

ALABAMA HOUSE OF REPRESENTATIVES

2185

HCRA

HB 461

-

HB 590

2185

## Analysis for HB 461

HB 461 proposes three changes to AS 43.20.016, the statute which establishes the Municipal Assistance Fund and provides for distributions from that fund to qualifying cities and boroughs:

- 1) Reference to "revenues received under AS 43.21" is removed. Since AS 43.21 has been repealed, this would appear to be a house-cleaning amendment only, and in no way affects future appropriations, since the Legislature is free to appropriate any amount.
- 2) The change on line 18 and 19 is a technical wording change only, and does not affect the program.
- 3) The most significant change is to the date(s) of distribution. HB 461 provides for all distribution to be done on February 1 each year. This change will have no administrative effect on the Department of Revenue. Currently the total effort is roughly several days, and most of that takes place just before the February 1 distribution.

The estimates reflect the loss of General Fund interest earnings which the state would forego to municipalities if the municipal assistance distribution of June 1 was changed to February 1. The estimates were computed using the following assumptions: a 9 percent annual interest rate was applied, the full 30 percent was appropriated per formula, and population figures were held constant.



# City and Borough of Sitka

P.O. BOX 79 · SITKA, ALASKA · 99835

September 29, 1983

Department of Community  
& Regional Affairs  
Local Government Construction Division  
Pouch BH  
Juneau, Alaska 99811

Dear Sirs:

Enclosed is our Resolution No. 83-239 requesting municipal assistance funding.

I appreciate this funding, but must again mention my objection to the discriminating law that allows some governments to receive this funding four months earlier than other governments simply because of varying fiscal years start dates. Makes no sense.

Sincerely yours,

Richard Anderson  
Finance Director

Enclosure

cc: ✓ Ben F. Grussendorf  
Richard I. Eliason

C I T Y   A N D   B O R O U G H   O F   S I T K A

RESOLUTION NO. 83-239

A. RESOLUTION OF THE ASSEMBLY OF THE CITY  
AND BOROUGH OF SITKA REQUESTING MUNICIPAL  
ASSISTANCE FUNDING FROM THE STATE OF  
ALASKA

WHEREAS, A.S. 43.20.016(a) requires the governing body  
of a municipality to approve a resolution requesting municipal  
assistance funding; and

WHEREAS, this resolution must be submitted to the  
Department of Revenue or the Department of Community and  
Regional Affairs; and

WHEREAS, the City and Borough of Sitka has a fiscal  
year beginning July 1 and ending on June 30; and

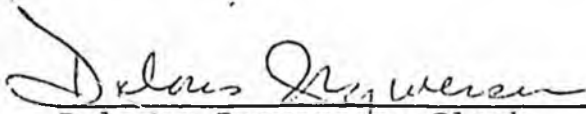
WHEREAS, the City and Borough of Sitka is desirous of  
receiving municipal assistance funding;

NOW, THEREFORE, BE IT RESOLVED that the Assembly of the  
City and Borough of Sitka by this resolution hereby requests  
distribution of funding from the municipal assistance fund to  
the City and Borough of Sitka by the Department of Revenue  
on the date required by law.

PASSED, APPROVED, AND ADOPTED by the Assembly of the  
City and Borough of Sitka, Alaska on this 27<sup>th</sup> day of  
SEPTEMBER, 1983.

  
John E. Dapcevich Mayor

A T T E S T:

  
Dolores Ingwersen, Clerk



TELEPHONES  
(907) 586-1325  
(907) 586-6526

105 MUNICIPAL WAY, SUITE 301  
JUNEAU, ALASKA 99801

#### 1984 POLICY STATEMENT

The Alaska Municipal League is a voluntary, non-profit nonpartisan organization whose member cities, boroughs, and unified municipalities represent approximately 95% of Alaska's population. The League provides a forum through which local government officials may assist each other in the solution of municipal problems and may express their common concerns to state and federal officials. A major objective of the League is to advance the interests and well-being of the people residing within the state by promoting the betterment of every aspect of local government in Alaska.

This 1984 municipal statement was adopted November 5, 1983 by the delegates attending the Alaska Municipal League 33rd Annual Local Government Conference in Juneau. It represents the collective philosophy, goals, responsibilities, and ideals of Alaska's local government officials. Items included in the statement have been reviewed and debated for several months by municipal officials who are concerned on a day-to-day basis with the many complex problems facing local governments in Alaska. The statement is a guide to the priority concerns of AML member municipalities.



GINNY CHITWOOD  
EXECUTIVE DIRECTOR

105 MUNICIPAL WAY, SUITE 301  
JUNEAU, ALASKA 99801

(907) 586-1325

school foundation, and school construction programs and that the legislature begin setting aside funds in FY85 so that the program may be fully implemented at the earliest possible date.

6. Criteria Based Budgeting: The League supports criteria based budgeting systems and encourages the administration to notify the public and local governments of the proposed criteria and to consistently follow this system once finalized through executive, legislative, and local government cooperation.

### C. MUNICIPAL ASSISTANCE/REVENUE SHARING PROGRAMS

1. Consolidation of Municipal Assistance and State Revenue Sharing Programs: The League endorses the consolidation of the current Municipal Assistance and State Revenue Sharing Programs together with the funding of the consolidated program at a level of at least 8% of the prior year's state operating budget so that municipalities can continue to provide important, needed services while holding down taxes.

2. State Revenue Sharing: (a) If the Legislature does not consolidate the current State Revenue Sharing and Municipal Assistance programs, the League supports annual increases in the State Revenue Sharing Program. The annual appropriation by the Legislature to the State Revenue Sharing Program should include an increase of the FY 84 legislative appropriation based on such criteria as state population, inflation, cost of local government services, and other timely considerations.

(b) In those cases where legislation is approved increasing the state revenue sharing entitlement for specific recipients or for a specific purpose, the League advocates that the total funding for state revenue sharing be increased accordingly in order to preclude the dilution of funding to other recipients.

(c) The League supports an increase in the state revenue sharing minimum allocation to \$100,000 for each municipality and \$50,000 for each eligible unincorporated community.

(d) The League supports continued full state funding for road maintenance at levels determined by the First Session of the 11th State Legislature and adjusted annually to reflect increased cost of maintenance.

3. Municipal Assistance: (a) If the Legislature does not consolidate the current State Revenue Sharing and Municipal Assistance Programs, the League supports the funding of the FY 85 entitlement at the statutory level of at least 30% of the FY 84 corporate income tax proceeds.

(b) The League further endorses a change to the existing Municipal Assistance Program that would provide for the disbursement of municipal assistance funds to all municipalities on February 1 of each year.

4. FY 84 Supplemental Appropriation: The League supports the supplemental appropriation of \$9.4 million FY 84 Municipal Assistance revenues to fully fund the entitlement at the level authorized by state statutes. The

Presidential  
Party Primary  
Election  
(repeal of  
provisions)

HOUSE BILL NO. 459, by Reps. Ward and Martin. Would repeal the provisions of law that relate to the presidential party primary election: AS 15.13.011 (State Election Campaigns. Inapplicability to Presidential Primary), AS 15.25.220 - 15.-25.280 (Presidential Party Primary Election), and section 4, chapter 20, SLA 1980 which repeals the law creating the presidential primary on July 1, 1985. The bill also states that if this law becomes effective before March 13, 1984, the presidential party primary election scheduled for March 13, 1984 be cancelled and not be held in 1984. Provides Act takes effect immediately.

Introduced January 9 and referred to State Affairs, Finance.

Presidential  
Party Primary  
Election

HOUSE BILL NO. 460, by Rep. Lacher. See HB 459, above, identical.

Introduced January 9 and referred to State Affairs, Finance.

Revenue  
Sharing  
(fiscal/  
calendar  
year)

HOUSE BILL NO. 461, by Rep. Grussendorf. Amends AS 43.20.-016(a) (Sharing of Corporate Income Tax Revenue with Municipalities) by deleting reference to distribution based on fiscal or calendar years. Under this bill distribution of money from the fund would be made on February 1 of the state fiscal year for which the appropriation to the fund is made (currently cities or organized boroughs with a fiscal year beginning January 1 would receive money on February 1, and all other cities and organized boroughs receive funds on June 1 of the state fiscal year for which the appropriation to the fund is made). Provides Act takes effect July 1, 1984.

Introduced January 9 and referred to Community & Regional Affairs, Finance.

Dental  
Hygienists  
(temporary  
licenses)

HOUSE BILL NO. 462, by Rep. Grussendorf. Adds a new section to AS 08.32 (Dental Hygienists) allowing the Board of Dental Examiners to issue without examination a temporary license to a qualified applicant who is licensed to practice in another state. The temporary license would terminate at the time notice is given of the results of the applicant's exam. The hygienist practicing under a temporary license would be subject to all other provisions regulating hygienists. Time in active clinical dental hygiene practice under a temporary license could not be credited toward licensure by credentials. Does not provide for an effective date (becomes effective 90 days following Governor's signature).

Introduced January 9 and referred to Labor & Commerce, Health, Education & Social Services.

Appropriation  
(special)  
(Whittier  
prison)

HOUSE BILL NO. 463, by Reps. Furnace and Cowdery. Makes a special appropriation in the amount of \$25 million to the Department of Health & Social Services to construct a prison in Whittier. Provides appropriation is for a capital project and is subject to competitive bidding requirements. Provides Act takes effect immediately.

H

B

5

3

7



Public Employ.  
Retirement  
(earlier service credit)

HOUSE BILL NO. 254, by Rep. Koponen. Amends law governing credited service for employment with the state or territory prior to January 1, 1961. Current law (AS 39.35.360) provides that an employee who was employed before January 1, 1980 who completes three years of credited service with the state after January 1, 1961 for which the employee makes retroactive contributions is entitled to credited service (without making retroactive contributions) for service rendered (1) before January 1, 1961, as an employee of the state or former Territory of Alaska; (2) before January 1, 1961, as an employee of the U.S. government in Alaska, excluding military service; or (3) after January 1, 1961, as a peace officer, correctional officer, or fireman of a participating political subdivision of the state.

The bill would allow vested or retired members who are not eligible to receive credited service for employment prior to January 1, 1961 under (1) and (2) above, to receive credited service if they elect to do so within a specified time frame and make retroactive contributions. The contributions would be in the amount of 4-1/2% of the compensation earned during the employment for which credited service is claimed plus compound interest at a rate prescribed by regulation from the date of the earlier service to the date of making the retroactive contribution.

Provides Act effective July 1, 1983.

Introduced March 11 and referred to State Affairs and Finance.

Residential  
Property Tax  
Exemptions  
(municipal)

HOUSE BILL NO. 255, by Rep. Malone. Would repeal the \$10,000 limit on municipal tax exemptions for residential property contained in AS 29.53.025(a). That portion of the law authorizes municipalities to exclude or exempt or partially exempt residential property from taxation by ordinance ratified by the voters at a regular or special election. The bill repeals: "An exclusion or exemption authorized by this section may not exceed \$10,000 for any one residence." Does not provide for an effective date (becomes law 90 days after Governor's signature).

Introduced March 11 and referred to Community & Regional Affairs.

Salmon  
Spawning  
Streams  
(resource permits)

HOUSE BILL NO. 256, by Reps. Flood, Uehling and Grussendorf. Transfers from the Dept. of Health and Social Services to the Dept. of Environmental Conservation responsibility for issuing permits for natural resource development projects that could have a negative impact on salmon spawning streams and waters. (Amends AS 16.10.020.) Does not provide for an effective date (becomes law 90 days after Governor's signature).

Introduced March 11 and referred to Resources.

Health Ins.  
Policies  
(limitations & exclusions)

HOUSE BILL NO. 257, by Rep. Ward. Adds new section to AS 21.41 (The Insurance Contract) relating to limitations and exclusions in health insurance policies. New section reads: "An individual or group health insurance policy that provides coverage on an expense incurred basis or an individual or group service or indemnity type contract issued by a nonprofit

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

January 31, 1984

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

225 CORDOVA STREET - BLDG B  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 264-2294

### POSITION PAPER

RE: HB 537

SPONSOR: Representative Grussendorf

#### PROGRAM EFFECTS:

Allows municipalities to exempt by ordinance, Motor Vehicles from taxation.

#### COMMENTS:

Currently, municipalities' handling of motor vehicles assessment ranges from full exemption to full market assessment. This optional language would enable those communities which wish to exempt motor vehicles to do so and would not affect those jurisdictions where exemption is not desired and where various other taxing arrangements are currently employed. The Department has no objection to this bill.

