

ALASKA LEGISLATURE COMMITTEE REPORT 1907-7100

3991 SHEB - HB 215 - HB 228

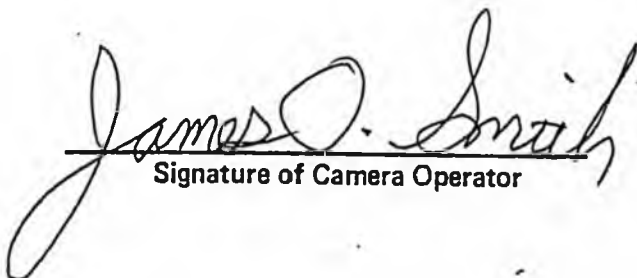
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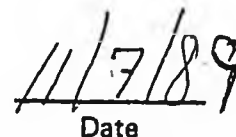


RECORDS CERTIFICATION



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Signature of Camera Operator


Date

HPB

215

Senate Health, Education and Social Services Committee

Legislation Checklist

Bill number: *HB 215*

Sponsor: *Herman*

Date referred to committee: *8/2 9/9*

Synopsis completed:

Fiscal note:

Further referrals: *Finance*

CONTACTS:

✓ Hermann

✓ Puffer

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

4/14/85

Date 5-7-85

Mr. President

The Committee on HESS considered CSHB 2.5 (Fin)
state assistance for community health aide programs; eid.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt 5 CS for CS HB 215 (Fin) ^{HESS}
- new title
- same title and recommends Pass ^{HESS}
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Joe P. Jachson
Chris Stuzgulinski
Ed. ...
...

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

North Slope Borough
Health and Social Services
Agency

Box 98
Barrow, Alaska 99723

(907) 852-3399

May 3, 1985

Adelheid Hermann, Representative
Alaska State Legislature
House of Representatives
Pouch Y
Juneau, Alaska 99811

Ref: SB 215

The North Slope Borough strongly urges you to support and endorse SB215 or commonly referred to as the Community Health Aide Bill. SB215 addresses the basic issue of continued education, training, and skill development needed in order to insure and maintain our primary health care providers with the opportunity to practice quality health services in our Rural Alaskan Villages.

I realize last years Community Health Aide Bill 048 was new and the role of the health aide was not clearly acknowledged as the primary provider for delivering health care services to our Rural Alaskan Citizens. Thus with SB215 in the second year, we are all informed and aware of the responsibilities, demands, and significance of the health aides in terms of the State's history involving Rural Health Care.

At this time it saddens me to admit to you that the North Slope Borough is not receiving any State support for our Community Health Aide Program. The necessity of State assistance with health aide training, direct supervision, and skill development is imperative to validate and substantiate the basic continuance of our Primary Health Aide Services throughout the Borough; especially during these times of declining revenues.

SB 215
Page 2
May 2, 1986

The twelve regions are committed to the Community Health Aide Program. Most Regional Corporations began their respected Health Departments centered around the Community Health Aide Program. Now new Regional Village Health Clinics are developed; telemedicine or telehealth services are becoming operable; additional supportive professional staff is available; regionalized accredited health side training centers are emerging; but all is dependent upon one common denomination: The Community Health Aide.

SB215 is not asking for pay incentives. SB215 is not asking for additional accommodations. SB215 is asking the State to assist the Regions in order that they may continue with their basic training and education opportunities; enabling our Primary Health Care Providers to carry on their practice as Community Health Aides.

Sincerely,

Michael R. Stackhouse

Michael R. Stackhouse, Director
HSE Health and Social Services Agency

cc: Bettye H. Fahrenkamp, Chairperson, Senate HESS
Arliss Sturgulewski, Vice-chairperson, Senate HESS
Edna B. DeVries, Member, Senate HESS
Paul A. Fischer, Member, Senate HESS
Joe P. Josephson, Member, Senate HESS

MRS:awe

MEMORANDUM

TO: Representative Adelheid Herrmann

FROM: Deborah L. Greenberg

DATE: February 19, 1985

SUBJECT: Summary and purpose of the 1985 Community Health Aide Legislation

The problem with the Community Health Aide Program is that Community Health Aides (CHAs), who are local people at the forefront of providing primary health care in rural areas, are not able to complete the minimum training for certification.

This is because of a lack of funds for supervision, and a lack of funds to get CHAs trained in an reasonable period of time. This is a big problem because it means that people are practicing as Community Health Aides without the benefit of the minimum available training, and therefore individuals dependent upon their services could be receiving a higher standard of health care delivery.

A lack of training makes the job of a health aide more complicated and stressful and this leads to high turn-over. Periods of high-turnover may mean that no one is available to help people in remote areas with even the most basic health problems.

Federal Indian Health Service funds have never provided for adequate supervision and adequate training of CHAs in a reasonable period of time. This is why health organizations have pursued State funding. These State funds however do not replace federal funds.

The Community Health Aide Bill provides \$30,000 to each of the 12 Regional Health Corporations who administer health care throughout rural Alaska. Previously only 6 of the 12 Regional Health Organizations received state funding for training health aides. The bill establishes an equitable funding formula, and reflects a compromise reached by the 12 Regional Health Directors.

In addition there is an \$8,000 allocation for each CHA in each of the 12 regional corporations and in each of the three Local Health Organizations in Yakutat, Tyonek, and Metlakatla, respectively. These funds cover training and supervision of CHAs and compensation for alternate health aides who take over in the absence of a CHA.

The allocation of \$8,000 per health aide is also made available to a couple of remote communities who historically have not been covered under the Indian Health Service Program, for example, Thorn Bay and Port Alexander.

The fiscal note for the bill will be about \$450,000, which is about 550,000 less than last year's version. The Bill includes a provision freeing the state from any responsibility from injuries that may occur as result of providing these funds.

The CHA program has proved to be a very good way of providing low cost health services to remote and rural areas. The program is low cost for the State and for its recipients. The bill and funds are needed to ensure that an acceptable standard of health care is provided to the state's rural residents.

MEMORANDUM

TO: Representative Adelheid Herrmann

FROM: Deborah L. Greenberg, Legislative Aide

DATE: March 4, 1985

SUBJECT: Background Information on the Community Health Aide Program
and House Bill 215

A Community Health Aide, or CHA, is a para-professional health care provider who provides primary health care services in rural Alaska.

The CHAs are the link between rural communities and the appropriate health care back-up system. In many communities, the CHA is the only health care provider. They make the initial assessment of what kind of health problem a patient is having, and by working under the supervision of an Indian Health Service Physician, or other medical professional, may administer certain drugs, put in stitches, help deliver babies, or handle emergency health problems.

Most importantly, the Community Health Aides constitute the brigade of health care workers who work actively throughout rural Alaska to fight the spread of diseases such as hepatitis B, hepatitis A, and tuberculosis. Although the Community Health Aide Program is a rural health care program for communities with limited health care professionals, the work of Community Health Aides benefits the whole state. Preventing outbreaks of disease in rural areas, is an important factor in preventing statewide epidemics of contagious diseases.

As local people, the Community Health Aides can operate swiftly and effectively in reaching rural residents to administer vaccines. As local residents familiar with the problems in the communities where they work, the CHAs can break the ground in educating rural residents about how to prevent health problems and disease. For example, their role in preventive health care and health care education has helped decrease the incidence in infants of otitis media, which is a middle ear infection.

To become certified a Community Health Aide must complete three ten-week academic courses, serve in the field under the supervision of a physician, or other trained medical professional, and complete a rigorous examination. The courses are given at the Alaska Area Native Health Service in Anchorage, at the Norton Sound Health Corporation in Nome, and at the Kuskokwim Community College in Bethel.

The courses include learning how to make initial assessments of a medical situation, the administering of primary health care, and some training in handling emergency situations.

The problems with certification are that it takes too long to complete all the steps. A CHA may complete the first course, and then it might not be another year or two before there is enough funding to send a CHA back for the second and third course.

Representative Herrmann
March 4, 1985
Page Two

There are more delays in completing the "preceptorship", or the field internship, because of a lack of funds for the supervising physicians or other trained health care professionals to travel and oversee the CHAs. By practicing without certification, the State can not be assured of providing an acceptable level of health care to rural areas.

The other problem with not being certified, is that CHAs often work under a great deal of pressure, and without the proper training it leads to a great deal of frustration that leads to a high rate of turn-over among CHAs. The turn-over rate can lead to long period where a community has no health care personnel available. Bringing on someone new requires training them again.

Currently there are about 227 CHAs in the State and less than half of them are certified. These CHAs serve over 40,000 residents of all ethnic backgrounds in about 171 rural communities throughout the State.

The bill and the funding it provides would help solve the problems with the CHA program. Funding would be adequate to send CHAs in for courses and training in a timely fashion. By providing monies for physicians and other trained personnel to travel to rural areas it would be possible for CHAs to complete their preceptorships, receive the training they need and operate more effectively because of the supervision. In short the funds could pay for the necessary tuition and travel, for supervision and for alternate community health aides.

Federal funds have never been adequate for a CHA to complete the training, preceptorship, and pass the exam in an expeditious fashion. The State funds do not replace federal funds but help do what the federal funds have never done.

Currently there is a lack of standardization in the Community Health Aide Program throughout the State. There is a disparity between those regions who have been able to secure funding to get CHAs through the certification process, and those who have not. There is a disparity between those regions who have been able to secure state funding for alternates and those who have not.

House Bill 215 helps overcome this disparity by providing an equitable funding formula. Under the provisions of the bill the funds that were previously made available to only a few regions will now be shared among all the regions.

The bill would allow the state regulate Community Health Aides, and at the same time increase their level of performance by providing the funds necessary for CHAs to achieve certification.

HB 215
=

HB 215 STATE ASSISTANCE FOR COMMUNITY HEALTH AIDE PROGRAMS.
(HERMANN)

REGIONAL HEALTH CORPORATIONS (RURAL) PROVIDE COMMUNITY HEALTH AIDE SERVICES. RECEIVE SOME FEDERAL FUNDING (INDIAN HEALTH SERVICE); IN RECENT YEARS, SELECT CORPORATIONS HAVE RECEIVED LINE ITEM GRANTS FROM LEGISLATORS FOR THE SERVICE (INCLUDES TRAINING MONIES).

HB 215 PROVIDES A DISTRIBUTION SYSTEM FOR FUNDS, WHICH WOULD BE CHanneled THROUGH THE DEPT. HEALTH AND SOCIAL SERVICES.

EACH OF THE 12 CORPORATIONS WOULD RECEIVE \$30,000, AND AN ADDITIONAL \$8000 PER AIDE. (FISCAL NOTE \$416,000 ANNUALLY, BUT THIS IS IN ADDITION TO \$1.8 MILLION THAT'S IN THE GOVERNOR'S/HOUSE BUDGET.)

DEPARTMENT WILL PROPOSE AN AMENDMENT (SEE POSITION PAPER) TO CLARIFY THE DEFINITION OF "REGIONAL HEALTH ORGANIZATION".

DOES HERMANN SUPPORT? (~~PROBABLY~~ YES)

↳ she will also propose amending p. 3, line 19 to clarify that the Alaska Area Native Health Service is in Anchorage.

POSITION PAPER

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 215 (Finance)

For "An Act relating to state assistance for community health aide programs; and providing for an effective date".

This bill provides for expansion of financial assistance to nonprofit health organizations for training and supervision of community health aides. Funding will be provided through a two phased formula that allocates: 1) a \$30,000 base for each regional corporation serving more than 4,000 square miles plus \$8,000 for each primary CHA or similar individual who averages at least 20 hours of service a week; 2) for local entities providing services to less than 4,000 square miles, funding provided through this formula would be limited to \$8,000 per CHA. The bill also establishes a Community Health Aide Grant Account and requires the Department to report the amount necessary to meet the allocations outlined above to the legislature each year.

BACKGROUND

Community Health Aide

Community health aides provide primary health care to approximately 37,000 to 40,000 people in rural communities. A CHA is a community based medical paraprofessional who provides limited diagnostic and treatment services through standing orders or in radio/telephone consultation with Indian Health Service (IHS) or health corporation physicians. Health care training of a CHA is based on a standardized curriculum consisting of three basic sessions plus a preceptorship with a supervising physician at a medical center, periodic on-the-job training with a supervisor/instructor and continuing education sessions. Supervisor/instructors are employed by the corporations and are generally mid-level practitioners or registered nurses who conduct site visits one to three times per year for continuing education, skills evaluation and administration. In addition, state public health nurses provide education and support during their itinerant visits.

The number of CHAs per village varies with population size ranging from a half-time equivalent to a maximum of three. In addition to the primary CHA, alternates are also assigned to provide relief support and coverage during the absence of the primaries. Training for alternate aides varies widely with minimum standards that range from emergency trauma technician skills to completion of the first basic training session.

