

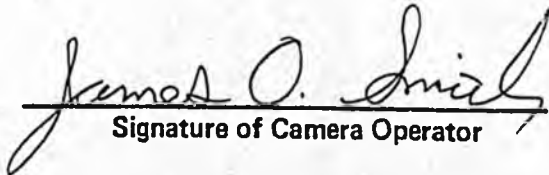
ALASKA LEGISLATURE COMMITTEE FILE 1969-1980 0072  
3214.25 HCRA HB 343 - HB 376

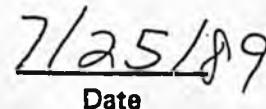


# RECORDS CERTIFICATION



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Signature of Camera Operator

  
Date

H B

3 4 3

# Alaska State Legislature

## COMMITTEES:

Committee on Community and Regional Affairs  
Committee on Transportation  
Special Committee on Oil and Gas  
Special Committee on Fisheries  
Finance Sub-committee on Fish and Game



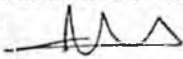
**Andre Marrou**  
Representative

## District 5

Kenai	Sterling
Soldotna	Ancher Point
Homer	Port Graham
Seldovia	English Bay
Kachemak	Nikolaevsk
Kasilof	Halibut Cove
Ninilchik	Clam Gulch

April 13, 1985

To: Peter Goll, Chairman H. CR&A

From: Andre Marrou 

Subject: HB 343

The North Slope Borough is \$1,203,440,000 in debt. This is \$97,373 for each and every person living in the North Slope Borough! Valdez is \$80,497,000 in debt which is \$21,833 per capita. Nenana is indebted \$2,869,000 -- \$5,245 per capita-- or 25.5% of their total assessed value. Compare this last number with the average city debt of 3.3% of valuation. Many more statistics could be quoted supporting the view that some of our municipalities are abusing their bonding authority.

These municipalities are jeopardizing the bonding credibility of the State. There is no clear-cut State policy regarding the possible default of any municipality. For this reason, I have introduced HB 343.

I consider it morally reprehensible that citizens in a fiscally responsible community might be asked to share the debt burden of communities who act without prudence and frugality. This would occur if the State ever decided to bail out a municipality facing bankruptcy.

It is imperative that municipalities and their citizens understand that they must act responsibly when issuing bonds. A city does not have the right to rob its neighbor of potential capital projects by assuming that the State will pay its debt in case they fail.

Distribution of State Property Tax For the North Slope Borough

<u>Year</u>	<u>State Assessed Value</u>	<u>Gross Revenue</u>	<u>Local Credit</u>	<u>Net to State</u>	<u>Percent Increase</u>	<u>Percent of Gross to State</u>
1979	4,810,887,800	96,217,756	49,800,530	46,417,226		48.24
1980	5,450,597,290	109,011,946	55,974,326	53,037,620	14.26	48.65
1981	6,297,616,550	125,952,331	105,150,647	20,801,684	(60.78)	16.52
1982	7,722,388,820	154,447,776	126,731,999	27,665,777	33.00	17.91
1983	9,450,158,880	189,003,178	144,625,348	44,377,830	60.41	23.48
1984	11,725,560,030	234,511,201	215,398,538	19,112,663	(56.93)	8.15

North Slope Borough Budget From All Property Taxes

<u>Year</u>	<u>Mill Rate</u>	<u>Operating</u>	<u>Debt Service</u>	<u>Total</u>	<u>% Increase</u>
1979	10.35	24,360,827	26,625,145	50,985,972	
1980	10.33	28,997,204	30,154,114	59,151,318	16.01
1981	16.70	36,142,391	77,846,541	113,988,932	92.71
1982	16.42	33,833,656	100,370,000	134,203,656	17.73
1983	15.31	33,174,581	118,892,137	152,066,718	73.31
1984	18.37	51,911,988	173,530,854	225,442,842	48.25

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

**REQUEST**

Bill/Resolution No: HB 343  
 Title: General Obligation Bonds Issued by Municipality  
 Sponsor: Marrou  
 Requestor: House C & RA  
 Date of Request: April 12, 1985

**FISCAL DETAIL**

Agency Affected: Department of Revenue  
 Program Category Affected: \_\_\_\_\_  
 BRU, Program of Subprogram(s) Affected: Treasury

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

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	-	-	-	-	-
400 SUPPLIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
<b>TOTAL OPERATING</b>	-	-	-	-	-	-
<b>CAPITAL</b>	-	-	-	-	-	-
<b>REVENUE</b>	-	-	-	-	-	-

