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HOUSE COMMITTEE REPORT

Date referred: 1/29/88

FURTHER REFERRALS:

DATE: 2/16/88

The Finance Committee has considered HB 297

"An Act relating to the notification to community councils and postmasters of certain state actions."

RECOMMENDS:

- replace with CS HB 297 (Fin) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact (1-DNR) same as previous fiscal note published _____
- zero fiscal note (1-D of Revenue) same as previous zero fiscal note published 1/26/88, 1/29/88
- zero with analysis (2) same as previous zero fiscal note published 1/26/88, 1/29/88

SIGNING DO PASS:

ADAMS [Signature]

FOURCROT [Signature]

LARSON [Signature]

GOLL [Signature]

SWACK-HAMMER [Signature]

BOYER [Signature]

FRANK [Signature]

BROWN [Signature]

SIGNING OTHER RECOMMENDATIONS: (DOT)

RIEGER [Signature] 9000 bill

DAVIS [Signature] may need any amendments

[Signature]
Chairman's signature

Original sponsors: Donley, Barnes,
Brown, et al.

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 297 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the notification to community
7 councils and nonprofit community organizations of
8 certain state actions."

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

10 * Section 1. AS 04.11.310(b) is amended to read:

11 (b) Upon receipt of an application for the issuance, renewal,
12 relocation, or transfer of ownership of a license for premises or
13 proposed premises that are located within one-half mile of the boun-
14 dary [WITHIN AN AREA OF A MUNICIPALITY UNDER THE JURISDICTION] of a
15 community council established by municipal charter or ordinance [TO
16 ADVISE THE MUNICIPAL GOVERNING BODY, OR WITHIN AN AREA ADJACENT TO
17 SUCH AN AREA], the board shall

18 (1) immediately provide [TO THE COMMUNITY COUNCIL] written
19 notice of the application to

20 (A) the community council; and

21 (B) any nonprofit community organization that has
22 requested notification in writing; and

23 (2) at least 10 days before the date set for board action
24 on the application provide [TO THE COMMUNITY COUNCIL] written notice
25 of the proposed action and the time and place for a hearing to

26 (A) the community council; and

27 (B) any nonprofit community organization that has
28 requested notification in writing.

29 * Sec. 2. AS 04.11.510(b) is amended to read:

1 (b) The board may review an application for the issuance, renew-
2 al, transfer of location, or transfer to another person of a license
3 without affording the applicant notice or hearing, except

4 (1) if an application is denied, the notice of denial shall
5 be furnished the applicant immediately in writing stating the reason
6 for the denial in clear and concise language; the notice of denial
7 shall inform the applicant that the applicant is entitled to an in-
8 formal conference with either the director or the board, and that,
9 if not satisfied by the informal conference, the applicant is then
10 entitled to a formal hearing before the board; if the applicant re-
11 quests a formal hearing, the board shall adhere to AS 44.62.330 -
12 44.62.630 (Administrative Procedure Act); all interested persons may
13 be heard at the hearing and unless waived by the applicant and the
14 board, the formal hearing shall be held in the area for which the
15 application is requested;

16 (2) the board may, on its own initiative or in response to
17 an objection or protest, hold a hearing to ascertain the reaction of
18 the public or a local governing body to an application if a hearing is
19 not required under [(1), (3), OR (4) OR] this subsection and the board
20 shall send notice of a hearing conducted under this paragraph 20 days
21 in advance of the hearing to each community council established within
22 the municipality and to each nonprofit community organization entitled
23 to notification under AS 04.11.310(b);

24 (3) if a petition containing the signatures of 35 percent
25 of the adult residents having a permanent place of abode outside of
26 but within two miles of an incorporated city or an established village
27 is filed with the board, the board shall hold a public hearing on the
28 question of whether the issuance, renewal, or transfer of the license
29 in the city or village would be in the public interest;

1 (4) if a protest to the issuance, renewal, transfer of
2 location or transfer to another person of a license made by a local
3 governing body is based on a question of law, the board shall hold a
4 public hearing.

5 * Sec. 3. AS 04.11 is amended by adding a new section to read:

6 Sec. 04.11.525. NOTICE TO COMMUNITY COUNCIL. On receipt of an
7 application for the issuance, renewal, relocation, or transfer of the
8 ownership of a license, the board shall provide written notice under
9 AS 04.11.310(b).

10 * Sec. 4. AS 33.30 is amended by adding a new section to read:

11 Sec. 33.30.025. SITING OF PRISON FACILITIES. The commissioner
12 shall notify each community council established by municipal charter
13 or ordinance of the department's plans to locate a prison facility or
14 to contract for the operation of a prison facility, community residen-
15 tial facility, or other rehabilitation program if the facility or
16 proposed facility will be within one-half mile of the boundary of the
17 area represented by a community council.

