educational institutions in the state to consider employment at AVTEC under PERS.

SB 192 also would make amendments to clarify that AVTEC and the Kotzebue Technical Center will continue to be under the oversight, planning, and coordination responsibilities of the Alaska Workforce Investment Board (AWIB) through the Department of Labor and Workforce Development.

In summary, this bill would implement good public policy by facilitating the transfer of AVTEC from one agency to another, allowing employees to remain in TRS, by giving management a tool to attract quality employees, and by clarifying the authorities and responsibilities of AWIB.

I urge your prompt consideration and passage of this important bill.



*Great careers for Alaska's future*

April 24, 2003

Senator Fred Dyson  
Alaska State Legislature  
State Capitol  
Juneau, Alaska 99811

Dear Senator Dyson,

I am writing to you today in support of SB 192. Senate Bill 192 is an important part of the overall effort needed to insure an effective transition of the Alaska Vocational Technical Center (AVTEC) from the Department of Education & Early Development to the Department of Labor and Workforce Development (DOLWD). This legislation will allow certificated instructional staff currently employed at AVTEC to remain in the Teacher Retirement System (TRS) after the transition to DOLWD. AVTEC employs some of the highest quality and technically competent instructors in Alaska. Many of these are mid-career professionals who have earned ten or more years of TRS member service. These instructors should be held harmless and allowed to remain in the TRS as AVTEC transitions to DOLWD. I appreciate your serious consideration of this bill and would be happy to answer any questions you might have on the impact it will have for AVTEC.

Sincerely,

Fred W. Esposito  
Director

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB 192  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Department: Labor and Workforce Development  
 Title: DOL Teachers and Training Programs BRU: Office of the Commissioner  
 Component: Commissioner's Office  
 Sponsor: Senator Stevens  
 Requester: Senate HES Component Number: 340

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

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
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>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

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

Estimate of any current year (FY2003) cost: None

Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill would allow certified teachers employed by the Department of Labor and Workforce Development to remain in the Teachers' Retirement System. The department does not anticipate a financial impact from this legislation.

Prepared by: JoEllen Hanrahan, Director Phone: 465-2720  
 Division: Administrative Services Division Date/Time: 4/29/03 2:41 PM  
 Approved by: Greg O'Claray, Commissioner Date: 04/29/03  
 Agency: Department of Labor and Workforce Development

For distribution information, call the Governor's Legislative Office

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*Great careers for Alaska's future*

April 24, 2003

Senator Fred Dyson  
Alaska State Legislature  
State Capitol  
Juneau, Alaska 99811

Dear Senator Dyson,

I am writing to you today in support of SB 192. Senate Bill 192 is an important part of the overall effort needed to insure an effective transition of the Alaska Vocational Technical Center (AVTEC) from the Department of Education & Early Development to the Department of Labor and Workforce Development (DOLWD). This legislation will allow certificated instructional staff currently employed at AVTEC to remain in the Teacher Retirement System (TRS) after the transition to DOLWD. AVTEC employs some of the highest quality and technically competent instructors in Alaska. Many of these are mid-career professionals who have earned ten or more years of TRS member service. These instructors should be held harmless and allowed to remain in the TRS as AVTEC transitions to DOLWD. I appreciate your serious consideration of this bill and would be happy to answer any questions you might have on the impact it will have for AVTEC.

Sincerely,

Fred W. Esposito  
Director

# 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

April 29, 2003

**SUBJECT:** Sectional Summary of Senate Bill 192  
(Work Order No. 23-LS0994)

**TO:** Senator Gary Stevens  
Attn: Doug

**FROM:** Barbara R. Craver *BRC*  
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

**Section 1.** This adds certificated teachers working for the Department of Labor and Workforce Development to the Teachers Retirement System.

**Section 2.** This change reflects the move of the Kotzebue Technical Center and the Alaska Vocational Technical Center into the Department of Labor and Workforce Development, from the Department of Education and Early Learning.

**Section 3.** Adds teachers employed by the Department of Labor and Workforce Development to the list of exempt employees.

**Section 4.** Effective date.

If I may be of further assistance, please advise.

BRC:med  
03-453.med



OFFICIAL BUSINESS

Alaska State Legislature  
Senate  
Office of the Secretary

STATE CAPITOL, ROOM 213  
JUNEAU, ALASKA 99801-1182  
(907) 465-3701  
FAX: 465-2832  
EMAIL: [senato\\_secretary@legis.state.ak.us](mailto:senato_secretary@legis.state.ak.us)

**FOR YOUR IMMEDIATE ATTENTION**

DATE: 5/1/03  
TO: Health, Education and Social Services Committee  
(Room 121)  
FROM: Office of the Senate Secretary  
SUBJ: Referral Change

The Chair of the Committee noted above has waived the referral(s) on the following bills(s):

**RETRIEVE**

**SB 192 DOL TEACHERS AND TRAINING PROGRAMS**

Please give the bill file(s) to the page delivering this message for forwarding to the next Committee of referral.

