

H B

2 9 7

2. Bill Benjey  
President  
Airport Heights C.C.  
1829 Parkside Drive  
Anchorage, AK 99501  
277-4440  
Comm. Council supports HB 297
1. Barbara Karl  
2400 East 16th  
Anchorage, AK 99508  
279-5229  
POM supporting HB 297
3. Patrick Sharrock  
Director  
ABC Board  
550 West 7th, Suite 350  
Anchorage, AK 99501  
277-8638  
Testified on HB 297
5. Jay Dulaney  
3240 West 71st  
Anchorage, AK 99502  
269-5551  
POM supporting HB 297
4. Larry Ostrovsky  
Special Assistant  
Dept. of Natural Resources  
400 Willoughby Avenue  
Juneau, AK 99801  
465-2400  
Testified on HB 297

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House Community & Reg. Affrs:  
May 11, 1988

House State Affrs:

January 27, 1988



Official Business

# Alaska State Legislature

## House

P.O. BOX V  
State Capitol  
Juneau, Alaska 99811

### HOUSE BILL 297

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3. MEMORANDUM FROM REPRESENTATIVE DONLEY TO COMMUNITY AND REGIONAL AFFAIRS COMMITTEE, DATED MAY 8, 1987
4. SECTIONAL ANALYSIS OF HB 297 FROM DEPARTMENT OF REVENUE
5. LETTER FROM COMMISSIONER BRADY, DEPARTMENT OF NATURAL RESOURCES, TO REPRESENTATIVE SPRINGER, DATED MAY 8, 1988
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9. RESOLUTION OF THE PLANNING COMMISSION OF THE MATANUSKA-SUSITNA BOROUGH, DATED JANUARY 4, 1988
10. DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES POSITION PAPER, DATED JANUARY 25, 1988

#### FISCAL NOTES

- A. DEPARTMENT OF REVENUE, ALCOHOLIC BEVERAGE CONTROL BOARD, \$27,200 (FY 88 FISCAL NOTE PENDING)
- B. DEPARTMENT OF NATURAL RESOURCES, \$12,200 (FY 88 FISCAL NOTE PENDING)
- C. DEPARTMENT OF CORRECTIONS, -0- (FY 88 FISCAL NOTE PENDING)
- D. DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, -0-

# HOUSE COMMITTEE REPORT

(7)

Date referred: 5/16/87

FURTHER REFERRALS: Finance

DATE: 1-27-89

The State Affairs 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  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  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

David Bouley

Lynne Hoffel

Clyff Davidson

Carl [unclear]

Ed G. [unclear]

[unclear]

**SIGNING OTHER RECOMMENDATIONS:**

Terrell Martin - No rec.

Clyff Davidson - No rec.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[Signature]  
Chairman's signature

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.

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

(14) HB 297  
POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

MEMORANDUM

May 15, 1987

SUBJECT: Certain notifications  
[CSHB 297(C&RA)]

TO: Representative Dave Donley

FROM: Richard A. Bradley  
Legislative Counsel

Katie McHugh has requested a committee substitute for HB 297.

In addition to certain substantive changes within the bill, she has requested that the term "municipal" in two instances on pages 1 and 2 of the bill be changed to "city and borough". I note that her initial request to us was that the phrase read "municipal and borough" and I suggested that that was inappropriate.

There was an attempt when AS 29 was reenacted several years ago to come to terms with the various usages in this area. The solution was that whenever both cities and boroughs were being described, the term that was to be used was, as appropriate, "municipal" or "municipality". Thus AS 01.10.060(4) provides that

Sec. 01.10.060. DEFINITIONS. In the laws of the state, unless the context otherwise requires,

\* \* \*

(4) "municipality" means a political subdivision incorporated under the laws of the state that is a home rule or general law city, a home rule or general law borough, or a unified municipality;

\* \* \*

Representative Dave Donley  
Page 2  
May 15, 1987

Thus it seems clear that the term "municipal charter or ordinance" includes every possible "charter or ordinance" that can be enacted in the state.

And while I do not mean to overstate my concerns, there is a potential question latent in the "city and borough" usage: Does it include the "unified municipality" such as, for example, Anchorage? You will note that that question is answered if the term "municipal" is used.

And, as I suggested to Katie McHugh, this usage, if consistently followed, will enable those who search the statutes by computer not to miss the particular section.

If I may be of further assistance, please advise.

RAB:lmb  
M12/024

Enclosure



COMMUNITY COUNCIL NOTIFICATION BILL

*Sectional  
ANALYSIS FROM REVENUE*

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.

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.

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

(9) 115 297  
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

Representative Springer

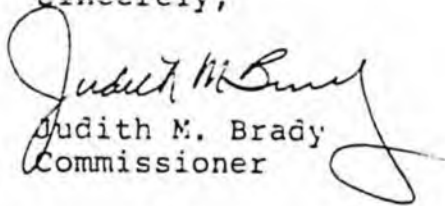
-2-

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

# STATE OF ALASKA

## DEPARTMENT OF REVENUE

### ALCOHOLIC BEVERAGE CONTROL BOARD

CRAFTS (6) HB 297  
STEVE COWPER, GOVERNOR

550 W. 7TH AVE  
ANCHORAGE, ALASKA 99501

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 CS HB 34 (Fin) am S 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?

