

ALASKA LEGISLATURE COMMITTEE FILES 1983-1980 80/2

3865 SCRA SB 142 (FILE 4) - SB 190

24

Cook. We are not changing ~~to~~ the basis for taking on School function - 1st class a Home Rule plan now - however raises No. of people from 400 to 600

Coghill disagrees w/ raising pop. from 400 to 600
300 w/econ stability of to go to home rule
Want to encourage organization of home rule cities

Fischer - 100% agreement w/ Sen Coghill on this issue ... however any number you pick is artificial
pick lower No. - let it be settled in conference

Goll. If you change here - have to change other places in bill

Fischer - motion to adopt - unanimous adoption of Amend #4

Coghill - ~~change~~ Amend #4a all 600 places to 400 unanimous consent

Avatar =

Sturgis - moved #5 unanimous consent passed

Coghill - object

~~too broad~~

H & SS broad state function - not a local gov. function

V. Fischer - no. of COMM in Ak in health, business
have have taken on voluntarily

Coll. ~~person~~ providers / Dept crying for this -
afraid of the no. of unregulated
facilities out there

Dept / shelters / alcohol abuser support
all this puts a lid on the
of proliferation of unreg. facilities

Burgess - The League has not taken a
position on this one way or
the other.

Concern that Muni revenue
sharing remain in tact

Amend # 6 -

~~Law has section that includes~~
covers & persons / employees -
have dropped out elected

Cook J. in ~~of~~ discussed is elsewhere in statute and
Constitution except the phrase "person's
political affiliation / opinions"

No. 6 - get more info

Fischer - The law is there now -- why haven't people been using it

Goll - didn't know about it

Sturg - How person protected now

Cook - Minn's subj to Human Rights law as state is --

Fischer - if we repeal and put nothing in -- we are saying we approve discrimination

~~Goll~~ DeVries - Since deliberately left out why -

Sturg - it was done by our committee

Cook - Minn's felt they l' this flex. - State is not bound by this law

new
amend
What's out
there
now to
protect
employees?

Coghill - Move unanimous consent #7
passed

Coghill - Move unanimous consent #8
passed

Coghill -
Sturg - Move 9 - passed

Sturg - Move 10 - ask unanimous consent
passed

Sturg - Move unanimous consent - passed #11

Sturg - moved unanimous consent - passed #12

Will fiscal note slow down bill because of
tight financial situation

Coffin — concur w/ boss that can w/d.
fiscal note if it will hold up bill

Coghill - Must look at Loc Bond Comm - Too flexible
have 9 criteria, but lean on ① them

Amend #1A - Purpose

Sturg - intention throughout has been not to change the balance of authority presently existing between state / local government as to land use / planning.

Tom - no problem changing "limit" to "reduce"

Burgess - don't want it to appear no revisions because there are some

Cook - reviser of statutes always includes reference to purpose clause

ltr from
Revisor
saying this

Tam - redraft - Cook amendment

Plummer

concerned that this ~~is~~ takes a ~~less~~ latent ambiguity and ~~turns~~ turns it into a patent ambiguity

Can have Wiles come down testify -
worked on this '80, '81, '82

Fischer - This ^{gravel pit} - too sweeping could affect
would suby home rule to State and Feds
local gov does have resource dev authority

Sturgis - uncertainty is Constitutional as well as
statutory

Plummer - concern w/ Sup Ct rulings -
Can Leg. pre-empt by saying they are
going to preserve status quo

Tom Dillon - support Chevron proposal
Does Leg want to resolve issue of
primacy in area of resource dev or
retain status quo

Coghill - Got to expand issue of State
relationship w/ local gov.

Fischer - if we do this - kill bill -
take general language - hold hearings on this
issue - State subdivision problems, etc.

Fahren - has bill that Leg must act on
Coastal Zone mgmt issues - want to
implement w/ local gov in place

~~Addr~~ Address. all amendments Tomorrow
afternoon -

Ltr of intent on 1 and 2
Utility amendments

March 7 - SB 142

- 1) Scott Burgess - pass it
- 2) Richard Weaver^{Exxon} - planning authority used by local government to hold up development

Sturgu - What is NS getting into -

Weaver - getting into areas regulated by State
"protecting bowhead whale" - already
regulated by State and Feds - usually to use
this power when go before Plng - Zoning
we view that local governments are entities
of the State

Sturgu - Yes but the State can delegate

Weaver - but 2 E₆ done so

Coghill - we do have to look at this in
a hard way -

Lee Sharp -

Please adopt this bill & any
further changes _____

Let a major policy item go in separate legislation

Do not address problems that don't exist — present law gives cities great local auth — this new bill does not give us any more authority

Despite Fed/State regulation still must be local concerns existed.

Language too broad — remember state is for other — O & G

Arless What is history of 35.30 —

Ray Plummer - Chevron

test by Supreme Ct as to whether or not local auth can preempt state

1) an Eq Leg M

2) a M in St Statute / local or l.

3) local ord — Li 6 State Statute — Statute stands

Uncertainties affect economic viability of leases and projects

State should Reg resource develop on all lands — local, private, state because resources do not follow section lines or boundaries

Want assurance that State auth ~~it~~ will not
be wrested from State by local government.

State lands not "key" — key

Reviews asked to have amendment by Monday
work session — Plummer will do this

Page 80 --

Chap 40 does not apply to Home Rule
Present law does give specific authority

What is in existing law that is being removed
If ambiguity in old law, let's change --
But if old language said same thing --
Don't believe it should be changed

Carol Maser

This section appears to be a major change --
and this would be a real problem to all
municipalities if you changed this — does
not need to be addressed now —
If you make a major change, it will
kill the bill this year

29.40

Dave Hutchins Exec Dir RElec Coop Corp

Have 4 specific concerns
are not asking for any changes in the
present law - this is defensive
action.

Pg 100 A.S. 10.25.540 Taxation of elec/Tel corps
- Handle this w/ ltr of intent, saying no
change in policy

Pg 75 Franchises, Permits
leaves out Sec (c) - is not necessary to
have in both places --

Pg 75, 76 - Pub Utility regulation pg 76 "to the extent"

Sturgis Were these 2/1 in past bill

Hutchins - items 1, 2, and 4 were adopted by
Senate in SB 1 - were not considered
in here - item 3 is new

Scott -

Coghill - Were these items brought before Muni Task Force last yr - if so, why not adopted - they do not appear substan to me.

Scott - ~~all~~ oil company prob not utility prob was

Coghill Did we get a good benefit out of these interim work?

Scott - Not there, but understand it did do a lot of good.

Coghill - These seem to be accommodating ~~of~~ --- of a 25' the League's cause by not reviewing this at all ---

Scott Not saying that - last time felt it failed because loaded down w/new issues
What ~ is. Today are ~~f~~ of PL been properly heard around the state -
the issue of planning is major -
Hitchins - issues are less major

Orliss - have to look at resource issue
even though very sad it is coming up now.

We did make policy changes in this bill,
but they are not dramatic changes -

Hutchins

Lee Sharp
Language in there consciously chosen -
could not go from downtown to
Valley, to some people w/ elec-water
if there is intervening area - APUC
will come into the picture

Coghill - You don't have that problem because of
unification

Sharp - Well yes, but other cities would have the
problem.

3/8/85 Weaver -

Lisburne - Endicott project - royalty interest
focused problem 176 man yrs of effort into permit

as a condition of rezoning -
mud disposal standards
can dispose of those
\$40 \$60 million add. costs because
removed words "contaminated"
not on lands, but on road that
must be built

— Are differences in types of land - -
State has 1st authority not only for reg.
but also for development
policy question - problem exists in current
law - - (Tam)

Weaver we believe change has to effect
general law as well as home rule

Clearly if gen law can - - certainly home rule can.