18 * Sec. 5. AS 35.30.010(a) is amended to read:

19 (a) Except as provided in (b) of this section, before commencing
20 construction of a public project,

21 (1) if the project is located in a municipality, the de-
22 partment shall submit the plans for the project to the planning com-
23 mission of the municipality for review and approval;

24 (2) if the project is located within two miles of a vil-
25 lage, the department shall submit the plans to the village council for
26 review and comment;

27 (3) if the project is located within one-half mile of the
28 boundary of an area represented by a community council established by
29 municipal charter or ordinance, the department shall submit the plans

1 to the community council for review and comment.

2 * Sec. 6. AS 38.05.945(c) is amended to read:

3 (c) Notice at least 30 days before action under (a) of this
4 section shall also be given to the following:

5 (1) to a municipality if the land is within the boundaries
6 of the municipality, to a coordinating body established by community
7 councils in a municipality if the coordinating body or a community
8 council within the area served by a coordinating body requests notice
9 in writing; if there is no coordinating body within the municipality,
10 notice shall be provided to each community council established by the
11 charter or ordinance of the municipality if the land is located within
12 the boundaries of the municipality and if the community council re-
13 quests notice in writing;

14 (2) to a regional corporation if the boundaries of the
15 corporation as established by sec. 7(a) of the Alaska Native Claims
16 Settlement Act encompass the land and the land is outside a municipal-
17 ity;

18 (3) to a village corporation organized under sec. 8(a) of
19 the Alaska Native Claims Settlement Act if the land is within six
20 miles of the village for which the corporation was established and the
21 land is located outside a municipality;

22 (4) to the postmaster of a permanent settlement of more
23 than 25 persons located within six miles of the land if the land is
24 located outside a municipality, with a request that the notice be
25 posted in a conspicuous location;

26 (5) to a nonprofit community organization or a village or
27 tribal council that has requested notification in writing and provided
28 a map of its boundaries, if the land is within the boundaries.
29

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Notice to Community Councils
Sponsor: Donley, Barnes, Brown et.al.
Requestor: House Finance

Agency Affected: DNR
BRU: L&M, Mining, DOP&OR
Oil and Gas
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		2.8	2.8	2.8	2.8	2.8
TRAVEL		.8	.8	.8	.8	.8
CONTRACTUAL		3.2	3.2	3.2	3.2	3.2
SUPPLIES		1.2	1.2	1.2	1.2	1.2
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		8.0	8.0	8.0	8.0	8.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		8.0	8.0	8.0	8.0	8.0
FEDERAL FUNDS						
OTHER						
TOTAL		8.0	8.0	8.0	8.0	8.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

(See attached)

Prepared by: Janet Burleson
Division: Land and Water Management

Phone: 465-3400
Date: 2/10/88

Approved by Commissioner: Jenni Gornh
Agency: Department of Natural Resources

Date: 2-11-88

Distribution (by preparer):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Analysis: 1988 Legislative Session
 Fiscal Note - CSHB 297
 Pg 2 of 2

The Department anticipates because of the interests of statewide non-profit corporation (RDC, ACE, Alaska Loggers, etc.) that many notices which are currently confined to geographic locations will now require statewide notice. We also anticipate that at least 10% of the notices will be subject to requests for hearing and these travel costs are included in the fiscal information.

	<u>89</u>	<u>90-93</u>
100 <u>Personal Services</u>		
NRO I/1 month	2.8	2.8
(response to inquiries)		
200 <u>Travel</u>	.8	.8
300 <u>Contractual</u>	3.2	3.2
Certified mailing/duplication, postage, travel for hearings		
400 <u>Supplies</u>	1.2	1.2
paper/envelopes etc.		
	<hr/> 8.0	<hr/> 8.0

FISCAL NOTE

REQUEST: _____

Revision Date: _____
Title: An Act Relating to Notification
to Community Councils and Non-Profit
Comm. Councils of Certain State Actions
Sponsor: Rep. Donley, Barnes, Brown et al
Requestor: _____

Agency Affected: Revenue
BRU: ABC
Components: OPERATING

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
OPERATING						
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	-	-	-	-
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Royce B. Weller *RW* Phone: 465-2300
Division: Commissioner's Office Date: February 10, 1988
Approved by Commissioner: Hugh Malone *H Malone* Date: February 10, 1988
Agency: Department of Revenue

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

STATE OF ALASKA 1988 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: CSHR 297(SA)
Publish Date: HOUSE 1/29/88

REQUEST

Revision Date: _____
Title: Relating to the notification to
community councils...
Sponsor: Donley
Requestor: Rules

Agency Affected: DOT&PF
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
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	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: See attached position paper

Prepared by: Ron Lind Phone: 465-4070
Division: Plans, Programs & Budget Date: 1/21/88
Approved by Commissioner Mark S. Hickey Date: 1/26/88
Agency: DOT&PF

