

HOUSE BILL NO. 365

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE ROKEBERG

Introduced: 2/11/00

Referred: Community and Regional Affairs, Health, Education and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the organization of the public school system; and providing**
2 **for an effective date."**

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

4 *** Section 1.** AS 09.65.240(a) is amended to read:

5 (a) Notwithstanding AS 46.03.822(a), neither the state nor the [A] regional
6 educational attendance area established under AS 14.08, nor an agent or employee of
7 the state or the [A] regional educational attendance area acting within the scope of that
8 agency or employment, is subject to liability under AS 46.03.822 for damages, as
9 defined in AS 46.03.822(k) and 46.03.824, for the release of a hazardous substance at
10 or from any facility used in relation to a school in the regional educational attendance
11 area school as described in AS 14.08.151 or at or from any facility used in relation to
12 a school operated by the state under AS 14.16.

13 *** Sec. 2.** AS 14.03.115 is amended to read:

14 **Sec. 14.03.115. Access to school records by parent, foster parent, or**

1 **guardian.** Upon request of a parent, foster parent, or guardian of a child under 18
 2 years of age who is currently or was previously enrolled in a municipal school district
 3 or **the** [A SCHOOL DISTRICT THAT IS A] regional educational attendance area, the
 4 school district **or attendance area** shall provide a copy of the child's record. This
 5 section does not apply to

6 (1) a record of a child who is an emancipated minor; or

7 (2) record information that consists of the child's address if the school
 8 district **or attendance area** determines that the release of the child's address poses a
 9 threat to the health or safety of the child.

10 * **Sec. 3.** AS 14.03.290(3) is amended to read:

11 (3) "local school board" means a borough or city school board or **the**
 12 **regional school board** [A SCHOOL BOARD OF A REGIONAL EDUCATIONAL
 13 ATTENDANCE AREA];

14 * **Sec. 4.** AS 14.07.085(b) is amended to read:

15 (b) One member shall be appointed from each of the four judicial districts and
 16 three from the state at large with at least one member representing **the** regional
 17 educational attendance **area** [AREAS].

18 * **Sec. 5.** AS 14.08.021 is amended to read:

19 **Sec. 14.08.021. Authority.** The legislature delegates to **the regional** school
 20 **board** [BOARDS] for **the** [EACH] regional educational attendance area the authority
 21 to operate the public schools in **that area** [THOSE AREAS] in accordance with the
 22 provisions of this chapter, subject to the provisions of this title and the regulations
 23 adopted under it that apply to all school districts in the state.

24 * **Sec. 6.** AS 14.08.031 is repealed and reenacted to read:

25 **Sec. 14.08.031. Regional educational attendance area.** (a) The area outside
 26 organized boroughs and outside home rule and first class cities constitutes the regional
 27 educational attendance area.

28 (b) A school on a military reservation shall be included in the regional
 29 educational attendance area. However, operation of a military reservation school by
 30 a city or borough school district may be required by the department under
 31 AS 14.12.020(a) and AS 14.14.110. Where the operation of a military reservation

1 school in the regional educational attendance area by a city or borough school district
 2 is required by the department, the military reservation is not considered part of the
 3 regional educational attendance area for the purposes of regional school board
 4 membership or elections.

5 * **Sec. 7.** AS 14.08.041 is repealed and reenacted to read:

6 **Sec. 14.08.041. Regional school board.** (a) The regional educational
 7 attendance area shall be operated on an areawide basis under the management and
 8 control of the regional school board.

9 (b) The qualified voters of the communities receiving educational services in
 10 the regional educational attendance area shall elect the regional school board of 11
 11 members to be elected for the same term, in the same manner, and with the same
 12 qualifications as a city or borough school district board under AS 14.12. The
 13 department may, after consultation with communities in the regional educational
 14 attendance area, provide for the election of a board member from a section of the
 15 regional educational attendance area as provided under AS 14.08.051(b).

16 * **Sec. 8.** AS 14.08.045(b) is amended to read:

17 (b) A vacancy on the [A] regional school board shall be filled under
 18 AS 14.12.070.

