

AK LEGISLATURE FINANCE COMMITTEES FILES 2007-2008 3220

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2/19/08

A Comparison of the Professional Teaching Practices Commission with the Alaska Police Standards Council

Responsibility: Professional Teaching Practices Commission

Standards

- Sec. 14.20.450. Responsibilities of commission.
- The commission shall have the initial responsibility of developing, through the teaching profession, criteria of professional practices in areas including, but not limited to:
 - (1) ethical and professional performance;
 - (2) preparation for and continuance in professional services; and
 - (3) contractual obligations.

Investigative Authority

- The commission shall
 - (1) establish procedures, and adopt regulations to implement the purposes of AS 14.20.370 - 14.20.510;
 - (2) conduct investigations and hearings on alleged violations of ethical or professional teaching performance, contractual obligations, and professional teaching misconduct;
 - (3) review the decisions of the department regarding the issuance or denial of certificates and in its discretion recommend reversal of decisions.
- The Commission may:
 - (1) subpoena witnesses, place them under oath, and maintain written records;
 - (2) warn or reprimand members of the teaching profession, if in the judgment of the commission such action is warranted;
 - (3) suspend or revoke the certificate of a member of the teaching profession for one of the reasons set out in AS 14.20.030 except that in the case of an administrator, the commissioner must concur;
 - (4) request assistance through any of the investigative processes of any existing professional teaching organizations when analyzing charges of breach of ethical or professional teaching practices;

Responsibility: Alaska Police Standards Council

Standards

- Establish minimum standards for employment as a police officer, probation officer, parole officer, municipal correctional officer, and correctional officer in a permanent or probationary position and certify persons to be qualified as police officers, probation officers, parole officers, municipal correctional officers, and correctional officers under AS 18.65.130 - 18.65.290;

Investigative Authority

- The council has the power to
 - (1) investigate when there is reason to believe that a police officer, probation officer, parole officer, municipal correctional officer, or correctional officer does not meet the minimum standards for employment; in connection with the investigation the council may subpoena persons, books, records, or documents related to the investigation and require answers in writing under oath to questions asked by the council or the administrator;

Comparison - continued

Training and curriculum

The Commission shall:

(1) review the regulations of the department as they relate to teacher certification and recommend necessary changes;

The Commission may:

(1) study proposals developed by regular committees of any existing professional organization whose members are within the teaching profession

(2) make any recommendation to the board or to school boards that will promote an improvement in the teaching profession;

Employ an Administrator

Sec. 14.20.470. Powers of commission.

The commission may

(1) appoint an executive secretary, delegate those ministerial functions to the executive secretary as the commission may decide and set the executive secretary's compensation with a starting salary not exceeding range 26, step B of the pay plan for state employees in AS 39.27.011(a).

Training and curriculum

The Council has the power to:

(1) establish minimum criminal justice curriculum requirements for basic, specialized, and in-service courses and programs for schools operated by or for the state or a political subdivision of the state for the specific purpose of training police recruits, police officers, probation officers, parole officers, municipal correctional officers, and correctional officers;

(2) consult and cooperate with municipalities, agencies of the state, other governmental agencies, universities, colleges, and other institutions concerning the development of police officer, probation officer, parole officer, municipal correctional officer, and correctional officer training schools and programs of criminal justice instruction;

Employ an Administrator

Employ an administrator and other persons necessary to carry out its duties under AS 18.65.130 - 18.65.290;

7) charge and collect a fee of \$50 for processing applications for certification of police, probation, parole, municipal correctional, and correctional officers.

Composition of the Professional Teaching Practices Commission and the Alaska Police Standards Council

- **Professional Teaching Practices Commission – 9 Members**

- **Composition**

- The commission consists of the following members:
 - (1) five classroom teachers;
 - (2) one principal;
 - (3) one superintendent;
 - (4) one representative of the office of the commissioner;
 - (5) one representative of an Alaska institution of higher learning.

- **Alaska Police Standards Council – 11 Members**

- **Composition**

- The council consists of the following persons:
 - (1) four chief administrative officers or chiefs of police of local governments;
 - (2) the commissioner of public safety or a designee of the commissioner;
 - (3) the commissioner of corrections or a designee of the commissioner;
 - (4) one correctional administrative officer who is employed at the level of a deputy director or higher; and
 - (5) four members of the public at large with at least two from the communities of 2,500 population or less.

Selection of Members of the Professional Teaching Practices Commission and the Alaska Police Standards Council

• Professional Teaching Practices Commission – 9 Members

- Sec. 14.20.410. Selection of members.
- (a) Members of the commission shall be selected as follows:
 - (1) the five classroom teachers from lists of names submitted by recognized Alaska teachers' organizations, each list not to exceed 12 names; however, in lieu of one of the five, one classroom teacher may be selected from a list of not more than four names signed and submitted by not less than 25 teachers who have no affiliation with any organization qualified to submit nomination lists, with the limitation that no teacher may sign more than one list in any year;
 - (2) the principal from a list of three names submitted by the Alaska Principals Association;
 - (3) the superintendent from a list of three names submitted by the Superintendents Advisory Commission;
 - (4) the representative of the office of the commissioner from a list of three names submitted by the commissioner;
 - (5) the representative of an Alaska institution of higher learning from lists of names submitted by Alaska institutions of higher learning, each list not to exceed three names.
- (b) The lists shall be submitted to the commissioner who shall submit them as a group to the governor's office.
- (c) At least 30 days before a position on the commission is due to become vacant, the chairman shall cause notice of the impending vacancy to be published and to be conveyed to each organized group eligible to submit a list of nominees.
- Sec. 14.20.420. Term of office.
- (a) The term of office for each member of the commission is three years and, except as provided in AS 39.05.080 (4), each member serves until a successor is appointed.
- (b) Vacancies shall be filled by appointment by the governor and, except as provided in AS 39.05.080 (4), an appointment to fill a vacancy is for the unexpired term.
- (c) An individual may not serve more than a total of two 3-year terms.

• Alaska Police Standards Council – 11 Members

- Appointment.
- The commissioner of public safety or a designee and the commissioner of corrections or a designee shall serve during each commissioner's continuance in office. Other members of the council shall be appointed by the governor for staggered terms of four years, except that a member may not serve beyond the time the member holds the office that established eligibility for appointment. A vacancy on the council shall be filled for the remainder of a member's unexpired term in the same manner as the original appointment.

Legislative Research Services

2/19/08

Alaska State Legislature
Legislative Affairs Agency
Division of Legal and Research Services

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April 9, 2007

Memorandum

TO: Representative Bob Roses

FROM: Chuck Burnham, Legislative Analyst



RE: Composition of Police Standards Councils in Other States
LRS Report 07.192

You asked about the composition of Police Standards Councils in other states. Specifically, you wanted to know if the membership of those councils includes "front-line" police officers.

We reviewed the composition of Police Standards Councils in ten western states. Eight of these states' councils—those in Arizona, California, Colorado, Montana, New Mexico, Texas, Utah, and Washington—have at least one member who is a police officer.¹ The attached table shows the official name of the Police Standards Council for each of the ten states we reviewed, the size of the organizations, the composition of their membership, and the URL for each of their respective websites.

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

¹ Although the Utah Council's website does not specifically indicate a police officer member, we assume the representative of the Police Officer's Association to be an active officer.

Composition of Selected States' Police Standards and Training Organizations			
State	Organization	Members	Membership Position
Arizona	Peace Officer Standards and Training Board	12	Police Department Chiefs / Sheriffs (4) Attorney General Department of Public Safety Director Department of Corrections Director Police Officers (2 - Corporal/Detective) University Professor Public Members (2)
http://www.azpost.state.az.us/			
California	The Commission on Peace Officer Standards and Training	14	Police Chiefs / Sheriffs (6) Attorney General County District Attorney Police Officers (3) Public Members (3)
http://www.post.ca.gov/about/commissioners.asp			
Colorado	Peace Officer Standards and Training Board	21	Police Chiefs / Sheriffs (13) Attorney General Department of Public Safety Exec. Director City Mayor Police Officers (3 - Senior Agent / 2 Patrol Officers) Public Member
http://www.ago.state.co.us/post_board.cfm?cpyID=121			
Idaho	Peace Officer Standards and Training Council	15	Heads of Law Enforcement Agencies (8) Attorney General's Office Association of Counties Director Dept. of Corrections Director Dept. of Juvenile Corrections Director Association of Cities Director F.B.I. Special Agent in Charge County Prosecutor
http://www.idaho-post.org/Council/Council.html			
Montana	Peace Officer Standards and Training Council	11	Heads of Law Enforcement Agencies (2) Dept. of Corrections Division Chief Montana Highway Patrol Training Officer County Prosecuting Attorney County Commissioner Country Detention Facility Captain Police Officer (Lieutenant) Fish & Wildlife Dept. Training Officer Tribal Peace Officer Public Member
http://www.mbcc.mt.gov/resources/directory/boards/dir-e-post.asp			
Nevada	Commission on Peace Officer Standards and Training	9	Chiefs / Sheriffs (5) Dept. of Corrections Representative Dept. of Public Safety Representative County District Attorney Investigator Vacant Position
http://post.state.nv.us/CommissionDirectory.htm			

Composition of Selected States' Police Standards and Training Organizations
- contd.

State	Organization	Members	Membership Positions
New Mexico	Law Enforcement Academy Board	10	Heads of Law Enforcement Agencies (4) Attorney General Assistant Attorney General County District Attorney Public Members (2) Police Officer (Sergeant)
http://www.dps.nm.org/training/leaBoard/index.php			
Texas	Commission on Law Enforcement Standards and Education	13	Chiefs / Sheriffs (3) Attorney General Public Members (3) County Constables (2) Police Officer Higher Education Coordinating Board Commissioner Texas Department of Public Safety Director Governor's Office, Criminal Justice Division Executive Director Texas Education Agency Commissioner
http://www.tcleose.state.tx.us/about/tcleose.htm			
Utah	Police Officer Standards and Training Council	16	Heads of Law Enforcement Agencies (7) Attorney General's Office County Commissioner At-Large Member College Vice-President City Mayor City Council Member Dept. of Corrections Director F.B.I. Special Agent in Charge Police Officers' Assoc. Representative
http://post.utah.gov/academy/council.htm			
Washington	State Criminal Justice Training Commission	14	Heads of Law Enforcement Agencies (5) Attorney General County Prosecuting Attorney F.B.I. Special Agent in Charge Dept. of Corrections Chief Dept. of Corrections Secretary County Sheriff's Officer (Detective) City Council Member Public Member Vacant Position
https://fortress.wa.gov/cjtc/www/admin/commissioners/commissioners.htm			
<p>Notes: Police Officer membership positions are bolded. Although the Utah Council's website does not specifically indicate a police officer member, we assume the representative of the Police Officer's Association to be an active officer.</p> <p>Sources: Websites of states' police training standards organizations.</p>			

2/19/08

Public Safety Employees Association, Inc.
"Representing Alaska's Finest"

Public Safety Employees Association Position Paper – HB 193
Sponsored by Representatives Bob Roses, Nancy Dahlstrom and Bob Lynn

About 35 years ago the Alaska Police Standards Council was created. Since 1972, Alaska has changed significantly. Our population has grown. The type of problems confronted by Public Safety Employees has proliferated over the past 30 years. The law enforcement officer of today must be a versatile and organized public servant.

Giving those who work closest to crime a voice on the decision making body that has direct effect on the training officers are to receive and the standards by which they work should be encouraged and welcomed. SB 193 by Representatives Bob Roses, Nancy Dahlstrom and Bob Lynn adds three rank and file officers to the Alaska Police Standards Council. The Public Safety Employees Association supports adding rank and file officers to the APSC.

HB 193 does the following:

- Keeps the composition of the APSC at 11 members to keep the operating expenses of the Council within its budget.
- Adds three police officers by reducing two administrative officers or chiefs of police positions and one public member position
- Allows three representatives of police, who are working law enforcement officers, with 5 years of experience in policing, an opportunity to offer their valuable insight to all phases of police standards.
- Improves the quality of decision making by including those who are charged with the mission of enforcing the law a means for input as participating members of the APSC.
- Preserves the Governor's role in appointing the three police representatives to the APSC.
- Provides a system of transition for the three police members to take positions on the APSC.

Adding three officers from rank and file is necessary to the Council's mission of producing a highly trained and positively motivated professional, capable of meeting contemporary law enforcement standards of performance. As an appointee, these men and women are the trained and motivated. They will work with others on the APSC to provide a firm foundation of day to day experience from which to formulate high standards for public safety officers.

Their contribution to the Alaska Police Standards Council will improve organizational communication, provide valuable input for the training and preparation of new and career officers and add a high degree of quality and excellence to the scope of work of the Council.

The Public Safety Employees Association expresses our appreciation to Representatives Bob Roses, Nancy Dahlstrom and Bob Lynn for introducing this long overdue legislation. We commend the House State Affairs Committee for hearing HB 193 and encourage its passage.

April 3, 2007

John Cyr, Executive Director
Public Safety Employees Association

Public Safety Employees Association, Inc.
"Representing Alaska's Finest"

2/19/08

April 3, 2007

Testimony in Support of HB 193

Rob Cox, President
Alaska Public Employees Association

Thank you for allowing me to offer this statement on behalf of HB 193 regarding the restructuring of the Alaska Police Standards Council (APSC). I have been employed as an Alaska State Trooper for over 16 years. I have been an APSC certified police instructor for the past 14 years in a multitude of disciplines including Firearms, Patrol Tactics, SWAT Tactics, Intoximeter, and Methods of Instruction, to name a few; and, am one of a handful of officers in the State certified as an Instructor Trainer. I present this information to simply illustrate that my experience has given me some unique and important perspectives pertaining to Police Officer Training in Alaska.

While I believe that the APSC has done a good job of determining training criteria, some gaps do and will exist when there is no avenue for participation by those subject to these criteria. As both a student in and instructor for APSC training courses and an officer who works a regular patrol shift, I believe that I and officers like me, offer a practical perspective to the APSC regarding how training courses impact the performance of police duties in the field. It can be very difficult to understand the practicality and impact of training policy, course or content from a policy making position without input from and discussion with the "boots on the ground". Additionally, when training is determined and implemented with mutual discussion and inclusion acceptance in the field increases.

Specific valuable input that will be provided by having well-respected and experienced police officers on the APSC include:

1. Appropriateness of Course Length
2. Practical Certification Requirements
3. Logical Course Syllabi
4. Appropriate APSC Instructor Requirements
5. Ongoing APSC Instructor Improvement Courses
6. Pertinence of Course Content based upon up-to-date "road" experience
7. Affect of Legislative actions on practical law enforcement and how this impacts training and training criteria

The vast majority of police officers in the State of Alaska are highly motivated, qualified, and professional individuals who desire to reach their full occupational potential in terms of understanding and fulfilling their enforcement duties. This same enthusiasm and professionalism will be afforded the APSC when police officers are allowed to participate in the creation of

policy surrounding APSC training criteria. It is my belief that these officers offer a practical skill and knowledge base that will positively build upon basic Academy training as they actively participate in building the future of law enforcement in Alaska as part of the APSC.