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSHB 297(SA)
PUBLISH DATE: HOUSE 1/29/88

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Corrections
Title: "An Act relating to the notification to community councils and postmasters..." BRU: _____
Sponsor: Rep Donley, Barnes, et al Components: _____
Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
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
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Susan E. Knighton

Prepared by: Susan E. Knighton, Director Phone: 465-3376
Division: Administrative Services Date: 1-15-88
Approved by Commissioner: Susan Humphrey-Barnett Date: 1/26/88
Agency: Department of Corrections

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSHB297(Fin)AM
PUBLISH DATE: _____

File 2-16-88
rec'd 3-28-88

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Notification to Community
Councils
Sponsor: Representative Donley et.al.
Requestor: Senate State Affairs

Agency Affected: Natural Resources
BRU: Land & Water Management
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		0	0	0	0	0
TRAVEL		.8	.8	.8	.8	.8
CONTRACTUAL		2.2	2.2	2.2	2.2	2.2
SUPPLIES		1.2	1.2	1.2	1.2	1.2
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		4.2	4.2	4.2	4.2	4.2

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		4.2	4.2	4.2	4.2	4.2
FEDERAL FUNDS						
OTHER						
TOTAL		4.2	4.2	4.2	4.2	4.2

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

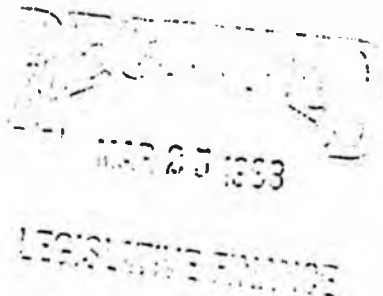
This amended version of the bill removes DNR's liability for not notifying an organization. The fiscal note can therefore be reduced because the notices can be sent regular mail instead of by certified green card. Less personnel time will be involved.

Prepared by: Janet Burleson Phone: 465-3400
Division: Land and Water Management Date: 3/22/88

Approved by Commissioner: Tom Hawkins Date: _____
Agency: Natural Resources

Distribution (by preparer):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)



STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSHB 297(SA)
PUBLISH DATE: HOUSE 1/29/88

FISCAL NOTE

REQUEST:

Revision Date: 1/26/88
 Title: Notice to Community Councils & Postmasters of Certain State Actions
 Sponsor: Donlev, Barnes, Brown, et.al.
 Requestor: House Community & Regional Affairs
 Agency Affected: Natural Resources
 BRU: Land & Water Management/ and Mining Management
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		2.8	2.8	2.8	2.8	2.8
TRAVEL						
CONTRACTUAL		2.0	2.0	2.0	2.0	2.0
SUPPLIES		1.0	1.0	1.0	1.0	1.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		5.8	5.8	5.8	5.8	5.8

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		5.8	5.8	5.8	5.8	5.8
FEDERAL FUNDS						
OTHER						
TOTAL		5.8	5.8	5.8	5.8	5.8

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See Attached

Prepared by: Janet Burlison Phone: 465-3400
 Division: Land and Water Management Date: 1/26/88

Approved by Commissioner: *J. G. ...* Date: _____
 Agency: Natural Resources

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

ANALYSIS: 1988 Legislative Session
Fiscal Note -
Page 2 of 2

	<u>FY 89</u>	<u>FY 90-93</u>
<u>100 Personal Services</u>		
Natural Resource Officer I / 1 Month	2.8	2.8
<u>300 Contractual</u>		
Certified Mailing/Duplication, postage	2.0	2.0
<u>400 Supplies</u>		
Paper/Envelopes	1.0	1.0
	<hr/>	<hr/>
TOTAL	5.8	5.8

Each year would require the equivalent of one month of a Natural Resource Officer I to meet the notice requirement. These are estimated Department wide costs. Clerical staff would also be impacted, but we do not know the extent.

No information is available concerning costs to the State for failing to notify a council of a proposed action.

These estimates are made with the following assumptions:

- 1) That maps, current mailing addresses, and contacts for community councils established by municipal charter or ordinance are provided to DNR. This can be implemented by amending AS 29.20.640 to add:
 - (6) maps, current addresses, and contacts for community councils established by municipal charter or ordinance to advise the municipal governing body
- 2) That the Department of Community and Regional Affairs provides the above information [pursuant to AS 29.20.640(6)] to DNR on a regular basis (annually) for DNR's AS 38.05.945 notice. This can be accomplished by amending AS 44.47 to include the notice to DNR.

Amendment #1

CSHB297

AS 38.05.945(c)

(5) to a nonprofit community organization or village or tribal council that has requested notification in writing and provided a map of its boundaries, if the land is within those boundaries.

prepared by: Peter Froehlich
Assistant Attorney General

#2

BY BROWN

A M E N D M E N T

CS HB 297 (2/9/88 Finance work draft)

Page 4, delete lines 5-9 and replace with the following:

(1) to a municipality if the land is within the boundaries of the municipality and to a coordinating body established by community councils in the municipality if the coordinating body or a community council within the area served by a coordinating body requests notice in writing. If no coordinating body exists, notice will be provided to each community council established by municipal charter or ordinance if the land is within the boundaries of the municipality and if the community council requests notice in writing.

