

700

HCRA

HB

132

-

HB

172

700

BILL WORK SHEET

COMMITTEE ON COMMUNITY AND REGIONAL AFFAIRS

Referred to Finance
Received from _____

BILL NO. HB132 re Dillingham Sanctuary Landfill

Original Sponsor Anderson Fiscal Note _____

Contacts: Contacted re 3/14 hearing
Anderson

LAA Legal Research contact: _____

Anderson indicated he was lowering the appropriation request to \$225,000.



CITY OF DILLINGHAM

P.O. BOX 191

DILLINGHAM, ALASKA 99576

TELEPHONE (907) 842-5211 or 842-5212

Support for HB 32

February 3, 1979

The Honorable Nels A. Anderson, Jr.
Representative District 16
Pouch V
Juneau, Alaska 99811

Dear Nels:

The Choggiung, Ltd. Board, at a meeting February 7, 1979, agreed to give the City of Dillingham X number of acres at the 9 Mile pit site. This acreage will be determined by a future joint Land Selection Committee meeting. This, to the best of my knowledge, will provide an acceptable landfill site for the city. Soil Conservation Service and State Department of Environmental Conservation have both looked at the site and a ground water level test hole has been bored which proved satisfactory.

We are still under a state court Compliance Order Action 77-7216 which required that we have our landfill in operation by September 15, 1978, with final grading of old site accomplished by October 15, 1978. The civil penalty specified in this court order could amount to \$225.00 per day plus an initial penalty of \$1,600.00.

Our amended budget provides \$30,000 towards our landfill location. The following breakdown shows the funding we still must have to operate a landfill some nine miles from our townsite area.

1. <u>Landfill Compactor</u>	Request \$118,500.
Model	Caterpillar 170 HP 20 ton 816 - \$115,000.
Options	or
	John Deere JD646-B's 105,000.
	Freight 32,000 # Seattle/Dlg 3,500.

Justification:

Presently a D7 Bulldozer provides both snow removal on townsite streets as well as twice weekly cover of refuse. The relocation of landfill will require one additional piece of equipment. The models above are designed for landfills.

2. Equipment Storage Building - New Site Request \$25,000.

Type Pole construction, wood frame, insulated,
concrete floor, metal skin. Size 24x30
with large garage door.
Building delivered to Dillingham \$ 9,000.
Erection 6,000.
Insulation, floor, etc. 10,000.
\$25,000.

Justification:

The new site must have adequate protection for the equipment which will allow heating during winter months and year around maintenance as required.

3. Covering Old Landfill Site Request \$70,000.

Final graveling to consist of diversion of all surface runoff water and cover of two (2) feet compacted soil.
Note: This estimate is substantially lower than previously submitted, but we plan a cheaper type of fill such as overburden. Also, the site has had another year's fill.

Justification:

State Compliance Order

4. Assistance New Site Request \$11,500.

Item Incinerator dome type structure, approximate 40x50, construction pipe frame, chain link fence or metal skin enclosure, moveable, home built by maintenance crew.

Justification:

Department of Environmental Conservation will allow controlled burning of cardboard, etc. We must have adequate protection due to forest setting. Mr. Cherry, DEC, feels our foreman's idea is feasible. This will be also partially funded within our \$30,000. local effort.

TOTAL REQUEST: \$ 225,000.

Nels A. Anderson, Jr.
February 8, 1979
Page three

Until we receive funding of some type to finance our closing of the old site and efficient operation of a new one, we will still have problems complying with the requirements of the compliance order.

Sincerely,



Laura M. Schroeder
City Manager

LMS/lrh

Enclosures:

Proposed Operating Plan for 9 Mile Landfill
Caterpillar Brochure
John Deere Brochure
Soil reports from Soil Conservation
Budget page - Solid Waste Disposal
Compliance Order - Stipulated Settlement



CITY OF DILLINGHAM

P.O. BOX 191

DILLINGHAM, ALASKA 99576

TELEPHONE (907) 842-5211 or 842-5212

PROPOSED OPERATING PLAN FOR 9 MILE LANDFILL

PLANS FOR SITE

1. Fence surrounding area with chain link fence not less than 6 ft. height and gate.
2. Berm to be created with over-burden material creating a dike of at least 10 feet in height for screening as well as containment purposes. Outcome hureseshoe type area.
3. Floor of area to be lined with a landfill lining material then pad of over-burden, these will prohibit any possible ground water pollution by infiltration through floor of pit.
4. Drainage ditch and culverts on right side of road to eliminate any ground water crossing into pit area.
5. Vehicle unloading area on top bank of pit with guards to protect against any danger of going over edge.
6. Enforce city ordinance requiring closed vehicles for transportation on city streets.

Have state litter statutes enforced.

OPERATING PROCEDURES

1. Site to be covered at least twice weekly. (This is current procedure.)
2. Daily attendant during summer months and Monday through Friday during period August 15th through May 30th. Seven day attendance depends on successful recruitment.
3. Fire pump to be set up using either lake or stream for source.
4. Burnable items to be burned in dome type structure somewhere near size of 40 x 50 feet. Vehicles or trucks fully loaded with burnables could back inside. Other loads would be separated and moved inside by hand or machine.
5. Machine storage and attendant building to be built in general area. We are looking at regular cat or John Deere type equipment with compactor wheels.

COMMENTS

Department of Environmental Conservation again today approved burning. States dome type or any incinerator type permissable. Materials to be segregated such as no tires.

Current water table within allowances and by creating a higher pad with over-burden even more acceptable.

Fish & Game has stated no objections before I first approached Choggiung mid January.

Education of general public on hauling and litter control will be started immediately upon site approval.

PREDICTED START UP DATE

Request to have our compliance order set ahead to August 79 as proposed during September 78.

This will allow for evaluation of known spring breakup problem and correction by drainage and culverts.

The time extension will also allow time to erect fence, prepare site and establish an acceptable operation of new site.

SOIL CONSERVATION SERVICE

2221 East Northern Lights Blvd., Suite 129, Anchorage, Alaska 99504

SUBJECT: RB - Trip Report, Dillingham Land Fill Investigation DATE: September 15, 1978

TO: Sterling E. Powell
Water Resource Specialist
Soil Conservation Service
Anchorage, Alaska 99504

As was requested, I investigated the possibility of installing a sub-surface drainage system for land fill sites selected by the officials of the City of Dillingham. I investigated the soils and the slope of the land and it is my opinion that both sites - Tower Road and Wood River Road - can be drained. Cost of installation and operation of both sites would be high.

I also made a reconnaissance investigation of several gravel pits:

Gravel pit no. 1 - adjacent to Squaw Creek

Good site for land fill but stream pollution may develop after the pit has been used for a period of time.

7-Mile Gravel Pit

Very good site for land fill. It appears that it is away from streams and houses and it is dry.

9-Mile Gravel Pit

Good site in portion that has not been excavated deep enough to intercept underground water flow. This site can be developed for a land fill site.

Dan Conners Gravel Pit

Fair site but is adjacent to Squaw Creek. Could be developed for land fill site.

Conclusions and Recommendations:

All of the sites can be utilized for land fill sites but I feel that 7-Mile gravel pit is the best site. Cost estimates should be made on each site to determine which site would be the least costly to develop and maintain.

Before final designs are developed, a more detailed sub-surface investigation should be made to determine the need for sub-surface drains, drain depth, drain size, distance between drains, slope, outlet conditions, etc.



Sterling E. Powell
September 15, 1978

page 2.

If for some reason the gravel pits cannot be utilized for solid waste disposal sites, I recommend that a soil scientist be requested to make an investigation in the Dillingham area to locate a better site than the Towers Road and the Wood River Road sites. I feel that sites can be located that would be much less costly to install and operate.


Edward G. Grey
Hydraulic Engineer

cc: Laura Schroeder, Dillingham City Manager, Dillingham, AK,
Allen Koester, District Conservationist, Palmer, AK

RECEIVED OCT 3 1978

UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

P. O. Box F, Palmer, Alaska 99645

SUBJECT Trip Report - Dillingham Landfill Investigation

DATE September 29, 1978

TO Louis A. Fletcher
State Soil Scientist
Soil Conservation Service
2221 E. Northern Lights Blvd.
Anchorage, Alaska 99504


In response to the request by the City of Dillingham, I located several areas that have the potential for development as landfill sites. After investigating the soil properties, drainage patterns, and accessibility of the sites it is my opinion that the city has several options open for consideration.

Site #1 - Located 1/4 to 1/2 mile east of 9-Mile Quarry Road along RIM survey trail. Area is 200 feet to the south of survey line on elevated ground, adjoining Lars Nelson's property. Depth to apparent water table exceeds 15 feet and most of the area has 12 to 15 feet of soil material that would provide excellent daily cover for a landfill. Site is nearly level and leachates would not pose a hazard to the local water quality. Access to the site would require that a road be built along the present survey trail. The road would be 1/2 mile or less in length and would cross a short segment of bog soils.

Disadvantages to this site include the distance from the city and the proximity to a proposed subdivision.

Site #2 - Dolly Herman's proposed native allotment (#5528) across from south entrance to Mile-7 Gravel Pit. This area has good potential for development. Depth to the water table is deep and there is sufficient soil material overlying gravel to provide good cover for a landfill. Depth to gravel is less than 3 feet near the road, but depth increases to 12 feet 150 feet east of road. Site #2 is smaller in usable size than site #1 and potential for pollution of Squaw Creek, although slight, is more of a consideration. Access to the area would require only a short access road with no real construction difficulties.

Site #3 - Located on Native Corporation land adjoining Dolly Herman's native allotment (the eastern boundary). This wooded area would be an excellent location. Water table, depth of soil material over gravel, and slope are all well suited for a landfill. Access could be acquired by building a road along Dolly Herman's and Richard Clark's property line. Road would have to be 1/2 to 3/4 miles long and would cross 100 to 150 yards of very wet muskeg. The muskeg could be avoided if a right-of-way could be obtained on Herman's allotment.



Site #4 - Located 3/4 mile NW on Lake Road from junction with highway on left hand side of road. Native Allotment Lot 1 #4982 and Lot 5 #4980. This site was not looked at in detail, but it appears to be an excellent location. It is well drained, nearly level, deep to gravel, and is close in to the city. Little access road would need to be built.

The suitable areas for a landfill site that are away from the airport, the Squaw Creek drainage, and with easy access, are for the most part located along the lake road. If it is not possible to acquire a site near the road, the next best location would be the higher ground 1/2 to 3/4 miles east of the lake road. The only disadvantage to locating a landfill site in that area would be the added expense of building and maintaining an access road.

Upon final selection of a solid waste disposal site I would recommend further investigations with a backhoe, the input of the Fish and Wildlife Service, and the Department of Environmental Conservation.

