

**ALASKA STATE LEGISLATURE**  
**SENATE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE**

April 9, 2009

3:33 p.m.

**MEMBERS PRESENT**

Senator Donald Olson, Chair  
Senator Joe Thomas, Vice Chair  
Senator Albert Kookesh  
Senator Linda Menard

**MEMBERS ABSENT**

Senator Hollis French

**COMMITTEE CALENDAR**

HOUSE BILL NO. 156

"An Act relating to municipal fees charged for disposal of waste material from the substantial rehabilitation, renovation, demolition, removal, or replacement of a structure on deteriorated property."

MOVED HB 156 OUT OF COMMITTEE

SENATE BILL NO. 137

"An Act relating to meetings of the Board of Fisheries."

MOVED SB 137 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 156

SHORT TITLE: ALLOWING CERTAIN LANDFILL FEE WAIVERS

SPONSOR(S): REPRESENTATIVE(S) LYNN

02/25/09	(H)	READ THE FIRST TIME - REFERRALS
02/25/09	(H)	CRA
03/12/09	(H)	CRA AT 8:00 AM BARNES 124
03/12/09	(H)	Scheduled But Not Heard
03/17/09	(H)	CRA AT 8:00 AM BARNES 124
03/17/09	(H)	Moved Out of Committee
03/17/09	(H)	MINUTE(CRA)
03/18/09	(H)	CRA RPT 1DP 4NR
03/18/09	(H)	DP: KELLER
03/18/09	(H)	NR: CISSNA, MILLETT, MUNOZ, HERRON
04/02/09	(H)	TRANSMITTED TO (S)
04/02/09	(H)	VERSION: HB 156

04/03/09 (S) READ THE FIRST TIME - REFERRALS  
04/03/09 (S) CRA, STA  
04/09/09 (S) CRA AT 3:30 PM BELTZ 211

BILL: SB 137

SHORT TITLE: REPORT ON MEETINGS OF BOARD OF FISHERIES  
SPONSOR(S): SENATOR(S) BUNDE

03/09/09 (S) READ THE FIRST TIME - REFERRALS  
03/09/09 (S) CRA, RES  
03/26/09 (S) CRA AT 3:30 PM BELTZ 211  
03/26/09 (S) Bills Previously Heard/Scheduled  
04/02/09 (S) CRA AT 3:30 PM BELTZ 211  
04/02/09 (S) Heard & Held  
04/02/09 (S) MINUTE(CRA)  
04/09/09 (S) CRA AT 3:30 PM BELTZ 211

**WITNESS REGISTER**

REPRESENTATIVE BOB LYNN  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Sponsor of HB 156.

DIRK MOFFATT, Staff  
to Representative Bob Lynn  
Alaska State Capitol Building  
Juneau, AK

**POSITION STATEMENT:** Provided information on HB 156 on behalf of the sponsor.

MARK MARLOW, Principal  
Marlow Corporation  
Anchorage, AK

**POSITION STATEMENT:** Testified in support of HB 156.

SENATOR CON BUNDE  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Sponsor of SB 137.

JIM MARCOTTE, Executive Director  
Alaska Board of Fisheries  
Alaska Department of Fish and Game  
Juneau, AK

**POSITION STATEMENT:** Responded to questions related to SB 137.

JERRY MCCUNE, President  
United Fishermen of Alaska  
Cordova, AK

**POSITION STATEMENT:** Provided information related to SB 137.

**ACTION NARRATIVE**

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**CHAIR DONALD OLSON** called the Senate Community and Regional Affairs Standing Committee meeting to order at 3:33 p.m. Senators Menard and Olson were present at the call to order and Senators Thomas and Kookesh arrived soon thereafter.

**HB 156-ALLOWING CERTAIN LANDFILL FEE WAIVERS**

[3:34:22 PM](#)

**CHAIR OLSON** announced consideration of HB 156.

**REPRESENTATIVE BOB LYNN**, Alaska State Legislature, sponsor of HB 156, said the legislation permits, but does not require, municipalities to waive disposal or "tipping" fees for waste materials from deteriorated properties that are under renovation. It's good public policy and doesn't cost the state money. This can make it economically feasible to renovate a deteriorated property to the betterment of the community.

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**SENATOR MENARD** asked if this legislation includes minor renovations by a home owner.

**REPRESENTATIVE LYNN** said the statute applies to commercial properties only.

**DIRK MOFFATT**, Staff to Representative Lynn, added that there is a definition in the back of the members' packets and he believes the smallest is an eight unit property.

**SENATOR MENARD** asked if this would apply to a residence that is in a commercially zoned area.

**REPRESENTATIVE LYNN** asked Mr. Moffatt to read the definition.

**MR. MOFFATT** read AS 29.45.050(o) through AS 29.45.050(p).

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**CHAIR OLSON** asked what the answer is to Senator Menard's question.

REPRESENTATIVE LYNN said his understanding is that a deteriorated property is commercial property that is not used for residential purposes other than properties with at least eight units. Within the last five years it has to have been determined by the municipality to be "deteriorated"; it must be not less than 15 years of age and have undergone substantial renovation, demolition, and removal; and is located in a deteriorated or deteriorating area with boundaries that have been determined by the municipality.

CHAIR OLSON queried, "So the answer to her question is no?"

REPRESENTATIVE LYNN agreed.

CHAIR OLSON recognized that Senators Thomas and Kookesh had joined the meeting.

