

H/B - 265

HOUSE COMMUNITY & REGIONAL AFFAIRS COMMITTEE

Meeting Minutes
March 28, 1975

Meeting was called to order at 9:00 for discussion of HB 265, 266
HB 223 and SB 207 am. Present:

Representative Sam Cotten, Chairman

" Al Ose
" Larry Davis
" Kathryn Ostrosky
" Glenn Hackney
" Oral Freeman

Barbara Englert Thomas, Staff

Andrea Guernsey, Staff

Jean G. Muhou, City Clerk, Anchorage

Mary Coffery, Borough Clerk, GAAB

Judi Slajer, Borough Clerk, Ketchikan Borough

Donald E. Clocksin, Legal Services

HB 265, 266 (community assistance)

(495) First order of business of HB 265. Chairman Cotten read a letter from Commissioner McAnerney saying that only 1st and 2nd class cities were eligible for grants--Home Rule cities are not. This clears up Ose's problem of Anchorage maybe trying to use this program. Rep. Ostrosky moves to report bills out. Reps. Hackney and Freeman object. The Chairman calls for a show of votes to report out. Four voted to move out: Cotten, Davis, Ose and Ostrosky. Bills reported out with individual recommendations.

HB 223, SB 207am

(580) Next on the agenda were election bills. Ms. Slajer said they wanted the language of SB 255 in SB 207am. Hackney objects to taking up bills not in this committee (SB 255). Testimony was restricted to 207 and 223.

(712) Rep. Ostrosky notes technical error in spelling of the word "runoff". Word is hyphenated in SB 207 and not in HB 223.

(725) Ms. Slajer in favor of concept in SB 207 but want to change the wording a little. SB 255 is same but better wording. Rep. Davis asked if it wasn't already in ordinance requiring run off for Mayor. Want to exempt all from run off except Mayor.

(767) Ostrosky asked if they needed a plurality vote? Yes, they do.

(775) Hackney--HB 223 requires exemption be ratified by voters--essential. Different from SB 207. (800) Coffery explains problem with GAAB. Two different sets of standards for same body. Hackney wants people to be able to vote. Coffery wants option by ordinance. Rather than voting on the question the people would vote on the people and if they weren't satisfied the council would hear about it. (885) Ose definitely opposed to ordinance. (898) Freeman wants to know what is wrong with council making ordinances? (925) Ms. Coffery said this position was endorsed by the Alaska Association of Municipal clerks which includes 37 municipalities. (947) Hackney asked what objections they had to the people voting on the question. Jean's response was that the people would voice their displeasure. Coffery explained the GAAB situation. She thinks run off is farce.

HOUSE COMMUNITY & REGIONAL AFFAIRS COMMITTEE

Meeting Minutes
March 25, 1975

Meeting was called to order at 9:00 for discussion of HB 140, 265, 266. Present were:

Rep. Sam Cotten, Chairman	Rep. Mike Hershberger
Rep. Kathryn Ostrosky	Rep. Glenn Hackney
Rep. Al Ose	Rep. Oral Freeman
Rep. Larry Davis	
Barbara Englert Thomas, Staff	
Andrea Guernsey, Staff	
Bob Pavitt, planning consultant	
Don Clocksin, Alaska Legal Services'	
Dave LeBlonde, A.G.'s office	
Mike Harper, Deputy Commissioner, C&RA	

HB 140

(15) Mr. Pavitt gave testimony saying that 42 states now had some sort of official map act. The committee substitute is good, changing shall to may is OK. It's good for the planners and subdividers to be pre-advised of the plans of the municipality. He offered a suggested amendment to be placed after paragraph A.

(291) Cotten asked about the intent of section E. Bob said in essence what they're talking about is a tax rebate. He thinks the bill should clarify the tax status of the land to avoid a rip off.

(373) Why is the amendment necessary, Cotten asked. There should be a statement as to the effect of the map, what it does and what it doesn't do. (442) Rep. Ostrosky, sponsor, thinks the suggestion is good.

(463) end discussion of HB 140.

