

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9594 SENATE JUDICIARY

23

**HB**

**122**

# FISCAL NOTE

STATE OF ALASKA  
 1997 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Law  
 Title: ... relating to prisoner litigation, post-conviction BRU: Criminal Division/Civil Division  
relief, and sentence appeals ... amending Alaska Rule of ... Component: Criminal Division/General Legal Services  
 Sponsor: Rules Committee  
 Requester: Governor COMPONENT SERIAL NO. 2085/2087

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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

In 1995, the legislature passed far-reaching legislation aimed at reducing the burgeoning amount of frivolous litigation brought by state prisoners. This bill makes additional changes that are relatively minor, but that will contribute significantly to the further reduction of frivolous prisoner litigation. These refinements include clarifying that filing fees, or exemptions from them, are required in all types of litigation brought by prisoners, and that time limits for filing litigation by prisoners related to conviction or sentence appeals may not be extended by the courts beyond the periods provided in court rules. Additionally, the bill adds a provision to make it easier to collect money owed by a prisoner for attorney fees and costs of litigation.

This bill will have no fiscal impact on the Department of Law. However, it will continue the trend began with ch. 79, SLA 1995, of containing current costs and avoiding continued increases in the state's prisoners' rights and appeals litigation costs. The bill should also increase the amount of fines collected by the Collections and Support Unit of the Civil Division for deposit in the state general fund by an unknown amount.

Prepared by: Joan M. Kasson *Joan M. Kasson* Phone: 465-5370  
 Division: Administrative Services Division Date: 1/24/97  
 Approved by Commissioner: Bruce M. Botelho, Attorney General *Bruce Botelho for* Date: 1/24/97  
 Agency: Department of Law

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# FISCAL NOTE

No. 3  
 Bill Version: HB 122  
 (H) Publish Date: 2/10/97

STATE OF ALASKA  
 1997 LEGISLATIVE SESSION

E

Revision Date: \_\_\_\_\_ Dept. Affected: Corrections  
 Title: Frivolous Litigation BRU: ALL  
 Component: ALL  
 Sponsor: Rules Committee  
 Requester: Governor COMPONENT SERIAL NO. #0694

**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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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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						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

Section 4 of this bill allows for a lien to be placed on a prisoner's account by the state for costs and attorney's fees. This provision will have a minimal fiscal impact on the Department and will be absorbed.

Prepared by: Bruce Richards  
 Division: Commissioner's Office  
 Approved by Commissioner: Margaret M. Pugh  
 Agency: Department of Corrections

Phone: 465-3307  
 Date: 1/25/97  
 Date: 1/27/97

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FISCAL NOTE

No. 2  
 Bill Version: HB 122  
 (H) Publish Date: 2/10/97

STATE OF ALASKA  
 1997 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to prisoner litigation..."  
 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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ( )	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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, which changes many of the rules of court when the litigant is a prisoner, is unrelated to the question of whether a case is frivolous. Eliminating a prisoner's ability to obtain discovery, entering arbitrary time deadlines, and making collection of judgments easier, has nothing to do with the merits of the case. These rules simply are punitive and designed to eliminate a class of persons from having the same access to the courts as everyone else. As such, it violates the equal protection of the laws.

There is no fiscal impact on the Public Defender Agency.

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

Phone: (907) 264-4414  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Bover  
 Agency: Department of Administration

Date: 1/21/97

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FISCAL NOTE

No. 1  
 Bill Version: HB 122  
 (H) Publish Date: 2/10/97

STATE OF ALASKA  
 1997 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to Frivolous Litigation..."  
 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	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Department of Administration.

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

Phone: 274-1684  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Bover  
 Agency: Department of Administration

Date: 1/24/97

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TONY KNOWLES  
GOVERNOR



HB 122  
P.O. Box 110001  
Juneau, Alaska 99811-0001  
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STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 10, 1997

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

Dear Speaker Phillips:

I am transmitting this bill to further enhance the positive effects of a 1995 law aimed at reducing frivolous litigation filed by state prisoners.

The bill clarifies a prisoner must pay filing fees in all types of legal actions against the state, including discretionary appellate review. It also ensures the court will consider all prisoner financial accounts in determining whether an exemption from the filing fee is warranted. This is an extension of the 1995 law (ch. 79, SLA 1995) which requires a prisoner to pay the usual filing fees for bringing a legal action against the state, unless the court finds the prisoner qualifies for an exemption based on financial information. This bill requires the prisoner to submit information about money in accounts outside the prison as well as in-prison accounts.

The law enacted in 1995 provides that automatic disclosure provisions of Alaska Rule of Civil Procedure 16.1 do not apply to litigation filed by prisoners. But a corresponding exemption from a similar provision in a separate court rule (Alaska Rule of Civil Procedure 26) was inadvertently not included in the earlier bill. This bill repairs that omission.

The rationale for automatic disclosure--reducing the cost and duration of litigation by cooperative discovery--does not readily apply in most litigation brought by prisoners. Prisoners are generally not willing or able to participate in discovery and, as a result, the state is obliged to furnish full information while prisoners furnish no information to the state. This is expensive and unnecessary, especially in litigation that is often without merit.

GOVERNORS  
TRANSMITTAL LETTER

111122  
The Honorable Gail Phillips  
February 10, 1997  
Page 2

The bill adds a provision to allow continuing liens on prisoner accounts at correctional facilities. The state can execute a judgment for costs and attorney's fees against a prisoner's account. Currently, whether the state is successful in collecting the judgment depends on whether the prisoner has money in the account at the time. Under a continuing lien, the state can recover the money whenever the prisoner's account has money available. This will reduce costs of collection so valid judgments are more timely satisfied.

Finally, the bill limits the time in which the court may allow a person to file a late appeal or request for discretionary review of the conviction or sentence to no more than 60 days after the originally specified time. Unreasonably late challenges to convictions and sentences undermine the administration of justice, resulting in litigation of stale claims with witnesses whose memories have faded. Victims, witnesses and the public should be able to depend on the finality of judgments once a defendant has had a reasonable opportunity to challenge a conviction and sentence.

The 1995 law has already proven effective in reducing frivolous prisoner litigation. This bill will strengthen that effort.

Sincerely,



Tony Knowles  
Governor

## CS for HOUSE BILL 122 (JUD)

### Sectional Analysis

CSHB 122 was submitted to make additions and improvements to the comprehensive legislation adopted in 1995 to reduce the volume of frivolous litigation filed by prisoners against the state. That enactment has been very successful in reducing unnecessary lawsuits, while at the same time allowing prisoners to raise legitimate issues and enabling state attorneys to focus attention on those issues.

The 1995 legislation requires a prisoner to pay a filing fee to the court for pursuing a lawsuit, as other litigants are required to do, or to request an exemption from the fee based on need. The law currently requires a prisoner to supply certain information in support of a request for an exemption. Section 1 of the bill adds the requirement that the prisoner include information about money held in bank accounts outside the prison in the request for a filing fee exemption.

Section 2 makes a technical correction to the statutes and repairs an omission in the 1995 legislation. Current law provides that the automatic disclosure requirements of Civil Rule 16.1 do not apply to prisoner litigation; however, that rule has been deleted from the Civil Rules. The bill amends the law to reflect the deletion. Additionally, the bill provides that the automatic disclosure requirements of Civil Rule 26 do not apply to prisoner litigation. The rationale for automatic disclosure - reducing the cost and duration of litigation by cooperative discovery - does not readily apply in most cases filed by prisoners.

Section 3 expands the definition of "litigation against the state" to include all proceedings in the appellate courts. This clarifies that the laws regulating prisoner litigation apply to all litigation, not only to cases filed in the trial courts.

Sections 4 - 7 and 11 also concern a law enacted in 1995. The legislature enacted a provision that expands the use of DNA profile evidence in criminal prosecutions. In addition, the law requires the Department of Public Safety to establish a DNA identification system to help in the investigation of crimes in Alaska. It requires the department to obtain blood samples, oral samples, or both, from adults convicted of a crime against the person (except custodial interference) and arson, and minors 16 years of age or older adjudicated delinquents based on

similar conduct. Unfortunately, enforcement of the sample requirement is inadequate if a person refuses to cooperate. The bill provides several enforcement options, including making it a class A misdemeanor if a person is required to provide a sample and refuses a lawful request from a health care provider.

**Section 8** clarifies that the Parole Board may revoke mandatory parole before the actual release of a prisoner if the prisoner has violated a court order to participate in the treatment plan of a rehabilitation program.

**Section 9** is a technical amendment to the parole statutes.

**Section 10** limits the time an appellate court may allow extensions of time to file an appeal or request for review of a criminal conviction or sentence to 60 days after the last deadline for filing the appeal or request. This does not limit requests for an extension of time filed before a deadline; rather, it disallows requests filed two months after a deadline has passed, when no request for an extension has been filed.

**Section 12** limits the time a court may relax the deadline for filing a motion to reduce or modify a sentence under Criminal Rule 35(b) in the trial court to 10 days beyond the 180 days in which a defendant may file the motion under the terms of the rule. Criminal Rule 35(b) motions allow a court to reconsider a sentence in the six months following imposition. It is not intended to allow a court to change a sentence after that period. The Parole Board is in a better position to make decisions about the release of a person at this time.

## **CSHB 122(JUD)**

- ▶ **Further reduces frivolous, repetitive litigation by prisoners and closes loopholes created by the courts**
- ▶ **Promotes finality of judgments of conviction, so important to victims and the public, while preserving the rights of defendants to appeal**
- ▶ **Makes it a crime for a prisoner to refuse to give a sample for the DNA bank created in 1995, which is important in solving many cases of sexual assault and homicide**
- ▶ **No fiscal impact (four zero fiscal notes)**
- ▶ **Passed 40 - 0 in House**

# SENATE COMMITTEE REPORT

DATE: 5/6/98

FURTHER:

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

Judiciary Committee considered

CS FOR HOUSE BILL NO. 122(JUD)

PRISONERS: LITIGATION & DEBTS

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>Sean P. Powell</i>	<input checked="" type="checkbox"/>	<i>J. Ellis</i>	<input checked="" type="checkbox"/>		
CHAIR: <i>Adrian Taylor</i>	<input checked="" type="checkbox"/>	CHAIR:			

**NEW FISCAL NOTE(S):**

Department                      Date              Zero              Fiscal

Department	Date	Zero	Fiscal
<del>BRANCHING ANs</del>			
• DOLAW			
• DOC			
• DOA-OPA			
• DOA-PDA			

**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**  
**1998 LEGISLATIVE SESSION**

No. 8  
 Bill Version: CSHB122(TUD)  
 (S) Publish Date: 5/8/98

Revision Date (Note if correction) \_\_\_\_\_ Dept. Affected Law  
 Title: ... relating to prisoner litigation, post-conviction BRU Criminal Division  
relief, and sentence appeals ... amending Alaska Rule of ... Component Criminal Justice Litigation  
 Sponsor: Rules Committee  
 Requester Senate Judiciary Committee Component Serial No. 2202

**Expenditures/Revenues (Thousands of Dollars)**

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY98) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

In 1995, the legislature passed far-reaching legislation aimed at reducing the burgeoning amount of frivolous litigation brought by state prisoners. This bill makes additional changes that are relatively minor, but that will contribute significantly to the further reduction of frivolous prisoner litigation. These refinements include clarifying that filing fees, or exemptions from them, are required in all types of litigation brought by prisoners, and that time limits for filing litigation by prisoners related to conviction or sentence appeals may not be extended by the courts beyond the periods provided in court rules. The bill also provides enforcement tools for the DNA bank established in the Department of Public Safety in 1995.

