

Introduced: 1/28/71
Referred: Local Government,
State Affairs and Finance

RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL

1 IN THE HOUSE

2 HOUSE BILL NO. 112

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing and otherwise providing for a
7 Department of Community Affairs as a principal depart-
8 ment in the executive branch of the state government;
9 and providing for an effective date."

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

11 * Section 1. POLICY. The legislature continues to recognize urgent
12 needs confronting local governments now and in the future. The establish-
13 ment of a state Department of Community Affairs by this Act is intended to
14 coordinate and promote state activities which have as their principal ob-
15 jective the rendering of assistance to meet local government needs. The
16 legislature intends to afford local governments a principal spokesman in
17 the executive branch and provide them a focus at the state level for compre-
18 hensive efforts on their behalf to develop human and economic resources
19 so as to enhance the community environment. It is intended in addition to
20 provide the executive branch of the state government with an improved
21 opportunity to coordinate federal, state and local responses to community
22 needs and an improved opportunity to continuously review and evaluate those
23 needs.

24 * Sec. 2. AS 44 is amended by adding a new chapter to read:

25 CHAPTER 47. DEPARTMENT OF COMMUNITY AFFAIRS.

26 Sec. 44.47.010. COMMISSIONER OF COMMUNITY AFFAIRS. The principal
27 executive officer of the Department of Community Affairs is the com-
28 missioner of community affairs.

29 Sec. 44.47.020. POWERS AND DUTIES OF DEPARTMENT. The department

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shall

(1) advise the governor and the legislature with respect to matters affecting community affairs and local government and participate in the formulation of policies which best utilize the resources of state government for the benefit of local government;

(2) render services to local governments by assisting them, upon request, in applying for and securing federal and state funds, coordinate the activities of the state with federal programs for assistance in and solution of urban problems, and serve as the state agency for disseminating information to local governments regarding the availability of federal aid;

(3) in cooperation with other departments and agencies of the state, supervise administration of state programs, and federal programs channeled through the state, for shared revenues and other financial aid to local governments except as provided in AS 14 and AS 44.19.171, or as otherwise required by federal law;

(4) conduct continuing programs of analysis and evaluation of local governments and recommend to the governor programs and changes in the powers, duties, functions and organization of local government as may seem necessary to strengthen local governments and enhance their responsiveness to local needs;

(5) assist the governor and principal executive officers of other departments in coordinating and making more effective the activities and services of those departments and agencies of the state which may be of service to local governments, including but not limited to manpower training programs, programs to eliminate or alleviate poverty, programs to provide social and recreational services, and other programs to develop human resources;

(6) cooperate with other state agencies in and supervise the

1 preparation of statewide plans relating to housing, redevelopment and
2 renewal, human resources development, public works, transportation
3 and traffic and other matters relating to the purposes of this
4 section;

5 (7) assist the Office of the Governor in administering
6 programs to apply rapidly all available aid to disaster-stricken com-
7 munities and, for this purpose, provide liaison with federal agencies
8 and other public and private agencies;

9 (8) provide an informational service for local governments
10 or interested persons by referring inquiries to the appropriate depart-
11 ments and agencies of the state and federal governments for advice,
12 assistance and available services;

13 (9) serve as a clearinghouse for information, data, and other
14 materials from the state or other sources which may be helpful or neces-
15 sary to local governments in discharging their responsibilities;

16 (10) provide direct consultative services to local govern-
17 ments upon request on any local government matter and require reim-
18 bursement to the department for extraordinary costs to the state in-
19 curred for the services; provide staff services to special commissions,
20 the governor, the legislature or its committees on matters relating to
21 local government;

22 (11) act as the coordinating agency for the planning activities
23 of all state departments and agencies and local government;

24 (12) coordinate planning activities for all federal assistance
25 programs requiring comprehensive planning as prerequisites for eligi-
26 bility;

27 (13) serve as the official state agency for providing planning
28 assistance upon request to local governments, state departments and
29 agencies and other planning agencies; planning services may include

1 but shall not be limited to planning for

2 (A) open space, park and recreational areas and
3 facilities;

