

**ALASKA STATE LEGISLATURE
HOUSE RULES STANDING COMMITTEE**

April 13, 2005

8:38 a.m.

MEMBERS PRESENT

Representative Norman Rokeberg, Chair
Representative John Coghill, Vice Chair
Representative John Harris
Representative Vic Kohring
Representative Beth Kerttula

MEMBERS ABSENT

Representative Lesil McGuire
Representative Ethan Berkowitz

OTHER LEGISLATORS PRESENT

Representative Paul Seaton

COMMITTEE CALENDAR

HOUSE BILL NO. 16

"An Act relating to funding for school districts operating secondary school boarding programs and to funding for school districts from which boarding students come; and providing for an effective date."

- MOVED CSHB 16(RLS) OUT OF COMMITTEE

HOUSE BILL NO. 156

"An Act relating to the membership of the Alaska Commission on Aging; and providing for an effective date."

- MOVED CSHB 156(RLS) OUT OF COMMITTEE

HOUSE BILL NO. 121

"An Act relating to consolidating or abolishing certain service areas in second class boroughs."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 16

SHORT TITLE: SCHOOL FUNDS RELATED TO BOARDING SCHOOLS
SPONSOR(S): REPRESENTATIVE(S) COGHILL

01/10/05 (H) PREFILE RELEASED 12/30/04
01/10/05 (H) READ THE FIRST TIME - REFERRALS
01/10/05 (H) EDU, HES, FIN
02/24/05 (H) EDU AT 11:00 AM CAPITOL 106
02/24/05 (H) -- Meeting Canceled --
03/01/05 (H) EDU AT 11:00 AM CAPITOL 106
03/01/05 (H) Moved Out of Committee
03/01/05 (H) MINUTE(EDU)
03/03/05 (H) EDU RPT 3DP 2NR
03/03/05 (H) DP: SALMON, WILSON, NEUMAN;
03/03/05 (H) NR: GATTO, THOMAS
03/08/05 (H) HES AT 3:00 PM CAPITOL 106
03/08/05 (H) Moved Out of Committee
03/08/05 (H) MINUTE(HES)
03/09/05 (H) HES RPT 6DP
03/09/05 (H) DP: CISSNA, GARDNER, ANDERSON, MCGUIRE,
SEATON, WILSON
03/30/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519
03/30/05 (H) <Bill Hearing Postponed>
04/04/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519
04/04/05 (H) Heard & Held
04/04/05 (H) MINUTE(FIN)
04/05/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519
04/05/05 (H) Moved Out of Committee
04/05/05 (H) MINUTE(FIN)
04/06/05 (H) FIN RPT 5DP 4NR 1AM
04/06/05 (H) DP: FOSTER, CROFT, MOSES, MEYER,
CHENAULT;
04/06/05 (H) NR: HOLM, STOLTZE, WEYHRAUCH, KELLY;
04/06/05 (H) AM: HAWKER
04/13/05 (H) RLS AT 8:30 AM CAPITOL 106

BILL: HB 156

SHORT TITLE: COMMISSION ON AGING
SPONSOR(S): REPRESENTATIVE(S) HOLM

02/18/05 (H) READ THE FIRST TIME - REFERRALS
02/18/05 (H) HES, FIN
03/17/05 (H) HES AT 3:00 PM CAPITOL 106
03/17/05 (H) Moved CSHB 156(HES) Out of Committee
03/17/05 (H) MINUTE(HES)
03/18/05 (H) HES RPT CS(HES) NT 7DP
03/18/05 (H) DP: CISSNA, GARDNER, ANDERSON, KOHRING,
MCGUIRE, SEATON, WILSON

03/31/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519
03/31/05 (H) <Bill Hearing Postponed to Tues.
4/5/05>
04/05/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519
04/05/05 (H) Moved Out of Committee
04/05/05 (H) MINUTE(FIN)
04/06/05 (H) FIN RPT CS(HES) NT 8DP
04/06/05 (H) DP: HAWKER, HOLM, WEYHRAUCH, CROFT,
KELLY, FOSTER, MEYER, CHENAULT
04/13/05 (H) RLS AT 8:30 AM CAPITOL 106

