

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9115 HOUSE HEALTH EDUCATION & SOCIAL SERVICES

ANALYSIS (cont.):

In FY 96, the Alaska Medicaid program spend almost \$5.2 million providing Medicaid services to aliens; one-half of that amount was state General Funds. The Division of Medical Assistance estimates that one-quarter of those aliens age 65 and over and 15 percent of aliens under age 65 fall into an immigration status that federal law requires states to cover.

In addition, the Division estimates that for the remaining aliens, one-half of all hospital and transportation services and 10 percent of all physician services received would still be provided under Medicaid coverage of emergency medical treatment for aliens.

Furthermore, some aliens would be eligible for coverage of inpatient hospital, nursing facility services, physician services, transportation services, and prescription drugs for certain chronic conditions under the General Relief Medical program. The Division estimates that one half of these services not covered under Medicaid emergency medical treatment would be covered under GRM. Hospital and nursing facility services are reimbursed at 28 percent of Medicaid rates. Other GRM services are reimbursed at 100 percent of Medicaid rates.

Eliminating Medicaid coverage of qualified aliens would result an annual change to the Medicaid and GRM program shown below. Because of the administrative timeframes in terminating Medicaid coverage, the Division estimates that the impact in FY 98 would be one-half the amount shown below.

Discontinuing Medicaid Coverage of Qualified Aliens
(thousands of dollars)

	<u>Total Funds</u>	<u>General Funds</u>
FY 96 Medicaid - Aliens	\$ 5,171.3	\$ 2,585.7
Mandatory Coverage - Aliens	\$ 972.6	\$ 486.3
Emergency Coverage - Aliens	<u>\$ 837.5</u>	<u>\$ 418.8</u>
Net Savings to Medicaid	\$ 3,361.2	\$ 1,680.6
Cost Shift to GRM	<u>\$ 921.9</u>	<u>\$ 921.9</u>
Annual Reduction in Spending	<u>\$ 2,439.3</u>	<u>\$ 758.7</u>
First Year Reduction (one-half year)	\$ 1,219.7	\$ 379.4

Note: Federal welfare reform legislation prevents most newly arrived immigrants from receiving Medicaid for their first five years in the country. As a result, Medicaid should experience a small caseload decline and, adjusting for a shift in expenditures to emergency medical services and GRM, some modest savings. This savings is not shown in this fiscal note as it will occur with or without this legislation.

FISCAL NOTE

Bill Version HB 153
(H) Publish Date: 2/24/97

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Revision Date: _____
Title: An Act relating to the eligibility of aliens for state public assistance and medical assistance programs affected by federal welfare ...
Sponsor: Rules Committee
Requestor: Governor

Dept. Affected: Health and Social Services
BRU: Medical Assistance
Component: Medicaid Facilities
COMPONENT SERIAL NO. 230
See also (SN#): 229

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
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						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

Historically, Medicaid covered legal resident aliens who met all other Medicaid eligibility criteria. As a result of federal welfare reform, Alaska Medicaid cannot continue to cover most aliens without this legislation. Even with legislation, most aliens who arrive in the country after August 22, 1996 are ineligible for Medicaid for their first five years in the U.S. This bill provides the Alaska program with the authority to continue Medicaid coverage for qualified legal aliens who are not subject to the five-year bar. Funding for the coverage of these aliens is already included in the Medicaid budget. Therefore, there is no new cost to continuing this coverage.

Failure to extend Medicaid coverage for aliens would result in a loss of Medicaid eligibility for some aliens. However, aliens who do not qualify for full Medicaid coverage are eligible for Medicaid coverage of emergency medical treatment. In addition, aliens needing non-emergency hospitalization, nursing home services, or prescription drugs for certain chronic conditions may be eligible for the General Relief Medical program. See the following page for additional information about the impacts of not passing this legislation.

Prepared by: Jon Sherwood *BSL*
Division: Division of Medical Assistance
Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-3355
Date: 02/03/97
Date: 2/5/97

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ANALYSIS (cont.):

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(7)
Date Referred to Committee: February 24, 1997

FURTHER REFERRALS:

HESS
Finance

Date of Committee Action: 3/15/97

The STATE AFFAIRS Committee considered:

HB 153

HOUSE BILL NO. 153

ALIENS AND ASSISTANCE PROGRAMS

"An Act relating to the eligibility of aliens for state public assistance and medical assistance programs affected by federal welfare reform legislation; and providing for an effective date."

recommends it be replaced with the following committee substitute _____ [] the same title [] a new title

[] additional referral to _____ Committee
[] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
[] fiscal note(s) 3 [✓] fiscal note(s) 3 DHSS 2/24/97

[] zero fiscal note(s) 2 [✓] zero fiscal note(s) 2 DHSS 2/24/97

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Jeannette James</i>	James	✓			
<i>K. P. Elton</i>	Elton	✓			
<i>Ch. Berkowitz</i>	Berkowitz	✓			
<i>Mark Hodgins</i>	Hodgins			✓	
<i>Paul Dyson</i>	Dyson	✓			
<i>Vezev</i>	Vezev			✓	
		(4)		(2)	

CHAIR'S SIGNATURE *Jeannette James*
James

TONY KNOWLES
GOVERNOR

P.O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3300
Fax (907) 465-3532

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 24, 1997

The Honorable Gail Phillips
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

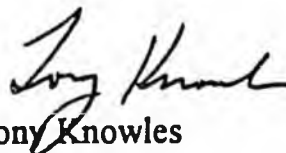
Dear Speaker Phillips:

Federal welfare reform enacted in August 1996 limited the eligibility of certain legal immigrants for public and medical assistance benefits and left it up to the states whether to continue that coverage. With this bill, I am asking Alaska to assure those qualified immigrants in need, who were here before the change in federal law, can continue to receive benefits. Those arriving after the change in law would be subject to the new restrictions.

The state welfare reform bill enacted in Alaska in 1996 did not address the eligibility of immigrants. This bill establishes that Medicaid, family assistance, and adult public assistance benefits will be available to "qualified aliens" and that for aliens who entered the United States on or after August 22, 1996, these benefits will not be available for the first five years after establishing qualified alien status in the United States.

This legislation strikes an appropriate balance in services for legal immigrants. By continuing to provide services to those who were in the country before the new federal welfare law was enacted, the state is acknowledging its responsibility to provide safety net programs for those Alaskans who need basic services and who originally entered this country under conditions that would grant them these services. However, those immigrants coming into the country after August 1996 will be aware they are subject to new rules and their access to services will be restricted.

Sincerely,



Tony Knowles
Governor

TRANSMITTAL LETTER

Differences Between Legal Immigrants and the Definition of Qualified Aliens Under Public Law 104-193

Regarding a definition for "legal immigrant", there are two issues to consider. The definition of a legal immigrant before the passage of P.L. 104-193, and the definition of a "qualified alien" under P.L. 104-193.

Prior to the passage of P.L. 104-193, an immigrant was considered eligible for state and federal welfare benefits if he met the definition of a legal immigrant. For this purpose, a "legal immigrant" included all immigrants lawfully admitted for permanent residence, and immigrants permanently residing under color of law (PRUCOL). Prucol aliens are considered legal permanent residents of the U.S even though they did not go through the process of applying for and being admitted for permanent residence. Prucol aliens are aliens living in the in the country with the knowledge and permission of the Immigration and Naturalization Service (INS) whose departure the INS does not contemplate enforcing.

For public assistance purposes, P.L. 104-193 created a new category of immigrants called "qualified aliens." Most "qualified aliens" are ineligible for public assistance, or are only eligible if the state opts to cover them. Immigrants who are not "qualified aliens" are generally not eligible for benefits. Under P.L. 104-193, "qualified aliens" are: immigrants lawfully admitted for permanent residence; refugees; asylees; individuals paroled into the U.S. for at least one year; immigrants whose deportation is being withheld; certain immigrants granted conditional entry; and certain battered spouses and children.

However, under P.L. 104-193, certain categories of "qualified aliens" remain eligible for public assistance regardless of their immigrant status. These exception categories are: refugees, asylees, and certain persons whose deportation is being withheld for their first five years in the U.S.; individuals who have 40 quarters of coverage under the Social Security system; and veterans and members of the armed forces and their spouses and dependent children.

Immigrants who become U.S. citizens are not subject to immigrant restrictions on public assistance eligibility.

Public Assistance Data on Statewide Immigrant Population
 (for Immigrants on Public Assistance Only)
 as of January 1, 1997

Programs

Program Type	ATAP Only	ATAP/ FS	APA Only	APA/ FS	FS Only	FS/ MED	GRA/ GRM	MED Only	Total
# of Persons	167	651	639	162	154	69	7	256	2105

Heritage

Heritage	Asian	Black	Hispanic	Pacific Islander	White	Other/ Unknown	Total
# of Persons	1069	44	429	119	360	84	2105

Time on Assistance

Less than 5 Years	1461
More than 5 years	<u>644</u>
Total	2105

SSI Status:

SSI Recipient	669
Non-SSI Recipient	<u>1436</u>
Total	2105

Alien status:

Currently Sponsored :	81
Non-sponsored:	<u>2024</u>
Total	2105

Sex:

Male:	784
Female:	<u>1321</u>
Total	2105

Age:

Under Age 18:	439
18 - 64:	1025
Over Age 64:	<u>641</u>
Total	2105

Type of Recipient:

Children & Families	1304
Aged & Disabled	<u>801</u>
Total	2105

Community of Residence:

Anchorage	1414
Kodiak	160
Mat-Su	134
Fairbanks	106
Southeast	99
Other	<u>192</u>
Total	2105

**FY 97 Budgeted Expenditures
(Legal Immigrants)**

	General Fund	Total
Food Stamps	\$0.0	\$812.3
Medicaid		
AFDC/ATAP	\$2,699.4	\$1,349.7
APA	\$3,123.9	\$3,123.9

Individual Impacts on Legal Immigrants

Benefits for Blind/Disabled/Elderly

	Before Federal Legislation	After Federal Legislation (current state law)	Under Proposed State Legislation	
			Date of Arrival before 8/22/96	Date of Arrival after 8/22/96
FS	\$70	\$0	\$0	\$0
SSI	\$484	\$0	\$0	\$0
APA	\$362	\$362	\$362	\$0
Medicaid	Yes	No	Yes	No

Benefits for Children & Families

	Before Federal Legislation	After Federal Legislation (current state law*)	Under Proposed State Legislation	
			Date of Arrival before 8/22/96	Date of Arrival after 8/22/96
FS	\$70	\$0	\$0	\$0
AFDC/ATAP	\$275	\$275	\$275	\$0
Medicaid	Yes	No	Yes	No

* Under current state law, benefits paid to aliens under the ATAP program are all general funds.

Legal Aliens

On August 22, 1996 President Clinton signed into law P.L. 104-193, The Personal Responsibility and Work Opportunity Act of 1996. This law has a substantial impact on immigrant eligibility for public assistance and medical assistance benefits. The table below compares the benefits to be received by legal aliens under current law and proposed legislation

Program	Current Law	Proposed Change
Food Stamps	Most legal aliens no longer eligible	No change; Fed only program
Supplemental Security Income	Most legal aliens no longer eligible	No change; Fed only program
Medicaid	Most legal aliens barred from Medicaid coverage regardless of entry date into country.	Legal aliens receiving Medicaid as of 8/22/96 grandfathered; legal aliens arriving after 8/22/96 barred for 5 years.
Alaska Temporary Assistance Program (ATAP)	Legal aliens eligible for benefits regardless of date of entry; legal alien benefits all general funds.	Legal aliens receiving benefits as of 8/22/96 grandfathered; legal aliens arriving after 8/22/96 barred for 5 years. Continue federal/state funding.
Adult Public Assistance	All legal aliens continue program eligibility.	Grandfathered eligibility to only those legal aliens in country as of 8/22/96 - legal aliens arriving after 8/22/96 barred for 5 years



Welfare Reform Briefing Paper

Division of Public Assistance

State of Alaska
Tony Knowles, Governor



Immigrants

The *Personal Responsibility and Work Opportunity Reconciliation Act of 1996* significantly impacts immigrant eligibility for public assistance. Recent federal changes reduce or deny benefits to many legal aliens already in the country as well as new arrivals. Alaska has the option of continuing federal-state assistance programs for aliens who were in the United States before August 22, 1996. The following summary explains immigration changes and some policy options for Alaska.

Changes in Federal Law

Qualified Aliens

The federal welfare reform law created a new category of legal immigrants called *qualified aliens*. Qualified aliens include:

- immigrants admitted for permanent residence;
- refugees;
- asylees;
- certain immigrants granted conditional entry;
- individuals paroled into the United States for at least one year;
- immigrants whose deportation is being withheld; and
- certain battered spouses and children.

