

414

HHESS

HB

109

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HB

206

February 10, 1977

Mrs. Frieda Peele  
President, School Board  
Hydaburg, Alaska 99922

Dear Mrs. Peele:

The enclosed bill, HB 109, has been referred to this committee for action. As you will notice, it would make a rather substantial change in the existing relationships between school boards and municipal governing bodies.

The committee would appreciate any comments you may have on the bill.

Sincerely,

Charles H. Parr, Chairman

CHP:ab

Encl.

February 10, 1977

Mr. Robert Sanderson  
Mayor  
City of Hydaburg  
Box 57  
Hydaburg, Alaska 99922

Dear Mr. Sanderson:

The enclosed bill, HB 109, has been referred to this committee for action. As you will notice, it would make a rather substantial change in the existing relationships between school boards and municipal governing bodies.

The committee would appreciate any comments you may have on the bill.

Sincerely,

Charles H. Parr, Chairman

CHP:ab

Encl.

February 10, 1977

Mrs. Marlene Johnson  
President, School Board  
P.O. Box 218  
Hoonah, Alaska 99829

Dear Mrs. Johnson:

The enclosed bill, HB 109, has been referred to this committee for action. As you will notice, it would make a rather substantial change in the existing relationships between school boards and municipal governing bodies.

The committee would appreciate any comments you may have on the bill.

Sincerely,

Charles H. Parr, Chairman

CHP:ab

Encl.

February 10, 1977

Mr. Miles N. Murphy, Jr.  
Mayor  
City of Hoonah  
P.O. Box 360  
Hoonah, Alaska 99829

Dear Mr. Murphy:

The enclosed bill, HB 109, has been referred to this committee for action. As you will notice, it would make a rather substantial change in the existing relationships between school boards and municipal governing bodies.

The committee would appreciate any comments you may have on the bill.

Sincerely,

Charles H. Parr, Chairman

CHP:ab

Encl.

February 10, 1977

Mrs. Dorothy Rhea  
President, School Board  
Galena, Alaska 99741

Dear Mrs. Rhea:

The enclosed bill, HB 109, has been referred to this committee for action. As you will notice, it would make a rather substantial change in the existing relationships between school boards and municipal governing bodies.

The committee would appreciate any comments you may have on the bill.

Sincerely,

Charles H. Parr, Chairman

CHP:ab

Encl.

February 10, 1977

Mr. Jim Movius, President  
Fairbanks, North Star Borough School Board  
P.O. Box 372  
Fairbanks, Alaska 99701

Dear Mr. Movius:

The enclosed bill, HB 109, has been referred to this committee for action. As you will notice, it would make a rather substantial change in the existing relationships between school boards and municipal governing bodies.

The committee would appreciate any comments you may have on the bill.

Sincerely,

Charles H. Parr, Chairman

CHP:ab

Encl.

# FAIRBANKS NORTH STAR BOROUGH

Box 1267, Fairbanks, Alaska 99707

February 16, 1977

The Honorable Charles Parr  
State Representative  
State of Alaska  
Pouch V  
Juneau, Alaska 99811

Dear Charlie:

I appreciate your asking my opinion on HB 109. As you know, I've spent considerable time in the past three years looking at this very subject. I have enclosed a copy of a report I presented to the assembly which will give you some insight to the committee's feeling at that time.

I would also note that I currently chair the state-wide committee that was appointed by the Alaska School Board Association and the Alaska Municipal League to examine the relationships between school boards and borough assemblies. This committee met once last year but because of various problems has not been able to meet this year although we intend to meet again. It would be my feeling that if the legislature were to step in and pass HB 109 it would probably be more detrimental to the relationship between school boards and assemblies than beneficial. As you know, many school boards and borough assemblies in the state currently enjoy close working relationships. This proposed law might harm those relationships by the fact that one dissident member could totally destroy the relationship which took years to develop. While I agree there needs to be changes, I can not believe one sweeping change like this is the answer.

The current local situation has improved 100 percent in the last 90 days and in fact the borough and school board are looking at combining many of their programs in order to provide more efficient service at a lower tax dollar cost. Again, this sweeping change would only take one dissident member to change what it has taken years to build.

If I might make a suggestion as to something the legislature could do that would be beneficial, I would suggest the state legislature pass a bill requiring school boards and borough assemblies to have a minimum of four work sessions per year. The key in our local situation seems to

Representative Parr  
Page Two  
February 16, 1977

be that when the borough assembly and school board finally sat down as two elected bodies without being inhibited by administrators, they discovered they could work together and had many common goals. Our first two meetings were without any administrators or press and everything came out on the table. Many areas of common interest were discovered and a positive approach was taken towards those interests. Therefore, I believe that maybe we need to nudge those areas that are not meeting together. It would be a positive step if the legislature would pass such a bill.

Again I thank you for soliciting my comments and I hope it has been of some help to you. If I can be of further assistance please don't hesitate to call.

Very truly yours,



Phil A. Younker  
Presiding Officer  
FNSB Assembly

PAY:lh

## REPORT

### Task Force to Study the Feasibility of Consolidation of Departmental Efforts Between the School District and the Borough General Government

#### BACKGROUND:

1. At the regular assembly meeting of May 22, 1975, Younker, seconded by Bettisworth, moved that a task force be formed to study the feasibility of consolidation of departmental efforts between the school district and the borough general government. The task force would be charged with reviewing the following areas and submitting recommendations and time schedules: (1) accounting; (2) custodial; (3) maintenance. The committee will be composed of two assembly persons, two school board members, school district business manager, borough comptroller and borough attorney.

The purpose of the study was to make a determination on the following items:

- A. The legality of this move
- B. The desirability of this move
- C. If the desired improvement to the buildings and the grounds could be achieved by this move
- D. If there would be savings to the taxpayers on either a long term or short term basis or both

*Study Report does not properly address this issue!*

2. On motion by Gustafson, seconded by Stringer, funds allocated for school buildings and grounds maintenance program were transferred from the school budget to borough general government budget at special assembly meeting of May 29, 1975.

Membership in this task force consisted of Assemblyman Phil Younker, Chairperson, and Assemblyman Harry Reimer. The school board was invited to send representatives (see attached letter) and the borough attorney, engineer and comptroller were invited to provide necessary data from their respective departments. The school board officially chose not to participate (see attached letter).

The borough staff members attended all the formal meetings but the school board elected not to participate when invited. However, Mr. Movius attended one meeting that never was called to order due to a mixup in the scheduling. Mrs. Mendenhall and Mr. Chuck Wallace attended the last meeting. Mrs. Mendenhall stated that the school board was not interested in such a move and that she felt the board was doing a good job and should be left alone to do it. She also stated that the school district was setting up a preventive maintenance program now and could do the job better than the general government. A letter requesting information on the school district's preventive maintenance program was sent to the school board (see attached letter) but, to date, no answer has been received.

#### RECOMMENDATIONS:

Accounting -

It was determined that the accounting function should not be moved.

A. There would not be any apparent savings nor would this move necessarily improve either the general government's or the school district's accounting progress.

B. The school district uses guidelines set up by the state department of education which are not compatible to the general government's accounting programs; therefore, it would still require two separate operations.

C. The combining of the accounting would require total agreement between the general government and the school board. At this time such agreement does not exist. *For reasons A & B above*

D. It would be our recommendation that if, in the future, the general borough government and the school district administration are housed in one borough office building it might be feasible to have one computer large enough to handle both operations rather than two separate computers.

*Excellent Idea - Also Purchasing*

Buildings and Grounds Maintenance -

It would be our recommendation that there could be a real improvement to the buildings and grounds by the general government taking over the maintenance of the buildings and grounds based on the following:

A. For the past ten years at least there has been no preventive maintenance program in effect in our school district.

B. Preventive maintenance will cause a saving to the taxpayer on a long term basis and will cause the buildings and ground conditions to improve by the very fact that maintenance is on a preventive basis rather than a fix-it-on-a-emergency basis. (This is a recognized fact in both the public and private sectors which are maintaining large physical facilities.) *I hope the assembly remembers this at budget time*

C. The legality of the borough general government performing the maintenance hinges on the determination of (major and minor maintenance). Such a determination can either be agreed on by the assembly and school board or at the extreme could be determined in the courts as it has been hinted that the school administration has set monies aside to fight such move if it happens. *It is no "hint" as far as I'm concerned. If the assembly moves unilaterally there will be a battle.*

The problem that the borough assembly recognized was that monies appropriated for maintenance are often used for other purposes by the school district. This is not to criticize the school district since their foremost obligation is the education of our children. The school district is currently charged with minor maintenance and the janitorial work of the buildings. The assembly is charged with the major maintenance of the buildings. The problem then is that when minor maintenance and/or specifically preventive maintenance is deleted by the school district due to a lack of funds most often these items become major maintenance items and the assembly then has to budget money again to do major repairs or maintenance that could have been prevented had the problem been taken care of originally. This also could result in monies being appropriated twice for the same item.

*This paragraph says I will except for last sentence which is a speculative comment, and points out that when confronted with priorities the education related expenses will fare better than custodial expenses, as they should.*

*! to - ad he - all! + disling - us cust - minor and - maintenance - time and - major - lab. com - I major - repair*

This, then, presents the problem of what is maintenance and at what point does it become major maintenance rather than minor maintenance.

We feel the answer is Preventive Maintenance Agree 100%

A. Preventive maintenance will eliminate this problem since it is designed to maintain the buildings and grounds in a state of being unimpaired; unbroken condition; sound and as near perfect condition as possible.

B. Maintenance then should be determined as that that is necessary to:

1. Insure the safety of all people using the buildings and grounds;
2. Insure the integrity of the buildings and grounds;
3. To accept the liability of responsibility of 1 and 2 above.

To explore this in more depth:

Maintenance must be based on needs and not on a balance of what is spent on each facility. *Clarify*

Maintenance must be based on needs and not changes in design for convenience. (Changes in design for convenience should be a capital improvement.) *Specific Example?*

Maintenance needs cannot be traded off for wants. *Clarify*

#### RECOMMENDATIONS:

We would recommend that after reading this report each assemblyman and school board member give close consideration to the following changes: 1) the borough general government would operate the maintenance of the school buildings and grounds, and 2) the school district would maintain the janitorial staff. Most of all, a general philosophy of what maintenance is should be agreed on by both sides.

- As defined by whom*
- A. Maintenance is based on needs, not wants and desires;
  - B. Maintenance is that work necessary to insure the safety of those people using the facilities;
  - C. Maintenance is that work necessary to insure the integrity of the buildings and grounds;
  - D. That the maintenance department be ready to accept the liability of responsibility of A, B and C above.

Some advantages and disadvantages we see in such a move are as follows:

#### ADVANTAGES:

A. The general government can set up a preventive maintenance program and will most likely more readily fund the program since they can be assured that the monies will not have to be used for other programs.

*Speculative*

B. The assembly often sees items in the board's budget for maintenance and then, a year or so later, sees the same items in the borough general government budget as major maintenance projects. By transferring the maintenance function to the borough administration, the assembly will recognize that the board no longer has this area in their budget to cut. It also means the school board can delete a large section of their budget which would make it easier to get their budget passed. *Speculative*

*- Specifics please?*  
C. From experience, a school district that is currently operating under such a program as we are suggesting has found that vandalism is down in the schools because when an outside department is handling the maintenance they can be more hard-nosed about vandalism than is often possible for school personnel to be.

