

CSHB

297

SENATE COMMITTEE REPORT

FURTHER

4/29/88

DATE TURNED INTO OFFICE 5/4/88

Mr. President:

FINANCE Committee considered CSHB 297 (FIN) am

notification to community councils and nonprofit community organizations of certain state actions

and recommended

replace with CS )  same title  
 or adopt 5 CS CSHB 297 (C+RA) )  new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

letter of intent adopted \_\_\_\_\_

Committee  attached or  adopted fiscal note(s)

new  updated or  previous

zero  fiscal impact

SFC

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]

Paul Frick N.P.R.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Rich Halford do pass  
Chairman signature and recommendation

Committee Backup attached

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: Community notification of certain state changes  
Sponsor: \_\_\_\_\_  
Requestor: Senate Finance Committee

Agency Affected: Dept. of Natural Resources  
BRU: Land and Water

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

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

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

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

*Rick Halford*

Prepared by: \_\_\_\_\_  
Division: Senator Rick Halford, Co-chairman  
Senate Finance Committee

Phone: 465-3753  
Date: May 4, 1988

Approved by Commissioner: \_\_\_\_\_  
Agency: \_\_\_\_\_

Date: \_\_\_\_\_

Distribution (by preparer):

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

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

1 IN THE HOUSE BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE  
2 SENATE CS FOR CS FOR HOUSE BILL NO. 297 (C&RA)  
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. J. 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) Except for oil and gas leasing under AS 38.05.180 and geo-  
4       thermal leasing under AS 38.05.181, notice [NOTICE] at least 30 days  
5       before action under (a) of this section shall also be given to the  
6       following:

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

20              (3) to a village corporation organized under sec. 8(a) of  
21       the Alaska Native Claims Settlement Act if the land is within 25 [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 25 [SIX] miles of the land if the land  
26       is located outside a municipality, with a request that the notice be  
27       posted in a conspicuous location;

28              (5) to a nonprofit community organization or a governing  
29       body that has requested notification in writing and provided a map of

1       its boundaries, if the land is within the boundaries.

2       \* Sec. 7. AS 38.05.945 is amended by adding a new subsection to read:

3               (g) Failure to give notice under this section to a community  
4       council, a coordinating body established by community council, or  
5       an organization listed in (c)(5) of this section does not constitute a  
6       legal basis for invalidation or delay of the action.

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 <sup>RW</sup> Phone: 465-2300  
Division: Commissioner's Office Date: February 10, 1988  
Approved by Commissioner: Hugh Malone <sup>H Malone</sup> Date: February 10, 1988  
Agency: Department of Revenue

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

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_

Title: Notice to Community Councils

Sponsor: Donlev, Barnes, Brown et.al.

Requestor: House Finance

Agency Affected: DNR

BRU: L&WM, 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						
REVENUE						

**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 Gombh

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(FIN)  
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.		
	----- 8.0	----- 8.0

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 Burlison 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 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

Bill Version: SCS for CSHB 297 (C&RA)  
 Publish Date: SENATE 4/29/88

**REQUEST:** \_\_\_\_\_  
 Revision Date: \_\_\_\_\_  
 Title: Justification of Community Councils  
 Sponsor: Rep. Donley, et al  
 Requestor: Senate C&RA

Agency Affected: Natural Resources  
 BRU: Land & Water  
 Components: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
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
REVENUE	0	0	0	0	0	0

**FUNDING: (Thousands of Dollars)**

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

**POSITIONS:**

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

**ANALYSIS :** (Attach a separate page if necessary)

\_\_\_\_\_

Prepared by: McKie Campbell Phone: 465-3818  
 Division: Staff, Senate C&RA Committee Date: 4/28/88  
 Approved by Commissioner: Senator Arliss Stangor Date: 4/28/88  
 Agency: Chairman, Senate Community & Regional Affairs Comm.

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

# REPRESENTATIVE DAVE DONLEY

ALASKA STATE LEGISLATURE

DISTRICT ELEVEN • SPENARD

NORTHWOOD • SPENARD • THOMPSON • TURNAGAIN • UPPER MILDTOWN • WINDEMERE

P.O. BOX V, JUNEAU 99811

(907) 465-3892



CHAIRMAN  
LABOR AND COMMERCE  
COMMITTEE

MEMBER  
STATE AFFAIRS COMMITTEE  
HEALTH, EDUCATIONAL  
AND SOCIAL SERVICES COMMITTEE

DATE: April 22, 1988

TO: Senator Rick Halford, Co-chair  
Senator John Binkley, Co-chair  
Senate Finance Committee

FROM: Representative Dave Donley

SUBJECT: HB 297, Notification of Community Council

In response to the desires of Community Councils and other public groups who felt they were not being adequately informed of pending state actions I introduced HB 297 last year.

Local ordinances and charters within municipalities setup the ability for parts of the community to set up Community Councils. The purpose of the councils are to help local governments make informed decision. At this time only the Municipality of Anchorage and the Mat-Su Borough have set-up community councils. The public has expressed strong support for this legislation.

Under HB 297, the Alcohol Beverage Control Board will be required to send to Community Councils and non-profits a copy of their board meetings, as well as notify them of receipt of application of issuance, renewal or transfer of liquor licenses for premises or proposed premises within their areas of concern.

