

888 SHEETS - 1945

HB

179

COMMITTEE REPORT
SENATE

FURTHER: None

3/9/79

Date:

3/14/79

Mr. President:

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had HB 179 relating to the Alaska Medical Facility Authority

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back ^{INDIVIDUAL} without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Johnston

Glenn Hackney

CHAIRMAN

DO PASS

A M E N D M E N T

OFFERED IN THE SENATE:

By: SENATE PESS

To: _____ SENATE BILL No. _____

HOUSE BILL No. 179

PAGE: 1

LINE: 21, 23, 27 and 29

page 1, line 21: delete "service" and insert "system?"

page 1, line 23: delete "may" and insert "shall"

line 23: delete "two" and insert "three"

page 1, line 27: delete "five" and insert "two"

page 1, line 29: delete entire line

AMENDMENT

OFFERED IN THE SENATE:

BY: SENATE HESS

TO: _____ SENATE BILL No. _____

HOUSE BILL No. 179

PAGE: 2

LINE: 1 and 2

page 2, lines 1 and 2: delete entire lines

HB 179 "An act relating to the ~~AP~~ ~~Facilities~~ ~~Authority~~ and providing
by: Rules Committee for an effective date."
House of Reps.

Introduced 2-12-79

Logged 3-9-79

Referrals - none

Comm. Meeting - 3-14-79

Action 3-15-79 take X Senate say when amendment typed
just in time

Gov's letter + zero F/H

Jennie Katz notified
Gov's office "
Randy Phillip office
Rep. Bierne will be
in attendance - did
not say he wanted to
testify.

3/17/79 Call Tom Dunigan - info memo re Hospital service station

HB 179

Rep. Chatterton. I'm here to propose an amendment to HB 179. These were amendments that in the rush of these times were intended to be accomplished by the body of which I am a member, but carelessly were not.

The amendments are not my own, they are amendments that in concept were offered by the Department of Health and Social Services and also, in concept again, by the South Central Health Planning and Development Corporation from Anchorage.

Page 1, line 21: delete "service" and insert "systems"
Page 1, line 23, delete "may" and insert "shall"
line 23: delete "two" and insert "three"
Page 1, line 27: delete "five" and insert "two"
Page 1, line 29: delete entire line
Page 2, lines 1 & 2: delete entire lines

Sen. Ferguson. Mr. Chatterton, you have on page 1, line 29 "delete entire line" and then you delete the whole paragraph. I was wondering why you were doing that.

Rep. Chatterton. Senator Ferguson that is a recommendation of (i) the Department of Health and Social Services and I will paraphrase from their position paper that was handed to the House: 'While we still support the inclusion of public members we do not feel that a member of the state health. planning and development agency which is within the department appropriately meets this classification, this classification being a public member.'

Sen. Ferguson. I would move for the adoption of the amendments recommended by Representative Chatterton.

Sen. Hackney. No objections? So ordered.

Janice Gates. I think we are entirely in agreement with those amendments

Sen. Sturgulewski. I believe we had testimony did we not that the South Central Health Planning Agency supports this?

Rep. Chatterton. Yes.

Janice Gates. Actually all three health systems agencies support it.

Sen. Fahrenkamp. I move we pass out HB 179 as amended with individual recommendations.

Sen. Hackney. No objections? So ordered.

PROVIDENCE
HOSPITAL

3200 PROVIDENCE DRIVE - POUCH 6604
ANCHORAGE, ALASKA 99502
PHONE: (907) 276-4511



SERVING IN THE WEST SINCE 1858

February 21, 1979

Honorable Thelma Buchholdt
Chairman
Health, Education & Social Services Committee
Pouch V
Juneau, Alaska 99811

Dear Representative Buchholdt:

We have reviewed H. B. 179, "An Act relating to the Alaska Medical Facility Authority; and providing for an effective date." We have some concerns and feel strongly that several changes should be made as follows:

1. Section . 'a) (4) (A) line 23 - the word "may" should be deleted and the word "shall" should be inserted. This keeps the wording consistent with the references to nominees from SHCC (line 27) and SPD (line 2 page 2).
2. The nominees to the Authority from the State Health Planning and Development Agency (SHPDA) Section 1 (a) (4) (C) line 29ff), should be totally deleted from the bill.

According to Section 1 (a) (4) line 17, the nominees designated are public members. State Health Planning Agency members are not public but are employees of the State of Alaska, under the jurisdiction of the Commissioner of HESS.

Employees of the State (the SHPDA) should not be included as nominees of the Authority. In a voting situation, should a member of SHPDA and the Commissioner (his or her boss) differ on an application being considered, the employee from SHPDA would be in an untenable position as he/she would be reluctant to vote against his/her superior. Putting it another way, the Commissioner would have an extra vote in his/her pocket.

3. A small correction on line 21: The agency referred to is a health systems agency, not health service agency.

Honorable Thelma Buchholdt
Page Two
February 21, 1979

4. Transition (Section 2 page 2, line 3ff): There needs to be a period allocated to allow for transition, to give the SHCC and HSAs time to submit nominations and the Governor time to consider his decision. Therefore, we would suggest that you consider delaying the effective date of the act for 30 to 60 days after it is signed into law; or when the Governor appoints all the members of the Authority; whichever ever comes first.

Thank you for the opportunity of expressing our concerns on this bill. If you have any questions or wish further comments, please feel free to call on us at any time.

Sincerely,



Al M. Camosso
Administrator

cc Governor Jay Hammond
All HESS Committee members
Mr. Charles Rigden, Chairman, MHC
Mr. William Dann, President, SCHPD

Alaska Medical Facility Authority

HOUSE BILL NO. 179, by the Rules Committee by Request of the Governor, Amends AS 18.26.030 (Alaska Medical Facility Authority, Board of Directors) to read "(a) The authority shall be managed and controlled by a seven person board of directors, who serve at the pleasure of the governor,...". Also provides that four public members be appointed by the governor, deleting reference to appointment by "a majority of the members of the respective health-service agency or council." Changes system of appointment by health service agency and provides that transition will occur upon the effective date of this Act. Provides for an immediate effective date.

Introduced February 12 and referred to HESS.

In his letter transmitting the bill to the House for consideration, Governor Hammond stated:

Under the authority of art. III, sec. 18 of the Alaska Constitution, I am transmitting a bill which amends the Alaska Medical Facility Authority Act, AS 18.26, to allow it to qualify as a properly constituted authority of the State of Alaska under sec. 103(a) of the Internal Revenue Code. That section excludes interest on a qualified authority's obligations from the gross income of the purchasers of the bonds. I have been advised by the attorney general and by local bond counsel that the present composition of the board of directors of the authority disqualifies the authority from the special tax treatment under sec. 103(a) of the Internal Revenue Code. This feature, of course, is the primary purpose for having established the authority and is necessary to insure the marketability of the authority's offerings. I am attaching a copy of the attorney general's opinion which explains in somewhat greater detail the reasons why we feel these amendments are necessary.

*Our copy
Please to not remove*

Introduced: 2/12/79
Referred: Health, Education
and Social Services

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 179

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska Medical Facility Au-
7 thority; and providing for an effective date."

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

9 * Section 1. AS 18.26.030(a) is amended to read:

10 (a) The authority shall be managed and control] y a seven-
11 person board of directors, who serve at the pleasure of the governor,
12 consisting of

13 (1) the commissione of revenue, who shall also chair the
14 board;

15 (2) the commissioner of health and social services;

16 (3) the commissioner of community and regional affairs;

17 (4) four public members, appointed by the governor from
18 among the nominees submitted by the following [A MAJORITY OF THE MEM-
19 BERS OF THE RESPECTIVE HEALTH SERVICE AGENCY OR COUNCIL]:

20 (A) [ONE MEMBER SHALL BE APPOINTED BY AND FROM AND
21 AMONG THE MEMBERS OF] each [OF THE THREE] health service agency
22 [AGENCIES] in the state, organized and operated in accordance
23 with sec. 1512 [1521(b)], P.L. 93-641, which may submit two nomi-
24 nees from among the members of that agency;

25 (B) [ONE MEMBER SHALL BE APPOINTED BY AND FROM AMONG
26 THE MEMBERS OF] the statewide health coordinating council, estab-
27 lished by [IN] AS 18.07.011, which shall submit five nominees from
28 among the members;

29 (C) the state planning and development agency, desig-

1 nated under sec. 1521(b), P.L. 93-641, and established by AS 18.-
2 07.021, which shall submit two nominees.

3 * Sec. 2. TRANSITION. The terms of the current public members of the
4 Alaska Medical Facility Authority expire on the effective date of this Act.
5 Any current member is eligible for appointment by the governor if that mem-
6 ber is nominated by the appropriate council or agency listed in AS 18.26.-
7 030(a)(4) as amended in sec. 1 of this Act.

8 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
9 10.070(c).

(907) 278-3631

August 8, 1978



Helen D. Beirne, Commissioner
 Department of Health and Social Services
 Pouch H-01
 Juneau, Alaska 99811

Dear Commissioner Beirne:

In response to your letter of July 3, 1978, South Central Health Planning and Development (SCHPD), reviewed the issues surrounding the current bed capacity of Providence Hospital. In its review, the Agency examined the material considered in the April, 1977 SCHPD decision which recommended approval of Providence Hospital's request for a waiver, the May 16, 1978 opinion from the office of the Attorney General, relevant correspondence from your office, Providence Hospital and the Municipal Health Commission, and additional relevant information which has come to our attention since April, 1977.

In approving the requested bed waiver for Providence Hospital in April, 1977, SCHPD considered the significance of the square footage requirement, the need for beds as estimated by the Hill-Burton formula, construction costs, staffing efficiencies, occupancy rates and population boundaries. Background information was sent to the Department of Health and Social Services along with the SCHPD decision for approval of the bed waiver. A summary of that information follows.

The analysis showed that your agency and Region X concurred that the square footage in question was not a significant factor. Also, based on estimates using the Hill-Burton formula, it showed that the licensed bed complement (154 at Alaska Hospital and 250 at Providence Hospital) would be needed by 1981. Additionally, the cost of adding hospital beds was estimated to increase 24 times by 1986. Research indicated that staffing efficiencies would be achieved if re-modelling were to occur. The occupancy rate at Providence Hospital, approximately 85% for several years, indicated that the hospital was being used to the desired capacity. Finally, the analysis noted that twenty percent of the patients for the two hospitals come from outside of the Anchorage area.

That analysis was reviewed during the past several weeks to determine whether any of the conclusions might be changed with more current information. The new calculations were based on more current utilization rates, proposed new formulae (both National and State), and adjustments for patient origin. The calculations resulted in a range of bed need

*ALASKA HOSPITAL HAS ACTUALLY 197 BEDS, NOT 154, & ALL 197 WERE OPENED IN 1976. THEN 43 BEDS CLOSED, BUT AVAILABLE!
 So why give MORE BEDS TO PROVIDENCE! MAKES NO SENSE!*

estimates. However, all estimates show that more beds will be needed by 1980 than 154 at Alaska and 219 at Providence*. In addition, the calculations show that 404 beds (154 at Alaska and 250 at Providence) will be needed before 1982 or 1983, depending on the formula and population figures used. (If you would like further information on these calculations, we would be happy to provide it.)