BILL: HB 121

SHORT TITLE: SERVICE AREAS IN SECOND CLASS BOROUGHS

SPONSOR(S): COMMUNITY & REGIONAL AFFAIRS

02/02/05 (H) READ THE FIRST TIME - REFERRALS
02/02/05 (H) CRA, STA
02/15/05 (H) CRA AT 8:00 AM CAPITOL 124
02/15/05 (H) Heard & Held
02/15/05 (H) MINUTE(CRA)
02/24/05 (H) CRA RPT CS(CRA) NT 1DP 5NR
02/24/05 (H) DP: THOMAS;
02/24/05 (H) NR: CISSNA, NEUMAN, SALMON, LEDOUX,
OLSON
02/24/05 (H) CRA AT 8:00 AM CAPITOL 124
02/24/05 (H) Moved CSHB 121(CRA) Out of Committee
02/24/05 (H) MINUTE(CRA)
03/01/05 (H) STA AT 8:00 AM CAPITOL 106
03/01/05 (H) Heard & Held
03/01/05 (H) MINUTE(STA)
03/05/05 (H) STA AT 9:30 AM CAPITOL 106
03/05/05 (H) Moved CSHB 121(CRA) Out of Committee
03/05/05 (H) MINUTE(STA)
03/07/05 (H) STA RPT CS(CRA) NT 4DP 1NR
03/07/05 (H) DP: LYNN, RAMRAS, GRUENBERG, SEATON;
03/07/05 (H) NR: GATTO
03/16/05 (H) RLS AT 9:00 AM BELTZ 211
03/16/05 (H) Moved CSHB 121(RLS) Out of Committee
03/16/05 (H) MINUTE(RLS)
03/17/05 (H) RLS RPT CS(RLS) NT 4NR 2AM
03/17/05 (H) NR: HARRIS, KOHRING, COGHILL, ROKEBERG;
03/17/05 (H) AM: KERTTULA, BERKOWITZ
03/17/05 (H) RETURNED TO RLS COMMITTEE
04/04/05 (H) RLS AT 9:30 AM FAHRENKAMP 203
04/04/05 (H) -- Meeting Canceled --
04/13/05 (H) RLS AT 8:30 AM CAPITOL 106

WITNESS REGISTER

BARBARA COTTING, Staff
to Representative Jim Holm
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Presented HB 156.

NANCY KARACAND, Planner
Commission on Aging
Department of Health and Social Services
Juneau, Alaska
POSITION STATEMENT: Testified in support of HB 156.

KACI SCHROEDER, Staff
to Representative Bill Thomas
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Presented CSHB 121, Version L.

SALLY SADDLER, Legislative Liaison
Office of the Commission
Department of Commerce, Community, & Economic Development
Juneau, Alaska
POSITION STATEMENT: Expressed concerns with HB 121.

MARJORIE VANDOR, Assistant Attorney General
Civil Division (Juneau)
Department of Law
Juneau, Alaska
POSITION STATEMENT: Expressed concerns with HB 121.

REPRESENTATIVE PAUL SEATON
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Testified on HB 121.

LINDA ANDERSON, Lobbyist
Fairbanks North Star Borough
Fairbanks, Alaska
POSITION STATEMENT: Discussed Conceptual Amendment 1 to CSHB
121(CRA).

ACTION NARRATIVE

CHAIR NORMAN ROKEBERG called the House Rules Standing Committee meeting to order at [8:38:32 AM](#). Representatives Rokeberg, Coghill, Harris, Kohring, and Kerttula were present at the call to order. Also in attendance was Representative Seaton.

HB 16-SCHOOL FUNDS RELATED TO BOARDING SCHOOLS

CHAIR ROKEBERG announced that the first order of business would be HOUSE BILL NO. 16, "An Act relating to funding for school districts operating secondary school boarding programs and to funding for school districts from which boarding students come; and providing for an effective date."

[8:39:16 AM](#)

REPRESENTATIVE COGHILL explained that HB 16 is an expansion of the boarding school program such that the state becomes partners with the school district and the state would pay a stipend for the students. The legislation is designed to only fund those communities with a boarding school at this time, and at the end of five years the situation will be re-evaluated.

[8:40:42 AM](#)

REPRESENTATIVE COGHILL moved that the committee adopt Amendment 1, labeled 24-LS0125\A.3, Mischel, 4/8/05, which read:

Page 1, line 2:

Following "**programs**":

Delete "**and**"

Insert " , "

Following "**come;**"

Insert "**and to the effectiveness of district secondary school boarding programs;**"

Page 2, following line 17:

Insert a new bill section to read:

"* Sec. 4. The uncodified law of the State of Alaska is amended by adding a new section to read:

REPORT ON SECONDARY SCHOOL BOARDING PROGRAMS. Not later than February 1, 2010, the department shall provide to the governor a report on the effectiveness of the district secondary school boarding programs operated by school districts. The department shall include draft legislation to extend the cost reimbursement under AS 14.16.200 and the student counting method under AS 14.17.905(c) for boarding

school programs if the department finds that continuation of the programs is in the best interest of the state. The department shall make the report available to the public and to the legislature."

