

ALASKA LEGISLATURE

1981

HOUSE and SENATE FINANCE COMMITTEE FILES, 1999 - 2000

Sponsor Statement for CS for House Bill 255 (CRA)

The Community and Regional Affairs Committee Substitute for House Bill 255 is intended to allow 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 power 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. The proposed substitute for House Bill 255 removes these requirements* allowing smaller communities to share in the strength and flexibility of the charter system while avoiding some the thickest 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 which are strained by general law requirements may find relief in a more narrowly crafted charter that allowed them to forego services beyond their capability while accepting responsibility for local needs that can be met with local resources.

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

*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.

Subject: Small Communitis

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
Faz 907-247-3335

Richard Burton <rlbketchikan@worldnet.att.net>

HB

255

SFIN

FILE

HB 255

was referred to the
Senate Finance
Committee

Hearing(s) were held

The bill did not move
from Committee



Alaska State Legislature

- Interim (May-Dec) -
10928 Eagle River Rd., Suite 140
Eagle River, Alaska 99577
☎ (907) 694-6683
FAX (907) 694-1015

- Session (Jan-May) -
Alaska State Capitol
Juneau, Alaska 99801-1182
☎ (907) 465-2199
FAX (907) 465-4587

Toll free (800) 342-2199

REPRESENTATIVE FRED DYSON

Sponsor Statement for CS for House Bill 255 (CRA)

The Community and Regional Affairs Committee Substitute for House Bill 255 is intended to allow 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. The proposed substitute for House Bill 255 removes these requirements* allowing smaller communities to share in the strength and flexibility of the charter system while avoiding some of the thickest 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 which are strained by general law requirements may find relief in a more narrowly crafted charter that allowed them to forego services beyond their capability while accepting responsibility for local needs that can be met with local resources.

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

*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.

- E-mail -
Representative_Fred_Dyson
@Legis.state.ak.us

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

Home Rule Cities versus "Home Rule Communities" as established in CS HB 255 (CRA)

Second class cities may not currently adopt a charter. The only powers they have are one's granted specifically in statute.

A charter, will allow a small community (second class city or unincorporated area) to take on any powers not specifically prohibited in statute through a charter approved by a majority of affected voters.

Currently all Home Rule Cities are school districts

Under House Bill 255(CRA) Home Rule Communities could not be a school district. (Section 17)

Currently all Home Rule Cities are required to perform a full financial audit

Under HB 255 Home Rule Communities are only required to submit a financial statement. (Section 15)

Currently Home Rule Cities are required to zone and plat land.

Under HB 255 Home Rule Communities may zone and plat land, but are not required to do so. (Section 18)

Currently an unincorporated area must have 400 people to be eligible to adopt a charter.

Under HB 255 there is no population requirement to be met prior to adopting a charter. (the "(a)(1)" reference on line 27 of Page 2 is the 400 resident requirement)

CS FOR HOUSE BILL NO. 255(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered: 2/25/00
Referred: Finance

Sponsor(s): REPRESENTATIVES DYSON, Harris, Kookesh, Murkowski, Morgan, Kott, Austerman,
Halcro

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to cities incorporated under state law that are home rule
2 communities."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 01.10.060(a)(4) is amended to read:

5 (4) "municipality" means a political subdivision incorporated under the
6 laws of the state that is a home rule community, a home rule or general law city, a
7 home rule or general law borough, or a unified municipality;

8 * Sec. 2. AS 01.10.060(a) is amended by adding a new paragraph to read:

9 (15) "city" means a home rule community, home rule city, or general
10 law city incorporated under the laws of the state.

11 * Sec. 3. AS 19.30.241(4) is amended to read:

12 (4) "home rule city" means a city incorporated under the laws of the
13 state that has adopted a charter and includes a home rule community [AS
14 DEFINED IN AS 29.04.010];

1 * Sec. 4. AS 29.04.040(a) is amended to read:

2 (a) A second class city may be reclassified as a first class city. A first class
3 or home rule city may be reclassified as a second class city. A home rule community
4 may be reclassified as a home rule city. Reclassification is proposed by filing a
5 petition with the department. The department shall investigate the proposal and report
6 its findings to the Local Boundary Commission with its recommendations. The
7 commission shall hold at least one public hearing in the city on the proposal. The
8 commission may amend the petition and may impose conditions on the reclassification.
9 If the commission determines that the reclassification, as amended or conditioned if
10 appropriate, meets applicable standards under the state constitution and commission
11 regulations, meets the standards for incorporation under AS 29.05.011 for the class of
12 city proposed in the reclassification petition, and is in the best interests of the state,
13 it may accept the petition. Otherwise, it shall reject the petition. The commission
14 shall notify the city of its decision. The decision may be appealed under AS 44.62
15 (Administrative Procedure Act).

16 * Sec. 5. AS 29.04.040(d) is amended to read:

17 (d) The council shall, within 30 days after receiving notification from the
18 Local Boundary Commission that a petition has been accepted, order an election on
19 the question of reclassification. The election shall be held at least 30 days after the
20 order and not later than the next regular election occurring after the 30-day period.
21 If more than one question is to be voted on at the election, each shall appear separately
22 on the ballot. However, if reclassification from a home rule community to a home
23 rule city requires adoption of a new charter, the question of approving the charter
24 and the reclassification may appear as a single question.

25 * Sec. 6. AS 29.05.011(b) is amended to read:

26 (b) A community that meets all the standards under (a) of this section except
27 (a)(1) may incorporate as a second class city or a home rule community.

28 * Sec. 7. AS 29.05.060 is amended to read:

29 **Sec. 29.05.060. Petition.** Municipal incorporation is proposed by filing a
30 petition with the department. The petition must include the following information about
31 the proposed municipality:

- 1 (1) class;
- 2 (2) name;
- 3 (3) boundaries;
- 4 (4) maps, documents, and other information required by the department;
- 5 (5) composition and apportionment of the governing body;
- 6 (6) a proposed operating budget for the municipality projecting sources
- 7 of income and items of expenditure through the first full fiscal year of operation;
- 8 (7) for a borough or unified municipality, based on the number who
- 9 voted in the respective areas in the last general election, the signature and resident
- 10 address of 15 percent of the voters in
- 11 (A) home rule and first class cities in the area of the proposed
- 12 borough or unified municipality; and
- 13 (B) the area of the proposed borough or unified municipality
- 14 outside home rule and first class cities;
- 15 (8) for a first class borough or unified municipality, a designation of
- 16 areawide powers to be exercised;
- 17 (9) for a second class borough, a designation of areawide and
- 18 nonareawide powers to be exercised;
- 19 (10) for a home rule community or first class, second class, or home
- 20 rule city, a designation of the powers to be exercised;
- 21 (11) for a first class or home rule city, based on the number who voted
- 22 in the area in the last general election, the signatures and resident addresses of 50
- 23 voters in the proposed city or of 15 percent of the voters in the proposed city,
- 24 whichever is greater;
- 25 (12) for a second class city or home rule community, based on the
- 26 number who voted in the area in the last general election, the signatures and resident
- 27 addresses of 25 voters in the proposed city or of 15 percent of the voters in the
- 28 proposed city, whichever is greater;
- 29 (13) for a home rule community, home rule city, home rule borough,
- 30 or unified municipality, a proposed home rule charter.

31 * Sec. 8. AS 29.10.010(a) is amended to read:

1 (a) A general law borough [OR FIRST CLASS CITY] may adopt a charter for
 2 its own government. A first class city may adopt a charter and become a home
 3 rule city. A second class city may adopt a charter and become a home rule
 4 community.

5 * Sec. 9. AS 29.10.010(c) is amended to read:

6 (c) At an incorporation, merger, or consolidation election, a municipality may
 7 adopt a charter for its own government and incorporate, merge, or consolidate as a
 8 home rule community, home rule city, home rule borough, or unified municipality.

9 * Sec. 10. AS 29.10.010(f) is amended to read:

10 (f) The proposed charter for a home rule municipality to be formed by
 11 incorporation, merger, or consolidation shall be prepared by the petitioners and filed
 12 with the petition to incorporate, merge, or consolidate a home rule community, home
 13 rule city, home rule borough, or unified municipality.

14 * Sec. 11. AS 29.10 is amended by adding a new section to read:

15 **Sec. 29.10.015. Home rule community charter.** A charter for a home rule
 16 community may provide that the council shall be known by another name as set out
 17 in the charter, or that the mayor shall be known by another name as set out in the
 18 charter.

19 * Sec. 12. AS 29.10.020 is amended to read:

20 **Sec. 29.10.020. Model charters.** The department shall prepare at least one
 21 model home rule charter for a home rule community, a city, a borough, and a unified
 22 municipality. The model charters shall be made available to persons interested in
 23 filing a petition to form a home rule municipality under AS 29.05.060 or
 24 AS 29.06.090.

25 * Sec. 13. AS 29.20.640(a) is amended to read:

26 (a) A municipality shall file with the department
 27 (1) maps and descriptions of all annexed or detached territory;
 28 (2) a copy of the annual audit, or, for a second class city or a home
 29 rule community, an audit or statement of annual income and expenditures;
 30 (3) tax assessment and tax levy figures as requested;
 31 (4) a copy of the current annual budget of the municipality;

1 (5) a summary of the optional property tax exemptions authorized
 2 together with the estimate of the revenues lost to the municipality by operation of each
 3 of the exemptions.

4 * Sec. 14. AS 29.35.030(a) is amended to read:

5 (a) A municipality may, only within its boundaries, exercise the powers of
 6 eminent domain and declaration of taking in the performance of a power or function
 7 of the municipality under the procedures set out in AS 09.55.250 - 09.55.460. In the
 8 case of a home rule community or a second class city, the exercise of the power of
 9 eminent domain or declaration of taking must be by ordinance that is submitted to the
 10 voters at the next general election or at a special election called for that purpose. A
 11 majority of the votes on the question is required for approval of the ordinance.

12 * Sec. 15. AS 29.35.120(a) is amended to read:

13 (a) The governing body shall provide for an annual independent audit of the
 14 accounts and financial transactions of the municipality or, in the case of a home rule
 15 community or second class city, an audit or statement of annual income and
 16 expenditures. To make the audit, the governing body shall designate a public
 17 accountant who has no personal interest, direct or indirect, in the fiscal affairs of the
 18 municipality. Copies of the audit shall be available to the public upon request.

19 * Sec. 16. AS 29.35.250(c) is amended to read:

20 (c) A home rule city in a third class borough shall provide for planning,
 21 platting, and land use regulation as provided by AS 29.35.180(b) for home rule
 22 boroughs. A first class city in a third class borough shall provide for planning,
 23 platting, and land use regulation as provided by AS 29.35.180(a) for first and second
 24 class boroughs. A home rule community or second class city in a third class borough
 25 may provide for planning, platting, and land use regulation as provided by
 26 AS 29.35.180(a) for first and second class boroughs.

27 * Sec. 17. AS 29.35.260(b) is amended to read:

28 (b) A home rule or first class city outside a borough is a city school district
 29 and shall establish, operate, and maintain a system of public schools as provided by
 30 AS 29.35.160 for boroughs. A home rule community or second class city outside
 31 a borough is not a school district and may not establish a system of public schools.

1 * Sec. 18. AS 29.35.260(c) is amended to read:

2 (c) A home rule city outside a borough shall provide for planning, platting, and
3 land use regulation as provided by AS 29.35.180(b) for home rule boroughs. A first
4 class city outside a borough shall, and a home rule community or a second class city
5 outside a borough may, provide for planning, platting, and land use regulation as
6 provided by AS 29.35.180(a) for first and second class boroughs.

7 * Sec. 19. AS 29.45.590 is amended to read:

8 **Sec. 29.45.590. Limited property taxing power for home rule communities**
9 **and second class cities.** A home rule community or second class city may by
10 referendum levy property taxes as provided for first class cities. However, levy of an
11 ad valorem tax by a home rule community or second class city may not exceed two
12 percent of the assessed value of the property taxed, except that the limit does not apply
13 to a levy necessary to avoid a default upon payment of principal and interest of bonded
14 or other indebtedness that is secured by a pledge to levy ad valorem or other taxes
15 without limit to meet debt payments.