SCHPD reviewed the opinion of the Attorney General and your July 3, 1978 letter which stated that there was an "absence of a determination that the additional beds are needed under Hill-Burton criteria". However, SCHPD did use the Hill-Burton formula to estimate bed need, and found that the 250 beds (with 154 at Alaska) would be needed by 1981. Along with the considerations of staffing efficiency, construction costs, and the other information mentioned above, the bed need estimates were analyzed and forwarded to the Department of Health and Social Services along with the recommendation that the waiver be granted in our April 27, 1977 letter.

Finally, SCHPD considered additional relevant information available since April, 1977. The Agency reviewed literature on economies of scale in hospitals and optimal hospital size. Also, the National Guidelines for Health Planning adopted March 28, 1978 regarding the general hospital bed supply and occupancy rate were considered. This information generally supported the agency's previous position related to existing facilities.

In conclusion, the Board of South Central Health Planning and Development has carefully re-examined its April, 1977 decision to recommend a waiver to allow Providence Hospital to have 250 beds, and finds that its previous position is reaffirmed. This determination is based on a range of bed need estimates, and considerations of staffing efficiency, construction costs and other relevant information. Since Providence Hospital agreed to postpone actual construction until the appropriate health planning bodies were consulted, and then proceeded in good faith, we urge you to uphold the decision made previously by the State.

Thank you for the opportunity to comment on this matter.

Sincerely yours,



Ron Hammett
Administrator

RH/ab

cc: Municipal Health Commission
Al Camosso, Administrator Providence Hospital

* Alaska Hospital has a license for 154, you indicated in your letter that there were 219 beds at Providence "planned at the time...funds were awarded".

Municipality
of
Anchorage



POUCH 6-651)
ANCHORAGE, ALASKA 99502
(907) 274-2525

GEORGE M. SULLIVAN,
MAYOR

MUNICIPAL HEALTH COMMISSION

July 31, 1978

Helen Beirne, Ph.D
Commissioner
Department of Health & Social Services
Pouch H-01
Juneau, Alaska 99811

Dear Commissioner Beirne:

In response to your letter of July 3, 1978, the Municipal Health Commission, once again, reaffirms the position taken in March of 1977 with regard to the 250 bed Capacity Level at Providence Hospital. In the development of those recommendations to the State, both locally and at the regional Health Systems Agency level, numerous issues were addressed regarding the cost/effectiveness and viability of alternative bed capacity levels. These issues included:

- cost per patient day
- optimum patient flow
- optimum feasible staff ratio
- effectiveness of service provision
- inpatient utilization rates
- cost of existing versus new bed construction
- cost containment
- projecting bed need
- patient origin
- appropriateness of Hill Burton bed need formulas

After due consideration of these issues, it was recommended that the State of Alaska grant the permanent bed waiver, placing bed capacity at 250 at the Providence Hospital facility.

The reaffirmation of this region's earlier position is based upon several factors:

- Hill Burton bed need calculations
- number of beds per 1000 population
- occupancy rate formulas and federal guidelines revising same
- absence of an updated facility plan and statewide needs assessment

- cost containment in economies of scale
- utilization rate calculations
- catchment area definition

Each issue will be addressed briefly.

Hill Burton Five Year Bed Need Calculations

The Alaska State Plan for the Construction of Hospitals and Other Medical Facilities (1976 revision) utilizes a five year projection to identify area bed need. Because the projections utilized in the plan date back to 1974, more recent projections have been used to complete the following calculations:

Midyear Population (Civilian Non-Native in 1000's) Data: Munic. of Anch. Planning Dept.		Current Pt. Days	Use Rate (UR) $\frac{\text{Current Pt. Days}}{\text{Current Population}}$	1983 Projected Average Daily Census (ADC)
1978	1983			$\frac{1983 \text{ Pop} \times \text{UR}}{365}$
171.5	212.9	105,120	613	358
		Midyear 1983 Bed Need		
		<u>Projected ADC</u> .85		
		421		

Data on current bed capacity for Anchorage identifies a licensed capacity of 404 beds, and 45 beds constructed, holding a Certificate of Need, but unlicensed and unopened. At the current level of short term acute bed availability, Anchorage can meet projected bed need through 1983 year end.

$$\begin{array}{r} 250 \\ 154 \\ \hline 404 \\ 45 \\ \hline 449 \end{array}$$

Number of Beds per 1000 Population

The National Guidelines for Health Planning (CFR 42 Part 121), adopted March 28, 1978 provide for a reduction in the ratio of short term acute beds to 4 beds per 1000 population. Additionally, a 10% reduction (below the accepted ratio) is recommended by 1983. It should be noted that the present bed ratio in Anchorage is 2.62 beds per 1000 population. In 1983 the ratio will be 2.11 beds per 1000 population (based upon 449 beds). Both figures are well below the national maximum guidelines, and the five year ratio is 20% less than the present level, or twice the national recommended cutback rate.

Occupancy Rate Formulas

The same 1978 Revisions to the National Health Planning Guidelines revise the occupancy rates from 85% overall to 80% overall, and specify an occupancy rate of 70% for obstetrics and 65% for pediatrics. Providence Hospital IIPM Census indicates an 80.3% average occupancy rate for open beds for the first six months of 1978. Although this change in guidelines has a significant impact on bed utilization and patient flow, these changes are not reflected in the Hill Burton Formula provided by the State.

Facility Plan and Statewide Needs Assessment

The health planning process is, at best, a frustrating one. In an attempt to deal with issues of economics and issues of human need, solutions in one area often exacerbate problems in the other.

Of absolute necessity in any planning effort is accurate data, firm goals and objectives and a short and long range implementation strategy. The absence of an up-to-date, adopted, state plan, and a timely statewide facility needs assessment serves to reduce the ability to plan for future facilities and services. In the absence of valid and reliable adopted planning documents, it is imperative that the State rely heavily upon the local and regional planning bodies, who, with access to more recent and accurate data, are in a better position to provide long range projections.

Cost Containment in Economies of Scale

The economies of scale achieved in moderate size hospitals (200-400 beds) are a significant factor in efforts toward cost containment. The services which a hospital can offer show a high positive correlation to hospital size. According to the Department of Health Education and Welfare (Trends);

"Plant and equipment assets per bed rise sharply for hospitals with less than 200 beds; for larger hospitals differences in the plant and equipment assets per bed are smaller, despite the fact that very large hospitals have significantly more special facilities than do the medium size institutions."

In reviewing cost containment impacts, marginal cost variations based on facility size must be included in any comparison model. Such marginal cost considerations are not addressed by state planning documents.

Utilization Rate Calculations

With the incorporation of the present use rate as part of the calculation of bed need, an assumption of appropriateness of current utilization rates is inherent. The factors which effect average utilization rate are numerous. In a five year retrospective review, an increase or decrease in the average utilization rate in excess of 25 days per 1000 population was noted under the following conditions:

- malpractice insurance crisis
- bed shortage
- transition to new facility
- bed surplus
- opening of outpatient surgicenter

It would appear appropriate, in the interest of validity and reliability, that a documented optimum utilization rate be established, prior to the application of formulas for determination of need. In the absence of documentation, any long range projection is subject to challenge.

Catchment Area

The population statistics utilized for calculating bed need under the Hill Burton formula (see page two) are restricted to residents of Anchorage. Based on a recent patient origin study, Providence hospital reports that approximately 15% of the patient census is comprised of non-Anchorage residents. This is interpolated for a resulting increase of 25,720 residents in the present service or catchment area.

A NEW DEAL
FOR THEM -
BUT NOT FOR
ME.

Conclusion

I sincerely appreciate the opportunity to respond to your request. We urge you to continue to accept the 1977 recommendations of the Municipality and the Regional Health Systems Agency. Our appreciation of the difficulty of such decisions is sincere. It is our hope that you will uphold the importance of the local prerogative in the decision making process.

Sincerely,

CHR

Charles H. Rigden
Chairman, Municipal Health
Commission

He is ADMINISTRATOR of The ALASKA Hospital
AND of course has NO "Conflict of Interest"

CHR/ch

February 16, 1977

The Honorable M. W. Beirne
Alaska State Legislature
State of Alaska
Pouah V
Juneau, Alaska 99811

Dear Representative Beirne:

In response to your letter written to me on January 24, 1977 and your letter written to Lois Jund on February 8, 1977, I contacted both Lowell Swartz, Coordinator for Health Facilities Development, Office of Planning and Research, and Anna Wenzel, Chief of Health Facilities Certification and Licensing, Division of Public Health, in order to provide you with the information you requested. As Mr. Swartz informed you in his letter of December 16, 1976, this waiver is to serve as a temporary measure in response to the current patient overflow at Providence Hospital and will extend only until phase two of the construction project has been completed. Mr. Swartz's office has apprised Providence Hospital of this stipulation.

Ms. Wenzel reports that she had granted the temporary waiver for Providence Hospital for the following reasons:

1. The on-site inspection held between September 14, 1976 and November 16, 1976, showed an overflow of patients.
2. Staffing for the beds in use at the time was inadequate.
3. According to the Attorney General's Office, Alaska Administrative Code, 7 AAC 12.010 (1)(1)(A)(vi) implies no regulatory prohibition to the granting of waivers.

I can appreciate your concerns and hope that we have sufficiently answered your questions. Again, I point out that the waiver granted Providence Hospital is indeed temporary and that the total bed capacity of the facility will not exceed that specified in the state Construction Plan when the remodeling process is completed.

Our Department will make every effort to assist you should you need any further information.

Sincerely,

Francis S.L. Williamson
Commissioner

March 8, 1979

Michael J. Beirne, M.D.
President
Lake Otis Clinic, Inc.
1020 "I" Street, Suite 1
Anchorage, Alaska 99501

Dear Dr. Beirne:

This is a much belated reply to your letter of January 5, 1979.

The retained copies of the letters of June 30, 1978 and July 20, 1978 from the Commissioner to Providence Hospital that you asked for in your January 5, 1979 letter have been xeroxed and copies are forwarded herewith.

I greatly regret the delay in our response, which resulted from the changing in the guard and the heavy press of business in the still understaffed office of State Health Planning and Development.

Sincerely,


Catherine M. Lloyd
Deputy Commissioner

Enclosures

JWB:jmm

bcc: OSHPD

June 30, 1978

Mr. Al M. Camosso
Administrator
Providence Hospital
3200 Providence Drive
Anchorage, Alaska 99504

Dear Mr. Camosso:

RE: State Funding Provided
Under Chapter 132, SLA 1974

As you may be aware, the Department of Law recently reviewed the actions of the Department of Health and Social Services with respect to its approval of the current bed capacity of Providence Hospital. The conclusions of the Department of Law are set forth in the enclosed opinion.

