

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8243 SENATE COMMUNITY & REGIONAL AFFAIRS

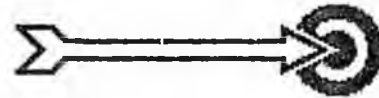
Estimated Timeline for Solving Unmet Needs

1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010

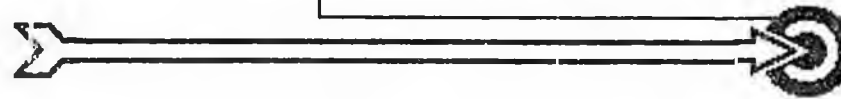
- Interagency Task Force Recommendations



- Upgrade Level 1 Water Systems (water point) to Level 2 (washeteria/honeybucket haul)



- Upgrade Level 2 Systems (washeteria/haul systems) to Level 4 (piped or trucked services)



- Upgrade Level 4 Systems (piped or trucked services) to full compliance with federal water standards.



- Upgrade all systems to full compliance with federal water standards

Data not available to make projection.

- Solid Waste System Upgrades



- Piped or trucked services in all communities which desire the services and are capable of operating and maintaining the systems.



Service Levels Defined	Communities Served
Level 1 water = non treated or watering point	48
Level 1 sewer = pit privies or honeybuckets	103
Level 2 water = washeteria	63
Level 2 sewer = community sewage haul system	29
Level 3 water = individual wells	15
Level 3 sewer = on-site septic systems*	
Level 4 water = piped/truck haul	92
Level 4 sewer = piped/truck haul	78

*included as flush systems for purposes of this report.

Assumptions:

- 1) \$50 million available per year from all known sources..
- 2) Time lines will be shortened if additional funding is obtained..

GOALS:

The following goals have been identified as cornerstones to addressing the sanitation problems of rural Alaska:

- Provide adequate water, sewerage, and solid waste services in every Alaskan community.
- Improve public health and quality of life.
- Optimize State and federal funding.
- Provide infrastructure vital to economic development.
- Increase facility operation, maintenance, and management capabilities.

The Department recommends the following six Action Strategies as solid practical steps toward achieving these goals:

- Form an Interagency Task Force.
- Commit to a State/Federal/Community Partnership.
- Stabilize funding for rural sanitation projects.
- Assist communities increase operation and maintenance capabilities.
- Investigate and promote new technology.
- Develop a systematic approach to addressing needs.

As the first step toward addressing these and other related issues and instituting a more unified approach to solving the sanitation problems of rural Alaska, the Department recommends the formation of an Interagency Task Force. This group would act as the catalyst for advancing and refining the goals, strategies, and objectives outlined throughout this plan.

During the first year of the proposed plan, the recommendations of the Interagency Task Force will be developed. These recommendations will be integrated into the State's implementation strategy during the balance of the planning period.

ACTION STRATEGY:

Form an Interagency Task Force.

Due to the magnitude of sanitation needs in rural Alaska, a unified, multiagency approach to problem solving is necessary. An Interagency Task Force will be established to review, analyze, and recommend policies, standards, and solutions for formulating a federal/State/community twenty year rural sanitation strategy. The Task Force will consist of individuals, groups, and agencies representing a variety of interests and disciplines. Representation will include State and federal agencies, local officials, the Legislature, the University of Alaska, Health Corporations and rural leaders. Participation, input and recommendations from experts in the areas of engineering, housing, finance, business, health and education will provide the Task Force with the policy direction necessary to develop a comprehensive twenty year strategy for meeting the water, sewerage, and solid waste needs in rural Alaska.

Because of the complexity and number of issues at hand, the Task Force will work more efficiently if divided into several subgroups. Each subgroup will be assigned specific issues to analyze and will be responsible for reporting recommendations to the full Task Force for inclusion in the States rural sanitation strategy. During the first year of the strategy, the Department will concentrate on obtaining program direction from Task Force recommendations on the following:

Objective 1 Establish uniform standards for federal and State housing

The existing minimum water and sewerage service standards of State and federal housing programs will be reviewed by the Task Force. Current standards will be examined for compatibility with the State's overall goal of providing water, sewerage, and solid waste services to every Alaskan community. Where current standards are inadequate, specific parameters will be recommended as minimum health requirements.

If adopted, these parameters would be required in every new home constructed in Alaska by federal and State housing authorities. Additionally, methods for modifying plumbing in existing homes which do not meet the minimum code will be explored.

Objective 2 Develop a policy for subsidizing the operation and maintenance of village owned facilities.

The Task Force will review the feasibility of providing a subsidy program for operation and maintenance of village sanitation facilities. Many villages do not have the population or economic base to adequately budget for operation, maintenance and replacement costs related to providing sanitation services. These costs will be reviewed and compared to the average household income in each rural region of the State to determine an equitable solution to O&M budgeting. The cost of subsidized O&M will then be compared to the cost and benefits achieved through expansion of the Remote Maintenance Worker Program.

Objective 3 Recommend policies for promoting water quality testing and monitoring.

In recent years, an average of 300 incidents per year of poor quality water have been documented from community drinking water systems throughout the State - water containing everything from fecal coliform to leeches. The importance of detecting public drinking water deficiencies early is obvious. Early detection allows immediate mitigative measures to be taken to protect public health. Without testing and monitoring, contamination of a community's drinking water supply may go unnoticed until cases of illness are reported.

Based upon the recommendations of the Task Force, the Department proposes developing a program to provide:

- Treatment and testing equipment to system operators in every community;
- Training for water system operators regarding testing/sampling requirements and techniques;
- Community access to bacti laboratories; and
- Incentives for local governments to sample and monitor the quality and safety of their drinking water.

Objective 4 Provide detailed recommendations regarding the level of local commitment which should be required by State sanitation construction grants.

The Task Force will consider the level of local commitment which should be required for rural sanitation projects. Currently, rural communities do not provide match for water, sewer, and solid waste projects. Rather, these projects are funded entirely by the State or federal government. The Task Force will study: (a) the practicality, feasibility, and impacts of making local matching funds a grant requirement; (b) the level of local participation which should be committed to project construction; (c) the application of in-kind services as an alternative to match monies when a community does not have the financial capability of providing even a minimum funding match; and (d) whether the enabling statute for the Village Safe Water Program which now specifically states "A contribution toward the cost of the construction of a facility may not be required from its users" should be amended.

Objective 5 Develop and institute a sanitation education curriculum.

Breaking the cycle of water borne disease in remote communities takes more than capital projects - a health education program is needed to augment ongoing construction activities. The Task Force will explore working with the Department of Education, the U.S. Public Health Service, and local school districts to develop and implement a complete "health education kit" including videos, posters, and text books. These materials would be made available to teachers in remote locations to educate children of the importance of personal hygiene, safe drinking water, proper sewage disposal, and adequate solid waste management.

It is suggested that health education become an integral part of all sanitation construction projects in rural Alaska. The whys and hows of properly using new facilities as well as information regarding communicable diseases (what they are, how they are spread, and how to prevent contacting them); the water cycle; the importance of boiling non-treated drinking water; and the importance of separation distances between places where water is obtained and where sewage or solid waste is hauled would be among the topics explored.

Objective 6 Improve roads in communities where haul systems are the selected alternative.

Geographic, climatic, and economic conditions in many rural communities make piped utilities impractical or infeasible. In such cases, residents frequently select water and sewer haul systems as preferred project alternatives. Haul systems require roads with bearing capacity adequate to handle large water and sewage transportation vehicles. Unfortunately, many of the communities who desire haul systems, either do not have roads or have roads which do not now have adequate bearing capacity.

The Task Force will explore coordinating funding and resources with the U.S. Public Health Service, the Bureau of Indian Affairs and the Department of Transportation in order to construct new gravel roads or improve the bearing capacity of existing roads in communities where haul systems are the preferred alternative to piped systems.

Objective 7 Develop utilities for joint use by villages and schools.

In many villages, two separate water and sewer systems are operated. One provides service to the community and the other to the school. As a result there are two treatment plants, two wastewater collection and disposal systems and dual plumbing, heating and electrical systems to support them.

Based upon the recommendations of the Interagency Task Force, the Department proposes identifying those communities where dual systems exist; examining the requirements of each; and determining where joint utilities are cost effective and practical. It is further recommended that a joint utilities pilot study be conducted by REAA's prior to applying the "joint utilities" approach in several areas.

Objective 8 Explore State/Regional and Village Corporation Financial Partnerships.

Many communities do not have the economic base to assist in financing sanitation projects. The Corporations which represent village residents, however, may have the resources to assist. The task force will explore the possibility of forming a financial partnership between the State and Regional and Village corporations for funding rural water, sewerage, and solid waste projects.

Objective 9 Recommend the conditions under which Direct Grants may be used as a funding alternative.

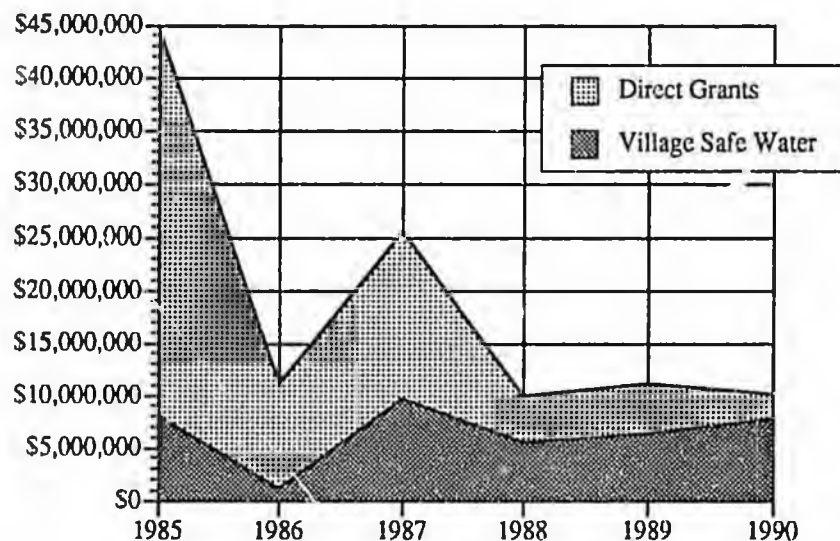
The task force will determine the circumstances under which direct grants are an appropriate mechanism for funding rural sanitation projects. Based upon this analysis, the task force will develop and recommend a policy specifying the situations under which the use of direct grants should be considered.

