

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672

6273 SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

677

addition, the case will most likely go into arrears resulting in wage garnishment that will have an adverse effect on the family. We believe interest on arrearages is putting many noncustodial parents below the poverty level. In the "Survey of Absent Parents Pilot Results" published in July 1988, by the U.S. Department of Health and Social Services, statistics show on page iii, attached, that in Florida 38 percent of noncustodial parents, and in Ohio 49 percent of noncustodial parents live below the poverty level.

We strongly oppose the portions of this bill that are underlined on page 2. We believe procedures for income withholding and for period review of child support orders MUST be done by statute NOT by regulation. Both these issues are substantive that effect tens of thousands of Alaskans, and with a 70% divorce rate, will effect tens of thousands more in the near future. These issues MUST be dealt with by elected officials and effected parents in public, NOT behind closed doors by the insulated nobility. The clandestine revision of Civil Rule 90.3 raised our hackles, in part because substantive public policy was made by a select few behind closed doors for the benefit of government, not in the best public interest. We need to be part of the procedure making process otherwise we will continue to be victims of government tyranny.

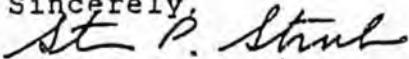
In our opinion, if the State is going to accept federal dollars to violate our Constitution Rights by confiscating our property on the premise that we might not, at a future date pay child support, we have the right, at least, to observe those who are selling us out to government tyranny - in public.

And finally, on page 4. Section 7 AS 47.23.140(a) The addition of " in the superior court of this state" is, in our opinion, contradictory to Recommendation #29, attached, which states in part that Alaska not develop new laws addressing interstate child support enforcement issues until.....

The addition of the superior court clause will directly effect interstate cases, and will violate Recommendation #29. We request that "in the superior court of this state " be deleted from this bill.

This bill as written, promotes injustice. we believe it is the duty of government to prevent injustice - not to promote it, and it is our hope that your committee will work with us for passage of a fair and equitable bill.

Sincerely,



Steven P. Strube, President
POB 521155 Big Lk Ak 99652
hm 892 7760 wk 892 6027

cc: Mat-su Legislative Delegation Senate H.E.S.S. Committee
Alaska Congressional Delegation
Reps. Ulmer, Foster, Brown, Boyer, Davis, Ellis

S B

382

Alaska State Legislature



SENATOR JIM DUNCAN

P. O. Box V JUNEAU, ALASKA 99811-3100

(907) 465-4766

COMMITTEES:
FINANCE
VICE CHAIR —
HEALTH EDUCATION
& SOCIAL SERVICES
BUDGET & AUDIT
BANKING &
ECONOMIC
DEVELOPMENT

MEMORANDUM

DATE: February 2, 1990

TO: Senator Paul Fischer, Chair
Senate Health, Education & Social Services Committee

FROM: Senator Jim Duncan

SUBJECT: Senate Bill 382, relating to transfer of service credit by active and inactive members and former members of the teachers' retirement system and the public employees' retirement system.

I request that you schedule Senate Bill 382, which will allow vested members of the Teachers' Retirement and Public Employees' Retirement Systems to consolidate their service credit in either system prior to retirement. I know of quite a few current members of PERS who have a few prior year's service in TRS but who can't claim the TRS service in ERS, nor are they vested in TRS. Enacting SB 382 will build a bridge between the two systems but maintain the separate identity and integrity of each system.

At the time of retirement, the full actuarial cost of the member's service which she/he wishes to transfer will be determined. If the value of the transferred service is greater than the actuarial cost of benefits in the system, such as would be the case in a transfer from TRS to PERS, the member will be refunded the difference. If the actuarial value of the member's transferred account is less than the system requires, the member would be required to pay in the difference. By this means, the integrity of the two separate retirement systems is maintained while allowing the employee to consolidate all public service into one system upon retirement.

Transfer of credited service between systems is irreversible and all service must be transferred. If a member has received a refund of credited service from a system, the employee would be allowed to pay back the refunded contribution and claim the service time under this bill.

I feel this bridge between the systems is long overdue and I urge you to schedule it for a hearing as soon as possible.

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FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Increasing the instructional unit value in the public school..
 Sponsor: Senate HESS
 Requestor: Senate HESS

Agency Affected: Education
 BRU: K-12 Support

Components: Foundation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	20,594.2	20,594.2	20,594.2	20,594.2	20,594.2	20,594.2
MISCELLANEOUS						
TOTAL OPERATING	20,594.2	20,594.2	20,594.2	20,594.2	20,594.2	20,594.2
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	20,594.2	20,594.2	20,594.2	20,594.2	20,594.2	20,594.2
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This fiscal analysis compares the projected FY91 foundation formula cost at a \$62,000 unit value (\$535,769.3) to the FY91 projection of full funding at the current \$60,000 unit value (\$515,175.1)

Prepared by: Mary Hakala
 Division: Commissioner's Office

Phone: 465-2800
 Date: 4/13/90

Approved by Commissioner: William G. Demmert
 Agency: Education

Date: 4/13/90

Distribution (by preparer):

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

BY SEN. KERTTULA

*File Record
Hess
Kerttula*

1 IN THE SENATE

2

SENATE BILL NO. 383

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act increasing the instructional unit value in
the public school foundation formula; and providing
for an effective date."

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

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* Section 1. AS 14.17.056 is amended to read:

11

Sec. 14.17.056. INSTRUCTIONAL UNIT VALUE. The instructional

12

unit value is \$66,000 [\$60,000].

13

* Sec. 2. This Act takes effect July 1, 1990.

\$62,000

*Eddie - I need fiscal note
for a \$62,000 unit -
can you calculate cost for me?
I want to compare it to current
year auth of \$475,522.2*

*Thanks.
M.*

cost will be 535,769.3 ~~of~~ 4/13/90



Alaska State Legislature

SENATE

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Senator Paul Fischer, Chairman
Senate Health, Education, and
Social Services Committee

FROM: Senator Kerttula

SUBJ: Senate Bill 383 -- Increasing
the Foundation Formula

DATE: February 21, 1990

Jay Kerttula

I would appreciate your scheduling Senate Bill 383, which would increase the unit value of the Foundation Formula by 10 percent from \$60,000 to \$66,000, at your earliest convenience.

The unit value for the Foundation Formula has not increased in four years. Additions to the foundation have only resulted from either additional students or drops in assessed property values. In 1985 - 1986, the dollars-per-student in foundation revenue were \$ 4,378.47. This year, the anticipated dollars-per-student is \$ 3,803.84, a decrease of 9.5 percent from 1985 - 86.

While school districts have managed to maintain salaries at a level comparable to 1985, they have had less luck with fringe benefits. Teachers' Retirement System contributions have increased by 34.1 percent since 1985, jumping from 8.68 percent to 11.64 percent on salaries paid. Statewide, TRS payroll represents \$ 829,910 additional dollars this year. Health insurance costs are even worse, having increased by 109.64 percent since 1985 (and still the cost-per-employee is lower than what is paid for state employees.)

Senator Fischer
February 21, 1990
Page Two

Other inflationary costs over the past five-year period which have hit the state's school districts include:

Textbooks	37.0 percent
Natural Gas	36.5 percent
Copy Paper	25.9 percent
Chalk	56.9 percent
#2 Pencils	29.5 percent

I believe that an increase in the Foundation Formula unit value is long-overdue and well-justified. I appreciate your consideration of my request for a hearing for the bill.

I have enclosed a copy of a resolution approved by the Alaska Association of School Business Officials seeking an increase in the Foundation Formula unit value for your information.

JK:kh

INCREASE IN THE UNIT VALUE OF THE FOUNDATION FORMULA

WHEREAS, the \$60,000 unit value has been in existence for three years yet, educational costs continue to increase;

WHEREAS, the districts were required to absorb full teacher retirement;

WHEREAS, increased cost of medical coverage has a significant impact on available dollars for education;

WHEREAS, there is an increasing need to provide repairs and maintenance to facilities built ten years ago;

WHEREAS, districts are being asked to design and implement programs for at-risk youth;

WHEREAS, many other states are increasing funding for education and Alaska has been cutting or freezing funding;

WHEREAS, Alaska school districts must be competitive in teacher salaries to fair well in the national search for good teachers;

WHEREAS, districts have been required to implement asbestos abatement programs, right to know hazardous materials programs and etc.;

WHEREAS, the consequences of not funding an increase directly affects the quality of educational programs offered in the State;

NOW THEREFORE BE IT RESOLVED that the Alaska Association of School Business Officials Board of Directors seek an increase in the unit value of 10% from \$60,000 to \$66,000.



ALASKA ASSOCIATION OF ELEMENTARY SCHOOL PRINCIPALS
ALASKA ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS
ALASKA ASSOCIATION OF SCHOOL ADMINISTRATORS

• ALASKA COUNCIL OF SCHOOL ADMINISTRATORS •
326 Fourth St., Suite 408 Juneau, Alaska 99801 586-9702

POSITION STATEMENT

SB 383 INCREASE STATE EDUCATION AID UNIT VALUE

The Alaska Council of School Administrators supports SB 383 and strongly encourages the legislature of pass increase funding for the Foundation Unit.

The instructional unit has remained at it's current level for the past four years while costs continue to increase in the total operation of the Alaska schools. Local districts have reached their maximum level of local funding and are now looking at having to reduce operations if an increase is not in the future.

In 1986, school districts suffered a severe 10% decrease funding and consequently drastically reduced programs and operation. They still have not completely recovered from that set-back. If we do not realize an increase in the state level of support, further reductions will be necessary to the overall operations and program for schools across Alaska.

We urge your support for this increase.

6-1881E
Ford
4/5/90

Original sponsor(s): SEN. KERTTULA

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IN THE SENATE

BY THE HESS COMMITTEE

CS FOR SENATE BILL NO. 383 (HESS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act increasing the instructional unit value in the public school foundation formula; and providing for an effective date."

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

* Section 1. AS 14.17.056 is amended to read:

Sec. 14.17.056. INSTRUCTIONAL UNIT VALUE. The instructional unit value is \$62,000 [\$60,000].

* Sec. 2. This Act takes effect July 1, 1990.



