

SB

102

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 2/24/97

FURTHER: Judiciary
Finance

Date of 5-Day Notice: 3/6/97
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 4/11/97

HESS Committee considered SENATE BILL NO. 102
"An Act relating to the eligibility of aliens for state public assistance and medical assistance programs affected by federal welfare reform legislation; and providing for an effective date."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING DQ PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>[Signature]</i>			
		<i>[Signature]</i>	✓		
		<i>[Signature]</i>	✓		
CHAIR: <i>[Signature]</i>	✓	CHAIR:			

NEW FISCAL NOTE(S): *Fiscal Notes accompanying Governor's bill*

Department	Date	Zero	Fiscal
H+SS - Med. Assistance	2/5/97	✓	
H+SS - Med. Assistance	2/5/97	✓	
H+SS - Public Assistance	2/5/97		✓
H+SS - Public Assistance	2/5/97		✓
H+SS - Public Assistance	2/5/97		✓

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

STATE OF ALASKA
1997 LEGISLATIVE SESSION

FISCAL NOTE

Bill Version: SB102
(S) Publish Date: 2/24/96

Revision Date: _____
Title: An Act relating to the eligibility of aliens for state public assistance and medical assistance programs
Sponsor: Rules Committee
Requestor: Governor

Dept. Affected: Health and Social Services
BRU: Public Assistance
Component: PFD Hold Harmless
COMPONENT SERIAL NO. 225
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	(37.3)	(69.2)	(96.2)	(119.0)	(138.4)	(138.4)
MISCELLANEOUS						
TOTAL OPERATING	(37.3)	(69.2)	(96.2)	(119.0)	(138.4)	(138.4)

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other 1050 PFD Funds	(37.3)	(69.2)	(96.2)	(119.0)	(138.4)	(138.4)
TOTAL	(37.3)	(69.2)	(96.2)	(119.0)	(138.4)	(138.4)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

PFD Hold Harmless payments replace ATAP benefits when receiving the dividend causes individuals to lose eligibility or have benefits reduced. The savings to the ATAP program provided for in this bill reduce costs in the ATAP component of the Public Assistance BRU. PFD Hold Harmless costs for ATAP benefits will decrease in direct proportion to the decreases produced by reductions in ATAP expenditures for each fiscal year.

SP/SA

Prepared by: Jim Nordlund, Director
Division: Public Assistance
Approved by Commissioner: Karen Pedue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-2680
Date: 02/03/97
Date: 2/15/97

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ANALYSIS (cont.):

Assumptions:

Legislation implemented July 1, 1997

PFD Hold Harmless costs for ATAP benefits will decrease in direct proportion to the decreases produced by this legislation.

Calculations:

FY 97	\$0.0
FY 98	(\$37.3)
FY99	(\$69.2)
FY00	(\$96.2)
FY01	(\$119.0)
FY02	(\$138.4)
FY03	(\$138.4)

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

NO. 7
Bill Version: SB102
(S) Publish Date: 2/24/96

Revision Date: _____
Title: An Act relating to the eligibility of aliens for state public assistance and medical assistance programs
Sponsor: Rules Committee
Requestor: Governor

Dept. Affected: Health and Social Services
BRU: Public Assistance
Component: Adult Public Assistance
COMPONENT SERIAL NO. 222
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	(156.0)	(304.2)	(444.6)	(577.2)	(705.9)	(705.9)
MISCELLANEOUS						
TOTAL OPERATING	(156.0)	(304.2)	(444.6)	(577.2)	(705.9)	(705.9)

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF	(156.0)	(304.2)	(444.6)	(577.2)	(705.9)	(705.9)
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other 1007 I/A Receipts						
TOTAL	(156.0)	(304.2)	(444.6)	(577.2)	(705.9)	(705.9)

POSITIONS:

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

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

ANALYSIS: (Attach a separate page if necessary)

This legislation provides that most legal immigrants who arrived in the U.S. before August 22, 1996 will remain eligible for Adult Public Assistance (APA) benefits. This legislation prohibits APA benefits to most legal immigrants who arrive on or after August 22, 1996 for five years from their date of arrival into the U.S. The program savings generated by this legislation represent caseload decreases due to attrition. These caseload decreases are not offset by newly eligible immigrants because most new immigrants are barred from program participation for five years after their date of entry.

2/3/97

Prepared by: Jim Nordlund, Director
Division: Public Assistance

Phone: 465-2680
Date: 02/03/97

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

Date: 2/5/97

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ANALYSIS (cont.):**Assumptions:**

Legislation implemented July 1, 1997

Caseload will decrease each year from FY98 to FY02 by 5 percent due to normal attrition.

Caseload remains constant after FY02 due to new immigrants becoming eligible after the five year bar.

Calculations:

Fiscal Year	# Persons Affected	Annual Savings
FY97	0	\$0.0
FY98	40	(\$156.0)
FY99	78	(\$304.2)
FY00	114	(\$444.6)
FY01	148	(\$577.2)
FY02	181	(\$705.9)
FY03	181	(\$705.9)

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 3
Bill Version: SB102
(S) Publish Date: 2/24/96

Revision Date: _____
Title: An Act relating to eligibility of aliens for state public assistance and medical assistance programs
Sponsor: Rules Committee
Requestor: Governor

Dept. Affected: Health and Social Services
BRU: Public Assistance
Component: ATAP
COMPONENT SERIAL NO. 220
See also (SN#): _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	(405.9)	(752.4)	(1,046.1)	(1,293.6)	(1,504.8)	(1,504.8)
MISCELLANEOUS						
TOTAL OPERATING	(405.9)	(752.4)	(1,046.1)	(1,293.6)	(1,504.8)	(1,504.8)

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	(368.6)	(683.2)	(949.9)	(1,174.6)	(1,366.4)	(1,366.4)
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other 1007 I/A Receipts	(37.3)	(69.2)	(96.2)	(119.0)	(138.4)	(138.4)
TOTAL	(405.9)	(752.4)	(1,046.1)	(1,293.6)	(1,504.8)	(1,504.8)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

This legislation provides that most legal immigrants who arrived in the U.S. before August 22, 1996 will remain eligible for Alaska Temporary Assistance (ATAP) benefits. This legislation prohibits ATAP benefits to most legal immigrants who arrive on or after August 22, 1996 for five years from their date of arrival into the U.S. The program savings generated by this legislation represent caseload decreases due to attrition. These caseload decreases are not offset by newly eligible immigrants because most new immigrants are barred from program participation for five years after their date of entry.

Prepared by: Jim Nordlund, Director Phone: 465-2680
 Division: Public Assistance Date: 02/03/97
 Approved by Commissioner: Karen Perdue, Commissioner Date: 2/5/97
 Agency: Department of Health & Social Services

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ANALYSIS (cont.):**Assumptions:**

Legislation implemented July 1, 1997

Caseload will decrease each year from FY98 to FY02 by 15 percent due to normal attrition.

Caseload remains constant after FY02 due to new immigrants becoming eligible after the five-year bar.

Calculations:

Fiscal Year	# Persons Affected	Annual Savings
FY97	0	\$0.0
FY98	123	(\$405.9)
FY99	228	(\$752.4)
FY00	317	(\$1,046.1)
FY01	392	(\$1,293.6)
FY02	456	(\$1,504.8)
FY03	456	(\$1,504.8)

ANALYSIS (cont.):

In FY 96, the Alaska Medicaid program spend almost \$5.2 million providing Medicaid services to aliens; one-half of that amount was state General Funds. The Division of Medical Assistance estimates that one-quarter of those aliens age 65 and over and 15 percent of aliens under age 65 fall into an immigration status that federal law requires states to cover.

In addition, the Division estimates that for the remaining aliens, one-half of all hospital and transportation services and 10 percent of all physician services received would still be provided under Medicaid coverage of emergency medical treatment for aliens.

Furthermore, some aliens would be eligible for coverage of inpatient hospital, nursing facility services, physician services, transportation services, and prescription drugs for certain chronic conditions under the General Relief Medical program. The Division estimates that one half of these services not covered under Medicaid emergency medical treatment would be covered under GRM. Hospital and nursing facility services are reimbursed at 28 percent of Medicaid rates. Other GRM services are reimbursed at 100 percent of Medicaid rates.

Eliminating Medicaid coverage of qualified aliens would result an annual change to the Medicaid and GRM program shown below. Because of the administrative timeframes in terminating Medicaid coverage, the Division estimates that the impact in FY 98 would be one-half the amount shown below.

**Discontinuing Medicaid Coverage of Qualified Aliens
(thousands of dollars)**

	<u>Total Funds</u>	<u>General Funds</u>
FY 96 Medicaid - Aliens	\$ 5,171.3	\$ 2,585.7
Mandatory Coverage - Aliens	\$ 972.6	\$ 486.3
Emergency Coverage - Aliens	<u>\$ 837.5</u>	<u>\$ 418.8</u>
Net Savings to Medicaid	\$ 3,361.2	\$ 1,680.6
Cost Shift to GRM	<u>\$ 921.9</u>	<u>\$ 921.9</u>
Annual Reduction in Spending	<u>\$ 2,439.3</u>	<u>\$ 758.7</u>
First Year Reduction (one-half year)	\$ 1,219.7	\$ 379.4

Note: Federal welfare reform legislation prevents most newly arrived immigrants from receiving Medicaid for their first five years in the country. As a result, Medicaid should experience a small caseload decline and, adjusting for a shift in expenditures to emergency medical services and GRM, some modest savings. This savings is not shown in this fiscal note as it will occur with or without this legislation.

