

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672

6880 HOUSE HEALTH EDUCATION & SOCIAL SERVICES

() USE COMMITTEE REPORT

(7)

Date Referred: April 17, 1991

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 5-10-91

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

CSSB 3(JUD)

CS FOR SENATE BILL NO. 3 (JUDICIARY)

VULNERABLE ADULTS AND ELDER ABUSE

"An Act relating to protection of elderly persons from harm."

RECOMMENDATIONS:

be replaced with _____

CSSB 3 (JUD)

the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

(x4) zero fiscal note(s) DHSS 4/12/91 DOL 3/27/91
AK COURT SYS 3/22/91 DPS 3/27/91

SIGNING <u>DO</u> PASS	DP	<u>OTHER</u> RECOMMENDATIONS	DNP	NR	AM
<i>Chris Davis</i>	✓	<i>[Signature]</i>		✓	
<i>Mary Miller</i>	✓	(LINCOLN)			
<i>Betty Davis</i>	✓				
<i>J. B. Gonzales</i>	✓	(GONZALES)			
<i>[Signature]</i>	✓	(CARNEY)			

[Signature]
CO-CHAIRMAN'S SIGNATURE (LINCOLN)

FISCAL NOTE

No. 4

Bill Version: CSS B.3 (JUD)

(S) Publish Date: _____

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act relating to protection of BRU: Trial Courts
eldering persons from harm Components: _____
 Sponsor: Kerttula
 Requestor: _____ COMPONENT SERIAL NO.

000 000	000 768
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0


POSITIONS:


FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel  Phone: 264-8228
 Division: Alaska Court System Date: 03/22/91

Approved by: Arthur H. Snowden, II, Administrative Director  Date: 03/22/91
 Agency: Alaska Court System

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Revision Date: _____
 Title: An Act relating to protection of elderly persons from harm.
 Sponsor: Senator Kerttula
 Requestor: Senate Judiciary

Department Aff
 BRU: Village Public Safety Officers
 Component: Contracts

COMPONENT SERIAL NO.

	5	1	6
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EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not Included)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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/PROG RCPT						
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

Estimate of current year impact None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Gavle A. Horetski Phone: 465-4322
 Division: Office of the Commissioner Date: 3/27/91
 Approved by Commissioner: Gavle A. Horetski for Richard L. Burton
 Agency: Department of Public Safety Date: 3/27/91

FISCAL NOTE

No. 5

Bill Version: CS SB 3 (Jud)

(S) Publish Date: 4/2/91

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Department of Law
 Title: "An Act relating to protection of elderly persons from harm." BRU: Legal Services
 Component: Operations
 Sponsor: Senator Kerrettula
 Requestor: Senate Judiciary COMPONENT SERIAL NO.

		9	3
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Richard I. Pegues

Prepared By: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: March 27, 1991
 Approved by Commissioner: Charles E. Cole, Attorney General
 Agency: Department of Law Date: March 27, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 3 (Jud)

This bill amends AS 47.24.020(a) and AS 47.24.020(b) to provide that, before an investigation of a report of harm to an elderly person can be terminated, a face-to-face interview with the elderly person who is the subject of the report must be conducted. Although this mandatory personal interview may result in some additional cases of harm against an elderly person, the number of new cases is not expected to be great enough to require any additional legal resources. The bill is intended, rather, to prevent an elderly person from being coerced into requesting the termination of an investigation. Consequently, there will not be a fiscal impact for the Department of Law.

FISCAL NOTE

No. 6

Bill Version: CS SB 3 (JW)

BILL 1 (S) Publish Date: 4/15/91

**STATE OF ALASKA
1991 LEGISLATIVE SESSION**

Revision Date: _____ Dept. Affected Health and Social Services
 Title: An Act relating to protection of BRU: Family Services
elderly persons from harm. Component: All components
 Sponsor: Kerttula
 Requestor: Senate Judiciary COMPONENT SERIAL NO. 0254

Expenditures/Revenues

(Thousands of Dollars)

OPERATING	FY92	FY93	FY94	FY95	FY96	FY97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING:

(Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

Estimate of current year impact: **NONE**

ANALYSIS: (Attach a separate page if necessary)

Implementation of the provisions of this committee substitute for Senate Bill No. 3 will have no fiscal impact on the Division of Family and Youth Services.

Prepared by: Michael L. Price, Director
 Division: Family and Youth Services
 Approved by Commissioner: Tommy Brown for
 Agency: Department of Health and Social Services

Phone: 465-3170
 Date: 4/12/91
 Date: 4/12/91

Distribution (by preparer):
 Legislative Finance OMB
 Legislative Sponsor Impacted Agency(ies)
 Requestor

ADULT PROTECTIVE SERVICES

INCIDENCE

In the fall of last year, the Division of Family and Youth Services in collaboration with the Older Alaskan's Commission sponsored the first Adult Protective Services Conference held in Alaska. More than 100 concerned Alaskans attended.

Dr. Sue Parkins of St. Vincent Medical Center of Toledo, Ohio, spoke on Elder Abuse: A Front Line and National Perspective. She noted that Alaska's reporting of abused and neglected elders and other vulnerable adults is higher than reporting in other states. Yet she also noted that the actual incidence of abuse and neglect to elders is believed to be much higher than the number reported in any state.

Alaska's abused and neglected vulnerable adult profile can be seen in the attached chart of statistics. Due to a transition in statistical record keeping, adult protective services reports of harm statistics after 1989 are not available.

In the conference last fall, Dr. Parkins indicated nationally there are 9.8 incidents reported per 1000 seniors or about 10 per thousand. About one in eight cases of abuse are actually reported, so perhaps 80 cases per 1000 seniors would reflect actual incidence of abuse and neglect. National incidence for abused dependent adults younger than age 65 is not available. Conferees set about exploring actual incidence and an Alaskan response to the problem. Rough projections for Alaska's elder abuse situation follow:

CITY	# SENIORS	PROJECTED ELDER ABUSE/YEAR
Statewide	20,000	1,600
Anchorage	7,300	584
Fairbanks	2,300	184
Mat-Su	1,600	128
Kenai	1,900	152
Juneau	1,200	96
Bethel	700	56
Wrangell/Petersburg	500	40

All other communities in Alaska: probably fewer than 40 cases.

PROTECTIVE SERVICES RESPONSE

As the state agency responsible to carry out protective services, the Division of Family and Youth Services or grantee in the case on Manniilaq or Kawarek generally conducts the following activities:

- (1) the operation of a system to receive reports and referrals of suspected elder abuse, as defined by state law (i.e., abandonment, abuse, neglect, and economic harm); younger vulnerable adults are included under the division's Title XX Plan;

Adult Protective Services

- (2) the investigation of cases of maltreatment by gathering evidence from the victim, family members, appropriate professionals, neighbors and friends, and others determined to be appropriate;
- (3) the substantiation or unsubstantiation of abuse reports based on evidence and agency policy;
- (4) the provision of emergency services to victims or their family members, as needed and as resources permit;
- (5) the administration of assessments, tests, or evaluations, as needed;
- (6) the preparation of legal procedures, as needed;
- (7) the referral of cases to treatment and rehabilitation programs, substitute care programs, long-term care programs, and law enforcement agencies, as appropriate;
- (8) arrangements for the removal of the victim or the perpetrator from the home, when necessary;
- (9) the provision of support, protective, and advocacy services;
- (10) the training of agency staff, related professions, and volunteers;
- (11) the administration of public awareness programs; and
- (12) the collection of statistics for clients and services.

There are currently three workers specializing in Adult Protective Services (two in Anchorage and one in Fairbanks). In all other areas of the state adult protective services are provided by staff who are assigned to provide protective services to both children and adults.

ADULT PROTECTIVE SERVICES CLIENTS AND DFYS SERVICES

<u>Age</u>	<u>FY87</u>	<u>FY88</u>	<u>FY89</u>	<u>FY90*</u>
18-59	609	577	568	362
60 & up	1326	1326	1272	894
 <u>Sex</u>				
Female	1268	1289	1256	810
Male	666	656	625	446
 <u>Race</u>				
AK Native	792	790	672	461
Black	58	59	69	42
Caucasian	1020	1000	976	603
Unknown	65	91	117	148
 <u>Services Turnover</u>				
Clients Exiting				
System in the FY	556	438	445	177
Clients Began in the FY	301	487	446	122
Clients Continued Thru				
to the next FY	554	543	569	871
Clients Interrupted				
During the FY	87	47	51	2
Clients Entered and				
Exited in the FY	437	428	371	84
 <u>Homemaker Services</u>				
Number of Clients	1260	1430	1363	76
 <u>Adult Foster Care</u>				
Number of Clients	27	41	38	28
 <u>Adult Residential Care</u>				
Number of Clients	66	69	70	77

*Homemaker Services were transferred to Public Health in FY90, resulting in a substantial drop in DFYS delivered services to "at risk" elders and vulnerable adults under the APS program.