S B

389

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 2/7/90

FURTHER: H E S S
Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
INTO OFFICE: _____

State Affairs _____ Committee considered _____ SSSB 389

An Act relating to the Pioneers' Home..

and recommended:

replace with _____ CS _____ same title
 attached amendment(s) new title

_____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

fiscal note(s) _____

zero fiscal note(s) DOA

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Tim Kelly

Jan Fikes

Pat Kauffman do pass

Chair: Signature and Recommendation

SENATE COMMITTEE REPORT

DATE: 2/8/90

FURTHER: Finance

DATE TURNED INTO OFFICE: 2/13/90

H E S S Committee considered SSSB 389

An Act relating to the Pioneers' Home.

and recommended:

- replace with _____ CS _____
- or adopt _____ CS _____
- attached amendment(s)
- _____ letter of intent adopted

- same title
- new title
- technical title change (HB only)

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):
Dept/Date:
 fiscal note(s) _____

APPROVES PREVIOUS:
Dept/Date:
 fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) _____

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

[Handwritten signatures]

OTHER RECOMMENDATIONS:

Paul Fisher (Do Pass)
Chair: Signature and Recommendation

FISCAL NOTE

REQUEST:

Revision Date: _____
Title : "An Act relating to the
Pioneers' Home"
Sponsor : Sen. Kerttula
Requestor : _____

Agency Affected : Dept. of Administration
BRU : Pioneers' Benefits

Components : Pioneers' Homes

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

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

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Adding priority admission of persons in need of the care and benefits of the Home but who are not destitute would very slowly increase the revenues. This is very difficult to predict since the Division has very few admissions into Nursing and Assisted Living where priority now applies. Also most applicants who are destitute have some level of income.

Prepared by : Barbara Bathony *Barbara Bathony*
Division : Pioneers' Benefits

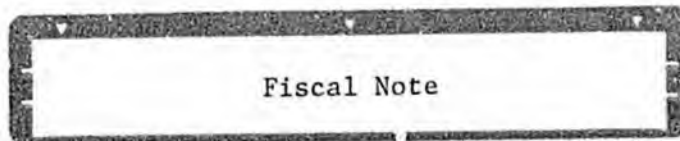
Phone : 465-4400
Date : 2-7-90

Approved by Commissioner : Frank S. Baxter *Frank S. Baxter*
Agency : Department of Administration

Date : 2/7/90

Distribution (by preparer) :

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





Alaska State Legislature

SENATE

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Senator Paul Fischer, Chairman
Senate Health, Education, and
Social Services Committee

FROM: Senator Kerttula

SUBJ: Senate Bill 389 --
Admission to the
Pioneers' Home

DATE: February 7, 1990

*to Paul
Please Waive
if you can*
From Jay
*goes to fin
+ has been there
st. off.
"o-pressed"*

I would appreciate your waiving the HESS referral to sponsor substitute for Senate Bill 389 -- Admission to the Pioneers' Home. This bill just passed out of the Senate State Affairs Committee with universally strong support from both seniors and the administration. (The only adverse comment came from the gentleman who testified that he thinks funding for all senior programs should go directly to him, and he will make sure the programs are well-administered.) I think the bill is well-considered, and is in good shape to go straight to the Finance Committee. There is a 0 fiscal note.

The sponsor substitute for Senate Bill 389 makes three basic changes to current statute:

1. This bill eliminates the "destitute" requirement for admission to the pioneers' homes. Current law gives the destitute priority for admission to the pioneers' homes -- this bill provides that all in need would have equal access to the homes. Under current statute, a long-time resident of the state, who is in need of the care of the home but is not destitute, and who has been on the waiting list for admission to the home for several years, would be bumped by a destitute person who has been on the waiting list for admission for only a few months. This situation is left over from the era when the Sitka Pioneers' Home was treated as a poor farm, and today the language is archaic. The pioneers' homes are not meant to be equivalent to a poor farm, and nobody perceives them as such.

Senator Fischer
February 7, 1990
Page Two

2. This bill adds an age requirement of 65 for admission to the pioneers' homes. Under current law, those who are destitute can be admitted earlier than age 65, those who are not destitute can only be admitted after age 65. This bill clarifies who can be admitted to the homes, and adds an age requirement of 65 for all admissions. This bill also allows spouses of residents of the home to be admitted, if the spouse is not in need, if the spouse is at least age 65.

3. This bill also makes housekeeping changes in the statutes regarding debt collectibility. Current law provides that a debt can be collected from a present resident, when that resident receives income in excess of \$100 per month. This bill would ensure that the department cannot require a payment in any one month which is greater than the monthly amount for care which is set in statute, except for debts incurred under AS 47.25.070. This bill also eliminates the statutory conflicts regarding how debts of former residents, who are now deceased, would be collected; this bill makes it clear that collectibility of those debts would be governed by the Probate Code.

Thank you for your consideration of this request.

JK:kh

6sb389

RESOLUTION 09-23-88-2

WHEREAS integrity of the Pioneers' Home System must be preserved; and

WHEREAS the average age of applicants for residency in the system is increasing over the years and current residents now average in excess of 80 years; now

THEREFORE be it resolved the minimum age for residency in Pioneers' Homes be established at 65 years and be it further resolved and requested the Governor, Commissioner of Administration, and Director of the Division of Pioneers' Benefits act to implement the minimum age limit of 65 years.

CHAPTER 41
PIONEERS' HOMES

Section

- 10. Standards for admission
- 15. Rates and Fees
- 20. Residence requirements
- 30. Assets and income
- 40. Need
- 50. Required information
- 60. Admission and appeal
- 70. Conditions and limitations
- 80. Quality and Level of care
- 90. Property of deceased residents
- 100. State claim for care and support

2 AAC 41.010. STANDARDS FOR ADMISSION. (a) An applicant is entitled to admission to a pioneers' home on a space-available basis if the applicant

(1) is a resident of the state under 2 AAC 41.020;

(2) has been a resident of the state continuously for the 15 years immediately preceding application;

(3) is destitute as provided by 2 AAC 41.030; and

(4) is in need of the aid or benefit of the home, as provided in 2 AAC 41.040, because of physical disability or other cause.

(b) An applicant is eligible for admission to a pioneers' home on a space-available basis, subject to (c) and (d) of this section, if the applicant

(1) is a resident of the state under 2 AAC 41.020;

(2) is 65 years of age or older;

(3) has been a resident of the state continuously for the 15 years immediately preceding application; and

(4) agrees to pay to the state the monthly rates and fees set by or under 2 AAC 41.015.

(c) A person qualified under (a) of this section has priority in admission over a person qualified under (b) of this section. However, a resident admitted under (b) of this section will not be required to leave in order to provide space to an applicant eligible for admission under (a) of this section.

(d) Admission to and continued residence in a pioneer's home is conditioned on the availability of funding, facilities, and staff, and the person's compliance with all appropriate conditions and limitations. (Eff. 3/31/85, Reg. 93; am 1/1/90, Reg. 112)

Authority: AS 47.25.010
AS 47.25.020
AS 47.25.030

2 AAC 41.015. RATES AND FEES. To compensate the state for the cost of care and support, a resident of a pioneer's home is charged (1) \$525 each month for residential care, \$630 each month for assisted living care, or \$800 each month for nursing care, and (2) fees for ancillary supplies and services as prescribed by the Department of Administration. (Eff. 1/1/90, Reg. 112)

Authority: AS 47.25.010
AS 47.25.020
AS 47.25.030

2 AAC 41.020. RESIDENCE REQUIREMENTS. (a) To be a resident, a person must be physically present in the state.

(b) Absences from the state in a given year do not break continuous residence for purposes of 2 AAC 41.010(a)(2) and (b)(3) if the applicant was physically present in the state for at least 185 days of the year.

(c) Absences from the state totaling more than 180 days in a given year break continuous residence for purposes of 2 AAC 41.010(a)(2) and (b)(3). However, if an applicant meets the other requirements of 2 AAC 41.010, absences totaling more than 180 days in any of the years preceding application are not grounds for disqualification from admission if the absences were for any of the following reasons:

(1) pursuit of a formal course of study under the supervision of an established primary or secondary school, college, university, vocational school, or professional school, or performance of an internship or residency necessary to establish a professional specialty, if the person returned to Alaska within 60 days after completion of the course of study, internship, or residency;

(2) medical treatment upon the recommendation of a licensed physician or psychologist if

(A) the absence did not include a permanent change of residence; and

(B) the person returned to Alaska within 60 days after completion of the treatment and any recommended convalescence period;

(3) service in the United States Army, Navy, Air Force, Marines, or Coast Guard, or the Alaska National Guard or Naval Militia, if the person

(A) enlisted or was drafted while a resident of Alaska; and

(B) returned to Alaska within 60 days after discharge, retirement, or completion of the out-of-state duty;

(4) employment by the State of Alaska in a location outside of the state if the person returned to Alaska within 60 days after termination of that employment;

(5) service in the U.S. Congress as a representative or senator for the State of Alaska, or service on the staff of such a representative or senator, if the person returned to Alaska within 60 days after the service ended;

(6) service as a presidential appointee as a cabinet member or as an ambassador, or service on the staff of such an appointee, if the person returned to Alaska within 60 days after the service ended;

(7) confinement in an out-of-state correctional institution by order of a court, if the person

(A) was a resident of Alaska before the confinement began; and

(B) returned to Alaska within 60 days after release from the institution;

(8) medical necessity of a nonresident spouse, parent, dependent, or sibling required the applicant to be in another state to provide care for the parent, spouse, dependent, or sibling, if the applicant

(A) was a resident of Alaska when the medical necessity arose; and

(B) returned to Alaska within 60 days after the medical necessity ended;

(9) family necessity required the applicant, whose relationship with another state resident was that of a parent, spouse, dependent, or sibling, to accompany that individual who was absent for reasons allowed by (1)--(8), and (10) of this subsection, if the applicant

(A) was a resident of Alaska when the necessity to accompany the absent individual arose; and

(B) returned to Alaska within 60 days after the end of the family necessity;

(10) admission to a licensed long-term care facility outside Alaska upon the recommendation of a licensed physician issued no later than the date of departure from Alaska, if the applicant

(A) continuously maintained residency in Alaska while temporarily absent from the state; and

(B) returned to Alaska within 60 days after discharge from a licensed long-term care facility.

(d) A person who has been a resident of Alaska for 30 years may be admitted to a pioneers' home even though he or she has not been a continuous resident of Alaska, but the person is not automatically qualified for admission. He or she must still meet the 15-year continuous-residence requirement. The 30 years of residence gives the commissioner of administration the authority to treat extended absences for good reasons as periods of residence for purposes of the 15-year requirement.
(Eff. 3/31/85, Reg. 93; am 1/1/90, Reg. 112)

Authority: AS 47.25.010
AS 47.25.020
AS 47.25.030
AS 47.25.035

2 AAC 41.030. ASSETS AND INCOME. (a) A destitute person is one who does not have in excess of the amounts established by the Department of Health and Social Services for eligibility for adult public assistance under 7 AAC 40:

(1) monthly income;

(2) liquid assets such as cash or negotiable instruments;

(3) stocks, bonds, or securities readily convertible to cash; or

(4) real or personal property. For purposes of this sub-section, the value of the home or real property of the applicant or resident is not considered while the home or real property is used as the primary residence of the applicant's or resident's spouse or dependent.

