

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8850 SENATE COMMUNITY & REGIONAL AFFAIRS

STATE OF ALASKA
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF MOTOR VEHICLES

VEHICLES REGISTERED IN 1995 BY GOVERNMENT BOUNDARY

*7495
Amount
Remitted
to municipalities*

	PSNGR	MOTOR CYCLE	COMM. TRAILER	TRAILER	COMM. TRUCK	PICKUP	BUS	SNOW MOBILE	ALL VEHICLES	
OTHER OUTSIDE	12,326	447	642	958	1,837	3,091	41	11	19,353	
OTHER ALASKA	7,941	288	838	1,637	2,072	6,534	244	238	19,792	
WASHINGTON	1,073	48	1,157	125	86	368	4		2,881	
MUNI OF ANCHORAGE	148,638	5,229	7,340	22,106	11,734	45,345	536	5,531	246,458	<i>4,158,944</i>
FAIRBANKS N/STAR BOR	46,733	2,232	2,859	9,907	6,248	21,897	487	1,347	81,710	
CITY & BOR OF JUNEAU	17,823	652	686	2,580	1,675	6,739	165	14	30,334	
KETCHIKAN GATEWAY BOR	8,205	452	395	1,444	1,268	4,253	127	4	16,146	<i>211,502</i>
CITY & BOR OF SITKA	4,106	142	265	674	591	2,158	56	1	7,993	<i>45,873</i>
NOME	799	31	51	49	384	948	19	4	2,265	<i>28,250</i>
HAINES	1,300	106	112	357	288	1,051	45	105	3,364	
YAKUTAT	280	8	12	14	112	263	3		692	
BETHEL	1,347	45	30	69	307	1,013	9	12	2,832	<i>37,352</i>
TOK	941	40	33	326	163	824	14	16	2,357	
GLENNALLEN	902	32	74	351	200	683	21	14	2,277	
DELTA JUNCTION	2,343	106	84	808	282	1,686	40	29	5,378	
VALDEZ	2,854	111	83	568	421	1,597	49	142	5,825	
CORDOVA	1,213	75	171	262	323	1,148	3	19	3,214	
NORTH SLOPE BOR	575	28	38	68	452	307	13	28	1,509	
UNALASKA	483	24	32	35	193	440	5		1,212	<i>36,737</i>
MATSU BOROUGH	35,753	1,216	599	8,840	3,241	21,031	172	1,603	72,455	<i>814,851</i>
CRAIG	670	28	54	149	214	668	2	1	1,786	
KODIAK ISLAND BOR	6,044	183	605	764	992	3,587	27	130	12,332	<i>166,651</i>
BRISTOL BAY BOR	811	33	64	119	369	888	9	16	2,309	
SKAGWAY	678	58	67	125	147	442	65	2	1,584	
NENANA	518	17	18	120	91	376	7	3	1,150	<i>7,507</i>
PETERSBURG	1,428	126	91	426	235	1,174	9	1	3,490	<i>36,153</i>
DILLINGHAM	944	33	25	58	231	815	13	80	2,199	<i>25,184</i>
KOTZEBUE	203	7		18	49	123		5	405	
KENAI PENINSULA BOROUGH	29,954	1,051	1,440	8,446	4,120	18,612	193	316	64,132	<i>751,222</i>
WRANGELL	1,023	56	29	150	226	848	13	6	2,351	
METLAKATLA	372	13	1	23	44	201	1		655	
<i>Whittier</i>										<i>3729</i>
FINAL TOTAL	338,280	12,917	17,895	61,576	38,575	149,110	2,392	9,878	630,423	

Dept. of Public Safety Information

03/19/96 TUE 15:59 I 311 06/81/90

2002

1995 MOTOR VEHICLE CLASS CODES/FEEES

Revised 2/29/96

Class Code	Fee	Description	1995 Count
AA	\$ 35 **	UAA Passenger	91
AB	\$ 40 **	UAA Pickup	19
DC	\$ 35	Disabled Veteran Passenger (2nd Set)	119
DD	Free	Disabled Veteran (1st Set)	355
DP	\$ 40	Disabled Veteran Pickup & Van (2nd Set)	41
DV	Free	Disabled Veteran (No HCP Logo)	194
D1	\$ 35	Disabled Veteran Passenger (No HCP Logo)(2nd Set)	20
D2	\$ 40	Disabled Veteran Pickup (No HCP Logo)(2nd Set)	9
FA	\$ 35 **	UAF Passenger	334
FB	\$ 40 **	UAF Pickup	130
HC	\$ 35	Handicapped Passenger (2nd Set)	708
HH	Free	Handicapped (1st Set)	3,998
HP	\$ 40	Handicapped Pickup & Van (2nd Set)	259
JA	\$ 35 **	UAS Passenger	28
JB	\$ 40 **	UAS Pickup	1
PA	\$ 35 **	PWS Passenger	7
PB	\$ 40 **	PWS Pickup	2
1A	\$ 35 *	Army Passenger	1,475
1B	\$ 40 *	Army Pickup	1,056
1C	\$ 35 **	Custom Collector Passenger	23
1F	\$ Free	Call Letter Passenger	230
1G	\$ 5	Government Exempt Passenger	783
1H	\$ Free	State Passenger	240
1M	\$ 5	Government Personalized Passenger	5
1P	\$ 5	Exempt Passenger (Charitable)	1,233
10	\$ 35 *	Passenger Personalized	10,537
11	\$ 35	Passenger	292,062
14	\$ 70	For Hire (Taxi)	951
15	\$ 10 (1 time)	Historical Vehicle	100
16	\$ 35 *	Call Letter Passenger	94
17	\$ 45	Dealer Plate (1st Set)	162
19	\$ 25	Dealer Plate (2nd & Subsequent Sets)	775
2A	\$ 35 *	Navy Passenger	607
2B	\$ 40 *	Navy Pickup	483
2G	\$ 5 *	Government Exempt Motorcycle	5
2H	Free	State Motorcycle	3
2P	\$ 5	Exempt Motorcycle (Charitable)	2
20	\$ 35 *	Motorcycle Personalized	429
21	\$ 20	Motorcycle	12,478
28	\$ 45	Dealer Motorcycle (1st Set)	4
29	\$ 25	Dealer Motorcycle (2nd Set)	8

Motor Vehicle Class Codes/Fees (1995)

Page 2

Class Code	Fee	Description	1995 Count
3A	\$ 35 *	Marines Passenger	332
3B	\$ 40 *	Marines Pickup	316
3G	\$ 5	Government Exempt Non-Commercial Trailer	277
3H	Free	State Non-Commercial Trailer	23
3P	\$ 5	Exempt Non-Commercial Trailer (Charitable)	436
31	\$ 51	Commercial Trailer: 5,000 lbs. and Under	3,163
32	\$ 86	Commercial Trailer: 5,001 lbs. - 12,000 lbs.	9,012
33	\$ 156	Commercial Trailer: 12,001 - 18,000 lbs.	5,093
34	\$ 221	Commercial Trailer: Over 18,000 lbs.	627
35	\$ 5	Non-Commercial Trailer	60,840
36	\$ 5	Mobile Home	1
38	\$ 45	Transporter (1st Set)	3
39	\$ 25	Transporter (2nd & Subsequent Sets)	3
4A	\$ 35 *	Air Force Passenger	1,227
4B	\$ 40 *	Air Force Pickup	775
4C	\$ 40 **	Custom Collector Pickup/Truck	7
4F	Free	Call Letter Pickup & Van	156
4G	\$ 5	Government Exempt Pickup/Truck	1,780
4H	Free	State Pick-up Truck	98
4M	\$ 5	Government Personalized Pickup	1
4P	\$ 5	Exempt Pickup/Truck (Charitable)	1,245
4O	\$ 40 *	Non-Commercial Pickup Personalized	3,843
41	\$ 51	Commercial Truck: 5,000 lbs. & Under	16,401
42	\$ 86	Commercial Truck: 5,001 lbs. - 12,000 lbs.	12,376
43	\$ 156	Commercial Truck: 12,001 lbs. - 18,000 lbs.	5,099
44	\$ 221	Commercial Truck: Over 18,000 lbs.	4,699
45	\$ 40	Non- Commercial Pickup and Van	137,904
46	\$ 40 *	Call Letter Pickup (No Equipment)	37
5A	\$ 35 *	Coast Guard Passenger	255
5B	\$ 40 *	Coast Guard Pickup (No Equipment)	159
5G	\$ 5	Government Exempt Bus	85
5H	Free	State Bus	3
5P	\$ 5	Exempt Bus (Charitable)	221
51	\$ 51	Bus: 5,000 lbs. & Under	85
52	\$ 86	Bus: 5,001 - 12,000 lbs.	526
53	\$ 156	Bus: 12,001 - 18,000 lbs.	793
54	\$ 221	Bus: Over 18,000 lbs.	50
55	\$ 85	Tour Bus - All Weights	629
6A	\$ 35 *	National Guard Passenger	140
6B	\$ 40 *	National Guard Pickup	92

Motor Vehicle Class Codes/Fees (1995)

Page 3

Class Codes	Fees	Description	1995 Count
61	\$ 35	Farm Plates	469
7A	\$ 35	Purple Heart Passenger	251
7B	\$ 40	Purple Heart Pickup	211
71	\$ 5 (2 years)	Snow Vehicles	9,678
81	Free	Prisoner of War Passenger	22
82	Free	Prisoner of War Pickup & Van	10
83	Free	Pearl Harbor Survivor Passenger	26
84	Free	Pearl Harbor Survivor Pickup & Van	7
91	\$ 51	Limo. Under 5,000 lbs.	21,827
92	\$ 66	Limo: 5,001 - 12,000 lbs.	1,426
93	\$ 156	Limo: 12,001 - 18,000 lbs.	40
94	\$ 221	Limo: Over 18,000 lbs.	6
TOTAL			632,845

* = One Time Plate Fee of \$30

** = One Time Plate Fee of \$50

State of Alaska Division of Motor Vehicles Standard Operating Procedures	SOP No. R-190	Page No. 1 of 10
	Effective November 20, 1992	
Subject: MOTOR VEHICLE REGISTRATION TAX (MVRT)	Supersedes R-190	Dated 6/14/91
	Approved <i>J. M. Sullivan</i>	
Statute: AS 28.10.431 Regulation: 13 AAC 70.200 AS 28.10.411	Form No. 9	

Motor Vehicle Registration Tax (MVRT) is collected by the Division of Motor Vehicles for municipalities which elect to use AS 28.10.431. Under this law MVRT is collected by DMV at the same time registration is paid. MVRT is collected only once a year in annual increments for any vehicle. MVRT may not be prorated.

NOTE: When a vehicle registration month is changed and the registration period is extended beyond the succeeding calendar year, the MVRT must be collected for two years. The MVRT is collected at the time of the transaction that changes the registration month.

EXAMPLE: A vehicle registration expires in Nov. 1991. When the vehicle owner renews the vehicle registration s/he requests that the registration month of the vehicle be changed to January. Registration fees are collected for the period Nov. 91 - Nov. 92 and through January 93, a total of 14 months. The MVRT will be collected for calendar years 91 and 93.

A tax location code is assigned to each vehicle subject to MVRT (see page 3 of this SOP). This code is recorded in the vehicle record. The tax location code identifies the municipality for which the MVRT is collected.

A vehicle is subject to MVRT if:

- A. A vehicle owner's residence address at the time of registration is within the geographic boundaries of any municipality for which MVRT is collected

-OR-

- B. The "situs" or "physical location" of a vehicle owned by other than individuals is within the geographic boundaries of any municipality for which MVRT is collected. The term "situs" as it relates to this SOP is defined as "the place where the vehicle is normally, usually or generally kept or used".

CLASSES EXEMPT FROM MVRT

- A. Senior Citizen - MVRT tax location code "S".

A vehicle not subject to registration fees because of a senior citizen exemption is also exempt from paying MVRT. See SOP R-185 for procedures for registering vehicles belonging to senior citizens.

State of Alaska
Division of Motor Vehicles
Standard Operating Procedures

SOP No. R-190

Page No.2 of 10

Effective February 1, 1994

subject:

MOTOR VEHICLE REGISTRATION TAX (MVRT)

Supersedes R-190

Dated 7/1/93

Approved

Charles E. Horack

Statute: AS 28.10.431 Regulation: 13 AAC 70.200
AS 28.10.411

Form No.

exempt from MVRT continued...

B. The following classes of vehicles are exempt from MVRT:

<u>Class</u>	<u>Description</u>
DD	Disabled Veteran HCP - 1st issue only
DV	Disabled Veteran - 1st issue only
HH	Handicapped - 1st issue only
15	Historical
39	Transporter
61	Farm
71	Snowmachine
1G through 5G	Government Exempt
1H through 5H	State Owned Vehicles
1P through 5P	Exempt (Charitable)

C. Military Personnel - MVRT tax location code "M"

1. Military personnel who are stationed in Alaska but retain legal residence in another state are exempt from the MVRT.

To qualify for this exemption military personnel must submit a properly completed military exemption affidavit (Form 12-828) each year. The affidavit may be submitted in person or by returning it with the mailout registration. See SOP R-220 for military exemptions.

2. Out-of-state military personnel showing an Alaska residence, in a taxable area, on their vehicle registration(s) are not exempt from MVRT.

NOTE: Military personnel who are Alaska residents and use an out-of-state residence address are not subject to MVRT.

Discuss the M. exemption. Does anybody take them off?

Effective January 1, 1995

Subject:
MOTOR VEHICLE REGISTRATION TAX (MVRT)

Supersedes R-190

Dated 11/20/92

Approved *J. N. Dubany*

Statute: AS 28.10.431 Regulation: 13 AAC 70.200
AS 28.10.411

Form No.