19 * **Sec. 9.** AS 14.08.051 is amended to read:

20 **Sec. 14.08.051. School board sections.** (a) The commissioner in consultation
 21 with the Department of Community and Economic Development and the local
 22 communities may divide the [A] regional educational attendance area into sections
 23 only for the purpose of nominating and electing regional school board members. If
 24 the voters in the [A] regional educational attendance area favor election of regional
 25 school board members by sections under (b) of this section, the commissioner in
 26 consultation with the Department of Community and Economic Development and the
 27 local communities shall divide the regional educational attendance area into sections
 28 for the purpose of nominating and electing regional school board members. If the [A]
 29 regional educational attendance area is divided into sections, each school board
 30 member shall represent, as nearly as practicable, an equal number of persons. The
 31 basis for the division of the [A] regional educational attendance area into sections shall

1 be the total population of the area as reported in the most recent decennial federal
2 census. If the census is five years old or older, then other reliable population data,
3 including but not limited to population estimates based on public school enrollments,
4 public utility connections, registered voters, or certified employment payrolls, shall be
5 used as the basis for the division of the area into sections. Each section within the [A]
6 regional educational attendance area shall consist of compact, contiguous territory, and,
7 as far as practicable, each section shall contain an integrated socio-economic,
8 linguistically and culturally homogeneous area. In the division of the regional
9 educational [SCHOOL AND] attendance area into sections, consideration shall be
10 given to the transportation and communication network to facilitate the administration
11 of education and communication between communities that make up [COMPRISE]
12 the area. Whenever possible, municipalities, other governmental or regional corporate
13 entities, drainage basins, and other identifiable geographic features shall be used in
14 describing the boundaries of the sections.

15 (b) The division of the [A] regional educational attendance area into sections
16 or subsequent recasting of the section boundaries may be proposed by the regional
17 school board or by a petition. The election of each regional school board member
18 from a section by the voters of that section of the [A] regional educational attendance
19 area may be proposed by petition. A petition under this section shall be filed with the
20 director of elections and must contain signatures of qualified voters in the area equal
21 to eight percent of the total vote cast in the most recent regional school board election.
22 The division of the area into sections, election of each regional school board member
23 from a section by the voters of that section, or subsequent recasting of section
24 boundaries is subject to approval by a majority of the qualified voters voting on the
25 question in the regional educational attendance area at the next regular school board
26 election or a special election called for that purpose, and takes effect at the next
27 regular school board election.

28 (c) If the [A] regional educational attendance area has been divided into
29 sections, the commissioner shall recast the boundaries of the sections within 90 days
30 following the official reporting of the decennial federal census in accordance with (a)
31 of this section. If the census is five years old or older and other reliable population

1 data acceptable to the department that establishes that board members do not represent
 2 as nearly as practicable equal numbers of people under the allocation of seats to a
 3 multi-member section under (d) of this section, the commissioner may reallocate the
 4 seats among the sections if reallocation will achieve as nearly as practicable equal
 5 representation. Reallocation of seats takes effect at the next regular board election
 6 after the reallocation.

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

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

12 (2) except as provided in (f) of this section, a section may not be
 13 represented by more than

14 [(A)] three members [, IF A BOARD CONSISTS OF FIVE
 15 MEMBERS;

16 (B) FOUR MEMBERS, IF A BOARD CONSISTS OF SEVEN
 17 MEMBERS;

18 (C) FIVE MEMBERS, IF A BOARD CONSISTS OF NINE
 19 MEMBERS; OR

20 (D) SIX MEMBERS, IF A BOARD CONSISTS OF 11
 21 MEMBERS].

22 (e) If the [A] regional educational attendance area has been divided into
 23 sections, board members shall be residents of the section from which they are elected.
 24 Board members shall be elected by the qualified voters of the entire regional
 25 educational attendance area, unless the voters have approved election of members by
 26 the voters of the section under (b) of this section.

