

ALASKA STATE LEGISLATURE
HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

February 5, 2015

8:03 a.m.

MEMBERS PRESENT

Representative Cathy Tilton, Chair
Representative Paul Seaton, Vice Chair
Representative Shelley Hughes
Representative Benjamin Nageak
Representative Harriet Drummond
Representative Dan Ortiz

MEMBERS ABSENT

Representative Lora Reinbold

COMMITTEE CALENDAR

PRESENTATION(S): MUNICIPAL REGULATION OF MARIJUANA

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

LUKE HOPKINS, Mayor
Fairbanks North Star Borough
Fairbanks, Alaska

POSITION STATEMENT: Testified as to the importance of local level regulation of marijuana.

WENDY DOXEY, Assistant Borough Attorney
Fairbanks North Star Borough
Fairbanks, Alaska

POSITION STATEMENT: Testified on the municipal regulation of marijuana.

BRYCE WARD, Mayor
City of North Pole
North Pole, Alaska

POSITION STATEMENT: Testified on the municipal regulation of marijuana.

LANCE ROBERTS

Fairbanks, Alaska

POSITION STATEMENT: Testified on the municipal regulation of marijuana.

KELLY WOLF, Member

Kenai Peninsula Borough Assembly

Kenai, Alaska

POSITION STATEMENT: Testified on the municipal regulation of marijuana.

PAUL OSTRANDER, Chief of Staff

Office of the Mayor

Kenai Peninsula Borough

Kenai, Alaska

POSITION STATEMENT: During the hearing on the municipal regulation of marijuana, answered questions.

ACTION NARRATIVE

[8:03:17 AM](#)

CHAIR CATHY TILTON called the House Community and Regional Affairs Standing Committee meeting to order at 8:03 a.m. Representatives Ortiz, Drummond, Seaton, Hughes, and Tilton were present at the call to order. Representative Nageak arrived as the meeting was in progress.

PRESENTATION(S): Municipal Regulation of Marijuana

[8:04:21 AM](#)

CHAIR TILTON announced that the only order of business would be presentations regarding the municipal regulation of marijuana.

[8:05:37 AM](#)

LUKE HOPKINS, Mayor, Fairbanks North Star Borough, informed the committee that in the Fairbanks North Star Borough there are 5.5 House districts and 56 percent of registered voters voted on Ballot Measure 2 of which there were 18,000 more in favor than in opposition. He further informed the committee that 7 precincts voted against the legalization of marijuana and 26 precincts voted in support of the legalization of marijuana. Therefore, he characterized it as a strong message that most in

Fairbanks want marijuana to be legalized. [Following the initiative results], the City of Fairbanks, the City of North Pole, and the Fairbanks North Star Borough as well as attorneys and mayors held a town hall meeting on December 3, 2014, regarding the pros and cons of the legalization of marijuana. The meeting had very good turnout. The following week the mayors met to ensure that there was legislation that worked together, to the maximum extent possible [between the cities and the borough]. Further discussion was held with the police chiefs, state troopers, and other members of the community. On January 28, 2014, a Mayors' Marijuana Working Group of about 30 people met. The meeting was open to the public and there was discussion of concerns, particularly from school districts, military bases, law enforcement officers, and representatives from the Coalition for Cannabis Legislation, and an assembly member. Another meeting will be held February 13, 2015, to continue the discussion. Mayor Hopkins stressed that to his community the most important language is in relation to local zoning, permitting, and boards legislation. He informed the committee that the borough's community planning director was sent to the Colorado conference last month. The borough is delving into zoning regulations to establish where marijuana can be sold and grown. There are also issues surrounding manufacturing, testing, and retail. The Fairbanks North Star Borough is a second class borough with zoning powers. Since the borough has a planning commission and an assembly to hear possible appeals on conditional use permits, he opined that the borough has a good setup that works well and allows the public to have a lot of input into the borough's decisions. He expressed his support, to the extent possible, for the municipality to maintain the aforementioned structure because basically [these decisions] are best made at the local level.

