

ALASKA LEGISLATURE COMMITTEE FILES 1987 - 1988 8672
4583 HHS HR 2 - SB 2 155

HAR

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STATE OF ALASKA THE LEGISLATURE

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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

HHESS	2-18-87	8:30 a.m.
HHESS	2-19-87	8:30 a.m.

HOUSE COMMITTEE REPORT

(7)

Date referred: 2/4/87

FURTHER REFERRALS: Finance

DATE: 2-19-87

The Health, Education and Social Services Committee has considered HR 2

Relating to the University of Alaska community college system.

RECOMMENDS:

- replace with CS the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

John Ellis

Bill Hyde

Alfred J. Rosenberg

June Douglas

SIGNING OTHER RECOMMENDATIONS:

Roll E. Roll No Rec

Alfred J. Rosenberg - No Rec

John K... No Rec

John K...

 Co-Chairman's signature
John Ellis

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version : CSHR 2 (HESS)
Publish Date : _____

Revision Date: _____
Title: University of Alaska
Community College System
Sponsor: Pourciot, et. al.
Requestor House JESS

Agency Affected: University of Alaska
BRU: ALL
Components : _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		\$0-\$1 million				

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		\$0-\$1 million				
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary) See attached.

Prepared by: Brian Rogers, Director of Budget Development Phone: 474-6490
Division: University of Alaska Date: February 24, 1987
Approved by Vice President [Signature] Date: February 24, 1987
Agency: University of Alaska

Distribution (by preparer):
Legislative Finance
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Senate Secretary



Official Business

COMMITTEE:

Hess

DATE: *2-18-87*

SIGN-IN

Subject of meeting:

HB - 107

HB - 2

HB ~~107~~ 51

NAME

ADDRESS

PHONE

REPRESENTING

DO YOU WANT TO TESTIFY?

NAME	ADDRESS	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?
REP JOHN SUND	Box ✓	465-4919	(HB 107)	YES
E. Bussell	Box 1	3466	HB 107	No
Rep. Pat Pouchot				Yes HR 2
Julie Adyamaid	Box 17	2854		No
KERRY ROMESBURG	POSTSECONDARY EDUC.	2854	ACPE (HB-51)	(YES)
Steve Hole	DOE	2800	DOE	



Alaska State Legislature
House of Representatives
COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

OFFICIAL BUSINESS

POUCHV
JUNEAU, AK 99811
465-3759

MEMORANDUM

TO: HESS Committee Members
FROM: Jim Nordlund, HESS Committee Staff
RE: HR 2
DATE: February 18, 1987

The subcommittee formed to consider HR 2 and HB 107 (Reps. Ellis, Koponen and Hudson) met this morning along with representatives of the Community College Coalition of Alaska. They have suggested two amendments to HR 2:

1) page 2, line 8: change "Anchorage institution" to "Southcentral Unit"

page 2, line 13: change "University of Alaska - Fairbanks" to "Western and Interior Unit"

page 2, line 18: change "Juneau institution" to "Southeastern Unit"

2) page 3, line 18: add: "BE IT FURTHER RESOLVED that alternate restructuring proposals include clear distinctions between institutional support services and academic support services, and that community colleges retain autonomous academic support services while institutional support services may be combined into the appropriate Southcentral, Western and Interior, or Southeastern Unit of the University of Alaska."

These changes are acceptable to the sponsor.

February 18, 1987
University of Alaska
STAFF BULLETIN

TO: Roy Huhndorf, President, and Members of the
Board of Regents

FROM: Donald D. O'Dowd
President

RE: restructuring the University

The following documents relate to Item 3 of the Agenda
for the Board of Regents meeting, February 21, 1987.

DDO:dm
cc: Chancellors

RECOMMENDATIONS
TO THE
BOARD OF REGENTS
ON
IMPLEMENTATION OF RESTRUCTURING
THE
UNIVERSITY OF ALASKA

Donald D. O'Dowd
President
February 16, 1987

I. Introduction

It may be useful to review briefly the background of the
process of restructuring the University of Alaska which has been
underway since the summer of 1986.

The reason for undertaking a massive redesign of the
University system stems directly from the economic plight of the
State of Alaska and the University. A review of the University's
economic losses in the last two years provides a setting for the
recommendations that are being presented to the Board of
Regents.

In FY 85 the University's general fund appropriation was
approximately \$170 million. For FY 86 the legislature
appropriated \$2 million less for the University, reducing the
general fund total to \$168 million. In addition, in FY 86 the
University implemented a 4% across-the-board increase in employee
compensation costing approximately \$5 million and for which no
State funding was received. Thus, the available operating funds
for all University activities were reduced \$7 million in FY 86.
For FY 87, the current year, the legislature reduced the
University's general fund budget to \$153 million during the
legislative session. That action was further compounded by an
executive action of the Governor on August 15, 1986, that reduced
the general fund budget to \$147 million. At the present time the
recommendation of Governor Cowper to the legislature for the FY
88 budget is \$132 million supplemented by an \$8.4 million
transition fund that would permit the University to reduce
operations in two stages, bringing it in FY 89 to a \$132 million
general fund budget. However, \$2 million of the FY 88 budget is
to cover costs of retirement contributions formerly paid by the

State, therefore the new budget level is effectively \$130 million.

The planning of the University has to take into account a potential reduction in University funding over three years of \$40 million, plus an additional unfunded \$5 million commitment in FY 86 for compensation increases, thereby requiring a \$45 million program reduction in three years. In addition to this the University has experienced new costs arising from liability, fire, property, health, and life insurance premiums, loss of interest income, and the opening of new facilities which amounts to \$8 million. Therefore, it is possible to say that the University has to manage a \$53 million, or 30%, erosion in its available operating funds since June 30, 1985, assuming that the Governor's budget recommendation is approved in its current form by the legislature. Such a loss of funds in percentage terms has not occurred at any other major public university in the United States since World War II. This is the most profound economic crisis that has been faced by a major university in the public sector in over 40 years. There is no precedent that can be examined for guidance and no textbook which describes how to cope with economic

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problems of the magnitude that the University is facing. This observation applies to the State of Alaska just as it does to the University and it calls for extraordinary steps to maintain the academic integrity and programmatic quality of the institution.

In the face of the dramatic economic problem which has continued to grow during the course of efforts to restructure the University, the President of the Board of Regents asked the President of the University in the Spring of 1986 to begin a process of reexamining every aspect of the University and to make recommendations to the Board of Regents for changes that would be appropriate in these extraordinary circumstances. In particular, the President was asked to find ways of simplifying the organizational and administrative structure of the institution so that it could operate more economically in a period of restricted State resources. It was clear to the President that he needed to examine the entire programmatic and organizational structure of the University and recommend to the Board ways in which the University could adopt a less expansive and expensive management structure and still deliver a respectable array of services to the people of the State. It was recognized that the University would have to be smaller, serve fewer people, and provide a narrower array of programs than it had done in a period when it had far greater resources with which to respond to public needs.

It is generally agreed among corporate managers that when an institution or a business experiences a dramatic loss in revenue or business volume, that it must reorganize its structure so as to be responsive to the new condition. Very few organizations are able to operate in a much leaner environment with the full array of programs and personnel which existed at a more affluent and expansive period. Corporations, businesses, and government institutions must all reconsider their structural elements at a time when they are dealing with a dramatic loss of volume or activity. Otherwise managerial wisdom says the institution is doomed to failure and will disappear from the business scene. It was this concern which motivated such careful and intense attention to the University's organization in this difficult period.

From late August through early October the President and the University administration conducted an intensive examination of every major administrative unit of the University. Every effort was made to understand the programmatic commitments of the units, the clientele they serve, the priorities that they attach to their programs, their administrative organization, and the ways in which various segments of the University relate to one another.

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After this review careful attention was given to a number of different organizational structures which might permit the University to continue to provide high quality services to the public while reducing the administrative overhead which had accumulated over the years. There is no question that the University has the most elaborate administrative structure of any public university in the nation in relation to the number of people it serves and the number of programs that it offers. This

comes about because of the wide dispersion of population throughout the State and the commitment of the University to establish separately organized and accredited institutions in as many locations in the State as it could possibly afford. The University has acquired an administrator to student ratio certainly unmatched in public higher education in the United States. This is clearly a function of the very small population centers and efforts to provide comprehensive services at those locations whenever possible.

After careful study and a great deal of reflection a proposal was submitted to the Regents which represented the most compact administrative structure that could be devised for the University, and continue to provide quality educational services from regional institutions which would carry their own accreditation. It was proposed that the University could succeed in delivering quality service at all levels, from community college through graduate study, to the citizens of the State from three regional centers. The development of a single institution to serve the entire State did not seem feasible nor did it promise enough economy to justify the losses in regional services that would result. To establish more than three institutions is conceivable, but every time a new institutional organization is established some of the savings that could be attained would be lost. The three MAU model seemed the best and most economical that could be put forth given the current and projected economic state of the University.

At a meeting in Fairbanks on December 4 and 5, the Board of Regents gave careful attention to all aspects of the proposal for restructuring the University of Alaska. At that meeting the Board adopted the three MAU plan which envisions the establishment of three new regional institutions, each serving a wider area and providing a greater range of services than any of the current units of the University. These new institutions would include the array of educational services currently being offered in each of the regions and would manage these services with smaller and more compact administrative staffs than are now in place.

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It is estimated that the savings in administrative expenditures through restructuring will be in the order of \$6 to \$7 million a year on a permanent basis once the new structure is fully in place. This level of savings will probably be achieved in the summer of 1988 if the program can be expedited.

In addition to approving the three MAU model in December, the Board of Regents adopted a further explication of their intentions indicating the importance of retaining the functions of the current Community Colleges within the new institutions. In the plan presented below the spirit and letter of the Regents motion is included in the recommendations for implementation of the restructuring program. The Regents' motion is reproduced in Appendix A. The complete background of the recommendations presented to the Board of Regents at the December meeting is contained in a paper entitled "On Restructuring The University of Alaska Statewide System", dated December 1, 1986.

II. Consulting Groups

In order to implement the restructuring plan a series of basic decisions must be made regarding each new unit of the University. These decisions concern the academic and administrative structures of the newly constituted institutions. This requirement is brought about by the amalgamation of functions and organizations into combinations which have not existed. Prior to working out the details of the operations of the new institutions it is necessary to determine the academic structure, the administrative support system, and the relationships between the existing units once they become part of a new aggregate of organizations, a regional institution.

In order to provide guidance on these crucial points, Consulting Groups were established at each of the three new units consisting of approximately 20 representatives drawn from the various organizations that are being brought together to form the new units. For example, in Fairbanks representatives of the University of Alaska, Fairbanks, the Community Colleges at Kotzebue, Nome and Bethel, Tanana Valley Community College, the CCREE administration and the Cooperative Extension Service, were

assembled to examine ways in which the new interior and western institution could be organized to provide appropriate services to all of the units which have existed as separate activities. The Consulting Groups were established following the Christmas break so as to not undertake the examination of important issues while faculty and students were not available. The Groups were given a short time to examine consolidation issues and then report to the President their findings so that he in turn could organize recommendations to the Board of Regents.

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It is urgent to complete this process because for every week that goes by without decisions the University is unable to realize the savings that will be needed to balance the budget for the coming fiscal year. It should be noted that by Board policy administrative and professional staff are granted six months notice before layoff and faculty as a general rule a full year notice before layoff actions take effect. Thus, any actions which take place in February of 1987 do not begin to accrue savings until August of 1987 in the case of professional staff, and July of 1988 for faculty members.

The three Consulting Groups were asked to respond to a series of questions drafted for each campus and which represented decisions that needed to be made early in the restructuring process, or were necessary in order to give appropriate charges to the task forces that will be appointed following action of the Board of Regents in February. The questions which were presented to each of the regional Consulting Groups are contained in Appendix B as a part of the bulletin that was used to establish the Consulting Group process.

Because of the pressure of time the Consulting Groups did not submit written reports, but rather shared in oral presentations the responses to the questions that were asked of each group. In large part, consensus was reached on the outline of structural elements that should be included in the new institutions. There were reservations expressed by individuals within the Groups about consensus positions, but generally agreement seemed to exist on the important points that need to be resolved in order to move forward with the design of the new units. Proposals and recommendations which are being forwarded to the Regents are reflections of this consensus as understood by the President and members of his staff who took part in the meetings. In cases where consensus did not exist, a proposal is put forward seeking to gain the best features of several points of view.

III. Proposals and Recommendations

The recommendations for action by the Board of Regents are put forth below as a series of numbered points under each of the regional units. It should be noted that the points under some units, such as the treatment of vocational/technical education in the Anchorage Southcentral unit, has implications for the other two units as well. There are several points at which the recommendation in a given unit will impact upon other units of the University system and these are not repeated for other locations.

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A. Anchorage - Southcentral

This is the most complex unit to restructure of the three new organizations. It combines two large institutions, Anchorage Community College and the University of Alaska, Anchorage; the administrative headquarters of CCREE; and Kenai Peninsula Community College, Kodiak Community College, and Mat-Su Community College. In addition, it is the center of the largest vocational/technical instructional program in the University which must be effectively incorporated in the new institution. The number of faculty and students affected by this complex merger represents more than half of the total enrollment in the University of Alaska system.

In general there was consensus on the features of the new University, or at least strong feelings about the need for visibility of different units which has been accommodated in the recommendations. One area of disagreement which could

not be reconciled was the organizational structure of the institution and the role of the faculties. Therefore, a proposal is put forth which to a degree incorporates elements of both positions. The alternative formulation attempts to create a new institution which can meet the goals of both of the large existing campuses and continue to recognize the importance of the missions central to each institution.

The points of the restructuring implementation recommendation for the Anchorage-Southcentral institution are as follows:

1. The academic organization will consist of a Division of General Studies, a Division of Disciplinary, Professional and Career Studies, three University Centers at Kenai, Kodiak, and Mat-Su, and each report to the Office of Vice Chancellor for Academic Affairs. The Division of General Studies will be responsible for the general education, developmental and remedial education programs serving all students. This Division will recommend to the faculty the award of the associate of arts degree. The Division of Disciplinary, Professional and Career Studies will house professional schools, academic disciplinary departments and programs to deliver applied and vocational and technical studies. This Division will recommend to the faculty the award of associate of applied science, the baccalaureate and advanced degrees.
2. All faculty members will be appointed in appropriate departmental units. The departmental units will all be located within the Division of Disciplinary, Professional and

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Career Studies. A faculty member will be assigned to duties in each Division depending on teaching needs and the individual's skills and preferences. It is expected that most faculty will serve in both Divisions. The allocation of duties for a faculty member will be established at the time of original appointment and restated periodically. The Vice Chancellor's Office will determine faculty assignments to the two Divisions. Faculty in the University Centers will also be appointed in departments and assigned to the two Divisions.

