

HB

297

SENATE COMMITTEE REPORT

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 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

STATE OF ALASKA
THE LEGISLATURE

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


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 27, 1988

SUBJECT: Notification to community councils and non-profit community councils of certain state actions [SCS CSHB 297(State Affairs)]

TO: Senator Mitch Abood, Chairman
Senate State Affairs Committee

FROM: Richard A. Bradley 
Legislative Counsel

Carol Horos has requested a State Affairs committee substitute for material requested by Commissioner Brady.

I note that the material that I have added as subsections (h) and (i) to AS 38.05.945 in Sec. 7 of the bill duplicates existing bill material.

For subsec. (h), see the amendment to AS 38.05.945(c)(1) at Sec. 6 of CSHB 297(Fin) am.

For subsec. (i), see the amendment to AS 38.05.945(g) at Sec. 7 of CSHB 297(Fin) am.

RAB:gc
WKG3:041

REPRESENTATIVE DAVE DONLEY

ALASKA STATE LEGISLATURE

DISTRICT ELEVEN • SPENARD

NORTHWOOD • SPENARD • THOMPSON • TURNAGAIN • UPPER MIDTOWN • 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 Mitch Abood, Chair
Senate State Affairs 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.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Notification to Community Councils
Sponsor: Representative Donlev 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						
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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)

SOUTH LAKES COMMUNITY COUNCIL
SUPPORTING NOTIFYING COMMUNITY COUNCILS
OF STATE PROJECTS AND ACTIONS
AFFECTING LOCAL COMMUNITIES

AB 2

Donley

WHEREAS, certain projects and actions of the State of Alaska have a substantial impact on the citizens of particular communities, including public facilities and transportation construction projects, liquor license actions and land decisions by the Department of Natural Resources; and

WHEREAS, community councils in the Matanuska-Susitna Borough and in other municipalities in the State have been formed to provide local community input to government actions; and


WHEREAS, the State can better serve its citizens by informing them of its intended actions so that the citizens may be heard through the representative democratic process;

NOW, THEREFORE, BE IT RESOLVED BY THE SOUTH LAKES COMMUNITY COUNCIL OF THE MATANUSKA-SUSITNA BOROUGH:

1. We support written notice to community councils of organized local governments of actions of the State of Alaska affecting the local community, including state public facilities and transportation projects, liquor license actions of the Alcohol Beverage Control Board, and actions of the Department of Natural Resources.
2. We support the opportunity for community councils, their members and the general public to be able to comment on the local projects and actions of the State of Alaska in a reasonable manner prior to the final state decision being made.
3. We support in concept HB 297, which would provide for notification to community councils of certain state actions affecting local communities.

This Resolution was unanimously passed and adopted at the regular meeting of the SOUTH LAKES COMMUNITY COUNCIL on the 15th day of October, 1987, at Wasilla, Matanuska-Susitna Borough, Alaska.


Steven H. Morrisett
President


Marcia Wharam, Secretary/Treas.

HIS 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.

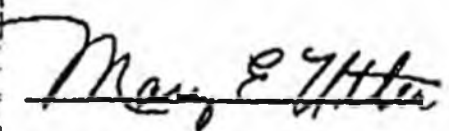
2) that copies of this Resolution be sent to Governor Steve Cowper, Senator Jalmar Kerttula, Senator Michael Szymanski, Representative Ron-Larson, and Representative Curt Menard.

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

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DONLEY

NAME: JAY DULANY
TITLE:
ADDRESS: 3240 WEST 71ST
CITY: ANCHORAGE, ALASKA
PHONE: 269-5551
LL NO: HB 297

ZIP: 99502

SUBJECT: NOTICE OF ACTIONS TO COMMUNITY COUNCILS
MESSAGE: I REQUEST YOUR SUPPORT FOR THE INTENT OF CSHB 297 (C&RA). NOTICE TO COMMUNITY COUNCILS OF PROPOSAL PUBLIC WORKS AND LIQUOR LICENSES ACTION ALLOWS AFFECTED RESIDENTS THE OPPORTUNITY FOR WELL INFORMED INPUT.

POMID: 03143409
DATE: 01/25/88
TIME: 14:34:09
LOCATION: ANCHORAGE LIO

COPIES: REPRESENTATIVES

BOUCHER
DAVIDSON
HOFFMAN
MARTIN
MEHARD
ULMER

*M
Thanks
I know
Jay*

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DONLEY

NAME: MARTHA ALLEN
TITLE: SAND LAKE COMMUNITY COUNCIL
ADDRESS: 3140 WEST 71ST
CITY: ANCHORAGE
PHONE: 248-5466

ZIP: 99502

BILL NO: HB 297
SUBJECT: NOTICE OF ACTIONS TO COMMUNITY COUNCILS
MESSAGE: I AM IN SUPPORT OF HB 297, THE NOTIFICATION TO COMMUNITY COUNCILS OF SCHEDULED PROJECTS BEFORE ANY ACTION OCCURS. THIS ALLOWS RESIDENTS TO GIVE WELL INFORMED INPUT ON STATE PROJECTS. THE MORE COMMUNICATION BETWEEN THE STATE AND COMMUNITIES IS ALWAYS BENEFICIAL.

