

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

**Legislative Committee**

**LOCATION**

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

**Meeting Date**

**November 24, 2015  
1:00 p.m.**

**Attendees:**

Anthony Cravalho  
Art Delaune - Chair  
Dean Gates  
Alex Gimarc  
Mallory Hamilton  
Christine King  
Sara Kveum  
Grace Abbott for Rep. Millett

**Staff:**

Patrick Reinhart  
Rich Sanders  
Brittney Howell  
Ric Nelson

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

### **WELCOME FROM THE CHAIR**

Art Delaune welcomed committee members to the meeting.

### ***Announcements and Good News***

No announcements or good news were reported.

### **APPROVAL OF THE AGENDA**

Mallory Hamilton **MOVED** to approve the meeting agenda, **SECONDED** by Alex Gimarc. The motion **PASSED**.

### **APPROVAL OF THE PREVIOUS MEETING MINUTES**

Alex Gimarc **MOVED** to approve the minutes from the 4/16/15 Legislative Committee meeting as presented, **SECONDED** by Grace Abbott. The motion **PASSED**.

### **CORRESPONDENCE**

Patrick Reinhart reported that the Council engaged in multiple opportunities of correspondence with Senator Murkowski and Senator Sullivan related to the reauthorization of the Elementary and Secondary Education Act. Patrick reported that as of today, the Act has passed, and it includes 20 amendments that were recently added.

### **REPORTS**

#### ***Report from the Chair***

Art Delaune reported that this is his first meeting as the chair. He stated that the advocacy group Wallbusters, which he is a part of, has a Food for Thought luncheon in Fairbanks each year, and they invite their Interior legislators and staff to attend. This year they discussed HB 77, the

Disability Identification and Education bill, and the Interior legislators are in support of it. They also discussed the budget and the importance of legislators listening to their constituents when looking at the budget. Overall the luncheon was very successful.

They also met with Senator Bishop's staff regarding the issue of the interpreter referral program that was cut from the budget last year. They educated the staff on how it was going.

Art Delaune stated that over the summer he had meetings with Senator Coghill on SB 91, the omnibus bill, which is focused on recidivism.

## **OLD BUSINESS**

### ***HB 27/HB 28 – PCA Services***

Patrick Reinhart reported that these are bills introduced by Representative Gara that refer to the foster care system. These bills have not made any movement and are on a watch status with the Council. Patrick stated that historically, the issue was brought to the Council's attention by Senator Dunleavy's staff regarding kids with disabilities in foster care that age out of the foster care system and lose access to services unless they can get on a waiver. When Senator Dunleavy's office shared this information with Representative Gara, he put forth two bills, but they don't address the specific issues that Senator Dunleavy was interested in addressing.

### ***All Medicaid Reform Bills***

Patrick Reinhart stated that there are many different bills and issues going on with Medicaid, but he didn't list them individually. The Council will be closely tracking and monitoring bills related to Medicaid.

### ***HB 76 – Removal of “Gifted” from the Council’s Enabling Statute***

Grace Abbott reported that the bill is sitting in Senate Health and Social Services. Representative Millett's office has all of the pieces ready for hearings on this bill. They hope to be able to get through this committee fairly quickly and then on to the Senate floor. They don't anticipate many

barriers to the passage of this bill. Patrick Reinhart stated that the Council will update last year's position paper regarding this bill.

### ***HB 77 – Disability Training and Education Bill***

Art Delaune stated that HB 77 passed the House State Affairs Committee last session and was scheduled for the Finance Committee when it stopped. It will be scheduled for the House Finance Committee this January and then will move over to the Senate. The bill is being rewritten a third time. Once they receive the rewrite, Senator Coghill has indicated he may support it on the Senate side. Patrick Reinhart stated that the Council will update the position paper on this issue as well.

### ***HB 99 – Voluntary Termination of Life***

Patrick Reinhart stated that the Legislative Committee had previously voted to oppose this bill if it started to move, but it didn't go anywhere. This bill will remain in watch status with the Council. Dean Gates reminded the committee that they had composed a letter documenting the Council's position on this bill during the last session.