This bill will have no fiscal impact on the Department of Law. However, it will continue the trend began with ch. 79, SLA 1995, of containing current costs and avoiding continued increases in the state's prisoners' rights and appeals litigation costs.

Prepared by Jean M. Kasson Phone 465-5370  
 Division Attorney General's Office Date 5/8/98  
 Approved by Commissioner Bruce M. Botelho, Attorney General Date 5/8/98  
 Agency Department of Law

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# FISCAL NOTE

No. 7

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

Bill Version: CSHB122(JLD)  
(S) Publish Date: 5/8/98

Revision Date (Note if correction) _____	Dept. Affected <u>Corrections</u>	
Title <u>An Act relating to prisoner litigation, post-conviction relief, and sentence appeals; relating to violation...</u>	BRU	<u>Administration and Operations</u>
Sponsor <u>Rules Committee by Request</u>	Component	<u>ALL</u>
Requester <u>Senate Judiciary Committee</u>	Component Serial No.	<u>#0694</u>

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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 (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY98) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact for the Dept. of Corrections.

Prepared by <u>Bruce Richards</u>	Phone <u>465-3307</u>
Division <u>Commissioner's Office</u>	Date <u>5/8/98</u>
Approved by <u>Commissioner Margaret M. Pugh</u>	Date <u>5/8/98</u>
Agency <u>Department of Corrections</u>	

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FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

No. 6  
Bill Version: CSHB 122(TUD)  
(S) Publish Date: 5/8/98

Revision Date: May 8, 1998 10:15 a.m.  
Title: "An Act relating to prisoner litigation..."  
Sponsor: Rules Committee  
Requestor: (S) JUD

Department Affected: Administration  
BRU: Legal and Advocacy Services  
Component: Public Defender Agency  
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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 98) cost: \$ 0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

See attached.

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: 5/8/98

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FISCAL NOTE

STATE OF ALASKA

BILL NO. CSHB 122(JUD)

#6

1998 LEGISLATIVE SESSION

ANALYSIS: (continued)

This bill, which changes many of the rules of court when the litigant is a prisoner, is unrelated to the question of whether a case is frivolous. Eliminating a prisoner's ability to obtain discovery and entering arbitrary time deadlines without avenues for relief if the deadline is missed despite no fault on the part of the litigant has nothing to do with the merits of the case. These rules simply are punitive and designed to eliminate a class of persons from having the same access to the courts as everyone else. As such, it violates the equal protection of the laws.

The CS also creates a new class A misdemeanor crime of failing to submit to an order for the taking of blood for DNA testing, and requires that such an order be a part of the criminal judgment and any special medical parole. It also explicitly provides that mandatory parole can be revoked by the parole board before a prisoner is ever released from jail. As the Public Defender would be appointed to represent individuals charged with the new misdemeanor as well as those facing parole revocation, fiscal impact is certain but unquantifiable.

FISCAL NOTE

No. 5  
 Bill Version: (SHB122(JUD))  
 (S) Publish Date: 5/8/98

STATE OF ALASKA  
 1998 LEGISLATIVE SESSION

Revision Date: May 8, 1998  
 Title: "An Act relating to prisoner litigation..."  
 Sponsor: Rules Committee  
 Requestor: (S) JUD

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY 98) cost: \$ 0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This bill creates no fiscal impact to the Office of Public Advocacy.

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

Phone: (907) 269-3500  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
 Agency: Department of Administration

Date: 5/8/98

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**HB**

**153**

ALASKA STATE LEGISLATURE  
HOUSE BILL NO. 153

HISTORY IN THE HOUSE

1997  
2/24 Read first time and referred to:  
STA HES FIN

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3/17 STA RPT( ) CS( ) New Title  
4 DP 0 DNP 2 NR 0 AM  
FN OFN 3 Previous FN  
2 0 FN

4/11 HES RPT( ) CS( ) New Title  
3 DP 0 DNP 3 NR 0 AM  
FN OFN 3 Previous FN  
2 0 FN

4/22 FIN RPT( ) CS( FIN ) New Title  
10 DP 0 DNP 0 NR 0 AM  
FN OFN 3 Previous FN  
2 0 FN

4/30 Read second time  
CS( FIN ) Adopted

Amended

4/30 Advanced

4/30 Read third time

Return to second for specific amendment

4/30 PASSED EFD Same  or  
Yeas 30 Yeas  
Nays 2 Nays  
Excused 1 Excused  
Absent 1 Absent

Intent adopted

4/30 Reconsideration KUBINA

4/30 Reconsideration ~~not~~ taken up

4/30 PASSED ON RECON. EFD Same  or  
Yeas 36 Yeas  
Nays 2 Nays  
Excused 1 Excused  
Absent 1 Absent

Intent adopted

4/30 Reported correctly engrossed  
Signed by Speaker, to the Senate

Suzi Lowell  
Chief Clerk of the House (u)

HISTORY IN THE SENATE

1997  
5/1 Read first time and referred to:  
JUD, FIN

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

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

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

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

Read second time

CS Adopted ( ) New Title  
Amended Advanced

Read third time

Letter of Intent adopted

Return to second for specific amendment

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

Reconsideration  
Reconsideration not taken up

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

Reported correctly engrossed  
Signed by President, to the House

Secretary of the Senate

FISCAL NOTE

No. 5

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

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

Revision Date: \_\_\_\_\_  
Title: An Act relating to the eligibility of aliens for state public assistance and medical assistance programs  
Sponsor: Rules Committee  
Requestor: Governor

Dept. Affected: Health and Social Services  
BRU: Public Assistance  
Component: PFD Hold Harmless  
COMPONENT SERIAL NO. 225  
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	(37.3)	(69.2)	(96.2)	(119.0)	(138.4)	(138.4)
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>(37.3)</b>	<b>(69.2)</b>	<b>(96.2)</b>	<b>(119.0)</b>	<b>(138.4)</b>	<b>(138.4)</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other 1050 PFD Funds	(37.3)	(69.2)	(96.2)	(119.0)	(138.4)	(138.4)
<b>TOTAL</b>	<b>(37.3)</b>	<b>(69.2)</b>	<b>(96.2)</b>	<b>(119.0)</b>	<b>(138.4)</b>	<b>(138.4)</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

PFD Hold Harmless payments replace ATAP benefits when receiving the dividend causes individuals to lose eligibility or have benefits reduced. The savings to the ATAP program provided for in this bill reduce costs in the ATAP component of the Public Assistance BRU. PFD Hold Harmless costs for ATAP benefits will decrease in direct proportion to the decreases produced by reductions in ATAP expenditures for each fiscal year.

Prepared by: Jim Nordlund, Director Phone: 465-2680  
 Division: Public Assistance Date: 02/03/97  
 Approved by Commissioner: Karen Perdue, Commissioner Date: 2/5/97  
 Agency: Department of Health & Social Services

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**ANALYSIS (cont.):**

**Assumptions:**

Legislation implemented July 1, 1997

PFD Hold Harmless costs for ATAP benefits will decrease in direct proportion to the decreases produced by this legislation.

**Calculations:**

FY 97	\$0.0
FY 98	(\$37.3)
FY99	(\$69.2)
FY00	(\$96.2)
FY01	(\$119.0)
FY02	(\$138.4)
FY03	(\$138.4)

FISCAL NOTE

No. 4

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

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

Revision Date: \_\_\_\_\_  
Title: An Act relating to the eligibility of aliens for state public assistance and medical assistance programs  
Sponsor: Rules Committee  
Requestor: Governor

Dept. Affected: Health and Social Services  
BRU: Public Assistance  
Component: Adult Public Assistance  
COMPONENT SERIAL NO. 222  
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	(156.0)	(304.2)	(444.6)	(577.2)	(705.9)	(705.9)
MISCELLANEOUS						
TOTAL OPERATING	(156.0)	(304.2)	(444.6)	(577.2)	(705.9)	(705.9)

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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FLND SOURCE

(Thousands of Dollars)

002 Federal Receipts						
003 GF Match						
004 GF	(156.0)	(304.2)	(444.6)	(577.2)	(705.9)	(705.9)
005 GF Program Receipts						
037 GF Mental Health						
Other 1007 I/A Receipts						
TOTAL	(156.0)	(304.2)	(444.6)	(577.2)	(705.9)	(705.9)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

This legislation provides that most legal immigrants who arrived in the U.S. before August 22, 1996 will remain eligible for Adult Public Assistance (APA) benefits. This legislation prohibits APA benefits to most legal immigrants who arrive on or after August 22, 1996 for five years from their date of arrival into the U.S. The program savings generated by this legislation represent caseload decreases due to attrition. These caseload decreases are not offset by newly eligible immigrants because most new immigrants are barred from program participation for five years after their date of entry.

*3/3/97*

Prepared by: Jim Nordlund, Director  
Division: Public Assistance/  
Approved by Commissioner: Karen Perdue, Commissioner  
Agency: Department of Health & Social Services

Phone: 465-2680  
Date: 02/03/97  
Date: 2/5/97

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**ANALYSIS (cont.):**

**Assumptions:**

Legislation implemented July 1, 1997

Caseload will decrease each year from FY98 to FY02 by 5 percent due to normal attrition.

Caseload remains constant after FY02 due to new immigrants becoming eligible after the five year bar.