Approved: Emil Notti  
Emil Notti, Commissioner

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: HB 537  
 Title: "Exempt motor vehicles from taxation"  
 Sponsor: Rep. Grussendorf  
 Requestor: House C&RA  
 Date of Request: 1-31-84

**FISCAL DETAIL**

Agency Affected: C&RA  
 Program Category Affected: \_\_\_\_\_  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
 State Assessor \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:**

**ANALYSIS:** Attach a separate page for analysis

Prepared By: Michael Worley Phone: 465-4730  
 Division: MRAD Date: 1-31-84

Approved by Commissioner: *Guil. Totter* Date: 2/1/84  
 Agency: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)



# City and Borough of Sitka

P.O. BOX 79 · SITKA, ALASKA · 99835

January 13, 1984

Senator Richard Eliason  
Alaska State Senate  
Pouch V M/S 3100  
Juneau, Alaska 99811

Rep. Ben Grussendorf  
Alaska House of Representatives  
Pouch V M/S 3100  
Juneau, Alaska 99811

Dear Dick and Ben:

The assembly has asked that I request you to work toward and support a change in Title 29, concerning municipal taxation of motor vehicles.

The taxation provisions of Title 29 are mandatory on all municipalities, including home rule domains like Sitka. Title 29 specifically lists the tax exemptions which we may grant. The problem is that the assembly wishes to exempt motor vehicles from the ad valorem tax, but is not allowed to under the statute.

Some municipalities such as Juneau, do not tax motor vehicles under a grandfather clause in the statute [A.S.29.53.025(d)]. This option is not open to Sitka.

Other municipalities let the state collect a local fee set by statute at the time of vehicle registration [A.S.28.10.431] however, the statutory fee is overall much higher than Sitka's ad valorem rate and the assembly does not wish to burden Sitkans with increased taxes.

With the statute requiring taxation of vehicles, Sitka is forced to comply; however, collection appears to be uneconomic. We have approximately 4,000 cars in Sitka and receive \$25,000 to \$35,000 in taxes on them annually. Most, if not all of that revenue is offset by the cost of collection and enforcement. A tax which did not produce any net revenue, but only paid the

Senator Richard Eliason & Rep. Ben Grussendorf  
TAXATION OF MOTOR VEHICLES  
January 13, 1984  
Page two

salary of the tax collector might be considered by some to be a significant comment on modern government. We just don't want that comment to be made about Sitka.

In the past we coupled tax collection with a vehicle safety inspection, but the safety inspection ordinance has been repealed leaving us with only the tax gathering function.

I would suggest that A.S. 29.53.025 be amended by adding a subsection (h) to read as follows, "municipalities may by ordinance classify and exempt or partially exempt from taxation motor vehicles".

Such an enactment would save Sitkans much time and effort if it could go into effect by January 1, 1985. Since we don't know what the fate of the proposed new Title 29 will be this year, perhaps you could not only try to get this idea into the new 29 draft, but simultaneously attempt to amend the existing statute.

The assembly would greatly appreciate your efforts and comments on this matter.

Sincerely,



Peter S. Hallgren  
Municipal Attorney

cc: Administrator  
Anderson

H

B

5

5

8



STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Page 1 of 2

Revision Date: 1/4/84

REQUEST  
Bill/Resolution No.: HB 558  
Title: Local Service Roads & Trails  
Sponsor: DOT&PF  
Requestor: Commissioner's Office  
Date of Request:

FISCAL DETAIL  
Agency Affected: DOT&PF  
Program Category Affected: Design & Construction  
BRU, Program or Subprogram(s) Affected: Capital Program

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

ANALYSIS: Attach a separate page for analysis

Prepared By: John J. Simpson *J. J. Simpson* Phone: 789-6261  
Division: Standards & Technical Services Div. Date: 1/4/84

Approved by Commissioner: *[Signature]* Date: 1/11/84  
Agency: DOT&PF

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

The proposed bill is strictly a housekeeping measure and has no fiscal impact on either the operating or capital budget. No additional positions are required.

The proposed bill revises A.S. 19.30 in two areas:

- 1) AS 19.30.127 and AS 19.30.131(a) are reworded to make allocation district boundaries coincide with DOT&PF's regional boundaries. This simplifies the allocation process of LSR&T monies.
- 2) AS 19.30.161 is reworded to require LSR&T projects constructed on a Federal-aid secondary route to be approved by the Commissioner of DOT&PF. This language change is needed to assure that Federal requirements for roadway width, design standards and right-of-way are met.



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 31, 1984

The Honorable Joe Hayes  
Speaker of the House  
Pouch V  
Juneau, Ak 99811

Dear Representative Hayes:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the local service roads and trails program. The bill makes minor amendments to existing statutes.

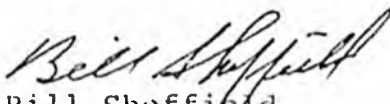
Section 1 repeals and reenacts AS 19.30.127. The current language establishes five allocation districts. The proposed language creates allocation districts by simply saying that they are identical to the Department of Transportation and Public Facilities' operating regions. When the local service roads and trails program was enacted in 1971 there were five highway districts within the Department of Highways. The allocation districts established in the statute coincided with those highway districts. Those allocation districts bear little relationship to the manner in which the state's highway program is administered today. There are currently three regional offices with headquarters in Anchorage, Fairbanks, and Juneau, respectively. This amendment will allow the program to be administered in a way that is consistent with the Department of Transportation and Public Facilities' current administrative structure. The amendment will enable the allocation districts to match any future changes in geographic organization of the department.

Additionally, sec. 1 of the bill provides a mechanism to address the problem of local governments which lie within two allocation districts. Subsection (b) of AS 19.30.127 will provide that the boundary between the allocation districts is to be adjusted to include the local government within the allocation district in which the largest portion of the local government's land is located.

Section 2 amends AS 19.30.131(a) by deleting the reference to five allocation districts. This amendment is necessary because of the new method of establishing the allocation districts found in sec. 1 of the bill.

Section 3 amends AS 19.30.161 by adding language requiring the prior approval of design standards, rights-of-way, and widths for projects which are constructed on a federal-aid secondary route, even though the project will be constructed by a local government that has assumed road powers. As a general proposition under the local service roads and trails program, if a local government has assumed road powers it is responsible for the maintenance of the facility after construction. Consequently, the state has little concern over the standards. In 1981, the nature of the program changed when AS 19.30.111 was amended to allow the use of program money on the federal-aid secondary highway system. These facilities can be quite complicated and the state is required to comply with various standards to continue to receive federal aid for the route. It is therefore appropriate that the commissioner of DOT/PF have a right of prior approval of design standards, rights-of-way, and width.

Sincerely,

  
Bill Sheffield  
Governor

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: CSHB 558  
Title: Local Services Roads  
and Trails

Sponsor: \_\_\_\_\_  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: DOTPF  
Program Category Affected: \_\_\_\_\_

Design & Construction  
BRU, Program or Subprogram(s) Affected: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Bette Cato Phone: 4858  
Division: House Transportation Committee Date: 3-27-84

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
Agency: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

The Committee Substitute for House Bill 558 has no fiscal impact on either the operating or capital budget. No additional positions are required.

The proposed Committee Substitute revisions are as follows:

1. AS 19.30.127 and AS 19.30.131(a) are reworded to make allocation district boundaries coincide with DOTPF's regional boundaries. This simplifies the allocation process of LSR&T monies. (As in HB 558)
2. AS 19.30.131(c) and AS 19.30.141 deletes first class cities from direct allocations. Per the Department, the need for this change is to provide first class cities with adequate funds to construct local service roads. Presently, the law treats allocations for most first class cities are not adequate to construct a local service road project. This change in the law allows funding of projects for first class cities through their respective borough or unorganized borough on a priority basis.
3. AS 19.30.161 is reworded (per the Department's request) to require LSR&T projects constructed on a Federal-aid secondary route to be approved by the Commissioner of DOTPF. This language change is needed to assure that Federal requirements for roadway width, design standards and right-of-way are met.
4. AS 19.30.241(3) adds language which includes second class cities to conform with the definition of municipality in AS 29.78.010(8). Per the Department, this change is necessary to enable any political subdivision of the State to construct and maintain a project under the provisions of this act.
5. AS 19.30.241(4) adds language to the definition of local service roads to include an average daily traffic count of fewer than 400 vehicles to target LSR&T monies for projects which the LSR&T program was originally intended to do.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 558 (TRANSPORTATION)

- Section 1. creates allocation districts by simply saying that they are identical to DOT's operating regions.
- provides mechanism to address the problem of local governments which lie within 2 allocation districts; includes the local government within allocation district in which largest portion of the local government's land is located.
- Section 2. deletes reference to FIVE allocations.
- Section 3. deletes first class cities from direct allocation. The need for this change is to provide first-class with adequate funds to construct local service roads. Presently, the law treats allocation of funds to first-class cities the same as home rule cities. Present allocations for most first class cities are not adequate to construct local service road project. This change in the law allows funding of projects for first class cities through their respective borough or unorganized borough on a priority basis.
- Section 4. deletes first class cities from direct allocation.
- Section 5. allows the use of program money on the federal-aid secondary highway system.
- Section 6. adds language to include second class cities to conform with the definition of municipality in AS 29.78.010(8). Necessary to enable political subdivision of the State to construct and maintain a project under the provisions of this act.
- adds language to the definition of local service roads to include an average daily traffic count of 400 vehicles in order to give alleviate the problem of LSR&T funds to be used on major urban roads.

H B  
5 6 2



COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

POSITION PAPER

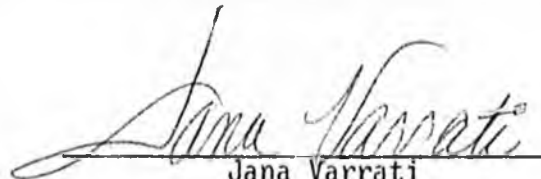
---

HB 562

"An Act relating to service of process in cases involving domestic violence."

The Council on Domestic Violence and Sexual Assault supports HB 562 "An Act relating to service of process in cases involving domestic violence."

The Council is concerned about the right of victims to be protected by a domestic violence restraining order as soon as possible. In communities that have police departments, local police officers are in the best position to respond quickly. If there are no peace officers in a municipality, this revision in the legislation enables the court to designate any other peace officer as the server. Thus state peace officers could concentrate on areas with no other police protection and respond in a more timely manner to their needs.



Jana Varrati  
Vice-Chair  
Council on Domestic Violence  
and Sexual Assault



# KENAI POLICE DEPT.

P.O. BOX 3173, KENAI, ALASKA 99611

TELEPHONE 283-7879

March 13, 1984

The Honorable Mike Miller  
Chairman, Community & Regional Affairs  
Alaska State Legislature  
Pouch V (MS 3100)  
Juneau, Alaska 99811

MAR 16 '84

Dear Representative,

Request that House Bill No. 562 be defeated. This is the bill relating to the service of domestic violence orders. This request is made for the following reasons:

- 1) At present all civil process is vested in the Commissioner of Public Safety. The Commissioner of Public Safety is the executive officer of all Alaskan Courts. This is a centralized system that has proven far more effective than in many states where this responsibility is dispersed among several agencies.
- 2) The Department of Public Safety presently has a judicial services section that performs the function of process service. This legislation would require that municipalities set up similar systems in order to carry out this function. This could result in a net increase in cost to the public.
- 3) As the subjects of these orders cross jurisdictional lines it would be necessary to transfer these orders from one agency to another. This builds in the possibility of error and time delays in service.

If lack of resources on the part of the Department of Public Safety is one of the primary reasons for this legislation, I would request that they be funded at a level sufficient to handle it. To change the present centralized system that has functioned well should only be done after careful consideration. It would seem ill-advised to do it on a piece meal manner.

Respectfully submitted,

Richard A. Ross  
Chief of Police  
Kenai Police Department  
107 South Willow Street  
Kenai, Alaska 99611

RAR/kdl



# Alaska State Legislature

## House of Representatives

### Committee on Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-3870

TO: House Community and Regional Affairs Committee  
FROM: House Community and Regional Affairs Committee  
DATE: 3/13/84  
SUBJ: HB562

As per the Chairman's instructions, staff contacted the Chief of Police of Anchorage, Fairbanks, Nome, Palmer, Valdez and Juneau.

At this time, Palmer and Fairbanks have sent the attached letters, one in support, the other with a no action recommendation.

Staff spoke to aide Ruth Rockwell of the Chief of Police Bob Kauer's staff in Nome. Ms. Rockwell stated that the Nome Police Department already aid the State Police in the serving of writs within Nome's perimeters. She felt no great impact would be felt and has no problem with this bill. She stated that it could clarify and ascertain jurisdiction within the city's boundaries and that in most cases, the local police would be more effective in getting the job done quickly and with a minimum of distress to the recipient as the local police were generally more familiar figures of authority than the state police.

Valdez Chief of Police Pat Shely's response to HB562 was that it was a good bill. For his size of community, he would prefer to have the control. He stated that generally his people were first on the scene, familiar with the people involved and the situation that had occurred. He felt the service of process gave his department a chance to follow up on the situation, to answer subject's questions concerning his rights, limitations and property and for the officer to offer to act as a mediator and arrange a convenient time for subject's personal articles to be removed from household.

