

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 0072

9753 SENATE STATE AFFAIRS

HB

112

Alaska State Legislature

House of Representatives

Interim Address:
119 N. Cushman, Suite 211
Fairbanks, AK 99701
(907)-456-5081
Fax# (907)-456-8245



Session Address:
Room 13
(907)-465-3719

Official Business

State Capitol
Juneau, AK. 99801-1182

Representative Al Vezey

HB 112 SPONSOR STATEMENT

HB 112 would expand the definition of a political party. It would allow a political party to choose its method of qualification: (1) receive three percent of the vote in the preceding gubernatorial election; or (2) have at least 10,000 eligible voters in the state registered to their party. A political party with 10,000 registered voters would not have to run a candidate for governor every four years to retain status as a political party.

To be recognized as a political party under current Alaskan law, a political party must nominate a candidate for governor every four years. The candidate must receive at least three percent of the total votes cast for governor in the general election. Political parties should not have to enter Alaska's gubernatorial race just to qualify as a political party.

In the 1990 gubernatorial election, the governor was elected by 38.8% percent of the voters. In the 1994 gubernatorial election, the governor was elected by 41.1% percent of the voters. HB 112 would result in a Alaska's governors being elected by a larger plurality and hopefully a majority of Alaskan voters.

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 29, 1997

SUBJECT: Amending the definition of "political party" (Work Order No. 20-LS0455\A)

TO: Representative Al Vezey
ATTN: Rynniva Moss

FROM: Jack Chenoweth
Legislative Counsel 

Bill section 2 amends the definition of "political party," AS 15.60.010(2), as it is used in the state Election Code in line with your suggested wording.

Because the definition of "political organization" in AS 05.15, covering regulation of gaming, cross-references the definition of "political party" in AS 15.60.010, I had to make a decision as to whether the substantive change made in bill section 2 should affect the definition of political party under gaming regulation. I opted not to have the change affect the gaming regulation provision. Bill section 1, then, simply "unties" the definition of "political party" from its cross-reference to AS 15.60.010 and substitutes the text of the current definition of "political party." In other words, though a change is made to AS 05.15.690, it is not intended to have substantive effect. If I did not do this and simply omitted the change being made by bill section 1, redefining "political party" in AS 15.60.010 would necessarily carry over into the gaming regulation provision, and I would have to note the effect of the change in the bill title.

The bill title provided notes an exception. For purposes of campaign financing regulation under AS 15.13 (AS 15.13 is part of the Alaska Election Code), there is a separate definition of "political party" intended to apply only for purposes of treatment of parties under the contribution and expenditure regulation provisions of AS 15.13. The change in definition made in bill section 1 does not affect that definition.

If this bill becomes law, there will be three definitions of "political party" operating in the Alaska Statutes:

-- AS 15.13.400(10)(A) will apply to regulation of campaign financing;

Representative Al V...
January 29, 1997
Page 2

-- AS 15.60.010(20) as amended by bill section 2 of this measure will apply to provisions of the Alaska Election Code apart from election campaign financing; and

-- AS 05.15.690(34) as amended by bill section 1 of this measure will continue in place the current definition of "political party" as applicable to gaming regulation.

*

If any of this prompts questions, or if you want this redrafted to eliminate the inconsistent definitions, please contact me.

JBC:glc
97-024.glc

ALASKA STATE LEGISLATURE

News From The House Majority

web site: <http://www.akrepublicans.org>

State Capitol
Juneau, AK 99801
Actuality line: 1-800-478-6540

Ken Freeman
Press Secretary
(907) 465-3804

For Immediate Release: March 11, 1997

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

HB 112 TO GO TO HOUSE VOTE

JUNEAU - Monday the House Finance Committee passed out of committee HB 112, a bill introduced by Rep. Al Vezey (R-North Pole) which would expand the definition of a political party.

The legislation makes it easier for a political party to qualify as a political party under Alaska Statutes.

Currently, in order to qualify as a political party, a party must run a candidate in the gubernatorial election and that candidate must receive 3 percent of the total votes cast for governor. If a party does not run a candidate for governor, it loses its legal status as a party.

HB 112 would add an additional means of qualifying as a political party. If a party has voters registered as members of their party equal to 3 percent of the votes cast for governor in the last election, they will be recognized as a political party. This would allow a party to maintain its party status without having to run a candidate for governor. Currently this amounts to approximately 6500 registered voters.

Rep. Vezey told the committee that the issue is not ballot access. Recognized parties would be able to elect whether or not to run a candidate for governor and anyone who could collect approximately 2200 signatures on a petition, could get their name placed on the ballot for governor.

"Alaska has not elected a governor by a majority since 1970. By allowing another means for parties to maintain their status as a party, we might be able to encourage candidates who are not serious about winning from actually running for office," said Vezey.

1970 GUBERNATORIAL ELECTION RESULTS

Candidates	Party	Total Votes	% of Vote
Anderson/Merill	(AIP)	1,206	1.5%
Egan/Boucher	(D)	42,309	52.4%
Sheffield/McAlpine	(R)	37,264	46.1%
Write-ins		**	
	Totals	80,779	100.0%

** Write-in information was not kept in '70 or '74.

1974 GUBERNATORIAL ELECTION RESULTS

Candidates	Party	Total Votes	% of Vote
Egan/Boucher	(D)	45,381	47.4%
Hammond/Thomas	(R)	45,602	47.6%
Vogler/Peppler	(AIP)	4,740	5.0%
Write-ins		**	
	Totals	95,723	100.0%

** Write-in information was not kept in '70 or '74.

1978 GUBERNATORIAL ELECTION RESULTS

Candidates	Party	Total Votes	% of Vote
Croft/Hurley	(D)	25,656	20.2%
Hammond/Miller	(R)	49,580	39.1%
Kelly/Poland	(A)	15,656	12.3%
Wright/Vogler	(I)	2,463	1.9%
Write-in Hickel*		33,555	26.4%
	Totals	126,910	100.0%

* Primary race close - Hickel had a ballot sticker for his write-in campaign.

1982 GUBERNATORIAL ELECTION RESULTS

Candidates	Party	Total Votes	% of Vote
Fink/Colleta	(R)	72,291	37.1%
Randolph/Thompson	(L)	29,067	14.9%
Sheffield/McAlpine	(D)	89,918	46.1%
Vogler/Roberts	(AI)	3,235	1.7%
Write-ins		374	0.2%
	Totals	194,885	100.0%

1986 GUBERNATORIAL ELECTION RESULTS

Candidates	Party	Total Votes	% of Vote
Cowper/McAlpine	(D)	89,943	48.7%
O'Brannon/Barnes	(L)	1,050	0.6%
Sturgulewski/Miller	(R)	76,515	41.5%
Vogler/Rowe	(AI)	10,013	5.4%
Write-in Hickel		4,958	2.7%
Write-in Hoch		107	0.1%
Write-in Misc.		1,969	1.1%
	Totals	184,555	100.0%

1990 GUBERNATORIAL ELECTION RESULTS

Candidates	Party	Total Votes	% of Vote
Hickel/Coghill	(AI)	75,721	38.9%
Knowles/Hensley	(D)	60,201	30.9%
O'Callaghan/Darby	(TPP)	942	0.5%
Sturgulewski/Campbell	(R)	50,991	26.2%
Sykes/Crumb	(GPA)	6,563	3.4%
Write-ins		332	0.2%
	Totals	194,750	100.0%

1994 GUBERNATORIAL ELECTION RESULTS

Candidates	Party	Total Votes	% of Vote
Knowles/Ulmer	(D)	87,701	41.1%
Campbell/Miller	(R)	87,118	40.8%
Coghill/Ward	(AIP)	27,838	13.0%
Sykes/Lewis	G	8,727	4.1%
Winterround/Nolan	(P**)	1,743	0.8%
Write-ins		277	0.1%
	Totals	213,404	100.0%

** Patriot Party *

Author: dcruz@Alaska.NET ("Damon H. Cruz") at CC2MHS1

Date: 3/25/97 7:47 PM

Priority: Normal

TO: Representative Al Vezev at LAA_TRANS

Subject: Party status

As a former Elections chair of the Alaska Libertarian Party, I applaud your proposal to ease and simplify the restrictive requirements for small political party standing. Regardless of any interpretations of this action as partisan or designed for short-term effect it will make it easier to offer the people of Alaska alternative candidates and ideas in the future.

I would also appreciate your support for any other measures designed to simplify or reform campaign funding, elections and political accessibility. The recent campaign spending reforms made progress in some areas, but other features lent themselves to furthering a two-tier system that discriminates against smaller political parties, grass-roots groups and initiative campaigns.

Bill changes rules for minority parties

3/25/97

■ *Democrats call Vezey's legislation pure politics*

By JEANINE POHL SMITH
THE JUNEAU EMPIRE

Alaskans haven't elected a governor by a majority vote since 1970, and a bill passed by the House today could remedy that, according to sponsor Rep. Al Vezey.

Democrats are calling the North Pole Republican's bill pure politics that could hurt Gov. Tony Knowles' chances of re-election.

House Bill 112 changes the definition of political parties in state law so small parties could maintain their status in the 1998 gubernatorial election without a candidate for governor.

Vezey said today he merely wanted to give parties more flexibility, allowing them to stay current without having to go through the extra effort of running a gubernatorial candidate.

Limits . . .

Continued from Page 1
the state Division of Elections, 213,404 votes were cast in the 1994 general election, with 3 percent equaling 6,402 votes.

Rep. Eric Croft said the measure, if passed, could help a Republican candidate for governor in the next race. That's because an AIP candidate wouldn't be there to split the conservative vote with a Republican, but a Green candidate running against Knowles could divide the liberal vote.

with Juneau Democratic Rep. Kim Elton voting against it. Juneau Republican Rep. Bill Hudson was absent during the vote.

If passed, a political party would qualify as such if it nominated a candidate for governor who received at least 3 percent of the votes cast for governor in the preceding election. It would also qualify if the party has registered voters in the state equal to at least 3 percent of the votes cast for governor in the preceding election.

