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SENATE COMMUNITY AND REGIONAL AFFAIRS
COMMITTEE MINUTES

March 14, 1978

Present: Chairman Orsini, Senators Willis and Hackney and Ferguson; Rob Kocsis, Senator Hohman's Office; Vern Metcalf, Department of Transportation; Jack Chenoweth, Legislative Affairs Agency; Kathy Brown, Senator Ferguson's Office; Deborah Fink, Senator Hohman's Office; Bruce Aronson, Department of Community and Regional Affairs; Marilyn Miller, Alaska Municipal League.

Absent: Senator Sumner

SENATE BILL 533

Chairman Orsini explained that SB 533 had been drawn from Section 8 of SB 510 which was a permanent fund legislative package and which had only a Senate Finance Committee referral. He said that the intent of SB 533 was to address the issue of coordinating the requirement for the Department of Transportation to draw up inventories of municipal capital facilities with the municipalities own planning functions and activities.

Rob Kocsis, Senate Interim Permanent Fund Staff, said that the rationale for Section 8 in Sb 510 was to provide a data base of existing capital facilities so that an accurate six-year schedule for the investment of 30 percent of the permanent fund monies into capital improvements could be drawn up. He said that the requirements for DOT to prepare the inventory for communities with less than 12,000 people was to avoid imposing too great a burden on less populated areas.

Chairman Orsini asked how, under this bill, was the State to coordinate its planning with municipalities in light of the fact that state law called for the State to attempt to keep its local activities consistent with local municipal objectives. Also, he wished to know how municipal wishes and capital planning was going to be reflected in the state-generated capital inventory which in turn was to be used to determine a six year statewide capital investment program under the permanent fund.

Kocsis responded that there was no intention to by-pass the municipalities in this function and that it was intended for the State to draw up the inventories based on the information supplied by the municipalities themselves. In response to a question from Chairman Orsini, Bruce Aronson, Department of Community and Regional Affairs, replied that to his knowledge very little of HUD 701 funds were being used by municipalities for capital improvement planning and that the money was being primarily for land use planning.

Vern Metcalf, Department of Transportation, expressed concern at the scope of responsibilities which SB 533/510 would place on his department. He pointed out that the resources of the DOT were currently strained merely by the requirement to prepare a statewide survey of state-owned facilities. He did not believe it was possible to add a municipal

facility inventory on top of that without DOT first receiving additional personnel and funds for the program. Senator Hackney questioned whether rented facilities would also be taken into account in the proposed inventory and expressed some skepticism about the extent to which state administrations would carry out six year schedules set by preceding administrations. He also asked that a fiscal note be prepared for SB 533. (To be prepared by DOT, per Metcalf)

ANCSA 14(c)(3) Village Land Reconveyance Status Report

In response to a request by Chairman Orsini, Senator Ferguson had his Administrative Assistant Kathy Brown prepare a status report on the 14(c)(3) village land conveyance situation. (see attached report). During a general Committee discussion following Ms. Brown's presentation, Senator Ferguson noted that the possibilities for friction between village corporations and municipalities was far greater than most of the parties involved, especially in western Alaska, presently realized. He pointed out that in his own area the groundwork for later confrontation was already being laid and that he expected considerable legal challenges to be made on this issue throughout the state.

Senator Willis questioned the ambiguities and omissions which existed in state statutes regarding the municipal entities which could legally receive the conveyances from villages within their area. Jack Chenoweth, Legislative Affairs Agency, pointed out that Congress, when it passed the Alaska Native Claims Settlement Act, was not informed as to the exact divisions of local government in Alaska. As a result, in his opinion, Congress left it up to the State Legislature to define through its statutes what kinds of municipalities were designated recipients of the reconveyances. This, he noted, was done by the Legislature two years ago when it excluded first and second class boroughs from the definition of "municipal corporations" in the Act.

Chairman Orsini said that he wished to schedule further discussions on the 14(c)(3) situation, dealing with the drawing up of regulations, and taking testimony from persons such as Byron Mallot, President of the Alaska Federation of Natives, who are directly involved in the issue.

F: SB 535

S/Hess
minutes

4/6/78

Representative Chatterton speaking to proposed amendment. Appearing before you in support of SB 556 because very simply it offers a very beautiful that I would hope you and your committee would consider saddling with my amendment. Background -- this particular section of title 47 of chapter 7 seems to get bandaids added The situation is this, in Anchorage we have a nonprofit outpatient surgical care clinic. That nonprofit corporation is referred to the surgery center its business manager or executive director is a Horris Sue Evering. In existant for a year and a quarter.

To date this well licensed existing outpatient surgical care clinic has run about 1,500 patients through it everything from tonsillectimate to removing warts. These are patients that are not the normal types of people that would be receiving mdeical funds. In fact they cannot taken any medical patients at the present time. The beauty of it a tonsell would cost about 600 where at a hospital it would cost about 1,200. It was brought to my attention that there would be a savings in tax payers moneies of people eleigble for medicaid and medicare funds could aso availa themselves of this ervice. Have discussed matter with Dave Davidson and under present state statue they cannot so qualify. With this two things would be necessary for this surgery center to qualify for medicaid or madicare funds. 1. The state would have to amend its legislation and 2. whatever it is, they would have to complete what is know as an 11.22 review. As a result of this to take to be permissive for the surgery center to accept people nneedy people in need of medical services I've suggested this amendment.

Motion by Senator Rodey to pass out with DP reces no objections so ordered.

SB 535 -- exit Senator Rodey -- Thomas Scott, Division of Health and Social Services. Department supports SB 535 look at it as a housekeeping document to allow for ambulanse sevices to respond outside municipal boundaries. currently Alaska law 29.48.030 delineates which service are home or local government can provide. AS 29.048.037 delineates those services that can be provided outside the boundaries of a municipality. This bill would make emergency medical services a service that a home or local government can provide within its boundaries and allow it to be provided outside its boundaries. Right now all the ambulanse services in the state except in the Matsu borough in the anchorage municip provide service respond outside their municipal boundaries because there is no one else outside to respond.

When they do that they lose their insurance coverage and so forth that they have. They become liable for, they are actually breaking the law when they do that. This bill would extend the authority to respond outside at the same time it wouldn't allow them any revenue sharing or any more allow them to tax for their services. The City of Petersburg actually stopped serving outside the boundaries here last year because on the recommendation of their insurance company and the city council did two things -- they extended the boundaries a little bit and then put the rest to provide services outside and worry about liability later on.