CSHB 297

AS 38.05.945(c)

- (5) Courtesy notice to a tribal corporation or council established under the Indian Reorganization Act and any non-profit community organization established under AS 10.20 that has requested notification from the Department in writing provided the land is outside of a municipality and the tribal corporation or non-profit corporation provides the Department with a map of the boundaries, an address and a local contact.

The Department anticipates because of the interests of statewide non-profit corporation (RDC, ACE, Alaska Loggers, etc.) that many notices which are currently confined to geographic locations will now require statewide notice. We also anticipate that at least 10% of the notices will be subject to requests for hearing and these travel costs are included in the fiscal information.

	<u>89</u>	<u>90-93</u>
100 <u>Personal Services</u>		
NRO I/1 month	2.8	2.8
(response to inquiries)		
300 <u>Contractual</u>	4.0	4.0
Certified mailing/duplication, postage, travel for hearings		
400 <u>Supplies</u>	1.2	1.2
paper/envelopes etc.		
	----- 8.0	----- 8.0

DRAFT CS FOR HB 297 (FIN)
(Relating to the notification to community councils
and nonprofit community organizations of certain state actions)

ABC BOARD:

Section 1. AS 04.11.310(b)

Relates to ABC Board notification procedures upon receipt of an application for various types of liquor licenses.

- 1) Clarifies current statutory language regarding board's notification to community councils and requires board to notify each community council whose boundary is within 1/2 mile of the applicant's premises or proposed premises.
- 2) Requires board to notify any nonprofit community organization that has requested notification in writing.

Section 2. AS 04.11.510(b)

Relates to procedures for action on license applications, suspension and revocations.

If the board decides to hold a hearing, adds language requiring the board to notify community councils and nonprofits entitled to notification under Section 1 of the bill at least 20 days prior to hearing.

Section 3. Adds new subsection AS 04.11.525 to include notification to community councils under "Board Procedures".

CORRECTIONS:

Section 4. Adds new section AS 33.30.025 relating to siting of prison facilities.

Requires the Department of Corrections to notify community councils whose boundary is within 1/2 mile of the site of a proposed facility.

DEPARTMENT OF TRANSPORTATION:

Section 5. Amends AS 35.30.010(a) relating to review and approval by local planning authorities.

Amends statutes to include notification to community councils whose boundary is within 1/2 mile of the site of a proposed public construction project.

DEPARTMENT OF NATURAL RESOURCES:

Section 6. Amends AS 28.05.945(c) relating to requirements for notice given by the department for certain actions.

Amends statutes to include notification to community councils coordinating body of actions involving classification or reclassification of state land; zoning; or the sale, lease or disposal of an interest in state land or resources if a community council or coordinating body requests notice in writing.

DIFFERENCES BETWEEN FINANCE DRAFT CS and STATE AFFAIRS CS:

1. Deleted Section 1 of State Affairs CS because it placed undue restrictions on Board actions and subjected board to possible legal action if an item were added to an agenda after the 10 day limit.

Notification is adequately covered in new Finance CS, Section 1 - AS 04.11.310(b). Provision for notification to nonprofit community organizations was also added in the draft Finance CS under new Section 1.

2. Section 2 in draft Finance CS makes technical change on line 23 (cross reference).
3. Section 3 in draft Finance CS, lines 8 and 9, were rewritten to clarify language in State Affairs CS and adds a cross reference.

NOTE: 1) Fiscal note for Department of Revenue should be eliminated.

- 2) If the question comes up regarding the differing language for community council notification in the sections dealing with DNR, DOT/PF and CORRECTIONS, Donley is prepared to suggest that the same language used for DNR notification also be used for DOT/PF and CORRECTIONS notifications.

COMMUNITY COUNCIL NOTIFICATION BILL

Sectional Analysis FROM REVISIONS

ABC BOARD

Amends Sec. 04.06.050.

At least 10 days prior to the meeting of the board, the board is required to send to all community councils within a municipality a copy of the board's agenda.

Requires the board to send a copy of the agenda to each nonprofit community organization which has requested a copy of the agenda.

Amends Sec. 04.11.310(b)

Upon receipt of an application for issuance, renewal, relocation or transfer of ownership of a liquor license. the board is required to notify all community councils whose boundaries are within one-half mile of the premises or proposed premises.

Amends Sec. 04.11.510(b)(2)

At least 20 days prior to a hearing held within the jurisdiction of a municipality, the board is required to send to all community councils located within that municipality notification of the hearing.

