

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 00/2

9524 SENATE HEALTH EDUCATION & SOCIAL SERVICES

161

CIVICS: Classes fill 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 Mushroom?" from one brave woman.

"The biggest fear they have is practicing English in front of other people," Olivera said later. "Americans expect everyone to speak English. You go to any other country and people speak more than one language."

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 Doody, an official with the service in Anchorage. "The influx is the ones on welfare," she said.

Olivera said his class is largely working poor, people who need food stamps or medical assistance to stretch a no-benefits, poverty-level income.

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.

"We try to help everybody in need, everybody that comes to our door," she said. "But we can't pick up all the load."

In general, applicants for citizenship must have had a "green card" — a residence permit still referred to that way although it is actually pink — for five years; pass an FBI fingerprint search, which takes about three months; and be found "of good moral character," which means they can't be a communist, Nazi, draft dodger, polygamist, prostitute, pimp, doer, gambler, tax delinquent, felon, aristocrat or alcoholic. There are few absolutes, though. Each applicant is individually evaluated, Doody said.

And they must pass the civics test, in English.

Why are there 100 senators in the Senate? Who wrote "The Star Spangled Banner?" Who said "Give me liberty or give me death?"

Patrick Henry got death, Olivera explained, putting an imaginary noose around his neck and yanking it to illustrate.

"You never seen somebody hang?" asked a man from the Dominican Republic. Just curious.

Fou Tong Saechao was born in Laos and grew up in Thailand. But Thailand doesn't allow foreigners to become citizens, he said. And Laos doesn't let people back once they've left.

"I have no country," he said.

Saechao ended up in a refugee camp. He, his wife and two daughters have been in the United States for six years, in Alaska a year. Mom and dad have only rudimentary English skills but Meuy, 12, and Farm, 7, speak the new language without an accent. Saechao has taken the citizenship test once but didn't pass. He's going to try again.

For more than an hour, Olivera guided his students through the crib sheet given out by INS, applauding heroic efforts to pronounce "Massachusetts" and "Murkowski."

Vioul Thi, formerly of Vietnam, is the best student in the class this week, on top of facts like who becomes president if the president and vice president both die, and the number of members in the House of Representatives. Still, she says she's worried.

What about?

"Everything."

Daniel Casanova, 71, is originally from Nicaragua but lived most of his working life in Honduras. It was safer there, he said. Still, life anywhere in Central America means no matter how long and hard a laborer works he earns "just sufficient to help you not to die from hunger."

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.

For an older man on his third country, Casanova seems fairly relaxed. Asked about his calm, he shrugs. "In this great world," he said, "we are just ants. Go and come."

THE ANSWERS

1. 435
2. The speaker of the House
3. New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, Rhode Island, Virginia, North Carolina, South Carolina, Georgia
4. Germany, Japan, Italy
5. 1787
6. The INS says 26, but a 27th was added in 1992
7. Thomas Jefferson
8. The Electoral College
9. The Cabinet
10. 13, for the 13 original colonies

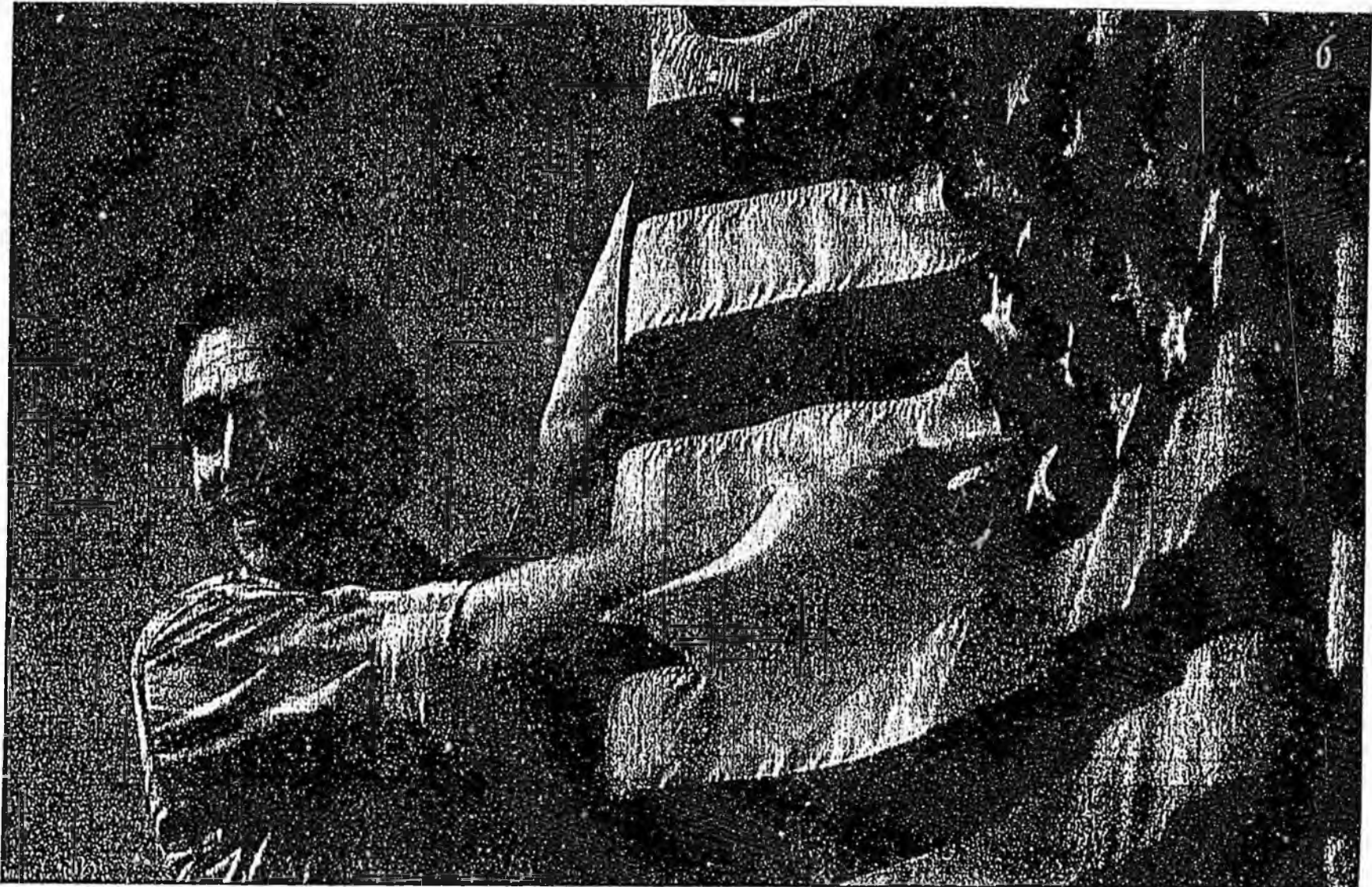


BILL ROTH / Anchorage Daily News

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-

vice citizenship test. Casanova was born in Nicaragua and spent most of his life in Honduras as a laborer before coming to the United States to live with his mother and sister.

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-

ter recently. He was helping the class learn to pronounce the word stripes in English.

Photos by BILL ROTH/Anchorage Daily News

Legal immigrants lose safety net

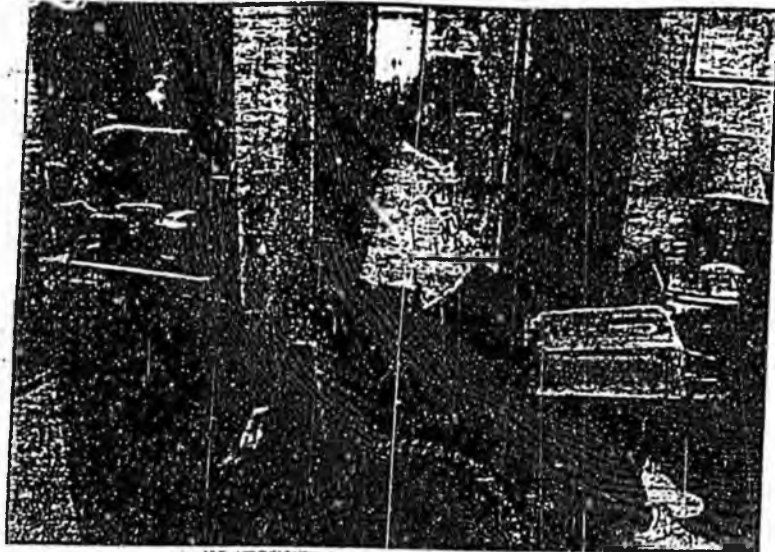
Welfare cuts hit home in Alaska

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

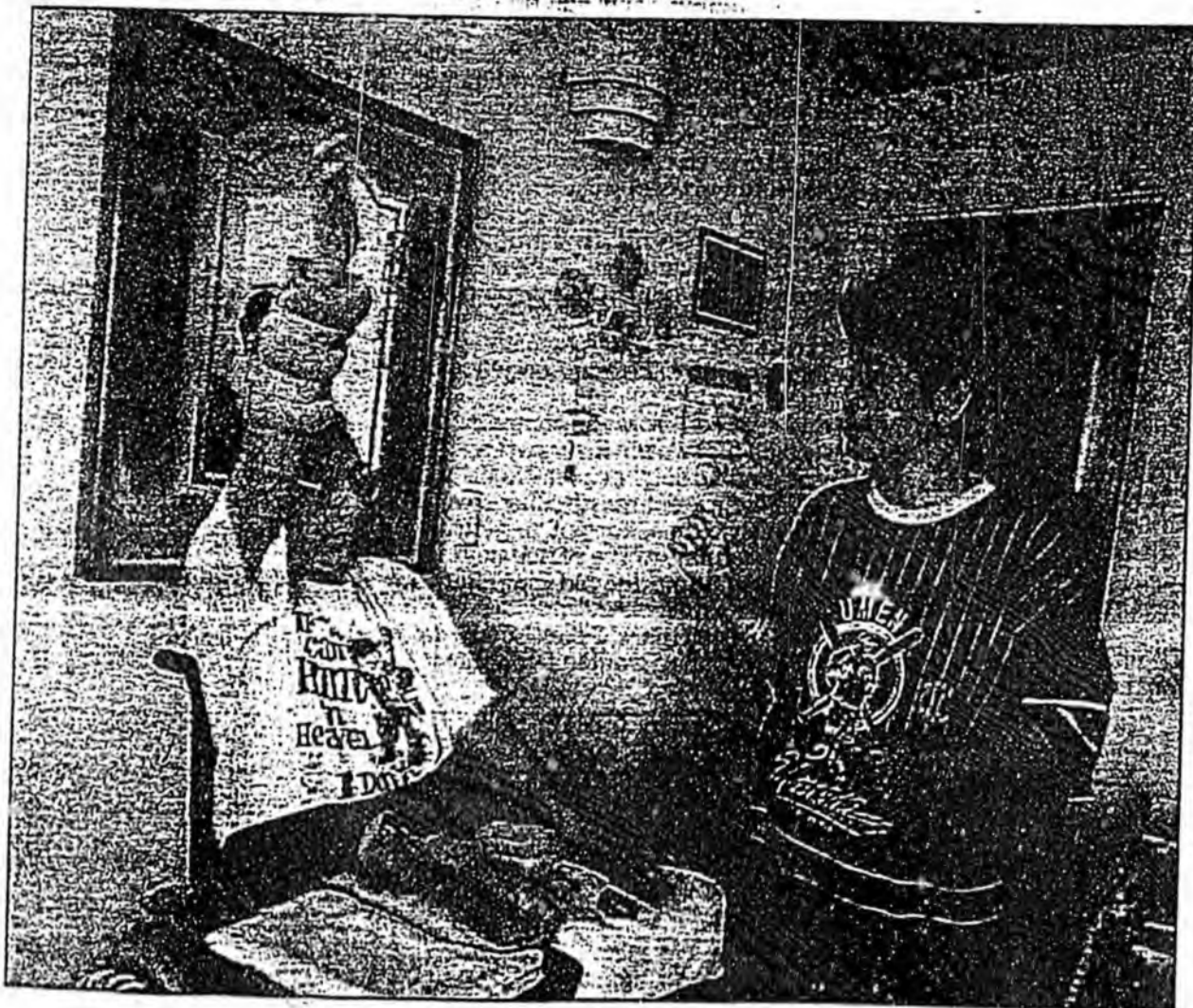


FRAN DURNER / Anchorage Daily News

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 exercises 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 Kelley, 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, Jaek 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.

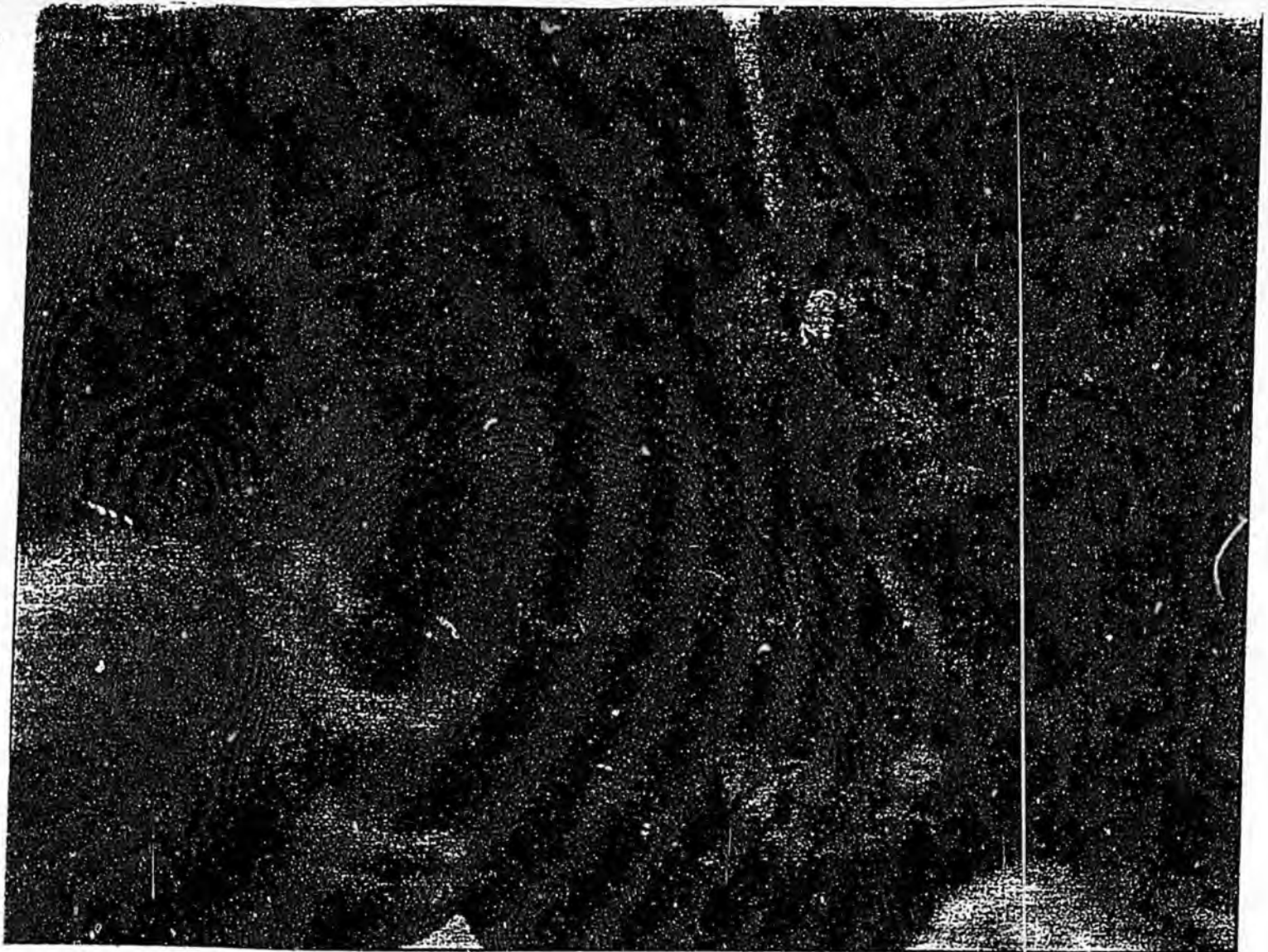
The federal cuts also

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 FRANK 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.

