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1 IN THE SENATE

BY THE HEALTH, WELFARE AND  
EDUCATION COMMITTEE

2

HOUSE CS FOR SENATE BILL NO. 48

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SEVENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to health and comprehensive community  
7 services programs."

8

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

9

\* Section 1. AS 18.05.051 is amended to read:

10

Sec. 18.05.051. COMPREHENSIVE HEALTH ADVISORY COUNCIL. (a)

11

There is created a Comprehensive Health Advisory Council which shall  
12 consist of governmental and nongovernmental members. The council may  
13 appoint advisory committees outside its membership.

14

(b) The council shall include 21 [11] nongovernmental members, at  
15 least 12 [EIGHT] of whom shall be consumers of health services and no more  
16 than nine [THREE] of whom shall be representatives of nongovernmental agencies  
17 which are concerned with health care services. The council shall elect a  
18 chairman from among the nongovernmental members to serve a two-year term.

19

(1) Nongovernmental members are appointed by the governor  
20 subject to confirmation by a majority of the members of the legislature  
21 in joint session. Six [FOUR] members shall have [SERVE INITIAL] terms  
22 expiring in 1972 and every four years thereafter. All other [OF TWO  
23 YEARS, FOUR] members shall have [INITIAL] terms which shall expire  
24 in groups of five each year [OF THREE YEARS, AND THREE MEMBERS INITIAL  
25 TERMS OF FOUR YEARS]. Terms [INITIAL TERMS DATE FROM FEBRUARY 1  
26 BEFORE APPOINTMENT. THEREAFTER, TERMS] of office are four years,  
27 unless the appointment is for the remainder of an unexpired term.  
28 With the approval of the governor and the members of the legislature  
29 in joint session terms may be extended for one year each to allow

1 compliance with this section. Each member holds office at the  
2 pleasure of the governor notwithstanding the member's term.

3 (2) Nongovernmental members may carry out their duties on  
4 the council after appointment but before confirmation or rejection by  
5 the legislature.

6 (3) Nongovernmental members receive no salary but are  
7 entitled to per diem and travel expenses authorized by law for state  
8 boards. Nongovernmental members may receive travel expenses and per  
9 diem in connection with the exercise of their duties as council members  
10 before their confirmation or rejection by the legislature.

11 (c) The council shall include three [FOUR] governmental members:  
12 one from the Department of Health and Welfare; one from the Department  
13 of Administration; and one from a health agency of a local government  
14 unit [; AND THE COMMISSIONER OF HEALTH AND WELFARE]. The governmental  
15 members [, OTHER THAN THE COMMISSIONER OF HEALTH AND WELFARE,] are  
16 appointed by the governor. The commissioner of health and welfare  
17 [SHALL ACT AS CHAIRMAN OF THE COUNCIL,] and his department shall admin-  
18 ister the comprehensive state health [SERVICE] plan.

19 (d) The governor shall appoint two advisors to the council; one  
20 of whom shall be from the Department of Labor and one of whom shall be  
21 from the Department of Education who shall represent education and  
22 vocational rehabilitation.

23 (e) Additional members may be appointed under this section by  
24 the governor in compliance with federal law. The terms of the  
25 additional members shall be four years, but a fractional term of less  
26 than four years may be granted where a full term would result in an  
27 expiration date identical to that of an existing member. All future  
28 terms shall be four years, or in case of conflict with federal law,  
29 those terms [THAT] required by federal law.

1 \* Sec. 2. AS 18.05.053 is amended to read:

2 Sec. 18.05.053. POWERS AND DUTIES. The Comprehensive Health  
3 Advisory Council shall

4 (1) advise and consult with the department [COMMISSIONER  
5 OF HEALTH AND WELFARE] regarding

6 (A) programs for the construction of health facilities  
7 for the state and its political subdivisions;

8 (B) the development of rules, regulations, and  
9 standards for the operation of health facilities;

10 (C) the development of a comprehensive state health  
11 [SERVICE] plan, to be reviewed at least annually, and to be sub-  
12 mitted to the Surgeon General of the United States for his  
13 approval;

14 (D) the alternatives to the general assistance pro-  
15 gram of the state for medical care, including possible funding  
16 from other sources;

17 (2) request the cooperation of governmental and nongovern-  
18 mental agencies in planning and developing a statewide comprehensive  
19 health plan by reviewing agency planning, coordinating activities and  
20 plans of areawide councils and other voluntary planning groups,  
21 appointing advisory committees for specific health problems, and  
22 evaluating previous planning efforts [PROGRAMS RELATING TO THE  
23 REHABILITATION, EDUCATION, EMPLOYMENT, HEALTH AND WELFARE OF PATIENTS  
24 IN HEALTH FACILITIES];

25 (3) exercise the additional powers and perform the duties  
26 which are necessary to comply with appropriate federal programs;

27 (4) assist in forming areawide comprehensive health planning  
28 agencies and councils;

29 (5) review and comment upon applications for grants under

1 the Comprehensive Health Planning and Public Health Services Amendments  
2 of 1966 (P.L. 89-749, Section 314(c), (d) and (e)).