27 (f) Upon the request of the [A] regional school board, the commissioner may
 28 permit a section that contains more than one community to be represented by more
 29 board members than the number set out in (d) [(d)(2)] of this section if the
 30 commissioner determines that

31 (1) the section [REGIONAL EDUCATIONAL ATTENDANCE AREA]

1 has had a pattern of substantial population fluctuations between geographic areas
2 within the section [REGIONAL EDUCATIONAL ATTENDANCE AREA]; and

3 (2) compliance with the requirements of (d)(2) of this section could
4 result in continuous underrepresentation or [AND] overrepresentation of a community
5 [SECTIONS].

6 (g) In a [REGIONAL EDUCATIONAL ATTENDANCE AREA] section
7 subject to (f) of this section, no more than two members may be elected from the same
8 community unless the population distribution requires otherwise.

9 * **Sec. 10.** AS 14.08.061(a) is amended to read:

10 (a) Members elected to the [A] regional school board shall serve staggered
11 three-year terms. However,

12 (1) the term of office of all of the members of the [A] regional school
13 board elected from the same multi-member section may not expire at the same time;
14 and

15 (2) for the first board elected, the term of office of each member shall
16 be determined by lot and [, ACCORDING TO THE FOLLOWING SCHEDULE:

17 (A) THE MEMBERS OF THE FIRST FIVE-MEMBER
18 SCHOOL BOARD SHALL HOLD OFFICE FOR TERMS AS FOLLOWS:
19 ONE MEMBER FOR A ONE-YEAR TERM; TWO FOR A TWO-YEAR
20 TERM AND TWO FOR A THREE-YEAR TERM;

21 (B) THE MEMBERS OF THE FIRST SEVEN-MEMBER
22 SCHOOL BOARD HOLD OFFICE FOR TERMS AS FOLLOWS: TWO
23 MEMBERS FOR A ONE-YEAR TERM; TWO FOR A TWO-YEAR TERM
24 AND THREE FOR A THREE-YEAR TERM;

25 (C) THE MEMBERS OF THE FIRST NINE-MEMBER
26 SCHOOL BOARD HOLD OFFICE FOR TERMS AS FOLLOWS: THREE
27 FOR A ONE-YEAR TERM; THREE FOR A TWO-YEAR TERM AND
28 THREE FOR A THREE-YEAR TERM;

29 (D)] the members shall [OF THE FIRST 11-MEMBER
30 SCHOOL BOARD] hold office for terms as follows: three for [A] one-year
31 terms [TERM], four for [A] two-year terms, [TERM] and four for [A] three-

1 year terms [TERM].

2 * **Sec. 11.** AS 14.08.061(b) is amended to read:

3 (b) If the [A] regional educational attendance area is divided into sections
4 under AS 14.08.051 where the school board formerly was elected at large [, OR IF
5 THE NUMBER OF REGIONAL SCHOOL BOARD MEMBERS IS INCREASED OR
6 DECREASED BY THE QUALIFIED VOTERS IN THE REGIONAL
7 EDUCATIONAL ATTENDANCE AREA UNDER AS 14.08.041(b),] the term of
8 office of all members of the existing board shall terminate on the date on which the
9 new board members take office, and the provisions of (a) of this section are applicable
10 to the determination of the terms of office of the new members of the regional school
11 board [BOARDS].

12 * **Sec. 12.** AS 14.08.071(b) is amended to read:

13 (b) A [EXCEPT FOR THE FIRST ELECTION OF] regional school board
14 election [MEMBERS UNDER (a) OF THIS SECTION, ELECTIONS] shall be held
15 annually on the first Tuesday in October. Elections shall be supervised by the director
16 of elections in the office of the lieutenant governor, but shall be administered within
17 second class cities as part of the regular municipal election. The lieutenant governor
18 shall adopt regulations for the conduct of the election of regional school board
19 members comparable, as far as practicable, to those prescribed for election of school
20 board members under AS 14.12 and AS 29.20.300 except that the majority election
21 requirements of AS 29.26.060 do not apply [TO,] nor may the regulations require
22 runoff elections [FOR, THE FIRST ELECTION OF REGIONAL SCHOOL BOARD
23 MEMBERS UNDER (a) OF THIS SECTION OR, IF A SCHOOL BOARD BY
24 RESOLUTION SO REQUESTS, TO SUBSEQUENT ELECTIONS IN THE
25 REGIONAL EDUCATIONAL ATTENDANCE AREA SERVED BY THAT SCHOOL
26 BOARD].