HB 265, 266

(480) Mr. Clocksin gave a short run down of the background of the bill. It came out of the Bush Justice Conference held in Minto. Addresses the problem of a lot of unincorporated villages who don't have enough sufficient funds to pay for an attorney.

(570) Cotten asked if he expected many first class cities to make requests. Clocksin didn't think so but knew of one request right now (ANgoon).

(586) Mr. Harper made a few comments. His Department endorses the project. ON the question of additional staff he said that the local government specialists weren't prepared to answer questions about legal problems.

(653) Ose wondered how many hours of legal time \$50,000 would buy, and how many villages will request. There won't be a lack of equests Harper said, but there is no way of telling how many projects the money will fund. In order to determine if they need assistance the Dept. will have to set requirements. (760) Clocksin noted that there was no way to set the exact costs right now, it will have to be on an

experimental basis.

(832) Dave LeBlonde gave his opinion as the drafter of the bill. On the question of an attorney being placed in the A.G.'s office he said it might cause a conflict of interest. The same might prove true if the Dept. of C&RA had a lawyer placed on staff for the same purpose. (952) Cotten made the comment that it would probably cost more money to keep a full time attorney on staff, what with travel money and per diem costs.

(941) Mackney pointed out that C&RA would have to decide if these communities needed legal assistance without any of them having legal experience.

(982) Rep. Ostrosky voiced strong support for the bill. Respnse to an expressed need.

(1010) Ose was worried that it would open up to anybody, even Anchorage. Clocksin said that Anchorage would not be eligible and only those that were otherwise unable to attain legal assistance would be included.

(1041) Freeman sees no connection between this bill and the Bush Justice conference. He is an advocate of a roving city manager in the Dept. of C&RA but he thinks this approach is all wrong.

(1122) Cotten asked how many wanted to report the bill out. There was not a majority.

After no further discussion the meeting was adjourned at 10:00 (1130).

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 C&RA's
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 these ^{community} ^{jurisdiction}
 not ^{to handle}
 & ^{unable to}
 all legal ques.

(Tape of this meeting
in Judiciary)

JOINT HOUSE JUDICIARY
and
COMMUNITY & REGIONAL AFFAIRS

Meeting Minutes
March 19, 1975

Meeting was called to order at 9:00 for discussion of HB 265, 266. Present were:

Rep. Sam Cotten, Chairman C&RA	Terry Gardiner, Chairman Judiciary
Rep. Oral Freeman	Rep. Tom Fink
Rep. Kathryn Ostrosky	Rep. Fred Brown
Rep. Al Ose	Rep. Parr
Rep. Glenn Hackney	Paddy Moriarty, Staff
Rep. Mike Hershberger	Tom Turnbull, Staff
Rep. Larry Davis	
Barbara Englert Thomas, Staff	
Andrea Guernsey, Staff	
Don Berry, Municipal League	
Don Clocksin, Deputy Director, Alaska Legal Services	
Michael Harper, Deputy Commissioner, C&RA	
Dave LeBlonde, A.G.'s office	

Don Clocksin started his testimony in favor of the bills by giving their background. This idea came out of the Bush Justice Conference held in Minto in June, 1974. There is increasing pressure on rural Alaska and increasing needs for technical assistance, especially in the legal area. The Department of Community and Regional Affairs has several Local Government Specialists which often serve as quasi lawyers but the need is greater. The grants under this program will go to local governments or villages in unincorporated areas. They will not go to individuals. Mr. Clocksin gave the example of the problem Angoon has. Angoon applied to EDA for funding for a warehouse and dock operation but EDA told them they needed a lawyer. This is one example of when this program would be utilized.

Mr. Clocksin stated that originally they asked for \$100,000 in HB 266. Rep. Brown said he didn't think the money should only be appropriated by the Legislature but that they should use federal monies if they can. Clocksin said this might be possible. Brown also said mention of villages created by the Native Claims Settlement Act only cluttered up the bill. Clocksin said this was so there was no future chance of misinterpretation or who is eligible. Rep. Brown said that \$50,000 was not enough to help anybody. There was no way to know right now, Clocksin said.

