

READING

FILE



Official Business

Alaska State Legislature

Senate

Committee on
Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

March 24, 1980

Senator Arliss Sturgulewski

Information Sheet

CAPITAL FOUNDATION FUND

The Capital Foundation Fund will, by appropriation, provide funds to all areas of the State for certain capital improvements. To expend funds, each area will need to develop an areawide capital improvement plan, approved by the local assembly when there is one, and developed with the Department of Transportation and Public Facilities when there is no local government.

Organized and unorganized boroughs are encouraged to conduct regionwide planning to avoid costly duplications of capital projects and to prioritize, on the local level, needs among communities, rather than leaving this process to state level government.

Each area, so long as appropriations are made, is certain of a source of funding for local projects. Each area will receive a formula share of the appropriation. This stability will be advantageous to local governments for planning purposes. Additionally, unlike the current situation, areas may have greater ability to use capital projects for anti-cyclic economic benefits by being in control of fund expenditures. Annual funds do not lapse and may be accumulated for locally determined purposes.

Capital Foundation Funds may be used as the local match required for certain state and federal projects. This will be particularly significant in rural areas which do not now have a source of local match.

Funds are eligible for both construction and maintenance costs. This means that local governments will be encouraged to consider life-cycle costs and encouraged to maintain buildings and other improvements in order to maximize the efficiency of their capital dollars.

Local governments, under the Capital Foundation Fund program, will be assured of a steady supply of state funds for capital improvements that will be directed toward locally determined project needs and can be expended at a locally determined pace.

CAPITAL FOUNDATION

FUND

Intent

It is the intent of this legislation to establish a capital foundation program which will equitably provide funds for the orderly development of capital improvements throughout the state. It is intended that the planning for such developments reflect regional and local needs and priorities and that, whenever possible, borough governments have complete responsibility for the expenditure of the capital foundation program funds.

This legislation recognizes that most capital development projects have greater than local significance and should, therefore, be planned and prioritized on the regional level. Further, the legislation acknowledges that the cost of construction and the cost of maintenance are closely related and that maximally efficient use of funds is encouraged by combining maintenance and construction funds.

Formula Please see attached pages.

Funds may be used for either capital construction, betterment or maintenance, but not operation of the facilities. Funds allocated to either organized or unorganized boroughs do not lapse and may be accumulated for large projects or for growth management purposes.

Question: Should there be a ceiling on the amount which may be accumulated by any one borough?

Eligible Facilities

libraries
public protection facilities including fire service and holding facilities
neighborhood parks and other recreation facilities
water/sewer
solid waste and resource recovery facilities
health facilities
community facilities
Transportation facilities such as local service roads & trails, small boat harbors, seaplane floats, local transit facilities and equipment, upgrading and improvements in existing air transport facilities such as aviation aides and improvements and associated field improvements, emergency and/or recreational airstrips, so long as no transportation facilities jeopardize or are inconsistent with the state system as defined in the regional transportation plans and the State Facilities Plan.

however, only projects identified in the capital improvement plan are eligible for Capital Foundation Program expenditures.

Distribution

Capital Foundation Program funds will be distributed by formula to boroughs and to unified home rule municipalities, provided each has developed a capital improvement plan which includes a priority listing of capital improvement projects. In organized boroughs the cip will need assembly approval, after a public hearing.

In third class boroughs and for the unorganized borough, the following measures are taken to provide for planned regional development of capital improvements, as there is no regional government responsible for planning and expending funds.

Funds will be distributed to unorganized boroughs (SB 348). If this legislation is not passed, funds will be distributed to those areas identified as REEA's.

However, expenditure of the funds for unorganized boroughs is the responsibility of DOTPF. In order to properly plan for and prioritize capital improvements in the unorganized boroughs, advisory groups are established to assist DOTPF. (Amend Chap. 168 SLA 78).

Regional Advisory Councils

Advisory Council members are appointed by the Governor.

