

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

7826 HOUSE HEALTH EDUCATION & SOCIAL SERVICES

II. INCIDENCE OF FAS AND FAE

An estimated 29 Alaska babies are born a year with FAS. Experts believe between two and 15 times that many FAE babies are born annually.

A diagnosis of FAS requires signs in three areas:

- (1) Pre and/or post natal growth retardation (weight, length, and/or head circumference below the tenth percentile).
- (2) Central nervous system problems (neurological abnormality, developmental delay, or intellectual impairment).
- (3) Characteristic facial features (including small eyes, crossed eyes, short nose, or abnormalities of the mouth such as cleft palate).

FAS may be difficult to identify, especially among newborns. The identifying facial features may not be easily recognized and mental retardation may not be identified until years after birth.

U.S. researchers speculate that some racial groups, such as certain American Indian tribes, may be at greater risk for FAS than the population as a whole. A 1982-83 study of Indians on 26 reservations in New Mexico, Colorado, Utah and Arizona showed a wide variation in prevalence of FAS among cultural groups. For example, among Navajo Indians, the incidence was 1.4 FAS cases per 1,000 births; among Pueblo Indians it was 2 per 1,000 births and among Plains Indians it was 9.8 per 1,000 births.

Dr. James Berner of the Native Health Service, and Vicki Hild, FAS Coordinator for the Alaska Native Health Board, report statewide incidence of FAS between

1981 and 1988 at 4.2 per 1,000 live births. At an average of 2,700 deliveries annually, this would be about 12 FAS Native births a year.

The estimate comes from an Alaska Area Native Health Service survey of Alaska Native children born between 1981 and 1988. The study shows that the highest recorded FAS rate among any population in the world is in the Copper River area of Alaska: 250 FAS cases per 1,000 births (or one in every four births).

Estimated incidence among Alaska Natives in other areas:

Sitka region:	2.1 FAS cases per 1,000 births
Bethel region:	3.5 FAS cases per 1,000 births
Anchorage:	3.8 FAS cases per 1,000 births
Nome region:	4.0 FAS cases per 1,000 births
Tanana Chiefs:	5.9 FAS cases per 1,000 births

It would be a mistake to ignore FAS among non-Native Alaskans. Data shows, for example, that one non-Native woman in Southcentral Alaska has produced seven children with FAS. No one has studied the incidence of FAS among non-Native Alaskans. Indeed, relatively few studies of the incidence of FAS among the general population have been done in the U.S. The literature commonly estimates overall FAS prevalence at from 1 to 3 cases per 1,000 live births (see Sixth Special Report to the U.S. Congress on Alcohol and Health, January 1987).

Estimates in U.S. cities show:

Cleveland (1973-79)	.4 FAS cases per 1,000
Cleveland (1979-82)	3.0 FAS cases per 1,000
Seattle (1978)	1.3 FAS cases per 1,000
Boston (1977)	3.1 FAS cases per 1,000
Boston (1983)	2.1 FAS cases per 1,000

Estimates from Europe include:

Sweden (1979)	1.6 FAS cases per 1,000 births
	1.4 cases per 1,000 births
France (1977-79)	1.3 cases per 1,000 births
	2.9 cases per 1,000 births.

Abel and Sokol added together all FAS births reported worldwide in text or by personal communication and found a worldwide incidence of 1.9 FAS cases per 1,000 live births. Rates were higher in North America (2.2 cases per 1,000 live births) than in Europe and other countries (1.8 cases per 1,000 live births). They believe site, economic class and culture affect the reported FAS rate. Hild and Berner place national incidence at 1.7 per 1,000 live births. This study will use that conservative estimate. At an average of 10,000 deliveries annually, this would be about 17 non-Native babies born with FAS in Alaska a year. Added to the estimated 12 Native births, this brings the total Alaska FAS births per year to 29 babies. Of these, 26 babies survive their first year. See Table 1.

In the 16 years since U.S. doctors recognized that alcohol harms the fetus, researchers have concentrated on the more serious illness, FAS. However, patients with FAE have an average IQ of 73 and researchers now believe that in addition to lowered IQ, FAE causes hyperactivity, learning disorders, speech and hearing problems, perceptual problems and short attention span, among other problems. In some cases, these signs may not become evident until the child has trouble in school. Educators faced with a "difficult" child may not associate school problems with prenatal exposure to alcohol.

Researchers disagree on the incidence of FAE. Ann Streissguth of the University of Washington Medical School, an associate of the U.S. discoverers of FAS, estimates that FAE occurs twice as often as FAS. The National Institute on

Table 1
Incidence of FAS births in Alaska, 1988

Native births:

Deliveries (a)	2,736
Incidence of FAS births (b)	4.2/1000
Number of FAS births (2736 x .0042 = 11.5)	12

Non-Native births:

Deliveries (a)	10,163
Incidence of FAS births (b)	1.7/1000
Number of FAS births (10163 x .0017 = 17.3)	17

Total FAS births: 29

First-year survivors:

Neonatal mortality rate, Alaska: (c)	5.1%
Neonatal survivors:	28
Postneonatal mortality rate: (c)	5.9%
FAS first-year survivors	26

-
- (a) Alaska Vital Statistics 1985, Department of Health and Social Services, Juneau, 1988.
- (b) J.E. Berner, "Update: Incidence of Fetal Alcohol Syndrome (FAS) In Alaska Natives", February 3, 1989.
- (c) Alaska Vital Statistics 1985, p. 7.

Alcohol Abuse and Alcoholism reports a ten times increase and Sokol estimates much as a 15 times increase. Hild believes the incidence of FAE in Alaska is ten times that of FAS, or higher. In an effort to be conservative, this report will use the lowest estimate (twice FAS). At this rate, 58 Alaska FAE babies are born a year.

Table 2 shows the number of FAE births per year at each estimate.

Table 2
Incidence of FAE, Alaska 1985 (a)

Estimate of times increase over FAS	Number of FAE born/year (FAS = 29/yr)
2	58
10	290
15	435

(a) Three estimates of the frequency of FAE are quoted in the literature:

- * 2 times FAS: Ann P. Streissguth, Ph.d, of the University of Washington Medical School. (Manual on Indian Adolescents and Adults with Fetal Alcohol Syndrome, July, 1986, p. 4)
- * 10 times FAS: National Clearinghouse for Alcohol Information at Rockville Maryland. (Fact Sheet, December 1985). V. Hild, FAS coordinator for the Alaska Native Health Board, estimates the FAE incidence in Alaska exceeds 10 times that of FAS.
- * 15 times FAS: R.J. Sokol. ("Alcohol Abuse During Pregnancy: An Epidemiologic Study", Alcoholism: Clinical and Experimental Research, April 1980, p. 135-145.

B. Medical costs associated with FAS and FAE.

FAS patients commonly require medical care for cleft palate, heart defects, kidney defects, visual and hearing defects, dental problems and skeletal and postural problems. When estimates of the prevalence of these anomalies are available, this report relies on Abel and Sokol, Harwood and Napolitano and Hild for accurate statistics. Unfortunately, the prevalence for the majority of physical problems has not been established and these costs are not included in this report. Table 6 shows costs of selected physical disorders. Hospital costs are explained below.

Alcohol can lower birthweight even in babies who do not have FAS. Ruth Little reports that when a pregnant woman drinks one ounce of alcohol a day, birthweight can fall by 160 grams. Alcohol also lowers birthweight in the majority of FAS births. Low birthweight babies are at risk to need intensive care. Just ten years ago almost all low birthweight babies died at birth. Today, newborn intensive care saves the lives of four out of five. This intense early care is increasingly expensive and cannot correct the lifelong and expensive defects already caused by prenatal exposure to alcohol. In some cases, the desperate effort to save a too-small baby's life adds to the irreversible burden of harm the child will carry with it for the rest of its life.

Abel and Sokol report that 79.8 percent of FAS babies are low birthweight (see Table 3). Of 29 Alaska babies born annually with FAS, 23 babies would be low birthweight. Alaska vital statistics records show that 4.6 percent of babies are born low birthweight despite their prenatal care. Thus, one Alaska baby would be low birthweight despite the best prenatal care, leaving 22 Alaska babies whose low birthweight is due to FAS. Abel and Sokol report that 74.3 percent of FAS low birthweight babies are moderately low birthweight, weighing between 1500 and 2500 grams. At this rate, 16 Alaska FAS babies would be

moderately low birthweight. The rest (six babies) are very low birthweight, weighing less than 1500 grams.

The National Institute of Medicine reports that 32.8 percent of moderately low birthweight babies need intensive care (see Table 4). Of the 16 moderately low birthweight Alaska babies, five would need intensive care. All of the very low birthweight babies (six babies) would need intensive care. The total number of FAS low birthweight babies needing intensive care is 11 per year. This estimate is corroborated by Dr. Jack Jacob, Providence Hospital neonatologist, who reports between ten and 15 FAS infants are treated in the intensive care unit each year.

Providence Hospital records show that in 1987, the average length of stay in intensive care for an FAS baby was 27 days and in 1988, it was 65 days.² Average FAS hospital costs in 1987-88 were \$99,740 per FAS child; average neonatal physician fees for FAS infants were \$11,065. These costs include all hospital costs except transport, other physicians and anesthesiology. Total average cost of intensive care for one FAS baby is \$110,805 per year. For 11 low birthweight babies, it is \$1,218,855 per year.

The Institute of Medicine estimates that 19 percent of all moderately low birthweight babies and 38.3 percent of very low birthweight babies must be rehospitalized during their first year. Streissguth of the University of Washington reports that it is "usual" for FAS babies to be rehospitalized for pneumonia and problems such as hip dysplasia; applying statistics for all low birthweight babies to FAS births may result in conservative estimates.

² To compare, average length of stay for all low birthweight babies in the intensive care unit at Providence was 19.7 days in 1987 and 23.7 days in 1988.

Senator John Binkley
February 17, 1989
Page 11

Using the Institute of Medicine averages for all low birthweight babies, one FAS moderately low birthweight baby would be rehospitalized for 12.5 days and two very low birthweight babies would be rehospitalized for 16.2 days. Hospitalization for children not in intensive care was about \$900 a day at Providence Hospital in Anchorage in 1988. Rehospitalization for one baby for 12.5 days is \$11,250 and for two babies at 16.2 days it is \$29,160. Total cost of rehospitalization for low birthweight FAS babies: \$40,410. This does not include physicians, surgery, special procedures or transportation. See Table 5.

Table 3
Low birthweight of FAS births,
Alaska 1985

Alaska Low Birthweight Births (under 2500 grams) due to FAS.

FAS births which are Low Birthweight:

Total FAS births:	29
% FAS births which are under 2500 grams (a)	79.8%
LBW babies in 29 FAS births: (29 x .798 = 22.9)	23

Low Birthweight births not due to FAS:

% Alaska LBW births under 2500 grams not due to FAS (b)	4.6%
4.6% x 23 = 1 LBW birth not due to FAS	
LBW births due to FAS: (23 x .046 = 1.1)	22

Weight distribution of Alaska FAS Low Birthweight births:

1500-2500 grams (MLBW):	
% FAS births between 1500-2500 grams (a)	74.3%
FAS MLBW babies: (22 x .743 = 16.4)	16

Under 1500 grams (VLBW):	
All other LBW babies are VLBW (under 1500 grams)	6

(a) Abel and Sokol, "Incidence of Fetal Alcohol Syndrome and Economic Impact of FAS-Related Anomalies", Elsevier Scientific Publishers, Ireland, August, 1986, p. 58.

(b) If FAS were eliminated from Alaska, 4.6 percent of all births would still be low birthweight. Although they would still need treatment, the costs of their treatment should not be attributed to FAS. This number is the solution to the following equation: $4.8\% \times 12,900 \text{ births} = 79.8\% \times 24.6 \text{ FAS births} + p \times 12,869 \text{ non-FAS births}$, where 4.8% is low birthweight rate in Alaska; 12,900 is number of Alaska births in 1985; 79.8% is U.S. LBW rate for FAS births; 24.6 is FAS births in Alaska in 1985. Formula devised by J.W. Senner, Oregon State Health Division, "Revised Annual National Cost Estimates" (Portland), p. 2.

Table 4
 Costs of intensive care hospitalization for FAS LBW babies
 Alaska 1985

Moderately LBW (1500-2500 grams) Intensive Care hospitalization:	
% MLBW babies requiring intensive care (a)	32.8%
MLBW FAS babies requiring intensive care (16 x .328 = 5.4)	5
Very LBW (under 1500 grams) Intensive Care hospitalization:	
% VLBW babies requiring intensive care (a)	100%
VLBW FAS babies requiring intensive care	6
Total	11 babies
Hospital cost for 11 babies at \$99,740 (b)	\$1,097,140
Physician cost for 11 babies at \$11,065 (b)	\$ 121,715

(a) The Institute of Medicine reports that 32.8% of LBW infants and 100% of VLBW infants require newborn intensive care. Preventing Low Birthweight, Institute of Medicine, (Washington, D.C.), 1985. This may be an underestimate for FAS babies who show a longer average length of stay in intensive care, an indication that they may be sicker than other low birthweight babies. Providence Hospital reports the following average lengths of stay in the newborn intensive care unit in 1987 and 1988.

	<u>1987</u>	<u>1988</u>
Low Birthweight	19.7 days	23.7 days
FAS Low Birthweight	27 days	65 days

(b) Costs do not include transportation, other physician or anesthesiology fees. Neonatologist Dr. Jack Jacob estimates between 10 and 15 FAS infants a year enter the unit (Lisa Wolf, pers. comm.).

Table 5
Cost of first-year rehospitalization for FAS LBW babies
Alaska 1985

LBW rehospitalization:

FAS MLBW babies in intensive care	5
Neonatal mortality rate (a)	5.1%
FAS MLBW babies who survive intensive care (5 x .051 = .25)	5
Percent LBW babies rehospitalized (b)	19%
Number of LBW babies rehospitalized (5 x .19 = .95)	1
Cost of rehospitalization: 1 x \$11,250 (c)	\$11,250

VLBW rehospitalization:

FAS VLBW babies in intensive care	6
Neonatal mortality rate (a)	5.9%
FAS VLBW babies who survive intensive care (6 x .059 = .35)	6 babies
Percent VLBW babies rehospitalized (b)	38.3%
Number of VLBW babies rehospitalized (6 x .383 = 2.3)	2
Cost of rehospitalization: 2 x \$14,580 (c)	\$29,160
Total cost of first-year rehospitalization:	\$40,410

(a) Alaska 1985 Vital Statistics, Department of Health and Social Services, (Juneau), p. 7.

(b) The National Institute of Medicine reports that 19% of 2500-1500 gram babies are rehospitalized during the first year, as are 32.8% of babies under 1500 grams. Preventing Low Birthweight, National Institute of Medicine, (Washington, D.C.), 1985. This may be an under-estimate for FAS births. Streissguth reports that it is "usual" for FAS babies to be rehospitalized during the first few months of life for pneumonia, failure to thrive, hip dysplasia and other problems. A Manual on Indian Adolescents and Adults with Fetal Alcohol Syndrome, University of Washington Medical School, July 1, 1986.

(c) Providence Hospital charges for pediatric admission, 1988: \$900/day (MLBW average length of stay, 12.5 days; VLBW stay, 16.2 days).

C. Costs associated with mental retardation.

Streissguth in a 1986 study of 61 FAS/FAE diagnosed patients between the ages of 12 and 40 shows that more than half (58 percent) of both FAS and FAE patients were developmentally disabled (IQ's below 70). Hild finds the 58 percent estimate likely in Alaska. This report will rely on that estimate. At this rate, 15 FAS first-year survivors and 34 FAE patients have IQ's below 70. (Note that computing the incidence of FAE at 10 times that of FAS, the percentage used by Alaska experts, there would be 336 developmentally disabled FAE patients born every year.) Social service costs for the average moderately to mildly retarded child are \$25,000 a year (not including education). For adults, these costs are as high as \$45,000 a year (including vocational rehabilitation). About five FAS children currently are part of the Alaska Youth Initiative program for severely troubled youth at an average cost of \$90,000 a year each.