**Calculations:**

Fiscal Year	# Persons Affected	Annual Savings
FY97	0	\$0.0
FY98	40	(\$156.0)
FY99	78	(\$304.2)
FY00	114	(\$444.6)
FY01	148	(\$577.2)
FY02	181	(\$705.9)
FY03	181	(\$705.9)

# FISCAL NOTE

No. 3  
 Bill Version: HB 153  
 (H) Publish Date: 2/24/97

STATE OF ALASKA  
 1997 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: An Act relating to eligibility of aliens for state Br:U: Public Assistance  
public assistance and medical assistance programs Component: ATAP  
 Sponsor: Rules Committee COMPONENT SERIAL NO. 220  
 Requestor: 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	(405.9)	(752.4)	(1,046.1)	(1,293.6)	(1,504.8)	(1,504.8)
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>(405.9)</b>	<b>(752.4)</b>	<b>(1,046.1)</b>	<b>(1,293.6)</b>	<b>(1,504.8)</b>	<b>(1,504.8)</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	(368.6)	(683.2)	(949.9)	(1,174.6)	(1,366.4)	(1,366.4)
1005 GF Program Receipts						
1037 GF/Mental Health						
Other 1007 I/A Receipts	(37.3)	(69.2)	(96.2)	(119.0)	(138.4)	(138.4)
<b>TOTAL</b>	<b>(405.9)</b>	<b>(752.4)</b>	<b>(1,046.1)</b>	<b>(1,293.6)</b>	<b>(1,504.8)</b>	<b>(1,504.8)</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

**ANALYSIS:** (Attach a separate page if necessary)

This legislation provides that most legal immigrants who arrived in the U.S. before August 22, 1996 will remain eligible for Alaska Temporary Assistance (ATAP) benefits. This legislation prohibits ATAP benefits to most legal immigrants who arrive on or after August 22, 1996 for five years from their date of arrival into the U.S. The program savings generated by this legislation represent caseload decreases due to attrition. These caseload decreases are not offset by newly eligible immigrants because most new immigrants are barred from program participation for five years after their date of entry.

*5/23/97*
 Prepared by: Jim Nordlund, Director Phone: 465-2680  
 Division: Public Assistance Date: 02/03/97  
 Approved by Commissioner: Karen Perdue, Commissioner Date: 2/5/97  
 Agency: Department of Health & Social Services

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**ANALYSIS (cont.):****Assumptions:**

Legislation implemented July 1, 1997

Caseload will decrease each year from FY98 to FY02 by 15 percent due to normal attrition.

Caseload remains constant after FY02 due to new immigrants becoming eligible after the five-year bar.

**Calculations:**

Fiscal Year	# Persons Affected	Annual Savings
FY97	0	\$0.0
FY98	123	(\$405.9)
FY99	228	(\$752.4)
FY00	317	(\$1,046.1)
FY01	392	(\$1,293.6)
FY02	456	(\$1,504.8)
FY03	456	(\$1,504.8)

# FISCAL NOTE

No. 2  
 Bill Version: HB 153  
 (H) Publish Date: 2/24/97

STATE OF ALASKA  
 1997 LEGISLATIVE SESSION

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

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

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME						
PART-TIME						
TEMPORARY						

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

**ANALYSIS:** (Attach a separate page if necessary)

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

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

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

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

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**ANALYSIS (cont.):**

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

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

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

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

Discontinuing Medicaid Coverage of Qualified Aliens  
(thousands of dollars)

	<u>Total Funds</u>	<u>General Funds</u>
FY 96 Medicaid - Aliens	\$ 5,171.3	\$ 2,585.7
Mandatory Coverage - Aliens	\$ 972.6	\$ 486.3
Emergency Coverage - Aliens	<u>\$ 837.5</u>	<u>\$ 418.9</u>
Net Savings to Medicaid	\$ 3,361.2	\$ 1,680.6
Cost Shift to GRM	<u>\$ 921.9</u>	<u>\$ 921.9</u>
Annual Reduction in Spending	<u>\$ 2,439.3</u>	<u>\$ 758.7</u>
First Year Reduction (one-half year)	\$ 1,219.7	\$ 379.4

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

**FISCAL NOTE**

NO. \_\_\_\_\_  
 Bill Version HB 153  
 (H) Publish Date: 2/24/97

**STATE OF ALASKA  
 1997 LEGISLATIVE SESSION**

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: An Act relating to the eligibility of aliens for state public  
assistance and medical assistance programs affected by federal welfare ... BRU: Medical Assistance  
 Sponsor: Rules Committee Component: Medicaid Facilities  
 Requestor: Governor COMPONENT SERIAL NO. 230  
 See also (SN#): 229

**Expenditures/Revenues:** (Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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**FUND SOURCE** (Thousands of Dollars)

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

**ANALYSIS:** (Attach a separate page if necessary)

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

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

Prepared by: Jon Sherwood *BS*  
 Division: Division of Medical Assistance  
 Phone: 465-3355  
 Date: 02/03/97

Approved by Commissioner: Karen Perdue, Commissioner  
 Agency: Department of Health & Social Services  
 Date: 2/5/97

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**ANALYSIS (cont.):**

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

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

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

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

**Discontinuing Medicaid Coverage of Qualified Aliens**  
(thousands of dollars)

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

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

# SENATE COMMITTEE REPORT

DATE: 5/1/97

FURTHER: Finance

DATE TURNED  
IN TO OFFICE: 5/2/97

Judiciary Committee considered

CS FOR HOUSE BILL NO. 153(FIN)

"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."

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>Mike Miller</i>	✓				
<i>Jim Karpis</i>	✓				
<i>Greg Ellis</i>	✓				
<b>CHAIR:</b> <i>Christ. Taylor</i>		<b>CHAIR:</b>	✓		

**NEW FISCAL NOTE(S):**

Department                      Date      Zero      Fiscal


**PREVIOUS FISCAL NOTE(S):\***

Department                      Date      Zero      Fiscal


APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

INTERNET ADDRESS:  
acoa@admin.state.ak.us



P.O. BOX 110209  
JUNEAU, AK 99811-0209  
(907) 465-3250  
FAX: 465-4716

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## Alaska Commission on Aging

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### RESOLUTION 97-6

*In support of providing medical and public assistance to legal immigrants*

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

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

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

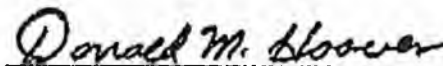
**WHEREAS**, legal immigrants who arrived in this country before the enactment of welfare reform could lose their eligibility for Medicaid without legislation; and

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

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

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

Adopted this 4th day of March, 1997.

  
Don Hoover, Chair



# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Senate Judiciary  
 Committee on Senate Bill 102 Committee Name Dated 4-30-97  
Bill / Subject

I urge you to take favorable action on SB 102 and companion HB 153 if and when it reaches you. This keeps in place the eligibility rules for elderly and disabled assistance and Medicaid, for legal immigrants who entered the U.S. before August 1996.

These are legal immigrants who ~~propose~~ <sup>followed</sup> the rules to get here. We should not change the rules retroactively.

Congress, although disallowing SSI, has given its approval to states to continue cash assistance and Medicaid. and as I understand it, the U.S. will pay its share of the Medicaid costs if ~~the~~ state so chooses for this group. We should hold Congress to this commitment.

Those potentially eligible are a relatively small group, and a closed group, which will shrink rather than grow over time.

As a matter of fundamental fairness I ask you to act favorably. Thank you for this opportunity.

SIGNED: Arthur King  
 Testifier

Representing  
4624 Stead Done Fairbanks AK 99709  
 Address / Phone Number

# ALASKA STATE LEGISLATURE



Sen. Robin Taylor, Chair  
Sen. Drue Pearce, Vice Chair  
Sen. Mike Miller  
Sen. Sean Parnell  
Sen. Johnny Ellis

State Capitol  
Juneau, AK 99801-1182  
(907) 465-3717  
Fax: (907) 465-3922

## Senate Judiciary Committee

### MEMORANDUM

**TO:** Senator Taylor, Chairman  
Senator Pearce, Vice Chairman  
Senator Miller  
Senator Parnell  
Senator Ellis

**FROM:** Laura Chase, Committee Aide *Laura Chase*

**DATE:** May 2, 1997

**RE:** FYI-- HB 153 Packet Information

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Elmer Lindstrom has requested that the same information included as back-up for SB 102 be used in support of HB 153.

# STATE OF ALASKA

## DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

P.O. BOX 110601  
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April 14, 1997

Honorable Robin Taylor  
Chairman  
Senate Judiciary Committee  
State Capitol  
Juneau, AK 99801-1182

Dear Senator Taylor,

The Department of Health and Social Services respectfully requests a hearing in the Senate Judiciary 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."

Senate Bill 102 moved from the Senate Health, Education and Social Services Committee this past week.

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

TONY KNOWLES  
GOVERNOR

P O Box 110001  
Juneau, Alaska 99811 0001  
(907) 465-3500  
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STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 24, 1997

102 ✓

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

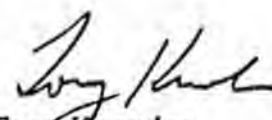
Dear President Miller:

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

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

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

Sincerely,

  
Tony Knowles  
Governor

# SENATE COMMITTEE REPORT

## First Committee of Referrals

DATE: 2/24/97

FURTHER: Judiciary  
Finance

Date of 5-Day Notice: 3/6/97  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 4/11/97

HESS Committee considered SENATE BILL NO. 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."

and recommends:

- per F + P 12w*
- 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>[Signature]</i>	✓		
		<i>[Signature]</i>	✓		
		<i>[Signature]</i>	✓		
CHAIR: <i>[Signature]</i>	✓	CHAIR:			

NEW FISCAL NOTE(S): Fiscal Notes accompanying Governor's bill				PREVIOUS FISCAL NOTE(S):*			
Department	Date	Zero	Fiscal	Department	Date	Zero	Fiscal
H+SS - Med. Assistance	2/5/97	✓		→			
H+SS - Med. Assistance	2/5/97	✓		→			
H+SS - Public Assistance	2/5/97		✓	→			
H+SS - Public Assistance	2/5/97		✓	→			
H+SS - Public Assistance	2/5/97		✓	→			

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

Previous Committee  
Report(s)



# Welfare Reform Briefing Paper

Division of Public Assistance

State of Alaska  
Tony Knowles, Governor



## Immigrants

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

### Changes in Federal Law

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#### Qualified Aliens

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

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

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

#### Program Changes

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

## Welfare Reform Briefing Paper – Immigrants

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

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

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

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

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

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

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

## Alaska Status

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### Policy Choices

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

## Welfare Reform Briefing Paper — Immigrants

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

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

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

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

### Impacts to Alaskans

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

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

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

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

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

## Welfare Reform Briefing Paper — Immigrants

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

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

### Key Issues

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

### Key Dates

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

### Additional Information

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

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

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

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

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

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

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

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

**Programs**

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

**Heritage**

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

**Time on Assistance**

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

**SSI Status:**

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

**Alien status:**

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

**Sex:**

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

**Age:**

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

**Type of Recipient:**

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

**Community of Residence:**

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

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

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

**Individual Impacts on Legal Immigrants**

**Benefits for Blind/Disabled/Elderly**

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

**Benefits for Children & Families**

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

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

## 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. . .
<b><u>With Bill</u></b>						
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
<b>Net Effect</b>	<b>(524.6)</b>	<b>(987.4)</b>	<b>(1,396.5)</b>	<b>(1,751.8)</b>	<b>(2,072.3)</b>	<b>Savings</b>
<b><u>Without Bill</u></b>						
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
<b>Net Effect</b>	<b>(176.3)</b>	<b>(226.5)</b>	<b>84.2</b>	<b>379.9</b>	<b>666.1</b>	<b>Cost after FY99</b>

## 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. . .
<b><u>With Bill</u></b>						
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
<b>Net Effect</b>	<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
<b><u>Without Bill</u></b>						
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
<b>Net Effect</b>	<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

## 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.

**Five Year Bar to Medicaid for New Legal Immigrants  
Impact on Medicaid of Incremental Caseload Reduction  
FY 98**

Federal welfare reform prevents most legal immigrants who arrived in the U.S. after August 22, 1996, from receiving regular Medicaid benefits for 5 years. Over time, this may reduce the Medicaid caseload as people going off Medicaid are not replaced by new arrivals.