3 \* Sec. 3. AS 18.05 is amended by adding a new section to read:

4 Sec. 18.05.057. PLANNING AGENCY. The department is designated  
5 the sole comprehensive state health planning agency for purposes of  
6 the Comprehensive Health Planning and Public Health Services Amendments  
7 of 1966 (P.L. 89-749).

8 \* Sec. 4. AS 47 is amended by adding a new chapter to read:

9 CHAPTER 41. COMPREHENSIVE COMMUNITY

10 SERVICES PROGRAM.

11 ARTICLE 1. PLAN AND

12 ADMINISTRATION.

13 Sec. 47.41.010. COMMUNITY SERVICE PROGRAM AND PLAN. (a) Within  
14 the limits of funds appropriated grants approved by a local council  
15 on community services may be awarded to eligible publicly supported,  
16 local nonprofit public or private corporations that qualify under  
17 this chapter, for the following purposes:

18 (1) construction, purchase, lease, or capital improvement  
19 of facilities to house community services; grants for any single desig-  
20 nated project shall be for one time only;

21 (2) the cost of first year group home operation, homemaker  
22 services, health services and family life education;

23 (3) meeting the continuing costs of providing day care,  
24 family day care, early childhood services, and social services to  
25 children, families and individuals under stress, including 24-hour  
26 emergency and outreach services;

27 (4) meeting the local share of the continuing costs of  
28 federally approved and funded comprehensive community mental health  
29 centers, alcoholism programs, and drug abuse programs;

1 (5) assisting local councils on community services in  
2 developing a comprehensive plan for community services; grants for  
3 this purpose shall be for one year and one time only.

4 (b) A state agency may contract with a publicly supported,  
5 local nonprofit public or private corporation to provide any services  
6 for which it is responsible, including, but not limited to,

- 7 (1) income assistance programs;
- 8 (2) food stamps;
- 9 (3) public health services;
- 10 (4) protective services for children;
- 11 (5) placement of children in foster care;
- 12 (6) employment, manpower, and career development.

13 Sec. 47.41.020. LOCAL ADMINISTRATION. (a) No association other  
14 than a publicly supported, local nonprofit public or private corpora-  
15 tion, or a local council on community services is eligible for a grant  
16 under this chapter.

17 (b) To qualify under this chapter, a local corporation or a local  
18 council on community services shall have a board of directors of at  
19 least nine persons, one-third of whom are representatives of local  
20 governments or their designees, with the local governments being from  
21 within the area to be served. A majority of the board of directors  
22 shall be persons who are not engaged in providing services for which  
23 grants are authorized under this chapter; however, no quorum is con-  
24 sidered present at a meeting unless those persons not engaged in  
25 providing services for which grants are authorized under this chapter  
26 are in the majority.

27 (c) The geographic area administered by a local corporation shall  
28 include all or part of the area covered by the local council on com-  
29 munity services designated by the statewide Comprehensive Health

1 Advisory Council and the department.

2 Sec. 47.41.030. LICENSING. No local corporation may receive  
3 financial assistance under this chapter unless it is licensed, if  
4 required, by the appropriate governmental agency to provide the  
5 services for which financial assistance is received under sec. 10(a)  
6 of this chapter.

7 ARTICLE 2. FINANCIAL ASSISTANCE.

8 Sec. 47.41.040. GRANT RATIOS. (a) A grant awarded under this  
9 chapter shall be made in a ratio of 75 per cent state money to 25 per  
10 cent local money; however, if the average family income in the area  
11 served falls below the federal poverty level, as established by the  
12 Office of Economic Opportunity in January 1970, the grant awarded  
13 under this chapter shall be made in a ratio of 90 per cent state money  
14 to 10 per cent local money. The department may allow as a part of  
15 the local percentage of the costs the reasonable value of in-kind  
16 contributions pledged and directly related to the payment of costs for  
17 which grants are available under this chapter. Funds from federal or  
18 other state sources may not be used in calculating either the state or  
19 the local share of grants under this chapter.