16 * Sec. 20. AS 29.60.030(e) is amended to read:

17 (e) In addition to the computation for municipalities that levy and collect a
18 property tax, the department shall determine an estimated full and true assessed
19 property value under (d) of this section for

20 (1) each municipality that is a school district and that does not levy and
21 collect a property tax;

22 (2) each second class city or home rule community with a population
23 of 750 or more persons; however, a computation is not required under this paragraph
24 more often than once during a period of three successive calendar years; and

25 (3) all other second class cities and home rule communities, by
26 determining the average per capita full and true assessed property value of all cities
27 having a population of less than 750 persons in which an assessment has been
28 completed by a municipality or for which a determination is not made under (1) or (2)
29 of this subsection.

30 * Sec. 21. AS 29.71.800(4) is amended to read:

31 (4) "city" means a general law first or second class city, [OR] a home

1 rule city, or a home rule community;

2 * Sec. 22. AS 29.71.800(7) is amended to read:

3 (7) "council" means the governing body of a city, and includes the
4 governing body of a home rule community regardless of the name of that
5 governing body established under the community's charter;

6 * Sec. 23. AS 29.71.800(13) is amended to read:

7 (13) "municipality" means a political subdivision incorporated under
8 the laws of the state that is a home rule community, a home rule or general law city,
9 a home rule or general law borough, or a unified municipality;

HYDER COMMUNITY ASSOC. INC.

P. O. BOX 149
HYDER, ALASKA
99723
(804) 636-9148
FAX (804) 636-2714

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

REAA WAGES AND AVERAGE EMPLOYMENT (1999)

	WAGE TYPE			AVE. EMPLOYEES			AVE. WAGE PER EMPLOYEE
	GOVT	PRIVATE	TOTAL	GOVT	PRIVATE	TOTAL	
LOWER KUSKO.	\$ 55,882,109	\$ 67,719,747	\$ 123,601,856	2,166	3,059	5,225	\$ 23,656
SW REGION	9,215,718	22,268,163	31,483,881	307	832	1,139	27,642
SE REGION	3,520,907	11,313,030	14,833,937	135	397	532	27,883
LOWER YUKON	22,749,598	12,218,767	34,968,365	1,146	808	1,954	17,896
CHATHAM	2,870,581	4,394,216	7,264,797	109	171	280	25,946
DELTA-GREELEY	18,397,803	10,103,250	28,501,053	464	456	920	30,979
COPPER RIVER	8,606,578	19,870,388	28,476,966	249	710	959	29,694
ALEUTIAN REGION	560,411	576,531	1,136,942	21	54	75	15,159
YUKON FLATS	6,085,262	5,410,114	11,495,376	202	216	418	27,501
AK GATEWAY	7,975,413	9,790,055	17,765,468	233	507	740	24,007
ANNETTE ISLAND	9,635,672	3,458,778	13,094,450	323	153	476	27,509
PRIBILOF ISL.	4,420,482	13,378,554	17,799,036	137	291	428	41,587
BERING STRAIT	13,553,081	8,312,138	21,865,219	654	625	1,279	17,096
CHUGACH	1,878,633	5,638,392	7,517,025	60	225	285	26,376
YUKON-KOYUKUK	3,530,441	5,480,661	9,011,102	203	163	366	24,620
KUSPUK	5,718,320	3,035,657	8,753,977	204	167	371	23,596
IDITAROD	6,858,381	4,118,284	10,976,665	238	163	401	27,373
TOTALS:	\$ 181,459,390	\$ 207,086,725	\$ 388,546,115	6,851	8,997	15,848	\$ 24,517

SENATE FINANCE COMMITTEE

SIGN-IN

HB 255-HOME RULE COMMUNITIES

NAME: B Peter Torkelson Subject/Bill No: 255
Co./Dept./Title: Hook to Rep. Dyson Phone: 6881
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

HB

259

HFIN

FILE

(11)

HOUSE COMMITTEE REPORT

Date Referred to Committee: February 11, 2000

FURTHER REFERRALS:

Date of Committee Action: 2/25/00

The FINANCE Committee considered:

HB 259

HOUSE BILL NO. 259

PUBLIC DEFENDER CHILDREN'S PROCEEDINGS

"An Act relating to a parent's eligibility to be represented by the public defender before and during the probable cause and temporary placement hearing that is held after the state takes emergency custody of a child."

recommends it be replaced

with the following committee substitute CS HB 259 (FIN)

the same title
 a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) Doc

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<u>Gene Theriault</u> Theriault	X			
<u>Gordon Mulder</u> Mulder	X			
<u>Clay Bunde</u> Bunde			✓	
<u>Alan Auster</u> Austerman			✓	
<u>Ben Gussendorf</u> Gussendorf	X			
<u>Alfred Moses</u> Moses			✓	
<u>Alvin Davis</u> Davis			✓	
<u>William Williams</u> Williams			✓	
<u>Phil Phillips</u> Phillips			✓	

CHAIR'S SIGNATURE

Gene Theriault Gordon Mulder

FISCAL NOTE

STATE OF ALASKA

BILL NO. CSHB 259(STA)

2000 LEGISLATIVE SESSION

Revision Date: _____
 Title: "An Act relating to a parent's eligibility to be represented by the public defender...."
 Sponsor: Representative Coghill
 Requestor: (H) FIN

Department Affected: Administration
 BRU: Legal and Advocacy Services
 Component: Public Defender Agency
 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2 003	FY 2004	FY 2005	FY 2006
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 2000) cost: \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

See attached.

Prepared by: Barbara Brink, Director
 Division: Public Defender Agency

Phone: (907) 264-4414
 Date: _____

Approved by Commissioner: Robert Poe Jr.
 Agency: Department of Administration

Date: 2/18/00

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FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CSHB 259(STA)

ANALYSIS: (continued)

This bill would allow the Public Defender Agency to represent parents whose children have been taken into emergency custody by state social workers without the parents first having to go through a formal indigent screening process and appointment by the court.

The Public Defender Agency does not anticipate any fiscal impact from the legislation. We have to do the same amount of work in these cases anyway. If we can get started a little earlier, so much the better.

However, in predicting the lack of any fiscal impact, we are making the following assumptions. First, we assume that we will not be representing non-indigent people. Our lawyers can ask a few questions and get a pretty clear idea of whether someone is indigent or not. If people are able to hire their own lawyers, we can refer them to private attorneys. Therefore, we should not be getting additional clients—just people we would be representing anyway.

Second, we assume the words “may be represented” give us leeway as to whom we represent and the scope of the representation in these initial phases. We must be able to turn down requests for this type of immediate representation if we have a conflict of interest or for other legitimate reasons. In addition to conflicts of interest, we have to be careful that the Public Defender Agency takes the most serious case. For example, if a mother calls saying her children have been taken because her husband is accused of sexual abuse, we should make sure that we end up representing the husband, not her. The husband may end up being a defendant in an expensive criminal case. If we can represent him in both the Child in Need of Aid and criminal cases, we can save the expense of having another lawyer appointed through the Office of Public Advocacy in the criminal case. Finally, we have limited resources and cannot promise an immediate response in every case. If all our lawyers are in court hearings, we may have to delay taking intake calls and interviews.

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education & Early Development
State of Alaska

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CSHB 259(STA)

ANALYSIS: (continued)

This bill would allow the Public Defender Agency to represent parents whose children have been taken into emergency custody by state social workers without the parents first having to go through a formal indigent screening process and appointment by the court.

The Public Defender Agency does not anticipate any fiscal impact from the legislation. We have to do the same amount of work in these cases anyway. If we can get started a little earlier, so much the better.

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1-LS1099\H
Lauterbach
2/24/00

Rg Coghill

CS FOR HOUSE BILL NO. 259()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES COGHILL, Croft

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to eligibility to be represented by the public defender before
2 and during the probable cause and temporary placement hearing that is held after
3 the state takes emergency custody of a child."

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

5 * **Section 1.** AS 18.85.100 is amended by adding a new subsection to read:

6 (e) Subject to other provisions of this subsection, a person who is the natural
7 parent, adoptive parent, or guardian of a child who is taken into emergency custody
8 of the state under AS 47.10.142 may be represented at public expense and without a
9 court order by an attorney employed by the Public Defender Agency in connection
10 with the hearing held under AS 47.10.142(d). Representation in connection with the
11 hearing may include investigation and other preparation before the hearing is held as
12 well as representation at the hearing. Continued representation of the person by the
13 Public Defender Agency after the hearing is held under AS 47.10.142(d) is contingent
14 on satisfaction of the eligibility requirements of (a) - (d) of this section, the issuance

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of an appropriate court order, and compliance with the applicable laws and court rules relating to court-appointed counsel employed at the public's expense. If a person who was represented by the Public Defender Agency at public expense without a court order in connection with a hearing held under AS 47.10.142(d) is not later determined to be eligible for court-appointed counsel at public expense under applicable laws and court rules, the court shall assess against the represented person the cost to the Public Defender Agency of providing the representation. In this subsection, "guardian" means a natural person who is legally appointed guardian of the person of a child.

* Sec. 2. AS 18.85.120(d) is amended to read:

(d) Except as provided in AS 18.85.100(e), as [AS] a condition of receiving services under this chapter, a person shall affirm indigency under oath to the court and execute a general waiver authorizing the release to the court of income information regarding any income source the person has had for a period of three years immediately preceding the person's first court appearance in connection with each cause. At the conclusion of all services by the public defender to the person, the court shall upon request release to the attorney general all information received under this subsection except information that might incriminate or tend to incriminate the person.

HB

259

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/21/00

FURTHER: REPORTED OUT OF SFC 4/17/00

DATE TURNED IN TO OFFICE: 17 April 00

Finance Committee considered

CS FOR HOUSE BILL NO. 259(FIN)

"An Act relating to eligibility to be represented by the public defender before and during the probable cause and temporary placement hearing that is held after the state takes emergency custody of a child."

and recommends:

be replaced with _____ CS _____ (_____)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:
 same title
 new title
 House Bill:
 same title
 technical title
 new: SCR' _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
<i>[Signature]</i>	✓	<i>[Signature]</i>			
<i>[Signature]</i>	✓				
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair:		Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Admin	3/16/00	✓	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA

BILL NO. CSSB 259 (JUD)

2000 LEGISLATIVE SESSION REPORTED OUT OF

Revision Date/Time (Note if correction)

SFC 4/17/00

Dept. Affected Law

Title "An Act relating to crimes and offenses relating

BRU Criminal Division

to aural representations, ... access devices ... computers; ..."

Component 1st Judicial Dist; 4th Judicial Dist;

Sponsor Senator Taylor

Criminal Appeals/Special Litigation

Requester Senate Judiciary Committee

Component No. 2198;2201;2203

Expenditures/Revenues

(Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel	3.3	3.3	3.3	3.3	3.3	3.3
Contractual	6.7	6.7	6.7	6.7	6.7	6.7
Supplies						
Equipment	5.0	5.0	5.0	5.0	5.0	5.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	15.0	15.0	15.0	15.0	15.0	15.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	15.0	15.0	15.0	15.0	15.0	15.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	15.0	15.0	15.0	15.0	15.0	15.0

Estimate of any current year (FY2000) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CSSB 259 (JUD) amends and expands the substantive criminal law to address the use of computers and other technology in the widespread perpetration of crimes. Child pornography, theft of personal information with the intent to defraud, theft of personal information resulting in damage to a person's financial reputation, deceptive business practices, "hacking" to get unauthorized information or introduce false information, and introducing damaging viruses, are all offenses where technology has offered new ways for criminals to victimize individuals. The amendments in this bill will update existing law to help law enforcement prosecute those who cause harm to others through the use of computers and other technology.

Prepared by: Joan M. Kasson

Phone 465-5370

Division Attorney General's Office

Date/Time 3/21/00, 11:39 AM

Approved by Commissioner Bruce M. Botelho, Attorney General

Date 3/21/00

Agency Department of Law

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FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CSSB 259 (JUD)

ANALYSIS CONTINUATION

Much of the bill expands on existing crimes already being prosecuted, and is not anticipated to cause increased workload. The new crimes defined in the bill are expected to result in approximately ten new prosecutions in the first year, with the number increasing in future years. These new white-collar cases will be handed by existing staff. Although no new personnel are believed to be necessary, other resources will be needed.