### ***SB 49/HB 154 – Civil Legal Services Fund***

Patrick Reinhart stated that the Council had previously written up some documentation about these bills. He reminded committee members that the intention of these bills are to take 25 percent of the fees charged by the court system for civil proceedings and fund civil legal services, which primarily serve people with disabilities, seniors, and people with low income who need civil legal services.

Mallory Hamilton noted that Alaska Legal Services serves the entire population, whereas Disability Law Center serves only people with disabilities and has just as much need for funding. Should the Council be putting efforts into funding for Alaska Legal Services, or should the Council be looking to find a legislator in support of increased funding for DLC? Patrick Reinhart stated that it would be good to research if any of this funding goes to DLC. Art Delaune stated that he will research this. Dean Gates noted that Disability Law Center also receives federal funding, but

agreed that talking to Dave Fleurant would help clear up a lot of these questions.

Alex Gimarc stated that before they go off supporting these bills, they need to answer the questions of what sort of cases do these guys bring, how many have they brought over the last four or five years, what is the breakdown in terms of areas they serve, and the percentage of cases brought forward by clients with disabilities. Patrick Reinhart thought he remembered someone saying that 25 percent of their cases were people with disabilities, and a lot of those were related to domestic violence issues as well as evictions and housing-related issues. Art Delaune stated that he will look into getting answers for those questions.

### ***SB 91 – Omnibus Crime Bill***

Patrick Reinhart stated that this is a major issue that the Trust is working on in terms of their Disability Justice Focus Area. He stated that as this bill moves along, the Council would be in support of the Trust's efforts.

Britteny Howell stated that Jeanne Gerhardt-Cyrus wanted the Legislative Committee to know that the FASD Workgroup would like to support this bill.

Grace Abbott stated that Representative Millett's office is sponsoring the House companion of this bill. She stated that something coming from the Council would be impactful, particularly when they are looking at some of the sections dealing with FASD.

Christine King suggested checking with Steve Williams at the Trust and Kate Burkhart with AMHB/ABADA because they are closely involved with this, and the Council should ask specifically if those entities would like the Council to advocate specifically on their behalf. Patrick Reinhart stated that December 17<sup>th</sup> is the Joint Advocacy meeting at the Trust with all the beneficiary boards, and he will ask about this issue specifically. Christine also encouraged committee members to review the Trust Beneficiaries in Alaska's Department of Corrections report done in May 2014, which can be found on the Trust's website. Patrick will send the link to the report out to committee members.

This issue will remain at watch status with the Council until they find out from the Trust if there is more the Council can do.

### ***HB 102 – Residential Psychiatric Education Funding***

Patrick Reinhart stated that last year this issue was at watch status with the Council. The bill basically redirects some of the education formula funding from a school district if there are students housed in a residential psychiatric facility. An Anchorage behavioral health facility is looking to have their own education program managed within their own facility thereby bypassing the school district. Patrick stated that according to Christie Reinhardt, the school district has amped up their support of this residential treatment center, which may take care of the issue, but they will need to wait and see. This issue will remain on watch status with the Council.

Christine King added her concern over the fact that the Council helped pass the Safe Student Act, and with this residential treatment center not wanting any kind of oversight, the fact that restraint and seclusion is used at this facility makes her extremely uncomfortable.

### ***HB 161/SB 90 – Used Durable Medical Equipment***

Patrick Reinhart reported that this bill passed last session, but the Department has not moved forward yet on implementation. Patrick stated that conversations they've been having now at the deputy commissioner level is for the Council to be able to help the Department design a program instead of allowing it to languish. This issue is no longer a Legislative Committee issue, but rather will be a DD Committee issue to oversee the implementation.

### ***Denali Deaf Community Center***

Patrick Reinhart stated that this was a capital bill that the Council supported last session, but it did not receive funding and is no longer a viable project. He asked Dean Gates to give an update at a future meeting on the future of the Denali Deaf Community Center concept.