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

P.O. BOX 110601
JUNEAU, ALASKA 99811-0601
PHONE: (907) 465-3030
FAX: (907) 465-3068

February 25, 1997

Honorable Gary Wilken
Chairman
Health, Education and
Social Services Committee
Alaska State Senate
State Capitol Room 510
Juneau, AK 99801-1182

Dear Senator Wilken,

The Department of Health and Social Services respectfully requests a hearing in the Senate Health, Education and Social Services Committee on SB 102, "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."

The state welfare reform legislation enacted last session was silent on the issue of eligibility of legal immigrants for public assistance and Medicaid. This legislation is necessary to clarify the state's policies in this regard in light of the new federal legislation.

The bill provides for continued eligibility for legal immigrants who were in the country prior to the August, 1996 effective date of the federal legislation.

Your favorable consideration of this request will be most appreciated.

Sincerely,



Elmer A. Lindstrom
Special Assistant to the Commissioner

ALASKA
CIVIL LIBERTIES UNION

An Affiliate of the American Civil Liberties Union

P.O. Box 201844

Anchorage, AK 99520-1844

Phone: 907-258-0044 Fax: 907-258-0288

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April 10, 1997

HAND DELIVERED

Con Bunde, Chair
House Health, Education and
Social Services Committee
Alaska State Legislature
Capitol Building
Juneau, Alaska

Gary Wilken, Chair
Senate Health, Education and
Social Services Committee
Alaska State Legislature
Capitol Building
Juneau, Alaska

Re: House Bill 153 and Senate Bill 102

Dear Chairman Bunde and Chairman Wilken:

Thank you for this opportunity to comment on House Bill 153 and Senate Bill 102, bills which would make it clear that legal immigrants should get Alaska Temporary Assistance, Adult Public Assistance, and Medicaid on the same basis as citizens. The Alaska Civil Liberties Union supports HB 153 and SB 102, and opposes any public assistance program policy which discriminates against similarly situated Alaskans.

Legal immigrants are bona fide Alaska residents. They live here and pay taxes here, and when hard times or old age force them to ask for help, they need public assistance just as much as do Alaskans who are U.S. citizens. It would be fundamentally unfair, as well as unconstitutional, to discriminate against them.

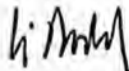
So far, the main state-funded programs which provide basic income support and health care for poor Alaskans have operated without any special immigration-status restrictions other than those required by federal law. Federal law already excludes undocumented immigrants from Aid to Families with Dependent Children – soon to become Alaska Temporary Assistance – and limits undocumented immigrants to only emergency Medicaid. Although the new welfare law says it gives states the option to deny public assistance to most legal immigrants, nothing in federal law forces states to discriminate in this way. Alaska is free to continue to provide aid to legal immigrants who need it.

In fact, if the Legislature were to decide not to provide Alaska Temporary Assistance or Adult Public Assistance, or Medicaid to legal immigrants, simply because they had not become citizens, that choice is probably unconstitutional. In Graham v. Richardson, 403 U.S. 365 (1971) the Supreme Court invalidated an Arizona policy requiring aliens to live in the state for 15 years before getting disability benefits, and a Pennsylvania policy denying aliens general assistance, saying that these policies denied aliens the equal protection of the law. The states said in self-defense that Congress had authorized them to discriminate against aliens. The Supreme Court's response was that Congress had done no such thing, and that even if it had, there would at the very least be "serious constitutional questions" about this. Among other things, a rule which allowed some states to provide benefits to aliens and allowed other states to deny those same benefits to aliens "would appear" to contravene the rule that Congress must "establish a uniform Rule of Naturalization." 403 U.S. at 382 & n.14.

Because the State should treat legal immigrants who need assistance in the same way as citizens who need assistance, we urge your support for H.B. 153 and S.B. 102.

Sincerely yours,

ALASKA CIVIL LIBERTIES UNION



Liz Dodd, Chair
Legislative Committee

cc: The Honorable Tony Knowles

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

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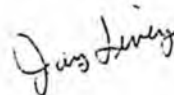
April 18, 1997

The Honorable Mark Hanley
Alaska State House of Representatives
Room 507 Capitol Building
Juneau, Alaska 99801

Dear Representative Hanley;

The attached pages will provide you with some additional information concerning the effects of HB 153 and our analysis of the fiscal impact of this bills passing, or not passing, across all affected components. The net additional costs or savings is indicated for both General Fund and total funds

Sincerely,



Jay Livey
Deputy Commissioner

cc : Annalee McConnell, OMB

Introduction

HB 153 and SB102 propose changes to State law regarding the eligibility of legal immigrants for the Alaska Temporary Assistance Program, Medicaid, and the Adult Public Assistance program. These bills extend eligibility for these programs to all legal immigrants who were in the country as of August 22, 1996 (the date of passage of Federal Welfare Reform). Most legal immigrants arriving after August 22, 1996 would be barred from the programs for five years after their date of arrival. The following is an assessment of the impact if neither of these bills passes.

Alaska Temporary Assistance Program (ATAP)

Approximately 820 legal immigrants currently qualify for ATAP benefits. If neither of these bills were to pass, legal immigrants would be eligible for ATAP regardless of their date of arrival as long as they continued to meet all other eligibility criteria. This is because eligibility criteria in statute for ATAP do not currently contain any exclusion for legal immigrants. However, because of changes in federal law, legal aliens arriving after August 22, 1996 are subject to a 5-year bar on federally funded assistance. These immigrants would, therefore, be paid with General Funds during their first five years in the country.

Assumptions:

- Each year, approximately 145 legal immigrants who arrive in the country will qualify for ATAP benefits and the number of immigrant recipients from previous years will decrease by 15 percent because of normal attrition. The net result of these factors and the anticipated effects of welfare reform will be zero net growth in the number legal immigrant cases over the period.
- The ratio of GF to Federal expenditures remains constant after FY02 because new immigrants become eligible after the five-year federal bar.

Adult Public Assistance (APA)

Approximately 800 legal immigrants currently qualify for APA. If neither HB 153 nor SB 102 pass, legal immigrants will be eligible for APA benefits regardless of their date of arrival as long as they continue to meet all other eligibility criteria. This is because Alaska Statutes do not currently exclude legal immigrants from this program. APA is a general fund only program, so no costs shift to the state if HB 153 or SB 102 do not pass.

Assumption:

- Caseloads will increase by 5 percent each year.

Medicaid and General Relief Medical

If neither HB 153 or SB 102 passes this session, the state would stop providing regular Medicaid coverage to most legal immigrants. Some legal immigrants would remain eligible for Medicaid because they fall into mandatory coverage groups, like veterans and refugees. All immigrants remain eligible for Medicaid payment for emergency medical treatment.

Some immigrants would also qualify for the state's General Relief Medical program which pays for a very limited range of intensive services for the very poorest Alaskans. Therefore, while failing to pass HB 153 or SB 102 would produce some savings to the Medicaid program, significant amounts of funds would still be spent on legal immigrants through the Medicaid and GRM programs. The majority of these funds would be spent on intensive acute care services.

Assumptions:

- 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.
- 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 for emergency medical treatment for aliens.
- 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 that are 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.
- Due to the timing of termination of coverage for immigrants and the time lag in billings for services already provided, the impact to the FY 98 budget would be only 50 percent of the annual impact of these coverage changes.

Analysis of Costs/Savings with and without passage of HB 153 and/or SB 102

General Funds

(additional cost or savings calculated from FY98 Governor's Request)

	FY98	FY99	FY00	FY01	FY02	Net GF. . .
<u>With Bill</u>						
Adult Public Assistance	(156.0)	(304.2)	(446.6)	(577.2)	(705.9)	Savings
ATAP	(368.6)	(683.2)	(949.9)	(1,174.6)	(1,366.4)	Savings
Medicaid	-	-	-	-	-	N/A
Net Effect	(524.6)	(987.4)	(1,396.5)	(1,751.8)	(2,072.3)	Savings
<u>Without Bill</u>						
Adult Public Assistance	-	156.0	319.8	491.8	672.4	Cost
ATAP	203.0	376.2	523.1	646.8	752.4	Cost
Medicaid	(379.3)	(758.7)	(758.7)	(758.7)	(758.7)	Savings
Net Effect	(176.3)	(226.5)	84.2	379.9	666.1	Cost after FY99

Analysis of Costs/Savings with and without passage of HB 153 and/or SB 102

Total Funds

(additional cost or savings calculated from FY98 Governor's Request)

	FY98	FY99	FY00	FY01	FY02	Net GF. . .
<u>With Bill</u>						
Adult Public Assistance	(156.0)	(304.2)	(446.6)	(577.2)	(705.9)	Savings
ATAP	(405.9)	(752.4)	(1,046.1)	(1,293.6)	(1,504.8)	Savings
Medicaid	-	-	-	-	-	N/A
Net Effect	<u>(561.9)</u>	<u>(1,056.6)</u>	<u>(1,492.7)</u>	<u>(1,870.8)</u>	<u>(2,210.7)</u>	Savings
<u>Without Bill</u>						
Adult Public Assistance	-	156.0	319.8	491.8	672.4	Cost
ATAP	-	-	-	-	-	Cost
Medicaid	<u>(1,219.7)</u>	<u>(2,439.3)</u>	<u>(2,439.3)</u>	<u>(2,439.3)</u>	<u>(2,439.3)</u>	Savings
Net Effect	<u>(1,219.7)</u>	<u>(2,283.3)</u>	<u>(2,119.5)</u>	<u>(1,947.5)</u>	<u>(1,766.9)</u>	Cost after FY99

Gary

I met with Elmer, Jay Livey,
(H+SS) re: the dept's legal
alien bill.

Without legislation, the aliens
who arrive after 8/22 will
be eligible for ATAP (welfare)
and public assistance. The
money will be all state
GF dollars as feds have
cut these folks off + evidently
our statutes are vague
enough to include them.

Without legislation, no
aliens are eligible, except
for "emergencies"

They left budget figures
which indicate that to
cover aliens who arrived
before 8/22 would be
\$7 mil.

ALASKA MENTAL HEALTH BOARD

TONY KNOWLES, GOVERNOR
STATE OF ALASKA

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

April 11, 1997

The Honorable Gary Wilken, Chair
HESS Committee
Alaska Senate
State Capitol
Juneau, Alaska 99811

Dear Senator Wilken:

The Alaska Mental Health Board recommends passage of SB 102 which will maintain Medicaid coverage, Adult Public Assistance (APA) payments, and Alaska Temporary Assistance Program (ATAP) eligibility for qualified legal immigrants. The Board supports SB 102 based on our understanding that a substantial portion of the qualified immigrant population are mentally ill beneficiaries.

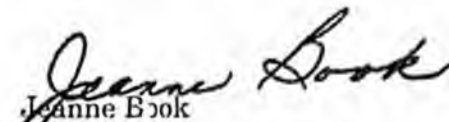
Due to changes in the federal Supplemental Security Income (SSI) program, approximately 800 elderly and disabled Alaskans will lose both their SSI and associated APA payments. Of the overall population who obtain SSI and APA due to disabilities, over 43% qualify based on mental disorders. There is no 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 SB 102 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 SB 102.

Sincerely,


Joanne Book
Chair

S B

1 1 6

Revision Date: _____ Dept. Affected: Revenue
 Title: Welfare To Work BRU: Revenue Operations
 Component: Income and Excise Audit
 Sponsor: Rules Committee
 Requestor: Governor COMPONENT SERIAL NO. 113

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 (GF)	(1,057.5)	(1,057.5)	(1,057.5)	(1,057.5)	(1,057.5)	262.5

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 \rightarrow 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

(See Attached Analysis)

Prepared by: Brett Fried Phone: (907) 465-3882
 Division: Income and Excise Audit Date: March 4, 1997
 Approved by Commissioner: Wilson L. Condon Date: March 4, 1997
 Agency: Revenue

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46-116
#1

**Alaska Department of Revenue
Income and Excise Audit Division**

Welfare To Work
March 4, 1997
0-GH0082.A
Page 2 of 5

DRAFT BILL ANALYSIS

Section 1 directs the Department of Labor to prescribe standards for the director of the Division of Employment Security to administer and implement certifications for the work opportunity tax credit requirements under AS 43.20.044. These requirements are further discussed in section 3.

Section 2 disallows taxpayers from applying the apportioned portion of their federal work opportunity tax credit against their corporate tax liability. Currently, qualifying taxpayers can apply a portion of the federal work opportunity credit against their Alaska corporation tax liability, whether or not the activity giving rise to the federal credit occurred in Alaska. See p. 5.

Section 3 details the eligibility and allowable credit amounts. A taxpayers may apply 15% of the wages of employees who qualify (up to a maximum of \$1000 per employee) as a credit against their corporate tax liability. An additional \$500 is available if the employer meets training requirements determined by the director of employment security. To qualify for the Alaska work opportunity tax credit, the employee must meet the requirements of the federal work opportunity credit (26 U.S.C. 51) and some or all of these requirements must have been realized in Alaska or the employee or immediate family must be receiving or eligible for benefits under AS 47. The taxpayer may not claim a credit on a particular employee more than once and must employ the employee for a total of 180 days or 400 hours (these hours or days do not have to be taken consecutively) after December 31, 1996. The Alaska work opportunity credit continues to remain in effect even if the federal work opportunity credit is no longer in effect.

Section 4 repeals AS 23.20.030 (section 1 of this bill) and AS 32.20.044 (section 3 of this bill) at the future effective date in section 7.

Section 5 makes section 1-3 of this Act retroactive to January 1, 1997.

Section 6 establishes an immediate effective date for sections 1-3 and 5 of this Act.

Section 7 establishes a sunset provision of January 1, 2002 for sections 1 and 3 of this Act.