Staff met with Chief of Police Joseph Ciraulo of Juneau. He offered to testify before the Committee if he was available at the time of the hearing. Staff is expecting him. However, he stated he believed that this bill would cost the city more money. Also, he believed that the state troopers has a special team and funding for this type of action. If bill was passed, he would use opportunity to gain another much needed staff position. He stated that already his department did step into help state police serve these writs. Also, it was up to the local department to enforce the writs. His personal feeling was that if

there was any way a civilian could handle this job, it would be better. The less a uniformed officer, whether they be state or city paid, was visible in these cases, the less likely the chance of more violence taking place.

Staff called the City of Anchorage; Chief of Police Brian Porter's office and Daniel Cowden with the Muni's Program Planning and Budget. Cowden said they would try to work out a probable fiscal note. The Chief's secretary said the Chief was in Juneau. Staff left messages at the meeting site and his hotel about the bill and asking for his position. No response has been forthcoming from either gentlemen. Staff did renotify Mr. Cowden and his statement was that he had notified the departments involved and they had not responded. This led him to believe that this bill was not a priority with the city.

All the above contacts said that they would send letters of back up but none have arrived so far except the two attached.

*City of Valdez*



POLICE DEPARTMENT  
March 6, 1984

Representative Mike Miller  
Alaska State Legislature  
Pouch V (MS 3100)  
Juneau, Alaska 99811

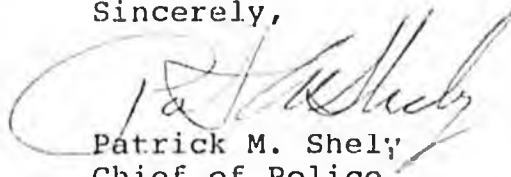
Re: House Bill No. 562  
An Act relating to service of process in cases involving  
domestic violence.

Dear Representative Miller:

I wish to express my support for this bill as I believe it would not only keep us informed of potential problems but also would allow us contact with the individuals in a non-arrest atmosphere. In this atmosphere an officer could offer services that could prevent future problems and officer risk. As an example, when papers are served there may be items in the residence such as clothes, tools, etc. that the person may need, but is restrained from getting. We could offer to stand by or to pick up the items for them. This process allows us to practice crime prevention which is preferable to being called to a crisis which does not allow us any alternatives and often is too late to prevent injury.

I believe this bill goes a long way in addressing domestic problems.

Sincerely,

  
Patrick M. Shely  
Chief of Police

PMS:jmc



# POLICE DEPARTMENT CITY OF FAIRBANKS

656 7TH AVENUE  
FAIRBANKS, ALASKA 99701

907-452-1527



**MATTHEW K. KIERNAN**  
CHIEF OF POLICE

March 2, 1984

Rep. Mike Miller  
House Community & Regional Affairs  
Pouch V  
Juneau, AK 99811

Re: House Bill No. 562

Dear Rep. Miller:

Section 25.35.040 Service of Process as amended by House Bill No. 562, would place an extra costly burden upon the City of Fairbanks Police Department at a time when the Department is seeking ways of reducing budget dollars by eliminating unnecessary services by police officers.

During the previous year the Police Department has, with the assistance of the City of Fairbanks Attorney's office, instituted a procedure whereby all subpoena and criminal summonses are first served by Registered Mail. This procedure has resulted in a 60 to 80 per cent service record. Those not received are then served by a police officer or legal aid.

The City of Fairbanks Police Department is also supporting a State funded telecommunications link between the District Court and the State correctional facility in Fairbanks. This communications system is scheduled to be implemented during the summer of 1984, and will eliminate the majority of police officer escorted transports of prisoners from State Jail to Court for arraignment, thereby reducing the police officer man-hours necessary to accomplish this service.

The City of Fairbanks Police Department has also considered using civilian employees for the purpose of serving court processes in lieu of highly paid and trained police officers.

It is my recommendation that your committee take no action on House Bill 562. The State Troopers are funded and have the manpower for service of processes under AS 25.35.010 or AS 25.35.020. It will be my further recommendation that if the committee is looking at reducing the responsibility of highly trained police officers in serving processes from Superior and District Courts, that the committee look at amending the State statute to allow court officers to serve these processes.

March 2, 1984

-2-

Rep. Mike Miller

Other law enforcement agencies have used civilian employees in handling domestic violence disputes with a high degree of success and with very little violence towards civilians. The civilian employee does not pose a threat to the parties involved as does the police officer having the authority to make arrests. Therefore, I am of the opinion that a civilian officer of the court could execute processes issued under AS 25.35.010 or 25.35.020 without any danger to his person.

The cost of training and equipping police officers to perform enforcement duties is done at considerable expense. I believe it is necessary to look at alternatives to using police officers outside of the job for which they have been trained. I would request that your committee give consideration to my recommendations when discussing House Bill No. 562.

Yours truly,



RICHARD L. CUMMINGS  
Captain, Fairbanks Police Department

RLC:lnh

# Palmer Police Department

POST OFFICE BOX 1368  
PALMER, ALASKA 99645

PHONE: 745-4811

JOHN L. McKIBBEN  
CHIEF OF POLICE

Mr. Mike Miller, Chairman  
House Community Regional Affairs Committee  
Pouch V  
Juneau, Alaska 99811

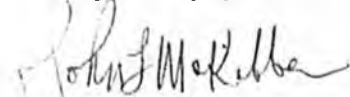
February 29, 1984

REF: House Bill 562, Service of Process in  
Cases Involving Domestic Violence

I would like to take this opportunity to express my support for House Bill 562. It is my feeling that City Police departments should serve local domestic violence processes. As I am sure you and your committee are aware, these situations can be very touchy ones. In many small communities, the Police Officers would more than likely know the parties involved and have some insight into the best ways to approach them. I do not feel that this additional responsibility would place any undo strain on city departments.

If I can be of any assistance, or if you have any questions, please do not hesitate to contact me.

Very truly yours,



John L. McKibben  
Chief of Police

JLM/lmcc

# Alaska State Legislature



Room 104  
State Capitol  
Juneau, Alaska 99811

Pouch V  
Juneau, Alaska 99811

## House of Representatives Committee on Community & Regional Affairs

TO: MUNICIPAL AND LOCAL POLICE  
DEPARTMENTS

FROM: HOUSE COMMUNITY & REGIONAL  
AFFAIRS COMMITTEE

DATE: February 29, 1984

SUBJ: HB562 - relating to service of  
process in cases involving  
domestic violence.

This bill will be heard again within 10 days in the H  
C&RA Committee. If you have a wish to testify or  
present a position paper, please contact Shirley Dreas,  
aide, HC&RA -  
465-3870.

Thank you.

A handwritten signature in cursive, appearing to be "sd".

DEPARTMENT OF PUBLIC SAFETY

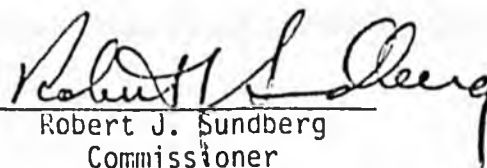
POSITION PAPER - HB 56?

Support

During the last two years the tremendous increase in the number of domestic violence orders to be served has placed a severe drain upon the manpower of the Alaska State Troopers and has caused some delay in the services of these orders. This legislation transfers the primary responsibility for the service of these injunctions from the State Troopers to local police departments. State Troopers would continue to serve these orders when local officers are not available.

Domestic violence injunctions are served by Troopers assigned to the Judicial Services section of the Alaska State Troopers. This section is also responsible for courtroom security, prisoner transportation and the service of subpoenas and warrants. The Alaska State Troopers have never received funding to cover the costs associated with the service of domestic violence orders. Thus this increased work load falls on an already overloaded unit and the service of these orders must sometimes be subordinated to other law enforcement demands.

The majority of domestic violence orders are served within the boundaries of political subdivisions which have their own police agencies. The local police are often more familiar with the locations and individuals involved in domestic violence situations and therefore can more safely and efficiently serve orders.

  
Robert J. Sundberg  
Commissioner

REQUIRE THAT THE RESULTING COURT ORDER BE SERVED BY A STATE TROOPER WHOSE PRIMARY PATROL AREA IS OFTEN OUTSIDE OF THE CITY OR BOROUGH AND WHO HAS HAD NO PREVIOUS CONTACT WITH THE VICTIM OR THE CASE IS NOT AN EFFICIENT USE OF LAW ENFORCEMENT RESOURCES, AND MAY CAUSE A DELAY IN THE SERVICE OF THE ORDER. IN THE LARGER CITIES, SERVICE OF THESE INJUNCTIONS IS MADE BY OFFICERS IN THE JUDICIAL SERVICES SECTION OF THE STATE TROOPERS. THE NEED TO ENSURE ADEQUATE SECURITY IN COURTROOMS, TRANSPORT PRISONERS, AND SERVE CRIMINAL ARREST WARRANTS AND SUBPOENAS SEVERELY LIMITS THE AMOUNT OF TIME AND EFFORT A JUDICIAL SERVICES OFFICER MAY DEVOTE TO SERVICE OF DOMESTIC VIOLENCE INJUNCTIONS.

IN THE INTERESTS OF PROVIDING THE QUICKEST AND BEST POSSIBLE PROTECTION FOR VICTIMS OF DOMESTIC VIOLENCE, AND OF MAKING THE WISEST POSSIBLE USE OF AVAILABLE LAW ENFORCEMENT RESOURCES, I URGE YOUR PROMPT PASSAGE OF THIS BILL.

# ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

110 SEWARD #13 JUNEAU ALASKA 99801  
(907)585-3650

## POSITION PAPER

HB 562: An Act relating to service of process in cases involving domestic violence

The Alaska Network on Domestic Violence and Sexual Assault, representing 20 programs statewide that provide services to victims of domestic violence and sexual assault, supports HB562 which provides for service of process in cases involving domestic violence.

Some Network member programs, especially those in rural areas, have experienced difficulties in the service of Temporary Restraining Orders (TROs) under the current statute, which requires that a State peace officer serve and execute process. In communities where State Troopers are not permanently stationed this results in a delay in service and execution of the TRO. Allowing municipal peace officers and Village Public Safety Officers (VPSOs) to serve TROs would alleviate this problem.

The Network feels that timely service, whether by a VPSO, municipal peace officer, or State Trooper, is the critical issue. The purpose of securing a TRO is to protect the victim from further harm. The court is required to notify the appropriate law enforcement agency that an order has been issued, and law enforcement is charged with serving the order. If there is a delay in notification by the court or service by law enforcement, the purpose of securing the order is thwarted, and can result in further harm to the victim.

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - HB 562

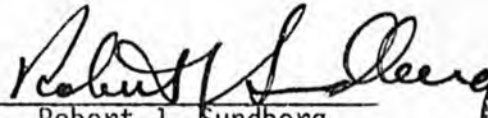
FEB 13 '84

Support

During the last two years the tremendous increase in the number of domestic violence orders to be served has placed a severe drain upon the manpower of the Alaska State Troopers and has caused some delay in the services of these orders. This legislation transfers the primary responsibility for the service of these injunctions from the State Troopers to local police departments. State Troopers would continue to serve these orders when local officers are not available.

Domestic violence injunctions are served by Troopers assigned to the Judicial Services section of the Alaska State Troopers. This section is also responsible for courtroom security, prisoner transportation and the service of subpoenas and warrants. The Alaska State Troopers have never received funding to cover the costs associated with the service of domestic violence orders. Thus this increased work load falls on an already overloaded unit and the service of these orders must sometimes be subordinated to other law enforcement demands.

The majority of domestic violence orders are served within the boundaries of political subdivisions which have their own police agencies. The local police are often more familiar with the locations and individuals involved in domestic violence situations and therefore can more safely and efficiently serve orders.

  
Robert J. Sundberg  
Commissioner

H

B

5

9

0

COMMITTEE REPORT

HOUSE

3/29

JUDICIARY  
FINANCE

(7)

FURTHER:

2/5/84

Date: 2/5/84

The Committee on COMMUNITY & REGIONAL AFFAIRS has had HB 597

"An Act relating to state aid for Indian tribes located on certain federally established Indian reserves; and providing for an effective date.

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CHAIRMAN

Introduced: 2/8/84  
Referred: Community & Regional  
Affairs, Judiciary and Finance

1 IN THE HOUSE

BY MCBRIDE

2

HOUSE BILL NO. 590

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to state aid for Indian tribes  
located on certain federally established Indian  
reserves; and providing for an effective date."

7

8

9

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

10

\* Section 1. INTENT. It is the intent of the legislature that the  
Metlakatla Indian Community qualify to receive state assistance commensu-  
rate with the services provided by the Metlakatla Indian Community to the  
residents of the Annette Island Reserve. Neither this Act nor any action  
taken under it should be construed to expand or diminish the authority or  
jurisdiction of any Native village council.

