



ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Finance

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MEMORANDUM

DATE: January 28, 2022

TO: Senator Click Bishop, Senate Finance Co-Chair
Senator Bert Stedman, Senate Finance Co-Chair
Representative Neal Foster, House Finance Co-Chair
Representative Kelly Merrick, House Finance Co-Chair

FROM: Alexei Painter 
Director of Legislative Finance Division

SUBJECT: Agency Responses to FY22 Legislative Intent Language

This memorandum restates FY22 legislative intent (*italics*) for each agency and provides agency responses (indented) to our request for status reports. Responses indicating non-compliance, partial compliance, and indeterminate compliance have been identified using bold font and yellow highlighting.

DEPARTMENT OF ADMINISTRATION

Motor Vehicles

Operating/Capital Budget (CCS HB 69(brf sup maj fld H/S))

It is the intent of the legislature that the Department of Administration provide to the Legislative Finance Division and the Co-Chairs of the Finance Committees, not later than December 1, 2021, a plan to acquire the equipment necessary to produce an Alaska driver's license that does not require sending the personal information of Alaska residents to a foreign-owned corporation or foreign government.

The State of Alaska's contract with its current vendor for driver licenses, which is foreign owned, extends through 2023. The department will begin the procurement process during 2023 before the contract ends for the new state licensing contract and incorporate the intent language provisions to the extent allowed by the state procurement code. In advance of the release of an RFP the department will conduct a feasibility analysis of bringing license production in-house.

Legislative Fiscal Analyst Comment: The Department plans on beginning their procurement process to acquire Alaska driver's license equipment with a non-foreign owned corporation or government in FY23 as their current contract with their vendor extends through FY23.

DEPARTMENT OF CORRECTIONS

Administration and Support/ Recruitment and Retention

Operating/Capital Budget (CCS HB 69(brf sup maj fld H/S))

It is the intent of the legislature that the Department uses a portion of the funds in this allocation for temporary duty assignments of Correctional Officers to work with the Recruitment and Retention unit on development of Correctional Officer recruitment strategies and materials, outreach to potential Correctional Officer applicants, and communication and assistance during the application process. It is also the intent of the legislature that the Department submits a report to the Co-Chairs of Finance and the Legislative Finance Division no later than December 1, 2021, detailing the Correctional Officer recruitment activities and results achieved with the \$400.0 UGF increment included in the FY21 and FY22 operating budgets, as compared to the recruitment activities and results in FY15-FY20, and documenting the involvement of Correctional Officers in FY21 and FY22 recruitment efforts.

PARTIAL COMPLIANCE

DOC continues to utilize Correctional Officers in recruitment efforts. This includes the temporary duty assignment to the Centralized Recruitment Unit to assist with all recruitment efforts. A report summary of all efforts and activities will be submitted by the December 1, 2021 deadline.

Legislative Fiscal Analyst Comment: The Department provided a report on December 1, 2021 that thoroughly details the agency's recruitment efforts and results in FY21 and FY22, though it does not draw a comparison to recruitment activities that occurred between FY15 and FY20, resulting in a determination of partial compliance.

Community Residential Centers

Operating/Capital Budget (CCS HB 69(brf sup maj fld H/S)) and Mental Health (CCS HB 71)

It is the intent of the legislature that the Department of Corrections renegotiate Community Residential Center contracts to use a flat rate, with the objective of obtaining a lower overall rate. The Department shall provide a report to the Finance Co-Chairs and the Legislative Finance Division no later than December 1, 2021 detailing this effort.

NON-COMPLIANCE

DOC continues to review all Community Residential Center contracts annually to ensure lowest pricing based on offender population and utilization of services. A report summary will be submitted by the December 1, 2021 deadline.