REPRESENTATIVE HARRIS objected for discussion purposes.

[8:41:07 AM](#)

REPRESENTATIVE COGHILL explained that Amendment 1 specifies that [the department] will provide a report on the effectiveness [of secondary school boarding programs] to the legislature and the governor no later than February 1, 2010. He related that Eddy Jeans, Director, School Finance, Department of Education and Early Development, has said that the department can absorb the cost of the report.

[8:41:52 AM](#)

CHAIR ROKEBERG recalled that Mt. Edgecumbe wasn't one of the three boarding schools, and therefore he asked if Mt. Edgecumbe is handled as a separate entity.

REPRESENTATIVE COGHILL clarified that Mt. Edgecumbe is a state-operated boarding school for which the state bears the capital costs and the full boarding costs. The boarding schools addressed in HB 16 are filling needs in the area. For example, the boarding school in Galena has people from all over western Alaska.

[8:42:37 AM](#)

REPRESENTATIVE HARRIS asked if these are all strictly private boarding schools.

REPRESENTATIVE COGHILL replied no, and clarified that these are public schools that are run by the district. He noted that the Galena school district is an actual school district; the Nenana school district is a first class city school district. He said he didn't know about [the structure] of the Bethel boarding school. In further response to Representative Harris, Representative Coghill confirmed that the Nenana [boarding school] uses the Nenana public school for classroom space, "but the boarding school is, in fact, going to be separate from the school." The same will be the case in Galena and Bethel. These boarding schools are taking advantage of economies of scale by

establishing a boarding area and utilizing the public schools [for curriculum].

[8:44:07 AM](#)

REPRESENTATIVE COGHILL, in further response to Representative Harris, specified that these students are high school students. He was not aware of a situation at any of these three boarding schools in which more than a high school was involved.

REPRESENTATIVE HARRIS expressed the need to closely review regional boarding schools, although he acknowledged that it's controversial. He said he viewed these boarding schools as a pilot project for the beginnings of [a regional boarding school] system.

REPRESENTATIVE COGHILL stated that the time line was inserted because there is a need to review the progress. Representative Coghill related that having seen two of these boarding schools first hand, these students attend these boarding schools on purpose. In fact, in all cases there are waiting lists to enter. He noted that the legislation also includes a sort of hold harmless [provision].

[8:46:25 AM](#)

REPRESENTATIVE HARRIS removed his objection, [and therefore Amendment 1 was adopted].

[8:46:33 AM](#)

REPRESENTATIVE HARRIS moved to report HB 16, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 16(RLS) was reported from the House Rules Standing Committee.

HB 156-COMMISSION ON AGING

CHAIR ROKEBERG announced that the next order of business would be HOUSE BILL NO. 156, "An Act relating to the membership of the Alaska Commission on Aging; and providing for an effective date."

[8:47:09 AM](#)

REPRESENTATIVE HARRIS moved to adopt CSHB 156, Version 24-LS0615\I, Mischel, 4/6/05, as the working document. There being no objection, Version I was before the committee.

[8:47:25 AM](#)

BARBARA COTTING, Staff to Representative Jim Holm, Alaska State Legislature, reminded the committee that the Commission on Aging was moved from the Department of Administration to the Department of Health and Social Services (DHSS) in 2003 per executive order. The commissioner of the Department of Administration, who has a seat on the commission, indicated that he is unable to participate on the commission. Therefore, this legislation removes the commissioner of the Department of Administration's seat and replaces it with a public seat filled by a senior provider. She explained that originally, the aforementioned seat was filled by a grant recipient, but that was perceived as a conflict of interest although the Commission on Aging no longer administers the grant program. Therefore, that was changed and filled by a senior services provider, regardless of age. On page 2, line 31 through page 3, line 1, and page 3, lines 4-5, the language giving the commission the duty to evaluate grant applicants and make grant awards was eliminated. The aforementioned appeared to be a conflict of interest. This legislation cleans up the section of statute that addresses the commission and brings it into conformance with actual practice.