Much of the rest of the hour was spent talking about costs of incorporation and the assistance that C&RA offers. Mr. Harper offered basically the same viewpoint as Mr. Clocksin and answered the Committee's questions about his department, and their role in this program.

There was discussion on the best way to utilize a lawyer for the program: a full time person on the staff of C&RA; a lawyer in the A.G.'s office (would cause conflict of interest); roving city manager.

Meeting was adjourned at 10:00.

HB 265

TELEGRAM

SCA ALASKA COMMUNICATIONS, INC.

PHONE: 586-6440

1975 MAR 19 PM 1 47

JUNEAU, ALASKA 99901

02009 ANCHORAGE AK 92 03-19 1040A ADT

PMS HON ~~SAM~~ COTTEN

HOUSE OF REPRESENTATIVES

JUN

ACCEPT THIS AS RURAL ALASKA COMMUNITY ACTION PROGRAM'S
FULL ENDORSEMENT OF HB 265, PROVIDING FOR A LEGAL ASSISTANCE
GRANT FUND. LEGAL ASSISTANCE IS A CRITICAL NEED THROUGHOUT
THE UNORGANIZED BOROUGH, ESPECIALLY IN LIGHT OF MOVEMENT
TOWARD LOCAL CONTROL OF SCHOOLS AND THE DEVELOPMENT OF
LOCAL GOVERNMENTS. HB 266 PROVIDING DLRS 50,000 FOR THE PROGRAM
IS A GOOD STEP; HOWEVER, IF MORE FUNDING IS AVAILABLE IT
WOULD BE NEEDED. GRANT FUND CONCEPT APPROVED BY BUSH JUSTICE
CONFERENCES, WASILLA MEETING, ETC. STRONG SUPPORT FOR THIS
BILL EXISTS STATEWIDE. THANK YOU FOR YOUR HELP.

PHIL SMITH EXECUTIVE DIRECTOR RURAL CAP

HB 265

TELEGRAM

PCA ALASKA COMMUNICATIONS, INC.

PHONE: 586-6440

JUNEAU, ALASKA 99801

1975 MAR 19 PM 3 51

02025 ANCHORAGE AK 44 03-19 1110A ADT

PMS REP SAM R COTTON

JUN 1856

WE STRONGLY ENDORSE HB265 QUOTE CREATING THE COMMUNITY

LEGAL ASSISTANCE GRANT PROGRAM UNQUOTE AND

HB266 ACCOMPANYING APPROPRIATION FOR THIS PROGRAM.

YOUR FAVORABLE REACTION TO THESE BILLS WOULD BE GREATLY

APPRECIATED. THANK YOU FOR YOUR CONSIDERATION OF OUR REQUESTS.

GORDON JACKSON EXECUTIVE VICE PRESIDENT

HUMAN RESOURCES ADMINISTRATION AFW INC

LAW OFFICES OF
ALASKA LEGAL SERVICES CORPORATION
315 FIFTH STREET, SUITE 8
JUNEAU, ALASKA 99801
TELEPHONE 586-~~XXXX~~ 6425

April 11, 1975

MEMORANDUM

TO: Representatives Cotton, Guy, Gardiner, Itta
FROM: Donald E. Clocksin
DATE: April 11, 1975
RE: HB265-66, Community Legal Assistance Grant Program

I have an additional example of where the funds made available under these bills could be used. A Bethel area village, *Akolmiut*, wants to purchase its own boarding home in Bethel for the students from that village when they go to the Bethel Regional school. They need legal assistance to negotiate the purchase of the building, the transfer of title to the building, the acquiring of insurance appropriate for a boarding home, and the completion of foster home licensing applications. Much of the work that needs to be done for this village can only be done by an attorney. The project is beneficial because of the lack of boarding home facilities in Bethel - by purchasing the home the village will assure that its students have adequate living facilities while attending high school.

DEC:mjb

LAW OFFICES OF
ALASKA LEGAL SERVICES CORPORATION
315 FIFTH STREET, SUITE B
JUNEAU, ALASKA 99801
TELEPHONE 586-~~616~~6425

MEMORANDUM

TO : Reprs. ✓ Cotton, Gardiner, Guy and Itta
FROM : Don Clocksin *DCL*
SUBJECT: HB 265-66, Community Legal Assistance Grant
Program - Floor Debate
DATE : April 3, 1975

When these bills come up on the House floor you may want to refer to this material.