Legislative Fiscal Analyst Comment: The agency did not renegotiate Community Residential Center contracts to use a flat rate and explains that if the objective is a lower overall rate, then the tiered-cost approach is less expensive given the lower occupancy rates. The Department did not submit a report describing this analysis. CRCs have operated between 40-60% capacity in the 2021 calendar year, which is an increase over recent years, making the tiered-cost system slightly more cost-effective than when CRC counts were lower. In the tiered-cost system, the rates for occupants are significantly higher when the population is lower, which front-loads certain costs for the CRC operators, and additional occupants are charged at increasingly lower rates. In a flat rate cost agreement, (currently used for two of the seven CRCs: Glacier in Juneau, and the recently re-opened Parkview in Anchorage), the State pays to reserve a set number of beds in the facility regardless of occupancy levels.

DEPARTMENT OF EDUCATION & EARLY DEVELOPMENT

Education Support and Administrative Services/ Student and School Achievement

Operating/Capital Budget (CCS HB 69(brf sup maj fld H/S)) and Mental Health (CCS HB 71)

It is the intent of the legislature that federal funds be used to create statewide standards for instruction in social and emotional learning and that no appropriation of state or federal funds be used to mandate implementation of a statewide standards for instruction in social and emotional learning.

The Department of Education and Early Development (DEED) continues to survey other states and literature to determine how best to proceed with a public process with the State Board of Education and Early Development (Board) for the development of social and emotional learning standards. DEED staff are reviewing DEED's existing statewide standards revision schedule, staff capacity, and partnership opportunities.

Requests for creation of statewide standards in a new content area need to be informed by experts, as well as incorporated into DEED's existing standards revision schedule and processes as determined by the Board. Subject areas required for graduation are given priority in the schedule. To view the current revision schedule visit <https://education.alaska.gov/standards>. Statewide standards in social and emotional learning fall under the Skills for a Healthy Life standards. The Skills for a Healthy Life standards are up for revision in 2023.

Education Support and Administrative Services/ State System of Support

Operating/Capital Budget (CCS HB 69(brf sup maj fld H/S))

It is the intent of the legislature that a baseline assessment of current practice in Alaska's 53 School Districts, including but not limited to adopted K-3 reading curriculum and assessment tools; Dyslexia screening tools; intervention strategies and timeline; frequency of parent teacher conferences for those students experiencing reading deficits; teacher and staff training offered to support K-3 reading instruction; and number of certificated K-3 teachers with reading endorsement be submitted to the legislature. The Department is to provide a report of findings to the Finance co-chairs and the Legislative Finance Division on or before December 1, 2021, and notify the Legislature that the report is available.

The Department of Education and Early Development (DEED) has completed an assessment of existing data collections to determine what new data elements need to be collected from districts to prepare the requested report. A cross-departmental team is working to prepare the district survey via an online format and finalize a survey timeline.

Given districts' heightened focus on a new COVID-19 surge, DEED is being sensitive to adding additional data collections during the fall 2021 semester. With continued awareness of the COVID-19 context, DEED is still planning to submit the requested report by the start of the second regular session of the 32nd Legislature.

Legislative Fiscal Analyst Comment: The Department provided the report on January 13, 2022.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Spill Prevention and Response/ Spill Prevention and Response

Operating/Capital Budget (CCS HB 69(brf sup maj fld H/S))

It is the intent of the legislature that the Department of Environmental Conservation submit to the legislature an execution plan detailing how they will pursue remediation of known sites and prevention of new spills. The report should be submitted to the Co-Chairs of Finance and the Legislative Finance Division by December 1st, 2021.

COMPLIANCE MAY BE DETERMINED AT A LATER DATE

The Division of Spill Prevention and Response will report as required under AS 46.08.060 to report to the Legislature biennially by the 10th day of the first regular session, including details of activities and remediation pursuits of known contaminated sites and the efforts taken to prevent new spills. The Department has chosen to provide the report on an annual basis in recent years in order to be timelier and more transparent. Annual and biennial reports for the years 2005 through 2020 can be found at <http://dec.alaska.gov/spar/reports/>.