MAYOR HOPKINS expressed concern with regard to [the definition] of "personal use". Currently, there is an ordinance [before] the public. He then indicated there would be another component that defined "public use." The borough, he related, will bring more ordinances before the assembly by March 12, 2015, to address/define possession, processing, and other components. He expressed the desire to develop a public input process as well as permitting at the local level. He indicated the desire for the state, to the extent possible, to specify that the permitting process [is under the purview] of the [local borough]. He explained the need to have the parameters of marijuana regulations in terms of zoning well understood prior to people investing in buildings, leases, property, and equipment. The aforementioned is particularly important in

terms of the already existing sensitive receptors, such as schools, daycare centers, rehab institutions, etcetera. He noted that the committee should have a letter from Wendy Doxey, Assistant Borough Attorney, which is very detailed in relating the borough administration's direction.

[8:15:23 AM](#)

WENDY DOXEY, Assistant Borough Attorney, Fairbanks North Star Borough, highlighted some of the points of her January 30, 2015, letter. Most importantly, the Fairbanks North Star Borough wants local control to the maximum ability possible, with broad regulatory strokes from the state. The borough, she related, also wants municipalities to be allowed to be more restrictive if they so choose. With respect to the initiative and the Act, Ms. Doxey opined that some portions of the Act are unartfully drafted, such as the use of the term "public." Using the term "public" in various ways throughout the initiative makes it difficult to develop a definition of "public" that applies to every way in which it's used in the personal use provisions. Therefore, she suggested, as the letter recommends, redrafting the Act such that the term "public" is only used for the prohibition of personal use in public provision. The state, she suggested, could provide a definition of "public" in terms of the ban on public consumption. She noted that in the letter she addresses other concerns with the personal use provisions of the Act. For instance, the language in several provisions of the Act give rise to concern that there will be a personal use market in which trading of one ounce of marijuana for something other than money could occur. The aforementioned might be curbed if possession of marijuana, including the possession of six plants, could be defined restrictively. Further, if the term "remuneration" was changed to "benefit" that might restrict the personal use trade market that is of concern. She recalled testimony from the Matanuska-Susitna Borough attorney was concerned with the term "assist" in the personal use provisions. There was [the suggestion] to define the term "assist" in a way that doesn't allow proxy grows. She then expressed concerns with regard to the dangerous extraction methods and the desire to avoid the problems that Colorado has experienced. Ms. Doxey said that the aforementioned could be addressed by defining the term "processing" for personal use such that flammable and combustible extraction methods can be excluded. She then related concerns with regard to stock piling marijuana as there is no restriction as to how much [harvested] marijuana can be kept in the home. She then turned to AS 17.38.110 that refers to the Administrative Procedures Act (APA), which in a situation

in which the state misses the deadline and the borough wants to step in requires the borough to meet the standards of the APA. However, Ms. Doxey opined it would be impossible for the borough to meet the APA provisions, and thus she expressed the need for the state to change that language early on. Ms. Doxey echoed earlier testimony regarding the desire for the state to address the broader issues and allow local regulation. She identified the following broad issues as appropriate for the state to address: security, testing, keeping the state's marijuana in the state, keeping marijuana out of the hands of children, driving under the influence (DUI), and public education.

[8:21:58 AM](#)

MAYOR HOPKINS related that he has received very strong statements expressing concern from [constituents] regarding edibles and the ability to determine the potency and authenticity of the product. He suggested marking the product in some manner to identify [the potency and authenticity of the product].

CHAIR TILTON agreed that edibles are of concern for many.

[8:23:57 AM](#)

REPRESENTATIVE SEATON pointed out that the language [prohibiting the] public use/view of marijuana doesn't reference commercial agriculture or growing. He asked whether the aforementioned was intentional or an oversight. He noted that the initiative itself doesn't seem to require [commercial] cultivation to be performed out of public view.

