

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672

5641 HOUSE HEALTH, EDUCATION & SOCIAL SERVICES

HB

65

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 27, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: 3/16/89

The HEALTH, EDUCATION & SOCIAL SERVICES Committee recommends that:

HOUSE BILL NO. 121 [SEXUAL ASSAULT ON CERTAIN PERSONS]
"An Act relating to crimes of sexual assault on mentally incapable or incapacitated persons; and providing for an effective date."

be replaced with CSHB 121 (HESS) the same title
 a new title

have attached amendment(s)

- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

- ATTACHES NEW FISCAL NOTE(S):
- fiscal impact
 - zero fiscal note
 - zero with analysis

- APPROVES PREVIOUS:
- fiscal note(s) published: _____
 - zero fiscal notes(s) published: 1/27/89

SIGNING DO PASS:

Peter...
...
...
...

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

Cheri Davis No Rec

J. Ellis
Chairman's signature

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 9, 1989

The Honorable Sam Cotten
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

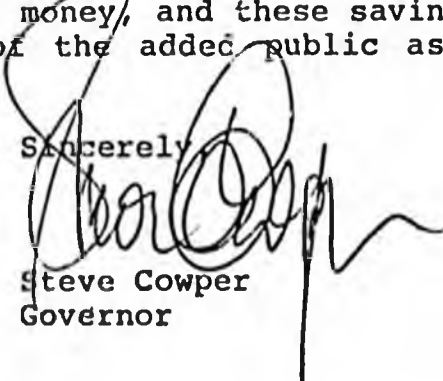
Dear Representative Cotten:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill which would allow an adult public assistance recipient to continue to receive State public assistance benefits for up to three months while a patient in a public institution such as Alaska Psychiatric Institute or a Pioneers' Home, or while a patient in a private institution for treatment of a mental disease.

This change will parallel the new federal law that provides for a continuation of certain Social Security (SSI) benefits to individuals who will be institutionalized for less than three months. The continuation of these benefits will mean that persons who are temporarily institutionalized for medical services will be able to maintain their homes. Discharge planning is much more difficult if an individual has to give up his or her home due to the loss of such benefits. This results in increased institutionalization time while other accommodations are arranged.

The additional expense to the State as a result of this bill is estimated to be relatively small. At the same time, shorter institutionalization time due to easier discharge planning would save the State money, and these savings could more than offset the cost of the added public assistance benefits.

Sincerely,


Steve Cowper
Governor

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FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Continuation of APA during
temporary institutionalization
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Health & Social Services
BRU: Assistance Payments
Components: Adult Public Assistance

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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	12.4	12.4	12.4	12.4	12.4
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	12.4	12.4	12.4	12.4	12.4

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	12.4	12.4	12.4	12.4	12.4
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	12.4	12.4	12.4	12.4	12.4

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)

See analysis attached.

Prepared by: John R. Taber, Director Phone: 465-3347
Division: Public Assistance Date: 11/1/88
Approved by Commissioner: Myra B. Munson Date: 11-14-88
Agency: Health and Social Services

Distribution (by preparer):

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

ANALYSIS:

It has been determined that approximately 13 cases might be affected by this change. The average APA supplemental grant for FY 89, based on 4% cost of living adjustment due 1/1/89, is \$317. This average payment was multiplied by the number of persons who may benefit from this change times three (maximum months paid) to determine the annual cost to the State of Alaska to provide continued benefits to this group during short term institutionalization. It was determined that 13 persons admitted to API may benefit for a total fiscal impact of \$12,400 in 1989. It is probable that no one admitted to Pioneers Homes will qualify for continued APA benefits due to the nature of placements there. Most are for long-term care, thus, no fiscal impact is anticipated for this group. Future years will be impacted based on the annual Cost of Living Adjustment (COLA).

42 USC 1383
note.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall become effective July 1, 1988.

SEC. 9112. REHABILITATION SERVICES FOR BLIND SSI RECIPIENTS.

42 USC 1383

(a) **IN GENERAL.**—Section 1631(a)(6) of the Social Security Act is amended—

(1) by inserting "blindness (as determined under section 1614(a)(2)) or" before "disability (as determined under section 1614(a)(3))";

(2) by inserting "blindness or other" before "physical or mental impairment"; and

(3) by inserting "blindness and" before "disability benefit rolls" in subparagraph (B).

42 USC 1383
note.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall become effective April 1, 1988.

SEC. 9113. EXTENDING THE NUMBER OF MONTHS THAT AN INDIVIDUAL IN A PUBLIC EMERGENCY SHELTER CAN BE ELIGIBLE FOR SSI.

42 USC 1382

(a) **IN GENERAL.**—Section 1611(e)(1)(D) of the Social Security Act is amended by striking "three months in any 12-month period" and inserting "6 months in any 9-month period".

42 USC 1382
note.

(b) **EFFECTIVE DATE.**—(1) The amendment made by subsection (a) shall become effective January 1, 1988.

(2) In the application of section 1611(e)(1)(D) of the Social Security Act on and after the effective date of such amendment, months before January 1988 in which a person was an eligible individual or eligible spouse by reason of such section shall not be taken into account.

SEC. 9114. EXCLUSION OF UNDERPAYMENTS FROM RESOURCES.

42 USC 1382b

(a) **IN GENERAL.**—Section 1613(a)(7) of the Social Security Act is amended by inserting after "shall be limited to the first 6 months following the month in which such amount is received" the following: "(or to the first 9 months following such month with respect to any amount so received during the period beginning October 1, 1987, and ending September 30, 1989)".

42 USC 1382b
note.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall become effective January 1, 1988.

SEC. 9115. CONTINUATION OF FULL BENEFIT STANDARD FOR INDIVIDUALS TEMPORARILY INSTITUTIONALIZED.

(a) **IN GENERAL.**—Section 1611(e)(1) of the Social Security Act is amended—

(1) in subparagraph (A), by striking "and (E)" and inserting "(E), and (G)";

(2) in subparagraph (B), by inserting "(subject to subparagraph (G))" after "throughout any month"; and

(3) by adding at the end the following new subparagraphs: "(G) A person may be an eligible individual or eligible spouse for purposes of this title, and subparagraphs (A) and (B) shall not apply, with respect to any particular month throughout which he or she is an inmate of a public institution the primary purpose of which is the provision of medical or psychiatric care, or which is a hospital, extended care facility, nursing home, or intermediate care facility receiving payments (with respect to such individual or spouse) under

a State plan approved under title XIX, if it is determined in accordance with subparagraph (H) that—

"(i) such person's stay in that institution or facility (or in that institution or facility and one or more other such institutions or facilities during a continuous period of institutionalization) is likely (as certified by a physician) not to exceed 3 months, and the particular month involved is one of the first 3 months throughout which such person is in such an institution or facility during a continuous period of institutionalization; and

"(ii) such person needs to continue to maintain and provide for the expenses of the home or living arrangement to which he or she may return upon leaving the institution or facility.

The benefit of any person under this title (including State supplementation if any) for each month to which this subparagraph applies shall be payable, without interruption of benefit payments and on the date the benefit involved is regularly due, at the rate that was applicable to such person in the month prior to the first month throughout which he or she is in the institution or facility.

"(H) The Secretary shall establish procedures for the determinations required by clauses (i) and (ii) of subparagraph (G), and may enter into agreements for making such determinations (or for providing information or assistance in connection with the making of such determinations) with appropriate State and local public and private agencies and organizations. Such procedures and agreements shall include the provision of appropriate assistance to individuals who, because of their physical or mental condition, are limited in their ability to furnish the information needed in connection with the making of such determinations."

(b) **CONFORMING AMENDMENT.**—Section 1902(1) of such Act is amended by striking "section 1611(e)(1)(E)" and inserting "subparagraph (E) or (G) of section 1611(e)(1)".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall become effective July 1, 1988.

SEC. 9116. RETENTION OF MEDICAID WHEN SSI BENEFITS ARE LOST UPON ENTITLEMENT TO EARLY WIDOW'S OR WIDOWER'S INSURANCE BENEFITS.

(a) **IN GENERAL.**—Section 1634 of the Social Security Act is amended by adding at the end the following new subsection:

"(d) If any person—

"(1) applies for and obtains benefits under subsection (e) or (f) of section 202 (or under any other subsection of section 202 if such person is also eligible for benefits under such subsection (e) or (f) as required by section 1611(e)(2), being then at least 60 years of age but not entitled to hospital insurance benefits under part A of title XVIII, and

"(2) is determined to be ineligible (by reason of the receipt of such benefits under section 202) for supplemental security income benefits under this title or for State supplementary payments of the type described in section 1616(a),

such person shall nevertheless be deemed to be a recipient of supplemental security income benefits under this title for purposes of title XIX, so long as he or she (A) would be eligible for such supplemental security income benefits, or such State supplementary payments, in the absence of such benefits under section 202, and (B) is not entitled to hospital insurance benefits under part A of title XVIII."

TRANSMITTAL NO. 13
SSA Pub. No. 68-0500520
July 15, 1988

Audience: DO/BO/TSC: CR, CR LXVI,
DRT, FR, OA, OS, RR, SR, TSC-SR;
PSC: CRTA, DMS, RECONR; LITPSC:
CATA, FCR, FDE, RECONR

Originating Office: OSSI

PROGRAM REQUIREMENTS MANUAL SYSTEM
Part 05 - Supplemental Security Income
Chapter 005 - Eligibility
Subchapter 20 - Institutionalization

New Material	No. of Pages
Table of Contents (SI A00520.106).....1	
SI A00520.106-SI A00520.106.F.6.....15	

ACTION NOTES

SI 00520.001--Cross-refer to SI A00520.106

SI 00520.104--Cross-refer to SI A00520.106

Background

The purpose of this transmittal is to provide instructions on section 9115 of Public Law (P.L.) 100-203 .

Section 9115 of P.L. 100-203, effective July 1, 1988, amends the Social Security Act to provide for the uninterrupted, continued payment of supplemental security income (SSI) benefits (including State supplementation) to certain persons who enter a public or Medicaid approved medical facility. This would be in lieu of determining the individual as ineligible for payment (if in a public institution not receiving substantial Medicaid payment) or eligible only for the \$30 personal needs allowance (if Medicaid is providing over 50 percent of the cost of care). This provision is intended to allow temporarily institutionalized recipients to retain SSI benefits so that they may pay the expenses necessary to maintain the place in which they intend to live when discharged.

Please note that there are a number of differences between this policy and the policy for institutionalized individuals who are eligible under section 1619 in the month of admission. Most of these differences are due to different statutory requirements. However, it may be possible to bring the two provisions into closer agreement. Any such change, though, will have to be made through promulgation of section 1619 regulations.

Effective Date:: July 1, 1988

U.S. Department of
Health and Human Services
Social Security Administration
Office of Policy
SSA Pub. No. 68-0500520
I.C.N. 993401

Selective Distribution

D39/PSC

To adjust quantity requirements, submit
form SSA-1296, "Request for Address or
Distribution Change"

B. Policy Principles (Cont)

4. PHYSICIAN'S
CERTIFICATION

SSA must receive, no later than 10 days after the close of the month of admission, a physician's certification that the recipient is expected to be medically confined for 90 full, consecutive days or less. There is no good cause provision for failing to submit the certification on time.