Ted E. Cox
Soil Scientist

cc: Laura Schroeder, Dillingham City Manager, Dillingham, AK
Bob Kapolka, PHS Hospital, Dillingham, Ak 99576

7-13-63

5 6 7

GP128



CROFT, THURLOW, LOUTREL & DUGGAN

ATTORNEYS AT LAW

SUITE 710 FIRST NATIONAL BUILDING

425 "O" STREET

ANCHORAGE, ALASKA 99501

CHANCY CROFT
GARY THURLOW
DAVID B. LOUTREL
JOHN E. DUGGAN

TELEPHONE 272-3508

AREA CODE 907

WILLIAM J. BAILEY
OF COUNSEL

March 13, 1978

John Gissberg
Assistant Attorney General
State of Alaska
Department of Law
360 "K" Street, Suite 105
Anchorage, Alaska 99501

Re: Dillingham Public Landfill

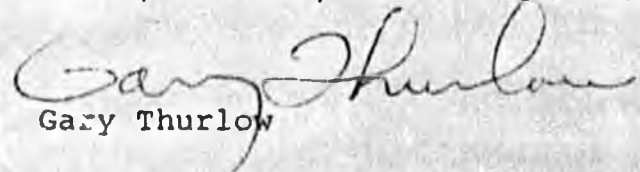
Dear John:

Attached is the executed original of the stipulation.

The City of Dillingham will have to move fast to get its application into ADEC before April 1, 1978, the date set forth in the first paragraph of the revised Article III.

Sincerely,

CROFT, THURLOW, LOUTREL & DUGGAN


Gary Thurlow

GT:kc:enclosure

cc: Gordon Ryan
City Manager
City of Dillingham
P.O. Box 191
Dillingham, Alaska 99176

4. October 15, 1978: Final grading of old dump site, including diversion of all surface run-off water around the site to prevent run-off water from passing through the refuse, cover with minimum of two (2) feet compacted soil, restoration and rehabilitation; written sign-off approval from ADEC.

ADEC shall review the City's Solid Waste Disposal Management Permit application promptly upon receipt and shall conduct any required on-site inspections of the proposed area without delay. If requested, ADEC shall omit and advise the City in preparation of permit applications.

III. City shall conduct a regular shoot-scare program as follows:

1. PERSONNEL - The city shall designate one or more persons to carry out the shoot-scare program.
2. TIME - The shoot-scare program will be initiated by shooting or scaring birds at the existing dumpsite and in the vicinity of the airport at least thirty minutes to the scheduled or amended touchdown time of all scheduled jet aircraft and landings of all non-scheduled jets for which the City has been given at least two hours prior notice. The program shall continue with active shooting or scaring while all such jet aircraft are on the ground and shall terminate not sooner than ten minutes after the departure of each such jet aircraft described above. The dump site and vicinity of the airport shall be monitored after the dispersal of birds during the times described in this section to prevent their return to the area.

3. NOTICE - City is responsible for determining the scheduled touchdown time or amended touchdown time for all scheduled jet aircraft. City shall provide a 24 hour contact for notification of all non-scheduled landings and shall make reasonable attempts to activate the shoot-scare program for the benefit of those nonscheduled aircraft for which two hour prior notice has not been provided.
4. METHODS - The City's shoot-scare program shall be conducted to keep birds away from the dump site and vicinity of the airport during the times provided in paragraph III - 2 and shall include shooting at birds or using noises or visual effects to frighten birds. City shall have sole discretion regarding the necessity of actually destroying birds.
5. MATERIALS - to be selected by the City in conformity with applicable laws and regulations.

IV. City shall pay the following unliquidated, civil penalty for any failure to comply with the dates given which has not been approved by the court for good cause shown.

1. Acquisition of property - \$250.00 plus \$50.00 for each additional day of delay.
2. Submission of application - \$100.00 plus \$25.00 for each additional day of delay.
3. Commencement of operation - \$1,000.00 plus \$100.00 for each additional day of delay.
4. Final Grading - \$250.00 plus \$50.00 for each additional day of delay.
5. Failure to control birds in accordance with any requirement of Part III - \$100.00 for each day in which one or more violations occur.

DATED this ____ day of _____, 1978, at Anchorage, Alaska.

John G. Gissberg
Assistant Attorney General
for Alaska Department of
Environmental Conservation

Gary Thurlow
Attorney at Law
for City of Dillingham

O R D E R

Pursuant to the stipulation of these parties, the civil penalty, revised compliance dates and schedule of penalties is approved and ordered.

DATED this ____ day of _____, 1978.

Judge of the Superior Court



Gives You More For Your Landfill Equipment Dollar

Before, during, and after your purchase of a Cat-built machine for your sanitary landfill, CAT PLUS is working for you.

Right at the start, your Cat dealer provides a wide range of CAT PLUS product application services to help you select the right equipment match for your operation. Services that run the gamut from landfill planning and technological assistance to aid in custom engineering equipment to do your job more efficiently.

And once you know the machine you need, your Cat dealer helps you buy it, with flexible equipment financing programs that can be tailored to your individual requirements.

After delivery of your equipment, CAT PLUS works to keep it running at the lowest cost possible. Custom Track Service, Scheduled Oil Sampling and other preventive maintenance programs help you avoid trouble by warning in advance, so you can schedule service at the most convenient time. Fast, expert shop and field service. Parts Exchange Service and Major Component Exchange minimize delay and expense to get you running again if downtime does occur.

And that's not all. CAT PLUS includes operator and serviceman training courses, Cat Care Seminars, assistance in setting up maintenance and cost record systems and a lot more. Whatever it takes to give you the highest total value for your machine investment is available in your Caterpillar Dealer's exclusive CAT PLUS program.

Give your Cat dealer a call while your sanitary landfill is still in the planning stages and get this CAT PLUS "extra value" system working for you right from the start. We'd like to make you another in our long list of sanitary landfill success stories.

You get more from a Caterpillar product.
Because more goes into it.



Caterpillar, Cat and  are Trademarks of Caterpillar Tractor Co.



Cat Landfill Compactors—2 models—the 170 HP, 20 ton 816 and the 300 HP, 32 ton 826B.



Cat track-type Tractors—7 models—62 to 410 HP.



Cat Wheel Loaders—8 models—65 to 550 HP; 1 to 12 cu. yd. buckets. (Including landfill type.)



Cat Wheel Tractor-Scrapers—12 models—standard, elevating, or tandem-powered. 150 to 950 HP. Heaped capacities 11 to 54 cu. yd.

JD646-Bs Battle Sandstone in Santa Fe Landfill

SANTA FE, N.M.—Better compaction, reduced maintenance and fuel savings were three benefits realized when owners and operators of a sanitary landfill serving the city of Santa Fe switched from crawlers to JD646-B Compactors.

The landfill serves 55,000 people, with only ½-acre open for dumping. Andy Roybal, assistant director of environmental services, estimates the total 10-acre tract, open since 1976, will be usable until 1980. "By that time, we should have a real good park-site," says Roybal.

Two John Deere Compactors handle 176 tons of refuse per day, from junked cars to paper waste. Roybal finds they use about 30 percent less fuel than the crawlers they replaced.

"With the sandstone present on this site, and our seven-day work week, service is everything; and our John Deere dealer is great," says Roybal. "He's 65 miles away, but if I called him right now, I could set my watch by him. He'd be here in two hours."





JUNEAU ALASKA

Alaska State Legislature
House

February 27, 1978

MEMORANDUM

TO: Lisa Rudd, Chairman
Community and Regional Affairs

FROM: Representative Nels A. Anderson, Jr. *ah/for NAA*

SUBJECT: Back up material for HB 677

Enclosed for your information is Back up material for HB 677.

The \$250,000.00 appropriation is the \$144,334.00 under Landfill Closeout (Cost) plus the costs of relocation of existing dump which is \$105,000.00. Together the total is \$249,334.00.

The cost of maintenance of the dump is \$45,800.00 which the city should take care of.



CITY OF DILLINGHAM

P.O. BOX 191

DILLINGHAM, ALASKA 99576

TELEPHONE (907) 842-5211 or 842-5212

January 10, 1978

Freeman:

Enclosed is a summary of the figures you asked for with regard to landfill, and sewage treatment costs.

As you know, the legislation has been passed regarding primary treatment for communities having a direct ocean outfall. We should qualify under these guidelines. Rob Spring of IHS was in yesterday and said it would take 6-9 months to write the regs and suggested we hold off on any decision regarding treatment plants until they are finalized. I told him we already had agreed to that.

Consequently he said IHS doesn't want to install sewer in Windfall Hill until we know what type of system to use. I can see his point.

Anyway, the time delay should aid in giving you time to work on this bill.

The enclosures are as follows:

1. Basic cost estimates from WinceCorthell for Sewage Treatment. (Perhaps now negated.)

2. Rough summary from Don Caswell on costs for landfill and treatment plant.

3. Dana Birch's estimated costs regarding landfill close out.

4. Letter from Ivan Widom to Senator Gravel about sewage treatment in Dillingham.

The staff has worked well to complete these facts. I wish you a lot of success in your venture.

GORDON W. RYAN
City Manager

GWR/lrh

MEMO TO: GORDON RYAN
FROM: DON CASWELL
DATE: 1/9/78
SUBJECT: Costs of relocation of existing dump.

1. Clearing the new dump area
2 weeks work by use of a Bulldozer @ 8 hrs a day
(80 hrs x \$75.00/hr) \$60,000

2. Access Road construction - 1,320 feet (1/4 mile)
1,320 feet long x 20 feet wide x 4 feet deep =
Approximately 7,000 yds @ \$10.00 yd delivered
& spread= \$40,000 + some right-of-way work \$5,000 45,000

TOTAL \$105,000 ✓

SUBJECT: Costs for maintenance of any dump, existing or new.

1. Dump personnel - 2 people @ \$10,000/yr each \$ 20,000

2. Equipment for backfill operators
2 hrs twice a week x 52 weeks = 104 hrs @ \$75.00 7,800

3. Trenching equipment - 10 hrs/mo x 12=120 hrs @ \$150/hr 18,000

TOTAL \$ 45,800

SUBJECT: Costs for sewage disposal and affiliated plant

1. Planned Sewage Plant Construction for an estimated 50,000 G.P.D.
capacity for the use of both Windmill Hill area and Dillingham
proper.
Construction cost \$ 1,000,000 +

2. Annual maintenance costs
A. 2-8 hr. shifts x 7 days/wk= 112 manhours
x \$8.50/hr = \$952/wk x 52 wks= \$49,504/yr
plus overtime or differential in Swing Shift
Estimated maintenance costs \$75,000 - \$100,000/yr.

In all probability a minimum of 3 men would be needed to operate a
full size sewage treatment plant, considering yearly vacations, extra
maintenance and weekends.

The plant I supervised in the lower 48 employed 5 men on a regular basis
on two 8 hr shifts, however it is a fairly complicated plant where one man
doubled as a Laboratory Technician to do the required sewage testing.

