

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

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LEGAL SERVICES

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MEMORANDUM

January 19, 1996

SUBJECT: HB 409 (Work Order No. 9-LS0807G)

TO: Representative Pete Kelly
Attn: Paula Conru

FROM: Terri Lauterbach
Legislative Counsel

Attached is a description I have prepared that outlines the effects HB 409 would have on the distribution of functions currently assigned to the Department of Commerce and Economic Development and the Department of Community and Regional Affairs.

Rather than duplicating the section-by-section analysis that I understand is being done by your staff, I have taken this descriptive approach in order to provide an additional source of information about what this bill does. I hope you find it useful.

Please let me know if you or your staff have a question about any particular section of HB 409 as you prepare your section-by-section analysis.

While I was preparing the attached description of HB 409, I came across the following issues that I want to bring to your attention:

(1) Section 159 contains an out-of-date version of former AS 44.47.762(c) (which is Sec. 23.05.460(c) in the bill) and section 262 of the bill contains an out-of-date version of the legal assistance grant program. In 1995, this program was amended to include juvenile justice grants for youth courts. The changes were not in the data base used to prepare your bill last summer, and we did not catch the oversight during our office procedures designed to catch things like this during the interim. Would you like an amendment prepared to update these sections so that juvenile justice grants are not inadvertently eliminated and Sec. 23.05.460(c) is accurate? I apologize for this glitch.

#2

Explanation-technical correction

This amendment corrects a drafting error in the bill. This section formerly referred to two departments (Commerce and Labor), now it refers to only one (Labor), hence the word "each" needs to be removed. The section is section 36, which pertains to citations for construction contractors, which is in Occupational Licensing, which is under the Dept. of Labor in this bill.

AP 3

9-LS0807AG.3
Lauterbach
2/2/96

#2

AMENDMENT

OFFERED IN THE HOUSE
TO: HB 409

BY REPRESENTATIVE IVAN

- 1 Page 10, line 12:
- 2 Delete "each"
- 3 Insert "[EACH]"

H3

Explanation

Moves the AK Minerals Commission from DNR (where it is located in the current version of the bill) to the new department.

Deputy Commissioner Bush said in his testimony last Thursday that the AK Minerals Commission was clearly development related and belonged in the new department rather than DNR.

A M E N D M E N T

#3

OFFERED IN THE HOUSE

BY REPRESENTATIVE IVAN

TO: HB 409

1 Page 103, after line 1:

2 Insert a new bill section to read:

3 "* Sec. 276. AS 44.33.431(a) is amended to read:

4 (a) The Alaska Minerals Commission is established in the Department of

5 Community [COMMERCE] and Economic Development."

6 Renumber the following bill sections accordingly.

7 Page 116, line 19, through page 117, line 4:

8 Delete all material.

9 Page 117, line 5:

10 Delete "ARTICLE 4"

11 Insert "ARTICLE 3".

12 Page 154, line 6:

13 Delete ", and 44.33.431"

#4

#G.5

Explanation

This amendment transfers the Child Care Facility Revolving Loan Fund to the new department.

As Deputy Commissioner Bush testified, this loan program is part of the Division of Investments, which under the bill is transferred to the new department. There is nothing to gain by separating it from the Division of Investments.

A M E N D M E N T

#4

OFFERED IN THE HOUSE

BY REPRESENTATIVE IVAN

TO: HB 409

1 Page 102, after line 19:

2 Insert new bill sections to read:

3 **** Sec. 274.** AS 44.33.240(a) is amended to read:

4 (a) There is in the Department of Community [COMMERCE] and Economic
5 Development the child care facility revolving loan fund to carry out the purposes of
6 AS 44.33.240 - 44.33.275. Except as provided in (b) and (c) of this section, the fund
7 may not be used for any other purpose.

8 *** Sec. 275.** AS 44.33.242(b) is amended to read:

9 (b) The commissioner of community [COMMERCE] and economic
10 development may expend money credited to the foreclosure expense account when
11 necessary to protect the state's security interest in collateral on loans made under
12 AS 44.33.245 or to defray expenses incurred during foreclosure proceedings after a
13 default by an obligor.

14 *** Sec. 276.** AS 44.33.270(a) is amended to read:

15 (a) The commissioner [OF COMMERCE AND ECONOMIC
16 DEVELOPMENT] may sell or transfer at par value or at a premium to a bank or
17 other private purchaser for cash or other consideration the mortgages and notes held
18 by the department as security for loans made under AS 44.33.240 - 44.33.275.

19 *** Sec. 277.** AS 44.33.275(2) is amended to read:

20 (2) "department" means the Department of Community
21 [COMMERCE] and Economic Development.

22 *** Sec. 278.** AS 44.33.275 is amended by adding a new paragraph to read:

23 (3) "commissioner" means the commissioner of community and
24 economic development."

1 Renumber the following bill sections accordingly.

2 Page 149, line 20, through page 151, line 20:

3 Delete all material.

4 Page 154, lines 5 - 6:

5 Delete "AS 44.33.240, 44.33.242, 44.33.245, 44.33.255, 44.33.260, 44.33.270,
6 44.33.272, 44.33.275, and 44.33.431"

7 Insert "AS 44.33.431"

~~45~~

Explanation

Transfers planning assistance for development and maintenance of district coastal management programs (AK Coastal Management Program) from DNR to new department. The intent of the AK Coastal Management Program is to provide strong local influence over what resource agencies such as DNR do within district boundaries. Thus to locate this program within DNR would seem conflict with or at least dilute the program's intent.

#5

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE IVAN

TO: HB 409

1 Page 110, after line 24:

2 Insert a new section to read:

3 "ARTICLE 8B. PLANNING ASSISTANCE.

4 Sec. 44.33.782. PLANNING ASSISTANCE FOR DEVELOPMENT AND
5 MAINTENANCE OF DISTRICT COASTAL MANAGEMENT PROGRAMS. (a)

6 The Department of Community and Economic Development shall conduct a program
7 of research, training, and technical assistance to coastal resource districts necessary
8 for the development and implementation of district coastal management programs
9 under AS 46.40. The technical assistance shall include the direct granting to the
10 coastal resource districts of a portion of any funds received by the state from the
11 federal coastal zone management program, in amounts to be individually determined
12 for each coastal resource district by the commissioner of community and economic
13 development. State agencies shall assist the department in carrying out the purposes
14 of this section.

15 (b) The department may accept and expend grants from the federal
16 government and other public or private sources, may contract with reference to them,
17 and may enter into contracts and exercise all other powers necessary to carry out this
18 section."

19 Page 116, lines 6 - 14:

20 Delete all material.

21 Page 116, line 18:

22 Delete "AS 44.47.080 - 44.47.100"

23 Insert "AS 44.37.200 - 44.37.240"

#6

Explanation

This amendment transfers the National Petroleum Reserve from DNR to the new Department. DNR said they have no expertise in grant administration of funds produced by federal leases and it would be duplicative and expensive for them to develop this expertise.

#6

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE IVAN

TO: HB 409

- 1 Page 76, line 22:
- 2 Delete "Natural Resources [COMMUNITY AND"
- 3 Insert "Community and Economic Development ["

Explanation

This amendment transfers the Uniform Land Sales Practices Act from DNR (where it is placed in the bill) to the new department.

DNR said this is a seldom used program which requires developers to register land subdivisions before offering lots for sale to Alaskans. Also said transferring it to DNR could be a potential conflict of interest because DNR is a competing subdivider within its own active program of state land sales.

A M E N D M E N T

#7

OFFERED IN THE HOUSE

BY REPRESENTATIVE IVAN

TO: HB 409

- 1 Page 71, lines 10 - 11:
- 2 Delete "Natural Resources [COMMERCE AND ECONOMIC DEVELOPMENT]
- 3 Insert "Community [COMMERCE] and Economic Development"

#8

Explanation

Transfers planning assistance from DNR to the new department. DNR said these duties would take them far beyond their mission and expertise. They said it would be duplicative and expensive for them to acquire skills in urban planning, etc.

A M E N D M E N T

#8

OFFERED IN THE HOUSE

BY REPRESENTATIVE IVAN

TO: HB 409

1 Page 110, after line 24:

2 Insert new sections to read:

3 "ARTICLE 8B. PLANNING ASSISTANCE.

4 Sec. 44.33.782. PLANNING ASSISTANCE TO PLATTING AUTHORITIES.

5 To facilitate planning in municipalities that exercise planning and zoning authority,
6 the department may provide planning assistance, including but not limited to surveys,
7 land use studies, urban renewal plans, technical services, model acts that include
8 regulations designed to encourage development and use of energy systems not
9 dependent on oil or gas, and other planning work to a city, borough, or other platting
10 authority. In an area under the jurisdiction, for planning purposes, of a city, borough,
11 or other platting authority, the department may not perform the planning work except
12 at the request or with the consent of the local authority.

13 Sec. 44.33.784. ASSISTANCE BY CITIES AND PLATTING
14 AUTHORITIES. A city or platting authority may make funds under its control
15 available to the department for the purposes of obtaining planning work or planning
16 assistance, or both, for its area. The department may contract for, accept, and expend
17 the funds for urban planning for the local jurisdiction.

18 Sec. 44.33.786. LAND USE PLANNING AND STATE FACILITY
19 PROCUREMENT PLAN. The department shall make recommendations to the
20 Department of Transportation and Public Facilities and to appropriate program
21 agencies concerning the effect upon the comprehensive plan or other land use plans
22 or proposals of municipalities and unincorporated communities with respect to the
23 facility procurement plan required to be prepared in accordance with AS 35.10.170
24 and AS 44.42.055.

25 Sec. 44.33.788. OTHER PLANNING POWERS. The department may accept

1 and expend grants from the federal government and other public or private sources,
2 may contract with reference to them, and may enter into contracts and exercise all
3 other powers necessary to carry out AS 44.33.782 - 44.33.788.

4 Sec. 44.33.790. In AS 44.33.782 - 44.33.790, "department" means the
5 Department of Community and Economic Development."

6 Page 115, line 16, through page 116, line 5:

7 Delete all material.

8 Page 116, line 15:

9 After "Sec. 44.37.240."

10 Insert "OTHER"

11 Delete "OF AUTHORITY"

12 Page 116, line 18:

13 Delete "AS 44.47.080 - 44.47.100"

14 Insert "AS 44.37.230"

AMENDMENT G.13

#9

This amendment moves the operation of the Head Start program from Education to the new department.

As stated through the testimony heard by the committee, communities and parents believed this program would function better under the new department than it would if under the Department of Education. The Department of Education also stated its preference for this program to stay with the new department.

A M E N D M E N T

#19

OFFERED IN THE HOUSE

BY REPRESENTATIVE IVAN

TO: HB 409

- 1 Page 96, lines 18 - 30:
- 2 Delete all material.
- 3 Renumber the following bill sections accordingly.
- 4 Page 100, line 13:
- 5 Delete "and"
- 6 Page 100, line 16, after "1993":
- 7 Insert new material to read:
- 8 ": and
- 9 (19) operate the head start funding program governed by 42 U.S.C.
- 10 9835"

#G.14

#10

Explanation

This amendment transfers the Day Care Assistance and Child Care grants to the new department. During the public teleconference hearing we heard ample testimony objecting to their placement in the Dept. of Health & Social Services. The arguments were two-fold--that these programs are not "welfare" and that they are tied to development and therefore belong with the new development agency.