ALASKA STATE LEGISLATURE
SENATE BILL NO. 3

HISTORY IN THE SENATE

HISTORY IN THE HOUSE

1997
1/21 Read first time and referred to:
HES and Judiciary

2/4 HES RPT() CS 4 DP NR DNP AM
New Title Same Title Previous FN
FN OFN To Jud

3/29 Jud RPT() CS 5 DP NR DNP AM
New Title Same Title Previous FN
1 FN 2 OFN To Rules

RPT() CS DP NR DNP AM
New Title Same Title Previous FN
FN OFN To

4/12 Rules Calendar() CS AM Other
New Title Same Title Previous FN
FN OFN New FN

4/15 Read second time

4/15 CS Adopted Jud New Title
Amended Advanced

4/15 Read third time

Letter of Intent adopted

Return to second for specific amendment

4/15 PASSED EFD Same ___ or
Yeas 17 Yeas
Nays Nays
Excused 2 Excused
Absent 1 Absent

Reconsideration
Reconsideration not taken up

PASSED EFD Same ___ or
Yeas Yeas
Nays Nays
Excused Excused
Absent Absent

4/15 Reported correctly engrossed
Signed by President to House
Nancy Green
Secretary of the Senate

1997
4/17 Read first time and referred to:
HES Jud FIN

RPT CS() New Title
DP DNP NR AM
FN OFN Previous FN

RPT CS() New Title
DP DNP NR AM
FN OFN Previous FN

RPT CS() New Title
DP DNP NR AM
FN OFN Previous FN

Read second time
CS() Adopted

Amended

Advanced

Read third time

Return to second for specific amendment

PASSED EFD Same ___ or
Yeas Yeas
Nays Nays
Excused Excused
Absent Absent

Intent adopted

Reconsideration
Reconsideration not taken up

PASSED ON RECON. EFD Same ___ or
Yeas Yeas
Nays Nays
Excused Excused
Absent Absent

Intent adopted

Reported correctly engrossed, signed by the Speaker
and returned to the Senate

Chief Clerk of the House

CORRECTION

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

ADULT PROTECTIVE SERVICES CLIENTS AND DFYS SERVICES

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*Homemaker Services were transferred to Public Health in FY90, resulting in a substantial drop in DFYS delivered services to "at risk" elders and vulnerable adults under the APS program.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
Division of Family and Youth Services

Adult Protective Services Reports of Harm*

<u>Number of Reports:</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>Avg.</u>	<u>%</u>
65 and over:	137		155	275	226	198	54
60 - 64	21		40	28	39	32	9
18 - 60	87		122	185	143	134	37
<u>Sex of Victim:</u>							
Male	85		118	185	161	137	38
Female	160		199	303	247	227	62
<u>Type of Harm:</u>							
Abandonment	10	11	11	17	7	11	3
Abuse	128	117	65	171	126	121	34
Economic Harm	40	69	133	127	98	93	26
Neglect	67	129	100	173	177	129	37
<u>Relationship of Perpetrator to Victim:</u>							
Wife	18		8	7	8	10	4
Husband	41		30	40	31	36	14
Son	40		24	43	64	43	17
Daughter	16		18	19	41	24	10
Other Male Family Member	32		10	30	34	27	10
Other Female Family Member	25		15	19	25	21	8
Other Male	31		64	46	63	51	20
Other Female	20		38	62	51	43	17
<u>Did the Victim Request That the Investigation be Terminated?</u>							
Yes	61		80	117	163	105	44
No	116		85	160	183	136	56
<u>Type of Report</u>							
Mandatory	88		123	169	151	133	67
Other	63		79	77	48	67	33
<u>Was the Report Confirmed?</u>							
Yes	142	202	152	150	222	174	62
No	31	94	145	124	129	105	38

REPORTS OF HARM*

	<u>65 and older</u> (all ages combined)	<u>60-65</u>	<u>18-59</u>	<u>TOTAL</u>
FY84				72
FY85	137	21	87	245
FY86	98	39	195	332
FY87	155	40	122	317
FY88	275	28	185	488
FY89	226	39	143	408

*Due to a transition in data collection to Prober, Reports of Harm to adults data is not available for FY90.

HISTORY IN THE SENATE

HISTORY IN THE HOUSE

1991
1/21 Read first time and referred to:
HES and Judiciary

2/6 HES RPT() CS 4 DP NR DNP AM
New Title Same Title Previous FN
FN OFN To Jud

3/29 Jud RPT() CS 5 DP NR DNP AM
New Title Same Title Previous FN
1 FN 2 OFN To Rules

RPT() CS DP NR DNP AM
New Title Same Title Previous FN
FN OFN To

4/12 Rules Calendar() CS AM Other
New Title Same Title Previous FN
FN OFN New FN

4/15 Read second time

4/15 CS Adopted Jud New Title
Amended Advanced

4/15 Read third time

Letter of Intent adopted

Return to second for specific amendment

4/15 PASSED EFD Same ___ or
Yeas 17 Yeas
Nays Nays
Excused 2 Excused
Absent 1 Absent

Reconsideration
Reconsideration not taken up

PASSED EFD Same ___ or
Yeas Yeas
Nays Nays
Excused Excused
Absent Absent

4/15 Reported correctly engrossed
Signed by President to House
Nancy Green
Secretary of the Senate

1991
4/17 Read first time and referred to:
HES Jud FIN

RPT CS() New Title
DP DNP NR AM
FN OFN Previous FN

RPT CS() New Title
DP DNP NR AM
FN OFN Previous FN

RPT CS() New Title
DP DNP NR AM
FN OFN Previous FN

Read second time
CS() Adopted

Amended

Advanced

Read third time

Return to second for specific amendment

PASSED EFD Same ___ or
Yeas Yeas
Nays Nays
Excused Excused
Absent Absent

Intent adopted

Reconsideration
Reconsideration not taken up

PASSED ON RECON. EFD Same ___ or
Yeas Yeas
Nays Nays
Excused Excused
Absent Absent

Intent adopted

Reported correctly engrossed, signed by the Speaker
and returned to the Senate

Chief Clerk of the House

S B

2 4



Official Business

Alaska State Legislature

Senate

Committee on Finance

Pouch V
State Capitol
Juneau, Alaska 99811

SPONSOR STATEMENT BY SENATOR KERTTULA

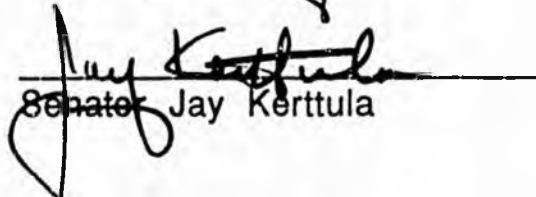
SENATE BILL 24 LONGEVITY BONUS SUPPLEMENTAL APPROPRIATION

Senate Bill 24 would reinstate the Governor's vetoes to the longevity bonus program and the hold harmless for the longevity bonus program. Since there is no statutory authority to reduce the amount sent to each longevity bonus recipient, this appropriation is needed to ensure sufficient funds for June longevity bonus checks.

In FY 91, the legislature appropriated \$ 60,858,000 for the longevity bonus program and \$ 4,714,800 for hold harmless for public assistance for the longevity bonus program. Governor Cowper vetoed \$5,000,000 of the longevity bonus appropriation, and \$392,900 of the hold harmless appropriation. This in effect left the program with funding for eleven months of the fiscal year. Due to additional case loads, the hold harmless program requires a total supplemental of \$792,600. Thus, a total supplemental of \$5,000,000 for longevity bonus payments, and \$792,600 for hold harmless is necessary to cover longevity bonus payments for the month of June, 1991. Funding at this level has been endorsed by the administration, including OMB.

I urge your support for this bill.

Thank you.


Senator Jay Kerttula

- Sponsor Statement -

HOUSE COMMITTEE REPORT

(7)
Date Referred: February 20, 1991

FURTHER REFERRALS:

HES
Finance

Date of Committee Action: 3-11-91

The STATE AFFAIRS Committee considered:

CSSB 24(FIN)

CS FOR SENATE BILL NO. 24 (FINANCE)

APPROP: LONGEVITY BONUS PROGRAM

"An Act making supplemental appropriations to the Department of Administration and the Department of Health and Social Services related to the longevity bonus program; and providing for an effective date."

RECOMMENDATIONS:

be replaced with _____ the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

	Check appropriate column:	Do Not Pass	No Rec	Amend
<i>Gene Kubina</i>				
<i>Tom Meyer</i>				
<i>Ed Bruckner</i>	<i>Dave Choccy</i>		<input checked="" type="checkbox"/>	
	<i>Jay White</i>		<input checked="" type="checkbox"/>	
<i>Mike Miller</i>				
<i>Max Shumaker</i>				

Gene Kubina

Chairman's Signature
STA Recommendation

ALASKA STATE LEGISLATURE
SENATE BILL NO. 24

HISTORY IN THE SENATE

1991
1/21 Read first time and referred to: Finance

2/12 FIN RPT(FIN) CS 6 DP ___ NR ___ DNP ___ AM
 ___ New Title ___ Same Title ___ Previous FN
 ___ FN ___ OFN To Rules

___ RPT(___) CS ___ DP ___ NR ___ DNP ___ AM
 ___ New Title ___ Same Title ___ Previous FN
 ___ FN ___ OFN To ___

___ RPT(___) CS ___ DP ___ NR ___ DNP ___ AM
 ___ New Title ___ Same Title ___ Previous FN
 ___ FN ___ OFN To ___

2/19 Rules Calendar(___) CS ___ AM ___ Other ___
 ___ New Title ___ Same Title ___ Previous FN
 ___ FN ___ OFN

2/19 Read second time
 CS Adopted (Fin) New Title ___
 ___ Amended ___ Advanced

2/19 Read third time

___ Letter of Intent adopted
 ___ Return to second for specific amendment

PASSED	EFD Same <input checked="" type="checkbox"/> or
Yeas <u>15</u>	Yeas
Nays ___	Nays
Excused ___	Excused
Absent <u>5</u>	Absent

Reconsideration
 Reconsideration not taken up

PASSED	EFD Same ___ or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

2/19 Reported correctly engrossed
 Signed by President, to House
Nancy Pruitt
 Secretary of the Senate

HISTORY IN THE HOUSE

1991
2/20 Read first time and referred to: STA HES FIN

3/13 STA RPT CS() ___ New Title
 ___ 5 DP 0 DNP 2 NR 0 AM
 ___ FN ___ OFN ___ Previous FN

___ RPT CS() ___ New Title
 ___ DP ___ DNP ___ NR ___ AM
 ___ FN ___ OFN ___ Previous FN

___ RPT CS() ___ New Title
 ___ DP ___ DNP ___ NR ___ AM
 ___ FN ___ OFN ___ Previous FN

Read second time
 CS() Adopted

Amended

Advanced

Read third time

Return to second for specific amendment

PASSED	EFD Same ___ or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

___ Intent adopted

Reconsideration
 Reconsideration not taken up

PASSED ON RECON.	EFD Same ___ or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

___ Intent adopted

Reported correctly engrossed, signed by the Speaker
 and returned to the Senate

 Chief Clerk of the House

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 13, 1991

FURTHER REFERRALS:

Finance

Date of Committee Action: 4-17-91

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

CSSB 24(FIN)

CS FOR SENATE BILL NO. 24 (FINANCE)

APPROP: LONGEVITY BONUS PROGRAM

"An Act making supplemental appropriations to the Department of Administration and the Department of Health and Social Services related to the longevity bonus program; and providing for an effective date."

