

HB

404

"An Act providing for state aid to unincorporated communities; and providing for an effective date."

COMMITTEE REPORT

1-75

HOUSE

JUDICIARY
FINANCE

Mr. Speaker:

Date 8-13-77

The Committee on COMM. & REG. AFFAIRS has had 12-404

under consideration. A Majority of the members of the Committee

- () recommends it DO PASS
- () recommends it DO NOT PASS
- () recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- () recommends it BE REPLACED WITH CS FOR 113-111 AND THAT

CS FOR _____ DO PASS

- () "and" recommends it BE REFERRED TO THE _____ COMMITTEE

() reports it back WITHOUT RECOMMENDATION

() "other"

Members signing the Majority report:

Members NOT concurring in the Majority report:

_____ recommends:
 _____ recommends:
 _____ recommends:
 _____ recommends:
 _____ recommends:

_____ Chairman

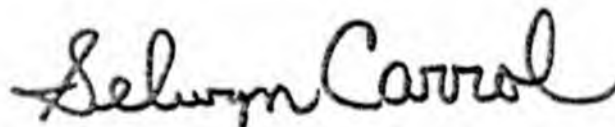
COMMITTEE REPORT

The Committee in reporting out CSHB 404 is attempting to aid those communities who have not yet incorporated, and thus, are not eligible for revenue sharing.

The bill provides for funds specifically to plan for the provision of future local governmental services and to ascertain priorities for future local community development. It is hoped that with these funds and with the help of the Department of Community and Regional Affairs, these communities will become incorporated in the near future, thus becoming less dependent on state funds.

In establishing the Unincorporated Communities Services Account, the committee is introducing a companion bill to appropriate \$100,000 for funding of the program for the first year. The intent of the committee is that funding for the remainder of the program will appear in the Department of Community and Regional Affairs budget until the communities become incorporated. Hopefully funds needed after the initial year will be on a descending scale as incorporation occurs.

Finally, the committee feels that this bill is a step in the right direction toward incorporation of the unorganized areas of the state.



Selwyn Carrol

Chairman

House Community and

Regional Affairs Committee

STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

WILLIAM A. EGAN, GOVERNOR

DIVISION OF LOCAL GOVERNMENT ASSISTANCE

POUCH B-JUNEAU 99801

January 30, 1974

The Honorable Selwyn Carroll
Chairman, House Community and
Regional Affairs Committee
Pouch V
Juneau, Alaska 99801

Dear Mr. Carroll:

Re: HB 404

In lieu of a fiscal note, I am enclosing a list of those unincorporated places, and their populations, which might make application for financial assistance if the bill before the Committee is enacted into law.

I suggested two changes which I thought the Committee might consider in its subsequent deliberations. That incorporation of new municipalities is fairly presumed by HB 404--the period during which entitlements would be paid to unincorporated places is only three years--I would suggest language authorizing the program administrator to pay the councils of communities incorporated the grant which would normally pass to an unincorporated corporation or association during the year of transition to incorporated status. To subsection (c) of AS 43.18.500 the following may be added:

(c) State aid payable under this section may be paid for a period of three years upon annual application following date of receipt and approval of certification by the department or until a community is incorporated as a city in accordance with AS 29.18.010-29.18.200, whichever comes first, provided, however, that the department may pay the council of an incorporated city in the year of the city's incorporation an amount which the nonprofit corporation or association would have received.

January 30, 1974

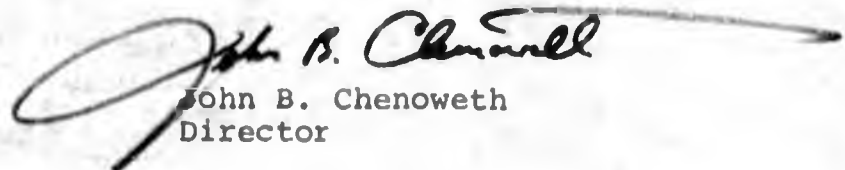
I would ask, also, that the Committee attempt to clarify whether unincorporated communities located within boroughs having area-wide planning authority (e.g., Tyonek) may benefit. The nature and purpose of the assistance provided, "encouraging communities to ascertain priorities for future community development, to plan for the provision of future local government services" suggests that the planning function will be restricted to the future administrative concerns of the particular community for a purpose rather more limited than land use planning and related matters generally embraced within a definition of areawide planning. Nevertheless, depending upon the breadth of interpretation of "planning" offered, an unincorporated place may be precluded from receipt of a grant as the power is one imposed on the borough.