The opinion states that the Department of Health and Social Services cannot authorize public funds granted under authority of Chapter 132, SLA 1974, to be used in the provision of more than the 219 beds that were originally funded in the absence of a determination that the additional beds are needed under Hill-Burton criteria. The Department of Health and Social Services, unfortunately, did not resolve this issue when it permitted your institution to operate at its current capacity.

In accordance with the advice of the Department of Law, I will make a decision as to whether there is a need for the additional beds based upon Hill-Burton criteria. Before doing so, however, I will consider the recommendations of the Office of Planning and Research, as well as any recommendations submitted by South Central Health Planning and Development, Inc., the Municipal Health Commission, and, of course, Providence Hospital. All recommendations must be in writing and must be received by my office no later than August 15, 1978. I will promptly advise interested parties of my decision.

I am aware that this issue is of great importance to Providence Hospital. For this reason I believe that it would be appropriate to permit Providence Hospital to take an administrative appeal from my decision should the decision be adverse to it. An appeal would be heard by a hearing officer with no interest in the proceeding. In order to avoid any question of pre-judgment, I would adopt his or her decision as the final decision of the Department of Health and Social Services on this issue.

June 30, 1978

As is set forth in the enclosed opinion, there is no question as to whether Providence Hospital may currently be licensed to operate 250 beds. The question to be determined is simply whether certain state funds may be used in the provision of more than the 219 beds that were planned at the time those funds were awarded.

I appreciate it if you will confirm my assumption that Providence Hospital wishes to continue operating at its current capacity and will let me know whether the procedures set forth in this letter constitutes an acceptable manner in which to resolve this issue. I will then proceed to solicit recommendations of the various planning agencies.

Your continued cooperation is, of course, very much appreciated.

Very truly yours,

Helen D. Beirne
Commissioner

Enclosure
HDB:RR:lar

bcc: Department of Law

July 20, 1978

Mr. Al M. Camosso
Administrator
Providence Hospital
Pouch 6604
Anchorage, Alaska 99502

Dear Mr. Camosso:

RE: State Funding Provided Under
Chapter 132, SLA 1974

Since you have asked for an immediate response Commissioner Beirne, who is out of town, has asked me to respond to your letter of July 12, 1978, seeking clarification of the matters addressed in her letter of June 30, 1978.

In your letter you inquire as to the status of the operational license of your institution. You also question the necessity of the determination addressed by Commissioner Beirne and express concern over its possible interim effects.

I am told that Providence Hospital has been issued a license to operate 250 beds from July 1, 1978, through June 30, 1979. The number of beds authorized in the license may be adjusted if necessary to accord with the resolution of the matters addressed by Commissioner Beirne.

As I read the Attorney General's opinion of May 16, 1978, the Department of Health and Social Services must determine whether an increase in the bed capacity of your institution is needed under Hill-Burton criteria assuming it desires to use certain public funds in the provision of more beds than originally planned. It is apparent from Deputy Commissioner Jund's letter of May 6, 1977, that the department did not make this determination when it granted the waiver of licensing standards to which you refer.

The Department of Health and Social Services currently plans to honor progress payment requests. Any payments are subject to the resolution of the matters addressed by Commissioner Beirne.

July 20, 1978

I might add that even if the department were to find that more than 219 beds are not needed under Hill-Burton criteria then, barring of or eventualities, Providence Hospital would still be entitled to the funds if it reduces its bed capacity to that originally planned.

I hope this letter provides the clarification that you desire.

Very truly yours,

Catherine M. Lloyd
Deputy Commissioner for
Administrative Management

CL:RR:lar

bcc: Rick Robertson, Dept. of Law
Certification and Licensing,
Division of Public Health

LAKE OTIS CLINIC, INC.

Suite 1
1020 "I" Street
Anchorage, Alaska 99501

(907) 277-6219

January 5, 1979

Catherine M. Lloyd
Deputy Commissioner
Department of Health & Social Services
Pouch H-01
Juneau, Alaska 99811

Dear Deputy Commissioner Lloyd:

In response to your letter of December 5, 1978, I note that the Commissioner has made a determination as to whether Providence Hospital should be entitled to continue to receive funding originally granted to it under the Hill-Burton Program. The determination you indicate was made on December 1, 1978.

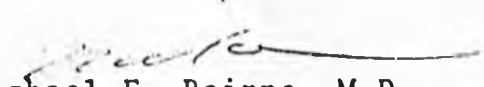
However, as I read the Commissioner's letter addressed to the Providence Hospital, and the reasoning behind such determination, I do not observe that final approval of their licensure was granted.

Perhaps you could explain this to me in letter form, so that my staff and I will be better advised as to what we may expect in the future, and what courses of action are open to us.

Also, I would appreciate your forwarding to me copies of the letters of June 30 and July 20 from the Commissioner to Providence Hospital. I have never received copies of those letters.

Thanking you kindly, I am

Sincerely ,


Michael F. Beirne, M.D.
President
Lake Otis Clinic, Inc.



ALASKA STATE LEGISLATURE - HOUSE OF REPRESENTATIVES

IN SESSION:

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JUNEAU, ALASKA 99811
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SUITE 1, 1020 "I" STREET
ANCHORAGE, ALASKA 99501
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REP. M. F. "MIKE" BEIRNE
DISTRICT 7, ANCHORAGE

MEMBER OF:
FIFTH STATE LEGISLATURE
NINTH STATE LEGISLATURE
TENTH STATE LEGISLATURE
ELEVENTH STATE LEGISLATURE

COMMITTEES:
HEALTH
EDUCATION AND
SOCIAL SERVICES
COMMITTEE FOR REVIEW
OF REGULATIONS

March 14, 1979

The Honorable Glenn Hackney
Chairman, Senate Health, Education
and Social Services Committee
Pouch V
Juneau, AK 99811

Dear Senator Hackney:

Re: HB 17^a

I will not testify before your committee today. I think you're loaded up with enough for today.

Go ahead and pass the bill out and I'll come in next week sometime and scream and holler about the health planners.

Best regards,


Dr. Mike Beirne
State Representative

MB:js

HOUSE BILL 179

The Department of Health and Social Services supports House Bill 179 amending section 18.26.030(a) of the Alaska Medical Facility Authority Act to bring the language into compliance with section 103 of the Internal Revenue Code. The Alaska Medical Facility Authority establishes a financing mechanism for the construction and equipping of medical facilities for which a community based need has been demonstrated. By providing an economic mechanism to finance such facilities, efforts to contain spiraling health care costs could be enhanced.

The Department agreed with the legislative amendment to the original proposal in the Tenth Legislature which expanded the membership of the Medical Facility Board to include public members. While we still support the inclusion of public members, we do not feel that a member of the State Health Planning and Development Agency, which is within the Department, appropriately meets this classification, as proposed in AS 18.26.030(a) (4) (C). The Department would thus recommend deleting subsection (C) and rewording subsections (A) and (B) to read as follows:

- (A) One member shall be appointed from each of the three health services agencies in the state, organized and operated in accordance with sec. 1512 of P.L. 93-641, which may submit three nominees from among the members of that agency;
- (B) One member shall be appointed from the statewide health coordinating council, established by AS 18.07.011, which may submit three nominees from among the members.

The Department of Health and Social Services supports House Bill 179 with the amendments recommended above and urges the expeditious enactment of this corrective legislation.

Helen D. Beirne
Helen D. Beirne, Commissioner
Department of Health & Social Services

2/27/79
Date

HB

189

COMMITTEE REPORT
SENATE

FURTHER: None

3/22/79

Date: 4/1/79

Mr. President:

The Committee on HEALTH, EDUCATION & SOCIAL SERVICES has had HB 189 am relating to elevator safety

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
- and recommends _____ new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Robert...

Gene...

CHAIRMAN

HB 189 AM
By: Rules Comm
By request of the Pres.
"An Act relating to elevator safety" ^{SHESS 79-80}

Introduced 2-13-79
Logged - 3-22-79
Referrals - none
Comm. Meeting 4-4-79 Passed
" do do "

notified
Gov's letter & FN
Jim Stry (LABOR DEPT.) prepared for
Gov. office notified.

Elevator
Safety

HOUSE BILL NO. 189, by the Rules Committee by Request of the Governor. Amends AS 18.60.800 (Elevator Safety Standards) by adopting the 1978 edition of the American National Standards Institute Safety Code for Elevators, etc., as the minimum elevator safety code in Alaska. States that the Department of Labor shall establish fees for inspections and maintain records of fees collected and inspections performed. Section (c) states: "Inspections of elevators by the department shall be performed in accordance with the procedures set out in the American National Standard Institute's Practice (Inspector's Manual--ANSI 17.2), as approved May 29, 1973."

Amends AS 18.60.810 (EMERGENCY POWER SOURCE) by stating that emergency power source must conform with ANSI minimum standards. No effective date provided.

Introduced February 13 and referred to Labor & Management, then to Judiciary.

In his message transmitting the bill to the House for consideration, Governor Hammond stated:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to elevator safety. The bill proposes essentially four changes in the statutory provisions dealing with elevator safety (AS 18.60.800 - 18.60.820).

First, the bill would replace the 1971 national elevator standards with the 1978 standards as the minimum elevator safety standards for Alaska. Second, the bill would adopt the uniform inspection procedures for elevators established by the American National Standards Institute as the standard inspection procedures for elevators in Alaska. Third, the bill would authorize the Department of Labor to establish a schedule of fees for inspections performed by it in order to provide a source of program receipts to offset, in part, the department's costs of administering the elevator safety program. These first three changes would all be accomplished by sec. 1 of the bill.

Elevator
Safety

HOUSE BILL NO. 189, (this report). Reported back to the house on February 16 by Labor and Management with a majority recommending do pass with a new fiscal note. To Judiciary.

Elevator
Safety

HOUSE BILL NO. 189, (see pages 194;230). Reported back to the House on March 14 by Judiciary with a majority recommending do pass. To Rules.

Elevator
Safety

HOUSE BILL NO. 189, (AMENDED) (see pages 194;230;392). Amendment No. 1 by Chatterton was adopted, deleting Section 2 of the Bill, an amendment to AS 18.60.810 (Emergency Power Source) which relates to conforming with standards established by the American National Standards Institute. The bill then passed the house 35-2-3. Nays: Carney and Malone. Not Voting: Eliason, Osterback and Schaeffer.

*See copy
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from file*

Introduced: 2/13/79
Referred: Labor & Management
and Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 189 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to elevator safety."

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

8 * Section 1. AS 18.60.800 is amended to read:

9 Sec. 18.60.800. ELEVATOR SAFETY STANDARDS. (a) The 1978 [DE-
10 PARTMENT OF LABOR SHALL ADOPT THE 1971] edition of the American Na-
11 tional Standards Institute [STANDARD] Safety Code for Elevators, Dumb-
12 waiters, Escalators and Moving Walks published by the American Society
13 of Mechanical Engineers is adopted [,] as the minimum elevator safety
14 code in [STANDARDS OF] the state.

