

ALASKA LEGISLATURE COMMITTEE FILES 1999-2000 8672

10148 SENATE STATE AFFAIRS

	impractical either to establish the position or to make certification.		reference from "certification" to "recruitment"
Section 14 Page 8 Line 28 & 30	<p>AS 39.25.196(a)</p> <p>Notwithstanding the provisions of AS 39.25.195, a hiring department or agency may grant a preference to local residents in the appointment of nonpermanent employees or in the appointment of permanent employees to perform seasonal work assignments of 180 calendar days or less in a 12-month period. If there are no local residents on the applicable eligible list for a nonpermanent or a permanent seasonal position or if the local residents on the applicable eligible list are unavailable, the hiring department or agency may obtain referrals of qualified job applicants for these positions from the job service office of the Department of Labor and Workforce Development serving the area and from those applicants select a qualified person who is a local resident for the position.</p>	<p>Notwithstanding the provisions of AS 39.25.195, a hiring department or agency may grant a preference to local residents in the appointment of nonpermanent employees or in the appointment of permanent employees to perform seasonal work assignments of 180 calendar days or less in a 12-month period. If there are no local residents on the applicable list of applicants qualified for a nonpermanent or a permanent seasonal position or if the local residents on the applicable list of applicants qualified for the position are unavailable, the hiring department or agency may obtain referrals of qualified job applicants for these positions from the job service office of the Department of Labor and Workforce Development serving the area and from those applicants select a qualified person who is a local resident for the</p>	<p>Continues replacement of "eligible list" by "list of applicants qualified for..."</p>

		position.	
Section 15 Page 9 Line 20	AS 44.21.020(8) administer a statewide personnel program, including central personnel services such as recruitment, examination, position classification, and pay administration;	Administer a statewide personnel program, including central personnel services such as recruitment, assessment, position classification, and pay administration;	Replaces "examination" with "assessment."
Section 16 Page 9 Line 31	AS 39.25.153(b) Repealed.		Unnecessary. Repeals specific delegations of authority to named agencies; no longer necessary since broader authorities are already delegated. Also, contains a reference to "examination."
	AS 39.25.153(c) Repealed.		Unnecessary. Broader authorities to classify positions are already delegated to agencies.
	AS 39.25.153(d) Repealed.		Unnecessary. Broader authorities to act with respect to position classification are already delegated to agencies.
Section 17 Page 10 Line 1			This section prevents the Personnel Board from adopting regulations relative to the use of WorkPlace Alaska until these

			statutory changes are made.
Section 18 Page 10 Line 7		Requests an immediate effective date.	

Thank you, Mr. Chair, for the opportunity to provide this testimony. If you have questions, please do not hesitate to contact me.

SB

231

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. SB 231

Revision Date/Time (Note if correction) _____ Dept. Affected DOT&PF
 Title An Act Naming the Alaska Native Veteran's BRU Highways and Aviation
Honor Bridge Component Northern Region Highways and Aviation
 Sponsor Senator Lincoln
 Requester State Affairs Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Dennis Poshard, Special Assistant to the Commissioner Phone 465-3904
 Division Commissioner's Office Date/Time 2/15/00 12:25 PM
 Approved by Commissioner *Joseph L. Perkins* Date _____
 Agency Joseph L. Perkins, DOT&PF

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MUNICIPALITY OF NENANA

RESOLUTION 98- 10

ALASKA NATIVE VETERANS BRIDGE

WHEREAS, the Athabascan nation has a proud history of supporting our US Armed Forces by having our young men and women volunteering to serve; and

WHEREAS, the Athabascan nation is proud of all the young people who served in the US Armed Forces throughout times of peace, war and conflicts, and we are seeking ways to honor them; and

WHEREAS, the highway bridge that crosses the Tanana River at Nenana is of the appropriate size and has suitable location to honor our Alaskan Native veterans.

NOW THEREFORE BE IT RESOLVED that the Nenana Municipal Assembly hereby directs the administration to begin efforts immediately to have the highway bridge at Nenana named the ALASKA NATIVE VETERAN HONOR BRIDGE.

PASSED AND APPROVED by a duly constituted quorum of the Municipal Assembly this 9th day of April, 1998.

MUNICIPALITY OF NENANA

Robert L. Knight
Robert L. Knight, Mayor

Introduced: 4/9/98

Adopted: 4/9/98

Attest: Karen Harvey
Karen Harvey, City Clerk

NENANA NATIVE VILLAGE

P.O. BOX 356

NENANA, ALASKA 99760

(907) 832-5461

Fax: (907) 832-1077

ALASKA NATIVE VETERANS BRIDGE

RESOLUTION # 98-17

WHEREAS, the Athabascan nation has a proud history of supporting our U.S. Armed Forces by having our young men and women volunteering to serve; and

WHEREAS, the Athabascan nation is proud of all the young people who served in the U.S. Armed Forces throughout times of peace, war and conflicts, and we are seeking ways to honor them; and

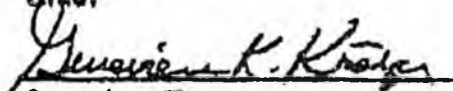
WHEREAS, the highway bridge that crosses the Tanana River at Nenana is of the appropriate size and has a suitable location to honor our Alaskan Native veterans.

NOW THEREFORE BE IT RESOLVED that the Nenana Native Village hereby directs the Tribal Administrator to begin efforts immediately through whatever local, state or national entities that are necessary to have the highway bridge at Nenana named the Alaskan Native Veteran Honor Bridge.

CERTIFICATION

I hereby certify that this resolution was duly passed by the Nenana Native Village on April 6, 1998 at Nenana, Alaska and a quorum was duly established.



Chief

Secretary/Treasurer

ALASKA FEDERATION OF NATIVES, INC.

1998 ANNUAL CONVENTION

RESOLUTION NO. 98-10

TITLE: SUPPORTING NENANA'S EFFORTS TO NAME A TANANA RIVER BRIDGE, "THE ALASKA NATIVE VETERAN HONOR BRIDGE"

WHEREAS: Alaska Native tribes throughout Alaska have a proud history of supporting our U.S. Armed Forces by having our young men and women volunteering to serve; and,

WHEREAS: Alaska Natives are proud of the all the young people who served in the U.S. Armed Forces through times of peace, war and conflict, and we are seeking ways to honor them; and,

WHEREAS: The highway bridge that crosses the Tanana River at Nenana is of the appropriate size and has a suitable location to honor our Alaska Native veterans; and,

WHEREAS: By separate resolutions, the Nenana Native Village and the Municipality of Nenana have directed their respective administrations to begin efforts to have the highway bridge crossing the Tanana River near Nenana formally named;

NOW THEREFORE BE IT RESOLVED by the Delegates to the 1998 Annual Convention of the Alaska Federation of Natives, Inc., that AFN fully supports the Nenana Native Village and Municipality of Nenana in their respective efforts to immediately have the highway bridge at Nenana named The Alaska Native Veteran Honor Bridge.

SUBMITTED BY: Alaska Federation of Natives, Inc. Board of Directors

COMMITTEE RECOMMENDATION: DO PASS

CONVENTION ACTION: PASSED





Teleconference Participants

TCN: 10435

Participant Lists

View List for

ALL	▼	Testifiers	▼	Go >>>	Close Window
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Participants

Unidentified Testifiers: Unidentified Observers:

FAIRBANKS (FBX)

1 Name: Ms. Shirley Demientieff Phone: 456-3318
 Address: Affiliation:
 City /St /Zip: Type: Testifier
 Bill: SB 231: NAMING AK NATIVE VETERANS' HONOR BRIDGE

2 Name: Mr. Benno Cleveland Phone: 452-3344
 Address: Affiliation:
 City /St /Zip: Type: Testifier
 Bill: SB 231: NAMING AK NATIVE VETERANS' HONOR BRIDGE

SB

236

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

No. 1
Bill Version: SB 236
(S) Publish Date: 2-2-00

Revision Date/Time (Note if correction) _____ Dept. Affected Military and Veterans Affairs
Title POW/MIA/Women's Veterans Days BRU Alaska National Guard
Component Office of the Commissioner
Sponsor Rules Committee
Requester Governor Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2000) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will formulize in statute specific days to recognize the men and women of our Nation's Armed Forces who were either Prisoner's of War (POW) or Missing in Action (MIA). It also set a day to recognize women veterans.

Prepared by: Carol B. Carroll
Division: Administrative Services
Approved by Commissioner: _____
Agency: Military and Veterans Affairs

Phone: 465-4730
Date/Time: 12/2/99 11:52 AM
Date: 12/2/99

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JUNEAU

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www.gov.state.ak.us

February 1, 2000

SB236

The Honorable Drue Pearce
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear President Pearce:

American members of the military forces, men and women, have stood proudly against the forces of tyranny and oppression throughout the world. Many tragically suffered as prisoners of war or remain missing in action. Alaska should honor these brave men and women and it is fitting they be recognized in state law. This bill I transmit today formally establishes days to honor prisoners of war, persons missing in action, and women in the military.

This bill establishes three days in law. To honor all former prisoners of war (POWs) who have returned home from our nation's wars, April 9 will be known as Former POW Recognition Day. The third Friday in September will be known as POW and MIA Recognition Day to commemorate all prisoners of war and persons missing in action (MIAs) unaccounted for or who died in captivity. November 9 of each year will be recognized as Women Veterans Day.

Veterans groups have for some time observed a former POW recognition day to primarily honor all POWs who have returned home. More recently, those groups have observed a POW/MIA recognition day as a day to honor Vietnam War POWs and especially MIAs. Over time this day has become a day to honor all POWs, including those who died in captivity, and a day to make a special effort to remember all persons who remain missing in action.

Countless courageous servicemen and women have sacrificed their lives for our nation, and many others have lost their own freedom as prisoners of war. Exhibiting patience and determination, prisoners of war are a powerful reminder that the spirit of the

The Honorable Drue Pearce
February 1, 2000
Page 2

American soldier cannot easily be broken, even by brutal treatment in violation of international law and the laws of common decency.

These brave soldiers, some of who died in captivity, and who, in many cases, spent years captive under the most reprehensible conditions, deserve our gratitude and commendation. The search for unaccounted for and missing soldiers from our nation's wars continues. Their unknown fate causes considerable uncertainty for their families, friends, and fellow veterans. By establishing these recognition days in their honor, Alaska will not forget the lives of these extraordinary heroes and the stories of their dedication to the people of America.

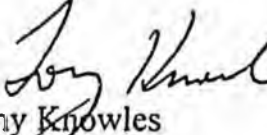
Because the number of women in the military -- and their roles in it -- is growing, it is important to publicly recognize women as they leave the armed forces and serve the communities to which they return.

Women currently constitute four percent of all veterans. By the end of the next decade, women will comprise 17 percent of veterans, and the percent of women in the active military is projected to grow from its current 14 percent. Although the history of women in the military is relatively recent, and they were not recruited to join the armed forces until World War I, some disguised themselves as men to join the Continental Army. The first female officers were appointed during World War II. During the Vietnam era, over a quarter of a million women served as military nurses or physicians, or in intelligence, supply, administration, and air support.