Under current law, the only way a political group qualifies as a party is if it nominated a candidate for governor who received at least 3 percent of the votes cast for governor in the previous election.

Democrats argue the change could let the Alaskan Independence Party skip the 1998 gubernatorial election, but force the Green Party of Alaska to run a candidate to keep its party status.

That's because the Green Party's 3,000 registered voters are below the 3 percent requirement, while the Alaskan Independence Party's about 16,000 registered voters are more than the requirement. According to

Please see Limits, Page 8

"It's playing politics with our election laws," said Croft, an Anchorage Democrat. "I get the sense that anything that has the potential to hurt Tony Knowles is a priority in this Legislature."

While Knowles, who won the 1994 election by a tiny margin, hasn't declared his intentions, many in the Capitol expect him to run for a second term.

"Rep. Vezey's legislation is pure politics, plain and simple, aimed at influencing the next election," said Bob King, the governor's spokesman, in de-

claring the governor's opposition to the measure.

The AIP supports Vezey's bill, and former Lt. Gov. Jack Coghill, the party's chairman, told the House Finance Committee earlier this month that the group probably wouldn't run a candidate in the 1998 election.

Vezey said he was aware his proposal would be controversial, but his main goal was to give parties an alternative to running a candidate for governor.

"I think it's very reasonable," he said.

HB

137

STATE OF ALASKA

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

TONY KNOWLES, GOVERNOR

P.O. BOX 110806
JUNEAU, ALASKA 99811-0806
PHONE: (907) 465-2534
FAX: (907) 465-2974
TDD: (907) 465-5437

E-mail address:
License@commerce.state.ak.us

JAN 09 1998

December 17, 1997

Ms. Annette Kreitzer
Senator Leman's Office
Alaska State Senate
716 West Fourth Avenue, Suite 540
Anchorage, AK 99501-2133

Dear Ms. Kreitzer:

Enclosed are the proposed revisions to House Bill 137 as proposed by the Board of Veterinary Examiners.

The board wishes to be more specific in regulation about the examinations. The intent is to reduce the need for statute changes in the future. The board believes this is the best way to streamline language and gain flexibility.

The term "good standing" is referred to in AS 08.98.184(4). Enclosed is Northeast Association of State Veterinary Boards' (NEASVB) Model language for the definition of "good standing." It is the board's wish to use this language to define "good standing" in regulation.

If I can be of further assistance, please contact me.

Sincerely,



Catherine A. Reardon
Director

KT/go2168
112097b

Enclosures

cc: Jeffrey W. Bush, Deputy Commissioner
Office of the Commissioner
Department of Commerce and
Economic Development

Patrick Pourchot
Legislative Director
Office of the Governor

NEASVB Model Language
"Good Standing" Definition

- A. The term "Good Standing" means that an applicant under this section:
1. Has not been the recipient of any administrative penalties regarding his or her practice of veterinary medicine, including but not limited to fines, formal reprimands, license suspensions or revocations (except for license revocations for nonpayment of license renewal fees), probationary limitations, and/or has not entered into any "consent agreements" which contain conditions placed by a Board on his or her professional conduct and practice, including any voluntary surrender of a license.
 2. Has never had his or her United States Drug Enforcement Administration privileges restricted or revoked.
 3. Is not currently under investigation by another veterinary licensing authority for acts which would provide a basis for disciplinary action in this state, as determined by the board.
 4. Has no physical or mental impairment related to drugs, alcohol or a finding of mental incompetence by a physician that would limit the applicant's ability to undertake the practice of veterinary medicine in a manner consistent with the safety of a patient or the public.
 5. Has not been convicted of a felony.
 6. Has no criminal conviction record nor pending criminal charge relating to an offense the circumstances of which substantially relate to the practice of

veterinary medicine. Applicants who have criminal conviction records or pending criminal charges shall require appropriate authorities to provide information about the record or charge directly to the board in sufficient specificity to enable to board to make a determination whether the record or charge is substantially related to the practice of veterinary medicine.

7. Has provided satisfactory evidence of attendance at continuing education classes equivalent to those required by the State of Alaska for the previous two years.

B. Applicants who do not meet the "Good Standing" definition found in the regulations adopted by the Board may apply for licensure via this section but must prove to the satisfaction of the state veterinary licensing body that they are qualified for licensure in this state. In approving licensure applications via this section, the state licensing body shall have the option(s) of placing limits on applicants' licenses, and/or establishing conditions of probation prior to the issuance of a license.

C. For purposes of licensing by examination only, examination scores will be accepted for a maximum of 5 years after the date of examination.

DIRECTORY OF VETERINARY LICENSE REQUIREMENTS

This *Directory* reflects the license requirements established by the Veterinary Medical Boards in most of the jurisdictions of North America. The information has been verified in most cases; those which have not been verified are noted on the respective profiles. For each jurisdiction the name of a contact person is provided as well as the telephone, fax and e-mail, if available.

The *Directory* is provided to each of the Colleges of Veterinary Medicine in the US and Canada at no charge by the AAVSB as a service to the students. Although it is copyrighted by the AAVSB, veterinary students may copy any portion of the publication for their own use. Other veterinarians may purchase a copy of the *Directory* by contacting the AAVSB office.

The three charts included in the *Directory* summarize by jurisdictions: 1) examination administration dates, 2) examination fees, and 3) the types of licensure available and whether or not there is a continuing education requirement.

Please Note:

1. All jurisdictions require the National Board Exam (NBE);
2. All jurisdictions except the District of Columbia and the Virgin Islands require the Clinical Competency Test (CCT);
3. Many states also require some type of State Board Exam (SBE); and
4. Three states require an internship (supervised experience) prior to full licensure: Alabama, Missouri and Louisiana.

Please refer to the individual board profiles for more specific information including application deadlines for these exams and the type of State Board Exam in the various jurisdictions.

All jurisdictions have adopted the criterion referenced score as the passing score on the NBE and CCT. In some jurisdictions it is reported as 425 and in others it is converted to 70 or 75. The scores are all equivalent.

If you have questions about the *Directory*, please call, fax or e-mail the AAVSB office and the staff will assist you.

American Association of Veterinary State Boards
PO Box 1702
Jefferson City, MO 65102

(573) 761-9937 (telephone)
(573) 761-9938 (fax)
aavsb1@socketis.net (e-mail)

STATE OF ALASKA
Boards and Commissions

VETERINARY EXAMINERS

BOARD: Board of Veterinary Examiners

BOARD IDENTIFICATION NUMBER: 102

DEPARTMENT: DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

AUTHORITY: AS 08.98.010

STATUS: Active

SUNSET DATE: June 30, 1997

REQUIREMENTS: Legislative Confirmation

PROHIBITIONS: Members cannot serve more than all or part of two consecutive terms.

TERM: 4 years

DESCRIPTION: 5 members appointed by Governor: 4 licensed veterinarians in active practice in Alaska for 5 years; plus 1 public member; no person may serve who is, or was during the two years immediately preceding appointment, a member of a faculty, board of trustees, or advisory board of a veterinary school.

FUNCTION: Regulates and controls applications, licenses, and permits of veterinarians and veterinarian technicians.

CHAIR: No provision.

SPECIAL FACTS: Serve at the pleasure of the Governor. Members serve until a successor is appointed. An appointment to fill a vacancy is for the remainder of the unexpired term. A member who has served all or part of two successive terms may not be reappointed unless four years have elapsed since the person has last served.
E-mail address: Kathy_Taylor@commerce.state.ak.us

COMPENSATION: Standard Travel and Per Diem.

MEETINGS: At least 3 meetings per year, 2 days per meeting, plus special meetings at board or division request.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Taylor, Licensing Examiner, Division of Occupational Licensing, DCED, P.O. Box 110806 M/S 0800, Juneau, AK, 99811 0806, Phone: 907 465 5470, Fax: 907 465 2374

STATE OF ALASKA
Boards and Commissions

Membership Roster
VETERINARY EXAMINERS (102)

Member	Appointed	Reappointed	Term Exp.
Jean Battig Veterinarian Alaska Veterinary Services P.O. Box 70965 Fairbanks, AK 99707	04/11/97		01/31/00
William G. Lewis Public 2855 Hurst Road North Pole, AK 99705	06/25/96		01/31/00
James L. Morris Veterinarian Wasilla Veterinary Clinic 2750 East Parks Highway Wasilla, AK 99654	01/02/97		01/15/01
Connie J. Sanders Veterinarian 2543 Brooke Drive Anchorage, AK 99517	06/25/96		01/31/99
Deanna Jo Thornell Veterinarian 2702 Peger Road Fairbanks, AK 99709	01/31/94		01/31/98

HB

2006

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

March 21, 1997

SUBJECT: Sectional Summary of HB 206. (Credit in PERS for village public safety officers)

TO: Representative Brian Porter
Attn: Joel Lounsbury

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1 permits an employee who is a vested member of the Public Employees' Retirement System (PERS) to receive up to five years' credit for employment as a village public safety officer (VPSO). (Under AS 39.35.680(40), a vested member is defined as one who meets the five-year requirement to qualify for a retirement benefit.) Under subsection (b), the member is required to contribute the full actuarial cost of providing benefits based on VPSO employment. Under subsection (c), the credited service granted for VPSO employment may not be used to satisfy the credited service requirements for normal retirement. (Under AS 39.35.370(a)(2), a member of PERS with at least 20 years of credited service as a fire fighter or peace officer is eligible for a normal retirement. Under paragraph (3) of that subsection, an employee with at least 30 years of credited service can take a normal retirement.)

TC:jdr
97-207.jdr

Alaska State Legislature



Official Business

House Majority Leader

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

Sponsors Statement

for

HB 206 PERS For Village Public Safety Officers

Throughout the State the **Village Public Safety Officer Program** has provided a very important means of maintaining peace and harmony in the villages. Most of these individuals were not covered by a retirement program. Now some of these former officers are working for other organizations that are covered by the State PERS program. The work experience these individuals obtained by participating in this program has proven to be an invaluable asset in their present endeavors.

