

ALASKA LEGISLATURE COMMITTEE FILES 1900-1900 00/2

246 HESS SB 295 - SB 371

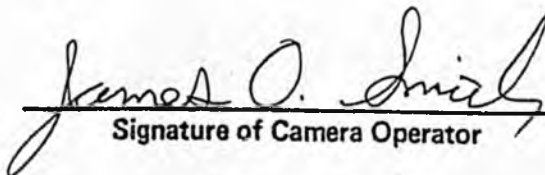
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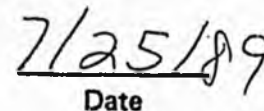


# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
Signature of Camera Operator

  
Date

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Original sponsor: Faiks

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 295 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to insurance coverage for the treat-  
7 ment of a mental or nervous condition."

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

9 \* Section 1. AS 21.42 is amended by adding a new section to read:

10 Sec. 21.42.365. COVERAGE FOR TREATMENT OF A MENTAL OR NERVOUS  
11 CONDITION. (a) After January 1, 1987, an insurer that is licensed to  
12 transact disability insurance in the state and that offers, issues for  
13 delivery, delivers, or renews a policy for major medical coverage on  
14 an expense-incurred basis in the state, and a hospital or medical  
15 service corporation that is authorized under AS 21.87 to operate in  
16 the state and that offers or renews a subscriber's contract for major  
17 medical coverage in the state, shall offer the insured or subscriber  
18 an option to receive the following coverage for treatment of a mental  
19 or nervous condition of the insured or subscriber, and other person  
20 covered by the policy or contract:

21 (1) 45 days a year of inpatient treatment for each covered  
22 individual;

23 (2) a total of 50 hours a year of outpatient treatment or  
24 office visits for each covered individual, accumulated in any incre-  
25 ments of time.

26 (b) The insurer or service corporation offering coverage under  
27 this section may impose reasonable contract limitations, but may not  
28 require that the insured or subscriber pay a higher deductible or  
29 co-payment for a cost for treatment of a mental or nervous condition

1 than for a cost for treatment of another condition or illness.

2 (c) If an insured or a subscriber declines the coverage offered  
3 under this section, the insurer or service corporation may offer the  
4 insured or subscriber other coverage for treatment of a mental or  
5 nervous condition.

6 (d) In this section

7 (1) "co-payment" means the portion of the cost to be paid  
8 by the insured or subscriber;

9 (2) "cost" means the lesser of the following:

10 (A) the actual charge for the treatment received for a  
11 mental or nervous condition; or

12 (B) the usual, customary and reasonable charge for the  
13 treatment;

14 (3) "inpatient treatment" means continuous treatment during  
15 a 24-hour period in

16 (A) the psychiatric unit of a general hospital that is  
17 either licensed under AS 18.20 or located and licensed in another  
18 state;

19 (B) a psychiatric hospital that is either licensed  
20 under AS 18.20 or located and licensed in another state; or

21 (C) a hospital that is located in

22 (i) the state and specifically exempt under  
23 AS 18.20.020 from the licensing requirements of the state;  
24 or

25 (ii) another state and specifically exempt from  
26 the licensing requirements of that state;

27 (4) "major medical coverage" means a disability insurance  
28 contract, or a subscriber contract, that provides benefits for hospital  
29 and medical care with potential lifetime maximum benefits for the

1 insured or subscriber of at least \$10,000;

2 (5) "mental or nervous condition" means a mental disorder  
3 identified in

4 (A) the Diagnostic and Statistical Manual of Mental  
5 Disorders (Third Edition) published by the American Psychiatric  
6 Association; or

7 (B) the ICD-9-CM (First Edition) published by the  
8 Commission on Professional and Hospital Activities;

9 (6) "office visit" means treatment that is not inpatient  
10 treatment or outpatient treatment and that is provided by

11 (A) a psychiatrist who is licensed as a physician in  
12 the state and certified, or eligible for certification, in psy-  
13 chiatry by the American Board of Psychiatry and Neurology;

14 (B) a physician who is employed by the federal govern-  
15 ment in the state and certified or eligible for certification in  
16 psychiatry by the American Board of Psychiatry and Neurology; or

17 (C) a psychologist or psychological associate licensed  
18 under AS 08.86;

19 (7) "outpatient treatment" means treatment that is not  
20 inpatient treatment and that is provided

21 (A) in the outpatient department of

22 (i) a hospital that is licensed under AS 18.20 or  
23 that is specifically exempt under AS 18.20.020 from the  
24 licensing requirements of the state;

25 (ii) a hospital that is located in another state  
26 and that is either licensed or specifically exempt from the  
27 licensing requirements of that state; or

28 (iii) an entity that is designated by the Depart-  
29 ment of Health and Social Services as the organizational

1 unit in a geographical area to receive funds under AS 47.-  
2 30.520 - 47.30.620; and

3 (B) by one or more of the following, or by a person  
4 who is under the direct supervision of one or more of the follow-  
5 ing, has a master's or doctorate degree in psychology, nursing,  
6 or social work, and is employed by the same health care facility  
7 as the person or persons providing the direct supervision,

8 (i) a psychiatrist who is licensed as a physician  
9 in the state and certified, or eligible for certification,  
10 in psychiatry by the American Board of Psychiatry and Neu-  
11 rology;

12 (ii) a physician who is employed by the federal  
13 government in the state and certified or eligible for certi-  
14 fication in psychiatry by the American Board of Psychiatry  
15 and Neurology; or

16 (iii) a psychologist licensed under AS 08.86.

17 \* Sec. 2. AS 21.36.090(d) is amended to read:

18 (d) Except to the extent necessary to comply with AS 21.42.365,  
19 a [A] person may not practice or permit unfair discrimination against  
20 a person who provides a service covered under a group disability  
21 policy that extends coverage on an expense incurred basis, or under a  
22 group service or indemnity type contract issued by a nonprofit corpo-  
23 ration, if the service is within the scope of the provider's occupa-  
24 tional license. In this subsection, "provider" means a state licensed  
25 physician, dentist, osteopath, optometrist, chiropractor, or nurse  
26 midwife.

27 \* Sec. 3. AS 21.87.340 is amended to read:

28 Sec. 21.87.340. OTHER PROVISIONS APPLICABLE. In addition to the  
29 provisions contained or referred to previously in this chapter, the

1 following chapters and provisions of this title also apply with re-  
2 spect to service corporations to the extent applicable and not in  
3 conflict with the express provisions of this chapter and the reason-  
4 able implications of the express provisions, and for the purposes of  
5 the application the corporations shall be considered to be mutual  
6 "insurers":

- 7 (1) AS 21.03  
8 (2) AS 21.06  
9 (3) AS 21.09, except AS 21.09.090  
10 (4) AS 21.18.010  
11 (5) AS 21.18.030  
12 (6) AS 21.18.040  
13 (7) AS 21.18.120  
14 (8) AS 21.21.321  
15 (9) AS 21.36  
16 (10) AS 21.69.400  
17 (11) AS 21.69.520  
18 (12) AS 21.69.600, 21.69.620, and 21.69.630  
19 (13) AS 21.78  
20 (14) AS 21.90  
21 (15) AS 21.42.345 - 21.42.365 [AND 21.42.355]  
22 (16) AS 21.89.040  
23 (17) AS 21.89.060.  
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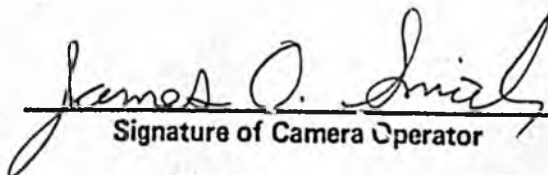


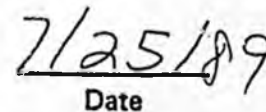
# RECORDS



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Signature of Camera Operator

  
Date

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2 9 7

Alaska Association of Naturopathic Physicians  
Office of the President

Our association agrees to provide  
a Naturopathic advisor to the  
Division of Occupational Licensing who  
will serve without cost  
to the state.

This advisor will provide professional  
expertise when needed to  
develop and implement regulations,  
and to help with discipline, and  
peer review, and to make  
recommendations for a more  
permanent licensing arrangement.