01-432-3

SOLID WASTE DISPOSAL

		<u>BUDGET</u> <u>FY 79</u>	<u>AMENDED</u> <u>BUDGET</u> <u>FY 79</u>
<u>PERSONNEL SERVICES</u>			
.100	Salaries	3,700.	3,700.
.115	Overtime	-0-	500.
.110	Contribution to CETA Salaries	2,000.	4,000.
.170	Retirement	407.	407.
.120	Health/Accident	120.	120.
.140	FICA	80.	80.
.150	Contribution to CETA FICA	121.	121.
.160	ESC	24.	24.
.130	Workman's Compensation	641.	641.
.131	Contribution to CETA W.C.	348.	348.
	Total Personnel Services	<u>7,441.</u>	<u>9,941.</u>
<u>CONTRACTURAL SERVICES</u>			
.210	Contract Labor/Equipment	2,500.	2,500.
.220	Telephone	150.	150.
	Postage/Air Freight	-0-	-0-
.282	Lease-Landfill Site	7,500.	7,500.
	Total Contractural Services	<u>10,150.</u>	<u>10,150.</u>
<u>COMMODITIES</u>			
.310	Miscellaneous Supplies	500.	500.
.320	Gas, Oil, Grease	1,000.	500.
	Total Commodities	<u>1,500.</u>	<u>1,000.</u>
<u>CAPITAL OUTLAY</u>			
.405	Repairs to Equip./Buildings	3,000.	3,000.
.406	Improvements Other Than Buildings	2,000.	2,000.
.410	New Equipment	-0-	-0-
.411	Relocate Site	3,000.	3,000.
.500	Contingency Relocation	-0-	20,000.
	Total Capital Outlay	<u>8,000.</u>	<u>28,000.</u>
	TOTAL SOLID WASTE	<u><u>27,091.</u></u>	<u><u>49,091.</u></u>

HB

134

COMMITTEE REPORT

HOUSE

FURTHER: FINANCE

February 6, 1979

Date: _____

Mr. Speaker:

The Committee on C&RA has had HB 134

"An Act making a special appropriation to the Department of Community and Regional Affairs for a grant to the City of Dillingham for the purchase of an ambulance; eff. date."

under consideration and (a majority of the committee, (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

BRISTOL BAY AREA HEALTH CORPORATION

P. O. BOX 233
DILLINGHAM, ALASKA 99576

copy to
C & RA

March 7, 1979

PHONE: (907) 842-5266
(907) 842-5267

Honorable Nels Anderson, Jr.
Pouch V
Juneau, Alaska 99811

RE: Ambulance appropriation request for Dillingham

Dear Nels:

We wish to thank you for your support in funding for a Dillingham ambulance. We appreciate your work especially in getting legislative approval of the ambulance during last session. Last fall, we received approval from Indian Health Service to obtain a G.S.A. ambulance; this has been delayed in procurement proceedings but we are hopeful delivery will be made by the end of the year.

Realizing that this region has many pressing needs requiring State financial assistance we withdraw our request at this time.

Sincerely,

BRISTOL BAY AREA HEALTH CORPORATION



Robert Clark
Executive Director

RJC/mff

cc: Laura Schroeder, City Manager
Mark Johnson, State EMS Coordinator
Steve Levinson, BBAHC Deputy Director
Connie Ryan, BBAHC EMS Coordinator

POSITION PAPER / Department of Health and Social Service

POSITION PAPER

HOUSE BILL NO. 134

"An Act making a special appropriation to the Department of Community and Regional Affairs for a grant to the City of Dillingham for the purchase of an ambulance; and providing for an effective date."

The Emergency Medical Services Section of the Division of Public Health agrees that the City of Dillingham is in need of an ambulance. It should be noted however, that the use of the ambulance should be possible outside of the city limits, especially since the hospital is not within the city limits. It also should be noted that IHS funds will probably be available to the hospital for an ambulance within a year; this ambulance has been "promised" for over a year now and probably will not be available another year.

We are also aware that because of the needs in the area, two ambulances could easily be used, especially in the summer season with fishing accidents and with the frequency which ambulances and other vehicles in small communities breakdown and are periodically dysfunctional.

Recommended by:

Robert I. Fraser
Robert I. Fraser, M.D.
Director
Division of Public Health

Date: 3/12/79

Approved by:

Helen D. Beirne
Helen D. Beirne, Commissioner
Department of Health & Social Services

Date: 3/12/79

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 134
 Title ...a grant to the City of Dillingham for the purchase of an ambulance;...
 Requested by Anderson Date 2/6/79

II. FISCAL DETAIL

Agency Affected Community & Regional Affairs
 Program Category Affected Community Development
 Budget Request Unit(s) Affected _____

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES		0	0	0		
200 TRAVEL		0	0	0		
300 CONTRACTUAL		0	0	0		
400 COMMODITIES		0	0	0		
500 EQUIPMENT		0	0	0		
600 LAND & STRUCTURES		0	0	0		
700 GRANTS, CLAIMS, ETC.		0	0	0		
TOTAL		0	0	0		

FUNDING (Thousands of Dollars)

GENERAL FUND		0	0	0		
FEDERAL FUNDS		0	0	0		
OTHER (Specify)						

POSITIONS

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

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE 3-15-79 PREPARED BY Doug Griffin
 AGENCY Community & Regional Affairs - IGAD
 Original: Legislative Finance PHONE 465-3918
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)



HB

146

COMMITTEE REPORT

HOUSE

FURTHER: JUDICIARY

February 7, 1979

Date: 7 April 80

Mr. Speaker:

The Committee on C&RA has had HB 146

"Ar. Act amending boundary change procedures of the Local Boundary Commission."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 146 same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

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CHAIRMAN



Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

BILL NUMBER AND TITLE: HB 146 Amending Boundary Change Procedures

ORIGINAL SPONSOR: Malone
RECEIVED FROM: _____

OTHER SPONSORS: _____
FURTHER REFERRALS: Judiciary

HEARING DATE: 4/2/80

MEMBERS PRESENT:	Bill Parker	X	Pat Carney	X
	Margaret Branson	X	Charlie Parr	X
	Pat O'Connell	X	Fred Zharoff	X
			Ray Metcalfe	X

Discussion of work draft for CSHB146. Committee questions wording of p. 1. line 26 and entire section (e). Directs that the CS be rewritten to include an election in both the area to be annexed and the area annexing.

Committee approves redrafting of such a CS.

COMMITTEE ACTION: New CS to be drafted.

TAPE # 6 SIDE 1 Footage 373-586
226-655



Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

BILL NUMBER AND TITLE: HB146 Related to boundary change procedures of
the Local Boundary Commission

ORIGINAL SPONSOR: Malone
RECEIVED FROM: _____

OTHER SPONSORS: _____
FURTHER REFERRALS: Judiciary

HEARING DATE: 3/24/80

MEMBERS PRESENT:	Bill Parker	X	Pat Carney	X
	Margaret Branson	X	Charlie Parr	X
	Pat O'Connell	X	Fred Zharoff	X
			Ray Metcalfe	X

Rep. Malone

Points out that the bill would legislate an "advisory" vote on the question of boundary changes. First class cities already have the authority to hold such an election.

Committee discussion centers on having such an advisory vote in both the area annexing and the area to be annexed.

Malone - People in area to be annexed or excluded could vote. Doesn't address extending vote beyond area but the municipalities could already do this.

Parr - Salchuk area is trying to secede from the Fairbanks borough. A certain amount of the pipeline tax money would go with it. The rest of the people in the borough have a stake in this decision. Parr prefers that the advisory vote be both inside and outside of the annexed area.

Malone - Has no objection to Parr's recommendation. Suggestion made that the election should be a state election and that the costs should be borne by the state. as decisions on boundaries are state decisions.

Palmer McCarter, Director of Local Assistance, Dept. of C&RA
Refers to position delivered by the dept. in 1979
(see minutes in file).

COMMITTEE ACTION: CS to be drafted which includes above suggestion.

TAPE # 6 SIDE 1 Footage 226-655



Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

DATE: 2/14/79

BILL NUMBER AND TITLE: HB 146 Related to advisory vote re Local Boundary Commission Recommendations

ORIGINAL SPONSOR : Malone

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS: Judiciary

MEMBERS PRESENT: Parker Garney
Zharoff Parr
Metcalfe O'Connell
Branson

MEMBERS ABSENT: None

INDIVIDUALS CONTACTED:

Dept. of C&RA
Local Boundary Commission Members

Rep. Malone Marilyn Miller
Patty Ann Polley (Dir. of Elections)
Jack Chenoweth

WITNESSES TESTIFYING:

Rep. Malone Bill was introduced last session and passed House. Needed because it gives an additional element of information and helps to raise the level of public debate on an annexation issue.

On question of whom would be voting on issue--those inside as well as outside? Would you need a majority of both? Just those in annexed areas? This point is unclear in the bill.

Joan Katz --Attorney for Kodiak Borough. More information is needed before the issue is submitted to voters. Economic data, service analysis, revenue lost if annexation occurs...etc. The Advisory vote should be controlling unless there is clear and convincing evidence of need in major portion of area to be annexed. Who will be voting?

Patty Ann Polley, Director of the Division of Election

Says the state should be given responsibility for administering election. Estimated that the bill would require approximately 6 elections per year at a cost of \$5000 each so approximately \$30,000 would be needed. Since it is a state agency being given responsibility (Boundary Commission), the state should administer the election.

Sig Strandberg, member of the Local Boundary Commission

Opposed to the passage of HB146. Apprehensive of the results. The bill would seriously erode the authority of the Local Boundary Commission as given in the Constitution. Current state law gives the state an opportunity to establish sensible boundaries. Commission should be able to determine extent of "boundaries". Boundary changes are both "political" and "economic" in nature.

Commission might be able to make the process more democratic. Annexation plan should be given more attention by the Commission. An impartial, careful review by the Local Boundary Commission is helpful. A more comprehensive report to the Legislature by the Commission would help legislature understand.

(con't)

COMMITTEE ACTION: No Action--

TAPE # 2 SIDE 1

Sections 120-1870

Vic Fischer--Gave historical background on local government. New concept of Boroughs which were seen as evolving concepts. 1964 Mandatory Borough enacted. Forced incorporation of areas into boroughs. Much controversy over this.. Further progress was made with city/borough unification allowed. Issues and problems different now than in 1908. There needs to be an evaluation of local government. Is there a need for both cities and boroughs? Boroughs were conceived as larger areas of representational government.. '71 report recommends Borough Commission changed to Local Boundary Commission to keep idea of local government in mind. Take a look at whole rural issue. ...unorganized borough concept to give leeway for local governments to form slowly. There would be a gradual assumption of services. Unorganized boroughs NOT formed for taxation purposes. Hopes that Senate and House CRA committees will use an interim committee to look at needs, issues, etc. of rural communities.

Marilyn Miller -- opposed to local government handling election as outlined in HB 146. Feels that it should be a state function.

WO#6302 ✓
Chenoweth

*Version adopted
as CS*

Original sponsor: Malone

1 IN THE HOUSE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 146

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act amending boundary change procedures of the
7 Local Boundary Commission."

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

9 * Section 1. AS 29.68.010 is amended by adding new subsections to read:

10 (d) If 10 percent of the qualified voters of an area proposed to
11 the Local Boundary Commission to be annexed or excluded under (a) of
12 this section or 10 percent of the qualified voters of the city or borough
13 to which an annexation is proposed or from which an exclusion is proposed
14 under (a) of this section submit to the Local Boundary Commission a
15 petition requesting an advisory vote on the proposed boundary change,
16 the commission, after public hearing conducted in the area, shall require
17 the city or borough to conduct an advisory vote on the proposed boundary
18 change before rendering its decision on the proposed boundary change.

19 When a petition requesting an advisory vote is submitted under this
20 subsection, the Local Boundary Commission shall advise the mayor of the
21 city or borough to which annexation is proposed or from which an exclu-
22 sion is proposed that the commission has received a petition asking that
23 an advisory vote on the proposed boundary change be conducted, and
24 request the city council or borough assembly to conduct an advisory vote
25 on the proposed boundary change.