This bill would allow them to obtain retirement credit for the service rendered under the VPSO program. The eligible participant could receive credit for up to 5 years of service in the VPSO. Once their service had been verified, an indebtedness would be determined, and the vested employee would have to arrange to buy this time back into the State PERS system. The provisions of this bill will help in the recruiting and the retention of participants of the VPSO program in the villages. Turnover and a lack of qualified applicants has been a historic problem for the VPSO program.

TANANA CHIEFS CONFERENCE, INC.

122 First Avenue, Suite 600
Fairbanks, Alaska 99701-4897
Tele: 907/452-8251x3236 & Fax: 907/459-3851

April 21, 1997

Brian Porter
Rm: 216, State Capital
Juneau, Alaska 99801
Tele: 907/465-4930
Fax: 907/465-3834

Dear Representative Porter:

This letter is in regards to House Bill 206. I am very troubled by the House Finance Committee's drastic cuts to services in Rural Alaska. The areas of concern that Tanana Chiefs Conference would like to see considered by the Senate Finance Committee during their deliberations over the operating budget.

(VPSO) Village Public Safety Officer.

The Village Public Safety Officer has provided law enforcement service in rural Alaska for nearly (20) years, and within those twenty years there has been a drastic change in Rural Alaska, towards declining incidents: drowning, fire, alcohol related incidents. The VPSO provide a broad range of public safety services in rural Alaska, including but not limited to health and safety situations. With the existing retirement plan, and to implement our VPSO's into the State Pers, it would enable our program to recruit qualified, dedicated Police Officers. Although we do receive good qualified VPSO's, but they don't stay long, because of the low pay and not much of a retirement system, along with a heavy work load. With that, I encourage you and your staff to fully support House Bill 206. This will ensure that they will continue to play a crucial role in protecting the life, health and safety needs of our rural residents.

Sincerely,

TANANA CHIEFS CONFERENCE, INC.

Jim D. Titus 
VPSO Coordinator

**PUBLIC SAFETY EMPLOYEES ASSOCIATION
"REPRESENTING ALASKA'S FINEST"**

4300 Boniface Parkway, #116
Anchorage, AK 99504-4387
(907)337-1979 FAX:(907)337-1753

Representative Bryan Porter
State Capitol
Juneau, AK 99801-1182

April 15, 1997

Dear Representative Porter:

On behalf of the Public Safety Employees Association I would like to personally thank you for sponsoring House Bill 206.

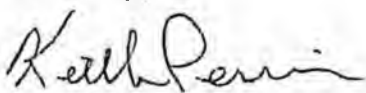
PSEA fully supports HB206. This bill allows Village Public Safety Officers(VPSO's) to buy up to five years of credited PERS retirement time for that time served as a VPSO.

As you already know VPSO's are not paid a lot and receive very minimal retirement benefits through the Native Regional Corporations. HB206 provides a greater incentive for VPSO's to stay at the job and then, if opportunities exist, to become a state or city law enforcement officer.

We also believe that VPSO's can make excellent future state or municipal law enforcement officers. Some of the best training for any Alaska State Trooper is time spent in villages as a VPSO.

Again, I would like to thank you for taking your time to put this piece of legislation together. If you have any further questions please do not hesitate to call me.

Sincerely,



Keith Perrin
PSEA President

Representative Brian Porter
Alaska Legislature
FAX #465-3834

February 6, 1998

RE: HB206

Representative Porter,

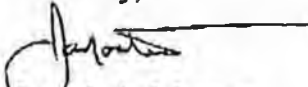
It is my understanding that HB206 is going before the legislature next week. I wanted to take a moment to express my support for this bill.

This bill provides an incentive for Village Public Safety Officers to remain serving their villages and also encourages them to later to seek employment with departments that are under the PERS system. This is a WIN WIN, for both the VPSO, the village, and future employers because it allows the VPSO's to serve with out feeling like they are "spinning their wheels" when it comes to retirement.

I, myself started as a VPSO. This bill will benefit me personally very little since I was looking toward my future when I was making employment decisions, and stayed as a VPSO a short time before moving onto another agency that offered a good retirement plan (the Troopers). I feel if this bill would have been in place back then, I could have stayed much longer.

Thank you for hearing me, and I hope that this bill passes.

Sincerely,



Joseph A. Masters

John Terrel
P.O. Box 245
Naknek, Alaska 99633
(907) 246-4222

February 6, 1998

Representative Brian Porter
State Capitol, Room 214
Juneau, Alaska 99801

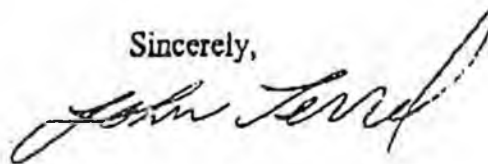
Dear Representative Porter:

This is to let you know that I support your efforts with House Bill 206. It is my understanding that this bill allows time spent as a Village Public Safety Officer (VPSO) to be entered into the PERS retirement system if the VPSO leaves the program but continues as a law enforcement officer. I was a VPSO for over two years and was in the First VPSO/Municipal Police Transition Academy. I became one of the first VPSO Sergeants in the program. When I became a municipal police officer and found out that time spent as a VPSO was not counted in PERS I was angry and very disappointed. I have now been a Police Officer for the Bristol Bay Borough Police Department for over eight years.

I owe the VPSO program a lot for allowing me to become a Municipal Police Officer, but VPSO's are treated as step children as it is. Not allowing this time on PERS is adding insult to injury. This Bill would be a good incentive to keep people in the VPSO program, instead of quitting to find a job with real benefits.

Thank you very much for this thoughtful and much needed bill.

Sincerely,



John Terrel

PUBLIC SAFETY EMPLOYEES ASSOCIATION

4300 Boniface Parkway, #116
Anchorage, AK 99504-4387
(907)337-1979 FAX:(907)337-1753

Honorable Representative Brian Porter
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

February 13, 1998

Dear Representative Porter:

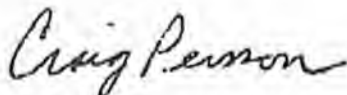
House Bill 206, PERS credit for VPSO's, was recently heard in the House Finance Committee. Before passage of the bill there were several amendments attached to the bill. Amendment number three may deny VPSO's credited service for their time served as VPSO's if they receive any retirement benefits from those years service as a VPSO.

VPSO's work for the regional non-profit native corporations. Most of these non-profit corporations participate in a limited profit sharing pension plan. This Plan is not a defined benefit, but rather a plan like a 401(k) where upon termination the employee can take a lump sum or roll the benefit into an IRA. The retirement benefits for most of these employees is accrued at the rate of only about five to seven percent of their annual earnings with no employee contribution. If the average VPSO made around \$25,000 a year then in five years he/she would have accrued about \$6250 in principal. This principal amount plus accrued interest would be their total benefit. Furthermore, there is a vesting period of at least 3 years for most non-profits.

Under amendment number three the House Finance committee has just penalized VPSO's for accruing a very paltry retirement. This, in effect, kills the intent of the bill.

This is unacceptable and needs to be fixed before the bill reaches the Senate. One way to fix the amendment is to replace the wording "retirement benefits" with the words "defined retirement benefits". This amendment needs to be legally researched. If you have any questions please do not hesitate to call me at 456-4167 or 474-2555(Work)

Sincerely,



Craig Persson
PSEA Legislative Liaison

HEB

241



REPRESENTATIVE ERIC CROFT

HB241

The Pioneers' Dignity Act of 1997

Sponsor Statement

One hundred dollars a month disposable income. That's all many residents of Alaska's Pioneer Homes have.

No current resident may be evicted from a Pioneer Home for inability to pay. However, in exchange for state assistance in paying their Home costs, some Pioneer Alaskans must forfeit virtually all their assets, spending down their savings then accepting what many proud Pioneers consider to be a form of welfare. It does not have to be this way.

The Pioneers' Dignity Act of 1997 guarantees the rights of Home residents to keep up to \$5,000 in personal property and to receive certain forms of income, such as Permanent Fund Dividends and ANCSA distributions. In addition, when one spouse lives in a Home and the other continues to live outside the Home, the house or condominium is not counted as an asset of the resident spouse.

Pioneers' Home costs have risen sharply in recent years and will continue to rise. A basic room currently costs a resident \$934 a month, but will cost \$2,129 by the year 2003. Of the 600 residents statewide, approximately 130 apply for and receive state assistance in paying their rates. To be eligible for payment assistance, residents must relinquish all their income—including Longevity Bonus and Permanent Fund Dividend—and keep only \$100 a month.

One hundred dollars isn't enough to pay for clothing, subscriptions, toiletries, calls to relatives and gifts for grandchildren. In the richest state in the union, to restrict Home residents to such a meager allowance is to needlessly rob them of their dignity and independence. Our Pioneers—who have contributed so much effort to building our great state—deserve better treatment.

The fiscal impact of HB241 will be minimal. Increased revenues from Home residents will more than offset the cost of disregarding certain assets and income. Some of the features of the bill will soon be incorporated in pending regulations. HB241 simply sets in statute some of the more important and basic rights.

Please join me in treating our Pioneers with the respect they deserve.





REPRESENTATIVE ERIC CROFT

Pioneers' Homes Fact Sheet

Six hundred beds in 6 locations: Anchorage, Fairbanks, Palmer, Juneau, Ketchikan, and Sitka (where the first home was established in 1913). Average age of resident: 86 years old.

Applicants as of February 1997: 2,359. Active waiting list: 221.

Approx. 200 vacancies yearly. Forty-four deaths in the Anchorage Home last year. Approx. 21 residential rooms remain vacant, since most applicants require more intensive care.

Approx. 62% of Homes residents suffer from Alzheimer's or related dementia. About 80% of residents receiving assisted living services or more intensive services suffer from Alzheimer's. That percentage is estimated to rise to 90% by the year 2000.

Annual operating budget: approx \$30 million, \$80,000/day.

