

SB

259

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 2/4/08

FURTHER: Finance

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

DATE TURNED
IN TO OFFICE: 03/19/08

State Affairs Committee considered SENATE BILL NO. 259

SB 259 EFFECTIVE DATE: MEDICAL ASSISTANCE LAWS

"An Act repealing certain provisions relating to applications for medical assistance coverage; making certain provisions of ch. 96, SLA 2006, retroactive; providing for an effective date by repealing an effective date section in ch. 96, SLA 2006; providing for an effective date for certain sections of ch. 96, SLA 2006; and providing for an effective date."

and recommends:

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

| | |
|--------------------------|--------------------------|
| SENATE BILL: | |
| <input type="checkbox"/> | Same Title |
| <input type="checkbox"/> | New Title |
| <hr/> | |
| HOUSE BILL: | |
| <input type="checkbox"/> | Same Title |
| <input type="checkbox"/> | Technical Title Change |
| <input type="checkbox"/> | New Title w/ SCR # _____ |



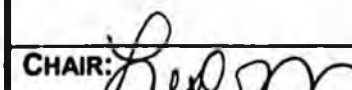
NEW FISCAL NOTE(S):

| Department | Date | Fiscal | Indet. | Zero | FN# |
|------------|---------|--------|--------|------|-----|
| HSS | 3/14/08 | | | ✓ | |
| LAA | 3/14/08 | | | ✓ | |
| | | | | | |
| | | | | | |
| | | | | | |

PREVIOUS FISCAL NOTE(S):

| Department | Date | Fiscal | Indet. | Zero | FN# |
|------------|------|--------|--------|------|-----|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

APPROPRIATION - no fiscal note

| SIGNATURES AND RECOMMENDATIONS: | PRINTED LAST NAME | DO PASS | DO NOT PASS | NO REC | AMEND |
|--|-------------------|---------|-------------|--------|-------|
|  | French | | | X | |
|  | Green | | | X | |
| Lynne Green | Green | ✓ | | | |
| | | | | | |
| CHAIR:  | McNamee | | | ✓ | |

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: SB 259
 Bill Version: _____
 () Publish Date: _____

Identifier (file name): SB259-LEG-COU-03-14-08 Dept. Affected: Legislature
 Title: "An act repealing certain provisions relating to RDU: Legislative Council
applications for medical assistance coverage; making certain..." Component: Council and Subcommittees
 Sponsor: Senate Rules by Request
 Requester: Senate State Affairs Component Number: 783

Expenditures/Revenues (Thousands of Dollars)

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

| | Appropriation Required | Information | | | | | | |
|-------------------------------|---------------------------|-------------|------------|------------|------------|------------|------------|------------|
| | | FY 2009 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
| OPERATING EXPENDITURES | | | | | | | | |
| 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 | 0.0 |

| | | | | | | | | |
|-----------------------------|--|--|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | | | |
|-----------------------------|--|--|--|--|--|--|--|--|

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

FUND SOURCE (Thousands of Dollars)

| | | | | | | | | |
|----------------------------|--|------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | | | |
| 1003 GF Match | | | | | | | | |
| 1004 GF | | | | | | | | |
| 1005 GF/Program Receipts | | | | | | | | |
| 1037 GF/Mental Health | | | | | | | | |
| Other Interagency Receipts | | | | | | | | |
| TOTAL | | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2008) cost: _____

POSITIONS

| | | | | | | | | |
|-----------|--|--|--|--|--|--|--|--|
| Full-time | | | | | | | | |
| Part-time | | | | | | | | |
| Temporary | | | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This legislation has zero fiscal impact on the Legislative Affairs Agency.

