

**ALASKA STATE LEGISLATURE**  
**HOUSE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE**

February 25, 2010

3:08 p.m.

**MEMBERS PRESENT**

Representative Bob Herron, Co-Chair  
Representative Wes Keller, Co-Chair  
Representative Tammie Wilson, Vice Chair  
Representative Bob Lynn  
Representative Paul Seaton  
Representative Sharon Cissna  
Representative Lindsey Holmes

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 89

"An Act repealing the governor's committee on employment of people with disabilities; creating the state vocational rehabilitation committee and relating to the committee; and providing for an effective date."

- MOVED CSHB 89(L&C) OUT OF COMMITTEE

HOUSE BILL NO. 259

"An Act relating to citizenship requirements and an alcohol impairment and drug testing program for applicants for and recipients of adult public assistance."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 89

SHORT TITLE: VOCATIONAL REHABILITATION COMMITTEE

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

01/28/09	(H)	READ THE FIRST TIME - REFERRALS
01/28/09	(H)	L&C, HSS, FIN
04/08/09	(H)	L&C AT 3:15 PM BARNES 124
04/08/09	(H)	Moved CSHB 89(L&C) Out of Committee

04/08/09 (H) MINUTE(L&C)  
 04/10/09 (H) L&C RPT CS(L&C) 3DP 1AM  
 04/10/09 (H) DP: BUCH, CHENAULT, OLSON  
 04/10/09 (H) AM: COGHILL  
 02/02/10 (H) HSS AT 3:00 PM CAPITOL 106  
 02/02/10 (H) Heard & Held  
 02/02/10 (H) MINUTE(HSS)  
 02/25/10 (H) HSS AT 3:00 PM CAPITOL 106

BILL: HB 259

SHORT TITLE: ADULT PUBLIC ASSISTANCE ELIGIBILITY  
 SPONSOR(s): KELLER, GATTO

01/08/10 (H) PREFILE RELEASED 1/8/10  
 01/19/10 (H) READ THE FIRST TIME - REFERRALS  
 01/19/10 (H) HSS, JUD, FIN  
 02/25/10 (H) HSS AT 3:00 PM CAPITOL 106

**WITNESS REGISTER**

PAULA SCAVERA, Special Assistant  
 Office of the Commissioner  
 Department of Labor & Workforce Development (DLWD)  
 Juneau, Alaska  
**POSITION STATEMENT:** Testified during discussion of HB 89.

JIM POUND, Staff  
 to Representative Wes Keller  
 Alaska State Legislature  
 Juneau, Alaska  
**POSITION STATEMENT:** Testified during discussion of HB 259, on behalf of the prime sponsor, Representative Keller.

ELLIE FITZJARRALD, Director  
 Division of Public Assistance  
 Department of Health and Social Services  
 Juneau, Alaska  
**POSITION STATEMENT:** Testified during discussion of HB 259.

MIKE HOFFMAN, Executive Vice President  
 Association of Village Council Presidents (AVCP)  
 Bethel, Alaska  
**POSITION STATEMENT:** Testified in opposition to HB 259.

**ACTION NARRATIVE**

[3:08:23 PM](#)

**CO-CHAIR BOB HERRON** called the House Health and Social Services Standing Committee meeting to order at 3:08 p.m. Representatives T. Wilson, Cissna, Keller, and Herron were present at the call to order. Representatives Lynn, Seaton, and Holmes arrived as the meeting was in progress.

**HB 89-VOCATIONAL REHABILITATION COMMITTEE**

[3:08:32 PM](#)

CO-CHAIR HERRON announced that the first order of business would be HOUSE BILL NO. 89, "An Act repealing the governor's committee on employment of people with disabilities; creating the state vocational rehabilitation committee and relating to the committee; and providing for an effective date." [In front of the committee was CSHB 89(L&C), which had been adopted as the working draft on February 2, 2010.]

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PAULA SCAVERA, Special Assistant, Office of the Commissioner, Department of Labor & Workforce Development (DLWD), offered to answer any questions. In response to Chair Herron, she stated that she had not received any questions from the committee.

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CO-CHAIR HERRON closed public testimony.

[3:11:33 PM](#)

REPRESENTATIVE T. WILSON moved to report CSHB 89 (L&C) out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, it was so ordered.

**HB 259-ADULT PUBLIC ASSISTANCE ELIGIBILITY**

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CO-CHAIR HERRON announced that the final order of business would be HOUSE BILL NO. 259, "An Act relating to citizenship requirements and an alcohol impairment and drug testing program for applicants for and recipients of adult public assistance."

[3:13:01 PM](#)

REPRESENTATIVE SEATON moved to adopt Version 26-LS1126\P as the working document.

CO-CHAIR HERRON objected for discussion purposes.