11

12

13

14

15

16

\* Sec. 2. AS 29.88.010(c) is amended to read:

17

(c) For purposes of this section, locally generated revenue

18

(1) includes

19

20

21

(A) the actual revenue derived from the levy and  
collection of local taxes in the taxing unit for local government  
services during the preceding fiscal year of the taxing unit;

22

23

(B) motor vehicle payments received by the municipal-  
ity during the preceding fiscal year under AS 28.10.431;

24

25

26

27

28

29

(C) revenue from fees, rentals, leases, penalties,  
licenses or permits received during the preceding fiscal year by  
the local government [MUNICIPALITY] for a function or service  
over which it has control, including revenues derived from parks  
and recreation services, mass transit, offstreet parking, and  
garbage and solid waste disposal services;

1 (D) special assessments received during the preceding  
2 fiscal year; and

3 (E) payments received by a local government [MUNIC-  
4 IPALITY] from a utility that [WHICH] are in place of taxes levied  
5 and collected by the local government [MUNICIPALITY];

6 (2) excludes

7 (A) revenue derived from the levy and collection of  
8 local [MUNICIPAL] taxes and appropriated for the operating ex-  
9 penses and debt service of utilities;

10 (B) revenue from interest earned on investments and  
11 from the sale and lease of land or equipment; and

12 (C) all other revenue from whatever service derived.

13 \* Sec. 3. AS 29.88.020(a) is amended to read:

14 (a) The department may require a local government [MUNICIPALITY]  
15 to return a certification, signed by the appropriate local official  
16 that [MUNICIPAL TREASURER OR MANAGER AND THE MAYOR, WHICH] provides an  
17 estimate of the locally generated revenue received by the local gov-  
18 ernment [MUNICIPALITY] during the preceding fiscal year.

19 \* Sec. 4. AS 29.88.020(b) is amended to read:

20 (b) By October 15 of each year, the department shall make an  
21 initial determination of the millage rate equivalent of each taxing  
22 unit to be used for computing and distributing equalization entitle-  
23 ments for the current fiscal year under this chapter. The department  
24 shall base the initial determination on the estimates in the certi-  
25 fication returned [BY A MUNICIPALITY] under (a) of this section.

26 \* Sec. 5. AS 29.88.020(c) is amended to read:

27 (c) As early as possible, but not later than December 15 of each  
28 year, the department shall make a final determination of the millage  
29 rate equivalent of each taxing unit to use to compute and distribute

1 equalization entitlements under this chapter. The department shall  
2 base the determination on audits, financial statements and other  
3 financial reports prepared and submitted by the local government [A  
4 MUNICIPALITY]. The department shall adjust the locally generated  
5 revenue reported [BY A MUNICIPALITY] to exclude the [MUNICIPAL] reve-  
6 nue claimed by the local government that [MUNICIPALITY WHICH] does not  
7 qualify for inclusion in or recognition as locally generated revenue  
8 for local government purposes under AS 29.88.010(c)(1). The adjust-  
9 ment shall be made by deducting from total revenue claimed by the  
10 local government [MUNICIPALITY] the amount of the department's esti-  
11 mate of revenue that [WHICH] is not recognized for local government  
12 purposes.

13 \* Sec. 6. AS 29.88.020(d) is amended to read:

14 (d) The full and true assessed property value shall be deter-  
15 mined by the department in the manner provided for the computation of  
16 state aid to education under AS 14.17.140. When the determination of  
17 locally generated revenue includes revenue of a utility received under  
18 AS 29.88.010(c)(1)(E), the full and true assessed property value shall  
19 include the computed assessed value of the utility, determined by  
20 dividing the amount of the payment in place of taxes made by the  
21 utility by the millage rate that [WHICH] would apply to the utility if  
22 the utility were subject to levy and collection of local taxes [UNDER  
23 AS 29.53.010 - 29.53.420].

24 \* Sec. 7. AS 29.88.020(e) is amended to read:

25 (e) In addition to the computation for local governments that  
26 [MUNICIPALITIES WHICH] levy and collect a property tax, the department  
27 shall determine an estimated full and true assessed property value  
28 under (d) of this section for

29 (1) each municipality that [WHICH] is a school district and

1 that [WHICH] does not levy and collect a property tax;

2 (2) each second class city or Indian reserve with a popu-  
3 lation of 750 or more persons; however, a computation is not required  
4 under this paragraph more often than once during a period of three  
5 successive calendar years; and

6 (3) all other second class cities and Indian reserves, by  
7 determining the average per capita full and true assessed property  
8 value of all cities and Indian reserves having a population of less  
9 than 750 persons in which an assessment has been completed by a munic-  
10 ipality or for which a determination is not made under (1) or (2) of  
11 this subsection.

12 \* Sec. 8. AS 29.88.025 is amended to read:

13 Sec. 29.88.025. REPORTS. A payment of an equalization entitle-  
14 ment may not be made to a local government [MUNICIPALITY] under this  
15 chapter until the local government [MUNICIPALITY] has submitted its  
16 certificate of estimated revenue and its financial report to the  
17 department for the fiscal year preceding the year for which the equal-  
18 ization entitlement is sought, together with a budget for the local  
19 government's [MUNICIPALITY'S] current fiscal year. The financial  
20 report shall include a listing of general revenue collected from taxes  
21 levied and assessed by the local government [MUNICIPALITY] and any  
22 other revenue that [WHICH], in the opinion of the local [MUNICIPAL]  
23 officials, is eligible for inclusion in computations of the locally  
24 generated revenue of the taxing unit.

25 \* Sec. 9. AS 29.88.030(b) is amended to read:

26 (b) An equalization entitlement ~~for a municipality~~ determined  
27 with reference to revenue other than revenue obtained from the levy  
28 and collection of taxes may be used for areawide or nonareawide pur-  
29 poses, at the discretion of the assembly or council.

1 \* Sec. 10. AS 29.88.035 is amended to read:

2           Sec. 29.88.035. TAX EQUALIZATION ACCOUNT. The tax equalization  
3 account is established. Money to carry out the provisions of this  
4 chapter shall be allocated by the department to the account. The  
5 amount allocated to the account shall be fully distributed by the  
6 department as payments to local governments [MUNICIPALITIES] to ful-  
7 fill each local government's [MUNICIPALITY'S] share authorized under  
8 AS 29.88.010. The amount allocated to the account shall be distri-  
9 buted by the department pro rata among eligible local governments  
10 [MUNICIPALITIES].

11 \* Sec. 11. AS 29.88.040(a) is amended to read:

12           (a) The department may adopt regulations necessary to implement  
13 AS 29.88.010 - 29.88.045. The regulations shall include, among other  
14 provisions,

15                   (1) procedures and filing dates for submitting certifica-  
16 tion and financial reports;

17                   (2) procedures for obtaining information required to com-  
18 pute and determine the local government's [MUNICIPALITY'S] millage  
19 rate equivalent; and

20                   (3) procedures by which the department shall notify a local  
21 government [MUNICIPALITY] in writing of the reasons for a proposed  
22 disallowance or adjustment of any factor bearing upon the determ.na-  
23 tion of the local government's [MUNICIPALITY'S] entitlement and by  
24 which the local government [MUNICIPALITY] will be provided reasonable  
25 time in which to respond or to challenge the department's determina-  
26 tion.

27 \* Sec. 12. AS 29.88.040(b) is amended to read:

28           (b) The department shall make reasonable efforts to advise and  
29 assist local governments [MUNICIPALITIES] in collecting information

1 and completing reports necessary for the determination of entitlements  
2 under AS 29.88.

3 \* Sec. 13. AS 29.88.040(c) is amended to read:

4 (c) The department shall, by regulation, classify for inclusion  
5 or exclusion as a component of a local government's [MUNICIPALITY'S]  
6 millage rate equivalent under AS 29.88.010 any tax revenue appropri-  
7 ated for a utility not included in the definition set out in AS 29.-  
8 88.045(4).

9 \* Sec. 14. AS 29.88.045(3) is amended to read:

10 (3) "taxing unit" means an Indian tribe located on a fed-  
11 erally established Indian reserve or a municipality and

12 (A) in a borough or unified municipality, a service  
13 area or the entire area outside cities and outside federally  
14 established Indian reserves;

15 (B) in a city, a differential tax zone;

16 \* Sec. 15. AS 29.88.045 is amended by adding new paragraphs to read:

17 (5) "local government" means a municipality or an Indian  
18 tribe located on a federally established Indian reserve;

19 (6) "Indian reserve" means a federally established Indian  
20 reserve in existence before enactment of 43 U.S.C. 1601 - 1628 (Alaska  
21 Native Claims Settlement Act) and continued in existence under 43  
22 U.S.C. 1618(a).

23 \* Sec. 16. AS 29.89.020 is amended to read:

24 Sec. 29.89.020. STATE AID TO MUNICIPALITIES FOR ROADS. (a) The  
25 department shall pay to a local government that [MUNICIPALITY WHICH]  
26 has power to provide for road maintenance and exercises that power,  
27 \$2,500 a mile for each mile of road, street or highway maintained by  
28 the local government, excluding (1) the official state highway system,  
29 (2) roads, streets or highways not dedicated to public use, (3) roads,

1 streets or highways maintained under the local service road program  
2 (AS 19.30.111 - 19.30.251), and (4) alleyways, in accordance with  
3 regulations adopted by the Department of Transportation and Public  
4 Facilities. A payment may not be made under this subsection for  
5 maintenance of a road that [WHICH] is not used by automotive equip-  
6 ment.

7 (b) A frozen waterway and a connection from an inhabited area to  
8 a waterway that [WHICH] may be safely used for public transportation  
9 by automotive equipment and is so used during a portion of a year is  
10 eligible for a payment of \$1,500 per mile if the waterway and connec-  
11 tion are maintained during the period of use by a local government  
12 [MUNICIPALITY] or combination of local governments [MUNICIPALITIES].  
13 The department, after consultation with the Department of Transporta-  
14 tion and Public Facilities, shall determine which waterways and con-  
15 nections qualify and, where the waterways or connections lie outside  
16 the [CORPORATE] limits of a local government [MUNICIPALITY], which  
17 local governments [MUNICIPALITIES] shall receive the payments under  
18 this subsection, unless the local governments [MUNICIPALITIES] in-  
19 volved have agreed in writing to a particular distribution.

20 \* Sec. 17. AS 29.89.030(a) is amended to read:

21 (a) The department shall pay

22 (1) to a local government that [MUNICIPALITY WHICH] has the  
23 power to provide hospital facilities and services and that [WHICH]  
24 exercises that power, \$1,000 per bed for each bed actually used for  
25 patient care, limited to the number of beds provided for in the con-  
26 struction design of the hospital, or \$250,000 a hospital for those  
27 hospitals with 10 or more beds, or \$50,000 a hospital for those hospi-  
28 tals with less than 10 beds, as the local government [MUNICIPALITY]  
29 may elect; money received under this paragraph may be used only for

1 hospitals and shall be apportioned among qualifying hospitals as the  
2 local government [MUNICIPALITY] determines;

3 (2) on the basis set out in (1) of this subsection to a  
4 local government [MUNICIPALITY] for a nonprofit hospital not operated  
5 by a local government [MUNICIPALITY] if the local government [MUNICI-  
6 PALITY] first certifies to the department that the nonprofit hospital  
7 is in compliance with all standards for hospitals that [WHICH] have  
8 been adopted by the local government [MUNICIPALITY]; money may not be  
9 paid on behalf of a nonprofit hospital without this certification;  
10 payments to the local government [MUNICIPALITY] shall be transferred  
11 to the nonprofit hospital in accordance with the basis by which the  
12 payment was generated by the hospital, and shall be applied to the  
13 annual cost of operation and maintenance of the hospital or for the  
14 provision of health care service at the hospital as the directors of  
15 the hospital determine;

16 (3) to a local government [MUNICIPALITY] in which a health  
17 facility is operated, \$2,000 per bed for each bed actually used for  
18 patient care, limited to the number of beds provided for in the con-  
19 struction design of the health facility, or \$8,000 per health facility  
20 as the local government [MUNICIPALITY] determines.

21 \* Sec. 18. AS 29.89.030(c) is amended to read:

22 (c) Money received by a local government [MUNICIPALITY] under  
23 (a)(3) of this section shall be used for expenses of health services  
24 or operation and maintenance of health facilities as the local govern-  
25 ment [MUNICIPALITY] determines.

26 \* Sec. 19. AS 29.89.050 is amended to read:

27 Sec. 29.89.050. STATE AID TO NATIVE VILLAGE GOVERNMENTS. The  
28 state shall pay \$25,000 to a Native village government for a village  
29 that [WHICH] is not incorporated as a city under AS 29.03.010.

