

870

SHESS

SB 263

-

SB 320

SB

263

COMMITTEE REPORT  
SENATE

FURTHER: LABOR & MANAGEMENT

4/11/79

Date: 5-12-80

Mr. President:

The Committee on HEALTH, EDUCATION & SOCIAL SERVICES has had SB 263 relating to the licensing of practitioners of naturopathic healing

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without <sup>interrec.</sup> recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Pocella  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

Engler - No Rec  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Steve Jackson  
CHAIRMAN  
No REC

Introduced 4-11-79

Logged - 4-11-79

Referrals Letor & Mgmt.

Comm. hearing 4-30-80 - 5-12-80 - 1

" action passed as CS - Alameda Bd. from being formed.  
taken S. Sect @ 10:15 AM 5-13-80

Re'd to Senate Hrs 5-20-80

SB 263 <sup>S-Hess' bill relating to the licensing of practitioners of naturopathic medicine by prohibiting for and by Senate.</sup>

Notify:

Jim Erickson 3824 (4-17-80)  
(Rep. Parker's Office) notify.

debtor to get position paper.  
atly Comb in a whole notified.

notify Dr Irving Miller  
Tacoma, Wash. Ph: (206) 752-2551  
Pres of Natl Assoc. ↑ will come to testify  
needs (3) days



# ALASKA STATE MEDICAL ASSOCIATION



~~1135 W. Eighth Avenue • Suite 6 • Anchorage, Alaska 99501 • (907) 277-6891~~  
4107 Laurel Street #1, Anchorage, AK 99504

April 30, 1980

Honorable Glen B. Hackney  
Chairman, Senate Health & Social Services  
Pouch V, MS 3100  
Juneau, AK 99811

Re: SB 263 relating to naturopathy

Dear Senator Hackney:

Naturopathic physicians have been practicing in Alaska outside the law for some time. One, in particular, has created a great deal of trouble for the Division of Occupational Licensure and Department of Law, and was served a Cease and Desist Order in Fairbanks for operating a cancer detection clinic, consisting in part of hair analysis. It is our understanding that they are now performing home deliveries. If your office can acquire any information the State has accumulated, you can more readily appreciate the difficulties we may expect by legalization of this group.

Many of us have encountered patients made physically ill from drug overdose, i.e. thyroid and misuse of cortisone, etc. I have personal experience in attempting to treat a woman who eventually died of breast cancer, after a prolonged naturopathic treatment with laetrile and enzymes while the cancer progressed to inoperability.

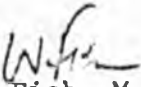
I cannot stress too strongly that naturopathy poses no threat whatsoever to the medical profession. It has, in fact, presented some clinical situations we might not otherwise encounter. While we may feel that a caveat emptor policy has some merit, it is clear that much of the public is simply gullible and this is reinforced by the FTC rulings on professional advertising.

Were naturopathy harmless it would be no concern of ours how the public wastes its money, but as I have indicated, many of the "natural drugs" are both potent and potentially toxic; others are worthless. As naturopathy encompasses the gamut of non-surgical illness, there is considerable opportunity for both misuse or inadequate or delayed proper treatment. In addition, it is probable that there will be pressure for access to public funding, as well as to medical and hospital facilities, radiology, laboratory, etc. A separate board would put naturopathy completely outside any control.

Senator Hackney  
April 30, 1980  
Page 2

We urge you, therefore, to carefully consider what, if any, possible benefit would result from SB 263.

Sincerely,

  
Winthrop Fish, M.D., Chairman  
Legislative Committee

WF/sel

cc: ASMA Legislative Committee  
Jeff Landry

5-20-80

Kel'd "Review of Statutes  
to License Naturopathic  
Physicians in Selected  
States to House Research

Rep. Chris Johnson  
House Research

[Our copy]

Introduced: 4/11/79  
Referred: Health, Education  
& Social Services;  
Labor & Management

BY THE COMMERCE COMMITTEE  
BY REQUEST

1 IN THE SENATE

2 SENATE BILL NO. 263

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the licensing of practitioners of  
7 naturopathic healing; and providing for an effective  
8 date."

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

10 \* Section 1. AS 08 is amended by adding a new chapter to read:

11 CHAPTER 45. NATUROPATHS AND NATUROPATHIC PHYSICIANS.

12 ARTICLE 1. BOARD OF NATUROPATHIC EXAMINERS.

13 Sec. 08.45.010. ESTABLISHMENT; MEMBERSHIP; APPOINTMENT OF BOARD.

14 (a) There is created the Board of Naturopathic Examiners, consisting of  
15 three members appointed by the governor.

16 (b) Members shall be licensed naturopathic physicians who have  
17 been actively engaged in the practice of naturopathy in the state for at  
18 least two years immediately preceding their appointment.

19 Sec. 08.45.020. TERM OF OFFICE; COMPENSATION. (a) Board members  
20 serve overlapping three-year terms. Vacancies on the board shall be  
21 filled for the unexpired portion of the term.

22 (b) Board members serve voluntarily except that members are  
23 entitled to travel expenses and per diem as allowed by law for other  
24 boards.

25 Sec. 08.45.030. CHAIRMAN. (a) The board shall annually elect a  
26 chairman from its members.

27 Sec. 08.45.040. MEETINGS. The board shall hold a regular meeting  
28 annually and other meetings as may be necessary. Special meetings may  
29 be called by the chairman or by concurrence of two board members.

1           Sec. 08.45.050. DUTIES AND POWERS. The board shall

2           (1) adopt regulations necessary to carry out the purposes of  
3 this chapter;

4           (2) evaluate the qualifications of applicants;

5           (3) conduct hearings and keep records and minutes necessary  
6 for carrying out the purposes of this chapter;

7           (4) provide for the issuance of temporary permits for persons  
8 who are apparently qualified to engage in naturopathic medicine to  
9 engage in the practice of naturopathic medicine until certification of  
10 the results of the next examination given under AS 08.45.120.

11           ARTICLE 2. LICENSING OF NATUROPATHIC PHYSICIANS.

12           Sec. 08.45.100. LICENSING REQUIREMENT. A person may not engage in  
13 the practice of naturopathy or naturopathic medicine unless he first  
14 obtains a license as provided in this chapter.

15           Sec. 08.45.110. LICENSURE AS A NATUROPATHIC PHYSICIAN. To be  
16 eligible for a license as a naturopathic physician, an applicant shall

17           (1) hold a high school diploma or the equivalent;

18           (2) have completed two years of postsecondary education at an  
19 accredited college of liberal arts or sciences;

20           (3) have graduated from an accredited school or college of  
21 naturopathic medicine that has as a requirement for graduation success-  
22 ful completion of a course of instruction of at least nine months in  
23 each of four years; and

24           (4) successfully complete an examination given by the board.

25           Sec. 08.45.120. EXAMINATION. Examination for licensing as a  
26 naturopathic physician shall be held at a time and place and conducted  
27 in a manner determined by the board. The examination may include prac-  
28 tical demonstration and oral and written testing in those subjects  
29 usually taught in accredited schools of naturopathic medicine.

1           Sec. 08.45.130. ENDORSEMENT. The board may license a person as a  
2 naturopathic physician if the person is currently licensed as a naturo-  
3 pathic physician in another state or in Canada and that state or pro-  
4 vince in Canada maintains professional licensing standards equivalent to  
5 those in this chapter, and if the state or province extends the same  
6 privilege to those holding a license in this state.

7           Sec. 08.45.140. DENIAL, SUSPENSION OR REVOCATION OF LICENSE. The  
8 board may deny, suspend, or revoke the license of a person or applicant  
9 who

10           (1) has obtained or attempted to obtain a license under this  
11 chapter by fraud or deceit;

12           (2) wilfully violates a provision of this chapter or a regula-  
13 tion adopted under this chapter; or

14           (3) engages in unprofessional conduct.

15           Sec. 08.45.150. RENEWAL OF LICENSE. Licenses expire biennially on  
16 a date set by the department and may be renewed by making an application  
17 to the department and meeting the requirements established in this  
18 chapter.

19           Sec. 08.45.160. FEES. The following fees shall be imposed under  
20 this chapter:

- |   |       |
|---|-------|
| 21           (1) application for examination          | \$ 25 |
| 22           (2) application for reexamination        | 10    |
| 23           (3) license issuance or biennial renewal | 100   |
| 24           (4) issuance of temporary permit         | 25    |

25           ARTICLE 3. GENERAL PROVISIONS.

26           Sec. 08.45.200. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.  
27 The board shall adopt regulations and conduct hearings in accordance  
28 with the Administrative Procedure Act (AS 44.62).

29           Sec. 08.45.210. VIOLATIONS. (a) It is unlawful for a person to

1 (1) fraudulently obtain or furnish a license, renewal or  
2 record required by this chapter;

3 (2) wilfully violate a provision of this chapter or a  
4 regulation adopted under this chapter.

5 (b) A person who violates this section is guilty of a misdemeanor  
6 and upon conviction is punishable by a fine of \$500, or by imprisonment  
7 for one year, or by both.

8 Sec. 08.45.220. PRACTICING WITHOUT A LICENSE. A person who  
9 practices naturopathy or naturopathic medicine without first obtaining a  
10 license is guilty of a misdemeanor and, upon conviction, is punishable  
11 by a fine of not more than \$1,000, or by imprisonment for not more than  
12 one year, or by both.

13 Sec. 08.45.230. DEFINITIONS. In this chapter

14 (1) "board" means the Board of Naturopathic Examiners;

15 (2) "naturopathy" and "naturopathic medicine" means the  
16 treatment of the human body through the use of natural agencies, forces,  
17 processes, and products, with emphasis on the response of the individual  
18 to the disease rather than its treatment in isolation; the term

19 (A) allows use of all systems of diagnosis, including  
20 use of X-ray;

21 (B) allows treatment by physiological, nutritional,  
22 psychological, mechanical, electrical, manual, hydrotherapeutic,  
23 phytotherapeutic, mineral and organic substances and agencies which  
24 are effective in stimulating normal function of tissues and organs  
25 sensitized by disease;

26 (C) includes

27 (i) minor surgery, including the drawing of blood  
28 for laboratory purposes;

29 (ii) use of local anesthetic for surgical repair or

1                    ce-e; and

2                    (iii) the practice of natural childbirth in obstet-  
3                    rics, including related minor surgical procedures;

4                    (D) excludes major surgery, the use of narcotics, radia-  
5                    tion therapy, and the use of synthetic prescription drugs;

6                    (3) "unprofessional conduct" means

7                    (A) habitual overuse of alcoholic beverages or depres-  
8                    sant, hallucinogenic or stimulant drugs, as defined in AS 17.12.-  
9                    150(3), or addiction to the use of narcotic drugs as defined in  
10                    AS 17.10.230(13); or

11                    (B) conviction of an offense involving moral turpitude.

