

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8286 SENATE HEALTH EDUCATION & SOCIAL SERVICES

HB

323

JMR

DATE: 3/3/94

FURTHER: State Affairs

DATE TURNED INTO OFFICE: 3/21/94

HESS Committee considered CS FOR HOUSE BILL NO. 323(JUD) am

"An Act relating to requests for anatomical gifts and to the release of certain information for the purpose of facilitating anatomical gifts."

and recommends:

- replace with _____ CS _____ ()
- or adopt previous _____ CS _____ ()
- attaches amendment(s)

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

- adopts _____ Letter of Intent
- further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
Alaska Court	1/24/94	✓	
HSS	1/14/94	✓	

House

Appropriation No Fiscal Note

DO PASS:

OTHER RECOMMENDATIONS:

Alaska Court - No Rec

Alaska Court - No Rec

Alaska Court - No Rec

Alaska Court - No Rec

Barth May Jr
 Chair: Signature and Recommendation

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 323

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: Organ and Tissue Donations BRU: State Health Services
 Component: Bureau of Vital Statistics
 Sponsor: Toohy
 Requestor: House HES COMPONENT SERIAL NO. #961

Expenditures/Revenues:	(Thousands of Dollars)					
OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES

CHANGES IN REVENUES

FUND SOURCE	(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	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) cost \$ NONE

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact

Prepared by: Peter M. Nakamura, MD, MPH Phone: (907) 465-3090
 Division: Public Health Date: 01/13/94
 Approved by Commissioner: M. Lowe Date: 1-14-94
 Agency: Department of Health & Social Services

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



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

REPRESENTATIVE CYNTHIA TOOHEY

DISTRICT 13

State Capitol
Juneau, AK 99801-1182

SPONSOR STATEMENT

HOUSE BILL 323

"An Act relating to requests for anatomical gifts and to the release of certain information for the purpose of facilitating anatomical gifts"

HB323 would allow the Department of Health and Social Services to release pertinent information, collected for the purpose of completing death certificates or other vital records, to a bank, storage facility, or person who handles procurement of anatomical gifts. That information would include the name of the person who could execute the anatomical gift and the medical suitability of the decedent.

Like hospitals, the bank, storage facility, or person who handles the procurement of anatomical requests would be required to develop procedures which specify the circumstances under which it is inappropriate to request a gift.

This amendment to current statute would enable a transplant agency to obtain the necessary information, within a limited time-frame, to allow for successful donation to occur. Timing is of the essence. The harvesting of tissue must usually be done within the first twenty-four hours after death.

It is anticipated there will be over 300 tissue and organ transplant requests by Alaskans in 1994. This includes tendon, tissue, corneal, and bone transplants. A tremendous difference can be made in the quality of life of the recipient of the transplant and can often provide a certain solace to the decedent's family and friends.

The Alaska State Medical Association, the Department of Health and Social Services and the Court system are strongly supportive of HB323. It has two zero fiscal notes. HB323 passed the House unanimously.

Your support of this bill would be appreciated.

POSITION PAPER
STATE OF ALASKA * DEPARTMENT OF HEALTH & SOCIAL SERVICES

POSITION PAPER
HB 323 (House HES)

HB 323 inserts new subsection (i) into AS 18.50.310 that permits the Bureau of Vital Statistics to allow release of death certificate information pertaining to next of kin and medical suitability for organ or tissue donation to individuals or organizations that provide for transplants of bodily organs or tissues.

Background:

Alaska's population is younger than the national average and participates in both occupations and recreational activities that are more risky than the national average. Therefore a larger than average number of decedents in Alaska are suitable for donation of organs and tissue. The window for successful harvest of useable donations is small, in many case 24 hours or less. It is therefore important that permission to accept donations be obtained as quickly as possible.

AS 18.50 does not currently allow release of the information necessary to obtain timely donations.

Position:

The department believes that it is important to facilitate timely donation of useable organs and tissues so long as it does not compromise public health and safety investigations and procedures. These materials can make the difference between life and death to citizens of Alaska.

Therefore the department supports this legislation.

Recommended by:

Peter M. Nakamura
Peter M. Nakamura, MD, MPH
Director
Division of Public Health

Date:

1/13/94

Approved by:

Margaret R. Lowe
Margaret R. Lowe, M.Ed., Ed.S.
Commissioner

Date:

1-14-94



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT H&SS	DIVISION Public Health	BILL NUMBER HB 323	SPONSOR Toohey
SHORT TITLE OF BILL An Act Authorizing the Bureau of Vital Statistics to release certain information for the purpose of organ and tissue donation.			
DEPARTMENT POSITION The Department supports this bill			
PREPARED BY Peter M. Nakamura, MD, MPH	DATE 11/13/94	COMMISSIONER'S SIGNATURE <i>M. Lowe</i>	DATE 1-17-94

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Alaska Court System	CONSTITUENT GROUP(S) AFFECTED BY BILL None
ORGANIZATIONAL SUPPORT FOR BILL Organ and tissue harvesting organizations	ORGANIZATIONAL OPPOSITION TO BILL none known

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

Life Alaska, a tissue harvesting organization requested and received the cooperation of the Department of Health and Social Services in finding language that would allow tissues and organs to be harvested in a timely manner under Alaska law.

ANALYSIS OF BILL PROGRAM EFFECTS

This bill will allow the Department to release information for harvest of needed tissue without impeding either legal or public health investigations. The Department strongly supports this bill

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CS HB 323(HESS)

(Work draft 8-LS1283U)

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: An Act relating to the release of certain BRU: Trial Courts
 Information for the purpose of facilitating anatomical gifts Components: _____
 Sponsor: Rep. Toohay
 Requestor: _____ COMPONENT SERIAL NO. 758

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

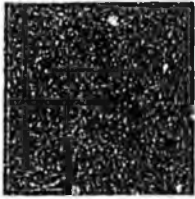
Estimate of current year (FY 94) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)
No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 254-8228
 Agency: Alaska Court System Date: 01/24/94

Approved by: Arthur H. Snowden, II, Administrative Director *AS* Date: 01/24/94
 Agency: Alaska Court System

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



ALASKA STATE MEDICAL ASSOCIATION

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

January 28, 1994

Rep. Cynthia Toohey
Alaska State Legislature
P. O. Box V (MS3100)
Juneau, AK 99811

Dear Representative Toohey:

The Legislative Affairs Committee of the Alaska State Medical Association recently discussed your House Bill 323 regarding organ donation. This bill will make it easier for much needed donor organs to be made available for those in need. This bill would certainly benefit the health and welfare of Alaskans. We give this bill our strong support. If I can be of any assistance to you in its passage, do not hesitate to contact me.

Sincerely yours,

Donald R. Lehmann, M.D.
Chairman, Legislative Affairs Committee
President, Alaska State Medical Association

CC: Byron Mallot

Life Alaska, Inc.

Tissue Procurement Services

P.O. Box 230785

Anchorage, AK 99523-0785

(907) 562-5433

FAX 563-8824

Representative Cynthia Toohey
State Capitol
Juneau, AK 99801-1182


January 18, 1994

Dear Representative Toohey:

The people of Alaska are currently receiving nearly three hundred tissue transplants a year within the state. These include skin transplants for severe burns, corneal transplants, tendon transplants for knee and shoulder injuries, and bone transplants. Bone transplants have been used in Alaska for jaw reconstruction after bone cancer, saving a leg from amputation after bone tumor removal, repair of artificial hips and knees, trauma surgery by orthopedic and neurosurgeons, and dental repair by periodontists. Life Alaska is supplying heart-valves for pediatric and adult heart-valve transplant throughout the Northwest. Providence Hospital will begin transplanting heart-valves by this summer. As the only tissue donation agency based in Alaska, we are currently unable to meet the community's transplant needs in a timely manner. House Bill number 323 will be a terrific asset in providing more transplant tissue throughout Alaska.

For the last one and a half years, Life Alaska has been attempting to contact decedent families through the coroner's office. Because of Alaska's current restrictions on release of information contained on a death certificate, Life Alaska was not able to locate a next of kin or determine the medical suitability of donation for a majority of coroner's cases. Yet, of the thirty two families Life Alaska was able to reach, twenty six consented to tissue donation. Over 80% of the decedent families approached by Life Alaska were willing to give the gift of life and health to someone else. Nearly all of these families have indicated that donation was a source of comfort and support to them.

House Bill 323 will provide a rapid and effective way for Life Alaska to determine if there are any donation options, and be able to contact the grieving families as an information resource to offer the option of donation in a sensitive manner. Similar information sharing programs have been effective in Colorado, California, Texas, Missouri, and many other states. On behalf of all the families who are given the right to choose, and the recipient families who are given the gift of life and health, thank you for your support of this worthwhile project.


Jens Saakvitne
Director

METRO

ANCHORAGE DAILY NEWS

SECTION B

ADN
3-16 93



MARK DOLAN / Anchorage Daily News

Jens Saakvitne said he has seen dramatic improvement in the availability of tissue since the start of Life Alaska.

ANOTHER CHANCE AT LIFE

Tissue donation program keeps its focus on living

By NICOLE WONG
Daily News reporter

Jens Saakvitne called at 8:30 the morning after Joyce Burt's husband died. He has made many of these calls. It is always a bad time. It is always difficult.

You need to think about funeral arrangements, he told Joyce. You need to think about what you want to do with Ray's body. One of the options you have is tissue donation.

"There is no wrong decision," Saakvitne assured her.

Ray Burt died from a heart attack two weeks ago at age 68. It was a surprise to Joyce, even though her husband had been in and out of the hospital for the last few months. But Ray had

always meant to donate his tissues and organs, so when Saakvitne called, she didn't hesitate.

Saakvitne is the director of Life Alaska Inc., a non-profit company that collects human tissue — primarily tendons, bones and corneas — for transplant. Before the establishment of Life Alaska in 1991, patients might wait months for a tissue that would restore their sight or the use of their limbs. Now, most tissues are available on demand.

Since May 1992, Life Alaska has had 78 donors from around the state, and placed about 125 tissues to those in need. Locally donated tissues are reserved for Alaska

Please see Page B-2, LIFE



Photo courtesy Joyce Burt

pictured with his daughters Martha, right, who is in 1st year of medical school, and Rebecca, 22, who graduated from University this year.

LIFE: Support given to families of deceased

Continued from Page B-1

use for 30 days, then the freeze-dried tissues are made available nationwide.

Ray Burt lost his left eye when he was 19 and serving in the U.S. Coast Guard at Ketchikan. Last week, his right cornea was transplanted to an 89-year-old Los Angeles woman. The woman is reportedly healing very well.

"Since he only had the one eye, I'm certain that Ray would want someone else to have the other if they could use it," Joyce said.

In Saakvitne's 14 years working for organ and tissue banks in Colorado, New York and now Alaska, he has seen homicide victims, accident victims, people who suffered prolonged illnesses and those who collapsed without warning.

But while keeping company with the dead, Saakvitne remains keenly focused on the living. He devotes his attention to the widow or widower, the children, and the person — possibly thousands of miles away — who needs a heart valve, a new cornea or a bit of patellar tendon.

He must do all this to the tick of the clock. Human tissues have to be removed within 24 hours after death to be viable for transplant. Corneas, the strong refractive lenses of the eye, must be removed within 12 hours and transplanted within five days.

In the last year, Saakvitne has flown as far north as Fairbanks and as far south as Ketchikan to reach

the body in time.

But when he talks to the families of the deceased, Saakvitne tries to offer them as much as he seeks.

Saakvitne spends as many as 85 hours a week not only finding donors, but providing support for their families. He describes himself as a person who likes to help others in need.

Sitting in his small, paper-scattered office, Saakvitne talks about his job — the phone calls, the time pressure and the inevitable grief — with a quiet, but confident voice.

"I don't discuss recipients, or how many patients are waiting," Saakvitne said. "I think that's laying a guilt trip on them, and if they have regrets the next week then I haven't done anyone any good."

Saakvitne usually tells the families about the procedure of a coroner's investigation. They can expect to wait between 12 and 24 hours for the body to be released. They should be choosing a funeral home. They might want to contact one of several support services available for recent widows, widowers and children of the deceased. Saakvitne keeps a list on hand.

"Jens was very helpful about explaining things you need to be thinking about, because you're not thinking very clearly," Joyce Burt said.

Saakvitne called her several times on the day after her husband's death. He offered to pick up hospital papers she needed to sign,

and asked if she would be all right until her daughters arrived from the Lower 48.

"I could have called him and he would have done most anything I asked," Joyce said.