FISCAL NOTE

**STATE OF ALASKA
1997 LEGISLATIVE SESSION**

No. 1
 Bill Version: SB102
 (S) Publish Date: 2/24/96

Revision Date: _____
 Title: An Act relating to the eligibility of aliens for state public assistance and medical assistance programs affected by federal welfare ...
 Sponsor: Rules Committee
 Requestor: Governor

Dept. Affected: Health and Social Services
 BRU: Medical Assistance
 Component: Medicaid Facilities
 COMPONENT SERIAL NO. 230
 See also (SN#): 229

Expenditures/Revenues:

(Thousands of Dollars)

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

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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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 (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

Historically, Medicaid covered legal resident aliens who met all other Medicaid eligibility criteria. As a result of federal welfare reform, Alaska Medicaid cannot continue to cover most aliens without this legislation. Even with legislation, most aliens who arrive in the country after August 22, 1996 are ineligible for Medicaid for their first five years in the U.S. This bill provides the Alaska program with the authority to continue Medicaid coverage for qualified legal aliens who are not subject to the five-year bar. Funding for the coverage of these aliens is already included in the Medicaid budget. Therefore, there is no new cost to continuing this coverage.

Failure to extend Medicaid coverage for aliens would result in a loss of Medicaid eligibility for some aliens. However, aliens who do not qualify for full Medicaid coverage are eligible for Medicaid coverage of emergency medical treatment. In addition, aliens needing non-emergency hospitalization, nursing home services, or prescription drugs for certain chronic conditions may be eligible for the General Relief Medical program. See the following page for additional information about the impacts of not passing this legislation.

Prepared by: Jon Sherwood
 Division: Division of Medical Assistance
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3355
 Date: 02/03/97
 Date: 2/5/97

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ANALYSIS (cont.):

In FY 96, the Alaska Medicaid program spend almost \$5.2 million providing Medicaid services to aliens; one-half of that amount was state General Funds. The Division of Medical Assistance estimates that one-quarter of those aliens age 65 and over and 15 percent of aliens under age 65 fall into an immigration status that federal law requires states to cover.

In addition, the Division estimates that for the remaining aliens, one-half of all hospital and transportation services and 10 percent of all physician services received would still be provided under Medicaid coverage of emergency medical treatment for aliens.

Furthermore, some aliens would be eligible for coverage of inpatient hospital, nursing facility services, physician services, transportation services, and prescription drugs for certain chronic conditions under the General Relief Medical program. The Division estimates that one half of these services not covered under Medicaid emergency medical treatment would be covered under GRM. Hospital and nursing facility services are reimbursed at 28 percent of Medicaid rates. Other GRM services are reimbursed at 100 percent of Medicaid rates.

Eliminating Medicaid coverage of qualified aliens would result an annual change to the Medicaid and GRM program shown below. Because of the administrative timeframes in terminating Medicaid coverage, the Division estimates that the impact in FY 98 would be one-half the amount shown below.

Discontinuing Medicaid Coverage of Qualified Aliens
(thousands of dollars)

	<u>Total Funds</u>	<u>General Funds</u>
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Net Savings to Medicaid	\$ 3,361.2	\$ 1,680.6
Cost Shift to GRM	<u>\$ 921.9</u>	<u>\$ 921.9</u>
Annual Reduction in Spending	<u>\$ 2,439.3</u>	<u>\$ 758.7</u>
First Year Reduction (one-half year)	\$ 1,219.7	\$ 379.4

Note: Federal welfare reform legislation prevents most newly arrived immigrants from receiving Medicaid for their first five years in the country. As a result, Medicaid should experience a small caseload decline and, adjusting for a shift in expenditures to emergency medical services and GRM, some modest savings. This savings is not shown in this fiscal note as it will occur with or without this legislation.

TONY KNOWLES
GOVERNOR



P.O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 24, 1997

102

The Honorable Mike Miller
Senate President
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear President Miller:

Federal welfare reform enacted in August 1996 limited the eligibility of certain legal immigrants for public and medical assistance benefits and left it up to the states whether to continue that coverage. With this bill, I am asking Alaska to assure those qualified immigrants in need, who were here before the change in federal law, can continue to receive benefits. Those arriving after the change in law would be subject to the new restrictions.

The state welfare reform bill enacted in Alaska in 1996 did not address the eligibility of immigrants. This bill establishes that Medicaid, family assistance, and adult public assistance benefits will be available to "qualified aliens" and that for aliens who entered the United States on or after August 22, 1996, these benefits will not be available for the first five years after establishing qualified alien status in the United States.

This legislation strikes an appropriate balance in services for legal immigrants. By continuing to provide services to those who were in the country before the new federal welfare law was enacted, the state is acknowledging its responsibility to provide safety net programs for those Alaskans who need basic services and who originally entered this country under conditions that would grant them these services. However, those immigrants coming into the country after August 1996 will be aware they are subject to new rules and their access to services will be restricted.

Sincerely,

A handwritten signature in cursive script that reads "Tony Knowles".

Tony Knowles
Governor

Differences Between Legal Immigrants and the Definition of Qualified Aliens Under Public Law 104-193

Regarding a definition for "legal immigrant", there are two issues to consider. The definition of a legal immigrant before the passage of P.L. 104-193, and the definition of a "qualified alien" under P.L. 104-193.

Prior to the passage of P.L. 104-193, an immigrant was considered eligible for state and federal welfare benefits if he met the definition of a legal immigrant. For this purpose, a "legal immigrant" included all immigrants lawfully admitted for permanent residence, and immigrants permanently residing under color of law (PRUCOL). Prucol aliens are considered legal permanent residents of the U.S even though they did not go through the process of applying for and being admitted for permanent residence. Prucol aliens are aliens living in the in the country with the knowledge and permission of the Immigration and Naturalization Service (INS) whose departure the INS does not contemplate enforcing.

For public assistance purposes, P.L. 104-193 created a new category of immigrants called "qualified aliens." Most "qualified aliens" are ineligible for public assistance, or are only eligible if the state opts to cover them. Immigrants who are not "qualified aliens" are generally not eligible for benefits. Under P.L. 104-193, "qualified aliens" are: immigrants lawfully admitted for permanent residence; refugees; asylees; individuals paroled into the U.S. for at least one year; immigrants whose deportation is being withheld; certain immigrants granted conditional entry; and certain battered spouses and children.

However, under P.L. 104-193, certain categories of "qualified aliens" remain eligible for public assistance regardless of their immigrant status. These exception categories are: refugees, asylees, and certain persons whose deportation is being withheld for their first five years in the U.S.; individuals who have 40 quarters of coverage under the Social Security system; and veterans and members of the armed forces and their spouses and dependent children.

Immigrants who become U.S. citizens are not subject to immigrant restrictions on public assistance eligibility.

Public Assistance Data on Statewide Immigrant Population
 (for Immigrants on Public Assistance Only)
 as of January 1, 1997

Programs

Program Type	ATAP Only	ATAP/ FS	APA Only	APA/ FS	FS Only	FS/ MED	GRA/ GRM	MED Only	Total
# of Persons	167	651	639	162	154	69	7	256	2105

Heritage

Heritage	Asian	Black	Hispanic	Pacific Islander	White	Other/ Unknown	Total
# of Persons	1069	44	429	119	360	84	2105

Time on Assistance

Less than 5 Years	1461
More than 5 years	<u>644</u>
Total	2105

SSI Status:

SSI Recipient	669
Non-SSI Recipient	<u>1436</u>
Total	2105

Alien status:

Currently Sponsored :	81
Non-sponsored:	<u>2024</u>
Total	2105

Sex:

Male:	784
Female:	<u>1321</u>
Total	2105

Age:

Under Age 18:	439
18 - 64:	1025
Over Age 64:	<u>641</u>
Total	2105

Type of Recipient:

Children & Families	1304
Aged & Disabled	<u>801</u>
Total	2105

Community of Residence:

Anchorage	1414
Kodiak	160
Mat-Su	134
Fairbanks	106
Southeast	99
Other	<u>192</u>
Total	2105

**FY 97 Budgeted Expenditures
(Legal Immigrants)**

	General Fund	Total
Food Stamps	\$0.0	\$812.3
Medicaid		
AFDC/ATAP	\$2,699.4	\$1,349.7
APA	\$3,123.9	\$3,123.9

Individual Impacts on Legal Immigrants

Benefits for Blind/Disabled/Elderly

	Before Federal Legislation	After Federal Legislation (current state law)	Under Proposed State Legislation	
			Date of Arrival before 8/22/96	Date of Arrival after 8/22/96
FS	\$70	\$0	\$0	\$0
SSI	\$484	\$0	\$0	\$0
APA	\$362	\$362	\$362	\$0
Medicaid	Yes	No	Yes	No

Benefits for Children & Families

	Before Federal Legislation	After Federal Legislation (current state law*)	Under Proposed State Legislation	
			Date of Arrival before 8/22/96	Date of Arrival after 8/22/96
FS	\$70	\$0	\$0	\$0
AFDC/ATAP	\$275	\$275	\$275	\$0
Medicaid	Yes	No	Yes	No

* Under current state law, benefits paid to aliens under the ATAP program are all general funds.

