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HOUSE COMMITTEE REPORT

(7) Date Referred: January 23, 1991 FURTHER REFERRALS: Judiciary

Date of Committee Action: 3-25-91

The COMMUNITY AND REGIONAL AFFAIRS Committee considered: HB 63

HOUSE BILL NO. 63 CONTRACTS FOR DAY CARE ASSISTANCE

"An Act relating to municipal powers involving day care."

- RECOMMENDATIONS: [ ] the same title [ ] a new title
[ ] have attached amendments(s)
[X] do pass
[ ] do not pass
[ ] no recommendations
[ ] individual recommendations
[ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)
[ ] fiscal impact \_\_\_\_\_ [ ] fiscal note(s) \_\_\_\_\_
[X] zero fiscal note DCRA [ ] zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Table with 4 columns: Name, Check appropriate column:, Do Not Pass, No Rec, Amend. Rows include Richard Foster, Gail Phillips, Betty Davis, Larry Baker, Amy Mackie, Alvin Davis, J.C. Gonzales.

Chairman's Signature (Signature) Mackie

# STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

- P.O. BOX B  
JUNEAU, ALASKA 99811-2100  
PHONE: (907) 465-4700
- 949 E. 36TH AVENUE, SUITE 400  
ANCHORAGE, ALASKA 99508-4302  
PHONE: (907) 563-1073

February 4, 1991

## POSITION PAPER

RE: House Bill 63

SPONSOR: Representative Taylor

### Program Effects of the Bill

The bill will grant the power to contract with the department under AS 44.47.250(b)(2) to municipalities that otherwise do not have this authority.

### COMMENTS

The Department of Community & Regional Affairs supports the passing of this bill. In past, delay in contracting has been experienced due to the late hour realization that a municipality did not have the authority to contract for our program. This bill would eliminate the delay in contracting with those communities that do not possess this authority.

The passage of this bill will have no fiscal impact on the department.

*Ed. Blatchford*

Edgar Blatchford, Commissioner

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. HB 63

Revision Date: \_\_\_\_\_ Department Affected: Community & Regional Affairs

Title: "An act relating to municipal powers involving day care." BRU: Child Assistance

Sponsor: Representative Taylor Component: \_\_\_\_\_

Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

REVENUE						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Remond Henderson, Director Phone: 465-4708

Division: Administrative Services Date: 2/5/91

Approved by Commissioner: Eva Bethel

Agency: Community & Regional Affairs Date: \_\_\_\_\_

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

# Alaska State Legislature

COMMITTEES:

MEMBER  
RULES

COMMITTEE ON COMMITTEES  
WESTERN STATES LEGISLATIVE  
FORESTRY TASK FORCE  
FINANCE SUBCOMMITTEE  
DEC



P.O. BOX 1441  
WRANGELL, ALASKA 99929  
(907) 874-2316

While in Juneau  
P.O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-4905

## House of Representatives

ROBIN L. TAYLOR  
MINORITY LEADER

### SPONSOR POSITION STATEMENT HB 63

February 6, 1991

TO: THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

FROM: REP. ROBIN L. TAYLOR

Handwritten signature of Robin L. Taylor in black ink.

This legislation was introduced at the specific request of the Ketchikan Gateway Borough Assembly to address concerns raised regarding the Borough's authority to administer the State Day Care Assistance Program.

While the KGB has acted as the pass-through agency for this program for more than ten years, members of the Assembly and the Borough legal staff have questioned the legality of exercising a social service function while not holding social service powers.

Although the Borough Resolution asks that AS 29 be amended, the drafter has recommended adding this new section to AS 44 as a better alternative.

Passage of this bill will clarify the Borough's right to administer this vital program and will also relieve the anxiety created by suggestions that the program be dropped.

I request your "do-pass" recommendation for this simple legislation.

# Alaska State Legislature



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COMMITTEES:  
MEMBER  
RULES  
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DEC

## House of Representatives

ROBIN L. TAYLOR  
MINORITY LEADER

### MEMORANDUM

TO: THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

FROM: JOE AMBROSE LEGISLATIVE AIDE

RE: HB 63

DATE: 2/7/91

Chairman Mackie has asked for an overview of HB 63.

This bill was introduced 1/23/91 at the specific request of the Ketchikan Gateway Borough Assembly. The bill as drafted represents the best advice of the Legal Division on how to address the Assembly's concerns without raising issues that might impact other boroughs.

The Gateway Borough Assembly has a long history of showing particular awareness of the limited powers granted to a second class borough. The Borough does not exercise social service powers. Both individual assembly members and the Borough Legal Department have struggled with questions about the authority to administer a program which is largely a social service function.