The child care grants go to licensed child care providers to promote quality care and increase viability of small businesses. This could be argued to be development related.

Day Care Assistance grants go to low income families to help cover the cost of child care while they are working, training, or seeking work. Their purpose is to "decrease barriers" and increase employment by assisting families with child care costs.

A M E N D M E N T

H 10

OFFERED IN THE HOUSE

BY REPRESENTATIVE IVAN

TO: HB 409

1 Page 72, line 30, after "under":

2 Insert "AS 44.33.850"

3 Page 72, line 31:

4 Delete "[AND]"

5 Insert "and"

6 Delete "i"

7 Page 73, line 1:

8 Delete "and AS 47.35.910"

9 Page 115, after line 8:

10 Insert new material to read:

11 "ARTICLE 12. DAY CARE ASSISTANCE; CHILD CARE GRANTS.

12 Sec. 44.33.850. POWERS AND DUTIES. (a) The department shall

13 (1) implement and administer a program to assist in providing day care
14 for the children of low and moderate income families according to the requirements
15 of AS 44.33.850 - 44.33.869;

16 (2) establish standards of eligibility for day care benefits;

17 (3) contract for the care of children of eligible families;

18 (4) establish procedures to periodically review the needs of families
19 receiving day care benefits;

20 (5) provide notification to the local government body of the request
21 for a contract with a day care facility.

22 (b) The department may

1 (1) adopt regulations necessary for the performance of its duties under
2 AS 44.33.850 - 44.33.869;

3 (2) contract with other entities to perform duties of the department
4 under AS 44.33.850 - 44.33.869 within an area specified by the department; within
5 an area, the department shall give higher priority to contracting with municipalities
6 than with other organizations.

7 Sec. 44.33.852. ADMINISTRATIVE COSTS OF PROGRAM
8 CONTRACTORS. To defray administrative expenses, a contractor under
9 AS 44.33.850(b) may only retain \$1,000 or 12 percent, whichever is greater, of the
10 day care assistance program funds it receive from the department under the contract.

11 Sec. 44.33.854. CONDITIONS OF RECEIPT OF BENEFITS. Benefits may
12 be paid for the care of children of a low or moderate income family only if a parent
13 or guardian, because of the day care, is freed to work or to seek work or to attend
14 school. Benefits may not be paid for the care of children of a family where one
15 parent or guardian is not working, actively seeking work, or attending school and is
16 physically and mentally capable of caring for the children.

17 Sec. 44.33.856. ELIGIBILITY OF FAMILIES FOR BENEFITS. The
18 department shall determine the eligibility of families for day care benefits on the basis
19 of the following factors:

20 (1) net income of the family including salary, alimony, child support,
21 retirement benefits, social security, and any other source of income;

22 (2) number of children in the family;

23 (3) whether there is one parent or guardian solely responsible for the
24 care of the family;

25 (4) other factors found relevant by the department.

26 Sec. 44.33.858. CONTRIBUTIONS BY PARENT OR GUARDIAN. The
27 department shall develop a sliding fee scale based on the factors listed in
28 AS 44.33.856 for purposes of determining the amount to be contributed by the parent
29 or guardian for child care. The contribution of the parent or guardian shall be paid
30 to the day care facility.

31 Sec. 44.33.860. PLACEMENT; PAYMENT BY STATE. (a) Parents or

1 guardians shall select the day care facility for the care of their children.

2 (b) Benefits shall be paid by the department directly to the municipality or
3 organization contracting with the day care facility.

4 Sec. 44.33.865. CHILD CARE GRANT PROGRAM. (a) A child care grant
5 program is established in the department to provide state assistance in the operation
6 of child care facilities. The department shall provide grants for the operation of child
7 care facilities, including private nonprofit child care facilities. Participation in the
8 program is optional.

9 (b) To qualify for a grant under (a) or (d) of this section, the child care
10 facility must

11 (1) be currently licensed under AS 47.35 and applicable municipal
12 licensing requirements;

13 (2) participate in the day care assistance program under AS 44.33.850 -
14 44.33.869; and

15 (3) provide care under a payment system as provided in (g) of this
16 section.

17 (c) A grant under (a) of this section may not exceed \$50 per month for each
18 child the child care facility cares for, or for each full-time equivalent, as determined
19 by the department. The grant shall be adjusted on a geographic basis by the same
20 percentages as instructional unit allotments are adjusted under AS 14.17.051.

21 (d) In addition to the grants provided in (a) of this section, the department
22 may, subject to appropriations for that purpose, provide by grant or contract for the
23 education and training of child care employees or administrators. To receive a grant
24 or contract under this subsection or to participate in a training program under this
25 subsection, the child care facility must meet all the requirements of (b) of this section.

26 (e) An application for a grant under this section shall be made in the form
27 established by the department.

28 (f) A grant under (a) of this section shall be made monthly or quarterly and
29 shall be based on the monthly average daily full-time equivalent enrollment in the
30 child care facility. If the method of payment for the grant is other than monthly, it
31 shall be at the request of the child care facility with the approval of the department.
32 Based on criteria established by the department, the department may make quarterly

1 advance payments.

2 (g) Each child care facility receiving a grant under (a) or (d) of this section
3 shall assure that at least 15 percent or one of its child care spaces receiving subsidy
4 under this section, whichever is greater, will be made available, if requested, to
5 children eligible for day care assistance under AS 44.33.850 - 44.33.869, whose
6 parents or guardians wish to pay for care based on attendance only.

7 (h) The commissioner shall, in consultation with interested child care
8 providers and parents, adopt regulations to carry out the purposes of this section.

9 Sec. 44.33.869. DEFINITIONS. In AS 44.33.850 - 44.33.869,

10 (1) "child" means a person below 13 years of age, or a minor who has
11 a developmental disability;

12 (2) "child care facility" means an establishment licensed under
13 AS 47.35 including but not limited to day care centers, family day care homes, and
14 schools for preschool age children, which provides care for children not related by
15 blood, marriage, or legal adoption to the owner, operator, or manager of the facility;

16 (3) "day care" means the care, supervision, and guidance of a child or
17 children unaccompanied by a parent or legal guardian on a regular basis for periods
18 of less than 24 hours a day;

19 (4) "day care facility" means a center or home licensed in accordance
20 with the provisions of AS 47.35 or recognized by the federal government for the care
21 of children;

22 (5) "department" means the department of Community and Economic
23 Development;

24 (6) "developmental disability" means a disability under which a person
25 is incapable of self-care, as verified by a physician or licensed or certified
26 psychologist who has examined the person."

27 Page 142, line 29:

28 Delete "AS 47.35.910 - 47.35.950"

29 Insert "AS 44.33.850 - 44.33.869"

30 Page 146, line 11, through page 149, line 19:

1 Delete all material.

2 Page 149, line 20:

3 Delete "ARTICLE 3"

4 Insert "ARTICLE 2"

AMENDMENT G.15

#11

This amendment moves the Division of Banking, Corporations, and Securities to the new agency rather than the Department of Revenue.

During testimony on HB 409, it was stated by DCED administration this division was directly related to economic development rather than functions and mission that was found under the Department of Revenue.

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Juneau, Alaska 99801-2105

MEMORANDUM

February 13, 1996

SUBJECT: Amendment G.15 to HB 409
(Work Order No. 9-LS0807\G.15)

TO: Representative Ivan Ivan
Attn: Tom Wright

FROM: Terri Lauterbach *Terri Lauterbach*
Legislative Counsel

Enclosed is amendment G.15. It is intended to respond to your request to transfer "banking, corporations, and securities" to the new agency rather than to the Department of Revenue.

Please carefully review the amendments to page 96, line 9, and page 98, lines 1-2. These amendments switch "banking and securities" to the new agency's chapter and take them out of the chapter relating to the Department of Revenue. However, I'm not sure if you might also want to do the same thing with some of the other phrases found on page 96, lines 8-10. The APUC is still under Revenue, but what about "other public service enterprises" and "other businesses and enterprises touched with a public interest?" I'm not sure what these phrases refer to. In HB 409, when corporations, utilities, insurance, and banking were all under Revenue, it was not necessary to understand each of these phrases. However, now that some phrases are being moved to the new agency by your amendment G.15, a more precise understanding is necessary in order to ensure that the intent of your amendment is fulfilled.

Perhaps DCED could be of assistance in understanding this matter. The law being amended is currently in AS 44.33.020(4), which is a DCED law.

If it appears to you or to DCED that more of page 96, lines 8-10, should be moved back to page 98, lines 1-4, please let me know and I will adjust the amendment accordingly. The enclosed is my best guess for now.

TML:klb
96-076.klb

Enclosure

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MEMORANDUM

February 13, 1996

SUBJECT: Amendments G.15 and G.16 to HB 409
(Work Orders Nos. 9-LS0807\G.15 and G.16)

TO: Representative Ivan Ivan
Attn: Tom Wright

FROM: Terri Lauterbach *Terri Lauterbach*
Legislative Counsel

Among the enclosed amendments are one that would transfer insurance duties to the new agency (G.16) and one that would transfer banking, corporations, and securities duties to the new agency (G.15).

If both of these amendments are adopted, I will need direction (or "conceptual" latitude) from the committee on how to deal with sections in the bill like secs. 152 - 155 where articles of incorporation are required to be filed separately with both the department that has insurance duties and the department that has corporations duties. If these wind up being the same department, adjustments must be made in these bill sections that are not reflected in either of the separate amendments.