The General Studies curriculum will be the responsibility of the entire faculty. Academic governance will be guided by a constitution to be developed for this purpose.

3. The University Centers at Kenai, Kodiak, and Mat-Su will each have a Dean or Director who reports to the Academic Vice Chancellor. The faculty in each Center will be department members and have duties relating to either or both Divisions. The direction of the faculty is the responsibility of the Center Dean or Director. In addition, the Center administrator will have a labor pool fund to make appointments and offer courses to fill local service needs. The approval of course offerings and temporary faculty are subject to periodic review by the Academic Vice Chancellor.
4. A separate unit reporting to the Chancellor will be established to deploy, coordinate and evaluate vocational and technical education throughout the University. This unit will be responsible for continuous oversight and review of training needs and programs across the State. Where there is a strong and sustained demand for vocational and technical training, resources will be committed to the location on a continuing basis. These programs will be subject to regular evaluations. Where a periodic demand or need exists for vocational/technical training, provision will be made for periodic course offerings. These continuous and periodic offerings will be under local supervision. In addition, local labor pool funds can be used for specific offerings. The Anchorage office will maintain a "quick-start" capability

to respond to unpredictable opportunities anywhere in the State. The Anchorage office will be required to work closely with business, industry, government, the Department of Education, and the public schools in developing University vocational/technical programs.

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It is anticipated that few changes in vocational/technical offerings will occur before Fall, 1988.

5. The Anchorage-Southcentral unit will have a Vice Chancellor for Student Affairs and a Vice Chancellor for Administration. Within each of the Divisions there will be Deans and Directors as needed to give direction to colleges, schools, departments, and offices.

B. Fairbanks-Interior and Western

The organizational problems that arise in creating a new institution by joining together a major University, one urban and three rural Community Colleges, plus a vast rural education region, were worked out with a reasonable degree of consensus by the Consulting Group. The needs expressed by the rural representatives are respected in the design which has emerged. At the same time the concerns for continuing services to University residential students and the citizens of the Tanana Valley region are addressed in the plan.

There are a number of detailed issues which must be worked out in this unit in the future, but these can be accommodated within the structure which is presented here for consideration.

1. A new College will be created that combines the elements of the existing College of Human and Rural Development, the new University Centers at Bethel, Kotzebue and Nome and rural services to the Interior, Bristol Bay, and the Aleutians. The Correspondence Study unit will be included in this College.
2. A second new College or unit will be established by combining the services of Tanana Valley Community College with elements of the Division of Conferences and Continuing Education. This new College, delivering community services and continuing education, will provide training in general education, applied sciences, vocational and technical studies and developmental studies for the Fairbanks area.
3. Faculty in the new Colleges will be appointed in appropriate academic disciplines and assigned and supervised by the College Dean or Center Director depending on the location of their services. Courses and faculty at the University Centers will be authorized by the appropriate school or department in the University. Each Center will have funds and authority to offer courses in response to local needs on a demand basis.

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Vocational and technical programs will be authorized in cooperation with the Statewide Center for Vocational and Technical Education.

4. The Cooperative Extension Service will coordinate the delivery of services throughout the State. The Director of CES will report to the Academic Vice Chancellor and directly supervise the generalist agents working throughout the State. The specialist agents in agriculture, fisheries, home economics, and other fields, will be assigned to their respective Colleges, with their field services coordinated by CES. Close cooperative agreements will be developed between CES and the Colleges. The ANHRDP will be transferred to the new College serving rural Alaskans.

C. Juneau-Southeast

The structure that is proposed for the Juneau-Southeast institution recognizes both the limited size of the Juneau program and the importance of incorporating educational services at Ketchikan and Sitka as an integral part of the new enterprise. The proposal for integrating these programs seems to have had general acceptance by the participants in the Consulting Group and is advanced for your consideration.

1. The administrative structure of the Juneau-Southeast unit should consist of a Chancellor's Office to which report an Academic Vice Chancellor or Dean of Faculty, Directors of University Centers in Ketchikan and Sitka and a Vice Chancellor for Administration. The academic departments, divisions, schools, or colleges report to the chief academic officer.
2. The academic program structure should be kept as simple as possible in view of the enrollment in the Southeast region. The Master's of Education program provides a desirable link to regional public schools and a valuable service to the region and should be continued. The Master's of Public Administration lacks an adequate faculty base and will be reorganized when a University public policy faculty is assembled as a unit. The Master's of Business Administration will be phased out; the Master's in Fisheries will be awarded by the new statewide fisheries unit at the Fairbanks institution; and the Master's in Vocational Education will be moved to the Anchorage-Southcentral unit.

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3. All faculty in the Juneau-Southeast unit will be appointed in appropriate academic departments. The faculty assigned to University Centers will be supervised by the Center Directors. The Centers will have program and budget flexibility to approve courses and instructors in response to local needs. In addition, vocational and technical programs will be authorized for regional delivery in cooperation with the Statewide Center for Vocational and Technical Education.

It is evident in the above that many issues remain unresolved in the formation of the new University. Many of these concerns must await the formation of task force groups that will give intensive study to details of academic and administrative organization for each new unit. It should be noted, however, that there is no known instance when a redesign of a public university of this magnitude has been attempted in higher education except over a period of many years. This University is forced to do in weeks and months that which ordinarily takes years, but it is dealing with an economic situation the likes of which no other modern university has encountered.

One of the issues which is not yet addressed and will have to be resolved in the weeks ahead, is the organization of the several faculties which were described in the December report. These are the faculties of fisheries and marine sciences, health and medical teaching and research, public policy studies, and international trade.

The status of Prince William Sound Community College has not yet been determined. Prince William Sound Community College receives a substantial annual operating appropriation from the City of Valdez, and therefore is in a special category. It is planned to present at a later date an alternative design that will encourage local governments to provide a specified portion of the annual operating budget of a local educational unit as a means of attaining or retaining community college status.

The fisheries program has been under discussion, but several of the key University figures in fisheries administration have been out of the State on official business and have not been able to meet to formulate alternatives for the organization of the fisheries and marine science unit. The international trade program has moved forward a little more quickly than originally anticipated because of the initiative announced in January by Governor Cowper. In the public policy and health and medical

areas task forces must be created and results developed for consideration by the Board on the organization and location of these new enterprises.

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There are some delicate problems that need careful examination in the implementation of the new structure. For example, the relationship between the University Center at Sitka, Sheldon Jackson College, and Mt. Edgecumbe School, needs to be carefully examined and a set of agreements developed which benefit both the University and the community. The situation in Sitka requires special attention because of funding changes that have impacted several of the institutions which have been working together to formulate an educational consortium for that region.

That which has been recommended above is a series of basic directions within which the task force process can go forward. The outline of each campus is clear, but the details remain to be written. These details, in many instances, must be designed by the people on the scene, those most affected by the decisions, and those most knowledgeable about the programs that need to be in place. The plan is to turn now to local groups, calling on broad representation to help shape the details of the new campuses within the guidelines that have been proposed.

There are several questions that persist, in spite of endless reassurances which are answered in the presentation above. For example, there will be teaching units at each of the Community College sites that traditionally have been maintained by the University. These units will be able to provide the range of programs that they have in the past, including developmental studies; associate of applied sciences courses; associate of arts courses; vocational and technical training and cultural enrichment courses. In addition, all of these sites will gain the capacity to offer on a regular basis upper division courses leading to the baccalaureate although all of these services will be hampered by the shortage of funds.

Vocational/technical education will be available in all of the locations where it is today, although changes will occur over time in the programs offered based on a very careful study of the demand for that which is now being presented and the needs for vocational and technical education throughout the State.

It is a pleasure to report that the Consulting Groups for each of the new units believe that open admissions, a commitment to developmental education, services to non-traditional students, and a concern for assisting people in finding their way into and through higher education, are an obligation of every unit. This consensus developed quickly and universally in the Consulting Groups and will be included in the mission statements and values of each of the new institutions.

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Each of the Consulting Groups quickly agreed on the pattern of community advice that would be most useful for the new units. It was agreed that the University Centers should have locally based advisory groups and that these groups in turn should contribute to institutional advisory groups which would represent the communities and regions served by the new campuses. A careful plan of designing, selecting, and organizing these advisory structures will be developed for the institutions. In addition, a number of advisory groups to specific programs and activities will continue to exist and even be expanded with the creation of the new University structure.

Because of the great concern expressed over maintaining the integrity of the Community College mission, it may be appropriate to set up a mechanism which would guard this process from year to year. For example, the new institutions could be asked to report annually to the Board of Regents, as the CCREE units do today, on the characteristics, status, and success of the Community College mission.

In addition, the statewide administration might be asked to hold public hearings each year in which Regents could participate and the community would be asked to comment on the success of the Community College mission of each of the new institutions.

A third alternative might be to ask outside professionals who are expert in the community college area to visit the campuses periodically and report on the effectiveness with which the Community College mission is being maintained and delivered.

Each of these steps would provide the Board of Regents with

a reading on the maintenance of the Community College mission in the University through its three comprehensive regional units.

IV. Next Steps

The selection of Chancellors for the Anchorage-Southcentral and Juneau-Southeast institutions is scheduled to take place as soon as possible after the February Board of Regents meeting. These selections will be made from people already in the University and technically will be promotions within the terms of the University's personnel policies. The reason for proceeding in this manner is to quickly identify individuals to give leadership to the new institutions. It will be necessary to have persons who can devote full time to the creation of the new structure for both the Anchorage and Juneau based institutions so that the administrative and academic programs can be ready to go into operation at the earliest time without interrupting the on-going processes of the existing

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campuses. The University faces the unusual situation of having to bring new units into existence while existing campuses continue to provide a full array of services to their communities. The new Chancellors will have responsibility within guidelines established by the President and the Board for establishing the administrative structures, selecting people to fill the available positions, developing procedures for operating the new institution, and working out all the transitional problems.

It is anticipated that at some designated date, such as August 1, 1987, the seven campuses and the CCREE administrative offices in the Southcentral region will cease to exist and the following day the new Southcentral institution will be in place. This has to be done in such a way that all of the procedures and the programs move smoothly from the old structure to the new one without a loss of control or the failure of some system to operate. All of the business, student records, physical plant, and academic activities have to go smoothly from the old to the new operation. Many people will have to change jobs and activities on that day as they move from serving one institution to serving a new one. A great deal of work will have to be done to create a smooth transition of records and processes for all people involved. For example, a student's record will have to reflect a transition from an existing institution to the new one with a clear trail which indicates that student is enrolled in an institution which is a designated successor to the earlier enterprise. This is not an easy operation and there are very few precedents for making the changes that are proposed.

A number of steps will have to be taken to design the new merged offices for each of the new institutions. The offices of payroll, purchasing, accounting, admissions, records, etc., will have to be established, drawing upon personnel from the existing campuses. This process has already begun for the Anchorage-Southcentral institution. A committee has been set up corresponding to each of the offices to be merged, consisting of representatives from the three existing units. These groups are designing plans for the new offices that will emerge from the existing offices.

The second step in this process will be to appoint directors for these new offices from among the available staff and then fill each of the positions in the new offices starting at the senior professional level and working through the classified positions. In this process, of course, some people will receive layoff notices as the offices contract to the number of administrative staff who will be required to provide services in the consolidated mode. A similar procedure will be established at both the Fairbanks-Interior -Western, and the

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Juneau-Southeast campuses. Because the CCREE personnel have to be involved in all three of these procedures, it was decided not to undertake all three studies of campus consolidation at one time. Appendix C contains a memorandum on this process that has been shared in recent days with all employees.

The next stage in developing new unit programs will be to appoint a series of task forces which will study the many questions that have to be answered in the creation of the new

programs. The plan calls for establishing a main task force for each new unit, chaired by a Chancellor or Chancellor-designate, and made up of representatives of the component organizations that will come together to form the new institution. These groups in turn will appoint a number of working groups, or teams, to address specific problems that need resolution. For example, one team might draft a mission statement for the new institution. Another team would be concerned with the nature of faculty appointments in the new institution and how faculty would move from their current ranks and appointments to positions in the new institution. A third task force might identify the organization of student services in a new institution based on a different academic structure from the ones which exists in the programs that are being merged. The task forces and study groups will be made up of members of the University's faculty, staff and students, as well as community members who are particularly interested in aspects of the institution being addressed. It is conceivable that as many as ten to fifteen working groups would be identified in one of the new institutions to cope with a range of crucial problems that have to be resolved.

The task forces will screen and integrate the information from the work groups and send it along to statewide administration for final review and approval or recommendation to the Board of Regents in instances in which policy changes are involved.

The main task forces will be appointed in the ten days following Board action while the supporting groups may require another few weeks to be completed. A relatively vigorous timetable will be assigned to task forces so that the process of creating the institutions can move swiftly.

The goal of this effort is to move to a transition date when the existing campuses are phased out at 11:59 p.m. of one day and the new campuses come into existence at 12:01 a.m. of the succeeding day. Ideally, these dates will be during summer of 1987 so that the basic administrative structures of the three new institutions will be in operation for the next academic year. It is essential that progress be made so that funds can be captured to meet the rigorous budget targets which face the University in FY 88.

-14-

It is likely that some features of the existing institutions will persist for another year, since it will take time to determine in a clear and unambiguous manner the best courses of action to advance various elements of the new institutions. For example, it is likely to take a full year to understand clearly how vocational/technical education should be organized in the University so as to provide, with available resources, the best services throughout the State. It may take another year to arrange the changes in programs and personnel necessary to fit the plans that will be developed this year. Some of the changes that are essential for the long-term well-being of the University can only be achieved slowly and cautiously if they are to be successful.

It is most regrettable that some people will have to be laid off in the months ahead and others will be unsettled by the relocation of duties and responsibilities. Every effort will be made to assist people in finding other alternatives within the University and in the community at large, and to ease the transition to a new employment status.