Home rule are totally unregulated as to land use
and planning

Purpose clause - Tom says yes could
that reaffirms status quo
with ref. to these balances

Re-enacting this would encourage them
that they have less constraints than
they have had

Arlessi - if you push this - will kill the bill

Werner - Str of intent will be helpful
Leg has no intent to tamper with present
dynamic - equilibrium

— Went planning/zoning policy w/o an elected body

Ray Plummer / 7 pages *Ray Plummer* C
DETAILED ANALYSIS OF LAND USE REGULATION BY
MUNICIPALITIES UNDER CSSB 180 (C & RA) AND CSHB 170 (C & RA)

now SB 142
A. Current law.

Land use regulation by municipal governments is currently governed by A.S. 29.33.070-.245. A.S. 29.33.070 requires all boroughs to provide for planning, platting and zoning on a "area-wide basis." A.S. 29.43.040 grants the same power to home rule and first and second class cities located outside organized boroughs.

A.S. 29.35.080 and .085 require the assembly to adopt a "comprehensive plan" containing policy statements, goals, standards and maps. A.S. 29.33.090 requires the municipal assembly to regulate land use "by districts or contract zoning." It requires land use regulations to be uniform for each class of use in each district. Contract zoning is defined as allowing a "zoning reclassification" to a less restricted use where the owner agrees to place restrictions on the use of the land beyond the zoning requirements generally attaching to the new classification. This section also states the purposes for which zoning ordinances may be adopted. The stated purposes clearly envision zoning in an urban environment.

The current law applies to all local governments, and therefore limits the power of home rule boroughs. The current

law has no provision authorizing the regulation of land use by the adoption of a permit system. Additionally, the current law does not allow cities located in third class boroughs to provide for planning, platting and zoning.

B. Land use regulation under CSSB 180 and CSHB 170.

Under CSSB 180 and CSHB 170, land use regulation by local governments would be governed by A.S. 29.40.010-.200.

A.S. 29.35.180(b) requires a home rule borough to provide for planning, platting and zoning. No limitations are imposed upon that power, nor are any guidelines set forth limiting the exercise of that power.

A.S. 29.35.180(a) requires first and second class boroughs to provide for planning, platting and zoning pursuant to A.S. 29.40. A.S. 29.40.010 also requires first and second class boroughs to provide for planning, platting and zoning.

A.S. 29.35.220 and .300(b) would allow a third class borough to acquire the power to provide for planning, platting and zoning within a service area by the adoption of a referendum to that effect.

A.S. 29.35.250(b) requires a home rule or first class city within a third class borough to provide for planning, platting and zoning under A.S. 29.40, and allows a second class city located within a third class borough to so provide.

A.S. 29.35.260(c) requires home rule and first class cities outside a borough and permits a second class city outside a borough to provide for planning, platting and zoning under A.S. 29.40.

These provisions apparently impose no limitation on the planning, platting and zoning authorities of home rule boroughs. It appears that A.S. 29.40 does not apply to the exercise of those powers by home rule boroughs. A.S. 29.35.180(b); compare A.S. 29.35.180(a).

Article X, Section 11 of the Alaska Constitution provides: "A home rule borough or city may exercise all legislative powers not prohibited by law or by charter."

Given this provision and the apparent lack of any explicit limitations on the zoning authorities of home rule boroughs, home rule boroughs would have greatly expanded zoning authority under the bill. As the Supreme Court has stated:

A municipal ordinance is not necessarily invalid in Alaska because it is inconsistent or in conflict with a state statute. The question rests on whether the exercise of authority has been prohibited to municipalities. The prohibition must be either by express terms or by implication such as where the statute and ordinance are so substantially irreconcilable that one cannot be given its substantive effect if the other is accorded the weight of law.

Jafferson v. State, 527 P.2d 37, 43 (footnotes omitted, emphasis added).

This position was reiterated by the Supreme Court in Liberati v. Bristol Bay Borough, 584 P.2d 1115 (Alaska 1978).

Merely because the State has enacted legislation concerning a particular subject does not mean that all municipal power to act on the same subject is lost. We have consistently rejected application of any such concept in our cases dealing with home rule municipalities. We do so now with respect to general law municipalities because our constitution requires that their powers be liberally construed as well. We believe that an appropriate accommodation can be made between the State and general law municipalities by a rule which determines pre-emption to exist, in the absence of an express legislative direction or a direct conflict with a statute, only where an ordinance substantially interferes with the effective functioning of a state statute or regulation or its underlying purpose.

584 P.2d at 1121-1122 (footnotes omitted, emphasis added).

It appears that the Alaska Supreme Court is applying the same test for state pre-emption to both home rule and general law municipalities. In summary, in order for a local ordinance to be determined invalid pursuant to Article X, Section 11 of the Alaska Constitution, there must be a prohibition by state statute, express or implied, or the ordinance must substantially interfere with the effective functioning of the state statute or regulation or its underlying purpose.

Under CSSB 180 and CSHB 170, there would be no explicit prohibition of any zoning ordinance adopted by a home rule municipality.

Any argument opposing the restriction of energy development on state lands by a local zoning ordinance adopted by a home rule borough would have to rely on the claimed inconsistency of the ordinance with the state's right to develop its natural resources. In that regard, determination of whether there is a limit to the home rule borough's authority to adopt ordinances prohibiting or restricting the development of energy sources requires a two-fold inquiry:

1. Are there Alaskan constitutional and statutory provisions which seek to implement a statewide policy with reference to the subject matter of the ordinances?

2. Do the proposed borough ordinances impede implementation of that policy?

While control of natural resources of the State of Alaska is specifically retained by state government pursuant to Article VIII of the Alaska Constitution, it is by no means certain that a court would rule that a local zoning ordinance which impedes or prohibits development of oil and gas in certain specific locations would be struck down as unconstitutional or unauthorized. In any event, the adoption of the current provisions concerning home rule regulation of land use as stated in CSSE 180 and CSHB 170 would insure extensive constitutional litigation to resolve these questions.

The question is further complicated by the fact that A.S. 29.40.040(a)(2) in the two bills would specifically authorize the use of a permitting system to regulate land use. This section places far greater authority in local government than the current law does. It is conceivable that an ordinance could be adopted which would prohibit all uses unless a land use permit is obtained from the local government involved. This would allow local governments assess energy development projects on a case by case basis thus adding another layer to the regulation of energy development in general.

It should be noted that this permit procedure would be available to any local government that possesses or obtains planning, platting or zoning authority under A.S. 29.35 and A.S. 29.40 as proposed in CSSB 180 and CSXB 170.

Plummer

Sec. 29.40.210. ACTIVITIES AUTHORIZED BY STATE OR FEDERAL AGENCIES. (a) Ordinances, regulations or permit decisions adopted or promulgated under AS 29.35.180 or AS 29.40. may not preclude or otherwise impede a resource exploration or development activity or project conducted pursuant to a lease, license, permit or other authorization issued by a state or federal regulatory agency or department having jurisdiction over the activity or project.