Representative Guy has asked that we address ourselves to the question of payment to alternate representative bodies, specifying a nonprofit regional association in lieu of and in behalf of residents of a particular unincorporated place, citing the study function presently under way by Yupiktak Bista, Inc. on behalf of Bethel area residents. The suggestion has merit--the Department has always encouraged local study of areawide concerns before submission of a borough petition--but in the context of the unorganized borough I would rather that grants be made to an association in a community leaving to them the decision as to whether to support regional governmental study.

I concur in the observation of Mr. Berry of the Alaska Municipal League that the account for expenditures to unincorporated places ought to be kept separate and wholly apart from the present Municipal Services [revenue sharing] Account, AS 43.18.020(b), to avoid a further draw on the appropriation annually made to the latter. The accounts would serve programs with different purposes and ought to be separately funded at adequate levels.

May I reiterate Commissioner Mallott's expression of willingness to appear before the Committee as you further consider this bill.

Very truly yours,



John B. Chenoweth
Director

CERTIFIED VILLAGES WHICH ARE UNINCORPORATED (84)

Ahtna, Inc.

Cantwell	62
Chistochina	33
Copper Center	318
Gakona	88
Gulkana	53
Mentasta	68
Tazlina	NA

612

Aleut Corporation

Akutan	101
Atka	88
Belkofsky	59
False Pass	62
Nelson Lagoon	43
Nikolski	57
St. George	163

573

Arctic Slope

None

Bering Straits

Mary's Igloo	NA
Unalakleet	434

Bristol Bay

Chignik	83
Chignik Lagoon	45
Chignik Lake	117
Egegik	153
Ekuk	51
Igiugig	36
Iliamna	58
Ivanof Bay	48
Kokhanok	86
Kolignanek	142
Levelock	74
Naknek	318
Pedro Bay	65
Perryville	101
Pilot Point	68
Portage Creek	90
South Naknek	154
Twin Hills	67
Ugashik	25

Calista

Andreafski	NA
Atmautluak	NA
Bill Moore's	NA
Crooked Creek	NA
Georgetown	NA
Hamilton	16
Kalskag	122
Kipnuk	325
Kongiganak	190
Kwethluk	408
Kwigillingok	148
Lime Village	25
Napaimute	NA
Newtok	114
Ohogamiut	NA
Oscarville	41
Pitkas Point	70
Platinum	55
Quinhagak	340
Red Devil	81
Russian Mission (K)	94
Sleetmute	109
Stony River	74
Tuntutuliak	158
Tununak	274

Chugach Area

2754

English Bay	58
Port Graham	107
Tatitlek	111

Cook Inlet

Eklutna	25
Ninilchik	134
Tyonek	232

Doyon

Alatna)	8
Allakaket)	174
Beaver	101
Birch Creek	40
Chalkyitsik	130
Circle	54
Dot Lake	42
Eagle	67

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McGrath	279
Minto	168
Northway	40
Rampart	46
Stevens	74
Takotna	153
Tanacross	84
Telida	NA

944
 98
 213
 5612
 373
 1783
 2754
 276

Koniag

904

Karluk 98

391
608

NANA

Noatak 293

83320

Sealaska

None

83320

10. NA

CERTIFIED VILLAGES LOCATED ON RESERVES WHICH ARE
UNINCORPORATED (4):

Arctic Village	113	Tellin	114
Klukwan	98	Venetie	112

UNINCORPORATED VILLAGES ON APPEAL (28):

Chitina	38
Unga	NA
Atkasook	NA
Nooiksut	200
Point Lay	60
Council	NA
Solomon	NA
Chuloonawick	NA
Umkumiuke	NA
Cheneega	NA
Eyak	NA
Alexander Creek	NA
Caswell	NA
Chickaloon	25
Kasilof	71
Knik	NA
Montana Creek	33
Point Possession	NA
Salamatof	NA
Bettles	57
Manley	34
Afognak	NA
Anton Larson Bay	NA
Bells Flats	NA
Kaguyak	NA
Uyak	NA
Woody Island	41
Kasaan	30