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
<b>TOTAL</b>	-	-	-	-	-	-

**POSITIONS:**

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

**ANALYSIS:** Attach a separate page for analysis.

Prepared By: Milt Barker *MB*  
 Division: Treasury

Phone: 465-2350  
 Date: April 12, 1985

Approved by Commissioner: *Jerry G. Starnak*  
 Agency: Department of Revenue

Date: 4/16/85

Distribution (by Agency preparing fiscal note):

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

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

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

May, 1988

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

Mary Van Nimwegen

*HC & RA 4-26-85 3p.m.*

COMMITTEE REPORT

HOUSE

4/26

JUDICIARY

(7)

FURTHER: FINANCE

3/29/85

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

The Committee on COMMUNITY & REGIONAL AFFAIRS has had HE 343

"An Act relating to general obligation bonds issued by a municipality."

under consideration and recommends:

do pass  do not pass

do pass with attached amendments(s)

replace with CS for \_\_\_\_\_  same title  
 new title

and recommends \_\_\_\_\_

Also attaches a "Letter of Intent"  New Fiscal Note

reports it back without recommendation  Zero Fiscal Note Attached

referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

K. H. Furnace Good Bill  
A. G. M.  
Peter Jones  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

K. H. Furnace No Pass  
F. K. M. M.  
F. K. M. M. Do Not Pass  
Redundant  
\_\_\_\_\_  
\_\_\_\_\_

P. H. M.  
\_\_\_\_\_  
CHAIRMAN



Introduced: 3/29/85  
Referred: Community & Regional  
Affairs, Judiciary and Finance

1 IN THE HOUSE

BY MARROU

2

HOUSE BILL NO. 343

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to general obligation bonds issued  
7 by a municipality."

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

9 \* Section 1. AS 29.58.180(a) is amended to read:

10 (a) The full faith and credit of a municipality are pledged for  
11 the payment of principal and interest on general obligation bonds  
12 issued by that municipality. The municipality may levy ad valorem  
13 taxes for payment without limitation of rate or amount to pay or  
14 secure the payment of the principal and interest on general obligation  
15 bonds, regardless of whether the bonds are in default or in danger of  
16 default. The state is not obligated to pay the principal or interest  
17 on general obligation bonds issued by a municipality.

# STATE OF ALASKA

## DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH 5  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-2300

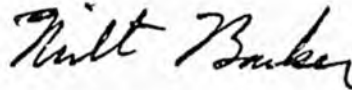
April 26, 1985

Rep. Peter Goll  
Chairman  
House Community and  
Regional Affairs Committee  
Pouch V  
Juneau, AK 99811

Dear Representative Goll:

The Department of Revenue has reviewed HB 343 and has no objection to the proposed amendments.

-Sincerely,



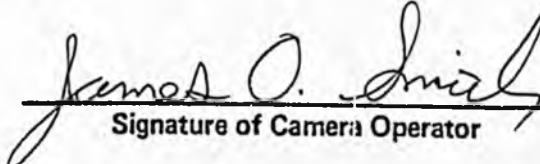
Milt Barker  
Deputy Commissioner

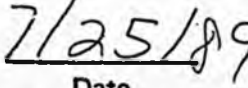
MB:RW:bv  
85-91



# RECORDS CERTIFICATION

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Signature of Camera Operator

  
Date

HB

360

# STATE OF ALASKA THE LEGISLATURE

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POUCH Y. STATE CAPITOL  
JUNEAU, ALASKA 99811  
907.465.3800

May, 1988

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

Mary Van Nimwegen

*HC & RA*

*4-15-85 3p.m.  
4-16-85 3p.m.  
4-22-85 3p.m.*

# ALASKA STATE SENATE

JOE P. JOSEPHSON  
DISTRICT H — ANCHORAGE  
1526 F STREET  
ANCHORAGE, ALASKA 99501  
(907) 277-4419

WHILE IN JUNEAU  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4525



COMMITTEES  
BUDGET & AUDIT  
HEALTH, EDUCATION & SOCIAL SERVICES  
RULES  
TRANSPORTATION  
SENATE CHAIR, ANCHORAGE CAUCUS

OFFICE OF MINORITY WHIP

February 15, 1985

Ms. Patricia Alexander  
Director  
Division of Planning, Policy  
and Evaluation  
Health and Social Services  
Department  
Pouch H-01A  
Juneau, Alaska 99811

Dear Ms. Alexander:

The discussions we have had with you in regard to Senate Bill 26 (notification of community councils) have been very helpful. I appreciate the ideas you have offered in your original position paper and subsequent conversations.

My original interest in this bill arose from a complaint by the Airport Heights Community Council over failure to be notified of a certificate of need application in their area. I had envisioned including certificate of need notification in SR 26, but your suggestion for administrative implementation appears to make more sense.

