

HB

207

SENATE COMMITTEE REPORT

5/9/92

FURTHER:

N.F. J

DATE TURNED INTO OFFICE: May 10, 1992

Resources Committee considered HOUSE BILL NO. 207

"An Act relating to the Village Safe Water Program."

and a majority of the committee recommends do pass

and recommends:

- replace with _____ CS _____ ()
- or adopt previous _____ CS _____ ()
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

appropriation--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date

zero fiscal notes OCRA

fiscal notes DEC

DO PASS:

OTHER RECOMMENDATIONS:

[Signature] Yes

[Signature] Yes

[Signature] Yes

[Signature] (Do Pass)

Chair: Signature and Recommendation

FISCAL NOTE

No. 1
 Bill Version: HB 207
 (H) Publish Date: 4/5/91

STATE OF ALASKA
 1991 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Community & Regional Affairs
 Title: "An Act relating to the Village Safe Water Program." BRU: _____
 Sponsor: Representative Lincoln Component: _____
 Requestor: _____ COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Remond Henderson, Director *Remond Henderson* Phone: 465-4708
 Division: Administrative Services Date: 4/1/91
 Approved by Commissioner: Edgar Blatchford *Edgar Blatchford*
 Agency: Community & Regional Affairs Date: 4/1/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

DCRA Fiscal note

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

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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FEDERAL FUNDS						
OTHER						
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TEMPORARY						

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ALASKA STATE LEGISLATURE

Representative Georgianna Lincoln



HESS Committee, Co-Chair
Resources Committee, Vice-Chair

Eudget Subcommittees
Health and Social Services
Revenue

P.O. Box V
Juneau, Alaska 99811

Phone: (907) 465-3732
FAX: (907) 465-2652

Alatna
Allakaket
Aniak
Anvik
Arctic Village
Beaver
Bettles
Birch Creek
Chalkyitsik
Chuathbaluk
Crooked Creek
Evensville
Fort Yukon
Galena
Grayling
Holy Cross
Hughes
Huslia
Kalskag
Katag
Koyukuk
Lake Minchumina
Lima Village
Lower Kalskag
Manley Hot Springs
Marshall
McGrath
Minto
Mountain Village
Nikolai
Nulato
Pilot Station
Pitkas Point
Rampart
Red Devil
Ruby
Russian Mission
Shageluk
Sleetmute
St. Mary's
Stevens Village
Stony River
Takotna
Tanana
Telida
Tuluksak
Tyonek
Venetie
Wiseman

SPONSOR STATEMENT

HOUSE BILL 207

An Act relating to the Village Safe Water Program

House Bill 207 was introduced at the request of one of the villages in my district. This particular village has a population of 491, is located in rural Alaska, is referred to as a village and has identified water system repairs and improvements as a top priority. However, because this village has incorporated as a First Class City, it does not qualify for funding under the Village Safe Water Program.

This legislation proposes to do one thing -- amend the definition of "village" under AS 46.07.080(2). This would add first class cities with a population of not more than 600 residents to the eligibility list for funding under the Village Safe Water Program.

According to the population list based on the 1990 census as certified by the Department of Community and Regional Affairs, only six additional villages would become eligible for Village Safe Water Program funding under provisions of House Bill 207.

There is a zero fiscal note attached to this bill; no additional funding would be required to implement its provisions. The six villages that would be added to the Village Safe Water Program eligibility list are similarly situated to those already on the list and would be competing for the same funds.

STEVE COWPER, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

- P.O. BOX B
JUNEAU, ALASKA 99811-2100
PHONE: (907) 465-4700
- 949 E. 36TH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99508-4302
PHONE: (907) 563-1073

April 3, 1991

POSITION PAPER

RE: House Bill 207

SPONSOR: Representative Lincoln


Program Effects of the Bill

This bill extends eligibility for the village safe water program to first class cities with populations less than 600. Presently only unincorporated communities with a population less than 600 and second class cities are eligible.

Six cities would be affected by this legislation, they are: Hydaburg, Pelican, Saint Mary's, Seldovia, Tanana, and Yakutat.

Comments

The Department supports this bill because it furthers the concept of making similarly situated communities eligible for the same State benefits.


