

HB

16

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FILE

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSSSHB 16(CRA)
(H) Publish Date: 2/7/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
Title: "An Act relating to cities incorporated under BRU Civil Division
state law that are home rule communities. . ." Component Governmental Affairs
Sponsor: Representative Dyson
Requester: House Community & Regional Affairs Component No. 2207

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	2.5	2.5	2.5	2.5	2.5	2.5
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.4	0.4	0.4	0.4	0.4	0.4
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	2.9	2.9	2.9	2.9	2.9	2.9

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	2.9	2.9	2.9	2.9	2.9	2.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	2.9	2.9	2.9	2.9	2.9	2.9

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

SSHB 16 allows an existing second class city or unincorporated area to form a "home rule community" government structure. This new classification would permit the city or area to choose a narrower scope of governing powers than current law requires.

The Department of Law will provide legal assistance in developing the new model charters for home rule communities during FY02, and provide advice to the Local Boundary Commission as charter petitions are received in the following years. We anticipate approximately 30 hours of attorney time per year will be required for these more routine functions. Any litigation arising from the new charter process would require additional time. Because we have no way of predicting how much, if any, new litigation there might be, these costs are not included in this fiscal note.

Based on the department's FY02 hourly attorney rate, which includes clerical support, communications, space, supplies, data processing, and other normal overhead expenses, the cost of SSHB 16 would be \$2,927.10 (30 hours x \$97.57/hour).

Prepared by: Joan M. Kasson Phone 465-5370
Division: Attorney General's Office Date/Time 2/5/01 10:37 AM
Approved by: Kathryn Daughhettee for Bruce M. Botelho, Attorney General Date 2/5/01
Agency: Department of Law

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 Agency Department of Law

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REPRESENTATIVE FRED DYSON

SSHB 16 Sponsor Statement

"An Act relating to villages; and providing for an effective date.

Updated: February 1, 2001

Contact: Representative Fred Dyson's office at (907) 465-2199

House Bill 16 allows an existing second class city, or unincorporated area, to form a "Home Rule Community" government structure under state law. The city or area would be allowed, through the charter system, to flexibly define its scope of governing powers and services to meet specific area needs.

For instance, a community charter may be drafted to provide for police or fire protection services while leaving transportation issues in the state purview. Under the provision of their charter, a local government may assume any of a wide range of powers, from alcohol and animal control to airport and public works management.

Currently, all home rule governments are required to meet strict financial auditing requirements, provide land-use, zoning and platting services and constitute their own school district. House Bill 16 removes these requirements* allowing smaller communities to share in the strength and flexibility of the charter system while avoiding some the thickest mazes of red tape. The goal: greater self-determination and a more locally relevant government structure.

A new charter-base Home Rule Community may be the best option for unincorporated areas that would not be viable under the second class city model. Existing second class cities that are strained by general law requirements may find relief in a more narrowly crafted charter that allows them to forego services beyond their capability, while accepting responsibility for local needs that can be met with local resources.

The Sponsor Substitute for HB 16 requires a conforming bill to be passed before becoming law. The conforming bill directs Legislative Legal Services to prepare a technical clean-up bill that adjusts language referring to municipalities outside of this act to not incur unintended mandates for the new Home Rule Communities and that these new Home Rule Communities have the same options as Home Rule Municipalities.

Please feel free to contact my office with questions or concerns.

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*Financial statements are required in lieu of a full audit. Land use, zoning and platting may be done, but are not required. A home rule community would not constitute a school district.

- Email -
Representative_fred_Dyson
@legis.state.ak.us

- Internet -
<http://www.alrepublikans.org>

HYDER COMMUNITY ASSOC. INC.

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IN JUNEAU REPLY TO:
John Pearson
HCA Economic Development Office
8216 Cedar Drive
Juneau, Ak 99801
Tel: 907-789-1402
Fax: 907-789-1403

Date: March 22, 2000

To: Members of the Alaska Legislature
From: Paul Larkin, Administrator, Hyder Community Association
Ref: HB 255 "Home Rule Community"



Dear Legislative Members:

With great interest and full support, the Hyder Community Association, representing approximately 130 residents of Hyder, Alaska has become very supportive of HB255 addressing a new "Home Rule Community" designation.

We view this legislation as a great opportunity for smaller communities such as ours, to go the extra step in assuming local responsibility and providing added services within the community.