MUNICIPALITIES SUBJECT TO MVRT AND TAX LOCATION CODES

The following is a list of those municipalities and their tax location codes that have elected to come under MVRT:

<u>TAX LOCATION CODE</u>	<u>MUNICIPALITY</u>
01	Municipality of Anchorage
07	Ketchikan Gateway Borough
08	City and Borough of Sitka
10	City of Nome
14	City of Bethel
28	City of Unalaska
30	Matanuska Susitna Borough
33	Kodiak Island Borough
38	City of Nenana
39	City of Petersburg
40	City of Dillingham
44	Kenai Peninsula Borough
49	City of Whittier

NON-TAXABLE LOCATION CODES

- A. Senior Citizen - The tax exempt code of "S" is assigned to those vehicles exempt from the MVRT because of a senior citizen exemption.
- B. Military Personnel - The tax exempt code of "M" is assigned to those vehicles exempt from the MVRT because of a military exemption.
- C. Other non-taxable areas
 - 1. The tax location code of "OO" is assigned to all vehicles that are located in areas that are not subject to the MVRT.
 - 2. The tax exempt code "A" is assigned to all vehicles showing a residence address that is non-taxable but uses a zip code of a taxable location.

ZIP CODES OF TAXABLE LOCATIONS

A. The following list of Zip Codes is provided for assisting in determining when MVRT is collected. These Zip Codes can be used in conjunction with any available maps to determine if an individual's residence address or an entity's vehicle is within the boundaries of an electing municipality. If you are in doubt as to the applicability of MVRT in a specific case, please contact your supervisor or Fiscal Services.

State of Alaska
Division of Motor Vehicles
Standard Operating Procedures

SOP No. R-190

Page No.4 of 10

Effective January 1, 1995

Subject:
MOTOR VEHICLE REGISTRATION TAX (MVRT)

Supersedes R-190

Dated 11/01/93

Approved

T. N. Dulany

Statute: AS 28.10.431 Regulation: 13 AAC 70.200
AS 28.10.411

Form No.

4

MUNICIPALITY OF ANCHORAGE - Tax Location Code 01

99501-99504	99514	99524
	99515	99540 - Indian
99505 - Ft. Richardson	99516	99567
99506 - Elmendorf	99517	99567 - Chugiak - Including Peters Creek
99507	99518	99577 - Eagle River
99508	99519	99587 - Girdwood - Including Peters Creek
99509	99520	99695 - Eklutna
99510	99521	
99511	99522	
99512	99523	
99513		

KETCHIKAN GATEWAY BOROUGH - Tax Location Code 07

99901 - Ketchikan - Including Saxman
99928 - Ward Cove
99950 - Loring - Over 20 communities use this Zip Code but only Loring is taxable.

CITY OF NOME - Tax Location Code 10

99762 - Nome

CITY OF BETHEL - Tax Location Code 14

99559 - Bethel

CITY OF UNALASKA - Tax Location Code 28

99685 - Unalaska
99692 - Dutch Harbor

MATANUSKA-SUSITNA BOROUGH - Tax Location Code 30

99645 - Palmer	99688 - Willow
99667 - Skwentna	99683 - Trapper Creek
99674 - Sutton	99694 - Houston
99676 - Talkeetna	99790 - Summit
99654 - Wasilla	
99687 - Wasilla	
99652 - Big Lake, Big Lake Lodge	

CITY AND BOROUGH OF SITKA

99835 - Sitka

State of Alaska
 Division of Motor Vehicles
 Standard Operating Procedures

SOP No. R-190

Page No.5 of 10

Effective November 20, 1992

Subject:
MOTOR VEHICLE REGISTRATION TAX (MVRT)

Supersedes R-190

Dated 1/1/89

Approved

T. N. Dulaney

Statute: AS 28.10.431 Regulation: 13 AAC 70.200
 AS 28.10.411

Form No.

MATANUSKA-SUSITNA BOROUGH ROADWAY BOUNDARIES

	<u>Begins</u>	<u>Ends</u>
Parks	Mile 35	Mile 201 - Summit FAA Station
Glenn	Mile 30	Mile 137
Denali	Mile 41 East Boundary	Mile 112 North Boundary
Lake Louise	Mile 15	Mile 18 - End of Road

KODIAK ISLAND BOROUGH - Tax Location Code 33

99615 - Kodiak, Akhiok	99608 - Karluk
99644 - Ouzinki	99643 - Old Harbor
99550 - Port Lions	99619 - Coast Guard Base in Kodiak
99624 - Larsen Bay	99697 - General Delivery in Kodiak

CITY OF NENANA - Tax Location Code 38

99760

Include

Parks Highway Mile 301.5 to 304.5
 Front Street
 Numbered Streets: 1st through 13th
 Market Street
 Maine Street
 Lettered Streets A through J
 Nenana South Avenues:
 Cosna
 FAA Way
 Nowita
 Saint Marks Addition
 Tonsona
 Tonzitna

Exclude

2 Mile Ag. P, S, W, D
 Berg Subdivision:
 Askinuk Drive
 Chuna Drive
 Kiglowa
 Kinia
 Omalik

CITY OF PETERSBURG - Tax Location Code 39

99833

Mitkoff Highway Mile 0 to Mile 9 1/2 is taxable.

*NOTE: Other communities use the 99833 Zip Code but only the City of Petersburg and the Mitkoff Highway areas are taxable.

State of Alaska
Division of Motor Vehicles
Standard Operating Procedures

SOP No. R-190

Page No. 6 of 10

Effective January 1, 1995

Subject:

MOTOR VEHICLE REGISTRATION TAX (MVRT)

Supersedes R-190

Dated 2/1/94

Approved

T. J. Mulane

Statute: AS 28.10.431 Regulation: 13 AAC 70.200
AS 28.10.411

Form No.

CITY OF WHITTIER - Tax Location Code 49

99693 - Whittier

CITY OF DILLINGHAM - Tax Location Code 40

99576 - Dillingham

KENAI PENINSULA BOROUGH - Tax Location Code 44

99556 -	Anchor Point/ Nickoloevsk	99631 -	Moose Pass
99568 -	Clam Gulch	99635 -	Nikiski
99572 -	Cooper Landing	99639 -	Ninilchik
99603 -	English Bay/Nanwalek/ Fritz Creek/Halibut Cove/Homer Port Graham/Red Mountain	99663 -	Seldovia
		99664 -	Seward
99605 -	Hope	99669 -	Soldotna
99610 -	Kasilof	99672 -	Sterling
99611 -	Kenai	99682 -	Tyonek

TAXABLE LOCATIONS BY CITY, VILLAGE, MILITARY POST AND BASE

Akhiok	Halibut Cove	Peters Creek
Anchor Point	Homer	Petersburg
Anchorage	Hope	Point Graham
Bethel	Houston	Port Graham
Big Lake	Indian	Port Lions
Big Lake Lodge	Jonesville	Red Mountain
Bird Creek	Karluk	Seldovia
Broad Pass	Kasilof	Seward
Chickaloon	Kenai	Sitka
Chugiak	Ketchikan	Skwentna
Clam Gulch	Kodiak CGB	Soldotna
Cooper Landing	Kodiak Gen Del	Sterling
Curry	Larsen Bay	Summit
Dillingham	Loring	Sutton
Dutch Harbor	Moose Pass	Talkeetna
Eagle River	Nanwalek	Trapper Creek
Eklutno	Nenana	Tyonek
Elmendorf AFB	Nickolaevsk	U.S.C.G. Kodiak
English Bay/Nanwalek	Nikiski	Unalaska
Eska	Ninilchik	Ward Cove
Fort Richardson	Nome	Wasilla
Fritz Creek	Old Harbor	Whittier
Girdwood	Ouzinkia	Willow
	Palmer	

DEPARTMENT OF PUBLIC SAFETY
DIVISION OF MOTOR VEHICLES
5700 E. Tudor Road
Anchorage, AK 99507
FAX (907) 333-8615 (Xerox 7020)

ALASKA DMV HQ

The Last Frontier

FAX TRANSMITTAL SHEET

Date: 3/20/96

From: Chuck Hosack, Deputy Director

Number of pages (including this sheet) :

2

To: Deb Davidson

Sen. Torgerson's office

Regarding: MVRT - Municipal Acctg Report
1/29/96

Note: if any of these fax copies are illegible, or you do not receive the same number of pages as stated above, please contact us immediately at: (907) 269-5559

Municipal Accounting Report
State of Alaska
Division of Motor Vehicles
January 29, 1996

FISCAL YR : 95

LOCATION	VENDOR#	COLLOCODE	MVRT TOTAL	RETAINED	REFUNDS	REMITTED
BETHEL	CIB84214	64120043	\$40,600.00	\$3,248.00	\$0.00	\$37,352.00
BILLINGHAM	CID84836	64120051	\$27,374.00	\$2,189.92	\$0.00	\$25,184.08
CHENANA	CIN84291	64120049	\$8,289.00	\$663.12	\$119.00	\$7,506.88
COLOMBO	CIN84936	64120047	\$30,707.00	\$2,456.56	\$0.00	\$28,250.44
COOPERSTOWN	CIP84181	64120042	\$39,333.00	\$3,146.64	\$33.00	\$36,153.36
COVERTA	CIS84599	64120053	\$49,939.00	\$3,995.12	\$71.00	\$45,872.88
COVILLE	CIU84215	64120046	\$39,932.00	\$3,194.56	\$0.00	\$36,737.44
HITTIER	CIW84474	64120048	\$4,053.00	\$324.24	\$0.00	\$3,728.76
ENNAI	KPB88172	64120052	\$817,027.00	\$65,362.16	\$443.00	\$751,221.84
ETCHIKAN	KGB84466	64120041	\$229,990.00	\$18,399.20	\$89.00	\$211,501.80
FOODIAR	KIB84128	64120045	\$181,177.00	\$14,494.16	\$32.00	\$166,650.84
FOOT-BU	MA884586	64120044	\$885,858.00	\$70,868.64	\$408.00	\$814,581.36
FOOT-ORAGE	MUA84635	64120040	\$4,523,234.00	\$361,858.72	\$2,531.00	\$4,158,844.28
TOTALS:			\$6,877,513.00	\$550,201.04	\$3,726.00	\$6,323,585.96

ALASKA DMV HQ
8615
333 907 333
WED 08:55 FAX
03/20/96

vrtot



217 Second Street, Suite 200 • Juneau, Alaska 99801 • Tel (907) 586-1325, Fax (907) 463-5480

March 22, 1996

Senator John Torgerson
Chairman, Senate CRA
State Capitol
Juneau, AK 99811

Dear Senator Torgerson:

On behalf of the Alaska Municipal League, thank you for scheduling HB 272 for a hearing next week. HB 272 will allow municipalities who have a motor vehicle registration tax to change their tax rate not more than once every two years.

The League supports putting responsibility for setting tax rates at the local level to be decided by the community and the people who pay the tax and benefit from the proceeds of the tax.

HB 272 will take the burden off the Legislature to change the amount of motor vehicle registration tax, which is money that goes directly to municipalities.

The League sees no conflict between HB 272 and the proposed biennial vehicle registration. Although some municipalities are likely to create rates lower than currently in statute, either the state or any municipality will have to take a biennial registration under consideration when setting rates. It is unlikely, and probably politically impossible, for a municipality to adopt rates considered onerous by their citizens.

The state provides an efficient collection system for the municipalities. The current state system to track and collect the fees could not be duplicated by any municipality. For its assistance, the state collects an 8 percent administrative fee plus any special up front costs to change rates. This bill represents a good partnership between the state and its municipalities.

Again, our thanks for bringing this before the Committee and if you have any questions regarding the League's position, please do not hesitate to call me at 586-1325.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin C. Ritchie'.

Kevin C. Ritchie
Executive Director

c:\jk\leg\96\hb272.doc

Member of 1

SUPPORT

of Counties

**Municipality
of
Anchorage**



P.O. Box 196650
Anchorage, Alaska 99519-6650
Telephone: (907) 343-4431
Fax: (907) 343-4499

Rick Mystrom, Mayor

OFFICE OF THE MAYOR

January 23, 1996

Representative Mark Hanley
Alaska State Legislature
State Capitol
Juneau, Alaska 99801

Re: House Bill 272

Dear Mark:

The Municipality of Anchorage supports your efforts through House Bill 272 to enable municipalities to set the tax rate imposed on motor vehicles within their jurisdiction.

We believe passage of this bill will help Anchorage and other Alaska communities solve one of our nagging problems.

Road and street maintenance is becoming increasingly costly in Alaska. In Anchorage these costs are borne by property taxpayers. If local government was empowered to set vehicle registration fees, some of the road maintenance costs could be borne by the users instead of the property taxpayers.

HB 272 is a positive bill that addresses a major problem facing Alaska's cities. Thank you for leadership on this important issue.

Sincerely,

Rick Mystrom
Mayor

**MUNICIPALITY OF ANCHORAGE
1995 LEGISLATIVE PROGRAM**

LEGISLATIVE ISSUES

TITLE: Vehicle Registration Fees Set By Local Government

The Municipality of Anchorage supports amending existing statutes to allow Municipalities and other local governments to determine appropriate motor vehicle registration fees to meet funding needs for their localities.

Road and street maintenance is becoming increasingly costly in Alaska. In Anchorage, these costs are borne by property taxpayers. One significant example of such costs involves the over \$100,000 of general tax revenues currently applied to cover the annual cost of removing abandoned and junk vehicles. A more equitable distribution of costs would involve empowering the local community to increase vehicle registration fees in order to increase the vehicle owners' share of road and street maintenance costs.

We support legislation that would allow a more equitable taxation on motor vehicles for each community. The current statute should be amended to allow each community participating in the Motor Vehicle Registration Tax program (AS 28.10.431) to establish individual rates for vehicle taxation. These individual community rates could be established within the state computer system. The rates would continue to be based on type and age of vehicle (information which is currently obtained from the state's vehicle registration files).

A legislative change in 1993 increased the administrative fee charged by the State Division of Motor Vehicles for administration of the Motor Vehicle Registration Tax program from 5% to 8%. For Anchorage, this fee is currently about \$330,000 annually. The State Division of Motor Vehicles should be able to accommodate any additional costs generated by the proposed local government determination of appropriate motor vehicle registration fees within the 8% fee. Since the amount of the 8% fee revenues to the State could increase significantly if local governments increase the amount of the Motor Vehicle Registration Tax, the Statutes should be amended to limit the State's fee to the actual costs for administration of the program not to exceed eight percent of the amount collected.