If 58 percent of FAS and FAE patients are developmentally disabled, an estimated 42 percent have minimal brain dysfunction. In this report, costs for this portion of patients are estimated at \$4,000 each, the additional cost of special education for mildly disabled persons (above regular education operating costs). State officials caution that FAS/FAE patients with IQ's between 70 and 100 may actually be more expensive than those with lower IQ's because of added counselling, legal and corrections costs. This is not reflected in this report.

Streissguth's study of 61 FAS/FAE patients from the Southwest U.S., Seattle and Vancouver, B.C. showed the following patient characteristics:

- (1) IQ's ranged from a score of 20 to 105. Average IQ of patients with FAS was 66 and of patients with FAE, 73. No patient with FAS showed

an IQ above 90. Streissguth concludes it is impossible to predict from a diagnosis alone how handicapped an individual patient with FAS/FAE will be as an adolescent or adult.

- (2) 58 percent of both FAS and FAE patients had IQ's below 70, (generally classified as developmentally disabled).
- (3) The average reading, spelling and arithmetic level of these patients (ages 12 to 40) was 4th grade, 3rd grade and 2nd grade, respectively.
- (4) Average level of general adaptive functioning was 7 years 5 months. (Median age of those tested was 16 years 5 months.)
- (5) There was no indication of general improvement in IQ, achievement or adaptive living scores as patients got older.
- (6) None of the patients were able to live independently.

Vicki Hild of the Alaska Native Health Board has tabulated living situations for 118 Alaska Natives with FAS. She found that 20 percent had been adopted and 10 percent had died. The remaining children shuttled back and forth between their biological parents and state custody. It is state policy to keep children with their biological parents if possible; children move in and out of state custody as a parent's condition improves or worsens. Among biological parents of the 118 children in the Hild study, only three mothers appeared "reasonably" stable.

Hild cites as an example of "ping-ponging" custody, the case of one Alaska FAS child who had lived in seven foster homes by the time she was three.³

D. Costs not included in this estimate.

Medical researchers have not yet determined a reliable rate of incidence for the majority of physical defects common to FAS victims and these costs have not been included in this estimate. These physical anomalies include visual problems, kidney and genital tract problems, and dental and skeletal defects (more frequently found in adolescents and adults), including club foot and scoliosis and neurotube defects such as spina bifida. Also not included are on-going lifelong medical costs associated with the ill health of patients with these problems. (Despite their illnesses, however, FAS patients are expected to live a normal life span.) Transportation, anesthesiology and some physician costs for first-year hospitalization and costs of FAE babies with physical damage are also not included.

Many social costs are also not included in this estimate. FAS children and adults are at high risk for physical and sexual abuse. They may exhibit signs of depression; some may be suicidal; a few may become violent. As they grow into adulthood, some may exhibit increasingly inappropriate sexual behavior.

³ Streissguth believes stability is important to the well-being of FAS patients. "We usually find great improvement in emotional development and social functioning when children with both full and partial FAS have stable and supportive living arrangements. Improved behavior which often occurs, even in the absence of changes in IQ, should not be ignored simply because it is more difficult to measure and quantify." "Psychological and Behavioral Effects in Children Prenatally Exposed to Alcohol", Alcohol Health and Research World, Fall 1988, p. 10.

Senator John Binkley
February 17, 1989
Page 18

Many of the costs of welfare, child abuse, sexual abuse, psychiatric care, incarceration, stress on the care-giver and loss of a useful member of society are not included in this report. Hild has stated that "without early intervention, all FAS and most FAE patients will be on welfare." In addition, this report does not consider what may be the enormous, but still unrecognized, costs of learning disabilities suffered by children afflicted with FAE.

TABLE I

LIFETIME COST ESTIMATES OF SPECIFIC BIRTH DEFECTS IN FAS BIRTHS -- ALASKA

Birth Defect	Annual Cost per Patient	Number of Times or Years	Lifetime Cost per Patient	Prevalence	Number Per Yr (% x 26)	Lifetime Cost: All Born 1988
ANNUAL FAS BIRTHS (29 BIRTHS; 26 SURVIVORS)						
1 Neonatal Unit/Providence	99,740	1	99,740		11	1,097,140
2 Neonatal Physician	11,065	1	11,065		11	121,715
3 First Year Rehospitalization	13,470	1	13,470		3	40,410
4 Initial Audio Screening	100	1	100	52%	15	1,500
5 Audio Check-up	100	4	400	100%	26	10,400
6 Otitis Media Surgery	1,224	1	1,224	56%	15	18,360
7 Hearing Aid	1,260	14	17,640	33%	9	158,760
8 Hearing Aid Mold	50	65	3,250	33%	9	29,250
9 Heart Surgery	75,000	1	75,000	5%	1	75,000
10 Cleft Palate Surgery	65,000	1	65,000	12%	3	195,000
11 Infant Learning Program (HSS)	2,513	3	7,539	100%	26	196,014
12 H/C Child: phys defect (HSS)	8,700	18	156,600		7	1,096,200
H/C Child: devel delay (HSS)	8,700	3	26,100	58%	15	391,500
13 Minimal Special Educatn (DOE)	4,000	15	60,000	42%	11	660,000
14 Child Mental Retardation (DOE)	20,000	15	300,000	58%	15	4,500,000
15 DD Child (HSS)	25,000	18	450,000	58%	15	6,750,000
16 Alaska Youth Initiative (HSS)	90,000	12	1,080,000		1/2	540,000
17 DD Adult Initial Training(HSS)	45,000	3	135,000	58%	15	2,025,000
18 DD Adult Supervised Work (HSS)	22,500	44	990,000	58%	15	14,850,000
19 Institution	109,000	65	7,085,000	3%	1	7,085,000
Lifetime Costs for FAS Births: 1988						39,841,249
Lifetime Costs per FAS Birth			1,373,836			
20 ANNUAL FAE BIRTHS AT TWICE FAS RATE (58)						
21 Infant Learning Program (HSS)	2,513	3	7,539	58%	34	256,326
22 DD Child (HSS)	25,000	18	450,000	58%	34	15,300,000
23 Child Mental Retardation (DOE)	20,000	15	300,000	58%	34	10,200,000
24 DD Adult Initial Training(HSS)	45,000	3	135,000	58%	34	4,590,000
25 DD Adult Supervised Work (HSS)	22,500	44	990,000	58%	34	33,660,000
Lifetime Costs for FAE Births: 1988						64,006,326
Total FAS/FAE Births						103,847,575

NOTES TO FAS COST TABLE

Numbers refer to line numbers in the table.

1. Neonatal Unit. Charges per FAS patient in the Providence Hospital Neonatal Intensive Care Unit were \$68,910 in 1987 and \$130,570 in 1988, for an average of \$99,740. Average length of stay of FAS infants in the Neonatal Intensive Care Unit more than doubled between 1987 and 1988. It was 27 days in 1987 and 65 days in 1988 (v. 19.7 and 23.7 days for all low birthweight babies in the unit). Statistics provided by Lisa Wolf of Providence Hospital.
2. Neonatal Physician. Physician costs per FAS child were \$6,130 in 1987 and \$16,000 in 1988, for an average of \$11,065. Estimates by Sharon Lee of Alaska Neonatal-Perinatal Associates.
3. First-year rehospitalization. Cost estimate is based on 1988 Providence Hospital pediatric charges of \$900/day. The number of infants and average length of stay (12.5 days for moderately low birthweight infants and 16.2 days for very low birthweight babies) are from the National Institute of Medicine and are for all low birthweight infants. Applied to FAS births, these may be underestimates. Streissguth reports it is "usual" for FAS babies to be rehospitalized in the first few months of life.
4. Initial Audio Screening. The state audiologist, Communicative Disorders Program, Anchorage, reports all FAS children need a workup. This report estimates that 11 infants receive a workup in intensive care; the 15 remaining surviving infants are counted in this entry.

5. Audio Check-up. FAS children need three to four follow up checks. The \$100 charge is from the Alaska Treatment Center in Anchorage; the check-up estimate is from the state audiologist.
6. Otitis Media Surgery. Estimate is from the Geneva Woods Ear Nose and Throat Associates. Source of 56% prevalence is Harwood and Napolitano. These costs do not include less severe ear problems common to 93 percent of FAS patients (Alaska Treatment Center). Twenty-nine percent of FAS patients have permanent hearing loss.
7. Hearing Aid. A hearing aid for a baby costs \$1,260; it is replaced once every five years for life at this cost. Cost estimate from Alaska Treatment Center.
8. Hearing Aid Mold. A \$50 ear mold must be replaced annually. Estimate from Alaska Treatment Center.
9. Heart Surgery. Up to 70 percent of FAS patients have heart problems (Streissguth reports the portion at 30-40 percent; Hild reports 70 percent). Harwood and Napolitano report 10 percent require heart surgery, but reduce the estimate to 5 percent to reflect cases actually having surgery. Cost estimates from Vicki Hild, Alaska Native Health Board FAS coordinator.
10. Cleft Palate. Costs include an average of four surgeries, dental and orthodontics work. They do not include long term speech therapy at \$96/session twice or three times a week. Estimates from Vicki Hild. The 12% estimate is average of Abel and Sokol (11.5%) and Harwood and Napolitano (12.5%).

11. Infant Learning Program. Mary Diven of the state division of Maternal and Child Health reports these figures are "deceptively low", under estimating the true cost of rural service. Infant Learning Program costs as much as \$6,000/year in some rural areas.
12. Handicapped Children's Program. Cost estimates include averages for children with heart problems, cleft palate and developmental delay. Children with physical problems can be on the program for 21 years; children with developmental delays may be on the program for as few as three years. Cost estimates by Kathy Robinson, Maternal and Child Health, Alaska Department of Education. This report estimates that one child per year has heart problems (a low estimate in view of the 30 to 70 percent with heart problems); three have cleft palates; and three more have other physical problems such as spina bifida, progressive scoliosis, or severe visual and hearing loss.
13. Minimal Special Education. Costs cover only \$4,000/year for additional special education for learning disabled children, above normal operating and capital education costs (Tom Buckner, Department of Education). Christine Hagmeier of the Department of Health and Social Services cautions that patients with IQ's above 70 and below 100 "may well be more expensive than those with lower IQ's" because they can become involved in counselling, corrections and the law. These costs are not reflected in this report. The 42 percent prevalence estimate is from Streissguth.
14. Child Mental Retardation. Cost of special education for severely retarded children is \$20,000 - \$23,000/year, in addition to normal operating and capital education costs. Estimates from Tom Buckner, Department of Education.

15. Developmentally Disabled Child (HSS). Cost estimate by Christine Hagmeier of the Department of Health and Social Services. Costs can include foster care, in-home care, shared care, respite care, in-home training, advocacy and family support. Hagmeier reports that severely disabled children can cost between \$35,000 and \$85,000 with average cost of \$55,000.
16. Alaska Youth Initiative. Cost estimate from John Van Den Berg, Department of Health and Social Services. This is a program for 52 severely troubled youths. The average age is 15.8 years; the average number of failed housing placements is 16. Currently five FAS youths are in the program. This report estimates children remain on the program an average of 12 years (based on Van Den Berg's report that "absolute minimum lifetime costs per child are \$1 million".) It further assumes that one FAS child would enter this program every two years. Streissguth reports that aggressive behavior may be a problem for about 40% of the boys. Those from a less structured and protected environment may be "quick to anger when crossed and quick to strike out impulsively".
17. Developmentally Disabled Adult Initial Training. Costs include \$25,000 residential care (example: foster care and independent living) plus initial vocational rehabilitation costs of \$20,000, for a total of \$45,000. Initial vocational rehabilitation costs average between two and five years. Estimate by Christine Hagmeier.
18. Developmentally Disabled Adult Supervised Work. After initial rehabilitation costs (see #17 above), costs can "fade" to between \$10,000 and \$25,000 for lifetime residential care plus \$5,000 lifetime vocational rehabilitation care (Hagmeier). The average of this \$15,000 to \$30,000 range is \$22,500.

19. Institution. Estimate by Ellen Ganley, Governor's Council for the Handicapped and Gifted.

20. FAE Births. Annual FAE births are calculated in this report at twice that of FAS births. This is a conservative estimate. Hild believes the actual number of FAE births annually is ten times the FAS births (or 290 FAE births and 168 developmentally disabled FAE persons.) In this report, cost estimates for FAE births are limited to mental retardation. They do not include costs associated with mild learning disabilities, physical anomalies, child abuse, sexual abuse or the justice system.

21. See #11.
22. See #15.
23. See # 14.
24. See # 17.
25. See # 18.

SOURCES

- Ernest L. Abel and Robert J. Sokol, "Incidence of Fetal Alcohol Syndrome and Economic Impact of FAS-Related Anomalies", Department of Obstetrics and Gynecology, Wayne State University, Drug and Alcohol Dependence, Vol. 19, 1987, pp. 51-70.
- James Berner, M.D., Letter to George Breneman, M.D., February 10, 1988 and Letter to Chief, Area Community Health Services Branch, Alaska Area Native Health Service, February 3, 1988.
- Henrick J. Harwood and Diane M. Napolitano, "Economic Implications of the Fetal Alcohol Syndrome", Alcohol World Health & Research, National Institute on Alcohol Abuse and Alcoholism, Fall 1985.
- Ruth Little, "Moderate Alcohol Use During Pregnancy and Decreasing Infant Birthweights", American Journal of Public Health, Vol. 67, 1977.
- Ann P. Streissguth, A Manual on Indian Adolescents and Adults with Fetal Alcohol Syndrome, University of Washington Medical School, July 1, 1986.

PERSONS CONSULTED

- James Berner, M.D., Chief, Area Community Health Services Branch, Alaska Area Native Health Service.
- Tom Buckner, Special Education, Alaska Department of Education.
- Mary Diven, Infant Learning Program, Alaska Department of Health and Social Services.
- Ellen Ganley, Governor's Council for the Handicapped and Gifted.
- Robert Gregovich, formerly with Mental Health and Developmental Disabilities, Alaska Department of Health and Social Services.
- Christine Hagmeier, Mental Health and Developmental Disabilities, Alaska Department of Health and Social Services.
- Henrick Harwood, National Institute of Medicine, Rockville, Md. (202-334-3017)

Senator Johne Binkley
February 17, 1989
Page 25

Vicki Hild, FAS Coordinator, Alaska Native Health Board.

Kathy Robinson, Handicapped Children's Program, Alaska Department of Health and Social Services.

Sandra Randalls, R.N., University of Washington Medical School, Seattle (Ann Streissguth was out of town).

John Van Den Berg, Mental Health and Social Services, Alaska Department of Health and Social Services.

Lisa Wolf, Providence Hospital.

HC R

10

HOUSE COMMITTEE REPORT

(9)

Date Referred: March 24, 1993

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 3-25-93

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HCR 10

HOUSE CONCURRENT RESOLUTION NO. 10 FEDERAL-AID HY FUNDING/DRUG ENFORCEMENT

Relating to certification of the Alaska State Legislature's opposition to requiring suspension of a driver's license for drug offenses.