Prepared by: Karla Schofield, Deputy Director
 Division: Legislative Affairs Agency
 Approved by: Pamela Vami, Executive Director
Legislative Affairs Agency

Phone 465-6626
 Date/Time 3/14/08 11:49 AM
 Date 3/14/2008

FISCAL NOTE

**STATE OF ALASKA
2008 LEGISLATIVE SESSION**

Fiscal Note Number: _____

Bill Version: SB 259

() Publish Date: _____

ID(File name) SB259-DHSS-MS-03-14-08

Dept. Affected: Health & Social Services

Title EFFECTIVE DATE: MEDICAL ASSISTANCE LAWS

RDU Health Care Services

Component Medicaid Services

Sponsor RULES BY REQUEST OF LEG COUNCIL

Requester SENATE STA

Component No. 2077

Expenditures/Revenues (Thousands of Dollars)

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

| | Appropriation | | Information | | | | |
|-------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| | Required | | | | | | |
| OPERATING EXPENDITURES | FY 2009 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
| 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 | 0.0 |

| | | | | | | | |
|-----------------------------|--|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | | |
|-----------------------------|--|--|--|--|--|--|--|

| | | | | | | | |
|-------------------------------|--|--|--|--|--|--|--|
| CHANGE IN REVENUES (0) | | | | | | | |
|-------------------------------|--|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| 1002 Federal Receipts | | | | | | | |
|---------------------------------------|------------|------------|------------|------------|------------|------------|------------|
| 1003 GF Match | | | | | | | |
| 1004 GF | | | | | | | |
| 1037 GF/Mental Health | | | | | | | |
| Other(Specify Type-do not abbreviate) | | | | | | | |
| Other(Specify Type-do not abbreviate) | | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2008) cost: _____

POSITIONS

| | | | | | | | |
|-----------|--|--|--|--|--|--|--|
| Full-time | | | | | | | |
| Part-time | | | | | | | |
| Temporary | | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This bill is a clean-up of the effective dates of Ch. 96, SLA 2006 (HB 426), requested by the Revisor, to put actual effective dates for some provisions and repeal those provisions that were denied Medicaid State Plan approval by CMS.

There is no fiscal impact.

Prepared by: William J. Streur, Deputy Commissioner

Phone 334-2520

Division: Department of Health and Social Services

Date/Time 02/11/2008

Approved by: Karleen Jackson, Commissioner

Date 03/14/2008

Agency: Department of Health and Social Services

LEGAL SERVICES

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

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

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

MEMORANDUM

February 6, 2008

SUBJECT: SB 259, Revisor's Bill relating to ch. 96, SLA 2006 (medical assistance program) (Work Order No. 25-LS1339\A)

TO: Senator Lesil McGuire
Chair of the Senate State Affairs Committee

FROM: Kathryn L. Kurtz *KK*
Assistant Revisor

Introduction

Enclosed is a sectional analysis of SB 259, a special revisor's bill relating to the effective date of changes made to the medical assistance program in ch. 96, SLA 2006. This bill is in addition to the regular revisor's bill. The changes proposed are presented in a special revisor's bill because the effective date and retroactivity issues involved are somewhat complex. This memo explains the situation that precipitated the need for this bill. I would appreciate it if the Senate State Affairs Committee would hear the bill at your earliest convenience.

Situation Analysis

In 2006, the legislature passed an act amending the medical assistance program. Of the thirteen substantive sections in the Act, only four have clearly taken effect. The status of the remaining sections is uncertain because of the wording of a special effective date section in the Act. This section provided that the nine sections in question would take effect on July 1, 2006, or on the date of notification to the revisor of federal approval of "a revised state plan for medical assistance coverage" incorporating the changes made in the Act, whichever is later. This language assumed that there would be one plan submitted, and one approval received. This is not what has happened.

The Department of Health and Social Services determined that several of the statutory changes included under this special effective date did not require amendment of the state plan. The department submitted other changes to the federal authorities; some were approved on February 28, 2007, retroactive to October 1, 2006, others were disapproved.

Because not all of the changes made in secs. 1 - 7 and 9 of the Act (the sections specified in sec. 16) were submitted to the federal authorities for approval, and because not all of those that were submitted received approval, under the language of sec. 16 of ch. 96, SLA 2006, it appears to us that the bill sections subject to the effective date in sec. 16 have not and will not take effect without further legislative action. We are aware that this

Senator Lesil McGuire

February 6, 2008

Page 2

view may not be universal; one could certainly argue that the sections that required no change, or those that have been approved by the federal government, or both, have already taken effect. The situation is not clear, and can not be made clear through independent editorial action by the revisor.