5. NEED TO MAINTAIN
A HOME

- a. The individual must demonstrate that he needs to pay some or all of the expenses of maintaining the home or living arrangement to which he may return. (The home or living arrangement to which he may return may or may not be his last permanent living arrangement.)
- b. Evidence required to establish this need must be provided no later than 10 days after the close of the month of admission to the institution at the beginning of a period of medical confinement. There is no good cause provision for failing to meet this timeframe.

6. MONTHS AFFECTED

- a. The months subject to payment of continued benefits are any of the first 3 full months of medical confinement where absent this provision or the special benefits provision for 1619 eligibles described in SI 00520.104, the recipient would be ineligible due to confinement in a public institution (PS N02) or subject to the \$30 payment limit (LA D).
- b. Examples
 - o Continued benefits apply ~~for~~ for 3 full months.

Mrs. Johnson, an aged recipient, was hospitalized on July 18, 1988. Medicare covered her hospitalization. She provided SSA with a doctor's statement that he expected her to go home on or by October 17, 1988. She also provided SSA with a written statement that she had to give her roommate her share of the apartment rent of \$100. These were provided in July 1988.

B. Policy Principles (Cont)

On July 29, 1988, Mrs. Johnson was moved to a nursing home and Medicaid began paying for her care and she stayed until November 2. The continued benefits provision applies for August, September and October, the 3 full months in which Mrs. Johnson was institutionalized as defined in B.3.

- o Continued benefits apply for less than 3 months.

Mrs. Jones, an aged SSI recipient, broke her hip and was hospitalized on July 15, 1988.

On the day of Mrs. Jones admission, the hospital sent the field office a statement from Mrs. Jones' doctor that he expected her to be released from the hospital on or by October 14. On July 20, the field representative obtained Mrs. Jones' written statement that she needs to pay her rent or she will lose her apartment.

Medicare paid for Mrs. Jones' care through September 29, 1988. On September 30, Medicaid begins paying the cost of her care. Mrs. Jones continues to be hospitalized through the month of October and November.

Continued benefits apply for the month of October only since it is within the first 3 full months of medical confinement and it is the only one of those months for which LA-D or N02 would otherwise apply.

- o Continued benefits do not apply.
(Not institutionalized per B.3. above.)

Mr. Smith, a disabled recipient, suffered a stroke and entered a hospital on July 15, 1988. His brother contacted the FO on July 19, and advised them of Mr. Smith's medical confinement. On July 21, the field representative obtained a certification from Mr. Smith's doctor that he expected Mr. Smith to be discharged on or by October 14 and a written statement that Mr. Smith was responsible for his mortgage

B. Policy Principles (Cont)

payment while he was in the hospital. Mr. Smith's private insurance paid for his hospitalization until January 10, 1989, when he returned home.

Mr. Smith is ineligible for continued benefits under this section since he is not subject to the \$30 payment limit and is not ineligible due to residence in a public institution.

- o Continued benefits do not apply-- Institutionalization per B.3. above begins after 3rd full month of medical confinement.

The same facts in the example above apply except that Mr. Smith does not leave the hospital. On January 11, 1989, Medicaid begins paying the cost of his care and February 1989 is the first month LA D applies. Since February is the seventh full consecutive month of medical confinement, the continued benefits provision does not apply.

7. TEMPORARY ABSENCE FOR CONTINUED BENEFITS PURPOSES

a. Definition

A recipient will be considered temporarily absent from his last permanent living arrangement for any months he is receiving continued benefits. (His last permanent living arrangement refers to the living arrangement used to determine benefits for the month before the month for which LA D or PS N02 would otherwise apply.) All Federal living arrangement (FLA), in-kind support and maintenance (ISM), and deeming provisions, as currently applied, will continue to apply as if he were physically residing in that living arrangement.

b. Examples

- o In the Mrs. Johnson example under B.6.b. above, the permanent living arrangement from which she is absent is the household she shares with her roommate.
- o In the Mrs. Jones example under B.6.b. above, the permanent living arrangement from which she is temporarily absent is the hospital.

B. Policy Principles (Cont)

8. PAYMENTS Payments to recipients eligible for the continued full benefits are based on the full FBR.
9. PERIOD OF INSTITUTIONALIZATION EXCEEDS EXPECTED 90 DAYS Payments made under the continued benefits provision are not overpayments if the recipient's actual stay exceeds the expected stay of 90 days or less. Overpayments may occur if it is later learned that some other requirement for the receipt of continued benefits was not met or the recipient was paid incorrectly for another payment/eligibility reason.
10. STATE SUPPLEMENTATION For federally-administered State supplementary payments, the State supplement payable for the months of continued benefits will be the same as that which would be payable if the recipient were physically residing in his last permanent living arrangement.
11. ASSISTANCE TO INDIVIDUALS SSA will make a concerted effort to make individuals aware of the need to act in a timely way to establish eligibility for these continued benefits.

C. Related Policy

1. ELIGIBILITY AND PAYMENT--MEDICAL INSTITUTIONS For rules that apply to residents of institutions, see SI 00520.030 and SI 00520.040.
2. SPECIAL INSTITUTIONALIZATION BENEFITS Two months of benefits based on the full FBR are available in some cases for individuals who:
- a. are 1619 eligible; and
 - b. enter a public medical or psychiatric institution or a medical facility when Medicaid is paying more than 50 percent of the cost of care.

See SI 00520.104.

NOTE: A 1619(a) recipient could be eligible for special institutionalization benefits for the first 2 months of institutionalization and be eligible (if all applicable conditions are met) for continued benefits for the same 2 months as well as the third month. For the first 2 months, apply whichever provision is more advantageous for the recipient.

C. Related Policy (Cont)

3. RESOURCES
EXCLUSION--
THE HOME

For rules on applying the resource exclusion for a home as a principal place of residence, see SI 01130.400 ff.

NOTE: Application of the continuation of benefits provision does not alter the factors used in determining whether a home could be excluded from resources.

4. OVERPAYMENTS

For rules on recovering overpayments, see GN 02220.065.

5. TENTH DAY FALLS
ON NONWORKDAY

Workdays do not include Saturdays, Sundays, and Federal holidays. If the tenth day falls on a nonworkday, the recipient will have until the next workday to submit the physician's certification and statement of need.

D. Operating Policy

1. TEMPORARY ABSENCE
FOR CONTINUED
BENEFITS PURPOSES

For purposes of determining the living arrangement from which the recipient is temporarily absent (see B.7. above), use the permanent living arrangement as of the first moment of the month before the month in which institutionalization as defined in B.3. above began.

The circumstances that exist in that living arrangement for a particular month are the circumstances to use in determinations of FLA, ISM, deeming, and State supplementary payments for that month.

EXAMPLE: A recipient lives with his ineligible spouse in their daughter's home. On August 15, he went to visit his brother. On August 29, he was admitted to a Medicaid facility and was determined to be eligible for continued benefits for the months of September, October, and November. His daughter's home was his permanent living arrangement on August 1; therefore, we would continue deeming from his ineligible spouse and we would continue to count any ISM he would have received as if he were physically residing in his daughter's home.

D. Operating Policy (Cont)

2. TRANSITION CASES

For a recipient who was in a medical confinement prior to July 1, 1988 and July 1988 is no later than the third full month of medical confinement, we must receive the physician's certification and establish need to maintain the home not later than July 10, 1988 to pay continued benefits for July, August, and/or September. Under no circumstances do continued benefits apply to any month prior to July 1988.

E. Operating Procedure--
Case Processing

1. CASE DEVELOPMENT

When you learn that a recipient has entered into a medical confinement if 10 days after the close of the month of admission have not passed, immediately request a physician's certification and a statement of need to maintain the home or living arrangement.

2. PHYSICIAN'S
CERTIFICATION

The physician's certification must state whether the recipient is expected to be discharged from the facility (or a similar medical facility) by the 91st day; i.e., the period of medical confinement is not likely to exceed 90 full, consecutive days, beginning the day after the day of admission. (For example, if the recipient was first admitted to a medical facility on August 1, the certification must establish that the recipient is expected to be discharged October 31 or earlier--the 90 full consecutive days would be August 2 through October 30.)

To fulfill the requirement for a physician's certification of a 90 day or less stay:

- a. accept the physician's written statement, or
- b. use the facility's admissions or other records which reflect a physician's written statement, or
- c. use information from the attending physician's written records.

3. NEED TO MAINTAIN
THE HOME

Ask the recipient whether he needs to pay some or all of the expenses of maintaining the home or living arrangement to which he may return.

In determining the individual's need to maintain a home or living arrangement:

E. Operating Procedure--
Case Processing (Cont)

- a. Accept, absent evidence to the contrary, a written statement from the recipient (or from a person knowledgeable about his expenses and permanent living arrangement) that he needs to maintain and provide for some or all of the expenses of the home or living arrangement to which he may return.
- b. Consider the following (not all-inclusive) examples as contrary evidence:
 - o an indication that the recipient was homeless, or
 - o a statement from a knowledgeable person that the recipient is not required to pay any of the expenses of the home or living arrangement to which he intends to return, or
 - o an indication that the recipient is returning to a domiciliary or congregational care facility and is not required to continue to pay the facility to "hold the bed."
- c. Do not consider the fact that a recipient was subject to the value of the one-third reduction (VTR) in the month of entry into the institution as evidence to the contrary. (He may be paying something less than his pro rata share; or he may be paying some expense which was not considered to be a household operating expense for purposes of the ISM determination.)
- d. If evidence to the contrary exists, undertake whatever development is needed to determine whether the recipient needs to maintain and provide for some or all of the expenses of the home or living arrangement to which he may return. Any additional evidence which is requested to resolve the issue of need, of course, should be accepted without regard to the timeframe described in B.5. above.

4. CONTACTS WITH
INSTITUTIONS

The parallel field office (FO) should contact appropriate institutions to:

- a. establish a mechanism to assure that institutions alert SSA on a timely basis to admissions of SSI recipients; and

E. Operating Procedure--
Case Processing (Cont)

- b. determine the feasibility of obtaining information from the facility to meet the physician certification requirement.

5. DOCUMENTATION--
CONTINUED BENEFITS
APPLY

Document the file with:

- o A report of contact reflecting the physician's statement or the actual certification that the individual is expected to be institutionalized for no more than 90 full, consecutive days (see E.2.), and
- o Your determination of the recipient's need to maintain the home or living arrangement to which he intends to return. (The individual's statement is sufficient documentation when evidence to the contrary does not exist.)
- o A copy of the notice required in F.3., below.

6. DOCUMENTATION--
CONTINUED BENEFITS
DO NOT APPLY

- a. Document the file to show why the provision does not apply; and
- b. Include in the file a copy of the notice required in F.6., below.