(b) The provisions of this section apply to home rule and general home rule and general law municipalities.

discussed
w/ Tom Cook
3/6/85

Problems w/ SB 142 -- Dave Hutchins represents
REHA in of 3/6/85

Pg 75 Wants (c) inserted - from former 29.48.050(c) --
similar language in AS 42.05.251 --
(franchises / permits) - Scott says in
statute - don't need here --

hotly argued throughout
revision hearings
compromise between
utilities and Muni
attorneys

Pg 76 "to the extent" -- allow further regulation of
public utility by a Muni - does it?
proposed change will be provided

pg 100 - Sec 29.45.030 -

AS 10.25.540-555 governs taxation of public utilities
dec/telephone (letter of intent -- Scott doesn't want law changes)

pg 72-73 (policy disagreement) 29.48.040 - present law
Muni → 1/2 of 80 (1/2 to 80) areas --
unlimited in terms of areas -- Muni systems could
go out condemn neighbors - take over --
now "may extend only into adjacent areas"

utility co's hot on "adjacent" - no 1/2 old law --
This is the way it
presently is --

Sec. 11.81.250. Classification of offenses. (a) For purposes of sentencing under AS 12.55, all offenses defined in this title, except murder in the first and second degree, sexual assault in the first degree, and kidnapping, are classified on the basis of their seriousness, according to the type of injury characteristically caused or risked by commission of the offense and the culpability of the offender. Except for murder in the first and second degree, sexual assault in the first degree, and kidnapping, the offenses in this title are classified into the following categories:

(1) class A felonies, which characteristically involve conduct resulting in serious physical injury or a substantial risk of serious physical injury to a person;

(2) class B felonies, which characteristically involve conduct resulting in less severe violence against a person than class A felonies, aggravated offenses against property interests, or aggravated offenses against public administration or order;

(3) class C felonies, which characteristically involve conduct serious enough to deserve felony classification but not serious enough to be classified as A or B felonies;

(4) class A misdemeanors, which characteristically involve less severe violence against a person, less serious offenses against property interests, less serious offenses against public administration or order, or less serious offenses against public health and decency than felonies;

(5) class B misdemeanors, which characteristically involve a minor risk or physical injury to a person, minor offenses against property interests, minor offenses against public administration or order, or minor offenses against public health and decency;

(6) violations, which characteristically involve conduct inappropriate to an orderly society but which do not denote criminality in their commission.

(b) The classification of each felony defined in this title, except murder in the first and second degree, sexual assault in the first degree, and kidnapping, is designated in the section defining it. A felony under Alaska law defined outside this title for which no penalty is specifically provided is a class C felony.

(c) The classification of each misdemeanor defined in this title is designated in the section defining it. A misdemeanor under Alaska law defined outside this title for which no penalty is provided is a class A misdemeanor. (§ 10 ch 166 SLA 1978; am §§ 9, 10 ch 143 SLA 1982)

Effect of amendments. — The 1982 amendment inserted "sexual assault in the first degree" in the first sentences of subsections (a) and (b) and in the introductory language of the second sentence of subsection (a).

aggregate sentence that exceeds the presumptive term for a single count. *Lacquement v. State*, Ct. App. Op. No. 85 (File No. 5741), 644 P.2d 856 (1982). See also *Friedberg v. State*, Ct. App. Op. No. 258 (File No. 7015), 663 P.2d 558 (1983).

Scope of review. — See notes under heading "Review of presumptively imposed sentences," AS 12.55.120, *Juneby v. State*, Ct. App. Op. No. 72 (File No. 5606), 641 P.2d 823 (1982), modified on other grounds and aff'd on rehearing, Ct. App. Op. No. 259 (File No. 5606), 665 P.2d 30 (1983).

Where AS 12.55.145(a)(1) prohibited consideration of prior convictions for purposes of rendering defendant a second offender or third offender under this section, and where defendant was not otherwise subject to a presumptive sentence under this section, the prior criminal acts may nevertheless be considered as constituting an "exceptional case" justifying imposition of sentence in excess of the presumptive sentence for a second offender. *Koganaluk v. State*, Ct. App. Op. No. 176 (File No. 6531), 655 P.2d 339 (1982).

Even if a prior felony conviction is too remote in time to be considered in determining whether a defendant is subject to the presumptive sentencing stat-

utes, the conviction can still be considered for sentencing purposes; and substantial weight can be given to that conviction if the present circumstances indicate that the prior conviction is still relevant. *Maal v. State*, Ct. App. Op. No. 295 (File No. 7076), 670 P.2d 708 (1983).

Failure to prove prior convictions. — When a party has had insufficient time to comply with the notice requirements relating to proof of prior convictions or aggravating and mitigating factors, the appropriate remedy should normally be a continuance of the sentencing proceedings; and failure to consider prior crimes for presumptive sentencing purposes can be condoned only in those cases where the state, after exercising due diligence, is unable to meet the statutory requirements for proof of a prior conviction. *Kelly v. State*, Ct. App. Op. No. 251 (File No. 6311), 663 P.2d 967 (1983).

Sentences for first-degree sexual assault (class A felony) under former law should roughly fall into three categories: (1) the most mitigated, 90 days to three years; (2) typical conduct, three years to six years; and (3) aggravated conduct, six years to 20 years. *State v. Brinkley*, Ct. App. Op. No. 361 (File No. A-164), P.2d (1984).

Sec. 12.55.135. Sentences of imprisonment for misdemeanors.

(a) A defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than one year.

(b) A defendant convicted of a class B misdemeanor may be sentenced to a definite term of imprisonment of not more than 90 days unless otherwise specified in the provision of law defining the offense.

(c) A defendant convicted of assault in the fourth degree committed in violation of the provisions of an order issued under AS 25.35.010 or 25.35.020 shall be sentenced to a minimum term of imprisonment of 20 days.

(d) A defendant convicted of assault in the fourth degree upon a uniformed or otherwise clearly identified peace officer, fire fighter, correctional officer, emergency medical technician, paramedic, ambulance attendant, or other emergency responder who was engaged in the performance of official duties at the time of the assault shall be sentenced to a minimum term of imprisonment of 30 days.

(e) The execution of a sentence under (c) or (d) of this section may not be suspended and probation or parole may not be granted until the minimum term of imprisonment has been served. Imposition of a sentence under (c) or (d) of this section may not be suspended, except upon condition that the defendant be imprisoned for no less than the mini-



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Signature of Camera Operator

10/31/89
Date

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Official Business

Alaska State Legislature

Senate

Pouch V
State Capitol
Juneau, Alaska 99811

February 28, 1985

To: Senator Jan Faiks, Co-chair
Senator John Sackett, Co-chair
Senate Finance Committee

From: Senator Vic Fischer and
Senator Joe Josephson

Re: Anchorage social service block grant (SB 149)

At the initiative of Anchorage senators who served on the Finance Committee in the thirteenth legislature, the FY 85 budget includes \$2.9 million as a grant to the municipality of Anchorage for social services.

It is our hope that the FY86 budget will include the amount of \$4.9 million, as recommended by the social services task force of the municipality of Anchorage.

In 1984, 78 groups in Anchorage sought \$6.6 million in grant funding. Only \$2.9 million, less than half of the request, was available. As a result, only 40 organizations received any funding at all, and most got considerably less than they asked for.

Of the 38 groups that received nothing, many have closed their doors. Essential services were not only cut, in many cases, they were eliminated altogether.

To quote an Anchorage Daily News editorial of November 1984, "The social service agencies we're talking about here aren't much on red tape, government-sized salaries, or empire building. Most persist largely through the dedication of low-paid staff and volunteers who squeeze all they can from short dollars and long talent."

"Across the country, cash-strapped governments are turning to such agencies both because they are impressively efficient and because they draw upon public involvement. They are generally the kind of groups private charity struggles to support: Red Cross, Salvation Army, Literacy Project, Campfire, Bean's Cafe...".

Nearly half the clients in any given Anchorage-based social service agency are non-Anchorage residents. The municipality has accepted the responsibility for administering state funds to these agencies and has

done an excellent job of auditing for performance and proper use of state funds.