There is a need to identify and revise policies and practices in the military and veterans-related agencies that were developed at a time when women in the service were a rarity, and to assure that women veterans' issues are incorporated into future planning efforts. Designating a specific day to conduct programs and celebrations to honor and remember women veterans will hasten these efforts.

In honor to our veterans, I urge your prompt and favorable action on this bill.

Sincerely,


Tony Knowles
Governor

Message

Date: Thursday Mar 02, 2000

Time: 3:51 PM

To: JUNEAU

From: Sandra Nelson

TC Number: 10499

Message: [REDACTED] has a problem with ltns so they called me to let you know they have a testifier for SB238 her name is Mrs Patrick Hutchinson. Sandra Nelson

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And Laddie
5/1/00

**DEPARTMENT OF MILITARY & VETERANS AFFAIRS
OFFICE OF THE COMMISSIONER**

P.O. BOX 5800

FT. RICHARDSON, AK 99505-5800

PH: (907) 428-6003

February 2, 2000

The Honorable Jerry Ward, Chair
Senate State Affairs Committee
Room 423
Alaska State Capitol
Juneau, AK 99811

Dear Senator Ward:

The Department of Military and Veterans' Affairs requests that the Committee schedule a hearing on the following bills. These bills are very important to our veterans and the active members of the National Guard, Naval Militia and the Alaska State Defense Force.

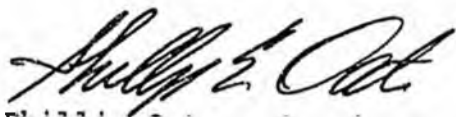
SB 236 "An act establishing Prisoners of War and Missing in Action Recognition Days and Women Veterans Day" would formally set special days to recognize the service and sacrifice of members of the Armed Forces of the United States and Alaska and their families.

SB 237 "An act relating to payment, allowances, and benefits of members of the Alaska National Guard and Alaska Naval Militia in active service" would streamline the process for paying members of the Guard and Militia when called to active duty. Members are called to active duty during times of disaster or state emergency. The current process is manual, time consuming and subject to errors. The process outlined in this bill would greatly reduce the time involved in calculating state active duty pay and reduce the chance for errors. It would also enhance the timeliness of payment for active duty.

SB 238 "An Act relating to payment, benefits, and work status of members of the Alaska State Defense Force". This bill would clarify the status of the Alaska State Defense Force when called to state active duty. The Alaska State Defense Force (ASDF) is a part of the organized militia of the State of Alaska. However, they are not members of the Alaska National Guard or Naval Militia and are not paid unless they are called to active duty. In the past, the department has paid the ASDF as if they were members of the Guard. The Department of Law determined that no statutory authority existed for the department to do so. This bill identifies that the department will pay the ASDF when called to active duty in accordance with state pay scales (level of work performed) but recognizes that the ASDF is subject to the ASDF command structure and discipline.

I look forward to working with you on these bills. If you have questions or if I can provide further information, please call my legislative staff, Carol Carroll at 465-4730 or me at 428-6003. Thank you for this opportunity to address your committee.

Sincerely,

A handwritten signature in cursive script, appearing to read "Phillip Oates".

Phillip Oates, Commissioner
Department of Military and Veterans Affairs

STATE OF ALASKA
DEPARTMENT OF MILITARY & VETERANS AFFAIRS

TONY KNOWLES, GOVERNOR

OFFICE OF THE COMMISSIONER

P.O. BOX 5800

FT. RICHARDSON, AK 99505-5800

PH: (907) 428-6003

February 2, 2000

The Honorable Jerry Ward, Chair
Senate State Affairs Committee
Room 423
Alaska State Capitol
Juneau, AK 99811

Dear Senator Ward:

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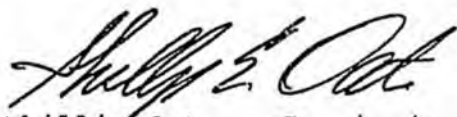
SB 236 "An act establishing Prisoners of War and Missing in Action Recognition Days and Women Veterans Day" would formally set special days to recognize the service and sacrifice of members of the Armed Forces of the United States and Alaska and their families.

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I look forward to working with you on these bills. If you have questions or if I can provide further information, please call my legislative staff, Carol Carroll at 465-4730 or me at 428-6003. Thank you for this opportunity to address your committee.

Sincerely,

A handwritten signature in cursive script, appearing to read "Phillip E. Oates".

Phillip Oates, Commissioner
Department of Military and Veterans Affairs

SB

237

TONY KNOWLES
GOVERNOR
GOVERNOR OF THE STATE OF ALASKA

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

PO BOX
Juneau, Alaska 99801
907-586-2200
Fax 907-586-2211
WWW.GOV.AK.US

Ab 237

February 1, 2000

The Honorable Drue Pearce
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear President Pearce:

When members of the Alaska National Guard and Alaska Naval Militia are called to active service for the state, it's important they be adequately compensated for their valuable work in a timely manner. To that end, this bill simplifies the pay scale and system for the Alaska National Guard (ANG) and Alaska Naval Militia (NM).

Currently, when called to state active duty, members of the ANG and NM receive pay and allowances equal to those provided by federal law for members of equivalent grades of the United States armed forces. Daily minimum pay is determined by grade and years of service with a statutory minimum. Allowances include food, housing, cost-of-living increase, and quarters and are determined based on the circumstances of each individual.

Calculating pay and allowances under the current law requires obtaining information from the federal government regarding current pay scales and allowance amounts. This can cause significant delays in payment of ANG and NM members. It is also a labor-intensive system involving numerous manual calculations with an unreasonable chance for errors.

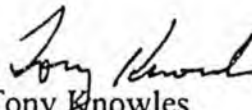
This bill simplifies the pay system for state active duty by retaining statutory minimum pay, disregarding years of service, and eliminating allowances. Members will simply receive 200 percent of the minimum basic pay for a member of an equivalent grade in the active military -- or the statutory minimum, if greater. Simplifying the calculation will save administrative time and will result in members of the ANG and NM receiving their checks in a more timely fashion.

The Honorable Drue Pearce
February 1, 2000
Page 2

The bill also provides that this proposed new pay scale will be used to calculate workers' compensation and death benefits for the organized militia, which includes the Alaska State Militia as well as the ANG and NM.

I urge your prompt and favorable action on this measure.

Sincerely,


Tony Knowles
Governor

Department of Military and Veterans Affairs
SB 237)
Statement of Intent of Bill

SB 237 "An Act relating to payment, allowances, and benefits of members of the Alaska National Guard and Alaska Naval Militia in active service; relating to computation of certain benefits for member of the Alaska State Militia; and providing for an effective date."

Purpose

The Department of Military and Veterans Affairs is proposing a change to current law in order to streamline certain functions when calculating pay for members of the National Guard and Naval Militia when called to State Active Duty.

Background

The Department of Military and Veterans Affairs is composed of three separate organizations. First, the State portion of the Department made up of the Commissioner's Office, Administration, Emergency Services, Facilities Management, and the Alaska Military Youth Academy; second, the federal portion of the department is made up of the Air and Army National Guard and Naval Militia; and third, the Alaska State Militia (commonly known as the Alaska State Defense Force). The collective name in statute for the second and third elements above is the Organized Militia.

Sectional Analysis

Section 1 changes the method of calculating pay for the members of the National Guard and Naval Militia when they are called to State Active Duty. State Active Duty results from a call by the Governor for assistance during a search and rescue or a disaster. These individuals work for the federal government, Department of Defense either on a full or part-time basis. When on State Active Duty, they are paid in accordance with the Department of Defense pay scales. This includes a daily base pay amount for each grade based on the number of years in that grade and allowances such as separate rations, housing, cost of living and flight status.

The department employs one individual who is responsible for calculating State Active Duty pay when the Governor calls on the Guard or Naval Militia to respond to a state crisis. The system is manual, complicated and subject to delay and error.

This section would simplify the procedure by eliminating allowances and replacing them with a 200% of minimum daily basic pay calculation. This would significantly reduce the number of calculations required. 200% was determined to reach approximately the same level of pay for the majority of individuals who would be called to State Active Duty. This change has been coordinated with the Officer and Enlisted Associations of the National Guard.

Section 2 is a conforming section to ensure that the changes in calculation of pay are noted when determining coverage under Workers Compensation.

Section 3 Because this bill is tied to another Senate Bill (SB 238) this section is necessary if that bill also passes. It addresses the change in the methods of handling pay calculations for the organized militia. The Organized Militia is made up of the National Guard and Naval Militia and the Alaska State Militia. Because the method of pay is different for these groups, this section must be rewritten to break out the two different methods.

Section 4 is the effective date of section 1 and 2.

Section 5 directs that Section 3 will take effect only if SB 238 passes.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

No. 1
Bill Version: SB 237
(S) Publish Date: 2-2-00

Revision Date/Time (Note if correction) _____ Dept. Affected Military and Veterans Affairs
Title Simplify Military Pay BRU Alaska National Guard
Component Office of the Commissioner
Sponsor Rules Committee
Requester Governor Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES ()						
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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 (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill simplifies the method of calculating pay and allowances for members of the National Guard and Naval Militia. There is no fiscal impact but administrative workload will be reduced in the event the National Guard is called onto Active Duty to respond to a state disaster or emergency. In addition, Guard and Naval Militia members will be paid more timely and accurately than in the past with this change.

Prepared by: Carol B Carroll Phone 465-4730
Division Administrative Services Date/Time 12/2/99 12:00 PM
Approved by Commissioner [Signature] Date 12/2/99
Agency Military and Veterans Affairs

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SB

238

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

No. 1
Bill Version: SB 238
(S) Publish Date: 2-2-00

Revision Date/Time (Note if correction) _____ Dept. Affected Military and Veterans Affairs
Title State Defense Force Pay BRU Alaska National Guard
Component Commissioner's Office
Sponsor Rules Committee
Requester Governor Component No. _____

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Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

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1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill institutes in statute a method of payment for ASDF members when called on State Active Duty. Previously, DMVA pay ASDF members in accordance with military pay and allowances rules. In a recent AG opinion, DMVA was informed that this method was not authorized. This bill will provide that ASDF members are pay as if they were state employees according to work performed. In addition, it provides that ASDF while on State Active Duty are still subject to military command and discipline rules.

Prepared by: Carol B. Carroll Phone 465-4730
Division Administrative Services Date/Time 12/2/99 12:19 PM
Approved by Commissioner _____ Date 1-2-2000
Agency Military and Veterans Affairs

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TONY KNOWLES
GOVERNOR
2005-2009, 2013-2019

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

PO BOX 1100
Juneau, Alaska 99801-1100
(907) 425-3500
Fax (907) 463-7700
www.gov.ak.us

February 1, 2000

Ab 238

The Honorable Drue Pearce
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear President Pearce:

This bill I transmit today clarifies and simplifies the method for paying members of the Alaska State Militia when called to active service. Payment would be based on the state employee rate for the actual type of work performed.