7. SYSTEMS INPUT

- a. Upon notification that a recipient is in a medical or psychiatric facility where (absent the continued benefits provision or the special benefits provision for 1619 eligibles) he would be in LA D or PS N02, make no systems input until you determine whether the continued benefits provision applies.
- b. If the continued benefits provision applies, assure that the system reflects the individual's permanent living arrangement as of the first moment of the month before the month in which institutionalization (as defined in B.3.) applies. Diary the case for review at the beginning of the third month for which continued benefits could apply. (See notice requirement in F.4., below.)
- c. If the continued benefits provision does not apply, but the special benefits provision for 1619 eligibles applies, see SI 00520.104.
- d. If neither the continued benefits provision nor the special benefits provision for 1619 eligibles applies, transmit LA D or PS N02, as applicable. Suppress system-generated notices and see F. for notices requirements.

E. Operating Procedure--
Case Processing (Cont)

8. MANUAL LISTINGS

SSA is required to report to Congress on the implementation of the continued benefits provision. Maintain the following manual listings:

- o For each month, July 1988 or later, a listing of all recipients (names and social security numbers (SSN's)) who are receiving continued benefits. Send this listing, monthly, to: OSSI, DPMA, Attn: IDK, 3-S-1 Operations Building, Baltimore, Maryland 21235.
- o For each month, July 1988 or later, a listing of all recipients (names and SSN's) who go into PS N02 or LA D, who are in medical or psychiatric facilities, and who did not receive continued benefits in the month prior to the first month of LA D or PS N02. Retain these listings pending further instructions.

F. Operating Procedure--
Manual Notices

1. GENERAL NOTICE
REQUIREMENTS

Until receipt of approved notice language, follow the instructions below for issuing manual notices:

- a. See CN 00804.100 ff. for the appropriate standard notice paragraphs;
- b. Address all pertinent issues (see 3 through 5 below); and
- c. Send a copy of the notice to the appropriate State agency if the State has a State administered State supplement program.

2. FORMS TO USE

Use the following forms:

- a. No change in payment amount--SSA-L8166-U2.
- b. Reduction of payment amount, suspension, or denial--SSA-L8155-U2.

3. ELIGIBILITY
NOTICES

Once all development has been completed and the recipient is eligible for continued payment, send a notice regardless of whether payment is changing. Include the following information:

F. Operating Procedure--
Manual Notices (Cont)

- a. Prior to the enactment of this law, the recipient would have received a reduced SSI payment or would have received no payment because of the type of facility in which he is staying.
- b. Because of this law, we can pay the recipient up to 3 months of SSI money.
- c. The recipient can receive this money because:
 - o the doctor expects the recipient to leave the facility by the 91st day after the date of admission, and
 - o the recipient has to pay expenses to maintain a home.
- d. For recipients who would otherwise be in I.A.D. include the fact that the institution is not permitted to ask them to use these benefits to pay for the cost of their care.

4. PAYMENT REDUCTION

If the recipient is in a facility when the Goldberg/Kelly cutoff date approaches for stopping the check for the fourth month, suppress the systems-generated notice and send a manual Notice of Planned Action (SSA-L8155-U2), following SI 02301.601 ff.

Tell the recipient that the SSI check for the fourth month must be reduced or stopped if the recipient has not left the facility. (If the Goldberg/Kelly cutoff date for the fourth month is missed, add paragraph 2021 found in CN 00804.225.)

5. COMBINED ELIGIBILITY AND PAYMENT REDUCTION OR SUSPENSION

There may be cases where the following are true:

- o The notice described in 3. above has not yet been sent, and
- o A Notice of Planned Action is required concerning payment reduction or suspension in the 4th month.

In these cases, combine the messages in 3. and 4. above in the Notice of Planned Action (SSA-L8155-U2).

F. Operating Procedure—
Manual Notices (Cont)

6. DENIAL NOTICES

At the time that LA D or N02 is input, suppress the systems-generated notice. Send a manual SSA-L8155 and use the appropriate paragraphs in CN 00804.155 or CN 00804.165. Also, tell the recipient that after developing for receipt of continued benefits, he was found ineligible. Give the reason(s) shown below that apply:

- a. the recipient's doctor expects the stay in the facility to last longer than 90 days,
- b. the recipient did not have any home expenses,
- c. the physician's certification was not received or was received later than 10 days after the close of the month of admission,
- d. the need to maintain expenses of the home was not established or was established later than 10 days after the close of the month of admission,
- e. the recipient was not eligible for payment in the month of admission,
- f. the month involved is not one of the first 3 months of a continuous period of medical confinement.

STATE OF ALASKA
THE LEGISLATURE

POUCH V - STATE CAPITOL
JUNEAU, ALASKA 99811
907-463-3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. HESS 2-28-89

go0359hE
Lauterbach
3/3/89

Original sponsor: Rules/Governor

Rep Ellis
Adm. Jan

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

IN THE HOUSE

CS FOR HOUSE BILL NO. 65 (HESS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to continuation of adult public assistance during mental health or other temporary institutionalization; and providing for an effective date."

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

* Section 1. AS 47.25.430(c) is amended to read:

(c) Payment under AS 47.25.430 - 47.25.615 may not be made to a person who is a resident of a public institution (except as a patient in a public medical institution) or a person who is a patient in a public or private institution for treatment of a mental disease. For purposes of this subsection, "resident" and "patient" do not include a person who is institutionalized for medical services for a period of less than three months if the person needs to continue to maintain and provide for the expenses of a home or living arrangement to which that person may return upon discharge from the institution.

* Sec. 2. This Act takes effect July 1, 1989.

HB

66

STATE OF ALASKA
THE LEGISLATURE

HOUSE STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 13, 1989

SUBJECT: Serving at the pleasure of the governor
(HB 66)

TO: Representative Johnny Ellis
Attn: Jim Nordlund

FROM: Terri Lauterbach *TL*
Legislative Counsel

You have asked whether the phrase "at the pleasure of the governor" broadens the power of the governor to dismiss members of boards and commissions beyond what would exist if a statute merely said the members were "appointed by" the governor.

I have not found any helpful cases on this matter. I have found many statutes that explicitly state that members of a particular board or commission serve at the pleasure of the governor. I therefore think that if it is important to the legislature that the governor be able to remove an appointee at will that the pertinent legislation include the phrase "at the pleasure of the governor." If it is important to the legislature that a member be removed only for cause, then the legislation should state that instead.

If I may be of further assistance, please let me know.

TL:gc
WKG7/021

(5)

Date Referred: January 9, 1989

FURTHER REFERRALS: FINANCE

Date of Committee Action: 3/2/89

The HEALTH, EDUCATION & SOCIAL SERVICES Committee recommends that:

HOUSE BILL NO. 66 [ESTABLISH CHILDREN & YOUTH COMMN.]
"An Act establishing the Alaska Commission on Children and Youth; and providing for an effective date."

be replaced with CS HB 66 (HESS) the same title
 a new title

have attached amendment(s)

- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact
- zero fiscal note
- zero with analysis

APPROVES PREVIOUS:

- fiscal note(s) published: _____
- zero fiscal notes(s) published: _____

SIGNING DO PASS:

J. Ellis
Mark Baker
Chris Davis
Walt Furness
Paul Jace

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

J. Ellis
 Chairman's signature

A M E N D M E N T # 1

OFFERED IN THE HOUSE

BY ELLIS

TO: CSHB 66 (HESS)

Page 2, line 20, after "education":

Insert ", special education"

Page 3, line 28:

After the first "education", insert ", special education"

After the second "education", insert ", early childhood special education"

A M E N D M E N T # 2

OFFERED IN THE HOUSE

BY ELLIS

TO: CSHB 66 (HESS)

Page 2, line 16, after "youth":

Insert ", individually and as they relate to their families."

A M E N D M E N T # 3

OFFERED IN THE HOUSE

BY ELLIS

TO: CSHB 66 (HESS)

Page 4, line 1, after "system":

Insert ", minority issues"

A M E N D M E N T

#4

OFFERED IN THE HOUSE

BY ELLIS

TO: CSHB 66 (HESS)

Page 1, line 19:

Delete "fj "

Insert "seven"

Page 4, line 18:

Delete "three members" in both occurrences

Insert "four members" in both occurrences

A M E N D M E N T

#5

OFFERED IN THE HOUSE

BY ELLIS

TO: CSHB 66(HESS)

Page 1, after line 9:

Insert a new bill section to read:

"* Section 1. AS 39.05.100(a) is amended to read:

(a) A person appointed to a board or commission of the state government shall be and have been before the last general election, (1) a registered voter in the state, if the appointment is made at large or (2) a registered voter from the judicial district, if the appointment is made from a specific judicial district. The student member of the Board of Regents of the University of Alaska appointed under AS 14.40.150(b), [AND] the student member of the Alaska Commission on Postsecondary Education appointed under AS 14.42.015(e), and a member of the Alaska Commission on Children and Youth appointed under AS 44.19.521, are exempt from the requirement of this subsection if the member was not old enough to be a registered voter in the last general election."

Page 1, line 10:

Delete "* Section 1"

Insert "* Sec. 2"

Renumber the following bill sections accordingly.

Page 1, line 20, after "governor.":

Insert "The governor shall consider appointing to the commission persons who are under the age of 21."

Page 3, line 24, after "shall":

Insert "actively solicit advice and information from children and youth of all ages and socioeconomic backgrounds. The commission shall also"

Page 3, line 25:

Delete "children, youth,"

Page 4, line 16:

Delete "2"

Insert "3"

Page 4, line 21:

Delete "2"

Insert "3"

A M E N D M E N T

6

OFFERED IN THE HOUSE

TO: CSHB 66(HESS)

Page 1, after line 9:

Insert a new bill section to read:

"* Section 1. AS 39.05.100(a) is amended to read:

(a) A person appointed to a board or commission of the state government shall be and have been before the last general election, (1) a registered voter in the state, if the appointment is made at large or (2) a registered voter from the judicial district, if the appointment is made from a specific judicial district. The student member of the Board of Regents of the University of Alaska appointed under AS 14.40.150(b), [AND] the student member of the Alaska Commission on Postsecondary Education appointed under AS 14.42.015(e), and a member of the Alaska Commission on Children and Youth appointed under AS 44.19.521, are exempt from the requirement of this subsection if the member was not old enough to be a registered voter in the last general election."

Page 1, line 10:

Delete "* Section 1"

Insert "* Sec. 2"

Renumber the following bill sections accordingly.

Page 1, line 19:

Delete "five"

Insert "seven"

Page 1, line 20, after "governor.":

Insert "At least two of the public members must be under the age of 21
at the time of appointment."

Page 4, line 16:

Delete "2"

Insert "3"

Page 4, line 18:

Delete "three members" in both occurrences

Insert "four members" in both occurrences

Page 4, line 21:

Delete "2"

Insert "3"

A M E N D M E N T

#7

OFFERED IN THE HOUSE

BY ELLIS

TO: CSHB 66(HESS)

Page 2, line 21, after "nutrition,":

Insert "poverty,"

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 66 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Alaska Commission on Chil-
7 dren and Youth; abolishing the Office of Child Advo-
8 cacy; and providing for an effective date."