(more)

**Vehicle Registration Fees Set By Local Government
(Continued)**

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

* Section 1. INTENT. It is the intent of the legislature that every community participating in the Motor Vehicle Registration Tax program shall set their own rates of taxation; that this program shall continue to be administered and collected by the State of Alaska; that the State of Alaska shall continue to return all amounts so collected, less actual collection costs not to exceed eight percent of the amount collected, to the municipality for which the money was collected.

* Section 2. AS 28.10.431(b) is amended to read:

Section 28.10.431(b). The tax is levied upon motor vehicles subject to the license fee under AS 28.10.411 and 28.10.421 and is based upon the type and age of vehicles as determined by model year according to the schedule established by each community participating in this program. If the community does not choose to establish their own schedules, the tax will be computed based on the following schedule:

* Section 3. AS 28.10.431(e) is amended as follows:

Section 28.10.431(e). The department shall refund money collected under this section, less the departments actuals costs of administration not to exceed eight percent of the amount collected [less eight percent as collection costs], to a municipality for which the money was collected

Contact: Gene Dusek, Budget Director
Office of Management & Budget
Phone: 343-4490



MATANUSKA-SUSITNA BOROUGH

Borough Manager

350 E. Dahlia Avenue, Palmer, Alaska 99645-6488

Phone (907) 745-9689 • FAX (907) 745-0886

April 3, 1995

The Honorable Lyda Green
Alaska State Legislature
Rm. 423, State Capitol
Juneau, Alaska 99801-1182

Dear Senator Green:

Thank you for the meeting with us recently to discuss legislative issues of interest to the borough. As we discussed at that meeting, I am providing a list of points in support of the draft legislation which would adjust the method of taxation of automobiles.

- This is not a new tax. The State of Alaska currently collects a "fee" on motor vehicles on behalf of local municipalities. Unfortunately, the fee schedule is far too low and does not allow municipalities any flexibility to adjust the schedule to their individual needs.
- The draft legislation would not increase state taxes. This legislation only allows local municipalities to raise or lower their taxes. If local governments are going to be burdened with cuts in revenue, they will need the tools to adjust local taxation programs in a manner that best meets their needs.
- State collection costs would be charged to the program. The point of registration is the most efficient manner to collect fees on motor vehicles. Under this program the state would charge its collection costs to the municipality on whose behalf the tax is collected.
- Many demands for local government services are related to roads and automobiles. The proposed legislation would allow local governments to recover some of the costs and generate revenues to provide services that relate to motor vehicles. Examples are: emergency medical and rescue services, road maintenance, and capital matching money for construction.
- Promote equity in the personal property taxation program. If the current very low vehicle tax were raised, the local municipality could generate sufficient funds to adjust or eliminate the onerous features of personal property taxation.

I hope this information is useful to you. The very restrictive personal property taxation laws in the State of Alaska have been a problem for municipalities, especially the Matanuska-Susitna Borough for a long time now. We greatly appreciate your willingness to finally craft some legislation in this regard that allows us to deal with this issue in a rational way.

Please give me a call if you require further information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donald L. Moore".

Donald L. Moore
Borough Manager

er

cc: Jim Colberg, Assembly Member



KENAI PENINSULA BOROUGH

144 N BINKLEY SOLDOTNA, ALASKA 99589-7599
BUSINESS (907) 262-4441 FAX (907) 262-1892

DON GILMAN
MAYOR

POSITION STATEMENT - HB 272

MUNICIPAL MOTOR VEHICLE TAX

The Kenai Peninsula Borough Assembly and administration supports House Bill 272. This bill amends Alaska Statutes by adding a new subsection to AS 28.10.431. If amended, the Statutes would provide municipalities the option of revising the tax schedule as it applies to motor vehicle taxation within their jurisdiction. Revisions could not be made more than once every two years. Payment of a one-time fee to the Department of Public Safety for implementing any changes seems fair and reasonable.

(Public Safety for implementing any changes seems fair & reasonable)
We seek your support in passage of this legislation to allow us and other municipalities the flexibility of setting our own tax rate schedule. We appreciate your consideration of House Bill 272 and are ready to provide you with any assistance or information you may require.

Kenai Peninsula Borough

By: Don Gilman
Don Gilman, Borough Mayor

2/7/96
Date

By: Andrew P. Scalzi
Andrew P. Scalzi/Assembly President

2/7/96
Date



City and Borough of Sitka

100 LINCOLN STREET • SITKA, ALASKA 99835

February 6, 1996

The Honorable Mark Hanley
Alaska State House of Representatives
FAX 465-2418
Juneau, Alaska

Dear Representative Hanley:

At an Alaska Municipal League teleconference today, I learned HB 272 relating to Municipal Taxation of Motor Vehicles will be discussed in a House Finance Hearing tomorrow. The City and Borough of Sitka supports this bill to provide flexibility to municipalities to impose or change a motor vehicle registration tax to provide local revenues.

This bill will also provide State revenues through the 8 percent collection fee. Municipalities need assistance from the Department of Public Safety to collect the tax efficiently and enforce the payment of fees through the registration process. Although Sitka does not intend at this time to raise municipal motor vehicle tax rates, at some time in the future, this may need to happen. HB 272 will facilitate this process and provide a measure of local control for municipalities to be able to set a rate at a level acceptable in each community.

Thank you for the opportunity to comment.

Sincerely,

Gary L. Paxton
Administrator

cc: Alaska Municipal League
Representative Grussendorf
Senator Taylor



217 Second Street, Suite 200 • Juneau, Alaska 99801 • Tel (907) 586-1325. Fax (907) 463-5480

February 5, 1996

Representative Mark Hanley, Chair
House Finance Committee
State Capitol
Juneau, AK 99811-1182

Re: HB 272

Dear Representative Hanley,

Both the Alaska Municipal League and the Alaska Conference of Mayors jointly approved a list of legislative priorities at the 44th Annual Local Government Conference in Valdez. HB 272 was specifically approved as a piece of AML/ACoM priority legislation. The AML/ACoM represent all of the major municipalities and most of the smaller ones.

Two weeks ago the AML and ACoM affirmed this commitment to HB 272 by identifying it as one of four pieces of top priority municipal legislation presented in meetings with the Governor and Legislators.

HB 272 is a small, but important, step in giving municipalities the needed flexibility to design a system to revenue generation best suited to the needs and desires of the community. It is also a good partnership between the state and municipalities.

Sincerely,

Kevin Ritchie
Executive Director

C:\kevin\legcomm\296hb272.doc

TALKING POINTS**HB 272****ALLOWS MUNICIPALITIES TO SET
MUNICIPAL MOTOR VEHICLE TAX RATE
BY ORDINANCE INSTEAD OF STATE STATUTE**

- This is a municipal tax collected by the Department of Public Safety for an 8% collection fee. Currently, the municipal motor vehicle tax rate is set by the statute by the legislature. The legislature has not raised the rate significantly.
- Municipalities need assistance from the Department of Public Safety to collect the tax efficiently because the Department keeps has a mechanism in place to track motor vehicles and enforce the payment of fees through the registration process.
- If a municipality raises its rate to a level acceptable in the community, both the state and the municipality receive more revenue.
- If the rate is set by each municipality, it will reduce the public perception that this is a state tax.

**Alaska Conference of Mayors/ Alaska Municipal League
Lobbying Information**

1. Support the "Safe Communities" bill as approved by AML and ACoM as the first step in simplifying and stabilizing the revenue sharing programs until the long range financial plan is put into effect. Without this bill up to 91 small communities will dissolve and transfer their service costs back to the state over the next several years. Also, taxpayers will recognize that the state has indirectly tripled property taxes in many communities and is continuing to try to balance the state budget on the backs of local taxpayers.
2. Support making the Senior/Disabled Veteran Property Tax exemption a local option because this is 100% locally paid for. The state must give municipalities flexibility to meet community needs.
- * 3. Support HB 272 to allow municipalities to set rates for the Municipal Vehicle Registration Tax. This municipal tax is currently set by state statute. It is collected by the Department of Public Safety less and 8% collection fee.
4. Support creating a state municipal task force to revise HB 154, the property "takings" bill. Although municipalities support private property rights, this bill is so broad that it would essentially eliminate municipal zoning, environmental protection, building regulation, etc. Further, it would set up a economic impact assessment mandate that would stop or delay economic development and community projects.

HB

322

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 3/6/96

FURTHER: Finance

DATE TURNED INTO OFFICE: _____

The C&RA Committee considered CS FOR HOUSE BILL NO. 322(FIN)

"An Act authorizing grants for temporary housing assistance during emergencies and disasters."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>Roll 8 1990</i>	✓		
		<i>Tim Kedge</i>	✓		
CHAIR: <i>[Signature]</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal


PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

HOUSE SPECIAL COMMITTEE ON
MILITARY AND VETERANS AFFAIRS

TO: Senator John T. Peterson 
Chair
Senate Community and Regional Affairs Committee

FROM: Representative Pete Korte 
Co-Chair

DATE: March 11, 1996

RE: CS HB 322 (FIN): Request for Hearing.

I respectfully request that CS HB 322 (FIN) be scheduled for committee action at your earliest convenience. This bill would remove administrative burdens from the Department of Military and Veterans Affairs by permitting it to make direct temporary housing grants to victims of disasters. As now presently constituted, the law requires the Department to secure housing for displaced victims, thus forcing it to act as a quasi-landlord.

I enclose herewith a sponsor statement, a copy of the current form of the bill, a fiscal note, a sectional, and background material.

Thank you in advance for your kind assistance in this matter. Should you have any questions, please do not hesitate to contact me.

FISCAL NOTE

STATE OF ALASKA

BILL NO. CSHB322(FIN)

1996 LEGISLATIVE SESSION

Revision Date: 12-Feb-96 Dept Affected Military & Veterans Affairs
 Title: An Act authorizing grants for temporary housing assistance during emergencies and disasters. BRU: Alaska National Guard
 Sponsor: House Sp Cmte Military & Veterans Affairs Component: Commissioner's Office
 Requestor: House Rules Component Serial No. 414

Expenditures/Revenues (Thousands of Dollars)

	FY97	FY98	FY99	FY00	FY01	FY02
OPERATING EXPENDITURES						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ none

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact. This bill gives the Division of Emergency Services a more efficient way of providing temporary housing during disasters. The cost of temporary housing would continue to be charged to the disaster itself.

Prepared by: Carol Carroll, Director Phone: 465-4730
 Division: Administrative Services Date: 12-Feb-96
 Approved by Commissioner: [Signature] Date: 12-Feb-96
 Agency: Military & Veterans Affairs

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE



Official Business

Alaska State Legislature

House

Pouch V
State Capitol
Juneau, Alaska 99811

HB 322 SPONSOR STATEMENT

HB 322 has been introduced to improve the administration of temporary housing during state declared disaster emergencies. This legislation was introduced in the 1994 session as HB 421, and passed the House on March 14, 1994 by 40-0. It died in Senate Rules Committee at the end of the 1994 legislative session.

This bill would increase the efficiency of the Division of Emergency Services by removing an unnecessary administrative burden required by current statutory language. Current statutes (AS 26.23.100) do not authorize DMVA to make grants to individuals for providing temporary housing during disasters. The Division of Emergency Services is therefore required to provide the housing directly to individuals, by assigning staff to contact housing providers, arrange for leases, renew lease arrangements periodically as needed, and generally act as an intermediary between the lessors and the persons using the temporary housing. This task is administratively burdensome and increases the cost of administering the temporary housing program.

Federal disasters allow the granting of funds direct to individuals for them to make their own temporary housing arrangements. Temporary housing in federal disasters is paid 100% by the Federal Emergency Management Agency (FEMA).

Adopting language to authorize the state to grant funds for temporary housing in state disasters, similar to the authority existing in federal disasters, would reduce administrative costs during state disasters, remove liability for the state as a lessor, and reduce government involvement in personal issues. Making an immediate temporary housing grant award payment to eligible applicants would allow each family in a state disaster to secure housing which best fits their housing needs.

Two state disasters have occurred recently which have required the provision of temporary housing: the Kodiak storm disaster of November 1991, and the Tenakee fire disaster of July 1993.

HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS AFFAIRS

CS HB 322 (FIN) SECTIONAL ANALYSIS

Section 1 of CS HB 322 (FIN) authorizes the Governor to make assistance grants directly to eligible disaster victims for the cost of temporary housing. It also requires, as a condition for receiving such grants, that the recipients agree to repay the state to whatever extent they are reimbursed from any other source for the costs of temporary housing.

tance. The governor may make a grant to an individual and family under this subsection as follows:

(1) when the President declares a major disaster, the governor may make a grant of an amount whose total of federal and state shares does not exceed the maximum amount authorized by 42 U.S.C. 5173(f) for grants payable to individuals and families;

(2) when the President does not declare a major disaster but the governor declares a disaster emergency, the governor may make a grant of an amount not to exceed \$5,000.

(c) (Repealed, § 18 ch 178 SLA 1990.) (§ 3 ch 104 SLA 1977; am. §§ 9, 18 ch 178 SLA 1990)

Effect of amendments. — The 1990 amendment deleted "the total of federal and state shares not to exceed \$5,000" following "financial grants" and "in any single major disaster declared by the president" following "individual or family" and substituted "the disaster" for "a major di-

aster" in the first sentence of subsection (b); added the second sentence of subsection (b); and repealed subsection (c), which penalized fraudulent or wilful misstatements of fact in connection with financial assistance applications.

Sec. 26.23.100. Temporary housing. (a) Whenever the governor has proclaimed a disaster emergency, or the President, at the request of the governor, has declared an emergency or a major disaster to exist in this state, the governor may

(1) purchase, lease, or make other arrangements with any agency of the United States or state for temporary housing units to be occupied by disaster victims and to make those units available to any political subdivision of the state;

(2) assist any political subdivision of this state that is the location of temporary housing for disaster victims to acquire sites necessary for the temporary housing and do all things necessary to prepare the site to receive and use temporary housing units by

(A) advancing or lending funds available to the governor from an appropriation made by the legislature or from any other source;

(B) passing through funds made available by any agency, public or private; or

(C) becoming a copartner with a political subdivision for the execution and performance of any temporary housing for disaster-victim projects and, for those purposes, pledging the credit of the state on terms considered appropriate, having due regard for current debt transactions of the state;

(3) under whatever relevant regulations the governor may adopt, temporarily suspend or modify, for not more than 60 days, any public health, safety, zoning, transportation, or other requirement of law or regulation of the state, when by proclamation, the governor declares a suspension or modification essential to provide temporary housing for disaster victims.