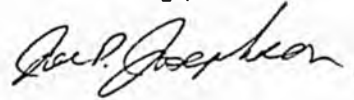
To achieve this end, I would like to pursue your offer to include affected community councils on your notification list. Enclosed is a recent mailing list of community councils in the Anchorage area. Updated address lists can be gotten by contacting the Community Councils Center, 801 West Fireweed Lane, Suite 103, Anchorage, Alaska 99503, phone is 279-1641. The Center may be willing to send you their updated lists, which they prepare periodically for their internal purposes.

The Sponsor Substitute for SB 26, which I just introduced, does not affect the Department of Health and Social Services because of your assurances that the matter will be handled administratively within your agency. Please advise me as to whether this administrative approach is still acceptable to your Department.

Ms. Patricia Alexander  
February 14, 1985  
Page Two

With best wishes, I am

Sincerely,



Joe P. Josephson  
State Senator

JPJ:dfk  
Enclosure

cc: Airport Heights Community Council  
Campbell Park Community Council  
Downtown Community Council  
Fairview Community Council  
Government Hill Community Council  
Northeast Community Council  
North Mt. View Community Council  
Russian Jack Community Council  
Scenic Park Area Community Council  
South Addition Community Council  
South Fork Community Council

ALASKA STATE SENATE

JOE P. JOSEPHSON  
DISTRICT H — ANCHORAGE  
1526 F STREET  
ANCHORAGE, ALASKA 99501  
(907) 277-4419

WHILE IN JUNEAU  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4525

*amendment  
limits ABC which has  
to just CC which has  
the license site*



OFFICE OF MINORITY WHIP

COMMITTEES  
BUDGET & AUDIT  
HEALTH, EDUCATION & SOCIAL SERVICES  
RULES  
TRANSPORTATION  
SENATE CHAIR, ANCHORAGE CAUCUS

TO: Senate Community and Regional Affairs Members  
FROM: Senator Joe Josephson  
DATE: February 25, 1985  
RE: Sponsor Substitute for Senate Bill 26 notification  
of community councils on certain state actions.

*JPJ*

On February 13, 1985, I introduced the attached Sponsor Substitute in an attempt to incorporate comments from your Committee's previous hearing on the bill. I asked my staff to revise the bill and to address the primary notification problems of community councils, but with minimum disruption and costs to state agencies.

The original version of SB 26 would have applied to all departments, regardless of their current notification procedures. SSSB 26 affects only DOT-PF and the Alcoholic Beverage Control Board.

The Department of Health and Social Services was originally affected by the bill, but after meeting with Department representatives, it appeared that inclusion of community councils in notification about hospital "certificate of need" determinations could be best done administratively. My February 15, 1985, letter to Ms. Patricia Alexander of the Health and Social Services Department is attached.

The effects of SSSB 26 are:

Alcoholic Beverage Control Board

Section 1 Community councils would be sent a copy of the ABC Board meeting agenda (which is already sent to Board members) 10 days before the meeting.

Section 2           When the ABC Board holds a public hearing (a few times a year), councils will be sent a notice 20 days in advance

Section 3           When the ABC Board initially receives a liquor license application, the same notice now sent to the local governments within 10 days would also be sent to the community councils.

Department of Transportation & Public Facilities

Section 4           In cases where DOT-PF is required to notify a municipality of the construction of a proposed public project, affected community councils would also be notified.

Other Changes

To include community councils not "chartered" through local government, the reference has been changed to "each community council established by municipal charter or ordinance.

We have requested, and should have by tomorrow, fiscal notes from the ABC Board and DOT-PF for SSSB 26. They should be very small.

Attachments



"An act relating to notification of Community Councils of certain state actions."

Community Council notification is required of:

#### ALCOHOL BEVERAGE CONTROL BOARD

The board shall notify community councils created by municipal charter or ordinance of meeting agendas, application hearings and the receipt of liquor license applications.

#### PRISON FACILITIES

The commissioner of the Department of Corrections shall notify community councils of the department's plans to locate a prison facility or halfway house within an area represented by a community council.

#### TRANSPORTATION AND PUBLIC FACILITIES

The Department of Transportation and Public Facilities shall notify community councils of plans for public projects located within the area represented by the community council and allow for comment from the councils.

#### STATE LAND ACTIONS

The Department of Natural Resources shall notify community councils if state land within the area represented by the council is classified or reclassified, zoned, or sold or leased or otherwise disposed of..

Original sponsors: Pourchot, Boucher,  
Martin, et al

1 IN THE HOUSE

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 360 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

11 Sec. 04.06.050. MEETINGS. The board shall meet at the call of  
12 the chairman. The board shall also meet at least once each year in  
13 each judicial district of the state to study this title and to modify  
14 existing board regulations in light of statewide and local problems.  
15 The board shall send a copy of the agenda of each board meeting at  
16 least 10 days before the board meeting to each community council  
17 established by municipal charter or ordinance and to each nonprofit  
18 community organization that requests a copy.