Members of the Alaska State Militia, more commonly known as the Alaska State Defense Force, receive compensation for non-training activities, such as assisting in search and rescue operations and responding to disasters. In the past, members were paid at levels equal to those of the United States armed forces, based on rank plus allowances. After recognizing the lack of statutory authority to pay the Defense Force in this manner, the state began to pay the members as state emergency, nonpermanent employees at a level equal to what an employee would receive for an equivalent assignment.

In addressing the question of compensation, the current system created some confusion in the chain of command for the Defense Force, which operates as a military organization under military command. Calling the members to active duty and then hiring them as state employees puts two disciplinary structures in place – one for state employees and one for Defense Force members. This bill clarifies that when called to active service, Defense Force members will be paid at a level equal to a state employee, but remain under the command of the Department of Military and Veteran Affairs.

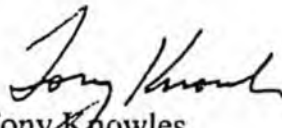
The bill also specifically provides that Defense Force members are not compensated when called to active service for training or other volunteer activities.

The Honorable Drue Pearce
February 1, 2000
Page 2

Finally, the bill makes corresponding amendments to the level of earnings for payment of workers' compensation or a death benefit in the event an ASM member is injured or killed while in active service.

The Alaska State Defense Force provides a valuable service to our state. In the interest of ensuring its members are clearly under military command and receiving equitable pay. I urge your prompt and favorable action on this measure.

Sincerely,


Tony Knowles
Governor

Department of Military and Veterans Affairs
SB 238
Statement of Intent of Bill

SB 238 "An Act relating to payment, benefits, and work status of members in the active service of the Alaska State Militia; and providing for an effective date."

Purpose

The Department of Military and Veterans Affairs is proposing this change to current law in order to clarify the method of paying the Alaska State Militia, more commonly known as the Alaska State Defense Force.

Background

The Department of Military and Veterans Affairs is composed of three separate organizations. First, the State portion of the Department made up of the Commissioner's Office, Administration, Emergency Services, Facilities Management, and the Alaska Military Youth Academy; second, the federal portion of the department is made up of the Air and Army National Guard and Naval Militia; and third, the Alaska State Militia (commonly known as the Alaska State Defense Force). The collective name in statute for the second and third elements above is the Organized Militia.

Sectional Analysis

Section 1 clarifies that a member of the Alaska State Militia, if injured while on State Active Duty is entitled to Workers' Compensation and benefits as if the member was a state employee. This is necessary to conform to the purpose of this bill.

Section 2 clarifies, as above, that the Alaska State Militia is entitled to death benefits, if the death occurred while in State Active Duty, as if the member was a state employee. This is necessary to conform to the purpose of this bill.

Section 3 has a dual purpose. First, it substitutes for the Organized Militia the federal portion of the department, the Alaska National Guard and Naval Militia, for clarification purposes and second, it addresses the

change in calculation of Workers' Compensation benefits while on State Active Duty that will be applicable to the Alaska State Militia if the bill passes.

Workers' Compensation benefits will be determined depending on whether the member is on State Active Duty pay status or is in training and not in pay status. If the member is in State Active Duty pay status, the benefits will be determined by using the state employee pay scales for the work done. If the member is in training status, benefits will be determined according to rank.

Section 4 defines member as an individual in the Alaska National Guard, Alaska Naval Militia or Alaska State Militia. It simply breaks out the groups within the Organized Militia.

Section 5 clarifies in statute the method of paying the Alaska State Militia when called to State Active Duty. This group is made up of individuals who are volunteers until called to active duty to respond to a search and rescue or disaster. Each have other jobs but do not work for the Department of Defense. They are not members of the National Guard or Naval Militia.

In the past the department paid these individuals as if they were members of the Guard or Naval Militia. The Attorney General's Office advised that DMVA was paying the Alaska State Militia incorrectly. This bill would establish a statutory basis for payment for services. It would pay as if the members were state employees, using the state pay schedule but recognize that the members are under a military command and discipline structure. This change will also ensure Alaska State Militia members retain AS 26 job protection when on State Active Duty.

Section 12 is the effective date.

POM for Senator Ward



From: Ms. Sandra Stark
60871 Horizon Ct

Telephone: 235-5537

Homer, AK 99603
Email:

NON Constituent

Registered Voter: U

Bill: SB 238 Title: MEMBERS OF ALASKA STATE MILITIA
Message:

Please support your Alaska State Defense Force which serves Alaskans in emergencies such as floods, avalanches and fires.

Entered in SOL on 4/06/00 POMID: 4930

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Message 17 out of 31.

SB

247

FISCAL NOTE

**STATE OF ALASKA
2000 LEGISLATIVE SESSION**

BILL NO. SB 247

Revision Date/Time (Note if correction) _____ Dept. Affected Administration
 Title Veteran's Eligibility for Longevity Bonus BRU Alaska Longevity Programs
 Component Longevity Bonus
 Sponsor Senator Leman
 Requester (S) STA Component No. 26

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	12.0	12.0	12.0	12.0	12.0	12.0
Miscellaneous						
TOTAL OPERATING	12.0	12.0	12.0	12.0	12.0	12.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	12.0	12.0	12.0	12.0	12.0	12.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	12.0	12.0	12.0	12.0	12.0	12.0

Estimate of any current year (FY2000) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill allows a longevity bonus recipient who is also a veteran to remain eligible and receive the longevity bonus while residing in an Alaska skilled nursing facility if the veteran's care is paid for by veterans' benefits or a combination of private sources and veterans' benefits.

During the past calendar year, 2/99 through 1/00, an average number of 4* veterans were disqualified from the longevity bonus program due to residence in an Alaska skilled nursing facility during which time the care was paid for by veterans' benefits.

If each of the disqualified veterans normally received the maximum longevity bonus of \$250.00, the cost to the state in an average year would be \$12.0

*Average number is 3.6 rounded up to 4

Prepared by: Jim Kohn Phone 465-2159
 Division Alaska Longevity Programs Date/Time _____
 Approved by Commissioner Robert Poe, Jr. *Robert Poe, Jr.* Date 2/28/00 *2/28/00*
 Agency Department of Administration

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CS FOR SENATE BILL NO. 247()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): SENATORS LEMAN, Tim Kelly

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to eligibility of certain persons who receive veterans' benefits for
2 longevity bonus payments; and providing for an effective date."

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

4 * **Section 1.** AS 47.45.070(c) is amended to read:

5 (c) Notwithstanding (a)(2) of this section, a person who resides in a nursing
6 home who meets the age and residence requirements of this chapter qualifies for the
7 bonus if the costs of care of the person at the nursing home are paid for entirely from
8 private sources, veterans' benefits, or a combination of private sources and
9 veterans' benefits.

10 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section
11 to read:

12 **APPLICATIONS AND REAPPLICATIONS FOR LONGEVITY BONUS**
13 **PAYMENTS.** (a) Notwithstanding AS 47.45.045, a person who qualified to receive a
14 monthly longevity bonus payment under AS 47.45.010 before January 1, 1997, but was later

1 disqualified under AS 47.45.070(a)(2) may reapply for qualification for bonus payments. If
2 the Department of Administration determines that the person is eligible for bonus payments
3 under AS 47.45.070(c), as amended in sec. 1 of this Act, and is otherwise eligible, the amount
4 of the person's monthly bonus shall be the amount the person was receiving before reapplying
5 under this subsection.

6 (b) Notwithstanding AS 47.45.010, a person who originally applied before January 1,
7 1997, and did not qualify to receive a monthly longevity bonus under AS 47.45.070(a)(2) but
8 who otherwise would have qualified may file a new application. If the Department of
9 Administration determines that the person is eligible for bonus payments under
10 AS 47.45.070(c), as amended in sec. 1 of this Act, and is otherwise eligible, the amount of
11 the person's monthly bonus shall be the amount the person would have received had the
12 person qualified under the original application.

13 (c) A new application or reapplication under this section must be submitted to the
14 Department of Administration before January 1, 2001.

15 * Sec. 3. This Act takes effect July 1, 2000.

FISCAL NOTE

No. 1

Bill Version: SSB247 (Sta)

BILL NO. (S) Publish Date: 3/20/00

STATE OF ALASKA
2000 LEGISLATIVE SESSION

Revision Date/Time (Note if correction) _____ Dept. Affected Administration
 Title Veteran's Eligibility for Longevity Bonus BRU Alaska Longevity Programs
 Component Longevity Bonus
 Sponsor Senator Leman
 Requester (S) STA Component No. 26

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
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Equipment						
Land & Structures						
Grants & Claims	12.0	12.0	12.0	12.0	12.0	12.0
Miscellaneous						
TOTAL OPERATING	12.0	12.0	12.0	12.0	12.0	12.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	12.0	12.0	12.0	12.0	12.0	12.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	12.0	12.0	12.0	12.0	12.0	12.0

Estimate of any current year (FY2000) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill allows a longevity bonus recipient who is also a veteran to remain eligible and receive the longevity bonus while residing in an Alaska skilled nursing facility if the veteran's care is paid for by veterans' benefits or a combination of private sources and veterans' benefits.

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If each of the disqualified veterans normally received the maximum longevity bonus of \$250.00, the cost to the state in an average year would be \$12.0

*Average number is 3.6 rounded up to 4

Prepared by: Jim Kohn Phone 465-2159
 Division Alaska Longevity Programs Date/Time _____
 Approved by Commissioner Robert Poe, Jr. [Signature] Date 2/28/00 2/28/00
 Agency Department of Administration

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1 of 1

Sponsor Statement – SB 247

“An Act relating to eligibility of certain veterans for longevity bonus payments; and providing for an effective date.”

Senate Bill 247 restores the eligibility of certain veterans who are being cared for in nursing homes to receive longevity bonus payments.

Under AS 47.45.070, a person who resides in a nursing home can receive the longevity bonus only if “the costs of care of the person at the nursing home are paid for entirely from private sources.” As a result, persons living in nursing homes receiving veterans' benefits are denied longevity bonus payments. Veterans' benefits are federal benefits earned by those who have served our country in the armed forces. It is not fair to include veterans' benefits in the same category as needs-based state benefits such as Medicaid, the receipt of which disqualifies a nursing home patient from receiving longevity bonus payments.

SB 247 amends the eligibility criteria for nursing home patients, to allow the cost of care to be paid for from private sources, veterans' benefits, or a combination of private sources and veterans' benefits. Those veterans disqualified under the existing statute will be permitted to reapply for qualification for bonus payments during a six-month window open from July 1, 2000 to January 1, 2001. Eligible veterans who reapply will receive the longevity monthly bonus that they would have received had they not been disqualified. The longevity bonus payments are prospective from the time of re-qualification.

Prepared by Marie Cook, Staff Aide to Senator Loren Lemman (465-2095)

Last updated: February 9, 2000

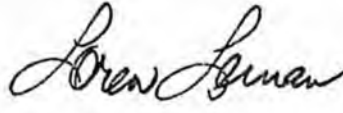
SENATOR LOREN LEMAN

Northwest Anchorage

716 W 4th Ave, Ste 540, Anchorage AK 99501 258-8189

Session: State Capitol, Juneau AK 99801 465-2095

TO: Senator Jerry Ward
Chairman, Senate State Affairs Committee

FROM: Senator Loren Leman
Sponsor 

DATE: February 8, 2000

RE: Request For Hearing - Senate Bill 247: Veterans' Eligibility For Longevity Bonus

Please schedule SB 247: regarding eligibility of veterans for longevity bonus payments for a hearing in the Senate State Affairs Committee at your earliest convenience.