Sincerely

Gay J. Ryan

HOUSE

COMMITTEE REPORT

(7)

Date referred: 5/10/85

FURTHER REFERRALS:

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee has considered HR 2077 (m)

"An Act relating to the practice of naturopathy; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with \_\_\_\_\_  same title
- \_\_\_\_\_  new title

and recommends \_\_\_\_\_

further referral to the \_\_\_\_\_ Committee

- and attaches:
- letter of intent
  - first fiscal note
  - new fiscal note
  - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

*W. H. ...*

*...*

*...*

*...*

*...*

*...*

*...*

*W. H. ...*

*...*

*...*

*...*

*...*

*...*

*...*

*W. H. ...*

**STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE**

Revision Date: \_\_\_\_\_

**REQUEST**

Bill Resolution No.: CR 85B 297 (FIR)  
 Title: relating to the practice of  
dentistry  
 Sponsor: Alford  
 Requestor: HOUSE Health Committee  
 Date of Request: 5/11/86

**FISCAL DETAIL**

Agency Affected: COMPTROLLER  
 BRU: \_\_\_\_\_  
 Components: \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		0	0	0	0	0

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		0	0	0	0	0

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

*Alford*  
*House Health Committee*

Prepared by: \_\_\_\_\_ Phone: 465-6759  
 Division: Legal Date: 5/11/86

Approved by Commissioner: \_\_\_\_\_ Date: 5/11/86  
 Agency: \_\_\_\_\_

Distribution (Agency preparing fiscal note):

- Legislative Finance
- Legislative Support
- Requester
- Office of Management and Budget
- Impacted Agency

...characters mostly will be substantially completed April 21, according to Mike Johnson, resident manager for Frank Moshin and Associates. The actual library portion of the facility will not open to the public until September.

Citizens going to testify before the assembly, the Planning and Zoning Commis-

...the new meeting room is really a step-up for the assembly according to chairman Dave Walsh. He said local lawmakers feel awkward moving into such a grand facility in a year in which declining revenues are making headlines. But Walsh reminds people that the chambers were part of the library from the beginning and that the library was funded with state grants and not

leave room for a future mezzanine-level gallery for Assembly visitors.

By going through the building's south lobby entrance on the ground level, visitors turn left to the circular wing holding the assembly chambers. Inside the chamber room is an 80-foot diameter circle with a two-story ceiling. Citizens will be seated in 200 theater-type seats.

...and a pilot, James Hutchinson (Hutch) is known to be one of the best.

Hutchinson came to Alaska in 1919 as a soldier. He retired as an aviation mechanic with Mark Air in 1962. Now 80, Hutchinson has as much firsthand knowledge of Alaska's aviation history as anyone living.

Hutchinson, a Fairbanks resi-

mechanic days were not without adventure.

Pilot's showed that engine repairs were done correctly by taking the mechanic along on test flights, Hutchinson said.

In 1929 Ben Eielson, one of Alaska's most colorful bush pilots and a friend of Hutchinson's, died in a plane crash while at-

See Pilot's, page B-3

# Judge backs ruling barring naturopath from giving services

## Practitioners hope for new law setting up licensing board

by Catherine Stadem  
Times Writer

An appeal by naturopath Patton Pettijohn to reverse a ruling of the Alaska Medical Board that Pettijohn practices medicine without a proper license has been rejected by Superior Court Judge Brian Shortell.

In the March 28 decision, Shortell affirmed the board's 1954 decision to issue a cease-and-desist order to Pettijohn to stop treating patients by naturopathy, a form of medical treatment that relies on nutrition, vitamins, exercise and herbal remedies.

The decision does not condemn naturopathy but states that only someone with a state medical license may practice it.

"Basically, naturopaths cannot diagnose or treat any symptom or illness or condition with any substance or recommendations whatsoever," said Pettijohn of the recent court decision.

"They said we could (treat) if someone didn't have a specific

problem — then we could give out advice associated with prevention and health enhancement."

However, "90 percent of the people who come here to the office don't fit that," he continued.

Pettijohn, who was born in Anchorage and has completed a four-year graduate program in naturopathy in Oregon, has practiced naturopathy for seven years in Anchorage. He is closing his Anchorage office temporarily but will continue to practice natural home births out of his Wasilla office, which he is allowed to do under the legislative provisions governing midwifery.

"If the legislature gets an exception for us as they did last session for midwives," he explained, "we can continue to practice."

The three naturopaths currently practicing in Anchorage — Pettijohn, Hope Wing and Cary Jasper — intend to appeal the Superior Court decision.

Meanwhile, they are urging

people to send public opinion messages to their legislators concerning a bill now in the Senate Labor and Commerce Committee that would set up an examining board to license qualified naturopaths.

Shortell's closing statement that "the plaintiffs are in the wrong forum asking for the wrong relief from the wrong lawmaker" has encouraged local naturopaths to try to solve the problem legislatively. According to the decision, Pettijohn's real complaint is that the legislature has not passed a law making a special exception for their benefit — that is, setting up a naturopathic board of examiners.

Six states — Washington, Oregon, Arizona, Hawaii, Nevada and Connecticut — have functioning boards of examiners that license naturopaths to practice in those state after meeting educational criteria.

"It all ends up in the lap of the legislature," explained Wing, who has practiced in Anchorage

for about 18 months. "People have got to get moving on this," she continued, stating that she and her colleagues are hoping the pending bill will be acted on this session.

"There's a lot of misinformation about our education and training," she said. "There's a lot of fear of quackery."

Wing trained at the National College of Nutritional Medicine in Portland. "Our training emphasizes teaching people to live according to natural laws so their bodies will function as they are meant to."

She doesn't believe she will be immediately affected by the recent decision, however, because Wing works under the direct supervision of a medical doctor.

Jasper, a third-generation Alaskan who has been in practice for 3½ years, said that "it's sad that this is happening. My family and I still have access to naturopathy, but it's the public that's losing the right to choose."



Times photo by Herb Swanson

Naturopath Patton Pettijohn packs up files at his Anchorage office, having lost an appeal to the state Superior Court

Anchorage Times

4-9-86

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
707 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 14, 1986

SUBJECT: Liability of state for exempting the practice  
of naturopathy from the practice of medicine

TO: Senator Fred Zharoff  
Chair, Labor and Commerce Committee

FROM: Theresa L. Bannister *tlb*  
Legislative Counsel

You have requested an opinion whether or not the state would be liable for injuries suffered by a patient of a naturopath if the state passed a law exempting the practice of naturopathy from the practice of medicine. The short answer is that the state would not be liable for such injuries. There do not appear to be constitutional problems with the general concept of enacting such an exemption, and the doctrine of sovereign immunity would prevent a tort action for such injuries against the state.

Under the doctrine of sovereign immunity, the state is immune from liability unless the state provides by statute for liability. The reason behind this immunity is to limit judicial reexamination of decisions properly entrusted to other branches of government. See Industrial Indemnity Co. v. State, 669 P.2d 561, 563 (Alaska 1983). AS 09.50.250 states the actions that can be brought against the state and includes tort actions. However, subsection (a) of that statute contains two major exceptions that are relevant to your question.

One exception prohibits a claim based on the negligence of a state employee or agency when performing a discretionary function or duty. Decisions that rise to the level of planning or policy-making are considered discretionary acts that do not give rise to tort liability, while decisions that are merely operational in nature are not considered to be discretionary acts and therefore are not immune from liability. See, e.g., State v. I'Anson, 529 P.2d 188, 193 (Alaska

Senator Fred Zharoff  
Page 2  
April 14, 1986

1974). Since the making of statutes is certainly policy-making, the enactment of such a statute by the legislature and the planning and policy-making in the implementation of the statute would be discretionary acts for which the state could not be held liable in tort for personal injuries, even if it were claimed that these acts were performed without due care.

The other exception prohibits tort actions based upon an act or omission of a state employee who exercises due care in the execution of a statute or regulation, whether or not the statute or regulation is valid. Therefore, if the state implemented such a bill with all due care, the state would not be liable for patient injuries, whether the particular implementing act amounted to a discretionary or operational act.

Therefore, it does not appear that the enactment or implementation of a statute exempting the practice of naturopathy from the practice of medicine would expose the state to liability for the personal injury claims of patients of naturopaths. The liability of the state regarding such a statute would be no different from its ordinary liability exposure for carrying out governmental functions.

If I can be of further assistance, please advise.

TLB:mkr  
m4/103

# MEMORANDUM

# State of Alaska

TO: Michael Thill, Staff Assistant  
Senate Labor & Commerce Committee

DATE: April 11, 1986

FILE NO:

TELEPHONE NO: 465-3600

FROM: Harold M. Brown  
Attorney General

SUBJECT: Pettijohn v. State,  
-- naturopath appeal

By:   
Peter B. Froehlich  
Assistant Attorney General

You asked by telephone yesterday about the effect and meaning of the March 28, 1986 Decision and Order in Pettijohn v. State (Case No. 3AN-84-160 consolidated), by Judge Shortell. The decision affirmed the Medical Board's September 20, 1984 decision and order which prohibits Patton D. Pettijohn from performing in the course of his naturopathy practice, activities which constitute the practice of medicine because he is not licensed under AS 08.64. The decision does not change, but rather merely upholds, the prohibition against practicing medicine without a license that has existed since at least 1949 (AS 08.64.170(a)) and the definition of the practice of medicine which was rewritten in 1983 (AS 08.64.380(2)).