Some qualified aliens remain eligible for public assistance. Refugees, asylees and immigrants whose deportation is being withheld for their first five years in the United States; veterans and their spouses and dependents; and those who have worked a total of 10 years in the United States stay eligible. However, these exceptions are limited. Most qualified aliens are ineligible for public assistance, or are only eligible if the state chooses to cover them. Other immigrants are generally ineligible for federal, state and local public assistance benefits. These eligibility restrictions do not apply to immigrants once they become citizens.

Program Changes

The federal welfare reform law targets two types of qualified aliens: those in the United States before August 22, 1996, and those arriving on or after August 22, 1996.

The new law reduces federal benefits for both groups of qualified aliens. For those arriving on or after August 22, 1996, eligibility for programs is eliminated for five years. After this period, new immigrants with sponsors must include the sponsors' income when applying for public assistance. For those arriving before August 22, 1996, benefits will be phased out over the first year. These changes apply to the following federal programs.

Food Stamp Program: Immigrants arriving on or after August 22, 1996 are ineligible for food stamps. Immigrants receiving food stamps before August 22, 1996, are exempt from the new eligibility restrictions until April 1, 1997. This group of qualified aliens may receive food stamps through August 1997 provided they apply for certification by March 31, 1997.

Supplemental Security Income (SSI): Qualified aliens in the country before August 22, 1996 will lose this assistance by September 1997. Qualified aliens arriving on or after August 22, 1996 are ineligible.

The welfare reform law also gives states options for deciding immigrant eligibility for other state-administered programs supported with federal and state funds.

Temporary Assistance for Needy Families (TANF): States have the option to determine eligibility of qualified aliens for federal cash assistance under the TANF Program. Qualified aliens currently receiving AFDC benefits from Alaska will remain eligible for benefits until July 1, 1997, when the new TANF Program is in place. As states develop their TANF-funded program, they will decide whether to provide or deny services to qualified aliens who arrived in the country before August 22, 1996. Qualified aliens in the United States on or after August 22, 1996 are banned from receiving TANF-funded assistance for five years. The name for Alaska's new TANF-supported program is Alaska Temporary Assistance Program (ATAP).

Medicaid: Qualified aliens arriving in the United States before August 22, 1996 may be covered as a state option. Except for Medicaid emergency coverage, qualified aliens in the country on or after August 22, 1996 are banned from receiving Medicaid benefits for five years. Only Medicaid emergency coverage is available to all aliens.

The welfare reform law also gives states options for deciding immigrant eligibility for state-funded public assistance programs. Alaska's Adult Public Assistance, General Relief Assistance, and General Relief Medical programs fall into this category.

Alaska Status

Policy Choices

The Knowles Administration has made the following policy choices for immigrants for state-administered public assistance programs. Three of these choices require legislative action to revise current statutes. This legislation supports the federal direction to limit public assistance benefits to qualified aliens arriving on or after August 22, 1996.

Alaska Temporary Assistance Program: Continue cash benefits for qualified aliens arriving in the United States before August 22, 1996. Implementing this policy requires a statute change as the current state law provides eligibility for all legal aliens meeting the financial requirements, regardless of their date of arrival in the United States.

Medicaid: Continue Medicaid coverage for qualified aliens arriving in the United States before August 22, 1996, including those who may not have been on Medicaid on August 22, 1996. This policy requires a statute change. Those qualified aliens entering the United States on or after August 22, 1996 are banned from receiving Medicaid benefits for five years.

Adult Public Assistance: Continue cash assistance for qualified aliens in the country before August 22, 1996. Immigrants arriving on or after August 22, 1996 are subject to a five-year bar. This policy requires a statute change to reduce program eligibility.

General Relief Assistance (GRA) / General Relief Medical (GRM): Continue to provide assistance to legal immigrants, regardless of the date they entered the country. The GRA and GRM are last resort programs that provide limited assistance to needy people with no other support for emergency medical and basic needs.

Impacts to Alaskans

Food Stamps: It is estimated that 1,100 legal aliens will lose Food Stamp benefits by September 1997.

Supplemental Security Income: An anticipated 800 legal immigrants will lose SSI cash benefits by September 1997.

Alaska Temporary Assistance Program: The five-year ban for services to legal aliens applies to the use of federal block grant (TANF) funds only. Current state law provides assistance to all immigrants with state funding only. There are about 820 legal aliens eligible for AFDC/ATAP benefits now. Under proposed state legislation, immigrants arriving in the United States before August 22, 1996 will remain eligible for AFDC/ATAP, while those arriving on or after August 22, 1996 will be ineligible for five years. With this statute change, about 145 of the 820 eligible for AFDC/ATAP will no longer be eligible.

Medicaid: Current state law does not provide Medicaid eligibility for most qualified aliens regardless of arrival date in the United States. About 1,575 immigrants are ineligible for Medicaid. Alaska's Medicaid program does not currently have statutory authority to cover these immigrants. Some individuals that are ineligible for Medicaid are eligible for General Relief Medical. Under the proposed state legislation, immigrants arriving in the United States on or after August 22, 1996 are not eligible for five years. Most immigrants in the United States before August 22, 1996 will remain eligible. Medicaid will have about 1,680 eligibles and 265 ineligibles in Alaska if this statute change occurs.

Adult Public Assistance: Current state law provides assistance to most immigrants, regardless of their arrival date in the United States. New immigrants are not subject to the five-year federal ban. About 800 legal aliens would continue to be eligible for benefits. Under the proposed state

legislation, immigrants arriving before August 22, 1996 will remain eligible, and immigrants arriving on or after August 22, 1996 will be ineligible for five years. About 45 of the 800 eligible legal aliens will be ineligible with this statute change.

General Relief Assistance (GRA) / General Relief Medical (GRM): Current state law provides that most immigrants will be ineligible for Medicaid, regardless of their date of arrival in the United States. Under proposed state legislation, about 265 immigrants who arrived in the United States after or on August 22, 1996, will be ineligible for Medicaid and may need to receive benefits through the GRM program.

Key Issues

- The proposed state legislation allows Alaska to follow federal law and deny public assistance benefits to most qualified aliens who arrived in the United States after or on August 22, 1996, for a five-year period or until they gain citizenship.
- Public assistance benefits provided to qualified aliens who are ineligible for federal funds must be paid from state funds.

Key Dates

- Restrictions for new legal immigrants became effective August 22, 1996.
- New restrictions for current legal immigrants receiving food stamps become effective April 1, 1997. Those certified by March 31, 1997 can receive benefits through August 1997.
- The Alaska Temporary Assistance Program goes into effective on July 1, 1997.
- Supplemental Security Income benefits for most legal immigrants stop by September 1997.

Additional Information

For additional information on immigration and the impacts of welfare reform, contact Jim Steele at the Division of Public Assistance at 465-3014.



Alaska Commission on Aging

RESOLUTION 97-6

In support of providing medical and public assistance to legal immigrants

WHEREAS, Alaska's public and medical assistance programs have historically been available to all Alaska residents, including legal immigrants who are permanent residents; and

WHEREAS, federal welfare reform limited the eligibility of certain legal immigrants for public and medical assistance and left it up to the states whether to continue coverage; and

WHEREAS, approximately 2,000 legal immigrant Alaskans, including over 600 seniors, currently depend on Medicaid, Adult Public Assistance, or the Alaska Temporary Assistance Program; and

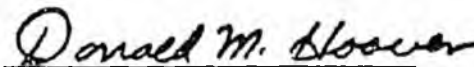
WHEREAS, legal immigrants who arrived in this country before the enactment of welfare reform could lose their eligibility for Medicaid without legislation; and

WHEREAS, failure to provide safety net programs for Alaskans who need basic services will result in them experiencing expensive medical crises; and

WHEREAS, responding to these medical crises will further tax limited community resources.

THEREFORE, BE IT RESOLVED by the Alaska Commission on Aging to support Senate Bill 102 and House Bill 153, which provide continued eligibility for Medicaid, Adult Public Assistance, and Alaska Temporary Assistance Program for legal immigrants.

Adopted this 4th day of March, 1997.



Don Hoover, Chair

ALASKA MENTAL HEALTH BOARD

TONY KNOWLES, GOVERNOR
STATE OF ALASKA

431 N. Franklin, Suite 101
Juneau, Alaska 99801
Office: (907) 465-3071
Fax: (907) 465-3079
TDD: (907) 465-4764

March 31, 1997

The Honorable Con Bunde, Chair
HESS Committee
Alaska House of Representatives
State Capitol
Juneau, Alaska 99811

Dear Representative Bunde:

The Alaska Mental Health Board recommends passage of HB 153 which will maintain Medicaid coverage, Adult Public Assistance (APA) payments, and Alaska Temporary Assistance Program (ATAP) eligibility for qualified legal immigrants. The Board supports HB 153 based on our understanding that a substantial portion of the qualified immigrant population are mentally ill beneficiaries.

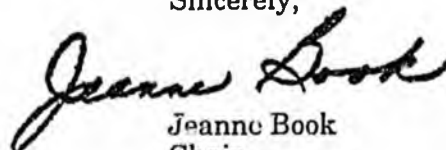
Due to changes in the federal Supplemental Security Income (SSI) program, approximately 800 elderly and disabled Alaskans will lose both their SSI and associated APA payments. Of the overall population who obtain SSI and APA due to disabilities, over 43% qualify based on mental disorders. There is no reason to believe that this percentage is any smaller for the legal immigrant subpopulation receiving SSI and APA.

Participation in the ATAP program is also critical to the mentally ill beneficiary group. A substantial number of seriously emotionally disturbed children who receive community mental health services live in families who participate in the AFDC/ATAP program. We expect that this overall need for mental health services by ATAP families holds true for legal immigrants participating in the ATAP program.

Unless HB 153 passes, legal immigrants will also lose the Medicaid coverage which has previously been available to those participating in either the SSI or AFDC programs. In addition to primary health care, Medicaid has provided significant mental health services to this population including case management, rehabilitation, and mental health clinic services.

In summary, the loss of Medicaid, SSI and AFDC/ATAP benefits will have a cumulative negative impact on legal immigrants who are mental health beneficiaries. These programs provide essential health and safety net services for many Alaskans experiencing mental illnesses and serious emotional disorders. On the behalf of mentally ill beneficiaries in Alaska, we urge your support of HB 153.

Sincerely,



Jeanne Book
Chair



April 1, 1997

Representative Con Bunde
State Capitol
Juneau, Alaska 99801-1182

Dear Representative Bunde:

Enclosed are two recent articles concerning the impact of welfare reform legislation on elderly and disabled lawful permanent residents in the state of Alaska that brought to light the seriousness of their circumstances. In many cases, these Alaskan residents will be left without any source of income or medical care.

On behalf of these Alaskans, the Disability Law Center supports passage of HB153/SF102, "An act relating to the eligibility of aliens for state public assistance and medical assistance programs affected by federal welfare reform legislation; and providing for an effective date."

This piece of legislation will not cost the State more money (see fiscal note), but will greatly help mitigate the projected loss of federal benefits.

Sincerely,

Rick Tessandore
Executive Director'

Enclosures

MEMBER OF THE
NATIONAL
ASSOCIATION OF
PROTECTION &
ADVOCACY
SYSTEMS

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

Legal immigrants lose safety net

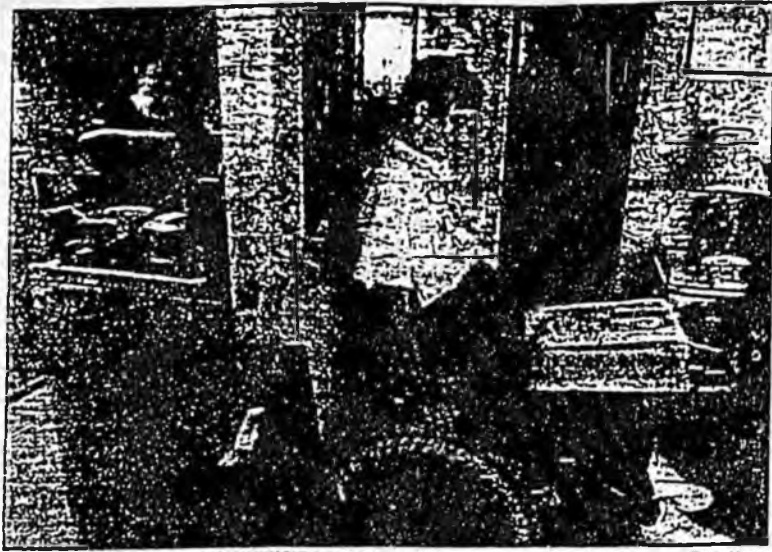
Welfare cuts hit home in Alaska

By LISA DEMER
Daily News reporter

Henry Hinkle, a man so disabled he cannot walk to the mailbox, button his shirt or gut a fish, worries not about being a quadriplegic but about being a legal immigrant, targeted by welfare reform.