Proposed statutory language to be added in a bill

*Sec 1 AS 39 25 110 is amended by adding a new section to read

(30) persons employed by the Department of Military and Veterans Affairs for a disaster emergency

[File: BILPF -PI DOC]

Sec. 39.25.110. Exempt service. Unless otherwise provided by law, the following positions in the state service constitute the exempt service and are exempt from the provisions of this chapter and the rules adopted under it:

1) persons elected to public office by popular vote or appointed to fill vacancies in elected offices;

2) justices, judges, magistrates, and employees of the judicial branch including employees of the judicial council;

3) employees of the state legislature and its agencies;

4) the head of each principal department in the executive branch;

5) officers and employees of the University of Alaska;

6) certificated teachers and noncertificated employees employed by a regional educational attendance area established and organized under AS 14.08.031 — 14.08.041 to teach in, administer, or operate schools under the control of a regional educational attendance area school board;

7) certificated teachers employed by the Department of Education as correspondence teachers, teachers in skill centers operated by the Department of Education, or in Mt. Edgecumbe School;

8) patients and inmates employed in state institutions;

9) persons employed in a professional capacity to make a temporary or special inquiry, study or examination as authorized by the governor;

10) members of boards, commissions, or authorities;

11) the officers and employees of the following boards, commissions, and authorities:

- A) Alaska Gas Pipeline Financing Authority;
- B) Alaska Permanent Fund Corporation;
- C) Alaska Industrial Development and Export Authority;
- D) Alaska Commercial Fisheries Entry Commission;
- E) Alaska Commission on Postsecondary Education;
- F) Alaska Aerospace Development Corporation;

12) the executive secretary and legal counsel of the Alaska Municipal Bond Bank Authority;

13) the state medical examiner appointed under AS 12.65.015 and physicians licensed to practice in this state and employed by the division of mental health and developmental disabilities in the Department of Health and Social Services or by the Department of Corrections;

14) petroleum engineers and petroleum geologists employed in a professional capacity by the Department of Natural Resources and by the Oil and Gas Conservation Commission, except for those employed in the division of geological and geophysical surveys in the Department of Natural Resources;

15) officers, agents, and employees of the Alcoholic Beverage Con-

control Board granted limited peace officer powers by the Alcoholic Beverage Control Board under AS 04.06.110;

(16) persons employed by the division of marine transportation as masters and members of the crews of vessels who operate the state ferry system and who are covered by a collective bargaining agreement provided in AS 23.40.040.

(17) officers and employees of the state who reside in foreign countries;

(18) employees of the Alaska Seafood Marketing Institute;

(19) fire fighters employed by the Department of Natural Resources for a fire emergency;

(20) employees of the Office of the Governor and the office of the lieutenant governor, including the staff of the governor's mansion;

(21) employees of the Citizens' Advisory Commission on Federal Areas in Alaska (AS 41.07.010);

(22) youth employed by the Department of Natural Resources under the Youth Employment and Student Intern programs;

(23) the executive director of the Medicaid Rate Advisory Commission;

(24) students employed by the state institutions in which the students are enrolled;

(25) the executive director and staff of the Alaska Science and Technology Foundation (AS 37.17.010);

(26) investment officers in the Department of Revenue;

(27) the executive director and other staff of the Alaska Tourism Marketing Council;

(28) persons engaged in employment or pre-employment training programs operated by the Department of Military and Veterans Affairs;

(29) *(Repealed, § 9 ch 113 SLA 1959, § 5 ch 144 SLA 1960, am § 1 ch 48 SLA 1961, am § 1 ch 105 SLA 1961, am § 3 ch 93 SLA 1962, am § 3 ch 24 SLA 1965, am § 31 ch 46 SLA 1970, am § 65 ch 69 SLA 1970, am § 13 ch 113 SLA 1970, am § 6 ch 75 SLA 1971, am § 15 ch 75 SLA 1974, am § 42 ch 127 SLA 1974, am § 2 ch 32 SLA 1975, am § 2 ch 79 SLA 1975, am § 37 ch 124 SLA 1975, am § 1 ch 157 SLA 1975, am § 3 ch 90 SLA 1975, am § 7 ch 19 SLA 1980, am § 43 ch 106 SLA 1980, am § 10 ch 131 SLA 1980, am § 4 ch 145 SLA 1980, am § 4 ch 106 SLA 1981, am § 2, 3 ch 37 SLA 1982, am § 7 ch 112 SLA 1982, am § 1 ch 11 SLA 1983, am § 1 ch 103 SLA 1984, am § 58 ch 21 SLA 1985, am § 1 ch 50 SLA 1985, am § 69 ch 14 SLA 1987, am § 1 ch 61 SLA 1987, am § 2 ch 37 SLA 1988, am § 2 ch 75 SLA 1988, am § 26 ch 141 SLA 1989, am E.O. No. 72 § 2, 1989, am § 11 ch 95 SLA 1989, am § 7, 9 ch 115 SLA 1989, am § 10 ch 55 SLA 1991, am § 1 ch 17 SLA 1992, am § 1 ch 37 SLA 1993)*

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Proposed statutory language to be added in a bill

*Sec 1 AS 39 25 110 is amended by adding a new section to read

(30) persons employed by the Department of Military and Veterans Affairs for a disaster emergency

[File: BILPROPI.DOC]

MEMORANDUM

STATE OF ALASKA

Department of Military and Veterans Affairs

TO: Pat Pouchot
Legislative Director
Office of the Governor

DATE: March 16, 1995

PHONE: 465-4730

FROM: Jake Lestenkof
Commissioner

SUBJECT: DMVA Legislative
Proposals

I have reviewed the original legislative proposals forwarded by this department to you last December. While none of them can be considered priority policy issues for the Governor, two of them are important enough to our department to initiate some activity.

It is my understanding that you do not want to have the Governor introduce any measures unless they are significant policy issues. Nevertheless, I believe that, with your concurrence, I would be able to find some friendly legislators to introduce the measures which I believe are important to our department. If we can get bills at least introduced and heard in one or two committees, it will greatly enhance our ability to get them passed by the second session of this legislature, instead of waiting for two years to accomplish some legislative progress.

I seek your approval to approach specific legislators on the following issues:

1. Temporary Housing During Disasters:

This proposal will allow for the granting of funds directly to disaster victims of state disasters to allow them to make their own temporary housing arrangements. Currently state law does not allow this, and temporary housing is arranged by state personnel, increasing the administrative burden during a disaster and exposing the state to potential liabilities. Similar legislation almost passed the Legislature last session (HB421 died in Senate Rules).

2. Hiring of Exempt Employees During Disasters:

Our experience during the 1994 Fall Floods disaster has highlighted an administrative procedure for temporary hiring during emergencies which is burdensome and limits the department's effective and timely response. All temporary hires for emergency response activities must now go through the routine procedure for hiring non-permanent employees: if they are not hired

from a register, they are limited to a duration of only 120 days. "Emergency hires" are only allowed to stay on board for 30 days. Allowing temporary hires for emergency response to be established as exempt positions (similar to the hiring authority for DNR's fire suppression activities--see AS 39.25.110(19)) will allow temporary employees needed for emergency response to be hired quickly and retained as long as needed.

In addition to the two proposals described above, DMVA also submitted housekeeping bills for your consideration. I would like to forgo the action on these housekeeping changes until the 1996 session of this legislature.

I would welcome the opportunity to meet you to discuss the strategy to be used and legislators or committees to be approached in addressing the three proposals above.

cc:

Roger Schnell, Deputy Commissioner
Brig Gen Ken Taylor, Commander, Air National Guard
Col Mike McCourt, Chief of Staff, Army National Guard
Ervin Paul Martin, Director, Division of Emergency Services
John Fleming, Director, National Guard Youth Corps
Roger Patch, Director, Facilities Maintenance Division
Jeff Morrison, Director, Administrative Services Division

1995 LEGISLATIVE PROPOSAL FORM

DEPARTMENT: Military and Veterans Affairs (File: LEG95-1B.DOC)

SUBJECT OF PROPOSED BILL: Temporary housing during emergencies

DEPARTMENT PRIORITY NO. _____

SPECIFY: Governor's Legislation ____ / Friendly Legislation ____

SUMMARY OF INTENT : Include what the problem is, how this proposal solves it, how many incidents have occurred which necessitates this change, and include a short synopsis of how your proposal fits with the Governor's objectives.

This bill would increase the efficiency of the Division of Emergency Services by removing an unnecessary administrative burden involved in providing temporary housing during state-declared disaster emergencies. Current statutory language does not authorize DMVA to make grants to individuals for providing temporary housing during disasters. The Division of Emergency Services is therefore required to provide the housing directly to individuals, by assigning staff to contact housing providers, arrange for leases, renew lease arrangements every three months, and generally act as an intermediary between the lessors and the persons using the temporary housing. This task is administratively burdensome and increases the cost of administering the temporary housing program.

Federal disasters allow the granting of funds direct to individuals for them to make their own temporary housing arrangements. Adopting language to authorize the state to grant funds for temporary housing in state disasters, similar to the authority existing in federal disasters, would reduce administrative costs, remove liability for the state as a lessor, and reduce government involvement in personal issues. Making an immediate temporary housing grant award payment to eligible applicants would allow each family in a state disaster to secure housing which best fits their housing needs.

Two state disasters have occurred recently which have required the provision of temporary housing: the Kodiak storm disaster of November 1991, and the Tenakee fire disaster of July 1993.

ESTIMATED FISCAL IMPACT (briefly describe):

Operating: Unknown. A separate appropriation from the Disaster is authorized for each disaster declaration.

Capital: None

Revenue: None

WHAT OTHER DEPARTMENTS WILL BE AFFECTED BY THIS PROPOSAL: None

WHO WILL SUPPORT THIS BILL: Department leadership

WHO WILL OPPOSE THIS BILL: None known at this time.

BRIEFLY OUTLINE ANY PRECEDENTS FOR THIS PROPOSAL IN ALASKA OR OTHER STATES: In federally declared disasters, the State of Alaska is authorized by the Federal Emergency Management Agency (FEMA) to make grants for temporary housing. The state guidelines for state-declared disasters should parallel the FEMA guidelines for federally declared disasters.

IF A SUBSTANTIALLY SIMILAR BILL HAS BEEN DRAFTED AND NOT INTRODUCED, OR INTRODUCED AND NOT PASSED, PLEASE GIVE LAWLOG OR BILL NUMBER (cite year): This legislation was introduced in the 1994 session as HB421, and passed the House. It died in Senate Rules after the Senate Finance Committee made changes which altered the character of the bill to the point where it was not acceptable by DWA.

COMMISSIONER'S SIGNATURE

DATE

Governor's Office Notes:

[File: LEG95-18.DOC]

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
BRIEFING PAPER HB421

Background:

Whenever people are displaced from their homes because of a disaster, part of the disaster assistance provided by the Division of Emergency Services (DES) is the provision of temporary housing. The authority for doing this is addressed in A.S. 26.23.100. The current authority is limited to the state making direct payments for providing temporary housing. The statutes also allow the state to work through local governments to provide temporary housing.

Current statutes do not authorize DMVA to make housing assistance grants to persons displaced from their homes during state-declared disasters. Without this authority, DMVA must negotiate lease/rental terms for every individual or family requiring temporary housing during a disaster. This task is administratively burdensome and increases the administrative costs of a disaster by requiring time to monitor and manage the lease agreements. However, the process for providing temporary housing in a federally-declared disaster is significantly more efficient.

In a federally-declared disaster, Federal Emergency Management Agency (FEMA) staff directly administers the temporary housing program, using 100% federal funds. The federal temporary housing program makes grants directly to individuals for them to arrange their own temporary housing. Granting funds to recipients to arrange their own housing reduces administrative costs, removes liability from the government as a lessor, and reduces government involvement in personal issues.

Impact of proposed legislation:

HB421 will specifically permit DMVA to grant funds to eligible disaster victims who have located temporary housing. The eligibility of disaster victims would be determined by the staff of the Division of Emergency Services (DES) using criteria established in the Temporary Housing Assistance Plan promulgated by DES. This granting authority will greatly expedite the ability of DMVA to respond to providing for temporary housing during a disaster, and would allow each family or individual affected to secure housing which best fits their housing needs.

The addition of this granting authority will add another tool in the ability of DES to respond to temporary housing needs. It will not be the only way these needs are met, and circumstances of a particular event will influence the choice of approaches to temporary housing.

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF MILITARY
AND VETERANS AFFAIRS

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April 27, 1994

Senator Steve Frank
Co-chair, Senate Finance Committee
Alaska State Legislature

Senator Drue Pearce
Co-chair, Senate Finance Committee
Alaska State Legislature

Dear Senators Frank and Pearce,

Re: HB 421, Temporary Housing During Disasters

Thank you for scheduling a hearing on HB 421 so quickly. As Representative Mulder's staff, Tim Sullivan, pointed out in your hearing of April 26, we expect passage of this bill to improve our ability to respond quickly to meeting the emergency housing needs of disaster victims.

Tim has relayed to me some of the concerns voiced during the hearing, and I wanted to let you know my response to those concerns.

The committee raised a concern over the temporary housing assistance provided by the state being subordinate to any similar assistance available from the federal government or from private insurance providers. Under our current plans and procedures, this is already the case.

In any federally declared disaster, we maximize the federal funds available for all purposes, including housing. Normally, the Federal Emergency Management Agency takes over the temporary housing program during federally declared disasters, and there is little, if any, involvement of state agencies or funds for temporary housing in federal disasters. Although I have not had the opportunity to review any specific language proposed in a committee substitute regarding this issue, I do not believe it would present any problems if added to the bill.

The requirement to subordinate temporary housing assistance to private insurance reimbursements is something that we conceptually support as well, since our procedures already incorporate this requirement. It does not make sense to pay someone for temporary housing needs if they are also being paid by their private insurance.

