

188 HHESS SB 36 / - SB 628  
101

CSSB

367

5/9/75

COMMITTEE REPORT

FINANCE

HOUSE

Mr. Speaker:

Date

5/16/75

The Committee on HESS has had CSSB 367

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR \_\_\_\_\_ AND THAT  
CS FOR \_\_\_\_\_ DO PASS

"and" recommends it BE REFERRED TO THE \_\_\_\_\_  
COMMITTEE

reports it back WITHOUT RECOMMENDATION

"othe "

Members signing the Majority report:

[Signature] \_\_\_\_\_  
[Signature] \_\_\_\_\_  
[Signature] \_\_\_\_\_  
[Signature] \_\_\_\_\_

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends: 23

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

[Signature] Chairman

# TELEGRAM

ACE ALASKA COMMUNICATIONS, INC.

PHONE: 536-6440

JUNEAU, ALASKA 99801

SB 367

1975 FEB 20 PM 4 09

02054 POM ANCHORAGE AK 15 02-20 108P AST

PMS REP SUSAN SULLIVAN

JUN

NEA ALASKA APPRECIATES YOUR EFFORTS TO FINALIZE DECENTRALIZATION  
OF SOS MANDATING BASIS INTO BOROUGH ESSENTIAL

TERRY D STIMSON PRESIDENT NEA/ALASKA 1515 EAST TUDOR 99507



# Alaska State Legislature

## House

JUNEAU ALASKA

### HESS COMMITTEE MEETING

May 17, 1975

Members Present:

Bierne        Ostrosky  
Hackney      Sullivan  
Osterback   Swanson

Testifying Guests:

Dr. Price

Chairman Sullivan called the meeting to order at 1:40 pm.

HB 395 Registry of Persons with Impairments

Bierne: The Senate version of this bill, I believe, has met with some problems.

Price: Yes. It has been returned to Senate Committee. They are having problems with who is to be determined as handicapped, and with establishing safeguards to ensure confidentiality. They have cut the list of impairments to be registered to cerebral palsy, mental retardation, epilepsy, and genital transmitted defects. It believe that this cut was a mistake.

Bierne: The bill requires some rewording so that it would ensure that this does not impinge upon individual rights.

Farr: We can only justify voluntary registry.

Price: I'm afraid that with the voluntary thing, we would have nowhere near the potential effectiveness for protection of those individuals with impairments.

Ostrosky: What use is presently made of the register?

Price: When a doctor must treat one of these persons, he can work with a consultant who knows the patient's specific problem. The register can also assist the State in determining where special clinics are needed, and the register can be used in applying for federal funds. This knowledge would also function for prevention in streptococci related impairments.

It was decided that this bill be held in Committee.

HB 329 Pupil Transportation

Ostrosky: I move that line 13 should be changed to " must be based upon two competitive bids" rather than three. There was a problem in our community where there were only two competitors, and there are no stipulations for this.

This amendment was unanimously passed.

Swanson: I think that we should omit item (g). The department will write negotiating contracts right into it. We need a review committee to go over administrative regulation written by the departments.

The role of the departments in determining regulations was briefly discussed.

Hackney: There is an error in line 23. "Read" should probably be "reach".

This amendment was passed without objection.

HB 329 was passed out with the two amendments. There was no objection.

CSSB-367 Centralization of Correspondence Study

Sullivan: I believe that there are many people who want this bill, so I would like to get it passed out.

Hackney: I would like to hear more testimony. I have heard two conflicting stories.

Ostrosky: I think I have figured it out. The general operating theory of the Department of Education has lately been to decentralize programs. Correspondence Study, however, has been very successful on a centralized basis.

Sullivan: From what I understand, grades 1 - 8 have been handled by S.O.S., and high school grades, more satisfactorily, by Margaret Justice. The intent of the bill is to put them all under Margaret Justice.

Hackney: I am not hung up either way on the bill. I just want to be sure that there is a viable option to the local schools open to those who want one.

Sullivan: The way it is now handled, school districts are being paid for correspondence students.

Hackney: School districts get about \$1700 per student, and only \$250 reverts to the Department.

Sullivan: I think we should get that excess money out of the boroughs and give a larger amount to the Department for the correspondence program.

Hackney: Why don't we pass this bill out with a letter of intent stating that we want this money to be given to the centralized program.

Sullivan: I agree. In the letter we could state that the school districts should not be funded for correspondence students, and that a larger percentage of that money should go to the Department for correspondence programs.


The bill was passed out with a "do pass" recommendation. One member objected with four concurring. Rep. Bierne had had to leave prior to the vote.

SB 367

M E M O R A N D U M

February 26, 1975

TO: Representative Susan Sullivan  
Chairwoman  
House Committee on Health,  
Education and Social Services

FROM: Hugh Malone  
Chairman  
House Finance Committee 

SUBJECT: Correspondence Courses and ASOSS

Enclosed for your information is a copy of a letter which I received from a Mr. and Mrs. Tomlinson at Sisters Island. I think they raised a number of points worth investigating. The hearings which they request may very well be justified. I would appreciate any comments which you may have.

HM:kfs

c/o FAA, Sisters Island  
P. O. Box 1227  
Juneau, Alaska 99802

February 12, 1975

Representative Hugh Malone  
Chairman, Finance Committee  
State Capitol Building  
Juneau, Alaska 99811

Dear Rep. Malone:

Since ASOSS took over the administration of secondary level of correspondence studies, we feel that a great deal more money is being spent and much less service is being rendered the correspondence students. We understand that the Correspondence Study Branch was placed under ASOSS to receive Federal Impact Funds. We signed 2 cards in October. There has been only deterioration in services. Our lessons used to come direct to Juneau from the University of Nebraska to us in about a week. Now they go to Anchorage, to Ketchikan and finally at least a month later to us. High school correspondence students are now permitted to take only one course at a time. This is a gross inequity. How would you feel if your children were permitted to take only one course at a time in a residence school? We are also told that our high school students will not be permitted to take courses from the University of Nebraska's Extension High School but only from the American School which is primarily a trade school. Our son has started with the University of Nebraska, and if he is forced to change, his German could not be continued, the math courses offered by the American School are considerably different, and there would be much wasted motion in the transfer.

We have been visited by an ASOSS coordinator who left a chartered plane sitting on the beach while he told us how much easier the American School is than the University of Nebraska. He was likewise critical of the correspondence division's courses for the elementary level. We are not interested in how easy the courses are, but how much our children learn from them. As federal income tax payers we resent having federal impact funds spent to keep a chartered plane waiting on a beach, and having a representative of the state's educational system attempt to degrade our children's education.

It seems to us the logical means of getting federal impact funds for Correspondence Study Branch would be to make the CSB a school district. We understand there is a desire to place education under local control. This is very fine -- but we do not live in the Juneau borough. We have more in common with residents in an FAA station near Fairbanks or residents of a cannery near Kodiak than we have with residents of any population center.

Furthermore, correspondence study has been used to supplement the curricula of small schools. If the Correspondence Study Branch is retained as a separate entity, a resident of the smallest residence high school in Alaska has available any course offered by the American School or the Extension High School of the University of Nebraska. This presently provides an equality of educational opportunity which exists in no other state to our knowledge. It would be a tragedy to break the Correspondence Study Branch into several local districts dominated by city dwellers whose children have never taken a correspondence course.

Presently the Correspondence Branch is operating on about \$500 per child. No other school in the state operates on such a low budget or provides such an excellent education to the children.

We would like to have hearings held by the Education and Finance Committees of both Senate and House. We would like to be permitted to express our views at such meeting along with members of the Correspondence Study Branch and any other interested persons.

We feel that Mrs. Justice and her staff have done and are doing an outstanding job and that correspondence study has been constantly improving. Since ASOSS has taken over, it has degenerated and is continuing to degenerate.

We want the situation to improve so we won't have to send our children outside to a private school.

Sincerely,

*J. C. and Virginia Tomlinson*  
Mr. & Mrs. J. C. Tomlinson

HOUSE JOURNAL

May 17, 1975

To: Honorable Mike Bradner  
Speaker of the House of Representatives

From: Susan Sullivan, Chairwoman  
House HESS Committee

Subject: CSSB 367

The House Committee on Health, Education, and Social Services has passed out with a "do pass" recommendation Committee Substitute for Senate Bill 367 which would continue the centralized correspondence study program.

The Committee believes that the local school districts should not receive foundation unit payments for students enrolled in correspondence study courses, and, furthermore, holds that a larger portion of this foundation unit money should be appropriated to the correspondence study program within the Department of Education.

It is the request of the House Health, Education, and Social Services Committee to seek your concurrence in establishing this letter as a statement of legislative intent.

*Susan Sullivan*

Susan Sullivan

ALASKA STATE LEGISLATURE



7330 MARGE COURT  
ANCHORAGE, ALASKA 99504  
333-6412

POUCH V  
JUNEAU, ALASKA 99801  
465-3797  
RESIDENCE 586-8159

HOUSE OF REPRESENTATIVES

May 18, 1975

Lyman L. Vincent  
Eagle River Scout Camp  
P.O. Box 82  
Auke Bay, Alaska 99803

Dear Mr. Vincent:

Thank you for your letter of March 20 regarding correspondence study funding.

Yesterday, our Committee took up Senate Bill 367, a bill to continue the centralized correspondence study program. This bill was introduced in view of the budgetary provision for decentralization. Sharing with you a recognition of the fine program carried on by the Central Office, we strongly supported this bill, passing it on to the Finance Committee with a "do pass" recommendation. Along with the bill, we sent a letter of intent, expressing our Committee's wish that local districts no longer receive funds for correspondence students, and that a larger portion of these funds be appropriated to the Central Office correspondence program. Hopefully, the House will pass SB 367 before the session's close.

Again, thank you for your letter. As you might infer from yesterday's actions, your letter was given considerable thought.

Yours truly,

A handwritten signature in cursive script that reads "Susan Sullivan".

Susan Sullivan, Chairwoman  
House HESS Committee

SS:la

SB 367

SB367

Eagle River Scout Camp  
PO Box 82 Aniak Bay, Ak  
March 10, 1975

Honorable Susan Sullivan  
House of Representatives  
Juneau, Alaska 99801

Dear Ms. Sullivan:

It has come to my attention that the new state budget for fiscal year 1976 does not allow sufficient funds to expand or even continue the role of the Central Correspondence Study Office; the responsibility instead being given to the local school districts. It is also my understanding that the bulk of state funds already goes to the local districts.