Historically the CHA program has been sponsored and funded by the federal IHS. This program was begun in 1967 although the concept and practices have a longer history. Until recently, financial support for the program rested solely with the federal government which contracted with regional or local corporations. Starting in FY 82, selected health corporations received designated state grants through direct legislative appropriation for support of CHA supervision and training. This trend has continued through the current

POSITION PAPER/Department of Health & Social Services

fiscal year with approximately \$1,040,000 being used to support programs administered by the Yukon-Kuskokwim Health Corporation, the Norton Sound Health Corporation, the Maniilaq Association, the Tanana Chiefs Conference, the Southeast Alaska Regional Health Corporation, the Aleutian/Pribilof Island Association, the Bristol Bay Area Health Corporation, the North Pacific Rim and the Copper River Native Association. The FY 86 Governor's Budget request maintains these grants, provides expansion of services to all twelve regional corporations and improves the level of training in selected underfunded corporation areas.

RECOMMENDATIONS

As currently written, the bill will restrict the base grant amount of \$30,000 to nonprofit corporations or home rule boroughs providing services to a rural area of at least 4,000 square miles. Because of the close relationships of the CHA programs to existing health corporations and IHS service unit facilities, the Department would prefer to see the base grants restricted to the existing corporations and the North Slope Borough which employed at least three health aides on July 1, 1984. This would tend to discourage fragmentation of the program. The Department recommends that the definition for regional health organization be modified as follows to reflect this concern:

- (6) "regional health organization" means a nonprofit corporation or home rule borough that provided community health aide services through a contract with the Alaska Area Native Health Service as of July 1, 1984 in a rural area that is at least 4,000 square miles.

POSITION

The Department of Health and Social Services recognizes the value of community health aides in providing primary medical care in rural communities and, with the adoption of the recommendation mentioned above, strongly supports the enhancement of supervision and training as provided by this bill.

Recommended by: Robert I. Fraser
Robert I. Fraser, M.D.
Director
Division of Public Health

Date: _____

Approved by: John R. Pugh
John R. Pugh
Commissioner
Department of Health and
Social Services

Date: 4-1-85

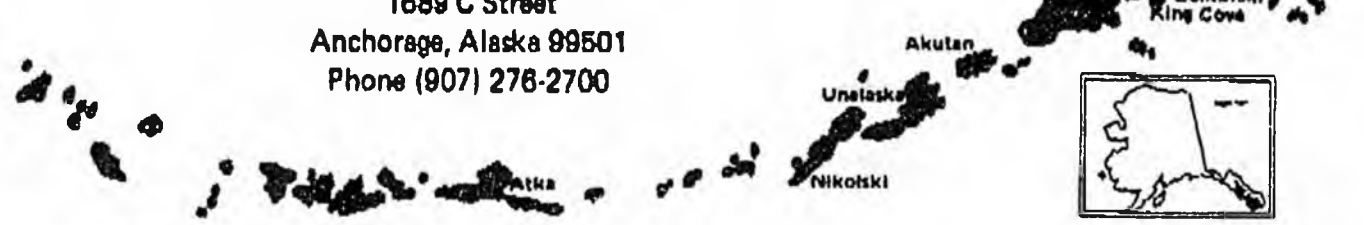
Aleutian/Pribilof Islands Association, Inc.

1689 C Street
Anchorage, Alaska 99501
Phone (907) 276-2700

St. Paul
St. George

Nelson Lagoon
False Pass
Sand Point
Bikofski
King Cove

Akulon
Unalaska
Nikolski



April 10, 1985

The Honorable Bettye M. Fahrenkamp
Chairman, Senate HESS
Pouch V
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

We of the Association of Regional Health Directors urge your support of House Bill 215- "An Act Relating to State Assistance for Community Health Aide Programs."

Community Health Aides (CHA's) are the sole frontline medical care providers in approximately 200 communities throughout the state. These village based health aides provide acute health care, health education and counseling, care for the chronically ill and are the first responders to village-based emergencies for both Native and non-Native rural Alaskans. We believe the health aide's role and level of responsibility for providing medical care services to Alaskan residents justifies the establishment of a basic level of state support for the CHA program.

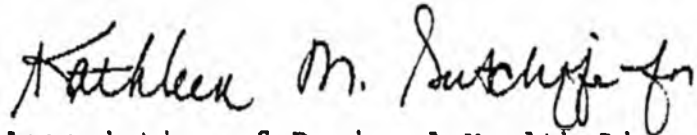
We recognize that the Federal Government has a commitment to the Native people of Alaska. Currently, basic federal funding of the program provides for CHA salaries and benefits, but does not adequately provide for quality assurance programs or continuing health aide training. State support for these two critical program activities is necessary to assure the provision of high quality, continuous health care services.

While most of us cannot be physically present for the Thursday HESS hearing of HB 215, we are in unanimous agreement that a strong Community Health Aide program is the critical link in and an essential prerequisite for the success of every component of the rural health care delivery system.

The Honorable Bettye M. Fahrenkamp
Chairman Senate HESS
Page Two
April 10, 1985

The passage of House Bill 215 will assure that all rural Alaskans receive the high quality medical care that they deserve.

Sincerely,



Association of Regional Health Directors

Niles Cesar, President
Association of Regional Health Directors

KMS:kkn

**Association of Regional Health Directors
of Alaska**

Aleutian/Pribilof Islands Association, Inc.
1689 "C" Street, Suite 205
Anchorage, Alaska 99501
(907) 276-2700
Kathleen M. Sutcliffe, Health Director

Bristol Bay Area Health Corporation
P.O. Box 10235
Dillingham, Alaska 99576
(907) 842-5101
Robert Clark, Health Director

Cook Inlet Native Association
670 West Fireweed Lane
Anchorage, Alaska 99503
(907) 278-4641
Jennifer Biusquet, Health Director

Copper River Health Department
Drawer H
Copper Center, Alaska 99573
(907) 822-5241
Ms. Billie Peters, Health Director

Kodiak Area Native Association
P.O. Box 172
Kodiak, Alaska 99615
(907) 486-5726
Willie Wolf, Health Director

The North Pacific Rim
611 East Twelfth
Anchorage, Alaska 99501
(907) 276-2121
Dick Rolland, Health Director

**North Slope Borough Health and
Social Services Agency**
P.O. Box 69
Barrow, Alaska 90723
(907) 852-3999
Mike Stackhouse, Health Director

Norton Sound Health Corporation
P.O. Box 966
Nome, Alaska 99762
(907) 443-5411
Carolyn Michels, Health Director

Southeast Alaska Regional Health Corporation
P.O. Box 2800
Juneau, Alaska 99803
(907) 789-2131
Miles Cesar, President

Tanana Chiefs Conference, Inc.
1321 - 21st Avenue
Fairbanks, Alaska 99701
(907) 452-2446
David Mather, Health Director

Yukon-Kuskokwim Health Corporation
P.O. Box 528
Bethel, Alaska 99559
(907) 543-3321
George Paratrovich, Health Director

Yukon-Kuskokwim Health Corporation
P.O. Box 528
Bethel, Alaska 99559
(907) 543-3321
Diana Silimperi, M.D.
Medical Director

Nancy - file HB 215

Village of Port Graham
General Delivery
Port Graham, Alaska 99603

February 28- 1985

MAR 5 1985

Representative Al Adams, House Finance Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Sirs:

We, residents of the Village of Port Graham support the Community Health
Aide Training Bill (H.B. 215). We feel that the passage of that bill is
very important as we greatly depend and need the Health Aide Services our
village is presently receiving.

Sincerely,

Francis Megerack
Joseph Megerack, Council member, V.P.S.O.,
The A.R.I.
Ephim Anahonak Jr
Martin Norman
Harvey Magerack
Luba Megerack
Alice Anahonak
Michey Anahonak
Dulene Malchett
Randy Norman
John N. Moonin
Connie Hedrick
Dorothy Norman
May Melick
Tina Malchett
Caril D. Munschuck

Debrah Melick
Jenia McMullen
Rechelle Hanson
St. O.
Alice Moonin
Jennie Tanape
Luba Anahonak
Eva Kamlusk
Vivian Gromack
Eileen McMullen
Lynn Hedrick
Lynn Tanape
Felicia Hedrick
Janita Norman
Ralph Ukatiak
Moya Munschuck
Moya Hedrick
Ephim Anahonak Jr
John F. Knapp
Luba Anahonak Sr
Linda Krasnikoff
Ognes Megerack

cc: House HESS Committee
Senate HESS Committee
SENATOR JOHN SACKETT, Senate Finance
SENATOR PAUL FISCHER
Representative Mike Navarre
Representative Andre Marrou

Wayne Norman
Wayne

MOVE THE HESS CS

HB 215 COMMUNITY HEALTH AIDES (REP. HERRMANN)

PROVIDES FINANCIAL ASSISTANCE TO NONPROFIT HEALTH ORGANIZATIONS
FOR TRAINING AND SUPERVISING OF COMMUNITY HEALTH AIDES.

ESTABLISHES AN EQUITABLE FUNDING FORMULA:

\$30,000 ANNUALLY TO EACH OF THE 12 REGIONAL HEALTH CORPORATIONS,
ADDITIONAL FUNDING ON A PER-AID⁷ BASIS

(CURRENTLY FUNDING IS PROVIDED AS LINE ITEMS IN THE BUDGET. ONLY
SELECTED HEALTH CORPORATIONS HAVE BENEFITTED FROM THESE STATE GRANTS.)

THERE IS A SENATE H.E.S.S. COMMITTEE SUBSTITUTE:

CHANGES RECOMMENDED BY THE SPONSOR AND DEPT. H&SS -- CLARIFIES
DEFINITIONS OF "PRIMARY COMMUNITY HEALTH AIDE" AND "REGIONAL
HEALTH ORGANIZATION".

FISCAL NOTE: \$441,300 (IN ADDITION TO \$1,758,000 CONTAINED IN
BOTH HOUSE AND SENATE VERSIONS OF THE OPERATING BUDGET.)

*Bradley
needed
Thanks*

NOTE: A COMMUNITY HEALTH AIDE IS A PARA-PROFESSIONAL WHO PROVIDES
DIAGNOSTIC AND TREATMENT SERVICES IN RURAL ALASKA. CERTIFICATION
IS AVAILABLE THROUGH COURSES OFFERED IN THE STATE. ARE APPROXIMATELY
227 HEALTH AIDES PRACTICING I THE STATE.

**STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date: May 6, 1985

REQUEST

Bill/Resolution No.: CSHB 215 (Fin)
 Title: Assistance for Community Health Aide Programs
 Sponsor: Rep. Herrmann, et al
 Requestor: _____
 Date of Request: 3/22/85

FISCAL DETAIL

Agency Affected: Dept. of Hlth. & Soc. Serv.
 Program Category Affected: Public Health
 BRU, Program or Subprogram(s) Affected: Hlth. Grants, RRIJ/ Comm. Hlth. Grants

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS		441.3	441.3	441.3	441.3	441.3
800 MISCELLANEOUS						
TOTAL OPERATING		441.3	441.3	441.3	441.3	441.3

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		441.3	441.3	441.3	441.3	441.3
FEDERAL FUNDS						
OTHER						
TOTAL		441.3	441.3	441.3	441.3	441.3

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See attached.

Prepared By: Robert I Fraser, M.D. ^{RIF/DJ} Phone: 465-3090
 Division: Public Health Date: 5/06/85

Approved by Commissioner: John R. O'Connell Date: 5/7/85 JCC
 Agency: Department of Health & Social Services

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget

Fiscal Analysis

CSHB 215 (Finance)

State Assistance for Community Health Aide Programs

Assumptions

Not applicable

Program Summary

This program will require an additional general fund appropriation of \$441.3 in the grants line for Health Grants BRU, Community Health Grants Component in FY 86.

Computation

State assistance to community health aide programs as specified in HB 215 would require a total FY 86 general fund appropriation of \$2,200.0 for grants. This calculation is based upon the following formula.

(1) \$30.0 per regional corporation to be used for expenses of conducting a community health aide program x 12 Corporations	\$ 360.0
(2) \$8.0 per each primary community health aide x 230 Aides	1,840.0
	<u>\$2,200.0</u>

The projected costs are based on incorporating the total amount requested in the House/Senate versions of FY 86 the Operating Budget as an offset for this bill. Current FY 86 budget for this program is as follows:

<u>House</u>	
Health Grants BRU, Community Health Grants Component	\$1,388.3
Norton Sound BRU, Health Services Component	103.8
Maniilaq BRU, Health Services Component	<u>266.6</u>
Total FY 86 Budget	\$1,758.7

<u>Senate</u>	
Health Grants BRU, Community Health Grants Component	\$ 963.8
Norton Sound BRU, Health Services Component	349.9
Maniilaq BRU, Health Services Component	187.1
Tanana Chiefs Conference BRU, Health Services Component	<u>257.9</u>
Total FY 86 Budget	\$1,758.7

Economic Impact

Not applicable

Impact on Local Government

Not applicable

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ARLISS STURGULEWSKI, Vice Chairman
JOE JOSEPHSON
PAUL FISCHER
EDNA ARMSTRONG-DE VRIES




POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate Committee on Health, Education and Social Services

M E M O R A N D U M

TO: Billy Berrier, Legislative Legal Division

FROM: Senator Bettye Fahrenkamp, Chairman 

RE: CS HB 215 (Finance)

DATE: April 11, 1985

Please prepare a draft committee substitute incorporating the following changes:

On page 3, line 19, insert in Anchorage after "Health Service".