Legislative Fiscal Analyst Comment: The Department is required to provide the report on the 10th day of regular session every other year. The last year that the Department provided a report was SLA2021. The Department is not statutorily required to submit another report until SLA2023.

Environmental Health/ Environmental Health

Operating/Capital Budget (CCS HB 69(brf sup maj fld H/S))

It is the intent of the legislature that the Department of Environmental Conservation submit recommendations on how to reduce the cost of shellfish testing for both the industry and the State, to the Legislative Finance Division and Finance Committee Co-Chairs by December 1, 2021.

As requested, this response is a recommendation on how to reduce the cost of shellfish testing for both the industry and the State. The Department of Environmental Conservation shellfish permitting and compliance program is an “approved” federal program, meaning that shellfish dealers within Alaska may ship to interstate and international commercial shellfish markets. FDA evaluates various aspects of Alaska’s program to determine conformance with the National Shellfish Sanitation Program (NSSP). FDA provides these reports to the Interstate Shellfish Sanitation Conference (ISSC), of which Alaska is a member in good standing, meaning that FDA has deemed the work performed by the Department’s Food

Safety & Sanitation program and Environmental Health laboratory meets the NSSP requirements.

The FDA's requirements do not allow the Department to reduce testing standards with the commercial shellfish testing. Baseline infrastructure (supplies, certified staff, equipment, etc.) must be maintained for routine regulatory testing as well as response capability in the event of foodborne illness outbreaks.

The Environmental Health Laboratory is the only laboratory in Alaska approved to conduct regulatory testing for commercial shellfish, and the Department is not aware of any private laboratories actively seeking approval through FDA.

The best way to reduce the cost per sample would be economies of scale gained by supporting the growth of the mariculture industry. The more samples received for testing, the less it will cost per sample.

OFFICE OF THE GOVERNOR

Office of the Governor/ Office of Management and Budget

Operating/Capital Budget (CCS HB 69(brf sup maj fld H/S))

It is the intent of the legislature that the director of OMB conduct a review of FY 21 Single Audit Costs, as identified in the Division of Legislative Audit memo billings, to determine the extent the single audit costs were billed to the federal government as well as the extent the costs were reimbursed. A report showing the results of the review shall be provided to the co-chairs of the finance committees and the Legislative Finance Division by December 1st, 2021.

As requested, this response is a report on the extent to which single audit costs are billed to the federal government. OMB queried all agencies and found that they build single audit costs into their federally approved indirect cost rates and cost allocation plans and bill the federal government for these costs to the extent allowable by their federal programs.

Legislative Fiscal Analyst Comment: OMB completed the requested review.
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DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Department of Health and Social Services

Operating/Capital Budget (CCS HB 69(brf sup maj fld H/S))

It is the intent of the legislature that the Department of Health and Social Services submit a report of transfers between appropriations that occurred during the fiscal year ending June 30, 2022, to the Legislative Finance Division by September 30, 2022.

COMPLIANCE MAY BE DETERMINED AT A LATER DATE

The department will submit a report of transfers between appropriations for FY2022 on September 30, 2022.

Children's Services/ Front Line Social Workers

Operating/Capital Budget (CCS HB 69(brf sup maj fld H/S))

It is the intent of the legislature that all case-carrying Protective Service Specialists I and II receive a retention bonus of \$3,000 upon completion of their initial 24 months of employment for the Office of Children's Services as a case worker, subject to union agreement. It is also the intent of the legislature that the department employ a behavioral health clinician whose sole responsibility is preventing and addressing trauma among OCS employees related to their casework. Furthermore, it is the intent of the legislature that the department allocate \$500.0 for reimbursement of Protective Service Specialists for professional education including use of SHARP 1-3.

The appropriation that accompanied this language was vetoed by the governor and was never enacted into law. The intent language is not applicable following the governor's veto.

