

SB

2009

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB209
 () Publish Date: _____

Identifier (file name): SB209-EED-CAB-2-12-10 Dept. Affected: Education & Early Develo
 Title "An Act providing the Alaska State Council on the Arts the RDU Commissions and Boards
authority to adopt regulations to its statutory powers..." Component Alaska State Council on the Arts
 Sponsor Senator Menard
 Requester Senate Education Committee Component Number 192

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2010) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

This legislation has no fiscal impact on the Alaska State Council on the Arts.

Prepared by: Eddy Jeans, Director
 Division: School Finance
 Approved by: Larry LeDoux
Commissioner

Phone 465-8679
 Date/Time 2/12/10 12:00 AM
 Date 2/12/2010

Senator Linda Menard

Session

State Capitol, Room 9
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Interim

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Alaska State Legislature

SB 209 Sponsor Statement

Senate Bill 209 will provide the Alaska State Council on the Arts the authority to adopt regulations relating to its statutory powers and duties.

The bill has been introduced at the request of the Alaska State Council on the Arts (ASCA), which is the Last Frontier's state arts agency, created over 40 years ago. The council works in partnership with the National Endowment for the Arts (NEA) to foster the development of the arts for all Alaskans through education, partnerships, grants and services.

Several of ASCA's programs are governed by regulations, which ASCA has promulgated and updated over the years. Recently ASCA has sought to improve and streamline its grant-making policies, procedures, and regulations. In the course of this effort, ASCA was informed by the Department of Law that ASCA technically does not have statutory authority to adopt regulations under the Administrative Procedures Act (APA). While this legal opinion is at odds with long-standing practice, ASCA considered the advice from the Attorney General's office, and determined that the best way to rectify the current anomalous situation is to amend its enabling statute to allow ASCA the explicit statutory authority to adopt regulations.

This legislation will in essence codify existing practice and will enable ASCA to continue to administer and oversee its existing programs. Any and all regulations adopted in the future will have to comply with the review and public-notice provisions of the APA. This bill has a zero fiscal note and will help ASCA continue performing its long-standing mission of helping more Alaskans appreciate, create, and enjoy the arts and having regulatory authority will directly contribute to ASCA's ability to do so.

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Juneau, Alaska 99801-1182
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MEMORANDUM

February 8, 2010

SUBJECT: Sectional summary; regulatory authority for the Alaska Council on the Arts (SB 209; Work Order No. 26-LS1236A)

TO: Senator Linda Menard
Attn: Mike Rovito

FROM: Dennis C. Bailey *DCB*
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1. Gives the Alaska State Council on the Arts the authority to adopt regulations relating to its statutory powers and duties.

Section 2. Provides an immediate effective date for the measure.

If I may be of further assistance, please advise.

DCB:plm
10-057.plm

Senator Linda Menard

Session

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Senate Bill 209
List of Witnesses

In person testimony:

Ben Brown, chair, Alaska State Council on the Arts

The Hon. Kevin Meyer and Joe Thomas
Co-Chairmen, Senate Education Committee
State Capitol, Rooms 101 & 504
Juneau, Alaska 99811

Dear Senators Meyer and Thomas:

I am writing on behalf of the Alaska State Council on the Arts (ASCA) to express our support for Senate Bill 209. I hope to ensure that all members of the Senate Education Committee and, indeed, the full Senate, will support this simple yet important piece of legislation.

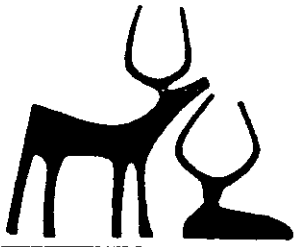
SB 209 was necessitated by a determination of the Alaska Department of Law that ASCA does not possess statutory authority to adopt regulations, although ASCA had been so doing for many years. When this technical lack of authority came to our attention, the members of the State Council weighed our options, and decided that simply adding the missing language from the statute would be the best way to remedy the situation.

ASCA's work is vitally important to the cultural well-being of Alaskans, and we could not operate our regrant program in accordance with federal standards without the state regulations that implement our enabling statutes. Giving ASCA the explicit power to adopt simple regulations subject to the same scrutiny that applies to all other regulations adopted in Alaska will allow Alaska's state arts agency to continue to do its job to the benefit of all Alaskans.

Please don't hesitate to let me know if I can answer any questions about this legislation or ASCA, and thank you for your consideration of this bill.

Yours sincerely,

Benjamin Brown, Chairman
Alaska State Council on the Arts



Senator Linda Menard
Alaska State Legislature
State Capitol Building
Juneau, Alaska
Sent via email

January 24, 2010

Dear Senator Menard:

I would like to lend the support of myself and the Alaska State Council on the Arts, a division of the Department of Education, to Senate Bill 209, which will at long last provide our agency the authority to adopt regulations.

While, in many respects, this legislation is a housekeeping matter, it is a critical bill for our agency. We need the ability to update and amend our regulations over time, and without the statutory authority to do so, the Alaska State Council on the Arts will remain static and unable to respond to changes in the field.

Thank you, Senator Menard, for carrying this legislation. I look forward to working with you and your office.

Sincerely,



Charlotte A. Fox
Executive Director

Alaska State Council on the Arts

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