Senator Willis move that it pass from committee with a dp rec. no objs so ordered

SB 487 -- Paul Arnoldt, Director of the Division of Retirement and Benefits
SB 487 At first we weren't quite sure what was intended here but we've been able to determine that primarily this bill would affect one individual and what is happening is this individual served at service with the territory between 1931 and 1943 of which no contribution had been made to any kind of retirement program and no credit was received and no benefit was being paid. Since then he went to work with the U of A for one month to come under the teachers retirement system which the prior years service was credited for a total of 9.6 years and he had .1 years at the University so a total of 9.7 years. We are currently paying him a benefit on this service that amounts to including COLA and PRP that was just issues last year comes to \$36.27 a month. What this bill would do would make that a minimum of \$20 for each year of service and bring his benefit to about \$200 per month. So far we have paid this individual about \$1,200 and he has contributed 100 for the system. The bill was put to one side until Mr. Arnoldt could determine whether this individual was receiving any other retirement benefits from the state -- resulted from a question by senator Ziegler

SB 512 -- Is identical to two house bills -- 818 and 823. This has been heard before the legislative board of retirement benefits and they recommended this bill should not pass. I concur with them in that recommendation for two reasons. This would allow services for former employees of the Alaska State Housing authority under either the Teachers retirement system or the concept of having the state pick up past service liabilities for former or for some other entity this would be the first time this has ever happened. Any time an entity joins the system they have the opportunity to bring in past service. In other words they can elect to bring no past service, past service under certain conditions, all past service. The Alaska State Housing Authority, the Attorney general has already ruled that they are eligible to joining the PERS system. I've also received a letter from Mr. Perry Goldbar that was addressed to Commissioner Allen which states that the and part of it says that the Alaska State Housing Authority is at this time making preparations to attempt to terminate our private employee retirement plan and we would like to become a member of the PERS on July 1 1978 if possible. Thank you for your assistance. This seems to me that if the Alaska State Housing Authority does join at that point in time they could pick up past service for their employees and would be responsible for the liability of that service and would be consistent with the practices under the other 68 employers within the system.

Senator Ziegler -- assuming the changeover does not come about and we still have this aggrieved individual who he could resubmit this bill through a friend next year otherwise it might be taken care of automatically in the

SENATE COMMUNITY AND REGIONAL AFFAIRS
COMMITTEE MINUTES

April 6, 1978

Present: Senators Orsini, Willis, Hackney and Ferguson; Reed Stoops, Senate Resources; Jack Chenoweth, Legislative Affairs Agency; Richard Holden, Department of Transportation and Public Facilities; Jim Rolle, Alaska Municipal League; Peter Froehlich, Attorney General's Office; Bob Waldrop, Department of Natural Resources; Veronica Clark, Department of Community and Regional Affairs; Robert Cole, Department of Health, Education and Social Services; Janice Gates, Department of Health, Education and Social Services.

Absent: Senator Sumner

The bills before the Committee today were SB 562, SB 533 and SB 183.

Chairman Orsini called the meeting to order at 3:05.

SENATE BILL 562

Pat Conheady and Bob Waldrop, Department of Natural Resources, stated that the bill responds to three basic needs: 1) Stability 2) land policy management and 3) guidance from the Administration and Legislature, the latter providing the kind of stability that the Department needs to transcend the Administrative whims of various governors and their cabinets. They stated that it was a reflection of the experience brought to them by the Land Use Planning Commission, Senator Poland and various land administrators around the state. They went on to highlight the needs of the bill. Basically it is a two part bill: 1) Establishes land resources inventory and 2) mandates that the Administration dispose of 50,000 acres of land in the first year and thereafter whatever the budgetary constraints are and whatever the wishes of the legislature are. Stated that this was so that the Department wouldn't run into the problem of needing the land but not having the money to make the land available. Bob Waldrop explained that the 50,000 acres was derived from an estimate that they decided the Department could enact this year if they got sufficient assistance from the budgetary process. Pat Conheady stated that the State currently had patent to 36 million acres and presented a chart which illustrated the categories in which the land could be used. Bob Waldrop stated, however, that only approximately 1.4 million acres of State land was suitable for intensive habitation and agriculture.

They stated that the Department feels that if this bill and SB 568 were enacted into law it would give the voters an alternative at the ballot box come November on the Beirne initiative. The enactment of this legislation, they concluded, would provide a legislative umbrella for the implementation of land policies, such as the municipal land selection bill.

SENATE BILL 183

Robert Cole, Department of Health, Education and Social Services stated

that this bill was really designed to place greater amounts of power in the hands of local voters in election districts in making decisions on how alcohol was to be sold, used and utilized within each community. He stated that this bill would do the following: election would be held which would allow voters to chose several options of how alcohol is to be sold and used in their communities. One of the options would be to completely restrict the sale of beverage alcohol. It would further empower through that same process citizens to restrict sell, plus ban shipment through mail orders or telephone orders in restricted areas. He stated that this bill would also allow communities that had voted to go dry to decide to open a community liquor store by referendum vote. He stated that another provision has to do with compensating communities in rural Alaska which voted to close liquor stores since they would lose a lot of local sales taxes. The proposal that the Department made was that if they chose to vote themselves dry the state would be willing to pay them a credit based upon a 10% per capita for lost sales tax revenue. The Committee and Mr. Cole went over the penalties for bootlegging and possession laws in the provisions of this bill. He stated that there was a provisions that retailers state-wide would receive a list of the communities that went dry and would be prohibited by law to receive any order from those communities. The Committee also discussed additional alternatives to going completely dry, such as permitting beer and wine but no hard liquor.

Jim Rolle, Alaska Municipal League, suggested that some consideration for local municipalities to protest to licensing of liquor sales on the local level should be made.

Chairman Orsini stated that this bill would be held in committee for further discussion.

SENATE BILL 533

Richard Holden, Deputy Commissioner of the Department of Transportation and Public Facilities and Keith Dick, Department of Transportation and Public Facilities. Mr. Holden stated that the Department had prepared a fiscal note and had some amendments for the bill.

Mr. Holden pointed out that currently there is no coordinated planning for capital facilities in rural Alaska. Consequently many expensive mistakes are made and inefficient projects are undertaken to provide, for example, schools were there are inadequate water supplies or sewer facilities. He continued that frequently small communities receive over-complicated facilities without the means of funding their operation, since one area of state government is not required to coordinate its activities with another.

The proposed Committee Substitute for SB 533, in Holden's view, would provide DOT with the authority to coordinate the numerous agency programs in rural areas.

Veronica Clark, Department of Community and Regional Affairs stated that she and Larry Kimball also from the Department of C&RA had worked closely

April 6, 1978

with Mr. Holden on the amendments and two of the things that they were interested in having changed from the original bill was 1) make very clear the responsibilities of the other agencies and 2) expand the scope of the bill beyond municipalities and to include unincorporated areas. These were the two things the Department of Community and Regional Affairs wanted covered in this bill.

Mr. Holden discussed the problem of the state inventory of state owned buildings. He also stated that DOT was not funded to do this inventory and has to have the cooperation with other departments to be able to do this. He explained that the Department would approach it directly through the technical assistance program. He stated that they would not change the approach in rendering assistance it would still have to be at the request of local communities as opposed to automatically doing it.

Jime Rolle, stated that the Alaska Municipal League supports this bill.

Chairman Orsini stated that this bill would be brought before the committee again next week for further discussion.

Chairman Orsini adjourned the meeting at 5:00.

SENATE COMMUNITY AND REGIONAL AFFAIRS
COMMITTEE MINUTES

April 11, 1978

Present: All Committee Members, Jay Moor, DPDP; Richard Holden, DOT; Reed Stoops, Senate Resources; Jack Chenoweth, Legislative Affairs; and Jim Rolle, Alaska Municipal League.

Senate Bill 533 and Senate Bill 562 were the bills before the Committee.

SENATE BILL 533

Richard Holden, Department of Transportation and Public Facilities, stated that the Department had drawn up an amended fiscal note and also some proposed amendments to the bill. He stated that both of these had been finalized with the Department of Community and Regional Affairs, Division of Policy, Development and Planning, Department of Health, Education and Social Services and Jim Rolle of the Alaska Municipal League. He said that the basic proposal of the bill was to achieve the coordination between agencies and municipalities by requiring state oversight of municipal and local activities which state agencies either fund or operate.

