

Capitol Currents

Session Two of the 26th Legislature

Wrap-up

The 26th Legislature passed fewer bills than any legislature in recent years. 180 bills passed-- the lowest number since 1993, and far below the annual average of 254 bills. Issues ran the gamut from selecting the Malamute as the state dog to decoupling of oil and gas taxes—the latter bill has already been vetoed.

Most of the Governor's appointees to various state boards and commissions were accepted by the legislature. Only two appointees—one for the Board of Nursing and one for the Board of Game—were rejected.

Legislators turn to candidates now as many ready for the August primaries and the fall general election. One initiative appears slated to be part of the primaries and several general bond issues will be on the general ballot.

Budget

The capital budget passed by the legislature includes deferred maintenance spending; \$76 million for a new state crime lab; infrastructure spending on rail, road, port and harbor work; funds for energy and wind generation projects; and nearly \$400 million in bond proceeds for university, research and school construction projects that voters will be asked to decide this fall. The Governor has indicated that he will use his line item veto power to reduce capital budget spending so be sure to watch over the next few weeks to see what stays and what goes.

Bills that passed both houses

[SCS CSSSHB 36\(JUD\)](#), Initiatives: Contributions/Procedures, sponsored by Johansen and Millet passed the legislature and is awaiting transmittal to the Governor. The bill changes the ballot initiative process and increases the reporting requirements for individual and organizations that sponsor or participate financially in the process. Prior to the signature gathering process, a proposed ballot initiative will have to have at least two public hearings in each of the four judicial districts across the state and written testimony by at least one pro and one con proponent on the issue. The bill allows the hearing in judicial districts to be held telephonically or over the internet. More information regarding ballot initiatives will have to be included in the voter pamphlets for regular and special elections and the bill modifies the way proposed measures can be worded. Finally, the bill changes the way signature gatherers are allowed to operate and the way in which they can be paid for their efforts.

[CSHB 50\(FIN\)](#), Limit Overtime for Nurses, sponsored by P. Wilson, passed the legislature and is awaiting transmittal to the Governor. HB 50 does not ban overtime, but prohibits mandatory overtime. It allows nurses to work up to 14 consecutive hours, and then take a mandatory ten-hour rest period. Mandatory overtime hours are those made compulsory on top of regularly scheduled hours on an assigned shift for a nurse on staff. Exceptions are included for school nurses, nurses on medivac flights, fulfilling on-call time, or to accommodate emergencies such as natural disasters or disease outbreaks. Federal and Native health agencies would be exempt.

[SCS CSHB 168\(FIN\)](#), Trauma Care Centers/Fund, sponsored by Coghill passed the legislature and is awaiting transmittal to the Governor. The bill authorizes the establishment of special designations in regulation for varying levels of trauma care provided by any certified trauma center in the state to be used to set compensation eligibility for funds dispersed through the Trauma Care Fund. The Trauma Care Fund is created to compensate certified trauma centers that achieve or maintain the highest appropriate level of trauma care designation. A trauma center may not receive more than 25 percent of the total assets, including earnings, of the fund in a single fiscal year.

[CSHB 277\(HSS\)](#), Emergency use of Epinephrine, sponsored by P. Wilson and Lynn passed the legislature and is awaiting transmittal to the Governor. The bill requires the department of health and social services to approve training programs on administering epinephrine; reduces the liability of the certified individual; and allows certified individuals to obtain a prescription to carry the drug in first aid kits.

[SCS CSHB 306\(FIN\) am S](#), State Energy Policy, sponsored by the House Special Committee on Energy passed the legislature and is awaiting transmittal to the Governor. The bill includes legislative intent language for the state to achieve a 15 percent increase in energy efficiency on a per capita basis between 2010 and 2020; receive 50 percent of its electric generation from renewable and alternative energy sources by 2025; and ensure a reliable in-state gas supply for residents of the state. Provisions of the bill promote renewable energy resources “geothermal, wind, solar, hydroelectric, hydrokinetic, tidal, and biomass energy”; energy efficiency in transportation; and efficient use of non-renewable and alternative energy sources “natural gas, coal, oil, gas hydrates, heavy oil and nuclear energy”. The bill puts emphasis on the long-term costs savings provided by projects such as hydroelectric and geothermal energy sources with high up-front costs and long-term price stability and in a marked shift from recent legislation pushing back against federal oversight, the bill recommends actively working with federal agencies “to meet emissions, renewable and alternative energy, and energy production targets.”

[CSSB 10\(HSS\)\(efd del\)](#) Medicaid/Ins for Cancer Clinical Trials sponsored by Davis passed the legislature and is awaiting transmittal to the Governor. The bill requires health care insurers to provide insurance coverage for medical care received by a patient during certain approved clinical trials designed to test and improve prevention, diagnosis, treatment, or palliation of cancer; directs the Department of Health and Social Services to provide Medicaid services to persons who participate in those clinical trials; and relates to experimental procedures under a state plan offered by the Comprehensive Health Insurance Association.