Under HB 255 we would be able to assume any of a wide range of local powers from environmental controls to public works management. This bill would allow us to contract with state and local governments to provide certain services; contract with private organizations for services, apply for and receive federal funds; engage in funding measures such as bonds, establish a legally recognized forum to address local concerns; and have a platform to petition the state and federal government.

Much of our interest in this bill results from our desire to improve life and bring positive economic development to Hyder, while not being strapped with the costly complications found in the Incorporated First Class City designation process.

As an unorganized community, the Hyder Community Association presently provides fire and emergency services, operates a library, plows snow on the side streets, oversees the state harbor, float facility and local roads. In addition we operate a visitor center, museum, and manage various grants.

Today Hyder is in the process of establishing a new job creating economic base. With a historical five or six, year round jobs in the community, we currently have a major Alaska bottled water plant under construction, creating 41 new jobs in Hyder. This remarkable feat, with no assistance from the State of Alaska in our efforts to eliminate all unemployment and welfare in our community, brings the focus this needed legislation into realistic view.

I want to assure you of our full support for HB255 and trust you will recognize the value this bill to our small Alaska communities.

Please feel free to contact John Pearson in Juneau, on 789-1402 if there are any questions or a need for additional support for this important bill.

SOUTHEAST CONFERENCE

Working for strong economies, healthy communities, and a quality environment in Southeast Alaska

March 24, 2000

Representative Fred Dyson
Alaska State Legislature
Room 104, Capitol Bldg
Juneau, AK 99801-1182

Re: Support for HB 255

Dear Representative Dyson:

The Southeast Conference Board of Directors recently met and discussed HB 255 (CRA) " An Act relating to cities incorporated under state law that are home rule communities" and would like to offer their support to this important legislation.

Many of the smaller communities of Southeast Alaska would benefit from the ability to participate and offer services within the capability of their local resources. This has been a missing piece and your bill does an excellent job of filling the gap. HB 255 gives the smaller communities the option to pursue strategies that are meaningful to them and to tailor those services offered to local consensus.

The Southeast Conference appreciates the work you have done on this legislation in the House and supports passage in the Senate. A part of the mission statement of the Southeast Conference is to help develop strong economies and healthy communities. We feel that HB 255 will be a welcome addition to the building tools for our region.

Thank You.

Sincerely,



Frank Homan
Executive Director

Subject: Small Communities

Date: Sun, 05 Mar 2000 08:11:26 -0900

From: Richard Burton <rlbketchikan@worldnet.att.net>

To: Representative_Fred_Dyson@legis.state.ak.us

I am writing to congratulate you on an attempt to do something that I have advocated for many years. You may remember me although we have only met briefly. I was Commissioner of Public Safety for both Jay Hammond and Wally Hickel. I spent my entire life in law enforcement and now do Public Safety Management consulting.

Any how. You are right on in what you are trying to do. A major part of the current problem with the rural areas that the state is currently experiencing, is the fact that local government as it is allowed by current title 29 does not and never has worked for small villages. I tried during my last service to get something started to do just what you are trying. There has to be a way to create a different level of local government which in fact allows local control to include a level of local law enforcement and public protection. I also believe the state has the authority to create a village or municipal level court. This would allow the small communities that are not easily accessible to the rest of the state to have courts (of limited jurisdiction) so that they could handle the minor, but most frequent, disturbances in the villages. I mean things like, curfew, truancy, drunk and disorderly conduct, etc. If a major crime, murder, rape, etc. occurs then Troopers could respond. I believe this would go along ways toward the villages having a feeling of being in control of their own communities in the same way that the residents of Anchorage, Fairbanks and other sizeable towns now do.

If you have the time and are interested I would like to talk to you more about this. For one thing, there are a lot more of these small communities than what could be considered major towns in Alaska, and they have special needs to provide for local autonomy. There is also the savings to be realized to the cost of state government by letting them handle many things at the local level. Think of the cost to send State Troopers into those villages to handle minor complaints that are probably best left to the community itself and the transported of people back and forth to jails and courts.