POMID: 03141803
DATE: 01/26/88
TIME: 14:18:03
LOCATION: ANCHORAGE LIO

COPIES: REPRESENTATIVES

BOUCHER
DAVIDSON
HOFFMAN
MARTIN
MEHARD
ULMER

PUBLIC OPINION MESSAGE

*M
Hanks*

DEAR: REPRESENTATIVE DONLEY

ZIP: 99501

NAME: NEIL FRIED
TITLE:
ADDRESS: 1327 G. ST.
CITY: ANCHORAGE
PHONE: 276-8848
BILL NO: HB 297
SUBJECT: NOTICE OF ACTIONS TO COMMUNITY COUNCILS
MESSAGE: I HOPE THAT YOU WILL ALL SUPPORT HB 297 REGARDING THE COMMUNITY COUNCIL LEGISLATION. THANK YOU FOR YOUR CONSIDERATION.

POMID: 03120549
DATE: 01/26/88
TIME: 12:05:49
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES

BOUCHER
DAVIDSON
HOFFMAN
MARTIN
MENARD
ULMER

PUBLIC OPINION MESSAGE

*M
Hanks*

DEAR: REPRESENTATIVE DONLEY

ZIP: 99502

NAME: JAMES CRUM
TITLE:
ADDRESS: 2841 CONCORD LANE
CITY: ANCHORAGE
PHONE: 248-1631
BILL NO: HB 297
SUBJECT: NOTICE OF ACTIONS TO COMMUNITY COUNCILS
MESSAGE: I SUPPORT THIS PROPOSED LEGISLATION SINCE IT WILL ALLOW NOTICE OF PROPOSED PUBLIC WORKS PROJECTS TO BE COMMUNICATED TO THE LOCAL COMMUNITY COUNCILS.

POMID: 03104601
DATE: 01/26/88
TIME: 10:46:01
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES

BOUCHER
DAVIDSON
HOFFMAN
MARTIN
MENARD
ULMER

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DONLEY

NAME: ROY EHRHART

TITLE:

ADDRESS: 3220 WEST 71ST

CITY: ANCHORAGE

PHONE: 243-5966

ZIP: 99502

BILL NO: HB 297

SUBJECT: NOTICE OF ACTIONS TO COMMUNITY COUNCILS

MESSAGE: AS A LONGTIME SUPPORTER OF THE COMMUNITY COUNCIL CONCEPT AND ACTIVE MEMBER OF THE SANDLAKE COMMUNITY COUNCIL I STRONGLY URGE YOUR SUPPORT IN THE PASSING OF THIS BILL.

POHID: 03094037

DATE: 01/27/88

TIME: 09:40:37

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES

BOUCHER
DAVIDSON
HOFFMAN
MARTIN
MENARD
ULMER

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DONLEY

NAME: CHARLOTTE THOMAS

TITLE: CO-CHAIR, SOUTH ADDITION COMM. COUNCIL

ADDRESS: PO BOX 10-3739

CITY: ANCHORAGE

ZIP: 99510

PHONE: 564-0309

BILL NO: HB 297

SUBJECT: NOTICE OF ACTIONS TO COMMUNITY COUNCILS

MESSAGE: ENCOURAGE YOUR SUPPORT FOR HB 297 GIVING APPROPRIATE AND TIMELY NOTIFICATION OF STATE ACTIONS TO IDENTIFIED COMMUNITY COUNCILS. I SUPPORT THIS MEASURE WHICH ENCOURAGES CITIZEN PARTICIPATION.

POHID: 03105642

DATE: 01/26/88

TIME: 10:56:42

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES SENATOR

ELLIS
BROWN
BOUCHER
DAVIDSON
HOFFMAN
MARTIN
MENARD
ULMER
JOSEPHSON

*M
Hanks*

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DONLEY

NAME: BARBARA KARL
TITLE:
ADDRESS: 2400 EAST 16TH
CITY: ANCHORAGE
PHONE: 279-5229
ZIP: 99508

DILL NO: HB 297
SUBJECT: NOTICE OF ACTIONS TO COMMUNITY COUNCILS
MESSAGE: I URGE YOUR SUPPORT OF HB 297. EFFORTS TO INCREASE PUBLIC AWARENESS OF ACTIONS WHICH AFFECT THEM SHOULD BE ENCOURAGED. COMMUNITY COUNCILS ARE AN EXCELLENT MEDIUM TO ACHIEVE THIS. I AM A MEMBER OF AIRPORT HEIGHTS COMMUNITY COUNCIL AND CHAIRMAN OF THE FEDERATION OF COMMUNITY COUNCILS. THANK YOU FOR YOUR INTEREST.