(b) All assets owned by and income of a resident of a pioneers' home must be applied to the monthly rates and fees established by or under 2 AAC 41.015, except

(1) the amount exempted from payment under AS 47.45.020(b);

(2) real or personal property being used as the primary residence of the resident's spouse or dependent; and

(3) real or personal property, not being used as the primary residence of the resident's spouse or dependent, with a value of not more than the amount set by the Department of Health and Social Services for eligibility for adult public assistance under 7 AAC 40; and

(4) income, stock, and dividends from stock received under the Alaska Native Claims Settlement Act, as amended, 43 U.S.C. 1601-1629e.

(c) A resident of a pioneers' home who does not receive income of at least \$100 a month will, if appropriations are sufficient, be paid by the Department of Administration the amount necessary to bring the resident's monthly income up to \$100. The resident may accumulate this money in a savings or trust account, but a claim for the resident's care and support will, in the discretion of the Department of Administration, be asserted against such an account, by the state, upon the death of the person.

(d) A resident of a pioneers' home who receives more than \$100 in income in any month, from any source shall pay to the state that portion of the excess, after paying the resident's medication expenses, required to pay the monthly rates and fees established by or under 2 AAC 41.015.

(e) A resident of a pioneers' home admitted under 2 AAC 41.010(a) who acquires an asset or assets with a nature and value that would disqualify the resident under that subsection will be allowed to continue residence if the resident qualifies under 2 AAC 41.010(b).

(f) In determining the assets of an applicant under this section, the Department of Administration will include the value of any asset or interest owned by the applicant within the 24 months preceding the date of application if the applicant gave away the asset or interest, or sold or assigned the asset or interest at less than fair market value, for the purpose of establishing eligibility for admission under 2 AAC 41.010(a). Any such transaction will be rebuttably presumed to have been for the purpose of establishing eligibility for admission under 2 AAC 41.010(a). This standard will also apply in determining eligibility for continued residence under 2 AAC 41.010(a) of a resident who was admitted under 2 AAC 41.010(b). (Eff. 3/31/85, Reg. 93; am 1/1/90 Reg. 112)

Authority: AS 47.25.010
 AS 47.25.020
 AS 47.25.030
 AS 47.25.070

2 AAC 41.040. NEED. A person is in need of the aid or benefit of a pioneers' home because of physical disability or other cause, as required under 2 AAC 41.010(a)(4), if the person is unable to maintain a household without regular assistance in shopping, housekeeping, meal preparation, dressing, or personal hygiene. (Eff. 3/31/85, Reg. 93; am 1/1/90, Reg. 112)

Authority: AS 47.25.010
 AS 47.25.020
 AS 47.25.030

2 AAC 41.050. REQUIRED INFORMATION. (a) An application for admission to a pioneers' home must include

(1) the names and addresses of the applicant's adult relatives and of any guardian, conservator or other responsible party;

(2) a description of any physical or medical impairment, infirmity or disability of the applicant, and the name of the physician, if any, who last treated the condition.

(b) An applicant for admission under 2 AAC 41.010(a), and an applicant or resident who cannot pay or continue to pay the full rates and fees established by or under 2 AAC 41.015, shall also provide the following information:

(1) the description and location of all real property owned by the applicant or resident, whether inside or outside the state during the preceding 24 months;

(2) the description and location of any major assets owned by the applicant or resident during the preceding 24 months, such as automobiles, boats, airplanes, jewelry, cash, stocks, bonds, notes, livestock, and appliances;

(3) a listing of the amount and source of any income the applicant or resident receives or might receive while a resident, and copies of the applicant's or resident's federal income tax filings for the preceding two years;

(4) the number, location, and contents of any savings or checking accounts or safe-deposit box held in the applicant's or resident's name during the preceding 24 months, as well as the location of the appropriate passbook or key.

(c) The Department of Administration, or the home, will, in its discretion, require additional information relevant to an applicant's or resident's qualifications. Such requests will, in the department's or home's discretion, require that the applicant or resident give the department and its agents access to various items, including medical records and financial records.

(d) An applicant or resident shall inform the Department of Administration or home of changes in information provided under this section.

(e) Information provided by an applicant or resident is considered confidential unless disclosure is allowed by law. (Eff. 3/31/85, Reg. 93; am 1/1/90, Reg. 112)

Authority: AS 47.25.010
AS 47.25.020
AS 47.25.030

2 AAC 41.060. ADMISSION, DISCHARGE, AND APPEAL. (a) The manager of a pioneers' home shall appoint a committee from the home staff and the community in which the home is located, to provide advice on matters of admission and discharge.

(b) Decisions concerning admission, continued residence, and discharge shall be made by the home manager with advice from the home's committee and interdisciplinary care team. A decision adverse to an applicant or resident may be appealed to the director of the division of pioneers' benefits, in the Department

of Administration, within 30 days after the mailing of the manager's decision. The director shall accept all written testimony that the parties wish to submit, and may, hold an oral hearing. Upon request of any party, the director shall hear witnesses testifying under oath and shall request documents. The director shall render a decision within 10 working days after the written and testimonial records are closed, unless that period is extended for good cause shown, including allowance of time to present post-hearing briefs or newly discovered evidence not previously discovered or discoverable. The director may delegate hearing authority to an assistant or a hearing officer.

(c) An aggrieved party is entitled to a hearing from the Department of Administration 30 days after the mailing of the director's decision, if the aggrieved party appeals to the commissioner of administration. The commissioner will, in his or her discretion, delegate review authority to a deputy commissioner, special assistant to the commissioner, or hearing officer. The appeal will be on the record, and will be decided within 10 days after the full record is received by the commissioner or the delegate. (Eff. 3/31/85, Reg. 93; am 1/1/90, Reg. 112)

Authority: AS 47.25.010

2 AAC 41.070. CONDITIONS AND LIMITATIONS. (a) Admission to or continued residency in a pioneers' home will not be granted to a person while the person is suffering from

(1) a communicable, contagious, or infectious disease that would threaten the health, safety, or welfare of other residents; or

(2) a personality defect that would threaten the health or safety of other residents.

(b) A person will not be admitted to or required to stay at a pioneers' home unless that person freely and knowingly consents to enter or remain at the home.

(c) A resident of a pioneers' home admitted under 2 AAC 41.010(b) may not continue residency at the home if the home manager determines that the person's payments for care and support are in arrears.

(d) A resident of a pioneers' home will be discharged if he or she is absent from the home more than 60 consecutive days, unless the absence was required by 2 AAC 41.080. (Eff. 3/31/85, Reg. 93; am 1/1/90, Reg. 112)

Authority: AS 47.25.010
AS 47.25.020
AS 47.25.030
AS 47.25.040

2 AAC 41.080. QUALITY AND LEVEL OF CARE. (a) A pioneers' home will provide a quality of care sufficient to preserve the health and safety of residents while they are physically present on the home's premises, or while under the direct supervision of an employee or agent of the home while off the home's premises.

(b) A pioneers' home will make every reasonable effort to provide the proper level of care to residents who require the same or different level of care after being admitted. However, the home cannot guarantee that all levels of care will be available to every resident. Availability and levels of geriatric care will be based on the funding, facilities, and staff available at each home.

(c) A pioneers' home is not an acute care facility. If a resident requires care not normally provided by the home, the resident will be referred to another appropriate health care facility until the resident is able to return to the home. A resident of the residential or assisted living section of a home may use an available home infirmary bed for not more than 30 days during a temporary non-acute illness. If the illness continues beyond 30 days and no nursing bed is then available, the resident will be temporarily transferred to an appropriate health care facility, but only after all reasonable alternatives, including temporary placement in another Pioneers' Home, are fully explored.

(d) Acceptance of the limits on the level of care set out in this section is a continuing condition of a person's residency in a pioneers' home. A newly admitted resident, or the resident's authorized guardian, must acknowledge in writing that he or she has read and understands this section, and that he or she accepts its provisions as descriptive of the duty of care owed a pioneers' home resident by the Department of Administration and the State of Alaska.

(e) Depending on the availability of funding, facilities, and staff, a home may provide the following levels of care: residential, assisted living, and nursing. These levels of care are more fully described in the division of pioneers' benefits' policies and procedures manual, and are summarized as follows:

(1) residential - residents must be capable of independent living and are provided only basic services such as meals and heavy housekeeping;

(2) assisted living (residential II) - residents require support and protective care but do not need continuous nursing supervision or skilled nursing care; and

(3) nursing - residents require direct and extended care by professional and non-professional personnel under the supervision of a registered nurse. (Eff. 3/31/85, Reg. 93; am 1/1/90, Reg. 112)

Authority: AS 47.25.010
AS 47.25.020

2 AAC 41.090. PROPERTY OF DECEASED RESIDENTS. Upon the death of a pioneers' home resident, the resident's property that is under the control of a pioneers' home or the Department of Administration will be disposed of in accordance with direction from the court. (Eff. 3/31/89, Reg. 93; am 1/1/90, Reg. 112)

Authority: AS 47.25.070

2 AAC 41.100. STATE CLAIM FOR CARE AND SUPPORT. Upon the death of a pioneers' home resident, a state claim for care and support may be satisfied only out of the resident's estate. Personal property left by the decedent must be disposed of in accordance with 2 AAC 41.090. Heirs, as defined in AS 47.25.070(e), without regard to their status, are exempt from a claim by the state. (Eff. 3/31/85, Reg. 93)

Authority: AS 47.25.010
AS 47.25.030
AS 47.25.070
AS 47.25.080

...employer or supervisor was retaliatory if it was taken within 90 days after the report was made. (§ 3 ch 42 SLA 1988)

Chapter 25. Destitute and Needy Persons.

Article

1. Pioneers' Home (§ 47.25.030)
2. General Relief Assistance (§§ 47.25.130, 47.25.195, 47.25.205, 47.25.230, 47.25.250)
3. Aid to Families with Dependent Children Act (§ 47.25.345)
4. Adult Public Assistance (§ 47.25.430)

Article 1. Pioneers' Home.

Section

30. Admission on payment

Sec. 47.25.030. Admission on payment. (a) A citizen of the United States over 65 years of age who is a resident of the state and has been a resident for not less than 15 years continuously immediately preceding application, but who is not destitute, may on application be admitted to the home upon agreement to pay to the state a sum for each day as the Department of Administration considers sufficient to compensate the state for the cost of care and support of the person at the home. When this agreement is entered into the Department of Administration may receive the security for the payments, which it considers expedient.

(b) The Department of Administration shall adopt regulations establishing a daily or monthly rate for the compensation a resident is to be charged under (a) of this section. The rate charged need not fully compensate the state for the cost of care and support. The commissioner of administration shall review the rate each year.