	<u>GF</u>	<u>Program Receipts</u>
FY96	\$25 million	\$5.2 million
FY97	\$22.9	\$7.9
FY98	\$21.1	\$9.9

Annual cost of operating Anchorage's 224-bed home: \$9.9 million
Annual cost of operating one of the smaller homes: \$1.9 million = yearly GF reduction.

No Medicaid funds pay for Pioneers' Homes. Pioneers' Homes are not Medicaid eligible because the buildings don't meet specifications, and would require \$20-\$60 million (estimates vary) to renovate up to standards (wider halls, e.t.c.).



Also, most Pioneers' Homes residents have too many financial resources to qualify for Medicaid.

Currently, approx. 140 (roughly one quarter) of the nearly 600 residents receive payment assistance. Following rate increases scheduled for 7/1/97, between 200 and 215 are expected to qualify.

<u>Rates</u> (monthly)	<u>Current</u>	<u>As of 7/1/97</u>
Coordinated services	\$934	\$1140 (+22%)
Basic assisted living	\$1289	\$1720
Enhanced assisted living	\$1553	\$2140
Alzheimer's services	\$1579	\$2200
Comprehensive	\$1864	\$2630 (+41%)

Seven-year rate increase plan ends in 2003. By then, Coordinated services will cost \$2,129; Comprehensive will cost \$6,448,

Current costs in private nursing homes range from \$2,500/mo. to \$4,000/mo. Seven-year plan will make Pioneers' Homes rates similar to those at private homes.

Approximately 30,000 senior citizens (aged 65+) reside in Alaska, 4.7% of our population.

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

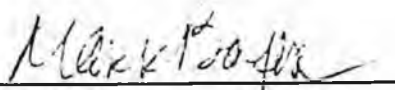
DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

P.O. BOX 110200
JUNEAU, ALASKA 99811-0200
PHONE: (907) 465-2200
FAX: (907) 465-2135

BILL ANALYSIS

The Department of Administration supports HB 241. The bill would put into statute certain financial provisions regarding residents who receive financial assistance to pay rates in a Pioneers' Home. The department has proposed regulations that would have the same effect and has held public hearings that have supported the proposals. There will be no fiscal impact from this legislation.



Mark Boyer
Commissioner

FAX NOTE

TO: REP. ERIC CROFT
ATTN: TOM ATKINSON
PHONE: 800 689-4098
FAX: 465-4419

FROM: PATTY WEISENBERGER
ACT'G PRES., RESIDENT COUNCIL
PALMER PIONEERS' HOME
PHONE (907) 745-3030
FAX: 745-0230

PROVISIONS OF HB 271 ARE APPROVED BY PALMER PIONEERS' HOME RESIDENTS AND THEY URGE ITS PROMPT PASSAGE.

INCLUDED IN HB 271 ARE ABBREVIATED PROVISIONS TO SOME OF PROPOSED AMENDMENTS TO REGULATIONS FOR PIONEERS' HOMES, TO NONE OF WHICH WE OBJECT EXCEPT 2 AAC 41.015, RATES, WHICH WE ADAMANTLY OPPOSE.

AGAIN, WE REQUEST THAT RATES FOR PRESENT RESIDENTS OF PIONEERS' HOMES BE FROZEN AT FY 97 RATES; IF NECESSARY, INCREASED RATES MIGHT BE ASSESSED FUTURE RESIDENTS WHO WILL HAVE AN OPTION TO UNDERTAKE SAME -- WE HAVE NO CHOICE.



PATTY WEISENBERGER

ACT'G PRESIDENT, RESIDENT COUNCIL
PALMER PIONEERS' HOME

DISTRIBUTED BY REPRESENTATIVE ERIC CROFT

May 1, 1997

Representative Eric Croft
State Capitol
Juneau, Alaska 99801-1182

Dear Representative Croft:

Thank you for your letter dated April 16, 1997 sent to Ms. Bernice Westfall, President and to Ms. Grace Edelman, Secretary, Juneau Pioneers' Resident Council.

The Bill you are sponsoring (HB 241 Pioneers' Dignity Act of 1997) seems equitable to all Pioneers of Alaska.

I have read your letter and the Bill to our residents at today's meeting of the Resident Council and they concur. We hope this Bill passes.

Thank you for your concern..

Donna

Sincerely,

Bernice Westfall

Mrs. Bernice Westfall, President
Juneau Pioneers' Home Resident Council

Barbara S. Looper

Marianne E. Hennrich

Grace Edelman

Emmetta S. Siuempiper

~~*Barbara S. Looper*~~
~~*Marianne E. Hennrich*~~
~~*Grace Edelman*~~

Terrence J. Volley

John H. Carlson

Amey Messerschmidt

Dicki Conover

Emma Knuth

Helen M. Lodge

Wendy Lee Lowe

5:5-97

TO ERIC CROFT

FAX # 465-4119

Rm # 430 - State Capitol 99801

From - John A. Gibbons

Pres. Anchorage Pioneer Resident Council

274-3307

FAX # 343-7272 -

Anchorage, Pioneer's Home Resident
Council approves and urges passage
of H.B. 241, The Pioneer Liquor
Act of 1997.

The Council further urges
passage of the tobacco tax
increase.

Side by Side: 2 AAC 41.032/HB241

When a Pioneers' Home Resident applies for payment assistance the state would, for the purposes of determining eligibility, disregard the following assets and income:

Under Proposed Regulations

\$100/mo. per AS 47.55.020(b)

ANCSA assets (income and cash dividends up to \$2,000, non-cash dividends from stock, land)

Alaska Permanent Fund Dividend

Veterans' benefits under 38 U.S.C. 1114

Compensation to federal retired and senior volunteers, foster grandparents, senior companions

Federal WWII restitution payments

Alaska victims' compensation payments

Real property being used as the primary residence of the Resident's spouse or dependent

Real and personal property not exceeding \$5,000 in value, not counting property necessitated by the Resident's physical condition, such as prostheses

Under HB241

\$100/mo. per AS 47.55.020(b)

ANCSA assets (income and cash dividends up to \$2,000, non-cash dividends from stock, land)

Alaska Permanent Fund Dividend

Veterans' benefits under 38 U.S.C. 1114

Compensation to federal retired and senior volunteers, foster grandparents, senior companions

Federal WWII restitution payments

Alaska victims' compensation payments

Real property being used as the primary residence of the Resident's spouse or dependent

Real and personal property not exceeding \$5,000 in value

Burial provisions for Resident, spouse, dependent consisting of: burial insurance, burial account of \$4,500 for each person, burial spaces

Burial provisions for Resident, spouse, dependent as determined sufficient by Dept. of Administration

Real and personal property (excluding prosthetic devices) under \$100,000 not being used as the primary abode of the Resident's spouse or dependent who is not residing in the Home

Not disregarded

The income of the Resident's spouse not living in the Home and, if the spouse's income is less than \$2,000/mo., so much of the Resident's income as will bring the spouse's income up to \$2,000/mo.

Not disregarded

A motor vehicle

Not disregarded

Federal Agent Orange Settlement Fund payments

Not disregarded

One or more life insurance policies

Not disregarded



REPRESENTATIVE ERIC CROFT

May 7, 1997

Sen. Bert Sharp, Co-Chair
Senate Finance Committee
Room 516, State Capitol
Juneau, Alaska 99801-1182

Dear Sen. ^{Bert} Sharp,

I received today from Pioneers of Alaska Grand Past President Bob Hufman a copy of the letter he sent to you regarding SB172/HB241.

I understand and appreciate Mr. Hufman's concern about losing flexibility to persuade the Dept. of Administration (DOA) to adopt more generous guidelines. However, I believe the House addressed that concern yesterday by adopting amendments which would establish floors, not ceilings. We did this by setting the amount the DOA must disregard when determining payment assistance, but allowing the DOA to disregard more by regulation.

Thus, HB241 provides security for Pioneers' Homes residents, who will have the comfort of knowing that certain amounts of their assets and incomes are protected. Yet, it will also allow the flexibility that Mr. Hufman desires.

In his letter, Mr. Hufman expresses concern about losing flexibility by placing proposed regulations in statute, but then goes on to suggest adding more proposed regulations. To add the provisions Mr. Hufman suggests might indeed reduce the flexibility about which he is concerned. Doing so would also slow the progress of HB241/SB172, probably ensuring that Pioneers' Home residents would not be able to enjoy in 1997 the security the legislation provides. Because rates will as of July 1 rise again—for some care by as much as 41%—I feel it's important to provide immediately what confidence and security we can.



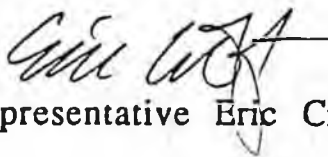
In drafting HB241, I worked closely with Director of Longevity Programs James Kohn, who was leery of placing regulations into statute because it would restrict DOA's flexibility. Before submitting my bill in the House, I confirmed that Mr. Kohn was comfortable with the amount of regulations and the particular regulations I was proposing for statute.

Placing more of the proposed regulations into statute is an issue which requires our careful consideration.

Regarding the extension of the look back period, I understand that the DOA proposes to extend that from 24 months to 36 months in order to conform with Medicaid procedures. This is a very complex matter which I believe is best left—at least for now—in the purview of the DOA.

Thank you for considering these issues and for your assistance in promoting greater dignity for Alaska's senior citizens in the Homes. Please don't hesitate to contact my office if you have any questions or concerns about HB241.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Croft", written in a cursive style.

Representative Eric Croft

Alaska State Legislature

SENATOR
BERT SHARP

DISTRICT P

CO-CHAIRMAN
SENATE FINANCE COMMITTEE

MEMBER
RESOURCE COMMITTEE



FAIRBANKS
DENALI BANK BUILDING
119 N. CUSHMAN, SUITE 201
FAIRBANKS, ALASKA 99701
(907) 452-7885/7886
FAX (907) 456-4221

SESSION ADDRESS:
STATE CAPITOL, ROOM 516
JUNEAU, ALASKA 99801-1182
(907) 465-3004/4921
FAX (907) 465-2070

Senate

MEMORANDUM

TO: SENATOR LYDA GREEN, CHAIR
SENATE STATE AFFAIRS COMMITTEE

FROM: SENATOR BERT SHARP, CO-CHAIR
SENATE FINANCE COMMITTEE *BMS*

SUBJ: HB-241

DATE: MAY 8, 1997

I STRONGLY URGE THAT HB-241 NOT GO FORWARD IN ITS PRESENT FORM.