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

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

23 (1) if an application is denied, the notice of denial shall  
24 be furnished the applicant immediately in writing stating the reason  
25 for the denial in clear and concise language; the notice of denial  
26 shall inform the applicant that the applicant [HE] is entitled to an  
27 informal conference with either the director or the board, and that,  
28 if not satisfied by the informal conference, the applicant [HE] is  
29 then entitled to a formal hearing before the board; if the applicant

1 requests a formal hearing, the board shall adhere to AS 44.62.330 -  
2 44.62.630 [(ADMINISTRATIVE PROCEDURE ACT)]; all interested persons may  
3 be heard at the hearing and unless waived by the applicant and the  
4 board, the formal hearing shall be held in the area for which the  
5 application is requested;

6 (2) the board may, on its own initiative or in response to  
7 an objection or protest, hold a hearing to ascertain the reaction of  
8 the public or a local governing body to an application if a hearing is  
9 not required under (1), (3), or (4) or this subsection; the board  
10 shall send notice of the hearing 20 days in advance to each community  
11 council established by municipal charter or ordinance and to each  
12 nonprofit community organization that requests notice;

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

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

23 \* Sec. 3. AS 04.11.520 is amended to read:

24 Sec. 04.11.520. NOTICE TO LOCAL GOVERNING BODY. After receipt  
25 of an application from within (1) an established village, (2) an  
26 incorporated city, (3) an organized borough, or (4) a unified munic-  
27 ipality, the board shall transmit written notice to the local govern-  
28 ing body within 10 days so that the local governing body may protest  
29 under AS 04.11.480. The board shall also send written notice within

1 10 days to each community council established by municipal charter or  
2 ordinance and to each nonprofit community organization that requests  
3 written notice.

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

5 Sec. 33.30.025. SITING OF PRISON FACILITIES. The commissioner  
6 shall notify each community council established by municipal charter  
7 or ordinance of the department's plans to locate or to contract for  
8 the operation of a prison facility or community residential facility  
9 in the area represented by the community council. If the facility is  
10 to be located or operated outside a municipality, the commissioner  
11 shall notify the postmaster of each permanent settlement of more than  
12 25 persons located within six miles of the proposed facility with a  
13 request that the notice be posted in a conspicuous location.

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

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

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

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

23 (3) if the project is located within the area represented  
24 by a community council established by municipal charter or ordinance,  
25 the department shall submit the plans to the community council for  
26 review and comment;

27 (4) if the project is located outside a municipality, the  
28 department shall submit a description of the project to the postmaster  
29 of each permanent settlement of more than 25 persons located within

1 six miles of the project with a request that the project description  
2 be posted in a conspicuous location.

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

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

6 (1) to a municipality if the land is within the boundaries  
7 of the municipality and to a community council established by municipi-  
8 pal charter or ordinance if the land is within the area represented by  
9 the council;

10 (2) to a regional corporation if the boundaries of the  
11 corporation as established by sec. 7(a) of the Alaska Native Claims  
12 Settlement Act encompass the land and the land is outside a municipali-  
13 ty;

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

18 (4) to the postmaster of each [A] permanent settlement of  
19 more than 25 persons located within six miles of the land if the land  
20 is located outside a municipality, with a request that the notice be  
21 posted in a conspicuous location.

REPRESENTATIVE PAT POURCHOT'S  
OFFICE

COMMITTEE QUESTIONS AND SUGGESTIONS TO AMEND HB 360

- 1) p.3, lines 4-5, confusing language was questioned by Corrections and committee members. Suggested language for lines 3-5:

"or ordinance of the department's plans to locate or to contract for the operation of a prison facility or community residential facility in the area represented by the community council."

- 2) p.3, section 5, lines 6-18, should the legislation provide for a time limit for notification from DOT/PF to the community council?

This statute reference provides for the notification of planning commissions and municipalities of public projects by the department. There is no statutory time provision for notification of those two entities so it is somewhat illogical to extend a time provision to the community councils. The alternative is to amend the statutes to provide a time limit on notification for the municipalities and commissions but if a need has not been noted to this point, why should it be "corrected"?

- 3) p.1, line 15, initial confusion about whether "meeting" referred to a meeting of the ABC Board or a meeting of the community council. The language does indicate that "meeting" refers to an ABC Board meeting. If it is the desire of the committee, there is no problem inserting "board" before "meeting."
- 4) One member indicated that the fiscal note could possibly be reduced if the agencies contacted only the Federation of Community Councils who could then notify individual councils. This appears to be impractical since the Federation of Community Councils represents Anchorage Community Councils and could not be expected to forward information to Mat-Su or other councils.
- 5) Fiscal note reduction was discussed as a possible way to have Finance waive consideration. The Finance Committee chair rarely waives a bill

already assigned to the committee and it will be easy to reduce the ABC Board fiscal note if desired.