RECOMMENDATIONS: the same title
 be replaced with CS HCR 10 (HESS) 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) DOT 3/24

zero fiscal note _____

zero fiscal note(s) Public Safety 3/24

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Vito Roth</i>	✓				
<i>Al Terry</i>	✓				
<i>Sam L. Steyer</i>	✓				
<i>Col. Blende</i>	✓				
<i>[Signature]</i>	✓				
<i>Harley Olberg</i>	✓				
<i>Betty David</i>	✓				
<i>Wendy Nicholas</i>	✓				
<i>Tom Price</i>	✓				

A B 10

FISCAL NOTE

Revision Date:
Title: Federal-Aid Hy Funding/Drug
Enforcement
Sponsor: Transportation
Requestor:

Department Affected: DOT&PF
BRU:

Component:
Component Serial Number:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
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 FUND SOURCE	0	0	0	0	0	0
---------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS **	-9,615,346	-9,615,346	-19,230,692	-19,230,692	-19,230,692	-19,230,692
1003 GF MATCH	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/PROGRAM RECEIPTS	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL FUNDING:	-9,615,346	-9,615,346	-19,230,692	-19,230,692	-19,230,692	-19,230,692

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 (FY93) impact: \$0

ANALYSIS: (Attach a separate page if necessary)

** Failure to pass legislation will result in the loss of federal ISTEA funds.

Prepared by: Katy McHugh

Phone: 465-3902

Division: Office of the Commissioner

Date: March 12, 1993

Approved by Commissioner: 

Phone: 465-3901

Agency: Department of Transportation and Public Facilities

Date: March 12, 1993

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: HCR 10

Revision Date: _____ Dept. Affected: Public Safety
 Title: "Relating to suspension of driver's license for drug offenses" BRU: Motor Vehicles
 Sponsor: House Transportation Component: Driver Services
 Requestor: House State Affairs COMPONENT SERIAL NO. 500

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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 FUND SOURCE:	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

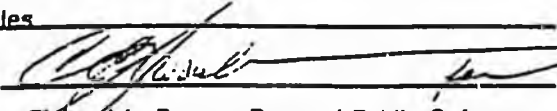
POSITIONS:

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

Estimate of current year (FY 93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact upon the Division of Motor Vehicles is anticipated.

Prepared By: Iuanira Hensley Phone: 465-4361
 Division: Motor Vehicles Date: 3/15/93
 Approved by Commissioner:  Date: 3/15/93
 Agency: Richard I. Burton, Dept. of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

o Fiscal Note - Public Safety



Alaska State Legislature
House of Representatives
COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

DATE: MARCH 25, 1993

PLACE: Capitol Room 106

SUBJECT OF MEETING:
*HB 244: APPROP: SINGLE/DUAL SITE SCHOOLS
HCR 10: FEDERAL-AID HWY FUNDING/DRUG ENFOR
MENT (PENDING REFERRAL)
HB 85: PUBLIC SCHOOL FOUNDATION PROGRAM
(TELECONFERENCE)

NAME <small>PRINT CLEARLY</small>	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Bruce Stanton	KEA-Anch	177 Shop St. S, Ketchikan	99901	225-4436	225-5138	(Y) N	HB 85 ✓
Morris Voruems	Klawock Sch. School Dist	Box 9 Klawock 99925		755-2369	755-2917	(Y) N	HB 85 ✓
Rob ANDERSON	Klawock City School Board	Box 9 Klawock 99925		755-2933	755-2228	(Y) N	HB 244 ✓
Jack Cadigan	CCSEA	3199 Pioneer Ave. Juneau	99801	586-8332	586-2778	(Y) N	HB 85 ✓
Greg Maddy	KEA	643 Sunset Drive Ketchikan	99901	225-2290	225-9815	(Y) N	HB 85 ✓
Andy Jacobson	KEA	1900 1st Ave Ketchikan	99901	225-5819	225-4741	(Y) N	HB 85 / HB 244
Mal Kuegler	Pelican PTA	Box 726 Pelican AK	99837	735-2475	735-2236	Y CA	HB
Jeanie Smith	Leg. Asst	Rep Foster - Capitol			465-4858	(Y) N	HCR 10 <small>IF REFERRED</small>
KEITH GERREN	DOT/AF			465-3200	465-3903	(Y) N	HCR 10
Kath. McCrd	NEA-Alaska	1601 Hidden Lane Anch	99571	272-8018	345-8100	Y (N)	HB 85
Juanita Hensley	DPS/DMV	Box 28020 Juneau	99802		4335	(Y) N	HCR 10 74



Alaska State Legislature
 House of Representatives
 COMMITTEE ON HEALTH, EDUCATION
 AND SOCIAL SERVICES

DATE: MARCH 25, 1993

PLACE: Capitol Room 106

SUBJECT OF MEETING:
 *HB 244: APPROP: SINGLE/DUAL SITE SCHOOLS
 HCR 10: FEDERAL-AID HWY FUNDING/DRUG ENFOR.
 MENT (PENDING REFERRAL)
 HB 85: PUBLIC SCHOOL FOUNDATION PROGRAM
 (TELECONFERENCE)

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
<i>PRINT CLEARLY, PLEASE</i> DUANE GUILLEY	DOE	Tuneau AR			8679	<input checked="" type="radio"/> Y <input type="radio"/> N	#B85 ✓
Kent Durand	AASIS Assn. of AK Sch Bd. Inc				1083	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 244 & 85
						<input type="radio"/> Y <input type="radio"/> N	
Sherron Porter	Ketchikan Ed. Assoc.	8302 S. Tongass Hwy Ketchikan	99901	225-2474	225-5720	<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	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	

LTN1100-R01
03/26/93

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 01
10:10:55

TCN: 30414 DATE & TIME: 03/25/93 15:00 TO 17:00 STATUS:6 ADJOURNED

**** ORDER SUMMARY ****

SPONSOR: HHES HOUSE HEALTH, EDUCATION AND SOCIAL SERVI CHAIRS: TOOHEY
PURPOSE: PUB PUBLIC HEARING BUNDE
CONTACT: LYNNE SMITH TEL#: (907)465-6825
CHAIRING SITE: JUNEAU CAPITOL CAP106

SPONSOR REMARKS(PUB): TESTIMONY:Y ALLOWED 5 MINUTE LIMIT
HB 85 IS SCHEDULED TO BE THE SECOND BILL UP
TCN REQUESTED ON 03/25/93 AND HAS 14 UPDATES

**** AGENDA ****

- 1 HB 85 PUBLIC SCHOOL FOUNDATION PROGRAM
- 2 HB 244 APPROP: SINGLE/DUAL SITE SCHOOLS

**** PARTICIPATING LIOS ****

ANC ANCHORAGE	3111 C STREET	LOCATION STAFF
BAR BARROW	COURTHOUSE #305	LOCATION STAFF
BET BETHEL	301 WILLOW ST.	LOCATION STAFF

6 MS	BETT	JAKUBEK	TSFY HB 85
	BOX 8194	KETCHIKAN	AK 99901 (907)247-8716
7 MS	CONSTANCE	GRIFFITH	OBSV. HB 85
	2509 4TH AVE.	KETCHIKAN	AK 99901 (907)225-5069
8 MS	SUSAN	OSHIDA	OBSV. HB 85
	POX 3326	KETCHIKAN	AK 99901 (907)225-6965

PARTICIPANTS IN HOONAH SIT HOO
 1 DR. JOHN ANTONEN SUPERINTENDENT TSFY. HB 244
 BOX 157 HOONAH AK 99829 (907)945-3611

PARTICIPANTS IN YAKUTAT SIT YAK
 1 MR. LARRY EKLUND SUPERINTENDENT TSFY. HB 244
 BOX 429 YAKUTAT AK 99689 (907)748-3317

PARTICIPANTS IN KEN/SOL SOL
 1 MR. RICHARD SWARNER KPBSD TSFY. HB 85
 148 N. BINKLEY SOLDOTNA AK 99669 (907)262-5846
 2 MS. MARY RUBADEAU KPBSD TSFY. HB 85
 148 N. BINKLEY SOLDOTNA AK 99669 (907)262-5846
 3 MS. MARILYN DIMMICK KPBSD TSFY. HB 85
 148 N. BINKLEY SOLDOTNA AK 99669 (907)262-5846

PARTICIPANTS IN SEWARD SOL SEW
 1 MR. MALCOLM FLEMING SEWARD HS TSFY. HB 85
 BOX 302 SEWARD AK 99664 (907)000-0000
 2 MR. MIKE SMITH SEWARD TSFY. HB 85
 BOX 684 SEWARD AK 99664 (907)224-3862
 3 MS. MAGGY WILCOX SEWARD TSFY. HB 85
 BOX 3353 SEWARD AK 99664 (907)224-3351
 4 MS. LINDA SEWALL TSFY. HB 85

LTN1100-R01 LEGISLATIVE TELECONFERENCE NETWORK PAGE 03
 03/26/93 10:10:55
 TCN: 30414 DATE & TIME: 03/25/93 15:00 TO 17:00 STATUS:6 ADJOURNED

PARTICIPANTS IN SEWARD SOL SEW
 BOX 1184 SEWARD AK 99664 (907)224-3581
 5 MS. KAY SMITH SEWARD TSFY. HB 85
 BOX 684 SEWARD AK 99664 (907)000-0000

PARTICIPANTS IN TOK LIO TOK
 1 MR. RICHARD THOMAS OBSV. HB 85
 P.O. BOX 126 TOK AK 99780 (907)883-5181
 2 MS. MELLIE TERWILLIGER OBSV. HB 85
 P.O. BOX 206 TOK AK 99780 (907)883-5351
 3 MS. CATHERINE WILSON AGSD OBSV. HB 85
 P.O. BOX 226 TOK AK 99780 (907)883-5151

PARTICIPANTS IN VALDEZ VAL
 1 MR. JOHN TONGEN (HB 244) VALDEZ SCHOOL OBSV. HB 85
 P.O. BOX 398 VALDEZ AK 99686 (907)835-2924

DLG DILLINGHAM	KNOX DILLINGHAM BLDG	2501 1ST AVE
FBX FAIRBANKS	119 N CUSHMAN ST	LOCATION STAFF
HOM HOMER LTC	126 W PIONEER #4	LOCATION STAFF
* JNU JUNEAU	CAPITOL	CAP106 LOCATION STAFF
KOD KODIAK	112 MILL BAY RD.	LOCATION STAFF
KTN KETCHIKAN	352 FRONT STREET	LOCATION STAFF
SIT SITKA	210 LAKE STREET	LOCATION STAFF
SOL KEN/SOL	34824 KALIFONSKY	LOCATION STAFF
TOK TOK LIO	MP 1314 AK. HWY	LOCATION STAFF
VAL VALDEZ	STATE BLDG. #13	LOCATION STAFF

**** VOLUNTEER & OFFNET SITES ****

PSG WRG WRANGELL LTC	LONGSHOREMEN'S	NABEL FENNIMORE	(907)874-3013
SIT HOO HOONAH	LOCAL SCHOOL	DARCY NEAL	(907)945-3664
SIT YAK YAKUTAT	CITY HALL	MONA SWANSON	(907)784-3325
SOL SEW SEWARD	COMMUNITY LIB.	VICKY SEIGEL	(907)224-3740
ZZZ OF1 OFFNET 1	TRAPPER CREEK	SUSAN WALLIN	(907)733-2298
ZZZ OF2 OFFNET 2	TANANA	SCHOOL DISTRICT	(907)366-7203
ZZZ OF3 OFFNET 3	GALENA	SCHOOL DISTRICT	(907)656-1205

PARTICIPANTS IN ANCHORAGE ANC

1	DENNIS WETHERELL	MAT-SU TAG	TSFY. HB 85
	PO BOX 876862	WASILLA	AK 99687 (907)745-2007
2	LARRY WIGET		TSFY. HB 85
	4600 DEBARR RD	ANCHORAGE	AK 99519 (907)269-2255
3	JANE STOKES-BARY		OBSV. HB 85
	4600 DEBARR RD	ANCHORAGE	AK 99519 (907)269-2284

PARTICIPANTS IN DILLINGHAM DLG

1 MR.	DON RENFROE	CITY SCHOOLS	OBSV. ALL ITEMS
	BOX 170	DILLINGHAM	AK 99576 (907)842-5223

PARTICIPANTS IN FAIRBANKS FBX

1 MS.	REVA SHIRCEL	TCC	TSFY. HB 244
	122 FIRST AVE.	FAIRBANKS	AK 99701 (907)452-8251

PARTICIPANTS IN HOMER LTC HOM

LTN1100-R01 LEGISLATIVE TELECONFERENCE NETWORK PAGE 02
 03/26/93 10:10:55
 TCN: 30414 DATE & TIME: 03/25/93 15:00 TO 17:00 STATUS:6 ADJOURNED

PARTICIPANTS IN HOMER LTD HOM

1	STEVE GIBSON		TSFY. HB 85
	1622 HIGHLAND DR.	HOMER	AK 99603 (907)235-6487
2	DEB GERMANO		TSFY. HB 85
	BOX 1511	HOMER	AK 99603 (907)235-2583
3	PAULA SETTERQUIST		OBSV. HB 85
	552 GRUBSTAKE	HOMER	AK 99603 (907)235-7922

PARTICIPANTS IN KODIAK KOD

1	TINA WITTEVEEN	LIO TESTING	OBSV. ALL ITEMS
	WE WERE DIALED IN FOR	TEST PURPOSES	AK (907)000-0000

PARTICIPANTS IN KETCHIKAN KTN

1 MS	DIANE GREELY		TSFY. HB 85
	BOX 8684	KETCHIKAN	AK 99901 (907)247-8348
2 MS	CATHERINE PLASENCIA		TSFY. HB 85
	BOX 5294	KETCHIKAN	AK 99901 (907)225-5294
3 MR.	BOB WEINSTEIN		TSFY. HB 85
	BOX 8340	KETCHIKAN	AK 99901 (907)225-9658
4 MR.	BILL THOMAS		TSFY. HB 244
	2610 4TH AVE.	KETCHIKAN	AK 99901 (907)225-1408
5 MS	MARYSIA OCHEJ		TSFY. HB 85
	BOX 8351	KETCHIKAN	AK 99901 (907)225-5949
6 MS	BETT JAKUBEK		TSFY. HB 85

BOB ANDERSON
CHR. OF BOARD
KLAWOCK CITY SCHOOL DISTRICT

HB 244

MR Chairman, Madam Co Chair
members of the Committee,

My name is Bob Anderson. I am
The Chairman of the Board for Klawock
City School District and speak for that
Board today. I thank you for the
opportunity to speak in support to
HB 244. Klawock City Schools is
one of the nine city school districts
affected in this Bill. The 147010th
that was cut from § HB 45 for our
District represents a cut of 10.67%
of Klawock's FY 94 Budget, ~~meaning~~
~~of~~ ~~cut~~ what ~~that~~ that means to
Klawock City Schools may be hard for
some from larger areas to understand
because this amount of money is
relatively small on the overall spectrum
But it is catastrophic for a small school
District. ~~of the funding can't be~~
As board president I have spent
many hours ~~to~~ trying to look where
cuts would be made if ~~the~~ relief
such as this bill or supplemental
appropriations were made. We are
not a district that has excessively high (OVER)

CS FOR HOUSE CONCURRENT RESOLUTION NO. 10()

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): HOUSE TRANSPORTATION COMMITTEE BY REQUEST

A RESOLUTION

*add:

1 Relating to ~~allowing the state the right to determine and impose sanctions on~~

2 ~~motor vehicle drivers.~~ *delete: [certification of the Alaska State
Legislature's opposition to requiring suspension of a drivers
license for drug offenses]

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 WHEREAS the State of Alaska is concerned with drug abuse by its citizens and has
5 enacted numerous laws and initiated programs aimed at reducing both the demand for and
6 supply of illegal drugs; and

7 WHEREAS the State of Alaska currently revokes the driver's licenses of persons
8 convicted of driving a motor vehicle under the influence of drugs; and * See below (2)

9 WHEREAS 23 U.S.C. 159(a) mandates the withholding of certain federal-aid highway
10 funds from states that by October 31, 1993, fail to either

