

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 8672

1294 SCRA SB 180 (#13, #14) 1294

number of people in the North Slope Borough on the day of
the recent census. The difference reflects those industrial
workers who did not meet the Census definition of residency,
i.e. spend 51% of their time in the North Slope Boro

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the recent census. The difference reflects those industrial workers who did not meet the Census definition of residency, i.e. spent 51% of their time in the North Slope Borough.

The amendments to SB 180 would have the effect of requiring the Department to utilize the higher figure for several programs. The impact is estimated to be as follows:

	Census	SB 180	
	<u>Population</u>	<u>Amendments</u>	
Population:	7,098	11,252	
Municipal Asst.	\$1,794,700	\$2,598,507 <i>294,700</i> <hr/> <i>804,807</i>	<i>5807</i>
Revenue Sharing	\$687,499	\$933,392 <i>687,499</i> <hr/> <i>255,893</i>	
Locally Collected Oil & Gas Taxes Limited by Law* (See footnote	\$32,207,512	\$51,056,484	

1)

The letter to Mayor Brower signed by the Commissioner on May 6 reflects the Commissioner's position that the higher count is acceptable to the Department.



NEWS RELEASE

ALASKA DEPARTMENT of LABOR

P.O. Box 1149 Juneau, Alaska 99811 (907)465-2700

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NORTH SLOPE POPULATION UPDATE

DEPT. OF COMMUNITY
AND REGIONAL AFFAIRS

The North Slope Boroughs' official population for 1981 has been determined to be 7,098, an increase of 2,889 individuals over the 1980 census. This determination will be used for State revenue-sharing and other programs that substantially affect the North Slope Borough. The 1981 population determination reflects a special census of all oil-related work sites just completed by the Borough and certified by David Swanson, State Demographer.

Both on-site supervision and assistance was provided to the Borough by Swanson and staff from the Research and Analysis Section, Alaska Department of Labor.

According to Swanson, the special census was conducted because it was not known how many oil workers met the state definition of a "resident" used for purposes of population determination. This issue was not resolved in the 1980 federal census because the U.S. Census Bureau departed from the usual definition of "residency" when it surveyed the Prudhoe Bay area. Consequently, the Prudhoe Bay area was substantially undercounted in 1980.

Since the U.S. Bureau of the Census accepts the results of all state-certified censuses conducted in Alaska, the information obtained from the special 1981 count will be used by the U.S. Bureau of the Census to update its 1981 figures for the North Slope Borough. These figures are used for federal revenue sharing.

An important use of the special 1981 census will be to estimate the effect of the 1980 federal undercount of Prudhoe Bay on the entire state. For example, it will be possible to estimate how many of the oil workers who could have been counted as Alaskan residents in 1980 were allocated out-of-state by the U.S. Census Bureau.

Date: February 22, 1982

FOR IMMEDIATE RELEASE

No. 82-43

Jay S. Hammond • Governor
Edmund N. Orbeck • Commissioner
J. Allan MacKinnon • Information Officer

FOOTNOTE 1

<u>Average Statewide Per</u> <u>Capita Valuation</u>		<u>Max. Statutory</u> <u>Allowance</u>	<u>Population</u>	<u>Total X 30 Mill.</u> <u>Limit</u>	<u>X .953 Oil & Gas</u> <u>Factor</u>
\$70,538	X	225% = \$158,711	X 7098 =	1,126,530,678	= 33,779,592 = 32,207,512
\$70 538	X	225% = \$158,711	X 11252 =	1,785,816,172	= 53,574,485 = 51,056,484

DRAFT

STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, Governor

POUCH 8
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700

May 6, 1982

The Honorable Eugene Brower
Mayor, North Slope Borough
P.O. Box 69
Barrow, Alaska 99723

Dear *Eugene* Mayor Brower:

Pursuant to AS 29.53.045(e), this letter serves as notification that I, Lee McAnerney, Commissioner of the Department of Community and Regional Affairs, have determined the population for the North Slope Borough to be 11,252 as of July 1, 1981.

This Department has relied on the Attorney General's Opinion dated December 31, 1980 to include the industrial workers in determining the population base.

Sincerely,



Lee McAnerney
Commissioner

cc: Commissioner Tom Williams
Department of Revenue

MEMORANDUM

State of Alaska

TO Hon. Lee McAnerney, Commissioner DATE December 31, 1980
Department of Community & Regional
Affairs

FILE NO J-66-358-81

TELEPHONE NO 465-3666

FROM WILSON L. CONDON
ATTORNEY GENERAL

SUBJECT Meaning of word "pop-
ulation" for revenue-
sharing purposes

By:

Rodger W. Pegues
Assistant Attorney General

This responds to your request for our advice on this subject.

We have concluded that the word "population" as used in the new Revenue Sharing Act, AS 29.88, includes all those persons who would ordinarily be counted in a given locality by the census. We draw this conclusion for several reasons.

First, the Act itself states that the population shall be determined by the latest census figures. AS 29.88.-015. Second, the Act prescribes that military personnel -- ordinarily not permanent residents but ordinarily included by the census as resident where they are stationed -- be included in the population. Third, municipal services are provided for, and generally required by, persons who are physically present for any length of time notwithstanding that their permanent residence is elsewhere. In other words, it is consistent with the Act's overall purpose to include them.

Ordinarily, those persons employed at Prudhoe Bay and in the Petroleum Reserve who spent at least four nights of the week during the referenced week at their work place would be counted there by the census. However, it appears that the Census Bureau, contrary to its general rule, counted most, if not all, of the oil company employees on the North Slope at their permanent place of residence rather than at their work place. That is perfectly legal and proper and probably gives a more accurate demographic picture of Alaska. (The vast majority of the oil company employees on the North Slope reside elsewhere in Alaska.) However, it distorts the picture from the standpoint of the Revenue Sharing Act.

As indicated above, it's people who cause problems and create needs to which local government must respond. There are some 3500 to 4000 or more persons who live and work in the North Slope Borough in addition to those which

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will apparently be shown by the census. Under these circumstances, you should use other reliable data to determine their number, and include them in your determination of the borough's population. This will result in some double counting, but that appears to be inevitable in that most of these employees reside half of their time in one locality and half in another. Thus, both localities should be able to count them.

That the oil company camps are largely self-sustaining is irrelevant. The military reservations -- whose residents are counted -- are also largely self-sustaining, and at any event, the Revenue Sharing Act does not distinguish between municipalities on the basis of the level of services actually provided or of the intensity of the problems encountered.

RWP/pjg

May 6, 1982

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Mayor, North Slope Borough
P.O. Box 69
Barrow, Alaska 99723

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Sincerely,

Lee McAnerney
Commissioner

cc: Commissioner Tom Williams
Department of Revenue

11,252 → 4154
7,098 →
19,200 → 2898

THE PRECEDING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

FROM VITSCHEK

Reference Population definitions AS 29.45.080(e), AS 29.45.090(b), AS 29.60.020, AS 29.60.130(a):

Issue: These population definitions it is claimed cause losses in revenue.

Fact: Since 1974 industrial workers have been included in the North Slope Borough for taxation purposes and subsequently revenue sharing. (See Table reflecting figures certified by Commissioner of Community and Regional Affairs. However, some lower level bureaucrats attempted to redefine the basic law and legislative intent.

See Memorandum from Lee McAnerney, Commissioner of Community and Regional Affairs, to Attorney General, November 14, 1980.

See Memorandum from Attorney General to Community and Regional Affairs, December 31, 1980.

This Memorandum indicates that the heretofore practice was correct and that the lower level bureaucracy was not correct.

The definition arrived at was drafted by a former Attorney General (Avrum Gross) who conferred with the Commissioner and participated to ensure that the heretofore practice would be exactly defined in the law and subsequently preclude lower level bureaucrats from inserting their own definition.

language Returns NSB to prior practice, but may leave out other communities inadvertently

Issue: While temporary employees at "remote job sites could be counted by some communities, the same type of temporary or seasonal employee located in or near other communities could not be counted."

Fact: Not true. Nothing prevents the Commissioner from applying the same standards for those temporary or seasonal employees from being counted -- equity would demand it. Just in case some bureaucrat may

not quite understand the initial direction of Governor Hammond, the Commissioner's initial effort in submitting the definitions to House Finance, a letter of intent should accompany the legislation setting the record straight.

Issue: Definition of population could affect future state and local revenue from federal revenue sharing program.

Fact: Procedures to identify the impact people are available to distinguish between federal census people and seasonal or temporary personnel.

The results of an \$88,000 census conducted under the direction of the State Demographer (paid by the North Slope Borough) clearly illustrates this point. The letter indicates there was a gross total of 6,610 oil related worksite employees of which 2,466 met U. S. Census definition and the remainder temporary or seasonal. (See letter from David A. Swanson, State Demographer, to Mayor Eugene Brower, North Slope Borough, February 17, 1982.)

Based upon the Census and the Attorney General's letter, the Commissioner of Community and Regional Affairs certified the 11,252 population in accordance with prior practices and the existing law.

Information supplied by employers on these types of workers would be adequate for the demographer to make his calculations for the U. S. Census Bureau reports.

Conclusions

The facts are:

1. The definition was to ensure maintaining the status quo in relation to prior practices in regards to property tax levies and revenue sharing.
2. Lower level bureaucrats attempted to make said changes not directed by the Governor or the Commissioner of Community and Regional Affairs.
3. Scare tactics have been used to mount an opposition, urban communities against rural resource communities, using a false assumption that these "new" definitions were taking funds from them when in fact it reflects attempts to take "again" from the North Slope Borough and other resource development areas.
4. The effort tracks the same philosophy the eastern states have in regards to taking the oil and other resource taxes from Alaska to redistribute same to them.

DEPARTMENT OF LABOR

BOX 1149
JUNEAU, ALASKA 99811
465-2784

February 17, 1982

Honorable Eugene Brower, Mayor
North Slope Borough
P. O. Box 69
Barrow, AK 99723

Dear Mayor Brower:

The special population count conducted over the unincorporated communities and oil-related work sites within the North Slope Borough has resulted in a final 1981 population determination for the entire Borough of 7,098. The determinations for each of the distinct areas within the Borough are provided in the attachment.

One important result of the special count is that it provides an empirical basis for estimating what the 1980 census figure for both the Borough and State would have been had the U.S. Bureau of the Census not "allocated out" all of the oil workers. This project will be finished so that an unduplicated estimate of the state's 1980 population is available that uses the same definition of "census resident" statewide. This revised 1980 baseline will be used as part of the data in developing 1982 determinations.

In addition to building a set of revised 1980 figures, we will provide certified 1981 census results for the unincorporated communities and the oil-related work sites to the U.S. Bureau of the Census, which will accept them for inclusion in its determinations for federal revenue-sharing.

Sincerely,

*David A. Swanson*David A. Swanson
State Demographer

Enclosure

cc: Lee McAnerney, Commissioner, Community and Regional Affairs
Brandon Wilson, North Slope Borough
Gillian Smythe, Alaska Consultants
Jim Baldwin, Department of Law

DS:bb

1981 POPULATION - NORTH SLOPE BOROUGH

Incorporated Places

Anaktuvuk Pass*	235	
Barrow	2539	
Kaktovik*	201	
Nuiqsut*	270	
Point Hope*	531	
Wainwright*	410	
Sub-Total Incorporated	4186	

Unincorporated Places

Pt. Lay Community**	105	
Atkasuk Community**	195	
Colville Village**	14	
Oil Related Worksites**	2466	6,620
	(net)	(gross)

Military Installations

POW Main	20	15	} 193
Liz-2	14	10	
Liz-3	15	10	
POW-1	12	10	
POW-2	19	10	
BAR-M	58	42	
Cape Lisburne	55	45	
Sub-Total Unincorporated	2912	2422	

actual Jan 82

- DOL fig. 142

TOTAL	7098	11,252
	(net)	(gross)
		11,313

- * A census conducted in accordance with state guidelines.
- ** A census certified by the state demographer.