(c) The Department of Administration shall provide to all residents of the Pioneers' Home written notice of any proposed change in the rate charged for care and support of persons at the home. Notice under this section shall be given not less than 60 days before a change is adopted. The notice shall include the time, date, and place of a hearing to be held by the Department of Administration under (d) of this section. The department may not change the rate charged more than once in a fiscal year.

(d) Not less than 30 days before a proposed rate change is adopted, the Department of Administration shall conduct a hearing at which interested persons shall be given the opportunity to submit written or oral testimony, statements, arguments or contentions relating to the proposed rate change. The department shall consider all relevant matter presented to it before adopting a rate change.

(3) perform all executive or administrative duties necessary and advisable to carry out the purpose of AS 47.25.010 — 47.25.100, including the power to make contracts and to make disbursements on vouchers against funds for the purpose of AS 47.25.010 — 47.25.100, within the limit of funds available;

(4) study the needs of Alaska's pioneers and submit recommendations for new regulations and proposed legislation;

(5) prepare an annual report to the legislature.

(d) The Department of Administration may employ the necessary subordinate officers and employees, and shall prescribe methods for operation of the Pioneers' Home, standards of care and service to residents, and rules governing personnel and rewarding employees on a merit basis. (§ 51-2-11(a)(c) ACLA 1949; § 51-2-12 ACLA 1949; am § 1 ch 71 SLA 1963; am E.O. No. 30 (1968); am §§ 1, 2 ch 11 SLA 1979)

Sec. 47.25.020. Admission to home. (a) Every worthy person residing in the state who has been a resident of the state continuously for more than 15 years immediately preceding application for admission, and who is destitute and in need of the aid or benefit of the home because of physical disability or other cause, is entitled to admission to the home under the conditions, limitations and penalties prescribed by the regulations of the Department of Administration. A person may not be admitted as a resident of the Alaska Pioneers' Home under the provisions of AS 47.25.010 — 47.25.100 if the support and maintenance of the person is imposed by law upon a relative or member of the family of the person.

(b) Every person admitted to the Pioneers' Home, except a person admitted under AS 47.25.030, who receives income from any source in excess of \$100 per month may be required by the Department of Administration to pay the excess to the Department of Administration immediately upon receipt of the money in payment, or part payment, of the cost of the person's maintenance.

(c) At the end of each month the payments made under (b) of this section shall be transmitted to the commissioner of revenue together with the names of the persons making them and the amount paid by each. The Department of Administration may pay to a resident without funds the sum of \$100 per month.

(d) The money received by the commissioner of revenue shall be deposited in the general fund. (§ 51-2-13 ACLA 1949; am § 1 ch 158 SLA 1955; am § 1 ch 118 SLA 1957; am § 1 ch 89 SLA 1961; am § 1 ch 63 SLA 1965; am E.O. No. 30 (1968); am §§ 1, 2 ch 7 SLA 1971; am § 3 ch 11 SLA 1979; am §§ 1, 2 ch 155 SLA 1984)

Effect of amendments. — The 1984 amendment substituted "\$100 per" for "\$35 a" and "the person's" for "his" in subsection (b) and "to a resident without funds the sum of \$100 per month" for "the sum of \$35 a month to a resident without funds" in subsection (c).

Chapter 25. Destitute and Needy Persons.

Article

1. Pioneers' Home (§§ 47.25.010 — 47.25.100)
2. General Relief Assistance (§§ 47.25.120 — 47.25.300)
3. Aid to Families with Dependent Children Act (§§ 47.25.310 — 47.25.420)
4. Adult Public Assistance (§§ 47.25.430 — 47.25.615)
5. Food Stamp Program (§§ 47.25.975 — 47.25.990)

Article 1. Pioneers' Home.

Section	Section
10. Maintenance of Alaska Pioneers' Home	60. Trust fund
20. Admission to home	70. Indebtedness of Pioneer's Home resident to state
30. Admission on payment	80. Enforcement against estate
35. Exception to admission criteria	90. Enforcement against property outside state
40. Transfer of insane inmates to asylum or sanitarium	100. Certificate as evidence
50. Maintenance funds	

Cross references. — For the exclusion purposes of comprehensive health of the Alaska Pioneers' Home from the definition of health care facility for planning, see AS 18.07.111(7).

Sec. 47.25.010. Maintenance of Alaska Pioneers' Home. (a) The state shall maintain an institution for the care of needy persons, known as the Alaska Pioneers' Home. The principal home shall be maintained at Sitka, and a branch may be maintained at a site or sites designated by the commissioner of administration.

(b) The Department of Administration shall formulate general policies, but has no administrative or executive functions other than those set out in AS 47.25.010 — 47.25.100. It may hold hearings and subpoena witnesses and documents and may administer oaths in connection with them.

(c) The Department of Administration shall

(1) cooperate with the federal government in matters pertaining to the welfare of Alaskan pioneers, make the reports in the form and containing the information the federal government from time to time desires, and accepts funds allotted by the federal government, its agencies or instrumentalities, in establishing, extending and strengthening services for pioneers of Alaska;

(2) adopt regulations necessary for the conduct of the business of the Pioneers' Home and for carrying out the provisions of AS 47.25.010 — 47.25.100, require bonds and undertakings from persons employed by it as in its judgment are necessary, and pay the premiums on them, and establish regional and local offices and the advisory groups which are necessary or considered expedient to carry out or assist in carrying out a duty or authority assigned to it;

Sec. 47.25.030. Admission on payment. (a) A citizen of the United States over 65 years of age who is a resident of the state and has been a resident for not less than 15 years continuously immediately preceding application, but who is not destitute, may on application be admitted to the home upon agreement to pay to the state a sum for each day as the Department of Administration considers sufficient to compensate the state for the cost of care and support of the person at the home. When this agreement is entered into the Department of Administration may receive the security for the payments, which it considers expedient.

(b) The Department of Administration shall adopt regulations establishing a daily or monthly rate for the compensation a resident is to be charged under (a) of this section. The rate charged need not fully compensate the state for the cost of care and support. The commissioner of administration shall review the rate each year.

(c) The Department of Administration shall provide to all residents of the Pioneers' Home written notice of any proposed change in the rate charged for care and support of persons at the home. Notice under this section shall be given not less than 60 days before a change is adopted. The notice shall include the time, date, and place of a hearing to be held by the Department of Administration under (d) of this section. The department may not change the rate charged more than once in a fiscal year.

(d) Not less than 30 days before a proposed rate change is adopted, the Department of Administration shall conduct a hearing at which interested persons shall be given the opportunity to submit written or oral testimony, statements, arguments or contentions relating to the proposed rate change. The department shall consider all relevant matter presented to it before adopting a rate change. (§ 51-2-14 ACCLA 1949; am § 2 ch 89 SLA 1961; am E.O. No. 30 (1968); am § 3 ch 155 SLA 1984)

Effect of amendments. — The 1984 amendment added subsections (b)-(d).

Sec. 47.25.035. Exception to admission criteria. An applicant for admission to the home who has been a resident of the state for 30 years and is otherwise qualified for admission under AS 47.25.020 or 47.25.030 may not be disqualified for admission because of absence from the state if the commissioner of administration determines the absence was reasonable and admission is consistent with the intent of this chapter. (§ 2 ch 89 SLA 1978)

Sec. 47.25.040. Transfer of insane inmates to asylum or sanitarium. A person regularly admitted into the home who is found to be insane may be transferred to an institution provided for the care and custody of insane persons for the state in the manner provided by

law for the admission of other persons to the institution. (§ 51-2-15 ACLA 1949)

Sec. 47.25.050. Maintenance funds. The legislature shall each session appropriate the necessary funds for the maintenance of the home to be expended by the Department of Administration, and that department may receive funds, donations and bequests from private individuals, societies or organizations, and funds from the federal government for the support and maintenance of the home. (§ 51-2-16 ACLA 1949; am E.O. No. 30 (1968))

Sec. 47.25.060. Trust fund. Unless otherwise provided by the donor, money bequeathed to the Alaska Pioneers' Home constitutes a special trust and shall be deposited in a special fund designated the "Alaska Pioneers' Home Trust Fund." Unless otherwise provided by the donor, interest from this fund is under the control and at the disposal of the Department of Administration, and expenditure from it is limited to the benefit and comfort of the residents of the home. (§ 51-2-17 ACLA 1949; am E.O. No. 30 (1968))

Sec. 47.25.070. Indebtedness of Pioneers' Home resident to state. (a) The following expenses incurred for a Pioneers' Home resident under AS 47.25.010 — 47.25.100 and not recoverable from a collateral source are a debt of the resident to the state and may be recovered during the life of the resident:

- (1) costs of standard or nursing care provided in the Pioneers' Home each month to the resident not exceeding the rate established by the Department of Administration under AS 47.25.030, with credit given for any amounts paid by or collected from the resident;
- (2) allowances paid under AS 47.25.020(c);
- (3) costs of hospitalization and medical treatment provided outside the Pioneers' Home;
- (4) arrearages in fees for television and telephone services provided in the Pioneers' Home;
- (5) prescription medicine; and
- (6) burial and related expenses.

(b) The debt is a first, prior and preferred claim against the estate of the Pioneers' Home resident after the resident's death, and after all claims for food, clothing, fuel, shelter, medical aid, or burial expenses are paid. Heirlooms without regard to value are exempt from a claim by the state under this section.

(c) Money left in charge of the Department of Administration by a deceased resident of the Pioneers' Home may be used for the burial and funeral expenses of the resident and for the improvement of the burial plot of the Pioneers' Home.

(d) The clothing and other personal effects left by a deceased Pioneers' Home resident may be used for the benefit of other residents, or may be given to relatives or to persons designated by the resident,

§ 47.25.080 WELFARE, SOCIAL SERVICES AND INSTITUTIONS § 47.25.100

or sold and the proceeds applied in the manner provided for money left by a deceased resident.

(e) In this section, "heirloom" means personal property of sentimental value to a Pioneers' Home resident that has been in the possession of the resident's family or was a gift to the resident. (§ 51-2-101 ACLA 1949; am E.O. No. 30 (1968); am §§ 4, 5 ch 11 SLA 1979; am § 4 ch 155 SLA 1984)

Effect of amendments. — The 1984 amendment rewrote this section.

NOTES TO DECISIONS

Conduct of decedent entitling claim of state to priority. — Where (1) the decedent swears initially and annually thereafter that she owns no property, although during all that time she has approximately \$10,000 in cash; and (2) the

transfer thereof is without consideration, the claim of the state is entitled to priority in conformity with the provisions of this section. In re Jackson's Estate, 15 Alaska 116, 123 F. Supp. 143 (D. Alaska 1954).