These new arrivals remain eligible for Medicaid coverage of emergency medical services and some may qualify for General Relief Medical coverage of limited medical services. So, while legal immigrants leaving the regular Medicaid program are not replaced by newly arrived legal immigrants on regular Medicaid, they are replaced by an increased number of newly arrived immigrants receiving Medicaid for emergency medical services or receiving GRM coverage.

**The average per person GF reduction from removing legal immigrants from the regular Medicaid caseload is approximately \$500, accounting for the cost shift to emergency coverage and GRM. (Fiscal note for HB 153 estimates an annual GF reduction of \$758,700, based on a reduction of approximately 1530 immigrants.)**

The Division of Public Assistance estimates caseload attrition of 163 people in FY 98. Allowing for another 40 people for attrition of Medicaid-only clients, total FY 98 attrition in Medicaid would be 203. Total Annual GF reduction in for Medicaid/GRM for 203 people is \$101,500. Assuming that the attrition occurred throughout FY 98, the average length of time these people would be off the caseload is six months. Therefore, the net GF reduction in Medical Assistance for FY 98 would be \$50,750.

A number of factors could reduce this impact, especially in FY 98:

Because of transitional Medicaid benefits, recipients may not leave the Medicaid caseload as quickly as they leave the cash assistance program.

Recipients with substantial medical expenses (above average costs) may be less likely to leave the caseload than recipients with fewer medical needs (below average costs).

Because payments for Medicaid services can be made up to six months after the services are provided, reductions in caseloads may not result in immediate, equivalent reductions in Medicaid expenditures.

In summary, there may be some incremental reduction in Medical Assistance spending in FY 98 as a result of federal restrictions on coverage of immigrants. However, this reduction is small, uncertain, and is within the limits accounted for by the Department's low-growth budget assumptions for Medical Assistance.

Legal Aliens

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

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

**HB**

**163**

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. HB 163

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to designating gamma-Hydroxybutyrate as a schedule IVA controlled substance"  
 Sponsor: Representative Vezey  
 Requestor: (H) JUD

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						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ( )	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

**FUND SOURCE:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	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.)

The bill makes gamma-Hydroxybutyrate a schedule IVA controlled substance and could result in charges ranging in offense level from a class B felony down to an A misdemeanor. The Department of Law has not been made aware of any such cases in Alaska.

Prepared by: Barbara V. Brink, Director Phone: (907) 264-4414  
 Division: Public Defender Agency Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer Date: 4/22/97  
 Agency: Department of Administration

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1997 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: Gamma-Hydroxybutyrate as Controlled DPS Statewide Support  
 Substance \_\_\_\_\_ Component: Commissioner's Office  
 Sponsor: Representative Vezey  
 Requestor: H. Judiciary COMPONENT SERIAL NO. 0523

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						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ( )	-0-	-0-	-0-	-0-	-0-	-0-
Code Revenue						

FUNDING: (Thousands of Dollars)

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

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.)  
 No fiscal impact is anticipated to the Department of Public Safety

Prepared By: Sandy Perry-Provost, Special Assistant to the Commissioner Phone: 465-4322  
 Division: Commissioner's Office Date: 2/22/97  
 Approved by Commissioner: Ronald L. Otte Date: 4/22/97  
 Agency: Ronald L. Otte, Dept. of Public Safety

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Official Business

Representative Al Vezey

## HB 163

### CLASSIFYING GAMMA HYDROXYBUTYRATE AS A CONTROLLED SUBSTANCE

*Gamma Hydroxybutyrate* (GHB), is known by street names that include Liquid E, Liquid X, GBH, Gib, liquid ecstasy, Scoop, Georgia Home Boy, Natural Sleep-500, and Oxy-sleep. is one of the many "date rape" drugs being used in the United States. Illegal use of the drug is on the increase in the United States and passed illegal drug use trends indicate that Alaska will soon be confronted with GHB's effects. Currently, GHB is not scheduled as a controlled substance in Alaska.

GHB depresses the respiratory system and reduces the amount of oxygen the brain receives, resulting in unconsciousness and loss of memory. As is the case with Rohypnol, victims of drug induced rape through use of GHB can not identify their victims and conviction is difficult and rare. This bill further send the message that we will not tolerate in our society those who would perpetrate sexual abuse.

According to James Tolliver of DEA's Seattle office, the major problem with GHB is this drug is exclusively made in home laboratories. He said home brewers mix the chemicals into a milky paste which they let sit. After a while the liquid separates from the powder. If the compound sits longer, the liquid evaporates and the producer has a powder material. The powdery salt dissolve instantly when added to liquid. The drug is odorless and nearly tasteless so is virtuously undetectable in a drink.

Until the drug was banned by FDA, bodybuilders used it as a "soft drug" steroid to build muscles and enhance performance.

Orphan Medical is currently going through the FDA process to get approval to use **Xyrem**, a trademark name for gamma hydroxybutyrate in powder form, for Narcolepsy treatment.

California passed legislation on February 25, 1997 that classifies the drug as a Schedule IV Controlled Substance.

# Alaska State Legislature

## News From The House Majority

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### House Targets Another 'Date Rape' Drug For Felony Status

For Immediate Release: May 2, 1997

Contact: Rep. Al Vezey (907) 465-3719

**JUNEAU** - Targeting drugs used in conjunction with sexual assault, the House of Representative Friday unanimously passed a measure which makes the use and possession of the "date rape" drug Gamma Hydroxybutyrate (GHB), a controlled substance and possession a felony.

Representative Al Vezey (D-Fairbanks), sponsor of HB 163 which outlaws GHB, said the drug is known by street names that include Liquid E, Liquid X, GBH, Gib, liquid ecstasy, Scoop, Georgia Home Boy, Natural Sleep-500, and Oxy-sleep.

Rep. Vezey said it is one of the many date rape drugs being used in the United States. The Legislature recently passed HB 69, which classifies Flunitrazepam, also known as Rohypnol, as a controlled substance and makes possession of that drug a felony.

Vezey said the illegal use of GHB is also on the increase in the United States and past illegal drug use trends indicate that Alaska will soon be confronted with the increased use of GHB's, just as Rohypnol use has recently been confirmed in Alaska. Currently, GHB is not scheduled as a controlled substance in Alaska or by the Federal government. The Drug Enforcement Agency is currently working to schedule GHB as a controlled substance under federal law.

GHB depresses the respiratory system and reduces the amount of oxygen the brain receives, resulting in unconsciousness.

"As is the case with Rohypnol, victims of drug induced rape through use of GHB can not identify their victims and conviction is difficult and rare. This bill further sends the message that we will not tolerate those in our society who would perpetrate drug induced sexual assault," said Vezey.

According to James Tolliver of the DEA's Seattle office, the major problem with GHB is this drug is exclusively made in home laboratories. The drug is odorless and nearly tasteless so it is virtuously undetectable in a drink.

DEPARTMENT OF JUSTICE  
DRUG ENFORCEMENT ADMINISTRATION

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April 4, 1997 / Vol. 45 / No. 13

# MMWR

MORBIDITY AND MORTALITY WEEKLY REPORT

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- 293 Pregnancy-Related Behaviors Among Migrant Farm Workers — Four States, 1989–1993
- 296 Resources and Priorities for Chronic Disease Prevention and Control, 1994
- 298 Hepatitis A Associated with Consumption of Frozen Strawberries — Michigan, March 1997

## Gamma Hydroxy Butyrate Use — New York and Texas, 1995–1996

Gamma hydroxy butyrate (GHB) is a central nervous system depressant approved as an anesthetic in some countries; however, with the exception of investigational research, it is not approved for any use in the United States. Primary groups using GHB include party and nightclub attendees and bodybuilders. In addition, GHB is one of several agents characterized as a "date rape" drug. During August 1995–September 1996, poison control centers in New York and Texas received reports of 69 acute poisonings and one death attributed to ingestion of GHB. This report describes two cases and summarizes the investigations of GHB use in Texas and New York. The findings of these investigations underscore the health hazards associated with use of GHB.

### Texas

At 12:30 p.m. on August 5, 1996, a 17-year-old girl with no previous history of drug or alcohol use was admitted to an emergency department (ED) because of cardiac arrest with cardiopulmonary resuscitation in progress. She was pronounced dead at 12:40 p.m. On the night of August 4, she had been at a local dance club, where she was reported to have ingested soft drinks. An autopsy was performed; multiple toxicologic screens of blood and bile samples did not detect alcohol or other drugs. However, on September 13, a test on previously obtained serum detected a serum level of 27 mg/L of GHB.

From November 14, 1995, through September 30, 1996, the Texas Department of Health received reports of 57 persons who had adverse health effects attributed to ingestion of GHB, including the one death described in this report. Of the 57 reports, 30 were received from the Dallas Poison Control Center, and 26 were received from the Galveston Poison Control Center. The death was reported by the Assistant Medical Examiner in Harris County, who listed the death as a homicide as the result of GHB toxicity. Of the 56 reports from the poison control centers, 34 involved males; 10 reports involved teenagers aged 16–18 years. Nineteen persons were treated in and released from hospital EDs, and 25 were admitted to intensive-care units with severe clinical symptoms, including coma (15), respiratory depression (three), and agitation (one); six required intubation. Of the 56 reports, 12 included ingestion of both alcohol and GHB, and three included the use of GHB with other drugs.

