

HB

183

<TARGET><BILL>HB 183</BILL><SUBJECT>HB
183</SUBJECT><COMM>HCRA27</COMM></TARGET>

27-LS0601\M
Bullard
3/30/11

CS FOR HOUSE BILL NO. 183()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE DICK

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Village Safe Water Act."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1.** AS 46.07.080(2) is amended to read:

4 (2) "village" means a village listed in 43 U.S.C. 1610 or 1615 [AN
5 UNINCORPORATED COMMUNITY] that has between 25 and 1,000 residents [600
6 PEOPLE RESIDING WITHIN A TWO-MILE RADIUS], a second class city, or a
7 first class city or home rule municipality with not more than 1,000 [600] residents.

8 *** Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 TRANSITION. Notwithstanding the amendment to AS 46.07.080(2) by sec. 1 of this
11 Act, a village for which Village Safe Water Act project funding was appropriated in a capital
12 budget bill approved by the legislature for a fiscal year before fiscal year 2012 shall remain
13 eligible to receive that Village Safe Water Act project funding after the effective date of this
14 Act regardless of whether the village meets the definition of "village" in AS 46.07.080(2), as
15 amended by sec. 1 of this Act.

ALASKA STATE LEGISLATURE
REPRESENTATIVE ALAN DICK

HOUSE DISTRICT 6

Alaska State Capitol
Juneau, Alaska 99801
Representative_Alán_Dick@legis.state.ak.us



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"STRONG VALUES IN UNCERTAIN TIMES"

SPONSOR STATEMENT

House Bill 183
Application of the Village Safe Water Act

Alatna
Allakaket
Alcan
Aniak
Anvik
Arctic Village
Beaver
Beluga
Bertles
Birch Creek
Boundary
Central
Chalkyitsik
Chandalar
Chandalar Lake
Chicken
Chistochina
Chitina
Chuathbaluk
Circle
Coldfoot Camp
Copper Center
Crooked Creek
Deltana
Dot Lake
Dry Creek
Eagle
Eagle Village
Evansville
Flat
Fort Greely
Fort Yukon
Fortuna Ledge
Gakona
Galena
Georgetown
Grayling
Gulkana
Healy Lake
Holy Cross
Hughes

Huslia
Kaltag
Kennicott
Kenny Lake
Koyukuk
Lake Minchumina
Lime Village
Livengood
Manley Hot Springs
Marshall
McCarthy
McGrath
Medfra
Mentasta Lake
Minto
Nabesna
Nenana
Nikolai
Northway
Nulato
Ophir
Rampart
Red Devil
Ruby
Russian Mission
Shageluk
Slana
Sleetmute
Stevens Village
Stony River
Takatna
Tanacross
Tanana
Tazlina
Telida
Terlin
Tok
Tonsina
Tyonek
Venetie
Wiseman

House Bill 183 amends the definition of "village" under the Village Safe Water Act. Currently an unincorporated community, a second class city, or a first class city with not more than 600 residents is eligible to receive a grant under the Village Safe Water Program. House Bill 183 amends this definition to include a *home rule city* with less than 600 residents.

A home rule city has the same government powers as a first class city. The difference rests in how the two cities are organized. A first class city is established under AS 29.35.250-260 while a home rule city adopts a charter as the framework for the city.

Four years ago the City of Nenana was awarded a Village Safe Water grant to upgrade an aging water and sewer system. The city worked diligently with state officials for several years to plan and finalize the project. Unfortunately, right before construction was to begin, the Department of Environmental Conservation notified Nenana that the city was not eligible to receive a Village Safe Water grant; the city was not a first class city, but a home rule city.

The change in HB 183 allows the City of Nenana to proceed with the needed upgrade to its water and sewer system using Village Safe Water funds. Passage of HB 183 this year ensures that a construction season is not lost.

Thank you for your support.