MAYOR HOPKINS remarked that restrictions [for commercial growing and cultivation] could be discussed at the local level in terms of zoning.

MS. DOXEY surmised that perhaps [the initiative] contemplated that commercial operations would be addressed in regulation. She related her understanding that high quality marijuana grows would be in warehouses, which she expected would be the case with commercial grows, and thus there would likely be minimal risk of being in public view. However, commercial operations could be addressed through zoning, conditional use permitting, signage requirements, or setback requirements.

[8:28:34 AM](#)

REPRESENTATIVE HUGHES related that some of her constituents have expressed the desire for agricultural land currently used for food production not to be used for marijuana production. If such is the case, then new land would be needed for marijuana production. She then inquired as to whether there have been conversations about the aforementioned.

MAYOR HOPKINS confirmed that there are have been conversations about agricultural land and commercial operations. He opined that local governments have the authority, through zoning regulations, to establish what the community wants in terms of how much agricultural land could be planted with marijuana. He related his understanding that zoning requirements through permitting, conditional use permitting, could be used in order to maintain "food security."

8:30:29 AM

REPRESENTATIVE SEATON inquired as to whether Fairbanks has had discussions regarding whether the [regulation of marijuana] should be an areawide power versus [under the purview] of the smallest dimension of the municipality.

MAYOR HOPKINS confirmed that the Fairbanks North Star Borough has had discussions on that matter. He acknowledged that cities may have a more restrictive implementation of enforcement and other requirements regarding public and personal use. He reminded the committee that zoning requirements overlay the two cities. Per state code, the City of Fairbanks and the City of North Pole have representatives on the [Fairbanks North Star Borough's] planning commission. Mayor Hopkins opined there should be a board that can address the conflicts that might arise between the boundary of the city and the borough rules that overlay the cities. He noted that the cities are bringing forward personal use ordinances, while the borough ordinances are coming February 26th. The goal, he remarked, is to ensure that [there isn't a tremendous amount of contradictory overlaying of regulations].

MS. DOXEY added that the Act clearly designates power to the municipalities through AS 17.38.110. The Fairbanks North Star Borough, she informed the committee, has been treating that statute as if it's an areawide delegation of power. She opined that it may behoove the state to clarify that language. She offered that it would proper to add that power to Title 29 as that's where municipalities receive their power from the state.

[8:34:21 AM](#)

CHAIR TILTON inquired as to the thoughts of the Fairbanks North Star Borough on the creation of a marijuana control board versus utilizing the Alcoholic Beverage Control (ABC) Board for the control of marijuana.

MAYOR HOPKINS confirmed that the borough contemplated the aforementioned and determined that a local control board would be established as there are issues to be addressed at the local level.

MS. DOXEY related that the borough administration isn't particularly concerned with whether the state establishes something through the ABC Board or a separate marijuana control board so long as it's effective and adequately staffed. At the local level, the borough wants to have as much control over a local regulatory agency that each municipality may establish. She opined that each municipality will be different, and thus the makeup of each regulatory body would be different. Therefore, the municipality doesn't want the state to dictate to it what it has to do and have it not work in the municipality.

[8:37:23 AM](#)

REPRESENTATIVE NAGEAK asked if a local government can opt-out of making its own rules and regulations or can they take the state's lead.

MAYOR HOPKINS answered that there are some cities that are considering opting-out of certain aspects of Ballot Measure 2, as allowed. The local board would be the entity that would adjudicate situations with borders and the differing rules and regulations. Mayor Hopkins stressed that they are trying to make it work at the community level.

[8:39:31 AM](#)

REPRESENTATIVE SEATON recalled that the Matanuska-Susitna Borough testimony expressed similar concern, but wanted areawide power so that if the borough decided to opt-out, then every community within the borough would be opted-out as well. Therefore, communities within a borough wouldn't be able to exercise a local specific power to allow things. Although he understood the notion of an areawide power under which entities work together, the legislature will have to decide what a "local power" means. He opined that a local board wouldn't have the

statutory authority to determine the powers. He then encouraged the municipalities to consider the aforementioned and how the powers are to be delegated from the legislature as it's currently unclear in current statute and the initiative as to whether it will be the individual cities within the borough or the borough areawide power.

