

S B

106

SENATE STATE AFFAIRS COMMITTEE

BILL NUMBER SB 106

SPONSOR Coghill

BILL TITLE REAA School Boards

DATE REFERRED 5-2-89

HEARING SCHEDULED

FISCAL NOTE PREPARED ✓

SPONSOR CONTACTED

INTERESTED PARTIES CONTACTED

OTHER

SENATE COMMITTEE REPORT

FURTHER

5/2/89

DATE TURNED INTO OFFICE _____

Mr. President:

State Affairs Committee considered SB 106

school boards in regional educational attendance areas

and recommended

- replace with _____ CS _____) same title
- or adopt _____ CS _____) new title
- attached amendment(s) and technical title change (HB only)
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) zero fiscal impact appropriation no FN
 new updated *Dec 4-11-90* previous
 same as previous fiscal note(s) published _____

MEMBERS SIGNING DO PASS

Rich Kelly

OTHER RECOMMENDATIONS

Jim Smith No Rec
Tom Kelly No Rec

Rich Kelly
 Chair: _____
 signature and recommendation

Committee Backup attached

Not found in novel

SB 106, REAA school boards.

TO TESTIFY;

Bruce Geraghty, Senator Coghills office.

NOTES;

1. When I asked "why" did they introduce this, response was that many areas have lost a considerable number of people and the REAAs are not able to get 15% of the voters to be interested in an issue like this or to sign a petition.

2. I had asked them to find out some numbers for us, to ascertain if reducing to 8% could mean one person decides the issue.

3. Div of Elecs - ~~Dr~~ Linda Edgeworth

NO OBJECTIONS

Profiles of Alaska's Public Schools FY 89"

Alaska State Totals

Governance:	Enrollment:	103,112	Population:	531,000
Borough	12			
City	21	Area sqmi	570,833	
REAA	22			

REAA Statistics

Adak *			Yukon/Koyukuk		
Population	3,747		Population	1,859	
Enrollment	635		Enrollment	505	
Area sq.mi	1,348		Area sq.mi	64,626	
# on Board	7		# on board	7	
Last/Elect	1,221		Last/Elect	912	
Alaska Gateway *		Kuspuk	Yupiit		
Population	2,059	Population	1,138	Population	448
Enrollment	466	Enrollment	372	Enrollment	305
Area sq.mi	20,649	Area sq.mi.	12,120	Area sq.mi	19
# on Board	7	# on Board	7	# on Board	7
Last/Elect	168	Last/Elect	715	Last/Elect	423
		Lower Kuskokwim *			
		Population	11,236		
		Enrollment	2,839		
		Area sq.mi	23,792		
		# on Board	7		
		Last/Elect	631		
Bering Strait		Lower Yukon			
Population	4,830	Population	4,326		
Enrollment	1,344	Enrollment	1,307		
Area sq.mi	24,240	Area sq.mi	19,302		
# on Board	11	# on Board	9		
Last/Elect	862	Last/Elect	1,802		
Chatham *		Pribilof			
Population	950	Population	816		
Enrollment	321	Enrollment	150		
Area sq.mi	43,992	Area sq.mi	7,182		
# on Board	5	# on Board	5		
Last/Elect	61	Last/Elect	97		
Chugach		Railbelt			
Population	516	Population	1,791		
Enrollment	106	Enrollment	345		
Area sq.mi	20,200	Area sq.mi	8,978		
# on Board	5	# on Board	7		
Last/Elect	97	Last/Elect	1,133		
Copper River		Southeast Island			
Population	2,387	Population	2,953		
Enrollment	596	Enrollment	504		
Area sq.mi	20,649	Area sq.mi	18,856		
# on Board	5	# on Board	5		
Last/Elect	1,292	Last/Elect	1,070		

Delta/Greely

Population	1,492
Enrollment	938
Area sq.mi	7,182
# on Board	7
Last/Elect	865

Southwest Region

Population	2,614
Enrollment	575
Area sq.mi	21,996
# on board	7
Last/Elect	334

Starbuck *

Population	1,368
Enrollment	411
Area sq.mi	44,441
# on Board	7
Last/Elect	132

Yukon Flats

Population	1,937
Enrollment	392
Area sq.mi	59,865
# on Board	7
Last/Elect	921

Professional Line

P H O N E	TO	<i>Dusie</i>	DATE	<i>2/3</i>	TIME	<i>11:05</i> AM							
	FROM	<i>Mary Lou Elton</i>	AREA CODE			PM							
	OF		NO.	<i>463 5152</i>									
			EXT.										
M E S S A G E	<i>re SB106.</i>												
SIGNED													
PHONED	<input type="checkbox"/>	CALL BACK	<input type="checkbox"/>	RETURNED CALL	<input type="checkbox"/>	WANTS TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>	WAS IN	<input type="checkbox"/>	URGENT	<input type="checkbox"/>