Sec. 47.25.080. Enforcement against estate. If a beneficiary under AS 47.25.010 — 47.25.100 dies leaving an estate in the state, the attorney general or the Department of Administration shall file with the executor or administrator, or with the probate court, the claim of the state against the estate, and the attorney general shall take the steps necessary to enforce and collect the claim. Money collected shall be paid into the treasury of the state. (§ 51-2-102 ACLA 1949; am § 1 ch 46 SLA 1957; am E.O. No. 30 (1968))

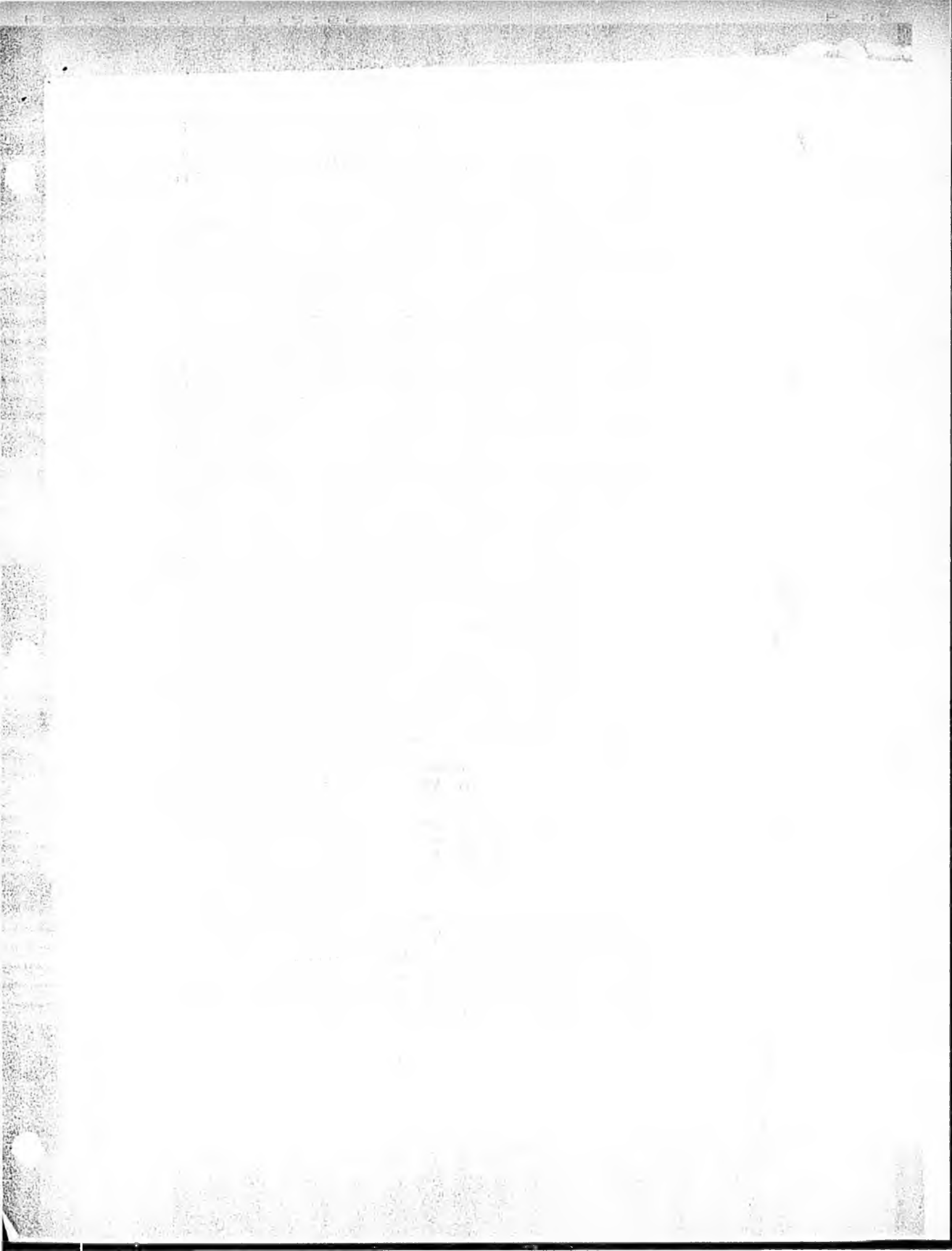
NOTES TO DECISIONS

Applied in In re Jackson's Estate, 15 Alaska 116, 123 F. Supp. 143 (D. Alaska 1954).

Sec. 47.25.090. Enforcement against property outside state. If a resident under AS 47.25.010 — 47.25.100 dies leaving property outside the state, the attorney general on direction of the governor shall take the steps with respect to the property which will protect and secure the rights of the state as a creditor. (§ 51-2-103 ACLA 1949)

Sec. 47.25.100. Certificate as evidence. A certificate by the attorney general to the effect that a decedent was a beneficiary under AS 47.25.010 — 47.25.100 and that the state has a claim against the decedent's estate, is prima facie evidence of these facts in a proceeding in the courts of the state. (§ 51-2-104 ACLA 1949; am § 2 ch 46 SLA 1957)

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394

FIRST COMMITTEE REFERRAL

DATE: 1/23/90

FURTHER: State Affairs
Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: _____

H E S S Committee considered SSSB 394

"An Act relating to eligibility to participate in the state group insurance for certain licensees in vocational rehabilitation programs."

and recommended:

- replace with _____ CS _____ same title
- attached amendment(s) new title
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

fiscal note(s) _____

zero fiscal note(s) _____

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

J. H. ...

OTHER RECOMMENDATIONS:

Cee Adams - No Rec
Tina Kelly - No Rec
Floyd Jones - No Rec

Paul Frank (Do Pass)

Chair: Signature and Recommendation

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Administration
 Title: An act relating to eligibility to BRU: Retirement and Benefits
participate in state group insurance.
 Sponsor: Fahrenkamp Components: Retirement and Benefits
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

This bill expands the eligibility in the State sponsored health plan for governmental units to allow individuals in certain vocational rehabilitation programs to participate in this coverage.

Prepared by: Sally Smith *Sally Smith* Phone: 465-4470
 Division: Retirement and Benefits Date: Jan 25, 1990
 Approved by Commissioner: Frank S. Baxter *Frank S. Baxter* Date: 1/29/90
 Agency: Department of Administration

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

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Education
 Title: Eligibility to participate in the state group insurance BRU: Vocational Rehabilitation
 Sponsor: Senator Fahrenkamp Components: Specialized Facilities
 Requestor: Senator Fahrenkamp

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	(5.2)	(5.2)	(5.2)	(5.2)	(5.2)	(5.2)
MISCELLANEOUS						
TOTAL OPERATING	(5.2)	(5.2)	(5.2)	(5.2)	(5.2)	(5.2)

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER P.R.	(5.2)	(5.2)	(5.2)	(5.2)	(5.2)	(5.2)
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See Attachment A.

Prepared by: F. Pat Young Phone: 465-2214
 Division: Vocational Rehabilitation Date: 1/31/90
 Approved by: Commissioner William G. Demmert Date: 1/31/90
 Agency: Education

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and
- Contracted Agencies

ATTACHMENT A

ANALYSIS:

The Division of Vocational Rehabilitation has the statutory and regulatory authority to receive net proceeds from vending machines operated by private persons in state or federal buildings throughout the state of Alaska.¹ These proceeds are deposited quarterly in the Small Business Enterprise Program's revolving fund which is administered by the division. The income from these machines can only be used by the division to enhance, expand and provide fringe benefits to vendors licensed under the Small Business Enterprise Program.

One of the services provided to the licensees is health insurance. The Division has provided this health insurance in the past, but the cost has been higher with less coverage than that provided under the state health insurance program. For calendar year 1991, the division is paying \$14,772.00 to cover five vendors out of this revolving fund. The division would only have to pay \$9,611.40 to cover these same five individuals if they were eligible to participate in the state health insurance program. This would create a net savings of \$5,161.00 for the division in program receipts which could then be used for other services needed to operate the vending program.

¹AS 23.15.010-210
4 AAC 54.430

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: An Act Relating to State Group Insurance
 Sponsor: Sen. Fahrenkamp
 Requestor: _____

Agency Affected: University of Alaska
 BRU: ATI
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	None	None	None	None	None	None

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

REVENUE	None	None	None	None	None	None
---------	------	------	------	------	------	------

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

SB 334 is not expected to impact the University.

Prepared by: Jim Lynch
 Division: University of Alaska

Phone: 907-474-7711
 Date: February 15, 1990

Approved by Commissioner: Brian Poppers
 Agency: University of Alaska

Date: 2/15/90

Distribution (by preparer):

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

page _____ of _____

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

DIVISION OF RETIREMENT & BENEFITS

PLEASE REPLY TO:

P.O. BOX CR
JUNEAU, ALASKA 99811-0203
PHONE: (907)465-4460

Fax# 465-3086

701 EAST TUDOR ROAD, SUITE 240
ANCHORAGE, ALASKA 99503-7445
PHONE: (907) 563-5885

Public Employees' Retirement System
Teachers' Retirement System
Judicial Retirement System
Elected Public Officers Retirement System
National Guard Retirement System
Territorial Retirement System
Retirees' Voluntary Dental-Vision-Audio Plan
Supplemental Benefits System
Group Health/Life Insurance Benefits
Deferred Compensation Plan
Public Employers Social Security Contributions

STEVE COWPER, GOVERNOR

March 23, 1990

The Honorable Paul Fischer
Alaska State Senator
P. O. Box V
Juneau, AK 99811

Dear Senator Fischer:

Re: SB 394

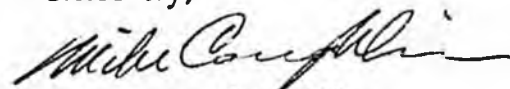
During the Senate HESS Committee hearing on SB 394 this past Wednesday, you asked the nature of the Aleutian West Coastal Resource Area. This question arose during the discussion of eligibility of certain public organizations for health insurance under the State provided plan.

The Aleutian West Coastal Resource Area is a product of legislation (AS 46.40.120) that created coastal resource service areas administered in the Department of Community and Regional Affairs. This legislation provided for certain coastal areas to organize for the purpose of managing the coastal zone in that area. Board members are elected at large by the qualified voters in the area.

This type of organization clearly fits our requirements for public organizations to participate in the health plan.

I hope this information assists you in your deliberations on this bill. Any questions you may have on the details of the Aleutian West Coastal Resource Area would be better answered by Community and Regional Affairs.