RECOMMENDATIONS:

be replaced with _____ the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Cheri Davis</i>	<input checked="" type="checkbox"/>				
<i>Mary Miller</i>	<input checked="" type="checkbox"/>				
		<i>Mark Stanley</i>		<input checked="" type="checkbox"/>	
<i>J. J. Gonzalez</i>	<input checked="" type="checkbox"/>				
<i>Kathy Cox</i>	<input checked="" type="checkbox"/>				
<i>Angela...</i>	<input checked="" type="checkbox"/>				

[Signature]
 CO-CHAIRMAN'S SIGNATURE



Alaska State Legislature

House of Representatives

COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

SUBJECT OF MEETING:

SB24 APPROP: LONGEVITY BONUS PROGRAM

DATE: April 17, 1991

PLACE: Capitol Room 106

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
✓ <i>Kathy L. Hathaway</i>	<i>Sen</i>	<i>Kortula</i>				<input checked="" type="radio"/> Y	<input type="radio"/> N	
<i>Margaret Meene</i>	<i>ARP</i>	<i>805 Gledholt</i>				<input type="radio"/> Y	<input checked="" type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	

S B

4 3



Alaska State Legislature

SENATE

SENATOR VIRGINIA COLLINS

Official Business

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

SPONSOR STATEMENT

Senate Bill 43

Senate Bill 43, "An Act authorizing a registered nurse to determine and pronounce death under certain circumstances."

This bill would clarify statutes and allow registered nurses to pronounce death when death is anticipated and the physician has given written authorization for the nurse to make the pronouncement. If death occurs in a health care facility, a registered nurse would be allowed to pronounce death when the physician has given written authorization and when it is in accordance with the written regulations of that facility.

This would alleviate undue stress and emotional trauma for the family of the individual who died. Currently, nurses have to wait for many hours (often 4-10 hours) until the attending physician or emergency room physician arrives to pronounce death. Until that pronouncement is made, the family is kept in turmoil while life-sustaining care is continued (such as the continuation of IV's, etc.). Not only could there be reduction of mental stress, but costs could be reduced.

Once pronouncement is made, the life-sustaining measures can cease. The physician would still be required to sign the certification of death except in certain circumstances already in statute or regulation. Those exceptions primarily address isolated areas of the bush.

SB 43 is supported by the Alaska Board of Nursing, the Alaska Nurses' Association, the Alaska Medical Association, the Department of Health and Social Services, the Department of Commerce and Economic Development, and the Department of Administration. SB 43 has 3 zero fiscal notes. It passed the Senate by an 18-0 vote.

Approximately 14 states allow a nurse to pronounce death under certain circumstances. Most of these laws have been enacted within the past 10 years as more nurses have become involved with the terminally ill patient.

NOTE: The Senate Hess Committee substitute reflects only technical changes.

I would appreciate your support of Senate Bill 43.

SPONSOR STATEMENT

1991 LEGISLATION
POSITION PAPER
DEPARTMENT OF ADMINISTRATION

Division Pioneers' Benefits Bill Number CSSB43 (HES)

Bill Title An act authorizing a registered nurse to determine and pronounce death under certain circumstances.

Position Statement: Explain briefly what bill does, its impacts and Department's position, i.e. a) support, b) do not support, c) neutral or d) oppose.

This is a bill that appears long overdue within the practice of long-term care nursing, because the physicians have comfortably relied on the skills of the registered nurses to determine and pronounce death. A physician is very seldom present when a resident dies and may not be readily available to complete the required documentation. The nursing staff in the homes expressed support for this bill.

This bill is also supported by the Alaska Medical Association and the Alaska Nurses' Association.

RECEIVED
FEB 08 1991

APPROVED:

Director Barbara Bathony *B. Bathony* Division Pioneers' Benefits
print name

Signature _____ Date _____

Commissioner Millett Keller

Signature *Millett Keller* Date 2/8/91

(For more information, call Barbara Pritchett 465-2200)

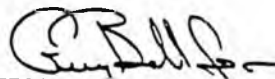
Rev. 1/23/91

CSSB 43 (HESS): An Act authorizing a registered nurse to determine and pronounce death under certain circumstances.

CSSB 43 (HESS) adds a new section to AS 08.68 which will allow registered nurses to pronounce death under certain circumstances. These circumstances include: (1) that an attending physician has documented in the person's medical or clinical record that the person's death is anticipated; (2) that upon documentation by the physician, the physician may authorize a specific registered nurse or nurses to make the death pronouncement; and (3) that nurses employed by health facilities may also pronounce death under established facility procedures.

At the November 1990 meeting of the Board of Nursing, the board endorsed the concept of nurses pronouncing death. The board believes registered nurses to be educationally and clinically prepared to pronounce death under the circumstances described. The board also believes it is in the best interests of the patient's family to have the nurse, who has been working with the family, to make the death pronouncement rather than calling paramedics and/or local law enforcement individuals into the home to pronounce death for the person who chooses to die at home.

The department's previous concern over item (f) which grants the Department of Health and Social Services the authority to adopt regulations to implement this section has been resolved and, therefore, the department supports passage of CSSB 43 (HESS).



Glenn A. Olds, Commissioner

Date: February 1, 1991

GAO/JS/dgl8805D
020191c

Committee Substitute
Senate Bill No. 43

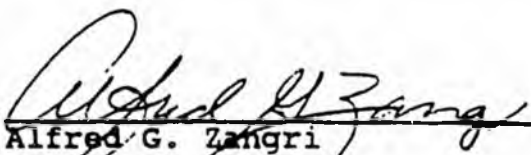
For an Act entitled: "An Act authorizing a registered nurse to determine and pronounce death under certain circumstances."

SB 43 allows Registered Nurses to determine and pronounce death in a specific set of circumstances with written prior approval of finite duration from an attendant physician.

While the Department believes that current statutes and regulations are permissive enough to allow this activity, current practice in many facilities appears to exclude RNs from determining and pronouncing death. This practice, at least in the limited context of SB43, results in unnecessary delays and could result in unnecessary and potentially life-threatening calls to EMTs.


The Department believes that SB 43, as it is currently structured, will have no impact on the Department. Since the bill addresses actual and potential problems, the Department supports its passage.

Recommended:


Alfred G. Zangri
Acting Director
Division of Public Health

Date: 2/1/91

Approved:


Theodore Mala, M.D., M.P.H.
Commissioner
Department of Health
and Social Services

Date: 2/1/91

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 1, 1991

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 3/27/91

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: CSSB 43 (HES)

CS FOR SENATE BILL NO. 43 (HES) NURSES DETERMINATION OF DEATH

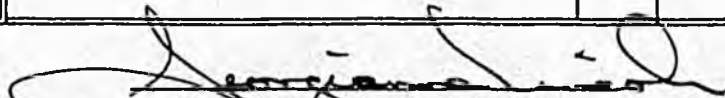
"An Act authorizing a registered nurse to determine and pronounce death under certain circumstances."

- RECOMMENDATIONS: the same title
 be replaced with _____ a new title
 have attached amendments(s)
 do pass
 do not pass
 no recommendations
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

- ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)
 fiscal impact _____ fiscal note(s) _____
 (2) zero fiscal note DOA + DOCED zero fiscal note(s) DHSS 1/30/91

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Cheri Davis</i>	✓				
<i>Mary Miller</i>	✓				
<i>Mark Hanley</i>	✓	(HANLEY)			
<i>Betty Davis</i>	✓	(DAVIS)			
<i>J.C. Gonzales</i>	✓	(GONZALES)			
<i>Robert Carney</i>	✓	(CARNEY)			
<i>Debra Lincoln</i>	✓	(LINCOLN)			


 CO-CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SB43

Revision Date: _____
Title: An Act authorizing a registered nurse to determine and pronounce death under certain circumstances.
Sponsor: Senator Collins
Requestor: Senate Health, Education and Social Services Committee

Department Affected: Administration
BRU: Division of Pioneers' Benefits
Component: Pioneers' Homes

COMPONENT SERIAL NO.

3	5		
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

This bill allows for timely notification of next of kin by registered nurses when a death occurs in a Pioneers' Home.

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

Phone: 465-4400

Date: 2/11/91

Approved by Commissioner: Millett Keller *Millett Keller*
Agency: Administration

Date: 2/11/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SB 43

Revision Date: _____ Department Affected: Commerce & Economic Dev.
 Title: Authorizing a registered nurse to determine and pronounce death . . . BRU: Occupational Licensing
 Component: Administration
 Sponsor: Senator Collins by Request
 Requestor: Senator Collins COMPONENT SERIAL NO.

0	3	5	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

SB 43 will allow a licensed registered nurse to make a determination and pronouncement of death under certain circumstances. No fiscal impact is anticipated.

Prepared By: Jennifer Strickler, Administrative Officer Phone: 465-2144

Division: Occupational Licensing Date: January 25, 1991

Approved by Commissioner: Glenn A. Olds

Agency: Department of Commerce & Economic Development Date: January 25, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).



Alaska State Legislature

House of Representatives

COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

SUBJECT OF MEETING:
HB 43 CHILD SUPPORT ARREARAGES

DATE: March 26, 1991

PLACE: Capitol Room 106

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
✓ Ardith Lynch	CSED	550 W. 7th Ave, Anchorage	99501		263-6277	<input checked="" type="radio"/>	<input type="radio"/>	HB 43
Tom BERGSTROM Jan Hansen	DHSS	Box H Juneau	99811	<input checked="" type="checkbox"/>	3030	<input type="radio"/>	<input type="radio"/>	HB 43 QUESTIONS
✓ Glenda Straube	ACES	PO Box 92910 Anch. AK	99509			<input checked="" type="radio"/>	<input type="radio"/>	HB 43
✓ Laura Glaiser	Children's Commission	Box A Juneau	99811			<input checked="" type="radio"/>	<input type="radio"/>	HB 43
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
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						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	



Alaska State Legislature

House of Representatives

COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

SUBJECT OF MEETING:
SB 43 NURSES DETERMINATION OF DEATH

DATE: March 27, 1991

PLACE: Capitol Room 106

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
						Y	N	
/ Ann Boudreau	OCC. LIC.					Y	N	SB 43
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

THE FOLLOWING PAGES MAY NOT FILM
LEGIBLY BECAUSE OF THE POOR QUALITY OF
THE ORIGINAL

The Alaska Nurses Association State Legislative Committee is making an effort to allow the Registered Nurse in Alaska to pronounce death under certain circumstances.