On page 3, line 20, replace subsection (6) with:

(6) "regional health organization" means a nonprofit corporation or home rule borough that provided community health aide services through a contract with the Alaska Area Native Health Service as of July 1, 1984 in a rural area that is at least 4,000 square miles.

Return copies of the draft to Sandra Schubert of my staff in Room 125, Capitol. Please call her at 3834 if there are any questions.

F AAREN KAMP

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ARLISS STURGULEWSKI, Vice Chairman
JOE JOSEPHSON
PAUL FISCHER
EDNA ARMSTRONG-DE VRIES



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(907) 465-3835

Senate Committee on Health, Education and Social Services

TO: Members, Senate Committee on Health, Education and Social Services

FROM: Committee Staff

RE: Committee Meeting, May 7, 1985

DATE: May 6, 1985

On Tuesday, May 7, 1985 at 1:30 pm in the Beltz Room, the Senate Committee on Health, Education and Social Services will meet to take action on HB 215, An Act relating to state assistance for community health aide programs.

HB 215, which would provide financial assistance to nonprofit health organizations for training and supervising of community health aides, received a preliminary hearing by the committee on April 11. A committee substitute, incorporating amendments adopted at the earlier meeting, is attached.

In brief, HB 215 would establish an equitable funding formula, providing \$30,000 annually to each of the 12 Regional Health Corporations, and additional funding on a per-aide basis. The HESS C.S. clarifies the definitions of "primary community health aide" and "regional health organization".

Hein
5/3/85 ✓

Original sponsors: Herrmann, Wallis,
Shultz, et al

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IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

SENATE CS FOR CS FOR HOUSE BILL NO. 215 (HESS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to state assistance for community health aide programs; and providing for an effective date."

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

* Section 1. AS 18 is amended by adding a new chapter to read:

CHAPTER 28. STATE ASSISTANCE FOR COMMUNITY HEALTH AIDE PROGRAMS.

Sec. 18.28.010. COMMUNITY HEALTH AIDE GRANTS. (a) A qualified regional health organization is entitled to a grant of \$30,000 each fiscal year for the training and supervision of at least three primary community health aides.

(b) During each fiscal year a qualified regional health organization or local health organization is entitled to a grant of \$8,000 multiplied by the number of primary community health aides who each week during the previous fiscal year averaged at least 20 hours of service paid for by the health organization, but not to exceed the number of primary community health aides who were employed by the health organization on July 1, 1984.

(c) A grant under (b) of this section may be used only for

(1) training of primary community health aides, including tuition and travel to training programs;

(2) supervision of primary community health aides, including travel for supervisors;

(3) alternate community health aides.

(d) The department shall compute and pay a grant under this

1 section within the limits of appropriations made for the purpose.

2 Sec. 18.28.020. QUALIFICATIONS. To qualify for a community
3 health aide grant a regional or local health organization must

4 (1) have received money from the federal government for a
5 community health aide program during the fiscal year for which the
6 grant is sought;

7 (2) provide the services of community health aides on a
8 nondiscriminatory basis for the benefit of the public;

9 (3) apply for the grant in accordance with application
10 requirements of the department or negotiate a contract with the de-
11 partment in lieu of a grant if the regional or local health organi-
12 zation provides other contract services for the state; and

13 (4) supply information requested by the department.

14 Sec. 18.28.030. COMMUNITY HEALTH AIDE GRANT ACCOUNT. (a) The
15 community health aide grant account is established in the department.
16 Money to carry out the provisions of this chapter shall be appropri-
17 ated to the account and distributed as community health aide grants or
18 to fund contracts entered into by the department under AS 18.28.-
19 020(3).

20 (b) Each fiscal year the department shall determine the amount
21 of money needed to fund all grants under AS 18.28.010 and contracts
22 under AS 18.28.020(3) during the next fiscal year and shall report
23 that amount to the legislature. If the amount appropriated to the
24 account is not sufficient to finance all grants and contracts, the
25 money shall be distributed pro rata among qualified regional and local
26 health organizations.

27 Sec. 18.28.040. LIABILITY LIMITATION. The state is not liable
28 for any injury that may result from the use of money awarded by the
29 state as a community health aide grant or paid by the state under a

1 contract under this chapter.

2 Sec. 18.28.050. REGULATIONS. The department may adopt regula-
3 tions necessary to carry out the provisions of this chapter.

4 Sec. 18.28.100. DEFINITIONS. In this chapter

5 (1) "alternate community health aide" means a person who
6 assists the primary community health aide when necessary and acts in
7 the absence of the primary community health aide;

8 (2) "community health aide" includes a primary community
9 health aide and an alternate health aide;

10 (3) "department" means the Department of Health and Social
11 Services;

12 (4) "local health organization" means a nonprofit corpo-
13 ration or other entity that provides health services in a rural area
14 that is less than 4,000 square miles;

15 (5) "primary community health aide" means a person who has
16 completed the first of three levels of community health aide training
17 offered by the Norton Sound Health Corporation at the Nome Hospital,
18 the Kuskokwim Community College in Bethel, the Alaska Area Native
19 Health Service in Anchorage, or another accredited training center;

20 (6) "regional health organization" means a nonprofit corpo-
21 ration or home rule borough that provided health aide services

22 (A) under a contract with the Alaska Native Health
23 Service that was in effect on July 1, 1984; and

24 (B) in a rural area that is at least 4,000 square
25 miles.

26 * Sec. 2. This Act takes effect July 1, 1985.
27
28
29

added
in CS

added
in CS

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHB 215 (Fin)
 Title: Assistance for Community Health Aide Programs
 Sponsor: Rep. Herrmann, et al
 Requestor: _____
 Date of Request: 3/22/85

FISCAL DETAIL

Agency Affected: Dept. of Hlth. & Soc. Serv.
 Program Category Affected: Public Health
 BRU, Program or Subprogram(s) Affected:
Hlth. Grants, BRU/ Comm. Hlth. Grants

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS		416.3	416.3	416.3	416.3	416.3
800 MISCELLANEOUS						
TOTAL OPERATING		416.3	416.3	416.3	416.3	416.3

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		416.3	416.3	416.3	416.3	416.3
FEDERAL FUNDS						
OTHER						
TOTAL		416.3	416.3	416.3	416.3	416.3

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See attached.

Prepared By: Robert I Fraser, M.D. ^{REF/DB}
 Division: Public Health

Phone: 465-3090
 Date: 3/27/85

Approved by Commissioner: [Signature]
 Agency: Department of Health & Social Services

Date: 4-1-85 *jcc*

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget

Fiscal Analysis

CSHB 215 (Finance)

State Assistance for Community Health Aide Programs

Assumptions

Not applicable

Program Summary

This program will require an additional general fund appropriation of \$416.3 in the grants line for Health Grants BRU, Community Health Grants Component in FY 86.

Computation

State assistance to community health aide programs as specified in HB 215 would require a total FY 86 general fund appropriation of \$2,200.0 for grants. This calculation is based upon the following formula.

(1) \$30.0 per regional corporation to be used for expenses of conducting a community health aide program x 12 Corporations	\$ 360.0
(2) \$8.0 per each primary community health aide x 230 Aides	1,840.0
	<u>\$2,200.0</u>

The projected costs are based on incorporating the total amount requested in the Governor's FY 86 Operating Budget as an offset for this bill. The current FY 86 budget for this program is as follows:

Health Grants BRU, Community Health Grants Component	\$1,413.3
Norton Sound BRU, Health Services Component	103.8
Maniilaq BRU, Health Services Component	<u>266.6</u>
Total FY 86 Governor's Budget	\$1,783.7

Economic Impact

Not applicable

Impact on Local Government

Not applicable

SB 168, Rights of deaf, blind and disabled persons.

SB 168 would amend AS 09.02.010, qualifications of jurors, to clarify that a person is not unqualified to act as a juror solely because of deafness, blindness or physical immobility. It would also require that services of an interpreter for a deaf juror be paid by the court, and that the state, its political subdivisions, and the University make available and pay for interpreters for deaf persons seeking access to their services.

SB 168 would also amend AS 18.06.040, interference with the use of a public facility by the blind or physically disabled, to include as punishable interference the use of facilities by deaf persons.

The Human Rights Commission has statutory authority to investigate and prescribe remedies to eliminate discrimination based on conditions such as race, religion, and marital status in the areas of civil rights, employment, housing, and financial practices. SB 186 would include deafness, blindness, and physical and mental disabilities as an inappropriate basis for discrimination, and provide a definition for disability.

SB 230, Relating to education.

SB 230 is a response to an anticipated reduction in the amount of state funding available for schools, and the reduction in district staffs that this may necessitate. Tenured teachers could be "nonretained" (i.e. contracts not renewed) in the event of an anticipated loss of funds, and a reduction in the number of teachers would be matched by a reduction in administrative personnel. The basis for acquiring tenure would be extended from two years to three.

The bill also provides for the legislature to annually advise the Department of Education of the amount it expects to appropriate to the school foundation program for the following fiscal year.

A sectional analysis is attached. The Association of School Administrators will propose an amendment (attached) that would allow for dismissal of teachers in the event of an anticipated loss of funds.

HB 215, State assistance for community health aide programs.

CSHB 215 (Fin) would provide financial assistance to nonprofit health organizations for training and supervising of community health aides. Historically, the community health aide program has been sponsored and funded by the federal Indian Health Service. Since FY 82, selected health corporations have received state grants through direct legislative appropriation. HB 215 would establish an equitable funding formula,

providing \$30,000 annually to each of the 12 Regional Health Corporations, and additional funding on a per-aide basis.

A community health aide is a para-professional health care provider who provides diagnostic and treatment services in rural Alaska. Certification is available through courses offered in the state. Currently less than half of the 227 practicing community health aides are certified.

POSITION PAPER

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 215 (Finance)

For "An Act relating to state assistance for community health aide programs; and providing for an effective date".

This bill provides for expansion of financial assistance to nonprofit health organizations for training and supervision of community health aides. Funding will be provided through a two phased formula that allocates: 1) a \$30,000 base for each regional corporation serving more than 4,000 square miles plus \$8,000 for each primary CHA or similar individual who averages at least 20 hours of service a week; 2) for local entities providing services to less than 4,000 square miles, funding provided through this formula would be limited to \$8,000 per CHA. The bill also establishes a Community Health Aide Grant Account and requires the Department to report the amount necessary to meet the allocations outlined above to the legislature each year.

BACKGROUND

Community Health Aide

Community health aides provide primary health care to approximately 37,000 to 40,000 people in rural communities. A CHA is a community based medical paraprofessional who provides limited diagnostic and treatment services through standing orders or in radio/telephone consultation with Indian Health Service (IHS) or health corporation physicians. Health care training of a CHA is based on a standardized curriculum consisting of three basic sessions plus a preceptorship with a supervising physician at a medical center, periodic on-the-job training with a supervisor/instructor and continuing education sessions. Supervisor/instructors are employed by the corporations and are generally mid-level practitioners or registered nurses who conduct site visits one to three times per year for continuing education, skills evaluation and administration. In addition, state public health nurses provide education and support during their itinerant visits.

The number of CHAs per village varies with population size ranging from a half-time equivalent to a maximum of three. In addition to the primary CHA, alternates are also assigned to provide relief support and coverage during the absence of the primaries. Training for alternate aides varies widely with minimum standards that range from emergency trauma technician skills to completion of the first basic training session.

Historically the CHA program has been sponsored and funded by the federal IHS. This program was begun in 1967 although the concept and practices have a longer history. Until recently, financial support for the program rested solely with the federal government which contracted with regional or local corporations. Starting in FY 82, selected health corporations received designated state grants through direct legislative appropriation for support of CHA supervision and training. This trend has continued through the current

fiscal year with approximately \$1,040,000 being used to support programs administered by the Yukon-Kuskokwim Health Corporation, the Norton Sound Health Corporation, the Maniilaq Association, the Tanana Chiefs Conference, the Southeast Alaska Regional Health Corporation, the Aleutian/Pribilof Island Association, the Bristol Bay Area Health Corporation, the North Pacific Rim and the Copper River Native Association. The FY 86 Governor's Budget request maintains these grants, provides expansion of services to all twelve regional corporations and improves the level of training in selected underfunded corporation areas.