[8:41:41 AM](#)

REPRESENTATIVE NAGEAK expressed concern there would be a mixture of rules and regulations within a municipality.

[8:42:41 AM](#)

BRYCE WARD, Mayor, City of North Pole, explained that North Pole is a city within a borough. He informed the committee that currently there are two readings of the following ordinances before the city: public consumption and hash oil extraction ordinances. He related his understanding that the ballot initiative deals with public consumption and commercialization of the marijuana industry. He directed attention to the City of North Pole's Resolution 15-08, included in the committee packet, which addresses some of the issues with the commercialization of marijuana. The City of North Pole, as expressed in the resolution, is concerned with clarifying the term "public place." The City of North Pole, he related, has taken a very conservative approach to the definition of "public place." The state needs to address import and export rules regarding the import of seeds for the start of manufacturing and the export of product. There is also concern with regard to edibles and the packaging that could be addressed at the state level. He pointed out that at this point, there is nothing that identifies or differentiates between cannabis for recreational use versus medicinal use. Mayor Ward highlighted that the City of North Pole is also concerned with the potency standards, which he opined could be regulated at the state level. As mentioned earlier, there are agricultural tax issues as well as visibility issues. He expressed the desire for the state to consider the funding that comes in to be used for prevention treatment facilities. The City of North Pole, he related, recommends a new regulatory arm separate from the ABC Board. He stated that the state should consider issues of licensing, growing, processing, manufacturing, and establishing regulations for consistency throughout the state. There are also concerns with regard to retail sales. He then expressed the need for the Alaska Landlord Tenant Act to define rights for tenants and landlords. Also, there need to be regulations regarding

advertisement of marijuana in terms of what is acceptable and the target market. He then suggested there be a strong minimum standard for growing, processing, and manufacturing at the state level. If a borough has different regulations than those outside of the borough, particularly in terms of the growing or manufacturing of marijuana and its products, the jurisdiction with the higher regulatory environment are null and void because industry can circumvent the standards by moving outside the boundaries. Therefore, Mayor Ward opined that it's important for the state to set minimum standards that are consistent throughout the state. For instance, the state has a minimum standard for fire, life, and safety that is enforced by a division of the state, although a municipality can become a deferred jurisdiction such that they can enforce the regulations and collect the associated fees. He opined that the aforementioned is a good model the state could use going forward. He then related that there has been concern, as has been heard in Colorado, with regard to the inconsistency among jurisdictions and the inability of municipalities to effectively regulate seed to sale of the product. If the municipalities are asked to regulate like the U.S. Food and Drug Administration (FDA), that would be a huge cost and burden to the municipalities. Furthermore, such a situation would lose the economies of scale the FDA has because everyone has to develop their own method and have their own regulators. The aforementioned, he opined, needs to be taken into consideration by the state, which should be able to work with the municipalities to create minimum standards.

[8:50:02 AM](#)

REPRESENTATIVE SEATON said he appreciated the suggestion of minimum standards statewide and opined that would be the function of a regulatory board. He then specified that he is more focused on what should be done at the legislative level. He asked, referring to Title 29, whether Mayor Ward felt that the ability to regulate marijuana should be an areawide or nonareawide power.

MAYOR WARD answered that although the City of North Pole's council hasn't specifically addressed the issue of areawide versus nonareawide, the issues it has addressed are supportive of a nonareawide approach. In fact, the City of North Pole has moved forward with some of its own regulations with regard to the definitions of "public consumption" and "hash oil extraction." Mayor Ward opined that the City of North Pole

Council would be in support of the nonareawide power such that the city has the ability to regulate itself.