While some people are uncomfortable with the idea of human tissue and organ donation, Saakvitne said nearly 80 percent of the families he has called over the last year have agreed to the donation. None of the families he's called — even the ones who decline to donate — has ever gotten angry, Saakvitne said.

Burt said she and her husband had often discussed organ and tissue donation, particularly since their eldest daughter had entered medical school. But when Ray died, no one at Providence Hospital mentioned donation, even though federal and state laws require families to be given that option.

"I didn't know what the rules were," Joyce said. "Because they don't ask, you think everyone is trying to be nice. You think they're too nice to say that they don't want to use your loved one's parts."

Saakvitne contacted Joyce after seeing the coroner's report on Ray's death the following day. Daily review of local coroner's reports is how Saakvitne locates most donors.

"I'm calling to offer this free service of information ... and some compassion. Everything I do is aimed at the family's needs," Saakvitne said. "Still it does amaze me, the number of families that say yes."

But while most families have been receptive to the idea of donation so far, the rest of society isn't, said Dr. David A. McGuire, an orthopedic surgeon who was a founding director of Life Alaska.

"There's a certain amount of awareness among ER doctors, police, paramedics, legislators — the whole spectrum of society," McGuire said. Yet tissue transplant is being used more often, and more safely, than ever before, he added. Life Alaska has made tissues available for those patients who choose transplants as a medical option.

Saakvitne goes over the medical history of each donor, then he and a surgical team remove the viable tissues in a hospital operating room. The body is restored so that an open-casket funeral is possible if the family wishes.

"Sometimes in talking with families I become so involved with their pain that I will be in tears at the end," Saakvitne said.

The most difficult cases are often the ones where a child has died. Last week, Saakvitne sat down with the parents of a young girl who died in a car accident. He told them a piece of her heart valve had been transplanted to another child who was now expected to live a normal, healthy life.

"My voice kept breaking," Saakvitne said. "There's nothing you can do to make it OK, but I like to think that I helped just a little bit."

"In enacting required request legislation, our society has indicated its collective desire that people routinely be given the option of organ and tissue donation as a last act of respect for the dead and their families and as an expression of concern for those who will die unless more organs and tissues are made available."

Arthur Caplan, Ph.D.

*Emergency Room
Local Hospital*

To Whom it May Concern:

Thank you for your greatest effort in trying to save our 2-year-old Bobby. We knew he was receiving the very best of care and as quickly as possible. With kindest regards for your feelings, may I make one suggestion? In the same breath that you said it is required by law in such cases to have an autopsy, could you find the courage to ask if prior arrangements have been made for an organ donation?

My reason for asking is that it has been five weeks since the accident and it is devastating to know the emptiness surrounding his passing. Giving someone living a fuller or longer life would be a comfort to me. But, I can't now make that choice - it is too late.

I know your thoughts at the time of your call were of me. Please give someone else the opportunity to decide about donating an organ for the comfort it will be six weeks later. Tears fill my eyes as I write this knowing I would have given permission if only given the chance.

Promise me you'll tell someone of my feelings until at least someone gives that permission and maybe six years from now I'll feel grateful that I gave someone else the choice.

Thank you for your devoted care,

Mrs. R. Langman

Don't Give Up

If you can swallow hard enough
To push away the fear
And ask that dreaded question
That no-one wants to hear.

And if you add one ray of hope
When there's nothing left but crying
You'll become the "gentle link"
between the living and the dying.

You'll give some meaning to the hour
When hearts have been laid raw
And offer hope to someone else
Who prays and waits in awe.

If you can find the strength inside
To face this painful task
Then hundreds more will find new life
Because you dared to ask.

In deepest gratitude,
Becky Hanson 4/21/93

(Becky is from Washington.
Her 21 year old son and his fiance were killed in Jan 1989
and she wrote this poem to encourage and thank
the professionals who ask families about organ donation.)

Sec. 13.50.014. Requests by hospitals for anatomical gifts.

(b) Each hospital in the state shall develop procedures for identifying potential donors of gifts, requesting gifts, notifying and coordinating with eye banks, tissue banks, and organ procurement agencies, and assisting in the procurement, removal, storage, and transportation of gifts. The procedures must specify the circumstances under which it is inappropriate to request a gift, such as if the gift is unsuitable, if the request is likely to offend the donor's religious beliefs, or if asked to make the request is likely to cause undue emotional distress to the person who would be making the gift. The procedures must encourage reasonable discretion and sensitivity.

Sec. 18.50.310. Disclosure of records. (a) To protect the integrity of vital statistics records, to ensure their proper use, and to ensure the efficient and proper administration of the vital statistics system, it is unlawful for a person to permit inspection of, or to disclose information contained in vital statistics records, or to copy or issue a copy of all or part of a record, except as provided by this section or as authorized by regulations issued under this chapter.

(b) The bureau may permit the use of data contained in vital statistics records for research purposes.

(c) Information in vital statistics records indicating that a birth occurred out of wedlock shall not be disclosed except upon order of a superior court or as provided by regulations.

(d) Appeals from decisions of the custodians of local records refusing disclosure under (a) and (b) of this section shall be made to the state registrar, whose decision is binding upon the custodian of local records.

(e) The department may by regulation provide for the release of information to authorized representatives of organizations or foundations that counsel the next of kin of victims of sudden infant death syndrome.

(f) Notwithstanding the provisions of AS 09.25.120, when 100 years have elapsed after the date of a birth, or 50 years have elapsed after the date of a death, marriage, divorce, dissolution of marriage, or annulment, the records of these events in the custody of the state registrar become public records subject to inspection and copying as provided in AS 09.25.110 — 09.25.140.

(g) The principal health officer of a municipality, or a municipal health officer designated by the principal health officer, may inspect vital statistics records pertinent to the functions of the principal health officer. The state registrar may enter into an agreement with a municipality governing the conditions and purposes of those inspections.

(h) In this section "principal health officer" means the municipal official who is exercising health powers and who is primarily responsible for public health in the municipality. (§ 27 ch 118 SLA 1960; am § 1 ch 132 SLA 1978; §§ 1, 2 ch 25 SLA 1984; am § 11 ch 200 SLA 1990)

Effect of amendments. — The 1990 amendment substituted "AS 09.25.110 — 09.25.140" for "AS 09.25.110 and AS 09.25.121 — 09.25.125" in subsection (f).

Opinions of attorney general. — The Bureau of Vital Statistics is authorized under its regulation, 7 AAC 05.925, to comply with requests for copies of documents made by the Longevity Bonus Program when necessary to perform its statutory duty of determining an individual's eligibility to receive the longevity bonus, unless otherwise prohibited by federal law. February 4, 1981 Op. Att'y Gen.

Although some provisions of a bill which would have accorded adopted persons who are 18 years of age or older a statutory right to a potentially substantial amount of information about their "natural" parents, and which would make it clear that Alaska's adoption statutes do not prohibit court-sanctioned post-adoption visitation between adopted persons and their natural parents and relatives, could have engendered a constitutional challenge, the challenge would not have been fatal to the entire bill. June 5, 1986, Op. Att'y Gen.

Chapter 50. Uniform Anatomical Gift Act.

Section	Section
10. Persons who may execute an anatomical gift	30. Manner of executing anatomical gifts
14. Requests by hospitals for anatomical gifts	60. Rights and duties at death
16. Investigations by law enforcement and medical personnel	65. Regulations
	70. Definitions

Sec. 13.50.010. Persons who may execute an anatomical gift.

(a) A person of sound mind who is 18 or more years of age may make a gift to take effect upon death, of all or a part of the person's body for a purpose specified in AS 13.50.020.

(b) When persons in prior classes are not available at the time of death, and in the absence of actual notice of contrary indications by the decedent or actual notice of opposition by a member of the same or a prior class, any of the following persons, in order of priority listed, may give all or a part of the decedent's body for a purpose specified in AS 13.50.020:

(1) the spouse;

(2) an adult son or daughter;

(3) either parent;

(4) an adult brother or sister;

(5) a guardian of the decedent at the time of death;

(6) any other person authorized or under obligation to dispose of the body.

(c) The persons authorized by (b) of this section may make the gift after or immediately before death.

(d) If the donee has actual notice of contrary indications by the decedent or that a gift by a member of a class is opposed by a member of the same or a prior class, the donee may not accept the gift. However, an anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death.

(e) A gift of all or a part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

(f) The rights of the donee created by the gift are superior to the rights of others except as provided in AS 13.50.060(d). (§ 1 ch 78 SLA 1972; am § 1 ch 43 SLA 1988; am § 1 ch 22 SLA 1991)

Effect of amendments. — The 1988 amendment substituted "18" for "19" in subsection (a).

The 1991 amendment, effective September 8, 1991, in subsection (d), added the second sentence.

Sec. 13.50.070. Definitions. In this chapter

(1) "bank or storage facility" means a facility licensed, accredited, or approved under the laws of any state for storage of human bodies or parts of them:

HB

324

SENATE COMMITTEE REPORT

DATE: 4/12/94

FURTHER:

DATE TURNED INTO OFFICE: 4/30/94

HES Committee considered HOUSE BILL NO. 324

"An Act extending the termination date of the Board of Dental Examiners; and providing for an effective date."

and recommends:

- replace with _____ CS _____ (_____)
- or adopt previous _____ CS _____ (_____)
- attaches amendment(s)

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

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
Commerce Econ Dev	3/2/94	✓	

Appropriation No Fiscal Note

DO PASS:

Ronan A. Leman

OTHER RECOMMENDATIONS:

Mike Miller No Rec
Jim No Rec
Best Shop N R

Chair Chair No Rec

 Chair: Signature and Recommendation



House of Representatives

SPONSOR STATEMENT
HB 324

**“An Act extending the termination date of the Board of Dental
Examiners; and providing for an effective date.”**

The Board of Dental Examiners did sunset June 30, 1993. Under AS 08.03.020, a board that is not continued by the legislature, shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs. The board is currently in the process of phasing itself out. HB 324 will prevent the phase out and extend the Board of Dental Examiners.

The general purpose of the Board of Dental Examiners is to regulate and control licensing, permits, and revocations of the dental profession. Some specific duties of the board include:

1. Responding to questions concerning the regulation of dental hygienists.
2. Investigating the means and mechanisms of assuring quality control of functions delegated to allied dental health professions.
3. Encouraging the Governor's office to expedite appointments and reappointments of board members.
4. Maintaining adequate procedures for background investigations of all licensure applicants.
5. Interacting with testing entities to ensure continued upgrading of examination procedures and content.
6. Distributing licensure information through the board-published newsletter.
7. Developing ethics policies. Supports dental education.
8. Assisting the division in establishment of fees commensurate with costs incurred for each license category.
9. Developing infection control regulations and radiation protection regulations.
10. Maintaining compliance with the Americans for Disabilities Act.

The Board of Dental Examiners is an important board. They protect the public by overseeing the dental industry. I urge your favorable consideration of this legislation.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 324

Revision Date: 2/25/94
 Title: An Act extending the termination date of the Board of Dental Examiners and providing for an eff. date
 Sponsor: Representative Bunde
 Requestor: Representative Bunde

Department: Commerce and Economic Dev.
 BRU: Occupational Licensing
 Component: Operations
 COMPONENT SERIAL NO. 1844

Expenditures/Revenues		(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	
PERSONAL SERVICES							
TRAVEL							
CONTRACTUAL							
SUPPLIES							
EQUIPMENT							
LAND & STRUCTURES							
GRANTS, CLAIMS							
MISCELLANEOUS							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0
--------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE		(Thousands of Dollars)					
1002 Federal Receipt:							
1003 GF Match							
1004 General Fund							
1005 GF/Program Receipts							
1006 GF/MHTA							
Other							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	

Estimate of any current year (FY 94) cost: \$ None

POSITIONS		FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
FULL-TIME		0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME		0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY		0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

The bill extends the Board of Dental Examiners to June 30, 1997. Funding for the Board of Dental Examiners is included in the FY 95 operating budget; therefore, new funds are not required.

Prepared by: JoAnne Cummings, Regulations Specialist
 Division: Occupational Licensing
 Approved by Commissioner: Paul Fuhs
 Agency: Commerce and Economic Development

Phone: 465-2537
 Date: 2/25/94
 Date: 2-28-94

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

03/07/94
16:46:23

PUBLIC OPINION MESSAGE SYSTEM
MEMBER OFFICE BUN Bunde

POMS100
LHSCZAN

From: Miss Kathleen M. Smith
HC 1 Box 1263

Soldotna

AK 99669

Tel: 262-7787

Bill# HB 324 Title: [REDACTED]
Subject

SUPPORTS THIS LEGISLATION

Message: I SUPPORT HB 324 (EXTEND BOARD OF DENTAL EXAMINERS) AND URGE YOU TO
DO THE SAME.