- 6) Some concern was expressed about the lack of a definition for "community council" beyond a council "established by municipal charter or ordinance." By leaving out a definition in state statutes, it allows municipal assemblies to charter councils which would then have access to notification by the named agencies. This is a local option approach which gives the municipality discretion on what entity qualifies as a "community council."
- 7) A member of the committee asked what the definition of "community council" was in Anchorage. As defined in the municipality's code (Chapter 2.40, Section 2.40.030):

"Community councils are non-profit, voluntary, self-governing associations composed of residents, property owners and representatives from non-profit associations and other entities located within geographical areas designated as districts by the assembly. Residents, for the purpose of this chapter, are defined as: residents, property owners, and representatives from non-profit associations and other entities located within the geographical areas designated as districts by the assembly."
- 8) A member of the committee suggested that agency notification be expanded beyond the concept of "community councils." Nothing in this legislation precludes distribution of the information by the municipalities to any group. It perhaps preserves local option if municipalities are allowed to designate what a "community council" is for the purposes of these statutory provisions.

1 be heard at the hearing and unless waived by the applicant and the  
2 board, the formal hearing shall be held in the area for which the  
3 application is requested;

4 (2) the board may, on its own initiative or in response to  
5 an objection or protest, hold a hearing to ascertain the reaction of  
6 the public or a local governing body to an application if a hearing is  
7 not required under (1), (3), or (4) or this subsection; the board  
shall send notice of the hearing 20 days in advance to each community

*Same*  
8 council established by municipal charter or ordinance. *to each community council.*

9 *ADD TO EACH OF THE ABOVE SECTIONS*  
10 (3) if a petition containing the signatures of 35 percent  
11 of the adult residents having a permanent place of abode outside of  
12 but within two miles of an incorporated city or an established village  
13 is filed with the board, the board shall hold a public hearing on the  
14 question of whether the issuance, renewal, or transfer of the license  
15 in the city or village would be in the public interest;

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

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21 Sec. 04.11.520. NOTICE TO LOCAL GOVERNING BODY. After receipt  
22 of an application from within (1) an established village, (2) an  
23 incorporated city, (3) an organized borough, or (4) a unified munic-  
24 ipality, the board shall transmit written notice to the local govern-  
25 ing body within 10 days so that the local governing body may protest  
26 under AS 04.11.480. The board shall also send written notice within  
27 10 days to each community council established by municipal charter or  
28 ordinance.

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

1           Sec. 33.30.025. SITING OF PRISON FACILITIES. The commissioner  
2 shall notify each community council established by municipal charter  
3 or ordinance of the department's plans to locate a prison facility or  
4 to contract for the operation of a halfway house or other rehabilita-  
5 tion program in the area represented by the community council.

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

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

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

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

15                 (3) if the project is located within the area represented  
16 by a community council established by municipal charter or ordinance,  
17 the department shall submit the plans to the community council for  
18 review and comment. (4) See p. 4

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

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

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

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

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

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

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

*Pete's Mark up*  
*Copy*

Introduced: 4/9/85  
Referred: Community & Regional  
Affairs, Judiciary and Finance

~~BY POURCHOT, BOUCHER, MARTIN,  
GRUENBERG, CLOCKSIN, UEHLING  
AND PEARCE~~

1 IN THE HOUSE

HOUSE BILL NO. 360

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to notification of community coun-  
7 cils of certain state actions."

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

9 \* Section 1. AS 04.06.050 is amended to read:

10 Sec. 04.06.050. MEETINGS. The board shall meet at the call of  
11 the chairman. The board shall also meet at least once each year in  
12 each judicial district of the state to study this title and to modify  
13 existing board regulations in light of statewide and local problems.

14 ~~The board shall send a copy of the agenda of each meeting at least 10~~  
15 ~~days before the meeting to each community council established by~~  
16 ~~municipal charter or ordinance.~~ *BOARD*  
*organizing by the board to m.*

17 \* Sec. 2. AS 04.11.510(b) amended to read:

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

21 (1) if an application is denied, the notice of denial shall  
22 be furnished the applicant immediately in writing stating the reason  
23 for the denial in clear and concise language; the notice of denial  
24 shall inform the applicant that the applicant [HE] is entitled to an  
25 informal conference with either the director or the board, and that,  
26 if not satisfied by the informal conference, the applicant [HE] is  
27 then entitled to a formal hearing before the board; if the applicant  
28 requests a formal hearing, the board shall adhere to AS 44.62.330 -  
29 44.62.630 [(ADMINISTRATIVE PROCEDURE ACT)]; all interested persons may