ALASKA STATE LEGISLATURE
REPRESENTATIVE ALAN DICK

HOUSE DISTRICT 6

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Juneau, Alaska 99801
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"STRONG VALUES IN UNCERTAIN TIMES"

Proposed
CS for House Bill 183 (), Version M

Alatna
Allakaker
Alcan
Aniak
Anvik
Arctic Village
Beaver
Beluga
Bettles
Birch Creek
Boundary
Central
Chalkyitsik
Chandalar
Chandalar Lake
Chicken
Chistochina
Chitina
Chuathbaluk
Circle
Coldfoot Camp
Copper Center
Crooked Creek
Deltana
Dot Lake
Dry Creek
Eagle
Eagle Village
Evansville
Flat
Fort Greely
Fort Yukon
Fortuna Ledge
Gakona
Galena
Georgetown
Grayling
Gulkana
Healy Lake
Holy Cross
Hughes

The companion bill for House Bill 183, *Application of the Village Safe Water Act*, was amended in the Senate CR&A Committee at the request of the Department of Environmental Conservation.

Attached is a proposed committee substitute that mirrors the changes recommended and adopted in the Senate. CS for House Bill 183 (), Version M makes the following changes:

Page 1, line 4: Changes the definition of an "unincorporated community" to a community listed in 43 U.S.C 1610 or 1615 (ANCSA). This change ensures that a structured government is in place to receive the Village Safe Water funds.

Page 1, line 5: Raises the maximum population eligible for funding from 600 to 1,000 for villages and first-class cities. This change allows municipalities that are facing clean water and sanitation issues to receive Village Safe Water grants despite population growth. Sand Point, King Cove, Hoonah and Klawock become eligible for VSW grants.

Page 1, line 7: Adds home rule municipalities with populations below 1,000 residents. This change makes Nenana (a home rule city) and City and Borough of Yakutat eligible to apply for VSW funding.

Page 1, line 8: Adds Sec. 2 that includes transition language. The change states that grants previously awarded are not impacted by the proposed committee substitute.

Huslia
Kaltag
Kennicott
Kenny Lake
Koyukuk
Lake Minchumina
Lime Village
Livengood
Manley Hot Springs
Marshall
McCarthy
McGrath
Medfra
Mentasta Lake
Minto
Nabesna
Nenana
Nikolai
Northway
Nulato
Ophir
Rampart
Red Devil
Ruby
Russian Mission
Shageluk
Slana
Sleetmute
Stevens Village
Stony River
Takotna
Tanacross
Tanana
Tazlina
Telida
Tetlin
Tok
Tonsina
Tyonek
Venetie
Wiseman



City of Nenana
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907-832-5501, 907-832-5503-fax
<http://www.nenana.org>



Sen. Kookesh
State Capitol Room 11
Juneau AK, 99801

7-Feb-11

Re: Request for Statutory Language Change

Dear Senator,

The City of Nenana requests that legislation be submitted for approval to add a section to AS 46.07.080 as identified below.

Current Language

AS 46.07.080 Definitions

In this chapter

- 1) "commissioner" means the commissioner of environmental conservation.
- 2) "village" means an unincorporated community that has between 25 and 600 people residing within a two-mile radius, a second class city, or a first class city with not more than 600 residents.

We request that the second section be revised as follows

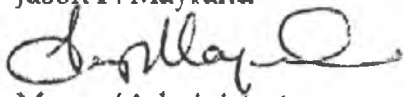
- 2) "village" means an unincorporated community that has between 25 and 600 people residing within a two-mile radius, a second class city, or a first class or home rule city with not more than 600 residents.

The City makes this request in order for the community to be specifically eligible for Village Safe Water capital improvement programs.

Nenana has previously applied and been approved for a grant from VSW for an extensive renovation of our failing water and sewer system. At some point after the grant was awarded, it was brought to our attention that it was a mistake as Nenana, being a Home Rule City, was not eligible under the current language. We therefore request that this language change be submitted so as to restore our grant eligibility.

Please contact me with any questions you or your office may have. I am happy to share the history and background information with you and your colleges.

Sincerely,
Jason P. Mayrand

A handwritten signature in black ink, appearing to read "J. Mayrand", written in a cursive style.