Though he once made good money packing salmon, Hinkle hasn't worked, or walked, since a car accident on the Glenn Highway in 1995 creased his spinal cord and nearly killed him. Now, because he isn't a U.S. citizen, he may lose the Medicaid coverage that pays for his health care and the disability check that buys his rent and food.

"If they cut our welfare, what will happen to us?" Hinkle, a Filipino, wondered. His real



FRAN DURNER / Anchorage Daily News

Fely Hinkle prepares lunch for her husband, Henry, who was paralyzed in a car accident in 1995.

concern is not the monthly checks, \$1,005 from the state and federal governments combined, but the Medicaid, which pays for

Please see Page A-6, WELFARE



ABOVE: Henry Hinkle has learned to use his thumb and forefinger to hold his utensils and feed himself. The scars on his hands are from a surgical attempt to get his hands working again by moving muscles and tendons from his elbow to his hands.

LEFT: Each morning Fely attaches five-pound weights to Henry's arms so he can practice his range of motion exercise and maintain his physical rehabilitation.

WELFARE:

Legal immigrants out in the cold

Continued from Page A-1

everything from visits to his four doctors to special lotions for his fragile skin."

His worry reflects that of others like him across the country. As welfare reform takes hold, green card-carrying, legal immigrants will shoulder a major share of the cuts dictated by the U.S. Congress.

About 630 legal immigrants in Alaska and half a million nationwide are expected to lose federal disability benefits this summer. Congress is snipping those people out of the federal safety net for the elderly, disabled or blind — the Supplemental Security Income program. For many immigrants, when the disability check ends, so will food stamps and Medicaid, the state-federal insurance for poor people. States can choose to continue funding Medicaid, something Gov. Tony Knowles wants to do.

Some immigrants are rushing to become citizens before they lose their aid, but Hinkle has only been in the country two-and-a-half years; he would have to be here five years to apply.

Congress intended to place responsibility for needy immigrants with relatives and sponsors who help them into the country.

"We want to be sure they are coming here for the American dream and not for the American handout," said U.S. Rep. Clay Shaw, a Republican from South Florida who was the chief sponsor of the welfare reform law.

The U.S. government shouldn't be asked to take on all of the world's needy people, Shaw said, noting the high percentage of elderly immigrants in particular who receive care. In all, 900,000 immigrants are receiving cash benefits totaling \$4.5 billion a year, plus Medicaid. Benefits will continue for refugees and for immigrants who have served in the U.S. military and those who have worked 10 years.

"That is a program that is clearly out of control," Shaw said. "We are very rapidly becoming the nursing home to the world."

The National Immigration Forum, a nonprofit advocacy group, maintains that immigrants such as Hinkle are being hit with a disproportionate share of the welfare cuts.

"They are really carrying the load," said Angela Keiley, the forum's policy director. "Legal immigrants don't vote, so it is not a surprise that they are an easy target."

The federal welfare reform law took effect on Aug. 22, and immigrants who arrived on or after that date won't be able to tap benefits for five years, no matter how sick or poor they get.

As the federal help dries up, charities, states and local governments expect the obligation to fall to them. Shaw proposes a block grant to ease the way for states.

President Clinton wants to restore benefits for people who became disabled after they entered the United States. Knowles is pushing a bill to continue Medicaid coverage and keep checks flowing to immigrants like Hinkle. But the money will be less than he gets now because \$484 of his \$1,005 monthly benefit comes from the federal program that is about to dry up.

"It's not a question of who should take up the slack. It's what can everybody do. It's going to take everybody's efforts," said Jon Sherwood, a Medicaid program officer in Juneau.

LAND OF OPPORTUNITY

In spite of his paralysis, Henry Hinkle, and his wife of almost 35 years, Fely,

hope they can bounce back with jobs before the cuts leave them destitute.

At 55, Henry is slight, under 130 pounds, and quiet, leaving most of the talking to Fely. She is 50, with a soft, round face that brightens easily.

Henry spent most of his working life as a mechanic for a textile factory. When a strike closed the plant, he was out of a job. In her youth, Fely worked, too, as a secretary and in a candy factory, wrapping chocolates.

After 11 years of trying, they received permission to enter the United States in October 1994. They had \$200 between them. Family ties brought them to Anchorage, where they moved in with Henry's sister and received temporary financial support from his brother, a long-shoreman in Dutch Harbor. Their family, though, isn't wealthy enough to support them for the long haul, they said.

"In the Philippines, people our age don't have the opportunity to work," Fely said.

Two weeks after they arrived, Fely got work at Taco Bell. She took a second job, working a steam press at American Linen. Henry got on at the Hotel Captain Cook as a dishwasher and at North Alaska Fisheries, where he would work 14, 16 hours a day when the salmon were in. They sent \$200 a month back to the Philippines, to help family, including their grown son, an engineer.

Jackie Schultheis, a part-owner of North Alaska Fisheries, remembers Henry as a hard worker, someone who knew his job. He would show the younger guys how to pack fish in the freezer.

"He always was saying 'thank you' for giving him a job," Schultheis said.

The Hinkles got their own apartment, a furnished one-bedroom in Spenard that now costs \$525 a month. It would be considered luxurious in the Philippines, they said. They bought their first car, an old Ford Escort, for \$450.

One Sunday afternoon, on July 30, 1995, they drove to Wasilla to scout junkyards with Henry's cousin and brother, who needed some auto parts.

Heading home on the Glenn Highway, Henry lost control of the car just north of Eklutna. He later would blame it on a blown tire, though he had just bought a new set. Anchorage police chalked it up to inexperience. The car rolled, over and over, four times in all.

Rescuers had to cut the car apart to free the unconscious Henry. Fely's wrist was fractured. The others weren't hurt too badly.

THE RECOVERY

At Providence Alaska Medical Center, Henry had surgery, gradually regained the use of his arms and fought depression during his three-month stay, covered by Medicaid.

"I would see a car out my window, and I would cry," Henry said. Fely wept secretly, to hide her pity for her husband. The hospital wanted to release him to a Providence nursing home, but Fely wouldn't hear of it. She quit her job to care for him.

Now their apartment is a combination of medical center — hospital bed, two wheelchairs, piles of supplies delivered by Medicaid — and garage-sale finds, 10-cent Troll dolls, a \$15 color television and silk flowers everywhere.

Henry is in optimal health for a quadriplegic, thanks largely to the care from Fely, according to one of his doctors, rehabilitation specialist Dr. Michel Gevaert. Though Henry can move his arms fluidly, he is officially a quad

because he has lost use of his hands, the doctor said.

Fely works his limbs and massages his skin, especially his fingers, to keep them supple, not clawed like so many quadriplegics. Because he has no lower body function, she must catheterize him four times daily and give him a suppository every other day. She uses a special machine to clear his lungs.

And Henry does his part, lifting himself up from his wheelchair every hour to relieve the pressure on his lower body, working with weights to strengthen his arms. A attendant, paid through Medicaid, comes daily to give Henry a bath because Fely can't lift him.

"They are extremely motivated," Gevaert said. "If his wife had to work all day, he may end up admitted to the hospital because his support system is broken down." And that would cost much, much more than a welfare check, he said.

Henry learned to feed himself, nestling utensils between his thumb and index finger, even spooning soy sauce over his rice without a spill. At lunch, he drinks cranberry juice, expensive for people on welfare but helpful for warding off bladder infection. He watches a television game show as he eats from a tray on his wheelchair while Fely dines in the kitchen nearby. Cable is the Hinkles' one luxury; they now spend so much time at home.

The Hinkles take the Muni-Lift, a city van for the disabled, to Providence hospital several times a week to give support to others who are ill and visit friends, including Chaplain Luz Flores. The chaplain has watched Henry progress and believes he could again thrive in the working world.

"I know he can do some work, given the training and the time," he said. "That's what Henry needs. He has some skills, and the mind and the enthusiasm to be really independent, to earn while doing something."

Fely wishes for a computer, to teach herself and Henry at home. Soon Henry will tour potential job sites, including the post office on Elmendorf Air Force Base. That's been arranged through the maze of private and government workers assigned to Henry's case.

"If the Medicaid can stay, they can cut the money," Fely said. "It's OK. It's OK."

A DAUGHTER'S WORRY

Another Alaskan who will need help is 82-year-old Kumhui An, a Korean immigrant who arrived in 1980.

An lives in a nursing home with her care covered by SSI and Medicaid, but she was healthy when she arrived to help her daughter, Jaeok Carter, who was raising two daughters and working two jobs.

An tried to become a U.S. citizen before welfare cuts made it so important. She just wanted to vote. Despite years of English classes and a \$400 citizenship course, she didn't pass the test in three tries, Carter said.

In 1995, An broke her hip and suffered a stroke that paralyzed her left side. For three months, Carter tried to care for her mother at home. Carter works nights as a custodian and when she got off at 1 a.m. ready to sleep, her mother's needs wouldn't allow it. The strain wore Carter down, and about a year ago, An became a long-term resident of Providence Extended Care Center.

Now, the prospect of losing Medicaid worries Carter, who can't pay her mother's bill on what she makes cleaning schools.

"If I young and strong, I don't mind working two, three jobs to pay for my mother," said Carter. But she is 53 and tires easily as she struggles with diabetes.

The federal cuts also

alarm Providence officials. For each Medicaid resident, the nursing home receives about \$6,300 a month, and An is among at least nine residents at Providence Health System's two nursing homes expected to lose their benefits. With 10 other immigrant residents of Providence facilities vulnerable, the institution could be forced to absorb more than \$1 million a year in charity care.

"If we have people here, and there is no other means, we are not going to be kicking them out," said Tom Boling, administrator of Providence Extended Care Center.

Providence wants to help the residents become naturalized, a process that just got easier. New federal rules say people with mental or physical disabilities don't have to pass the civics or English language tests, though they still must show they understand the oath of allegiance, said Robert Eddy, director of the Immigration and Naturalization Service in Alaska. That acknowledgment, he said, can be as easy as "a blink of an eye or a nod of the head."

On Friday, Carter went to INS to pick up a citizenship application for her mother.



Photos by FRAN DURNER / Anchorage Daily News



Fely Hinkle watches her husband, Henry, negotiate the ramp in front of their apartment as he heads to the municipal transport that will take the couple to Providence Alaska Medical Center.

Immigrants flood classes to become citizens, keep aid

By SHEILA TOOMEY
Daily News reporter

"All right, everyone say 'Rehnquist.'"

"Rehn-quist. Rehn-quist. Good. Now, who is he?"

David Olivera scanned the second-floor meeting room on Mountain View Drive, his expression, his hands, his whole body pleading for someone to know the answer.

"Come on," he said, like a coach urging a runner across the finish line.

The 30 people in his class studied their crib sheets, consulted each other in several

languages and considered the odd, unfamiliar syllables.

A fretful murmur arose. "Rehn-quist, Rehn-quist."

Knowing what William Rehnquist, a lawyer from Phoenix, does for a living these days could make the difference between passing the test to become a U.S. citizen or failing.

Nevermind that many born-Americans wouldn't recognize him as chief justice of the United States. Applicants for citizenship need

Please see Back Page, CIVICS



Meuy Fin Saechao of Laos, sitting left, and her daughters, Meuy Tong Saechao, 10, and Farm Tong Saechao, 7, both born in Thailand, attend the citizenship class.

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House of Representatives?

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4. Which three countries were our enemies during World War II?

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Answers, see The Back Page

CIVICS: Classes Till up

Continued from Page A-1

to know the answers to 100 questions about American history and government so they can answer the 10 questions their Immigration and Naturalization Service examiner chooses to ask.

What are the first 10 amendments to the Constitution called? The class knew that, but "Who is the head of Anchorage?" produced a long moment of silence and a small tentative "Rick Musinroom?" from one brave woman.

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The class started six weeks ago with six people, said Olivera, a longtime Head Start and Montessori teacher who now works for the Mountain View Health Clinic. In addition to experience, he has several special requirements for his volunteer coaching task: a loud voice and a lot of energy. When word got out about his free Wednesday and Thursday study sessions, attendance jumped to 30 and is still climbing.

Across the country, immigrants who have lived in the United States legally for years are crowding INS offices with applications for citizenship. Many are receiving some kind of government benefit that is due to disappear on Aug. 22. On that date, noncitizens will no longer be eligible for welfare, disability, food stamps or Medicaid unless they have worked here legally for at least 10 years.

The INS caseload in Alaska is up 23 percent, due largely to the deadline, said Bernadette Dody, an official with the service in Anchorage. "The influx is the ones on welfare," she said.

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The class was organized by Maggie Perez Shelley of Catholic Social Services after several naturalized citizens came to her for advice on how to keep disability or old age benefits for elderly parents who had never learned English or sought citizenship. Everyone seems to be counting on private agencies like hers to take care of people who get kicked off the government rolls, Shelley said. But that's not going to happen.

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And they must pass the civics test, in English.

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What about?