20 (b) A contract between a state agency and a local corporation  
21 to provide any of the services under sec. 10(b) of this chapter, shall  
22 be entered into according to the provisions of AS 47.40, except that  
23 full cost of services determined under 47.40.040 shall be reduced by an  
24 amount equal to the total amount of grants awarded under 47.41.010(2)  
25 and (3) for the year or years that the grant is effective.

26 (c) The department may withhold the payment of funds under this  
27 section if any service for which funds are granted is substantially  
28 altered or discontinued or if a local corporation fails to comply with  
29 the regulations adopted under secs. 10 - 100 of this chapter. If,

1 at any time after the awarding of a grant under this section which is  
2 used in part or in whole for construction or purchase of facilities,  
3 a local corporation ceases operation of services in that facility,  
4 the title to the facilities constructed or purchased under this section  
5 vests in the state. If title to a facility vests in the state under  
6 this subsection, the department may transfer the title, subject to  
7 those conditions the department determines to be necessary, to a local  
8 corporation for the purpose of providing services for which the grants  
9 were originally intended or other services subsequently approved by  
10 the local council on community services.

11 (d) Nothing in this section prevents a local corporation from  
12 establishing and operating more than one service or facility or from  
13 receiving more than one grant under sec. 10 for that purpose.

14 Sec. 47.41.050. COMMUNITY SERVICE FUND. There is created in the  
15 department a community service fund. Funds appropriated by the legis-  
16 lature for the purpose of secs. 10 - 100 of this chapter shall be  
17 deposited in the fund.

18 ARTICLE 3. DEPARTMENT RESPONSIBILITIES AND REQUIREMENTS.

19 Sec. 47.41.060. REGULATIONS. Within 90 days after the effective  
20 date of this Act, the department shall promulgate regulations necessary  
21 for the implementation of this chapter, including but not limited to

- 22 (1) application requirements for grants under this chapter;  
23 (2) time limits for consideration of applications;  
24 (3) the processing of applications;  
25 (4) the requirements for reporting the progress and  
26 statistics of the program;  
27 (5) provisions for equitable distribution of grants under  
28 this chapter.

29 Sec. 47.41.070. STAFF. The department may provide consultative

1 staff to local councils on community services to aid in planning for  
2 the provision of community services and in reviewing applications for  
3 grants under this chapter.

4 Sec. 47.41.080. ANNUAL REVIEW AND REPORT. The department shall  
5 annually review and evaluate the community service programs for which  
6 grants are made under this chapter and submit an annual report of its  
7 evaluation to the legislature.

8 Sec. 47.41.090. REQUIRED ACCOUNTING PROCEDURES. (a) A local  
9 corporation which receives a grant from the department under sec. 10  
10 of this chapter shall meet acceptable standards of fiscal accountability  
11 for public funds and shall submit a complete financial report by an  
12 independent, licensed auditor to the department each year as the  
13 department requires.

14 (b) A local corporation shall demonstrate to the department the  
15 actual cost of day care and child development services or group foster  
16 home services provided using cost accounting procedures compatible  
17 with, the standards in "Standards of Accounting and Financial Reporting  
18 for Voluntary Health and Welfare Organizations", published in 1964 by  
19 the National Health Council and the National Social Welfare Assembly.

20 Sec. 47.41.100. DEFINITIONS. In secs. 10 - 100 of this chapter

21 (1) "comprehensive community mental health centers" means  
22 those centers defined in sec. 401(c) of the Mental Retardation Facili-  
23 ties and Community Mental Health Centers Construction Act of 1963  
24 (PL 88 - 164);

25 (2) "department" means the Department of Health and Social Services;

26 (3) "family life education", "day care and family day care",  
27 "social services to families, children and individuals under stress",  
28 "homemaker services" and "group home services" are as defined in the  
29 Catalog of Functional or Program Service Categories of the United Com-

1 munity Funds and Councils of America published in September 1968;

2 (4) "local" refers to the geographic area covered by the  
3 local council on community services; however, services by the local  
4 council on community services or a local corporation are not required  
5 to be provided by the local council on community services of a local  
6 corporation for the whole area;

7 (5) "local corporation" means a publicly supported, local,  
8 nonprofit, public or private corporation;

9 (6) "local council on community services" means the body  
10 designated by the statewide Comprehensive Health Advisory Council and  
11 the department to plan, approve, and coordinate community services;

12 (7) "publicly supported, local nonprofit public or private  
13 corporation" means a public or private organization incorporated under  
14 state law and designated as tax exempt under sec. 501(c)(3) of the  
15 Internal Revenue Code of 1954.