These concerns became especially pronounced last winter when the Day Care Assistance Program was expanded to include the new Federal program. In the past, the Borough had hired an administrator who used a desk in the Borough Manager's office and in fact was cross utilized as a receptionist. The expanded program has required the full time efforts of the administrator and the relocation of the program to separate office space. The Assembly anticipates the time when local funding will be needed to provide support.

This simple statute change will relieve the concerns of the elected officials that they are operating in a gray area. It will also relieve the anxiety of recipients who need to be assured of the continuing availability of the Day Care Assistance Program.

# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811  
(907) 465-3867 or 465-2450  
FAX (907) 465-2029

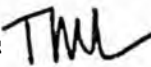
Deliveries to: 240 Main Street  
Court Plaza, Room 500  
Mail Stop 3101

### MEMORANDUM

January 10, 1991

**SUBJECT:** Municipal Powers Relating to Day Care (7LS-0429)

**TO:** Representative Robin Taylor

**FROM:** Terri Lauterbach   
Legislative Counsel

Enclosed is a bill responding to your request to amend AS 29.35.210(b) to ensure that a second class borough has the power to contract with C&RA regarding the day care assistance program.

After discussing the matter with Tam Cook, the office's municipal law expert, we have determined that a better approach would probably be to amend the day care assistance statutes in AS 44.47, rather than to amend AS 29. In that way, various issues of interpretation in relation to other boroughs and other powers can be avoided while achieving your main objective. Therefore, the enclosed bill amends AS 44.47 to clarify that any municipality may contract with C&RA to administer the day care assistance program in the municipality. It is modeled after AS 19.30.251, which relates to local service roads and trails.

I hope you find this approach acceptable. If I can be of further assistance, please advise.

TML:gc  
91-010.glc

Enclosure



## KETCHIKAN GATEWAY BOROUGH

344 Front Street  
Ketchikan, Alaska 99901  
(907) 225-6151

February 4, 1991

Post-It <sup>®</sup> brand fax transmittal memo 7671		# of pages > 2	
To	Joe Ambrose	From	Linda Onak
Cc	Rep. Taylor	Co	Ketchikan Gateway
Dept.		Phone #	
Fax #	465-2294	Fax #	225-7282

Representative Jerry Mackie,  
Chairman, The House Community and Regional  
Affairs Committee  
P.O.Box V, Juneau Ak 99811

Dear Representative Mackie

The Borough became the contractor of the Day Care Assistance program about 15 years ago. Each year the "Powers" issue comes before the Assembly.

In April 1990, the Borough Assembly elected not to administer the program. The Department of Community and Affairs asked the City of Ketchikan if they would be willing to administer the program and the City Council declined. And to my knowledge no one else stepped forward. This has caused a great deal of anxiety and turmoil within our community.

In September 1990, Mrs. Judy Martin owner of the Jr Bear Day Care presented petitions to the Assembly with over 800 signatures from the business community and concerned parents, asking that the Assembly reconsider the vote to discontinue the program. The Assembly heard testimony of many parents that were on the wait list and also being served by the Day Care Assistance program, employers, providers of day care homes and centers and the President of the Chamber of Commerce.

Because of the public input the Assembly did reconsider their vote and elected to continue the Day Care Assistance program.

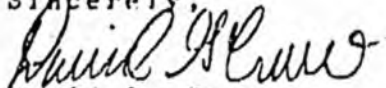
At the present time, we are serving 71 single parents with 103 children on the program. We have 10 licensed day care centers and 8 licensed homes caring for these children.

The wait list started in May, there are 38 parents with 58 children that qualify for assistance that are waiting to receive aid to continue their employment or continuing their education.

It would be in the best interest of the Day Care Program in Ketchikan to amend the State law. The Borough Assembly has consistently questioned the legality of exercising the power they believe they do not have.

Linda Inglis is the administrator of the Day Care Assistance Program and Transitional Day Care, if she can be of any assistance call her at 228-6636.

Sincerely,



David G. Crow  
Borough Manager

cc: Linda Inglis



## Office of the Borough Clerk

*Ketchikan Gateway Borough*

*344 Front Street*

*Ketchikan, Alaska 99901*

*(907) 228-6605*

DEC 10 1990

December 4, 1990

The Honorable Robin Taylor  
House of Representatives  
P.O. Box V  
Juneau, Alaska 99811

### REQUEST FOR AMENDMENT TO TITLE 29 - SECOND CLASS BOROUGH POWERS RELATING TO DAY CARE ASSISTANCE

Your help in changing Title 29 to allow the Borough to continue to administer the State's Day Care Assistance Program would be genuinely appreciated.