The inconclusivity of sec. 16 of ch. 96, SLA 2006, is a deficiency in the statutes. Also, the disapproval of certain amendments in ch. 96, SLA 2006, arguably makes those provisions obsolete. Under AS 01.05.036, the revisor of statutes is empowered to prepare for submission to the legislature legislation that would correct deficiencies in the statutes and remove obsolete provisions.

Please call me if you have any questions.

KLK:ljw
08-063.ljw

Enclosure

LEGAL SERVICES

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

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


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

MEMORANDUM

February 6, 2008

SUBJECT: Sectional Analysis of SB 259, Special Revisor's Bill relating to ch. 96, SLA 2006 (medical assistance program) (Work Order No. 25-LS1339\C)

TO: Senator Lesil McGuire
Chair of the Senate State Affairs Committee

FROM: Kathryn L. Kurtz 
Assistant Revisor

The following is a sectional summary of SB 259.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Bill section 1 repeals AS 47.07.020(j), (k), and (n) because those subsections require changes to the state plan, the department has submitted amendments to the plan to reflect those changes, and the federal government has disapproved of the amendments. Rather than give effect to sections that have proven unacceptable at the federal level, this section repeals them.

Bill section 2 would make section 6 and two subsections of AS 47.07.020 enacted in section 7 of ch. 96, SLA 2006, retroactive to October 1, 2006. Those sections required amendments to the state plan for which the department has received federal approval. Bill section 2 would also make sec. 11 of ch. 96, SLA 2006, the section requiring a report to the legislature, retroactive to the date the report was made, March 2, 2007. This section addresses the requirement in AS 01.10.090, which provides: "No statute is retrospective unless expressly declared therein."

Bill section 3 repeals sec. 16, ch. 96, SLA 2006, the section with the effective date provision that gives rise to the uncertainty of the status of the affected sections.

Bill section 4 of the bill gives an immediate effective date to secs. 2 - 7 and 9 - 11 of ch. 96, SLA 2006, those sections covered by the effective date provision in sec. 16 of that Act.

Bill section 5 gives the bill an immediate effective date.

Senator Lesil McGuire
February 6, 2008
Page 2

TEXT OF REPEALED PROVISION

* **Sec. 16.** Except as provided in secs. 14 and 15 of this Act, this Act takes effect July 1, 2006, or on the date of notification under sec. 13 of this Act of federal approval of a revised state plan for medical assistance coverage incorporating the changes made by secs. 1 - 7 and 9 of this Act, whichever is later.

KLK:ljw
08-064.ljw

STATE OF ALASKA

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL

SARAH PALIN, GOVERNOR

*LEGISLATION & REGULATIONS SECTION
P.O. BOX 110300
DIAMOND COURT HOUSE, 6TH FLOOR
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 465-2520*

February 14, 2008

Senator Lesil McGuire, Chair
Senate State Affairs Committee
Alaska State Legislature
State Capital, Room 125
Juneau, Alaska 99801-1182

Re: 2008 Revisor's Bill Concerning Effective Dates for Medical
Assistance Laws - SB 259

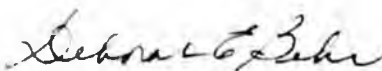
Dear Senator McGuire:

The Department of Law has reviewed SB 259, 2008 revisor of statute's bill concerning effective dates for certain medical assistance laws. The bill makes technical improvements in the effective dates for those laws. We believe these improvements are appropriate and consistent with traditional revisor's bills to revise the law consistent with the meaning and intent of those laws.

If you need additional information, please let me know.