It has been our experience to find that the bulk of services comes from the central office. The Staff there provides a thorough, professional, personalized program involving, at times, considerable effort on their own time. The word that fits is dedication! Ask anyone involved in correspondence study, past or present, and I feel you will find general agreement on that point.

I doubt very much if the local school districts can ever provide these comprehensive services. I think it would be an unwanted burden for them, and I think, in fact, already is -

Sound fiscal policy in the state, as well as in the family circle, is most important, and "biting the bullet" is not as difficult as it might seem, as this family knows. It is, I believe, a matter of priorities.

Please support any legislation in the offing that would support and/or expand the central C/S office. We find correspondence study to be a fulfilling family experience and wish it to remain so. In our considered opinion, it is a better way, and cheaper too.

A suggestion: a cut in the allocation for each correspondence student, thereby saving a considerable amount, and then a shift in the bulk of the remaining funds to the central office, so that these more important services need not be curtailed.

Thank you,  
Sydney S. Vincent

SB 367

Susan Sullivan

ALASKA STATE LEGISLATURE

7330 MARGE COURT  
ANCHORAGE, ALASKA 99504  
333-8412



POUCH V  
JUNEAU, ALASKA 99801  
465-3797  
RESIDENCE 586-6159

HOUSE OF REPRESENTATIVES

May 18, 1975

Mrs. Elizabeth Holloway  
Rainbow Valley  
Indian, Alaska 99540

Dear Mrs. Holloway:

Thank you for your letter of March 25 regarding correspondence study funding.

Yesterday, our committee took up Senate Bill 367, a bill to continue the centralized correspondence study program. This bill was introduced in opposition to the budgetary provision for decentralization. Sharing with you a recognition of the fine program carried on by the Central Office, we strongly supported this bill, passing it on to the Finance Committee with a "do pass" recommendation. Along with the bill, we sent a letter of intent, expressing our committee's wish that local districts no longer receive funds for correspondence students, and that a larger portion of these funds be appropriated to the correspondence program within the Department of Education. Hopefully, the House will pass SB 367 before the session's close.

Again, thank you for your letter. As you might infer from yesterday's actions, your letter was given considerable thought.

Yours truly,  
*Susan Sullivan*  
Susan Sullivan, Chairwoman  
House HESS Committee

SS:la

5B 367

Rainbow Valley  
Indian, Alaska 99540  
March 25, 1975

Dear Rep. Sullivan,

I understand there is a proposal to decentralize correspondence education and cut its budget. I am adamantly opposed.

If the organized borough handles correspondence education from one of their many offices, then the emphasis of their time and energy is not correspondence, but what the majority of students are involved in -- which is as it should be. At this time, the Dept. of Correspondence Education in Juneau devotes its entire time and effort to those students in their program. Their special problems are considered and dealt with - I don't think this would be the case under decentralization. In Anchorage, where we reside, correspondence education is looked upon more as old-fashioned, out-dated. This outlook would undermine the program already in existence.

If cost is a consideration, and it should be; then correspondence is a far less expensive way to educate a student than through the traditional public school. The Anchorage Borough currently pays the state correspondence program \$500 per student. While the borough receives approximately \$1500 from the state for each student, the other \$1000 is not spent on correspondence students - it is absorbed into the overall borough education budget. I would rather see that \$1000 sent to the state correspondence program in order to strengthen it.

Alaska has long offered a good correspondence program to its citizens as there has been - and still is - an obvious need. Placing correspondence education under the University of Alaska, as proposed by Thelma Buchholdt, makes sense. If the Dept. of Education can not support a good program such as this, then take it away from them before they destroy it. As a former public school teacher, with a Masters in Education, I feel the correspondence program is educationally sound. Academically, I feel my son is ahead; and the time he saves by eliminating the "non-educational" activities of school allows him time for other constructive activities.

In a time of rising costs and problems in the public schools, Alaska's correspondence program should be strengthened, adequately funded, and placed under the direction of those who believe in it. It's ironic that a staff that has worked well, according to parents and students, now faces the prospect of being replaced, "decentralized" as a reward for their good efforts. When government finds an agency that works well and is supported by that part of the public it serves -- when all too often, some agencies do not -- that agency should be supported in the legislative as well as the judicial branch. I hope you will support correspondence education.

Sincerely,

*Elizabeth Holloway*  
Mrs. Elizabeth Holloway

cc. Governor Jay Hammond  
Marshall Lind, Commissioner of Education  
Bob Van Haute, Executive Secretary, NEA - Alaska  
Sue Green, Special Assistant to the Governor  
Rich Guthrie, Legislative Affairs  
Members' House Finance Committee  
Members House Health, Education & Social Services Committee  
Members Senate Finance Committee  
Members Senate Health, Education, & Social Services Committee  
Rep. Willard Bowman  
Mrs. Margaret Justice, Director Correspondence Education  
Mrs. Lynn Williams, Teacher, Correspondence Education

SB 367

Susan Sullivan

ALASKA STATE LEGISLATURE

7330 MARGE COURT  
ANCHORAGE, ALASKA 99304  
333-6412



POUCH V  
JUNEAU, ALASKA 99801  
465-3797  
RESIDENCE 586-6159

HOUSE OF REPRESENTATIVES

May 18, 1975

Mr. and Mrs. Guy Geraghty  
Tokeen, Alaska 99901

Dear Mr. and Mrs. Geraghty:

Thank you for your letter of March 31 regarding the decentralization of the correspondence study program.

Yesterday, our committee took up Senate Bill 367 which provides for a continuation of the centralized correspondence study program. In view of the need you share with other parents for a viable alternative to the local school districts, our committee strongly supported this bill, passing it on to the Finance Committee with a "do pass" recommendation.

Sharing with you as well a recognition of the need to expand the centralized program, we sent, along with the bill, a letter of intent, expressing our committee's wish that local school districts no longer receive funds for correspondence students, and that a larger portion of these funds be appropriated to the correspondence program within the Department of Education. Hopefully, the House will pass this bill before the session's close.

Again, thank you for your letter. As you might infer from yesterday's actions, your letter was given considerable thought.

Yours truly,

Susan Sullivan, Chairwoman  
House HESS Committee

SS:la

5B367

Tokeen, Alaska 99901  
March 31, 1975

The Honorable Susan Sullivan  
House of Representatives  
Juneau, Alaska 99801

Dear Representative Sullivan:

The arbitrary decision made by Dr. Marshall Lind of the Department of Education to dissolve the Correspondence Study branch of that department and put such studies under local control is, in our opinion, both retrogressive and blatantly unfair to correspondence students.

We assume you are already acquainted with the justifications presented by Correspondence Study for not only retaining this centralized agency but for also greatly expanding its scope and responsibilities. As the parents of three children who are exempt from compulsory school attendance laws because of our remote location, we are vitally and constantly concerned with the education they receive and with the cooperation and assistance of their advisory teachers and the entire staff of the Correspondence Study branch. We feel that local control would be totally inadequate and would merely be a means of furnishing school districts with undeserved funds for non-existent services. In these days of acknowledged educational failure of numerous public school systems and increasing parental concern, it would seem that Alaska could make an in-depth study of this unique alternative education, correspondence study, and offer its experience in the field to educators throughout the Nation. Instead, Alaska is considering abolishing this successful system and substituting an untried and unwanted method.

If there is genuine concern with the results of correspondence study, then it would seem far wiser to appoint a committee composed of interested legislators, educational professionals, and parents of students enrolled in the system. This committee could study the situation and make recommendations for a year or two in the future rather than the ridiculous July 1, 1975 deadline proposed by Dr. Lind. Are we as parents less deserving of participation in a decision such as this because we do not live in an urban area, or are our children less important than other Alaskan children merely because they do not attend a regular public school?

We urge you to study this proposal carefully considering the welfare of the students first, reject the local control plan and expand the existing Correspondence Study branch.

Sincerely yours,

*Guy & Sylvia Geraghty*  
Mr. and Mrs. Guy Geraghty

Susan Sullivan

ALASKA STATE LEGISLATURE

7330 MARGE COURT  
ANCHORAGE, ALASKA 99504  
333-6412



POUCH V  
JUNEAU, ALASKA 99801  
465-3797  
RESIDENCE 586-6159

HOUSE OF REPRESENTATIVES

SB 367

March 18, 1975

Frank and Carol Walter  
Box 106  
McGrath, Alaska 99627

Dear Mr. and Mrs. Walter:

Thank you for your letter of April 4 regarding centralization of the correspondence study program.

Yesterday, our committee took up Senate Bill 367, a bill to continue the centralized correspondence study program. This bill was introduced in opposition to the budgetary provision for decentralization.

In recognition of the fine program carried on the the Central Office under Mrs. Margaret Justice, we strongly supported this bill, passing it on to the Finance Committee with a "do pass" recommendation.

Along with the bill, we sent a letter of intent, expressing our committee's wish that local district, no longer receive funds for correspondence students, and that a larger portion of these funds be reverted to the Central Office. Hopefully, the House will pass Senate Bill 367 before the session's close.

Again, thank you for your letter. As you might infer from yesterday's actions, your letter was given considerable thought.

Yours truly,

A handwritten signature in cursive script that reads "Susan Sullivan".

Susan Sullivan, Chairwoman  
House HESS Committee

SS:la

SB 367

FRANK WALTER  
REGISTERED GUIDE & OUTFITTER  
Box 106  
MCGRATH, ALASKA 99827

April 4, 1975

The Honorable Susan Sullivan  
The House of Representatives  
Juneau, Alaska 99801

Dear Sir:

Our family would like centralization  
of the State Correspondence Study  
under Mrs. Margaret Justice's office.  
All Foundation Support should be  
used by the Juneau office for state wide  
services.

Sincerely,

Frank & Carol Walter

Susan Sullivan

ALASKA STATE LEGISLATURE

7330 MARGE COURT  
ANCHORAGE, ALASKA 99504  
333-6412



HOUSE OF REPRESENTATIVES

POUCH V  
JUNEAU, ALASKA 99801  
485-3797  
RESIDENCE 586-6150

SB367

May 20, 1975

Mr. Jack H. Wheat  
Entrance Island, Hobart Bay  
Via Pouch C  
Petersburg, Alaska 99833

Dear Mr. Wheat:

Thank you for your letter on correspondence study. This past Friday, the House HESS Committee passed out Committee Substitute for Senate Bill 367 which now reads identically to House Bill 443. We chose to pass out this bill as opposed to the House version because we believe it has a better chance of passage this session. I intend to do my best to see that this happens.