26 (e) When the Local Boundary Commission requests a city or borough
27 to conduct an advisory vote under (d) of this section, the city or
28 borough shall present to the voters within the city or borough and,
29 separately, to the voters in the area proposed for annexation or

1 exclusion, a ballot setting out a proposition phrased so that a voter
2 may indicate whether he favors or opposes the proposed boundary change.
3 The ballots shall be canvassed by the city council or borough assembly
4 and the results certified to the Local Boundary Commission in separate
5 classifications indicating the vote by residents of the city or borough
6 and the vote by residents of the area which is the subject of the bound-
7 ary change petition.

8 (f) An advisory vote may be submitted to the voters by the borough
9 assembly or city council only

10 (1) at a regular election; or

11 (2) at a special election if that election has been called by
12 the borough assembly or city council for the purpose of placing before
13 the voters a question other than the proposition to be submitted under
14 this section.

15 (g) When presenting a proposed boundary change to the legislature
16 as provided under (a) of this section, the Local Boundary Commission
17 shall also present the result of an advisory vote related to that bound-
18 ary change held under this section.

19 (h) Subject to appropriations for the purpose, the state shall
20 reimburse a city or borough for its costs of conducting an election held
21 under this section in areas located outside a city or borough.

22 (i) The Local Boundary Commission shall adopt by regulation proce-
23 dures for submitting a petition and for conducting an election under
24 this section.

Hearing 8:30 A.M.
4/2/80

Malone

WO 6302
Chenoweth
3-28

Original sponsor: Malone

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 146
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act amending boundary change procedures of the
7 Local Boundary Commission."

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

9 * Section 1. AS 29.68.010 is amended by adding new subsections to read:

10 (d) If 10 percent of the qualified voters of an area proposed to
11 the Local Boundary Commission to be annexed or excluded under (a) of
12 this section petition for a vote on the proposed boundary change, the
13 commission, after public hearing conducted in the area as prescribed by
14 regulation, shall conduct an advisory vote on the proposed boundary
15 change before rendering its decision on the proposed boundary change.
16 The commission shall adopt by regulation procedures for submitting a
17 petition and for conducting an election under this subsection.

18 (e) If a petition requesting an advisory vote is submitted under
19 (d) of this section, the Local Boundary Commission shall advise the
20 mayor of the municipality to which annexation is proposed or from which
21 an exclusion is proposed that the commission has received a petition
22 asking that an advisory vote on the proposed boundary change be con-
23 ducted. If, within 60 days of receipt of notice of the Local Boundary
24 Commission by the mayor under this subsection, 10 percent of the quali-
25 fied voters of the municipality petition for a vote on the proposed
26 boundary change, the commission shall conduct an advisory vote in that
27 municipality on the proposed boundary change before making its decision
28 on the proposed boundary change. An election under this subsection
29 shall be held at the same time as an election under (d) of this section.

1 The Local Boundary Commission

2 (1) shall adopt by regulation procedures for submitting a
3 petition and for conducting an election under this subsection;

4 (2) may request the lieutenant governor to enter into an
5 agreement with a municipality by which the municipality will conduct the
6 election under this subsection.

7 (f) When presenting a proposed boundary change to the legislature
8 as provided under (a) of this section, the Local Boundary Commission
9 shall also present the result of an advisory vote related to that bound-
10 ary change held under (d) or (e) of this section.

11 (g) Subject to appropriations for the purpose, the state shall pay
12 the costs of elections held under (d) and (e) of this section.

Introduced: 2/7/79
Referred: Community & Regional
Affairs and Judiciary

1 IN THE HOUSE

BY MALONE

2 HOUSE BILL NO. 146

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A. BILL

6 For an Act entitled: "An Act amending boundary change procedures of the
7 Local Boundary Commission."

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

9 * Section 1. AS 29.68.010 is amended by adding a new subsection to read:

10 (d) If 10 per cent of the qualified voters of an area proposed to
11 the Local Boundary Commission to be annexed or excluded under (a) of
12 this section petition for a vote on the question, the commission, after
13 public hearing conducted in the area as prescribed by regulation, shall
14 conduct at its expense a single advisory vote on the question before
15 rendering its decision on the question, under procedures for petition
16 and election developed by the commission. When presenting a proposed
17 boundary change to the legislature as provided under (a) of this sec-
18 tion, the commission shall also present the result of any advisory vote
19 held under this subsection.

20
21 *residents*
22 * The advisory vote ~~shall~~ may be conducted in both
23 the area proposed to be annexed or excluded, and
24 in the city or borough to which the area would
25 be annexed. All qualified voters may vote. Ballots
26 ~~shall be tabulated separately in each~~
27 in the city ~~and~~ or borough shall be tabulated separately
28 from ballots in the area proposed to be annexed.
29

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 146
 Title An Act amending boundary change procedures
 Requested by Representative Parker Date _____

II. FISCAL DETAIL

Agency Affected Community & Regional Affairs
 Program Category Affected Development
 Budget Request Unit(s) Affected Local Government Assistance

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Discussion with the Division of Elections indicates the costs of the prescribed elections would be insignificant.

IV. DATE 3-21-80 PREPARED BY Terry L. Earley
 AGENCY Community & Regional Affairs
 PHONE 465-4730
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Article 2. Service Areas.**Section****90. Service areas**

Sec. 29.63.090. Service Areas. (a) Service areas to provide special services within a borough may be established, operated, altered or abolished by the assembly by ordinance. Special services include services not provided on an areawide basis within the borough or the borough area outside cities or a higher or different level of service than that provided on an areawide basis or in the borough area outside cities. In a first class borough the assembly may exercise within a service area any power granted a first class city by general law; in a second class borough an exercise of the powers must be approved by a majority of the qualified voters residing within the service area and voting on the question at a regular or special election.

(b) The assembly may levy or authorize the levying of taxes, charges, or assessments in service areas to finance the special services.

(c) The assembly may provide for appointed or elected boards to supervise the furnishing of special services in service areas.

(d) A new service area may not be established if, consistent with the purposes of art. X of the state constitution, the new service can be provided by an existing service area, by annexation to a city, or by incorporation as a city.

(e) The assembly may exercise or delegate to a service area any powers which may be exercised by a first class borough in the area outside cities. In a second class borough, each exercised or delegated power must be approved by a majority vote at a regular or special election held within the service area. The rate of taxation and the issuance of bonds are subject to assembly approval. (§ 2 ch 118 SLA 1972)

Chapter 68. Alteration of Boundaries.**Article**

1. Annexation and Exclusion (§ 29.68.010)
2. Merger and Consolidation (§§ 29.68.030--29.68.110)
3. Unification of Local Governments (§§ 29.68.240--29.68.440)
4. Dissolution (§§ 29.68.500--29.68.580)

Article 1. Annexation and Exclusion.**Section****10. Local boundary commission**

Sec. 29.68.010. Local boundary commission. (a) The Local Boundary Commission may consider any proposed local government boundary change. It may present proposed changes to the

legislature during the first 10 days of any regular session. The change shall become effective 45 days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house.

(b) In addition to the regulations governing annexation by local action adopted under AS 44.19.260, the Local Boundary Commission shall, within 90 days of September 10, 1972, establish procedures for annexation and exclusion of territory by cities and boroughs by local action. The procedures established under this subsection shall include

(1) a provision requiring that a proposed annexation and exclusion must be approved by a majority of the voters voting on the question residing within the area proposed to be annexed or excluded;

(2) provisions that municipally-owned property adjoining the municipality may be annexed by ordinance without voter approval; and

(3) provisions that an area adjoining the municipality may be annexed by ordinance without an election if all property owners and voters within the area petition the assembly or council.

(c) A boundary change effected under (a) of this section prevails over a boundary change initiated by local action, without regard to priority in time. (§ 2 ch 118 SLA 1972)

Defining boundaries is a legislative function.—The creation of municipalities, and the defining of the extent of the boundaries thereof, involve the exercise of legislative, not judicial, power. *Town of Fairbanks v. Barrack*, 282 F. 417 (9th Cir. 1922); *In re Annexation to City of Anchorage*, 16 Alaska 519, 146 F. Supp. 98 (D. Alas. 1956).

Expansion of municipal boundaries is matter of statewide concern. — Those who reside or own property in the area to be annexed have no vested right to insist that annexation take place only with their consent. The subject of expansion of municipal boundaries is legitimately the concern of the state as a whole, and not just that of the local community. *Fairview Pub. Util. Dist. No. 1 v. City of Anchorage*, Sup. Ct. Op. No. 61 (File Nos. 69, 71), 368 P.2d 540 (1962).

Annexation procedure may be changed.—The state may permit residents of local communities to determine annexation questions at an election. But when this has been done, the state is not irrevocably com-

mitted to that arrangement. If the citizens of the state, in adopting a constitution, decide that it is in the public interest to establish another election procedure, there is no constitutional obstacle to that course of action. *Fairview Pub. Util. Dist. No. 1 v. City of Anchorage*, Sup. Ct. Op. No. 61 (File Nos. 69, 71), 368 P.2d 540 (1962).

One proceeding for annexing several tracts.—See *In re Town of Sitka*, 11 Alaska 201 (1946).

Areas in public utility district may be annexed.—The fact that the areas are embraced within a public utility district constitutes no bar to annexation. *In re Annexation to City of Anchorage*, 15 Alaska 504, 129 F. Supp. 551 (D. Alas. 1955). See *Fairview Pub. Util. Dist. No. 1 v. City of Anchorage*, Sup. Ct. Op. No. 61 (File Nos. 69, 71), 368 P.2d 540 (1962).

Consent of voters in district required if annexation proceeds under this article. — The provision of AS 42.35.370 providing for dissolution of a utility district with the consent of the voters when "the whole or the integral part of a district becomes

annexed to an incorporated city" has application only where annexation takes place under the petition-election procedure of this article and has no application where annexation takes place under a different method

established by Alaska Const., art. X, § 12. Fairview Pub. Util. Dist. No. 1 v. City of Anchorage, Sup. Ct. Op. No. 61 (File Nos. 69, 71), 368 P.2d 540 (1962).

Article 2. Merger and Consolidation.

<p>Section 30. Methods of merger or consolidation 40. Petition 50. Review 60. Investigation</p>	<p>Section 70. Report and hearing 80. Decision 90. Election 100. Assets and liabilities 110. Ordinances</p>
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Sec. 29.68.030. Methods of merger or consolidation. Two methods may be used to initiate merger or consolidation of home rule and general law municipalities:

- (1) petition to the Local Boundary Commission under regulations adopted by the commission, or
- (2) the local option method specified in §§ 40—110 of this chapter. (§ 2 ch 118 SLA 1972)

Sec. 29.68.040. Petition. (a) Residents of two or more municipalities may file a merger or consolidation petition with the Department of Community and Regional Affairs. The petition must be signed by a number of municipal voters of each municipality equal to at least 25 per cent of the number of votes cast in its last regular election.

- (b) The petition includes
 - (1) the name and class of each municipality;
 - (2) the name and class of the proposed municipality;
 - (3) the proposed composition and apportionment of the assembly or council;
 - (4) maps, documents, and other information which show that the proposed municipality meets the standards for municipal incorporation. (§ 2 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

Effect of amendment. — The 1972 amendment, effective July 1, 1972, substituted "Department of Community and Regional Affairs" for "Local Affairs Agency" in the first sentence of subsection (a).