Investigation and prosecution of cybercrimes require that the prosecutor keep up with the constantly changing world of information technology. Those who use computers to commit crimes are very knowledgeable about technology, and usually have state-of-the-art equipment. Prosecutors must have the same or better knowledge and equipment as those who use the equipment for illegal purposes.

The Department of Law intends to have three of its prosecutors specialize in this technology driven area of law: one in Anchorage OSPA, and one each in the Juneau and Fairbanks district attorney's offices. These assistant district attorneys will need on-going training to stay ahead of the inventive ways people come up with to use technology to cause harm to others and to keep up with how law enforcement is responding in other jurisdictions. The department estimates \$10.0 per year will be spent on training, divided equally between the three components. \$5.0 per year is included to maintain state-of-the-art computer equipment, software, peripherals, and associated communications devices in Anchorage OSPA as a resource for the entire Criminal Division to use in preparing and presenting its cases.

ALASKA STATE HOUSE OF REPRESENTATIVES

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(907)-456-5081
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(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 416

REPRESENTATIVE JOHN COGHILL

HB 259 PUBLIC DEFENDERS FOR 48 HOUR HEARING SPONSOR STATEMENT

Pursuant to AS 47.10.142 (4)(d) after DFYS takes physical custody of a child, the court must immediately hold a hearing at which the court shall determine whether probable cause exists to deem the child a "Child In Need of Assistance" (CINA). The public defender's office would welcome the statutory change to allow them to legally provide assistance in an area they feel is necessary.

When a child is removed from the family home, the effects can be traumatic; so much so that the parents are unaware of what has just happened, why it has happened, and what should be done next. The common situation is that the parents are distraught because their child has been removed by the state and feel intimidated by the judicial process for CINA determinations. They don't even know they can ask the judge for a continuance to seek legal advice.

Under current law a person does not qualify for assistance from the public defender's office until indigence is determined. Many parents go to court not knowing their rights or the process because they can not find legal assistance in time for the 48-hour hearing. This legislation allows any parent or guardian to get legal assistance from the Public Defender's office for the 48-hour CINA hearing regardless of whether or not they are indigent. The best case scenario in many cases will mean an end to the case and the child is returned to the parents. In other cases, a continuance would be issued to allow the parents to provide additional information to the court that the caseworker and the Attorney General's office have not provided.

If, after the court has reviewed the evidence, it rules the child is a CINA during the 48 hour hearing, the parents would then apply for further assistance from the public defender's office and their qualification would be determined by whether or not they were indigent.

While some may argue this legislation will result in added expenses to the State, this legislation could actually reduce the cost of CINA cases in Alaska. By providing all the information in a professional manner at the first hearing of determination, the number of children in state custody for 90 days to six months then returned to their family will be reduced. This means a reduction in foster care, caseworker, and health care costs, as well as, long-term public defender, guardian ad litem, and AG expenses.

STATE OF ALASKA

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF FAMILY AND YOUTH SERVICES

TONY KNOWLES, GOVERNOR

P.O. BOX 110630

JUNEAU, ALASKA 99811-0630

PHONE: (907) 465-3170

FAX: (907) 465-3397

MEMORANDUM

DATE: December 27, 1999

TO: Elmer Lindstrom
Special Assistant to the Commissioner

FROM: Roger P. Withington
Research Analyst

SUBJECT: Children Returned Home

Per your request of December 23, 1999, I have calculated, from PROBER[®], for all of the children who were released from DFYS custody and returned to their parents during FY1999, the length of time these children spent in continuous DFYS custody. This information is provided in the following table.

Length of Time in Custody Episode	Number of Children
2 Days or Less	50
3 to 90 Days	56
91 to 182 Days	45
6 Months to 1 Year	56
1 - 2 Years	75
2 - 3 Years	44
3 - 4 Years	20
4 + Years	30
Total	376

I urge you to use caution when interpreting these numbers. The DFYS has a chronic and ongoing problem with field staff entering accurate information into PROBER[®] with respect to releases from custody.

If I may be of further assistance, please feel free to contact me.

House STATE AFFAIRS Minutes



HOUSE STATE AFFAIRS STANDING COMMITTEE

January 25, 2000

8:05 a.m.

HB 259-PUBLIC DEFENDER CHILDREN'S PROCEEDINGS

CHAIR JAMES announced that the committee would next hear HOU NO. 259 "An Act relating to a parent's eligibility to be represented by the public defender before and during the pro cause and temporary placement hearing that is held after the takes emergency custody of a child."

Number 2869

REPRESENTATIVE COGHILL explained that HB 259 is the result of a meeting sponsored by Chair James with the Department of Administration, the Department of Law, Judge Steinkruger, an legislative staff from the Interior. From this meeting it is apparent that a 48-hour hearing is required when a child in aid (CINA) is taken into custody. It was his observation that when summoned to a 48-hour hearing, many parents had not had the opportunity to obtain counsel or were unaware that they could have counsel present at the hearing. The Office of Public Aid (OPA) saw that lack of knowledge as a shortfall in the current system. Representative Coghill noted that Representative Whelan also held several meetings in Fairbanks regarding this subject. Representative Coghill met with different family groups and that a family summoned into a 48-hour CINA hearing actually did not know what they were getting into. Representative Coghill felt there was grave misunderstanding of how important the 48-hour hearing is when a determination of CINA exists. He believed that the bill provided an opportunity to extend representation to a parent who did not understand what was going on as there seems to be much confusion in the first minutes when a child has been taken into custody and the parents are summoned to court. House Bill 259 attempts to supply the representation that parents need regarding their financial status because many parents do not even know how to call a lawyer in this situation.

REPRESENTATIVE COGHILL pointed out that HB 259 had no fiscal impact at this time. He offered a written amendment, labeled Amend 1, which read as follows:

Page 1, line 6, after the word "person":

Delete: [, whether or not indigent,]

Page 1, line 8, after the word "represented":

Insert: , pending a determination of indigence,

TAPE 00-1, SIDE B

Number 2958

REPRESENTATIVE COGHILL commented that HB 259 is a straight-f bill. He agreed, as Amendment 1 states, that there has to be determination of indigence somewhere along the line, which h would probably ensure a zero fiscal note.

Number 2943

REPRESENTATIVE GREEN expressed concern that a disproportiona number of low-income people, who are not necessarily indigen might be having their children taken into custody in compari people who are financially secure. That was his observation result of information-gathering visits to the Division of Fa and Youth Services (DFYS). Representative Green asked if en of HB 259 would provide notification to the parents that the have the right to request a public defender, or, are the par under obligation to know they have that right.

REPRESENTATIVE COGHILL replied it was his intention that the parents be notified.

CHAIR JAMES suspected that the notification requirement woul implemented by the court system. She supposed the court wou the parents whether or not the parents wanted to be represen counsel.

Number 2856

REPRESENTATIVE COGHILL acknowledged that was his intention. mentioned that he and Representative Whitaker have worked t regarding responsibility and rights measures that should be presented as a briefing in a court. However, that is a sepa measure, not to be confused with HB 259. Representative Cog believed that if a person did come before a judge at a 48-ho hearing without counsel, HB 259 would require the judge to a the person of their right to counsel. House Bill 259 has no expressly said that but Representative Coghill did not want directive to that effect either.

Number 2796

DOUG WOOLIVER, Administrative Attorney, Alaska Court System, explained that even now people do have the right to counsel 48-hour hearings. According to most of the judges with whom spoken, many parents do qualify for public defender services Under the current statute if parents appeared at a 48-hour h without an attorney, they have the option to either proceed an attorney through the probable cause hearing (which does n happen often), or request a continuance. Continuance occurs a parent indicated they wanted to obtain an attorney and eit they did not know they could do so or they had not taken ste to do so. The continuance then allows the hearing to be pos for another two or three days. Meanwhile, the child in cust stayed wherever the child had been placed, which was an ince for the parents to act quickly so they could regain custody their child. When parents obtained representation, they ret to court for the hearing.

MR. WOOLIVER informed the committee that at present, when DF takes custody of a child, DFYS provides a brochure to parent explains their rights as parents. One of those rights is th to a public defender. Mr. Wooliver observed that according Anchorage Police Department, it was not uncommon for the par have already taken the step of requesting a public defender. request a public defender, the court has to make an indigenc determination, a public defender is then appointed and the p appear at the hearing with counsel. Mr. Wooliver felt HB 259 facilitates the current process. Under HB 259, parents would have to first appear in court to obtain an indigence determi The notification provision of HB 259 allows the parents to a public defender at the time the child is taken into custod Therefore, parents can appear at the 48-hour hearing with representation even if a court determination of indigence ha yet been declared.

REPRESENTATIVE GREEN asked if obtaining an attorney quickly HB 259 would save money and reduce the case load, given the that deferments, postponements, or continuances do add to ca costs.

Number 2659

MR. WOOLIVER answered it was possible there might be fewer continuances. On the other hand, a parent might still not understand that they did have the right to a public defender was Mr. Wooliver's observation that the DFYS brochure advise people of their right to counsel but people did not always a themselves of that right. Mr. Wooliver reiterated that the is in a crisis situation so the system will continue to have where people do not obtain representation in a timely manner causes some continuances. However, HB 259 is expected to re the number of times someone comes in without an attorney, an reduce the need for a continuance.

REPRESENTATIVE WHITAKER wanted to know how many continuances and if Mr. Wooliver had data to support his answer.

Number 2605

MR. WOOLIVER said he might be able to obtain the data.

REPRESENTATIVE WHITAKER reiterated that the point of HB 259 protect every individual's rights. He expressed concern for percentage of people who do not understand their circumstanc for which HB 259 ensures protection of their rights. He bel HB 259 to be an important piece of proposed legislation.

Number 2531

REPRESENTATIVE KERTTULA expressed uncertainty regarding the for a zero fiscal note. She supposed there was a zero fisca because OPA assumed HB 259 would be amended so that OPA did represent non-indigent people. She asked when that might ha It sounded to her like OPA would ask the appropriate questio right up-front during the first custody hearing to determine

whether or not the parents were indigent and would qualify for representation. However, she saw a problem if OPA allowed people to have OPA representation and proceed through the system, only to find out later that the people involved did not, in fact, qualify for public defender representation. She felt this scenario would create a budget increase for OPA, contrary to the zero fiscal

Number 2485

REPRESENTATIVE OGAN made a motion to adopt Amendment 1.

Number 2465

REPRESENTATIVE COGHILL reiterated that it is desirable for counsel to be present at 48-hour hearings. Nevertheless, somewhere along the line there has to be a determination of indigence or a continuance. Amendment 1, which was forwarded to Representative Coghill's office from OPA, makes it more emphatic that counsel for the public defender's office is available, regardless of a determination of indigence.

Number 2424

REPRESENTATIVE HUDSON asked if it was easy to make a determination of indigence.

MR. WOOLIVER replied that the Alaska court system required people seeking a determination of indigence to meet certain financial criteria in order to be appointed to a public defender. The forms to submit and court procedures for making that determination are not an instant process.

REPRESENTATIVE KERTTULA asked if Amendment 1 is what OPA wanted

Number 2387

REPRESENTATIVE GREEN questioned whether HB 259 will create a public defender on OPA before an indigence determination has been made.

Number 2347

MR. WOOLIVER answered that under HB 259, OPA would be responsible for representing people who may or may not meet indigent status. In that sense, he stated, OPA's work load might increase. He did not know how much difference Amendment 1 would make.

Number 2309

CHAIR JAMES said she believes that people should have counsel at 48-hour hearings, as counsel is an important protection. In her experience, she had seen people after a court hearing who did not know what had happened to them or why they were at the hearing. It was her understanding that a public defender is a state employee. If that assumption is correct, a public defender would not be present at a 48-hour CINA hearing.

Number 2243

MR. WOOLIVER agreed that a public defender ought to be present for that to occur, the assigned attorney has to be notified in each case within 48 hours. Although parents are not required to hire an attorney, they are entitled to an attorney and still need to initiate the request for a public defender. Also, OPA has to check if a conflict exists for the assigned public defender regarding the applicant.

REPRESENTATIVE COGHILL announced that Blair McCune was present to testify before the committee.

Number 2190

REPRESENTATIVE SMALLEY agreed with Representative Kerttula that there will be an additional cost to OPA.

CHAIR JAMES called for the testimony of Blair McCune.