SB 247 allows veterans who qualified to receive a monthly longevity bonus payment under AS 47.45.010 before January 1, 1997, but were later disqualified under AS 47.45.070 to reapply for qualification for bonus payments. AS 47.45.070 declares that a person who resides in a nursing home can receive the longevity bonus only if "the costs of care of the person at the nursing home are paid for entirely from private sources." SB 247 changes the language allowing the cost of care to be paid for from private sources, veterans' benefits, or a combination of private sources and veterans' benefits.

I have attached to this memo a copy of the legislation and sponsor statement.

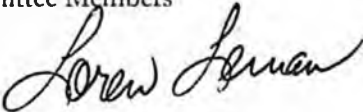
During Session, January - May:
State Capitol, Room 115
Juneau, Alaska 99801
(907) 465-2095
465-3810 FAX

During Interim, June - December:
716 W 4th Ave, Suite 520
Anchorage, Alaska 99501
(907) 269-0240
269-0242 FAX

Senator Loren Lemman

TO: Senator Jerry Ward
Chairman, Senate State Affairs Committee

CC: Senate State Affairs Committee Members

FROM: Senator Loren Lemman 

DATE: March 21, 2000

RE: Legal Opinion For Senate Bill 247: Veterans' Eligibility for Longevity Bonus

In the Senate State Affairs Committee on March 16, 2000, there were some questions as to whether or not Medicare recipients would have sufficient cause or legal standing in a suit against the State if veterans receive longevity bonus but not Medicare patients while residing in a skilled nursing facility. We posed this question to Tam Cook with Legislative Legal and Research Services. Her legal opinion is attached for your consideration.

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 21, 2000

SUBJECT: Longevity bonus payments for certain nursing home residents that are receiving veterans' benefits (SB 247)

TO: Senator Loren Leman

FROM: Tamara Brandt Cook
Director *TBC*

Under existing law a person who resides in a nursing home is not qualified for a longevity bonus payment unless the costs of nursing home care are paid for entirely from private sources. (AS 47.45.070(a)(2) and(c)). SB 247 will also permit persons whose nursing home care is paid for from veterans' benefits, or a combination of veterans' benefits and private sources to qualify for longevity bonus payments. You ask whether this change which would permit some persons in nursing homes who receive veterans' benefits to also receive longevity bonus payments would give other nursing home residents, such as Medicaid recipients, a cause of action against the state.

The only cause of action that I can think of would be based on equal protection, asserting that the state is improperly discriminating in favor of persons who receive veterans' benefits. The first step in equal protection analysis is to determine the nature of the interest impaired by the challenged enactment, in this case, receipt of longevity bonus payments. The right to receive a longevity bonus payment is merely an economic interest entitled only to minimum protection under Alaska's equal protection analysis. (*Maggard v. Sipe*, Superior Court, Third judicial District, Case No. 3AN-94-03935 CI, Order dated June 6, 1996; *State v. Anthony*, 810 P.2d 155 (Alaska 1991)) To survive challenge the state need only show that extending the benefit to people who receive veterans' benefits serves a legitimate purpose.

There is an obvious purpose in extending special benefits to veterans and their dependents-- to encourage people to serve in the military. There are a great many state programs that already single out veterans' for special treatment. (AS 09.25.121, providing certain public records to veterans without charge; AS 16.05.341, free hunting and sport fishing licenses for disabled veterans; AS 18.55.330, veterans' preference in certain housing projects; AS 26.15. housing loans for veterans; AS 26 10.080, veterans' death gratuity; AS 28.10.421, special rates for vehicle registration; AS 29.45.030(e)-(i), property tax exemption for disabled veterans; AS 38 05.067, veterans' preference in purchase of residential land; AS 38.05.940. land discount for veterans; AS 39.25.159, state employment preference for veterans; AS 41.21.026(d), free state park campsite permit for disabled veterans)

Senator Loren Leman

March 21, 2000

Page 2

I believe that extending eligibility for longevity bonus payments to individuals who pay for nursing home costs with veterans' benefits while not extending that eligibility to all other nursing home residents would survive an equal protection challenge.

You also question whether other nursing home residents would have standing to bring suit. There is no reason to expect standing to be a problem, since these potential plaintiffs clearly have an interest that is adversely affected. (Trustees for Alaska v. State, 736 P.2d 324 (Alaska 1987) cert. denied, 486 U.S. 1032 (1988))

TBC:jdr

00-116.jdr

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF ALASKA LONGEVITY PROGRAMS

*Pioneers' Homes & Advisory Board
Longevity Bonus*

Tony Knowles, Governor

PO Box 110211
Juneau, AK 99811-0211
Phone (907)465-4400
FAX (907)465-4108
(907)465-8886

March 6, 2000

The Honorable Jerry Ward
Chair
Senate State Affairs Committee
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Mr. Chair:

This past Thursday at a hearing of your committee you requested that I provide to you the number of Alaska Longevity Bonus recipients who are temporarily disqualified for the Bonus since they are receiving Medicare benefits in skilled nursing care facilities.

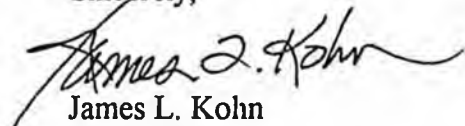
As of this date there are 159 Bonus recipients who are disqualified by statute for the Bonus since they are presently receiving Medicare benefits in skilled nursing care facilities.

Since the percentage of Medicare residents in Alaska's skilled nursing care facilities appears to remain fairly constant, this number could be used as a monthly norm.

If the Bonus was paid to this group the cost to the state could be as much as \$477.0 per year.

I hope that this information is helpful. Please contact me if I can provide any further information.

Sincerely,


James L. Kohn
Director

cc: Robert Poe, Jr
Alison Elgee



SENATOR JERRY WARD

ALASKA STATE LEGISLATURE

MEMORANDUM

TO: Senator Lyda Green
Vice-chair, Senate State Affairs Committee

FROM: Senator Jerry Ward
Chair, Senate State Affairs Committee

DATE: March 7, 2000

SUBJECT: Supplemental information for SB 247

Following is a response from James Kohn, Director of the Department of Administration, Division of Alaska Longevity Programs, to a request from the Chair on March 2, 2000 for additional information in regard to SB 247.



SENATOR JERRY WARD

ALASKA STATE LEGISLATURE

MEMORANDUM

TO: Senator Gary Wilken
Senate State Affairs Committee

FROM: Senator Jerry Ward
Chair, Senate State Affairs Committee

DATE: March 7, 2000

SUBJECT: Supplemental information for SB 247

Following is a response from James Kohn, Director of the Department of Administration, Division of Alaska Longevity Programs, to a request from the Chair on March 2, 2000 for additional information in regard to SB 247.



SENATOR JERRY WARD

ALASKA STATE LEGISLATURE

MEMORANDUM

TO: Senator Randy Phillips
Senate State Affairs Committee

FROM: Senator Jerry Ward
Chair, Senate State Affairs Committee

DATE: March 7, 2000

SUBJECT: Supplemental information for SB 247

Following is a response from James Kohn, Director of the Department of Administration, Division of Alaska Longevity Programs, to a request from the Chair on March 2, 2000 for additional information in regard to SB 247.



SENATOR JERRY WARD

ALASKA STATE LEGISLATURE

MEMORANDUM

TO: Senator Kim Elton
Senate State Affairs Committee

FROM: Senator Jerry Ward
Chair, Senate State Affairs Committee

DATE: March 7, 2000

SUBJECT: Supplemental information for SB 247

Following is a response from James Kohn, Director of the Department of Administration, Division of Alaska Longevity Programs, to a request from the Chair on March 2, 2000 for additional information in regard to SB 247.

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 31, 2000

SUBJECT: Longevity bonus payments for certain veterans (Work Order 21-LS1363\A))

TO: Senator Loren Leman
Attn: Annette Kreitzer and Marie Y. Cook

FROM: Tamara Brandt Cook
Director *TBC*

You have asked with respect to this draft legislation whether veterans might be placed in a position of losing federal benefits if they qualify for longevity bonus payments. As I recall from testimony, nursing home residents were excluded from eligibility for the longevity bonus under AS 47.45.070 because the federal government decided in 1984 that it would count the bonus as income for purposes of Medicaid eligibility determinations, at least for those Alaskans who were not 65 before October 1, 1985, and did not have 25 years of state residency by that date, as was required under the original longevity bonus program. (See 42 U.S.C. 1382)

Federal benefits for veterans do not appear to be based on income. (See 38 U.S.C. 1114, disability compensation; 38 U.S.C. 1710, medical, hospital, and nursing home care) Laddie Shaw, Director for State Veterans' Affairs, informed me that Medicaid is not ever a primary provider for a veteran who qualifies for veterans' benefits. Therefore, it is his conclusion that longevity bonus eligibility for veterans' in nursing homes will not cause veterans to lose federal benefits.

TBC:pl
00-034.plm

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE



Division of Legislative Finance

P.O. Box 113200
Juneau, AK 99811-3200
(907) 465-3795
FAX (907) 465-1327

MEMORANDUM

DATE: February 2, 2000
TO: Senator Loren Leman
FROM: *ldw* Danith Watts, Legislative Fiscal Analyst
SUBJ: Longevity Bonus Legislation Fiscal Impact

The following information is provided in response to your inquiry regarding potential legislation and the relationship of veterans residing in Alaska nursing homes and longevity bonus eligibility. Sources for information include Health Facilities Licensing & Certification (Health & Social Services), Longevity Programs (Administration), and the Director of Administrative Services for H&SS. Numbers are taken from the December 1999 census received by the certification office. (A list of Alaska's nursing homes and the veteran information by location is attached for your information [Attachments A and B]).

Total numbers of Alaska nursing homes: 15
Total number of beds statewide: 717
Total number of Veterans reported: 7 (or less than 1% of the total beds)
Specific locations with count:

Denali Center, Fairbanks	1
Providence Extended Care Center, Anchorage	5
Sitka Community Hospital (Long Term Care), Sitka	1

Without a specific analysis by individual (probably with each person's release of confidential information), it is difficult to ascertain the overall impact of legislation allowing veterans' the opportunity to receive monthly longevity bonus checks. The pure dollars expended from the system to seven individuals would range from \$21,000 down to \$8,400 annually or less dependent upon the individuals involved (monthly benefits ranging from \$100 - \$250). Since the longevity bonus program is being phased out and is closed to new applicants, a case by case analysis would have to be formulated to determine the exact figure.