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES / Public Health Service

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MMWR

April 4, 1987

*Gamma Hydroxy Butyrate Use — Continued***New York**

On October 30, 1996, a 20-year-old man who was unresponsive after several episodes of vomiting was taken to an ED 2½ hours after ingesting a mixture of GHB and sodium hydroxide. He was intubated and admitted to the intensive-care unit, where a bronchoscopy indicated friable lung tissue that was attributed to aspiration of gastric contents containing sodium hydroxide. He developed bilateral pneumothoraces and had generalized seizures and was transferred to a third hospital for possible extracorporeal membrane oxygen therapy and lung transplant. However, his condition improved, and he was extubated and placed on supportive care and recovered.

During August 27, 1995–October 30, 1996, the Long Island Regional Poison Control Center received reports of 13 persons with exposure to GHB. All 13 were evaluated in hospital EDs. Four of the 13 also consumed ethanol. All five persons initially had altered mental status, including coma (three), stupor (one), and inebriation (one). Eight of the 13 persons had prepared GHB at home using sodium hydroxide and butyrolactone; of the eight, three required admission to a hospital.

*Reported by: J Carter, DO, H Mofenson, MD, T Caraccio, PharmD, Long Island Regional Poison Control Center, Winthrop-Univ Hospital, New York; P Smith, MD, State Epidemiologist, D Morse, MD, New York State Dept of Health, C Keys, MD, L Williams, Poison Center Network, Div of Emergency Medicine, Univ of Texas Southwestern School of Medicine, Dallas; G Coady, Drug and Medical Devices Div, Bur of Food and Drug Safety, Texas Dept of Health, Office of Diversion Control, Drug Enforcement Administration, Environmental Hazards Epidemiology Section, Health Studies Br, Div of Environmental Hazards and Health Effects, National Center for Environmental Health, CDC.*

**Editorial Note:** GHB increases dopamine levels in the brain and has effects through the endogenous opioid system; most GHB is excreted during the first hours after ingestion (1). Manifestations of acute GHB toxicity include coma, seizures, respiratory depression, and vomiting. Other documented effects of GHB include amnesia and hypotonia (associated with doses of 10 mg/kg body weight); a normal sequence of rapid eye movement (REM) and non-REM sleep (doses of 20–30 mg/kg body weight); and anesthesia (doses of approximately 50 mg/kg body weight). Doses of >50 mg/kg body weight can decrease cardiac output and produce severe respiratory depression, seizure-like activity, and coma (2); coma and respiratory depression may be potentiated by concomitant use of alcohol (3). There is no antidote for GHB overdose, and treatment is restricted to nonspecific supportive care. Patients in New York and Texas have required ED care; many of those hospitalized have required ventilatory support and intensive care.

In the United States, GHB has been produced clandestinely in widely varying degrees of purity. GHB has been marketed as a liquid or powder and has been sold on the street under names such as "Grievous Bodily Harm," "Georgia Home Boy," "Liquid Ecstasy," "Liquid X," "Liquid E," "GHB," "GBH," "Soap," "Scoop," "Easy Lay," "Salty Water," "G-Riffick," "Cherry Menth," and "Organic Quaalude." Improper preparation of GHB can result in a mixture of GHB and sodium hydroxide that can be severely toxic because of the combined effects of the GHB and the direct caustic effects of sodium hydroxide.

In Dallas, GHB use has been associated with events at which several persons have been found comatose. Some persons who have sustained adverse effects of GHB have reported being given the drug surreptitiously (e.g., having it slipped into their drink), while others have admitted to intentional use. The Drug Enforcement

*Gamma Hydroxy Butyrate Use — Continued*

Administration (DEA) is examining the distribution and abuse of GHB in the United States; although distribution has been documented in 27 states, GHB use is highly prevalent in California, Florida, Georgia, and Texas.

In the United States, GHB is under specific Food and Drug Administration exemptions for investigational research protocols for the treatment of narcolepsy. Although possession of GHB is not illegal under federal law, its manufacture and sale is prohibited under the Food, Drug, and Cosmetic Act. In Georgia and Rhode Island, state controlled substances acts have classified GHB into Schedule I<sup>1</sup>, and other states are considering similar action. In addition, the DEA is gathering information and considering a scheduling review for possible control of GHB under the Federal Controlled Substances Act<sup>2</sup>. Public health officials should report episodes of adverse effects of GHB use to DEA, telephone (202) 307-7183.

*References*

1. Vayer P, Mandel P, Maltre M. Gamma-hydroxy butyrate, a possible neurotransmitter. *Life Sci* 1987;41:1547-57.
2. CDC. Multistate outbreak of poisonings associated with illicit use of gamma hydroxy butyrate. *MMWR* 1990;39:881-3.
3. Mamelek M. Gammahydroxybutyrate: an endogenous regulator of energy metabolism. *Neurosci Biobehav Rev* 1989;13:187-98.

<sup>1</sup>Drugs that do not have currently accepted medical use in the United States, have a high abuse potential, and are not proven to be safe under medical supervision.

<sup>2</sup>Public Law no. 91-513.

#### **Pregnancy-Related Behaviors Among Migrant Farm Workers — Four States, 1989-1993**

The U.S. workforce includes an estimated 3-5 million migrant and seasonal farm workers (1,2); approximately 10% of migrant farm workers are women (R. Mines, U.S. Department of Labor, personal communication, 1997). Early enrollment in prenatal care and proper weight gain during pregnancy can reduce the risk for poor birth outcomes (1-4). To characterize pregnancy-related behaviors and outcomes among migrant farm workers, CDC analyzed data for 1989-1993 on prenatal-care use, weight gain during pregnancy, and birth outcomes among migrant farm workers enrolled in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) in four states participating in CDC's Pregnancy Nutrition Surveillance System (PNSS). This report presents the results of that analysis, which indicate that the goals of the national health objectives for the year 2000 for pregnant migrant women enrolled in WIC have not been met.

The PNSS collects prenatal and postpartum information about women and their infants who are enrolled in publicly funded health, nutrition, and food-assistance programs. For this report, PNSS data from four states were compared for two groups of pregnant women enrolled in WIC programs: women who were classified as migrants (n=4840) and those who were not (n=610,728). A migrant farm worker was defined as a person whose primary employment is in agriculture on a seasonal basis, who has been employed within the previous 24 months, and who establishes, for the purposes of such employment, a temporary abode in the United States (5).

Overall, migrants were more likely than nonmigrants to be of Hispanic origin, younger, and married and were less likely to have attained a high school education

**GAMMA-HYDROXYBUTYRATE (GHB)**

James M. Tolliver, Ph.D.  
Pharmacologist  
Drug and Chemical Evaluation Section  
Office of Diversion Control  
Drug Enforcement Administration  
March 27, 1997

**Other Names:** Sodium Oxybate, 4-Hydroxybutanoic acid monosodium salt.

**Pharmacological Effects of GHB:**

Naturally occurring metabolite in mammalian tissues.  
Depression of the Central Nervous System (CNS) --> Sedation, Sleep  
1 to 3 Grams ----> Sleep  
Greater than 3 to 4 Grams ----> Anesthesia  
Promotes release of growth hormone from pituitary gland.  
Convulsions  
Production of a trance-like state.  
Used as an animal model for petit mal epilepsy.  
Euphoria  
Potentiates CNS Effects of Alcohol and Other Depressants

**Clinical Uses of GHB**

**Anesthetic Adjunct**  
Approved for this use in some countries, but not U.S.

**Narcolepsy**  
Not yet approved for this use in any country.  
Under experimental study, using an FDA protocol in the United States.  
Investigational New Drug Application from the FDA exist on the drug.  
Specifically to treat nighttime sleep disruption in narcoleptics.

**Alcohol Withdrawal**  
Not an approved use in any country.  
Experimental use only.

**Heroin Withdrawal**  
Not an approved use in any country.  
Experimental use only.

### Marketing Status of GHB

Has never been approved by the Food and Drug Administration (FDA) for medical use in the United States.  
Is currently under development by the drug company, Orphan Medical Inc., for the treatment of narcolepsy in the U.S.  
Approval by FDA for medical use in the United States is expected in 2 to 3 years providing that there are no problems with the development process.  
Available in Tunisia, New Zealand, Netherlands, Morocco, Italy, French West Africa, France, Spain, Hungary and Germany as intravenous anesthetic.  
Trade Names in other countries: Alcover, Anetamin, Gamma-OH, Somsanit  
All are injectable solutions.

### Disposition of GHB in Body

Readily absorbed in gastrointestinal tract.  
Readily reaches the brain.  
Metabolized in liver to carbon dioxide and water.  
No active metabolites.  
Excreted in urine in largest amount within 2 to 5 hours after ingestion.  
Not detectable in biological fluids (blood, urine) after 12 hours following ingestion.

### Individuals Who Abuse GHB

Bodybuilders  
High School and College Students  
Rave Party Attendees  
Night Club Attendees  
Individuals Intent on Sexual Assault

### Reasons Cited for Abuse of GHB in the United States

Promotion of muscle growth via increases in endogenous growth hormone production.  
Used as sedative to come down off of stimulants (e.g. ephedrine).  
Achieve an intoxicated "high" (usually in combination with alcohol).  
Cheap substitute for ecstasy (MDMA).  
Mentally and physically incapacitate women for purposes of committing sexual assault.  
Promoted as nutritional supplement.  
Abused as aphrodisiac.

### Use of GHB to Commit Sexual Assault.

GHB is used to mentally and physically incapacitate potential sexual assault victims.

The DEA is aware of sexual assault cases involving flunitrazepam in Florida, California and Louisiana.

In at least two cases in Florida, GHB has been detected in the urine of sexual assault victims.

GHB should be looked for in the urine of potential sexual assault victims.

GHB will primarily be found in the first urine sample voided after the assault victim wakes up.

GHB is eliminated quickly and is not likely to be detectable by 12 hours post-administration.

### Forms of GHB on Street:

#### Liquid Form

Most common form encountered.

Usually clear.

Usually viscuous.

Has a salty taste.

Clandestinely made.

#### Powdered Material

Grainy

White to off-white (sand) colored.

Tends to take on water (hygroscopic).

Most likely primarily clandestinely produced.

At least one foreign source has been identified.

Not known how much if any GHB imported from foreign source.

Available from some chemical supply stores in powdered form.

#### Specific Formulations

Rarely found.

Has been found in capsule form.

### Street Names for GHB:

Grievous Bodily Harm (GBH)

Georgia Home Boy

Liquid Ecstasy

Liquid X

Liquid E

Liquid G

G

Soap

GHB

GBH

Scoop

Easy Lay

Salty Water

G-riffick

Cherry Meth

Organic Quaalude

**How is GHB Taken:**

Oral Administration Only.