Senator John B. (Jack) Coghill

Alaska State Legislature

Box V
Juneau, Alaska 99811
(907) 465-4797

Box 55028
North Pole, Alaska 99705
(907) 488-0862



MEMORANDUM

DATE: January 29, 1990

TO: Senator Pat Pourchot, Chairman
State Affairs Committee

FROM: Senator Jack Coghill

SUBJECT: Request for a bill hearing

Senate Bill 106, "An Act relating to school boards in regional educational attendance areas" was referred to the Senate State Affairs Committee.

SB 106 is a very simple piece of legislation. Our current statutes allow for the division of a regional education attendance areas into sections or subsequent recasting of the section boundaries if proposed by the regional school board or petition. The election of each regional school board member from a section by the voters of that section of a regional educational attendance area may also be proposed by petition. Under current law, the petition must contain the signatures of qualified voters in the area equal to 15%. Senate Bill 106 changes the 15% signature requirement on the petition to 8%.

By changing the 15% to 8% signatures on the petition, we will make it easier for REAA school board members to represent designated areas in the REAA on the school board if the voters of the REAA want to have designated school board seats.

The Senate State Affairs Committee is the last committee of referral for SB 106. We would appreciate it if you would schedule this bill for a hearing as soon as possible. We are attaching some back-up material for your information.

Thank you very much.

attatchments

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: School Boards in Regional
Educational Attendance Areas
 Sponsor: Coghill
 Requestor: Coghill

Agency Affected: Education
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Mary Hakala Phone: 465-2800
 Division: Commissioner's Office Date: 1/20/89

Approved by Commissioner: William G. Demmert Date: 1/20/89
 Agency: Education

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

dance area. As far as practicable, each regional educational attendance area shall contain an integrated socio-economic, linguistically and culturally homogeneous area. In the formation of the regional educational attendance areas, consideration shall be given to the transportation and communication network to facilitate the administration of education and communication between communities that comprise the area. Whenever possible, municipalities, other governmental or regional corporate entities, drainage basins and other identifiable geographic features shall be used in describing the boundaries of the regional school attendance areas.

(c) Military reservation schools shall be included in a regional educational attendance area. However, operation of military reservation schools by a city or borough school district may be required by the department under AS 14.12.020(a) and AS 14.14.110. Where the operation of the military reservation schools in a regional educational attendance area by a city or borough school district is required by the department, the military reservation is not considered part of the regional educational attendance area for the purposes of regional school board membership or elections.

(d) U.S. Bureau of Indian Affairs schools shall be included in a regional educational attendance area boundary. (§ 2 ch 124 SLA 1975)

NOTES TO DECISIONS

Alaska Const., art. VII, § 1, does not establish right to secondary schools for students in their communities of residence. — See *Hootch v. Alaska State-Operated School Sys.*, Sup. Ct. Op. No. 1154 (File No. 2157), 536 P.2d 793 (1975) decided under former Chapter 08.

As to absence of duty on regional educational attendance areas to bargain collectively with noncertificated employees, see note following chapter analysis. Northwest Arctic Regional

Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71, Sup. Ct. Op. No. 1811 (File Nos. 3360, 3362), 591 P.2d 1292 (1979).

Applied in *Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71*, Sup. Ct. Op. No. 1811 (File Nos. 3360, 3362), 591 P.2d 1292 (1979).

Cited in *Meiners v. Bering Strait School Dist.*, Sup. Ct. Op. No. 2857 (File Nos. S-125, S-140), 687 P.2d 287 (1984).

Sec. 14.08.040. [Repealed, § 1 ch 124 SLA 1975.]

Sec. 14.08.041. Regional school boards. (a) A regional educational attendance area shall be operated on an areawide basis under the management and control of a regional school board.