Neither the recent superior court decision nor any existing statutes or regulations prohibit the practice of naturopathy itself. Naturopaths can continue to practice naturopathy as long as they do not at the same time practice medicine in any way. To the extent the two practices overlap, however, naturopaths are still barred from all activities included within that overlap. Naturopaths can also, of course, practice lay midwifery under ch. 33, SLA 1985.

We expect the March 28 Decision and Order to be appealed, but we are confident of our ability to successfully defend it. We will be consulting with the division of occupational licensing and the medical board concerning the practical and enforcement ramifications of the court's decision and order. It is likely that the 4 or 5 known naturopaths in the state will be contacted to ensure that they understand the limits within which they can practice naturopathy under the existing laws which have been upheld by the court.

A copy of both the court's and the board's decisions and orders are attached, along with the board's March 1, 1984 answers to clarifying questions. Please let us know if we can provide any further information.

PBF:md

From: AK. State  
Medical Board

It is illegal for Naturopaths to do the following, as stated by the Alaska State Medical Board:

- diagnose an injury or illness
- treat an injury or illness
- care and examinations during pregnancy
- episiotomies
- sutures
- diagnostic testing
- draw blood
- interpret test results
- pap smears
- injections
- analysis for the purpose of diagnosing a pathologic condition or disease
- "well examination"
- gynecology examinations
- remove warts
- use of ultrasound
- Chinese acupuncture
- making dietary recommendations for the purpose of alleviating or curing an illness or disease
- using of the ability to recognize or identify a pathologic condition and correct it

It is legal for Naturopaths to do the following, as stated by the Alaska State Medical Board:

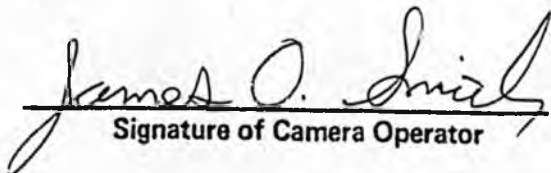
- cut umbilical cords
- nutritional analysis/nutritional therapy
- practice lay midwifery
- determining human pregnancy
- use of topical antiseptics associated with childbirth
- making dietary recommendations to a healthy person for the purpose of preventing illness or disease.
- use of pancreatin or bromelain to improve digestion
- recommending the use of Vitamin E for therapeutic purposes
- selling vitamins and nutritional supplements
- advise healthy persons about good health and nutrition
- conduct and/or interpret laboratory tests to determine a dietary profile on a healthy person
- diagnose and treat all human "conditions", including alcoholism, obesity, addiction to cigarettes or drugs, hearing disorders, speech disorders, etc., as long as the problem does not include the prescription of medications, drugs or surgery

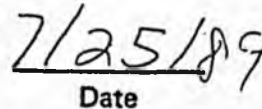


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Signature of Camera Operator

  
Date

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z i g

HOUSE  
COMMITTEE REPORT

(7)

Date referred: 4/17/86

FURTHER REFERRALS: FINANCE

DATE: April 30, 1986  
CSSB 319 (Fin)

HEALTH, EDUCATION AND  
SOCIAL SERVICES

The \_\_\_\_\_ Committee has considered

"An Act creating the special education service agency; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with HC552B 319 (HESS)  same title  
 new title

and recommends do pass

further referral to the \_\_\_\_\_ Committee

- and attaches:
- letter of intent
  - first fiscal note
  - new fiscal note
  - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Alto Kosovan

W. L. Shumby

Katie Dusek

David W. Shumby

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Adrian L. Taylor DO NOT PASS

Alyce Stanley No Rec

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Alto Kosovan co-chair

W. L. Shumby Chairman

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

<b>REQUEST</b> <u>Bill/Resolution No.: CSSR 219 (Fin)</u> <u>Title: "An Act creating the special education service agency."</u>	<b>FISCAL DETAIL</b> <u>Agency Affected: Education</u> <u>BRU: TPS State Match</u>
<u>Sponsor: WESC</u> <u>Requestor: Eike</u> <u>Date of Request: 4/2/86</u>	<u>Components: TPS State Match</u>

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
<b>OPERATING</b>						
PERSONAL SERVICES						
RTHNT & BNFTS				-		
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
TPS MATCH		70.0	76.6	82.7	89.3	96.5
<b>TOTAL OPERATING</b>	-0-	70.0	76.6	82.7	89.3	96.5
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND		70.0	76.6	82.7	89.3	96.5
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	70.0	76.6	82.7	89.3	96.5

POSITIONS:	-0-	-0-	-0-	-0-	-0-	-0-
FULL-TIME						
PART-TIME						
TEMPORARY						

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

See attached

Prepared By: J.K. Humphreys, Director Phone: 465-4470  
 Division: Retirement & Benefits Date: 4/2/86  
 Approved by Commissioner Eleanor Andrews Date: 4/3/86  
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**

**FISCAL DETAIL**

Bill/Resolution No.: CSSB 319 (Finance) 3/27/86  
 Title: ... special education service  
agency...

Agency Affected: Department of Education  
 BRU: K-12 Support

Sponsor: Zharoff  
 Requestor: Senate Finance  
 Date of Request: April 1, 1986

Components: Schools for the  
Handicapped

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS		4.7	4.7	4.7	4.7	4.7
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>4.7</b>	<b>4.7</b>	<b>4.7</b>	<b>4.7</b>	<b>4.7</b>
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		4.7	4.7	4.7	4.7	4.7
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

FY-86 Grant to Alaska Resources for the Moderately & Severely Impaired \$1,300.0  
 FY-86 number of special education students 15,349 X \$85 (Sec. 14.30.670) 1,304.7  
 FY-87 cost estimate 4.7  
 Post FY-87 costs will vary based upon special education K-12 population.

Prepared by: Steve Hole Phone: 465-2800  
 Division: Commissioner's Office Date: April 1, 1986

Approved by Commissioner: Marshall L. Lind Date: April 1, 1986  
 Agency: Department of Education

**Distribution (by Agency preparing fiscal note):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Interested Agencies

CS Senate Bill 319 (HESS)  
Fiscal Note Analysis  
Prepared by Division of Retirement & Benefits  
Department of Administration

ANALYSIS:

Passage of this bill would create a new special education service agency, with 21 professional employees participating in the Teachers' Retirement System (TRS). The FY 87 TRS covered payroll for this new agency is estimated to be \$798,465.

The TRS State Match cost of \$70.9 is calculated as follows:

1/3 of 17.76% (the actuarially determined contribution rate) times the estimated FY 87 TRS salaries (\$798,465) equals

\$70,900.00

AMENDMENT

OFFERED in the House  
HESS Committee

By Gruenberg

To: CSSB 319 (Fin)

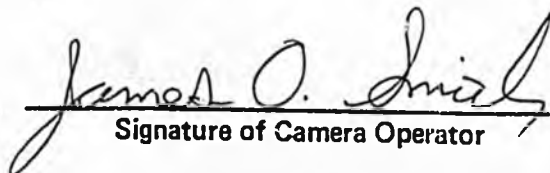
Page 4, line 23: change "1988" to "1987".

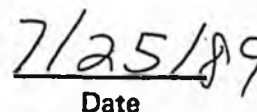


# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
Signature of Camera Operator

  
Date

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zo

Utermohle  
4/27/86

Original sponsor: Rules/ Governor

1 IN THE SENATE BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 370 (HESS)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to aid to families with dependent  
7 children and to child support and enforcement; and  
8 providing for an effective date."

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

10 \* Section 1. AS 47.23.020(a) is amended to read:

11 (a) The agency shall

12 (1) seek enforcement of child support orders of the superi-  
13 or courts of the state in other jurisdictions and shall obtain, en-  
14 force, and administer the orders in this state;

15 (2) adopt regulations to carry out the purposes of this  
16 chapter, including regulations that establish

17 (A) schedules for determining the amount an obligor is  
18 liable to contribute toward the support of an obligee under this  
19 chapter and under 42 U.S.C. 651 - 665 (Title IV-D, Social Secu-  
20 rity Act);

21 (B) procedures for hearings conducted under AS 47.23.-  
22 170; and

23 (C) subject to AS 47.23.025 and to federal law, a  
24 uniform rate of interest on arrearages of support that shall be  
25 charged the obligor upon notice if child support payments are 10  
26 or more days overdue or if payment is made by a check backed by  
27 insufficient funds;

28 (3) administer and enforce the Uniform Reciprocal Enforce-  
29 ment of Support Act (AS 25.25);

1 (4) establish, enforce, and administer child support obligations  
2 administratively in accordance with this chapter;

3 (5) administer the state plan required under 42 U.S.C.  
4 651 - 665 (Title IV-D, Social Security Act) as amended;

5 (6) disburse [CHILD] support payments collected by the  
6 agency to the obligee, together with interest charged under (2)(C) of  
7 this subsection;

8 (7) establish and enforce through the superior courts of  
9 the state child support orders from other jurisdictions pertaining to  
10 obligors within the state;

11 (8) enforce and administer spousal support orders if a  
12 spousal support obligation has been established with respect to the  
13 spouse and if the support obligation established with respect to the  
14 child of that spouse is also being administered; and

15 (9) obtain a medical support order as part of a child  
16 support order if health care coverage is available to the obligor at a  
17 reasonable cost.