Thank you.

**SB**

**1966**

# ALASKA STATE LEGISLATURE



SENATOR GRETCHEN GUESS

## Memorandum

Date: April 29, 2003

To: Senator Fred Dyson  
Chair, Senate HESS Committee

From: Senator Gretchen Guess *Gretchen Guess*

Re: Hearing Request

---

Please consider this a formal request for a hearing of Senate Bill 196, *"An Act creating the George W. Bush No Child Left Behind school grant program and repealing the quality school funding grant program; and providing for an effective date."*

This bill establishes a grant program to school districts for compliances with the Federal No Child Left Behind Laws, and names it after President George W. Bush (the GWB NCLB grants). Its purpose is to roll in the current Quality School grant funding and the Learning Opportunity grant funding into one grant program focused on the new federal requirements.

If you have any questions regarding SB 196 please feel free to contact me or my aide Maridon Boario at 2435.

Thank you very much for your consideration.

# ALASKA STATE LEGISLATURE



SENATOR GRETCHEN GUESS

## Sponsor Statement SB 196

*"An Act creating the George W. Bush No Child Left Behind school grant program and repealing the quality school funding grant program; and providing for an effective date."*

This bill establishes a grant program to school districts for compliance with the Federal No Child Left Behind Laws, and names it after President George W. Bush (the GWB NCLB grants). The bill's purpose is to roll the current Quality School grant funding and the Learning Opportunity grant funding into one grant program focused on the new federal requirements.

The funding for this program would be \$210 per student plus the cost differential in statute. The estimated cost would be \$30.3M, \$3.6M more than the FY03 funding for the quality school grants and the learning opportunity grants combined.

The GWB NCLB grants differ from the past grant programs in three ways. First, unlike LOGS, they are in statute. Second, it is a grant program focused on specific requirements and measurements. Three, if a school district reaches the requirements of the new Federal law then it will continue to receive 25 percent of the grant monies for classroom learning. It is an incentive to work towards the goals of NCLB.

We should always be careful with the use of public funds, especially in tough economic times. The new GWB NCLB grants would be a focused, efficient way to use public funds for supporting the education of all children and heeding the President's call to "leave no child behind."

**SB**

**201**

# ALASKA STATE SENATE



Session:  
State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-2327  
(907) 465-5241 Fax

Interim:  
119 N. Cushman, Suite 201  
Fairbanks, Alaska 99701  
(907) 456-8161  
Senator\_Ralph\_Seekins@legis.state.ak.us

**Senator Ralph Seekins**  
District D

## **SB 201 Sponsor Statement**

### **An Act Relating to Home Care and Respite Care**

This Bill corrects errors identified by the Revisor of Statutes in Chapters 45 and 118, SLA 1994. Specifically, Chapter 45 enacted various provisions containing a reference to a section that at the same time was repealed by Section 4 of Chapter 118. The section in question was former AS 12.62.035, relating to access to certain crime information. As a consequence of the enactment of these two bills, various sections contain a reference to something that no longer exists. Senate Bill 201 corrects this error in a substantive manner intended to provide clarity to the Statutes in question.

# FISCAL NOTE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number: SB201-Law-CDCO-1-30-  
Bill Version: SB201  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAW  
Title "An Act relating to home care and respite care; and providing for an effective date." RDU Criminal  
Sponsor Senate Judiciary Component CDCO  
Requester Senate Health, Education and Social Component No. \_\_\_\_\_

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

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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>						
-----------------------------	--	--	--	--	--	--

<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 (Specify Type--Do not abbreviate)						
<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>

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill amends AS 45.05.017 by requiring that a state funded home care provider be subject to a criminal background check under P.L. 105-277 rather than under AS 12.62.035(a).

Passage of this legislation will have no fiscal impact on the Department of Law.

Prepared by: Kathryn A. Daughhete, Director Phone 465-3673  
Division Administrative Services Date/Time 2/3/04 7:52 AM  
Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 2/3/2004  
Agency Department of Law

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB201-DPS-CRI-2-2-04  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DPS  
 Title Home & Respite Care: Criminal Records BRU Statewide Support  
 Component Criminal Records & ID  
 Sponsor Senate Judiciary  
 Requester Senate HSS Component No. 1190

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

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<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>

Estimate of any current year (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

The bill requires certain home health care and respite care providers to undergo national criminal record checks as authorized by federal law. Current law requires these criminal record checks, but points to a repealed state statute. It is assumed that the care providers will continue to obtain the state and national checks, both of which are authorized by law. Therefore, no change in fee receipts or service level is anticipated for the Records and Identification Bureau.