12 \* Sec. 2. AS 08.01.010 is amended by adding a new paragraph to read:

13                    (22) Board of Naturopathic Examiners.

14 \* Sec. 3. AS 08.01.050(19) is amended to read:

15                    (19) provide investigative services to the boards established  
16                    under AS 08.20 AS 08.32, AS 08.36, AS 08.45, AS 08.64, AS 08.68, AS 08.  
17                    71, AS 08.72, AS 08.80, AS 08.84, and AS 08.86, for the purpose of  
18                    assisting those boards in matters of professional discipline.

19 \* Sec. 4. AS 08.03.010(c) is repealed and re-enacted to read:

20                    (c) The following board has the termination date provided by this  
21                    subsection: Board of Naturopathic Examiners (AS 08.45.010) -- June 30,  
22                    1983.

23 \* Sec. 5. AS 08.03 is amended by adding a new section to read:

24                    Sec. 08.03.020. TERMINATION, CONTINUATION, AND REESTABLISHMENT OF  
25                    REGULATORY BOARDS. (a) Upon termination, each board listed in AS 08.-  
26                    03.010 shall continue in existence until June 30 of the next succeeding  
27                    year for the purpose of concluding its affairs. During this period,  
28                    termination does not reduce or otherwise limit the powers or authority  
29                    of each board. One year after the date of termination, a board

1 continued shall cease all activities.

2 (b) The termination, dissolution, continuation or reestablishment  
3 of a regulatory board shall be governed by the legislative oversight  
4 procedures of AS 44.66.050.

5 (c) A board scheduled for termination under this chapter may be  
6 continued or reestablished by the legislature for a period not to exceed  
7 four years.

8 \* Sec. 6. INITIAL TERM OF OFFICE. (a) One member of the Board of  
9 Naturopathic Examiners first appointed under AS 08.45.010(a) shall serve a  
10 term of one year; one shall serve a term of two years; and one shall serve a  
11 term of three years. The length of the term of each of the members first  
12 appointed shall be designated by the governor.

13 (b) The provisions of AS 08.45.010(b) do not apply to the members of  
14 the first Board of Naturopathic Examiners appointed under AS 08.45.

15 \* Sec. 7. LICENSING OF PRACTITIONERS OF NATUROPATHY OR NATUROPATHIC  
16 MEDICINE WITHOUT EXAMINATION. The Board of Naturopathic Examiners shall  
17 license all persons who, on the effective date of this Act, meet the qualifi-  
18 cations of AS 08.45.110(1) - (3) and who apply for licensure under AS 08.45  
19 not later than one year after the effective date of this Act.

20 \* Sec. 8. AS 08.03.010(d) and (e) are repealed.

21 \* Sec. 9. This Act takes effect July 1, 1979.

SB

267

SS SHES 798862 relating to special  
/ SB 267 "Education"  
Summer/Summer

Introduced 4-17-79  
Logged 4-17-79  
Referrals - Finance  
Comm. Meeting  
Comm. Action

4-17-79 - no F/NO on printed paper.  
Requested printed copy.  
Sen Summer had interim study  
since June on this (copy told Luperklas  
2/8/80 - Senate Dept traded SB 267  
for 11 SB 267 - no Summer by Reg  
Summer dropped.

Notify:

ROBERT WOMACK, 1020 E. 4<sup>th</sup> St, #19  
Anchorage, AK 99504

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 267  
 Title An Act Relating to Special Education  
 Requested by Rep. Brian Rogers Date 11/1/79

II. FISCAL DETAIL

Agency Affected Education  
 Program Category Affected Special Education  
 Budget Request Unit(s) Affected \_\_\_\_\_

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.			239,511.0	256,276.8	274,216.2	293,411.3
TOTAL	-0-	-0-	239,511.0	256,276.8	274,216.2	293,411.3

FUNDING (Thousands of Dollars)

GENERAL FUND			239,511.0	256,276.8	274,216.2	293,411.3
FEDERAL FUNDS						
OTHER (Specify)						
	-0-	-0-	239,511.0	256,276.8	274,216.2	293,411.3

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

Assumes 7% inflation factor in succeeding fiscal years.

(See attached analysis.)

IV. DATE November 1, 1979

PREPARED BY *William A. Thomas*  
 AGENCY Department of Education  
 PHONE 465-2800

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

Senate Bill 267

Originally Introduced 4/17/79  
Preliminary Fiscal Note and Analysis

Section 1.AS 14.03.150

No fiscal estimate. DOE does not keep data on number of children/class.

Section 2.AS 14.17.041(f)

Estimated \$20.7 (Based on final report 78-79 school year) an increase of \$2.0.

Section 3.AS 14.17.041(h)

Estimated \$3.1 (1979-80) based on FY'80 Initial Foundation Report.

Section 4 AS 14.30.180

Philosophy, no fiscal impact

Section 5.AS 14.30.192

Covered under current regulations, no fiscal impact

14.30.193

Allowed under current regulations  
Fiscal impact not estimable

14.30.194

No fiscal impact

14.30.195

Fiscal impact not estimable

14.30.196

No fiscal impact

14.30.197

Includes additional programs not currently under regulation or funded as a program by the State. There would be significant impact.

Subsections

	Level of service required
1. \$5,039,225	.25
2. 5,039,225	.25
3. 2,845,690	.75
4. 4,093,806	1.00
5. 4,093,806	1.00
6. 4,093,806	1.00
7. 4,093,806	1.00
8. 4,093,806	1.00
9. 4,093,806	1.00
10.	.25, .50, .75, 1.0
11. (A) \$12,765,819	.25, .50, .75
(C) 16,859,625	.25, .50, .75, 1.0
(D) 16,859,625	.25, .50, .75, 1.0

Total = \$100,831,670

Numbers of students in each level of service category (computer data as of 6/7/79 x average Instructional Unit value).

11. (A) 8978 students levels .25, .50, .75 at an average cost of \$300 per student equals \$2,693,400. This cost reflects medical/psychological evaluation only. Does not include cost of social services.

Mental Health services based on average cost of \$45.00 per hour. An average of 6 hours counseling is estimated. This would be very low in some cases.

12(B) 15/hour x 6 hours = 270 x 8978 students equals \$2,421,900 (estimates from Juneau Mental Health).

Section 14.30.198(c)

Out-of-District placements currently total \$212,846.

Section 14.30.199

Already in statute except that reevaluation required annually.

Section 14.30.201

Redundent with existing statute and regulation.

Section 14.30.202

(A) Redundent with existing statute and regulation.

(B) Fiscal impact unknown.

Section 14.30.203

(3) Requires school psychologist. 1 psychologist per 1500 students, 60 new positions = \$1,511,100. This would be difficult to achieve in terms of availability of staff.

(4) Nurse x 52 districts = \$1,309,620  
Social worker x 52 districts = \$1,309,620  
Guidance counselor x 52 districts = \$1,309,620  
No figures are available to indicate number under subsection 4 average/ADM. Estimates based on 1/district would increase drastically during first year.

Section 14.30.204

Redundent with current regulations.

Section 14.30.206

Redundent with current regulations.

Section 14.30.207

Redundent except for subsection (5) requires counseling, not considered district responsibility.

Section 14.30.208

Redundent

Section 14.30.209

Fiscal impact not estimable.

14.30.211

Under the weighted formula the impact would equal the impact of 10,000 new students and cause districts to hire 1000 new teachers.

Computed 9931 exceptional children deleted from 90,000 = 80,069 students. Exceptional children added back with weighted formula attached = 100,014.

Section 14.30.211

Under section #1 AS 14.03 maximum class size is established for the regular classroom. This section would have massive fiscal impact especially when small districts would be required to have additional staff during the school year. Law suits, etc., would result due to lack of space for classrooms, etc.

(b) Weighing factors would escalate allowing the team to cause districts to hire or release staff prior to school board action. Inconsistent with school board's power under the law.

(c) Redundent with subsection (b) above.

Section 14.30.213

Surrogate parents are not currently legally defined in Alaska Law. The impact cannot be estimated.

Section 14.30.214

Subsection (a) does not allow for due process with LEA.

Subsection (b) due process requirements redundant with current regulation except that the DOE does not currently approve such program placements.

Section 14.30.215 - 222

Redundent with current regulation.

Section 14.30.223

Subsection (1) inconsistent with current State Statutes. District's may expend State support in any way approved by the Board.

Subsection (5) public hearings are not currently required.

Section 14.30.225

Redundent with current regulations.

Section 14.30.226

Current school term is minimum of 180 days.

Fiscal impact with Programs in Valdez (Harborview), API, Hope Cottage. Impact not estimable at this time.

Section 14.30.227

Impact estimated at \$1.2 for 79-80 school year.

Transportation, DOE estimated  
325/child/year \$ 3,022,800

Subsection (B) \$199,933 (DHSS figures)

Subsection (D) 325/child/year \$ 3,022,800

Subsection (E) diagnostic costs prior estimates by DOE indicate \$1.9 for 79-80 school year.

SB

269

COMMITTEE REPORT

SENATE

FURTHER: Judiciary

4/13/79

Date: 5-12-80

Mr. President:

HEALTH, EDUCATION &  
SOCIAL SERVICES

The Committee on HEALTH, EDUCATION & SOCIAL SERVICES has had SB 269 prohibiting the disposal of nuclear waste material

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_

*Collette*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Steve Hackman*

\_\_\_\_\_

CHAIRMAN

*DO PASS*

SB 269 "An act prohibiting the disposal of nuclear waste" <sup>SHSS 79-80</sup>

Introduced 4-18-79

Logged 4-18-79

Referrals - Judiciary

Cohen Hearing 3-24-80

Active 5-1-80

3-3-80 recd

CS suggested - Recd LA for added "high level" 4-4 Sent letter X A.C. for 4-16-80 hearing opinion enclosed copy of CS

Passed out of Committee

ATTY GENERAL OPINION - Review Dept of Health & S.S. new paper on CS 269

Notified Eugene McQueen Civil Defense City Ext 56-586-3300

" Environmental Conservation Sponsor notified.

3-25-80 Tom Hanna with Environmental ad the amendments as per fact in position paper by HSS excellent & also the amendments to his dept. would have made.