*2 hard nosed with whom?*  
D. By setting up a preventive maintenance program there will be a saving to the taxpayer in the long run. It would be our opinion that the condition of the buildings today will require an all-out effort the first two or three years in getting the maintenance program to a point where a preventive maintenance program could function efficiently. *Agree*

E. The general government can set priorities based on needs - not desires - and maintain these priorities easier than the school district because they are not involved in the educational function. *Bull shit - see no reason why one government body can do something easier than another for the reason given*

F. The head of the maintenance program should play a very active role in the design and construction of all new facilities to insure as much standardization as possible in all mechanical and physical features. This will reduce the cost of maintenance. *Could not agree more*

#### DISADVANTAGES OR PROBLEMS IN OPERATION:

A. The school board and school administration will have to give up a portion of their responsibility. Most public bodies are reluctant to give up this responsibility factor even when it is best for all involved. *True - likewise it appears that the assembly has a similar problem.*

B. The custodial people will need to have their responsibilities outlined and they must be made to adhere to this job distribution. *Touched on the problem. How does this distribution become satisfactorily accomplished? By whom?*

C. The school district and the general government must set up a system to insure that work orders are processed and get to the correct people as smoothly and quickly as possible. (The school district might want to have the head custodian be the key information center for all maintenance requests.) *Possible Duplication and another layer of administration - The point here is that someone in the district*

D. Custodians will not do maintenance work. There may be a period of adjustment for this. However, the school district can begin to hire more women as custodians and the pay rate for custodians will not reflect any requirements that they have any mechanical ability. *would be telling someone in the borough what is needed.*

#### COMMENTS:

Assemblymen Younker and Reimer visited the Kenai Peninsula Borough where such a program now exists. *Any conclusions? My understanding is there is a difference of opinions as to the success of their program.*

The school board members we talked with stated that they would not take the maintenance program back again.

The school administration stated that they were satisfied with the operation now and would not want to take over maintenance again.

A building principal said he liked the program as it is now.

The custodians and maintenance personnel that we talked with like the system now.

It was generally agreed that the buildings are in better condition than they were before.

Vandalism decreased in schools during the school year.

The program now operates on a preventive maintenance program where each building is on a scheduled maintenance program with a check off list.

In the maintenance department they have such items as a portable boiler that can be moved to any school building and hooked up in a matter of hours preventing serious freeze-up problems. They have portable power plants for the same purpose.

2 Excellent ideas

Once again it would be our recommendation that the school board and assembly give close consideration to such a change and that a joint work session be set up to discuss this matter in full before action is taken.

Agree

Ideas for discussion

1. a P.M. program is desirable
2. Assuming the Boro Gen Govt takes over maintenance  
a) who is going to arbitrate all the Q's as to what's custodial and what's maintenance?  
b) who does the school bitch to when for any reason a maintenance item is not done in a timely or satisfactory manner
3. The proposal adds another administrative function<sup>(maintenance)</sup> to the Boro general govt without eliminating one (custodial) from the School District. If we are going to do something like what is proposed lets do it with the idea of eliminating, not adding to, administrative cost
4. Review of State law on the matter

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 12, 1977

SUBJECT: Bills relating to borough assembly and school board

TO: Representative Charlie Parr

FROM: Billy G. Berrier, Director of Legal Services 

You have asked for a list of statutes relating to powers the borough assembly has with respect to education or to school boards and the citation to each.

There are several specific statutes that deal with the relationship, but it is possible in the context of the amendment made in HB 109 that virtually any power of a municipality could be affected to a certain extent.

It would appear that such a reading was not intended, but in light of Macauley v Hildebrand 491 Pac.2nd 120 (Alaska 1971) which held that education is a state power delegated to a municipalities saying:

"This constitutional mandate for pervasive state authority in the field of education could not be more clear. First, the language is mandatory, not permissive. Second, the section not only requires that the legislature 'established' a school system but also gives to that body the continued obligation to 'maintain' the system. Finally, the provision is unqualified; no other unit of government shares the responsibility or authority. That the Legislature seen fit to delegate certain educational functions to local school boards in order the Alaska schools might be adapted to meet the varied conditions of different localities does not diminish this constitutional mandate of state control over education."

the literal reading may not be the proper reading of the statute.

The specific statutes I have found are:

- (1) AS 14.12.030 governing body of city or borough

may increase school boards from five to seven members.

(2) AS 14.12.110 single body as assembly and school board if school population is 500 pupils or less and if approved by the voters.

(3) AS 14.12.020 if treasury is centralized municipality obtains surety bond for treasurer.

(4) AS 14.14.050 municipal audit includes schools.

(5) AS 14.14.060 relationship between board and assembly. Primary statute on division of responsibilities.

(a) Assembly may require central treasury.

(b) Assembly may require central accounting, but only if school board consents.

(c) Budget submission and appropriation.

(d) Assembly determines location of school buildings after considering board recommendations.

(e) Sets out functions of board and assembly in school design.

(f) School board provides routine maintenance for school buildings, assembly provides rehabilitation major repair and construction.

(6) AS 14.14.065 relationship between city council and school board in city district is same as between borough assembly and school board.

(7) AS 29.23.070 the municipal attorney is the legal advisor of the school board, but the board may hire independent counsel.

(8) AS 29.53.580 meetings of "all municipal bodies" shall be public.

(9) AS 29.28. Elections

(10) AS 29.41.010 third class borough assembly and school board as same body.

(11) AS 29.58. Municipal debts (bonds) Relates since this is how schools are financed.

(12) AS 29.63 special assessments, public property, including state-owned may be assessed.

# Municipality of Anchorage



POUCH 6-650  
ANCHORAGE, ALASKA 99502  
(907) 274-2525

ANCHORAGE ASSEMBLY

February 17, 1977

Honorable Charles Parr  
Chairman  
Health, Education & Social Services Committee  
Pouch V - State Capitol  
Juneau, Alaska 99811

Dear Charlie:

You have requested comments relative to House Bill 109 introduced by Representative Duncan.

This is the same bill that was brought forth and killed during the last session. In my opinion it deserves a similar fate this year. I could be facetious and say that Mr. Duncan has a typographical error in his bill and that it should have read "The School Board has only those powers with respect to education or to Borough School Boards that are granted by statute." Obviously, there is no typographical error, but you could expect that Borough Assemblies would ask for the substitute wording presented above.

I feel that Mr. Duncan's bill will tend to create disharmony between school boards and Assemblies and that an attempt is being made to have the State act as policeman and arbitrator in issues and conflicts which should be solved at the local level.

I would urge that your committee not take further favorable action on this bill.

Sincerely,

A handwritten signature in cursive script, reading "David A. Rose".

David A. Rose  
Chairman - Anchorage Assembly

DAR:peb



# KODIAK ISLAND BOROUGH

Telephones 486-5736 - 486-5737 — Box 1246

KODIAK, ALASKA 99615

March 1, 1977

Alaska State Legislature - House  
Health, Education and Social Services Committee  
Charles H. Parr, Chairman  
Pouch V, State Capitol  
Juneau, Alaska 99811

RE: House Bill 109 - An Act Relating to the Relationship Between  
the Borough School District and the Borough

Dear Chairman Parr,

We, the undersigned members of the Kodiak Island Borough Assembly,  
wish to join the other members of the Alaska Municipal League in  
vigorous opposition to House Bill 109 respecting relationships  
between borough school districts and general borough government.  
We find the terms of the proposed legislation offensive and in-  
jurious to the working relationship of local municipalities.

Sincerely,

James E. Foster Assemblyman  
Michael D. Jensen MD Assemblyman  
Butch J. Wallin Mayor Pro Tem & Presiding Officer, KIB  
Steve M. Anderson Assemblyman  
W. L. Estes Assemblyman  
Andrea J. K. Krough Assemblyman

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# THE CITY AND BOROUGH OF JUNEAU

CAPITAL OF ALASKA

155 SOUTH SEWARD ST. JUNEAU, ALASKA 99801

DATE: March 17, 1977

FILE NO.

SUBJECT: House Bill 109

Representative Charles H. Parr  
State House of Representatives  
State Capitol - Pouch V  
Juneau, Alaska 99811

Dear Representative Parr:

The Assembly of the Juneau City-Borough has considered House Bill 109 at some length. We support the intent to delineate the representative responsibilities of elected local officials. Some concern was expressed that the City-Borough might be precluded from operating educational and recreational programs for adults and children after school without the concurrence of the Board under a strict interpretation of the law. If you perceive this to be a problem, we would be amenable to an amendment that would reserve the right of the municipality to conduct such programs.

Sincerely,

W. D. Overstreet  
Mayor

WDO/kh

CITY AND BOROUGH OF JUNEAU SCHOOL DISTRICT  
P.O. BOX 808 • DOUGLAS, ALASKA 99824

March 11, 1977

The Honorable Charles Parr  
House of Representatives  
Capitol Building, Room 110  
Juneau, Alaska 99811

Dear Representative Parr:

I am writing to support House Bill 109 which would more clearly delineate the relationship between a borough school district and a borough. In my opinion, the bill, if enacted into law, would very clearly limit the powers of borough assemblies to those functions which are granted only by State statute. This legislation would provide Borough School Boards with a clearly stated law to back them up when borough assemblies attempt to interfere with internal matters of the board or school district operations.

I urge your support of House Bill 109. Thank you for your consideration of my views on this matter.

Sincerely yours,

*Mrs. Norma J. Peterson*  
(Mrs.) Norma J. Peterson  
President  
Juneau Board of Education

NJP:c

cc: Mr. William Overstreet, Executive Secretary  
Alaska Association of School Boards

FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

P.O. Box 1250, Fairbanks, Alaska 99707

(907)456-7934



**CHUCK SMITH**

Superintendent of Schools

February 18, 1977

The Honorable Charles Parr  
Chairman of the Health, Education  
& Welfare Committee  
Pouch V  
State Office Building  
Juneau, Alaska 99811

Dear Charlie:

I am in full support of House Bill 109 as it attempts to clearly delineate the responsibilities of the Borough Assembly and leaves little for guess-work. This present guess-work fringe area has been the subject of confrontations between School Boards and Borough Assemblies over the past few years.

Hopefully this Bill will become law.

Sincerely,

A handwritten signature in cursive script that reads "A. J. Movius".

A. J. Movius  
President  
Board of Education

AJM/CS/plh

# KETCHIKAN GATEWAY BOROUGH SCHOOL DISTRICT

P. O. Box 2550  
KETCHIKAN, ALASKA 99901  
907-225-2118

February 24, 1977

Rep. Charles H. Parr, Chairman  
Health, Education & Social  
Services Committee  
Alaska State Legislature

Dear Representative Parr:

The board of education of the Ketchikan Gateway Borough School District wishes to express its support of House Bill No. 109.

There is a very definite need for clarification of the borough assembly/school board relationship. It was the unanimous expression of the board that this bill would do much to provide that needed clarification.

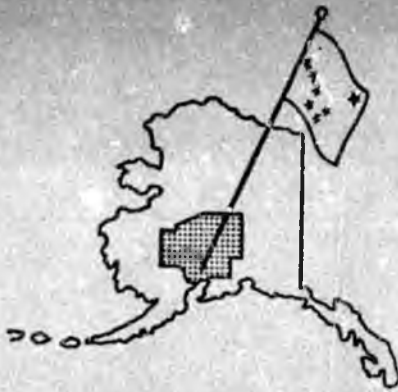
Yours truly,



R. W. Stekl  
Supt. of Schools

AIRMAIL TO ALASKA

KENAI NORTH KENAI ENGLISH BAY HOMER HOPE PORT GRAHAM SELDOVIA SEWARD MOOSE PASS  
COOPER LANDING NINILCHIK STERLING SOLDOTNA TUSUMENA TYONEK NIKOLAEVSK



# MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT

BOX AB

PALMER, ALASKA 99645

PHONE 745-3190

February 16, 1977

NORMAN S. ROUSEY  
SUPERINTENDENT OF SCHOOLS

Mr. Charles H. Parr  
Chairman  
Health, Education & Social Ser. Committee  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Parr:

Thank you for your letter of February 9, 1977 concerning HB 109.