Prepared by: Diane Schenker, Criminal Justice Planner Phone 907-269-5092  
 Division Statewide Services Date/Time 2/2/04 4:41 PM  
 Approved by: Commissioner William Tandeske Date 2/2/2004  
 Agency Department of Public Safety

# FISCAL NOTE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: SB201-DHSS-DPH-02-03-04  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_

Dept. Affected: Health & Social Services

Title CRIMINAL HISTORY CHECKS FOR HOME AND  
RESPITE CARE PROVIDERS

RDU Health Care Services

Component Certification and Licensing

Sponsor SENATE (JUD)

Requester SENATE (HES)

Component No. 245

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

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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>						
<b>CHANGE IN REVENUES (0)</b>						

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
<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>

Estimate of any current year (FY2004) cost: \_\_\_\_\_

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

AS 18.18 covers home health and hospice, but there are no requirements for background checks for home health or hospice providers under that statute. We do require background checks on all home health providers who provide services in the home under regulation 7 AAC 12.541. Regulations for Hospice, however, have not been adopted. Therefore, this bill would require Hospice programs to do background checks. There would be zero fiscal impact to the Department.

Prepared by: Doug Bruce, Director  
Division: Public Health  
Approved by: Joel S. Gilbertson, Commissioner  
Agency: Department of Health and Social Services

Phone 465-3090  
Date/Time 02/03/2004  
Date 02/03/2004

23-LS0118V  
Luckhaupt  
2/3/04

**CS FOR SENATE BILL NO. 201( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-THIRD LEGISLATURE - SECOND SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): SENATE JUDICIARY COMMITTEE**

**A BILL**  
**FOR AN ACT ENTITLED**

1 **"An Act relating to home care and respite care; and providing for an effective date."**

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

3 **\* Section 1.** AS 47.05.017(a) is amended to read:

4 (a) State money may not be used for a home care provider unless criminal  
5 history record information as permitted by P.L. 105-277 and AS 12.62 is  
6 [RECORDS UNDER AS 12.62.035(a) ARE] requested for the provider within 10  
7 business days after the provider is hired to provide the care and are reviewed within  
8 five business days after they are received. The department shall require the grantee or  
9 contractor to do the records request and review required under this subsection for a  
10 home care provider employed by a person who has a grant or contract from the  
11 department to provide home care services.

12 **\* Sec. 2.** AS 47.14.100(h) is amended to read:

13 (h) The department may not pay for respite care, as defined in (d) of this  
14 section, unless the department or the entity that has contracted with the department to  
15 provide the respite care requests criminal history record information as permitted

1        by P.L. 105-277 and AS 12.62 [RECORDS UNDER AS 12.62.035(a)] for the  
2 individual who provides the respite care within 10 business days after the individual is  
3 hired to provide respite care and reviews the records within five business days after  
4 receiving them.

5 \* Sec. 3. AS 47.65.050(b) is amended to read:

6            (b) The commission may not make payments to a sponsor whose program  
7 includes family respite care services or home care services unless the sponsor has  
8 agreed to request criminal history record information as permitted by P.L. 105-  
9 277 and AS 12.62 [RECORDS UNDER AS 12.62.035(a)] for the individual who will  
10 provide the services within 10 business days after the individual is hired to provide the  
11 services and review the records within five business days after receiving them.

12 \* Sec. 4. AS 47.65.100(e) is amended to read:

13            (e) The commission may not award a grant under this section for family  
14 respite care services or for adult day care services that include home care services  
15 unless the grantee has agreed to request criminal history record information as  
16 permitted by P.L. 105-277 AS 12.62 [RECORDS UNDER AS 12.62.035(a)] for the  
17 individual who will provide the services within 10 business days after the individual is  
18 hired to provide the services and review the records within five business days after  
19 receiving them.

20 \* Sec. 5. This Act takes effect immediately under AS 01.10.070(c).

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: SB 201  
 (S) Publish Date: 5/17/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DPS  
 Title: Home & Respite Care: Criminal Records BRU: Statewide Support  
 Component: Criminal Records & ID  
 Sponsor: Senate Judiciary  
 Requester: Senate State Affairs Component No. 1190

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

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
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>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 (Specify Type--Do not abbreviate)						
<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>

Estimate of any current year (FY2003) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 The bill requires certain home health care and respite care providers to undergo national criminal record checks as authorized by federal law. Current law requires these criminal record checks, but points to a repealed state statute. By replacing the repealed state statute reference with the federal law reference, the bill has the effect of mandating the national record check only, and making the state record check optional. It is assumed that the care providers will continue to obtain the state and national checks, both of which are authorized by law. Therefore, no change in fee receipts or service level is anticipated for the Records and Identification Bureau.