3-16-80 Sp in Ron Lind - he took out a bill from someone in Thompson (Highways) and use some language to incorporate in CS to prevent highways from being used. He sending

4-1-80. To LA for CS.

NOTIFY LYNN RICE 586-3121 DORIS LYNCH 586-6865

Nuclear  
Waste  
Material  
(disposal)

SENATE BILL NO. 269, by Senator Kerttula. Amends AS 18.45.025 (Ch. 45, "Atomic Energy," "Facilities Siting Permit Required") to read: "No person may construct a nuclear fuel production facility, utilization facility, and reprocessing facility [, OR NUCLEAR WASTE DISPOSAL FACILITY] in the state unless he has first obtained a permit from the Department of Environmental Conservation ....." Adds new section to AS 18.45 which prohibits storage and disposal of nuclear waste material in Alaska. Does not provide for effective date.

Introduced April 18 and referred to HESS, then to Judiciary.

3-25-80  
2:10 PM

Glenn -

Just what is going to happen  
to this bill - Is it CS which part  
is involved? Please.

M.

def

*[Handwritten scribble]*

OK  
Henry  
Thompson

3/16/80 Ron Lind will  
get on this & have  
some one write or call in language-governing  
Heard

Nuc. Reg Comm. would be sensitive to state

Can transp. be prohibited over state & CS  
road system? //

Dr. Rooney - local doc.

Licensed by Nuc. Reg. Comm.

Suggested language to prohibit transportation of nuclear waste material yet allow Alaskan users, such as hospitals, to dispose of their material:

18.45.028 TRANSPORTATION OF NUCLEAR WASTE MATERIAL. The transportation of nuclear wastes, other than for disposal outside the boundaries of Alaska, are prohibited on the State highway system.

*This act becomes effective immediately.*

*Proposed  
by DOT*

POSITION PAPER

SENATE BILL NO. 269

"An Act prohibiting the disposal of nuclear waste material."

Senate Bill No. 269 prohibits the storage and disposal of nuclear waste material in Alaska. This prohibition is without qualification as to quantity, origin, and kind.

Alaska has approximately 35 licensed users of radioactive materials. Since Alaska is not an Agreement State under the Atomic Energy Act, the Department of Health and Social Services does not have jurisdiction over these sources. They are licensed and controlled by the United States Nuclear Regulatory Commission.

Presently, nuclear waste material in some form or other is either stored and/or disposed of in Alaska. It is estimated that from eight to ten of the facilities licensed in the State by the Nuclear Regulatory Commission use unsealed sources which require some storage and disposal following use.

Unsealed sources, as differentiated from sealed sources, are those not encapsulated in a container. Unsealed sources, kept in openable bottles or other containers, are necessary in research and nuclear medicine so they can be used in various laboratory procedures or in medical practice by ingestion, inhalation or injection. This use results in various kinds of radioactive wastes. Facilities presently using unsealed sources are four hospitals located in Juneau, Anchorage, and Fairbanks. Unsealed sources are also frequently used in private, Federal, and State research and/or educational facilities carrying out activities such as those conducted by the NOAA Auke Bay Fisheries Laboratory, U.S. Geological Survey, and the University of Alaska Institutes of Marine Science and Arctic Biology. Some of these unsealed sources may also be used in industrial applications--for example, activities related to the oil industry.

Radioactive wastes are in the form of liquids, contaminated laboratory articles, biological samples, and such items as towels and clothing. Generally these would be stored in liquid-tight barrels, on site, in an area with limited and controlled access. Storage is necessary until materials can be shipped to a licensed radioactive waste disposal site, such as the one in Rickland, Washington. Alaska does not have an approved waste disposal site, and the present low volume of such waste has not yet caused a problem for users in Alaska.

Presently, hospitals in Alaska store radioactive waste until it has decayed to very low levels (near background). The material is then either incinerated or disposed of in sanitary sewerage systems according to regulations established by the Nuclear Regulatory Commission.

This Bill, if passed as presently worded, will eliminate the use of unsealed radioactive sources in Alaska--a situation which will have a harmful impact on the delivery of medical services and research activities within the State. Accordingly, the following changes in wording are recommended:

Line 12: Leave in the phrase "OR NUCLEAR WASTE DISPOSAL FACILITY".

Lines 26-28: Section 18.45.027. <sup>STORAGE & DISPOSAL</sup> DISPOSAL OF NUCLEAR WASTE MATERIAL. The disposal of high levels of nuclear waste material in the State from nuclear power plants is prohibited.

The changes recommended above are suggested only to protect the use of radioactive materials in nuclear medicine facilities, research, and education. It is recognized that the prohibition of the disposal of high level waste from nuclear power plants may directly affect future State policy and the interest of other State agencies. This matter of State policy regarding disposal of high level waste has ramifications far beyond the authority of this Department, and consequently is not addressed by this position paper.

With the above recommended changes, the Department of Health and Social Services takes a neutral stand on Senate Bill No. 269.

Recommended by: Dean F. Tirador  
Dean F. Tirador, M.D.  
Director, Division  
of Public Health

Date: 17 Mar 80

Approved by: Helen D. Beirne  
Helen D. Beirne  
Commissioner

Date: 3/22/80

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill 269  
 Title "An Act prohibiting the disposal of nuclear waste material."  
 Requested by Commissioner's Office Date 2/26/80

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services  
 Program Category Affected Health/Division of Public Health  
 BRU, Program, or Subprogram(s) Affected \_\_\_\_\_  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
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.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Fund Source)	0	0	0	0	0	0

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

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

Original: Legislative Finance Prepared by: M. Deaver Date: 2/26/80  
 cc: Budget and Management Division/Office: PH Admin PH: 3090  
 Prime Sponsor (First Legislator Named) Department of Health & Social Services

33-001 (Rev. 12/79)  
 Modify by DHSS (11-28-79)

Approval DHSS Mgt. & Bdgt. St. Ouelton Date: 2/29/80

Sub  
4-4-80

Arvin Press  
Attorney General  
State Capitol - Rom. 410

In committee discussion of the  
S.B. 269 the possibility that the Federal  
Government might wish to open a  
nuclear disposal site on federal land  
in at least two or three

Such reports to Section "2 Transportation  
of Nuclear Waste Material". Council State  
of Report present the U.S. in an effort  
to find a way to do to transport  
nuclear waste for disposal.

You are invited to attend the meeting  
on 4/10/80

Tape AB 269 CS.

Sid Herder of mentioned nuclear regulatory  
Commission being penitence & state right.

Another member questioned if State & Municipal  
Codes supersede Gov't.

Allen: Yes Federal Gov't. have right & dispose  
on federal land regardless of state law.

A G. to see her his opinion

# STATE OF ALASKA

**DEPT. OF ENVIRONMENTAL CONSERVATION**

JAY S. HAMMOND, GOVERNOR

POUCH 0 - JUNEAU 99811

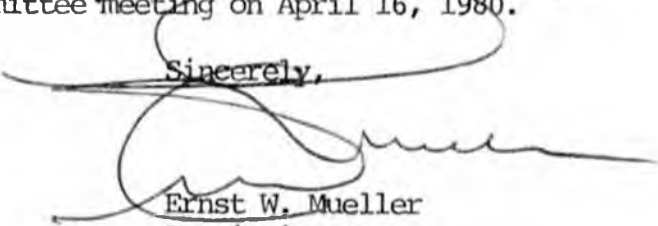
April 15, 1980

The Honorable Glenn Hackney  
Chairman  
Senate Health & Social  
Services Committee  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Dear Senator Hackney:

The Alaska Department of Environmental Conservation would like to submit the following comments and recommendations on SB 269 concerning the disposal of nuclear wastes in Alaska. We support this bill and the several minor changes which have been recommended. We would be more than willing to present these comments and answer any questions you might have at the 3:00 pm Committee meeting on April 16, 1980.

Sincerely,



Ernst W. Mueller  
Commissioner

Enclosure

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

REVIEW OF SB-269  
AN ACT PROHIBITING THE DISPOSAL OF NUCLEAR WASTE MATERIAL

Submitted to the  
Senate Health, Education and Social Services Committee

SB 269 makes changes in the current Alaska Statutes 18.45.025 FACILITIES SITING PERMIT REQUIRED, to prohibit the siting of any facilities which would allow the storage or disposal of radioactive waste materials within the State of Alaska. The Department strongly supports this legislation, particularly as it relates to the disposal of highly radioactive waste materials from nuclear power plants.

Wastes from nuclear power generating facilities require extremely long storage times before their radioactivity is reduced to safe levels. These wastes are difficult to contain in a safe manner, require extremely expensive containment technology which up to now has not proven reliable for long-term storage. While wastes from existing plants in other states will require some form of disposal method, Alaska should not become a dumping ground for these wastes. SB 267 would prohibit this from occurring, except in the unlikely event of federal preemption.

In supporting this legislation, we understand that a change has been or is going to be made in the legislation to expressly prohibit only the disposal of high level radioactive wastes from nuclear power plants. We support this change, because the disposal of small amounts of low level radioactive wastes generated from medical, laboratory and industrial facilities can be accomplished without creating a hazard to public health and the environment. Many of these low-level wastes cause no danger to the public if they are disposed in a safe and environmentally sound manner. Therefore, the existing authority to establish regulations under AS 46.03.250 should be adequate to assure proper handling and safe disposal of the low-level radioactive waste materials presently being generated in Alaska.

We thank you for the opportunity to comment on this legislation.

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

*opinion*

POUCH K—STATE CAPITOL  
JUNEAU, ALASKA 99811

(907) 465-3686

April 15, 1980

The Honorable Glenn Hackney  
Alaska State Legislature  
Senate  
Pouch V  
Juneau, Alaska 99811

Re: Nuclear Waste Transportation  
Our file J-66-606-30

Dear Senator Hackney:

On April 4, you requested this department's views on whether the State of Alaska could prohibit the Federal Government from utilizing state roads to transport nuclear waste for disposal within the state. The state of the law in this matter is fluid, and we cannot give a definitive answer.

Many states, and local governments, have enacted legislation prohibiting or restricting the transportation of radioactive wastes across their roads. In response, the Federal Department of Transportation has proposed regulations which, if enacted, would preempt states from imposing outright prohibitions on nuclear waste transport, at least on federal aid highways, although states would be allowed a voice in particular routing decisions. A copy of these regulations is enclosed. Several states are actively protesting these

regulations, and are contemplating litigation in the event that they are adopted -- on the grounds that the regulations are statutorily and constitutionally unauthorized.