The Department of Corrections will be required to notify community councils of plans for correctional or residential prison facilities or a rehabilitation program within their council area.

The Department of Transportation and Public Facilities will be required to notify community councils of proposed projects in their council area.

The Department of Natural Resources will be required to notify community councils of proposed action to classify, reclassify, zone, sale, lease or dispose of state land, if the proposed action is within their council.

Under this proposed legislation community councils will receive the information they need to become viable partners in the decision-making process which involve their neighborhoods.

If you have any further questions please feel free to call me or my legislative aide, Mark Begich at 465-3892.

Rep Menard

HB 297

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:

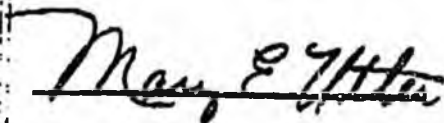
1) that the Planning Commission of the Matanuska-Susitna Borough hereby encourages the State of Alaska and its administrative units to formally contact community councils and obtain their comments about actions affecting the community.

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 4<sup>th</sup> day of January 1988.

  
\_\_\_\_\_  
Ric Davidge, Director  
Development Services

ATTEST:

  
\_\_\_\_\_  
Mary Utter  
Planning Clerk

# STATE OF ALASKA

## DEPARTMENT OF REVENUE

### ALCOHOLIC BEVERAGE CONTROL BOARD

CRA #6 ©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) 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

PLB: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..."

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 78.05.945(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.

SENATE COMMITTEE REPORT

FURTHER

FINANCE

4/28/88

DATE TURNED INTO OFFICE

4/28/88

Mr. President:

C&RA

Committee considered

CSHB 297 (FIN) am

notification to community councils and nonprofit community organizations of certain state actions

and recommended

[X] replace with SCS ~~HB 297 (C+RA)~~ ) [X] same title  
[ ] or adopt \_\_\_\_\_ CS \_\_\_\_\_ ) [ ] new title

[ ] attached amendment(s) and

[ ] do pass

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

[ ] further referral to \_\_\_\_\_

[ ] letter of intent adopted \_\_\_\_\_

Committee [ ] attached or [ ] adopted fiscal note(s)

2 [X] new [ ] updated or [ ] previous  
[X] zero [ ] fiscal impact

*Report it back as follows  
CS coming*

*2 OFN*

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

*1 Mike Spadei*

*2 Tim Kelly - No Rec*

*1 Curtis Stupulis Do Pass*  
Chairman signature and recommendation

[ ] Committee Backup attached

SENATE COMMITTEE REPORT

5-0839T

FURTHER C&RA  
FINANCE

DATE TURNED INTO OFFICE 4-28-88

3/10/88  
Mr. President:

State Affairs \_\_\_\_\_ Committee considered CSHB 297 (FIN) am

notification to community councils and nonprofit community organizations of certain state actions

and recommended

[ ] replace with mapug CS CSHB 297 (SA) )  same title  
[ ] or adopt \_\_\_\_\_ CS \_\_\_\_\_ ) [ ] new title

[ ] attached amendment(s) and

do pass

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

[ ] further referral to \_\_\_\_\_

[ ] letter of intent adopted \_\_\_\_\_

Committee  attached or [ ] adopted fiscal note(s)

new [ ] updated or [ ] previous

[ ] zero  fiscal impact

MEMBERS SIGNING TO PASS

OTHER RECOMMENDATIONS

Rich Kelly (DO PASS)  
Joe [Signature]

[Signature]  
Chairman signature and recommendation

[ ] Committee Backup attached

Offered: 4/28/88  
Referred: Community and Regional  
Affairs and Finance

5-0839T

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

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE  
2 SENATE CS FOR 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 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 25 [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 25 [SIX] miles of the land if the land  
24 is 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 governing  
27 body that has requested notification in writing and provided a map of  
28 its boundaries, if the land is within the boundaries.

29 \* Sec. 7. AS 38.05.945 is amended by adding new subsections to read:

1           (g) Failure to give notice under this section to a community  
2 council, a coordinating body established by community council, or  
3 an organization listed in (c)(5) of this section does not constitute a  
4 legal basis for invalidation of the action.

5           (h) Notice of an action under (a) of this section shall also be  
6 given, upon the receipt of a request in writing, to a

7                 (1) community council established by the charter or ordi-  
8 nance of the municipality if the land is located within the boundaries  
9 of the municipality;

10                (2) coordinating body established by community councils in  
11 a municipality in which the land is located;

12                (3) nonprofit community organization or a governing body if  
13 the land is within the boundaries.

14           (i) Failure to give notice under this section to a community  
15 council, coordinating body established by community council, or  
16 organization listed in (h)(3) of this section does not constitute a  
17 legal basis for invalidation of the action.

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

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 297 (Finance) am  
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 25 [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 25 [SIX] miles of the land if the land  
24 is 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 governing  
27 body that has requested notification in writing and provided a map of  
28 its boundaries, if the land is within the boundaries.

29 \* Sec. 7. Sec. 38.05.945 is amended by adding a new subsection to read:

1           (g) Failure to give notice under this section to a community  
2 council, a coordinating body established by community council, or  
3 organization listed in (c)(5) of this section shall not constitute a  
4 legal basis for invalidation of the action.