Prepared by: Diane Schenker Phone 907-269-5092  
 Division: Administrative Services Date/Time 5/13/03 8:52 AM  
 Approved by: Commissioner William Tandeske Date 5/13/2003  
 Agency: Department of Public Safety

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ORIGINAL  
COPIES

## Federal Statutes Authorizing Criminal Background Checks for Nursing Facility Job Applicants and Employees

There are approximately 15 federal laws that permit criminal background checks for civil (i.e., employment and licensing) purposes. Fingerprinting, either through electronic "live scans" or paper and ink "hard cards," is required for all federal criminal background checks conducted for employment and licensing purposes.

Three of these laws permit nursing facilities to seek criminal background checks on employees and job applicants. Two of the three laws, as amended, authorize nursing facilities to seek FBI criminal background information regardless of whether the state where the facility is located has enacted its own law to permit access to state criminal background records. The third law authorizes nursing facilities to seek federal criminal background checks if the state where the facility is located has enacted a law to authorize access to state criminal background information.

Current procedures under all three federal laws require nursing facilities to channel requests for FBI criminal background information through a designated state agency. (A list of State Agency Contacts is attached.) Summaries of each law's major provisions, advantages and limitations follow.

### I. Public Law 105-277

Section 124 of Pub. L. 105-277, enacted in 1998, enables nursing facilities ("NFs") and home health care agencies ("HHAs") to request fingerprint-based national criminal history checks by the FBI for employees or job applicants for positions involving direct patient care. The NF or HHA seeking the background check must contact the designated state agency to obtain fingerprint cards and then must send the completed cards along with additional information from the applicant back to the state agency for processing. The state agency then will check its own criminal history record information (CHRI) and will forward the fingerprint cards to the FBI for a check of the FBI records. If any CHRI is found by the state, FBI, or both, the designated state agency will forward it to the NF or HHA for its use in making an employment determination for the applicant.

Pub. L. 105-277 does not require states to enact implementing legislation before NFs and HHAs can request federal criminal background checks of employees or job applicants. This is intended to give all NFs and HHAs nationwide the ability to seek access to the CHRI retained by the FBI. The statute does not specify that a law enforcement agency must take the individual's fingerprints, therefore it may be permissible for a private company to perform the actual fingerprinting.

## II. National Child Protection Act of 1993

The National Child Protection Act of 1993, 42 U.S.C. § 5119a, was amended by the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103-322 § 320928, to allow for federal criminal background checks of individuals who work for, own, or operate a business that provides care to the elderly or individuals with disabilities, as well as those who are responsible for the safety and well-being of children. This statute was amended again in 1998 by the Volunteers for Children Act, Pub. L. 105-251 § 222, to allow for federal criminal background checks even when the state does not have an authorizing statute or regulations.

Under this law, "qualified entities" (as designated by the state) may request federal criminal background checks of a "provider" pursuant to specified guidelines. If a state has a statute or regulations that require qualified entities to request such federal background checks, the state procedures must be followed in addition to the federal guidelines. A "qualified entity" is defined as a business or organization, whether public, private, for-profit, not-for-profit, or voluntary that provides (or licenses or certifies others to provide) care or care placement services to children, the elderly, or individuals with disabilities. A "provider" is defined as any person who: is an employee, an applicant for employment, or a volunteer for a qualified entity; is an owner or operator of a qualified entity; or has or may have unsupervised access to a child to whom the qualified entity provides child care. Thus, under this statute, federal criminal background checks may be obtained for owners, operators, employees, volunteers, and job applicants of entities that provide health care services to children, the elderly or disabled. It should be noted that as long as the entity is "qualified," all of its employees and volunteers are amenable to backgrounding.

Therefore, the scope of employees and/or job applicants for whom criminal background checks can be sought is broader than under Pub. L. 105-277. Under both statutes, the health care employer submits the applicant's fingerprints and identification information to the designated state agency for processing. However, the NCPA, as amended, requires that the state agency make the determination of the applicant's fitness for the job, not the employer. Both statutes allow for federal criminal background checks in the absence of state implementing legislation.

## III. Public Law 92-544

Passed by Congress in 1972, Pub. L. 92-544 is an appropriations statute that provides funding to the FBI for acquiring, collecting, classifying, preserving, and exchanging identification records with duly authorized officials of the federal government, the states,

cities, and other institutions. Under this federal law, health care employers have the ability to obtain federal criminal background checks of employees and job applicants, under certain conditions. First, there must be a state law authorizing health care employers to request such background checks from state and local government officials. Second, the authorizing state statute must be approved by the Attorney General of the United States.