There is another side to this potential legislation that you may have already considered but the issue arose in my conversations with H&SS and Administration. The receipt of a monthly longevity bonus check would impact a recipient's eligibility for funding in Medicare, Medicaid, or General Relief programs. The ALB Hold Harmless program in H&SS (originally designed to protect Supplemental Security Income eligibility) may cover a change contemplated for veterans in nursing homes, but a statutory revision may be necessary to cover all of the bases.

Attachments as noted.

cc: Marie Cook, Staff Assistant to Senator Leman

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF ALASKA LONGEVITY PROGRAMS

Pioneers' Homes & Advisory Board
Longevity Bonus

Tony Knowles, Governor

PO Box 110211
Juneau, AK 99811-0211
Phone (907)465-4400
FAX (907)465-4108
(907)465-8886

March 6, 2000

The Honorable Jerry Ward
Chair
Senate State Affairs Committee
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Mr. Chair:

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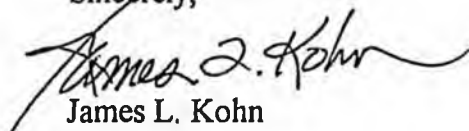
As of this date there are 159 Bonus recipients who are disqualified by statute for the Bonus since they are presently receiving Medicare benefits in skilled nursing care facilities.

Since the percentage of Medicare residents in Alaska's skilled nursing care facilities appears to remain fairly constant, this number could be used as a monthly norm.

If the Bonus was paid to this group the cost to the state could be as much as \$477.0 per year.

I hope that this information is helpful. Please contact me if I can provide any further information.

Sincerely,


James L. Kohn
Director

cc: Robert Poe, Jr
Alison Elgee



SENATOR JERRY WARD

ALASKA STATE LEGISLATURE

MEMORANDUM

TO: Senator Randy Phillips
Senate State Affairs Committee

FROM: Senator Jerry Ward
Chair, Senate State Affairs Committee

DATE: March 7, 2000

SUBJECT: Supplemental information for SB 247

Following is a response from James Kohn, Director of the Department of Administration, Division of Alaska Longevity Programs, to a request from the Chair on March 2, 2000 for additional information in regard to SB 247.

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF ALASKA LONGEVITY PROGRAMS

*Pioneers' Homes & Advisory Board
Longevity Bonus*

Tony Knowles, Governor

PO Box 110211
Juneau, AK 99811-0211
Phone (907)465-4400
FAX (907)465-4108
(907)465-8886

March 6, 2000

The Honorable Jerry Ward
Chair
Senate State Affairs Committee
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Mr. Chair:

This past Thursday at a hearing of your committee you requested that I provide to you the number of Alaska Longevity Bonus recipients who are temporarily disqualified for the Bonus since they are receiving Medicare benefits in skilled nursing care facilities.

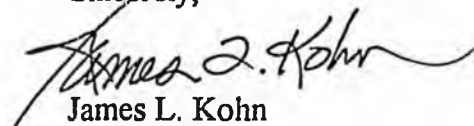
As of this date there are 159 Bonus recipients who are disqualified by statute for the Bonus since they are presently receiving Medicare benefits in skilled nursing care facilities.

Since the percentage of Medicare residents in Alaska's skilled nursing care facilities appears to remain fairly constant, this number could be used as a monthly norm.

If the Bonus was paid to this group the cost to the state could be as much as \$477.0 per year.

I hope that this information is helpful. Please contact me if I can provide any further information.

Sincerely,


James L. Kohn
Director

cc: Robert Poe, Jr
Alison Elgee

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 10, 2000

SUBJECT: Longevity bonus payments to persons who receive veterans' benefits
(CSSC 247(); 21-LS1363\G)

TO: Senator Loren Leman
Attn: Marie Marx

FROM: Tamara Brandt Cook
Director *TBC*

You asked me to follow up on the memorandum dated March 3, 2000 by asking Mr. James Kohn, Alaska Longevity Bonus Program, whether it is possible for the state to lose any Medicaid funding as a result of making individuals who pay for nursing home care with veterans' benefits eligible for longevity bonus payments. I talked with Mr. Kohn by phone and he felt that it would be quite unlikely that a person who is receiving veterans' benefits would also qualify for Medicaid, however, he asked me to check with Mr. Jon Sherwood also.

I reached Mr. Sherwood this morning. He informed me that there exists a "theoretical possibility" that a person who is paying for nursing home care entirely from veterans' benefits, or a combination of veterans's benefits and private sources, would still qualify for some level of Medicaid which would be lost if the person also received a longevity bonus payment. However, he could not think of a set of facts that would lead to that result. Mr. Sherwood did point out that it would be possible for a person with veterans' benefits and private sources that fluctuate in value to go on and off the longevity bonus program. Because of delays in getting the person on and off the Medicaid program, this can result in the lose of a month of Medicaid during transition periods. This problem will probably involve fluctuations in private sources more than in Veterans' Benefits, and exists now in a few cases, such as when Native Corporations pay one-time dividends to shareholders.

I hope this information is useful. If you wish to contact Mr. Jon Sherwood directly, he can be reached at 465-5820.

TBC:pl
00-088.plm



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Definition of "Veteran"

The Department of Veterans Affairs defines a veteran as one who:

- is currently on active duty in the U.S. Armed Forces; or
- has honorably served on active duty in the U.S. Armed Forces for at least two years; or
- is currently serving on Reserve or National Guard duty; or
- dependents of a qualified veteran, i.e., deceased or 100% disabled owing to service-connected causes, under Chapter 35 of the Federal Regulations.

Note: The US Department of Education defines a veteran differently. Federal regulations governing Title IV financial aid programs define a veteran as one who:

- has engaged in active service in the U.S. Armed Forces (Army, Navy, Air Force, Marines, and Coast Guard), or was a cadet or midshipman at one of the service academies, and
- was released under a condition other than dishonorable.

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Revised March 16, 1999

Webspinners: Perry W. Campbell & Jennifer M. Lumer

http://www.uncwil.edu/finaid/veterans/def_vet.htm

Chapter 108
Chapter: CH108
Source: CSSSHB20 (FIN)
Action Date: June 20, 1992
Effective Date: July 1, 1992
92

AN ACT

Relating to qualifications for longevity bonus payments; and providing for an effective date.

* Section 1. AS 47.45.070 is amended by adding a new subsection to read:

(c) Notwithstanding (a)(2) of this section, a person who resides in a nursing home who meets the age and residence requirements of this chapter qualifies for the bonus if the costs of care of the person at the nursing home are paid for entirely from private sources.

* Sec. 2. This Act takes effect July 1, 1992.

Senate
92
SFIN
92/05/06
1340

HB20

SENATE FINANCE COMMITTEE

May 6, 1992
1:40 p.m.

TAPES SFC-92, Y, Side 1 (001-157)
SFC-92, Y, Side 2 (161-591)
SFC-92, Z, Side 1 (001-568)
SFC-92, Z, Side 2 (565-515)

CALL TO ORDER

Co-chairman Pourchot convened the meeting at approximately
1:55 p.m.

PRESENT

In addition to Co-chairman Pourchot, Senators Adams, Shultz,
and Uehling were present. Co-chairman Kerttula and Senators
Duncan and Hoffman arrived shortly after the meeting began.

ALSO PRESENT: Scott Burgess, Executive Director, Alaska
Municipal League; Allison Elgee, aide to Rep. Navarre;

Senator Sturgulewski; Colonel Thomas Carroll, Dept. of
Military & Veterans Affairs (DMVA); Jeff Morrison, Director,
Administrative Services & Support, DMVA; Sandra Wicks,
Deputy Director, Division of Municipal & Regional
Assistance, Dept. of Community & Regional Affairs; Dave
Harding, aide to Rep. Maclean; Charlie May Moore,
Administrator Teacher Certification, Dept. of Education;

Mike McMullen, Manager System Services, Dept. of
Administration; Barnaby Dow, aide to Rep. Ulmer; Chris
Christensen, Staff Counsel, Alaska Court System; Gloria
Hartzman, aide to Rep. Sharp; Dennis Dewitt, Director,
Division of Pioneers' Benefits, Dept. of Administration;

Gordon Landis, Division of Medical Assistance, Dept. of
Health & Social Services; Edith Jacobsen, aide to Rep.
Jacko; Duane Gilley, Director, Education Finance & Support,
Dept. of Education; Mike Greany, Director, Legislative
Finance Division (LFD); Nancy Slagle, fiscal analyst, LFD;

aides to committee and other members of the legislature.

SUMMARY OF INFORMATION

CSHB 573 - An Act relating to state and municipal programs that
(Finance) provide a financial benefit to entities and individuals, including an exemption from municipal property taxation for certain primary residences; and providing for an effective date.

Discussion was had with Allison Elgee, Scott

Burgess, Colonel Carroll, Jeff Morrison, Senator Sturgulewski, and Sandra Wicks. Ms. Elgee presented a comparison of the provisions in the CSHB 573(FIN) and SCS CSHB 573(HES) versions of the bill. CSHB 573(FIN) was subsequently HELD in committee for further review.

CSHB 326 - An Act relating to requirements for limited teacher
(Finance) certificates; defining 'teacher'; and providing for an effective date.

Discussion was had with Dave Hardy and Charlie May Moore. CSHB 326(FIN) was subsequently REPORTED OUT of committee with a \$19.3 (program receipts) fiscal note from the Dept. of Education. Co-chairman Pourchot and Senators Hoffman, Shultz, Duncan, and Uehling signed the committee report "do pass".

CSHB 385 - An Act relating to video display terminals.

(L&C) am

Discussion was had with Barnaby Dow and Mike McMullen. SCS CSHB 385(L&C) was REPORTED OUT of committee with a \$28.5 (inter-agency receipts) fiscal note from the Dept. of Administration. Co-chairman Pourchot and Senators Duncan and Uehling signed the committee report "do pass". Senator Shultz signed "no recommendation".

HB 443 - An Act increasing the total number of superior court judges from 30 to 31, increasing the number of superior court judges in the fourth judicial district from five to six, and decreasing the number of district judges in the fourth judicial district from four to three; and providing

for an effective date.

Discussion was had with Chris Christensen. HB 443 was subsequently REPORTED OUT of committee with zero fiscal notes from the Dept. of Law, DOA/Office of Public Advocacy, DOA/Public Defender, and a \$126.2 note from the Court System. Senators Hoffman and Shultz signed the committee report "do pass".

Co-chairman Pourchot and Senators Duncan and Uehling signed "no recommendation. Co-chairman Kerttula signed "do not pass".

CSSSHB 20 - An Act relating to qualifications for longevity

(Finance) bonus payments; and providing for an effective date.

Discussion was had with Gloria Hartzman and Dennis DeWitt. CSSSHB 20(FIN) was subsequently REPORTED OUT of committee with a zero fiscal note from the Dept. of Health & Social Services. Co-chairman Pourchot and Senators Duncan, Shultz, and Uehling signed the committee report "do pass".

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 20 (FINANCE)

An Act relating to qualifications for longevity bonus payments; and providing for an effective date.

Co-chairman Pourchot directed CSSSHB 20(FIN) bc brought on for discussion.