DOL used NSB's July 1981 figures for military installations (totalled ~~22~~ 142) vs. figures supplied by NSB because they must have been delayed in the mail. 1982 figures total 193 - difference of 51 people. Should be able to have them included.

TO: [Ronald W. Lorensen
Deputy State Attorney General

DATE: November 14, 1980

FILE NO.

TELEPHONE NO.

FROM: Lee McAnerney, Commissioner
Community and Regional Affairs

SUBJECT:

SUBJECT: REQUEST FOR LEGAL OPINION ON THE USE OF THE TERM "RESIDENT" AS IT APPLIES TO POPULATION DETERMINATION UNDER THE STATE REVENUE SHARING PROGRAM

INTRODUCTION:

The Division of Local Government Assistance administers the State Revenue sharing program pursuant to AS 29, Chapter 88 and the emergency administrative regulations contained in Title 19, Chapter 30, of the AAC. Population is a major factor in the amounts of state aid received by communities under Chapter 88 of this program.

STATEMENT OF THE PROBLEM:

The Division of Local Government Assistance has approved a population estimate of 4,610 for the North Slope Borough as of July 1, 1980. The Borough had requested an adjustment to 9,234 which was subsequently denied by the Division. This denial was based on the Division's position that the higher figure included nearly 4,000 industrial and drilling workers who for the most part are stationed in "self-contained residential/industrial compounds" that are largely removed from the Borough's established centers of population. In previous years, however, the Division has certified population estimates for the North Slope Borough which included these workers whose residency is now being questioned. In 1979, the Division approved an estimate of 8,055 for revenue sharing purposes.

Because the Division believes there is sufficient reason to believe that many of the approximately 4,000 industrial and drilling workers on the North Slope are not "permanent" residents of the Borough as required by 19 AAC, Chapter 30, it acted accordingly in revising its 1980 population downward. While this is a departure from the previous policy of counting these persons as part of the North Slope Borough's population, the Division believes that its reversal is warranted so that previous mistakes will not be compounded and perpetuated under the "new" State revenue sharing law passed by the Alaska State Legislature earlier this year. The Division further believes that it is both proper and timely to act as it did in the case of the North Slope Borough since a "new law for State Revenue Sharing has taken effect.

TABLE A-8
POPULATION COUNTS - SUMMARY
NORTH SLOPE BOROUGH

CENSUS DIVISION (Community)	July 1981 ^a <i>Special Census</i>	July 1980 ^a	July 1979 ^a	July 1978 ^a	July 1977 ^a	July 1976 ^a	July 1975 ^a	Jan. 1975 ^a	Jan. 1974 ^a	Census 1970	Census 1960
BARROW											
Barrow	2,765	3,401	3,228	2,471	2,306	2,389	2,141	2,163	2,163	2,104	1,314
Wainwright	410	475	425	429	398	357	341	354	354	315	253
Anaktuvuk Pass	235	235	185	173	151	150	129	134	134	99	35
Cape L. Isburne	68	92	92	92	92	112	112	112	112	83	N.A.
Athasook	112	112	99	93							
Nulqsut	271	271	206	182	157	152	149	145	145		
Point Lay	126	126	72	57	54	51	48	27	27		
Census Division Remainder	19	19	16	16	16	16		91	91	62	N.A.
Nat. Petroleum Reserve	138	119	353	155	33	55					
UPPER YUKON											
Kaktovik	201	195	193	192	134	123	119	141	141	123	N.A.
Prudhoe Bay/Deadhorse/ G.W. Line**	66205,014	3,758	2,659	3,863	5,410	8,801	5,022	3,150	922	279	
KOBUK											
Point Hope	511	511	527	464	412	408	384	404	404	386	324
TOTALS	11,257	9,910	9,234	8,055	8,187	9,161	12,614	8,445	8,728	4,498	2,451

N.A. Not Available

^aBorough Planning staff count plus actual count by oil industry.

**As Deadhorse and Prudhoe Bay are petroleum development related camp settlements resulting from all exploration and discovery activities on the North Slope that commenced subsequent to the 1960 Census, there were, for all practical purposes no people residing in these areas prior to that time.

¹Based upon births and deaths reported; however, the figure to be used for budget and Capital Improvements Program (CIP) is 9,139 based upon the certification of the Commissioner of Community and Regional Affairs. The July figures are used for the following January for computation of property taxes authorized for operating purposes.

Attached for your review is a copy of the formal appeal letter filed with my office by the North Slope Borough setting forth the various reasons why they have objected to the Division's determination of population for 1980.

SUMMARY OF APPLICABLE LAWS AND REGULATIONS:

With regard to the determination of population, AS 29.88.015 states that "the population of a taxing unit shall be determined annually by the latest figures of the United States Bureau of the Census or other population data which, in the judgement of the Department, is reliable."

In keeping with this statutory directive, the Department has adopted regulations which serve as the basis for administering the program in accordance with legislative intent and sound procedures. Specifically, 19 AAC 30.180, Population Determinations, states that the Department may approve adjustments in the population of communities which are derived from (1) the latest available figures of the U.S. Bureau of Census or (2) a locally prepared estimate which is based on three "reliable" indicators of population that show about the same rate of growth.

STATEMENT OF THE ISSUES:

The crux of the matter seems to be whether the North Slope Borough can include in its population estimate for certification by the Division for State revenue sharing purposes some 4,000 persons who, by the Borough's own admission are not "permanent" residents. This is clearly implied in the first few paragraphs of the Borough's appeal letter.

It is the Division's position that a population policy based along these lines would result in significant distortion of estimates since many persons would be counted twice (by place of work and then by place of legal residence) and would also open the door to allowing other communities to include vast numbers of summer tourists and transient workers in their annual July estimates.

The major issues with respect to the North Slope Borough appeal are summarized in the following questions:

1. Is the Department acting properly and in good faith in promulgating and working within the context of regulations that require the counting of "permanent" residents only in making annual adjustments of population?
2. Can people be counted or considered residents of one locality for purposes of the State revenue sharing program while claiming or exercising the right to vote elsewhere?

November 14, 1980

Page 3

3. The term "residence" has a meaning dependent on the context and purpose of the particular law in question. What is the intent behind the State revenue sharing law as regards "residence" and determination of population?
4. Military personnel may be counted by localities for purposes of State revenue sharing. Bearing in mind the decision reached in Egan vs Hammond with respect to the counting of military personnel for reapportionment purposes, do you see a similar analogy between them and oil industry workers on the North Slope thus leading one to the conclusion that both groups should be treated in much the same manner for State revenue sharing?
5. Is it the intent of AS 29, Chapter 88, to give U.S. Census figures precedence as regards population determination and does it follow that the Division must employ the same definition of residency used by the U.S. Bureau of the Census in counting residents of a locality?

The questions listed above may be treated separately or, if your desire, combined and treated thusly in your opinion. They are not meant to be restrictive or exhaustive in any sense; feel free to comment on any and all aspects of this issue which you consider to be pertinent.

Attachments

LMcA:rm

10 Hon. Lee McAnerney, Commissioner
Department of Community & Regional
Affairs

DATE: December 31, 1980

FILE NO: J-66-358-81

TELEPHONE NO: 465-3666

FROM: WILSON L. CONDON
ATTORNEY GENERAL

SUBJECT: Meaning of word "pop-
ulation" for revenue-
sharing purposes

By:
Rodger W. Pegues
Assistant Attorney General

This responds to your request for our advice on
this subject.

We have concluded that the word "population" as
used in the new Revenue Sharing Act, AS 29.88,
includes all those persons who would ordinarily be counted in a given lo-
cality by the census. We draw this conclusion for several
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most, if not all, of the oil company employees on the North
Slope at their permanent place of residence rather than at
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That the oil company camps are largely self-sustaining is irrelevant. The military reservations -- whose residents are counted -- are also largely self-sustaining, and at any event, the Revenue Sharing Act does not distinguish between municipalities on the basis of the level of services actually provided or of the intensity of the problems encountered.

RWP/pjg

MUNICIPALITY OF ANCHORAGE
FIPS

F1 29	185,750
F1 80	185,380
F1 81	185,280
F1 82	185,700

**PART 2.
STATE AID TO MUNICIPALITIES
AND OTHER RECIPIENTS**

Chapter

- 30. State Aid to Municipalities and Other Recipients
(19 AAC 30.010-19 AAC 30.150)**

**CHAPTER 30.
STATE AID TO MUNICIPALITIES
AND OTHER RECIPIENTS**

Section

- 10. (Repealed)**
11. Application
20. (Repealed)
21. Financial reports
30. (Repealed)
31. Prepayment
40. (Repealed)
41. Population determination
50. (Repealed)
51. Standards for payments of aid under AS 29.89
60. (Repealed)
61. Standards for payments of aid under AS 29.90
70. (Repealed)
71. Standards for minimum payments under AS 29.95.020
80. (Repealed)
81. Payments under sec. 12, Ch. 155, SLA 1980
90. (Repealed)
91. Determinations
100. (Repealed)
101. Appeal
110. (Repealed)
111. Final notice
120. (Repealed)
121. Overpayment and adjustment
130. (Repealed)
131. Incorporation or dissolution of an applicant
140. (Repealed)
141. Unified municipalities
150. Definitions

19 AAC 30.010. SCOPE OF REGULATIONS.
Repealed 8/20/81.

19 AAC 30.011. APPLICATION. (a) Application for state aid under AS 29.88, AS 29.89,

AS 29.90 and AS 29.95 must be made on forms prescribed by the commissioner.

(b) At the beginning of each fiscal year, the department will forward application forms to each municipality and to other potential applicants of which the department is aware and which the department believes may be eligible for state aid under AS 29.88, AS 29.89, AS 29.90, or AS 29.95.

(c) As a condition to receiving a prepayment under 19 AAC 30.031, an applicant must return a completed application to the department postmarked no later than October 1 of the entitlement year.

(d) As a condition to participation in the program, an applicant must return a completed application to the department postmarked no later than November 1 of the entitlement year, except as provided in (e) of this section.

(e) An applicant may submit an application to the department postmarked later than November 1 but not later than December 1 of the entitlement year. However, an applicant which submits an application under this subsection waives its right under 19 AAC 30.101 to appeal a determination under this chapter relating to that entitlement year. (Eff. 8/20/81, Reg. 79)

Authority: AS 29.88.040
AS 29.89.090

19 AAC 30.020. STANDARDS FOR PAYMENTS OF ENTITLEMENTS UNDER AS 43.1F AND THIS CHAPTER. Repealed 8/20/81.

19 AAC 30.021. FINANCIAL REPORTS. (a) In addition to the completed application required under 19 AAC 30.011, an applicant must submit to the department

(1) an approved budget postmarked no later than

(A) October 1 of the entitlement year to qualify to receive a prepayment under 19 AAC 30.031;

(B) November 1 of the entitlement year to participate in the program; or

(C) December 1 of the entitlement year to participate in the program subject to the provisions of 19 AAC 30.101(c); and

(2) if the applicant is a municipality, an audit or, if the applicant is a second class city, an audit or a statement of annual income and expenditures, for the applicant's fiscal year preceding the entitlement year postmarked no later than June 30 of the entitlement year to be eligible to participate in the program.