Sec. 29.68.050. Review. The Department of Community and Regional Affairs shall review a petition for content and signatures and shall return a deficient petition for correction or completion. (§ 2 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

Effect of amendment. — The 1972 amendment, effective July 1, 1972, substituted "Department of Community and Regional Affairs" for "Local Affairs Agency."

Sec. 29.68.060. Investigation. If the petition contains the required information and signatures, the Department of Community

and Regional Affairs shall investigate the proposal. (§ 2 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

Effect of amendment. — The 1972 amendment, effective July 1, 1972, substituted "Department of Community and Regional Affairs" for "Local Affairs Agency."

Sec. 29.68.070. Report and hearing. (a) The Department of Community and Regional Affairs shall report its findings to the Local Boundary Commission with its recommendations regarding the merger or consolidation.

(b) The Local Boundary Commission shall hold at least one public hearing in each of the municipalities included in the merger or consolidation petition, unless officials of the municipalities agree to a single hearing. (§ 2 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

Effect of amendment. — The 1972 amendment, effective July 1, 1972, substituted "Department of Community and Regional Affairs" for "Local Affairs Agency" near the beginning of subsection (a).

Sec. 29.68.080. Decision. If the Local Boundary Commission determines that the proposed municipality fails to meet the standards for incorporation, it shall reject the petition. If the commission determines that the proposed municipality meets these standards, it shall accept the petition. If the commission determines that the proposed boundaries or the composition and apportionment of the assembly or council can be altered to meet the standards, it may change the proposal and accept the petition. The decision may be appealed under the Administrative Procedure Act (AS 44.62). (§ 2 ch 118 SLA 1972)

Sec. 29.68.090. Election. (a) The Local Boundary Commission shall immediately notify the lieutenant governor of its acceptance of a merger or consolidation petition. Within 30 days after notification, the lieutenant governor shall order an election within the area to be included in the new municipality to determine whether the voters desire merger or consolidation. The election is held not less than 30 nor more than 90 days after the election order.

(b) A voter who is a resident of the area to be included within the proposed municipality may vote.

(c) The lieutenant governor shall supervise the election in the general manner prescribed by the Alaska Election Code (AS 15.05—15.60). The state shall pay all election costs.

(d) The lieutenant governor shall certify the election results. If merger or consolidation is approved, he shall, within 10 days, set a date for election of officers of the new municipality under AS 29.18.-120. The election date is not less than 60 nor more than 90 days after the election order. This date is the effective date for the merger or consolidation. (§ 2 ch 118 SLA 1972)

Sec. 29.68.100. Assets and liabilities. (a) When two or more municipalities merge, one municipality succeeds to the rights, powers, duties, assets and liabilities of the others.

(b) When two or more municipalities consolidate, the newly-incorporated municipality succeeds to the rights, powers, duties, assets and liabilities of the consolidated municipalities. (§ 2 ch 118 SLA 1972)

Sec. 29.68.110. Ordinances. The ordinances, resolutions, rules, regulations, procedures and orders of the former municipalities remain in force within their respective territories until superseded by the action of the successor municipality. (§ 2 ch 118 SLA 1972)

Article 3. Unification of Local Governments.

Section	Section
240. Unification of local governments authorized	340. Charter commission organization and procedure
250. Unification to be proposed by petition	350. Charter preparation
260. Petition requirements	360. Public hearings
270. Review of petition	370. Filing of proposed charter
280. Call for charter commission nominations	380. Publication and posting of proposed charter
290. Nomination of charter commission candidates	390. Election on charter
300. Qualifications of charter commission candidates	400. Effect of the charter after ratification
310. Composition of charter commission	410. Assets and liabilities
320. Election	420. Ordinances
330. Requirements for approval of unification and election of charter commission	430. Right to state and federal funds preserved
	440. Powers of a unified municipality

Sec. 29.68.240. Unification of local governments authorized. An organized borough and all cities within the borough may unite to form a single unit of home rule local government by complying with this chapter. (§ 2 ch 118 SLA 1972)

Unification is consistent with the purpose expressed in Alaska Const., art. X, § 1, of minimizing the number of local government units. City of Douglas v. City & Borough of Juneau, Sup. Ct. Op. No. 672 (File No. 1379), 484 P.2d 1040 (1971).

Coexistence of cities and boroughs not required.—Alaska Const., art. X, § 2, merely authorizes but does not require the coexistence of cities and boroughs. City of Douglas v. City & Borough of Juneau, Sup. Ct. Op. No. 672 (File No. 1379), 484 P.2d 1040 (1971).

Sec. 29.68.250. Unification to be proposed by petition. (a) Formation of a charter commission to propose a unification charter shall be proposed by resolution of the assembly or by petition. An assembly resolution for the purpose may be adopted not more often than once every 12 months.

§ 29.6

(b) in the ch 118

Sec read:

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HB

172

COMMITTEE REPORT

HOUSE

FURTHER:

February 12, 1979

Date: 15 March 79

Mr. Speaker:

The Committee on C&RA has had HB 172

"An Act limiting the authority of the Dept. of Environmental Conservation to require submission, review and approval of subdivision & development plans within municipalities; eff. date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for 175 177 same title
- new title
- and recommends amendments
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

[Handwritten signatures]

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

[Handwritten notes]

[Handwritten signature]

CHAIRMAN

~~AMENDED TITLE:~~

AN ACT LIMITING THE AUTHORITY OF THE DEPARTMENT OF ENVIRONMENTAL
 CONSERVATION TO REQUIRE SUBMISSION, REVIEW
 AND APPROVAL OF SUBDIVISION AND DEVELOPMENT PLANS WITHIN
 MUNICIPALITIES; AND PROVIDING FOR AN EFFECTIVE DATE

~~PRIME SPONSORS: FREEMAN.~~

~~CO-SPONSORS:~~

~~CURRENT STATUS: 3/15/79 IN (H) RULES~~

DATE	SEQ	PAGE	LEGISLATIVE ACTION
02/12/79	01	0204	FIRST READING -- COMMITTEE REPORTS
03/15/79	02	0594	CRA -- DNE04, CS02, NR01
			RULES
XXXX	XX	XX	*** *** ***



Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

COMMITTEE MINUTES

DATE: 3/15/79

BILL NUMBER AND TITLE: HB 172 Limiting authority of DEC to require submission
review and approval of subdivision & development plans within municipalities

ORIGINAL SPONSOR: Freeman

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS:

MEMBERS PRESENT: All members present

MEMBERS ABSENT:

INDIVIDUALS CONTACTED:

WITNESSES TESTIFYING:

The C&RA committee passed out CSHB172 with the following recommendations:

Do Pass

Branson-Do not Pass

Carney

Parr-Do Not Pass unless amended

Zharoff

O-Connell-No Recommendation

Metcalfe-Do not pass unless amended

Parker - Do not pass unless amended

COMMITTEE ACTION: See Above-

TAPE #4 SIDE 1

Sections 1068-1078



Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

DATE:

BILL NUMBER AND TITLE: CSHG 172 (continued)

ORIGINAL SPONSOR :

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS:

MEMBERS PRESENT:

MEMBERS ABSENT:

INDIVIDUALS CONTACTED:

WITNESSES TESTIFYING:

Discussion of mandatory tone of CS continued.

COMMITTEE ACTION:

TAB # SIDE

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF FOREST, LAND AND WATER MANAGEMENT

323 E. 4TH AVENUE
ANCHORAGE, ALASKA 99501

March 30, 1979

Honorable Bill Parker, Chairman
Community & Regional Affairs Committee
State House of Representatives
Pouch V
Juneau, Alaska 99811

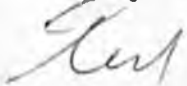
Dear Bill:

I have a copy of Commissioner Mueller's letter to you of March 6, regarding House Bill 172.

He rightly notes that we have found the requirement for developing off-site sewage facilities in many places to be a significant obstacle to development of State owned subdivisions. The problems that Ernie cites with the absence of off-site sewage I think are very significant and ones that should not be overlooked in designing any program. The problem is actually lack of funding to develop sewage systems that would comply with State and local regulations. We have proposed to solve that problem through an enterprise bond fund which would be authorized to issue revenue bonds to develop the necessary roads, streets, sewers, etc. If this bill passes, the problems of disposal of State lands in those areas where there is insufficient on-site sewage capability will be solved.

I would like to make the point as strongly as possible that I believe that it is the responsibility of the developer regardless of whether or not it is the State to make the initial investment in the improvements to the land that makes the subdivision a benefit to the community rather than a menace.

Yours truly,



THEODORE G. SMITH
Director

cc: Ernie Mueller
Pat Conheady



Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

DATE:

3/14/79

BILL NUMBER AND TITLE: ~~HB 172~~ Limiting authority of DEC re subdivision review

ORIGINAL SPONSOR : Freeman

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS:

MEMBERS PRESENT: ~~Parker~~ Branson
~~Carney~~ O'Connell
Parker Zharoff
Metcalf

MEMBERS ABSENT:

INDIVIDUALS CONTACTED:

WITNESSES TESTIFYING:

Ernie Mueller, Commissioner of DEC

Objects to drafting of CS which requires that program be mandatory. At the present time no municipality performs all of the services they would be required to cover under CSHB172. The State would ultimately have to provide back up. Many communities have expressed concern that they would not be able to provide the services the state now does.

The bill implies that construction standards for sewage treatment systems would be set by the municipalities. There is a need for uniformity of standards statewide. Municipalities could end up suing each other. The program should have voluntary rather than mandatory involvement. CSHB172 implies repeal of plumbing codes.

Broad approach of the bill is very objectional to the Dept. Original bill did not deal with sewerage treatment facilities., rather just on-lot review.

Freeman -- Provisions need to be made for a community such as Ketchikan which is 1 block wide and 3 miles long. A sewer system is not practical here.

Mueller - Enforcement should not be used instead of prevention. On-lot waste disposal is the problem. Communities should be given the right to develop viable options. Restrict bill to on-site problem. There should be minimum standards to be met

John Scribner -- refers to come of the implications of the bill.

Rep. Branson suggests that the problem be handled in 29.33.090.

Jack Chenoweth -- Stated that 46.03.720 be amended at the suggestion of Scribner.

COMMITTEE ACTION:

TAPE #

SIDE

Sections



Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

COMMITTEE MINUTES

DATE: 3/12/79

BILL NUMBER AND TITLE: HB 172 Limiting the authority of DEC to require submission, review and approval of subdivision and development plans within municipalities

ORIGINAL SPONSOR : Freeman

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS:

MEMBERS PRESENT: Parker Parr
Carney Branson
O'Connell
Zharoff Metcalfe

MEMBERS ABSENT:

NONE

INDIVIDUALS CONTACTED:

Freeman
Municipal League DEC (John Scribner)

WITNESSES TESTIFYING:

Freeman -- Rep. Parker, Rep. Freeman and Jack Chenoweth have worked together on a CS for HB 172 following the direction of the CRA Committee. CSHB 172 before the committee for discussion at this time.

Freeman feels it meets the needs of the municipalities by removing the veto power of DEC.