In closing I would like to thank Representative Bob Roses for introducing HB 193 and to also thank Representatives Nancy Dahlstrom and Bob Lynn for sponsoring this important legislation. I encourage the House State Affairs Committee to approve this legislation

2/19/08

April 3, 2007

To: House State Affairs Committee

From: Brian Dallas, Juneau

Re: HB 193

Thank you for allowing me to submit this statement in support of HB 193 by Representative Bob Roses, Nancy Dahlstrom and Bob Lynn. As an experienced police officer, I hope my comments are of value to the House State Affairs Committee as you consider HB 193 and pass it from your committee today.

How will a police presence on the APSC increase the overall efficiency, quality and excellence of the law enforcement community?

First, let me say membership on the APSC is an honor and a privilege. Appointing good police officers and providing them a means of input will make law enforcement stronger. Currently, Police Administrators, Police Chiefs, and civilians are represented on the APSC Board, rank and file officers are not.

The Mission Statement of APSC is: "To produce a highly trained and positively motivated professional, capable of meeting contemporary law enforcement standards of performance."

APSC's Vision Statement, in part, reads: "To build on the foundation of skill and knowledge acquired at the basic academy, with continued education and training where the officer may enhance those skills and increase proficiency in all aspects of job performance."

"To ultimately increase the overall efficiency and effectiveness of the law enforcement and corrections community by assuring a climate of professionalism and conscientious standards."

With these statements in mind, adding officers to the APSC would bring experience and knowledge from today's front line officers. As the needs of our world and our communities change, so must Law Enforcement. Officers can bring perspectives only learned from first hand knowledge to add to the excellence of training provided by APSC, and insure that the training needs of today's officers are being met. The collaborative knowledge and experience of Police Administrators, Police Chiefs, civilians, and Officers would be awesome.

Good officers have high expectations and high standards. As a member of the APSC, each officer will bring these expectations to the APSC decision making process. Currently, everyone serving on the board now is a civilian, exempt, or

may be exempt from the Standards set by APSC according to SECTION 18.65.280, Exemptions, which reads:

- (a) The commissioner and deputy commissioner of public safety and the chief administrative officers of local police departments are exempt from the requirements of AS 18.65.240. However, a person appointed chief of a local police department after July 1, 1981, who performs any operational duties, shall meet the requirements of AS 18.65.240(a)(1).

Officers must meet and maintain these standards every day of their careers. To that end, the excellence of each police representative serving on the APSC will serve as a standard by which others will be measured. Good police officers want only good police officers serving the public. Adding Officers to APSC can only enhance the excellence, quality, and efficiency of APSC.

2/19/08

Statement in Support of HB 193
To the House State Affairs Committee

April 3, 2007

- You may be wondering why it is important to have police officers on the Alaska Police Standards Council.

HB 193 by Representatives Bob Roses, Nancy Dahlstrom and Bob Lynn corrects a basic fairness issue. The Alaska Police Standards Council is one of the few, if not the only one in Alaska, that does not include people who are being licensed on the body that licenses them. Furthermore, many states include rank and file members on their state's council or committee. In those states rank and file members participate in the process of developing standards, training and curriculum for public safety officers. Enacting HB 193 will give rank and file police officers a seat at the table like others who require licenses to perform their occupations

Officers selected to serve on the APSC will have at least five years of police experience, giving them a depth and breadth of knowledge regarding policing issues. Yet, they will still be strongly connected to those who are out on the streets day in and day out doing the job and most likely they will still be doing the job at the street level themselves. This gives the officers a realistic perspective of current issues of police work.

These officers will broaden the base of involvement at the APSC level and can provide a "from the ground up" flow of information and input that will be invaluable to the APSC.

Adding these officers will fill a void that has existed for far too long. Every police officer in the State of Alaska has a stake in the decisions made by APSC that could potentially affect their careers.

- You may also be wondering why there should be three officers.

The APSC is currently comprised of seven people who are in top administrative positions in law enforcement and corrections and four civilians. Participation of representatives from those groups is very important.

Rather than increase the number of council members, HB 193 proposes a change to the number of people in two groups: chief administrative officers or chiefs of police and civilians. For that reason, those groups are still adequately represented, yet the change will fall within budget.

Even though three police officers will represent a minority of the APSC, their positions will give all officers in the State of Alaska a seat on their standards council just like others in Alaska who are required to be licensed. The inclusion of rank and file officers will give the APSC valuable input for all phases of their decision making.

Tara Tippett
Fairbanks

2/19/08

A statutory comparison of the Alaska Police Standards Council and the Alaska Fire Standards Council – creation and powers of each

Alaska Police Standards Council

Sec. 18.65.140. Creation.

There is created in the Department of Public Safety the Alaska Police Standards Council.

Sec. 18.65.150. Composition of council.

The council consists of the following persons:

- (1) four chief administrative officers or chiefs of police of local governments;
- (2) the commissioner of public safety or a designee of the commissioner;
- (3) the commissioner of corrections or a designee of the commissioner;
- (4) one correctional administrative officer who is employed at the level of a deputy director or higher; and
- (5) four members of the public at large with at least two from the communities of 2,500 population or less.

Sec. 18.65.160. Appointment.

The commissioner of public safety or a designee and the commissioner of corrections or a designee shall serve during each commissioner's continuance in office. Other members of the council shall be appointed by the governor for staggered terms of four years, except that a member may not serve beyond the time the member holds the office that established eligibility for appointment. A vacancy on the council shall be filled for the remainder of a member's unexpired term in the same manner as the original appointment.

Sec. 18.65.170. Chairman and vice chairman.

The council shall select its chairman and vice chairman annually.

Sec. 18.65.180. Holding another office.

Membership on the council does not disqualify a member from holding any other public office or employment.

Sec. 18.65.190. Compensation and expenses.

The members of the council receive no salary, but are entitled to per diem and travel expenses authorized by law for other boards and commissions.

Sec. 18.65.200. Meetings.

The council shall meet at least twice a year. The chairman shall set the time and place of the meeting, either on the chairman's own motion or on written request by any three members of the council.

Sec. ~~18.65.220~~ **Powers.**

The council has the power to

- (1) adopt regulations for the administration of AS 18.65.130 - 18.65.290;
- (2) establish minimum standards for employment as a police officer, probation officer, parole officer, municipal correctional officer, and correctional officer in a permanent or probationary position and certify persons to be qualified as police officers, probation officers, parole officers, municipal correctional officers, and correctional officers under AS 18.65.130 - 18.65.290;
- (3) establish minimum criminal justice curriculum requirements for basic, specialized, and in-service courses and programs for schools operated by or for the state or a political subdivision of the state for the specific purpose of training police recruits, police officers, probation officers, parole officers, municipal correctional officers, and correctional officers;
- (4) consult and cooperate with municipalities, agencies of the state, other governmental agencies, universities, colleges, and other institutions concerning the development of police officer, probation officer, parole officer, municipal correctional officer, and correctional officer training schools and programs of criminal justice instruction;
- (5) employ an administrator and other persons necessary to carry out its duties under AS 18.65.130 - 18.65.290;
- (6) investigate when there is reason to believe that a police officer, probation officer, parole officer, municipal correctional officer, or correctional officer does not meet the minimum standards for employment; in connection with the investigation the council may subpoena persons, books, records, or documents related to the investigation and

require answers in writing under oath to questions asked by the council or the administrator;

(7) charge and collect a fee of \$50 for processing applications for certification of police, probation, parole, municipal correctional, and correctional officers.

Sec. 18.65.225. Alaska police training fund.

The Alaska police training fund is created in the general fund. The fund consists of appropriations made by the legislature to the fund. The legislature may appropriate to the fund the annual estimated balance in the accounts maintained under AS 37.05.142 for money collected under AS 12.25.195 (c), AS 12.55.039, AS 28.05.151, and AS 29.25.074. The legislature may make appropriations from the fund to (1) the Department of Public Safety for the Public Safety Training Academy, including Village Public Safety Officers, (2) the Alaska Police Standards Council to provide training for the law enforcement and corrections community of the state under AS 18.65.230, and (3) municipalities that conduct their own police training programs. Nothing in this section creates a dedicated fund.

Sec. 18.65.230. Training programs.

The council shall establish and maintain police training programs, probation and parole officer training programs, and correctional training programs through those agencies and institutions that the council considers appropriate.

Sec. 18.65.240. Standards.

(a) A person may not be appointed as a police officer, except on a probationary basis, unless the person (1) has satisfactorily completed a basic program of police training approved by the council, which includes at least 12 hours of instruction regarding domestic violence as defined in AS 18.66.990, and (2) possesses other qualifications the council has established for the employment of police officers, including minimum age, education, physical and mental standards, citizenship, moral character, and experience. The council shall prescribe the means of presenting evidence of fulfillment of these requirements.

(b) The council shall issue a certificate evidencing satisfaction of the requirements of (a) of this section to an applicant who satisfies those requirements or who satisfies the requirements of (a)(2) of this section and satisfactorily completes a program or course of instruction in another jurisdiction equivalent in content and quality to that required by the council for approved police education and training programs in this state.

(c) The council may deny or revoke the certificate of a police officer who does not meet the standards adopted under (a)(2) of this section.

Sec. 18.65.242. Standards for municipal correctional, correctional, probation, and parole officers.

(a) The council shall establish qualifications for employment of persons as municipal correctional, correctional, probation, and parole officers, including

(1) minimum age, physical and mental standards, citizenship, moral character, and experience; and

(2) minimum education standards.

(b) The council shall

(1) prescribe the means of presenting evidence of fulfillment of the requirements set out in (a) of this section; and

(2) issue a certificate evidencing satisfaction of the requirements of (a) of this section to an applicant who

(A) satisfies the requirements of (a)(1) of this section; and

(B) meets the minimum education standards of (a)(2) of this section by satisfactorily completing a training program for municipal correctional, correctional, probation, or parole officers established under AS 18.65.230, including training regarding domestic violence that contains the subjects set out in AS 18.66.310 (d), or a course of instruction in another jurisdiction equivalent in content and quality to that required by the council for approved municipal correctional, correctional, probation, or parole officer education and training programs in this state.

(c) In the evaluation of applicants against the mental standards developed under (a)(1) of this section, the council shall use evaluation methods that do not discriminate against applicants of different ethnic origins.

Sec. 18.65.245. Denial or revocation of certificate of municipal correctional, correctional, probation, or parole officer.

The council may

(1) deny a certificate to an applicant for a municipal correctional, correctional, probation, or parole officer certificate if the applicant does not meet the standards adopted by the council under AS 18.65.242(a);

(2) revoke the certificate of a municipal correctional, correctional, probation, or parole officer who, having been issued a certificate, fails to meet the standards adopted by the council under AS 18.65.242(a).

Alaska Fire Standards Council

Sec. 18.70.330. Creation.

a) There is created in the Department of Public Safety the Alaska Fire Standards Council.

(b) The council consists of the following persons:

(1) two chief administrative officers or fire chiefs of local government; only one person appointed under this paragraph may be from a local government where the fire department consists entirely of paid employees;

(2) the state fire marshal or a designee of the state fire marshal;

(3) **four representatives of fire fighters**, including at least one fire fighter administrative officer from the Alaska State Fire Fighters Association; a person appointed under this paragraph **may not, while serving on the council, be a fire chief;**

(4) **two volunteer fire fighters**, one from a community with a population of 2,500 or less and one from a community with a population greater than 2,500; and

(5) two members of the public at large with at least one member from a community with a population of 2,500 or less.

Sec. 18.70.340. Appointment; meetings; expenses.

(a) The state fire marshal or a designee shall serve on the council during each state fire marshal's continuance in office. Other members of the council shall be appointed by the governor for staggered terms of four years, except that a member may not serve beyond the time the member holds the office that established eligibility for appointment. Membership on the council does not disqualify a member from holding another public office or employment. The council shall select its chair and vice-chair annually.

(b) The council shall meet at least twice a year. The chair shall set the time and place of the meeting, either on the chair's own motion or on written request by three members of the council. The council is encouraged to meet electronically.

(c) The members of the council do not receive a salary for service on the council, but are entitled to per diem and travel expenses authorized by law for other boards and commissions under AS 39.20.180.

Sec. 18.70.350. Powers.

The council may

(1) adopt regulations for the administration of AS 18.70.320 - 18.70.369, including regulations

(A) establishing minimum training and performance standards for certification of fire services personnel that are consistent with the standards of the National Fire Protection Association or other applicable standards;

(B) establishing minimum fire training curriculum requirements for certification of training programs that are designed to enable trainees to meet the standards established under (A) of this paragraph;

(C) governing the procedure for certification of fire services training programs that meet the minimum curriculum requirements adopted under this section;

(D) governing the procedure for certification of individuals who satisfy the minimum training and performance standards established under this section; and

(E) governing the procedure for revocation of the certificate of a person or program that, having been issued a certificate under this section, fails at a later date to meet the standards adopted by the council under this section; the procedures must be consistent with AS 44.62 (Administrative Procedure Act);

(2) consult and cooperate with municipalities, agencies of the state, other governmental agencies, universities, colleges, and other institutions concerning the development of fire services training schools and programs offered in the state;

(3) employ an administrator and other persons necessary to carry out its duties; and

(4) charge and collect fees determined by the council to be necessary.

2/9/08

The Alaska Police Standards Council is a regulatory and quasi-judicial body that was created by Senate Bill 1, Chapter 17(i), and enacted by the State Legislature, effective July 7, 1972.

The Legislature granted the Council the power to adopt regulations establishing minimum selection and training standards for employment as police officers as well as other regulations for the administration of the act. In 1988 House Bill 367 expanded the council's jurisdiction to include corrections, probation and parole officers. The council is composed of 11 members appointed by the governor, and they meet formally four times each year.

Name	Council Title	Affiliation
Jon Bolling	Public Representative	Craig
Dick Burton	Public Representative	Ketchikan
Robert Heun	Member	Police Chief, Anchorage Police Department
Dan Hoffman	Member	Police Chief, Fairbanks Police Department
Charles T. C. Kamal	Member	Police Chief, Kodiak Police Department
Bob Kean	Public Representative	Anchorage
Chuck Kopp	Chairman	Police Chief, Kenai Police Department
Walt Monegan	Member	Commissioner, Department of Public Safety
Joe Schmidt	Member	Commissioner, Department of Corrections
Donna White	Member	Director, Probation & Parole
Janey Wineinger	Public Representative	Chickaloon

MISSION

To produce a highly trained and positively motivated professional, capable of meeting contemporary law enforcement standards of performance

APSC VISION

To build on the foundation of skill and knowledge acquired at the basic academy, with continued education and training where the officer may enhance those skills and increase proficiency in all aspects of job performance.