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Casanova came to Alaska in 1991 when his wife of 28 years died. He joined his mother, now 91 and a U.S. citizen since the 1960s. Mother and son had not seen each other for 32 years and now share a home with his sister in Mountain View. Casanova is a little concerned about not being able to retain the answers to all 100-possible exam questions, but he's made up his mind he will pass.

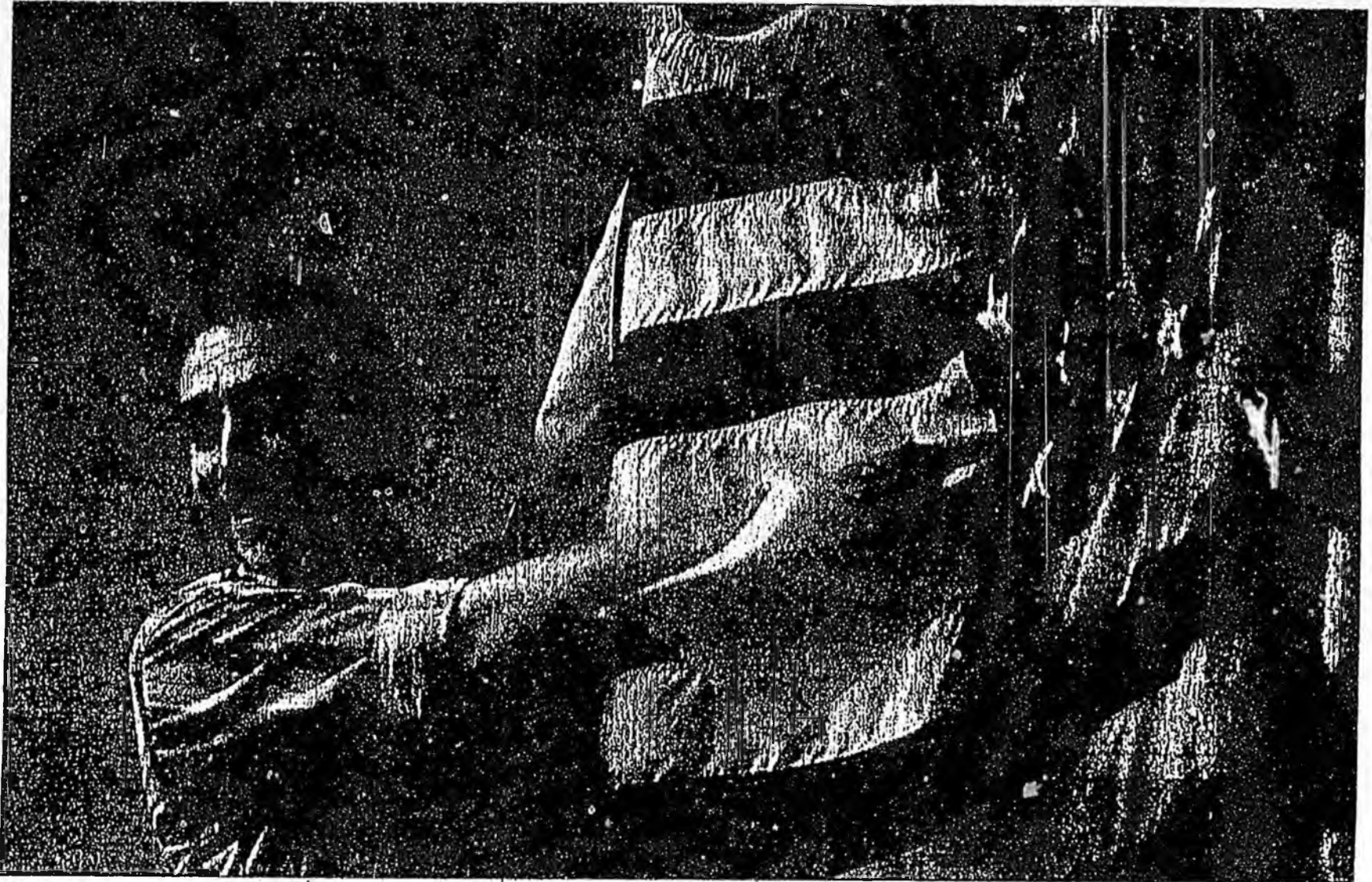
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THE ANSWERS

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ANCHORAGE, ALASKA, MONDAY, MARCH 24, 1997

10 questions that could change their lives



David Olivera points to the U.S. flag while teaching a citizenship class at the Anchorage Latino Lions Mountain View Resource Cen-

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Photos by BILL BOTT / Anchorage Daily News



BILL ROTH / Anchorage Daily News

Daniel Casanova sits next to a cardboard recruiting poster for the Army National Guard while attending a citizenship class to help him pass the Immigration and Naturalization Ser-

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CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

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Department of Education
State of Alaska



Photos by FRAN DURNER / Anchorage Daily News



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Continued from Page A-1

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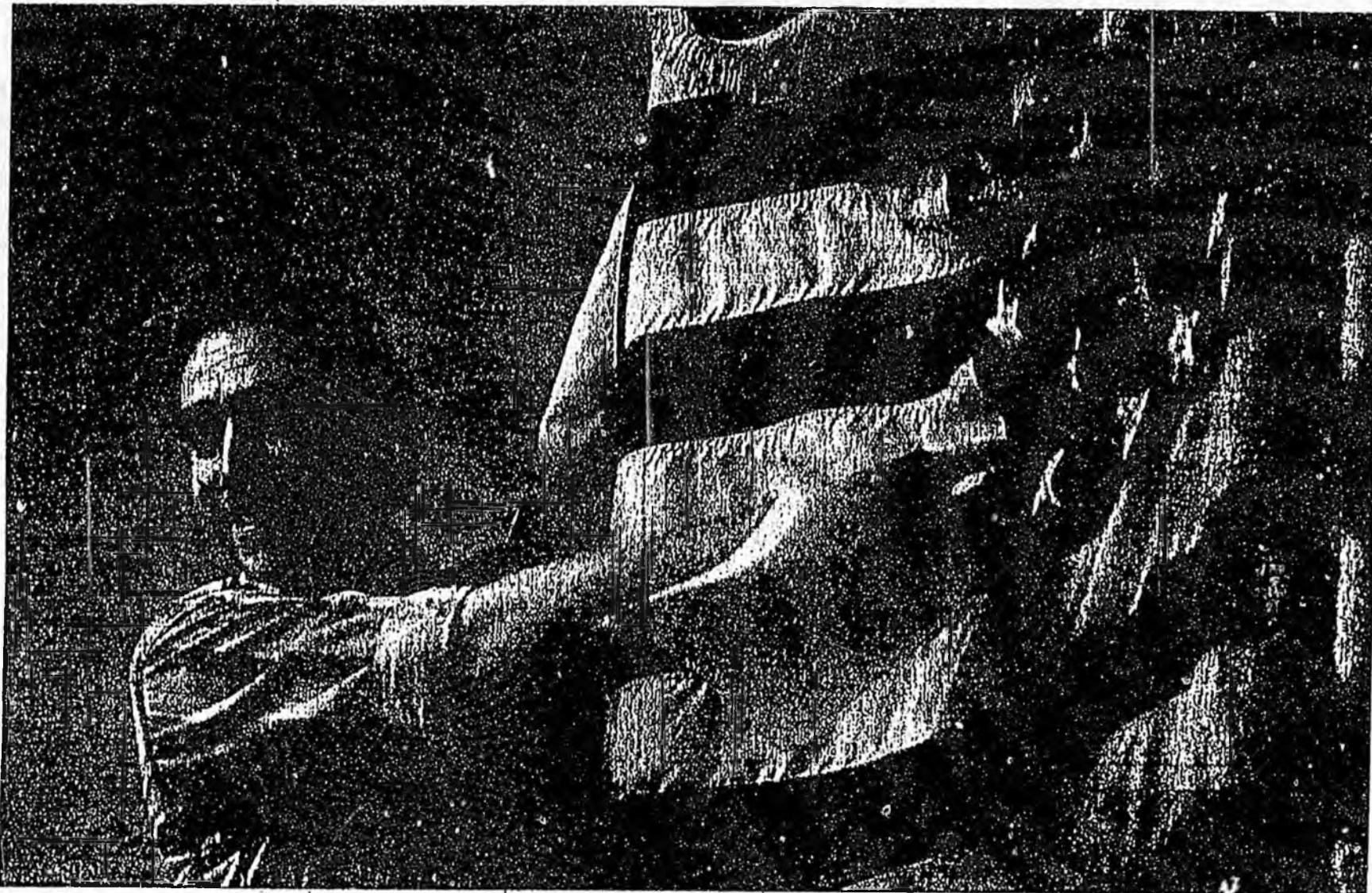
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HB

155

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: March 26, 1997

FURTHER REFERRALS:

Finance

Date of Committee Action: 4/29/97

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 155

HOUSE BILL NO. 155

HUMAN RIGHTS COMMISSION FEES & HEARINGS

"An Act relating to hearings before and authorizing fees for the State Commission for Human Rights; and providing for an effective date."

recommends it be replaced with the following committee substitute CS HB 155 (STA) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

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

APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) Gov/2-24-97

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
	✓			
	✓			
	✓			
	✓			

CHAIR'S SIGNATURE

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: February 24, 1997

FURTHER REFERRALS:

HESS
Finance

Date of Committee Action: 3/25/97

The STATE AFFAIRS Committee considered:

HB 155

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fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) Gov.

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Sharonette James</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	<input checked="" type="checkbox"/>			

CHAIR'S SIGNATURE *Sharonette James*

STATE AFFAIRS COMMITTEE
REPORT

FISCAL NOTE

No. 1
 Bill Version: HB 155
 (H) Publish Date: 2/24/97

**STATE OF ALASKA
 1997 LEGISLATIVE SESSION**

Revision Date: _____ Dept. Affected: Office of the Governor
 Title: "An Act relating to hearings before and authorizing BRU: Commissions and Special Offices
fees for the State Commission for Human Rights;" Component: Human Rights Commission
 Sponsor: Rules Committee
 Requester: Governor COMPONENT SERIAL NO. 1

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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 ()						
------------------------	--	--	--	--	--	--

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The Commission has seen a dramatic increase in the number of Alaskans requesting services at a time when the Commission is operating with fewer staff. As a result, the Commission now has more cases in its inventory than ever before in its 33-year history and Alaskans must wait upwards of eight (8) months prior to cases reaching an investigator's desk. Passage of this bill will assist the Commission by reducing costs and allowing it to reallocate these resources to investigations.

This legislation will provide the Commission with authorization to conduct hearings at its office, rather than incur the expense of travel for the Hearing Advocate, and Hearing Examiner to the place where the unlawful conduct is alleged to have occurred. Any savings resulting from passage of this bill will be utilized in responding to the public's increased demand for services.

This bill also provides authorization for the Commission to charge fees for certain services. After legislative authorization is provided and required regulations are promulgated, the Commission will estimate the level of fees to be collected and seek the appropriate level of authority for receipts in the budget process.

Prepared by: Paula M. Haley, Executive Director *Paula M. Haley* Phone: 276-7474
 Division: Human Rights Commission Date: 11-19-96
 Approved by Commissioner: Jim Ayers, Chief of Staff *J. Ayers* Date: 11-20-96
 Agency: Office of the Governor

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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 24, 1997

The Honorable Gail Phillips
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Phillips:

In our efforts to reduce budgets, some actions that save money also create efficiencies which better meet public service goals. That is the case with this bill regarding the Human Rights Commission. This proposal provides the Commission more flexibility in its operations and helps the body perform its essential work for the state.

The bill would allow the Human Rights Commission to hold hearings at its office in Anchorage rather than where the alleged discrimination occurred, as is required under current law. This will save time and money in travel costs. The Commission would continue to ensure that complainants may participate in the hearings.

This bill would also allow the Commission to charge fees to cover the costs of services, information and materials and to provide tapes rather than transcriptions of the hearings, as currently required.

These changes would reduce the cost and time involved in resolving cases, helping the Commission to work through its tremendous backlog of cases, and better respond to the public's increased requests for its services. The result will be better human rights protection for Alaskans.

Sincerely,



Tony Knowles
Governor

TONY KNOWLES, GOVERNOR

HUMAN RIGHTS COMMISSION

800 A STREET, SUITE 204
ANCHORAGE, ALASKA 99501-0000
PHONE: (907) 274-4692 / 278-7474
TTY/TDD: (907) 270-3177
FAX: (907) 278-0688

March 24, 1997

SENT VIA FAX 907/465-2963

Representative Jeanette James, Chair
House State Affairs Committee
State of Alaska
State Capitol
Juneau, AK 99801-1182

Re: House Bill 155

Dear Representative James:

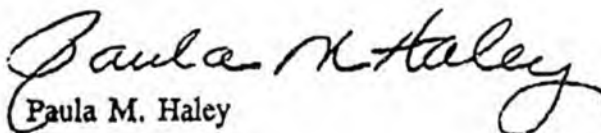
Thank you for the opportunity to testify and answer questions concerning the referenced legislation this past Saturday. I am sorry that my telephone connection made it so difficult for me to hear the questions posed by Committee members. I appreciate your assistance in transmitting their queries back to me.