It is fair and prudent for the state to assure that the MOA receives adequate funding to maintain current programs and assure that basic social services are available for all Alaskans in the municipal area.

cc: Anchorage area legislators ✓

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2
3

Introduced: 2/12/85
Referred: Community & Regional Affairs, Health,
Education & Social Services and Finance

Funding Information
General Fund \$4,900,000
Other Funds - 0 -
\$4,900,000

1 IN THE SENATE

BY V.FISCHER AND JOSEPHSON

2 SENATE BILL NO. 149

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation for a
7 Municipality of Anchorage social services block
8 grant; and providing for an effective date."

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

10 * Section 1. It is the intent of the legislature that this appropria-
11 tion be used to contract with nonprofit agencies to provide public social
12 services in the Anchorage area, including programs that serve people from
13 other areas of the state. It is also the intent of the legislature that
14 contractors be selected according to criteria established by the Municipal
15 Social Services Task Force, and that the Municipality of Anchorage audit
16 those contracts upon completion.

17 * Sec. 2. The sum of \$4,900,000 is appropriated from the general fund
18 to the Municipality of Anchorage as a block grant for social services.

19 * Sec. 3. The appropriation made by this Act shall be disbursed in
20 accordance with AS 37.05.315.

21 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
22 10.070(c).

23
24
25



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Signature of Camera Operator


Date

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STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

SCRA 3-14-85 3:37pm



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

File SB159

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

March 19, 1985

To: Steve Hole
Legislative Liaison
Dept of Education

From: Senator Edna DeVries, Chair *Edna*
Community and Regional Affairs

Subj: Requested Information

I wanted to confirm my request for information from the Department of Education; which was made to you during our committee hearing on SB 159 on March 14.

During discussion among committee members on percentage funding for school construction I asked you if you could give me the amount of capital grants made by the state for 100% funding during the last 5 years. You said that you did not have the information with you but that you would get it for me. I would appreciate the information broken down by year and school district.

ya

debt ~~service~~ service is not an efficient use of State funds

debt ^{reimbursement} ~~retirement~~ G1 & 6's unfettered access to State funds

What was G1 to be \$13.5 turned out to be \$40 mil


Restructure way we go about h' sch ~~and~~ construction all entities should pay something toward schools

50% was as a disincentive to refinancing

Sturg - Dept Ed 1/36 Dept Rev on bonding capacity - 50% G.O. -

Admin policy on bonding?
Can you analyze

Hole - I cannot answer that - believe OMB has some info on this

DeVries -  1 yr for grants

Hole - will have to get it

3/14/85

Amend #1 - Coghill moved - adopted
90 to 45 unanimously

Amend #2 - Coghill moved --
discussion

Coghill requested to hold over

Fischer - invite troopers to testify on this and
draw shop law

Coghill moved - unanimous consent

SB 159 →

Sen. Paul Fischer -

Kanai will float a \$70 Mil bond
issue next year for schools

Steve Hole

Pg 2 line 15 ref to \$25

State Board is opposed to bill

debt ~~service~~ service is not an efficient
use of State funds

debt ^{reimbursement} ~~retirement~~ G1 to be unfettered access
to State funds

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out to be \$40 mil

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capacity -

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Hole - I cannot answer that - believe OMB
has some info on this

DeVries - 07 → 1 yr for grants

Hole - will have to get it

Sturg

No answer yet to Muni. Assistance
vs. revenue sharing

Must know relationship between
sch funding and other

Bruce Demond

Mat-Su d. vs. sch debt in state
46% of new v. r. To SC Ak.

Growth in Valley basically residential
operating only \$1 Mil 1983 | \$11.7 1985

Double shifting
opening 2 elem 1 jr-sr in
next 2 yrs - they will be at
capacity when opened

bonded for \$110 Mil - will ask for \$70 Mil
in Oct '85

Want 80% for districts experiencing high growth

Jean Krauser - NEA Alaska
support bill

Scott Burgess -

On behalf of Muni League - this is
not enough -

League position is 90%

Bob Greene, rep. School Boards

Sch Bds are tenants of Muni's

Re: 159 in 2 problems - language "up to 95%"
approx may not be 75%
2nd - state has no cap on bonding liability
\$105 mil per year

Do not believe there has been a bill introduced
yet that solves problem

Schs will wait longer for money if they can
know exactly how much money
they will get

This bill doesn't provide a way to set
priorities for money that is available.

REAA's only money is federal
impact money

Alaska State Legislature

Senator Paul A. Fischer
Senate District D
Box 784
Soldotna, Alaska 99669
(907) 262-9420 W
262-9269 H



State Senate

While in Juneau

Pouch V
Juneau, Alaska 99811
(907) 465-3791

March 11, 1985

MEMORANDUM

TO: Senator Edna DeVries, Chairman
Community and Regional Affairs Committee

From: Senator Paul Fischer *PF*

Subject: List of possible witnesses at hearing on SB 159 for 3/12/85.

The following individuals have expressed an interest in testifying before your committee at its meeting at 3:30 PM tomorrow:

Robert C. Greene, Association of Alaska School Boards

Scott Burgess, Alaska Municipal League

Robert Cooksey, NEA-Alaska

I should also appreciate an opportunity to speak in behalf of the bill.

COMMITTEE REPORT
SENATE

FURTHER: HESS
FINANCE

2/14/85

Date March 14, 1985

Mr. President

The Committee on C&RA considered SB 159
state aid for school construction.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature]

[Signature]

[Signature]

[Signature]

Chairman

Chairman recommendation

A RESOLUTION OF THE ALASKA CONFERENCE OF MAYORS
84-10

A RESOLUTION REQUESTING THAT THE LEGISLATURE AND
GOVERNOR RESUME STATE AID TO LOCAL GOVERNMENTS
FOR RETIREMENT OF SCHOOL CONSTRUCTION DEBT
AT THE 90% LEVEL

WHEREAS, the State of Alaska has the responsibility to fund education; and

WHEREAS, the funding of structures in which this education occurs is inherent to this responsibility; and

WHEREAS, public acceptance to construct and/or rehabilitate education facilities requires the process of bond approval by the citizens of the community; and

WHEREAS, past experience of public approval for school construction and rehabilitation, prior to state reimbursement at a 90% level to local municipalities, has been poor; and

WHEREAS, there is a significant population increase projected for the State of Alaska; and

WHEREAS, student "double shifting" has proven not to be in the best interest of our children's education;

NOW, THEREFORE, BE IT RESOLVED by the Mayors' Conference that the State Legislature and Governor resume funding school construction debt retirement at the 90% level.

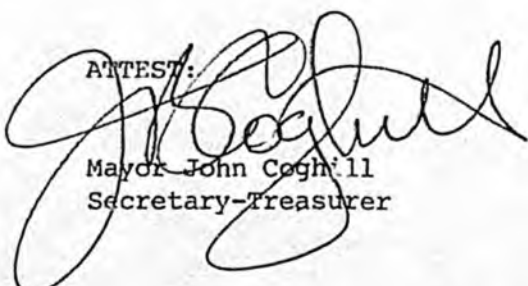
ADOPTED this 16th day of November, 1984.

ALASKA CONFERENCE OF MAYORS



Mayor Jon Halliwill
President

ATTEST:



Mayor John Coghill
Secretary-Treasurer



Matanuska-Susitna Borough

BOX B. PALMER, ALASKA 99645 • PHONE 745-4801

BOROUGH MANAGER

March 8, 1985

Senator Edna DeVries
Pouch V
Juneau, AK 99811

Re: School Foundation Bill; School Construction financing

Dear Edna:

Attached are some materials on the school foundation bill and school construction finance.

