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STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

BILL SHEFFIELD, GOVERNOR

REPLY TO:

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JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

465-3603

March 26, 1986

Honorable Katherine T. Hurley
Chairman, State Affairs Committee
Alaska House of Representatives
P.O. Box V
Juneau, AK 99811

Re: Review of Comments by the
Court System to HB 384

Dear Representative Hurley:

The House State Affairs Committee has asked that we review comments regarding HB 384 made by Karla Forsythe in her letter of March 13, 1986 on behalf of the court system. We wish to make a number of observations regarding her comments.

We believe any land the court system would acquire under the authority of AS 22.05.015 would be subject to the bill's provisions. The court system's authority to construct its facilities under that statute does not make the court system any less a state instrumentality than a variety of other state agencies.

Ms. Forsythe raised two other concerns regarding the bill, i.e. its fiscal impact and the lack of staffing to provide the necessary relocation services.

Relocation payments made under existing law are seen as a cost of land acquisition which is incidental to the cost of the construction of a public work. We believe to the extent that the court system still has money available for construction (or land acquisition) it could be spent for relocation payments without an appropriation by the legislature for that particular purpose.

The problem of staffing to provide the necessary relocation services could be a real problem for the court system as Ms. Forsythe points out. However, there is a simple solution to that problem. The court system could contract with the Department of Transportation and Public Facilities (DOT/PF) to provide the necessary services. DOT/PF and its predecessors have

Honorable Katherine T. Hurley
Alaska House of Representatives

March 26, 1986
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been providing relocation assistance services for nearly 18 years since the passage of the Federal Aid Highway Act of 1968. The court system would, however, need to pay DOT/PF for these services out of project funds.

The court system's comments point to another problem with the bill. When we drafted the bill, it was anticipated that it would be effective a year after it was signed by the governor. The year following signature would have been used to complete projects for which no allowance had been made in project budgeting for relocation payments in prior capital appropriations. A solution to the difficulties the court system is experiencing with its projects, as well as other public agencies' capital projects, would be to amend the effective date to the bill to July 1, 1987.

If we may be of any further assistance on this matter, please contact me at your earliest convenience.

Sincerely yours,

HAROLD M. BROWN
ATTORNEY GENERAL

By: 
William F. Cummings
Assistant Attorney General

WFC:prm

cc: Karla Forsythe



Alaska State Legislature

House of Representatives

Committee on State Affairs

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

(307) 463-4863

TO: Representative Mike Miller
Chair, House Judiciary Committee

FROM: Representative Katie Hurley *AB for KH*
Chair, House State Affairs

DATE: April 2, 1986

SUBJ: House Bill 384

Enclosed is a memorandum that I requested from the Attorney General's Office clarifying the impact of House Bill 384 (relocation assistance) on the Alaska Court System.

House Bill 384 passed out of the House State Affairs Committee with the understanding that the Judiciary Committee would further review the concerns brought forth by the Court System.

Please take special note of the suggestion from the Attorney General's Office to change the effective date.

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Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

KARLA L. FORSYTHE
STAFF COUNSEL

303 K Street
Anchorage, Alaska 99501

(907) 264-8228

March 13, 1986

Katie Hurley, Chair
House State Affairs Committee
P. O. Box V
Juneau, AK 99811

Dear Representative Hurley:

I am writing to bring to the attention of the committee some Court System concerns with House Bill 384, relating to relocation assistance and real property acquisition practices. It is my understanding that this bill is scheduled for hearing today.

This bill will require state agencies which displace a person or a business in the course of acquiring real property to pay actual moving expenses, actual direct losses of personal tangible property as a result of moving or discontinuing of business, and actual expenses in searching for a replacement business. Additionally, agencies are required to provide a relocation assistance advisory program, including services to determine the need for relocation assistance, current and continuing information on the availability of comparable commercial properties and locations, and active assistance in finding a suitable replacement location.

The bill as drafted applies to state agencies. "State agency" is defined in proposed Section 9 as "a department, agency, instrumentality, corporate authority of the state, or a political subdivision of the state, or a department, agency, instrumentality or authority of two or more political subdivisions of the state participating in land acquisition programs."

It is unclear whether this definition is intended to include the Alaska Court System. Under AS 22.05.025, the Supreme Court is authorized to undertake all matters relating to planning, design and construction of court facilities. However, the Court System is also required to cooperate with the Department of

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Katie Hurley
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Transportation and Public Facilities so that facility construction projects are carried out in accordance with the statutes and regulations applicable to state public works projects.

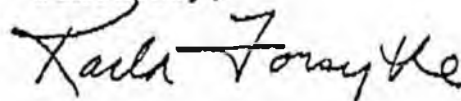
If this legislation applies to the Court System, it will have a financial impact on the Anchorage courthouse expansion project. The state has acquired Block 29 of the Anchorage Original Townsite, which is presently occupied by twelve businesses. These businesses will be required to relocate once the Court System obtains final conditional use approval from the Anchorage Planning and Zoning Commission (approval anticipated in June, 1986).

It is unclear whether the projections in the fiscal note submitted by the executive branch include relocation assistance for Court System projects, including the planned Anchorage expansion. No funds have been budgeted to the Alaska Court System which could be used to pay relocation expenses for the businesses on Block 29.

Additionally, the relocation assistance advisory program anticipated by this bill would place substantial new work requirements on the single administrative staff member who coordinates court construction projects. Since the level of activity needed to provide such a program could become disproportionate to the relatively small level of court construction, it would be more efficient for the executive branch to include Court System projects in its relocation assistance advisory program.

Thank you for the opportunity to bring these comments to the attention of the committee. If there are additional questions about the Court System's position, I will be glad to provide further information.

Sincerely,



Karla Forsythe
Staff Counsel

cc: Arthur H. Snowden, II
Gerry Dubie
Bob Fisher

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OFFICE OF THE ATTORNEY GENERAL

MAR 23 1986

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