I am enclosing copies of my letters of response to queries from Representatives Ivan and Vezey during my testimony on House Bill 155 this Saturday.

I hope that these letters address the Committee Members' questions and concerns. I will be at the Legislative Information Office teleconference of the House State Affairs Committee Meeting tomorrow morning if there are other questions.

You are welcome to call me anytime at 907/276-7474, extension 241.

Sincerely,


Paula M. Haley
Executive Director

PMH/mt
Enc: 2

01-A4LH

Toll Free
In Alaska (800) 478-4692
TTY / TDD Only (800) 478-3177

CORRESPONDENCE - ANSWERS TO QUESTIONS IN THE STATE AFFAIRS COMMITTEE

TONY KNOWLES, GOVERNOR

HUMAN RIGHTS COMMISSION

800 A STREET, SUITE 204
ANCHORAGE, ALASKA 99501-3669
PHONE: (907) 274-4692 / 278-7474
TTY/TDD: (907) 276-3177
FAX: (907) 278-8588

March 24, 1997

SENT VIA FAX 907/465-3258

Representative Al Vezcy
State of Alaska
State Capitol
Juneau, AK 99801-1182

Re: House Bill 155

Dear Representative Vezcy:

I am writing in follow-up to a question and concern which you raised during my testimony this past Saturday before the House State Affairs Committee on House Bill 155 (HB155). I will try to address each below.

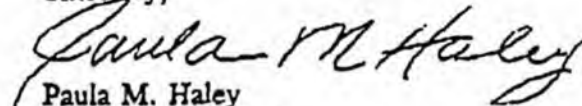
You asked whether the last sentence of Section 18.80.120 which reads "The testimony taken at hearing shall be under oath and shall be recorded. [TRANSCRIBED AT THE REQUEST OF ANY PARTY TO THE HEARING]" is necessary given the Open Meetings Act. While the Commission's meetings are covered by the Open Meetings Act, it is not clear that the agency's hearings are, in light of the exceptions listed under AS 44.62.310 (d)(i). Therefore, it might be best for clarity to leave this sentence in the bill.

You also expressed concern that the broad language of Section 1. AS 18.80.060 (b)(4) would allow for fees for other enforcement services, including filing fees. Representative Dyson and I both indicated that the Commission originally sought authorization to charge fees only for educational services and materials. The legislation, as originally discussed, read as follows: *(4) establish the amount and manner of payment of fees for education and training services and information and materials that the commission provides to public and private organizations and other persons.*

The Commission is fine with returning to this more limited language, if it will resolve the your concerns and those of other Committee members.

I hope that this letter answers your question as my telephone connection made it difficult to hear you and other Committee members. If this letter does not fully address your concerns, or if you need additional information, please feel free to contact me at 907/276-7474, extension 241.

Sincerely,


Paula M. Haley
Executive Director

PMH/mt

c: House State Affairs Committee Members

Toll Free
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TTY / TDD Only (800) 478-3177

TONY KNOWLES, GOVERNOR

HUMAN RIGHTS COMMISSION

800 A STREET, SUITE 204
ANCHORAGE, ALASKA 99501-3669
PHONE: (907) 274-4692 / 278-7474
TTY/TDD: (907) 276-3177
FAX: (907) 278-8588

March 24, 1997

Representative Ivan
State Capitol Building
Juneau, AK 99801-1182

Re: House Bill 155

Dear Representative Ivan:

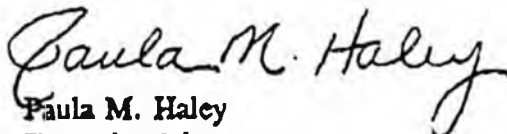
I am writing to answer a question which you raised during my testimony on HB 155 before the House State Affairs Committee on Saturday. You requested information regarding the location of cases filed with the Alaska State Commission for Human Rights (Commission) and location of public hearings.

I believe that Representative Dyson had a copy of the Commission's *1996 Annual Report* with him at the meeting and was able to show you the chart at page 10. This chart breaks out the origin of complaints filed with the agency (copy attached). Complaints from the Bethel area are listed under "Southcentral". More specifically, the Commission received seven complaints of discrimination from the Bethel area in 1996.

In addition, you wished to know where the Commission has been holding its hearings. Of the last ten hearings, six were held in Anchorage, three in Fairbanks and one in Kenai. One of the Anchorage hearings might have been held in Dutch Harbor, but for convenience the parties agreed to hold it in Anchorage. I wish to underscore that if a party does not wish to come to the Commission's office for a hearing, the agency's regulations allow them to attend by telephone.

I hope that this answers your question. My telephone connection made it difficult to hear the Committee members. If this does not fully address your question, or if you need additional information, please feel free to contact me at (907)276-7474 extension 241.

Sincerely,



Paula M. Haley
Executive Director

enc: *1996 Annual Report*

cc: House State Affairs Committee Members w/out enc

Toll Free
In Alaska (RM) 478-4692
TTY / TDD Only (800) 478-3177

1996 CASE PROCESSING STATISTICS

ANALYSIS OF FILINGS BY COMPLAINANT'S SEX

Female	299
Male	241
Total Filings	540

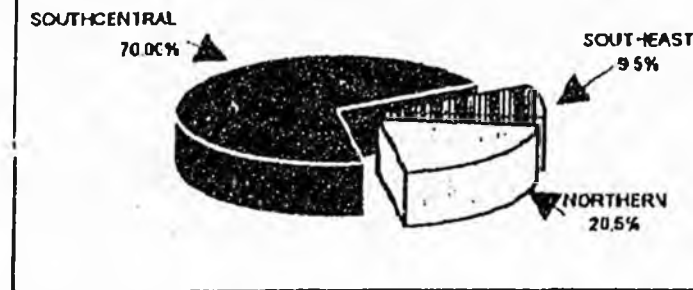
ANALYSIS OF FILINGS BY COMPLAINANT'S RACE

Caucasian	287
Black	96
Alaska Native	49
Hispanic	34
Asian	28
Unknown	24
American Indian	14
Other	6
Total Filings	540

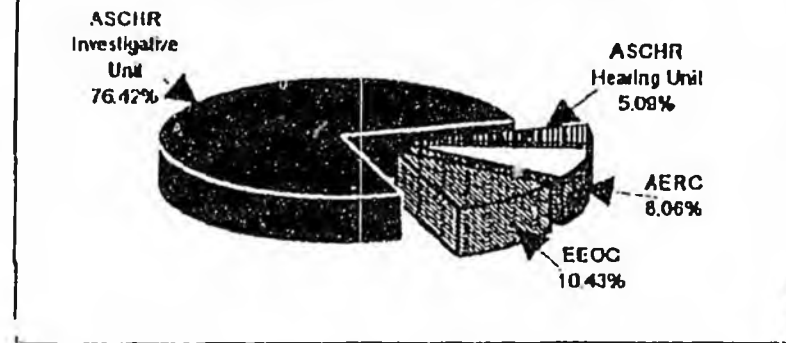
ANALYSIS OF FILINGS BY TYPE

Employment	447
Government Practices	33
Public Accommodation	1
Housing	27
Coercion	0
Finance	0
Multiple	2
Total Filings	540

ORIGIN OF COMPLAINTS FILED WITH ASCHR FOR INITIAL PROCESSING (BY REGION)



LOCATION OF OPEN CASES AT YEAR END INCLUDING FILINGS UNDER WORKSHARING AGREEMENTS



ANALYSIS OF FILINGS BY BASIS

Basis	Single Basis Complaint	Multiple Basis Complaint
Race/Color	103	79
Physical Disability	73	37
Sex	54	96
Age	34	46
National Origin	22	26
Retaliation for Filing	19	18
Religion	15	12
Mental Disability	8	15
Marital Status	7	19
Pregnancy	7	10
Retaliation	5	69
Parenthood	1	10
Multiple Bases	192	0
Total Filings	540	437

ANALYSIS OF FILINGS BY ISSUE

Issue	Single Issue Complaint	Multiple Issue Complaint
Discharge	86	154
Failure to Hire	75	21
Terms & Conditions	68	171
Denied Service	26	5
Failure to Promote	9	20
Other	8	16
Harassment	7	75
Sexual Harassment	5	46
Failure to Rent	5	3
Pay Equity	3	14
Demotion	3	13
Eviction	1	7
Failure to Dispatch	0	3
Multiple Issue	243	0
Total Filings	540	548

HB

157

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 157

Revision Date: _____
 Title: An Act repealing statutes that condition
receipt of certain occupational licenses
 Sponsor: Rep. James
 Requestor: House HES

Dept. Affected: Health and Social Services
 BRU: Public Assistance
 Component: ATAP
 COMPONENT SERIAL NO. 220
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
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	(3,180.5)	(3,180.5)	(3,180.5)	(3,180.5)	(3,180.5)	(3,180.5)
1003 GF Match	4,088.3	3,437.5	3,180.5	3,180.5	3,180.5	3,180.5
1004 GF						
1005 GF/Program Receipts	(907.8)	(257.1)				
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: 50.0

ANALYSIS: (Attach a separate page if necessary)

Federal welfare reform law requires the State of Alaska to revoke occupational licenses belonging to obligors who are delinquent with child support orders. Failure to comply with this provision in federal law results in a penalty of up to 5% of the federal TANF block-grant.

Federal law also stipulates that in the fiscal year following a reduction in the TANF grant due to a penalty, states must increase their state spending by an amount equal to the penalty.

We assume that the state will voluntarily replace lost federal funds in the first year and federal law mandates that the state will replace these funds in subsequent years.

The net affect of this legislation is a substantial increase in GF spending.

This legislation also decreases child support collections for ATAP children and reduces general fund program receipts for ATAP.

5/13/97
 Prepared by: Jim Nordlund Phone: 465-2860
 Division: Public Assistance Date: 03/12/97
 Approved by Commissioner: Karen Perdue Date: 3/14/97
 Agency: Department of Health & Social Services

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSHB157

Revision Date: _____
 Title: "An Act relating to student loan repayment provisions as they effect renewal of occupational licenses, and providing for an effective date."

Department Affected: Education
 BRU: Alaska Commission on Postsecondary Education

Sponsor: Rep. James
 Requester: H HESS

Component: Student Loan Operations
 COMPONENT SERIAL NO. 213

EXPENDITURES/REVENUES:

OPERATING EXPENDITURES	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

CHANGE IN REVENUE ()	(126.0)	(126.0)	(126.0)	(126.0)	(126.0)	(126.0)
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(Thousands of Dollars)

FUND SOURCE:

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER Corp. Receipts 1022	(126.0)	(126.0)	(126.0)	(126.0)	(126.0)	(126.0)
TOTAL	(126.0)	(126.0)	(126.0)	(126.0)	(126.0)	(126.0)

Estimate of any current year (FY 97) cost: \$
POSITION:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This legislation repeals the authority to withhold the renewal of occupational licenses for student loan borrowers that defaulted on loans which were originated prior to July 1, 1995.

Please see attached page

Prepared by: Mike Maher, Dir. of Student Loan Operations
 Division: Student Loan Operations
 Approved by Executive Director: Diane Barrans
 Agency: Alaska Commission on Postsecondary Education

Phone: 465-6743
 Date: March 13, 1997
 Date: March 13, 1997

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. _____

ANALYSIS: (continued)

IMPACT TO ACPE:

During the 12 month period January 1996-December of 1996, the total amount of student loans in default (payments are six months or more past due), borrowed by individuals seeking to renew their occupational licenses, was \$839,700. That represents funding lost to the repayment stream of the student loan fund over a 10-15 year repayment period.

A total of 61 defaulters have been identified, of which, 48 have either made lump sum payments (of part or all of the past due amount) or have entered into alternative payment arrangements (or both) to ensure the renewal of their occupational licenses. In just one year of this licensing sanction, it has levied approximately \$63,000 in repayment.

Of these 61 defaulters, 48 have complied with ACPE requirements and had their licenses renewed. Another 13 have not attempted to renew their licenses, 10 of which have not responded to or contacted ACPE for at least two years, and the remaining 3 are known to be living outside of Alaska.