Entered By: LIOCMBB on 3/ 7/94
MSG:

PomID 7423

Distribution 60

Enter Next Message PF4 Menu PF6 WasteBasket PF7 Previous POM PF10 BigWaste

03/07/94
16:45:50

PUBLIC OPINION MESSAGE SYSTEM
MEMBER OFFICE BUN Bunde

POMS100
LHSCZAN

From: Mrs. Helen
PO Box 4385

Denise Grubb

Soldotna

AK 99669

Tel: 262-7314

self

Bill# HB 324 Title:
Subject

SUPPORTS THIS LEGISLATION

Message: I SUPPORT HB 324 (EXTEND BOARD OF DENTAL EXAMINERS) AND URGE YOU TO
DO THE SAME.

Entered By: LIOCMBB on 3/7/94
MSG:

PomID 7416

Distribution 60

Enter Next Message PF4 Menu PF6 WasteBasket PF7 Previous POM PF10 BigWaste

03/07/94
16:45:04

PUBLIC OPINION MESSAGE SYSTEM
MEMBER OFFICE BUN Bunde

POMS100
LHSCZAN

From: Mr. Paul
7632 Wandering Dr

Liley

dds

Anchorage

AK 99502

Tel: 276-1488

Bill# HB 324 Title
Subject

SUPPORTS THIS LEGISLATION

Message: I AM IN SUPPORT OF KEEPING THE BOARD. AT A TIME WHEN MEDICAL/DENTAL CARE HAS SO MUCH CROSSFIRE WE NEED TO KEEP OUR ORGANIZATION IN TACT.

Entered By: LIOCDJG on 3/ 7/94
MSG:

PomID 7391

Distribution 60

Enter Next Message PF4 Menu PF6 WasteBasket PF7 Previous POM PF10 BigWaste

03/07/94
16:44:31

PUBLIC OPINION MESSAGE SYSTEM
MEMBER OFFICE BUN Bunde

POMS100
LHSCZAN

From: Mr. Robert J. Bauder
PO Box 3115

Soldotna AK 99669 Tel: 262-5706
self

Bill# HB 324 Title: [REDACTED]
Subject

SUPPORTS THIS LEGISLATION

Message: I SUPPORT HB 324 (EXTEND BOARD OF DENTAL EXAMINERS) AND URGE YOU TO
DO THE SAME.

Entered By: LIOCMBB on 3/7/94 PomID 7384 Distribution 60
MSG:
Enter Next Message PF4 Menu PF6 WasteBasket PF7 Previous POM PF10 BigWaste

03/07/94
16:43:54

PUBLIC OPINION MESSAGE SYSTEM
MEMBER OFFICE BUN Bunde

POMS100
LHSCZAN

From: Ms. Elizabeth T. DeSmidt
PO Box 907

Sterling AK 99672 Tel: 262-0828
self

NON
Bill# HB 324 Title: [REDACTED]
Subject

SUPPORTS THIS LEGISLATION

Message: I SUPPORT HB 324 (EXTEND BOARD OF DENTAL EXAMINERS) AND URGE YOU TO
DO THE SAME.

Entered By: LIOCMBB on 3/ 7/94 PomID 7378 Distribution 60
MSG:
Enter Next Message PF4 Menu PF6 WasteBasket PF7 Previous POM PF10 BigWaste

03/07/94
16:43:10

PUBLIC OPINION MESSAGE SYSTEM
MEMBER OFFICE BUN Bunde

POMS100
LHSCZAN

From: Miss Marci L. Jones
2820 Watergate Way #2

Kenai AK 99611 Tel: 283-7838

Bill# HB 324 Title
Subject

SUPPORTS THIS LEGISLATION

Message: I SUPPORT HB 324 (EXTEND THE BOARD OF DENTAL EXAMINERS) AND URGE YOU
TO DO THE SAME.

Entered By: LIOCMBB on 3/ 7/94 PomID 7372 Distribution 60

MSG:

Enter Next Message PF4 Menu PF6 WasteBasket PF7 Previous POM PF10 BigWaste

03/07/94
16:42:41

PUBLIC OPINION MESSAGE SYSTEM
MEMBER OFFICE BUN Bund

POMS100
LHSCZAN

From: Mr. Robert J. Bauder
PO Box 3115

Soldotna AK 99669 Tel: 262-5706

Bill# HB 324 Title: [REDACTED]
Subject

SUPPORTS THIS LEGISLATION

Message: I SUPPORT HB 324 (EXTEND BOARD OF DENTAL EXAMINERS) AND URGE YOU TO
DO THE SAME.

Entered By: LIOCMBB on 3/ 7/94 PomID 7371 Distribution 60
MSG:
Enter Next Message PF4 Menu PF6 WasteBasket PF7 Previous POM PF10 BigWaste

03/08/94
16:51:28

PUBLIC OPINION MESSAGE SYSTEM
MEMBER OFFICE BUN Bunde

POMS100
LHSCZAN

From: Miss Marci L. Jones
2920 Watergate Way #2

Kenai AK 99611 Tel: 283-7838

Bill# HB 324 Title
Subject

SUPPORTS THIS LEGISLATION

Message: I SUPPORT HB 324 (EXTEND BOARD OF DENTAL EXAMINERS) AND URGE YOU TO
DO THE SAME.

Entered By: LIOCMBB on 3/ 7/94 PomID 7500 Distribution 60
MSG:
Enter Next Message PF4 Menu PF5 WasteBasket PF7 Previous POM PF10 BigWaste

03/02/94
16:08:29

PUBLIC OPINION MESSAGE SYSTEM
MEMBER OFFICE BUN Bunde

POMS100
LHSCZAN

From: Ms. Patrice K. Walsh
3337 Knik Ave

Anchorage AK 99517 Tel: 248-2574

Bill# HB 324 Title: [REDACTED]
Subject [REDACTED]

SUPPORTS THIS LEGISLATION

Message: I WOULD LIKE TO SEE ALASKA STAY UP WITH ALL THE OTHER STATES.
(EXTEND BOARD OF DENTAL EXAMINERS)

Entered By: LIOCCRI on 3/ 2/94 PomID 6623 Distribution 60
MSG:
Enter Next Message PF4 Menu PF6 WasteBasket PF7 Previous POM PF10 BigWaste

03/03/94
16:57:00

PUBLIC OPINION MESSAGE SYSTEM
MEMBER OFFICE BUN Bunde

POMS100
LHSCZAN

From: Ms. Cheryl A. Ginn
3700 Carleton Ave

Anchorage

AK 99517

Tel: 562-2512

NON CONSTITUENT

Bill# HB 324 Title: EXTEND BOARD OF DENTAL EXAMINERS
Subject

SUPPORTS THIS LEGISLATION

Message: I SUPPORT HB 324, EXTEND BOARD OF DENTAL EXAMINERS.

Entered By: LIOCBBN on 3/ 3/94

PomID 7037

Distribution 60

MSG:

Enter Next message PF4 Menu PF6 WasteBasket PF7 Previous POM PF10 BigWaste

02/23/94
15:09:56

PUBLIC OPINION MESSAGE SYSTEM
MEMBER OFFICE BUN Bunde

POMS100
LHSCZAN

From: Dr. Arthur
1329 McGrath Rd

Hansen

dds

Fairbanks

AK 99712

Tel: 457-4638

NON CONSTITUENT

Bill# HB 324 Title: EXTEND BOARD OF DENTAL EXAMINERS
Subject

SUPPORTS THIS LEGISLATION

Message: A SPECIAL THANKS TO REP. CON BUNDE FOR SPONSORING THIS BILL, TO
EXTEND THE BOARD OF DENTAL EXAMINERS. I FULLY SUPPORT THIS BILL.

Entered By: LIOCFRA on 2/21/94

PomID 5695

Distribution 60

MSG:

Enter Next Message PF4 Menu PF6 WasteBasket PF7 Previous POM PF10 BigWaste

Valley Dental Clinic, P.C.

935 Westpoint Drive, Suite 201

Wasilla, Ak. 99654-7143

(907) 373-0747 Telephone

(907) 373-7500 Fax

March 21, 1994

Representative Con Bunde
Alaska State Legislature
Juneau, AK 99801

Dear Representative Bunde:

I have enclosed the Department of Commerce and Economic Development Division of Occupational Licensing report on licensees by category. Please take careful note at the numbers. It has been suggested by the legislative audit report that an additional public member should be added due to the fact that the board has been remiss IE not issuing licenses by credentials.

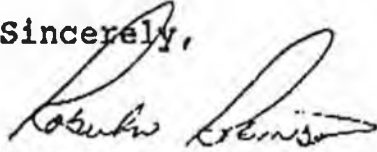
During the last three years the board has issued 127 licenses and of those 86 were by credentials. This is a ratio of 2:1 licenses by credentials vs examination (if these were equal IE 1:1 you would be able to say the board was being fair in how they issued licenses). Please also note that only 12 out of 100 licenses by credentials were denied, which is only 12%. There were 3 denials by examination out of 44 which is 7%. I DO SEE WHERE THE BOARD HAS BEEN REMISS IN ISSUING LICENSES BY CREDENTIALS.

The board has also faced a completely new statute concerning licensing by credentials. It is common knowledge that it takes time to establish policy and put that policy into regulation after a new statute. The board made this it's priority and has a new regulation in place which will lessen the "confusion" and speed the process.

The board is required by statute to conduct four meetings each fiscal year. The last two meetings of FY 94 were cancelled due to the lack of funds in the budget. This put me as chairman in a bad situation. It also was not fair to the public nor applicants who by statute were denied their rightful meetings. The board has been told there was no funds available for even one witness necessary to defend the board in hearings. Now the legislative audit report is suggesting the addition of an additional public member which would increase the cost of the board substantially.

The Board of Dental Examiners was created to protect the public. Please do not dilute this critical function further by the addition of another public member.

Sincerely,



Robert W. Robinson II, DMD
Chairman, Board of Dental Examiners

**State of Alaska
Department of Commerce and Economic Development
Division of Occupational Licensing
Board of Dental Examiners**

**Comparison of Licensure by Credentials
with Licensure by Examination**

FY 91 July 1, 1990 - June 30, 1991	FY 92 July 1, 1991 - June 30, 1992	FY 93 July 1, 1992 - June 30, 1993
<u>Dentists</u>	<u>Dentists</u>	<u>Dentists</u>
Exam: 4 Credentials: 20	Exam: 19 Credentials: 55	Exam: 18 Credentials: 11
<u>Hygienists</u>	<u>Hygienists</u>	<u>Hygienists</u>
Exam: 26 Credentials: 14	Exam: 19 Credentials: 22	Exam: 20 Credentials: 21

Dentists

Total to date by examination: 41
Total to date by credentials: 86
Total Applying:

Hygienists

Total to date by examination: 65
Total to date by credentials: 57

	<u>Dentist</u>		<u>Hygienist</u>	
	<u>Credential</u>	<u>Examination</u>	<u>Credential</u>	<u>Examination</u>
Withdrawn:	3	0	0	0
Pending:	5	10	6	2
Denied:	12	3	0	0

Statistics compiled by:

Carol Whelan, Licensing Examiner
Division of Occupational Licensing
Department of Commerce and
Economic Development
October, 1993

HB

331

SENATE COMMITTEE REPORT

DATE: 3/14/94

FURTHER: Judiciary
Finance

DATE TURNED INTO OFFICE: 4/8/94

HESS Committee considered HOUSE BILL NO. 331 am

"An Act relating to claims on permanent fund dividends for defaulted public assistance overpayments."

and recommends:

replace with _____ CS _____ ()

or adopt previous _____ CS _____ ()

attaches amendment(s)

same title
 new title
 technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DOR	2/22/94	✓	
DHSS	2/22/94		✓
DHSS	2/22/94		✓

Appropriation No Fiscal Note

DO PASS:

Steven A. Seman
Scott Sharp
Mike Miller

OTHER RECOMMENDATIONS:

John Ellers No Rec.

Steve Kim No Rec
Chair: Signature and Recommendation



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

REPRESENTATIVE CYNTHIA TOOHEY

State Capitol
Juneau, AK 99801-1182

DISTRICT 13

SPONSOR STATEMENT

House Bill 331

"An Act relating to claims on permanent fund dividends for defaulted public assistance overpayments"

House Bill 331 would give the Department of Health and Social Services the administrative authority to garnish permanent fund dividends of individuals who have received public assistance overpayments and are delinquent in repaying the debt.