Requires the board to send a notification of the hearing to each nonprofit community organization which has requested to be notified.

Adds new Sec. 04.11.525 NOTIFICATION OF COMMUNITY COUNCIL

Requires the board to provide notification of the proposed action and the time and the place of the hearing to community councils entitled to receive notification under AS 04.11.310(b) at least 10 days prior to the board's action.

CORRECTIONS

Adds new Sec. 33.30.025 SITING OF PRISON FACILITIES

Requires the commissioner of the department of corrections to provide notification to each community council of plans to locate or operate a correctional or residential facility or a rehabilitation program if the facility is located within one-half mile of a community council boundary.

Establishes notification procedures for communities located outside a municipality.

STATE OF ALASKA

DEPARTMENT OF REVENUE

ALCOHOLIC BEVERAGE CONTROL BOARD

CRA ^{1/2} (C) HB 297
STEVE COWPER, GOVERNOR

550 W. 7TH AVE
ANCHORAGE, ALASKA 99501-8898

May 8, 1987

MAY 9 1987

The Honorable Henrich Springer, Chairman
Community & Regional Affairs Committee
Alaska State House of Representatives
P.O. Box V
Juneau, AK 99811

Dear Representative Springer:

Terry Hoefflerle from your office called me yesterday for some comments concerning HB 297 regarding notice of liquor license applications to "community councils." He suggested that my remarks be in writing for your committee's review.

Generally, those sections of the bill which address liquor laws appear to initiate a significant intent to change policy under current law. Present policy under AS 04.11.480 and a supreme court opinion (enclosed) provides that a "local governing body" defined at AS 04.21.080 has prominent standing in review and comment about applications for issuance, renewal, transfer, and relocation of liquor licenses. Under AS 04.11.520, specific notice of all applications must be provided to a local governing body and under AS 04.11.510 the board cannot act on an application until the time for local government consideration has passed. Additionally, under AS 04.11.310 and AS 04.21.010, community councils are given three notices (two by the board and one by local government). A copy of our notice form is also enclosed. Additionally, public notice is given by an applicant (except for renewal) prior to filing an application (a copy of the notice format is enclosed).

With the above notices required under present law, I believe additional notice proposed in HB 297 is unnecessary and redundant.

On several occasions in an attempt to assess objections from community councils under AS 04.11.470 the board has held public hearings in municipalities. These hearings have been called at the board's initiative even tho a local governing body may have approved an application or made no comment. Questions that have been asked by the board since notice to community councils became law in June 1985 under CSHB 34 (Fin) am 3 are:

1. Is another level of "local governing body" intended?
2. To what degree do community councils represent a community area before their city councils and/or assemblies and the state?

DOT/PF

Amends Sec. 35.30.010

Requires the Department of Transportation and Public Facilities to provide notification to each community council whose boundary is within one-half mile of a proposed project.

Establishes notification procedures for communities located outside a municipality.

DNR

Amends Sec. 38.05.945(c)

Requires the Department of Natural Resources to provide notification to each community council whose boundary is within one-half mile of a proposed action to classify, reclassify, zone, sale, lease or dispose of state land.

Establishes notification procedures for communities located outside a municipality.

Representative Springer
May 8, 1987
Page 2

In summary, the board has and does give every consideration to public comment about license applications no matter how minor or insignificant concerns might appear. Most public objections received by the board are a result of persons having seen or heard the required public notice or seen the required posting of an application.

Section 1 of the bill will require the staff to provide a copy of each of the board's agendas to all community councils. According to my information there are 36 councils in the Municipality of Anchorage and 14 within the Matanuska-Susitna Borough. Board member agendas with attachments are usually in the neighborhood of 100 pages. There are usually 15-18 pages of agenda items without attachments and these are available for public review at all board meetings. A copy of the board's last agenda is also enclosed.

One person, the licensing supervisor, spends almost full time with preparation of the agenda. Her primary duties are to assure accuracy of information and that an application is not prematurely taken to the board prior to proper notice to local governments and community councils unless those bodies waive the notice requirements in writing.

Preparation of the agenda is time-consuming and costly. Copying, mailing, filing, and documenting additional notice requirements imposes an additional burden on an already overburdened licensing staff. Three licensing positions have processed applications which have grown from 1,300 to over 2,000 during the last ten years. Therefore, the fiscal note for this bill proposes an additional licensing document processor position.

The section also proposes that agendas be provided to councils no later than 10 days prior to a board meeting. This strongly suggests that an item could not be added to the agenda 10 days before a board meeting. This restriction could produce severe hardship on new license, relocation, and transfer applicants whose applications might become ready for board consideration during the ten-day period. This occurs at almost every board meeting. Additionally, this becomes important, because time between board meetings is anywhere from five to seven weeks and board meetings are not always held in the same city where an applicant resides.