15 (b) The Department of Labor shall

16 (1) promulgate or change regulations to carry out the pro-
17 visions of secs. 800 - 820 of this chapter; [AND]

18 (2) inspect and certify elevators to meet the safety re-
19 quirements;

20 (3) establish, by regulation, fees for inspections performed
21 under secs. 800 - 820 of this chapter; and

22 (4) maintain a record of all inspections performed and of
23 all inspection fees collected.

24 (c) Inspections of elevators by the department shall be performed
25 in accordance with the procedures set out in the American National
26 Standards Institute's Practice (Inspector's Manual -- ANSI 17.2), as
27 approved May 29, 1973.

28 (d) In secs. 800 - 820 of this chapter, "elevator" includes
29 elevators, dumbwaiters, escalators and moving walks.

540 in state

#

our copy

Introduced: 2/13/79
Referred: Labor & Management
and Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 189

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to elevator safety."

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

8 * Section 1. AS 18.60.800 is amended to read:

9 Sec. 18.60.800. ELEVATOR SAFETY STANDARDS. (a) The 1978 [DE-
10 PARTMENT OF LABOR SHALL ADOPT THE 1971] edition of the American Na-
11 tional Standards Institute [STANDARD] Safety Code for Elevators, Dumb-
12 waiters, Escalators and Moving Walks published by the American Society
13 of Mechanical Engineers is adopted [.] as the minimum elevator safety
14 code in [STANDARDS OF] the state.

15 (b) The Department of Labor shall

16 (1) promulgate or change regulations to carry out the pro-
17 visions of secs. 800 - 820 of this chapter; [AND]

18 (2) inspect and certify elevators to meet the safety re-
19 quirements;

20 (3) establish, by regulation, fees for inspections performed
21 under secs. 800 - 820 of this chapter; and

22 (4) maintain a record of all inspections performed and of
23 all inspection fees collected.

24 (c) Inspections of elevators by the department shall be performed
25 in accordance with the procedures set out in the American National
26 Standards Institute's Practice (Inspector's Manual -- ANSI 17.2), as
27 approved May 29, 1973.

28 (d) In secs. 800 - 820 of this chapter, "elevator" includes
29 elevators, dumbwaiters, escalators and moving walks.

1 * Sec. 2. AS 18.60.810 is amended to read:

2 Sec. 18.60.810. EMERGENCY POWER SOURCE. All elevators which do
3 not have an alternate power source shall be equipped with an emergency
4 power source which conforms with the minimum standards established by
5 the American National Standards Institute, in ANSI 17.1, as approved
6 May 29, 1973 [WILL PRODUCE SUFFICIENT POWER TO PROVIDE LIGHTS INSIDE
7 THE ELEVATOR AND A RINGING ALARM WHICH CAN BE HEARD IN THE BUILDING
8 FOR FIVE HOURS].
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April 4

HB 189am

Dale Cheek. I'm Director of the Wage and Hour Division of the Department of Labor.

We are asking the committee to allow us to adopt a 1978 American National Standards Institute safety code. We are using the 1971 code presently. There are very few changes; but there are some minor changes. We are also asking for authority to establish fees for inspection by regulation. This is one of the units in our department that is required to generate 50% of the budget by program receipts and this is very necessary for this function to continue.

There are about 540 elevators in the state. About half of them are the lift, escalator, not the regular elevator that you see out here, so most of them do require some inspection and they are the ones that have a history of being most dangerous type.

We inspect them annually.

We now know how many units there are in the state and we now have regulations ready for hearings and we are reasonable certain that we can generate the amount of money as indicated on the revised fiscal note.

Sen. Ferguson. I move that we move out HB 189am with a do pass recommendation.

Sen. Hackney. Objections? No objections, so ordered.

HB

211

COMMITTEE REPORT
SENATE

FURTHER: None

3/27/79

Date: 4/4/79

Mr. President:

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had CSHB 211 am relating to public elementary and secondary education

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Ferguson

Robert...

CHAIRMAN

CSHB 211A7M "Budget relating to public elementary and secondary education." provided for
by HESS comm. S HESS 79 80

Introduced 3-15-79
Logged - 3-27-79
Referrals xme
Comm. Meeting 4-4-79 used -
Comm. Action

Gov's letter re F/W lesson
HESS referred James (John) (James)
Gov's Office "

EDUCATION
(elementary &
secondary)

*Glenn
History of HB 211 AM*

HOUSE BILL NO. 211, by the RULES COMMITTEE by request of the Governor. Amends AS-14.03.030 "School Term" to read: "The school term begins and ends on the dates fixed by the governing body of the school district. However, the term shall include not less than 180 days in session, except that, subject to the approval of the commissioner, a day used for in-service training of teachers may be substituted for a day in session, up to a maximum of 10 days. [THE COMMISSIONER MAY APPROVE A SCHOOL SCHEDULE ADOPTED BY A SCHOOL BOARD FOR A SCHOOL TERM OF LESS THAN 180 DAYS IN SESSION IF THE TOTAL HOURS DEVOTED TO INSTRUCTION OF PUPILS OR TO STUDY PERIODS FOR THE PUPILS UNDER THE SCHEDULE EQUAL OR EXCEED AT LEAST 680 HOURS, EXCLUSIVE OF INTERMISSIONS AND IN-SERVICE TRAINING OF TEACHERS, FOR THE FIRST, SECOND AND THIRD GRADES AND AT LEAST 850 HOURS, EXCLUSIVE OF INTERMISSIONS AND IN-SERVICE TRAINING OF TEACHERS, FOR ALL OTHER GRADES.]" (Note: Bracketed language deleted).

Amends AS 14.07.020(9), making available correspondence study programs from the state if none is offered from the local school district. See governor's letter for explanation of further amendments and repeals.

Provides section 1 and sections 3-7 take effect immediately and sections 2 and 8 take effect July 1, 1979.

Education
(elementary & secondary)

HOUSE BILL NO. 211, (see page 209). Reported back to the House on March 15 by HESS with a majority recommending replace with SUBSTITUTE and reporting back with individual recommendations. Buchholdt (Chmn), Munson and Hurlbert recommend do pass. Miles, Chatterton, Barnes and Beirne have no recommendation. To Rules. Adds new section to AS 14.08 (Education in the Unorganized Borough) "046. ADVISORY SCHOOL BOARDS IN REGIONAL EDUCATIONAL ARRENDANCE AREAS" which states "A regional school board may establish advisory school boards, and by regulation shall prescribe their manner of selection, and organization, and their powers and duties." Amends AS 14.14.-140 "Restriction on Employment" by stating that school board

members and immediate family may not be employed by the school board "except upon written approval of the commissioner." Deletes proposed amendment to AS 14.14.170(d) and new subsection (g) in original bill. Sec. 6 repeals AS 14.14.170 (Community school committees); 14.14.180 (Qualifications of community school committee members and voters); 14.14.200 (Duties). Sec. 7 repeals AS 14.40.700-14.40.730 "Compact for Education. Provides Sec. 1-6 take effect immediately and Sec. 7 takes effect July 1, 1979.

Education
(elem. & sec.)

HOUSE BILL NO. 211, (SUBSTITUTE) (AMENDED) (see pages 209;393). On March 21 the SUBSTITUTE was adopted (see page 393) and Amendment No. 1 by Moss and Buchholdt was adopted. The amendment deletes language relating to school board members or their families being employed on the school board unless with written approval of the commissioner. Replaces with "(a) While serving on the school board, a member may not be employed by that local school board. Members of the immediate family of a school board member may not be employed by the school board without written approval of the commissioner." (Note: underlined language added). CSHB 211am was then returned to Rules in 3rd reading. The bill came up again on March 23 and Passed the House 28-2-10. Nays: Barnes and Martin. Not Voting: Bettisworth, Brown, Buchholdt, Carney, Eliason, Freeman, Moss, O'Connell, Parker and Randolph. The effective date clause was adopted.

April 4, 1979

CSHB 211 am

Bill Thompson. CSHB 211am was originally requested by the Governor at the request of the Department of Education and is cleanup legislation that we feel will help us administer education law a little better.

The first section deals with the school term. About 5 years ago there was some language adopted that the commissioner could approve a shorter school term than 180 days if basically the instructional time remained the same. This was in light of the energy crises at the time. None of the school districts in the state have requested a shorter than 180 days for that particular purpose, nor has there been any approvals by the commissioner under that section. Therefore, we consider this superfluous and not needed.

Sen. Sturgulewski. I have been in communication with out school district. This does eliminate the commissioner's discretion. There is a potential here for throwing some additional costs on the district such as under the act of God problem with the Mat-Su wind. It would mean those days would have to be made up. You might have some areas where you didn't get the word out to all teachers and they were paid and you had to have additional days, you might be throwing in some additional costs. Also, that is true I think on the question of busses where you have to pay even though you dou don't have school 50% of the contracted costs. I realise the state reimburses there. Is it such a burden for you to have some discretion in some of these matters.

Bill Thompson. No, this would not affect days of closures. Days of closures is in a different section. That is a different section of the law and does require the commissioner's approval.

Section 2 at the current time there is an inconsistency between regional education attendance areas and city and borough school districts. Regional education attendance areas are required to have a community school committee in each community that is served that's advisory to the district board. This amendment would say that the establishment of those committees is at the determination of the regional board; rather than being mandated that those committees be provided. The idea being that SB 35 establishing the REAA boards have been in existence long enough and it is a determination, a local determination, whether or not the advisory boards in each of the communities are needed. It's permissive rather than mandatory.

Section 3 deals with recall. Currently it says the commissioner of education shall be the clerk and the State Board of Education shall act as the assembly or the council. The department believes that this more properly belongs in the Lt. Governor's office and that the director of the Division of Elections who handles all other elections should also handle the recall elections.

There has been in the three year history, there has been 6 recalls.

Sen. Sturgulewski. There will be quite a lot of work done in the interim having to do with elections and certainly in recalls, but this is just a very simply thing. All it does is to move from you (DOE) to Elections.

Sen. Ferguson. The House has introduced HB 245 dealing with elections and I believe that Sen. Kelly with his election reform bill is going to take a look at the whole works in recall and not to necessarily hinder people from having someone recalled, but to stipulate certain items.

Bill Thompson. Section 4 would change who appoints the non-voting member of the military community when the department contracts with the contiguous municipalities for educational services in the on-base schools. That representative would be appointed by the affected school board rather than the State Board of Education.

Section 5, This clarifies restrictions on employment and nepotism and what exactly is the course.

Sen. Hackney. The repealers are as simply pointed out in Sen. Ferguson's memorandum.

Bill Thompson. Section 6 is repealers dealing with community school committees because it becomes superfluous with the adoption of section 2 of the bill.

Se Section 7 repeals the Alaska participation in the education compact of the states which is the educational commission of the states. Our recommendation for that is that each year the dues are increasing and we can get the same information as far as an informative service from other sources, U. S. Office of Education, Teacher councils, National School Boards Association, and so on. As you know there is a fiscal note attached that becomes effective in 1981. The way the law reads, for Alaska participation, we have to notify them a year ahead that we are no longer going to participate therefore we would have to pay our dues in FY 80. But in FY 81 it would have a negative impact of \$18.8 thousand.