27 * **Sec. 13.** AS 14.08.071(d) is amended to read:

28 (d) If the [A] regional school board adopts a resolution requesting that an
29 advisory question relating to education be placed on the [THAT] regional school
30 board's next election ballot, the division of elections shall place the advisory question
31 on the [THAT] regional school board's next election ballot. A resolution described in

1 this subsection must be filed with the division of elections on or before the first Friday
 2 in August of the year in which the advisory question is required to be placed on the
 3 ballot. An advisory question authorized under this subsection may not consist of more
 4 than 100 words and shall be worded in a manner that allows the advisory question to
 5 be answered with a "yes" to favor the question or "no" to oppose the question.

6 * **Sec. 14.** AS 14.08.081 is amended to read:

7 **Sec. 14.08.081. Recall.** The members of the [A] regional school board are
 8 subject to recall in accordance with AS 29.26.240 - 29.26.360, except that the director
 9 of elections shall perform the functions of a municipal clerk, the lieutenant governor
 10 shall perform the functions of the assembly or council under those sections, and the
 11 last regular election is the last regularly scheduled election held within the regional
 12 educational attendance area.

13 * **Sec. 15.** AS 14.08.091(a) is amended to read:

14 (a) The regional school board [BOARDS] shall be organized in accordance
 15 with AS 14.14.070, and, before taking office, each school board member shall take and
 16 sign the oath or affirmation prescribed by AS 14.12.090.

17 * **Sec. 16.** AS 14.08.101 is amended to read:

18 **Sec. 14.08.101. Powers.** The [A] regional school board may

19 (1) sue and be sued;

20 (2) contract with the department, the Bureau of Indian Affairs, or any
 21 other school district, agency, or regional board for the provision of services, facilities,
 22 supplies, or utilities;

23 (3) determine its own fiscal procedures, including but not limited to
 24 policies and procedures for the purchase of supplies and equipment; the regional school
 25 board is [BOARDS ARE] exempt from AS 37.05 (Fiscal Procedures Act) and
 26 AS 36.30 (State Procurement Code);

27 (4) appoint, compensate, and otherwise control all school employees
 28 in accordance with this title; these employees are not subject to AS 39.25 (State
 29 Personnel Act);

30 (5) adopt regulations governing organization, policies, and procedures
 31 for the operation of the schools;

1 (6) establish, maintain, operate, discontinue, and combine schools
2 subject to the approval of the commissioner;

3 (7) recommend to the department projects for construction,
4 rehabilitation, and improvement of schools and education-related facilities as specified
5 in AS 14.11.011(b), and plan, design, and construct the project when the responsibility
6 for it is assumed under AS 14.11.020;

7 (8) by resolution adopted by a majority of all the members of the board
8 and provided to the commissioner of the department, assume ownership of all land and
9 buildings used in relation to the schools in the regional educational attendance area;

10 (9) provide housing for rental to teachers, by leasing existing housing
11 from a local agency or individual, or by entering into contractual arrangements with
12 a local agency or individual to lease housing that will be constructed by the local
13 agency or individual for that purpose;

14 (10) exercise those other functions that may be necessary for the proper
15 performance of its responsibilities;

16 (11) employ a chief school administrator.

17 * **Sec. 17.** AS 14.08.111 is amended to read:

18 **Sec. 14.08.111. Duties.** The [A] regional school board shall

19 (1) provide, during the school term of each year, an educational
20 program for each school age child who is a resident of the district;

21 (2) develop a philosophy of education, principles, and goals for its
22 schools;

23 (3) approve the employment of the professional administrators, teachers,
24 and noncertificated personnel necessary to operate its schools;

25 (4) establish the salaries to be paid its employees;

26 (5) designate the employees authorized to direct disbursements from the
27 school funds of the board;

28 (6) submit the reports prescribed for all school districts;

29 (7) provide for an annual audit in accordance with AS 14.14.050;

30 (8) provide custodial services and routine maintenance of school
31 buildings and facilities;