In the hospital setting, we assert that having either the attending physician or emergency room physician pronounce death can result in a delay in the pronouncement which may in turn result in a period of anxiety for the patients family. The same holds true for the Home health/Hospice setting where EMTS may pronounce. In Alaska's unique rural setting, where State Troopers may pronounce, there could be quite a delay.

This issue was voted on at the ANA Convention in March of 1990 and there were no opposing votes. The State Board of Nursing voted to endorse our efforts.

Research was conducted exploring the issue in other states. Forty states responded to our inquiry. The results were as follows: Nurses may pronounce death in fifteen states. Seventeen states do not allow for it. Six other states do not allow for it; however, attempts are being conducted to change this. Two states' responses were unclear.

We propose that a Registered Nurse in the State of Alaska be permitted to pronounce death under these circumstances: if the death is an anticipated death, a death which is, in the opinion of the attending physician, expected due to illness, infirmity or disease.

Carol Clauson R.N.

ANA District I Board Member

ANA State Legislative Committee

BACK-up

STEVE COWPER, GOVERNOR

**DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT**

DIVISION OF OCCUPATIONAL LICENSING

7TH FLOOR FRONTIER BLDG.
3001 C STREET, SUITE 722
ANCHORAGE, ALASKA 99503
PHONE: (907) 581-2878

November 27, 1990

Carol Clausson
13200 Ridgeview Drive
Anchorage, Alaska 99516

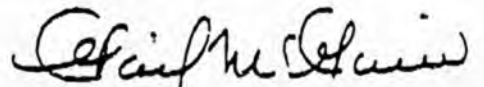
Dear Carol:

Thank you for attending the Board of Nursing Meeting on November 1, 1990, where the Board of Nursing addressed the issue of registered nurses pronouncing death.

The board did pass a motion at that meeting to support the Alaska Nurses Association's proposal for pronouncement of death by registered nurse if the death is anticipated, that is which is in the opinion of the attending physician expected due to illness, infirmity or disease. The board appreciates the information that you shared from the research which you conducted which explored the issue in other states.

Carol, you are to be commended for your efforts to pursue this issue. The Board of Nursing wishes you the best of luck in meeting your goal during the next legislative session. If we can be of any further assistance, do not hesitate to contact us.

Sincerely,

Gail M. McGill, RN
Executive Secretary
Alaska Board of Nursingcc: Randall P. Burns, Director
Division of Occupational LicensingPam Ventgen, Executive Secretary
Alaska State Medical Board

1244n/mh

FEB 13 1991

LASKA STATE MEDICAL ASSOCIATION

• 4107 Laurel Street • Anchorage, Alaska 99508-5334 • (907) 562-2662

February 8, 1991

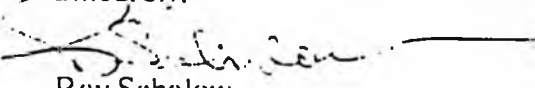
Honorable Virginia Collins
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Senator Collins:

The Alaska State Medical Association in careful study, support your efforts in the passage of Senate Bill No. 43 authorizing a registered nurse to determine and pronounce death under certain circumstances.

If we can assist your efforts, do not hesitate to call.

Sincerely,


Ray Schalow
Executive Director

cc/R. Urion

 * DELIVER TO: LHSCHES *
 * ORIGINAL *
 * SENT: 03/26/91 TIME: 09:55 *
 * FROM: LIODLAI *
 * SUBJECT: 91-03-128,FS;BLOOD ETC.,3-26 *
 * PRINT DATE: 03/26/91 TIME: 11:18 *

SUBJECT LINE TO READ. TC NO., FLNFS,SHORT SUBJECT,DATE

T/C NO: 91-03-128
 DATE: 03-26-91
 SPONSOR: H HESS
 SUBJECT: HCR 16, SCR 17, HB 211, HB 43, HB 163
 MODERATOR: LANI
 SITE: ANCHORAGE

FINAL STATS

 TO TESTIFY

NAME\ REPRESENTING	ADDRESS	PHONE	BILL NO.
1. ANNABELL STEVENS	2906 W 30TH	279-1124	HB 166
2. DALE GOODLOE	BLOOD BANK OF AK.	563-3110	SCR17,HB211

-Interim Pres. AK adds+moms

3. GARY MAXWELL	2225 ARCTIC BLVD.	274-7358	HB 43
4. ROLAND GOWER, MD	2841 DEBARR #41	279-3564	SCR 17,HB211

 TO OBSERVE:

NAME\ REPRESENTING	ADDRESS	PHONE	BILL NO.
1. VICKIE MONINSKI	15720 SOUTHPARK LP.	346-1460	SCR17,HB211
2. TED MONINSKI	BOX 102778	346-1460	
3. GEOFF FEILER	4128 WRIGHT ST,	561-0083	SCR17,HB211
4. LINDA WEBBER, PH D	1227 W 9TH,#200	276-4910	

 TESTIFIED: 3
 UNABLE: 1 (ROLAND GOWER, MD)
 OBSERVED: 4
 TOTAL: 8

STARTING TIME: 7:30 A.M. ENDING TIME: 10:00 A.M.

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*
* DELIVER TO: LHSCHES
*
* ORIGINAL
* SENT: 03/26/91 TIME: 11:29
* FROM: LIOCMAT
* SUBJECT: 3126,FS,MHESS,HB43,3/26/91
* PRINT DATE: 03/26/91 TIME: 11:29
*
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SUBJECT LINE TO READ: TC NO.;PL/FS;SHORT SUBJECT;DATE

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T/C NO: 91-03-128
DATE: 3/26/91
SPONSOR: HOUSE HESS
SUBJECT: HB43, HCR16
MODERATOR: MARY
SITE: MATSU

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FINAL STATS

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*****
TESTIFIED

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NAME/REPRESENTING	ADDRESS	PHONE	BILL NO.
1.			
2.			
3.			
4.			
5.			

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*****
OBSERVED

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NAME/REPRESENTING	ADDRESS	PHONE	BILL NO.
1. STEVE STRUBE, AK FAMILY SUPPORT GROUP	P O BOX 521155, BIG LAKE 99652	892-7760	HB43
2. LESLIE BOGDA, DIRECTOR, VWRC	403 S ALASKA ST., PALMER 99645	746-4080	HB43
3.			
4.			
5.			

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TESTIFIED: 0
UNABLE: 0
OBSERVED: 2
TOTAL: 2

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START TIME: 7:30AM END TIME: 9:30AM

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* DELIVER TO: LHSCHES
*
* ORIGINAL
* SENT: 03/26/91 TIME: 10:24
* FROM: LIOCKOD
* SUBJECT: 91-03-128;FS;HB43;3-26-91
* PRINT DATE: 03/26/91 TIME: 10:24
*
*****

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SUBJECT LINE TO READ: TC NO.;PL/FS;SHORT SUBJECT;DATE

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T/C NO: 91-03-128
DATE: MARCH 26, 1991
SPONSOR: HOUSE H.E.S.S.
SUBJECT: HB 43, AND OTHER BILLS
MODERATOR: LORNA STEELMAN
SITE: KODIAK LIO

```

FINAL STATS

TESTIFIED

NAME/REPRESENTING	ADDRESS	PHONE	BILL NO.
1. JAMES L. FISK, DEPT. OF REVENUE ADVISORY TEAM /CO-C	HAIRMAN		
2. PO BOX 2008 - KODIAK	99615, 486-	7088	HB 43
3.			
4.			
5.			

OBSERVED

NAME/RERESENTING	ADDRESS	PHONE	BILL NO.
1.			
2.			
3.			
4.			
5.			

TESTIFIED: 1

UNABLE:
OBSERVED: 0

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*****
*
* DELIVER TO: LHSCHES
*
* ORIGINAL
* SENT: 03/26/91 TIME: 10:03
* FROM: LTCCBET
* SUBJECT: 91-03-128;FS;(H)HESS;3-26-91
* PRINT DATE: 03/26/91 TIME: 10:03
*
*****

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SUBJECT LINE TO READ: TC NO.;PL/FS;SHORT SUBJECT;DATE

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T/C NO: 91-03-128
DATE: MARCH 26, 1991
SPONSOR: HOUSE HESS COMMITTEE
SUBJECT: HCR16, SCR17, HB211, HB43, HB163, HB164, HB166
MODERATOR: WALLY
SITE: BETHEL

```

FINAL STATS LIST

TESTIFIED

NAME/REPRESENTING	ADDRESS	PHONE	BILL NO.
1. JOAN HAMILTON,	BOX 1275, BETHEL, 99559	543-3454	HB43
2.			
3.			
4.			
5.			

OBSERVED

NAME/RERESENTING	ADDRESS	PHONE	BILL NO.
1.			
2.			
3.			
4.			
5.			

TESTIFIED: 1

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UNABLE: 0
OBSERVED: 0
TOTAL: 1

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START TIME: 7:30 A.M.

END TIME: 9:56 A.M.

THE PRECEDING PAGES MAY NOT FILM
LEGIBLY BECAUSE OF THE POOR QUALITY OF
THE ORIGINAL

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5 1

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811
(907) 465-3867 or 465-2450
FAX (907) 465-2029

Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM

March 29, 1991

SUBJECT: Sectional summary of CSSB 51 (STA) (Creating a PERS public service benefit)

TO: Senator Jim Duncan

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have requested a sectional analysis of the above described bill. As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1 permits members of the Teachers' Retirement System (TRS) to claim their TRS service under the new section created in the Public Employees' Retirement System (PERS) by sec. 2 of the bill.

Sec. 2 creates a public service benefit in PERS. Under subsection (a), an active member (currently employed in PERS) or inactive member of PERS who has never vested in either PERS or TRS may claim credited service in an amount equal to the time the member has previously worked in a position covered by TRS. To be eligible to claim the TRS service, the member must have at least two years of PERS service. If the member received a refund of retirement contributions when leaving the TRS position, the indebtedness must be fully repaid before the credited service may be claimed in PERS.