A principal goal of restructuring is to protect as much as possible of the service delivery capability of the University and maintain and even strengthen the quality of the programs offered at locations throughout the State. Every effort is being made to preserve the best in the University in the hope that the future will provide an opportunity once again to build toward new levels of effectiveness for the University of Alaska.

DDO:dm

-15-

Appendix A

Board of Regents' Meeting
December 1-2, 1986

PASSED AS AMENDED:

The Board of Regents approves the general concept of restructuring of the University of Alaska as presented by the president, and instructs the president to prepare detailed implementing plans in accordance therewith. The Board further instructs the president that the restructuring plan for implementation accomplish the following to the greatest degree possible:

- 1) Incorporation of specific details for assuring that multi-part mission statements, identity, vocational education, and local mechanisms for input are met.
- 2) That in the consolidation of functions currently performed in the universities, community colleges, distance delivery, and related program offerings within the system into the new three (3) regional administrative units, the president creates separate sub-units in each of the new three (3) MAUs to preserve the accountability of:
 - a. individual and unique missions, and
 - b. the budget identity of the existing organizational functions.

The Board further instructs the president to seek final Board approval of such plans prior to their implementation. This motion is effective December 5, 1986.

APPENDIX B
1-21-87

Questions to be addressed by the Consulting Groups

Fairbanks

1. How should the extension service, the community college and the university faculties be integrated in the new institution? (CCREE, CES and UAF faculty must be included in the solution.)
2. What structures are required to protect and maintain essential elements of the community college missions, including urban (TVCC) and rural units?
3. What should be the roles, organization, location and interrelationships of student support services, such as developmental education, counseling, admissions, registrar and financial aid?
4. Where should the extended rural college be located in the structure of the new institution?
 - a. How will the extended rural college relate to CHRD, X-CED, RAHI, etc.?
 - b. How will academic and supporting administrative services be provided to rural sites?
 - c. What administrative linkages are required between the Fairbanks campus and other sites?
5. Where should the CES and correspondence studies be located in the new institution?
 - a. What will be the relationship of CES faculty to departmental school or college faculty?
 - b. What will be the relationship of CES to the research units, including the Agriculture and Forestry Experiment Station?
6. How should the "statewide" faculty of fisheries and marine science be structured to operate effectively across the State and to integrate smoothly with the new institution?
7. What structural and administrative arrangements are required to reduce duplication and enhance complementarity between CES, community college, and conference and continuing education functions?

8. What advisory structures are needed for the new institution, including linkages to rural Alaska?
9. What elements should be included in the mission statements for the new institution? What one should be excluded?

APPENDIX B
1-21-87

Questions to be addressed by the Consulting Groups

Juneau

1. What programs should be offered as an integral part of the new institution?
2. What programs offered from other UA units should be brokered by the new institution?
3. How should the new institution be structured to best deliver and broker the programs identified in #1 and #2 above?
4. How can the institution best provide academic and supporting administrative services to outlying communities in southeast Alaska?
5. How will community college faculty be integrated with other faculty in the new institution?
6. What is the best community/regional advisory structure for the new institution?
7. What elements should be included in the mission statement for the new institution? What elements should be excluded?

APPENDIX B
1-21-87

Questions to be addressed by the Consulting Groups

Anchorage

1. What elements should be included in the mission statement for the new institution? What ones should be excluded?
2. What should be the administrative structure of the new institution?
 - a. What administrative units should report directly to the Chancellor? to the Vice Chancellors?
 - b. Where should the major academic units, including voc/tech, be located in the organization?
 - c. How should the Mat-Su, Kenai, Kodiak, and Prince William Sound campuses fit into the institutional structure?
 - d. How should the voc/tech unit be linked to extended sites, e.g., community college sites?
 - e. What structures are required to protect and maintain essential elements of the community college missions?
3. How should the community college and university faculties be integrated in the new institution? (ACC, CCREE and UAA faculty must be included in the solution.)
4. What should be the roles, organization, locations, and interrelationships of student support services, such as developmental education, counseling, admissions, registrar and financial aid?
5. How should the centers or faculties in health and medical sciences, international business and trade, and public policy be organized in the academic structure?
6. What community advisory structure(s) should serve the new institution? (Anchorage, Mat-Su, Kenai, Kodiak, Prince William Sound, and some sites where voc/tech instruction, is

delivered, must be considered.)

APPENDIX C
-13-87

February 13, 1987

TO: Faculty and Staff
FROM: Donald D. O'Dowd
President
RE: administrative staff reductions

In recent weeks I have been so distracted by the restructuring process, the new legislative session, and our extraordinary financial crisis that I have neglected to thank you for your continued dedication in serving our students, our publics and the citizens of the State.

I realize that our financial challenges are creating a level of insecurity for many members of the University. I understand these concerns and I am attempting to reduce, offset and ameliorate them. It is clear that many of you feel a great sense of frustration and helplessness because there is nothing you can do directly to correct the situation. I wish it were possible to promise each of you the job security you deserve, but I cannot give you that assurance. We must reduce administrative costs substantially, and this will mean a significant loss of jobs throughout the University. Please be assured, however, that across-the-board layoff notices will not be issued to administrative staff unless we are faced with additional major budget cuts.

The restructuring proposal is targeted to save at least \$6 million in administrative costs on a full year basis. However, full year savings will not start to accrue until July 1, 1988. In order to realize the level of administrative savings that we must attain, we will have to reduce staff for FY 88 and beyond. The most prudent course we could have followed would have been to issue immediate lay-off notices to all potentially affected administrative staff. However, I believe it is incumbent on the University to treat its employees with as much respect and fairness as possible. Therefore, my plan is to establish the basic structure of the three new institutions as soon as possible, then fill the administrative positions for these new institutions within the budget provided; and, finally, take action on individual layoffs as necessary.

We anticipate that some of the administrative savings will come from attrition and this will help reduce the number of layoffs required. In addition, we will make every effort to place employees who are on layoff status into openings as they become available. Therefore, I am asking each Chancellor at this time to hold open vacant positions to the extent possible until the structure of the new institutions is in place.

It is not possible to provide an exact schedule of the events that will occur in the next couple of months, but I can give you some general information.

I will make specific recommendations on restructuring to the Board of Regents on February 21. Some key restructuring decisions will be made at that meeting with follow-up decisions at the March 11-12 meeting.

I have asked the three Anchorage Chancellors to have their staff members in the administrative areas that will be consolidated (accounting, admissions and records, budgeting, etc.) to begin developing recommendations on a transition from the current office structure to the new consolidated offices. I anticipate that these recommendations will be ready for consideration in early March. Work on consolidating administrative offices for the new Fairbanks and Juneau institutions will be initiated after the Board of Regents meeting on February 21. The current CCREE

units will be impacted on the same time schedule as that which applies to the new institution into which they will merge, as the schedule for setting the administrative structure will apply equally to all units involved. Not all administrative areas will be affected by the restructuring process, such as those offices already consolidated and offices which are currently staffed at levels that require the continuation of existing personnel in order to provide adequate service.

As indicated in an earlier memorandum, I expect to appoint Chancellors to the new Anchorage and Juneau institutions by the end of February.

Later in March, we will select individuals for the administrative management positions of the consolidated offices within the new institutions. These selections will be from current employees, unless there are some unusual circumstances. Following these actions, appointments will be made at each level in the administrative offices until the new staffing pattern is completed and all layoffs have been announced.

I appreciate your continuing dedication and good work during this extraordinary period. I will try to keep you informed, step by step, of the activities that must be taken so that the University can survive as a high quality institution despite shrinking resources.

DDO:dm

Information Services 474-7272/SYSERVE

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HAR

7

HR 7 Relating to the funding of the Emergency Medical Services System.

File Contents

- 1) Copy of HR 7
- 2) Interior Region Emergency Medical services, Inc. General Information Summary Sheet
- 3) Briefing Summary, 3/12/87
- 4) Position paper, Niilo Koponen
- 5) Minutes, HESS Committee, 4/29/87
- 6) Memo, Craig Lewis to Rep. Koponen, 4/29/87, w/changes
- 7) Position Paper, Department of Health and Social Services, 4/29/87
- 8) Zero Fiscal Note, DHSS
- 9) Changes made to HR 7 - analysis
- 10) Work Draft, CS for HR 5, Hein, 5/4/87
- 11) House HESS minutes, 4/29/87
- 12) House HESS minutes, 5/6/87

HOUSE COMMITTEE REPORT

(7)

Date referred: 4/17/87

FURTHER REFERRALS: Finance

DATE: 5/6/87

The Health, Education and Social Services Committee has considered HR 7

Relating to the funding of the Emergency Medical Services System.

RECOMMENDS:

- replace with CS HR 7 (HESS) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

ROD E. ORR
W. Ellis
Will Komara
Daniel Dowley
Max Greenberg

George Whelan - No Rec
Bill Hays - No Rec

W. Ellis
(Co-Chairman's signature)
Will Komara

Interior Region Emergency Medical Services, Inc.

General Information Summary Sheet

Interior Region is made up of fifty seven (57) Communities spread over 236,000 miles.

Most of these communities are rural and dependent on aircraft as transportation.

Thirty two (32) Communities have native health clinics and Community Health Aides to address some health issues. Generally this excludes emergency trauma care. IREMSC remains in close contact with Tanana Chiefs and provides assistance in training the Health Aides in pre-hospital care.

There are 25 Responder Groups in Interior Alaska. Three (3) of these groups have paid or part paid personnel. City of Fairbanks, City of North Pole and Nenana.

There are seventeen (17) organized communities in Interior. Virtually 100% participate is assisting the volunteers. Most frequently this takes the form of allocating space for an emergency vehicle in the city garage, helping with insurance, maintenance and fuel.

Each of our volunteer services averages between 6-15 active volunteers.

The distribution of the skill levels of the volunteers is as reflected below:

- 129 Emergency Trauma Technicians (ETT)
- 175 Emergency Medical Technician I (EMT I)
- 80 Emergency Medical Technician II (EMT II)
- 41 Emergency Medical Technician III (EMT III)

The average volunteer gives 15 hours each month. At \$10/hour this amounts to \$765,000 of services to Interior's citizens.

IREMSC trains approximately 573 provides each year. This does not include those who complete injury prevention classes such as water safety, fire arms safety, construction safety and ATV safety nor does it include the CPR, first aid or advanced first aid classes coordinated through this office.

Last year, Interior responders reacted to almost 2000 ca 's for assistance. (This does not include the City of Fairbanks or the assists provided at the two ports of entry into Alaska at Port Alcan and Boundary.)

Approximately 30% of the responses were to non-local residents. As the tourism industry increases and bus traffic increases this percentage is expected to increase. If the Dalton highway is opened and other interior highways are maintained on a year round basis the percentage will again go up.

GOVERNORS FY88 BUDGET REGIONAL IMPACT***

- Two (2) Ambulance services will reduce their level of service from Advanced Life Support to Basic Life Support.
- Three (3) Ambulance services will reduce their level of service from Basic Life Support to First Responder level.
- Three (3) First Responder Services will lapse.
- Mini-grants will again be reduced totaling 32% since 1984.
- The main office of IREMSC will have to reduce its staff by another 1.5 positions. From nine (9) in 1984 to six (6) in 1988.
- We will train 60 fewer replacement people.

OTHER IMPACTS

- The cost of insurance has increased dramatically as has the incidence of medically oriented law suits. Fewer people are willing to commit their time to volunteer if there is no way to cover insurance.
- The Department of Administration has instituted a regulation requiring grantees to coordinate and pay for a single audit. Historically this has been handled at no cost through the audit division of the Department of Health and Social Services. Budget reductions have eliminated this as a possibility this year necessitating \$8,000-12,000 from our "hide".

*** The items listed under impact exclude operational changes such as having to relocate our office, reduce purchases, eliminate replacement of broken or worn out training equipment and etc. Also omitted is the necessity of having to raise fees associated with services by 5 to 7%.

BRIEFING SUMMARY

EMS Briefing conducted March 12, 1987 during the Interior Delegation Luncheon in Juneau.

SUBJECT: IMPACT OF THE PROPOSED FY88 BUDGET REDUCTIONS ON ALASKA'S VOLUNTEER EMS SYSTEM

GENERAL INFORMATION

The parameters used during this briefing were derived in part from the Alaska EMS Goals A Guide for Planning Alaska's Emergency Medical Services System (revised 1984). This document was developed with the assistance of many individuals and advisory groups across the State and supported and approved by the Governors Advisory Council on Emergency Medical Services. However, the recommendations contained in the ALASKA EMS GOALS are not and have not been adopted under the Alaska Administrative Procedures Act, A.S. Chapter 44.64.

The statistics presented are for the period July 1, 1986 through February 28, 1987 unless otherwise noted.

- There are 275 Communities in Alaska.
- There are 114 organized ambulance services and first responder groups.
- There are 1286 active responders volunteering in these services.
- The average volunteer gives 15 hours of service each month. This equals 231,480 hours per year and equates to \$2,314,800 if paid \$10/hour.
- These responders reacted to 23,351 calls for help. (this excludes Anchorage and Fairbanks).
- In rural communities, a volunteer can be expected to react to one (1) call /week. In larger less rural communities and sub-regional centers, (Tok, Bethel, Galena and etc) it can be as high as three (3) per day.

- 27.3% of the patients cared for were not local residents.

- Turn-over of volunteers is high. The expected attrition rate annually is 20%.

- The number of providers trained in 1980 was 2139. 312 of these were recertifications.

- The present level of funding proposed by the Governor is 21% less than funded in FY87 (with the legislative add-ons removed)

IMPACT

At the present level of funding proposed by the Governor:

The level of service provided by local volunteers will decline from advanced life support (cardiac and IV trained) to basic life support in six (6) cases.

Ten (10) local services will lapse leaving entire sections of the highway without support.

10% fewer providers will be trained.

Operational funding to services (mini-grants) will be 32% less than originally provided.

Regional staffs from all regions will be reduced by 8 positions from a total of 31.

ADDITIONAL IMPACT

Liability insurance for all providers has increased significantly over the last two years causing some providers to go without. The lack of availability of insurance and the high cost combined with the fear of litigation discourage volunteers.

All regions are now required to have an independent audit. The regulatory requirement could cost each region \$8,000-12,000 annually. There have been no increase in grant funds to off set this requirement.

House Resolution No. 7

Position Paper

House Resolution No. 7 relates to funding of the Emergency Medical Services System and calls on the Governor to include an annual permanent funding source for the Emergency Medical Services System in the state.