4 (B) general living conditions and environmental health;

5 (C) community health and hospital facilities and
6 services and related facilities and services;

7 (D) storm water drainage and flood control systems;

8 (E) sanitary sewerage systems;

9 (F) integrated transportation systems;

10 (G) orderly land use arrangements for residential,
11 commercial, industrial and public and other purposes;

12 (H) coordination of local and state services with
13 federal governmental services insofar as feasible;

14 (I) organization and management of local governmental
15 functions;

16 (14) require and receive reimbursement from local govern-
17 ments or planning agencies other than the state for planning services
18 rendered, except to the extent that the costs of the services are
19 covered by federal funds;

20 (15) upon request, assist the efforts of local governments
21 in developing mutual and cooperative solutions to their common prob-
22 lems;

23 (16) develop and test model or demonstration programs and
24 projects, contract to administer certain functions or services within
25 a community of the state for such purposes, or otherwise provide a
26 program of practical research in the solution of community problems;

27 (17) render assistance with respect to the establishment
28 and maintenance of programs for the training of local government
29 officials and other personnel, including programs of intergovernmental

1 exchange of personnel;

2 (18) conduct a program of preservice and inservice training
3 for local officials in technical and specialized areas of local adminis-
4 tration, in cooperation with appropriate state agencies whose profes-
5 sional personnel possess specialized or technical knowledge which would
6 be useful in conducting such training programs; included in the programs
7 shall be short courses in fiscal and debt management, tax assessment
8 and other areas in which the commissioner determines there is sufficient
9 interest among local officials to warrant training programs;

10 (19) assist local governments in matters relating to budgets,
11 fiscal procedures and administration, and tax collection and assess-
12 ment;

13 (20) prepare uniform budgetary forms and auditing standards
14 for use by local governments;

15 (21) contract at the request of a city or organized borough,
16 or the legislature in governing the unorganized borough, with a depart-
17 ment or agency of the state to perform staff or line local government
18 functions within the local government unit, or itself enter into an
19 agreement to perform the function; contracts entered into by the
20 department under this section shall provide for annual audits, reports
21 of activities under the contract, and other matters determined neces-
22 sary by the commissioner to insure the proper discharge of contract
23 responsibilities.

24 (22) conduct research and studies and prepare model ordinances,
25 charters, provisions or codes relating to local government activities;

26 (23) conduct programs to encourage and promote the involve-
27 ment of private enterprise in the solution of urban problems;

28 (24) apply for, accept, receive and use federal funds and
29 funds from other public and private sources which the department

1 determines are available to assist in carrying out the powers and duties
2 of the department;

3 (25) carry out other powers, duties and functions as
4 provided by law.

5 Sec. 44.47.030. ADVISORY COUNCIL ON COMMUNITY AFFAIRS. (a) The
6 advisory council on community affairs within the department shall con-
7 sist of the commissioner as chairman, and six other members appointed
8 by the governor and confirmed in their appointment by the legislature.
9 Two members shall be elected municipal officers appointed by the
10 governor and recommended for appointment by the Board of Governors
11 of the Alaska Municipal League; two members shall be legislators from
12 each house respectively; two members shall be appointed at large from
13 among the citizens of the state. Terms of members shall be two years.
14 Of the members first appointed three shall serve for a term of one year
15 each, and three shall serve for a term of two years each. Members
16 first appointed may be reappointed for successive two-year terms.
17 Vacancies for the balance of the unexpired term shall be filled in the
18 same manner as original appointments.

19 (b) The council shall consult with and advise the commissioner
20 with respect to the affairs and problems of local government and the
21 work of the department and conduct such studies of specific local
22 governmental needs as the commissioner may direct. The council shall
23 give initial priority to proposals for revision of the local govern-
24 ment laws of the state and submit its evaluation and recommendations
25 to the legislature as promptly as possible after formation of the
26 council.

27 (c) The council shall meet at least annually at the call of the
28 commissioner and at other intervals or times as the council may direct.
29 The council may adopt bylaws governing its proceedings.