18 \* Sec. 2. AS 47.23.062(a) is amended to read:

19 (a) A judgment, court order, or order of the child support  
20 enforcement agency under this chapter providing for [THE] support [OF  
21 A MINOR CHILD] must contain an income withholding order. An income  
22 withholding order under this section may not be enforced unless the  
23 obligor had notice of the order when it was made or an application for  
24 the order was served on the obligor in the manner provided for service  
25 of a summons under Rule 4, Alaska Rules of Civil Procedure.

26 \* Sec. 3. AS 47.23.062(b) is amended to read:

27 (b) An income withholding order must direct the obligor, the  
28 obligor's employer, future employer, and any person, political subdi-  
29 vision, or department of the state to withhold money due or to be due

1 the obligor and pay the money to the agency, in an amount determined  
2 under (i) [(h)] of this section.

3 \* Sec. 4. AS 47.23.062(g) is amended to read:

4 (g) An income withholding order under this section has priority  
5 over all other attachments, executions, garnishments, or other legal  
6 process brought under state law against the same money unless other-  
7 wise ordered by the court. An income withholding order is ~~not~~ limited  
8 to the wages of an obligor but may include all money owed to the  
9 obligor not otherwise exempt by law. Exemptions under AS 09.38 do not  
10 apply to income withholdings [ASSIGNMENTS] under this section.

11 \* Sec. 5. AS 47.23.062(1) is amended to read:

12 (1) A petition by the obligor to the court to terminate or  
13 reduce the withholding of income may be granted upon good cause shown.  
14 Payment of arrears alone does not constitute good cause.

15 \* Sec. 6. AS 47.23.120(a) is amended to read:

16 (a) An obligor is liable to the state in the amount of assis-  
17 tance granted under AS 47.25.310 - 47.25.420 to or for the benefit of  
18 a child whom the obligor owes a duty of support. However, [EXCEPT  
19 THAT] if a support order has been entered, the liability of the obli-  
20 gor may not exceed the amount of support provided for in the support  
21 order.

22 \* Sec. 7. AS 47.23.170(e) is amended to read:

23 (e) The hearing officer shall consider the following in making a  
24 determination under (d) of this section:

25 (1) the needs of the alleged obligee, disregarding the  
26 income or assets of the custodian of the alleged obligee;

27 (2) the amount of the alleged obligor's liability to the  
28 state under AS 47.23.120 [47.23.125] if any;

29 (3) the intent of the legislature that children be

1 supported as much as possible by their natural parents;

2 (4) the ability of the alleged obligor to pay.

3 \* Sec. 8. AS 47.23.225 is amended to read:

4 Sec. 47.23.225. SUPPORT PAYMENT OBLIGATIONS AS JUDGMENTS. A  
5 support [COURT] order ordering a noncustodial parent obligor to make  
6 periodic [CHILD] support payments to the custodian of a child is a  
7 judgment that becomes vested when each payment becomes due and unpaid.  
8 The custodian of the child, or the agency on behalf of that person,  
9 may take legal action under AS 47.23.226 to establish a judgment for  
10 [CHILD] support payments ordered by a court of this state that are  
11 delinquent.

12 \* Sec. 9. AS 47.23.226 is amended to read:

13 Sec. 47.23.226. COLLECTION OF [CHILD] SUPPORT. To collect the  
14 payment due, the custodian of a child, or the agency on behalf of that  
15 person, shall file with the court (1) a motion requesting establish-  
16 ment of a judgment; (2) an affidavit that states that one or more  
17 payments of [CHILD] support are 30 or more days past due and that  
18 specifies the amounts past due and the dates they became past due; and  
19 (3) notice of the obligor's right to respond. Service on the obligor  
20 must [SHALL] be in the manner provided in AS 47.23.265. The child's  
21 custodian, or the agency on behalf of the custodian, shall file with  
22 the court proof of service of the petition, affidavit, and notice.  
23 The obligor shall respond no later than 15 days after service by  
24 filing an affidavit with the court. If the obligor's affidavit states  
25 that the obligor has paid any of the amounts claimed to be delinquent,  
26 describes in detail the method of payment or offers any other defense  
27 to the petition, then the obligor is entitled to a hearing. After the  
28 hearing, if any, the court shall enter a judgment for the amount of  
29 money owed. If the obligor does not file an affidavit under this

1 section, the court shall enter a default judgment against the obligor.

2 \* Sec. 10. AS 47.23.265(b) is amended to read:

3 (b) A person required by court order to make [CHILD] support  
4 payments through the agency shall keep the agency informed of the  
5 person's current address.

6 \* Sec. 11. AS 47.23.273 is amended to read:

7 Sec. 47.23.273. REPORTING OF PAYMENT INFORMATION CONCERNING  
8 DELINQUENT OBLIGORS. (a) The agency may provide to credit bureaus or  
9 lending institutions of any kind information about delinquent [CHILD]  
10 support owed by obligors. The information [SO] provided must consist  
11 solely of the payment history of the obligor for a period not to  
12 exceed 10 years before the date the information is provided.

13 (b) Upon an obligor's payment of delinquent [CHILD] support, the  
14 agency shall immediately notify all credit bureaus and lending insti-  
15 tutions that were furnished information about the obligor under (a) of  
16 this section that the obligor is no longer delinquent.

17 \* Sec. 12. AS 47.23.900(3) is amended to read:

18 (3) "duty of support" includes a duty of [CHILD] support  
19 imposed or imposable by law, by a court order, decree or judgment, or  
20 by a finding or decision rendered under this chapter whether inter-  
21 locutory or final, whether incidental to a proceeding for divorce,  
22 legal separation, separate maintenance, or otherwise, and includes the  
23 duty to pay arrearages of support past due and unpaid together with  
24 penalties and interest on arrearages imposed under AS 47.23.-  
25 020(a)(2)(C);

26 \* Sec. 13. AS 47.23.900(7) is amended to read:

27 (7) "support order" means any judgment, decree, or order of  
28 [CHILD] support in favor of an obligee whether temporary or final, or  
29 subject to modification, revocation, or remission, regardless of the

1 kind of action or proceeding in which it is entered.

2 \* Sec. 14. AS 47.25 is amended by adding a new section to read:

3 Sec. 47.25.345. ASSIGNMENT OF SUPPORT RIGHTS. An applicant for  
4 or recipient of assistance under AS 47.25.310 - 47.25.420 is con-  
5 sidered to have assigned to the state, through the child support en-  
6 forcement agency, all rights to accrued and continuing support that  
7 the applicant and other persons for whom assistance is sought may have  
8 from all sources. The assignment takes effect upon a determination  
9 that the applicant is eligible for assistance under AS 47.25.310 -  
10 47.25.420. Except with respect to the amount of any unpaid support  
11 obligation accrued under the assignment, the assignment terminates  
12 when the applicant ceases to receive assistance.

13 \* Sec. 15. This Act takes effect immediately in accordance with AS 01.-  
14 10.070(c).

needs are considered in determining the amount of assistance.

(g) The State or local agency shall notify the applicant or recipient that the furnishing of the SSN is a condition of eligibility for assistance required by section 402(a)(25) of the Social Security Act and that the SSN will be utilized in the administration of the AFDC program.

[40 FR 27154, June 26, 1975, as amended at 40 FR 52376, Nov. 10, 1975]

§ 232.11 Assignment of rights to support.

(a) The State plan must provide that:

(1) As a condition of eligibility for assistance, each applicant for or recipient of AFDC shall assign to the State any rights to support from any other person as such applicant or recipient may have:

(i) In his own behalf or in behalf of any other family member for whom the applicant or recipient is applying for or receiving assistance; and

(ii) Which have accrued at the time such assignment is executed.

(2) If the relative with whom a child is living fails to comply with the requirements of paragraph (a)(1), (2), or (3) of this section, such relative shall be denied eligibility without regard to other eligibility factors.

(3) If the relative with whom a child is living is found to be ineligible for assistance because of failure to comply with the requirements of paragraph (a)(1), (2), or (3) of this section, any aid for which such child is eligible (determined without regard to the needs of the ineligible relative) will be provided in the form of protective payments as described in § 234.60 of this chapter.

(4) For new applicants, the requirements of paragraph (a) of this section shall be effective August 1, 1975; and for current recipients, it shall be effective as determined by the State agency but not later than the time of the next redetermination of eligibility required by § 206.10(a)(9) of this chapter and in any event not later than February 1, 1976.

(b) An assignment by operation of State law which is substantially identical to the requirements of paragraph

(a)(1) may be utilized in lieu of the assignment described in that paragraph.