ACTION STRATEGY: Stabilize funding for rural water, sewer, and solid waste projects.

It is virtually impossible for the State to enter the twenty-first century with hopes of providing every Alaskan community with adequate sanitation services without a stable funding commitment for the construction of necessary facilities.

As shown in the graph below, State and federal funding of rural sanitation facilities has been sporadic at best. When State revenues were high, it was relatively easy for local governments to obtain grants. However, as oil revenues declined so did the State's investment in water, sewerage, and solid waste projects. The unpredictable nature of this "boom and bust" funding cycle has made long term capital improvement planning virtually impossible for local governments. Likewise it does not allow for a systematic, long term Statewide approach to address community sanitation needs.

History of State Funding for Rural Sanitation 1985-1990



By committing to a stable Village Safe Water capital budget, the State, federal, and local governments will be better able to plan for and finance public sanitation projects.

ACTION STRATEGY:**Commit to a State/federal/community partnership.**

It is essential that community participation in a project go beyond signing a grant offer or adopting a resolution. It is equally vital that State and federal roles transcend simply disbursing payments.

Objective 1 Build a partnership through local commitment.

Experience has shown that communities who actively participate with funding agencies in addressing their sanitation needs are more likely to adequately operate and maintain their facilities. If residents feel they have a vested interest in a project, the chances for its success increase greatly. The Department therefore supports requiring a local commitment to the construction, operation and maintenance of sanitation facilities constructed with State and federal funding.

It should be noted, however, that not all communities have the financial resources to contribute funding to the capital costs of a project. It is suggested that in such instances, based upon the recommendations of the Interagency Task Force, opportunities for "in-kind" services be explored.

Objective 2 Budget cooperative between State and federal agencies.

It is recommended that the Department strengthen its budget through cooperation with other State and federal agencies which fund rural sanitation projects. Not only will this effort leverage federal funding available for sanitation facilities, it will also ensure that duplication of effort is avoided.

In the past, the Village Safe Water program has cooperated with the Public Health Service and the Housing and Urban Development Agency in budget development. It is recommended that this relationship be expanded to include the Environmental Protection Agency and the Farmers Home Administration.

Additionally, there are several bills pending in Congress to establish new federal funding programs for sanitation projects in small communities. The Department suggests tracking and monitoring these bills closely and if they gain passage immediately inviting members of the new funding programs to participate in the State/federal budgeting cooperative.

ACTION STRATEGY:**Assist communities increase operation and maintenance capabilities.**

The construction of rural sanitation facilities represents a multi-million dollar investment by the State in public health protection for village residents. Increased commitment to the operation and maintenance of these facilities is necessary if rural public health and the State's large investment in sanitation facilities are to be safeguarded. Weaknesses in planning, staffing, and budgeting lead to sanitation system failures as surely as equipment and mechanical breakdowns. Unless this trend is reversed, additional system failures are predicted and a tremendous financial burden will be placed on the State. The Department proposes the following multi-disciplinary approach to help deal with these problems.

Objective 1 **Define operation & maintenance capabilities and needs in each community.**

Using data obtained from Remote Maintenance Workers, Village Safe Water Engineers, Public Health Service Engineers, Native Health Corporations and community leaders, the Department will assess the operation and maintenance capabilities and needs in each rural community. The Operations Assistance program within the Department will use this information to target training efforts in communities lacking sufficient expertise for operating and maintaining their systems.

Objective 2 **Work with State agencies and authorities to develop and implement a utility management training program.**

The Department recommends working with the U.S. Environmental Protection Agency, and the Department of Community and Regional Affairs, and the Alaska Energy Authority to develop and institute a management training program to assist rural communities in implementing basic financial, accounting, bookkeeping and management systems necessary to properly manage public utilities. Through the program, local officials would learn to compare revenues to actual costs and adjust user fees accordingly; investigate alternative sources of system revenues; develop utility billing procedures and policies; and institute proper accounting and solid business management practices.

Objective 3 Enhance the Operator Training and Certification Program.

The Department proposes to place increased emphasis on operations assistance to water and wastewater operators in rural areas. By stepping up its training program and offering certification testing more frequently, the Department would be better able to increase the number of certified personnel operating rural systems. The Department recommends providing a higher level of operator training through a variety of efforts including cooperative arrangements with federal and State agencies as well as various institutions of higher learning.

The benefits of expanding the State's Operator Training and Certification program are many. Without adequate training, operators will not be capable of keeping their sanitation systems going. Conversely, a well trained operator will protect expensive systems and ensure a longer useful life for capital projects constructed with state funds. System replacement costs would be further mitigated.

The Department recommends augmenting its current training lending library by developing videos which specifically address Alaska's unique systems and conditions.

As part of the proposed program enhancements, the Department recommends increasing current efforts in the following areas (1) providing hands on training for Remote Maintenance Workers; (2) administering verbal certification exams as needed; (3) providing over-the-shoulder training for operators; (4) providing class room training in regional "hub" areas; and (5) developing a comprehensive, holistic approach to solving operation and maintenance problems associated with village sanitation facilities.

Objective 4 Expand the Remote Maintenance Worker Program.

Most of the State's rural communities lack a public works department, a full time professional water/sewer operator, and in many cases an electrician or plumber. Systems are frequently left in the hands of volunteers who, with limited resources and knowledge, face a wide array of mechanical, environmental, and public health related problems. In areas where climatic, economic, and demographic conditions make operation and maintenance of facilities arduous, technical expertise is of great importance. However, the remote location of most villages makes it economically infeasible for outside services to be obtained when technical assistance is most needed. The Remote Maintenance Worker Program offers a partial solution to this problem.

Currently, the program consists of eight Remote Maintenance Workers (RMWs) who are mechanical experts as well as trainers. Each RMW is assigned a circuit of 10-15 villages and resides in a hub community within their area. Through the efforts of these RMWs, the program employs a two-fold approach to protecting costly facilities and public health.

1. Technical Assistance. Due to the remoteness and climatic conditions found in most villages, even minor operational problems can result in malfunctions that can lead to catastrophic system failure. As technical experts, RMWs are available to villages 24 hours a day throughout the year for advice and emergency repairs.

2. Operator Training. As educators, RMWs provide operators with emergency and routine on-the-job training. Operators are trained at their own speed at a level commensurate with their individual requirements.

The solid commitment and ongoing cooperation of the legislature, the Department of Environmental Conservation, several Native Health Corporations, and rural villages throughout the State is positively reflected in the success of the RMW program.

Unfortunately, less than half of the State's rural communities are serviced by a Remote Maintenance Worker (refer to exhibit *)

The Interagency Task Force will evaluate expanding the RMW program so that within the next five years, all rural communities are served by a Remote Maintenance Worker. This will ensure the protection of rural public health and the State's capital investment in rural sanitation infrastructure. RMW assistance will only be provided until a community has obtained the competence to operate its system without State assistance.

• Insert •

**Map showing areas served by an RMW with a
listing of villages covered/not covered**

ACTION STRATEGY:**New technology- research & development projects.**

The Department proposes active investigation and promotion of innovative and alternative technology for the delivery of rural sanitation services. Demographic, economic, and climatic conditions make sanitation construction and operation in rural Alaska among the most expensive and technically challenging in the nation. A research and development program needs to be instituted to develop alternatives to expensive and complex piped systems capable of providing an equal level of service.

Research and development activities should represent a community, State, federal, University and private sector cooperative effort both in funding and design. A multi-tiered approach to investigating and developing new sanitation technologies is suggested.

As the first step in this cooperative effort, the Department advocates sponsoring annual technology seminars where promoters of innovative and alternative sanitation technologies can present their concepts to the engineering community. This would encourage new ideas from manufacturers and designers and would introduce sanitation engineers to nontraditional technologies.

It is suggested that the Interagency Task Force include a research and development subcommittee to review new technologies including those presented during annual technology seminars to determine which merit further study.

As funding allows, those technologies recommended by the subcommittee as showing the most promise would undergo field testing which would consist of three phases. The first phase would include targeting a receptive village to host the demonstration project, a project inception briefing during a council meeting of the hosting community, and (if necessary) fabrication of prototype units. During phase two, prototypes would be installed in the homes of four to ten volunteer families. Phase 3 would consist of project evaluation. If the project is a success and well received by the village, expansion of the technology into the rest of the community would be recommended through the capital budget process.

This phased approach would allow communities to participate in and assess each step of a demonstration project before continuing on to the next phase. Further, it would allow communities to observe and evaluate technologies prior to deciding whether to adopt the new technology on a community-wide basis.

All studies, evaluations, and reports regarding the successes or failures of new sanitation technologies in village Alaska would be made available to interested parties.

ACTION STRATEGY:**Develop a systematic approach to addressing sanitation needs in rural Alaska.**

Local communities frequently do not have a realistic current long range sanitation construction plan. Therefore, it is difficult for the State to establish a long term spending plan that includes community specific projects. For that reason, our planning process in the past has been keyed to local government needs as expressed annually through local priorities.

Objective 1 Conduct a Statewide survey of the existing facilities in rural communities.

The Department will conduct surveys of rural communities to develop and update a computerized inventory of the existing level of sanitation service provided in each of the State's rural communities.

Objective 2 Develop a 20 year analysis of community sanitation needs.

The Department recommends developing an assessment of the capital investment necessary to address each rural community's water, sewerage, and solid waste needs. Cost estimates would consider existing levels of treatment (from data obtained during the Statewide survey recommended above) and the types of system improvements currently needed (e.g. upgrades, expansion, or reconstruction, or new construction). In addition to providing cost estimates for addressing today's sanitation needs, the capital investment required to solve future needs would be projected over a twenty year period. Forecasts would consider population projections, system replacement costs, and facility improvements necessary to comply with State and federal requirements.

Objective 3 Develop a comprehensive long range facility funding plan.

The Department recommends incorporating the recommendations of the Task Force and data obtained during the state-wide survey and twenty year needs analysis proposed above into a comprehensive long range facility funding plan. The plan could serve as a basis for the allocation of capital budget funding. It could also be used to assist State and federal agencies in program planning, policy evaluation, and program management. Additionally, it could be used as a tool for local governments in the development of multi-year community capital improvement plans.