One of the most clear statements of the elements of a foundation program is the 1961 report to the State of Alaska called "A Foundation for Public Schools". This was a Ford Foundation funded study conducted by a group of nationally recognized experts on school finance. The 1962 State Legislature followed their recommendations when they acted Alaska's first School Foundation Act. This was a very good act and worked well for some years until it was changed beyond recognition through almost annual ill-advised amendments.

There should be several of us, including Mayor Jones, coming to Juneau on March 14, 1985 for House HESS Committee on Representative Larson's bill to increase funding for unhoused students from 50% to 80% and similar bills (HB 191, 220, 254 and 257).

Sincerely,

A handwritten signature in cursive script that reads "Gary Thurlow".

Gary Thurlow
Borough Manager

GT/jmg



KENAI PENINSULA BOROUGH

BOX 850 • SOLDOTNA, ALASKA 99669
PHONE 262-4441

STAN THOMPSON
MAYOR

March 7, 1985

The Honorable Edna DeVries
Pouch V
Juneau, AK 99811

Dear Senator DeVries:

We in the Kenai Peninsula Borough, by resolution of the borough assembly, strongly support 90% funding for new school construction. We feel that in light of the constitutional requirements this should be done. Furthermore, in our area, as well as the Mat-Su area, we've had such a tremendous increase in growth and such a demand for new school facilities that it puts a strong strain on our local citizenry. As you are probably aware, our area population has increased by over 54% in the last four years. The State does receive the oil revenues - the borough does not receive them. We feel this is a very necessary position for the State to take to fund our local schools, at least to the 90% level.

The 90% funding of our schools is our first priority of all of our capital improvements. Please consider it.

Thank you,

Stan Thompson
Kenai Peninsula Borough Mayor

ST:lc

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

COPY

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

MEMORANDUM

March 7, 1985

SUBJECT: Sectional analysis of SB 159
TO: Senator Paul Fischer
FROM: Keith B. Levy ^{KBL}
Legislative Counsel

You have requested a sectional analysis of SB 159. This bill increases the percentage of municipal school construction debt retired by the state from 50 percent to 75 percent (AS 14.11.100(a)(5)). It applies to cash payments and indebtedness authorized by the voters of a municipality after June 30, 1983.

KBL:ojb
J12/065

Alaska State Legislature

Senator Paul A. Fischer
Senate District D
Box 784
Soldotna, Alaska 99669
(907) 262-9420 W
262-9269 H



State Senate

while in Juneau

Pouch V
Juneau, Alaska 99811
(907) 465-3791

STAFF ANALYSIS: Senate Bill 159 (An Act relating to state aid for school construction)

PURPOSE: Increase percentage of state reimbursement for school construction financed through bonds from 50% to 75%.

RATIONALE: The state legislature is required to "maintain a system of public schools" by Article VII of the Alaska Constitution. This provision of our Constitution has been held by the state supreme court to be unqualified. No other unit of government shares responsibility or authority. *Macauley v. Hildebrand*, Sup. Ct. Op. No. 741 (File No. 1550), 491 P.2d 120 (1971). Funding school construction costs at 100% in some areas of the state while funding other area needs at a lower level fails to meet this constitutional requirement. Passage of SB 159 will reduce the degree of inequitable treatment.

EFFECT OF THE BILL: 1. Increase from 50% to 75% the amount of possible state reimbursement for municipal debt for school construction, additions to schools and major rehabilitation projects which exceed \$25,000 previously approved by the state department of education and voters after June 30, 1983.

2. Likewise increase the state share of cash payments, after a two year time lag, made by municipalities for state approved school construction from half to three quarters of the total over \$25,000.

HISTORY: Several years ago, the legislature developed a state aid for school construction program to reduce the inequities between REAA districts where the state paid 100% and municipal school districts where local taxpayers were paying the entire cost. The original program provided for a 50% reimbursement on a two year time delay. The amount was later changed to 80%. Later the percentage of reimbursement for debt issued before July 1, 1977 was increased to 100%. The last legislature raised the percentage of reimbursement from 80% to 90% for debt issued from July 1, 1978 through June 30, 1983. The same legislature reduced the percentage for debt and payment to 50% for obligations incurred after June 30, 1983. Presently state may pay 100% on pre 7/1/77 debts, 90% on pre 7/1/83 debts and only 50% on newer debt.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB-159
 Title: ... STATE AID FOR SCHOOL CONSTRUCTION ...
 Sponsor: Fischer
 Requestor: Senate C & R A
 Date of Request: 3/11/85

FISCAL DETAIL

Agency Affected: EDUCATION
 Program Category Affected: _____
 BRU, Program or Subprogram(s) Affected: Debt Retirement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS		1,370.9	1,456.7	1,534.8	1,583.8	572.0
800 MISCELLANEOUS						
TOTAL OPERATING		1,370.9	1,456.7	1,534.8	1,583.8	572.0

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
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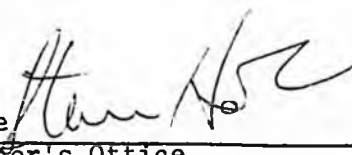
FUNDING: (Thousands of Dollars)

GENERAL FUND		1,370.9	1,456.7	1,534.8	1,583.8	572.0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Steve Hole  Phone: 2800
 Division: Commissioner's Office Date: 3-12-85

Approved by Commissioner: Harold Reynolds, Jr. Date: 3-12-85
 Agency: Education

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

MEMORANDUM


State of Alaska

TO: Steve Hoie, Special Assistant
Commissioner's Office

DATE: March 11, 1985

FILE NO

TELEPHONE NO

FROM: 
Robert Davis, Deputy Director
Management, Law and Finance

SUBJECT

HB
#257 Local Effort
Participation Program -
Printout

Attached is a printout related to the provisions of sub-section (a). The available data on evaluation is from the State assessor's 1984 data, and the tax appropriations are from FY 1984 school district audits. There appears to be no appropriate way to forecast this data into FY-86 or beyond.

The sub-section (c) provisions related to 50 percent debt retirement are given below; the numbers are half (50%) of the unreimbursed 50% portion of school debt retirement per the provisions of sub-section (a).

District Date Sold Term	Impact FY 86	Impact FY 87	Impact FY 88	Impact FY 89	Impact FY 90
FAIRBANKS 05/01/84 to 05/01/89 Series 0	472,025	512,900	557,900	595,395	
KENAI 04/01/84' to 10/01/94	346,674	368,755	384,245	395,625	424,370
KODIAK 05/03/84 to 07/01/89	547,250	568,789	586,423	586,523	140,163
WRANGELL 12/01/83 to 02/01/2003	5,000	6,250	6,250	6,250	7,500
TOTALS	1,370,949	1,456,694	1,534,818	1,583,773	572,033

Attachment

Introduced: 2/14/85
Referred: Community & Regional Affairs,
Health, Education & Social Services,
and Finance

1 IN THE SENATE

BY P.FISCHER

2 SENATE BILL NO. 159

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state aid for school construc-
7 tion."