Please feel free to contact me if I can be of help in the future.

Yours truly,

*Susan Sullivan*  
Susan Sullivan, Chairwoman  
House HESS Committee

SS:la

AB443

Jack H. Wheat  
Entrance Island, Hobart  
Bay  
Via Pouch C  
Petersburg, Alaska 99833  
May 1, 1975

Representative Sullivan  
Chairman H.E.S.S. Comm.  
House of Representatives  
Juneau, Alaska 99801

Dear Representative Sullivan:

Thank you for your sponsorship of H. B. #443, it is urgently needed. The enclosed Memo Reply Form and the following explanation is offered in further support of your action. Please feel free to use it in any way you may determine to be best.

Enclosed is a copy of a Reply Memo from the Anchorage office, Alaska State Operated School System, which for the past year has been endeavoring to provide correspondence schooling in the Unorganized Borough. An explanation hereof, should illustrate just one of the many typical problems that correspondent students and parents have been confronted with since the initial move toward de-centralization was started.

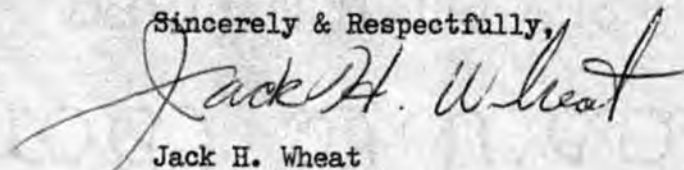
1. The #DP 70027, to the best of our knowledge, refers to a course of study entitled Canadian History which is no longer available. Naturally Juneau did not pay for a non-existent course nor did we receive it. We were notified of this situation last fall and a course available was substituted by Anchorage. Work in the substituted course (World Geography) is in progress and grades have been acknowledged by this same office.
2. The course in Psychology has been completed, a final grade has been issued and credits for same have already been posted by this same Anchorage Office. This occurred many months ago!!
3. The American Literature Course mentioned has been completed with the exception of a final examination shortly due to be mailed. The grades for this course have been similarly posted, recorded and forwarded to us by this same Anchorage office (ASOSS) many months ago.
4. The inefficiency above represented is not the unusual but rather the norm of what we have all had to contend with since the move toward de-centralization was started. There is a complete lack of understanding of the problems confronted by correspondence students which has never occurred under the centralized format. This was functioning

Page Two

as a well organized efficient and knowledgable unit.

As a parent with approximately fourteen year of experience in the correspondence program and as a taxpayer who deplores the extreme waste of duplication of effort which certainly would be the result of a decentralization program, I sincerely request your efforts to return correspondence study to a Central Office and urge you to expedite.

Sincerely & Respectfully,

A handwritten signature in cursive script that reads "Jack H. Wheat". The signature is written in dark ink and is positioned to the right of the typed name.

Jack H. Wheat

Enc.  
JHW/1a

## REPLY MEMO

State of Alaska

CORRESPONDENCE STUDY

cc: John Garland

MESSAGE

REPLY

Mrs Wheat

4-14-75

DATE

TO Karen Cloeck

DATE 4-30-75

Paul Hilburn informed me that Tuncell never said for #DP 70027 because they never received notice of receipt of shipment. I know Canadian History was dropped, but did you receive Am. Literature and Psychology? Please reply

In regard to #DP 70027 you must mean Canadian History which he never received. He is doing world Geography instead. In Psychology you have given him a final grade - credit for the course - In Am. Lit. he has the final to mail in. Both courses have been finished for months - His marks have been returned by your office. I would suggest you check!

SIGNED

Karen Cloeck

SIGNED

Jeanne Wheat

SB

371 AM

"An Act relating to child protection, and providing for an effective date."

# COMMITTEE REPORT

3/8/76

HOUSE

JUDICIARY

Mr. Speaker:

Date May 11, 1976

The Committee on HEALTH, EDUCATION & SOCIAL SERVICES has had SB 371 am

under consideration. A Majority of the members of the Committee

- recommends it DO PASS
- recommends it DO NOT PASS
- recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- recommends it BE REPLACED WITH CS FOR \_\_\_\_\_ AND THAT CS FOR \_\_\_\_\_ DO PASS
- "and" recommends it BE REFERRED TO THE \_\_\_\_\_ COMMITTEE
- reports it back WITHOUT RECOMMENDATION
- "other"

Members signing the Majority report:

Susan Sullivan \_\_\_\_\_  
John J. ... \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Members NOT concurring in the Majority report:

Levin ... recommends: NO AEC  
... recommends: ...  
 \_\_\_\_\_ recommends:  
 \_\_\_\_\_ recommends:  
 \_\_\_\_\_ recommends:

Susan Sullivan Chairman

A M E N D M E N T

Offered in the HOUSE

By House HESS

To: \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_

\_\_\_\_\_ SENATE BILL NO. 371 am

AMENDMENT: Page 1 Line \_\_\_\_\_

line 10 section (e) shall read "In all actions taken by the department or a health and social services agency of a local government under this chapter, that result in a judicial proceeding, the child shall be represented by a guardian ad litem in such proceedings."

~~Use of the words "child" and "neglect" insert, "on mental" between "physical" and "injury"~~



JUNEAU ALASKA

# Alaska State Legislature

## House

HOUSE HESS COMMITTEE MEETING

MAY 12, 1976

Present: Ostrosky Sullivan Hackney  
Parr

Testifying: Gary Sheridan, Div. of Soc. Services  
Lee Moelein, Evergreen Memorial Chapel  
Marjorie Gorsuch, League of Women Voters  
Robert Lapotnick

### HCR 143 - Legislative Affairs Agency Study on aged Housing

Kathryn presented background reasons for her introducing this resolution. Louise Crane and Gregg Erickson, Legisl. Affairs there to answer questions.

Committee does not see why a new study has to be done, Gleen thinks the information is allready been studies and just has to be compiled. Also questioning the travel \$\$ and why two people needed to travel.

Amendment, p 1, line 25, after agency, add "in consultation with the Department of Health and Social Service".

amendment passed.

Letter of Intent -to be written to indicate that information should be pulled together from various agencies, office of agin, dept, etc. Envision utilizing personnel in other legislative affairs agencies in the state and legislators to accumulate and investigate.

REsolution adopted.

Erickson wants to know if this means reduced or 0 budget from now on regarding this resolution. Committee asks that Gregg redo fiscal note taking all possible economies and report back to committee.

### SB 371 am Child protection

Amendment that was adopted last committee meeting regarding the definition of mental was deleted. Bill has one amendment that relates to guardian ad litem.

Motion to move bill - passed

### SB 629 - Interstate Compact on Children - Chance

Gary Sheridan explains the need for this and why the Dept. would like to see it passed.

Genle Chance explains how other states have participated and passes around some info collected by other states.

Page 2  
May 12

Gary has some proposed amendments, but the committee asks that he present those to the judiciary committee since this bill has another referral.

Motion to move bill out, passes

SB 653 - ~~Child Protection~~ Dept. Philo. on Children

Very little discussion, good bill  
Motion to move bill out - do pass

SB 716 am Funeral and Mortuary Science

Lee Moelein, makes some proposed amendments  
p 7, delete (3) problems with this by adding the cremation clause.  
doesn't feel it is needed.



# Alaska State Legislature

## House

JUNEAU ALABKA

HOUSE HESS COMMITTEE MEETINGS

MAY 2, 1976

Present: Beirne Parr Hackney Sullivan  
Ose Osterback Ostrosky

Testifying: Dave Walker, legislative attorney  
Dr. Pauls, Dept. H&SS, Public Health  
Gary Sheridan, H&SS Title XX expert  
Ed Smith, NorthWest Foundation for Human Services, Dept. H&SS Consultant

### HB 881 - Physician Patient Relationships

Dave Walker testifying aabout the C.S. he drew up. stated there are many cases now on appeal regarding laetrile. Concurs with Hugh Fleischer that there is no reason why the bill can't begin "no person, etc.

Amendment, line 9 delete, "The legislature declares, etc."  
passed

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Dr. Pauls, would like to see the generic name for laetrile inserted in the bill,  
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# Alaska State Legislature

## House

JUNEAU ALASKA

Page 2, May 2, 1976

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Gary Sheridan, for including these two words because we would not be entitled to Title XX money if it is not included, about \$25,000. Committee does not feel that that is relevant and will not let it influence their decision.

Ed Smith, reinforces Sheridans points, but adds more about the need for including of some form.

Delete , line 25 "child" and "neglect", insert "or mental" between physical and injury, line 25  
amendment passed

Adopt language in HB for guardian ad litem, - passed

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Charlie proposes definition to "mental abuse"  
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SB 492 - Nursing bill

Testifying for the dpet., in favor of bill, approx 400 RN now  
Nursing association in favor of this. All it does is raise some fees.

Motion to pass bill out bill a do pass- passes

I. REQUEST

Bill No. Senate Bill #371

Title: An act relating to child protection

Request by: Chance

Date: 5-30-75

Return Date Requested: 5-30-75

Agency: Dept. of Health and Social Services Program: Div. of Family and Children Svcs.

II. FISCAL DETAIL

Budget Request Unit(s) Affected:

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 75	FY 76	FY 77	FY 78	FY 79	FY 80
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

B. FUNDING: (Thousands of dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Senate Bill #371 brings the Alaska Child Protection Statute into compliance with Federal Regulations. There are no fiscal implications in this bill.

IV. ATTACHMENTS

\* Amended on floor  
no additional fiscal  
note

POSITION PAPER

ON

SENATE BILL NO. 371 am

"An Act relating to child protection; and providing for an effective date."

This bill would appear to require that a guardian ad litem represent the child in "all actions" taken by the department or a health and social services agency of a local government; would make it a misdemeanor to divulge confidential information, unless acting in accordance with department regulations; and, changes the definition of child abuse or neglect to include sexual abuse and maltreatment, and extends the definition to cover the threat of harm.

The requirement that a guardian ad litem represent the child in "all actions" taken by the department seems impractical and unnecessary. Impractical in that the receipt of a report of abuse or neglect, the investigation of the report and protective action which may be necessary would all come within the purview of "all actions." No guardian ad litem would be appointed or known during this phase of action.