[SB 13](#), Medical Assistance Eligibility sponsored by Davis passed the legislature and is awaiting transmittal to the Governor. The bill increases the income eligibility standard from 175% to 200% of the federal poverty line for children and pregnant women to gain access to health care through Denali Kid Care.

[HCS CSSB 172\(FIN\)](#) Alaska Health Care Commission sponsored by Olson passed the legislature and is awaiting transmittal to the Governor. The bill establishes the Commission in the Department of Health and Social Services. The purpose of the commission is to provide recommendations for and foster the development of a statewide plan to address the quality, accessibility, and availability of health care for all citizens of the state. The Commission will be comprised of 14 members—3 of which are non-voting (a member of the House of Representatives, a member of the Senate and someone representing the Office of the Governor). Other members include people from various fields in health care. The terms of service will be three years.

[CSSB 219\(FIN\)](#) Traumatic Brain Injury; Program/Medicaid sponsored by McGuire passed the legislature and is awaiting transmittal to the Governor. The bill establishes a traumatic or acquired brain injury program and registry within the Department of Health and Social Services and provides for services to be delivered through the Medicaid Program. The purpose of the program is to evaluate the effectiveness and availability of information and services for the prevention and treatment of traumatic or acquired brain injury in the state. The department is required to consult with state agencies, private nonprofit entities and other organizations that provide brain injury services in implementing all aspects of the program.

[Enrolled SB 221](#) Scholarships/Legislative Task Forces sponsored by Stevens passed the legislature and Governor will sign the bill on Monday May 8th. The bill establishes the Alaska merit scholarship program to provide scholarships for high school graduates who are Alaska residents to attend a qualified postsecondary institution in the state; sets criteria for scholarship eligibility; establishes maximum annual awards between \$2,378 and \$4,755 based on grade point averages and college entrance exam scores; lists qualified secondary institutions toward which the scholarship may be applied; and requires an annual report to the legislature on the program. The bill also requires the Alaska Commission on Postsecondary Education to provide adequate funding for not fewer than five students each year to attend four-year programs in each of the following fields: dentistry, optometry and pharmacy. The bill establishes the Joint Legislative Higher Education Scholarship Funding Task Force in the legislative branch for the purpose of examining higher education costs and identifying the best approach in providing financial aid to assist students in the state. Five members of the House of Representatives, five members of the Senate and five members appointed by the Governor shall serve on the task force which will meet during the interim between the 26th and 27th legislatures. The task force shall submit a report of its findings and proposed legislative changes to the governor, the Alaska Commission on Postsecondary Education, the Department of Education and Early Development, and the legislature by December 1, 2010. The task force will terminate January 1, 2011. Further the bill establishes an advisory task force on higher education and career readiness in the legislative branch of state government for the purpose of compiling data and advising the legislature on matters pertaining to college and career readiness of students who graduate from public secondary schools in the state and students who are nontraditional students. Twenty members will sit on the task force including representatives from a broad array of educational groups.

[SB 238](#) Medicaid for Medical & Intermediate Care sponsored by Davis passed the legislature and is awaiting transmittal to the Governor. The bill amends the eligibility threshold for medical assistance for persons in a medical or intermediate care facility from a specific dollar amount (\$1,656 a month) to 300 percent of the supplemental security income benefit rate under 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act)

[CSSB 258\(L&C\)](#) Dental Care Insurance/Preferred Providers sponsored by Huggins passed the legislature and is awaiting transmittal to the Governor. The bill limits an insurer, selling managed care policies, from unilaterally requiring providers to accept fee caps on services for which the insurer does not pay a benefit. It allows insurers to offer alternative contracts, one which dictates discounted fee schedules for services on which benefits are not paid; and another which caps fees only on services for which the insurer pays a benefit. The bill prohibits insurers from taking an action against the dentist based on the dentist's refusal to enter into a contract with an insurer; failing to list a dentist who does not enter into a contract with an insurer in the insurer's marketing materials; or taking an action against the dentist based on the dentist's choice of contract.

[HCS CSSB 284\(FIN\) am H](#) Campaign Expenditures sponsored by Judiciary passed the legislature and is awaiting transmittal to the Governor. The bill amends state election laws to

clarify that corporations and labor unions are covered by all applicable reporting requirements. It expands communication identification requirements to ensure accurate reporting of top contributors, to require the approval of the content by the principal officer of the corporation or union, and to require statements in each communication that its content has not been authorized or approved by the candidate. The bill requires political ads funded by corporations, unions, or other groups, to reveal their top five contributors. For television and radio ads, a voice would read out the financial backers. In print ads, the names would be printed. It also requires groups to report their spending to the Alaska Public Offices Commission and speeds reporting requirements for communications expenditures in the last nine days of the election so that expenditures over \$250 must be reported within 24 hours.

[SJR 21 am H](#), Const. Am: Increase Number of Legislators sponsored by Community and Regional Affairs passed the legislature and is awaiting transmittal to the Governor. The bill proposes an amendment to the Alaska Constitution adding four more representatives and two more senators to the Legislature. The amendment will be going before voters for a decision on the November ballot.

Next Session Starts: January 18, 2011

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