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1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 596

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to local public health services."

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

8 * Section 1. AS 18.10 is amended by adding new sections to read:

9 CHAPTER 10. LOCAL PUBLIC HEALTH SERVICES

10 [UNITS AND DISTRICTS].

11 Sec. 18.10.011. PURPOSE. The purpose of this chapter is to promote
12 and safeguard the health of the general public by orderly discharge of
13 state authority and responsibility for providing selected public health
14 functions through public health districts and authorizing of

15 (1) grants for comprehensive public health services to local
16 governments as health districts; and

17 (2) contractual arrangements with private health corporations
18 for selected public health services in areas not served by local govern-
19 ments with public health powers.

20 Sec. 18.10.021. PUBLIC HEALTH DISTRICTS. (a) For administration
21 of this chapter, the following areas may be designated public health
22 districts of the state:

23 (1) cities which are within an organized borough and have
24 public health powers;

25 (2) unified municipalities established under AS 29.68.240 -
26 29.68.440, in the municipal area in which public health powers are
27 authorized, whether areawide or in less than the entire area of the
28 municipality;

29 (3) organized boroughs, in the borough area in which public

1 health powers are authorized, whether areawide or in the borough area
2 outside cities only;

3 (4) service areas of organized boroughs established for
4 public health purposes under AS 29.63.090 or by home rule charter;

5 (5) local public health service areas established in the
6 unorganized borough under AS 29.03.020 and secs. 31 - 41 of this chapter
7 and cities in the unorganized borough which are not within a local
8 public health service area;

9 (6) organized boroughs which do not have public health powers
10 either areawide or in the borough area outside cities only but which are
11 served by private health corporations, in the borough area not otherwise
12 designated a public health district under (a)(1) or (4) of this section;

13 (b) A city in the unorganized borough may include itself for pur-
14 poses of this chapter in a local public health service area of the
15 unorganized borough established under secs. 31 - 41 of this chapter or
16 in an area served by a private health corporation under a contract for
17 services to be provided by the corporation, if its governing body, by
18 resolution adopted by a majority of the membership, consents to the
19 inclusion of the city, and the resolution is filed with the commissioner.
20 Nothing in this chapter otherwise restricts or prohibits the combining
21 of two or more public health districts as a single district for the
22 purposes of this chapter, upon mutual agreement for cooperative or joint
23 administration of functions or contract for services to be provided by a
24 private health corporation under this chapter.

25 Sec. 18.10.026. AUTHORITY IN UNORGANIZED BOROUGH. Under AS 29.03.
26 020 and this chapter, the legislature authorizes establishment of local
27 public health service areas in the unorganized borough within the
28 boundaries of regional educational attendance areas established under
29 AS 14.08.031 if the population, including military personnel and

1 dependents, of an attendance area, or two or more contiguous attendance
2 areas combining to form a single service area, numbers at least 6,000
3 persons, and grants authority to the service areas to provide public
4 health services in accordance with this chapter.

5 Sec. 18.10.031. LOCAL PUBLIC HEALTH SERVICE AREAS IN THE UNORGAN-
6 IZED BOROUGH. (a) Upon receipt of a petition signed by at least 10 per
7 cent of the qualified voters of a regional educational attendance area
8 or of each of two or more contiguous regional educational attendance
9 areas established under AS 14.08.031, the lieutenant governor shall
10 place a question, substantially in the following form, on the ballot in
11 the next general election held in the area:

12 "SHALL A LOCAL PUBLIC HEALTH SERVICE AREA BE FORMED WITHIN THE
13 BOUNDARIES OF THE _____ REGIONAL EDUCATIONAL ATTEN-
14 DANCE AREA(S)?

15 Yes [] No []"

16 (b) Upon certification by the lieutenant governor that in each
17 regional educational attendance areas in which the election on the
18 question is held, a majority of votes on the question are affirmative,
19 the lieutenant governor shall declare the local public health service
20 area to be established.

21 (c) If a petition for establishment of a local public health
22 service area so requests, election of the local public health service
23 area board provided for in sec. 41 of this chapter may be held con-
24 currently with election on the question of establishing the local public
25 health service area.

26 (d) To assure that the population served in each local public
27 health service area remains at a minimum of 6,000 persons, including
28 military personnel and dependents, two or more contiguous regional edu-
29 cational attendance areas established as local public health service

1 areas under this section may combine as a single service area. Combin-
2 ing service areas under this subsection abolishes the offices of the
3 separate boards governing the former separate areas upon election of a
4 single governing board, numbering seven or that number designated by the
5 department, to serve as provided in sec. 41 of this chapter.