Usually in quantities of 0.5 to 2 or 3 grams per dose.

Dose can vary considerably.

Liquid GHB

Taken either alone or in other drinks.

Primarily used in conjunction with alcohol consumption.

In Texas - 1 Bottle Cap full about every hour.

Powdered GHB

One to two spoonfuls at a time.

Dissolved in liquids such as water or alcohol beverages.

**Adverse Effects of GHB:**

Drowsiness	Reduced Muscle Tone (Hypotonia)
Dizziness	Reduced Blood Pressure (Hypotension)
Euphoria	Decreased Heart Rate (Bradycardia)
Reemergent Delirium with Hallucinations	Decreased Respiration Rate
Agitation	Seizures -
Restlessness	Absence Seizures
Delusions	Grand Mal Seizures
Headache	Amnesia
Nausea and Vomiting	Reduction or Loss of Gag Reflex
Enuresis	Abrupt Loss of Consciousness
Excessive Salivation	Coma
Sweating	DEATH
Reduced Body Temperature (Hypothermia)	(Primarily with other drugs)

Effects of GHB appear with an onset of about 15 minutes and last approximately 3 hours.

GHB potentiates the central nervous system (CNS) depressant effects of alcohol and other CNS depressants. Likewise, alcohol and other CNS depressants will potentiate the CNS depressant effects of alcohol.

Dependence can develop with prolonged use of the drug.

There have been numerous emergency room encounters with what is presumed to be GHB in many parts of the United States. Some of the states where GHB has been encountered in the emergency rooms are listed below.

California  
Florida  
Georgia  
Illinois  
Iowa  
Louisiana  
Massachusetts

Michigan  
Nebraska  
New York  
North Carolina  
Rhode Island  
Texas

**Deaths In Which GHB Was Found in Biological Fluids.** For these cases the DEA has received toxicology and/or autopsy reports from toxicology laboratories and medical examiners' offices. (The fact that GHB was detected in the biological fluids does not necessarily mean that GHB was the sole cause of death!)

May, 1993	Italy	42 Year-old heroin addict in which GHB, morphine and 6-monoacetylmorphine were found in various biological fluids and tissues. This case was reported in a 1996 issue of the Journal of Forensic Science.
March, 1995	Huntington Beach California	White, male, bodybuilder (34 years old) with GHB, ethanol and MDMA in blood.
October 1995	Omaha, Nebraska	White, female found with ethanol in in blood and GHB in urine.
January 1996	Walnut Creek, California	White, male (25 years old) with ethanol and GHB in blood.
March 1996	Charlotte, North Carolina	White male with ethanol and GHB in blood.
April, 1996	Killeen, Texas	White female with gamma-butyrolactone detected in blood.
May 11, 1996	Florida	White female 26 years old. (Details not releasible at this time)

August 1996	Ocean City, Maryland	Professional male wrestler found to have GHB, ephedrine, anabolic steroids and alcohol in his system.
August 1996	La Porte, Texas	Hispanic female (17 years old) found to have GHB but no other drugs in blood.
Sept. 1996	Pomona, California	White, Male (18 years old) found with ethanol and GHB in postmortem blood.
December 1996	Florida	White, male 30 years old. (Details cannot be released at this time.)
January 1997	Florida	White, male 25 years old. (Details cannot be released at this time.)

Foreign newspaper articles have reported on the GHB-related death of a 21 year old female in Stourbridge, West Midlands in Great Britain in March 1996. DEA has no confirmation of this case.

On February 18, 1997, the Food and Drug Administration (FDA) issued a warning that GHB could be deadly. According to the report, GHB is blamed for dozens of hospitalizations and at least three deaths. The FDA urged police, emergency rooms and coroners to begin aggressively testing for GHB when young people wind up in the emergency room with the symptoms produced by GHB.

It is becoming increasingly evident that the consumption of GHB in combination with sublethal doses of alcohol can result in death.

#### Source and Distribution of GHB Found on Street in U.S.

Primarily via clandestine laboratory synthesis.

Usually liquid is formed.

Need chemicals: Gamma-Butyrolactone, Sodium Hydroxide and Hydrochloric Acid, Buffer Solutions.

Very little diversion or smuggling of pharmaceutical and chemical grade GHB.

In Texas, bottle cap full of liquid GHB sold for \$10.00

In some states, liquid GHB sold by the drops dispensed from a medicine dropper for \$5.00 per several drops.

## Clandestine Synthesis of GHB

Conversion of gamma-butyrolactone with base to GHB.

One-Step Reaction

No special reactions conditions required.

Special chemical knowledge is not required.

Required chemicals are cheap and easy to obtain.

Synthesis has been described extensively on the Internet.

Chemicals Used:

Gamma-Butyrolactone

Sodium or Potassium Hydroxide

Ethanol (Ethyl Alcohol)

Acid - Hydrochloric and/or Sulfuric

PH Buffer Solutions

Chemical Equipment:

General Lab Equipment

Mixing Bowl

PH Meter or PH Paper

Hot Plate

Gamma-Butyrolactone (GBL) is the precursor for GHB. GBL cannot be used to make any controlled drugs. Finding GBL at a potential laboratory site indicates the presence of a GHB clandestine laboratory.

GBL is a liquid that can be purchased fairly cheaply from most chemical supply stores in large (kilogram) quantities. Sodium or potassium hydroxide is cheap and can be purchased in large (hundreds of grams or kilograms) quantities. Such large quantities allow for the synthesis of large (kilogram) quantities of GHB.

### States with Documented GHB Distribution As Determined From State and Local Forensic Laboratory Analysis of Submitted Exhibits:

Alabama

Arizona

California

Colorado

Florida

Georgia

Hawaii

Illinois

Kansas

Louisiana

Maryland

Michigan

Missouri

Nebraska

New Hampshire

New York

Ohio

Oklahoma

Rhode Island

South Carolina

Texas

Virginia

Wisconsin

Iowa

North Carolina

**Submission of GHB and GBL Exhibits to DEA Forensic Laboratories Over Period of August 1994 to February 1, 1997. (Information Collected From the DEA Stride System)**

26 Total Cases Involving 40 Total Exhibits.

Breakdown of Cases by Year

1994 - 2

1995 - 11

1996 - 12

Of 40 Total Exhibits

25 Exhibits were liquids.

14 Exhibits were powdered material

1 Exhibit was capsules each containing 1.14 grams GHB.

Distribution of Cases Among States

California	8
Illinois	3
Georgia	3
Louisiana	2
Florida	2
Texas	2
Michigan	2
Arizona	1
Rhode Island	1
Colorado	1
Massachusetts	1

Examination of DEA casefiles outside of the STRIDE system reveals additional cases involving GHB clandestine laboratories in Washington, North Carolina and Texas.

The DEA has several cases in which the clandestine synthesis of GHB was carried out in clandestine methamphetamine laboratories.

**Regulatory Control Actions**

Not presently scheduled under the federal Controlled Substances Act.

DEA is currently collecting the data to administratively place GHB under the Federal Controlled Substances Act.

In November, 1991, the FDA banned the sale of GHB in health food stores. It is a violation of the federal Food, Drug and Cosmetic Act to manufacture and sell GHB in the United States.

It is not necessarily illegal to be in possession of GHB for personal use only. Georgia and Rhode Island have placed GHB in Schedule I of their state's Controlled Substances Act.

March 20, 1997 Florida placed GHB permanently into Schedule II of state

Controlled Substances Act.  
Texas, Virginia, Hawaii, Louisiana, Michigan, Nebraska, Tennessee, and  
California are moving towards the scheduling of GHB under  
their state laws.

**Countries With GHB Abuse:**

United States  
England  
Spain  
Sweden  
Australia  
Italy  
Germany  
Netherlands

**HB**

**170**

# SENATE COMMITTEE REPORT

DATE: 2/5/98

FURTHER:

DATE TURNED IN TO OFFICE: 3-4-98

Judiciary Committee considered CS FOR HOUSE BILL NO. 170(HES)

"An Act relating to interference with the rights of physically and mentally challenged persons; and relating to service animals during their pre-training and training period."

and recommends:

- be replaced with SCS CSHB 170 (JUD) ~~SCS CS FOR CS FOR HOUSE BILL NO. 170 (JUD)~~
- 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 <u>DO PASS</u>	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>John Starnell</i>	<input checked="" type="checkbox"/>	<i>J. Sellers</i>			<input checked="" type="checkbox"/>
<i>John Starnell</i>					
CHAIR: <i>John L. Taylor</i>	<input checked="" type="checkbox"/>	CHAIR:			

**NEW FISCAL NOTE(S):**

Department                      Date      Zero      Fiscal


**PREVIOUS <sup>SENATE</sup> FISCAL NOTE(S):\***

Department                      Date      Zero      Fiscal

<i>#2 LAW/CRIM DIV.</i>	<i>2-5-98</i>	<input checked="" type="checkbox"/>	

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

BILL: HB 170 SHORT TITLE: SERVICE ANIMALS FOR PHYS/MENT. CHALLENGED  
BILL VERSION: CSHB 170 (HES)  
SPONSOR(S): REPRESENTATIVE(S) BRICE, Croft, Ryan; SENATOR(S) Wilken, Leman  
Taylor

CURRENT STATUS: (S) JUD

STATUS DATE: 02/05/98

TITLE: "An Act relating to interference with the rights of physically and  
mentally challenged persons; and relating to service animals during their  
pre-training and training period."