*Handwritten bracket and arrow pointing to lines 14-16 and 25-29.*

*AND TO ANY non-profit community organization  
requesting such notice. ANY municipality or A.M.U. may request  
such notice on behalf of its community council.*

1 be heard at the hearing and unless waived by the applicant and the  
2 board, the formal hearing shall be held in the area for which the  
3 application is requested;

4 (2) the board may, on its own initiative or in response to  
5 an objection or protest, hold a hearing to ascertain the reaction of  
6 the public or a local governing body to an application if a hearing is  
7 not required under (1), (3), or (4) or this subsection; the board  
8 shall send notice of the hearing 20 days in advance to each community  
9 council established by municipal charter or ordinance, to each community council.

10 *Same* ~~AS 04.11.520~~ (3) if a petition containing the signatures of 35 percent  
11 of the adult residents having a permanent place of abode outside of  
12 but within two miles of an incorporated city or an established village  
13 is filed with the board, the board shall hold a public hearing on the  
14 question of whether the issuance, renewal, or transfer of the license  
15 in the city or village would be in the public interest;

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

20 \* Sec. 3. AS 04.11.520 is amended to read:

21 Sec. 04.11.520. NOTICE TO LOCAL GOVERNING BODY. After receipt  
22 of an application from within (1) an established village, (2) an  
23 incorporated city, (3) an organized borough, or (4) a unified munic-  
24 ipality, the board shall transmit written notice to the local govern-  
25 ing body within 10 days so that the local governing body may protest  
26 under AS 04.11.480. The board shall also send written notice within  
27 10 days to each community council established by municipal charter or  
28 ordinance.

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

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

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

1           Sec. 33.30.025. SITING OF PRISON FACILITIES. The commissioner  
2 shall notify each community council established by municipal charter  
3 or ordinance of the department's plans to locate a prison facility or  
4 to contract for the operation of a halfway house or other rehabilita-  
5 tion program in the area represented by the community council.

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

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

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

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

15                   (3) if the project is located within the area represented  
16 by a community council established by municipal charter or ordinance,  
17 the department shall submit the plans to the community council for  
18 review and comment. (4) See p-4

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

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

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

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

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

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

REPRESENTATIVE PAT POURCHOT'S  
OFFICE

COMMITTEE QUESTIONS AND SUGGESTIONS TO AMEND HB 360

- ① p.3, lines 4-5, confusing language was questioned by Corrections and committee members. Suggested language for lines 3-5:

④ [ "or ordinance of the department's plans to locate or ~~to~~ contract for the operation of a prison facility or ~~community~~ residential facility in the area represented by the community council." ]

①  
CS  
OK

- 2) p.3, section 5, lines 6-18, should the legislation provide for a time limit for notification from DOT/PF to the community council?

This statute reference provides for the notification of planning commissions and municipalities of public projects by the department. There is no statutory time provision for notification of those two entities so it is somewhat illogical to extend a time provision to the community councils. The alternative is to amend the statutes to provide a time limit on notification for the municipalities and commissions but if a need has not been noted to this point, why should it be "corrected"?

- ③ 3) p.1, line 15, initial confusion about whether "meeting" referred to a meeting of the ABC Board or a meeting of the community council. The language does indicate that "meeting" refers to an ABC Board meeting. If it is the desire of the committee, there is no problem inserting "board" before "meeting."

ADD  
was  
Board in  
2 places

- 4) One member indicated that the fiscal note could possibly be reduced if the agencies contacted only the Federation of Community Councils who could then notify individual councils. This appears to be impractical since the Federation of Community Councils represents Anchorage Community Councils and could not be expected to forward information to Mat-Su or other councils.

- 5) Fiscal note reduction was discussed as a possible way to have Finance waive consideration. The Finance Committee chair rarely waives a bill

already assigned to the committee and it will be easy to reduce the ABC Board fiscal note if desired.

- 6) Some concern was expressed about the lack of a definition for "community council" beyond a council "established by municipal charter or ordinance." By leaving out a definition in state statutes, it allows municipal assemblies to charter councils which would then have access to notification by the named agencies. This is a local option approach which gives the municipality discretion on what entity qualifies as a "community council."
- 7) A member of the committee asked what the definition of "community council" was in Anchorage. As defined in the municipality's code (Chapter 2.40, Section 2.40.030):  
"Community councils are non-profit, voluntary, self-governing associations composed of residents, property owners and representatives from non-profit associations and other entities located within geographical areas designated as districts by the assembly. Residents, for the purpose of this chapter, are defined as: residents, property owners, and representatives from non-profit associations and other entities located within the geographical areas designated as districts by the assembly."
- 8) A member of the committee suggested that agency notification be expanded beyond the concept of "community councils." Nothing in this legislation precludes distribution of the information by the municipalities to any group. It perhaps preserves local option if municipalities are allowed to designate what a "community council" is for the purposes of these statutory provisions.