Bill #1

Alaska Department of Revenue
Income and Excise Audit Division

Welfare To Work
March 4, 1997
0-GH0082.A
Page 3 of 5

Operating Expenditures

The Department of Revenue is not requesting any additional funds for meeting its obligations under this Act.

Revenue Collected

The attached spreadsheet details revenue reductions from credits taken under this bill.

Alaska Department of Revenue
Income and Excise Audit Division
Projected Revenue Decreases from Implementation of Welfare to Work Proposal

Welfare To Work
 March 4, 1997
 0-GH0082.A
 Page 4 of 5

Assumptions: Employers will hire 880 qualifying employees who all receive the \$1,000 maximum credit for hiring and the \$500 credit for training (i.e. total credit is \$1,500). Congress extends the federal work opportunity credit in its current form. Assumes percentage change in number of employees hired off of welfare is proportional to percentage change in incentive.

	<u>FY 98</u>	<u>FY 99</u>	<u>FY 00</u>	<u>FY 01</u>	<u>FY 02</u>	<u>FY 03*</u>
Alaska Welfare to Work Credits	(\$1,320,000)	(\$1,320,000)	(\$1,320,000)	(\$1,320,000)	(\$1,320,000)	\$0
Savings from Fed. Work Opport. Credits	\$262,533	\$262,533	\$262,533	\$262,533	\$262,533	\$262,533
Total Alaska Welfare to Work Credits	<u>(\$1,057,467)</u>	<u>(\$1,057,467)</u>	<u>(\$1,057,467)</u>	<u>(\$1,057,467)</u>	<u>(\$1,057,467)</u>	<u>\$262,533</u>

* Sunsets after 3 years with a 2 year carry forward.

4-116
#1

DEPARTMENT OF REVENUE
Work Opportunity Credit Illustration
March 4, 1997

Fiscal Note Analysis
Page 5 of 5.

The Federal Tax Code currently offers a "Work Opportunity Tax Credit," which is a successor to the old Targeted Jobs Tax Credit.

Alaska currently permits a corporate income taxpayer to claim, as a credit on its Alaska tax return, a portion (18%) of the federal income tax credit.¹ Multistate taxpayers must, of course, apportion their net income amongst the states in which they do business.

The following table shows the Alaska tax effects to a multistate business with (for example) one quarter of its activities in Alaska, and an all-Alaska business when that business hires one qualified person in Alaska. It should be noted that the credit taken by a multistate corporation is the same even if the qualified employee is in Detroit or Texas instead of Alaska. It then shows the effect under the proposed legislation.

	Multistate Corporations	Alaska Corporations
<u>Overview of Current Federal Credit</u>		
• Credit claimed on federal return for hiring one worker (regardless of in or out of state hire)	\$2,100	\$2,100
• Apportionment Factor (% of business in Alaska)	.25	1.0
• Portion of credit allowed under Alaska Tax Statute	.18	.18
	-----	-----
Credit taken from Alaska Tax Liability	<u>\$ 95</u>	<u>\$378</u>
 <u>Proposed Alaska Work Opportunity Credit</u>		
• Eligible credit from hiring one qualified worker in Alaska (including training)	<u>\$1,500</u>	<u>\$1,500</u>

¹Alaska is the only state that does this. No other state incorporates federal credits as a part of state taxes.

FISCAL NOTE

No. 2

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Bill Version: SB 116

(S) Publish Date: 3-5-97

Revision Date: _____

Title: Welfare to Work Tax Credits

Sponsor: Rules by Request of Governor

Requestor: Governor

Department Affected: Labor

BRU: Employment Security

Component: Employment/Unemployment Services

COMPONENT SERIAL NO. 1807

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						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUE FUND SOURCE #						
------------------------------------	--	--	--	--	--	--

FUNDING:

(Thousands of Dollars)

FUNDING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

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

Estimate of current year (FY97) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

(See Attached)

Prepared by: Rebecca Nance, Director Phone: 465-2711
 Division: Employment Security Division Date: 2/14/97

Approved by Commissioner: Tom Cashen, Commissioner
 Agency: Department of Labor Date: 2/14/97

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Bill #2

WELFARE TO WORK TAX CREDITS

This bill establishes an Alaska welfare to work corporate income tax credit of 15 percent of qualifying first year wages paid to targeted welfare recipients and other social services recipients. The credit ceiling is \$1000, with an additional \$500 allowed if the employer provides on the job training. The standards for the Alaska credit mirror those for the federal work opportunity tax credit, except for the credit amount, the additional training credit provision, and the requirement that the qualifying circumstances must occur in Alaska.

Certifications for the Alaska welfare to work credit can be processed in tandem with the certifications for the federal work opportunity tax credit. Staff costs are federally funded, so the Alaska certifications under this bill will have negligible personal services impact. The federal procedures do not include a training certification, but ESD intends to make the additional Alaska training credit automatic if the appropriate social service agency certifies that the employer has provided training which meets the standards in the bill. The training certification should therefore not add any significant work load.

NOTE: The federal work opportunity credit will expire on September 30, 1997. If the federal program is not re-authorized, there will be a personal services impact from FY98 forward of approximately one full time equivalent position, to replace lost federal funds.

FISCAL NOTE

No. 3

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Bill Version: SB116

(S) Publish Date: 3-5-97

Revision Date: _____

Dept. Affected: Health and Social Services

Title: Welfare to Work

BRU: Public Assistance

Component: ATAP

Sponsor: Rules Committee

COMPONENT SERIAL NO. 220

Requestor: Tony Knowles, Governor

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	•					
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)

This bill provides incentives for corporations to hire, to provide on-the-job training, and to retain eligible public assistance recipients who may have limited work experience or face other challenges to finding and keeping gainful employment. This tax credit program is expected to help both employers and job seekers. For the employer, the tax credit helps defray payroll expenses and helps qualified job seekers gain an advantage in the job market.

It supports welfare to work initiatives by providing additional employment opportunities for welfare recipients. It will also help DPA meet federally mandated minimum work participation requirements, and reduce the likelihood of stiff fiscal penalties for failure to meet those requirements.

Prepared by: Jim Nordlund, Director

Public Assistance

Phone: 465-2680

Division: _____

Date: 01/10/97

Approved by Commissioner: _____

Karen Peters, Commissioner

Date: 1/10/97

Agency: _____

Department of Health & Social Services

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ANALYSIS (cont.):

Senate Bill 93, which established the new Alaska Temporary Assistance Program (ATAP), requires that all non-exempt recipients be in a work activity within two years. We calculate this to mean that approximately 7,000 Alaskans presently on public assistance will have to be engaged in work activities before July 1, 1999. The incentive provided to employers by this bill will help us to meet this tremendous challenge.

The work requirement provisions of ATAP are reinforced by the federal welfare reform law, Personal Responsibility and Work Opportunities Reconciliation Act of 1996 (P.L. 104-193), which requires states to meet mandatory work requirements.

The family assistance block grant for states that fail to meet the work participation requirements will be reduced by up to five percent. The penalty increases two percent per year for subsequent failures in immediately succeeding years, to a maximum of 21 percent. Failure to meet the federally mandated work requirements could result in an initial reduction in Alaska's family assistance block grant of approximately \$3 million. If imposed, the maximum penalty could result in a loss of over \$13 million in block grant funds.

The Division of Public Assistance cannot determine this bill's full impact on the Alaska Temporary Assistance Program (ATAP) at this time. We anticipate that DHSS will have no costs associated with a tax credit program. We presume that it will result in the closure or reduction of benefits of some public assistance cases due to increased earned income and, therefore, generate some program savings. To the extent this bill accelerates people leaving welfare it can be expected to result in an average annual savings of approximately \$9,600 for each family leaving welfare for employment with a qualifying corporation. Data, however, is not available to estimate the number of public assistance recipients who could be employed by qualifying corporations. Therefore, the Division has not estimated the fiscal impact of this bill.

SENATE COMMITTEE REPORT

DATE: 4/15/97

FURTHER: Finance

DATE TURNED IN TO OFFICE: 4/25/97

Health, Education and Social Services Committee considered SENATE BILL NO. 116

"An Act relating to welfare to work tax credits under the Alaska Net Income Tax Act; and providing for an effective date."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical change
 - new: SCR* _____

SIGNING/DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>J. Drew D. Ripman</i>	✓	<i>Duke Green</i>	✓		
<i>[Signature]</i>	✓				
<i>[Signature]</i>					
<i>[Signature]</i>	✓				
<i>[Signature]</i>					
CHAIR: <i>[Signature]</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
Revenue	3/4/97		(1057)
Labor	2/14/97	✓	
Health + Social Services	1/10/97		indisc

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

TONY KNOWLES
GOVERNOR

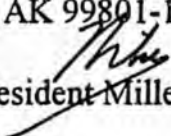


P.O. Box 110001
Juneau, Alaska 99811-0001
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Fax (907) 465-3532

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 4, 1997

The Honorable Mike Miller
Senate President
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182


Dear President Miller:

Last year I signed into law a bill commonly referred to as welfare reform, but I called it a bill to put Alaskans to work. Today I am sending to the Legislature part two of that effort to take people off the welfare rolls and put them on the payrolls. With this bill I am launching my Alaska Business Investment Incentive Plan which will include several measures to be presented over the next two weeks.

This bill establishes the Alaska welfare to work program which offers a tax credit to corporations that hire people who receive public assistance. The tax credit will provide an incentive to corporations to hire public aid recipients which will assist in the state's effort to move people off of welfare.

This new program would offer an employer a tax credit of 15 percent of an employee's eligible wages, capped at \$1,000 per employee. Additional credit of up to \$500 may be earned if the employer provides training that qualifies as a "work activity" under last year's reform bill. To compare that with our current costs under welfare, the average public assistance payment is \$778 per month, or \$4,668 over six months--far exceeding the \$1,000 to \$1,500 tax credit proposed in this legislation.

In order for an employer to earn the credit, the employee must remain in the job for 180 days or 400 hours. The employment does not, however, have to be uninterrupted or within a year of initial hire. This ensures that employers who experience a need for a temporary layoff, or work in seasonal industries, are eligible for the tax credit.

The Honorable Mike Miller

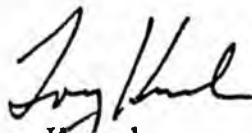
March 4, 1997

Page 2

The Alaska Welfare to Work program mirrors the federal work opportunity tax credit program and should operate seamlessly with that national effort so the Department of Labor can easily administer both programs and avoid confusion for employers. Unlike the federal program, though, the Alaska credit would only apply to the hiring of people in Alaska. Because that's the whole point of this program--hiring Alaskans--this bill also eliminates a current provision in state law that allows out-of-state corporations to take a credit on their Alaska income tax for hiring someone on public assistance in Los Angeles, or Detroit, or anywhere in the other 49 states. That federal credit is actually relatively small compared to the credit in this proposal. Corporations hiring Alaskans stand to gain much more under the Welfare to Work plan than they would lose in applying the federal credit to Alaska corporate income tax.

Jobs are the answer to reducing our welfare rolls. To the extent this new program can encourage the private sector to help people work their way off public assistance, we are all better served. Let's continue the work we began last year by passing this bill and getting Alaskans to work.

Sincerely,



Tony Knowles
Governor

SB

117

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 3/5/97

FURTHER: Finance

Date of 5-Day Notice: 4/10/97
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 4/18/97

HESS Committee considered SENATE BILL NO. 117

"An Act relating to an infant care curriculum in the public school system."

and recommends:

be replaced with _____ CS _____ (_____)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:

same title

new title

House Bill:

same title

technical title

new: SCR# _____

SIGNING DQ PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>	<input checked="" type="checkbox"/>		
<i>[Signature]</i>					
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>[Signature]</i>	<input checked="" type="checkbox"/>	CHAIR:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal
DOE	4/9/97	<input checked="" type="checkbox"/>	

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 117

Revision Date: _____ Dept. Affected: Education
 Title: "An Act relating to an infant care curriculum
in the public school system." BRU: Teaching & Learning Support
 Component: Quality Schools
 Sponsor: Senator Donley
 Requester: Senate HESS COMPONENT SERIAL NO. 2147

Expenditures/Revenues: (Thousands of Dollars)

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	0.0	0.0	0.0

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

CHANGES IN REVENUES						
----------------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY97) cost: \$ \$0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Any costs would be absorbed at the school district level.

Prepared by: Nancy Buell
 Division: Teaching & Learning Support, Director

Phone: 465-8689
 Date: 4/9/97

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

Date: 4/9/97

Agency: Department of Education

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SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

SPONSOR STATEMENT SB 117
Requiring infant care education for teens

SB 117 adds "infant care" instruction to what is currently encouraged in AS 14.30.360(a) for each school district to include in its' health education curriculum.

Prenatal and infant care programs are successfully reducing dangers to infants under 3 months of age but Alaska still suffers from a consistently higher rate of mortality for infants age 3 months to 1 year than the rest of the United States. This strongly indicates a problem in Alaska with a lack of proper infant care.

The attached matrix dramatically indicates the problem. In a study of six western states, Alaska was listed as having the best record for prenatal care, the fewest low weight births, and the lowest births to mothers under the age of 18. However, Alaska still had the highest infant mortality rate of the states studied. The disparity of these figures once again points to a lack of appropriate infant care.

Requiring infant care to be included in high school health care curriculum will give young Alaskans the basic infant care skills that statistics indicate may be lacking and causing Alaska's infant mortality problems.

One of the leading causes of death for infants in both Alaska and the rest of the United States is Sudden Infant Death Syndrome. 100% of infants who died of SIDS in Alaska from 1992 - 1995 were found in the prone sleep position, had been placed to sleep on inappropriate bedding, or had a mother who smoked cigarettes. These are factors that could be significantly reduced and hopefully eliminated with proper infant care education.

Abuse and neglect are also factors that figure in the health and welfare of infants. These are two problems that also could hopefully be prevented or reduced with proper infant care education.

DD/ljh

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June-December: 716 W. 4TH AVE. • STE. 430 • ANCHORAGE, AK • 99501 • (907) 258-8181 • FAX: (907) 258-1648

MEMBER: Senate Finance Committee • Legislative Budget & Audit Committee
• Senate Community & Regional Affairs Committee

Backup for SB 117
The Statistical Case for Why Alaska Needs Better Infant Care

<u>SAMPLE WESTERN STATES & THEIR PROGRAMS THAT IMPACT INFANT MORTALITY</u>	¹ Infant Mortality per/1000	² Low Birth Weight	³ Early Prenatal Care	⁴ Births of Mothers < 18 y.o.
Alaska WIC, Medicaid, Healthy Babies (M of D) ⁵ Head Start, Healthy Mothers/Healthy Babies, Prenatal Care II Program, Even Start, Home Health Svcs, Infant Learning Programs, & Indian Health Svc.	8.2 (worst)	4.9% (best)	83.3% (best)	3.9% (best)
Idaho WIC, Medicaid, Healthy Babies (M of D), Healthy Mothers/Healthy Babies Indian Health Svc.	7.2	5.3%	78.0%	4.8%
Wyoming WIC, Medicaid, Healthy Babies (M of D), Headstart, Healthy Mothers/Healthy Babies, Indian Health Svc., Extension Food Nutrition Education Program	7.9	7.3%	81.2%	4.7%
Washington WIC, Medicaid, Healthy Babies (M of D), Healthy Mothers/Healthy Babies, First Steps, Indian Health Svc.	6.4	5.2%	80.7%	4.0%
Montana WIC, Medicaid, Healthy Babies (M of D) Healthy Mothers/Healthy Babies, Family Planning, MIAMI (MT's Initiative for the Abatement of Mortality in Infants),	7.4	6.0%	80.5%	4.5%

¹ Rate of mortality of infants 3 months - 1 yr. of age per 1000 live births.