(b) The department will not issue the final payment of state aid under the program to an applicant for an entitlement year until the department has received the applicant's audit or statement of annual income and expenditures in accordance with (a)(2) of this section. The audit must be prepared by a certified public accountant licensed under AS 08.04 and must include a statement in sufficient detail to allow verification of locally generated revenues, by source, claimed by the applicant under AS 29.88.010 and all expenditures made for each separate service claimed by the applicant under AS 29.89.020 - 29.89.030. The statement of annual income and expenditures must be in a form approved by the commissioner, and it must be certified by the city council of the applicant. (Eff. 8/20/81, Reg. 79)

Authority: AS 29.88.040

19 AAC 30.030. DATE OF ELIGIBILITY. Repealed 8/20/81.

19 AAC 30.031. PREPAYMENT. (a) An applicant which is a municipality and which has complied with 19 AAC 30.011(c) and 19 AAC 30.021(a)(1)(A) may receive a prepayment of its entitlement.

(b) An applicant which is not a municipality may receive a prepayment of its entitlement if it complies with 19 AAC 30.011(c).

(c) A prepayment to an applicant under (a) or (b) of this section may not exceed 50 percent of the amount the applicant received for the preceding state fiscal year under this program. The department will deduct the prepayment from the applicant's entitlement. The final payment of the entitlement will consist of the remain-

ing balance after the deduction of the prepayment. (Eff. 8/20/81, Reg. 79)

Authority: AS 29.88.040
AS 29.89.090

19 AAC 30.040. APPLICATION. Repealed 8/20/81.

19 AAC 30.041. POPULATION DETERMINATION. (a) The director will annually determine the population as of July 1 for each city and borough within the state. No later than October 15, the director will mail to each city and borough in the state his determination of its population under this subsection. The director will base his determination upon the latest official estimate, survey, or census of the United States Bureau of the Census.

(b) The director will, in his discretion, grant an adjustment of the official estimate, survey or census of the United States Bureau of the Census upon his own motion, upon the request of another state agency which has authority to make an estimate, survey or census of population, or upon the request of the municipality. If a municipality requests an adjustment under this subsection, the municipality must substantiate the adjustment requested by

(1) a census conducted in accordance with (f) of this section; or

(2) an estimate of the population of the municipality as of July 1 of the entitlement year based on information reported by the most recent federal or local census.

(c) The municipality may include in the census or estimate only those persons who would be considered residents of the municipality by the United States Bureau of the Census.

(d) A municipality with fewer than 1,000 residents according to figures of the most recent federal or local census must submit a census in accordance with (b)(1) of this section to substantiate an adjustment of the official estimate, survey, or census of the United States Bureau of the Census under (b) of this section.

(e) A municipality and its officers and employees shall, upon request of the division, furnish available information and assistance required

by the division in securing accurate information upon which to base the division's estimates under this section. The division will, in its discretion, prescribe the forms and procedures for reporting the information.

(f) For the purposes of (b)(1) of this section, a census must be ordered by resolution of the municipality's governing body. The census must be of the population of the municipality as of July 1 of the calendar year in which the census is conducted. The census must be conducted by the United States Bureau of the Census or by the municipality in a manner satisfactory to the division. The division will validate the census in accordance with standard census definitions and procedures specified by the division or by the United States Bureau of the Census. The census must be conducted at the expense of the municipality. The municipality must pass a resolution accepting the results of the census and must deliver the resolution with the census results to the division.

(g) Upon request of a municipality for reconsideration of an estimate of its population under (a) of this section, or upon its own motion or that of another state agency or department, the division will, in its discretion, revise its estimate and file with the commissioner a revised certificate of population. A revision under this subsection will not be filed with the commissioner after December 15 of the state fiscal year in which the estimate under (a) of this section is made. The revision becomes effective only upon its approval by the commissioner. (Eff. 8/20/81, Reg. 79)

Authority: AS 29.88.015 AS 29.89.060
AS 29.88.040 AS 29.89.090

19 AAC 30.050. APPEAL. Repealed 8/20/81.

19 AAC 30.051. STANDARDS FOR PAYMENTS OF AID UNDER AS 29.89. (a) An applicant which is a municipality must meet the following standards to qualify for a payment for road maintenance under AS 29.89.020:

(1) the applicant agrees to expend during the entitlement year at least 20 percent of the amount it received under AS 29.89.020 including the cost-of-living differential allowed under AS 29.89.070, if any, to provide the service for which the applicant seeks aid under AS

29.89.020 and to expend the remaining amount for a public purpose for which the applicant has the power to expend public money;

(2) if a road, for the maintenance of which the applicant seeks aid under AS 29.89.020, is connected to the state highway system, the applicant demonstrates, to the satisfaction of the department, that the road is used by vehicles which are registered under AS 28.10;

(3) if the applicant seeks aid for the maintenance of a road, for the maintenance of which the applicant has not previously received aid under AS 29.89.020, the applicant submits to the department with its application a map which shows the beginning and end of the road and its route, and which indicates the total length, average width and surface composition of the road;

(4) if the applicant is a borough which provides road maintenance services by service area, the applicant agrees to allocate the amount the applicant receives under AS 29.89.020 for road maintenance within a service area, including the cost-of-living differential allowed under AS 29.89.070, if any, to that service area;

(5) the applicant provides the road maintenance service for which it seeks aid under AS 29.89.020 as of July 1 of the entitlement year.

(b) An applicant must meet the following standards to qualify for a payment for a hospital under AS 29.89.030:

(1) the applicant is a municipality;

(2) if the applicant operates the hospital for which the applicant seeks aid under AS 29.89.030, the applicant has the power to provide hospital facilities and services;

(3) the applicant agrees to transfer the amount the applicant receives under AS 29.89.030 for a hospital, including the cost-of-living differential allowed under AS 29.89.070, if any, to the hospital in the manner provided for in AS 29.89.030(a) immediately upon receipt of aid; and

(4) the hospital for which the applicant seeks aid under AS 29.89.030 provides treatment to

patients as of July 1 of the entitlement year.

(c) An applicant which is a municipality must meet the following standards to qualify for a payment under AS 29.89.030 for a health facility:

(1) the applicant has and exercises the power to provide health services as of July 1 of the entitlement year;

(2) the applicant agrees to spend, by the end of the entitlement year, at least 20 percent of the amount the applicant receives under AS 29.89.030 for the health facility, including the cost-of-living differential allowed under AS 29.89.070, if any, on health services or the operation and maintenance of the health facility; and

(3) the applicant certifies that the money the applicant receives under AS 29.89.030 for the health facility, which the applicant does not spend by the end of the entitlement year in accordance with (2) of this subsection, is dedicated irrevocably for health facilities and services.

(d) An applicant which is a volunteer fire department serving an area not in an organized borough or city must meet the following standards to qualify for a payment under AS 29.89.040:

(1) the applicant is registered with the state fire marshal and provides fire protection services as of July 1 of the entitlement year, unless the applicant has not previously received state aid under AS 29.89;

(2) the applicant agrees to spend, by the end of the entitlement year, at least 20 percent of the amount the applicant receives under AS 29.89.040 on fire protection services; and

(3) the applicant certifies that the money the applicant receives under AS 29.89.040, which the applicant does not spend by the end of the entitlement year in accordance with (2) of this subsection, is dedicated irrevocably for the operation and maintenance of the fire protection services.

(e) An applicant which is a Native village

government must meet the following standards to qualify for a payment under AS 29.89.050:

(1) the applicant agrees to irrevocably dedicate the payment the applicant receives under AS 29.89.050 for a public purpose other than the general administration of the Native village government; and

(2) the applicant provides its residents with at least one of the public facilities and services listed in AS 29.48.030(1) - (6), (8) - (21) and (23) as of July 1 of the entitlement year.

(f) If, during an entitlement year, an applicant violates an agreement described in (a)(1), (c)(2), or (d)(2) of this section, the division will reduce the amount the applicant may receive under this chapter during the applicant's next entitlement year by the amount received by the applicant under this chapter in the entitlement year in which the violation occurs. (Eff. 8/20/81, Reg. 79)

Authority: AS 29.89.020 AS 29.89.050
AS 29.89.030 AS 29.89.090
AS 29.89.040

19 AAC 30.060. POPULATION DATA. Repealed 8/20/81.

19 AAC 30.061. STANDARDS FOR PAYMENT OF AID UNDER AS 29.90. (a) The department will not make a payment under AS 29.90 to an applicant unless

(1) if the hospital for the construction of which the applicant seeks aid under AS 29.90 is a private hospital, the commissioner of health and social services certifies to the department that the assets of the private hospital are dedicated irrevocably to a public purpose;

(2) the applicant is a municipality or non-profit corporation;

(3) the governing body of the applicant certifies that the total project cost, as estimated by the applicant, is correct; and

(4) the administrator or legal representative of the hospital for the construction of which the applicant seeks aid under AS 29.90 signs an agreement containing the following provisions:

(A) if money received by the hospital from an applicant under AS 29.90 for anticipated project costs exceeds the amount which the applicant is entitled to receive under (c) of this section, the hospital agrees to return to the state the difference between the amount received by the hospital and the amount the applicant is entitled to receive;

(B) if the hospital ceases to be a hospital as defined in AS 29.90.030(2) within 20 years after the completion of construction, the hospital agrees to return to the state an amount equal to the fair market value of the project at the time it ceases to be a hospital as defined in AS 29.90.030(2) multiplied by the amount of aid received by the hospital under AS 29.90 and divided by total project cost.

(b) An applicant may include a cost as part of the total project cost for the purposes of AS 29.90 only if

(1) the cost does not exceed the fair market value of the service or commodity provided to the project;

(2) payment of the cost is reasonable and necessary to complete the project;

(3) for land acquisition, the cost is limited to land specifically purchased for the location of the hospital, including adjacent land which is necessary and convenient for the use of the hospital;

(4) for site preparation and development, the cost is limited to site preparation and development of the land described in (3) of this subsection; and

(5) for machinery and equipment acquisition, the cost is limited to the machinery and equipment required for construction of the hospital and the initial equipment necessary for the hospital to begin its operation.

(c) An applicant is entitled to receive under AS 29.90 up to 25 percent of the total project cost for the construction of a hospital. However, if the federal government pays 75 percent or more of the total project cost, the applicant is entitled to receive the difference between the

amount paid by the federal government and the total project cost.

(d) A hospital which is located outside the corporate limits of a municipality may apply for aid under AS 29.90 directly to the department. A municipality must apply on behalf of a hospital located within its corporate limits. (Eff. 8/20/81, Reg. 79)

Authority: AS 29.90.010 AS 44.47.050
AS 29.90.020 AS 44.47.980
AS 29.90.030

19 AAC 30.070. FINANCIAL REPORTS. Repealed 8/20/81.

19 AAC 30.071. STANDARDS FOR MINIMUM PAYMENTS UNDER AS 29.95.020. An applicant which applies for a minimum payment under AS 29.95.020 must certify to the department that the applicant has fulfilled the eligibility requirements of AS 29.95.020 and must submit to the department the supporting evidence the department may require (Eff. 8/20/81, Reg. 79)

Authority: AS 29.88.040
AS 29.89.090
AS 29.95.020

19 AAC 30.080. PREPAYMENT AND BUDGETS. Repealed 8/20/81.

19 AAC 30.081. PAYMENTS UNDER SEC. 12, CH. 155, SLA 1980. (a) Notwithstanding the other provisions of this chapter, until June 30, 1985, a municipality is entitled to receive under this chapter an amount equal to 1 percent of the amount it received under AS 43.18.010 - 43.18.045 for the fiscal year ending June 30, 1980. To receive a payment under this section, the municipality must submit an application to the department in accordance with 19 AAC 30.011 and comply with the provisions of 19 AAC 30.021.

(b) In accordance with sec. 12(b), ch. 155, SLA 1980, during each state fiscal year until June 30, 1985, the division will reduce the amount allocated under AS 29.95.010 to the accounts established in AS 29.88.035, AS 29.89.080, and AS 29.90.020 by the amount necessary to make the payments described in (a) of this section.