RECOMMENDATIONS

As currently written, the bill will restrict the base grant amount of \$30,000 to nonprofit corporations or home rule boroughs providing services to a rural area of at least 4,000 square miles. Because of the close relationships of the CHA programs to existing health corporations and IHS service unit facilities, the Department would prefer to see the base grants restricted to the existing corporations and the North Slope Borough which employed at least three health aides on July 1, 1984. This would tend to discourage fragmentation of the program. The Department recommends that the definition for regional health organization be modified as follows to reflect this concern:

- (6) "regional health organization" means a nonprofit corporation or home rule borough that provided community health aide services through a contract with the Alaska Area Native Health Service as of July 1, 1984 in a rural area that is at least 4,000 square miles.

POSITION

The Department of Health and Social Services recognizes the value of community health aides in providing primary medical care in rural communities and, with the adoption of the recommendation mentioned above, strongly supports the enhancement of supervision and training as provided by this bill.

Recommended by: Robert I. Fraser
Robert I. Fraser, M.D.
Director
Division of Public Health

Date: _____

Approved by: John R. Pugh
John R. Pugh
Commissioner
Department of Health and
Social Services

Date: 4-1-85

Alaska State Legislature

HB 215

REPRESENTATIVE
ADELHEID HERRMANN

P O BOX 63
NAKNEK ALASKA 99811
(907) 246-4495

1300 18 Juneau
POUCH V
JUNEAU ALASKA 99811
(907) 465-4942 465-4943

CO-CHAIRMAN
RESOURCES COMMITTEE

MEMBER
TRANSPORTATION
COMMITTEE

House of Representatives

DISTRICT 26

ADAK
AKUTAN
ALEKNAGIK
ATKA
BELKOFSKI
CLARK'S POINT
COLD BAY
DILLINGHAM
DUTCH HARBOR
EGEGIK
EKUK
EKWOK
FALSE PASS
IGIUGIG
ILIAMNA
KING COVE
KING SALMON
KOKHANOK
KOLIGANOK
LEVELOCK
MANOKOTAK
NAKNEK
NELSON LAGOON
NEWHALEN
NEW STUYAHOK
NIKOLSKI
ONDALTON
PEDRO BAY
PILOT POINT
PORT ALSWORTH
PORT HEIDEN
PORT MOLLER
PORTAGE CREEK
SAND POINT
SOUTH NAKNEK
SQUAW HARBOR
ST GEORGE
ST PAUL
TOGIAK
TWIN HILLS
UGASHIK
UNALAS.

April 25, 1985

Senator Bettye Fahrenkamp
Chair, Senate HESS Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Fahrenkamp,


Recently one of the Regional Health Directors approached me with the enclosed amendment for House Bill 215 which is now in your committee. As prime sponsor of the bill I would like to request that the committee incorporate the amendment into the bill.

The amendment is a technical one, and will help clarify how the funding formula is to be used.

Should you have any questions, please do not hesitate to contact me or my staff at 465-4942.

Thank you for your consideration of this amendment and your support.

Sincerely,



Adelheid Herrmann
Representative
District 26

Enclosure

cc:

Senator Frank Ferguson
John Pugh, Commissioner Health and Social Services
Dave Mathers, Director Regional Health Directors
Niles Ceasar, Director Community Health Aide Program
Kathy Sutcliffe, Regional Health Director
Mike Stackhouse, North Slope Borough Health Organization

A M E N D M E N T

to Committee Substitute for House Bill 215 (Finance) an act relating to state assistance for community health aide programs; and providing for an effective date.

page 3 line 18: delete "or".

page 3 line 19: after "Health Service" insert ", or another accredited training center;"

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HESS 4-11-85 1:36pm
5-7-85 1:38pm



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

11/7/89
Date

H B

2 2 6

Senate Health, Education and Social Services Committee

Legislation Checklist

Bill number: *HB 226*
Sponsor: *Cotten*
Date referred to committee: *4/18/85*
Synopsis completed:
Fiscal note:
Further referrals: *none*

CONTACTS:

Steve Holey, DOE 2800

✓ Gayle Pearce 6-3090

Don McKinnon

Bob Greene

✓ Sen Eliason (Rocky)

*1:30
testify
1st*

*✓ Rep Cotten, ~~3799~~ - 3799
Sharman*

*0 fiscal note
give main option
wanting to elect by
section
this options - RMP's have
seems fair.*

COMMITTEE REPORT
SENATE

FURTHER:

4/11/85

Date 4-25-85

Mr. President

The Committee on HESS considered CSHB 226 (HESS)
relating to school boards.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for CSHB 226 (HESS)
- new title
- same title and recommends Do Pass
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Handwritten signatures]

[Handwritten signature]

Chairman
[Handwritten signature]

Chairman recommendation

HB 226 (COTTEN) SCHOOL BOARDS

Eliason
SECTIONS 1 AND 2 (SAME AS ELIASON'S SB 242, WHICH WAS HEARD BY COMMITTEE A COUPLE WEEKS AGO) ALLOW VARIANCE IN THE NUMBER OF SCHOOL BOARD MEMBERS PER REAA SECTION IF THERE HAVE BEEN SUBSTANTIAL FLUCTUATIONS IN POPULATION.

H.E.S.S. CS WOULD ALLEVIATE STURGULEWSKI'S CONCERN BY ALLOWING FOR VARIANCE IN THE NUMBER OF MEMBERS THAT MAY BE ELECTED FROM A SINGLE COMMUNITY WITHIN A SECTION (CURRENTLY LIMITED TO 2 MEMBERS) IF THE POPULATION DISTRIBUTION REQUIRES IT. (PAGE 2, LINE 7)

SECTIONS 3 AND 4 WOULD ALLOW INCREASES IN THE NUMBER OF CITY AND BOROUGH SCHOOL BOARD MEMBERS (FROM THE PRESENT 7 UP TO 11), AND ALLOW MEMBERS TO BE ELECTED BY DISTRICT RATHER THAN AT LARGE.

AFFECTS ONLY DISTRICTS WITH 5000 OR MORE STUDENT POPULATION (ANCHORAGE, FAIRBANKS, MAT-SU, KENAI).

ALL ARE INTENDED TO PROVIDE BETTER LOCAL REPRESENTATION ON SCHOOL BOARDS.

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY
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May, 1988

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Mary Van Nimwegen

HESS 4-25-85 1:45 pm

REPRESENTATIVE
SAM COTTEN
DISTRICT 15



P.O. BOX 296, EAGLE RIVER, AK 99577
POUCH V, JUNEAU, AK 99811

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES

MEMO

TO: Rep. Max Gruenberg RE: Request to schedule a hearing
Rep. Niilo Koponen for HB 226, an act relating
Co-Chairmen, House HESS to school boards

FROM: Rep. Sam Cotten DATE: March 22, 1985

There are three elements to this bill, all of which aim to improve representation on school boards:

-- The C&RA substitute for HB 226 would amend the statutes pertaining to the election of school board members in regional educational attendance areas (REAA). This amendment allows the Commissioner of Education to make an exception to the existing requirements on numbers of board members allowed per section upon determining that the REAA has "substantial population fluctuations" that result in over- or under-representation. Under these circumstances, the commissioner could permit a section containing more than one community to be represented by more members than currently allowed (under AS 14.08.051 (d)(2)). When this exception is made, no more than two board members may be elected from the same community.

For example, the Southeast Island School District consists of 2 sections and has a high population turnover, caused by its logging economy and such idiosyncracies as communities on floats. To ensure fair representation at this time the district would like to have a Thorne Bay section with one seat, and an at-large section with four seats. Current statutes won't allow this, requiring that each section (within a 5-member school board area) have no more than three seats. With existing law, the school district has no alternative but to continually request section boundary changes to accompany the shifting population. This is inefficient and impractical. The statutory change requested would allow more adequate representation. Due to the stringent limitations on board members per community, and the uniqueness of this school district's situation, this amendment would not currently affect any other REAAs.

-- HB 226 would allow school districts with more than 5,000 students to elect board members by district, if they so choose. School board members are now only elected at large. Election by district would allow residents of these larger school districts to have local representation on the board.

-- HB 226 would allow borough and city school districts with more than 5,000 students to expand the number of school board members from the present 7 up to 11, if they so choose. Having more board members again enhances the chances for better representation.

STATE OF ALASKA
THE LEGISLATURE

FOUCHY STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 16, 1985

SUBJECT: Analysis of SB 242 (REAA school boards)
TO: Senator Richard I. Eliason
FROM: Keith B. Levy *KBL*
Legislative Counsel

You have requested an analysis of SB 242, relating to regional educational attendance area school boards. This bill amends the existing law pertaining to the number of school board members who may be elected from a section within an REAA, and from a community within a section.

Under existing law, the Commissioner of Education may, in consultation with the Commissioner of Community and Regional Affairs and the local communities, divide an REAA into sections for the purpose of electing REAA board members (AS 14.08.051(a)). If an REAA is divided into sections, each school board member must represent, to the extent possible, an equal number of people.

Existing law also limits the number of board members who may be elected from a section, depending on the total number of members on the school board. For example, if the board has only five members, no more than three members may be elected from one section (AS 14.08.051(d)). HB 242 provides for an exception to this limitation in certain circumstances.

Under HB 242, the Commissioner of Education may permit a section that contains more than one community to be represented by more board members than the number specified if the commissioner determines that (1) the REAA has had a pattern of substantial population fluctuations within the REAA and (2) compliance with the number limit would result in continuous underrepresentation and overrepresentation in certain sections. In other words, this provision gives the commissioner the power to respond to population fluctuations to allow fair representation within the REAA.

Senator Richard I. Eliason
April 16, 1985
Page 2

The bill also provides that in an REAA section that contains more than one community, if the commissioner allows a higher number of members to be elected from one section, no more than two members may be elected from the same community. The question has been raised whether this provision might result in unfair representation in a section in which the population of one community is so high that more than two members should be elected from that community. This provision could present a problem with respect to the state and federal constitutional requirement that apportionment for voting purposes be related to population.

The limit on the number of members from one community is only activated if an REAA section has more than one community and the Commissioner of Education exercises the power to increase the number of board members from a single section. If the commissioner does not exercise that power, the limitation does not apply. However, in cases in which the limitation does apply, unfair representation could potentially be a problem if the limitation requires underrepresentation in a community. However, because the law allows the section boundaries to be drawn in a way that avoids this problem, the bill is not unconstitutional on its face. It is only a problem if the Commissioner of Education establishes sections that result in unfair representation in a community. This problem could be avoided in HB 242 by providing that no more than two members may be elected from one community unless the population distribution requires it. This would make it clear that the law requires compliance with the constitutional requirement of "one man, one vote."

If I may be of further assistance, please feel free to contact me.

KBL:ojb
J13/102



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

December 21, 1984

MEMORANDUM

TO: Representative Randy Phillips

FROM: Jeanne Fortier, Legislative Analyst *JF*

RE: Altering the Composition of the Anchorage School Board
Research Request 85-065

You requested information regarding State laws, the Anchorage Municipal Charter, and/or Anchorage municipal ordinances regulating the size of the Municipality of Anchorage School Board. Information was also requested regarding the process of amending those rules to permit representation on the School Board similar to that on the Assembly.

Findings

State statutes are not applicable to this situation. The Municipal Charter, as well as the Municipal Code of Anchorage, contains provisions regarding the composition of the School Board. Because municipal ordinances may not conflict with the Charter, changing the composition of the School Board requires amendments to both the Charter and municipal ordinances. The required changes and the process for making changes are described below. To aid in distinguishing the Charter provisions from the Municipal Code, this memorandum lists the relevant code at the beginning of each section, with the Charter provisions in parentheses.

Establishing the School Board and the Assembly

Ordinance 29.10.010 (Charter Section 6.02) establishes the School Board. It reads:

The system of public schools for the Municipality shall be operated by a School Board of seven (7) persons elected at large from seats designated as Seat A, Seat B, Seat C, Seat D, Seat E, Seat F, and Seat G.

If the objective is to amend this provision to create a School Board similar in composition to the Assembly, then Ordinance 2.25.010 is of interest.

Representative Phillips
December 21, 1984
Page Two

Ordinance 2.25.010 (Charter Section 4.01) establishes the composition of the Assembly:

- A. The Assembly shall consist of eleven Members elected for terms of three years.
- B. There are established six election districts, each of which is entitled to the following numbers of Assembly members:
 1. District 1 (Downtown), two members;
 2. District 2 (Eagle River/Chugiak), one member;
 3. District 3 (Spenard), two members;
 4. District 4 (Fairview), two members;
 5. District 5 (Muldoon), two members;
 6. District 6 (Sand Lake/Hillside), two members.