TML:klb
96-084.klb

Enclosure

A M E N D M E N T

#11

OFFERED IN THE HOUSE

BY REPRESENTATIVE IVAN

TO: HB 409

1 Page 2, lines 19 - 20:

2 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"

3 Insert "community [COMMERCE] and economic development"

4 Page 2, lines 22 - 23:

5 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"

6 Insert "Community [COMMERCE] and Economic Development"

7 Page 2, lines 25 - 26:

8 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"

9 Insert "community [COMMERCE] and economic development"

10 Page 2, lines 28 - 29:

11 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"

12 Insert "Community [COMMERCE] and Economic Development"

13 Page 3, line 2:

14 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"

15 Insert "community [COMMERCE] and economic development"

16 Page 3, line 5:

17 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"

18 Insert "community [COMMERCE] and economic development"

19 Page 3, lines 18 - 19:

- 1 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 2 Insert "Community [COMMERCE] and Economic Development"
- 3 Page 3, lines 24 - 25:
- 4 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 5 Insert "Community [COMMERCE] and Economic Development"
- 6 Page 3, lines 27 - 28:
- 7 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 8 Insert "community [COMMERCE] and economic development"
- 9 Page 3, lines 30 - 31:
- 10 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 11 Insert "Community [COMMERCE] and Economic Development"
- 12 Page 4, lines 14 - 15:
- 13 Delete "department [DEPARTMENT OF REVENUE]"
- 14 Insert "Department of Revenue"
- 15 Page 4, lines 16 - 17:
- 16 Delete "department [DEPARTMENT OF COMMERCE AND ECONOMIC
17 DEVELOPMENT]"
- 18 Insert: "Department of Community [COMMERCE] and Economic Development"
- 19 Page 4, line 31, through page 5, line 1:
- 20 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 21 Insert "community [COMMERCE] and economic development"
- 22 Page 5, lines 3 - 4:
- 23 Delete "[OF REVENUE]"
- 24 Insert "OF REVENUE"

1 Page 5, lines 4 - 5:

2 Delete "department [DEPARTMENT OF REVENUE]"

3 Insert "Department of Revenue"

4 Page 5, lines 7 - 8:

5 Delete "department [DEPARTMENT OF COMMERCE AND ECONOMIC
6 DEVELOPMENT]"

7 Insert "Department of Community [COMMERCE] and Economic Development"

8 Page 5, lines 10 - 11:

9 Delete "department [DEPARTMENT OF REVENUE]"

10 Insert "Department of Revenue"

11 Page 5, line 13:

12 Delete "department [DEPARTMENT OF REVENUE]"

13 Insert "Department of Revenue"

14 Page 5, lines 16 - 17:

15 Delete "department [DEPARTMENT OF COMMERCE AND ECONOMIC
16 DEVELOPMENT]"

17 Insert "Department of Community [COMMERCE] and Economic Development"

18 Page 5, line 19:

19 Delete "department [DEPARTMENT OF REVENUE]"

20 Insert "Department of Revenue"

21 Page 5, lines 20 - 21:

22 Delete "department [DEPARTMENT OF COMMERCE AND ECONOMIC
23 DEVELOPMENT]"

24 Insert "Department of Community [COMMERCE] and Economic Development"

25 Page 5, lines 26 - 27:

- 1 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 2 Insert "Community [COMMERCE] and Economic Development"
- 3 Page 5, lines 29 - 30:
- 4 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 5 Insert "community [COMMERCE] and economic development"
- 6 Page 6, lines 1 - 2:
- 7 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 8 Insert "Community [COMMERCE] and Economic Development"
- 9 Page 6, lines 4 - 5:
- 10 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 11 Insert "community [COMMERCE] and economic development"
- 12 Page 24, line 29:
- 13 Delete "Revenue"
- 14 Insert "Community and Economic Development"
- 15 Page 25, lines 21 - 22:
- 16 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 17 Insert "community [COMMERCE] and economic development"
- 18 Page 25, lines 25 - 26:
- 19 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 20 Insert "Community [COMMERCE] and Economic Development"
- 21 Page 28, lines 4 - 5:
- 22 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 23 Insert "Community [COMMERCE] and Economic Development"
- 24 Page 28, lines 7 - 8:

- 1 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 2 Insert "community [COMMERCE] and economic development"
- 3 Page 28, lines 10 - 11:
- 4 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 5 Insert "Community [COMMERCE] and Economic Development"
- 6 Page 28, lines 13 - 14:
- 7 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 8 Insert "community [COMMERCE] and economic development"
- 9 Page 28, lines 16 - 17:
- 10 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 11 Insert "Community [COMMERCE] and Economic Development"
- 12 Page 28, lines 19 - 20:
- 13 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 14 Insert "community [COMMERCE] and economic development"
- 15 Page 28, lines 22 - 23:
- 16 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 17 Insert "community [COMMERCE] and economic development"
- 18 Page 28, lines 26 - 27:
- 19 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 20 Insert "Community [COMMERCE] and Economic Development"
- 21 Page 29, lines 2 - 3:
- 22 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 23 Insert "Community [COMMERCE] and Economic Development"
- 24 Page 29, line 7:

- 1 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
2 Insert "Community [COMMERCE] and Economic Development"
- 3 Page 29, lines 11 - 12:
4 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
5 Insert "community [COMMERCE] and economic development"
- 6 Page 29, lines 17 - 18:
7 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
8 Insert "Community [COMMERCE] and Economic Development"
- 9 Page 29, lines 25 - 26:
10 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
11 Insert "community [COMMERCE] and economic development"
- 12 Page 29, lines 28 - 29:
13 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
14 Insert "Community [COMMERCE] and Economic Development"
- 15 Page 45, lines 7 - 8:
16 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
17 Insert "Community [COMMERCE] and Economic Development"
- 18 Page 47, line 5:
19 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
20 Insert "community [COMMERCE] and economic development"
- 21 Page 47, line 6:
22 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
23 Insert "community [COMMERCE] and economic development"
- 24 Page 47, lines 21 - 22:

- 1 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 2 Insert "community [COMMERCE] and economic development"

- 3 Page 47, line 23, after "commissioner":
- 4 Insert "of community and economic development"

- 5 Page 48, lines 5 - 6:
- 6 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 7 Insert "community [COMMERCE] and economic development"

- 8 Page 48, line 7, after "commissioner":
- 9 Insert "of community and economic development"

- 10 Page 48, lines 11 - 12:
- 11 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 12 Insert "community [COMMERCE] and economic development"

- 13 Page 48, line 13, after "commissioner":
- 14 Insert "of community and economic development"

- 15 Page 70, lines 8 - 9:
- 16 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 17 Insert "Community [COMMERCE] and Economic Development"

- 18 Page 70, lines 17 - 18:
- 19 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 20 Insert "community [COMMERCE] and economic development"

- 21 Page 70, lines 20 - 21:
- 22 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 23 Insert "Community [COMMERCE] and Economic Development"

- 1 Page 70, line 30:
- 2 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 3 Insert "community [COMMERCE] and economic development"

- 4 Page 71, lines 1 - 2:
- 5 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 6 Insert "community [COMMERCE] and economic development"

- 7 Page 96, line 6:
- 8 Delete all material.

- 9 Renumber the following paragraphs accordingly.

- 10 Page 96, line 9:
- 11 Delete "banking and securities."

- 12 Page 97, line 30:
- 13 Delete "[REGISTER CORPORATIONS"
- 14 Insert "register corporations"

- 15 Page 97, line 31, after "(3)":
- 16 Insert "["

- 17 Page 98, line 1:
- 18 Delete "ENFORCE STATE LAWS REGULATING"
- 19 Insert "] enforce state laws regulating ["

- 20 Page 98, line 2:
- 21 Delete "BANKING AND SECURITIES"
- 22 Insert "] banking and securities ["

- 23 Page 98, line 4, after "INTEREST":

- 1 Insert "]"
- 2 Page 98, line 5:
- 3 Delete "(5)"]"
- 4 Insert "(4) [(5)]"
- 5 Page 98, line 6:
- 6 Delete "(3)"
- 7 Insert "(5)"
- 8 Page 98, line 8:
- 9 Delete "(4)"
- 10 Insert "(6)"
- 11 Page 98, line 18:
- 12 Delete "(5)"
- 13 Insert "(7)"
- 14 Page 98, line 20:
- 15 Delete "(6)"
- 16 Insert "(8)"
- 17 Page 98, line 23:
- 18 Delete "(7)"
- 19 Insert "(9)"
- 20 Page 98, line 26:
- 21 Delete "(8)"
- 22 Insert "(10)"
- 23 Page 98, line 29:
- 24 Delete "(9)"
- 25 Insert "(11)"

1 Page 98, line 31:

2 Delete "(10)"

3 Insert "(12)"

4 Page 99, line 3:

5 Delete "(11)"

6 Insert "(13)"

7 Page 99, line 5:

8 Delete "(12)"

9 Insert "(14)"

10 Page 99, line 7:

11 Delete "(13)"

12 Insert "(15)"

13 Page 99, line 16:

14 Delete "(14)"

15 Insert "(16)"

16 Page 100, line 5:

17 Delete "(15)"

18 Insert "(17)"

19 Page 100, line 7:

20 Delete "(16)"

21 Insert "(18)"

22 Page 100, line 12:

23 Delete "(17)"

24 Insert "(19)"

- 1 Page 100, line 14:
2 Delete "(18)"
3 Insert "(20)"
- 4 Page 120, lines 21 - 22:
5 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
6 Insert "community [COMMERCE] and economic development"
- 7 Page 121, lines 1 - 2:
8 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
9 Insert "community [COMMERCE] and economic development"
- 10 Page 121, lines 3 - 4:
11 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
12 Insert "Community [COMMERCE] and Economic Development"
- 13 Page 123, lines 1 - 2:
14 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
15 Insert "Community [COMMERCE] and Economic Development"
- 16 Page 123, lines 4 - 5:
17 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
18 Insert "community [COMMERCE] and economic development"
- 19 Page 123, lines 10 - 11:
20 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
21 Insert "community [COMMERCE] and economic development"
- 22 Page 123, lines 20 - 21:
23 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
24 Insert "Community [COMMERCE] and Economic Development"

AMENDMENT G.16

#12

This amendment places the Division of Insurance within the new department rather than in the Department of Revenue as proposed in HB 409.

this move was suggested by several individuals who testified during hearings on the bill as well as testimony provided by the Department of Commerce and Economic Development.

A M E N D M E N T

#12

OFFERED IN THE HOUSE

BY REPRESENTATIVE IVAN

TO: HB 409

- 1 Page 25, line 18:
- 2 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 3 Insert "Community [COMMERCE] and Economic Development"

- 4 Page 38, lines 24 - 25:
- 5 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 6 Insert "Community [COMMERCE] and Economic Development"

- 7 Page 43, lines 28 - 29:
- 8 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 9 Insert "Community [COMMERCE] and Economic Development"

- 10 Page 44, lines 6 - 7:
- 11 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 12 Insert "Community [COMMERCE] and Economic Development"

- 13 Page 46, line 19:
- 14 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 15 Insert "community [COMMERCE] and economic development"

- 16 Page 46, lines 20 - 21:
- 17 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
- 18 Insert "Community [COMMERCE] and Economic Development"

- 1 Page 46, line 25:
 - 2 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
 - 3 Insert "Community [COMMERCE] and Economic Development"

- 4 Page 46, lines 27 - 28:
 - 5 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
 - 6 Insert "community [COMMERCE] and economic development"

- 7 Page 46, line 30:
 - 8 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
 - 9 Insert "community [COMMERCE] and economic development"

- 10 Page 48, lines 19 - 20:
 - 11 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
 - 12 Insert "community [COMMERCE] and economic development"

- 13 Page 48, line 23:
 - 14 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
 - 15 Insert "Community [COMMERCE] and Economic Development"

- 16 Page 55, lines 17 - 18:
 - 17 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
 - 18 Insert "Community [COMMERCE] and Economic Development"

- 19 Page 62, lines 16 - 17:
 - 20 Delete "revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
 - 21 Insert "community [COMMERCE] and economic development"

- 22 Page 80, lines 6 - 7:
 - 23 Delete "and the deputy director of the division of insurance"

- 24 Page 80, lines 11 - 12:

- 1 Delete "[AND THE DEPUTY DIRECTOR OF THE DIVISION OF INSURANCE]"
2 Insert "and the deputy director of the division of insurance"
- 3 Page 96, line 9:
4 Delete "insurance."
- 5 Page 97, line 28, after "commerce":
6 Insert "and insurance"
7
- 8 Page 134, lines 12 - 13:
9 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
10 Insert "Community [COMMERCE] and Economic Development"
- 11 Page 134, line 14:
12 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
13 Insert "Community [COMMERCE] and Economic Development"
- 14 Page 143, lines 10 - 11:
15 Delete "Revenue [COMMERCE AND ECONOMIC DEVELOPMENT]"
16 Insert "Community [COMMERCE] and Economic Development"

#13

AMENDMENT G.17

This amendment places the revenue sharing and municipal assistance functions into the new department proposed in HB 409 rather than placement in the Department of Revenue.

