

**GOVERNOR'S COUNCIL ON DISABILITIES  
AND SPECIAL EDUCATION**

**Legislative Committee**

**LOCATION**

**Governor's Council Conference Room  
3601 C Street  
Anchorage, Alaska  
Teleconference**

**Meeting Date  
April 23, 2013  
1:00 p.m.**

**Attendees:**

David Flynn – chair  
Terese Kashi  
Banarsi Lal  
Karli Lopez  
Steve Lesko  
Margaret Kossler  
Art Delaune

**Staff:**

Teresa Holt  
Kalyssa Maile

Prepared by: Sheila Garrant,  
Peninsula Reporting

**CALL TO ORDER – 1:00 p.m.**  
**ROLL CALL**

### **Reading of the Council Mission**

Terese Kashi read the Council mission: Creating change that improves the lives of people with disabilities.

### **Welcome from the Chair**

David Flynn welcomed the committee members. He announced that there will be an Autism Walk in Fairbanks April 27<sup>th</sup> beginning at the Carlson Center. Karli Lopez reminded the committee members that Autism Rocks will be held Friday, April 26<sup>th</sup> at the Snow Goose in Anchorage.

### **Approval of Agenda**

Hearing no declarations of conflict of interest on the agenda items, David Flynn **MOVED** to approve the agenda as written. Hearing no objections, the motion **PASSED**.

### **Approval of Past Meeting Minutes**

With regards to the minutes from the March 26<sup>th</sup>, 2013 meeting, David Flynn asked for a point of clarification concerning the accuracy of the motion made by Heidi Haas related to the thank-you cards, which Teresa Holt will verify.

Teresa Holt asked for a spelling correction of Heidi Haas' name on page 1 and page 5.

Banarsi Lal **MOVED** to approve the minutes with changes. Hearing no objections, the motion **PASSED**.

### ***Correspondence***

There was no correspondence from the Council to report.

## **Legislative Updates and Next Steps**

Kalyssa Maile gave a brief update on the legislative actions taken during the session as follows:

### ***HB 88 (SB 39) – Respectful language***

HB 88 (SB 39) passed.

### ***SB 17 (HB 85/87) – SESA reauthorization***

SB 17 (HB 85/87) passed, and SESA was reauthorized.

### ***SB 36 (HB 59) – Missing vulnerable adults***

SB 36 (HB 59) passed.

### ***HJR 10 – Transportation infrastructure fund***

### ***HB 122 – Transportation infrastructure fund***

### ***HB 123 – Dedicated transportation fund***

None of the transportation bills passed.

### ***HB 3 – Requirement for a photo ID to vote***

HB 3 did not pass.

### ***HB 128 – Pre-kindergarten school programs***

HB 128 did not pass.

### ***HB 134 – Medicaid payment for mediset prescriptions***

HB 134 did not pass. Teresa Holt commented that the Commissioner will try to resolve the mediset prescription situation in regulations.

## ***CBC, supported employment, ILP funding and rural transition funding***

The CBC made it into the operating budget funded as a one-time increment of \$450,000. ILP was funded at \$1.5 million, and rural transition funding remained in the budget. Supported employment did not get funded.

## **Report from Disability Policy Seminar**

### ***Fiscal policies and budget***

Teresa Holt reported that the proposed fiscal policies and budgets at the federal level include significant cuts. She reported that the proposed House budget suggests block granting for Medicaid and continued cuts to non-military programs. The Senate proposed budget also has cuts, but it preserves entitlement programs like Social Security, Medicaid and Medicare and appears more balanced in that it has cuts, but also increased taxes for those earning over a million dollars. The consensus from the disability community regarding President Obama's proposed budget was that it was disappointing. One proposal of particular interest was chained CPI, which would affect the cost-of-living adjustments for Social Security payments. Currently Social Security payments increase at the same rate as the Consumer Price Index, therefore keeping up with inflation, and President Obama is proposing the increase would be reduced to half of the CPI. President Obama's proposed budget includes some cuts and some new taxes for the rich.

Teresa Holt reported that the directive from sequestration was that every program will be cut five percent at the federal level. The Council's DD grant funding ended up with a 4.2 percent cut because Alaska is a minimum allotment state, so there was a .8 percent break. The Special Education Advisory Panel and Early Intervention federal funds will be cut five percent. Teresa Holt noted that she and Erin Kinavey are negotiating an RSA asking for more funding.

Teresa Holt reported that with regards to the Council's new employment grant, depending on how the formulas are used, the Council is looking at about a \$40,000 reduction this year. The Council does not expect to have

to do furloughs, as they can absorb the five percent this year, but it's the ongoing loss under sequestration, which would be an additional percent yet to be determined, that is of concern.