ALASKA FEDERATION OF NATIVES, INC.

1992 ANNUAL CONVENTION

RESOLUTION 92 - 31

TITLE: VILLAGE SAFE WATER AND SEWER FACILITIES

WHEREAS: many villages throughout the State do not have safe water and sewer systems; and

WHEREAS: the lack of clean water and sanitary waste disposal systems in rural communities are the leading cause of illnesses to the residents; and

WHEREAS: health priorities in the villages without adequate, safe water and sewer systems point to lack of such amenities as the major deterrent to the health and safety of their residents; and

WHEREAS: the Environmental Protection Agency and Department of Environmental Conservation dictate policy and regulations regarding water quality and waste disposal; and

WHEREAS: these policies and standards must be enforced for the public health, safety and welfare of people living in rural communities;

NOW THEREFORE BE IT RESOLVED that delegates to the 1992 Annual Convention of the Alaska Federation of Natives, Inc., strongly urge the State of Alaska and Federal Government to adequately fund water and sewer projects in the villages where unsafe conditions prevail.

SUBMITTED BY: Association of Village Council Presidents, Inc., Bristol Bay Native Association, and Napakiak Corporation

COMMITTEE RECOMMENDATIONS: Do Pass

CONVENTION ACTION: Do Pass



ALASKA FEDERATION OF NATIVES, INC.

1992 ANNUAL CONVENTION

RESOLUTION 92 - 32

TITLE: SUPPORT FOR IMPROVED FUNDING FROM THE STATE OF ALASKA FOR DESIGN AND CONSTRUCTION OF UTILITY ROADS IN REMOTE VILLAGE

WHEREAS: sanitation problems persist in most of Alaska's remote communities; and

WHEREAS: design and construction of water, sewer, and solid waste facilities is necessary to improve public health and stimulate economic development; and

WHEREAS: the Local Service Roads and Trails Program of the Alaska Department of Transportation and Public Facilities is no longer funded; and

WHEREAS: the Federal Highway Administration now allows any public road in Alaska to be eligible for Federal-Aid funding; and

WHEREAS: the Alaska Sanitation Task Force has identified that \$100,000,000 is needed to improve utility roads in approximately 100 communities;

NOW THEREFORE BE IT RESOLVED by the delegates to the 1992 Annual Convention of the Alaska Federation of Natives, Inc., that the Commissioner of the Department of Transportation and Public Facilities be requested to allocate at least \$3.0 million annually in the capitol budget to support design and construction of utility roads that will facilitate the improvement of water, sewer, and solid waste in remote villages.

SUBMITTED BY: Alaska Native Health Board

COMMITTEE RECOMMENDATIONS: Do Pass

CONVENTION ACTION: Do Pass



ALASKA FEDERATION OF NATIVES, INC.

1992 ANNUAL CONVENTION

RESOLUTION 92 - 33

TITLE: REQUESTING THE STATE OF ALASKA TO REORGANIZE AND CONSOLIDATE THE STATE'S DRINKING WATER PROGRAM

WHEREAS: Alaska has a large number of serious, long-term drinking water violations in the remote villages, and the rate of non-compliance is among the highest in the nation; and

WHEREAS: traditional enforcement methods used in urban areas have not been effective in rural Alaska; and

WHEREAS: this situation severely impacts the ability of the state to ensure that drinking water quality in the villages is safe; and

WHEREAS: the Alaska Sanitation Task Force has recommended reducing the degree of personnel fragmentation in the drinking water program so that funding for 31 full-time positions is not divided among 70 to 80 people; and

WHEREAS: consolidation of these fragmented positions would increase accountability and efficiency within the drinking water program and improve implementation of the state's drinking water program plan;

NOW THEREFORE BE IT RESOLVED by the delegates to the 1992 Annual Convention of the Alaska Federation of Natives, Inc., that the Commissioner of the Alaska Department of Environmental Conservation be requested to take immediate steps to reorganize and consolidate the activities and personnel of the drinking water program to improve the state's compliance record and technical assistance efforts in remote villages.

SUBMITTED BY: Alaska Native Health Board

COMMITTEE RECOMMENDATIONS: Do Pass

CONVENTION ACTION: Do Pass



ALASKA FEDERATION OF NATIVES, INC.

1992 ANNUAL CONVENTION

RESOLUTION 92 - 34

TITLE: SUPPORT FOR STABLE FUNDING BY THE STATE OF ALASKA FOR SANITATION PROJECTS

WHEREAS: poor sanitation conditions exist in many remote communities, leading to increased risk of disease; and

WHEREAS: to best address these problems, the Alaska Sanitation Task Force recommends funding for sanitation projects reflect long-term strategic planning and careful decision making; and

WHEREAS: over \$2.5 million is needed to finance sanitation infrastructure in urban and rural Alaska over the next 20 years; and

WHEREAS: the Alaska Department of Environmental Conservation (ADEC) is tapping all available federal/state funding sources for construction of sanitation facilities; and

WHEREAS: state funding for sanitation facilities has been erratic during the past ten years, making it difficult to start and finish projects in a timely fashion;

NOW THEREFORE BE IT RESOLVED by the delegates to the 1992 Annual Convention of the Alaska Federation of Natives, Inc., that the Governor and the Office of Management and Budget (OMB) be requested to follow the recommendations of ADEC and commit to a five-year funding plan which includes \$22 million per year for the VSW program; \$12 million per year for the Municipal Matching Grants Program; and \$10 million per year for the State Construction Loan Program; and

BE IT FURTHER RESOLVED that the Governor and OMB be requested to continue to follow a sanitation funding plan which is based on need rather than political considerations.

SUBMITTED BY: Alaska Native Health Board

COMMITTEE RECOMMENDATIONS: Do Pass

CONVENTION ACTION: Do Pass



ALASKA FEDERATION OF NATIVES, INC.

1992 ANNUAL CONVENTION

RESOLUTION 92 - 35

TITLE: REQUESTING A PROCLAMATION FROM THE GOVERNOR OF ALASKA THAT SCHOOL AND COMMUNITY WATER AND SEWER UTILITIES BE SHARED IN REMOTE COMMUNITIES

WHEREAS: water and sewer systems are extremely expensive to operate and maintain in remote communities; and

WHEREAS: many small villages have two separate water and sewer facilities; one serving the school and the other serving the community; and

WHEREAS: when two water and sewer systems exist in a small community, economies of scale in plant operations is lost; and

WHEREAS: school districts and communities compete against each other for limited capital project funds to construct these facilities;

NOW THEREFORE BE IT RESOLVED that delegates to the 1992 Annual Convention of the Alaska Federation of Natives, Inc., request that the Commissioner of the Department of Education develop an executive proclamation to be signed by the Governor directing schools and communities to share water and sewer utilities whenever possible.

SUBMITTED BY: Alaska Native Health Board

COMMITTEE RECOMMENDATIONS: Do Pass

CONVENTION ACTION: Do Pass



ALASKA FEDERATION OF NATIVES, INC.

1992 ANNUAL CONVENTION

RESOLUTION 92 - 43

TITLE: REQUESTING THE ALASKA DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS FUND POSITIONS TO PROVIDE "HANDS-ON" UTILITY MANAGEMENT TRAINING AND ASSISTANCE IN NATIVE VILLAGES

WHEREAS: there have been reported incidents of raw, untreated sewage running in open areas of Alaskan villages and

WHEREAS: there was one death attributed to fluoride treatment in drinking water; and

WHEREAS: poor sanitation conditions exist in many remote communities, leading to increased risk of disease; and

WHEREAS: rural communities have experienced difficulty in collecting user fees and establishing budgets sufficient to cover operating expenses; and

WHEREAS: weaknesses in management are less tangible and precise than technical needs but lead to system failures as surely as do equipment breakdowns; and

WHEREAS: communities often lack the management skills necessary to operate their utilities like a small business; and

WHEREAS: the Alaska Sanitation Task Force has recommended an expansion of the Remote Utility Business Advisor (RUBA) Program to alleviate these problems;

NOW THEREFORE BE IT RESOLVED that delegates to the 1992 Annual Convention of the Alaska Federation of Natives, Inc., request the Commissioner of the Department of Community and Regional Affairs establish a Local Government Specialist position and three Remote Utility Business Advisor positions in the Fiscal Year 1994 operating budget to provide "hands-on" utility management training and assistance in Native villages; and

BE IT FURTHER RESOLVED that said delegates request the State and Federal agencies responsible for health and sanitation in Alaskan villages research and report findings of conditions in villages; and

SUBMITTED BY: Alaska Native Health Board

COMMITTEE RECOMMENDATIONS: Do Pass

CONVENTION ACTION: Do Pass



ALASKA FEDERATION OF NATIVES, INC.

1992 ANNUAL CONVENTION

RESOLUTION 92 - 59

TITLE: SUPPORT FOR CONTINUED FUNDING OF THE POWER COST EQUALIZATION PROGRAM

WHEREAS: poor sanitation conditions exist in many remote communities, leading to increased risk of disease; and

WHEREAS: modern sanitation facilities require pumps, motors, and other electrical equipment to operate in Alaska's cold climate; and

WHEREAS: the costs of providing electricity in Alaska's remote communities is very expensive; and

WHEREAS: an increase in rural electrical costs will directly result in the increase of other goods and services thereby affecting the overall cost of living and conducting business in rural Alaska; and

WHEREAS: the Power Cost Equalization (PCE) Program helps reduce the costs of producing and distributing electricity and sanitation services in remote communities; and

WHEREAS: continued cuts in the PCE Program will dramatically increase the cost of operating water and sewer utilities in the bush; and

WHEREAS: the Alaska Sanitation Task Force has recognized the importance of the PCE Program as it relates to providing adequate sanitation;

WHEREAS: the Power Cost Equalization program was created to "equalize" the amount of State funds that have been spent on electrification projects between rural Alaska and the Southcentral Alaska Railbelt;

NOW THEREFORE BE IT RESOLVED by the delegates to the 1992 Annual Convention of the Alaska Federation of Natives, Inc., that the Alaska Legislature and the Governor's Office of Management and Budget be requested to reinstate \$3.5 million reduced from the program in 1992; and

BE IT FURTHER RESOLVED that said delegates urge the Alaska Legislature and Governor's office to continue funding the Power Cost Equalization Program at Fiscal Year 1992 levels.