The Matanuska-Susitna Borough School Board strongly urge passage of this bill. We feel that the bill does not substantially change the existing relationship between school boards and municipal governing bodies. The bill simply clarifies the intent of the law and amplifies the division of responsibilities.

The School Board's position is that "good fences make good neighbors." The Matanuska-Susitna School District has experienced, on several occasions, an extension of municipal powers into the domain of the school board. This lead to a court case on one occasion.

I am enclosing a opinion of the Attorney General on the issue of the propriety of "Borough providing for election of School Board Members by District." The opinion clearly points out the unlawfulness of the Borough Assembly attempting to create election districts for School Board members.

Please note in the legal opinion the wording in the next to last paragraph. This wording closely parallels the amendment you are discussing in HB 109.

Our District will be available for any additional testimony or information that you may need on this subject. Thank you for soliciting our comments.

Sincerely,

*Fremont L. Hotchkiss*  
Fremont L. Hotchkiss  
School Board President

FLH:vjs

Enclosure: 1

# RESTATE OF ALASKA

NOV - 5 1974

MATANUSKA - SITKA  
BOROUGH SCHOOLS

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

WILLIAM A. EGAN, GOVERNOR

POUCH K - STATE CAPITOL  
JUNEAU 99801

October 31, 1974

Dr. Marshall L. Lind, Commissioner  
Department of Education  
Pouch F  
Juneau, Alaska 99801

SUBJECT: Propriety of Borough Providing for Election of  
School Board Members by District

Dear Dr. Lind:

You have asked whether, in light of AS 29.23.310, a second-class borough may properly enact an ordinance which provides for the election of borough school board members by districts rather than election of all members at large. We conclude that it may not.

AS 29.23.310 provides as follows:

Each borough and city school district has a school board. Members are elected at the regular election held annually on the first Tuesday of October, unless a different election date or interval of years is provided by ordinance, for three-year terms and until their successors take office. All board members are elected at large, but school zones for the election of borough school boards may be established, altered, or abolished as provided by §100 of this chapter (Emphasis added).

As you have pointed out, the difficulty in interpreting AS 29.23.310 arises from the fact that AS 29.23.100<sup>1</sup>, to which it makes reference, was repealed (§16 Ch. 118 SLA 1972)

1/AS 29.23.100 read as follows:

(a) The borough assembly may, by ordinance adopted without weighted voting, establish, alter, or abolish sections for the election of assemblymen in the area outside home rule and first class cities, except that sections may not be abolished unless a majority of the assemblymen outside home rule and first class cities approve. If it establishes sections, members representing the area outside home rule and first class cities represent the sections in which they reside. The ordinance must state whether assemblymen are elected by all voters outside home rule and first class cities or only by the voters of the section in which they reside. The number of sections equals the number of assemblymen representing the area outside home rule and first class cities. Section boundaries are established in such a way as to provide, insofar as possible, clarity of boundaries, compactness of an area, approximately equal population representation among sections, and homogeneity of interest.

(b) Borough sections shall be reapportioned in the manner prescribed in §90 of this chapter for reapportionment of the assembly.

shortly after it became effective in September of 1972 under the provisions of §17 CH.118 SLA 1972.<sup>2</sup> The effectiveness of the repealer had been conditioned by the Legislature on either a finding by the Alaska Supreme Court that the then Sec. 4 of Article X of the Alaska Constitution was in violation of the U. S. Constitution's "one man - one vote" requirement or on the adoption of an amendment to the state's constitution eliminating those parts of Sec. 4 of Article X which specified city and non-city representation on borough assemblies. Such an amendment to the Alaska Constitution was adopted and became effective on October 13, 1972.

The general rule of statutory construction with respect to interpretation of a statute which incorporates a repealed statute by reference is to treat the incorporating statute as including the provisions of the repealed law as they read when the incorporating statute was enacted. Sands, Sutherland Statutory Construction, §23.32, Vol. 1A, p. 278 (4th Ed., 1972). That rule cannot be applied in the present case, however, because AS 29.23.100, the repealed section which would normally still be read as a part of AS 29.23.310, provided for an unconstitutional method of establishing election districts in that it provided for representation of home rule and first class cities on the borough assembly (or school board) without regard to their population. This would have made it possible for an assemblyman representing a home rule or first class city to exert an amount of influence on the borough assembly disproportionate to the city's population when compared with the overall population of the borough as represented by the other members. Such disproportionate influence is constitutionally invalid under the "one man - one vote" rule first enunciated by the U. S. Supreme Court in Reynolds v. Sims, 377 US 53 (1964). The "one man - one vote" requirement applies to popularly elected school boards, as well as other legislative bodies. Hadley v. Junior College District, 397 US 50 (1970). As a result, AS 29.23.100 cannot be given any legal effect.

---

2/Sec. 17, Ch. 118 SLA 1972 (as amended by Sec. 9, CH. 147 SLA 1972) reads as follows:

Secs. 10 - 16 of this Act take effect upon the condition and at the time that the Supreme Court of the State of Alaska finds that sec. 4, art. X of the Constitution of the State of Alaska as it relates to representation of cities on borough assemblies is in violation of the Constitution of the United States or an amendment to the Constitution of the State of Alaska relating to assembly representation and consistent with the provisions of secs. 10 - 16 of this Act becomes effective, whichever occurs earlier.

Dr. Marshall L. Lind  
Juneau, Alaska

October 31, 1974

-3-

Since AS 29.23.100 is unconstitutional and therefore cannot be incorporated into AS 29.23.310, a borough assembly cannot, on its own initiative, establish a method of dividing the borough into zones or districts for the election of school board members. The Alaska Supreme Court, in discussing its decision of Macaulay v. Hildebrand, 491 P. 2d 120 (Alaska 1971) in Jefferson v. State of Alaska, (Opinion No. 1084, September 27, 1974), pointed out that while generally the home rule powers of municipalities in Alaska are to be broadly applied, this is not the case in matters relating to public education:

// ...the language of the state constitution mandating maintenance of a school system by the state vested the legislature with pervasive control over public education. Thus, home rule municipalities (are) precluded from exercising power over education unless, and to the extent, delegated by the state legislature,.....Jefferson, supra, at 19. //

While a second-class borough is a general law municipality (AS 29.08.020) rather than a home rule municipality (AS 29.08.010), it is clear that a general law municipality does not have any greater powers than a home rule borough, and in general its powers are less. In the absence of a valid delegation of authority by the Legislature to general law municipalities to alter the mandatory effect of AS 29.23.310 that "all board members are elected at large", then, such a municipality may not, whether by assembly action or local referendum, enact an ordinance changing that requirement. Because the scheme of repealed AS 29.23.100 violates the federal constitution and, impliedly, the state's constitution, it is not a valid delegation of authority by the Legislature to general law municipalities to alter the mandatory effect of AS 29.23.310. Until the Legislature acts validly to delegate its authority over the composition of and the representation on borough school boards, election of school board members must be at large within the borough.

Sincerely,

NORMAN C. GORSUCH  
ATTORNEY GENERAL

By: 

Ronald W. Lorensen  
Assistant Attorney General

RWL:bt



ANCHORAGE  
SCHOOL DISTRICT

4600 DeBarr Road - Anchorage, Alaska

99504

AREA CODE 907-323-9561

March 23, 1977

The Honorable Charles Parr  
House HESS Committee  
Pouch V  
Juneau, AK 99811

Re: HB 109

Dear Mr. Parr:

I am writing on behalf of the Anchorage School Board to express our support for HB 109.

It is our understanding that this bill is intended to clarify the relationship between school boards and municipal assemblies by establishing that all implied powers relating to public education are reserved for the school board rather than for the assembly. We believe that this concept is sound. We are aware that our Constitution has established education as a statewide function and responsibility (see Article VII, Section 1). We are also aware that the school boards act as the legislature's agent in carrying out these responsibilities. The proposed bill would avoid any confusion which may currently exist in establishing the line of authority and responsibility.

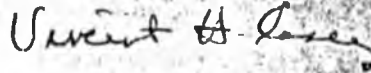
Our support of the concept of this bill must be tempered by two concerns. First, we fear that the bill as currently drafted may be viewed as limiting all implied governmental powers regarding education rather than as allocating those powers to the school boards. We would suggest that the bill be redrafted to more clearly indicate its actual intent since it would be impossible to carry out public educational programs in this state without all the power and authority which is reasonably implied from those powers specifically enumerated in Title 14 and Title 29. Should you desire, we would be willing to prepare for your consideration a proposed redraft which would more clearly indicate the true intent of this proposal.

March 23, 1977

Page Two

Our second concern is that our support of this bill not be viewed as a slap at the Municipality of Anchorage. We feel that the school district and the municipal government in Anchorage currently enjoy a very good working relationship. Unfortunately, however, this situation does not exist in a number of other jurisdictions in the state, nor has it always existed here. Thus, our support at this time arises from the soundness of the concept and our concern for other school boards in the state and not from any difficulty which this board is currently experiencing.

Sincerely,



Vincent H. Casey, President  
Anchorage School Board

pa

Alaska State Legislature

KRIS W. LETHIN



House of Representatives

POUCH V. JUNEAU, 99801

March 29, 1977

Vincent H. Casey, President  
Anchorage School Board  
4600 LeBarr Road  
Anchorage, Alaska 99504

Dear Mr. Casey:

Thank you for your letter expressing your desire to have HB 109, concerning the relationship between school boards and municipal assemblies, redrafted to clarify its meaning.

I have given a copy of your letter to Representative Charles Parr, who is chairman of the House Health, Education, and Social Services Committee, which presently has HB 109 for consideration.

The concern you express in your letter is valid, and I will do what I can to help clarify the matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kris W. Lethin".

Kris W. Lethin

cc: Rep. Charles Parr

es



ANCHORAGE  
SCHOOL DISTRICT

4600 DeBarr Road - Anchorage, Alaska

99504

AREA CODE 907-333-9561

March 23, 1977

The Honorable Kris W. Lethin  
Alaska State House of Representatives  
Pouch V  
Juneau, AK 99811

Re: HB 109

Dear Mr. Lethin:

I am writing on behalf of the Anchorage School Board to express our support for HB 109.

It is our understanding that this bill is intended to clarify the relationship between school boards and municipal assemblies by establishing that all implied powers relating to public education are reserved for the school board rather than for the assembly. We believe that this concept is sound. We are aware that our Constitution has established education as a statewide function and responsibility (see Article VII, Section 1). We are also aware that the school boards act as the legislature's agent in carrying out these responsibilities. The proposed bill would avoid any confusion which may currently exist in establishing the line of authority and responsibility.

Our support of the concept of this bill must be tempered by two concerns. First, we fear that the bill as currently drafted may be viewed as limiting all implied governmental powers regarding education rather than as allocating those powers to the school boards. We would suggest that the bill be redrafted to more clearly indicate its actual intent since it would be impossible to carry out public educational programs in this state without all the power and authority which is reasonably implied from those powers specifically enumerated in Title 14 and Title 29. Should you desire, we would be willing to prepare for your consideration a proposed redraft which would more clearly indicate the true intent of this proposal.