As a public agency given legal authority to act to protect the child's rights, the department is both charged and authorized to represent the child's best interest, and is answerable for its actions not only to the Governor and Legislature, but to the people. The guardian ad litem is charged to assume a role as representative of the child's interests in relation to legal proceedings. We believe that this is proper. However, when that role is broadened as is provided for in the Bill, confusion regarding planning and service for the child will result. We believe that this would constitute a great disservice to the child and his/her parents.

The department has no objection to the amendment of AS 47.17.040(b), making it a misdemeanor to divulge confidential information, except as provided for in departmental regulations; nor does the department object to the expanded definition of child abuse or neglect, except that the proposed definition which concerns a "child under the age of eighteen" is in conflict with AS 47.17 070 (2), defining a child as "a person under 16 years of age. Objection is raised to the expansion of the role of the guardian ad litem.

The department does not support the Bill.

Recommended By [Signature] (Director) 3/16/76 (Date)

Approved by [Signature] (Commissioner) 3/18/76 (Date)

Comments by Governor's Office:

By: \_\_\_\_\_ (Date)

4 should only have guardian ad litem if there were judicial proceeding

5 expand on change 070 (2) to age 18

SB

476 AM

"An Act relating to the Alaska longevity bonus; and providing for an effective date."

COMMITTEE REPORT

HOUSE

2/2/76

FINANCE

Mr. Speaker:

Date Feb 4, 1976

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had SB am 476

under consideration. A Majority of the members of the Committee

( ) recommends it DO PASS

( ) recommends it DO NOT PASS

( ) recommends it DO PASS WITH ATTACHED AMENDMENT(S)

( ) recommends it BE REPLACED WITH CS FOR \_\_\_\_\_ AND THAT CS FOR \_\_\_\_\_ DO PASS

( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_ COMMITTEE

( ) reports it back WITHOUT RECOMMENDATION

( ) "other"

Members signing the Majority report:

Handwritten signatures on lines for members signing the majority report.

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:
\_\_\_\_\_ recommends:
\_\_\_\_\_ recommends:
\_\_\_\_\_ recommends:
\_\_\_\_\_ recommends:

Handwritten signature of the Chairman.

Chairman



JUNEAU ALASKA

# Alaska State Legislature

## House

HOUSE HESS COMMITTEE MEETING

FEB. 3, 1976

Present Swanson Osterback  
Beirne Davis  
Ose Sullivan  
Hackney

Testifying: Rose Palmquist, citizen  
Vernon Perry, Pioneer Benefits Div.  
Marie Swanson, citizen  
David Freer, DFCS

### SB 476am Longevity Bonus increase Kerttula

Palmquist - brought up question of those individuals who are disabled and have not reached 65, can this be amended to include them?

Freer- Pub. Law 202, states that individuals receiving long. bonus do not have to pay state income tax on this, only fed. That is the same as public assistance, it is not taxable. There are 5400 people now receiving long. bonus, 1200 also receive old age assistance, but that money is usually for basic needs.

Committee - discussion ensued concerning the possibility of changing it to 30 year residents, continual residency; broken service affect; having a five year clause for those individuals leaving state and returning.

Perry- bill in senate now to have total 30 year residents receive \$125. SB 533. This will speak to some of the issues of continual service, etc.

Committee- decided that there could be many amendments and changes to this bill, but that it would change the whole meaning and intent, thus they voted down an amendment proposed by Beirne.

Freer - right now there are over 420 people, over 65 in state who would be eligible for this long. bonus and are not collecting it. Committee asks that he get this info., who they are, why they are not collecting.

Committee - decided to vote as is.

Sullivan - Vote do pass - 7

SB

492

# COMMITTEE REPORT

HOUSE

3/18/76

Mr. Speaker:

Date May 3, 1976

The Committee on H E S S has had SB 492

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR \_\_\_\_\_ AND THAT

CS FOR \_\_\_\_\_ DO PASS

"and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

<u>Susan Sullivan</u>	_____	_____
<u>John Mackay</u>	_____	_____
<u>H. L. Brown</u>	_____	_____
<u>Robert ...</u>	_____	_____

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

Susan Sullivan Chairman



# Alaska State Legislature

## House

JUNEAU ALASKA

HOUSE HESS COMMITTEE MEETINGS

MAY 2, 1976

Present: Beirne      Parr      Hackney      Sullivan  
          Ose         Osterback      Ostrosky

Testifying:      Dave Walker, legislative attorney  
                  Dr. Pauls, Dept. H&SS, Public Health  
                  Gary Sheridan, H&SS Title XX expert  
                  Ed Smith, NorthWest Foundation for Human Services, Dept. H&SS Consultant

### HB 881 - Physician Patient Relationships

Dave Walker testifying about the C.S. he drew up. stated there are many cases now on appeal regarding laetrile. Concurs with Hugh Fleischer that there is no reason why the bill can't begin "no person, etc.

Amendment, line 9 delete, "The legislature declares, etc."  
passed

Amendment, delete the words limited to board  
passed

line 13, after drug insert "as so prescribed and admin."  
passed

many little amendments which Dave will include in the committee substitute.

Testimony from the research analyst regarding more cases involving interstate commerce and laetrile.

Committee spoke about whether the bill should specify that the Medical board is subject to the A.P.A. most everybody thought it already, vote to decide if it should be included in bill, yes, include it

Does this exclude hospitals from interfering in the administration of laetrile in their hospital? Walker, yes, you can not legislate that.

Include Charlies language for the second section of the bill  
"No physician may be subject to disciplinary action by the State Medical Board of PSRO for prescribing or administering laetrile upon request by a patient under his care, unless the State Medical Board, after a hearing conducted in accordance with the Admin. Proced. Act has made a formal finding that laetrile is harmful."

Dr. Pauls, would like to see the generic name for laetrile inserted in the bill,  
passed.

Walker, state med board would not have capabilities of making decisions, must have clinical evaluation.



# Alaska State Legislature

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Bill identical to one that the House passed out last year with two exceptions this bill deleted mental and emotional.

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Ed Smith, reinforces Sheridans points, but adds more about the need for including of some form.

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amendment passed

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SB 492 - Nursing bill

Testifying for the dpet., in favor of bill, approx 400 RN now  
Nursing association in favor of this. All it does is raise some fees.

Motion to pass bill out bill a do pass- passes

Position Paper  
on  
Senate Bill No. 492

An act relating to nurses.

This bill corrects a restriction in granting licensure to foreign nurse graduates and increases the nurse licensure fees. The existing statute limits licensure to graduates of professional and practical nursing education programs from another state or territory. The amendment proposed in this bill permits the Alaska Board of Nursing to consider applicants for a professional or practical nursing license outside the state. This would include nurses from other countries as well as states and territories.

The impact on the department will not be significant as in recent years it has been possible to recruit public health nurses within the state or in other states if experienced candidates were not available in Alaska.

The licensure fees have been increased to partially cover the costs of processing applications, renewing biennial licenses, verifying licenses by endorsement and to and from other states. Over \$30,000.00 is collected from these fees annually but today it does not cover the salaries of the executive officer, secretary of the Alaska Board of Nursing nor board member activities. This fee increase will be fiscally advantageous to the State.

The Department supports the bill without change.

Recommended By: Frank P. Paul, D.P.H.  
Acting Director  
Division of Public Health

2/2/76  
Date

Approved By: Les M. Judd  
Commissioner

2/4/76  
Date

CSSB

542

"An Act relating to medical assistance for needy persons; and providing for an effective date."

# COMMITTEE REPORT

3/8/76

HOUSE

FINANCE

Mr. Speaker:

Date May 3, 1976

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had CSSB 542

under consideration. A Majority of the members of the Committee

- ( ) recommends it DO PASS
- ( ) recommends it DO NOT PASS
- ( ) recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- ( ) recommends it BE REPLACED WITH CS FOR \_\_\_\_\_ AND THAT  
CS FOR \_\_\_\_\_ DO PASS
- ( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_  
COMMITTEE
- ( ) reports it back WITHOUT RECOMMENDATION
- ( ) "other"

Members signing the Majority report:

Susan Sullivan William G. Stewart ✓

\_\_\_\_\_

William G. Stewart

H. B. Benson

\_\_\_\_\_

\_\_\_\_\_

Members NOT concurring in the Majority report:

Sam Jackson recommends: NO RISE

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

Susan Sullivan Chairman



JUNEAU ALASKA

# Alaska State Legislature

## House

HOUSE HESS COMMITTEE MEETING

MAY 5, 1976

Present: Hackney Parr Osterback  
Ostrosky Beirne Sullivan

Testifying: Frank Pauls, Dept. H&SS,  
Dr. Schrader, Director, Mental Health  
Debbie Staack, legislative affairs, research

### HB 881 - Physician Patient Relationship

Committee looked at the CS which this committee had drawn up, decided to move out with no objection.

### SCR 84 Ownership of state owned facility - Craig

Dr. Pauls testified for the dept. They are against transferring of ownership. The facility was built with G.O. bond. Dept. feels it is a breach of contract to turnover to city of Craig. Attorney Generals office felt it was also a breach of contract, problem being that there would be a charge for services.

Committee discusses putting in clause that would revert ownership back to state if conditions no met. Conditions being that it must be used as a health care facility,

bill moved out. (Doug is having the amendment drafted upstairs)

### CSSB 542 - Medical Assistance for Needy Persons

Dr. Schrader, presented the Dept. position regarding this bill

Debbie explained the fiscal impact

Helen Beirne, moved out with do pass- passed out

**FISCAL NOTE**

Second Session - Ninth Legislature

I. REQUEST  
 Bill No. CSSB 542  
 Title: An Act relating to medical assistance for needy persons and providing for an  
 effective date Requested by: the Governor Date: February 18, 1976  
 Return Date Requested: February 23, 1976  
 Agency: Health & Social Services Program: Medicaid

II. FISCAL DETAIL Medicaid Contractual; General Relief-Medical Contractual; State-Operated Community Mental  
 Budget Request Unit(s) Affected: Health Services; Community Mental Health Services  
 A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	234.4	517.34	689.05	757.9	833.75
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>234.4</b>	<b>517.34</b>	<b>689.05</b>	<b>757.9</b>	<b>833.75</b>

B. FUNDING: (Thousands of dollars)

GENERAL FUND	(156.7)	(386.0)	(490.6)	(605.27)	(696.0)	(857.57)
FEDERAL FUNDS	156.7	620.4	1,007.6	1,294.3	1,453.9	1,691.3
OTHER	0	0	0	0	0	0

C. POSITIONS:

PERMANENT/TEMPORARY	0/0	0/0	0/0	0/0	0/0	0/0
MAN MONTHS (P./T.)	0/0	0/0	0/0	0/0	0/0	0/0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

SEE ATTACHMENTS FOR ANALYSIS OF FISCAL NOTE.