OTHER PLACES (26):

Adak	2,800	Coffman Cove	NA
Thorne Bay	443	El Capitan	NA
Glennallen	450	Gildersleeve	NA
Metlakatla	1,250	Brown's Court (area)	NA
Cold Bay	256	Port Alice	NA
Healy-Suntrana	220	St. John's Harbor	NA
Tok	550	Sunrise Creek	NA
Cape Pole	123	Tuxekan	NA
Edna Bay	112	Whale Pass	NA
Gustavus	64	Medfra	NA
Kenny Lake	100	Nabesna	NA
Paxson	24	Slana	NA
Hyder	49		
Minchumina	23		

MEMORANDUM

State of Alaska

TO: Mr. Guy Van Doren

DEPT. Comm. and Regional Affairs
DIV. DSEO
SEC. _____

DATE

Jan 28, 1974

FROM: *CS* Carlton Smith, DSEO JNU

SUBJECT: Status of HB 404

On Tuesday, the Dept. of Comm. and Regional Affairs is expected to support HB 404 with reservations. The testimony will include a rough cost figure for the measure, and broad implications to the Department and the Boundary Commission, e.g. a change in travel costs incurred by its passage.

STATE
of ALASKA

MEMORANDUM

OFFICE OF THE GOVERNOR

TO: The Honorable John E. Havelock
Attorney General
Department of Law

DATE: February 28, 1972

FROM: *Bill by J.E.H.*
Byron I. Mallott
Director
Local Affairs Agency

SUBJECT: House Bill No. 600

On Monday, February 21, the House Local Government Committee reported out HB No. 600 with a "do pass" recommendation. This bill has now gone to the House Finance Committee.

During committee discussion on this bill, the agency presented testimony including the fiscal impact to the state should the legislation be enacted. The agency pointed out certain questions which should be evaluated prior to the bill's being reported out onto the House floor. These questions are stated as follows:

1. May federal Indian Reorganization Act (IRA) business corporations legally receive and expend state funds for "municipal" purposes within either organized cities or boroughs or unincorporated areas?

Discussion:

IRA corporations organized under the provisions of the Wheeler-Howard Act have as their primary purpose the transaction of business within predominantly Indian or Native communities. We are generally aware that the Wheeler-Howard Act also provides for the establishment of minimum local self-government for Indian communities through the adoption of a constitution and by-laws provided by the Secretary of the Interior. It becomes a question, therefore, whether or not a community which has adopted an IRA charter containing provisions for minimum local government can exercise such powers in the face of Sections 2 and 7 of Article X, the Alaska Constitution.

2. If IRA corporations are in fact "closed" to all but persons of Native origin, is the State Legislature in any way impeded from authorizing disbursement of state general fund monies through AS 43.18.010 to communities as defined in HB No. 600?

Discussion:

It would appear that allocation of state shared revenues to these corporations would carry with it the requirement that the funds so allocated be expended wholly for public purposes, i.e. municipal services, authorized by federal

IRA charters. That this necessarily follows is buttressed by AS 43.18.010 (f) which states, in part, that "funds received by a city, borough or service area under this section may be expended for any public purpose for which it has power to expend public funds..." (emphasis added)..

3. Could an IRA corporation located within the boundaries of a municipality incorporated under state law be eligible for revenue sharing allocations?

Discussion:

It is conceivable that situations may exist where communities are incorporated both under the federal Wheeler-Howard Act and also under Titles 29 and 7 of the Alaska Statutes. While the intent of the proposed bill must be to make communities which have organized as IRA corporations but not as municipal corporations eligible for revenue sharing funds, it would seem that the bill, as written would not preclude funding of both an IRA corporation and a municipality within the same community.

The above are some of the questions which have immediately surfaced with respect to HB 600. The agency respectfully requests that your office provide this agency and the Legislature with an opinion discussing these questions as well as any other important implications generated by this bill of which we are not presently aware.