Number 2153

BLAIR MCCUNE, Deputy Director, Alaska Public Defender Agency testified from Anchorage via teleconference. He said the public defender process varied in different areas around the state. He cited the example of Anchorage where OPA currently did not take intake calls. If someone needed a public defender, OPA referred the applicant to the court. At the court, the applicant filed an application for a public defender and waited for a formal determination of indigence. Upon receipt of a determination of indigence, OPA could then represent an applicant. This process does take time, but it can be done before the 48-hour hearing which parents are advised of their rights. Child-in-need-of rules governing these hearings require that parents be notified of their right to counsel at public expense.

MR. MCCUNE answered Representative Hudson's question by saying sometimes it was easy to make an indigence determination and sometimes it was not. Often OPA can quickly determine whether someone is able to pass an indigence screening. OPA asks a few questions; for example, an important one would be whether the applicant is currently on public assistance. If the applicant is receiving public assistance, OPA can safely assume that the applicant has had indigence screening through one of the state or federal agencies. In questionable cases, OPA would be better advised to refer the applicant to the court system for a formal indigence determination. If an applicant can afford their own lawyer, then OPA can refer them to lawyers in private practice who can represent the applicant.

MR. MCCUNE turned to the fiscal impact of HB 259. He referred to lines 7-8 on page 1, which reads "may be represented...by the Public Defender Agency." He acknowledged that OPA must exercise care regarding conflicts of interest in these cases. He said he tries to conserve state resources by assigning OPA staff attorneys (they are state employees as Chair James correctly surmised) to those cases that will be the most time-consuming or serious. The Office of Public Advocacy also strives to conserve resources by representing both a CINA case and a criminal case if no conflict of interest exists. Mr. McCune believes OPA would not feel any

impact due to HB 259 if the words "may be represented" provide OPA with flexibility in who they represent and delineated the scope of representation. Nevertheless, he reminded the committee that OPA did have limited resources and could not promise an immediate response in every case. For example, if all OPA lawyers were attending court hearings, OPA might not be able to respond to an intake call right away. Mr. McCune endorsed the words "may be represented" as the correct interpretation. He agreed that this will help people who need help without resulting in further impact to OPA.

Number 1890

REPRESENTATIVE GREEN posed his concern with a scenario in which 12 CINA children were taken into custody in the same time. He asked if a defense was prepared for all the children at once. He also asked if OPA was notified at the time of intake or if they wait for someone to request representation and then provide a public defender at the first 48-hour hearing. He asked if the legislature was creating an additional burden on OPA by HB 259. He would OPA normally provide representation anyway, it just be a question of who paid for it.

Number 1811

MR. MCCUNE offered to explain the OPA process. OPA did not currently represent anyone until the court had made such an appointment. The court will call OPA and inform OPA that it has been appointed to represent "Mrs. Smith" in a child-custody case. The Office of Public Advocacy then checks their conflicts manual to see if OPA has any conflict in representing "Mrs. Smith." If so, OPA will call the court and say due to conflict of interest another OPA attorney needs to be appointed to represent "Mrs. Smith." When OPA does represent "Mrs. Smith" in a criminal case, OPA will read the petition, exercising care about whom OPA is representing and begins work at that point. Mr. McCune said HB 259 will allow OPA to take some custody intake calls. "Mrs. Smith" can call the public defender office to report her children have been taken into custody. OPA would call the court and ask for a copy of the petition involving "Mrs. Smith" and review social workers' notes, medical reports, or police reports.

MR. MCCUNE noted that often parents will agree with OPA that there are reasons why the state was involved in their life. Not all cases go to contested hearings, in fact, only a small percentage do. If a case does go to a contested hearing, OPA must have time to get the paperwork needed to represent the person in court. House Bill 259 would allow OPA to take the custody intake call, get the petition sent to the court, verify what OPA was dealing with, and get started earlier. Mr. McCune did not anticipate more work; rather, he anticipated being able to do more work earlier.

MR. MCCUNE pointed out that most of OPA's workload is criminal cases. In 1996 the legislature passed a law which clarified OPA's responsibility to represent anybody in a criminal case only if they are formally appointed. That law has also been applied to civil cases. House Bill 259 would change the law so that OPA can be involved in CINA cases at an earlier stage as opposed to criminal

cases only.

Number 1521

REPRESENTATIVE GREEN said it sounds to him, after listening McCune's testimony, that with more people involved, OPA's work could increase, which could impact their ability to do their work unless OPA hires more employees.

REPRESENTATIVE GREEN then posed a scenario in which people who are automatically represented at a 48-hour hearing were later found to be non indigents. Do they reimburse OPA for the extra work OPA performed?

Number 1479

MR. MCCUNE answered that in CINA cases there was no payback provision. He said there are payback provisions in criminal and attorney's fees are charged to citizens who use the public defender in appellate cases. Mr. McCune believed that OPA would not start work on a case unless OPA was reasonably sure the parent was indigent. Mr. McCune affirmed that most of the parents involved in CINA represented by OPA and who appear before them are people determined to be indigent. He asserted that OPA is careful not to represent people that OPA would not represent anyway.

Number 1427

REPRESENTATIVE GREEN wanted affirmation that if HB 259 passes OPA would not anticipate a budget increase next year.

Number 1420

REPRESENTATIVE KERTTULA reiterated her belief that OPA is increasing its work load since OPA does not represent [all] now. She understood that OPA is relying on their own school pending a determination of indigence, to determine whether or not a parent involved in a CINA call is indigent. After listening Mr. McCune's explanation, Representative Kerttula believed that OPA is taking control of that step in the process and making the indigence determination right then. She wanted confirmation that her understanding is correct in that OPA will reject some people and take some people right at the point of call.

Number 1381

MR. MCCUNE affirmed Representative Kerttula's understanding of the process. He believed HB 259's use of the language "may be represented" allows OPA to make an initial indigence determination. He affirmed his belief that OPA would have flexibility in their response to calls in the initial stages.

Number 1355

REPRESENTATIVE KERTTULA stated that is the reason she supports HB 259. However, she believed OPA will experience increased costs and OPA will have a fiscal note in connection with HB 259.

Number 1330

REPRESENTATIVE HUDSON made a motion to adopt Amendment 1. T being no objections, Amendment 1 was adopted.

REPRESENTATIVE OGAN read the following from Representative Coghill's sponsor statement, "this means a reduction in foster care, case worker, and health care costs, as well as long-term public defender, guardian ad litem, and attorney general expenses. Representative Ogan believed Representative Coghill was assuming that if parents' rights are addressed early on then perhaps those who have had their children taken away will get their children sooner, which will cost less money to the state.

Number 1218

REPRESENTATIVE COGHILL replied in the affirmative. He reiterated there are many, many parents that get caught up in 48-hour hearings. It is clear to him that parents suffer emotionally and because they do not understand the legal system, even if they knew to obtain counsel, they would not know who to get. House Bill 259 attempts to make counsel available and let people have access to counsel. He felt that if parents were notified that they had access to counsel or did have counsel, then the determination of child-in-need-of-aid cases would be less because once a parent is involved in the child-in-need-of-aid system, they have to go through all steps of the system. A court time line is set up for the first 48-hour hearing onward and those time lines have to be fulfilled. He stated that there can be continuances, counsel for foster care; but if at the 48-hour hearing, counsel determines there was no CINA case, then the case could end at that point. Representative Coghill knew that many times the only recourse before a judge is an agency determination and a parent's final plea. He felt HB 259 is just one more way of protecting the best interests of both of the child and the parents.

Number 1077

CHAIR JAMES stated, in answer to Representative Ogan's question that it was difficult and speculative, when trying to change the system, to determine whether there is going to be a reduction in cost. She felt the numbers were not available.

Number 1043

REPRESENTATIVE WHITAKER expressed concern that the discussion centered around dollars as opposed to protecting individual constitutionally guaranteed rights. He did not believe HB 259 was concerned with saving a dollar or spending a dollar. He believed it is a question of absolutely demanding that individuals in this kind of situation have and know their rights are protected. He agreed that the legislature cannot be irresponsible with spending; however, HB 259 is a much larger issue. He reiterated it is not a dollar issue, but rather a constitutionally guaranteed individual rights issue.

CHAIR JAMES agreed with Representative Whitaker. Then she

announced Scott Calder from Fairbanks wanted to testify.

Number 973

MR. CALDER said he liked HB 259 and Amendment 1. However, h not feel HB 259 got to the heart of the problem. He offered following suggestions:

Amend:

A. Page 1, line 7;

Delete "[AS 47.10.142]."
Insert "AS 47.10 and AS 47.12".

B. Line 9;
Insert: "first" before "hearing."

C. Line 13; (same as 'A' above).

D. Page 2, line 10;

Delete: "[upon request]" and "[All]".
Insert: "not" before "release".

E. and line 11;

Delete: the words follcwing "subsection"
beginning "[except information...]" to the end.

F. Add court rules change for notice requirements.

Number 872

CHAIR JAMES recognized Mr. Calder's concerns were legitimate

Number 865

MR. CALDER re-emphasized the necessity of including cases ar under AS 47.10 and AS 47.12. He agreed the issue should not centered around dollars, but the basic rights of people befo judicial branch. He concluded that it is reasonable for par be represented, always recognizing appropriate separation of in this matter.

Number 408

REPRESENTATIVE HUDSON spoke to Mr. Calder's proposed recommendations. Representative Hudson suggested that Mr. C put those in writing and transmit them. Representative Huds those recommendations could go forward with HB 259 to the Ju Committee. Representative Hudson made a motion to move HB 2 amended out of the House State Affairs Standing Committee wi zero fiscal note and individual recommendations. He asked f unanimous consent. There being no objection, CSHB 259(STA) from the House State Affairs Standing Committee.

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House STATE AFFAIRS Minutes



HOUSE STATE AFFAIRS STANDING COMMITTEE
January 27, 2000
3:05 a.m.

HB 259 - PUBLIC DEFENDER CHILDREN'S PROCEEDINGS

Number 0017

CHAIR JAMES brought before the committee HOUSE BILL NO. 259, Act relating to a parent's eligibility to be represented by public defender before and during the probable cause and temporary placement hearing that is held after the state takes emergency custody of a child." [Following adoption of an amendment to the bill at the previous hearing, CSHB 259(STA) had been moved from the committee; however, a memorandum from Terri Lauterbach, Legislative Counsel, accompanying a draft of the committee substitute (C) recommended further clarification.]

CHAIR JAMES asked the sponsor whether he believes the parent question should repay the state if it is determined they are eligible for the services of the Public Defender Agency.

Number 0185

REPRESENTATIVE JOHN COGHILL, Alaska State Legislature, sponsor agreed that was his intent. He said although the current bill language reflects that, he is open to discussion.

CHAIR JAMES suggested the committee, if in agreement, could consider a conceptual amendment to Ms. Lauterbach clarifying the sponsor's intention.

REPRESENTATIVE KERTTULA made a motion to rescind the committee action [moving CSHB 259(STA) from committee on January 25, 2000] and to bring the bill back before the committee for reconsideration.

Number 0287

REPRESENTATIVE WHITAKER asked whether the new CS would come for final approval or would simply move from this committee.

CHAIR JAMES answered that everyone could look at it as soon as the committee received it, before passing it on. However, she would expect to bring it back for another meeting.

REPRESENTATIVE GREEN responded that he wouldn't go that route; he wanted to see the amendment. If it took two minutes to reconvene and bring it before the committee the next time, he suggested that should be done.

CHAIR JAMES pointed out a further option of not rescinding the previous action but letting the House Judiciary Standing Committee fix the bill. She mentioned sending along the memorandum for the committee.

Terri Lauterbach.

Number 0453

REPRESENTATIVE WHITAKER asked Representative Coghill his preference, given those choices.

REPRESENTATIVE COGHILL said it would fit in either case. He expressed willingness to move it along, in conjunction with concept brought up in Ms. Lauterbach's memorandum, which he indicated meets with his intent.

CHAIR JAMES said she doesn't want to be responsible for its languishing in committee, but she likes to pass legislation her committee that doesn't need to be fixed.

REPRESENTATIVE GREEN commented, "I tend to agree with the sp because I asked that very question of our attorney, and he s was covered." He suggested the House Judiciary Standing Com is the place to determine whether it is or isn't covered.

CHAIR JAMES inquired about the wishes of the rest of the com She pointed out that they could turn down the motion to resc previous action.