1 ~~29.95.030~~ In this section, "Native village government" means

2 (1) a local governing body organized by authority of [THE  
3 ACT OF CONGRESS OF JUNE 18, 1934 (] 25 U.S.C. [SEC.] 476 ()] other  
4 than the governing body of an Indian tribe located on a federally  
5 established Indian reserve existing before enactment of 43 U.S.C.  
6 1601 - 1628 (Alaska Native Claims Settlement Act) and continued in  
7 existence under 43 U.S.C. 1618(a); or

8 (2) a traditional village council or, if there is no tradi-  
9 tional village council, the paramount chief or other governing body of  
10 a Native village that [WHICH] meets the requirements of [THE ALASKA  
11 NATIVE CLAIMS SETTLEMENT ACT (] 43 U.S.C. [SECS.] 1601 - 1628 (Alaska  
12 Native Claims Settlement Act).

13 \* Sec. 20. AS 29.89.100 is amended by adding a new paragraph to read:

14 (4) "local government" means a municipality or an Indian  
15 tribe located on a federally established Indian reserve existing  
16 before enactment of 43 U.S.C. 1601 - 1628 (Alaska Native Claims  
17 Settlement Act) and continued in existence under 43 U.S.C. 1618(a).

18 \* Sec. 21. AS 29.95.020(a) is amended to read:

19 (a) An Indian tribe qualifying for an entitlement under AS 29.88  
20 or AS 29.89 shall receive a minimum payment of \$25,000 plus an area  
21 cost-of-living differential for each fiscal year. A municipality  
22 qualifying for an entitlement under AS 29.88 or AS 29.89 shall receive  
23 a minimum payment of \$25,000 plus an area cost-of-living differential  
24 for each fiscal year if:

25 (1) the municipality has conducted a regular election under  
26 AS 29.28.010 - 29.28.050 during the fiscal year preceding the year for  
27 which payment of an entitlement is authorized by AS 29.88 or AS 29.89  
28 and has reported the results of the election to the commissioner of  
29 the Department of Community and Regional Affairs;

1 (2) regular council meetings are held in the municipality  
2 in accordance with the requirements of AS 29.23.210 during the fiscal  
3 year preceding the year for which payment of an entitlement is author-  
4 ized by AS 29.88 or AS 29.89 and a record of the proceedings is main-  
5 tained;

6 (3) a municipal budget has been adopted for the fiscal year  
7 during which payment of an entitlement is authorized by AS 29.88 or  
8 AS 29.89 and an audit or financial statement for the preceding fiscal  
9 year has been prepared and furnished to the Department of Community  
10 and Regional Affairs in accordance with AS 29.23.560(a); and

11 (4) local ordinances adopted by the governing body of the  
12 municipality have been codified in accordance with AS 29.48.180.

13 \* Sec. 22. AS 29.95.020(b) is amended to read:

14 (b) The area cost-of-living differential payable to each Indian  
15 tribe and municipality under this section shall be determined annually  
16 by election district under the provisions of AS 39.27.030. Except as  
17 provided in AS 29.95.030, application of the area cost-of-living  
18 differential may not result in a payment which is less than the mini-  
19 mum payment determined under (a) of this section. For purposes of  
20 this subsection, the election districts used are those designated by  
21 the proclamation of reapportionment and redistricting of December 7,  
22 1961, and retained for the house of representatives by proclamation of  
23 the governor September 3, 1965.

24 \* Sec. 23. AS 29.95.020(c) is amended to read:

25 (c) The Department of Community and Regional Affairs shall pay  
26 to each Indian tribe and municipality eligible to receive a minimum  
27 payment under this section an amount equal to the difference between  
28 the minimum payment determined under (a) and (b) of this section and  
29 the sum of the amounts payable for the same fiscal year under AS 29.88

1 and AS 29.89.

2 \* Sec. 24. AS 29.95.020 is amended by adding a new subsection to read:

3 (f) In this section, "Indian tribe" means: an Indian tribe  
4 located on a federally established Indian reserve in existence before  
5 enactment of 43 U.S.C. 1601 - 1628 (Alaska Native Claims Settlement  
6 Act) and continued in existence under 43 U.S.C. 1618(a).

7 \* Sec. 25. AS 43.20.016(a) is amended to read:

8 (a) There is established within the Department of Revenue the  
9 municipal assistance fund. The legislature may appropriate to the  
10 fund during each fiscal year an amount equal to or greater than 30  
11 percent of the income tax revenue received by the state under AS 43.-  
12 20.011(e) [AND AS 43.21] for the previous fiscal year. The Department  
13 of Revenue shall distribute money from the fund to each Indian tribe  
14 and municipality [ORGANIZED BOROUGH AND EACH CITY OF ANY CLASS] on an  
15 annual basis as provided in (b), [AND] (c) and (e) of this section.  
16 An Indian tribe or a municipality [A BOROUGH OR CITY] may not receive  
17 payment under (b), [OR] (c) or (e) of this section until it submits to  
18 the Department of Revenue a resolution approved by the governing body  
19 [OF THE MUNICIPALITY] that requests the funds. Distribution of money  
20 from the fund to an Indian tribe or a municipality [CITY OR ORGANIZED  
21 BOROUGH] with a fiscal year beginning on January 1 shall be made on  
22 February 1 of the state fiscal year for which the appropriation to the  
23 fund is made. Distribution of money from the fund to all other Indian  
24 tribes [CITIES] and municipalities [ORGANIZED BOROUGH] shall be made  
25 on June 1 of the state fiscal year for which the appropriation to the  
26 fund is made. A municipality [BOROUGH OR CITY] that incorporates  
27 after December 31 of a state fiscal year is not eligible for a distri-  
28 bution under this section until the following state fiscal year.

29 \* Sec. 26. AS 43.20.016(c) is amended to read:

1 (c) If the amount in the fund at the time of distribution ex-  
2 ceeds the base amount to be distributed under (b) and (e) of this  
3 section, the excess amount shall be distributed to each Indian tribe  
4 [BOROUGH] and municipality [CITY] on the basis of population. For the  
5 purpose of this subsection, the population of each Indian tribe and  
6 each [A] city within an organized borough shall be deducted from the  
7 population of the borough. Population, for the purpose of this sec-  
8 tion, shall be as certified by the commissioner of community and  
9 regional affairs.

10 \* Sec. 27. AS 43.20.016 is amended by adding new subsections to read:

11 (e) The base amount to be distributed during each fiscal year  
12 from the municipal assistance fund to each Indian tribe within a  
13 borough or unified municipality shall be a share of the amount dis-  
14 tributed to the borough or unified municipality in which the reserve  
15 is located based on the ratio of population in the reserve to the  
16 total population in the borough or unified municipality. The base  
17 amount to be distributed to each Indian tribe outside a borough or  
18 unified municipality shall be the amount received as a base amount by  
19 the city most closely approximating the reserve in population at the  
20 time of the city's incorporation.

21 (f) In this section, "Indian tribe" means an Indian tribe  
22 located on a federally established Indian reserve in existence before  
23 enactment of 43 U.S.C. 1601 - 1628 (Alaska Native Claims Settlement  
24 Act) and continued in existence under 43 U.S.C. 1618(a).

25 \* Sec. 28. This Act takes effect July 1, 1984.

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

March 21, 1984

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

225 CORDOVA STREET - BLDG B  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 264-2234

### POSITION PAPER

RE: HB 590  
SPONSOR: Representative McBride

#### PROGRAM EFFECTS:

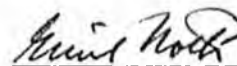
The bill would require the Department to pay State Revenue Sharing to Indian tribes located on federally established Indian reserves at the same level as funding currently is being provided to municipalities of the state. The Metlakatla Indian Community located on the Annette Island Reserve is the only recognized tribe located on an Indian reserve.

#### COMMENTS:

The Metlakatla Indian Community is a federally chartered city and as such provides a wide range of services to its residents. The community has an elected local government and is similar in many ways to cities organized under State law. As a functioning local government, Metlakatla must meet minimum levels of service and administer its local government based on standards set out in its federal charter. Section 8 (p.4, line 12) of this bill will require that Metlakatla meet the same reporting and documentation requirements that other municipalities under State law must adhere to in order to receive State Revenue Sharing funds.

The Department believes that Metlakatla operates as a municipal government and should be recognized as such and compensated accordingly. Therefore, the Department supports enactment of this legislation.

APPROVED:



Emil Notti, Commissioner

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST  
 Bill/Resolution No.: HB 590  
 Title: An Act relating to state aid for Indian tribes...  
 Sponsor: Rep. McBride  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL Department of Community  
 Agency Affected: and Regional Affairs  
 Program Category Affected: Revenue Sharing  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_

-EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-		
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Jon Cecil, Administrative Assistant Phone: 465-4733  
 Division: Municipal & Regional Assistance Division Date: March 23, 1984

Approved by Commissioner: *Amie North* Date: 3/23/84  
 Agency: DCRA

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 12/29/83

Bill/Resolution No.: HB 590  
Title: An Act relating to state aid for  
Indian tribes...

ANALYSIS:

**Assumptions:** It is impossible at this time to make a determination about the additional amount of State Revenue Sharing funds available to the Metlakatla Indian Community under AS 29.88 and AS 29.89. Depending upon such variables as population, millage rate, road mileage, number of health facilities, and amount of locally generated revenues, a final entitlement determination is impossible to predict. A current determination cannot be made at this time because of an unavailability of adequate information.

**Positions:**

**Other Expenditures:**

**Funding:**

**Section Cost Analysis:**

**Computations:** Dependent upon variables such as road mileage (\$2,500 per road mile/ \$1,500 per ice road mile), number of health facilities (\$8,000 per facility or \$2,000 per bed).

**Economic Impact:**

**Impact on Local Government:**

**Attachments**

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date

**REQUEST**

Bill/Resolution No: HB 590  
Title: State aid for Indian tribes

Sponsor: McBride  
Requestor: C & RA, Judiciary, Finance  
Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected: Revenue  
Program Category Affected: Revenue  
Collection and Management  
BRU, Program of Subprogram(s) Affected:  
Administrative Services

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	-	-	-	-	-
400 SUPPLIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
<b>TOTAL OPERATING</b>	-	-	-	-	-	-
<b>CAPITAL</b>	-	-	-	-	-	-
<b>REVENUE</b>	-	-	-	-	-	-

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
<b>TOTAL</b>	-	-	-	-	-	-

**POSITIONS:**

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

**SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:**

**ANALYSIS:** See attached.

Prepared By: Ervin B. Jones  
Division: Administrative Services

Phone: 465-2313  
Date: 2/29/84

Approved by Commissioner: Bonnie McElroy  
Agency: Revenue

Date: 3/13/84

**Distribution (by Agency preparing fiscal note):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

HB 590

ANALYSIS:

Assumptions: I assume the substitution of the word "municipalities" in place of "organized boroughs and cities of any class" does not further broaden the field of eligible recipients of municipal assistance.

For purposes of municipal assistance, the Department of Revenue uses populations certified by the Commissioner of C&RA. The definition statement in Section 27 should be clarified as to which persons would be counted (i.e. all persons residing within the Indian reserve, or just members in good standing who reside in the reserve, or all members, regardless of residence).

This bill will have no effect on the administrative cost of the municipal assistance program in the Department of Revenue. The effect of section 27 will be to dilute the amount to be shared per capita, as a result of increasing the base amount shared. Since the population of the only known such Indian Reserve (Metlakatla) is approximately 1050 persons, the effect on other communities will be minimal.

SB 228 TITLE & SPONSOR SUMMARY

11:09 3/28/84 PAGE 1 OF 2

AMENDED TITLE:

AN ACT RELATING TO STATE AID FOR INDIAN TRIBES LOCATED  
ON FEDERALLY ESTABLISHED INDIAN RESERVES;  
AND PROVIDING FOR AN EFFECTIVE DATE

PRIME SPONSOR: ZIEGLER.

CO-SPONSORS:

CURRENT STATUS: 3/27/84 IN (S) RULES

SB 228 SENATE ACTION

11:09 3/28/84 PAGE 2 OF 2

DATE	SEQ	PAGE	LEGISLATIVE ACTION
04/05/83	01	0580	FIRST READING -- COMMITTEE REPORTS
05/26/83	02	1121	C&RA -- CS03
06/21/83	03	1406	JUD -- C&RA CS01, NR03
06/21/83	04	1406	LETTER OF INTENT
03/27/84	05	2470	FIN -- C&RA CS(AM)05, NR02
03/27/84	06	2471	C&RA F/NOTE EQUALS ZERO
03/27/84	07	2471	DEPT REVENUE ZERO F/NOTE W/ANALYSIS RULES

\*\*\*\*

\*\*

\*\*

\*\*\*

\*\*\*

\*\*\*

SENATE JUDICIARY  
STANDING COMMITTEE  
June 15, 1983  
1:30 p.m.

Members Present: Senator Bill Ray, Chairman  
Senator Fritz Pettyjohn  
Senator Bob Ziegler  
Senator Joe Josephson  
Senator Dick Eliason

COMMITTEE CALENDAR

HB 163 Amended Title: An Act relating to harassment of persons lawfully engaged in hunting, fishing, camping, or trapping.