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

10 * Section 1. AS 39.50.200(b) is amended by adding a new paragraph to
11 read:

12 (50) Alaska Commission on Children and Youth (AS 44.19.521).

13 * Sec. 2. AS 44.19 is amended by adding new sections to read:

14 ARTICLE 17. ALASKA COMMISSION ON CHILDREN AND YOUTH.

15 Sec. 44.19.521. CREATION OF COMMISSION. (a) There is created
16 in the Office of the Governor the Alaska Commission on Children and
17 Youth.

18 (b) The commission consists of four executive-branch members and
19 five public members, who are appointed by, and serve in that capacity
20 at the pleasure of, the governor. The commission shall elect one of
21 its members as chair. The chair may appoint other officers as neces-
22 sary.

23 Sec. 44.19.523. TERMS OF OFFICE; COMPENSATION. (a) The term of
24 office of a member of the commission is three years.

25 (b) A vacancy shall be filled in the same manner as the original
26 appointment. A person appointed to a vacancy serves for the unexpired
27 portion of the term.

28 (c) Public members of the commission serve without compensation
29 for their services but are entitled to per diem and travel allowances

1 authorized under AS 39.20.180.

2 Sec. 44.19.525. POWERS OF THE COMMISSION. The commission may

3 (1) use legal, technical, secretarial, and administrative
4 services as may be provided by the governor;

5 (2) use voluntary and uncompensated services of private
6 persons and organizations as may be made available to the commission;

7 (3) receive, and use for operating purposes, money from the
8 federal government or other sources;

9 (4) hold public hearings;

10 (5) hire an executive director and technical and clerical
11 staff that are necessary to perform the duties of the commission; and

12 (6) take other actions reasonably necessary to carry out
13 the duties of the commission.

14 Sec. 44.19.527. DUTIES OF THE COMMISSION. (a) The commission
15 shall develop a comprehensive statewide plan that identifies the needs
16 of children and youth and makes recommendations to enhance their
17 quality of life. In meeting this charge, the commission may

18 (1) recommend the services and programs that should be
19 available for children and families in the areas of child care,
20 health, social services, education, child protection, parent and staff
21 training, nutrition, mental health, safety, and employment of youth;

22 (2) identify the service needs of children and where gaps
23 and overlaps in services exist;

24 (3) monitor the emerging needs of and problems facing
25 children, and develop effective, comprehensive, and coordinated strat-
26 egies to address those needs and problems;

27 (4) develop and recommend adoption of a process for moni-
28 toring and evaluating children's programs;

29 (5) provide opportunities for the public to participate in

1 the planning and development of children's programs and policies;

2 (6) receive and act upon requests for recommendations from
3 state officials, members of state advisory committees, legislators,
4 representatives of the state court system, and providers of children's
5 services on matters related to children and youth;

6 (7) meet with and make recommendations to state officials
7 and members of advisory committees who are responsible for the expen-
8 diture of state and federal money;

9 (8) serve as a statewide clearinghouse for government and
10 nongovernment programs and resources relating to children, youth, and
11 families;

12 (9) serve as an advocate for the interests of children by
13 informing the public, including leaders of the business community,
14 educators, local and state officials, the legal system, and the commu-
15 nications media of the nature and scope of problems faced by children;

16 (10) coordinate efforts and consult and cooperate with
17 persons, organizations, and groups, including other boards and com-
18 missions, interested in the problems and concerns of children and
19 youth; and

20 (11) make recommendations to the governor, legislature, and
21 state officials with respect to legislation, regulations, and appro-
22 priations for programs or services that benefit children and youth.

23 (b) In formulating the strategy to address the needs of and
24 problems facing children, the commission shall seek advice and infor-
25 mation from parents, children, youth, and children's services pro-
26 viders, including those with expertise in the areas of mental health,
27 health care, prenatal care, adolescent drug and alcohol treatment,
28 education, early childhood education, nonprofit funding sources, child
29 abuse and neglect, domestic violence, child care, dependence,

1 delinquency and the justice system, and family support systems.

2 (c) The commission shall prepare and publish an annual report on
3 the status of children in the state and its recommendations and pro-
4 posals for change. The commission shall provide the governor and the
5 legislature with copies of the report by the 15th day of each regular
6 legislative session.

7 Sec. 44.19.529. TECHNICAL ASSISTANCE AND STAFF SUPPORT. The
8 executive branch departments shall cooperate with the commission and
9 provide technical assistance to the commission upon the request of the
10 commission.

11 * Sec. 3. AS 39.50.200(b)(50), AS 44.19.521, 44.19.523, 44.19.525,
12 44.19.527, and 44.19.529 are repealed June 30, 1994.

13 * Sec. 4. AS 47.50.010, 47.50.020, 47.50.030, 47.50.040, and 47.50.050
14 are repealed.

15 * Sec. 5. TERMS OF INITIAL APPOINTEES. Notwithstanding AS 44.19.523,
16 enacted by sec. 2 of this Act, the governor shall set the terms of the
17 members initially appointed to the Alaska Commission on Children and Youth
18 so that three members serve three-year terms, three members serve two-year
19 terms, and three members serve one-year terms.

20 * Sec. 6. REVIEW OF LAWS RELATING TO CHILDREN. The Alaska Commission
21 on Children and Youth, established under sec. 2 of this Act, may review the
22 laws of the state with regard to matters involving children. If a review
23 is done, the commission shall prepare and publish a report of its findings
24 and recommendations and provide the governor and the legislature with
25 copies by January 1, 1991.

26 * Sec. 7. This Act takes effect July 1, 1989.
27
28
29

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 21, 1989

The Honorable Mark Boyer
Vice-Chairman
House Health, Education and
Social Services Committee
P.O. Box V
Juneau, AK 99811

Dear Representative Boyer:

At your request, I have prepared a revised fiscal note for HB 66, "An Act establishing the Alaska Commission on Children and Youth", to reflect the proposed committee substitute amending the number of public members from three to seven.

Please call me if you need further information.

Sincerely,

A handwritten signature in cursive script that reads "Michael A. Nizich".

Michael A. Nizich
Director, Division of
Administrative Services

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act Establishing the Alaska
Commission on Children and Youth
Sponsor: Rules Committee
Requestor: Rep. Boyer

Agency Affected: Office of the Governor
BRU: Commissions/Special Offices
Components: Alaska Commission on
Children and Youth

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		157.6	162.5	167.5	172.7	178.0
TRAVEL		23.9	23.9	23.9	23.9	23.9
CONTRACTUAL		24.4	24.4	24.4	24.4	24.4
SUPPLIES		1.5	1.5	1.5	1.5	1.5
EQUIPMENT		1.0	1.0	1.0	1.0	1.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		208.4	213.3	218.3	223.5	228.8

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		208.4	213.3	218.3	223.5	228.8
FEDERAL FUNDS						
OTHER						
TOTAL		208.4	213.3	218.3	223.5	228.8

POSITIONS:

FULL-TIME		3	3	3	3	3
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached analysis

Prepared by: Michael A. Nizich, Director
Division: Division of Administrative Services

Phone: 465-3616
Date: 2/21/89

Approved by Commissioner: Garrey M. Peska
Agency: Office of the Governor

Date: 2/21/89

Distribution (by preparer):

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

PERSONAL SERVICES

Request for New Position forms are attached. Salaries are shown at step A for FY 90. Personal Services requests for subsequent years include one-step merit increases for all three positions.

TRAVEL

Seven Public members:

Juneau: travel @ \$400/person x 6 people = 2,400
per diem @ 80/day x 3 days x 7 people = 1,680 4,080

Anchorage: travel @ 400/person x 5 people = 2,000
per diem @ 80/day x 3 days x 7 people = 1,680

Administrative Staff:

travel @ 400/person x 2 people = 800
per diem @ 80/day x 3 days x 2 people = 480 4,960

Fairbanks: travel @ 400/person x 6 people = 2,400
per diem @ 80/day x 3 days x 7 people = 1,680

Administrative Staff:

travel @ 400/person x 2 people = 800
per diem @ 80/day x 3 days x 2 people = 480 5,360

Rural: travel @ 500/person x 6 people = 3,000
per diem @ 80/day x 4 days x 7 people = 2,240

Administrative Staff:

travel @ 500/person x 2 people = 1,000
per diem @ 80/day x 4 days x 2 people = 640 6,880

Conference: travel @ 1,000/person x 2 people = 2,000
per diem @ 80/day x 4 days x 2 people = 640 2,640

Total Travel: 23,920

CONTRACTUAL

Communication: Telephone (toll costs, base/local fixed costs, centrex network costs) 7,200
600/mo x 12 months 300
Telecopier charges -- 25/mo x 12 months 2,250
Teleconference charges -- 5 @ 450 3,600
Postage -- 300/mo x 12

Transportation: Freight and express charges -- 75/mo x 12 900

CONTRACTUAL - continued

Advertising, Printing & Binding:

Subscriptions	75
Advertising -- 4 meetings x 350	1,400
Printing -- 4 newsletters x 800 each	3,200
Annual report	1,500
Forms, misc.	750
Photocopy, fixed costs 55/mo x 12	660
Photocopy, vendor charges	400
Minor Repair, Maintenance	1,200
Conference Registration	500
Employee Tuition, Training	500
Total Contractual:	24,435

SUPPLIES

Office and Library supplies	
100/mo x 12	1,200
Data processing supplies	300
Total Supplies:	1,500

EQUIPMENT

Office furniture, misc. office equipment	1,000
Total Equipment:	1,000

Position Title Executive Director		No. of Positions 1	Range/Step 23/A	Barg. Unit Totally Exempt
Time Status PFT	Staff Months .12	Location Juneau		Election District 4
Justification				
Type of Expenditure		Amount		
1	2	3		
Salary	52.5			
Benefits	17.5			
Premium Pay				
Other				
Total Personal Services		70.0		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		70.0		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	70.0		
I. A. Receipts	1006			
CIP Receipts	1061			
Other				

The Executive Director will be responsible for coordinating the work of the Commission preparing the Annual Report; overseeing production of all work products outputted by the Commission; coordination and interaction with state agencies, and other related groups and organization; serving as liaison between the Commission and the Governor's Office; supervising staff; and other duties as assigned by the Commission and/or the Office of the Governor.

This position is established as permanent full time, Range 23A, which is comparable with the status of like positions of other similar agencies.