Membership of the advisory groups will consist of one elected official from each first class city or municipality, selected by the city. Additional representation from elected officials of second class cities and representatives of unincorporated communities shall be selected from nominations made by the Division of Community Planning, DCRA and DOTPF. Each regional advisory council shall consist of fifteen members.

The regional advisory councils will assist DOTPF in the development of a regional capital improvement plan, in prioritization among projects, in decision making regarding trade-offs between maintenance and new construction, and in project scheduling.

If an unorganized borough opts to become organized, the borough government will assume the capital improvement planning responsibility, responsibility for foundation program funds and may take title to existing capital improvement projects.

Definitions

Maintenance means preservation, upkeep and repair to keep a facility as close as possible to original condition.

Betterment means improvements, adjustments, additions which more than restore to a former condition for better service without major changes in original construction.

Operation means all costs attributable to utilization of the facility, such as heat, light, janitorial services.

CAPITAL FOUNDATION PROGRAM
(Construction and Maintenance)

FORMULA

Appropriations. The amount of appropriations authorized to be made to the capital foundation program for a fiscal year is equal to two hundred dollars times the state population.

Distribution. Amounts in the capital foundation program shall be distributed annually to municipalities and unorganized boroughs by the department by (a) allocating one-half of the amounts on the basis of population and one-half on the basis of area; and (b) determining the share of an individual municipality or unorganized borough by multiplying its population and area by the construction cost differential for that region. The minimum grant shall be five per cent of the largest distribution made to any municipality or unorganized borough.

Construction Cost Increases. The Department of Transportation and Public Facilities shall submit to the legislature on or before February 15 of each year an estimate of the average percentage increase in construction costs in the state during the previous year.

DEFINITIONS

(1) "population" means the population of the state, municipality, or an unorganized borough as determined by the department using the latest figures of the U.S. Bureau of the Census or other reliable population data, including but not limited to school enrollments, public utility connections, registered voters, or certified employment payrolls.

(2) "construction cost differential" means one plus the percentage by which average construction costs in a region are greater than or less than the average construction costs in Anchorage as determined by the Department of Transportation and Public Facilities using the latest figures.

(3) "department" means the Department of Community and Regional Affairs.

ILLUSTRATION OF FORMULA (in round terms)

Base:	<u>Population</u>	X	<u>Construction Cost Differential</u>	=		<u>Area (Sq. Mi.)</u>	X	<u>Construction Cost Differential</u>	=	
Organized Areas	349,000		1.0	=	349,000	149,376		1.0	=	149,376
Unorganized Boroughs	80,000		1.25	=	100,000	437,036		1.25	=	546,295
	<u>429,000</u>				<u>449,000</u>					<u>695,671</u>

Appropriation: 429,000 X \$200 = \$85,800,000

Grant:

Adjusted Per Cent of Population X \$200
Adjusted Per Cent of Area X \$200

Organized Areas

$$\frac{349,000}{449,000} = .78 \text{ X } \$42,900,000 = \$33,462,000$$

$$\frac{149,376}{695,671} = .215 \text{ X } \$42,900,000 = \frac{9,223,500}{\$42,685,500}$$

\$42,685,500

Unorganized Boroughs

$$\frac{100,000}{449,000} = .22 \text{ X } \$42,900,000 = \$ 9,438,000$$

$$\frac{546,295}{695,671} = .785 \text{ X } \$42,900,000 = \frac{33,676,500}{\$43,114,500}$$

Total $\frac{43,114,500}{\$85,800,000}$

Reading file

March 31, 1980

TO: Senator Clem Tillion
FROM: Senator Arliss Sturgulewski
RE: Revision of AS 29

It is generally recognized, especially by those who work most closely with it, that AS 29 is in need of revision. Since the time of original enactment, changes in the title, problems in its application, and policy questions of importance have been noted by municipal attorneys, city managers and clerks, and such other municipal officials as assessors. The Legislative Revisor has indicated that AS 29 should be next approached in terms of needed revision.