Since the issue of subordination of temporary housing grants to federal and private insurance benefits is already addressed in departmental procedures, there is no objection to incorporating it into statutory language as well. However, it would not be necessary to do so, if your committee chose not to make this amendment.

The final issue raised in committee concerns a limit on the amount of temporary housing funds, with a possible link to the previous section in Alaska Statutes regarding the individual and family grants limit of \$5,000 [AS 26.23.090 (b)(2)]. Apparently the committee wanted to limit the total amount for both these programs (combined) to \$5,000 for each disaster victim. I do not believe this would provide the public with the assistance they need and deserve if they become victims of a disaster.

The individual and family grant (IFG) program is intended to provide for immediate necessary items lost as a result of a disaster. Any insurance claims paid to disaster victims for their immediate needs is deducted from the amount paid under IFG grants. These grants normally pay the following types of immediate needs: food, clothing, medicine, etc. State law limits the amount of an IFG grant to no more than \$5,000; however, they are frequently less than that amount, as they are intended only to meet immediate needs.

The temporary housing program addressed in AS 26.23.100 provides for alternate housing when people (homeowners or renters) are displaced from their homes. Displacements as a result of disasters can be for long periods of time. The current temporary housing plan allows for state funding of temporary housing for a maximum of 18 months, with reviews every three months to verify continued eligibility. There is no dollar limit to the amount now spent on temporary housing; the only limit is the 18 month time frame. Without the ability to grant funds to disaster victims for temporary housing (which HB 421 would allow), the state must negotiate all lease agreements and make payments directly to landlord of the temporary housing. The intent of HB 421 was to simplify and streamline the method in which the state pays for temporary housing, and not to create additional restrictions on the program.

Placing a dollar restriction on temporary housing would create a financial hardship to displaced disaster victims when they can least afford it. Often, homeowners have their home completely destroyed, but are still required to make mortgage payments. Combining this limitation with the IFG grant amount would create

further hardship by requiring disaster victims to choose between meeting their needs for the immediate and necessary items funded by IFG grants, or meeting their needs for temporary housing.

The purpose of the temporary housing program is to enable disaster victims to live close to their pre-disaster jobs, family, friends, schools, and community. This facilitates their recovery from the disaster by assuring some stability and normalcy until they can obtain permanent housing in their community. I do not believe it is consistent with the philosophy of providing necessary disaster relief to limit the amount to be paid for temporary housing. This action could have the effect of creating an enclave of homeless people who cannot afford to get back on their feet after a disaster.

The intent of both the IFG program and the temporary housing program is to provide rapid temporary emergency relief, and not to add to the trauma of a disaster by limiting the amount of relief such that basic emergency needs go unmet.

I believe that the limitation being proposed would result in serious deficiencies in the state's ability to fairly and compassionately meet the needs of disaster victims. I urge you to reject any such limitation in HB 421.

I hope this information is useful to you in your further consideration of HB 421.

Sincerely,

Ervin Paul Martin, Director
Division of Emergency Services

cc: Representative Elson Mulder
Hugh L. Cox III, Commissioner
Dick Eliason, Governor's Legislative Liaison

{HB421L1}

Listed below is a summary of what procedures are currently in place

To be eligible to receive housing assistance grants following a disaster, the applicant's primary residence must be unlivable or inaccessible as a result of the disaster.

The type of housing obtained for the applicant is based on the size and composition of the family

Duration of assistance: Temporary housing assistance may begin immediately after a disaster has been declared. Temporary housing is initially awarded for a three-month period. After that period, applicants must provide receipts documenting disaster-related housing costs before continued assistance is approved.

If applicants have insurance coverage for temporary housing, they may qualify for temporary housing assistance grants after the insurance benefits expire; or, if insurance benefits are significantly delayed and the applicant agrees to repay the state any insurance proceeds received, the applicant may receive benefits.

Temporary housing assistance may continue for a maximum of 18 months after the date of the disaster declaration. Normally, the only persons who would receive if for this duration would be homeowners who were awaiting the repair or replacement of their primary residence.

Amount of Grant: The Department of Military and Veterans conducts a market analysis to determine an equitable housing assistance amount per month. This is done by contacting rental agents to obtain the average pre-disaster rental rates. Grants are then awarded based on the applicant's need for housing (determined by size and composition of the family).

In the event an applicant chooses to live in more expensive housing, the applicant is responsible for the difference in cost.

House Bill 322 only changes the way in which temporary housing is found. Currently, the department is responsible for locating housing and negotiating leases. Under House Bill 322, applicants would locate their own housing, and sign their own leases, thereby saving the State time and effort.

HB 322 Housing Grants During Disaster

Insurance Proceeds

1. Temporary housing assistance begins at the expiration of any insurance assistance and may continue for up to 18 months from the date of disaster declaration
2. If insurance benefits are significantly delayed and if the applicant agrees to repay the state any insurance proceeds, temporary housing assistance shall be provided
3. Temporary housing assistance may begin at the expiration of any insurance benefits up to the 18 month period (from the date of declaration)
4. Each applicant will certify during the application process that if they receive insurance or other money for the same loss they will return the disaster aid money.

(Have not had a case where insurance proceeds were received. In Kodiak, one individual whose home was destroyed in a mudslide, did put in a claim for this assistance. The claim was denied because insurance did not cover this occurrence.)

Criteria for Temporary Housing--Initial and Continuing

1. Must make every effort to obtain and occupy permanent housing at the earliest possible time.
2. An initial housing award in most cases will be for a 3 month period. After this 3 month period expires, a temporary housing occupant will be required to provide receipts documenting disaster related housing costs before continued assistance is approved (continued assistance will normally only be provided to homeowners).
3. To be eligible for temporary housing, the applicant's primary residence must be unlivable or the residence has been made inaccessible as a result of the disaster
4. Develop permanent housing plan with applicant

Determining Amount of Temporary Housing Assistance

1. Market Analysis completed to determine an equitable housing assistance amount per month in the area. Contact rental agents for rental rates and take average of pre-disaster amounts.
2. Applicant screened to determine need. Need based on size of family and composition.
3. Grant awarded based on need. If applicant wants to live in more expensive housing, the applicant pays the difference.

Declaration of Disaster access to Disaster Relief Fund

1. Declare disaster
2. Prepare Financing Plan
 - a. first recourse to money regularly appropriated to state and local agencies.
 - b. second recourse shall be to money available in the disaster relief fund or for oil or hazardous substances discharges, the oil and hazardous substance fund.
 - c. If money available from these sources is insufficient and if the governor finds that other sources of money are insufficient the governor may transfer and spend money appropriated for other purposes or borrow money for a term not to exceed two years.
3. When Legislature in session--deliver financing plan to Speaker and President and request supplemental if appropriate
4. Legislature not in session--Determine if Speaker and President want special session of legislature, if not, deliver a financing plan.

(AS26.23.025)

Disaster Cost Index

DISASTER	DSTR #	IFG TOTAL	# OF GRANTS	IFG (AVERAGE)	PUBLIC ASST	ADES ADMIN	TOTAL	FED REVENUE	FED %
Search and Rescue	90-102				CLOSED	CLOSED	\$100,000.00	\$0.00	0%
Mt. Redoubt	90-103				\$255,946.00	\$13,840.00	\$269,886.00	\$0.00	0%
KPB Mt. Redoubt	90-104				\$149,403.00	\$0.00	\$149,403.00	\$0.00	0%
Tatliak	90-105				\$89,508.00	\$2,734.00	\$92,242.00	\$0.00	0%
Broadcasting	90-106				\$130,000.00	\$0.00	\$130,000.00	\$0.00	0%
Kongiganak	90-107				\$20,000.00	\$0.00	\$20,000.00	\$0.00	0%
Moose	90-108				\$196,500.00	\$22.00	\$196,522.00	\$0.00	0%
Minnakotak	90-109				\$15,000.00	\$0.00	\$15,000.00	\$0.00	0%
Stebbins	90-110				\$0.00	\$1,000,000.00	\$1,000,000.00	\$0.00	0%
Hazard Mit. 89 Spring Flood	90-111				\$145,336.00	\$308,386.00	\$451,722.00	\$144,210.00	32%
Snow and Ice Removal	90-112				CLOSED	CLOSED	\$2,000,000.00	\$0.00	0%
McGrath	90-113				\$38,958.00	\$451.00	\$39,409.00	\$0.00	0%
Kobuk	90-114				\$8,153.00	\$0.00	\$8,153.00	\$0.00	0%
Fire Suppresion	90-115				\$1,000,000.00	\$0.00	\$1,000,000.00	\$0.00	0%
Teklanika Fire	90-116				\$1,000,000.00	\$0.00	\$1,000,000.00	\$0.00	0%
Bethel	90-117				\$585,176.00	\$15,000.00	\$600,176.00	\$0.00	0%
Statewide Fires	91-118				\$1,986,009.00	\$9,905.00	\$1,995,914.00	\$1,021,500.00	51%
Hazard Mitigation C.W.	91-119				\$0.00	\$324,576.00	\$324,576.00	\$137,527.00	42%
Lower Kuskokwim	91-120	\$559,645.00	256	\$2,186	\$191,767.00	\$83,885.00	\$835,297.00	\$0.00	0%
Kotzebue	91-121	\$124,893.00	59	\$2,117	\$241,129.00	\$23,317.00	\$389,339.00	\$0.00	0%
Nome	91-122				\$105,000.00	\$0.00	\$105,000.00	\$0.00	0%
Teller	91-123				\$171,500.00	\$2,223.00	\$173,723.00	\$0.00	0%
Lowell Creek Tunnel	91-124				\$369,547.00	\$239.00	\$369,786.00	\$0.00	0%
Diomedea	91-125				\$588,486.00	\$34,098.00	\$622,584.00	\$0.00	0%
Eagle	91-126				\$32,985.00	\$189.00	\$33,174.00	\$0.00	0%
Togiak	91-127				\$49,761.00	\$1,623.00	\$51,384.00	\$0.00	0%
Larsen Bay	91-128				\$20,000.00	\$0.00	\$20,000.00	\$0.00	0%
Karluk	91-129				\$22,000.00	\$0.00	\$22,000.00	\$0.00	0%
Marshall	91-130				\$15,741.00	\$0.00	\$15,741.00	\$0.00	0%
Angoon	91-131				\$87,500.00	\$3,968.00	\$91,468.00	\$0.00	0%
Fairbanks North Star Boro	91-132	\$377,603.00	146	\$2,586	\$830,605.00	\$455,867.00	\$1,664,075.00	\$663,286.00	40%
Aniak	91-133	\$23,601.00	7	\$3,372	\$526,488.00	\$0.00	\$550,089.00	\$230,686.00	42%
McGrath	91-134	\$127,232.00	38	\$3,534	\$481,159.00	\$0.00	\$608,391.00	\$298,071.00	49%
Red Devil	91-135	\$28,041.00	8	\$3,505	\$211,912.00	\$0.00	\$239,953.00	\$130,379.00	54%
Anvik	91-136	\$45,984.00	12	\$3,832	\$135,716.00	\$0.00	\$181,700.00	\$41,871.00	23%

Disaster Cost Index

DISASTER	DSTR #	IFG TOTAL	# OF GRANTS	IFG (AVERAGE)	PUBLIC ASST	ADES ADMIN	TOTAL	FED REVENUE	FED %
Grayling	91-137	\$71,004.00	19	\$3,737	\$7,828.00	\$0.00	\$78,630.00	\$3,569.00	5%
Emmonak	91-138	\$142,854.00	60	\$2,381	\$255,392.00	\$0.00	\$388,248.00	\$191,544.00	48%
Holy Cross	91-139	\$20,265.00	5	\$4,053	\$0.00	\$0.00	\$20,265.00	\$0.00	0%
Alakanuk	91-140	\$112,298.00	42	\$2,674	\$98,208.00	\$0.00	\$210,508.00	\$55,034.00	26%
Shageluk	91-141	\$35,018.00	8	\$4,377	\$22,848.00	\$0.00	\$57,887.00	\$9,321.00	16%
Galena	92-142				\$87,081.00	\$0.00	\$87,081.00	\$0.00	0%
DNR	92-143				CLOSED	CLOSED	\$0.00	\$0.00	0%
Mat-Su Borough	92-144				\$511,000.00	\$4,900.00	\$515,900.00	\$0.00	0%
Whitestone	92-145				\$182,997.00	\$5,703.00	\$188,700.00	\$0.00	0%
Little Diomed	92-146				\$57,303.00	\$10,381.00	\$67,684.00	\$0.00	0%
Aniak Loan	92-147				\$0.00	\$5,082.00	\$5,082.00	\$0.00	0%
Diomed Fire	92-148				\$940,872.00	\$33,300.00	\$974,172.00	\$0.00	0%
New Koliganek	92-149				\$54,725.00	\$12,801.00	\$87,526.00	\$0.00	0%
		\$50,483.00 (TH)	9	\$5,609.00					
Kodak	92-150	\$86,218.00 (IFG)	23	\$2,875.00	\$1,375,448.00	\$72,808.00	\$1,584,957.00	\$0.00	0%
Earthquake Mitigation	92-151				\$0.00	\$225,748.00	\$225,748.00	\$0.00	0%
Seward Sewage	92-152				\$744,091.00	\$10,450.00	\$754,541.00	\$0.00	0%
Eagle Village Flood	92-153	\$77,672.00	22	\$3,531	\$94,147.00	\$14,748.00	\$186,565.00	\$0.00	0%
Eagle City Flood	92-154	\$5,000.00	2	\$2,500	\$50,200.00	\$5,947.00	\$61,147.00	\$0.00	0%
Galena Ice Jam Flood	92-155	\$139,523.00	48	\$3,033	\$277,050.00	\$28,042.00	\$442,815.00	\$0.00	0%
Flood Response	92-156				\$0.00	\$22,059.00	\$22,059.00	\$0.00	0%
Yukon River Flood	92-157	\$655,328.22	110	\$5,958	\$418,801.00	\$93,889.00	\$1,187,798.22	\$0.00	0%
Fire Disaster	93-158				\$0.00	\$0.00	\$0.00	\$0.00	0%
Norton Sound Herring Fish	93-159				\$0.00	\$0.00	\$0.00	\$0.00	0%
Haines Highway Disaster	93-160				\$0.00	\$0.00	\$0.00	\$0.00	0%
Mt. Spurr	93-161				\$282,741.00	\$5,105.00	\$287,846.00	\$0.00	0%
Nome	93-162				\$0.00	\$0.00	\$0.00	\$0.00	0%
Kuskokwim Chum	94-163				\$0.00	\$0.00	\$0.00	\$0.00	0%
		\$4,650.00 (TH)	2	\$2325.00(TH)					
Tenakee Springs Fire	94-164	\$13,938.00 (IFG)	7	\$1991.00(IFG)	\$128,594.00	\$22,971.00	\$170,153.00	\$0.00	0%
Department of Natural Res	94-165				\$1,000,000.00	\$0.00	\$1,000,000.00	\$0.00	0%
Shaker IV	94-166				\$116,485.00	\$241,293.00	\$357,778.00	\$0.00	0%
Prince of Wales Island	94-167				\$0.00	\$0.00	\$0.00	\$0.00	0%
Fort Yukon Haz MR	94-168				\$348,813.00	\$10,152.00	\$358,965.00	\$188,000.00	47%
McGrath Road Disaster	94-169				\$165,000.00	\$5,999.00	\$170,999.00	\$0.00	0%