Section 2 of the bill requires notice to a council when an application is for a premises within one-half mile from the boundary of the council area. This requirement could predictably require notice to three councils (two notices would probably be frequent). I suspect that applicants would have to provide maps of council boundaries to show locations of their premises within an adjacent council area. Board staff would be responsible to confirm the accuracy of a premises location. This responsibility could be placed on the licensing or investigator staff.

Representative Springer
May 8, 1987
Page 3

Section 3 of the bill requires notice to a council of any public hearing held by the board concerning an application for premises in a council area. This has always been the practice of the board and all public hearings have been held in community council meeting rooms.

Section 4 establishes a new section which is unclear to me.

Finally, an addition should be inserted which requires local governing bodies to annually provide the board with names and addresses of community councils, names and addresses of current council officers, and detailed maps which clearly show community council boundaries.

This letter has become more lengthy than I had expected. However, the issue at hand is quite significant and of great concern to the board. Alternatively, the board had proposed in legislation last year that applicants provide all required notices prior to filing their applications with the board. Until there are clarifications of the matters noted, the board respectfully opposes the legislation.

If I can provide you any additional information, please do not hesitate to call.

Sincerely,



Patrick L. Sharrock
Director
(907) 277-8638

PLS:cr
Enclosures

cc w/encl: Representative Dave Donley

87-97

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE
JUNEAU, ALASKA 99801-1796
PHONE (907) 465-2400

May 8, 1987

The Honorable Heinrich Springer
Chair, House Community and
Regional Affairs Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Springer:

Subject: House Bill 297, which would require that official notice be provided to community councils of certain state actions.

Position: The Department of Natural Resources cannot support this bill because of the potential liability it would create for failure to give notice, and the difficulties the department will face in determining the names, locations and boundaries of the various community councils.

Background: The department undertakes hundreds of actions each year that require public notice. Municipalities are currently provided notice of activities that will occur within municipal boundaries. This bill would place an additional burden on the department that could more appropriately be borne by local governments.

Community councils are created under municipal charter or ordinance. There is no statewide federation of councils that can supply information about council locations. To date, the only councils we have identified are the 36 within the Municipality of Anchorage and the 13 within the Matanuska-Susitna Borough. We do not know whether other community councils exist. Obtaining reliable data concerning the boundaries of identified councils will take additional time and the opportunities for error will be great.

Recommendations: We suggest this bill be amended to require local governments that receive notice under 38.05.945(c) to notify their respective community councils about the proposed



Dept. of Transportation & Public Facilities

POSITION PAPER

BILL NO: CSHB 297 (SA) HOUSE 1/29/88

W.K. Galan
APPROVED: Mark S. Hickey
Commissioner

TITLE: An Act relating to the notification to community
councils and postmasters of certain state actions

DATE: January 25, 1988

The department has no objection to the language within Section 6 which would amend AS 35.30.010(a). The department takes this position on the following assumptions.

With respect to the language of subparagraph (3), lines 9-12 page 4, the department must assume that the community councils are established by municipal charter or ordinance and that the charter or ordinance provides for resolving differences of opinion on a local level. Furthermore it is assumed that a single local entity will be empowered to represent the community as a whole and that DOT&PF would look solely to this entity for approval. Based on the validity of these assumptions the department perceives no significant fiscal impact.

The department has no objection to the inclusion of subparagraph (4), lines 13-18 as such notification would not create any undo procedural or fiscal hardship.

It is suggested that the term "community council" as noted in subparagraph (3) be defined in a manner commensurate with the language provided within Section 7, lines 23 and 24 page 4, to read, "...community council established by municipal charter or ordinance..."

Representative Springer

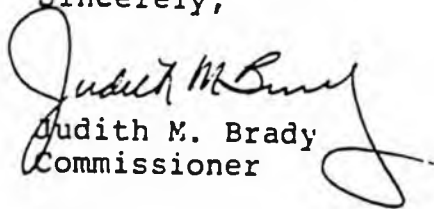
-2-

May 8, 1987

action. We also suggest that a provision be added which states that a failure to provide notice does not invalidate the proposed action (see AS 44.62.190(c)).

Please let me know if you have questions about our current public notice procedures or our suggested amendments to this bill.

Sincerely,


Judith M. Brady
Commissioner

cc: Sponsors
Committee Members
George Sullivan
Rod Swope

HB 297

Rep Menard

Introduced by: Commissioner Campbell
Prepared by: John Duffy

MATANUSKA-SUSITNA BOROUGH

Resolution Serial No. 88-02

"A RESOLUTION OF THE PLANNING COMMISSION OF THE MATANUSKA-SUSITNA BOROUGH ENCOURAGING THE STATE OF ALASKA AND ITS ADMINISTRATIVE UNITS TO SUPPLY WRITTEN NOTICE TO LOCAL COMMUNITY COUNCILS OF ACTIONS THAT AFFECT THE LOCAL COMMUNITY."