It is the intent of the legislature that the department establish a recruitment and retention incentive plan and adopt a termination of service agreement for an Office of Children Services employee's recruitment or retention incentive payment.

The appropriation that accompanied this language was vetoed by the governor and was never enacted into law. The intent language is not applicable following the governor's veto.

However, DHSS considers retention and recruitment of OCS employees a high priority and continues to take action in that area.

It is the intent of the legislature that \$3.4 million of general funds, in addition to the level of funding allocated in FY21, be used to support Alaska Native Tribes and Tribal Organizations participating in the Alaska Tribal Child Welfare Compact and the Office of Children's Services to provide the services outlined in the Compact.

The appropriation that accompanied this language was vetoed by the governor and was never enacted into law. The intent language is not applicable following the governor's veto.

However, the Office of Children's Services continues to partner with the Tribes and Tribal Organizations participating in the Alaska Tribal Child Welfare Compact.

Medicaid Services

Operating/Capital Budget (CCS HB 69(brf sup maj fld H/S))

It is the intent of the legislature that the department submit the Medicaid Unrestricted General Fund Obligation Report for FY21 and the first half of FY22 to the Co-chairs of the Finance Committees and the Legislative Finance Division by January 31st, 2022 and subsequently update the report as requested by the legislature.

COMPLIANCE MAY BE DETERMINED AT A LATER DATE

DHSS will submit the Medicaid Unrestricted General Fund Obligation Report for FY2021 and the first half of FY2022 to the Co-chairs of the Finance Committees and the Legislative Finance Division by January 31st, 2022.

Medicaid Services

Operating/Capital Budget (CCS HB 69(brf sup maj fld H/S)) and Mental Health (CCS HB 71)

It is the intent of the legislature that the department draw up to 70 new individuals from the Intellectual and Developmental Disabilities waiver waitlist in FY22 to receive services. The department shall submit a waiver amendment to the Centers for Medicare and Medicaid to ensure costs for this increased draw will be matched with federal dollars.

The Division of Senior and Disabilities Services anticipates no challenge in meeting the intent of this language.

In its renewal of the Intellectual and Developmental Disabilities waiver for another five-year waiver cycle, the Department proposed amending the language in the waiver's Appendix C, Selection of Entrants for the Waiver regarding drawing from the waitlist, to read (the newly proposed language is in *italics*):

“SDS routinely selects 50 individuals as new entrants each waiver year *and will also select an additional number of entrants if the unduplicated count falls below the maximum due to attrition.*” The Centers for Medicare and Medicaid Services has approved the maximum annual unduplicated count for this waiver as 2,120.

In mid-June, CMS approved this language for the waiver period 7/1/21-6/30/26. With that approval, the Department has the authority to draw an additional 20 new recipients from the waitlist in FY22, and thus can implement the legislative intent language without amending the IDD waiver.

Alaska Psychiatric Institute

Mental Health (CCS HB 71)

It is the intent of the legislature that the Alaska Psychiatric Institute prioritize identifying and implementing strategies to increase workplace safety for its employees and submit a report on progress to the Co-Chairs of the Finance Committee and the Legislative Finance Division by December 1, 2021.

The Alaska Psychiatric Institute has a Workplace Violence Reduction Committee that meets six times per year. This committee consists of: Director of Nursing, Assistant Director of Nursing, Manager of Education and Staff, Director of Clinical Services, managers of the nursing units, physical de-escalation instructors, Human Resources Consultant III, Risk Manager, Infection Prevention Nurse, and front-line staff. The goals of the committee are to reduce incidents of harm and days away from work related to workplace violence. There has been a reduction in workplace injuries during calendar year 2021 YTD. API will provide a report to the Co-Chairs of Finance Committee and Legislative Finance division by December 1st.