Joh Scribner -- Testifying for DEC. Sees problems in the proposed CS HB 172. There are no minimum standards other than those set by the municipalities.

The bill deals with more areas than just "on-site" disposal concerns as had been the original concern. Sewerage systems discussed and the implications of the bill are broader.

Problem with p. 2 Lines 20-23. Federal standards apply here and would conflict with municipalities setting standards.

COMMITTEE ACTION: Will take up bill when all members have had chance to digest CS.
March 14 --Jack Chenoweth will be invited.

TAPE # 3 SIDE 2

1430-1665



Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

COMMITTEE MINUTES

DATE: 2/28/79

BILL NUMBER AND TITLE: HB 172 limiting authority of DEC to require submission, review, etc. of subdivision & development plans

ORIGINAL SPONSOR :

Freeman

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS:

MEMBERS PRESENT:

Parker
Metcalfe
Zharoff

Carney
Branson

MEMBERS ABSENT:

O'Connell

INDIVIDUALS CONTACTED:

Freeman (4993)
Lee Sharp

Marilyn Miller
Chenoweth

Dept. Environmental Conservation

WITNESSES TESTIFYING:

Freeman -- Cites references to DEC's role in holding up land transmission and use from "Alaska Land, A Report to the Legislature". DEC is stopping subdivisions. Land isn't getting to the people. Let municipalities handle own affairs. Mistake on Line 20 prompts rewrite in form of Committee Substitute. (eliminates word "not")

John Scribner-- Water Program , DEC

Only 9% of cost of getting land out to the public is traceable to DEC. Local gov't can have option of reviewing subdivisions for compliance now with a request for a waiver from DEC. If the municipalities are given this responsibility, minimum standards should be set. Local governments don't have expertise and money so waiver has not been requested except in Anch.

AS 46.03.720 refers to DEC's responsibility re individual plats--this portion of statutes may also be involved in a change of approach.

Freeman -- Problem should be solved on local level. Legislature gets "heat" as DEC is a state agency. "Big Brother" approach not acceptable. Decision should be made on local level. Rep. Metcalfe thinks local gov't should have right to choose to have DEC review rather than making it mandatory. Freeman --DEC should have advisory capacity only.

Chenoweth -- Mentioned error of "not" being included on Line 20 of HB 172

Rep. Parr suggests that Committee Substitute be drafted giving DEC review responsibility for compliance and that the municipalities be responsible for developing their own standards and that the local government have veto power.

COMMITTEE ACTION: Committee Substitute to be drafted including concepts discussed.

BILL WORK SHEET

COMMITTEE ON COMMUNITY AND REGIONAL AFFAIRS

Received from _____

BILL NO. HR 172 re Limiting authority of DEC to require submission, review etc. of subdivision
Original Sponsor _____ & development plans

Fiscal Note Requested G&RA DEC Page 2604

Contacts: Freeman 4993 ✓ Lee Sharp ✓
m. mullen ✓

LAA Legal Research contact: Chenoweth

✓ John Scribner- DEC 2604 - 2640

Says this bill originated as a result of publication of "Alaska Land-A Report To The Legislaute" published by the Dept. of Natural Resources Jan. 1979 (see attached) Says that in researching problem, DEC found that in 2 areas DEC regs had seeminly caused a problem: Glen Allen--a plot of land proposed for subdividing intersected 3 regional boundaries. Div. of Lands got 3 different interpretations of DEC regs. Problem was resolved. Ted Smith doesn't feel there is a problem with the regs, according to Scribner. He was pleased with the response of DEC.

Ketchikan- parcels of state owned land was to be subdivided. There was no topsoil, only bedrock in this area. No on-site waste disposal was possible. Div. of Lands has proposed a collection system which will work.

According to Scribner, Russ Meekins appointed Oral Freeman to look into this.

Sec. 46.03.720 (a) States no person may construct, extend, install or operate a sewerage system or treatment works, or any part of a sewerage syste or treatment works, until plans for it are submitted to the department for review and the department approves them in writing and issues a written permit.

Requirement for DEC can be waived if the local government takes the responsibility.
(See 18AAC 72.068

BILL WORK SHEET

COMMITTEE ON COMMUNITY AND REGIONAL AFFAIRS

Referred to _____
Received from _____

BILL NO. CSHB172 re DEC
Original Sponsor _____

Fiscal Note _____

Contacts:

LAA Legal Research contact: _____

John Scribner -- (Telephone information)

Federal Water Pollution Control Act is in fact controlling. State qualifies to administer but the municipalities still have to meet state standards.

Would like to amend CS references to sewer treatment to say "individual on-lot waste treatment and disposal system"

- p. 1 l. 28
- p. 2 l. 15
- p. 2 l. 9
- p. 3 l. 5
- p. 3 l. 3

Should be amended to specifically exclude water from the CS

p. 2 Lines 19-23 as problem area re Feds. (see above)

Telegrams should be arriving from Cordova, Valdez

CRA Opposed. Small Communities are not in a position to handle this themselves. No means to operate and enforce. EPA will be involved if municipal regs aren't stringent enough.

Contacted re 3/14 Hearing

- ✓ C+RA*
- ✓ DEC*
- ✓ Municipal League*
- ✓ Freeman*

Original sponsor: Freeman

1 IN THE HOUSE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 172

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to review and approval of subdivision
7 and development plans by municipalities; and providing
8 for an effective date."

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

10 * Section 1. AS 46.03.090 is amended to read:

11 Sec. 46.03.090. PLANS FOR POLLUTION DISPOSAL. The department may
12 require the submission of plans

13 (1) for sewage and industrial waste disposal or treatment or
14 both for a publicly or privately owned or operated industrial establish-
15 ment[,]; and

16 (2) for a community, public or private property subdivision
17 or development only

18 (A) if that subdivision or development is located out-
19 side a municipality which exercises platting and subdivision
20 approval authority under AS 29.33.150 - 29.33.240; or

21 (B) if, in a municipality which exercises platting and
22 subdivision approval authority, standards applicable to the re-
23 view and approval of subdivision plats have not been adopted and
24 filed with the Department of Community and Regional Affairs in
25 accordance with AS 29.33.155.

26 * Sec. 2. AS 46.03.720(a) is amended to read:

27 (a) Except when construction, extension or installation of a
28 sewerage system or treatment works receives approval by the platting
29 board of a municipality in conjunction with the review and approval of

3 a subdivision or dedication under AS 29.33.150 and 29.33.155, no [N.]
4 person may construct, extend, install or operate a sewerage system or
5 treatment works, or any part of a sewerage system or treatment works,
6 until plans for it are submitted to the department for review and the
7 department approves them in writing and issues a written permit.

8 * Sec. 3. AS 29.33.150(1) is amended to read:

9 (1) form, size, and other aspects of subdivisions, dedica-
10 tions, and vacations of land, including but not limited to, standards
11 for review and approval of proposed subdivisions having sewerage and
12 wastewater treatment and disposal systems, including on-lot treatment
13 and disposal systems;

14 * Sec. 4. AS 29.33 is amended by adding a new section to read:

15 Sec. 29.33.155. STANDARDS FOR SUBDIVISIONS. The municipality
16 shall adopt standards applicable for the review and approval of subdivi-
17 sions with respect to type and location of water sources and sewerage
18 treatment and disposal systems. A copy of the municipality's current
19 ordinance defining standards applicable for the review and approval
20 shall be filed with the commissioner of community and regional affairs.
21 The municipality's ordinance shall provide that a proposed subdivision
22 may not be approved if the subdivision does not contain soils suitable
23 for effective absorption of discharged wastewater or if treatment and
24 disposal results in the release of wastewater which does not meet water
25 quality criteria defined by the municipality.

26 * Sec. 5. AS 29.33.160 is amended by adding a new subsection to read:

27 (c) The platting board may request the Department of Environmental
28 Conservation to review and advise on proposed type and location of water
29 sources and sewerage treatment and disposal systems for proposed sub-
30 divisions submitted for platting board review and approval.

31 * Sec. 6. AS 46.03.020 is amended by adding a new paragraph to read:

2 (12) when requested to do so by a municipality exercising
3 platting and subdivision authority under AS 29.33.150, review proposed
4 type and location of water sources and sewerage treatment and disposal
5 systems for proposed subdivisions by application of the municipality's
6 ordinances for water supply and sewerage treatment and disposal.

7 * Sec. 7. AS 44.47.050(5) is amended to read:

8 (5) maintain a library or reference file of municipal ordi-
9 nances required to be kept by the department by law, serve as a
10 clearinghouse for information useful in solution of community and
11 regional problems, and channel to the appropriate authority requests for
12 documents, information and services;

13 * Sec. 8. This Act takes effect immediately in accordance with AS 01.10.-
14 070(c).
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STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

JAY S. HAMMOND, GOVERNOR

POUCH 0 - JUNEAU 99811

March 6, 1979

The Honorable Bill Parker
Chairman, Community and Regional
Affairs Committee
State House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Chairman Parker:

Currently being considered by the Committee on Community and Regional Affairs is House Bill 172. This bill would restrict the authority of the Department of Environmental Conservation to review and approve subdivision plans for suitability for on-site waste disposal to only those areas outside the boundaries of organized municipalities. Presumably, municipalities would have the option of requiring subdivisions to meet requirements similar to those currently imposed by our regulations, or to allow them to be developed and sold without any assurance that a homebuilder can construct an on-site sewage disposal system.

If this bill were to become law, Alaska can expect severe economic, public health, and environmental consequences. While we fully agree that local governments should take the lead in implementing land use controls through their local planning and zoning programs, many simply do not have the financial or staff resources to conduct technical review of subdivisions for their suitability for on-site waste disposal. Thus, we can expect a number will not undertake this additional task, thus assuring that many subdivisions in organized areas will not be suitable for on-site waste disposal. The present statewide review program has resulted in numerous platting changes to subdivisions to ensure that such disposal is possible, or that an alternative waste collection and disposal system is provided.

Attempts at construction of on-site waste disposal systems on inadequate soils will result in contaminated ground water, a flow of raw human body wastes across the surface of the land, or an untreated discharge to nearby waterways. Substantial threat to public health can result from direct contact with these uncontrolled sewage discharges, or by ingestion of contaminated well water.

In addition to the public health implications, passage of this bill could severely stall new housing starts in Alaska. Presently, Federal home loan financing and guarantee programs require certification by a State or local government agency that land is suitable for on-lot waste disposal before a loan will be approved for a home without community sewer service. Alaskan banks, which administer these Federal funds, inform us that approximately 50 percent of new home loans in Alaska have some Federal funding or guarantee. Naturally, other home loan programs are available, but usually at a substantially higher interest rate.

Review and certification for on-lot waste disposal suitability can occur at either the subdivision-wide level, or on an individual lot basis. Because soil borings must be taken, and analysis must be made by qualified persons, it is far more economical to conduct these investigations on a subdivision-wide basis. If this Department's review and approval of waste disposal capability on a subdivision-wide basis is eliminated in organized municipalities, lending institutions will simply require an investigation on each and every lot before granting a Federal home loan. This will result in greater expense to the home buyer. The Department of Environmental Conservation currently performs single-lot reviews in those areas where subdivision-wide review was not conducted, generally on small or older subdivisions. Because of the additional workload associated with a change from a subdivision-wide to a lot-by-lot review, I anticipate that it will be necessary to add five to ten additional staff to conduct the reviews required by banks handling Federal lending and guarantee programs. I must emphasize that the banks with which we have discussed this program simply will not make such home loans unless they can be assured by a responsible government agency that on-site waste disposal is feasible. Neither they, nor the Federal Government, will take the risk of losing an investment because of a failing waste disposal system, or a contaminated water supply.