Sincerely,

TALIS J. COLBERG
ATTORNEY GENERAL

By: 
Deborah E. Behr
Chief Assistant Attorney General

DEB:pvp

cc: Russ Kelly, Legislative Director, Office of the Governor
Katherine Kurtz, Assistant Revisor of Statutes, Legislative Affairs Agency
Jon Sherwood, Medical Assistance Administrator, Dept. of Health and Social Services

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 259
 () Publish Date: _____
 Dept. Affected: Health & Social Services
 RDU Health Care Services
 Component Medicaid Services

ID(File name) SB259-DHSS-MS-03-14-08
 Title EFFECTIVE DATE: MEDICAL ASSISTANCE LAWS
 Sponsor RULES BY REQUEST OF LEG COUNCIL
 Requester SENATE STA

Component No. 2077

Expenditures/Revenues (Thousands of Dollars)

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

| | Appropriation | | Information | | | | | |
|-------------------------------|---------------|--|-------------|------------|------------|------------|------------|------------|
| | Required | | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
| OPERATING EXPENDITURES | | | | | | | | |
| Personal Services | | | | | | | | |
| Travel | | | | | | | | |
| Contractual | | | | | | | | |
| Supplies | | | | | | | | |
| Equipment | | | | | | | | |
| Land & Structures | | | | | | | | |
| Grants & Claims | | | | | | | | |
| Miscellaneous | | | | | | | | |
| TOTAL OPERATING | | | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | | | |
|-------------------------------|--|--|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | | | |
| CHANGE IN REVENUES (0) | | | | | | | | |

FUND SOURCE (Thousands of Dollars)

| | | | | | | | | |
|---------------------------------------|--|--|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | | | |
| 1003 GF Match | | | | | | | | |
| 1004 GF | | | | | | | | |
| 1037 GF/Mental Health | | | | | | | | |
| Other(Specify Type-do not abbreviate) | | | | | | | | |
| Other(Specify Type-do not abbreviate) | | | | | | | | |
| TOTAL | | | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2008) cost: _____

POSITIONS

| | | | | | | | |
|-----------|--|--|--|--|--|--|--|
| Full-time | | | | | | | |
| Part-time | | | | | | | |
| Temporary | | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This bill is a clean-up of the effective dates of Ch. 96, SLA 206 (HB 426), requested by the Revisor, to put actual effective dates for some provisions and repeal those provisions that were denied Medicaid State Plan approval by CMS.

There is no fiscal impact.

Prepared by: William J. Streur, Deputy Commissioner
 Division: Department of Health and Social Services
 Approved by: Karleen Jackson, Commissioner
 Agency: Department of Health and Social Services

Phone 334-2520
 Date/Time 02/11/2008
 Date 03/14/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: SB 259
 Bill Version: _____
 () Publish Date: _____

Identifier (file name): SB259-LEG-COU-03-14-08 Dept. Affected: Legislature
 Title: "An act repealing certain provisions relating to RDU: Legislative Council
applications for medical assistance coverage; making certain..." Component: Council and Subcommittees
 Sponsor: Senate Rules by Request
 Requester: Senate State Affairs Component Number: 783

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

| OPERATING EXPENDITURES | Appropriation Required | Information | | | | | |
|------------------------|------------------------|-------------|------------|------------|------------|------------|------------|
| | FY 2009 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
| 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 | 0.0 |

| | | | | | | | |
|-----------------------------|--|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | | |
|-----------------------------|--|--|--|--|--|--|--|

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

FUND SOURCE (Thousands of Dollars)

| | | | | | | | |
|----------------------------|------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | | |
| 1003 GF Match | | | | | | | |
| 1004 GF | | | | | | | |
| 1005 GF/Program Receipts | | | | | | | |
| 1037 GF/Mental Health | | | | | | | |
| Other Interagency Receipts | | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2008) cost: _____

POSITIONS

| | | | | | | | |
|-----------|--|--|--|--|--|--|--|
| Full-time | | | | | | | |
| Part-time | | | | | | | |
| Temporary | | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This legislation has zero fiscal impact on the Legislative Affairs Agency.

Prepared by: Karla Schofield, Deputy Director
 Division: Legislative Affairs Agency
 Approved by: Pamela Varni, Executive Director
Legislative Affairs Agency

Phone 465-6626
 Date/Time 3/14/08 11:49 AM
 Date 3/14/2008