SUBMITTED BY: Alaska Native Health Board and Bristol Bay Native Association

COMMITTEE RECOMMENDATIONS: Do Pass

CONVENTION ACTION: Do Pass



ALASKA FEDERATION OF NATIVES, INC.

1992 ANNUAL CONVENTION

RESOLUTION 92 - 78

TITLE: MAINTAIN AND INSTALL WATER AND SEWAGE SYSTEMS IN RURAL ALASKA TO MEET MINIMUM HEALTH STANDARDS

WHEREAS: the Federal and State Governments have neglected to maintain and/or install safe water and sewage systems in rural Alaska; and

WHEREAS: the residents of rural Alaska consequently suffer from a variety of infections and serious diseases as a result of this neglect; and

WHEREAS: many times a person afflicted with these illnesses must seek treatment in area hospitals or The Alaska Native Medical Center in Anchorage, which further drains the diminishing budgets of our health delivery system; and

WHEREAS: it also interferes with the healthy function, care, and education of the children of the family; and

WHEREAS: more than \$1.3 billion has been spent on water and sewer systems in rural Alaska in the last twenty years, but many systems have failed because of design flaws and non-maintenance; and

WHEREAS: all Alaskan residents are affected by this problem because Federal, State, and Local budgets must compensate for the social costs of the stated afflictions;

NOW THEREFORE BE IT RESOLVED by the delegates to the 1992 Annual Convention to the Alaska Federation of Natives, Inc. that the State and Federal Governments be urged to improve and install water and sewer systems so that these systems be deemed safe by Federal and State standards; and

BE IT FURTHER RESOLVED that an effort be made to recruit local residents for training to be certified technicians who would then be qualified to maintain local water and sewer systems; and

BE IT FURTHER RESOLVED that the State be requested to conduct quarterly checks that would result in immediate improvements; and

BE IT FURTHER RESOLVED that a fund be established for the specific purpose of educating Alaskan Native Youth in the fields of Engineering, Sanitation, and Environment, in order to effectively design safe water and sewer systems.

SUBMITTED BY: 1992 AFN Youth Conference

COMMITTEE RECOMMENDATIONS: Do Pass

CONVENTION ACTION: Do Pass



SENATE JOINT RESOLUTION NO. 25
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/26/93
Referred: CRA, HES

A RESOLUTION

1 Urging the federal government to recognize the dire water and sanitation
2 conditions in rural Alaska and to become a full partner with this state in
3 improving this health-threatening situation.

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

5 **WHEREAS** Alaskans living in over 135 rural communities throughout the state have
6 substandard and inadequate water and sewer facilities; and

7 **WHEREAS** this lack of basic facilities results in many of these rural Alaskans having
8 to drink untreated water from ponds, creeks, or rivers and having to use a bucket as a toilet
9 or an outhouse as a bathroom facility; and

10 **WHEREAS** this lack of basic facilities often results in uncontained sewage pooling
11 in close vicinity to homes, in liquid wastes leaching into the waters used for drinking, and in
12 exposing children to raw sewage in their play areas; and

13 **WHEREAS** this lack of basic facilities is causing a critical human health and safety
14 crisis in rural Alaska as evidenced by an alarmingly high incidence of potentially life-
15 threatening diseases, such as hepatitis A and meningitis; and

16 **WHEREAS** Alaska's rural population is projected to double by the year 2010, further

1 compounding this health crisis and exposing many rural residents to diseases that would be
2 preventable with basic sanitation facilities; and

3 WHEREAS rural Alaska has a history of cycles of waterborne disease epidemics
4 stemming from unsafe water and sanitation systems, and state epidemiologists report hepatitis
5 A is currently beginning another new cycle of that disease; and

6 WHEREAS the United States Department of Housing and Urban Development
7 continues to design and build homes in rural Alaska without adequate provision for safe
8 sewage disposal or in-home drinking water; and

9 WHEREAS the commissioner of the Alaska Department of Environmental
10 Conservation established the Alaska Sanitation Task Force, consisting of 27 federal, state,
11 Native, and regional organizations, to analyze these important issues and provide
12 recommendations for action; and

13 WHEREAS the implementation of the recommendations of the Alaska Sanitation Task
14 Force involves the joint commitment of the state, local and federal governments to improve
15 the living standards, public health, and quality of life of rural Alaskans; and

16 WHEREAS the governor has directed the commissioner of the Alaska Department of
17 Environmental Conservation and commissioners of other affected state departments to use their
18 best efforts to utilize available resources to address this critical health problem; and

19 WHEREAS the Alaska State Legislature recognizes the important work done by the
20 Alaska Sanitation Task Force and urges early implementation of the task force's findings and
21 recommendations by the state government in partnership with the federal government, local
22 government, Native regional corporations, and others to address these challenges; and

23 WHEREAS this state effort will not be successful without the commitment of the
24 federal government to meet its responsibilities and obligations to these rural residents, many
25 of whom are Alaska Natives; and

26 WHEREAS the federal government, through the United States Environmental
27 Protection Agency, has the capacity to assist in correcting the sanitation conditions in rural
28 Alaska as exemplified by its ongoing efforts in other areas of the country such as the
29 American Southwest Colonias where border town communities are receiving assistance in
30 establishing basic water and sewage facilities; and

31 WHEREAS a national effort similar to that currently being undertaken in the
32 American Southwest Colonias [is necessary] residents in rural Alaska [are to no longer be]

Amendment #2

*↓ add
will enable accelerated transformation for*

1 ^{from} [consigned to] substandard sanitation conditions.

2 **BE IT RESOLVED** that the Alaska State Legislature respectfully requests the
3 President of the United States to direct the administrator of the United States Environmental
4 Protection Agency to join in a partnership with the State of Alaska to finance and implement
5 a long-term, comprehensive effort to improve sanitation conditions in rural Alaska; and be it

6 **FURTHER RESOLVED** that the Alaska State Legislature respectfully requests the
7 President of the United States to ask the Environmental Protection Agency, the United States
8 Department of Housing and Urban Development, the United States Department of Health and
9 Human Services, the Bureau of Indian Affairs, the United States Department of Education, the
10 United States Department of Labor, and the United States Department of Transportation to
11 commit available finances and resources necessary to improve the water and sanitation
12 conditions in rural Alaska by implementing the recommendations of the Alaska Sanitation
13 Task Force.

14 **COPIES** of this resolution shall be sent to the Honorable Bill Clinton, President of the
15 United States, and to the Honorable Ted Stevens and the Honorable Frank Murkowski, United
16 States Senators, and the Honorable Don Young, United States Representative, members of the
17 Alaska delegation in Congress.

→ add additional addresses in the
Further resolved section and
the section on who is to receive
Copies -

*Amendment #3
Jordan*

Amendments to ERJ 25

Change the Bureau of Indian Affairs to the Department of the Interior and add the following agencies:

**Department of Agriculture
ACTION
Department of Energy
Department of Commerce
Small Business Administration
Office of Management and Budget**

Names and addresses of Agency Secretaries:

**Carol Browner, Administrator
U.S. Environmental Protection Agency
WH-556, 401 M Street S.W.
Washington, D.C. 20460**

**Robert B. Reich, Secretary
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210**

**Frederico F. Pena, Secretary
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590**

**Henry G. Cisneros, Secretary
U.S. Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410**

**Donna E. Shalala, Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201**

**Patricia F. Salki, Administrator
Small Business Administration
409 Third Street, S.W.
Washington, D.C. 20416**

**Leon E. Panetta, Director
U.S. Office of Management and Budget
Old Executive Ofc. Building
17th Street & Pennsylvania Ave., N.W.
Washington, D.C. 20503**

Richard W. Riley, Secretary
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Hazel R. O'Leary, Secretary
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Mike Espy, Secretary
U.S. Department of Agriculture
14th Street and Independence Avenue, S.W.
Washington, D.C. 20250

Ronald Brown, Secretary
U.S. Department of Commerce
14th St. & Constitution Avenue, N.W.
Washington, D.C. 20230

Bruce Babbitt, Secretary
U.S. Department of the Interior
1849 C. Street, N.W.
Washington, D.C. 20240

John Seal, Acting Director
ACTION
1100 Vermont Avenue, N.W.
Room 7100
Washington, D.C. 20525

*Andrew #
if
Saylor*

*+ Hillary Rodman Clinton (First Lady
White House)*

SENATE JOINT RESOLUTION NO. 25
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/26/93
Referred: CRA, HES

A RESOLUTION

1 Urging the federal government to recognize the dire water and sanitation
2 conditions in rural Alaska and to become a full partner with this state in
3 improving this health-threatening situation.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 WHEREAS Alaskans living in over 135 rural communities throughout the state have
6 substandard and inadequate water and sewer facilities; and

7 WHEREAS this lack of basic facilities results in many of these rural Alaskans having
8 to drink untreated water from ponds, creeks, or rivers and having to use a bucket as a toilet
9 or an outhouse as a bathroom facility; and

10 WHEREAS this lack of basic facilities often results in uncontained sewage pooling
11 in close vicinity to homes, in liquid wastes leaching into the waters used for drinking, and in
12 exposing children to raw sewage in their play areas; and

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14 crisis in rural Alaska as evidenced by an alarmingly high incidence of potentially life-
15 threatening diseases, such as hepatitis A and meningitis; and

16 WHEREAS Alaska's rural population is projected to double by the year 2010, further

1 *1000*
consigned to substandard sanitation conditions.

2 **BE IT RESOLVED** that the Alaska State Legislature respectfully requests the
3 President of the United States to direct the administrator of the United States Environmental
4 Protection Agency to join in a partnership with the State of Alaska to finance and implement
5 a long-term, comprehensive effort to improve sanitation conditions in rural Alaska; and be it

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8 Department of Housing and Urban Development, the United States Department of Health and
9 Human Services, the Bureau of Indian Affairs, the United States Department of Education, the
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11 commit available finances and resources necessary to improve the water and sanitation
12 conditions in rural Alaska by implementing the recommendations of the Alaska Sanitation
13 Task Force.