The geographic boundaries of the districts established in this section are described on the copy of the official Assembly apportionment map...the original of which is maintained in the Office of the Municipality.

An initiative or ordinance proposing the specified compositional change in the School Board could simply substitute the term 'School Board' for 'Assembly', using the wording of the above ordinance. Another method would be to tie the composition of the School Board to that of the Assembly, allowing any changes in rules regulating Assembly composition to similarly affect rules regarding the composition of the School Board.

Amending the Charter

Section 18.01 of the Charter provides that the Charter can be amended only upon the concurrence of a majority of the qualified voters of Anchorage voting on a proposed amendment. There is an exception which requires a three-fifths majority vote, but that is limited to Article II changes (Bill of Rights), or Municipal utility changes. Amending the Charter with regard to School Board composition would require a simple majority vote.

According to Section 18.02 of the Charter, amendments may be proposed by an ordinance approved by two-thirds of the total membership of the Assembly, by a Charter Commission established in the manner provided by law, or by initiative petition. The initiative procedure is a grassroots process, allowing for the enactment of an ordinance or resolution by vote of the people without Assembly action. Initiative petitions require 6,611 signatures in order to be placed on the ballot.

The proposed amendment would be submitted to voters at the next regular election occurring more than forty-five (45) days after the effective

Representative Phillips
December 21, 1984
Page Three

date of the proposal. If the proposed amendment were approved by the voters, it would become effective at the time set in the amendment. If no time is specified, the approved amendment would become effective thirty (30) days after certification of the results of the election.

Amending the Ordinance

If a Charter amendment to enlarge the School Board were approved, action would have to be taken to repeal the ordinance which would be in conflict with the new Charter provisions. In such a case, a simple majority vote of the Assembly would be required to adopt a new ordinance consistent with the provisions of the amended Charter.

Public Access to School Board and Assembly Meetings

Municipal Ordinance 4.05.090 (Charter Section 17.05) prescribes that all meetings of the Assembly, the School Board, and other boards and commissions shall be public, except for executive sessions which may be closed.

Additionally, Municipal Ordinance 29.20.010 (Charter Section 6.04) requires the Assembly and the School Board to meet at least four (4) times annually in public sessions to discuss and coordinate financial planning, capital improvement needs, the comprehensive plan, and other matters of mutual concern.

It is generally advisable to call the Assembly or School Board offices seven to fourteen days in advance of the next meeting to schedule an appearance request, should you so desire. The numbers for contacting these offices are listed below:

Anchorage School Board Secretary: 333-9561
Municipal Clerk: 264-4311

* * * *

We hope that this information has been useful to you. Please let us know if we can be of further assistance.

JF

STATE OF ALASKA

DIVISION OF ELECTIONS
POUCH AF
JUNEAU, ALASKA 99811-9974

OFFICE OF THE GOVERNOR

PHONE: (907) 586-6181


OPINION PAPER
CS FOR HOUSE BILL NO. 226 (C&RA)
March 12, 1985

The Division of Elections has reviewed the Committee Substitute for House Bill No. 226 (C&RA), "An Act relating to school boards", and raises no objections to its intent or content. It should be noted, however, that the issues covered by this bill do not fall under the normal jurisdiction of the division.

There may^{be} some school districts within the Rural Educational Attendance Areas which experience extreme population fluctuations making the establishment of stable section boundaries within the district difficult to maintain. We would concur that a solution as provided by the new subsection, AS 14.08.051 (f), could provide a viable alternative for districts facing these unusual circumstances. Further, we acknowledge that any action taken in the proper exercise of this provision would rest with the Commissioner of Education.

The impact of this amendment on the division would only be evident in terms of any special elections resulting from a ruling of the Commissioner to realign section boundaries and assignment of school board seats, under this statute. In general, it is assumed that the flexibility provided by this section would help to minimize the frequency of section realignment in school districts with continuing population fluctuations. We would further anticipate that prior to any election necessitated by the exercise of this provision, the division would require notice in writing from the commissioner authorizing such an election.

With regard to the proposed amendments to AS 14.12.030(b) and AS 29.23.310, the division offers no opinion. The provisions outlined in these sections, would seem to primarily impact incorporated communities, over whose elections we have no jurisdiction.


Sandra J. Stout
Director

Southeast Island School District

640 Park Ave. - P.O. Box 8340 - Ketchikan, Alaska 99901 - (907) 225-9658 or 225-9659



March 6, 1985

Representative Peter Goll
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Goll:

This is to follow up on earlier information sent to you expressing concern regarding AS 14.08.051, and its limitation on the number of board members which can be elected from a section in a regional educational attendance area which has been divided into sections (section (d) (2)).

My understanding of this limitation is that it is designed to prevent a large community in a given section from having the power, by virtue of number of votes, to elect more than a simple majority of members of the school board, effectively denying representation to smaller communities.

The problem that we have is that it is not practical for the Southeast Island School District to adhere to the statutory standards. Prior to mid-1983, this District was divided into two sections, one with two members from Thorne Bay and one at-large area with three members from the remaining communities. In mid-1983, the State reapportioned regional educational attendance area board sections in light of the 1980 census. This created several problems for this District. First, the census was grossly inaccurate for rural communities in southern Southeast Alaska. One of our communities with 200 people was listed on the census as having 0 residents. Areas that are federal bird sanctuaries were listed as having human residents, and so on. Second, to compound the census errors, this District experiences significant population changes in many, although not all, communities due to the nature of the economy in this part of the state. We have approximately a 50% student turnover annually, and frequently open up schools in new communities and close schools in areas which have suffered a population decline. In addition, we also have cases where entire communities, sometimes built on floats, move around the district.

Third, the population of the District had changed significantly since the 1970 census so that Thorne Bay had only about 20% of the population. Consequently, the recommended reapportionment reduced the Thorne Bay section from two seats to one, and created two additional sections along an arbitrary east-west line. The Southeast Island School District Board

Representative Peter Goll
March 6, 1985
Page Two

requested that the State establish a Thorne Bay section with one seat, and an at-large area with four seats. We were told that existing statutory limitations would not allow this, so we looked for some type of reasonable alternative. As a result of information supplied by this District, the State agreed to modify the line to reflect actual population at that time. Since the reapportionment, the usual changes have occurred. In 1982, the schools in the north and south sections had 39% and 45% of our student population (which can be used as a fairly reasonable measure of the general population). In 1983, just after the reapportionment along the new lines, each section had 41% of the student population; i.e. the sections did provide fair representation for that one moment. In 1984, the north and south sections had 31% and 43% of our student population respectively. Put in terms of variance combining the overpopulation and underpopulation of existing sections (which is the statistic normally used at times of reapportionment), the current total combined variance is about 55%, far exceeding the level normally acceptable during reapportionments. This variance increased from 15% to 55% in one year, again reflecting the massive population changes which occur across arbitrary section lines in this District. (Note: Again this data is based upon student population, which can be used as a guide as to general population variations and changes.) The point I am trying to make is that there are substantial annual population changes, by section, although the total population remains about the same.

Now, we have an additional problem which magnifies the issue for us. As a result of the population changes we normally have, we have had a fairly high turnover in Board members. We historically have had an average of one Board member resignation per year due to the member moving from the District. However, prior to the reapportionment, if a Board member (or the community in which the Board member resided) moved elsewhere in the at-large section, the Board member could remain on the Board. Now, if this occurs, the Board member would have to resign from the Board. Thus, an already difficult management situation is being compounded. This year, we have lost one Board member due to a move from the District (Thorne Bay section). At a Board meeting last week, I was informed that an additional Board member (south section) would be resigning for the same reason, while still a further board member (south section) would be resigning because, for the first time, a move of a community was being made across the new arbitrary Board section lines. In less than one year, 60% of the Board will have resigned. While two resignations were unavoidable, I believe the third could be avoided by the application of a reasonable standard to this District.

At a meeting of February 5, the Southeast Island School District Board approved a resolution requesting that the State review this situation and change the sections, administratively if possible, to one section with one seat (Thorne Bay) and an at-large area, with four seats, consisting of the remainder of the District. After a considerable amount of discussion

Representative Peter Goll
March 6, 1985
Page Three

with the Department of Education and Division of Elections, it has become apparent that the Division of Elections feels that existing statutes prevents us from arriving at a practical administrative solution to our problem.

Therefore, the Southeast Island School District Board is requesting your assistance in this matter. Enclosed you will find some possible language for a statute change. The intent of the proposal is:

1. To allow the Commissioner of Education to exempt a regional educational attendance area, upon the request of its Board, from the limitations of AS 14.08.051 (d) (2) upon a determination that population fluctuations make it impractical for the existing statutory standards to be applied. This would eliminate the need for continual revisions due to frequent population changes across section boundaries, and significantly reduce existing variance between sections;
2. To prevent, by a limitation on the number of Board members who can be elected from a given community in an exempted board section, one community from excessively dominating the Board [as does subsection (d) (2)].

This proposal should have little, if any, effect upon other REAA's, due to the stringent limitation suggested for the number of board members from a single community. Please advise me if you have any questions about the enclosed information, or if I may answer additional questions.

Thank you for your assistance.

Sincerely,



Robert Weinstein
Superintendent

RW:cm

cc: Senator Dick Eliason
Senator Robert Ziegler, Sr.
Senator Frank Ferguson
Representative Mike Miller
Representative Robin Taylor
Representative John Sund
Representative Niilo Koponen

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

BILL SHEFFIELD, GOVERNOR

REPLY TO:

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PHONE: (907) 276-3550

1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600
465-3603

March 29, 1985

The Honorable Max F. Gruenberg, Jr.
Alaska State House
Pouch V
Juneau, AK 99811

Re: CSHB 226 (C&RA)
Our file: 366-414-85

Dear Representative Gruenberg:

You have asked us whether certain language in CSHB 226 (C&RA) violates the one man-one vote principle enunciated by the U.S. Supreme Court in such cases as Reynolds v. Sims, 377 U.S. 533, 84 S.Ct. 1362, 12 L.Ed.2d 506 (1964), and Baker v. Carr, 369 U.S. 186, 82 S.Ct. 671, 7 L.Ed.2d 663 (1962). In order to get this opinion to you as soon as possible our research has not been exhaustive; however, it is our opinion that the language of CSHB 226 (C&RA) does not violate this principle.

Sections 1 and 2 of CSHB 226 (C&RA) state as follows:

Section 1. AS 14.08.051(d) is amended to read:

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

(1) each seat on the regional board shall be designated by letter or number and when the declaration of candidacy or other nomination papers of a candidate for the regional school board are filed those papers must indicate the seat that the candidate seeks; and

(2) except as provided in (f) of this section, a [NO] section may not be presented by more than

(A) three members, if a board consists of five members;

(B) four members, if a board consists of seven members;

(C) five members, if a board consists of nine members; or

(D) six members, if a board consists of 11 members.

Sec. 2. AS 14.08.051 is amended by adding new subsections to read:

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

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

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

(g) In a regional educational attendance area section subject to (f) of this section, no more than two members may be elected from the same community.

Basically these sections are an attempt to refine the method by which school board members of a regional educational attendance area (REAA) are elected in those areas which have opted to subdivide the REAA into sections and which have also opted to permit the election of more than one member from a section. Your question relates specifically to the amendment of AS 14.08.051(d)(2) and the enactment of AS 14.08.051(g), both which on their face provide for an absolute number of members to be elected from a section or a community within a section. It is my understanding that you are concerned that these maximums could run afoul of the one man-one vote constitutional principle.

As we understand it the introduction of this bill is principally the result of a request by the Southeast Island School District for amendments which would permit it to more equitably elect and retain its school board members within its REAA. At the present time REAA #19 (see Exhibit A) is divided into three sections and we are told that because much of the population is involved with the logging industry, there is considerable intersectional population movements which hamper the ability of members to remain on the school board and for the population to have continuous equal representation. This occurs mainly because although school board members are elected at-large, particular members must represent and live in a

specific section. This bill is designed to alleviate that problem, mainly by the addition of AS 14.08.051(f) and (g).

Under subsection (f) the commissioner could permit a district to elect members other than in accordance with subsection (d)(2) in response to "substantial population fluctuations between geographic areas within the regional educational attendance area" which "result in continuous underrepresentation or overrepresentation of sections." 1/

Subsection (g) would basically prohibit one community from within a section from electing more than two members to a school board, regardless of the effect of population fluctuations within or outside of its section. 2/

It is an established canon of statutory construction that statutes on the same subject be construed together. It is also assumed that a legislature has in mind already enacted statutes on the same subject and therefore will enact new legislation in harmony therewith. 2A N. Singer, Sutherland Statutory Construction § 51.02 (4th ed. 1984). AS 14.08.051 establishes the procedures by which an REAA may be divided into sections for the purpose of electing representatives to the district school boards. AS 14.08.051(a) requires that "each school board member shall represent, as nearly as practicable, 3/ an equal number of

1/ We note that since the commissioner has no authority to increase the total number of board members, that the commissioner's authority is really to decrease representation in one section and increase it in another, and vice versa, in response to the factors mentioned above.