Sincerely,



Michael B. Coughlin
Deputy Director

MBC/ksl

POLITICAL SUBDIVISION GROUP HEALTH AND LIFE

Presently 43 Political Subdivision Participants
As of December 1, 1989
Updated December 7, 1989

Effective
Date

A

~~07/01/76~~ Adak Region Schools (FPO Seattle)
~~07/01/89~~ Aleutian West Coastal Resource Area
02/01/85 Akutan, City of (Anchorage)
07/01/76 Alaska Central Railbelt Region Schools (Healy)
12/01/74 Alaska Housing Finance Corp. (Anchorage)
10/01/74 Alaska State Building Authority (Anchorage)
07/01/84 Anderson, City of

B

~~07/01/88~~ Bering Straits Coastal Management Program (Unalakleet) (Plan II)
~~11/01/85~~ Bristol Bay Coastal Resource Service Area (Plan II)

C

02/01/85 Chignik, City of
12/01/89 Cold Bay, City of

not living in Alaska

D

07/01/87 Delta/Greely School District (Delta Junction)
05/01/83 Delta Junction, City of
09/01/70 Dillingham, City of

H

01/01/83 Houston, City of
10/01/74 Hydaburg School District

K

04/01/85 Klawock, City of (Plan II)
11/01/84 Kodiak, City of
01/01/80 Kodiak Island Borough
07/01/89 Kodiak Island Hospital

M

04/01/84 McGrath, City of (Plan II)

Alaska State Legislature



SENATOR BETTYE FAHRENKAMP
CHAIRMAN, RESOURCES COMMITTEE
119 N. CUSHMAN STREET, SUITE 201
FAIRBANKS, ALASKA 99701
OFFICE (907) 452-4882
HOME (907) 456-2899

WHILE IN JUNEAU
PO. BOX V
JUNEAU, ALASKA 99811
CAPITOL, ROOM 125
OFFICE (907) 465-3834
HOME (907) 780-6027

Senate

M E M O R A N D U M

TO: Senator Paul Fischer, Chairman
Senate Health, Education and Social Services Committee

FROM: Senator Bettye Fahrenkamp

DATE: February 5, 1990 *Bettye*

SUBJECT: Senate Bill 394
"An Act relating to eligibility to participate in the state group insurance for certain licensees in vocational rehabilitation programs."

Under current law, the Division of Vocational Rehabilitation is mandated to provide fringe benefits, such as health insurance, to blind and severely disabled vendors licensed under the Small Business Enterprise Program. Funds to purchase this insurance come from proceeds from vending machines operated in state and federal office buildings through the state.

The cost to provide this insurance for the five affected vendors has been increasing in recent years. SB 394 would permit these vendors to participate in the state's health insurance plan, on the same plan as a political subdivision. This would provide better insurance at a net savings of \$5,161.

Attached you will find a negative fiscal note and analysis from the Division of Vocational Rehabilitation, and a zero fiscal note from the Division of Retirement and Benefits.

I would greatly appreciate your early scheduling of this bill, and strongly encourage your support of the measure.

of people -

SESA

CORRECTION

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

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*could be if in Alaska
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07/01/89 Kodiak Island Hospital

M

04/01/84 McGrath, City of (Plan II)

POLITICAL SUBDIVISION GROUP HEALTH AND LIFE (continued)

Effective
Date

N

07/01/77 North Pacific Fishery Management Council (Anchorage)

P

08/01/80 Pelican, City of
07/01/86 Petersburg, City of
07/01/86 Petersburg General Hospital
07/01/86 Petersburg School District
09/01/76 Pribilof School District (Saint Paul)

R

07/01/86 Ruby, City of (Plan II)

S

07/01/83 Saint Marys, City of
09/01/71 Sand Point, City of (Plan II)
10/01/83 Saxman, City of (Plan II)
11/01/77 Seldovia, City of
11/01/81 Skagway City School District
07/01/73 Soldotna, City of
12/01/76 Southeastern Regional Resource Center (Juneau)
09/01/86 Special Education Service Agency

T

11/01/82 Tanana, City of
09/01/82 Tanana School District
09/01/89 Thorne Bay, City of (Plan II)

U

01/01/83 Unalakleet, City of

W

03/01/77 Wasilla, City of
07/01/74 Whittier, City of (Plan II)

Y

07/01/75 Yakutat Public Schools

Alaska State Legislature



SENATOR BETTYE FAHRENKAMP
CHAIRMAN, RESOURCES COMMITTEE
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of people -

SESA

S B

395

Alaska State Legislature

Senator Paul Fischer
Senate District D
Box 784
Soldotna, Alaska 99669
(907) 262-9420 W
262-9269 H



State Senate

White in Juneau
PO. Box V
Juneau, Alaska 99811
(907) 465-3791

April 16, 1988

I am taking this opportunity to write to clarify some misconceptions that have arisen from Senate Bill 395, an act relating to the school term. A copy of the bill is on the reverse side of this letter.

Certain children throughout the State of Alaska receive less than the standard 180 days of instruction that is mandated by law. Some of these absences are attributed to the subsistence lifestyles of parents requiring hunting and fishing time, as well as commercial fishing. The current law does not make allowances for these absences, and schools just show the children absent. The children lose valuable educational opportunities that are often not addressed.

SB 395 simply gives the local school board the discretion to adjust the school day to accommodate the different lifestyle needs of students. Current law allows adjustments for correcting asbestos problems. Conditions such as frozen pipes, flooding and lack of heat would also apply under this change. Changes must be approved by the Commissioner of Education to insure the changes remain within the guidelines of state law.

If you have any questions, or if I can be of any further assistance, please do not hesitate to contact me in Juneau. I will accept collect calls.

Cordially,

A handwritten signature in cursive script that reads "Paul Fischer".

Senator Paul A. Fischer

PAF/ssw

SB 395 Information

Alaska Association of Student Governments met this last week in Anchorage at West High School. There were approximately 250 students in attendance and over 26 schools represented. Weather did not permit some school's scheduled to arrive in time.

Schools that were definitely in attendance:

Glennallen
Kotzebue
Shevak
Mt. Village
Dillingham
Tok

Unalaska
Kodiak
Kenai
Soldotna
Homer
Seward
Seldovia
Nikolaevsk
Sitka
Juneau
Metlakatla
4 from Anchorage
 West, East, Service, Bartlett
Lathrop
North Pole
Eielson
Monroe
Bethel
Ketchikan

Several smaller schools were in attendance, I don't have the names at this time.

AASG brought SB 395 before this body of student governments and after some discussion passed a resolution in favor of this legislation.

Alaska State Legislature

Senator Paul Fischer
Senate District D
Box 784
Soldotna, Alaska 99669
(907) 262-9420 W
262-9269 H



State Senate

While in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-3791

February 10, 1989

Mr. Bob Moore, Principal
Nikolaevsk School
Box 5129
Anchor Point, Alaska 99556

Dear Bob:

I have recently been furnished a letter by one of the Representatives from District 5, in which you requested that legislation again be introduced relating to "school terms".

As you recall I sponsored this legislation last session; it passed the Senate, but was not acted upon by the House prior to adjournment.

I have drafted identical legislation to be introduced next week and enclosed a copy for your information. It is my desire that this legislation receive early consideration.

If I can be of further help to you, please do not hesitate to contact me.

Cordially,

Paul A. Fischer
State Senator

PAF/sgn

Enclosure

cc: ✓ Representative Mike Navarre
Representative C.E. Swackhammer

1 IN THE SENATE

BY FISCHER

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the school term."

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

8 * Section 1. AS 14.03.030 is amended to read:

9 Sec. 14.03.030. SCHOOL TERM. A school term begins and ends on
10 the dates fixed by the governing body of a school district. A school
11 term shall include not less than 180 days in session, unless [EXCEPT
12 THAT], with the approval of the commissioner,

13 (1) a day used for in-service training of teachers is [MAY
14 BE] substituted for a day in session, up to a maximum of 10 days;

15 (2) an "emergency closure day" is [MAY BE] substituted for
16 a day in session because of conditions posing a threat to the health
17 or safety of students; and

18 (3) a school board adopts [MAY ADOPT] a school term of not
19 less than 150 days for a school and [IF] the commissioner finds that

20 (A) the shorter term is necessary [FOR ABATING ASBES-
21 TOS HEALTH HAZARDS IN THE SCHOOL]; and

22 (B) the school board has submitted an acceptable plan
23 under which students will receive the approximate educational
24 equivalent of a 180-day term.
25

Alaska State Legislature
House of Representatives



FEB 06 1989

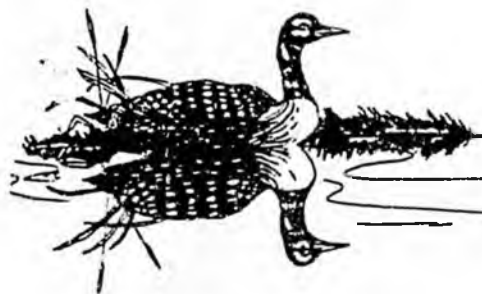
Rep. C.H. Swackhammer

Sen Fischer:

Do you plan to reintroduce
a bill addressing this? If
so I will do what I
can to get it passed through
the house. Pls advise

Pls return letter

Swack



Nikolaevsk

Николаевск



KENAI PENINSULA
BOROUGH SCHOOL DISTRICT

BOX 5129, NIKOLAEVSK C. P. O.
ANCHOR POINT, ALASKA 99556
Jan. 30, 1989

Senator Paul Fisher
Representative Swackhammer
Representative Navarre

Dear Paul, Swack, Mike

I know that with the foundation formula funding, school construction debt retirement and reduced oil revenues you gentlemen are extremely busy. I hope, however, that you will bring to the floor and pass a bill allowing reduced school year with equivalent hours of instruction such as passed the Senate last year. This is important legislation for all bush communities and as revenues diminish it becomes even more critical.

Senator Fischer's bill last year was appropriate and adequate. It is imperative however that this proposal get immediate attention if it is going to make it through both houses during this session.

I am available to do anything in my power to assist you in this effort. Contact me immediately if I can be of service in making this proposal a reality.

Respectfully,

Bob Moore,
Principal

235-7432 (home)
235-8972 (work)

e Kenal Peninsula
chool District may
youngsters living
e Chapman atten-
ndary to go to
vsk, School
ndent Fred
aid.

n has requested a
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\$14,000 to move a
o the school, Mr.
aid.

ed to look at all
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t added expense,"
"If you live in a
ea, we want to
your attending
at given area."

w stands, students
h Fork can opt for
r school they
he Borough Board
ion decides to en-
school boundaries,
ho live outside the
want to attend
will be able to do
if the principal
ere is room for
only if they can
their own
station, Mr.
aid.

students now at-
chapman would be
y the change, as
7 preschool child
he area. Students
re those who live
h Fork Road from
village south to
section with the

Associate Superintendent
Tom Overman, and some
school board members plan
to attend, Mr. Pomeroy said.

The two committees met
March 1 to discuss the pros
and cons of the proposal and
developed a list that was
sent to affected parents this
week, Nikolaevsk committee
member Adele Hiles said.