1. Background. In June, 1974, a Conference on Justice in the Bush was held at Minto, Alaska. At that Conference residents of rural Alaska met with state officials to determine the needs of bush Alaska. To assure that the needs and desires expressed at Minto were carried out, a Monitoring Committee was established. Out of the work of that committee came the recognition that many small villages and towns were being faced with increased responsibilities. One tool they often needed to help run their own affairs was legal assistance. The Local Government Specialists (LGS's) provided through the Department of Community and Regional Affairs were very helpful in the bush, but the fact they were not lawyers meant that some times there were problems they couldn't solve. A supplement to those LGS's was needed.

2. The bills. HB 265 would create the Community Legal Assistance Grant Fund in the Department of Community and Regional Affairs. Grants could be made to villages or groups of villages that needed legal help not available through the LGS's and which they could otherwise not afford. Grants cannot be made to regional or village corporations created under the Alaska Native Claims Settlement Act, and could only be made for special, one-time projects. Grants may not exceed \$20,000 each, and will, of course, usually be much less.

HB 266 appropriates \$50,000 for the fund. The amount is not enough, but since this is a new idea, it was felt the amount appropriated should be kept to a minimum.

Memorandum

To: Reps. Cotton, Gardiner,
Guy and Itta

-2-

April 3, 1975

The Department of Community and Regional Affairs would adopt regulations to implement these bills. According to testimony, applications would be reviewed carefully to assure other funds were not available and to see that the money is used effectively.

Since only first and second class municipalities and unincorporated villages and groups of villages are eligible, this money could not go to the larger cities or to boroughs, for example, Eagle River, Anchorage, etc. (See attached list of eligible first and second class municipalities).

3. Support. The bill is an Executive Request and is supported by the Department of Community and Regional Affairs, the Attorney General's office, and the Bush Justice Monitoring Committee.

DEC:bg
Enclosure

<u>CLASSIFICATION</u>	<u>POPULATION</u>	<u>INCORP. DATE</u>
<u>Home Rule Cities</u>		
Anchorage	78,929	1920
Cordova	2,114	1909
Fairbanks	32,975	1903
Kenai	4,028	1960
Ketchikan	7,468	1900
Kodiak	3,923	1940
North Pole	265	1953
Palmer	1,409	1951
Petersburg	2,386	1910
Seward	1,823	1912
Valdez	2,271	1901
Wrangell	2,787	1903
<u>First Class Cities</u>		
Barrow	2,307	1959
Craig	467	1922
Dillingham	1,025	
Galena	442	
Girdwood	210	1961
Haines	1,980	1910
Homer	1,243	1964
Hoonah	748	1946
Hydaburg	260	1927
Kake	551	1952
King Cove	338	1947
Klawock	290	1929
Nenana	469	1921
Nome	2,488	1901
Pelican	169	1943
Saint Mary's	384	1967
Selawik	429	1963
Seldovia	612	1945
Skagway	710	1900
Soldotna	1,202	1967
Unalaska	510	1942
Yakutat	227	1948
<u>Second Class Cities</u>		
Akhiok	102	1972
Akiachak	330	1974
Akiak	186	1970
Akolmiut	608	1969
Alakanuk	495	1969
Aleknagik	208	1973
Ambler	217	1971
Anaktuvuk Pass	125	1957