Regulations implementing this law give the Director of the FBI the power and authority of the Attorney General to approve and conduct exchanges of identification records with officials of state and local governments for employment and licensing purposes if authorized by a state statute that has met the approval of the Attorney General. See 28 C.F.R. § 0.85(j). Pub. L. 92-544 and its implementing regulation do not provide guidelines for obtaining federal criminal background checks. Presumably, such guidelines or procedures would be established under the enabling (or other) state statute.

The FBI, consistent with several legal opinions from the U.S. Department of Justice, has established the mandatory elements of a state statute enacted under the auspices of Pub. L. 92-544. The state statute must:

- (1) Exist as a result of a legislative enactment;
- (2) Require that the criminal background check be fingerprint-based;
- (3) Authorize the submission of fingerprints to the State Identification Bureau for forwarding to the FBI for a national criminal history check;
- (4) Identify the categories of licensees amenable to backgrounding; and
- (5) Provide that an authorized government agency be the recipient of the results of the record check.

Pub. L. 92-544 does not allow federal criminal records to be shared directly with health care employers. Like the NCPA, as amended, Pub. L. 92-544 requires that the state agency make the determination of the applicant's fitness for the job, not the employer. A table listing those states which have enacted laws authorizing criminal background checks pursuant to Pub. L. 92-544 follows as Attachment C.

## Attachment A

### Public Law 105-277

The steps for conducting a background check include:

- (1) The NF or HHA contacts the state Control Terminal Officer ("CTO") and/or State Identification Bureau ("SIB") to request fingerprint cards (which bear a state-of-origin number for tracking purposes);
- (2) The NF or HHA gives the fingerprint cards to the applicant;
- (3) The applicant goes to the local police department or sheriff's office to get fingerprinted, which involves:
  - (a) Providing his/her name, address, and date of birth as they appear on a government document (e.g., a driver's license);
  - (b) Certifying that he/she has not been convicted of a crime and is not under indictment for a crime, or describing the crime and facts involved; and
  - (c) Having his/her fingerprints "rolled" onto the fingerprint cards;
- (4) The applicant returns the fingerprint cards and supporting information to the NF or HHA;
- (5) The NF or HHA sends the fingerprint cards, supporting information, and FBI fee (currently \$24) to the state agency (e.g., CTO, SIB) or other agency designated by the Attorney General no more than 7 business days after the fingerprints were taken;
- (6) The FBI conducts a check of its criminal history records (which include records of serious state offenses) and provides the results of the search to the submitting state agency;
- (7) The state agency receives the federal results from the FBI and forwards them with the state results to the NF or HHA; and
- (8) The NF or HHA makes the determination whether the applicant has a criminal record which would adversely affect the employment decision. In other words, the facility does not get a yes/no answer on whether to hire the individual. The statute provides immunity to the NF or HHA for making this determination based on incomplete or inaccurate information.

\*Note: the local law enforcement agency and state agency may charge separate fees. Although the statute is silent as to additional fees, the FBI has concluded that such fingerprinting and processing fees are not limited by federal law.

## Attachment B

### National Child Protection Act of 1993

The steps for conducting a background check include:

- (1) The NF or HIA must seek and obtain from the appropriate state agency "qualified entity" status under 42 U.S.C. § 5119(a)(1).
- (2) The qualified entity obtains from the provider (i.e., employee or applicant):
  - (1) Fingerprints (presumably taken at a local law enforcement agency or by a private company);
  - (a) A signed statement to the qualified entity that:
    - (1) Contains the name, address, and date of birth of the provider as it appears on a valid I.D.;
    - (i) The provider has not been convicted and is not under pending indictment for a crime, or a description of the crime and conviction must be given;
    - (ii) Notifies the provider that the qualified entity may request a background check;
    - (iii) Notifies the provider of the provider's rights to: obtain a copy of any background check report, challenge the accuracy and completeness of any information contained in any report, and obtain a prompt decision on that challenge before a final determination is made by the state agency; and
    - (iv) Notifies the provider that before the background check is complete, the qualified entity may restrict the provider's access to a person to whom the qualified entity provides care;
- (3) The qualified entity submits the background check request, provider's fingerprints and supporting documentation to the state agency designated to report, receive, or disseminate background check information (an "authorized agency");
- (4) The authorized agency will review state records and also transmit the fingerprints to the FBI for a national check (which will be returned to the state). The state will make a reasonable effort to provide a consolidated response to the request within 15 days;
- (5) The authorized agency makes a determination whether the provider has been convicted of, or is under indictment for, a crime that bears upon the provider's fitness to be responsible for the safety and well-being of children, the elderly, or individuals with disabilities, and conveys that determination to the qualified entity. The qualified entity then notifies the provider of the determination.