The new department has not relinquished its functions relating to municipalities and communities. It would still be required to provide assistance to these municipalities and communities throughout the state. This amendment is supported by the Alaska Municipal League.

A M E N D M E N T

#13

OFFERED IN THE HOUSE

BY REPRESENTATIVE IVAN

TO: HB 409

- 1 Page 14, line 31:
- 2 Delete "Revenue [COMMUNITY AND"
- 3 Insert "Community and Economic Development ["

- 4 Page 16, line 23:
- 5 Delete "Revenue [COMMUNITY AND"
- 6 Insert "Community and Economic Development ["

- 7 Page 35, lines 13 - 14:
- 8 Delete "Revenue [COMMUNITY AND"
- 9 Insert "Community and Economic Development ["

- 10 Page 45, line 26:
- 11 Delete "Revenue [COMMUNITY AND"
- 12 Insert "Community and Economic Development ["

- 13 Page 46, lines 5 - 6:
- 14 Delete "Revenue [COMMUNITY AND"
- 15 Insert "Community and Economic Development ["

- 16 Page 46, lines 15 - 16:
- 17 Delete "Revenue [COMMUNITY AND"
- 18 Insert "Community and Economic Development ["

- 19 Page 64, lines 28 - 29:

- 1 Delete "revenue [COMMUNITY AND"
2 Insert "community and economic development ["
- 3 Page 66, line 30, through page 67, line 4:
4 Delete all material and insert:
5 "* Sec. 193. AS 29.60.450(f) is amended by adding a new paragraph to read:
6 (8) "department" means the Department of Revenue."
- 7 Page 67, lines 21 - 25:
8 Delete all material.
- 9 Renumber the following bill sections accordingly.
- 10 Page 67, line 28:
11 Delete "Revenue [COMMUNITY AND"
12 Insert "Community and Economic Development ["
- 13 Page 68, line 6:
14 Delete "Revenue [COMMUNITY AND"
15 Insert "Community and Economic Development ["
- 16 Page 68, lines 10 - 11:
17 Delete "AS 29.60.449 and 29.60.599"
18 Insert "AS 29.60.450"
- 19 Page 68, line 12:
20 Delete "revenue"
21 Insert "community and economic development"
22
- 23 Page 68, line 13:
24 Delete "Revenue"
25 Insert "Community and Economic Development"

1 Page 77, line 7:

2 Delete "Revenue [COMMUNITY AND"

3 Insert "Community and Economic Development ["

4 Page 77, lines 18 - 19:

5 Delete "Revenue [COMMUNITY AND"

6 Insert "Community and Economic Development ["

7 Page 96, lines 13 - 15:

8 Delete all material.

9 Page 96, line 16:

10 Delete "(2)"

11 Page 101, line 26, after ";":

12 Insert a new paragraph to read:

13 "(17) administer state and, as appropriate, federal programs for revenue
14 sharing, grants, and other forms of financial assistance to community and regional
15 governments;"

16 Renumber the following paragraph accordingly.

AMENDMENT G.18

#19

This amendment places JTPA and the STEP programs into the new proposed department established by HB 409. Under the original bill, these functions would have been under the purview of the Department of Labor.

These two programs are related to economic activity and development.

A M E N D M E N T

#14

OFFERED IN THE HOUSE
TO: HB 409

BY REPRESENTATIVE IVAN

1 Page 97, line 15, after "i":

2 Insert "and"

3 Page 97, lines 17 - 19:

4 Delete "i; and

5 (8) operate the federally funded employment and training
6 programs under 29 U.S.C. 1501 - 1792b (Job Training Partnership Act)"

7 Page 100, line 13:

8 Delete "and"

9 Page 100, line 16, after "1993":

10 Insert "i; and

11 (19) operate the federally funded employment and training
12 programs under 29 U.S.C. 1501 - 1792b (Job Training Partnership Act)"

13 Page 154, lines 2 - 3:

14 Delete "Community [COMMERCE] and Economic Development"

15 Insert "Labor [COMMERCE AND ECONOMIC DEVELOPMENT]"

16 Page 154, after line 4:

17 Insert a new bill section to read:

18 "** Sec. 375. Section 9(2), ch. 95, SLA 1989, is amended to read:

19 (2) "department" means the Department of Community and Economic
20 Development [LABOR];"

- 1 Renumber the following bill sections accordingly.

HB

474

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105


MEMORANDUM

February 10, 1996

SUBJECT: House Bill 474, relating to violations of municipal ordinance and regulations -- sectional analysis (Work Order No. 9-LS1555\C)

TO: Representative Cynthia Toohey
ATTN: Marveen Coggins

FROM: Jack Chenoweth
Legislative Counsel



FE 1996

House Bill 474 was prepared in response to a request from the Municipality of Anchorage to amend state law relating to disposition of offenses involving minors. The premises for the changes--prosecution of minors for certain offenses in the same manner as adults--necessitates a broader treatment than what may have originally been intended.

The bill is best explained back-to-front.

Bill section 3: Usually under state law, when a minor is charged with violation of a criminal offense under state or municipal law, the minor is not prosecuted but the matter is addressed and disposed of under statutes applicable to juvenile offenders. AS 47.10.010(b) lists a set of exceptions to this treatment, declaring that for the offenses there listed, the minor will be charged, prosecuted, and sentenced in the same manner as an adult. This bill section expands that list to include violations of ordinances and regulations of municipalities for which the punishment for the violation is only payment of a fine and imposition of no other penalty. The insertion, in the bill section, on lines 18 and 19 of page 2 is a conforming change.

Bill section 2: This section amends the provision of the Municipal Code, AS 29, in which is set out the authority of municipalities to regulate conduct and enforce its enactments. This section attempts to differentiate circumstances under which one may be charged with violation of an ordinance without imposing a corresponding obligation on the municipality to provide for a jury trial or, in proper circumstances, court-appointed legal counsel. The distinction is drawn on the basis of whether the municipality's enactment qualifies or does not qualify as a "minor offense"; if a minor offense, then trial on the violation need not involve a jury nor is there an obligation for the court to appoint legal counsel. The characteristics of a "minor offense" are identified in a District Court Criminal Rule, Rule 8. The amendment made by this bill section thus identifies the characteristics of a minor offense; if the municipality's enactment meets those characteristics, the matter may be

Representative Cynthia Roohy

February 10, 1996

Page 2

disposed of as a minor offense under the applicable court rule; if it does not, then arguably the defendant is entitled to trial by jury and, if applicable, court appointed counsel.

Bill section 1: Under the state's Code of Criminal Procedure, AS 12, generally the criminal laws of the state applicable to misdemeanors are applicable also to violations and infractions. See AS 12.80.040. However, there are exceptions, identified by cross-reference appearing in AS 12.80.040. This bill section adds the additional provisions of bill section 2 to the cross-referenced exceptions. The intent is to make the point that, as an exception to the state laws otherwise applicable to violations and infractions, when a municipality punishes an ordinance as a violation or infraction and the punishment qualifies the conduct's treatment as a minor offense, the exceptions from required jury trial and court appointed counsel apply.

JBC:lmb

96-038.lmb

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: HB 474

Revision Date: 2/29/96 Dept. Affected: Community & Regional Affairs
 Title: An Act relating to violations of municipal ordinances and regulations; and amending... BRU: none
 Component: none
 Sponsor: Rep. Toohy
 Requestor: House C&RA Committee COMPONENT SERIAL NO. _____

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
OPERATING						
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES () Revenue Code						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

Estimate of current year (FY 95) impact: \$ none

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Remond Henderson *Remond Henderson* Phone: 465-4708
 Division: Director, Div. of Administrative Services Date: 2/29/96
 Approved by Commissioner: *[Signature]* Date: 2/29/96
 Agency: Mike Irwin, Dept. of Community & Reg. Affairs

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Alaska State Legislature

HOUSE OF REPRESENTATIVES

REPRESENTATIVE CYNTHIA TOOHEY

DISTRICT 13

State Capitol
Juneau, AK 99801-1182

SPONSOR STATEMENT

HOUSE BILL 474

"An Act relating to violations of municipal ordinances and regulations; and amending the definition of the jurisdiction of the superior court and the Department of Health and Social Services over delinquent minors to add a further exclusion from that jurisdiction for a minor's violation of a municipal ordinance or regulation that is punishable as an infraction or violation, and making a related technical amendment to that jurisdictional definition"

We hear more and more frequently about the need to improve the juvenile justice system in Alaska. Due to the increased number of serious offenses by juveniles, some of the less serious violations and infractions, in reality, offer no consequences. That is the wrong message to send to a juvenile offender.

According to the Anchorage Police Department, juvenile offenders have become increasingly dangerous and increasingly blatant regarding their offenses with the knowledge that the system can do very little to them.

House Bill 474 would expand the jurisdiction of a municipality to allow the municipality to respond to a violation or infraction of an ordinance or regulation. For violations of ordinances or infractions which are punishable by only a fine, juveniles would be treated as adults.

The expansion of jurisdiction would enable juveniles to realize there are consequences to all wrongful acts. This realization may help to prevent juveniles from progressing to more serious offenses.

Your support would be appreciated.

**MUNICIPALITY OF ANCHORAGE
PUBLIC SAFETY PARTNERSHIP PROGRAM
LEGISLATIVE ISSUES**

Allow municipalities to respond to less serious juvenile behavior by expanding its jurisdiction to include the ability to subject juvenile offenders to civil infractions and/or mediation

Early intervention has been proven an effective means of changing young people's attitudes and behaviors. Because the current juvenile justice system is overwhelmed with serious offenses and offenders, many offenders who begin with lower level or less dangerous conduct receive no meaningful consequences until they graduate to the higher level.

According to the 1994 Anchorage Police Department Annual Report, juvenile arrests have increased 66% since 1990. Juvenile offenders have become increasingly dangerous and increasingly blatant regarding their offenses in the knowledge that the system can do very little to them.