Legal Aliens

On August 22, 1996 President Clinton signed into law P.L. 104-193, The Personal Responsibility and Work Opportunity Act of 1996. This law has a substantial impact on immigrant eligibility for public assistance and medical assistance benefits. The table below compares the benefits to be received by legal aliens under current law and proposed legislation

Program	Current Law	Proposed Change
Food Stamps	Most legal aliens no longer eligible	No change; Fed only program
Supplemental Security Income	Most legal aliens no longer eligible	No change; Fed only program
Medicaid	Most legal aliens barred from Medicaid coverage regardless of entry date into country.	Legal aliens receiving Medicaid as of 8/22/96 grandfathered; legal aliens arriving after 8/22/96 barred for 5 years.
Alaska Temporary Assistance Program (ATAP)	Legal aliens eligible for benefits regardless of date of entry; legal alien benefits all general funds.	Legal aliens receiving benefits as of 8/22/96 grandfathered; legal aliens arriving after 8/22/96 barred for 5 years. Continue federal/state funding.
Adult Public Assistance	All legal aliens continue program eligibility.	Grandfathered eligibility to only those legal aliens in country as of 8/22/96 - legal aliens arriving after 8/22/96 barred for 5 years



Welfare Reform Briefing Paper

Division of Public Assistance

State of Alaska
Tony Knowles, Governor



Immigrants

The *Personal Responsibility and Work Opportunity Reconciliation Act of 1996* significantly impacts immigrant eligibility for public assistance. Recent federal changes reduce or deny benefits to many legal aliens already in the country as well as new arrivals. Alaska has the option of continuing federal-state assistance programs for aliens who were in the United States before August 22, 1996. The following summary explains immigration changes and some policy options for Alaska.

Changes in Federal Law

Qualified Aliens

The federal welfare reform law created a new category of legal immigrants called *qualified aliens*. Qualified aliens include:

- immigrants admitted for permanent residence;
- refugees;
- asylees;
- certain immigrants granted conditional entry;
- individuals paroled into the United States for at least one year;
- immigrants whose deportation is being withheld; and
- certain battered spouses and children.

Some qualified aliens remain eligible for public assistance. Refugees, asylees and immigrants whose deportation is being withheld for their first five years in the United States; veterans and their spouses and dependents; and those who have worked a total of 10 years in the United States stay eligible. However, these exceptions are limited. Most qualified aliens are ineligible for public assistance, or are only eligible if the state chooses to cover them. Other immigrants are generally ineligible for federal, state and local public assistance benefits. These eligibility restrictions do not apply to immigrants once they become citizens.

Program Changes

The federal welfare reform law targets two types of qualified aliens: those in the United States before August 22, 1996, and those arriving on or after August 22, 1996.

The new law reduces federal benefits for both groups of qualified aliens. For those arriving on or after August 22, 1996, eligibility for programs is eliminated for five years. After this period, new immigrants with sponsors must include the sponsors' income when applying for public assistance. For those arriving before August 22, 1996, benefits will be phased out over the first year. These changes apply to the following federal programs.

Food Stamp Program: Immigrants arriving on or after August 22, 1996 are ineligible for food stamps. Immigrants receiving food stamps before August 22, 1996, are exempt from the new eligibility restrictions until April 1, 1997. This group of qualified aliens may receive food stamps through August 1997 provided they apply for certification by March 31, 1997.

Supplemental Security Income (SSI): Qualified aliens in the country before August 22, 1996 will lose this assistance by September 1997. Qualified aliens arriving on or after August 22, 1996 are ineligible.

The welfare reform law also gives states options for deciding immigrant eligibility for other state-administered programs supported with federal and state funds.

Temporary Assistance for Needy Families (TANF): States have the option to determine eligibility of qualified aliens for federal cash assistance under the TANF Program. Qualified aliens currently receiving AFDC benefits from Alaska will remain eligible for benefits until July 1, 1997, when the new TANF Program is in place. As states develop their TANF-funded program, they will decide whether to provide or deny services to qualified aliens who arrived in the country before August 22, 1996. Qualified aliens in the United States on or after August 22, 1996 are banned from receiving TANF-funded assistance for five years. The name for Alaska's new TANF-supported program is Alaska Temporary Assistance Program (ATAP).

Medicaid: Qualified aliens arriving in the United States before August 22, 1996 may be covered as a state option. Except for Medicaid emergency coverage, qualified aliens in the country on or after August 22, 1996 are banned from receiving Medicaid benefits for five years. Only Medicaid emergency coverage is available to all aliens.

The welfare reform law also gives states options for deciding immigrant eligibility for state-funded public assistance programs. Alaska's Adult Public Assistance, General Relief Assistance, and General Relief Medical programs fall into this category.

Alaska Status

Policy Choices

The Knowles Administration has made the following policy choices for immigrants for state-administered public assistance programs. Three of these choices require legislative action to revise current statutes. This legislation supports the federal direction to limit public assistance benefits to qualified aliens arriving on or after August 22, 1996.

Alaska Temporary Assistance Program: Continue cash benefits for qualified aliens arriving in the United States before August 22, 1996. Implementing this policy requires a statute change as the current state law provides eligibility for all legal aliens meeting the financial requirements, regardless of their date of arrival in the United States.

Medicaid: Continue Medicaid coverage for qualified aliens arriving in the United States before August 22, 1996, including those who may not have been on Medicaid on August 22, 1996. This policy requires a statute change. Those qualified aliens entering the United States on or after August 22, 1996 are banned from receiving Medicaid benefits for five years.

Adult Public Assistance: Continue cash assistance for qualified aliens in the country before August 22, 1996. Immigrants arriving on or after August 22, 1996 are subject to a five-year bar. This policy requires a statute change to reduce program eligibility.

General Relief Assistance (GRA) / General Relief Medical (GRM): Continue to provide assistance to legal immigrants, regardless of the date they entered the country. The GRA and GRM are last resort programs that provide limited assistance to needy people with no other support for emergency medical and basic needs.

Impacts to Alaskans

Food Stamps: It is estimated that 1,100 legal aliens will lose Food Stamp benefits by September 1997.

Supplemental Security Income: An anticipated 800 legal immigrants will lose SSI cash benefits by September 1997.

Alaska Temporary Assistance Program: The five-year ban for services to legal aliens applies to the use of federal block grant (TANF) funds only. Current state law provides assistance to all immigrants with state funding only. There are about 820 legal aliens eligible for AFDC/ATAP benefits now. Under proposed state legislation, immigrants arriving in the United States before August 22, 1996 will remain eligible for AFDC/ATAP, while those arriving on or after August 22, 1996 will be ineligible for five years. With this statute change, about 145 of the 820 eligible for AFDC/ATAP will no longer be eligible.

Medicaid: Current state law does not provide Medicaid eligibility for most qualified aliens regardless of arrival date in the United States. About 1,575 immigrants aliens are ineligible for Medicaid. Alaska's Medicaid program does not currently have statutory authority to cover these immigrants. Some individuals that are ineligible for Medicaid are eligible for General Relief Medical. Under the proposed state legislation, immigrants arriving in the United States on or after August 22, 1996 are not eligible for five years. Most immigrants in the United States before August 22, 1996 will remain eligible. Medicaid will have about 1,680 eligibles and 265 ineligibles in Alaska if this statute change occurs.

Adult Public Assistance: Current state law provides assistance to most immigrants, regardless of their arrival date in the United States. New immigrants are not subject to the five-year federal ban. About 800 legal aliens would continue to be eligible for benefits. Under the proposed state

legislation, immigrants arriving before August 22, 1996 will remain eligible, and immigrants arriving on or after August 22, 1996 will be ineligible for five years. About 45 of the 800 eligible legal aliens will be ineligible with this statute change.

General Relief Assistance (GRA) / General Relief Medical (GRM): Current state law provides that most immigrants will be ineligible for Medicaid, regardless of their date of arrival in the United States. Under proposed state legislation, about 265 immigrants who arrived in the United States after or on August 22, 1996, will be ineligible for Medicaid and may need to receive benefits through the GRM program.

Key Issues

- The proposed state legislation allows Alaska to follow federal law and deny public assistance benefits to most qualified aliens who arrived in the United States after or on August 22, 1996, for a five-year period or until they gain citizenship.
- Public assistance benefits provided to qualified aliens who are ineligible for federal funds must be paid from state funds.

Key Dates

- Restrictions for new legal immigrants became effective August 22, 1996.
- New restrictions for current legal immigrants receiving food stamps become effective April 1, 1997. Those certified by March 31, 1997 can receive benefits through August 1997.
- The Alaska Temporary Assistance Program goes into effective on July 1, 1997.
- Supplemental Security Income benefits for most legal immigrants stop by September 1997.

Additional Information

For additional information on immigration and the impacts of welfare reform, contact Jim Steele at the Division of Public Assistance at 465-3014.



Alaska Commission on Aging

RESOLUTION 97-6

In support of providing medical and public assistance to legal immigrants

WHEREAS, Alaska's public and medical assistance programs have historically been available to all Alaska residents, including legal immigrants who are permanent residents; and

WHEREAS, federal welfare reform limited the eligibility of certain legal immigrants for public and medical assistance and left it up to the states whether to continue coverage; and

WHEREAS, approximately 2,000 legal immigrant Alaskans, including over 600 seniors, currently depend on Medicaid, Adult Public Assistance, or the Alaska Temporary Assistance Program; and

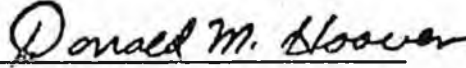
WHEREAS, legal immigrants who arrived in this country before the enactment of welfare reform could lose their eligibility for Medicaid without legislation; and

WHEREAS, failure to provide safety net programs for Alaskans who need basic services will result in them experiencing expensive medical crises; and

WHEREAS, responding to these medical crises will further tax limited community resources.