03/05/97	545	(H)	READ THE FIRST TIME - REFERRAL(S)
03/05/97	545	(H)	HES, JUDICIARY, FINANCE
04/02/97	907	(H)	HES RPT CS (HES) NT 2DP 3NR
04/02/97	908	(H)	DP: BUNDE, BRICE; NR: GREEN, VEZEY,
04/02/97	908	(H)	KEMPLEN
04/02/97	908	(H)	ZERO FISCAL NOTE (LAW)
05/06/97	1580	(H)	JUD REFERRAL WAIVED
05/07/97	1636	(H)	FIN REFERRAL WAIVED
05/08/97	1662	(H)	RULES TO CALENDAR 5/8/97
05/08/97	1662	(H)	READ THE SECOND TIME
05/08/97	1663	(H)	HES CS ADOPTED UNAN CONSENT
05/08/97	1663	(H)	ADVANCED TO THIRD READING UNAN CONSENT
05/08/97	1663	(H)	READ THE THIRD TIME CSHB 170 (HES)
05/08/97	1663	(H)	PASSED Y37 N1 A2
05/08/97	1702	(H)	COSPONSOR(S): CROFT, RYAN
05/08/97	1703	(H)	TRANSMITTED TO (S)
05/09/97	1889	(S)	READ THE FIRST TIME - REFERRAL(S)
05/09/97	1889	(S)	HES, JUDICIARY
01/23/98	2281	(S)	CROSS SPONSOR(S): WILKEN, LEMAN, TAYLOR
02/05/98	2405	(S)	HES RPT SCS 3DP 1NR SAME TITLE
02/05/98	2406	(S)	DP: LEMAN, ELLIS, WILKEN NR: GREEN
02/05/98	2406	(S)	ZERO FN TO SCS (LAW)
02/05/98	2406	(S)	REFERRED TO JUDICIARY

BILL: HB 170                    SHORT TITLE: SERVICE ANIMALS FOR PHYS/MENT. CHALLENGED  
BILL VERSION: CSHB 170 (HES)  
SPONSOR(S): REPRESENTATIVE(S) BRICE, Croft, Ryan; SENATOR(S) Wilken, Leman  
Taylor

CURRENT STATUS: (S) JUD

STATUS DATE: 02/05/98

TITLE: "An Act relating to interference with the rights of physically and mentally challenged persons; and relating to service animals during their pre-training and training period."

03/05/97	545	(H)	READ THE FIRST TIME - REFERRAL(S)
03/05/97	545	(H)	HES, JUDICIARY, FINANCE
04/02/97	907	(H)	HES RPT CS (HES) NT 2DP 3NR
04/02/97	908	(H)	DP: BUNDE, BRICE; NR: GREEN, VEZEY,
04/02/97	908	(H)	KEMPLEN
04/02/97	908	(H)	ZERO FISCAL NOTE (LAW)
05/06/97	1580	(H)	JUD REFERRAL WAIVED
05/07/97	1636	(H)	FIN REFERRAL WAIVED
05/08/97	1662	(H)	RULES TO CALENDAR 5/8/97
05/08/97	1662	(H)	READ THE SECOND TIME
05/08/97	1663	(H)	HES CS ADOPTED UNAN CONSENT
05/08/97	1663	(H)	ADVANCED TO THIRD READING UNAN CONSENT
05/08/97	1663	(H)	READ THE THIRD TIME CSHB 170 (HES)
05/08/97	1663	(H)	PASSED Y37 N1 A2
05/08/97	1702	(H)	COSPONSOR(S): CROFT, RYAN
05/08/97	1703	(H)	TRANSMITTED TO (S)
05/09/97	1889	(S)	READ THE FIRST TIME - REFERRAL(S)
05/09/97	1889	(S)	HES, JUDICIARY
01/23/98	2281	(S)	CROSS SPONSOR(S): WILKEN, LEMAN, TAYLOR
02/05/98	2405	(S)	HES RPT SCS 3DP 1NR            SAME TITLE
02/05/98	2406	(S)	DP: LEMAN, ELLIS, WILKEN    NR: GREEN
02/05/98	2406	(S)	ZERO FN TO SCS (LAW)
02/05/98	2406	(S)	REFERRED TO JUDICIARY



**Representative Tom Brice**  
**ALASKA STATE LEGISLATURE**

119 N. Cushman, Ste. 205  
Fairbanks, AK 99701  
907-456-7423 / Fax: 451-9293  
*While in Juneau*  
State Capitol  
Juneau, AK 99801-1182  
907-465-3466

**SPONSOR STATEMENT**

**HOUSE BILL 170**

**"AN ACT RELATING TO INTERFERENCE WITH THE RIGHTS OF  
PHYSICALLY AND MENTALLY CHALLENGED PERSONS; AND  
RELATING TO SERVICE ANIMALS DURING THEIR TRAINING  
PERIOD."**

Although the Americans with Disabilities Act (ADA) allows service animals into public establishments, too often young service animals are turned away from these establishments due to the existing law being arbitrary. HB 170 extends this law to include the young animals in training. Service animals perform functions and tasks that an individual with a disability cannot perform for her or himself. These young animals need the same exposure as trained service animals if they are expected to perform those tasks.



# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

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

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

## MEMORANDUM

January 27, 1998

**SUBJECT:** HB 170 (Service animals)

**TO:** Representative Tom Brice  
Attn: Joe Hayes

**FROM:** Terri Lauterbach  
Legislative Counsel

In your memorandum of January 23, 1998, you asked whether there would be enforcement problems involved if either of the following two amendments was added to HB 170:

(1) language that said all certified service animals and service-animals-in-training were to be identified by garments, bracelets, etc...;

(2) language that allowed individuals with disabilities, not affiliated with any organizations or groups, to be allowed access to facilities while training their own service animals for personal use.

With respect to proposed amendment (1), as long as the rest of the bill is retained (requiring reasonable evidence of being a person authorized to train service animals with "authorized" meaning employed by a school, agency, or other facility that trains service animals), I see no enforcement problems, but it does leave me with questions. Who would determine what the special identification would be? Do you intend that the identification would be specified in statute? Are you sure that one type would work for all service animals?

With respect to proposed amendment (2), I can foresee difficulties unless there is some way to certify or verify that the animal is being trained for use by the disabled person and is not simply a pet. Dropping the association with certified training schools would seem to me to leave it open for anyone to claim that a pet should be allowed to accompany him/her into a restaurant or other facility because they can argue that they are training the animal. Unless there is a physician's or state agency's certification that the person is disabled and/or a training organization's certification of either the person as a trainer or of the animal as an animal-in-training, I'm not sure how a facility is supposed to keep anyone from bringing an animal into the facility without risking a violation of the law.

Please let me know if I can be of further assistance.

TML:glc  
98-037.glc



**Representative Tom Brice**  
**ALASKA STATE LEGISLATURE**

119 N. Cushman, Ste. 205  
Fairbanks, AK 99701  
907-456-7423 / Fax: 451-9293  
*While in Juneau*  
State Capitol  
Juneau, AK 99801-1182  
907-465-3466

Memorandum

Date: February 12, 1998  
To: Senator Robin Taylor  
Chairman, Senate Judicial Committee  
From: Representative Tom Brice *TB*  
RE: Amendments to HB 170

I have included amendments made in Senate HESS and an explanation of what the amendment accomplishes:

Amendment 1. P2 line 23 delete places add facilities. Amendment Changes the bill from all public places to government property.

Amendment 2. P2 line 25 delete places add facilities. Same as above.

Amendment 3. P2 lines 30-31 New Language - intended to give managers authorization to remove disruptive service animals in training and their trainers.

Amendment 4. P3 lines 1-5 New Language - addressing the same issue as lines 30-31. Further clarification on what circumstances would warrant removal.

Amendment 5. P3 lines 9-11 New definition to clarify identification for being an in training service animal.

Amendment 6. P3 lines 16-19 New definition on what constitutes a public facility.

Amendment 7. P3 line 20 delete class B misdemeanor add violation.



# FISCAL NOTE

No. 2  
 Bill Version: SCS CSHB 170 (HES)  
 (S) Publish Date: 2-5-98

STATE OF ALASKA  
 1998 LEGISLATIVE SESSION

Revision Date (Note if correction) _____	Dept. Affected <u>Law</u>
Title <u>"An Act relating to interference with the rights</u>	BRU <u>Criminal Division</u>
<u>of physically and mentally challenged persons: ...</u>	Component <u>Criminal Division</u>
Sponsor <u>Representative Brice</u>	<u>1st-4th Jud Dist; OSPA</u>
Requester <u>Senate HESS Committee</u>	Component Serial No. <u>2198-99/2261/79/01/03</u>

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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 (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY98) cost: 0.0

POSITIONS	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Full-time	0	0	0	0	0	0
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*

CSHB 170 (HES) changes references to a physically or mentally "disabled" person to a physically or mentally "challenged" person in AS 11.76.130 relating to the interference with the rights of those persons. The committee substitute also adds mentally challenged persons to those individuals who may be accompanied or assisted by a service animal, without extra charge for the service animal, in a common carrier, place of accommodation, or other place where the general public is invited. Further, CSHB 170 (HES) adds a new section to AS 11.76 creating the crime of interference with the training of a service animal, with the penalty a class B misdemeanor.

Passage of this bill is not anticipated to have a fiscal impact on the Department of Law.

Prepared by <u>Joan M. Kasson</u>	Phone <u>465-5370</u>
Division <u>Attorney General's Office</u>	Date <u>1/28/98</u>
Approved by Commissioner <u>Bruce M. Botelho</u> , Attorney General	Date <u>1/28/98</u>
Agency <u>Department of Law</u>	

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# FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. CS HB 170 (HES)

Revision Date (Note if correction)	Dept. Affected	Law
Title	BRU	Criminal Division
of physically and mentally challenged persons.	Component	Criminal Division
Sponsor	Representative Brice	1st-4th Jud Dist. OSPA
Requester	Senate HESS Committee	Component Serial No 2198-99/2261/79/01/03

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

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

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

**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: 0.0

**POSITIONS**

POSITIONS	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Full-time	0	0	0	0	0	0
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*

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Approved by Commissioner <u>Bruce M. Bateha</u> Attorney General	Date <u>1/28/98</u>
Agency <u>Department of Law</u>	

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## Man's best friend sparks political battle

by David Washburn  
Senior Voice contributing  
editor

Ruby Schmidbauer probably wouldn't have guessed when she agreed to raise a pup for a service dog program that the dog would lead her into a political battle.

But when a manager refused to let her take the dog into his restaurant, Schmidbauer joined with other Alaskans in a call for new laws to allow access to public places for dogs being trained for "seeing eye" and other types of work for the disabled.

Schmidbauer and her husband, Paul, received their pup, a golden retriever named Yukon, through a 411 program that places puppies in Alaskan homes. Volunteers in the program raise the pups until they are 18 months old, following specific guidelines to prepare them for training as service dogs. The volunteers pay all the costs of raising the dog, and must sign a contract stating they will return the dog when it is of age.

The program gets the puppies from Guide Dogs of the Desert, a Palm Springs, California, dog training school. Volunteers get the puppies when they are eight to 10 weeks old, and when the dogs are 18 months old, they are returned to the school.



Ruby Schmidbauer and husband, Paul, with Yukon

Their health and behavior is evaluated to determine whether they are suitable for the specialized training required for service work. When training is finished, the school places the dogs with disabled owners.

Because standards are so exacting, only about half of the dogs actually become working service dogs, Schmidbauer said. "They claim that by the

time these dogs are trained, they're worth \$25,000."

Schmidbauer said Yukon immediately became part of the family.

"We hadn't had a dog for 15 years," she said.

"Since he's been six months old, we've taken him everywhere we go."