The work of revision is complicated and, at times, highly technical. I have received numerous inquiries and requests for a process by which to revise AS 29. I have discussed this problem with many people, including Mr. Berrier, and Ms. Chitwood of the Alaska Municipal League.

I would like to suggest the following as an approach to the revision of AS 29 during the period of time between this session and the 1981 session. Funds and responsibility for this project would be directed by the Legislative Council to Mr. Billy Berrier, Legislative Legal Services, to conduct the revision. I foresee the project as follows: two groups would be selected by Mr. Berrier from recommendations provided by the Department of Community and Regional Affairs, Alaska Municipal League and other interested and affected parties. The first group would be a policy advisory group composed of a variety of perspectives and interests, representing the diversity of local governments across the state, and would include a representative of the legislature. The second, a much smaller group, would be a working group, composed of people who have had experience in the application of AS 29. The work group should consist of municipal attorneys, representatives of the Department of Community and Regional Affairs and the Department of Law, as well as a staff member of Legislative Legal Services; other municipal staff functions should also be represented, such as managers or clerks. While the actual technical work would be conducted by the working group, the policy group would provide overall guidance and assistance on policy questions.

Administrative and secretarial responsibility would rest in Legal Services. In order to support this project funds would be required for travel and per diem. Most local governments will be glad to contribute staff time to this project. However, for both the policy and the working group it will be necessary to provide travel funds. As often as possible, teleconferencing will be used to reduce travel needs and to expedite the

project. A draft bill will be ready for January 1981.

It is anticipated that \$20,000 should cover the cost of this project. Any funds remaining would be returned.

Thank you for your attention to this matter.



Official Business

Alaska State Legislature

Senate Committee on Community & Regional Affairs

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March 8, 1980

TO: Senator Arliss Sturgulewski
Representative Hugh Malone

FROM: Margo W. Taring & Paul Quesnel

RE: Sunset Free Conference Committee

Our previous memorandum on this subject (Feb. 29, 1980) conveyed to you the options and recommendations of Gerald Wilkerson, Legislative Audit. In this memorandum, we would like to present a fuller discussion of the issue of revision of the sunset process.

To establish a context for decisions about sunset revisions, a restatement of the policy approach of the sunset legislation may be appropriate. The significant difference between sunset and previously existing audit and review laws (as embodied in AS 24.20, Legislative Budget and Audit and AS 37.07 Executive Budget Act) is the provision for automatic termination of programs and agencies unless positive joint legislative action is taken. The philosophic assumption informing this approach is that needless government regulation over the private lives of individuals exists that creates a costly and needless burden. Hence, only positive action would save these agencies from automatic extinction. This bias of "guilty til proved innocent" is the key distinction between traditional audit and review mechanisms and the mechanism available in the sunset process.

Alaska's experience with sunset has not been atypical: few agencies have been allowed to terminate. A great deal of time, energy, and money has gone into reviewing boards and determining both their effectiveness and the adequacy of their enabling legislation. However, apparently, few legislators have felt a deep commitment to sunset, and several standing committees have found their time overwhelmed by the demands of the sunset process.

It is within this context that our instructions were given: to review the sunset process with a goal of a revision which would focus on those agencies/boards which require review, free regular committees from the burden of so tight a schedule, yet maintain the sunset process.

While the instructions are clear, the criteria used for judging any particular option are stringent: any number of alternatives would achieve the first two criteria; very few will meet the added criterion of

maintaining a process in which agencies/boards are automatically terminated unless positive action is taken by the legislature.

Discussion of Alternatives

1. The first alternative is the one suggested by Mr. Wilkerson (memorandum of February 29, 1980) in which legislators annually target agencies for sunset. While this option preserves the appearance of the existing sunset process, it should be noted that the power to annually target agencies/boards for sunset already exists under AS 24.20.271 relating to legislative audit. Passage of legislation which would enact this option would essentially duplicate existing authorities. Nothing more would be achieved than would be achieved by the simple repeal of sunset. Additionally, since bills would need to be signed by the Governor, possible veto could endanger this approach.