If a builder is able to finance his home in another manner, and constructs a waste disposal system which subsequently fails, he may find himself with a home he cannot sell. This situation exists in Eagle River near Anchorage, where homes with contaminated wells and failing sewage systems cannot be sold.

This latter situation has occurred many times in the past--on several occasions to entire subdivisions--where wells will become contaminated from failing sewage systems sometimes affecting hundreds of lots. In some cases, entire families have become seriously ill--even death may result. Eventually, the State and local governments must step in to help, through the construction of complete new community water and sewer

systems. These systems will cost many times what would have been required if they had been installed when the property was first developed; in some cases, even with State and Federal grant funding assistance, the sewer and water assessments far exceed the total original cost of the lots. Just a few examples where this has occurred include Lemeta in Fairbanks, Deborah Subdivision in Eagle River, Mendenhall Valley in Juneau, Island Lake in Kodiak, and Robe River Subdivision in Valdez. Many millions of dollars in State funds have been spent to correct the problems in Lemeta and the Mendenhall Valley. Many others are not yet solved, but are scheduled to cost tens of millions of State and Federal funds.

Apparently, the impetus behind this bill relates to alleged problems the Department of Natural Resources has in disposing of State-owned lands. A recent report by the Division of Lands implies that compliance with subdivision review regulations is an obstacle to the State's land disposition program, especially as regards homesites. Unfortunately, the report tells only part of the story. The Department of Environmental Conservation does not have any requirements concerning private water systems, only regarding waste disposal. Further, regardless of the subdivision review regulations, a small proportion of State-owned lands simply cannot be used for on-site sewage disposal because of bedrock, high water table, muskeg, or other similar problems.

Further, it has been alleged by some that meeting our subdivision waste disposal requirement is overly costly. A review of the Division of Lands' cost analyses indicates that this is simply not the case. The Division of Lands has estimated that, over the next few years, \$618 million will be needed to dispose of State-owned lands. The vast majority of these costs are for road and street construction--only 9 percent is for sewer and water improvements. Roughly one-half of the 9 percent is for community water systems--an improvement which is not required by the Department of Environmental Conservation. The other one-half is for sewage collection and disposal systems proposed by private consultants to the Division of Lands because the soil cannot be used successfully for on-site sewage disposal.

My staff and I are committed to working with the Department of Natural Resources to resolve difficult problem areas, as indeed we are with any land developer. In one case, near Glennallen, our joint efforts actually resulted in more developable lots than originally proposed by DNR's consultant. Except for coordination problems which existed several months ago between my field staff and the Division of Lands and which has since been resolved, DNR has been quite complimentary of our assistance in this unprecedented land disposal effort.

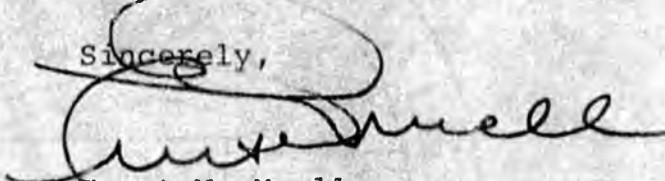
March 6, 1979

This bill would very possibly result in more stringent requirements being imposed on subdivisions outside municipal boundaries than those inside, unless every municipality chose to undertake the expense of establishing a subdivision review program similar to ours. In our view, this is somewhat anomalous--in most cases, municipal requirements are more strict than State requirements.

As you know, DEC regulations presently provide for local governments to carry out subdivision plan review in lieu of the Department. The Municipality of Anchorage is the only municipality to apply for the program and receive approval. No other municipality has even applied for the program in spite of our active encouragement to do so. The requirements are extremely minimal and anything less stringent cannot responsibly be said to protect public health or prevent pollution problems.

As an alternative to this bill, and the other proposal discussed during your February 28 hearing, I would suggest that local governments be specifically granted the authority and the responsibility for controlling on-site sewage disposal problems within their boundaries. This would require that municipalities develop and implement a program which is at least as stringent as the State's in a manner similar to that of Anchorage. Only in this manner can we ensure that even a minimal level of protection is afforded to those who buy land in Alaska, protection against severe threats to public health, some assurance they can finance their new homes, and protection against the loss of a portion of their substantial investment.

Sincerely,



Ernst W. Mueller
Commissioner

cc: Committee Members
Mr. Keith Specking

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B - JUNEAU 99811

March 13, 1979

The Honorable Bill Parker
Chairman, Community and Regional Affairs Committee
Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Mr. Chairman:

The Department of Community and Regional Affairs has reviewed The House Community and Regional Affairs Committee's substitute for House Bill 172. The draft substitute addresses many of the concerns we had with the original bill, specifically new responsibilities the bill would delegate to municipalities which exercise platting power.

Section 4 of the committee substitute requires all municipalities which exercise platting authority to adopt standards for review and approval of subdivisions with respect to the type and location of water sources and sewerage treatment and disposal systems. Sections 5 and 6 support local enforcement of subdivision ordinances through technical assistance from the Department of Environmental Conservation.

Taken together, Sections 4, 5, and 6 of CSHB 172 create a potentially effective system for delegating to local governments certain of the State's police powers, particularly those pertaining to the protection of the public health. There are three points we would like the committee to consider in its deliberation on the bill.

1. Before the State delegates to local governments responsibilities so vital as the prevention of public health hazards produced through pollution by inadequate on-site sewerage disposal, and the assurance for prospective landowners or leaseholders that they will be able to obtain financing to purchase or construct a home (many financing institutions require assurance of adequate water supply and sewerage disposal before issuing a loan), it should ensure that municipal standards of review and approval will be adequate to provide the public the protection to which they are entitled. Two ways for CSHB 172 to do this would be to (1) modify Sec. 4 (p.2, line 23) to require that local standards meet minimum standards presently applied by the Department of Environmental Conservation or (2) to require municipalities to submit standards to the Department of Environmental Conservation for approval.

2. Local subdivision ordinances in many small municipalities in the State are administered solely by a planning commission, consisting of volunteers, and sometimes assisted by a city foreman or engineer. In such instances, the cities may prefer for the Department of Environmental Conservation to retain the responsibility of review and approval of subdivisions for the adequacy of water supply and sewerage treatment and disposal. Section 4 makes the assumption of the Department of Environmental Conservation's previous responsibilities in this regard mandatory for local governments which must exercise platting powers (i.e., boroughs of all classes but the third class, first class cities, and home rule cities). Changing "SHALL" on page 2, line 14 to "may" would clarify the voluntary nature of municipal assumption of the responsibility for review and approval of subdivisions with respect to the type and location of water supply and sewerage treatment and disposal.

3. The Department of Environmental Conservation's technical assistance program would have to be adequately funded in order to insure the bill's promise to offer municipalities the technical expertise they need to properly review subdivisions.

We appreciate your consideration of points raised in this letter.

Sincerely,

Lee McAnerney
Commissioner

By:


Don Argetsinger
Deputy Commissioner

cc: The Honorable Ernst Mueller
Commissioner
Department of Environmental Conservation

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

JAY S. HAMMOND, GOVERNOR

POUCH 0 - JUNEAU 99811

March 15, 1979

The Honorable William Parker
Chairman
House Committee on Community
& Regional Affairs
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Parker:

The committee substitute for House Bill 172 that was prepared on March 14, 1979 addresses few of the concerns expressed in our testimony before you.

One of our major concerns is that the bill gives local government exclusive authority over water and sewerage systems for subdivisions without assigning them adequate responsibility to insure protection of public health and prevent pollution of State waters. We have a great deal of respect for the abilities of local government, given a fair chance, but, as written, CS HB 172 is in effect "throwing them to the wolves" by also abrogating the State's responsibilities in this matter. By not setting some kind of minimum standards for local governments to fall back on when reviewing and approving water and sewage aspects of subdivisions, some will be virtually helpless to deal with extraordinary political and development pressures to approve the installation of systems on unsuited sites. The consequences of this action will result in public health problems; loss of financing opportunities for development; pollution of State waters; and unnecessary expenditure of State, federal and local monies for clean-up.

The State of New York, after over 40 years of exclusive local control, developed so many serious sewage problems that minimum state standards for on-lot waste disposal were recently adopted. Other states have taken similar actions. Alaska is in a unique position to assist local government by requiring them to meet certain minimum standards for protection of public health and prevention of pollution of State waters and we should not step backward as dictated by this bill.

The Honorable William Parker
Page 2
March 15, 1979

Another major concern expressed before your committee still has not been addressed adequately. There remains a substantial conflict with State and federal law with respect to construction of sewerage systems and sewage treatment and disposal systems; and setting of sewage treatment standards and water quality standards. This conflict can be resolved substantially by limiting review of subdivisions by local government specifically to individual on-lot disposal of wastewater.

The March 14 draft exempts any jurisdiction from responsibility for reviewing and approving of on-site sewage disposal systems in subdivisions previously approved by local government. We believe the Committee does not intend that these individual systems within approved subdivisions be exempted from review altogether and suggest that appropriate assignment of responsibility be added.

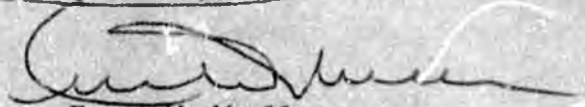
There are several lesser concerns with wording that should be addressed by the committee for clarification:

1. Sec. 1. The additions on lines 27-29 of page 1 are vague and will lead to problems of interpretation. We suggest integration of this introductory phrase into the more specific wording on page 2, lines 4-7 by the addition of "under authority of AS 29.33.150-AS 29.33.240" after "municipality" on line 4, and the elimination of lines 27-29 down to, no.
2. The term "sewerage system or treatment works" should be substituted for the similar terms on page 2, lines 11, 12, 17 and 26 and page 3, lines 2 and 3.
3. Beginning on page 2, line 29, delete the phrase "exercising platting and subdivision authority under AS 29.33.155" and on page 3, line 3 and 4 the phrase "by application of the municipality's ordinances for water supply and sewerage treatment and disposal." The first phrase is unnecessary and confusing. It is our view that the communities power to request assistance from this Department, and our responsibility to respond to these requests, should not be unduly limited. The language in the proposed committee substitute would preclude a long standing practice between the Fairbanks North Star Borough and this Department. An Ad Hoc Subdivision Review Committee has been in existence for a number of years, by which federal, State and local agencies provide advice to the Borough on a broad variety of matters relating to subdivision development. This approach has been very valuable to the Borough in its subdivision review program. The proposed language would prohibit this program for no discernable reason.

The Honorable William Parker
Page 3
March 15, 1979

Thank you for this opportunity to comment on this bill. We enthusiastically support the concept of local control, but feel it is important to also provide municipalities with the necessary tools to do the job effectively. The present draft falls short of that goal.