Absent the adoption of these regulations, the state probably could prohibit private carriers from transporting nuclear wastes across state roads. A different problem exists with respect to transportation by the Federal Government and its instrumentalities. Unless a specific statutory waiver could be found, direct federal transport would be immune from state regulation. Hancock v. Train, 426 U.S. 167 (1976). Congress has waived federal sovereign immunity with respect to solid waste activities in section 6001 of the Resource Conservation Recovery Act of 1976 (P.L. 94-950). The applicability of that waiver to nuclear waste transportation by the Federal Government would be questioned under section 1006(a) of the Act, which provides that:

Nothing in this Act shall be construed to apply to (or to authorize any state, interstate, or local authority to regulate) any activity or substance which is subject to the . . . Atomic Energy Act of 1954 (42 U.S.C. 2011 and following) except to the extent that such application (or regulation) is not inconsistent with the requirements of such acts.

As implemented, the regulation of the transportation of nuclear wastes is governed not by the Atomic Energy Act, but rather by the Hazardous Materials Transportation Act.

49 U.S.C. § 1801 et seq. Thus, the exceptions to the sovereign immunity waiver contained in the Resource Conservation and Recovery Act, at least potentially, may not include the transportation of nuclear waste materials. However, because sovereign immunity waivers are strictly construed in favor of the Federal Government (Hancock v. Train, supra) the argument may be a difficult one to make. \*/

As I hope this letter indicates, the subject of the permissible scope of state regulation with respect to nuclear power involves an accommodation of several major federal regulatory programs, and ongoing federal agency activities. Certainly, 42 U.S.C. § 2021 -- the state cooperation section of the Atomic Energy Act -- has certain preemptive effects. For example, it has been held that states may not prohibit the construction of a nuclear plant for reasons premised on radioactivity hazards, although it may deny siting approval on other environmental or land use grounds. See Northern States Power Co. v. State of Minnesota, 447 F.2d 1143 (8th Cir. 1971); United States v. City of New York, \_\_\_ F. Supp. \_\_\_, 12 ERC 1600 (SDNY, December 26, 1978); Pacific Legal Foundation v. California State Energy Comm'n,

---

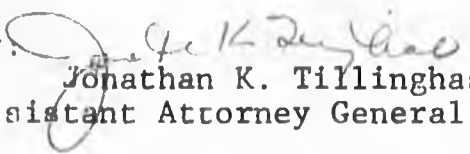
\*/ The sovereign immunity waiver in the Clean Air Act (sec. 118: P.L. 95-95) may also be applicable, to the extent that transportation of nuclear waste poses a threat of atmospheric radioactive release.

\_\_\_ F. Supp. \_\_\_ 12 ERC 1899 (S.D. Cal., March 6, 1979).

The extent to which this rationale is applicable to direct regulation of nuclear waste disposal activities is unclear. Because it is unsettled, many state and local governments have chosen to legislate in this area. Moreover, it is my understanding the Nuclear Regulatory Commission has taken a cooperative attitude in this respect -- although the Department of Transportation, as noted previously, may differ. In sum, it does not appear from initial review that there exists any clear legal obstacle at this time which would override the public interest which would be served by state nuclear power regulation.

Sincerely,

AVRUM M. GROSS  
ATTORNEY GENERAL

By:   
Jonathan K. Tillinghast  
Assistant Attorney General

JKT:dlm

Enc.

cc: Ernst W. Mueller, w/enc.  
Commissioner  
Department of Environmental  
Conservation

POSITION PAPER

SENATE BILL NO. 269

"An Act prohibiting the disposal of nuclear waste material."

Senate Bill No. 269 prohibits the storage and disposal of nuclear waste material in Alaska. This prohibition is without qualification as to quantity, origin, and kind.

Alaska has approximately 35 licensed users of radioactive materials. Since Alaska is not an Agreement State under the Atomic Energy Act, the Department of Health and Social Services does not have jurisdiction over these sources. They are licensed and controlled by the United States Nuclear Regulatory Commission.

Presently, nuclear waste material in some form or other is either stored and/or disposed of in Alaska. It is estimated that from eight to ten of the facilities licensed in the State by the Nuclear Regulatory Commission use unsealed sources which require some storage and disposal following use.

Unsealed sources, as differentiated from sealed sources, are those not encapsulated in a container. Unsealed sources, kept in openable bottles or other containers, are necessary in research and nuclear medicine so they can be used in various laboratory procedures or in medical practice by ingestion, inhalation or injection. This use results in various kinds of radioactive wastes. Facilities presently using unsealed sources are four hospitals located in Juneau, Anchorage, and Fairbanks. Unsealed sources are also frequently used in private, Federal, and State research and/or educational facilities carrying out activities such as those conducted by the NOAA Auke Bay Fisheries laboratory, U.S. Geological Survey, and the University of Alaska Institutes of Marine Science and Arctic Biology. Some of these unsealed sources may also be used in industrial applications--for example, activities related to the oil industry.

Radioactive wastes are in the form of liquids, contaminated laboratory articles, biological samples, and such items as towels and clothing. Generally these would be stored in liquid-tight barrels, on site, in an area with limited and controlled access. Storage is necessary until materials can be shipped to a licensed radioactive waste disposal site, such as the one in Rickland, Washington. Alaska does not have an approved waste disposal site, and the present low volume of such waste has not yet caused a problem for users in Alaska.

Presently, hospitals in Alaska store radioactive waste until it has decayed to very low levels (near background). The material is then either incinerated or disposed of in sanitary sewerage systems according to regulations established by the Nuclear Regulatory Commission.

This Bill, if passed as presently worded, will eliminate the use of unsealed radioactive sources in Alaska--a situation which will have a harmful impact on the delivery of medical services and research activities within the State. Accordingly, the following changes in wording are recommended:

Line 12: Leave in the phrase "OR NUCLEAR WASTE DISPOSAL FACILITY".

Lines 26-28: Section 18.45.027. DISPOSAL OF NUCLEAR WASTE MATERIAL. The disposal of high levels of nuclear waste material in the State from nuclear power plants is prohibited.

The changes recommended above are suggested only to protect the use of radioactive materials in nuclear medicine facilities, research, and education. It is recognized that the prohibition of the disposal of high level waste from nuclear power plants may directly affect future State policy and the interest of other State agencies. This matter of State policy regarding disposal of high level waste has ramifications far beyond the authority of this Department, and consequently is not addressed by this position paper.

With the above recommended changes, the Department of Health and Social Services takes a neutral stand on Senate Bill No. 269.

Recommended by: DF Tirador  
Dean F. Tirador, M.D.  
Director, Division  
of Public Health

Date: 17 Mar 80

Approved by: Helen D. Beirne  
Helen D. Beirne  
Commissioner

Date: 3/20/80

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill 269

Title "An Act prohibiting the disposal of nuclear waste material."

Requested by Commissioner's Office

Date 2/26/80

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services

Program Category Affected Health/Division of Public Health

BRU, Program, or Subprogram(s) Affected \_\_\_\_\_

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
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.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Fund Source)	0	0	0	0	0	0

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

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

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

Prepared by: M. Deaver Date: 2/26/80  
Division/Office: PH Admin PH: 3090  
Department of Health & Social Services

33-001 (Rev. 12/79)  
Modify by DHSS (11-28-79)

Approval DHSS Mgt. & Bdgt: John Outcalt Date: 2/29/80

Page \_\_\_\_ of \_\_\_\_

- Section: 18.45.025 Permit required from Environmental Conservation to construct a nuclear fuel production facility and reprocessing facility.
- 18.45.027 Prohibits transportation of nuclear waste in State except for purposes of disposal outside the State.
- 18.45.029 Prohibits disposal of "High Level Nuclear Waste". Nuclear waste means - nuclear waste produced by nuclear power plants. Does not prohibit radioactive materials used in medicine, scientific research or education.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

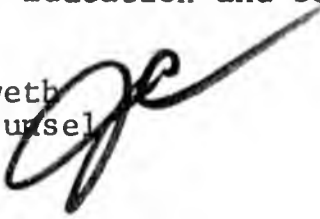
MEMORANDUM

April 4, 1980

SUBJECT: CSSB 269, relating to nuclear wastes

TO: Senator Glenn Hackney, Chairman  
Senate Health, Education and Social Services  
Committee

FROM: John B. Chenoweth  
Legislative Counsel



There was some confusion concerning instructions to complete the second redraft of this committee substitute. While the department's "position paper" wanted a ban only on "high level nuclear wastes" from nuclear power plants, your committee's actual request was limited to "high level nuclear wastes", presumably from any source. I do not know how to quantify "high level" with precision. Not wanting to tie to a figure expressed in terms of measurements that delight physicists and trouble legislators, I have suggested language in the draft that leaves the determination (other than as to wastes from nuclear plants) to an administrative agency. I note that, at 18 AAC 85, the Department of Environmental Conservation has already defined permissible disposable nuclear wastes.

The bill draft also makes clear that the prohibition is not intended to preclude storage and disposal of quantities of nuclear wastes generally used in education, research and medicine.

JBC:ljb

Enclosure

# STATE OF ALASKA

JAY S. HAMMOND, Governor

## DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC HEALTH

POUCH H-06-JUNEAU 99811

~~POUCH H-06-JUNEAU 99811~~

April 15, 1980

The Honorable Glenn Hackney  
Chairman  
Health, Education  
and Social Services Committee  
Alaska State Senate  
Pouch "V", State Capitol Building  
Juneau, Alaska 99811

Document# 79-80

Dear Senator Hackney:

Sid Heidersdorf, Radiological Physicist for the Division of Public Health, is out of town this week and therefore unable to testify at the Wednesday hearing on CSSB 269. He has asked that I convey his concerns regarding this bill to you for consideration by your committee.

We are pleased to note that the Committee Substitute for Senate Bill 269 allows the storage and disposal of nuclear waste resulting from medicine, scientific research and education. We have a few additional concerns we feel should be weighed by the committee in their deliberations on this bill.

### Consideration No. 1

Section 18.45.025 removes nuclear waste disposal facilities from the permit requirements listing. At some time in the future, if disposal requirements from medical, scientific and educational sources become great enough, a waste disposal facility may be required within the state for wastes generated from these sources. In that event, any such facility should be required to receive a permit from the Department of Environmental Conservation.

### Consideration No. 2

Section 18.45.027 prohibits the transportation of nuclear waste material in the state except for purposes of disposal outside the state. It is suggested that the prohibition should be directed against high level nuclear waste materials since there may be necessity to transport low level wastes from medical, scientific and educational sources. The State has regulations covering the transportation of nuclear materials (18 AAC 85.320).

