

Introduced by: Mayor
Date: Oct. 8, 1985
Vote: Unanimous
Action: Adopted

KENAI PENINSULA BOROUGH

RESOLUTION 85-180

OPPOSING THE STATE OF ALASKA DEPARTMENT OF EDUCATION EMERGENCY AND PROPOSED REGULATIONS AND REQUESTING INTRODUCTION OF LEGISLATION DISAPPROVING SUCH REGULATIONS.

WHEREAS, the Department of Education has adopted emergency regulations on school construction and reimbursement of debt service; and

WHEREAS, there appears to be no emergency necessitating such regulations; and

WHEREAS, emergency regulation 4 AAC 31.057(c) and proposed regulation 4 AAC 31.058(d) are in conflict with the single-audit concept defined in 2 AAC 45.010 as administered by the State Office of Management and Budget; and

WHEREAS, the Department of Education has announced that it intends to make these emergency regulations permanent, as well as adopting additional proposed permanent regulations; and

WHEREAS, the additional proposed permanent regulations include 4 AAC 31.058, which allows the State to reduce the amount paid to the Borough by the State for debt retirement if the interest earned on school bond proceeds is used to pay the costs of the school project or to pay accrued interest on the bonds; and

WHEREAS, the proposed regulations would allow the DOE to interfere in local School District decisions as to attendance areas by disallowing project approval if students could be transported to other facilities; and

WHEREAS, this regulation would penalize the Borough for wise utilization of funds; and

WHEREAS, the proposed regulations and emergency regulations appear to exceed the authority of the DOE under the debt retirement for school construction statutes; and

WHEREAS, 1985 SLA chapter 78 Section 9 provides that any permanent regulations take effect unless a law is enacted disapproving the regulations;

NOW THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

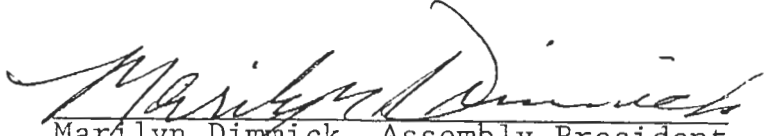
Section 1. That the assembly opposes the Emergency Regula-

tions for Debt Retirement as approved by State Board of Education on September 10, 1985, and also opposes the additional proposed regulations that the Department is considering for adoption.

Section 2. That the assembly requests the introduction of legislation disapproving the above regulations if they are adopted as permanent regulations by the Department of Education.

Section 3. That the assembly direct the Borough Clerk to forward a copy of this resolution to Senators Paul Fischer, Jalmar Kerttula, Edna DeVries and John Sackett; Representatives Mike Navarre, Andre Marrou, Bette Cato, Mike Szymanski and Kay Wallis.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 8th DAY OF October, 1985.


Marilyn Dimmick, Assembly President

ATTEST:


Joanne Brindley
Borough Clerk