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MARK MARLOW, Principal, Marlow Corporation, explained that the Fairbanks North Star Borough in 2005 passed a local ordinance to waive tipping fees to facilitate the renovation of the Polaris Tower in downtown Fairbanks. HB 156 stemmed from a concern that the ordinance could be challenged on a constitutional basis of equal treatment. The fix was to define deteriorated property within AS 29.35 - somewhat like AS 29.45 was amended to define deteriorated property - so that municipalities could implement property tax relief to facilitate redevelopment of deteriorated property. Deteriorated property was defined as a particular class of property so that it met the constitutional test.

HB 156 aims to define deteriorated property within AS 29.35 and points back to AS 29.45 so that if a municipality chooses to extend this benefit to help facilitate redevelopment of a property that, through a very public process, has been defined as deteriorated, then it will meet the constitutional test.

MR. MARLOW said his firm is involved in an effort to restore the Polaris Tower to usefulness and he would like the legislation to pass.

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CHAIR OLSON asked if Fairbanks is the only municipality that is having a problem related to this issue.

MR. MARLOW said he isn't aware of others. This would be a significant benefit because the Polaris Tower renovation project

will produce a great deal of debris. It was a little different when the old MacKay building in downtown Anchorage was renovated because the building had already been stripped. As buildings and infrastructure age these things need to be addressed to mitigate blight. This would be a good tool for local municipalities, he said.

REPRESENTATIVE LYNN highlighted a March 10 letter from the Anchorage Downtown Partnership supporting the bill.

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CHAIR OLSON closed public testimony and asked the will of the committee.

SENATOR KOOKESH moved to report HB 156 from committee with individual recommendations and attached fiscal note(s). There being no objection, HB 156 moved from the Senate Community and Regional Affairs Standing Committee.

#### **SB 137-REPORT ON MEETINGS OF BOARD OF FISHERIES**

CHAIR OLSON announced consideration of SB 137.

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SENATOR CON BUNDE, Alaska State Legislature, speaking as sponsor of SB 137, said to refresh the committee's memory, this bill asks the Board of Fisheries (BOF) to make some determinations about the intervals between BOF meetings and report back to the Legislature as to whether the public would be better served by any changes.

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JIM MARCOTTE, Executive Director, Board of Fisheries, Juneau, Alaska Department of Fish and Game, said he is available for questions.

SENATOR OLSON asked if he anticipates that this legislation will cause difficulty for new members to the Board of Fisheries.

MR. MARCOTTE replied he can't imagine that any of the new or current members would object to having the discussion about the efficacy of the three-year cycle.

CHAIR OLSON observed that the two appointees are a sport fisherman and Brent Johnson a commercial fisherman and he wonders if there will be any conflict related to this legislation.

MR. MARCOTTE pointed out that the legislation doesn't favor any particular area or group of fishermen. Any analysis of the three-year cycle needs to take into account: impacts on people; what is in the best interest of the resource; public participation; the board process; and cost to the department to hold the meetings on a particular cycle. Those kinds of considerations don't favor one area or fishing group over another.

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SENATOR THOMAS asked which members are being replaced and their occupations or reasons for being on the Board of Fisheries.

MR. MARCOTTE answered the two members whose terms are expiring in June include Bonnie Williams from Fairbanks and Karl Johnstone from Anchorage. Mr. Johnstone was named as midterm replacement for Jeremiah Campbell and the governor reappointed him for a new three-year term that begins July 1. The nominee for the other seat is Brent Johnson from Clam Gulch on the Kenai Peninsula. If he is confirmed he will start his term on July 1. All appointees have some kind of background in fisheries so he would be hesitant to characterize any as being from one group or another. All members serve at large so they aren't appointed based on geography. By statute they are to represent interests throughout the state and look out for the resource at large.

SENATOR THOMAS said with the thought that Board of Fisheries members have no regional bias, what is the current mix.

MR. MARCOTTE relied he tries to avoid characterizing the appointees and board members. Each appointee appears before House and Senate fisheries and resources committees and those hearings are used to fact find. Also, the public brings a lot of information forward both in support and opposition to the appointees.

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SENATOR KOOKESH expressed discomfort that Mr. Marcotte is being put on the spot yet the bill talks about just two things: 1) a recommendation about the interval between meeting dates and 2) an evaluation of repetitive proposals.

CHAIR OLSON stated agreement.

SENATOR MENARD said she appreciated the discussion [when the bill was introduced]. She is concerned about a longer cycle but understands that the bill opens the discussion.

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JERRY MCCUNE, President, United Fishermen of Alaska said the Board of Fisheries used to address all the proposals in one year and then they changed to a three-year cycle because of the workload. People seem to pay more attention now than in years past and the three-year cycle creates a large workload on the board and the department. He believes it would be good to have the conversation.

SENATOR BUNDE said this is not a prescriptive piece of legislation it simply provides opportunity for a discussion and the Legislature would be the beneficiary of the advice. He's not aware of any opposition.

CHAIR OLSON closed public testimony

SENATOR KOOKESH moved to report SB 137 from committee with individual recommendations and attached fiscal note(s). There being no objection, SB 137 moved from the Senate Community and Regional Affairs Standing Committee.

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There being nothing further to come before the committee, Chair Olson adjourned the Senate Community and Regional Affairs Standing Committee at 3:59 p.m.