11 (1) enact legislation requiring suspension of an individual's driver's license
12 upon conviction of a violation of the federal Controlled Substances Act or any drug offense;

13 or

14 (2) file a certification from the Governor that the Governor is opposed to the
15 enactment of such a law and that the legislature has adopted a resolution expressing its
16 opposition to such a law; and

*delete:

[whereas the revocation of a drug
offender's driver's license has not been shown to deter drug use, and]

CORRECTION

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

BOB ANDERSON
CHR. OF BOARD
KLAUOCK CITY SCHOOL DISTRICT

HB 244

MR Chairman, Madam Co Chair
Members of the Committee

My name is Bob Anderson. I am
The Chairman of the Board for Klauock
City School District and speak for that
Board today. I thank you for the
opportunity to speak in support to
HB 244. Klauock City Schools is
one of the ~~NINE~~ city school districts
affected in this Bill. The 147010[#]
that was cut from § HB 45 for our
District represents a cut of 10.67%
of Klauock's FY94 Budget. ~~meaning~~
~~of~~ ~~the~~ ~~cut~~ ~~what~~ ~~does~~ that means to
Klauock City Schools may be hard for
some from larger areas to understand
because this amount of money is
relatively small on the overall spectrum.
But it is catastrophic for a small school
District. ~~If this funding cannot be~~
As board president I have spent
many hours ~~to~~ trying to look where
cuts would be made if ~~that~~ relief
such as this bill or supplemental
appropriations were made. We are
not a district that has excessively high (OVER)

PAID Superintendent on a private plane
as some would like you to believe. We
are a district that is dedicated to providing
207 K-12 students the best ~~possible~~
Education possible. As a parent of
6 and ^{an elected official} ~~board president~~ I often
find myself in a dilemma in decision
making and find myself often looking
at and directing our Board to look
at the banner on the wall facing
our board table. It says "IS IT
BEST FOR KIDS" I'm proud of our
District and board as in the seven years
I've enjoyed being part of ~~the~~ the board
we have used that slogan as our driving
force and ultimate decision maker. I
ask you as elected officials to do the
same and pass this Bill through committee
quickly so it may have a chance to
rectify a grave error of the other body

CS FOR HOUSE CONCURRENT RESOLUTION NO. 10()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): HOUSE TRANSPORTATION COMMITTEE BY REQUEST

A RESOLUTION

* add:

1 ~~Relating to allowing the state the right to determine and impose sanctions on~~
2 ~~motor vehicle drivers.~~ * delete: [certification of the Alaska State

Legislature's opposition to requiring suspension of a drivers
license for drug offenses]

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 WHEREAS the State of Alaska is concerned with drug abuse by its citizens and has
5 enacted numerous laws and initiated programs aimed at reducing both the demand for and
6 supply of illegal drugs; and

7 WHEREAS the State of Alaska currently revokes the driver's licenses of persons
8 convicted of driving a motor vehicle under the influence of drugs; and * See below (2)

9 WHEREAS 23 U.S.C. 159(a) mandates the withholding of certain federal-aid highway
10 funds from states that by October 31, 1993, fail to either

11 (1) enact legislation requiring suspension of an individual's driver's license
12 upon conviction of a violation of the federal Controlled Substances Act or any drug offense;
13 or

14 (2) file a certification from the Governor that the Governor is opposed to the
15 enactment of such a law and that the legislature has adopted a resolution expressing its
16 opposition to such a law; and

* delete:

[whereas the revocation of a drug
offenders drivers license has not been shown to deter drug use, and]

1 **WHEREAS** failure of this legislature to take either mandated action will result in the
2 withholding of federal-aid highway funds; and

3 **WHEREAS** actions of the Congress to coerce states into passing ineffective laws are
4 inappropriate; and

5 **WHEREAS** the State of Alaska has and will continue to address illegal drugs in
6 effective and cost beneficial ways;

3 *delete [revoking]

Added

7 **BE IT RESOLVED** that the Alaska State Legislature certifies that it is opposed to the
8 requirement by the federal government that the state enact legislation to revoke or suspend the
9 driver's license of a person convicted of a drug offense if the offense does not involve the
10 operation of a motor vehicle, aircraft, or watercraft; and be it

11 **FURTHER RESOLVED** that the Alaska State Legislature will continue its efforts in
12 drug abuse education and enforcement programs and will commit its limited resources to
13 programs that, based on experience in Alaska, have a reasonable chance of reducing drug
14 abuse; and be it

15 **FURTHER RESOLVED** that the Governor is respectfully requested to certify the
16 Governor's opposition to adoption of legislation requiring revocation of the driver's license
17 of a person convicted of a drug offense.



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Official Business

State Capitol
Juneau, AK 99801-1182

MEMORANDUM

MARCH 23, 1993

TO: MEMBERS, HOUSE HESS COMMITTEE

FROM: REPRESENTATIVE RICHARD FOSTER, CHAIR
HOUSE TRANSPORTATION COMMITTEE

SUBJECT: HCR 10 - RELATING TO CERTIFICATION OF THE ALASKA STATE LEGISLATURE'S OPPOSITION TO REQUIRING SUSPENSION OF A DRIVER'S LICENSE FOR DRUG OFFENSES.

PL 101-516 Department of Transportation and Related Agencies Appropriations Act, Sec. 333 requires withholding of certain Federal-Aid highways funds from states that do not enact legislation requiring revocation of driver's licenses for drug offenses. AS YOU CAN SEE BY THE ATTACHED FISCAL NOTE FROM THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, failure to act on a bill or a resolution by APRIL 1, 1993 (BY FEDERAL REGULATION TO ALLOW TIME FOR CERTIFICATION) will result in the withholding of federal-aid funds in the amount of \$9,615,346 for FFY 94. The penalty remains the same for FFY 95 and increases to \$19,230,692 for each FFY thereafter. These funds are Intermodal Surface Transportation Efficiency Act (ISTEA) funds contained in our capitol budget.

Many states have opted for the resolution compliance method contained in HCR 10 in meeting these federal requirements; these states have indicated a strong resentment toward the bill option compliance method. Once a state has passed the resolution and the resolution has been approved, the Governor is required to send a letter stating this has occurred. The Hickel Administration will support the resolution compliance method.

I would like to encourage support and passage of this resolution to ensure there is will be no withholding of these funds this year AND these ISTFA funds in the future. The resolution compliance method contained in HCR 10 would allow us to CONTINUE addressing our drug and alcohol problems at a STATE LEVEL and eliminate FEDERAL COMPLIANCE/CONTROL.

The 18th Alaska State Legislature has several comprehensive pieces of legislation relating to drugs and alcohol being considered which address our State's problems at this time in more effective and cost beneficial ways than the 6-month revocation of a driver's license proposed by the bill compliance method.

Sponsor Statement - House Trans.

MEMORANDUM -

3/23/93 PAGE 2

TO: HOUSE HESS COMMITTEE MEMBERS
FROM: REP. FOSTER

I HAVE BRIEFLY OUTLINED THE COMPLIANCE METHODS BELOW:

BILL COMPLIANCE:

States must have enacted, and be enforcing a law that provides for a 6-month revocation or suspension of a driver's license upon any conviction of the Controlled Substances Act, or any drug offense. This law requires driver licensing actions against violators of drug offenses not limited to moving violations, not necessarily involving a motor vehicle at all. The State must prove that it is in compliance each year.

RESOLUTION COMPLIANCE: (ACCOMPLISHED THROUGH HCR 10)

The legislature adopts a resolution (HCR 10) expressing its opposition to such a law required in the bill compliance method, outlined above. The State will submit, to the Secretary of Transportation, a certification stating that the Governor is opposed to the enactment or enforcement of such a law. As indicated previously in this memo, the Hickel Administration will support this approach.



*Department of Transportation
and Public Facilities*

POSITION PAPER

BILL NO: HCR 10

APPROVED: 

TITLE: Federal-Aid Hy Funding/Drug
Enforcement

DATE: March 12, 1993

This bill fulfills an urgent federal mandate, that, if ignored, will result in the loss of millions of dollars in federal highway funding. It is based on Public Law 101-516, Nov. 5, 1990, which directs each state to enact a law which requires the revocation of driving privileges of those persons convicted of any type of drug offense, or alternatively, the state must indicate formal opposition to such a law in a manner defined below.

In responding to this federal mandate (some would say blackmail) the state has three options. First, on or before April 1, 1993, the state may enact legislation requiring the revocation of a person's driving privileges upon conviction for a drug offense. Enactment must be accompanied by enforcement, provided there have been circumstances calling for the law's penalties to be imposed. That is the intent of this bill.

Alternatively, on or before April 1, 1993, if the Governor and both houses of the Legislature indicate by certification and resolutions respectively, that they are opposed to the enactment or enforcement of such a law, then the fiscal sanctions will not be imposed on the state. Several other states have selected this option, in most instances as a symbolic act against federal intrusion into states' sovereignty.

Finally, in the absence of the state taking positive, timely action to either enact and enforce the mandatory license revocation law, or indicating formal opposition, a 5% withholding of highway federal-aid funds will begin in Federal Fiscal Year 1994. The penalty would remain the same in FFY '95. Further, funds withheld in these two years would be returned to the state if prior to September 30, 1995 the state achieves compliance with the federal act.

In subsequent federal fiscal years, the penalty rises to 10% and there is no further restoration provision for withheld funding. The approximate magnitude of these penalties is significant, and would be on the order of \$9.6 million in FFYs '95 & '96, and \$19.2 million thereafter. I would therefore urge favorable action on either approach to comply with Public Law 101-516.

For Further Information contact Katy McHugh at 465-3900.

Position Paper. DOT

BILL NO: HCR 10

DATE: March 15, 1993

TITLE: "Relating to certification of the Alaska State Legislature's opposition to requiring suspension of a driver's license for drug offenses"

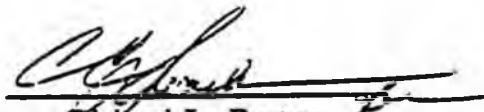
CONTACT: C.E. Swackhammer
Deputy Commissioner
465-4322

HCR 10 fulfills an urgent federal mandate that, if ignored, will result in the loss of millions of dollars in Federal Highway funding.

This bill ensures that the Department of Transportation and Public Facilities avoids federal penalty of the loss of highway funds in Federal Fiscal Years 1994 and 1995 of five percent, and ten percent in Federal Fiscal Years 1996 and beyond.

Federal law requires submission of laws requiring license revocation of drug offenders or a resolution stating they are opposed to the program by April 1, 1993, to avoid imposition of the penalty on October 1, 1993. Many of the states submitting laws are not meeting the requirements specified in the final Federal Rule published in August 1992.

The Department of Public Safety recommends the passage of any legislation which will ensure that the Department of Transportation funds are not penalized.


Richard L. Burton
Commissioner

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

P.O. BOX 111200
JUNEAU, ALASKA 99811-1200
PHONE: (907) 465-4322

February 10, 1993

The Honorable Richard Foster
Chair, House Transportation
Alaska State House
State Capitol
Juneau, Alaska 99801-1182

Dear Representative Foster:

This letter is to advise you of a Federal public law designed to "encourage" the State of Alaska to pass certain public legislation.

Public Law 101-516, dated November 5, 1990 (enclosed), represents an attempt by the Federal Government to have all states revoke the driving privileges of those persons convicted of any type of drug offense. Presumably, the Federal Government hopes this will act as a further deterrent to those who sell and use illegal drugs.

States are given two options. First, the state may enact legislation requiring the revocation of a person's driving privileges upon conviction for a drug offense. Second, the Governor may certify that he is opposed to the enactment or enforcement of such a law. For this to be effective, the legislature must also adopt a resolution to the same effect.

Certification must be submitted on or before **April 1, 1993** to avoid the withholding of funds in FFY 94. Five percent of Federal highway funds will be withheld in FFY 94 - FFY 95 and ten percent in FFY 96.

Last session, the Department of Law drafted a Governor's bill (HB 422) that would bring the State into compliance. It was amended by the House Judiciary Committee, but failed to pass out of House Finance before the end of the session.

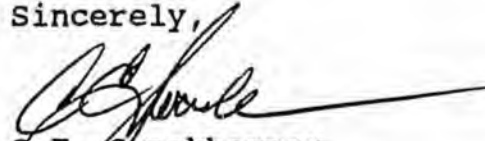
Governors of several states have already certified their opposition to enacting such a law and the necessary resolutions are pending before or have been passed by their legislatures. This opposition is premised on their conviction that the Federal government is improperly intruding upon states' sovereignty, which they believe includes the right to choose how to promote public safety.

The Honorable Richard Foster
February 10, 1993
Page 2

The Department of Public Safety respectfully requests that the House Transportation Committee consider introducing a resolution this session which will satisfy the Federal Government's directions.

A resolution adopted by the New Mexico Legislature is enclosed for your consideration. The resolution certifies, among other points, that the State of New Mexico currently revokes the driver's licenses of persons convicted of driving a motor vehicle under the influence of drugs; that it is opposed to revoking the driver's license of any person convicted of a drug offense if that person is not operating a motor vehicle; and that the New Mexico legislature will continue its efforts in drug abuse education and enforcement programs. This model resolution, if adopted, would bring the State of Alaska into compliance with Public Law 101-516.

Sincerely,



C.E. Swackhammer
Deputy Commissioner

Enclosures

cc: Keith Gerken, DOT/PF

SEC. 330. (a) **AUXILIARY FLIGHT SERVICE STATION PROGRAM.**—The Administrator of the Federal Aviation Administration shall develop and implement a system of manned auxiliary flight service stations. The auxiliary flight service stations shall supplement the services of the planned consolidation to 61 automated flight service stations under the flight service station modernization program. Auxiliary flight service stations shall be located in areas of unique weather or operational conditions which are critical to the safety of flight. Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall report to Congress with the plan and schedule for implementation of this section.

(b) **NATIONAL WEATHER GRAPHICS SYSTEM.**—None of the funds made available in this Act may be used by the Federal Aviation Administration for a new National Weather Graphics System.

SEC. 331. **NATIONAL 55 MPH SPEED LIMIT ENFORCEMENT PENALTIES.**—Notwithstanding sections 141(a) and 154 of title 23, United States Code, none of the funds in this or any previous or subsequent Act shall be used for the purpose of reducing or reserving any portion of a State's apportionment of Federal-aid highway funds as required by section 154(f) of title 23, United States Code, for reason of noncompliance with the criteria of that subsection during fiscal year 1989. The Secretary shall promptly restore any apportionments which, prior to enactment of this Act, were reduced or reserved from obligation for reason of noncompliance under section 154(f) during said fiscal year.

SEC. 332. Unless specifically provided in this Act, none of the funds in this Act shall be available to initiate multiyear contracts for a program which meets the criteria of a Level I or Level II major system acquisition as defined by Department of Transportation Order 4200.14 if the total value of procurement end items in the contract, including options, exceeds \$100,000,000: *Provided*, That for the purposes of this section, a multiyear contract is defined as one which provides for more than one year's requirements of systems, subsystems, or components within a single contract: *Provided further*, That none of the funds in this Act shall be available to initiate contracts for major systems acquisition which include procurement options where funding for those options is scheduled to be provided prior to delivery to the Federal Government of at least fifty per centum of all units previously ordered under that contract.

SEC. 333. For each fiscal year the Secretary of Transportation shall withhold five per centum of the amount required to be apportioned to any State under each of paragraphs (1), (2), (5), and (6) of section 104(b) on the first day of each fiscal year which begins after the second full calendar year following the date of enactment of this section if the State does not meet the requirements of paragraph (3) on such date.

Subsections (a)(2), (a)(3), (b), and (c) of section 104 of title 23, United States Code, are amended as follows:

"(2) The Secretary shall withhold 10 per centum (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (2), (5), and (6) of section 104(b) on the first day of each fiscal year which begins after the fourth full calendar year following the date of enactment of this section if the State does not meet the requirements of paragraph (3) on the first day of such fiscal year.