March 23, 1977

Page Two

Our second concern is that our support of this bill not be viewed as a slap at the Municipality of Anchorage. We feel that the school district and the municipal government in Anchorage currently enjoy a very good working relationship. Unfortunately, however, this situation does not exist in a number of other jurisdictions in the state, nor has it always existed here. Thus, our support at this time arises from the soundness of the concept and our concern for other school boards in the state and not from any difficulty which this board is currently experiencing.

Sincerely,

*Vincent H. Casey*

Vincent H. Casey, President  
Anchorage School Board

pa



ANCHORAGE  
SCHOOL DISTRICT

4600 DeBarr Road - Anchorage, Alaska

99504

AREA CODE 907-333-9561

April 4, 1977

The Honorable Charles H. Parr  
House of Representatives  
Pouch V  
Juneau, AK 99811

Dear Mr. Parr:

At your request, we have had our attorney prepare the enclosed re-draft of HB 109. We believe that this draft is more closely in line with the actual intent of this bill.

Sincerely,

A handwritten signature in cursive script that reads "Vincent H. Casey".

Vincent H. Casey, President  
Anchorage School Board

pa

attachment

HOUSE BILL NO. 109

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE -- FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the relationship between the borough school district and the borough."

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

Section 1. A.S. 29.33.050 is amended to read:

Section 29.33.050. Education (a) Each borough constitutes a borough school district and establishes, maintains, and operates a system of public schools on an area-wide basis as provided in A.S. 14.14.060. The borough school board has all necessary and implied powers to establish, maintain and operate the system of public schools, except those powers which are specifically reserved by statutes to the borough assembly.

(b) A military reservation with an organized borough is not part of the borough school district until the military mission is terminated or until inclusion in the borough school district is approved by the Department of Education. However, operation of the military reservation schools by the borough school district may be required by the Department of Education under A.S. 14.14.110. If the military mission of a military reservation terminates or continued management and control by the state operated schools is disapproved by the Department of Education, operation, management and control of schools on military reservations transfers to the borough school district in which the military reservation is located.

HB

152

"An Act relating to a mental health advisory council; and providing for an effective date."

We endorse this legislation and believe that it is required to meet the mandated council requirements of Public Law 94-63. Public Law 94-63 results in \$700,000 in federal funding for the community mental health programs in Anchorage, Kodiak, and Ketchikan and has the potential for federal funding of community mental health programs in Juneau and Fairbanks in the next few years.

The legislation also guarantees adequate mental health representation on the State Health Coordinating Council established by Public Law 93-641. Under the present guidelines of selection of State Health Coordinating Council membership, the general membership of the State Health Coordinating Council would not meet the requirements of Public Law 94-63.

Aside from statutorily providing a funding base for this council, this legislation is also important to provide the necessary citizen manpower and energy to provide a check and balance on the development of mental health programs in this state. They now have advisory input into the community mental health services granting process which would be less meaningful if they were not statutorily designated. They also input into the state plan, state regulations and are actively involved in providing input into a revised mental health statute, a task that is made urgent by the present cloud of unconstitutionality overhanging those statutes.

The Division of Mental Health and Developmental Disabilities respects and values this council's advice and believes its services are well worth the investment. Although we are concerned about the proliferation of councils, this council will serve multiple purposes and, consequently, avoids duplication and in that sense is cost efficient.

Recommended by:

*Jerry L. Schrader*  
Jerry L. Schrader, M.D. 2/8/77  
Division of Mental Health & Developmental Disabilities  
DATE

Approved by:

*Francis S. L. Williamson*  
Francis S. L. Williamson 2/10/77  
Department of Health & Social Services  
DATE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HOUSE BILL No. 152  
 Title MENTAL HEALTH ADVISORY COUNCIL  
 Requested by BUDGET & MANAGEMENT Date 12/15/76

II. FISCAL DETAIL

Agency Affected HEALTH & SOCIAL SERVICES  
 Program Category Affected HEALTH  
 Budget Request Unit(s) Affected COMMUNITY OPERATED MENTAL HEALTH CENTERS

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES						
200 TRAVEL		17.3	17.5	17.5	18.0	18.0
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		17.3	17.5	17.5	18.0	18.0

FUNDING (Thousands of Dollars)

GENERAL FUND		17.3	17.5	17.5	18.0	18.0
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The Mental Health Advisory Council is being requested to be reinstated in this proposed legislation. If it is reinstated, there would be the above travel associated with this group. Personnel are outside advisors, so there will not be personal services expenses.

IV. DATE December 15, 1976 PREPARED BY J. Price  
 AGENCY Mental Health  
 PHONE 465 3368  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named) Marsha Stewart

MENTAL HEALTH ADVISORY COUNCIL

RESOLUTION

76 34: 11/21/76

Be it resolved that the Mental Health Advisory Council requests the Commissioner of Health and Social Services to initiate a study of forms currently in use, particularly those distributed in the bush or to citizens outside the State Government. The Council recommends that the Department establish a procedure for the review and revision of such forms on a regular periodic basis together with a program seeking out and encouraging comment and criticism of governmental forms by State employees and citizen consumers with respect to the following points:

1. The Simplification and legibility of such forms.
2. The elimination of needless duplication.
3. Translation into native dialects and major foreign languages utilized in Alaska.
4. Training of personnel to assist citizens in filling out the forms.
5. Clarification and shortening the format.
6. Standardization of forms for use by multiple agencies.
7. The protection of the citizen's right to privacy.
8. Obtaining local input for the consideration of local factors.

S/

Max F. Gruenberg, Jr.

Chairman

Mental Health Advisory Council

MENTAL HEALTH ADVISORY COUNCIL

MEMBERSHIP

Northern Region

Term Ending

Term Ending

Mrs. Ann Egress  
Box 106  
McGrath, Alaska 99627  
phone: 524-3485  
SS# 574-12-5879

3/10/78

Aron Wolf, M.D.  
Langdon Psychiatric Clinic  
3401 E. 42nd Avenue  
Anchorage, Alaska 99504  
phone: 279-0461  
SS# 143-30-5854

3/10/77

Mr. Gilbert Monroe  
15 Eleanor  
Fairbanks, Alaska 99701  
phone: 452-3721  
SS# 574-05-1691

3/10/78

Southeast Region

Victor Dirkson  
Administrator  
Bartlett Memorial Hospital  
Box 3-3000  
Juneau, Alaska 99802  
phone: 586-2611  
SS#

3/10/79

Nathaniel Olemaun, Jr.  
P.O. Box 6  
Barrow, Alaska 99723  
phone: 852-5432 or  
659-3106 work

3/10/77

Mrs. Ann Graham  
P.O. Box 544  
Ketchikan, Alaska 99901  
phone: 247-8233  
SS# 563-42-5843

3/10/79

Dan Slaby  
Director/Tanana Chiefs  
Conference Incorporated  
Doyon Building  
First and Hall Streets  
Fairbanks, Alaska 99701  
phone: 452-8251  
SS# 393-42-8519

3/10/77

Ms. Cornelia Howard  
Box 196  
Yakutat, Alaska 99689  
phone: 784-3275 or  
784-3351

3/10/78

Central Region

Reverend Robert Bowers  
2008 Diamond Parkway  
Anchorage, Alaska 99502  
phone: 344-5202 or  
277-0152  
SS# 484-38-5406

3/10/79

Susan Holt  
Box 1193  
Sitka, Alaska 99835  
phone: 956-2438 work or  
747-8065  
SS#

3/10/77

Max Gruenberg, Esq.  
880 H Street, Suite 105  
Anchorage, Alaska 99501  
phone: 276-6844 or  
276-6945  
SS# 562-54-6621

3/10/78

Ms. Lydia Malutin  
Karluk, Alaska 99608  
No phone.  
SS#

3/10/77

HB 152.

February 1, 1977

The Honorable Hugh Malone  
Speaker of the House  
Alaska State Legislature  
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18 of the Alaska Constitution, and in accordance with AS 24.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting a bill which creates a new Mental Health Advisory Council. The former council, created in 1975 (see AS 47.30.605), was to exist only until the Statewide Health Coordinating Council (SHCC) was created. Sec. 2, ch. 121 SLA 1975. The SHCC was created by sec. 2, ch. 275 SLA 1976, effective September 27, 1976, and was to assume the responsibilities of the Mental Health Advisory Council set out in AS 47.30.-605(b), among others.

The state is currently receiving some \$700,000 in federal funds for mental health services under the Community Mental Health Centers Act, P.L. 94-63. The federal act requires that the state plan designate a state mental health advisory council. P.L. 94-63 and the implementing guidelines of the U.S. Department of Health, Education, and Welfare require that the state advisory council be composed of certain classes of persons involved in the mental health area.

For example, the council is to consist of representatives of nongovernmental organizations, state agencies concerned with mental health, and both consumers and providers of mental health services. A majority but not more than 60% of the members must be nonproviders of mental health services and not less than 40% must be providers of direct and indirect mental health services. The council's composition must reflect the

social, economic, linguistic, racial, ethnic and geographic composition of the state. The consumer members must include persons who have been users of public mental hospitals or community mental health centers as well as representatives of patient organizations and advocacy groups in the mental health area. A public process for selecting members should be used to the extent possible.

The Statewide Health Coordinating Council cannot meet these compositional requirements if it is to serve its purpose as a comprehensive health planning body. It appears, therefore, that a state mental health advisory body must exist to meet the requirements of P.L. 94-63 as long as the state is receiving federal funds under the Act.

The Division of Mental Health wishes to recreate the council by statute since it believes that funding for members' expenses would be difficult to obtain otherwise. To accomplish this, AS 47.30.605 is repealed and re-enacted, with the new subsections (a), (c), and (d) reading essentially as they did before their repeal at the time the Statewide Health Coordinating Council was created by ch. 275 SLA 1976. Subsection (b) of sec. 605, which was not repealed when the SHCC was created, continues the council's functions as they are currently set out in sec. 605 except that: 1) institutional mental health services as well as community services are specifically included in its area of concern; and 2) the council is designated as a subcommittee of the Statewide Health Coordinating Council to represent the mental health area. These additional functions would not affect the council's compliance with requirements under P.L. 94-63.

Sincerely,

Jay S. Hammond  
Governor

MENTAL HEALTH ADVISORY COUNCIL

• RESOLUTION

76-24 Proposed Legislation.

The Alaska State Community Mental Health Advisory Council urges the enactment of the following legislation by the State of Alaska:

AN ACT AMENDING THE COMMUNITY MENTAL HEALTH SERVICES ACT

Section 1. Section 2, Ch 121 SLA 1975 is repealed.

Section 2. AS 47.30.605 is amended to read as follows:

Mental Health Advisory Council. (a) There shall be a Mental Health Advisory Council appointed by the Governor to advise and assist the department in initiating and implementing mental health services. The council consists of twelve appointed voting members who are interested and knowledgeable in mental health. No more than four members should be providers of direct mental health services.

(b) The council shall

(1) advise the division on the state mental health plans before implementation of these plans.

(2) periodically review all mental health services in the state, reports of which shall be prepared and submitted to the governor, the legislature, the department, and the Statewide Health Coordinating Council;

(3) conduct independent investigations and studies as may be necessary;

(4) recommend rules, regulations and standards and legislation for the administration of community and mental health centers and institutional mental health services;

(5) encourage coordination of community mental health services on a regional basis with each other and with institutional mental health care to insure nonduplication, nonfragmentation and efficiency.

(6) act as a subcommittee of the Statewide Health Coordinating Council in the area of mental health to assist that Council in meeting its responsibilities under federal and state law.

(c) The council shall meet at the call of the chairman, but shall meet at least once quarterly.