Edgar Blatchford, Commissioner

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

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PHONE: (907) 465-4700
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ANCHORAGE, ALASKA 99508-4302
PHONE: (907) 563-1073

April 3, 1991

The Honorable Georgianna Lincoln
Alaska State Representative
Capitol Building, Room 112
P.O. Box V
Juneau, AK 99811

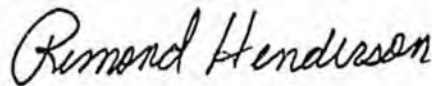
Dear Representative Lincoln:

This is in response to your inquiry of April 2, requesting a listing of first class cities with a population of less than 600. According to our Municipal Population Report of December 15, 1990, there are six cities that fit in that category:

Hydaburg
Pelican
Seldovia
St. Mary's
Tanana
Yakutat

Please contact me should you have any further questions.

Sincerely



Edgar Blatchford
Commissioner



CITY OF TANANA
P.O. Box 181
Tanana, Alaska 99777
(907) 366-7159

"NUCHALAWOYYA" - Where the two rivers meet.

April 5, 1991

Rep. Georjianna Lincoln
District 24
Capital Building
Juneau, Alaska 99811

Dear Georjianna:

Thank you for introducing the amendment to HR 207 adding first class cities under 600 population.

Small first-class cities are mandated to provide more services with essentially the same municipal assistance as second class cities and villages, yet are excluded from state-assisted programs such as VSW. Your recognition of this is to be commended.

Along these same lines, would it be possible to sponsor a similar amendment to the funding for the VPSO program? If Tanana was forced to drop the Dept. of Public Safety position due to budget considerations, I am sure that the State troopers would be unable to provide the level of law enforcement necessary.

May I hear from you on this?

Sincerely,

Peter L. Platten, Mayor

Post-It™ brand fax transmittal memo 7871		# of pages • 1	
To GEORJIANNA LINCOLN REPRESENTATIVE	From Peter Platten		
Co. Dist 24	Co. City of Tanana		
Depl. ATTN: PAT JACKSON	Phone 366-7159		
Fax # 465-2652	FAX # 366-7249		

City of Seldovia

P.O. Drawer B
Seldovia, Alaska 99663

RECEIVED
APR - 8 P.M.

March 26, 1991

Honorable Georgianna Lincoln
Alaska State Legislature
P.O. Box "V" (MS 3100)
Juneau, Alaska 99811

SUBJECT: House Bill No. 207

Dear Representative Lincoln:

Thank you very much for sponsoring HB 207. We support passage of it and are writing to all of the members of the referral committees in the affirmative.

Your Bill is one of key significance to the smaller, rural towns. Keep up the good work.

Very truly yours,

THE CITY OF SELDOVIA



Vern C McCorkle
City Manager

Alaska State Legislature

AG's Opinion Excluding St. Mary's from VS W funding

Legislative Research Agency



P.O. Box Y
Juneau, AK 99811-3100
Phone: (907) 465-3991
Fax: (907) 463-3331

April 3, 1991

TO: Representative Georgianna Lincoln
FROM: Dale O. Brandt ^{DB}
Legislative Analyst
RE: Village Safe Water Program
Research Request 91.240

Please check the appropriate box and return to Mail Stop 3100 or the above mailing address.

- () I approve the release of this information.
- () I approve the release of this information, but remove my name.
- () Keep confidential.

Date

Signature

To assist us in improving the quality of our research services, we would appreciate your response to the following questions. Please be assured that we will take your comments seriously in performing future research for you.

Was the information objective?

Was it clearly written?

Did it provide answers to (or, at least, useful information on) all the questions you posed?

Was the research completed and delivered to you in a timely manner?

Alaska State Legislature

Legislative Research Agency



P.O. Box Y
Juneau, AK 99811-3100
Phone: (907) 465-3991
Fax: (907) 463-3351

April 3, 1991

MEMORANDUM

TO: Representative Georgianna Lincoln

FROM: Dale O. Brandt *DOB*
Legislative Analyst

RE: Village Safe Water Program
Research Request 91.240

You asked us to research the legislative history of the Village Safe Water Act of 1970 to determine if there is an explanation of why first-class cities of fewer than 600 residents were excluded from eligibility (AS 46.07.080(2)). We reviewed archive files, committee minutes and bill histories. We also spoke with administrators of the program. In the time available to us we could find no discussion of the exclusion of first-class cities.