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

# HOUSE COMMITTEE REPORT

(16) HB 297

(5)

Date referred: 4/29/87

FURTHER REFERRALS: State Affairs  
Finance

DATE: 05/15/87

The Community and Regional Affairs Committee has considered HB 297

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

**RECOMMENDS:**

- replace with CSHB 297(C&RA)  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):**

- (2)  fiscal impact  same as previous fiscal note published \_\_\_\_\_
- (1)  zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

\_\_\_\_\_  
*By the Vote* Cohn

\_\_\_\_\_  
*Heinich Springer* Springer

\_\_\_\_\_

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\_\_\_\_\_

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\_\_\_\_\_

**SIGNING OTHER RECOMMENDATIONS:**

\_\_\_\_\_  
*Levinthal* NO REC  
Collins

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Springer *Heinich Springer*  
 Chairman's signature

HB 297

9

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.

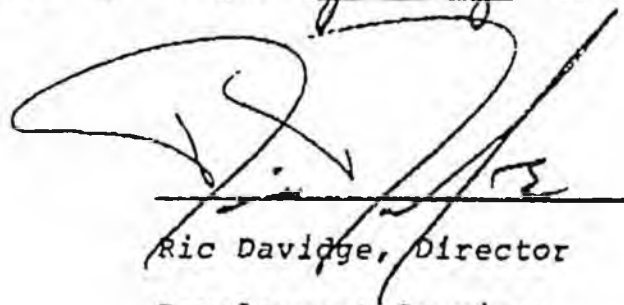
NOW, THEREFORE, BE IT RESOLVED:

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.

LEG. AFFAIRS WASHINGTON  
12:59

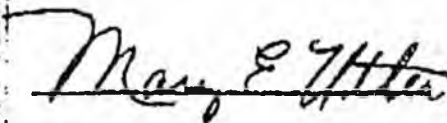
2) that copies of this Resolution be sent to Governor Steve Cowper, Senator Jalmar Kerttula, Senator Michael Szymanski, Representative Ron-Larson, and Representative Curt Menard.

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



Ric Davidge, Director  
Development Services

ATTEST:



Mary Utter

Planning Clerk



Dept. of Transportation & Public Facilities

# POSITION PAPER

10

*W.K. Galan*

**BILL NO:** CSHB 297

**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..."

STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.  
JUNEAU, ALASKA 99801-1  
PHONE: (907) 465-2400

January 27, 1988

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

*FROM ULMER  
House committee office*

Dear Representative Springer:

Subject: CSHB 297 - An Act relating to the notification to community and nonprofit community councils of certain state actions.

Position: The Department of Natural Resources (DNR) supports the concept and intent of CSHB 297 but recommends that the committee consider technical modification to Sec. 7(c) of the CS, as described below.

Background: The department takes hundreds of actions each year that require public notice and sends out thousands of notices. Anyone who requests notice of an action is provided with it, and municipalities are provided with notices of activities which will occur within municipal boundaries.

As previously stated in the department's May 8, 1987, position paper on HB 297, community councils are created under municipal charter or ordinance. There is no statewide federation of councils that can supply information about council locations, contacts or geographic boundaries. Neither community councils nor coordinating bodies are subject to statewide statutory requirements to identify their existence, geographic boundaries, or a contact person. Although, at least in Anchorage there appears to be a Federation of Community Councils, there is no state statute requiring a federation of community councils.

Therefore, the department is concerned that this bill will impose a statutory requirement of notification to bodies whose existence, contacts, and location may be difficult or impossible to verify. This bill, in its present form, would seem to require department personnel to ferret out the existence of community councils or coordinating bodies

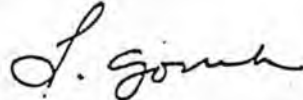
January 27, 1988

before taking any action in an area. While this may be relatively easy in the Anchorage area, which has a well established system of community councils, it may prove to be much more difficult in other areas of the state.

Recommendation: Therefore, the Department of Natural Resources would suggest that, in addition to the above bill, the committee consider language requiring community councils and coordinating bodies which wish to be noticed under AS 38.05.945(c) to register a map and current address and contact on an annual or biannual basis with the appropriate state agency. 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)).

We look forward to working with the committee and staff on this legislation.

Sincerely,



Judith M. Brady  
for Commissioner

cc: Sponsors  
Committee Members  
Rod Swope  
Bob Evans

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: CS HB 297 (C&RA)  
PUBLISH DATE: \_\_\_\_\_

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: Notification to Community Councils

Agency Affected: Department of Revenue  
BRU: Alcoholic Beverage Control Board

Sponsor: Representative Donley, et al  
Requestor: House State Affairs Committee

Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		26.6				
TRAVEL						
CONTRACTUAL		.6				
SUPPLIES		.4				
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	27.2	27.2	27.2	27.2	27.2

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

REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	27.2	27.2	27.2	27.2	27.2
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Personal Services - Document Processor II -	26,616
Contractual - Postage -	601
Supplies - Envelopes/Paper	400
	<u>27,217</u>

Prepared by: Patrick L. Sharrock, Director *P.L.S. for* Phone: 277-8638  
Division: Alcoholic Beverage Control Board Date: 1/26/88

Approved by Commissioner: Hugh Malone Date: \_\_\_\_\_  
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

BILL VERSION: HB 297  
PUBLISH DATE: \_\_\_\_\_

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 Burleson Phone: 465-3400  
Division: Land and Water Management Date: 1/26/88

Approved by Commissioner: *L. 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 - HB 297  
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
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.

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Department of Corrections  
 Title: "An Act relating to the notification BRU: \_\_\_\_\_  
to community councils and postmasters..."  
 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  
FISCAL NOTE



Bill Version: CSHB 297  
Publish Date: \_\_\_\_\_

**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