Mr. Holden explained that current statutes require DPDP to coordinate state capital improvement activities.

Jay Moor, DPDP, stated that his division had requested the inclusion of subsections 14 and 15 into the proposed committee substitute to insure DPDP's coordination role. He explained that subsection 14 stated that DPDP must maintain a comprehensive development plan and subsection 15 stated that planning agencies use coordinating projections.

Senator Sumner expressed his concern that DPDP's involvement with state agencies seemed more and more like a management role than that of a coordinating role. He was disturbed that he would be referred to DPDP for information by certain Departments when, in fact, he wanted the information from that Department first hand.

Mr. Moor explained that, in the case of two agencies disagreeing over planning policy, the dispute would be settled by the Governor's Office. In such a situation, the Governor's office might request DPDP to prepare a staff study recommending one or another course of action.

In response to Committee questions, Mr. Holden acknowledged that a state agency desiring to construct a facility in a municipality would first be required to obtain local planning and zoning approval before work could begin. The existence of legislation along the lines of SB 533, he affirmed, would not remove municipal oversight on state activities within municipal boundaries.

Chairman Orsini stated that this bill would be brought up again Thursday, April 13, 1978, for further testimony.

SENATE BILL 562

Chairman Orsini asked the committee members if they wanted to work on the bill themselves or send it on to Senate Resources where they would be sure to change it. He suggested three possible changes in the bill, one of which would be an increase in acreage, dealing with the state trust lands and the concept of residential credits which, he stated, was not in the bill but would fit into it. The Committee members felt that it should go on through the process and Senator Ferguson moved that the Committee pass the bill out with individual recommendations.

The meeting was adjourned at 4:30 p.m.

SENATE COMMUNITY AND REGIONAL AFFAIRS
COMMITTEE MINUTES

April 13, 1978

Present: All Committee Members; Tom Scott, HESS; Larry Kimball, Department of C&RA; Dick Holden, Department of Transportation; Charlie Smith, Department of Public Safety; Bruce Aronson, Department of C&RA.

Senate Bill 535 and Senate Bill 533 were the bills before the committee.

SENATE BILL 535

Tom Scott, Department of Health, Education and Social Services and Charlie Smith, Department of Public Safety, testified that their Departments support the bill.

In response to Chairman Orsini's inquiry, Bruce Aronson, Department of Community and Regional Affairs, stated that his department also supported the legislation.

Senator Hackney recommended SB 535 be passed out of Committee with a DO PASS recommendation. There was no objection.

SENATE BILL 533

Larry Kimball, Department of Community and Regional Affairs, explained that his department is mandated to assist communities on a request basis. SB 533 would not change any of the authority C&RA already possesses.

Under Section 2 of the proposed committee substitute, Kimball stated that C&RA would analyze and inform the Department of Transportation and Public Works, and appropriate program agencies, of the effects the proposed capital improvements would have on land use planning and municipal facility procurement plans.

Chairman Orsini noted that the bill's language would need tightening to insure that C&RA was not mandated to plan for municipalities, but would only become involved in planning upon request by a municipality.

Kimball stated that 12 to 15 community development plans had gone through his department since 1973. The department has never prepared in-house plans since this would require a diversified staff numerous planners which the department could not support on an on-going basis. Kimball stated that C&RA has concentrated on the larger communities, most of which now have comprehensive plans. Additionally, he stated, C&RA has funded 3 or 4 capital improvement elements in the comprehensive plans.

Kimball explained that C&RA's involvement in the fiscal note would be the development of information that DOT and other agencies would need. At present, C&RA does not have the budget or staff to do this. He noted that after three years C&RA's fiscal involvement would disappear with the completion of the projects.

Richard Holden, Department of Transportation and Public Works, testified that the original bill requires DOT to budget on behalf of other agencies for capital improvements, which in his view was not a proper function for his department. He stated that DOT's job should be to help them coordinate both the capital needs required by their programs and the capital needs that are generated which inter-agency coordination would require.

Chairman Orsini questioned why DOT would not prepare facilities inventories for municipalities with populations greater than 12,000. Holden explained that DOT would grant them the funds to do their own inventory since these municipalities would have adequate expertise to do the job with their own personnel.

The Committee discussed the definition of "public facilities" in the legislation and expressed concern that the committee substitute might include any facilities which had in any degree received state funding or administrative support. Examples included fisheries, new farm enterprises, medical facilities, clinics and home finances with state veterans loans.

Chairman Orsini stated that SB 533 would be taken up for further Committee discussion on Tuesday, April 18, 1978.

The meeting was adjourned at 4:20 p.m.

SENATE COMMUNITY & REGIONAL AFFAIRS
COMMITTEE MEETING

April 18, 1978

Present: Senators Orsini, Willis, Hackney and Sumner; Cherie Shelly, APEA; Jon Scribner, Department of Environmental Conservation; Lowell Swartz, Department of Health, Education and Social Services; Richard Peter; Robert L. Cole, Department of HESS; Robert L. Stewart; Greg Mackyowsky, Code Revision Commission; Bob Van Houte, NEA-Alaska; Richard Holden, Department of Transportation and Public Facilities; Janice Gates, Department of HESS.

Absent: Senator Ferguson

Senate Bill 373, relating to public information regarding collective bargaining by public employees; Senate Bill 533, relating to planning of public facilities for municipalities; Senate Bill 183, relating to alcoholic beverages and House Bill 795, appropriations for Fairbanks Town and Village Assoc., for Development, Inc., were the bills before the Committee.

SENATE BILL 373

Chairman Orsini stated that there was a committee substitute for this bill which covered most of the testimony that was heard on the bill. Senator Hackney moved that the Committee pass out SB 373 with individual recommendations.

HOUSE BILL 795

Senator Hackney moved that the Committee pass out HB 795 with individual recommendations.

SENATE BILL 533

Jack Chenoweth, Legislative Affairs Agency, explained the committee substitute draft to the Committee members. Section 1 is from the original bill. Section 2 derived from draft provided by Richard Holden, DOT, requiring that there be a state-wide comprehensive facility procurement plan done by the Commissioner. He also explained that he had defined "public facility", which was of some concern to the Committee last meeting. Section 3 expands upon the public responsibility of the Department of Community and Regional Affairs in this process.

Chairman Orsini stated that he would like to pin down the concepts and make the initial changes in the bill Thursday

Janice Gates, Department of HESS, called attention to the Committee that on Page 2, Sec. (d) dealing with health care facilities that "in communities without such facilities", was confusing and unnecessary. The Committee discussed the rest of the items on that page and it was brought out that there was other language that was not particularly necessary. The language would be revised for Committee consideration on Thursday.

Richard Holden, DOT, stated that a repealer, which states that highways and ferries are not a "public facility" was left out of the work draft.

Senator Sumner expressed concern regarding the health care and social services facilities in private finance facilities. He stated that there were serious questions regarding the "certificate of need" and whether that is not some sort of self-regulating opportunity. He also stated that he wanted to make sure that if "certificate of need" and planning were not tied together in this bill that they are not tied together in practice as well.

Jon Scribner, Department of Environmental Conservation, with regard to the water and sewer system section of the bill, stated that DEC has a program in which it works with local communities and the communities themselves set the priorities on their water and sewer systems. In that regard, he stated, the Department was unsure of how this kind of program fits in with this particular bill. He went on to explain that the Department has an Advisory Committee, which the Legislature set up last year that sets money priorities for villages in this program. Mr. Holden stated that there was a solution to this problem, because most of the agencies have some sort of peculiarity with e.g. source of federal funds. He stated that in one of the earlier committee meetings Senator Sumner suggested that a clause go in the bill that Administrative regulation draft to implement this legislation be developed by each program agency for that particular programing and approved by them before promulgating it.