1 (9) establish procedures for the review and selection of all textbooks
 2 and instructional materials before they are introduced into the school curriculum; the
 3 review includes a review for violations of AS 14.18.060;

4 (10) provide prospective employees with information relating to the
 5 availability and cost of housing in rural areas to which they might be assigned, and,
 6 when possible, assist them in locating housing; however, nothing in this paragraph
 7 requires the [A] regional school board to provide teacher housing, whether owned,
 8 leased, or rented or otherwise provided by the regional educational attendance area, nor
 9 does it require the board to engage in a subsidy program of any kind with respect to
 10 teacher housing; and

11 (11) train persons required to report under AS 47.17.020, in the
 12 recognition and reporting of child abuse, neglect, and sexual abuse of a minor.

13 * **Sec. 18.** AS 14.08.115(a) is amended to read:

14 (a) The [A] regional school board shall establish advisory school boards in
 15 each community in the regional educational attendance area that has more than 50
 16 permanent residents, and by regulation shall prescribe their manner of selection and
 17 organization, and, in a manner consistent with (b) of this section, their powers and
 18 duties.

19 * **Sec. 19.** AS 14.08.151 is amended to read:

20 **Sec. 14.08.151. Land and building.** (a) Except as provided in (b) of this
 21 section, the ownership of land and buildings used in relation to regional educational
 22 attendance area schools shall remain vested in the state, and use permits shall be given
 23 to the regional school board [BOARDS].

24 (b) The [A] regional school board may, by resolution, request, and the
 25 commissioner of the department having responsibility shall convey, title to land and
 26 buildings used in relation to regional educational attendance area schools. If the state
 27 holds less than fee title to the land, the commissioner of the department having
 28 responsibility shall convey the entire interest of the state in the land to the regional
 29 school board.

30 * **Sec. 20.** AS 14.12.010 is amended to read:

31 **Sec. 14.12.010. Districts of state public school system.** The districts of the

1 state public school system are as follows:

2 (1) each home rule and first class city in the unorganized borough is
3 a city school district;

4 (2) each organized borough is a borough school district;

5 (3) the area outside organized boroughs and outside home rule and first
6 class cities is the [DIVIDED INTO] regional educational attendance area [AREAS].

7 * **Sec. 21.** AS 14.12.020 is amended to read:

8 **Sec. 14.12.020. Support, management, and control in general; military**
9 **reservation schools.** (a) The [EACH] regional educational attendance area shall be
10 operated on an areawide basis under the management and control of the [A] regional
11 school board. The regional school board manages and controls schools on military
12 reservations within the [ITS] regional educational attendance area until the military
13 mission is terminated or so long as management and control by the regional
14 educational attendance area is approved by the department. However, operation of the
15 military reservation schools by a city or borough school district may be required by
16 the department under AS 14.14.110. If the military mission of a military reservation
17 terminates or continued management and control by the regional educational attendance
18 area is disapproved by the department, operation, management, and control of schools
19 on the military reservation transfers to the city or borough school district in which the
20 military reservation is located.

21 (b) A [EACH] borough or city school district shall be operated on a district-
22 wide basis under the management and control of a school board.

23 (c) The legislature shall provide the state money necessary to maintain and
24 operate the regional educational attendance area [AREAS]. The borough assembly for
25 a borough school district, and the city council for a city school district, shall provide
26 the money that must be raised from local sources to maintain and operate the district.

27 * **Sec. 22.** AS 14.12.030(d) is amended to read:

28 (d) The provisions of (a) and (b) of this section do not apply to a part of the
29 regional educational attendance area that converts to a city or borough school district.
30 The number of school board members may be changed by the qualified voters in a
31 district by placing the question on the ballot at a regular school board election in the

1 manner prescribed by law.

2 * **Sec. 23.** AS 14.12.170 is amended to read:

3 **Sec. 14.12.170. Districts.** For purposes of AS 14.12.150 - 14.12.180, **the**
4 regional educational attendance **area** [AREAS] shall be considered **a district**
5 [DISTRICTS].