Number 0657

REPRESENTATIVE SMALLEY said he would support the motion to r however, because he believes it is the committee's responsib to fix the bill. He suggested that wouldn't delay it that m

REPRESENTATIVE GREEN voiced his opinion that a state affairs committee should look at what is best for the state, regardl the legal language, which should be addressed by a judiciary committee.

CHAIR JAMES said she wishes it were that way, but it isn't. indicated committees deal with all parts of bills that they

Number 0831

REPRESENTATIVE OGAN suggested that when signing the committe report, members put "amend." Furthermore, changes could be the House floor. He would have no objection to moving this on, he said, with the caveat that the problem be taken care

CHAIR JAMES noted that a vote would be needed on whether to the previous action.

REPRESENTATIVE OGAN said he would support rescinding the act purposes of signing the committee report with a recommendati amending it. He would also support moving it out afterwards

REPRESENTATIVE KERTTULA expressed support for Chair James' comments, then suggested this might go faster if the current committee fixed it rather than waiting for the House Judicia Standing Committee to do so.

REPRESENTATIVE WHITAKER asked whether Chair James agrees the bill would move more quickly in that case.

Number 0909

CHAIR JAMES said her own position is that she doesn't want it to languish, as she believes this is important legislation. She doesn't know how soon this could be heard in the House Judiciary Standing Committee, or what the attitudes of those members would be. Another concern is that the sponsor believes and has a legal opinion that the bill covers the intent. Having read the CS herself, she agrees with Terri Lauterbach, however, that it doesn't specifically and therefore it must be assumed. "When you assume something, that doesn't necessarily mean it's so," she cautioned. "It could be read either way." She surmised such a decision would be at the policy or regulation level.

CHAIR JAMES clarified that her first choice is to rescind the previous action, pass a conceptual amendment, and then have everyone look at the subsequent CS before passing it on to the committee. On the other hand, if this will make the bill languish - about which she is uncertain - then she is willing to do whichever to her means not rescinding the action. She said rescinding the action and saying the bill needs to be amended is embarrassing and would make her feel derelict in her duties.

Number 1043

REPRESENTATIVE GREEN responded that he respectfully but vehemently disagrees. Almost every bill he has served on has passed legislation on to the House Finance Committee, at the least, for review because of a fiscal note or some other issue. Common legislation is passed on either with a letter or, as Representative Ogan indicated, with recommendations to amend it. Although he agreed this can be fixed, he emphasized that it isn't uncommon to pass legislation on to the House Judiciary Standing Committee as an example.

CHAIR JAMES pointed out that she has been on the House Judiciary Standing Committee most of the eight years of her legislative service too. There, they have passed numerous bills with conceptual amendments, then looked at the CS before it is moved to the next committee.

Number 1138

REPRESENTATIVE KERTTULA said she views this as the prerogative of the chair. On behalf of both herself and Representative Sma, she expressed willingness to follow Chair James' decision on this matter.

CHAIR JAMES indicated she would let the vote of the committee decide. She called a brief at-ease. [Small section of blank page due to recorder malfunction.] After calling the meeting back in order, she requested a roll call vote on the motion to rescind the committee's action on January 25, 2000, in moving CS HB 259(S) from committee. Voting to rescind the action were Representatives Kerttula, Smalley and James. Voting against it were Representatives Green, Whitaker and Ogan. Therefore, the motion failed.

failed by a vote of 3-3. Chair James announced that the com would move CSHB 259(STA) forward as-is that day.

Number 1332

REPRESENTATIVE COGHILL stated:

Just for the record, I would like to just say that conceptually I agree that there needs to be an amendmen And what I will be carrying on with this is, "If determination is made that the natural or adoptive pare is not indigent, he or she shall reimburse the Public Defender Agency ... at the applicable billing rate." .. That is my intent anyway. So, if that's needed, I'll take that into the Judiciary Committee.

CHAIR JAMES commented that if there is any question about an it is always better to make it clearer. "So, if you think i already says that, and other people think it doesn't, you'd be sure it says that; that's my advice," she concluded. [CS 259(STA), unamended at this meeting, was again moved from committee.]

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House JUDICIARY Minutes



HOUSE JUDICIARY STANDING COMMITTEE

February 9, 2000

1:20 p.m.

HB 259 - PUBLIC DEFENDER CHILDREN'S PROCEEDINGS

CHAIRMAN KOTT announced that the next order of business would be HOUSE BILL No. 259, "An Act relating to a parent's eligibility to be represented by the public defender before and during the probable cause and temporary placement hearing that is held when the state takes emergency custody of a child." Before the committee was CSHB 259(STA).

Number 1003

REPRESENTATIVE JOHN COGHILL, Alaska State Legislature, sponsored HB 259 addresses getting counsel to parents who do not understand the system that is sometimes very difficult to understand. Many times a child is taken into protective custody and there is a statutorily mandated 48-hour hearing. In Anchorage, he noted, people are previewed to see whether they are indigent and then are given counsel before a judge at the 48-hour hearing. However, that is not always the case. He has proposed a bill therefore, that will get counsel to people at that 48-hour hearing because once the determination is made that a child needs assistance, the family enters into a system that is a whole new world, and they need to understand what is going on at that juncture. He explained that HB 259 is intended for getting counsel as easily as possible for people that are in need.

Number 1156

REPRESENTATIVE CROFT made a motion to adopt Amendment 1, which reads:

Page 1, line 6:

Delete "A"

Insert "Subject to the other provisions of this subsection, a"

Page 1, lines 7-8:

Delete ",pending a determination of indigency,"

Page 1, line 10:

Delete "under this subsection"

Insert "in connection with the hearing"

Page 2, line 2, following "expense.":

Insert "If a person who was represented by the Public Defender Agency at public expense without a court order in connection with a hearing held under AS 47.10.142(d) is not later determined to be eligible for court-appointed counsel at public expense under

applicable laws and court rules, the court shall assess against the represented parent the cost to the Public Defender Agency of providing the representation."

CHAIRMAN KOTT objected for the purpose of discussion.

REPRESENTATIVE COGHILL explained that Amendment 1 simply say the expense can be prorated back to a person who is found, at the hearing, to be able to afford it.

Number 1237

CHAIRMAN KOTT withdrew his objection and announced that with objection, Amendment 1 had been adopted.

Number 1258

HARRY NIEHAUS testified via teleconference from Fairbanks, specifying that he was speaking on behalf of the Guardians of Family Rights, in support of HB 259. He referred to page 2, 7, where it reads, "any income source the person has had for period of three years." He asked if it is three years or on

REPRESENTATIVE COGHILL indicated it is three years in existi

Number 1319

MARCI SCHMIDT testified via teleconference, encouraging the of HB 259. She explained that many parents and other family members that have entered into the Division of Family and Youth Services (DFYS) process have felt that they needed represent during the first hearings. She indicated that a lot of people been beguiled into admitting probable cause without knowing they are saying. She believes HB 259 would be cost-effective would help out in the long run in getting people to cooperate getting some cases dismissed and clearing up some workloads.

REPRESENTATIVE GREEN asked Ms. Schmidt whether she believes would help or hinder the process to have a notification made an attorney will be provided, but that if it is found later the person can afford the attorney, that person will be charge the service.

MS. SCHMIDT indicated that she doesn't think it will hinder process. She explained that it is very hard to find a private attorney in child-in-need-of-aid (CINA) cases, which are long expensive and dragged out. She said it would be cost-effective also might encourage privatized attorneys to come forward and represent a client. She added that currently it is about \$1 to get an attorney in the private sector.

Number 1460

BLAIR McCUNE, Deputy Director, Public Defender Agency, Department of Administration, testified via teleconference from Anchorage pointed out that his agency had submitted a fiscal note with analysis. His agency believes that they could start earlier cases, which is better; it is important to have some leeway

their duties here, however, and the words "may be represente very important to them. Mr. McCune noted that conflicts of interest are tricky in these cases; the agency may sometimes to sort out a conflict before determining whether to represe someone. He added, "And also I think we have to be careful the most serious case in order to save money and time down t road."

MR. McCUNE advised members that his agency doesn't anticipat additional work on those cases. He stated, "We'd be working and hopefully get things resolved quicker, but I can't promi hour-a-day coverage and unlimited resources devoted to this. within our resources, I think getting parents representation in these cases is a good idea." Mr. McCune expressed agreem with the amendment adopted. As far as eligibility and recou of costs, he said that is up to the legislature. He added:

Of course, we don't want to represent people who are financially able to hire their own attorneys. We can recommend some attorneys. I know in Anchorage there ar some attorneys who do take these cases and charge maybe a little less than the previous speaker said, but I kno in other areas of the state it is difficult. But if we find somebody who's presumptively eligible - in other words, somebody who has currently received some public assistant or has had counsel appointed for them in the past - I think we'd feel real comfortable going ahead a representing them without a determination of indigency.

Number 1602

CHAIRMAN KOTT wondered if the zero fiscal note is derived fr assumption that few indigent people will have to be accommod if the assumption is that the few numbers out there will be absorbed in the current budget.

MR. BLAIR responded:

What I anticipate is that the people who we would work with under this would be people who we would eventually be appointed to represent in the course of business the way things usually are going under the current legislation. ... We could represent people we would eventually be appointed to represent, but start with th earlier. And that's my assumption.

CHAIRMAN KOTT requested clarification on the fiscal note ana where it reads, "The Public Defender Agency does not anticip fiscal impact from this legislation if it is amended so that not obligated to represent non-indigent parents."

MR. BLAIR responded that the language was in the analysis be the committee substitute (CS) was adopted for HB 259. He sa would proofread it better and take the language out.

CHAIRMAN KOTT wondered how much discretion the Public Defend Agency has in representing the people that are in these type cases.

MR. BLAIR replied that the answer is none. He explained that they are appointed by the court to represent the person, unless there is a conflict of interest or some reason for them to withdraw, the agency will take the case.

CHAIRMAN KOTT, noting that there were no further testifiers, public testimony.

Number 1765

REPRESENTATIVE CROFT made a motion to move CSHB 259(STA), as amended, with individual recommendations and the attached fiscal note from the committee. There being no objection, C 259(JUD) was moved out of the House Judiciary Standing Commi

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House FINANCE Minutes



HOUSE FINANCE COMMITTEE

February 23, 2000

1:50 P.M.

HOUSE BILL NO. 259

"An Act relating to a parent's eligibility to be represented by the public defender before and during the probable cause and temporary placement hearing that is held after the state takes emergency custody of a child."

REPRESENTATIVE JOHN COGHILL testified in support of HB 259. He explained that HB 259 is the result of a meeting with agency representatives in Fairbanks, last spring. He noted that concerns were expressed that some persons are unable to obtain legal representation for the 48-hour child in need of assistance (CINA) hearing. The Division of Family and Youth Services is required to hold a CINA hearing within 48 hours after a child is taken into custody. The ability to receive services from the Alaska Public Defender Agency is not uniform across the state. The legislation would provide for representation. Provision would be made for indigent determination or pro-rated pay back for services.

BLAIR MCCUNE, PUBLIC DEFENDER'S OFFICE testified via teleconference in support of HB 259. He observed that the legislation would allow the Agency to start their work on CINA cases earlier. He stressed the importance of the language "may be represented, pending a determination of indigency" on page 1, line 7. He explained that the Agency must be careful not to enter a situation where a conflict of interest exists. The Alaska Public Defender Agency would want to take the more serious case if multiple charges were involved. He did not anticipate additional costs with the legislation.

Vice Chair Bunde noted that the language is permissive. He questioned if the Alaska Public Defender Agency would be liable if they were unable to immediately respond to a case, due to their caseload. Mr. McCune noted that they would not be liable and added that the Agency is required to represent zealously and competently when they begin working on a case. He expressed confidence that cases would be well represented and stated that his concern is with possible conflicts of interest that could arise when a more serious charge is involved in the same case. The Alaska Public Defender Agency has not had sufficient funding for staff to be on-call. Vice Chair Bunde clarified that his concern would be that the Agency not be in violation if they did not have an attorney available to respond to a case.

HARRY NIEHAUS, GUARDIANS OF FAMILY RIGHTS, NORTH POLE

testified via teleconference. He observed that page 1, line 6 refers to a "person who is the natural or adoptive parent." He questioned why legal guardian was not included. He stressed the need to include guardians in the legislation. He referred to legislation that would allow a continuance in cases where a public defender is not available.