DEPARTMENT OF LAW

Criminal Division

Operating/Capital Budget (CCS HB 69(brf sup maj fld H/S))

It is the intent of the legislature that the Department of Law, Criminal Division include a performance metric in the Office of Management and Budget Detail Book that will show, on a monthly basis, how many sex crime cases are prosecuted out of those that are referred to the Criminal Division. Sex crimes include but are not limited to cases of sexual abuse, sexual assault, and sexual harassment.

PARTIAL COMPLIANCE

The Department of Law has an obligation in the review of referred cases to determine if charges should be filed based on whether the evidence presented in the investigation supports the elements of the crime. Therefore, the number of sex crime cases that are prosecuted of those that are referred is not a full representation of the work of the department. A better performance metric is to show on a monthly basis the number of cases that have a decision (whether to prosecute or not) from the number that are referred. Within this metric, the department can show the number of those that were prosecuted and the number of cases that were declined due to lacking sufficient evidence.

The department will work with the Office of Management and Budget to include this performance metric in the detail book for FY2023.

Legislative Fiscal Analyst Comment: The Department included a metric for the Criminal Division that describes the percentage of sexual assaults screened within the month of referral and shows between 90-100% effectiveness between July 2020 and June 2021. While this is a valuable metric that is reflective of the agency's role in reviewing case referrals within the scope of their resources and authority, it does not address the specific information that the legislature had requested, and so this is a determination of partial compliance.

It is the intent of the legislature that the Office of Management and Budget provide to the Legislative Finance Division and Finance Committee Co-Chairs, not later than December 1, 2021, a report detailing the impact of added prosecutorial capacity to the workload and budgetary needs of other State agencies, and that any future requests for increased appropriations for criminal prosecutors be accompanied by budgetary documentation that captures not just the costs to the Department of Law, but also to the Judiciary, Department of Corrections, Department of Public Safety, Department of Administration, and other impacted agencies.

NON-COMPLIANCE

The Office of Management and Budget (OMB) reviews the needs of all agencies as part of the annual budget process, including the impact one agency's budget may have on another. Any impacts requiring budgetary action will be accommodated within the Governor's budget due December 15th, the supplemental budget due the 15th day of session, or the Governor's budget amendments due the 30th day of session.

Legislative Fiscal Analyst Comment: The intent specifies that a report should be submitted by the Office of Management and Budget on or before December 1, 2021. The agency's response indicates that the Governor's FY23 budget request should provide insight into the impacts of these additions but does not meet the specific request of the legislature.

DEPARTMENT OF NATURAL RESOURCES

Fire Suppression, Land & Water Resources/ Geological & Geophysical Surveys

Operating/Capital Budget (CCS HB 69(brf sup maj fld H/S))

It is the intent of the legislature that the Department of Natural Resources Division of Geological & Geophysical Surveys submit to the Finance Co-Chairs and Legislative Finance Division by December 1, 2021, a proposal to conduct large geophysical, geochemical, and geological data collections over mineral-rich portions of the state, and to develop fee schedules to charge for the raw data, once collected, while publishing low-cost hardcopy maps, and providing free access to visual representations of the data through the division's website.

The Division of Geological & Geophysical Surveys provided a detailed proposal on November 3, 2021.

Parks & Outdoor Recreation/ Parks Management & Access

Operating/Capital Budget (CCS HB 69(brf sup maj fld H/S))

It is the intent of the legislature that the department only fill the additional Alaska Conservation Corps positions authorized by the legislature if fee collections enable this expenditure to occur without using carryforward revenue.

The authority for additional ACC positions and the required appropriations have not been enacted into Law.

<p>Legislative Fiscal Analyst Comment: The Legislature added \$200.0 GF/Prgm authority and six positions in concert with the intent language. The additional authority and positions were vetoed by the Governor.</p>
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Agriculture/ Agricultural Development

Operating/Capital Budget (CCS HB 69(brf sup maj fld H/S))

It is the intent of the Legislature that the Department of Natural Resources shall include in its 2022 "Program Guide for the State of Alaska Department of Natural Resources" information on the following: the administration and outcomes of the 2021 Alaska Micro-Grants for Food Security Program; the current distribution of active loan types and anticipated future demand for the Agriculture Revolving Loan Fund (ARLF); and progress in the development of a long-term strategic plan for the Division of Agriculture. The Program Guide shall be made easily accessible on the Department website at the time of release.