Service dogs must be accustomed to the sounds and distractions of everyday life, so owners of dogs-in-training are expected to take them along whether they're going shopping, fishing, to the movies, or traveling.

Although seeing Yukon in a restaurant or grocery store would usually raise some eyebrows, most people were delighted, and marveled over the dog's good manners, Schmidbauer said.

However, when they tried to take Yukon into one Homer restaurant last winter, management was not as understanding.

"I just didn't even think about it," Schmidbauer said. "We took him everywhere. I took him into the bathroom first, because he has to learn to go in and wait for you, just like he would for a blind person. When we came out and went out and waited to be

seated, one of the owners came out and said, 'you can't bring your dog in.'"

Schmidbauer explained her situation, and even retrieved some dog identification papers from the car, but the management wouldn't budge.

Linda Athons, who coordinates the 411 Kenai program, said that such occurrences are not uncommon. 411 usually has about 10 dogs-in-training placed around the state at any given time, she said. Despite the volunteers' enormous sacrifices, and the necessity of exposing the dogs to as many public experiences as possible, many people are not willing to accommodate them.

Athons recalled that when she was training a dog, she had to travel to Fairbanks for a conference at a hotel.

"I called ahead and they said, yes, they would allow the dog," but, there would be a \$70 clean-up fee. They said they had to clean

page 23 please

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ARIEL'S

HAIR DESIGN  
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signed on to, either as an group.  
Medicaid are primarily paid  
is limited, particularly in  
top-of-the-line policies that  
including dental, eye glasses,  
and preventive care (yearly  
pap smears and prostate

of medical industries there  
solved arguments whether  
most effective. (Insurance  
is for placing a dollar value  
or other human factors )  
opinion (or hence) of the  
that insurance companies,  
were going to start applying  
Codes" of Medicare and  
their policy holders. I asked  
they holders, specifically.  
I suggested that preven-  
early casualty Cosmetic  
is might no longer be part of  
had the money to afford the  
many HMOs often refuse  
ing prostate cancers for men  
ply lower the refusal age  
ence and impotence is men  
removed may no longer be  
er procedures most people  
and patient care.

ow years I detect a great deal  
among doctors and other  
self-paid and well-respected  
not accustomed to being  
staff by insurance company

have the power to overrule  
need medical practitioners,  
backlash. And it will come  
ce industry leaders do not

their professional organiza-  
of the fight to bring decent  
ana, and I believe they will  
rams regulating the health

will be driven to this not  
unguarded liberalism but  
e fed up with compromise

As lawmakers convened in Juneau for the Second Session of the 20th Alaska Legislature, many senior-related bills awaited them. Here is the status of those bills, as of the opening of the session:

### House

**HB 44 (Brice, D-Fairbanks)**  
**Pioneers' homes admissions.**

Prohibits the state from deny-  
ing access to a Pioneers' home  
based on an applicant's inability  
to pay the full rates. Currently in  
Labor and Commerce committee.

**HB 67 (Ryan, R-Anchorage)**  
**Permanent Fund dividend eli-  
gibility for Longevity Bonus  
sabbatical.**

Creates a new exception to  
the Permanent Fund Dividend  
program's maximum absence  
rule to allow people who leave  
the state, but who have applied  
for a Longevity Bonus "unpaid  
sabbatical," to remain eligible  
for that year's dividend. Cur-  
rently in Finance committee.

**HB 77 (Gov. Knowles)** In-  
come limits for Longevity Bon-  
us eligibility.

Disqualifies persons with an  
annual income of \$60,000 or  
higher, or households with an  
income of \$80,000 or more, from  
receiving Longevity bonus pay-  
ments. Currently in State Af-  
fairs committee.

**HB 170 (Brice, D-Fairbanks)**  
**Access for service dogs-in-  
training.**

Guarantees access to public  
places for dogs that are being  
trained for seeing-eye, or other  
types of service work for the  
disabled. Currently in Senate  
Health, Education and Social  
Services committee.

### Senate, cont.

**SB 57 (Duncan, D-Juneau)**  
**Longevity Bonus payments and  
medically-related absence.**

Allows recipients to continue  
receiving Longevity Bonus pay-  
ments while out of the state if their  
absence is due to medical treat-  
ment. Also allows people to be  
absent longer than 180 days and  
not be disqualified from the pro-  
gram if the absence is due to medi-  
cal treatment. Currently in State  
Affairs committee.

**SB 165 (Duncan, D-Juneau;  
Ellis, D-Anchorage)** Alaska  
Health Insurance Corporation.

Establishes the corporation,  
whose purpose is to define and  
provide uniform health insurance  
coverage for Alaskan residents.  
The corporation will oversee li-  
censed health care providers, mak-  
ing sure they comply with state  
statutes and regulations concern-  
ing insurance rates, claims and  
coverage. Currently in Health,  
Education and Social Services  
committee.

**SB 166 (Duncan, D-Juneau;  
Ellis, D-Anchorage)** Managed  
care consumer protection.

Establishes guidelines that must  
be followed by managed care orga-  
nizations. Requires customers be  
given an adequate pool of doctors,  
clinics, specialists and services from  
which to choose. Health care cover-  
age must be extended to clients who  
are no longer enrolled in the man-  
aged care organization due to job  
loss, termination of contract, or other  
cause. Guidelines will be enforced  
by the Director of Public Utili-

from page 7

ty more because there was a dog  
in there."

However, such a fee is not  
charged to people with seeing-  
eye dogs or other fully-trained  
service dogs, Athons said.

All and other dog-in-training pro-  
grams have tried to educate people  
so they'll understand that dogs-in-  
training are not taken into different  
types of areas until they are ready to  
handle them, Athons said.

For instance, a dog must be  
capable of remaining in a down-  
stay position beneath a table  
through the duration of a meal  
before it is taken into a restau-  
rant. It also must be able to refuse  
food if offered -- service dogs  
are not fed scraps and are not  
patted while they are working.

Nevertheless, some areas have  
proved to be so stubborn that dog-  
in-training organizations and dis-  
abled advocacy groups took the  
issue to the government.

Last year, state representative  
Tom Brice introduced House Bill  
170, which basically extends the  
rights granted to service dogs  
under the Americans with Dis-  
abilities Act (ADA) to dogs that  
are in training.

Brice said he wrote the bill af-  
ter receiving complaints from  
numerous organizations because  
dogs-in-training are not getting  
into public places such as courts,  
the state ferry system, and the  
Alaska State Fair.

Brice noted that such places  
allow trained service animals be-  
cause there is a "high expectation  
that the dogs are not going to  
cause any problems, and are go-  
ing to react well to situations in

these areas. But they disallow the  
training of those dogs in those  
areas. So it's a catch-22: How can  
you expect a service animal to act  
appropriately in these situations  
when they haven't had any train-  
ing?"

"This is an extension of ADA,  
which says that trained animals  
have to have access in these ar-  
eas. What we're doing is saying  
that the training of these animals  
must be allowed, as well."

The bill does not require that  
staff and customers at restaurants  
or other public places tolerate  
unruly dogs, however. Even un-  
der the ADA, if a service animal  
is a nuisance, it must be removed.

"We're trying to ensure that  
none of that actually happens by  
making sure these animals have  
the training so they could be ex-  
pected to behave appropriately in  
these areas," Brice said.

Last session, the House of Rep-  
resentatives passed the bill by a  
37 to one vote. Brice said he ex-  
pects the senate to support it this  
session, as well.

Schmidbauer is watching the  
bill, and remains an avid supporter  
of dog-in-training rights.

As for Yukon, he turned 18  
months old in August, and  
Schmidbauer tearfully returned  
him to Palm Springs. However,  
tests turned up a slight hip dis-  
placement problem, and the  
school called Schmidbauer and  
asked if she would like to have  
Yukon back, permanently.

He was soon on a plane back to  
Alaska.

"I was so attached to him that I  
just couldn't give him up. He is  
just a wonderful dog, I'll tell you."

Remember:  
**RESERVATIONS ARE REQUIRED**  
for the  
Mr. and Mrs. Senior Citizen

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GOVERNOR'S OFFICE

To: Tom Brice  
Re: House Bill #170

Roger L. Hansen  
1887 Southern Avenue  
Fairbanks, Alaska

Dear Tom,

For the last 28 years I've been raising Guide Dog Puppies for the Blind. No one can remember anymore, but it's somewhere between 25 to 30 of them have passed through my home. About 20 years ago I moved down to Southcentral Alaska and until I moved back here to the interior I could not count the number of times I was kicked out of places because I was trying to train a guide dog puppy. I had the reputation of having been thrown out of more places in Alaska than anyone else. Well, anyone sober that is.

Since I've moved back to Fairbanks the only place that I can't get into are offices of the State of Alaska with my puppies, particularly the State Courthouse. I would explain why I can't get in the Courthouse with my puppy but they can't explain it. I guess there is an exception to that, it's no problem at Fish and Game. But I think that's because they like Labrador and Golden Retrievers there.

The State Ferry system is the worst by far, the most shabby treatment I've ever had has been by them. An example of that is a few years ago my wife and I were bringing five Guide Dogs up with us from the United States, three of them 8 week old puppies. They would give us twenty minutes to feed, water, walk and cleanup after all five of them. If you've ever tried that it can get real hectic on a slippery deck sometimes.

When asking the purser if we could have an extra 10 minutes we were not only refused we were also told that if we did try and extend the time we would be removed by the police at the next stop. Our approach was only an inquiry, and there was certainly no hostility in the question. The same purser would turn her back when others were bringing little dogs they could fit under coats on the upper decks. Some times they didn't even bother to try and hide them under their coat.

SUPPORT

# FAX

Date: 1/26/98

NUMBER OF PAGES  
INCLUDING COVER SHEET 2



Alaska Cooperative Extension  
UNIVERSITY OF ALASKA FAIRBANKS  
Kenai Peninsula District  
34824 Kalkomsky Beach Road, Suite A  
Soldotna, Alaska 99669-8728  
(907) 262-5824 • FAX: (907) 262-3939

TO: Joe Hayes

FROM: Linda Othman

PHONE: \_\_\_\_\_

PHONE: **262-5824**

Fax: \_\_\_\_\_

Fax: **262-3939**

CC: \_\_\_\_\_

Remarks:  Urgent  For your Review  Reply ASAP  Please Comment

Joe,

Thank you for your work on House Bill 170. This is very important to our 4-H Guide Dog Puppy Program. If there is anything we can do to help the effort please let us know. I was teaching in Kodiak last Friday so was unable to participate in the teleconference. However, I did submit written testimony. Here is my I.D. Card. As I said, the Raisers ID cards are more specific and theirs expires approximately 18 months from receiving their puppy.

Linda