WHEREAS, administrative units of the State of Alaska take actions that directly affect local communities, and

WHEREAS, the community councils within the Matanuska-Susitna Borough and other municipalities within the State of Alaska provide local community input into governmental actions, and

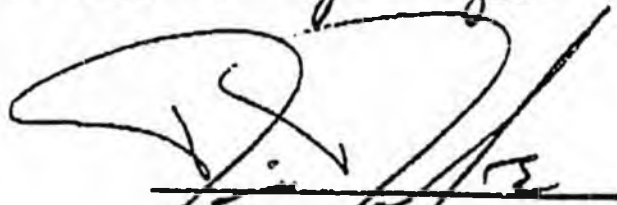
WHEREAS, the State of Alaska and its administrative units can better serve its citizens by informing the community councils of actions proposed within their community and obtaining their comments.

NOW, THEREFORE, BE IT RESOLVED:

- 1) that the Planning Commission of the Matanuska-Susitna Borough hereby encourages the State of Alaska and its administrative units to formally contact community councils and obtain their comments about actions affecting the community.

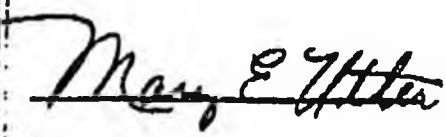
2) that copies of this Resolution be sent to Governor Steve Cowper, Senator Jalmar Kerttula, Senator Michael Szymanski, Representative Ron-Larson, and Representative Curt Menard.

ACCEPTED AND APPROVED by the Planning Commission of the Matanuska-Susitna Borough this 4th day of January 1988.



Ric Davidge, Director
Development Services

ATTEST:



Mary Utter
Planning Clerk

Original sponsors: Donley, Barnes,
Brown, et al.

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR HOUSE BILL NO. 297 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL
6 For an Act entitled: "An Act relating to the notification to community
7 councils and nonprofit community councils of certain
8 state actions."

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

10 * Section 1. AS 04.06.050 is amended to read:

11 Sec. 04.06.050. MEETINGS. The board shall meet at the call of
12 the chairman. The board shall also meet at least once each year in
13 each judicial district of the state to study this title and to modify
14 existing board regulations in light of statewide and local problems.
15 The board shall send a copy of the agenda of each board meeting not
16 less than 10 days before the meeting of the board to each community
17 council. The board shall also send a copy of the agenda of each board
18 meeting to each nonprofit community organization that requests a copy.

19 * Sec. 2. AS 04.11.310(b) is amended to read:

20 (b) Upon receipt of an application for the issuance, renewal,
21 relocation, or transfer of ownership of a license for premises or
22 proposed premises that are located within one-half mile of the boun-
23 dary [WITHIN AN AREA OF A MUNICIPALITY UNDER THE JURISDICTION] of a
24 community council established by municipal charter or ordinance [TO
25 ADVISE THE MUNICIPAL GOVERNING BODY, OR WITHIN AN AREA ADJACENT TO
26 SUCH AN AREA], the board shall

27 (1) immediately provide to the community council written
28 notice of the application; and

29 (2) at least 10 days before the date set for board action

1 on the application provide to the community council written notice of
2 the proposed action and the time and place for a hearing.

3 * Sec. 3. AS 04.11.510(b) is amended to read:

4 (b) The board may review an application for the issuance, renew-
5 al, transfer of location, or transfer to another person of a license
6 without affording the applicant notice or hearing, except

7 (1) if an application is denied, the notice of denial shall
8 be furnished the applicant immediately in writing stating the reason
9 for the denial in clear and concise language; the notice of denial
10 shall inform the applicant that the applicant is entitled to an in-
11 formal conference with either the director or the board, and that,
12 if not satisfied by the informal conference, the applicant is then
13 entitled to a formal hearing before the board; if the applicant re-
14 quests a formal hearing, the board shall adhere to AS 44.62.330 -
15 44.62.630 (Administrative Procedure Act); all interested persons may
16 be heard at the hearing and unless waived by the applicant and the
17 board, the formal hearing shall be held in the area for which the
18 application is requested;

19 (2) the board may, on its own initiative or in response to
20 an objection or protest, hold a hearing to ascertain the reaction of
21 the public or a local governing body to an application if a hearing is
22 not required under [(1), (3), OR (4) OR] this subsection and the board
23 shall send notice of a hearing conducted under this paragraph 20 days
24 in advance of the hearing to each community council established within
25 the municipality and to each nonprofit community organization that
26 requests notice;

27 (3) if a petition containing the signatures of 35 percent
28 of the adult residents having a permanent place of abode outside of
29 but within two miles of an incorporated city or an established village

1 is filed with the board, the board shall hold a public hearing on the
2 question of whether the issuance, renewal, or transfer of the license
3 in the city or village would be in the public interest;

4 (4) if a protest to the issuance, renewal, transfer of
5 location or transfer to another person of a license made by a local
6 governing body is based on a question of law, the board shall hold a
7 public hearing.