(b) The qualified voters of the communities receiving educational services in each regional educational attendance area shall elect a regional school board of not less than five nor more than eleven members to be elected for the same term, in the same manner and with the same qualifications as a city or borough school district board under AS 14.12. The initial number of regional school board members shall be

determined by the department in consultation with the local communities in the regional educational attendance areas. However, the qualified voters in a regional educational attendance area may increase or decrease the number of regional school board members established under this section by placing the question on the ballot at a regular school board election in the manner prescribed by law. A change in the number of school board members is not effective until the next regular school board election.

(c) A regional school board shall consist of five, seven, nine or 11 members.

(d) Subject to (f) of this section, a regional school board member shall be elected at large by the qualified voters of the communities receiving educational services in the entire regional educational attendance area. However, each seat on the regional school board shall be designated by letter or number and when the declaration of candidacy or other nomination papers of a candidate for the regional school board are filed those papers must indicate the seat that the candidate seeks.

(e) A vacancy on a regional school board shall be filled in accordance with AS 14.12.070.

(i) The voters residing within a regional educational attendance area may petition in accordance with AS 14.08.051(b) to have each regional school board member elected from a section of the area by the voters of that section. (§ 2 ch 124 SLA 1975; am §§ 1, 2 ch 43 SLA 1982)

NOTES TO DECISIONS

As to absence of duty on regional educational attendance areas to bargain collectively with noncertificated employees, see note following chapter analysis. Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71, Sup. Ct. Op. No. 1811 (File Nos. 3360, 3362), 591 P.2d 1292 (1979).

Constituency voting for recall. — Where all regional school board members cited in a recall petition had been elected

to a term of office through an at-large election, they were subject to recall by the constituency which initially elected them to office. Meiners v. Bering Strait School Dist., Sup. Ct. Op. No. 2857 (File Nos. S-125, S-140), 687 P.2d 287 (1984).

Applied in Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71, Sup. Ct. Op. No. 1811 (File Nos. 3360, 3362), 591 P.2d 1292 (1979).

Sec. 14.08.050. [Repealed, § 1 ch 124 SLA 1975.]

Sec. 14.08.051. School board sections. (a) The commissioner in consultation with the Department of Community and Regional Affairs and the local communities may divide a regional educational attendance area into sections only for the purpose of nominating and electing regional school board members. If the voters in a regional educational attendance area favor election of regional school board mem-

bers by sections under (b) of this section, the commissioner in consultation with the Department of Community and Regional Affairs and the local communities shall divide the regional educational attendance area into sections for the purpose of nominating and electing regional school board members. If a regional educational attendance area is divided into sections each school board member shall represent, as nearly as practicable, an equal number of persons. The basis for the division of a regional educational attendance area into sections shall be the total population of the area as reported in the most recent decennial federal census. If the census is five years old or older, then other reliable population data, including but not limited to population estimates based on public school enrollments, public utility connections, registered voters or certified employment payrolls, shall be used as the basis for the division of the area into sections. Each section within a regional educational attendance area shall consist of compact, contiguous territory and, as far as practicable, each section shall contain an integrated socio-economic, linguistically and culturally homogeneous area. In the division of the regional school and attendance area into sections, consideration shall be given to the transportation and communication network to facilitate the administration of education and communication between communities that comprise the area. Whenever possible, municipalities, other governmental or regional corporate entities, drainage basins and other identifiable geographic features shall be used in describing the boundaries of the sections.

(b) The division of a regional educational attendance area into sections or subsequent recasting of the section boundaries may be proposed by the regional school board or by a petition. The election of each regional school board member from a section by the voters of that section of a regional educational attendance area may be proposed by petition. A petition under this section shall be filed with the director of elections and shall contain signatures of qualified voters in the area equal to 15 percent of the total vote cast in the most recent regional school board election. The division of the area into sections, election of each regional school board member from a section by the voters of that section, or subsequent recasting of section boundaries is subject to approval by a majority of the qualified voters voting on the question in the regional educational attendance area at the next regular school board election or a special election called for that purpose, and takes effect at the next regular school board election.

(c) If a regional educational attendance area has been divided into sections, the commissioner shall recast the boundaries of the sections within 90 days following the official reporting of the decennial federal census in accordance with (a) of this section.