6 Sec. 18.10.041. LOCAL PUBLIC HEALTH SERVICE AREA BOARDS. (a)
7 Each local public health service area of the unorganized borough shall
8 have an elected board representing the population of the area served.
9 The board shall have powers, duties and other functions as prescribed by
10 regulations adopted by the department under sec. 101 of this chapter.

11 (b) A local public health service area board shall number seven
12 members, unless the petition provided for in sec. 31 of this chapter
13 designates a different number of members, or a different number of mem-
14 bers is designated under sec. 31(d) of this chapter to constitute the
15 board. At least four members, or a majority, if the board numbers more
16 than seven, shall be consumers only of health services.

17 (c) Board members shall be elected at large by the qualified
18 voters of the local public health service area; however, each seat on a
19 board shall be designated by letter or number, and a candidate for the
20 board shall indicate the seat for which he is a candidate on his declara-
21 tion of candidacy or other nomination document when he files for office;

22 (d) The term of office of members of a local public health service
23 area board is three years, except that the term of members of the first
24 board elected in each area shall be determined by lot, with two members
25 serving a one-year term, two members a two-year term, and three members
26 a three-year term, if the board numbers seven members, and, if the board
27 numbers more than seven members, terms shall be determined by lot and
28 staggered among one, two and three year terms or so that a majority of
29 the board serve initial one or two-year terms. Nothing in this subsec-

1 tion prohibits reelection of a board member.

2 (e) The lieutenant governor, not less than 60 nor more than 90
3 days after the establishment of a local public health service area
4 including but not limited to combining of two or more contiguous areas
5 into a single area under sec. 31(d) of this chapter, shall provide for
6 the election of the service area board, unless election of the board has
7 been held concurrently with election on the question of establishment of
8 the service area as provided in sec. 31 of this chapter.

9 (f) Except for the first election, elections of board members
10 shall be held annually on the first Tuesday of October.

11 (g) A vacancy on a local public health service area board shall be
12 filled as provided by AS 14.12.070 for school board vacancies.

13 (h) Local public health service area board members are subject to
14 recall upon the same grounds and in the same manner as provided for
15 elected municipal officials in AS 29.28.130 - 29.28.250. The department
16 functions in place of the assembly or council and municipal clerk,
17 except as provided in (i) of this section.

18 (i) Elections under this section, including but not limited to
19 recall elections, shall be administered by the office of the lieutenant
20 governor in the general manner prescribed by the Alaska Election Code
21 (AS 15.05 - 15.60). In addition, the lieutenant governor may adopt
22 regulations considered necessary to conduct the local public health
23 service area elections. The state shall pay election costs.

24 Sec. 18.10.051. GRANTS. (a) The commissioner may make matching
25 grants to governing bodies of public health districts designated under
26 sec. 21(a)(1) - (4) or (b) of this chapter to assist in paying costs of
27 provision of comprehensive public health services under one or more
28 plans of service as required by regulations adopted under sec. 101 of
29 this chapter. Application for a grant shall be submitted in the form

1 and with information which the department by regulation prescribes.

2 (b) A grant is authorized under this section only if

3 (1) application is made on a fiscal year basis and has been
4 submitted through the appropriate health systems agency established
5 under P.L. 93-641 and approved by the commissioner, and

6 (A) the governing body of the municipal area comprising
7 the public health district has submitted to the commissioner a plan
8 for the provision of comprehensive health services and has had the
9 plan initially approved by him; or

10 (B) in those cases in which a plan of services has been
11 initially approved, the commissioner upon his annual review of the
12 plan determines that it, and the activities undertaken under it,
13 continue to meet requirements established for these plans;

14 (2) the governing body of the municipal area comprising the
15 public health district matches 10 per cent of the amount of the grant
16 with revenue or in-kind contributions from the area comprising the
17 district which are not derived from state or federal sources;

18 (3) the governing body of the municipal area comprising the
19 public health district agrees to maintain local expenditures for public
20 health services within the district at a level at least equal to the
21 level of support provided before July 1, 1975.

22 (c) In determining grants to be made under this section, the
23 commissioner shall consider the relationship of the health district plan
24 to the annual implementation plan of the appropriate health systems
25 agency established under P.L. 93-641. In each fiscal year the depart-
26 ment shall, in accordance with the plan of service provided and approved,
27 and under regulations adopted for the purpose, take into consideration
28 the following weighting factors:

29 (1) 50 per cent of grant money available for distribution

1 shall be distributed on the basis of program need, with consideration of
2 such factors as number of infant deaths per 1,000 live births, preschool
3 children, morbidity and mortality rates, number of establishments or
4 institutions requiring sanitary inspectors and administrative costs;

5 (2) 30 per cent shall be distributed on the basis of relative
6 size of population of the area to be served;

7 (3) 10 per cent of the allocation shall be reserved for
8 adjustments of grant or contract bases as provided in sec. 71 of this
9 chapter;

10 (4) 10 per cent shall be distributed on the basis of relative
11 proportion of expenditures of the local government for public health
12 services within the municipal area comprising the public health district
13 as compared to total operating expenditures of the local government
14 within the district during the fiscal year preceding application.