A M E N D M E N T

Offered in the HOUSE

By Clocksin and Gruenberg

TO: CSHB 34(SA)

Page 1, following line 15, insert a new bill section to read:

"\* Sec. 2. AS 04.11.310 is amended by adding a new subsection to read:

(b) Upon receipt of an application for the issuance, renewal, relocation, or transfer of ownership of a license within an area of a municipality under the jurisdiction of a community council established by municipal charter or ordinance to advise the municipal governing body, the board shall

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

(2) at least 10 days before the date set for board action on the application provide to the community council written notice of the proposed action and the time and place for a hearing."

Renumber remaining bill sections accordingly.

Page 7, following line 19, insert a new bill section to read:

"\* Sec. 13. AS 04.21.010 is amended by adding a new subsection to read:

(d) At least 10 days before the date set for municipal action on an application for the issuance, renewal, relocation, or transfer of ownership of a proposed license, the municipality shall provide written notice of the proposed action and the time and place for a hearing

to a community council that

(1) is established by municipal charter or ordinance to advise the municipal governing body; and

(2) has jurisdiction over the area affected by the proposed action."

Renumber remaining bill section accordingly.

Original sponsors: M.M. Miller and  
Boucher

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 34 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL.

6 For an Act entitled: "An Act relating to the administration of liquor  
7 licenses and the licensing of partnerships; and  
8 providing for an effective date."

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

10 \* Section 1. AS 04.06.100(b) is amended by adding a new paragraph to  
11 read:

12 (16) required reports from partnerships and limited part-  
13 nerships licensed under this title, including reports of transferred  
14 interests of 10 percent or more.

15 \* Sec. 2. AS 04.11.040(c) is amended to read:

16 (c) A person may not receive or transfer controlling interest in  
17 a liquor license issued to a partnership, including a limited partner-  
18 ship, or a corporation under this title except with the written con-  
19 sent of the board.

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

21 Sec. 04.11.055. REPORTS REQUIRED OF PARTNERSHIPS. (a) A part-  
22 nership, including a limited partnership, issued a license under this  
23 title shall report to the board when a partnership interest of 10  
24 percent or more is transferred and shall report a change of general  
25 partners.

26 (b) The report to the board shall be made in writing in dupli-  
27 cate and shall be sent within 10 days after the change in interest or  
28 change of general partners.

29 \* Sec. 4. AS 04.11.100 is amended by adding a new subsection to read:

1 (e) A license may be renewed under this section only if the  
2 licensee provides evidence to the board's satisfaction that gross  
3 receipts from the sale of food upon the licensed premises constitute  
4 no less than 50 percent of the gross receipts of the licensed premises  
5 for the preceding license year.

6 \* Sec. 5. AS 04.11.260(a) is amended to read:

7 (a) An applicant for a new license or permit shall file with the  
8 director a written application, signed and sworn to by the applicant,  
9 giving the applicant's [HIS] name and address. If the applicant is a  
10 corporation, the application shall be executed by the authorized  
11 officers of the corporation. If the applicant is a partnership,  
12 including a limited partnership, the application shall be executed by  
13 an authorized general partner. The application shall include:

14 (1) the type of license or permit desired;

15 (2) a description of the premises for which the license or  
16 permit is desired, giving the address by street and number, or other  
17 information, so that the location of the premises can be definitely  
18 determined;

19 (3) a statement of the residency of the applicant;

20 (4) the license fee;

21 (5) the duration of the license or permit desired;

22 (6) any other information required by the board.

23 \* Sec. 6. AS 04.11.260 is amended by adding a new subsection to read:

24 (d) A partnership, including a limited partnership, that applies  
25 for a license or permit shall provide information required by the  
26 board including the names and addresses of all general partners and  
27 all partners with an interest of 10 percent or more.

28 \* Sec. 7. AS 04.11.310 is amended by adding a new subsection to read:

29 (b) Upon receipt of an application for the issuance, renewal,

1 presented;

2 (5) the application has not been completed in accordance  
3 with AS 04.11.290;

4 (6) relocation [TRANSFER OF LOCATION] of the license would  
5 result in violation of a local zoning law;

6 (7) relocation [TRANSFER OF LOCATION] of the license would  
7 violate the restrictions pertaining to the particular license imposed  
8 by this title;

9 (8) relocation [TRANSFER OF LOCATION] of the license is  
10 prohibited under this title as a result of an election conducted in  
11 accordance with AS 04.11.502;

12 (9) the licensed premises are to be located in a municipal-  
13 ity, the type of license sought to be relocated [TRANSFERRED] is a  
14 beverage dispensary or package store license, and that type of license  
15 is already in effect in the municipality under a community liquor  
16 license, unless the relocation [TRANSFER] is to become effective after  
17 the community liquor license is no longer effective, whether as the  
18 result of a local option election or otherwise;

19 (10) the license was issued under AS 04.11.400(g), (h), or  
20 (j) [AS 04.11.400(j)].