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

9 * Section 1. AS 14.11.100(a) is amended to read:

10 (a) During each fiscal year, the state shall allocate to a
11 municipality that is a school district, the following sums:

12 (1) payments made by the municipality during the fiscal
13 year two years earlier for the retirement of principal and interest on
14 outstanding bonds, notes or other indebtedness incurred before July 1,
15 1977 to pay costs of school construction;

16 (2) 90 percent of

17 (A) payments made by the municipality during the
18 fiscal year two years earlier for the retirement of principal and
19 interest on outstanding bonds, notes or other indebtedness in-
20 curred after June 30, 1977 and before July 1, 1978 to pay costs
21 of school construction;

22 (B) cash payments made after June 30, 1976 and before
23 July 1, 1978 by the municipality during the fiscal year two years
24 earlier to pay costs of school construction;

25 (3) 90 percent of

26 (A) payments made by the municipality during the
27 fiscal year two years earlier for the retirement of principal and
28 interest on outstanding bonds, notes or other indebtedness in-
29 curred after June 30, 1978 and before January 1, 1982 to pay

1 costs of school construction projects approved under AS 14.07.-
2 020(11);

3 (B) cash payments made after June 30, 1978 and before
4 July 1, 1982 by the municipality during the fiscal year two years
5 earlier to pay costs of school construction projects approved
6 under AS 14.07.020(11);

7 (4) subject to (h) and (i) of this section up to 90 percent
8 of

9 (A) payments made by the municipality during the
10 current fiscal year for the retirement of principal and interest
11 on outstanding bonds, notes or other indebtedness incurred after
12 December 31, 1981, and authorized by the qualified voters of the
13 municipality before July 1, 1983, to pay costs of school con-
14 struction, additions to schools, and major rehabilitation pro-
15 jects that exceed \$25,000 and are approved under
16 AS 14.07.020(11); and

17 (B) cash payments made after June 30, 1982, and before
18 July 1, 1983, by the municipality during the fiscal year two
19 years earlier to pay costs of school construction, additions to
20 schools, and major rehabilitation projects that exceed \$25,000
21 and are approved under AS 14.07.020(11); and

22 (C) payments made by the municipality during the
23 current fiscal year for the retirement of principal and interest
24 on outstanding bonds, notes, or other indebtedness to pay costs
25 of school construction, additions to schools, and major rehabili-
26 tation projects that exceed \$25,000 and are submitted to the
27 Department of Education for approval under AS 14.07.020(11)
28 before July 1, 1983, and approved by the qualified voters of the
29 municipality before October 15, 1983, not to exceed a total

1 project cost of (i) \$6,600,000 if the annual growth rate of
2 average daily membership of the municipality is more than 7
3 percent but less than 12 percent, or (ii) \$20,000,000 if the
4 annual a growth rate of average daily membership of the munic-
5 ipality is 12 percent or more; payments made by a municipality
6 under this paragraph on total project costs that exceed the
7 amounts set out in (i) and (ii) of this paragraph are subject to
8 (a)(5)(A) of this section.

9 (5) subject to (h) and (i) of this section, 75 [50] percent
10 of

11 (A) payments made by the municipality during the
12 fiscal year for the retirement of principal and interest on
13 outstanding bonds, notes or other indebtedness authorized by the
14 qualified voters of the municipality after June 30, 1983 to pay
15 costs of school construction, additions to schools, and major
16 rehabilitation projects that exceed \$25,000 and are approved
17 under AS 14.07.020(11); and

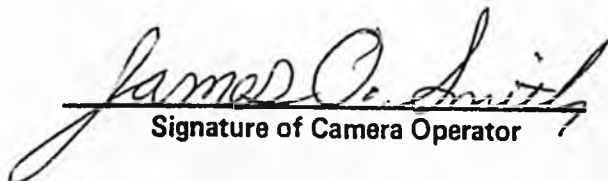
18 (B) cash payments made after June 30, 1983 by the
19 municipality during the fiscal year two years earlier to pay
20 costs of school construction, additions to schools, and major
21 rehabilitation projects that exceed \$25,000 and are approved
22 under AS 14.07.020(11).
23
24
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29



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

S B

190

Scott Burgess -

Please delete Sec 36.98.043 (d)
Leave out municipalities in this bill
— Cost is a factor — ~~don~~ do not leave
it out —

Arless Hold bill & consider amendment by
Dept of Transportation and also the
requested amendment by Ak Munic League

SB 190 3/21/85
get amendment

Coghill moved amendment unanimous consent

Coghill moved bill w/individual recommendations —
unanimous consent

SB - 190 3/15 - asked CVRA for position paper
and fiscal note

3/15 Asked Paul's ofc for back-up-testimony

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

SCRA 3-21-85 3:40p.m.



Alaska State Legislature

Official Business

Community & Regional Affairs Committee

Pouch V
State Capitol
Juneau, Alaska 99811

March 21, 1985

Senate C&RA Meeting -- 3:30p

Will take up two bills ----

SB 190 - An Act extending the residential property tax exemption and tax equivalency and reimbursement payments to certain widows and widowers

SB 204 - An Act relating to contracts for architectural, engineering, and land surveying services

SB 190 extends the exemption from municipal property taxes and tax equivalency payments for rent which is currently available to elderly residents and disabled veterans to widows and widowers of those persons if said persons are 60 years old or older. -- SB 113, an Administration bill, contains the same provisions (see Sec 4(e)) except that the surviving spouse must be at least 55 years of age. -- The Dept of C&RA supports SB 190, and requests that it be amended to allow the department to prorate payments in the event of funding shortages. Fiscal note requests \$31,900 in FY'86 and 10% annually thereafter due to inflation. -- Local government will be impacted in that local assessor/staff will be required to verify eligibility of widow/widower.

SB 204 requires that professional services contracts for architectural, engineering, and land survey services be negotiated rather than awarded strictly on the basis of lowest bid. Bill sponsor, Senator Sturgulewski proposes an amendment to the bill upon the recommendation of the Director of the Division of Occupational Licensing that would require that contracts be awarded only to persons, partnerships, and corporations registered in Alaska under AS 08.48 (Registration and Practice provisions). The Dept of Transportation/Public Facilities believes that price should be a factor in selecting architectural, engineering and survey services and suggests an amendment to the bill. Fiscal note for DOT/PF is zero
-----The Dept of Administration opposes the bill and attaches a zero fiscal note.

The information packet on SB 204 includes a summary of other state laws relating to AE/S services; Public Law 92-582 which requires the GSA to negotiate with firms most qualified; a GSA special committee report on the subject; and a number of articles from professional periodicals relating to subject bill.

COMMITTEE REPORT SENATE

FURTHER: FINANCE

2/26/85

Date March 21 1985

Mr. President

The Committee on C&RA considered SB 190

extending the residential property tax exemption and tax equivalency and reimbursement payments to certain widows and widowers; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title _____
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]
[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature]
Chairman

[Signature]
Chairman recommendation



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

March 25, 1985

To: Senator Jan Faiks, Co-Chairman
Senate Finance

From: Senator Edna DeVries, Chairman *E. DeVries*
Senate Community/Regional Affairs

Subj: Senate Bill 190

Subject bill has passed out of C&RA and will be read across and referred to Finance tomorrow, March 26. My committee has added one amendment to the bill.

In comments from Legal Services relating to our committee amendment, it was suggested that the effective date of the bill be changed to January 1, 1986; specifically due to the fact that local government generally operates on a calendar year basis.

I agree that the effective date for SB 190 should be changed to January 1, 1986; and request that Finance so amend the bill. This has been discussed with the bill sponsor, Senator Paul Fischer.

cc: Senator Paul Fischer
C&RA Members

P.S. Also note that bill title change is included in our amendment; as per recommendation from Tam Cook, Legal Services.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 22, 1985

SUBJECT: Benefits for certain widows and widowers
(Senate Bill 190)

TO: Senator Edna DeVries

FROM: Tamara Brandt Cook
Deputy Director *TBC*
Division of Legal Services

Here is the amendment that you requested. It adds provisions to authorize payment of prorated portions of the benefits under the three programs dealt with in SB 190 if appropriations are not adequate to fully fund payments to all eligible recipients. Since these additions do not deal with benefits to widows and widowers as such, I have in this amendment, broadened the title of the bill to more accurately reflect the subject as it has been expanded.