6 * **Sec. 24.** AS 14.30.400 is amended to read:

7 **Sec. 14.30.400. Bilingual-bicultural education.** **A governing body** [CITY
8 OR BOROUGH DISTRICT SCHOOL BOARDS AND REGIONAL EDUCATIONAL
9 ATTENDANCE AREA BOARDS] shall provide a bilingual-bicultural education
10 program for each school in a city or borough school district or **the** regional educational
11 attendance area that is attended by at least eight pupils of limited English-speaking
12 ability and whose primary language is other than English. A bilingual-bicultural
13 education program shall be provided under a plan of service that has been developed
14 in accordance with regulations adopted by the department. Nothing in this section
15 precludes a bilingual-bicultural education program from being provided for less than
16 eight pupils in a school.

17 * **Sec. 25.** AS 18.31.040 is amended to read:

18 **Sec. 18.31.040. Duties of school officials.** To assist in implementing the
19 asbestos health hazard abatement program, each city or borough school district and **the**
20 [EACH] regional educational attendance area shall

21 (1) maintain records of all inspections, including sample dates, location,
22 condition, and analysis of materials;

23 (2) notify school personnel of the location of asbestos materials and
24 ways to reduce exposure;

25 (3) notify the parents of students about the results of asbestos
26 inspections in their children's schools;

27 (4) either

28 (A) contract for the inspection of its school buildings in
29 compliance with Environmental Protection Agency asbestos regulations (40
30 C.F.R. Part 763) and in accordance with guidelines established by the
31 Department of Labor and Workforce Development and under the supervision

1 of the Department of Labor and Workforce Development; or

2 (B) notify the Department of Labor and Workforce
3 Development that the school district or regional educational attendance area has
4 not entered and does not intend to enter into a contract for an inspection for
5 asbestos health hazards; and

6 (5) contract for renovating school buildings to abate asbestos health
7 hazards, and supervise and monitor the renovation contracts, applying the standards in
8 AS 18.60.075 to protect the health of persons who renovate the school buildings.

9 * **Sec. 26.** AS 44.19.155(a) is amended to read:

10 (a) There is created in the Office of the Governor the Alaska Coastal Policy
11 Council. The council consists of the following:

12 (1) nine public members appointed by the governor from a list
13 **composed** [COMPRISED] of at least three names from each region, nominated by the
14 municipalities of each region; the nominees shall be the mayor or member of the
15 assembly or council of a municipality; one public member shall be appointed from
16 each of the following general regions:

17 (A) northwest Alaska, including, generally, the area of the North
18 Slope Borough and the Northwest Arctic Borough;

19 (B) Bering Straits [, INCLUDING, GENERALLY, THE AREA
20 OF THE BERING STRAITS REGIONAL EDUCATIONAL ATTENDANCE
21 AREA];

22 (C) southwest Alaska, including, generally, [THE AREA
23 WITHIN THE LOWER YUKON, LOWER KUSKOKWIM, AND
24 SOUTHWEST REGIONAL EDUCATIONAL ATTENDANCE AREAS AND]
25 the Lake and Peninsula and Bristol Bay Boroughs;

26 (D) Kodiak-Aleutians, including the area of the Kodiak Island
27 and Aleutian East Boroughs [AND THE ALEUTIAN, ADAK AND PRIBILOF
28 REGIONAL EDUCATIONAL ATTENDANCE AREAS];

29 (E) Upper Cook Inlet, including the Municipality of Anchorage
30 and the Matanuska-Susitna Borough;

31 (F) Lower Cook Inlet, including, generally, the area within the

1 Kenai Peninsula Borough;

2 (G) Prince William Sound, including, generally, the area east
3 of the Kenai Peninsula Borough to 141 W. longitude;

4 (H) northern Southeast Alaska, including the area southeast of
5 141 W. longitude and north of 57 N. latitude, including the entirety of the City
6 and Borough of Sitka; and

7 (I) southern Southeast Alaska, including that portion of
8 southeastern Alaska not contained within the area described in (H) of this
9 paragraph;

10 (2) each of the following:

11 (A) the director of the office of management and budget;

12 (B) the commissioner of community and economic
13 development;

14 (C) the commissioner of environmental conservation;

15 (D) the commissioner of fish and game;

16 (E) the commissioner of natural resources; and

17 (F) the commissioner of transportation and public facilities.