The Department of Health and Social Services has the following comments on this proposed resolution.

- 1) The department notes that there still is some federal funding for the Emergency Medical Services (EMS) System through the Alaska Area Native Health Service;
- 2) The department agrees that the state has a responsibility to provide some funding assistance for the statewide Emergency Medical Services System;
- 3) The department supports and values the contributions of the many emergency medical responders statewide, especially the volunteers;
- 4) The department agrees that provision of emergency medical service prehospital systems are the responsibilities of local and state government, but also notes that the Alaska Area Native Health Service shares in this responsibility;
- 5) The department agrees that the quality of service rendered to a victim of an emergency should be standardized throughout the communities of the state, depending on size and level of community as outlined in the Alaska EMS Goals document;
- 6) The department agrees that the State Emergency Medical Services Section, the Advisory Council on EMS, and the EMS Regions have in place and functioning a planning process for ambulance service operations, ambulance service personnel certification, and technical assistance to ambulance services and communities, as well as for other components of the EMS system;
- 7) The department does not necessarily agree that current methods of financial distribution for the Emergency Medical Services System inhibits compliance with AS 18.08, although the department acknowledges that some areas of the state have made more progress toward meeting the EMS Goals than other areas.
- 8) The department agrees that the EMS System is dependent on several funding sources and, in fact, the department over several years has encouraged local governments to provide more funding support for emergency medical services, and, furthermore, it has encouraged all ambulance services to generate their own revenues by collecting patient fees; and
- 9) The department already includes an ongoing funding source for the Emergency Medical Services program in its annual budget request.

The department also notes that there has been significant progress in developing Alaska's Emergency Medical Services System over the past decade, with more and better trained emergency medical responders; more continuing medical education opportunities for rural physicians, nurses, and mid-level practitioners; an expanded EMS Communications system; a developing aeromedical service system, with ten state certified air ambulance and medevac services; and three and one-half times as many organized ambulance services statewide, of which nearly sixty are state certified at either the Basic Life Support or Advanced Life Support level.

The Department of Health and Social Services supports the general intent of House Resolution No. 7, but it believes that an annual state funding source already is provided to the Emergency Medical Services System through funding of the State EMS Section and EMS Grants to Regions.

Recommended by:

Elizabeth Ward

Elizabeth Ward, M.N.

Director

Division of Public Health

Date:

April 28, 1987

Approved by:

Myra M. Munson

Myra M. Munson

Commissioner

Dept. of Health & Social Services

Date:

4/29/87

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: Health, Ed., & Soc. Svcs.

Bill Version: HR 7
Publish Date: 4/28/87

Revision Date: 4/17/87
Title: HR No. 7 Relating to funding of the Emergency Medical Services Sys.

Agency Affected: Health & Social Services
BRU: State Health Services & Health Grants

Sponsor: Koponen, Et. al
Requestor: _____

Components: EMS Training & Licensing
EMS Grants to Regions

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Eliabeth A. Ward
Division: Public Health

Phone: 465-3090
Date: 4/28/87

Approved by Commissioner: Blincke R. Brunp
Agency: Dept. of Health & Social Services

Date: 4/29/87

Distribution (by preparer):

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

Alaska State Legislature
Representative Niilo Koponen

Pouch V
Juneau, Alaska 99811
(907) 465-4992

542 4th Avenue, Suite C
Fairbanks, Alaska 99701
(907) 456-8161

POSITION PAPER

APRIL 29, 1987

HR 7 "Relating to the funding of the Emergency Medical Services System."

This resolution requests the Governor to identify a funding source or sources for Alaska's Emergency Medical Service system. This system, largely volunteer staffed, provides emergency medical rescue and ambulance services throughout Alaska, serving populous cities and isolated bush communities alike, and protecting travelers along our highways, airway and coastal waterways. It serves both Alaskan residents and tourists impartially. The resolution contains statistics that illustrate the need and the service provided. Having served as a volunteer EMT, I have seen many lives saved that would have been lost in the decades before. Two of the fatal multiple injury accidents at which we assisted involved tour buses carrying senior citizens. Without the quick response of volunteer units the State and its tourism industry would have received a very negative image. Most accidents however, involved Alaskans.

Our Constitution prohibits designated funds, however, it would be appropriate to earmark a portion of a given appropriation or appropriations perhaps in the highway or tourism areas for EMS. Another approach would be to designate a tax to be paid into an identified fund within the General Fund, which would be available for appropriation by the Legislature for EMS. A formula funding approach providing equity and predictability should then be developed for the distribution of legislative appropriations.

TO: REP NIILLO KOPONEN
ATTN: SHERRY

FROM: CRAIG LEWIS

SUBJECT: PROPOSED CHANGES TO DRAFT HR 7, EMERGENCY MEDICAL SERVICES

DATE: APRIL 29, 1987

Recommend that the two sections we discussed on page 2 be changed as follows:

WHEREAS the amount of money allocated to support Alaska's Emergency Medical Services System is insufficient to comply with the intent of AS 18.08.0.

BE IT RESOLVED that the Alaska House of Representatives respectfully requests that the Governor include an annual permanent funding source to provide an acceptable level of Emergency Medical Services to all communities of the State.

This is another alternative:

BE IT RESOLVED that the Alaska House of Representatives respectfully requests that the Governor include an annual permanent funding source sufficient to provide the basic level of Emergency Medical Service to all communities of the State

①

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: Health, Ed., & Soc. Svcs.

Bill Version : HR 7
Publish Date : 4/28/87

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BRU: State Health Services & Health Grants

Sponsor: Koponen, Et. al
Requestor: _____

Components: EMS Training & Licensing
EMS Grants to Regions

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: *Dianna Ward*
Division: Public Health

Phone: 465-3090
Date: 4/28/87

Approved by Commissioner: *Burke L. Fikun*
Agency: Dept. of Health & Social Services

Date: 4/29/87

Distribution (by preparer):

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



Alaska State Legislature

House of Representatives

COMMITTEE ON HEALTH, EDUCATION AND SOCIAL SERVICES

POUCH V
JUNEAU, AK 99811
465-3759

OFFICIAL BUSINESS

CHANGES MADE TO HR 7 - "RELATING TO THE FUNDING OF THE EMERGENCY MEDICAL SERVICES SYSTEM."

Line 8 - WHEREAS federal grant funding for Emergency Medical Services Systems to promote and assist non native Alaska communities to upgrade prehospital emergency medical services has been dissolved;

This change clarifies that Alaska native health corporations do work with the State to coordinate services. These health services have money in their budget to help offset the costs of the native communities.

Line 13 Alaska Native Health Services (since they provide funding)

Line 17 WHEREAS the quality of service available to a victim of an emergency should be standardized according to the level and size of the community of the state

Line 19 [manpower] personnel certification

Line 26 [ambulances] ambulance services and air ambulance services

Page 2

Line 3 [methods of financial] level of finance and uncertain distribution of funds

Line 8 [permanent] appropriation from identified funding sources, to provide a basic level of Emergency Medical Services appropriate to each community in the state

The above change was made to clarify the intent of this resolution that funding for EMS should be appropriate for each community in the state. Monies would come out of the General Fund.

5-1070B

Hein

5/4/87

Original sponsors: Koponen, Miller,
Gruenberg, et al.

del. to Koponen

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE RESOLUTION NO. 7 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 Relating to the funding of the emergency
6 medical services system.

7 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:

8 WHEREAS federal grant funding for emergency medical services systems
9 to promote and assist non-Alaska Native communities to upgrade prehospital
10 emergency medical services has been dissolved; and

11 WHEREAS Alaska has more than 2,570 volunteer emergency medical techni-
12 cians working in more than 114 volunteer provider agencies; and

13 WHEREAS the provision of emergency medical service prehospital care
14 systems is a responsibility of local government, the Legislature, Alaska
15 Native Health Services, and the administration; and

16 WHEREAS the quality of service available to a victim of an emergency
17 should be standardized throughout the state, with due regard for the size
18 of the community and the level of service; and

19 WHEREAS the planning process for ambulance service operation, ambu-
20 lance service personnel certification, and technical assistance to ambu-
21 lance services and communities is in place and functioning; and

22 WHEREAS the Governor is responsible for the faithful execution of the
23 laws; and

24 WHEREAS Alaska law (AS 18.08) authorizes the adoption of regulations
25 relating to certification and recertification of emergency medical techni-
26 cians, emergency medical technician instructors, and ambulance and air
27 ambulance services; and

28 WHEREAS the Legislature is responsible for the promotion and protec-

1 WHEREAS the state office of emergency medical services, division of
2 public health, Department of Health and Social Services is responsible for
3 the implementation of AS 18.08 to protect the public health and welfare;
4 and

5 WHEREAS the current level of funding and the uncertain distribution of
6 funds for the emergency medical services system inhibit compliance with
7 this law; and

8 WHEREAS the emergency medical services system is dependent on several
9 funding sources; and

10 WHEREAS the amount of money allocated to support the state's emergency
11 medical services system is insufficient to comply with the intent of
12 AS 18.08;

13 BE IT RESOLVED that the House of Representatives respectfully requests
14 that the Governor include an annual appropriation from identified funding
15 sources to provide a basic level of emergency medical services appropriate
16 to each community in the state.

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23
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SB

1

CSSB 1 - An Act relating to the rights of physically and mentally disabled persons.

File Contents

- 1) Copy of CSSB 1
- 2) Zero Fiscal Note, Office of the Governor, 3/31/87
- 3) Court Systemn Fiscal Note, 3/5/87
- 4) Zero Fiscal Note, DHSS, 3/5/87
- 5) Sectional Analysis, Edward Hein, 3/31/87
- 6) Memorandum, Senator Duncan, 4/4/87
- 7) Can Justice be Deaf Too?

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB - 1
Publish Date: 3-31

REQUEST: _____

Revision Date: _____
Title: Rights of Physically and
Mentally Disabled Persons

Agency Affected: Office of the Governor
BRU: Commission, Special Issues

Sponsor: Duncan and Szymanski
Requestor: Health, Education and Social
Services; Judiciary; Finance

Components: Human Rights Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

As requested by Senator Paul Fischer

Prepared by: Michael A. Nizich, Director
Division: Div. of Administrative Services

Phone: 465-3616
Date: 3-6-87

Approved by Commissioner: Carol P. Kastelic
Agency: Exec. Assistant, Office of the Governor

Date: 3-6-87

Distribution (by preparer):

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

*Published
replaces
No 95
579 FY
1987*

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

es SB 1 ~~1125~~
3-5-87

REQUEST:

Bill Version:
Publish Date:

Revision Date:
Title: Rights of physically and
mentally disabled persons
Sponsor: Duncan & Fischer
Requestor:

Agency Affected: Alaska Court System
BRU: Trial Courts

Components:

EXPENDITURES/REVENUES:		(Thousands of Dollars)				
OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
Personal Services	••••	••••	••••	••••	••••	••••
Travel	••••	••••	••••	••••	••••	••••
Contractual	••••	4.6	4.6	4.6	4.6	4.6
Supplies	••••	••••	••••	••••	••••	••••
Equipment	••••	••••	••••	••••	••••	••••
Land & Structures	••••	••••	••••	••••	••••	••••
Grants & Claims	••••	••••	••••	••••	••••	••••
TOTAL OPERATING	0.0	4.6	4.6	4.6	4.6	4.6
CAPITAL	••••	••••	••••	••••	••••	••••
REVENUE	••••	••••	••••	••••	••••	••••

FUNDING:		(Thousands of Dollars)				
General Funds	0.0	4.6	4.6	4.6	4.6	4.6
Special Funds	••••	••••	••••	••••	••••	••••
Other	••••	••••	••••	••••	••••	••••
TOTAL	0.0	4.6	4.6	4.6	4.6	4.6

POSITIONS:						
Full-time	••••	••••	••••	••••	••••	••••
Part-time	••••	••••	••••	••••	••••	••••
Temporary	••••	••••	••••	••••	••••	••••

ANALYSIS:

See attached analysis.

Prepared by: Robert G. Fisher, Fiscal Officer

Phone: 264-8215
Date: 2-24-87

Division: Alaska Court System
Approved by: *Stephanie J. Cole* Deputy Director
Agency: Alaska Court System

Date: 2-24-87

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management & Budget
 - Impacted Agency(ies)
 - Senate Secretary

OK to go for

ALASKA COURT SYSTEM
SB 1 - RIGHTS OF PHYSICALLY AND MENTALLY
AND DISABLED PERSONS

FISCAL IMPACT

This legislation allows physically and mentally disabled individuals to serve on juries. Additionally, interpreters are provided for deaf persons while on jury duty. Providing interpreters for deaf persons will impact the Court's contractual budget. The other aspects of the legislation will not impact the Court.

Historically, six to eight percent of all eligible persons are required to perform jury duty. The Center for Deaf Adults estimates that between 250 and 300 deaf individuals would be eligible for jury duty. The Center estimates that 200 are located in Anchorage, 10 are in Juneau, and 10 are in Fairbanks. The remainder live outside urban areas. To be eligible for jury service, the deaf juror would have to be proficient in the use of sign language. Each deaf juror would require an interpreter for all activities in the court.

Based on past experience, it is estimated that approximately fourteen deaf individuals could be called for service in a year. Based on probabilities of jury service for 1986, it is projected that thirteen of the jurors would be called for service in Anchorage and the other juror would be called in either Fairbanks or Juneau. Qualified interpreters are available in these locations.

Interpreter fees are estimated to cost \$4,600 per year.

97

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version CS S.B. 1
Publish Date: 3-5-87

REQUEST: _____

Revision Date: _____
Title: An Act Relating To The Rights Of
Physically & mentally disabled persons.
Sponsor: Duncan
Requestor: _____

Agency Affected: Health & Social Services
BRU: Community Mental Health
and Developmental Disabilities
Components: Developmental Disabilities

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS :

Prepared by: Christine L. Hagmeier Phone: 465-3370
Division: Mental Health and Developmental Disabilities Date: 1/22/87

Approved by Commissioner: Karen Rudol Date: 1/20/87
Agency: Health and Social Services

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

STATE OF ALASKA
THE LEGISLATURE

POUCH STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 31, 1987

SUBJECT: Sectional analysis of CSSB 1(Jud) -- rights
of physically and mentally disabled persons

TO: Senator Jim Duncan

FROM: Edward H. Hein *EHA*
Legislative Counsel

Section 1 adds two new subsections to AS 09.20.010, relating to qualifications of jurors. Subsection (b) provides that persons who suffer from loss of hearing, sight, or mobility are not automatically disqualified from jury service. Subsection (c) requires the court system to provide and pay for interpreters and readers for deaf and blind jurors.