[8:52:29 AM](#)

MAYOR WARD then addressed the issue of retail sales, and pointed out that the resolution relates that the state should develop the regulatory arm with a minimum standard. However, the retail sales could be controlled at the municipal level, should there be consistent regulatory standards at the state level. He opined that it would be similar to the alcohol or tobacco model.

[8:53:14 AM](#)

REPRESENTATIVE SEATON, referring to line 29 of the City of North Pole's resolution, inquired as to the meaning of the term "agricultural farm use tax exemption" for locally produced marijuana.

MAYOR WARD explained that currently there is a tax credit/exemption as agricultural land is valued as such not at its commercial value. Therefore, the question is whether the agricultural land used for marijuana production would be in that same category. In further response, Mayor Ward confirmed that he was referring to the property tax valuation for property assessment.

[8:54:29 AM](#)

REPRESENTATIVE DRUMMOND asked if there has been any discussion with regard to the cash basis of marijuana businesses.

MAYOR WARD confirmed that is of concern and has been discussed.

[8:56:45 AM](#)

LANCE ROBERTS noted that although he is a member of the Fairbanks North Star Assembly, he is testifying on his own behalf today. He further noted that he hasn't seen the legislation, and thus he would only discuss specific policy matters not anything in specific legislation. He then opined that strong state regulation is necessary because the Fairbanks North Star Borough doesn't have a police force while the cities within the borough do have police forces. The borough relies on the Alaska State Troopers for [enforcement], and thus state laws are critical to provide the Alaska State Troopers law with which to work and provide enforcement outside of the cities. He

informed the committee that he is going to bring an ordinance, 2015-09, before the Fairbanks North Star Borough that will merely be a placeholder in the borough's code and doesn't actually have any regulation. He related his hope that not much would have to be done at the local level because of the aforementioned enforcement problem with the expectation that the state would implement the regulations. He characterized the need for the definition of "public" as critical for law enforcement. Drawing from his experience with drugs, Mr. Roberts emphasized that marijuana and alcohol are different and can't be regulated the same. For instance, he questioned how one would be able to patronize marijuana smoking clubs and have a designated driver without some major infrastructure such as large fans and well ventilated separate rooms for drivers. A larger issue, he opined, is that with alcohol there is a range of moderation in which one could, depending upon body weight, have a drink and drive home without a problem. However, there isn't such a range [of moderation] with marijuana as one is impaired even with a small amount of use. He opined that one who imbibes at a marijuana smoking club can't drive home unimpaired. Furthermore, it's nearly impossible to not imbibe at a marijuana smoke club. Mr. Roberts emphasized the need for the committee to think about the differences between marijuana and alcohol when discussing regulations so that marijuana isn't approached only like alcohol. He then expressed support for the creation of a marijuana control board separate from the ABC Board, though he also expressed support for the concept of a local [control] board if that's decided. With regard to areawide versus nonareawide powers, Mr. Roberts explained that with a nonareawide power, separate taxing must be created for that power. He stressed that it's a complicated issue that interweaves with all code and it's difficult to breakout the cost. Therefore, if it was a nonareawide power, a different mill rate would be required so that city residents wouldn't pay the mill rate. He opined that practically it has to be an areawide power similar to planning and zoning such that the cities work with the boroughs. In conclusion, Mr. Roberts expressed the need for the state to bring forward strong limits throughout the state in order to avoid border problems.

[9:04:50 AM](#)

REPRESENTATIVE SEATON, referring to the [Fairbanks North Star Borough] ordinance, pointed out that the language on page 2, line 47, says "receive half of the state registration application fee". He then asked if that's a request for the state to break its registration fee or taxes and distribute half

of them to the borough or is there something already in effect that specifies half will go to the local municipality.

MR. ROBERTS specified that [the language in the ordinance] was taken out of the initiative by the borough attorneys. The ordinance, he said, should completely align with the initiative as it passed.