² Infants weighing less than 2500 grams (5.5 lbs.) at birth

³ Prenatal care in the 1st or 2nd trimester of pregnancy

⁴ Births by mothers less than 18 years of age

⁵ March of Dimes Healthy Babies Program

SB

122

FISCAL NOTE

No. 1
 Bill Version: CSSB 122 (Lec)
 (S) Publish Date: 4-9-97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: An Act relating to unfair discrimination under a group
insurance policy for services provided by marital and family therapists
 Sponsor: Senate L&C
 Requestor: _____

Department: Commerce and Economic Development
 BRU: Insurance
 Component: Insurance
 COMPONENT SERIAL NO. _____ 324

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 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill has no fiscal impact on the component.

Prepared by: Marianne K. Burke, Director
 Division: Insurance
 Approved by Commissioner: William L. Hensley
 Agency: Commerce and Economic Development

Phone: 465-2515
 Date: 3-25-97
 Date: 3/25/97

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SENATE COMMITTEE REPORT

DATE: 4/9/97

FURTHER:

DATE TURNED IN TO OFFICE: 4/16/97

Health, Education and Social Services Committee considered SENATE BILL NO. 122

"An Act relating to unfair discrimination under a group health insurance policy for services provided by marital and family therapists; and providing for an effective date."

and recommends:

be replaced with _____ CS _____ (_____)

adopt previous _____ CS SB 122 (L+C)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:

same title

new title

House Bill:

same title

technical change

new: SCR# _____

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

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
Commerce + Econ Dev	3/25/97	✓	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 122

1 Page 1, line 11, following "subsection,":

2 Insert "(1)"

3 Page 2, line 1, following "midwife":

4 Insert ";

5 (2) "unfair discrimination" does not include requirements imposed
6 by an insurer for purposes of utilization review, cost containment, or standards
7 of clinically appropriate health care services"

8 Page 2, line 8, following "subsection,":

9 Insert "(1)"

10 Page 2, line 11, following "worker":

11 Insert ";

12 (2) "unfair discrimination" does not include requirements imposed by
13 an insurer for purposes of utilization review, cost containment, or standards of
14 clinically appropriate health care services"

TONY KNOWLES, GOVERNOR

DEPARTMENT OF COMMERCE AND
ECONOMIC DEVELOPMENT

DIVISION OF INSURANCE

P.O. BOX 110805
JUNEAU, ALASKA 99811-0805
PHONE: (907) 465-2515
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April 22, 1997

The Honorable Jerry Mackie
Alaska State Senate
State Capitol, Room 427
Juneau, AK 99801-1182

Dear Senator Mackie:

The Division of Insurance has been requested through Senator Leman's office to prepare a statement as to the division's position on the amendment for Senate Bill 122.

As I testified in Committee, we have no objection to the amendment. I did, however, express my concern that the record be clear that the provision "cost containment" not be used as a mechanism to force a patient to seek the cheapest coverage available. As you will recall, Senator Leman made it clear that that was not the intent of this legislation.

The term "utilization review" refers to the formal techniques designed to monitor the use of, or evaluate the clinical necessity, appropriateness, efficiency, or effectiveness of health care services, procedures or settings. Utilization review is a common practice used in many health care delivery arrangements. The proper use of utilization review should not be construed as unfair discrimination. It is the position of the division that the term "standards of clinically appropriate health care services" refers to appropriate professional written screening procedures, protocols and practice guidelines appropriate to the specific profession providing this service. It is our opinion that the clinical appropriateness of a service should be determined by peer review within that profession. Similarly trained, experienced, and credentialed practitioners may disagree, but appropriateness should be judged by those professionals. Again, proper application should not be viewed as unfair discrimination.

I hope this provides the information you need.

Sincerely,



Marianne K. Burke
Director

MKB/pb1472.ins
042297a

Alaska State Legislature

Senate



Official Business

State Capitol
Juneau, AK. 99801-1182

Labor and Commerce Committee

SB 122 Sponsor Statement

Senate Bill 122 was introduced by the Labor and Commerce Committee at the request of the Alaska Association for Marriage and Family Therapy (AAMFT). SB 122 will add marital and family therapists to the list of providers against whom insurers may not discriminate.

This bill does not require insurers to add coverage of marital and family therapists where the coverage currently is not provided. It merely requires that insurers treat marital and family therapists on equal footing with other licensed providers and extend the same opportunities for coverage that the insurer offers others providing the same services. The definition of unfair discrimination is clarified by this bill and codifies existing practice.

Section 1, paragraph 1 adds marital and family therapists to the unfair discrimination list under group health insurance policies with an effective date of July 1, 1997. Paragraph 2 defines unfair discrimination.

Legislation (Section 4, ch. 39, SLA 1993) affecting the unfair discrimination clause was passed in 1993 with an effective date of 1998. Section 2 repeals and reenacts this section to reflect the addition of marital and family therapists and the definition of unfair discrimination.

AAMFT is a division of the American Association for marriage and Family Therapy, Inc. Marriage and family therapists (MFTs) are a group of mental health professionals with background in a variety of disciplines, including psychology, social work, and family social science. MFTs are licensed or certified in 37 states and are recognized by the U.S. Department of Health and Human Services as one of the five core mental health disciplines in the U.S.



Alaska Association for Marriage and Family Therapy

a division of The American Association for Marriage and Family Therapy, Inc.
P.O. Box 23-1234, Anchorage, Alaska 99523-1234 (907) 522-3802 Fax 522-3802

The Alaska Association for Marriage and Family Therapy is a state division of the American Association for Marriage and Family Therapy. AKAMFT (and our national organization AAMFT) is the professional association for the field of marriage and family therapy. Our state division represents the interest of eighty members as well as about 180 licensed MFT's.

SENATE BILL NO. 122

This bill would add licensed marriage and family therapists to the list of health care providers who may not be unfairly discriminated against by insurers who cover a service that is within the scope of the provider's occupational license.

Points of support:

- * Marriage and family therapists are recognized as one of five core mental health professions and are licensed in this state as are the other groups. If the state licenses a provider to perform services within a stated scope of practice, it would be inappropriate to allow that profession to be discriminated against by insurers.
- * The Alaska Division of Insurance has issued a report in which they have stated that there is no evidence that the expansion of providers would result in increased costs and in fact there is some suggestion that the opposite maybe true. Further, the Division of Insurance contends that this legislation is not a mandate of coverage.
- * Including MFT's would assist in creating a level playing field among all health professionals and would allow consumers increased choice and access within the health care system.
- * The issue of how to strengthen families has become a local and national concern. As mental health professionals with distinct expertise in working to improve the functioning of families, we want to be a full partner in working with our peers to addresses this concern.

RONALD K. POLLOCK, D.O.

110 WEST 15TH AVENUE, SUITE A
ANCHORAGE, ALASKA 99501
TELEPHONE (907) 272-1892

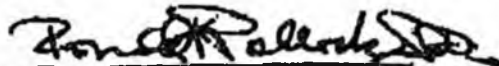
PSYCHIATRY

7 April 1997

To Whom It May Concern:

This letter is written in support of Licensed Marriage and Family Therapists. I work with LMFT's on a regular basis and find their therapeutic skills to be equal or superior to other mental health professionals of similar training level. Licensed Marriage and Family Therapists are especially well trained in the areas of couple and family therapy, yet insurers in Alaska do not compensate them equally.

I urge lawmakers to remove the obstacles that allow insurance companies to deny compensation to LMFT's, who are trained and licensed to provide these types of needed care to Alaskan families.


Ronald K. Pollock, D.O.

MW:pr

Merjeanne A. Moore, D.O.

Psychiatry
110 West 15th Avenue, Suite A
Anchorage, Alaska 99501
(907) 272-1892 Telephone
(907) 272-0962 Fax

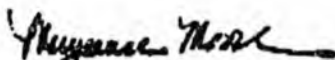
7 April 1997

To Whom It May Concern:

This letter is written in support of Licensed Marriage and Family Therapists receiving status and reimbursement by health insurers equal to that received by Licensed Clinical Social Workers.

I have worked in hospital and clinic settings for 15 years, supervising and working closely with LMFT's and LCSW's. Licensing of each requires a Master's degree, supervised internship in a clinical setting, and in Alaska, licensure by the State Division of Occupational Licensing. LMFT's and LCSW's have very similar professional abilities and performance expectations; moreover, an LMFT's training specifically includes family and couples psychotherapy.

I urge lawmakers to allow LMFT's recognition for the services they provide.



Merjeanne Moore, D.O.

MM:pr

Commonly Asked Questions About Marriage and Family Therapists

Q) Who are you? How are you credentialed?

A) Marriage and family therapists (MFTs) are a multidisciplinary group of mental health professionals with backgrounds in a variety of disciplines, including psychology, social work, and family social science. MFTs are licensed or certified in 37 states and are recognized by the U.S. Department of Health and Human Services as one of the five core mental health disciplines in the U.S.

Q) What kind of services do MFTs provide?

A) MFTs are mental health generalists. They are versatile, working with individuals, couples, and families and across all age groups (i.e., children, adolescents, adults, and elders).

MFTs treat a wide variety of serious mental health problems most commonly depression, other psychological problems, marital problems, anxiety, parent-child problems, and problems related to alcohol and drug use. In a national study of 850 cases treated by MFTs, the problems in nearly half the cases (48.7%) were considered severe, extremely severe, or catastrophic. 29.3% of the clients were on a psychotropic medication, most commonly anti-depressants, and 16.6% of the clients also saw a psychiatrist. About 10% of the clients in the sample had been hospitalized for psychiatric problems in the past year. 17% of the clients also had a chronic or serious medical condition in addition to their psychosocial problems.

Q) How long does treatment take? Isn't "marriage counseling" endless?

A) Treatment by marriage and family therapists typically is brief with the average treatment case completed in 12 sessions. Treatment of families (9 sessions) and couples (11.5 sessions) is briefer than individual therapy (13 sessions). In a national study of marriage and family therapists, 42% of the cases were completed in 10 or fewer sessions and two-thirds (66%) were completed within 20 sessions.

Q) What do consumers say about treatment by marriage and family therapists?

A) In a national survey, clients of marriage and family therapists expressed overwhelming satisfaction with every aspect of the services they received. 98.1% of those surveyed rated services as good or excellent. 98% of clients said that the services they received from a marriage and family therapist helped them deal more effectively with their problems. 94% said that they would return to same therapist in future and 97% said that they would recommend their therapist to family and friends.

Similarly, a 1993 survey of consumers in the American Psychologist found that MFTs were the type of therapist most often recommended by consumers to family and friends.

Provided by the Alaska Association for Marriage and Family Therapy

Q) Does marriage and family therapy work? What is the outcome of treatment?

A) There is a large body of research indicating that marriage and family therapy is effective in treating individuals, couples and families with a wide variety of presenting problems and diagnoses. Consumers report that treatment by an MFT resulted in improvements in functioning in a number of areas including physical health, work performance, relationships with partners and family members, child behavior, and school performance.

There are studies that indicate that family problems are now the number one problem brought to Employee Assistance Programs (EAPs), replacing alcohol and drug problems. Left untreated, these problems can result in lost hours and diminished productivity.

Business people are interested in getting people back to work or having them be productive and focused at work. Treatment by MFTs can help to meet that goal. In 55% of the cases in our study, clients reported an improvement in their functioning at work and 46% of clients reported that they were better able to get along with co-workers. In addition, almost two-thirds of all clients (63.4%) in our study reported that their physical health was better than it had been prior to treatment.

Q) What does it cost? Do MFTs provide cost-effective treatment?

A) Since we know about typical length of treatment and average costs nationally and in 16 states, we can now approximate the average cost of treatment for the typical case.

Couple and family treatment is briefer than individual treatment. It is reasonable to conclude, therefore, that treating 4 family members conjointly for 4 sessions will be cheaper than treating 4 family members individually for 10 sessions each.

Source: William J. Doherty and Deborah S. Simmons. (1996). Clinical practice patterns of marriage and family therapists: A national survey of therapists and their clients. *Journal of Marital and Family Therapy*, 22, 9-25.



American Association for Marriage and Family Therapy

Research and Education Foundation

Promoting the Well-Being of Families through Research and Education in Marriage and Family Therapy, Family Policy, and Family Science

Research Report:

Prepared March 1995

Marriage and Family Therapists (MFTs) Treat Severe Mental Illness

Marriage and family therapists are highly trained mental health professionals who provide cost-effective mental health services to individuals with severe mental illnesses, including schizophrenia, and other major affective disorders, depression, anorexia, bulimia, and psychiatric disorders in children and adolescents. Research shows that family therapy used as a component of treatment for severe mental illness:

- Reduces relapse rates
- Prevents costly psychiatric hospitalization
- Enhances medication and treatment compliance

Schizophrenia

"Family therapy is generally effective in preventing relapse and improving symptomatology both in comparison to 'routine care' that included medication and individual treatment and to specifically designed SST [social skills training] and individual psychotherapy."

Schooler, N.R., & Keith, S.J. (1993). The clinical research base for the treatment of schizophrenia. *Health care reform for Americans with severe mental illnesses: Report of the National Advisory Mental Health Council*. Rockville, MD: National Institute of Mental Health, p. 23.

The rehospitalization rate for patients with schizophrenia in a 6-month period was 30% for patients using drug treatment alone — but 0% when family therapy was part of the treatment plan.

Goldstein, M.J., Rodnick, E.H., Evans, J.R., et al. (1978). Drug and family therapy in the aftercare of acute schizophrenics. *Archives of General Psychiatry*, 35, 1169-1177.

In biochemical illnesses such as schizophrenia, family interventions may effect the illness by either positively protecting against environmental stresses or by negatively precipitating symptomatic relapse. Family therapy focused on reducing high expressed emotion (EE) has been shown to be effective in lowering rates of EE and improving the relapse rate. According to controlled outcome studies, patients from families treated with focused family therapy designed to actively guide the family in understanding and changing their interactions showed more rapid improvement in symptoms than did patients treated with psychoeducational approaches alone. Family-oriented therapy tripled the time chronically mentally ill patients spent outside the hospital, when compared to each patient's hospitalization pattern prior to treatment and to results of individually-oriented case management.