THEREFORE, BE IT RESOLVED by the Alaska Commission on Aging to support Senate Bill 102 and House Bill 153, which provide continued eligibility for Medicaid, Adult Public Assistance, and Alaska Temporary Assistance Program for legal immigrants.

Adopted this 4th day of March, 1997.


Don Hoover, Chair



April 1, 1997

Senator Gary Wilken
State Capitol
Juneau, Alaska 99801-1182

Dear Senator Wilken:

Enclosed are two recent articles concerning the impact of welfare reform legislation on elderly and disabled lawful permanent residents in the state of Alaska that brought to light the seriousness of their circumstances. In many cases, these Alaskan residents will be left without any source of income or medical care.

On behalf of these Alaskans, the Disability Law Center supports passage of HB153/SB102, "An act relating to the eligibility of aliens for state public assistance and medical assistance programs affected by federal welfare reform legislation; and providing for an effective date."

This piece of legislation will not cost the State more money (see fiscal note), but will greatly help mitigate the projected loss of federal benefits.

Sincerely,

A handwritten signature in cursive script that reads "Rick Tessandore".

Rick Tessandore
Executive Director

Enclosures

MEMBER OF THE
NATIONAL
ASSOCIATION OF
PROTECTION &
ADVOCACY
SYSTEMS

Immigrants flood classes to become citizens, keep aid

By SHEILA TOOMEY
Daily News reporter

"All right, everyone say 'Rehnquist.'"

"Rehn-quist. Rehn-quist. Good. Now, who is he?"

David Olivera scanned the second-floor meeting room on Mountain View Drive, his expression, his hands, his whole body pleading for someone to know the answer.

"Come on," he said, like a coach urging a runner across the finish line.

The 30 people in his class studied their crib sheets, consulted each other in several

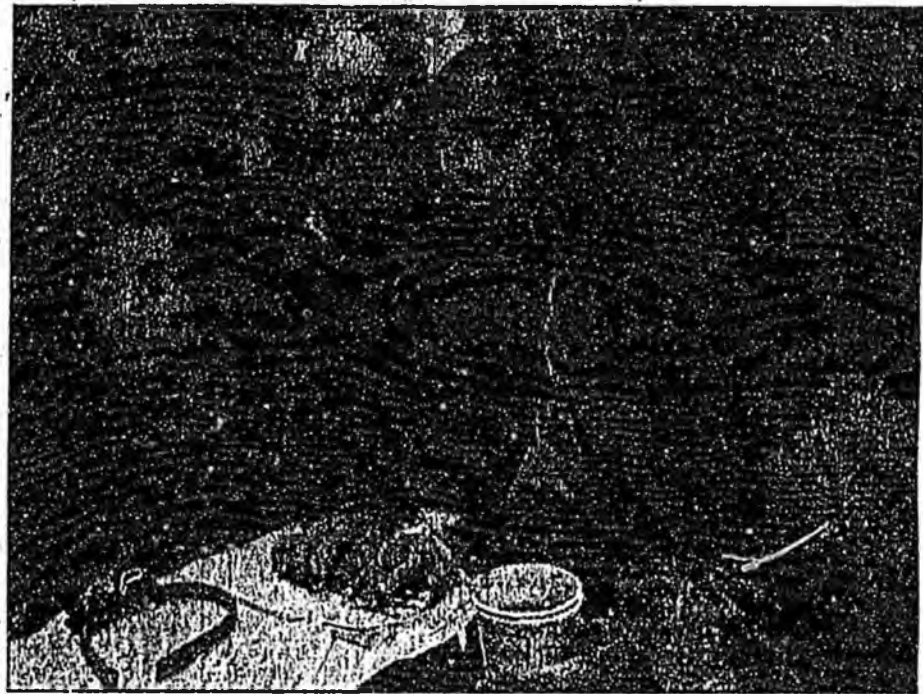
languages and considered the odd, unfamiliar syllable.

A fretful murmur arose. "Rehn-quist, Rehn-quist."

Knowing what William Rehnquist, a lawyer from Phoenix, does for a living these days could make the difference between passing the test to become a U.S. citizen or failing.

Nevermind that many born-Americans wouldn't recognize him as chief justice of the United States. Applicants for citizenship need

Please see Back Page, CIVICS



Meuy Fin Saechao of Laos, sitting left, and her daughters, Meuy Tong Saechao, 10, and Farm Tong Saechao, 7, both born in Thailand, attend the citizenship class.

TEST YOUR KNOWLEDGE

About 2,400 people per year apply for permanent resident status or citizenship in Anchorage, according to the Immigration and Naturalization Service. The civics exam that is part of the citizenship process is allegedly designed at an American fourth-grade level. Test yourself on a few of the questions.

1. How many members are there in the U.S.

House of Representatives?

2. Who becomes president if the president and vice president both die?

3. Name the 13 original states?

4. Which three countries were our enemies during World War II?

5. In what year was the constitution written?

6. How many amendments are there to the

Constitution?

7. Who was the main writer of the Declaration of Independence?

8. Who elects the president of the United States?

9. What special group advises the president?

10. How many stripes are there in the flag and what do they mean?

Answers, see The Back Page

CIVICS: Classes fill up

Continued from Page A-1

to know the answers to 100 questions about American history and government so they can answer the 10 questions their Immigration and Naturalization Service examiner chooses to ask.

What are the first 10 amendments to the Constitution called? The class knew that, but "Who is the head of Anchorage?" produced a long moment of silence and a small tentative "Rick Mushroom?" from one brave woman.

"The biggest fear they have is practicing English in front of other people," Olivera said later. "Americans expect everyone to speak English. You go to any other country and people speak more than one language."

The class started six weeks ago with six people, said Olivera, a longtime Head Start and Montessori teacher who now works for the Mountain View Health Clinic. In addition to experience, he has several special requirements for his volunteer coaching task: a loud voice and a lot of energy. When word got out about his free Wednesday and Thursday study sessions, attendance jumped to 30 and is still climbing.

Across the country, immigrants who have lived in the United States legally for years are crowding INS offices with applications for citizenship. Many are receiving some kind of government benefit that is due to disappear on Aug. 22. On that date, noncitizens will no longer be eligible for welfare, disability, food stamps or Medicaid unless they have worked here legally for at least 10 years.

The INS caseload in Alaska is up 23 percent, due largely to the deadline, said Bernadette Doody, an official with the service in Anchorage. "The influx is the ones on welfare," she said.

Olivera said his class is largely working poor, people who need food stamps or medical assistance to stretch a no-benefits, poverty-level income.

The class was organized by Maggie Perez Shelley of Catholic Social Services after several naturalized citizens came to her for advice on how to keep disability or old age benefits for elderly parents who had never learned English or sought citizenship. Everyone seems to be counting on private agencies like hers to take care of people who get kicked off the government rolls, Shelley said. But that's not going to happen.

"We try to help everybody in need, everybody that comes to our door," she said. "But we can't pick up all the load."

In general, applicants for citizenship must have had a "green card" — a residence permit still referred to that way although it is actually pink — for five years; pass an FBI fingerprint search, which takes about three months; and be found "of good moral character," which means they can't be a communist, Nazi, draft dodger, polygamist, prostitute, pimp, doer, gambler, tax delinquent, felon, aristocrat or alcoholic. There are few absolutes, though. Each applicant is individually evaluated, Doody said.

And they must pass the civics test, in English.

Why are there 100 senators in the Senate? Who wrote "The Star Spangled Banner?" Who said "Give me liberty or give me death?"

Patrick Henry got death, Olivera explained, putting an imaginary noose around his neck and yanking it to illustrate.

"You never seen somebody hang?" asked a man from the Dominican Republic. Just curious.

Fou Tong Saechao was born in Laos and grew up in Thailand. But Thailand doesn't allow foreigners to become citizens, he said. And Laos doesn't let people back once they've left.

"I have no country," he said.

Saechao ended up in a refugee camp. He, his wife and two daughters have been in the United States for six years, in Alaska a year. Mom and dad have only rudimentary English skills but Meuy, 12, and Farm, 7, speak the new language without an accent. Saechao has taken the citizenship test once but didn't pass. He's going to try again.

For more than an hour, Olivera guided his students through the crib sheet given out by INS, applauding heroic efforts to pronounce "Massachusetts" and "Murkowski."

Vioul Thi, formerly of Vietnam, is the best student in the class this week, on top of facts like who becomes president if the president and vice president both die, and the number of members in the House of Representatives. Still, she says she's worried.

What about?
"Everything."

Daniel Casanova, 71, is originally from Nicaragua but lived most of his working life in Honduras. It was safer there, he said. Still, life anywhere in Central America means no matter how long and hard a laborer works he earns "just sufficient to help you not to die from hunger."

Casanova came to Alaska in 1991 when his wife of 28 years died. He joined his mother, now 91 and a U.S. citizen since the 1960s. Mother and son had not seen each other for 32 years and now share a home with his sister in Mountain View. Casanova is a little concerned about not being able to retain the answers to all 100 possible exam questions, but he's made up his mind he will pass.

For an older man on his third country, Casanova seems fairly relaxed. Asked about his calm, he shrugs. "In this great world," he said, "we are just ants. Go and come."