HB 323 Amended Title: An Act relating to residency and residency requirements; and providing for an effective date.

HB 126 Amended Title: An Act limiting the liability of aircraft owners or operators for personal injury or death to guest passengers.

HB 130 Amended Title: An Act relating to homesteads; and providing for an effective date.

SB 228 Amended Title: An Act relating to state aid for Indian tribes located on federally established Indian reserves; and providing for an effective date.

WITNESS REGISTER

Mr. Jay W. Nelson, Director  
Alaska Environmental Lobby  
No information provided.  
Position Statement: Testified on HB 163.

Mr. Ron Somerville  
representing the Alaska Sportsman Council  
No information provided.  
Position Statement: Testified on HB 163.

Mr. Steven S. Anderson  
attorney for the Metlakatla Indian Community  
No information provided.  
Position Statement: Testified in favor of the bill.

Senator Rick Halford

Alaska State Legislature  
Pouch V, Juneau, Alaska 99811  
465-4958  
Position Statement: Testified on HB 126.

Robert Maynard  
Department of Law  
Pouch KC, Juneau, Alaska 99811  
465-3600  
Position Statement: Was available to answer questions.

Tamara Cook  
Division of Legal Services  
No information provided.  
Position Statement: Testified and answered questions from  
committee members.

Gail Horetski  
Department of Law  
Pouch KC, Juneau, Alaska 99811  
Position Statement: Testified and answered question from  
committee members.

#### PREVIOUS ACTION

- HB 163                    Please refer to Senate Judiciary Committee minutes dated 05/25/83, 05/20/83 and Senate Resources Committee minutes dated 05/13/83. Please refer to House Rules Committee action before 04/22/83, House Judiciary Committee action before 04/20/83 and House Resources Committee action before 03/21/83.
- HB 323                    Please refer to Senate Judiciary Committee minutes dated 06/13/83 and Senate State Affairs Committee minutes dated 06/09/83. Please refer to House Finance Committee action before 05/26/83, House Judiciary Committee action before 05/14/83 and House State Affairs Committee action before 04/20/83.
- HB 126                    Please refer to Senate Labor & Commerce Committee minutes dated 05/24/83. No Senate Judiciary Committee previous action to record on HB 126. Please refer to House Judiciary Committee action before 05/17/83 and House Labor & Commerce Committee action before 04/14/83.
- HB 130                    Please refer to Senate Resources Committee minutes dated 06/10/83 and 06/01/83. No Senate Judiciary Committee previous action

to record on HB 130. Please refer to House Finance Committee action before 04/21/83 and House Resources Committee action before 03/30/83.

SB 228

Please refer to Senate Judiciary Committee minutes dated 06/10/83 and Senate Community & Regional Affairs Committee minutes dated 05/24/83.

ACTION NARRATIVE

TAPE 1 for 06/15/83, SIDE A.  
Recording  
Number 000

The meeting of the Senate Judiciary Committee was called to order by Chairman Ray at 1:30 p.m. All members were present. Senator Rick Halford also was in attendance.

The first order of business was Senate Committee Substitute for Committee Substitute for House Bill 163 (Jud) -- Relating to harassment of persons lawfully engaged in hunting, fishing, camping, or trapping. The bill was returned to the Committee for additional amendments.

Mr. Jay W. Nelson, Director of the Alaska Environmental Lobby, testified and pointed out three areas of major concern. The first being that the bill is perceived as being directed at environmentalists and that these groups resent the implementations. Secondly, he pointed out that at the present time there are no cases of harassment in this state and that the bill was initiated because of a case in British Columbia and in Massachusetts. He also pointed out that in private discussions he had with legislators, the consensus was that this statute would most likely never be used because of law enforcement being sparse in this State and, therefore, what is the necessity for this bill. Senator Josephson voiced his concerns and suggested that Mr. Nelson should perhaps use a reverse tactic, rather than make the accusation that the Legislature doesn't act until a problem exists. He pointed out that this piece of legislation was not directed to any environmentalist groups in the State, but the problem has occurred in other states, and, therefore, was initiated as a

preventative measure and that harassment of hunters will not be tolerated in Alaska. Mr. Nelson agreed with Senator Josephson, but feels that should this bill pass, it will not effect "environmentalists" in this state and reiterated that it would most likely not be enforceable. Senator Pettyjohn pointed out that guides who feel they have a vested interest in certain game areas, are actually using harassment tactics on hunters. Senator Josephson supports this legislation and explained his reasoning to the committee.

Senator Ray referred to Alaska Statutes Section 16.05.926 and stated he felt this section is superfluous, as it is already covered in the Alaska Statutes Section 16.05.925. Senator Rick Halford advised the committee that he had spoken to the prime sponsor and suggested that the section be deleted. Senator Pettyjohn concurred with the deletion and pointed out a number of problems that could occur if that section were not deleted.

Mr. Ron Somerville, representing the Alaska Sportsman Council, testified in support of the bill and the deletion of the AS 16.05.926 and reiterated to the committee that the bill was not directed to environmental groups. He also pointed out that this legislation would address seal hunting on the Pribilof Islands and marine mammal management in Alaska game reserves which are both "high priority issues." He further stated that Green Peace and other organizations have addressed these priorities and stressed the importance of establishing ground rules now, so that it is not just for the sports hunters but for commercial enterprises as well.

Senator Ray suggested on line 17, page 1 to insert the words "harassing or" after the word "hindering", whereupon Ms. Horetski, from the Dept. of Law, advised against this insertion and explained this would prohibit action rather than speech and explained that the first amendment allows people to speak their minds.

Senator Pettyjohn moved an amendment to delete Alaska Statutes Section 16.05.926,

and on page 2, lines 7 and 10, deleting references to that section, and there being no objections, it was so ordered.

Senator Pettyjohn moved to pass the bill from committee, as amended, with individual recommendations. All members signed "Do Pass".

The second order of business was Committee Substitute for Senate Bill 228 (C&RA) -- relating to state aid for Indian tribes located on certain federally established Indian reserves, whereupon Senator Ziegler, the prime sponsor, referred to Mr. Lee Sharp's letter of June 13th which explained that this bill would have no effect on the Juneau Indian Village.

Mr. Steven S. Anderson, attorney for the Metlakatla Indian Community, testified in favor of the bill. Mr. Anderson submitted written testimony and briefly explained that the main purpose of the bill is to extend the benefits of these state revenue sharing programs to the Metlakatla Indian Community. At present, under Alaska state law, only state municipalities which have been created by state law are eligible to receive revenue sharing monies. Although Metlakatla is organized under federal law, they actually perform the same type of governmental functions as state law municipalities do. He went on to explain that the bill had been drafted to apply only to the Metlakatla Indian Community, and explained that after the passage of the Native Land Claims Settlement Act, it is the only remaining Indian reserve in Alaska; that they have functioned as any other community, providing public works and services without state revenue sharing and that the citizens who are non-members of the Metlakatla Community do not have the same rights as the members. He cited the example that, non-members can not vote for Metlakatla's twelve-man governing council. Senator Ray stated that if the non-members could not vote, then perhaps the state should not provide them with money. Mr. Anderson responded that the limited amount of non-members have all the governmental benefits as everyone else, except the right to vote for mayor or council, although this doesn't apply to

school board and the expenditure of funds.

Senator Josephson questioned that if this bill were passed, would it be opening up a potential for other native groups and could Metlakatla be treated in this special manner. In Mr. Anderson's opinion, it could because the Metlakatla Community did not participate in the Native Land Settlement Act, they are the only Indian reserve in Alaska, and equitably speaking, other Indian communities are "incorporated" under state law. They receive federal funds as well as revenue sharing money as long as they live in or near a first or second class city. This perhaps creates a double payment standard, but with Metlakatla this would not happen.

Mr. Anderson responded to Senator Eliason's questions regarding federal benefits, stating that these benefits are also extended to other native tribes and reservations.

Senator Ray questioned whether or not the use of fish traps had been abolished, whereupon Mr. Anderson responded that the use of fish traps had not been abolished.

Discussion was had by the committee as to why the Metlakatla Indians opted not to petition for the Native Claims Settlement Act. It was pointed out that at the time of the petition, the people chose to remain a traditional Indian reservation.

Advantages were discussed and the reasoning behind the trade off and perhaps the principle value was the "fish traps" which was used to provide revenues for their community, but because of this trade off they did not receive the monetary benefits that the others did.

Mr. Anderson strongly expressed that they are not asking for anything special, but only that the Alaska citizens who live in Metlakatla be able to receive the comparable benefits which other Alaskan natives receive.

Discussion was had in reference to the non-members who live in Metlakatla and it was

suggested that perhaps state aide should be provided to those non-members (approx. 100). Mr. Anderson, reminded the Committee that the members are Alaskan citizens, too.

Senator Josephson briefly summarizes Mr. Anderson's testimony and feels that basically at the time of the Alaska Native Claims Settlement Act, the native reserves (seven total) were each given the right by election to either affiliate with a regional corporation, and become a village corporation under the act and take revenues and benefits of the act and go into the corporate shareholder mode or to opt out and retain their reserve status, by opting out they did not foresee that they would be creating a disability in terms of not being eligible for state programs.

Mr. Anderson explained that prospect of the Alaskan citizens who reside there, because other state citizens located in other locations in the state receive their share of these monies, using gym and library as an example, with the exception of the Alaska citizens who live on the Metlakatla reserve.

Senator Eliason questions revenue sharing before the Alaska Native Claims Settlement Act if it did exist and what the federal cutback were at this time. If in fact because of the cutbacks is this not what the push for this bill all about, this of course being the case.

Senator Ray expressed his concerns of the broadening of the use of the word "local government" instead of "municipality". Ms. Tamara Cooke, representing Legislative Legal Counsel and drafted the bill, explained that the definition of "municipality" did not apply to the Community of Metlakatla.

Senator Josephson requested that should the bill pass from Committee he would like to have a "letter of Intent" explaining why Metlaktla is receiving this treatment, because he foresees other unincorporated communities requesting the same. Chairman Ray requested that Senator Josephson write a letter of intent, and rescheduled the bill for Friday, June 17th.

The third order of business was Committee Substitute for House Bill 323 (Fin) am - - residency requirements. Mr. Robert Maynard from the Dept. of Law was available to answer questions and explained the amendments which were incorporated into the work draft. The first amendment was sec. 9, page 6, amending the student loan residency requirement which would assure that if a dependent lives out of the state and qualifies for a student loan, because his parent or guardian is in this state, that dependent would have some contact in the state within five years. The second amendment is to delete sec. 10 on page 6, changing the residency of one who can collect bounties to six months.

Senator Pettyjohn moved to pass the bill out of Committee with individual recommendations. All members signed "Do Pass".

The final order of business was the following bill assignments:

SCSHB126 Limiting the liability of aircraft owners or operators for personal injury or death to guest passengers to Senator Eliason.

CSHB 130 Relating to homesteads to Senator Josephson.

There being no further business the meeting adjourned at 2:20 p.m.

COMMITTEE LETTER OF INTENT  
ON  
CS FOR SENTATE BILL 228 (JUDICIARY)

In the Legislature of the State of Alaska  
13th Legislature - 1st Session

The purpose of Senate Bill 228 is to extend to the Metlakatla Indian Community the benefits of two ongoing state revenue sharing programs, the Municipal Assistance Fund, AS 43.20.016, and the Municipal Tax Resource Equalization Program, AS 28.88.010 et seq. Under existing state law, the Metlakatla Indian Community is not eligible to participate in these programs because it is not technically a state-law "municipality." Senate Bill 228 applies only to the Metlakatla Indian Community and does not affect the legal status or rights of any Indian Reorganization Act entities, traditional councils or village or regional corporations organized under the Alaska Native Claims Settlement Act.

The Committee believes that in fairness the Metlakatla Indian Community must be distinguished from other Native organizations in Alaska with respect to state revenue sharing. The Metlakatla Indian Community has a legal status in Alaska that is absolutely unique. Because the Metlakatla Indian Community elected to forgo the benefits of the Alaska Native Claims Settlement Act, the reservation status of the Annette Islands Reserve was preserved. Metlakatla was the only reserve in Alaska to make this choice. Thus section 19 of the Alaska Native Claims Settlement Act extinguishes all previously existing federal Indian reserves in Alaska

but specifically excepts the Annette Islands Reserve. As a federal Indian reservation, located on federal trust land, the Community cannot incorporate under state law.

It is true that the Metlakatla Indian Community is eligible for various federal assistance programs made available to tribes throughout the United States. However, the Metlakatla Indian Community enjoys no special advantage vis-a-vis other Alaska Native groups in this regard. Section 2(c) of the Alaska Native Claims Settlement Act provides that the Act does not diminish the responsibility of the federal government to Alaska Natives and Alaska Native groups. The various federal statutes extending benefits to Indian tribes have therefore been amended to provide that the term "tribe" includes the traditional councils, the Indian Reorganization Act entities, and the village and regional corporations located in Alaska. These entities, as well as the Metlakatla Indian Community, therefore receive federal aid under the Indian Self-Determination Act and other federal programs. Unfortunately, this federal aid for Indian entities throughout the United States has substantially eroded. According to the Bureau of Indian Affairs, the federal cutbacks in Indian programs under the Reagan administration have averaged 45%. The Metlakatla Indian Community must now look to other sources for funding.