(d) Multi-member sections may be created. However,

(1) each seat on the regional board shall be designated by letter or number and when the declaration of candidacy or other nomination

papers of a candidate for the regional school board are filed those papers must indicate the seat that the candidate seeks; and

(2) except as provided in (f) of this section, a section may not be represented by more than

- (A) three members, if a board consists of five members;
- (B) four members, if a board consists of seven members;
- (C) five members, if a board consists of nine members; or
- (D) six members, if a board consists of 11 members.

(e) If a regional educational attendance area has been divided into sections, board members shall be residents of the section from which they are elected. Board members shall be elected by the qualified voters of the entire regional educational attendance area, unless the voters have approved election of members by the voters of the section under (b) of this section.

(f) Upon the request of a regional school board, the commissioner may permit a section that contains more than one community to be represented by more board members than the number set out in (d)(2) of this section if the commissioner determines that

(1) the regional educational attendance area has had a pattern of substantial population fluctuations between geographic areas within the regional educational attendance area; and

(2) compliance with the requirements of (d)(2) of this section could result in continuous underrepresentation and overrepresentation of sections.

(g) In a regional educational attendance area section subject to (f) of this section, no more than two members may be elected from the same community unless the population distribution requires otherwise. (§ 2 ch 124 SLA 1975; am §§ 3 — 5 ch 43 SLA 1982; am §§ 1, 2 ch 73 SLA 1985)

Effect of amendments. — The 1985 amendment in paragraph (2) of subsection (d) added "except as provided in (f) of this section" and made other minor word changes and added subsections (f) and (g).

NOTES TO DECISIONS

Applied in *Meiners v. Bering Strait School Dist.*, Sup. Ct. Op. No. 2857 (File Nos. S-125, S-140), 687 P.2d 287 (1984).

Sec. 14.08.060. [Repealed, § 1 ch 124 SLA 1975.]

Sec. 14.08.061. Term of office. (a) Members elected to a regional school board shall serve staggered three-year terms. However,

(1) the term of office of all of the members of a regional school board elected from the same multi-member section may not expire at the same time; and

Alaska State Legislature

Sen. Pat Pourchot, Chairman

Sen. Jan Falks, Vice Chairman

Sen. Al Adams

Sen. Tim Kelly

Sen. Rick Uehling



P.O. Box V
State Capitol
Juneau, Alaska 99811

907-465-3712

Senate State Affairs Committee

MEMORANDUM

TO: Senate State Affairs Committee Members

FROM: Senator Pat Pourchot

RE: Wednesday, April 11 Committee Hearing

DATE: April 10, 1990

On Wednesday, April 10 at 1:30 p.m. in the Beltz Room the Senate State Affairs Committee will hear the following bills:

SS SB 394. An Act relating to eligibility to participate in the state group insurance for certain licensees in vocational rehabilitation programs.

Second Hearing. Sponsored by Senator Fahrenkamp, this bill would allow the Division of Vocational Rehabilitation (DVR) to include blind and severely disabled people in business as vendors in the group health insurance program. DVR is currently required to provide insurance for these vendors from the proceeds from vending machines in government buildings which are deposited in the Small Business Enterprise Revolving Fund, at a current cost of \$14,772 per year. Including the five vendors in group health would create a savings to the revolving fund of \$5,100 per year and the vendors would receive more comprehensive insurance than they presently have. At the committee's request, DVR has provided results of a current study on comparative rates for disabled versus non-disabled individuals which generally says that there are no increases in insurance compensation costs nor lost-time injuries.

CS HB 224. An Act creating preferences in state employment for prisoners of war and for certain rehabilitated veterans and prisoners of war; and allowing repeated use of the state employment preference by certain veterans and prisoners of war for applications for nonpermanent positions.

Second Hearing. Sponsored by Representative Kubina. this bill changes statute to allow for repeated use of state employment preference by eligible veterans and prisoners of war for nonpermanent positions. It does have one exception for veterans or prisoners of war who were terminated because of a service related disability and who have not worked in a permanent position for two years. These people, with medical certification, are entitled to receive a preference for a permanent position. We have requested Legal to draft an amendment specifying that POWs be "Alaskans". Legal will respond with a paragraph on the "constitutionality" of a residency requirement.

CSSSHB 218. An Act extending the authority of the Alaska Housing Finance Corporation to assist in the development of congregate housing and directing the Alaska State Housing Authority to develop a pilot program for

congregate housing; and providing for an effective date. Second Hearing. Based on committee concerns, a proposed CS has been developed which requires AHFC to operate within prudent lending guidelines, clarifies that no subsidies will be authorized, defines congregate housing and identifies Alaska State Housing Authority role in the pilot program. Your packet contains the CS, a memo from Representative Ulmer highlighting the changes and an explanation of "layered financing".