### Consideration No. 3

Section 18.45.029(b)(1)(B) seems to add to the potential for confusion

The Honorable Glenn Hackney

Page 2

April 15, 1980

over the term "high level nuclear material" rather than to clarify the definition as intended. For example, low level wastes from medical, research and educational uses, when improperly stored or disposed of, could be "material of a kind or quantity which .... would constitute a threat to the health or safety of the public....". Safe disposal of radioactive wastes is already covered by regulation in 18 AAC 85.270 - 310.

Recommendations

1. In Section 18.45.025, retain the requirement for a permit for the siting of a nuclear waste disposal facility.
2. In Section 18.45.029, delete subpart (1) (B) since it does not appear to add clarity to the definition of "high level nuclear material" and rephrase 18.45.029 (1) (A) to read "nuclear waste material produced by nuclear power plants and nuclear fuel processing facilities".
3. A preferable alternative to Recommendations 1 and 2 is to delete Section 18.45.029 in its entirety and rephrase Section 18.45.027 as follows:

Section 18.45.027. TRANSPORTATION, STORAGE AND DISPOSAL OF NUCLEAR WASTE MATERIAL. The transportation, except for purposes of disposal outside the state, storage and disposal of high level nuclear waste material from nuclear power plants or nuclear fuel processing facilities is prohibited.

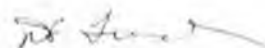
Such phrasing would be consistent with the continued use of low level nuclear materials for medical, scientific or educational purposes and would eliminate the need for defining "high level nuclear waste".

Department's Position:

The Department of Health and Social Services is neutral on CSSB No. 269 if these recommendations are incorporated in the final draft.

Thank you for the opportunity to present Mr. Heidersdorf's testimony to you in this letter. He will be back in his office Monday, April 21st and will be able to provide you or your committee members with any additional information you may require.

Sincerely,



Dean F. Tirador, M.D.  
Director  
Division of Public Health

SB

226



SB 276 \* An Act providing for the <sup>15. HESS 79-80</sup> ~~rights~~ of visitation rights to grandparent  
By HESS Comm.  
P. Amend

Introduced 4-23-79

Logged 4-23-79

Referred Judiciary

Comm. Meeting 3-17-80 passed

" Action passed - 3-18-80 taken to Senate Sec'y



## AFTER DIVORCE

# Grandparents Have Rights, Too

By Dr. Melvyn A. Berke and  
Joanne Grant

**Question:** Since our son's divorce we don't feel welcome in our grandchildren's home. The children live with their mother and we would like to visit them more often. We're still grandparents. What can we do?

**Answer:** You bet you're still grandparents! Enjoy and fulfill your wishes by clearly stating your position along with the "how and when" you can be with them. Do this in writing or by visiting

your former daughter-in-law. If she agrees, be sure to hold up your end of the bargain. If your plans change, give her plenty of notice.

Remember, she's their mother, so don't criticize her. If she refuses to let you see the children, you now have recourse through the courts.

Growing numbers of grandparents are beginning to press for visitation rights. Did you know that grandparents have organized into self-help groups like Grandparents Anonymous?

The leadership typically comes from paternal grandparents as

they are the ones most likely to lose contact with the children as a result of the divorce.

According to family counseling agencies, generally it is the ex-daughter-in-law who severs ties with the grandparents. She may be punishing them for the "sins" of their son or believe they have contributed to the breakup of the marriage.

She may also have found a new life with a new husband and doesn't want to deal with old and awkward relationships.

Less frequently the divorced son breaks off contact with his

children and hence, his parents' link to them.

Dr. Doris Freed, chairman of the committee on research of the Family Law section of the American Bar Association, reported that as little as 18 months ago grandparents did not have the right to seek visitation unless their own children had died. Recently the law has been amended to allow grandparents whose children are living to seek visitation.

Noting the increase in the number of grandparents fighting for visitation and even custody, Dr. Freed stated, "It's not always their right that they are seeking to perpetuate. ... It's more or less the rights of the children to love and affection."

The tendency in today's courts is to protect the rights of the child independently of the rights of the parents. As a result, the courts seem to be looking more favorably on grandparents' petitions for visitation.

The love of a grandparent can have a very special place in the lives of their grandchildren.

Your divorce crisis may last one to two years. The booklet, "Color Me Happy," provides a realistic and practical road map for the way back and beyond. For your copy, send \$1 and a long, stamped, self-addressed envelope with your request to "After Divorce," Box 4994, Des Moines, Iowa 50306.

GRAND PARENT RIGHTS

# Rights Of Grandparents

NEW YORK — (AP) — Grandparents have a right to visit their grandchildren, in spite of disagreements between the child's parents and grandparents, a state court has ruled.

"Visits with a grandparent," the court said, "are often a precious part of a child's experience, and there are benefits which devolve upon the grandchild from the relationship with his grandparents which he cannot derive from any other relationship."

"Neither the legislature nor this court is blind to human truths which grandparents and grandchildren have always known."

The five-member Appellate Division of state Supreme Court in Brooklyn unanimously reversed a lower court decision that kept Gabriel Vacula and his wife Julia, of the Bronx, from visiting their granddaughter, Amy Vacula, 7.

The grandparents had tried on numerous occasions to visit Amy, who remained in the custody of her mother, Carolyn, following the mother's divorce in 1971 from Robert Vacula. The split between the grandparents and Amy was widened by the death of the father in an auto accident in 1974.

Bitter feelings between Amy's parents were carried over to the grandparents, resulting in the mother's rebuffal of the grandparents' attempts to see Amy. The mother subsequently was remarried.

The court ruled that "animosity between the mother of children and their grandparents is not a proper basis for the denial of visitation privileges to the grandparents; nor is it a proper yardstick by which to measure the best interests of children."

The case was sent back to the lower court to set terms of visiting privileges.

SCAILE F.I. JUN 22, 1976

*Vernon's*  
TEXAS CODES  
ANNOTATED

---

FAMILY CODE  
Sections 11.01 to End

ST. PAUL, MINN.  
WEST PUBLISHING CO.

certain exceptions, from removing minor child from Hill County, was not an abuse of discretion. *Wilkerson v. Wilkerson* (Civ. App.1972) 483 S.W.2d 690, ref. n. r e.

Trial court's control over a minor child of a divorced couple extends to determination of the place where the child may reside, and in awarding custody the court may restrict the residence of the child. *Minjarez v. Minjarez* (Civ.App.1973) 495 S.W.2d 630.

Where trial court in divorce action granted custody of minor children to their natural father, it had discretion to restrict their residence to the home of father's parents, with whom the father also lived, despite contention that the practical effect of such judgment was to award custody to the father's parents and that there were no pleadings to support an award. *Id.*

### § 14.03. Possession of and Access to Child

(a) If a managing conservator is appointed, the court may appoint one or more possessory conservators and set the time and conditions for possession of or access to the child by the possessory conservators and others.

(b) On the appointment of a possessory conservator, the court shall prescribe the rights, privileges, duties, and powers of the possessory conservator.

(c) The court may not deny possession of or access to a child to either or both parents unless it finds that parental possession or access is not in the best interest of the child and that parental possession or access would endanger the physical or emotional welfare of the child.

(d) The court may grant reasonable visitation rights to either the maternal or paternal grandparents of the child and issue any necessary orders to enforce said decree.

#### Historical Note

##### Prior Law:

Acts 1935, 44th Leg., p. 111, ch. 39, § 1.  
Acts 1953, 53rd Leg., p. 439, ch. 127, § 1.

Acts 1961, 57th Leg., p. 663, ch. 305, § 1.  
Vernon's Ann.Civ.St. art. 4639a, § 1.

#### Library References

Guardian and Ward  $\Leftrightarrow$  29.

C.J.S. Guardian and Ward § 66 et seq.

#### Notes of Decisions

In general 1  
Actions and proceedings generally 9  
Admissibility of evidence 10  
Certainty or definiteness, terms of possession or access 6  
Conditions on possession or access 5  
Denial of possession or access 7  
Discretion of court  
    Generally 2  
    Terms of possession or access 4  
Findings 12  
Judgments and decrees 13  
Reasonable possession or access 8  
Review 14  
Sufficiency of evidence 11

Terms of possession or access 3-6  
    In general 3  
    Certainty or definiteness 6  
    Conditions 5  
    Discretion of court 4

##### 1. In general

Where husband defaulted in wife's divorce action and the court awarded the property of the parties to the wife and all the evidence as to fraud was that wife agreed that if the husband would not fight the divorce the wife would let him see the

*(ERA continued)*

Economic pressure is being exerted on the 15 states which have failed to ratify the amendment (Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Louisiana, Mississippi, Missouri, Nevada, North Carolina, Oklahoma, South Carolina, Utah, and Virginia).

Some 40 national organizations, which hold some of the largest conventions in the United States, have agreed not to meet in states where ERA has

not been ratified. Some major cities report feeling the impact of loss of business. Many conventions, however, are booked far in advance and organizations may be locked into contracts they cannot break in non-ERA states.

The political battle between pro and anti-ERA forces is likely to be intense in 1978 legislative sessions. For example, pro-ERA forces claim responsibility for the election defeat of Virginia House Majority Leader James M.

Thomson, who had opposed ERA.

Pro-ERA forces, spearheaded by ERAmerica, view the last few states as the toughest to corral. But they claim momentum is building, and the amendment will pass. Just as confident are anti-ERA forces, who point to defeats in state legislatures in 1977 as evidence that the ERA will not be adopted.

*(By Elaine S. Knapp, CSG, Lexington.)*

## Divorce blocks road to grandma's house

"Why don't we go to see Grandma and Grandpa anymore?" is the question often asked by children of divorced parents. To a young child, divorce not only means absence of one parent, but, all too often, absence of his grandparents as well.

States have begun to legislate in this area with laws passed in 1976 and 1977 giving visiting privileges to grandparents in Delaware (HB 1196), New York (SB 314), and Utah (HB 142). Arkansas and Wisconsin (S 11) passed similar laws in 1975.