2/ One can envision circumstances where underrepresentation of a particular community within a section could be exacerbated because of the fact that the population movement was into that particular community. Subsection (g) would apparently prevent that community from having more than two members on the school board regardless of the percentage of the population within the section which it might possess because of the fluctuations. We don't believe that this worse case possibility makes the subsection invalid as a matter of law. However, under certain facts this subsection could be unconstitutional as applied.

3/ This language is identical to that used by the U.S. Supreme
(Footnote Continued)

persons." (Emphasis added). When read together it seems clear that the intent of the statute is to permit individual school districts, to the extent possible, to adopt school board election procedures which suit local conditions. At the same time it is clear that the legislature has intended and required that as closely as possible those procedures conform to providing equal and fair representation within the district. As a matter of law we simply do not see the amendments proposed by CSHB 226 (C&RA) as doing violence to that intent. In fact, for the most part, the amendments appear to enhance a school district's ability to have equal and fair representation.

Since the early 1960's the United States Supreme Court has reviewed a large number of reapportionment plans and redistricting schemes. While the Court has consistently ruled that districting plans be based upon population, with the ideal being that each election unit have as near as possible equal population, the Court has actually accepted different descending levels of compliance with that ideal, depending upon whether the election unit in question was a federal, state, or local political unit, respectively. Reynolds, 377 U.S. at 568; Kirkpatrick v. Preisler, 394 U.S. 526, 89 S.Ct. 1225, 22 L.Ed.2d 519; White v. Weiser, 412 U.S. 783, 93 S.Ct. 2348, 37 L.Ed.2d 335; Wesberry v. Sanders, 376 U.S. 1, 84 S.Ct. 526, 11 L.Ed.2d 481.

The Court has recognized that mathematical equality in the real world is rarely possible; states may deviate from the equal population standard as long as they make a good faith effort to achieve population equality and can justify deviations from it. Kirkpatrick, 394 U.S. at 530-531; White, 412 U.S. at 790. Accord Karcher v. Daggett, 103 S.Ct. 2653 (1983). The Alaska Supreme Court in Groh v. Egan, 526 P.2d 863 (Alaska 1974), indicated its approval of the standard set by the U.S. Supreme Court that population of state election districts may deviate up to 10 percent without justification. See also Carpenter v. Hammond, 667 P.2d 1204 (Alaska 1983) at 1212-1213. As we stated earlier, the procedures set out in AS 14.08.051, including those which would be incorporated by CSHB 226 (C&RA), do not appear

(Footnote Continued)

Court in stating the one man-one vote principle. See, for example, Reynolds v. Sims, 377 U.S. at 577.

Hon. Max F. Gruenberg, Jr.
Alaska State House
366-414-85

March 29, 1985
Page 5

inconsistent with the above standard. ^{4/} In any event under the U.S. Supreme Court's descending levels of compliance, as a local political unit, the REAA's may well have more flexibility.

The provisions of AS 14.08.051(d) were enacted by the legislature in 1975 and have therefore been in effect for nearly 10 years. We are aware of no circumstances in its use to-date which indicate that it has had the effect of diluting the voting strength of persons living in school districts which have elected multi-member districting plans. Even so, the amendment to subsection (d) contemplated by CSHB 226 (C&RA), if anything, will only enhance the ability of the school district to attain "as nearly as practicable" the standard required by the one man-one vote principle.

In short, it is our opinion that the bill does not run afoul of the one man-one vote principle.

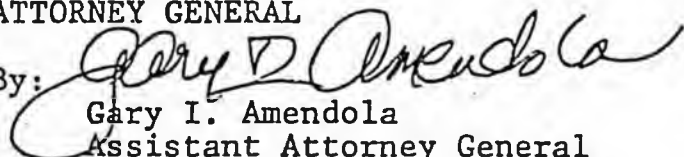
Finally, we note that the State of Alaska is subject to the preclearance requirements of § 5 of the Voting Rights Act of 1965, 42 U.S.C. §§ 1973 et seq. This means that if enacted, the election procedure changes in CSHB 226 (C&RA) must be submitted to the U.S. Attorney General for approval.

I apologize for not getting this information to you sooner. If you have further questions do not hesitate to contact us.

Sincerely,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By:


Gary I. Amendola
Assistant Attorney General

GIA:jal
cc: Hon. Peter Goll

^{4/} The Courts have required only that when reapportionment takes place in response to the census taken decennially, that it be in conformity with the above standards. Interim imbalances may and do likely occur. However, we have no facts before us to indicate that this legislation is necessary as a matter of constitutional law.

REAA #19 - SOUTHEAST ISLANDS

- o Nominate by Section and Elect at Large
- o Number of Seats: 5 (A,B,C,D,E)
- o Number of Sections: 3
 - a. Section I - 1 Seat; A
 - b. Section II - 2 Seats; B,C
 - c. Section III - 2 Seats; D,E
- o Terms: All are 3-year Seats



SECTION I

Thorne Bay

SECTION II

Coffman Cove •
 Flat Creek
 Kupreanof
 Labouchere Bay •
 Pt. Baker •
 Port Alexander
 Rowan Bay •
 Whale Pass •
 Portage Bay

SECTION III

Big Salt Lake •
 Cape Pole
 Edna Bay
 El Capitan
 Hollis •
 Hyder
 Kasaan •
 Long Island
 Marble Island
 Meyers Chuck •
 Naukati •
 Port Alice
 Roosevelt Harbor
 Smith Cove
 St. John's Harbor
 View Cove

*Mr Josephson
Ray
Zhaloff*

*Faiks
V Fischer*

15-5

CSHB 226 (HESS) RELATING TO SCHOOL BOARDS (SPONSOR: COTTEN)

MOVE THE HESS COMMITTEE SUBSTITUTE.

SECTIONS 1 AND 2 ARE IDENTICAL TO AN ELIASON BILL:

ALLOW VARIANCE IN THE NUMBER OF SCHOOL BOARD MEMBERS PER R.E.A.A. SECTION IF THERE HAVE BEEN SUBSTANTIAL FLUCTUATIONS IN POPULATION. INTENDED TO ADDRESS SOUTHEAST ISLAND SCHOOL DISTRICT, WHICH HAS LOTS OF LOGGING CAMPS SO A POPULATION THAT MOVES AROUND A LOT.

THE CHANGE IN THE H.E.S.S. CS IS ON PAGE 2, LINE 7 AND WAS PUT IN TO ALLEVIATE STURGULEWSKI'S CONCERNS OVER THE ONE-MAN ONE-VOTE RULE. IT ALLOWS VARIATION IN THE NUMBER OF MEMBERS PER COMMUNITY WITHIN AN R.E.A.A. SECTION IF THE POPULATION DISTRIBUTION REQUIRES IT.

SECTIONS 3 AND 4:

ALLOW INCREASES IN THE NUMBER OF CITY AND BOROUGH SCHOOL BOARD MEMBERS (FROM THE PRESENT 7 UP TO 11) AND ALLOW MEMBERS TO BE ELECTED BY DISTRICT RATHER THAN AT LARGE. WOULD APPLY ONLY TO DISTRICTS WITH 5000 OR MORE STUDENT POPULATION (ANCHORAGE, FAIRBANKS, MAT-SU, KENAI), AND IS INTENDED SPECIFICALLY TO ADDRESS EAGLE RIVER'S LACK OF REPRESENTATION ON THE ANCHORAGE SCHOOL BOARD.

(Decisions would be made at the local level.)

YOU WERE THE ONLY DO PASS OUT OF COMMITTEE (REST NO REC). SINCE THE COMMITTEE MEETING, WE HAVE RECEIVED A LETTER FROM THE FAIRBANKS SCHOOL DISTRICT (ATTACHED) OPPOSING THE BILL FOR FEAR IT WILL PIT ONE SEGMENT OF THE COMMUNITY AGAINST ANOTHER AND NOT ULTIMATELY SERVE THE NEEDS OF ALL CHILDREN. WE RECEIVED A SIMILAR LETTER FROM MAT-SU.

ZERO FISCAL NOTE. STATE BOARD'S FORMAL POSITION IS NEUTRAL.



Office of the Superintendent

M E M O R A N D U M

KENNETH STEPHEN BURNLEY, Ph.D.
Superintendent of Schools

TO: Senator Don Bennett DATE: May 1, 1985
Senator Bettye Fahrenkamp
Senator Jack Coghill

FROM: Dr. Ken Burnley, Superintendent *KS*
Fairbanks North Star Borough School District

RE: Senate CS for CS HB 226 (HESS)
"An Act relating to school boards."

In reference to HB 226 above, now in Senate Rules, the Fairbanks North Star Borough School District requests that the bill be held in the Rules Committee to allow the Board of Education time to analyze and react. Should HB 226 reach the floor of the Senate, we request that Senators vote against adoption.

While taking this time to formalize our concerns, we previously voiced our concerns during the committee process.

Since the beginning of the organized Borough School District, the process of at large election of school board members has worked well. The process has allowed representation of all geographic segments of the community. Likewise, the various points of view evident in Fairbanks have historically been presented by our 7 member elected at large board.

While the bill allows for the optional language of 'may be elected', in most school districts, district versus at large elections of school board members may pit one segment of the community against another. This option opens the door on this topic.

With its 13,500 students Fairbanks is not in need of district elected board members. In fact, this approach is uncommon for the size of most school districts.

When the Board makes decisions in Fairbanks it considers excellence and equity for all students. In order to continue an equal educational opportunity for all, a singular or at large point of view must be maintained.

On May 8 a Board Resolution will be mailed reaffirming this point of view. If I can answer any questions, please contact me or my staff.

REPRESENTATIVE
SAM COTTEN
DISTRICT 15



P.O. BOX 296, EAGLE RIVER, AK 99577
POUCH V, JUNEAU, AK 99811

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES

MEMO

TO: Sen. Bettye Fahrenkamp
Chairman, Senate HESS

RE: Request to schedule a hearing
HB 226, an act relating
to school boards

FROM: Rep. Sam Cotten *SC*

DATE: April 18, 1985

The purpose of HB 226 is to improve representation on school boards.

I introduced the bill to enhance school board representation for residents of Chugiak-Eagle River in particular, and residents of the state's larger school districts in general. During review in the House C&RA, an amendment was added addressing the unique problems of a Rural Education Attendance Area in Southeast. The revised bill passed the House unanimously.

The lack of local representation on the Anchorage School Board is a particularly troubling issue for Chugiak-Eagle River residents who have seen numerous school-related problems in the past few years due to sudden population growth. My original bill -- now reflected in sections 3 and 4 of revised HB 226 -- would help them in two ways:

- (1) Would allow school districts with more than 5,000 students to elect school board members by district, if they so choose. I believe district elections would provide better regional representation on large school boards, however, HB 226 would let each community decide for itself. State law currently requires school board members to be elected at large.
- (2) Would allow school districts with more than 5,000 students to expand the number of school board members from the present 7 up to 11, if they so choose. Having more board members again enhances representation.

There are pros and cons to both of these points, but they should be decided at the local level rather than by the state.

Sections 1 and 2 of HB 226 would amend the statutes pertaining to the election of school board members in Regional Education Attendance Areas (REAA's).

This amendment allows the Commissioner of Education to make an exception to the existing requirements on numbers of board members allowed per section upon determining that the REAA has "substantial population fluctuations" that result in over- or under-representation. Under these circumstances, the commissioner could permit a section containing more than one community to be represented by more members than currently allowed (under AS 14.08.051 (d)(2)). When this exception is made, no more than two board members may be elected from the same community.

For example, the Southeast Island School District consists of 2 sections and has a high population turnover, caused by its logging economy and such idiosyncracies as communities on floats. To ensure fair representation at this time the district would like to have a Thorne Bay section with one seat, and an at-large section with four seats. Current statutes won't allow this, requiring that each section (within a 5-member school board area) have no more than three seats. With existing law, the school district has no alternative but to continually request section boundary changes to accompany the shifting population. This is inefficient and impractical. The statutory change requested would allow more adequate representation.

Due to the stringent limitations on board members per community, and the uniqueness of the Southeast Island School District, this amendment would not currently affect any other REAA's.