Among the advantages are
the school's bilingual pro-
gram, the savings in bus
transportation costs, and the

calendar, and a reduction in
after-school social oppor-
tunities.

Nikolaevsk Principal Bob
Moore said if the change is
made he would anticipate
the school would need to add
separate music and art pro-
grams to its curricula and to
hire a special Quest teacher.

The affected students are
spread throughout the dif-
ferent grades and Mr. Moore
said he expected they could
be accommodated within ex-

now has 130. "We have the
resources, the room and the
desire to meet the needs of
the people on North Fork,"
he said.

Although Nikolaevsk is a
K-12 school, high school
students who now attend
either Ninilchik or Homer
High Schools would not be af-
fected by the change.
However, they could opt to
change if they wanted to,
Mr. Moore said.

HOMER NEWS
3-10-88

School seeks change in schedule

Nikolaevsk School might
go to longer days if a bill now
in the state Senate Rules
Committee passes.

The school would like to
switch from six to seven-
hour days and have a shorter
school year, so that Old
Believer students would not
have to miss valuable school
time during holy days, Prin-
cipal Bob Moore said.

Senate Bill 395 would
change the definition of the
school year to allow 180 days
or its equivalent, and would
give them the flexibility they
need, he said.

Nikolaevsk is already on a
special calendar. This week,
while the rest of the district's
students are on spring
break, Nikolaevsk students
are still in class. They will

take their time off in April
for Russian Easter.

There are about 16 holy
days in the Old Believer
calendar that students are
required by their religion to
take off. Now they just miss
school. "If a child misses
that many days in
kindergarten through 12th
grade," Mr. Moore said,
"then he or she has lost the
equivalent of one year."

He would like to alter the
schedule to accommodate
those holy days as well as the
district's regular holiday
and vacation schedule and
make up the days missed by
adding hours to each day in
school.

He said allowing schools to
adopt more flexible
schedules to meet communi-
ty needs would also benefit

communities that rely on
subsistence.

"I'm really optimistic
about its possibilities if we
can get it through," he said.
"Any school in any com-
munity should be organized
to meet the needs of the com-
munity it serves. We need to
be flexible in meeting those
needs."

Sen. Paul Fischer, R-
Soldotna, who introduced the
bill, said he does not know
when the bill will move to the
floor of the Senate or what
will happen to it when it gets
there.

"I think it'll be a mixed
vote," he said. "I introduced
it because I think we need to
get it out where we can take
a look at it. But I think it will
be a close vote."

bursed the borough for 72
percent of its school debt
payments — \$2.4 million less
than the 80 percent figure in
place when voters decided to
incur the debt. The dif-
ference represents an entire
mill in borough property tax.

Mr. Cowper's position is
that the state must stop fun-
ding extravagant schools.
Mr. Ramsuer said Mr.
Cowper is bothered both by
the money and the worry
that the 80 percent level of
reimbursement will simply
invite districts to build more
high-priced schools at state
expense.

"This is just throwing
money at the problem," he
said. "What he'd like is for
the legislature to pass a bill
like the one Rep. Swackham-
mer (D-Kerai) has introduc-
ed to reform the school fun-
ding process."

Political observers have
speculated that Mr. Cowper
might compromise if the
reform bill passed. In ex-
change for that measure, he
might sign the bill allowing
the higher level of reim-
bursement.

Mr. Swackhammer's bill
would provide full grants for
construction of basic, no-
frills schools. The Dept. of
Education would award the
money based on solid
criteria, to make sure it was
distributed fairly. For ex-
tras, such as auditoriums
and gyms, local voters would

TAXES

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Joseph D. Buckley, CPA 235-5176

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MONTH OF MARCH ONLY



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in Homer

Mon. - Fri. 11 a.m. - 8:30 p.m. 2

February 4, 1988

SENATE JOURNAL

p. 2139

SB 395

SENATE BILL NO. 395 by Senator Fischer, entitled:

"An Act relating to the school term."

was read the first time and referred to the Health, Education and Social Services Committee.

February 12, 1988

SENATE JOURNAL

p. 2247

SB 395

The Health, Education and Social Services Committee considered SENATE BILL NO. 395 "An Act relating to the school term" and a majority of the committee recommended it be replaced with

CS FOR SENATE BILL NO. 395 (HESS)

and do pass. The report was signed by Senator Fischer, Chairman and concurred in by Senators Fanning and Jones. Senator Josephson signed "no recommendation."

Zero fiscal note published today from Department of Education.

SENATE BILL NO. 395 was referred to the Rules Committee.

Alaska State Legislature

Senator Paul Fischer
Senate District D
Box 784
Soldotna, Alaska 99669
(907) 262-9420 W
262-9269 H



State Senate

While In Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-3791

MEMORANDUM

TO: Senator Dick Eliason, Chairman
Senate Rules Committee

FROM: Senator Paul Fischer *PAF*

SUBJECT: Senate Bill 395
(relating to the school *PAF*)

DATE: March 10, 1988

I would appreciate your scheduling the above referenced bill before the Senate Rules Committee, for consideration of placing on the Senate calendar, at your earliest possible convenience.

The HESS committee version of this legislation provides a school term has to include "not less than 180 days in session, unless with the approval of the commissioner, (1) a day used for in-service training of teachers is substituted for a day in session, up to a maximum of 10 days; (2) an 'emergency closure day' is substituted for a day in session because of conditions posing a threat to the health or safety of students; and (3) a school board adopts a school term of not less than 150 days for a school and the commissioner finds that (A) the shorter term is necessary; and (B) the school board has submitted an acceptable plan under which students will receive the approximate educational equivalent of a 180-day term.

The original version said a school term could include "not less than the equivalent of 180 days in session" unless the conditions outlined were met. Current law provides for a shorter term "if necessary for abating asbestos health hazards in the school" and if the board has submitted an acceptable plan for an equivalent 180-day term.

PAF/sgn

Wisilla -
Fishing Communities -

Offered: 2/12/88
Referred: Rules

5-1774B

Original sponsor: Fischer

Move for adoption of CS. HESS

1 IN THE SENATE

THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR SENATE BILL NO. 395 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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21 TOS HEALTH HAZARDS IN THE SCHOOL]; and

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Economic Dist / Fishing Communities

March, 1988

SB 395 information

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School's that were definitely in attendance were:

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Shevak
Mt. Village
Dillingham
Tok
Unalaska
Kodiak
Kenai
Soldotna
Homer
Seward
Seldovia
Nikolvask
Sitka
Juneau
Metlakatla
4 from Anchorage
West, East, Service, Bartlett
Lathrop
North Pole
Eielson
Monroe
Bethel

Several smaller school's were in attendance, I don't have the names at this time.

AASG brought SB 395 before this body of student government's and after some discussion passed a resolution in favor of this legislation.

~~The resolution will be forthcoming in the mail.~~

~~This information provided by Bob Moore/235-8442~~

6 days -

$$\begin{array}{r} 36 \overline{) 180} \\ \underline{180} \\ 0 \end{array}$$
$$\begin{array}{r} 30 \overline{) 180} \\ \underline{180} \\ 0 \end{array}$$

~~36 weeks.~~
~~30 weeks.~~

5 day week - 36 weeks
6 day week - 30 weeks
7 day -

Not done.

$$\begin{array}{r} 26 \overline{) 180} \\ \underline{14} \\ 40 \end{array}$$

S B

407



Alaska State Legislature

SENATE

Committee on Finance

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

April 9, 1990

TO: Senator Paul Fischer, Chairman
Senate Health, Education and Social Services Committee

FROM: Senator John Binkley *John Binkley*

RE: SB 407 - Setting a priority relating to treatment of persons
for alcoholism, drug abuse, inhalant abuse, and intoxication

Senate Bill 407 adds a new section to existing statutes relating to regulations governing acceptance for treatment in state-funded programs. The new section (6) directs that priority shall be given, whenever possible, to persons who would likely inflict harm and pregnant women whose continued use of alcohol, drugs or inhalants is likely to harm the fetus.

Forty-two state-funded programs are currently offering inpatient or outpatient treatment.

The Division of Alcohol and Drug Abuse is supportive of the legislation and has submitted a -0- fiscal note.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 7, 1990

SUBJECT: Restriction of Priority to Pregnant Women
(SB 407)

TO: Senator John Binkley

FROM: Terri Lauterbach *TL*
Legislative Counsel

You have asked me to comment on the legality of the Tanana Chiefs Conference, Inc.'s proposal that SB 407 be amended to give priority in admissions only to pregnant women instead of to pregnant women and other persons who would be likely to inflict physical harm on another.

There is great likelihood that a priority for pregnant women would violate the prohibition against sex discrimination in the provision of public services found in AS 18.80.255, which provides

It is unlawful for the state or any of its political subdivisions...to refuse, withhold from or deny to a person any local, state or federal funds, services, goods, facilities, advantages or privileges because of race, religion, sex, color or national origin...

Granting an advantage to pregnant women who are alcoholics so that they have greater access to treatment facilities than men who are alcoholics appears to me to be unlawful under AS 18.80.255.

A priority for pregnant women might also be unconstitutional under art. I, sec. 3, Constitution of the State of Alaska, which provides

No person is to be denied the enjoyment of any civil or political right because of race, color, creed, sex, or national origin...

Senator John Binkley
Page 2
April 7, 1990

By giving equal priority to both pregnant women and other persons who would be likely to harm others, SB 407 avoids violating AS 18.80.255 and art. 1, sec. 3 of the state constitution.

I hope you find this information helpful. Please let me know if I can be of further assistance.

TML:lmb
L10/053

Tanana Chiefs Conference, Inc.

122 First Avenue
Fairbanks, Alaska 99701-4897
(907) 452-8251
Fax (907) 451-8936

March 27, 1990

Senator Paul A. Fischer
Chairman, HESS
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau AK 99811

Dear Senator Fischer:

The Tanana Chiefs Conference, Inc. (TCC) supports Senate Bill 407 (with minor amendments) and its intent - a bill giving priority in admission to pregnant women who are likely to continue using alcohol, drugs or inhalants.

The nationwide birth rate of FAS children is 1 to 3 for every 1,000 births. The Native-Alaskan birth rate is 4.2 children out of every 1,000 births. In the Tanana Chiefs region, it is estimated at 5.9 FAS cases per 1,000 births. Our region has one of the highest FAS birth rates nationwide. It is imperative to TCC that priority treatment be given to women who are pregnant and who continue using alcohol. The TCC Regional Health Board endorsed this bill at its meeting held during the week on March 1, 1990. FAS education and treatment continues to be of high priority for this area.

TCC supports this bill with the following amendment to the last paragraph of the bill:

(6) priority in admissions shall be given, whenever possible, to pregnant women who are likely to continue using alcohol, drugs, or inhalants.