THE ANSWERS

1. 435
2. The speaker of the House
3. New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, Rhode Island, Virginia, North Carolina, South Carolina, Georgia
4. Germany, Japan, Italy
5. 1787
6. The INS says 26, but a 27th was added in 1992
7. Thomas Jefferson
8. The Electoral College
9. The Cabinet
10. 13, for the 13 original colonies

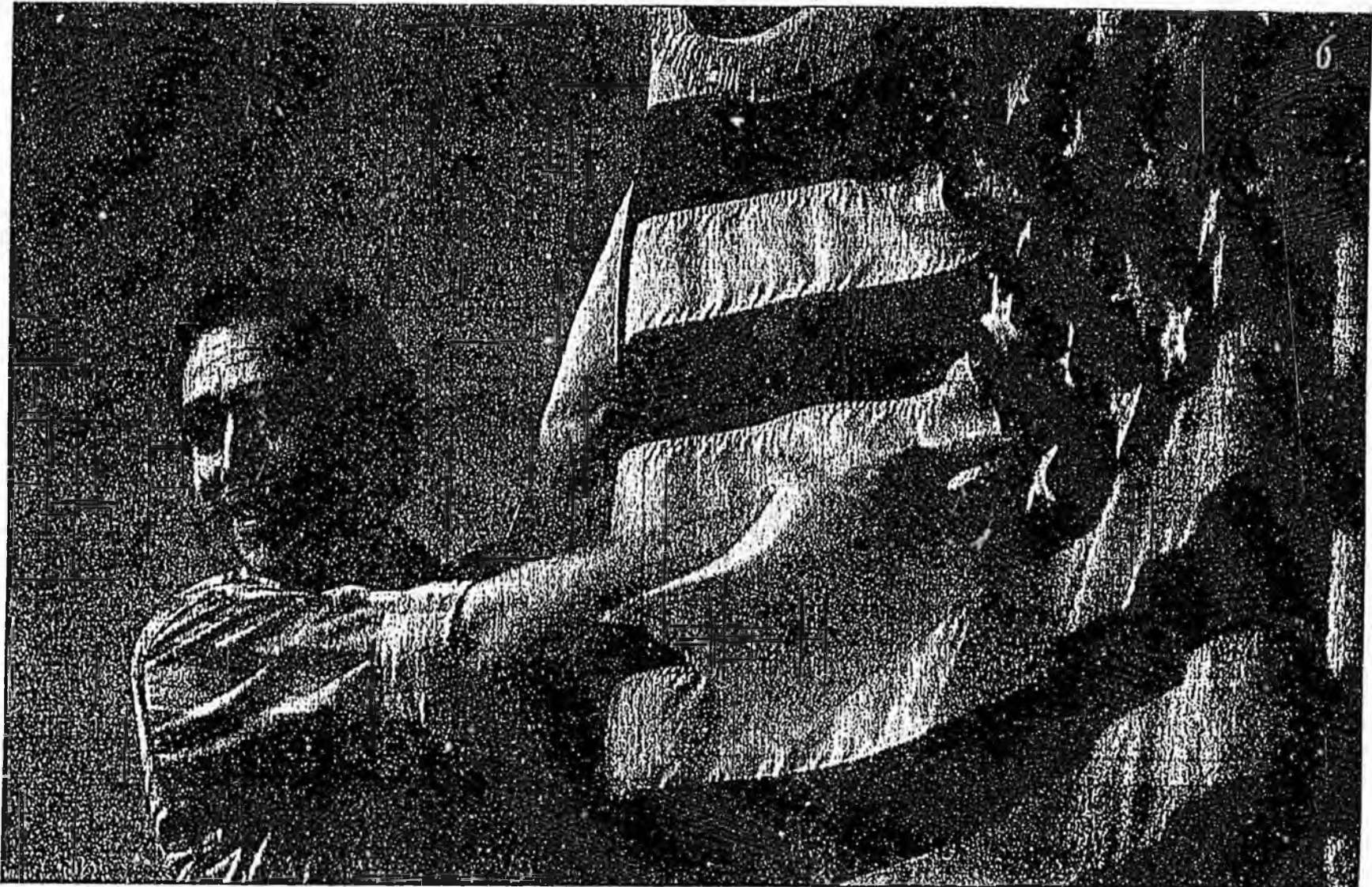


BILL ROTH / Anchorage Daily News

Daniel Casanova sits next to a cardboard recruiting poster for the Army National Guard while attending a citizenship class to help him pass the Immigration and Naturalization Ser-

vice citizenship test. Casanova was born in Nicaragua and spent most of his life in Honduras as a laborer before coming to the United States to live with his mother and sister.

10 questions that could change their lives



David Olivera points to the U.S. flag while teaching a citizenship class at the Anchorage Latino Lions Mountain View Resource Cen-

ter recently. He was helping the class learn to pronounce the word stripes in English.

Photos by BILL ROTH/Anchorage Daily News

Legal immigrants lose safety net

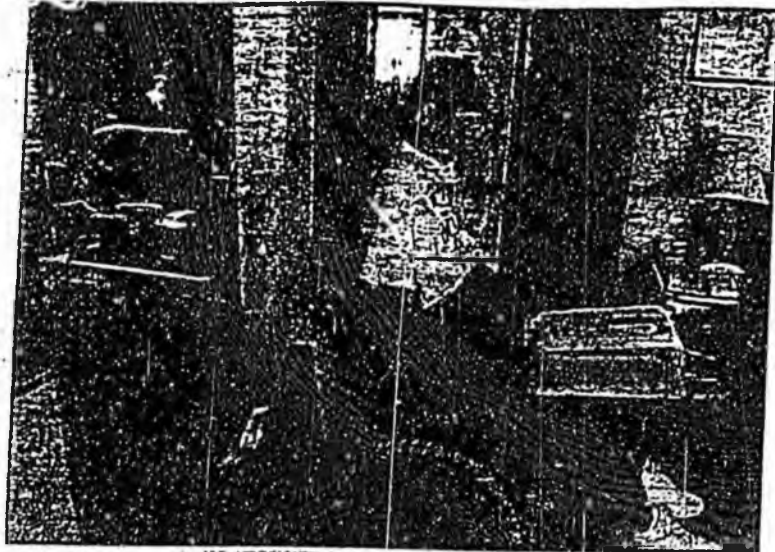
Welfare cuts hit home in Alaska

By LISA DEMER
Daily News reporter

Henry Hinkle, a man so disabled he cannot walk to the mailbox, button his shirt or gut a fish, worries not about being a quadriplegic but about being a legal immigrant, targeted by welfare reform.

Though he once made good money packing salmon, Hinkle hasn't worked, or walked, since a car accident on the Glenn Highway in 1995 creased his spinal cord and nearly killed him. Now, because he isn't a U.S. citizen, he may lose the Medicaid coverage that pays for his health care and the disability check that buys his rent and food.

"If they cut our welfare, what will happen to us?" Hinkle, a Filipino, wondered. His real