The attachments to this memorandum provide a picture of the fiscal aspects which would ensue if the legislation were to be enacted by the Legislature. I am available for discussion on this matter at your convenience.

BIM/SJS/pc

Attachments

cc: The Honorable Mike Miller, Chairman
House Local Government Committee

The Honorable Richard Whittaker
House of Representatives

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STATE
of ALASKA

MEMORANDUM

TO: [The Honorable Mike Miller, Chairman
House Local Government Committee
Alaska State House of Representatives

DATE : February 19, 1972

FROM: ^{BM} Byron I. Mallott, Director
Local Affairs Agency
Office of the Governor

SUBJECT: HB-600- State Aid to Federal Law Cities

The following fiscal analysis of HB 600 is based on the premise that each IRA Council would be empowered to provide and would be providing the services listed, two years after each initially became eligible for grants in aid under AS 43.18.010.030. Therefore, this analysis should be considered an estimate of each active IRA Council's potential level of participation.

AKIACHAK - Population 312 - Police Protection, Fire Protection, Parks and Recreation, Road Maintenance.	\$8940
ATKA - Population 88 - Police Protection, Fire Protection, Parks and Recreation, Road Maintenance.	\$4760
KLUCKWAN - Population 102 - Police Protection, Fire Protection, Water Pollution, Parks and Recreation.	\$2244
KWETHLUK - Population 408 - Police Protection, Fire Protection, Parks and Recreation, Road Maintenance, Health Facilities	\$12,910
KWIGILLINGOK - Population 148 - Police Protection, Fire Protection, Parks and Recreation	\$2960
KWINHAGAK - Population 340 - Police Protection, Fire Protection, Parks and Recreation	\$6800
METLAKATLA - Population 1050 - Police Protection, Fire Protection, Water Pollution, Land Use Planning, Transportation, Parks and Recreation, Road Maintenance, Health Facilities.	\$43,450
MINTO - Population 168 - Police Protection, Fire Protection, Water Pollution, Land Use Planning, Parks and Recreation, Road Maintenance.	\$4932
NIKOLSKI Population 57 - Police Protection, Fire Protection, Parks and Recreation, Road Maintenance	\$4140

NOATAK - Population 293 - Police Protection, Fire Protection, Parks and Recreation, Road Maintenance
\$7360

PERRYVILLE - Population 94 - Police Protection, Fire Protection, Water Pollution, Parks and Recreation, Road Maintenance
\$3568

TANACROSS - Population 84 - Police Protection, Fire Protection, Water Pollution, Parks and Recreation, Road Maintenance
\$2748

TATITLEK - Population 111 - Police Protection, Fire Protection, Water Pollution, Parks and Recreation, Road Maintenance
\$2742

TETLIN - Population 114 - Police Protection, Fire Protection, Transportation, Parks and Recreation, Road Maintenance
\$3750

TUNUNAK - Population 274 - Police Protection, Fire Protection, Water Pollution, Parks and Recreation, Road Maintenance
\$6478

TYONEK - Population 232 - Police Protection, Fire Protection, Water Pollution, Transportation, Parks and Recreation, Road Maintenance
\$2,500

UNALAKLEET - Population 434 - Police Protection, Fire Protection, Water Pollution, Land Use Planning, Parks and Recreation, Road Maintenance
\$16,416

VENETIE - Population 112 - Police Protection, Fire Protection, Water Pollution, Parks and Recreation, Road Maintenance
\$3214

Total \$145,926

Representative Tillion has asked that we address ourselves to the question of the impact of Tyonek's eligibility on the Kenai Borough's entitlement.

The Kenai Borough is presently qualifying for funds on an area wide basis under the categories of Air Pollution Control and Land Use Planning. The application under Air Pollution Control is based on participation in the Tri-Borough Air Pollution Control Program; the Land Use Planning entitlement is based on the fact the Borough exercises mandatory area wide planning and zoning authority. Therefore, the qualification of Tyonek for funds under the Police and Fire Protection, Water Pollution Control, Parks and Recreation, Transportation and Road Maintenance categories would not effect the Kenai Borough's entitlement.

BIM/DA:da