Sec. 2 is the so-called "white cane" law that imposes on motor vehicle drivers a higher duty of care with respect to pedestrians who are physically disabled and identifiable because they are using a white or metallic cane, a wheel chair, crutches or other mobility equipment, or a service animal, such as a dog guide. This provision has been placed in AS 09, the Code of Civil Procedure, because it relates to civil liability. The mentally disabled are omitted from this section because they do not use white canes, mobility equipment, or service animals, and are not readily identifiable by motorists. Definitions are inserted for "physically disabled pedestrian" and "service animal".

Sec. 3 establishes the crime of interference with the rights of a disabled person. This provides that it is a class B misdemeanor to prevent or restrict a physically or mentally disabled person from using streets, sidewalks, and walkways to the same extent as any other pedestrian. It is also a class B misdemeanor under this section to refuse to allow a physically disabled person to bring his or her service animal into a common carrier or other place open to the public. The service animal must be certified as having completed a training course, and the disabled person is liable for any damage the animal does to the property.

padup

Sec. 4 amends the criminal presumptive sentencing provisions by making it an aggravating factor to commit certain felonies against a physically or mentally disabled person because of the person's disability. The finding of an aggravating factor allows the court to increase what would otherwise be the presumptive sentence.

Sec. 5 directs the state Human Rights Commission to adopt regulations about when reasonable accommodations must be made for disabled persons in employment, financing, credit, public accommodations, housing, and government of services. The commission would have the authority to adopt regulations requiring some alteration necessary to make reasonable accommodation for a disabled person.

Secs. 6 - 12 and 14 amend various sections of AS 18.80 to ensure that those sections cover physically and mentally disabled persons. The amended sections require the State Human Rights Commission to study problems of discrimination. The sections amended also make certain discriminatory practices unlawful. These include discrimination in housing, employment, public accommodation, sale and rental of real property, lending, and the provision of state or federal funds, services, goods, facilities, advantages, and privileges. Sec. 7 also transfers to AS 18.80.200 the statement of state policy in AS 18.06 and amends it to say that it is the state's policy to encourage and enable mentally disabled persons, as well as physically disabled persons, to participate fully in the social and economic life of the state and to be employed. Sec. ~~4~~ 13 also provides that it is not unlawful to post notice that facilities to accommodate the physically or mentally disabled are not available.

Sec. 13 provides that a financial institution may refuse to contract with someone if the institution has reasonable doubts about the person's legal capacity to contract, despite the fact that the institution may not otherwise consider a person's mental or physical disability.

Sec. 15 adds new definitions to AS 18.80 in order to incorporate federal definitions of "physical and mental disability".

Sec. 16 repeals AS 18.06. The provisions of that chapter have been transferred to AS 09, AS 11, and AS 18.80. Sec. 16 also repeals AS 18.80.300(11), which is the definition of "physical handicap" for purposes of AS 18.80.

Alaska State Legislature

SENATOR JIM DUNCAN

P.O. Box V JUNEAU, ALASKA 99811

(907) 465-4766

COMMITTEES:
FINANCE
RESOURCES
BUDGET AND AUDIT

MEMORANDUM

April 4, 1987

TO: REPRESENTATIVE JOHNNY ELLIS, CO-CHAIR
REPRESENTATIVE NILO KOPONEN, CO-CHAIR
HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

FROM: SENATOR JIM DUNCAN

SUBJ: CS Senate Bill 1 (Jud), An Act relating to the rights of physically and mentally disabled persons.

CS Senate Bill 1 provides for the rights of the blind, deaf and otherwise physically or mentally disabled to the safe and equal use of public streets, sidewalks, transportation and public accommodations. In exercising these rights, the disabled person's use of a service animal would also be protected.

This bill places protection of the rights of physically or mentally disabled persons within the purview of the Human Rights Commission. It protects the disabled from discrimination in purchase, rental or lease of housing, employment and financing. It is supported by organizations for the deaf, blind, physically disabled, mentally disabled and the Governor's Council on the Handicapped and Gifted.

The purpose of this legislation is to eliminate or prevent discrimination or inequity resulting from ignorance or misconceptions about physical or mental disabilities.

This bill moved through the House and Senate during the 14th Session of the Alaska Legislature as House Bill 172, so intent and substance of the bill are already familiar to many legislators.

Please schedule this important bill for a hearing as soon as possible. My staff contact on SB 1 is Roxanne Stewart at 465-4766.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 31, 1987

SUBJECT: Sectional analysis of CSSB 1(Jud) -- rights
of physically and mentally disabled persons

TO: Senator Jim Duncan

FROM: Edward H. Hein *EHA*
Legislative Counsel

Section 1 adds two new subsections to AS 09.20.010, relating to qualifications of jurors. Subsection (b) provides that persons who suffer from loss of hearing, sight, or mobility are not automatically disqualified from jury service. Subsection (c) requires the court system to provide and pay for interpreters and readers for deaf and blind jurors.

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Senator Duncan
Page 2
March 31, 1987

Sec. 4 amends the criminal presumptive sentencing provisions by making it an aggravating factor to commit certain felonies against a physically or mentally disabled person because of the person's disability. The finding of an aggravating factor allows the court to increase what would otherwise be the presumptive sentence.

Sec. 5 directs the state Human Rights Commission to adopt regulations about when reasonable accommodations must be made for disabled persons in employment, financing, credit, public accommodations, housing, and government of services. The commission would have the authority to adopt regulations requiring some alteration necessary to make reasonable accommodation for a disabled person.

Secs. 6 - 12 and 14 amend various sections of AS 18.80 to ensure that those sections cover physically and mentally disabled persons. The amended sections require the State Human Rights Commission to study problems of discrimination. The sections amended also make certain discriminatory practices unlawful. These include discrimination in housing, employment, public accommodation, sale and rental of real property, lending, and the provision of state or federal funds, services, goods, facilities, advantages, and privileges. Sec. 7 also transfers to AS 18.80.200 the statement of state policy in AS 18.06 and amends it to say that it is the state's policy to encourage and enable mentally disabled persons, as well as physically disabled persons, to participate fully in the social and economic life of the state and to be employed. Sec. ~~13~~ also provides that it is not unlawful to post notice that facilities to accommodate the physically or mentally disabled are not available.

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Sec. 15 adds new definitions to AS 18.80 in order to incorporate federal definitions of "physical and mental disability".

Sec. 16 repeals AS 18.06. The provisions of that chapter have been transferred to AS 09, AS 11, and AS 18.80. Sec. 16 also repeals AS 18.80.300(11), which is the definition of "physical handicap" for purposes of AS 18.80.

EHH:mkr
m10/073

No 179

STATE OF ALASKA 1987 LEGISLATIVE SESSION

FISCAL NOTE SENATE

BILL VERSION: CSSB 1(Jud)

PUBLISH DATE: 3/31/87

REQUEST:

Revision Date:

Title: Rights of Physically and Mentally Disabled Persons

Sponsor: Duncan and Szymanski

Requestor Health, Education and Social Services; Judiciary; Finance

Agency Affected: Office of the Governor

BRU: Commission, Special Issues

Components: Human Rights Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS:

As requested by Senator Paul Fischer

Prepared by: Michael A. Nizich, Director

Division: Div. of Administrative Services

Phone: 465-3616

Date: 3-6-87

Approved by Commissioner: Carol P. Kastelic

Agency: Exec. Assistant, Office of the Governor

Date: 3-6-87

Distribution (by preparer):

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

Replaces No. 95 Fiscal Note

JUSTICE

Can Justice Be Deaf, Too?

A fight over jury service

When Allen Hammel was called to jury duty in Blair County, Pa., last month, he attracted more attention than the assault case he helped decide. The 3-year-old postal worker is deaf, and he was assisted throughout the two-day trial and jury deliberations by an interpreter using sign language. Hammel performed well, according to fellow jurors. "He was more observant than some people with all their senses," said foreman Josette Shiffer of Altoona. But Hammel is one of only a handful of hearing-impaired people who have been allowed to serve on juries. Earlier this month, JoAnn DeLong, a deaf assembly-line worker in the same county, filed suit in federal court challenging her exclusion from a jury by a different Blair County judge. "I didn't feel like an American citizen anymore," she says.

Only a few years ago exclusion of deaf



PAUL SINGER—ALTOONA MIRROR

"I didn't feel like a citizen": DeLong with interpreter

people from juries was automatic; Arkansas still has a court-approved ban on seating deaf jurors. "With so many people who don't want to serve on jury duty, it's really incredible that deaf people are still excluded," says Muriel Strassler of the National Association of the Deaf, which is lobbying states for new jury laws.

Few states have laws governing jury service by the deaf. Most, including Pennsylvania, leave the decision to individual trial judges, and practices differ widely,

sometimes within the same courthouse. But as the hearing-impaired press for full opportunities, prohibitions are crumbling. A few states—including California, Colorado, Connecticut, Illinois and Michigan—not only permit the practice, but pay for courtroom interpreters. One deaf woman spent months as a grand juror in Florida. Another served as foreman of a federal trial jury in Denver last year.

Those who oppose the idea argue that jurors who can hear may be distracted by an interpreter's hand movements and lose track of testimony. Others say deaf jurors may miss crucial nuances in a trial; an interpreter may not be able to convey emotions or a witness's tone of voice. Some opponents also believe that the presence of a 13th person in the jury room violates the sanctity of deliberations.

Body posture: That's nonsense, contends Kenneth Rust, a board member of the Registry of Interpreters for the Deaf, which certifies translators. Through such tactics as body posture and speed of gestures, interpreters can convey the meaning of language as accurately as the spoken word, he says. Rust believes that the

presence of an extra person during deliberations is irrelevant, because interpreters are ethically bound to convey only the conversation, without injecting their feelings or opinions. Most states already require the courts to provide interpreters for deaf defendants and witnesses in criminal cases. "What's the difference?" Rust asks.

Opponents also fear that interpreters could prove costly. But advocates say the cost averages only around \$20 an hour. One deaf juror in Oregon answered that argument with finality. When the court refused to pay for his interpreter, he footed the \$400 bill himself.

That same brand of determination gave birth to JoAnn DeLong's lawsuit. "I've been fighting for my rights all my life," said DeLong, who lost her hearing at seven to spinal meningitis. "Maybe now I can help change things for other deaf people." If necessary, she says, she'll ask the U.S. Supreme Court to determine if justice can be deaf as well as blind.

GINNY CARROLL

RELIGION

The Condom Preacher—And His Pantless Past

Two weeks ago the Rev. Carl F. Thitchener became famous as the minister who handed out condoms at his church outside Buffalo, N.Y. (NEWSWEEK, Feb. 16). The point, said Thitchener, was not to promote promiscuity but to educate the public on the danger of AIDS and how to slow its deadly spread. Now the Unitarian Universalist's sudden notoriety has plunged him into deeper controversy: according to police files, Thitchener has an arrest record that stretches back 30 years.

Thitchener's last brush with the law occurred in 1984, when he was put on five years' probation following his second conviction for drunken driving. Two years earlier a woman Scout leader who was conducting a meet-

ing in a church with a group of Brownies told police that a man with no pants or underwear was parading outside. Later, police arrested Thitchener after he drove through a MacDonald's restaurant in a similar state of undress. He pleaded guilty to disorderly conduct and was fined \$75. His record also includes a conviction for public exposure in 1958. And the year before that, charged with attempted rape and attempted burglary, he had pleaded guilty to second-degree assault.

Thitchener, who was ordained in 1980 and hired a year later by the Unitarian Universalist church in Williamsville, N.Y., claimed the 82 incidents involve someone who stole his driver's license. The police disagree.

Nevertheless, the church's board of trustees unanimously voted to support their beleaguered preacher. "I think his message on AIDS is going to save lives," says former board member Victor Doyno. "If any of this material about his past is true, he was very brave for having gone ahead with his sermon."

Notorious: Thitchener

JOE TRAVER—GAMMA-LIAISON



share of an additional 3 percent of cases with undetermined causes may have spread through heterosexual intercourse as well.

Part of the mystery and fear about AIDS arises from the fact that many carriers of the virus are not aware of it. The virus can lurk in the body without causing disease and, among those who develop AIDS, the average time between infection and diagnosis of AIDS may be five years or more.

While much remains to be learned about AIDS, scientists assert with confidence that studies of victims and disease patterns have provided a clear picture of how the virus has spread in this country, and how it has not.

Q. How does AIDS spread?

Many studies have documented the spread of the AIDS virus to an uninfected person through anal or vaginal

intercourse. Anal sex often involves breaks in rectal tissues, thus allowing easier entry of the virus into the bloodstream. Studies suggest that the receptive partner in anal sex is at greater risk. One study has suggested that the virus may be able to directly infect cells in the colon.

Q. Can the virus spread from an infected person in vaginal intercourse?

believe the virus may also enter through mucous membranes or other soft tissues in the genital areas. No one knows if the virus can penetrate the lining of the male urethra, the tubelike passage through which urine flows.

Q. What is the risk of getting the virus from a single act of vaginal intercourse with an infected person?

Precise data are lacking. From indirect evidence, Federal scientists judge the risk of transmission in a single encounter to be low. Quantification is complex: Some infected people have said they had only a single exposure, while other people who have had hundreds of exposures have escaped infection. Still, several studies have shown that with repeated intercourse, as many as half the sexual partners of infected men or women become infected.

In Africa, where vaginal intercourse is believed to be the major means of spreading AIDS, studies suggest that the virus may pass more easily among people who have had gonorrhea, genital herpes or other sexually transmitted diseases, perhaps as a result of open sores in the skin of the genital area and the presence there of larger than usual numbers of the types of white blood cells that the virus invades.

Q. Can the virus spread through oral sex?

and condoms are believed to offer a high degree of protection. However, condoms are not foolproof: They may tear, slip or be misused, and in one study two cases were documented in which the virus passed between partners who used condoms in intercourse over an extended period. Because the virus may be present in men's pre-ejaculation emissions and in vaginal secretions, experts recommend that

Bishops Say Condoms May Not Prevent AIDS

DALLAS, Feb. 14 (AP) — More than 150 Roman Catholic bishops meeting here have concluded that abstinence and marital fidelity are better weapons to fight AIDS than are condoms, which they believe create a false sense of security, a bishop said Friday.

