

COMMITTEE REPORT

SENATE

2/11/75

Mr. President:

Date _____

The Committee on FINANCE has had SB 159
sepc. approp. Eagle River-Chugiak Borough
under consideration. A Majority of the members of the Committee

- () recommends it DO PASS
- () recommends it DO NOT PASS
- () recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- () recommends it BE REPLACED WITH CS FOR _____ AND THAT
CS FOR _____ DO PASS
- () "and" recommends it BE REFERRED TO THE _____
COMMITTEE
- () reports it back WITHOUT RECOMMENDATION
- () "other"

Members signing the Majority report:

Members NOT concurring in the Majority report:

_____ recommends:
 _____ recommends:
 _____ recommends:
 _____ recommends:
 _____ recommends:

_____ Chairman

Introduced: 2/11/75
Referred: Finance

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 SENATE BILL NO. 159

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Revenue for the Eagle River-Chugiak Borough;
8 and providing for an effective date."

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

10 * Section 1. The sum of \$250,000 is appropriated from the general fund
11 to the Department of Revenue to make a loan to the Eagle River-Chugiak Borough
12 under AS 29.18.105 to defray the cost of transition to borough government and
13 to provide for development and interim governmental operations with interest
14 at a rate of 5.5 per cent a year and a date of maturity five years from the
15 date the loan is made and subject to those other terms and conditions pre-
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19 or city government; and providing for an effective date."
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COMMITTEE COPY

ALASKA STATE LEGISLATURE

NINTH... Legislature FIRST.. Session

SENATE BILL, NO. 159.....

By THE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

"An Act making a special appropriation to the Department of Revenue for the Easel River-Chugiak Borough, and providing for an effective date."

spec. approp. Eagle River Chugak Borough

Introduced in the Senate 2/11...., 1975.

HISTORY IN THE SENATE

1975		Read first time and referred to Committee on Finance										
2	11	Reported back with recommendation that										
		Read second time and										
		Read third time and										
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		Reconsideration										
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Excused	Excused											
		Reported correctly engrossed										
		Signed by President										
		Sent to House										
SECRETARY OF THE SENATE												

HISTORY IN THE HOUSE

19		Read first time and referred to Committee on										
		Reported back with recommendation that										
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		Signed by Speaker										
		Returned to Senate										
CHIEF CLERK OF THE HOUSE												

HISTORY IN THE SENATE

19		Received from House
		Reported correctly enrolled
		Sent to Governor
	 By Governor
		Filed with Lt. Governor
		Chapter No.

Introduced: 2/11/75
Referred: Finance

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BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

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7 ment of Revenue for the Eagle River-Chugiak Borough;
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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. The sum of \$250,000 is appropriated from the general fund
11 to the Department of Revenue to make a loan to the Eagle River-Chugiak Borough
12 under AS 29.18.185 to defray the cost of transition to borough government and
13 to provide for development and interim governmental operations with interest
14 at a rate of 5.5 per cent a year and a date of maturity five years from the
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STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99801

LEGISLATIVE AFFAIRS AGENCY

February 19, 1975 (II)

MEMORANDUM

TO: Senator John Sackett

FROM: Stuart C. ^{SPAD}Kail, Legislative Counsel

SUBJECT: Eagle River-Chugiak Borough
Loan: Addenda

This morning, subsequent to dispatching my memorandum of this same date, I have had further discussions with the Commissioner of Revenue and, at my suggestion, with Mr. Eric Wohlforth, former Commissioner of Revenue, Anchorage attorney and expert on municipal law and finance. Together we reviewed both the Attorney General's Opinion of February 18, and the bills I drafted for you.

While I continue to concede the usefulness of the Attorney General's Opinion by Mr. LeBlond, I believe that he artfully papers over the key issues which are: (1) Can the state make a loan to the borough and (2) can the borough accept the loan, i.e., borrow the money?

(1) As to the state's (commissioner of revenue's) power to make a loan: Commissioner Gallagher cites AS 37.10.070(6) which empowers him to invest in securities, "including corporate securities." He insists this is sufficiently broad to include a note issued by a municipality. I believe that the quoted phrase, above, is language of limitation, and not illustrative or expansionary in concept. Commissioner Gallagher also cites AS 37.10.079 which authorizes purchase of bonds of political subdivisions, and insists that expert bond counsel would hold that the suit challenging the existence of the borough was not designed or contrived to affect the validity of the bonds (and for "bonds," Gallagher substitutes the word "note," arguing that in the lexicon of the bankers one word is "fungible" for the other). I am no expert in municipal finance, but I think our able Commissioner's reliance on and analysis of these

sections smacks of "bootstrapping." I still strongly prefer the language of proposed AS 29.18.185 which I have drafted for you in the form of CS for SB 158; it is clear, direct authority for the loan.