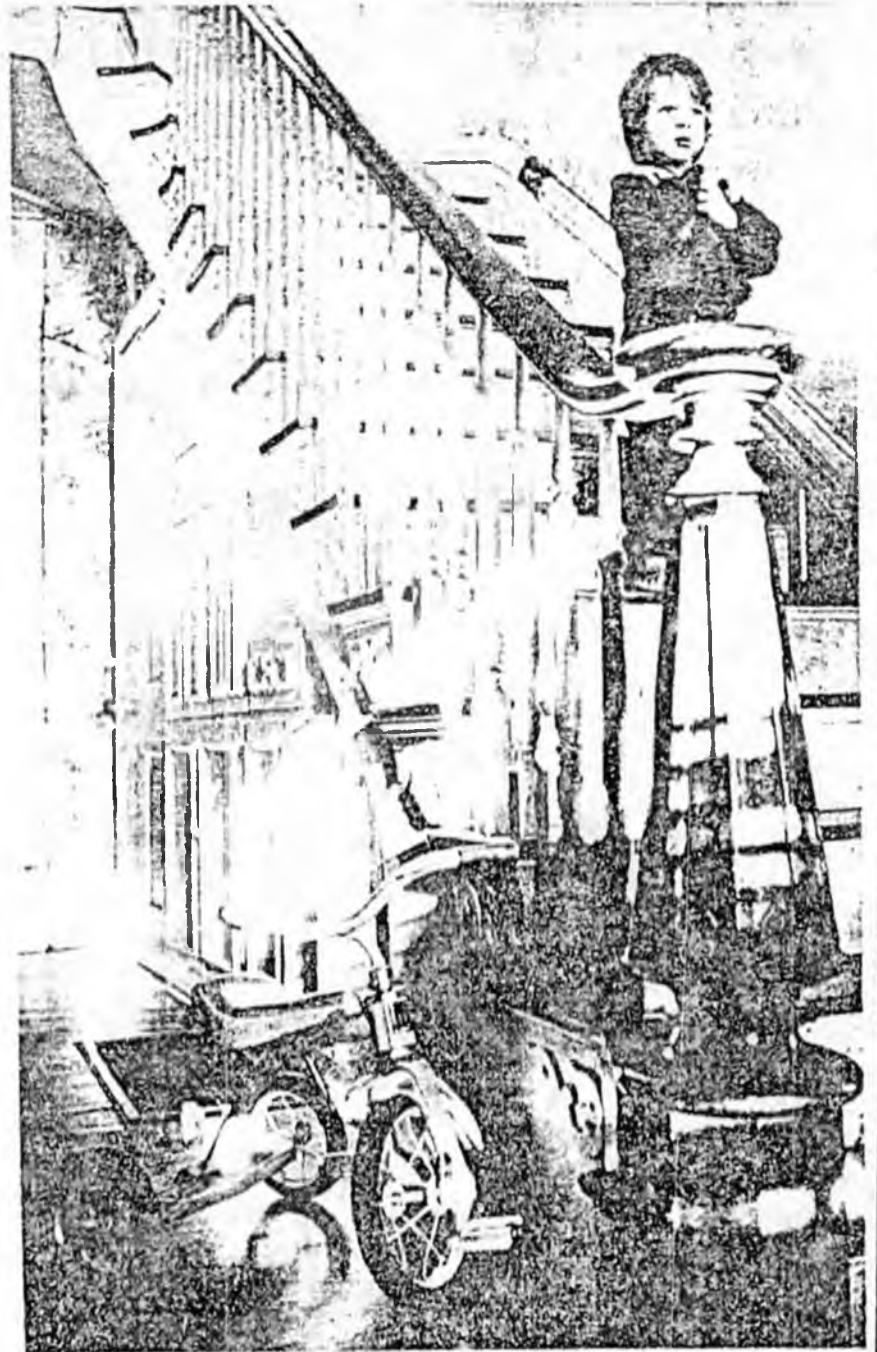
A bill which would have given visiting rights to grandparents in Pennsylvania (HB 2265) was vetoed in 1976 by the governor, who said he feared it would bring about lawsuits by one family member against another, and that the question of visiting rights is a moral issue—not a legal one.

A bill in the Maine Legislature (LD 885) would have allowed judges to award visitation rights to grandparents on a case-by-case basis. The measure failed in the 1977 legislature.

Its sponsor, Representative Gail Tarr, described the divorce rate in Maine as "astronomical" and said visitation rights for grandparents is an important issue.

"When the parents of a child get divorced, the experience can be traumatic enough," she said. "And when Grandma and Grandpa suddenly don't show up anymore, the effect that it would have on a young child just adds to the trauma that the child is already going through."

*(By Karen McElroy, CSG, Lexington.)*



# AFTER DIVORCE—

By Dr. Melvyn A. Berke and Joanne Grant

**COMMENT:** Many grandparents whose children are divorced are cut off from contact with their grandchildren. In a previous column we dealt with the psychological and legal aspects of this issue. Your calls and letters,

particularly in regard to the legal aspects, prompt us to give you an update.

We had reported that Dr. Doris Freed, co-chairman of the Custody section of the Family Law section of the American Bar Association, saw a trend in the expansion of legal rights of grandparents. Freed recently reported the following states now have a law which provides grandparents an opportunity to obtain visitation: Arkansas, California, Connecticut, Florida, Georgia, Hawaii, Idaho, Iowa, Louisiana, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Texas, Wisconsin and Vermont.

In the past, a stepmother or ex-wife whose spouse had died could prevent grandparents from seeing their grandchildren. Now it is the court's decision whether visitation should be granted. The decision is more likely to be favorable if there was frequent contact between the grandparents and grandchildren prior to the death or divorce of the custodial parent's spouse.

For further information you can contact Freed at 425 Park Ave., New York, N.Y. 10022.

Dear Ann Landers: A while back you printed a heartbreaking letter from grandparents who were cut off completely from their only grandchild because the boy's mother (their son's ex-wife) wanted to be punitive. I hope they live in Texas. The law is now on their side. The new Family Code, Senate Bill 168, Section 14.03, Clause D, provides grandparents with legal visiting rights.—Good For Us

Dear Good: Thank you for letting me know. I happily pass the word and hope that the example of the Texas legislature will be followed by all the other 49.


POSITION PAPER  
ON  
SENATE BILL 276

"An Act providing for the award of visitation rights to grandparents."

Senate Bill 276 adds to the section on visitation rights in judgements for custody during divorce or legal separation actions. It provides that grandparents be allowed visitation rights. The fact that parents choose to divorce each other should not automatically preclude the child from visiting grandparents who love a child and can give him emotional support. Sometimes the conflict between parents serves to cutoff a child from his grandparents. This may not be in the best interests of the child.

The Department of Health and Social Services is therefore supportive of Senate Bill 276.

RECOMMENDED BY:  DATE: 3/17/80  
John Pugh, Acting Director  
Division of Social Services

APPROVED BY:  DATE: 3/17/80  
Helen D. Beirne, Commissioner  
Department of Health and Social Services

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SENATE BILL No. 276  
 Title "An Act providing for the award of visitation rights to grandparents."  
 Requested by \_\_\_\_\_ Date March 17, 1980

II. FISCAL DETAIL

Department of Health and Social Services  
 Agency Affected \_\_\_\_\_  
 Program Category Affected Social Services  
 BRU, Program, or Subprogram(s) Affected Social Services  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)  
EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify Fund Source)	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

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

This Bill has no fiscal impact on the Department of Health and Social Services.

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named) Department of Health & Social Services

Prepared by: John Payne Date: 3/17/80  
 Division/OFFICE: Social Services PH: 465-3170

SB

3/8

# COMMITTEE REPORT

## SENATE

FURTHER: Finance

1/14/80

Date: 2/4/80

Mr. President:

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had SB 318

making a special appropriation to the student scholarship revolving loan program

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for 1-18  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

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

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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

[Signature]  
CHAIRMAN

DO PASS

Introduced 1-14-80  
Logged 1-14-80  
Referral Finance  
Comm Meeting ~~1-14-80~~ 1-4-80  
" action passed as C.S.

SB 318

S. HESS 79-80  
" An Act Making  
certain amendments to the

H

Wally Romberg 2855  
✓ Bill introduced Feb  
1980

# THE COAL BUNKERS

Telephone 456-5005  
Fairbanks, Alaska

270 ILLINOIS ST. • FAIRBANKS, ALASKA 99701

January 21, 1980

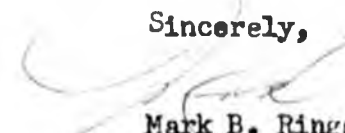
Senator Glen Hackney  
Pouch V  
Juneau, Alaska 99801

Dear Glen:

The student loan fund which has a maximum of \$2500.00 is an excellent program which isn't costing the State very much money. When it first started the max of \$2500.00 was quite sufficient. While it didn't cover all costs it did take care of 80% of them and most students could earn the balance during the summer months. However with inflation on the rise schools are now costing students around \$6,000.00/yr and it seems timely to increase the student loan fund max that students can obtain.

If you hear of any bills in the hopper good or bad for the mining industry I would appreciate a call from you.

Sincerely,



Mark B. Ringstad

In my file folder  
only, for Monday 2/3.  
2/4

③

In your file only.

Alaska Student Loan Critique from Counselor Point of View:

1. Counselors have not been kept properly appraised of changes in the loan program. For example, the federal insurance requirement was not made apparent until applications were received.
2. The federal insurance requirement which mandates that students must seek institutional verification of loan is a hassle. The outside institutions could care less regarding the timelines for processing and thus students are denied priority status. Also, some institutions (Oregon State University, for one) demanded that a student file their institutional financial aid forms before verifying the loan application for Alaska.
3. We have serious questions regarding the statement by loan administrators that staffing or lack of staffing is the problem for processing the loans in a timely fashion. In one case, a student filed an addendum for loan due to a change in college in the month of July and the loan has yet to be received at the college (November).
4. Is it possible that the loan program is lost in a multitude of concerns of the Post-secondary Commission? Would it be feasible to operate the program as an independent "business"?
5. Why does the administrative office send so few applications to schools and why is it not possible to zerox copies. The color-coding excuse hardly seems logical if the system provides for a organized maintenance of records.
6. Counselors need workshops to inform us of changes.
7. Repayment provisions should be spelled out in an organized manner and be disseminated with the applications.
8. How are the senior surveys being utilized? We devote much time and effort to seeing that this process is done and receive little or no feedback on how the statistics are put to use.
9. What can we do as practicing counselors to get our message across at the state level? We care about the future of our kids and want to provide the best information possible.

4778 loans  
3000 anticipated  
Cancellation rate 5%  
400 loans they won't  
Avg. loan \$2400 =

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 318  
 Title Special Appropriation to Student Loan Revolving Fund  
 Requested by House HESS Date 2/1/80

II. FISCAL DETAIL

Agency Affected Education  
 Program Category Affected Commission on Postsecondary Education  
 BRU, Program, or Subprogram(s) Affected Alaska Student Loan Program  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.			12,000.0			
TOTAL			12,000.0	N.A.	N.A.	N.A.