The “2022 Program Guide for the State of Alaska Department of Natural Resources” was published on January 21, 2022 and provides the information requested in the intent language.

DEPARTMENT OF PUBLIC SAFETY

Department of Public Safety

Operating/Capital Budget (CCS HB 69(brf sup maj fld H/S)) and Mental Health (CCS HB 71)

It is the intent of the legislature that the Department of Public Safety prioritize the deployment of law enforcement resources to non-urbanized areas that lack organized government.

INDETERMINATE COMPLIANCE

The Department of Public Safety (DPS) continues to prioritize placing State Troopers in rural areas of the state.

State Trooper allocation decisions are based on a variety of factors including the number of authorized and filled Trooper positions, the geographic location and population of the community, the level of calls for service and crime rates, the availability of housing and office space, and whether other law enforcement is present in the community.

The Department continually assesses the needs of communities and its staffing to plan for future State Trooper assignments with the overarching goal to improve public safety for the entire state.

<p>Legislative Fiscal Analyst Comment: The response indicates the agency's acknowledgement of this priority, but Legislative Finance cannot determine whether this intent has been met in practice based on the information provided.</p>
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Fire and Life Safety/ Fire and Life Safety

Operating/Capital Budget (CCS HB 69(brf sup maj fld H/S))

It is the intent of the legislature that the Department of Public Safety's Plan Review Bureau allocate appropriate resources to ensure that the review time of building plans be kept under 30 days. It is the intent of the legislature that the Department of Public Safety add to its measures of core services the average review time of building plans on a monthly basis.

The DPS Division of Fire and Life Safety's (DFLS) Plan Review Bureau (PRB) is meeting this intent. In FY2020, 37 percent of building plans were reviewed within 30 days. More resources were allocated with the addition of four positions in the PRB in FY2021, 71 percent of building plans were reviewed within 30 days.

To further increase the trend in timely plan reviews, the PRB is in the process of implementing a web-based portal that will allow for electronic submission and payment of building plans. This new system will increase customer service and transparency by providing customers the ability to track the plan review process through the portal.

One of DFLS' core services is building plan review for code compliance. The target measure of this core service is that 95 percent of initial building plan reviews are completed within 14 days. DFLS will add the target measure of average review time of building plans.

Alaska State Troopers

Operating/Capital Budget (CCS HB 69(brf sup maj fld H/S)) and Mental Health (CCS HB 71)

NON-COMPLIANCE

It is the intent of the legislature that no funds shall be moved outside of the personal services line of any allocation within the Alaska State Troopers appropriation.

DPS makes concerted efforts to ensure that personal services expenditures align with the amount budgeted to avoid the need for transfers out of the personal services line.

Legislative Fiscal Analyst Comment: The agency used Line-Item Transfers to move funding (in amounts less than \$50.0) out of the personal services line in the Alaska Bureau of Investigation, the Alaska Wildlife Troopers, and the Alaska Wildlife Troopers Aircraft Section in FY22 Management Plan. These amounts are minimal and don't represent a major shift in the planned usage of funding, however the agency also transferred \$241.8 UGF funding out of the personal services line of the Alaska Bureau of Judicial Services and into the personal services line of the Alaska State Trooper Detachments allocation. This is reflected as an Inc/Dec Pair in FY23 Gov for legislative review. Additional funding was transferred with positions (maintaining the function) between appropriations for the purpose of agency reorganization. Any changes after the publication of FY22 Management Plan will not be reported to the legislature until FY22 Actuals are released in December 2022. At that point summary data is included, but individual transactions are not.