CLASSIFICATIONPOPULATIONDATESecond Class Cities

Anderson	463	1962
Angeon	400	1963
Aniak	273	1972
Anvik	100	1969
Bethel	2,921	1957
Brevig Mission	130	1969
Buckland	125	1963
Chefornak	182	1974
Chevak	447	1967
Clark's Point	62	1971
Deering	78	1970
Delta Junction	703	1960
Diomede	90	1970
Eagle	105	1901
Eek	195	1970
Ekwok	103	1974
Elim	174	1970
Emmonak	502	1964
Fort Yukon	637	1959
Fortuna Ledge	200	1970
Gambell	380	1963
Glen Alps	75	1961
Golovin	118	1971
Goodnews Bay	228	1970
Grayling	167	1969
Holy Cross	212	1968
Hooper Bay	556	1966
Houston	69	1966
Hughes	85	1973
Huslia	199	1969
Kachemak	151	1961
Kaktovik	141	1971
Kaltag	240	1969
Kiana	300	1964
Kivalina	200	1969
Kobuk	61	1973
Kotlik	284	1970
Kotzebue	2,125	1958
Koyuk	122	1970
Koyukuk	124	1973
Larsen Bay	109	1974
Lower Kalskag	195	1969
Manokotak	230	1970
Mekoryuk	254	1969
Mountain Village	491	1967
Napakiak	279	1970
Napaskiak	200	1971
New Stuyahok	229	1972
Newhalen	68	1971

<u>CLASSIFICATION</u>	<u>POPULATION</u>	<u>INCORP. DATE</u>
<u>Second Class Cities</u>		
Nightmute	123	1974
Nikolai	82	1970
Nondalton	216	1971
Noorvik	483	1964
Nulato	311	1963
Old Harbor	327	1966
Ouzinkie	173	1967
Pilot Station	301	1969
Point Hope	404	1966
Port Alexander	36	1974
Port Heiden	66	1972
Port Lions	227	1966
Ruby	148	1973
Russian Mission	132	1970
Saint Michael	222	1969
The Aleut Community of St. Paul Island	488	1971
Sand Point	474	1966
Savoonga	380	1967
Saxman	272	1930
Scammon Bay	221	1967
Shageluk	172	1970
Shaktoolik	160	1969
Sheldon Point	127	1974
Shishmaref	309	1969
Shungnak	165	1967
Stebbins	272	1969
Tanana	406	1961
Teller	213	1963
Tenakee Springs	101	1971
Togiak	383	1969
Toksook Bay	304	1972
Tuluksak	202	1970
Unalakleet	550	1974
Wainwright	357	1962
Wales	111	1964
Wasilla	300	1974
White Mountain	87	1969
Whittier	186	1969
<u>Organized Under Federal Law</u>		
Metlakatla	1,050	1944
<u>Dissolution Recommended</u>		
Long Island	7	1965

STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B-JUNEAU 99801

JAY S. HAMMOND, Governor

March 27, 1975

The Honorable Sam Cotten
Chairman
House Community and Regional
Affairs Committee
Pouch V
Juneau, Alaska 99811

Dear Mr. Chairman:

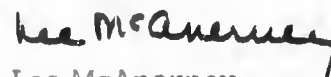
Re: House Bills 265-266
Community Legal Assistance Grant Act

Some concern has been expressed in your committee about where the money in this proposed grant fund would be spent. Objections have been raised to using the fund to finance legal assistance to larger urban areas and municipalities which can obtain the necessary assistance elsewhere.

It is not the intent of this legislation to fund legal assistance in large municipalities which already have that assistance. The bill limits grants to first and second class cities, unincorporated villages and groups of such communities. I have enclosed a list of first and second class cities so you can see which would be eligible for grants from this fund. Of course, the Department of Community and Regional Affairs will carefully review each request from an eligible municipality or village to assure that the money is spent for necessary legal expenses and that all other sources of assistance are investigated before a grant is made.

We are committed to meeting the needs of developing communities which wish to govern themselves and urge prompt consideration of these bills.

Sincerely,


Lee McAnerney
Commissioner

LMCA: mw

Enclosure

cc: The Honorable Al Ose

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<u>Organized Under Federal Law</u>		
Metlakatla	1,050	1944
<u>Dissolution Recommended</u>		
Long Island	7	1965

HB 265, 266

NOT.

Pres.

Tes.

~~3/19~~ 3/25

Harper, CAPA

X

x

X

~~3/19~~
~~3/25~~

Don Clockin, ALSC

X

x

x

Bob Pruitt, Planning consultant (9-~~9882~~)

~~XXXXXXXXXX~~

Dave LeBlonde, A-G's

X

X

X