14 **COPIES** of this resolution shall be sent to the Honorable Bill Clinton, President of the
15 United States, and to the Honorable Ted Stevens and the Honorable Frank Murkowski, United
16 States Senators, and the Honorable Don Young, United States Representative, members of the
17 Alaska delegation in Congress.

Dept of Agriculture

Head

Heller, Clinton

SENATE JOINT RESOLUTION NO. 25

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/26/93
Referred: CRA, HES

A RESOLUTION

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5 A is currently beginning another new cycle of that disease; and

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8 sewage disposal or in-home drinking water; and

9 WHEREAS the commissioner of the Alaska Department of Environmental
10 Conservation established the Alaska Sanitation Task Force, consisting of 27 federal, state,
11 Native, and regional organizations, to analyze these important issues and provide
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17 Environmental Conservation and commissioners of other affected state departments to use their
18 best efforts to utilize available resources to address this critical health problem; and

19 WHEREAS the Alaska State Legislature recognizes the important work done by the
20 Alaska Sanitation Task Force and urges early implementation of the task force's findings and
21 recommendations by the state government in partnership with the federal government, local
22 government, Native regional corporations, and others to address these challenges; and

23 WHEREAS this state effort ^{will be enhanced} ~~will not be successful~~ without the commitment of the ^{defeated}
24 federal government to meet its responsibilities and obligations to these rural residents, many ^{2/3}
25 of whom are Alaska Natives; and

26 WHEREAS the federal government, through the United States Environmental
27 Protection Agency, has the capacity to assist in correcting the sanitation conditions in rural
28 Alaska as exemplified by its ongoing efforts in other areas of the country such as the
29 American Southwest Colonias where border town communities are receiving assistance in
30 establishing basic water and sewage facilities; and

31 WHEREAS a national effort similar to that currently being undertaken in the ^{accelerated}
32 American Southwest Colonias ^{will be transportation for} ~~is necessary if~~ residents in rural Alaska ~~are to no longer be~~ ^{accepted} ^{5/0}

Person
1 consigned to substandard sanitation conditions.

2 **BE IT RESOLVED** that the Alaska State Legislature respectfully requests the
3 President of the United States to direct the administrator of the United States Environmental
4 Protection Agency to join in a partnership with the State of Alaska to finance and implement
5 a long-term, comprehensive effort to improve sanitation conditions in rural Alaska; and be it

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9 Human Services, the Bureau of Indian Affairs, the United States Department of Education, the
10 United States Department of Labor, and the United States Department of Transportation to
11 commit available finances and resources necessary to improve the water and sanitation
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14 **COPIES** of this resolution shall be sent to the Honorable Bill Clinton, President of the
15 United States, and to the Honorable Ted Stevens and the Honorable Frank Murkowski, United
16 States Senators, and the Honorable Don Young, United States Representative, members of the
17 Alaska delegation in Congress.

Dy. L. F. Ag. Ouellet

Head

Hillary C.

SJR

31

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

DATE: 4/15/93

FURTHER:

Date of 5-Day Notice: 4/15/93
 (in accordance with Uniform Rule 23)

DATE TURNED
 INTO OFFICE: _____

CRA Committee considered SJR 31

Relating to the minimum federal criteria for municipal solid waste landfills.

and recommends:

replace with _____ CS _____ (_____)

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

same title
 new title
 technical
 title change
 (HB only)

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
DEC	4/16/93	φ	

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

OTHER RECOMMENDATIONS:

Reed E. Cole Do Pass

Chair: Signature and Recommendation

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SJR 31

Revision Date: _____
 Title: Minimum federal criteria for municipal
solid waste landfills
 Sponsor: Senator Leman
 Requestor: Senator Leman

Department Affected: Environmental
Conservation
 BRU: _____
 Component: _____

COMPONENT SERIAL NO.

--	--	--	--

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS,CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING:

1002 FEDERAL RECEIPTS	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF MATCH	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/PROGRAM RECPT	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS: NONE

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ NONE

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Glenn Miller, Environmental Specialist *Glenn Miller* Phone: 465-5010
 Division: Environmental Quality *for Glenn Miller* Date: 4/15/93

Approved by Commissioner: *Anna W. Davis*
 Agency: Department of Environmental Conservation Date: 4/16/93

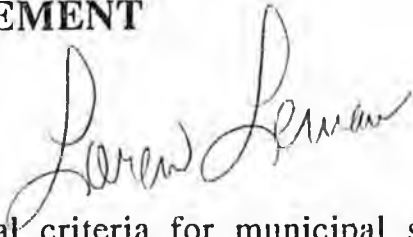
Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

SENATOR LOREN LEMAN

Northwest Anchorage

311 "C" Street Anchorage, AK 99503 561-7614 During Session: State Capitol Juneau, AK 99801 465-2095

SPONSOR STATEMENT

BY: Senator Loren Leman 

SUBJECT: SJR31: Minimum federal criteria for municipal solid waste landfills

DATE: April 16, 1993

The Environmental Protection Agency took seven years to prepare criteria implementing the Hazardous and Solid Waste Amendments of 1984. However, it has given states only two years to adopt regulations mandated by these criteria.

The Alaska Department of Environmental Conservation will have difficulty adopting the required regulations by the October 9, 1993 federal deadline.

SJR31 requests extension of the effective date of the financial assurance criteria for municipal solid waste landfills to April 9, 1996, and the effective date for the state to implement all other federal criteria for municipal solid waste landfills to October 9, 1995.

It also requests that solid waste landfills not be considered open dumps under the Resource Conservation and Recovery Act because of a failure to comply with the new criteria, unless the landfill does not comply with the federal criteria that were in effect on October 8, 1991.

The Kansas State Legislature has passed a similar resolution and asked us to do the same.

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

CARL D. HOLMES
REPRESENTATIVE, 125TH DISTRICT
P.O. BOX 2288
LIBERAL, KANSAS 67905
(316) 624-7361



TOPEKA

COMMITTEE ASSIGNMENTS
CHAIRMAN ENERGY AND NATURAL RESOURCES
MEMBER LOCAL GOVERNMENT
JOINT COMMITTEE ON ADMINISTRATIVE
RULES AND REGULATIONS
NATIONAL CONFERENCE OF STATE
LEGISLATURES—ENERGY COMMITTEE

TOPEKA ADDRESS
STATE CAPITOL, RM. 1155
TOPEKA, KANSAS 66612-1504
(913) 296-7670

LEGISLATIVE HOTLINE
1-800-432-3924

April 7, 1993

Senator Loren Leman, Chair
Special Committee on Oil & Gas
State Capitol
Juneau, AK 99811

APR 12 1993

Dear Senator Leman:

As you are probably aware, the U.S. Environmental Protection Agency has established October 9, 1993 as the effective date for all minimum federal criteria for municipal solid waste landfills, except for the financial assurance criteria. While states waited for years to receive the criteria, states were given only two years to adopt the necessary legislation and rules and regulations at the state level in order to come into compliance by the federal deadline date. In Kansas this has created immense problems, particularly in our more rural areas.

In response to the tremendous difficulties this has created for many Kansas communities, the Kansas Legislature has adopted the enclosed resolution, which calls on the Congress to take the appropriate action to assure that no municipal solid waste landfill unit be considered an open dump. The resolution calls for a two year delay in the implementation of the federal criteria. I would urge you to consider the introduction and eventual passage of a concurrent resolution similar to the one enclosed.

Thank you for your time and consideration.

Sincerely,

Representative Carl Holmes
Chairman, Kansas House Energy
and Natural Resources Committee

CH:ja

Enclosure

HOUSE CONCURRENT RESOLUTION No. 5020

A CONCURRENT RESOLUTION urging Congress to extend the effective dates for the minimum federal criteria for municipal solid waste landfills.

WHEREAS, The United States Environmental Protection Agency has established October 9, 1993, as the effective date for all minimum federal criteria for municipal solid waste landfills except the financial assurance criteria which are effective April 9, 1984; and

WHEREAS, The Environmental Protection Agency required seven years to adopt these criteria in response to the 1984 Hazardous and Solid Waste Amendments to the Resource and Conservation Recovery Act; and

WHEREAS, Only two years' time was allowed the states to adopt necessary rules and regulations and implement measures to comply with the criteria; and

WHEREAS, The state of Kansas and its citizens have made a good faith effort to comply with the federal requirements; and

WHEREAS, The criteria may require solid waste transfer stations and regional landfills to be established, which would cost counties between \$300,000 and \$2,000,000, more than the 1% increase in county budgets considered by the Environmental Protection Agency to be a significant economic impact that may exceed the practicable capacity of many counties; and

WHEREAS, The problems that areas having low density population face in complying with the federal requirements cannot be resolved within the time allowed for compliance: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Legislature urges Congress to extend the effective date of the financial assurance criteria for municipal solid waste landfills (40 CFR part 258, subpart G) to April 9, 1996, and to extend the effective date for the state to implement all other minimum federal criteria for municipal solid waste landfills (40 CFR part 258, subparts A through F) to October 9, 1995; and

Be it further resolved: That the Legislature urges Congress to take appropriate action to assure that no municipal solid waste landfill unit shall be considered an open dump under the Resource Conservation and Recovery Act by reason of failure to comply with the new minimum federal criteria for municipal solid waste landfills (40 CFR part 258) until on or after October 9, 1995, unless the landfill unit does not comply with the federal criteria which were in effect on October 8, 1991; and

Be it further resolved: That the Secretary of State be directed to send enrolled copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, all members of the congressional delegation from the State of Kansas, the Administrator of the United States Environmental Protection Agency and the Regional Administrator, Region VII, of the United States Environmental Protection Agency.

I hereby certify that the above CONCURRENT RESOLUTION originated in the HOUSE, and was adopted by that body

March 11, 1993

Robert H. Miller
Speaker of the House.
Just E. Jones
Chief Clerk of the House.

Adopted by the SENATE

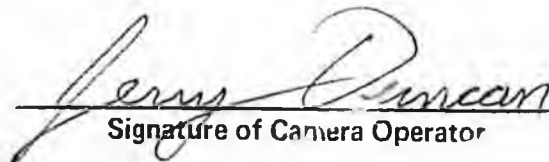
March 12, 1993
Paul H. Bush
President of the Senate.
Pat Saville
Secretary of the Senate.