(c) If, for a state fiscal year described in (b) of this section, the legislature fails to appropriate to the accounts described in (b) of this section an amount sufficient to allow full payments under (a) of this section, the division will reduce the payment to each municipality under (a) of this section by a proportionate amount.

(d) The division will use the amount allocated to the accounts described in (b) of this section, after making the reductions described in (b) of this section, to make the payments described in 19 AAC 30.051, 19 AAC 30.061, and 19 AAC 30.071. (Eff. 8/20/81, Reg. 79)

Authority: Sec. 12, Ch. 155, SLA 1980

AS 29.88.035	AS 29.95.030
AS 29.89.080	AS 44.47.050
AS 29.90.020	AS 44.47.980
AS 29.95.010	

19 AAC 30.090. Repealed 8/20/81.

Authority: AS 29.88.040
AS 29.89.090

19 AAC 30.091. DETERMINATIONS. (a) The director will make an initial determination of an applicant's millage rate equivalent under AS 29.88.020 and will mail his determination under this subsection to the applicant by the dates established in AS 29.88.020.

(b) The director will make a final determination of an applicant's millage rate equivalent under AS 29.88.020 and a final determination of the amount of aid to which the applicant is entitled under AS 29.89 and AS 29.90 and will mail his determinations under this subsection to the applicant by December 15 of the entitlement year. (Eff. 8/20/81, Reg. 79)

Authority: AS 29.88.040
AS 29.89.090

19 AAC 30.100. OVERPAYMENT AND ADJUSTMENT. Repealed 8/20/81.

19 AAC 30.101. APPEAL. (a) An applicant may appeal a final determination or a population determination of the director under this chapter to the commissioner if the applicant has complied with the filing requirements of 19 AAC 30.011(d) and 19 AAC 30.021(a)(1)(B). The appeal must be in writing and must be mailed to the commissioner within 30 days after receipt of the notice of determination. The appeal must include the relevant evidence in

support of the applicant's claim.

(b) The commissioner will review the appeal and make a final determination before mailing the final notice under 19 AAC 30.111. The commissioner will affirm or modify the final determination or population determination and notify the applicant of the decision.

(c) If the applicant fails to appeal a determination, of the director within the time established in (a) of this section, the determination will constitute the final determination of the department. An applicant which submits an application under 19 AAC 30.011(e) or a budget under 19 AAC 30.021(a)(1)(C) may not appeal under (a) of this section a determination under this chapter relating to the entitlement year for which the application or budget is submitted. (Eff. 8/20/81, Reg. 79)

19 AAC 30.110. INCORPORATION OR DISSOLUTION OF AN APPLICANT. Repealed 8/20/81.

19 AAC 30.111. FINAL NOTICE. After making its determinations under this chapter and resolving the appeals under 19 AAC 30.101, the department will mail to an applicant a final notice containing a statement of the payment the applicant is entitled to receive from the tax equalization account (AS 29.88.035), the miscellaneous services account (AS 29.89.080), and the hospital construction assistance account (AS 29.90.020). (Eff. 8/20/81, Reg. 79)

Authority: AS 29.88.040
AS 29.89.090

19 AAC 30.120. UNIFIED MUNICIPALITIES. Repealed 8/20/81.

19 AAC 30.121. OVERPAYMENT AND ADJUSTMENT. If the payment an applicant receives under this chapter exceeds the amount it is entitled to receive during the entitlement year, the department will either request the applicant to return the excess to the state or will reduce the applicant's entitlement for the next entitlement year by the difference between the amount received and the amount the applicant was entitled to receive. (Eff. 8/20/81, Reg. 79)

Authority: AS 29.88.040 AS 44.47.050
AS 29.89.090 AS 44.47.980

19 AAC 30.130. FINAL DETERMINATION FOR THE PROGRAM. Repealed 8/20/81.

19 AAC 30.131. INCORPORATION OR DISSOLUTION OF AN APPLICANT. (a) An applicant which incorporates during an entitlement year is not eligible to receive state aid until the next year.

(b) A payment under this chapter to an applicant which is dissolved, or to be dissolved under AS 29.68.500 during the entitlement year, will be prorated by the department over the number of days in the entitlement year before the applicant's dissolution. (Eff. 8/20/81, Reg. 79)

Authority: AS 29.88.040 AS 44.47.050
AS 29.89.090 AS 44.47.980

19 AAC 30.140. DEFINITIONS. Repealed 8/20/81.

19 AAC 30.141. UNIFIED MUNICIPALITIES. A unified municipality is considered an organized borough for the purposes of AS 29.88, AS 29.89, AS 29.90, AS 29.95, and this chapter. (Eff. 8/20/81, Reg. 79)

Authority: AS 29.88.040 AS 44.47.050
AS 29.89.090 AS 44.47.980

19 AAC 30.150. DEFINITIONS. Unless the context indicates otherwise, in this chapter

(1) "applicant" means a municipality, a volunteer fire department, a Native village government, or a hospital which has submitted a complete and timely application under 19 AAC 30.011;

(2) "approved budget" means an applicant's budget which

(A) has been approved by the applicant's governing body;

(B) provides for the minimum expenditures required under 19 AAC 30.051(a)(1), (c)(2), and (d)(2) to the extent applicable; and

(C) applies to the applicant's budget year which includes July 1 of the entitlement year.

(3) "census" means a complete and accurate enumeration of the permanent residents and housing units in an area;

(4) "commissioner" means the commissioner of community and regional affairs;

(5) "department" means the Department of Community and Regional Affairs;

(6) "director" means the director of the division of local government assistance within the department;

(7) "division" means the division of local government assistance within the department;

(8) "entitlement year" means the state fiscal year for which an applicant seeks state aid under AS 29.88, AS 29.89, AS 29.90, or 29.95;

(9) "permanent resident" means a person whose primary place of residence is within the corporate limits of an applicant which is a municipality or within the area served by an applicant which is a Native village government or a volunteer fire department;

(10) "primary place of residence" means the place where a person usually sleeps on a weekly basis; if a person has more than one place of residence, "primary place of residence" means the place where the person sleeps more often during the calendar year;

(11) "program" means the program of state aid under AS 29.88, AS 29.89, AS 29.90, and AS 29.95 implemented by this chapter;

(12) "public purpose" means a purpose the objective of which is to promote the public health, safety, and general welfare of the residents of a village or municipality of the state. (Eff. 8/20/81, Reg. 79)

Authority: AS 29.88.040 AS 44.47.060
AS 29.89.090 AS 44.47.980

MEMORANDUM

State of Alaska

TO: Hon. Lee McAnerney, Commissioner
Department of Community & Regional
Affairs

DATE: December 31, 1980

FILE NO: J-66-358-81

TELEPHONE NO: 465-3666

FROM: WILSON L. CONDON
ATTORNEY GENERAL

SUBJECT: Meaning of word "pop-
ulation" for revenue-
sharing purposes

By:

Rodger W. Pegues
Assistant Attorney General

This responds to your request for our advice on this subject.

We have concluded that the word "population" as used in the new Revenue Sharing Act, AS 29.88, includes all those persons who would ordinarily be counted in a given locality by the census. We draw this conclusion for several reasons.

First, the Act itself states that the population shall be determined by the latest census figures. AS 29.88-015. Second, the Act prescribes that military personnel -- ordinarily not permanent residents but ordinarily included by the census as resident where they are stationed -- be included in the population. Third, municipal services are provided for, and generally required by, persons who are physically present for any length of time notwithstanding that their permanent residence is elsewhere. In other words, it is consistent with the Act's overall purpose to include them.

Ordinarily, those persons employed at Prudhoe Bay and in the Petroleum Reserve who spent at least four nights of the week during the referenced week at their work place would be counted there by the census. However, it appears that the Census Bureau, contrary to its general rule, counted most, if not all, of the oil company employees on the North Slope at their permanent place of residence rather than at their work place. That is perfectly legal and proper and probably gives a more accurate demographic picture of Alaska. (The vast majority of the oil company employees on the North Slope reside elsewhere in Alaska.) However, it distorts the picture from the standpoint of the Revenue Sharing Act.

As indicated above, it's people who cause problems and create needs to which local government must respond. There are some 3500 to 4000 or more persons who live and work in the North Slope Borough in addition to those which

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AND REGIONAL AFFAIRS

will apparently be shown by the census. Under these circumstances, you should use other reliable data to determine their number, and include them in your determination of the borough's population. This will result in some double counting, but that appears to be inevitable in that most of these employees reside half of their time in one locality and half in another. Thus, both localities should be able to count them.

That the oil company camps are largely self-sustaining is irrelevant. The military reservations -- whose residents are counted -- are also largely self-sustaining, and at any event, the Revenue Sharing Act does not distinguish between municipalities on the basis of the level of services actually provided or of the intensity of the problems encountered.

RWP/pjg

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

MEMORANDUM

State of Alaska

Department of Revenue

TO: McKie Campbell
Senator Gillman's Office
Community & Regional Affairs Committee
Juneau (465-4934)

DATE: January 28, 1982

FILE NO:

TELEPHONE NO.

FROM: *[Signature]*
Gerald D. Hefer
Petroleum Property Assessor

SUBJECT:

Thru: Fred Loetsch *[Signature]*
Director

As I understand your request you would like to know what the property tax effect would be on the North Slope Borough for 1982 if there were to be a difference of 3,000 in their population count for purposes of AS 29.53.045(C).

The following assumptions will have to be made in order to show the tax effect:

State assessed property value:	\$7,500,000,000
North Slope locally assessed value:	350,000,000
TOTAL	\$7,850,000,000

Average per capita statewide assessed value:	\$70.974
Population for comparison purposes:	6,000 and 9,000

Borough will levy a 30 mill tax on the allowable assessed value.

The calculations to show the difference are as follows:

A.P.C.S.A.V.		225%		Population	30 mills	Tax Amount
70,974	X	2.25	X	9,000	X .03	= \$43,116,705
70,974	X	2.25	X	6,000	X .03	= 28,744,470
DIFFERENCE						(\$14,372,235)

95.5 percent of this difference, or \$13,725,484, is a direct loss to the state treasury.

Handwritten notes:

State Dept
Juneau
* / for long - DORA & DNR
equity w/
#2
- Richard Alka -
Development
1982

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

MEMORANDUM

State of Alaska Department of Revenue

TO: McKie Campbell
 Senator Gillman's Office
 Community & Regional Affairs Committee
 Juneau (465-4934)

DATE: January 28, 1982

FILE NO:

TELEPHONE NO:

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G. D. Heier
 Gerald D. Heier
 Petroleum Property Assessor

SUBJECT:

Thru: Fred Boetsch *[Signature]*
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DIFFERENCE				(14,372,235)

95.5 percent of this difference, or \$13,725,484, is a direct loss to the state treasury.

Handwritten notes:
 - NCRA & DNR
 - equity w/
 - Richard Allen - Community Affairs
 - #2
 - 1/28/82
 - 1/28/82

Feb - some com have gone from 2nd to 1st -

HK's Com has votes (Pethick) requested from A.S.
to resolve the matter.

Feb Com's ^{new} 60% should be allowed
to move from 2nd to home rule -
because of effects on REAA's.
Not comfortable w/ 400 pop. figure

Feb 1985 - 4000 to 6000 that wish to
of gov't "no" to home rule

Feb 1985 - 4000 to 6000
Feb 1985 - 11000 to 6000

~~24-ppt~~

1985 - ... delegate going to
... take it back

→ E. ...

... 5 others have been ...

Environmental
...
...

... 1985 ...

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ORIGINAL.