FUNDING (Thousands of Dollars)

GENERAL FUND			9,494.0	-	-	-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
Program Receipts			2,506.0	-	-	-

POSITIONS

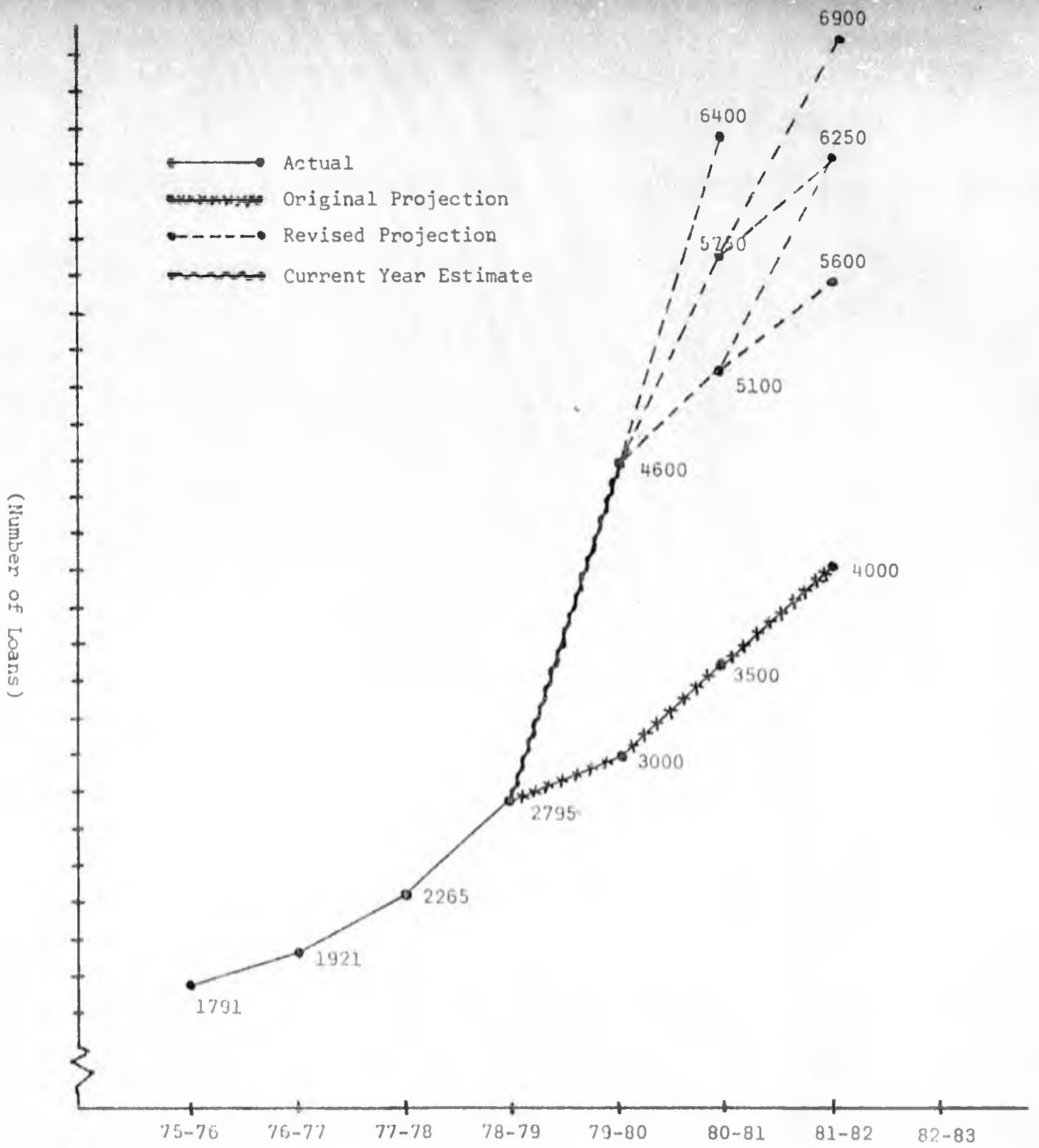
FULL TIME						
PART TIME				N.A.	N.A.	N.A.
TEMPORARY						

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

This funding would allow loan processing to begin early in the Spring thereby distributing the work load over a larger number of months. This would accomplish two objectives:

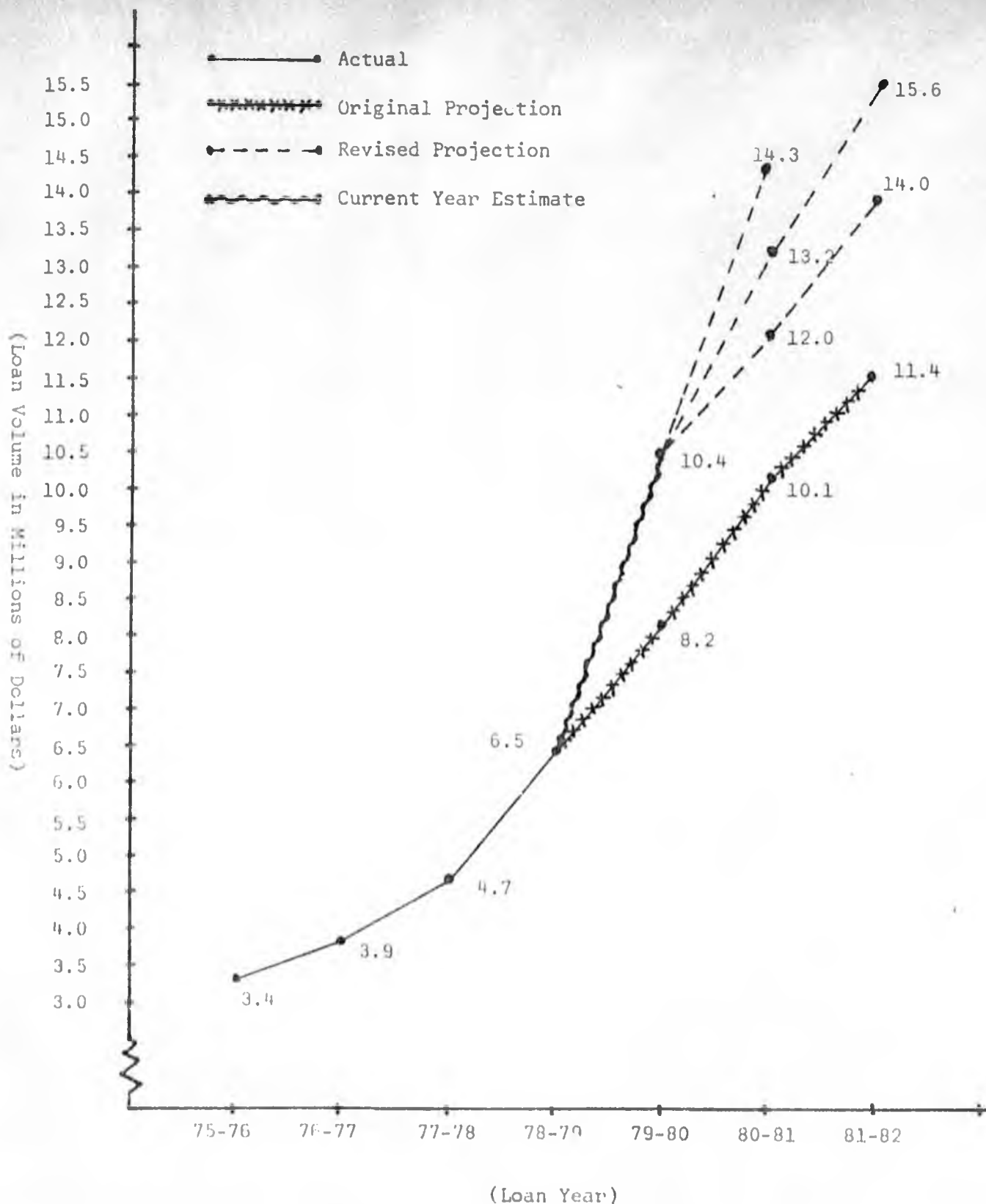
1. Loans would be processed more timely and students will receive money on time.
2. Staff need for 4.0 temporary employees for peak periods would be reduced to 2.0.

IV. DATE 2/1/80 PREPARED BY Kerry D. Romesburg  
 AGENCY Commission on Postsecondary Education  
 Original: Legislative Finance PHONE 465-2854  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)



ALASKA STUDENT LOAN VOLUMES

(1975-76 thru 1981-82)



ALASKA STUDENT LOAN VOLUMES

(1975-76 thru 1981-82)

SB

320

COMMITTEE REPORT  
SENATE

1/15/80

FURTHER: Finance

Date: 4-2-80

Mr. President:

HEALTH, EDUCATION &  
SOCIAL SERVICES

The Committee on HEALTH, EDUCATION & SOCIAL SERVICES has had SB 320 authorizing state medical assistance payments under the program of general relief assistance for persons 'medically needy'

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends INDIVIDUAL
- AND attaches a "Letter of intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

[Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

Colletta w/o rec.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[Signature]  
CHAIRMAN

DO PASS

SB 320

"An Act and H.R. 19-80  
relative assistance payments  
relative to program of Federal

Introduced: 1-15-80

Logg - 1-15-80

Referrals Finance

Comm. meeting - 1-28-80 - held - 3-17-80 -

, actib - passed as C.S. 4-3-80 - taken to Senate Secy.

|||

Requested f/n paper  
State Secy's fiscal note  
f/n Secy

Additional provisions paper  
for Duchil has for CS  
Res =  
3-31-80

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST Senate Bill #320  
 Bill/Resolution No. \_\_\_\_\_  
 Title An act authorizing General Relief Medical Assistance payments for medically needy  
 Requested by Senate HESS Committee Date 3/17/80

II. FISCAL DETAIL Department of Health and Social Sevices  
 Agency Affected \_\_\_\_\_  
 Program Category Affected Health  
 BRU, Program, or Subprogram(s) Affected General Relief Medical Assistance  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)  
EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		159.8				
200 TRAVEL		14.0				
300 CONTRACTUAL		79.0				
400 COMMODITIES		3.0				
500 EQUIPMENT		6.0				
600 LAND & STRUCTURES		-0-				
700 GRANTS, CLAIMS, ETC.		5,275.8				
<b>TOTAL</b>		<b>5,537.6</b>				

FUNDING (Thousands of Dollars)

GENERAL FUND		5,537.6				
FEDERAL FUNDS		-0-				
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		6.0				
PART TIME						
TEMPORARY						

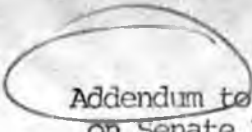
III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Benefits would be provided to approximately 1,050 medically needy persons who are blind, disabled or over 60 but have income exceeding the need standards for the APA program. Based on the cost of data processing time, approximately \$70,000 would be needed to process these additional cases. Based on approved staffing requirements, approximately 5 new positions would be required in field offices around the state, and one new administrative position would be required to provide program support to administer this new program.