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CO-CHAIR KELLER, speaking as the sponsor of HB 259, explained that HB 259 was a new tool for protecting families and children. He offered his belief that substance abuse was often at the core of many problems. He proposed for HB 259 to allow the Department of Health and Social Services (DHSS) ability to perform "random and suspicion based drug testing of applicants for state assistance." He opined a need for the state to identify the cause if the state was expected to address the matter. He stated that one in five Alaskans was looking to public assistance for help. He offered an example of a person applying for a bank loan, and that the bank would want to receive financial background and information. He pointed out that the drug tests and the findings would be confidential within DHSS, and the information would be used for therapy and assistance to those who were asking for help. He stated that the standards would be set by DHSS. He expressed his desire for solutions once the data was collected on substance abuse. He complimented the community level drug data coalitions and expressed his support for treatment and prevention for substance abuse.

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JIM POUND, Staff to Representative Wes Keller, Alaska State Legislature, pointed to a 2001 press release detailing a McDowell Group survey which stated that substance abuse in Alaska cost \$614 million each year. [Included in the committee packets.] He noted that the fiscal note for HB 259 was still being prepared. He directed attention to other problems related to substance abuse which included an increase in child and family abuse. He stated that these problems were "very common in lower income parts of communities and most of those individuals are on public assistance." He offered his belief that this was a radical way to address a major problem in Alaska. He stated that money received from public assistance shouldn't be spent on drugs. He noted that other states were offering similar legislation. He said that HB 259 allowed an individual to request an additional test should they test positive. He stated that HB 259 would allow DHSS to continue to

provide assistance to another individual for support to the family, as public assistance benefits would be denied to a person who tested positive.

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REPRESENTATIVE SEATON directed attention to Version P, page 3, and reported that he could not find any language that designated an alcohol impairment test or standard.

MR. POUND replied that the sponsor left latitude to DHSS for the regulatory process.

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REPRESENTATIVE SEATON, in response to Mr. Pound, offered his belief that the necessary suspicion for administering a test for alcohol would be impairment, which was not designated as .08 [blood alcohol content], but rather as a change in one's ability to operate a motor vehicle. He expressed the need for good statutory standards, as well as specifications as to how impairment would be checked. He asked to clarify the standard for suspicion of impairment.

MR. POUND said there was no objection to these specifications, and he offered his belief that the impairment standard was .04 [blood alcohol content].

REPRESENTATIVE KELLER expressed his definition of impairment to be the ability for taking care of the family.

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CO-CHAIR HERRON asked why drugs would not be placed in regulation, instead of in statute.

MR. POUND replied that drugs and alcohol were considered at different levels. He explained that HB 259 outlined federal guidelines for drugs, to indicate an intent to meet federal laws.

CO-CHAIR HERRON asked to clarify that these drug guidelines were written into law by Congress, and not in regulation.

MR. POUND agreed.

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REPRESENTATIVE T. WILSON asked when suspicious behavior would stimulate a drug test.

MR. POUND, in response to Representative T. Wilson, stated that DHSS could randomly request a drug test without suspicion.

CO-CHAIR KELLER stated that part of the assumption was that the front line social workers had a lot of knowledge of the public assistance recipients, and they may be the only one that sees suspicious activity.

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REPRESENTATIVE T. WILSON asked if illegal immigrants would be randomly tested.

MR. POUND replied that it was not the sponsor's intent for illegal immigrants to be deleted from the legislation.

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REPRESENTATIVE T. WILSON asked if anyone on public assistance could be randomly tested.

MR. POUND said that the intent of HB 259 was focused primarily on welfare recipients. In response to Representative Wilson, he stated that illegal aliens would not be eligible for public assistance.

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REPRESENTATIVE SEATON opined that an aid worker was already statutorily required to report any abuse or neglect, and he asked if this proposed procedure was to be instead of this report.

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MR. POUND replied that criminal abuse would be considered a different situation, whereas this situation was designed to find help for the individual.

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REPRESENTATIVE SEATON asked when suspicion would begin for other than abuse and neglect.

MR. POUND replied that suspicion based was "falling down drunk."

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ELLIE FITZJARRALD, Director, Division of Public Assistance, Department of Health and Social Services, stated that two separate programs were affected by HB 259. She reported that Section 1 of the bill dealt with the General Relief Assistance program which provided emergency assistance, such as housing, for indigent Alaskans. She shared that this program served about 150 people each month, the majority of whom were legal citizens or immigrants. She pointed out that Section 1 brought it in line with the other public assistance programs.

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REPRESENTATIVE SEATON surmised that those people applying for public assistance had documentation that proved U.S. citizenship or legal alien status.

MS. FITZJARRALD, in response, agreed that most applicants did have the documentation, and she mentioned that DHSS could interface with the Immigration & Naturalization Service (INS) to verify the authenticity.

REPRESENTATIVE SEATON asked if this would cover emergency relief from a disaster, when many people would not have access to any documentation.