18 * **Sec. 27.** AS 44.33.844 is amended to read:

19 **Sec. 44.33.844. Boundaries.** The boundaries of an area studied shall conform
20 to the boundaries indicated in the request for the study under AS 44.33.842 unless the
21 commissioner, after a public hearing held in the area of the proposed study, determines
22 that the boundaries should be altered. In determining the boundaries of an area to be
23 studied, the commissioner shall consider

24 (1) the standards applicable to the incorporation of boroughs under
25 AS 29.05.031;

26 (2) boundaries of regional corporations established under 43 U.S.C.
27 1606;

28 (3) census divisions of the state used for the 1980 census; **and**

29 (4) [BOUNDARIES OF THE REGIONAL EDUCATIONAL
30 ATTENDANCE AREAS ESTABLISHED UNDER AS 14.08.031; AND

31 (5)] boundaries of coastal resource service areas organized under

1 AS 46.40.110 - 46.40.210.

2 * **Sec. 28.** AS 44.33.846(b) is amended to read:

3 (b) A study under this section must include

4 (1) a recommendation for or against incorporation of a borough
5 containing all or part of the area studied;

6 (2) an evaluation of the economic development potential of the area
7 studied;

8 (3) an evaluation of capital facility needs of the area studied;

9 (4) an evaluation of demographic, social, and environmental factors
10 affecting the area studied;

11 (5) an evaluation of the relationships among **the** regional educational
12 attendance **area** [AREAS], coastal resource service areas, and other regional entities
13 responsible for providing services in the area studied;

14 (6) an evaluation of the relationships between the existing cities within
15 the area studied and regional entities responsible for providing services in the area; and

16 (7) specific recommendations for

17 (A) organization of a home rule or general law borough
18 government if one is recommended;

19 (B) changes in organization of cities in the area studied; or

20 (C) the improvement of the delivery of services to the public
21 by the state in the area studied.

22 * **Sec. 29.** AS 46.40.120(a) is amended to read:

23 (a) Except as otherwise provided in this section, **the** [EACH] regional
24 educational attendance area established under AS 14.08.031 [CONTAINING A PART
25 OF THE COASTAL AREA] may be organized as a coastal resource service area.

26 * **Sec. 30.** AS 46.40.120(d) is amended to read:

27 (d) For purposes of coastal zone management only, the commissioner of
28 community and economic development may, after public hearings held in the **affected**
29 **part of the** regional educational attendance area [AFFECTED], divide **the** [AN
30 EXISTING] regional educational attendance area into no more than three coastal
31 resource service areas according to geographic, cultural, economic, environmental, or

1 other features relevant to coastal management planning. However,

2 (1) each coastal resource service area formed by dividing the [AN
3 EXISTING] regional educational attendance area must contain at least one first class
4 city or home rule city;

5 (2) a city within a coastal resource service area formed by dividing the
6 [AN EXISTING] regional educational attendance area may not elect to exclude itself
7 from the coastal resource service area; and

8 (3) a coastal resource service area formed before June 1, 1980, may not
9 be divided for coastal management planning purposes.

10 * **Sec. 31.** AS 46.40.140(f) is amended to read:

11 (f) Except for the first election of members of coastal resource service area
12 boards, elections shall be held annually on the date of election of members of the
13 regional educational attendance area board [BOARDS] under AS 14.08.071(b). For
14 an election under this subsection or under (e) of this section, a newly elected board
15 member takes office at the first coastal resource service area board meeting after
16 certification of the election. If no candidate files for election to a seat on the coastal
17 resource service area board, the seat is considered vacant at the time a newly elected
18 member would have taken office.

19 * **Sec. 32.** AS 46.40.140(g) is amended to read:

20 (g) A seat on a coastal resource service area board shall be declared vacant by
21 the board if the criteria under AS 14.08.045(a) apply to the person elected. A vacancy
22 on a coastal resource service area board shall be filled by appointment as provided in
23 AS 14.12.070 for vacancies in the membership of the regional educational attendance
24 area board [BOARDS].

25 * **Sec. 33.** AS 14.08.071(a); AS 46.40.120(b), and 46.40.120(c) are repealed.