It is the intent of the legislature that the Department of Public Safety increase efforts to fill vacant positions within the Alaska State Troopers appropriation and reduce overtime in order to better manage within the authorized budget. The Department should provide two reports to the Co-Chairs of Finance and the Legislative Finance Division, the first no later than December 1, 2021, and the second no later than July 1, 2022, that detail monthly hiring and attrition, as well as premium and overtime costs by category, and describes any contributing factors from the start of the fiscal year to the month preceding the due date of the report.

The reactionary nature of law enforcement and the duty to respond to calls for service and conduct necessary investigations can make it difficult to contain overtime costs, which are exacerbated by staffing shortages. DPS is acutely aware of the effects that excessive overtime

can have on existing staff including burnout, compassion fatigue, and negative impacts on health.

DPS' increased efforts to fill vacancies included offering – for the first time ever – a trooper recruitment incentive for all trooper recruits and laterals who graduate from the DPS Training Academy and successfully complete their probationary period, beginning with the 2022 Spring Academy. The incentive has resulted in significantly higher numbers of applicants from previous recruitment cycles.

The Department will provide the requested reports by the due dates of December 1, 2021, and July 1, 2022.

<p>Legislative Fiscal Analyst Comment The Department submitted a detailed report by December 1, 2021 to the Legislative Finance Division, and plans to share the second report by the July 1, 2022 deadline.</p>

DEPARTMENT OF TRANSPORTATION

Highways, Aviation and Facilities

Operating/Capital Budget (CCS HB 69(brf sup maj fld H/S))

It is the intent of the legislature that the Department of Transportation and Public Facilities increase consultation and collaboration with local municipalities, including by establishing Regional Transportation Planning Organizations, to advance the identification and planning for locally driven projects where there is both interest and capacity. The Department should outline in the State's agreements with the Federal Highway Administration criteria for determining local municipal capacity, and the process for local administration of federally-funded transportation projects.

PARTIAL COMPLIANCE

The department has met with the Alaska Municipal League to discuss developing Regional Transportation Planning Organizations and discussed the potential for a pilot program. A significant increase in staffing would be required for oversight and administration of this type of program. DOT&PF has not received positive feedback from other states that have implemented this type of program. This program would not simply be a pass-through program; it would require programmatic stewardship and oversight and many communities are not equipped to take on that level of responsibility.

Legislative Fiscal Analyst Comment: The response indicates that the agency has made some effort to consult with Alaska Municipal League, but that the Department has determined that the legislative intent would be too burdensome to fully implement. They have determined that this would be infeasible for both for the Department and for the local communities that may be involved.

JUDICIARY

Alaska Court System/ Trial Courts

Operating/Capital Budget (CCS HB 69(brf sup maj fld H/S))

It is the intent of the legislature that the Judiciary speedily resume the practice of placing jury trials on appropriate calendars as the right to a speedy and public trial by jury is guaranteed in art. I, sec. 11 of the Constitution of the State of Alaska and Rule 45 of the Alaska Rules of Criminal Procedure.

The Alaska Court System continues to monitor the safety of jury trials in each court location. Special Order of the Chief Justice No. 8333 (<http://courts.alaska.gov/covid19/docs/socj-2021-8333.pdf>) provides the most recent protocols to be followed by judges when assessing the health risks of jury trials in their individual communities. The level of risk determines whether jury trials will take place and under what conditions. Under this and earlier orders, and since the above intent language was passed by the legislature, the court has, as of this writing (October 13, 2021), held 29 criminal jury trials in 13 locations. Civil jury trials remain suspended statewide.

Since the beginning of the pandemic the court system has been meeting weekly to assess the most recent health data and to discuss any issues raised during the jury trials that have been held. The court has also been in regular discussions with the Criminal Division of the Department of Law, the Public Defender Agency, the Office of Public Advocacy, and others. To date, the agencies have all agreed with the court's decisions regarding the suspension of jury trials.