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14

SENATE AMENDMENT

By Community & Regional Affairs Committee

To: _____ SENATE BILL No. 1

To: _____ HOUSE BILL No. _____

PAGE: 11 LINE: 1

Between the words "city" and "incorporated", add "in the unorganized borough"

SENATE AMENDMENT

By Community & Regional Affairs Committee

To: _____ SENATE BILL No. 1

To: _____ HOUSE BILL No. _____

PAGE: 8 LINE: 26

1. Pg. 8, line 26, after "council" insert:
"of a first class city."
2. Pg. 29, line 8, after "commission" insert:
"of seven elected members"
3. Pg. 29, line 14, after "be" insert:
"prepared by the petitioners and"
4. Pg. 29, line 14, delete:
"incorporation"
5. Pg. 29, line 15, following petition, insert:
"to incorporate a home rule municipality"
6. Pg. 63, line 7:
delete "bill" and replace with "ordinance or resolution"
delete "act" , and replace with "ordinance or resolution"
7. Pg. 63, line 26:
delete "bill" and replace with "ordinance or resolution"
delete "act" , and replace with "ordinance or resolution"
8. Pg. 64, line 15:
delete "bill" and replace with "ordinance or resolution"

9. Pg. 82, line 18:

after "emergency", add "services", and

after "center" add "under AS 29.35.130"

10. Page 85, lines 4 and 5 -- subsection (c) is amended as follows:

(c) A third class borough acquires an additional power to exercise in a service area in accordance with AS 29.35.490(b) and (c) [AREAS BY HOLDING AN ELECTION ON THE QUESTION IN WHICH EACH PERSON WHO IS A VOTER OF THE BOROUGH MAY VOTE].

11. Pg. 106, line 9, after "calculate" insert:

"at the rate of one percent per mill"

12. Pg. 106, line 10 and 11, delete:

"at the rate of one percent per mill"

13. Page 182, line 1 -- following "general law", delete:

"first or second class"

SENATE AMENDMENT

BY SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

To: _____ SENATE BILL No. 1

To: _____ HOUSE BILL No. _____

PAGE: 161 LINE: 20

Replace "29.60.120" with "29.60.130".

A M E N D M E N T

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

Offered in the SENATE

TO: Senate Bill No. 1

Page 160, line 21:

After "purpose." delete all material through page 161, line 10, and insert:

"(b) The Department of Community and Regional Affairs with advice from the Department of Law shall determine whether there is in each unincorporated community an incorporated nonprofit entity or a Native village council that will agree to receive and spend the entitlement. If there is no qualified incorporated nonprofit entity or Native village council in an unincorporated community that is willing to receive money under an entitlement, the entitlement for that unincorporated community may not be paid. If there is more than one qualified entity in an unincorporated community, the Department of Community and Regional Affairs shall select the entity that the department finds most qualified to receive and spend the money.

(c) After selecting an entity under (b) of this section the Department of Community and Regional Affairs shall provide public notice of the selection. The notice shall indicate that the selection is preliminary and other qualified entities may be nominated to receive the entitlement by filing a petition with the department. A petition must be signed by a number of voters of the unincorporated community equal to or greater than 15 percent of those who voted

during the last general election in the community. The department shall provide a sample petition upon request.

(d) If the Department of Community and Regional Affairs receives within 30 days after notice is provided under (b) of this section a sufficient petition nominating an entity other than the entity selected by the department, the department shall hold an election with the assistance of the director of elections to determine which entity shall receive the entitlement. The election shall be held within 90 days after notice is provided under (b) of this section. The department shall provide public notice of the date of the election.

(e) All voters who reside within the boundaries established for the purposes of determining the population of the unincorporated community are qualified to vote in an election held under this section. The name of the entity selected by the Department of Community and Regional Affairs under (b) of this section and the name of each entity nominated under (c) of this section shall be placed on the ballot. The department shall pay the entitlement for that year to the entity receiving the greatest number of votes.

(f) The Department of Community and Regional Affairs may not pay money under an entitlement to a Native village council unless the council waives immunity from suit for claims arising out of activities of the council related to the entitlement. A waiver of immunity from suit under this subsection must be on a form provided by the Department of Law. Neither this subsection nor any action taken under it enlarges or diminishes the governmental authority or jurisdiction of a Native village council."

Reletter the following subsection accordingly.

2/15/83

SENATE AMENDMENT

BY Senate Community & Regional Affairs Committee

To: _____ SENATE BILL No. 1 _____

To: _____ HOUSE BILL No. _____

PAGE: 62 LINE: 3

After "date.", add:

"The runoff election shall be between the two candidates receiving the greatest number of votes for the seat."

SENATE AMENDMENT

By COMMUNITY & REGIONAL AFFAIRS COMMITTEE

To: _____ SENATE BILL No. 1

TJ: _____ HOUSE BILL No. _____

PAGE: 107 LINE: 26

After "borough", delete:

"including but not limited to, excluding personal property from taxation, establishing exemptions, and extending the redemption period"

7
Prop Exemption

SENATE AMENDMENT

By COMMUNITY & REGIONAL AFFAIRS COMMITTEETo: _____ SENATE BILL No. 1

To: _____ HOUSE BILL No. _____

PAGE: 61 LINE: 8

After "(3)", delete "is", and insert "has been"

After "elections", insert "for 30 days immediately preceding the election"

S-E-N-A-T-E---A-M-E-N-D-M-E-N-T

PROPOSED SENATE AMENDMENT

By Community & Regional Affairs Committee

To: _____ SENATE BILL No. 1

To: _____ HOUSE BILL No. _____

PAGE: LINE:

Note: This change is listed as a proposal rather than an amendment because of the complex drafting that will be required to make sure all the necessary sections are cross referenced. Legal Services has reviewed this proposal and suggested this approach because of time constraints. If the Committee approves this proposal, Legal Services will incorporate it as part of the Committee Substitute.

Page 10, after line 19, insert new section:

"29.05.145. ASSUMPTION OF THE EDUCATION POWER. (a) When an unincorporated area or second class city that is part of a Regional Education Attendance Area incorporates or upgrades to first class or home rule city status, the assumption of the education power shall be in accordance with this section

(b) When an unincorporated area or city that is part of a REAA incorporates or upgrades to first class or home rule city status, that Director of Elections shall conduct an election in the REAA within 90 days of the incorporation.

(c) At this election, voters of the REAA shall be given an opportunity to approve or disapprove the assumption of the education power by the newly incorporated or upgraded first class or home rule city.

(1) The vote shall be counted separately within the city limits of the newly incorporated or upgraded city and in the remainder of the REAA.

(2) A majority of voters in both areas must approve the assumption of the education power by the newly incorporated or upgraded city or it may not assume the education power"

Alter other sections as necessary to conform.

A M E N D M E N T

Offered in the SENATE

By Halford

TO: Senate Bill No. 1

Page 14, line 25:

Delete "." and insert ";"

Page 14, after line 25 insert:

"(4) standards and procedures governing detachment shall be identical to standards and procedures governing annexation, except that procedures governing detachment shall provide for equitable prorated payment of debts acquired by the municipality prior to the detachment."

A M E N D M E N T

Offered in the SENATE

By Halford

TO: Senate Bill No. 1

Page 14, line 25:

Delete "." and insert ";"

Page 14, after line 25 insert:

"(4) within 90 days after receipt of a petition for annexation or detachment the Local Boundary Commission shall make a decision on the petition."

Alaska State Legislature

SENATOR
DON GILMAN

Juneau Ph.
(907) 465-4934



HOME ADDRESS
P.O. BOX 630
JUNEAU, ALASKA 99811
(907) 283-4182

DURING SESSION
POUCH V
JUNEAU, ALASKA 99811

State Senate

February 4, 1983

Joyce A. Harris
P.O. Box 1925
Fairbanks, Alaska 99707

Dear Ms. Harris:

Senator Ziegler has referred your letter on Senate Bill 1 (SB 1) to me. Judging from your letter, I am afraid that someone has been spreading some tall tales about SB 1. This bill is available at your local legislative affairs office, and I would urge you to pick up a copy and read it for yourself.

You will find that nothing in it will reclassify the Fairbanks North Star Borough. There are no forms in SB 1 of any type, nor any provisions that would require anyone to fill out any type of assessment form.

It is intended to be simply a technical rewrite of existing Title 29, clarifying and simplifying wording and making the title easier to read. It will also give greater flexibility to local governments so the people of each region can choose the form and amount of local government they want without having this imposed upon them by the state.

I realize that a number of misconceptions have sprung up concerning the Title 29 revision, and I appreciate your writing so I could correct some of these misconceptions.

Sincerely,

A handwritten signature in cursive script that reads "Don".

Don Gilman
State Senator

cc: Senator Robert H. Ziegler, Jr.

bee: FBx legislators



Alaska State Legislature

Senate

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

February 2, 1983

Ms. Joyce Harris
Box 1925
Fairbanks, Alaska 99707

Dear Ms. Harris:

Senate Bill 1 is identical to a bill that the Senate Community and Regional Affairs Committee considered during the 12th Legislature. It was vetoed by the Governor for reasons which I need not spell out here, but none of them involved any point you mentioned in your letter of January 26th. Senator Don Gilman, who chaired that committee the last two years, has been assigned the bill for research by the current Chairman of the committee, Senator Frank R. Ferguson. Senator Gilman is a former Borough Mayor and is extremely knowledgeable on the subject of municipal codes.

I have taken the liberty of transmitting your letter to him and you will be hearing from him in due course. It would appear to me that most of your fears are groundless.

Very truly yours,

A handwritten signature in cursive script, appearing to read "R. H. Ziegler, Sr.".

Robert H. Ziegler, Sr.

RHZ:lk

cc: Senator Don Gilman w/enc.

1/26/88

Dear Senator Ziegler,

I recently became aware of Senate Bill #1, designed to reclassify the North Star Borough from a class 2 to a class 1 Borough. The way I understand this, it takes away all of the people's voice over "Borough Affairs". Our right of vote will no longer exist in our own community.

Also included in this bill is the personal property tax form to be filled out for assessment purposes. I see this as a way for the government to know where guns are when it comes time to confiscate them!

The fact that this bill exist proves how unconstitutional our government is becoming.

Our state already has the appointed judges ruling for the rich rather than the people.

Not to mention an Attorney General
interpreting laws as dictated by
his appointer.

Now, you, our elected officials,
are our only hope. Please don't take
away our only power, that of
voting, over community affairs. I
would like to have a say in what
happens in my own back yard.

Sincerely,
Joyce A. Harris
P.O. Box 1925
Fairbanks, AK 99707

STATE OF ALASKA
THE LEGISLATURE

FOUCHY - STATE CAPITOL
BUREAU - ALASKA 9981
927 465 8810

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 9, 1983

SUBJECT: Municipal code revision
(CSSB 1 (C&RA))

TO: Senator Frank R. Ferguson
Chairman, Senate Community and
Regional Affairs Committee

FROM: Tamara Brandt Cook
Legislative Counsel

TBC

Here is the section-by-section analysis of CSSB 1 (C&RA) that you requested. The analysis compares the committee substitute to existing law and notes changes to existing law.

TBC:ljb

Enclosure

STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

DIVISION OF LOCAL GOVERNMENT ASSISTANCE

JAY S. HAMMOND, GOVERNOR

REPLY TO:

- POUCH BH
JUNEAU, ALASKA 99811
(907) 465-4707
- 225 CORDOVA STREET, BLDG. B
ANCHORAGE, ALASKA 99501
(907) 264-2201
- P.O. BOX 348
BETHEL, ALASKA 99559
(907) 543-3475
- P.O. BOX 41
NOME, ALASKA 99762
(907) 443-5457

November 26, 1982

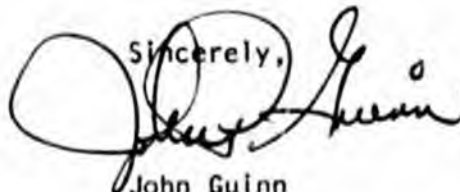
Senator Donald E. Gilman, Chairman
Senate Committee on Community and Regional Affairs
Pouch V, State Capitol
Juneau, Alaska 99811

Dear Senator Gilman:

Attached for your information, is a copy of the twenty eight resolutions which were passed by the Yukon-Kuskokwim Delta Mayors at their Third Annual Conference held in Bethel on November 3rd, 4th and 5th.