2. As mentioned in the memorandum of February 29, 1980, stretching out the existing schedule would meet the three criteria we were given, with the exception of focussing on agencies "in need" of sunset review. Even so, this option merits further discussion, as its implementation could be within the function of the Free Conference Committee itself. Legislative Legal Services informs us that the original intention behind placing the health boards in one group for sunset review was to achieve certain efficiencies in approach and to provide for coordination in review, so that consolidations, cross references and other inter-disciplinary approaches could be undertaken by the legislature. However, the Free Conference could elect to extend the life of the health boards by varying lengths. For example, while the Psychology Board might be extended for one year, the Board of Nursing could be extended for six or eight years, effectively staggering reviews over a longer time period. Such action would achieve all three objectives: more frequent attention on those boards "in need" of review, less work for the standing committees, and retention of the sunset process.

3. If greater attention is paid to the concept of "less work" than to the other criteria, other options suggest themselves.

a) The sunset legislation allows for joint hearings on the agencies/boards. If joint hearings were held, less total legislative time would be spent; it would be easier for board members to participate, and the whole process would be less expensive. These benefits would be increased if boards were extended for greater periods of time, as suggested in 2 above.

b) Most states, in their sunset legislation, review only licensing/regulatory boards. If the Sunset Act were amended to eliminate the program agencies, then the work load would be reduced. In support of this concept, it should be remembered that program agencies can and are routinely reviewed and audited, that the executive budget process performs similar performance reviews and that the perceived burden of government regulation on the lives of citizens comes substantially from the public interest efforts of licensing and regulatory boards. Hence, if program agencies were to be removed from the sunset list, all three criteria would be observed, without great loss, as program agencies can and are routinely reviewed under traditional mechanisms.

Either or both of the options mentioned in 3(a) and (b) can be supported by the following argument. During the first cycle of sunset reviews, a great deal has been learned regarding the conduct of the process. In 1983, when the boards would again be sunsetted, review criteria will be easier to establish, the organization and scheduling of hearings should be easier, and, perhaps most significantly, there should be less to review as most of the boards will have undergone considerable revision of their practice acts.

4. There is a fourth alternative which would also meet the criteria given to us. This option does not necessarily involve changes in the sunset process or in the scheduling of boards for review. Instead, the legislature itself could establish an alternative process for the sunset reviews. A standing Sunset Committee (perhaps a Joint Committee) would be established. Staff would be hired for this committee. In favor of this option are several efficiencies of effort. Although the same time and money would be spent as now, those efforts and funds could be more efficiently used. Staff would develop an expertise in the sunset process, hearings could be held over the interim, deadlines would be more easily met, and the public could be educated regarding the public interest goals of the boards, thus encouraging greater public participation in the sunset hearings. The theoretical loss involved in this option would be the expertise of existing standing committees.

This option could be combined with those detailed in 3(a) and (b) above.

After this memorandum was written, we received a copy of the "House Commerce Committee Interim Report, Sunset in Alaska, 1979-1980." On page 32 of that document a recommendation is made to establish a permanent committee on sunset. A copy of that page is attached to this memorandum.

Summary

There are several options which meet the criteria assigned to us for use in selecting optional revisions of the sunset process. Several of the options can be combined. Of importance in the consideration of these options is whether or not you wish to pursue an aggressive sunset review program. If so, the process selected should be well established and supported. On the other hand, you may consider that the primary value of sunset has already been achieved by the first sunset cycle: revisions to practice acts have been made, board performance has been improved, management adjustments have occurred, and some boards may have been terminated. In other words, we see this juncture as a further determination of the public interest and how that may be served.