## Attachment C State Agency Contacts

State contacts to facilitate the processing of nursing facility / home health care applicant fingerprints to the FBI for national criminal history background checks are listed below. States that submit or exchange fingerprint information electronically with the FBI for civil purposes, which expedites processing time, are identified by "yes" or "no." States with background check statutes enacted pursuant to Public Law 92-544 for nursing facility and/or home health employees and applicants are identified by "yes," "no," or "may." (It was not clear to the FBI whether laws in the latter category applied specifically to nursing facility personnel.)

<u>State</u>	<u>Elec. Proc.</u>	<u>PL 92-544</u>	<u>Address / Phone Number</u>
Alabama	No	No	Alabama Bureau of Investigation Post Office Box 1511 Montgomery, AL 36102-1511 (334) 395-4340 Att: James Potts
Alaska	Yes	Yes	Department of Public Safety 5700 Tudor Road Anchorage, AK 99507 (907) 269-5708 Att: Kathy Monfreda
Arizona	No	Yes	Arizona Department of Public Safety Post Office Box 6638 Phoenix, AZ 85005-6638 (602) 223-2400
Arkansas	No	Yes	Arkansas State Police/ID Bureau #1 State Police Plaza Drive Little Rock, AR 72209 (501) 618-8500 Att: Sherrie Ewing
California	Yes	Yes	Department of Justice, BCH Post Office Box 903417 Sacramento, CA 94203-4170 (916) 227-3324 Att: Applicant Processing Program
Colorado	No	No	Colorado Bureau of Investigation Suite 300 690 Kipling Street Denver, CO 80215 (303) 239-4301 Att: AIC R. Armstrong

<u>State</u>	<u>Elec. Proc.</u>	<u>PL 92-544</u>	<u>Address / Phone Number</u>
Connecticut	Yes	No	Department of Public Health 410 Capitol Avenue Hartford, CT 06134 (860) 509-7218 Att: Bureau of Admin. and Support Services
Delaware	No	Yes	Delaware State Police Headquarters Department of Public Safety Post Office Box 430 Dover, DE 19903-0430 302-739-5960 Att: Major Michael J. McDonald
District of Columbia	No	No	Dist. of Columbia Metropolitan Police Dept. 300 Indiana Avenue, NW Washington, DC 20001 202-727-4110 or 5516 Att: Deloris Hunter
Florida	No	Yes	Criminal Justice Information Services Florida Department of Law Enforcement P.O. Box 1489 Tallahassee, FL 32302 850-410-7100 Attn: Donna M. Uzzell
Georgia	Yes	No	Georgia Bureau of Investigation P.O. Box 370748 Decatur, GA 30037-0748 404-244-2601 Attn: Paul C. Heppner
Hawaii	No	No	Hawaii Criminal Justice Data Center Room 101, Kekuanao'a Bldg. 465 South King Street (808) 587-3100 Att: Hannah Kawakami
Idaho	No	Yes	Idaho State Police Bureau of Criminal Identification Post Office Box 700 Meridian, ID 83680 (208) 884-7130 Att: Maria Wiley

<u>State</u>	<u>Elec. Proc.</u>	<u>PL 92-544</u>	<u>Address / Phone Number</u>
Illinois	Yes	No	Illinois State Police Division of Administration P.O. Box 19461 Springfield, IL 62794-9461 217-524-4432 Att: Ted L. Stoica
Indiana	No	No	Indiana State Police 100 N. Senate Ave. Rm. 302 Indianapolis, IN 46204 (317) 232-6263 Att: Major Karen Butt
Iowa	No	No	Division of Criminal Investigation Wallace State Office Bldg. Des Moines, IA 50319 (515) 281-4776 Att: Angell Magnani
Kansas	No	No	Kansas Bureau of Investigation 1620 SW Tyler Topeka, KS 66612-1837 Att: Adult Record Unit
Kentucky	No	No	Kentucky State Police 1250 Louisville Road Frankfort, KY 40601 (502) 227-8700 Att: Lieut. Tommy Burris
Louisiana	Yes	No	Louisiana Department of Public Safety Communications Division of State Police P.O. Box 66614 Baton Rouge, LA 70896 504-925-6325 Attn: Lieutenant Jerry Patrick
Maine	Yes	No	Maine State Police 36 Hospital Street Augusta, ME 04333 207-624-7062 Attn: Major Jeffrey Harmon