Levene, J., Newman, F., & Jeffries, J. (1989). Focal family therapy outcome study, I: Patient and family functioning. *Canadian Journal of Psychiatry*, 34: 641-647.

Major Depression

Relapse rates were reduced for 77% of patients with manic depressive or schizoaffective psychoses after receiving brief systemic family therapy (6 sessions), compared to a seven-year average prior to treatment. One-half of these patients were able to function without major medication 3 years later, although all were on medication prior to family therapy.

Retzer, A., Simon, F., Weber, G., Stierlin, H., Schmidt, G., et al. (1991). Follow-up study of manic-depressive and schizoaffective psychoses after systemic family therapy. *Family Process, 30*(2).

Patients hospitalized with bipolar disorder who received family therapy had significantly less relapse and rehospitalization.

Gelenberg, A.J. (1993). Report on the efficacy of treatments for bipolar disorder. *Health care reform for Americans with severe mental illnesses: Report of the National Advisory Mental Health Council*. Rockville, MD: National Institute of Mental Health.

Affective Disorders

Adding family treatment to standard hospital treatment for severely disturbed psychiatric patients was effective, particularly for female patients with affective disorders. Outcomes showed that when families met their treatment goals, long-term improvement was seen in medication and psychological treatment compliance.

Glick, I.D., Clarkin, J.F., Haas, G.L., Spenser, J.H., & Chen, C.L. (1991). A randomized clinical trial of inpatient family intervention: VI mediating variables and outcome. *Family Process, 30*(1), 85-99.

Eating Disorders

A 50% higher success rate was reported for family therapy in preventing anorexia nervosa from reaching more critical stages in adolescents.

Dare, C., Eisler, I., Russell, F.M., & Szukler, G.I. (1990). The clinical and theoretical impact of a controlled trial of family therapy on anorexia nervosa. *Journal of Marital and Family Therapy, 16*(1), 39-57.



American Association for Marriage and Family Therapy

Research and Education Foundation

Promoting the Well-Being of Families through Research and Education in Marriage and Family Therapy, Family Policy, and Family Science

Research Report:

Prepared March 1995

Marriage and Family Therapists (MFTs) Offer Family-Focused Treatment for Family Violence

Violence Is a Family Problem

- Americans are more likely to be killed or physically assaulted in their homes by other family members than anywhere else — or by anyone else — in our society.
Gelles, R., and Cornell, C.P. (1990). *Intimate violence in families* (2nd edition). Newbury Park, CA: Sage Publications.
- A propensity of family violence is transmitted from one generation to the next, according to a substantial body of research. One study concluded that among adults who were abused as children, more than one-fifth later abuse their own children.
Straus, M., Gelles, R., and Steinmetz, S. (1980). *Behind closed doors: Violence in the American family*. Garden City, NY: Doubleday.
- People who were physically abused or neglected as children are twice as likely to be arrested for a violent offense.
Widom, C. (1989). The cycle of violence. *Science* 244: 160-166.

MFTs Offer Family-Focused Treatments

Reducing Domestic Violence

A marital therapy program for couples referred by the Milwaukee district attorney's office after wife abuse has occurred has demonstrated success in stopping husbands' violence. Similarly, a 12-year-old program for couples in Tyler, Texas, has been successful in reducing domestic violence and improving relationships for couples.

Lipchik, E., and Geffner, R. (1994, February). A comment on Jacobson's findings. *Family Therapy News*, 25(1), 21.

Family Preservation Means Less Out-of-Home Placement

A family preservation program in eastern Iowa has been able to keep 70% of the children originally identified as needing out-of-home placement — because of neglect or violence — in their homes. In-home services, including family therapy, are cost-effective.

Leverington, J. (1994, August). Family preservation: Walking the line. *Family Therapy News*, 25(4), 11-12.

MFT Means Lower Recidivism for Criminal Offenders

A 1988 study showed that compared to a control group of offenders matched for sex, ethnicity, and offense, twice as many of those receiving family therapy were arrest-free a year later. The cost of adding a family therapy program per offender is \$700 compared to over \$25,000 for incarceration per year.

Reed, T. (March/April 1992). Research issues in new programming to help inmates go home to stay. *IARCA Journal*.



American Association for Marriage and Family Therapy

Research and Education Foundation

Promoting the Well-Being of Families through Research and Education in Marriage and Family Therapy, Family Policy, and Family Science

Research Report:

Prepared March 1995

Marriage and Family Therapists (MFTs) Effectively Treat Children and Adolescents and Their Families

Research demonstrates that marriage and family therapists (MFTs) provide cost-effective treatments for children and adolescents and their families coping with serious mental and emotional illness, substance abuse and behavior problems.

Autism, ADD, Conduct Disorders and Anxiety Disorders

Family therapy is an effective treatment for autism, attention deficit/hyperactivity disorder, conduct disorders, and anxiety disorders.

Klein, R.G., & Slomkowski, C. (1993). Treatment of psychiatric disorders in children and adolescents. *Health care reform for Americans with severe mental illnesses: Report of the National Advisory Mental Health Council*. Rockville, MD: National Institute of Mental Health, p. 185.

Adolescent Substance Abuse

Family therapy has been more successful than any other form of outpatient therapy in retaining adolescents with drug abuse problems in treatment and in reducing their drug abuse, thereby preventing costly hospitalization.

Liddle, H. (April 1993). Multidimensional treatment of adolescent drug abuse. *Family Therapy News*, 24(2), 7; Joanning, H., Quinn, W., Thomas, F., & Mullen, R. (1992). Treating adolescent drug abuse: A comparison of family systems therapy, group therapy, and family drug education. *Journal of Marital and Family Therapy*, 18(4), 345-356.

Eating Disorders

A 50% higher success rate was reported for family therapy in preventing anorexia nervosa from reaching more critical stages in adolescents.

Dare, C., Eisler, I., Russell, F.M., & Szmulker, G.I. (1990). The clinical and theoretical impact of a controlled trial of family therapy on anorexia nervosa. *Journal of Marital and Family Therapy*, 16(1), 39-57.

Juvenile Delinquency

In a meta-analysis of 46 studies examining different modes of treatment with nearly 1,600 juvenile delinquents, Roberts and Camasso (1991) found family therapy particularly promising in preventing recidivism for at least one year after the completion of treatment. Juveniles in the family therapy treatment group performed 71.5% better than those in the comparison group.

Roberts, A.R., and Camasso, M.J. (1991). The effect of juvenile offender treatment programs on recidivism: A meta-analysis of 46 studies. *Notre Dame Journal of Law, Ethics, and Public Policy*, 5, 421-444.

MFT Means Less Hospitalization and Lower Costs

Family-focused treatment outside of hospitals is often appropriate and much less expensive. One recent study found that in-home treatment of seriously emotionally disturbed adolescents and their families — as an alternative to psychiatric hospitalization — showed significant improvement in family and adolescent functioning and produced a 50% cost savings.

Seelig, W.R., et al. (1992) In-home treatment of families with seriously disturbed adolescents in crisis. *Family Process*, 31(2), 135-149.

Research Demonstrates MFT As Effective As Other Treatments

Family therapy for young Hispanic boys and their families not only improved their functioning and reduced serious behavioral and emotional problems, but also improved overall family functioning, compared to traditional individual therapy and to a control group.

Szapocznik, J. (1989). Structural family versus psychodynamic child therapy for problematic Hispanic boys. *Journal of Consulting and Clinical Psychology*, (5), 571-578.

Montgomery (1990) conducted a meta-analysis of 43 studies examining the effects of family therapy for the treatment of identified problems of children. Family therapy achieved favorable results for child-identified problems when compared to no treatment. These findings remained consistent over varying methodological features, diverse client and treatment characteristics, and multiple outcome measures.

Montgomery, L.M. (1990). *The effects of family therapy for treatment of child-identified problems*. Doctoral dissertation: Memphis State University.

Parenting Training

Cedar and Levant (1990) conducted a meta-analysis of 26 studies assessing the impact of parent effectiveness training. Self-report scales were used to measure outcome. They found an overall effect size of .33, which is larger than had been previously thought. The authors conclude that this finding puts parent effectiveness training on par with similar interventions, such as family enrichment programs.

Cedar, B., and Levant, R.F. (1990). A meta-analysis of the effects of parent effectiveness training. *American Journal of Family Therapy*, 18, 373-384.



American Association for Marriage and Family Therapy

Promoting the Profession and the Practice Since 1942

Marriage and Family Therapists (MFTs): Qualified

Mental Health Professionals Who Meet High Professional Standards

The American Association for Marriage and Family Therapy (AAMFT), the professional organization for MFTs since 1942, promotes strict education and training standards for the profession.

Education and Clinical Experience

Education: AAMFT Clinical Members have a minimum of a master's degree in marriage and family therapy from an accredited program, or a master's degree in another mental health discipline from a regionally accredited institution and an equivalent course of study in marriage and family therapy.

Clinical Experience: A minimum of two years of clinical work experience in marriage and family therapy, with at least 1,000 hours of marriage and family therapy client contact, 200 hours of which must be supervised by an AAMFT Approved Supervisor or the equivalent. AAMFT Approved Supervisors must meet strict educational, experiential and supervisory training requirements to be qualified to supervise other MFTs.

State Regulation of MFTs

- Thirty-five states currently license or certify MFTs — up from 11 in 1986. Regulatory requirements in all 35 states are substantially equivalent to the AAMFT Clinical Membership standards.
- The Association of Marriage and Family Therapy Regulatory Boards (AMFTRB) conducts a national examination for marriage and family therapists used as a licensure requirement in 19 states.

Accreditation of MFT Education and Training

The AAMFT Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) develops and enforces education and training standards for marriage and family therapy.

- The COAMFTE currently accredits 74 master's, doctoral, and post-degree training programs.
- COAMFTE has been recognized by the U.S. Department of Education as the national accrediting agency for graduate and post-graduate MFT training programs since 1978.
- COAMFTE gained recognition from the Commission on Recognition for Postsecondary Accreditation (CORPA), the independent authority on accrediting bodies, in 1994.

Ethical Standards

The AAMFT developed and enforces a comprehensive Code of Ethics and ethics enforcement procedure for all of its Clinical Members.



American Association for Marriage and Family Therapy

Promoting the Profession and the Practice Since 1942

Marriage and Family Therapists (MFTs): Recognized ***Recognized as Qualified Mental Health Professionals***

By States

- Thirty-five states license or certify MFTs — up from 11 in 1986.
- The Council of State Governments' Clearinghouse on Licensure, Enforcement and Regulation (CLEAR) notes that marriage and family therapy is a uniquely and explicitly delineated profession.

By the U.S. Government

- The National Institute of Mental Health (NIMH) identifies marriage and family therapy as one of five core mental health services. The other four are psychiatry, psychology, social work, and psychiatric nursing.
- The Health Resources and Services Administration (HRSA) lists marriage and family therapy as an identifiable and distinct mental health profession. HRSA defines an MFT as one who "diagnoses and treats nervous and mental disorders within the context of marriage and family systems."
- The Department of Education has regularly renewed the recognition of AAMFT Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) as the national accrediting body for graduate and post-graduate educational and training programs in the field of marriage and family therapy since 1978.
- Education for the Handicapped Act, Part H — MFTs are recognized as providers in the family-centered Part H program, which provides services for infants and toddlers with disabilities and their families (PL 102-119).
- Head Start recognizes MFTs' solution-oriented perspective and their emphasis on family competence and strength. The national Head Start Bureau asked the AAMFT in 1993 to help coordinate a nationwide program to recruit marriage and family therapists as volunteers in Head Start programs.

By the U.S. Military

- The U.S. military's Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) has routinely reimbursed MFTs since 1966. In 1994, CHAMPUS removed the physician supervision and referral requirement for MFTs.
- Since their inception in 1979, Navy and Marine Corps Family Service Centers (FSC) have employed MFTs. According to an unpublished survey, fully 1/3 of FSC "clinical counselors" and "clinical supervisors" are MFTs.
- MFTs have provided storefront readjustment counseling to Vietnam veterans in a program conducted under the auspices of the Department of Veterans Affairs.

In Federal Scholarship Programs

- NIMH allows MFT trainees to compete on an equal basis with students from other mental health disciplines for funding.

AAMFT actively seeks to be enriched through the strength, power, and wisdom of diversity

National Survey Reveals Family Therapy Yields Cost-Effective and Positive Results

A University of Minnesota survey published in the Winter 1996 issue of the Journal of Marital and Family Therapy reveals never-before collected data on the practice patterns and effectiveness of Marriage and Family Therapists (MFTs). There is emerging evidence that marriage and family therapy is a cost-effective, short-term and results-oriented form of psychotherapy.

Among the many findings, the research identifies and profiles MFTs, their patients, the problems presented, the various treatments administered, and the length of treatment, along with cost reimbursement rates, outcome efficacy, and client satisfaction.

The survey confirms that marriage and family therapists are highly skilled health care practitioners who successfully treat a broad range of emotional problems and mental illnesses. The data also show that these therapists treat mental disorders in a short-term and cost-effective manner.

The survey represents, for the first time, comparable outcome data collected from both therapists and their clients. The study, conducted by Dr. William Doherty and Deborah Simmons of the Family Social Science Department of the University of Minnesota, surveyed AAMFT members in 15 states across the United States during the Summer and Fall of 1994.

- SURVEY HIGHLIGHTS -

Two-thirds of Marriage and Family Therapists' (MFTs) clients have third-party coverage for an average of 50% of the fee. Insurers reimburse for couple therapy 60.2% of the time and for family therapy 64.1% of the time.

The most frequent interval for treatment by MFTs is biweekly, and the average fee is \$80 per hour. About 25% of their clients receive reduced fees.

The average length of treatment for couples therapy (11.5 sessions) and family therapy (9 sessions) is shorter than the average length of treatment for individual therapy (13 sessions).

Based on charges in actual cases, the average cost of a case treated by an MFT is \$780. Broken out by type of treatment, individual therapy costs \$845, couple therapy costs \$748, and family therapy costs \$585.

MFTs practice relatively short-term therapy, with a median of 12 sessions and 65% of cases completed within 20 sessions.

MFTs are a highly experienced group of practitioners, with an average of 13 years of clinical practice in the field of marriage and family therapy.

MFTs treat a wide range of serious clinical problems, primarily depression, marital problems, anxiety, child behavior problems, parent-child problems, and other psychological problems of adults and children.

By both therapist and client reports, marriage and family therapy is an effective treatment that results in positive outcomes, including marked improvement in individual, family, work, and social functioning.

MENTAL HEALTH COVERAGE: EFFICACY, HEALTH CARE SAVINGS, CORPORATE SUCCESS MODELS

The past fifteen years has witnessed dramatic innovation of effective mental health treatments and cost-effective delivery and financing systems. Empirical evidence and practical experience demonstrate that mental illness can be treated as successfully as many prevalent "physical" disorders and that general medical care costs can be significantly reduced with appropriate mental health intervention.