8 * Sec. 4. AS 04.11 is amended by adding a new section to read:

9 Sec. 04.11.525. NOTICE TO COMMUNITY COUNCIL. On receipt of an
10 application for the issuance, renewal, relocation, or transfer of the
11 ownership of a license, the board shall provide written notice of the
12 proposed action and the time and place of the meeting to each communi-
13 ty council entitled to notice under AS 04.11.310(b). The notice shall
14 be provided to each community council not less than 10 days before the
15 date of the meeting.

16 * Sec. 5. AS 33.30 is amended by adding a new section to read:

17 Sec. 33.30.025. SITING OF PRISON FACILITIES. The commissioner
18 shall notify each community council established by municipal charter
19 or ordinance of the department's plans to locate a prison facility or
20 to contract for the operation of a prison facility, community residen-
21 tial facility, or other rehabilitation program if the facility or
22 proposed facility will be within one-half mile of the boundary of the
23 area represented by a community council.

24 * Sec. 6. AS 35.30.010(a) is amended to read:

25 (a) Except as provided in (b) of this section, before commencing
26 construction of a public project,

27 (1) if the project is located in a municipality, the de-
28 partment shall submit the plans for the project to the planning com-
29 mission of the municipality for review and approval;

1 (2) if the project is located within two miles of a vil-
2 lage, the department shall submit the plans to the village council for
3 review and comment;

4 (3) if the project is located within one-half mile of the
5 boundary of an area represented by a community council established by
6 municipal charter or ordinance, the department shall submit the plans
7 to the community council for review and comment.

8 * Sec. 7. AS 38.05.945(c) is amended to read:

9 (c) Notice at least 30 days before action under (a) of this
10 section shall also be given to the following:

11 (1) to a municipality if the land is within the boundaries
12 of the municipality, to a coordinating body established by community
13 councils in a municipality that requests notice in writing, and to
14 each community council established by municipal charter or ordinance
15 that requests notice in writing;

16 (2) to a regional corporation if the boundaries of the
17 corporation as established by sec. 7(a) of the Alaska Native Claims
18 Settlement Act encompass the land and the land is outside a municipal-
19 ity;

20 (3) to a village corporation organized under sec. 8(a) of
21 the Alaska Native Claims Settlement Act if the land is within six
22 miles of the village for which the corporation was established and the
23 land is located outside a municipality;

24 (4) to the postmaster of a permanent settlement of more
25 than 25 persons located within six miles of the land if the land is
26 located outside a municipality, with a request that the notice be
27 posted in a conspicuous location.

Original sponsors: Donley, Barnes,
Brown, et al.

1 IN THE HOUSE BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE
2 CS FOR HOUSE BILL NO. 297 (C&RA)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - FIRST SESSION
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28 of the adult residents having a permanent place of abode outside of
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BY DONLEY, BARNES, BROWN,
ELLIS, GRUENBERG, MARTIN,
PEARCE, POURCHOT, MENARD,
ZAWACKI AND BOUCHER

1 IN THE HOUSE

2

HOUSE BILL NO. 297

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the notification to community

7

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21 facility or proposed facility will be within one-half mile of the
22 boundary of the area represented by a community council.

23 (b) The commissioner shall provide a notice to the postmaster of
24 each community of more than 25 persons located within six miles of a
25 proposed prison facility, community rehabilitation facility, or other
26 rehabilitation program that is to be located outside of a municipali-
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11 shall submit the plans to the community council for review and com-
12 ment;

13 (4) if the project is located outside a municipality, the
14 department shall submit a description of the project to the postmaster
15 of each permanent settlement of more than 25 persons that is located
16 within six miles of the proposed project, and the department shall re-
17 quest the postmaster to post the notice describing the project in a
18 conspicuous place within the community.

19 * Sec. 7. AS 38.05.945(c) is amended to read:

20 (c) Notice at least 30 days before action under (a) of this
21 section shall also be given to the following:

22 (1) to a municipality if the land is within the boundaries
23 of the municipality and to a community council established by municipi-
24 pal charter or ordinance if the land is within one-half mile of the
25 boundary of the area represented by the community council;

26 (2) to a regional corporation if the boundaries of the
27 corporation as established by sec. 7(a) of the Alaska Native Claims
28 Settlement Act encompass the land and the land is outside a municipali-
29 ty;

1 (3) to a village corporation organized under sec. 8(a) of
2 the Alaska Native Claims Settlement Act if the land is within six
3 miles of the village for which the corporation was established and the
4 land is located outside a municipality;

5 (4) to the postmaster of a permanent settlement of more
6 than 25 persons located within six miles of the land if the land is
7 located outside a municipality, with a request that the notice be
8 posted in a conspicuous location.