These resolutions reflect the vital concerns of the communities of this region.

Sincerely,



John Guinn
President
Yukon-Kuskokwim Delta
Conference of Mayors

Attachments:

1 copy of all resolutions

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

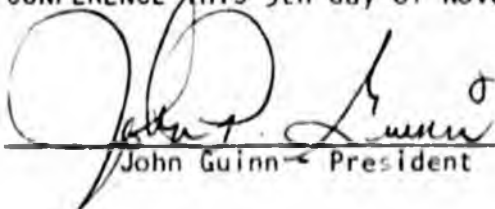
RESOLUTION NO. 82-01

A RESOLUTION SUPPORTING PASSAGE OF A REWRITE OF TITLE 29 BY THE THIRTEENTH ALASKA LEGISLATURE.

WHEREAS, the proposed Title 29 rewrite provides for a more practical, useful and less confusing statute on local governments.

BE IT RESOLVED BY THE YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE: To request all levels of local government within the State to join with us in petitioning the Thirteenth Alaska Legislature to pass the proposed Title 29 rewrite with all dispatch, leaving major policy issues regarding Title 29 to be addressed in separate legislation.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE THIS 5th day of November, 1982.



John Guinn - President



Recording Secretary

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

RESOLUTION NO. 82-02

A RESOLUTION REQUESTING THE ALASKA STATE LEGISLATURE TO INCREASE THE HEALTH CLINIC ENTITLEMENT OF THE STATE REVENUE SHARING PROGRAM TO \$30,000.


WHEREAS, Federal budgets cuts have impaired the ability of village clinics to obtain health supplies, equipment and visiting physician's services; and

WHEREAS, it is anticipated that further Federal cuts will exacerbate this situation; and

WHEREAS, Village health clinics provide a much needed service to all citizens of rural Alaska,

BE IT RESOLVED BY THE YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE: To request that the clinic entitlement of the State Revenue Sharing program be increased to \$30,000.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE THIS 5th day of November, 1982.



John Guinn - President



Recording Secretary

cc: Representative Al Adams
Chairman
House Finance Committee

Dr. Helen Beirne
Commissioner
Department of Health and Social Services

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

RESOLUTION NO. 82-03

A RESOLUTION EXPRESSING CONCERN ABOUT THE LACK OF ADEQUATE FIRE FIGHTING EQUIPMENT IN THEIR RESPECTIVE VILLAGES.

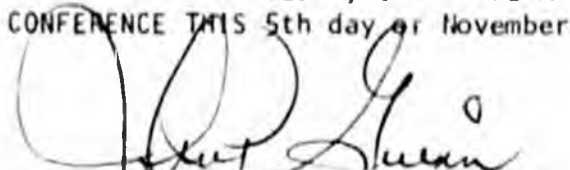
WHEREAS, the majority of the Yukon-Kuskokwim villages do not have adequate fire protection equipment; and

WHEREAS, with the addition of new housing and school construction in the villages, the need of adequate fire equipment has become a major concern; and

WHEREAS, the need exists to adequately assess and equip villages with fire-fighting equipment,

BE IT RESOLVED BY THE YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE: To petition the Alaska State Legislature to assess village needs for fire protection equipment and appropriate funds to meet those needs.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE THIS 5th day of November, 1982.


John Guinn - President


Recording Secretary

cc: State Fire Marshall

William R. Nix
Commissioner
Department of Public Safety

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

RESOLUTION NO. 82-04

A RESOLUTION ADDRESSING THE NEED FOR LOCAL INPUT FOR CAPITAL PROJECTS IN THE YUKON-KUSKOKWIM DELTA VILLAGES.

WHEREAS, elected bodies or their designees are charged with the responsibility of maintaining local public facilities; and

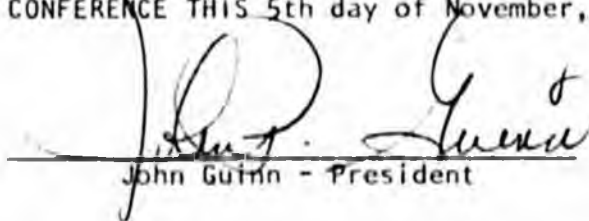
WHEREAS, local governing bodies and their constituents bear the long term impact of public facility projects; and

WHEREAS, here to fore State agencies have not sought local input in planning projects and have often ignored local participation in the planning process; and

WHEREAS, all State contracts have a "hold harmless" clause absolving the State from future complications resulting from these projects,

BE IT RESOLVED BY THE YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE: To Request the State to adopt a policy which direct all departments to consider and implement local input in designing and constructing all public facilities.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE THIS 5th day of November, 1982.


John Guinn - President


Recording Secretary

cc: Robert W. Ward, Commissioner
Department of Transportation and Public Facilities

Lisa Rudd, Commissioner
Department of Administration

Ernst Mueller, Commissioner
Department of Environmental Conservation

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

RESOLUTION NO. 82-05

A RESOLUTION BY THE MAYORS OF THE YUKON-KUSKOKWIM DELTA PETITIONING THE STATE OF ALASKA TO ADOPT A POLICY OF INCLUDING A COST OF LIVING/COST OF CONSTRUCTION DIFFERENTIAL FACTOR IN FORMULATING ALL STATE GRANT-IN-AID PROGRAMS TO MUNICIPALITIES.

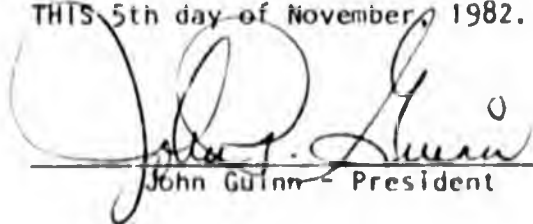
WHEREAS, Cost of living factors vary widely throughout the State of Alaska; and

WHEREAS, these factors increase the cost to municipalities of providing services to their residents; and

WHEREAS, the impact of State programs providing aid and relief to municipalities is seriously eroded thereby,

BE IT RESOLVED BY THE YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE: That the State of Alaska adopt a policy of including cost of living/cost of construction differential factors in formulating all State Grant-in-Aid programs to municipalities.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE
THIS 5th day of November, 1982.



John Guinn - President



Recording Secretary

cc: Representative Al Adams, Chairman
House Finance Committee

Ron Lehr, Director
Division of Management and Budget

Robert W. W. Commissioner
Department of Transportation & Public Facilities

Thomas K. Williams, Commissioner
Department of Revenue

Lisa Rudd, Commissioner
Department of Administration

James Souby, Director
Division of Policy Development and Planning

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

RESOLUTION NO. 82-06

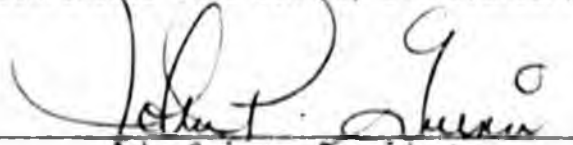
A RESOLUTION ADDRESSING THE LACK OF ADEQUATE WATER TREATMENT, SOLID AND HUMAN WASTE DISPOSAL FACILITIES IN RURAL ALASKAN COMMUNITIES.

WHEREAS, the majority of rural Alaskan communities have inadequate water treatment, solid and human waste disposal facilities; and

WHEREAS, this situation creates an undesirable and dangerous health hazard for these communities,

BE IT RESOLVED BY THE YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE: To petition the Department of Environmental Conservation to undertake to adequately assess the needs of our communities for waste disposal facilities and to promote appropriation of funds to meet those needs.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE THIS 5th day of November, 1982.



John Guinn - President



Colleen Hickman
Recording Secretary

cc: Lisa Rudd
Commissioner
Department of Administration

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

RESOLUTION NO. 82-07

A RESOLUTION EXPRESSING THE GRATITUDE OF THE MEMBER CITIES OF THE YUKON-KUSKOKWIM DELTA MAYORS CONFERENCE TO THE CITY OF BETHEL FOR THE WARMTH AND HOSPITALITY EXTENDED AND RESOURCES EXPENDED IN MAKING OUR CONVENTION A SUCCESS.

WHEREAS, the City of Bethel has contributed much time, effort, and personal service in support of this convention and in helping create our new organization,

BE IT HEA. 'LY RESOLVED BY THE YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE:
To express gratitude to the City of Bethel for the warmth and hospitality extended and resources expended in making our convention a success.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE THIS 5th day of November 1982.



John Guinn - President



Recording Secretary

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

RESOLUTION NO. 82-08

A RESOLUTION PROPOSING THAT THE THIRTEENTH ALASKA LEGISLATURE ENACT LEGISLATION WHICH WOULD REQUIRE ALL PRIVATELY OWNED PUBLIC UTILITIES TO PARTICIPATE IN THE STATE'S POWER PRODUCTION COST ASSISTANCE PROGRAM.

WHEREAS, the State of Alaska, out of concern over high power costs to its residents, has enacted a Power Production Cost Assistance Program; and

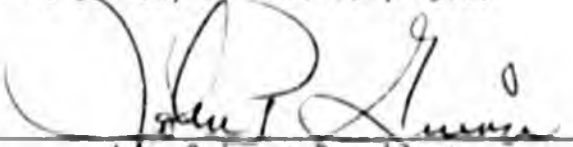
WHEREAS, this program subsidizes power production costs, thus reducing consumer costs; and

WHEREAS, privately held public utilities in rural areas of State constitute de facto publicly utility monopolies; and

WHEREAS, many such utilities have not elected to participate in this program for the benefit of their customers,

BE IT RESOLVED BY THE YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE: That the Thirteenth Alaska Legislature legislate mandatory participation in said program by privately held public utilities.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE
THIS 5th day of November, 1982.


John Guinn - President


Recording Secretary

cc: Alaska Public Utilities Commission
Carolyn Guess, Chairman

James Souby, Director
Division of Policy Development and Planning

William Beardsley, Director
Division of Energy and Power Development

Senator Betty Fahrenkamp, Chairman
Senate Resources Committee

Representative Eric G. Sutcliffe &
Representative Kenneth Fanning
Co-Chairmen
House Resources Committee

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

RESOLUTION NO. 82-09

A RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION AND THE LEGISLATURE ADDRESS THE LACK OF ADEQUATE VOCATIONAL EDUCATION FACILITIES WITHIN THE REAA'S AND INDEPENDENT RURAL SCHOOL DISTRICTS OF THE STATE.

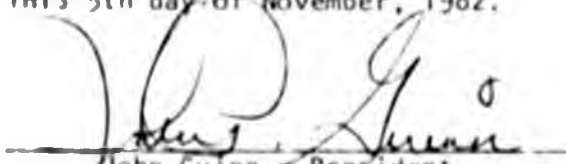
WHEREAS, the Mayor's Conference represents the people and municipalities of the Yukon-Kuskokwim delta region; and

WHEREAS, this conference recognizes the need for job training and employment; and

WHEREAS, adequate vocational training facilities are lacking in our areas,

BE IT RESOLVED BY THE YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE: To urge the Department of Education, in their Effective School Practices Program, to support establishment of regional vocational education centers within each REAA and independent school area.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE THIS 5th day of November, 1982.