15 Sec. 18.10.061. CONTRACTS. (a) The commissioner may enter into
16 contracts with the public health districts designated under sec. 21(a)(5)
17 or (b) of this chapter for provision by the districts of specific public
18 health services. As prerequisites to a contract with a district which
19 is a city

20 (1) the population of the city must total at least 2,000
21 persons, and

22 (2) the commissioner must determine that the public health
23 services proposed to be contracted for cannot be provided more effi-
24 ciently through the city's including itself, as provided in sec. 21(b)
25 of this chapter, in a local public health service area which is con-
26 tiguous to the city than by the city's providing the services.

27 (b) The department may enter into a contract with a private health
28 corporation serving a public health district designated under sec. 21(a)-
29 (6) - (7) or (b) of this chapter for the provision by the corporation of

1 specific public health services. The private health corporation with
2 which the department enters into a contract must meet the following
3 requirements:

4 (1) it shall be broadly representative of the population of
5 the area served;

6 (2) its representation of the population of the area is
7 endorsed by the governing body of the organized borough or of a city
8 included within the area served;

9 (3) it serves equally all residents of the state presenting
10 themselves for assistance or services.

11 (c) The amounts authorized and criteria set out for making match-
12 ing grants under sec. 51(c) of this chapter apply also with respect to
13 award of contracts by the department under this section. Application
14 for contracts shall be submitted in the form and with information which
15 the department by regulation prescribes.

16 Sec. 18.10.071. ADJUSTMENTS OF GRANT OR CONTRACT BASE. (a) The
17 allocation of funds for grants and contracts to be determined under the
18 formula prescribed by sec. 51(c) of this chapter shall reflect cost-of-
19 services differentials. The area cost-of-service differential shall be
20 determined annually in the manner provided in AS 39.27.030; however, the
21 area cost-of-service differential to be applied may not be an amount
22 less than the base allocation. For purposes of this section "election
23 districts" as used in AS 39.27.030(a)(1) means election districts
24 designated by the governor's proclamation of reapportionment and re-
25 districting of December 7, 1961, and retained for the House of Repre-
26 sentatives by the proclamation of the governor issued September 3, 1965.

27 (b) Allocations calculated under sec. 51(c) of this chapter shall
28 be further increased by 10 per cent if

29 (1) in the unorganized borough the largest community within

1 the public health district is not connected to Anchorage, Fairbanks,
2 Juneau, or Ketchikan by road, railroad, or ferry; or

3 (2) in the unorganized borough, more than one-half of the
4 population of the public health district lives outside of the largest
5 city in the area served.

6 Sec. 18.10.081. EXPENDITURE OF FUNDS. Funds received by a public
7 health district under this chapter shall be expended only on the pur-
8 poses described in the plan of service which has been approved by the
9 commissioner.

10 Sec. 18.10.091. PRORATION. If amounts appropriated by the legisla-
11 ture are insufficient to meet the cost of matching grants calculated
12 under this chapter, such funds as are available shall be allocated pro
13 rata among eligible public health districts.

14 Sec. 18.10.101. REGULATIONS. The commissioner shall adopt regula-
15 tions necessary to implement this chapter. Regulations shall include,
16 but need not be limited to

17 (1) powers, duties and other functions of boards of local
18 public health service areas of the unorganized borough;

19 (2) requirements for the development of a plan of service by
20 a public health district;

21 (3) minimal standards of service;

22 (4) procedures for the application, revision and approval of
23 grants to or contracts with public health districts, which include a
24 detailed allocation formula;

25 (5) public health district program evaluation;

26 (6) qualifications of health personnel.

27 Sec. 18.10.111. DEFINITIONS. In this chapter

28 (1) "commissioner" means the commissioner of the Department
29 of Health and Social Services;

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

3 (3) "population" means population as determined by the Depart-
4 ment of Community and Regional Affairs using the latest figures of the
5 U.S. Bureau of the Census reports or other reliable information;

6 (4) "private health corporation" means a nonprofit nongovern-
7 mental organization incorporated under the laws of the state which
8 delivers health services to a particular area of the state; the term
9 includes but is not limited to the health instrumentalities of the
10 Alaska Native regional corporations established under the Alaska Native
11 Claims Settlement Act (P.L. 92-203).

12 * Sec. 2. AS 18.05.040(a)(4), AS 18.10.010 - 18.10.050, and 18.10.260(b)
13 are repealed.