Basically the ^{education commission is} ~~community school advisory committees~~ are more political than professional. Alaska's membership is made up as legislators, the governor's office, state board of education and the commissioner and what they do is an exchange of information between states. That's as far as what they provide in professional assistance to the department on educational finance, teacher certification, whatever.

Sen. Sturgulewski. I move CSHB 211am move from committee with a do pass recommendation.

NO objections so ordered.

- Sec. 1 Clean up language Specifies school term shall include not less than 180 days in session
- Sec. 2 Allows ^{regional school boards} to establish advisory school boards
- Sec. 3 ~~makes director of division of elections~~ ^{Duties} State's office in charge of recall elections instead of Comm. of Ed
- Sec. 4 Changes the appointing body for non-voting delegates from Mil. Res. from State Bd. of Ed. to the local school bd.
- Sec. 5 Local Bd members can't be employed by board and immediate family members only, with written approval of Comm.
members of immediate family of a segt. may be employed only with written approval of board
- Sec. 6 Repealers apply to community school committees and their duties as it becomes superfluous with adoption of Sec 2.
- Sec. 7 would allow state to withdraw from compact for education

Original sponsor: Rules/Governor

Offered: 3/15/79
Referred: Rules

*Our copy
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from file.*

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

CS FOR HOUSE BILL NO. 211 am

2 IN THE LEGISLATURE OF THE STATE OF ALASKA

1 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public elementary and secondary
7 education; and providing for an effective date."

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

9 * Section 1. AS 14.03.030 is amended to read:

10 Sec. 14.03.030. SCHOOL TERM. The school term begins and ends on
11 the dates fixed by the governing body of the school district. However,
12 the term shall include not less than 180 days in session, except that,
13 subject to the approval of the commissioner, a day used for in-service
14 training of teachers may be substituted for a day in session, up to a
15 maximum of 10 days. [THE COMMISSIONER MAY APPROVE A SCHOOL SCHEDULE
16 ADOPTED BY A SCHOOL BOARD FOR A SCHOOL TERM OF LESS THAN 180 DAYS IN
17 SESSION IF THE TOTAL HOURS DEVOTED TO INSTRUCTION OF PUPILS OR TO STUDY
18 PERIODS FOR THE PUPILS UNDER THE SCHEDULE EQUAL OR EXCEED AT LEAST 680
19 HOURS, EXCLUSIVE OF INTERMISSIONS AND IN-SERVICE TRAINING OF TEACHERS,
20 FOR THE FIRST, SECOND AND THIRD GRADES AND AT LEAST 850 HOURS, EXCLUSIVE
21 OF INTERMISSIONS AND IN-SERVICE TRAINING OF TEACHERS, FOR ALL OTHER
22 GRADES.]

23 * Sec. 2. AS 14.08 is amended by adding a new section to read:

24 Sec. 14.08.046. ADVISORY SCHOOL BOARDS IN REGIONAL EDUCATIONAL
25 ATTENDANCE AREAS. A regional school board may establish advisory school
26 boards, and by regulation shall prescribe their manner of selection, and
27 organization, and their powers and duties.

28 * Sec. 3. AS 14.08.081 is amended to read:

29 Sec. 14.08.081. RECALL. The members of a regional school board

1 are subject to recall in accordance with AS 29.28.130 - 29.28.250,
2 except that the director of the division of elections [COMMISSIONER OF
3 EDUCATION] shall perform the functions of a municipal clerk, and the
4 lieutenant governor [STATE BOARD OF EDUCATION] shall perform the
5 functions of the assembly or council under those sections.

6 * Sec. 4. AS 14.12.030(d) is amended to read:

7 (d) Each city or borough school district that is operating schools
8 on a military reservation under AS 14.12.020(a) has one nonvoting
9 delegate from the military reservation or reservations to the school
10 district board to advise and assist the board in matters relating to the
11 military reservation schools operated by the school district and to act
12 as liaison between the board and the military community. The nonvoting
13 delegate shall be appointed by the school district board [STATE BOARD OF
14 EDUCATION], shall serve at the pleasure of the school district board
15 [STATE BOARD OF EDUCATION], and must [SHALL] be an inhabitant of the
16 area served by the military reservation schools operated by the school
17 district by contract. If an elected community school committee is
18 established on a military reservation, the only inhabitants of that
19 military reservation who are eligible for appointment as the nonvoting
20 delegate are those inhabitants who are members of the elected school
21 committee.

22 * Sec. 5. AS 14.14.140 is amended to read:

23 Sec. 14.14.140. RESTRICTION ON EMPLOYMENT. (a) While serving
24 on the school board, a member may not be employed by that local school
25 board. Members of the immediate family of a school board member
26 [SCHOOL BOARD MEMBERS, OR MEMBERS OF THEIR IMMEDIATE FAMILIES,] may
27 not be employed by the school board except upon written approval of
28 the commissioner.

29 (b) Members of the immediate family of a chief school administra-

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tor may not be employed by the chief school administrator except upon
written approval of the school board [APPROV. L OF THE COMMISSIONER].

* Sec. 6. AS 14.14.170, 14.14.180, 14.14.190 and 14.14.200 are repealed.

* Sec. 7. AS 14.40.700 - 14.40.730 are repealed.

* Sec. 8. Sections 1 - 6 of this Act take effect immediately in
accordance with AS 01.10.070(c).

* Sec. 9. Section 7 of this Act takes effect July 1, 1979.



OFFICIAL BUSINESS

Alaska State Legislature

Senate

POUCH V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

MEMORANDUM

TO: Senator Glen Hackney
Chairman Senate HESS Committee

DATE: April 4, 1979

FR: Senator Frank Ferguson

SUBJ: CSHB 211

Following is an explanation of the amendment I proposed to the House HESS Committee which resulted in some of the changes incorporated in CSHB 211:

Sec. 2 of CSHB 211 allows the REAA's to establish advisory school boards. This new section 14.08.046 reads exactly the same as 14.12.035 (attached) which allows borough school districts to establish advisory school boards.

Sec. 6 of CSHB 211 repeals all sections of the statutes which relate to Community School Committees for the REAA's. (all sections attached). AS 14.14.170 establishes the community school committees. AS 14.14.180 relates to the qualifications of the community school committee members. AS 14.14.190 relates to the terms of office of community school members. AS 14.14.200 relates to the duties of community school committee members.

The amendments I proposed to CSHB 211 repeal all sections of the statutes relating to Community School Committees for the Regional Educational Attendance Areas; and adds a section to the statutes which allows the REAA's to establish advisory school boards. These amendments put the REAA's on the same footing as the Borough School Districts.

cc: Sen. Colletta
Sen. Sturgulewski
Sen. Fahrenkamp

school board shall be determined in the manner prescribed by AS 29.23.020.

(d) Each city or borough school district that is operating schools on a military reservation under § 20(a) of this chapter has one nonvoting delegate from the military reservation or reservations to the school district board to advise and assist the board in matters relating to the military reservation schools operated by the school district and to act as liaison between the board and the military community. The nonvoting delegate shall be appointed by the state Board of Education, shall serve at the pleasure of the state Board of Education, and shall be an inhabitant of the area served by the military reservation schools operated by the school district by contract. If an elected community school committee is established on a military reservation, the only inhabitants of that military reservation who are eligible for appointment as the nonvoting delegate are those inhabitants who are members of the elected school committee. (§ 1 ch 98 SLA 1966; am § 1 ch 71 SLA 1969; am § 1 ch 83 SLA 1974; am § 2 ch 13 SLA 1975; am § 6 ch 124 SLA 1975)

Effect of amendments. — The 1974 amendment added subsection (c).

The first 1975 amendment, effective March 16, 1975, added subsection (d).

The second 1975 amendment, effective July 1, 1975, deleted "from among the

membership of the advisory school board if there is an elected advisory board" following "state Board of Education" in the second sentence of subsection (d) and added the third sentence of that subsection.

Sec. 14.12.035. Advisory school boards in borough school districts. A borough school district board may establish advisory school boards, and by regulation shall prescribe their manner of selection, organization, powers and duties. (§ 1 ch 81 SLA 1974)

Sec. 14.12.040. Transition. The transition from a five-man to a seven-man school board shall be made at the regular election following, or being held within 90 days preceding, the completion of the second regular school term during which the district maintains an average daily membership exceeding 5,000 or at the regular election following the effective date of an ordinance increasing board membership as provided in § 30(a) of this chapter. Once the district has a seven-man school board, the number of members shall not be changed. (§ 1 ch 98 SLA 1966; am § 2 ch 71 SLA 1969)

Sec. 14.12.050. School board terms. (a) The term of office of a member of a borough or city school board is three years and until a successor takes office. However, the members of a newly created five-man school board hold office for initial terms as follows: two for a term of three years, two for a term of two years and one for a term of one year, the terms being assigned to the members by lot. The members of a newly created seven-man school board hold office for initial terms as follows: three for a term of three years, two for a term of two years

School Boards is recognized as the organization and representative agency of the members of the school boards of the state. (§ 1 ch 98 SLA 1966)

Sec. 14.14.160. Cooperation and support of certain association functions. (a) The department and local districts may cooperate with the Association of Alaska School Boards in its inservice training program for school board members and in encouraging and fostering cooperation among the school boards affiliated with the Association of Alaska School Boards.

(b) School districts may expend district money to carry out the provisions of (a) of this section. (§ 1 ch 98 SLA 1966)

Sec. 14.14.170. Community school committees. (a) There is established a community school committee in each community or military reservation served by a school operated by a regional educational attendance area. If the regional educational attendance area school has an average daily membership of less than 251 pupils, the community school committee consists of three members. If the average daily membership is more than 250 pupils, the community school committee consists of five members.

(b) [deleted]

(c) In communities qualifying for three-member community school committees under (a) of this section, voters qualified under § 180 of this chapter may increase the committee to five members by referendum conducted at an election coinciding with an election for community school committee members. In communities qualifying for five-member community school committees under (a) of this section, voters qualified under § 180 of this chapter may increase the committee to seven members by referendum conducted at an election coinciding with an election for community school committee members.

(d) The date of election for community school committee members is the same as that for regular municipal elections in the second class city having the largest population in the area served by the committee or, if there is no second class city within the area, on an annual election date for such elections fixed by regulations of the department.

(e) Elections under (c) and (d) of this section shall be conducted upon such notice and otherwise substantially in the same manner as regular municipal elections which are held within the largest second class city in the area served by the committee. If there is no second class city within the area, elections shall be conducted upon at least 10 days published or posted public notice of the election and of the question or nominees to be voted on and under general rules for the elections as may be promulgated by regulation of the department. Elections relating to community school committees shall be supervised by the regional school board but shall be administered within second class cities as part of the regular municipal election.