(d) Members of the council are not entitled to a salary, but are entitled to per diem, reimbursement for travel, and other expenses authorized by law for other boards (1 Ch 121 SLA 1975).

The Chairman is directly to contact the governor, commissioner of health and social services, and members of the legislature pursuant to this Resolution.

  
Max F. Gruenberg, Jr.

Chairman

Mental Health Advisory Council

HB

183

## Marshall Lind

Board members are from:

Nome, Kodiak, Sitka, 2 from Anchorage,  
Wasilla, Fairbanks, Cordova

Most of the members did not have strong objections, or opinions on changing the membership from 7 to 9.

However, there was a great deal of concern for the section feeling that the 7 designated.

### Reasons

1. Further fragment the areas
2. PRA compose about  $\frac{1}{9}$  of the students.  
This would give  $\frac{1}{3}$  the representation to PRA
3. one coming from <sup>each</sup> judicial district already provides for rural representation

Language in 2a and considered

To represent all districts would

or could be a language change

Katherine Hurley

#B 183

That would be an unusual proportion (of board members) to that area of the state.

In view of the costs, and Gov. Buckley program I don't see a real need to add another member right now.

"It would be out of proportion" with only 7000 students in the RIA's

I don't think we need to further polarize the state. I could see legislation would require one person to be from a rural (small community) area (currently there is none.)

get

HB 183

Bob VanAnte

No problem with # but  
serious reservation about  
# to PEA's

22<sup>nd</sup> meeting -

Discussion about research.

Bill Overstreet

22<sup>nd</sup> we will have

something to say

on HB 183 (Executive

Committee of Alaska School Boards

STATE OF ALASKA  
Inter-Department Route Slip

TO:  
MAIL STATION NUMBER \_\_\_\_\_

DEPARTMENT HESS Committee

ATTENTION Chairman Parr

- |  |  |
|--|--|
| <input type="checkbox"/> Approval      | <input type="checkbox"/> Note & Return               |
| <input type="checkbox"/> Signature     | <input type="checkbox"/> Initial & Return            |
| <input type="checkbox"/> Comment       | <input type="checkbox"/> Return As Requested         |
| <input type="checkbox"/> Contact Me    | <input type="checkbox"/> Return For Approval         |
| <input type="checkbox"/> Prepare Reply | <input type="checkbox"/> Necessary Action            |
| <input type="checkbox"/> For Your File | <input checked="" type="checkbox"/> Your Information |

Remarks:

FROM:  
MAIL STATION NUMBER \_\_\_\_\_

DEPARTMENT Finance

BY Steve Souper DATE 3/7/77

1506 Denali Way  
Fairbanks, AK 99701  
February 21, 1977

Representative Steve Cowper  
Pouch V  
Juneau, AK 99811

Dear Steve:

Several people have come to me about a concern regarding the University of Alaska problem. They thought that the University was under some control of the State Board of Education. I told them it is Bd. of Regents. The concern is this:

Why was Max Hullinger removed from his job and allowed to stay on as an assistant to the new Vice Pres. for finance? And why is Hiatt being allowed to remain as a special consultant to the Board of Regents? According to these people, the citizens of the State are secretly being "taken". The allegation is that Pres. Hiatt not too long ago made the statement that the only reason he accepted the U. of A. job was because of the retirement benefits after 5 years. I'm told that by allowing Hiatt to remain until June of 1978 he can retire at \$20,000/year for life. Is this true? If so, shouldn't the people of the State be made aware of it? Is this why Hullinger is still on the payroll too? The circumstantial evidence seems to be: Why would anyone want to come in as the new president while the old one is still employed, of all things, as a consultant to the Board of Regents - - the boss of the president.

On another matter - - H.B. 183 to enlarge the State Bd. of Education from 7 to 9 members and with three of the nine to be from the REAA's is a very poor bill. Our State Board of Education meets in Juneau March 24 - 25. Hopefully this bill will NOT be acted on before we can testify to the House and Senate HESS committees. I will plan to appear at your noon luncheon on Friday to speak to the bill if there is serious consideration being given to it.

Sincerely,

*Dar*  
Darwin Heino

HB

206

Municipality  
of  
Anchorage



POUCH 6-650  
ANCHORAGE, ALASKA 99502  
(907) 274-2525

GEORGE M. SULLIVAN,  
MAYOR

MUNICIPAL HEALTH COMMISSION

March 24, 1978

Charles Parr, Chairman  
House Health, Education &  
Social Services Committee  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Parr:

The Municipal Health Commission has reviewed and made a recommendation on HB 206 that is presently in your committee.

The Municipal Health Commission is a 33 member, community based group of concerned citizens. The Commission reviews community health issues, grants, problems, and legislation and makes recommendations to the Municipal, State and Federal governments and legislative bodies, the general public, and the Regional Health Systems Agency. The Commission membership must meet rigid legal requirements that assure broad demographic and occupational representation as well as a consumer majority.

Attached is the review and recommendation on HB 206 as approved by the Municipal Health Commission on March 22, 1978. We hope that your committee will consider our review and recommendation before making a decision on this bill.

Thank you very much.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gari Andreini".

Gari Andreini, Chairman  
Municipal Health Commission

Attachment

LEGISLATIVE REVIEW & RECOMMENDATIONS  
OF THE MUNICIPAL HEALTH COMMISSION

1. BILL NUMBER AND TOPIC: HB 206 Public Health Services in Municipalities.
2. WHAT IS THE CURRENT STATUS OF THE BILL? Presently in House Committee on Health, Education and Social Services. WHAT IS THE TIME FRAME FOR INFLUENCING THE BILL'S OUTCOME BY THE COMMITTEE OR COMMISSION? This legislative session.
3. WHAT DOES THE BILL DO? Provide a mechanism for organized Municipalities and Boroughs to obtain health powers from the State.
4. WHOM DOES IT AFFECT? Residents of an organized Borough or Municipality within the State of Alaska.
5. HOW MUCH DOES IT COST? Unable to determine.
6. IS IT DIRECTED TO A SPECIFIC GEOGRAPHICAL AREA? Yes. WHERE? Organized Boroughs and Municipalities with the State.
7. IS IT DIRECTED TO A SPECIFIC GROUP? No.
8. WHAT ARE ITS STRENGTHS? Guarantees State funding for health programs provided by the Municipality, and streamlines accountability.
9. WHAT ARE ITS DRAWBACKS, WEAKNESSES? 1) The level of funding appears ambiguous implying that it is on either a decreasing formula of 10% a year or static from the time Health Powers are granted. 2) It is hoped that the legislative intent would be that the Municipality or Borough be responsible and accountable for the comprehensive health programs. In addition, by making the Municipality or Borough responsible and accountable for health programs, the State should deal only with these governing units and not with any of their specific sub-contractors.
10. IS THE IDEA NEW? No. ARE THERE ANY PRECEDENTS? No.
11. HOW WOULD THIS BILL AFFECT THE ANCHORAGE HEALTH SERVICES PLAN? Would strengthen the Anchorage Health Services Plan by allowing implementation at the local level.
12. WHAT IS THE COMMITTEE'S RECOMMENDATION? The committee recommends conditional approval based on the following:
  1. That the ambiguous wording on funding levels Section 18.10 031 Grants (a)(1) be changed to reflect static or increasing funding levels.
  2. That the legislative intent be that Municipalities or Boroughs be responsible and accountable for the comprehensive health programs, and that the State deal only with these local governmental units, and not with their sub-contractors.

# Internal Medicine Associates

3500 LaTouche Street  
Suite 310  
Anchorage, Alaska 99504  
Phone: (907) 274-5550

**Richard F. Buchanan, M.D.**  
Liver & Digestive  
Diseases

March 8, 1977

**Joseph J. Pollock, M.D.**  
Pulmonary Disease

**John F. Selden, M.D.**  
Nephrology

**Paul L. Steer, M.D.**  
Internal Medicine &  
Infectious Disease

Chairman, Health, Education  
and Social Services Committee  
Alaska State House of Representatives  
Juneau, Alaska 99801

**George L. Stewart, M.D.**  
Pulmonary Disease

Re: House Bills 206 and 207

**James B. Watson, M.D.**  
Liver & Digestive  
Diseases

Dear Sir,

**Thomas C. Wood, M.D.**  
Cardiovascular Disease  
& Nephrology

The Bush Medicine Committee of the Alaska State Medical Association at a recent meeting has evaluated pending House bills 206 and 207 relating to public health services in municipalities and unorganized boroughs. After due consideration of many factors pertaining to these bills, we would like to go on record as supporting passage of House bill 206 authorizing ninety percent funding for municipalities in providing their own public health services, and would like to register our nonsupport of House bill 207 related to local public health service administration in unorganized boroughs. We feel that the quality of medical care in unorganized boroughs would diminish with passage of this bill; the record of excellence established by State agencies seems unsurpassable, and any changes in the current status with regard to bush preventive medicine measures seems only likely to reduce the level of service provided to residents of these areas. Municipalities, however, seem more capable of providing both funding and local expertise, and we would, therefore, urge passage of House bill 206 which allows this to transpire.

We hope you will carefully consider our recommendations when evaluating testimony regarding passage of these bills.

Sincerely,



Richard F. Buchanan, M.D.  
Chairman, Bush Medicine Committee  
of Alaska State Medical Association.

RFB:dly

cc David Beal, M.D.  
cc Robert Fraser, M.D.  
Director, Division of Public Health  
State of Alaska

# Internal Medicine Associates

3500 LaTouche Street  
Suite 310  
Anchorage, Alaska 99504  
Phone: (907) 274-5550

*Richard F. Buchanan, M.D.*  
Liver & Digestive  
Diseases

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Pulmonary Disease

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Nephrology

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Cardiovascular Disease  
& Nephrology

March 8, 1977

Chairman, Health, Education  
and Social Services Committee  
Alaska State House of Representatives  
Juneau, Alaska 99801

Re: House Bills 206 and 207

Dear Sir,

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We hope you will carefully consider our recommendations when evaluating testimony regarding passage of these bills.

Sincerely,



Richard F. Buchanan, M.D.  
Chairman, Bush Medicine Committee  
of Alaska State Medical Association.

RFB:dly

cc David Beal, M.D.  
cc Robert Fraser, M.D.  
Director, Division of Public Health  
State of Alaska

# Internal Medicine Associates

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DEPARTMENT OF HEALTH & SOCIAL SERVICES

SUPPORTIVE INFORMATION SHEET

HB 206 - Public Health Services in Municipalities  
HB 207 - Contracts for Local Health Services

1. WHAT IS THE PURPOSE OF THE LEGISLATION?

This legislation permits the orderly delegation of authority and responsibility of specific public health functions from the Department of Health & Social Services, to local public health districts or municipalities voluntarily requesting the responsibility.

2. IS THIS LEGISLATION AN ATTEMPT TO DECENTRALIZE SPECIFIC PUBLIC HEALTH FUNCTIONS THAT ARE NOW IN EXISTENCE OR TO PROVIDE A MEANS TO DECENTRALIZE FUTURE PUBLIC HEALTH FUNCTIONS?

The purpose is to decentralize both present and future public health functions handled by the department. It is in direct response to the increased consumer interest and the wish of local communities to become more involved in public health programs and decisions which affect their local public health care.

3. ARE THE RESPONSIBILITIES OF THE PUBLIC LAW 93-641 HEALTH SYSTEMS AGENCIES THE SAME AS THOSE FOR THE HEALTH DISTRICTS CREATED UNDER THIS ACT?