Representative Coghill noted that the question of a continuance would be addressed in other legislation and felt that it was out of the scope of HB 259. Parents can ask for a continuance under current law. He indicated that he would be willing to consider the addition of guardians.

MARCI SCHMIDT, MATSU testified via teleconference in support of HB 259. She emphasized that it is crucial for parents in CINA hearings to have representation. She maintained that many parents do not receive representation because they do not know that it is available. She noted that there are not sufficient private attorneys available to take on CINA cases.

Vice Chair Bunde questioned if the House Judiciary Committee discussed guardians or the need to broaden the legislation to cover those with temporary custody of children. Representative Coghill responded that the addition of guardians or those with temporary custody was not discussed in the House Judiciary Committee.

Mr. McCune observed the state statute does not contain specific language, but refers to court rules: "an indigent person who is under formal charge of having committed a serious crime, or if entitled to representation under the Supreme Court delinquency or child in need of aid rules". He observed that there can be problems relating to the addition of guardians because there can be temporary guardianship where a parent is out of town in addition to legal guardians. Temporary guardians may not be included under the rules. He did not have a suggestion for language to add long term guardianship.

Representative Austerman noted that the Administration does not have a policy relating to guardians and theorized that, if there were a problem, there would be a policy. Mr. McCune explained that the court system decides that a child should be represented and appoints the Alaska Public Defender Agency to represent them. He did not think that the Agency should be in the situation of representing short-term guardians.

Vice Chair Bunde questioned if there is a legal definition of "legal guardian" as opposed to a short-term guardian such as a baby sitter.

Representative Austerman spoke in support of the legislation. He suggested that the issue be researched.

Mr. Niehaus clarified that his concern is in regards to long

term guardians and noted that the issue is addressed in Court Rule 22.

HB 259 was heard and HELD in Committee for further consideration.

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House FINANCE Minutes



HOUSE FINANCE COMMITTEE
February 25, 2000
1:45 P.M.
HOUSE BILL NO. 259

"An Act relating to a parent's eligibility to be represented by the public defender before and during the probable cause and temporary placement hearing that is held after the state takes emergency custody of a child."

Co-Chair Therriault provided members with a proposed committee substitute; work draft 1-LS1099\H dated 2/24/00 (copy on file). The committee substitute adds "guardian" to HB 259 and clarifies that the "natural parent, adoptive parent or guardian of a child" who is taken into emergency custody may be represented at public expense and without a court order by an attorney with the Alaska Public Defenders Agency. The committee substitute also defines "guardian" on page 2, line 7; "guardian" means a natural person who is legally appointed guardian of the person of a child.

Representative Austerman MOVED to ADOPT work draft 1-LS1099\H dated 2/24/00. There being NO OBJECTION, it was so ordered.

RYNNIEVA MOSS, STAFF, REPRESENTATIVE COGHILL provided information relating to HB 259. She clarified that the definition and assertion of guardian is consistent with CINA rules. She noted that the definition is identical to the definition used in CINA rules.

Co-Chair Therriault noted that there is one zero fiscal note from the Department of Administration.

Co-Chair Mulder MOVED to report CSHB (FIN) out of Committee with the accompanying fiscal note. There being NO OBJECTION, it was so ordered.

CSHB 259 (FIN) was REPORTED out of Committee with "no recommendation" and a zero fiscal note by the Department of Administration dated 1/28/00.

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Bill History/Action Display



BILL: HB 259 SHORT TITLE: PUBLIC DEFENDER CHILDREN'S PROCEEDINGS
 BILL VERSION: CSHB 259 (FIN)
 SPONSOR(S): REPRESENTATIVES(S) COGHILL, Croft, Dyson, Therriault, Masek

CURRENT STATUS: (S) FIN STATUS DATE: 3/21/00

TITLE: "An Act relating to eligibility to be represented by the public defender before and during the probable cause and temporary placement hearing that is held after the state takes emergency custody of a child."

[Full Text](#) Detailed 2000 fiscal note information currently not available on-line.

Committee Action With Bill History

Jrn-Date	Jrn-Page	Action
1/10/00	<u>1887</u>	(H) PREFILE RELEASED 12/30/99
1/10/00	<u>1887</u>	(H) READ THE FIRST TIME - REFERRALS
1/10/00	<u>1887</u>	(H) STA, JUD, FIN
1/28/00	<u>2026</u>	(H) STA RPT CS(STA) 5DP 1NR 1AM
1/28/00	<u>2027</u>	(H) DP: JAMES, GREEN, HUDSON, WHITAKER,
1/28/00	<u>2027</u>	(H) OGAN; NR: KERTTULA; AM: SMALLEY
1/28/00	<u>2027</u>	(H) ZERO FISCAL NOTE (ADM)
2/11/00	<u>2171</u>	(H) JUD RPT CS(STA) 4DP
2/11/00	<u>2171</u>	(H) DP: GREEN, CROFT, KERTTULA, KOTT
2/11/00	<u>2171</u>	(H) ZERO FISCAL NOTE (ADM) 1/28/00
2/11/00	<u>2189</u>	(H) COSPONSOR(S): CROFT
2/23/00	<u>2269</u>	(H) CORRECTED JUD RPT CS(JUD) 4DP
2/23/00	<u>2269</u>	(H) DP: KOTT, GREEN, CROFT, JAMES
2/23/00	<u>2269</u>	(H) ZERO FISCAL NOTE (ADM) 1/28/00
2/28/00	<u>2326</u>	(H) FIN RPT CS(FIN) NT 3DP 6NR
2/28/00	<u>2327</u>	(H) DP: THERRIAULT, MULDER, GRUSSENDORF;
2/28/00	<u>2327</u>	(H) NR: BUNDE, AUSTERMAN, MOSES, DAVIS,
2/28/00	<u>2327</u>	(H) WILLIAMS, PHILLIPS
2/28/00	<u>2327</u>	(H) ZERO FISCAL NOTE (ADM)
3/03/00	<u>2397</u>	(H) RLS TO CALENDAR 3/3
3/03/00	<u>2397</u>	(H) READ THE SECOND TIME
3/03/00	<u>2397</u>	(H) FIN CS ADOPTED UNAN CONSENT
3/03/00	<u>2397</u>	(H) ADVANCED TO THIRD READING UNAN CONSENT
3/03/00	<u>2397</u>	(H) READ THE THIRD TIME CSHB 259 (FIN)
3/03/00	<u>2397</u>	(H) PASSE Y36 E4
3/03/00	<u>2408</u>	(H) COSPONSOR(S): DYSON, THERRIAULT, MASEK
3/03/00	<u>2408</u>	(H) TRANSMITTED TO (S)
3/06/00	<u>2529</u>	(S) READ THE FIRST TIME - REFERRALS
3/06/00	<u>2529</u>	(S) JUD, FIN
3/21/00	<u>2677</u>	(S) JUD RPT 2DP 2NR
3/21/00	<u>2677</u>	(S) DP:TAYLOR, HALFORD; NR: ELLIS,
3/21/00	<u>2677</u>	(S) TORGERSON
3/21/00	<u>2677</u>	(S) (H) ZERO FISCAL NOTE (ADM)
3/21/00	<u>2678</u>	(S) REFERRED TO FINANCE

Similar Subject Match or Exact Subject Match

ATTORNEYS

CHILD ABUSE

CIVIL PROCEDURE

HB

265

HFIN

FILE

(11)

HOUSE COMMITTEE REPORT

Date Referred to Committee: March 1, 2000

FURTHER REFERRALS:

Date of Committee Action: 4/4/00

The FINANCE Committee considered:

HB 265

HOUSE BILL NO. 265

ALASKA REGIONAL ECONOMIC AID PROGRAM

"An Act extending the termination date of the Alaska regional economic assistance program; and providing for an effective date."

recommends it be replaced with the following committee substitute _____ the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____

fiscal note(s) DCED 3/1/00

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Con Therriault</i>	Therriault			X	
<i>Van Riecke</i>	Bunde			✓	
<i>Sail Phillips</i>	Phillips			✓	
<i>W. K. Williams</i>	Williams			X	
<i>Harold A. Davis</i>	a. Davis	X			
<i>Carl E. Moses</i>	Moses	X			
<i>Ben Edwards</i>	Grossendak	X			
<i>Tom Davis</i>	T. Davis	X			
<i>Robert Austerman</i>	Austerman	X			
<i>R. Foster</i>	R. Foster	X			

60

CHAIR'S SIGNATURE

Con Therriault
Therriault

FISCAL NOTE

Bill Version: HB 265

(H) Publish Date: 3/1/00

**STATE OF ALASKA
2000 LEGISLATIVE SESSION**

Revision Date/Time (Note if correction) 2/23/00 Dept. Affected DCED
 Title BRU Community and Econ Dev
 An Act extending the termination date of the Alaska Regional ... Component Community and Econ Dev
 Sponsor Representative Austerman
 Requester HOUSE Special Comm. on Econ. Dev./Tourism Component No. 2243

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	30.0	30.0	30.0	30.0	30.0	30.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	620.0	620.0	620.0	620.0	620.0	620.0
Miscellaneous						
TOTAL OPERATING	650.0	650.0	650.0	650.0	650.0	650.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (RSA from AIDEA)	650.0	650.0	650.0	650.0	650.0	650.0
TOTAL	650.0	650.0	650.0	650.0	650.0	650.0

Estimate of any current year (FY2000) cost: 650.0

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This is an existing program that is scheduled to sunset 6/30/00. Reauthorization will continue the program for 3 years (until 6/30/03). The \$650.0 comes to DCED via a Reimbursable Services Agreement (RSA) from the Alaska Industrial Development and Export Authority (AIDEA) Enterprise Development Fund (AS 44.88.155) DCED awards \$620.0 in grants equally to 13 existing Alaska Regional Development Organizations (ARDOR) (\$47.7 each). \$30.0 in personal services pays for a portion of DCED staff time associated with administering the grants and the ARDOR program in general. This funding is included in the current fiscal year budget and is included in the Governor's proposed FY 2001 budget.

Prepared by: Nelda Warkentin Phone 269-4568
 Division Municipal and Regional Assistance Division
 Approved by Commissioner Deborah B. Sedwick Date 02/23/00
 Agency Department of Community and Economic Development

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A

FISCAL NOTE

STATE OF ALASKA
20J0 LEGISLATIVE SESSION

BILL NO. HB 265

Revision Date: 04/01/00
Title: An Act extending termination date of the Alaska Regional

Dept. Affected DCED
BRU Community and Econ Dev
Component Community and Econ Dev

Sponsor: Representative Austerlitz
Requester: _____

Component Serial No. 2243

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06
Personal Services	30.0	30.0	30.0			
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	620.0	409.2	204.6			
Miscellaneous						
TOTAL OPERATING	650.0	439.2	234.6	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES []						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1091 Designated Program Receipts	650.0	439.2	234.6			
TOTAL	650.0	439.2	234.6	0.0	0.0	0.0

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	1	1	1	1	1	0
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

Prepared by Rep. Eldon Mulder, Co-Chair House Finance Committee

Phone 465-2647

Rep. Gene Therriault, Co-Chair House Finance Committee

Phone 465-4797

Date 4/3/200

B

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 265

Revision Date: 04/03/00
Title: An Act extending termination date of the Alaska Regional

Dept. Affected DCED
BRU Community and Econ Dev
Component Community and Econ Dev

Sponsor: Representative Austerman
Requester: _____

Component Serial No. 2243

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06
Personal Services	30.0	30.0	30.0	30.0	30.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	620.0	496.0	372.0	248.0	124.0	
Miscellaneous						
TOTAL OPERATING	650.0	526.0	402.0	278.0	154.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES []						
------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1091 Designated Program Receipts	650.0	526.0	402.0	278.0	154.0	
TOTAL	650.0	526.0	402.0	278.0	154.0	0.0

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	1	1	1	1	1	0
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

Prepared by Rep. Eldon Mulder, Co-Chair House Finance Committee

Phone 465-2647

Rep. Gene Therriault, Co-Chair House Finance Committee

Phone 465-4797

Date 4/3/200

Overview

The Alaska Regional Development Organizations (ARDOR) Program is the State's contribution to regional initiatives for developing Alaska's economy. In 1988, the Legislature recognized that locally driven initiatives, in partnership with the State, is the most effective approach to creating and sustaining strong, healthy economies. The Legislature established the ARDOR Program to create a network of organizations to plan and support economic development at the regional level.