"(3) A State meets the requirements of this paragraph if—

ON PROGRAM.—The
ation shall develop
ht service stations.
nent the services of
ht service stations
program. Auxiliary
f unique weather or
safety of flight. Not
nt of this Act, the
station shall report
lementation of this

None of the funds
e Federal Aviation
physics System.

ENFORCEMENT PEN-
id of title 23, United
vious or subsequent
g or reserving any
id highway funds as
ites Code, for reason
section during fiscal
any apportionments
ced or reserved from
section 154(f) during

is Act, none of the
multiyear contracts
el I or Level II major
nt of Transportation
nt end items in the
0: Provided, That for
act is defined as one
irements of systems,
ntract: Provided fur-
e available to initiate
include procurement
eduled to be provided
of at least fifty per
at contract.

ry of Transportation
required to be appor-
(1), (2), (5), and (6) of
ar which begins after
e of enactment of this
ents of paragraph (3)

ction 104 of title 23.

entum (including any
amount required to be
graphs (1), (2), (5), and
ical year which begins
the date of enactment
the requirements of
r.
paragraph if—

"(A) the State has enacted and is enforcing a law that re-
quires in all circumstances, or requires in the absence of
compelling circumstances warranting an exception—

"(i) the revocation, or suspension for at least 6 months, of
the driver's license of any individual who is convicted, after
the enactment of such law, of

"(I) any violation of the Controlled Substances Act, or
"(II) any drug offense, and

"(ii) a delay in the issuance or reinstatement of a driver's
license to such an individual for at least 6 months after the
individual applies for the issuance or reinstatement of a
driver's license if the individual does not have a driver's
license, or the driver's license of the individual is sus-
pended at the time the individual is so convicted, or

"(B) The Governor of the State—

"(i) submits to the Secretary no earlier than the adjourn-
ment sine die of the first regularly scheduled session of the
State's legislature which begins after the date of enactment
of this section a written certification stating that he is
opposed to the enactment or enforcement in his State of a
law described in subparagraph (A) relating to the revoca-
tion, suspension, issuance, or reinstatement of driver's li-
censes to convicted drug offenders; and

"(ii) submits to the Secretary a written certification that
the legislature (including both Houses where applicable)
has adopted a resolution expressing its opposition to a law
described in clause (i).

"(b)(1)(A) Any funds withheld under subsection (a) from appor-
tionment to any State on or before September 30, 1995, shall remain
available for apportionment to such State as follows:

"(i) If such funds would have been apportioned under section
104(b)(5)(A) but for this section, such funds shall remain avail-
able until the end of the fiscal year for which such funds are
authorized to be appropriated.

"(ii) If such funds would have been apportioned under section
104(b)(5)(B) but for this section, such funds shall remain avail-
able until the end of the second fiscal year following the fiscal
year for which such funds are authorized to be appropriated.

"(iii) If such funds would have been apportioned under para-
graph (1), (2), or (6) of section 104(b) but for this section, such
funds shall remain available until the end of the third fiscal
year following the fiscal year for which such funds are au-
thorized to be appropriated.

"(B) No funds withheld under this section from apportionment to
any State after September 30, 1995, shall be available for appor-
tionment to such State.

"(2) If, before the last day of the period for which funds withheld
under subsection (a) from apportionment are to remain available for
apportionment to a State under paragraph (1), the State meets the
requirements of subsection (a)(3), the Secretary shall, on the first
day on which the State meets the requirements of subsection (a)(3),
apportion to the State the funds withheld under subsection (a) that
remain available for apportionment to the State.

"(3) Any funds apportioned pursuant to paragraph (2) shall
remain available for expenditures as follows:

"(A) Funds originally apportioned under section 104(b)(5)(A)
shall remain available until the end of the fiscal year succeed-

ing the fiscal year in which such funds are apportioned under paragraph (2).

"(B) Funds originally apportioned under paragraph (1), (2), (5)(B), or (6) of section 104(b) shall remain available until the end of the third fiscal year succeeding the fiscal year in which such funds are so apportioned.

Sums not obligated at the end of such period shall lapse or, in the case of funds apportioned under section 104(b)(5), shall lapse and be made available by the Secretary for projects in accordance with section 118(b).

"(4) If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirements of subsection (a)(3), such funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5), such funds shall lapse and be made available by the Secretary for projects in accordance with section 118(b).

"(c) For purposes of this section—

"(1) The term 'driver's license' means a license issued by a State to any individual that authorizes the individual to operate a motor vehicle on highways.

"(2) The term 'drug offense' means any criminal offense which proscribes—

"(A) the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance the possession of which is prohibited under the Controlled Substances Act, or

"(B) the operation of a motor vehicle under the influence of such a substance.

"(3) The term 'convicted' includes adjudicated under juvenile proceedings."

(b) The table of contents for chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new item:

"159. Revocation or suspension of the driver's license of individuals convicted of drug offenses."

Sec. 334. Unobligated funds authorized to be appropriated by section 131(d)(2) of the Highway Improvement Act of 1982, Public Law 97-424, shall be available for obligation for the project described in section 149(a)(89) of the Federal-Aid Highway Act of 1987, Public Law 100-17, in the same manner and to the same extent provided in section 131(d)(3) of the Highway Improvement Act of 1982.

Sec. 335. Notwithstanding section 127 of title 23, United States Code, the State of Wyoming may permit the use of the National System of Interstate and Defense Highways located in Wyoming by vehicles in excess of 30,000 pounds gross weight, but meeting axle and bridge formula specifications in section 127 of title 23, United States Code: *Provided*, That this section shall remain in effect until December 31, 1991.

Sec. 338. 23 U.S.C. 410(e)(1)(C) is hereby amended by striking the words "within the time period specified in subparagraph (F)"; 23 U.S.C. 410(e)(2) is hereby amended by adding the words "a significant portion of" after the word "which", the first time it appears,

Nov
and
the.
S
Fed
stuc
lim:
as
stuc
Hou
Si
Tra:
tati:
1991
assi:
Incl:
prot
Si
96
men
havi
tion
appr
prov
poli:
com:
leve:
for
Sz
oblig
tion.
the
with
supp
such
ative
(2)
the
restr
indiv
deter
auth
this
Fede
publ
the
(b)
Act
min:
forei

for
fund

apportioned under paragraph (1), (2), and (3) until the end of the fiscal year in which such

the amount is apportioned or, in the event of a lapse, the amount shall lapse and be available in accordance with

the amount is withheld under or apportionment does not meet the requirements, or, in the case of section 104(b)(5), such amount is not available for projects

license issued by a State to an individual to operate

in connection with a criminal offense

manufacture, cultivation, or possession of a controlled substance, or the transfer of any such substance, prohibited under the

provisions of this Act under the influence

of alcohol or a controlled substance under juvenile

section 23, United States Code, the following new

provisions shall apply to individuals convicted of

an offense for which a fine is appropriated by section 23 of the National Highway Act of 1957, or the same extent of the National Highway Act of

section 23, United States Code, of the National Highway Act of 1957, but meeting the requirements of title 23, United States Code, shall remain in effect until

the provisions are repealed by striking the words "and (F)" in paragraph (F); 23 U.S.C. 104(b)(5) at the time it appears

and by striking the words "convicted of" and inserting in lieu thereof the words "apprehended and fined for".

SEC. 337. Within 180 days of the effective date of this Act, the Federal Aviation Administration shall undertake and complete a study on the classification of air traffic controllers at level IV limited radar approach facilities which includes airspace complexity as a factor in determining grade classification. The results of this study, along with an implementation plan, shall be provided to the House and Senate Committees on Appropriations.

SEC. 338. Notwithstanding any provision of the Urban Mass Transportation Act of 1964, as amended, the Urban Mass Transportation Administration shall not withhold fiscal year 1989, 1990 or 1991 funds for any section 3 and section 9 operating and capital assistance grants for the City of Phoenix, Arizona, based on the inclusion of a "preference in hiring" provision in the employee protective arrangements developed pursuant to 49 U.S.C. 1609(c).

SEC. 339. Notwithstanding subsection (d) of section 402 of the Surface Transportation Assistance Act of 1982 (Public Law 97-424, 96 Stat. 2155, 2156) for States which have received only a development grant for fiscal year 1989 under such section 402 and which have participated in the Commercial Motor Carrier Safety Inspection and Weighing Demonstration Program, the Secretary shall only approve a plan under such section 402 for fiscal year 1991 which provides that the aggregate expenditure of funds of the State and political subdivisions thereof, exclusive of Federal funds, for commercial motor vehicle safety programs will be maintained at a level which does not fall below the average level of such expenditure for the last two full fiscal years preceding fiscal year 1990.

SEC. 340. (a)(1) None of the funds appropriated by this Act may be obligated or expended to enter into any contract for the construction, alteration, or repair of any public building or public work in the United States or any territory or possession of the United States with any contractor or subcontractor of a foreign country, or any supplier of products of a foreign country, during any period in which such foreign country is listed by the United States Trade Representative under subsection (c) of this section.

(2) The President or the head of a Federal agency administering the funds for the construction, alteration, or repair may waive the restrictions of paragraph (1) of this subsection with respect to an individual contract if the President or the head of such agency determines that such action is necessary for the public interest. The authority of the President or the head of a Federal agency under this paragraph may not be delegated. The President or the head of a Federal agency waiving such restrictions shall, within 10 days, publish a notice thereof in the Federal Register describing in detail the contract involved and the reason for granting the waiver.

(b)(1) Not later than 30 days after the date of enactment of this Act, the United States Trade Representative shall make a determination with respect to each foreign country of whether such foreign country—

(A) denies fair and equitable market opportunities for products and services of the United States in procurement, or

(B) denies fair and equitable market opportunities for products and services of the United States in bidding,

for construction projects that cost more than \$500,000 and are funded (in whole or in part) by the government of such foreign

request comments on the proposed regulation discussed in this notice.
DATES: Comments must be received by November 21, 1991.

ADDRESS: Written comments should refer to the docket number and the number of this notice and be submitted (preferably in ten copies) to: Docket Section, National Highway Traffic Safety Administration, room 5109, Nassif Building, 400 Seventh Street, SW, Washington, DC 20590. (Docket hours are from 8 a.m. to 4 p.m.)

FOR FURTHER INFORMATION CONTACT: In NHTSA: Mr. William Holden, Office of Alcohol and State Programs, Traffic Safety Programs, room 5130, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, telephone (202) 366-2722; or Ms. Heidi L. Coleman, Office of Chief Counsel, room 5219, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, telephone (202) 366-1834.

In FHWA: Mr. Warren Harper, Office of Highway Safety, Room 3407, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, telephone (202) 366-2172; or Mr. Wilbert Baccus, Office of Chief Counsel, room 4230, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, telephone (202) 366-0780.

SUPPLEMENTARY INFORMATION: The Department of Transportation and Related Agencies Appropriations Act for FY 1991, Public Law 101-518, was signed into law on November 5, 1990. Section 333 of the Act requires the withholding of certain Federal-aid highway funds from States that do not enact legislation requiring the revocation or suspension of an individual's driver's license upon conviction for any violation of the Controlled Substances Act (Pub.L. 91-513, as amended) or any drug offense. If a State decides not to enact such legislation, the section stipulates a procedure by which the state can avoid the withholding of funds.

This notice proposes the manner in which States would certify that they are not subject to this withholding and the disposition of funds that are withheld.

Adoption of Drug Offender's Driver's License Suspension

The legislation specifically provides that the Secretary must withhold a portion of Federal-aid highway funds from any State that does not meet certain statutory requirements. To avoid such withholding, a State must have enacted and be enforcing a law that provides for the revocation or suspension of the driver's license of any

individual who is convicted for any violation of the Controlled Substances Act or any drug offense. Alternatively, a State can avoid the withholding by submitting to the Secretary a written certification stating that the Governor is opposed to the enactment or enforcement of such a law and that the legislature has adopted a resolution expressing its opposition to such a law.

The requirements of the Commercial Motor Vehicle Safety Act of 1988 would remain unaffected by any such resolution. Specifically, a State may not waive the requirement of 49 CFR 383.51 that a person who is convicted of either driving a commercial motor vehicle (CMV) while under the influence of a controlled substance, or using a CMV in the commission of a controlled substance-related felony, be disqualified from operating a CMV for a period of from one year to life, depending on the specific offense(s), without facing a reduction in Federal-aid highway funds.

Any State that does not enact and enforce a law that provides for the revocation or suspension of the driver's license of drug offenders or submit to the Secretary written certification from the Governor that he or she is opposed to the enactment or enforcement of such a law in the State will be subject to withholding of a portion of its Federal-aid highway funds. In accordance with the statute, if a State does not meet the statutory requirements by October 1, 1993, five percent of its FY 1994 Federal-aid highway apportionment under 23 U.S.C. 104(b)(1), 104(b)(2), 104(b)(5) and 104(b)(6) shall be withheld. These sections relate to the apportionments for the primary, secondary, interstate (including interstate construction and interstate resurfacing, restoration, rehabilitation and reconstruction (4R) funds) and urban highway systems. Five percent will be withheld also in FY 1995 if the State does not meet the requirements by October 1, 1994. If the State does not meet the statutory requirements by October 1 of any subsequent fiscal year (beginning with FY 1996), ten percent of its Federal-aid highway apportionments under these sections will be withheld.

Compliance Criteria

To avoid the withholding of Federal-aid highway funds, a State has two alternatives, the first of which is to enact and enforce a law that meets the statutory criteria. Section 333 provides that:

A State meets the requirements of this paragraph if—

(a) The State has enacted and is enforcing a law that requires in all circumstances, or requires in the

absence of compelling circumstances warranting an exception—

(i) The revocation, or suspension for at least 6 months, of the driver's license of any individual who is convicted, after the enactment of such law, of—

(I) Any violation of the Controlled Substances Act, or

(II) Any drug offense, and

(ii) A delay in the issuance or reinstatement of a driver's license to such an individual for at least 6 months after the individual applies for the issuance or reinstatement of a driver's license if the individual does not have a driver's license, or the driver's license of the individual is suspended, at the time the individual is so convicted.

1. Statutory Definitions

The statute defines several terms, and the agencies are proposing to adopt these definitions. Section 333 defines the term "driver's license" to mean "a license issued by a State to any individual that authorizes the individual to operate a motor vehicle on highways." This definition would encompass licenses that permit individuals to operate any type of motor vehicle, including motorcycles and commercial motor vehicles.

The term "drug offense" is also defined in the statute. The term, as defined in the statute, would cover any criminal drug offense including "the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance the possession of which is prohibited under the Controlled Substances Act, or . . . the operation of a motor vehicle under the influence of such a substance." It should be noted that, while Section 333 requires that States take a driver's licensing action against violators of these drug offenses, the offenses covered by this definition are not limited to moving violations. In fact, to be covered, these offenses need not be motor vehicle-related at all.

The agencies do not believe that the Act requires a State to enact any particular drug offense law. The Act requires only that if a drug offense is proscribed and an individual is convicted for a violation of the offense that the State suspend, revoke or delay that individual's driver's license.

Since the statutory definition of "drug offense" includes manufacturing among the activities that are unlawful, the agencies believe this term should cover not only controlled and counterfeit substances but also listed chemicals, the possession of which was made unlawful by the Chemical Diversion and

proposed to be made, that the institution-affiliated party has violated or conspired to violate section 213, 624, 637, 1003, 1004, 1007, 1014, 1032, or 1344 of title 18 of the United States Code, or section 1341 or 1343 of such title affecting a federally insured financial institution as defined in title 18 of the United States Code.

(c) In making a determination under paragraph (b) of this section, the appropriate federal banking agency and the Corporation may consider:

(1) Whether, and to what degree, the institution affiliated party was in a position of managerial or fiduciary responsibility.