PLEASE SEE LETTER ATTACHED FROM MR. HUFMAN. THE STATEWIDE PIONEER ORGANIZATION HAS SERIOUS CONCERNS AS TO SCOPE AND PRECEDENT ON THIS BILL.

PLEASE HOLD FOR FURTHER STUDY AND REVISION.

ATTACHMENT



REPRESENTING
GOLDEN HEART
OF ALASKA

GRAND IGLOO
PIONEERS OF ALASKA

ORGANIZED AUGUST 4, 1908



OFFICE OF GRAND PAST PRESIDENT

Senator Bert Sharp
State Capitol Building
Juneau, AK 99801-1182

May 7, 1997

Bert
Dear Senator Sharp:

I wish to comment on SB 172, a companion of HB 241 which recently passed the House.

The legislation, while well intentioned, may not be in our best interests. Once passed into law, we lose the flexibility to eventually persuade the Department of Administration to make changes beneficial to Pioneer Home residents. I am convinced that those in the House that co-sponsored this legislation are under the impression that they are doing a favor for the residents of the Homes so therefore we are reluctant to carry out a full blown opposition campaign.

In the event the Senate wishes to move forward on SB 172, please add a number of items from the proposed regulations that were not included in the House version, such as:

A motor vehicle.

Real and personal property not being used as the primary residence of the resident's spouse or dependent, with a value of not more than \$100,000; property necessitated by the resident's physical condition, such as a prosthetic device, is not subject to this value limitation.

If the spouse's income is less than \$2,000 a month, so much of the resident's income as will bring the spouse's income up to \$2,000 a month.

For a home resident without a spouse or dependent in the community: real and personal property with a value of not more than \$5,000, but property necessitated by the resident's physical condition, such as a prosthetic device, is not subject to this value limitation.

STATE CLAIM AGAINST ESTATE. Upon the death of a Pioneer's Home resident, or of a recipient of day care or respite services, a state claim for unpaid debt owed to the Pioneer's Home may be satisfied only out of the decedent's estate. The state will not pursue a claim to the extent that it will work undue hardship on the surviving

Page 2....Sen. Sharp, 5/7/97

spouse or dependent of the decedent. Heirlooms, partially exempt under AS 09.38.020 (in the Alaska Exemptions Act), are exempt from a Pioneer's Home claim by the state, without regard of value.

Further, we feel that the Administration change from 24 months to 36 months with regard to disposal of assets is excessive and prefer the 24 month look back period.

These items are significant and should be included in any legislation considered by the Senate. Thanks in advance for your assistance. I look forward to seeing you after the session.

With best regards,



Bob Huffman, chairman
Legislative & Govt. Affairs Committee
GRAND IGLOO PIONEERS OF ALASKA

HB

261

Alaska State Legislature

Interim:
145 Main St. 1p., 223
Kenai, Alaska 99611
907/283-7095
907/283-3075 fx
907/262-7574 hm

Session:
State Capitol
Juneau, AK 99801
907/465-2693
fx 907/465-3835
800/463-2693

Representative Gary Davis

SPONSOR STATEMENT

COMMITTEE SUBSTITUTE FOR HOUSE BILL 261 (FIN) am

“An Act relating to a surcharge imposed for violations of state or municipal law and to the Alaska police training fund”

The Alaska Police Training Fund, created in 1994 by the legislature, was established January 1, 1996. The purpose of the fund is to “. . .provide a stable funding source for law enforcement and corrections officer training. . .” To this end, the legislature established a schedule of surcharges to be applied to various offenses and provided that the equivalent of the surcharges collected be deposited in the Police Training Fund. From that fund the legislature may appropriate amounts for the operation of the Public Safety Training Academy and for training programs established by the Alaska Police Standards Council.

House Bill 261 expands the list of offenses on which a surcharge may be imposed and increases existing surcharges. Its purpose is to provide additional funding for public safety training and obtain that funding from the surcharges imposed on individuals who violate the law.

Each year the Alaska Public Safety Training Academy in Sitka requires general fund appropriations in addition to what it receives through the police training fund. This is also true of training programs established by the Alaska Police Standards Council. Hopefully, the additional revenue received from the enactment of HB 261 will stabilize and perhaps reduce the amount of general fund appropriations needed to sufficiently fund our public safety training programs.

HB261/SS/1/21/98

*Representing House District 8
Cooper Landing, Funny River, Hope, Moose Pass, Seward, Sterling, Soldotna*

Representative_Gary_Davis@legis.state.ak.us

Alaska State Legislature

Interim:
145 Main St. Lp., 223
Kenai, Alaska 99611
907/283-7095
907/283-3075 fx
907/262-7574 hm

Session:
State Capitol
Juneau, AK 99801
907/465-2693
fx 907/465-3835
800/463-2693

Representative Gary Davis

SECTIONAL ANALYSIS COMMITTEE SUBSTITUTE TO HOUSE BILL 261 (FIN) am

“An Act relating to surcharge imposed for violations of state or municipal law and to the Alaska police training fund”

- Section 1: Adds a new subsection to **AS 12.25.195, Disposition of Scheduled Offences**, that requires payment of the surcharge prescribed in AS 12.55.039 before an offence may be disposed. Specifies that the surcharge paid will be deposited into the general fund and accounted for under AS 37.05.142, Accounting for Program Receipts.
- Section 2: Amends **AS 12.25.200, Form for Citations**, subsection (b) to require that the amount of the surcharge applicable to the offense be indicated on the citation issued.
- Section 3: Adds a new section to **12.55.035, Fines**, to indicate that the judge may not consider the amount of the surcharge when imposing a fine.
- Section 4: Amends **AS 12.55.039, Surcharge**, subsection (a) by increasing the surcharge assessed and expanding the list of offenses for which surcharges may be charged.
- Section 5: Amends **AS 18.65.225, Alaska Police Training Fund**, to include the surcharges collected under AS 12.25.195(c) and AS 29.25.072 in the amounts that may be appropriated to the fund
- Section 6: Amends **AS 28.05.151, Citations for Scheduled Vehicle and Traffic Offenses**, to require that the surcharge prescribed in 12.55.039 be applied for offenses that do not require a court appearance.
- Section 7: Amends **AS 29.10.200, Limitation of Home Rule Powers**, to include AS 29.25.072 (surcharge) in the list of limitations.

*Representing House District 8
Cooper Landing, Funny River, Hope, Moose Pass, Seward, Sterling, Soldotua*

Representative_Gary_Davis@legis.state.ak.us

- Section 8: Adds a new section to **AS 29.25, Municipal Enactments**, that states a municipality, including home rule and general law municipalities, may not enforce an ordinance for which a fine or imprisonment is prescribed unless that municipality authorizes and provides for the collection of the surcharge. It further states that the surcharge will be deposited into the general fund and accounted for under AS 37.05.142, Accounting for Program Receipts.
- Section 9: Amends **AS 29.25.075, Collection of Penalties**, to allow courts to collect the surcharge for the municipality.
- Section 10: Allows the Court System to deposit funds collected in the general fund and provide an estimate of the money under this program for each fiscal year collected instead of an exact accounting.
- Section 11: Repeals Section 10 on June 30, 2002, or when the Court system's computer system is capable of separately tracking and accounting for the surcharges collected, whichever comes first.

Alaska State Legislature

Interim:

145 Main St. Lp., 223
Kenai, Alaska 99611
907/283-7095
907/283-3075 fx
907/262-7574 hm

Session:

State Capitol
Juneau, AK 99801
907/465-2693
fx 907/465-3835
800/463-2693

Representative Gary Davis

Letters Supporting House Bill 261 received from:

Anchorage Assemblyman Bob Bell (2/19/98)
Alaska Association Chiefs of Police (2/6/98)
Alaska Peace Officers Association (2/11/98)
Chief Duane S. Udland, Anchorage Police Department (1/29/98)
Lt. Mcchan 2/4/98 letter to Chief Udland
Chief Brent C. Moody, Dillingham Police Department (1/28/98)
Chief Dennis Oakland, Homer Police Department (2/19/98)
Chief Robert L. Beasley, Hoonah Police Department (2/6/98)
Chief Daniel L. Morris, Kenai Police Department (2/6/98)
Chief John W. Palmer, Kodiak Police Department (2/12/98)
Chief Milton J. Haken, Nome Police Department (2/6/98)
Chief G. Scott Campbell, North Slope Borough Police Department (2/10/98)
Chief Lynn F. Lamm, Sitka Police Department (2/10/98)
Chief Shirley A. Warner, Soldotna Police Department (2/17/98)
Chief Robert E. Bachand, University of Alaska, Anchorage Police Department (2/10/98)
Glenn H. Herbst, Director of Public Safety, Unalaska (2/6/98)
Chief Joseph K. Michaud, Valdez Police Department (2/6/98)
Chief Charlie Fannon, Wasilla Police Department (2/3/98)
John P. Dresnek, Correctional Officer II, Hiland Mtn/Meadow Creek Correctional Centers (2/23/98)

*Representing House District 8
Cooper Landing, Funny River, Hope, Moose Pass, Seward, Sterling, Soldotna*

Representative_Gary_Davis@legis.state.ak.us

HB

264

Alaska State Legislature

REPRESENTATIVE
JEANNETTE JAMES
P O. Box 56622
North Pole, Alaska 99705
(907) 488-1546
FAX (907) 488-4271

White in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-3743
FAX (907) 465-2381

House Of Representatives

House District 34

CSHB 264 (FIN)

“An Act relating to negotiated regulation making; and providing for an effective date”

Sponsor Statement for HB 264

Rep. Jeannette James

4/15/98

HB 264 Negotiated Regulation/Rule Making

House Bill 264, enables and encourages negotiated regulation/rule making. Currently negotiated regulation making is in use by the Federal government, Montana and Nebraska and several other states.