To cooperatively establish a career path within the respective agencies, by providing qualified members with advanced training opportunities for developing leadership and supervisory skills.

To ultimately increase the overall efficiency and effectiveness of the law enforcement and corrections community by assuring a climate of professionalism and conscientious standards.

2/19/08

CSHB 193 Testimony

Thank you for entertaining testimony in support of CSHB 193. I have been employed as an Alaska State Trooper for over 17 years. I have been an APSC certified police instructor for the past 15 years in a multitude of disciplines including Firearms, Patrol Tactics, SWAT Tactics, Intoximeter, and Methods of Instruction, to name a few. I am one of a handful of officers in the State certified as an Instructor Trainer. I present this information to simply illustrate that my experience has given me some unique and important perspectives pertaining to Police Officer Training in Alaska.

While I believe that the APSC has done a good job of determining training criteria, some gaps do and will exist when there is no avenue for participation by those subject to these criteria. As both a student in and instructor for APSC training courses and an officer who works a regular patrol shift, I believe that I, and officers like me, offer a practical perspective to the APSC regarding how training courses impact the performance of police duties in the field. It can be very difficult to understand the practicality and impact of training policy, course or content from a policy making position without input from and discussion with the "boots on the ground". Additionally, when training is determined and implemented with mutual discussion and inclusion of officers and management, acceptance in the field increases.

Some specific valuable input that will be provided by having well-respected and experienced police officers on the APSC include:

1. Appropriateness of Course Length
2. Practical Certification Requirements
3. Logical Course Syllabi
4. Appropriate APSC Instructor Requirements
5. Ongoing APSC Instructor Improvement Courses
6. Pertinence of Course Content based upon up-to-date "road" experience
7. Affect of Legislative actions on practical law enforcement and how this impacts training and training criteria

The vast majority of police officers in the State of Alaska are highly motivated, qualified, and professional individuals who desire to reach their full occupational potential in terms of understanding and fulfilling their enforcement duties. This same enthusiasm and professionalism will be afforded the APSC when such police officers are included and allowed to participate in the creation of policy surrounding APSC training criteria. It is my belief that these officers offer a practical skill and knowledge base that will positively build upon basic Academy training as they actively participate in building the future of law enforcement in Alaska as part of the APSC.

Sincerely,

Trooper Gary Cox

February 19, 2008

To: Members of the House Finance Committee

From: Tara Tippett

Re: Letter supporting CSHB 193

Let me begin by thanking Representative Rob Roses for introducing CSHB 193 and to also offer encouragement to the members of the Finance Committee to support the bill today.

In introducing myself, I have twenty two years of law enforcement experience and am currently employed as a lieutenant with the Fairbanks Police Department. I served for nearly 5 years in the US Army Military Police Corp, and 3.5 years with the Alaska State Troopers as a Court Service Officer before joining the Fairbanks Police Department in 1994. Before becoming a supervisor, I served as a Field Training Officer, Hostage Negotiator, Drug Investigator and Detective. I wholeheartedly support CSHB 193.

-You may be wondering, why it is important to have police officers on the Alaska Police Standards Council?

Enacting this proposal will give a voice to the rank and file police officers that they do not currently have. Many officers are often reluctant to approach command staff at their agency and voice their ideas or concerns. However, someone of similar rank to themselves who understands the ideas or concerns they might be expressing would be invaluable.

Officers selected to serve on the APSC will have at least five years of police experience giving them a depth and breadth of knowledge regarding policing issues. Yet, they will still be strongly connected to those who are out on the streets day in and day out doing the job and most likely they will still be doing the job at the street level themselves. This gives the officers a realistic perspective of current issues that top administrators do not have.

These officers will broaden the base of involvement at the APSC level and can provide a "from the ground up" flow of communication, information and input that will be invaluable to the APSC.

Adding these officers will fill a void that has existed for far too long. Every police officer in the State of Alaska has a stake in the decisions made by APSC that could potentially affect their careers.

-You may also be wondering, why there should be two officers?

The APSC is currently comprised of seven people who are in top administrative positions in law enforcement and corrections and four civilians. Participation of representatives from those groups is very important.

Rather than increase the number of council members, CSHB 193 proposes a change to the number of chief administrative officers or chiefs of police. For that reason, they are still adequately represented, yet the change will fall within budget. CSHB 193 has zero fiscal impact.

There are far more police officers in the State of Alaska than there are chief administrators and chiefs of police and we have no representatives on the APSC. It is also important to note that under AS 18.65.280 Exemptions it states that the commissioner and deputy commissioner of the department of public safety and chief administrators of local police departments are exempt from the requirements of AS 18.65.240, which in effect means they are not required to have ever been employed as a police officer to attain those positions.

There are far more civilians than police officers and they will have one fewer position than the officers. However, it is important to note that while the interests of the public are important and they have a right to be represented, officers have a much closer vested interest in the decisions made by APSC.

Even though two police officers will represent a minority of the APSC, their positions will give all officers in the State of Alaska the much needed voice they deserve and will give the APSC valuable input for all phases of their decision making.

Thank you for considering my opinions.

(6) "parole officer" means a person appointed by the commissioner of corrections or employed by a correctional facility in this state to perform the duties of supervising the parole of prisoners under AS 33.16;

(7) "police officer" means

(A) a full-time employee of the state or a municipal police department with the authority to arrest and issue citations; detain a person taken into custody until that person can be arraigned before a judge or magistrate; conduct investigations of violations of and enforce criminal laws, regulations, and traffic laws; search with or without a warrant persons, dwellings, and other forms of property for evidence of a crime; and take other action consistent with exercise of these enumerated powers when necessary to maintain the public peace;

(B) an officer or employee of the Department of Transportation and Public Facilities who is stationed at an international airport and has been designated to have the general police powers authorized under AS 02.15.230(a);

(C) a University of Alaska public safety officer with general police powers authorized under AS 14.40.043;

(8) "probation officer" means a person appointed by the commissioner of corrections or employed by a correctional facility in this state to perform the duties of a probation officer under AS 33.05. (§ 1 ch 178 SLA 1972; am §§ 10, 11 ch 19 SLA 1981; am § 8 ch 112 SLA 1988; am § 1 ch 71 SLA 1989; am § 2 ch 107 SLA 1992; am § 2 ch 10 SLA 1998; am § 9 ch 126 SLA 1998; am §§ 1 — 4 ch 160 SLA 2004)

Revisor's notes. — Reorganized in 1986, 1988, and 1998 to alphabetize the defined terms. Paragraph (2) was enacted in 2004 as paragraph (8) and renumbered in 2004, at which time paragraphs (2)-(7) were renumbered as (3)-(8).

Effect of amendments. — The first 1998 amendment, effective April 14, 1998, in subparagraph (7)(A) [formerly (6)(A)], substituted "municipal" for "local" near the beginning and deleted "carry a concealed weapon" following "evidence of a crime" near the end.

The second 1998 amendment, effective September 21, 1998, added paragraph (5) [formerly (4)].

The 2004 amendment, effective July 23, 2004, added paragraph (8) [now (2)], added paragraph (2)(B) [now (3)(B)] and made related changes, and inserted "or employed by a correctional facility in this state" in paragraphs (5) and (7) [now paragraphs (6) and (8)].

Legislative history reports. — For Senate letter of intent in connection with the amendment to (5) [now (6)] of this section by § 1, ch. 71, SLA 1989 (SSSB 110), see 1989 Senate Journal 602.

Opinions of attorney general. — To be a police officer within the meaning of this statute, an officer must be currently working full time for a police department, that is an organized civil force whose basic purpose and function is to maintain peace and order and to prevent and investigate criminal offenses. September 18, 1977 Op. Att'y Gen.

As applied to the coverage of AS 18.65.130 — 18.65.290, the term "police officer" is more restrictively defined than the definition in AS 01.10.060 to include all those full-time employees of police departments administered by the state or one of its political subdivisions, who have full police duties and the authority to enforce all of the laws of the State of Alaska which carry a penalty for their violation. September 18, 1977 Op. Att'y Gen.

Comparing the classification of "peace officer" in AS 01.10.060 with that of "police officer," it is apparent that police officers, as defined in paragraph (3) [now paragraph (7)], are always peace officers since they have full police duties that are exercised on a full-time basis. However, the converse of this proposition can never be the case; that is, peace officer status does not automatically vest one with the status of a police officer since peace officers are not necessarily employees of a police department and do not necessarily have the power to enforce all the penal, traffic or highway laws of the state. September 18, 1977 Op. Att'y Gen.

Most Village Public Safety Officers and Village Police Officers are not "police officers" under the definition in paragraph (3) [now paragraph (7)]. Whether an individual officer is subject to regulation by the Alaska Police Standards Council depends on the circumstances of his or her employment and must be determined on a case-by-case basis. July 1, 1998 Op. Att'y Gen.

NOTES TO DECISIONS

Youth counselors at McLaughlin Youth Center are not "correctional officers" within the meaning of paragraph (3) [formerly (2)], but the term "correctional officer" formerly used in AS 12.55.125(c)(2) encompassed the youth counselors at McLaughlin.

Wilson v. State, 967 P.2d 98 (Alaska Ct. App. 1998).
Applied in Clark v. State, 738 P.2d 772 (Alaska Ct. App. 1987).

Quoted in Alaska Inter-Tribal Council v. State, 2005 P.3d 947 (Alaska 2005).

2/19/00

A

Section
310. Identification cards
311. Anatomical gift

Sec. 18.65.310. Identification shall issue a card identifying the person under AS 28.15.111, except that the letters across the face of it
(b) A person may obtain an identification card applying to the department
(c) Any person who knows an identification card concealed by the department is a misdemeanor
(d) It is a misdemeanor to use a fraudulent identification card
(e) It is a misdemeanor for a person to be used by any other person
(f) A person who violates this section is punishable by a fine of \$500
(g) If the person applying for an identification card is 60 years of age or older, the person shall also direct the applicant to AS 13.50.140 if the identification card is revoked under AS 13.52.170. Title 13.50.100 — 13.50.190. (§ 7 ch 4 SLA 1997; am § 4 ch 68 SLA 2004; am E.O. No. 99 § 15 (1997);

Cross references. — For legislative intent regarding the 2002 amendment to this section, see § 1, ch. 63, SLA 2002, in Temporary and Special Acts.

Sec. 18.65.311. Anatomical gift. — A person who holds an anatomical gift under AS 13.50.140 may cancel the gift.
(b) An employee of the department who receives an application from an applicant wishes to execute an anatomical gift under AS 13.50.140 shall also direct the applicant to AS 13.50.140 if the identification card is revoked under AS 13.52.170. Title 13.50.100 — 13.50.190. (§ 7 ch 4 SLA 1997; am § 4 ch 68 SLA 2004; am E.O. No. 99 § 15 (1997);

Revisor's notes. — In 2004, in subject to AS 13.50.140 was substituted for "AS 13.50 or 13.52.170" was substituted for "AS 13.50.140" in order to reconcile chs. 68 and 83, SLA 2004. The first 2004 amendments. — The first 2004 amendments.

HB

1988

HFIN

FILE

HOUSE COMMITTEE REPO

(11)

Date Referred to Committee: March 26, 2007

FURTHER REFERRALS:

Date of Committee Action: 4/3/07

The FINANCE Committee considered:

HB 198

HOUSE BILL NO. 198

SENIOR ASSISTANCE PAYMENT PROGRAM

"An Act establishing the Alaska senior assistance payment program; repealing the senior care and longevity bonus payment programs; and providing for an effective date."

Recommends it be replaced with HCS or CS for HB 198 (FIN)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 HSS
 LWF
 LAW
 LEG
 MVA
 DNR
 DPS
 REV
 DOT
 UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
HSS		✓		
HSS		✓		
HSS		✓		
HSS		✓		

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
ADM	1			✓

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Gabe				✓
	Hawken	*			
	Traube	X			
	CRAWFORD				✓
	FESTER	✓			
	STOLTZ	X			
	KELLY	X			
Chair:	Kelly	X			
Chair:	Chevaul	X			

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 198
(H) Publish Date: 3/26/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title: An act relating to the Alaska senior assistance RDU: Centralized Admin Services
program; repealing senior care & longevity bonus Componer.: Finance
Sponsor: Representatives Hawker, Harris, Coghill, et al
Requester: _____ Component No. 59

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This act creates the Alaska senior assistance fund. Establishing funds created by legislation such as this is in the normal course of business for the Division of Finance.

Prepared by: Kim Garner
Division: Finance
Approved by: Kevin Brooks, Deputy Commissioner
Agency: Department of Administration

Phone: 465-3435
Date/Time: 3/19/07 10:30 AM
Date: 3/19/07 4:00pm

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB198CS(FIN)-DHSS-DPA1-04-1
 Bill Version: CS HB 198 (FIN)
 () Publish Date: _____
 Dept. Affected: Health & Social Services
 RDU: Public Assistance
 Component: Public Assistance Field Svcs

Revision Date/Time (Note if correction): _____

Title: SENIOR ASSISTANCE PAYMENT PROGRAM

Sponsor: HAWKER

Requester: HOUSE (FIN)

Component No. 236

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	33.6	67.2	67.2	67.2	67.2	67.2
Travel						
Contractual	4.4	8.8	8.8	8.8	8.8	8.8
Supplies	2.2					
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	40.2	76.0	76.0	76.0	76.0	76.0

CAPITAL EXPENDITURES						
CHANGE IN REVENUES (0)						

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts	18.7	35.4	35.4	35.4	35.4	35.4
1003 GF Match	16.5	31.1	31.1	31.1	31.1	31.1
1004 GF	4.4	8.4	8.4	8.4	8.4	8.4
1037 GF/Mental Health						
Other(Inter-Agency Receipts)	0.6	1.1	1.1	1.1	1.1	1.1
Other(Specify Type-do not abbreviate)						
TOTAL	40.2	76.0	76.0	76.0	76.0	76.0

Estimate of any current year (FY2007) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

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

Section 5 of CS HB 198 amends AS 47.07.020(b) to reset the upper income limit for Denali KidCare (DKC) pregnant women and uninsured children under the Title XXI State Children's Health Insurance Program (SCHIP) to 175% of the prevailing federal poverty guideline (FPG) for Alaska. Currently, the qualifying income limit for these children and pregnant women is set in statute at 175% of the 2003 FPG (effectively, about 154% of the current FPG). This fiscal note represents the administrative costs for the eligibility determinations for medical assistance coverage for pregnant women and children.

The eligibility decision includes determining eligibility based on the household's size and monthly income at the time of application, acting on changes in a household's circumstances that are reported during the period of eligibility, and re-examining a household's eligibility every six months.