The group determined that health officials, in promoting condoms, might be misleading the public since condoms do not always prevent transmission of the disease, said Bishop Leroy Matthesen of Amarillo. The Catholic church has long opposed artificial birth control.

Catholic bishops from the United States, Mexico and Central America took part in the conference this week on medical research. The group plans to develop an educational program emphasizing abstinence for single people and fidelity for married couples, the Bishop said.

At the conference, Dr. Lamber N. King of St. Vincent's Hospital in New York presented a paper citing studies that showed condoms offered 70 percent protection from acquired immune deficiency syndrome.

If condom advertisements are put on television, "it's going to boomerang with people who do not listen carefully," Bishop Matthesen said.

Msgr. William B. Smith, professor of moral theology at St. Joseph Seminary in New York, outlined an ethical pastoral approach for the bishops.

Bishop Matthesen said the monsignor's theme was that the bishops should be kind when dealing with AIDS victims. The Bishop said: "The way we phrased it is that is we don't condone sin, but neither do we condone self-righteousness, judging people. There's a natural temptation to do that."

"We want to have a strong emphasis on marital fidelity," he said, adding that the threat of AIDS was a new argument in support of fidelity. "And for those who are not married," he added, "we are going to emphasize celibacy."

NY Times Sunday Feb. 22, 1987

Deaf Woman Sues Over Jury

PITTSBURGH, Feb. 14 (AP) — A woman barred from serving on a jury because she is deaf has sued the Blair County judge who dismissed her, alleging she was a victim of discrimination.

The woman, JoAnn DeLong, alleged in her suit that the judge, R. Bruce Brunbaugh, violated a Federal act that prohibits discrimination against the handicapped in any activity in which Federal funds are used when he dismissed her in October.

The lawsuit, filed Wednesday in Federal District Court, is intended to establish that Federal funds help finance county court operations, her lawyer, Robert W. Lape, said Thursday.

Ms. DeLong is seeking no financial damages, only a court order to permit the disabled to participate on juries.

Judge Brunbaugh did not return telephone calls made to his office.

Ms. DeLong was called as a potential juror for a civil case, but Judge Brunbaugh rejected her before lawyers for either side questioned her, Mr. Lape said.

Ms. DeLong had full hearing until the age of 7 and "can speak amazingly well," he said. An illness left her without any hearing.

She uses an interpreter who translates word by word under the Signed English system, Mr. Lape said. Under another system, American Sign Language, translators skip some words in favor of concepts, he said.

In dismissing Ms. DeLong, Judge Brunbaugh cited a Pennsylvania case in which a criminal defendant received a new trial after it was learned that one juror's hearing was impaired.

A general argument against seating deaf jurors is that jurors often must weigh the credibility of witnesses by subtle aspects of the way they answer questions.

"That's probably the major argument," Mr. Lape said. "We say the deaf are used to judging from facial expressions and other nonverbal demeanor. Deaf people may even be more perceptive visually."

Hearing impairment probably not discovered until after trial.



THE ALASKA
ALLIANCE FOR THE MENTALLY ILL

"An affiliate of the National Alliance for the Mentally Ill"

February 7, 1987
Box 211247
Auke Bay, 199801

Senator Jim Duncan
Alaska State Senate
Juneau, Alaska, 99801

Dear Senator Duncan and Members of
the Senate Health and Social Services
Committee:

The Alaska State Alliance for the Mentally Ill endorses Senate Bill 1 as introduced this year. We believe the draft as presented offers substantial gains in equity for disabled persons in Alaska. By including the disabled populations in this Statute, discrimination is prohibited in many significant areas. Since this law is parallel to Federal legislation, the disabled have long been denied equal protection under the law.

In particular, we wish to commend you on solving some of the more difficult problems with the bill that were advanced last session. The decision to submit to the regulation process those details which caused concern to the banking and housing industries is a much fairer way to address the issue. To what extent and under what circumstances an employer, a lender, or landlord has a right to know of a persons disability, whether or not it is physical or mental, must be carefully determined on the greater need and we believe the Civil Rights Commission has the expertise to make that determination.

One of the most controversial parts of the bill last year was whether or not to include the mentally ill among the disabled population. We would like to advance the following supportive information on this issue:

* The mentally ill are no more "dangerous" than the general population, and courts are now supporting the civil rights of the mentally ill in cases involving zoning laws restricting group homes.

* Those with long time or serious mental illness are among the minority of those who have had mental illness. For example in the State of Alaska, of the 8,000 cases treated by the Community Mental Health Centers, only 613 of these have serious mental illness. Should those who just have one episode or who have a situational distress which causes them to receive treatment be required for the rest of their lives to disclose that treatment? Among those with even the most serious mental illness schizophrenia, about 1/3 of the cases recover after only one episode.

* The mentally ill are the most stigmatized of any subgroup in the United States. Last year our members reported several incidents of discrimination. One of them involved a person having to disclose being under treatment for mental illness on their drivers license and another was denied general health insurance because of a nervous breakdown. In both cases, the question was not related to the request. Being a safe driver does not necessarily relate to having had an incidence of mental illness whereas perhaps a more appropriate question would be " Are you under medication which would make you drowsy ?" Why should someone be a greater risk of breaking a leg or contracting cancer simply because they have experienced mental illness? We know of no research which supports this. Certainly having cancer would be of concern to lenders but there is no requirement for persons with illnesses which might be considered "terminal" to have to disclose their condition.

This is not to say that the mentally ill are all worthy of extended credit, every individual in our State must qualify according to the rules of the lending agency providing assurances of their assets etc. Decisions must be made on a case by case basis. However, to the extent that they are functioning members of society the mentally ill should have the same rights to seek employment, have access to public facilities and other rights afforded citizens of the State of Alaska.

Sincerely,

Sharron Lobaugh
Pres. Alaska Alliance
for the Mentally Ill



PEOPLE - ANIMAL - CONNECTION

February 11, 1987

Dear Senator Fischer:

I am president of People-Animal-Connection/Delta Society. This letter is in support of SB1. We are the group which in conjunction with Alaska SPCA train the service animals for the physically/mentally disabled individual. Alaska is the only state in the USA which does not have legislation regarding service animals.

We presently have 20 service animals in Alaska with requests for many more, but need the legislation before we can place these animals.

We define a service animal as an animal which is trained as a hearing/blind guide animal or as a support animal for a person who has physical disabilities such as stroke or accident patient. *WHO MAY BE CONFUSED TO DO W/2 WHEELCHAIR*

Our trainer is a certified obedience trainer who has trained with numerous other institutions that train and place service animals. Our main facility is at the training center of the Alaska SPCA and our trainers home kennel as well as field work areas.

These animals pass a vigorous physical/temperment test and upon completion of their training are certified by a committee from the PAC/Delta Society.

These animals are then provided with the proper ID colored collar/harness and the owner is given a certified card which states the animal to be a certified service animal. Our animals have been placed in Anchorage, Valdez, Palmer, and Fairbanks.

The animals provide a vital function for many people in our state. They provide physical support, mental support and love to persons who otherwise may not have any support network. These service dogs and their owners need this legislation as protection for their rights and abilities to work together and live together as a team.

If SB1 cannot find support for its passage then I encourage the HESS committee to take the service animal portion out of SB1 and introduce it as a separate bill. Originally, the service animal bill was separate legislation but in the last 2 years it has become "hung up" with other legislation. I urge strongly either the passage of SB1 or separate legislation for the service animal. Many people in Alaska are concerned with this and I hope they will be contacting the committee members over the next few days.

I would be willing to answer any questions regarding my letter or support of legislation for the service animal. *WE DO HAVE MODEL LEGISLATION FROM OTHER STATES ONLY ORGANIZATION WHICH WE WOULD BE HAPPY TO REVIEW*
Thank you very much.

Sincerely,

Joyce M. Murphy
Joyce M. Murphy, D.V.M.

Mainstreaming Group Homes

By Daniel Lauber

A recent U.S. Supreme Court decision put some new twists on zoning for group homes. Here, questions and answers about how to adapt to the changes.



Zoning made it to the U.S. Supreme Court this year in the form of a case regarding group homes for developmentally disabled adults. The result was a landmark decision that should change the way most zoning ordinances treat group homes. Further, the decision will force local officials to confront the popular misconceptions about group homes and their residents that so frequently lead to stiff neighborhood opposition.

Group homes pose a zoning challenge that nearly every community in the country eventually will face. Over the past decade, the number of group homes increased from 700 to over 6,000. There's no end in sight because the need for them remains so great. The disabled are living longer, thanks to better health care and increasing deinstitutionalization.

Local officials often are at a loss when it comes to zoning for group homes. Most zoning ordinances fail to provide for them, as cities typically (and improperly) treat group homes as hospitals for the insane or feeble-minded. In other places, ordinances contain exclusionary provisions that keep group homes out of the very residential districts in which they function best.

Here are answers to some of the most frequent questions local officials and planners ask about zoning for group homes, particularly in light of the Supreme Court's latest edict on this type of zoning provision.

What are they?

Q Before we go any further, what are group homes and who lives in them?

A A group home usually houses individuals who are mentally ill or developmentally disabled. Congress defines "developmental disability" as a severe, chronic, and permanent disability due to a mental and/or physical impairment, manifested before age 22, that results in substantial functional limitations in at least three of the following major life activities: self-care, language, learning, mobility, capacity for independent living, economic self-sufficiency, and self-direction.

Traditionally, these special, "service-dependent" individuals were warehoused in large institutions. But as the professionals who work with these special populations came to understand them, they realized that large institutions hindered the recovery of the mentally ill and the progress of the developmentally disabled. If they are ever to overcome or cope with their conditions, these people need to live in a relatively normal household environment in the community.

The group home provides that setting. Depending on the size of the house, anywhere from two to about 15 service-dependent people live in the group home with professional staff, who function as surrogate parents. Residents and staff seek to emulate a traditional family. The group

home constitutes a single housekeeping unit in which residents share responsibilities, meals, and recreation.

The group home's primary purpose is to provide supervision and support, in a family-like setting, for persons unable to live independently in the community. It is not a clinic or hospital, where treatment is the principal or essential service. While a treatment regime may be incorporated into the daily routine of handicapped persons wherever they live—whether with their own families, in an institution, or in a group home—treatment is merely incidental to the group home's primary purpose of helping residents adjust to community living, and in many cases, to live on their own in the community.

Q Then why are group homes a zoning problem?

A Many zoning ordinances simply don't provide for group homes. When a group home sponsor seeks to open a group home under such an ordinance, city officials often stretch their imaginations to fit the proposed group home under the zoning definition of some other use. Most often, they'll call the group home a nursing home or hospital for the insane or feeble-minded.

Q We have to do that all the time with uses that didn't exist when our zoning ordinances were written. What's so bad about that?

A Group homes are not nursing homes



Photograph by Michael Portney

An ordinary dinner table? That's exactly the point for group home residents functioning as a family.

or hospitals. A group home is a residential use—a place where inhabitants live as a family, albeit a generic family, as one court put it. In contrast, nursing homes and hospitals are primarily medical institutions that provide no education or simulated family setting for patients. Group homes are most appropriate in residential areas, while nursing homes and hospitals belong in commercial areas.

Q Didn't the U.S. Supreme Court case deal with a Texas city that treated group homes for the developmentally disabled as a hospital for the feeble-minded?

A Yes, the zoning ordinance for Cleburne, Texas, didn't provide for group homes. So city officials decided that the Cleburne Living Center's proposed group home for 13 developmentally disabled adults would be treated as a "hospital for the insane or feeble-minded."

Q How did that decision lead all the way to the Supreme Court?

A Cleburne's zoning ordinance allows all hospitals, except those for the "insane or feeble-minded or alcoholics or drug addicts," as permitted uses in the R-3 residential zone where the Cleburne Living Center (CLC) sought to locate its group home. It also allows apartments, boarding and lodging houses, and fraternities, sororities, and dormitories as of right in that zone.

Although the proposed group home complied with all federal and state licens-

ing regulations that ensured the house itself would be adequate to house the 13 mentally retarded residents plus staff, Cleburne denied the special use permit application. CLC sued. While the federal district court found that the city's denial "was motivated primarily by the fact that the residents of the homes would be persons who are mentally retarded," it held that no fundamental rights had been violated and that the ordinance, as written and applied, was rationally related to the city's legitimate interests in "the legal responsibility of CLC and its residents, . . . the safety and fears of residents in the adjoining neighborhood," and the number of people to be housed in the home.

After the Fifth Circuit U.S. Court of Appeals reversed in favor of CLC, the city appealed to the U.S. Supreme Court. The Court unanimously invalidated the zoning ordinance as applied to CLC (although three justices would have invalidated the ordinance on its face) in *City of Cleburne v. Cleburne Living Center*, 105 S.Ct. 3249 (1985).

The Court speaks

Q Why is this decision so important?

A The Court put cities on notice that they need a clear, rational reason if they want to treat group homes for the developmentally disabled (and probably for other service-dependent populations as

well) differently from other residential uses. The Court started its analysis by noting that the equal protection clause of the Fourteenth Amendment essentially requires that "all persons similarly situated should be treated alike."

Cleburne, though, had created a classification in which a group home for the mentally retarded must obtain a special use permit in an R-3 zone even though apartment houses, boarding and lodging houses, fraternity and sorority houses, nursing homes for the aged, and other specific uses were allowed as of right. Although a city's zoning ordinance is presumed valid, the classifications it creates must be "rationally related to a legitimate state interest" to be upheld.

The Court noted that while the "mentally retarded as a group are indeed different from others who don't share their misfortune" and are allowed to locate in an R-3 zone without a special use permit, "this difference is largely irrelevant unless the [group] home and those who would occupy it would threaten legitimate interests of the city in a way that other permitted uses such as boarding houses and hospitals would not." The Court searched the trial record and could find no rational basis to believe that the group home would pose any threat to the city's legitimate interests.

Q You mean that none of the city's reasons for denying the special use permit were legitimate?

Open house at the Cleburne group home.



A Right. Opposition from neighbors, based on unsubstantiated fears, continues to be the major reason that cities deny special use permits for group homes. But the Court confirmed a long line of rulings that "mere negative attitudes, or fear, unsubstantiated by factors which are properly cognizable in a zoning proceeding, are not permissible bases for treating a home for the mentally retarded differently from apartment houses, multiple dwellings, and the like." While neighbors may have biases against group home residents, "the law cannot, directly or indirectly, give them effect."