(c) If there is a failure to execute an assignment pursuant to this section, the State may attempt to establish paternity and collect child support pursuant to appropriate State statutes and regulations.

[40 FR 27154, June 26, 1975, as amended at 40 FR 52376, Nov. 10, 1975]

§ 232.12 Cooperation in obtaining support.

The State plan must meet all requirements of this section.

(a) The plan shall provide that as a condition of eligibility for assistance, each applicant for or recipient of AFDC will be required to cooperate (unless good cause for refusing to do so is determined to exist in accordance with §§ 232.40 through 232.49 of this chapter) with the State in:

(1) Identifying and locating the parent of a child for whom aid is claimed;

(2) Establishing the paternity of a child born out of wedlock for whom aid is claimed;

(3) Obtaining support payments for the applicant or recipient and for a child for whom aid is claimed; and

(4) Obtaining any other payments or property due the applicant or recipient or the child.

(b) The plan shall specify that cooperate includes any of the following actions that are relevant to, or necessary for, the achievement of the objectives specified in paragraph (a) of this section:

(1) Appearing at an office of the State or local agency or the child support agency as necessary to provide verbal or written information, or documentary evidence, known to, possessed by, or reasonably obtainable by the applicant or recipient;

(2) Appearing as a witness at judicial or other hearings or proceedings;

(3) Providing information, or attesting to the lack of information, under penalty of perjury; and

(4) Paying to the child support agency any support payments received from the absent parent after an assignment under § 232.11 has been made. This includes support payments received in the current month and any

45 CFR 303.100

meet the requirements in paragraph (f) of this section.

(2) If the complaint cannot be resolved by the submitting State and the absent parent requests an administrative review in the State with the order upon which the referral for offset is based, the submitting State must notify the State with the order of the request for an administrative review and provide that State with all necessary information, including the information listed under paragraph (a)(4) of this section, within 10 days of the absent parent's request for an administrative review.

(3) The State with the order must send a notice to the absent parent and, in non-AFDC cases the custodial parent, of the time and place of the administrative review, conduct the review and make a decision within 45 days of receipt of the notice and information from the submitting State.

(4) If the administrative review results in a deletion of, or decrease in, the amount referred for offset, the State with the order must notify the Office in writing within time frames established by the Office and include the information specified in paragraph (b) of this section.

(5) Upon resolution of a complaint after an offset has been made, the State with the order must notify the submitting State of its decision promptly.

(6) When an administrative review is conducted in the State with the order, the submitting State is bound by the decision made by the State with the order.

(7) Based on the decision of the State with the order, the IV-D agency in the submitting State must take steps to refund any excess amount to the absent parent promptly.

(8) In computing incentives under § 303.52 of this part, if the case is referred to the State with the order for an administrative review, the collections made as a result of Federal tax refund offset will be treated as having been collected in full by both the submitting State and the State with the order.

(h) *Distribution of collections.* (1) Collections received by the IV-D agency as a result of refund offset to satisfy AFDC or non-AFDC past-due support shall be distributed as past-due support as required under § 302.51(b) (4) and (5) of this chapter.

(2) Collections received by the IV-D agency in foster care maintenance cases shall be distributed as past-due support under § 302.52(b) (3) and (4) of this chapter.

(3) The IV-D agency must inform individuals who apply for services under § 302.33 of this chapter in advance that

amounts offset will be applied first to satisfy any past-due support which has been assigned to the State under § 232.11 of this title or section 471(a)(17) of the Act and submitted for Federal tax refund offset.

(4) If the amount collected is in excess of the amounts required to be distributed under §§ 302.51(b) (4) and (5) or 302.52(b) (3) and (4) of this chapter, the IV-D agency must repay the excess to the absent parent whose refund was offset or jointly to the parties filing a joint return within a reasonable period in accordance with State law.

(5) In cases where the Secretary of the Treasury, through OCSE, notifies the State that an offset is being made to satisfy non-AFDC past-due support from a refund based on a joint return, the State may delay distribution until notified that the unobligated spouse's proper share of the refund has been paid or for a period not to exceed six months from notification of offset, whichever is earlier.

(6) Collections from offset may be applied only against the past-due support which was specified in the advance notice described in paragraph (e)(1) of this section.

(i) *Payment of fee.* (1) A refund offset fee, in such amount as the Secretary of the Treasury and the Secretary of Health and Human Services have agreed to be sufficient to reimburse the IRS for the full cost of the offset procedure, shall be billed and collected from the IV-D agency by the Secretary of Health and Human Services or designee and credited to the IRS appropriations which bore all or part of the costs involved in making the collection. The fee which the Secretary of the Treasury may impose with respect to non-AFDC submittals shall not exceed \$25 per submittal.

(2) The State IV-D agency may charge an individual who applies for services under § 302.33 of this chapter a fee not to exceed \$25 for submitting past-due support for Federal tax refund offset. The State must inform the individual in advance of the amount of any fee charged.

(j) Each State involved in a referral of past-due support for offset must comply with instructions issued by the Office.

(k) *Limitation of referral for offset of non-AFDC past-due support.*

Offset of Federal income tax refunds to satisfy past-due support in non-AFDC cases is limited to refunds payable under section 6402 of the Internal Revenue Code of 1954 after December 31, 1983, and before January 1, 1991.

Q. By adding new §§ 303.100 through 303.105 to read as follows:

§ 303.100 Procedures for wage or income withholding.

(a) *Withholding requirement.* (1) The State must ensure that in the case of each absent parent against whom a support order is or has been issued or modified in the State, and is being enforced under the State plan, so much of his or her wages must be withheld, in accordance with this section, as is necessary to comply with the order.

(2) In addition to the amount to be withheld to pay the current month's obligation, the amount to be withheld must include an amount to be applied toward liquidation of overdue support.

(3) The total amount to be withheld under paragraphs (a)(1), (a)(2) and, if applicable, (d)(1)(iii) of this section may not exceed the maximum amount permitted under section 303(b) of the Consumer Credit Protection Act (15 U.S.C. 1673(b)).

(4) In the case of a support order being enforced under the State plan, the withholding must occur without the need for any amendment to the support order involved or any further action by the court or entity that issued it. The State must take steps to implement the withholding and to send the advance notice required under paragraph (b) of this section on the earliest of: (i) the date on which the parent fails to make payments in an amount equal to the support payable for one month, (ii) such earlier date that is in accordance with State law, or (iii) the date on which the absent parent requests withholding.

(5) The only basis for contesting a withholding under this section is a mistake of fact, which for purposes of this section means an error in the amount of current or overdue support or the identity of the alleged absent parent.

(6) If there is more than one notice for withholding against a single absent parent, the State must allocate amounts available for withholding giving priority to current support up to the limits imposed under section 303(b) of the Consumer Credit Corporation Act (15 U.S.C. 1673(b)).

(7) The withholding must be carried out in full compliance with all procedural due process requirements of the State.

(8) Payment of overdue support upon receipt of the notice required under paragraph (b) of this section may not be the sole basis for not implementing withholding.

(9) The State must have procedures for promptly terminating the withholding, but in no case should payment of overdue support be the sole basis for termination of withholding.

MEMORANDUM

TO: HOUSE HESS COMMITTEE MEMBERS  
FROM: NANCY BENNETT, COMMITTEE STAFF  
DATE: APRIL 28, 1986  
RE: TODAY'S AGENDA

We have three bills up for consideration today:

SB 370 -AFDC and Child Support Enforcement

We have a draft Committee Substitute incorporating the amendments suggested by Holli Ploog on Thursday (the changes are sections 2 and 4). We also have new documents in the bill file: 45 CFR ch.11, federal regulations for assignment of rights of support; 45 CFR 303.100, federal regulations for income withholding; and correspondence on mandatory wage withholding.

SB 319 - creating a special education service agency

This bill is similar in content to HB 543, passed by the committee earlier this session. There is a comparison of the two bills in your bill file. The major difference is the funding section.

HB 684 - relating to school vehicle safety

This bill would mandate seatbelts in school buses purchased or leased after the effective date of this act, or child safety devices for children under four. The buses must also have seat backs over 28 inches high if over 10,000 lbs. gross weight and meet U.S. DOT safety standards. Buses may eliminate seatbelts to provide for wheelchairs and special equipment. The bill also provides a section granting bus drivers immunity from personal liability for injury to a passenger not wearing a seat belt or safety device.

September 19, 1985

Representative Max Gruenberg  
914 Clay Court  
Anchorage, AK 99503

Dear Max:

Enclosed is the final letter from Region X regarding the status of statutory compliance with the Child Support Enforcement Amendments of 1984. I am slightly confused and frustrated about this analysis since their original position was to not require all provisions to be in statute (i.e. regulations, procedures were sufficient) and now they are taking a more hard line approach. Vince Herberholt advised me that OCSE will be reassessing their position this week and we should know sometime soon (I hope!) what we need to do to satisfy their requirements.