Prepared by: Ellie Fitzjarrald, Director
 Division: Public Assistance
 Approved by: Karleen Jackson, Commissioner
 Agency: Department of Health and Social Services

Phone 465-5847
 Date/Time 04/02/2007
 Date 04/03/2007

FISCAL NOTE

FN #

STATE OF ALASKA
2007 LEGISLATIVE SESSION

ANALYSIS CONTINUATION

Assumptions:

We assume that 218 pregnant women and 1277 children will enroll in Medicaid if the qualifying income limit is revised to 175% FPG, and that implementation will begin January 1, 2008. We estimate one additional Eligibility Technician I (Range 14) position will be needed for six months to manage this additional work in FY 08. This position will be needed for 12 months in the following fiscal years.

Total FY08 Administrative Costs:

Personal Services: One Eligibility Technician I Range 14 at a cost of \$33.6, including benefits, for six months.

Contractual: for office space, phones, and supplies will be \$4,400 for six months.

Additional Equipment/Supply: A one time cost of \$2,200 for a desktop computer, software, printer, and work station will be needed for the new position.

Total Administrative Costs FY09 through FY13

Personal Services: One Eligibility Technician I Range 14 at a cost of \$67.2, including benefits, for 12 months.

Contractual: Annual costs for office space, phones, and supplies will be \$8,800.

Department HB198 Fund Source Summary		2007	2008	2009	2010	2011	2012	2013
Children								
Federal funds		\$0	1,442.4	1,528.9	1,652.2	1,794.3	1,948.6	2,116.2
GF Match		\$0	510.2	591.6	650.6	706.6	767.4	833.3
Total Funds		\$0	1,952.6	2,120.5	2,302.9	2,500.9	2,716.0	2,949.6
Pregnant Women								
Federal funds		\$0	447.7	467.6	503.8	547.1	594.2	645.3
GF Match		\$0	253.0	293.3	322.6	350.3	380.4	413.1
Total Funds		\$0	700.7	760.9	826.4	897.4	974.6	1,058.4
Total Bill								
Federal funds		0.0	1,890.1	1,996.5	2,156.0	2,341.5	2,542.8	2,761.5
GF Match		0.0	763.2	884.9	973.2	1,056.9	1,147.8	1,246.5
Total Funds		0.0	2,653.2	2,881.4	3,129.2	3,398.3	3,690.6	4,008.0

Number of additional children expected to enroll in SFY 2008 =1277.

Number of additional pregnant women expected to enroll in SFY 2008 = 218.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB198CS(FIN)-DHSS-DHCS-04-
 Bill Version: CS HB 198 (FIN)
 () Publish Date: _____
 Dept. Affected: Health & Social Services
 RDU Health Care Services
 Component Medicaid Services

Revision Date/Time (Note if correction):
 Title SENIOR ASSISTANCE PAYMENT PROGRAM

Sponsor HAWKER
 Requester HOUSE (FIN)

Component No. 2077

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	2,195.4	2,384.2	2,589.3	2,812.0	3,053.8	3,316.4
Miscellaneous						
TOTAL OPERATING	2,195.4	2,384.2	2,589.3	2,812.0	3,053.8	3,316.4

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (0)						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	1,577.6	1,667.8	1,801.5	1,956.4	2,124.1	2,307.4
1003 GF Match	617.8	716.4	787.8	855.6	929.2	1,009.0
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	2,195.4	2,384.2	2,589.3	2,812.0	3,053.8	3,316.4

Estimate of any current year (FY2007) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Section V of HB198, as amended, effectively reverses the September 2003 legislation that reduced and froze Medicaid income eligibility standards for children and pregnant women whose eligibility is managed through the Denali KidCare (DKC) office. Prior to implementation of the 2003 legislation, Medicaid was available to children and pregnant women with incomes up to 200% of the prevailing Federal Poverty Guideline (FPG) for Alaska. Effective September 2003, the income (continued)

Prepared by Janet Clarke
 Division Finance and Management Services
 Approved by Karleen Jackson, Commissioner
 Agency Department of Health and Social Services

Phone _____
 Date/Time _____
 Date 04/03/2007

FISCAL NOTE
FN #

STATE OF ALASKA
2007 LEGISLATIVE SESSION

ANALYSIS CONTINUATION

standard was set in statute at what was equivalent to 175% of the FPG for 2003. Currently, the effective income standard for women and children enrolled in these categories is about 154%, almost a 50 point drop from the income standard of August 2003. This bill restores the income eligibility standard for children and pregnant women to 175% of the prevailing FPG, effective June 30, 2007.

Between 2003 and 2006, the number of children enrolled in the affected income category dropped by 2,553 individuals and the number of pregnant women enrolled in the affected income category dropped by 436 individuals. This fiscal analysis assumes that the additional enrollment in SFY 2008 due to HB 198 will be equal to about half that number of people (218 pregnant women and 1277 children). We assume that most people eligible to enroll under the higher income standard will do so by the end of SFY 2008.

Costs projections incorporate 8.6% annual growth (Long Term Forecast of Medicaid Enrollment and Spending in Alaska: 2005-2025, DISS, updated f.c.: 2006). That growth rate allows for 5% medical inflation (Anchorage CPI, medical care component) and annual growth in the FPG. The proportion of enrollees that use services (participation) is expected to remain the same throughout the projection period.

Fund source calculations for each component are based on the percentages of costs reimbursed as IHS, Title XIX, Family Planning, or SCHIP in 2006 for the affected groups, and the federal medical assistance percentages (FMAPs) anticipated for the year projected. Children affected by this legislation are included in the State Children's Health Insurance Program (SCHIP) and costs for their Medicaid services would normally be matched at an enhanced rate. Because SCHIP funding is no longer enough to cover all of that program's expenses, the formula for (continued)

STATE OF ALASKA
2007 LEGISLATIVE SESSION

ANALYSIS CONTINUATION

federal reimbursement was adjusted to allow only one quarter of SCHIP matching per year, with the remaining three quarters defaulting to the lower Title XIX rate.

The 2008 projection was calculated as the projected cost to reinstate half the number of enrollees dropped between 2003 and 2006. Cost to reinstate was inflated by 5% per year between 2006 and 2008 so that the cost to reinstate was in 2008 dollars. The 2009-2013 projections are based on the 2008 projection after implementation of HN198, plus 8.6% annual growth. The expenditure for each division was determined based on that division's share of expenses for the affected eligibility subtypes in 2006. Health Care Services paid for 99.9% of the costs for affected pregnant women and 76.6% of the costs for affected children.

For each component , the recipient count represents the number of enrolled persons using Medicaid services managed by that component during the period. If half the number of people that lost Medicaid eligibility due to the 2003 legislation regain eligibility in 2008, Health Care Services might expect to pay Medicaid expenses for an additional 1,132 recipients.

Department HB198 Fund Source Summary		2007	2008	2009	2010	2011	2012	2013
Children								
Federal funds	\$0	1,442.4	1,528.9	1,652.2	1,794.3	48.6	2,116.2	
GF Match	\$0	510.2	591.6	650.6	706.6	767.4	833.3	
Total Funds	\$0	1,952.6	2,120.5	2,302.9	2,500.9	2,716.0	2,949.6	
Pregnant Women								
Federal funds	\$0	447.7	467.6	503.8	547.1	594.2	645.3	
GF Match	\$0	253.0	293.3	322.6	350.3	380.4	413.1	
Total Funds	\$0	700.7	760.9	826.4	897.4	974.6	1,058.4	
Total Bill								
Federal funds	0.0	1,890.1	1,996.5	2,156.0	2,341.5	2,542.8	2,761.5	
GF Match	0.0	763.2	884.9	973.2	1,056.9	1,147.8	1,246.5	
Total Funds	0.0	2,653.2	2,881.4	3,129.2	3,398.3	3,690.6	4,008.0	

Number of additional children expected to enroll in SFY 2008 =1277.

Number of additional pregnant women expected to enroll in SFY 2008 = 218.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB198CS(FIN)-DHSS-DBH-04-0:
 Bill Version: CS HB 198 (FIN)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____
 Title SENIOR ASSISTANCE PAYMENT PROGRAM

Dept. Affected: Health & Social Services
 RDU Behavioral Health
 Component Behavioral Hlth Medicaid Svcs

Sponsor HAWKER
 Requester HOUSE (FIN)

Component No. 2660

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	455.9	495.1	537.6	583.9	634.1	688.6
Miscellaneous						
TOTAL OPERATING	455.9	495.1	537.6	583.9	634.1	688.6

CAPITAL EXPENDITURES						
CHANGE IN REVENUES (0)						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	311.1	327.2	353.0	383.4	416.4	452.7
1003 GF Match	144.8	167.9	184.6	200.5	217.7	236.4
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	455.9	495.1	537.6	583.9	634.1	688.6

Estimate of any current year (FY2007) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Section V of HB198, as amended, effectively reverses the September 2003 legislation that reduced and froze Medicaid income eligibility standards for children and pregnant women whose eligibility is managed through the Denali KidCare (DKC) office. Prior to implementation of the 2003 legislation, Medicaid was available to children and pregnant women with incomes up to 200% of the prevailing Federal Poverty Guideline (FPG) for Alaska. Effective September 2003, the income standard

Prepared by: Janet Clarke
 Division: Finance and Management Services
 Approved by: Karleen Jackson, Commissioner
 Agency: Department of Health and Social Services

Phone: _____
 Date/Time: _____
 Date: 04/03/2007

FISCAL NOTE
FN #

STATE OF ALASKA
2007 LEGISLATIVE SESSION

ANALYSIS CONTINUATION

was set in statute at what was equivalent to 175% of the FPG for 2003. Currently, the effective income standard for women and children enrolled in these categories is about 154%, almost a 50 point drop in the income standard of August 2003. This bill restores the income eligibility standard for children and pregnant women to 175% of the prevailing FPG, effective June 30, 2007.

Between 2003 and 2006, the number of children enrolled in the affected income category dropped by 2,553 individuals and the number of pregnant women enrolled in the affected income category dropped by 436 individuals. This fiscal analysis assumes that the additional enrollment in SFY 2008 due to HB 198 will be equal to about half that number of people (218 pregnant women and 1277 children). We assume that most people eligible to enroll under the higher income standard will do so by the end of SFY 2008.

Costs projections incorporate 8.6% annual growth (Long Term Forecast of Medicaid Enrollment and Spending in Alaska: 2005-2025, DHSS, updated for 2006). That growth rate allows for 5% medical inflation (Anchorage CPI, medical care component) and annual growth in the FPG. The proportion of enrollees that use services (participation) is expected to remain the same throughout the projection period.

Fund source calculations for each component are based on the percentages of costs reimbursed as IHS, Title XIX, Family Planning, or SCHIP in 2006 for the affected groups, and the federal medical assistance percentages (FMAPs) anticipated for the year projected. Children affected by this legislation are included in the State Children's Health Insurance Program (SCHIP) and costs for their Medicaid services would normally be matched at an enhanced rate. Because SCHIP funding is no longer enough to cover all of that program's expenses, the formula for

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ANALYSIS CONTINUATION

federal reimbursement was adjusted to allow only one quarter of SCHIP matching per year, with the remaining three quarters defaulting to the lower Title XIX rate.

The 2008 projection was calculated as the projected cost to reinstate half the number of enrollees dropped between 2003 and 2006. Cost to reinstate was inflated by 5% per year between 2006 and 2008 so that the cost to reinstate was in 2008 dollars. The 2009-2013 projections are based on the 2008 projection after implementation of HN198, plus 8.6% annual growth. The expenditure for each division was determined based on that division's share of expenses for the affected eligibility subtypes in 2006. Behavioral Health Medicaid Services paid for 23.3% of the costs for affected children in SFY 2006. They paid for less than 0.1% of the costs for pregnant women affected by this legislation.

If half the number of people that lost Medicaid eligibility due to the 2003 legislation regain eligibility in 2008, Behavioral Health Medicaid Services might expect to pay Medicaid expenses for an additional 113 recipients.

Department HB198 Fund Source Summary		2007	2008	2009	2010	2011	2012	2013
Children								
Federal funds		\$0	1,442.4	1,528.9	1,652.2	1,794.3	1,948.6	2,116.2
GF Match		\$0	510.2	591.6	650.6	706.6	767.4	833.3
Total Funds		\$0	1,952.6	2,120.5	2,302.9	2,500.9	2,716.0	2,949.6
Pregnant Women								
Federal funds		\$0	447.7	467.6	503.8	547.1	594.2	645.3
GF Match		\$0	253.0	293.3	322.6	350.3	380.4	413.1
Total Funds		\$0	700.7	760.9	826.4	897.4	974.6	1,058.4
Total Bill								
Federal funds		0.0	1,890.1	1,996.5	2,156.0	2,341.5	2,542.8	2,761.5
GF Match		0.0	763.2	884.9	973.2	1,056.9	1,147.8	1,246.5
Total Funds		0.0	2,653.2	2,881.4	3,129.2	3,398.3	3,690.6	4,008.0

Number of additional children expected to enroll in SFY 2008 =1277.

Number of additional pregnant women expected to enroll in SFY 2008 = 218.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB198CS(FIN)-DHSS-DPA2-04-1
 Bill Version: CS HB 198 (FIN)
 () Publish Date: _____
 Dept. Affected: Health & Social Services
 RDU Public Assistance
 Component SeniorCare

Revision Date/Time (Note if correction):

Title SENIOR ASSISTANCE PAYMENT PROGRAM

Sponsor HAWKER

Requester HOUSE (FIN)

Component No. 2760

Expenditures/Revenues

(Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	460.2	460.2	460.2	460.2		
Travel	9.7	9.7	9.7	9.7		
Contractual	229.7	169.7	169.7	169.7		
Supplies	53.5	43.5	43.5	43.5		
Equipment						
Land & Structures						
Grants & Claims	19,410.0	19,662.3	19,917.9	20,176.9		
Miscellaneous						
TOTAL OPERATING	20,163.1	20,345.4	20,601.0	20,860.0	0.0	0.0

CAPITAL EXPENDITURES						
CHANGE IN REVENUES (0)						

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
1002 Federal Receipts						
1003 GF Match						
1004 GF	20,163.1	20,345.4	20,601.0	20,860.0		
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	20,163.1	20,345.4	20,601.0	20,860.0	0.0	0.0

Estimate of any current year (FY2007) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

POSITIONS	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Full-time	6	6	6	6		
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation repeals the SeniorCare program and adopts in its place, the Alaska Senior Benefits Payment program, which will be in effect until June 30, 2011. It eliminates the SeniorCare prescription drug benefit and repeals the Alaska Longevity Bonus.

CS HB 198 sets the maximum income eligibility level to 175% of the federal poverty guideline for Alaska that is adjusted each year. It also sets the monthly benefit at one of three amounts that depend on the senior's income level.