Subsection (b) sets out how to claim the TRS credited service for the public service benefit and directs the administrator of PERS to transfer an amount equal to the member contribution account from the TRS system to the PERS system. The member is responsible for paying any balance after the TRS and PERS contribution accounts are deducted from the full actuarial costs of benefits.

Subsection (c) sets out when members of PERS are eligible to receive a public service benefit. The member must have a total of five years of service when the

Senator Jim Duncan
March 29, 1991
Page 2

PERS employment and TRS employment are added together. This is consistent with the general PERS vesting requirement.

Subsection (d) provides that once TRS or PERS credited service is claimed for a public service benefit, the member loses all rights in either system based on that credited service other than the right to the public service benefit.

Subsection (e) retains, despite the transfer of rights from TRS to PERS, the rights of third parties that were set out in a qualified domestic relations order (for example, a decree of divorce or dissolution filed with the TRS administrator) but permits the TRS credited service to be transferred.

Subsection (f) permits a member of PERS, whether or not currently employed in PERS, to buy back TRS service for which the member has received a refund of contributions in order to qualify for the public service benefit.

Subsection (g) sets out how to treat the credited service earned by a member who retires with a public service benefit and then returns to work under either PERS or TRS. The additional credited service may not be added to the public service benefit. However, if the member vests in either PERS or TRS as a result of the new employment, the member is entitled to a regular PERS or TRS benefit based on that additional credited service.

If I may be of further assistance, please advise.

TC:pl
91-223.plm



Alaska State Legislature

SENATOR JIM DUNCAN

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

(907) 465-4766

rec'd 3/6/91

COMMITTEES:

VICE CHAIR –
FINANCE

VICE CHAIR –
STATE AFFAIRS
RULES

BUDGET & AUDIT
ETHICS REFORM

MEMORANDUM

DATE: May 3, 1991

TO: Representative Pat Carney, CO-Chair
Representative Georgianna Lincoln, Co-Chair
House Health, Education & Social Services Committee

FROM: Senator Jim Duncan

SUBJECT: CS SB 51(STA)

I am requesting that you schedule CS SB 51(STA) for a hearing at your earliest convenience.

SB 51 was substantially revised in the Senate State Affairs Committee in response to recommendations from the Division of Retirement and Benefits.

Section 1. Allows members of TRS to claim their TRS service in PERS under certain conditions.

Section 2. Creates a Public Service Benefit in PERS. An individual with service in TRS who has never vested in either system would be allowed to claim their TRS credited service in PERS. Such an individual would be required to have at least two years credited service in PERS.

Upon retirement, the member would file a written request for a Public Service Benefit and the Division would determine the full actuarial cost of benefits and transfer both the employees' and employers' contribution from the TRS system to the PERS system. If the full actuarial cost of the benefit amounts to more than the transferred in and consolidated employer and employee contributions, the member would be required to pay the difference prior to retiring with a Public Service Benefit.

Section 2 (d) limits the retirees ability to use the service consolidated into a Public Service Benefit for any other purpose. In other words, if an individual retired with a Public Service Benefit they couldn't go back to work in TRS and use the transferred service to vest in TRS.

I urge your support for this legislation.

Attachments

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Version: CSSB 51 (STA)

(S) Publish Date: 4/5/91

Revision Date: 4/4/91
Title: TRS/PERS Transfer of Service Credit

Department Affected: University of Alaska
BRU: Statewide Program and Services
Component:

Sponsor: Duncan
Requestor:

Component Serial No. A11

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY92	FY93	FY94	FY95	FY96	FY97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

FUNDING: (Thousands of Dollars)	FY92	FY93	FY94	FY95	FY96	FY97
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:	FY92	FY93	FY94	FY95	FY96	FY97
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.) CSSB 51 allows transfer of credited service between the PERS and TRS at the time of retirement. The University feels that at this time, these changes do not result in significant cost increases to its retirement programs.

Prepared by: Marsha Hubbard, Director
Division: Statewide Budget Office

Phone: 474-7593
Date: 3-11-91

Approved by: Brian Rogers, Vice President for Finance
Agency: University of Alaska

Date: 4/4/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

No. 3

Bill Version: CSSB 51 (STA)

(S) Publish Date: 4/5/91

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Revision Date: _____
Title: "An act creating a public service benefit in the public employees retirement system."
Sponsor: Duncan
Requestor: _____

Department Affected: Administration
BRU: Retirement and Benefits
Component: Retirement and Benefits
COMPONENT SERIAL NO. 64

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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

Estimate of current year impact: zero

ANALYSIS: (attach a separate page if necessary.)

The cost of the benefits provided under the public service benefit will be paid entirely by employee contributions.

Prepared By: Gary Bader
Division: Retirement and Benefits

Phone: 465-4460

Date: 3/26/91

Approved by Commissioner: Millett Keller
Agency: Department of Administration

Date: 4/4/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB & Impacted Agency(ies).

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 22, 1991

FURTHER REFERRALS:

State Affairs
Finance

Date of Committee Action: 4/14/91

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

CSSB 51(STA)

CS FOR SENATE BILL NO. 51 (STATE AFFAIRS)

TRANSFER OF CREDITED SERVICE

"An Act creating a public service benefit in the public employees' retirement system."

RECOMMENDATIONS:

be replaced with _____ the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) U.O.A. 4/4/91

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
<i>Betty Davis</i>	<input checked="" type="checkbox"/>	<i>Robert C. Longala</i>		<input checked="" type="checkbox"/>	
<i>Mary Miller</i>	<input checked="" type="checkbox"/>				
		<i>Cheri Davis</i>		<input checked="" type="checkbox"/>	

[Signature]
CHAIRMAN'S SIGNATURE

SB 51

SENATE BILL NO. 51 (AN ACT 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) WAS READ THE SECOND TIME.

THE PRESENCE OF SENATOR KERTTULA WAS NOTED.

SENATOR RODEY MOVED AND ASKED UNANIMOUS CONSENT FOR THE ADOPTION OF THE STATE AFFAIRS COMMITTEE SUBSTITUTE OFFERED ON PAGE 669. WITHOUT OBJECTION, _CS FOR SENATE BILL NO. 51_ (STATE AFFAIRS) (AN ACT CREATING A PUBLIC SERVICE BENEFIT IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM) WAS ADOPTED.

CS FOR SENATE BILL NO. 51 (STATE AFFAIRS) WAS READ THE SECOND TIME.

SENATOR HALFORD MOVED AND ASKED UNANIMOUS CONSENT THAT CS FOR SENATE BILL NO. 51 (STATE AFFAIRS) BE CONSIDERED ENGROSSED, ADVANCED TO THIRD READING AND PLACED ON FINAL PASSAGE. WITHOUT OBJECTION, IT WAS SO ORDERED.

CS FOR SENATE BILL NO. 51 (STATE AFFAIRS) WAS READ THE THIRD TIME.

THE QUESTION BEING: "SHALL CS FOR SENATE BILL NO. 51 (STATE AFFAIRS) (AN ACT CREATING A PUBLIC SERVICE BENEFIT IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM) PASS THE SENATE?" THE ROLL WAS TAKEN WITH THE FOLLOWING RESULT:

CSSB 51 (STATE AFFAIRS)
THIRD READING
FINAL PASSAGE

YEAS: 19 ADAMS, COLLINS, COTTEN, DUNCAN,
ELIASON, FAHRENKAMP, FISCHER, FRANK,
HALFORD, HOFFMAN, JONES, KERTTULA,
MENARD, PEARCE, FOURCHOT, RODEY,
SHULTZ, STURGULEWSKI, ZHAROFF

NAYS: 0

EXCUSED: 1 UEHLING

AND SO, CS FOR SENATE BILL NO. 51 (STATE AFFAIRS) PASSED THE SENATE.

CS FOR SENATE BILL NO. 51 (STATE AFFAIRS) WAS REFERRED TO THE SECRETARY FOR ENGROSSMENT.

CORRECTION

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

S B

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DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811
(907) 465-3867 or 465-2450
FAX (907) 465-2029

Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM

March 29, 1991

SUBJECT: Sectional summary of CSSB 51 (STA) (Creating a PERS public service benefit)

TO: Senator Jim Duncan

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have requested a sectional analysis of the above described bill. As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1 permits members of the Teachers' Retirement System (TRS) to claim their TRS service under the new section created in the Public Employees' Retirement System (PERS) by sec. 2 of the bill.

Sec. 2 creates a public service benefit in PERS. Under subsection (a), an active member (currently employed in PERS) or inactive member of PERS who has never vested in either PERS or TRS may claim credited service in an amount equal to the time the member has previously worked in a position covered by TRS. To be eligible to claim the TRS service, the member must have at least two years of PERS service. If the member received a refund of retirement contributions when leaving the TRS position, the indebtedness must be fully repaid before the credited service may be claimed in PERS.

Subsection (b) sets out how to claim the TRS credited service for the public service benefit and directs the administrator of PERS to transfer an amount equal to the member contribution account from the TRS system to the PERS system. The member is responsible for paying any balance after the TRS and PERS contribution accounts are deducted from the full actuarial costs of benefits.

Subsection (c) sets out when members of PERS are eligible to receive a public service benefit. The member must have a total of five years of service when the

Senator Jim Duncan

March 29, 1991

Page 2

PERS employment and TRS employment are added together. This is consistent with the general PERS vesting requirement.

Subsection (d) provides that once TRS or PERS credited service is claimed for a public service benefit, the member loses all rights in either system based on that credited service other than the right to the public service benefit.

Subsection (e) retains, despite the transfer of rights from TRS to PERS, the rights of third parties that were set out in a qualified domestic relations order (for example, a decree of divorce or dissolution filed with the TRS administrator) but permits the TRS credited service to be transferred.

Subsection (f) permits a member of PERS, whether or not currently employed in PERS, to buy back TRS service for which the member has received a refund of contributions in order to qualify for the public service benefit.

Subsection (g) sets out how to treat the credited service earned by a member who retires with a public service benefit and then returns to work under either PERS or TRS. The additional credited service may not be added to the public service benefit. However, if the member vests in either PERS or TRS as a result of the new employment, the member is entitled to a regular PERS or TRS benefit based on that additional credited service.