Treatment Efficacy

- Some treatments for severe forms of schizophrenia, obsessive-compulsive disorder, major depression, manic-depressive illness and panic disorders have success rates (preventing relapse over a six-month period) higher than those of angioplasty and atherectomy, two common treatments for heart disease¹:

<u>Disorder</u>	<u>Success Rate</u>
Panic	80%
Manic Depressive	80%
Major Depression	65%
Schizophrenia	60%
Obsessive-compulsive	60%
Atherectomy	52%
Angioplasty	41%

- Mental health care can significantly improve health outcomes for persons with physical disorders. In one study, breast cancer patients who received group therapy lived, on average, eighteen months longer than did the randomly assigned control group.²

Health Care Savings

- General medical costs could be reduced by as much as \$1.2 billion through the use of appropriate mental health treatment.³
- In a study of Harvard Community Health Plan patients whose presenting symptoms were thought to be influenced by psychosocial factors, providing group behavioral therapies resulted in a 50% reduction in office visits during the six months following enrollment, with an average net cost savings during this period of \$3,900.⁴
- Patients in the Federal Employees Health Benefits Plan with chronic medical diseases, such as diabetes and hypertension, who received outpatient mental health care used an average \$298 fewer inpatient medical (non-mental health) services in the third year following medical diagnosis than those who did not.⁵

Corporate Success Models

- The Washington Business Group on Health has reported the following cost-savings achieved by corporations implementing mental health coverage with a full range of benefits:
 - McDonnell Douglas Helicopter Company reduced per capita costs by 34% in the first year⁶;
 - First National Bank of Chicago reduced overall behavioral health costs by nearly 30% over four years⁷; and
 - Honeywell, Inc. reduced costs by 40% in the first year, and has held cost inflation down to 4% in subsequent years, with high employee satisfaction⁸.
- By actively implementing an integrated mental health benefit covering a continuum of services, BellSouth experienced a 20% reduction in outlays for mental health care over five years.⁹

References

1. National Advisory Mental Health Council, *Health Care Reform for Americans with Severe Mental Illness: Report of the National Advisory Mental Health Council*, National Institute of Mental Health, Rockville, MD, 1993.
2. Spiegel, D., *Psychotherapy for the Medically Ill*, Stanford University School of Medicine, Stanford, California, 1993.
3. National Advisory Mental Health Council, *op cit*.
4. Hellman, C.J.C., Budd, M., et al. "A Study of the Effectiveness of Two Group Behavioral Medicine Interventions for Patients With Psychosomatic Complaints," *Behavioral Medicine*, Winter 1990.
5. Schlesinger, H.J., Mumford, E., et al., "Mental Health Treatment and Medical Care Utilization in a Fee-For-Service System: Outpatient Mental Health Treatment Following the Onset of a Chronic Disease," *American Journal of Mental Health*, Vol. 73, No. 4, April 1983.
6. England, M.H., Vaccaro, V.A., "New Systems to Manage Mental Health Care," *Health Affairs*, Winter 1991.
7. Vaccaro, V.A., *Depression: Corporate Experiences and Innovations*, DIART National Worksite Program, Washington Business Group on Health, September 1991.
8. *Statement of the Washington Business Group on Health on Mental and Addictive Disorders*, Before the U.S. Senate Committee on Labor and Human Resources, Washington DC, May 1993.
9. Finch, R. A., *BellSouth Statement on Managed Mental Health Care*, Before the U.S. Senate Committee on Labor and Human Resources, May 1993.

S B

1 3 2

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 3/12/97

FURTHER: Judiciary
Finance

Date of 5-Day Notice: 3/20/97
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 4/16/97

HESS Committee considered

SENATE BILL NO. 132

"An Act relating to registration of sex offenders and central registry of sex offenders; relating to access to, release of, and use of criminal justice information and systems; relating to notices concerning sex offender registrants; and providing for an effective date."

and recommends:

be replaced with _____ CS _____ (_____)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:

same title

new title

House Bill:

same title

technical title

new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Brian A. Leman</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
CHAIR: <i>Gary Kellner</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
Public Safety	3/10/97		9.5
Public Safety	2/5/97		15.0
Admin	2/5/97		indis
Admin	2/5/97		Indis

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: _____

No. 1
Bill Version: SB 132
(S) Publish Date: 3/12/97

Revision Date: 3/10/97 Dept. Affected: Public Safety
Title: Sex Offender Registration Update BRU: Alaska State Troopers
Sponsor: Rules Committee Component: AST Director's Office
Requestor: Governor COMPONENT SERIAL NO. 508

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	7.7	7.7	7.7	7.7	7.7	7.7
TRAVEL						
CONTRACTUAL	1.5	1.5	1.5	1.5	1.5	1.5
SUPPLIES	.3	.3	.3	.3	.3	.3
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	9.5	9.5	9.5	9.5	9.5	9.5
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program	9.5	9.5	9.5	9.5	9.5	9.5
1006 GF/MHTIA						
Other						
TOTAL	9.5	9.5	9.5	9.5	9.5	9.5

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

A consequence of not passing this bill would be to have Alaska fail to comply with the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act of 1996 which would put in excess of \$200.0 in jeopardy of being withdrawn from Alaska's share of the Byrne Formula Grant moneys. This bill will require contact every 90 days with an estimated 500 lifetime registrants. Additional agencies will have to be notified whenever a change occurs or whenever an offender fails to make the required contacts. Registrants who fail to comply will have to be located and appropriately charged.

Prepared By: Capt. Ted Bachman Phone: 269-5650
Division: Alaska State Troopers Date: February 3, 1997
Approved by Commissioner: *Ronald L. Otte* Date: 3/10/97
Agency: Ronald L. Otte, Department of Public

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FISCAL NOTE

STATE OF ALASKA 1997 LEGISLATIVE SESSION

BILL NO: _____

No. 2
 Bill Version: SB 132
 (S) Publish Date: 9/2/97

Revision Date: _____ Dept. Affected: Public Safety
 Title: Sex offender registration/release of criminal justice information BRU: Statewide Support
 Sponsor: Rules Committee Component: Information Systems
 Requestor: Governor COMPONENT SERIAL NO. 0528

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	\$15.0	0	0	0	0	0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	\$15.0	0	0	0	0	0

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

CHANGE IN REVENUES () Revenue Code						
----------------------------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	\$15.0	0	0	0	0	0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	\$15.0	0	0	0	0	0

Estimate of current year (FY 97) impact: \$ 0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

Section 10. Modify Alaska Public Safety Information Network (APSIN) and sex offender registration application software to track 15 year cumulative registration instead of registration based on estimated unconditional discharge date: 200 hours X \$75/hour = \$15,000.

Prepared By: Diane Shenker Phone: (907) 269-5092
 Division: Administrative Services Date: 2/4/97
 Approved by Commissioner: *Ronald L. Otte* Date: 2/5/97
 Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

No. 3
 Bill Version: SB 132
 (S) Publish Date: 3/12/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: "An Act relating to registration of sex offenders..."
 Sponsor: Rules Committee
 Requestor: Governor

Department Affected: Administration
 BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 COMPONENT SERIAL NO. 43

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	***	***	***	***	***	***

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	***	***	***	***	***	***

Estimate of any current year (FY 97) cost: \$ 0

POSITIONS:

FULL-TIME	***	***	***	***	***	***
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This bill will increase both the number of potential defendants in failure to report cases and the time of exposure to such charges of some classes of sex offenders. Further, it will increase the number of sex offense trials because defendants will be less likely to plead guilty if they are subject to branding as sex offenders and many years of reporting. It is not possible to estimate the fiscal impact of this legislation with any precision.

Prepared by: Brant McGee, Public Advocate
 Division: Office of Public Advocacy

Phone: 269-3500

Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Administration

Date: 2/5/97

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CORRECTION

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



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 3
Bill Version: SB 132
(S) Publish Date: 3/12/97

Revision Date: _____
Title: "An Act relating to registration of sex offenders..."
Sponsor: Rules Committee
Requestor: Governor

Department Affected: Administration
BRU: Office of Public Advocacy
Component: Office of Public Advocacy
COMPONENT SERIAL NO. 43

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	***	***	***	***	***	***

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	***	***	***	***	***	***

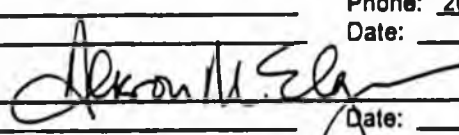
Estimate of any current year (FY 97) cost: \$ 0

POSITIONS:

FULL-TIME	***	***	***	***	***	***
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This bill will increase both the number of potential defendants in failure to report cases and the time of exposure to such charges of some classes of sex offenders. Further, it will increase the number of sex offense trials because defendants will be less likely to plead guilty if they are subject to branding as sex offenders and many years of reporting. It is not possible to estimate the fiscal impact of this legislation with any precision.

Prepared by: Brant McGee, Public Advocate Phone: 269-3500
Division: Office of Public Advocacy Date: _____
Approved by Commissioner: Mark Bover  Date: 2/5/97
Agency: Administration

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 4
Bill Version: SB 132
(S) Publish Date: 3/12/97

Revision Date: _____
Title: "An Act relating to registration of sex offenders..."
Sponsor: Rules Committee
Requestor: Governor

Department Affected: Administration
BRU: Public Defender Agency
Component: Public Defender Agency
COMPONENT SERIAL NO. 1631

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	***	***	***	***	***	***
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	***	***	***	***	***	***

Estimate of any current year (FY 97) cost: \$ -0-

POSITIONS:

FULL-TIME	***	***	***	***	***	***
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This bill amends sex offender registration laws in a number of ways. It adds to the offenses that give rise to the requirement to register upon conviction, including even misdemeanors if the offense included a sixteen or seventeen-year old. It enlarges the category of sex offenders who must register for life from recidivists only, to even first offenders if convicted of sexual assault or sexual abuse in the first degree. It is a misdemeanor crime to fail to comply with the provisions of sex offender registration. Each of these charges enlarges the pool of people who may be charged with a crime for noncompliance. Fiscal impact is certain, but with no accurate forecast of numbers of cases, unquantifiable.

Prepared by: Barbara K. Brink, Director
Division: Public Defender Agency

Phone: (907) 264-4414
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 2/5/97

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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 10, 1997

The Honorable Mike Miller
Senate President
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Mike
Dear President Miller:

Reducing the number of people, especially children, who are victimized by violent and repeat sex offenders is an important part of my goal of ensuring safe, healthy communities for Alaskans. This bill strengthens the sex offender registration statutes and broadens access to criminal records in an effort to better protect the public from these criminals.

The bill is prompted, in part, to comply with the requirements of the federal Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act which requires registration of sex offenders whose victims were under 18 years old. Compliance with the Act will maintain the state's eligibility for \$200,000 in grant funds.

The state already complies with much of the Wetterling Act by requiring registration of most sex offenders who victimize children. For full compliance with the act, this bill adds to the list of offenses that require registration to include kidnaping when the victim is under 18; sexual abuse of a minor in the fourth degree if the victim is 16 or 17 years old; and promoting prostitution in the third degree, if the offender induces a person 16 or 17 years of age to engage in prostitution.

The bill also enlarges the category of sex offenders who must register for life. Under present law, only repeat sex offenders must register for life while other sex offenders register for 15 years. This bill requires life registration for first-time offenders convicted of the most serious sex offenses, the unclassified felonies of sexual assault in the first degree and sexual abuse of a minor in the first degree. The state must verify the addresses of life registrants every 90 days.

The Honorable Mike Miller
March 10, 1997
Page 2

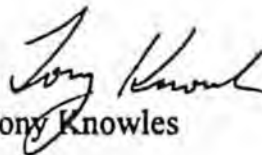
By requiring those most serious first-time offenders to register for life, the state is expecting to avoid the costly and time-consuming procedure recommended by the Wetterling Act. That is to require a sentencing court, with the advice of a statewide board of experts in the treatment and behavior of sex offenders, to determine whether each sex offender is a sexually violent predator. The expense of establishing such a board of experts and the costs of open-ended litigation concerning whether a sex offender continues to be a predator would be very high. Registration for life and address verification is not only less expensive, but will better protect the public.

Separate from the Wetterling Act requirements, the bill also changes when the time begins on the 15-year requirement for sex offender registration. Currently the clock starts at the time of unconditional discharge, which is an elusive date determined by a complex formula based on Department of Corrections information which is not available in the record system of the Department of Public Safety. The bill would start the clock at the time the offender registers, which will actually create an incentive for the offender to register as quickly as possible. It is a misdemeanor to fail to comply with the sex offender registration law; thus it is important the period of registration be absolutely clear.

Finally, the bill expands public access to information on all convictions by opening state criminal history records beyond the current 10-year limit. Broader information to the public will enable people to better protect themselves and their families.

This bill is one more step the state can take to keep our communities safe. I urge your favorable action.

Sincerely,



Tony Knowles
Governor

NEW LAW WILL REQUIRE:

- Registrant to include description of any physical identifying features
(Current law requires photo and fingerprints)
- Registrant to register for life if convicted of Sex Assault in the first degree or Sexual Abuse of a Minor in the First Degree
(Current law 15 years 1st offense; lifetime for recidivism)
- Verification of address every 90 days for life time registrants
(Notification of change of address due w/in 10 days of change)
- Addition of the following offenses to the definition of sex offense:
 - Sex Abuse of a Minor in the 4th degree (AS 11.41.440(a) (2))
 - Kidnapping of a person under 18 yr. of age by a person not a parent of the victim
 - Promoting Prostitution in the 3rd degree (AS 11.61.130(a)(2))
- Adds "sexually violent offense" to include Sexual Assault in the 1st degree or Sexual Abuse of a minor in the 1st degree

Provided by the Department of Public Safety

SENATE BILL 132/ HOUSE BILL 186

Prepared by the Department of Public Safety

EXPLANATIONS RE. AMENDMENTS TO AS 12.62:

Section 2 would allow Public Safety to include all past convictions in a criminal history report, instead of excluding those convictions for which the subject has been unconditionally discharged for ten years or more. This change is needed because

- (1) Public Safety cannot accurately calculate the unconditional discharge date, and
- (2) the 10-year limit excludes many convictions that may be important for a potential employer, licensing agency, or other record user to consider.