(2) The length of time the institution-affiliated party was affiliated with the insured depository institution or depository institution holding company, and the degree to which the proposed payment represents a reasonable payment for services rendered over the period of employment; and

(3) Any other factors or circumstances which would indicate that the proposed payment would be contrary to the intent of section 18(k) of the Act or this part.

(d) Notwithstanding paragraphs (a) and (b) of this section, a depository institution holding company that is a diversified holding company as defined in section 10(a)(1)(F) of the Home Owner's Loan Act (12 U.S.C. 1461 et seq.) may make a golden parachute payment if, and to the extent that, such depository institution holding company determines and can demonstrate that:

(1) The conditions delineated in paragraphs (b) (1), (2), (3) and (4) of this section have been satisfied; and

(2) The institution-affiliated party falls within the definition of "institution-affiliated party" solely because such person is a director, officer, employee or controlling stockholder of a diversified holding company.

§ 359.3 Indemnification payments prohibited.

No insured depository institution or depository institution holding company shall make or agree to make any indemnification payment, except as provided in § 359.5 of this part.

§ 359.4 Permissible golden parachute payments.

An insured depository institution or depository institution holding company may agree to make a golden parachute payment if:

(a) Such an agreement is made with respect to an institution-affiliated party who was hired by an insured depository institution or depository institution holding company at a time when that institution or holding company satisfied

any of the criteria set forth in § 359.1(d)(1)(ii) of this part and the institution's appropriate federal banking agency and the Corporation consented in writing to the amount and terms of the golden parachute payment; and

(b) At the time the payment is made, the factors delineated in § 359.2(b) (1), (2), (3), or (4) of this part have been satisfied, and the factors delineated in § 359.2(c)(3) of this part are not present.

§ 359.5 Permissible indemnification payments.

(a) An insured depository institution or depository institution holding company may make or agree to make reasonable indemnification payments to an institution-affiliated party if:

(1) The institution's or holding company's board of directors, in good faith, determines in writing that the institution-affiliated party has a substantial likelihood of prevailing on the merits;

(2) The institution's or holding company's board of directors, in good faith, determines in writing that the payment of such expenses will not adversely affect the institution's safety and soundness;

(3) At any time the institution's or holding company's board of directors believes, or should reasonably believe, that the conditions of paragraphs (a) (1) and (2) of this section are no longer being met, it ceases making or authorizing such payments;

(4) The indemnification payments are limited to the payment or reimbursement of reasonable legal or other professional expenses incurred in connection with an institution-affiliated party's involvement in an administrative proceeding or civil action instituted by the appropriate federal banking agency; but in no event shall such indemnification pay or reimburse an institution-affiliated party for the amount of, or any cost incurred in connection with, any settlement of any such claim, proceeding or action or any judgment or penalty imposed with respect to any such claim, proceeding or action;

(5) The institution-affiliated party agrees in writing to reimburse the institution for such indemnification payments in the event that the proceeding results in a final order under which the institution-affiliated party:

- (i) Is assessed a civil money penalty;
- (ii) Is removed from office or prohibited from participating in the conduct of the affairs of the insured depository institution; or
- (iii) Is required to cease and desist from or take any affirmative action described in section 8(b) of the Act with respect to such institution; and

(6) The institution or holding company provides the appropriate federal banking agency and the FDIC with prior written notice of its board of directors' authorization of such indemnification.

(b) An institution-affiliated party requesting indemnification payments shall not participate in any way in the board's discussion and approval of such payments; provided, however, that such institution-affiliated party may present his/her request to the board and respond to any inquiries from the board concerning his/her involvement in the circumstances giving rise to the administrative proceeding or civil action.

By order of the Board of Directors, dated at Washington, DC, this 24th day of September, 1991.

Federal Deposit Insurance Corporation

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 91-23747 Filed 10-4-91; 8:45 am]

GALLERIA CODE 6716-91-4

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Federal Highway Administration

23 CFR Part 1212

[NHTSA Docket No. 91-17; Notice 1]

RIN 2127-AE10

Drug Offender's Driver's License Suspension

AGENCY: National Highway Traffic Safety Administration (NHTSA) and Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice of Proposed Rulemaking (NPRM) contains a proposal for implementing a new program enacted by the Department of Transportation and Related Agencies Appropriations Act for FY 1991. Section 333 of the Act requires the withholding of certain Federal-aid highway funds from States that do not enact legislation requiring the revocation or suspension of an individual's driver's license upon conviction for any violation of the Controlled Substances Act or any drug offense. This notice proposes the manner in which States would certify that they are not subject to this withholding, and the disposition of funds that are withheld. The agencies

These sections are virtually identical to those found in the National Minimum Drinking Age Act, as amended, 23 U.S.C. 158. For a full discussion of how these provisions have been applied in practice, interested parties are encouraged to read the agencies' joint final rule published in the Federal Register on August 18, 1988 (53 FR 31318).

Comments

Interested persons are invited to comment on this proposal. All comments must be limited to 15 pages in length. Necessary attachments may be appended to those submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

Written comments to the public docket must be received by November 21, 1991. The agencies have not provided a longer comment period in order to provide States with sufficient time to prepare their agendas for their upcoming legislative sessions. To expedite the submission of comments, simultaneous with the issuance of this notice, NHTSA and FHWA will mail copies to all Governors, Governors' Representatives for Highway Safety and State highway agencies.

All comments received before the close of business on the comment closing date will be considered and will be available for examination in the docket at the above address before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date. The agencies will continue to file relevant material in the docket as it becomes available after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons who wish to be notified upon receipt of their comments in the docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

Copies of all comments will be placed in Docket 91-17; Notice 1 of the NHTSA Docket Section in room 5109, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

On April 29, 1991, the State of Alaska submitted some questions to FHWA regarding the agency's interpretation of section 333. FHWA acknowledged receipt of these questions, but declined to answer them since the agencies were in the process of developing this

proposed regulation. We believe the questions raised in Alaska's inquiry have all been addressed in this NPRM. The questions have been placed in the public docket for his rulemaking action, and are available for public examination.

Federalism Assessment

This rulemaking action has been analyzed in accordance with the principles and criteria contained in Executive Order 12812, and it has been determined that it would have no federalism implication that warrants the preparation of a federalism assessment. States can choose to enact and enforce a law that requires the suspension or revocation of driver's licenses for drug offenders in conformance with Public Law 101-518, and thereby avoid the withholding of Federal-aid highway funds. Alternatively, States can choose not to enact and enforce this type of law, and still avoid such withholding. To avoid the withholding of funds in such cases, the Governor would submit a certification that he or she is opposed to the enactment or enforcement in the State of such a law and that the State legislature has adopted a resolution expressing its opposition to such a law. While specific criteria that State laws must meet have been proposed in this NPRM, they are mandated by Public Law 101-518.

Economic and Other Effects

NHTSA has analyzed the effect of this action and has determined that it is not "major" within the meaning of Executive Order 12291, but that it is "significant" within the meaning of Department of Transportation regulatory policies and procedures. A preliminary regulatory evaluation of the impacts of this proposal has been prepared and placed in Docket 91-17; Notice 1. This preliminary evaluation provides information regarding the expected costs and benefits of the agencies' proposal and requests information demonstrating that license suspensions or revocations for drugged driving or illegal possession convictions deter drug use or reduce driver's future involvement in crashes. It also requests comments on methods that States could use and the costs to develop systems for providing Federal, out-of-State and juvenile records to State Departments of Motor Vehicles. Any interested person may obtain a copy of this preliminary evaluation by writing to NHTSA's Docket Section, room 5109, 400 Seventh Street, SW., Washington, DC 20590, or by calling the Docket Section at (202) 368-4949. Comments should be submitted to the NHTSA Docket, in

accordance with the procedures described earlier in this notice.

In compliance with the Regulatory Flexibility Act, the agency has evaluated the effects of this proposed rule on small entities. Based on the evaluation, we certify that this rule would not have a significant economic impact on a substantial number of small entities. Any withholding of funds under the regulation would be from States. Accordingly, the preparation of an Initial Regulatory Flexibility Analysis is unnecessary.

The requirements in this proposal that States certify that they conform to the statutory requirements to avoid the withholding of Federal-aid highway funds are considered to be information collection requirements as that term is defined by the Office of Management and Budget (OMB) in 5 CFR part 1320. Accordingly, the reporting and recordkeeping requirement associated with this rule is being submitted to the Office of Management and Budget for approval in accordance with 44 U.S.C. chapter 35 under DOT No. 3517; OMB No.: New; Administration: NHTSA. **NEED FOR INFORMATION:** To encourage States to enact and enforce drug offender's driver's license suspension; **PROPOSED USE OF INFORMATION:** To provide procedures to State highway construction grant recipients on how to certify compliance with the provision of Public Law 101-518. The law requires a driver's license suspension, or revocation, for individuals convicted of any drug-related offense; **FREQUENCY:** Annual; **BURDEN ESTIMATE:** 260 hours; **RESPONDENTS:** State/local government; **FORM(S):** None, but Forms HS-62, HS-62A and HS-217 may be used. OMB No. 2127-0003; **AVERAGE BURDEN HOURS PER RESPONDENT:** 5 hours. For further information contact: The Information Requirements Division, M-34, Office of the Secretary of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 368-4735, or Edward Clarke or Wayne Brough, Office of Management and Budget, New Executive Office Building, room 3223, Washington, DC 20503, (202) 395-7340.

Comments on the proposed information collection requirements should be submitted to: Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503. Attention: Desk Officer for NHTSA. It is requested that comments sent to OMB also be sent to the NHTSA rulemaking docket for this proposed action.

The agencies have also analyzed this proposed action for the purpose of the

National Environmental Policy Act. The agencies have determined that this action would not have any effect on the human environment.

List of Subjects in 23 CFR Part 1212

Driver licensing, Drugs, Highway safety.

In accordance with the foregoing, the agencies propose to add a new part 1212 to title 23 of the Code of Federal Regulations to read as follows:

PART 1212—DRUG OFFENDER'S DRIVER'S LICENSE SUSPENSION

Sec.

- 1212.1 Scope.
- 1212.2 Purpose.
- 1212.3 Definitions.
- 1212.4 Adoption of Drug Offender's Driver's License Suspension.
- 1212.5 Certification Requirements.
- 1212.6 Period of Availability of Withheld Funds.
- 1212.7 Apportionment of Withheld Funds After Compliance.
- 1212.8 Period of Availability of Subsequently Apportioned Funds.
- 1212.9 Effect of Noncompliance.
- 1212.10 Procedures Affecting States in Noncompliance.

Authority: Public Law 101-516; delegation of authority at 49 CFR 1.48 and 1.50.

§ 1212.1 Scope.

This part prescribes the requirements necessary to implement section 333 of Public Law 101-516, which encourages States to enact and enforce Drug Offender's Driver's License Suspensions.

§ 1212.2 Purpose.

The purpose of this part is to specify the steps that States must take in order to avoid the withholding of Federal-aid highway funds for noncompliance with section 333 of Public Law 101-516.

§ 1212.3 Definitions.

As used in this part:

- (a) Convicted includes adjudicated under juvenile proceedings.
- (b) *Driver's license* means a license issued by a State to any individual that authorizes the individual to operate a motor vehicle on highways.
- (c) *Drug offense* means:
 - (1) The possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance the possession of which is prohibited under the Controlled Substances Act, or
 - (2) The operation of a motor vehicle under the influence of such a substance.
- (d) *Substance the possession of which is prohibited under the Controlled Substances Act or substance* means a controlled or counterfeit substance or a

listed chemical, as those terms are defined in subsections 102 (b), (7) & (33) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802 (6), (7) & (33)) and listed in 21 CFR 1308.11-15 and 1310.02.

§ 1212.4 Adoption of Drug Offender's Driver's License Suspension.

(a) The Secretary shall withhold five percent of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5) and 104(b)(6) of title 23 of the United States Code on the first day of fiscal years 1994 and 1995 if the State does not meet the requirements of this section on that date.

(b) The Secretary shall withhold ten percent of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5) and 104(b)(6) of title 23 of the United States Code on the first day of fiscal year 1998 and any subsequent fiscal year if the State does not meet the requirements of this section on that date.

(c) A State meets the requirements of this section if:

(1) The State has enacted and is enforcing a law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception:

(i) The revocation, or suspension for at least 6 months, of the driver's license of any individual who is convicted, after the enactment of such law, of

(A) Any violation of the Controlled Substances Act, or

(B) Any drug offense, and

(ii) A delay in the issuance or reinstatement of a driver's license to such an individual for at least 6 months after the individual applies for the issuance or reinstatement of a driver's license if the individual does not have a driver's license, or the driver's license of the individual is suspended, at the time the individual is so convicted, or

(2) The Governor of the State:

(i) Submits to the Secretary no earlier than the adjournment sine die of the first regularly scheduled session of the State's legislature which begins after November 5, 1990, a written certification stating that he or she is opposed to the enactment or enforcement in the State of a law described in paragraph (c)(1) of this section relating to the revocation, suspension, issuance, or reinstatement of driver's licenses to convicted drug offenders; and

(ii) Submits to the Secretary a written certification that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law

described in paragraph (c)(1) of this section.

§ 1212.5 Certification requirements.

(a) Each State shall certify to the Secretary of Transportation by April 1, 1993 and by January 1 of each subsequent year that it meets the requirements of section 333, Public Law 101-516 and this regulation.

(b) If the State believes it meets the requirements of section 333 of Public Law 101-516 and this regulation on the basis that it has enacted and is enforcing a law that suspends or revokes the driver's license of drug offenders, the certification shall contain:

(1)(i) A statement by the Governor of the State, or an official designated by the Governor, that the State has enacted and is enforcing a Drug Offender's Driver's License Suspension law. The certifying statement shall be worded as follows:

(Name of certifying official), (position title), of the (State or Commonwealth) of _____ do hereby certify that the (State or Commonwealth) of _____ has enacted and is enforcing a Drug Offender's Driver's License Suspension law.

(ii) If the statement is made by an official other than the Governor, a copy of the document designating the official, signed by the Governor.

(2) Until a State has been determined to be in compliance with the requirements of section 333 of Public Law 101-516 and this regulation, the certification shall include also:

(i) A copy of the State law, regulation, or binding policy directive implementing or interpreting such law or regulation relating to the suspension, revocation, issuance or reinstatement of driver's licenses of drug offenders, and

(ii) A statement describing the steps the State is taking to enforce its law with regard to within State convictions, out-of-State convictions, Federal convictions and juvenile adjudications.

(c) If the State believes it meets the requirements of section 333 of Public Law 101-516 on the basis that it opposes a law that requires the suspension, revocation or delay in issuance or reinstatement of the driver's license of drug offenders, the certification shall contain:

(1)(i) A statement by the Governor of the State, or an official designated by the Governor, that he or she is opposed to the enactment or enforcement of such a law and that the State legislature has adopted a resolution expressing its opposition to such a law. The certifying statement shall be worded as follows:

(Name of certifying official), (position title), of the (State or Commonwealth) of _____ do

hereby certify that I am opposed to the enactment or enforcement of such a law and that the legislature of the (State or Commonwealth) of _____ has adopted a resolution expressing its opposition to such a law.

(ii) If the statement is made by an official other than the Governor, a copy of the document designating the official, signed by the Governor.

(2) Until a State has been determined to be in compliance with the requirements of section 333 of Public Law 101-518 and this regulation, the certification shall include also a copy of the resolution.

(d) The Governor, or an official designated by the Governor, each year shall submit the original and four copies of the certification to the local FHWA Division Administrator. The FHWA Division Administrator shall retain the original and forward two copies each to the Regional Administrator of NHTSA and FHWA. The Regional Administrators shall each retain one copy and forward one copy of the submission, with any pertinent comments, to their respective Washington Headquarters, attention of the Chief Counsel.