The Court rejected all of the city's reasons for denying the permit. The city council had doubts about who had legal responsibility for the actions of the mentally retarded group home residents. But the Court found that the council had no concern about the legal responsibility for other uses permitted in the zoning district, such as boarding houses and fraternities. The Court could not see how the group home would present a hazard different from these other uses. Nor could the Court understand how the city could object to the location of the group home because it was on a 500-year floodplain, yet not be concerned about other uses located on the floodplain.

Q Given the Court's decision, for what reasons can a city deny a special use permit for a group home?

A Remember that the Court said the denial was based on prejudices and unsubstantiated fears. The most common fears are that group home residents will engage in criminal behavior, that the home will be poorly maintained, and that the mere presence of the home will depress property values in the neighborhood. If true, these are legitimate reasons to deny a special-use permit.

Q Can any of these fears be substantiated?

A So far, fairly extensive research says, "Not at all!" A large body of research shows that the mentally ill are no more criminally prone than the rest of us. And 66 years of studies have found the developmentally disabled to be harmless. The most pertinent study covered the state of Virginia. *The Report on the Incidence of Client Crime Within Community-Based Programming* (1979) found a crime rate of 0.8 percent among the developmentally disabled who lived in group homes, as compared to a four to six percent crime rate among the general population.

Q But what about property maintenance and property values?

A Every one of the 20 or so studies on this topic has found that group homes simply do not affect the selling prices of neighboring properties or the turnover rate of properties. The studies uniformly report that group homes are invariably well-maintained—often better maintained than

neighboring private homes. The few studies that have inquired have found that group homes are so inconspicuous that barely half the people on the same block know they exist, fewer than half on the next block know of them, and fewer than 30 percent of the residents three blocks away are aware of them. Small wonder that group homes have virtually no effect on property values.

Q If group homes are so innocuous, why regulate them at all?

A One study did find that five group homes on the same block might, in fact, have an adverse effect on the neighborhood. Further, if large numbers of group homes cluster on the same block or in the same neighborhood, they could undermine a basic premise of group homes—namely that, to be effective, they must locate in "normal" residential neighborhoods where role-free neighbors can serve as role models for the disabled or mentally ill.

At some indeterminate point, the capacity of the neighborhood to absorb service-dependent people—and to exceed, and the proportion of service-dependent persons in the neighborhood could become so great as to recreate the institutional atmosphere from which the group home is supposed to provide a escape. Therefore, a good measure for group homes is not cluster on the same block and that they are spread throughout



People who might once have been institutionalized receive closer attention in group homes. Below, a visiting nurse in a Detroit-area group home.



the safe neighborhoods of a city.

For a variety of reasons, however, group homes frequently have been forced to cluster. As a 1983 study by the U.S. General Accounting Office reported, more than a third of the group homes for developmentally disabled persons were located within two blocks of another group home or an institution. A disproportionately high number of group homes locate in poor neighborhoods because political opposition to them is weak there and because they are excluded from better neighborhoods due to well-organized and politically powerful community opposition or exclusionary zoning.

To protect the welfare of group home residents, it is essential to ensure that group home operators comply with state or local licensing requirements. A zoning ordinance should not allow a group home to open unless it is licensed or will be licensed by the proper authority.

The bottom line

Q Given the *Cleburne* ruling, what's the bottom line? How should my city or county zone for group homes?

A In a word, rationally. The *Cleburne* decision is a bit deceptive. While the Court says it is applying the standard "rational relationship" test, its inquiry into *Cleburne's* reasons for denying the special use permit is really an example of the sort of heightened judicial scrutiny

usually reserved for cases of discrimination based on sex, race, or religion. The lesson of *Cleburne* is that the zoning provisions for group homes must be based on the sound planning principles that call for zoning provisions grounded in an understanding of what group homes are, what their impacts are, and the types of neighborhoods in which they function best.

Q What are these sound principles on which we should base our zoning provisions for group homes?

A There are four. By following them, you'll be able to write zoning provisions that should withstand even the Supreme Court's new version of the rational relationship test.

- Group homes, being residential in nature, are appropriate uses in all residential zoning districts.

- Group home residents are service-dependent persons who require special protection to ensure their safety in the home. Those protections—that the group home meet adequate safety, sanitation, and program standards—form the subject matter of licensing requirements.

However, the zoning ordinance is not the place to specify licensing criteria—that's the business of the licensing agency. One of the simplest ways to require licensing is to include the licensing requirement in your ordinance's definition of a group home.

- Controls are needed to prevent concentrations of group homes. Two types of controls will prevent clustering and ensure dispersal throughout a community. The first is a spacing requirement by which the zoning ordinance imposes a minimum distance between group homes and between group homes and institutions.

It is vital, however, that there be some rational basis for this distance. According to one widely accepted theory, the most elementary form of social impact is the degree to which neighborhood residents become aware of a change. Because the research shows that few residents living three blocks from a group home even know it exists, it seems appropriate to establish a spacing requirement equal to at least three city blocks so that each group home will be beyond the impact area of any other group home or institution.

However, the ability of a neighborhood to absorb service-dependent residents is thought to vary with density. Higher-density neighborhoods have a higher absorption level that would warrant a shorter spacing requirement than lower-density neighborhoods.

The Westminster County Planning Department has suggested spacing requirements of 100 feet for group homes in low-density areas and 200 feet for group homes in medium-density areas. These requirements are based on the assumption that group homes are located in areas with a population density of 100 persons per square block. The Westminster County Planning Department also suggests that group homes be located in areas with a population density of 100 persons per square block.

Teaching residents to function in the community is an important aspect of group homes.



sities of 5,000 to 9,999; and 800 to 400 feet for densities over 10,000 persons per square mile. In contrast, Evanston, Illinois, has arbitrarily established an unusually high 2,500-foot spacing requirement between group homes. With no rational reason for that great a distance in an inner-ring suburb like Evanston, *Cleburne*-style judicial review could invalidate Evanston's requirement.

The second control is a dispersal or density requirement that establishes a cap on the total population permitted to live in group homes and institutions in a designated geographic area. Ideally, this figure should approximate the proportion of service-dependent individuals a neighborhood can absorb. For example, if three percent of a state's population is service-dependent, the proportion of service-dependent population per census tract could be limited to three percent.

- Zoning should recognize that group homes come in different sizes. The smaller home, for six or fewer residents, is roughly the size of a large family. There is no sound planning reason not to allow such "family homes" in all residential zoning districts as of right as long as they obtain or prove they are eligible for a license, meet the specified spacing and density requirements, and obtain an administrative occupancy permit.

This permit is needed to ensure that the home complies with these requirements and to provide a record for the planning

agency so it can enforce spacing and density requirements. The ordinance should provide a special use permit process to allow for circumstances that might justify exceptions to the spacing and dispersal requirements for family homes. These should be similar to those suggested below for larger group homes.

Because group homes for seven to 15 persons exceed the size of all but the very largest families, municipalities should subject proposals for these "family group homes" to somewhat greater scrutiny than the smaller family homes. Family group homes, however, should be allowed in all residential districts as special uses. There's no sound planning principle for excluding family group homes from even the largest-lot single-family district. In fact, when the sponsoring agency can afford the cost, the larger houses in lowest-density districts offer excellent sites.

However, to minimize subjectivity and lessen the influence of fear, prejudice, and political pressure on decisions about group homes, the zoning ordinance should state reasonably objective relevant standards by which the special use permit application is to be evaluated. Appropriate standards should require the applicant to: obtain a license or evidence of eligibility for a license from the appropriate agency; meet specified spacing and density requirements; register with the municipality's planning department; submit a statement of the

exact nature of the home planned, the qualifications of the home operator, the type and number of personnel, and the number of residents; conform to the general zoning requirements for the residential district, with the exception of the number of unrelated individuals permitted and the off-street parking requirements; and conform, to the extent possible, to the type and outward appearance of the residences in the area.

The ordinance should allow for a waiver of the spacing and dispersal requirements under certain conditions. Primarily, the decision-making body must find that the cumulative effect of allowing the group home (in addition to existing group homes and institutions for service-dependent populations) will not alter the residential character of the neighborhood, create an institutional setting, nor exceed the capacities of existing community recreational and social service facilities.

James Lauber, APA President, is a planning consultant and attorney who has been involved in zoning for group homes since 1974. His recent draft paper, *Toward a Sound Zoning Framework for Group Homes for the Developmentally Disabled*, includes model definitions for a group home, and a zoning ordinance that would apply to group homes in Evanston, Illinois.

Dear Senator Fisher,
My husband and I are in the process of setting up a training facility for hearing ear dogs in Denver. So we are concerned about Senate Bill 1001 which provides equal access for guide dogs. We have identified five short comings of in the bill as it is now written.
First of all, the definition of a service animal needs to be clarified. Dogs are being trained to aid people in the major life activities of seeing, hearing, and mobility. We face limiting the definition of service animals to dogs only.
Secondly, the bill needs to clarify just what a training facility is. Both John Ledum (who trains support dogs in Anchorage) and I have studied under one of the original hearing dog trainers, Donald F. MacMunn. The American Humane Society in Denver, Colorado has a listing of hearing ear dog training facilities throughout the United States. Third, the bill should include some way in which a support dog can be identified. A number of different systems exist now in other states. Bright yellow or orange harnesses are used, as well as brass name plates on plain harnesses. Photo identification cards which picture the dog and the dog's owner or trainer are widely used. The identification card also lists the training facility and cites the law which gives the dog equal access. We recommend that because there is no standardized identification among states, that all the above listed be allowed until support dog programs of the country recommend standardization. Fourth, because the identification card cites the law which gives the support dog equal access, the law should have a statutory title which makes it easily recognizable as a law that grants equal access to support dogs.

Y
SF

Lastly, the bill should also grant the support dog equal access when it is accompanied by its trainer. It is important that while in training the dog be taught how to behave in public buildings.

We would appreciate your support in passing this bill, and your consideration of these recommendations, as there will be increasing numbers of dogs assisting physically handicapped people.

Sincerely,
Wendy Stamm

P.S. If you have any questions, please feel free to contact me at 235-7690.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

MEMORANDUM

April 28, 1987

SUBJECT: Sectional analysis - HCSCSSB 78(HESS)
TO: Representative Niilo Koponen
FROM: Michael F. Ford *m.f.*
Legislative Counsel

The following is a section by section analysis of HCSCSSB 78(HESS):

Section 1 - Prohibits a person from using a handicapped parking permit except when transporting the disabled or handicapped person. Requires the permit be returned to the department upon death of the disabled or handicapped person.

Section 2 - Prohibits parking in a space reserved for the handicapped or disabled unless the person has special permit or license plate issued by the department or by another state, province, territory, or country. Establishes a penalty of not less than \$100 for each violation.

MFF:mkr
m11/080

5-0391X ✓
Ford
4/28/87

Original sponsor: Kerttula

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 78 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to unauthorized use of handicapped
7 parking."

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

9 * Section 1. AS 28.10.495(b) is amended to read:

10 (b) A person is not entitled to use the special permit provided
11 for in (a) of this section except when providing transportation for
12 the disabled or handicapped person with respect to whom the permit was
13 issued. Upon the death of the disabled or handicapped person, the
14 special permit shall be returned to the department.

15 * Sec. 2. AS 28.35 is amended by adding a new section to read:

16 Sec. 28.35.235. UNAUTHORIZED USE OF HANDICAPPED PARKING. (a) A
17 person may not park a motor vehicle in a parking place reserved for
18 disabled or medically handicapped persons unless the person has a
19 special permit issued by the department under AS 28.10.495 or the
20 motor vehicle displays a special license plate or permit issued to
21 disabled or handicapped persons by another state, province, territory,
22 or country.

23 (b) A person who violates this section is guilty of an infrac-
24 tion. Upon conviction the court shall impose a fine of not less than
25 \$100.

SB

2

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

HHESS

4-18-88

8:30 a.m.

HOUSE COMMITTEE REPORT

4/18

(7)

Date referred: 4/1/87

FURTHER REFERRALS: Finance

DATE: 4-18-88

The Health, Education and Social Services Committee has considered SB 2

"An Act relating to deadlines for action on funding of public education; and providing for an effective date."

RECOMMENDS:

- replace with HCS SB 2 (HESS) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the 7M Committee

will need 1988

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

John Ellis

Clayton Hinkley

Roll & Gell

Walter Kopman

David Douley

SIGNING OTHER RECOMMENDATIONS:

Walter F. Kopman
Chairman's signature



Alaska State Legislature
House of Representatives
COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

OFFICIAL BUSINESS

POUCH V
JUNEAU, AK 99811
465-3759

MEMORANDUM

TO: Senator Mitch Abood

FROM: Rep. Niilo Koponen, Co-Chair House HESS Committee
Rep. Johnny Ellis, Co-Chair House HESS Committee

RE: SB 2

DATE: January 11, 1988

A handwritten signature in dark ink, appearing to be "J. E.", written over the "FROM" line of the memorandum.

At the request of your committee staff we have withdrawn SB 2 from tomorrow's HESS Committee schedule.

This entire week our committee will be meeting jointly with the House Budget Subcommittee on Education to discuss several issues regarding education finance. Specifically, we will be looking at several legislative options which will allow school districts more orderly planning of their budgets; e.g. early funding, forward funding etc. Your bill would have fit well into our discussions.

After the hearings we will make a decision on which options provide the most effective and realistic assistance to school districts.

Attached is an agenda for this week's hearings. Given your interest, you and/or your staff are welcome to attend.



Alaska State Legislature
House of Representatives
COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

OFFICIAL BUSINESS

POUCHV
JUNEAU, AK 99811
465-3759

JOINT MEETING
HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES
STANDING COMMITTEE
AND
EDUCATION BUDGET SUBCOMMITTEE

8:30 a.m. to 10:00 a.m., House Finance, Room 519 Capitol

January 11 - January 15, 1988

Tuesday, January 12

HB 255 - Approp: School Foundation Program/FY 89

SB 2 - Deadlines for Funding Education

Wednesday, January 13

PL 874 funding issues

Continuation of January 12th if necessary

Thursday, January 14, Statewide Teleconference

Discussion of cash based forward funding for education

Continuation of January 12th and 13th if necessary

AMENDMENT

Offered in the House HESS Committee
TO: SB 2

Page 2, line 9
after "year." insert:

"If the legislature fails to adopt a budget on or before March 16, the previous year's appropriation for school foundation support is automatically approved for the next fiscal year."