Recognizing this situation, the Municipality of Anchorage would like the ability to respond to less serious juvenile behavior by expanding its jurisdiction to include the ability to subject juvenile offenders to civil infractions and/or mediation. This will allow the juvenile justice system to focus on the more serious criminal activity while assuring that juvenile offenders of less serious offenses receive more immediate consequences for their actions.

**Municipality
of
Anchorage**



P.O. Box 196650
Anchorage, Alaska 99519-6650
Telephone: (907) 343-4433

FEB 14 1996

Rick Mystrom, Mayor

OFFICE OF THE MUNICIPAL MANAGER

February 9, 1996

Representative Cynthia Toohey
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Re: H. B. 474

Dear Representative Toohey:

Thank you for sponsoring H. B. 474, regarding the jurisdiction of municipalities over certain juvenile infractions.

This bill offers an important reform to the way in which juvenile criminal activity is addressed.

Attached is an issue summary supporting the need for the proposed change.

Thank you again for sponsoring this legislation. If we can offer further information, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Tim Rogers".

Tim Rogers
Legislative Program Coordinator



Anchorage - Star of the North
Chamber of Commerce

February 28, 1996

Members: House Community & Regional Affairs Committee
Al Austerman & Ivan Ivan - Co-Chairs
Fax: 1-907-465-4589

Dear Committee Members:

The Anchorage Chamber of Commerce Crime Prevention Committee has worked with the Municipality of Anchorage on a criminal justice package. The chamber has passed Resolution 95/96-5 supporting the Municipality's efforts on criminal justice reform.

It is our understanding that HB 474 and HB 475 address part of the criminal justice reform package. We would like to encourage passage of both bills.

We appreciate the spirit of cooperation between the Legislature and the Municipality. The chamber applauds your work on reducing crime. Please let us know if the chamber can be of any assistance.

Again, we encourage the passage of HB 474 and HB 475. Thank you for your consideration.

Sincerely,

Carol Heyman
President

cc: Representative Cynthia Toohey
Bob Bailey, chair, Anchorage Chamber Crime Prevention Committee

HB

488

Sec. 14.11.007. Major maintenance grant fund. There is created a major maintenance grant fund as an account in the general fund. The fund shall be used to make grants for the costs of school major maintenance. Legislative appropriations for school major maintenance shall be deposited in the fund. (§ 4 ch 78 SLA 1993)

Effective dates. — Section 26, ch. 78, SLA 1993 provides that the enactment of this section by § 4, ch. 78, SLA 1993 applies to grants awarded under AS 14.11.005 — 14.11.019 after June 30, 1993.

Editor's notes. — Section 23(a), ch. 78, 1993.

Sec. 14.11.008. School district participation in grant program.
 (a) In order to receive a grant under this chapter or an appropriation under AS 37.05.560, a district must provide a percentage share of the project cost, as determined under (b) or (c) of this section. A district shall provide the required participating share within three years after the date that the appropriation bill funding the grant is passed by the legislature.

(b) The required participating share for a municipal school district is based on the district's full value per ADM, which is calculated by dividing the full and true value of the taxable real and personal property in the district, calculated as described in AS 14.17.025(a)(1), by the district average daily membership (ADM) as defined in AS 14.17.250, for the same fiscal year for which the valuation was made. The municipal district's full value per ADM determines the district's required participating share, as follows:

Full Value Per ADM	District Participating Share
\$1 — \$100,000	5 percent
100,001 — 200,000	10 percent
200,001 — 600,000	30 percent
over 600,000	35 percent.

(c) The required participating share for a regional educational attendance area is two percent. The participating share for any district may be satisfied by money from federal, local, or other sources, or with locally contributed labor, material, or equipment.

(d) If a district with full value per ADM of \$200,000 or less can demonstrate in writing that it is unable to provide the required participating share or that the participating share required under this section will jeopardize receipt of federal assistance, the commissioner may waive all or a portion of the required participating share.

(e) State funds provided under this chapter may not be a source of the participating share required under (b) or (c) of this section. (§ 4 ch 78 SLA 1993)

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Effective dates. — Section 26, ch. 78, SLA 1993 makes this section effective June 26, 1993, in accordance with AS 01.10.070(c).

Editor's notes. — Section 23(a), ch. 78,

SLA 1993 provides that the enactment of this section by § 4, ch. 78, SLA 1993 applies to grants awarded under AS 14.11.005 — 14.11.019 after June 30, 1993.

Sec. 14.11.011. Grant applications. (a) A municipality that is a school district or a regional educational attendance area may submit a request to the department for a grant under this chapter.

(b) For a municipality that is a school district or a regional educational attendance area to be eligible for a grant under this chapter, the district shall submit

(1) a six-year capital improvement plan that includes a description of the district's fixed asset inventory system and preventive maintenance program no later than September 1 of the fiscal year before the fiscal year for which the request is made; the six-year plan must contain for each proposed project a detailed scope of work, a project budget, and documentation of conditions justifying the project;

(2) evidence that the district has secured and will maintain adequate property loss insurance for the replacement cost of all facilities for which state funds are available under AS 14.11.005 or 14.11.007 or has a program of insurance acceptable to the department; and

(3) evidence acceptable to the department that the proposed project should be a capital improvement project and not part of a preventive maintenance program or regular custodial care program. (§ 6 ch 5 SLA 1990; am § 5 ch 78 SLA 1993)

Effect of amendments. — The 1993 amendment, effective June 26, 1993, deleted "grant" preceding "request" in subsection (a); substituted "grant under this chapter" for "school construction grant" in subsections (a) and (b); inserted "or 14.11.007" and "has" in paragraph (b)(2); and substituted "improvement project" for

"construction project" in paragraph (b)(3).
Editor's notes. — Section 23(a), ch. 78, SLA 1993 provides that the amendment of this section by § 5, ch. 78, SLA 1993 applies to grants awarded under AS 14.11.005 — 14.11.019 after June 30, 1993.

Sec. 14.11.013. Department review of grant applications. (a) With regard to projects for which grants are requested under AS 14.11.011, the department shall

(1) annually review the six-year plans submitted by each district under AS 14.11.011(b) and recommend to the board a revised and updated six-year capital improvement project grant schedule that serves the best interests of the state and each district; in recommending projects for this schedule, the department shall verify that each proposed project meets the criteria established under AS 14.11.014(b) and qualifies as a project required to

- (A) avert imminent danger or correct life-threatening situations;
- (B) house students who would otherwise be unhoused;
- (C) protect the structure of existing school facilities;

FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 488

1996 LEGISLATIVE SESSION

Revision Date: _____

Department Affected: Education

Title: An act relating to matching funds requirements for municipal school construction grants.

BRU: Capital Budget

Sponsor: Representative Don Long

Component: Educational Facilities Support

Requester: Representative Don Long

COMPONENT SERIAL NO. _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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

CAPITAL EXPENDITURES	\$873.2	\$1,619.5	\$7,736.3	\$6,293.3	\$1,232.3	\$1,846.6
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CHANGE IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	\$873.2	\$1,619.5	\$7,736.3	\$6,293.3	\$1,232.3	\$1,846.6
1005 GF/Program Receipts						
Other						
TOTAL	\$873.2	\$1,619.5	\$7,736.3	\$6,293.3	\$1,232.3	\$1,846.6

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY96) impact: \$ 0.0

ANALYSIS: (Attach a separate page if necessary.)

Attachments 1-6 provide detailed documentation referencing the effect of this legislation on the Department of Education's Six Year Plan for school construction and major maintenance. The projected fiscal impact of HB 488 is based on complete funding of the Six Year Plan for school construction and major maintenance, though that is unlikely to occur. The Department's intent is to provide comprehensive information on the potential impact of this legislation. The department assumes that the state will cover the resulting deficit from not requiring participating share for

continued on page two

Prepared by: Charlotte Doogan and Michael Morgan, School Finance

Phone: 465-8666

Division: School Finance

Date: March 5, 1996

Approved by Commissioner: *Richard S. Cross*

Richard S. Cross, Deputy Commissioner

Agency: Education

Date: March 5, 1996

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FISCAL NOTE ANALYSIS CONTINUED
HB 488

municipalities with an unemployment rate of over 10% in the year preceding the fiscal year the appropriation bill is passed by the Legislature. Additionally, the department assumes that this bill does not apply to REAAs.

Depending upon the effective date of this legislation the impact varies. Participating share for projects authorized in FY94 must be provided by May 11, 1996, three years after the date the appropriation bill funding the grants passed the legislature. If the effective date includes these grants, the impact will be immediate in FY96 and would result in approximately \$3.3 million additional state funding required. However, if the effective date is July 1, 1996, the impact will not begin until FY97.

Total Number of School Districts (excluding REAAs)	29
Districts over 10 % Unemployment (1995)	11
Percent of Districts over 10% Unemployment	33%

Total: Currently Requested Projects From Municipalities (excluding REAAs)	\$273,983,644
Total With Unemployment Over 10%, From Current List (Municipalities Only)	\$118,505,316
	FY97 \$39,820,757
	FY98 \$73,854,193
	FY99 \$352,799,461
	FY00 \$286,991,203
	FY01 \$56,194,600
	FY02 \$84,208,710
	Total <u>\$893,868,924</u>

Participating Share - Case 1: Aggregate ratio at 21%

Total (Participating Share estimate): Currently Requested Projects From Municipalities	\$57,539,319
Total With Unemployment Over 10%, From Current List (Municipalities Only)	\$12,373,872
	FY97 \$873,207
	FY98 \$1,619,508
	FY99 \$7,736,344
	FY00 \$6,293,271
	FY01 \$1,232,260
	FY02 \$1,846,566

\$19,601,157

Participating Share - Case 2: Aggregate ratio at 25%

Total (Participating Share estimate): Currently Requested Projects From Municipalities	\$68,495,911
Total With Unemployment Over 10%, From Current List (Municipalities Only)	
	FY97 \$1,039,483
	FY98 \$1,927,893
	FY99 \$9,209,493
	FY00 \$7,491,631
	FY01 \$1,466,906
	FY02 \$2,198,188

\$23,333,594

Note: The CIP six-year plan was developed using the cost of the total project scope, as opposed to using the State contribution. For the purposes of looking at the fiscal impact of this bill, it was necessary to calculate the State share of project cost. The current total list value and total participating share was used to determine a calculated (aggregate) ratio which could be applied to the total project costs in the six year plan. This was then used to forecast a projected participating share which might be affected by this bill. The amounts in case 1 reflect the current mix of projects (between the various requirements for participating share percentages), while, in case 2, the increase mix (25%) reflects the impact if the ratio of requested projects moves toward a greater proportion of projects by large urban areas.