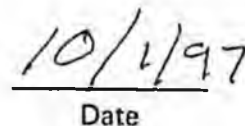


RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

HB

71

SENATE COMMITTEE REPORT

DATE: 4/20/93

FURTHER: JUDICIARY

DATE TURNED INTO OFFICE: 4-28-93

CRA Committee considered HOUSE BILL NO. 71

"An Act relating to the involuntary dissolution of Native corporations; and providing for an effective date."

and recommends:

- replace with _____ CS _____ ()
- or adopt previous _____ CS _____ ()
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
Dept of Commerce	3/20/93	0	

Appropriation No Fiscal Note

DO PASS:

[Signature]

[Signature]

[Signature]

OTHER RECOMMENDATIONS:

[Signature] Do Pass

Chair: Signature and Recommendation

HB 71: "An Act relating to the involuntary dissolution of Native corporations; and providing for an effective date."

The Department of Commerce and Economic Development, Division of Banking, Securities and Corporations, has no objection to the proposed legislation.

The department supports this legislation in recognition that corporate status for Native villages and regions is specifically called for in the terms and conditions of the Alaska Native Claims Settlement Act. The department acknowledges the unique inalienability of the ownership of Native Alaskans as shareholders in Native corporations.

The department concurs that corporations affected by HB 71 should pay the appropriate fees that would have been effective had they not allowed themselves to become delinquent, plus any penalties allowable under AS 10.06.633(e).

The department encourages the involvement of the regional corporations and other Native associations, such as the Alaskan Federation of Natives, in assisting the smaller village corporations in meeting their filing requirements.

Paul Fuhs, Acting Commissioner

Date: _____

dgl009PP.BSC
012593b

FISCAL NOTE

No. 1
 Bill Version: HB 71
 (H) Publish Date: 3/26/93

STATE OF ALASKA
 1993 LEGISLATIVE SESSION

Revision Date: _____
 Title: An Act relating to involuntary dissolution of
Native Corporations
 Sponsor: Representative Foster
 Requestor: _____

Department Affected: Commerce and Economic Development
 BRU: Banking, Securities and Corporations
 Component: _____
 COMPONENT SERIAL NO. 1233

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY 93) impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Willis F. Kirkpatrick, Director
 Division: Banking, Securities and Corporations

Phone: 465-2521
 Date: _____

Approved by Commissioner: Paul Fuhs
 Agency: Commerce and Economic Development

Date: _____

COMMITTEE COPY PREPARED TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

BILL: HB 71 SHORT TITLE: DISSOLUTION OF NATIVE CORPORATIONS
BILL VERSION:
SPONSOR(S): REPRESENTATIVE(S) FOSTER, MACLEAN, MENARD

CURRENT STATUS: (S) CRA STATUS DATE: 04/20/93
THEN JUD, RLS

HEARING: (S) CRA APR 27 09:00 AM

TITLE: "AN ACT RELATING TO THE INVOLUNTARY DISSOLUTION OF NATIVE CORPORATIONS;
AND PROVIDING FOR AN EFFECTIVE DATE."

01/18/93	161	(H)	READ THE FIRST TIME - REFERRAL(S)
01/18/93	161	(S)	CRA, JUDICIARY
03/26/93	721	(H)	CRA RPT SDP ENR
03/26/93	721	(S)	DP: SANDERS, BURDE, WILLIAMS, TOGH, BERG
03/26/93	721	(H)	DNP: DAVIES, WILLIS
03/26/93	731	(H)	-ZERO FISCAL NOTE (DCED) 3/26/93
03/26/93	807	(H)	COSPONSOR(S): MACLEAN
04/13/93	1172	(H)	JUD RPT SDP ENR
04/13/93	1172	(H)	DP: GREEN, JAMES, PORTER, PHILLIPS, HORDLUND
04/13/93	1172	(H)	NR: KOTT, DAVIDSON
04/13/93	1172	(H)	-PREVIOUS ZERO FN (DCED) 3/26/93
04/19/93	1327	(H)	RULES TO CALENDAR 4/19/93
04/19/93	1327	(H)	READ THE SECOND TIME
04/19/93	1328	(H)	ADVANCED TO THIRD READING UNAN CONSENT
04/19/93	1328	(H)	READ THE THIRD TIME HB 71
04/19/93	1328	(H)	PASSED YES N- 42
04/19/93	1328	(H)	EFFECTIVE DATE VOTE SAME AS PASSAGE
04/19/93	1339	(H)	COSPONSOR(S): MENARD
04/19/93	1341	(H)	TRANSMITTED TO (S)
04/20/93	1564	(S)	READ THE FIRST TIME - REFERRAL(S)
04/20/93	1565	(S)	CRA, JUDICIARY

BILL: SB 20 SHORT TITLE: DISSOLUTION OF NATIVE CORPORATIONS

BILL VERSION:

SPONSOR(S): SENATOR(S) ADAMS, Lincoln

CURRENT STATUS: (S) CRA

STATUS DATE: 01/11/93

THEN L&C, JUD, RLS

TITLE: "An Act relating to the involuntary dissolution of Native corporations;
and providing for an effective date."

01/11/93	20	(S)	PREFILE RELEASED 1/4/93
01/11/93	20	(S)	READ THE FIRST TIME - REFERRAL(S)
01/11/93	20	(S)	CRA, L&C, JUD

SPONSOR STATEMENT

HB 71

"An Act relating to the involuntary dissolution of Native corporations; and providing for an effective date."

Representative Foster

This bill would provide a period of time within which ANCSA corporations that have been involuntarily dissolved because of their failure to file a biennial report could be reinstated.

Corporations affected by this bill would be required to pay appropriate fees as they would normally had they not been delinquent, and, in addition, would also pay any penalties allowable under statute before reinstatement.



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Official Business

State Capitol
Juneau, AK 99801-1182

MEMORANDUM

TO: Representative Ramona L. Barnes
Speaker of the House

FROM: Douglas A. Wooliver
Staff Attorney *D. A. Wooliver*

SUBJECT: Sectional Analysis of HB 71

DATE: April 16, 1993

The following is a sectional analysis of HB 71; "An Act relating to the involuntary dissolution of Native corporations; and providing for an effective date."

Section 1 amends AS 10.06.960(i). Title 10 deals with "Corporations and Associations" and chapter 06 deals specifically with the "Alaska Corporations Code." Section 960 is entitled "Corporations organized under Alaska Native Claims Settlement Act."

This amendment updates the reference to the Alaska Native Claims Settlement Act and defines "village corporation" by referencing the federal code.

Section 2 amends AS 10.06.960 by adding 2 new subsections. New subsection (j) allows a village corporation that has been involuntarily dissolved, and has passed the deadline for application for reinstatement, to be reinstated within 1 year of the effective date of this Act. Such reinstatement treats the corporation and its shareholders as if there had never been a dissolution.

New subsection (k) states that if a corporation had been involuntarily dissolved and, before the effective date of this Act, replaced by another corporation of the same name, the replacing corporation assumes all of the rights and responsibilities of the dissolved corporation.

Section 3 clarifies that references in section 2 of this act to "the effective date of this Act" refer to the effective date of this act as established under section 4 and not to the effective date of the Alaska Native Claims Settlement Act.

Section 4 provides for an immediate effective date.

Law Offices Of
Jerald M. Reichlin

Jerald M. Reichlin
Kenneth G. Robertson

Attorneys At Law
880 "N" Street, Suite 203
Anchorage, Alaska 99501

Telephone (907)277-5955
Telecopier (907)276-7321

December 30, 1992

File w/bill

Rep. Richard Foster
State Capitol
Room 611
Juneau, Alaska 99801-1182

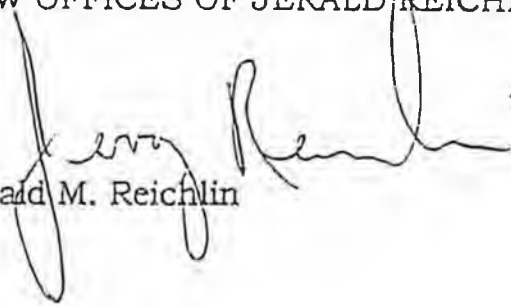
Re: Nunapiglluraq, Inc./Reinstatement of Dissolved ANCSA
Corporations

Dear Rep. Foster:

I am writing on behalf of Nunapiglluraq Corporation of Hamilton regarding the reintroduction of legislation that would provide a "window" for the reinstatement of ANCSA corporations that have been involuntarily dissolved on account of their failure to file a biennial report. You introduced similar legislation in the form of HB435 last year but it failed to gain passage during the press of the legislature's closing hours of business. Nunapiglluraq is requesting that you propose similar legislation in the House this term. Thank you once again for your past and future efforts on behalf of Nunapiglluraq.

Very truly yours,

LAW OFFICES OF JERALD REICHLIN


Jerald M. Reichlin

JMR/kcm

cc: Anna Kamkoff, President
Nunapiglluraq Corp.

HB

73

STATE COMMITTEE REPORT

DATE: 2/25/93

FURTHER: JUDICIARY
FINANCE

DATE TURNED INTO OFFICE: ~~2/25/93~~ 3-9-93

CRA Committee considered HOUSE BILL NO. 73

"An Act relating to state and local taxation and other state regulation as affected by the Alaska Native Claims Settlement Act, as amended, and related federal statutes; and providing for an effective date."

and recommends:

- replace with _____ CS _____ ()
- or adopt previous _____ CS _____ ()
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
House-Rev	1/21	✓	

Appropriation No Fiscal Note

DO PASS:

[Signature]

OTHER RECOMMENDATIONS:

Adrienne Taylor NO REC

Kirk Halford NO REC

Bill E. Kelly De Pass

Chair: Signature and Recommendation

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 73

Revision Date: _____ Dept. Affected: Revenue
 Title: ANCSA State Tax Exemptions BRU: Revenue Operations
 Component: Income and Excise Audit
 Sponsor: Representative MacLean
 Requestor: Representative MacLean COMPONENT SERIAL NO. 113

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ 0

ANALYSIS: (Attach a separate page if necessary)

This bill has no effect on the State since there is no state property tax.