* State's five largest school districts and student populations:

Anchorage -- 41,747
Fairbanks -- 13,355
Mat-Su -- 8,471
Kenai -- 8,471
Juneau -- 4,706

MEMORANDUM

State of Alaska

TO: The Honorable Peter Goll
Alaska State Representative
Chairman, House Community and
Regional Affairs Committee

DATE: March 8, 1985

FILE NO: 006.3(1)

TELEPHONE NO. 465-2800

FROM: Harold Reynolds, Jr., Commissioner
Department of Education

SUBJECT: House Bill 226

During its March 4 and 5 meeting, the State Board of Education decided to take no position on this bill.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB-226
 Title: An Act relating to school boards
 Sponsor: Cotten
 Requestor: House C & RA
 Date of Request: 3-7-85

FISCAL DETAIL

Agency Affected: Education
 Program Category Affected: _____
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

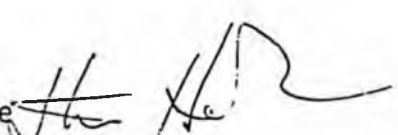
GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The bill has no fiscal impact on this department.

Prepared By: Steve Hole  Phone: 2800
 Division: Commissioner's Office Date: 3-7-85
 Approved by Commissioner: Harold Reynolds, Jr. Date: 3-7-85
 Agency: Education

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

7/1/84



RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

11/7/89
Date

H B

2 2 8

Senate Health, Education and Social Services Committ

Legislation Checklist

Bill number: HB 228
Sponsor: Sund, Davis, Miller
Date referred to committee: 3/6/86
Synopsis completed:
Fiscal note:
Further referrals: Fin.

CONTACTS:

Kitty 4919
✓ NEA - Bob Manners 6-3090
✓ School Board Administrators - Bob Greene
6-1083
✓ ~~Ken~~ Humphries 4470
✓ DOE 2800 AK Council of School
Administrators
✓ Don McKinnon - Administrators
(no problems) 6-9702 (w)
3/10/86 9-2713

**STATE OF ALASKA
THE LEGISLATURE**

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
607-465-3000

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

Senate Health Education & Social Services Committee 3/18/86, 1:38 pm

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

3/6/86

Date 3-18-86

Mr. President

The Committee on HESS considered CSHB 228(FIN) relating to retirement benefits for part-time teachers.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Joe Josephson

Edw de Vries R.R.

Butte Johnson
Chairman

Chairman recommendation

1
1
2
2
23
24
25



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

ANCHORAGE REGIONAL OFFICE

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ANCHORAGE, ALASKA 99503
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JUNEAU OFFICE

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(907) 586-3090

FAIRBANKS REGIONAL OFFICE

2118 CUSHMAN STREET
FAIRBANKS, ALASKA 99701
(907) 456-4435

March 18, 1986

TO: Senator Bettye Fahrenkamp, Chair
Members, Senate HESS Committee

FROM: NEA-Alaska

RE: CSHB 228 (FIN)

NEA-Alaska supports the intent of CSHB 228, (FIN). The purpose of the bill is to rectify an inequity in the Teachers' Retirement System.

However, to provide greater equity for the half time teacher, the bill should be amended to make vesting after eight (8) years possible. By allowing a teacher to vest, as is the case now for the full time teacher, the half time teacher would not have to forfeit all benefits because he or she did not teach for 20 years as called for by this bill.

The Problem: Currently a half time teacher must work twice as long as a full time teacher in order to qualify for benefits. While this may seem equitable at first glance, it really means that half time teachers may never make it to eligibility. It is our position that time for eligibility should be calendar years worked regardless of full time or part time status. Therefore, a part time teacher should be eligible for retirement upon working the same number of calendar years as a full time teacher.

Benefits should then be calculated so that the half time person's retirement income is only half of what it would be if the person worked full time.

Cost?? The cost to the State under this plan should be no more for two half time people than for one full time person, and only half that for just one half time teacher.

Advantage: Utilizing half time people can be to a district's advantage by making it possible to offer a program which it might not otherwise be able to offer because there were not enough students to justify a full time position. Additionally, a full time position can sometimes be filled by two half time people to the students', teachers', and program's advantage.

Respectfully submitted:

Robert Manners
Executive Secretary

L85:14

JOHN SUND, REPRESENTATIVE

*2505 2nd Avenue
Ketchikan, Alaska 99901
(907) 225-5552*

*While in Juneau
P. O. Box V
Juneau, Alaska 99811
(907) 465-4919*

March 7, 1986

TO: Sen. Bettye Fahrenkamp's office
FROM: Kitty *Kitty*
Rep. John Sund's office
RE: HB228

HB228, regarding retirement benefits for part-time teachers, has been referred to the Senate HESS Committee.

Attached for your reading enjoyment is a copy of the bill as it passed out of the House, a fiscal note, overview and sectional analysis, and letters of support. Also included is a copy of the House State Affairs version of the bill with its accompanying fiscal note.

Rep. Sund would appreciate your prompt scheduling of this bill. Just let me know if I can provide you with any additional information.

Thanks.



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

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FAIRBANKS REGIONAL OFFICE

2118 CUSHMAN STREET
FAIRBANKS, ALASKA 99701
(907) 456-4435

March 29, 1985

TO: Representative Katie Hurley, Chair
Members, House State Affairs Committee

FROM: NEA-Alaska

RE: HB 228

NEA-Alaska supports the intent of HB 228. The purpose of the bill is to rectify an inequity in the Teachers' Retirement System.

However to provide greater equity for the half time teacher, the bill should be amended to make vesting after eight (8) years possible. By allowing a teacher to vest, as is the case now for the full time teacher, the half time teacher would not have to forfeit all benefits because he or she did not teach for 20 years as called for by this bill.

The Problem: Currently a half time teacher must work twice as long as a full time teacher in order to qualify for benefits. While this may seem equitable at first glance, it really means that half time teachers may never make it to eligibility. It is our position that time for eligibility should be calendar years worked regardless of full time or part time status. Therefore, a part time teacher should be eligible for retirement upon working the same number of calendar years as a full time teacher.

Benefits should then be calculated so that the half time person's retirement income is only half of what it would be if the person worked full time.

Cost?? The cost to the state under this plan should be no more for two half time people than for one full time person, and only half that for just one half time teacher.

Advantage: Utilizing half time people can be to a district's advantage by making it possible to offer a program which it might not otherwise be able to offer because there were not enough students to justify a full time position. Additionally, a full time position can sometimes be filled by two half time people to the students', teachers', and program's advantage.

Respectfully submitted:

Gayle Pierce
President
L85:14

From: Tom Smircich, President
NEA SITKA
200 Park Street
Sitka, Ak 99835

To:

Director of Alaska Teachers Retirement System

Ben Grussendorf, Speaker of the House

Dick Eliason, Senator

Dear Sirs:

I write in the interest of half-time teachers who are required by law to contribute 7% to ATRS. The present system requires them to work for 16 years in order to be vested in the system, then at retirement their benefits are half of what they ought to be.

1. Example:

Two half-time teachers are vested and retire at 55 after 20 years service. Their total contribution to ATRS is the same as one full time teacher for 20 years at the same job. Assume the average salary of the highest 3 years is \$40,000.

(Both half-time teachers)	10	x	.02	x	20,000	=	\$4000
	(Full Time Years)				(Half Salary)		(Annual pension)
(Full time teacher)	20	x	.02	x	40,000	=	\$16,000
					(full Salary)		

Note that the total pension benefits of the 2 half-time teachers is \$8,000 compared to \$16,000 for the full time teacher, and that the total contributions of the two half time teachers is the same as the contribution of the full time teacher.

What is needed is a way for equity in benefits proportional to contributions. Also it should be noted that half-time teachers age just as fast as full time teachers and are required to have the same rigorous certification and professional obligations as a full time teacher.

I propose that the time frame for half-time teachers be the same as for full time teachers, and that retirement benefits be proportional to their contributions.

The following formulas could give that equitable benefit:

DEFINITIONS:

$$\text{FULL YEAR EQUIVALENT} = \frac{1}{2} \times \text{YEARS AT HALF TIME} + \text{YEARS AT FULL TIME}$$

$$\text{AVERAGE OF TOP 3 YEARS FULL SALARY EQUIVALENT} = \frac{\text{TOTAL SALARY FOR HIGHEST 3 FULL YEAR EQUIVALENTS}}{3}$$

From these definitions we calculate:

$$\text{YEARLY PENSION FORMULA} = \text{FULL YEAR EQUIVALENTS} \times \% \text{ MULTIPLIER} \times \text{AVERAGE OF TOP 3 years FULL SALARY EQUIVALENT}$$

$$\% \text{ OF ATRS HEALTH INSURANCE PREMIUM COVERED} = \frac{\text{FULL YEAR EQUIVALENTS}}{\text{CALANDER YEARS IN ATRS}} \times 100\%$$

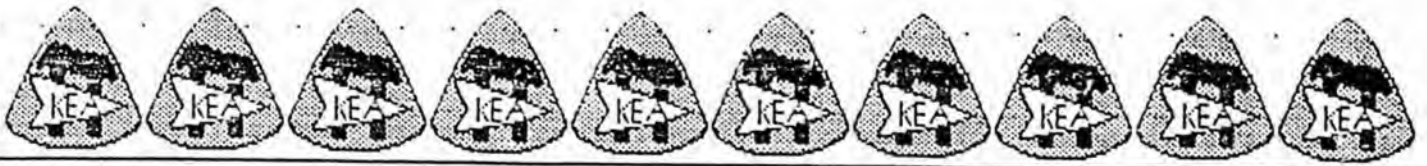
Results of the above formulas based on \$40,000 average salary equivalent

Years Half-time	Years Full-time	Yearly Pension	Percent health coverage (Less then 20 FULL YEAR EQUIVALENTS)
20	0	8,000	50%
18	2	8,800	55%
16	4	9,600	60%
14	6	10,400	65%
12	8	11,200	70%
10	10	12,000	75%
8	12	12,800	80%
6	14	13,600	85%
4	16	14,400	90%
2	18	15,200	95%
0	20	16,000	100%

Thank you for considering this plan.

3 of 3

Tom Givich



R.R. #1, Box 335
Ketchikan, Alaska 99901
Feb. 19, 1985

Representative John Sund
Pouch V
Juneau, Alaska 99811

Dear John:

First, may I thank you for your letter dated Jan.21, 1985. Never have I felt that a state legislator was so sincere in requesting input and so sincere in the desire to truly represent us. It was very reassuring.

Ketchikan Education Association is extremely interested in you and our other legislators introducing legislation in this year's session concerning part-time teachers. Presently the retirement system does not serve half-time teachers as they must work sixteen years to be vested in the retirement system and forty years before they receive a pension. Since all teachers seem to age at the same rate this seems grossly unfair. KEA's goal and the goal of NEA/Alaska through the New Business Item 85-173 which passed at this year's Delegate Assembly, is to see our half-time teachers with proportional benefits.

I'm sure you have heard this information before, but if you have any questions concerning this request please contact me at 225-6321 (home) or 225-4741 (work) or Phil Myerchin at 225-3786 (home) or 225-9815 (v) or Paul Jarvi at 225-5016 (home) or 225-4128 (work). You could also direct your questions to NEA/Alaska lobbyists, Bob Manners or Bob Cooksey. Paul Jarvi will be contacting you by phone in a few days.

Thank you for your consideration in this matter and we look forward to hearing from you.

Sincerely,

Margaret

Margaret Ortiz
President - KEA

HB 228

week, referred to as the 4/40 schedule. However, a compressed schedule is any schedule which enables the full-time employee to complete the basic work requirements of 80 hours in less than ten full work days in each biweekly pay period. For employees working under compressed schedules, overtime pay will continue to be paid for overtime hours which are officially ordered by an agency official and which exceed the basic work requirement.

The primary purpose of the Act is to permit a variety of flexible and compressed work schedules without requiring the Government to pay prohibitively expensive overtime payments for the same basic work requirement. In order to accomplish this purpose, the Act modified premium pay and scheduling provisions of title 5, United States Code and the Fair Labor Standards Act; however, the provisions of law are suspended only for purposes of permitting flexible and compressed schedules and are not intended to deprive employees of presently existing benefits.

1. Protection of premium pay and holiday benefits
2. Protection of employees against coercion
3. Preservation of the collective bargaining process
4. Protection of the public interest and efficiency of government operations.

The OPM submitted its interim report to the President and Congress in the fall of 1981. The report showed that alternative work schedules were positively received by Federal employees and managers, and in some instances, produced measurable savings to the Government, improvements in productivity and greater service to the public. Based on these findings, the OPM report recommended that permanent legislation be enacted authorizing the continued use of alternative work schedules in the Federal Government in organizational settings where they will improve productivity, or provide greater service to the public, and will be cost effective.

OTHER THAN FULL-TIME EMPLOYMENT

Federal agencies employ people on a variety of work schedules. While most Federal employees work on an 8 hour per day 5 day per week basis, there are also provisions for employing workers on a *part-time* schedule (usually 16 to 32 hours per week), or on an *intermittent* basis in which the employee has no fixed schedule, but works as needed. There are also provisions for employing *seasonal* employees and *on-call* workers. These types of employees usually work only a portion of each year.