The renewal of these licenses are staggered so that approximately one-half come up for renewal each year. Therefore, the figures represented above, are expected to double (to \$126,000 yearly and \$1,679,400 in default) if the borrower compliance pattern for the first year remained consistent for the second half of the renewal cycle.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 157

Revision Date: _____ Dept. Affected: Revenue
 Title: Repeal Occupational License Denial BRU: Child Support Enforcement Division
 Component: Child Support Enforcement Division
 Sponsor: Representative James
 Requestor: (H) HES COMPONENT SERIAL NO. 111

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	(132.1)	(44.0)	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	(388.2)	(120.1)	0.0	0.0	0.0	0.0
SUPPLIES	(2.4)	(0.8)	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				
TOTAL OPERATING	(622.7)	(164.9)	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES ()	907.8	257.1	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	(345.0)	(108.9)	0.0	0.0	0.0	0.0
1003 GF Match	(73.2)	(23.1)	0.0	0.0	0.0	0.0
1004 GF						
1005 GF/Program Receipts						
1008 GF/MHTIA						
1016 Federal Incentive Payments	(104.5)	(33.0)	0.0	0.0	0.0	0.0
TOTAL	(622.7)	(164.9)	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

FULL-TIME	3.0	3.0				
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The state's occupational licensing law became effective October 1, 1996. The program would increase overall child support collections by approximately 25% and generate \$3,934.8 in state-retained AFDC reimbursements during the first two years of the program. Though similar measures exist in 20 or more states and are required by federal law, this proposed bill (HB157) is aimed at repealing the legislation. The repeal of this program would place the State of Alaska in non-compliance with the 1986 Federal Welfare Reform Law (PRWORA).

HB157 could save \$96.3 in General Funds over the next two years. However, CSED would be unable then to collect \$1,164.9 in AFDC reimbursements for the State. Additionally, the State of Alaska would be penalized for non-compliance by the federal government: 1-5% of Alaska's TANF block grant (audit violation), all operating funds for CSED (violation of state plan) and an additional penalty against the TANF block grant (violation of state plan).

Prepared by: Glenda Straube, Director
 Division: Child Support Enforcement Division
 Approved by: [Signature]
 Commissioner: Wilson Condon
 Agency: Dept. of Revenue

Phone: 269-6801
 Date: 3/12/97
 Date: 3/12

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB157

Revision Date: _____
 Title: "An Act repealing statutes that condition occupation licenses on compliance with student loan repayment and support orders."

Department Affected: Education
 BRU: Alaska Commission on Postsecondary Education

Sponsor: Rep. James
 Requester: H HESS

Component: Student Loan Operations
 COMPONENT SERIAL NO. 213

EXPENDITURES/REVENUES:

OPERATING EXPENDITURES	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

CHANGE IN REVENUE ()	(126.0)	(126.0)	(126.0)	(126.0)	(126.0)	(126.0)
-----------------------	---------	---------	---------	---------	---------	---------

(Thousands of Dollars)

FUND SOURCE:

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER Corp. Receipts 1022	(126.0)	(126.0)	(126.0)	(126.0)	(126.0)	(126.0)
TOTAL	(126.0)	(126.0)	(126.0)	(126.0)	(126.0)	(126.0)

Estimate of any current year (FY 97) cost: \$

POSITION:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This legislation repeals the authority to withhold the renewal of occupational licenses for student loan borrowers that default on loans and obligors who are not in substantial compliance with child support orders or negotiated payment schedules.

Please see attached page

Prepared by: _____
 Division: Student Loan Operations
 Phone: 465-6743
 Date: March 11, 1997
 Approved by Executive Director: Diane Barrans
 Agency: Alaska Commission on Postsecondary Education
 Date: March 11, 1997

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ANALYSIS: (continued)**IMPACT TO ACPE:**

During the 12 month period January 1996-December of 1996, the total amount of student loans in default (payments are six months or more past due), borrowed by individuals seeking to renew their occupational licenses, was \$839,700. That represents funding lost to the repayment stream of the student loan fund over a 10-15 year repayment period.

A total of 61 defaulters have been identified, of which, 48 have either made lump sum payments (of part or all of the past due amount) or have entered into alternative payment arrangements (or both) to ensure the renewal of their occupational licenses. In just one year of this licensing sanction, it has levied approximately \$63,000 in repayment.

Of these 61 defaulters, 48 have complied with ACPE requirements and had their licenses renewed. Another 13 have not attempted to renew their licenses, 10 of which have not responded to or contacted ACPE for at least two years, and the remaining 3 are known to be living outside of Alaska.

The renewal of these licenses are staggered so that approximately one-half come up for renewal each year. Therefore, the figures represented above, are expected to double (to \$126,000 yearly and \$1,679,400 in default) if the borrower compliance pattern for the first year remained consistent for the second half of the renewal cycle.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 157

Revision Date: _____
 Title: An Act repealing statutes that condition receipt of
certain occ. licenses on compliance w/ student loan...
 Sponsor: Representative James
 Requestor: House HESS

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

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	(21.0)	(21.0)	(21.0)	(21.0)	(21.0)	(21.0)
TRAVEL						
CONTRACTUAL	(48.6)	(48.6)	(48.6)	(48.6)	(48.6)	(48.6)
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(69.6)	(69.6)	(69.6)	(69.6)	(69.6)	(69.6)
CAPITAL EXPENDITURES						
CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1070 IAR	(69.6)	(69.6)	(69.6)	(69.6)	(69.6)	(69.6)
TOTAL	(69.6)	(69.6)	(69.6)	(69.6)	(69.6)	(69.6)

Estimate of any current year (FY 97) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

HB 157 repeals the provision in AS 14.43.120(i)(1) requiring occupational licenses *not* be renewed for licensees in default with the student loan program. This repeal will eliminate occupational licensing's participation in assisting the student loan program to collect default payments; therefore, the inter-agency receipts authorized in the FY 96 operating budget to support division activities for this program will not be necessary. The personal services reduction eliminates half the funding for an existing Paralegal I position shared with the Child Support Enforcement program. The reduction in contractual services is funding authorized for hearings and computer-related costs to compare database information between agencies.

Prepared by: Jennifer Strickler, Administrative Manager
 Division: Occupational Licensing
 Approved by Commissioner: William L. Hensley
 Agency: Commerce and Economic Development

Phone: 465-2144
 Date: 3/7/97
 Date: 3-7-97

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0-LS0626\B
Lauterbach
3/7/97

CS FOR HOUSE BILL NO. 157()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE JAMES

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to student loan repayment provisions as they affect renewal of
2 certain occupational licenses; and providing for an effective date."

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

4 * Section 1. AS 08.02.025 is amended by adding a new subsection to read:

5 (c) This section applies only to a student loan issued on or after July 1, 1995.

6 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).



STATE OF ALASKA

THE ALASKA STATE LEGISLATURE

House of Representatives

Representative Jeannette James

Chair of House State Affairs Committee

Chair of Joint Admin. Regulation Review Committee

Capitol Building

Juneau, AK 99801

(907) 465-3743 ph

(907) 465-2381 fax

MEMO

March 11, 1997

HB 157 SPONSOR STATEMENT

Rep. Jeannette James

REPEAL DENIAL OF OCCUPATIONAL LICENSING FOR DEBTS

Currently when a student defaults on a Post Secondary Education Commission student loan, the Department may after 60 days turn the person's name into the Dept. of Commerce, Occupational Licensing Division. Commerce will not issue, or renew occupational licenses while the loan is delinquent.

This may be reasonable for students delinquent on loans made after the license provision in law was added, effective 7-1-95, however the loans made prior to the provision being added should not be held to that standard.

Retroactive application of the law is not reasonable or fair.

There is a negative fiscal note.

Post Secondary Education Commission, Executive Director, Diane Barrans is opposed to the change .

Please contact me 3743, or Walt Wilcox 6819 if there are any questions.

TONY KNOWLES, GOVERNOR

ALASKA COMMISSION ON POSTSECONDARY EDUCATION

3030 VINTAGE BLVD.
JUNEAU, ALASKA 99801-7109
VOICE (800) 441-2962
In Juneau 465-6740
TDD (907) 465-3143
FAX (907) 465-3293

Some Facts About Leveraging Improved Alaska Student Loan Repayment with State-issued Occupational/Professional Licenses:

- **No initial license is withheld based upon an Alaska Student Loan Default status.** The Commission only has the authority to intervene in the renewal of a license issued by the Division of Occupational Licensing.
- **A license renewal will not be denied unless the borrower has defaulted on a loan and refused or failed to make a payment arrangement.** The Commission provides defaulters with at least four to six months advance notice that their failure to either pay their loan current or demonstrate compliance with a payment arrangement will result in the non-renewal of their license. **If a loan is in default but the borrower is making good faith efforts to repay, their license renewal is not denied.**
- **No license renewal is denied simply because a payment is delinquent.** Default occurs when borrowers allow payments to be at least six months past due. This is an extremely serious arrearage that requires extensive staff time/labor involved in collection efforts.
- **Currently seven state legislatures, other than Alaska, have enacted similar laws, applicable to all defaulters.** Several other states have legislation under consideration. If application of student loan collection tools is limited to prospective application only, the approximately \$100,000,000 in unsecured loans which are currently in 'default' status will have a higher level of 'uncollectable' debt than the loan program can afford.
- **Promissory notes for the loans have always indicated that the agency (or its representatives) 'may institute legal action to force' repayment of the loan.** The Commission would hope to be able to continue to expand the legal means available to force borrowers to comply with their promise to repay this debt to the State.

HB

158

(7)

Date Referred to Committee: February 25, 1997

FURTHER REFERRALS:

Finance

Date of Committee Action: 3/25/97

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 158

HOUSE BILL NO. 158

RIGHT TO ATTEND SCHOOL ON PART-TIME BASIS

"An Act relating to attendance at a public school on a part-time basis."

recommends it be replaced with the following committee substitute _____ the same title a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Intent

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

APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) DOE

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Earl D...</i>	✓			
<i>Car B...</i>	✓			
<i>Brian D. Porter</i>			✓	
<i>M. V...</i>	✓			

CHAIR'S SIGNATURE *Car B...*

FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 158

1997 LEGISLATIVE SESSION

Revision Date: _____

Department Affected: Education

Title: An act relating to attendance at a public school on a part-time basis.

BRU: K-12 Support

Sponsor: Representative Dvson

Component: Foundation Program

Requester: HESS

COMPONENT SERIAL NO. 141

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS						
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/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 (FY97) impact: -0-

ANALYSIS: (Attach a separate page if necessary.) Section 1 requires a local school board to allow a child who is enrolled at a private school, is a correspondence student or is being home schooled, to enroll as a part-time student. Currently AAC 05.035, allows a school district to enroll a part-time student. School districts that permit part-time enrollment shall adopt a policy how the district will comply with certain requirements and process a request for part-time enrollment. Districts may enroll part-time students if there is space available, if requested by the student's parent, if the student has met the prerequisites for the course and if the enrollment does not result in an expenditure of public money for the direct benefit of a private educational institution. 4 AAC 09.050 establishes the methodology for counting part-time students for foundation funding.

Prepared by: Eddy Jeans, School Finance Manager

Phone: 465-8679

Division: Education Support Services

Date: 3-10-97

Approved by Commissioner: Shirley Holloway, Ph. D., Commissioner

Date: 3-10-97

Agency: Education

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

3/20 adopt

3/25 second adoption

Amendment No. 1
Offered by Rep. Kemplen

HB 158

Page 1 Line 6

After "who" delete

"is also enrolled at a private school,"



Alaska State Legislature

- Interim (May-Dec) -
10928 Eagle River Rd., Suite 140
Eagle River, Alaska 99577
☎ (907) 694-6683
FAX (907) 694-1015

- Session (Jan.-May) -
Alaska State Capitol
Juneau, Alaska 99801-1182
☎ (907) 465-2199
FAX (907) 465-4587

Toll free (800) 342-2199

REPRESENTATIVE FRED DYSON

HB 158 Sponsor Statement

"An Act relating to attendance at a public school on a part-time basis."

In the Alaska State Constitution, Article VII, Section 1 (Public Education) states, "The legislature shall by general law establish and maintain a system of public schools open to all children of the State...."

A few Alaska school districts do not allow part-time students. This bill ensures that all qualified Alaska students are allowed to participate in public schools, including part-time students. Discrimination against part-time students is prohibited.

The Alaska Administrative Code makes provisions and establishes a funding mechanism for part-time students. These provisions are weighted in favor of the schools that accept part-time students. According to 4 AAC 09.040, "a student enrolled in one course in a semester equals 0.25 full-time equivalent" of the foundation formula. This graduated scale gives a school full credit for a student who attends four courses daily.

Many of Alaska's part-time public school population are private or home schooled students. They attend public schools in order to take advantage of public school facilities such as computer labs, chemistry labs, foreign language courses or other specific classes for which the private or home school does not have the resources.

For students who have been expelled from the public schools and are being home schooled in the interim, this option will allow them to gradually make the transition back into the public school system.

Most Alaska schools and school districts gladly encourage and accept part-time students. They realize that our public schools are an important resource and have found part-time students to be academic and social assets to their schools. The experience also helps the public schools build bridges to the private and home school movements.