(2) Even if the state has the power to make the loan, does the borough have the power to accept it by issuing its note? It is very doubtful. Mr. Wohlforth is in agreement. The Assistant Attorney General's reliance on art. II, sec. 19, is inapposite. That section was designed to prevent the legislature from imposing a costly duty, by statute, on a municipality which would necessitate the latter's appropriating, or raising from taxation, a substantial sum to fund the new duty or obligation. It was not designed, as Assistant Attorney General LeBlond suggests, to get around the prohibition against a municipality borrowing funds for a term in excess of the constitutional limit prescribed in art. IX, sec. 10, namely that the debt created by borrowing in anticipation of revenues must be paid back by the end of the fiscal year following that in which the debt was contracted. In short, the point quite properly raised by Rep. Cowper at the House Finance Committee meeting last Friday (16 February) still is before us: the proposed loan probably cannot be made for a period of five years. It may, IF it can be made now, be made for a period not beyond June 30, 1976. However, the stipulation entered into by the attorneys for the parties to the suit involving the legal status of the Eagle River-Chugiak Borough precludes that entity from borrowing in anticipation of revenue because it cannot exercise its assessing and taxing powers (one of the three powers that may be exercised by a second class borough). Moreover, while the Municipal Code, in AS 29.48.010(12), authorizes municipalities to "borrow money and issue evidences of indebtedness," those two powers must be read in conjunction with one another and not separately. The ONLY evidences of indebtedness that can be issued by municipalities under AS 29.58 are: revenue anticipation notes, bond anticipation notes, general obligation bonds and revenue bonds. While it is true both the Alaska Constitution (art. X, sec. 1) and the Municipal Code (AS 29.48.310) indicate that a liberal construction is to be given all powers and functions of boroughs conferred by the Code, nevertheless the majority rule in the law of Municipal Corporations is that the powers of municipalities are to be construed strictly against them. Thus, despite the legal largesse of AS 29.48.310, I do not believe the ER-C Borough can issue its note to obtain this loan -- UNLESS the parties to the suit are willing to modify the stipulation to allow it to exercise its power of assessment and taxation -- at least for this purpose, subject to whatever conditions concerning repayment the commissioner of revenue may wish to impose. Mr. Wohlforth and I are in agreement on the foregoing points.

Senator Sackett

-3-

February 19, 1975

It is, therefore, my final recommendation to you and your colleagues that the legislature take NO action whatsoever until the State Supreme Court has rendered its judgment as to the legal status of the borough. That decision is expected momentarily. In the interest of keeping my clients, the members of the legislature, out of court, I urgently recommend a "hands off" policy until the Court rules.

There can be no doubt that the state can make an additional grant to the ER-C Borough by (1) appropriating the money to the Department of Community and Regional Affairs and (2) modifying AS 29.18.180 to permit a second or additional grant and changing the dates mentioned in that section to prevent boroughs or cities formed during the five-year period between 1968 and 1973 from taking advantage of the subsequent grant. I have drafted legislation to that effect as well: SB 158, as introduced.

cc: Sen. Pat Rodey
Rep. Steve Cowper
Rep. Hugh Malone

"An Act making a special appropriation to the Department of Health and Social Services, laboratories; and providing for an effective date."

COMMITTEE REPORT

4/9/75

HOUSE

Mr. Speaker:

Date

5/29/75

The Committee on FINANCE has had SR 163 am

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR SR 207 AND THAT

H CS FOR ~~SR 163 am~~ DO PASS

"and" recommends it BE REFERRED TO THE _____

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Members NOT concurring in the Majority report:

_____	recommends: <u>No Name</u>
_____	recommends:
_____	recommends:
_____	recommends:
_____	recommends:

_____ Chairman

Introduced: 2/11/75
Referred: Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 163 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Health and Social Services, laboratories; and
8 providing for an effective date."

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

10 * Section 1. The sum of \$70,000 is appropriated from the general fund
11 to the Department of Health and Social Services for the fiscal year ending
12 June 30, 1975, for the expenses which will be incurred in moving the
13 northern regional laboratory from the Fairbanks Court and Office Building
14 to the Arctic Research Laboratory at the University of Alaska.

15 * Sec. 2. This Act takes effect immediately in accordance with AS 01.
16 10.070(c).
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STATE
ALASKA

Handwritten notes and stamps at the top of the page.

RE: *Journal* SB165
NOV 19 1974
FEDERAL BUREAU OF INVESTIGATION

TO: | The Honorable Richard Freer
Commissioner of Administration

DATE November 18, 1974

FROM: Frederick McGinnis, Commissioner
Department of Health and Social Services

J. McGinnis

SUBJECT: FY 1975 Supplemental
Appropriation - Northern
Regional Laboratory Moving
Costs

As you requested, we are attaching the Revised Program Summary requesting the appropriation of funds necessary to move the Northern Regional Laboratory from its present location in the Fairbanks Court and Office Building to the Arctic Health Research Building. Appropriating these funds as a FY 1975 Supplemental should permit the move and necessary renovations to take place in the spring before labor costs increase or become critically short due to North Slope activities.