(e) Any changes to the original certification or supplemental information necessitated by the review of the certifications as they are forwarded, State legislative changes or changes in State enforcement activity shall be submitted in the same manner as the original.

§ 1212.5 Period of availability of withheld funds.

(a) Funds withheld under § 1212.4 from apportionment to any State on or before September 30, 1995, will remain available for apportionment as follows:

(1) If the funds would have been apportioned under 23 U.S.C. 104(b)(5)(A), but for this section, the funds will remain available until the end of the fiscal year for which the funds are authorized to be appropriated.

(2) If the funds would have been apportioned under 23 U.S.C. 104(b)(5)(B) but for this section, the funds will remain available until the end of the second fiscal year following the fiscal year for which the funds are authorized to be appropriated.

(3) If the funds would have been apportioned under 23 U.S.C. 104(b)(1), 104(b)(2) or 104(b)(6) but for this section, the funds will remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

(b) Funds withheld under § 1212.4 from apportionment to any State after

September 30, 1995 will not be available for apportionment to the State.

§ 1212.7 Apportionment of withheld funds after compliance.

Funds withheld under § 1212.4 from apportionment, which remain available for apportionment under § 1212.5(a), will be made available to any State that conforms to the requirements of § 1212.4 before the last day of the period of availability as defined in § 1212.5(a).

§ 1212.8 Period of availability of subsequently apportioned funds.

(a) Funds apportioned pursuant to § 1212.7 will remain available for expenditure as follows:

(1) Funds originally apportioned under 23 U.S.C. 104(b)(5)(A) will remain available until the end of the fiscal year succeeding the fiscal year in which the funds are apportioned.

(2) Funds originally apportioned under 23 U.S.C. 104(b)(1), 104(b)(2), 104(b)(5)(B), or 104(b)(6) will remain available until the end of the third fiscal year succeeding the fiscal year in which the funds are apportioned.

(b) Funds apportioned to a State pursuant to § 1212.7 and not obligated at the end of the periods defined in § 1212.8(a), shall lapse or, in the case of funds apportioned under 23 U.S.C. 104(b)(5), shall lapse and be made available by the Secretary for projects in accordance with 23 U.S.C. 118(b).

§ 1212.9 Effect of noncompliance.

If a State has not met the requirements of section 333 of Public Law 101-518 at the end of the period for which funds withheld under § 1212.4 are available for apportionment to a State under § 1212.8, then such funds shall lapse or, in the case of funds withheld from apportionment under 23 U.S.C. 104(b)(5), shall lapse and be made available by the Secretary for projects in accordance with 23 U.S.C. 118(b).

§ 1212.10 Procedures affecting states in noncompliance.

(a) Every fiscal year, each State determined to be in noncompliance with section 333 of Public Law 101-518, based on NHTSA's and FHWA's preliminary review of its statutes, will be advised of the funds expected to be withheld under § 1212.4 from apportionment, as part of the advance notice of apportionments required under 23 U.S.C. 104(e), normally not later than ninety days prior to final apportionment.

(b) If NHTSA and FHWA determine that the State is not in compliance with section 333 of Public Law 101-518 based on the agencies' preliminary review, the State may, within 30 days of its receipt of the advance notice of

apportionments, submit documentation showing why it is in compliance. Documentation shall be submitted to the National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

(c) Every fiscal year, each State determined not to be in compliance with section 333 of Public Law 101-518, based on NHTSA's and FHWA's final determination, will receive notice of the funds being withheld under § 1212.4 from apportionment, as part of the certification of apportionments required under 23 U.S.C. 104(e), which normally occurs on October 1 of each fiscal year.

Issued on: October 1, 1991.

Jerry Ralph Curry,
Administrator, National Highway Traffic
Safety Administration.

Thomas D. Larson,
Administrator, Federal Highway
Administration.

[FR Doc. 91-23991 Filed 10-4-91; 8:45am]

BILLING CODE 4810-67-01

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

Health Care Financing Administration

42 CFR Part 409

[BPD-628-P]

RIN: 0938-AE34

**Medicare Program: "Confined to the
Home" Requirements for Home Health
Services**

AGENCY: Health Care Financing
Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the current Medicare rules to clarify when a home health patient would be considered "confined to the home" in order to receive home health benefits. It would conform our regulations to changes made by section 4024 of the Omnibus Budget Reconciliation Act of 1987.

DATES: Comments will be considered if we receive them at the appropriate address, as provided below, no later than 5 p.m. on December 8, 1991.

ADDRESSES: Mail comments to the following address:

Health Care Financing Administration,
Department of Health and Human
Services, Attention: BPD-628-P, P.O.
Box 26878, Baltimore, Maryland 21207

If you prefer, you may deliver your comments to one of the following addresses:

**REGIONAL OPERATIONS
DRUG OFFENDER'S DRIVER'S LICENSE SUSPENSION RULE
SECTION 159**

DATE: March 19, 1993

STATE	DRAFT PRELIMINARY LEGISLATION SUBMITTED	DRAFT PRELIMINARY LEGISLATION APPROVED	DRAFT PLAN SUBMITTED	DRAFT PLAN APPROVED	DRAFT RESOLUTION SUBMITTED	DRAFT RESOLUTION APPROVED
Alabama						
Alaska						
Arizona	---	---	---	---	2/18/93	2/19/93
Arkansas	2/25/93	2/26/93	---	---	---	---
California	3/8/93 <small>NAT 22/93</small>		---	---	---	---
Colorado	2/25/93 <small>NAT 24/93</small>					
Connecticut	3/8/93	3/8/93				
Delaware	2/25/93 <small>NAT 21/93</small>					
Florida	1/22/92	9/22/92	11/25/92	2/18/93	---	---
Georgia	1/22/93 <small>NAT 2/93</small>	---	---			
Hawaii	---	---	---	---	2/11/93	2/18/93
Idaho						
Illinois	1/19/93 <small>NAT 24/93</small>		---	---	---	---
Indiana	10/27/92 <small>NAT 11/93</small>		---	---	---	---
Iowa	3/16/93 <small>CRV 1/93</small>		---	---	1/22/93	2/19/93

NAT = NEHTA RESPONDED WITH THE NEED FOR ADDITIONAL INFORMATION OR COMPLYING LEGISLATION.

--- STATE HAS OFFICIALLY SUBMITTED AND HAS BEEN APPROVED FOR SATISFYING THE DUE.

03/19/93 11:52 2202 388 7384

REG. VI OPERATION REGION I

2003/005

Chart from NHTSA w/UP-TO-DATE INFO ON STATE-BY-STATE COMPLIANCE

STATE	DRAFT PRELIMINARY LEGISLATION SUBMITTED	DRAFT PRELIMINARY LEGISLATION APPROVED	DRAFT PLAN SUBMITTED	DRAFT PLAN APPROVED	DRAFT RESOLUTION SUBMITTED	DRAFT RESOLUTION APPROVED
Kansas						
Kentucky	PLANNING BOARD LEGIS					
Louisiana	1/15/93 NAI 2/18/93					
Maryland	INTRO LEG				PASSED RESOL.	
Massachusetts	11/10/92 NAI 11/16/93				3/2/93	3/4/93
Michigan	2/5/93	2/22/93				
Minnesota					1/19/93	2/8/93
Mississippi	11/24/92 NAI 1/16/93					
Missouri					1/28/93	1/28/93
Montana						
Nebraska	12/17/92 NAI 1/3/93					
Nevada					2/26/93	2/26/93
N Hampshire	10/28/92	2/16/93			3/5/93	3/9/93
N Jersey	2/2/93	2/18/93	2/2/93	2/18/93		
N York						
No Carolina						
No Dakota						

NAI = NITSA RESPONDED WITH THE NEED FOR ADDITIONAL INFORMATION OR COMPLYING LEGISLATION.

• -- STATE HAS OFFICIALLY SUBMITTED AND HAS BEEN APPROVED FOR SATISFYING THE RULE.

STATE	DRAFT PRELIMINARY LEGISLATION SUBMITTED	DRAFT PRELIMINARY LEGISLATION APPROVED	DRAFT PLAN SUBMITTED	DRAFT PLAN APPROVED	DRAFT RESOLUTION SUBMITTED	DRAFT RESOLUTION APPROVED
Ohio	INTRO 120					
Oklahoma	3/8/93 <small>NAT 3/16/93</small>		---	---	---	
Oregon	9/18/92 <small>NAT 9/18/92</small>		---	---	---	---
Pennsylvania	3/5/93	3/8/93	---	---	---	---
Rhode Island	INTRO 180					
So Carolina	10/2/92 <small>NAT 11/13/92</small>		---	---	---	---
Tennessee						
Texas	3/1/93	3/5/93	---	---	---	---
Washington						
W Virginia	12/10/92	2/18/93	---	---	---	---
Wisconsin	10/27/92 <small>NAT 11/17/92</small>		---	---	---	---
Dist Columbia	3/2/93	3/10/93	---	---	---	---
Puerto Rico	9/10/92	2/16/93	---	---	---	---
TOTAL	27	12	3	3	8	8

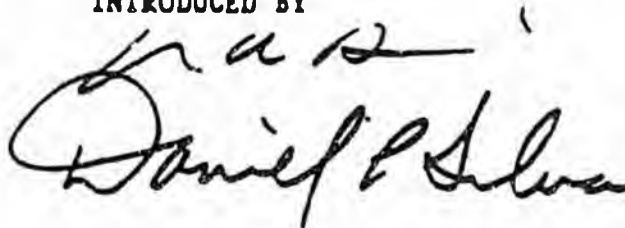
NAT = NHTSA RESPONDED WITH THE NEED FOR ADDITIONAL INFORMATION OR COMPLYING LEGISLATION.

--- = STATE HAS OFFICIALLY SUBMITTED AND HAS BEEN APPROVED FOR SATISFYING THE RULE.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE JOINT RESOLUTION //
40TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1991

INTRODUCED BY



A JOINT RESOLUTION

CERTIFYING THE NEW MEXICO LEGISLATURE'S OPPOSITION TO SECTION 333 OF
THE FEDERAL DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES
APPROPRIATIONS ACT FOR FISCAL YEAR 1991.

WHEREAS, Section 333 of the federal Department of Transportation
and Related Agencies Appropriations Act for Fiscal Year 1991 mandates
the withholding of certain federal-aid highway funds from states that
by October 31, 1993, fail to either:

A. enact legislation requiring suspension of an
individual's driver's license upon conviction of any violation of the
federal Controlled Substances Act or any drug offense; or

B. certify that the governor is opposed to the enactment
of such a law and that the legislature has adopted written
certification expressing its opposition to such a law; and

WHEREAS, failure of this legislature to take either mandated

underscored material = new
~~[bracketed material]~~ = deletion

1 action will result in the withholding of federal-aid highway funds;
2 and

3 WHEREAS, the state of New Mexico is concerned with drug abuse by
4 its citizens and has enacted numerous laws and initiated programs
5 aimed at reducing both the demand for and supply of illegal drugs;
6 and

7 WHEREAS, the state of New Mexico currently revokes the driver's
8 licenses of persons convicted of driving a motor vehicle under the
9 influence of drugs; and

10 WHEREAS, the revocation of a drug offender's driver's license
11 has not been shown to deter drug use; and

12 WHEREAS, congress' actions to coerce states into passing
13 ineffective laws is inappropriate; and

14 WHEREAS, the New Mexico legislature has and will continue to
15 address illegal drugs in effective and cost beneficial ways;

16 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE
17 OF NEW MEXICO that the New Mexico legislature certifies that it is
18 opposed to revoking the driver's license of any person convicted of a
19 drug offense if that person is not operating a motor vehicle; and

20 BE IT FURTHER RESOLVED that the New Mexico legislature will
21 continue its efforts in drug abuse education and enforcement programs
22 and will commit its limited resources to programs that, based on New
23 Mexico's experience, have a reasonable chance of reducing drug abuse.

underscored material = new
~~(bracketed material)~~ = deletion

ORIGINAL SIGNED BY
PRESIDENT AND SPEAKER)

901

SIGNED BY GOVERNOR

DATE: 2-21-91

CHAPTER NO: Three

ORIGINAL SENATE
JOINT RESOLUTION
NO. 0021

ENROLLED JOINT RESOLUTION NO. 5, SENATE

FIFTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
1991 GENERAL SESSION

A JOINT RESOLUTION requesting Congress to allow each state the right to determine and impose appropriate sanctions upon the driving privileges of drug offenders within state boundaries.

WHEREAS, Congress has imposed sanctions upon the several states through the withholding of apportioned federal aid highway funds in an attempt to strengthen and encourage state efforts in preventing drug abuse through penalizing drug offenders; and

WHEREAS, while drug abuse remains to be a paramount and priority national problem, the imposition of federal highway fund sanctions upon states does not appropriately address or respond to the problem; and

WHEREAS, state officials are eminently more qualified to regulate and control the privilege of operating motor vehicles on roadways within their respective state jurisdictions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. That the legislature opposes enactment or enforcement in this state of a federally mandated law relating to revocation, suspension, issuance or reinstatement of driver's licenses to convicted drug offenders as described in 23 U.S.C. 104(a)(3)(A).

Section 2. That Congress repeal 23 U.S.C. 104(a)(2) and (3) and allow states the right to determine and impose appropriate sanctions upon driving privileges of drug offenders within state boundaries.

Section 3. That this resolution is intended to satisfy the requirement under 23 U.S.C. 104(a)(3)(B)(ii) which will protect

Wyoming

ORIGINAL SENATE
JOINT RESOLUTION
NO. 0021

ENROLLED JOINT RESOLUTION NO. 5, SENATE
FIFTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
1991 GENERAL SESSION

the state of Wyoming from the loss of federal highway funds under 23 U.S.C. 104(a)(3).

~~Section 4. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the United States Secretary of Transportation and to the Wyoming Congressional Delegation.~~

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

**(ORIGINAL SIGNED BY
PRESIDENT AND SPEAKER)**

SIGNED BY GOVERNOR

DATE: 2-21-91

CHAPTER NO: None



STATE OF UTAH
OFFICE OF THE GOVERNOR
SALT LAKE CITY
84114

NORMAN H. BANGERTER
GOVERNOR

March 16, 1992

Mr. Andrew H. Card
Secretary of Transportation
U.S. Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

Dear Secretary Card:

Section 333 of the FY-1991 U.S. Department of Transportation Appropriations Act (Public Law 101-516, Sec. 333) requires withholding of certain Federal-aid Highway Funds if certain legislation is not passed by individual states. However, this same act provides for exclusion from the penalties if the State Legislature and Governor certify that they oppose enactment of the specified legislation.

This letter is to inform you that the Utah State Legislature considered legislation which would have required the revocation or suspension of a person's driver's license if convicted on any drug-related offense. The legislation was not passed by either house. The Legislature passed a resolution, in which I concurred, which outlined our opposition to the suggested legislation. A copy is enclosed for your inspection and record.

I would like to point out that our failure to enact the legislation suggested by Congress does not indicate any laxness on our part in fighting drug and alcohol use and their impacts on traffic safety. Utah has some of the most stringent DUI laws in the country and very aggressive enforcement of them. We also have a law which revokes or suspends the driver's license of juveniles convicted of any drug-related offense. We feel that our current laws provide for sufficient deterrence of drug abuse.

Sincerely,

Norman H. Bangarter
Norman H. Bangarter
Governor

NHB/ehf

Enclosure

cc: Don Steinke, Federal Highway Administration
Doug Bodrero, Department of Public Safety

Utah

RESOLUTION TO THE SECRETARY OF TRANSPORTATION

ON REVOCATION OF DRIVER LICENSES

1992

GENERAL SESSION

Enrolled Copy

S. C. R. No. 7

By Dix H. McMullin

A CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR EXPRESSING
OPPOSITION TO A FEDERAL REQUIREMENT FOR THE STATE TO PASS A LAW
REQUIRING REVOCATION OR SUSPENSION OF A PERSON'S DRIVER LICENSE FOR
ANY DRUG-RELATED OFFENSE.