<u>State</u>	<u>Elec. Proc.</u>	<u>PL 92-544</u>	<u>Address / Phone Number</u>
Maryland	No	May	Department of Public Safety and Correctional Services 1201 Reisterstown Rd. Pikesville, MD 21208 (410) 764-5160 x 305 Att: Mike Tarlton
Massachusetts	Yes	No	Criminal History Systems Board Criminal Justice Information Systems 200 Arlington Street Chelsea, MA 02150 617-660-4713 Attn: John MacPherson
Michigan	Yes	No	Michigan State Police Criminal Justice Information Center 7150 Harris Dr. Lansing, MI 48913 (517) 322-1038 Att: AIT
Minnesota	Yes	Yes	Minnesota Department of Public Safety 1246 University Avenue Saint Paul, MN 55104-4197 (651) 603-0670
Mississippi	Yes	No	MS Department of Public Safety Post Office Box 958 Jackson, MS 39205 (601) 933-2600 Att: Applicant Processing Unit
Missouri	No	May	Missouri State Highway Patrol 1510 East Elm Street Jefferson City, MO 65102 573-526-6140 Att: Major William K. Seibert, Jr.
Montana	Yes	No	Justice Information Services 303 N. Roberts Street Helena, MT 59620 (406) 444-3625 Att: CSB - Records Section

<u>State</u>	<u>Elec. Proc.</u>	<u>PL 92-544</u>	<u>Address / Phone Number</u>
Nebraska	Yes	No	Nebraska State Patrol Post Office Box 94907 Lincoln, NE 68509 (402) 471-4545 Att: Ms. Marlene Dailey
Nevada	No	Yes	NV Highway Patrol Records and Identification Services 808 W. Nye Lane Carson City, NV 89703 (775) 687-1600
New Hampshire	No	No	New Hampshire State Police Support Services Bureau 10 Hazen Drive Concord, NH 03305 603-271-2151 Att: Major Frederick H. Booth
New Jersey	Yes	Yes	CJIS Control Unit New Jersey State Police P.O. Box 7068 West Trenton, NJ 08628-0068 609-882-2000 Ext. 2294 Att: Lieutenant Russell Dunfee
New Mexico	Yes	No	Department of Public Safety Technical and Emergency Support Division Communication Management Bureau P.O. Box 1628 Santa Fe, NM 87504-1628 505-827-9026 Att: Jeffery Wilkerson
New York	No	No	New York State Police Building #22 1220 Washington Avenue Albany, NY 12226 518-457-6811 Att: Steven Cumoletti

<u>State</u>	<u>Elec. Proc.</u>	<u>PL 92-544</u>	<u>Address / Phone Number</u>
North Carolina	Yes	May	North Carolina State Bureau of Investigation Division of Criminal Information 407 North Blount Street Raleigh, NC 27601 919-733-3171 Att: Ronald P. Hawley
North Dakota	Yes	No	North Dakota State Radio Communications P.O. Box 5511 Bismark, ND 58502-5511 701-328-9628 Att: James D. Lueder
Ohio	No	Yes	Bureau of Criminal Identification Post Office Box 365 London, OH 43140 (740) 845-2200 Att: Bill Webb
Oklahoma	No	No	Oklahoma State Bureau of Investigation 6600 N. Harvey Oklahoma City, OK 73111 (405) 848-6724 Att: Ms. Debra Cooper
Oregon	Yes	Yes	Oregon State Police Identification Services 3772 Portland Road NE Salem, OR 97303 (503) 378-3070 ext. 223 Att: Lieut. Cliff Daimler
Pennsylvania	No	Yes	Pennsylvania State Police Bureau of Technology Services Operations Division 1800 Elmerton Avenue Harrisburg, PA 17110 717-787-1330 Att: Corporal John Albring

<u>State</u>	<u>Elec. Proc.</u>	<u>PL 92-544</u>	<u>Address / Phone Number</u>
Puerto Rico	No	No	Puerto Rico Criminal Justice Information Services G.P.O. Box 9020192 San Juan, PR 00902-0192 787-729-2121 Att: Alfonso Golderos
Rhode Island	No	No	Rhode Island State Police Technical Services Unit 311 Danielson Pike North Scituate, RI 02857 401-444-1033 Att: Brian J. Glancy
South Carolina	Yes	Yes	SC Department of Social Services Post Office Box 1520 Columbia, SC 29202 (803) 898-7635 Att: Helen Lebby, Director, Division of Child Day Care Licensing or Teresa Childers-Arnold, Legislative Liaison
South Dakota	Yes	No	South Dakota Division of Criminal Investigation 500 East Capitol Avenue Pierre, SD 57501 605-773-4636 Att: Delton K. Tipton
Tennessee	Yes	No	TN Bureau of Investigation 901 R.S. Gass Blvd. Nashville, TN 37216-2639 (615) 744-4004 Att: Mona Jamison
Texas	Yes	May	TX Department of Protective and Regulatory Services 701 West 51st Austin, TX 78751 (512) 438-4800 Att: Craig Phillips