Chairman Orsini stated that he would like to have a new draft drawn up incorporating some of the concerns expressed and again stated that the final adjustments would be made Thursday.

SENATE BILL 183

The Committee had a draft committee substitute drawn up and Jack Chenoweth, Legislative Affairs Agency, pointed out some of the differences in the proposed draft and the original bill. He stated that he generally went throughout the bill and cleaned up where the references were. He explained that he added language, at the Committee's request, giving municipalities greater authority with respect to the renewal or new applications for a liquor license. Chairman Orsini suggested that there should be some requirement to prevent the ABC Board from taking action on applications in that 30-day period. Mr. Chenoweth stated that the only way a municipality can disapprove an application would be with a local ordinance. He stressed the validity of that ordinance as it could be subject to a law suit.

Mr. Chenoweth stated that he tried to shorten and simplify the language of the referendum ballot language that is actually put before the public to determine liquor sales within a community or municipality.

He explained section 04.15.438 which would give a municipality the option of staying wet but with the sale of non-distilled alcoholic beverages only, such as beer and wine.

In reference to penalties, Mr. Chenoweth stated that on Page 16, line 2 "may" was changed to "shall". This was done so that on a third violation there would be no question, the license would be revoked and the operation would be closed. Mr. Robert Cole, Department of HESS, pointed out that in changing "may" to "shall" that it should also be done on Page 15, line 28 referring that the board, council or assembly "shall" revoke a license upon the direction of the majority of its members upon the first and second violations.

Senator Hackney added that "consecutive" terms for violations should be put into the language.

The Committee also instructed Mr. Chenoweth to prepare a separate bill, to be introduced by the Committee, containing Section 9 and the Section on Limitation of Sales from the CS of SB 183. The resulting new legislation would deal only with municipal authority, in the CSSB 183.

SENATE COMMUNITY AND REGIONAL AFFAIRS
COMMITTEE MINUTES

April 20, 1978

Present: Senators Orsini, Willis, Hackney and Ferguson, Lee Sharp, Attorney for the City and Borough of Juneau; Jim Rolle, Alaska Municipal League; Larry Kimball, C&RA; Dick Holden, DOT; Vivian Hegg, League of Women Voters; Lowell Swartz, Dept. of HESS; Kathy Brown, Senator Ferguson's staff; Veronica Clark, Dept. of C&RA; Jack Chenoweth, Legislative Affairs Agency; Murray Walsh, Alaska Coastal Policy Council.

Absent: Senator Sumner

Senate Bill 533 and the Alaska Coastal Management Regulations were before the Committee today.

SENATE BILL 533

Dick Holden, DOT, testified that he had no problem with the present draft of the bill.

Chairman Orsini stated that on Page 2, delete Section (G) and on Section (E) "school" should be changed to "education". Chairman Orsini also questioned if there was any particular reason why "sanitation facilities and recreation facilities" were not included in the bill. Mr. Holden replied that it was an oversight. It was decided that "sanitation facilities" should be addressed in the bill but there was question on whether "recreation facilities" was too open-ended. In response, Dick Holden suggested that if DOT finds facilities that are state-funded under the definition of "public facility" that should be included DOT can always recommend including them at a later date.

Chairman Orsini stated that on Page 3, Line 20, that if the language "exceed 50%" was used it would be excluding schools, which is currently 50% and then suggested using "50% or more". Also on Page 3, Line 14, Chairman Orsini suggested deleting "by the state".

Chairman Orsini stated that the capital improvements aspect of planning had basically been taken care of but questioned the comprehensive planning stage. Dick Holden stated that C&RA would take care of that with the monies provided for in the fiscal note.

Larry Kimball, Dept. of C&RA, gave an outline of the communities throughout the state that already had comprehensive plans. He stated that the estimated monies for 220 community profiles should be revised to reflect 105 and the other 115 should have about \$15,000 to \$30,000 cost involved and the larger 17 regional centers should have one closer to \$50,000. He also suggested that the 17 regional centers be done in context of the comprehensive plan and the remainder given the composition of those villages.

Chairman Orsini requested that the fiscal note be updated by an additional \$3 million. The bill containing these revisions would be taken up again on April 25.

COASTAL MANAGEMENT GUIDELINES AND STANDARDS

Chairman Orsini stated that the legislature had passed a bill last session which was thought to have made clear that the legislature would have to approve the Coastal Policy Council's regulations. A legal opinion from Jack Chenoweth, Legislative Affairs Attorney, in a letter of March 28 pointed out, however, that the Council's regulations were not defined -- the Alaska Coastal Management Act on requiring Legislative approval.

Murray Walsh, Alaska Coastal Policy Council, stated the Council's entire guideline effort was conducted with the assumption that the Legislature would take some sort of affirmative action. The Council would feel more secure having guidelines which also received Legislative endorsement. He also stated that the Council intends to examine the guidelines on an annual basis to correct whatever flaws which the actual operations of the Coastal program might uncover.

Jim Rille, Alaska Municipal League, stated that he had a meeting scheduled the next day in Anchorage with members from different communities. He stated that he would be looking for specific input from those members that have participated frequently on the Council and also from communities that had no participants. He wanted to see if they were satisfied with the regulations.

Vivian Hegg, stated that the League of Women Voters supported the process and the product.

Senator Hackney suggested that the Committee introduce a resolution similar to the one the House C&RA introduced and proceed from there.

The meeting was adjourned at 3:40.

SENATE COMMUNITY AND REGIONAL AFFAIRS
COMMITTEE MINUTES

April 25, 1978

Present: Senators Orsini, Sumner, Willis and Ferguson; Roger Allington, Co-Chairman of the Alaska Coastal Management Council; Murray Walsh, Office of Coastal Management; Bruce Aronson, Department of C&RA; Pat Sharrock, ABC Board; Jim Rolle, Alaska Municipal League.

Absent: Senator Hackney came latter part of meeting.

The meeting was called to order at 3:10.

SB 533, SB 208, SB 599 and SCR 103 were the bills before the Committee.

SENATE BILL 533

Senator Sumner moved and asked unanimous consent that the Committee pass out CSSB 533 with individual recommendations.

SENATE BILL 208

Bruce Aronson, Dept. of C&RA, testified that the Department supports SB 208. Senator Sumner moved and asked unanimous consent that the Committee pass out SB 208 with individual recommendations.

SENATE BILL 599

Chairman Orsini stated that SB 599 is an outgrowth from discussions on SB 183, which is part of the Governor's Alcohol package. The bill does essentially two things -- first, it allows a municipality to adopt ordinances by which either new, renewel or transferred liquor licenses could be rejected by a municipality. If a municipality does not act to reject the license request within 30 days the application is automatically placed before the ABC Board.

Senator Sumner questioned the need to transfer a state level function, such as liquor licensing, to the local government level.

Chairman Orsini stated that Section 1 and 2 both deal with municipalities but were separate from each other. Section 2 gives an intermediate means of municipal alcoholic control if the municipality votes to do this. It would limit sales to nondistilled alcoholic beverages, such as beer and wine.