GLORIA HARTZMAN, aide to Representative Sharp came before committee. Ms. Hartzman stated that the bill would correct the 1985 legislation, which by a broad brush approach, made all nursing home residents ineligible for longevity bonus payments. There is a small percentage of nursing home

residents who pay their total nursing home charges, ranging from \$5,000 to \$9,000 a month, entirely from private resources, until their savings are exhausted. The legislation is designed to correct a discriminatory disenfranchisement action. A person residing in a nursing home would be eligible to continue receiving a longevity bonus payment, if the costs of care of the person residing in the nursing home are paid entirely from private sources.

The Division of Pioneers' Benefits conducted two telephone survey, one in December 1990 and the other late last year, which indicated that there are approximately twenty-nine self-pay patients who would be eligible for the longevity

bonus. Ms. Hartzman advised that she had recently contacted three of the facilities and was told that the numbers were significantly lower than the most recent survey. That indicates that the bill's fiscal note prepared by the Department of Administration is more than adequate. She further advised that it is a "fair assumption" that the majority of the funds would eventually be used to continue the self-pay option for a few more months by those residents, providing an offset to future state medicaid costs.

DENNIS DEWITT, Director, Division of Pioneers' Benefits next came before committee. Speaking to the fiscal note he prepared for the Department of Administration, Mr. Dewitt voiced his belief that there are approximately twenty-nine people who would qualify and that the cost of the longevity bonus would be about \$87.0 per year.

Senator Duncan asked Mr. Dewitt what the department's position was on the legislation. Mr. Dewitt replied that "the department was not supporting but was neutral on the bill".

In response to Senator Uehling's inquiry, Mr. Dewitt voiced his belief that the number of people qualifying would not fluctuate over time and if anything, it might not be as large as it is now.

GORDON LANDIS, Division of Medical Assistance, Dept. of Health and Social Services came to the table. Co-chairman Pourchot asked Mr. Landis to address the question of whether or not the legislation would endanger medicaid payments in those facilities.

End, SFC-92, Z, Side 1
Begin, SFC-92, Z, Side 2

Mr. Landis explained that the rationale behind the prohibition of issuance of longevity bonus payments to nursing homes recipients who are on medicaid, came from a change in the Social Security Act in 1984-85 and a resulting

adversarial administrative hearing. This particular legislation was discussed last year and again this year with the health care finance administration representatives that provide the medicaid funding. Because of changes in the work relationship and changes in the nature of the bonus itself, the health care finance administration does not have a problem with the bill. The division does not feel the legislation is problematic.

Senator Uehling MOVED for passage of CSSH B 20(Finance) from committee with individual recommendations. No objection having been raised, CSSH B 20(Finance) was REPORTED OUT of committee with the accompanying zero note from the Dept. of Health & Social Services and a \$87.0 fiscal note from the

Department of Administration.

House
92
HFIN
92/02/19
1340

HOUSE FINANCE COMMITTEE
February 19, 1992
1:40 P.M.

TAPE HFC 92-13, Side 1, #000 - end.

TAPE HFC 92-13, Side 2, #000 - end.

TAPE HFC 92-14, Side 1, #000 - 541.

CALL TO ORDER

Co-Chair Mike Navarre called the meeting of the House Finance Committee to order at 1:40 p.m.

PRESENT

Co-Chair Navarre	Representative Barnes
Co-Chair MacLean	Representative Brown
Vice-Chair Boyer	Representative Jacko
Representative Koponen	Representative Larson
Representative Phillips	Representative Sharp

Representative Ulmer was not present for the meeting.

ALSO PRESENT

Chris Ashenbrenner, Division of Medical Assistance, Department of Health and Social Services; Representative Donley; Laurie Otto, Aide, Representative Donley; John Salemi, Public Defender, Alaska Public Defender Agency;

Gayle Horetski, Deputy Commissioner, Department of Public Safety; Margot Knuth, Assistant Attorney General, Department of Law; Diane Schenker, Special Assistant, Department of Corrections.

SUMMARY INFORMATION HB 20 An Act relating to qualifications for longevity bonus payments; and providing for an effective date.

CSSS HB 20 (FIN) was reported out of Committee with a "do pass" recommendation and with a zero

fiscal note from the Department of Health and Social Services and a fiscal note in the amount of \$87 thousand by the Department of Administration.

HB 396 An Act relating to the crimes of assault, sexual assault, unlawful exploitation of a minor, and misconduct involving weapons; relating to the

1

statute of limitations in criminal offenses;

imposing a standard of proof in sentencing proceedings; requiring a 99-year prison term without discretionary parole for first degree murder if the defendant has a prior murder conviction, kills a peace officer, fire fighter, or correctional officer, or commits a torture murder; relating to sentencing of certain first felony offenders; limiting a court's discretion to refer certain criminal cases to a three-judge sentencing panel based upon the defendant's potential for rehabilitation; relating to sentencing and discretionary parole of offenders found to have an exceptional potential for rehabilitation; and amending Alaska Rule of Criminal Procedure 35.

CS HB 396 (JUD) was reported out of Committee with "no recommendation" and with a fiscal note in the amount of \$102.2 from the Department of Administration and zero fiscal notes by the Department of Corrections, the Department of Law, the Alaska Court System and the Department of Public Safety.

HOUSE BILL 20

"An Act relating to qualifications for longevity bonus payments; and providing for an effective date."

Representative Sharp stated that HB 20 would correct a change in the law which happened in 1985 which made all nursing home residents ineligible for Longevity Bonus payments. Care for most nursing home residents is carried by the state and federal government. There is a small percentage of nursing home residents whose total nursing home charges range from \$5 - \$8 thousand dollars per month which is paid entirely by private resources.

The legislation is designed to correct discriminatory disenfranchisement. Under the proposed legislation, a person residing in a nursing home would be eligible to receive a longevity bonus payment if the cost of care is paid entirely from private sources. Currently, there are

twenty-nine self paid patients who are eligible for the longevity bonus under this bill. The maximum annual increase would be \$75 - \$90 thousand dollars as indicated in the fiscal note.

Representative Brown asked if the "hold harmless" clause would interfere with the eligibility of these patients.

Representative Sharp replied that those eligible to receive

2

the longevity bonus are not eligible to receive Medicaid.

Consequently, there is no "hold harmless".

CHRIS ASHENBRENNER, DIVISION OF MEDICAL ASSISTANCE, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, stated that the proposed legislation would not impact the "hold harmless" patients. The anticipated expenditure to the Department is approximately \$40 thousand dollars.

Co-Chair Navarre MOVED to change the effective date to July, 1, 1992. There being NO OBJECTION, it was so ordered.

Representative Larson asked if there would be legal ramifications to the proposed legislation. Representative Sharp replied that this was discussed in the House State Affairs Committee last year and the opinion was there would be no inequity problems.

Representative Sharp MOVED to report CS HB 20 (JUD) out of Committee with individual recommendations and with the accompanying fiscal notes. There being NO OBJECTION, it was so ordered.

CS HB 20 (JUD) was reported out of Committee with a "do pass" recommendation and with a fiscal note in the amount of \$87 thousand by the Department of Administration and a zero fiscal note by the Department of Health and Social Services.

Chapter 078
Chapter: CH078
Source: CSHB 11(STA)
Action Date: June 26, 1991
Effective Date: July 1, 1991
91

AN ACT

Relating to qualifications for longevity bonus payments; and providing for an effective date.

* Section 1. AS 47.45.070 is amended by adding a new subsection to read:

(b) Notwithstanding (a)(2) of this section, a person who meets the age and residence requirements of this chapter qualifies for the bonus during any period of residence in a nursing home that does not exceed 90 consecutive days if the bonus is exempt from the determination of income eligibility under Supplemental Security Income in 42 U.S.C. 1382a (Sec. 1612(b)(2)(B), Social Security Act), as amended.

* Sec. 2. This Act takes effect July 1, 1991.

Senate
91
SFIN
91/05/18
0845

HB11

SENATE FINANCE COMMITTEE

May 18, 1991

8:45 a.m.

TAPES

SFC-91, #68, Side 1 (305-575)
SFC-91, #68, Side 2 (575-032)

CALL TO ORDER

Co-chairman Pat Pourchot convened the meeting at approximately 8:45 a.m.

PRESENT

In addition to Co-chairmen Pourchot and Kerttula, Senators Adams, and Duncan were present. Senator Uehling arrived soon after the meeting began. Senator Shultz arrived as it was in progress. Senator Hoffman did not attend.

ALSO ATTENDING: Senator Virginia Collins; Representative David Finkelstein; Representative Bill Hudson; Lee Fisher, Commissioner, Dept. of Revenue; Darrel Rexwinkel, Deputy Commissioner, Dept. of Revenue; Wendy Redman, Vice President for University Relations, University of Alaska; Jeff Morrison, Director, Administrative and Support Services Division, Dept.

of Military and Veterans' Affairs; Barbara Bathony, Director, Division of Pioneers' Benefits, Dept. of Administration; Chris Christensen, Staff Counsel, Alaska Court System; Gordon Landes, Dept. of Health and Social Services; Deborah Vogt, staff to the Senate Special Committee on Oil and Gas; Mark Handley, aide to Representative Gruenberg; Alexis Miller, aide to Representative Boyer; and aides to committee members and other members of the legislature.

SUMMARY INFORMATION

SB 211 - Act providing for coverage of advanced nurse practitioner services under the Medicaid program; and reordering the priorities granted to optional services offered under the Medicaid program.

Testimony was offered by Senator Collins. CSSB

211 (Finance) was then REPORTED OUT of committee with a \$57.8 fiscal note from the Dept. of Health and Social Services.

SB 300 - Act relating to tax credits for contributions to certain educational institutions; and providing for an effective date.

Testimony was presented by Former Governor Bill Sheffield, Lee Fisher, Darrel Rexwinkel, and Wendy Redman. The bill was subsequently HELD in committee pending additional information from the Dept. of Revenue.

CSHB 11 - Act relating to qualifications for longevity (STA) bonus payments; and providing for an effective date.

Testimony was presented by Gordon Landes and Alexis Miller. The bill was subsequently REPORTED OUT of committee with a \$165.0 fiscal note from the Dept. of Administration, a zero note from the Dept. of Health and Social Services (longevity bonus), and a note from the Dept. of Health and Social Services showing (\$15.0) for Medicaid.

CS FOR HOUSE BILL NO. 11 (STATE AFFAIRS)

An Act relating to qualifications for longevity bonus payments; and providing for an effective date.

Co-chairman Pourchot directed that CSHB 1 (State Affairs) next be brought on for hearing.

ALEXIS MILLER, aide to Representative Mark Boyer, came before committee. As background information, she explained that in qualifying for the longevity bonus payment, senior citizens must meet certain requirements and criteria at both the state and federal level. Receipt of the bonus causes problems for some seniors in meeting the federal determination of income eligibility under the supplemental security income section (part of the federal Social Security Act).

Prior to 1984, the longevity bonus was exempt from the determination of income eligibility at the federal level.

Federal law changed in the fall of 1984 to include the bonus as income. That put many seniors in nursing homes over the income limit allowable to qualify for Medicaid. After extensive debate, the legislature determined that a blanket disqualification of all nursing home residents was needed to comply with new federal law.

