



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Commerce, Community,
and Economic Development**

ALCOHOL & MARIJUANA CONTROL OFFICE

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February 28, 2018

Representative Paul Seaton, Co-Chair
Representative Neil Foster, Co-Chair
House Finance Committee
Alaska State House
Juneau, Alaska 99801

Dear Representatives Seaton and Foster:

During the House Finance Committee's February 20, 2018, hearing on House Bill 301, Alcohol Lic.: Bev Dispensary/Restaurant, I was asked whether the definition of established village in Title 4 is the same as the definition that the Department of Commerce uses for the Community Assistance Program.

In Title 4, at AS 04.21.080(b)(10), "established village" is defined as

an area that does not contain any part of an incorporated city or another established village and that is

- (A) an unincorporated community that is in the unorganized borough and that has 25 or more permanent residents; or
- (B) an unincorporated community that is in an organized borough, has 25 or more permanent residents, and
 - (i) is on a road system and is located more than 50 miles outside the boundary limits of a unified municipality, or
 - (ii) is not on a road system and is located more than 15 miles outside the boundary limits of a unified municipality;

The Community Assistance Program is set forth in Article 8 of Chapter 29.60 of Alaska Statutes, and the program is established "for the purpose of making community assistance payments to municipalities, reserves, and communities for any public purpose." (AS 29.60.850(a))

AS 29.60.879(1) defines "community" as "a place in the unorganized borough, in a borough, or in a unified municipality that is not incorporated as a municipality, that is not a reserve, and in which 25 or more individuals reside as a social unit."

A key difference in the two titles is the concept of the 25 residents being "a social unit," which is defined in 3 AAC 180.110 as follows:

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(a) A community under AS 29.60.879 is a social unit if

(1) the persons residing in that area are a discrete and identifiable unit based on evidence of

- (A) school enrollment;
- (B) sources of employment;
- (C) voter registration;
- (D) permanency of dwelling units; or
- (E) presence of a commercial establishment; and

(2) the geographic area in which the persons reside is proportionate in size to that number of persons; in determining whether this standard has been met, the department may consider the physical topography of the area, the use of the land, land ownership patterns, and other factors that could affect population density; an area with a population density of at least 14 persons per square mile is considered to have met this standard.

(b) Individuals residing in one or more of the following places are not a social unit under AS 29.60.879:

- (1) a place where public access or the right to reside at the location is restricted;
- (2) a place that is contiguous to a city and is dependent upon the city to the extent that it exists only because the city exists;
- (3) a place provided by an employer that is populated primarily by persons who are required to reside there as a condition of their employment.

Sincerely,



Erika McConnell

Director

CC: Katherine Eldemar, Director, Division of Community and Regional Affairs