Chairman Orsini stated that he had spoken with CHAR Lobbyist, Dorothea MacDonald, and she initially had no objection to the bill but stated that the CHAR executive committee later decided to oppose it.

Pat Sharrock, Director of the Alcohol Beverage Control Board, stated that one provision of the bill that he does like is the requirement for a municipality to place a license application on its agenda for a public hearing. He stated that one are of the bill seemed to be a conflict or a duplication, which is where the applicant and the ABC

Board both would be required to send a copy of the application to the governing body involved. In regards to the 30 day waiting period provided for a municipality to disapprove an application he asked that it be specified when the 30 day count-down would begin.

Mr. Sharrock had no comments on Section 2 of the bill.

Jim Rolle, Alaska Municipal League, in response to the concern that the municipalities may be given too much power by being able to reject applications, stated that now the only protest to the ABC Board is generally in the area of health and zoning. He stated that this bill would give municipalities an option. Then if they chose not to adopt appropriate ordinances the ABC Board would continue to make the decisions. He stated that the municipal officials are, in his opinion, as effective as the ABC Board in judging what is good for their community and what isn't.

He also stated that he agreed with Mr. Sharrock that the 30 day period is confusing. He also had no comment on Section 2.

COASTAL MANAGEMENT GUIDELINES AND STANDARDS

Chairman Orsini stated that the Committee now has SCR 103 before the Committee approving the regulations.

Roger Allington, Co-Chairman of the Alaska Coastal Policy Council, stated that the Coastal Management regulations are slightly different from other regulations. For one, he pointed out that they are being promulgated by a specially-organized body, the Alaska Coastal Policy Council, composed of government and public members. He also noted that the intent of the regulations was to establish broad policy principles and allow local municipalities and district to draw up their own management programs essentially on a zoning basis. Furthermore, the areas themselves would draw their own boundaries for coastal management jurisdiction, providing certain criteria were met.

Although the Council extensively revised the final version of the regulations, Allington stated that on the last part of Section 85, concerning council review, was new. He also stated that there was a major change in the Timber Harvest Section of the regulations which was requested by the timber industry. There was also work done on the subsistence section. The question was raised of what would happen if local or state agency regulations conflicted with the Coastal Regulations. Mr. Allington replied that the agencies or local governments must bring their regulations into conformity with the coastal management program.

Murray Walsh, Coastal Zone Management Office, stated that the critical time would be the next six or seven months which would bring out the flaws and problems of the regulations. He also stated that the Legislature should consider an increase in state funding of this program just to give the coastal management more flexibility and eliminate some of that federal dependence.

The meeting was adjourned at 4:35.

F: SB 533

Alaska
MUNICIPAL
League

TELEPHONE
586-1325

JUNEAU, ALASKA 99801

The Honorable Joe Orsini
Chairman
Senate Community and Regional Affairs

Dear Senator Orsini:

As I will not be present at your Thursday meeting on SB 533, I am in hopes that you will accept the attached written testimony.

Sincerely,



Jim Rolle
Executive Director



Mr. Chairman:

We would like to go on record in support of SB 533 with the requested amendments by the Department of Transportation. I might add that we were participants in the meeting from which the amendments came.

Mr. Chairman, we view this as an opportunity for municipalities to do what they have wanted to do in the past, but lacked resources in time, money and expertise. We feel that SB 533 will fill that gap.

It is our understanding of the bill that the effort will be cooperative between the municipalities and the Department of Transportation and the Department of Community and Regional Affairs. We find this refreshing as we hope their participation would give them a better idea of the needs of the municipalities in the future, and that a cooperative effort by all state agencies will provide a better growth pattern in the municipalities where facilities are being contemplated.

Thank you for the opportunity to support this bill.

4/13

SB 535

Thom Scott - DNSS

Chas Smith - DPS

-DCRA

} support bill

SB 533

S. Kimball

CRA - ^{organized} ~~mandated~~ to help muni

Sec 2 - language change to denote parallel to 080(a)

existing law - allows CIP

since '73 - 12-15 Comm Dev Plans - contract or pass through

" - 3-4 Cap Imp Prog. -

Sec 2 CRA - do (assist) Dev Plan + CIP - exist law
comm profiles & inventory done together (?)

Sec 3 - does include performing facility planning
for muni

Sec 1 - ~~no~~ funding for larger muni under contractual

Sec 5 - even state set laws would be worked; also contracts

admin reg under this bill must be approved by
program agency

ques - waste vs centralized control by state

1st Proposed CS

SENATE BILL NO. 533 - "AN ACT RELATING TO PLANNING FOR PUBLIC FACILITIES"

Section 1. AS 44.42.020(a) is amended by adding new paragraphs to read:

(13) Maintain a current inventory of Public Facilities for municipalities and unincorporated villages with populations of less than 12,000 and on a cooperative basis with larger municipalities. The inventory shall include a record of the condition of the facilities and the capability of expansion or addition.

(14) The Department shall request and receive on an annual basis from all program agencies, prior to the initiation of a Facility Procurement Plan, a projection of the anticipated facility needs for the next annual Capital Improvement Program, including:

- (a) Justification of the level of service anticipated by the program agency.
- (b) The geographic location to be served, and all relevant data concerning that agency's existing public facilities in that location.
- (c) The date by which the anticipated services must be delivered.
- (d) Alternative program methods for delivering the anticipated services.
- (e) Other pertinent data requested by the Department in accordance with procedures developed under AS 35.10.180.

(15) Develop specific facility procurement plans.

(a) For projects in the following categories:

- (i) sewage transmission and treatment systems in communities without a central system;
- (ii) water transmission and treatment systems in communities without a central system;
- (iii) electrical generation and distribution systems;
- (iv) health care facilities in communities without such facilities, unless those facilities can be provided in conjunction with school facilities;
- (v) school facilities which will provide adequate recreational, physical fitness, public library, health care, and other related activities;
- (vi) transportation facilities which will provide all-weather access for supplies and transportation to employment centers on a reliable and consistent basis;
- (vii) community development projects which will provide local employment opportunities;

(viii) public safety and justice facilities;

(b) To accomodate the various levels of service specified in paragraph (14) above including:

(i) recommendations on current and future facility needs; '(14)(B)(iii)

(ii) space standards and design guidelines for the appropriate facility types;

(iii) maintenance and operations standards and guidelines for the appropriate facility types;

(iv) recommendations on construction techniques and contracting methods.

(v) facility project budget requirements.

(16) Following development of specific Facility Procurement plans, the Department shall submit its findings and recommendations to the appropriate program agency to facilitate the development of program agency capital improvement budget requests.

(17) Coordinate the specific Facility Procurement Plans of various program agencies in order to:

(a) Make technical recommendations on the total Capital Improvement Program;

(b) Identify common facility need among the various user agencies.

Section 2. AS 44.47.080 shall be amended by adding new paragraphs to read:

(C+RA)

(2) The Department shall make recommendations to the Department of Transportation and Public Facilities and the appropriate program agencies concerning the effects upon the land use planning of the appropriate municipalities of facility procurement plans developed under AS 44.42.020 a(15)

(C+RA)

(3) The Department shall coordinate with and obtain approval from the Municipalities effected by Facility Procurement plans developed under AS 44.42.020 a(15).

Section 3. Definitions

Program Agency - program agency means the state agencies responsible for delivery of services delineated in Section 1 paragraph 15(A) above.

Public Facility - public facility means a physical facility funded all or in part by the State for the purposes delineated in Section 1 paragraph 15(A) above.