(f) Electe recall in ac except tha attendance the regiona or council u 1970; am § ch 53 SLA §§ 4, 5 ch

ERM " amen "enrol sentences of The secon subsections (The 197 "second" for (d) and thre The first subsection (f The secon July 1, 197 subsection reservation, school," and school distri to the end "which sha body of the on-base sch sentence in second sent The first March 16, borough sch state" from subsection The secon July 1, 19 community references throughout (f), substit attendance or borough the state" of subjecti attendance the second deleted su substituted department of director

Sec. 1 member

(f) Elected members of community school committees are subject to recall in accordance with the provisions of AS 29.28.130—29.28.250, except that the chief school administrator of a regional educational attendance area shall perform the functions of the municipal clerk, and the regional school board shall perform the functions of the assembly or council under those sections. (§ 1 ch 98 SLA 1966; am § 10 ch 46 SLA 1970; am § 12 ch 32 SLA 1971; am § 1 ch 101 SLA 1971; am §§ 23, 24 ch 53 SLA 1973; am § 1 ch 37 SLA 1974; am §§ 3, 4 ch 72 SLA 1974; am §§ 4, 5 ch 13 SLA 1975; am § 7 ch 124 SLA 1975)

Effect of amendments. — The first 1971 amendment substituted "membership" for "enrollment" in the second and third sentences of subsection (a).

The second 1971 amendment added subsections (c) (d), and (e).

The 1973 amendment substituted "second" for "fourth" twice in subsection (d) and three times in subsection (e).

The first 1974 amendment added subsection (f).

The second 1974 amendment, effective July 1, 1975, in the first sentence of subsection (a), inserted "or military reservation," deleted "and" following "a school," and added "or by a city or borough school district by contract with the state" to the end. The amendment also added "which shall be advisory to the governing body of the school district that operates the on-base schools" to the end of the first sentence in subsection (b) and added the second sentence of that subsection.

The first 1975 amendment, effective March 16, 1975, deleted "or by a city or borough school district by contract with the state" from the end of the first sentence of subsection (a) and repealed subsection (b).

The second 1975 amendment, effective July 1, 1975, substituted references to community school committees for references to advisory school boards throughout subsections (a) and (c) through (f), substituted "a regional educational attendance area" for "the state or by a city or borough school district by contract with the state" at the end of the first sentence of subsection (a) and "regional educational attendance areas" for "state-operated" in the second sentence of that subsection, and deleted subsection (b). The amendment also substituted "regulations of the department" for "regulation of the board of directors for state-operated schools" at

the end of subsection (d), substituted "department" for "board of directors for state-operated schools" at the end of the second sentence in subsection (e) substituted "regional school board" for "director of state-operated schools" in the third sentence of that subsection, and substituted "chief school administrator of a regional educational attendance area" for "director of state-operated schools" and "regional school board" for "board of directors for state-operated schools" in subsection (f).

Editor's note. — Section 9, ch. 72, SLA 1974 provides: "The term of office of a member of the Board of Directors for State-Operated Schools who is a resident of a military reservation whose schools are operated by a city or borough school district in accordance with a contract entered into under AS 14.14.110 by direction of the Department of Education shall be terminated on the effective date of the contract."

Section 10, ch. 72, SLA 1974 provides: "When on-base schools are operated by a city or borough school district by contract, the terms of office of those members of the on-base advisory school board that would expire during the transitional period shall be extended until the next regular municipal election provided for by AS 14.14.170(b), as amended by sec. 4 of this Act."

Section 8, ch. 13, SLA 1975, makes ch. 72, SLA 1974 effective on May 9, 1974, in accordance with AS 01.10.070(c).

Legislative committee reports. — For report on ch. 32, SLA 1971 (HB 111 am), see 1971 House Journal, p. 135. For report on ch. 53, SLA 1973 (CSHB 352), see 1973 House Journal, pp. 793, 855. For report on ch. 72, SLA 1974 (HCS CSSB 122 [Finance]) am. H., see 1974 House Journal, p. 519.

Sec. 14.14.180. Qualifications of community school committee members and voters. (a) A person may vote at an election for community

school committee members and may be elected to membership on a community school committee who

- (1) is a citizen of the United States;
- (2) has passed his 18th birthday;
- (3) is an inhabitant of the area served by the school for at least 30 days preceding the election.

(b) Election to a community school committee is not an election to a civil office of this state. (§ 1 ch 98 SLA 1966; am § 67 ch 32 SLA 1971; am § 5 ch 72 SLA 1974; am § 8 ch 124 SLA 1975)

Effect of amendments. — The 1971 amendment substituted "18th" for "19th" in subsection (a)(2).

The 1974 amendment repealed paragraph (4) of subsection (a).

The 1975 amendment, effective July 1, 1975, substituted references to community school committees for references to advisory school boards in subsection (a) and (b).

Editor's note. — Section 8, ch. 18, SLA 1975, makes ch. 72, SLA 1974, effective on May 9, 1974, in accordance with AS 01.10.070 (c).

Legislative committee reports. — For report on ch. 32, SLA 1971 (r1B 111 am), see 1971 House Journal, pp. 138, 404. For report on ch. 72, SLA 1974 (HCS CSSB 122 [Finance] am H), see 1974 House Journal, p. 519.

Sec. 14.14.190. Terms of office and vacancy. (a) The terms of the initial members of a three-member community school committee are one, two, and three years, respectively, and until a successor takes office. Thereafter, members shall be elected to terms of three years and until a successor takes office.

(b) Of the initial members of a community school committee which consists of five members, one member is elected for a one-year term, two members for a two-year term, and two members for a three-year term, and until a successor takes office. Thereafter, all members are elected to terms of three years and until a successor takes office.

(c) If a three-member community school committee is increased to a five-member committee, the two additional members are elected for terms of two years and three years respectively. Thereafter, all members are elected to three-year terms. If a five-member committee is increased to a seven-member committee, the two additional members are elected for terms of two years and three years respectively. Thereafter, all members are elected to three-year terms and until a successor takes office.

(d) Vacancies on community school committees will be filled by the remaining members until the next regular election. At that time an election will be held for the remaining portion of the term. (§ 1 ch 98 SLA 1966; am § 2 ch 101 SLA 1971; am § 9 ch 124 SLA 1975)

Effect of amendments. — The 1971 amendment, in subsection (c), deleted the phrase "of advisory school board"

following "advisory school board" in the first sentence and added the third and fourth sentences.

The 1975 amendment substituted "school committee" for "advisory school board" in subsections

Sec. 14.14. and make re attendance ; operation of t and function: 98 SLA 1966

Effect of a amendment, eff this section.

Article 2.

- Section
- 250. Establishm
- 260. Compositi
- 270. Compensa
- 280. Functions

Editor's not 1972, provides: the legislature provide an o people of Alas institutions

Sec. 14.1 create a co people in s

Sec. 14.1 consist of affairs, ed endeavor, from the 1 of minority; manner pr and shall designated (1972)

The 1975 amendment, effective July 1, 1975, substituted references to community school committees for references to advisory school boards in the first sentence of subsections (a) and (b), throughout subsection (c), and in subsection (d), and deleted "each" preceding "until a successor takes office" in the first sentence of subsections (a) and (b).

Sec. 14.14.200. Duties. A community school committee shall review and make recommendations to the board of the regional educational attendance area concerning the curriculum, program and general operation of the local school and shall exercise additional responsibilities and functions as may be delegated by the regional school board. (§ 1 ch 98 SLA 1966; am § 11 ch 46 SLA 1970; am § 10 ch 124 SLA 1975)

Effect of amendment. — The 1975 amendment, effective July 1, 1975, rewrote this section.

Article 2. Involvement of Young People in School Governance.

Section	Section
250. Establishment of committee	290. Interns
260. Composition and chairman	300. Appointment to district committees or other advisory bodies
270. Compensation and per diem	310. Definitions
280. Functions of the committee	

Editor's note. — Section 1, ch. 40, SLA 1972, provides: "Purpose. It is the intent of the legislature in enacting this statute to provide an opportunity for the young people of Alaska to become involved in the institutions and processes of local government and school governance comparable to that embodied in AS 44.19.777 — 44.19.787 (enacted in ch. 121, SLA 1971), providing for participation in the executive branch of state government."

Sec. 14.14.250. Establishment of committee. A school board may create a committee or other advisory body on the involvement of young people in school governance. (§ 4 ch 40 SLA 1972)

Sec. 14.14.260. Composition and chairman. The committee may consist of not more than nine members, drawn from the fields of public affairs, education, the sciences, the professions, other fields of private endeavor, from the state or local service, and three additional members from the 17—22 age group, and shall include women and representatives of minority groups. The members shall be appointed by the board in the manner prescribed by the board without regard to political affiliation and shall serve at the pleasure of that body. One member shall be designated by the board as chairman of the committee. (§ 4 ch 40 SLA 1972)

to this state, the governor shall execute the Compact on behalf of the state and perform other acts requisite to its formal ratification and promulgation. (§ 3 ch 164 SLA 1955)

Sec. 14.40.685. Provisions of services. State participation under Articles VIII and XIII of the Western Regional Higher Education Compact shall be limited to the provision of adequate services and facilities in the fields of law, dentistry (to include dental hygiene), medicine, public health, veterinary medicine, pharmacy, physical therapy, occupational therapy, optometry, podiatry, forestry and graduate library studies. (§ 2 ch 70 SLA 1971; am § 1 ch 96 SLA 1972; am § 1 ch 78 SLA 1974)

Effect of amendments. — The 1972 amendment deleted "provided for in the original compact, namely services and facilities" following "facilities" and inserted "law" preceding "dentistry."

The 1974 amendment added the language beginning "pharmacy, physical therapy" to the end of the section.

Editor's note. — Section 3, ch. 78, SLA 1974 provides: "On the effective date of this Act, the administration of the state's participation in the Western Regional Higher Education Compact (AS 14.40.660—14.40.695) shall be transferred from the Office of the Governor to the Alaska Commission on Postsecondary Education."

Sec. 14.40.690. Members of the commission. (a) The governor, with the advice and consent of the legislature, shall appoint the members for this state of the Western Interstate Commission for Higher Education, created under the provisions of Article III of the Western Regional Higher Education Compact.

(b) The qualifications and terms of office of the members of the commission of this state shall conform with the provisions of Article IV of the Compact.

(c) The commissioners shall serve without compensation and shall be reimbursed for actual and necessary expenses by the Western Interstate Commission for Higher Education. (§ 4 ch 164 SLA 1955)

Sec. 14.40.695. Administration. The Alaska Commission on Postsecondary Education shall administer the state's participation in the Western Regional Higher Education Compact. (§ 2 ch 78 SLA 1974)

Editor's note. — Section 3, ch. 78, SLA 1974 provides: "On the effective date of this Act, the administration of the state's participation in the Western Regional

Higher Education Compact (AS 14.40.660—14.40.695) shall be transferred from the Office of the Governor to the Alaska Commission on Postsecondary Education."

Article 8. Compact for Education.