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNIAU ALASKA 99811
907 465 3800

MAY 13 1987

M E M O R A N D U M

May 13, 1987

SUBJECT: Requiring legislature to pass appropriation
by a certain date (HCS SB 2(HESS))

TO: Representative Johnny Ellis
Co-Chair, House HESS Committee

FROM: Keith B. Levy *KBL*
Legislative Counsel

Enclosed is a HESS Committee substitute for SB 2, relating to deadlines for action on funding of public education. Sections 1, 3, and 4 of SB 2 purport to require the legislature to appropriate money for school funding no later than March 16 of each year. At the request of your staff, language has been added to sec. 3 of this draft providing that, if the legislature does not pass a foundation funding appropriation before March 16, the appropriation from the previous fiscal year is approved for the next fiscal year. This language is, at best, only intent language without any substantive significance, and possibly unconstitutional.

Article IX, sec. 13, of the Alaska Constitution provides that "no money shall be withdrawn from the treasury except in accordance with appropriations made by law." Accordingly, statutory "approval" of the previous year's school funding appropriation does not have the effect of actually appropriating the money. The "approval" is meaningless unless the money is formally appropriated by the legislature in an appropriation bill.

The argument could be made that the language in this draft is in fact an appropriation which takes effect each fiscal year if the legislature does not make an appropriation for school funding before March 16. If the language is viewed this way, however, it is unconstitutional for several reasons.

First, art. II, sec. 13, of the Alaska Constitution provides that "bills for appropriations shall be confined to appropria-

Representative Ellis
Page 2
May 13, 1987

tions." The significance of this provision is that an appropriation bill may not contain substantive measures. If the language added to SB 2 is an appropriation, it must be contained in legislation separate from the substantive provisions of SB 2.

Another problem with viewing the language added to SB 2 as an appropriation is that it would amount to a continuing appropriation. A continuing appropriation exists where the legislature appropriates money in a given fiscal year for a series of future fiscal years. Continuing appropriations found in AS 44.83.410 and 44.83.420 were ruled unconstitutional by a superior court judge in Trustees for Alaska v. State, No. 3AN-84-12053 Civ. (1985). Without an explanation, the court found that the continuing appropriations violated the dedicated funds clause of the Alaska Constitution (art. IX, sec. 7). Although the case does not give much guidance, it calls into question the constitutional validity of any form of a continuing appropriation.

For all of the reasons above, the language added to SB 2 in the HESS Committee substitute is probably ineffective, and probably unconstitutional. The legislature is free to state its intent to fund education at a certain level by a certain date, but it may not bind future legislatures in this way.

If I may be of further assistance, please advise.

KBL:csh
c8/032

Enclosure

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: ...deadlines for action on
funding of public education...
 Sponsor: Senator Abood
 Requestor: House HESS

Agency Affected: Education
 BRU: K-12, Debt Retirement
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
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
 Division: Commissioner's Office

Phone: 465-2800
 Date: December 11, 1988

Approved by Commissioner: William Denmert
 Agency: Education

Date: December 11, 1988

Distribution (by preparer):

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

Original sponsors: Abood and Szymanski

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 2 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to deadlines for action on funding
7 of public education; and providing for an effective
8 date."

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

10 * Section 1. AS 14.11.100(c) is amended to read:

11 (c) The school construction account is established. Funds to
12 carry out the provisions of this section may be appropriated annually
13 by the legislature to the account. The legislature shall make an
14 appropriation before March 16 that establishes the amount of funds
15 available to school districts under this section for the next fiscal
16 year. If amounts in the account are insufficient for the purpose of
17 providing the share to which a borough or city is entitled under this
18 section, those funds that are available shall be distributed pro rata
19 among the eligible local governments.

20 * Sec. 2. AS 14.14.060(c) is amended to read:

21 (c) The borough school board shall submit the school budget for
22 the following school year to the borough assembly by April 15 [1] for
23 approval of the total amount. Within 30 days after receipt of the
24 budget the assembly shall determine the total amount of money to be
25 made available from local sources for school purposes and shall fur-
26 nish the school board with a statement of the sum to be made avail-
27 able. If the assembly does not, within 30 days, furnish the school
28 board with a statement of the sum to be made available, the amount
29 requested in the budget is automatically approved. By May 31, the

1 assembly shall appropriate the amount to be made available from local
2 sources from money available for the purpose.

3 * Sec. 3. AS 14.17.225(b) is amended to read:

4 (b) Funds to carry out the provisions of AS 14.17.010 - 14.17.-
5 190 may be appropriated annually by the legislature into the public
6 school foundation account. The legislature shall make an appropria-
7 tion before March 16 that establishes the amount of funds for direct
8 and indirect services and other funding under this chapter for the
9 next fiscal year. If the legislature fails to make an appropriation
10 as required by this section before March 16, the previous fiscal year
11 appropriation for funding under this chapter is automatically approved
12 for the next fiscal year. If amounts in the account are insufficient
13 to meet the allocations authorized under AS 14.17.010 - 14.17.190,
14 such funds as are available shall be distributed pro rata among each
15 district based upon the district's basic need.

16 * Sec. 4. AS 37.07.030 is amended to read:

17 Sec. 37.07.030. RESPONSIBILITIES OF THE LEGISLATURE. The legis-
18 lature shall

- 19 (1) provide for a budget review function;
20 (2) analyze the comprehensive operating and capital im-
21 provements programs and financial plans recommended by the governor;
22 (3) adopt legislation to authorize implementation of the
23 governor's comprehensive operating and capital improvements programs
24 and financial plans or appropriate alternatives to those plans;
25 (4) provide for a post-audit function, to cover financial
26 transactions, program accomplishment and compliance with legislative
27 intent;
28 (5) adopt or revise the estimate or receipts required to
29 balance the succeeding fiscal year's budget in order that proposed

1 expenditures do not exceed estimated receipts for that fiscal year;

2 (6) adopt, revise, or initiate revenue measures in order to
3 balance the succeeding fiscal year's budget and the capital improve-
4 ments section of the budget for the succeeding six years;

5 (7) appropriate money for public education for school
6 construction debt retirement under AS 14.11.100, public school founda-
7 tion program under AS 14.17 and for the secondary formula account,
8 pupil transportation, student lunch program, cigarette tax distribu-
9 tion, tuition students, boarding home grants, youth in detention, and
10 schools for the handicapped no later than March 16 of each year for
11 the succeeding fiscal year.

12 * Sec. 5. This Act takes effect July 1, 1987.

Municipality of Anchorage

MEMORANDUM

DATE: January 27, 1987
TO: Senator Mitch Abood
FROM: Assembly Budget Analyst
SUBJECT: SB 2

D for
SB 2
(Signature)

Thank you for the opportunity to address your committee on SB 2. As we discussed during the drafting phase, I believe this relatively minor change in the law will greatly aid our school district in their budgetary process and will have little deleterious effect on the Municipality's setting of the tax levy. In short I believe this is a positive step which will make government more efficient.

I have included a copy of the chart (which we referenced early) showing the various budgetary milestones and fiscal years which are influenced by SB 2. It is apparent from the graphic presentation that any action by the legislature to make the school funding allocation decision earlier aids the whole process. Of course, the principle benefit is to the school district; however, as I mentioned earlier, the fifteen-day shift would have little impact on the Municipal government budgeting process.

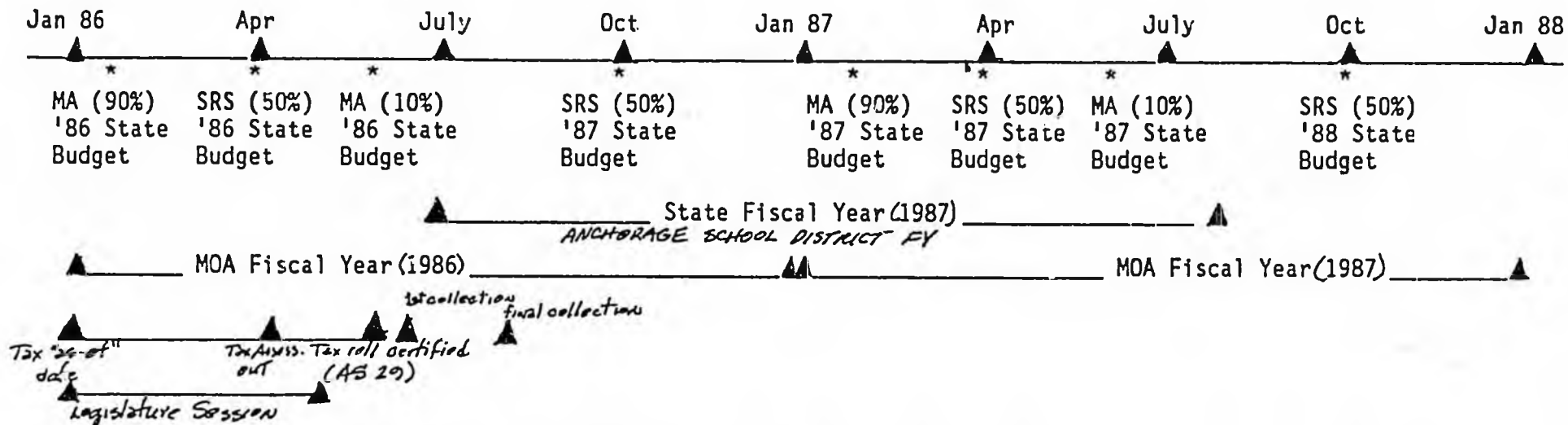
Respectfully submitted,

(Signature)
Joe Griffith, Jr.

1 Attachment
Graphic display of Municipal budget process.

RECEIVED
JAN 29 1986

MUNICIPAL BUDGET



Municipal Assistance (MA) payments received in February and June. MOA receives payment in the same numbered fiscal year as the State budget appropriating the funds. February payment is approximately 90% of the appropriated amount. Remainder in June subsequent to State receipt of data from all communities.

State Revenue Sharing (SRS) payments received in April and October of each year. From the State perspective, the first payment each fiscal year occurs in October and the second in April. Current State procedures (new for the State FY87 budget) evenly divides the appropriation between the two payments. Due to the overlapping fiscal years, each MOA fiscal year contains a Revenue Sharing payment from two State appropriations. The State Budget is generally passed in May.

Jan 30, 1987 Delivery of budget materials to School Board

Feb 2-6, 1987 Delivery of budget materials to:
 Budget Advisory Commission
 Schools and Departments
 Municipality of Anchorage
 Employee Bargaining Groups
 Libraries

Feb 3-12, 1987 Public Hearings on Preliminary Financial Plan
 Feb 3 (Tuesday) - 1st Hearing
 Feb 5 (Thursday) - 2nd Hearing
 Feb 10 (Tuesday) - 3rd Hearing
 Feb 12 (Thursday) - 4th Hearing

Feb 17, 1987 First School Board Reading (Tuesday)

Feb 24, 1987 Final Reading and Approval (Tuesday)

Feb 25-March 24 Revision of Preliminary Financial Plan
 (similar process to that of Jan 12 - Jan 31, 1987)

March 25-26, 1987 Printing of Proposed Financial Plan,
 Financial Plan Summary, and
 related budget materials

March 27, 1987 Delivery of Proposed Financial Plan, etc. to
 Municipal Assembly

April 1987 Municipal Assembly review, public hearings, and approval

May-June 1987 Revisions to Proposed Financial Plan expenditure budgets and
 revenue budget
 Preparation of Adopted Financial Plan

July-August 1987 Printing and distribution of Adopted Financial Plan

STATE OF ALASKA
THE LEGISLATURE

POUCHY STATE CAPITOL
JUNEAU ALASKA 99811
907 465 J800

MAY 13 1987

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 13, 1987

SUBJECT: Requiring legislature to pass appropriation
by a certain date (HCS SB 2(HESS))

TO: Representative Johnny Ellis
Co-Chair, House HESS Committee

FROM: Keith B. Levy *KBL*
Legislative Counsel

Enclosed is a HESS Committee substitute for SB 2, relating to deadlines for action on funding of public education. Sections 1, 3, and 4 of SB 2 purport to require the legislature to appropriate money for school funding no later than March 16 of each year. At the request of your staff, language has been added to sec. 3 of this draft providing that, if the legislature does not pass a foundation funding appropriation before March 16, the appropriation from the previous fiscal year is approved for the next fiscal year. This language is, at best, only intent language without any substantive significance, and possibly unconstitutional.

Article IX, sec. 13, of the Alaska Constitution provides that "no money shall be withdrawn from the treasury except in accordance with appropriations made by law." Accordingly, statutory "approval" of the previous year's school funding appropriation does not have the effect of actually appropriating the money. The "approval" is meaningless unless the money is formally appropriated by the legislature in an appropriation bill.

The argument could be made that the language in this draft is in fact an appropriation which takes effect each fiscal year if the legislature does not make an appropriation for school funding before March 16. If the language is viewed this way, however, it is unconstitutional for several reasons.

First, art. II, sec. 13, of the Alaska Constitution provides that "bills for appropriations shall be confined to appropr-

Representative Ellis
Page 2
May 13, 1987

tions." The significance of this provision is that an appropriation bill may not contain substantive measures. If the language added to SB 2 is an appropriation, it must be contained in legislation separate from the substantive provisions of SB 2.

Another problem with viewing the language added to SB 2 as an appropriation is that it would amount to a continuing appropriation. A continuing appropriation exists where the legislature appropriates money in a given fiscal year for a series of future fiscal years. Continuing appropriations found in AS 44.83.410 and 44.83.420 were ruled unconstitutional by a superior court judge in Trustees for Alaska v. State, No. 3AN-84-12053 Civ. (1985). Without an explanation, the court found that the continuing appropriations violated the dedicated funds clause of the Alaska Constitution (art. IX, sec. 7). Although the case does not give much guidance, it calls into question the constitutional validity of any form of a continuing appropriation.

For all of the reasons above, the language added to SB 2 in the HESS Committee substitute is probably ineffective, and probably unconstitutional. The legislature is free to state its intent to fund education at a certain level by a certain date, but it may not bind future legislatures in this way.

If I may be of further assistance, please advise.

KBL:csh
c8/032

Enclosure