Section 4 AS 35.10.200 (3) is repealed.

(DEFINITIONS - "life cycle", "policies", "public facilities" - excluding highways & services)

SENATE BILL NO. 533 - "AN ACT RELATING TO PLANNING FOR PUBLIC FACILITIES"

Section 1. AS 44.42.020(a) is amended by adding new paragraphs to read:

(13) Maintain a current inventory of Public Facilities for municipalities and unincorporated villages with populations of less than 12,000 and on a cooperative basis with larger municipalities. The inventory shall include a record of the condition of the facilities and the capability of expansion or addition.

costs?
projections

why not all?

(14) The Department shall develop specific facility procurement plans based on criteria developed by program agencies under paragraph (15) and in accordance with policies promulgated under the State Comprehensive Development Plan per AS 44.19.880 (2). - DPDP

SSOC (12) ? delete
delegation ?

(15) The Department shall request and receive on an annual basis from all program agencies, prior to the initiation of a Facility Procurement Plan, a projection of the anticipated facility needs for the next annual Capital Improvement Program, including:

amount
cost of
infrastructure
when possible ?

(a) Justification of the level of service anticipated by the program agency utilizing population projections and estimates approved by the Governor.

(b) The geographic location to be served, and all relevant data concerning the agency's existing public facilities in that location.

(c) The date by which the anticipated services must be delivered.

- (d) Alternative program methods for delivering the anticipated services.
- (e) Other pertinent data requested by the Department in accordance with procedures developed under AS 35.10.180. ~ ?

*Physical facil procurement
& planning policies*

(16) Develop specific facility procurement plans.

(a) For projects in the following categories:

- (i) sewage transmission and treatment systems in communities;
- (ii) water transmission and treatment systems in communities
- (iii) electrical generation and distribution systems;
- (iv) health care and social service facilities in communities;
- (v) school facilities in communities;
- (vi) transportation facilities to or in communities;
- (vii) community development projects which will provide local employment opportunities;
- (viii) public safety and justice facilities;

(ix) renewable resource facilities;

(x) communication facilities;

(xi) other public facilities;

(b) To include recommendations to accommodate the various levels of service specified in paragraph (15) above including:

(i) current and future facility needs;

(ii) space standards and design guidelines for the appropriate facility types;

(iii) maintenance and operations standards and guidelines for the appropriate facility types;

(iv) construction techniques and contracting methods;

(v) facility project budget requirements.

(vi) relative costs of identified alternatives
(Life Cycle Cost Analysis)

(17) Following development of specific Facility Procurement plans, the Department shall submit its findings and recommendations to the appropriate program agency to facilitate the development of program agency capital improvement budget requests.

(18) Coordinate the specific Facility Procurement Plans of various program agencies in order to:

(a) make technical recommendations on the total Capital Improvement Program to the program agencies and to the Divisions of Policy Development and Planning and Budget and Management.

(b) Identify common facility need among the various user agencies.

Section 2. AS 44.47.080 ^{planning asst. to planning authorities} shall be amended by adding new paragraphs to read:

cost?
why not
budget DOT
to mini

(2) The Department of Community and Regional Affairs shall make recommendations to the Department of Transportation and Public Facilities and the appropriate program agencies concerning the effects upon the land use planning of the appropriate municipalities of facility procurement plans developed under AS 44.42.020 a(15).

Section 3. AS 44.42.900 ^{defn under DOT} is amended by the addition of the following definitions:

(4) Program Agency - program agency means the state agency responsible for the approval of or delivery of public facilities [delineated in Section 1 paragraph 15(A) above.] ¹⁶ *sec 15*

(5) Public Facility - public facility means a physical facility funded all or in part by the State or operated all or in part by the State for the purposes delineated in Section 1 paragraph 15(A) above. ¹⁶ *44.42.900 (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), (z)*

Section 4 AS 35.10.200 (3) is repealed.

pub fac ≠ physical bgs

Section 5 AS 44.19.880 shall be amended to read:

- (2) The Division of Policy Development and Planning shall prepare and maintain a State Comprehensive Development Plan which shall include policies for the coordination of state agencies.

- (12) Review all proposals for the location of capital improvements by all state agencies including facility procurement plans developed under AS 44.42.020 and advise and make recommendations concerning location of these capital improvements.

SB 533
4/11/78

DHSS ; DPDP ; ~~DCRA~~ DCRA

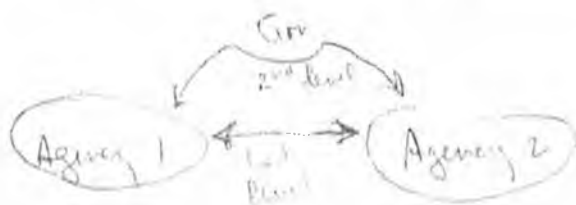
State

DPDP proposes policy (eg. pop. proj.)

Jay Moore DPDP

Dick Holden DOT

DPDP establishes data base (eg. pop. proj.)



defn of public facil - Sec 3 - 900(5)

AMATS-etc. coord for trans Sec 1 (15)

withhold funds if mun (pub facil) is detrimental to state

* reqs must be done in cong w/ affected entities

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

DEPUTY COMMISSIONER - ADMINISTRATION

POUCH Z
JUNEAU, ALASKA 99811

April 6, 1978
100H

Honorable Joseph Orsini, Chairman
Community & Regional Affairs Committee
Room 100, Assembly Apartments
Juneau, Alaska 99801

Dear Senator Orsini:

Enclosed as requested is fiscal note for SB 533, which is an act relating to planning for public facilities of municipalities.

Sincerely,



Patrick P. Ryan
Deputy Commissioner
Administration

Enclosure.

cc: J. H. Hogan, Legislative Finance Division.
Keith Specking, Legislative Assistant to Governor.

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 533
 Title An Act Relating To Planning For Public Facilities of Municipalities
 Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Department of Transportation and Public Facilities
 Program Category Affected Facility Planning and Research
 Budget Request Unit(s) Affected Facility Procurement Policy (Life Cycle Cost)

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES			394.7	426.3	188.7	203.8
200 TRAVEL			15.0	15.0	5.0	5.0
300 CONTRACTUAL			970.0	900.0		
400 COMMODITIES			1.5	1.6	0.7	0.7
500 EQUIPMENT			5.0			
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL			1,386.2	1,342.9	194.4	209.5

FUNDING (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
GENERAL FUND			1,386.2	1,342.9	194.4	209.5
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
FULL TIME			4-G.F.	4-G.F.		
PART TIME			6-C.I.P.	6-C.I.P.	4-G.F.	4-G.F.
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

SEE ATTACHMENT

IV. DATE April 6, 1978 PREPARED BY W.K. Gerken
 AGENCY Division of Facility Procurement Policy
 Original: Legislative Finance PHONE 465-4671
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

ATTACHMENT - SB 533

PERSONAL SERVICES SUMMARY

<u>POSITION</u>	<u>YEARS REQ'D</u>	<u>QUANTITY</u>	<u>GRADE</u>	<u>TOTAL ANNUAL COST</u>
Physical Planning Coordinator	79-	4	21	161,800
C.I.P. Coordinator	79 & 80	6	20	<u>232,878</u>
				394,678

CONTRACTUAL SUMMARY

	<u>FY 79</u>	<u>FY 80</u>
1) Inventory & Condition Surveys 220 Locations @ \$7,500	\$825,000	\$825,000
2) Location Index for Cost Estimations	\$ 20,000	
3) Development of Maintenance and Operations Program Planning System	\$125,000	\$ 75,000
	<u>\$970,000</u>	<u>\$900,000</u>

Senate Bill No. 533 proposes to add specific duties to the Department of Transportation and Public Facilities which relate to the maintenance of:

1. an inventory of public facilities,
2. an evaluation of future service ability of these facilities and
3. providing the Governor with a prioritized list of replacement facilities and proposed new facilities in areas where none currently exist.