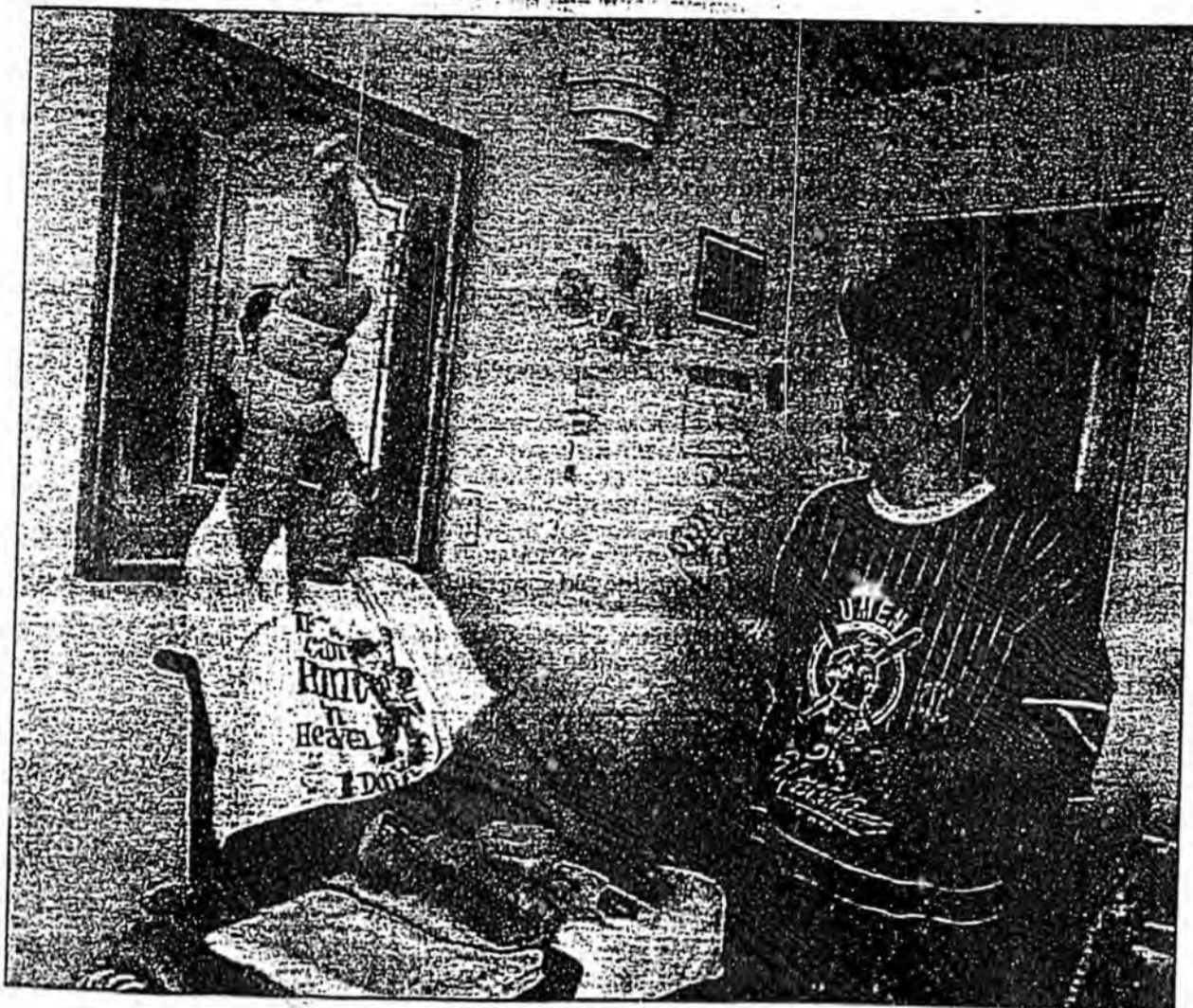


FRAN DURNER / Anchorage Daily News

Fely Hinkle prepares lunch for her husband, Henry, who was paralyzed in a car accident in 1995.

concern is not the monthly checks, \$1,005 from the state and federal governments combined, but the Medicaid, which pays for

Please see Page A-6, WELFARE



ABOVE: Henry Hinkle has learned to use his thumb and forefinger to hold his utensils and feed himself. The scars on his hands are from a surgical attempt to get his hands working again by moving muscles and tendons from his elbow to his hands.

LEFT: Each morning Fely attaches five-pound weights to Henry's arms so he can practice his range of motion exercises and maintain his physical rehabilitation.

WELFARE:

Legal immigrants out in the cold

Continued from Page A-1

everything from visits to his four doctors to special lotions for his fragile skin.

His worry reflects that of others like him across the country. As welfare reform takes hold, green card-carrying, legal immigrants will shoulder a major share of the cuts dictated by the U.S. Congress.

About 630 legal immigrants in Alaska and half a million nationwide are expected to lose federal disability benefits this summer. Congress is snipping those people out of the federal safety net for the elderly, disabled or blind — the Supplemental Security Income program. For many immigrants, when the disability check ends, so will food stamps and Medicaid, the state-federal insurance for poor people. States can choose to continue funding Medicaid, something Gov. Tony Knowles wants to do.

Some immigrants are rushing to become citizens before they lose their aid, but Hinkle has only been in the country two-and-a-half years; he would have to be here five years to apply.

Congress intended to place responsibility for needy immigrants with relatives and sponsors who help them into the country.

"We want to be sure they are coming here for the American dream and not for the American handout," said U.S. Rep. Clay Shaw, a Republican from South Florida who was the chief sponsor of the welfare reform law.

The U.S. government shouldn't be asked to take on all of the world's needy people, Shaw said, noting the high percentage of elderly immigrants in particular who receive care. In all, 900,000 immigrants are receiving cash benefits totaling \$4.5 billion a year, plus Medicaid. Benefits will continue for refugees and for immigrants who have served in the U.S. military and those who have worked 10 years.

"That is a program that is clearly out of control," Shaw said. "We are very rapidly becoming the nursing home to the world."

The National Immigration Forum, a nonprofit advocacy group, maintains that immigrants such as Hinkle are being hit with a disproportionate share of the welfare cuts.

"They are really carrying the load," said Angela Kelley, the forum's policy director. "Legal immigrants don't vote, so it is not a surprise that they are an easy target."

The federal welfare reform law took effect on Aug. 22, and immigrants who arrived on or after that date won't be able to tap benefits for five years, no matter how sick or poor they get.

As the federal help dries up, charities, states and local governments expect the obligation to fall to them. Shaw proposes a block grant to ease the way for states.

President Clinton wants to restore benefits for people who became disabled after they entered the United States. Knowles is pushing a bill to continue Medicaid coverage and keep checks flowing to immigrants like Hinkle. But the money will be less than he gets now because \$484 of his \$1,005 monthly benefit comes from the federal program that is about to dry up.

"It's not a question of who should take up the slack. It's what can everybody do. It's going to take everybody's efforts," said Jon Sherwood, a Medicaid program officer in Juneau.

LAND OF OPPORTUNITY

In spite of his paralysis, Henry Hinkle, and his wife of almost 35 years, Fely,

hope they can bounce back with jobs before the cuts leave them destitute.

At 55, Henry is slight, under 130 pounds, and quiet, leaving most of the talking to Fely. She is 50, with a soft, round face that brightens easily.

Henry spent most of his working life as a mechanic for a textile factory. When a strike closed the plant, he was out of a job. In her youth, Fely worked, too, as a secretary and in a candy factory, wrapping chocolates.

After 11 years of trying, they received permission to enter the United States in October 1994. They had \$200 between them. Family ties brought them to Anchorage, where they moved in with Henry's sister and received temporary financial support from his brother, a long-shoreman in Dutch Harbor. Their family, though, isn't wealthy enough to support them for the long haul, they said.

"In the Philippines, people our age don't have the opportunity to work," Fely said.

Two weeks after they arrived, Fely got work at Taco Bell. She took a second job, working a steam press at American Linen. Henry got on at the Hotel Captain Cook as a dishwasher and at North Alaska Fisheries, where he would work 14, 16 hours a day when the salmon were in. They sent \$200 a month back to the Philippines, to help family, including their grown son, an engineer.

Jackie Schultheis, a part-owner of North Alaska Fisheries, remembers Henry as a hard worker, someone who knew his job. He would show the younger guys how to pack fish in the freezer.

"He always was saying 'thank you' for giving him a job," Schultheis said.

The Hinkles got their own apartment, a furnished one-bedroom in Spenard that now costs \$525 a month. It would be considered luxurious in the Philippines, they said. They bought their first car, an old Ford Escort, for \$450.

One Sunday afternoon, on July 30, 1995, they drove to Wasilla to scout junkyards with Henry's cousin and brother, who needed some auto parts.

Heading home on the Glenn Highway, Henry lost control of the car just north of Eklutna. He later would blame it on a blown tire, though he had just bought a new set. Anchorage police chalked it up to inexperience. The car rolled over and over, four times in all.

Rescuers had to cut the car apart to free the unconscious Henry. Fely's wrist was fractured. The others weren't hurt too badly.

THE RECOVERY

At Providence Alaska Medical Center, Henry had surgery, gradually regained the use of his arms and fought depression during his three-month stay, covered by Medicaid.

"I would see a car out my window, and I would cry," Henry said. Fely wept secretly, to hide her pity for her husband. The hospital wanted to release him to a Providence nursing home, but Fely wouldn't hear of it. She quit her job to care for him.

Now their apartment is a combination of medical center — hospital bed, two wheelchairs, piles of supplies delivered by Medicaid — and garage-sale finds, 10-cent Troll dolls, a \$15 color television and silk flowers everywhere.

Henry is in optimal health for a quadriplegic, thanks largely to the care from Fely, according to one of his doctors, rehabilitation specialist Dr. Michel Gevaert. Though Henry can move his arms fluidly, he is officially a quad

because he has lost use of his hands, the doctor said.

Fely works his limbs and massages his skin, especially his fingers, to keep them supple, not clawed like so many quadriplegics. Because he has no lower body function, she must catheterize him four times daily and give him a suppository every other day. She uses a special machine to clear his lungs.

And Henry does his part, lifting himself up from his wheelchair every hour to relieve the pressure on his lower body, working with weights to strengthen his arms. A attendant, paid through Medicaid, comes daily to give Henry a bath because Fely can't lift him.

"They are extremely motivated," Gevaert said. "If his wife had to work all day, he may end up admitted to the hospital because his support system is broken down." And that would cost much, much more than a welfare check, he said.

Henry learned to feed himself, nestling utensils between his thumb and index finger, even spooning soy sauce over his rice without a spill. At lunch, he drinks cranberry juice, expensive for people on welfare but helpful for warding off bladder infection. He watches a television game show as he

eats from a tray on his wheelchair while Fely dines in the kitchen nearby. Cable is the Hinkles' one luxury; they now spend so much time at home.

The Hinkles take the Muni-Lift, a city van for the disabled, to Providence hospital several times a week to give support to others who are ill and visit friends, including Chaplain Luz Flores. The chaplain has watched Henry progress and believes he could again thrive in the working world.

"I know he can do some work, given the training and the time," he said. "That's what Henry needs. He has some skills, and the mind and the enthusiasm to be really independent, to earn while doing something."

Fely wishes for a computer, to teach herself and Henry at home. Soon Henry will tour potential job sites, including the post office on Elmendorf Air Force Base. That's been arranged through the maze of private and government workers assigned to Henry's case.

"If the Medicaid can stay, they can cut the money," Fely said. "It's OK. It's OK."

A DAUGHTER'S WORRY

Another Alaskan who will need help is 82-year-old Kumhui An, a Korean immigrant who arrived in 1980.