If I may be of further assistance, please advise.

TC:pl
91-223.plm



Alaska State Legislature

SENATOR JIM DUNCAN

P.O. Box V JUNEAU, ALASKA 99811-3100
(907) 465-4766

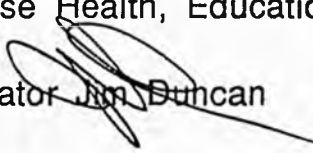
recd 3/6/91

COMMITTEES:
VICE CHAIR –
FINANCE
VICE CHAIR –
STATE AFFAIRS
RULES
BUDGET & AUDIT
ETHICS REFORM

MEMORANDUM

DATE: May 3, 1991

TO: Representative Pat Carney, Co-Chair
Representative Georgianna Lincoln, Co-Chair
House Health, Education & Social Services Committee

FROM: Senator Jim Duncan 

SUBJECT: CS SB 51(STA)

I am requesting that you schedule CS SB 51(STA) for a hearing at your earliest convenience.

SB 51 was substantially revised in the Senate State Affairs Committee in response to recommendations from the Division of Retirement and Benefits.

Section 1. Allows members of TRS to claim their TRS service in PERS under certain conditions.

Section 2. Creates a Public Service Benefit in PERS. An individual with service in TRS who has never vested in either system would be allowed to claim their TRS credited service in PERS. Such an individual would be required to have at least two years credited service in PERS.

Upon retirement, the member would file a written request for a Public Service Benefit and the Division would determine the full actuarial cost of benefits and transfer both the employees' and employers' contribution from the TRS system to the PERS system. If the full actuarial cost of the benefit amounts to more than the transferred in and consolidated employer and employee contributions, the member would be required to pay the difference prior to retiring with a Public Service Benefit.

Section 2 (d) limits the retirees ability to use the service consolidated into a Public Service Benefit for any other purpose. In other words, if an individual retired with a Public Service Benefit they couldn't go back to work in TRS and use the transferred service to vest in TRS.

I urge your support for this legislation.

Attachments

FISCAL NOTE

Version: 4 CSSA 51 (STA)

(S) Publish Date: 4/5/91

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Revision Date: 4/4/91 Department Affected: University of Alaska
Title: TRS/PERS Transfer of Service Credit BRU: Statewide Program and Services
Sponsor: Duncan Component: Component Serial No. All
Requestor:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY92	FY93	FY94	FY95	FY96	FY97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

FUNDING: (Thousands of Dollars)	FY92	FY93	FY94	FY95	FY96	FY97
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:	FY92	FY93	FY94	FY95	FY96	FY97
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.) CSSB 51 allows transfer of credited service between the PERS and TRS at the time of retirement. The University feels that at this time, these changes do not result in significant cost increases to its retirement programs.

Prepared by: Marsha Hubbard, Director
Division: Statewide Budget Office
Approved by: Brian Rogers, Vice President for Finance
Agency: University of Alaska

Phone: 474-7593
Date: 3-11-91
Date: 4/4/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

No. 3

Bill Version: CSSA 51 (STA)

(S) Publish Date: 4/5/91

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Revision Date: _____
Title: "An act creating a public service benefit in the public employees retirement system."
Sponsor: Duncan
Requestor: _____

Department Affected: Administration
BRU: Retirement and Benefits
Component: Retirement and Benefits

COMPONENT SERIAL NO. 64

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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
---------	---	---	---	---	---	---

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

Estimate of current year impact: zero

ANALYSIS: (attach a separate page if necessary.)

The cost of the benefits provided under the public service benefit will be paid entirely by employee contributions.

Prepared By: Gary Bader
Division: Retirement and Benefits

Phone: 465-4460
Date: 3/26/91

Approved by Commissioner: Millett Keller
Agency: Department of Administration

Date: 4/4/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB & Impacted Agency(ies).

SB 51

SENATE BILL NO. 51 (AN ACT 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) WAS READ THE SECOND TIME.

THE PRESENCE OF SENATOR KERTTULA WAS NOTED.

SENATOR RODEY MOVED AND ASKED UNANIMOUS CONSENT FOR THE ADOPTION OF THE STATE AFFAIRS COMMITTEE SUBSTITUTE OFFERED ON PAGE 669. WITHOUT OBJECTION, _CS FOR SENATE BILL NO. 51_ (STATE AFFAIRS) (AN ACT CREATING A PUBLIC SERVICE BENEFIT IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM) WAS ADOPTED.

CS FOR SENATE BILL NO. 51 (STATE AFFAIRS) WAS READ THE SECOND TIME.

SENATOR HALFORD MOVED AND ASKED UNANIMOUS CONSENT THAT CS FOR SENATE BILL NO. 51 (STATE AFFAIRS) BE CONSIDERED ENGROSSED, ADVANCED TO THIRD READING AND PLACED ON FINAL PASSAGE. WITHOUT OBJECTION, IT WAS SO ORDERED.

CS FOR SENATE BILL NO. 51 (STATE AFFAIRS) WAS READ THE THIRD TIME.

THE QUESTION BEING: "SHALL CS FOR SENATE BILL NO. 51 (STATE AFFAIRS) (AN ACT CREATING A PUBLIC SERVICE BENEFIT IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM) PASS THE SENATE?" THE ROLL WAS TAKEN WITH THE FOLLOWING RESULT:

CSSB 51 (STATE AFFAIRS)
THIRD READING
FINAL PASSAGE

YEAS: 19 ADAMS, COLLINS, COTTEN, DUNCAN,
ELIASON, FAHRENKAMP, FISCHER, FRANK,
HALFORD, HOFFMAN, JONES, KERTTULA,
MENARD, PEARCE, POURCHOT, RODEY,
SHULTZ, STURGULEWSKI, ZHAROFF

NAYS: 0

EXCUSED: 1 UEHLING

AND SO, CS FOR SENATE BILL NO. 51 (STATE AFFAIRS) PASSED THE SENATE.

CS FOR SENATE BILL NO. 51 (STATE AFFAIRS) WAS REFERRED TO THE SECRETARY FOR ENGROSSMENT.

SB 51

SENATE BILL NO. 51 (AN ACT 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) WAS READ THE SECOND TIME.

THE PRESENCE OF SENATOR KERTTULA WAS NOTED.

SENATOR RODEY MOVED AND ASKED UNANIMOUS CONSENT FOR THE ADOPTION OF THE STATE AFFAIRS COMMITTEE SUBSTITUTE OFFERED ON PAGE 669. WITHOUT OBJECTION, _CS FOR SENATE BILL NO. 51_ (STATE AFFAIRS) (AN ACT CREATING A PUBLIC SERVICE BENEFIT IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM) WAS ADOPTED.

CS FOR SENATE BILL NO. 51 (STATE AFFAIRS) WAS READ THE SECOND TIME.

SENATOR HALFORD MOVED AND ASKED UNANIMOUS CONSENT THAT CS FOR SENATE BILL NO. 51 (STATE AFFAIRS) BE CONSIDERED ENGROSSED, ADVANCED TO THIRD READING AND PLACED ON FINAL PASSAGE. WITHOUT OBJECTION, IT WAS SO ORDERED.

CS FOR SENATE BILL NO. 51 (STATE AFFAIRS) WAS READ THE THIRD TIME.

THE QUESTION BEING: "SHALL CS FOR SENATE BILL NO. 51 (STATE AFFAIRS) (AN ACT CREATING A PUBLIC SERVICE BENEFIT IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM) PASS THE SENATE?" THE ROLL WAS TAKEN WITH THE FOLLOWING RESULT:

CSSB 51 (STATE AFFAIRS)
THIRD READING
FINAL PASSAGE

YEAS: 19 ADAMS, COLLINS, COTTEN, DUNCAN,
ELIASON, FAHRENKAMP, FISCHER, FRANK,
HALFORD, HOFFMAN, JONES, KERTTULA,
MENARD, PEARCE, POURCHOT, RODEY,
SHULTZ, STURGULEWSKI, ZHAROFF

NAYS: 0

EXCUSED: 1 UEHLING

AND SO, CS FOR SENATE BILL NO. 51 (STATE AFFAIRS) PASSED THE SENATE.

CS FOR SENATE BILL NO. 51 (STATE AFFAIRS) WAS REFERRED TO THE SECRETARY FOR ENGROSSMENT.

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SB 52

An Act relating to the Governor's Council for the Handicapped and Gifted and the definition of 'developmentally disabled'."

1. SB 52
2. Zero Fiscal Note - DHSS
Zero Fiscal Note - DOE
3. Senate HESS Minutes - 3/22/91 and 3/26/91
4. SPONSOR BACK-UP MATERIALS

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 26, 1991

FURTHER REFERRALS:

Finance

Date of Committee Action: 4-11-91

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

SB 52

SENATE BILL NO. 52

COUNCIL ON HANDICAPPED & GIFTED

"An Act relating to the Governor's Council for the Handicapped and Gifted and the definition of 'developmentally disabled'."

RECOMMENDATIONS:

be replaced with _____ the same title

_____ a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Cheri Davis</i>					
<i>Mark Handberg</i>	X				
<i>J. C. Engsted</i>	X				
<i>[Signature]</i>					
<i>[Signature]</i>	X				

[Signature]
CHAIRMAN'S SIGNATURE

FISCAL NOTE

No. 1

Bill Version: SB 52

Publish Date: 2/27/91

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Health & Social Services

Title: Relating to Governor's Council for the SRU: Community Developmental Disabilities Grants

Handicapped & Gifted & definition of _____ Component: None

Developmentally Disabled _____
Sponsor: Duncan

Requestor: Health Education & Social Services COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary.)

Identified individuals would be added to the Developmental Disabilities Wait List. Provision for services would be contingent upon funding request by the Mental Health Board and the Governor.