The Village Safe Water Act was adopted in 1970. Prior to 1972 there were no first-class cities with fewer than 600 residents, according to Dan Bockhurst of the Alaska Department of Community and Regional Affairs. At the present time there are six first-class cities with fewer than 600 residents: Hydaburg, Pelican, Seldovia, St. Mary's, Tanana and Yakutat.

The original definition of village in AS 46.07.080(2) read:

village means an unincorporated community which has between 25 and 600 people residing within a two-mile radius, or a fourth class city.

In 1973, AS 29.08.050(b) reclassified fourth-class cities to second-class cities. The appropriate change in terminology was made to the definition section of the Village Safe Water Act.

In 1980, the City of St. Mary's was an incorporated first-class city with a population of 382. Attached is an opinion of the attorney general regarding St. Mary's access to Village Safe Water program funds.

If you have questions or need additional information, please contact this agency.

Attachment

MEMORANDUM

State of Alaska


TO: The Honorable Wilson Condon
Attorney General
Department of Law

DATE: July 22, 1981

FILE NO:

TELEPHONE NO:

FROM:


Ernst W Mueller
Commissioner
Department of Environmental Conservation

SUBJECT:

Village Safe Water Act

Governor Hammond recently signed into law HB 334, an act making funds available for sanitation improvements in various Alaskan communities. Section 1 (a)(2) authorizes a feasibility study under the Village Safe Water (VSW) Act in St. Mary's, which is a first class city. However, Section 46.07.000 of the VSW Act defines village as "An unincorporated community....between 25 & 600 people.. or a second class city." Because of this definition, we are not sure whether the VSW program can assist St. Mary's. Your advice on this matter would be appreciated.

F A X T R A N S M I T T A L M E M O
TO: DALE BRADT
DEPT: _____ FAX #: 463-3351
FROM: Capito PHONE: _____
CO: VSW FAX #: _____
Post-It® brand fax transmittal memo 7671

NO. OF PAGES

MEMORANDUM

State of Alaska

*Kelton
Bergin
→ Capito*

Ernst W. Mueller, Commissioner DATE: July 30, 1981
Department of Environmental Conservation

RECEIVED

J-66-068-82

AUG 3 1981

TELEPHONE

465-3600

FROM: WILSON L. CONDON
ATTORNEY GENERAL

SUBJECT: Status of St. Mary's
under the Village
Safe Water Act

DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By: Douglas K. Mertz
Assistant Attorney General

You have asked our advice on an apparent inconsistency between chapter 88, SLA 1981 (SCS CSHB 334 (R1a)), and existing statutory authority. Specifically, chapter 88 is an appropriations bill authorizing, among other things, expenditure of funds for a village safe water study in St. Mary's, under the Village Safe Water Act, AS 46.07. However, the Village Safe Water Act is applicable only to "villages," which are defined at AS 46.07.080(2) as:

An unincorporated community which has between 25 and 600 people residing within a two-mile radius, or a second class city. [Emphasis added.]

St. Mary's is an incorporated first-class city.

We conclude that under these facts, the sum in question cannot be spent for the proposed safe water study in St. Mary's. The statutory scope of the Village Safe Water Act is clear on its face: it was intended to provide assistance in procuring safe water to "villages" (AS 46.07.010), and that term is defined narrowly and unambiguously. It cannot be argued that St. Mary's is a "village" within the meaning of the Act because its small size fits the common definition of a village (1980 population: 382), since for purposes of the statute, the statute's own definition controls.

On a previous occasion, we informed you that under certain circumstances, a bond proposition could implicitly amend a portion of the Village Safe Water Act (see Memorandum of Advice dated September 5, 1980, by Assistant Attorney General G. Thomas Koester). That reasoning cannot be extended to the instant appropriations bill, however. Article II, section 13 of the Alaska Constitution requires that appropriations bills be limited solely to appropriations, i.e., they may not include substantive law. An expansion of the statutory definition of "village" in the Village Safe Water Act would clearly be a substantive revision of that Act. Thus,