The citizens of Alaska are clamoring for the Legislature to do something about the regulation process; negotiated regulation making addresses the issue on point.

Negotiated regulation making is used only in cases involving very complex or controversial regulations.

Negotiate regulation (Neg/Reg) is a voluntary process for drafting regulations that brings together those parties who would be significantly impacted by a regulation (rule), including the Government, to reach consensus on some or all of its aspects before the rule is formally published as a proposal. An impartial mediator is used to facilitate intensive discussions among the participants, who operate as a committee open to the public.

Regulations drafted using this process tend to be more technically accurate, clear and specific, and less likely to be challenged in litigation than are rules drafted by the agency alone without input from outside parties. The APA notice process is unchanged.

The negotiated regulation making process costs more money at the front end than the traditional approach (e.g. the added cost for a facilitator). In addition, agency personnel must work closely as a team with outside party representatives and their time must be dedicated to the project if it is to succeed. The advantages clearly outweigh these considerations, however. Because representative of all the interested parties draft the regulation, the formal process of public notice and comment is generally very smooth and very few comments and concerns are raised in that process. More importantly, lengthy regulation litigation is hopefully generally eliminated and compliance with the rule is believed to be much higher. Thus, agency long-term costs of litigating rules and enforcing standards are sharply reduced.

Use of a negotiated regulation making process requires most agencies to change the way they are accustomed to developing a rule. Standard practice in rule development is to have a particular office in the agency develop a draft regulatory document, and then that document is critiqued and reformulated as it is sequentially referred to other parts of the agency, the department, the Executive Branch, and the public. In negotiated regulation making, by contrast, the parties are brought together for simultaneous discussion and consideration of particular issues at the beginning of the process.

Please call Walt Wilcox, or me if there are questions.

Alaska State Legislature

REPRESENTATIVE
JEANNETTE JAMES
P.O. Box 56622
North Pole, Alaska 99705
(907) 488-1546
FAX (907) 488-4271



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-3743
FAX (907) 465-2381

House Of Representatives House District 34

3-11-98

Sponsor Statement for HB 264

HB 264 Negotiated Regulation/Rule Making

House Bill 264, enables and encourages negotiated regulation/rule making. Currently negotiated regulation making is in use by the Federal government, Montana and Nebraska and several other states.

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Please call Walt Wilcox, or me if there are questions.

March 9, 1998

Sectional Analysis of CSHB 264 (FIN)
("Negotiated Regulation Making Process")

Section 1 of the bill sets out a new article in the Administrative Procedure Act (APA) to establish procedures for negotiated regulation making. The sections are explained as follows:

AS 44.62.710 sets out the purpose and applicability of negotiated regulation making. It explains that

(1) the purpose of the new provision is to establish a framework for conducting negotiated regulation making consistent with the APA;

(2) negotiated regulation making is supplemental to the "regular" regulation process and may be used as a supplemental procedure to permit the direct participation of affected interests in the development of regulations;

(3) a state agency may modify the consensus as a result of the subsequent regulation making process;

(4) innovation and experimentation in negotiation regulation making process is not limited by the bill; and

(5) other state agencies that are not subject to APA may use the process.

AS 44.62.720 sets out the standards for determination of the need for a negotiated regulation making committee. The state agency may use it when it is "the public interest." This section sets out a list of factors for state agency to consider in determining the public interest. Upon determining that a committee will be formed, the state agency must notify the public so that interested persons can apply to be appointed to the committee.

AS 44.62.730 sets out the standard for the use of a convener to assist in the making the determination of need under AS 44.62.720.

AS 44.62.740 sets out the standards for establishment, support, and termination of the committee. Subsection (a) authorizes the agency to establish a negotiated regulation making committee. Subsection (b) allows the agency head to expand the membership if necessary to facilitate the workings of the committee. Subsection (c) requires the agency to make available administrative support to the committee that the agency determines necessary. Subsection (d) terminates the committee upon adoption of the regulation or at earlier date.

AS 44.62.750 sets out the committee duties, procedure, and report. Subsection (d) allows the committee to transmit a report that contains the proposed regulation, if the committee reaches consensus. Subsection (e) allows the committee, if it does not reach consensus to transmit a report specifying areas on which consensus was reached and unresolved issues. Subsection (f) requires the committee to comply with the Open Meetings Act requirements.

AS 44.62.760 sets out standards for facilitator selection, duties, and authority. Subsection (a) allows the agency to appoint a facilitator. Subsection (b) requires the facilitator to preside at meetings and coordinate with the agency on the management of records. Subsection (c) provides that facilitator does not have decision-making authority for the committee.

AS 44.62.770 set out the standards for employees, contractors, expenses, and funding relating to the committee. Subsection (a) allows the agency to employ or contract for services for a person to serve as a convener or facilitator or use the services of a state employee for those purposes. Subsection (b) precludes consideration of a person as a convener or facilitator if the person has a financial or other interest that would prevent the person from serving in an impartial and independent manner. Subsection (c) allows the state to accept grants or gifts to fund the process if the information on the grant or gift is public, no condition is placed on the grant or gift to the agency, and any other legal requirements have been met. Subsection (d) requires a member of a negotiated regulation making committee to disclose a grant, gift, or other financial benefit that exceeds \$150 and that has been accepted to finance the disclosing member's participation on the committee.

AS 44.62.780 precludes judicial review of an agency decision to establish, assist, or terminate regulation making committee. A regulation that is product of negotiated regulation making meeting and later subject to judicial review is given no greater deference.

AS 44.62.790 requires negotiated regulation making to be an additional process to APA regulation making. This section requires that negotiation "shall, where possible, occur" before formal regulation process begins.

AS 44.62.795 sets out confidentiality of certain records or documents that contain proprietary information.

AS 44.62.830 sets out definitions.

Section 2 of the bill provides specified immunity for negotiated regulation making committee and its members for an act or omission occurring in the course and scope of their official duties.

Section 3 of the bill provides an exemption from the procurement code for any contracts for the convener or for the facilitator.

Section 4 of the bill places any state position established as convener or facilitator in the exempt service.

Section 5 of the bill provides an express exemption to the Alaska Executive Branch Ethics Act for members of a negotiated regulation making committee.

Section 6 of the bill provides a conforming amendment to remove the changes made by sec. 5 of the bill after the sunset provision repeals the provisions of secs. 1 - 4 of the bill on July 1, 2003.

Section 7 of the bill repeals the provisions of secs. 1 - 4 of the bill on July 1, 2003. This provides a sunset provision to allow state agencies and the legislature to evaluate the process after five-year experience with it.

Section 8 of the bill makes the bill effective immediately, if the bill is enacted into law.

HB

324



MAY 04 1998

REPRESENTATIVE SCOTT OGAN

Alaska State Legislature

House District 27 • Palmer • Greater Palmer • Sutton • Chickaloon • Sheep Mountain

SPONSOR STATEMENT
LABOR AND COMMERCE CS FOR HB-324

This legislation as presently written will enable local governments to grant relief to those property owners who can not afford LID assessments.

It does not require local governments to provide relief, nor does it establish the structure by which the relief is provided.

What CSHB-324 does do is to make it clear the legislature is sensitive to those who can not afford LID assessments by granting an option to local governments to provide relief to such persons if they so choose.

HB

334

Southern Region
EMERGENCY
Medical Services Council, Inc.

FAX COVER SHEET

TO: Senator Lyda Green FROM: Ronni Dullwani
Name Name

State Senate
Company

FAX # (907) 562-9893

465-3805
Fax Number

VOICE # (907) 562-6449

DATE: 02-18-98

Number of pages: 3
to follow cover sheet

NOTES: Urgent information about a bill
to be seen in committee today.

Southern Region
EMERGENCY
Medical Services Council, Inc.

February 18, 1998

Senator Lyda Green
Alaska State Legislature
State Capitol (MS3100)
Juneau, AK 99801-1182

Dear Senator Green:

CS for House Bill 334 ("An act relating to waiver of tuition and fees for certain family members of a peace officer or a fire fighter killed in the line of duty.") is scheduled to come before your State Affairs Committee very soon, perhaps as early as tomorrow. While this looks to be a very good bill, and one deserving of strong support, it lacks a very important piece. As important members of the public safety team, we believe EMS providers should also be included. It is my understanding that the sponsor is not opposed to doing so, but since the bill relates to two different statutes it would require a rewrite at the committee level to make it happen in this session. I believe yours is its last committee referral. Will you make this important rewrite in your committee?

I will send along a compelling letter from Craig Lewis, my counterpart in Interior Region in Fairbanks that speaks clearly to all the reasons why. Since you have always been a strong supporter of EMS and understand the important, and sometimes dangerous job EMS is doing in communities all across Alaska, I have no doubt you will see the logic in making this change.

I will follow up with you or a member of your staff tomorrow, but if you have questions before then you can call me at 907-562-6449. I hope the session is going well for you this year. My first visit to Juneau will be in mid March, and I'll be sure to come by and see you. Thank you for your unwavering support the people providing emergency medical services in Alaska.

Sincerely,



Ronni Sullivan
Executive Director



INTERIOR REGION EMERGENCY MEDICAL SERVICES COUNCIL, INC.

3022 INDUSTRIAL AVE. • FAIRBANKS, ALASKA 99701
PHONE (907) 466-3978 • FAX (907) 466-3970



#2

MEMORANDUM

To: Sharon Clark
From: Craig Lewis
Subject: CS for House Bill 334 (FIN)
Date: February 17, 1998

Pursuant to our telephone conversation, it is now my understanding that EMS amendments may not fit under the referenced Title. For the reasons stated below, I strongly urge that a bill affording similar benefits to the families of EMS providers be introduced through committee.

For purposes of definition, I would offer the following:

"EMS Service" means a federal, state, or municipal EMS service or regularly organized volunteer EMS service certified by the Department of Health and Social Services in accordance with 7 AAC 26.330 and/or 7 AAC 26.230 (a) & (b).