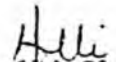
For your information, in number 1, Mandatory Wage Withholding, we have taken care of the first concern in regulation, the second is programmed into the computer, the fourth is in regulation, and the fifth is taken care of by forms and procedure. Only the third concern, regarding termination of wage withholding, is a problem. If you recall, we discussed this issue in the Judiciary Committee and did not get agreement to keep in the language from the HESS version which would have met the federal requirements. Perhaps we should try again this session.

The second issue cited, Consumer Reporting Agencies, is taken care of by regulation.

After I get a clearer picture of what OCSE's position is, we can discuss how we want to handle it.

As always, thank you for your continued interest and cooperation.

Sincerely,

  
Holli Ploog  
Director

enclosure

Region X  
M/S 415  
2901 Third Avenue  
Seattle, WA 98121

RECEIVED

SEP 13 1985

September 9, 1985

Ms. Holli Ploog  
Director  
Child Support Enforcement Division  
550 W. 7th, Hunt Bldg., 4th Floor  
Anchorage, Alaska 99501

CSED

Re: Revised Analysis Of State Statutes

Dear Holli:

As part of the compliance process, my office has analyzed Alaska's child support statutes to determine how well they meet the requirements of P.L. 98-378 with regards to the eight (8) mandatory provisions. It is our determination that there are two (2) provisions that do not meet the specific requirements of the 1984 Child Support Amendments.

They are:

1. Mandatory Wage Withholding

P.L. 98-378 requires that wage withholding be applied to all IV-D cases. Alaska's statutes demonstrate that all types of IV-D cases are included in the process except enforcement of spousal support.

P.L. 98-378 requires the State to allocate amounts available for multiple withholding from the same absent parent's wages. Alaska's statutes do not contain this language.

P.L. 98-378 requires that there be provisions for terminating wage withholding when payment of overdue support is not the sole basis for termination. Alaska's statute states that termination of withholding may be granted when petitioned by the obligor and when good cause is shown.

P.L. 98-378 states that the withheld amount must be sent to the State within 10 days of the date the employee is paid. Alaska's statutes contain language which says that the amount withheld "shall be sent to the agency".

P.L. 98-378 states that notice to the employer must include a statement that withholding is binding upon the employer until further notice by the State. Alaska's statutes do not contain this language.

2. Making Information Available To Consumer Reporting Agencies

P.L. 98-378 requires that information on an absent parent be made available to consumer reporting agencies at their request if child support is owed in an amount greater than \$1,000. Alaska's statute (47.23.273) allows for the reporting of information by the IV-D agency, although it is not mandatory.

P.L. 98-378 requires the State to provide advance notice to the absent parent, including procedures to contest the accuracy of the information. Alaska's statutes contain no procedures to contest the action.

In light of these findings, I would like to review the options I believe are available to you at this time:

1. Clarify Your Statutes. If you have basic statutory authority you may clarify your law using regulations, court rules or procedures so that it meets the requirements of P.L. 98-378. This technique requires the State to apply for an authority exemption (see AT 85-5). In applying for this exemption, Alaska must show how current or proposed State regulations, court rules, or procedures clarify the statutory language and provide the necessary authority to meet the Federal law.
2. Request A Delay. If you intend to introduce bills at your next legislative session to meet the requirements of the Federal law (i.e., extending wage withholding to spousal support) you may request a delay in the State Plan process. ( See AT 85-11)
3. Request An Exemption. If you believe your current procedures are more efficient and effective than those required by Federal law, you may request an operational exemption. In applying for this exemption, Alaska must meet specific criteria identified in AT 85-5.
4. Take No Action. If you believe that your current statutes meet the requirements in the Federal law and regulations, you may indicate that conclusion in the State Plan preprint. OCSE will review the Plan submission and formally determine if the Plan is approvable. If OCSE determines that the law does not meet Federal requirements and the Plan is not approvable, OCSE will notify the State. At that time, the State may request a reconsideration from the Director, OCSE, under 45 CFR 301.14.

Ms. Hollie Ploog, Director

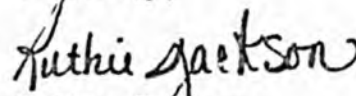
Page 3

You may wish to discuss this matter with OCSE as a policy issue before you choose one of the options outlined above.

I believe that Alaska can meet the majority of the Federal requirements by clarifying its laws with regulations and procedures and requesting an authority exemption before October 1, 1985.

If you would like to discuss this matter further, please feel free to contact me or Phyllis Benton of my staff. I hope all of the above information is helpful to you.

Sincerely,



Ruthie Jackson  
Regional Representative

sh 370

BILL SHEFFIELD  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 29, 1986

The Honorable Don Bennett  
President of the Senate  
Alaska State Legislature  
P. O. Box V  
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that automatically assigns to the state the support rights of recipients of Aid to Families with Dependent Children (AFDC), clarifies a nonsupporting parent's liability for AFDC paid for his or her child, and makes technical amendments to the support enforcement statutes.

AFDC is a joint federal-state program that provides financial assistance to needy dependent children living with parents or relatives. In order to participate in the AFDC program, a state must require that all applicants for and recipients of AFDC assign their rights to support, from any source, to the state. 45 C.F.R. sec. 232.11. In order to comply with federal law, the Department of Health and Social Services requires an applicant to sign a form assigning those rights, and transmits the form to the child support enforcement division (CSED) of the Department of Revenue for action. By making assignment of AFDC applicants' and recipients' support rights automatic, sec. 1 of the bill eliminates the need to pass papers from one state agency to another, thereby allowing CSED to proceed more expeditiously to collect support.

Sections <sup>1</sup> 4 and <sup>6</sup> 7 -- <sup>11</sup> 12 of the bill amend child support enforcement statutes in AS 47.23 to reflect CSED's duty under AS 47.23.020 to collect spousal support in cases in which it is administering child support. By referring to

"support," rather than "child support," the statutes would enhance the agency's ability to meet its statutory directive.

The amendment to AS 47.23.062(b), in sec. 3 of the bill, merely corrects a reference to reflect amendments enacted in the 1985 session.

The amendment to AS 47.23.062(1), in sec. 4 of the bill, is to bring our statute into compliance with federal law. 45 C.F.R. 303.100(a)(9).

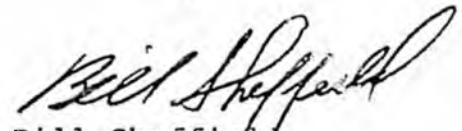
By adding the phrase "for the benefit of" before the word "child" in AS 47.23.120(a), sec. 5 of the bill makes clear that a nonsupporting parent is potentially liable for the full amount of an AFDC grant paid to the parent or relative caring for the nonsupporting parent's child, rather than just the portion paid "to" the child. This is appropriate, because AFDC grants are calculated to allow parents or relatives to care for needy dependent children. The full amount of the grants is intended to benefit the children.

The amendment to AS 47.23.170(e)(2), in sec. 6 of the bill, is a technical one, to correct an incorrect reference.

Finally, sec. 13 provides that the bill take effect immediately so that the agency can fully exercise its enforcement authority and collect support without delay.

Because the bill brings Alaska law into compliance with federal law, expedites the support enforcement process, and fosters the agency's ability to meet its statutory directive to collect both child and spousal support, I urge your prompt passage of this bill.

Sincerely,



Bill Sheffield  
Governor

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : SB370  
 Title : \_\_\_\_\_  
 \_\_\_\_\_  
 Sponsor : Rules Committee by \_\_\_\_\_  
 Requestor : request of the Governor  
 Date of Request : 01/10/86

**FISCAL DETAIL**

Agency Affected : Revenue  
 BRU : Child Support Enforcement Division  
 \_\_\_\_\_  
 Components : Operating  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Prepared by : Holli I. Ploog Phone : 263-6202  
 Division : Child Support Enforcement Division Date : 01/10/86  
 Approved by Commissioner : Milt Hansen for Mary A. Nordale, Commissioner Date : 1-10-86  
 Agency : Department of Revenue

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST** *AB 370*  
 Bill/Resolution No. : Proposed  
 Title : An Act Relating to Aid to Families with Dependent Children...  
 Sponsor : Rules by Request  
 Requestor : Governor  
 Date of Request : 1/86

**FISCAL DETAIL**  
 Agency Affected : Health & Social Services  
 BRU : Assistance Payments  
 Components : AFDC

**EXPENDITURES/REVENUES (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-	-0-
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**POSITIONS :**

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

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

Bill will result in no new costs and in no measurable savings.