[9:07:14 AM](#)

KELLY WOLF, Member, Kenai Peninsula Borough Assembly, informed the committee that as a member of the Kenai Peninsula Borough Assembly, he introduced ordinance 2015-02, which would place before the voters of the Kenai Peninsula Borough, outside of the incorporated municipalities, the question of whether to allow the cultivation of marijuana for the intent to resale. The Kenai Peninsula is a second class borough that doesn't have zoning authority. During the November 2014 Alaska Municipal League conference, there was discussion of potential problems due to the passage of Ballot Measure 2. There was concern with regard to delayed action by cities and municipalities across the state with regard to enacting legislation that might prevent the cultivation, sale, or manufacture of marijuana products after marijuana is legal and the state develops regulations. There was mention that municipalities may face a takings lawsuit, and thus the aforementioned ordinance was introduced to slow the process until state regulations are in place. Furthermore, since the Kenai Peninsula Borough doesn't have zoning powers, it has no ability to restrict where a marijuana farm or cultivation area is established. The value of property near a marijuana farm or cultivation area is impacted by it. Mr. Wolf strongly urged the committee to consider the fact that [the initiative places] a tremendous burden on some municipalities that don't have policing or zoning powers, such as the Kenai Peninsula Borough.

[9:13:35 AM](#)

REPRESENTATIVE DRUMMOND related her understanding from Mayor Hopkins that the Fairbanks North Star Borough is a second class borough with strong zoning regulations. However, she understood Mr. Wolf to have said that the Kenai Peninsula Borough is a second class borough with no zoning powers.

MR. WOLF specified that the Kenai Peninsula Borough has very limited zoning. In fact, Mr. Wolf said that to his knowledge the Kenai Peninsula Borough only has an anadromous habitat

ordinance, which is a zoning ordinance. The Kenai Peninsula Borough does have a planning commission, but doesn't have zoning authority per se.

MAYOR HOPKINS informed the committee that the Fairbanks North Star Borough has a regional comprehensive land use plan and probably 22 different zones, the largest of which is the general use zone. Many of the residential areas have been developed in a general use area that only has two restrictions. Mayor Hopkins opined that the Fairbanks North Star Borough has very thorough zoning codes. In response to Chair Tilton, Mayor Hopkins confirmed that the Fairbanks North Star Borough is a second class borough with a comprehensive plan that contains zoning regulations.

MR. WOLF, in response to Chair Tilton, confirmed that the Kenai Peninsula Borough is a second class borough, but with limited zoning powers.

[9:16:21 AM](#)

REPRESENTATIVE DRUMMOND surmised then that the Kenai Peninsula Borough has chosen not to promulgate zoning regulations to the same degree as the Fairbanks North Star Borough. Therefore, she inquired as to how the Kenai Peninsula Borough, without zoning regulations, is preventing junk yards and oil processing facilities from popping up in residential neighborhoods.

MR. WOLF reiterated that the Kenai Peninsula Borough has an anadromous habitat ordinance as well as a gravel pit ordinance. He indicated that the [ordinances] go through the planning commission and an appeals process. He emphasized that the Kenai Peninsula Borough encompasses 15 million acres that traverse private, federal, tribal, municipal, and state properties and has a population of about 60,000 people. He opined that the borough would face high revenue expenses to enforce zoning throughout such a large area. The Kenai Peninsula Borough did choose to have limited zoning, he confirmed.

[9:18:38 AM](#)

PAUL OSTRANDER, Chief of Staff, Office of the Mayor, Kenai Peninsula Borough, informed the committee that in addition to the gravel pit and anadromous habitat ordinances the Kenai Peninsula Borough does have a local option zone, which is essentially spot zoning. There are probably less than 10 such local option zones. The Kenai Peninsula Borough also has an

ordinance limiting pig farms. Mr. Ostrander opined that although the Kenai Peninsula Borough has zoning powers similar to the Fairbanks North Star Borough, they aren't instituted to the level of those of the Fairbanks North Star Borough.