Health Systems Agencies have a responsibility for health planning, resource development, and for review of plans submitted by the health districts. They are not responsible for the implementation and delivery of public health services.

The local public health service area boards have the overall responsibility for the delivery of public health services. This also includes determining the need, developing a plan for submission to the health systems agency and overseeing the implementation of the public health service area plan.

4. WHAT IS THE MEANING OF THE TERM BASIC PUBLIC HEALTH SERVICES?

Basic public health services refer to the basic elements (public health nursing and environmental health) which fulfill the minimum requirements of preventive public health services, which may be carried out at the local level.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL PROTECTION  
MUNICIPALITY OF ANCHORAGE

March 9, 1977

TESTIMONY PRESENTED BY ROBERT A. "BERT" HALL BEFORE THE HESS COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

Mr. Chairman, members of the House HESS Committee, my name is Bert Hall; I am the Director of the Department of Health and Environmental Protection for the Municipality of Anchorage.

We have been studying very carefully House Bills 206 and 207 and have accomplished some analysis of the potential impacts, both positive and negative, of that legislation upon the Municipality. Our prime concern is obviously with H.B. 206 since, by definition, we would be excluded from consideration under H.B. 207.

The testimony we offer today, especially any statistics, are intended to be preliminary in nature with dollar figures used only for illustrative purposes. We are attempting to document some accurate reflection of the history of our past experiences in joint funding public health services in the Anchorage area.

Let me begin by stating that we believe that there needs to be established a formal and equitable system for the orderly delegation of state authority to municipalities and for the authorization of grants to local governments to assist in providing public health services. We agree with the stated purpose - to provide and safeguard the health of the general public. However, if our understanding of the system suggested in H.B. 206 as it would apply to the Municipality of Anchorage is accurate, then we have some real problems endorsing the legislation without amendment.

Since the Municipality of Anchorage has the only history of joint governmental funding of public health services in Alaska, perhaps it would be helpful to review briefly our past experiences.

As early as 1926 the City of Anchorage employed a sanitarian and a nurse to look after some of the health and sanitation problems for the community. Over the years various combinations of efforts by the city and adjacent utility districts with assistance from the Territory and the State have maintained an agency to provide public health services.

For about ten years the Greater Anchorage Area Borough Health Department operated as a district agency serving Anchorage and the metropolitan area technically under State authority, and financed by a combination of local, State and Federal funds. A succession of health officers brought variations in emphasis, but for the most part the services included general sanitation and public health nursing.

The assumption of health powers by the Borough in 1964 brought no significant changes in services for several years, though steadily the local agency grew in experience and assumed many responsibilities once carried almost wholly by the State. Even yet the Department lacks some of the most important services such as: Laboratory, Child Guidance, Nutrition and Health Education. Of these only laboratory services are available through the Southcentral Regional Laboratory operated by the State Department of Health and Social Services.

The Department of Health and Environmental Protection's responsibilities include the full scope of health powers, including environmental, since no other official agency of local government has such powers assigned.

"The scope of health is considered to be a state of complete physical, mental and social well being, and not merely the absence of disease or infirmity". This definition has been adopted by the World Health Organization, the American Public Health Association, The Alaska Public Health Association, and by most official health agencies throughout the Country. The practical boundaries of health functions assumed by Federal, State and local official and voluntary agencies are more often defined by limits of resources and recognized needs than by definition of public health which states that "public health includes those services and functions which the people can better provide for themselves collectively rather than as individuals". This definition also implies that as needs change services change to meet them.

As noted above the Department of Health Environmental Protection has grown and has assumed many of the State's public health responsibilities. In recognition of the assumption of these State responsibilities the State gave the Department in fiscal year 1970-71 the amount of \$265,000. Included in this amount was \$125,000 for Alaska Crippled Children's Association and Alaska Retarded Citizen's Association thus leaving \$140,000 for public health services. The \$125,000 for ACCA and ARCA was for the provision of

exceptional children's programs. The \$140,000 was for the provision of communicable disease control, vital statistics collection, environmental sanitation, health education, promotion of individual health and collection and preparation of laboratory samples.

We, the local health authority were expected to accomplish many specific tasks, including the following:

- We would provide immunizations for all citizens without charge,
- We would perform chest x-rays,
- We would provide diagnostic consultation for TB and for venereal diseases,
- We would accomplish epidemiological investigations where appropriate.

In the environmental health area;

- We would inspect public facilities: eating and drinking establishments, grocery stores, bakeries, etc.; housing and mobile home communities, schools, hospitals, nursing homes, swimming pools, etc.
- We would respond to complaints and public nuisances,
- We would deal with most matters of pollution, especially water and sewer.

To promote individual health;

- We would provide for visits of the Public Health Nurse in the home,
- We would conduct family planning clinics,
- We would conduct classes for expectant parents and run well child clinics,
- We would provide consultation to child care centers.

Additionally, we would provide certain limited laboratory services, and the services of the physician.

All of these and many more would be provided in the basis of total health needs.

When the first contract was signed in 1970, it was agreed that the State support would allow for the provision by the Municipality of a proportionally greater amount of services than would have been provided if no contract or grant existed.

It should be pointed out that there was little rhyme nor reason regarding the dollar amount included. The contract instead was a document intended to legally transfer the line item budget amount.

For the next fiscal year, 1971-72, the contract was renegotiated to a total amount of \$500,000, \$140,000 was earmarked for ACCA and ARCA, the exceptional children's programs... \$100,000 was dedicated to environmental health and \$260,000 to public health. The total amount budgeted for these services by the Municipality for that period was \$1,391,000. The State's share of that budget was therefore, 25.9%. It is my belief that that contract was the first sincere attempt to share reasonable costs.

I have studied all of the contracts since 1971. All are basically the same; all use the same words, all have the same conditions, all have the same scope - and unfortunately all have the same dollar amount.

Meanwhile, the population of Anchorage has grown about 50%, services have been expanded to meet the recognized needs; inflation has eaten away at the purchasing power or service delivery capability of the \$360,000 we received from the State for the provision of the public health services described above.

Attached is a graph which illustrates the growth of the true costs and shows also the level of State support.

The true cost of delivering public health services in Anchorage for the present year is \$2,930,170. The Municipality is receiving \$335,430 in other revenue. The State is still contributing \$360,000 which means that its share is now only 13.9%. If the 1971-72 proportion of State investment was interpolated to today's budget then the State would be paying \$754,000 for its share of public health services and a total of \$894,000, recognizing that the \$140,000 was legislatively intended for passthrough projects.

House Bill 206 provides under Section 18.10.031(1) for a grant to a Municipality in an amount equal to 90% of the State budget for public health services furnished by a municipality in that fiscal year; the same level of basic grant support shall be provided in subsequent fiscal years. In order to get this grant the Municipality must only agree to maintain the same level of public health services as furnished by the Department in the fiscal year preceding application for the grant. There is also a hold harmless clause which we cannot interpret.

Under House Bill 206, will the State be willing to go 90% of the true cost of delivering public health services in Anchorage or is it the intent of the State to continue paying the Municipality \$360,000 as provided under Section 18.10.031(d)? Herein lies our major problem with the legislation.

Up until this time the Municipality of Anchorage has provided the public health services in the Anchorage area which are the historic delegated responsibility of the State. The State, through House Bill 206 would contract with local governments and under H.B. 207 create health entities to contract with where no local government exists for the delivery of public health services. In other areas of the State the local residents will only have to pay 10% of the true cost of the delivery of public health services; H.B. 207 provides that where local governments do not exist federal monies can be used to match the State contribution.

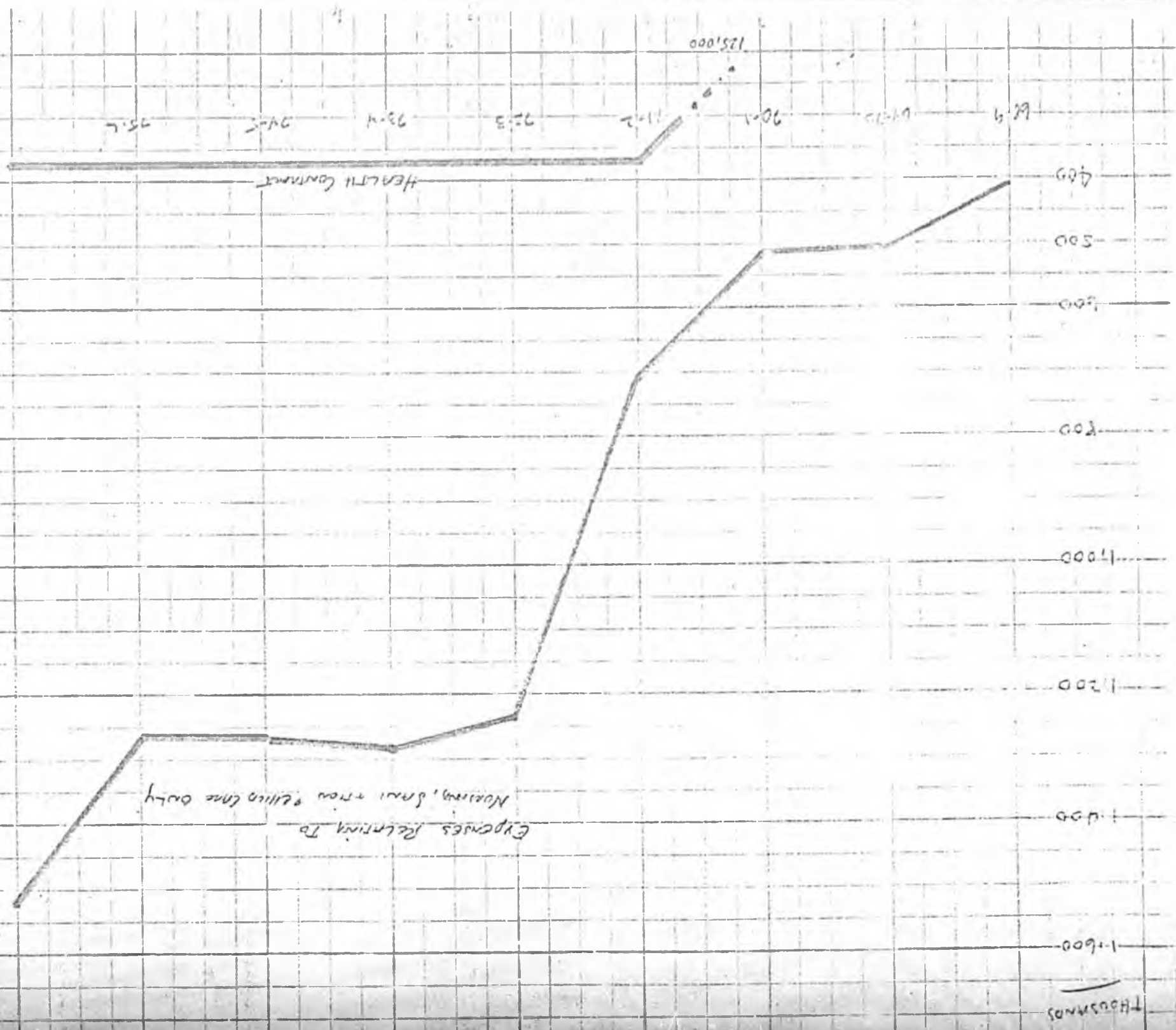
Today in Anchorage, the local taxpayers directly pay for 86.1% of the cost of providing public health services as well as their share of State taxes. The people in other communities are not directly paying for any public health services.

In essence, we are questioning whether or not the base figure which would be used to calculate a 90% support for 1980, and would be reflected in all future years, bears any relationship to the true costs as would be the case elsewhere in the State.