One category of facilities to be included in the prioritized list to be submitted to the Governor is that of health care facilities. This inclusion appears to be a duplication of responsibilities. Existing statutes provide for the Department of Health and Social Services to perform these activities concerning health care facilities. These duties are referenced in AS 44.29.020, AS 18.20.140-220, AS 18.25.010-120 and AS 18.07.011-111.

The latter citation addresses the functions of the State Health Planning and Development Agency which are guided by P.L. 93-641. One function of this agency is outlined in Sections 1602-1603 of P.L. 93-641 (attached) and relates specifically to requirements of medical facilities planning as prerequisites to the receipt of federal funding allocations for medical facility construction.

Historically and under the existing Statute, planning for construction of health facilities has been one in which not just public facilities are considered but other non-profit and proprietary facilities as well. In the funding of new construction, non-profit and public facilities have both been eligible under various programs. The current trend, both nationally and in Alaska favors tying facilities planning even more directly to the planning for health services in general.

The Department of Health and Social Services therefore questions the apparent dual authority being proposed concerning health care facilities planning and secondly questions whether planning for health care facilities could appropriately be done without consideration of and full involvement in the planning for health services.

Without commenting as to the inadequacy of the proposed criteria for prioritization in relation to other types of facilities, these criteria would be considered by this Department to be inadequate as related to health care facilities. In administering its medical facility planning function, the Department takes into consideration such factors as the comprehensive provision of health care services, the financial resources of the community, etc.

The Department recommends that SB 533 be amended to permit the Department of Transportation to draw upon the medical facilities planning capability of the Department of Health and Social Services in maintaining a current inventory of public facilities and in prioritizing future health facility construction needs.

Recommended by: *Christine Taylor* 4/6/78
D. Sharon Osborne Date
 D. Sharon Osborne, Coordinator
 Office of Planning & Research

Approved by: *Helen D. Beirne* 4/6/78
 Helen D. Beirne, Commissioner Date
 Department of Health & Social Services

3/24

For -
Are you going to push
SB 533? I'd like to
have it become law this
year. Please advise.

Steve Cooper

4/6/78

SB 562

Bob Weldrop ; Pat Corheady
Policy - Planning - Action combination
Resource Inventory + 50K^{ac} disposal

patent to 36.4M ac ; ~ 5 1/2 m ac are "suitable"
another 2 1/2 m ac are suit for ag ~ 1.6 → Native
3 1/2 of this 5 1/2 will go to Native

TA'd land (~ 35M ac) - little acceptable for habitation

20 m ac in whole state are suitable for hab.

1 1/2 m ac ~~are~~ are suitable for ag or dev

13.3 m ac protected ~~under~~ ^{from B} initiatives - but not ag

Court tests - similar

Classif - 60-90 days

~ 1 yr for enactment → public

38.05.345 - classif of land .30e notice to owner, rep.

SB 533 - Thurs

4/6

SB 183

more power to local govt in deciding use of alcohol
choose options for booze

enforcement - basically up to state

could go partially dry - if have comm liquor store

can vote every 6 mos. on "wet or dry"

fairly heavy fines provided - conveyer of booze?

e.g. in Bethel, child abuse to has decreased since ~~wet~~^{went} dry,

cost of loss of license to present license holder

miles - fact of being on wet/dry system? (2 mi of no, 5 mi of yes)

increase ability of municipality to object to a license

SB 533

Dick Holden ; Keith Gerken
Veronica Clark DCRA

DOT/PF
Kinball

X

State -

not even basic facility inventory done statewide

CRA - do normal fruct(?)

Agency coord. needs to be required

DPDP fruct ?

F: SB 533

ALASKA
STATE LEGISLATURE

March 15, 1978

MEMORANDUM

RE- Fiscal Note for Senate Bill 533

Glenn Metcalf came by the office this morning to notify us that the Department of Transportation was preparing a fiscal note for Senate Bill 533 as requested by Senator Hackney in the SC/RA Committee meeting yesterday afternoon.

Ben Harding

STATE OF ALASKA
Inter-Department Route Slip

TO:
MAIL STATION NUMBER 3101

DEPARTMENT leg affairs Rm 503

ATTENTION Jack Chiodovich

- | | |
|--|--|
| <input type="checkbox"/> Approval | <input type="checkbox"/> Note & Return |
| <input type="checkbox"/> Signature | <input type="checkbox"/> Initial & Return |
| <input type="checkbox"/> Comment | <input type="checkbox"/> Return As Requested |
| <input type="checkbox"/> Contact Me | <input type="checkbox"/> Return For Approval |
| <input type="checkbox"/> Prepare Reply | <input type="checkbox"/> Necessary Action |
| <input type="checkbox"/> For Your File | <input type="checkbox"/> Your Information |

Remarks:

effective - 3/1/78

FROM:
MAIL STATION NUMBER 0500

DEPARTMENT Education

BY Pat Cole DATE 4-12-78

02-002 (REV.10/73)

Register

EDUCATION

4 AAC 31.010
4 AAC 31.020

1. 4 AAC 06 .030 SCHOOL CONSTRUCTION. Repealed / / .
2. 4 AAC is amended by adding a new chapter to read:

CHAPTER 31. SCHOOL FACILITY PLANNING AND CONSTRUCTION.

Section

10. Educational specifications
20. Guides for planning educational facilities
30. Review of school construction plans
40. Approval of school construction plans
50. Approval of purchase of non-school facilities
60. State aid for school construction
90. Definitions

4 AAC 31.010 EDUCATIONAL SPECIFICATIONS. The chief school administrator, under the direction of the school board, is responsible for the preparation of educational specifications for all new public elementary and secondary schools, additions, and major rehabilitation of existing facilities. These educational specifications must include, as a minimum, the following:

- (1) the current and four year projected elementary and secondary enrollments to be served by the attendance center;
- (2) a statement of educational philosophy and goals for the proposed facility;
- (3) the curriculum to be housed by the facility;
- (4) the activities that will be conducted in the facility;
- (5) the anticipated community uses of the facility;
- (6) the specific architectural characteristics desired;
- (7) the spaces needed, their equipment requirements, and their space relationship to other facility elements; and
- (8) the size, use, and condition of existing school spaces in the attendance center. (Eff. / / , Register)

Authority: AS 14.07.020(1)⁴(7)
AS 14.07.060
AS 43.18.100(b)

4 AAC 31.020 GUIDES FOR PLANNING EDUCATIONAL FACILITIES. The following are the basic guides for state educational facility planning:

- (1) The Guide for Planning Educational Facilities as published by the Council of Educational Facilities Planners, International, 1976 edition;
- (2) A Guide to the Development of Program Statements and Educational Specifications for Small Secondary Schools as published by the Alaska State Department of Education, 1977 edition;

(3) Alaska Small High School Program and Space Guidelines as published by the Alaska State Department of Education, 1977 edition;

(4) Alaska Small Elementary School Program and Space Guidelines as published by the Alaska State Department of Education, 1977 edition;

(5) Department of Education Guidelines for School Equipment Purchases as published by the Alaska Department of Education, 1977 edition; and

(6) Alaska's Program Planning and Facilities Procurement Process: Educational Facilities as published by the Alaska Department of Transportation and Public Facilities, 1977 edition. (Eff. / / , Register)

Authority: AS 14.07.020(1)²(7)
AS 14.07.060
AS 43.18.100(b)

✓ / 4 AAC 31.030 REVIEW OF SCHOOL CONSTRUCTION PLANS. (a) The elements of a plan for new school construction, additions, or rehabilitation to be undertaken by a school district must be submitted to the commissioner for his review and recommendations as they are developed and before any construction activity is initiated.