Prepared By: Mike Renfro *Mike Renfro* Phone: 465-3370

Division: Mental Health & Developmental Disabilities Date: 2/22/91

Approved by Commissioner: *Theodore A. Mala* Commissioner: Theodore A. Mala, MD, MI

Agency: Department of Health and Social Services Date: 2/25/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

STATE OF ALASKA
1991 LEGISLATIVE SESSION

No. 2

Bill Version: SB 52

(S) Publish Date: 3/20/91

Revision Date: _____ Department Affected: _____
 Title: Governor's Council for the BRU: Executive Admin
Handicapped and Gifted, and the definition of Component: Executive Admin

Sponsor: Duncan
 Requestor: Senate HESS COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Mary Hakala Phone: 465-2800
 Division: Commissioner's Office Date: 2/21/91
 Approved by Commissioner: Steve Hole, Acting Commissioner
 Agency: Education Date: 2/21/91

THE LAST ORDER OF BUSINESS TO COME BEFORE THE SENATE HESS COMMITTEE MEMBERS WAS SB 52, RELATING TO THE COUNCIL ON THE HANDICAPPED AND GIFTED AND THE DEFINITIONS OF THE DEVELOPMENTALLY DISABLED. SENATOR STURGULEWSKI NOTED THAT IN THE COMMITTEE MEMBER'S PACKETS THERE IS A SECTIONAL ANALYSIS BY SENATOR DUNCAN, A LETTER FROM DEBORAH TREAGER, THE FEDERAL AND STATE DEFINITION OF 'DEVELOPMENTAL DISABILITY,' AND RELATED STATUTES.

NUMBER 300

SENATOR DUNCAN, SPONSOR OF THE MEASURE, READ A STATEMENT INTO THE RECORD: "THE BILL INCREASES THE NUMBER OF MEMBERS ON THE GOVERNOR'S COUNCIL ON THE HANDICAPPED AND GIFTED FROM TWENTY-THREE TO TWENTY-SIX. THIS CHANGE WAS NECESSITATED BECAUSE THE GOVERNOR'S COUNCIL WAS ALSO DESIGNATED TO SERVE AS THE INTERAGENCY COORDINATING COMMITTEE (I.C.C.) FOR PUBLIC LAW 99-457, THE 1986 EDUCATION AND HANDICAPPED ACT AMENDMENTS THAT AFFECT CHILDREN FROM BIRTH TO THREE YEARS OF AGE. IN OTHER STATES, THE I.C.C. HAS BEEN ESTABLISHED AS A SEPARATE FIFTEEN MEMBER BOARD CHARGED WITH PLANNING SERVICES FOR HANDICAPPED CHILDREN BETWEEN THESE AGES. IN ORDER TO BLEND THE COUNCIL AND THE I.C.C. INTO ONE BODY, A TWENTY-SIX MEMBER BODY IS NECESSARY WITH THE FOLLOWING COMPOSITION:

FIVE REPRESENTATIVES OF SPECIFIC AGENCIES OR CONSUMER GROUPS;

EIGHT AGENCY REPRESENTATIVES, INCLUDING THOSE ADMINISTERING FUNDS;

FOUR REPRESENTATIVES FROM DEPARTMENTS PROVIDING SERVICES TO PEOPLE WITH DISABILITIES; AND

THIRTEEN PRIMARY AND SECONDARY CONSUMERS.

"THEREFORE, BY INCREASING THE MEMBERSHIP OF THE GOVERNOR'S COUNCIL ON THE HANDICAPPED AND GIFTED BY ONLY THREE, WE CAN ACCOMPLISH THE ADDITIONAL PLANNING REQUIRED BY THE FEDERAL LEGISLATION WITHOUT ADDING AN ENTIRELY NEW BOARD.

"SECTION 2 PROVIDES FOR SELECTION OF THE EXECUTIVE DIRECTOR OF THE COUNCIL BY THE COUNCIL PURSUANT TO NEW FEDERAL REGULATIONS. PUBLIC LAW 101-496 STATES THAT 'EACH STATE PLANNING COUNCIL SHALL, CONSIST WITH STATE LAW, HIRE A DIRECTOR OF THE STATE PLANNING COUNCIL WHO SHALL BE SUPERVISED AND EVALUATED BY THE STATE PLANNING COUNCIL AND WHO SHALL HIRE AND SUPERVISE THE STAFF.

"SECTION 3 AMENDS THE STATE DEFINITION OF DEVELOPMENTAL DISABILITY TO COMPLY WITH THE FEDERAL DEFINITION. THIS AMENDMENT WILL ALLOW SEVERELY PHYSICALLY HANDICAPPED INDIVIDUALS TO RECEIVE SERVICES SUCH AS RESPIRE CARE, DAY CARE, HOMEMAKER AND COMMUNITY LIVING SERVICES. CURRENT STATE LAW PROVIDES FOR SUCH SERVICES ONLY FOR MENTALLY HANDICAPPED INDIVIDUALS.

NUMBER 330

SENATOR STURGULEWSKI NOTED THERE WAS A FISCAL NOTE RECEIVED FROM THE DEPARTMENT OF EDUCATION, BUT NOT FROM THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES.

SENATOR COTTEN ASKED WHO PRESENTLY HIRES THE EXECUTIVE DIRECTOR. SENATOR DUNCAN RESPONDED THAT THE EXECUTIVE DIRECTOR IS HIRED BY THE DEPARTMENT, BUT TO BE IN CONFORMANCE WITH PUBLIC LAW, THE EXECUTIVE DIRECTOR WOULD BE HIRED BY THE COUNCIL.

SENATOR HOFFMAN REFERRED TO PUBLIC LAW 101-496, REGARDING THE HIRING OF THE INDIVIDUAL TO BE CONSISTENT WITH FEDERAL LAW, AND PUBLIC LAW 99-457, AND ASKED IF COPIES OF THOSE LAWS WERE AVAILABLE.

SENATOR DUNCAN SAID PUBLIC LAW 99-457 DEALS WITH INCREASING THE SIZE OF THE COUNCIL. PUBLIC LAW 101-496 DEALS WITH HIRING THE EXECUTIVE DIRECTOR. SENATOR STURGULEWSKI NOTED THAT A COPY OF PUBLIC LAW 101-496 WAS IN COMMITTEE MEMBER'S PACKETS.

NUMBER 396

STEVE LESCO, PRESIDENT, ALASKA STATE ASSOCIATION ON DEVELOPMENTAL DISABILITIES, EXPLAINED A SITUATION INVOLVING HIS DAUGHTER WHO HAD A RARE CHILDHOOD BLOOD AND KIDNEY

DISEASE. HE REFERRED TO SB 52 AND SAID ALASKA HAS A STATE DEFINITION OF "DEVELOPMENTAL DISABILITIES." HE SAID IT IS A LABEL THAT WOULD FACILITATE SERVICES FOR ALASKANS. "HOWEVER IT DOES NOT," MR. LESCO CONTINUED. HE SAID TO ACCEPT THE FEDERAL DEFINITION, AS PUT FORTH IN SB 52, IS TO EXPAND SERVICE DELIVERY FOR THOSE WHO HAVEN'T A METHOD OF ACHIEVING ELIGIBILITY FOR SERVICE DELIVERY. HE CONTINUED TO DISCUSS THE STATE AND FEDERAL DEFINITIONS FOR "DEVELOPMENTAL DISABILITIES." MR. LESCO INFORMED COMMITTEE MEMBERS OF THE HARDSHIP IN RECEIVING HELP DUE TO WAIT LISTS AND FUNDS.

NUMBER 515

MIKE RENFRO, PROGRAM ADMINISTRATOR, DIVISION OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, SAID THE DEPARTMENT SUPPORTS THE FEDERAL DEFINITION AND HAS SUBMITTED A ZERO FISCAL NOTE. SENATOR STURGULEWSKI NOTED HER FRUSTRATION IN NOT RECEIVING WRITTEN POSITION PAPERS FROM THE DEPARTMENT. SHE ASKED IF MR. RENFRO COULD ONLY SPEAK TO SECTION 3. MR. RENFRO SAID, "THAT IS CORRECT." SENATOR DUNCAN ASKED WHY MR. RENFRO COULDN'T SPEAK TO SECTIONS 1 AND 2. MR. RENFRO EXPLAINED THERE ISN'T AN APPROVED POSITION PAPER ON THE BILL AS HE DOESN'T HAVE A SIGNED DOCUMENT BY THE COMMISSIONER. SENATOR STURGULEWSKI ASKED WHEN MR. RENFRO ANTICIPATES HAVING A POSITION PAPER WITH THE COMMISSIONER'S SIGNATURE. MR. RENFRO INDICATED THE FOLLOWING WEEK AS THE COMMISSIONER IS NOT IN TOWN.

SENATOR COTTEN NOTED HIS CONCERN WITH ADDING AN ADDITIONAL FOUR PEOPLE TO THE COUNCIL AS THERE ARE ALREADY TWENTY-THREE PEOPLE SERVING. DUANE FRENCH EXPLAINED THAT IN PUBLIC LAW 99-457 THERE ARE SPECIFIC REQUIREMENTS FOR CERTAIN MEMBERS ON THE INTER AGENCY COORDINATING COUNCIL AND THAT IS WHY THE THREE ADDITIONAL MEMBERS HAVE TO BE ADDED.

TAPE 2, SIDE 1
NUMBER 001

SENATOR STURGULEWSKI SAID IT IS HER INTENTION TO REQUEST A SPECIFIC POSITION PAPER FROM THE DEPARTMENT AND BRING THE LEGISLATION BEFORE THE COMMITTEE AS THE FIRST ORDER OF BUSINESS THE FOLLOWING TUESDAY.

KATHLEEN MAULDIN, JUNEAU, WAS NEXT TO TESTIFY. SHE INFORMED COMMITTEE MEMBERS OF HER 6 YEAR OLD DAUGHTER'S HANDICAP WHICH IS A BIRTH DEFECT OF THE SPINAL CORD RESULTING IN PARTIAL PARALYSIS. MS. MAULDIN SAID IN NOVEMBER, SHE APPLIED FOR RESPITE CARE THROUGH THE REACH PROGRAM AND AFTER TWO MONTHS SHE WAS INFORMED THAT HER DAUGHTER WAS NOT ELIGIBLE FOR RESPITE SERVICES. IT WAS EXPLAINED THAT HER DAUGHTER DIDN'T HAVE A MENTAL DISABILITY, THEREFORE, DIDN'T MEET THE STATE REQUIREMENT FOR RECEIVING RESPITE SERVICES. MS. MAULDIN SAID SHE REVIEWED THE FEDERAL STATUTE FOR RESPITE CARE ELIGIBILITY AND FOUND THAT IT WOULD INCLUDE HER

FAMILY. SHE SAID THE SCHOOL SYSTEMS ARE MAKING GREAT STRIDES IN ACCOMMODATING THE DIVERSE POPULATION OF CHILDREN. SHE URGED THAT EVERYBODY BE SUPPORTIVE OF THE STATE CHANGING ITS DIRECTION IN THE AREA OF RELIEF SERVICES. ---

NUMBER 078

SHERRI GOLL, MIDPAC, SAID SHE VERY MUCH SUPPORTS SB 52. MS. GOLL SAID THE DEFINITION IN THE LEGISLATION IS MUCH MORE APPROPRIATE THAN THE NARROW DEFINITION CURRENTLY IN STATUTE.