UNCONDITIONAL DISCHARGE DATE COMPUTATION EXAMPLE

Greg was arrested on May 1, 1976 and convicted of 8 counts of Forgery on May 1, 1977. He received a sentence of 6 years in jail and 5 years probation. One third of his jail time is automatically deducted for "mandatory good time." Here's how Public Safety *could* compute his unconditional discharge date:

Date of Sentence	5/1/77
Add Jail	+ 6 years
Deduct "good time"	- 2 years (1/3 of 6 years)
Add Probation	+ 5 years
Discharge Date	= 5/1/86

But there's a problem: Greg received "credit for time served" while awaiting sentencing in this case. This means he essentially started serving his sentence earlier, so his unconditional discharge date would also be earlier. Unfortunately, information about credit for time served is not recorded in APSIN. The only way to avoid "overestimating" discharge dates, then, is to use the arrest date, rather than the sentence date, as the beginning point to calculate the discharge date. This is the formula Public Safety must use:

Date of Arrest	5/1/76
Add Jail	+ 6 years
Deduct "good time"	- 2 years (1/3 of 6 years)
Add Probation	+ 5 years
Discharge Date	= 5/1/85

The problem is that Greg's credit for time served really didn't include the entire year between the arrest date and sentence date. Although it is not recorded in APSIN, Greg was actually released on bail immediately after his arrest. It was not until six months later, when he violated his bail conditions, that the court revoked his bail and he went to jail to await his trial and sentencing. So Greg really only received six months of credit for time served. Greg's *actual* unconditional discharge date should be figured as follows (the shaded information is not available in APSIN):

Date of Sentence	5/1/77
Add Jail	+ 6 years
Deduct "good time"	- 2 years (1/3 of 6 years)
<i>Less Credit for Time Served</i>	- 6 months
Add Probation	+ 5 years
Discharge Date	= 11/1/85

But there are more factors to consider in Greg's case - none of which can be discerned from data in APSIN. When Greg was released from prison on 11/1/80, he began serving 5 years of probation, concurrent to serving mandatory parole for the 2 years he received as credit for "good time." The Parole Board revoked Greg's "mandatory parole" on 11/1/81, after he'd already completed 1 year of the mandatory parole period. The Parole Board has the discretion to revoke the entire 2 years of Greg's mandatory parole, not just the year he has remaining, and the board did so in Greg's case. So on 11/1/81, Greg returned to prison to serve 2 years of mandatory parole time. Greg didn't have to serve 2 years, though, because he again received the "mandatory good time" reduction for his revoked "mandatory parole" which reduced his new jail time to only 16 months (2/3 of 2 years). But during that time, Greg was found guilty by a correctional disciplinary board of possessing drugs. As punishment, the disciplinary board took away Greg's 8 months of "good time credit." That delayed Greg's jail release date until 11/1/83. After he successfully finishes his 4 remaining years of probation, Greg is finally unconditionally discharged on 11/1/87:

Date of Sentence	5/1/77
Add Jail	+ 6 years
Deduct "good time"	- 2 years (1/3 of 6 years)
Less Credit for Time Served	- 6 months
Add Probation	+ 5 years
Add revoked mandatory parole	+ 2 years
Deduct "good time"	- 8 months (1/3 of 2 years)
Add "lost" good time	+ 8 months
Discharge Date	= 11/1/87

If someone requested Greg's criminal history record on May 1, 1995, Public Safety would exclude Greg's eight Forgery convictions from the report, having erroneously calculated Greg's discharge date to be 5/1/85 based on data available in APSIN. Believing that Greg was unconditionally discharged ten years prior to the record request, Public Safety would have

continued making this same error anytime Greg's record was requested over the next 2 ½ years. Not until 11/1/97 would Public Safety actually be correct to exclude Greg's convictions from a criminal history report.

Greg's hypothetical case is actually uncharacteristically simple. It involved only one court case, only one "statutory good time" formula, no consecutive sentences, no discretionary parole, nor any suspension of jail or probation. It is not uncommon for actual cases to involve dozens of overlapping charges (or "counts"). There are frequently overlapping periods of jail, probation, discretionary parole, mandatory parole, and pretrial detention time during which "credit for time served" applies to some, but not other charges, any of which may be served concurrently or consecutively. Neither does Greg's example address the varying "statutory good time" formulae and rules which have been in effect at different times over the past decades. The Department of Corrections uses a voluminous "time accounting" manual to track the rules for computing discharge dates and is nevertheless faced with constant litigation disputing computation of discharge dates. Removing the 10-year unconditional discharge date limit for criminal history reports will allow Public Safety to escape similar endless litigation.

EXAMPLES OF EXCLUDING RELEVANT CONVICTIONS FROM REPORTS

It is important to remember that a person cannot anonymously request another person's criminal history report. To get the report, the requester must submit the subject's fingerprints to Public Safety or ask the subject to get his or her own report from Public Safety, based on photo ID. The record subject's past convictions are therefore available to another person only if the record subject agrees to the background check. Because of this, most records are requested when someone is applying for a job or license for which a background check is required.

Another problem with the "10-year limit" is that some convictions, no matter how old, may be very relevant to the purpose of the record check. Recognizing this, the current law exempts "serious offense" convictions from the 10-year limit, but only if the report is for an "interested person" - one who is screening an applicant to have "supervisory or disciplinary power over a minor or dependent adult." This definition of "serious offense" poses yet another problem - it includes all felonies, and certain misdemeanors, including those that involve domestic violence. Unfortunately, APSIN "rap sheets" don't describe the relationship between a victim and an offender, so there's no way to know if a misdemeanor conviction "involves domestic violence." Public Safety plans to begin "flagging" domestic violence convictions in APSIN if the courts will provide that information on criminal judgments. Unfortunately, this solution won't help identify "serious offense - domestic violence" convictions among the tens of thousands of existing APSIN criminal history records.

Even if APSIN could accurately compute the unconditional discharge date *and* accurately identify all "serious offenses" many relevant convictions would be withheld, either because a record requester doesn't qualify as an "interested person" or because a crime is not considered "serious" or both. The following examples illustrate the why limits should not be placed on conviction records. It is impossible to predict every appropriate consideration for every

individual record check – it is better simply provide all past convictions and let the record user weigh the importance of them in light of the particular job, license, or other privilege being considered. This is why:

Example 1: John was convicted of Arson in the Second Degree (a class B felony) fifteen years ago in Bethel. As a volunteer firefighter, John had been setting fires himself and then calling them in so he could participate in the “rescue” effort. He was unconditionally discharged eleven years ago, after which he left the state and returned to live in Palmer last year. He applies to become a volunteer firefighter in Palmer. He lies to the volunteer coordinator and denies having ever been convicted of arson. The volunteer fire department asks John to submit his fingerprints for a criminal history record check. The fire department’s report won’t show John’s arson conviction because of the 10-year rule. If John had been applying for a job in a daycare center, the center would have been told of the arson conviction, because, as a felony, arson is considered a “serious offense” and the daycare center is considered an “interested person.” The fire department arguably has just as much need as a daycare center to consider John’s arson conviction, no matter how much time has elapsed.

Example 2. The same volunteer fire department also screens volunteer paramedics. Joe was convicted of multiple counts of Sexual Abuse of a Minor in the Second Degree (a class B felony) after sexually abusing young children under the guise of “playing doctor.” Joe was unconditionally discharged in 1983. Again, the volunteer fire department will not learn of Joe’s past even if it requests a criminal history record check, because of the 10-year rule. A paramedic would certainly have opportunities to be alone with and touch children, especially vulnerable children who may be injured or unconscious. A paramedic might even be seen as an “authority figure” during an emergency situation. However, the fire department does not fall under the definition of an “interested person” because a paramedic does not actually have “supervisory or disciplinary power” over a minor or dependent adult.

Example 3. Fifteen years ago Bob was convicted of Misconduct Involving a Corpse (a class A misdemeanor). At the time, Bob worked in a mortuary and was discovered sexually penetrating the corpse of a five year old child. Bob was unconditionally discharged for that crime fourteen years ago. Eleven years ago, Bob broke into a neighbor’s house at night and was found standing over the bed of a five year old boy, with his pants halfway unzipped and a crowbar in his hand. He pled guilty to Possession of Burglary Tools (a class A misdemeanor) and Criminal Trespass (a Class B misdemeanor). He was unconditionally discharged for those offenses ten years ago. He left the country afterwards and has just returned to Alaska, so there’s no telling whether he has been crime-free during the past ten years. Bob applies for a job babysitting for a five year old boy in a private residence. The boy’s mother submits Bob’s fingerprints to Public Safety to get an “interested person” criminal history report. The report does not show any criminal convictions for Bob because he was unconditionally discharged for all his crimes ten or more years ago, and none of Bob’s misdemeanors is a “serious offense.” The other applicant’s criminal history record shows a conviction for shoplifting nine years ago, so the woman chooses the candidate with the “no record” – Bob.

Example 4. June applies for a job as a bookkeeper for a restaurant. The job is open because the owner's previous bookkeeper has just been indicted for embezzling over \$50,000 from the business. Nearing bankruptcy and extremely wary, the owner is more than willing to pay \$20 to have June fingerprinted plus \$35 to get a fingerprint-based criminal history record from Public Safety. His money is not well-spent, though, because the criminal history report he receives will show no convictions since June was unconditionally discharged ten years ago for Theft, Credit Card Fraud, Issuing Bad Checks, and Embezzlement. Because some of June's convictions are felonies they meet the definition of a "serious offense." Ironically, these "property crime" convictions would have been made available to someone considering June to work in a daycare center, even if that position would not have involved any financial responsibilities, but they are withheld from the owner of this business.

Example 5. Harry was convicted of three counts of Sexual Assault in the Second Degree (a Class B felony) and unconditionally discharged 13 years ago. The crimes occurred when Harry entered women's houses using copies of their house keys he obtained as a carpenter working for a construction and home remodeling company. All the sexual assaults were alcohol-related. Within the past five years, he has been twice convicted of DWI. Harry applies for a job as a carpenter with Angelo's construction company, which specializes in home remodeling. Because the job involves entering private homes, both when residents are home and away, Angelo requires criminal history background checks of all applicants. Angelo receives a criminal history report showing only that Harry has been convicted twice for DWI. Angelo never learns of Harry's prior job- and alcohol-related rape convictions because of the 10-year limit. The carpentry position does not involve driving company vehicles, and it is not uncommon for the seasonal workers who apply for this sort of job to have some misdemeanor criminal convictions. Angelo, a recovering alcoholic himself, decides to take a chance on Harry based on the criminal history report showing only two DWI convictions. Two months later when Harry is arrested for allegedly raping one of the company's customers, Angelo is stunned to learn (from news reports) that Harry had been convicted of raping three other women in similar circumstances before.

Example 6. Ted was found "guilty but mentally ill" of twenty-five counts of Cruelty to Animals (a Class A misdemeanor) for intentionally setting neighborhood cats on fire, trapping and dismembering squirrels, and conducting other brutal and sadistic rituals on "pets" that he obtained from the local animal shelter. He was unconditionally discharged for his concurrent sentences ten years ago, after which he relocated to a rural area and has since lived alone on an isolated piece of land. Ted has recently volunteered to provide "animal therapy" once a week for his nearest neighbors, an 80 year old woman and her 85-year old husband, who is afflicted with Parkinson's Disease. Ted proposes to "borrow" animals from the local animal shelter twice a week, take them to visit the Parkinson's patient, then return the animals to the shelter. The couple's daughter is uneasy with the idea, although she has nothing more than a suspicious hunch that something is "wrong" with Ted. She asks Ted to provide fingerprints so she can get a criminal history report before allowing Ted into her parents' home. She will get a report showing no convictions for Ted because of the unconditional discharge date rule. Even if she qualified as an "interested person" (which is doubtful, since Ted would not really have

"supervisory or disciplinary power" over the Parkinson's patient) she would not learn of Ted's past convictions because Cruelty to Animals, even when a person "intentionally inflicts severe and prolonged pain or suffering on an animal" is not a "serious offense."

Example 7. Eleven years ago in Fairbanks, Susan was convicted of Criminal Use of a Computer (a Class C felony). She was unconditionally discharged ten years ago. Susan applies for a job as a computer programmer for the State of Alaska, in Ketchikan. She lies on the state's employment application, checking "No" in response to the question "Have you ever been convicted of a felony?" She knows that even if her employer requests a criminal history background check, it won't show her conviction because of the ten-year limit. She's hired. Her supervisor later mentions Susan's name to a relative in Fairbanks, who happened to know about Susan's conviction because of extensive local news coverage at the time. Armed with this information, including the approximate date of conviction, the supervisor in Ketchikan may dispatch someone to go through the manual records at the Fairbanks courthouse, a time-consuming process. (The court records are not protected by the same kinds of confidentiality as Public Safety's records.) Upon finding court documentation of Susan's conviction, the supervisor can begin the lengthy, costly process of termination since Susan lied on her employment application.

Example 8. Jerry was convicted twice for Assault in the Third Degree (a class C felony), once for Stalking in the First Degree (a class C felony), and ten more times for Assault in the Fourth Degree (a class A misdemeanor). In all the cases, the victims were Jerry's wives, ex-wives, women he had dated, or the children of those women. Jerry was unconditionally discharged for the last of the charges ten years ago. Nine years ago he was indicted for Assault in the First Degree, (a Class A felony) for allegedly attacking his then-wife with a kitchen knife, causing her permanent blindness in one eye, a ruptured spleen, and other serious injuries. However, after spending two years in jail awaiting trial, he was found "Not Guilty By Reason of Insanity." The court immediately committed Jerry to the custody of the Commissioner of Health and Social Services. Jerry was released from a mental institution seven years later - he's been out for two months now. Jerry has just moved to a rural Alaskan village and has volunteered to provide building maintenance services at a counseling center for battered women. The center requests a criminal history report, which contains none of Jerry's convictions because of the 10-year limit. Naturally, Jerry's acquittal is not included in the report, so the center has no way of knowing that Jerry's past ten years of "crime-free" behavior coincided with ten years of institutionalization. Since Jerry's duties don't involve "supervisory or disciplinary power" over children or dependent adults, the center does not qualify for an "interested person" report that would include Jerry's convictions - all of which meet the definition of "serious offense."

EXPLANATION OF "INTERESTED PERSON" REPORTS FROM FBI

Section 3 is a technical amendment to ensure that Alaska's law will continue to allow "interested persons" to request national criminal history records as well as state criminal history records.

Federal law restricts access to F.B.I. (national criminal history) records to (1) criminal justice agencies, and (2) persons authorized access by a state or federal law that has been approved by the U.S. Attorney General. This means that when Alaska enacts a law specifically requiring school teachers, school bus drivers, or foster parents to undergo a criminal history check, Public Safety can submit it to the FBI for federal approval. If approved, Public Safety enters the "approved statute" citation on fingerprint cards that it sends to the FBI for national criminal history record checks under that law.

The F.B.I. has already approved Alaska's law allowing "interested persons" to get national criminal history records to screen applicants for working with children or vulnerable adults. If Alaska eliminates the need for an "interested person" report at the state record level, by making all past convictions available to all persons, it needs to retain the "interested person" provisions that have already been approved by the FBI for record checks at the national level.

Only a government agency may view the FBI report. If the record is requested by someone other than a government agency, some government agency must "screen" the report. The government agency may only tell the requester whether or not the subject has been convicted of a "serious offense" but cannot tell the details of the record.

Many "interested persons" are government agencies, for example the Department of Education may screen teachers, the Department of Administration may screen state nursing home employees, and the Department of Health and Social Services may screen day care centers. In each of these examples, Public Safety may release F.B.I. records to the government agency with jurisdiction over the particular employment, license, or permit being sought.

However, if DHSS contracts with a private firm to handle background screening for foster parents, Public Safety cannot give the F.B.I. record to the private contractor. Instead, Public Safety must give it to the government agency responsible for the private contractor's work (DHSS).