119. Hazard Mitigation Cold Weather, 1990 The Presidential Declaration of Major Disaster for the Omega Block cold spell of January and February 1989 authorized federal funds for mitigation of cold weather damage in future events. The Governor's declaration of disaster provided the State matching funds required for obtaining and using this federal money.
120. Lower Kuskokwim, September 4, 1990 A severe storm compounded by high tides caused extensive flooding in coastal communities of the Kuskokwim and Bristol Bay areas and along the lower Kuskokwim River. The flooding caused damage to both public and private property. The disaster declaration authorized assistance to local governments, individuals and families affected by the flooding.
121. Kotzebue, September 4, 1990 An unseasonable storm and wind driven tides damaged public and private property in Kotzebue and surrounding traditional use areas. The Governor's declaration of disaster provided assistance to the City of Kotzebue and to individuals and families.
122. Nomé, September 10, 1990 An unseasonable sea storm caused the sinking & destruction of a transfer barge owned by the city. As a result the city was unable to receive essential goods that are customarily transported by sea. In addition the debris presents a hazard jeopardizing the structural integrity of the Nome causeway.
123. Teller, September 10, 1990 A storm on the Bering Sea caused major damage to the wood cribbing/gabion breakwater.
124. Lowell Creek Tunnel, September 27, 1990 A major rehabilitation of Lowell Creek Tunnel is required to insure continued protection of the City of Seward. This is a mitigation project.
125. Diomedé, November 21, 1990 A severe early winter storm with waves up to 25 feet destroyed several fuel storage facilities. The resultant loss of critically needed petroleum products along with other equipment, required the declaration of disaster.
126. Eagle, December 28, 1990 A fire destroyed the privately owned power generation facility that services Eagle and Eagle Village. A temporary replacement generator was delivered and power restored on December 30, 1990.
127. Togiak, February 8, 1991 An electrical failure lasting four days, combined with extreme cold temperatures, caused damage to the Municipal water system and the plumbing and heating systems of public buildings. Disaster assistance supported emergency work and permanent repair work.
128. Larsen Bay, February 14, 1991 Abnormal freezing conditions affected the City's water system, interrupting service to approximately fifty percent of the residents. The Governor's Declaration of Disaster enabled the City to obtain equipment and labor needed to restore service.

129. Karluk, February 22, 1991 A fuel shortage in the community threatened the loss of heat in private homes and the loss of electricity city-wide. The Governor declared a disaster to provide money to resupply the village with fuel. The funds were in the form of a disaster loan to the Village Council.
130. Marshall, February 25, 1991 Contamination of the water supply system for Marshall resulted in declaration of February 25, 1991. Funding was provided to Public Health Service to ensure potable water availability for residents of Marshall.
131. Angoon, May 3, 1991 Failure of an undersea water main reduced volume of water being provided to the city system to a critically low level. Declaration authorized public assistance to repair the main.
- 132-142. Fairbanks/North Star Borough, Aniak, McGrath, Red Devil, Anvik, Grayling, Emmonak, Holy Cross, Alakanuk, Shageluk, Galena, May 3-23, 1991 Flooding. Record snowfalls in the interior combined with sudden Spring melt caused flooding all along the Yukon and Kuskokwim River systems. Numerous State Declarations were combined into a single Presidential Declaration of Major Disaster (FEMA-0909-AK) that authorized assistance for repair of public property only. State Disaster Relief Funds were used to implement the Individual and Family Grant Program in all of the communities included in the federal declaration.
143. Dept. of Natural Resources, July 11, 1991 A severe, early, and intense wildland fire season caused rapid depletion of the State fire suppression funds. The Governor's Declaration of Disaster was made to comply with requirements for receiving Federal wildland fire suppression funds.
144. Mat-Su Borough, July 18, 1991 Severe bank erosion near the Circle View Subdivision area along the Matanuska River destroyed one home and threatened several others, causing the Mat-Su Borough to support either construction of emergency bank protection measures or relocation of homes. The Governor's Declaration authorized a loan of up to \$500,000 dollars to the Mat-Su Borough. The following year the legislature converted this loan to a grant.
145. Whitestone Farms, July 25, 1991 The electric plant in this community was destroyed by a fire thought to be caused by lightning. The Declaration authorized public assistance funds for replacement of the plant.
146. Little Diomedé, July 25, 1991 Mechanical system problems and lack of rainfall caused a critical shortage of safe water in the village of Little Diomedé. Public assistance made available by the Declaration funded desalination equipment used to fill the village's storage reservoirs with processed seawater.

147. Aniak, August 7, 1991 At the recommendation of OMB, the Alaska Energy Authority and the Office of the Attorney General, the Governor declared a Disaster to authorize an emergency loan from the Disaster Relief Fund to the City of Aniak. Funds were for the purchase of fuel and for averting a general fiscal crisis in the City.
148. Diomedes Fire, September 20, 1991 A fire in the City of Diomedes destroyed the City electric plant and water treatment plant. Also damaged the water storage tank and destroyed equipment and materials essential to recovery from two previous disasters.
149. New Koliganek, October 14, 1991 The village of New Koliganek sustained flooding which resulted in damage to a bridge and severe threat to public safety of residents. Immediate repair of the bridge was necessary in order to allow residents, school children, to safely transit within the village.
150. Kodiak, November 2, 1991 Commencing on October 31, 1991, the City of Kodiak sustained severe damage and threats to life and property from heavy rains, flooding and landslides. The rains caused severe damage to the City's roads and buildings; and caused damage to homes, businesses and loss of personal property.
151. Earthquake Mitigation, November 7, 1991 Under the authority granted in A.S.26.23.300, the Governor issued a declaration of emergency to prevent or minimize the effects of events that pose a direct and imminent threat of disaster to the State; and, to allow for training and exercise of State agency personnel, to familiarize responders with, and test the capabilities of the State's new Emergency Operations Center.
152. Seward Sewage Disaster, November 20, 1991 On August 26, 1991, the City of Seward sewage treatment lagoon located on Lowell Point Road suffered a catastrophic failure from undetermined causes.
153. Eagle City, May 19, 1992 On May 13, 1992, the ice jam precipitating the Eagle Village flood moved down to the City of Eagle flooding some private property and destroying an erosion control structure along the river front street. Both the public assistance and individual assistance programs were implemented as well as the SBA disaster loan program.
154. Eagle Village, May 19, 1992 On May 12 through 13, the Native Village of Eagle was inundated by ice jam flooding causing the entire town to be evacuated to local high ground. Flood waters caused damage to a majority of the homes, eroded the river front street and caused damage to the clinic, washeteria and tank farm. Both the public assistance and individual assistance programs were implemented as well as the SBA disaster loan program.
155. Galena-92 Flood From May 26 through 29, 1992, both down town and up town Galena were flooded as a result of an ice jam at Bishop Rock several miles down stream of Galena. This was the third worst flood in recorded history for the community. Extensive damage to State road systems, City streets, electrical distribution system, sewage lagoon and the majority of

homes in down town area resulted. Both the public assistance and individual assistance programs were implemented as well as the SBA disaster loan program.

156. Flood Response, June 9, 1992 The Upper Yukon River drainage was experiencing the third worst snow melt flooding in recorded history according to the National Weather Service. The Declaration provided \$100,000.00 from the Disaster Relief Fund to cover DES expenses that began to occur as a result of the need to provide response activities and surveillance. An RSA was established with the Division of Environmental Quality, DEC to respond to and test for environmental contamination for assurance of public health.
157. Yukon River Flood, June 17, 1992 A very late spring combined with above average snow packs in the Canadian and U.S. portions of the Yukon drainage resulted in post-breakup (snow melt) flooding of the Yukon River and its tributaries from Fort Yukon to Rampart. Flood waters rose slowly over a period of days and receded gradually. The North Pole area was also included in this declaration due to effects from the Chena drainage causing the ground water to rise. The high ground water was exacerbated by the activation of the Moose Creek Diversion Dam (COE). Major damage was sustained by both public and private property. The IFG program was implemented in Fort Yukon, Reaver, Stevens Village and North Pole. No Public Assistance was implemented for the North Pole area. Rampart received only public damage. The Small Business Administration declared for the same geographic area and provided disaster loans.
158. Fire Disaster, July 7, 1992 The Department of Natural Resources exhausted fire suppression funds prior to the end of the fire season. A total of \$750,000 was appropriated from statewide funding lapse to the FY93 the Statewide Fire Suppression Program.
159. Norton Sound Herring Fishery Disaster, July 13, 1992 The Governor requested the Small Business Administration to declare an Economic Injury Disaster for Businesses and fishermen impacted by the failure of the Norton Sound herring fishery. Due to a very late spring, sea ice in the area did not breakup at the time the herring arrived in the Sound making them inaccessible to the fishermen. The Governor did not declare under AS 26.23.
160. Haines Highway Disaster, August 14, 1992 This disaster was declared in order for the State DOT/PF to request \$1.8 million in Federal Highway Administration emergency funds (under Title 23 U.S.C., Section 125) to repair damages relating to flooding of the Klehini River 30 miles north of Haines. No expenditure of State Disaster Relief Funds was required.
161. Mt. Spurr, September 21, 1992 Frequent eruptions and the possibility of further eruptions has caused health hazards and property damage within the local governments of the Municipality of Anchorage, Kenai Peninsula Borough and Mat-Su Borough. These eruptions caused physical damage to observation and warning equipment. Funds to replace equipment for AVO.

162. Nome Highway Disaster On October 5, 1992, a major Bering Sea Storm with gale-force winds impacted the Norton Sound Coast of the Seward Peninsula in Western Alaska, producing an unusually high storm surge tide and very large waves, particularly in the Nome area. The high tidal waves severely damaged two federal-aid highways, isolating the mining community of Council and endangering the traveling public in the Nome area. DOT/PF will request emergency relief funds from Federal Highway Administration.
163. Kuskokwim Disaster On July 19, 1993, the Governor's Task Force issued a disaster declaration of economic hardship to fishermen due to poor chum fishing in the Kuskokwim area.
164. Tenakee Springs Fire On July 19, 1993, a community-wide fire destroyed 10 single family homes, the hotel and electrical poles/power lines.
165. Department of Natural Resources On August 3, 1993, funds were allocated to DNR for fire suppression.
166. Shaker IV Under the authority granted in AS 26.23.300, the Governor issued a declaration of emergency to prevent or minimize the effects of events that pose a direct and imminent threat of disaster to the State; and, to allow for training and exercise of State agency personnel, to familiarize responders with, and test the capabilities of the State's Emergency Operations Center.
167. Prince of Wales Island On October 29, 1993, funds were made available through emergency highway funding assistance to all roads on Prince of Wales Island eligible under the Department of Transportation ICTEA provision due to heavy rains and numerous mud slides.
168. Hazard Mitigation AK-0909 This is a pilot program in Ft. Yukon designed to confirm the need for long-range flood mitigation measures to prevent flooding.
169. McGrath Road Disaster On May 23, 1994, a disaster declaration was signed for the City of McGrath due to damages to approximately 1,147 linear feet of Cranberry Ridge Road. This road provides access to 3 subdivisions occupied by two family homes, the community rifle range, the rock quarry, and the emergency air strip.
170. Galena Disaster On May 10, 1994, the City of Galena sustained losses and threats to life and property resulting from flooding due to breakup. As a result of this disaster, roads and revetments suffered significant damage, and the sewer lagoon was breached.
171. Cummings Road Flood On July 13, 1994, Cummings Road was severely damaged by an overflow of waters from the Gerstle River. As a result of this disaster, families were isolated, which constituted a significant threat to the lives and safety of those individuals.