FY-76 - 156.70 General Funds monies to be transferred from the General Relief-Medical BRU to the Medicaid BRU.

FY-77 - 386.00 GF monies to be transferred from GR-Med BRU to the Medicaid BRU.  
 59.64 GF monies to be transferred from the State-Operated community mental health services BRU to the Medicaid BRU.  
 174.76 GF monies to be transferred from the Community-Operated mental health services BRU to the Medicaid BRU.

FY78-81 - GF monies will continue to be transferred from SOCMHS and COMHS

IV. ATTACHMENTS BRU's to the Medicaid BRU.

V. DATE: February 18, 1976 PREPARED BY: William N. Noe

Original: Legislative Finance February 19, 1976 William N. Noe  
 cc: Budget and Management DATE 2 APPROVED BY  
 Prime Sponsor (First Legislator Named)

Analysis for Fiscal Note

on

Senate Bill No. 542

Addition of new group of Medicaid eligibles

Assumptions and Calculations

This bill would make it possible for the State of Alaska to extend Medicaid to aged, blind and disabled persons who are in Long Term Care Facilities.

There are presently 35 cases that would be affected by this bill. Payment for care of these recipients is currently funded by General Relief-Medical, a state funded program. Therefore, if the bill is passed by March 31, 1975, the state could claim 50% of the \$313,390, (cost of care for 35 persons in long term care facilities during last two quarters of FY-76), in federal matching funds. No additional expenditures by the state will be necessary because funds for care of these individuals is budgeted in the General Relief-Medical BRU.

Projected costs were determined using the following formula:

FY-76 35 cases X \$48.40\* per day X 182 days = \$313,390

Fy-77 est. increase of 3 new cases

38 cases X \$55.66 (\$48.40 + 15%)\*\* 365 days = \$772,004

FY-78 est. increase of 4 new cases

42 cases X \$64.01 (\$55.66 + 15%) X 365 days = \$981,273

FY-79 est. increase of 3 new cases

45 cases X \$73.70 (\$64.01 + 15%) X 365 days = \$1,210,548

FY-80 maintenance of 45 cases

45 cases X \$84.75 (\$73.70 + 15%) X 365 days = \$1,392,018

FY-81 maintenance of 45 cases

45 cases X \$97.46 (\$84.75 + 15%) X 365 days = \$1,600,780

No new positions will be necessary by passage of this bill.

\* Average combined ICF and SNF rate for FY-76

\*\* Nursing Home rates increase by Approx. 15% each year

X

Addition of a new group of Medicaid eligibles

	Cost of Option	Transfers	Additional Cost (+) or Savings to State (-)
FY-76 (third & fourth quarters only)	\$ 313,390	\$ 313,390 (GR-M Contra- ctual ser.)	\$ -156,695
FY-77	772,004	772,004	-386,002
FY-78	981,273	981,273	-490,637
FY-79	1,210,548	1,210,548	-605,274
FY-80	1,392,018	1,392,018	-696,009
FY-81	1,600,780	1,600,780	-857,568
Funding .			
FY-76	\$156,695 State 156,695 Federal	\$ 313,390 State	
FY-77	386,002 State 386,002 Federal	772,004 State	
FY-78	490,637 State 490,637 Federal	981,273 State	
FY-79	605,274 State 605,274 Federal	1,210,548 State	
FY-80	696,009 State 696,009 Federal	1,392,018 State	
FY-81	857,568 State 857,568 Federal.	1,600,780 State	

All transfers are from the General Relief-Medical budget and are found under nursing home services.

X

Analysis for Fiscal Note  
on  
Senate Bill No. 542

Clinical Services Option

	Cost of Option	General Fund Transfers From Mental Health	Federal Medicaid Match
FY 77	468.8	234.4*	234.4
FY 78	1,034.68	517.34	517.34
FY 79	1,378.1	689.05	689.05
FY 80	1,515.8	757.9	757.9
FY 81	1,667.5	833.75	833.75

Currently the State is paying 100% for a majority of the mental health clinical services rendered to Medicaid eligibles seen at Community Mental Health Centers. By adding a clinical services option and limiting it to State-approved outpatient Mental Health Clinics in receipt of Grant money under AS 47.30.520 - 620 (Community Mental Health Enabling Act) and State Operated Clinics, the State can claim 50% Federal match for those services currently rendered to Medicaid eligible clients.

Funding would be based on a cost-related basis with each clinic billing according to their budget. At the end of the fiscal year cost-settling for Medicaid would occur as well as with the State Grant monies. Under AS 47.30.520 - 620 the matching formula for the clinics is based on 75% State funding and 25% local funding with poverty areas as 90% State funding and 10% local funding. Eligible expenses for matching would then be computed by subtracting any federal grants from the actual expenditures allowing a maximum of 25% of the Medicaid receipts collected by the clinic as local match and stipulating that local match remain at least the same dollar amount as when the clinic first adopts the Title XIX clinical service option.

Example: Based on the budget for FY 77 for the Anchorage Mental Health Clinic they will spend \$559,750. According to their statistics the clinic will see about 1,300 clients of which 221 will be eligible for Medicaid. (Each client is seen on the average of 5.5 times at a rate of \$47.00 per hourly visit.) On the basis of these computations, 17% of the case load is Medicaid eligible accounting for \$95,156-General Fund monies of which 50% or \$47,578 could be federally matched. The following year only \$23,789 of the Medicaid monies received by the clinic can be used for local match. According to their projected budget, they will need \$140,625 local monies.

If outpatient community mental health centers services are Medicaid reimbursable, it is conceivable that the percentage of Medicaid clients served by the clinics would increase the first year as services become available in rural areas and then level off as a greater percentage of the eligible clients are served. As of January 1976, there were 15,604 Medicaid eligibles in the State. (It is expected that 10% or 1,560 of them would be in need of mental health services in any one year. That would meet a theoretical maximum of \$468,000 of service which would be 50% Federally reimbursable at \$234,000.)

\*In FY 77 approximately 59.64 General Fund monies would be transferred from the State-Operated Mental Health Centers BRU and 174.76 from the Community-Operated Mental Health Centers BRU to the Medicaid BRU.

Clinic	XIX Eligibles	FY 77		FY 78		FY 79	
		Cost of Operation	Federal Money Available	Cost of Operation	Federal Money Available	Cost of Operation	Federal Money Available
Anchorage (1)	1%	559,750	47,578	62,500	47,812	625,000	53,125
Barrow (3)	75%	25,740	9,652	55,000	20,625	82,500	36,937
Bethel (3)	75%	64,460	24,172	121,000	45,375	143,000	53,625
Fairbanks (5)	25%	299,200	37,400	50,000	43,750	400,000	50,000
Ketchikan	20%	243,000	24,300	75,000	37,500	437,500	43,750
Homer (Kenai) (2)	20%	44,000	4,400	62,500	6,250	93,750	9,375
Juneau	18%	247,100	22,239	112,500	28,125	375,000	33,750
Kodiak	13%	132,000	8,580	181,250	11,781	212,500	13,812
Kotzebue (1)	75%	38,720	14,520	77,000	28,875	116,000	41,250
Kona (3)	75%	83,820	31,432	10,000	41,250	143,000	53,625
Seward (2)	20%	44,000	4,400	62,500	6,250	93,750	9,375
Sitka (2)	18%	44,000	3,960	62,500	6,250	93,750	8,437
Skagway-Haines (4)	18%	19,625	1,766	37,500	3,375	62,500	5,625
Palmer (4)	18%			62,500	5,625	125,000	11,250
Tanana Chiefs (4)	75%			110,000	41,250	165,000	61,875
Aniak (4)	75%			49,500	18,562	71,500	26,812
McCrath (4)	75%			49,500	18,562	71,500	26,812
Gleasonville (4)	75%			55,000	20,625	88,000	33,000
Dillingham (4)	75%			49,500	18,562	71,500	26,812
Cold Bay (4)	75%			82,500	30,937	110,000	41,250
Valdez (4)	18%			56,250	5,062	81,250	7,312
Cock Inlet	75%			82,500	30,937	110,000	41,250
TOTAL FEDERAL			234,399		517,340		669,059

- 1) Cost of operation is based on 75% State funding and 25% local match - in poverty areas 90% State funding 10% local match as projected in budget.
- 2) Statistics received from these clinics are based on 3 to 4 months of operation.
- 3) Statistics received from these clinics are based on discussions with representatives of those poverty areas - currently the U.S.P.H.S. is providing services free of charge and if clinical services were offered to Medicaid Eligibles, the percentage of those seen at the Mental Health Clinics would probably increase 75% or to 80% because of the availability of services for the Medicaid Eligibles.
- 4) Not in operation so no statistics are available. Using average percentage of XIX Eligibles as 18% non-poverty areas and 75% poverty areas.
- 5) State Operated Clinics.

POSITION PAPER  
ON  
SENATE BILL NO. 542

"An Act relating to medical assistance for needy persons; and providing for an effective date.

Passage of Senate Bill No. 542 would make three significant changes to the present Medicaid program. Amending AS 47.07.020 (b) by adding a new paragraph (6) would make a new group of persons eligible for Medicaid. Amending AS 47.07.030, medical services to be provided, will add prescribed drugs and clinic services to those services available to Medicaid eligibles.

Amending AS 47.07.020 (b) by adding paragraph (6) makes persons in hospitals and nursing homes eligible for Medicaid. The State can then claim 50% of the cost of care for these individuals in federal matching funds. This will mean a savings to the State, as the cost of care for these individuals is now paid for from the General Relief Medical Program, a State funded program.

The second proposed change to the Medicaid program is the addition of "prescribed drugs" to those services covered by Medicaid. It is recommended that the bill be changed in the following way:

Page 1, line 24 - delete words "prescribed drugs".