[9:20:34 AM](#)

REPRESENTATIVE SEATON asked whether the Kenai Peninsula Borough has discussed whether it wants the local option and other controls to be an areawide power so the borough could make the decision for the entire borough, including those areas within the municipalities, or whether the borough wants to be able to exercise control outside the other municipalities.

MR. WOLF answered that the Kenai Peninsula Borough Assembly has not discussed that. He explained that he focused [the resolution] outside of the municipalities because each municipality has its own elected council and should make the decision per Ballot Measure 2.

REPRESENTATIVE SEATON encouraged all boroughs to have the discussion and provide feedback as to whether the local option should be areawide or nonareawide because the legislature will have to clarify the aforementioned in Title 29.

[9:24:00 AM](#)

MR. OSTRANDER clarified that his comments are only on behalf of the administration of the borough. Mr. Ostrander related his opinion that generally the boroughs should be provided with nonareawide powers. He acknowledged that municipalities feel the need to have local control. Since the Kenai Peninsula Borough's municipalities have their own law enforcement agencies, he opined that it's appropriate for them to have many of the controls. Mr. Ostrander expressed concern with having a local regulatory authority at the municipal level. The state, he said, needs to establish a primary structure and the options of the local regulatory authority including an option for the municipalities. However, the requirement of having a regulatory authority is of concern. He expressed the need for marijuana to be regulated as closely as possible to how alcohol is regulated, understanding some things can't be regulated in the same manner and understanding that most of the regulatory authority [and framework] for alcohol has been established by the state. Referring to the ability of an individual to possess six marijuana plants and to assist others with the growing of plants, Mr. Ostrander suggested the need to establish a

household limit. He then opined that although municipalities should be given the option of establishing their own bail schedule, it would be helpful for the state itself to establish a bail schedule. In the Kenai Peninsula Borough, the Alaska State Troopers will enforce this law. The Alaska State Troopers generally enforce the state bail schedules as it's much more difficult for them to enforce the local ordinances. Mr. Ostrander related that the Kenai Peninsula Borough attorney expressed concern with AS 17.38.110, which requires any adopted [municipal] procedures are subject to all the requirements of the Administrative Procedures Act (APA), AS 44.62. The concern is that AS 44.62 is difficult and complex as it's designed for use by the state rather than municipalities, which have their own administrative procedures, processes, permits, and other regulatory matters. Therefore, the recommendation is to either delete the reference to the APA or provide an option to municipalities that read, "unless provided otherwise by local ordinance."

[9:29:36 AM](#)

CHAIR TILTON reminded everyone that criminal aspects of law will not be addressed in this committee, but any such related comments will be passed on to the appropriate committee(s).

[9:29:57 AM](#)

MR. OSTRANDER then expressed the need for the state to establish one definition of "public" for the entire state in order to avoid confusion with various locales having different definitions.

[9:31:08 AM](#)

REPRESENTATIVE SEATON asked if the bail schedule refers to fine amounts for violations not criminal actions.

MR. OSTRANDER posed an example in which a local municipality gives a ticket for public possession of marijuana. At this point, the individual can't pay the ticket but rather would have to go to court because there is no set bail schedule. Therefore, if the state established a bail schedule, it would expedite the enforcement process and the ticketed individual would be able to pay the fine and not have to go to court.

[9:32:11 AM](#)

REPRESENTATIVE SEATON then asked whether the borough has considered the public consumption of nonedible marijuana products, such as lotions, tinctures, infused toothpicks, breast strips, etcetera.

MR. OSTRANDER replied no, adding that the borough would look for direction from the state because the state would have the expertise and structure to set up much of this, whereas the borough simply does not. In further response to Representative Seaton, Mr. Ostrander confirmed that the Kenai Peninsula Borough wants the term "public" defined. Although the borough isn't providing specific suggestions regarding the definition of "public," he related that the Kenai Peninsula Borough would generally accept the comments of the Fairbanks North Star Borough.

[9:34:07 AM](#)

CHAIR TILTON thanked those who provided comments today.

[9:35:06 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 9:35 a.m.