Frequently persons receiving overpayments agree to repay the debt, but fail to do so. If a person is still on public assistance, the person's benefit can be reduced as a means of collection, but if a person is off assistance, collection becomes difficult. There is currently over half a million dollars in outstanding debt due the Department.

Collection through the court system can be time-consuming and costly. House Bill 331 would allow the Department to pursue collection in the same manner that delinquent student loans are pursued.

The bill has the support of the Department and two positive fiscal notes from DHSS. It has an additional zero fiscal note from the Department of Revenue.

Your co-sponsorship and support would be appreciated.

INTERIM ADDRESS: 716 West 4th Avenue, Suite 330, Anchorage, 99501-2133

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 331 (AM)

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act relating to claims on PFD's for BRU: Public Assistance Administration
defaulted public assistance overpayments Component: PA Administration
 Sponsor: Toohy
 Requestor: _____ COMPONENT SERIAL NO. 233

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE FUND SOURCE	3.4	4.1	11.3	9.0	9.0	8.1

FUNDING: (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	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 (FY94) impact: NONE

ANALYSIS: (Attach a separate page if necessary)

SEE ATTACHED

Prepared by: Jan L. Hansen, Director
 Division: Division of Public Assistance
 Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S
 Agency: Department of Health & Social Services

Phone: 465-2680
 Date: 1/25/94
 Date: 1-25-94

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

ANALYSIS (cont.):

HB 331 amends existing statutes to provide authority for the Department of Health and Social Services to collect delinquent public assistance overpayment debts by administrative garnishment of Permanent Fund dividends. This legislation results in increased debt collection by the Division of Public Assistance

Food Stamp Program overpayment collections generate revenue to the State. Although food stamps are 100 percent federally funded, states are allowed to retain collection incentives of 10 percent of recoveries of overpayments caused by inadvertent household error and 25 percent of recoveries of payments caused by recipient fraud. These recovery incentives will increase to 25 and 50 percent respectively in October, 1995.

Assumptions:

- All revenues are collected against prior years' costs
- Average state retention rate = 15 percent in FY95 and FY96
- Average state retention rate = 30 percent in FY97 through FY00
- State retentions are applied as GF receipts
- Balance after state retention is returned directly to the federal government
- State portion of recoveries is applied against prior years' costs for Public Assistance Administration
- Collections will rise in the first 3 years, then decline as backlog of existing claims is cleared

Collections:

	FY95	FY96	FY97	FY98	FY99	FY00
Claims collections	90	90	125	100	100	90
Total Collected	22.5	27.0	37.5	30.0	30.0	27.0
Increased GF Receipts	3.4	4.1	11.3	9.0	9.0	8.1

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 331 (AM)

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act relating to claims on PFDs for defaulted public assistance overpayments BRU: Public Assistance Administration
 Sponsor: Toobey Component: AFDC
 Requestor: _____ COMPONENT SERIAL NO. 0220

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
---------	-----	-----	-----	-----	-----	-----

REVENUE FUND SOURCE	16.5	24.7	27.5	22.0	22.0	20.6
---------------------	------	------	------	------	------	------

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	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 (FY94) impact: NONE

ANALYSIS: (Attach a separate page if necessary)

SEE ATTACHED

Prepared by: Jan L. Hansen, Director
 Division: Division of Public Assistance
 Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S
 Agency: Department of Health & Social Services

Phone: 465-2680
 Date: 1/25/94
 Date: 1-25-94

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

ANALYSIS (cont.):

HB 331 amends existing statutes to provide authority for the Department of Health and Social Services to collect delinquent public assistance overpayment debts by administrative garnishment of Permanent Fund dividends. This legislation results in increased debt collection by the Division of Public Assistance.

AFDC benefits are 50 percent state/50 percent federally funded. When the State recovers AFDC overpayments, it returns the federal share to the federal government and retains the state share.

Assumptions:

- All revenues are collections against prior years' costs
- The state retains 50 percent of AFDC collections as General Fund receipts
- 50 percent of AFDC collections are returned directly to the federal government
- Average claim collection via PFD garnishment = \$550
- Collections will rise in the first 3 years, then decline as backlog of delinquent claims is cleared.

Calculations:

	FY95	FY96	FY97	FY98	FY99	FY00
Claims collections	60	90	100	80	80	75
Total collected	33.0	49.5	55.0	44.0	44.0	41.3
Increased GF Receipts	16.5	24.7	27.5	22.0	22.0	20.6

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 331(AM)

Revision Date: _____ Dept. Affected: Revenue
 Title: Use PFD's to recover welfare overpayments BRU: Permanent Fund Dividend
 Component: Permanent Fund Dividend
 Sponsor: TOOHEY
 Requestor: House Judiciary COMPONENT SERIAL NO. 981

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
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:						
----------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ -0-

ANALYSIS:

This Legislation would establish a procedure for serving attachments against dividends that is virtually identical to the process currently in place under AS 43.23.067 for the Alaska Commission on Postsecondary Education. Accordingly, the Division does not anticipate any significant additional costs to implement this legislation if enacted.

Prepared by: Thomas C. Williams *Thomas C. Williams* Phone: 465-2323
 Division: Permanent Fund Dividend Date: 01/19/94
 Approved by Commissioner: [Signature] Date: 1/21/94
 Agency: Department of Revenue

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

Sectional Summary of House Bill 331 (am)

Section 1. The Alaska Exemptions Act (AS 09.38) does not apply to permanent fund dividends taken to satisfy the balance due on a defaulted public assistance overpayment claim. The provisions dealing with execution on claims do not apply and a method of executing on a dividend is set out.

Section 2. The permanent fund dividend of a former recipient of a public assistance program may be taken to satisfy the balance due on a defaulted overpayment claim.

POSITION PAPER

STATE OF ALASKA ★ DEPARTMENT OF HEALTH & SOCIAL SERVICES

POSITION PAPER

House Bill 331

"An Act relating to claims on permanent fund dividends for defaulted public assistance overpayments."

House Bill 331 provides authority for the Department of Health and Social Services to collect delinquent public assistance overpayment debts by administrative garnishment of Permanent Fund dividends.

Section 1 of the bill adds a new section 43.23.068 to the Permanent Fund dividend statutes to establish procedures for the execution of claims. Section 2 adds a new subsection to the public assistance statutes to provide the authority to make claims against dividend payments in order to recover public assistance overpayments that have fallen into default.

When an individual receives more food stamps or Aid to Families with Dependent Children than they are entitled to, the Division of Public Assistance establishes a claim to recover the debt. The majority of overpayment claims are due to non-fraudulent client errors. Some are due to fraud or agency mistakes. Most overpayments are recovered by reducing the household's monthly benefits by a fixed percentage until the debt is repaid. When a person goes off public assistance while still owing on a claim, debt collection often becomes difficult.

Claiming all or part of the Permanent Fund dividend is a cost-effective way to recover overpayments from persons who refuse to agree to a repayment plan, or fail to make scheduled payments. This is a proven collection method used successfully by other agencies to collect debts such as delinquent child support and student loan payments.

The ability to claim dividends on delinquent accounts will increase collections and generate revenue for the state, and gives DHSS a stronger hand in dealing with delinquent debt collection. Some individuals may choose to resume regular debt payment rather than lose their dividends. The bill assures ample protection of the rights of individuals whose dividends may be taken.

No additional DHSS staff will be needed to initiate claims on dividends. The process promises to be a simpler and cheaper debt collection method than small claims court or civil litigation. HB 331 gives the Department a simple and effective tool to improve welfare program accountability. It offers a better way to collect debts from former recipients who fail to repay the state for the benefits they received incorrectly.

POSITION PAPER
STATE OF ALASKA ★ DEPARTMENT OF HEALTH & SOCIAL SERVICES

Position Paper
HB 331
Page 2

The Department of Health and Social Services strongly supports
House Bill No. 331.

Jan L. Hansen

Jan L. Hansen, Director
Division of Public Assistance
Department of Health and
Social Services

1/25/94

Date

Margaret R. Lowe

Margaret R. Lowe, M.Ed., Ed.S.
Commissioner
Department of Health and
Social Services

1-25-94

Date

HB

339

Alaska State Legislature

House of Representatives

COMMITTEES:
HEALTH, EDUCATION
& SOCIAL SERVICES
JUDICIARY
STATE AFFAIRS

SPECIAL COMMITTEES:
MILITARY & VETERANS AFFAIRS
OIL & GAS



HOME:
9843 CHICHAGOF LOOP
EAGLE RIVER, AK 99577
PHONE (907) 694-7943

DURING SESSION:
STATE CAPITOL
JUNEAU, AK 99811
PHONE (907) 465-3777

Representative Pete Kott

SPONSOR STATEMENT

HB 339 – Relating to the Use of Historical Documents

The proposed bill relating to the use of historical documents in public schools is enabling legislation. It is best described as an academic freedom measure. It clarifies that original source documents of American history may be used to teach children about American history in our schools regardless of their content—even though that content may, at times, be explicitly religious.

The establishment clause in both the federal and Alaska constitutions was not intended to hinder children's knowledge of the role of religion in the life of our state and nation. The Supreme Court of the United States affirmed this in *Abington v. Schempp* and other decisions. Yet the history textbooks now used in our schools often omit religious references in relating the history of our country. Also, teachers and administrators are sometimes hesitant to use documents such as the Mayflower Compact for fear of violating the constitutional and statutory prohibitions against advocating religious belief.

The legislature has a duty to ensure that an atmosphere of academic freedom prevails in our public schools and that an anti-religious bias does not develop to hinder school children's understanding of their regional and national heritage. HB 339 will protect teachers who supplement their history classes with primary source documents. HB 339 will allow students to be exposed more broadly to the primary source material for United States history.



FISCAL NOTE

STATE OF ALASKA

BILL NO. CS HB 339 (JUD)

1994 LEGISLATIVE SESSION

Revision Date: March 8, 1994 Department Affected: Department of Education

Title: An Act relating to the use in public schools of BRU: Education Program Support

historical documents Component: Basic Education and Instructional

Sponsor: Representative Kott Improvement

Requestor: House Judiciary Committee COMPONENT SERIAL NO. 171

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING:

(Thousands of Dollars)

FUNDING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

POSITIONS	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary.)

This legislation will have no fiscal impact on the Department of Education.

Prepared by: Sheila Peterson *Sheila Peterson*
 Division: Commissioner's Office

Phone: 465-2803
 Date: March 8, 1994

Approved by Commissioner: *Jerry Covey*
 Agency: Education

Date: March 8, 1994

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

For further distribution information call the Governor's Legislative Office

**CSHB 339(JUD)
SECTIONAL ANALYSIS**

**"An Act relating to the use of
historical documents in public schools;
and providing for an effective date."**

Section 1.

Amends AS 14.03.090 by adding a sentence clarifying that the use of historical documents is not prohibited when the documents are used as part of the curriculum.

Section 2.

Provides that the Act takes effect immediately.

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

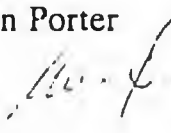
130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 7, 1994

SUBJECT: Definition of "historical document" - (CSHB 339(JUD))

TO: Representative Brian Porter

FROM: Michael F Ford 
Legislative Counsel

You have asked if the attached work draft should also contain a definition of the term "historical document". While you can include a definition, a definition is not required. In the context of CSHB 339(Jud) I believe the term "historical document" would be clear without adding a definition. As presently defined in HB 339, the definition is really a list of examples and does not limit the use of the term to certain documents. It is usually preferable to omit a definition unless the intent is to limit the commonly accepted use of the term.

Please contact me if you have further questions.

MFF:gc
94-175.glc

Attachment

Alaska State Legislature
House of Representatives

COMMITTEES:
HEALTH, EDUCATION
& SOCIAL SERVICES
JUDICIARY
STATE AFFAIRS

SPECIAL COMMITTEES:
MILITARY & VETERANS AFFAIRS
OIL & GAS



INTERIM:
EAGLE CENTER, SUITE 141
EAGLE RIVER, AK 99577
PHONE (907) 694-8944
FAX 694-8945

SESSION:
STATE CAPITOL
JUNEAU, AK 99811
PHONE (907) 465-3777

Representative Pete Kott

Background Paper
HB 339 NO CENSORSHIP:
AMERICAN HISTORY DOCUMENTS

The establishment clause in the First Amendment to the United States constitution which provided the model for Article I, section 4 of Alaska's constitution, was not intended to hinder children's knowledge of the role of religion in the life of our state and nation. The Supreme Court of the United States affirmed this in *Abington v. Schempp*, 374 US 203.