Richard L. Burtron
443 Forest Park Drive
Ketchikan, Alaska 99901
Ph. 907-247-3334
Fax 907-247-3335

Richard Burton <rlbketchikan@worldnet.att.net>

Subject: Questions**Date: Wed, 22 Mar 2000 15:14:10 -0800****From: "Carolyn M. Smith" <cswillnt@nushtel.com>****To: Representative_Fred_Dyson@legis.state.ak.us**

Mr. Dyson, I heard you comment on KDLG radio today about tribes/muni governments. You praised the model at Quinhagak as being exemplary. I don't know what bill/legislation you were referring to but I find your comments to be interesting, to say the least.

I am the City administrator at Aleknagik, which is a village of 244, incorporated in 1973, with a tribal government that has active off and on for quite a few years.

As a non-tribal, read "caucasian" member of the community, who was born and raised here, I find that the biggest challenge of my work has been trying to work with the Tribal group, who seek to operate the City as a shell, and manage the City for the benefit of tribal members. Many interests of the tribe coincide with the City's, but the inherent and pervasive racism, and the tribal government's closed-door meetings and policy making are certainly something that prevents cordial working relationships in the community.

My impression of tribes is as follows:

Tribes

1. Want the right to tax
2. Have a false sense of entitlement, as all their funding is non-locally generated
3. Want to avoid and prevent having any tribal members taxed- property or otherwise
4. Want to have their Cake (ANCSA) and want to eat it too.
5. Want all non-tribal residents to leave, thus making for more fish/game and land for them.
6. Have no incentive to work with City's and State governments- they don't like the idea of EEOC, Fair housing Acts, etc., etc.
7. Want all the Federal dollars AND the State dollars.

By taking the position of dealing with the tribes, the State risks lawsuits from people such as myself. If the US, and the extensions, State Govt., mean anything, they mean equality, and democracy. Tribes have no democratic principles, and do not recognize them.

The state currently funds/supports 3 programs in my village that represented by the tribe. These programs are the State Fish and Game Advisory Council (Representatives and Alternates chosen by the Tribe: Reports given to the tribe only...), Bristol Bay Economic Development Council (Representatives and Alternates chosen by the tribe only; reports not given to the City, the city never had any input into the Tribe picking the representative...The Representative and Alternate are on the board for life....) and finally, the Wood Tikchik Park Management Council Representative. The Tribal Council recommenas: Gov. picks.

If I were a lawyer, I would seek input into these government organizations. I think the function of the tribes should be examined closely, and that they should not be allowed to get state/federal dollars that allow them to be exclusionary in their practices.

(wow, what a set of comments... Please do not circulate.)

Carolyn Smith, City Administrator, Aleknagik

Subject: [Fwd: HB 255]

Date: Thu, 23 Mar 2000 17:56:31 -0900

From: Representative Fred Dyson <Representative_Fred_Dyson@legis.state.ak.us>

To: Peter Torkelson <Peter_Torkelson@legis.state.ak.us>

Subject: HB 255

Date: Wed, 22 Mar 2000 13:57:39 -0900

From: Vic Fischer <afvf@UAA.ALASKA.EDU>

To: Representative_Fred_Dyson@legis.state.ak.us

Dear Fred --

Belated congratulations on your initiative and leadership in pushing the home rule community legislation. I think it will help accomplish many of the objectives we discussed some time ago.

I have just had a chance to glance at the 2/25/00 CS. It looks good. A couple of quick items:

- It might be worth encouraging Quinhagak-type cooperation by including specific authority for joint/collaborative/contractual/whatever performance of functions, provision of services -- there is a definition of "village" in Sec. 46.08.900 (16) that could be pertinent... Since, however, a home rule community would have that authority, such a provision may cause more problems than it solves.

- Reclassification from second class city to home rule community might be accompanied by concurrent extension of boundaries. Extraterritorial jurisdiction under 29.35.020 is limiting, a nuisance. The communities should be able to exercise police, environmental, land use, and other controls in their whole ancillary area. (I again think of the problems Quinhagak had in obtaining state concurrence.)

- Sec. 8 of CSHB 255 (CRA) sounds as if only boroughs would have a charter "for its own government". Should be clear that applies in each case.

- Sec. 11 (p.4, l. 17) "and" would be better than "or".

I wish you the best with this legislation, and very best personal regards,

Vic

Victor Fischer, Professor of Public Affairs
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University of Alaska Anchorage
tel 907-786-7718, fax -786-7739
afvf@uaa.alaska.edu

Fred Dyson <Representative_Fred_Dyson@legis.ak.us.> Representative State of Alaska Alaska Legislature
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