Prepared by: Larry E. Meyers, Director *Larry E. Meyers* Phone: 465-2320
 Division: Income and Excise Audit Division Date: 1/21/93
 Approved by Commissioner: Darrel J. Rensvinkel *Darrel J. Rensvinkel* Date: 1/21/93
 Agency: Department of Revenue

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ALASKA STATE LEGISLATURE

FEB 25 1993

Representative Eileen Panigeo MacLean
Co-Chair House Finance Committee
P.O. Box 830
Barrow, Alaska 99723
(907) 852-7111

WHILE IN JUNEAU
State Capitol, Room 507
Juneau, Alaska 99801-1182
465-4833
465-4525
463-3241 FAX

HOUSE OF REPRESENTATIVES

District 37

North Slope
Borough

Anaktuvuk Pass
Atkasuk
Barrow
Kaktovik
Nulqsut
Point Hope
Point Lay
Wainwright

Northwest Arctic
Borough

Ambler
Buckland
Deering
Kiana
Kivalina
Kobuk
Kotzebue
Noatak
Noorvik
Selawik
Shungnak

Seward Peninsula

Brovig Mission
Diomedes
Shishmaref
Teller
Wales

MEMORANDUM

TO: Senator Randy Phillips, Chairman
Senate Community & Regional Affairs Committee

FROM: Representative Eileen P. MacLean *Eileen P. MacLean*

DATE: February 25, 1993

SUBJ: Scheduling HB 73 in the Senate C&RA Committee

This is to request that HB 73 be scheduled for a hearing in the Senate Community & Regional Affairs Committee. HB 73 passed the House unanimously.

This same bill almost passed the legislature last year. HB 451 was left in in the Senate Rules Committee at the time of adjournment.

HB 73 will bring state law into compliance with federal amendments made to the Alaska Native Claims Settlement Act (ANCSA) in 1991. Several references are made throughout the bill to sections of 43 U.S.C. 1601-1642, the ANCSA law.

HB 73 was primarily intended to bring state law into compliance with federal law regarding the exemption of ANCSA property from taxation. The 1991 amendments to ANCSA included a provision to continue the exemption of taxation of ANCSA property until development occurs. Although this change has been made at the federal level, state law has not been brought into compliance with the federal act.

Senator Randy Phillips
page 2

In the bill drafting process, the drafter noted other sections of the ANCSA law which needed to be updated and referenced several other sections of state law to the amendments made in 1991.

To my knowledge, there are no problems or concerns with this legislation. It is primarily housekeeping in nature and again, only brings state statutes into compliance with federal law.

If you have any questions, please contact Rena Bukovich of my staff at 465-4525.

SPONSOR STATEMENT

HB 73

Representative Eileen P. MacLean

HB 73 was introduced primarily to bring state law into compliance with federal law. In 1987, federal law was changed to continue the property tax exemption from federal, state or local taxation on ANCSA land until development occurs. The bill reflects those changes in state law to avoid confusion in the application of the state's tax laws.

In the drafting process, the attorney noted other sections of state law which need to be updated and has included those changes in HB 73. For the most part, they represent technical or stylistic wording changes to update state law to federal law.

This bill does not expand or reduce any benefits already mandated by federal law. It merely cleans up state law, and ensures that obsolete state statutes do not lead to misinterpretation by state assessors and others who work with Alaska's tax law.

HB 73 has a zero fiscal note from the Department of Revenue.

State and Local Taxation,
& Regulation of ANCSA Holdings

HOUSE BILL NO. 73, by Rep. MACLEAN. Amends state law by changing reference in certain state statutes to the original Alaska Native Claims Settlement Act (P.L. 92-203) by replacing it with reference to the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 - 1641). The following sections of law are changed:

—AS 29.45.030(a), [Municipal Government. Municipal Taxation. Municipal Property Tax. Required Exemptions] to exempt from general municipal taxation real property or an interest in

real property that is exempt from taxation under certain amendments to the Alaska Native Claims Settlement Act (43 U.S.C. 1636(d), as amended).

Amends AS 29.45.030(m) by changing the definition of "developed" to mean "...that a purposeful modification of land, or an interest in land, [the property] from its original state that effectuates a condition of gainful and productive present use without further substantial modification has been made..." (underlined language added, bracketed language deleted from current law by this bill).

—Amends AS 43.80.015 [Revenue and Taxation. Miscellaneous Provisions. Taxation Under P.L. 92-203] by changing the title of the section to "Taxation Under Alaska Native Claims Settlement Act, As Amended." Changes reference throughout the section from "P.L. 92-203" to "43 U.S.C. 1601 - 1641, as amended." The new language also cleans up other references to provisions that have been addressed in the amendments to ANCSA.

Adds a new subsection to AS 43.80.015 that says "...reference to 43 U.S.C. 1601 - 1641, as amended, or to any of those sections includes the amendments and additions to any of those sections that are made by (1) P.L. 96-487 (Alaska National Interest Lands Conservation Act); (2) P.L. 100-241 (Alaska Native Claims Settlement Act Amendments of 1987); (3) amendments to 43 U.S.C. 1601 - 1641 (Alaska Native Claims Settlement Act, as amended) after December 17, 1991."

—The amendments made by this Act will be retroactive to December 18, 1991.

If enacted, the bill becomes law the day after it is signed by the Governor.

Introduced January 18, 1993 and referred to the House Community and Regional Affairs Committee, the House Judiciary Committee, and the House Finance Committee.

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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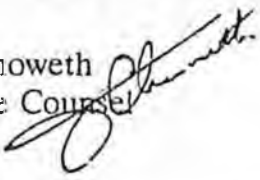
130 Seward Street, Suite 409
Juneau, Alaska 99801 2105

MEMORANDUM

January 20, 1993

SUBJECT: House Bill 73, relating to state and local taxation and other state regulation under the Alaska Native Claims Settlement Act, as amended; and providing for an effective date — sectional analysis (Work Order No. 8-LS0402A)

TO: Representative Eileen MacLean

FROM: Jack Chenoweth
Legislative Counsel 

This measure, a reintroduction of last session's CSHB 451 (Res), amends various provisions of state law that exempt from certain forms of state and local taxation the property that is exempted from taxation by the Alaska Native Claims Settlement Act. The amendments set out in this bill generally reflect the inclusion of changes made by federal law since passage of the original Alaska Native Claims Settlement Act in December, 1971, and the adoption of the first state law exemptions shortly thereafter.

A principal change in the federal Act was the addition of 43 U.S.C. 1636(d) by the Alaska National Interest Lands Conservation Act of 1980. Sec. 1636(d) broadened the various protections for lands conveyed under the 1971 Act, but did not necessarily replace the federal tax exemption provided in the original Act. Since 43 U.S.C. 1636(d) did not supersede the exemptions and protections provided by the earlier-enacted 43 U.S.C. 1620, I have recommended that, where reference appears in state law only to sec. 1620 that it be followed by a second reference to sec. 1636(d) as well.

Throughout the measure, the words "as amended" are added. The intent is to conform the state tax exemptions to any further changes to the federal Act in the event the federal Act undergoes further revision in this subject matter area.

Bill section 1, an amendment to AS 29.45.030(a), a provision setting out mandatory municipal property tax exemptions, incorporates a reference to 43 U.S.C. 1636(d), as amended, following the existing reference 43 U.S.C. 1620(d) for the reasons noted two paragraphs above.

Bill section 2, also an amendment to the law applicable to municipalities, makes technical corrections. In context, the terms that are being defined appear in 43 U.S.C. 1636(d), not in 43 U.S.C. 1620. The terms defined in the current statute are revised to reflect the language actually used in the federal provision expressed in a manner that is consistent with Alaska's legislative drafting style.

Bill section 3 revises AS 43.80.015, the principal provision of state law extending an exemption from state taxes to certain property. Specifically:

-- the caption change at page 3, lines 19 and 20, substitutes the full proper name of the federal Act for the Public Law reference;

-- deletion of reference to "the original issue" of shares in lines 20 and 21 is a substantive change; all share transactions--not just the original issues--are made non-taxable events;

-- in lines 21 and 22, "state" substitutes for "Alaska" and the exact cite for the federal Act is inserted for the older reference; these are technical changes to conform to the state's drafting style;

-- the changes made at lines 22 - 24 and 28 - 31 of page 3 replace existing references with the exact federal Act cites;

-- the change made by substitution of the phrase on page 4, lines 2 - 4 of the bill conforms state law to the requirement of the federal Act as to how the basis of land received for purposes of equalization (in the event of land trades) is to be computed; it will be computed as the federal Act directs;

-- the changes made on page 4, lines 5 - 10 are in the nature of substitutions of accurate cites and references;

-- the long addition on lines 12 and 13 and the deletion of the December, 1991, date reflect substantive changes made by 43 U.S.C. 1636(d), a provision that expands and extends the protection from taxation given Native land under the amended federal Act; and

-- the changes made to the balance of bill section 3 on page 4 of the bill either substitute accurate federal law cites or make minor stylistic changes.

Bill section 4, adding a new subsection (e) to AS 43.80.015, enumerates the specific federal legislation that have modified the original Alaska Native Claims Settlement Act, and further allows for changes affecting the tax treatment of property that may be made future federal amendments.

Representative Eileen MacLean

January 20, 1993

Page 3

The bill is given an immediate effective date by bill section 6. As with last session's measure, out of an abundance of caution, bill section 5 makes these changes retroactive to December 18, 1991, the 20-year anniversary date of the Alaska Native Claims Settlement Act's taking effect. In the original Act, on that date a number of safeguards initially enacted would have expired. All the safeguards that are of concern for purposes of this legislation have been expanded and extended in the two later federal Acts, especially the addition made by 43 U.S.C. 1636(d).

JC:pl

93-031.plm



Alaska Federation of Natives, Inc.

January 27, 1993

Representative Eileen MacLean
Alaska State Legislature
Capitol Office Building
Juneau, Alaska 99811

Dear Representative MacLean:

The Alaska Federation of Natives has reviewed House Bill 73 as introduced on January 18, 1993. This letter is intended to convey the Federation's support for the bill as introduced.

With the exception of two language changes, HB 73 is identical to CSHB (Resources) introduced in the Second Session of the 17th Alaska Legislature.

Amendments to AS 43.90.015, as HB 73 proposes, will prevent inconsistencies with AS 29.45.030 (m) and bring AS 43.90.015 into conformity with the Alaska Native Claims Settlement Act (ANCSA), as amended.