An lives in a nursing home with her care covered by SSI and Medicaid, but she was healthy when she arrived to help her daughter, Jaek Carter, who was raising two daughters and working two jobs. An tried to become a U.S. citizen before welfare cuts made it so important. She just wanted to vote. Despite years of English classes and a \$400 citizenship course, she didn't pass the test in three tries, Carter said.

In 1995, An broke her hip and suffered a stroke that paralyzed her left side. For three months, Carter tried to care for her mother at home. Carter works nights as a custodian and when she got off at 1 a.m. ready to sleep, her mother's needs wouldn't allow it. The strain wore Carter down, and about a year ago, An became a long-term resident of Providence Extended Care Center.

Now, the prospect of losing Medicaid worries Carter, who can't pay her mother's bill on what she makes cleaning schools.

"If I young and strong, I don't mind working two, three jobs to pay for my mother," said Carter. But she is 53 and tires easily as she struggles with diabetes.

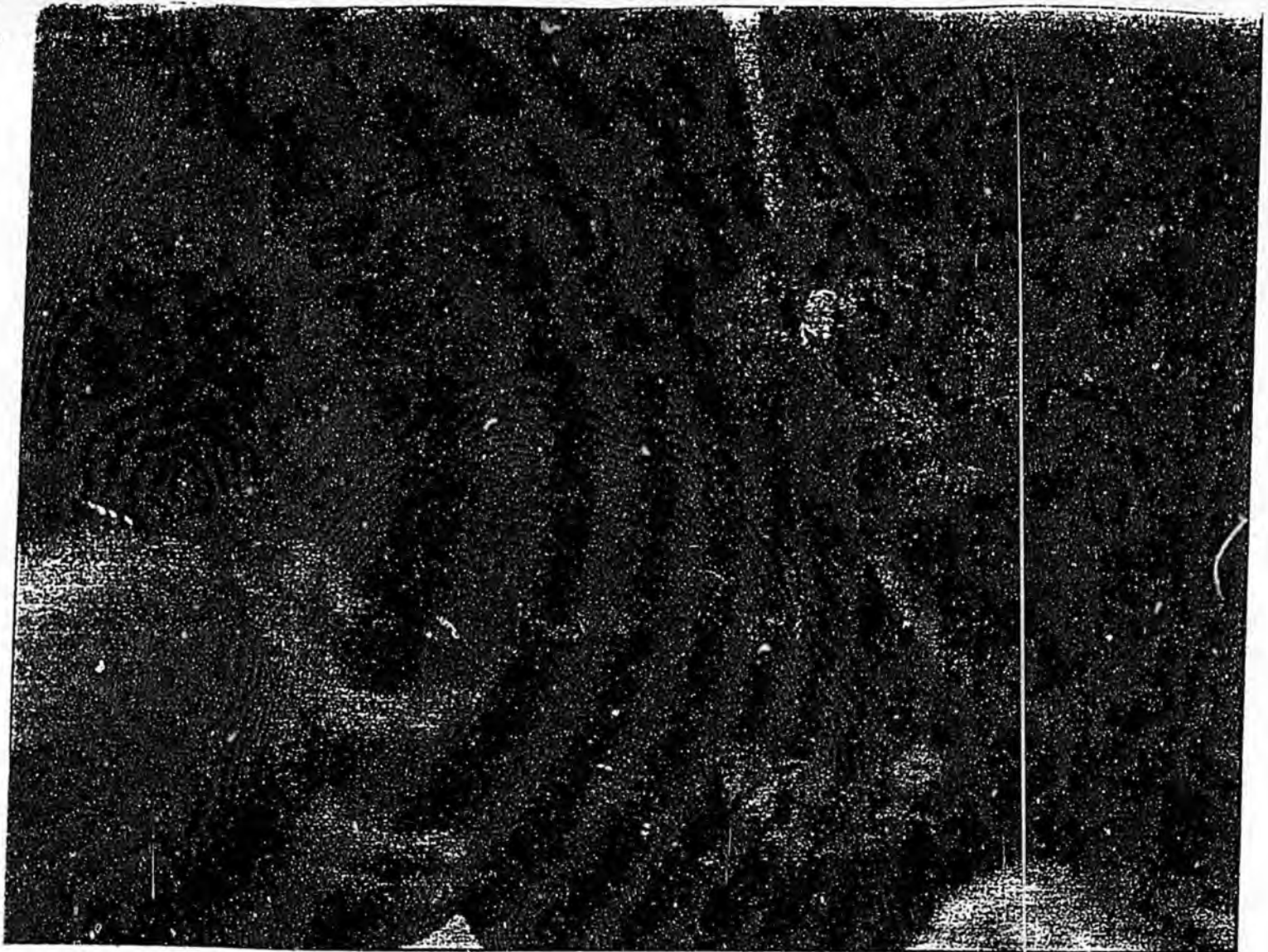
The federal cuts also

alarm Providence officials. For each Medicaid resident, the nursing home receives about \$6,300 a month, and An is among at least nine residents at Providence Health System's two nursing homes expected to lose their benefits. With 10 other immigrant residents of Providence facilities vulnerable, the institution could be forced to absorb more than \$1 million a year in charity care.

"If we have people here, and there is no other means, we are not going to be kicking them out," said Tom Boling, administrator of Providence Extended Care Center.

Providence wants to help the residents become naturalized, a process that just got easier. New federal rules say people with mental or physical disabilities don't have to pass the civics or English language tests, though they still must show they understand the oath of allegiance, said Robert Eddy, director of the Immigration and Naturalization Service in Alaska. That acknowledgment, he said, can be as easy as "a blink of an eye or a nod of the head."

On Friday, Carter went to INS to pick up a citizenship application for her mother.



Photos by FRANK DURNER / Anchorage Daily News



Fely Hinkle watches her husband, Henry, negotiate the ramp in front of their apartment as he heads to the municipal transport that will take the couple to Providence Alaska Medical Center.

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

P.O. BOX 110601
JUNEAU, ALASKA 99811-0601
PHONE: (907) 465-3030
FAX: (907) 465-3068

February 25, 1997

Honorable Gary Wilken
Chairman
Health, Education and
Social Services Committee
Alaska State Senate
State Capitol Room 510
Juneau, AK 99801-1182

Dear Senator Wilken,

The Department of Health and Social Services respectfully requests a hearing in the Senate Health, Education and Social Services Committee on SB 102, "An Act relating to the eligibility of aliens for state public assistance and medical assistance programs affected by federal welfare reform legislation; and providing for an effective date."

The state welfare reform legislation enacted last session was silent on the issue of eligibility of legal immigrants for public assistance and Medicaid. This legislation is necessary to clarify the state's policies in this regard in light of the new federal legislation.

The bill provides for continued eligibility for legal immigrants who were in the country prior to the August, 1996 effective date of the federal legislation.

Your favorable consideration of this request will be most appreciated.

Sincerely,



Elmer A. Lindstrom
Special Assistant to the Commissioner

ALASKA
CIVIL LIBERTIES UNION

An Affiliate of the American Civil Liberties Union

P.O. Box 201844

Anchorage, AK 99520-1844

Phone: 907-258-0044 Fax: 907-258-0288

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APR 10 1997

April 10, 1997

HAND DELIVERED

Con Bunde, Chair
House Health, Education and
Social Services Committee
Alaska State Legislature
Capitol Building
Juneau, Alaska

Gary Wilken, Chair
Senate Health, Education and
Social Services Committee
Alaska State Legislature
Capitol Building
Juneau, Alaska

Re: House Bill 153 and Senate Bill 102

Dear Chairman Bunde and Chairman Wilken:

Thank you for this opportunity to comment on House Bill 153 and Senate Bill 102, bills which would make it clear that legal immigrants should get Alaska Temporary Assistance, Adult Public Assistance, and Medicaid on the same basis as citizens. The Alaska Civil Liberties Union supports HB 153 and SB 102, and opposes any public assistance program policy which discriminates against similarly situated Alaskans.

Legal immigrants are bona fide Alaska residents. They live here and pay taxes here, and when hard times or old age force them to ask for help, they need public assistance just as much as do Alaskans who are U.S. citizens. It would be fundamentally unfair, as well as unconstitutional, to discriminate against them.

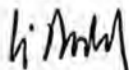
So far, the main state-funded programs which provide basic income support and health care for poor Alaskans have operated without any special immigration-status restrictions other than those required by federal law. Federal law already excludes undocumented immigrants from Aid to Families with Dependent Children – soon to become Alaska Temporary Assistance – and limits undocumented immigrants to only emergency Medicaid. Although the new welfare law says it gives states the option to deny public assistance to most legal immigrants, nothing in federal law forces states to discriminate in this way. Alaska is free to continue to provide aid to legal immigrants who need it.

In fact, if the Legislature were to decide not to provide Alaska Temporary Assistance or Adult Public Assistance, or Medicaid to legal immigrants, simply because they had not become citizens, that choice is probably unconstitutional. In Graham v. Richardson, 403 U.S. 365 (1971) the Supreme Court invalidated an Arizona policy requiring aliens to live in the state for 15 years before getting disability benefits, and a Pennsylvania policy denying aliens general assistance, saying that these policies denied aliens the equal protection of the law. The states said in self-defense that Congress had authorized them to discriminate against aliens. The Supreme Court's response was that Congress had done no such thing, and that even if it had, there would at the very least be "serious constitutional questions" about this. Among other things, a rule which allowed some states to provide benefits to aliens and allowed other states to deny those same benefits to aliens "would appear" to contravene the rule that Congress must "establish a uniform Rule of Naturalization." 403 U.S. at 382 & n.14.