**Request For
New Position**

Agency Office of the Governor
 BRU Commissions/Special Offices
 Component Alaska Commission on
Children and Youth

Page 1 of 3
 Revised Date _____

FY 90

Position Title Research Analyst		No. of Positions 1	Range/Step 18/A	Barg. Unit Totally Exempt
Time Status PFT	Staff Months 12	Location Juneau		Election District 4
Type of Expenditure		Justification		
1	2	3		
Salary	37.5	<p>The Research Analyst will be responsible for gathering, compiling, analyzing and reporting on statewide and national data related to children and youth; production of the newsletter; assistance with production of Annual Report; responding to requests for information; and other duties as assigned by the Executive Director and/or the Commission.</p> <p>This position is established as permanent full time, Range 18A, which is comparable with the status of like positions of other similar agencies.</p>		
Benefits	14.0			
Premium Pay				
Other				
Total Personal Services	51.5			
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost	51.5			
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	51.5		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Office of the Governor
 BRU Commissions/Special Offices
 Component Alaska Commission on
Children and Youth

Page 2 of 3
 Revised Date

FY 90

Position Title Administrative Assistant I		No. of Positions 1	Range/Step 12/A	Regularity Fullly Exempt	
Time Status PFT	Staff Months 12	Location Juneau		Election District 4	
Type of Expenditure		Justification			
Amount		<p>The Administrative Assistance will be responsible for general routine office correspondence and communications; management of the office; travel and other related arrangements for Commission meetings; and other duties as assigned by the Executive Director and/or the Research Analyst.</p> <p>This position is established as permanent full time, Range 12A, which is comparable with the status of like positions of other similar agencies.</p>			
1	2				3
Salary	25.0				
Benefits	11.1				
Premium Pay					
Other					
TOTAL PERSONNEL SERVICES					36.1
Travel					
Contractual					
Commodities					
Equipment					
Other					
Total Cost		36.1			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004		36.1		
I-A Receipts	1006				
CIP Receipts	1061				
Other					

**Request For
New Position**

Agency Office of the Governor
 BRU Commissions/Special Offices
 Component Alaska Commission on
Children and Youth

Page 3 of 3
Revised Date

FY 90

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 6, 1989

The Honorable Johnny Ellis
Chairman
House Health, Education and
Social Services Committee
P.O. Box V
Juneau, AK 99811

Dear Representative Ellis:

At your request, I have prepared the revised fiscal note for HB 66, "An Act establishing the Alaska Commission on Children and Youth ...", to reflect the impact of a proposed committee substitute amending the number of public members on the commission from three to five.

Please call me if you need further information.

Sincerely,

A handwritten signature in cursive script that reads "Michael A. Nizich".

Michael A. Nizich
Director, Division of
Administrative Services

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act Establishing the Alaska Commission on Children and Youth
Sponsor: Rules Committee
Requestor: House Health, Education and Social Services Committee

Agency Affected: Office of the Governor
BRU: Commissions/Special Offices
Components: Alaska Commission on Children and Youth

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		157.6	162.5	167.5	172.7	178.0
TRAVEL		30.6	30.6	30.6	30.6	30.6
CONTRACTUAL		24.7	24.7	24.7	24.7	24.7
SUPPLIES		2.5	2.5	2.5	2.5	2.5
EQUIPMENT		1.0	1.0	1.0	1.0	1.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		216.4	221.3	226.3	231.5	236.8
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		216.4	221.3	226.3	231.5	236.8
FEDERAL FUNDS						
OTHER						
TOTAL		216.4	221.3	226.3	231.5	236.8

POSITIONS:

FULL-TIME		3	3	3	3	3
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See Attachment.

Prepared by: Michael A. Nizich, Director *MN* Phone: 465-3616
Division: Division of Administrative Services Date: 2/6/89

Approved by Commissioner: Garrey M. Peska *[Signature]* Date: 2/6/89
Agency: Office of the Governor

Distribution (by preparer):

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

PERSONAL SERVICES

Request for New Position forms are attached. Salaries are shown at step A for FY 90. Personal Services requests for subsequent years include one-step merit increases for all three positions.

TRAVEL

Public members:

Juneau:	travel @ \$400/person x 5 people	=	2,000	
	per diem @ 80/day x 3 days x 5 people	=	1,200	3,200
Anchorage:	travel @ 400/person x 8 people	=	3,200	
	per diem @ 80/day x 3 days x 8 people	=	1,920	5,120
Fairbanks:	travel @ 400/person x 8 people	=	3,200	
	per diem @ 80/day x 3 days x 8 people	=	1,920	5,120
Rural:	travel @ 500/person x 8 people	=	4,000	
	per diem @ 80/day x 4 days x 8 people	=	2,560	6,560
Conference:	travel @ 1,000/person x 2 people	=	2,000	
	per diem @ 80/day x 4 days x 2 people	=	640	2,640

Executive Branch members:

four members x 2,000/member = 8,000

Total Travel: 30,640

CONTRACTUAL

Communication:	Telephone (toll costs, base/local fixed costs, centrex network costs)		
	600/mo x 12 months		3,600
	Telecopier charges -- 25/mo x 12 months		300
	Teleconference charges -- 5 @ 450		2,250
	Postage -- 300/mo x 12		3,600

Transportation: Freight and express charges -- 75/mo x 12 900

Advertising, Printing & Binding:

Subscriptions		75
Advertising -- 4 meetings x 350		1,400
Printing -- 4 newsletters x 800 each		3,200
Annual report		1,500
Forms, misc.		750
Photocopy, fixed costs 55/mo x 12		660
Photocopy, vendor charges		400

Minor Repair, Maintenance 1,200

Conference Registration 500

Employee Tuition, Training 500

Total Contractual: 24,685

SUPPLIES

Office and Library Supplies --	
200/mo x 12	2,400
Data processing supplies	100
Total Supplies:	2,500

EQUIPMENT

Office furniture, misc. office equipment	1,000
Total Equipment:	1,000

Position Title Executive Director		No. of Positions 1	Range/Step 23/A	Barg. Unit Totally Exempt																																							
Time Status PFT	Staff Months 12	Location Juneau		Election District 4																																							
<table border="1"> <thead> <tr> <th>Type of Expenditure</th> <th colspan="2">Amount</th> </tr> <tr> <th>1</th> <th>2</th> <th>3</th> </tr> </thead> <tbody> <tr> <td>Salary</td> <td>52.5</td> <td></td> </tr> <tr> <td>Benefits</td> <td>17.5</td> <td></td> </tr> <tr> <td>Premium Pay</td> <td></td> <td></td> </tr> <tr> <td>Other</td> <td></td> <td></td> </tr> <tr> <td>Total Personal Services</td> <td></td> <td>70.0</td> </tr> <tr> <td>Travel</td> <td></td> <td></td> </tr> <tr> <td>Contractual</td> <td></td> <td></td> </tr> <tr> <td>Commodities</td> <td></td> <td></td> </tr> <tr> <td>Equipment</td> <td></td> <td></td> </tr> <tr> <td>Other</td> <td></td> <td></td> </tr> <tr> <td>Total Cost</td> <td></td> <td>70.0</td> </tr> </tbody> </table>		Type of Expenditure	Amount		1	2	3	Salary	52.5		Benefits	17.5		Premium Pay			Other			Total Personal Services		70.0	Travel			Contractual			Commodities			Equipment			Other			Total Cost		70.0	Justification The Executive Director will be responsible for coordinating the work of the Commission preparing the Annual Report; overseeing production of all work products outputted by the Commission; coordination and interaction with state agencies, and other related groups and organization; serving as liaison between the Commission and the Governor's Office; supervising staff; and other duties as assigned by the Commission and/or the Office of the Governor.		
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**Request For
New Position**

Agency Office of the Governor
BRU Commissions/Special Offices
Component Alaska Commission on Children and Youth

Page 1 of 3
Revised Date

FY 90

Position Title Research Analyst		No. of Positions 1	Range/Step 18/A	Barg. Unit Totally Exempt
Time Status PFT	Staff Months 12	Location Juneau		Election District 4
Type of Expenditure		Justification		
		<p>The Research Analyst will be responsible for gathering, compiling, analyzing and reporting on statewide and national data related to children and youth; production of the newsletter; assistance with production of Annual Report; responding to requests for information; and other duties as assigned by the Executive Director and/or the Commission.</p> <p>This position is established as permanent full time, Range 18A, which is comparable with the status of like positions of other similar agencies.</p>		
Salary	37.5			
Benefits	14.0			
Premium Pay				
Other				
Total Personal Services	51.5			
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost	51.5			
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	51.5		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Office of the Governor
 BRU Commissions/Special Offices
 Component Alaska Commission on
Children and Youth

Page 2 of 3
Revised Date

FY 90

Position Title Administrative Assistant I		No. of Positions 1	Range/Step 12/A	Base Unit Exempt
Time Status PFT	Staff Months 12	Location Juneau		Election District 4
Type of Expenditure		Amount		
1	2	3		
Salary	25.0	[REDACTED]		
Benefit	11.1			
Premium Pay				
Other				
Total Personal Services		36.1		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		36.1		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	36.1		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

Justification

The Administrative Assistance will be responsible for general routine office correspondence and communications; management of the office; travel and other related arrangements for Commission meetings; and other duties as assigned by the Executive Director and/or the Research Analyst.

This position is established as permanent full time, Range 12A, which is comparable with the status of like positions of other similar agencies.

**Request For
New Position**

Agency Office of the Governor
 BRU Commissions/Special Offices
 Component Alaska Commission on
Children and Youth

Page 3 of 3
 Revised Date

FY 90

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Office of the Governor
 Title: An Act Establishing the BRU: Commissions/Special Offices
Alaska Commission on Children and Youth
 Sponsor: Rules Components: Alaska Commission on
 Requestor: Governor Children and Youth

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		157.6	162.5	167.5	172.7	178.0
TRAVEL		25.2	25.2	25.2	25.2	25.2
CONTRACTUAL		24.7	24.7	24.7	24.7	24.7
SUPPLIES		2.5	2.5	2.5	2.5	2.5
EQUIPMENT		1.0	1.0	1.0	1.0	1.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		211.0	215.9	220.9	226.1	231.4
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		211.0	215.9	220.9	226.1	231.4
FEDERAL FUNDS						
OTHER						
TOTAL		211.0	215.9	220.9	226.1	231.4

POSITIONS:

FULL-TIME		3	3	3	3	3
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attachment.

Prepared by: Michael A. Nizich, Director Phone: 465-3616
 Division: Division of Administrative Services Date: 12/23/88

Approved by Commissioner: Garrey M. Peska Date: 12/27/88
 Agency: Office of the Governor

Distribution (by preparer):

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

PERSONAL SERVICES

Request for New Position forms are attached. Salaries are shown at step A for FY 90. Personal Services requests for subsequent years include one-step merit increases for all three positions.