TIM WEISS, VICE PRESIDENT, ALASKA ALLIANCE FOR DEAF CHILDREN, DISCUSSED A PROBLEM HIS ORGANIZATION ENCOUNTERED WITH A YOUNG DEAF CHILD IN THE BUSH. MR. WEISS SAID HIS THE ALLIANCE IS SUPPORTIVE OF THE BILL.

SHARON LOBAUGH SAID SHE SUPPORTS REDEFINING "DEVELOPMENTAL DISABILITIES." SHE NOTED THAT IT DOESN'T NECESSARILY MEAN THAT ALL THE NEW CATEGORIES ARE WITHIN THE MENTAL HEALTH TRUST PROGRAM.

NUMBER 135

THERE BEING NO FURTHER TESTIMONY ON SB 52, SENATOR STURGULEWSKI CLOSED THE PUBLIC HEARING. SHE ANNOUNCED THE BILL WOULD BE BACK BEFORE THE COMMITTEE THE FOLLOWING TUESDAY.

THE FIRST ORDER OF BUSINESS TO COME BEFORE COMMITTEE MEMBERS WAS SB 52, RELATING TO THE COUNCIL FOR THE HANDICAPPED AND GIFTED. SENATOR STURGULEWSKI SAID AT THE LAST HEARING ON THIS MEASURE, THE ADMINISTRATION WAS ASKED TO PROVIDE THE COMMITTEE MEMBERS WITH A POSITION PAPER. SHE NOTED THERE WAS STRONG TESTIMONY IN SUPPORT OF THE NEED FOR THE LEGISLATION.

SENATOR DUNCAN EXPLAINED THERE ARE ZERO FISCAL NOTES IN THE COMMITTEE MEMBER'S PACKETS FROM THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES. HE ALSO NOTED THERE WAS A POSITION PAPER FROM THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES. SENATOR DUNCAN RECOMMENDED THE COMMITTEE PROCEED WITH SB 52 AS WRITTEN.

SENATOR STURGULEWSKI REFERRED TO THE POSITION PAPER FROM THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES WHICH SAID THE DEPARTMENT SUPPORTS SECTION 1 OF THE BILL WHICH RELATES TO THE NUMBER OF MEMBERS ON THE COMMISSION, AND SECTION 3, WHICH RELATES TO THE DEFINITION OF "DEVELOPMENTAL DISABILITIES." THE DEPARTMENT DOESN'T AGREE WITH SECTION 2,

SENATOR STURGULEWSKI CONTINUED, AND ASKED SENATOR DUNCAN TO REVIEW THE REASON SECTION 2 IS INCLUDED IN THE LEGISLATION. SENATOR DUNCAN SAID HE BELIEVES SECTION 2 IS AN IMPORTANT PART OF THE BILL. STATE STATUTE DOES NOT PRESENTLY PROVIDE THE FOR THE SELECTION OF THE EXECUTIVE DIRECTOR BY THE COUNCIL. THE FEDERAL LAW SAYS WHATEVER THE STATE STATUTE PROVIDES FOR CAN TAKE PLACE. HE SAID IT IS BEING INDICATED IN THE LEGISLATION THAT THE PERSONNEL, INCLUDING THE EXECUTIVE DIRECTOR, SHALL BE SELECTED BY THE COUNCIL. SENATOR DUNCAN SAID HE BELIEVES THAT IT IS AN IMPORTANT ITEM FOR CONSIDERATION BY THE COUNCIL. THERE WAS CONTINUED DISCUSSION REGARDING THE COUNCIL BEING INVOLVED IN THE SELECTION OF THE EXECUTIVE DIRECTOR.

SENATOR STURGULEWSKI ASKED IF ANYONE FROM THE DEPARTMENT IS IN ATTENDANCE. THERE BEING NO ANSWER, SENATOR FISCHER ASKED IF THE DEPARTMENT KNEW THAT THE BILL WOULD BE BEFORE THE COMMITTEE. SENATOR STURGULEWSKI SAID THE DEPARTMENT WAS INFORMED AND SHE NOTED THAT AT THE PREVIOUS HEARING ON THE MEASURE, SHE REQUESTED A POSITION PAPER WHICH WAS RECEIVED. SENATOR FISCHER SAID HE WOULD LIKE TO KNOW HOW THE ADMINISTRATION FEELS ABOUT THE BILL AND NOTED THEY WOULD SUPPORT THE BILL CONTINGENT ON THE REMOVAL OF SECTION 2.

SENATOR DUNCAN SAID HE WOULD LIKE TO SEE THE LEGISLATION PASS AND IT IS HIS INTENT TO WORK WITH THE ADMINISTRATION ON SECTION 2 AS IT MOVES THROUGH COMMITTEES. HE SAID HE WOULD LIKE THE COMMITTEE TO RETAIN SECTION 2.

SENATOR FISCHER ASKED WHO WOULD DETERMINE THE SALARY OF THE EXECUTIVE DIRECTOR. HE NOTED CONCERN WITH SOME DIRECTORS BEING PAID TOO MUCH. SENATOR STURGULEWSKI SAID IT WOULD COME THROUGH THE BUDGET PROCESS AND BE BEFORE THE LEGISLATURE. SENATOR DUNCAN SAID STATUTE DOESN'T DETERMINE WHAT PAY LEVEL THE EXECUTIVE DIRECTOR WILL BE PAID AT.

NUMBER 142

THERE BEING NO FURTHER TESTIMONY, SENATOR HOFFMAN MADE A MOTION THAT THE SENATE HESS COMMITTEE PASS SB 52 FROM COMMITTEE WITH INDIVIDUAL RECOMMENDATIONS. HEARING NO OBJECTION, IT WAS SO ORDERED.

THE FOLLOWING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL FILE

Senator Jim Duncan
Alaska State Senate
Room 119, Capitol Building
Juneau, AK 99811

Dear Senator Duncan:

Even though the session is almost over, I am compelled to write to you to present this issue to you.

I am a widow with two young sons and one daughter, age 13. My daughter, Leslie, is severely physically handicapped--the nature of her problem is "Arthrogryposis multiplex congenital." Leslie is unable to take care of her daily needs such as bathing, dressing, putting on her leg braces, walking without the aid of a wheelchair or walker . . . the list goes on and on. Yet, we are blessed in that Leslie is fully articulate and a bright, young lady. At least I thought we were lucky. I have gone to several sources attempting to gain help in caring for Leslie. I have contacted the Department of Health and Social Services, Division of Mental Health and Developmental Disabilities and was denied aid because Leslie was not "mentally deficient." With this denial, Leslie was deemed ineligible for REACH services, respite, health care people to come ease the strain of Leslie's daily care and basically any services we could so gratefully accept if available.

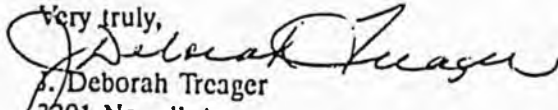
H&SS representative Alison Seymour stated to me that the Federal definition of "developmentally disabled" included those individuals termed "physically handicapped," yet the State at some point deleted that term and in effect cut off any severely handicapped individuals from State assistance to help them and their families in their struggle to live a normal life. I believe I remember when that deletion occurred, because Leslie had been enrolled in St. Jude's Center from age 2 until 5. She had been covered under their respite program until around age 4 and I remember the Director coming to me and telling me Leslie was no longer eligible for respite care. Certainly I needed the time off but sadly enough the State had decided only mentally deficient people should be assisted.

I realize this letter is lengthy, but I have tried for so long to find help to make life easier for my daughter and my family that I really know no way to shorten my plea. I have heard of those with cerebral palsy, Down's Syndrome, or even those with low I.Q.'s receiving phenomenal benefits--even up to one pastor's daughter's family given a van for her daughter. I have been worrying about how to carry Leslie in her electric wheelchair after her operations in late July, because I cannot afford a van. Because of that, Leslie is almost always homebound and cannot go many places and her quality of life is so restricted.

I deeply believe the State could help citizens like my daughter, who only by virtue of not having mental deficiencies has been cut off from care so grievously needed. Perhaps I seem over dramatic, but in my position and seeming trapped from ever providing for her as she needs, becoming drained in the strain of daily living, it feels of paramount importance.

Perhaps a bill could be introduced to make it possible for severely handicapped individuals to have the means of a better way of life? Or are there hidden sources H&SS couldn't locate? Even Alison Seymour was at a loss to offer suggestions. I am writing you and Representative Ulmer to let you know of this problem in Alaska--or is it only a fact of life in Juneau, of which I have a resident since July 1978?

Very truly,


Deborah Treager
3201 Nowell Avenue
Juneau, Alaska 99801

Employee: Department of Corrections

Southeast Region/Telephone: 465-3376

Senator Jim Duncan
State Capitol Building
Juneau, AK 99811


Feb 15, 1991

Dear Senator Duncan,

I support Senate Bill 52, a Bill to change the definition of Developmental Disabilities to conform with the Federal Definition. We have been too long in changing the definition to be more reasonable and fair for all children and families who experience a developmental disability.

Therefore, your Bill is welcomed. As a former Director of the State's Developmental Disabilities Program in The Department of Health and Social Services, I wish to tell you that my job would have been made more efficient had we had a more appropriate definition to work with such as you are proposing. If I can be of help in your efforts, please contact me at 586-2243 or 586-1627.

Sincerely,



Robert P. Gregovich Ph.D.
202 Troy Ave
Juneau, Alaska 99801