With respect to state aid, the Metlakatla Indian Community is at a special disadvantage compared to non-Native and predominately Native communities in Alaska. The Metlakatla Indian Community provides substantial governmental services for the approximately

1300 persons who reside on the Annette Islands Reserve, including both members and non-members of the Community. Its governmental expenses are commensurate with these responsibilities, averaging approximately \$1.7 million per year. But because the Metlakatla Indian Community is chartered under federal, not state, law, it is not eligible for the state revenue sharing benefits that are extended to other Alaska communities. In contrast, the other Native communities in Alaska, at least those of a size comparable to Metlakatla, are incorporated under state law and the Alaskans resident there enjoy the indirect benefits of state revenue sharing. For example, the City of Hydaburg is organized as a first class city and is eligible to receive state revenue sharing. At the same time, this predominately Native community also receives substantial federal benefits, under the Indian Self-Determination Act and other programs, because of the presence there of the Haida Corporation, an ANCSA village corporation, and the Haida Cooperative Association, an Indian Reorganization Act entity set up pursuant to section 16 of the Indian Reorganization Act. The Metlakatla Indian Community is eligible to receive the federal but not the state benefits. Senate Bill 228 will eliminate this disparity of treatment between state citizens by extending the state revenue sharing benefits that other Alaska communities now enjoy to the Metlakatla Indian Community.

At the Committee hearing, concern was expressed that the phrase "local government," referring both to state law municipalities and to the Metlakatla Indian Community, was unnecessarily

broad. The Committee has discussed this matter with legislative counsel and recommends that this language be eliminated and that the phrase "municipality and federal Indian reserve tribe" be used to refer to the legal entities eligible for revenue sharing under these two state programs. The existing definition section, clarifying that the "federal Indian reserve tribe" refers only to Metlakatla, should be retained.



- File  
**THE CITY AND BOROUGH OF JUNEAU**

CAPITAL OF ALASKA  
155 SOUTH SEWARD ST. JUNEAU, ALASKA 99801

LAW DEPARTMENT - 586-5242

June 13, 1983

The Honorable Robert H. Ziegler, Sr.  
Alaska State Senator  
107 Capitol Building  
Juneau, Alaska 99801

File: Legislature - 1983 - General Correspondence

Subject: CSSB 228 (C&RA)

Dear Senator Ziegler:

Following your telephone conversation this morning I reviewed CSSB 228 (C&RA) to determine whether it would have any effect on Juneau area Indian tribes or the Indian-owned property on Willoughby Avenue often referred to as the Juneau Indian Village or the village.

It is my reading of the bill, particularly in light of the intent section, that it will have no effect on any Juneau area Indian tribe or on the village. The bill affects only those Indian tribes located on a "federally established Indian reserve" and there are no federally established Indian reserves in Juneau. In fact, all Indian reserves in Alaska except the Annette Island Reserve (Metlakatla) were revoked by Section 19(a) of ANCSA.

The village is a 1964 townsite plat known as the Juneau Indian Village Addition to the Juneau Townsite. The federal townsite trustee conveyed property to Alaska Natives occupying property within the Juneau Indian Village Addition by means of deeds entitled "Native Restricted Trustee Deed." The deeds, pursuant to 43 USC 733, provided that the land

shall not be alienated or encumbered without the consent of the Secretary of Interior, and shall not be subject to taxation, to levy and sale in satisfaction of debts, contracts or liabilities, or to any claim of adverse occupancy or law of prescription . . .

With the consent of the Secretary of Interior the restricted status of much of the village property has been lifted and the property conveyed to non-natives. The village is now a patchwork of restricted and non-restricted titles. In any event, the village created by the Juneau Indian Village Addition townsite plat was not then, and is not now, a federally established Indian reserve and would not be affected by CSSB 228 (C&RA).

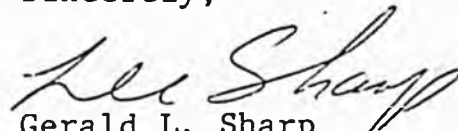
The Honorable Robert H. Ziegler, Sr.  
Re: CSSB 228 (C&RA)

Page Two  
June 13, 1983

In reading sections 27 and 28, the addition of the phrase "Indian tribe and" to the sections of Title 29 being amended caused me some concern over the fact that "Indian tribe" was not defined and could be read to mean any Indian tribe. However, upon reading AS 29.95.020 (a), (b) and (c) as amended by sections 26 through 28 of the bill, it becomes clear that the term "Indian tribe" is limited to Indian tribes qualifying for state aid under AS 29.88 and AS 29.89.

In summary, I do not believe the subject bill would have any effect on the Juneau Indian Village on Willoughby Avenue nor on any Indian tribe in the Juneau area.

Sincerely,

  
Gerald L. Sharp  
City-Borough Attorney

GLS:jr

cc: Senator Bill Ray

I. REQUEST

Bill/Resolution No: SB 228  
 Title: State aid for Indian tribes  
 Sponsor: Ziegler  
 Requestor: Senate Comm. & Reg. Affairs

II. FISCAL DETAIL

Agency Affected: Revenue  
 Program Category Affected: Rev. Coll & Mgmt.  
 BRU, Program of Subprogram(s) Affected:  
 Administrative Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	-	-	-	-	-
400 COMMODITIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS, ETC.	-	-	-	-	-	-
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER (Specify Source)	-	-	-	-	-	-

POSITIONS:

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

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis.

Prepared By: Ervin B. Jones Phone: 465-2313  
 Division: Administrative Services Date: 5/16/83  
 Approved by Commissioner: Joseph K. Donohue Date: 5/17/83  
 Department: Revenue

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

SB 228

IV. ANALYSIS:

This bill will have no effect on the administrative cost of the municipal assistance program in the Department of Revenue. The effect of section 30 will be to dilute the amount to be shared per capita, as a result of increasing the base amount shared. Since the population of the only known such Indian Reserve (Metlakatla) is approximately 1200 persons, the effect on other communities will be minimal.

Assumptions: I assume the substitution of the word "municipalities" in place of "organized boroughs and cities of any class" does not further broaden the field of eligible recipients of municipal assistance.

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K - STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3600

May 16, 1983

The Honorable Donald E. Gilman  
Senator  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Re: CSSB 228

Dear Senator Gilman:

At your request we have reviewed the proposed CSSB 228. You asked whether the bill would affect the State's relationship with unincorporated communities or Native village governments. The bill amends the revenue sharing (AS 29.88 and AS 29.89) and municipal assistance (AS 43.20.016) programs to include Indian tribes located on federally established reserves which were not revoked by the Alaska Natives Claims Settlement Act (ANCSA), 43 U.S.C. 1601-1623. The only community which fits this description is the Metlakatla Indian community.

We see no legal problem with including Metlakatla as a recipient of the various programs established to benefit local governments. However, we believe that the use throughout the bill of the term "Indian tribe", and the omission of any reference to Metlakatla, may suggest to a reader not intimately familiar with AS 29 and ANCSA, that the effect of the bill is much broader. This effect could be avoided by replacing all references to "Indian tribe" with "the Metlakatla Indian community." We believe that the specific reference to Metlakatla would not cause the bill to be viewed as a local or special act in violation of Alaska Const. art. II, § 19, because it would have precisely the same effect as the use of the term "Indian tribe" as defined in CSSB 228 -- that is, "Indian tribe" as defined in the bill is a class of one, Metlakatla being the only federally established Indian reserve in Alaska not revoked under ANCSA. In order to simplify the statute and avoid confusing the reader we suggest referring to Metlakatla specifically, as well as identifying it as the only federally established Indian reserve in Alaska.

We note that AS 29.89.050 "State Aid to Native Village governments" is amended in the bill, to clarify that Metlakatla may not qualify both as a local government and as a Native village government. We have advised in the past that AS 29.59.050

The Honorable Donald E. Gilman

May 16, 1983  
Page 2

could be challenged on equal protection grounds by an unincorporated community which is not a Native village. We suggest repealing AS 29.89.050, and supplanting it with a provision for aid to unincorporated communities generally.


As a general practice in drafting legislation affecting Native villages in Alaska, you should consider including a provision of legislative intent to the effect that neither the act nor any action taken under it shall be interpreted to either expand or diminish the authority or jurisdiction any Native village council may have. This would reduce the possibility that any legislative act benefitting Native village communities may be interpreted to alter the relationship between the State and those communities.

We hope that this brief response is helpful in your consideration of CSSB 228.

Very truly yours,

NORMAN C. GORSUCH  
ATTORNEY GENERAL

By:

  
Laura L. Davis  
Assistant Attorney General

LLD:d1m

cc: Tam Cook  
Legislative Affairs Agency

# STATE OF ALASKA

Bill Sheffield, Governor

## DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

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

May 6, 1983

### POSITION PAPER

RE: CSSB 228

SPONSOR: Senator Zieqler

#### PROGRAM EFFECTS OF THE BILL

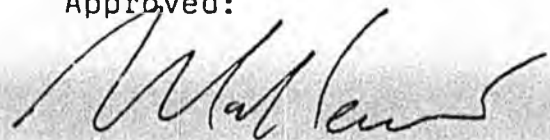
Allows federally established Indian reserves to be considered "local governments" for purposes of the State Revenue Sharing and Municipal Assistance grant programs. In effect, only one community, Metlakatla, would benefit from this legislation because it is the only Indian reservation in Alaska. Under the terms of the Alaska Native Claims Settlement Act no new reservations may be established in the State.

#### COMMENTS

The Department generally favors this bill from the perspective that it extends the benefits of two vital State aid programs to another type of municipality that is providing needed services to its residents. Metlakatla Indian Community is a federally chartered municipality and, therefore, is not empowered by Title 29 of the Alaska Statutes. However, it functions like a municipality and is providing a full range of local services to the Alaskans living on the reserve and should be afforded the most liberal interpretation possible under the State Revenue Sharing and Municipal Assistance programs.

The Department cannot comment on the possible legal ramifications or precedents that might occur with passage of this legislation as they relate to dealing with other unincorporated communities and Indian tribes. The Department defers to the Department of Law on this question.

Approved:



Mark Lewis, Commissioner

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

I. REQUEST

Bill/Resolution No.: HB 228  
 Title: State Aid for Indian Tribes  
 Sponsor: Ziegler  
 Requestor: Senate Comm. & Regional Affairs

II. FISCAL DETAIL Community and Regional

Agency Affected: Affairs  
 Program Category Affected: Development  
 BRU, Program of Subprogram(s) Affected: Local Government Assistance Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard Rainery  
 Division: Commissioner's Office  
 Approved by Commissioner: [Signature]  
 Department: Community and Regional Affairs

Phone: 465-4703  
 Date: 5/6/83  
 Date: 5/6/83

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

# STATE OF ALASKA

Bill Sheffield, Governor

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K - STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3600

April 21, 1983

The Honorable Robert H. Ziegler, Sr.  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Re: SB 228 (Relating to State aid for Indian tribes located  
on federally-established Indian reserves)

Dear Senator Ziegler:

Assistant Attorney General Larry D. Wood of the Department of Law office in Fairbanks recently brought this bill to my attention. In particular, he noted that the provisions of the bill would apply to an "Indian tribe located on a federally established Indian reserve." Neither "Indian tribe" nor "federally established Indian reserve" are defined or further identified in the bill.

As you may know, there is considerable uncertainty regarding those terms and concepts in Alaska. However, everyone seems to agree that the Metlakatla Indian Community qualifies as an "Indian tribe located on a federally established Indian reserve." Accordingly, if it is your intent to ensure that the Metlakatla Indian Community may receive state aid, we believe it would be desirable to amend the bill to reach only the Metlakatla Indian Community. We recognize that this may present some problem under the prohibition on local and special legislation in Art. II, sec. 19 of the Alaska Constitution. However, that provision of the Constitution prohibits local and special legislation only if a general law cannot be made applicable. Given the uncertainty regarding the concepts of "Indian tribe" and "federally established Indian reserve," we believe there is sufficient justification for limiting the reach of this bill to the Metlakatla Indian Community.

We will be happy to work with you, a designated legislative committee, or the Legal Affairs Division of the

The Honorable Robert H. Ziegler, Sr.

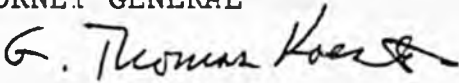
April 21, 1983

Page 2

Legislative Affairs Agency in working on this measure. We look forward to hearing from you at your convenience.