Justification:

The provision of emergency medical services potentially places every EMS responder in harm's way on every call. As such, it seems only right that they be included equivalently with the other components of public safety.

Although they may not always face a bullet or falling ceiling, they actually do face those eventualities from time to time, particularly in rural Alaska where frequently there are NO (emphasis added) law enforcement or others to mitigate the scene. EMS persons:

- Routinely are called to intervene in highly volatile and dangerous situations. Included are domestic disputes, assaults, fires, hostage situations, hazardous materials spills associated with industrial and motor vehicle accidents and etc. Each of these life threatening depending on who answers when they knock on the door.

- Routinely are involved in complex extrications, from motor vehicles, down the sides of cliffs, from ragging rivers and so forth.
- Routinely provide back up for law enforcement personnel, fire fighters and others again placing them in harms way.
- Routinely do the same type of activities as any member of the public safety team including, interventions to provide medical and or psychological care, scene control along highways, mitigation and response in small communities/villages where an entire community may be involved, complex extrications involving varieties of dangerous apparatus to remove injured individuals from motor vehicles, cliff edges, rivers, mountains and so forth.

To me, the bottom line centers on the fact that public safety has three responding components. Police, Fire and EMS. Each place the providers in harms way in different settings. Each have individuals killed in the line of duty, in spite of aggressive programs to preclude it. To omit EMS is to miss one third of the public safety team and sends the wrong signal to those who also risk their lives to save others.

Please do not hesitate to call me if you have any questions.



INTERIOR REGION EMERGENCY MEDICAL SERVICES COUNCIL, INC.

3522 INDUSTRIAL AVE. • FAIRBANKS, ALASKA 99701
PHONE (907) 456-3978 • FAX (907) 456-3970



MEMORANDUM

To: Senator Lyda Green
ATTN: Rence Howell

From: Craig Lewis

Subject: CS for House Bill 334 (FIN)

Date: February 17, 1998

Please consider the following with regard to CS 334.

I fully support the concept proposed in the Bill. I also support those identified as appropriate to receive the proposed benefits. I am distressed at the fact that Emergency Medical Services providers have been excluded. Although I would have preferred to recommend an amendment to the legislation, and talked personally with Representative Kelly concerning this, it is now my understanding that EMS amendments may not fit under the referenced Title.

Should this be the case, I strongly encourage the Committee to sponsor a bill affording similar benefits to the families of EMS providers using the proper Title.

Using the same format but a different Title, I offer the following:

Definition: **"EMS Service" means a federal, state, or municipal EMS service or regularly organized volunteer EMS service certified by the Department of Health and Social Services in accordance with 7 AAC 26.330 and/or 7 AAC 26.230 (a) & (b).**

Justification:

The provision of emergency medical services potentially places every EMS responder in harms way on every call. As such, it seems only right that they be included equivalently with the other components of public safety.

Although they may not always face a bullet or falling ceiling, they actually do face those eventualities from time to time, particularly in rural Alaska where frequently there are NO (emphasis added) law enforcement or others to immediately mitigate the scene.

EMS persons:

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- Routinely are involved in complex extrications, from motor vehicles, down the sides of cliffs, from ragging rivers and so forth.
- Routinely provide back up for law enforcement personnel, fire fighters and others again placing them in harms way.
- Routinely do the same type of activities as any member of the public safety team including, interventions to provide medical and or psychological care, scene control along highways, mitigation and response in small communities/villages where an entire community may be involved, complex extrications involving varieties of dangerous apparatus to remove injured individuals from motor vehicles, cliff edges, rivers, mountains and so forth.

To me, the bottom line centers on the fact that public safety has three responding components. Police, Fire and EMS. Each place the providers in harms way in different settings. Each have individuals killed in the line of duty, in spite of aggressive programs to preclude it. To omit EMS is to miss one third of the public safety team and sends the wrong signal to those who also risk their lives to save others.

Please do not hesitate to call me if you have any questions.

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

Mailing Address:
119 N. Cushman, Suite 203
Fairbanks, Alaska 99701
(907) 456-8161



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-2327

House District 31

House Of Representatives

News Release

January 26, 1998

Legislation by Representative Pete Kelly

HB 334

An Act Waiving State Tuition for Sons or Daughters of a Police Officer Slain in the Line of Duty.

Representative Kelly described the bill as follows: "With this bill we are adding to the fairly short list of youth for whom we will waive tuition at our State University. The University plays an important role in all of our lives, it should be available for a youth whose parent made the ultimate sacrifice protecting our freedoms."

"This is small compensation to the families of those who have given so much. Nothing can replace a husband, a wife, a father or a mother. I hope this bill shows the families of those who stand in harms way, how much we appreciate their sacrifice," said Representative Kelly.

Representative Pete Kelly's House Bill 334, waiving tuition for sons, daughters and spouses of police officers slain in the line of duty, is scheduled for a hearing before House Finance Committee, Tuesday January 27th, 1998 at 1:30 PM. Fairbanks residents may testify via teleconference at the LIO, 119 N Cushman St., a little after 1:30 PM.

Testimony is expected from University officials, police officers, and firemen. The University is expected to give their estimate of the cost of this provision, and to request clarification regarding the duration of the tuition waiver. Firemen are expected to testify regarding the 6 firemen and women lost in the line of duty since Territorial days.

Possible amendments include:

- 1) An applicability section, providing that the bill covers any officer, not just those lost after the effective date of the legislation.
- 2) An amendment adding firemen.
- 3) A clarification that "remains a student in good standing" applies through an undergraduate degree, not, for example, through to a PhD.

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

Mailing Address:
119 N. Cushman, Suite 203
Fairbanks, Alaska 99701
(907) 456-8161



While 'n Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-2327

House District 31

House Of Representatives

January 26, 1998

Committee discussion points

HB 334, Tuition waiver for spouses, sons or daughters of a city or state police officer killed in the line of duty.

I am sure the committee is aware that, in Fairbanks, we have suffered the loss of one of our police officers. Officer Lamb gave his life, shielding others who were in the line of fire.

In a larger way Officer Lamb gave his life shielding all of us. His sacrifice gives all of us a glimpse across the thin line of blue that protects our civilization from the violent among us.

The loss of officer Lamb gave me reason to research the considerations for his son and widow. I was surprised to learn that Alaska's police officers were not included in the list in AS 14.34.085. Currently we waive tuition for the spouses, sons and daughters of National Guardsmen and active military killed in the line of duty.

HB 334 adds police officers to this list.

In your packet I have placed a page describing the Alaska Law Enforcement Officers Memorial. The memorial lists 29 officers killed in the line of duty. The names of Trooper Bruce Heck and Fairbanks Police officer Kevin Lamm bring this total to 31.

Alaska Law Enforcement Officers Memorial



Dennis Finbar Cronin
Alaska State Troopers, February 18, 1974

Earl Ray Hoggard
Ketchikan Police Department, March 30, 1974

Larry Robert Carr
Alaska State Troopers, December 11, 1974

Frank Stuart Rodman
Alaska State Troopers, December 11, 1974

Jonathon Paul Flora
Anchorage Police Department, September 8, 1975

Richard James Adair
Juneau Police Department, April 17, 1979

Jimmy Earl Kennedy
Juneau Police Department, April 17, 1979

Harry Edward Kier
Anchorage Police Department, October 25, 1980

Roland Edgar Chevalier, Jr.
Alaska State Troopers, April 4, 1982

John David Sumson
Fish & Wildlife Protector, January 14, 1983

Gordon Brewster Bartel
Kodiak Police Department, January 15, 1983

Troy Lynn Duncan
Alaska State Troopers, May 18, 1984

David Cameron Harris
56th MP Co. Ft. Richardson, July 23, 1984

Ignatious John Charlio
Alakanuk Police Department, May 10, 1985

Harry Biddington Hanson, Jr.
Anchorage Police Department, July 17, 1986

Ronald Eugene Zimlin
VPSO S. Naknek, October 22, 1986

Louie Gordon Mizelle
Anchorage Police Department, June 6, 1989

Anthony Crawford Jones
Dillingham Police Department, February 12, 1992

Karl William Reishua
Juneau Police Department, May 4, 1992

C.E. "Swack" Swackhammer
Department of Public Safety, October 11, 1994

Robert Lee Bittick
Alaska State Troopers, October 11, 1994

Dan Richard Seely
Anchorage Police Department, October 26, 1996

Doris Wayne Barber
Sitka Police Department, July 28, 1960

Leroy Garvin Bohuslov
Department of Fish & Game, March 5, 1964

Gary George Wohlfel
Department of Fish and Game, March 5, 1964

Donald Thomas Dull
Juneau Police Department, October 19, 1964

Kenneth Grant Nauska
Craig Police Department, January 30, 1966

Benjamin Franklin Chung
Anchorage Police Department, January 4, 1966

Thomas Charles Dillon
Bethel Police Department, November 19, 1972

The Journal of the Alaska Peace Officers Association is dedicated to all the Peace Officers in Alaska who have been killed in the line of duty since Statehood.

The names of these fallen officers are engraved on bronze plates on the pedestal of the statue of the Peace Officer, located in front of the Statewide Scientific Crime Detection Laboratory, 5500 Tudor Road, Anchorage. These names, and the statue commemorating their dedication to duty along with flowers, usually sent anonymously, may be viewed at any time.

The memory of their supreme sacrifice lives forever in the tradition of peace officers throughout Alaska.

2 Trpr. Bruce Heck
FPO John Kevin Lammi

ALASKA STATE FIREFIGHTERS ASSOCIATION



The Honorable Pete Kelly,
Alaska State House of Representatives

Representative Kelly, I write to you on behalf of the Alaska State Firefighters Association. In regards to your recently sponsored HB 334 "An Act relating to waiver of tuition and fees for certain family members of a police officer killed in the line of duty", we are in full support. However, we respectfully ask that the Bill be amended to include Firefighters and Rescuers killed in the line of duty.