Another major concern is the potential disincentive that may be built into the Bill. If a local government knew that it would get 50% support for a new program a few years down the road, why expand services for less support? Someone might even conclude that local autonomy might not be worth spending 85%-90% of the costs with local funds when the basic services could be provided by the State at 100% support if no agreement existed.

A final concern relates to the lack of a clear mechanism for providing for State support of any dramatic increase in needs which comes into being with little warning. In a similar vein, there appears to be no opportunity for passing along any major availability of new health dollars that may come to the State from one source or another.

Thank you.



Introduced: 2/11/77  
Referred: Health, Education &  
Social Services and Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 206

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public health services in municipi-  
7 palities; and providing for an effective date."

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

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

10 CHAPTER 10. LOCAL PUBLIC HEALTH SERVICES

11 [UNITS AND DISTRICTS].

12 ARTICLE 1. MUNICIPALITIES.

13 Sec. 18.10.011. PURPOSE. The purpose of secs. 11 - 71 of this  
14 chapter is to promote and safeguard the health of the general public  
15 by orderly delegation of state authority to municipalities and autho-  
16 rizing of grants for comprehensive public health services to local  
17 governments.

18 Sec. 18.10.021. ELIGIBLE MUNICIPALITIES. (a) The following  
19 municipalities are eligible for the transfer of responsibility and the  
20 receipt of financial grants under secs. 11 - 71 of this chapter:

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

23 (2) unified municipalities established under AS 29.68.240 -  
24 29.68.440, in the municipal area in which public health powers are  
25 authorized, whether area-wide or in less than the entire area of the  
26 municipality;

27 (3) organized boroughs, in the borough area in which public  
28 health powers are authorized, whether areawide or in the borough area  
29 outside cities only or in a service area established for public health

Pub Health nursing  
sanitation 0

1 purposes under AS 29.63.090 or by home rule charter.

2 (b) Nothing in secs. 11 - 71 of this chapter otherwise restricts  
3 or prohibits the combining of two or more municipalities as a single  
4 entity for the purposes of secs. 11 - 71 of this chapter, upon mutual  
5 agreement for cooperative or joint administration of functions.

6 Sec. 18.10.031. GRANTS. (a) The commissioner may make grants  
7 to the governing bodies of municipalities designated in sec. 21 of  
8 this chapter to assist in paying costs of provision of comprehensive  
9 public health services under a plan of service as required by regula-  
10 tions adopted under sec. 61 of this chapter. Application for a grant  
11 must be submitted, no later than April 1 preceding the fiscal year for  
12 which the grant is sought, in the form and with information which the  
13 department by regulation prescribes. The grant has two elements:

14 (1) if the municipality agrees to maintain the same level  
15 of public health services as furnished by the department in the fiscal  
16 year preceding application, the department shall provide an initial  
17 grant to the municipality in an amount equal to 90 per cent of the  
18 state budget for public health services furnished in the municipality  
19 in that fiscal year; the same level of basic grant support shall be  
20 provided in subsequent fiscal years;

21 (2) in addition to grant money under (1) of this subsection,  
22 if the municipality expands public health services or initiates new  
23 programs beyond those provided in the fiscal year preceding appli-  
24 cation, and they are included in the approved health services plan,  
25 the department shall provide 50 per cent of the cost of the additional  
26 services or programs to the extent permitted by funds appropriated for  
27 that purpose.

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

29 (1) application is made on a state fiscal-year basis and

1 has been approved by the appropriate health systems agency, and

2 (A) the governing body of the municipality has submitted  
3 to the commissioner a plan for the provision of comprehensive  
4 health services and has had the plan initially approved by him;  
5 or

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

11 (2) the governing body of the municipality agrees to maintain  
12 local operating expenditures for public health services at a level at  
13 least equal to the level of support as of July 1, 1977; a municipality  
14 must, as a minimum condition of compliance with secs. 11 - 71 of this  
15 chapter, assume responsibility for maintenance of the local health  
16 center within the municipality;

17 (3) the governing body matches with revenue or in-kind  
18 contributions which are not derived from state or federal sources,  
19 except under the provisions of AS 43.18.010,

20 (A) 10 per cent of the amount necessary to maintain  
21 the level of public health services provided by the department in  
22 the fiscal year preceding application;

23 (B) 50 per cent of the cost of the services or programs  
24 additional to those provided in the fiscal year preceding applica-  
25 tion;

26 (4) the commissioner determines that public health services  
27 proposed under the plan cannot be provided more efficiently through a  
28 single entity combining with one or more entities as provided in sec.  
29 21(b) of this chapter.

1 (c) The department shall establish by regulation, a method, con-  
2 sistent with state accounting procedures, for determining the value of  
3 contributions made in kind by municipalities.

4 (d) Nothing in secs. 11 - 71 of this chapter redu ~~ce~~ grants  
5 provided to municipalities to which responsibility for h . th services  
6 have been transferred before the effective date of this Act.

7 Sec. 18.10.041. EXPENDITURE OF FUNDS. Funds received by a  
8 municipality under secs. 11 - 71 of this chapter shall be expended  
9 only for the purpose described in the plan of service which has been  
10 approved by the commissioner.

11 Sec. 18.10.051. PRORATION. If amounts appropriated by the  
12 legislature are insufficient to meet the costs of matching grants  
13 calculated under secs. 11 - 71 of this chapter, the amount available  
14 shall be allocated pro rata among eligible municipalities.

15 Sec. 18.10.061. REGULATIONS. The commissioner shall adopt  
16 regulations necessary to implement secs. 11 - 71 of this chapter,  
17 covering such subjects as

- 18 (1) requirements for the development of a plan of service  
19 by a municipality;
- 20 (2) minimal standards of service;
- 21 (3) procedures for the application, revision, and approval  
22 of grants to municipalities, which include a detailed allocation  
23 formula;
- 24 (4) municipal health program evaluation;
- 25 (5) qualifications of health personnel.

26 Sec. 18.10.071. DEFINITIONS. In secs. 11 - 71 of this chapter  
27 (1) "commissioner" means the commissioner of the Department  
28 of Health and Social Services;

- 29 (2) "department" means the Department of Health and Social

1 Services;

2 (3) "health systems agency" means an entity organized and  
3 operated in accordance with sec. 1521(b) of the Public Health Service  
4 Act (which section was added by P.L. 93-641), and engaging in health  
5 planning and development functions in a specified health service area  
6 of the state;

7 (4) "local health center" means a facility containing one  
8 or more offices, examining rooms, and clinic space for health programs.

9 \* Sec. 2. AS 18.05.040(a)(4), AS 18.10.010 - 18.10.050, and 18.10.260 -  
10 (b) are repealed.

11 \* Sec. 3. AS 18.10.031 in sec. 1 of this Act takes effect on July 1,  
12 1980. The remainder of this Act takes effect immediately in accordance  
13 with AS 01.10.070(c).

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DEPARTMENT OF HEALTH & SOCIAL SERVICES

SUPPORTIVE INFORMATION SHEET

HB 206 - Public Health Services in Municipalities  
HB 207 - Contracts for Local Health Services

1. WHAT IS THE PURPOSE OF THE LEGISLATION?  
This legislation permits the orderly delegation of authority and responsibility of specific public health functions from the Department of Health & Social Services, to local public health districts or municipalities voluntarily requesting the responsibility.
2. IS THIS LEGISLATION AN ATTEMPT TO DECENTRALIZE SPECIFIC PUBLIC HEALTH FUNCTIONS THAT ARE NOW IN EXISTENCE OR TO PROVIDE A MEANS TO DECENTRALIZE FUTURE PUBLIC HEALTH FUNCTIONS?  
The purpose is to decentralize both present and future public health functions handled by the department. It is in direct response to the increased consumer interest and the wish of local communities to become more involved in public health programs and decisions which affect their local public health care.
3. ARE THE RESPONSIBILITIES OF THE PUBLIC LAW 93-641 HEALTH SYSTEMS AGENCIES THE SAME AS THOSE FOR THE HEALTH DISTRICTS CREATED UNDER THIS ACT?  
Health Systems Agencies have a responsibility for health planning, resource development, and for review of plans submitted by the health districts. They are not responsible for the implementation and delivery of public health services.  
  
The local public health service area boards have the overall responsibility for the delivery of public health services. This also includes determining the need, developing a plan for submission to the health systems agency and overseeing the implementation of the public health service area plan.
4. WHAT IS THE MEANING OF THE TERM SELECTED PUBLIC HEALTH SERVICES?  
Selected public health functions refer to the basic elements (public health nursing and environmental health) which fulfill the minimum requirements of preventive public health services, which may be carried out at the local level.

5. WHAT IS THE MEANING OF THE TERM COMPREHENSIVE PUBLIC HEALTH SERVICES? (HB 206)  
Comprehensive public health services are those services which complement, support, and extend beyond the basic elements to meet the health needs in a municipality.
6. IS THE TERM PUBLIC HEALTH SERVICES LIMITED TO PUBLIC HEALTH NURSING AND SANITATION?  
No, other programs under the jurisdiction of the department may be added. A major consideration is the cost effectiveness of the service when it is provided at the local level.
7. WHAT IS THE DIFFERENCE BETWEEN A PUBLIC HEALTH DISTRICT AND LOCAL HEALTH SERVICE AREA? (HB 207)  
A public health district is a general descriptive term which includes the organized boroughs, and cities without health powers and the local public health service areas.  
  
Local public health service areas are found in organized and unorganized boroughs and created for the purpose of assuming responsibility for specific public health functions.
8. COULD THERE BE MORE THAN ONE LOCAL PUBLIC HEALTH SERVICE AREA WITHIN A REGIONAL EDUCATIONAL SERVICE AREA? (HB 207)  
With few exceptions there will be only one local public health service area within a Regional Education Attendance Area. In some cases, two or more Regional Education Attendance Areas may combine to provide the necessary population base for a local public health service area.
9. WILL ALL PUBLIC HEALTH DISTRICTS BE REQUIRED TO ASSUME RESPONSIBILITY FOR THE PUBLIC HEALTH SERVICES IN THEIR AREA? (HB 207)  
No. Where the health district does not exercise its option to assume its public health responsibility, the state will continue to provide the basic public health services as in the past.
10. WILL A PUBLIC HEALTH DISTRICT HAVE THE OPTION TO REQUEST A CONTRACT FOR ONLY CERTAIN SELECTED PUBLIC HEALTH SERVICES? (HB 207)  
Yes. The intent of the legislation is for each public health district to provide all aspects of specified core services. However, based upon a review of the health needs of the area, a service may be dropped but not certain aspects of a service.
11. WHY WERE THE REGIONAL EDUCATIONAL ATTENDANCE AREAS SELECTED AS THE BOUNDARIES FOR LOCAL PUBLIC HEALTH SERVICE AREAS? (HB 207)  
AS 29.03.020, covering Service Areas in the unorganized borough, stipulates that new service areas may not be established if there are existing service areas that can be utilized. In keeping with this statutory mandate, the Regional Educational Attendance Areas created under AS 14.08.031, (a), (b) were utilized.

12. WHAT IS THE RELATIONSHIP BETWEEN THE PUBLIC LAW 93-641 HEALTH SERVICE AREA BOUNDARIES AND THE LOCAL PUBLIC HEALTH SERVICE AREA BOUNDARIES? (HB 207)

The boundary of a local public health service area, or the boundaries of a combination of more than one local public health service area, will generally conform to the Health Service Area boundaries.