Prepared by: Elle Fitzjarrald, Director

Division: Public Assistance

Approved by: Karleen Jackson, Commissioner

Agency: Department of Health and Social Services

Phone: 465-5847

Date/Time: 04/02/2007

Date: 04/03/2007

FISCAL NOTE
FN #

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ANALYSIS CONTINUATION

The monthly benefit amounts will be:

- * \$250 if the senior's income is less than 75% of poverty;
- * \$175 if the senior's income is between 75% and 100% of poverty; and
- * \$125 if the senior's income is between 100% and 175% of poverty.

Assumptions:

This fiscal note assumes the new Alaska Senior Benefits Payment program begins July 1, 2007, and includes the increase in the maximum income limit to 175% of the federal poverty level for 2007. It also assumes the sponsor's intent that there will not be an asset test to qualify for the program.

BENEFIT COSTS FOR CS HB 198

- In FY08, the department estimates an average of 7,043 seniors who currently qualify for the Senior Care cash benefit will continue to qualify for the new Alaska Senior Benefits Payment program.
- * The department estimates an additional 300 seniors will qualify for the new program under the higher income limits. This represents the number of seniors who became ineligible for the Senior Care program due to the income limits frozen at 2005 levels.
- The department estimates an additional 300 seniors will qualify for the new program due to the elimination of the asset test. Currently approximately 4% of SeniorCare applicants are denied due to assets. Note: Information about senior assets is not available to the department. Costs associated with this provision will need to be reevaluated as we gain experience with the new program.
- * The department estimates an additional 380 seniors will be served annually for every 5% increment increase above 100% of poverty.

We estimate 400 individuals will have household income at less than 75% of poverty, 4,600 individuals will have income between 75% and 100% of poverty, and 5,700 will have income between 100% and 175% of poverty. The tables below display the projected caseload size at each level of poverty in FY 2008, and the estimated cost of benefits at an estimated annual caseload growth of 1.3%.

Percent of Poverty	FY 08 Estimated Caseload	Benefit Amount	FY 08 Estimated Benefit Cost
Up to 75%	400	\$ 250	\$ 1,200.0
75% to 100%	4,600	\$ 175	\$ 9,660.0
100% to 175%	5,700	\$ 125	\$ 8,550.0
Total	10,700		\$ 19,410.0

Fiscal Year	Estimated Caseload	Estimated Annual Benefit Cost
FY08	10,700	\$ 19,410.0
FY09	10,839	\$ 19,662.3
FY10	10,980	\$ 19,917.9
FY11	11,123	\$ 20,176.9

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ANALYSIS CONTINUATION
ADMINISTRATIVE COSTS FOR CS HB 198

Assumptions:

- * The four positions currently administering the Senior Care program will continue to administer the program: 1 Administrative Clerk II (Range 8); 4 Eligibility Technician I's (Range 14), and 1 Eligibility Technician III Lead Worker (Range 15). An additional two positions will be necessary to manage the increased caseload. These positions are responsible for the initial and ongoing determination of eligibility, processing claims, and serving as a liaison with the Social Security Administration to facilitate recipient enrollment in Medicare Part D.
- * In May 2007, DPA will begin notifying seniors about the new program. Current SeniorCare recipients will be mailed an abbreviated form for completion and informed of the need to apply for the new program. DPA will begin accepting applications in May; however, higher payment levels may be delayed until system modifications are completed, which may be October 2007.
- * Modifications to DPA's Eligibility Information System (EIS) are necessary to facilitate the issuance of three different payments depending on household income. These changes are estimated to take three months of programming and testing.

Total FY08 Administrative Costs: \$753.1

- Personal Services (6 positions): \$460.2
- Travel (to support employee training, marketing, outreach): 9.7
- Contractual: \$229.7
 - Information technology, telecommunication, postage, printing, & building lease costs): \$129.7
 - Outreach to inform seniors of the program's availability and benefits, and to make referrals to other programs as appropriate: \$40.0
 - EIS Computer Programming Modifications \$60.0 (one time cost for FY08)
- Supplies: \$53.5
 - Training materials and office supplies: \$43.5
 - Desktop computer, printer and work station for two new positions: \$10.0 (one time cost for FY08)

TOTAL FY08 COSTS

The total FY08 estimated costs for the Alaska Senior Benefits Payment program are \$19,410.0 for benefit payments and \$753.1 in administrative costs, for a total program cost of \$20,163.1.

All costs for the Alaska Senior Benefits Payment program are eliminated in FY 2012 to reflect the sunset of the program June 30, 2011.

Department HB198 Fund Source Summary		2007	2008	2009	2010	2011	2012	2013
Children								
Federal funds		\$0	1,442.4	1,528.9	1,652.2	1,794.3	1,948.6	2,116.2
GF Match		\$0	510.2	591.6	650.6	706.6	767.4	833.3
Total Funds		\$0	1,952.6	2,120.5	2,302.9	2,500.9	2,716.0	2,949.6
Pregnant Women								
Federal funds		\$0	447.7	467.6	503.8	547.1	594.2	645.3
GF Match		\$0	253.0	293.3	322.6	350.3	380.4	413.1
Total Funds		\$0	700.7	760.9	826.4	897.4	974.6	1,058.4
Total Bill								
Federal funds		0.0	1,890.1	1,996.5	2,156.0	2,341.5	2,542.8	2,761.5
GF Match'		0.0	763.2	884.9	973.2	1,056.9	1,147.8	1,246.5
Total Funds		0.0	2,653.2	2,881.4	3,129.2	3,398.3	3,690.6	4,008.0

Number of additional children expected to enroll in SFY 2008 =1277.

Number of additional pregnant women expected to enroll in SFY 2008 = 218.

failed
2-8

25-LS0714E.4
Mischel
4/3/07

AMENDMENT

3

OFFERED IN THE HOUSE

BY REPRESENTATIVE CRAWFORD

TO: CSHB 198(), Draft Version "E"

- 1 Page 1, line 2:
- 2 Delete "and longevity bonus programs"
- 3 Insert "program"
- 4
- 5 Page 1, line 14:
- 6 Delete "former"
- 7
- 8 Page 2, lines 12 - 19:
- 9 Delete all material.
- 10
- 11 Renumber the following bill sections accordingly.
- 12
- 13 Page 2, lines 23 - 25:
- 14 Delete all material.
- 15
- 16 Renumber the following bill sections accordingly.
- 17
- 18 Page 6, lines 14 - 17:
- 19 Delete all material.
- 20
- 21 Renumber the following bill sections accordingly.
- 22
- 23 Page 9, lines 2 - 4:

1 Delete all material and insert:

2 **"* Sec. 12. AS 47.45.320 is repealed."**

3

4 Renumber the following bill sections accordingly.

5

6 Page 9, line 12:

7 Delete "sec. 12"

8 Insert "sec. 9"

9

10 Page 9, line 19:

11 Delete "sec. 7"

12 Insert "sec. 4"

13

14 Page 9, line 25, through page 10, line 4:

15 Delete all material and insert:

16 **"* Sec. 17. The uncodified law of the State of Alaska is amended by adding a new section to**
17 **read:**

18 **RETROACTIVITY AND REVIVAL. If secs. 1 - 12 of this Act take effect after**
19 **June 30, 2007,**

20 **(1) AS 47.45.300 - 47.45.390, as amended by this Act, the repeal of**
21 **AS 47.45.320, and secs. 11, 12, and 14 of this Act, are retroactive to June 30, 2007; and**

22 **(2) AS 47.45.300, 47.45.310, 47.45.330, 47.45.340, 47.45.350, 47.45.360, and**
23 **47.45.390, as amended by this Act, are revived.**

24 *** Sec. 18. Sections 15, 16(b), and 17 of this Act take effect immediately under**
25 **AS 01.10.070(c).**

26 *** Sec. 19. Except as provided in sec. 18 of this Act, this Act takes effect June 30, 2007."**

2007 HOUSE FINANCE COMMITTEE VOTE SHEET

DATE: 4-3-07

Amendment: 3

MEMBER

Favor

Oppose

JOULE		✓
KELLY		✓
NELSON		✓
STOLTZE		
THOMAS		✓
CRAWFORD	✓	
FOSTER		✓
GARA	✓	
HAWKER		✓
CHENAULT		✓
MEYER		✓

about

Yea 2

Nay 8

failed 4-6

AMENDMENT

4

OFFERED IN THE HOUSE

BY REPRESENTATIVE KELLY

TO: CS HB 198

Work Draft 25-LS0714E AS AMENDED

- 1 Page 5, line 8:
- 2 Delete "175"
- 3 Insert "150"
- 4
- 5 Page 6, line 1,
- 6 Delete "175"
- 7 Insert "150"
- 8
- 9 Page 7, line 2,
- 10 Delete "175"
- 11 Insert "150"
- 12
- 13 Page 7, line 15
- 14 Delete "175"
- 15 Insert "150"
- 16

2007 HOUSE FINANCE COMMITTEE VOTE SHEET

DATE: 4-3-07

Amendment: Amend. 4

MEMBER

Favor

Oppose

absent

KELLY	✓	
NELSON		✓
STOLTZE		
THOMAS		✓
CRAWFORD		✓
FOSTER	✓	
GARA		✓
HAWKER		✓
JOULE		✓
MEYER	✓	
CHENAULT	✓	

Yea 4

Nay 6

Withdrawn

AMENDMENT 5

OFFERED IN THE HOUSE

BY REPRESENTATIVE GARA

TO: CSHB 198(), Draft Version "E"

1 Page 1, line 3, following "age":

2 Insert ", for pregnant women, and for disabled persons; relating to the poverty
3 guideline and cost sharing for certain recipients of medical assistance"

4

5 Page 4, lines 29 - 31:

6 Delete "official poverty line applicable to a family of that size according to the federal
7 Office of Management and Budget"

8 Insert "federal poverty guideline for Alaska set by the United States Department
9 of Health and Human Services [OFFICIAL POVERTY LINE] applicable to a family of that
10 size [ACCORDING TO THE FEDERAL OFFICE OF MANAGEMENT AND BUDGET]"

11

12 Page 5, line 31, through page 6, line 11:

13 Delete all material and insert:

14 "(14) pregnant women who are not covered under (a) of this section
15 and whose household income does not exceed 175 percent of the federal poverty
16 guideline for Alaska set by the United States Department of Health and Human
17 Services

18 [(A) \$2,208 A MONTH IF THE HOUSEHOLD CONSISTS
19 OF TWO PERSONS;

20 (B) \$2,782 A MONTH IF THE HOUSEHOLD CONSISTS OF
21 THREE PERSONS;

22 (C) \$3,355 A MONTH IF THE HOUSEHOLD CONSISTS OF
23 FOUR PERSONS;

1 (D) \$3,928 A MONTH IF THE HOUSEHOLD CONSISTS OF
2 FIVE PERSONS;

3 (E) \$4,501 A MONTH IF THE HOUSEHOLD CONSISTS OF
4 SIX PERSONS;

5 (F) \$5,074 A MONTH IF THE HOUSEHOLD CONSISTS OF
6 SEVEN PERSONS;

7 (G) \$5,647 A MONTH IF THE HOUSEHOLD CONSISTS OF
8 EIGHT PERSONS;

9 (H) \$5,647 A MONTH, PLUS AN ADDITIONAL \$574 A
10 MONTH FOR EACH EXTRA PERSON ABOVE EIGHT PERSONS WHO
11 IS IN THE HOUSEHOLD IF THE HOUSEHOLD CONSISTS OF NINE
12 PERSONS OR MORE];"

13
14 Page 6, following line 13:

15 Insert new bill sections to read:

16 **** Sec. 6. AS 47.07 is amended by adding a new section to read:**

17 **Sec. 47.07.022. Extended medical assistance coverage for children; costs.**

18 (a) In addition to the persons specified in AS 47.07.020, a person who resides in the
19 state and who meets the criteria under (b) of this section is eligible for extended
20 medical assistance coverage equivalent to the mandatory and optional services
21 described under AS 47.07.030 if the person submits an annual application and
22 contribution as specified in (c) of this section.

23 (b) The department shall administer a program of extended medical assistance
24 coverage for a person who is under 19 years of age and whose household income is
25 between 200 and 350 percent of the federal poverty guideline for Alaska set by the
26 United States Department of Health and Human Services.

27 (c) The program administered under this section must include an annual
28 application and sliding scale contribution, payable under terms specified in regulations
29 adopted by the department. The regulations must

30 (1) include the option of an assignment of an applicant's permanent
31 fund dividend and the permanent fund dividend of a parent, legal guardian, or other

1 authorized representative of an applicant; and

2 (2) set the contribution amount for an applicant in an amount that,
3 except as provided in (d) and (e) of this section, is not more than one-half percent of
4 the federal poverty guideline for Alaska for the annual household income of a family
5 of two if the applicant's income is between 200 percent and 225 percent of the federal
6 poverty guideline for Alaska, and increases progressively to not more than three
7 percent for an annual household income for a family of two that is between 300
8 percent and 350 percent of the federal poverty guideline for Alaska.

9 (d) In addition to the annual contribution established under (c) of this section,
10 the department may impose a copayment of not more than 20 percent of medical
11 services and prescription drug costs covered under the program for a person whose
12 household income is between 250 and 350 percent of the federal poverty guideline for
13 Alaska.

14 (e) Except as provided in (f) of this section, the department may set the
15 contribution amount for an applicant in an amount less than the amount specified in
16 (c) and (d) of this section if a lesser amount is required to obtain federal approval for
17 the maximum level of federal financial participation in the state's program under 42
18 U.S.C. 1396 - 1396v (Title XIX, Social Security Act) or 42 U.S.C. 1397aa - 1397jj
19 (Title XXI, Social Security Act), whichever is applicable.

20 (f) The department may not provide for a contribution amount less than the
21 amounts provided in (c) and (d) of this section for an applicant whose household
22 income is not less than 250 percent of the federal poverty guideline for Alaska and
23 who qualifies for coverage under a separate health insurance policy if the policy
24 provides coverage that is equivalent to the coverage available under AS 47.07.030 for
25 that applicant.

26 (g) The department may limit or exclude a person's eligibility for coverage
27 under this section by regulation for an applicant who qualifies for coverage, with or
28 without payment of an insurance premium, under a separate health insurance policy if
29 the policy

30 (1) provides coverage that is equivalent to the coverage available under
31 AS 47.07.030 for the applicant;

1 (2) is provided at a cost that does not create an undue hardship for the
 2 applicant or the applicant's family; the department shall describe in regulation the
 3 standards for finding an undue hardship; and

4 (3) would exclude an applicant from coverage under 42 U.S.C. 1396 -
 5 1396v (Title XIX, Social Security Act) or 42 U.S.C. 1397aa - 1397jj (Title XXI,
 6 Social Security Act) or otherwise jeopardize federal approval of the state plan
 7 submitted under this section.

8 (h) The department may adopt regulations necessary to implement this
 9 section.