The definition of Firefighters and Rescuers should include: "Who are members of a fire department recognized by the State Fire Marshals Office [13 AAC 52.030] , and who are included in a list of members pursuant to 13 AAC 52.040 .

Thank you for considering our request, if there are any questions regarding this or any other fire related items, please don't hesitate to contact us.

Patrick Eggers



Patrick Eggers

President,
Alaska State Firefighters Association
PO Box 240282 364-2998
Douglas, AK 364-2958 Fax
99824

HB

353

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

Mailing Address:
119 N. Cushman, Suite 203
Fairbanks, Alaska 99701
(907) 456-6161



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-2327

House District 31

House Of Representatives

April 23, 1998

Memorandum

To: Representative Pete Kelly

Handwritten initials "PK" inside a circle.

Re: HB 353, Regulations by Reference, State Medical Assn. Concerns

Jeff Bullock, representing the Alaska State Medical Association, has expressed the associations concerns that the numerical codes and billing standards adopted by reference must be adopted in whole, not in part.

The allegation is that the Division of Medical Assistance is using a computer program that does not recognize all groupings of billing codes. A specific doctor wants to use a code that includes several procedures in a single numerical code, or a procedure and an office visit in a single numerical code. The department, however, will not pay for all of these services, and only recognizes specific codes, not the inclusive grouped code.

The issue may have merit, but it is not applicable to HB 353. In discussion with the Attorney General's office it is clear that HB 353 authorized the adoption of a complete reference document, not a portion or fragment of the document. The regulations that describe the use of these numerical codes can specify which codes will be used and how they will be used.

The Alaska State Medical Association issue is a matter for discussion in the regulation adoption process.

HB 353 does not allow for the adoption of only a portion of the manual or reference material. HB 353 has nothing to do with the regulatory decision that certain codes will or will not be recognized by the department.

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

Mailing Address:
119 N. Cushman, Suite 203
Fairbanks, Alaska 99701
(907) 456-8161



White in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-2327

House District 31

House Of Representatives

April 2, 1998

Floor Discussion

HB 353, Regulations by Reference

House Bill 353 streamlines the state's adoption of the current version of numerical codes and standards for medical practitioners.

Currently the state must go through the lengthy regulation writing process each time a national code is changed or rewritten.

By the time the regulation process is completed the department must go back and recalculate payments to care providers. The department then has to make up the difference in all of the billing and accounts with the new data.

The whole process may take more than a year, and the new codes are published, starting the chase all over again.

The speed and efficiency gained by this bill is important for all health workers who must describe their work in numerical codes. Most apply to medicaid.

Once a national code is adopted as a state regulation, this bill allows the state to quickly allow practitioners to use the latest, updated version.

The bill applies to:

- 1) International classification of diseases. (Numerical code for each clinical diagnosis or disease. Required on all medical claim forms.)
- 2) Common procedure coding system. (Numerical codes used by all insurance providers.)
- 3) National uniform billing data. (Numerical code to describe the services rendered in hospitals.)
- 4) Federal poverty guidelines. (Annual guidelines.)
- 5) Indian Health Service rates. (Annual reimbursement rates paid by the Indian Health Service, medicaid program.)
- 6) Current American Medical Association procedural terminology. (Numerical codes that describe treatment rendered by physicians.)
- 7) American Psychiatric Association diagnostic and statistical manual of mental disorders. (DSM numerical codes for mental disorders.)

Floor discussion.
Page 2.

- 8) HCIA, Inc. length of stay in hospitals, by diagnosis. (Average length of stay in hospitals, a percentage multiplier is used for reimbursement by insurers.)
- 9) American Society of Anesthesiologists relative value guide. (Standards for administration and billing of anesthesia procedures.)
- 10) U.S. Dept. of Labor Consumer Price Index. (CPI – Used by the state to annually update standards for needs based programs.)
- 11) National health plan employer data and information set. (Standards used to evaluate managed care practice.)
- 12) Practice standards.
- 13) The compendium of animal rabies control.
- 14) Control of communicable diseases manual.
- 15) Standards manual for behavioral health.
- 16) Accreditation manual for mental health.
- 17) Standards for accreditation of managed care organizations.
- 18) Consumer assessment of health plans.
- 19) Resources for optimal care of the injured patient.

STATE OF ALASKA

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAL ASSISTANCE

TONY KNOWLES, GOVERNOR

P.O. BOX 110660
JUNEAU, ALASKA 99811-0660
PHONE: (907) 465-3355
FAX: (907) 465-2204

January 22, 1998

The Honorable Pete Kelly
House of Representatives
State Capitol
Juneau, Alaska 99801-1182

Dear Representative Kelly:

You have asked me to briefly explain the substance of the adoption by reference Legislation that you intend to introduce on behalf of the Department of Health and Social Services.

This bill, if enacted, would allow the department to adopt within its regulations standards set out in federal or state law or regulation, or the specific national standards itemized in subsection (a)(2), without adopting a new regulation every time that these standards are changed. The procedure for notifying the public of adoption of a changed standard would be a notice published in the Alaska Administrative Journal.

The Department of Law, under current law and legal interpretation of the reference standard made through court decisions, require agencies to adopt by reference any material with a specific citation and date. Any time these materials are changed, the state agency must adopt a new regulation adopting the citation change; as the regulation adoption process is so lengthy, it is impossible for a state agency to remain current with standards adopted by reference.


The Medicaid Program is particularly hard hit by the adoption by reference requirement, as we operate like an insurance company and there is an expectation by health care providers that they can do business with us in the same manner as Blue Cross, Aetna or any other insurance company. The health care industry has adopted numerous standardized codes related to billing for services to assure that all providers and payers are "speaking" the same language. All of these standards are updated annually to keep pace with medical practice standards. If the Medicaid Program cannot consistently use current standards, providers will simply cease doing business with us and it will create an access problem for the 90,000 people who depend on Medicaid for health care coverage.

The standards listed in this bill are mostly related to Medicaid; I am attaching a list of the standards with a brief explanation of their use for your reference. None of these standards should be controversial.

The Honorable Pete Kelly
January 22, 1998
Page 2

Thank you for your assistance with this important Legislation, and please contact me at any time if you need additional information.

Sincerely,


Nancy Weher,
Medical Assistance Administrator

International Classification of Diseases, Clinical Modifications - ICD - this book establishes a numerical code for each clinical diagnosis/disease. These codes are required on all medical claim forms.

Common Procedure Coding System - This system of numerical codes is maintained by the Health Care Financing Administration, and are uniformly used by all insurers. The coding system includes CPT codes and HCFA created codes for special procedures not included in other coding systems.

Specifications for National Uniform Billing Data Elements - Commonly known as revenue codes, this numerical coding system describes the services rendered in hospitals. These codes are required on all medical claim forms for hospital services.

Federal Poverty Guidelines - These guidelines are published annually, adjusted by the consumer price index, and are used to determine program eligibility. Many DHSS programs refer to the federal poverty level in their grants, as grantees are required to have a sliding fee schedule based on income.

Indian Health Service Encounter Rates - these rates are negotiated annually by the Health Care Financing Administration, Office of Management and Budget, and the Indian Health Service to be used as reimbursement for IHS and tribal health facilities by the Medicaid Program.

Current Procedural Terminology for Physicians - CPT - these numerical codes describe each treatment rendered by physicians and other providers. The CPT codes are required on all insurance claim forms and are updated January 1st of every year.

Diagnostic and Statistical Manual of Mental Disorders - DSM - Similar to the ICD, this manual contains a system of numerical codes that describes mental disorders for use on claim forms.

Length of Stay in Hospitals by Diagnosis and Operation for the Western Region of the US - LOS - These two manuals describe the average length of inpatient hospital admission in the western US. Some percentage of this standard is ordinarily used by an insurer as the limit on length of stay they will reimburse, although LOS can usually be extended if there are complications.

Relative Value Guide - This book creates standards for the administration and billing of anesthesia procedures.

Consumer Price Index - CPI - Used by the federal government and the state to annually update a number of standards for needs based programs.

Health Plan Employer Data and Information Set - HEDIS - These standards are commonly used to evaluate how well providers and plans meet managed care standards of practice.

Practice Standards - practice standards adopted by many national organizations are routinely used in managed care as the purchaser's expectations for patient outcomes that are evaluated with HEDIS.

Compendium of Animal Rabies Control - This publication serves as the basis for animal rabies control programs throughout the United States and facilitates standardization of procedures among jurisdictions. Immunization procedure recommendations are contained in Part 1; all animal rabies vaccines licensed by the United States Department of Agriculture (USDA) and marketed in the US are listed in Part 2; Part 3 details the principles of rabies control.

Control of Communicable Diseases Manual - This manual furnishes public health administrators with a source of reliable information for preparing regulations and legal requirements for the control and management of communicable diseases and for developing programs for the health education of the public.

Standards Manual and Interpretive Guidelines for Behavioral Health, Employment and Community Support Services and for Medical Rehabilitation - The Divisions of Mental Health and Developmental Disabilities and Alcoholism and Drug Abuse uses these standards for accreditation of psychiatric or substance abuse rehabilitation programs that are grantees of the state.

Accreditation Manual for Mental Health, Chemical Dependency, and Other Health Care Facilities - This manual is used by the Divisions of Mental Health and Developmental Disabilities and Alcoholism and Drug Abuse for accreditation of general psychiatric or substance abuse treatment programs that are grantees of the department.

Standards for Accreditation of Managed Care Organizations, Standards for Accreditation of Managed Behavioral Health Organizations, and Standards for Certification of Credentials Verification Organizations - These accreditation standards will be used by the department for the certification of managed care organizations under contract.

Consumer Assessment of Health Plans - This consumer assessment of managed care is a tool created by the federal government for use with government health care programs required to complete such annual assessments.

Resources for the Optimal Care of the Injured Patient - This national evaluation tool establishes comprehensive guidelines for the care of the injured patient, including standards for different levels of trauma centers. The State of Alaska uses compliance with the standards in the document as one of the qualifications for certification as a trauma center (7 AAC 26.010 - 7 AAC 26.999).