In preparing this amendment I noticed that the effective date of this bill is tied to the fiscal year. Since all three programs amended in this bill involve benefits calculated according to rates of municipal taxation, the bill should become effective at the beginning of the tax year to avoid the administrative difficulties of calculating the level of benefits for half a year. I would recommend that the effective date be changed to January 1, 1986.

TBC:ojb
J13/016

A M E N D M E N T

Offered in the SENATE

By the Community and Regional

TO: SB 190

Affairs Committee

Page 1, line 6:

Delete "extending" and insert "relating to"

Page 1, line 8:

Delete "to certain widows and widowers"

Page 1, after line 25, insert a new bill section to read:

"* Sec. 2. AS 29.53.020(g) is amended to read:

(g) The state shall reimburse a borough or city, as appropriate, for the real property tax revenues lost to it by the operation of (e) of this section. However, reimbursement will be made to a borough or city for revenue lost to it only to the extent that the loss exceeds an exemption that [WHICH] was granted by the borough or city, or that [WHICH] upon proper application by an individual would have been granted by the borough or city, under AS 29.53.025(a). If appropriations are not sufficient to fully fund reimbursements under this subsection, the amount available shall be distributed pro rata among eligible municipalities."

Renumber the following sections accordingly.

Page 2, after line 6, insert a new bill section to read:

"* Sec. 4. AS 29.73.060 is amended by adding a new subsection to read:

(f) If appropriations are not sufficient to fully fund tax equivalency payments under this section, the amount available shall be distributed pro rata among eligible residents."

Renumber the following sections accordingly.

Page 2, after line 20, insert a new bill section to read:

"* Sec. 6. AS 29.73.062 is amended by adding a new subsection to read:

(f) If appropriations are not sufficient to fully fund reimbursement payments under this section, the amount available shall be distributed pro rata among eligible residents."

Renumber the following section accordingly.

Introduced: 2/26/85
Referred: Community & Regional Affairs
and Finance

BY P.FISCHER, ABOOD,
ELIASON, V.FISCHER,
ZIEGLER, ZHAROFF AND
COGHILL

1 IN THE SENATE

2 SENATE BILL NO. 190

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act ^{relating to} ~~extending~~ the residential property tax exemp-
7 tion and tax equivalency and reimbursement payments
8 ~~to certain widows and widowers,~~ and providing for an
9 effective date."

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

11 * Section 1. AS 29.53.020(e) is amended to read:

12 (e) The real property owned and occupied as a permanent place of
13 abode by a (1) resident 65 years of age or over; (2) [OR BY A] dis-
14 abled veteran; or (3) resident at least 60 years old who is the widow
15 or widower of a person who qualified for an exemption under (1) or (2)
16 of this subsection, is exempt from taxation of the assessed value of
17 the real property. Only one exemption may be granted for the same
18 property and, if two or more persons are eligible for an exemption for
19 the same property, the parties shall decide between or among them-
20 selves which shall receive the benefit of the exemption. Real prop-
21 erty may not be exempted under this subsection if the assessor deter-
22 mines, after notice and hearing to the parties concerned, that the
23 property was conveyed to the applicant primarily for the purpose of
24 obtaining the exemption. The determination of the assessor may be
25 appealed under AS 44.62.560 - 44.62.570.

26 **NEW SECTION**

26 * Sec. 2. AS 29.73.060(a) is amended to read:

27 (a) A resident of the state [65 YEARS OF AGE OR OLDER OR A
28 DISABLED VETERAN] who rents a permanent place of abode is eligible for
29 a tax equivalency payment from the state through the Department of

1 Community and Regional Affairs if the resident is

2 (1) at least 65 years old;

3 (2) a disabled veteran; or

4 (3) at least 60 years old and the widow or widower of a

5 person who was eligible for a payment under (1) or (2) of this sub-
6 section.

7 **NEW SECTION**
* Sec. 3. AS 29.73.062(a) is amended to read:

8 (a) A resident of the state [65 YEARS OF AGE OR OLDER OR
9 DISABLED VETERAN] who rents a permanent place of abode and is other-
10 wise eligible for a reimbursement payment from the state may receive a
11 payment through the Department of Community and Regional Affairs if
12 the abode is located in a municipality that [(1)] does not levy and
13 collect a property tax, [;] and [(2)] levies and collects a sales tax
14 on rents paid for residential property. A resident is eligible for a
15 payment if the resident is

16 (1) at least 65 years old;

17 (2) a disabled veteran; or

18 (3) at least 60 years old and the widow or widower of a

19 person who was eligible for a payment under (1) or (2) of this sub-
20 section.

21 **NEW SECTION**
" Sec. 4. This Act takes effect July 1, 1985.



Official Business

Alaska State Legislature

Community & Regional Affairs Committee

Pouch V
State Capitol
Juneau, Alaska 99811

(wording from Sec. 6 of SB 113)

If appropriations made for the purpose of reimbursement to a municipality under this act are inadequate to provide full reimbursement to each municipality entitled to reimbursement, payments to all municipalities entitled to receive reimbursement under this ^{act} ~~section~~ must be prorated.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 18, 1985

SUBJECT: Benefits for certain widows and widowers
(Senate Bill 190)

TO: Senator Paul Fischer

FROM: Tamara Brandt Cook
Deputy Director *TBC*
Division of Legal Services

Here is the sectional analysis that you requested of SB 190 dealing with benefits for certain widows and widowers.

Section 1 This extends the exemption from municipal property taxes currently available to elderly residents and disabled veterans to widows and widowers of those persons. The exemption applies to property owned and occupied as a permanent place of abode by a widow or widower.

Section 2 This extends the tax equivalency payments currently available to elderly residents and disabled veterans to widows and widowers of those persons. A widow or widower who rents a permanent place of abode in a municipality that levies property taxes is eligible for payments.

Section 3 This extends reimbursement payments currently available to elderly residents and disabled veterans to widows and widowers of those persons. A widow or widower who rents a permanent place of abode in a municipality that does not levy property taxes but does levy sales taxes on rents paid for residential property is eligible for payments.

Section 4 The Act takes effect at the beginning of the next fiscal year.

TBC:ojb
J13/004

SECTIONAL ANALYSIS

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

March 18, 1985

POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700

949 E. 36TH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99508
PHONE: (907) 563-1073

POSITION PAPER

RE: SB 190

SPONSORS: Senator P. Fischer, Senator Abood, and Senator
Eliason

SB 190 allows for the widow/widower of a person who received:
(1) A Property Tax Exemption or (2) A Tax Equivalency (Renter)
payment to continue to receive the exemption, if the
widow/widower is at least 60 years old or older.

ANALYSIS

The department supports the passage of this bill. We understand the hardship a widow/widower encounters, financially due to the loss of a spouse. We have introduced similar legislation in SB Section 4, which would allow a surviving spouse, age 55 or older to continue receiving the property tax exemption.

In supporting this bill we would like to add an amendment which would address the funding problem. Due to the addition of disabled veterans (Chapter 40, SLA 84), increased numbers of senior citizens, statewide increases in both property taxes and rent's the money required to fully fund these programs has drastically increased. Therefore, we recommend including language which would allow the department to prorate payments in the event of future funding shortages.