To provide agencies and employees with guidance on these forms of employment, OPM recently issued a new Federal Personnel Manual Chapter 340 on Other Than Full-Time Employment. (FPM Letter 340-2, May 4, 1984).

PART-TIME EMPLOYMENT

General Provisions. Federal agencies have set up over 20,000 part-time jobs within the last few years to provide opportunities for people unable to work full-time, for example, parents with family responsibilities, handicapped and older individuals, and students. In 1978, the Federal Employees Part-time Career Employment Act, established a continuing program for the promotion and expansion of part-time employment and made the following significant changes in Federal personnel management practices:

- Narrowed definition of part-time career employment from scheduled work of less than 40 hours per week to scheduled work *between 16 and 32 hours per week*, for employees who become part-time on or after April 8, 1979.
- Required agencies to establish programs to expand part-time career employment opportunities in competitive and excepted positions at grade levels through GS-15 or equivalent.
- Required agencies to report to the Office of Personnel Management (OPM) on progress in meeting part-time career employment goals.
- Changed the method for counting part-time employees against agency personnel ceilings by requiring the counting of part-time employees on the basis of the fractional part of the 40-hour week actually worked. (See FTE System below)
- Prorated the Government contribution for the health insurance of eligible employees who become part-time on or after April 8, 1979, on the basis of the fraction of a full-time schedule worked.

The legislation also prohibits an agency from abolishing an occupied full-time position in order to create part-time jobs unless the employee has requested conversion to part-time.

An employee on a permanent part-time schedule before April 8, 1979, may work any schedule of less than 40 hours per week so long as the employee remains in that or any other permanent part-time position without a break in part-time service. A detail or temporary

promotion to a full-time position does *not* count as a break in part-time service.

Benefits and Rights. A part-time employee:

- Can, in most agencies, arrange for temporary variations in the work schedule.
- Can request a switch to full-time schedule and vice-versa.
- Will have pay computed by hourly rate
- Is entitled to receive overtime pay for work over 8 hours a day, or over 40 hours a week; compensatory time may be granted in such situations.
- Earns annual leave according to the number of hours worked per pay period
- Is paid for a holiday if it falls on a scheduled work day.

Additionally, a permanent part-time employee:

- *Receives a full year of service credit for each calendar year worked for computing retirement, date of career tenure, within-grade pay increases, leave category, and time-in-grade; however, work time is prorated to determine experience for qualification requirements.*
- Is eligible for retirement, life insurance and health benefits
- Is, in general, entitled to the same overall appeal rights and protection in adverse action and reductions in force proceedings as full timers. Part-timers are in separate competitive levels for reduction-in-force purposes and can compete only for other part-time positions.

Personnel Ceiling System Changes (FTE System). An important change has been made in the personnel system which controls the size of the work force in Federal agencies

- Beginning October 1, 1981, executive branch agencies (excluding the Department of Defense and the U.S. Postal Service) shifted to a *full-time equivalent work year (FTE)* system of ceiling allocation and control for *all* employment subject to ceiling.

The FTE system replaced the numerical end-of-year personnel ceilings which were used to control the size of the Federal work force for many years.

ON-CALL EMPLOYMENT

General. Federal agencies have a hiring option available to help respond rapidly to unpredictable fluctuations in workload. Under the on-call employment program, a limited portion of an agency's work force can be hired on a work-as-needed basis for heavy workload periods. The program provides management with a trained cadre of permanent employees, available on short notice to supplement the full-time workforce during above average workload periods. It reduces excessive use of overtime, and protects the full-time work force from reductions in force when workloads temporarily fall off.

On-call employment is distinguished from the career-seasonal form

applicable, constitute a work year for service computation purposes, but credit may not exceed elapsed calendar time in any case. See Appendix D for 260 days and 313 days charts.

(5) *Piecework rates.* The basic pay rate for a pieceworker is total basic earnings for any given year. If any period or periods of leave without pay during the year are involved, the year's earnings are divided by the number of days for which he or she was paid (work and leave with pay) and the average daily rate so obtained is multiplied by the total number of working days in the year to determine the basic pay rate.

(6) *Multiple rates.* The basic pay of an employee who works at different pay rates, whether on a regular or irregular schedule or on dual or multiple assignments with different rates of pay involved, is determined by computing the amount of basic pay from the retirement deductions and increasing the basic pay by any additional pay that could have been earned in any period of LWOP not in excess of six months in any calendar year.

For example, in the calendar year 1979, a wage employee paid in multiple rates was on LWOP for 80 hours at the applicable rate of \$6.04 per hour. Retirement deductions at the different rates totalled \$1,092. Compute the basic pay for the calendar year 1979 as follows: Divide \$1,092 by 7 and multiply by 100. This equals \$15,600, the basic pay for 1979. To this add the basic pay for the LWOP period—\$6.04 per hour times 80 hours equals \$483.20 or a total base pay for calendar year 1979 of \$16,083.20.

S14-4. GENERAL FORMULA FOR COMPUTING BASIC ANNUITY

a. *General formula.* The basic annuity under the general formula is obtained as follows:

Step 1. Take: 1½ percent of the high-3 average pay and multiply the result by service up to 5 years;

Step 2. Add: 1¼ percent of the high-3 average pay multiplied by number of years of service between 5 and 10;

Step 3. Add: 2 percent of the high-3 average pay multiplied by all service over 10 years.

Instead of using 1½ percent, 1¼ percent, and 2 percent of high-3 average pay, there may be substituted 1 percent of the high-3 average pay plus \$25 for any or all of these amounts if these substitutions produce a higher basic annuity.

b. Guides for application of the general formula.

The following rules apply in computing basic annuities under the general formula:

(1) If the high-3 average pay is \$5,000 or more, the highest basic annuity is obtained by using steps 1 through 3.

(2) If the high-3 average pay is between \$3,334 and \$4,999, the highest annuity is obtained by substituting the 1 percent plus \$25 in step 1, and then using steps 2 and 3.

(3) If the high-3 average pay is between \$2,501 and \$3,333, the highest annuity is obtained by substituting the 1 percent plus \$25 in steps 1 and 2, and using step 3.

(4) If the high-3 average pay is \$2,500 or less, the highest annuity is obtained by taking 1 percent of the high-3 average pay, adding \$25, and multiplying the result by total service, eliminating steps 1 through 3.

c. *Illustrations of annuity computations.* Section S14-14 contains examples of annuity computations under the general formula.

S14-5. GUARANTEED MINIMUM BASIC DISABILITY ANNUITY

a. *Guaranteed minimum formula.* An employee under age 60 retiring for disability is eligible to receive a minimum basic annuity, if it is greater than the basic annuity computed under the general formula above. The minimum basic annuity amounts to the LESSER OF—

(1) 40 percent of the employee's high-3 average pay, or

(2) The annuity obtained by using the general formula after increasing the length of actual service by the period elapsing between the date of the employee's separation for retirement and the date he or she would reach age 60.

(3) Because the guaranteed minimum retirement provision contains no requirement for projection of service past age 60, the disability annuity rate of an employee who is age 60 or over is always computed by using actual service in the general formula, regardless of whether the result would be greater or less than 40 percent of the high-3 average pay.

(4) Effective for disability annuities commencing on or after December 5, 1980, any employee who retires under the disability retirement provision of the Civil Service Retirement law and who is receiving military retired or retainer pay or compensation from the Veterans Administration in lieu of retired or re-

- 3) clarify that alteration or remodeling of facilities is not required by the bill.

SB 251, Relating to regulation of the practice of psychology.

SB 251, which was heard by the Committee on February 11, addresses the approval of graduate programs in psychology for the purposes of licensure. Current statute limits approval to programs that meet the requirements of the American Psychological Association (APA); as originally written, SB 251 deleted reference to any approval criteria. The attached committee substitute would delete reference to APA approval, and require the board to establish approval criteria in regulation. The regulations would be submitted to the legislature at the beginning of next session. A draft letter of intent suggesting program criteria is attached.

The committee substitute would also allow a psychological associate to petition the Board to practice without supervision after five years of licensure practice. The experience requirement for licensure would remain at three years, rather than the two years proposed in the original bill.

SB 456, Relating to the Board of Nursing Home Administrators.

SB 456 extends the Board of Nursing Home Administrators another four years. During the committee's sunset review of the board, recommendations were made to reduce the board's operating costs. To this effect, SB 456 would reduce the board membership from five to three and the number of annual meetings from two to one.

A letter of intent requesting the Department of Commerce to set license fees to cover the cost of board operations is attached.

CSHB 228 (Finance), An Act relating to retirement benefits for part-time teachers.

Under current statute, a teacher participating in the Teacher's Retirement System (TRS) is eligible for retirement benefits after 20 years of membership service. A part-time teacher needs 40 years of service to become eligible.

HB 228 would allow a part-time teacher to become eligible for retirement benefits after 20 years of service if the teacher has worked at least 50% of each school year. Benefits would be calculated so the half time person's retirement income reflects the half time employment. Substitute or temporary teachers would not qualify for benefits.

It is estimated that there are 489 teachers in the state with some years of part-time teaching.

FISCAL NOTE

Revision Date: _____

REQUEST Page 1 of 2
 Bill/Resolution No.: CSHB 229 (Fin)
 Title: "An Act relating
to retirement benefits for part-
time teachers"
 Sponsor: Finance
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL
 Agency Affected: Department of Education
 SRU: Retirement & Benefits,
TRS State Match
 Components: Retirement & Benefits (TRS),
TRS State Match

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
OPERATING						
PERSONAL SERVICES						
RTHMT & BNFTS		2.1	2.3	2.4	2.6	2.9
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
TRS MATCH		13.7	14.8	16.0	17.3	18.6
TOTAL OPERATING	-0-	15.8	17.1	18.4	19.9	21.5
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		15.8	17.1	18.4	19.9	21.5
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	15.8	17.1	18.4	19.9	21.5

POSITIONS: -0- -0- -0- -0- -0- -0-

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See attached

Prepared By: J.R. Humphreys, Director Phone: 465-4470
 Division: Retirement & Benefits Date: 12/17/85
 Approved by Commissioner: Eleanor Andrews Date: 12/26/85
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CS House Bill 228 (Finance)
Fiscal Note Analysis
Prepared by the Division of Retirement & Benefits
Department of Administration

December 17, 1985

IV Analysis: Passage of this bill would allow a member with 20 years of membership service in the Teachers' Retirement System (TRS) as a part-time teacher to retire with a normal benefit.

To fund this bill, the state TRS contribution rate would increase by .003% in FY 87. The state TRS payroll is estimated to be \$68,569,578 in FY 87 and to increase by 8% each year thereafter. The TRS State Match contribution would increase by .003% in FY 87. The TRS State Match salary is estimated to be \$456,833,417 for FY 87 and to increase by 8% each year thereafter.

The State cost of \$15.8 is calculated as follows:

The increase in TRS contribution rate (.003%) times the estimated FY 87 State TRS salaries (\$68,569,578.00) equaling \$ 2,100.00

Plus the increase in TRS State Match contribution rate (.003%) times the estimated FY 87 State Match Payroll (\$456,833,417.00) equaling \$ 13,700.00

Total FY 87 estimated cost \$ 15,800.00

In addition to the State's costs above, School Districts costs would increase as follows:

FY 87	FY 88	FY 89	FY 90	FY 91
\$11.6	\$12.6	\$13.6	7	\$15.8

Passage of this bill would result in a .01% decrease in the TRS Funding ratio and would increase the present value of the TRS unfunded liability by \$163,000.

D.O.A. FISCAL NOTE ANALYSIS



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

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FAIRBANKS REGIONAL OFFICE

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FAIRBANKS, ALASKA 99701
(907) 456-4435

April 24, 1985

TO: Representatives Niilo Koponen and Max Gruenberg, Co-Chairs
Members, House HESS Committee

FROM: NEA-Alaska

RE: CSHB 228 (SA)

NEA-Alaska supports CSHB 228, (SA). The purpose of the bill is to rectify an inequity in the Teachers' Retirement System.

Currently, a half time teacher must work twice as long as a full time teacher in order to qualify for benefits, (sixteen years instead of eight to become vested and forty instead of twenty to retire). Under the current provision, half time teachers may never make it to eligibility. It is our position that time for eligibility should be calendar years worked regardless of full time or part time status. Therefore, a part time teacher should be eligible for retirement upon working the same number of calendar years as a full time teacher.

Benefits should be calculated so that the half time person's retirement income reflects the half time employment.

We urge your support of CSHB 228. It allows half time teachers access to the retirement system in a more equitable and reasonable way than do current provisions.

Respectfully submitted:

Gayle Pierce
President

L85:14

NEA ENDORSEMENT