This action is requested because of new federal regulations affecting reimbursement and upper limits of payment for drugs under the Medicaid program. The new federal regulations were published after submission of proposed legislation from this Division to the Commissioner's Office.

Preliminary study of the new regulations indicates that administrative costs of development and implementation of the drug option under Medicaid will be high. Because interpretive guidelines on the new regulations have not been published yet, exactly what requirements states must meet is not known.

Therefore, in view of the fact that an adequate, successful drug program is presently operating in the State, it is recommended that the drug option be deleted from Senate Bill No. 542. This option will be further studied for possible inclusion in the Medicaid program at a future date.

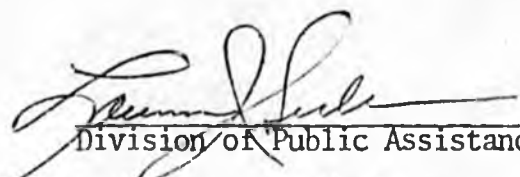
The third proposed change to the Medicaid program is the addition of "clinical services", defined as State-approved outpatient community mental health services, outpatient alcoholism and alcohol abuse services and outpatient drug abuse services. This will enable the State to claim 50% federal matching monies for the cost of seeing Medicaid eligible persons at the clinics. At present, the State is paying 100% for these clinical services rendered to Medicaid eligible persons on a limited basis through General Relief Medical, as well as indirectly through Grant-in-Aid monies to the communities.

It is recommended that the bill be amended to read:

Page 1, line 28, 29 - page 2, line 1,2 delete and substitute the following:  
(3) "clinic services" means services which are restricted to State-approved outpatient community mental health services in receipt of Grant monies under AS 47.30.520-620, and State-Operated Mental Health Clinics.

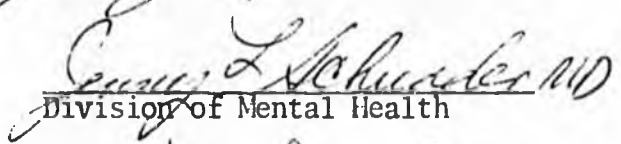
This action is requested because of the lack of available statistics to make an accurate projection of the fiscal implications for Alcoholism and Alcohol Abuse and Drug Abuse clinics and because of the need to limit mental health services to those in receipt of Grant-in-Aid monies.

Recommended:

  
Division of Public Assistance

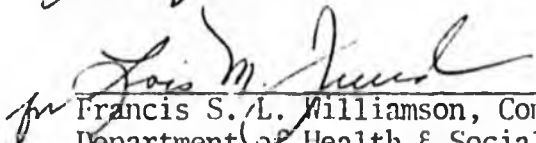
1/30/76  
Date

Concurrence:

  
Division of Mental Health

1/30/76  
Date

Approved:

  
for Francis S. L. Williamson, Commissioner  
Department of Health & Social Services

1/30/76  
Date

THE LEGISLATURE OF THE STATE OF ALASKA  
FISCAL NOTE

Second Session - Ninth Legislature

*86*

I. REQUEST  
 Bill No. Senate Bill No. 542  
 Title: "An Act relating to medical assistance for needy persons; and providing for its effective date."  
 Requested by: the Governor Date: January 30, 1976  
 Return Date Requested:  
 Agency: Health & Social Services Program: Medicaid

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Medicaid-Contractual; General Relief-Medicaid-Contractual; State-Operated Community Mental Health Services; Community-Operated Mental Health Services

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	156.7	616.7	1,023.9	1,294.3	1,453.9	1,691.3
<b>TOTAL</b>	<b>156.7</b>	<b>616.7</b>	<b>1,023.9</b>	<b>1,294.3</b>	<b>1,453.9</b>	<b>1,691.3</b>

B. FUNDING: (Thousands of dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	156.7	616.7	1,023.9	1,294.3	1,453.9	1,691.3
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	01	01	01	01	01	0
MAN MONTHS (P./T.)	01	01	01	01	01	0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This fiscal Note on Senate Bill No. 542 does not include any monies for the drug option. The position paper on this bill requests that the bill be amended to delete the drug option from Medicaid services.

See attachments for analysis of Fiscal Note.

IV. ATTACHMENTS

V. DATE: 30 Jan 76 PREPARED BY: William G. Kelly

Original: Legislative Finance  
 Budget and Management  
 cc: Print Sponsor (First Legislature Name)

*FY note on 85*

SB

554

"An Act relating to licensing of physicians and osteopaths: and providing for an effective date."

# COMMITTEE REPORT

2/5/76

HOUSE

Mr. Speaker:

Date \_\_\_\_\_

The Committee on HEALTH, EDUCATION & SOCIAL SERVICES has had SB 551

under consideration. A Majority of the members of the Committee

( ) recommends it DO PASS

( ) recommends it DO NOT PASS

( ) recommends it DO PASS WITH ATTACHED AMENDMENT(S)

( ) recommends it BE REPLACED WITH CS FOR \_\_\_\_\_ AND THAT

CS FOR \_\_\_\_\_ DO PASS

( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

( ) reports it back WITHOUT RECOMMENDATION

( ) "other"

Members signing the Majority report:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ Chairman

A M E N D M E N T

OFFERED IN THE HOUSE:

By: House HESS

To: \_\_\_\_\_ HOUSE BILL No. \_\_\_\_\_

SENATE BILL No. SB 554

PAGE: 1

LINE: 20

Page 1, line 20

Delete "board"  
Insert "Department"



# Alaska State Legislature

## House

JUNEAU ALASKA

COMMITTEE MEETING HOUSE HESS

MARCH 26, 1976

Present: Sullivan Ostrosky  
Parr Beirne Osterback

Testifying:

Elizabeth Shaw, NASW  
Janis Price, NASW  
Sister Andrea

### HCR 111 - Boundary Change in Health Service Area - Rules

Sister Andrea - opposed to the bill- wants three HSA

Renninger, Dept. H&SS, also supports three HSA conceptually and fiscally

Bill not moved on,

### HB 367 -Social Workers Licensing - Beirne

Beirne spoke on revised version of the bill, revised with assistance of Sharon Andrews, director of licensing. Went over provisions of the bill with committee. Some changes made on the draft

Mr. Price, Dept. H&SS, discussed minor points of bill. Stated that the bill requires all new employees to have MSW or change their title or requirements of certain jobs to hire people. Dept. does not have to fire any S.W. who are employed now or don't have MSW

Discussion around fiscal implications of all these new licensing bills. Probably will add one more full time person to the licensing division.

Motion passed for individual recommendations on the work draft copy to be a Committee Substitute.

### HB 744 - Freedom of choice, medical procedures - Beirne

Mr. Heidersdorf, representing Alaskans for Life, not for the entire concept of the bill, feels there are some problems with it.

Committee discussion regarding suicide, also liability regarding disconnecting life sustaining measures, example Quinlan case.

Heidersdorf feels that people have the right to make this decision, but not 20 or 30 years before, people might change their ideas and minds. Also definition of extraordinary means, might change

Page 2  
March 26, 1976

Beirne would like a chance to rework the bottom of p. 1 , severe distress, etc. too difficult til revoke now. Will let Pat Rodey and Clark Grueing look at the proposed chances.

Committee points out various areas of concern for Helen to take a look at. P. 1. line 19, how about renewal every five years  
P. 3 line 27, need rewording, more specific  
Alvin suggests time frame, 1 year or so till individual can have a chance to recover.

Hold till middle or end of nexy week, when Helen has it reworked.

HB 772 - Licensure of counselors - HESS

Tabled - dead

SB 554 - Licensing of Phy. & Osteopaths - Croft

Beirne - Croft wanted to work this over with others, make amendments, Helen feels there wasn't enough time, want to make 1 change now  
Line 20, Add "the Department shall employ"  
Delete "The board shall employ"

Amendments passed

This bill belongs in malpractice, wants it to go to Jud. Recommend it is included in Malpractice package.

Bill - passed

HB 392 - Rehabilitation Counselor - Beirne

Beirne, explanation of bill and discussion  
proposed amendment - decided to make a committee substitute of this bill, see draft. Also all reference to counselors should read Vocational Rehabilitation counselor

Delete line 4 - 11 page 4

Helen moved to have this bill moved out.  
as a committee substitute

HB 635 - Licensing of Speech Pathologists & Audiologists - Gov.

Beirne, alot of fraud by people coming into Ak. and selling hearing aids and then leaving state.

Committee went over work draft and made changes, P.2, line 25 delete "practice speech path. or audio". line 27, 28 & 29 P4 delete, P. 5 line 1 thru 19 delete. P. 5 line 19, change "social worker" to Speech pathologist & audiologist

Committee recommends Committee Substitute move out, individual recommendations passed out.



JUNEAU ALASKA

# Alaska State Legislature

## House

HOUSE HESS COMMITTEE MEETING

MAR 1, 1976

Present: Davis      Beirne      Osterback-Chairing  
          Hackney     Swanson

Testifying:      Sharon Andrews, Director, division of licsneing  
                    John Jensen, representing himself  
                    Harvey Pitts,

### HB 772 Licensure of Counselors - HESS

Sharon Andrews, supports concept of relicensing standards, opposed to broadening areas covered by licensing

John Jensen - concerned that the statute as it presently reads, would prohibit him from advertising services as a counselor.

Committee felt that the statute would not do this and that it did not say this..

### SB 554 Licensing of Phy. and Osteopaths - Croft

Sharon Andrew, Dept. supports the concept, but would like this bill to be considered with the entire malpractice package.

Sub committee of Helen Beirne appointed to look into all of the licensure bills, especially HB 772

SB

585

" An Act providing for the issuance of general obligation bonds in the amount of \$10,000,000 for the purpose of paying the cost of constructing alcoholic treatment facilities; and providing for an effective date."

# COMMITTEE REPORT

2/13/76

HOUSE

FINANCE

Mr. Speaker:

Date \_\_\_\_\_

The Committee on HESS has had ES, S.B. 585

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR 10 395 AND THAT

CS FOR \_\_\_\_\_ DO PASS

"and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____
_____	_____	_____

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

[Signature] Chairman



JUNEAU ALASKA

# Alaska State Legislature

## House

HOUSE HESS COMMITTEE MEETING

MARCH 11, 1976

7:00 p.m.