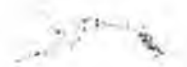
Justice Clark, in the opinion of the Court, wrote:

We agree of course that the State may not establish a "religion of secularism" in the sense of affirmatively opposing or showing hostility to religion, thus "preferring those who believe in no religion over those who do believe" (374 US at 225).

The place of religion in our society is an exalted one, achieved through a long tradition of reliance on the home, the church and the inviolable citadel of the individual heart and mind. We have come to recognize through bitter experience that it is not within the power of government to invade that citadel, whether its purpose or effect is to oppose, to advance or retard. In the relationship between man and religion, the State is firmly committed to a position of neutrality. Though the application of that rule requires interpretation of a delicate sort, the rule itself is clearly and concisely stated in the words of the First Amendment (374 US at 226).

Justice Brennan, in a separate concurring opinion, wrote:

The holding of the Court today plainly does not foreclose teaching *about* the Holy Scriptures or about the differences between religious sects in classes in literature or history. Indeed, whether or not the Bible is involved, it would be impossible to teach meaningfully many subjects in the social sciences or the humanities without some mention of religion. . . . Any attempt to impose rigid limits upon the mention of God or references to the Bible in the classroom would be fraught with dangers (374 US at 300).



iers
ors,
ent
er
the
gn,
hin
DEN
ren-
nly,

be
nce
the
and
eral
hall
the
ids,
ress
or
our
tes,
ria
and
nts,
na-
or
not-
ters
Jay
and

THE MAYFLOWER COMPACT

(1620)

[From the History of Plymouth Plantation by William Bradford (1598-1657),
second governor of Plymouth.]

IN the name of God, Amen. We, whose names are underwritten, the loyal subjects of our dread sovereigne Lord, King James, by the grace of God, of Great Britaine, France, and Ireland king, defender of the faith, etc., having undertaken, for the glory of God, and advancement of the Christian faith, and honour of our king and country, a voyage to plant the first colony in the Northerne parts of Virginia, doe, by these presents, solemnly and mutually in the presence of God, and one of another, covenant and combine ourselves together into a civill body politick, for our better ordering and preservation and furtherance of the ends aforesaid; and by virtue hereof to enacte, constitute, and frame such just and equall laws, ordinances, acts, constitutions, and offices, from time to time, as shall be thought most meete and convenient for the generall good of the Colonie unto which we promise all due submission and obedience. In witness whereof we have hereunder subscribed our names at Cap-Codd the 11. of November, in the year of the raigne of our sovereigne lord, King James, of England, France, and Ireland, the eighteenth, and of Scotland the fiftie-fourth. Anno. Dom. 1620.

*Provided by
Rep. Scott*

THIS, THEN, is the condition of the world and the nation the last two weeks of April, 1789. Imagine yourself, if you will, as a thoughtful Washington, sitting down in your quiet study at Mount Vernon to prepare an address you must deliver April 30th in New York City. Although you have been almost as adept with the pen as with the sword, still it comes hard, this address, and during the trip from Mount Vernon to New York with wildly cheering crowds along the way you cannot help but feel uneasy over its reception. Indeed, when you reach New York you discard your original address, and with the aid of James Madison prepare a much shorter message. After the oath of office has been administered to you by Chancellor Robert R. Livingston of New York on the balcony of Federal Hall you listen to the thirteen-gun salute from the harbor as the Stars and Stripes are raised, acknowledge the adulation of the crowd, and retire to the Senate Chamber, where you take your seat until the Chamber has settled down. Now the entire Chamber looks toward you as you stand, settle your dark brown coat on your shoulders, adjust your spectacles nervously, and begin to speak in a low voice the words you have so painstakingly rewritten . . .

George Washington

[1789-1793]

FIRST INAUGURAL ADDRESS, APRIL 30, 1789

Federal Hall, New York, N.Y.

Fellow-Citizens of the Senate and of the House of Representatives:

Among the vicissitudes incident to life no event could have filled me with greater anxieties than that of which the notification was transmitted by your order, and received on the 14th day of the present month. On the one hand, I was summoned by my country, whose voice I can never hear but with veneration and love, from a retreat which I had chosen with the fondest predilection, and, in my flattering hopes, with an immutable decision, as the asylum of my declining years—a retreat which was rendered every day more necessary as well as more dear to me by the addition of habit to inclination, and of frequent interruptions in my health to the gradual waste committed on it by time. On the other hand, the magnitude and difficulty of the trust to which the voice of my country called me, being sufficient to awaken in the wisest and most experienced of her citizens a distrustful scrutiny into his qualifications, could not but overwhelm with despondence one who (inheriting inferior endowments from nature and unpracticed in the duties of civil administration) ought to be peculiarly conscious of his own deficiencies. In this conflict of emotions all I dare avow is that it has been my faithful study to collect my duty from a just appreciation of every circumstance by which it might be affected. All I dare hope is that if, in executing this task, I have been too much swayed by a grateful remembrance of former instances, or by an affectionate sensibility to this transcendent proof of the confidence of my fellow-citizens, and have thence too little consulted my incapacity as well as disinclination for the weighty and untried cares before me, my error will be palliated by the motives which misled me, and its consequences be judged by my country with some share of the partiality in which they originated.

Such being the impressions under which I have, in obedience to the public summons, repaired to the present station, it would be peculiarly improper to omit in this first official act my fervent supplications to that Almighty Being who rules over the universe,

Washington was 6'2" tall and weighed 200 pounds. Now, however, at 57 the strain of long years at war was beginning to tell on him—as he briefly mentioned in his opening remarks.

Washington foresaw the young nation's difficulties. He didn't feel quite so much at home in a statesman's role as president. He felt better as commander in chief. But he evidently believed that by appealing to his colleagues, he could eliminate a good deal of the internal friction that was even then becoming evident. This friction was eventually to cause the dissolution of the Federalist party, of which Washington was a member.

The thought in this passage would occur repeatedly throughout the addresses of Washington's successors, but would seldom be expressed with the eloquence maintained by Washington.

The "future blessings" to which Washington referred were soon lost sight of in the storm of party rickering that began as the new government was seated—a development of which Washington was evidently not sensible, judging by the appeal in the next segment of his address.

Washington here revealed the meat of his message: "party animosities." His was a blunt request to the members of Congress who would be directing affairs of government under his leadership. But this appeal was soon to be forgotten, as it became plain that the young government was stronger than even its creators suspected. Political office was found to offer unforeseen rewards besides those of "public prospect and felicity"—rewards for which no sacrifice was apparently too great for the ambitious.

In this passage, which begins with the words "the sacred fire of liberty," Washington's eloquence reached its peak.

who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and happiness of the people of the United States a Government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute with success the functions allotted to his charge. In tendering this homage to the Great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own, nor those of my fellow-citizens at large less than either. No people can be bound to acknowledge and adore the Invisible Hand which conducts the affairs of men more than those of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency; and in the important revolution just accomplished in the system of their united government the tranquil deliberations and voluntary consent of so many distinct communities from which the event has resulted can not be compared with the means by which most governments have been established without some return of pious gratitude, along with an humble anticipation of the future blessings which the past seem to presage. These reflections, arising out of the present crisis, have forced themselves too strongly on my mind to be suppressed. You will join with me, I trust, in thinking that there are none under the influence of which the proceedings of a new and free government can more auspiciously commence.

By the article establishing the executive department it is made the duty of the President "to recommend to your consideration such measures as he shall judge necessary and expedient." The circumstances under which I now meet you will acquit me from entering into that subject further than to refer to the great constitutional charter under which you are assembled, and which, in defining your powers, designates the objects to which your attention is to be given. It will be more consistent with those circumstances, and far more congenial with the feelings which actuate me, to substitute, in place of a recommendation of particular measures, the tribute that is due to the talents, the rectitude, and the patriotism which adorn the characters selected to devise and adopt them. In these honorable qualifications I behold the surest pledges that as on one side no local prejudices or attachments, no separate views nor party animosities, will misdirect the comprehensive and equal eye which ought to watch over this great assemblage of communities and interests, so, on another, that the foundation of our national policy will be laid in the pure and immutable principles of private morality, and the preeminence of free government be exemplified by all the attributes which can win the affections of its citizens and command the respect of the world. I dwell on this prospect with every satisfaction which an ardent love for my country can inspire, since there is no truth more thoroughly established than that there exists in the economy and course of nature an indissoluble union between virtue and happiness; between duty and advantage; between the genuine maxims of an honest and magnanimous policy and the solid rewards of public prosperity and felicity; since we ought to be no less persuaded that the propitious smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right which Heaven itself has ordained; and since the preservation of the sacred fire of liberty and the destiny of the republican model of government are justly considered, perhaps, as

zeely, as finally, staked on the experiment intrusted to the hands of the American people.

Besides the ordinary objects submitted to your care, it will remain with your judgment to decide how far an exercise of the occasional power delegated by the fifth article of the Constitution is rendered expedient at the present juncture by the nature of objections which have been urged against the system, or by the degree of inquietude which has given birth to them. Instead of undertaking particular recommendations on this subject, in which I could be guided by no lights derived from official opportunities, I shall again give way to my entire confidence in your discernment and pursuit of the public good: for I assure myself that whilst you carefully avoid every alteration which might endanger the benefits of an united and effective government, or which ought to await the future lessons of experience, a reverence for the characteristic rights of freemen and a regard for the public harmony will sufficiently influence your deliberations on the question how far the former can be impregnably fortified or the latter be safely and advantageously promoted.

To the foregoing observations I have one to add, which will be most properly addressed to the House of Representatives. It concerns myself, and will therefore be as brief as possible. When I was first honored with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty required that I should renounce every pecuniary compensation. From this resolution I have in no instance departed: and being still under the impressions which produced it, I must decline as inapplicable to myself any share in the personal emoluments which may be indispensably included in a permanent provision for the executive department, and must accordingly pray that the pecuniary estimates for the station in which I am placed may during my continuance in it be limited to such actual expenditures as the public good may be thought to require.

Having thus imparted to you my sentiments as they have been awakened by the occasion which brings us together, I shall take my present leave; but not without resorting once more to the benign Parent of the Human Race in humble supplication that, since He has been pleased to favor the American people with opportunities for deliberating in perfect tranquillity, and dispositions for deciding with unparalleled unanimity on a form of government for the security of their union and the advancement of their happiness, so His divine blessing may be equally conspicuous in the enlarged views, the temperate consultations, and the wise measures on which the success of this Government must depend.

In his reference to the fifth article of the Constitution, which provides for proposal of Constitutional amendments, Washington was attempting to divert rash action on the part of party hotshots, to whom the Constitution was still an imperfect instrument. Federalist party leaders had stated their desires for Constitutional changes, and Washington was plainly displeased.

Here again Washington made an indirect yet nonetheless frank appeal to those who would make political office a means of excessive "personal emoluments."

At the close of his address Washington once more stressed a desire for "enlarged views . . . temperate consultations, and . . . wise measures" instead of acts of personal aggrandizement. A noble appeal, it fell on deaf ears—as Washington was soon to discover when ideals ran headlong into reality.

ALASKA CONSTITUTIONAL CONVENTION

November 8, 1955

FIRST DAY

Processional

Presentation of the Colors

GOVERNOR B. FRANK HEINTZLEMAN: The hour appointed by the Alaska Territorial Legislature having arrived for the convening of the Alaska Constitutional Convention, I do accordingly, as Governor of this Territory, call the Convention to order. It is appropriate that those to whom so much has been entrusted by our voters call upon God for the guidance at the outset of their task. It is my privilege at this time to present the Reverend Roy Ahmoagak of Wainwright, Alaska, who will offer an invocatory prayer.

THE REVEREND ROY AHMOAGAK: Let us unite in prayer. Almighty and Everlasting God, who by Thy providence didst lead our forefathers to this good land wherein they found liberty and freedom to worship Thee, we beseech Thee ever to guide our nation in the way of Thy truth and peace so that we may never fail in the blessing which Thou has promised to that people whose God is the Lord. Grant, we beseech Thee, unto our Governor, and to those men who sit with him in authority, Thy gracious presence and blessing. Enlighten them with wisdom from above and especially in establishing our Constitution. May we ever seek to comply with Thy requirements, and what does the Lord require of you but "to do justice, and to love kindness, and to walk humbly with Thy God." Deliver us, our Father from error, pride and prejudice, and so order all these doings here that Thy kingdom may be advanced. Hear this our prayer, O God, and may what is accomplished in these meetings be in accordance with Thy Holy will. For we ask these things in the name of our Lord and Saviour Jesus Christ.