CSSS SB 369. An Act relating to members of the boards of fisheries and game; and providing for an effective date. Sponsored by Rules at request of the Governor, this bill requires members of the Board of Fisheries or the Board of Game to disclose any interests in organizations relating to fish and game resources. Language in the CS clarifies the Governor's authority to remove board members convicted of violating a statute or regulation on fish or game and increases board compensation to the federal per diem rate (currently \$125 per day for Anchorage) and an honorarium of \$150 for each meeting day. Senate Resources attached a Letter of Intent which states support for increased compensation for board members and urges "streamlining" their functions to reduce hardships to members, the public and government staff.

SB 106. An Act relating to school boards in regional educational attendance areas. Sponsored by Senator Coghill, this bill amends AS 14.08.051(b), relating to the school board sections of statutes on education in the unorganized borough. It provides that a petition to divide a regional educational attendance area (REAA) into sections to recast section boundaries, or a petition to elect REAA school board members, must contain signatures of qualified voters in the area equal to eight percent (reduced from 15%) of the total vote cast in the most recent regional school board election.

Senator John B. (Jack) Coghill

Alaska State Legislature

Box V
Juneau, Alaska 99811
(907) 465-4797

Box 55028
North Pole, Alaska 99705
(907) 488-0862



MEMORANDUM

DATE: April 2, 1990

TO: Senator Pat Pourchot, Chair
Senate State Affairs Committee

FROM: Senator Jack Coghill

SUBJECT: Senate Bill 106

On January 29, 1990 I sent you a memorandum requesting the Senate State Affairs Committee to hold a hearing on SB 106, "An Act relating to school boards in regional educational attendance areas."

Since I have not received a response as to when a hearing on this bill might be heard, I would like to request once again, that you schedule Senate Bill 106 for a hearing.

I believe we provided all the back-up material with the memorandum of January 29, except a sectional analysis of the bill which we are now enclosing.

Thank you,

A large, stylized handwritten signature in black ink, appearing to read "John B. Coghill".

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

MEMORANDUM

February 14, 1990

SUBJECT: REAA school boards - SB 106
TO: Senator Jack Coghill
FROM: Michael F. Ford *m.f.*
Legislative Counsel

You have asked for a sectional analysis of SB 106. The bill amends AS 14.08.051(b) by reducing, from 15 percent to eight percent, the percentage of qualified voters required in order to file a petition requesting division of an R.E.A.A. into sections. Please contact me if you have further questions.

MFF:pl
WKP2/045

**School Boards
in REAA's**

SENATE BILL NO. 106, by Senator Coghill. Amends AS 14.08.051(b) (Education in the Unorganized Borough. School board sections) by providing that a petition to divide a regional educational attendance area (REAA) into sections or to recast section boundaries, or a petition to elect REAA school board members, must contain signatures of qualified voters in the area equal to eight percent of the total vote cast in the most recent regional school board election (currently requires signatures of qualified voters equal to 15 percent of the total vote cast in the most recent regional school board election).

The bill takes effect 90 days after being signed by the Governor.

Introduced January 11, 1989 and referred to Health, Education & Social Services; State Affairs.

Senator John B. (Jack) Coghill

Alaska State Legislature

Box V
Juneau, Alaska 99811
(907) 465-4797

Box 55028
North Pole, Alaska 99705
(907) 488-0862



MEMORANDUM

February 9, 1990

TO: Senator Pat Pourchot
Chairman Senate State Affairs Committee

FROM: Senator Jack Coghill

SUBJECT: Bills in your committee.

At the present time five of our bills are in your committee and have not yet received a hearing. We are still interested in having these bills heard, at your convenience. Here is a list of the bills and the dates they arrived in your committee.

✓ SB 106	REAA School Boards	5/2/89
✓ SB 312	Income of the Permanent Fund/Dividends	5/2/89
✓ SB 395	PFD Program Hold Harmless Provision	1/19/90
✓ SB 435	Prohibit Use of Public Funds in Campaigns	2/6/90
✓ SCR 43	Educational Program about Permanent Fund	1/25/90

These peices of legislation represent important public policy questions. They deserve at the very least a public hearing.