## **NEW BUSINESS**

### ***SB 104/HB 188 – ABLE Accounts***

Patrick Reinhart explained that this bill was moving toward the end of the session, and should probably pass this session with no problems. The ABLE Act was already passed by the feds, and these bills allow Alaska to set up the system within the state. Patrick stated that Ric Nelson will be developing a draft position paper. Grace Abbott stated that she will ask Representative Millett to co-sponsor.

### ***Key Campaign Priorities***

Patrick Reinhart reported that in addition to the ABLE Act legislation and suggestions regarding the Developmental Disability Registry and Review, Key Campaign has one other priority, which Patrick will e-mail out to the committee.

### ***Developmental Disability Registry and Review***

Patrick Reinhart stated that Mallory Hamilton suggested the Council develop a position paper on SDS's decision to reduce the Registry draw from 200 people per year down to 50 people per year. Patrick and Britteny noted that the Medicaid Ad Hoc Committee and Key Coalition have developed papers and talking points on this issue. Committee members agreed that the Legislative Committee should write something up on this topic.

### ***Repeal of AS 23.10.070 – Subminimum Wage to Alaskans with Disabilities***

Patrick Reinhart stated that this issue just came to light after a recent meeting of the Alaska Integrated Employment Initiative. The Workforce Innovation and Opportunity Act reauthorization allows for employers to pay subminimum wages to people with disabilities; however, there are a lot of restrictions on the opportunity to pay people this subminimum wage. Patrick noted that Dave Fleurant expressed that Alaska has a law on its own books that allows for employers to pay 50% of minimum wage to

people with disabilities, and there are some entities in the state that utilize this option-.

Patrick Reinhart stated that as a follow up to Employment First, they should repeal this statute. Grace Abbott stated that Legislative Research is looking into this issue to find the legislative intent to be able to use in hopefully drafting a bill to repeal this. Representative Millett is enthusiastic at this point.

Mallory Hamilton shared a concern that if they bring this issue to the forefront, employers will want to be able to utilize this option. Britteny Howell added that they will also be going up against some provider agencies that currently pay their folks subminimum wages, so AADD may take a different position than the Council does on this issue.

Patrick stated that with this committee's approval, staff will do more research and develop a white paper.

### ***FASD Eligibility for Waiver Services***

Britteny Howell stated that currently there are only five diagnoses that qualify people for waiver services: Cerebral palsy, seizure disorder, intellectual disability, and other intellectual disability, and FASD doesn't fall into any of those categories. She stated that Jeanne Gerhardt-Cyrus was wondering if there was any legislative way that the Council could look into being sure that FASD could qualify for waiver services.

Committee members engaged in a discussion relating to the upcoming 1915(i) and (k) state plan options and services that may be available to people with FASD through those options. The question also came up as to whether or not Medicaid in Alaska is regulated by Medicaid on a federal level. Art Delaune wondered if the FASD Workgroup could do a little more research for the Legislative Committee so they can make a better-informed decision. Art stated that he will also talk to Maureen Harwood to see if she can answer any of this information as well.

## **OTHER INFORMATION FOR THE GOOD OF THE ORDER**

Christine King suggested that in order to prepare for meetings with legislators, the Council institute a mentorship of Council members so their meetings with legislators are not so overwhelming, Council members have an opportunity to role play, and the information shared with legislators is consistent.

## **UPCOMING MEETINGS AND CONFERENCES**

- February 2 - 4, Governor's Council meeting, Juneau
- February 17 – 19, AADD/Key Campaign, Juneau

## **TIME AND DATE OF NEXT LEGISLATIVE COMMITTEE MEETING**

The next Legislative Committee meeting will be on December 15, 2015 from 12:00 to 1:30.

## **ADJOURNMENT**

Christine King **MOVED** to adjourn the meeting, **SECONDED** by Mallory Hamilton. The motion **PASSED**, and the meeting adjourned at 2:28 p.m.