172. Matanuska River Erosion On July 1, 1994, Matanuska-Susitna Borough sustained serious damage and threats to life and property resulting from erosion of the Matanuska River, in the vicinity of Circle View Estates. As a result of this disaster authority was granted under Alaska Statutes, Section 26.23.020 to loan \$500,000.00 from the Disaster Relief Fund to the Matanuska-Susitna Borough.
173. 94 Fall Flood On August 26, 1994, the Governor declared disaster emergencies for the communities of Kobuk, Kiaana, and Kotzebue as a result of flood damage. As a result of this disaster, the conditions continue to create unprecedented losses of personal and public properties. The communities of Allakaket and Alatna had to be evacuated under emergency life-threatening conditions on Sunday, August 28, 1994, Hughes was also evacuated several days later. Also affected by this disaster were the communities of Bettles and Wiseman.
174. Metlakatla Sea Storm On November 10, 1994, the Governor declared that a condition of disaster exists in Metlakatla, as a result of high tides and storm driven waves that threaten coastal sections. The Metlakatla Community Senior Citizens Center and a nearby drainage culvert under the public right-of-way have been put at risk.
175. Skagway Submarine Landslide On November 16, 1994, the Governor declared that a condition of disaster emergency exist in the City of Skagway, as a result of a submarine landslide. As a result of this disaster damages to Alaska Marine Ferry facilities have interrupted normal service and require emergency repairs, and damages to the small boat harbor exceed the capability of the City of Skagway to repair in an urgent manner to preclude ongoing collateral damages.
176. Yukon Kuskokwim Delta On June 5, 1995, the Governor declared a condition of disaster emergency exist in the Cities of Akiak, Kwethluk, Napaskiak, Emmonak, and Alakanuk, as a result of inundation. As a result of this disaster roads, boardwalks, and other public works essential to vital community services were damaged.
177. Aniak Ice Jam Flood On June 5, 1995, the Governor declared that a condition of disaster emergency exist in the City of Aniak, as a result of ice jam flooding of the Kusokwim River and Aniak Slough. As a result of this disaster sections of Birch Road, Airport Boulevard, and the landfill access road were severely damaged.
178. Bethel Sinkhole Erosion On June 5, 1995, the Governor declared that a condition of disaster emergency exist in the City of Bethel, as a result of erosion during spring breakup. As a result of this disaster the face of the protective sea wall was damaged causing erosion under the City Dock to create and expand sinkholes on the dock.
179. Statewide Fire Supression On June 22, 1995, the Governor declared that a condition of disaster emergency exist in the State, as a result of insufficient money regularly appropriated to the Department of Natural Resources has been exhausted along with supplemental funds. As a result of this disaster authorization of sufficient funds were made available to continue fire supression activities through June 30, 1995.

180. South-central Fall Floods On September 21, 1995, the Governor declared that a condition of disaster emergency exist in the State, as a result of heavy rain fall in South-central Alaska . As a result of this disaster the Kenai Peninsula Borough, Matanuska-Susitna Borough, and the Municipality of Anchorage were initially effected. Subsequently, on September 29, 1995, the Governor amended the original declaration to include Chugach, and the Copper River Regional Education Attendance areas, including the communities of Whittier and Cordova, and the Richardson, Copper River and Edgerton Highway areas which have suffered severe damage to numerous personal residences, flooding, eroding of public roadways, destruction and significant damage to bridges, flood control dikes and levees, water and sewer facilities, power and harbor facilities. On October 13, 1995, the President declared this event as a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

HB

361

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 3/8/96

FURTHER: Finance

DATE TURNED INTO OFFICE: _____

The C&RA Committee considered HOUSE BILL NO. 361

Relating to municipal capital project matching grants for a municipality organized under federal law as an Indian reserve.

and recommends:

be replaced with _____ CS _____ (_____)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:

same title

new title

House Bill:

same title

technical title

new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Rod E. Joo</i>	✓				
<i>Charles J. Stewart II</i>	✓				
<i>James H. Johnson</i>	✓				
<i>De Kelly</i>	✓				
CHAIR: <i>John Johnson</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>Administration</i>	<i>3/2/96</i>	✓	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>Administration</i>	<i>1/14/96</i>	✓	
<i>Comm. & Reg'l Affairs</i>	<i>1/9/96</i>	✓	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB 361

Revision Date: _____
 Title: An Act relating to capital project matching grants for a municipality organized under federal law as an Indian reserve; and providing for an effective date."
 Sponsor: Mickie
 Requestor: (S) CRA

Department Affected: Administration
 BRU: Administrative Services
 Component: Administrative Services
 COMPONENT SERIAL NO. 46

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

CHANGE IN REVENUES ()	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

See attached.

Prepared by: Sharon Barton
 Division: Administrative Services

Phone: 465-2277
 Date: 3/15/96

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 3/20/96

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ANALYSIS: (continued)

There would be no need for additional funds for the administration of this program. Adding Metlakatla to the municipal side of the program does affect grant fund distribution and might be handled one of three ways:

1. if SB 293 passes with no additional grant funds appropriated to accommodate Metlakatla, Metlakatla would receive a grant of \$39,817 and all other municipalities would be adjusted accordingly.
2. If Metlakatla is added to the program on the municipal side with:
 - A. a transfer to the municipal side of the \$25.0 they would have received on the unincorporated side of the program;
 - B. No other increase to the overall appropriation; then Metlakatla would receive an allocation of \$39,910. The allocations to other municipalities would be reduced as noted:

Anchorage	(6,403)	Kodiak	(236)
Barrow	(158)	Kodiak Island Borough	(209)
Bethel	(162)	Kotzebue	(110)
Bristol Bay Borough	(49)	Lake & Peninsula Borough	(15)
Cordova	(96)	Matanuska-Susitna Borough	(1,015)
Craig	(73)	Nome	(148)
Denali Borough	(50)	North Pole	(61)
Dillingham	(83)	North Slope Borough	(96)
Fairbanks	(811)	Palmer	(154)
Fairbanks North Slope Borough	(1,244)	Petersburg	(124)
Haines	(52)	Sand Point	(40)
Haines Borough	(38)	Seward	(113)
Homer	(154)	Sitka	(285)
Hooper Bay	(40)	Soldotna	(148)
Houston	(38)	Unalaska	(152)
Juneau	(739)	Valdez	(166)
Kenai	(218)	Wasilla	(172)
Kenai Peninsula Borough	(701)	Wrangell	(102)
Ketchikan	(265)		
Ketchikan Gateway Borough	(190)		

3. If Metlakatla is added to the program on the municipal side with:
 - A. a transfer to the municipal side of the \$25.0 they would have received on the unincorporated side of the program;
 - B. An increase to the overall appropriation sufficient to "hold harmless" the other grantees so that no grantee's allocation is reduced to add Metlakatla to the program; then Metlakatla would receive a grant allocation of \$39,971. An increase to the overall appropriation of \$16,619 would need to be made.

FISCAL NOTE

Revision Date: January 9, 1996 Dept. Affected: Community & Regional Affairs
 Title: An Act relating to municipal capital project BRU: none
matching grants for a municipality organized Component none
 Sponsor: Rep. Mackie
 Requestor: Rep. Mackie COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0

REVENUE FUND SOURCE: _____

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

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

Estimate of current (FY94) impact \$ none

ANALYSIS: (Attach a separate page if necessary)
 This legislation clearly establishes the community of Metlakatla as a municipality for the purposes of the Municipal Capital Project Match Program, AS 37.06.010-090, removing an ambiguity under which the community has in the past received capital match program funds for both unincorporated and municipal elements of the program. This legislation would have no direct fiscal impact on the department. Funds currently maintained by DCRA for Metlakatla under the unincorporated capital match program would be transferred to the Municipal Capital Match Program Metlakatla account administered by the Department of Administration.

Prepared by: Remond Henderson, Director *Remond Henderson* Phone: 485-4708
 Division: Division of Administrative Services Date: 1/09/96
 Approved by Commissioner: *Mike Turner* Date: 1/09/96
 Agency: Community & Regional Affairs

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB 361

Revision Date: _____
 Title: "An Act relating to capital project matching grants for a municipality organized under federal law as an Indian reserve; and providing for an effective date."
 Sponsor: Mackie
 Requestor: _____

Department Affected: Administration
 BRU: Administrative Services
 Component: Administrative Services

COMPONENT SERIAL NO. 46

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
-----------------------------	----------	----------	----------	----------	----------	----------

CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

The administrative impact on DOA would be very small.

Prepared by: Sharon Barton
 Division: Administrative Services

Phone: 465-2277
 Date: 1/8/96

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 1/11/96

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Alaska State Legislature

REPRESENTATIVE
JERRY MACKIE

ALASKA STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-4925

P.O. BOX 793
CRAIG, ALASKA 99921
(907) 926-3008 OFFICE
(907) 826-2930 HOME

House of Representatives

MEMORANDUM

Date:

March 11, 1996

TO: Senator John Torgerson, Chair
Senate Community and Regional Affairs Committee



FROM: Representative Jerry Mackie
House of Representatives



Re: HB 361 - "An Act relating to municipal capital project matching grants for a municipality organized under federal law as an Indian reserve; and providing for an effective date." By Rep. Mackie

I respectfully request that you schedule HB 361 for hearing in the Senate Community and Regional Affairs Committee. Attached is the following backup for HB 361:

- I. Sponsor Statement HB 361
- II. Sectional Analysis HB 361
- III. HB 361
- IV. Fiscal Information: 1/18/96 letter from Department C&RA
Zero Fiscal Note Dept. C&RA
Zero Fiscal Note Dept. Admin.
- V. Letter dated 1/15/96 from Mayor Booth, Metlakatla Indian Community, regarding HB 361 (history of expenditures)
- VI. Memo dated 1/20/96 regarding legal opinion of HB 361 pertaining only to Metlakatla.
- VII. Bill History HB 361- Basis Action Report, House Journal Action & Committee Minutes

I am available to answer any questions or concerns you may have regarding this legislation.

Alaska State Legislature

ALASKA STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-4925

REPRESENTATIVE
JERRY MACKIE

P.O. BOX 793
CRAIG, ALASKA 99921
(907) 926-3008 OFFICE
(907) 826-2930 HOME

House of Representatives

SPONSOR STATEMENT

HB 361 - "An Act relating to municipal capital project matching grants for a municipality organized under federal law as an Indian reserve; and providing for an effective date."

I introduced this legislation at the request of the Metlakatla Indian Community when their FY 96 Municipal Assistance Matching Grant Program appropriation was eliminated from last year's budget. Metlakatla qualified for this program under the Department of Administration regulations definition for "municipality". However, legal analysis found that the statute definition was not written specific enough to include the Metlakatla Indian Community in this program. Since the statute definition supersedes the regulatory definition the appropriation was eliminated.

HB 361 AMENDS AS 37.06 (Capital Project Matching Grants Programs) by adding a new section that includes a municipality organized under federal law as an Indian reserve. This bill has been drafted to specifically include the Metlakatla Indian Community within the Municipal Assistance Matching Grant Program. This legislation also provides that Metlakatla may not receive a grant under the Unincorporated Community Capital Project Matching Grant Program.

The community of Metlakatla is definitely more reflective of a municipal government and fits more appropriately into the Municipal Capital Matching Grant Program. The community has a mayor, city council, school board, constitution, law and order codes, police department, court system, etc..

There are two zero fiscal notes accompanying this legislation from the Department of Community and Regional Affairs and the Department of Administration.

Alaska State Legislature

REPRESENTATIVE
JERRY MACKIE

ALASKA STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-4925

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House of Representatives

HB 361 - "An Act relating to municipal capital project matching grants for a municipality organized under federal law as an Indian reserve; and providing for an effective date."

*SECTIONAL ANALYSIS

***Section 1.**

amends AS 37.06(Capital Project Matching Grants Program) by adding a new section that includes a municipality organized under federal law as an Indian reserve.

lines 9 - 10, eliminates Metlakatla from the Unincorporated Capital Project Matching Grants Program under AS 37.06.020.

requires the community to form a community development corporation with authority to determine how the grant money will be used, and that the governing board of the corporation shall be elected at an annual election open to all registered and qualified voting residents of the municipality.

the Department of Administration may distribute money for the municipality only after the corporation has delivered a waiver of sovereign immunity from legal action by the state to recover all or a portion of the money distributed under AS 37.06.010.

***Section 2.**

provides transition language to provide that the balance of funds in the Unincorporated Capital Matching Grant Program be transferred to the Department of Administration.

***Section 3.**

provides that HB 361 becomes effective July 1, 1996.

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

TONY KNOWLES, GOVERNOR

PLEASE REPLY TO:

☐ 1031 WEST 4TH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501-1994
PHONE: (907) 269-5100
FAX: (907) 276-3697

☐ KEY BANK BUILDING
100 CUSHMAN ST., SUITE 400
FAIRBANKS, ALASKA 99701-4679
PHONE: (907) 451-2811
FAX: (907) 451-2846

☐ P.O. BOX 110300-DIMOND COURT HOUSE
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 465-6735

March 4, 1996

The Honorable Cynthia Toohey
Alaska State Legislature
House of Representatives
State Capitol - Room 104
Juneau, Alaska 99811

Re: House Bill 361

Dear Representative Toohey:

Your request to Attorney General Botelho for a written opinion regarding "Indian lands" and House Bill 361 has been forwarded to me for a response. In particular, you have asked whether HB 361, dealing with municipal capital project matching grants for "a municipality organized under federal law as an Indian reserve," will have any impact on the concerns the Legislature expressed regarding the "Indian lands" issues. In short, the answer is no.

Under HB 361, only a municipality¹ organized under federal law as an Indian reserve that existed before enactment of 43 U.S.C. 1618(a), which is part of the Alaska Native Claims Settlement Act (ANCSA), and continues in existence under that subsection, is a municipality for purposes of the capital project matching grant program. Metlakatla is the only entity in the state that now, or in the future, could qualify under this language of HB 361. The "Indian land" issues raised by the Legislature in recent weeks concern areas of the state which were never Indian reserves, or no longer are Indian reserves, organized under federal law before 43 U.S.C. 1618(a) (copy enclosed), because ANCSA abolished all reserves other than Metlakatla.

According to officials at the Department of Community and Regional Affairs, the current capital project matching grant program statutes, AS 37.06.010 (municipalities) and AS 37.06.020 (unincorporated communities), do not adequately account for Metlakatla's federal Indian reserve status and it is unclear under which program Metlakatla falls. HB 361 would adopt

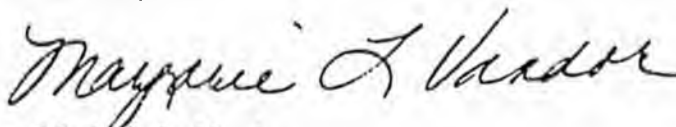
¹ We are unaware that federal law provides for organization of municipalities as reserves or reserves as municipalities. Therefore, it is possible that no entity qualifies under this bill. To avoid confusion, "municipality" here should probably be changed to "community" or a similar term.

a new section, AS 37.06.040, effectively designating Metlakatla as a municipality for the limited purpose of qualifying under the municipal capital project matching grant program.

We hope this adequately addresses your concerns. Please do not hesitate to call us if you have further questions.