Because the State should treat legal immigrants who need assistance in the same way as citizens who need assistance, we urge your support for H.B. 153 and S.B. 102.

Sincerely yours,

ALASKA CIVIL LIBERTIES UNION



Liz Dodd, Chair
Legislative Committee

cc: The Honorable Tony Knowles

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

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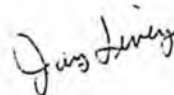
April 18, 1997

The Honorable Mark Hanley
Alaska State House of Representatives
Room 507 Capitol Building
Juneau, Alaska 99801

Dear Representative Hanley;

The attached pages will provide you with some additional information concerning the effects of HB 153 and our analysis of the fiscal impact of this bills passing, or not passing, across all affected components. The net additional costs or savings is indicated for both General Fund and total funds

Sincerely,



Jay Livey
Deputy Commissioner

cc : Annalee McConnell, OMB

Introduction

HB 153 and SB102 propose changes to State law regarding the eligibility of legal immigrants for the Alaska Temporary Assistance Program, Medicaid, and the Adult Public Assistance program. These bills extend eligibility for these programs to all legal immigrants who were in the country as of August 22, 1996 (the date of passage of Federal Welfare Reform). Most legal immigrants arriving after August 22, 1996 would be barred from the programs for five years after their date of arrival. The following is an assessment of the impact if neither of these bills passes.

Alaska Temporary Assistance Program (ATAP)

Approximately 820 legal immigrants currently qualify for ATAP benefits. If neither of these bills were to pass, legal immigrants would be eligible for ATAP regardless of their date of arrival as long as they continued to meet all other eligibility criteria. This is because eligibility criteria in statute for ATAP do not currently contain any exclusion for legal immigrants. However, because of changes in federal law, legal aliens arriving after August 22, 1996 are subject to a 5-year bar on federally funded assistance. These immigrants would, therefore, be paid with General Funds during their first five years in the country.

Assumptions:

- Each year, approximately 145 legal immigrants who arrive in the country will qualify for ATAP benefits and the number of immigrant recipients from previous years will decrease by 15 percent because of normal attrition. The net result of these factors and the anticipated effects of welfare reform will be zero net growth in the number legal immigrant cases over the period.
- The ratio of GF to Federal expenditures remains constant after FY02 because new immigrants become eligible after the five-year federal bar.

Adult Public Assistance (APA)

Approximately 800 legal immigrants currently qualify for APA. If neither HB 153 nor SB 102 pass, legal immigrants will be eligible for APA benefits regardless of their date of arrival as long as they continue to meet all other eligibility criteria. This is because Alaska Statutes do not currently exclude legal immigrants from this program. APA is a general fund only program, so no costs shift to the state if HB 153 or SB 102 do not pass.

Assumption:

- Caseloads will increase by 5 percent each year.

Medicaid and General Relief Medical

If neither HB 153 or SB 102 passes this session, the state would stop providing regular Medicaid coverage to most legal immigrants. Some legal immigrants would remain eligible for Medicaid because they fall into mandatory coverage groups, like veterans and refugees. All immigrants remain eligible for Medicaid payment for emergency medical treatment.

Some immigrants would also qualify for the state's General Relief Medical program which pays for a very limited range of intensive services for the very poorest Alaskans. Therefore, while failing to pass HB 153 or SB 102 would produce some savings to the Medicaid program, significant amounts of funds would still be spent on legal immigrants through the Medicaid and GRM programs. The majority of these funds would be spent on intensive acute care services.

Assumptions:

- The Division of Medical Assistance estimates that one-quarter of those aliens age 65 and over and 15 percent of aliens under age 65 fall into an immigration status that federal law requires states to cover.
- The Division estimates that for the remaining aliens, one-half of all hospital and transportation services and 10 percent of all physician services received would still be provided under Medicaid coverage for emergency medical treatment for aliens.
- Some aliens would be eligible for coverage of inpatient hospital, nursing facility services, physician services, transportation services, and prescription drugs for certain chronic conditions under the General Relief Medical program. The Division estimates that one half of these services that are not covered under Medicaid emergency medical treatment would be covered under GRM. Hospital and nursing facility services are reimbursed at 28 percent of Medicaid rates. Other GRM services are reimbursed at 100 percent of Medicaid rates.
- Due to the timing of termination of coverage for immigrants and the time lag in billings for services already provided, the impact to the FY 98 budget would be only 50 percent of the annual impact of these coverage changes.

Analysis of Costs/Savings with and without passage of HB 153 and/or SB 102

General Funds

(additional cost or savings calculated from FY98 Governor's Request)

	FY98	FY99	FY00	FY01	FY02	Net GF. . .
<u>With Bill</u>						
Adult Public Assistance	(156.0)	(304.2)	(446.6)	(577.2)	(705.9)	Savings
ATAP	(368.6)	(683.2)	(949.9)	(1,174.6)	(1,366.4)	Savings
Medicaid	-	-	-	-	-	N/A
Net Effect	<u>(524.6)</u>	<u>(987.4)</u>	<u>(1,396.5)</u>	<u>(1,751.8)</u>	<u>(2,072.3)</u>	Savings
<u>Without Bill</u>						
Adult Public Assistance	-	156.0	319.8	491.8	672.4	Cost
ATAP	203.0	376.2	523.1	646.8	752.4	Cost
Medicaid	<u>(379.3)</u>	<u>(758.7)</u>	<u>(758.7)</u>	<u>(758.7)</u>	<u>(758.7)</u>	Savings
Net Effect	<u>(176.3)</u>	<u>(226.5)</u>	84.2	379.9	666.1	Cost after FY99

Analysis of Costs/Savings with and without passage of HB 153 and/or SB 102

Total Funds

(additional cost or savings calculated from FY98 Governor's Request)

	FY98	FY99	FY00	FY01	FY02	Net GF. . .
<u>With Bill</u>						
Adult Public Assistance	(156.0)	(304.2)	(446.6)	(577.2)	(705.9)	Savings
ATAP	(405.9)	(752.4)	(1,046.1)	(1,293.6)	(1,504.8)	Savings
Medicaid	-	-	-	-	-	N/A
Net Effect	<u>(561.9)</u>	<u>(1,056.6)</u>	<u>(1,492.7)</u>	<u>(1,870.8)</u>	<u>(2,210.7)</u>	Savings
<u>Without Bill</u>						
Adult Public Assistance	-	156.0	319.8	491.8	672.4	Cost
ATAP	-	-	-	-	-	Cost
Medicaid	<u>(1,219.7)</u>	<u>(2,439.3)</u>	<u>(2,439.3)</u>	<u>(2,439.3)</u>	<u>(2,439.3)</u>	Savings
Net Effect	<u>(1,219.7)</u>	<u>(2,283.3)</u>	<u>(2,119.5)</u>	<u>(1,947.5)</u>	<u>(1,766.9)</u>	Cost after FY99

Gary

I met with Elmer, Jay Livey,
(H+SS) re: the dept's legal
alien bill.

Without legislation, the aliens
who arrive after 8/22 will
be eligible for ATAP (welfare)
and public assistance. The
money will be all state
GF dollars as feds have
cut these folks off + evidently
our statutes are vague
enough to include them.

Without legislation, no
aliens are eligible, except
for "emergencies"

They left budget figures
which indicate that to
cover aliens who arrived
before 8/22 would be
\$7 mil.

ALASKA MENTAL HEALTH BOARD

TONY KNOWLES, GOVERNOR
STATE OF ALASKA

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April 11, 1997

The Honorable Gary Wilken, Chair
HESS Committee
Alaska Senate
State Capitol
Juneau, Alaska 99811

Dear Senator Wilken:

The Alaska Mental Health Board recommends passage of SB 102 which will maintain Medicaid coverage, Adult Public Assistance (APA) payments, and Alaska Temporary Assistance Program (ATAP) eligibility for qualified legal immigrants. The Board supports SB 102 based on our understanding that a substantial portion of the qualified immigrant population are mentally ill beneficiaries.

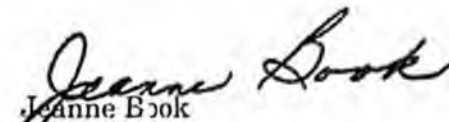
Due to changes in the federal Supplemental Security Income (SSI) program, approximately 800 elderly and disabled Alaskans will lose both their SSI and associated APA payments. Of the overall population who obtain SSI and APA due to disabilities, over 43% qualify based on mental disorders. There is no reason to believe that this percentage is any smaller for the legal immigrant subpopulation receiving SSI and APA.

Participation in the ATAP program is also critical to the mentally ill beneficiary group. A substantial number of seriously emotionally disturbed children who receive community mental health services live in families who participate in the AFDC/ATAP program. We expect that this overall need for mental health services by ATAP families holds true for legal immigrants participating in the ATAP program.

Unless SB 102 passes, legal immigrants will also lose the Medicaid coverage which has previously been available to those participating in either the SSI or AFDC programs. In addition to primary health care, Medicaid has provided significant mental health services to this population including case management, rehabilitation, and mental health clinic services.

In summary, the loss of Medicaid, SSI and AFDC/ATAP benefits will have a cumulative negative impact on legal immigrants who are mental health beneficiaries. These programs provide essential health and safety net services for many Alaskans experiencing mental illnesses and serious emotional disorders. On the behalf of mentally ill beneficiaries in Alaska, we urge your support of SB 102.

Sincerely,


Joanne Book
Chair