- E-mail -
Representative_Fred_Dyson
@Legis.state.ak.us

- Internet -
<http://www.akrepublicans.org>



LAW
Lawrence A. Wiget, Ed.D.
Director, Government Relations/Legislative Liaison
Anchorage School District
4600 Debarr Road
Anchorage, Alaska 99519-6614
(W) 907 269-2255 (FAX) 907 269-2340

TO: REPRESENTATIVE CON BUNDE
SUBJECT: HB 158: SUMMARY OF ASD CONCERNS
DATE: MARCH 24, 1997

6 pages including cover sheet

DEAR REPRESENTATIVE BUNDE:

PLEASE DISTRIBUTE THE ATTACHED LETTER SUMMARIZING ASD CONCERNS REGARDING HB 158 TO MEMBERS OF THE HESS COMMITTEE.

PLEASE FEEL FREE TO CALL IF YOU HAVE ANY QUESTIONS.

THANK YOU!



Anchorage School District

Anchorage, Alaska 99519-6614

Bob Christal, Superintendent
(Phone) 907 269-2818 (FAX) 907 269-2340

Re: HB 158

Dear Chairman Bunde:

I am writing to summarize Anchorage School District concerns regarding HB 158. The brief time allotted for public testimony plus confusion regarding constitutional and other issues has made it difficult for the District to clearly set forth the basis for its opposition to this bill which would compel Anchorage, as well as all other public school districts, to admit as part-time students individuals who primarily are enrolled at private schools or through correspondence or home school.

Initially, we wish to make it absolutely clear that ASD schools are open to every school aged child residing in Anchorage. The District eagerly looks forward to educating each such child. We recognize that for a variety of reasons, some students and parents prefer the educational opportunities provided through private schools or through home or correspondence schooling. By providing quality programs, the ASD hopes to attract and retain an increasing number of students in our public schools.

As pertains to the situation which exists in Anchorage, HB 158 will not accomplish this purpose. Rather, HB 158 assuredly will decrease enrollment in and funding for public schools. The prediction of decreased enrollment and funding is based on our actual experience--not speculation.

As some of you are aware, the District was sued several years ago by students and parents who sought to compel the District to permit private and home school students to participate on District athletic teams. Blomfield v. Anchorage School District, Civil Action No. 3AN-93-2740 Civil. The Superior court issued a lengthy opinion affirming the District acted legally when it did not admit students who attended private and home schools.

In addition to confirming the legality and constitutionality of the District's policy not to accept part-time or otherwise unenrolled students, the Blomfield case also provided a significant insight into the actual impact of admitting part-time students. The named plaintiffs were in fact students who were enrolled as full time ASD students. However, if permitted, as they sought in the law suit, to participate in programs not offered outside the public school system, they fully intended to leave the public schools. In other words, the only reason these students remained enrolled in the ASD as full-time students was to participate in programs which were very important to them which programs private

and home schools did not offer.

If HB 158 is enacted into law, the District will lose many students who are currently enrolled full time. Such students will become part-time students, participating only in courses or programs which are not available through private or home schools. As a result, the ASD will lose funding. At the same time, we will experience increased demand for those offerings (such as science courses, computer and technological courses, vocational education courses, etc.) which are the most expensive to operate and which require the smallest class size.

Ultimately, then, HB 158 will lead to a decrease in the overall quality of our program by leading to increased class sizes and less funding. Thus while the motivation behind HB 158--to increase educational opportunities for private and home school students--is laudable, in fact any such increase in opportunities for private school students will come at the expense of opportunities available to fully enrolled students.

Moreover, while jeopardizing the quality of programs the ASD offers, HB 158 also raises a number of serious legal and administrative problems. The costs associated with addressing these problems will further dilute funds available to provide educational programs.

Legally, we have been advised by our attorney that HB 158 will almost certainly be found to be unconstitutional since it would provide a direct benefit to private educational institutions (see Sheldon Jackson University v. State, ___ P.2d ___ (Alaska 1979)) and it would create significant entanglements between the public school system and private schools.

We realize the legislative legal counsel has suggested constitutional problems would not be raised. Assuming for the sake of argument that the constitutional issues are murky, the ASD will assuredly be enmeshed in litigation if HB 158 is enacted. We will be sued by the ACLU or similar interest if private students are admitted, or we will be sued by private students or their parents if we do not admit such students. Since the plaintiffs in either type of suit will certainly be viewed as "public interest litigants", the District will not be able to recover whatever costs it is required to expend if it wins such litigation, while it will have to use public funds to pay the costs and attorneys fees of the other side as well as its own costs if the District loses. Unless the constitutional issue has been clearly resolved, the ASD should not be compelled to risk this additional expenditure of funds.

Beyond the question of the constitutionality of HB 158, there are a host of other legal and associated administrative issues

which this bill as drafted raises.¹ To summarize, let me enumerate just a few of these issues:

--It is unclear how HB 158 would interface with the state compulsory education law (AS 14.30.010). First it will be both difficult and expensive (and require significant entanglement) for the ASD to verify whether part-time students meet compulsory education requirements. Moreover, AS 14.30.010(b) exempts from the compulsory education law students who attend "comparable" programs at private schools. If a student must seek out ASD offerings, a question would arise whether the private school program is "comparable."

--As drafted, HB 158 appears not to differentiate between primary and secondary students. Assuming it applies to elementary students, would application for part-time enrollment be limited to defined programs such as band, or could a parent demand part-time enrollment for a certain number of hours each day (say from 9 to 11 each morning), thus obtaining what could amount to little more than free part time day care?

--What leeway will a district have to reject a part-time applicant because particular courses or programs are already full? Would the District have to add additional sections to meet the demand created by part-time applicants? Would the District have an obligation to notify private schools or unenrolled students about registration each semester so that such students would have the same opportunity to apply for limited enrollment courses? If part-time students fill limited enrollment offerings, how would the District deal with full-time students who could not meet graduation or college admission requirements because desired courses were no

¹An amendment which the Committee considered at its meeting last week would limit the bill's application to home school and correspondence students. If adopted, this amendment would appear to lessen the constitutional problem created by Article VII, Section 1 of the Alaska Constitution which prohibits payment of any money from public funds "for the direct benefit of any religious or other private educational institution." (emphasis added) However, we envision a possible law suit by students attending private educational institutions questioning whether such a law would violate their rights to equal protection. Moreover, even if the constitutional problem is avoided, the other practical and legal concerns which we have would exist without regard to whether part-time students come from private institutions or from home and correspondence schools.

longer available? The course registration process is already complex and time consuming. Adding part-time students into the mix can only complicate this process and make it increasingly difficult for the District to meet the demands and expectations of our students.

--As drafted, is HB 158 intended to apply only to academic offerings, or does it also apply to participation on athletic teams and other extra-curricular activities? In other words, is HB 158 intended to over rule the Blenfield decision by allowing a private school or home school student to demand the right to participate on public school teams? Alternatively, could a part-time student who took one course only at a public school thereby claim enrollment in the school sufficient to allow participation on the school athletic teams?

--Must a part-time applicant seek out courses only at his "home" school, or could the student enroll at any school in the District? For instance, could a child living near West High School demand the right to take Japanese at Service High School? Or could that student enroll in Japanese at Service and Chemistry at West? Could a part-time student demand admission to a course at an authorized charter school or at one of the District's optional schools such as Steller or Polaris where full-time students gain admission only through lottery?

--Does the public school district have any responsibility under HB 158 to provide transportation to part-time students?

--What liability will the public school have in the event that a part-time student is injured or causes injury to others on his/her way to or from the public school?

--To avoid prohibit "direct benefits" to private educational institutions, will the ASD be required to investigate why each part-time student seeks to enroll? In other words, if a particular private school followed a practice of directing its students to take chemistry at ASD schools so the private school did not have to incur the cost of operating a chemistry program, this would certainly be a "direct benefit" to that school. However, the ASD would not necessarily know this was occurring unless it investigated each part time enrollment application. Obviously, this type of obligation would be expensive and time consuming and would involve a high level of entanglement between the ASD and the private schools.

The potential for legal claims and the additional

administrative costs associated with each of these issues is substantial. Addressing these issues will unavoidably siphon off the District's limited resources from its existing programs.

In conclusion, in those districts where admission of part-time students is identified as a benefit to both those students and to the public schools, it may be worth assuming the risk of a constitutional or legal challenge. Existing Department of Education regulations allow each district to determine whether the benefit to be gained is worth the administrative burden and risk of legal challenge. In the situation which exists in Anchorage with numerous non-public school alternatives, mandating enrollment of part-time students would weaken the public school system and expose the District to a variety of legal challenges and administrative headaches.

Under these circumstances, the ASD strongly believes enactment of HB 158 would constitute bad (and likely illegal) public policy, despite the laudable concerns which have motivated this proposed legislation. While perhaps unrealistic at the current time, the more sensible way to address the concerns which have motivated this legislation would be to fund public education more fully so the ASD could reduce class sizes and provide other improvements which would make full-time public school enrollment a desirable alternative to those who now choose to obtain their education outside of the public school system..

Thank you for considering our concerns. Representatives of the District remain available to provide you with such information as may be of assistance in your consideration of this important matter.

Sincerely,



Bob Christal

cc House HESS Committee Members



FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

520 Fifth Avenue

Fairbanks, Alaska 99701-4756

(907) 452-2000

March 17, 1997

Attention: Lisa
Representative Fred Dyson
Alaska State Capitol, Room 428
Juneau, AK 99801

MAR 20 1997

Dear Representative Dyson:

I am writing this letter in response to your staff's query regarding whether or not the Fairbanks North Star Borough School District has been implementing the requirements of 4 AAC 05.035 regarding part-time students. For the past several years, Fairbanks has allowed part-time students, both elementary and secondary, to attend schools/classes in our school. These students are coded as part-time and (if they were enrolled during our October count period) are included in official student enrollments.

Each year, the staff in our student records office reviews the class schedules of all secondary students and calculates the part-time FTE of each student based on the number of classes in which they are enrolled. Your proposed House Bill No. 158 would not cause our district to do anything different from what we have already been doing for years.

If you have any questions about this, feel free to contact either Mr. Bob Shefchik, the Assistant Superintendent for Business and Finance or myself at 452-2000.

Sincerely,

Dr. Nicholas Stayrook, Director
Program Planning and Evaluation

cc: Bob Shefchik

cc:Mall for: Representative Fred Dyson

Subject: HB 158

From: Christine_OConnor@compuserve.com ("Christine N. O'Connor") at CC2MHS1 3/15/97 4:34 PM

To: Representative Fred Dyson at LAA_TRANS

Dear HESS Committee members,

March 15, 1997

I am writing to express my support for HB 158 which would allow homeschooled students to attend classes part time at public schools. I am a homeschooling Mother of two elementary age children. While I believe homeschooling is best for my family at this time, I would like the option of using public school classes as a supplement when my children get older.

Alaska politicians are constantly stating their commitment to excellence in education. Allowing students more access to public schools is a common sense step in achieving this excellence.

I urge you to support this bill and see that it becomes law. After all, it's only fair that my family be allowed to use facilities our tax dollars help pay for.

Sincerely,
Christine O'Connor

Mrs. Sylvia Dean
2225 Meadow Lane
Juneau, AK 99801

MAR 19 1997

March 19, 1997

Rep. Fred Dyson and HESS Committee Members

Dear Rep. Fred Dyson and HESS Committee Members,

I would like to encourage your strong support for HB #158. This bill would serve the parents who are the most committed to their children's education with more options. One great need in our public school systems is parent support. The people concerned enough to put their children in home schools or private schools have shown their commitment to education by their investment of time and money. If they choose to use public school options it will be an asset to that system.

The public school need not fear large numbers as the people who are choosing other options have strong convictions about education. It may take more of the load of over crowding off public schools as other options open.

Sylvia Dean

Ms. Sylvia
2225 Meadow Ln

Dean

789-3512

			Distribution	Affiliation	Reg Voter
Juneau	AK	99801	07		Y

Date POM Sent	Constituency	Bill Number	Response	Subject
03/19/97	N	HB 158	Supports	

AS A HOMESCHOOL PARENT AND ALSO A PUBLIC SCHOOL TEACHER, I SEE GREAT MERIT IN OPENING UP ACCESS TO ALL SCHOOL FACILITIES BECAUSE IT WOULD CREATE MORE PARENT INVOLVEMENT.

Mrs. Sarah
PO Box 3155

Jackson

373-5493

			Distribution	Affiliation	Reg Voter
Palmer	AK	99645	07		Y

Date POM Sent	Constituency	Bill Number	Response	Subject
03/19/97	N	HB 158	Supports	

I AM IN FAVOR OF THIS LEGISLATION.

430 Hermit

			Distribution	Affiliation	Reg Voter
Juneau	AK	99801	18		Y

Date POM Sent	Constituency	Bill Number	Response	Subject
03/17/97	N	HB 158	Supports	

MY CHILDREN HAVE BEEN HOMESCHOOLED FOR MANY YEARS, BUT ALSO ATTENDED THE GIFTED AND TALENTED PROGRAM IN THEIR LOCAL SCHOOL. I WOULD LIKE TO SEE THE OPTION AVAILABLE FOR THEM TO ATTEND PUBLIC SCHOOL PART-TIME FOR SPECIALIZED COURSES IN THE FUTURE. SINCE WE HAVE BEEN PAYING THROUGH TAXES FOR EDUCATION, I THINK THIS IS A BENEFIT DESERVED BY OUR CHILDREN.