Present: Susan Sullivan Hackney  
Osterback            Ostrosky  
Beirne

HB 745 - Alcohol Detox Center - Pt. Woronzof - HESS

Committee had heard this bill before, had a short discussion on it and decided to vote

Hackney - move bill out - no objection

SB 585 - Bonds , Alcoholic treatment facility - Croft, Sackett

Paul Wasserman- Office of Alcoholism presented depts. position paper regarding this bill.

Committee discussed possibility of letter of intent to incorporate thrust of position paper . Question raised as to who builds and who operates the center.

Decided not to move yet.

LETTER OF INTENT

It is the intent of this Legislation, if accepted by the voters, that the grants will be given as block grants to the communities indicated. The utilization of the grants shall be determined by the Municipalities in conjunction with the local Health Planning Agencies.

It is not intended that the State enter into the operation of the facilities.

February 2, 1976

Senate Bill No. 585

State Office of Alcoholism

The Office of Alcoholism is basically in favor of passage of this bill. There is a statewide shortage of Alcoholism Detoxification Centers and enforcement agencies are hardpressed to make an effective and humane disposition of public inebriate cases in most communities.

However, the Office has a number of questions regarding this bill. First, what sort of programs does the bill propose. There are several levels of health facilities construction requirements in Alaska and principal facility use will in part determine per bed construction costs.

*Enclose* Secondly, the Office would like guidance on whether the intent is, or could be, to purchase rather than build space. If so, there is some chance that savings could potentially result.

*Enclose* Thirdly, is the intent to provide funds for alcoholism facilities only? What about joint resolution #70, in which legislative intent was to "integrate" Alcohol, Drug Abuse and Mental Health. Should these facilities be multi-purpose?

*Enclose* Fourth, there is obviously a need for similar facilities in Ketchikan, Sitka, Valdez, Seward, Barrow, Kodiak and Dillingham. There may be a similar need soon in Cordova and Yakutat because of OCS development and impact. Could the bill be expanded to include those communities.

Fifth, could the bill be tied to Certification of Need legislation, which requires demonstration of need for health facilities construction?

*Enclose* Sixth, the Department needs to be allowed some discretion in making the proposed grants. It must assure itself, for example, that health, fire and safety codes are met in the construction plans.

*Enclose* Seventh, these facilities should all have provision for security for acutely intoxicated patients.

Finally, there should be some mechanism for ensuring that all these facilities, if built, will be staffed by trained personnel on a permanent basis.

In sum, the Office supports the bill, but feels that some of the questions raised in this position paper need to be answered during the period while this bill is under consideration.

*Robert L. Cole* 2-2-76  
Coordinator Date  
Office of Alcoholism

Concurrence:

*P. 18, 21 22 2.19*

*Change "constructing" to "establishing"*  
*Who will build, own and operate?*

17000  
7000  
4500  
2000  
3500  
5000  
1200  
50200

*Said point*

Bush facilities in particular should just include a sleep-off fac. + not so much more.

Money should go to municipalities

4300  


4 18,000  
 60  
 -----  
 1,080,000

3000  
 60  
 -----  
 180,000

2 1500  
 40  
 -----  
 60,000

40 1500  
 -----  
 40,200

60

1500 560  
 -----  
 25,000  
 100

3 35,000  
 60  
 -----  
 2,100,000

50 | 1500000  
 150  
 -----  
 30,000

# MEMORANDUM



TO:  David Freer  
Special Assistant to Commissioner  
DEPT. H. & S. S.

DATE : February 10, 1976

FROM: Liz Rivers *Liz*  
Assistant Coordinator  
OFFICE OF ALCOHOLISM

SUBJECT: Your request/Fiscal note on SB585

The cost per bed unit in the areas designated by SB585 has been broken down representing two types of facility. Each type facility per-bed cost represents a fully equipped building, including all necessary appliancing except consumable supplies.

Figures # 1 in each area is the construction "estimate", based on Feb. 1976 construction and materials cost, for a building which would meet specification and requirements for an intermediate nursing facility.

Figures # 2 in each area is for a building which would be considered a detoxification treatment center. There are no regulations promulgated at this time addressing actual building specifications for a detoxification/rehabilitation building. However, for the purpose of construction cost estimates, a detoxification center, by definition of its role in housing ambulatory, semi-independent persons, would cost less to construct than an intermediate facility.

The following is a break-down by area and amount as outlined by SB585:

Anchorage \$3,000,000  
Intermediate facility:  
\$75,000 per bed = 40 beds  
Detoxification unit:  
\$60,000 per bed = 50 beds

Fairbanks \$3,000,000  
Intermediate facility:  
\$80,000 per bed = 37.5 beds  
Detoxification unit:  
\$62,000 per bed = 48 beds

Kotzebue \$400,000  
Intermediate facility:  
\$90,000 per bed = 4 beds  
Detoxification unit:  
\$85,000 per bed = 4.5 beds

# MEMORANDUM

112345678910111213  
R.F. FER

Page 2  
David Freer  
February 10, 1976

Nome \$600,000  
Intermediate facility:  
\$90,000 per bed = 6 beds  
Detoxification unit:  
\$85,000 per bed = 7 beds

Bethel \$1,000,000  
Intermediate facility:  
\$90,000 per bed = 11 beds  
Detoxification unit:  
\$85,000 per bed = 11.5 beds

The costs arrived at in the Kotzebue, Nome and Bethel areas are based on the actual construction costs of the Pioneer Home in Kotzebue. This facility, a lesser one in terms of specifications for residential living as opposed to intermediate or detoxification building needs, is factored at a cost of \$78,147 per bed.

LR:jk

S B

586

"An Act relating to alcoholic treatment facilities."

COMMITTEE REPORT

2/24/76

HOUSE

FINANCE

Mr. Speaker:

Date April 12, 1976

The Committee on HEALTH, EDUCATION & SOCIAL SERVICES has had SB 586

under consideration. A Majority of the members of the Committee

- recommends it DO PASS
- recommends it DO NOT PASS
- recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- recommends it BE REPLACED WITH CS FOR \_\_\_\_\_ AND THAT  
CS FOR \_\_\_\_\_ DO PASS
- "and" recommends it BE REFERRED TO THE \_\_\_\_\_  
COMMITTEE
- reports it back WITHOUT RECOMMENDATION
- "other"

Members signing the Majority report:

Susan Sullivan \_\_\_\_\_  
 \_\_\_\_\_  
William H. ... \_\_\_\_\_  
 \_\_\_\_\_  
... \_\_\_\_\_

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:  
 \_\_\_\_\_ recommends:  
 \_\_\_\_\_ recommends:  
 \_\_\_\_\_ recommends:  
 \_\_\_\_\_ recommends:

Susan Sullivan Chairman



JUNEAU ALASKA

# Alaska State Legislature

## House

HOUSE HESS COMMITTEE MEETING

APRIL 12, 1976

Present: Beirne Parr Hackney Sullivan  
Ostrosky Osterback Davis Ose

Testifying: Dove Kull, Ak. Homemakers Service  
Jack Chenowith, A.A., Pat Rodey  
Bob Cole, Alcohol, Dept H&SS

SB 640 am Appropriation for Foster Grandparents Rodey

Dove Kull spoke in favor of bill and her own experiences with foster grandparents. Also the fact that many of these foster grandparents work with no salary. This bill would give them a small income.

Jack Chenowith, previous program in state only in Anchorage, funded federally

Motion to move bill - do pass - unanimous

SB 586 Alcoholic Treatment Facilities

Bob Cole, here to answer questions on this bill. This bill has been heard before and was waiting for a new fiscal note. The bill is the vehicle for the bond CSSB 585, which was passed by the legislature, if the bond issue passes the voters, this bill would help to implement it.

Committee decided to pass out with a do pass.

HB 602 - Intoxicated persons treatment - Gov.

This bill has been heard before, needed new fiscal note, which is now here. It was \$300,000 now is \$112,000.

Committee discussion on the amendment which Art Peterson, Dept. of Law recommended. Definition of intoxicated persons, Committee decided to put in "extreme" where it was deleted.

Motion to accept amendment, passed

Motion to move the bill out, passed - do pass.

Meeting adjourned

SB

611

COMMITTEE REPORT

3/1/76

HOUSE

JUDICIARY

Mr. Speaker:

Date April 5, 76

The Committee on HEALTH, EDUCATION & SOCIAL SERVICES has had SB 611

under consideration. A Majority of the members of the Committee

( ) recommends it DO PASS

( ) recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

( ) recommends it BE REPLACED WITH CS FOR \_\_\_\_\_ AND THAT

CS FOR \_\_\_\_\_ DO PASS

( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

( ) reports it back WITHOUT RECOMMENDATION

( ) "other"

Members signing the Majority report:

<u>Helen [unclear]</u>	_____	_____
<u>[unclear]</u>	<u>[unclear]</u>	_____
<u>[unclear]</u>	<u>[unclear]</u>	_____
<u>[unclear]</u>	<u>[unclear]</u>	_____

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

[Signature] Chairman

A M E N D M E N T

OFFERED IN THE HOUSE:

By: HESS

To: \_\_\_\_\_ HOUSE BILL No. ~~611~~

SENATE BILL No. 611

PAGE: 1

LINE: 19

on page 1, line 19, add the following:

In paragraph A of ~~subsection~~ section, "step-parent" is defined as the spouse of a natural parent of the child residing in the same household.



# Alaska State Legislature

## House

JUNEAU ALASKA

HOUSES HESS COMMITTEE MEETING

APRIL 2, 1976

Present: Hackney Osterback Ostrosky  
Beirne Sullivan

Testifying: Kay Smith, Dept. of H&SS  
Larry Sullivan, Dept. of H&SS  
Jack Chenowith, A.A. Pat Rodey

### HCR 111 - Boundary Change in Health Service - Rules

Ramona Kelley - explained reason for this resolution, predominately fiscal justification.

Committee - no action.

### HB 790 -Contract Agreements/Adoption Service - Buchholdt

Buchholdt, explained why she introduced the bill and how it could save some state \$.

Kay Smith, representing depts. position. Dept. favors this bill for future needs. no \$ for FY 77.

### SB 611 -Adoption by step parents - Rodey

Jack Chenowith, representing Rodey,

Kay Smith presented dept. position. Would like to define step-parent with the child.

Move to accept Dept.s amendment.

Committee decided to pass bill out with amendment.

### HB 467 - Catastrophic illness aid - Beirne

Larry Sullivan, represent dept. position. In favor of concept and favor passage with fiscal note as presented with dept. position paper.