Sincerely,

Bruce M. Botelho
Attorney General



By: Marjorie L. Vandor
Assistant Attorney General

MLV:jn

cc: Representative Jerry Mackie ✓

Kim Metcalf - Helmar
Legislative Liaison - DCRA

Barbara Ritchie
Deputy Attorney General

Chrystal Smith
Legal Administrator

Becky Snow - Assistant Attorney General
Fairbanks

COUNCIL ANNETTE ISLANDS RESERVE

METLAKATLA INDIAN COMMUNITY

JACK L. BOOTH, SR. MAYOR
JUDITH A. LAUTH, SECRETARY
BARBARA J. FAWCETT, TREASURER
January 15, 1996

ESTABLISHED 1987

POST OFFICE BOX 8
METLAKATLA, ALASKA 99926
PHONE (907) 886 4441
FAX (907) 886 3336
FAX (907) 886 7997

Representative Jerry Mackie
House of Representatives
State Capitol
Juneau, Alaska 99801-1182

Re HB361- 'An Act relating to municipal capital project matching grants for a municipality organized under federal law as an Indian reserve; and providing for an effective date.'

Dear Representative Mackie:

We appreciate the work you have put into this issue during the interim and your sponsoring HB 361 this legislative session.

We received Capital Project Matching Grants funding in FY94 in the amount of \$60,619.00 which went to the fire hall project. In FY95 we received \$58,909.00 which is being allocated to the police department project.

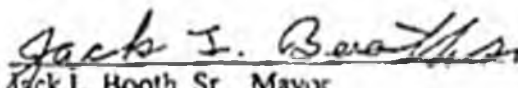
For FY96, we were allocated \$59,421, however, it was then determined that although the matching grant regulations explicitly allow Metlakatla to receive funding, the statute that defines municipalities does not include Metlakatla. We did not receive this appropriation due to this legal technicality.

We never questioned receiving for the Municipal Capital Matching Grant Program and the Unincorporated Capital Matching Grant Program since we weren't familiar with allocations to other communities and this had never been brought to our attention by the administration or the legislature previously.

We appreciate your active support for passage of this legislation which removes us from the Unincorporated Capital Matching Grant Program completely and specifically includes Metlakatla in the statute provisions for the Municipal Capital Matching Grant Program.

Sincerely,

METLAKATLA INDIAN COMMUNITY


Jack L. Booth, Sr., Mayor

cc: Metlakatla Indian Community Council Members
Rep. Ivan Ivan CO-chair, House C & RA
Rep. Alan Austerman, CO-Chair House C & RA Committee
C & RA Committee Members: Rep. Pete Kott, Al Vezey, Rep
Bettye Davis, Rep. Kim Elton, Rep. Irene Nicholai, Rep. Mackie

STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

DIVISION OF ADMINISTRATIVE SERVICES

TONY KNOWLES, GOVERNOR

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330 W 4TH AVENUE, SUITE 220
ANCHORAGE, ALASKA 99501-2341
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FAX: (907) 269-4520

January 18, 1996

The Honorable Jerry Mackie
House of Representatives
State Capitol, Room 404
Juneau, AK 99801-1182

Dear Representative Mackie:

Re: Metlakatla - Unincorporated Matching Grant

The following is a brief description of the impact to this Department should Metlakatla be identified as an eligible entity in the Municipal section of the Capital Matching Grant Program rather than the Unincorporated section of that same program.

Since the inception of this program, Metlakatla has requested projects each fiscal year in the full amount of funds available with the exception of FY 94. The remaining balance that year in addition to a small amount of interest earned totals \$1,357.84 that would need to be transferred from Metlakatla's Community Account in this Department to the Department of Administration along with their FY 97 project request file. Metlakatla is aware of the available remaining funds and has incorporated them into their FY 97 project request.

All of Metlakatla's previously requested projects are currently under agreement and active with all funds encumbered. These projects should remain with this office until they are complete and closed-out. Below is a detailed listing of their projects to date.

<u>FY</u>	<u>PROJECT</u>	<u>AWARD</u>	<u>EXPENDED TO DATE</u>
94	Lift Station	\$23,775.00	\$ 6,222.00
95	Hatchery Site Preparation	25,000.00	20,640.00
96	Cold Storage Facility Repairs	18,000.00	18,000.00 (Closed)
	Replace Cannery Building Wall	7,000.00	1,750.00
97 Proposed	Smoked Salmon Dev. Proj	26,358.00	

If you have any further questions or concerns please feel free to contact the Grants Administrator for these projects, Tena Bavard, at 465-4731.

Sincerely,

Remond Henderson
Director

LEROY WILDER, P.C.
LAW OFFICE
0225 S W MONTGOMERY STREET, #10
PORTLAND, OREGON 97201
TELEPHONE (503) 242-0709
FACSIMILE (503) 242-0710

MEMORANDUM

TO: Sal Atkinson
FROM: LeRoy Wilder *John*
RE: HB No. 381
DATE: January 20, 1996

I talked yesterday with Tam Cook regarding the above named bill. As you know, HB 381 will make Metlakatla eligible for capital project matching grants as an incorporated municipality. Ms. Cook and I agreed that the language now in the bill does what we need it to do and that it would not be wise to modify it. If it is necessary to change the language to please the legislature, we will do so later, but for now, we agreed we should try to hold what we've got.

The problem is this. Some legislators are fearful that this provision, which is exclusively for Metlakatla's benefit, will somehow open up eligibility for capital project matching grants to other Native groups. They are concerned that the reference to 43 U.S.C. 1618(a) may not be restrictive enough. You will recall that section 1618(a) is the language in the Alaska Native Claims Settlement Act that terminates all reservations in Alaska with the single, specific exception of the Annette Islands Reserve. I reviewed the language and concluded that the reference is very restrictive and will not result in the eligibility of other Native groups. Moreover, section 1618(a) has been relied upon in the past to distinguish Metlakatla from all other Native groups and it has been unchallenged. Thus, I see no reason why we should not continue to rely on this reference as the limitation of the bill.

You probably know that the bill cannot simply say Metlakatla because there are laws against "special" legislation. By referring to the statutory provision, we avoid saying Metlakatla specifically but make a reference that includes only Metlakatla. Sounds rather silly, I know, but that's how its done. I will keep you posted if I hear anything more on this issue.

Post-It® Fax Note	7671	Date	# of pages
To	Tam Cook	From	Jeanie
Co./Dept.		Co.	Smith
Phone #		Phone #	4925
Fax #		Fax #	

HB

386

04/03/96

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

15:33:03

PARTICIPANT LIST (TESTIFIERS ONLY)

BY:JNU

TCN:60667

SCHEDULED FOR:04/03/96 13:30 TO 15:30

FOR:KEN

PUBLIC HEARING

SENATE COMMUNITY & REGIONAL AFFAIRS

LOCATION:KENAI LIO

HE 386

MR.

BILL

WARD

SELF

TESTIFY

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 3/25/96

FURTHER: Finance

DATE TURNED INTO OFFICE: _____

The C&RA Committee considered CS FOR HOUSE BILL NO. 386(JUD)

"An Act relating to cruelty to animals and to the power of first and second class boroughs to prohibit cruelty to animals."

and recommends:

- be replaced with Senate CS CS HB 386 (CRA) (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>John & Kelly</i>	✓	<i>John & Kelly</i>	✓		
<i>John & Kelly</i>		<i>Tom Kelly</i>	✓		
CHAIR: <i>John Ingram</i>		CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>Comm & Reg'l Affairs</i>	<i>3/14/96</i>	✓	
<i>Public Safety</i>	<i>3/14/96</i>	✓	
<i>Law</i>	<i>3/14/96</i>	✓	

APPROPRIATION -- no fiscal note

*Include fiscal notes accompanying Governor's bill

SENATE CS FOR CS FOR HOUSE BILL NO. 386(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES GRUSSENDORF, Finkelstein, B.Davis, Robinson, Davies

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to cruelty to animals and to the power of first and second
2 class boroughs to prohibit cruelty to animals."

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

4 * Section 1. AS 11.61.140(a) is amended to read:

5 (a) A person commits the crime of cruelty to animals if the person

6 (1) knowingly [INTENTIONALLY] inflicts severe [AND
7 PROLONGED] physical pain or prolonged suffering on an animal;

8 (2) with criminal negligence, [RECKLESSLY] neglects an animal and,
9 as a result of that neglect, causes the death of the animal or causes severe physical
10 pain or prolonged suffering to the animal; or

11 (3) kills an animal by the use of a decompression chamber.

12 * Sec. 2. AS 11.61.140(b) is amended to read:

13 (b) It is a defense to a prosecution under (a)(1) or (2) of this section that the
14 conduct of the defendant

- 1 (1) conformed to accepted veterinary or animal husbandry practice;
2 (2) was part of scientific research governed by accepted standards; or
3 (3) was necessarily incident to lawful hunting or trapping activities.

4 * Sec. 3. AS 29.10.200 is amended by adding a new paragraph to read:

5 (54) AS 29.35.147 (regulation of cruelty to and care of animals by
6 farmers).

7 * Sec. 4. AS 29.35 is amended by adding a new section to article 1 to read:

8 Sec. 29.35.147. REGULATION OF CRUELTY TO AND CARE OF
9 ANIMALS BY FARMERS. (a) A municipality may not regulate, or enforce laws or
10 regulations relating to, the cruelty to and care of farm animals by farmers.

11 (b) This section applies to home rule and general law municipalities.

12 (c) In this section, "farmer" means an individual employed in agriculture,
13 which includes farming in all its branches and, among other things, includes the
14 cultivation and tillage of the soil, dairying, the production, cultivation, growing, and
15 harvesting of any agricultural or horticultural commodities, the raising of livestock,
16 bees, fur-bearing animals, or poultry, and any practices, including forestry and
17 lumbering operations, performed by a farmer or on a farm as an incident to or in
18 conjunction with the farming operations, including preparation for market, delivery to
19 storage or to market or to carriers for transportation to market.

20 * Sec. 5. AS 29.35.200(b) is amended to read:

21 (b) A first class borough may by ordinance exercise the following powers on an
22 areawide basis:

- 23 (1) provide transportation systems;
24 (2) provide water pollution control;
25 (3) provide air pollution control in accordance with AS 46.14.400;
26 (4) license day care facilities;
27 (5) license, impound, prohibit cruelty to, and dispose of animals.

28 * Sec. 6. AS 29.35.210(a)(3) is amended to read:

29 (3) license, impound, prohibit cruelty to, and dispose of animals;

30 * Sec. 7. AS 29.35.210(b) is amended to read:

31 (b) A second class borough may by ordinance exercise the following powers on
32 an areawide basis:

1
2
3
4
5

- (1) provide transportation systems;
- (2) license, impound, prohibit cruelty to, and dispose of animals;
- (3) provide air pollution control under AS 46.14.400;
- (4) provide water pollution control;
- (5) license day care facilities.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SCS CS HB 386 (CRA)

Revision Date: 4/15/96 Dept. Affected: Community & Regional Affairs
 Title: An Act relating to cruelty to animals and the BRU: none
power of first and second class boroughs to... Component: none
 Sponsor: Rep. Grussendorf
 Requestor: Senate CRA COMPONENT SERIAL NO. _____

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES () Revenue Code						
--	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 96) impact: \$ none

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This legislation would have no fiscal impact on the department

Prepared By: Remond Henderson *Remond Henderson* Phone: 465-4708
 Division: Director, Administrative Services Date: 4/15/96
 Approved by Commissioner: *Mike Irwin* Date: 4/15/96
 Agency: Mike Irwin, Dept. of Community & Reg. Affairs

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SCSCSHB 386 (CRA)

Revision Date: 4/12/96 Dept. Affected: Department of Law
 Title: "...cruelty to animals and the power of first and BRU: Criminal Division
second class boroughs to prohibit cruelty to animals." Component: Criminal Division
 Sponsor: Representative Grussendorf
 Requester: Senate Community & Regional Affairs Committee COMPONENT SERIAL NO. 2085

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	- 0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends Alaska laws relating to cruelty to animals in two ways. First, the bill amends AS 11.61.140 to lower the legal standard of conduct from one who acts intentionally to one who acts knowingly and inflicts severe physical or prolonged suffering on an animal. Similarly, the bill lowers the legal standard of conduct from one who acts recklessly to one who acts with criminal negligence and neglects an animal and, as a result of that neglect, causes the death of the animal or causes severe physical pain or prolonged suffering of the animal. These changes have the effect of making cruelty to animal cases easier to prove and, consequently, they will not have a fiscal impact. The bill also provides that conduct conforming to animal husbandry practice is an affirmative defense to a prosecution for cruelty to animals.

Second, the bill amends AS 29.35 to authorize the first and second class boroughs to enact ordinances prohibiting cruelty to animals. Providing this authority will allow local governments to deal with a problem that is primarily one of local concern. Local governments would not be permitted to regulate or enforce laws relating to the cruelty to or care of farm animals, under the bill.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: 4/12/96
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 4/12/96
 Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SCS CSHB 386(CRA)

Revision Date: April 17, 1996 Dept. Affected: Public Safety
 Title: Cruelty to Animals BRU: Alaska State Troopers
 Sponsor: Representative Grussendorf Component: Detachments
 Requestor: S. Community and Regional Affairs COMPONENT SERIAL NO. 0799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 96) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

During 1995, the Alaska State Troopers investigated 20 cruelty to animal cases. This bill would change the mental states required in some of the sub-sections in the cruelty to animals statute. Those changes have the potential of increasing the number of cases the division would have to investigate, however that impact should be negligible.

Prepared By: Lt. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: April 17, 1996
 Approved by Commissioner: *Del Smith* Date: 4/18/96
 Agency: Ronald L. Otte, Department of Public Safety

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Differences between
CS for House Bill No. 386(JJD) and
Senate CS for CS for House Bill 386(CRA) Work Draft 9-LS1203\K

Senate C&RA committee substitute inserts Sections 2 - 4; Sections 5 and 6 are renumbered and are the same as Sections 2 and 3 of the House Judiciary version.

SENATE CS FOR CS FOR HOUSE BILL NO. 386(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES GRUSSENDORF, Finkelstein, B.Davis, Robinson

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