There are currently 13 ARDORs. The ARDORs, like their counterparts nationwide:

- enable local officials and businesses to pool their limited resources and work together on economic development issues.
- develop partnerships among public, private and other organizations, and
- provide needed technical assistance via direct links with local citizens.

It's not the State trying to determine what's best for the region—rather it's the residents and those doing business in the region working together to create their economic future.

The ARDOR Program is providing a return for the State's investment. The State provides \$620,000 in grant funds for the ARDOR Program. As indicated on the following pages, the accomplishments of the ARDORs are impressive. Additionally, to their credit, the ARDORs have used the \$620,000 in State grant funds to leverage over \$3.5 million annually in other funds.

Communities and local organizations are making a significant financial commitment to the ARDOR program. An FY98 DCED evaluation of the ARDOR Program indicates that 96% of the required match is provided by local sources. ARDOR board member participation reflects a local commitment to the ARDOR Program. The 13 ARDOR boards, each with 10-20 members, constitutes 150+ local, civic minded individuals, who volunteer their time to achieve a stronger economic base in their region.

ARDOR boards bring together the leadership, expertise and dedication needed to generate sustainable economic development. ARDOR boards include individuals representing the private sector, land owners, school district, utilities, local government, etc.

The original intent of the ARDOR Program was to create regional entities, similar to the Southeast Conference or Southwest Alaska Municipal Conference, that could (1) improve the local economy and (2) eliminate region-wide economic development barriers, such as inadequate transportation or uncoordinated marketing efforts.

As reflected on the following pages, the ARDORs are meeting this Legislative intent. The ARDORs work on a wide range of projects. Some, like Anchorage's "Top of the World Cargo Conference" have regional or statewide impacts. Other projects, such as eco-tourism expansion, business start-up workshops, and the Kenai Business Innovation Center, assist individuals and businesses.



Interior Rivers RC&D Council

History

The Interior Rivers Resource Conservation and Development (RC&D) Council, formed in 1997, completed its Area Plan in September of that year. The Council members articulated the following vision and mission:

Vision

The Interior Rivers R C & D area is at 20th century standards (no Third World conditions) with local control that guides strong economic development while protecting the environment, subsistence resources, and the cultural heritage of all people.

Mission

The mission of the Interior Rivers R C & D Council is to create long-term jobs and improve village living standards on behalf of all residents of the region.

The Council has provided assistance to a number of local projects, such as helping Chuathbaluk obtain funds for utility planning and assisting in the preparation of an Overall Economic Development Plan for Russian Mission. A project to develop community profile maps for four villages is nearing completion. The Council obtained designation as an ARDOR in 1999, and is beginning its first year of activity under this program.

Plan for 1999/2000 Goals

The Council's first year ARDOR workplan focuses on the development of a regional economic development strategy. Using ARDOR funds and a Magnuson-Stevens grant, the Council will conduct research and surveys, host village meetings on economic issues, and develop a strategy for economic diversification. This strategy will be consistent with the Council's vision and mission, and will demonstrate respect for local values.

In response to a regional meeting held in Aniak in March 1999, the Council is also working on plans for a regional training center. A steering committee has been meeting to guide plans for a training center that will meet local needs for job skills and life skills training.

The Council's community mapping project is expected to continue into 2000 with the completion of maps for all villages in the region.

Board of Directors

Executive Committee

Arnold Hamilton, (Pres)

Shageluk

Carl Morgan, Jr., (Vice-Pres)

Kuskokwim Native Assoc.

Lovey Duffy, (Sec)

Russian Mission

Robert Walker, (Treas) Anvik

Jeff Nelson, Aniak

Members

Brian Soosuk, Chuathbaluk

Gabe Alexie, Crooked Creek

Gabe Nicholi, Grayling

Alfred Demientieff, Holy Cross

Liza Phillips, Lower Kalskag

Theodore Gordon, Red Devil

Andrew Gusty, Stony River

Evan Bobby, Jr., Lime Village

Angela Morgan, The

Kuskokwim Corporation

Phillip Demientieff, Tanana

Chiefs Conference

Kenny Morgan, Kuspuk School

District

Contact

Ruth St. Amour, Coordinator

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Aniak, Alaska 99557

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Fax: 675-4579

E-mail: rrs@kuskokwim.com

FY 2000 Budget

\$47,692 State ARDOR grant

3,417 Locally generated match

33,585 Additional funds generated or leveraged by the ARDOR

\$ 84,694 Total FY00 Budget (The State ARDOR grant funds 57% of the total.)



CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education & Early Development
State of Alaska

Overview

The Alaska Regional Development Organizations (ARDOR) Program is the State's contribution to regional initiatives for developing Alaska's economy. In 1988, the Legislature recognized that locally driven initiatives, in partnership with the State, is the most effective approach to creating and sustaining strong, healthy economies. The Legislature established the ARDOR Program to create a network of organizations to plan and support economic development at the regional level.

There are currently 13 ARDORs. The ARDORs, like their counterparts nationwide:

- enable local officials and businesses to pool their limited resources and work together on economic development issues.
- develop partnerships among public, private and other organizations, and
- provide needed technical assistance via direct links with local citizens.

It's not the State trying to determine what's best for the region—rather it's the residents and those doing business in the region working together to create their economic future.

The ARDOR Program is providing a return for the State's investment. The State provides \$620,000 in grant funds for the ARDOR Program. As indicated on the following pages, the accomplishments of the ARDORs are impressive. Additionally, to their credit, the ARDORs have used the \$620,000 in State grant funds to leverage over \$3.5 million annually in other funds.

Communities and local organizations are making a significant financial commitment to the ARDOR program. An FY98 DCED evaluation of the ARDOR Program indicates that 96% of the required match is provided by local sources. ARDOR board member participation reflects a local commitment to the ARDOR Program. The 13 ARDOR boards, each with 10-20 members, constitutes 150+ local, civic minded individuals, who volunteer their time to achieve a stronger economic base in their region.

ARDOR boards bring together the leadership, expertise and dedication needed to generate sustainable economic development. ARDOR boards include individuals representing the private sector, land owners, school district, utilities, local government, etc.

The original intent of the ARDOR Program was to create regional entities, similar to the Southeast Conference or Southwest Alaska Municipal Conference, that could (1) improve the local economy and (2) eliminate region-wide economic development barriers, such as inadequate transportation or uncoordinated marketing efforts.

As reflected on the following pages, the ARDORs are meeting this Legislative intent. The ARDORs work on a wide range of projects. Some, like Anchorage's "Top of the World Cargo Conference" have regional or statewide impacts. Other projects, such as eco-tourism expansion, business start-up workshops, and the Kenai Business Innovation Center, assist individuals and businesses.



Bering Strait Regional Development Organization

1999 Examples of Accomplishments

- Began implementation planning and activities in response to the Comprehensive/Regional Economic Development Strategy (CEDS/REDS) for the region.
- Sponsored a regional freight symposium.
- Sponsored a regional village store managers workshop.
- Made application to USDA-NRCS for designation as a Resource Conservation and Development (RC&D) Area.
- Organized the Native Voices Theatre.
- Started a business incubator process to nurture development of construction trade skills and businesses in the region. Organized a Construction Technology Support Unity (CTSU) to assist communities with all aspects of force account construction projects.

Designation as the ARDOR has created a permanent, full time position, the Planning Development Specialist. With the support of Kawerak's CED program we expect to have a minimum of three new businesses going during 1999 and 30% increase in local construction activity.

3 Top Economic/Business Needs

- Education at all levels.
- Access to risk-subsidized capital.
- More participation by local residents in the construction trades.

These three elements will enhance job creation and business development and wealth creation by: (1) establishing a labor force that can take advantage of opportunities that presently, in many cases, requires importing skilled personnel with the concomitant outflow of income; (2) allowing small enterprises to start up and expand; and (3) increasing income from construction (architect, engineer, material supply, labor) which will add dramatically to the village and regional income flows and create additional wealth.

2000 Goals

- Continue implementing elements of the CEDS and REDS in the region.
- Develop and conduct workshops for the annual update the CEDS/REDS.
- Present a successful application for designation by USDA-NRCS as a RC&D.
- The Native Voices Theatre will have several performances and research opportunities for high school students.
- Help new businesses and growing businesses with feasibility analyses and business planning and management.
- Organize and conduct a follow-up village store manager's training workshop.
- Organize and conduct a regional economic development symposium to explore potential economic development opportunities in the region.
- Provide follow-up assistance and information in response to issues learned at the regional freight symposium.

FY 2000 Budget

\$47,692	State ARDOR grant
15,896	Locally generated match
0	Additional funds generated or leveraged by the ARDOR (may include State funds)
\$63,588	Total (The State ARDOR grant funds 39% of the total.)

Board of Directors

Executive Committee

Robert Keith (Chair), Kawerak, Inc.

Don Stiles (Vice-Chair), fisheries

Mary Darlene Charles (Sec.), Southcentral Sub-regional Villages

Members

Fred Eningowuk, banking

Simon Bekoalok, Jr., Kawerak, Inc.

Mark Johnson, tourism

Jim Rowe, transportation

Tom Sparks, minerals

Kevin Zweifel, Norton Sound

Wayne Mundy, Bering Strait Housing

Not designated, City of Nome

Gilbert Tocktoo, Northern Sub-regional Villages

Fritz Waghyl, St. Lawrence Island Villages

Steve Longley, Nome Sub-region

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Interior Rivers RC&D Council

History

The Interior Rivers Resource Conservation and Development (RC&D) Council, formed in 1997, completed its Area Plan in September of that year. The Council members articulated the following vision and mission:

Vision

The Interior Rivers RC&D area is at 20th century standards (no Third World conditions) with local control that guides strong economic development while protecting the environment, subsistence resources, and the cultural heritage of all people.

Mission

The mission of the Interior Rivers RC&D Council is to create long-term jobs and improve village living standards on behalf of all residents of the region.

The Council has provided assistance to a number of local projects, such as helping Chuathbaluk obtain funds for utility planning and assisting in the preparation of an Overall Economic Development Plan for Russian Mission. A project to develop community profile maps for four villages is nearing completion. The Council obtained designation as an ARDOR in 1999, and is beginning its first year of activity under this program.

Plan for 1999/2000 Goals

The Council's first year ARDOR workplan focuses on the development of a regional economic development strategy. Using ARDOR funds and a Magnuson-Stevens grant, the Council will conduct research and surveys, host village meetings on economic issues, and develop a strategy for economic diversification. This strategy will be consistent with the Council's vision and mission, and will demonstrate respect for local values.

In response to a regional meeting held in Aniak in March 1999, the Council is also working on plans for a regional training center. A steering committee has been meeting to guide plans for a training center that will meet local needs for job skills and life skills training.

The Council's community mapping project is expected to continue into 2000 with the completion of maps for all villages in the region.

Board of Directors

Executive Committee

Arnold Hamilton, (Pres)
Shageluk
Carl Morgan, Jr., (Vice-Pres)
Kuskokwim Native Assoc.
Lovey Duffy, (Sec)
Russian Mission
Robert Walker, (Treas) Anvik
Jeff Nelson, Aniak

Members

Brian Soosuk, Chuathbaluk
Gabe Alexie, Crooked Creek
Gabe Nicholi, Grayling
Alfr J Demientieff, Holy Cross
Liza Phillips, Lower Kalskag
Theodore Gordon, Red Devil
Andrew Gusty, Stony River
Evan Bobby, Jr., Lime Village
Angela Morgan, The
Kuskokwim Corporation
Phillip Demientieff, Tanana
Chiefs Conference
Kenny Morgan, Kuspuk School
District

Contact

Ruth St. Amour, Coordinator
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Aniak, Alaska 99557
Phone: 675-4578
Fax: 675-4579
E-mail: rrs@kuskokwim.com

FY 2000 Budget

\$47,692	State ARDOR grant
3,417	Locally generated match
33,585	Additional funds generated or leveraged by the ARDOR
\$ 84,694	Total FY00 Budget (The State ARDOR grant funds 57% of the total.)



Copper Valley Economic Development Council, Inc.