State of Alaska
Department of Education
Six Year Plan Information - FY99-FY02
Not Priority Ranked / District Provided Timing
Without REAA Projects
Issued March 4, 1996

District	Project Name	Suggested Six Year Plan without REAA's					
		FY97	FY98	FY99	FY2000	FY2001	FY2002
Aleutians East	False Pass Remodel/Addition			\$1,352,000			
	King Cove School Exterior Siding/Mechanical Upgrade				\$2,100,000		
Anchorage	Sand Point Remodel/Addition				\$1,000,000		
	Fairview Addition			\$638,000	\$5,742,000		
	Northern Lights ABC Replacement School			\$705,000	\$13,395,000		
	Romig JHS Roof Replacement	\$1,670,000					
	Birchwood ABC Roof Replacement	\$810,000					
	Districtwide Fire Code Violations, Phase IV	\$652,000					
	Wendler Renovations, Phase I						
	Districtwide HVAC Replacement			\$5,500,000			
	Ocean View Addition and Renovation			\$4,570,000			
	Scenic Park Add/Renovation, Ph 1			\$5,450,000			
	Scenic Park Roof Replacement			\$650,000			
	D/W Underground Storage Tank Removal			\$1,437,000			
	Baxter 2 CL Room Addition and Renovations			\$5,410,000			
	Districtwide Fire Code Violations, Phase V			\$2,000,000			
	Facilities/Maintenance Roof Resurface			\$230,000			
	Chugach Optional Heat System Renovation			\$170,000			
	Mt. Spurr, Renovations (Department of Defense)			\$6,000,000			
	ADA Implementation, Phase III			\$3,000,000			
	Life Safety/Asbestos Abate, High Priority Ph I			\$1,000,000			
	Computer Labs and Tech, Ph I			\$4,140,000			
	Central JHS Renovations, Phase I				\$1,500,000		
	Dimond High Renovations, Phase I				\$5,000,000		
	Ptarmigan Renovations, Phase I				\$5,700,000		
	Orion Renovations (Department of Defense)				\$6,000,000		
	Ursa Minor Renovation (Department of Defense)				\$6,000,000		
	Site Acquisition				\$4,500,000		
	Energy Management System				\$4,325,000		
D/W Fire Code Violations, Phase VI				\$3,000,000			
Heat/Electric Systems Renovations				\$3,000,000			
Creekside Park Addition & Renovation, Phase I				\$5,600,000			
Muldoon Area New Middle School					\$35,000,000		
Districtwide Kitchen Upgrades, Phase II					\$2,000,000		
Priority Capital Renovations, Phase I					\$2,214,600		

State of Alaska
 Department of Education
 Six Year Plan Information - FY99-FY02
 Not Priority Ranked / District Provided Timing
 Without REAA Projects
 Issued March 4, 1996

District	Project Name	Suggested Six Year Plan without REAA's					
		FY97	FY98	FY99	FY2000	FY2001	FY2002
	Roof Replacements, Phase II				\$4,000,000		
	Save I Alternative Renovations, Phase I				\$77,000		
	Girdwood Renovations, Phase I				\$200,000		
	Restroom Safety Upgrades, Phase II				\$200,000		
	Stellar Alternative Renovations, Phase I				\$77,000		
	Kennedy Renovation, Phase I				\$2,500,000		
	Chugiak High 12 Classroom Addition						\$8,170,000
	Nunaka Valley Renovations, Phase I						\$4,740,000
	Service High Renovations, Phase I						\$1,200,000
	Taku 4 Classroom Addition/Renovations						\$5,800,000
	Site Acquisition						\$4,500,000
	Roof Replacement Phase III						\$2,500,000
	Districtwide Track Repairs, Phase I						\$900,000
	Computer Labs and Inst Tech, Phase II						\$4,000,000
	Tennis Court Upgrades, Phase I						\$600,000
	Life Safety/Asbestos Abate, High Priority Ph II						\$2,000,000
	Gruening JHS Renovations, Phase I						\$850,000
	Russian Jack 2 CL Add/Renovations, Ph I						\$3,200,000
	Chugach Optional Addition/Renovations						\$1,370,000
	Clark JHS Renovations, Phase I						\$185,500
	Hanshaw JHS Renovations, Phase I						\$330,000
	Mears JHS Renovations, Phase I						\$110,000
	Chester Valley Renovations, Phase I						\$800,000
	East High Renovation, Phase I						\$2,370,000
	Denali Renovations, Phase I						\$3,350,000
	Government Hill Renovations, Phase I						\$400,000
	Bartlett High Renovations, Phase I						\$929,000
	Districtwide Kitchen Upgrades, Phase III						
	Districtwide Tennis Court Upgrades, Phase II						
	Districtwide Track Repair, Phase II						
	Gladys Wood Renovation, Phase I						
	Airport Heights Renovation, Phase I						
	Priority Capital Renovations, Phase II						
	Rabbit Creek Renovations, Phase I						
	Tudor Renovations, Phase I						
	Turnagain Renovations, Phase I						

State of Alaska
Department of Education
Six Year Plan Information - FY99-FY02
Not Priority Ranked / District Provided Timing
Without REAA Projects
Issued March 4, 1996

District	Project Name	Suggested Six Year Plan without REAA's					
		FY97	FY98	FY99	FY2000	FY2001	FY2002
Craig	East HS Renovations, Phase II						
	Bartlett HS Renovations, Phase II						
	Service HS Renovations, Phase II						
	West HS Renovations, Phase II						
	Districtwide Kitchen Upgrade, Ph IV						
	Dimond HS Renovations, Phaso II						
	Priority Capital Renovations, Phase III						
	Polaris K-12 Addition						
	Districtwide HVAC Replacement, Phase III						
	King Career Center Graphic Arts Shop Addn						
Denali	King Career Center Addition and Renovation						
	New Secondary School		\$650,000	\$16,760,830			
	Elementary Classroom Addition & Roof Replacement		\$355,000	\$3,595,400			
	Middle School Renovation & Library Expansion			\$1,709,800			
	Districtwide ADA Code Compliance			\$159,800			
	Tri-Valley School Addition and Remodel		\$8,084,081	\$4,406,559			
	Anderson School Fire Alarm - Replace Panel and Install Duct Detectors			\$15,000			
	Cantwell School Fire Alarm Upgrade			\$12,650			
	Cantwell School Heating and Sprinkler System			\$725,000			
	Anderson School Heating and Ventilation			\$40,000			
Dillingham	Cantwell School Roof Repair			\$350,000			
	Anderson School Floor Structure Repair				\$250,000		
	Anderson School Gymnasium Lighting and Acoustics					\$100,000	
	Dillingham Elementary School Addition of Six Classrooms			\$206,700			
	Hunter Elementary School Planning, Design and Renovation	\$3,194,692					
Fairbanks	Denali Elementary School Planning, Design and Replacement		\$733,000	\$13,923,900			
	Nordale Elemenatary School Planning, Design and Replacement			\$9,000,000			
	Eielson High School Planning, Design, and Renovation	\$528,000	\$10,032,000				

State of Alaska
Department of Education
Six Year Plan Information - FY99-FY02
Not Priority Ranked / District Provided Timing
Without REAA Projects
Issued March 4, 1996

District	Project Name	Suggested Six Year Plan without REAA's					
		FY97	FY98	FY99	FY2000	FY2001	FY2002
	North Pole Elementary School Planning, Design and Replacement			\$14,480,000			
	District: Physical Plant Shipping and Receiving Renovation and Addition			\$566,877	\$5,101,895		
	District Food Service Facility			\$457,105	\$4,113,943		
	West Valley Renovation: Request for Planning and Design Funds	\$561,000	\$10,659,000				
	Barnette Elementary School Planning, Design and Renovation	\$262,000	\$4,978,000				
	Districtwide: ADA Compliance	\$268,000	\$5,092,000				
Haines	Swimming Pool Roof Replacement	\$243,000					
Hoonah	Districtwide Major Maintenance	\$1,246,500					
	District Major Maintenance			\$140,600			
	District Major Maintenance				\$991,100		
	District Major Maintenance					\$362,300	
Hydaburg	High School Heating System Renovation	\$108,200					
	Districtwide Major Maintenance Project	\$536,800					
Hydaburg	District Maintenance/Storage Facility			\$136,550			
	Covered Outdoor Play Area			\$226,250			
Juneau	High School Roof Repair	\$924,174					
	Marie Drake Roof Replacement	\$952,110					
	Mendenhall River Community School Roof Replacement	\$1,950,300					
	Auke Bay Elementary Roof Replacement	\$655,380					
	High School Floor Heat	\$72,290					
Juneau	Install Cover Over Stairs to Overpass Between JDHS and UAS			\$200,000			
	Gastineau Elementary Heating Floor: Coil Replacement	\$140,500					
	Demolition of Auke Bay Elementary School Sewage Treatment Plant			\$53,950			
	New High School Planning and Design			\$260,000			
	Facilities Surveys Ten Year Facilities Plan			\$130,000			
	Districtwide ADA Code Compliance			\$568,000			
	Floyd Dryden Middle School Gymnasium Floor Replacement			\$148,700			

State of Alaska
Department of Education
Six Year Plan Information - FY99-FY02
Not Priority Ranked / District Provided Timing
Without REAA Projects
Issued March 4, 1996

District	Project Name	Suggested Six Year Plan without REAA's					
		FY97	FY98	FY99	FY2000	FY2001	FY2002
	Purchase Two Modular Classrooms to Alleviate Overcrowding			\$236,200			
	Floyd Dryden Middle School Structural Analysis			\$57,300			
	Auke Bay Elementary Playground Drainage			\$65,000			
	Renovation of Marine Highway Building			\$1,135,600			
	Install Kiln Hood Exhausts at 5 District Schools			\$94,600			
	Floyd Dryden Middle School Covered Walkway Replacement			\$57,300			
	Auke Bay Elementary School Parking Lot Expansion			\$71,500			
	Install Emergency Generators at Glacier Valley and Auke Bay Elementaries			\$170,400			
	Floyd Dryden Middle School Technology/Science Expansion			\$59,500			
	Districtwide Asbestos Abatement			\$54,000			
	Major Maintenance for Various District Projects			\$2,473,000			
	Gastineau Elementary Parking Expansion and Landscaping			\$296,900			
	Districtwide Asbestos Abatement			\$54,100			
	Convert Office/Work Room Spaces into a Classroom at Gastineau			\$236,300			
	Installation of Fire Alarm/Sprinklers at the Maintenance Facility			\$41,600			
	New High School			\$64,896,000			
	Major Maintenance for Various District Projects			\$2,717,400			
	Install Emergency Generator for Gastineau Elementary					\$82,800	
Kake	District Major Maintenance	\$450,000					
Kake	Elementary School Addition			\$849,100			
Kenai Peninsula	Central Peninsula Middle/Jr. High - New			\$1,252,035	\$23,788,656		
	Seward Jr/Sr-Replace 25,000 sq. ft. Roof	\$247,200					
	Nikolaevsk Addition			\$1,294,000			
	ADA Districtwide-Accessible Parking	\$81,100					
	ADA Districtwide-Accessible Entries Phase I	\$114,000					
	ADA Districtwide-Accessible Restrooms Phase I	\$274,000					
	Homer Junior High-Handicap Access	\$162,000					

State of Alaska
Department of Education
Six Year Plan Information - FY99-FY02
Not Priority Ranked / District Provided Timing
Without REAA Projects
Issued March 4, 1996