Sincerely,



Ernst W. Mueller
Commissioner

cc: Committee Members
Dept. of Community & Regional Affairs

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

JAY S. HAMMOND, GOVERNOR

POUCH 0 - JUNEAU 99811

March 15, 1979

The Honorable William Parker
Chairman
House Committee on Community
& Regional Affairs
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Parker:

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The State of New York, after over 40 years of exclusive local control, developed so many serious sewage problems that minimum state standards for on-lot waste disposal were recently adopted. Other states have taken similar actions. Alaska is in a unique position to assist local government by requiring them to meet certain minimum standards for protection of public health and prevention of pollution of State waters and we should not step backward as dictated by this bill.

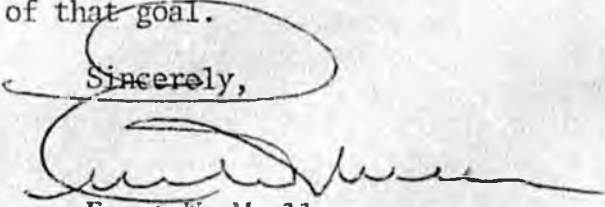
The Honorable William Parker

Page 3

March 15, 1979

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Sincerely,



Ernst W. Mueller
Commissioner

cc: Committee Members
Dept. of Community & Regional Affairs

TELEGRAM

RCA ALASKA COMMUNICATIONS, INC.
JUNEAU, ALASKA 99802

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PMS REP BILL PARKER
COMMITTEE OF REGIONAL AFFAIRS
JUNEAU
THE CITY OF CORDOVA STRONGLY OBJECTS TO HB172 AND ASKS THE ADEC
SUBDIVISION PLAN REVIEW COMPLEMENTS OUR CITY REGULATIONS AND WE
HAVE A VERY GOOD WORKING RELATIONSHIP WITH ADEC ON POLLUTION
DISPOSAL PROBLEMS WHERE THEY LEND TECHNICAL SUPPORT THAT WE ARE
NOT QUALIFIED TO GIVE
CITY OF CORDOVA



KETCHIKAN GATEWAY BOROUGH

344 FRONT STREET
KETCHIKAN, ALASKA 99901

March 8, 1979

The Honorable Representative William Parker
House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Parker:

My staff has reviewed the possible implications of HB 172 and the following comments are provided for your information:

The principle of local control and local regulation embodied in the proposed amendment to Alaska Statute 46, Chapter 3, is one that should be supported. It has been recognized by Ketchikan Gateway Borough Planning staff, the KGB Planning Commission and even the local Environmental Conservation Officer that waste water disposal regulations, formulated for a statewide average, are not suitable for Ketchikan with its poor soils, high precipitation and high water table. I assume HB 172 does not question the value of good environmental safeguards but addresses only the inequities that have arisen from ADEC comprehensive regulations. Unfortunately in divesting ADEC of the power to review subdivision or development plans where the municipality has subdivision authority (such as Ketchikan) there is no guarantee the local community will have the funds and expertise to carry the job through. It seems to me, at least as far as Ketchikan is concerned, that the problem is the relative insensitivity of the regulations to local conditions not the contention that Alaska Statute 46 violates the rights of municipal self rule. If a mechanism can be designed to allow local government to draft local waste water regulations for adoption into State law and let ADEC provide technical and enforcement services the result would be very beneficial. Special skills are needed to write and enforce environmental regulations, even those designed for local conditions, and I think HB 172 as presented will create a vacuum into which the municipality will be unable to step without State assistance.

City Council of Sand Point

Box 16

SAND POINT, ALASKA 99661

February 28, 1979

Marilyn Miller
Alaska Municipal League
204 N. Franklin St.
Juneau, Alaska 99801

Dear Marilyn:

This letter follows our brief conversation today. Recall that I mentioned concern over a recent bill or proposal in the legislature to limit the State Department of Environmental Conservation from exercising subdivision control within municipal jurisdictions. I understand the intent of the proposed legislation but would not wish to see a strict prohibition placed upon DEC to exercise subdivision control.

The City of Sand Point has by ordinance set forth procedures for subdivision which includes DEC review and assistance.

The city would wish any new legislation relating to DEC and subdivisions have language that would optionally permit municipalities to by ordinance include or permit DEC review, assistance or regulatory overview of subdivision plans and construction.

Thank you.

Sincerely yours,



David A. Jensen
City Manager

DAJ:alp

WO#6340
Chenoweth

Original sponsor: Freeman

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 172

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to review and approval of subdivision
7 and development plans by municipalities; and providing
8 for an effective date."

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

10 * Section 1. AS 46.03.090 is amended to read:

11 Sec. 46.03.090. PLANS FOR POLLUTION DISPOSAL. The department may
12 require the submission of plans

13 (1) for sewage and industrial waste disposal or treatment or
14 both for a publicly or privately owned or operated industrial establish-
15 ment[,]; and

16 (2) for a community, public or private property subdivision
17 or development only

18 (A) if that subdivision or development is located out-
19 side a municipality which exercises platting and subdivision
20 approval authority under AS 29.33.150 - 29.33.240; or

21 (B) if, in a municipality which exercises platting and
22 subdivision approval authority, standards applicable to the re-
23 view and approval of subdivision plats have not been adopted and
24 filed with the Department of Community and Regional Affairs in
25 accordance with AS 29.33.155.

26 * Sec. 2. AS 46.03.720(a) is amended to read:

27 (a) Except when a plat receives approval by the platting board of
28 a municipality in conjunction with the review and approval of a subdivi-
29 sion or dedication under AS 29.33.155, no [NO] person may construct,

1 extend, install or operate a sewerage system or treatment works, or any
2 part of a sewerage system or treatment works, until plans for it are
3 submitted to the department for review and the department approves them
4 in writing and issues a written permit. The review and approval of a
5 plat of a subdivision or dedication by a municipality exempts the
6 department from review of individual subdivision lots under this sub-
7 section.

8 * Sec. 3. AS 29.33.150(1) is amended to read:

9 (1) form, size, and other aspects of subdivisions, dedica-
10 tions, and vacations of land, including but not limited to, standards
11 for review and approval of proposed subdivisions having on-lot sewerage
12 and wastewater treatment and disposal systems;

13 * Sec. 4. AS 29.33 is amended by adding a new section to read:

14 Sec. 29.33.155. STANDARDS FOR SUBDIVISIONS. A municipality which
15 requires subdivision approval may adopt standards applicable for the
16 review and approval of subdivisions with respect to type and location of
17 water sources and sewerage treatment and disposal systems. A copy of
18 the municipality's current ordinance defining standards applicable for
19 the review and approval shall be filed with the commissioner of com-
20 munity and regional affairs. The municipality's ordinance shall provide
21 that a proposed subdivision may not be approved if the subdivision does
22 not meet the standards defined by the municipality.

23 * Sec. 5. AS 29.33.160 is amended by adding a new subsection to read:

24 (c) The platting board may request the Department of Environmental
25 Conservation to review and advise on proposed type and location of water
26 sources and sewerage, sewerage treatment and disposal systems for pro-
27 posed subdivisions submitted for platting board review and approval.

28 * Sec. 6. AS 46.03.020 is amended by adding a new paragraph to read:

29 (12) when requested to do so by a municipality exercising

1 platting and subdivision authority under AS 29.33.155, review proposed
2 type and location of water sources and sewerage, sewerage treatment and
3 disposal systems for proposed subdivisions by application of the munici-
4 pality's ordinances for water supply and sewerage treatment and
5 disposal.

6 * Sec. 7. AS 44.47.050(5) is amended to read:

7 (5) maintain a library or reference file of municipal ordi-
8 nances required to be kept by the department by law, serve as a clearing-
9 house for information useful in solution of community and regional
10 problems, and channel to the appropriate authority requests for
11 documents, information and services;

12 * Sec. 8. This Act takes effect immediately in accordance with AS 01.10.-
13 070(c).

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

JAY S. HAMMOND, GOVERNOR

POUCH 0 - JUNEAU 9911

March 6, 1979

Mueller 2600

The Honorable Bill Parker
Chairman, Community and Regional
Affairs Committee
State House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Chairman Parker:

Currently being considered by the Committee on Community and Regional Affairs is House Bill 172. This bill would restrict the authority of the Department of Environmental Conservation to review and approve subdivision plans for suitability for on-site waste disposal to only those areas outside the boundaries of organized municipalities. Presumably, municipalities would have the option of requiring subdivisions to meet requirements similar to those currently imposed by our regulations, or to allow them to be developed and sold without any assurance that a homebuilder can construct an on-lot sewage disposal system.

If this bill were to become law, Alaska can expect severe economic, public health, and environmental consequences. While we fully agree that local governments should take the lead in implementing land use controls through their local planning and zoning programs, many simply do not have the financial or staff resources to conduct technical review of subdivisions for their suitability for on-site waste disposal. Thus, we can expect a number will not undertake this additional task, thus assuring that many subdivisions in organized areas will not be suitable for on-site waste disposal. The present statewide review program has resulted in numerous platting changes to subdivisions to ensure that such disposal is possible, or that an alternative waste collection and disposal system is provided.

Attempts at construction of on-site waste disposal systems on inadequate soils will result in contaminated ground water, a flow of raw human body wastes across the surface of the land, or an untreated discharge to nearby waterways. Substantial threat to public health can result from direct contact with these uncontrolled sewage discharges, or by ingestion of contaminated well water.

In addition to the public health implications, passage of this bill could severely stall new housing starts in Alaska. Presently, Federal home loan financing and guarantee programs require certification by a State or local government agency that land is suitable for on-lot waste disposal before a loan will be approved for a home without community sewer service. Alaskan banks, which administer these Federal funds, inform us that approximately 50 percent of new home loans in Alaska have some Federal funding or guarantee. Naturally, other home loan programs are available, but usually at a substantially higher interest rate.

Review and certification for on-lot waste disposal suitability can occur at either the subdivision-wide level, or on an individual lot basis. Because soil borings must be taken, and analysis must be made by qualified persons, it is far more economical to conduct these investigations on a subdivision-wide basis. If this Department's review and approval of waste disposal capability on a subdivision-wide basis is eliminated in organized municipalities, lending institutions will simply require an investigation on each and every lot before granting a Federal home loan. This will result in greater expense to the home buyer. The Department of Environmental Conservation currently performs single-lot reviews in those areas where subdivision-wide review was not conducted, generally on small or older subdivisions. Because of the additional workload associated with a change from a subdivision-wide to a lot-by-lot review, I anticipate that it will be necessary to add five to ten additional staff to conduct the reviews required by banks handling Federal lending and guarantee programs. I must emphasize that the banks with which we have discussed this program simply will not make such home loans unless they can be assured by a responsible government agency that on-site waste disposal is feasible. Neither they, nor the Federal Government, will take the risk of losing an investment because of a failing waste disposal system, or a contaminated water supply.

If a builder is able to finance his home in another manner, and constructs a waste disposal system which subsequently fails, he may find himself with a home he cannot sell. This situation exists in Eagle River near Anchorage, where homes with contaminated wells and failing sewage systems cannot be sold.

This latter situation has occurred many times in the past--on several occasions to entire subdivisions--where wells will become contaminated from failing sewage systems sometimes affecting hundreds of lots. In some cases, entire families have become seriously ill--even death may result. Eventually, the State and local governments must step in to help, through the construction of complete new community water and sewer