Prepared by : John R. Taber, Director Phone : 465-3347  
 Division : Division of Public Assistance Date : 12/27/85

Approved by Commissioner : John R. Poy Date : 12/31/85  
 Agency : \_\_\_\_\_

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**  
24376  
 Bill/Resolution No.: Proposed  
 Title: An Act Relating to Aid to Families with Dependent Children...  
 Sponsor: Rules by Request  
 Requestor: Governor  
 Date of Request: 1/86

**FISCAL DETAIL**  
 Agency Affected: Health & Social Services  
 BRU: Public Assistance/Administrati  
 Components: Eligibility Determination

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>CAPITAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>REVENUE</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**FUNDING : (Thousands of Dollars)**

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-	-0-
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**POSITIONS :**

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

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

Bill will result in no new costs; it will reduce paperwork, but not so substantially as to result in measurable savings.

Prepared by: John P. Taber, Director  
 Division: Division of Public Assistance

Phone: 465-3347  
 Date: 12-27-85

Approved by Commissioner: John B. Poy  
 Agency: \_\_\_\_\_

Date: 12/31/85

**Distribution (by Agency preparing fiscal note) :**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES  
STANDING COMMITTEE  
MARCH 6, 1986  
1:34 P.M.

MEMBERS PRESENT:

Senator Bettye Fahrenkamp, Chairman  
Senator Edna DeVries  
Senator Joe Josephson  
Senator Paul Fischer  
Senator Arliss Sturgulewski

COMMITTEE CALENDAR:

SB 453 Relating to memorial scholarship revolving loans,  
creating the A.W. Brindle memorial scholarship loan.

SB 370 Relating to aid to families with dependent  
children, and to child support and enforcement.

SB 136 Relating to increasing the membership of the  
Alcoholic Beverage Control Board.

WITNESS REGISTER:

Senator Fred Zharoff  
P.O. Box V  
Juneau, AK 99811  
Position Statement: Support for SB 453

Dr. Kerry Romesburg, Director  
Commission on Postsecondary Education  
P.O. Box FP  
Juneau, AK 99811  
Position Statement: Support for SB 453

Greg Baker, Deputy Commissioner  
Department of Commerce and Economic Development  
P.O. Box D  
Juneau, AK 99811  
Position Statement: Support for SB 453

Rick Lauber  
Pacific Seafood Processors Association

Position Statement: Support for SB 453

Mary Nordale, Commissioner  
Department of Revenue  
P.O. Box S  
Juneau, AK 99811

Position Statement: Support for SB 370

John Taber, Director  
Division of Public Assistance  
Department of Health and Social Services  
P.O. Box H-07  
Juneau, AK 99811  
Position Statement: Support for SB 370

Sherry Goll  
Alaska Women's Lobby  
P.O. Box 101571  
Anchorage, AK 99510  
Position Statement: Support for SB 370

PREVIOUS ACTION:

SB 453, No previous action to record.

SB 370, No previous action to record.

SB 136, Please refer to committee minutes dated 02/06/85 in HESS Committee.

ACTION NARRATIVE:

March 06, 1986  
1:34 p.m.

TAPE ONE SIDE ONE

Number 021

Senator Fred Zharoff, bill sponsor, gave a brief outline of SB 453, stating that it will give the fishing industry an opportunity to encourage and contribute to education in the fisheries and fish processing fields. HB 58, which is currently under consideration by the Senate Finance Committee, would allow a 50% tax credit to fish processors for certain expenditures, including contributions to the Brindle Memorial Fund.

Number 190

Senator Zharoff said that seafood businesses may nominate people to receive the loan, and that the loan may not be used in addition to a regular student loan offered by the Postsecondary Commission. The Commission will be the administering body for the loan, he said. He emphasized that repayments of Brindle loans would be deposited into the student loan revolving fund, not into the Brindle fund.

Number 348

Dr. Kerry Romesburg, Director, Commission on Postsecondary Education, spoke in support of SB 453, stating that there are four other revolving scholarship loans in existence, though they see very little activity. The loans proposed in SB 453 would be subject to conditions of the regular student loan program, except they would have no maximum limit and travel expenses would be eligible for coverage.

Number 549

Greg Baker, Deputy Commissioner, Department of Commerce and Economic Development, spoke in support of SB 453 as a means of encouraging education in the fisheries industry, an industry that is important to the Alaskan economy.

Number 593

Rick Lauber, representing the Pacific Seafood Processors Association, expressed support for SB 453, and gave a brief overview of the strong role A.W. Brindle played in the growth of the seafood industry in Alaska.

Number 712

Senator Sturgulewski moved and asked unanimous consent to move SB 453 from committee with individual recommendations. There were no objections.

Number 723

Mary Nordale, Commissioner, Department of Revenue, spoke in support of SB 370. She said it brings Alaska law into conformity with federal law, and has a zero fiscal note. Nordale said that Section 1 and 6-11 recognize the state's responsibility to collect spousal support, and Section 3 adds a line stating that payment of arrears does not constitute good cause to petition the court to terminate withholding of income, while Section 12 institutes automatic recognition of the assignment of support for the purposes of receiving Aid to Families with Dependent Children (AFDC).

Number 816

John Taber, Director, Division of Public Assistance, Department of Health and Social Services, said that the obligor's obligation is limited to the amount set in the court order, even if it is less than the amount of AFDC assistance.

TAPE ONE, SIDE TWO

Number 019

Nordale stated that if there is no support order, the obligor is liable for the amount of AFDC paid to the child and to the custodial parent for the benefit of the child.

Number 356

Sherry Goll, representing the Alaska Women's Lobby, made a brief statement in support of SB 370.

Number 480

Senator Josephson moved and asked unanimous consent to move SB 370 from committee with individual recommendations. There were no objections.

Number 492

Senator Josephson, bill sponsor, gave a brief outline of SB 136, emphasizing the need to have someone with knowledge of alcohol abuse and treatment on the Alcoholic Beverage Control (ABC) Board.

Number 567

Senators Fahrenkamp and Sturgulewski stated that treatment of alcohol abuse should not be tied to a licensing board.

Number 603

Commissioner Nordale expressed opposition to SB 136, stating that including a person with a background in alcohol abuse won't solve the problem of abuse of a license to sell alcohol, rather, it will increase operating costs of the Board. She urged that enforcement efforts be enhanced.

Number 855

Senator Josephson moved and asked unanimous consent to adopt CSHB 98. There were no objections. He then moved and asked unanimous consent to move CSHB 98 from committee. There were no objections.

TAPE TWO, SIDE ONE  
March 06, 1986

Number 051

Senator Fahrenkamp asked unanimous consent to send a letter to the Senate President recommending that the Board of Dental Examiners be extended for four years. There were no objections.

Number 060

Senator Fahrenkamp asked unanimous consent to send a letter to the Senate President recommending that the Pharmacy Board be extended for four years. There were no objections.

Number 094

Senator Sturgulewski moved and asked unanimous consent to adopt CSSB 319. There were no objections. She then moved and asked unanimous consent to move CSSB 319 from committee. There were no objections.

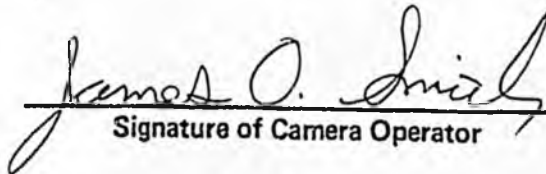
Number 100

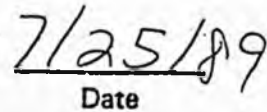
Senator Fahrenkamp adjourned the meeting at 3:10 p.m.



# RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
Signature of Camera Operator

  
Date

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COMMITTEE REPORT

(7)

Date referred: 4/29/86

FURTHER REFERRALS: JUDICIARY

HEALTH, EDUCATION AND  
SOCIAL SERVICES

DATE: May 5, 1986  
SB 374

The \_\_\_\_\_ Committee has considered

"An Act amending the controlled substance schedules."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with \_\_\_\_\_  same title
- \_\_\_\_\_  new title

and recommends \_\_\_\_\_

further referral to the \_\_\_\_\_ Committee

- and attaches:
- letter of intent
  - first fiscal note
  - new fiscal note
  - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

*Walter Korman*

*Patricia Buckley*

*Walter Korman*

*Patricia Buckley*

*Patricia Buckley*

\_\_\_\_\_

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*Walter Korman* Co-Chairman

*Patricia Buckley* Co-Chairman



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 29, 1986

The Honorable Don Bennett  
President of the Senate  
Alaska State Legislature  
P. O. Box V  
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, and in accordance with AS 11.71.120(b), I am transmitting a bill that amends Alaska's controlled substance schedules to add substances that are controlled under federal law but not under Alaska's law.

This bill would add 26 substances to the Alaska schedules: 16 to schedule IA, three to schedule IIA, one to schedule IIIA, and six to schedule IVA. The bill would also re-schedule two substances that have been rescheduled under the federal law, and remove from control two substances that have been removed from the federal schedules. The drug scheduling criteria set out in AS 11.71.120(c) were used to determine the appropriate level of scheduling for each substance.

A section-by-section analysis of the bill, explaining in detail what drugs will be added to the schedules and why, follows:

SECTION-BY-SECTION ANALYSIS OF DRUG BILL

Note: Unless otherwise indicated, the descriptions of the drugs listed below are based upon materials supplied by the federal Drug Enforcement Administration (DEA).

