

SB

372

## SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

January 24, 1978

Present: Chairman Orsini, Senators Willis, Ferguson and Hackney; Bruce Aronson, C/RA; Marilyn Miller, Alaska Municipal League; Roger Allington, Alaska Coastal Policy Development and Planning; Glen Akins, DPDP; Annette Smith, HC&RA; Steve Mizera, Republican Caucus; Jack Chenowith, Legislative Affairs; Steve J. Kettlekamp, Exxon; Keith Arnold, Alaska Oil & Gas Association; Oren Pomeroy, C/RA; and Tim Bradner of BP-Sohio.

Absent: Senator Bill Sumner

SENATE BILL 388

The meeting was called to order at 3:15 by Chairman Orsini who announced the formation of a subcommittee to deal with village land reconveyances occurring under paragraph 14 (c) of the Alaska Native Claims Settlement Act. Senator Ferguson was appointed Chairman. Senators Hackney and Orsini were appointed members. Senator Ferguson agreed that the subcommittee would be able to make a report to the committee within a month.

The committee first took-up CSSB 388. The two Co-chairman of the Alaska Coastal Policy Council, Frances Ulmer and Roger Allington, had been invited to present their views of the effects of CSSB 388 on the functioning of the council.

Council Co-chairman Allington referred his letter of January 23, 1978, to Senator Orsini, in which he supported SB 388's provision for the selection by the Governor of alternative members to fill unexpected vacancies in the council.

Co-chairman Ulmer concurred with Allington's assessment and noted that the question of the appointment of alternate members had been heatedly debated in the council without achieving a clear concensus.

She also cautioned against too great an attempt to restrict the number of alternates available for the governor's selection, but she believed that CSSB 388 would clarify the question of the alternate's qualifications. She suggested that assistant, as well as deputy commissioners be designated as acceptable substitutes for State commissioners in the council.

Marilyn Miller, representing the Alaska Municipal League, testified on CSSB 388. She stated that the League would prefer to see public members on the council appoint their own alternates in order to maintain a continuity of view point.

This completed public testimony on CSSB 388. Senator Ferguson moved that CSSB 388 as drafted be passed out of committee with individual recommendations. The committee vote was 2 Do Pass, 1 Do Not Pass Without Amendment and No Recommendations.

## DISCUSSION OF ALASKA COASTAL MANAGEMENT PROGRAM

Chairman Orsini recalled Alaska Coastal Policy Co-chairman Frances Ulmer and Roger Allington to discuss the work of the council regarding the submission of its standard and guidelines to the Legislature. He pointed out the importance of the Legislature receiving these regulations in sufficient time this session to give them adequate consideration. He stated the intention of the committee to work with the unofficial draft regulations during the public hearing process in order to become as familiar as possible with the proposed regulations before their submission to the Legislature in April.

Council Co-chairman Ulmer told the committee that the council had recently completed a new draft of its regulations, copies of which had been made available to legislators. A sixty day hearing process would be underway shortly with public meetings throughout the state. The council believed that the regulations would be ready for submission to the Legislature in early April, following a final council meeting on the regulations in Juneau, March 24 and 25.

Ulmer stressed the need for legislative action on the Coastal Management Program this session in order to allow the state program to receive federal approval by December of 1978. She indicated that there had been some question within the council whether the regulations constituted a part of the program and also required legislative approval, the consensus of the council was that the regulations also required legislative action to accept them.

Glen Akins, Director of the Office of Coastal Management, outlined for the committee the situation in Washington State and Oregon where federal approval for these states' coastal management programs was given before all the local programs were completed. He noted, however, that court challenges against this practice are underway.

He also pointed out that the role of the federal government in funding state coastal programs is significant. So far approximately \$3 million in federal funds have been used in Alaska to finance state and local efforts. Approximately \$250,000 in state funds have been allocated to this purpose. Without federal approval next year, Akins believed that this financial obligation would have to be borne completely by the State.

In response to Chairman Orsini's question on the concept of federal consistency, Akins replied that Federal agencies have observed state coastal policy when public groups, local governments and the state government united behind one position. Ultimately, however, the Secretary of Commerce would be the arbiter in any dispute between a state and federal agency over federal consistency provisions.

### SENATE BILL 372

The committee voted unanimously to pass SB 372 out of committee following the explanation of Senator Willis that the bill was intended to rectify a drafting error regarding a reference citation of Senate Bill 37 to the Alaska Statutes. There was no public testimony.

SB 372  
Municipality  
of  
Anchorage



POUCH 6-650  
ANCHORAGE, ALASKA 99502  
(907) 274-2525

GEORGE M SULLIVAN,  
MAYOR

OFFICE OF THE MUNICIPAL ATTORNEY

August 26, 1977

Senator Edward C. Willis  
Box 402  
Eagle River, Alaska 99577

Re: Senate Bill No. 37/Chapter 48 SLA 77.

Dear Senator Willis:

During the First Session of the Tenth Legislature, you co-sponsored Senate Bill No. 37 entitled "An Act Relating to the Sale, Repurchase and Disposition of the Proceeds of the Sale of Tax Foreclosed Real Property". This bill was subsequently enacted by the Legislature as Chapter 48 SLA 77. As you remember, your bill amended various portions of AS 29.53 dealing with foreclosure procedures by local government. Specifically, the bill was intended to prevent the loss of valuable interests in real property through inadequate notice or the inadvertent actions of local government. I believe you are familiar, for example, with the situation involving property originally owned by Mr. Russell Oberg in the Chugiak/Eagle River area.

In studying provisions of Title 29 concerning tax foreclosure, I have recently discovered that several of the sections in AS 29.53 are omitted from the list of sections applicable to home-rule municipalities under AS 29.13.100. As you can see from the attached copy, the provisions of AS 29.53 that are applicable to home-rule municipalities in Alaska end with Section 350. It is therefore apparent that the portions of your bill (SB 37) amending Sections 370-380 of AS 29.53 could be construed to be inapplicable to the Municipality of Anchorage as a home-rule local government. However, I want to assure you that it has been the Municipality's policy to follow the provisions of AS 29.53 in the foreclosure, sale or dedication of real property.

Senator Edward C. Willis  
August 26, 1977  
Page 2

I was very happy for the opportunity to provide you with input in Juneau concerning the Municipality's interests in SB 37 and appreciated your concern in developing a bill that adequately protects both the interests of local governments and affected property owners in tax foreclosure proceedings. I therefore felt that you should be advised of my findings concerning the problems with applying this measure, as presently written, to home-rule municipalities. You may wish to consider submitting a brief amendment to AS 29.13.100 that would apply all of the sections of AS 29.53 included in SB 37 to home-rule municipalities. Since there will not be another round of tax foreclosure proceedings until next year, present questions concerning the applicability of SB 37 to the Municipality of Anchorage should not cause any problems in the near future. If I can be of any further assistance in this matter, please feel free to call me at 264-4349.

Sincerely yours,



Theodore D. Berns  
Assistant Municipal Attorney

Enclosures

cc: Pete Argetsinger, Deputy Municipal Attorney

TDB/ckb