Since 1985, the Dept. of Administration has received frequent

complaints from seniors about loss of the bonus upon entering a nursing home. Approximately 600 people are impacted each year. Although federal law allows seniors who were in the program prior to 1985 to exclude the bonus from income calculations, few seniors realized the exemption existed. The state also failed to acknowledge that seniors receiving the bonus prior to 1985 were eligible to continue receiving the payment. The Dept. of Administration now feels those seniors should receive the bonus. That change should become effective this session.

Co-chairman Pouchot voiced his understanding that, unlike the initial blanket disqualification, the state is now permitted, under federal law, to grant "up to ninety days' exemption and not endanger Medicaid payments." Ms. Miller concurred in the foregoing for those who qualified prior to 1985. Impacted seniors must thus be over seventy years of age at the present time.

Co-chairman Pouchot called for additional testimony on the legislation.

GORDON LANDES, Program Officer, Division of Medical Assistance, Dept. of Health and Social Services, came before committee. He advised that earlier fiscal notes presented by the department may no longer be valid. Those notes contain considerable sums for assistance payments within the Division of Public Assistance. Mr. Landes advised that the notes had been reduced to zero by the House State Affairs' Committee Substitute.

Mr. Landes then noted federal and general fund savings of (\$7.5) each, set forth on the department fiscal note relating to Medicaid. He explained that savings result from the fact that some of the bonus payments that would be made to private nursing home medicaid recipients by extending the bonus to them would be confiscated by the nursing home and the Medicaid program to apply to the cost of care. Much of the funding, would not, however, and would flow through the recipient to maintenance of the home the recipient is utilizing. Medicaid savings are illusory in that the proposed bill would drive longevity bonus general funds, via the recipient, through the Medicaid program to drive out the 50 percent in federal funds.

The smaller the Medicaid savings in this instance, the better the situation is for the state general fund.

Co-chairman Pouchot referenced the department note dated 5-16-91 as the proper note for inclusion with the bill.

Senator Adams MOVED that CSHB 11 (State Affairs) pass from committee with individual recommendations. No objection having been raised, CSHB 11 (State Affairs) was REPORTED OUT of committee with a \$165.0 fiscal note from the Dept. of Administration, Longevity Bonus; a zero note from the Dept. of

Health and Social Services, Assistance Payments, Alaska
Longevity Bonus Hold Harmless; and a note from the Dept. of
Health and Social Services, Medicaid Facility showing a
general fund savings of (\$7.5) and a federal savings of
(\$7.5). All members present signed the committee report with
a "do pass" recommendation. (Co-chairman Kerttula and Senator
Hoffman were temporarily absent from the meeting and did not
sign.)

Senate
91
SHES
91/05/14
0905

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE
May 14, 1991
9:05 a.m.

MEMBERS PRESENT

Senator Arliss Sturgulewski, Chairman
Senator Paul Fischer, Vice-Chairman
Senator Sam Cotten
Senator Curt Menard

MEMBERS ABSENT

Senator Lyman Hoffman

COMMITTEE CALENDAR

CS FOR HOUSE BILL NO. 11 (STATE AFFAIRS)
"An Act relating to qualifications for longevity bonus payments; and providing for an effective date."

SENATE CS FOR CS FOR HOUSE BILL NO. 85 (TRANSPORTATION)
"An Act relating to lighting equipment required on a school bus; and providing for an effective date."

CS FOR HOUSE BILL NO. 96 (HES) am
"An Act relating to free tuition and fees for a spouse or dependent of certain state residents who died while serving in the United States armed services or who were listed as prisoners of war or missing in action."

PREVIOUS SENATE COMMITTEE ACTION

HB 11 - See HESS Committee minutes dated 5/14/91.

HB 85 - See Transportation Committee minutes dated 5/2/91.

HB 96 - See HESS Committee minutes dated 5/14/91.

WITNESS REGISTER

Alexis Miller, Legislative Staff
to Representative Boyer
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

POSITION STATEMENT: Gave sponsor statement for CSHB 11
(STATE AFFAIRS).

Gorden Landus, Public Assistance Program Officer
Division of Medical Assistance
Department of Health and Social Services
P.O. Box H-07
Juneau, Alaska 99811

POSITION STATEMENT: Answered questions on CSHB 11
(STATE AFFAIRS).

Tom Ackerly, Legislative Staff
to Representative Mike Navarre
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

POSITION STATEMENT: Gave sponsor statement for SCSCSHB 85
(TRANS).

Romayne Kareen, Administrator
Pupil Transportation Program
Department of Education
Box F
Juneau, Alaska 99811

POSITION STATEMENT: Supports SCSCSHB 85 (TRANS).

Landa Holtan, Legislative Staff
to Representative Bill Hudson
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

POSITION STATEMENT: Gave sponsor statement for CSHB 96
(HES) am.

Representative Bill Hudson
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

POSITION STATEMENT: Answered questions on CSHB 96 (HES) am.

ACTION NARRATIVE

TAPE 1, SIDE 1
Number 001

CHAIRMAN STURGULEWSKI called the Senate HESS Committee meeting to order at 9:05 a.m.

The first order of business to come before the Senate HESS Committee members was CSHB 11 (STATE AFFAIRS). ALEXIS MILLER, legislative staff to Representative Mark Boyer, sponsor of the measure, read a statement into the record:

"In qualifying for the longevity bonus payment, senior citizens must have met a number of requirements and criteria, at both the state and federal level. Receipt of the longevity bonus causes some problems for many elderly in meeting the federal determination of income eligibility under the Supplemental Security Income Section, which is part of the Federal Social Security Act.

"Prior to 1984, the longevity bonus was exempt from the determination of income eligibility at the federal level.

But the federal law changed in the fall of 1984, to include

the bonus as income. This put many seniors in nursing homes over the income allowable to qualify for Medicaid. After extensive debate, the legislature decided that a blanket disqualification of all nursing home residents was needed to comply with the new federal law.

"Since 1985, the Department of Administration has received frequent complaints from seniors about the loss of the bonus upon entering a nursing home. Approximately 600 people are affected by this law each year. Although, federal law allows those seniors who were on the program prior to 1985, to exclude the bonus from income calculations, when the state changed the law few apparently realized that this exemption existed. The state failed to acknowledge that seniors who had received a bonus prior to 1985 actually were eligible to continue receiving the payment. The Department of Administration now feels that those seniors should indeed receive the bonus and that the legislature should consider this change this session.

"The bill would allow seniors to continue to receive a bonus for up to 3 months (90 days) after entering a nursing home.

The majority of elderly entering a nursing home stay for less than 3 months. Recognizing that the average stay in a nursing home was three months, the Federal Government recently changed federal law to allow seniors to obtain their bonus without being disqualified for other federal programs. The language in the State Affairs committee substitute would bring our law into conformity with the federal statutes. Both the Department of Administration and the Department of Health and Social Services are in agreement that this legislation is the best route to take."

GORDEN LANDUS, Public Assistance Program Officer, Division of Medical Assistance, Department of Health and Social Services, came before the committee members. CHAIRMAN STURGULEWSKI asked Mr. Landus what the situation is for those people who have been receiving the longevity bonus prior to 1985. She asked if a person goes into a nursing home for longer than 90 days, would that income continue to

be exempt. Mr. Landus indicated it would continue to be exempt if they were to continue to receive it. The federal act, as it came out of the budget compromise, didn't distinguish ones living arrangements, as it says it doesn't count for federal purposes. Medicaid in doing its determination on people who have a fairly high income, above the adult public assistance standard but under the special 300 percent standard, has to count if it were being received past 90 days.

Number 116

SENATOR COTTEN said he believed the legislation would allow people who move into nursing homes to continue to receive their longevity bonus check for three months and those who

received it before 1985 could start receiving their check again. He asked why the Department of Administration's fiscal note is \$165 thousand. MR. LANDUS indicated he participated in the construction of Administration's fiscal note and said he was surprised that their numbers were as high as they were, but it relates to how rapidly people move back and forth in the pioneer home system. The department looked at their turnover and derived their number from the number of people who move, for a short term, into a nursing wing and then the patient's condition stabilizes and improves, and they would move back into the residential wing. Chairman Sturgulewski said the bill would apply to people in pioneer homes who don't presently get the longevity bonus, but those who were receiving it prior to 1985 will now start getting it again. MS. MILLER noted that those people are 70 years or older and it would continue to decrease.

Number 149

CHAIRMAN STURGULEWSKI said the fiscal note speaks to the 40 new admissions, over 65, based on the three months. She said she doesn't think that the section allows for those that qualified prior to 1985. She asked if their costs aren't already included in longevity. MR. LANDUS explained that the current administrative regulations in the Department of Administration stopped the bonus, despite it being in a retrospective mode. They now make an exception to nursing home admissions. They have a reporting system from the private sector, nursing homes and their own facilities that will immediately stop the bonus when one moves to a nursing bed in the pioneers home or in a private nursing home. Mr. Landus said the regulations currently read that the prohibition is effective even if it is a one day admission in the course of a calendar month. He said up until April, they were not paying any bonuses to anyone in a nursing home bed, for reasons that he doesn't fully understand but relates to the complaints from seniors. Mr. Landus said effective in April, the department extended their retrospective in hoping to apply to nursing home

residents both in the private sector and pioneer homes. He noted that they are under a two month retrospective, so the check you receive in April is based on your report of circumstances that happened in February. That reduces the entire expenditure panning around HB 11, because everyone who enters a nursing home bed, under the Administration change in policy, will continue to get the bonus for two months whether it is countable federally or not countable.

SENATOR COTTEN said the State Affairs committee substitute deals with the 90 days and doesn't deal with receiving the bonus before 1985. MS. MILLER said that is where the legislation references the Federal Social Security Act.

Senator Cotten asked if a person would qualify for the bonus if a stay doesn't exceed 90 days and as long as the bonus is

exempt. Therefore, if a stay is 91 days, a patient could receive a check even if they were receiving the bonus before 1985. MR. LANDUS said that is the way he reads the bill.

He said the reason the language is so illusory in its reference to the Social Security Act is that there are some profound legal questions and confusing federal criteria that has been added to the exemption. The primary one is that you need not only to have been receiving the old bonus that was based on the twenty-five year residency, but you also according to the federal act you had to have been under public assistance prior to the 1985 change of rules.

Number 259

SENATOR FISCHER moved and asked unanimous consent to pass CSHB 11 (STATE AFFAIRS), out of the Senate HESS Committee with individual recommendations. Hearing no objection, it was so ordered.

House
91
HHES
91/04/17
0800

HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES
STANDING COMMITTEE
April 17, 1991
8:00 a.m.

MEMBERS PRESENT

Rep. Georgianna Lincoln, Co-Chair
Rep. Patrick Carney, Co-Chair
Rep. Bettye Davis, Vice-Chair (arrived later)
Rep. Cheri Davis
Rep. Mark Hanley (arrived later)
Rep. John Gonzales
Rep. Mary Miller

MEMBERS ABSENT

None

COMMITTEE CALENDAR

SB 24: "An Act making supplemental appropriations to the Department of Administration and the Department of Health and Social Services related to the longevity bonus program; and providing for an effective date."