10 * Sec. 7. AS 47.07.042(d) is amended to read:

11 (d) In addition to the requirements established under (a) and (b) of this section,
 12 the department shall [MAY] require premiums or cost-sharing contributions from
 13 recipients who are eligible for benefits under AS 47.07.022. The
 14 [AS 47.07.020(b)(13) AND WHOSE HOUSEHOLD INCOME IS GREATER THAN
 15 THE APPLICABLE AMOUNT SET OUT IN (f) OF THIS SECTION. IF THE
 16 DEPARTMENT REQUIRES PREMIUMS OR COST-SHARING
 17 CONTRIBUTIONS UNDER THIS SUBSECTION, THE] department

18 (1) shall adopt in regulation a sliding scale for those premiums or
 19 contributions based on household income;

20 (2) may not exceed the maximums allowed under federal law; and

21 (3) shall implement a system by which the department or its designee
 22 collects those premiums or contributions."
 23

24 Renumber the following bill sections accordingly.

25
 26 Page 9, following line 6:

27 Insert a new bill section to read:

28 "** Sec. 19. AS 47.07.042(f) is repealed."
 29

30 Renumber the following bill sections accordingly.

31

1 Page 9, following line 7:

2 Insert a new bill section to read:

3 **** Sec. 21.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 NOTIFICATION OF FEDERAL APPROVAL. The commissioner of health and
6 social services shall notify the revisor of statutes when federal approval under sec. 23 of this
7 Act is obtained."

8

9 Renumber the following bill sections accordingly.

10

11 Page 9, line 12:

12 Delete "sec. 12"

13 Insert "sec. 14"

14

15 Page 9, line 19:

16 Delete "sec. 7"

17 Insert "sec. 9"

18

19 Page 9, line 22, following "proceed":

20 Insert "to seek federal approval and"

21

22 Page 9, line 27:

23 Delete "secs. 1 - 17"

24 Insert "secs. 1 - 5, 8 - 18, and 20"

25

26 Page 9, line 30:

27 Delete "secs. 14, 15, and 17"

28 Insert "secs. 16, 17, and 20"

29

30 Page 10, line 2:

31 Delete "Sections 18, 19(b), and 20"

1 Insert "Sections 21, 22, 23(b), and 24"

2

3 Page 10, following line 3:

4 Insert a new bill section to read:

5 "* **Sec. 26.** Sections 6, 7, and 19 of this Act take effect six months from the effective date of
6 sec. 23 of this Act or upon the approval of the changes necessitated by secs. 6 and 7 of this
7 Act by the United States Department of Health and Human Services, whichever is later."

8

9 Renumber the following bill section accordingly.

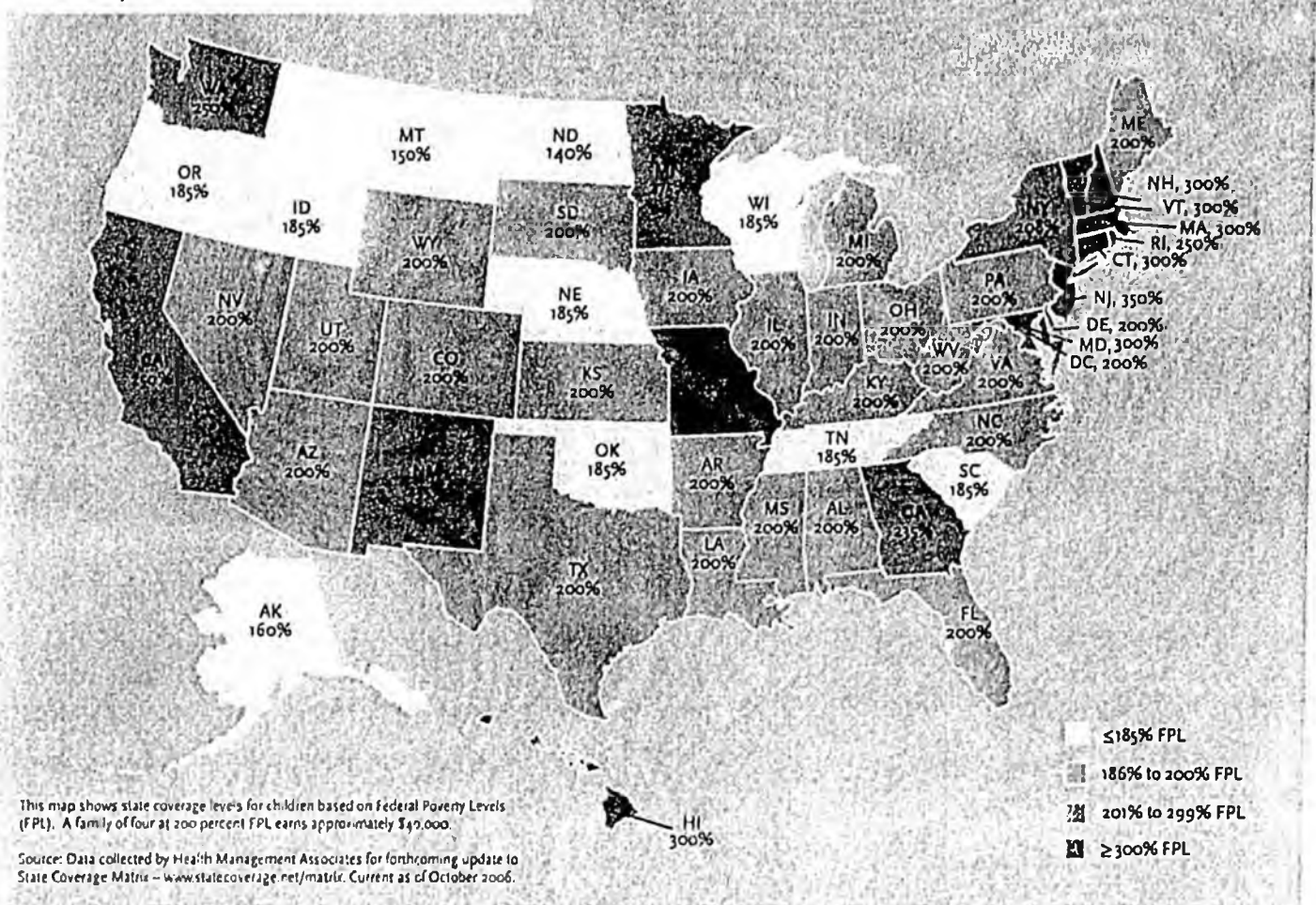
10

11 Page 10, line 4:

12 Delete "sec. 21"

13 Insert "secs. 25 and 26"

FIGURE 7 COVERAGE LEVELS FOR CHILDREN



premium assistance program or an individual plan. O-EPIC is funded by state general fund revenues generated by a tobacco tax, along with federal matching funds under Title XIX and employer and employee contributions.

The Premium Assistance program, launched in November 2005, helps qualified employees in small businesses of 50 or fewer employees purchase health insurance coverage through their employer. The employer works with an insurance agent to choose a qualified private health plan to offer its employees. The Premium Assistance program pays 60 percent of the health insurance premium for qualified employees with incomes below 185

percent FPL and 85 percent of the premium for the qualified enrollee's spouse. Employers are expected to contribute 25 percent of the employee's premium and employees are expected to contribute up to 15 percent for themselves and 15 percent for their spouses.

The Individual Plan will be launched shortly and is designed as a safety net health plan for qualified individuals with incomes below 185 percent FPL and who are ineligible to participate in O-EPIC Premium Assistance. The Individual Plan includes self-employed individuals not eligible for small group health coverage; workers at small businesses who are either not eligible

to participate in their employer's health plan or whose employer does not offer a qualified health plan; and unemployed individuals who are currently seeking work. The Individual Plan also provides coverage to working individuals with a disability whose income exceeds the Medicaid eligibility level but is below 200 percent FPL, and who meet "ticket to work" requirements.³¹ The Individual Plan provides coverage through private managed care plans that also serve the Medicaid program; however, the benefit package is less comprehensive than Medicaid or most products offered in the commercial market.

Avg Premium = \$1565 (871 to 2324 equally weighted).
 Eliminated number enrolled 301-350% FPG (coverage ends at 300%).
 Premiums start at 201%. Co-Pays begin at 250%.

Dept Medicaid Total	2008	2009	2010	2011	2012	2013
Cost of Services	0	11,284.2	12,254.7	13,308.6	14,453.1	15,696.1
Copays	0	-571.4	-620.5	-673.9	-731.8	-794.8
Medicaid Claims Net Cost	0	10,712.9	11,634.2	12,634.7	13,721.3	14,901.3
Premiums	0	-2,663.6	-2,663.6	-2,663.6	-2,663.6	-2,663.6
Total Adjusted Costs	0	8,049.2	8,970.5	9,971.1	11,057.7	12,237.7
Federal Match (Title XIX fmap) on net claims reduced by premiums	0	4,226.7	4,543.6	4,985.5	5,528.8	6,118.8
General Funds	0	3,822.6	4,427.0	4,985.5	5,528.8	6,118.8

HCS Medicaid Component	2008	2009	2010	2011	2012	2013
Cost of Services	0	8,013.3	8,702.4	9,450.8	10,263.6	11,146.2
Copays	0	-380.9	-413.7	-449.3	-487.9	-529.9
Medicaid Claims Net Cost	0	7,632.3	8,288.7	9,001.5	9,775.7	10,616.4
Premiums	0	-2,663.6	-2,663.6	-2,663.6	-2,663.6	-2,663.6
Total Adjusted Costs	0	4,968.7	5,625.1	6,337.9	7,112.0	7,952.8
Federal Match (Title XIX fmap) on net claims reduced by premiums	0	2,609.1	2,849.1	3,169.0	3,556.0	3,976.4
General Funds	0	2,359.6	2,776.0	3,169.0	3,556.0	3,976.4

DBH Medicaid Component	2008	2009	2010	2011	2012	2013
Cost of Services	0	3,271.0	3,552.3	3,857.8	4,189.6	4,549.9
Copays	0	-190.5	-206.8	-224.6	-243.9	-264.9
Medicaid Claims Net Cost	0	3,080.5	3,345.5	3,633.2	3,945.6	4,284.9
Premiums	0	0.0	0.0	0.0	0.0	0.0
Total Adjusted Costs	0	3,080.5	3,345.5	3,633.2	3,945.6	4,284.9
Federal Match (Title XIX fmap) on net claims reduced by premiums	0	1,617.6	1,694.5	1,816.6	1,972.8	2,142.5
General Funds	0	1,462.9	1,651.0	1,816.6	1,972.8	2,142.5

Federal Government pays approx 70% of their costs

Per original bill, premiums begin at 201% and copays begin at 250%

	% of Alaska Federal Poverty Level for a Family of 4	Annual Premium (1-3% of Family Income)	Average Total Spent on 20% Co-Pay	DRA: max cost sharing is 5% of family income	Total Paid by Enrollee	Estimated Average Total Cost of Services	Estimated Average Government Costs Per Enrollee	% Paid by Enrollee	% Paid by Government
SCHIP eligible, no premium or	100	\$25,820	\$0	\$1,291	\$0	\$1,387	\$1,387	0%	100%
	200	\$51,640	\$0	\$2,582	\$0	\$1,387	\$1,387	0%	100%
201-224	225	\$58,095	\$871	\$2,905	\$871	\$2,900	\$2,029	30%	70%
225-249	250	\$64,550	\$1,291	\$3,228	\$1,871	\$2,900	\$1,029	65%	35%
250-274	275	\$71,001	\$1,775	\$3,550	\$2,355	\$2,900	\$545	81%	19%
275-300	300	\$77,460	\$2,324	\$3,873	\$2,904	\$2,900	\$0	100%	0%

Average Gov't (Fed plus GF) Cost per enrollee, expansion 201-300% FPG only

\$901

Per Sydean estimate, with premiums and copays assessed even at 200%

	% of Alaska Federal Poverty Level for a Family of 4	Annual Premium (1-3% of Family Income)	Average Total Spent on 20% Co-Pay	DRA: max cost sharing is 5% of family income	Total Paid by Enrollee	Estimated Average Total Cost of Services	Estimated Average Government Costs Per Enrollee	% Paid by Enrollee	% Paid by Government
SCHIP eligible, no premium or	100	\$25,820	\$0	\$1,291	\$0	\$1,387	\$1,387	0%	100%
	200	\$51,640	\$516	\$2,582	\$793	\$1,387	\$594	57%	100%
201-224	225	\$58,095	\$871	\$2,905	\$1,451	\$2,900	\$1,449	50%	50%
225-249	250	\$64,550	\$1,291	\$3,228	\$1,871	\$2,900	\$1,029	65%	35%
250-274	275	\$71,001	\$1,775	\$3,550	\$2,355	\$2,900	\$545	81%	9%
275-300	300	\$77,460	\$2,324	\$3,873	\$2,904	\$2,900	-\$4	100%	0%

Average Gov't (Fed plus GF) Cost per enrollee, expansion 201-300% FPG only

\$723

Sydean Note: The lowest annual cost of comparable private insurance we found is \$3,612 per child (Premier Blue Cross)

adopted 4/2/07

25-LS0714E
Mischel
3/30/07

CS FOR HOUSE BILL NO. 198()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES HAWKER, Harris, Coghill, Samuels, Chenault, Meyer, Foster, Doogan, Fairclough, Thomas, Wilson, Nelson, LeDoux

A BILL

FOR AN ACT ENTITLED

1. "An Act establishing the Alaska senior benefits payment program; repealing the senior
2 care and longevity bonus payment programs; amending medical assistance income
3 eligibility limits for persons under 19 years of age; and providing for an effective date."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 * Section 1. AS 09.38.015(a) is amended to read:

6 (a) An individual is entitled to exemption of the following property:

7 (1) a burial plot for the individual and the individual's family;

8 (2) health aids reasonably necessary to enable the individual or a
9 dependent to work or to sustain health;

10 (3) benefits paid or payable for medical, surgical, or hospital care to
11 the extent they are or will be used to pay for the care;

12 (4) an award under AS 18.67 (Violent Crimes Compensation Board) or
13 a crime victim's reparations act of another jurisdiction;

14 (5) benefits paid or payable as a longevity bonus under former

1 AS 47.45.010 - 47.45.160 [AS 47.45];

2 (6) compensation or benefits paid or payable and exempt under federal
3 law;

4 (7) liquor licenses granted under AS 04;

5 (8) tuition credit or savings accounts under a higher education savings
6 account established under AS 14.40.802 or an advance college tuition savings contract
7 authorized under AS 14.40.809(a);

8 (9) a permanent fund dividend to the extent allowed under
9 AS 43.23.065;

10 (10) benefits paid or payable as a senior benefits [CARE] benefit
11 under AS 47.45.300 - 47.45.390.

12 * Sec. 2. AS 18.56.850(b) is amended to read:

13 (b) In the development of a home energy conservation or weatherization
14 program under (a) of this section, the corporation may not consider the value of
15 [ALASKA LONGEVITY BONUS PAYMENTS UNDER AS 47.45 OR] permanent
16 fund dividends under AS 43.23 in determining whether a person meets income
17 guidelines established under AS 18.56.088 and (a) of this section for a state or, to the
18 extent permitted by federal law, a federal energy conservation or weatherization
19 program.