District	Project Name	Suggested Six Year Plan without REAA's					
		FY97	FY98	FY99	FY2000	FY2001	FY2002
	Kenai Middle School-Handicap Access	\$160,360					
	SoHi-Ventilation of Pool Locker Rooms	\$37,500					
	Skyvlew High - Resurface Track			\$192,900			
	Seward Jr/Sr High - Fire Alarm System			\$125,000			
	KCHS - Reinsulate Exterior Walls			\$250,000			
	Paul Banks - Replace 3,800 sq. ft. Roof			\$45,600			
	Soldotna Middle - Replace Fire Doors			\$25,000			
	Sears Elementary - Roof Replacement			\$287,690			
	SoHi - Boiler Replacement			\$289,400			
	Kenai Elementary - New				\$10,770,000		
	SoHi - Bleacher Replacement				\$99,000		
	Kenai Middle - Bleacher Replacement				\$91,900		
	Sterling Elementary - Bleacher Replacement				\$25,000		
	KCHS Voc - Replace 12,000 sq. ft. Roof				\$120,000		
	SoHi Replace Upper Gym Floor				\$91,900		
	McNeil Canyon Elem. - Replace Septic System			N/A			
	Sears Elementary - Office Area Remodel				\$190,000		
	Nanwalek - Convert Teacherage to Classroom				\$120,473		
	Elementary East of Soldotna - New				\$9,971,177		
	Nikiski Jr. High - New				\$22,607,145		
	Kenai Central - Asphalt Repair				\$57,500		
	Seward High - Shop Remodel				\$361,752		
	Homer Junior - Resurface Track				\$69,000		
	Skyview - Addition Phase II			N/A			
	Kenai - Cover Ice Rink				\$436,800		
	Voznesenka School - New			N/A			
	KCHS - Gym Stage Remodel					\$165,000	
	KCHS - Admin Area Remodel					\$464,100	
	Nikolaevsk - Asphalt					\$169,000	
	SoHi - Upper Gym Acoustic Divider					\$67,000	
	Nanwalek - Bleacher Addition					\$183,000	
	Nanwalek - Storage Building					\$22,000	
	Nanwalek - Ramp for Barge Delivery					\$43,000	
	Seward High - Pool Renovation					\$535,000	
	Kenai Middle - AHERA Abatement						\$2,332,299
	Homer Inter - AHERA Abatement						\$124,458

State of Alaska
 Department of Education
 Six Year Plan Information - FY99-FY02
 Not Priority Ranked / District Provided Timing
 Without REAA Projects
 Issued March 4, 1996

District	Project Name	Suggested Six Year Plan without REAA's					
		FY97	FY98	FY99	FY2000	FY2001	FY2002
	Paul Banks Elem - AHERA Abatement						\$46,765
	Seward Jr/Sr - AHERA Abatement						\$221,076
	Susan B. English - AHERA Abatement						\$79,612
	Anchor Point Middle - New						
	Bartlett - Shop Addition						
	Homer Junior - Shop Remodel						
	Homer Junior - Office Remodel						
	Homer High - Parking Lot Paving						
	Homer High - Cover Voc Area						
	Paul Banks Elem - Air Exchange System/Office						
	Susan B. English - Library Renovation						
	Soldotna Middle - Cover for Material Rack						
	SoHi - Pave Road to Middle School						
	SoHi - Construct Green House						
	Niklski High - Cover Voc Area						
	Seward High - Bleacher Replacement						
	Tyonek (Bartlett) Pool - Addition						
Ketchikan Gateway	Schoenbar School Renovation and Addition				\$9,416,850		
	White Cliff Elementary Code Upgrades	\$1,422,000					
Klawock	Klawock Schools Major Maintenance	\$218,900	\$1,970,100				
Klawock	New Klawock High School Phase I and II				\$2,899,650		
	New Klawock High School Phase III				\$8,770,600		
Kodiak	Peterson Addition				\$99,360		
	Kodiak High School Energy/Code Upgrade				\$3,025,000		
	New Middle School				\$1,105,000	\$20,995,000	
	Kodiak High School Career Technology Upgrade				\$6,050,000		
	Chiniak School Addition				\$1,080,000		
	Student Activity Center				\$4,800,000		
Lake and Peninsula	Districtwide Fuel Tank Farm Upgrade and Fuel Spill						
	Remediation Phase 2	\$1,250,000					
	Pedro Bay School Renovation	\$800,000					
	Water and Sewer System Upgrades	\$670,000					
Lake and Peninsula	Vocational Shops and Classrooms - Various						
	Communities				\$176,400	\$1,587,600	
	Port Alsworth School Library and Entry Addition				\$525,000		
Matanuska-Susitna	Talkeetna School Addition and Renovation				\$3,680,598		

State of Alaska
Department of Education
Six Year Plan Information - FY99-FY02
Not Priority Ranked / District Provided Timing
Without REAA Projects
Issued March 4, 1996

District	Project Name	Suggested Six Year Plan without REAA's					
		FY97	FY98	FY99	FY2000	FY2001	FY2002
	Alasta Middle School			\$1,640,738	\$31,174,013		
	Meadow Lakes Elementary School			\$645,238	\$12,259,513		
	Greater Core Elementary School			\$12,904,750			
	Houston High School			\$31,725,000			
	District Central Office Building			\$7,350,000			
	Operations and Maintenance Building				\$3,700,000		
	Career Center				\$16,000,000		
	Colony Performing Arts Auditorium				\$4,900,000		
	Palmer Area Elementary School				\$12,904,750		
	Yentna Portable School					\$310,000	
	Shell Lake School					\$310,000	
	Chase School					\$310,000	
	Chicaloon School					\$310,000	
	Houston Middle School Addition						\$6,300,000
	Su-Valley School Pool						\$4,000,000
	Special Education Resource Center						\$12,000,000
	Colony High School Pool						\$5,000,000
	Food Service and Nutrition Center						\$5,100,000
	Sutton Jr/Sr School						
	Alaska Challenger Learning Center						
	Su-Valley Middle School						
Nenana	Handicap Access Repairs/Improvement		\$89,100				
Nenana	Site Condition Survey Facility Appraisal			\$28,860			
	Exterior Painting			\$31,950			
	Sprinkler System Installation		\$160,650				
	Classroom Lighting Fixture Replacement			\$76,140			
	Classroom Completion Solarium			\$70,000			
	Electronics Lab Phase I Planning				\$25,000		
Nome	Nome High School New Facility			\$1,250,000	\$23,750,000		
	Nome Beltz Complex Facility Upgrade-Doors, Roof		\$950,000				
	Nome Beltz Complex Facility Upgrade-Energy, Mech		\$1,250,000				
North Slope	Bulk Fuel Systems Life Safety Upgrades-Districtwide		\$12,000,000				
Northwest Arctic	Buckland School Remediation Project-Phase II			\$11,058,706	\$5,268,892		
	Kiana K-12 Expansion Project				\$10,442,480		

State of Alaska
Department of Education
Six Year Plan Information - FY99-FY02
Not Priority Ranked / District Provided Timing
Without REAA Projects
Issued March 4, 1996

District	Project Name	Suggested Six Year Plan without REAA's					
		FY97	FY98	FY99	FY2000	FY2001	FY2002
	Kiana High School Renovation Project	\$264,835	\$2,383,515				
	Noorvik K-12 Expansion Project		\$635,253	\$16,340,237			
	Noorvik High School Renovation Project	\$276,106	\$2,484,954				
	Ambler K-12 Expansion project			\$14,039,700			
	Ambler High School Renovation Project	\$236,780	\$2,131,020				
	Kotzebue Middle/High School Expansion Project			\$742,458	\$6,682,123		
	Noatak Major Maintenance	\$221,949					
	Noorvik Emergency Major Maintenance	\$892,410					
	Shungnak Major Maintenance	\$322,860					
	Districtwide Planning Grant			\$318,600			
Pelican	Critical Roof Replacement	\$430,500					
Pelican	Districtwide Major Maintenance			\$143,000			
Petersburg	Middle/High School Shop Addition			\$833,000			
	Parking, Campus Access			\$150,000			
	Districtwide Lunch Facility				\$300,000		
	Track/Soccer Field					\$1,000,000	
Sitka	High School Renovation	\$370,137	\$7,032,603				
	Baranof Elementary School Renovation	\$293,419	\$5,574,961				
	District Major Maintenance	\$780,000					
Sitka	Baranof Elementary Covered Play Area			\$757,120			
	High School Site Fencing				\$78,000		
	High School Auditorium					\$5,408,000	
St. Mary's	District Health and Life Safety Project	\$81,606					
St. Mary's	Multi-Purpose Facility-School, Adult Ed., and Community Services			\$3,512,392			
Tanana	District Major Maintenance Project	\$57,417					
Tanana	High School Boarding Home			\$509,685	\$4,587,165		
	Elementary/Middle School Project			\$4,434,500			
	Secondary School Remodel				\$3,425,500		
	Teacher Housing (two units)					\$167,600	
Unalaska	New Elementary School			\$6,308,593			
	Multi-Purpose Room Roof Replacement	\$157,440					
	Covered Play Area			\$380,200			
	Administrative Offices				\$270,500		

State of Alaska
Department of Education
Six Year Plan Information - FY99-FY02
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Without REAA Projects
Issued March 4, 1996

District	Project Name	Suggested Six Year Plan without REAA's						
		FY97	FY98	FY99	FY2000	FY2001	FY2002	
Wrangell	Civil Site Work: Evergreen Elementary and Wrangell High School/Stikine Middle School complex		\$89,315					
	Exterior Windows: Evergreen Elem. Wrangell High School/Stikine Middle School Complex		\$165,477					
	Hot Water Tank Replacement at Wrangell High School		\$31,250					
	Interior Corridor Finish - Stikine Middle School		\$37,500					
Wrangell	Civil Site Development, Parking Lot Grading and Paving				\$264,375			
	Evergreen Elementary - Major Mechanical Renovation							
Yakutat				N/A				
	YHS Roof Replacement			\$250,000				
	Yakutat Cultural/Early Childhood/Learning Center			\$800,000				
	Yakutat Track and Field				\$100,000			
	Parking Lot Paved Elementary School				\$150,000			
TOTALS			<u>\$39,820,757</u>	<u>\$73,854,193</u>	<u>\$352,799,461</u>	<u>\$286,991,203</u>	<u>\$56,194,600</u>	<u>\$84,208,710</u>

- Notes:**
- 1) The projects shown here include both major maintenance and school construction projects.
 - 2) This list is in order by school district and then by school district assigned priority. These projects have not been priority ranked by DOE at this time.
 - 3) Project scopes have not been reviewed for the level of funding eligibility.
 - 4) N/A signifies that the district did not provide an estimated project cost.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: HB 488

Revision Date: 3/5/96 Dept. Affected: Community & Regional Affairs
 Title: An Act relating to matching funds require- 3RU: none
ments for municipal school construction grants Component: none
 Sponsor: Rep. Long
 Requestor: House C&RA COMPONENT SERIAL NO. _____

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()						
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY 96) impact: \$ none

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Remond Henderson *Remond Henderson* Phone: 465-4708
 Division: Director, Administrative Services Division Date: 3/5/96

Approved by Commissioner: Mike Irwin *Mike Irwin* Date: 3/5/96
 Agency: Mike Irwin, Dept. of Community & Reg. Affairs

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ALASKA STATE LEGISLATURE



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WHILE IN JUNEAU
State Capitol, Room 405
Juneau, Alaska 99811-1182
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HOUSE OF REPRESENTATIVES

SPONSOR STATEMENT

District 37

North Slope Borough

Anaktuvuk Pass
Atkasuk
Barrow
Kaktovik
Nuiqsut
Point Hope
Point Lay
Wainwright

Northwest Arctic Borough

Ambler
Jckland
Deering
Kiana
Kivalina
Kobuk
Kolzebue
Noatak
Noorvik
Selawik
Stungnak

Seward Peninsula

Diomedes
Shishmaref
Wales

HB 488: School District Matching Fund Requirement

House Bill 488 was introduced to accomplish one major purpose. The primary purpose of HB 488 is to assist municipalities with their local share on school construction grants. This legislation is intended to allow municipalities with an unemployment rate of at least 10 percent a waiver towards their participating share.