FM: FEF: bal
Attachment
cc: Division of Administrative Services
Division of Public Health

To: |
Fredrick, Higgins
Commissioner

Thru: Donald R. Freedman, M.D. MPH
Director, Division of Public Health

DATE: November 15, 1974

FROM: Frank P. Pauls, Dr. PH *F.P. Pauls*
Chief, Section of Laboratories

SUBJECT: Move - Northern Regional
Laboratory

At the Budget Review Committee meeting on November 13 the item for the moving of the Northern Regional Laboratory in FY 76 and requested increase from \$80,700 to \$92,000 was discussed during the Laboratories BRU presentation. We were questioned about the increased cost and reasons for the move.

I did state that an earlier move could be made at a savings of \$11,300 but funds were not available in FY 75 and that costs would increase after July 1. This was the reason for the requested revision from \$80,700 to \$92,000 if the move had to be made after July 1.

On November 14, Budget & Management advised our office that the Budget Review Committee had recommended that we submit a FY 75 Revised Program Request for a supplemental appropriation to cover the \$11,300 requested in contractual services for moving the laboratory.

Attached is the completed FY 75 Revised Program Request for your consideration and action.

7 Analysis of Governor's Decisions

ITEM	AMOUNT	FUNDING SOURCE	EXPLANATION
Request	80.7	GF	Recommended

BRU Public Health Laboratories FY 75 Supplemental BUJ CODE 06-31-1-06-00-00 REVISED _____



REVISED PROGRAM
COST ANALYSIS SUMMARY
by BUDGET COMPONENT

AGENCY	CATEGORY	03	SMITH
Health & Soc. Svcs.	PROGRAM	31	Public Health
DIVISION	SUB PROGRAM	04	Laboratories
Public Health	ELEMENT		
	SUB ELEMENT		

FY 75

CODE	EXPENDITURE BY OBJECT	PRESENT AUTHORIZATION	REVISION INCREASE (DECREASE)	AMENDED AUTHORIZATION
100	PERSONAL SERVICES	462.7		462.7
200	TRAVEL	8.8		8.8
300	CONTRACTUAL SERVICES	160.1	80.7	240.8
400	COMMODITIES	72.4		72.4
500	EQUIPMENT	8.7		8.7
600	LAND BUILDINGS NON-STRUCTURAL IMPROVEMENTS			
700	GRANTS, PLANS, SHARED REVENUE			
800	MISCELLANEOUS			
	INTER-AGENCY TRANSFERS (INCLUDED ABOVE)			
	TOTAL	712.7	80.7	793.4
	FEDERAL RECEIPTS	118.1		118.1
	REQUIRED GENERAL FUND MATCHING	49.8		49.8
	OTHER GENERAL FUND	520.6	80.7	609.3
	INTER-AGENCY TRANSFERS	9.2		9.2
	OTHER	7.0		7.0
	TOTAL	712.7	80.7	793.4
	PERMANENT FULL-TIME POSITIONS	29.0		29.0
	PERMANENT PART-TIME POSITIONS	4.0		4.0
	TEMPORARY (FTE LEVIES/EQUIVALENTS)			
	TEMPORARY MANAGEMENT	372		372

(CURRENT FY)

	FY 75	FY 76	FY 77	FY 78	FY 79	FY 80
EXPENDITURES - TOTAL	793.4	787.9	827.3	869.7	912.1	957.7
SOURCE OF FUNDS						
FEDERAL	118.1	75.8	69.8	18.4	19.2	20.8
REQ. G.F. MATCH	49.8	30.0	0	0	0	0
OTHER G.F.	609.3	665.9	741.3	834.1	876.7	920.7
OTHER (SPECIFY)	7.0	7.0	7.0	7.0	7.0	7.0
Inter-Agency	9.2	9.2	9.2	9.2	9.2	9.2

EXPLANATION

AGENCY	CATEGORY		
Health & Soc. Svcs.	03	03	Public Health
Public Health	04	04	Laboratories

300 - CONTRACTUAL SERVICES

01 - Regional Laboratories

60,700

Mandatory move of Northern Regional Laboratory from State Court Office Building in Fairbanks. Space required by State Court System. New Regional Office Building available in latter part of FY 75 does not include space for the laboratory. The University of Alaska has agreed to lease space for the Northern Regional Laboratory in the Arctic Health Research Center Building on the Fairbanks campus. Move in FY 75 will save the state approximately \$12,000 due to escalating construction costs after July 1, 1975 and premium demands for support services by the pipeline construction projects. Funds not available in current FY 75 budget.

Move Requires:

- (1) Dismantling of 4 rooms of fixed laboratory cabinetry, disconnection of all electrical and plumbing fixtures, removal of doors and door jambs for moving out of equipment too wide for doorways ; repair of doorways;
- (2) Packing and moving of laboratory in two stages to prevent disruption of emergency services (approximate distance 5 miles);
- (3) Alteration of new space to conform with laboratory requirements, reinstallation of cabinetry, installation and connection of electrical circuits and utilities, modification of mechanical facilities (air exhaust).