[8:49:39 AM](#)

MS. COTTING, in response to Representative Kerttula, confirmed that the language specifying that there be a member who is "**a senior services provider, regardless of age**" was inserted because [the sponsor] didn't want that seat to have to conform with age requirements.

CHAIR ROKEBERG inquired as to the location of the "60 years or older" requirement.

MS. COTTING specified that it's in existing statute, AS 47.45.200.

REPRESENTATIVE KERTTULA pointed out that the language in AS 47.45.200(b) specifies, in part: "At least six of the persons appointed by the governor shall be 60 years of age or older. At least two of these persons shall be 65 years of age or older."

[8:51:25 AM](#)

REPRESENTATIVE KERTTULA surmised that by using the language "**regardless of age**", the member who is a senior services provider could be 60 or 65 years of age.

MS. COTTING agreed.

[8:52:38 AM](#)

NANCY KARACAND, Planner, Commission on Aging, Department of Health and Social Services, in response to Representative Harris, stated that she supported CSHB 156, Version I.

[8:53:08 AM](#)

REPRESENTATIVE HARRIS moved to report CSHB 156, Version 24-LS0615\I, Mischel, 4/6/05, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 156(RLS) was reported from the House Rules Standing Committee.

HB 121-SERVICE AREAS IN SECOND CLASS BOROUGHES

CHAIR ROKEBERG announced that the final order of business would be HOUSE BILL NO. 121, "An Act relating to consolidating or abolishing certain service areas in second class boroughs." [Before the committee is CSHB 121(RLS), which was reported out of committee on March 16, 2005.]

The committee took an at-ease from 8:54 a.m. to 8:55 a.m.

[8:54:58 AM](#)

REPRESENTATIVE COGHILL moved that the committee rescind its action in reporting CSHB 121(RLS) out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 121(RLS) was before the committee.

REPRESENTATIVE COGHILL moved that the committee rescind its action in adopting CSHB 121(RLS) as the workdraft. There being no objection, CSHB 121(CRA) was before the committee.

[8:56:33 AM](#)

REPRESENTATIVE HARRIS moved to adopt CSHB 121, Version L, Cook, 4/11/05, as the working document. There being no objection, Version L was before the committee.

[8:57:06 AM](#)

KACI SCHROEDER, Staff to Representative Bill Thomas, Alaska State Legislature, reminded the committee that at the last House Rules Standing Committee meeting on HB 121 there was concern regarding the breadth of the powers an assembly would have in terminating or consolidating a service area. On page 2 of Version L, [paragraphs] (1)-(3) attempt to reign in the assembly and provide it direction with regard to when a service area may be abolished or consolidated.

[8:58:03 AM](#)

REPRESENTATIVE KERTTULA turned attention to an e-mail from Department of Commerce, Community, & Economic Development (DCCED), which expressed continued concern with regard to the application of this proposal to second class boroughs versus home rule boroughs. She asked if the concerns remain with the adoption of Version L.

[8:58:45 AM](#)

SALLY SADDLER, Legislative Liaison, Office of the Commission, Department of Commerce, Community, & Economic Development (DCCED), related her understanding that the concerns would remain because the legislation continues to only apply to second class boroughs.

[8:59:11 AM](#)

REPRESENTATIVE HARRIS asked if Ms. Saddler has seen the proposed amendment in the committee packet. He requested that she review it in order to determine whether it allays the department's concerns.

MS. SADDLER said that she has not seen the amendment.

The committee took an at-ease from 9:00 a.m. to 9:04 a.m.

[9:04:39 AM](#)

REPRESENTATIVE COGHILL related that in the Interior second class borough there are some legally formulated service areas that

haven't legally met for some time nor assessed themselves. Furthermore, these service areas don't have members sitting on the commission and don't have a live contract. Although some in those areas would like to receive the service, the borough is restricted from dissolving or consolidating the service areas. Therefore, this legislation allows the abolishment or consolidation of two or more service areas [under certain circumstances, as specified in Conceptual Amendment 1]. Representative Coghill recognized that there are some challenges between the various classes of boroughs, but opined that the state purview is to allow the aforementioned ability. Representative Coghill specified that he is merely trying to provide the borough some authority to either dissolve service areas that aren't working or get them working again.

[9:07:28 AM](#)

MS. SADDLER said that the department understands the situation giving rise to this legislation, but the legislation still gives powers to a second class/home rule borough that a first class home rule borough doesn't have. With regard to comments on Conceptual Amendment 1, Ms. Saddler deferred to the Department of Law representative.