26 * **Sec. 34.** The uncodified law of the State of Alaska is amended by adding a new section
27 to read:

28 TRANSITION. (a) A term of a member of a school board of a regional educational
29 attendance area serving on the effective date of this Act is not affected by this Act until the
30 new regional school board is established under AS 14.08.041 as repealed and reenacted by
31 sec. 7 of this Act.

1 (b) The lieutenant governor shall hold the first election for members of the regional
 2 school board created by this Act at the first general election following the effective date of
 3 this Act. A regional educational attendance area shall continue to operate under the school
 4 board existing on June 30, 1999, until the new regional school board is established under
 5 AS 14.08.041, as repealed and reenacted by sec. 7 of this Act.

6 (c) A contract, right, liability, or obligation of a regional education attendance area
 7 existing on the effective date of this Act remains in effect notwithstanding this Act's taking
 8 effect.

9 (d) A record, equipment, or other property of a regional educational area existing on
 10 the effective date of this Act shall be transferred to the regional educational attendance area
 11 to implement the provisions of this Act.

12 * **Sec. 35.** The uncodified law of the State of Alaska is amended by adding a new section
 13 to read:

14 **REVISOR INSTRUCTIONS.** (a) In the following statutes, the revisor of statutes is
 15 instructed to change "a regional educational attendance area" to "the regional educational
 16 attendance area":

- 17 (1) AS 11.76.133(d)(4);
- 18 (2) AS 11.81.430(a)(2);
- 19 (3) AS 14.03.150(c);
- 20 (4) AS 14.11.008(b);
- 21 (5) AS 14.11.011;
- 22 (6) AS 14.11.017(a);
- 23 (7) AS 14.11.020(b);
- 24 (8) AS 14.11.130;
- 25 (9) AS 14.17.490(a);
- 26 (10) AS 14.17.990(2);
- 27 (11) AS 14.18.090(a);
- 28 (12) AS 14.20.177(h);
- 29 (13) AS 14.30.030;
- 30 (14) AS 14.30.186(b);
- 31 (15) AS 14.30.350(10);

- 1 (16) AS 14.30.720(2);
- 2 (17) AS 14.56.120(e);
- 3 (18) AS 14.60.010(5) and (8);
- 4 (19) AS 21.09.270(b)(2);
- 5 (20) AS 21.10.065(c);
- 6 (21) AS 23.10.530(c);
- 7 (22) AS 23.40.200;
- 8 (23) AS 23.40.235;
- 9 (24) AS 29.35.160(a);
- 10 (25) AS 35.15.120(2);
- 11 (26) AS 36.15.050(2);
- 12 (27) AS 37.23.900;
- 13 (28) AS 39.25.110(6);
- 14 (29) AS 39.25.160(e)(6);
- 15 (30) AS 39.35.310(c);
- 16 (31) AS 41.15.180(h).

17 (b) In the following statutes, the revisor of statutes is instructed to change "regional
18 educational attendance areas" to "the regional educational attendance area" and to make related
19 grammatical changes:

- 20 (1) AS 14.03.085;
- 21 (2) AS 14.07.020(b);
- 22 (3) AS 14.07.085(b);
- 23 (4) AS 14.18.070;
- 24 (5) AS 14.18.090;
- 25 (6) AS 14.20.175;
- 26 (7) AS 14.30.410(b);
- 27 (8) AS 14.43.600(a)(4);
- 28 (9) AS 14.56.120;
- 29 (10) AS 15.13.145(a)(3);
- 30 (11) AS 18.31.030;
- 31 (12) AS 21.76.010(a);

1 (13) AS 41.15.180(a);

2 (14) AS 44.42.020(a)(15).

3 (c) In the following statutes, the revisor of statutes is instructed to change "A regional
4 school board" to "The regional school board" or "a regional school board" to "the regional
5 school board":

6 (1) AS 14.11.020(a), in two places;

7 (2) AS 35.15.080(f);

8 (3) AS 36.10.180(a)(1);

9 (4) AS 36.95.010(3).

10 * **Sec. 36.** This Act takes effect July 1, 2000.