POMID: 03142641
DATE: 01/22/88
TIME: 14:26:41
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES SENATORS

BROWN	JOSEPHSON
ELLIS	UENLING
POURCHOT	ABOOD
BOUCHER	HENSLEY
DAVIDSON	FANNING
HOFFMAN	
MARTIN	
MENARD	
ULMER	

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DONLEY

NAME: DEANNA ESSERT
TITLE:
ADDRESS: 6262 WEST OIMOND
CITY: ANCHORAGE
PHONE: 243-1894
ZIP: 99502

BILL NO: HB 297
SUBJECT: NOTICE OF ACTIONS TO COMMUNITY COUNCILS
MESSAGE: AS A MEMBER OF THE SAND LAKE COMMUNITY COUNCIL I'D LIKE YO TO CONSIDER PASSAGE OF HB 297.

POMID: 03124722
DATE: 01/27/88
TIME: 12:47:22
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES

BOUCHER
DAVIDSON
HOFFMAN
MARTIN
MENARD
ULMER

*M
Hensley*

PUBLIC OPINION MESSAGE

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DONLEY

DEAR: REPRESENTATIVE DONLEY

NAME: CLERISS SYREN
TITLE:
ADDRESS: 1302 KARLUK
CITY: ANCHORAGE, ALASKA
PHONE: 272-3379
BILL NO: HB 297
SUBJECT: NOTICE OF ACTIONS TO COMMUNITY COUNCILS
MESSAGE: I AM IN FAVOR OF HB 297 AND HOPE YOU'LL SUPPORT THIS BILL.

ZIP: 99501

NAME: BILL BENJAY
TITLE: PRES., AIRPORT HEIGHTS CC
ADDRESS: 1829 PARKSIDE DRIVE
CITY: ANCHORAGE
PHONE: 277-4440
ZIP: 99501

BILL NO: HB 297
SUBJECT: NOTICE OF ACTIONS TO COMMUNITY COUNCILS
MESSAGE: AIRPORT HEIGHTS COMMUNITY COUNCIL ENDORSED HB 297 AND REQUESTED ITS SPEEDY PASSAGE BY THE HOUSE AND SENATE IN A RESOLUTION PASSED UNANIMOUSLY AT ITS REGULAR MEETING ON JANUARY 21. COUNCIL IS SUPPORTIVE OF MEASURES WHICH REQUIRE STATE AGENCIES TO NOTIFY COMMUNITY COUNCILS OF PROPOSED ACTIONS WHICH MIGHT AFFECT THE COUNCIL AREA.

POHID: 03123211
DATE: 01/22/88
TIME: 12:32:11
LOCATION: ANCHORAGE LIO

COPIES: REPRESENTATIVES SENATORS

BROWN	JOSEPHSON
ELLIS	UEHLING
LAPSON	ABOOD
POURCHOT	HENSLEY
RIEGER	FANNING
ZAWACKI	
BOUCHER	
DAVIDSON	
HOFFMAN	
MARTIN	
MEHARD	
ULMER	

POHID: 03111309
DATE: 01/22/88
TIME: 11:13:09
NAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES

BOUCHER
DAVIDSON
HOFFMAN
MARTIN
MEHARD
ULMER

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

April 7, 1988

APR 11 1988

The Honorable Mitchell Abood
Chair, Senate State Affairs
Committee
P.O. Box V
Juneau, Alaska 99811

RE: CSHB 297, An Act Relating to the
Notification to Community Councils

Dear Senator Abood:

CSHB 297 has been recently passed out of the House of Representatives and referred to the Senate. This bill relates to the notification of community councils and nonprofit community organizations of certain state actions. Section 6 of this act proposes amending Title 38 to require the department to give notice to community councils, coordinating bodies established by community councils, and nonprofit community organizations or governing bodies, upon the request of such groups for such notice.

As the bill is currently written, it presents a problem in that the requirement for notifying the targeted groups is under AS 38.05.945(c). This section requires that the notice be issued no later than 30 days prior to the action. Should a community council request notification within a period of time less than 30 days prior to the action the result would be a delay of the action to meet the statutory requirement. This is of particular concern in the case of oil and gas lease sales which are uniquely threatened by delays due to scheduling provisions of AS 38.05.180(a)(2).

The Department of Natural Resources supports the concept and intent of CSHB 297 but is concerned about invalidation of actions, particularly oil and gas lease sales, if notification is requested less than 30 days prior to an action. Therefore, the department recommends the substitution of the following:

April 7, 1988

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

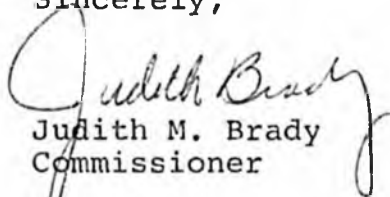
(g) Notice of an action under (a) of this section shall also be given, upon the receipt of a request in writing, to the following:

(1) to a community council established by the charter or ordinance of the municipality if the land is located within the boundaries of the municipality, or a coordinating body established by community councils in a municipality in which the land is located;

(2) to a nonprofit community organization or a governing body, if the land is within the boundaries.

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

Sincerely,


Judith M. Brady
Commissioner

cc: Senator Sturgulewski
Senator Halford
Senator Binkley
Representative Donley