Mr. Adrian D. Slater
430 Hermit

463-3321

			Distribution	Affiliation	Reg Voter
Juneau	AK	99801	18		Y

Date POM Sent	Constituency	Bill Number	Response	Subject
03/17/97	N	HB 158	Supports	

I WOULD LIKE TO STATE MY SUPPORT FOR HB 158. I PAY PROPERTY TAXES THAT ARE USED TO RUN THE PUBLIC SCHOOLS. THEREFORE, I WISH THE RIGHT TO SEND MY CHILDREN TO THE SCHOOLS. AS HOMESCHOOL PARENTS, WE SEE THE CHILDREN ARE THE DIRECT BENEFICIARIES, NOT ANY PRIVATE INSTITUTION. I BELIEVE MY CHILDREN CAN ALSO HAVE A POSITIVE EFFECT ON PUBLIC SCHOOL CHILDREN.

Ms. Kathy L Haywood
2221 Muldoon Rd #547

333-6930

				Distribution	Affiliation	Reg Voter
Anchorage	AK	99504		40		Y
Date POM Sent	Constituency	Bill Number	Response	Subject		
03/14/97	N	HB 158	Supports			

IT IS ABOUT TIME.

Mr. Samuel S Haywood
2221 Muldoon Rd #547

227-5329

				Distribution	Affiliation	Reg Voter
Anchorage	AK	99504		02		Y
Date POM Sent	Constituency	Bill Number	Response	Subject		
03/14/97	N	HB 158	Supports			

I HAVE CHILDREN ATTENDING HOME SCHOOL, PRIVATE SCHOOL, AND PUBLIC SCHOOL. AS A PROPERTY OWNER AND TAXPAYER, I THANK YOU FOR HB 158. I HOPE IT WORKS.

Ms. Kathy L Haywood
2221 Muldoon Rd #547

333-6930

				Distribution	Affiliation	Reg Voter
Anchorage	AK	99504		01		Y
Date POM Sent	Constituency	Bill Number	Response	Subject		
03/14/97	N	HB 158	Supports			

WAY TO GO! I AM PLUGGING AWAY AT MY CAMPAIGN AND LOOKING FORWARD TO WORKING WITH LEGISLATORS LIKE YOU WHEN I GET ON THE SCHOOL BOARD. KEEP UP THE GOOD WORK.



Lawrence A. Wiget, Ed.D.
Director, Government Relations/Legislative Liaison
Anchorage School District
4600 Debarr Road
Anchorage, Alaska 99519-6614
(W) 907 269-2255 (FAX) 907 269-2340

TO: House HESS

Subject: HB 158

Date: March 13, 1997

The Anchorage School District opposes the passage of HB 158. Attached please find legal research and a position paper prepared for the District in year's past regarding this issue which we believe supports our position on this bill.

Thank you!



November 20, 1995

Mark Begich
Assembly Vice-Chair
P.O. Box 201627

Anchorage Anchorage, AK 99520
School
District

4600 DeBarr Road
P. O. Box 196614
Anchorage, Alaska 99519-6614
(907) 333-9561

SCHOOL BOARD

Peggy Robinson-Wilson
President

Lorraine M. Farrell
Vice President

Hamet A. Drummond
Clerk

Patti Higgins
Treasurer

Kathi Gillespie

Kelly Haney

Debbie Osslander
Past President

SUPERINTENDENT

Bob Chnstal

Dear Mark:

You requested information on whether the Anchorage School District allows children who attend home school or a private school to participate in sports or other extracurricular activities at their area school. You also requested a copy of the written policy that addresses this issue and the reasons for the decision.

On January 10, 1994 the School Board unanimously passed (7-0) Memorandum #244 which opposed the Proposed Changes in the Regulations of the Department of Education Memorandum Number 94-07, Subject: Participation in Public Education Programs. I have included this Memorandum as Attachment A.

The School Board reaffirmed the Administrative recommendation to continue with the District's then current practices of not allowing private or home school students to participate in sports or other extracurricular activities and other educational programs. Included with this letter is a copy of the official minutes of the meeting (Attachment C) and the notification of this position to employees (Attachment D).

Extensive legal research was done preparing the District's position paper prior to testifying before the State Board of Education in the Summer and Fall of 1993 and into the winter of 1994. I have included that information for your use as Attachment B.

I hope that this response answers your questions. Please do not hesitate to contact me, Bill Mell, or Carol Comeau if you have need for additional information.

Sincerely,

Bob Christal
Superintendent

cc Carol Comeau
Bill Mell

ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, ALASKA

ASD MEMORANDUM #244 (93-94)

January 10, 1994

TO: SCHOOL BOARD

FROM: OFFICE OF THE SUPERINTENDENT *Ed Churita*

SUBJECT: RESPONSE TO PROPOSED CHANGES IN REGULATIONS OF
THE DEPARTMENT OF EDUCATION: PRIVATE SCHOOLS'
STUDENTS PARTICIPATION IN PUBLIC SCHOOLS

RECOMMENDATION

It is recommended that the School Board support the Administration's position in opposition to the Proposed Changes in the Regulations of the Department of Education Memorandum Number 94-07, Subject: Participation in Public Education Programs.

- (1) 4 AAC 05.035 is proposed to be adopted as follows:
Regarding part-time enrollment of private, correspondence, and home school students in their local public schools.
- (2) 4 AAC 90.015 (k) is proposed to be adopted and 4 AAC 09.040 is proposed to be amended as follows:
To prescribe a method for counting part-time students for funding under the state's public school foundation funding program.
- (3) 4 AAC 06.111 is amended as follows:
Regarding the participation of private, correspondence, and home school students in the interscholastic activities of public schools.

It is recommended that the School Board approve the Administration's recommendation to oppose the proposed changes and continue with current regulations.

PERTINENT FACTS

The Anchorage School Board has previously received substantial back-up information on the District's position on the ability of non-public school students to participate in selected aspects of the public school program. The State School Board is considering regulations that will require public school districts to allow private school, home school and correspondence school students to participate in public school programs including after-school activities on a part-time basis

while retaining their status as non-public school students. A Public Hearing is scheduled for January 19, 1994 in Anchorage on these issues. Due to Anchorage School District involvement in a law-suit on one aspect of this issue, extensive research has been done in this area. The administration opinion on each of the three proposed regulations is discussed below.

- (1) 4 AAC 05.035 is proposed to be adapted as follows:
Regarding part-time enrollment of private, correspondence, and home school students in their local public schools.

It is our position that permitting private school students to attend public school classes would violate the Alaska Constitution's prohibitions against providing direct benefits to private schools and appropriating public funds for non-public purposes. In addition, permitting private school students to attend public school classes would likely violate the Establishment Clause of both the state and federal constitutions. By taking over a portion of the parochial schools' responsibility for teaching secular subjects, the District would, in effect, be subsidizing the religious functions of the parochial schools. Although these constitutional prohibitions do not apply to Centralized Correspondence School students, the District would not be required, under state or federal law, to permit CCS students to attend District classes.

- (2) 4 AAC 09.014 (k) is proposed to be adopted and 4 AAC 09.040 is proposed to be amended as follows:
To prescribe a method for counting part-time students for funding under the state's public school foundation funding program.

Current regulations require the District to report students by membership. With the exception of students attending the King Center, all students enrolled are counted as full-time students. This practice has been satisfactory to the Department of Education in the past. The proposed change may reduce the total number of instructional units on which state funding for the District is based, thereby lowering the actual amount of state foundation support to which the District is entitled. The change in the regulation is an attempt to appear to fund participation by part-time non-public school students. The actual result will be either serving the same student population with less state funding or serving a larger student population with current levels of funding. It is our opinion the proposed change will not provide additional funding for operation of schools and will increase pupil accounting cost significantly.

- (3) 4 AAC 06.111 is amended as follows:
Regarding the participation of private, correspondence, and home school students in the interscholastic activities of public schools.

It is our position that neither state nor federal law requires the District to permit non-ASD students, whether from private schools or CCS, to participate in District

sponsored extracurricular activities. A much more difficult question is whether the U.S. Constitution and the Alaska Constitution actually prohibit private school students from participating in public school extracurricular activities. Based on our review of state and federal case law, it is possible that the courts would find that the state and federal constitutions neither prohibit nor mandate such participation by non-ASD students, thereby relegating the matter to the discretion of state and local school boards. It is our position that this remain a board issue.

In summary, the District is not required to permit non-ASD students to participate in District sponsored activities, the District is probably prohibited by both state and federal constitutions from permitting private school students to attend regular education classes, and the District will not benefit from the proposed changes in pupil accounting practices. The proposed changes are therefore not recommended.

We realize there may be limited opposition from other school districts in the State since many of the districts will not be faced with dealing with the issues because of the limited numbers of students in their districts and the lack of private school options in these districts. Nevertheless, it is an important issue in Anchorage and we cannot support the recommended changes.

BC/WFM/mh

Municipality
of
Anchorage



Mark Begich

Anchorage Assembly
P.O. Box 201627
Anchorage, Alaska 99520

October 31, 1995

*Copy to Carol
Bill M.
Please prepare a
response
letter for
me*

Bob Christal, Superintendent
Anchorage School District
P.O. Box 196614
Anchorage, Alaska 99519-6614

Dear Bob:

I have recently received a letter from a constituent requesting the Anchorage Assembly to pass an ordinance related to student participation in school sports. I know this is totally out of our "arena", but I would appreciate you sharing the following information:

Does the Anchorage School District not let children who home school or attend private school, participate in sports or other extracurricular activities at their area school? If this is indeed the case, could you send me a copy of the written policy that addresses this issue and the reasons for this decision?

Thanks in advance for your time.

Sincerely,

Mark Begich
Assembly Vice-Chair

*See
letter +
attachments*

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ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, ALASKA

MEMORANDUM

January 7, 1994

TO: SCHOOL BOARD

FROM: BOB CHRISTAL 
SUPERINTENDENT

SUBJECT: PROPOSED DEPARTMENT OF EDUCATION REGULATIONS
REGARDING PRIVATE SCHOOL STUDENTS INVOLVEMENT
IN PUBLIC SCHOOLS

I provided to you in October the information regarding our position on the proposed Department of Education regulations that allow for private school students participation in selected courses and school activities. I have provided that again for you in case you have not retained the packet.

Our position administratively is to oppose these regulations for several reasons. If the School Board does not agree with this direction, we should know that prior to our presentation to the State Board of Education on January 19, 1994. I have placed this item on the agenda for Monday night after consulting with Board President, Sharon Richards.

gl
Attachment

ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, ALASKA

ASD MEMORANDUM

October 22, 1993

TO: SCHOOL BOARD

FROM: OFFICE OF THE SUPERINTENDENT *Baldwin*

SUBJECT: PRIVATE SCHOOL STUDENTS IN-DISTRICT PROGRAMS

There has been a series of requests by parents of students attending private schools for access to regular classes and extra-curricular activities over the past several months. In order to check our current practice and position in relation to the Blomfield law suit (demanding access to junior high activities) and other questions potential and actual, legal council was requested to prepare a position paper for our review. The paper is attached as item A.

The issues discussed are:

1. Is the District required, prohibited or permitted under state and federal law to allow students who are enrolled in private schools or the Alaska Centralized Correspondence Studies Program ("CCS") to participate in District sponsored extracurricular activities?
2. Is the District required, prohibited or permitted under state or federal law to allow students who are enrolled in private schools or the CCS to attend regular education classes in the Anchorage School District?
3. Do the answers to issues #1 and #2 differ for special education students who are enrolled in private schools or CCS and wish to attend regular education classes in the District or participate in District sponsored extracurricular activities?
4. If the District is permitted or required to allow private school or CCS students to attend classes on less than a full-time basis and/or participate in extracurricular activities, may the District count these students for purposes of receiving state funding under the Alaska public school foundation program?
5. May the District enroll home school students in the District and count them for state foundation funding by providing them with a

correspondence study program which the District obtains by contracting with the Alaska Centralized Correspondence Studies Program?

In summary current practice is within the scope of the law as it now exists. We are aware that the state is interested in expanding the rights of private school students access to public school programs. The Department of Education has proposed private school regulations that will be discussed by the State School Board on Friday, October 29, 1993, in Fairbanks. The announcement dated October 13, 1993, is attached as item B. This will be an item extensively discussed over the next several months and has the potential of ~~attaining~~ ASD policy and practice in these areas.

changing
BC/WFM/rs

ITEM A

PRIVATE SCHOOL PARTICIPATION
POSITION PAPER