Mayor/Administrator
City of Nenana

Cc; Rep. Dick, Sen. Coghil

| 'Community' | 'Incorp_type' | 2010 population |
|--------------------|---------------------------|--------------------|
| 'St. Mary's' | '1st Class City' | 507 |
| 'Newhalen' | '2nd Class City' | 510 |
| 'Noatak' | 'Unincorporated - Tribal' | 514 |
| 'Naknek' | 'Unincorporated - Tribal' | 544 |
| 'Stebbins' | '2nd Class City' | 556 |
| 'Wainwright' | '2nd Class City' | 556 |
| 'Kake' | '1st Class City' | 557 |
| 'Shishmaref' | '2nd Class City' | 563 |
| 'Pilot Station' | '2nd Class City' | 568 |
| 'Kasigluk' | 'Unincorporated - Tribal' | 569 |
| 'Kotlik' | '2nd Class City' | 577 |
| 'Fort Yukon' | '2nd Class City' | 583 |
| 'Toksook Bay' | '2nd Class City' | 590 |
| 'Akiachak' | 'Unincorporated - Tribal' | 627 |
| 'Kipnuk' | 'Unincorporated - Tribal' | 639 |
| 'Yakutat' | 'Home Rule Borough' | 662 |
| 'Noorvik' | '2nd Class City' | 668 |
| 'Quinhagak' | '2nd Class City' | 669 |
| 'Savoonga' | '2nd Class City' | 671 |
| 'Point Hope' | '2nd Class City' | 674 |
| 'Alakanuk' | '2nd Class City' | 677 |
| 'Gambell' | '2nd Class City' | 681 |
| 'Unalakleet' | '2nd Class City' | 688 |
| 'Kwethluk' | '2nd Class City' | 721 |
| 'Klawock' | '1st Class City' | 755 |
| 'Hoonah' | '1st Class City' | 760 |
| 'Emmonak' | '2nd Class City' | 762 |
| 'Mountain Village' | '2nd Class City' | 813 |
| 'Togiak' | '2nd Class City' | 817 |
| 'Selawik' | '2nd Class City' | 829 |
| 'Ninilchik' | 'Unincorporated - Tribal' | 883 |
| 'Chevak' | '2nd Class City' | 938 |
| 'King Cove' | '1st Class City' | 938 |
| 'Delta Junction' | '2nd Class City' | 958 |
| 'Sand Point' | '1st Class City' | 976 |

New Communities Eligible under CSHG 183 () Highlighted in Yellow
Information Provided by Dept of Environmental Conservation

Distributed by Representative Dick

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number _____
Bill Version 27-LS0601A
() Publish Date _____

Identifier (file name) HB183-DEC-FC-03-11-11 Dept. Affected Environmental Conserv
Title Application of Village Safe Water Act Appropriation Division of Water
Allocation Facility Construction
Sponsor Representative Dick
Requester House Community and Regional Affairs Committees OMB Component Number 637

Expenditures/Revenues (Thousands of Dollars)

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

| | Appropriation Required | | Information | | | | |
|-------------------------------|------------------------|------------|-------------|------------|------------|------------|------------|
| | FY 2012 | FY 2013 | FY 2014 | FY 2015 | FY 2016 | FY 2017 | |
| OPERATING EXPENDITURES | | | | | | | |
| Personal Services | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Travel | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Services | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Commodities | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Capital Outlay | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Grants | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Miscellaneous | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | | |
|-----------------------------|------------|------------|------------|------------|------------|------------|------------|
| CAPITAL EXPENDITURES | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
|-----------------------------|------------|------------|------------|------------|------------|------------|------------|

| | | | | | | | |
|---------------------------|--|--|--|--|--|--|--|
| CHANGE IN REVENUES | | | | | | | |
|---------------------------|--|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | | |
|--------------------------|------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1003 GF Match | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1004 GF | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1005 GF/Program Receipts | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1037 GF/Mental Health | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Other (please identify) | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2011) cost 0.0

POSITIONS

| | | | | | | | |
|-----------|-----|-----|-----|-----|-----|-----|-----|
| Full-time | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Part-time | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Temporary | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial version, not applicable.

Prepared by Lynn J. Tomich Kent, Director
Division Water
Approved by Dan Easton
Deputy Commissioner

Phone (907) 269-7599
Date/Time 3/11/11 8:00 AM
Date 4/2/2011

FISCAL NOTE

**STATE OF ALASKA
2011 LEGISLATIVE SESSION**

BILL NO. HB 183 _____

Analysis

There are no fiscal impacts on the Department of Environmental Conservation's Water programs from this proposed legislation.