1999 Examples of Accomplishments

- Consolidated Area Strategic Plan.
- Community profile updated.
- Computerized Small Business Resource Center.
- Small Business Training Consortium with University of Alaska.
- IRS 501C 3 Designation obtained.
- Community needs assessment conducted.
- USDA RC&D applicant designation.
- Eastern Alaska Interior Forum.
- Small business development and training.

Top Economic/Business Needs

- Natural gas pipeline
- Railroad expansion
- Wrangell St. Elias National Park Visitor Center
- McCarthy Highway improvements
- Local control/management of critical issues
- Physical Infrastructure/services to support growth
- Preservation/enhancement of rural lifestyle

The CVEDC has created an integrated plan of work that includes four major areas:

- Organizational development
- Community development
- Economic development
- Natural resource conservation and development

This plan will help guide the Copper Valley into the next century.

The CVEDC is guided by the principles that:

- The Copper Valley region and its residents will manage and control the future of the area through local participation and decision making.
- Local citizens, businesses, and organizations will be the beneficiaries of the economic opportunities that arise in the Copper Valley.
- The rural lifestyle of the area will be preserved and enhanced, maintaining the Copper Valley as a quality place to live, work and play.

Board of Directors

Members

Theresa Absher, (Pres)
business
Vickie Snitzler, (Vice-Pres)
government
Thelma Sclerank, (Sec)
employment
Daryl Lowe, (Treas) banking
Phil Baur
Earl Bell, labor (retired)
John Downes, business
Carol Neeley, business
Robert Wilkinson

Contact

Larry Dickerson, Exec Dir.
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Glennallen, Alaska 99588
Phone: 822-5001
Fax: 822-5009
E-mail: cvedc@alaska.net

"The Copper Valley Economic Development Council is creating the Donna Tollman award to be presented to the person that most exemplifies service to the Copper Valley community. The first award will be presented this year."

FY 2000 Budget

\$47,692	State ARDOR grant
20,354	Locally generated match
0	Additional funds generated or leveraged by the ARDOR
\$ 68,046	Total (The State ARDOR grant funds 42% of the total.)



Lower Kuskokwim Economic Development Council, Inc.

1999 Examples of Accomplishments

- Three tourism product development tours for travel industry representatives to our region completed.
- Provided capacity building to village organizations to establish and grow local small businesses.
- Completed 2 business workshops for potential business operators.
- Promoted school-to-work activities for high school students, in partnership with the school district.
- Helped two communities seek and obtain funding to develop and implement a local economic development plan where none previously existed.
- Completed the second year of our salmon quality enhancement project, providing 75 local commercial fishermen a pay incentive for icing their catch.

The above supports job creation by providing information on business opportunities; how to access financing and technical assistance; how to operate a business successfully; educating those doing business in the region about the communities and services currently available; and giving communities a vision of how they want to improve their economy.

3 Top Economic/Business Needs

- Develop new markets for value-added fish products from our commercial salmon fisheries.
- Provide technical assistance to potential businesses, including assistance with preparing a business plan, securing financing, and managing a business successfully.
- Access to capital for business development.

The commercial salmon fishery is currently the economic mainstay of the region. Improving product marketability and new product development will increase the return to fishermen and allow for new jobs in the region.

2000 Goals

- Maintain the salmon quality enhancement project for the region's commercial salmon fishery.
- Complete economic development plans in two villages.
- Continue promoting local tourism through product development tours to our region for travel industry representatives.

The above will revitalize the region's fishery, the current leading industry, and lay the groundwork for new business development (tourism, food and lodging facilities).

FY 2000 Budget

\$47,692	State ARDOR grant
25,000	Locally generated match
0	Additional funds generated or leveraged by the ARDOR
<hr/>	
\$72,692	Total (The State ARDOR grant funds 65% of the total.)

Board of Directors

Executive Committee

Andrew Guy, (Chair) Calista Native Corporation, Inc.
Myron Naneng, (Vice-Chair) President AVCP, Inc.
Max Angellan, (Treas) IRA Council
Peter Julius, (Sec) IRA Council Administrator, business

Members

Willard Church, business, Native Village of Kwinhagak
Mary Kapsner, State Rep.
Richard Foster, State Rep.
Sam George, business, Yupiit School District
Lyman Hoffman, State Senator
Alexie Jimmie, business, United Villages Inc. President
Jackson Lomack, IRA Council
Fred Phillip, IRA Council, Coastal Villages (CDQ) President
Les Daenzer, Lower Kuskokwim School District

Contact

Carl Berger, Exec Dir.
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Bethel, AK 99559
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Fax: 543-3130
E-mail: carl_berger@ddc-alaska.org

"Starting a new business is like caring for a baby. The baby is helpless and you must do whatever has to be done to meet its needs and keep it healthy; so it will grow and prosper." Alexie Jimmie, LKEDC Board Member



Lower Yukon Economic Development Council

1999 Examples of Accomplishments

- With DCRA and VISTA from the region, held a "Champion Community" meeting in Marshall.
- Assisted Emmonak Tribal Council's with value added fish plant sales to sample Lower Yukon School District school sites.
- Assisted the Native Village of Chuloonawick with a "Small and Needy Tribes" grant.
- Assisted Kotlik and Sheldon Point with fishery related planning.

The USDA Champion Community project brings together local, State and federal resources to address economic development in Marshall. In-region sales of fish helps circulate dollars in the region, thereby improving the local economy. The "Small and Needy Tribes" grant will further economic opportunities of individuals in the region. Fishery related planning is addressing fish buying and value added production opportunities.

3 Top Economic/Business Needs

- Business training for residents.
- Career guidance.
- Collateral for business loans.

These are on-going needs that, with long term intervention, can achieve economic growth in the region. The Champion Community project, if pursued in additional villages, may be a forum to address business training needs and opportunities. The LYEDC, in cooperation with the Lower Yukon School District, intends to hold a meeting to discuss agency cooperation for career guidance for the area's youth. Collateral for business loans is still an obstacle for many. To their credit, the Yukon Delta Fish Development Association and Association of Village Council Presidents, Inc. have tailored loans for region residents with collateral problems.

2000 Goals

- Assuming LYEDC and LYSD partner to do career guidance, will prepare and implement work plan for the same.
- Establish administrative capabilities, develop a five year economic strategy, and provide career guidance for young tribal members for the Native Village of Chuloonawick.
- Expand marketing for the Emmonak value added fish plant.
- Continue developing Kotlik and Sheldon Point fish economy.
- Achieve a federal/State/community partnership in Marshall to better coordinate economic development efforts in the community.

Career guidance is an effort to ensure that future jobs in the region will be held by area residents. Should the pilot sites in the school district do well, sales to the entire school district will be the goal. Individual community work is helping build the local economic base.

FY 2000 Budget

\$47,692	State ARDOR grant
15,738	Locally generated match
0	Other funds generated or leveraged by the ARDOR (may include State funds)
\$63,430	Total (The State ARDOR grant funds 75% of the total.)

Board of Directors

Executive Committee

George Owletuck (Pres), tribal council
Andrew Brown (Vice-Pres), education
Bay Johnson (Sec/Treas), banking

Members

Edward Adams, Sr., tribal council
Nick Andrews, Jr., tribal council
Andrew Kelly, Sr., business
Dan Kirby, transportation
Benny Okitkun, Native corporation
Alvin Owletuck, city
Laura Peterson, city
Doug Redfox, city
Anthony Ulak, city
Richard Weaver, Sr., city

Contact

Scott Wagner, Exec Dir.
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Fax: 745-7984
E-mail: lyedc@mtaonline.net

**"The Lower Yukon Economic Development Council has worked with me on our pursuit of value-added fish plant."
Bill Akers, Chulunawik Native Corporation**



Prince William Sound Economic Development Council

1999 Examples of Accomplishments

- Assessment of spot shrimp in Prince William Sound - Valdez Native Tribe and NOAA.
- Approval of Comprehensive Economic Development Strategy (CEDS) by U.S. Department of Commerce, Economic Development Administration.
- Provided small business seminars and services with University of Alaska Small Business Development Center - Rural Outreach Program in Prince William Sound.
- Completed strategy to establish Maritime Response Center - Valdez.
- Provided assistance to Valdez Museum and Lord Cultural Resources/Toronto on expansion plan for museum.
- Hosted Regional Development meeting with Valdez Visitor and Convention Bureau.
- Completed project management for Tatitlek Coho Salmon release, funded by the Exxon Valdez Oil Spill Trustees.

The Spot Shrimp Population Study is a five year study to estimate the abundance of the spot shrimp population in western Prince William Sound. The project has the potential to provide useful information on a resource important to subsistence users and potentially to commercial fishers.

3 Top Economic/Business Needs

- Diversity in economic base for region.
- Work Force Development
- Natural gas line from the North Slope to Valdez.

2000 Goals

- Complete application to become RC&D.
- Become Federal Economic Development District.
- Obtain funding to build environmentally approved sewage pump-out stations in Chenega Bay, Cordova, Tatitlek and Whittier.
- Establish maritime response center in Valdez, with training satellites in other Prince William Sound communities.

A Maritime Response Center in Prince William Sound will provide a broader economic base by offering more education and technical training in oil spill response and prevention. Programs will be offered through Prince William Sound Community College. Conferences and seminars will be held throughout the year with other response and prevention specialists. The proposed Maritime Response Center - Valdez will offer technical skills necessary to train highly capable response teams for Alaska. As the program expands, these teams will be able to mobilize anywhere needed.

FY 2000 Budget

\$47,692	State ARDOR grant
15,896	Locally generated match
29,926	Additional funds generated or leveraged by the ARDOR (may include State funds)
\$ 93,514	Total (The State ARDOR grant funds 51% of the total.)

Board of Directors

Dave Dengal (Pres), Valdez
Dave Cobb, (Vice Pres), Valdez
Mayor, fisheries
Jim Roberts (Treas), Cordova
Betty Miller (Sec), oil industry
John Christensen, Chenega Bay
IRA Council
Larry Hancock, Cordova
Gary Kompkoff, Tatitlek IRA
Council
Robin Moore, Whittier
Chuck Totemoff, Chenega Corp.

Membership

BP Exploration, Alaska
Alaska Tanker Company
Alyeska Pipeline Service Company
ARCO Alaska, Inc.
Cities of Cordova, Valdez and
Whittier
Cooper Valley Telephone Coop.
Copper Valley Cellular
Chenega Corporation
Cordova Air Service
Carr Gottstein Foods
First National Bank of Anchorage
National Bank of Alaska
Tatitlek IRA Council
Village Inn
Pat Day
Steph Engineers
Valdez Chamber of Commerce
Valdez Convention Visitors Bureau

Contact

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Prince William Sound
Economic Development
Council has sponsored
over \$5,367,000 in projects
since 1991 leveraged by
approximately \$486,426 in
State ARDOR funds.



Northwest Arctic Borough Economic Development Commission

1999 Examples of Accomplishments

- Established Small Business Grant Program and awarded grants to 5 small business entrepreneurs.
- Designated as a Champion Community through the Empowerment Zone application process.
- Was awarded Community Development Block Grant to design a clinic in our region.
- Provided matching grants for a Foam Panel Manufacturer, Value Added Processor and a Burnbox Construction Project.

3 Top Economic/Business Needs

- Tourism expansion.
- Fisheries development.
- Technology-based businesses.

2000 Goals

- Establish a tourism marketing council.
- Provide grant writing training to City and IRA governments.
- Establish a youth loan program.
- Organize and hold an "Arctic Business Gathering" conference.

Board of Directors

Levi Cleveland, (Chair)
Bert Adams, business
Jo Oxentenko, banking
Guy Adams, non-profit
Frank Greene, NAB Planning Commission
Garth Elson, (Vice Chair) business
Martha Whiting, NANA Regional Corp
Brad Reeve, utilities
Jeff Hadley, for-profit

Ex Officio

Andy Baker, Assembly President
Chuck Greene, Borough Mayor

Contact

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If this ARDOR had more resources- the ARDOR would address some of the more costly infrastructure needs (such as water and sewer, better or new roads) that are required to develop and maintain a new business, tourism, or industry.

FY 2000 Budget

\$47,692	State ARDOR grant
60,000	Locally generated match
0	Other funds generated or leveraged by the ARDOR (may include State funds).
\$107,692	Total (The State ARDOR grant funds 44% of the total.)