Be it resolved by the Legislature of the state of Utah, the Governor
concurring therein:

WHEREAS Section 333 of the Fiscal Year 1991 United States Department
of Transportation Appropriation Act entitled "Revocation or Suspension of
the Driver's License of Individuals Convicted of Drug Offenses" requires
states to enact legislation requiring the revocation or suspension of an
individual's driver license upon conviction of any drug-related offense;

WHEREAS Section 333 requires withholding 5% of certain federal-aid
highway funds in Fiscal Year 1994 and 1995 and 10% in subsequent years
from states that fail to enact legislation;

WHEREAS Section 333 provides the following procedure to avoid the
sanctions without enacting the legislation:

"(B) The Governor of the State --

(i) submits to the Secretary no earlier than the adjournment sine
die of the first regularly scheduled session of the state's legislature
which begins after the date of enactment of this section a written
certification stating that he is opposed to the enactment or enforcement

S. C. R. No. 7

in his state of a law described in subparagraph (A) relating to revocation, suspension, issuance, or reinstatement of driver's licenses to convicted drug offenders; and

(ii) submits to the Secretary a written certification that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law described in clause (i)";

WHEREAS S.B. 102, "Suspension of Driver License", providing for the revocation or suspension of an individual's driver license upon conviction of any drug-related offense, has been introduced during the 1992 General Session of the Legislature and has failed to pass;

WHEREAS the federal government should not dictate policy or legislation of this kind for the state; and

WHEREAS the Tenth Amendment to the Constitution of the United States provides that: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people";

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the governor concurring therein, certify opposition to the enactment or enforcement in this state of a law requiring the revocation or suspension of an individual's driver license upon conviction of any drug-related offense.

BE IT FURTHER RESOLVED that this resolution be prepared and delivered to the governor of the state of Utah and that the governor submit to the United States Secretary of Transportation:

S. C. R. No. 7

(1) a written certification that he is opposed to the enactment or enforcement of a law related to revocation of a person's driver license for any drug-related offense; and

(2) a written certification that the legislature has adopted this resolution.

BE IT FURTHER RESOLVED that a copy of this resolution be prepared and delivered to the United States Secretary of Transportation.



STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE
04833

JOHN R. MCKERNAN, JR.
GOVERNOR



August 13, 1991

Samuel K. Skinner, Secretary
U. S. Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590

Dear Mr. Secretary:

I write to you regarding P.L. 101-516 of the FY '91 U.S. DOT Appropriations Act. This section of law concerns revocation or suspension of the driver licenses for individuals convicted of drug offenses. I am opposed to the enactment or enforcement in the State of Maine of such a law described in sub-paragraph (A) of the above cited Section 333.

Further, I take this opportunity to submit this written certification that the 1st Regular Session of the 115th Maine Legislature recently adopted a resolution opposing the same sub-paragraph (A) of Section 333. I have attached a true copy of that resolution which was passed on June 4, 1991 by the 115th Legislature. The session adjourned on July 18, 1991.

I believe that the State of Maine is now in compliance with P.L. 101-516, Section 333. Thank you for your attention to this matter.

Sincerely,

John R. McKernan, Jr.
Governor

JRM/lba

cc: Dana P. Connors, MDOI
William D. Richardson, FHWA



Maine

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY-ONE

JOINT RESOLUTION EXPRESSING THE LEGISLATURE'S OPPOSITION
TO FEDERAL LEGISLATION REQUIRING SUSPENSION OF
LICENSES FOR INDIVIDUALS CONVICTED OF VIOLATIONS OF
THE FEDERAL CONTROLLED SUBSTANCES ACT

WHEREAS, the Federal Government has enacted legislation to withhold federal aid to highways in this State unless the Legislature and the Governor consider and act upon state legislation related to the suspension or revocation of the driver's license of any person convicted of drug offenses; and

WHEREAS, the Joint Standing Committee on Legal Affairs has considered proposed legislation consistent with the federal requirement and has voted to recommend that the legislation ought not to pass; and

WHEREAS, the reasons for the negative recommendation include a belief that the granting or withholding of driving privileges is and always has been a prerogative of the states to decide for themselves, not the Federal Government; and

WHEREAS, the federal law provides that a state may avoid loss of federal highway funds if the legislature enacts a resolution expressing its opposition to such legislation and the governor conveys the governor's disapproval and the legislature's resolution to the United States Secretary of Transportation; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fifteenth Legislature, now assembled in the First Regular Session, express our opposition to the enactment of legislation required by the Federal Government to revoke or suspend the drivers' licenses of individuals convicted of violations of the Controlled Substances Act or any drug offense or to delay the issuance or reinstatement of a driver's license for a person so convicted; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable John R. McKernan, Jr., Governor, for conveyance to the United States Secretary of Transportation.

5277.32

HOUSE OF REPRESENTATIVES
READ AND ADOPTED

JUN 5 1991
IN CONCURRENCE

Edwin R. ...
CLERK

IN SENATE CHAMBER
READ AND ADOPTED

JUN 4 1991

JAY J. O'BRIEN
SECRETARY

SENT DOWN FOR CONCURRENCE

9503W-LR2723(1)

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 24, 1993

FURTHER REFERRALS:

HESS
Judiciary

Date of Committee Action: 3-23-93

• The STATE AFFAIRS Committee considered:

HCR 10

• HOUSE CONCURRENT RESOLUTION NO. 10 FEDERAL-AID HY FUNDING/DRUG ENFORCEMENT

Relating to certification of the Alaska State Legislature's opposition to requiring suspension of a driver's license for drug offenses.

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) _____

zero fiscal note _____

zero fiscal note(s) _____

SIGNING <u>DO PASS</u>	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	X	<i>Jerry Sanders</i>	✓		
<i>[Signature]</i>	X				
<i>B. Davis</i>	X				
<i>Wagley Oldberg</i>	✓				
<i>Alan Stand</i>	✓				
<i>Paul Bort</i>	✓				

[Signature]

 CHAIRMAN'S SIGNATURE

HCER

15

HOUSE COMMITTEE REPORT

(9)

Date Referred: March 12, 1993

FURTHER REFERRALS:

Date of Committee Action: 3/30/93

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HCR 15

HOUSE CONCURRENT RESOLUTION NO. 15

SCHOOL BUS DRIVER APPRECIATION DAY

Relating to Alaska School Bus Driver Appreciation Day.

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 LAA

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				

[Signature]
 CHAIRMAN'S SIGNATURE



Alaska State Legislature
 House of Representatives
 COMMITTEE ON HEALTH, EDUCATION
 AND SOCIAL SERVICES

DATE: MARCH 30, 1993

PLACE: Capitol Room 106

SUBJECT OF MEETING:

- *HCR 15: SCHOOL BUS DRIVER APPRECIATION DAY
- HB 190: AK. SCIENCE AND TECHNOLOGY FOUNDATION GRANT
- *HB 174: CONSOLIDATION OF SCHOOL DISTRICTS (TELECONFERENCE)

BILLS HELD OVER FROM PREV. CALENDARS MAY BE

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Carl Rose	AASIB	Tuneau	99801		61083	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 174
Duane Guiley	DOE	Tuneau	99801		5-2891	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 174
						<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	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	

3/30/93

LTN1100-R01
04/01/93

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 01
18:22:18

TCN: 30444 DATE & TIME: 03/30/93 15:00 TO 17:00 STATUS:7 STATS. IN

**** ORDER SUMMARY ****

SPONSOR: HHES HOUSE HEALTH, EDUCATION AND SOCIAL SERVI CHAIRS: TOOHEY
PURPOSE: PUB PUBLIC HEARING
CONTACT: LYNNE SMITH TEL#: (907)465-6825
CHAIRING SITE: JUNEAU CAPITOL CAP106

HB 174
HB 190

SPONSOR REMARKS(PUB): TESTIMONY:Y ALLOWED 5 MINUTE LIMIT
TCN REQUESTED ON 03/30/93 AND HAS 9 UPDATES

**** AGENDA ****

- 1 HB 174 CONSOLIDATION OF SCHOOL DISTRICTS
- 2 HB 190 AK SCIENCE & TECHNOLOGY FOUNDATION GRANTS

**** PARTICIPATING LIOS ****

ANC ANCHORAGE	3111 C STREET	LOCATION STAFF
* JNU JUNEAU	CAPITOL CAP106	LOCATION STAFF
KTN KETCHIKAN	352 FRONT STREET	LOCATION STAFF
SOL KEN/SOL	34824 KALIFONSKY	LOCATION STAFF
TOK TOK LIO	MP 1314 AK. HWY	LOCATION STAFF

**** VOLUNTEER & OFFNET SITES ****

DJT GAL GALENA	GALENA SCHOOL	LAUREL OSBORNE	(907)656-1805
SIT CRA CRAIG	CITY HALL	HELEN GRAY	(907)826-3277
ZZZ OF1 OFFNET 1	KUSPUK	BOBBETTE BUSH	(907)675-4250
ZZZ OF2 OFFNET 2	DILLINGHAM	DDN RENFRO	(907)842-5225
ZZZ OF3 OFFNET 3	TANANA	RON DELAY	(907)366-7207

PARTICIPANTS IN ANCHORAGE

1 MR. JOHN SIBERT	ANC	AK SCI & TEC FD TSFY. HB 190
550 W. 7TH AVE. #360	ANCHORAGE	AK 99501 (907)272-4333

PARTICIPANTS IN GALENA

1 DR. BILL MILLER	DJT GAL	SUPERINTENDENT TSFY. HB 174
BOX 299	GALENA	AK 99741 (907)656-1205
2 MRS. LAUREL OSBORNE	GALENA	BOARD MEMBER OBSV. HB 174
BOX 209	GALENA	AK 99741 (907)656-1805

PARTICIPANTS IN: JUNEAU

1 TEST	JNU	TSFY. ALL ITEMS
2 TEST		AK (907)000-0000
3 TEST		TSFY. ALL ITEMS
4 TEST		AK (907)000-0000
5 TEST		TSFY. ALL ITEMS
6 TEST		AK (907)000-0000
7 TEST		TSFY. ALL ITEMS
8 TEST		AK (907)000-0000

LTN1100-R01
04/01/93

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 02
18:22:18

TCN: 30444 DATE & TIME: 03/30/93 15:00 TO 17:00 STATUS:7 STATS. IN

PARTICIPANTS IN: JUNEAU

JNU

9	TEST	9		TSFY. HB 174
			AK	(907)000-0000
10	TEST	10		TSFY. HB 174
			AK	(907)000-0000
11	OBS	1		OBSV. ALL ITEMS
			AK	(907)000-0000

PARTICIPANTS IN: KETCHIKAN

KTN

1 MR.	JOHN	HOLST		TSFY. HB 174
	BOX 800		CRAIG	AK 99921 (907)826-3274
2 MR.	BOB	WEINSTEIN		TSFY. HB 174
	BOX 8340		KETCHIKAN	AK 99901 (907)225-9658

PARTICIPANTS IN: CRAIG

SIT CRA

1 MR.	PAUL	THIBODEAU		TSFY. HB 174
	BOX 38		CRAIG	AK 99921 (907)826-3275

PARTICIPANTS IN: TOK LIO

TOK

1 MS.	CATHERINE	WILSON	AGSD	OBSV. HB 174
	P.O. BOX 226		TOK	AK 99780 (907)883-5151
2 MR.	DICK	SCHULTZ		OBSV. HB 174
	P.O. BOX 487		TOK	AK 99780 (907)883-5858

PARTICIPANTS IN: OFFNET 1

ZZZ OF1

1	BOBBETTE	BUSH		TSFY. HB 174
---	----------	------	--	--------------

LTN1100-R01
04/01/93

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 03
18:22:18

TCN: 30444 DATE & TIME: 03/30/93 15:00 TO 17:00 STATUS:7 STATS. IN

PARTICIPANTS IN: OFFNET 1

ZZZ OF1

2	KUSPUK	SUPERINTEDENT		AK (907)675-4250
			KUSPUK	AK TSFY. HB 174
				AK (907)675-4250

PARTICIPANTS IN: OFFNET 2

ZZZ OF2

1	DON	RENFRO		TSFY. HB 174
			DILLINGHAM	AK (907)842-5225

PARTICIPANTS IN: OFFNET 3

ZZZ OF3

1	RON	DELAY		TSFY. HB 174
			TANANA	AK (907)366-7207

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: HCR 15

Revision Date: _____
Title: Relating to Alaska School Bus Driver
Appreciation Day: _____
Sponsor: Representative Phillips
Requestor: House HESS

Department Affected: Legislative Affairs Agency
BRU: Legislative Council

Component: Session Expenses

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE	0	0	0	0	0	0
---------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE						
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)

Zero fiscal impact.

Prepared By: Pamela A. Stoops, Director
Division: Administrative Services

Pamela A. Stoops

Phone: 465-3850
Date: 3/23/93

Approved By: Warren W. Endicott, Executive Director
Agency: Legislative Affairs Agency

Warren W. Endicott

Date: 3/23/93

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

Alaska State Legislature

House of Representatives



Official Business

State Capitol
Juneau, Alaska 99801-1182
(907) 465-3718

House Majority Leader

TO : Representative Con Bunde, Co-Chair 3/22/93
Representative Cynthia Toohey, Co-Chair
Representative Gary Davis, Vice Chair
House HESS Committee

FROM : Representative Gail Phillips *Gail*

RE : Scheduling of House Concurrent Resolution 15
(Alaska School Bus Driver Appreciation Day)

I would appreciate your scheduling the above Resolution for a hearing before the House Health, Education and Social Services Committee at your earliest convenience.

The "whereases" of the Resolution itself contain the background information. The Resolution would extend to our school bus drivers the gratitude of the Legislature for the care and attention they give to the school-bus riding children of Alaska.

Sponsor Statement

HCR

17

HOUSE COMMITTEE REPORT

(9)

Date Referred: April 7, 1993

FURTHER REFERRALS:

Finance

Date of Committee Action: 4/14/93

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HCR 17

HOUSE CONCURRENT RESOLUTION NO. 17

, KENAI PENINSULA INSURANCE POOL

Relating to a health insurance pool established for residents of the Kenai Peninsula Borough.

RECOMMENDATIONS:

be replaced with CS HCR 17 (HESS) 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) House Ltr 4/7/93

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Pat Kott</i>	<input checked="" type="checkbox"/>	<i>Harley Allberg</i>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>			
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>				

[Signature]
CHAIRMAN'S SIGNATURE

8-LS0890E
Ford
4/14/93

CS FOR HOUSE CONCURRENT RESOLUTION NO. 17()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE G.DAVIS

A RESOLUTION

1 Relating to a health insurance pool established for residents of the Kenai
2 Peninsula Borough.

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **WHEREAS** a significant number of residents of the state cannot afford to pay their
5 medical bills, are not covered by a group health insurance plan, do not qualify for public
6 assistance programs, or cannot afford to pay individual health insurance premiums; and

7 **WHEREAS** every resident should have access to a basic level of health care regardless
8 of income and should not become financially destitute before obtaining health care; and

9 **WHEREAS** the legislature recognizes a continuing need to develop and evaluate ways
10 to manage health care in the state and in recognition of that need the Seventeenth Alaska State
11 Legislature established by Legislative Resolve 45, the Health Resources and Access Task
12 Force in 1991; and

13 **WHEREAS** the federal, state, and local governments have recognized this need and
14 are attempting to address health care reform issues; and

15 **WHEREAS** the President of the United States has called for a national health care
16 reform program that would mandate certain base levels of health care be provided by states