(b) The commissioner shall waive, upon prior request, submission of those elements of a plan which are not applicable, as determined by him, to a proposed addition or rehabilitation project.

(c) For purposes of this section, "plan" includes the following:

- (1) educational specifications;
- (2) schematic design documents;
- (3) final construction contract documents;
- (4) estimated cost and proposed means of financing the project;
- (5) proposed method of construction; and
- (6) estimated completion date of the project. (Eff. / / ,

Register)

Authority: AS 14.07.020(1),(7)
AS 14.07.060
AS 14.08.101(6),(7)
AS 43.18.100(b)

✓ / 4 AAC 31.040 APPROVAL OF SCHOOL CONSTRUCTION PLANS. (a) Before they may commence construction activity, regional educational attendance areas undertaking new school construction, additions, or rehabilitation with funds granted to them under AS 14.08.161(d) and cities or boroughs which are school districts undertaking such construction projects for which state aid will be sought under AS 43.18.100 must secure the approval of the commissioner of the final working documents for the project as follows:

(1) if construction contract bids are to be invited for the project, the final working documents must be submitted to the commissioner at least 15 working days before the bid invitation is made; and

(2) if the project will not be advertised for bids, the final working documents must be submitted to the commissioner no later than ten ¹⁰ working days after the final working documents for each construction phase are available.

(b) The commissioner's approval under (a) of this section is void after two years unless construction on the project has been initiated within that time. (Eff. / / , Register)

Authority: AS 14.07.020(1)⁺(7)
 AS 14.07.060
 AS 14.08.101(6)⁺(7)
 AS 43.18.100(b)

4 AAC 31.050 APPROVAL OF PURCHASE OF NON-SCHOOL FACILITIES. Regional educational attendance areas proposing to purchase an existing facility for use as an elementary or secondary school with funds granted to them under AS 14.08.161 and cities and boroughs which are school districts proposing to make such a purchase for which state aid under AS 43.18.100 will be sought must secure the approval of the commissioner ^{before} ~~prior to~~ acquisition of the facility. (Eff. / / , Register)

Authority: AS 14.07.020(1)⁺(7)
 AS 14.07.060
 AS 14.08.101(6)⁺(7)
 AS 43.18.100(b)

4 AAC 31.060 STATE AID FOR SCHOOL CONSTRUCTION. (a) This section applies to claims by cities and boroughs which are school districts for state aid for school construction costs under AS 43.18.100.

(b) Claims must be made on forms prescribed by the commissioner and, with respect to construction projects commenced or existing facilities purchased after July 1, 1978, must have been approved by the commissioner under sec. 40 or sec. 50 of this chapter, respectively.

(c) All claims for expenditures must be supported by a certified audit report of the school district prepared in accordance with the requirements of 4 AAC 06.120 and by a certified audit report of all school construction accounts or funds used by the city or borough. If the audit reports are not prepared in sufficient detail to clearly identify school construction costs as opposed to other construction and maintenance costs, or debt service costs of school construction as opposed to other debt service costs, detailed expenditure schedules that reconcile to audit report figures must be prepared and submitted with the claims.

(d) Only actual disbursements may be included as expenditures. Transfers into bond redemption funds or capital project funds are not eligible for reimbursement under AS 43.18.100.

(e) Only cash disbursements from locally generated revenues are eligible for reimbursement under AS 43.18.100(a)(1) and (3).

(f) Unless a claim is supported by financial schedules and prior year audit reports identifying the original source of revenue, only disbursements from revenues generated in the year for which the claim is made are eligible for reimbursement. (Eff. / / , Register)

Authority: AS 14.07.020(1),(7)
 AS 14.07.060
 AS 43.18.100(b)

4 AAC 31.090 DEFINITIONS. As used in this chapter and AS 43.18.100, unless the context requires otherwise:

(1) "additions" means providing space for expanded educational programs, new program spaces or replacement of substandard or destroyed spaces; by connection to an existing school facility and includes capital equipment;

(2) "capital equipment" means built-in and movable equipment used to furnish a newly constructed or rehabilitated space; It includes first-time purchase of library books, reference material and media to furnish a new or renovated library; It does not include supply items such as textbooks and expendable commodities; The term is further defined in the Department of Education Guidelines for School Equipment Purchases, 1977 edition;

(3) "commissioner" means the commissioner of the department of education;

(4) "elementary and secondary schools" means buildings which have been built or converted predominantly for instruction of elementary and secondary students as defined in Alaska Small Elementary Program and Space Guidelines, 1977 edition, and Alaska Small High School Program and Space Guidelines, 1977 edition, or, for schools designed to house in excess of 100 students, not more than 100 gross square feet per student in kindergarten through the eighth grade and not more than 150 gross square feet per student in the ninth through twelfth grade, and buildings for the support of that instruction;

(5) "locally generated revenues" means revenue derived from sales or property taxes levied by the city or borough, revenue in-lieu-of taxes received by the school district under PL 81-874 and AS 14.17.215, and funds received under AS 43.18.100 and AS 43.50.140;

(6) "new school construction" means providing space for educational programs which have not been previously offered, replacing a substandard or destroyed school building or providing space for an expanded enrollment in the attendance center by construction or reconstruction of a detached school facility of any size, with related capital equipment;

(7) "rehabilitation" means adapting an existing facility to improve the opportunity to provide a contemporary educational program. It includes major remodeling, repair, renovation and modernization, with related capital equipment; These projects generally exceed 25% of the current cost of replacement of the facility or \$100,000, whichever is less;

(8) "school construction costs" means the costs of construction, as well as consultant services relating to planning, design, administration, review, cost control, construction inspection, and legal services, along with the direct costs of site acquisition, capital equipment purchase, and related expenses of district employees whose main function is to work on the construction project; Projects eligible for state aid under AS 43.18.100 include public elementary and secondary school new construction, additions, and rehabilitation, and may include other site improvements and facilities as approved by the commissioner, but do not include employee or student housing; Municipal and state offices, health clinics, community libraries, and other spaces may be built jointly with a school if approved by the commissioner as to compatibility and separation of funds; The commissioner has final authority to determine the proration of space and costs between school space and other space in such a jointly built project. (Eff. / / , Register)

Authority: AS 14.07.020(1)⁺(7)
AS 14.07.060
AS 43.18.100(b)

ALASKA
STATE LEGISLATURE

F: SB 533

March 17, 1978

MEMORANDUM

Commissioner's Office, HESS,
Janice Gates (3030)/called this morning re SB 533 and requested background. She noted that HESS was statutorily required to carry out the activities in (14)(A)(iv) and asked how DOT had become involved. She asked that she be contacted when the Committee resumed discussion of the bill and said that she would prepare a HESS position paper for the Committee

Ben Harding