John Guinn - President


Recording Secretary

cc: Marshall Lind
Commissioner
Department of Education

Carl Peterson
Superintendent of Schools
Lower Kuskokwim School District

Superintendent of Schools
Kuspik School District

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

RESOLUTION NO. 82-10

A RESOLUTION REQUESTING THE LEGISLATURE TO CONTINUE FUNDING THE WATER AND SEWER REMOTE MAINTENANCE POSITION FOR THE LOWER YUKON AND URGING THE STATE TO EXAMINE THE POSSIBILITY OF EXPANDING THE PROGRAM TO SERVE OTHER AREAS OF THE STATE.

WHEREAS, the State of Alaska, through the Department of Environmental Conservation has funded a remote worker position in St. Mary's to provide assistance to the communities of the Lower Yukon River in maintaining water and sewer systems; and

WHEREAS, maintenance of expensive water and sewer systems in rural Alaska is likely to be a continuing need; and

WHEREAS, the remote maintenance worker position was established to demonstrate a possible approach to the problem by providing a skilled maintenance person in a central location who can provide training to local operators and assistance in troubleshooting system problems; and


WHEREAS, the project has only been operative since April 1982; and

WHEREAS, a preliminary assessment of the project indicates that the remote maintenance worker approach has succeeded to date; and

WHEREAS, there are other water and sewer projects in the delta and other rural areas,

BE IT RESOLVED BY THE YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE: To urge the State of Alaska to continue funding and expansion of the Remote Maintenance Worker position for the communities of the Lower Yukon through December of 1984, and to examine the possibility of expanding the program to serve other areas of the state.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE THIS 5th day of November, 1982.


John Guinn - President


Recording Secretary

cc: Greg Capito
Village Safe Water Program

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

RESOLUTION NO. 82-11

A RESOLUTION BY THE MAYORS OF THE YUKON-KUSKOKWIM DELTA NOMINATING AND SUPPORTING JOHN BINKLEY, A BETHEL CITY COUNCILMEMBER, TO THE ALASKA MUNICIPAL LEAGUES, BOARD OF DIRECTORS.

WHEREAS, the Yukon-Kuskokwim Delta's Mayors Conference meets annually to discuss the concerns faced by local government; and

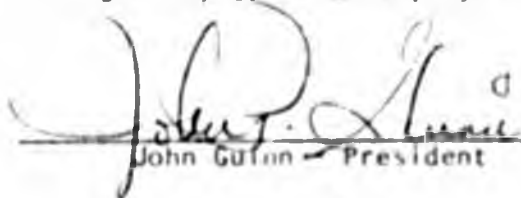
WHEREAS, the Conference provides the opportunity to discuss the Leagues Policy Statement and supports the League in its effects on the behalf of local government; and

WHEREAS, John Binkley, a member of the Bethel City Council, has expressed interest in serving on the AML Board of Directors; and

WHEREAS, this body recognizes the need for Representation on the AML Board and encourages the nominations committee to appointing John Binkley to the AML Board.

BE IT RESOLVED BY THE YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE: To support John Binkley as a member of the AML Board of Directors.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE THIS 5th day of November, 1982.


John Gufin - President


E. Colleen Wickman
Recording Secretary

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

RESOLUTION NO. 82-12

A RESOLUTION REQUESTING THE LEGISLATURE TO CONSIDER AMENDING THE STATE ALCOHOL LOCAL OPTION LAWS IN ORDER TO ALLOW MUNICIPALITIES MORE FLEXIBILITY IN DEALING WITH THEIR LOCAL ALCOHOL PROBLEMS.

WHEREAS, allowing local communities maximum flexibility in dealing with alcohol related problems within municipal boundaries is in the best interests of community residents, and

WHEREAS, reflecting those feelings, some Municipal Councils have enacted ordinances which have selectively prohibited the importation of certain types of liquor or regulate the amount of liquor which may be imported into a village at any one time or during any time period, and

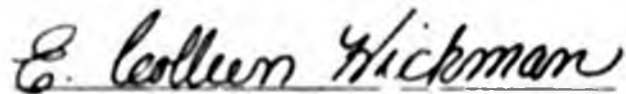
WHEREAS, the State has taken the position that such ordinances are not an acceptable option and cannot be recognized under state law, and

WHEREAS, the more flexible options mentioned herein have been tried and found to be workable in other areas outside of Alaska,

BE IT RESOLVED BY THE YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE: That the State Legislature consider amending the State Alcohol Local Option Laws to allow municipalities greater flexibility in dealing with their local alcohol related problems.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE
THIS 5th day of November, 1982


John Guinn - President


Recording Secretary

cc: Senator Bill Rav

Carole Baer,
Alaska Legal Services

Norman Gorsuch
Attorney General
Department of Law

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

RESOLUTION NO. 82-13

A RESOLUTION REQUESTING THE 1983 ALASKA STATE LEGISLATURE TO PASS THE NECESSARY LEGISLATION TO ALLOW MUNICIPALITIES TO FORCE ACCOUNT CAPITAL PROJECTS AND NOT BE OBLIGATED TO PAY "LITTLE DAVIS-BACON" WAGES.


WHEREAS, municipalities have the local expertise in their own citizenry to construct and complete most public works projects; and

WHEREAS, municipalities are now receiving funding to construct roads and cities are executing these projects successfully through planning and force accounting; and

WHEREAS, the Little Davis-Bacon Act wages are prohibitive as far as local hire and successful project completion,

BE IT RESOLVED BY THE YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE: To support legislation that would allow municipalities to force account local projects using local wage scales as a standard, which allows much needed employment for the local citizenry, rather than using Little Davis-Bacon Act wages which drastically depress local hire.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE THIS 5th day of November, 1982.


John Guinn - President


Recording Secretary

cc: Greg Capito
Village Safe Water Program

Robert W. Ward, Commissioner
Department of Transportation &
Public Facilities

Norman Gorsuch
Attorney General
Department of Law

James Souby, Director
Division of Policy Development and Planning

Representative Al Adams, Chairman
House Finance Committee

Lisa Rudd, Commissioner
Department of Administration

Ron Lehr, Director
Division of Management and Budget

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

RESOLUTION NO. 82-14

A RESOLUTION REQUESTING THE LEGISLATURE TO RE-APPROPRIATE AND ACCELERATE THE FUNDING OF RUNWAY IMPROVEMENTS FOR RURAL AIRPORTS.

WHEREAS, the runway improvement at rural airport is a need which is essential for purposes of public transportation, freight delivery, public safety and medical service; and

WHEREAS, many villages which have long been in need of runway lighting, and funding for which was vetoed by the Governor's office during the last legislative session,

BE IT RESOLVED BY THE YUKON KUSKOKWIM DELTA MAYOR'S CONFERENCE: To request the Legislature to fund the improvement and installation of runway lighting for airports in rural communities.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE THIS 5th day of November, 1982.


John Guinn - President


Recording Secretary

cc: Robert W. Ward, Commissioner
Department of Transportation and Public Facilities

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

RESOLUTION NO. 82-15

A RESOLUTION SUPPORTING THE STATE DEPARTMENT OF HEALTH AND SOCIAL SERVICES IN THEIR EFFORT TO EXPEDITE A REGIONAL CORRECTIONAL FACILITY IN THE YUKON-KUSKOKWIM DELTA.

WHEREAS, a correctional facility is needed to adequately house criminals within the region; and

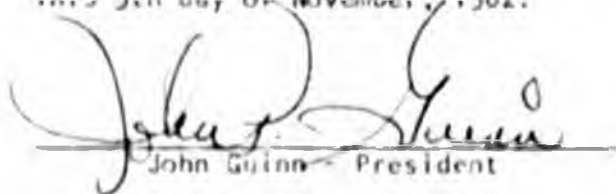
WHEREAS, the Alaska Legislature is planning to impose strong legislation to impose stricter penalties on criminal offenders; and

WHEREAS, the State funding levels will definitely decrease in the coming years with the passage of the State limit on spending; and

WHEREAS, criminal offenders keep repeating offenses and are a nuisance to the communities,

BE IT THEREFORE RESOLVED BY THE YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE: To support the State Division of Social Services in expediting an in state regional correctional facility.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE THIS 5th day of November, 1982.


John Guinn - President


E. Colleen Hickman
Recording Secretary

cc: William R. Nix, Commissioner
Department of Public Safety

Robert W. Ward, Commissioner
Department of Transportation and Public Facilities

Helen Beirne, Commissioner
Department of Health and Social Services

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

RESOLUTION NO. 82-16

A RESOLUTION REQUESTING THE ALASKA STATE LEGISLATURE AND THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS AND/OR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES TO ESTABLISH AN ONGOING AND EFFECTIVE EROSION CONTROL PROGRAM.

WHEREAS, River bank erosion is a major problem which affects many river communities; and

WHEREAS, this problem affects the welfare, community development, and future land use of the residents of these communities; and

WHEREAS, existing programs to address this problem are not effective; and

WHEREAS, many of the affected communities lack planning capabilities to effectively determine the procedure and amounts required to abate this problem; and

WHEREAS, such capability and assistance could be established within the Department of Community and Regional Affairs and/or the Department of Transportation and Public Facilities to provide technical assistance and grants to local governments to begin to address this problem,

BE IT THEREFORE RESOLVED BY THE YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE: To request the 1983 State Legislature to establish an effective erosion control program within the Department of Community and Regional Affairs and/or the Department of Transportation and Public Facilities to provide technical assistance and funding grants to local governments so that this problem of ongoing erosion in river communities can be effectively addressed.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE
THIS 5th day of November, 1982.


John Guinn - President


Recording Secretary

cc: James Souby, Director
Division of Policy Development & Planning

Robert W. Ward, Commissioner
Department of Transportation and Public Facilities

Lee McAnerney, Commissioner
Department of Community and Regional Affairs

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

RESOLUTION NO. 82-17

A RESOLUTION BY THE YUKON-KUSKOKWIM DELTA MAYORS CONFERENCE REQUESTING THE STATE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO PROVIDE TRAINING AND AN INCENTIVE PAY INCREASE FOR ITS FEE AGENTS.

WHEREAS, the Yukon-Kuskokwim Delta Conference of Mayors have addressed and identified a social of its respective communities; and


WHEREAS, Fee Agents are the only available agents of the State of Alaska, Division of Social Services in the villages; and

WHEREAS, the means of getting access to State Division of Social Services are often not understood by the residents of the State; and

WHEREAS, the salaries are too low to attract energetic and qualified people to fill Fee Agent positions in the communities.

BE IT THEREFORE RESOLVED BY THE YUKON-KUSKOKWIM DELTA MAYORS CONFERENCE: To request the State of Alaska, Division of Social Services to allocate funding in their yearly budget to provide training and to increase the salaries of its agents.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE THIS 5th day of November, 1982.


John Guinn - President


Recording Secretary

cc: Dr. Helen Belrne
Commissioner
Department of Health and Social Services

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

RESOLUTION NO. 82-18

A RESOLUTION REQUESTING THE BOARD OF REGENTS TO RECOGNIZE THE NEED FOR DORMITORY HOUSING FOR THE KUSKOKWIM COMMUNITY COLLEGE.

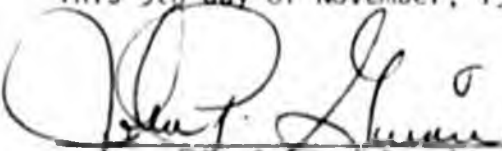
WHEREAS, the Yukon-Kuskokwim Delta Conference of Mayors represents the municipalities of the Yukon-Kuskokwim region; and

WHEREAS, lack of housing for area students in Bethel is literally prohibiting many of our students from taking advantage of higher education opportunities; and

WHEREAS, the Board of Regents has recognized the right of all citizens in all parts of the State to higher education,

BE IT THEREFORE RESOLVED BY THE YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE: To urge the Board of Regents to support the prompt establishment of a dormitory facility for the Kuskokwim Community College.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE
THIS 5th day of November, 1982.