MCNEALY: I move, "RESOLVED that the reading of the certificate of election of the respective delegates be dispensed with and that the certificate of the Secretary of Alaska as to their election be accepted in lieu thereof.

FURTHER RESOLVED, that each delegate who has answered the roll call and whose name appears on the certificate of the Secretary of Alaska take and subscribe an oath or affirmation of office to be administered by the Honorable Vernon D. Forbes, Judge of the United States District Court of Alaska, Fourth Division, and that each delegate so sworn shall be deemed to have been duly seated." I ask unanimous consent.

GOVERNOR HEINTZLEMAN: I thank you. Without objection it is so ordered. Pursuant to the authority invested to me as Governor of the Territory, I would now like to appoint Mr. John B. Hall, Clerk of the Court, Fourth Division, to act as the

ALASKA CONSTITUTIONAL CONVENTION

November 9, 1955

SECOND DAY

PRESIDENT PRO-TEM, MILDRED HERMANN: The second session of the Alaska Constitutional Convention will come to order. We will have the roll call by the Secretary.

(Mr. John Hall called the roll.)

MR. HALL: Madam President, all fifty-five delegates are present excepting Frank Peratrovich who did not answer to his name.

MRS. HERMANN: This is the time and place set for a special order of business to hear an address by the keynote speaker for the Convention. I would like to appoint Mr. Hellenthal, Mr. Sundborg and Mrs. Nordale who will escort the speaker to the rostrum.

(Dr. Gruening was escorted to the rostrum at this time.)
(applause)

MRS. HERMANN: Before we proceed with the address, I shall ask the Reverend Londborg to give the invocation.

LONDBORG: Let us pray. Almighty God, for whom we move and have our being, we stand before you this moment with bowed heads and humble hearts, realizing the responsibility that is ours as citizens and servants of this great potential State of Alaska. As Delegates to this Constitutional Convention we are aware of the need for divine guidance and wisdom. It is our prayer that this document we have been delegated to prepare will be one that will provide for equal liberty and justice for all peoples of Alaska, one that will stand the test of time and posterity and above all one that will bring honor to Thy holy name. We pray for Thy guidance in all of our business, that it may be conducted in a true spirit of brotherly love as taught by Christ, in order that we may make the most of the opportunity and challenge that is ours. We would pray as Solomon of old, "O Lord God, give us now wisdom and knowledge to do the task we have been called to do, for who can do this task that is so great." In Thy Holy Name we pray. Amen.

MRS. HERMANN: Yesterday when I was elected to be your temporary president, I felt both proud and humble. I am a little bit afraid I might not know how to say the right thing at the right time, but very proud that the Convention itself had thought that I could. It was not until later in the afternoon that it penetrated my befuddled intelligence, which had been jolted into something of a coma by my unexpected election, that I had still another reason to be proud to be your temporary chairman. It gave me the opportunity to introduce the keynote

I hear
order
address to
k. In-
but in
So
i setup

ie Rules
ggest that
the cafe-
i be im-

tee on
airman.
morning
d you ad-

1 0'clock

the Con-
lock. Do
o adjourn.
i adjourned
)

ALASKA CONSTITUTIONAL CONVENTION

November 10, 1955

THIRD DAY

PRESIDENT EGAN: The Convention will come to order and the Secretary will call the roll. (10 a.m.)

(Mr. John Hall called the roll at this time.)

MR. JOHN HALL: Mr. President, I find that all delegates are present excepting Frank Peratrovich who has not yet appeared, sir.

PRESIDENT EGAN: A quorum is present. The Convention will please stand while Reverend Armstrong comes forward to give the daily invocation.

ARMSTRONG: Let us bow in prayer. Almighty Father, who hath placed in our hands the lives of our fellow Alaskans, bring us to this Convention as delegates in their behalf. Continue to bring Thy spirit of wisdom upon us. Thou dost know that we will differ from one another as we search for true precepts for the great land. Thou dost know how our voices will rise as champions of ideals we hold eternal. Father, keep the good pace of brotherhood within us as we have started on this journey, and impose Thy will when we fail to surrender. Depose wrong when it is bred in selfishness, anger and sectionalism, and O God, our Father, we pray Thee of all to be our constant guide. In Jesus' holy name, amen.

PRESIDENT EGAN: The Secretary will read the minutes of yesterday's meeting. Mr. Johnson?

JOHNSON: Mr. President, in order to expedite the proceedings, I move the reading of minutes of yesterday's session be dispensed with. I ask unanimous consent.

PRESIDENT EGAN: Mr. Johnson moves and asks unanimous consent that the minutes of yesterday's meeting be dispensed with. Is there objection? Hearing no objection, it is so ordered. Mr. McNealy?

MCNEALY: In view of the developments since yesterday's nominations for Secretary of this Convention, and at the request of Mrs. Alexander, I wish to withdraw her name which was placed in nomination by me.

PRESIDENT EGAN: Do you put that in the form of a motion, Mr. McNealy?

MCNEALY: I so move Mr. President and ask unanimous consent of the body.

March 4, 1994

Brian Porter, Chairman
House Judiciary Committee
State Capitol
Juneau, Ak. 99801

Dear Mr. Porter,

As a twenty year educator and currently a member of the Alaska State Board of Education, I am writing in support of House Bill 339. American history documents which once were routinely included in high school history textbooks have all but disappeared. As a teacher, I recognize the importance of having my students read and discover for themselves the content of primary source documents. Their educational experience and consequently their knowledge of American history, will be less than complete if they do not get this exposure.

House Bill 339 would make it clear that merely supplying historical documents to a teacher's class cannot be considered the advocacy of a religious position. It seems ridiculous that we would have to pass a law like this, but it may be necessary to clarify for teachers that we are free to do this without fear of jeopardizing either our jobs or our school's funding. As I understand the bill, it would not allow a teacher to use a historical document as a platform for advocating a religious position. The teacher who does so would still be in violation of the law. But House Bill 339 would provide a degree of comfort that we teachers do not currently enjoy regarding the use of historical documents.

I urge you and your fellow legislators to expedite the passage of this bill. Thank you for giving it hearing in your committee.

Sincerely,

Judy L. Norton

Judy L. Norton
19844 Fairmount Cr.
Eagle River, Ak. 99577

To: Whom It May Concern
Re: HB 339

4022 Denitah Ln.
Juneau AK, 99801

I want to go on record in support of HB339. An Act relating to the use in public schools of historical documents.

Education has been a large part of my life. I received my elementary and secondary education in the public schools of Osawatomie, KS (G'49). My undergraduate work led to degrees from private colleges in Colorado and Kansas. I have a master's degree from UAA and other graduate work from North Carolina and Alaskan universities.

I began my teaching career in 1957 in a public school of Kansas and have taught in public and private schools from grade three to twelve and in private colleges. I have served in Kansas, California, North Carolina, and Alaska. I first served in Alaska at West Anchorage High and was on the founding faculty of Dimond High in Anchorage. I have been a teacher for the state correspondence school since 1988.

Most of my teaching has been at the high school level in American (U.S.) History, Civics, and Government. My students have always been exposed to and most have learned to appreciate the foundations of our political system as established by the major documents of our history. These documents include the Magna Carta, the English Bill of Rights, the Mayflower Compact, various colonial charters, the Declaration of Independence, the Constitution and the amendments, and the Federalist papers. In history, we also incorporate major speeches, legislation and court decisions.

It is only in response to the recent assault upon every public reference to Deity that such legislation is deemed necessary. Our teachers and administrators may need the protection herein provided against malicious actions or subtle threats. Our students are worthy of receiving a full understanding of our national heritage. We dare not allow the denial of these truths we hold self evident. Remember the next? " All men are created equal and are endowed by their Creator with certain inalienable rights" among which is assumed the right to study our historical documents in their entirety.

I URGE THE TIMELY AND POSITIVE ACTION ON HB339. PASS IT ON!

Respectfully yours for Alaskan youth,

Wm Elkinton

HB

409

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 3/31/94

FURTHER: FINANCE

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

DATE TURNED INTO OFFICE: 5-2-94

The HESS Committee considered CS FOR HOUSE BILL NO. 409(FIN) am(eid fld) "An Act relating to the maximum amount of assistance that may be granted under the adult public assistance program and the program of aid to families with dependent children; proposing a special demonstration project within the program of aid to families with dependent children and directing the Department of Health and Social Services to seek waivers from the federal government to implement the project."

and recommends:

replace with S CS CSHB 409 (HES)

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

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

FISCAL NOTE INFORMATION

new

Department	Date	Zero	Fiscal
HSS: Med Asst	1897		✓
HSS: PA Admin	0233		✓
HSS: Asst Pay	0220		✓

Previous Comp #

Department	Date	Zero	Fiscal
HSS: PA Admin		229	✓
HSS: PA Admin - DP	0240		✓
HSS: PA Admin AK Work	0238		
HSS: PA Admin Eligibility	0236		

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

Steve A. Lewan (needs AFDC payment amendment)
Bea Sharp

OTHER RECOMMENDATIONS:

Mike Miller No Rec
J. Duncan Do Not Pass

Steve Klein No Recommendation

Chair: Signature and Recommendation



NATIONAL ASSOCIATION
OF SOCIAL WORKERS
ALASKA CHAPTER

Executive Director
Angela Salerno, ACSW

FAX TRANSMISSION

TO: BETTY HARGRAVE, SENATE HESS
FROM: Angela Salerno, Executive Director
RE: Position Paper - HB 409
DATE: April 27, 1994

THREE PAGES INCLUDING COVER SHEET

The National Association of Social Workers Alaska Chapter has released a position paper on HB 409 which is included in this fax transmission. Please provide copies to all Committee members for this afternoons hearing.

Thanks very much, and please call me directly if you or any of the Committee have questions.



ALASKA CHAPTER

NATIONAL ASSOCIATION OF SOCIAL WORKERS ALASKA CHAPTER

1727 Wickersham Drive
Anchorage, Alaska 99507
(907) 563-4502
FAX (907) 563-4504

Executive Director
Angela Salerno, ACSW

BOARD OF DIRECTORS

PRESIDENT

Eileen Lally, EdD, LCSW
Anchorage

PRESIDENT-ELECT

Myra Munson, LCSW
Juneau

VICE-PRESIDENT

Theresa Swedo, LCSW, BCD
Anchorage

SECRETARY

Melanie Modawell, LCSW
Anchorage

TREASURER

Susan LaHelle, ACSW
Anchorage

NORTHERN REGION

Eva Yost-Kupacz, ACSW, BCD
Fairbanks

SOUTHCENTRAL REGION

Patrick Cunningham, DSW
Anchorage

SOUTHCENTRAL REGION

Don Sparrow, ACSW
Anchorage

SOUTHEASTERN REGION

Jack Thomas, LCSW
Ketchikan

WESTERN REGION

Lola Malone, LCSW
Bethel

MEMBER-AT-LARGE

Cecilia Esparza, LCSW
Kodiak

STUDENT REPRESENTATIVE

Mary Joe Stawich
Fairbanks

POSITION PAPER

HOUSE BILL 409. AFDC DEMONSTRATION PROJECT AND BENEFIT DECREASE

The Alaska Chapter of the National Association of Social Workers (NASW) representing over 400 professional social workers in Alaska supports increasing the availability of comprehensive services to assist welfare recipients in becoming financially secure, and opposes policies that are invasive or punitive in their treatment of public assistance recipients and other low-income people.

We oppose the passage of HB 409 because two major components are invasive and punitive in its treatment of public assistance recipients. Although one component of HB 409 attempts to reduce poverty in Alaskan families by providing the opportunity for AFDC recipients to increase earned income through the use of federal waivers, the other two major components of the bill penalizes public assistance recipients. These are ratable reductions and workfare.

This bill requires that the funding of an experimental waiver project be paid for by reducing public assistance grants. To invoke ratable reductions for the second year in a row adds further to the misery index of poor parents and their children. The reduction also includes elderly and disabled recipients of Adult Public Assistance programs. This not only adds to their misery but also is unjust because they are denied participation in the waiver component of this bill. A number of states have successfully implemented similar waivers but did not pay for this by reducing public assistance grants. The implementation of an effective antipoverty program will reduce welfare caseloads that alone will pay for the costs of the program.