20 * Sec. 3. AS 37.05.146(c)(80) is amended to read:

21 (80) the Alaska senior benefits [SENIOR CARE] fund
22 (AS 47.45.360);

23 * Sec. 4. AS 44.99.205(c)(3) is amended to read:

24 (3) "program" includes the permanent fund dividend program under
25 AS 43.23 [AND THE LONGEVITY BONUS PROGRAM UNDER AS 47.45];

26 * Sec. 5. AS 47.07.020(b) is amended to read:

27 (b) In addition to the persons specified in (a) of this section, the following
28 optional groups of persons for whom the state may claim federal financial
29 participation are eligible for medical assistance:

30 (1) persons eligible for but not receiving assistance under any plan of
31 the state approved under 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act,

1 Supplemental Security Income) or a federal program designated as the successor to the
2 aid to families with dependent children program;

3 (2) persons in a general hospital, skilled nursing facility, or
4 intermediate care facility, who, if they left the facility, would be eligible for assistance
5 under one of the federal programs specified in (1) of this subsection;

6 (3) persons under 21 years of age who are under supervision of the
7 department, for whom maintenance is being paid in whole or in part from public
8 funds, and who are in foster homes or private child-care institutions;

9 (4) aged, blind, or disabled persons, who, because they do not meet
10 income and resources requirements, do not receive supplemental security income
11 under 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act), and who do not
12 receive a mandatory state supplement, but who are eligible, or would be eligible if
13 they were not in a skilled nursing facility or intermediate care facility to receive an
14 optional state supplementary payment;

15 (5) persons under 21 years of age who are in an institution designated
16 as an intermediate care facility for the mentally retarded and who are financially
17 eligible as determined by the standards of the federal program designated as the
18 successor to the aid to families with dependent children program;

19 (6) persons in a medical or intermediate care facility whose income
20 while in the facility does not exceed \$1,656 a month but who would not be eligible for
21 an optional state supplementary payment if they left the hospital or other facility;

22 (7) persons under 21 years of age who are receiving active treatment in
23 a psychiatric hospital and who are financially eligible as determined by the standards
24 of the federal program designated as the successor to the aid to families with
25 dependent children program;

26 (8) persons under 21 years of age and not covered under (a) of this
27 section, who would be eligible for benefits under the federal program designated as
28 the successor to the aid to families with dependent children program, except that they
29 have the care and support of both their natural and adoptive parents;

30 (9) pregnant women not covered under (a) of this section and who
31 meet the income and resource requirements of the federal program designated as the

1 successor to the aid to families with dependent children program;

2 (10) persons under 21 years of age not covered under (a) of this section
3 who the department has determined cannot be placed for adoption without medical
4 assistance because of a special need for medical or rehabilitative care and who the
5 department has determined are hard-to-place children eligible for subsidy under
6 AS 25.23.190 - 25.23.210;

7 (11) persons who can be considered under 42 U.S.C. 1396a(e)(3) (Title
8 XIX, Social Security Act, Medical Assistance) to be individuals with respect to whom
9 a supplemental security income is being paid under 42 U.S.C. 1381 - 1383c (Title
10 XVI, Social Security Act) because they meet all of the following criteria:

11 (A) they are 18 years of age or younger and qualify as disabled
12 individuals under 42 U.S.C. 1382c(a) (Title XVI, Social Security Act);

13 (B) the department has determined that

14 (i) they require a level of care provided in a hospital,
15 nursing facility, or intermediate care facility for the mentally retarded;

16 (ii) it is appropriate to provide their care outside of an
17 institution; and

18 (iii) the estimated amount that would be spent for
19 medical assistance for their individual care outside an institution is not
20 greater than the estimated amount that would otherwise be expended
21 individually for medical assistance within an appropriate institution;

22 (C) if they were in a medical institution, they would be eligible
23 for medical assistance under other provisions of this chapter; and

24 (D) home and community-based services under a waiver
25 approved by the federal government are either not available to them under this
26 chapter or would be inappropriate for them;

27 (12) disabled persons, as described in 42 U.S.C.
28 1396a(a)(10)(A)(ii)(XIII), who are in families whose income, as determined under
29 applicable federal regulations or guidelines, is less than 250 percent of the official
30 poverty line applicable to a family of that size according to the federal Office of
31 Management and Budget, and who, but for earnings in excess of the limit established

1 under 42 U.S.C. 1396d(q)(2)(B), would be considered to be individuals with respect to
 2 whom a supplemental security income is being paid under 42 U.S.C. 1381 - 1383c; a
 3 person eligible for assistance under this paragraph who is not eligible under another
 4 provision of this section shall pay a premium or other cost-sharing charges according
 5 to a sliding fee scale that is based on income as established by the department in
 6 regulations;

7 (13) persons under 19 years of age who are not covered under (a) of
 8 this section and whose household income does not exceed 175 percent of the federal
 9 poverty line for Alaska set by the United States Department of Health and
 10 Human Services and revised under 42 U.S.C. 9902(2)

11 [(A) \$1,635 A MONTH IF THE HOUSEHOLD CONSISTS
 12 OF ONE PERSON;

13 (B) \$2,208 A MONTH IF THE HOUSEHOLD CONSISTS OF
 14 TWO PERSONS;

15 (C) \$2,782 A MONTH IF THE HOUSEHOLD CONSISTS OF
 16 THREE PERSONS;

17 (D) \$3,355 A MONTH IF THE HOUSEHOLD CONSISTS OF
 18 FOUR PERSONS;

19 (E) \$3,928 A MONTH IF THE HOUSEHOLD CONSISTS OF
 20 FIVE PERSONS;

21 (F) \$4,501 A MONTH IF THE HOUSEHOLD CONSISTS OF
 22 SIX PERSONS;

23 (G) \$5,074 A MONTH IF THE HOUSEHOLD CONSISTS OF
 24 SEVEN PERSONS;

25 (H) \$5,647 A MONTH IF THE HOUSEHOLD CONSISTS OF
 26 EIGHT PERSONS;

27 (I) \$5,647 A MONTH, PLUS AN ADDITIONAL \$574 A
 28 MONTH FOR EACH EXTRA PERSON ABOVE EIGHT PERSONS WHO
 29 IS IN THE HOUSEHOLD IF THE HOUSEHOLD CONSISTS OF NINE
 30 PERSONS OR MORE];

31 (14) pregnant women who are not covered under (a) of this section and

1 whose household income does not exceed

2 (A) \$2,208 a month if the household consists of two persons;

3 (B) \$2,782 a month if the household consists of three persons;

4 (C) \$3,355 a month if the household consists of four persons;

5 (D) \$3,928 a month if the household consists of five persons;

6 (E) \$4,501 a month if the household consists of six persons;

7 (F) \$5,074 a month if the household consists of seven persons;

8 (G) \$5,647 a month if the household consists of eight persons;

9 (H) \$5,647 a month, plus an additional \$574 a month for each

10 extra person above eight persons who is in the household if the household
11 consists of nine persons or more;

12 (15) persons who have been diagnosed with breast or cervical cancer
13 and who are eligible for coverage under 42 U.S.C. 1396a(a)(10)(A)(ii)(XVIII).

14 * Sec. 6. AS 47.45.240(c) is amended to read:

15 (c) The commission may not investigate, review, or undertake any
16 responsibility for [THE LONGEVITY BONUS PROGRAM UNDER AS 47.45.010 -
17 47.45.160 OR] the Alaska Pioneers' Home or Alaska Veterans' Home under AS 47.55.

18 * Sec. 7. AS 47.45.300 is repealed and reenacted to read:

19 **Sec. 47.45.300. Alaska senior benefits payment program.** (a) The Alaska
20 senior benefits payment program is established in the Department of Health and Social
21 Services to provide cash benefits as far as practicable under appropriations provided
22 by law.

23 (b) The department shall administer the program and adopt regulations under
24 AS 44.62 to carry out the purposes of the program.

25 (c) If the department estimates that appropriations for the program are
26 insufficient to meet the demands of the program in a fiscal year, the department may
27 reduce or eliminate the cash benefit available to recipients.

28 * Sec. 8. AS 47.45.310 is repealed and reenacted to read:

29 **Sec. 47.45.310. Cash benefit.** (a) An individual is eligible for a cash benefit
30 under the program if the individual

31 (1) is 65 years of age or older;

- 1 (2) is a resident of the state;
- 2 (3) has a household income that does not exceed 135 percent of the
- 3 annual federal poverty guidelines for Alaska, as determined by the United States
- 4 Department of Health and Human Services and revised under 42 U.S.C. 9902(2); and
- 5 (4) applies on a form provided by the department; the department may
- 6 use an abbreviated form for an individual who received a payment under an assistance
- 7 program for seniors that paid \$120 a month and was administered by the department
- 8 on or before the effective date of this section.

9 (b) An eligible individual shall receive a monthly cash benefit payment as

10 follows:

- 11 (1) \$250 if the individual's household income does not exceed 75
- 12 percent of the federal poverty guidelines for Alaska;
- 13 (2) \$175 if the individual's household income does not exceed 100
- 14 percent but is above 75 percent of the federal poverty guidelines for Alaska;
- 15 (3) \$125 if the individual's household income does not exceed 175
- 16 percent but is above 100 percent of the federal poverty guidelines for Alaska.

17 * Sec. 9. AS 47.45.330 is amended to read:

18 **Sec. 47.45.330. Continuation of benefits.** An eligible individual who leaves

19 the state may not receive a cash [ASSISTANCE] benefit under AS 47.45.310 [OR

20 PRESCRIPTION DRUG BENEFIT UNDER AS 47.45.320] during the absence unless

21 the individual's absence is temporary and is for one of the following reasons:

- 22 (1) to receive medical treatment for the individual;
- 23 (2) to accompany the individual's family member who is receiving
- 24 medical treatment outside the state; or
- 25 (3) for a vacation, business trip, or other absence of less than 30
- 26 consecutive days, unless the individual has applied for and received a time extension
- 27 from the department for special circumstances.

28 * Sec. 10. AS 47.45.340 is amended to read:

29 **Sec. 47.45.340. Appeal rights.** An individual who receives a determination

30 from the department that denies, limits, or modifies a cash [ASSISTANCE] benefit

31 [OR PRESCRIPTION DRUG BENEFIT] under AS 47.45.300 - 47.45.390, other than

1 a determination under AS 47.45.300(c) to reduce or eliminate benefits, may request a
2 hearing before the department under regulations adopted by the department.

3 * Sec. 11. AS 47.45.350 is amended to read:

4 **Sec. 47.45.350. Ability to recover or recoup improper assistance or**
5 **benefits.** An individual is liable to the department for the value of assistance or
6 benefits improperly paid to the person under AS 47.45.310 or former AS 47.45.320
7 [47.45.320] if the improper payment was based on inaccurate or incomplete
8 information provided by the individual. In a civil action brought by the state to recover
9 from the individual the value of assistance or benefits improperly paid under
10 AS 47.45.310 or former AS 47.45.320 [47.45.320], the state may recover from the
11 individual the costs of investigation and prosecution of the civil action, including
12 attorney fees as determined under court rules.

13 * Sec. 12. AS 47.45.360 is repealed and reenacted to read:

14 **Sec. 47.45.360. Alaska senior benefits fund.** The Alaska senior benefits fund
15 is established as an account in the general fund. The fund shall be used by the
16 commissioner of health and social services to pay for costs incurred in the provision of
17 senior services under AS 47.45.300 - 47.45.390. The fund consists of

18 (1) money in the former senior care fund established in sec. 2, ch. 89,
19 SLA 2005;

20 (2) appropriations to the Alaska senior benefits fund; and

21 (3) any appropriation of interest earned on money in the Alaska senior
22 benefits fund.

23 * Sec. 13. AS 47.45.390(2) is amended to read:

24 (2) "eligible individual" means an individual who meets the
25 requirements of AS 47.45.310 [OR 47.45.320] and regulations adopted under that
26 statute [THOSE STATUTES] for eligibility for the program;

27 * Sec. 14. The uncodified law of the State of Alaska enacted in sec. 9, ch. 89, SLA 2005, is
28 amended to read:

29 **Sec. 9. FUND REVERSION.** The unobligated, unencumbered, and
30 unappropriated balance of the Alaska senior care fund established in AS 47.45.360,
31 added by sec. 2, ch. 89, SLA 2005 [OF THIS ACT], reverts to the unrestricted

1 [UNRESERVED] general fund on June 30, 2011 [2007].

2 * Sec. 15. AS 44.64.030(a)(34), AS 47.08.060(c)(8); AS 47.45.010, 47.45.020, 47.45.030,
3 47.45.040, 47.45.050, 47.45.060, 47.45.070, 47.45.080, 47.45.100, 47.45.110, 47.45.120,
4 47.45.122, 47.45.130, 47.45.140, 47.45.150, 47.45.160, and 47.45.320 are repealed.

5 * Sec. 16. AS 09.38.015(a)(10); AS 37.05.146(c)(80); AS 47.45.300, 47.45.310, 47.45.330,
6 47.45.340, 47.45.350, 47.45.360, and 47.45.390 are repealed June 30, 2011.

7 * Sec. 17. Sections 4, 5, 6, and 7, ch. 89, SLA 2005, are repealed.

8 * Sec. 18. The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 TRANSITION: TRANSFER OF ASSETS FROM THE ALASKA SENIOR CARE
11 FUND. Subject to appropriation, the assets of the senior care fund established by sec. 2, ch.
12 89, SLA 2005, are transferred to the Alaska senior benefits fund established by sec. 12 of this
13 Act.

14 * Sec. 19. The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 TRANSITION: REGULATIONS. (a) To the extent the regulations are not
17 inconsistent with this Act, regulations adopted by the Department of Health and Social
18 Services to provide cash assistance of \$120 a month to seniors that were in effect on the
19 effective date of sec. 7 of this Act, remain applicable and in effect as valid regulations until
20 the Department of Health and Social Services adopts regulations under this Act and those
21 regulations take effect under AS 44.62.

22 (b) The Department of Health and Social Services may proceed to adopt regulations
23 to implement the changes made by this Act. The regulations take effect under AS 44.62
24 (Administrative Procedure Act), but not before the effective date of the statutory changes.

25 * Sec. 20. The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 RETROACTIVITY AND REVIVAL. If secs. 1 - 17 of this Act take effect after
28 June 30, 2007,

29 (1) AS 47.45.300 - 47.45.390, as amended by this Act, the repeal of
30 AS 47.45.320, and secs. 14, 15, and 17 of this Act, are retroactive to June 30, 2007; and

31 (2) AS 47.45.300, 47.45.310, 47.45.330, 47.45.340, 47.45.350, 47.45.360, and

1 47.45.390, as amended by this Act, are revived.