ANCSA provisions are controlling in this matter and thus amending Alaska statutes via HB 73 will serve to limit the potential for future conflict and litigation expenses.

I view HB 73 simply as an effort to conform state law with federal law.

Thank you for your interest in this matter.

Sincerely,

Julie E. Kitka
President

Land Protections

The land protections described in this section are probably the most significant gains for Alaska Natives contained in the "1991" law.

The "1991" law provides that all "undeveloped" land owned by village, urban and regional corporations automatically have the following protections:

1. The land cannot be taxed.
2. The land cannot be taken by trespassers who otherwise might acquire rights to the land through adverse possession (also known as trespassers or squatters' rights).
3. The land cannot be taken by creditors to pay a debt owed by the corporation.
4. The land cannot be lost if the corporation files bankruptcy.
5. The land cannot be lost even if the corporation is involuntarily dissolved.

Because these land protections are so important, they are now automatic. The corporation's board of directors does not need to take action, unless an activity creating "development" has already occurred. Shareholders do not need to vote in order to protect the corporation's undeveloped land.

LAND AUTOMATICALLY PROTECTED FROM...



Taxes on undeveloped land



Bad debts



Adverse possession

Loss of Land Protections

Members of a Native corporation board of directors must understand that actions they take could result in the loss of these land protections. Land protections can be lost in three ways:

1. Leased: If the board of directors leases the land, the protections are lost. Even though the leased land is not "developed," it can be taxed, taken by adverse possession or sold by creditors or a bankruptcy judge to pay the corporation's debts.

Exception: If the purpose of the lease is to allow oil, gas or mineral exploration, then the land protections continue to apply.

2. Pledged: Protections can be lost if the board of directors mortgages or pledges the land as security in a commercial transaction, such as a bank loan. If the land is

pledged, it can be taxed and it can be sold by creditors or a bankruptcy judge to pay the corporation's debts.

3. Developed: If the board of directors develops the land, it loses the automatic protections. The land can be taxed, taken by adverse possession, or, if the corporation gets into trouble, the land can be seized and sold by creditors or a bankruptcy judge to pay the corporation's debts.

WAYS TO LOSE LAND PROTECTIONS



Leased



Pledged



Developed

Native corporations should be very cautious about pledging their undeveloped land to a bank or anyone else.

Definition of "Developed" Land

The "1991" law defines "developed" as *"a purposeful modification of land from its original state that effectuates a condition of gainful and productive present use without further substantial modification."*

Because this definition is complicated, it is important that a board of directors be very cautious when it makes decisions about using the corporation's land. If there is any question that a board action or decision might result in losing land protections, the board should seek advice from an attorney before a final decision is made.

Some things can be done on the land without losing the protections. In some circumstances, land can be surveyed, and roads, electricity lines and sewers can be built. Whether such actions are "safe" can only be determined on a case by case basis.

Finally, land is automatically considered to be "developed" if it is subdivided, even if no changes are made to the land. For that reason, the corporation should never subdivide any of its land without careful study of the impacts on the status of its land.

To protect important subsistence uses, the law says that hunting and fishing on village and regional corporation land do not make the land "developed." For that reason, fish camps, trapping cabins and other structures may be built and used on the land if they are needed for subsistence hunting, fishing or gathering. The corporation may also charge a fee to hunters, fishermen and guides without losing the protections of "undeveloped" land.

Regaining Land Protections

Even if land is mortgaged, leased or "developed," the protections automatically resume when the mortgage or lease expires or the development ends. For example, if a village corporation leases some of its land for five years, during the years it is leased, the land can be taxed or sold to pay the corporation's debts. However, when the five years are over and the lease expires, the land is again automatically protected from taxation and creditors.

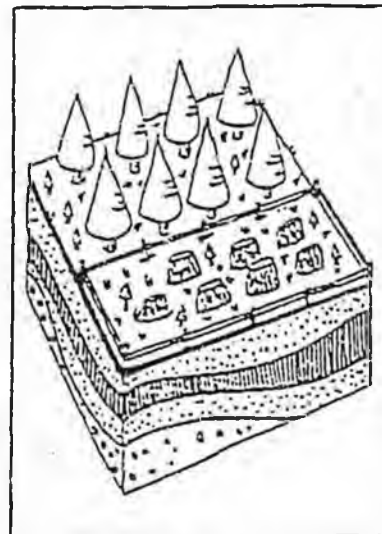
Example: A corporation runs a gold-mining operation on otherwise-undeveloped land. During the years that the mining takes place, the land can be taxed or taken to pay a debt. But if the corporation closes down the mining operation, and restores the land to its original condition, the land then qualifies as "undeveloped" and gains back the protection lost when the venture began.

If a corporation has already subdivided land, it can be returned to "undeveloped" status if the land is resubdivided back to its original state. The resubdivision must be approved by whichever platting authority has jurisdiction. In these cases, the protections do apply to land that was previously subdivided.

Timber Development

The "1991" law makes an important change on how protections apply to timber development. For example, if a village corporation cuts timber on its land, only the approximate area where timber is actually cut can be taxed. Under the old law, a larger area of land would lose the protections and thus become vulnerable to taxes and loss by other means. Now, protections are lost only on the parcel of land where timber cutting and development are actually occurring and only during the period of harvest.

Timber lands can also regain land protection. During the years a village corporation cuts timber for commercial sale, the land is considered "developed," and thus can be taxed, if the corporation is in a taxing jurisdiction, or taken to pay creditors. When the commercial harvest ends, though, the land is no longer considered to be "developed" and the land is automatically protected.



Only area where
timber is cut
loses protection

Tax Recapture on Subdivided Land

If a Native corporation is in a taxing jurisdiction and its land is subdivided, the corporation must pay the amount of taxes that would have been

levied during the 30 months before the subdivision plat is recorded. The back taxes must be paid in semi-annual installments. The entire amount must be paid off within 30 months of the date the plat is recorded.

Before the final plat is approved, the government with tax jurisdiction must notify the corporation of the taxes it will owe.

Example Corporation Z decides to subdivide 50 acres on a scenic river site. Until now, the land has been "undeveloped" and exempt from property taxes. On September 1, 1990, the subdivision plat is recorded. The corporation must pay an amount equal to property taxes it would have paid on that 50 acres from March 1, 1988 to September 1, 1990. The total tax bill on the 50 acres is \$10,000. Corporation Z must make its first \$2,000 payment March 1, 1991. The total bill must be paid off by March 1, 1993.

Tax recapture applies only if the land being subdivided is within the boundaries of a taxing jurisdiction, such as a borough or municipality with the power to tax.

Summary

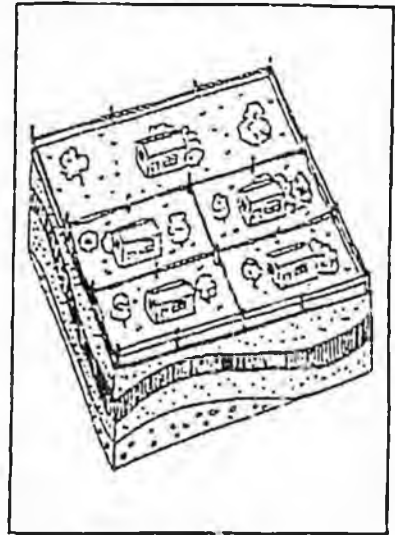
One of the most important changes made by the "1991" law is that Land Bank protections are now automatic. No board action is required because the land protections automatically apply to all undeveloped ANCSA lands. Native land, so long as it remains undeveloped, is protected from property taxes, from squatters, from being taken to pay a bad debt and from bankruptcy.

Before, corporations had to apply to the federal government to get these protections. Now, they're automatic; nothing else is required. A corporation loses these protections if its land is pledged, leased, developed or subdivided. Native corporation board members must recognize the types of actions that may result in losing land protections.

Board members may want to review the status of their lands in light of the definition of "developed," to determine whether any of the corporation's land does not qualify for automatic protections.

Even if the land protections are lost, they can be regained if the lease ends or development activity stops.

TAX RECAPTURE



Subdivided land

BILL: HB 73 SHORT TITLE: ANCSA STATE TAX EXEMPTIONS
BILL VERSION:
SPONSOR(S): REPRESENTATIVE(S) MACLEAN

CURRENT STATUS: (S) CRA STATUS DATE: 02/25/93
THEN JUD, FIN, RLS

TITLE: "AN ACT RELATING TO STATE AND LOCAL TAXATION AND OTHER STATE REGULATION AS AFFECTED BY THE ALASKA NATIVE CLAIMS SETTLEMENT ACT, AS AMENDED, AND RELATED FEDERAL STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE."

01/18/93	102	(H)	READ THE FIRST TIME - REFERRAL(S)
01/18/93	102	(H)	CRA, JUDICIARY, FINANCE
01/29/93	174	(H)	CRA RPT 5DP 2NR
01/29/93	174	(H)	DP: SANDERS, BUNDE, WILLIAMS, T. HEY,
01/29/93	174	(H)	DP: OLBERG NR: DAVIES, WILLIS
01/29/93	174	(H)	-ZERO FISCAL NOTE (REV) 1/29/93
02/10/93	287	(H)	JUD RPT 6DP
02/10/93	287	(H)	DP: PORTER, PHILLIPS, NORDLUND, JAMES
02/10/93	287	(H)	DP: KOTT, GREEN
02/10/93	287	(H)	-PREVIOUS ZERO FN(REV) 1/29/93
02/17/93	370	(H)	FIN REFERRAL WAIVED
02/24/93	435	(H)	RULES TO CALENDAR 2/24/93
02/24/93	436	(H)	READ THE SECOND TIME
02/24/93	436	(H)	ADVANCED TO THIRD READING UNAN CONSENT
02/24/93	436	(H)	READ THE THIRD TIME HB 73
02/24/93	436	(H)	PASSED Y39 N- E1
02/24/93	436	(H)	EFFECTIVE DATES VOTE SAME AS PASSAGE
02/24/93	446	(H)	TRANSMITTED TO (S)
02/25/93	480	(S)	READ THE FIRST TIME - REFERRAL(S)
02/25/93	480	(S)	CRA, JUD, FIN