Amend line 25 delete "who has suffered at catastrophic illness"

line 26 & 27 delete "appointed by the gov."

Unanimous do pass for CSHB 467 as amended.

### HJR 67 = Medicare and Hemophilliacs - HESS

DO pass, no objection, moved out.

SB

628

"An Act relating to driving a motor vehicle while under the influence of intoxicating liquor."

### COMMITTEE REPORT

3/1/76

HOUSE

JUDICIARY

Mr. Speaker:

Date May 14, 1976

The Committee on HEALTH, EDUCATION & SOCIAL SERVICES has had SB 628

under consideration. A Majority of the members of the Committee

- recommends it DO PASS
- recommends it DO NOT PASS
- recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- recommends it BE REPLACED WITH CS FOR \_\_\_\_\_ AND THAT  
CS FOR \_\_\_\_\_ DO PASS
- "and" recommends it BE REFERRED TO THE \_\_\_\_\_  
COMMITTEE
- reports it back WITHOUT RECOMMENDATION
- "other"

Members signing the Majority report:

Susan Sullivan \_\_\_\_\_

Tommy Doherty \_\_\_\_\_

John J. Stroh \_\_\_\_\_

\_\_\_\_\_

Members NOT concurring in the Majority report:

- \_\_\_\_\_ recommends:
- \_\_\_\_\_ recommends:
- \_\_\_\_\_ recommends:
- \_\_\_\_\_ recommends:
- \_\_\_\_\_ recommends:

Susan Sullivan Chairman

A M E N D M E N T

Offered in the HOUSE

By House HESS

To: \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_

\_\_\_\_\_ SENATE BILL NO. SB 629

AMENDMENT: Page \_\_\_\_\_ Line \_\_\_\_\_

Page 1, line 21 after "chapter" put a comma and add "and that his refusal may be used as evidence in a court of law".

Page 2, line 1 add a new subsection as follows

Sec. 4. ~~21.35.030~~ is amended by adding a new subsection to read:

(e) If a person under arrest refuses to submit to a chemical test under the provisions of this chapter, evidence of refusal shall be admissible in a civil or criminal proceeding arising out of such refusal in any case admitted to the jurisdiction of this court under this chapter.



JUNEAU ALASKA

# Alaska State Legislature

## House

HOUSE HESS COMMITTEE MEETING

MAY 13, 1976

Present: Beirne      Ostrosky      Sullivan  
          Davis      Hackney

### HCR 143 - Study of Housing for Aged & Disabled

Ostrosky amendment to change the title of this study amendment adopted

bill passed out of committee

### SB 628 - Driving while under the influence - Ziegler

Dennis Robertson testified about how this bill affects things, also proposes an amendment which was worked up by the task force group he sits on

Amendments proposed were adopted, he will give me the detailed information on amendments tomorrow.

Bill moved out as amended.

### SB 716am - Funderal and Mortuary Science

Sharon Andrews, licensing, has dept's amendments, quite extensive each committee member recieved a copy.

Lisa Rudd testimony about the whole pre-need issue, also related to the committee the testimony received by the commerce committee. Handed out statistical information regarding pre-need and what other states have done. Over 1/2 states have 100% refund on pre need.

Helen will get legality of the bill from Bill Berrier. Bill is looking at the 17 page amendment to see if it can be incorporated in regulations rather than as an amendment.

Sharon Andrews also doing research with Dick Block, Ins. regarding the suirty bonding issue.

Helen would like to include a higher educational standard in this bill, as the original S.B. stated.

Also would like to have the following people testify on this bill if heard again soon. Mr. Peters, Mr. Block, ask Helen for more names.

LAW OFFICES OF  
**ZIEGLER, ZIEGLER & CLOUDY**

P. O. BOX 978  
KETCHIKAN, ALASKA 99901

AREA CODE 907  
225-4145

ROBERT H. ZIEGLER, SR.  
CHARLES L. CLOUDY  
CLIFFORD H. SMITH  
EDWARD G. KING  
HAROLD M. BROWN

A. H. ZIEGLER  
1915-1972 (DECEASED)

April 29, 1976

Representative Susan  
Sullivan  
Chairman, House of  
Representatives  
Hess Committee  
Pouch Y  
Juneau, Alaska 99802

Re: SB-628.

Dear Ms. Sullivan:

I was advised by Terry Gardiner on March 18, 1976 that Senate Bill 628, regarding an amendment to the implied consent law had been referred to your committee, after which time the bill would be sent to the house judiciary committee.

I am writing this letter in the hopes that something can be done on this bill during this legislature because of what I think to be an area of abuse in the present interpretation of our present implied consent law. AS 28.35.032 states in pertinent part that if a person refuses to submit to a chemical test after arrested for driving while under the influence, he shall be advised by the officer that his refusal will result in suspension, denial or revocation of his license. That portion of the statute has been interpreted by the Alaska State Troopers, including the Ketchikan District Attorney's office to mean that no advice of a persons right to refuse to take the test need be given until the person actually refuses to take the test. After arrest he is immediately hustled to the State Office Building where he is placed on video tape and told to submit to a breathalyzer examination. This procedure, I believe, does not reflect the intent of the legislature. The implied consent statute was meant to impress the stamp of

SB 628  
Lil

Representative Susan  
Sullivan  
April 29, 1976  
Page 2

validity upon use of certain chemical tests and to promote their use upon penalty of loss of license in the event refusal occurred. It was not the intent of the legislature to require submission to the breathalyzer examination, otherwise the legislature would simply have so provided.

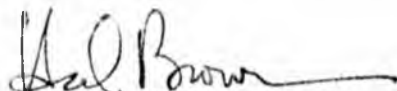
The intent of the amendment is to provide clearly that police officers are to inform defendants of their right to refuse to take the breathalyzer and the results of their refusal, should they choose to do so. In other words they should be advised of their right to refuse and the consequences of refusal before the test is administered.

I would appreciate anything you can do to cause this bill to be reported out favorably. If you need any more information please let me know. I do believe that the problem is important enough to cause the present implied consent law to be amended.

Sincerely

ZIEGLER, ZIEGLER & CLOUDY

By

  
Harold M. Brown

HMB:if

SECOND SESSION / NINTH STATE LEGISLATURE  
1976

BILL NO.

HB  
(circle one)

SB

628

**SUBSTANCE OF BILL:** Establishes a right to refuse breathalyzer test when arrested for driving while intoxicated (dwi) and requires that officer's advisement include the driver's right to refuse testing at the officer's direction and to have additional tests as prescribed by AS 28.35.033(e).

**BACKGROUND OF BILL:** Sponsored by Sen. Ziegler. (The Senator is out of town until next week and no meeting of Sen. Judiciary are scheduled until then)

- RECOMMENDATION:**
- (1) Wherever the Senator proposes to add the word "right", add an 's' to pluralize the word because the current and proposed law speak of the right to 'refuse' and the right to have additional tests made. [However, if Sen. Ziegler's proposal is for one conjunctive right wherein a person may refuse-and-be additionally tested, may allow the allegedly 'guilty' person to await sobriety before having the additional tests; thus affecting considerably the potential for conviction.
  - (2) Like in the AS 28 interim committee draft (which addresses a problem of the Alaska Court System), the officer's advisement should also include a statement that a person's refusal to submit to testing at the direction of the officer may be used as evidence in a court of law.
  - (3) Although Senator Ziegler would expectedly oppose a broadening of the implied consent law (as ascertained in conversations with him about AS 28 interim committee's thinking to also include tests of blood, urine, and other bodily substances), this may be the proper time and place to suggest legislative consideration of broadening 'implied consent' to cover driving under the influence of drugs (which society may only expect to increase in all probability) and therefore proper methods of collecting urine samples (in that urinalysis is currently the only reliable testing procedure for presence of drugs in the body

NOTE. Dr. Louis Nauman of Alaska Medical Laboratories (Anch.) should perhaps testify on this bill and the general subject (as he did before the interim committee in Dec. 75)

ASSIGNED TO: Dennis Robertson *DR* Division: ~~XXXXXXXXXX~~ Date: 11 Feb. 76

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Distribution: 1 copy for writer's files  
1 copy for commissioner's office, Juneau

SUPPLEMENTAL BILL ANALYSIS

SB 628

HISTORY: Implied consent, refusal to submit to chemical testing, chemical analysis of blood, and the period of revocation sections of the current statutes (AS 28.35.031-034) were all enacted as \*Sec. 1 of ch. 83, SLA 1969. None of these sections have been amended since that time.

CURRENT LAW: The right of refusal to chemical testing exists already in the current law by virtue of the presence and substance of AS 28.35.032 which provides that upon driver-refusal, a police officer is to advise that refusal will result in loss of driving privileges, and then the test 'shall not' be given [NOTE that use of 'shall not' prohibits mandatory testing, but that tests may still be administered at officer's discretion if driver changes his position in that the words 'may not' are unused]. The remainder of this section governs loss of license, court appeal, and situations involving OMVI conviction within previous two years. AS 28.35.034 provides for surrender of license and for court modification/nullification of license suspension/revocation.

Subsection (e) of AS 28.35.033 establishes a driver's right to additional tests (current law). Failure or inability to obtain such additional tests does not preclude admission of evidence pertaining to test taken at direction of police officer; failure/inability to obtain additional tests is admissible in court proceeding. The remainder of this section provides for presumptions, reporting and introduction of evidence, supply of information to driver/his attorney upon driver-request, and presumption of validity of tests if tests are shown to comply with standards/methods prescribed by the Department of Health & Social Services.

SB 628: Senator Ziegler's bill (passed Senate unanimously) simply requires the additional officer-advisement that a person has the right to refuse the 'implied consent test' and has a right to additional tests when driver refuses to submit to chemical testing and officer advises that his license will be suspended/revoked/denied. SB 628 amends both the implied consent and the 'refusal' sections of the current law (including the subsection on scope of judicial review of loss-of-license appeal). Conceivably, SB 628 has no other affect than to broaden the advisement given by a police officer during arrest for driving/operating motor vehicle while intoxicated (OMVI).

See bill analysis submitted with respect to SB 628, dated 11 Feb 76 (submitted to commissioner's office).

*... of his right to refuse the test and that, having taken a breath test, he should not have additional tests administered ---- (SYDNAM'S suggested wording)*

*J.R.*