Section
700. Entry into Compact
710. Terms and provisions of Compact

Section
720. Execution of Compact by governor
730. Members of the commission

Sec. 14.40.700. Entry into Compact. The Compact for Education is enacted into law and entered into in behalf of the State of Alaska with

all other states and jurisdictions legally joining in it in a form substantially as contained in § 710 of this chapter. (§ 1 ch 108 SLA 1966)

Sec. 14.40.710. Terms and provisions of Compact. The terms and provisions of the Compact referred to in § 700 of this chapter are as follows:

COMPACT FOR EDUCATION.

ARTICLE I. PURPOSE AND POLICY.

Section A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional educational and lay leadership on a nationwide basis at the state and local levels.

2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

3. Provide a clearing house of information on matters relating to educational problems and how they are being met in different places throughout the Nation, so that the executive and legislative branches of State Government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of State and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

Section B. It is the policy of this Compact to encourage and promote local and State initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and States.

Section C. The party States recognize that each of them has an interest in the quality and quantity of education furnished in each of the other States, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the Nation, and because the products and services contributing to the health, welfare and economic advancement of each State are supplied in significant part by persons educated in other States.

ARTICLE II. THE COMMISSION.

Section A. The Education Commission of the States, hereinafter called "the Commission," is hereby established. The Commission shall consist of seven members representing each party State. In addition to any other principles or requirements which a State may establish for the appointment and service of its members of the Commission, the guiding principle for the composition of the membership on the Commission from each party State shall be that the members representing such State shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the State Government, higher education, the State education system, local education and lay and professional public and nonpublic educational leadership. In addition to the members of the Commission representing the party States, there may be not to exceed ten nonvoting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

Section B. The members of the Commission shall be entitled to one vote each on the Commission. No action of the Commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the Commission are cast in favor thereof. Action of the Commission shall be only at a meeting at which a majority of the Commissioners are present. The Commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the Commission may delegate the exercise of any of its powers to the steering committee or the Executive Director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to Article III and adoption of the annual report pursuant to Article II (j).

Section C. The Commission shall have a seal.

Section D. The Commission shall elect annually, from among its members, a chairman, who shall be a Governor, a vice chairman and a treasurer. The Commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the Commission, and together with the treasurer and such other personnel as the Commission may deem appropriate shall be bonded in such amount as the Commission shall determine. The executive director shall be secretary.

Section E. Irrespective of the civil service, personnel or other merit system laws of any of the party States, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the Commission, and shall fix the duties and compensation of such personnel. The Commission in its bylaws shall provide for the personnel policies and programs of the Commission.

Section F. The Commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

Section G. The Commission may accept for any of its purposes and functions under this Compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any State, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the Commission pursuant to this paragraph or services borrowed pursuant to paragraph (f) of this Article shall be reported in the annual report of the Commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

Section H. The Commission may establish and maintain such facilities as may be necessary for the transacting of its business. The Commission may acquire, hold, and convey real and personal property and any interest therein.

Section I. The Commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The Commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party State..

Section J. The Commission annually shall make to the Governor and legislature of each party State a report covering the activities of the Commission for the preceding year. The Commission may make such additional reports as it may deem desirable.

ARTICLE III. POWERS.

In addition to authority conferred on the Commission by other provisions of the Compact, the Commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.
2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.
3. Develop methods for adequate financing of education as a whole and at each of its many levels.
4. Conduct or participate in research of the types referred to in this Article in any instance where the Commission finds that such research is necessary for the advancement of the purposes and policies of this Compact, utilizing fully the resources of national associations, regional

compact organizations for higher education, and other agencies and institutions, both public and private.

5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this Compact.

ARTICLE IV. COOPERATION WITH FEDERAL GOVERNMENT.

Section A. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the Federal Government, the United States may be represented on the Commission by not to exceed ten representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to Federal law, and may be drawn from any one or more branches of the Federal Government, but no such representative shall have a vote on the Commission.

Section B. The Commission may provide information and make recommendations to any executive or legislative agency or officer of the Federal Government concerning the common educational policies of the States, and may advise with any such agencies or officers concerning any matter of mutual interest.

ARTICLE V. COMMITTEES.

Section A. To assist in the expeditious conduct of its business when the full Commission is not meeting, the Commission shall have a steering committee of thirty-two members which, subject to the provisions of this Compact and consistent with the policies of the Commission, shall be constituted and function as provided in the bylaws of the Commission. One-fourth of the membership of the steering committee shall consist of Governors, one-fourth shall consist of legislators, and the remainder shall consist of other members of the Commission. A Federal representative on the Commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the Commission shall be elected as follows: sixteen for one year and sixteen for two years. The chairman, vice chairman, and treasurer of the Commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the Commission at its next regularly ensuing

meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee; provided that service for a partial term of one year or less shall not be counted toward the two term limitation.

Section B. The Commission may establish advisory and technical committees composed of State, local, and Federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the States concerned, be established to consider any matter of special concern to two or more of the party States.

Section C. The Commission may establish such additional committees as its bylaws may provide.

ARTICLE VI. FINANCE.

Section A. The Commission shall advise the Governor or designated officer or officers of each party State of its budget and estimated expenditures for such period as may be required by the laws of that party State. Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party States.

Section B. The total amount of appropriation requests under any budget shall be apportioned among the party States as follows: one-third in equal shares; and the remainder in proportion to the population of each party State as shown in the most recent decennial census of population taken by the United States Bureau of the Census, or any agency successor thereto.

Section C. The Commission shall not pledge the credit of any party State. The Commission may meet any of its obligations in whole or in part with funds available to it pursuant to Article II (g) of this Compact, provided that the Commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it pursuant to Article II (g) thereof, the Commission shall not incur any obligation prior to the allotment of funds by the party States adequate to meet the same.

Section D. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the Commission.

Section E. The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party States and by any persons authorized by the Commission.

Section F. Nothing contained herein shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

ARTICLE VII. ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL.

Section A. This Compact shall have as eligible parties all States, Territories, and Possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a Governor, the term "Governor," as used in this Compact, shall mean the closest equivalent official of such jurisdiction.

Section B. Any State or other eligible jurisdiction may enter into this Compact and it shall become binding thereon when it has adopted the same; provided that in order to enter into initial effect, adoption by at least ten eligible party jurisdictions shall be required.

Section C. Any party State or jurisdiction may withdraw from this Compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing State or other jurisdiction has given notice in writing of the withdrawal to the Governors of all other party States and jurisdictions. No withdrawal shall affect any liability already incurred by or chargeable to a party State or jurisdiction prior to the time of such withdrawal.

ARTICLE VIII. CONSTRUCTION AND SEVERABILITY.

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any State or of the United States, or the applicability thereof to any Government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any Government, agency, person, or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any State participating therein, the Compact shall remain in full force and effect as to the State affected as to all severable matters.

ARTICLE IX. STATE DEFINED.

As used in this Compact, "State" means a State, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. (§ 1 ch 108 SLA 1966; am §§ 1 — 4 ch 30 SLA 1967)

Revisor's note. — Chapter 30, SLA 1967, is from the Model Compact for Education.

Sec. 14.40.720. Execution of Compact by governor. Upon ratification and approval of the Compact for Education by 10 or more of the eligible party jurisdictions, including the State of Alaska, the governor shall execute the Compact on behalf of the state and perform other acts requisite to its formal ratification and promulgation. (§ 1 ch 108 SLA 1966)

Sec. 14.40.730. Members of the commission. (a) One of the commission members shall be the governor; one shall be the state commissioner of education; two shall be members of the state legislature selected by its respective houses and serving in such manner as the legislature may determine; one shall be the president of the state Board of Education; and two shall be appointed at large by and serve at the pleasure of the governor.

(b) The terms of office of the at-large members shall be four years; provided, however, that the first members shall be appointed as follows: one for two years, and one for four years. Each member shall hold office until his successor is appointed and qualified.

(c) The legislative and at-large members of the commission shall not receive compensation for their services, but they shall receive the travel expenses and per diem provided by AS 39.20.180 (2). (§ 1 ch 108 SLA 1966)

Article 9. Scholarship Loans and Tuition Grants.

Section	Section
751. Loan and tuition funds created	773. [Repealed]
753. Financial aid committee	776. Tuition grants
755. Applications	781. Limitation on grants
757. Administration of program	786. Conditions of grants
759. Undergraduate loans	791. Eligibility of students
761. Graduate loans	796. Application and certification
763. Conditions of loans	801. Fiscal and business management practices
765. Eligibility of students	806. Definitions
767. Selection criteria	
769. Discrimination prohibited	
771. Enforceability of certain contracts with minors	

Repeal of former article. — Section 2, ch. 98, SLA 1971 repealed former Article 9, entitled "Scholarship Grants and Loans." The former article consisted of §§ 14.40.750

— 14.40.849, and derived from ch. 112, SLA 1968, and ch. 230, SLA 1970. Former AS 14.40.830 had been previously repealed by § 14, ch. 230, SLA 1970.

HB

249

CSHB 249
By: State Affairs Comm.
Orig: Elson

"An Act relating to the ~~formation~~
of the Ok. Pioneer Home Advisory
Board; and providing for its
effective date."

Introduced 3-9-79
Logged 3-14-79
Referrals Judiciary & Finance
Comm. meeting 3-14-79 held 4-4-79 passed
" active
|

Spiff Newberry - Director benefits
Dore Kuller
Glenn: Atty. Gen. J. A. McLean (James) - notified
" member of Pioneer Advisory Bd
will be in attendance! He did
ask what time meeting was!!

Pioneers'
Home
Advisory
Board
(membership)

HOUSE BILL NO. 249, by Rep. Eliason. Amends AS 44.21.120, Composition of the Board, to include selection of an additional member by the resident council who will be present during the annual inspection by the board and who will have full voting privileges during the annual inspection and review meeting. Term of office is one year. No effective

*History
HB 249*

Pioneers'
Home Advisory
Board
(membership)

HOUSE BILL NO. 249, (see page 248). Reported back to the House on March 9 by State Affairs with a majority recommending replace with SUBSTITUTE and that it do pass. Not concurring: Martin and Parker have no recommendation. SUBSTITUTE requires the appointment of one resident to the Advisory Board as a full-fledged member for a one-year term.

page 334

COMMITTEE REPORTS (House) (cont'd)

HB 249, cont'd

Outlines rotation system among the pioneers' homes for appointment of member from each of the resident councils of the different homes in the state. Outlines terms of members of the Advisory Board. Provides an effective date to take effect immediately. To Rules.

Pioneer's
Home Advis.
Board

HOUSE BILL NO. 249 (SUBSTITUTE) (see pp. 248; 334). SUBSTITUTE adopted and bill passed March 13, 37-0-1-2. Excused: Meekins. Absent: Bettlsworth, Brown. Effective date adopted.

the Feds footing the bill the first year but then the next couple of years the hands will be dipping into the general fund rather than deriving funds from receipts.