TRAVEL

Public members:

Juneau:	travel @ \$400/person x 3 people	=	1,200	
	per diem @ 80/day x 3 days x 3 people	=	720	1,920
Anchorage:	travel @ 400/person x 6 people	=	2,400	
	per diem @ 80/day x 3 days x 6 people	=	1,440	3,840
Fairbanks:	travel @ 400/person x 6 people	=	2,400	
	per diem @ 80/day x 3 days x 6 people	=	1,440	3,840
Rural:	travel @ 500/person x 6 people	=	3,000	
	per diem @ 80/day x 4 days x 6 people	=	1,920	4,920
Conference:	travel @ 1,000/person x 2 people	=	2,000	
	per diem @ 80/day x 4 days x 2 people	=	640	2,640

Executive Branch members:

four members x 2,000/member	=	8,000
-----------------------------	---	-------

Total Travel:	25,160
---------------	--------

CONTRACTUAL

Communication:	Telephone (toll costs, base/local fixed costs, centrex network costs)	
	600/mo x 12 months	3,600
	Telecopier charges -- 25/mo x 12 months	300
	Teleconference charges -- 5 @ 450	2,250
	Postage -- 300/mo x 12	3,600

Transportation:	Freight and express charges -- 75/mo x 12	900
-----------------	---	-----

Advertising, Printing & Binding:

Subscriptions	75
Advertising -- 4 meetings x 350	1,400
Printing -- 4 newsletters x 800 each	3,200
Annual report	1,500
Forms, misc.	750
Photocopy, fixed costs 55/mo x 12	660
Photocopy, vendor charges	400

Minor Repair, Maintenance	1,200
---------------------------	-------

Conference Registration	500
-------------------------	-----

Employee Tuition, Training	500
----------------------------	-----

Total Contractual:	24,685
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SUPPLIES

Office and Library Supplies -- 200/mo x 12	2,400
Data processing supplies	100
Total Supplies:	2,500

EQUIPMENT

Office furniture, misc. office equipment	1,000
Total Equipment:	1,000

GICCY fiscal analysis

Position Title Executive Director		No. of Positions 1	Range/Step 23/A	Barg. Unit Totally Exempt
Time Status PFT	Staff Months 12	Location Juneau		Election District 4
Justification				
Type of Expenditure		Amount		
1	2	3		
Salary	52.5			
Benefits	17.5			
Premium Pay				
Other				
Total Personal Services		70.0		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		70.0		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	70.0		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
<p>The Executive Director will be responsible for coordinating the work of the Commission preparing the Annual Report; overseeing production of all work products outputted by the Commission; coordination and interaction with state agencies, and other related groups and organization; serving as liaison between the Commission and the Governor's Office; supervising staff; and other duties as assigned by the Commission and/or the Office of the Governor.</p> <p>This position is established as permanent full time, Range 23A, which is comparable with the status of like positions of other similar agencies.</p>				

**Request For
New Position**

Agency Office of the Governor
 BRU Commissions/Special Offices
 Component Alaska Commission on
Children and Youth

FY 90

Page of
 Revised Date

9 30 4

HB 66
HOUSE 1/9/89
No. 1

GICCY fiscal analysis

Position Title Research Analyst		No. of Positions 1	Range/Step 18/A	Barg. Unit Totally Exempt	
Time Status PFT	Staff Months 12	Location Juneau		Election District 4	
Type of Expenditure		Justification			
		<p>The Research Analyst will be responsible for gathering, compiling, analyzing and reporting on statewide and national data related to children and youth; production of the newsletter; assistance with production of Annual Report; responding to requests for information; and other duties as assigned by the Executive Director and/or the Commission.</p> <p>This position is established as permanent full time, Range 18A, which is comparable with the status of like positions of other similar agencies.</p>			
Amount					
1	2				3
Salary	37.5				
Benefits	14.0				
Premium Pay					
Other					
Total Personal Services					51.5
Travel					
Contractual					
Commodities					
Equipment					
Other					
Total Cost		51.5			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	51.5			
I-A Receipts	1006				
CIP Receipts	1061				
Other					

5 OF 6

**Request For
New Position**

Agency Office of the Governor
 BRU Commissions/Special Offices
 Component Alaska Commission on
Children and Youth

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 Revised Date

FY 90

HB 66
HOUSE 1/9/89

No. 1

GICCY fiscal analysis

Position Title Administrative Assistant I		No. of Positions 1	Range/Step 12/A	Partially Exempt
Time Status PFT	Staff Months 12	Location Juneau		Election District 4
Type of Expenditure		Justification		
1	2	3	<p>The Administrative Assistance will be responsible for general routine office correspondence and communications; management of the office; travel and other related arrangements for Commission meetings; and other duties as assigned by the Executive Director and/or the Research Analyst.</p> <p>This position is established as permanent full time, Range 12A, which is comparable with the status of like positions of other similar agencies.</p>	
Salary	25.0			
Benefits	11.1			
Premium Pay				
Other				
Total Personnel Services		36.1		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		36.1		
Funding Source for Total Cost				
Federal Receipts	1002			
S. F. Match	1003			
General Fund	1004			
I-A Receipts	1006			
CIP Receipts	1061			
Other				

6 OF 6

**Request For
New Position**

Agency Office of the Governor
 BRU Commissions/Special Offices
 Component Alaska Commission on Children and Youth

Page of
Revised Date

FY 90

HB 66
HOUSE 1/9/89
No. 1

STATE OF ALASKA
THE LEGISLATURE

INDUSTRY STATE CAPITAL
BUREAU ALASKA 2011
207 466 1000

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 7, 1989

SUBJECT: Technical changes
(CSHB 66(HESS))

TO: Representative Johnny Ellis, Chair
Health, Education and Social Services
Committee

FROM: Terri Lauterbach *TL*
Legislative Counsel

Enclosed is a draft CSHB 66(HESS), as you requested. It expands the commission to include five public members. It also includes a number of technical changes that do not affect the substance of the bill. They are as follows:

- (1) The title mentions that the Office of Child Advocacy is abolished. This is required by the existence of the repealer in sec. 4 of the bill.
- (2) In sec. 2 of the bill, the statutory sections are renumbered. Some of the numbers used in HB 66 have been used before and are not available for re-use.
- (3) The provisions of HB 66 that referred to the terms of members initially appointed to the commission have been moved to an uncoded temporary section, bill sec. 5.
- (4) The provision of HB 66 that referred to a report that the commission could submit by January 1, 1991, has been moved to an uncoded temporary section, bill sec. 6.
- (5) The repealer in bill section 3 has been rewritten in the correct form.

If you have any questions about these changes or if I can be of further assistance, please let me know.

TL:lmb
L7/007
Enclosure

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 9, 1989

The Honorable Sam Cotten
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Cotten:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the establishment of the Alaska Commission on Children and Youth.

The bill establishes a commission to continue the work of the Governor's Interim Commission on Children and Youth, created by Administrative Order No. 97, dated June 11, 1987, and extended until May 15, 1989 by Administrative Order No. 108, dated April 20, 1988.

Under the bill, the commission on children and youth is created in the Office of the Governor and consists of four executive-branch members and three public members, to be chosen by the governor. The commission would be subject to the conflict of interest laws in AS 39.50. Section 1 of the bill.

The purpose of this advisory commission is to obtain information about resources available to serve children, youth, and families; to identify problem areas and needs; to make recommendations concerning the provision of quality services on behalf of children and youth; and to make recommendations to the governor, the legislature, and state officials based upon those findings.

The relatively small seven-member commission will benefit from the advantages of small-group productivity, and will ensure the maximum involvement of the executive branch while containing operational costs. Under the provisions of the bill, the commission is authorized to use the voluntary services of private persons and organizations. This capability will allow the commission to work with a large number of interested persons while retaining the efficiencies of a small body.

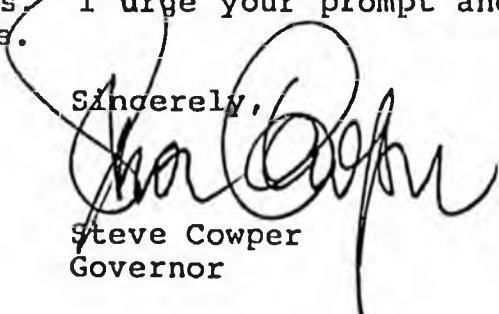
The commission is required to prepare an annual report to advise the governor and the legislature of recommended actions pertaining to children and youth. Additionally, the commission would have the authority to review the laws of the state pertaining to children. If it chooses to do so, a report of findings and recommendations must be filed by January 1, 1991.

The bill would take effect July 1, 1989, and sec. 3 of the bill automatically terminates the commission on June 30, 1994. It is intended that recommendations made by the commission would by then be well on their way to being an established part of state and private programs, and policy.

The bill also repeals AS 47.50.010 -- 47.50.050, which establish the Office of Child Advocacy in the Office of the Governor. Section 4 of the bill. The Office of Child Advocacy has not been funded for some time, and, if it were to be, its duties would largely duplicate the duties of the commission established in this bill.

This bill has been discussed extensively with the current Governor's Interim Commission on Children and Youth, and with commissioners of departments likely to be affected. The concept of a statutorily established commission has been supported by the Children's Caucus, the Alaska Federation of Natives, the Alaska branch of the National Education Association, KIDPAC, and the Older Alaskan's Commission, as well as many other organizations. I urge your prompt and favorable action on this measure.

Sincerely,



Steve Cowper
Governor



GIRL SCOUTS

Tongass Alaska
Girl Scout Council
197½ South Franklin Street
Juneau, Alaska 99801
(907) 586-1710

February 2, 1989

Rep. Johnny Ellis
P.O. Box V
Juneau, AK 99811

Dear Representative Ellis,

I strongly urge the passage of HB 66, creating an Alaska Commission on Children and Youth.

There is one problem area in the original bill however. I believe the Commission would be much more effective and comprehensive if there were more public members, including youth.

Please consider adding at least two young people (one is not enough, they need peer support), and representatives from community based non-profit youth organizations who are working on the "prevention" areas.

I'm afraid that with predominantly governmental agencies represented on the commission, it would be focusing too heavily on the crisis intervention aspect of youth needs. Hope and progress lie in the prevention of crisis in the lives of our children. While more and better treatment may be necessary, it should not be the primary focus of this commissioner.

Sincerely,

Pat Shaw, Executive Director



February 6, 1989

RE: Permanent Commission for Children & Youth

I would like to encourage the Legislature to establish a permanent Commission for Children & Youth for the State of Alaska. The State of Alaska should be proud of the gains made by the present Commission regarding services for children/youth thus far.

As a social worker and educator I feel strongly that this Commission continue to be an advocate for children, adolescents and teenagers. The issues affected this group needs to stay out in the forefront. Too often, other issues, other concerns popular to the legislature/state take priority and children's needs are left out. Who else is there to advocate for them? Taking a hard look at the issues involved in dysfunctional families, for example, alcoholism, sexual abuse, emotional and physical abuse. Taking the steps necessary to provide services for the children in these families alone, can save the state thousands of dollars in the long run. It has been proven that these children grow up to be dysfunctional adults and are highly represented in first the juvenile justice system then on to adult corrections, alcohol treatment centers, etc. We have the research available now that tells us what to do to help children and youth and how to provide the healthiest environment for their growth. We need additional research to ensure the information is specific to the cultures of Alaska. We need interested members from the public to help address these issues and work with State Departments to ensure quality services for children. I would recommend 6 members from the general public (representation from each region in the state), and 3 from State Departments.

Please invest in the future of Alaska's children and establish a permanent Commission on Children and Youth.

Thank you.

