

LEGAL SERVICES

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MEMORANDUM

May 4, 2022

SUBJECT: Legal issues (CSSB 190(FIN); Work Order No. 32-LS1525\W.2)

TO: Representative Zack Fields
Attn: Evan Anderson

FROM: Anna Ambrose
Legislative Counsel 

You asked whether amendment W.2 to CSSB 190(FIN) raises any legal issues. In the time allowed to respond to your inquiry, I have not identified any constitutional issues with the amendment's requirement that a municipality submit a privatization proposal to the Regulatory Commission of Alaska (RCA) for review before it may privatize a public municipal refuse utility. I have also not identified any conflicts between the provisions of the amendment and the RCA's existing authority. However, you may want to discuss this amendment with the RCA as this is a specialized area of law.

You also asked over the telephone whether the amendment should be expanded to require municipal refuse utilities to provide data to the RCA when submitting their privatization proposal. Because there is nothing in statute that specifies the process of data collection, this is a policy decision that is left to your discretion.

Please let me know if I may be of further assistance.

AMA:boo
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