At the present time municipalities with an unemployment rate of 10 percent or greater have a much harder time to pay their local share for school construction. This high unemployment rate results from a lack of economic development or jobs within a municipality, which translates into low revenue for local municipalities.

Since the adoption of the School District participation in grant program in 1993, many schools in Alaska have been neglected due to these municipalities inability to come up with their participation share of the grant.

I believe this bill would be a step in the right direction in helping economically depressed municipalities in their effort to receive school construction grants.



ALASKA STATE LEGISLATURE
Representative Donald "Don" Long

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State Capitol
Juneau, AK 99801-1182
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OUT OF SESSION
P.O. Box 496
Barrow, AK 99723
(907) 852-5664

TO: Representative Ivan M. Ivan, Co-Chair
Community & Regional Affairs Committee

FROM: Representative Don Long

Don Long

DATE: February 14, 1996

SUBJ: Scheduling of HB 488

I am requesting that you schedule my bill for a hearing in your Committee. The bill and back-up for the bill is attached. HB-488, "An Act relating to matching funds requirements for municipal school construction grants."

Quyanaqpaki

ANNUAL AVERAGE UNEMPLOYMENT RATES BY REGION AND CENSUS AREA

	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995
Alaska Statewide	10.9	10.8	9.2	6.7	6.7	8.4	9.1	7.7	7.9	7.1
Anch -MatSu Region	9.5	9.6	8.3	5.9	5.8	7.2	8.0	6.8	6.7	6.0
Municipality of Anchorage	8.4	8.4	7.4	5.1	5.0	6.4	7.1	6.1	5.9	5.3
MatSu Borough	18.3	18.5	15.7	12.2	11.0	11.9	13.2	10.9	10.9	9.8
Gulf Coast Region	14.3	13.8	11.6	7.8	9.5	12.0	13.7	11.5	11.9	11.0
Kenai Peninsula Borough	17.1	16.8	14.0	9.3	10.9	13.8	15.6	12.8	12.6	12.1
Kodiak Island Borough	7.9	6.3	5.8	4.5	4.7	8.4	10.8	9.8	12.1	9.4
Valdez-Cordova	11.6	11.5	10.3	6.7	10.5	9.8	10.5	9.1	9.4	9.1
Interior Region	14.4	14.5	12.4	8.9	8.2	10.0	10.0	8.6	8.6	7.8
Denali Borough	*****	*****	*****	*****	13.5	13.7	11.2	10.1	10.5	10.5
Fairbanks North Star Borough	14.2	13.9	11.8	8.4	7.6	9.4	9.4	8.1	8.0	7.1
Southeast Fairbanks	15.1	16.2	14.6	10.6	12.0	13.1	12.6	12.3	13.0	12.3
Yukon-Koyukuk	16.6	19.7	17.2	13.5	13.1	15.7	17.0	13.8	14.3	15.0
Northern Region	11.4	11.0	9.5	8.0	7.9	10.1	11.7	10.4	10.3	9.9
Nome	13.5	12.8	11.4	9.9	8.5	11.2	12.5	11.7	12.3	12.2
North Slope Borough	6.0	5.6	5.0	4.7	3.2	4.4	4.2	4.5	4.0	3.6
Northwest Arctic Borough	15.4	15.5	13.0	10.0	13.8	16.2	20.3	16.7	15.9	15.3
Southeast Region	10.2	9.6	7.8	6.9	6.6	8.3	8.6	7.7	8.2	7.3
Haines Borough	13.5	13.2	10.6	9.0	7.0	15.3	12.2	9.4	10.7	11.1
Juneau Borough	8.6	7.0	5.7	5.0	4.8	6.2	7.0	6.2	6.0	5.6
Ketchikan Gateway Borough	10.7	10.1	8.3	7.5	7.5	9.4	9.6	8.9	8.3	7.5
Pr. of Wales-Outer Ketch	14.5	14.7	13.1	11.5	10.6	13.8	12.7	10.3	12.5	11.5
Sitka Borough	8.7	8.4	6.7	5.5	4.8	5.8	6.0	6.3	9.9	5.7
Skagway-Yaku at-Angoon	16.7	17.3	15.8	12.8	11.4	11.7	12.4	11.1	10.6	9.0
Wrangell-Petersburg	11.2	12.6	8.9	9.1	8.4	10.1	10.1	8.9	9.2	10.2
Yakutat Borough	*****	*****	*****	*****	*****	*****	*****	*****	14.3	7.8
Southwest Region	8.5	8.8	7.1	4.8	4.6	5.9	6.4	5.5	6.5	6.6
Aleutians East Borough	3.9	4.0	3.2	1.5	.4	1.2	1.5	1.8	2.9	3.3
Aleutians West	3.4	3.5	3.1	1.3	.5	1.0	1.1	1.2	1.9	1.5
Bethel	10.4	10.5	8.2	5.9	6.6	8.7	9.3	7.3	8.8	9.3
Bristol Bay Borough	8.9	10.2	8.9	4.7	3.9	5.2	6.3	6.6	5.7	6.3
Dillingham	8.0	8.7	6.1	4.8	6.0	6.9	8.8	7.9	8.4	7.1
Lake & Peninsula Borough	*****	*****	*****	*****	5.6	7.5	9.5	7.6	7.0	7.8
Wade Hampton	14.2	13.9	12.9	8.7	11.0	12.7	11.5	11.0	12.6	13.3

*****Data not available

**KASHUNAMIUT SCHOOL DISTRICT**

985 KSD Way
Chevak, Alaska 99563
(907) 858-7713 FAX (907) 858-7328

March 5, 1996

Honorable Donald Long
Alaska House of Representatives
Room 405 State Capitol
Juneau, AK 99811-1182

Re: CS for HB 488

Dear Representative Long:

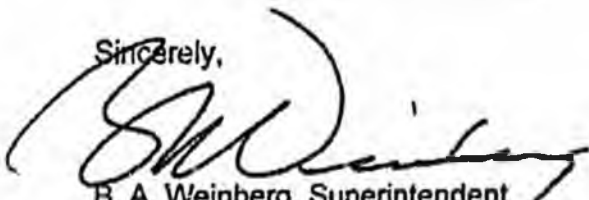
I have reviewed the February 21 draft of the CS for HB 488, and I should like to express support on behalf of Kashunamiut School District.

Regrettably, many rural areas and small cities suffer from chronic high unemployment. As such, the affected communities, municipal governments and school districts, as well as REAA's exist in very distressed economic environments. In such instances, it is most appropriate for these entities to use their scarce resources to provide essential services and to stimulate economic growth and jobs rather than to match state grants for high priority school construction and major maintenance programs.

Our community of Chevak, with endemic high unemployment, may be used as an example. Replacement of the existing unsafe and overcrowded school is #2 on the statewide school construction priority list. The required local match is \$443,020. The only source of cash for the required participating share is the school operating budget. First of all, it is inherently unfair to require a reduction in educational spending in the amount \$443,020 in order for students to qualify to be housed in a school that is safe and of sufficient size. Secondly, and directly to the point of this proposed legislation, reducing the educational program is counterproductive to the stimulation of economic development and to the stimulation of additional and better jobs.

Thank you for bringing this matter to the attention of the Legislature. If there is any other way that we may support this proposal, please let us know.

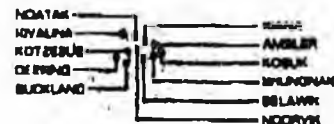
Sincerely,



B. A. Weinberg, Superintendent
KASHUNAMIUT SCHOOL DISTRICT

cc: Rep. Richard Foster

Northwest Arctic Borough School District
 BOX 51
 KOTZEBUE, ALASKA 98752
 (907) 442-3472



February 19, 1996

Robert Nelson, Aide
 % Representative Don Long
 State Capitol, Room 405
 Juneau, AK 99811-1182

Dear Robert:

The Northwest Arctic Borough School District fully supports HB 488, introduced this session by Representative Long, relating to matching funds for municipal school construction grants. I believe the following information will give you some idea of the problems we had providing the local matching requirement for the Selawik High School Renovation/Addition Project which we currently have under way.

The District submitted an application for funding for the Selawik High School Renovation/Addition Project in August of 1992 in the amount of \$ 14,366,690. The legislature approved funding in the amount of \$ 12,930,000, because this was also the time that the school construction grant program was revised to provide for the local matching requirement. This change in the funding statutes left the District \$ 1,436,669.00 short to provide for the building that was envisioned when our application was submitted. The District has been successful in providing for the local matching requirement through the use of prior years capital expenditures (\$244,131.00) and the use of unrestricted fund balance from the operating fund to provide the remaining balance. While this method met the short term requirements for this project it can not be used as a basis for providing local match funding in any future projects.

If the District was to obtain an appropriation for the Buckland Remediation Project, which was the Northwest Arctic Borough Board of Education's number one priority, this would obligate the District to provide for local match funding for this project. Based upon the request by the District and the amount recommended by the Department of Education this could be anywhere from \$ 1,200,000 to \$ 1,700,000. Since the District has utilized all the available unrestricted fund balance to provide for the continuation of our current educational program and the remaining local match requirement for Selawik, there is not a source of funding available to meet any additional local matching requirements. The Northwest Arctic Borough does not have the resources available to assist the District with this requirement.

As you are aware, the Northwest Arctic area consistently has one of the highest unemployment rates in the state. Because of this situation there is not an available tax base for the Borough to levy taxes upon the residents to allow for the local participation requirements. Representative Long's bill would allow the District to continue to provide the much needed facilities in our District but not burden the residents with a local matching requirement when there are no available resources to meet this requirement.

If I can supply additional information in support of HB 488, please contact me at your convenience.

Sincerely,

Randall W. Swenson

Randall W. Swenson,
 Superintendent