[9:08:03 AM](#)

REPRESENTATIVE COGHILL moved that the committee adopt Conceptual Amendment 1, as follows:

This subsection does not apply in a second class borough to abolishment of a road service area or consolidation of two or more road service areas if

(1) [THE] taxes have not been levied in the service area for [THE] road **maintenance or construction** services during the last 12 months and there is no balance in any account for the service area **available to pay for these road services;**

(2) the service area board has not **legally** met for the last 12 months; or

(3) there are no road maintenance contracts in effect for the service area **or existing road maintenance contracts do not meet legally required minimum road standards necessary to protect the borough from civil liability.**

[9:08:37 AM](#)

REPRESENTATIVE KERTTULA objected and asked if this is the amendment or will there be changes to it.

CHAIR ROKEBERG reminded the committee that the amendment is conceptual.

REPRESENTATIVE COGHILL stated that Conceptual Amendment 1 addresses the three major issues he desires.

REPRESENTATIVE KERTTULA surmised then that Conceptual Amendment 1 provides the general idea, although it may not be the language exactly.

[9:09:24 AM](#)

REPRESENTATIVE COGHILL explained that the subsection being inserted by Conceptual Amendment 1 describes what a borough can do and specifies that it doesn't apply to a second class borough. He then reviewed the three provisions specified in [paragraphs] (1)-(3) of Conceptual Amendment 1.

[9:10:59 AM](#)

REPRESENTATIVE HARRIS recalled earlier testimony regarding the legal question as to what, if anything, a second class borough can be allowed to do that a first class borough isn't allowed to do. Although the intent is honorable, he questioned whether this can be done legally.

[9:12:06 AM](#)

MARJORIE VANDOR, Assistant Attorney General, Civil Division (Juneau), Department of Law, related her belief that Conceptual Amendment 1 doesn't alleviate the aforementioned concern. Second class boroughs only have the powers provided in statute while the powers of home rule boroughs are specified in its charter. [This legislation] would allow a second class borough to have the authority to adjust its service areas in a manner that home rule boroughs aren't allowed. There is case law relating that a charter, on certain very local matters, will supersede statute. However, she noted that there hasn't been a test case on the matter yet. Ms. Vandor clarified that the Department of Law is concerned that the legislation would provide a specific class of borough authority to amend its service areas under certain conditions that isn't provided to any other borough. The aforementioned becomes a special legislation issue as well. She pointed out that service areas

have no legal existence separate from the borough, rather they function as advisory committees. The aforementioned has been the problem with the statute from the beginning, she opined. She characterized the statute as "the tail wagging the dog."

[9:14:15 AM](#)

REPRESENTATIVE PAUL SEATON, Alaska State Legislature, related his understanding that if this legislation was applied to first class home rule cities, it would restrict them to only use this [statute] rather than their charter. The aforementioned would restrict the ability to use the charter, which seems to violate the entire principle of allowing local decisions. He said that he didn't see anything that prevents first class home rule boroughs from adopting a provision [such as that proposed in HB 121] in its charter.

MS. VANDOR related her understanding that the current statute specifies that in order to abolish or amend these types of service areas there has to be a vote of the people in the service area. The aforementioned is a restriction on any government because if only the voters in the service area are allowed to decide how the service area will be changed, more power has been given to a small section of voters within a borough regarding what a service area should be. Such action takes control from the borough government. If a home rule borough's charter already specifies its ability to abolish and amend service areas as it sees fit, then the question becomes what authority the current statute has. She said that service areas are meant such that a borough has control to provide services in an area that is special to that area. The aforementioned is for the assembly to decide, not those who reside there. The statute in HB 121 would not allow a borough government to make the decision without a vote of the people.

[9:18:08 AM](#)

REPRESENTATIVE SEATON pointed out that HB 121 doesn't change the requirements, abilities, or authorities for home first class; it only speaks to second class boroughs. If the legislation provided that the only way a first class home rule borough could eliminate a service area is through this process, then it would be a restriction on the home rule concept.

[9:18:57 AM](#)

REPRESENTATIVE KERTTULA surmised that the underlying statute sets up the problem. Therefore, she questioned whether it would be best to address the underlying statute.

[9:19:39 AM](#)

CHAIR ROKEBERG returned to Representative Seaton's earlier point that home rule boroughs can already do [what is proposed in HB 121] through its charter, while second class boroughs can't.