Sometimes there is no government agency with jurisdiction over an activity that involves "supervisory or disciplinary power over a minor or dependent adult." For example, no state agency is responsible for licensing or otherwise screening Boy Scout volunteers or privately employed babysitters. Since these examples meet the "interested person" definition that has already been approved by the F.B.I., however, national criminal history checks may be requested. Public Safety must screen the FBI record since no other government agency is involved. Public Safety will tell the Boy Scout Troop or private person whether or not the FBI record shows any "serious offense" convictions but may not provide details of the FBI record.

States' Sex Offender Registration Deadline in September

States have until September 1997 to comply with a federal law that mandates the creation of public registries for convicted sex offenders or risk losing 10 percent of their formula grant funding.

The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (Pub. L. 103-322), which provides financial incentives to the states to establish effective registration systems for sex offenders, was amended with two pieces of legislation during the past session. The first, the federal "Megan's Law" (Pub. L. 104-145), requires states to make public relevant information about violent sex offenders released from prison or placed on parole. Megan's Law has the same September 1997 compliance deadline set forth under the Jacob Wetterling Act.

The Pam Lychner Sexual Offender Tracking and Identification Act of 1996 (Pub. L. 104-236) calls for the creation of a national data base to help track sex offenders across state lines. This effort must be phased in to state sex offender policies over the next three years in order for states to retain their entire allocation of funding under the Edward Byrne Memorial State and Local Law Enforcement Assistance grant program.

Jacob Wetterling Act

The Jacob Wetterling Act, Title XVII of the Violent Crime Control and Law Enforcement Act of 1994, was named for an 11-year-old boy who was abducted near his home in St. Joseph, Minn., by an armed, masked man in October 1989. Similarities between Jacob's abduction and a case involving a boy from a neighboring town who was abducted and sexually assaulted earlier that year, prompted police to believe that the two cases were linked. Jacob Wetterling was never found.

The Jacob Wetterling Act calls for a two-tier system for sex offender registration. Individuals who have committed a "criminal offense against a victim who is a minor" or a "sexually violent offense" are required to register annually until 10 years have elapsed from their release from prison, parole, or probation. The second tier is reserved for individuals classified as "sexually violent predators" -- those who have committed sexually violent offenses, or who suffer from a mental abnormality or

personality disorder that would predispose them to commit predatory and violent sex offenses. Sexually violent predators are subject to more stringent registration requirements, and must report address information to the appropriate state law enforcement agency every 90 days. In addition, an offender in this category is required to register until it is determined that he no longer suffers from the abnormality or disorder.

Aside from these requirements, the final guidelines implementing the Jacob Wetterling Act (*Federal Register*, April 4, 1996, pp. 15110-17) give states wide latitude in designing registration programs that best meet their public safety needs. The guidelines should be interpreted as a minimum standard for state registries. States do not risk losing any part of their Byrne formula grant funding by going beyond these established minimum standards.

For example, the classification of a "sexually violent predator" is to be determined by a state board of experts. Under the guidelines, this board is to consist of two or more experts in fields relating to the behavior and treatment of sex offenders. The standards of qualification for experts is for the states to determine, according to the guidelines. Experts can be from the state, or drawn from another state. The guidelines allow discretion in the establishment of the boards. For example, a state could establish a single permanent board for the purpose of assisting the sentencing court on these issues, or could authorize the designation of different boards for different courts, geographic areas, or case types.

The regulations clarify the extent to which juveniles convicted of sex offenses must report to the state registry. States are not required to mandate registration for juveniles who are adjudicated delinquent, even if they committed a crime that would require registration if perpetrated by an adult. Juveniles convicted of sex offenses in adult criminal court, however, are required to register.

The guidelines make clear that states have discretion in choosing which state agency is designated as the appropriate law enforcement agency to collect and maintain registration information. For example, states may give any law enforcement or public safety agency the responsibility for sex offender registration, including a correctional agency or criminal records agency. Further, states are permitted to employ private contractors to carry

States have wide latitude in designing sex offender registries, according to the recently released guidelines for the Jacob Wetterling Act. However, states must also comply with new mandates for community notification and reporting to a national data base.

Summary of Federal Legislative and Regulatory Action Regarding Sex Offender Registration

Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, Pub. L. 103-322, § 170101, signed by the president on Sept. 13, 1994 (codified at 42 U.S.C. § 14071): Subjects states to 10-percent reduction in Edward Byrne Memorial State and Local Law Enforcement Assistance formula grant funding if they do not require sexually violent offenders to register with a designated state law enforcement agency. Final guidelines were issued by the U. S. attorney general on April 4, 1996 (*Federal Register*, April 4, 1996, pp. 15110-17).¹

Megan's Law, Pub. L. 104-145, signed by the president on May 17, 1996 (to be codified at 42 U.S.C. § 14071(d)): Amends the Jacob Wetterling Act in the following ways: 1) information collected under a state registration program may be disclosed for any purpose permitted under state law and 2) requires state and local law enforcement agencies to release "relevant information that is necessary to protect the public" concerning registered sexually violent offenders. Guidelines have not yet been issued.

Pam Lychner Sexual Offender Tracking and Identification Act of 1996, Pub. L. 104-236, signed by the president on Oct. 3, 1996 (to be codified at 42 U.S.C. § 14071): Amends the Jacob Wetterling Act in a number of ways, including: 1) requiring the U. S. Department of Justice, Federal Bureau of Investigation (FBI) to establish a national data base to track sexually violent offenders and 2) requiring sexually violent offenders living in states that have not established a "minimally sufficient sexual offender registration program" to register with the FBI. Guidelines have not yet been issued.

¹ Sen. Judd Gregg (R-N.H.) introduced S. 2138 on Sept. 27, 1996, which would have amended the Jacob Wetterling Act to allow states that have sexually violent offender registration programs in place to be in compliance with the Act and not be in jeopardy of losing a portion of their Byrne funding for failure to comply with the Act's mandates. The bill was not passed before the 104th Congress adjourned on Oct. 4, 1996, but is expected to be reintroduced in the 105th Congress.

out the functions of the state's sex offender registry.

Information contained under a state's registry may be disclosed to law enforcement agencies for law enforcement purposes; to government agencies conducting confidential background checks; and when necessary, to the public for the purpose of maintaining public safety. The regulations do not impose any limitations on the standards and procedures that states may adopt for determining when public safety necessitates community notification.

While not required under the act, the guidelines "strongly encourage" states to collect DNA samples from registering offenders to be typed and stored in state DNA data bases. The guidelines also urge the states to participate in the U. S. Department of Justice, Federal Bureau of Investigation's Combined DNA Index System (CODIS), which is a technical assistance program that allows state and local crime laboratories to match DNA records from convicted offenders and crime scene evidence.

States that do not require convicted sex offenders to register with a state law enforcement agency by September 1997 face a 10-percent reduction in Edward Byrne

Memorial State and Local Law Enforcement Assistance formula grant funding. However, the deadline may be extended up to two years at the attorney general's discretion, if the state is making "good faith" efforts to implement the law.

Megan's Law

Megan's Law, signed by President Clinton on May 17, 1996, amends the Jacob Wetterling Act in two ways. Megan's Law now requires states to release any relevant information about registered sex offenders necessary to maintain and protect public safety. The former Jacob Wetterling Act provisions allowed for this type of community notification by the states, but it was not a mandated policy. According to the amendment's sponsor, Rep. Dick Zimmer (R-N.J.), "A minority of states actually require the disclosure of this critical [registration] information to those whose families might be in danger, [and] that is why we need to go this extra step ... so that all 50 states will be held to a common standard of community

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notification." Megan's law also allows disclosure of information collected under a state registration program for any purpose permitted under the laws of the state.

The first community notification law was enacted in New Jersey in 1994, in the wake of seven-year-old Megan Kanka's rape and murder by a convicted sex offender who lived across the street from her family. Although all states have enacted laws mandating the registration and tracking of sex offenders, only 15 have any sort of provision for notifying communities when sex offenders are released from custody and move into a neighborhood, according to the National Center for Missing and Exploited Children.

The constitutionality of notification laws has been challenged in many states. Federal judges have ruled the statutes unconstitutional in Alaska, New York, and Washington, according to the *National Law Journal*. Cases in other jurisdictions are pending.

This amendment to the Jacob Wetterling Act was crafted in part to help states avoid court challenges of this type in the future, according to recent *New York Times* article. Guidelines for the implementation of Megan's Law have not yet been issued.

Lychner Act

The Pam Lychner Sexual Offender Tracking and Identification Act was named after a victims' rights advocate who was killed in the TWA flight 800 earlier this summer. The law amends the Jacob Wetterling Act by directing the U. S. Department of Justice's Federal Bureau of Investigation (FBI) to establish a national data base to track individuals convicted of sex crimes.

By creating an FBI tracking system, law enforcement officials will be able to access information about convicted sex offenders across state lines, according to Sen. Phil Gramm (R-Texas), one of the amendment's sponsors. "The problem with only having state laws is that people are moving across state lines to try and avoid detection," Gramm said. "What our bill does is set up an FBI-based federal tracking system, which will track all movements of sexual predators, whether they move across town or across state lines. This system will give us an interactive data base, and it will greatly enhance the ability of our communities, our law enforcement officials, and our families to protect our children against sexual predators."

The amendment also requires states that have not established a "minimally sufficient sexual offender registration" program to provide the FBI with a current address, fingerprints, and a photograph of convicted sex

offenders. "Minimally sufficient" registries are those that meet the two-tier registration requirement laid out in the original Jacob Wetterling Act, as well as the address verification and reporting requirements established in the act.

Guidelines for compliance with this law have not yet been issued, although states have three years to comply with the mandates set forth in the act. As with the original Jacob Wetterling Act, the attorney general may grant a two year extension to states that are taking the appropriate steps to implement the act.

Other Compliance Issues

Sen. Judd Gregg (R-N.H.) introduced a bill late in the 104th Congress that would allow states with already-established registration systems to be in compliance with the new federal mandates concerning sex offender registration. Gregg indicated, when introducing the bill, that many states with successful sex offender registration programs in place are likely not in compliance with the narrowly drawn provisions of the Jacob Wetterling Act. Although the bill did not come to a vote before the Congress adjourned on Oct. 4, 1996, Gregg is expected to reintroduce his proposal once the 105th Congress reconvenes in January 1997.

The Jacob Wetterling regulations require a designated state agency to obtain information about registrants by a mail-in address verification system. Gregg's bill, however, would allow sex offenders to register using other protocols, and would enable different agencies to collect the registration information from sex offenders. For example, in Gregg's home state of New Hampshire, offenders register in person at local police departments, which distribute registry information to relevant state agencies and the FBI.

Further, Gregg's proposal would relax the requirements for determining a convicted sex offender's status as a "sexually violent predator," replacing the Jacob Wetterling Act's requirement of a two-person board of experts to make that determination. The proposal would allow states to maintain their current protocols for assessing the mental capacities of an offender and advising the sentencing court on the individual's status as a sexually violent predator.

For additional information concerning the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, contact Bonnie J. Campbell, Director, Violence Against Women Office, U. S. Department of Justice, Tenth and Pennsylvania Avenue, NW, Washington, D.C. 20530, or by telephone at (202) 616-8894.

SENATE BILL 132

Sectional Analysis

Senate Bill 132 amends the sex offender registration provisions of Alaska law to bring them into compliance with the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, 42 U.S.C. 14071, and with the final guidelines adopted under the Wetterling Act. It also simplifies release of state criminal history records by removing unworkable release restrictions based on the length of time since unconditional discharge for past convictions. Finally, by clarifying the state's current compliance with federal guidelines for obtaining national criminal background checks, it allows Alaskans continued access to FBI criminal history records to screen people for positions involving children and dependent adults.

Section 1 makes it a violation for a sex offender required to register for life as a sex offender to fail to cooperate with the Department of Public Safety in its address verification program.

Section 2 would allow the release of past conviction information to any person, for any purpose, as long as the record subject consents to the release. This is the same standard for the release of current offender information. Current law restricts the release of past conviction information based on the length of time that has elapsed since the record subject's unconditional discharge date. The unconditional discharge date has proved to be complicated to determine, and is not readily available to the Department of Public Safety. Errors in calculating this date result in the illegal release or withholding of information. Because the record subject must consent to the release, the inclusion of all past convictions will avoid problems with illegal release or withholding of information without unreasonably compromising the privacy of the record subject.

Section 3 clarifies that an "interested person" may request a *national* criminal history record from the FBI. Since Section 2 eliminates the need for "interested person" status to obtain state records, it is necessary to restate this requirement for FBI records.

An Alaskan may not request a national criminal history from the FBI unless the U.S. Attorney General as approved the Alaska statute authorizing release of the information. The U.S. Attorney General has approved Alaska's law allowing access to national criminal history information for an "interested person". However, the FBI requires that the statute explicitly state that 1/ fingerprints of the record subject are required; 2/ the information will be released only to a government entity; and 3/ a non-government entity may be told only whether the

record contains disqualifying information. Section 3 is drafted to meet federal requirements for access to FBI records and will not change current procedures.

Sections 4 and 5 amend the definitions of "current offender information" and "past conviction information" to eliminate redundancy, because both categories of information would be subject to the same release criteria under the bill.

Section 6 corrects a technical error in the definition of "serious offense" which currently refers to a subsection of AS 11.51.130 that does not exist.

Section 7 defines "applicant" and "national criminal history system" to correspond with the provisions for requesting national criminal history records from the FBI in Section 3.

Section 8 requires that a person, when registering as a sex offender, provide information about his or her appearance, future residences, and whether the person has had treatment for a mental abnormality or personality disorder since conviction of the offense requiring registration as a sex offender.

Section 9 specifies that a sex offender who must register for life comply with the laws and regulations adopted by the Department of Public Safety for address verification.

Section 10 adds to those sex offenders who must register for life, presently recidivists, persons convicted for the first time of Sexual Assault in the First Degree and Sexual Abuse of a Minor in the First Degree, both unclassified felonies. Section 10 also provides that the period of registration for other sex offenders is 15 years from the date of registration, rather than from the date of unconditional discharge. It also provides that a sex offender doesn't get credit toward the 15 year registration requirement if he or she fails to notify the department of address changes or to check in with the department annually; further, it provides that an offender can get credit toward the 15 year registration requirement for complying with sex offender registration laws in another state or with regulations adopted by the FBI.

Section 11 adds offenses to the definition of "sex offense" for sex offender registration as required by the Wetterling Act. The additional offenses include kidnaping by a person who is not a parent of a person under 18 years of age and inducing a person who is 16 or 17 years of age to engage in prostitution (the statute presently includes inducing a person under 16 years of age to engage in prostitution).

Section 12 is a technical correction that provides that a person convicted of incest be identified as convicted of "felony sexual abuse" rather than "felony sexual abuse of a minor", because incest does not necessarily involve a minor.

Section 13 requires the Department of Public Safety to adopt regulations addressing the notification of the FBI and local law enforcement agencies when a sex offender changes