Enclosure

March 7, 1980

TO: Arliss Sturgulewski
Chair, Senate Community & Regional Affairs

Hugh Malone
Chair, House Special Committee on the
Permanent Fund

FROM: Margo W. Waring
Jim Rhode
Marge Gorsuch

RE: Capital Foundation Fund

At your request, we have prepared the attached material on a proposed Capital Foundation Fund. We have attempted a thorough listing of all pertinent points.

If you would like, we can meet at your earliest convenience to answer any questions you may have.

Attachment

March 24, 1980

TO: Committee Members
Community and Regional Affairs

FROM: Senator Arliss Sturgulewski

RE: Capital Foundation Fund

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-2-

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Advisory Council members are appointed by the Governor.

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CAPITAL FOUNDATION

FUND

Intent:

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However, only projects identified in the capital improvement plan are eligible for Capital Foundation Program expenditures.

Should schools, correctional facilities, energy projects of any scale be included?

Keating



Alaska State Legislature

Senate

Committee on Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

February 29, 1980

TO: Senator Arliss Sturgulewski
Representative Hugh Malone

FROM: Margo W. Waring *MWW*
Paul Quesnel

RE: Sunset Free Conference

As requested, we spoke with Gerald Wilkerson regarding a schedule of sunsets that would achieve several objectives: focus on those agencies/boards which require review, free regular committees from the burden of so tight a schedule, yet maintain the sunset process.

Our discussion was a fruitful one. Several options were discussed. Below are three options which appear most worthwhile. The first is the one recommended by Mr. Wilkerson for possible action.

1. Eliminate from the sunset statute that language which lists the agencies and their review schedule. Instead, substitute language which would achieve the following: each year, prior to the year in which the review will take place, legislators will submit bills designating agencies for sunset review. These bills would be acted upon in the usual manner. This new process would be in addition to the process followed by LB&A, though additional language might be added to separately identify LB&A recommendations for sunset reviews as being transmitted to both houses by, for example, March 30.

The benefits of this approach are that the work load would be selected by those who will be doing the work. Legislators would be able to translate their own and their constituents' concerns into a work schedule for the next session. It may be anticipated that, having selected for review those agencies which legislators feel require review, there will be attention and follow-up during the subsequent session. Since there would be a focus on those agencies which require sunset, agencies which are functioning well can continue to do so. On the negative side, it would be possible for a single agency/board/commission to be selected year after year, impairing their effectiveness. This difficulty could be resolved by additional language which would limit the numbers of reviews possible (as in, "No agency can be selected for review in two consecutive years.")

2. Another solution which could achieve the objectives identified above would be to stretch out the existing schedule so that, for example,

Reading



Official Business

Alaska State Legislature

Senate
Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

March 3, 1980

TO: Billy Berrier, Director
Legal Services

FROM: Arliss Sturgulewski *AS*
Chairman

RF: Legal Opinion Request

As a result of our public hearing on February 19, 1980, a legal opinion is requested concerning the substitution of the word "construction" for "capital improvements" in the title and body of SB 436.

The Department of Environmental Conservation testified on behalf of their concern. In the past, the program has funded items such as water delivery vehicles and honey bucket trucks, and they wish to continue this practice. They felt these items might not be included as a definition of "construction;" but could certainly be included as "capital improvements."

In order that the wording substitution does not modify the department's practice of funding some non-construction costs, particularly rolling stock, a legal opinion is desired. Would you also send a copy of this opinion to the Senate Finance Committee, where this bill was recently referred. Thank you.

cc: Senate Finance
Dept. Env. Cons.

May 19, 1980

TO: Myrt Charney, Executive Director
Legislative Affairs

FROM: Senator Arliss Sturgulewski
Chairman, Community and Regional Affairs Committee

The Senate Community and Regional Affairs Committee proposes to undertake a project, starting at the end of the second session of the Eleventh Legislature, which would forward the work of the House and Senate Joint Interim Committees completed during the interim between the first and the second session of the Eleventh Legislature. This work will serve to knit together the various threads of studies and policy analysis that will be on-going during the time period prior to the commencement of the First Session of the Twelfth Legislature.