Section 1 removes the substance "nalmeffene" from Alaska's Controlled Substances Act by adding it to the list of exclusions in AS 11.71.140(b)(1). Currently, nalmeffene is included in schedule IA (AS 11.71.140) because it is a

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derivative of the listed opiod "thebaine". Nalmefene is also a derivative of the narcotic antagonist naltrexone, currently excepted from the state Controlled Substances Act. The DEA and the Secretary of the U.S. Department of Health and Human Services have concluded there is insufficient scientific evidence to demonstrate that nalmefene possesses sufficient potential for abuse to justify its continued control in any schedule of the federal Controlled Substances Act.

Section 2 adds five narcotic substances to schedule IA: alfentanil; alpha-methylfentanyl; bulk dextropropoxyphene; sufentanil; and tilidine.

Alfentanil was placed in federal schedule I in accordance with U.S. treaty obligations under the Single Convention on Narcotic Drugs. At the request of the World Health Organization, alfentanil was examined by various groups from the Committee of Problems of Drug Dependence. The results of the study showed that alfentanil is a potent morphine-like compound with two to four times the potency of morphine when used as an analgesic.

Alpha-methylfentanyl, also known as "China White" or "synthetic heroin", is a close structural analog of the Alaska schedule IA substance "fentanyl". It is an analgesic approximately 80 times more potent than morphine. The substance has been placed in federal schedule I because it has a high potential for abuse and currently has no accepted use in medical treatment in the United States.

Bulk dextropropoxyphene (nondosage form) is a federal schedule II opiate. The scheduling criteria used in Alaska require that all federal schedule I and II narcotics be placed in Alaska's schedule IA. This substance, therefore, is placed in schedule IA. It should be noted that dextropropoxyphene in dosage form is placed in Alaska's schedule IVA and federal schedule IV. Dextropropoxyphene in dosage form is better known as the drug "Darvon". Nondosage form was placed in federal schedule II in accordance with U.S. treaty obligations under the Single Convention on Narcotic Drugs.

Sufentanil is contained in the federal schedule II; it is a congener of the federal schedule II narcotic substance fentanyl. Sufentanil is indistinguishable in terms of abuse potential from fentanyl, a drug used mainly in operating rooms and abused primarily by operating room personnel.

Tilidine, also known as "tilidate hydrochloride," is a

narcotic analgesic used in the control of moderate to severe pain. Tilidine was placed in federal schedule I in accordance with U.S. treaty obligations under the Single Convention on Narcotic Drugs.

Section 3 adds a new subsection to AS 11.71.140 to list the new "designer drugs" included in the federal schedules by the DEA over the past year. A designer drug is defined as:

New chemical analogs or variations of existing controlled substances, or other new substances, which have a psychedelic, stimulant, depressant, or narcotic effect and have a high potential for abuse.

The federal 1984 Crime Control Act provided the DEA with emergency scheduling authority, to avoid an imminent hazard to the public safety. Scheduling under this authority is effective for one year and is not applicable to substances for which there is an exemption under the Federal Food, Drug, and Cosmetic Act (e.g., investigational new drugs and new drug applications). To classify a substance under its emergency powers, the DEA must publish a notice of the classification in the Federal Register; the classification becomes effective after 30 days. To date, the DEA has scheduled a total of 12 new substances under its emergency scheduling authority. Eleven of these substances are added, in sec. 3 of this bill, to the state's schedule IA; the 12th is a non-narcotic and is therefore placed in the state's schedule IIA (see sec. 4).

Section 4 would add three new substances to schedule IIA (AS 11.71.150): fenethylline, N-ethylamphetamine, and 3,4-methylenedioxymethamphetamine (MDMA).

Fenethylline is a conjugate of amphetamine and theophyllin (a methylxanthine). The drug produces a delayed, but prolonged, central nervous system stimulatory effect. Fenethylline has a high potential for abuse, has no recognized medical use in the United States, and has not been tested to determine its safety for use under medical supervision. It is a federal schedule I drug, but it has been placed in Alaska's schedule IIA because the drug is non-narcotic.

N-ethylamphetamine's pharmacological and behavioral effects are similar to those of amphetamine and methamphetamine. It is a federal schedule I substance with a high potential for abuse, and no known medical use in the United States.

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

narcotic analgesic used in the control of moderate to severe pain. Tilidine was placed in federal schedule I in accordance with U.S. treaty obligations under the Single Convention on Narcotic Drugs.

Section 3 adds a new subsection to AS 11.71.140 to list the new "designer drugs" included in the federal schedules by the DEA over the past year. A designer drug is defined as:

New chemical analogs or variations of existing controlled substances, or other new substances, which have a psychedelic, stimulant, depressant, or narcotic effect and have a high potential for abuse.

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Section 4 would add three new substances to schedule IIA (AS 11.71.150): fenethylamine, N-ethylamphetamine, and 3,4-methylenedioxymethamphetamine (MDA).

Fenethylamine is a conjugate of amphetamine and theophyllin (a methylxanthine). The drug produces a delayed, but prolonged, central nervous system stimulatory effect. Fenethylamine has a high potential for abuse, has no recognized medical use in the United States, and has not been tested to determine its safety for use under medical supervision. It is a federal schedule I drug, but it has been placed in Alaska's schedule IIA because the drug is non-narcotic.

N-ethylamphetamine's pharmacological and behavioral effects are similar to those of amphetamine and methamphetamine. It is a federal schedule I substance with a high potential for abuse, and no known medical use in the United States.

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MDMA, the designer drug known as Ecstasy, is an analog of the substance "methamphetamine." It has a high potential for abuse and no currently accepted medical use in the United States.

Section 5 removes the substance "mazindol" from Alaska's schedule IIIA (AS 11.71.160), and transfers it to schedule IVA (AS 11.71.170) (see sec. 8). This change has been made because mazindol is an anorectic substance which has a lower potential for abuse than other schedule III anorectics; it also presents less danger of psychological dependence relative to other anorectics in schedule III.

Section 6 places the substance "parahehyl" into Alaska's schedule IIIA. Parahehyl is a synthetic analog of delta-9-tetra-hydrocannabinol (THC), and has been placed in federal schedule I. Because Alaska law classifies THC as a schedule IIIA substance, however, it is appropriate to place parahehyl in Alaska's schedule IIIA.

Section 7 adds four benzodiazepines to schedule IVA: alprazolam, halazepam, temazepam, and triazolam. Each substance is an anti-anxiety agent substantially similar to other benzodiazepines currently listed in Alaska's schedule IVA. All four substances have been classified into the federal schedule IV.

Section 8 places the substance "mazindol" in schedule IVA (see sec. 5 description, above). Section 8 also adds two additional substances to schedule IVA: "pipradol" and "SPA". Each of these substances has been classified into the federal schedule IV.

Pipradol is a mild central nervous system stimulant. Its effects resemble those of the amphetamines, but the usual therapeutic dose of pipradol results in less euphoria, anorexia, and insomnia. It is an effective anti-depressant without the extreme central nervous system stimulation found in the amphetamines.

SPA is a substance marketed in Japan, but not in the U.S. It exhibits the same properties as morphine and methamphetamine, but with analgesic effects. Results of a study conducted by the University of Michigan showed that SPA has no physical dependence capacity.

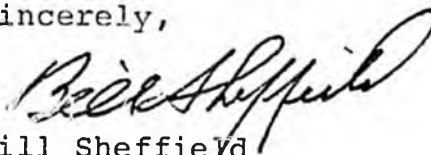
Section 9 classifies the substance "buprenorphine" as a schedule VA (AS 11.71.180) drug. The DEA has placed buprenorphine into federal schedule V. It had previously been

considered a federal schedule II drug because it is a derivative of the substance "thebaine" (a schedule IA narcotic in Alaska). The DEA has found that buprenorphine has a low potential for abuse, has a currently accepted medical use, and has limited potential for physical or psychological dependence.

Section 9 also removes the substance "loperamide" from Alaska's schedule VA. Loperamide, an antidiarrheal, was removed from control by the DEA in 1982. The DEA concluded that loperamide has a currently accepted use in medical treatment in the United States and does not have sufficient potential for abuse to justify its continued control in any schedule of the federal Controlled Substances Act.

To ensure that all dangerous drugs that have a potential for abuse are appropriately covered by Alaska's law, I urge your prompt passage of this bill.

Sincerely,



Bill Sheffield  
Governor

from Senator Kerola  
5/5/86

Amendment to CSSB 251 letter of intent

House Labor & Commerce  
version

7 (c) iii

advanced preparation appropriate to the area of  
specialization. Internship or other appropriate supervised  
experience takes place in a specialized doctoral program  
following the supervised practicum and/or laboratory  
experience [and as such is not within the purview of the  
designation process or the equivalent thereof].