Sincerely,

Laurie Marum

Laurie Marum, M.S.W.
Assistant Professor of Social Work
University of Alaska Fairbanks
N.W. Arctic & Bering Straits Region
Box 297
Kotzebue, AK 99752

Rep. Johnny Ellis
P.O. Box V
Juneau, Ak. 99811

REC'D FEB 10 1989

Dear Rep. Ellis:

The Alaska Association of Homes for Children wishes to support the establishment of an Alaska Commission on Children and Youth as proposed in HB66. The Association strongly recommends that the Commission be enlarged to nine members with five of these members coming from the public.

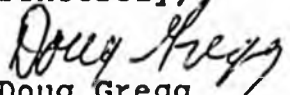
This recommendation comes from our belief that strong public support is a necessary ingredient to the successful implementation of any children's agenda. Having the majority of the Commission represented through public members would lend credibility to any such agenda developed by the commission. We also feel that there are many areas in the continuum of services that have not been represented on the present GICCY. Enlarging the Alaska Commission on Children and Youth would allow for a wider representation of the many services currently and that may be deemed necessary in the future to best serve our youth.

We would like to thank your subcommittee for their work and propose the following specific changes to HB66:

- a) pg. 1 line 17 change "three" to "five" public members
- b) pg. 1 line 23 change "two" to "three" members serve
- c) pg. 1 line 24 change "two" to "three" for two years
- d) pg. 4 line 1 insert the word "residential" in front of child care

If you have any questions regarding these proposed changes please contact Jody Engelman at 789-7610, Doug Gregg at 247-8463, or Sheila Gaddis at 274-6541.

Sincerely,


Doug Gregg
Secretary, AAHC

P.O. Box 5412

Ketchikan, AK
99901

COVENANT HOUSE  ALASKA

February 8, 1989

REC'D FEB 10 1989

Representative Johnny Ellis
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Johnny,

Unfortunately, a prior commitment prevented me from testifying at yesterday's hearing on the Interim Commission on Children and Youth. I wanted, however, to voice my support for establishing the Commission as a permanent body.

During the past year, the Commission has been very successful in focusing public attention on youth programs in Alaska. Covenant House, as all other programs dealing with youth and family issues in our state, has benefitted from this increase in public awareness.

The Commission is an excellent vehicle for discussing and promoting solutions for the many problems facing Alaskan youth and their families. I urge you and your colleagues to enact legislation which will make the Commission a permanent body within our system of human services.

Thank you.

Sincerely,



Fred Ali
Executive Director

Pro



Association of Day Care Administrators

RECEIVED
FEB 15 1980

February 9, 1980 GOVERNOR'S OFFICE

Governor's Interim
Commission on Children and Youth.
Office of the Governor
P.O.Box A
Juneau, AK 99811

Dear Commissioners,

I was recently informed that the Commission is taking testimony on the Governor's proposal to form a permanent Children and Youth Commission.

As a Child Care Provider, DCAP Administrator and President of the Day Care Administrators Association of Alaska, I whole heartedly support the concept of a permanent Commission.

However, My understanding at this time is that the Commission will be composed of 7 members. I would rather see a larger Commission - to fairly represent the many factions of child care issues. It has been suggested a 9 member commission would enable us better representation. I agree with the 9 member suggestion.

Sincerely,

Jacqueline Fowler,
President of the Day Care Administrators
Association of Alaska.
Director of Odiak Child Development Center

STATE OF ALASKA
THE LEGISLATURE

POUCHY STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 13, 1989

SUBJECT: Serving at the pleasure of the governor
(HB 66)

TO: Representative Johnny Ellis
Attn: Jim Norclund

FROM: Terri Lauterbach *TL*
Legislative Counsel

You have asked whether the phrase "at the pleasure of the governor" broadens the power of the governor to dismiss members of boards and commissions beyond what would exist if a statute merely said the members were "appointed by" the governor.

I have not found any helpful cases on this matter. I have found many statutes that explicitly state that members of a particular board or commission serve at the pleasure of the governor. I therefore think that if it is important to the legislature that the governor be able to remove an appointee at will that the pertinent legislation include the phrase "at the pleasure of the governor." If it is important to the legislature that a member be removed only for cause, then the legislation should state that instead.

If I may be of further assistance, please let me know.

TL:gc
WKG7/021

STEVE COWPER
GOVERNOR



Office of the Governor
P.O. Box A
Juneau, Alaska 99811
465-3155

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU
INTERIM COMMISSION ON CHILDREN AND YOUTH

REC'D FEB 09 '89

TO: Representative Johnny Ellis
Chair
House HESS Committee

DATE: February 9, 1989

FROM: Carla Timpone
Program Coordinator
GICCY

SUBJECT: House Bill 66

On behalf of the members of the Governor's Interim Commission on Children and Youth, I want to thank you and the members of the Committee for the prompt hearing on HB66, and for arranging statewide testimony on the bill. I know that all of those who testified appreciated the opportunity to do so, and the Commission appreciates the Committee's interest in this legislation.

I'd also like to take this opportunity to clarify several issues that were raised at the hearing. Regarding Representative Goll's inquiry related to the terms of appointed members and the Governor's authority to remove members (Section 2), the Department of Law has indicated that this is standard language in such legislation. In short, an appointed member may serve for three years unless the Governor chooses to have them removed. I have contacted Representative Goll regarding this clarification.

Representative Goll also questioned the language in Section 4 of the CS regarding "repealers." Section 4 repeals the statute which created the long defunct Office of Child Advocacy. As I told Representative Goll, Governor Cowper approves of this repeal in order to avoid duplication of services.

Section 3 of the CS adds the Alaska Commission on Children and Youth to the list of boards and commissions subject to the ethics code and repeals them when the Commission terminates on June 30, 1994.

Section 6 of the CS was included in the Interim Commission's original draft legislation. While the Interim Commission felt the new Commission should have the authority to review laws of the state, they did not want to absolutely require that that be accomplished; hence, use of the word "may" rather than "shall." This section requires that if such a review is done, a report must be submitted.

Commission Chair Patty Meritt, Vice Chair Peter Scales, Special Assistant Caren Robinson, and I discussed the suggestions made related to inclusion of the word "family" in the title of the bill, and the addition of language related to appointment of youth to the Commission. Although these specific issues were not discussed by the full Commission in this context, we would recommend that neither suggestion be incorporated.

Broadening the scope of the Commission's work to include all issues related to "families" would require significantly more resources than are provided for in the bill and the accompanying fiscal note. In addition, we hesitate to change the focus of the Commission's primary concern - children and youth as individuals, as well as members of families and recipients of services.

Although there were several concerns addressed regarding appointment of young people to the Commission, the Commission has heard much testimony about this issue and the suggestion certainly has merit. We have found, however, that the input we have received from young people, in settings where they are outside of the "system", has been extraordinarily valuable. Among other things, we are concerned that having appointed spokespersons would negatively impact the quality, credibility, and degree of that input.

Perhaps an acceptable compromise would be to include language in the bill that more clearly speaks to the need to solicit input from young people, rather than just including them in the listing of people with whom the Commission should consult.

Finally, the Commission feels strongly that the fiscal note for HB66, including additional travel funds for an increased number of public members, is reasonable and conservative and reflects the funding necessary for the Commission to fulfill its duties and responsibilities. As you know, boards and commissions can be easily rendered ineffective if they are not provided adequate funding. The Commission feels that this relatively small investment is more than justified given the important work the Commission will accomplish and the challenges with which it will be faced.

Thank you, and the members of the Committee, for your continued support and interest in children's issues. Please feel free to contact me if you'd like anything additional.

CT:km

cc: Members, Commission on Children and Youth
Caren Robinson, Special Assistant, Office of the Governor
Shari Kochman, Legislative Aide, Office of the Governor
Mike Mizich, Director, Administrative Services, Office of
the Governor

STATE OF ALASKA THE LEGISLATURE

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POUCH V - STATE CAPITOL
ANCHORAGE, ALASKA 99511
907.465.3800

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. HESS 2-7-89

H. HESS 2-14-89

THE FOLLOWING DOCUMENT HAS
NOT BEEN FILMED BUT IS
AVAILABLE IN THE ORIGINAL
FILE

Office of the Governor
Performance Survey

Governor's Interim Commission
on Children & Youth
Fiscal Year 1989 Projects

Report No. 01-73

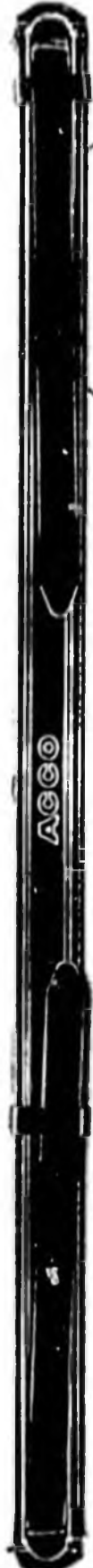
Division of Audit and Management Services

OMB

STATE OF ALASKA

STAFF PAPERS AND REPORTS

OFFICE OF MANAGEMENT AND BUDGET



HB

70

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
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POUCH V. STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. HESS - 1-25-87

#2

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to pharmaceutical medical assistance for needy persons.
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Health & Social Services
BRU: Medical Assistance
Components: General Relief Medical and Medicaid Non-Facility

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		Ø	Ø	Ø	Ø	Ø

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

* See Attached *

Prepared by: Kim Busch *Kim Busch* Phone: 465-3355
Division: Director Date: 11-3-88

Approved by Commissioner: [Signature] Date: 12-1-88
Agency: DHSS

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

Summary

Before the last legislative session, pharmacy services for Medicaid eligible individuals were purchased from the General Relief Medical program because Alaska had not adopted the pharmacy option under the Medicaid program. During the last legislative session, CSSB 255, which was signed into law as Chapter 120, SLA 1988, added pharmacy services as a Medicaid option for the period October 1, 1988 - June 30, 1989. (SB 255 has a sunset clause which repeals Chapter 120 effective July, 1989.)

Unless this legislation is passed, a general fund appropriation of \$2,560 million will be needed in FY90 to continue to pay for pharmacy services for poor Alaskans. In essence, the state would be relinquishing \$2.56 million in federal match and pharmacy services for Medicaid eligible individuals would once again be purchased through the general relief medical program (GRM). Should general funds not be appropriated, significant reductions in pharmacy services would also likely occur.

Budgetary and Program Impact

All services which are purchased by the state under the Medicaid program receive a dollar-for-dollar federal match. All services purchased under the General Relief Medical program are entirely general funds.

The Department has submitted its FY90 budget assuming this legislation would pass, pharmacy services would remain as a Medicaid option and, \$2,560.2 in federal funds would be received as match. Consequently, this legislation has a zero fiscal note. If it passes, the total pharmacy cost of \$5.037 million is split between federal funds and general funds. The

proposed FY90 budget contains sufficient general funds to pay the state share, so pharmacy services would continue as currently provided.

If this legislation does not pass, federal matching funds for pharmacy services would be lost. Should this occur, an additional \$2,560.2 in general funds would be needed to replace the federal funds so that existing services could be maintained.