Since 1979 the Ketchikan Gateway Borough has contracted with the Department of Community and Regional Affairs to perform the administrative duties of the State's Day Care Assistance Program. During this time the Assembly and the Borough's legal staff have struggled with questions about the Borough's authority to administer the program which is largely a social services function. The Borough does not exercise social services powers. As a result of these continuing concerns the Assembly eventually decided to ask the State of Alaska to solicit proposals from other agencies for delivery of the program for fiscal year 1991. The public came forward and convinced the Assembly to reconsider this action. The Assembly heard person after person testify about the community service and irreplaceable benefits offered by this program.

The Assembly has determined to continue the Borough's involvement in the delivery of this needed service to the Community of Ketchikan. You can help the Borough do this "legally" by introducing and supporting an amendment to AS 29.35<sup>20</sup>(b) which would be as follows:


"A second class borough may by ordinance exercise the following powers on an areawide basis:

"(5) license day care facilities and/or contract with the department to provide

RE: AMENDMENT TITLE 29  
December 4, 1990

day care assistance for the children of low and moderate income families according to the requirements of AS 44.47.250 - 44.47.310."

As you can see by the attached Borough Resolution No. 937, the Assembly unanimously supports such an amendment. Please let us know if we can provide additional information or support for the bill in any way. I am sure Linda Inglis, the Borough's Day Care Administrator, would be anxious to help in a moment's notice.

  
Georgianna Zimmerle  
Borough Clerk

c Reed R. Stoops

Voting "Yes":

Holman  
Boatwright  
Cruise  
McCarty  
Bartholomew  
Tallman  
Cote

Voting "No":

None

Absent:

None

4 Votes Required for passage

Effective Date: 10/15/90

KETCHIKAN GATEWAY BOROUGH

RESOLUTION NO. 937

A RESOLUTION OF THE ASSEMBLY OF THE KETCHIKAN GATEWAY BOROUGH, ALASKA, SUPPORTING AN AMENDMENT TO TITLE 29, SECOND CLASS BOROUGH AREAWIDE POWERS, WHICH WOULD ALLOW THE BOROUGH TO ADMINISTER THE STATE'S DAY CARE ASSISTANCE PROGRAM; AND ESTABLISHING AN EFFECTIVE DATE.

RECITALS

A. The Alaska State Legislature adopted a program to assist in providing day care for children of low and moderate income families in 1975.

B. Since 1979 the Ketchikan Gateway Borough has contracted with the Department of Community and Regional Affairs to perform the administrative duties of the Day Care Assistance Program. During this time the Borough's legal staff has expressed concern over the Borough's authority to engage in the providing of social services.

C. Because of the legal concerns regarding the Borough's authority to administer the Day Care Assistance Program, the Assembly decided on May 7, 1990 to request that the State of Alaska request proposals for delivery of the program for fiscal year 1991.

D. Following considerable public input and testimony in support of the Borough's continued administration of the program, that decision was rescinded on October 1, 1990.

E. The Borough Assembly believes the powers question can be mitigated through amendment of AS 29.35.500(b).

NOW, THEREFORE, IT IS RESOLVED BY THE ASSEMBLY OF THE KETCHIKAN GATEWAY BOROUGH, ALASKA, as follows:

Section 1. The Assembly supports an amendment to AS 29.35.500(h) as follows:

"Sec. 29.35.500(b) A second class borough may by ordinance exercise the following powers on an areawide basis: .

(5) license day care facilities and/or contract with the department to provide day care assistance for the children of low and moderate income families according to the requirements of AS 44.47.250 - 44.47.310."

Section 2. The Borough Clerk is directed to mail copies of this resolution to the three District I Legislators, Borough Lobbyist Reed R. Stoops, and the Commissioner of the Department of Community and Regional Affairs.

Section 3. This resolution is effective upon adoption.

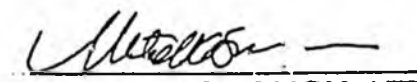
ADOPTED this 15th day of October, 1990.

  
BOROUGH MAYOR

ATTEST:

  
BOROUGH CLERK

APPROVED AS TO FORM:

  
INTERIM BOROUGH ATTORNEY



# Alaska State Legislature

Please enter into the record my testimony to the House Community & Regional Affairs  
committee name  
 committee on HB 63, dated 3/25/91  
bill/subject

Count me in support of HB 63. It allows  
 second class boroughs the authority to address the  
 issue of daycare. If Alaska is going to remain  
 competitive, we must develop our workforce.  
 Daycare allows us to fully utilize the workforce  
 and production of the state. Vote yes on HB 63.

Signed: John A. Cite  
Testifier  
Ketchikan Gateway Borough  
Representing (Optional)  
P.O. Box 9350, Ketchikan, AK 99901  
Address  
225-3678  
Phone No.