The workfare component of this Bill will add another administrative layer to an already besieged AFDC program staff. The estimated fiscal note shows **minimal resources** being invested and it will fall upon existing staff to invest resources that are already overextended. The costs of this program over a five year period will become very expensive to the State.

Workfare is based upon the myth that recipients, unlike the rest of us, prefer not to work and thus must be coerced into it. Recent national studies show that this is not true. It is not an unwillingness to work but a lack of long term jobs paying a living wage. Workfare has been attempted since 1981 and as a "stand alone" program has **never** produced evidence that this moves families toward self-sufficiency. In 1992 seven states introduced legislation proposing workfare programs and in all seven states the bill was **defeated**. These states were Washington, California, Florida, Colorado, Vermont, Maryland, and Mississippi. Our reference is the *Self-Sufficiency Study Report* that was produced by the Alaska Department of Public Assistance in 1993. We propose that the state legislatures recognized the expense and futility of workfare.

At the present time Federal law requires all AFDC recipients to participate in community work experience, employment, education, or training programs through the JOBS program of the Family Support Act of 1988. These are the same recipients targeted by HB 409. The JOBS program has a proven record of success in Alaska. The problem is that it is not fully funded and only 20% of AFDC clients and 40% of AFDC-UP clients participate. This is a far better program than a stand alone, short-cut workfare program with punitive sanctions.

Recommendations:

1. Fully implement the JOBS program and include the waivers proposed in HB 409. This program is the result of the Welfare Reform Task Force Recommendations and has proven successful.

2. Wait for the Clinton Administration welfare reform legislation to be enacted. Passage is expected in April of this year. Provisions will be superior to HB 409 and recipients who are assigned to HB 409's experiment will be locked into an inadequate program for five years.

3. Resurrect the Welfare Reform Task Force consisting of professionals, service providers, and recipients to develop a comprehensive plan for welfare reform customized to the needs of Alaskan poor families and reducing caseloads. **Myth driven legislation never succeeds nor is cost-effective.**

4. The federal government has recently passed community service legislation that rewards participants with money for education and training. Tap these federal funds by allowing volunteer participation in community service by AFDC recipients without financial penalty.

All of us have an obligation to give back to society. The obligation of AFDC recipients is no greater or no less. Singling out of these families for workfare is demeaning, stigmatizing, and counterproductive. It will not work!



Representative Mark Hanley

Alaska State Legislature

MEMORANDUM

TO: Senator Steve Rieger

FROM: Rep. Mark Hanley *MH*

RE: HB 409 "Welfare Reform"

DATE: March 31, 1994

This memo is to respectfully request a hearing in the Senate Health Education and Social Services Committee on HB 409 "Welfare Reform" at your earliest possible convenience.

It's been said the best way to reform welfare is to get people off welfare. What most Americans want from the welfare system and what most welfare families want, are the same things -- job training and work, self-sufficiency and pride. According to a recent survey by the state Department of Health and Social Services, 88% of AFDC clients in Alaska said they'd rather work than be on welfare.

HB 409 removes disincentives to work in the welfare program and provides positive incentives in their place. It directs the Department of Health and Social Services to apply for a waiver from the usual provisions governing AFDC programs to establish a "workfare" demonstration project. Able-bodied recipients must work for pay, perform community service or their benefits are reduced. The bill includes such things as higher income disregards, higher vehicle allowances and child care assistance to make it easier for welfare recipients to work.

The bill's language on the demonstration project guides the Department of Health and Social Services in exercising its authority to apply for waivers to the welfare program. Also included in the bill is a reduction in the assistance programs to offset the costs of implementing the waivers.

America is ready to "end welfare as we know it". Other states are using waiver projects to develop alternative welfare programs. It's time for Alaska, with its growing welfare rolls and dwindling revenues, to step up to the plate.

HB 409 is an important piece of legislation -- a step toward rewarding hard work and breaking the cycle of dependence on welfare. Please schedule this bill for a hearing in your committee at your earliest possible convenience.

8-LS121NS
Lauterbach
4/20/94

SENATE CS FOR CS FOR HOUSE BILL NO. 409(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES HANLEY, Therriault, Bunde, Kott

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the maximum amount of assistance that may be granted
2 under the adult public assistance program and the program of aid to families
3 with dependent children; proposing a special demonstration project within the
4 program of aid to families with dependent children and directing the Department
5 of Health and Social Services to seek waivers from the federal government to
6 implement the project."

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

8 * Section 1. WAIVER APPLICATION. (a) The Department of Health and Social
9 Services shall, by December 31, 1994, seek appropriate waivers from the federal government
10 to implement the AFDC demonstration project described in secs. 1 - 6 of this Act. To the
11 extent that the federal government approves the necessary waivers, the department shall
12 implement the project. The purpose of the project is to promote personal responsibility and

1 self-sufficiency.

2 (b) Notwithstanding (a) of this section, if changes in federal statutes or regulations
3 occur after the effective date of this section and would have a major effect on the design,
4 implementation, or operation of the project, the department shall

5 (1) apply for and implement only the waivers that relate to the parts of the
6 project that are not substantially affected by the changes in federal statutes or regulations; if
7 the department determines that the parts of the project that are not substantially affected by
8 the federal changes do not comprise a fiscally responsible project, the department is not
9 required to apply for or implement waivers under this Act and may discontinue operation of
10 the project under waivers that were implemented before the federal changes occurred;

11 (2) report to the legislature its recommendations for changes in its statutory
12 authority that may be needed in order to implement a fiscally responsible project in light of
13 conflicting or permissive changes in federal statutes or regulations.

14 * Sec. 2. EARNED INCOME DISREGARD; WAIVER OF "100-HOUR" RULE; AUTO
15 ALLOWANCE. When determining the AFDC eligibility of a family in the project area and
16 when determining the amount of assistance to which a family in the project area is entitled,
17 the department shall

18 (1) disregard, for 24 months, \$200 plus one-third of the remainder of the
19 earned income of each person in the family unless federal regulations require that more earned
20 income of a person must be disregarded; for a family that applies for AFDC after this
21 paragraph has been implemented, this 24 months begins with the month for which the family
22 is first granted AFDC; for a family that is already receiving assistance when this paragraph
23 is implemented, this 24 months begins with the first month during w this paragraph is
24 implemented;

25 (2) waive the requirement that, for purposes of assistance for a dependent child
26 of unemployed parents, the principal wage-earning parent must be employed less than 100
27 hours a month; and

28 (3) allow the exclusion of \$5,000 of the combined equity of motor vehicles
29 used by the family for basic family transportation, transportation of a disabled child in the
30 household, or transportation of a member of the family to or from employment, training, or
31 participation in an activity required under sec. 3 of this Act; if the combined equity of vehicles

1 described in this paragraph exceeds \$5,000, the department shall apply the excess equity
2 amount toward the asset limit otherwise applicable to the family.

3 * Sec. 3. WORKFARE. (a) Each member of a family in the project area who is 18 years
4 of age or older shall participate for 21 hours a week in an uncompensated activity if assigned
5 to the activity by the department. The department shall assess the availability of activities that
6 satisfy the purposes of this subsection in each part of the project area and attempt to develop
7 additional activities where necessary. When assessing the availability of activities that are
8 suitable as uncompensated activities under this section and in assigning persons to those
9 activities, the department shall consider activities recommended by governmental
10 representatives of boroughs, cities, and communities and others in the project area. The
11 department shall penalize the family for failure of a person to comply with this subsection by
12 disregarding that person as a member of the family for purposes of determining the amount
13 of AFDC assistance given to the family.

14 (b) If organizations exist in the project area that have had successful experience in
15 conducting employment placement services, community services, and job training programs,
16 the department shall offer on a competitive basis contracts to those organizations to administer
17 (a) of this section. A contract under this subsection must provide that the department shall
18 make the determinations required under (c) and (d) of this section and the contractor shall
19 perform the duties assigned to the department under (a) of this section with respect to
20 uncompensated activities, including assessment of their availability, development of additional
21 activities, consideration of activities recommended by governmental representatives, and
22 assignment of persons to specific activities after referral of those persons to the contractor by
23 the department.

24 (c) The requirement to participate in an uncompensated activity under (a) of this
25 section does not apply to a person who

26 (1) has paid employment of at least 15 hours a week; a person who has paid
27 employment of less than 15 hours a week shall participate in an uncompensated activity
28 assigned under (a) of this section for the number of hours that, when added to the hours of
29 paid employment, equals 21;

30 (2) is participating in an activity under AS 47.25.421 - 47.25.429 (JOBS
31 program);

1 (3) is participating in an activity under a program operated by an Indian or
2 Native organization under 42 U.S.C. 682(i) unless the Indian or Native organization agrees
3 to the person's inclusion in the project;

4 (4) is exempt from participating in an activity under AS 47.25.421 - 47.25.429
5 (JOBS program);

6 (5) is the parent or other relative of a child under six years of age living in the
7 same household who personally provides care for the child; or

8 (6) is determined, according to regulations of the department, to be physically
9 or mentally unable to perform any reasonable activity that may be assigned under this section;
10 or

11 (7) is a parent who is providing care for a child with a developmental disability
12 as defined by AS 47.80.900(7).

13 (d) Notwithstanding (a) of this section, the department may not require a person to
14 participate in an uncompensated activity under (a) of this section unless the department agrees
15 to pay for

16 (1) costs of child care determined by the department to be necessary for the
17 person's participation; and

18 (2) transportation expenses determined by the department to be necessary for
19 the person's participation in the activity.

20 * Sec. 4. PROJECT AREA. The department shall determine the area in which the project
21 will be implemented by choosing four municipalities as follows:

22 (1) the municipality that had the highest number of households receiving
23 AFDC in fiscal year 1992;

24 (2) a municipality contiguous to the municipality determined under (1) of this
25 section;

26 (3) an area consisting of

27 (A) a home rule city that is contained within the boundaries of a second
28 class borough and has a population of at least 15,000 persons; and

29 (B) the second class borough that contains the city described in (A) of
30 this paragraph; and

31 (4) the largest municipality, as measured by square miles, including the cities

1 within the municipality.

2 * Sec. 5. COOPERATION. State agencies shall cooperate with the department to the
3 extent necessary to implement secs. 1 - 6 of this Act.

4 * Sec. 6. DEFINITIONS. In secs. 1 - 6 of this Act,

5 (1) "AFDC" means the program of aid to families with dependent children
6 under AS 47.25.310 - 47.25.420;

7 (2) "department" means the Department of Health and Social Services;

8 (3) "project" means the department's implementation of the eligibility
9 modifications of sec. 2 of this Act and the work requirements of sec. 3 of this Act, to the
10 extent that the federal government approves those modifications and requirements;

11 (4) "project area" means the area established by the department under sec. 4
12 of this Act.

13 * Sec. 7. AFDC. Notwithstanding AS 47.25.320(a)(1) - (3), the maximum amounts of
14 assistance under AS 47.25.320(a) may not exceed the amounts granted to similarly situated
15 recipients for the month of January 1992, subject to adjustments under other laws.

16 * Sec. 8. ADULT PUBLIC ASSISTANCE. Notwithstanding AS 47.25.430 - 47.25.615,
17 the monthly state contribution to a recipient under AS 47.25.430 - 47.25.615 may not exceed
18 the amount of state assistance granted to a similarly situated recipient for the month of January
19 1992, unless adjusted under other laws.

20 * Sec. 9. This Act is repealed July 1, 1999.

8-LS1211M
Lauterbach
4/7/94

SENATE CS FOR CS FOR HOUSE BILL NO. 409()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES HANLEY, Therriault, Bunde, Kott

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the maximum amount of assistance that may be granted
2 under the adult public assistance program and the program of aid to families
3 with dependent children; proposing a special demonstration project within the
4 program of aid to families with dependent children and directing the Department
5 of Health and Social Services to seek waivers from the federal government to
6 implement the project."

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

8 * Section 1. WAIVER APPLICATION. (a) The Department of Health and Social
9 Services shall seek appropriate waivers from the federal government to implement the AFDC
10 demonstration project described in secs. 1 - 6 of this Act. To the extent that the federal
11 government approves the necessary waivers, the department shall implement the project.