Sincerely,

NORMAN C. GORSUCH  
ATTORNEY GENERAL

By:   
G. Thomas Koester  
Assistant Attorney General

GTK/rm

cc: Billy G. Berrier  
Larry D. Wood

ZIONTZ, PIRTLE, MORISSET, ERNSTOFF & CHESTNUT  
ATTORNEYS AT LAW

STEVEN S. ANDERSON\*  
RICHARD M. BERLEY  
STEVEN H. CHESTNUT  
RICHARD A. DUBAY  
BARRY D. ERNSTOFF  
GLENN M. FELDMAN\*\*  
FRANK R. JODZWIAK  
MASON D. MORISSET  
ROBERT L. PIRTLE  
JAMES J. PURCELL  
THOMAS P. SCHLOSSER  
MARC D. SLONIM  
SAMUEL J. STILTNER  
JAMES L. VARNELL  
JAMES B. WEBER  
ALVIN J. ZIONTZ

\* WASHINGTON AND ALASKA STATE BARS  
\*\* DISTRICT OF COLUMBIA BAR  
ALL OTHERS WASHINGTON STATE BAR

METROPOLITAN PARK 15TH FLOOR  
1100 OLIVE WAY  
SEATTLE, WASHINGTON 98101  
(206) 423-1255

TWX: 5104444047  
TELECOPIER: (206) 423-7622

---

WASHINGTON DC OFFICE  
1129 TWENTIETH ST. N.W.  
SUITE 506  
WASHINGTON, D.C. 20036  
(202) 331-8690

---

PLEASE REPLY TO SEATTLE OFFICE

March 4, 1983

Sandra Borbridge  
Special Assistant  
Office of the Governor  
Pouch A  
Juneau AK 99811

Re: Metlakatla Indian Community's Eligibility for  
Municipal Aid

Dear Sandra:

As we discussed the other day on the telephone, I have prepared a paper for Senator Ziebler outlining the basis for the Metlakatla Indian Community's request that various state statutes be amended so that the Metlakatla Indian Community qualifies for state revenue sharing and other state municipal aid programs. I enclose a copy for your reference. Since the Community's position as to precisely what programs it will seek to have amended is not yet clear, I would prefer that you withhold distribution of the paper.

In light of our earlier conversations, I would particularly call your attention to the section of the paper that discusses Metlakatla's position relative to other Native communities in Alaska. As I have explained to you, the Community does not in any way want to interfere with the efforts of other predominantly Native communities from securing state aid. At the same time, however, it must be recognized that the situation of the Metlakatla Indian Community is legally and practically unique.

Sandra Borbridge  
Page Two  
March 4, 1983

It is my position that it makes the most sense to approach the question of Metlakatla's inequality of treatment first and then approach the problems of state treatment of other Native communities on an ad hoc basis. As I emphasized in the paper, it is important to realize that other Native communities, as well as the Metlakatla Indian Community, receive substantial federal aid. They qualify under federal statutes for Indian Self-Determination Act funding and most other federal programs made available to Indian tribes generally. It is also important to recognize that most Alaska Natives residing in communities of a size comparable to Metlakatla are either at or near a state municipality. Such communities, of course, are eligible for state municipal aid, and the individual Natives who live there receive the indirect benefits of such aid.

The only Natives who would not receive indirect benefits on a scale comparable to Metlakatla, if the requested amendments are enacted, would be those Natives in the unorganized borough who live in smaller communities which are not organized under state law. To my knowledge, none of these communities approach the size of Metlakatla or deliver governmental services on a scale that Metlakatla does. They do not have the same need for revenues that the Community does. If there are any such communities, however, that do deliver substantial governmental services, I see no reason that their situation could not also be remedied by an amendment to the state law. They would be in a much stronger position, however, if Metlakatla got its amendments through first so that they could point to similarities in their situation to that of the Metlakatla Indian Community. On the other hand, for communities that are organized under state law, duplication of state funding would occur if revenue sharing were made available to traditional or IRA councils within the same geographic boundary.

My greatest concern is that the problems that Metlakatla faces should not be ignored simply because it is difficult to deal with the problems concerning the treatment of other Alaska Natives. Metlakatla's situation is not controversial - its governmental status and the extent of its responsibilities are quite clear.

Sandra Borbridge  
Page Three  
March 4, 1983

I will be happy to discuss this matter with you further at your convenience. Thank you again for your attention to Metlakatla's concerns.

Very truly yours,

ZIONTZ, PIRTLE, MORISSET,  
ERNSTOFF & CHESTNUT



Steven S. Anderson

SSA:mk

Enclosure

cc: Senator Robert H. Ziegler, Sr.  
Representative Ron Wendte  
Representative Jack McBride  
Mayor Casey Nelson,  
Metlakatla Indian Community  
Council Members,  
Metlakatla Indian Community  
Gordon Thompson  
Wally Kuley

MK/3483  
F2/MIC/BOR/L

ZIONTZ, PIRTLE, MORISSET, ERNSTOFF & CHESTNUT  
ATTORNEYS AT LAW

STEVEN S. ANDERSON\*  
RICHARD M. BERLEY  
STEVEN H. CHESTNUT  
RICHARD A. DU BEY  
BARRY D. ERNSTOFF  
GLENN M. FELDMAN\*\*  
FRANK R. JOZWIAK  
MASON D. MORISSET  
ROBERT L. PIRTLE  
JAMES J. PURCELL  
THOMAS P. SCHLOSSER  
MARC O. SLONIM  
SAMUEL J. STILTNER  
JAMES L. VARNELL  
JAMES B. WEBER  
ALVIN J. ZIONTZ

METROPOLITAN PARK, 16TH FLOOR  
1100 OLIVE WAY  
SEATTLE, WASHINGTON 98101  
(206) 623-1255

TWX: 9104444047  
TELECOPIER: (206) 623-7622

---

WASHINGTON, D.C. OFFICE  
1129 TWENTIETH ST. N.W.  
SUITE 506  
WASHINGTON, D.C. 20036  
(202) 331-8650

---

March 4, 1983

PLEASE REPLY TO SEATTLE OFFICE

\* WASHINGTON AND ALASKA STATE BARS  
\*\* DISTRICT OF COLUMBIA BAR  
ALL OTHERS WASHINGTON STATE BAR

Representative Ron Wendte  
State Capitol  
Pouch V  
Juneau AK 99811

Re: Eligibility of the Metlakatla Indian Community  
for State Municipal Aid

Dear Representative Wendte:

I am writing on behalf of the Metlakatla Indian Community to request your assistance in securing legislation to make the Metlakatla Indian Community eligible for various state revenue sharing programs, as well as for other financial aid which is now extended to the municipalities of the State of Alaska. I have already met with Senator Ziegler concerning this matter while I was in Juneau several weeks ago, and I understand that in your meeting with the delegation from the Metlakatla Indian Community they advised you of their concern to seek these amendments.

I enclose a copy of my letter to Senator Ziegler formally requesting his assistance, along with a position paper I have prepared outlining the basis for the Community's position. As you can see, it is premised primarily on the argument that the disqualification of the Metlakatla Indian Community from state revenue sharing unfairly discriminates against Alaska state citizens who live on the Annette Islands Reserve as compared to other citizens residing in comparable communities. It seems to me that state revenue sharing for such communities should not turn whether they are organized under federal or state law, but rather on whether they exercise substantial governmental functions and are in need of state assistance. Metlakatla, particularly in light of the substantial federal cutbacks under President Reagan's administration, should qualify on both counts.

I would very much like to meet with you personally to discuss these matters and think that it would be useful to have a delegation from the Community as well as the Community's lobbyist, Mr.

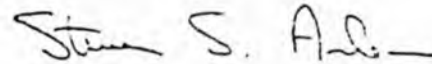
Representative Ron Wendte  
Page Two  
March 4, 1983

Kubley, present as well. We will be available to meet with you at your convenience.

In the meantime, I will be very happy to discuss any questions you may have concerning these matters over the telephone. Thank you again, on behalf of the Metlakatla Indian Community, for any assistance you can give.

Very truly yours,

ZIONTZ, PIRTLE, MORISSET,  
ERNSTOFF & CHESTNUT



Steven S. Anderson

SSA:mk

Enclosure

cc: Senator Robert H. Ziegler, Sr.  
Mayor Casey Nelson,  
Metlakatla Indian Community  
Council Members,  
Metlakatla Indian Community  
Gordon Thompson  
Wally Kubley

MK/3483  
F1/MIC/WEN/L

0013-1128

ZIONTZ, PIRTLE, MORISSET, ERNSTOFF & CHESTNUT  
ATTORNEYS AT LAW

STEVENS ANDERSON\*  
RICHARD M. BERLEY  
STEVEN H. CHESTNUT  
RICHARD A. DU BEY  
BARRY D. ERNSTOFF  
GLENN M. FELDMAN\*\*  
FRANK R. JOZWIAK  
MASON D. MORISSET  
ROBERT L. PIRTLE  
JAMES J. PURCELL  
THOMAS P. SCHLOSSER  
MARC D. SLONIM  
SAMUEL J. STILTNER  
JAMES L. VARNELL  
JAMES B. WEBER  
ALVIN J. ZIONTZ

METROPOLITAN PARK, 16TH FLOOR  
1100 OLIVE WAY  
SEATTLE, WASHINGTON 98101  
(206) 623-1235  
TWX: 9104444047  
TELECOPIER: (206) 623-7622

WASHINGTON, D.C. OFFICE  
1129 TWENTIETH ST. N.W.  
SUITE 506  
WASHINGTON, D.C. 20036  
(202) 331-8690

March 4, 1983

PLEASE REPLY TO SEATTLE OFFICE

\* WASHINGTON AND ALASKA STATE BARS  
\*\* DISTRICT OF COLUMBIA BAR  
ALL OTHERS WASHINGTON STATE BAR

Senator Robert H. Ziegler, Sr.  
Pouch V  
Juneau, Alaska 99811

Re: Metlakatla Indian Community Eligibility for State  
Revenue Sharing

Dear Senator Ziegler:

I am writing on Metlakatla's behalf, as a follow-up to our conversation in Juneau, to request your assistance in securing legislation making the Metlakatla Indian Community eligible for State revenue sharing and other State financial aid which is available to Alaska's other municipalities, including a number of like size and comparable governmental responsibilities.

Although I know you are quite familiar with Metlakatla's status and its treatment under state law, I thought it might be helpful if I provided you with a detailed explanation of the basis for the Community's position. I have prepared a paper outlining Metlakatla's arguments which I enclose for your reference. It discusses the legal status of the Community, and what I see as the primary basis for expanding the eligibility requirements of the various State municipal assistance programs. The paper is preliminary because, except for the revenue sharing programs, it does not identify precisely the programs in which Metlakatla seeks to participate. I believe that will have to wait for additional discussions with you and Representatives Wendte and McBride.

As you know, the State of Alaska has in the past provided assistance to the Metlakatla Indian Community as it has to other communities throughout the State of Alaska. Most often, as in the case of the swimming pool project, the money has been made available as part of a specific legislative grant. The Community is well aware that this has been made possible primarily through your sponsorship.

Senator Robert H. Ziegler, Sr.  
Page 2  
March 4, 1983

There are many on-going State assistance programs, however, for which the Community does not currently qualify. In several instances, the Community has received funds from the Department of Community and Regional Affairs under programs making the so-called "unincorporated communities" eligible for State financing. Metlakatla's classification as an "unincorporated community," however, is problematic.

Although the Metlakatla Indian Community is organized under federal law and is therefore not technically a state "municipality," in form and function it more closely resembles a "municipality" than it does an "unincorporated community." Metlakatla does not resemble those communities in the unorganized borough with no organized local government. The distributions authorized by the legislature for the unincorporated communities have been much less substantial than the distributions to the municipalities. Since Metlakatla has substantial "municipal" responsibilities, it has a correspondingly greater need for revenues than do the unincorporated communities, and it would seem that Metlakatla's eligibility for those programs should turn on the functions it performs for the Alaska citizens who reside on the Reserve, rather than on the fact that it is chartered by the United States rather than the State of Alaska.

At the present time, Alaska citizens who reside on the Annette Islands Reserve do not share the same opportunity as other state citizens residing in similar communities to enjoy the indirect benefits of state revenue sharing. The Legislature, it seems to me, has made a policy decision that some of Alaska's wealth should be made available to its citizens indirectly through the various state programs that provide direct financial aid to local governments. Such a distribution scheme has the advantage of ensuring that a substantial part of the money distributed will be invested in permanent civic improvements of long-range benefit to state citizens. When oil and gas revenues are distributed directly to individual state citizens, there is, of course, no such assurance. Considered from the perspective of the individual state citizen who lives on the Annette Islands Reserve, therefore, the State does not extend to the Metlakatlans the same indirect benefits it does to other state citizens residing in similar communities. This inequality of treatment is most clearly evident in the Municipal Assistance Fund where the State has elected to distribute 30% of the oil and gas income tax revenues to municipalities.