NOTE: This bill requires that state and muni agencies designate an employee as a liason with the State Library for the purpose of notifying the State Library of all data published or compiled with their respective agencies. Some of these agencies produce quite a bit of statistical/research material which, perhaps, might consume a great deal of time to the extent that an additional body (½ time maybe) might be needed by a few of the agencies to devote to this task. If so, this would require a few new bodies which doesn't appear in the fiscal note(s). May be this idea should be tossed out for discussion at tomorrow's hearing. Possibly, this is not a problem, but I'm just ~~thunking~~ ^{thunking} out loud.

CSHB 249 - This bill revises the composition of the Alaska Pioneers' Home Advisory Board. AS 44.21.120 states "The Alaska Pioneers' Home Advisory Board consists of seven members, appointed by the governor from among citizens of Alaska. The members of the board serve at the pleasure of the governor."

CSHB 249 would change the makeup of the board particularly in that the board members would be limited to the number of years they could serve on the board. CSHB 249 proposes the following changes:

(1) the governor would appoint six residents to serve on the board and this bill would stagger their ~~tenure~~ ^{on the board to three year terms.}

(2) in addition to the above mentioned six members, a representative from one of the Pioneers' Home would serve on the board. This member would serve on the board for a one year term and then another representative from one of the other Homes would serve on the board. This position would be rotating so that every year a representative from a different home would serve on the board.

CSHB 249 differs substantially from HB 249 in that CSHB 249 tacked on the provisions dealing with limiting the members' tenure on th board to staggered three year terms. HB 249 did not change the numerical makeup of the board (retained 7 board membership) or their tenure, but simply proposed that the board meet semi-annually and when the board inspected the different Homes a representative from the respective Home be placed on the board and have full voting privileges during the annual inspection and review meeting at that pioneers' home and serve for a term of one year.

B.C. McMurtrey, Manager, Anchorage Pioneer Home, feels that the original bill would be more beneficial to the residents as they would meet in their own surroundings and environment, understand better how the homes operate, would be in a better psition to offer suggestions, recommendations, and criticism. (see attached letter).

*Our copies
Do not remove from file*

Original sponsor: Eliason

Offered: 3/9/79
Referred: Rules

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR HOUSE BILL NO. 249
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 ELEVENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to the membership of the Alaska
7 Pioneers' Home Advisory Board; and providing for an
8 effective date."

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

10 * Section 1. AS 44.21.120 is repealed and re-enacted to read:

11 Sec. 44.21.120. MEMBERSHIP OF THE BOARD. (a) The Alaska
12 Pioneers' Home Advisory Board is composed of the following members:

- 13 (1) six individuals appointed by the governor who are resi-
14 dents of the state; and
- 15 (2) one resident of a pioneers' home appointed by the
16 governor who has been recommended for appointment by the resident
17 council of a pioneers' home.

18 (b) The term of a member appointed under (a)(1) of this section is
19 three years. The term of the member appointed under (a)(2) of this
20 section is one year.

21 (c) The governor shall make the appointment required by (a)(2) of
22 this section so that, for each annual term, the member appointed is
23 recommended by the resident council of a different pioneers' home.
24 Beginning July 1, 1979 the order of rotation among the pioneers' homes
25 shall be as follows:

- 26 (1) resident council of the Sitka Pioneers' Home;
- 27 (2) resident council of the Fairbanks Pioneers' Home;
- 28 (3) resident council of the Palmer Pioneers' Home;
- 29 (4) resident council of the Anchorage Pioneers' Home.

1 * Sec. 2. The terms of members of the Alaska Pioneers' Home Advisory
2 Board appointed by the Governor before July 1, 1979 expire on June 30, 1979.
3 Notwithstanding the provisions of AS 44.21.120(b), the initial terms of
4 members of the Pioneers' Advisory Board appointed by the governor under
5 AS 44.21.120(a)(1) are as follows:

- 6 (1) two members shall serve terms ending June 30, 1980;
7 (2) two members shall serve terms ending June 30, 1981;
8 (3) two members shall serve terms ending June 30, 1982.

9 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
10 070(c).

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF ADMINISTRATION

DIVISION OF PIONEERS' BENEFITS

ANCHORAGE PIONEERS' HOME
923 W. 11TH STREET
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3414

March 15, 1979

Honorable Glenn Hackney
Senator
Pouch V
Juneau, AK 99811

My dear Senator Hackney:

I am writing in regard to C.S. for House Bill 249, an act relating to the membership of the Alaska Pioneers' Home Advisory Board.

I supported the original bill H.B. 249 and thought it would be very beneficial to the residents and the Home as a whole. However, the C.S. for H.B. 249, Section 2C, I cannot support. The rest of the bill I support.

Section 2C would allow the Governor to appoint a member from the Sitka Home with recommendations from the resident council to serve on the Board, rotating with each Home every year. This member would be required to travel to each Home at least twice a year.

I question if this would be in the best interest of the resident due to the stress and strain and the average resident being 80 years of age. This would also eliminate many residents from serving on the Board due to the fact they could not travel. Many residents are in wheel chairs, walkers, have physical handicaps, etc., who otherwise would make a very good member of the Board.

I further question if the residents actually are concerned about the other Homes of which they know nothing. They are concerned about their own Home.

I am forming my opinions and conclusions by the residents in this Home, which I work with every day.

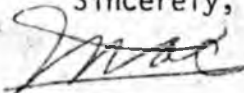
HB 249
March 15, 1979
page -2-

The original bill would have a resident from each Home chosen by the resident council to serve on the Advisory Board with the same voting rights and privileges as other members when the Board meets at their Home. The original bill 249 would not restrict who could serve.

I feel the original bill would be more beneficial to the residents as they would meet in their own surroundings and environment, understand better how the Homes operate, would be in a better position to offer suggestions, recommendations, and criticism.

I feel this is deserving of your support. If I can assist in any way don't hesitate to call.

Sincerely,



B.L. McMurtrey
Manager
Anchorage Pioneers' Home

BLM/mic

HB

317

Introduced 4-25-79
Logged - 4-26-79
Referred Commerce
Comm. Meeting
Comm. action

CSHB 317 (Kules) ^{SHES 79 + 80} let designating program
By: Rules Comm. and activities for relief and
terminations under AS 44.66 and
providing for an effective date.

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

HB 317
AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDING

FINANCE DIVISION
POUCH WF—STATE CAPITOL

JUNEAU, ALASKA 99811

February 28, 1979

M E M O R A N D U M

TO: The Honorable Terry Gardiner
Speaker
Alaska House of Representatives
State of Alaska

FROM: Jim Duncan
Chairman
Legislative Budget and Audit Committee

SUBJECT: Transmittal of a Bill recommending designated
programs be subject to termination under the
Sunset Review Law.

In accordance with AS 44.66.030 of the Sunset Law the enclosed bill is forwarded.

This bill contains programs and activities recommended by the Legislative Budget and Audit Committee that will be subjected to the "Sunset" process. If enacted into Law, designated programs and activities will terminate July 1, 1980.

HB

411

CSHB 477 (Hess) Prohibit any discrimination in
Education in the state and
By Judiciary implementing Art. 1, sec. 3 of the
Alaska Constitution.

Introduced 2-4-80 S HESS 79-80
2/5/80 Filed by
Linda Lee
Logged 2-4-80
Referrals Judiciary
Comm. meeting 4-11-80 - held
" acted

||||| | |||| | |||

- I Notify Janet Bradley - 3566
 Jim Erickson 3824 (Rep Parker)
 - ii Notify Margaret Holland
 she is a member of Women Voters club is employed
 by State Dept. of Transport phone 4070
 - iii Notify Susan Buttrille (Petersburg)
 772-3523
- * Polly Lee - Petersburg Box 251-4772-2251

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB-411

Title An Act prohibiting sex discrimination in education in the state...

Requested by House HESS

Date April 2, 1979

II. FISCAL DETAIL

Agency Affected Education

Program Category Affected Education Program Support, Executive Administration

Budget Request Unit(s) Affected K-12, Program Evaluation, Boards and Commissions

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

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

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

This bill has no fiscal impact.

IV. DATE April 2, 1979

PREPARED BY William D. Thorsen

AGENCY Education

PHONE 465-2800

Original: Legislative Finance

o. Budget and Management

Prime Sponsor (First Legislator Named)

HB

446

COMMITTEE REPORT
SENATE

FURTHER: None

4/27/79

Date: 3/26/80

Mr. President:

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had HB 446

terminating existence of the Board of Psychologist & Psychological Assoc. Examiners on January 1, 1981

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]
CHAIRMAN
DO PASS

Introduced 4-5-79

Logged 4-27-79

Referrals none

Committee Hearing 3-26-80

" actual record taken Senate Room @ 8:30 AM

HB 446 "An Act terminating ~~the~~ ^{the} ~~1979-80~~
the Bd. of Psychological & Psychological
Assessment Examiners on June 1, 1981
& reassigning its payment of fees to
Dept. of Commerce & Economic Development
on effective date"

Sec. 08.03.010. Termination, continuation and reestablishment of regulatory boards. (a) Boards listed in this subsection have a termination date of June 30, 1979:

- (1) Board of Chiropractic Examiners (AS 08.20.010);
- (2) Board of Dental Examiners (AS 08.36.010);
- (3) State Medical Board (AS 08.64.010);
- (4) Board of Nursing (AS 08.68.010);
- (5) Board of Dispensing Opticians (AS 08.71.010);
- (6) Board of Examiners in Optometry (AS 08.72.010);
- (7) Board of Pharmacy (AS 08.80.010);
- (8) Board of Veterinary Examiners (AS 08.98.010);
- (9) Board of Psychologist and Psychological Associate Examiners (AS 08.86.010);
- (10) Board of Nursing Home Administrators (AS 08.70.010);
- (11) Physical Therapy Board (AS 08.84.010).

(b) Boards listed in this subsection have a termination date of June 30, 1980:

- (1) Board of Public Accountancy (AS 08.04.010);
- (2) Board of Barber Examiners (AS 08.12.010);
- (3) Collection Agency Board (AS 08.24.011);
- (4) Board of Hairdressing and Beauty Culture Examiners (AS 08.28.010);
- (5) Board of Electrical Examiners (AS 08.40.010);
- (6) State Board of Registration for Architects, Engineers and Land Surveyors (AS 08.48.011);
- (7) Guide Licensing and Control Board (AS 08.54.010);
- (8) Board of Marine Pilots (AS 08.62.010);
- (9) Real Estate Commission (AS 08.88.011);
- (10) Board of Welding Examiners (AS 08.99.010);
- (11) Board of Governors of the Alaska Bar Association (AS 08.08.040).

(c) Upon termination, each board listed in (a) and (b) of this section shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs. During this period, termination does not reduce or otherwise limit the powers or authority of each board. One year after the date of termination, a board not continued shall cease all activities.

(d) The termination, dissolution, continuation or reestablishment of a regulatory board shall be governed by the legislative oversight procedures of AS 44.66.050.

(e) A board scheduled for termination under this chapter may be continued or reestablished by the legislature for a period not to exceed four years. (§ 2 ch 149 SLA 1977)

Title 7
Boroughs

Title 8
Business and Professions

Title 6
Banks and Financial
Institutions