CSSB 24(FIN) MOVED OUT -- DO PASS

HB 11: "An act relating to qualifications for longevity bonus payments; and providing for an effective date."

CSHB 11(STA) MOVED OUT -- DO PASS

Chair Lincoln announced that HB 11, with two fiscal notes, was next on the calendar.

Number 098

REP. MARK BOYER, prime sponsor of HB 11, explained the background of the legislation. He said HB 11 would track federal changes in statutes and would allow for those people who are in nursing homes for less than 90 days, if they qualified prior to October 1, 1985, to retain their longevity bonus payment. Rep. Boyer addressed the \$165,000 fiscal note from the Department of Administration (DOA),

representing a number of people called "qualified slots" for the bonus. He commented that the fiscal note was misleading in a sense because it only represents nine or ten fully funded slots, which only affects about 600 or 700 people in the sense that people are always coming and going. He said that many more people were touched than what was shown on the fiscal note.

Number 177

GORDON LANDES, Public Assistance Programs Officer, Division of Medical Assistance, Department of Health and Social Services (DHSS), distributed a position paper and fiscal note which indicated that the total effect for CSHB 11(STA) would be approximately \$5,000 savings in Medicaid. He addressed the fiscal note attachment dated April 15, 1991.

Number 212

Rep. Carney made a motion to move CSHB 11(STA) out of committee with fiscal notes with unanimous consent.

There being no objections, it was so ordered.

HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES
STANDING COMMITTEE

May 6, 1991
8:00 a.m.

MEMBERS PRESENT

Rep. Georgianna Lincoln, Co-Chair
Rep. Patrick Carney, Co-Chair
Rep. Mark Hanley
Rep. John Gonzales
Rep. Mary Miller

MEMBERS ABSENT

Rep. Bettye Davis, Vice-Chair
Rep. Cheri Davis

COMMITTEE CALENDAR

HB 253: "An Act relating to training for child care workers."

CSHB 253(HES) - MOVED OUT WITH INDIVIDUAL RECOMMENDATIONS

*HB 52: "An Act relating to child support for children who are not minors and representation of their interest during certain proceedings."

HEARD AND REFERRED TO SUBCOMMITTEE

HB 132: "An Act making a special appropriation to the Department of Transportation and Public Facilities, Alaska marine highway system, for handicapped access on certain state ferries; and providing for an effective date."

CSHB 132(TRA) MOVED OUT - DO PASS

HB 20: "An Act relating to qualifications for longevity bonus payments; and providing for an effective date."

CSSSHB 20(STA) MOVED OUT - DO PASS

*HJR 42: Urging the Bush Administration and the Congress to increase funding for the Women, Infants, and Children Program so that it is available to all eligible persons.

NOT HEARD - HELD OVER TILL TUESDAY, MAY 7, 1991

* First public hearing.

WITNESS REGISTER

Dianne Lindback, Legislative Aide
Rep. Fran Ulmer
P.O. Box V
Juneau, Alaska 99811
(907) 465-4947
Position Statement: Commented on HB 52

Ardith Lynch, Deputy Director
Child Support Enforcement Division
Department of Revenue
550 West 7th
Anchorage, Alaska 99501
(907) 263-6272
Position Statement: Commented on HB 52

Sherry Goll, Lobbyist
Alaska Women's Lobby
P.O. Box 22156
Juneau, Alaska 99802
(907) 463-6744
Position Statement: Supported HB 52

Rep. Jerry Mackie
House of Representatives
P.O. Box V
Juneau, Alaska 99811
(907) 465-4925
Position Statement: Prime Sponsor of HB 132

Jim Ayers, Director
Alaska Marine Highway System
P.O. Box R
Juneau, Alaska 99811
(907) 465-3959
Position Statement: Commented on HB 132

Rep. Bert Sharp
House of Representatives
P.O. Box V
Juneau, Alaska 99811
(907) 465-3004
Position Statement: Prime Sponsor of HB 20

Barbara Bathony, Director
Pioneers' Benefits

Department of Administration
P.O. Box CL
Juneau, Alaska 99811
(907) 465-4400
Position Statement: Commented on HB 20

Gordon Landes, Public Assistance Program Officer
Division of Medical Assistance
Department of Health and Social Services
P.O. Box H-07
Juneau, Alaska 99811
(907) 465-3355
Position Statement: Commented on HB 20

Joe Penttila, President
Pioneer of Alaska, Igloo 25, Petersburg
P.O. Box 1069
Petersburg, Alaska 99833
(907) 772-3531
Position Statement: Supported HB 20

PREVIOUS ACTION

BILL: HB 253
SHORT TITLE: TRAINING OF CHILD CARE WORKERS

PRIME SPONSOR: ELLIS
CO-SPONSOR: C.DAVIS,GRUENBERG.KOPONEN,ULMER

JRN-DATE	JRN-PG	ACTION
04/03/91	667	(H) READ THE FIRST TIME - REFERRAL(S)
04/03/91	667	(H) CRA, HES, FIN
04/24/91		(H) CRA AT 01:30 PM CAPITOL RM 124
04/24/91		(H) MINUTE(CRA)
04/26/91	969	(H) CRA RPT CS(CRA) NEW TITLE 4DP 3NP?
04/26/91	970	(H) -FISCAL NOTE (DC&RA) 4/26/91
05/02/91		(H) HES AT 08:00 AM CAPITOL RM 106
05/02/91		(H) MINUTE(HES)
05/02/91		(H) MINUTE(HES)
05/03/91		(H) MINUTE(HES)
05/06/91		(H) MINUTE(HES)

BILL: HB 52
SHORT TITLE: CHILD SUPPORT FOR NONMINORS

PRIME SPONSOR: ULMER
CO-SPONSOR: B.DAVIS

JRN-DATE	JRN-PG	ACTION
01/22/91	42	(H) READ THE FIRST TIME -

REFERRAL(S)
01/22/91 42 (H) HES, JUDICIARY
05/06/91 (H) HES AT 08:00 AM CAPITOL RM 106
05/06/91 (H) MINUTE(HES)

BILL: HB 132
SHORT TITLE: APPROP: HANDICAPPED ACCESS ON FERRIES

PRIME SPONSOR: MACKIE
CO-SPONSOR: HUDSON,BROWN

JRN-DATE	JRN-PG	ACTION
02/11/91	201	(H) READ THE FIRST TIME - REFERRAL(S)
02/11/91	202	(H) TRA, HES, FINANCE
02/20/91	280	(H) CO-SPONSOR ADDED: BROWN
03/05/91		(H) TRA AT 08:30 AM CAPITOL RM 17
03/05/91		(H) MINUTE(TRA)
04/18/91		(H) TRA AT 08:30 AM CAPITOL RM 17
04/23/91		(H) TRA AT 08:30 AM CAPITOL RM 17
04/23/91		(H) MINUTE(TRA)
04/24/91	926	(H) TRA RPT CS(TRA) 3DP 1NR
04/24/91	926	(H) LETTER OF INTENT WITH TRA REPORT
05/06/91	1137	(H) HES RPT CS(TRA) 5DP
05/06/91	1138	(H) REFERRED TO FINANCE
05/06/91		(H) HES AT 08:00 AM CAPITOL RM 106
05/06/91		(H) MINUTE(HES)

BILL: HB 20
SHORT TITLE: LONGEVITY BONUS/NURSING HOME RESIDENTS
NAME: SSHB 20

PRIME SPONSOR: SHARP
CO-SPONSOR: TAYLOR,GONZALES,GRUENBERG,IVAN,MARTIN,
M.A.MILLER,G.PHILLIPS,HUDSON,ZAWACKI,LEMAN

JRN-DATE	JRN-PG	ACTION
01/11/91	21	(H) PREFILE RELEASED
01/21/91	21	(H) READ THE FIRST TIME - REFERRAL(S)
01/21/91	21	(H) STATE AFFAIRS, HES, FINANCE
01/23/91	60	(H) CO-SPONSOR ADDED: TAYLOR
02/04/91	142	(H) SPONSOR SUBSTITUTE INTRODUCED -REFERRALS
02/04/91	142	(H) STATE AFFAIRS, HES, FINANCE
02/06/91	173	(H) CO-SPONSOR ADDED: HUDSON, ZAWACKI
02/11/91	204	(H) CO-SPONSOR ADDED: LEMAN
02/27/91		(H) STA AT 08:30 AM CAPITOL RM 102
04/01/91		(H) STA AT 01:00 PM ANCHORAGE LIO
04/01/91		(H) MINUTE(STA)
04/17/91		(H) STA AT 08:30 AM CAPITOL RM 102

04/17/91 (H) MINUTE(STA)
 04/19/91 864 (H) STA RPT CS(STA) 6DP
 04/19/91 864 (H) -FISCAL NOTE (ADM) 4/19/91
 04/19/91 864 (H) -ZERO FISCAL NOTE (DHSS)
 4/19/91
 05/06/91 1136 (H) HES RPT CS(STA) 4DP
 05/06/91 1136 (H) -FISCAL NOTE (ADM) 5/6/91
 05/06/91 1137 (H) -PREV ZERO FN (DHSS) 4/19/91
 05/06/91 1137 (H) REFERRED TO FINANCE
 05/06/91 (H) HES AT 08:00 AM CAPITOL RM 106
 05/06/91 (H) MINUTE(HES)

BILL: HJR 42
 SHORT TITLE: FUNDING OF WOMEN/INFANTS/CHILDREN PROGRAM

PRIME SPONSOR: B.DAVIS
 CO-SPONSOR: BROWN,ELLIS,KOPONEN,C.DAVIS,BRUCKMAN,
 FINKELSTEIN,ULMER,NAVARRE,MOYER,MACLEAN,
 LINCOLN,KUBINA,JACKO,IVAN,GRUENBERG,MACKIE,
 BOYER,PARNELL,LARSON,CARNEY,DONLEY,BAKER,
 FOSTER,GONZALES,SHARP,ZAWACKI,DAVIDSON

JRN-DATE	JRN-PG	ACTION
04/26/91	976	(H) READ THE FIRST TIME - REFERRAL(S)
04/26/91	976	(H) HES
04/29/91	1023	(H) CO-SPONSOR ADDED: DAVIDSON
05/06/91		(H) HES AT 08:00 AM CAPITOL RM 106
05/06/91		(H) MINUTE(HES)
05/06/91		(H) MINUTE(HES)

ACTION NARRATIVE

TAPE 49, SIDE A Number 000

The House Committee on Health, Education and Social Services (HESS) was called to order by Co-Chair Georgianna Lincoln at 8:12 a.m. on May 6, 1991. Representatives (Reps.) Patrick Carney, John Gonzales, Mark Hanley, Mary Miller and Chair Georgianna Lincoln were present. Reps.

Bettye Davis and Cheri Davis were absent.

Chair Lincoln announced that the meeting was on teleconference with Anchorage, Mat-Su, Petersburg, and Soldotna. She informed members they would first consider HB 253, which had previously been heard on Friday, May 3, 1991.