When pharmacy legislation (SB 255) passed in FY89, the department estimated \$2 million in savings because the total drug program cost about \$4 million. Services to new eligibles and utilization and price increases have since increased the total program cost to \$5 million. Consequently, returning to a totally general funded pharmacy program would cost \$1 million more in FY90 than it did in FY88, the last year in which pharmacy was entirely funded by several funds.

Throughout the interim, the department has worked diligently with pharmacists to fashion a Medicaid program which captures federal reimbursement while minimizing financial impact to pharmacists. A separate document describes the policy making process, the research conducted on pharmacy costs, and the reimbursement methodologies which resulted from that process.

If the legislature decides not to pass this legislation, the department requests that the full \$2.56 million in general funds be appropriated. This amount includes the inflation in pharmacy service costs which occurred from FY88 to FY90 in addition to the restoration of the general fund which had been supplanted by federal funds.

The following describes the sequence of modification to the FY90 budget that would be needed to continue present services should the legislation not pass:

1. Transfer \$2,476.9 State General Fund Match (SGFM) from the Medicaid Non-Facility component to the General Relief Medical component. (1,328.9 FY89 transfer for Chapter 120, 913.6 FY90 Budget Request transfer and 234.4 FY90 increments for price, utilization and eligibles.) If the program is not a Medicaid option, there are no federal funds to match with state general funds.
2. Decrement the Medicaid Non-Facility component for 2,560.2 federal funds. (1,412.3 FY89 Chapter 120, 913.6 FY90 Budget request and 234.3 FY90 increments for price, utilization and eligibles.) These federal match funds are not received if the pharmacy services are not provided through Medicaid.
3. Increment the General Relief Medical program for 2,560.2 state general funds to offset the federal decrements in #2 above.

The following chart depicts the development of the FY90 budget request and the above described modifications.

FY90 Budget Development

	<u>GRM</u>	<u>Medicaid Non-Facility</u>	<u>Total</u>
FY89 Authorization	913.6	2,741.2	3,654.8
C-4 Transfer	<u>(913.6)</u>	<u>913.6</u>	<u>0</u>
FY90 Adjusted Base	0	3,654.8	3,654.8
FY90 Increments:			
Federal Increment		913.6	913.6
Price		135.2	135.2
Eligibles		196.4	196.4
Utilization	<u> </u>	<u>137.1</u>	<u>137.1</u>
FY90 Budget Request	0	5,037.1	5,037.1

Required Modifications

Transfer SGFM	2,476.9	[1] (2,476.9)	0
Decrement Federal	-	[2] (2,560.2)	(2,560.2)
Increment SGF	[3] <u>2,560.2</u>	<u>-</u>	<u>2,560.2</u>
Totals	5,037.1	0	5,037.1

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

CC
1AB70
#3

January 9, 1989

The Honorable Sam Cotten
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Cotten:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to pharmaceutical medical assistance for needy persons in the medicaid program. The bill would add prescribed drugs as a covered medicaid service under that program. Chapter 120, SLA 1988 added prescribed drug services for fiscal year 1989 only. Passage of the attached bill will allow the state to continue to receive federal financial participation for these services.

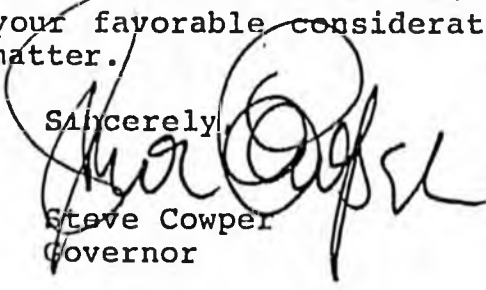
The bill has two main components: the authorization of prescribed drugs as a covered service under medicaid and the establishment of a priority for deletion of prescribed drugs if a funding shortfall occurs. Additionally, the bill adopts the federal medicaid standards of reimbursement for prescribed drugs, and the federal definition of prescribed drugs under the medicaid program.

With regard to the first of the two main components, the Department of Health and Social Services would continue to be required to cover prescribed drugs under the medicaid program after ch. 120, SLA 1988's temporary authorization expires. (Section 1 of the bill.) Before the temporary authorization (July 1, 1988), the department provided this service under the state-funded general relief medical program for medicaid recipients. While the change in program will not increase service to medicaid recipients, the bill will allow the State to continue to collect the federal funding that it collected under ch. 120, SLA 1988.

As to the second main component, sec. 2 of the bill would add prescribed drugs to the priority scheme in AS 47.07.035 that provides for elimination of services if a medicaid budget shortfall occurs. The bill would require that prescribed drugs be eliminated as a covered service under medicaid after personal care services in a recipient's home were eliminated, but before long-term care noninstitutional services were eliminated.

The Department of Health and Social Services (DHSS) views this bill as a critical step forward in continuing to maximize federal financial participation under the medicaid program. Without the federal financial participation that this bill would provide, a DHSS general fund budget shortfall of approximately \$2,500,000 will occur in FY 90 and prescribed drugs would be eliminated from medicaid coverage. Therefore, I urge your favorable consideration of, and prompt action on, this matter.

Sincerely,



Steve Cowper
Governor

STEVE COWPER, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

PO. BOX H
JUNEAU, ALASKA 99811-0601
PHONE: (907) 465-3030

(4)

Jim

January 13, 1989

The Honorable Johnny Ellis
Representative, Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Representative Ellis:

As you know, the Governor has introduced HB 70 which would extend the pharmaceutical program as a Medicaid option. If this bill does not pass this session, approximately \$2.5 million in additional general funds will be required to maintain the current pharmaceutical program for Medicaid and General Relief Medical recipients.

Consequently, I respectfully request that the HESS committee schedule hearings on this bill on the earliest convenient date.

Jay Livey of my staff will be contacting committee staff regarding this matter.

Thank you for your consideration.

Sincerely,

Jay Livey
for

Myra M. Munson
Commissioner

MM:JL:nb
pha.nlb/corr

TABLE OF MEDICAID PRIORITIES - AS 47.07.035

(5)

(Lowest to Highest)

Service	Recipients	FY89 Annual Amount
1. Chiropractic	600	381.2
2. Adult Dental	2,032	935.6
3. Emergency Hospital Services	-0-	-0-
4. Speech, Hearing & Language Disorders	298	159.4
5. Optometrists Services & Eyeglasses	4,543	905.0
6. Occupational Therapy	36	377.0
7. Prosthetic Devices	198	788.0
8. Medical Supplies & Equipment	330	
9. Clinic Services Includes Mental Health Clinics	1,384	3,497.8
10. Physical Therapy	224	152.2
11. Personal Care	96	797.2
12. Non-Institutional Long Term Care	-0-	-0-
13. Inpatient Psychiatric Services	69	3,552.4
14. Intermediate Care for the Mentally Retarded	116	6,983.6
15. Intermediate Care Services	400	17,108.6
16. Individuals Under 21 Not Eligible for AFDC	1,500	1,785.0
17. Skilled Nursing Services for Individuals under 21	14	786.3
18. Aged, Blind and Disabled Individuals	2,766	19,824.8
19. Individuals in a Hospital, Skilled or Intermediate Care Under 300% SSI level	49	2,800.2
20. Individuals Under 21 Under Supervision of the Department	500	595.0

13 Includes Alaska Psychiatric Institute

14 Includes Harborview Developmental Center

16-20 Are Eligibility Groups. The costs shown are included in the above optional services as well as the mandatory Medicaid services.

FY89 Annual Amount based on projection of 12/88.

Alaska's Medicaid Pharmacy Program
(Contact: Eric Hansen - 561-2171)

Goal Statement:

To facilitate the development and implementation of a Medicaid pharmacy program in Alaska by January 1, 1989 which maximizes federal matching funds with minimal financial impact to the pharmacy community; and with minimal adverse impact to the recipient community.

<u>Person</u>	<u>Action</u>	<u>Scheduled Completion Date</u>	<u>Date Completed</u>
All	1) Planning	July 15, '88	July 15
All	2) Steering Committee Nominations	July 20	August 12
E. Hansen	3) RFP's		
	a. Dispensing Fee Survey	July 20	July 22
	b. Pharmacist	August 4	August 5
E. Hansen	4) Proposal Evaluations		
	a. Dispensing Fee Survey	Sept. 1	Sept. 2
	b. Pharmacist	Sept. 10	Sept. 10
E. Hansen	5) Contracts in Place	Sept. 20	Oct. 11
K. Busch	6) Pricing Methodology Determined	Nov. 15	Dec. 10
Orkand	7) TVCC Work Order Submission	Nov. 16	Dec. 10
G. Landes	8) Emergency Regs Submission	Dec. 1	Jan. 16, '89
G. Landes	9) Medicaid Policy Manual Update	Dec. 20	
TVCC	10) Provider Manual Distribution	Dec. 20	Dec. 28
All	11) Program Implementation	Jan. 2, '89	Feb. 1, '89
E. Hansen	12) Contract Pharmacist for Program Administration	Feb. 20	
E. Hansen	13) Drug Cost Audit Required	March 1	
G. Landes	14) Draft State Plan Submitted	March 30	

Steering Committee Purpose:

- 1) Facilitate good communication and data sharing between the pharmacy community and the Department.
- 2) Provide representation for any and all contracting processes that are needed for the pharmacy program effort.
- 3) Produce a report on the program by April 1, 1989.

Steering Committee Membership:

Mark Percus, Kim Busch, Vance Sanders, Bill Larson, Dave Swanson,
For Subject: Eric Hansen, Elmer Lindstrom

(6)

Report of the
Pharmacy Program Steering Committee
January 16, 1989

Introduction:

This report is the product of the committee formed to guide the design, development and implementation of the Alaska Medicaid Pharmacy program, as mandated in the last legislative session.

Enclosed for background information are copies of the minutes of all the committee meetings; letters from the state to federal officials; the dispensing fee survey report; issues summary; contracts involved in the establishment of this program; and a copy of the Alaska State Plan and Regulations.

Mission:

The pharmacy committee was formed and tasked to:

Facilitate the development and implementation of a Medicaid pharmacy program in Alaska by January 1, 1989 which maximizes federal matching funds with minimal financial impact to the pharmacy community; and with minimal adverse impact to the recipient community.

Facilitate good communication and data sharing between the pharmacy community and Department.

Provide representation for any and all contracting processes that are needed for the pharmacy program effort.

Produce a report on the program by April 1, 1989.

Issues:

The primary focus of this effort has been to determine how pharmacies would be paid for dispensing drugs to Medicaid and General Relief Medical recipients.

The two components of a payment system are the dispensing fee (a fee which incorporates all overhead and profit); and the ingredient cost. Both of these components had to be determined as a result of independent accounting surveys of Alaska pharmacies.

The results of the dispensing fee survey show Alaska pharmacies having more than double the overhead of pharmacies nationwide (\$7.17 vs \$3.45). This the state agreed to support.

The actual formula is based on three significant variables: square footage, prescription volume, and percentage of Medicaid prescriptions. The average profit per prescription was found through the survey to be .73 cents. The state agreed to add this amount to the dispensing fee.