MR. FITZJARRALD replied that the program dealt mainly with money for emergency rent or utility payments, and that 80 percent of the funding was for burial assistance. She clarified that this program was for public assistance to specific emergency needs when someone would not qualify for any other program to basic needs.

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REPRESENTATIVE CISSNA asked how the program would work, what families were being profiled, and would it include all regions of Alaska.

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REPRESENTATIVE KELLER replied that the bill would apply to anyone who asked the state for assistance. He stated that substance abuse was a factor in so many social concerns.

REPRESENTATIVE CISSNA offered her belief that, in rural Alaska, the easier times of access to people for testing were the times of less drinking. She asked how testing would be accomplished in a small community where access was difficult and expensive. She asked if this had been included in the fiscal note. She offered her belief that the problem was most extensive in these small communities.

REPRESENTATIVE KELLER, in response, said that this was a work in progress and that the analysis for testing would be included in a future hearing.

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REPRESENTATIVE SEATON referred to page 3, lines 13-16, of Version P, and read:

In this subsection, a "recipient of cash assistance" does not include a dependent child, a caretaker of a dependent child who is not a recipient of public assistance based on the caretaker's financial need, or a protective payee, as defined by the department in regulation.

REPRESENTATIVE SEATON posed a situation in which a family received cash assistance, and asked would the members of the household, other than the applicant, be subject to random testing.

MS. FITZJARRALD explained that the provision intended to address situations when a family member, or a relative, was caring for the children. She stated that 28 percent of the families receiving temporary assistance were only receiving assistance for children, often as a means to avoid foster care placement. She detailed that often the relative was not receiving assistance, but that the temporary assistance was for the children.

REPRESENTATIVE SEATON asked if the dependent child would be drug tested.

MS. FITZJARRALD replied that the intent was to just test adults, but she added that no one would be tested in the family situation which Representative Seaton described.

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REPRESENTATIVE SEATON then posed the situation for a family, and inquired as to who would be subject to the drug and alcohol test.

MR. POUND replied that the applicant would be tested.

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REPRESENTATIVE T. WILSON asked if one parent first applied for temporary assistance, was it allowable for the other parent to come in the next time.

MS. FITZJARRALD replied that the majority of families on assistance were single parent, although there were some families on temporary assistance. She offered her belief that the intent of the bill was for either parent to be subject to testing, based on random sampling or suspicion.

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REPRESENTATIVE T. WILSON asked to clarify if this was just for temporary assistance.

MS. FITZJARRALD offered her belief that this was for the Temporary Assistance for Needy Families program (TANF), and would also apply to tribal TANF programs.

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REPRESENTATIVE T. WILSON questioned why this only applied to the temporary assistance programs.

MR. POUND, in response, said that even the temporary assistance programs can have five years of benefits. He opined that the bill would ensure that "the people on temporary assistance that are coming in to the system are not going to ultimately end up being long term."

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REPRESENTATIVE CISSNA asked if DHSS had data for the use pattern of public assistance, specifically for peaks during the time of year.

MS. FITZJARRALD, in response, reported that there were patterns to assistance due to the seasonality of jobs in Alaska. She said that assistance requests would increase between December and February, and would begin to decrease in May. She pointed out that it would correspond to the unemployment rate. She declared that she did not know of any data specific to HB 259.

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REPRESENTATIVE CISSNA asked for an explanation of the procedure for drug testing.

MS. FITZJARRALD replied that DHSS had reviewed what was available, and she expressed the difficulties presented of such diversity within the state. She offered a preliminary estimate of the cost for a drug testing program.

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CO-CHAIR HERRON acknowledged that this bill was a work in progress. He declared that he did not want "to pile on additional duties to someone that is a public assistant." He allowed that it was a complex issue, and that the committee responsibility was to discuss the policy.

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MIKE HOFFMAN, Executive Vice President, Association of Village Council Presidents (AVCP), stated that AVCP opposed HB 259. He opined that HB 259 was unconstitutional, and an unreasonable infringement on the privacy rights of welfare recipients. He stated that there was no crucial and public safety concern to justify this intrusion. Furthermore, he declared, the administration of the alcohol and drug testing would be a difficult and burdensome process. He pointed out that the Alaska Supreme Court had already determined that random drug testing of Anchorage firefighters violated the privacy clause of the Constitution of the State of Alaska.

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CO-CHAIR KELLER commended DHSS for its caring attitude for people and situations.

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REPRESENTATIVE SEATON directed attention to page 6, line 10, of Version P, and inquired if it was the intention to remove public assistance for 30 days.

CO-CHAIR KELLER replied that the intent was not to leave someone without assistance for 30 days.

[HB 259 was held over with the objection to Version P left pending.]

3:59:00 PM

**ADJOURNMENT**

There being no further business before the committee, the House Health and Social Services Standing Committee meeting was adjourned at 3:59 p.m.