2 * Sec. 21. Sections 18, 19(b), and 20 of this Act take effect immediately under
3 AS 01.10.070(c).

4 * Sec. 22. Except as provided in sec. 21 of this Act, this Act takes effect June 30, 2007.

HB 198

4-2-07
Adopted

AMENDMENT |

OFFERED IN THE HOUSE

BY REPRESENTATIVE HAWKER

TO: CS HB 198 (Work Draft 25-LS0714E)

1 Page 4, lines 30 through 31

2 Delete all material

3 Insert "poverty line applicable to a family of that size according to the United States

4 Department of Health and Human Services [FEDERAL OFFICE OF

5 MANAGEMENT AND BUDGET], and who, but for earnings in excess of the limit

6 established"

7
8 Page 6, lines 1 through 11

9 Delete all material

10 Insert " whose household income does not exceed 175 percent of the federal poverty

11 guideline as defined by the United States Department of Health and Human Services

12 and revised under 42 U.S.C. 9902(2)

13 [(A) \$2,208 A MONTH IF THE HOUSEHOLD CONSISTS OF TWO PERSONS;

14 (B) \$2,782 A MONTH IF THE HOUSEHOLD CONSISTS OF THREE PERSONS;

15 (C) \$3,355 A MONTH IF THE HOUSEHOLD CONSISTS OF FOUR PERSONS;

16 (D) \$3,928 A MONTH IF THE HOUSEHOLD CONSISTS OF FIVE PERSONS;

17 (E) \$4,501 A MONTH IF THE HOUSEHOLD CONSISTS OF SIX PERSONS;

18 (F) \$5,074 A MONTH IF THE HOUSEHOLD CONSISTS OF SEVEN PERSONS;

19 (G) \$5,647 A MONTH IF THE HOUSEHOLD CONSISTS OF EIGHT PERSONS;

20 (H) \$5,647 A MONTH, PLUS AN ADDITIONAL \$574 A MONTH FOR EACH

21 EXTRA PERSON ABOVE EIGHT PERSONS WHO IS IN THE

22 HOUSEHOLD IF THE HOUSEHOLD CONSISTS OF NINE PERSONS OR

23 MORE];"

24
25 Page 7, line 2, following "exceed"

26 Delete "135"

27 Insert "175"

4-2-07

25-LS0714A.2
Mischel
4/2/07

Failed 2-6

AMENDMENT 2

OFFERED IN THE HOUSE
TO: HB 198

BY REPRESENTATIVE GARA

- 1 Page 1, line 2:
- 2 Delete "and longevity bonus payment programs"
- 3 Insert "program; relating to reapplications for the Alaska longevity bonus
- 4 program"
- 5
- 6 Page 1, line 14:
- 7 Delete "former"
- 8
- 9 Page 2, lines 12 - 19:
- 10 Delete all material.
- 11
- 12 Renumber following bill sections accordingly.
- 13
- 14 Page 2, lines 23 - 29:
- 15 Delete all material.
- 16
- 17 Renumber the following bill sections accordingly.
- 18
- 19
- 20
- 21
- 22 Page 3, following line 16:
- 23 Insert a new paragraph to read:

1

2

"(4) has not received a longevity bonus payment under AS 47.45.010 -

3

47.45.160 for the same period; and"

4

5

Renumber the following paragraph accordingly.

6

7

Page 5, lines 8 - 13:

8

Delete all material.

9

10

Renumber the following bill sections accordingly.

11

12

Page 5, lines 20 - 22:

13

Delete all material and insert:

14

"* Sec. 11. AS 47.45.320 is repealed.

15

* Sec. 12. AS 09.38.015(a)(10); AS 37.05.146(c)(80); AS 47.45.300, 47.45.310, 47.45.330, 47.45.340, 47.45.350, 47.45.360, and 47.45.390 are repealed June 30, 2011.

16

17

* Sec. 13. Sections 4, 5, 6, and 7, ch. 89, SLA 2005, are repealed."

18

19

Renumber the following bill sections accordingly.

20

21

Page 5, line 27:

22

Delete "sec. 11"

23

Insert "sec. 8"

24

25

Page 6, line 3:

26

Delete "sec. 6"

27

Insert "sec. 8"

28

29

Page 6, lines 9 - 19:

30

Delete all material and insert:

31

"* Sec. 16. The uncodified law of the State of Alaska is amended by adding a new section

1 to read:

2 REAPPLICATION FOR LONGEVITY BONUS. (a) Notwithstanding AS 47.45.020
3 and the requirement under AS 47.45.010(a) that applications for longevity bonus payments
4 must be filed not later than December 31, 1996, a person may file a longevity bonus
5 reapplication if the person

6 (1) qualified to receive a monthly longevity bonus payment under
7 AS 47.45.010(a) before January 1, 1997;

8 (2) was eligible for a longevity bonus for June of 2003 or did not receive that
9 bonus solely as a result of complying with AS 47.45.030(a); and

10 (3) is a resident and has maintained continuous state residency during the
11 period between June 30, 2003, and the date the reapplication is filed.

12 (b) A reapplication under this section must be filed with the commissioner of health
13 and social services before January 1, 2008. The Department of Health and Social Services
14 shall prepare a reapplication form for use under this section and may require evidence of
15 eligibility for a longevity bonus as part of the reapplication process.

16 (c) If the Department of Health and Social Services determines that a person who
17 reapplies meets the requirements of (a) of this section and is otherwise eligible under
18 AS 47.45.030(c) and 47.45.070, the amount of the person's monthly bonus shall be the
19 amount the person was eligible to receive under AS 47.45.010(a)(1) - (4).

20 * Sec. 17. The uncodified law of the State of Alaska is amended by adding a new section to
21 read:

22 RETROACTIVITY AND REVIVAL. If secs. 1 - 11 of this Act take effect after
23 June 30, 2007,

24 (1) AS 47.45.300 - 47.45.390, as amended by this Act, the repeal of
25 AS 47.45.320, and secs. 10, 11, and 13 of this Act, are retroactive to June 30, 2007; and

26 (2) AS 47.45.300, 47.45.310, 47.45.320, 47.45.340, 47.45.350, 47.45.360, and
27 47.45.390, as amended by this Act, are retroactive to June 30, 2007.

28 * Sec. 18. Sections 14, 15(a), and 17 of this Act take effect immediately, and
29 AS 01.10.070(c).

30 * Sec. 19. Section 16 of this Act takes effect July 1, 2007.

31 * Sec. 20. Except as provided in secs. 18 and 19 of this Act, this Act takes effect June 30.

1 2007."

House Bill 198 Sectional Analysis

Prepared by Representative Mike Hawker's Office

- Sections 1-5:** These sections correct references to the senior care and longevity bonus programs to reflect the new senior assistance program.
- Section 6:** Establishes the senior assistance payment program and specifies the duties for the Department of Health and Social Services with respect to the program.
- Section 7:** Specifies the qualifications for entrants to the senior assistance program, the process for application, and the amount of payment.
- Section 8:** Specifies the residency requirements for program participants and removes a reference to the senior care prescription drug program, which is repealed in this bill.
- Sections 9,10, 12:** Remove or correct references to the senior care prescription drug program, which is repealed in this bill.
- Section 11:** Establishes the Alaska senior assistance fund, which is used by the Department of Health and Social Services to make senior assistance payments.
- Sections 13-14:** Provide a sunset date for the Alaska senior assistance program in 2011 and make technical corrections to the uncodified law of the State of Alaska enacted by Ch. 89, SLA 2005 (HB 106).
- Section 15:** Repeals the longevity bonus program (44.64.030(a)(34), 47.08.060(c)(8), 47.45.010-47.45.160) and the previous senior care prescription drug benefit (47.45.320).
- Section 16:** Transfers any remaining assets from the senior care program to the senior assistance program.
- Section 17:** Provides authority for the Department of Health and Social Services to adopt regulations and specifies that the current regulations stay in effect until the new regulations are effective.
- Section 18-20:** Effective date provisions to make the senior assistance program take effect June 30, 2007.

Senior Benefits Payments Proposed Plan

Revised 4/2/2007 2:31 pm

Benefit Amount	% FPL-A	Income Level	
\$250	<75%	\$0 - \$9,578	Individual
		\$0 - \$12,840	Couple
\$175	75%-100%	>\$9,578 - \$12,770	Individual
		>\$12,840 - \$17,120	Couple
\$125	100%-175%	>\$17,120 - \$22,348	Individual
		>\$17,120 - \$29,960	Couple

FPL-A	75%	100%	175%
Individual	\$9,578	\$12,770	\$22,348
Couple	\$12,840	\$17,120	\$29,960

W. Ryan F. W.

Representative Mike Hawker

Alaska State Legislature



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Whittier
Summit
Hope

Changes between HB 198 and CS HB 198 (Work Draft 25-LS0714\E)

- Renamed program "Alaska Senior Benefits Program" (occurs throughout the bill).
- Increased the income limit for the Alaska Senior Benefits Program to 175% of the federal poverty level guidelines adjusted for Alaska (FPL-A). Program participants whose income is between 100% and 175% of the FPL-A will receive \$125 per month (section 8).
- Increased the income limit for Denali Kid Care to 175% of the federal poverty guidelines for Alaska (section 5).
- Technical change to correct sunset provisions (deleted section 13 of original bill; inserted new section 17).

Representative Mike Hawker

Alaska State Legislature



House Bill 198 Sponsor Statement

Short Title: Senior Assistance Payment Program

HB 198 establishes the Alaska Senior Assistance Program to provide cash assistance payments to low-income Alaska seniors.

The existing Senior Care Program, which is scheduled to sunset June 30, 2007, is amended to remove the little used prescription drug benefits and increase monthly cash payments to Alaskans, age 65 and older, based on their incomes related to federal poverty level guidelines adjusted for Alaska (FPL-A). Monthly payments are:

- \$250 per month to individuals with income less than 75% of FPL-A
- \$175 per month to individuals with income from 75% to less than 100% of FPL-A
- \$125 per month to individuals with income from 100% to less than 135% of FPL-A

The Alaska Senior Assistance Program combines desirable features of both the Longevity Bonus and Senior Care programs into a single needs based structure that delivers real help to low-income seniors across Alaska. Program enrollment is open to all qualifying seniors.

The new Alaska Senior Assistance Program sunsets June 30, 2011 if not reauthorized.

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Whittier
Sunrise
Hope

House Bill 198
Version 25-LS0714\E
Sectional Analysis

Prepared by Representative Mike Hawker's Office

- Sections 1-4, 6:** These sections correct references to the senior care and longevity bonus programs to reflect the new senior **benefits** program.
- Section 5:** **NEW SECTION:** Changes the eligibility requirements for Denali Kid Care to 175% of the federal poverty line for Alaska.
- Section 7:** Establishes the senior **benefits** payment program and specifies the duties for the Department of Health and Social Services with respect to the program.
- Section 8:** Specifies the qualifications for entrants to the senior **benefits** program, the process for application, and the amount of payment.
- Section 9:** Specifies the residency requirements for program participants, corrects a reference to the senior benefits program, and removes a reference to the senior care prescription drug program, which is repealed in this bill.
- Sections 10, 11 & 13:** Remove or correct references to the senior benefits program and the senior care prescription drug program, which is repealed in this bill.
- Section 12:** Establishes the Alaska senior **benefits** fund, which is used by the Department of Health and Social Services to make senior **benefits** payments.
- Section 14, 16 & 17:** Provide a sunset date for the Alaska senior **benefits** program in 2011 and make technical corrections to the uncodified law of the State of Alaska enacted by Ch. 89, SLA 2005 (HB 106).
- Section 15:** Repeals the longevity bonus program (44.64.030(a)(34), 47.08.060(c)(8), 47.45.010-47.45.160) and the previous senior care prescription drug benefit (47.45.320).
- Section 18:** Transfers any remaining assets from the senior care program to the senior **benefits** program.
- Section 19:** Provides authority for the Department of Health and Social Services to adopt regulations and specifies that the current regulations stay in effect until the new regulations are effective.
- Section 20-22:** Effective date provisions to make the senior **benefits** program take effect June 30, 2007.

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES ANALYSIS
SENIOR BENEFIT PROPOSAL COMPARISON**

Prepared March 22, 2007

SeniorCare Proposals	Current SeniorCare Program	SB 90/HB 148 Governor's Proposal	SB 4 Senator Olson	HB 198 Rep Hawker
Monthly Payment	Cash - \$120 / month Prescription Drug - \$670 / year	Cash - \$120 / Month	Cash - \$150 / Month	Up to 75% Poverty - \$250/Month 75-100% Poverty - \$175/Month 100-135% Poverty - \$125/Month
Annual Income Limit	Cash <i>Income Threshold</i> • \$16,133 for individuals • \$21,641 for couples (135% of 2005 federal poverty guidelines. Income limits frozen at 2005 levels.) <i>Asset Limits</i> • \$6,000 Individual • \$9,000 Couple Prescription Drug • \$20,913 for individuals • \$28,053 for couples (175% of 2005 federal poverty guidelines)	Cash <i>Income Threshold</i> • \$17,240 Individual • \$23,112 Couple (135% of 2007 federal poverty guidelines. Income limits will increase each year to keep pace with annual increases in federal poverty guidelines for Alaska.) <i>Asset Limits</i> • \$6,000 Individual • \$9,000 Couple Prescription Drug Benefit Ended	Cash <i>Income Threshold</i> • \$16,133 Individual • \$21,641 Couple (135% of 2005 federal poverty guidelines. Income limits frozen at 2005 levels.) <i>Not stated, sponsor indicated:</i> <i>Asset Limits</i> • \$6,000 Individual • \$9,000 Couple Prescription Drug Benefit Ended	Cash <i>Income Threshold</i> • \$17,240 Individual • \$23,112 Couple (135% of 2007 federal poverty guidelines. Income limits will increase each year to keep pace with annual increases in federal poverty guidelines for Alaska.) Not stated, sponsor indicated: No Asset Limit Prescription Drug Benefit Ended
Dual Eligibility SeniorCare & Longevity Bonus	Yes	No	Sponsor indicated not intended to provide dual eligibility	Repeals ALB
FY08 Projected Average Monthly Caseload	Cash - 7,043 Prescription Drug - 140	Cash - 5,040 Assumes ALB authorized	Cash - 4,835 (Assumes ALB authorized and dual eligibility SC/ALB disallowed)	Cash 7,643
Estimated Benefit Payments for FY08	Cash - \$10,141.9 Prescription Drug - \$93.8	Cash - \$7,257.6 Assumes ALB authorized	Cash - \$8,703.0 (Assumes ALB authorized and dual eligibility SC/ALB disallowed)	Cash - \$14,824.5
Sunset Date	June 30, 2007	Extends program 5 years to June 30, 2012	No expiration date	June 30, 2011