John Quinn - President


Recording Secretary

cc: Mr. Jeffrey Cook
President
University of Alaska
Board of Regents

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

RESOLUTION NO. 82-19

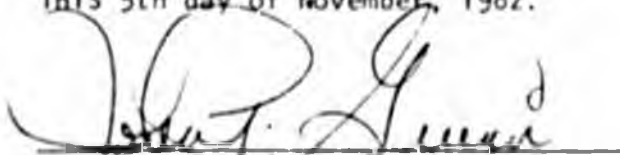
A RESOLUTION RESOLVING THAT THE YUKON-KUSKOKWIM DELTA CONFERENCE OF MAYORS AS
A BODY, JOIN THE MUNICIPAL LEAGUE AS AN ASSOCIATE MEMBER.

WHEREAS, the Yukon-Kuskokwim Delta Mayor's Conference is a representative or-
ganization made up of the elected Mayors of the region; and

WHEREAS, the Conference annually passes a package of resolutions for presenta-
tion at the Alaska Municipal League Conference,

BE IT THEREFORE RESOLVED BY THE YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE: To
join the Alaska Municipal League as an associate member.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE
THIS 5th day of November, 1982.


John Guish - President


Recording Secretary

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

RESOLUTION NO. 82-20

A RESOLUTION REQUESTING THE ALASKA STATE LEGISLATURE AND THE ALASKA COURT SYSTEM TO PROVIDE FOR THE TIMELY PRESENCE OF MAGISTRATES IN ALL MUNICIPALITIES OF THE STATE.

WHEREAS, timely law enforcement and expeditious legal decision making are lacking in the Yukon-Kuskokwim area; and

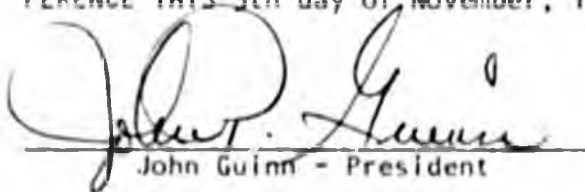
WHEREAS, the violation of Local Option Laws continues to be a problem; and

WHEREAS, the Bethel Court System and State Troopers cannot provide timely service; and

WHEREAS, the lack of Magistrates is causing unjust delays which is contrary to community well being,

BE IT RESOLVED BY THE YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE: To request that the Legislature and Court System increase the number of Magistrates in the Yukon-Kuskokwim area.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE THIS 5th day of November, 1982.


John Guinn - President


Recording Secretary

cc: Arthur H. Snowden II
Administrative Director
Alaska Court System

Susan Miller
Coordinator
Magistrate System

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

RESOLUTION NO. 82-21

A RESOLUTION REQUESTING THE ADF&G MANAGEMENT DIVISION TO ATTEMPT LOCAL HIRE OF SEASONAL FIELD TECHNICIANS FOR RESEARCH PROJECTS BEFORE HIRING OUTSIDE WORKERS.

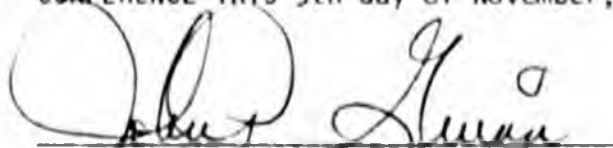
WHEREAS, the Fish and Game Management hires the seasonal positions in summer, which requires knowledge and skills in camping, supplies and equipment; and

WHEREAS, the required skills are ability to operate outboard motors, chain-saws, and other necessary equipment suitable for day to day camping; and

WHEREAS, the Native people of the Yukon-Kuskokwim Delta are experts, despite their lack of education in meeting these requirements.

BE IT RESOLVED BY THE YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE: To request ADF&G Management Division to consider local hire before bringing in field technicians from outside areas for seasonal hire of field technicians for research projects.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE THIS 5th day of November, 1982.


John Guinn - President


Recording Secretary

cc: Ronald O. Skoog
Commissioner
Department of Fish and Game

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

RESOLUTION NO. 82-22

A RESOLUTION REQUESTING THE ALASKA STATE LEGISLATURE TO AMEND TITLE 29 TO GRANT MUNICIPALITIES THE AUTHORITY TO IMPOSE MUNICIPAL INCOME TAXES IF THEIR RESIDENTS SO DESIRE.

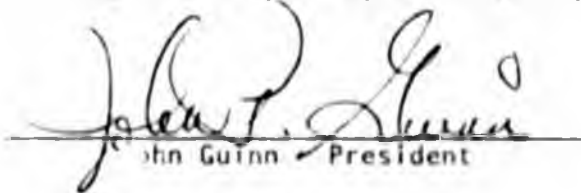
WHEREAS, land ownership patterns in many Alaskan cities make property taxes a de facto class tax; and

WHEREAS, sales taxes, currently available as sources of revenue to municipalities are a seriously regressive form of taxation; and

WHEREAS, Alaskan municipalities are in need of more flexible means of generating local revenues,

BE IT THEREFORE RESOLVED BY THE YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE: To request the Alaska State Legislature to amend Title 29 to grant municipalities the authority to impose municipal income taxes if their residents so desire.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE THIS 5th day of November, 1982.


John Guinn, President


Recording Secretary

cc: Thomas K. Williams
Commissioner
Department of Revenue

Representative Al Adams
Chairman
House Finance Committee

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

RESOLUTION NO. 82-23

A RESOLUTION REQUESTING THE STATE OF ALASKA TO PROVIDE FUNDING FOR THE CONSTRUCTION OF PEDESTRIAN BOARDWALKS, TRAILS, AND WALKWAYS ALONG PUBLIC THOROUGHFARES.


WHEREAS, walking is a traditional form of transportation; and

WHEREAS, conventional public transportation networks often impede pedestrian traffic in ways which endanger pedestrians; and

WHEREAS, in many municipalities in the State foot traffic is the most practical and economical mode of transportation,

BE IT THEREFORE RESOLVED BY THE YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE: To request the State to provide funding for construction pedestrian boardwalks, trails and walkways along public thoroughfares.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE THIS 5th day of November, 1982.


John Guinn - President


Recording Secretary

cc: Robert W. Ward
Commissioner
Department of Transportation and Public Facilities

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

RESOLUTION NO. 82-24

A RESOLUTION REQUESTING THE ALASKA STATE LEGISLATURE TO DIRECT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO CONSIDER ROLLING STOCK SUCH AS HONEYBUCKET TRUCKS AND WATER TRUCKS AS LEGITIMATE CAPITAL COSTS AND AS SUCH BE ELIGIBLE IN GRANT PROGRAMS OF THE DEPARTMENT.

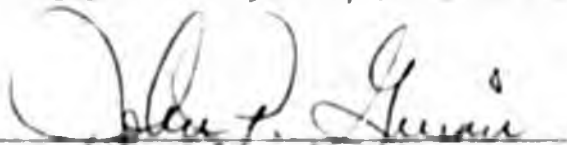
WHEREAS, the Department of Environmental Conservation has taken the position that rolling stock is not eligible for grants under A.S. 46.03.010-720; and

WHEREAS, the Grant program was implemented to address the expanding needs of communities winter and summer needs; and

WHEREAS, in many communities in the State of Alaska the primary means of water delivery and sewer evacuations is with the use of delivery and pickup vehicles.

BE IT THEREFORE RESOLVED BY THE YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE: That the Alaska Legislature adopt legislation to allow the Department of Environmental Conservation grant program to accept rolling stock as grant eligible under A.S. 46.01.010-720.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE THIS 5th day of November 1982.


John Guinn - President


Recording Secretary

cc: Representative A. Adams
Chairman
House Finance Committee

Ernst Mueller
Commissioner
Department of Environmental Conservation

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

RESOLUTION NO. 82-25

A RESOLUTION IN SUPPORT OF INCREASED RESEARCH IN LOWER YUKON FISHERIES.

WHEREAS, the Mayor's Conference represents the municipalities of the Yukon-Kuskokwim Delta region; and

WHEREAS, this Conference is convened to address the issues of health and welfare in the delta region; and

WHEREAS, the nutritional and economic interests of the villages in this region are highly dependent upon the salmon fishery; and

WHEREAS, this fishery faces increasing pressures due to growing population, rising efficiency among fishermen, commercial permits coming into more active use, and increased pressure from habitat disruption; and

WHEREAS, the Yukon fishery faces particular pressure due to Canadian claims to a large segment of that fishery; and

WHEREAS, the Lower Yukon/Kuskokwim Aquaculture Association, a private non-profit organization created to work for the future of this fishery, is seeking to obtain state funding to conduct and foster research on the Yukon and Kuskokwim salmon stocks; and

WHEREAS, there is an acute need to study these stocks for the purposes of future management and enhancement,

BE IT RESOLVED BY THE YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE: To support the Lower Yukon/Kuskokwim Aquaculture Association's efforts to obtain funding to conduct and foster research on the Yukon and Kuskokwim salmon stocks.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE THIS 5th day of November, 1982.


John Gurnn - President


Recording Secretary

cc: Ronald O. Skoug,
Commissioner,
Department of Fish and Game

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

RESOLUTION NO. 82-26


A RESOLUTION REQUESTING THE ESTABLISHMENT OF COMPETENCY BASED TESTING FOR ALL HIGH SCHOOL STUDENTS, THE RESULTS OF WHICH WILL BE RECORDED WITH THE HIGH SCHOOL DIPLOMA.

WHEREAS, the nature of public education assures virtually all students a high school diploma; and

WHEREAS, a high school diploma does not assure potential employers or post high school institution of a student's competencies in itself.

BE IT RESOLVED BY THE YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE: To urge the Department of Education to enact requirements for competency based testing for all high school freshmen and seniors.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE THIS 5th day of November, 1982.


John Guinn - President


E. Colleen Hickman
Recording Secretary

cc: Marshall Lind
Commissioner
Department of Education

Carl Peterson
Superintendent of Schools
Lower Kuskokwim School District

Superintendent of Schools
Kuspik School District

A RESOLUTION BY THE 3RD ANNUAL
YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE

Bethel, Alaska
November 3, 4, 5, 1982

RESOLUTION NO. 82-27

A RESOLUTION DIRECTING THE ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS TO PURSUE FUNDING FOR EXPANDED POST-HIGH SCHOOL EDUCATION.

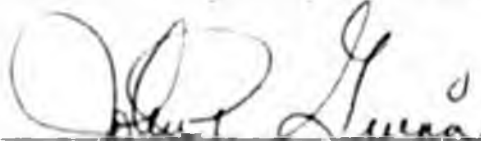
WHEREAS, there are increased needs for post high school graduates in the Yukon-Kuskokwim Delta region; and

WHEREAS, the Yukon-Kuskokwim region communities need more and more professionally trained personnel to meet the required positions to provide local government programs; and

WHEREAS, in any case when the communities need professionally trained personnel such as accountants, legal counsels, health providers, managers, administrators, etc. the communities are forced to hire out of State personnel to fill these positions.

BE IT RESOLVED BY THE YUKON KUSKOKWIM DELTA MAYOR'S CONFERENCE: To request that the Association of Village Council Presidents, the Kuskokwim Community College and other interested agencies pursue funding for expanded post-high school education to serve future professional needs of the Yukon-Kuskokwim Delta.

PASSED and APPROVED by the Third Annual YUKON-KUSKOKWIM DELTA MAYOR'S CONFERENCE THIS 5th day of November, 1982.



John Guinn - President



Recording Secretary

cc: Marshall Lind
Commissioner
Department of Education

Carl Peterson
Superintendent of Schools
Lower Kuskokwim School District

Superintendent of Schools
Kuspik School District