We feel the inclusion of those persons who would be likely to inflict physical harm on another perpetuates the myth that it's okay to then inflict harm (e.g. suicide) on oneself. In addition, Washington State studies reflected an increase in violence by mentally ill persons when commitment for treatment was restricted to those who were a danger to others.

On the second portion of that same paragraph, we would like to see eliminated the phrase in a manner that is likely to harm the fetus. First, adding that section appears to be redundant in that you have already identified the women as being pregnant. Any use of alcohol or drugs during pregnancy may harm the fetus. Secondly, this statement opens the controversial subject of fetal rights to pro-choice/anti-abortion advocates.

The basic premise of the bill is worth fighting for - we want to give pregnant women access to treatment centers. For pregnant women who cannot control their drinking, priority treatment is so crucial especially in the first trimester. Let's eliminate this other unnecessary language and concentrate on the real issue of the bill - helping alcohol abusing pregnant women in the short and crucial time they really need assistance.

Sincerely,

TANANA CHIEFS CONFERENCE, INC.

Michael Graf

Michael Graf, Director
Community Health Services

LAC/de

cc: Senate HESS Committee
Jim Duncan
Al P. Adams
Lloyd Jones
Tim Kelley

FISCAL NOTE

REQUEST:

Revision Date: 1/29/90 Agency Affected: Health & Social Services
 Title: "An Act setting a priority relating to treatment of person for alcoholism..." BRU: Alcohol & Drug Abuse
 Sponsor: _____ Components: Alcohol Grants
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

No FY90 fiscal impact

Prepared by: Matthew C. Felix Phone: 586-6201
 Division: Alcoholism & Drug Abuse Date: 3-20-90
 Approved by Commissioner: Myra M. Munson Date: _____
 Agency: Health & Social Services

Distribution (by preparer):

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

S B

408

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 1/29/90

FURTHER:

Date of 5-Day Notice: 3/1/90
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3/8/90

H E S S

Committee considered

SB 408

"An Act requiring health care providers to report cases of fetal alcohol syndrome."

and recommended:

- replace with _____ CS _____ same title
- attached amendment(s) new title
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

fiscal note(s) _____
Health & Social Services

zero fiscal note(s) _____

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

[Signature]
Tom Kelly

OTHER RECOMMENDATIONS:

Paul Fish (Do Pass)
Chair: Signature and Recommendation

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Health & Social Services
 Title: An Act requiring report of BRU: State Health Services
Fetal Alcohol Syndrome
 Sponsor: Binkley, et al Components: Epidemiology
 Requestor: Senate HESS

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY92	FY93	FY94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	5.0	5.0	5.0	5.0	5.0	5.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	5.0	5.0	5.0	5.0	5.0	5.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	5.0	5.0	5.0	5.0	5.0	5.0
FEDERAL FUNDS						
OTHER						
TOTAL	5.0	5.0	5.0	5.0	5.0	5.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary) FY90 fiscal impact is "0."

Contract cost associated with reporting, computerization, data analysis, communication, mailing, form and legislative report duplication: \$5.0.

Prepared by: Dwayne Peoples
 Division: Division of Public Health

Phone: 465-3090
 Date: 2/23/90

Approved by Commissioner: Myra M. Munson
 Agency: Department of Health and Social Services

Date: _____

Distribution (by preparer):

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

memorandum

DATE: February 3, 1989

REPLY TO
ATTN OF:Chief, Area Community Health Services Branch
Alaska Area Native Health Service

Refer to: A-CHSB

SUBJECT:

Update: Incidence of Fetal Alcohol Syndrome (FAS) in Alaska Natives

TO:

Director
Alaska Area Native Health Service

RECEIVED FEB 9 1989

In 1986 the Alaska Area Community Health Services Branch conducted an area-wide survey to determine the incidence and prevalence of FAS in Alaska Native children. The target population included all Alaska Native children born since January 1, 1981 and before May 30, 1986. Children suspected of having FAS, by FAS diagnostic criteria, were transported with their mothers or caregivers to a regional facility to be examined. The children were examined by the same consultant, a pediatric dysmorphologist from the University of New Mexico who is a nationally-recognized expert in identification of FAS in American Indians.

The incidence of FAS calculated from the data was 4.2/1000 live births, which was the highest reported rate for any population thus far studied. It was pointed out at that time that the true incidence was higher than 4.2/1000, as case-finding was difficult in certain parts of the state and several children suspected of having FAS were, for various reasons, unable to attend the scheduled clinics.

In response to this problem, the Alaska Area IHS initiated an Area-wide FAS Prevention Program through a contract with the Alaska Native Health Board. The program was designed to obtain accurate data, provide education, offer intervention therapy, pursue follow up of high-risk mothers and infants, engage in ongoing research, and assist regional Native Health Corporations in developing their own FAS prevention programs.

Identification of new FAS cases has continued with the diagnosis being made by an IHS pediatrician either at ANMC or at a regional pediatric clinic. In instances where the pediatrician feels a second opinion is needed the child is referred to the FAS Diagnostic Clinic, which is held twice a year at ANMC.

Identification of new FAS cases for the initial study period (January 1, 1981, through May 30, 1986) resulted in the revised area-wide rate for this time period of 5.1/1000 for FAS and 1.7/1000 for FAE (Fetal Alcohol Effects).

During June 1, 1986 through December 31, 1988 the Area FAS Prevention Program began a major statewide education effort and began training and assisting the regional Native Health Corporations in the development of FAS prevention programs. Seven corporations have established FAS prevention programs, with the others involved in FAS education activities, as well as regional FAS program development.

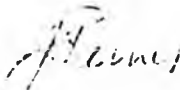
For the period June 1, 1986, through December 31, 1988, the FAS rate is 2.7/1000, and 1.7/1000 for FAE. While the FAE rate has remained the same, the FAS rate has decreased by almost one half (47%) of the prior FAS rate of 5.1/1000. Although this is most encouraging, there is no region whose rate is equal to or below the average national rate for FAS of 1.7/1000. Regional rates vary from 1.2 to 20 times the average national FAS rate.

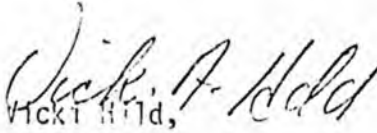
The cumulative (January 1, 1981 through December 31, 1988) FAS rate for Alaska Natives is 4.2/1000 and 1.7/1000 for FAE.

If the trend for FAS incidence holds, it would appear that the programmatic efforts may be having an impact on the FAS rate. Continuation and expansion of these efforts may in time provide strategies that will prevent FAS long before pregnancy. It is felt the FAE rate is deceptive i.e. under diagnosed, for two reasons. First, case-finding efforts have been geared for diagnosing FAS not FAE. Secondly FAE, if the major effect is developmental delay and behavior disorders, is not easily diagnosed at birth, but is noticed later, often after the child enters in school.

The Area FAS Program has also gathered information on other drug usage in our prenatal population. Reported prenatal cocaine usage has dramatically increased as have the number of infants born with cocaine-related medical problems. A cocaine education component is currently being developed, and will be incorporated into the Area FAS Prevention Program.

In response to the FAS problem, as well as other prenatal drug use and abuse, Southcentral Foundation submitted a proposal in March 1988 for the establishment of a residential treatment center for pregnant Native women in Alaska. The proposed intervention and treatment approach would be far more cost effective than the chronic care of a child born with FAS, FAE, or birth defects caused by other prenatal drug usage. There is a great need for chemical dependency treatment services for pregnant women, services which are currently unavailable.


James E. Berner, MD


Vicki Hild,
FAS Coordinator

POSITION PAPER

SENATE BILL NO. 408

For an Act entitled: "An Act requiring health care providers to report cases of fetal alcohol syndrome."

SB 408 would require the reporting by physicians, nurses, or other health care professionals of each case or suspected case of fetal alcohol syndrome (FAS) to the Department of Health and Social Services. The bill also would require the department to make an annual report to the legislature concerning the incidence of fetal alcohol syndrome.

Background: The worldwide incidence of FAS is said to be about 1.9 per 1000 live births. The United States rate is about 1.3 per 1000 live births and, according to estimates made by the Alaska Native Health Service and the Alaska Native Health Board, the rate in Alaska Natives is approximately 4.3 per 1000 live births. Rates for the non-Native Alaska population are not known. Because FAS is not curable and because of its lifelong effects on the physical health and mental development, the disproportionately high incidence of FAS in Alaska is of special concern.

The intent of the legislation is presumably to increase the knowledge of incidence and prevalence by geographic area, age, sex, and race in order to permit improved programming and budgeting of services aimed at prevention of the problem and amelioration of its effects.

In order to provide useable data, a uniform set of diagnostic criteria would have to be agreed upon and health care professionals would have to be made familiar with the criteria and with the new legal requirement for reporting. The Fetal Alcohol Study Group of the Research Society on Alcoholism recommended that the diagnosis of FAS should be made only when a patient has one or more signs in each of the following categories: (1) Prenatal or postnatal growth retardation -- weight, length, or head circumference abnormally small for age; (2) Central nervous system involvement -- signs of neurological abnormality, delayed development, or intellectual impairment; and (3) Characteristic cranial and facial malformations -- at least two of the following signs: (a) abnormally small head; (b) small eyes or short palpebral fissures; (c) poorly developed philtrum, thin upper lip, or flattening of cheekbones. Although diagnostic criteria appear to be straightforward, authorities agree that training is important in diagnosing FAS and some have suggested that many cases are undetected because health care providers have not been trained in recognition of FAS. There is no diagnostic laboratory test available.

A requirement to report suspicious cases would also necessitate a case definition and would be considerably less precise than diagnosis of the full blown syndrome

Position: Thanks to studies already performed by the Alaska Native Health Board and the Alaska Native Health Service, there is reasonably good information available on prevalence of FAS in the Native population.

There is little experience in Alaska with compulsory reporting of non-communicable diseases. It is known that passive reporting systems even for communicable diseases are subject to varying degrees of incompleteness, perhaps particularly when a socially unacceptable lifestyle factor is involved, e.g., sexually transmitted diseases. Under-reporting would probably be a significant problem, even if providers could be trained in FAS recognition.

If the main purpose of the proposed legislation is to define the FAS problem more precisely in Alaska, it might be preferable to explore the possibilities of conducting prevalence studies in selected populations or geographic areas instead of relying on an on-going case reporting system with problematical completeness and precision.

The department supports the intent of SB 408, but believes that other methods of investigation would yield more accurate and usable information.

Recommended by: *Katherine A. Kelley*

Katherine A. Kelley, Dr.P.H.
Director
Division of Public Health

Date: _____

Approved by: *Myra M. Munson*

Myra M. Munson
Commissioner
Department of Health and Social Services

Date: 3/2/90