[9:19:54 AM](#)

REPRESENTATIVE COGHILL said he would agree if the boroughs were establishing the service areas. However, the voters are gathering and forming a service area under the borough's authority. He pointed out that the service area itself votes whether to levy a mill rate upon those in the area and the service area organization does the contracting. He acknowledged that the commissioner of the service area is appointed by the borough.

[9:20:44 AM](#)

CHAIR ROKEBERG referred to [paragraph] (3) of Conceptual Amendment 1, and asked if that refers to the level of maintenance, design of the road itself, or both.

MS. VANDOR said that she didn't have a background in that area.

REPRESENTATIVE COGHILL specified that the "legally required minimum road standards" would be established by the borough standards via a borough ordinance.

CHAIR ROKEBERG mentioned that Alaska has a long history of case law with regard to road maintenance liability.

[9:22:00 AM](#)

REPRESENTATIVE SEATON said that Conceptual Amendment 1 seems to use double negative language, and asked if it should be changed.

REPRESENTATIVE COGHILL explained that Conceptual Amendment 1 speaks to service areas in which taxes hadn't been levied, and thus there is no money to provide any services. He noted that much of this is related to the lack of revenue sharing in recent years. The dilemma is that the boroughs are left with the

matter of determining how to dissolve a service area that isn't active.

[9:24:08 AM](#)

REPRESENTATIVE SEATON surmised that the purpose of the proposed subsection in Conceptual Amendment 1 is to eliminate nonperforming service areas. However, the language specifies that this subsection doesn't apply if the service area hasn't paid its taxes. Representative Seaton suggested that the proposed subsection is trying to specify that the subsection would only apply if [the service area] hasn't legally met or levied taxes.

REPRESENTATIVE COGHILL remarked that the department and Representative Seaton bring up good points.

[9:25:33 AM](#)

REPRESENTATIVE COGHILL requested that HB 121 be held in order to obtain the exact language necessary.

[9:25:58 AM](#)

CHAIR ROKEBERG asked if the sponsor would be amenable to holding the legislation.

MS. SCHROEDER answered that it would be fine.

[9:26:28 AM](#)

LINDA ANDERSON, Lobbyist, Fairbanks North Star Borough, addressed Representative Seaton's concern with regard to the double negative language. The language in Conceptual Amendment 1, which refers to "**This subsection does not apply in a second class borough**", refers to the preceding language [in the legislation]. Therefore, the election won't apply in a second class borough and the assembly can then have the power if the three criteria specified in Conceptual Amendment 1 are met. For those reasons, she said she believes Conceptual Amendment 1 is correctly drafted.

MS. ANDERSON recalled concern from the Mat-Su Borough that the House Community and Regional Affairs Standing Committee version was too broad and that an assembly might take advantage of service areas to consolidate powers. In working with the Mat-Su Borough's concerns, the Fairbanks North Star Borough brought

forth Conceptual Amendment 1 to place further restrictions on the assembly. She agreed with Representative Coghill with regard to the loss of revenue sharing that has left boroughs in a legal predicament in that the borough can't manage these road service areas because there are nonresponsive participants or no participants at all. She recalled that the language in Version L was proposed by Representative Stoltze, while the language of Conceptual Amendment 1 was proposed by the Fairbanks North Star Borough to dovetail with Version L. Ms. Anderson explained that the language in [Version L] wasn't broad enough in terms of those areas that currently have a contract. Version L refers to not having a road service maintenance contract. However, there could be a contract to remove the snow, and perhaps the snow would be removed once in a winter, although the roads are still not passable and the contract isn't extensive enough to maintain the roads to the borough ordinance standards.

MS. ANDERSON turned to the issue of legality and powers and referred the committee to the last [paragraph] of Tamara Cook's April 6, 2005, memorandum, which relates that this isn't special legislation if it applies to all second class boroughs. Ms. Anderson pointed out that unified municipalities haven't asked for this provision because they don't need it.

[9:31:36 AM](#)

CHAIR ROKEBERG inquired as to how many second class boroughs are in Alaska.

MS. ANDERSON estimated that there are about nine, and noted that the only unified boroughs are Anchorage and Juneau.

CHAIR ROKEBERG surmised then that [this legislation] would have general applicability statewide.

[9:32:00 AM](#)

CHAIR ROKEBERG announced that HB 121 would be held over with public testimony open and Amendment 1 pending.

ADJOURNMENT

There being no further business before the committee, the House Rules Standing Committee meeting was adjourned at [9:32:14 AM](#).