13. WHAT IS THE RELATIONSHIP BETWEEN THE NATIVE HEALTH CORPORATION BOUNDARIES AND THE LOCAL HEALTH SERVICE AREA BOUNDARIES? (HB 207)

The boundary of a local public health service area, or the boundaries of a combination of more than one local public health service area, will generally conform to the native health corporation boundaries.

14. WHY HAS THE MINIMUM POPULATION FIGURE OF 6,000 BEEN SET AS REQUIREMENT FOR EACH LOCAL PUBLIC HEALTH SERVICE AREA? (HB 207)

Experience nation-wide has found a minimum of 50,000 population was required to ensure cost effectiveness in rendering basic public health services to a geographic area. In Alaska 6,000 seemed more appropriate because of the distances involved and travel requirements needed to serve the vast, sparsely populated areas.

15. WHY DOES THE LEGISLATION ONLY INCLUDE PROVISIONS FOR THE DEVELOPMENT OF LOCAL PUBLIC HEALTH SERVICE AREA BOARDS IN THE UNORGANIZED BOROUGHES? (HB 207)

The legislation is concerned with the development of local public health service area boards in unorganized boroughs because the organized boroughs, municipalities, and cities already have duly elected governing bodies to handle the assumption of health powers.

16. WHY IS AN ELECTED BOARD REQUIRED, WOULD NOT AN APPOINTED BOARD SUFFICE?

Only elected boards can represent the wishes of the people of an area; also only an elected board can enforce the health regulations as delegated by the state.

17. WILL THE ELECTION OF BOARD MEMBERS BE HELD DURING REGULAR STATE ELECTIONS?

Yes. Except for the first election of board members, which will be held not less than 60 days or more than 90 days after the establishment of local public health service areas, board members shall be elected annually the first Tuesday of October with the election of local school board officials.

18. WHY IS THERE NEED TO INCLUDE PROVISIONS FOR BOTH GRANTS (HB 206) AND CONTRACTS (HB 207) IN THE LEGISLATION?

Grants may be given only for comprehensive public health services to municipalities, who have governing boards composed of duly elected government officials. Contracts are given for specific public health services to a governing body of a public health district, who then may sub-contract with a private health corporation.

19. MAY THE 10% MINIMUM MATCHING FUNDS REQUIRED OF HEALTH DISTRICTS BE IN "IN KIND SERVICE"? (HB 207)

Yes.

20. HOW WILL SERVICES BE PROVIDED TO PUBLIC HEALTH DISTRICTS THAT DO NOT QUALIFY FOR GRANTS OR CONTRACTS?

The state will continue to provide direct basic public health services to all areas not assuming local public health responsibilities.

21. WHY IS IT NECESSARY FOR THE STATE TO IMPOSE A SET OF REGULATIONS AND STANDARDS WHEN PUBLIC HEALTH SERVICES ARE DECENTRALIZED?

The intent of the legislation is to provide a means for the decentralization of core public health services. The regulations are for the establishment of guidelines and requirements for the operation of these public health services and for the enforcement of delegated statutory public health powers. The standards are needed to set the minimum requirements for personnel, accounting procedures, fiscal matters, performance and accountability.

22. WILL THE REGULATIONS CREATE STANDARDS AND REQUIREMENTS BEYOND THOSE PRESENTLY REQUIRED FOR STATE RUN PROGRAMS?

No. The regulations will not be more restrictive than present standards and requirements now being followed by the Department of Health & Social Services. Public health districts may choose to develop regulations which are more but not less stringent than state regulations.

LEGISLATIVE RECOMMENDATIONS  
OF THE  
CITIZEN'S PARTICIPATION CONFERENCE

February 23-24, 1977

Juneau, Alaska

SOCIAL SERVICE DELIVERY

High Priority

SB 54 "An act relating to adoption assistance for hard to place children in foster homes".

SB 106 Children's Laws and related Judicial proceedings

HB 63 Guardians of incapacitated persons

AMENDMENTS: (1) That no agent of Social Service be granted guardianship with the exception of relatives who may be employed as such.

(2) That a yearly review of guardianship be required.

Moderate Priority

HB 193 Child Care Licensing

Other Recommendations

(1) That a state-wide investigation into foster care be initiated due to alleged incidents of child abuse.

(2) That a state resolution be passed supporting the Indian Children Act (SB 3777) in Congress.

STATEMENT OF THE CPC COMMITTEE ON HEALTH AND SOCIAL SERVICES IN REGARD TO HB 206 AND 207:

The CPC Committee on Health and Social Services has resolved that the effective delivery of public health services is an activity of crucial importance to the health, safety and well being of all residents of Alaska. The committee also feels that the decentralization of the actual delivery of health services is a key element in accomplishing this goal and should be afforded the highest possible priority.

However, the present level of available health services throughout the State is woefully inadequate.

Therefore, although it supports the general concept of decentralization embodied in HB 206 and 207, the Committee on Health and Social Services recommends a "Do not pass" on both bills because the statutory framework for health care delivery which they create inadequately addresses the following considerations:

1. The 90% grant provision is inadequate and would tend to inhibit the incentive of the municipalities to seek local control;
2. The 50% grant provision for new or expanded programs is also inadequate and this increased burden could not be met by many of the rural municipalities. It would consequently decrease the ability of the local community to expand or initiate needed health services;
3. There needs to be the stipulation and clarification of the type and degree of technical assistance provided for the municipalities;

4. A provision should be included to allow for the escalation of grant support in conjunction with the rise in costs;
5. HB 207 contains a 6,000 population requirement that is an unnecessary obstacle for the decentralizing of health services in districts not served by local governments, and it should be decreased.

POSITION PAPER

ON

HOUSE BILL 206

"An act relating to public health services in municipalities; and providing for an effective date."

House Bill 206 authorizes the Department of Health and Social Services to delegate State mandated public health responsibilities to eligible municipalities desiring to assume local public health delivery functions. In addition, House Bill 206 provides a grants mechanism to assist such municipalities in paying the costs of providing the public health services assumed under an approved plan of service.

House Bill 206 permits local autonomy in the operation of public health programs along standards set by the Department. As local communities develop increased sophistication in their manpower pool (medical and administrative professionals), local autonomy and control becomes desirable from a standpoint of the ability to respond to local situations and the interpretation of local problems. Nationally there is great variability in public health responsibilities with the spectrum ranging from Alaska, where Anchorage represents the only local governmental unit which has assumed full public health responsibilities through an established local health department, to a number of states where every subdivision (county) has local health authority. The purpose of this act is to permit and to economically assist municipalities in assuming this responsibility.

Several factors in Alaska encourage the adoption of a mechanism permitting the local assumption of public health activities in Alaska. The great distances in the State have encouraged geographic, population, and economic differences; giving a unique flavor and characteristic to each major metropolitan community. Increasing local concern about health issues combined with increasing population and an expanding tax base encourages both the philosophical interests and the economic feasibility of the local development of public health programs. The state has endorsed the concept of local, consumer-oriented health planning (Chapter 275, SLA 1976), it seems only logical to similarly endorse local health delivery as well.

Achieving local autonomy over public health delivery in Alaska is admittedly not an easy or automatic process. The traditionally low density population, the absence of a reliable tax base and the communication and transportation difficulties present in many Alaskan communities have made the adoption of locally sponsored health services difficult. As a result, the centralized services provided by the Department of Health and Social Services, Division of Public Health and its regional offices and field stations are relied upon almost exclusively. Recognizing that Alaska's unique characteristics often work against the effective provision of locally sponsored health services, the State is not eager to mandate the assumption of public health services by local entities. Thus House Bill 206 provides for the purely voluntary assumption of responsibility for local health services, appreciating the fact that not all communities having local health powers will wish or be able to avail themselves of this opportunity, at least immediately.

Even those communities choosing to assume responsibility for the delivery of public health services will need financial assistance. House Bill 206 recognizes the necessity for economic assistance to local municipalities who elect to assume responsibility for the delivery of public health services. The Bill establishes a grants mechanism to provide 90 per cent of the State money budgeted for local public health services conducted in the participating municipality for the fiscal year preceding application and to continue to provide this sum of money in each subsequent fiscal year. The bill also provides an incentive for participating municipalities to expand the public health services offered by providing State funds to match 50 per cent of the cost of additional services. Any decrease in services offered will be prevented by a maintenance of effort clause.

Applications for grants will be subject to the approval of the appropriate regional health systems planning agency as a precaution against the duplication or fragmentation of services. To assure that federal and state standards for comprehensive health services are maintained, House Bill 206 requires participating municipalities to follow an approved health services plan. The Department of Health and Social Services will necessarily monitor the activities conducted under this plan to assure quality, quantity continuity and comparability of services. The Department will provide technical and consultative assistance to the local entities as well. In addition, the State will continue to provide basic public health services to areas not choosing to assume local health responsibilities. The State will also continue to provide those specialized statewide services such as vital statistics, laboratory services, etc., which are not economically feasible to offer on a local basis.

House Bill 206 should be considered as companion legislation to House Bill 207, "An Act relating to contracts for local health services." As HB 206 permits the assumption of public health services by organized political subdivisions with public health powers, HB 207 authorizes contractual arrangements for selected public health services in areas of the State not served by local governments with public health powers. In any governmental activity there is a continued changing balance between the advantages of local control of the services (local responsiveness, local recruitment of personnel, local coordination) and the advantages of centralized control (decreased administrative costs, centralized administration including fiscal accounting and recruitment, and the more effective utilization of specialized personnel). These bills permit but do not mandate local assumption of these responsibilities and permit a latitude desirable, we believe, for Alaska. The enactment of both bills will provide a mechanism whereby the responsibility for providing public health services may be delegated to local entities throughout the State, thus meeting the objective of decentralizing the delivery of public health services in Alaska.

The Department of Health and Social Services endorses House Bill 206.

Recommended By: Robert H. Fraser, M.D. Date 2/23/77

Approved By: Francis S. Williamson Date 2/23/77  
Commissioner, Department of Health and Social Services

THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. HB 206  
 Title LOCAL PUBLIC HEALTH SERVICES - MUNICIPALITIES  
 Requested by \_\_\_\_\_ Date 2/23/77

II. FISCAL DETAIL  
 Agency Affected HEALTH & SOCIAL SERVICES  
 Program Category Affected HEALTH  
 Budget Request Unit(s) Affected Public Health Administration

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES		62.6	65.7	46.0	48.3	50.7
200 TRAVEL		5.0	5.2	5.5	5.8	6.1
300 CONTRACTUAL		5.0	7.3	3.7	3.9	4.1
400 COMMODITIES		1.5	1.6	1.1	1.2	1.3
500 EQUIPMENT		2.5	-	-	-	-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>76.6</b>	<b>79.8</b>	<b>56.3</b>	<b>59.2</b>	<b>62.2</b>

FUNDING (Thousands of Dollars)

GENERAL FUND		76.6	79.8	56.3	59.2	62.2
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME		2.5	2.5	2.5	2.5	2.5
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

These fiscal notes are analogous to notes prepared for Bill #596A for the ninth legislative session.

Administrative staff necessary for implementation of this bill will include the following positions.

1. PFT Local Health Services Program Administrator (range 23)
2. PFT Accounting Systems Analyst (range 19)
3. PFT Administrative Assistant (range 16)
4. PFT (2) Clerk Typist III (range 8)

Much of the initial work will be in development of regulations, standards, manuals, and guidelines common to both "Municipalities" and "Public Health Districts" bills. Therefore, the cost of the first two years of implementing

IV. DATE 2/23/77 PREPARED BY Frances Fleek  
 AGENCY Division of Public Health  
 PHONE 465-3093

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)