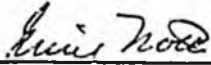
COST ANALYSIS

General fund costs are due to an increase in eligible applicants. This cost is estimated to be \$5,000 and will increase 10% annually due to inflation. Additional costs are attributed to the added position of a clerk typist.

HB 190
March 18, 1985
Page 2

IMPACT ON LOCAL GOVERNMENTS:

Additional work for the local assessor and staff will be required in verifying the eligibility of the widow/widower for this exemption.



Emil Notti, Commissioner

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 3/15/85

REQUEST

Bill/Resolution No.: SB 190
 Title: Extending tax exemptions to certain widows & widowers
 Sponsor: P. Fischer, Abood, Eliason
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Community and Regional Affairs
 Program Category Affected: Senior Citizens/Disabled Veterans Tax Relief
 BRU, Program or Subprogram(s) Affected: Senior Citizens/Disabled Veterans Property Tax Exemption & Rentors Equivalency Rebate

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	0	25.4	26.7	28.0	29.4	30.9
200 TRAVEL						
300 CONTRACTUAL	0	.5	.5	.6	.6	.7
400 SUPPLIES	0	.2	.2	.2	.2	.2
500 EQUIPMENT	0	.8	0	0	0	0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS	0	5.0	5.5	6.0	6.6	7.2
800 MISCELLANEOUS						
TOTAL OPERATING	0	31.9	32.9	34.8	36.8	39.0

CAPITAL	0					
----------------	----------	--	--	--	--	--

REVENUE	0					
----------------	----------	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	31.9	32.9	34.8	36.8	39.0
FEDERAL FUNDS						
OTHER						
TOTAL	0	31.9	32.9	34.8	36.8	39.0

POSITIONS:

FULL-TIME	0	1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Position paper attached.

Prepared By: Michael Worley State Assessor
 Division: Municipal and Regional Assistance

Phone: 465-4735

Date: 3/15/85

Approved by Commissioner: Kuie Noss
 Agency: Community and Regional Affairs

Date: 3/15/85

Distribution (by Agency preparing fiscal note):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

1.	POSITION TITLE Clerk Typist III for FY 86			RANGE/STEP 08/A	BARG. UNIT GGU	PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PET	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL	ADDITION			JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT	<p>This position will be needed in FY 86 to handle growing workload demands. With the changes in the tax exemption programs, proposed prorating of reimbursements for senior citizen/disabled veterans homeowners tax exemptions and the inclusion of disabled veterans and rural residents in tax relief programs.</p>				
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	19,570							
6.	Benefits	5,871							
7.	Supplemental Benefits								
8.	Fixed Benefits								
9.	TOTAL PERSONAL SERVICES	01	25,441						
10.	Travel	02	0						
11.	Contractual	03	500						
12.	Commodities	04	200						
13.	Equipment	05	800						
14.	Other								
15.	TOTAL COST		26,941						
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.		General Funds 1004		26.9					
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							
FOR B&M USE ONLY KEY NUMBER _____									

REQUEST FOR
NEW POSITION

AGENCY Community and Regional Affairs
PROGRAM Community Development
Local Government Assistance
BRU _____
COMPONENT _____

Page _____ of _____
Revised Date _____

FY 86

Alaska State Legislature

Senator Paul A. Fischer
Senate District D
Box 784
Soldotna, Alaska 99669
(907) 262-9420 W
262-9269 H



State Senate

While in Juneau

Pouch V
Juneau, Alaska 99811
(907) 465-3791

March 18, 1985

Memorandum: Senate Bill 190 "An Act extending the residential property tax exemption and tax equivalency reimbursement payments to certain widows and widowers"

To: Senator Edna DeVries, Chairwoman
Community & Regional Affairs Committee

From: Senator Paul Fischer

Presently surviving spouses of both disabled veterans and residents 65 years of age or over are stripped of any property tax exemption or tax equivalency payment upon the death of their spouse. This deprivation is unpleasant news for a bereaved widow or widower to receive in addition to the recent loss of a loved one.

Senate Bill 190 would allow widows and widowers who are at least 60 years of age and who are surviving spouses of those who previously qualified for exemptions or payments to continue to receive them.

Salient features: Section 1. extends the tax exemption on owner occupied residential property presently enjoyed by residents 65 years of age or older and by disabled veterans to their surviving spouse if he or she is at least 60 years of age. Section 2. makes the same extension of benefit to renters eligible for tax equivalency payment where a real property tax is in force. Section 3. makes widows and widowers eligible to receive present benefits in locations where a sales tax is levied on rents paid for residential property. Section 4. provides that the act take effect at the beginning of Fiscal Year 1986 on July 1, 1985.

STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

March 18, 1985

BILL SHEFFIELD, GOVERNOR

POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700

949 E. 36TH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99508
PHONE: (907) 563-1073

POSITION PAPER

RE: SB 190

SPONSORS: Senator P. Fischer, Senator Abood, and Senator Eliason

SB 190 allows for the widow/widower of a person who received: (1) A Property Tax Exemption or (2) A Tax Equivalency (Renter) payment to continue to receive the exemption, if the widow/widower is at least 60 years old or older.

ANALYSIS

The department supports the passage of this bill. We understand the hardship a widow/widower encounters, financially due to the loss of a spouse. We have introduced similar legislation in SB Section 4, which would allow a surviving spouse, age 55 or older to continue receiving the property tax exemption.

In supporting this bill we would like to add an amendment which would address the funding problem. Due to the addition of disabled veterans (Chapter 40, SLA 84), increased numbers of senior citizens, statewide increases in both property taxes and rent's the money required to fully fund these programs has drastically increased. Therefore, we recommend including language which would allow the department to prorate payments in the event of future funding shortages.

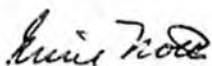
COST ANALYSIS

General fund costs are due to an increase in eligible applicants. This cost is estimated to be \$5,000 and will increase 10% annually due to inflation. Additional costs are attributed to the added position of a clerk typist.

HB 190
March 18, 1985
Page 2

IMPACT ON LOCAL GOVERNMENTS:

Additional work for the local assessor and staff will be required in verifying the eligibility of the widow/widower for this exemption.



Emil Notti, Commissioner

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 3/15/85

REQUEST

Bill/Resolution No.: SB 190
 Title: Extending tax exemptions to certain widows & widowers
 Sponsor: P. Fischer, Abood, Eliason
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

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 Program Category Affected: Senior Citizens/Disabled Veterans Tax Relief
 BRU, Program or Subprogram(s) Affected: Senior Citizens/Disabled Veterans Property Tax Exemption & Rentors Equivalency Rebate

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CAPITAL	0					
REVENUE	0					

FUNDING: (Thousands of Dollars)

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TOTAL	0	31.9	32.9	34.8	36.8	39.0

POSITIONS:

FULL-TIME	0	1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Position paper attached.

Prepared By: Michael Worley, State Assessor
 Division: Municipal and Regional Assistance

Phone: 465-4735
 Date: 3/15/85

Approved by Commissioner: Kevin Noss
 Agency: Community and Regional Affairs

Date: 3/15/85

Distribution (by Agency preparing fiscal note):

Legislative Finance
 Legislative Sponsor
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 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

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**REQUEST FOR
NEW POSITION**

AGENCY Community and Regional Affairs
PROGRAM Community Development
Local Government Assistance
BRU _____
COMPONENT _____

Page _____ of _____
Revised Date _____

FY 86

Alaska State Legislature

Senator Paul A. Fischer
Senate District D
Box 784
Soldotna, Alaska 99669
(907) 262-9420 W
262-9269 H



While in Juneau

Pouch V
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State Senate

March 18, 1985

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