### ***Medicare, Medicaid, and HUD Section 8 Programs***

Teresa Holt reported that a lot of time was spent talking about Medicare, Medicaid, and HUD Section 8 programs categorizing them into what is called community living. Teresa Holt reported that there are several ideas afloat relating to community living, for instance, block granting for Medicaid. With regards to Medicare, the two scenarios that are afloat are healthcare vouchers and managed care. There was also talk about cost sharing increases, basically making Medicare recipients pay a little more each month. There was a discussion regarding what the federal government needs to do at this point for Medicare and Medicaid and the need to develop a plan for the next 20 years.

Teresa Holt reported that the last thing that falls into community living is the cuts to HUD Section 8 programs. The disability community is calling for full funding of that program because, again, it is not reasonable to try to make up for the federal deficit on the backs of the people who can least afford it.

### ***SSI, SSDI***

Teresa Holt reported that there was a lot of discussion relating to Social Security including some proposals like raising the retirement age, chaining the CPI, increasing the substantial gainful activity amount, increasing asset limits, and eliminating the two-year waiting period for Medicare.

### ***ABLE Act***

Teresa Holt reported that the Achieving a Better Life Experience Act is being supported by the disability community. The ABLE Act would basically expand the 529 college tuition plan essentially giving the same opportunity to people with disabilities and their families to create an account to save money. It would allow the opportunity for people to purchase services, transportation, housing, education, employment support, and health and wellness items and services that are not covered by Medicaid or Medicare.

Teresa Holt reported that ABLE would, in effect, replace the special needs trust, allow the savings to be exempted by the IRS, and negate the need for a trustee for a person with disabilities. Representative Don Young and Senator Begich both supported the ABLE Act, and Senator Murkowski will look into it to see whether she will support it or not.

### ***Education***

Teresa Holt reported that the disability community is supporting the passage of the Elementary and Secondary Education Act (ESEA), which is the renamed version of NCLB. The coalition asks that people follow this act to make sure they don't do waivers and not count kids with disabilities. Teresa Holt advised the group that if they wanted more information about the waivers states are getting, they could contact Christie Reinhardt.

Teresa Holt also reported that Iowa Senator Harkin and California Representative Miller will be introducing a restraint and seclusion bill called Keeping All Students Safe Act, and it will be something the disability community will be keeping tabs on.

Teresa Holt reported that IDEA is not expected to get reauthorized this year, and the Workforce Investment Act and Rehabilitation Act face possible reauthorization, but most budgetary items are being stalled at the federal level at this point in time.

### ***Convention on the Rights of Persons with Disabilities***

The Convention on the Rights of Persons with Disabilities, which is similar to ADA protections, is being reintroduced. There is some opposition to it from the home-school community in Alaska citing disagreement with a broad statement that says that states will ensure that all children are educated to appropriate standards, but the disability community is asking for congressional support.

### ***Affordable Care Act***

Teresa Holt and Kathy Fitzgerald sat in on several sessions of the ACA and had concerns about several things, including expanding Medicaid to 133

percent of the federal poverty level (FPL). Teresa Holt will try to sort out who is in charge of implementing ACA in Alaska. They will look for answers to the questions like what is going to happen to people between the poverty level and 133 percent FPL, how the federal health exchange is going to work, and how is Alaska going to go about creating essential health benefits. Teresa Holt commented that because states get to define which services are essential services under the ACA, they want to make sure that applied behavior analysis and services for individuals with autism are covered. Teresa Holt reported that more information is available online at [www.healthcare.gov](http://www.healthcare.gov) and [www.statehealthfacts.org](http://www.statehealthfacts.org).

### **Thank-You Cards**

David Flynn led a discussion relating to the format of the thank-you cards, citing the purpose of the postcard is to, in essence, recognize what the representatives have done; thank them for their support, whether it was the introduction of a bill or support and advocacy; and then address the issues the Council will be interested in following up on or introducing at the next legislative session in Juneau. David Flynn requested that staff make a list of each Council member's representatives and identify bills or advocacies the legislators supported. Teresa Holt proposed developing a template for each of the legislators, and each Council member could add personal comments as long as they followed the template of agenda items of the Council. Teresa Holt suggested using a sticker which could be affixed to a postcard or a photo.

David Flynn noted that the committee could use some time at the meeting in Anchorage to flesh out their ideas and bring Council members on board to have this project completed by July.

### **Next Meeting**

The next meeting of the Legislative Committee is scheduled for May 28<sup>th</sup>, 2013 from 1:00 p.m. to 2:30 p.m.

Banarsi Lal **MOVED** to adjourn the meeting. Hearing no objections, the meeting adjourned at 2:20 p.m.