Original: Legislative Finance Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_  
 cc: Budget and Management Division/Office: \_\_\_\_\_ PH: \_\_\_\_\_  
 Prime Sponsor (First Legislator Named) Department of Health & Social Services

Medical  
Assistance  
(gen. relief  
assistance)

SENATE BILL NO. 320, by the Rules Committee by request of the Legislative Council (for the Interim Committee on Services for the Elderly). Amends eligibility requirements for general relief assistance (AS 47.25.120) by adding: "(2) an aged, blind or disabled person who does not receive a payment under the old age assistance program..., the aid to the blind program ..., or the aid to the permanently and totally disabled program ... because the person's income exceeds the income standards of those programs, but who has incurred medical expenses which equal or exceed the difference between the person's monthly income and the income standard applicable to him under a program for which he would otherwise qualify." Provides Act effective July 1, 1980.



Addendum to Position Paper  
on Senate Bill No. 320

Senate Bill 320 proposes to create a medically needy program under the state-funded General Relief Medical Assistance program administered by the Department of Health & Social Services through the Division of Public Assistance. As written, the bill would extend coverage to persons in Alaska who meet the categorical definitions of eligibility contained in Alaska statute for the Adult Public Assistance (APA) program for the aged, blind, and disabled, but who have income that exceeds the established need standards for the APA program. Senate Bill 321 proposes to create the same program using state-federal funding under the Medicaid Program.

Research by the Department into the income limits of Medicaid medically needy coverage has disclosed that federal statute requires the state to use the AFDC need standard as the base line from which the 133 1/3% medically needy income standard is established. Because the AFDC need standard in Alaska is extremely low compared to the APA need standard, a Medicaid medically needy program in Alaska would be required to have a need standard below the existing APA need standards (see chart below).

<u>Household</u>	<u>AFDC</u>	<u>APA</u>	<u>Medicaid MN Limit</u>
1 Person		\$355/ \$414	\$466.55
2 Adults		\$502/ \$608	\$466.55
1 Adult/ 1 Child	\$350		\$466.55

The Department proposes that the bill be amended to set the need standard for medically needy coverage at 133 1/3% of the APA need standard for a comparably situated individual or family. In addition, the Department proposes that the bill be amended to lower the eligibility limit for the need category under the medically needy program to individuals age 60 or older rather than 65 or older as is the limit under the categorical assistance program. The chart below indicates the income levels under the present APA program and under the proposed medically needy program and what they will be in fiscal year 1981 based on the projected 13% cost-of-living increase. To be eligible under the medically needy program, persons would be required to have countable income at or below the standard, or would be required to show that they have incurred medical expenses which require them to spend a portion of their income down to the need standard, with the State paying for the remainder of their covered medical expenses.

	FY 80		
	<u>Household</u>	<u>APA</u>	<u>MN (133 1/3%)</u>
1 Person	\$335/ \$414	\$447/ \$552	
2 Adults	\$502/ \$608	\$669/ \$810	
	FY 81		
1 Person	\$379/ \$468	\$505/ \$624	
2 Adults	\$567/ \$687	\$756/ \$916	

The Department supports in concept SB 320 with the proposed amendments.

Recommended by: Rod Betit  
 Rod Betit, Director  
 Division of Public Assistance

3/17/80  
 Date

Approved by: Helen D. Beirne  
 Helen D. Beirne, Commissioner  
 Department of Health & Social Services

3/17/80  
 Date

Catagories of Service  
Covered by Medicaid & GRM

- (1) hospital--inpatient and outpatient
- (2) skilled nursing facility (SNF)
- (3) intermediate care facility (ICF)
- (4) intermediate care facility for mentally retarded persons  
and persons with related conditions (ICF/MR)
- (5) laboratory and X-ray services
- (6) physician services
- (7) visual care services, dispensing, and ophthalmic materials
- (8) medical transportation
- (9) speech, hearing, and language services
- (10) psychiatric facility services
- (11) home health care services
- (12) community mental health clinics
- (13) family planning services
- (14) outpatient surgical care centers
- (15) rural health clinics
- (16) dental care--limited to emergency treatment for relief of  
pain and acute infection
- (17) pharmaceuticals and over-the-counter drugs
- (18) physical and occupational therapy
- (19) prosthetic devices and medical supplies

	Persons FY81 Eligible 1/	Persons Utilizing 2/	Medically Needy Utilization Projections	Medically Needy Budget Projections	Cost per Case
OAA	2,606	1,818	1,050	\$5,275,788	\$5,024
AB	67	47			
AD	2,354	2,045			

Attachment B

1/ Based on the FY 81 budget document

2/ Based on analysis of utilization from Alaska and five states with Medicaid medically needy programs

POSITION PAPER  
ON  
SENATE BILLS 320 AND 321

"An Act authorizing state medical assistance payments under the program of general relief assistance for persons who are 'medically needy'; and providing for an effective date."

"An Act authorizing Medicaid-reimbursable assistance payments for persons who are 'medically needy'; and providing for an effective date."

Senate Bill 320 and Senate Bill 321 would establish a medically needy program for persons who meet all the eligibility requirements for cash assistance to the aged, blind or disabled, except that their countable income exceeds the applicable cash assistance need standard. Medically needy would allow eligible persons to use a portion of their excess income to meet their medical need by spending down to the cash assistance need standard. After they have made payment the medically needy program would provide the remaining coverage necessary.

The Department is awaiting financial data on medically needy programs in other states in an effort to put together a fiscal note for this legislation. While the bills approach the question of medically needy coverage only for aged, blind or disabled persons, the fiscal note will also present information that will include medically needy coverage for persons who meet all AFDC eligibility requirements except income. Half of the required information has arrived and a fiscal note is being prepared. Preliminary analysis has shown that this program will cost in excess of \$1 million.

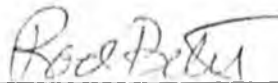
Initial contact with federal staff indicates they will not authorize 50% federal financial participation under Medicaid unless the medically needy program includes coverage of the existing AFDC category as well as the aged, blind, and disabled categories. This federal position appears supported by the federal regulations but not by the federal statutes creating the Medicaid program. If the Department of Health, Education, and Welfare is unwilling to provide financial participation for a medically needy program that does not include AFDC coverage, it may be less costly to the State to include the AFDC category (because of the 50% federal financial participation) than to have a state only medically needy program limited to aged, blind, and disabled persons. Because of the question concerning federal financial participation, both bills would be needed to assure some type of medically needy program may be created.

Two identified gaps exist between the current Medicaid and Catastrophic Illness programs. First the Catastrophic Illness program has a minimum deductible or \$1,000 per illness making it impossible for many people to receive coverage for minor cost illnesses, catastrophic or otherwise, when their income exceeds the existing income limits for Medicaid coverage. Second, the catastrophic illness program has largely excluded

nursing home coverage. Several persons whose income exceeds the income limits for Medicaid coverage are being covered on a special exception basis under general relief-medical (GR-Med) simply because there is no other coverage available to meet their high medical costs. This coverage then depletes the funds available for other persons eligible to receive GR-Med coverage. A medically needy program would provided additional coverage in these two areas.

The Department does not oppose the addition of a medically needy program which covers the aged, blind, and disabled categories, however, we must oppose passage of S.B. 320 and S.B. 321 as implemented would require substantial funding increases to the Governor's Budget and such a change has not been approved by the Governor's Budget and Management Division or the Budget Review Committee.

Recommended by:



Rod Betit, Director  
Division of Public Assistance

1/25/80  
(DATE)

Approved by:



Helen D. Beirne, Commissioner  
Department of Health and Social  
Services

1/25/80  
(DATE)

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill #320  
 Title An act authorizing General Relief Medical/assistance payments for medically needy  
 Requested by Senate HESS Committee Date 3-17-80

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services  
 Program Category Affected Health  
 BRU, Program, or Subprogram(s) Affected General Relief Medical Assistance  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		159.8				
200 TRAVEL		14.0				
300 CONTRACTUAL		79.0				
400 COMMODITIES		3.0				
500 EQUIPMENT		6.0				
600 LAND & STRUCTURES		-0-				
700 GRANTS, CLAIMS, ETC.		5,275.8				
TOTAL		5,537.6				

FUNDING (Thousands of Dollars)

GENERAL FUND		5,537.6				
FEDERAL FUNDS		-0-				
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		6.0				
PART TIME						
TEMPORARY						

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

Benefits would be provided to approximately 1,050 medically needy persons who are blind, disabled or over 60 but who have income exceeding the need standards for the APA program. Based on the cost of data processing time, approximately \$70,000 would be needed to process these additional cases. Based on approved staffing requirements, approximately 5 new positions would be required in field offices around the state, and one new administrative position would be required to provide program support to administer this new program.

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

Prepared by: [Signature] Date: 3/17/80  
 Division/Office: PUBLIC ASS. FINC PH: 465-3347  
 Department of Health & Social Services

33-001 (Rev. 12/79)  
 Modify by DHSS (11-28-79)

Approval DHSS Mgt. & Bdgt: [Signature] Date: 3/17/80

THIS [  ] BILL [ ] RESOLUTION [ ] CITATION

has been prepared by the staff of the Legislative Affairs Agency in response to the request and at the direction of the sponsoring member or committee. The staff has attempted to place the document in proper legal and clerical form, subject to any special limitations or instructions of the requestor.

If we may be of further assistance in this matter, please contact the Director of Legal Services or the Director of Research Services, as appropriate.

Delivered to requestor

3-24

LA-L 40

*Rec'd.*

See Green  
ad to Tomson \$ sent.  
Send note  
HRS

BBB  
John Andrews, N.C. Penney  
L.A.

ad segs.  
586-1554

8:00

State  
Retire

until 3:00  
6-2550

un. after 4:00  
586-374

Shirley  
Reddign  
Cart + car

Den. Democrat  
re U.S. + Support  
Dr. Burton  
movement on  
univ Supp. P. 6

Spouse Coverage

Medicaid doesn't cover  
home care, this will  
=