In addition, the Senate CRA Committee proposes to undertake a separate special study that will be beneficial to Senate members during the next session. A full project description has been developed and is attached, along with background material and the budget breakdown. The project is estimated to cost \$32,144.

I would appreciate it if you would take the necessary steps to process this request for the committee. I also would appreciate receiving, as soon as possible, specific information regarding office space and other incidental arrangements.

Your assistance is appreciated.

cc: Senator Tillion
Senator Hohman

Enclosure

TO: Billy Berrier, Director
Division of Legal Services

FROM: Twyla Hartsock, Administrative Assistant
Senate C/RA Committee

SUBJECT: SCS CSHB 932

The Senate C/RA Committee this date passed "Senate Committee Substitute" version (WO 7871-Berrier) out with the following additional amendments:

pg. 1 - line 6 - title: delete "the office of rural development, and"

pg. 2 - line 14: delete "Office of" and add "Council" following "development."

pg. 5 - lines 18-20: delete sec. 44.19.226.

pg. 5 - line 23: delete "and the office"

pg. 5 - line 27: add "Executive" between "the" and "director"; delete "of the office" and add "the" between "of" and "rural"

pg. 5 - line 28: add "Council" following "Development"

pg. 6 - lines 1 & 2: state more clearly this section will be repealed.

Would you please incorporate the above changes and return the final "SCS" jacketed version as soon as possible. When it is received, the bill will be immediately forwarded to the Senate Secretary's Office for transmittal to the next referral, the Senate Finance Committee.



Official Business

Alaska State Legislature

JOINT SENATE AND HOUSE
COMMUNITY AND REGIONAL AFFAIRS COMMITTEE
LOCAL GOVERNMENT STUDY

Co-Chairmen
Senator Arliss Sturgulewski
Representative Bill Parker

Address all
correspondence to:
LOCAL GOVERNMENT STUDY

Pouch V
State Capitol
Juneau, Alaska 99811

May 14, 1980

Dear Friend:

By this letter we are transmitting to you a copy of one of the pieces of work prepared for the Joint House and Senate Community and Regional Affairs Committees for their Local Government Study.

The positions stated are those of the consultant, Vic Fischer, and are thought-provoking. We feel that the report raises issues that may need to be addressed in the future. We would be interested in learning your response to this report and any suggestions you might have for future legislative action.

Distribution of this report is rather limited, but if you know of other people who might be interested in receiving a copy, please let us know and we will be glad to send one to them.

Sincerely,

Representative Bill Parker
Co-chairman, C/RA Committee

Senator Arliss Sturgulewski
Co-chairman, C/RA Committee

May 7, 1980

TO: John B. Chenoweth
Legislative Counsel

FROM: Twyla Hartsock, Administrative Assistant
Senate C/RA Committee

RE: W.O. 8250

A sectional analysis is requested on SCS CS HB 947, the latest revised version as of this date.

Question - AS 23.025 (f) p. 3

If the commissioner determines maladjustment, what happens next? The Senate C/RA members feel the commissioner's findings should be advisory only and that there would be no legal ramifications involved. Page 4, line 14-16 -- scratch G-(3) to reflect above intent. Section 29.23.025. Judicial - should also reflect above intent.

Page 4 - change period to a semicolon and add the following, beginning in the next line:

"provided, if the change in subject to review by a federal agency, the change shall become effective with the first regular election of borough assembly members which is held more than 60 days after receipt of such agency approval of or nonobjection to the change or the expiration of the time during which the agency may object."

Above should apply to both sections (1) and (2).

Page 4, delete lines 25-29

Page 5, delete lines 1-3

Page 5, line 9, delete under AS 29.23.025

Page 5, line 22, delete borough assembly and insert "legislative body"

Page 5, end of line 22, delete "borough"

Page 5, line 23, delete "assembly"