1 (d) Members of the council shall not receive compensation for
2 their services, but they shall receive the same travel and per diem
3 allowances as provided by law for board members.

4 (e) The department shall provide clerical services and furnish
5 equipment for the council. Within the limit of available funds, the
6 commissioner may employ and compensate staff personnel necessary for
7 the work of the council and may retain on an independent contract
8 basis consultants and other persons to facilitate the purpose of the
9 council.

10 (f) The council shall make an annual report to the legislature.

11 Sec. 44.47.040. ALLOCATION OF FUNCTIONS. The powers and duties
12 of the department shall be allocated by the commissioner among divi-
13 sions or other organizational or administrative units in accordance
14 with AS 44.17.020. Separate divisions shall be established for state
15 and local planning and research, local financial assistance and human
16 resources.

17 Sec. 44.47.050. COORDINATION. The successful discharge of the
18 purpose of this chapter demands that all activities and programs of
19 state agencies which have an impact on community affairs be fully
20 coordinated. All state departments and other agencies shall cooperate
21 fully with the commissioner and the governor in fulfilling the policy
22 of this chapter.

23 Sec. 44.47.060. REGULATIONS. The department may promulgate
24 regulations to carry out the purpose of this chapter.

25 Sec. 44.47.070. DEFINITIONS. In this chapter, unless the context
26 requires otherwise

27 (1) "commissioner" means the commissioner of community
28 affairs;

29 (2) "department" means the Department of Community Affairs.

1 * Sec. 3. TRANSFER OF FUNCTIONS. (a) The powers, duties and functions
2 of the following divisions and agencies of the state are hereby transferred
3 to the department, subject to AS 44.17.050:

- 4 (1) Alaska planning and research division;
- 5 (2) Local Affairs Agency;
- 6 (3) Rural Development Agency.

7 (b) The following commissions and authorities are hereby transferred
8 and assigned to the department:

- 9 (1) Rural Affairs Commission;
- 10 (2) Alaska State Housing Authority;
- 11 (3) Local Boundary Commission.

12 (c) Appropriations, records, equipment and other property of divisions
13 and agencies of the state designated in (a) and (b) of this section are
14 transferred to the department.

15 (d) This section does not abate or otherwise affect an action or pro-
16 ceeding, civil or criminal, brought by or against a division, agency, com-
17 mission or authority designated in (a) or (b) of this section and pending
18 on July 1, 1971. Such actions or proceedings may be maintained in the same
19 manner as if the section had not taken effect.

20 (e) All applications, petitions, hearings and other proceedings pending
21 on June 30, 1971, before a division, agency, commission or authority desig-
22 nated in (a) or (b) of this section shall be continued and determined by the
23 affected body.

24 (f) Appropriations and other money available and to become available
25 to a division, agency, commission or authority the functions, powers and
26 duties of which have been transferred to the department established under
27 this Act shall be available for the objects and purposes for which appropri-
28 ated or otherwise made available, subject to terms, restrictions, limitations
29 or other requirements imposed under this section or other state or federal

1 law.

2 (g) Regulations, rules, orders or other acts in effect with respect
3 to a division, agency, commission or authority transferred to the department
4 under this section shall continue in full force and effect until amended,
5 modified, repealed or rescinded as the commissioner determines in accordance
6 with law.

7 (h) The powers, duties and functions transferred to the department
8 under this section are in addition to, and not derogated by, the powers,
9 duties and functions otherwise vested in the department under this Act.

10 (i) The following laws are modified to the extent necessary to bring
11 them into conformity with this section: sec. 2 ch. 103 SLA 1966; sec. 7 ch.
12 64 SLA 1959; sec. 2 ch. 69 SLA 1964; sec. 1 ch. 125 SLA 1967; sec. 6 ch. 186
13 SLA 1960; sec. 1 ch. 9 SLA 1965; ch. 31 SLA 1965; sec. 1 ch. 4 SLA 1968;
14 sec. 2 ch. 4 SLA 1968.

15 * Sec. 4. This Act takes effect July 1, 1971.
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