<u>State</u>	<u>Elec. Proc.</u>	<u>PL 92-544</u>	<u>Address / Phone Number</u>
Utah	No	Yes	Utah Department of Public Safety Bureau of Criminal Identification 3838 West 5400 South Salt Lake City, UT 84118 (801) 965-3858 Att: Alice Emerson, Supervisor, Fingerprint Section
Vermont	No	No	VT Crime Information Center 103 S. Main Street Waterbury, VT 05671 (802) 244-8727 Att: Max Schlueter
Virginia	No	No	Virginia State Police Post Office Box 27472 Richmond, VA 23261-7472 (804) 674-2147 Att: Lieut. T.W. Turner
Washington	No	May	Washington State Patrol Post Office Box 42619 Olympia, WA 98504-2619 (360) 570-5250 Att: Identification Section
West Virginia	Yes	No	West Virginia Division of Public Safety Communications Section 725 Jefferson Road South Charleston, WV 25309 304-746-2154 Att: Sergeant Roy L. McCallister
Wisconsin	No	No	DOJ Crime Information Bureau 123 W. Washington Avenue Madison, WI 53701-2718 (608) 266-7399 Att: Dir. Michael Moschkau
Wyoming	No	May	WY Division of Criminal Investigation 316 W. 22nd Street Cheyenne, WY 82002 (307) 777-7523 Att: Criminal Records

Contact Steven G. Shandy, Program Analyst, U.S. Department of Justice, 202-514-9577 or [Steve.Shandy@usdoj.gov](mailto:Steve.Shandy@usdoj.gov) for PL 92-544 state law citations or if you have questions.

# ALASKA STATE SENATE



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Senator\_Ralph\_Seekins@legis.state.ak.us

**Senator Ralph Seekins**  
District D

## MEMORANDUM

Date: January 22, 2004

To: Office of Senator Dyson

From: Senator Ralph Seekins

Re: Request for Hearing of SB 201

*Se for R.S.*

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Attached please find Senate Bill 201 along with the corresponding sponsor statement, fiscal note and backup information.

This Bill corrects errors in existing statutes as requested by the Revisor of Statutes.

I respectfully request a hearing before your committee on this Bill at your earliest convenience. Thank you.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
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## MEMORANDUM

December 18, 2002

**SUBJECT:** 2003 Additional Revisor's Bill (Work Order No. 23-LS0118\A)

**TO:** Senator Robin Taylor  
Chair, Legislative Council

**FROM:** James P. Crawford   
Assistant Revisor

The following is a sectional analysis of a draft of an additional revisor's bill submitted separately from the general 2003 Revisor's Bill drafted by Pamela Finley.

Like the general revisor's bill, this bill is prepared under AS 01.05.036. However, this bill deals with a discreet set of related errors arising from the contemporaneous enactment of ch. 45, SLA 1994 and ch. 118, SLA 1994.

Specifically, ch. 45 enacted various provisions containing a reference to a section that at the same time was repealed by sec. 4 of ch. 118. The section in question was former AS 12.62.035, relating to access to certain crime information. As a consequence of the enactment of these two bills, various sections contain a reference to something that no longer exists. The sections in question are AS 47.05.017(a), AS 47.65.050(b), and 47.65.100(e), (enacted by ch. 45 and addressed presently in sections 1, 3, and 4, respectively) and AS 47.14.100(h) (based on AS 47.10.230, also enacted in ch. 45, and addressed presently in section 2). The solution proposed in this bill simply reflects the fact that AS 12.62.035 has been repealed and makes no substantive change.

That said, there may be a greater than usual possibility that the legislature will want to reject this proposed solution and move this set of corrections to another bill in which the problem may be addressed substantively.

This possibility is suggested by the fact that starting with ch. 118, the legislature in recent years has tended to frame its crime information request statutes in more up-to-date terms of "criminal justice information," a phrase currently defined in AS 12.62.900. If this phrase were implemented in place of "former AS 12.62.035(a)" as a solution to the problem, a substantive change would occur because "criminal justice information" yields more information than that yielded under former AS 12.62.035.

For example, one sub-category of criminal justice information is "past conviction information." This one sub-category of information alone would provide information:

Senator Robin Taylor  
December 18, 2002  
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concerning all misdemeanor offenses (as opposed to just some under former AS 12.62.035), as well as "the terms of any sentence, probation, suspended imposition of sentence, or discretionary or mandatory parole" and "information that a criminal conviction or sentence has been reversed, vacated, set aside, or been the subject of executive clemency" – information that former AS 12.62.035 did not cover.

Thus, resort to the "criminal justice information" example above as a solution to the problem, while perhaps a preferable alternative to the solution presented here, would represent a legislative policy choice more appropriately advanced through a substantive bill. However, because the possibility exists that the legislature may prefer this alternative, these related corrections have been gathered together and set out as a group in a separate revisor's bill as a means of providing a potentially convenient starting point for a substantive bill should the legislature elect to go that route.

TBC:lmb  
02-167.lmb

Enclosure