12 (b) Notwithstanding (a) of this section, if changes in federal statutes or regulations

1 occur after the effective date of this section and would have a major effect on the design.
2 implementation, or operation of the project, the department shall

3 (1) apply for and implement only the waivers that relate to the parts of the
4 project that are not substantially affected by the changes in federal statutes or regulations; if
5 the department determines that the parts of the project that are not substantially affected by
6 the federal changes do not comprise a fiscally responsible project, the department is not
7 required to apply for or implement waivers under this Act and may discontinue operation of
8 the project under waivers that were implemented before the federal changes occurred;

9 (2) report to the legislature its recommendations for changes in its statutory
10 authority that may be needed in order to authorize implementation of a fiscally responsible
11 project in light of the changes in federal statutes or regulations.

12 * Sec. 2. EARNED INCOME DISREGARD; WAIVER OF "100-HOUR" RULE; AUTO
13 ALLOWANCE. When determining the AFDC eligibility of an assistance unit in the project
14 area and when determining the amount of assistance to which an assistance unit in the project
15 area is entitled, the department shall

16 (1) disregard, for 24 months, \$200 plus one-third of the remainder of the
17 earned income of each person in the assistance unit unless federal regulations require that
18 more earned income of a person must be disregarded; for an assistance unit that applies for
19 AFDC after this paragraph has been implemented, this 24 months begins with the month for
20 which the assistance unit is first granted AFDC; for an assistance unit that is already receiving
21 assistance when this paragraph is implemented, this 24 months begins with the first month
22 during which this paragraph is implemented;

23 (2) waive the requirement that, for purposes of assistance for a dependent child
24 of unemployed parents, the principal wage-earning parent must be employed less than 100
25 hours a month; and

26 (3) allow the exclusion of \$5,000 of the combined equity of motor vehicles
27 used by the assistance unit for basic family transportation, transportation of a disabled child
28 in the household, or transportation of a member of the assistance unit to or from employment,
29 training, or participation in an activity required under sec. 3 of this Act; if the combined
30 equity of vehicles described in this paragraph exceeds \$5,000, the department shall apply the
31 excess equity amount toward the asset limit otherwise applicable to the assistance unit.

1 * Sec. 3. WORKFARE. (a) Each member of an assistance unit in the project area who
2 is 18 years of age or older shall participate for 21 hours a week in an uncompensated activity
3 if assigned to the activity by the department. The department shall assess the availability of
4 activities that satisfy the purposes of this subsection in each part of the project area and
5 attempt to develop additional activities where necessary. When assessing the availability of
6 activities that are suitable as uncompensated activities under this section and in assigning
7 persons to those activities, the department shall consider activities recommended by
8 governmental representatives of boroughs, cities, and communities and others in the project
9 area. The department shall penalize the assistance unit for failure of a person to comply with
10 this subsection by disregarding that person as a member of the unit for purposes of
11 determining the amount of AFDC assistance given to the unit.

12 (b) If organizations exist in the project area that have had successful experience in
13 conducting employment placement services, community services, and job training programs,
14 the department shall offer on a competitive basis contracts to those organizations to administer
15 (a) of this section. A contract under this subsection must provide that the department shall
16 make the determinations required under (c) and (d) of this section and the contractor shall
17 perform the duties assigned to the department under (a) of this section with respect to
18 uncompensated activities, including assessment of their availability, development of additional
19 activities, consideration of activities recommended by governmental representatives, and
20 assignment of persons to specific activities after referral of those persons to the contractor by
21 the department.

22 (c) The requirement to participate in an uncompensated activity under (a) of this
23 section does not apply to a person who

24 (1) has paid employment of at least 10 hours a week; a person who has paid
25 employment of less than 10 hours a week shall participate in an uncompensated activity
26 assigned under (a) of this section for the number of hours that, when added to the hours of
27 paid employment, equals 21;

28 (2) is participating in an activity under AS 47.25.421 - 47.25.429 (JOBS
29 program);

30 (3) is participating in an activity under a program operated by an Indian or
31 Native organization under 42 U.S.C. 682(i) unless the Indian or Native organization agrees

1 to the person's inclusion in the project;

2 (4) is exempt from participating in an activity under AS 47.25.421 - 47.25.429
3 (JOBS program);

4 (5) is the parent or other relative of a child under six years of age living in the
5 same household who personally provides care for the child; or

6 (6) is determined, according to regulations of the department, to be physically
7 or mentally unable to perform any reasonable activity that may be assigned under this section;
8 or

9 (7) is a parent who is providing care for a child with a developmental disability
10 as defined by AS 47.80.900(7).

11 (d) Notwithstanding (a) of this section, the department may not require a person to
12 participate in an uncompensated activity under (a) of this section unless the department agrees
13 to pay for

14 (1) costs of child care determined by the department to be necessary for the
15 person's participation; and

16 (2) other expenses, such as transportation expenses, determined by the
17 department to be necessary for the person's participation in the activity.

18 * Sec. 4. PROJECT AREA. The department shall determine the area in which the project
19 will be implemented by choosing four municipalities as follows:

20 (1) the municipality that had the highest number of households receiving
21 AFDC in fiscal year 1992;

22 (2) a municipality contiguous to the municipality determined under (1) of this
23 section;

24 (3) an area consisting of

25 (A) a home rule city that is contained within the boundaries of a second
26 class borough and has a population of at least 15,000 persons; and

27 (B) the second class borough that contains the city described in (A) of
28 this paragraph; and

29 (4) the largest municipality, as measured by square miles, including the cities
30 within the municipality.

31 * Sec. 5. COOPERATION. State agencies shall cooperate with the department to the

1 extent necessary to implement secs. 1 - 6 of this Act.

2 * Sec. 6. DEFINITIONS. In secs. 1 - 6 of this Act,

3 (1) "AFDC" means the program of aid to families with dependent children
4 under AS 47.25.310 - 47.25.420;

5 (2) "department" means the Department of Health and Social Services;

6 (3) "project" means the department's implementation of the eligibility
7 modifications of sec. 2 of this Act and the work requirements of sec. 3 of this Act, to the
8 extent that the federal government approves those modifications and requirements;

9 (4) "project area" means the area established by the department under sec. 4
10 of this Act.

11 * Sec. 7. TEMPORARY AFDC REDUCTIONS. Notwithstanding AS 47.25.320(a)(1) -
12 (3), from January 1, 1995, through June 30, 1999, the maximum amounts of assistance under
13 AS 47.25.320(a) may not exceed the following, subject to adjustments under other laws:

14 (1) dependent child living with nonneedy relative: \$451 a month, plus \$100
15 a month for each additional child;

16 (2) dependent child living with parent:

17 (A) for a parent and one dependent child, a maximum of \$806 a month;

18 (B) for each additional child, or for a second parent, \$100 a month per
19 individual;

20 (3) pregnant woman who is otherwise eligible for assistance under
21 AS 47.25.320: \$505 a month.

22 * Sec. 8. TEMPORARY REDUCTIONS IN ADULT PUBLIC ASSISTANCE.

23 Notwithstanding AS 47.25.430 - 47.25.615, from January 1, 1995, through June 30, 1999, the
24 monthly state contribution to a recipient under AS 47.25.430 - 47.25.615 may not exceed the
25 amount of state assistance granted to a similarly situated recipient for the month of January
26 1992, reduced by 1.7 percent, unless adjusted under other laws.

27 * Sec. 9. This Act is repealed July 1, 1999.

COST/SAVINGS ANALYSIS
CSHB 409 (FIN) am (efd fld)
 Prepared by the Department of Health and Social Services
 Division of Public Assistance
 April 1, 1994

	FY95	FY96	FY97	FY98	FY99	TOTAL
OPERATING EXPENDITURES						
AFDC Payments - Project	0.0	(200.5)	(1,915.8)	(2,523.7)	(3,105.4)	(7,745.4)
Eligibility Determination	0.0	541.8	496.8	496.8	496.8	2,032.2
PA Administration	200.1	291.4	408.7	408.7	306.4	1,615.3
PA Data Processing	631.4	549.1	228.9	228.9	228.9	1,867.2
Alaska Work Programs	0.0	1294.4	1713.6	1713.6	866.2	5,587.8
Child Care Benefits	0.0	578.3	1,360.8	1,360.8	680.4	3,980.3
Medical Assistance	0.0	(15.8)	(267.0)	(453.3)	(413.4)	(1,149.5)
Gross Project Cost	831.5	3,038.7	2,026.0	1,231.8	(940.1)	6,187.9
Less Federal Receipts for Project Costs	(322.3)	(346.5)	(124.4)	(124.4)	(139.4)	(1,057.0)
Net GF/GF Match Project Cost	509.2	2,692.2	1,901.6	1,107.4	(1,079.5)	5,130.9
Less Ratable Reduction GF/GF Match Savings	(829.5)	(1,742.2)	(1,829.4)	(1,920.8)	(2,016.7)	(8,338.6)
Net GF Budget Impact	(320.3)	950.0	72.2	(813.4)	(3,096.2)	(3,207.7)

RATABLE REDUCTION SAVINGS						
AFDC - GF Match	(526.7)	(1,106.4)	(1,161.8)	(1,219.9)	(1,280.7)	(5,295.5)
APA - GF	(302.8)	(635.8)	(667.6)	(700.9)	(736.0)	(3,043.1)
Total GF	(829.5)	(1,742.2)	(1,829.4)	(1,920.8)	(2,016.7)	(8,338.6)
AFDC - Federal Receipts	(526.6)	(1,106.4)	(1,161.8)	(1,219.9)	(1,280.7)	(5,295.4)
AFDC/APA - I/A Receipts (PFD Hold Harmless)	(125.3)	(263.3)	(276.5)	(290.4)	(304.8)	(1,260.3)

STATE OF ALASKA
1994 LEGISLATIVE SESSION

FISCAL NOTE

DPA #1 4/1/94
BILL NO. CSHB409(PIN)am(cfd fld)

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act proposing a special demonstration BRU: Assistance Payments
project within the AFDC program - project costs Component: AFDC
 Sponsor: Haaley
 Requestor: Senate HES COMPONENT SERIAL NO. 0220

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	(200.5)	(1,915.8)	(2,523.7)	(3,105.4)	(2,955.4)
MISCELLANECUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	(200.5)	(1,915.8)	(2,523.7)	(3,105.4)	(2,955.4)
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGES IN REVENUES	0	0	0	0	0	0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	(200.5)	(1,915.8)	(2,523.7)	(3,105.4)	(2,955.4)
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
1007 I/A Rcpts.	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	(200.5)	(1,915.8)	(2,523.7)	(3,105.4)	(2,955.4)

POSITIONS:

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

Estimate of current year (FY94) impact: NONE

ANALYSIS: (Attach a separate page if necessary)

This legislation impacts the AFDC program in several ways. The bill makes certain changes in AFDC eligibility provisions for purposes of operating a demonstration project. The demonstration project includes an increase in the AFDC earned income disregard from the current time-limited disregard of \$30 and one third of the remainder to \$200 plus one third of the remainder for 24 months.

Prepared by: Jan L. Hansen, Director
 Division: Division of Public Assistance
 Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S.
 Agency: Department of Health & Social Services

Phone: 465-2680
 Date: 4/1/94
 Date: 4/8/94

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

ANALYSIS (cont.):

The demonstration also includes a waiver of the AFDC Unemployed Parent "100-hour rule" and increases the total amount of equity in vehicles a family may own. These modified requirements apply only to AFDC families living in the project area defined in the bill.

The bill also establishes requirements for AFDC recipients in the demonstration project to participate in workfare activities for 21 hours per week. Individuals who are required to participate in workfare are subject to fiscal sanction if they do not comply with the requirement.

Assumptions:**Basis of project:**

Federal approval is secured to operate an AFDC demonstration project under the authority of section 1115 (a) of the Social Security Act, including all of the provisions of this bill.

Project is operational from January 1, 1996 through December 31, 1998.

The project area includes the Municipality of Anchorage, the Matanuska Susitna Borough, the Fairbanks North Star Borough, and the North Slope Borough. 65% of AFDC families in Anchorage, Mat-Su, and Fairbanks are included in project experimental group, 35% in control group. Control group members participate under normal AFDC rules. 100% of recipients in the North Slope Borough project site are included in the experimental group.

Federal financial participation is available only for total project costs which do not exceed baseline costs of operating the AFDC program without the demonstration project.

Cost and Savings:**Savings Assumptions:**

The increased earned income disregards, waiver of the 100-hour rule, and the workfare requirement will cause the number of AFDC recipients who are working to increase over the course of the project. We project that the following numbers of recipients will become employed as a result of the demonstration provisions: 488 in FY 96, 347 more in FY 97, and 56 more in FY 98. At the end of the three-year demonstration, a total of 891 recipients who would not otherwise be employed are expected to be receiving regular earnings.