21 \* Sec. 9. AS 04.11.400(a) is amended to read:

22 (a) Except as provided in (g), (h), (i), and (j) of this sec-  
23 tion, a new license may not be issued and the board may prohibit  
24 relocation of [OR] an existing license [TRANSFERRED TO A NEW LOCATION]

25 (1) outside an established village, incorporated city; [A]-  
26 unified municipality, or organized borough [AN ESTABLISHED VILLAGE] if  
27 after the issuance or relocation [TRANSFER] there would be more than  
28 one restaurant or eating place license [OF EACH TYPE] for each 1,500  
29 population or fraction of 1,500 population or more than one license

1 of each other type, including licenses which have been issued under  
2 (g) or (h) of this section, for each 3,000 population or fraction of  
3 3,000 population in a radius of five miles of the licensed premises or  
4 location of premises sought to be licensed, excluding the populations  
5 of established villages, incorporated cities, unified municipalities,  
6 and organized boroughs that are wholly or partly included within the  
7 radius;

8 (2) inside an established village, [AN] incorporated city,  
9 or [A] unified municipality if after the issuance or relocation  
10 [TRANSFER] there would be inside the established village, incorporated  
11 city, or unified municipality more than one restaurant or eating place  
12 license [OF EACH TYPE] for each 1,500 population or fraction of 1,500  
13 population or more than one license of each other type, including  
14 licenses which have been issued under (g) or (h) of this section, for  
15 each 3,000 population or fraction of 3,000 population inside the  
16 established [BOUNDARIES OF THE] village, incorporated city, or unified  
17 municipality;

18 (3) inside an organized borough but outside an established  
19 village or incorporated city located within the borough, if after the  
20 issuance or relocation there would be inside the borough, but outside  
21 the established villages and incorporated cities located within the  
22 borough, more than one restaurant or eating place license for each  
23 1,500 population or fraction of 1,500 population or more than one  
24 license of each other type, including licenses that have been issued  
25 under (g) or (h) of this section, for each 3,000 population or  
26 fraction of 3,000 population inside the borough, excluding the  
27 population of those established villages that have conducted an  
28 election on a question set out in AS 04.11.490, 04.11.496, or  
29 04.11.500, and excluding the population of incorporated cities located

1        within the organized borough.

2        \* Sec. 10. AS 04.11.400(b) is amended to read:

3            (b) IF [THE APPLICATION IS FOR A LICENSE OUTSIDE OF AN ESTAB-  
4        LISHED VILLAGE, INCORPORATED CITY, OR UNIFIED MUNICIPALITY AND] the  
5        radius described in (a)(1) of this section encompasses all of an [THE]  
6        established village, incorporated city, or unified municipality and  
7        the population resident inside and outside the established village,  
8        incorporated city, or unified municipality but inside the radius  
9        described in (a)(1) of the section is less than 3,000 [1,500], the  
10       board may deny the issuance or relocation [TRANSFER] of the license.

11       \* Sec. 11. AS 04.11.400(c) is amended to read:

12            (c) In (a)(1) of this section, "population" includes only those  
13        persons residing inside the radius not later than the date the appli-  
14        cation is received by the board and not earlier than 60 days before  
15        the application is received by the board [BUT OUTSIDE OF AN ESTAB-  
16        LISHED VILLAGE, AN INCORPORATED CITY, OR A UNIFIED MUNICIPALITY AS OF  
17        DECEMBER 31 OF THE YEAR PRECEDING THE DATE OF APPLICATION].

18       \* Sec. 12. AS 04.11.400(f) is amended to read:

19            (f) In (a)(2) and (3) of this section, "population" includes  
20        only those persons residing inside the [AN] established village, [AN]  
21        incorporated city, [OR A] unified municipality, or organized borough  
22        as of December 31 of the year preceding the date of application.

23       \* Sec. 13. AS 04.11.400(g) is repealed and reenacted to read:

24            (g) The board may approve the issuance or transfer of ownership  
25        of a beverage dispensary or restaurant or eating place license without  
26        regard to (a) of this section if it appears that the issuance or  
27        transfer will encourage the tourist trade by encouraging the construc-  
28        tion or improvement of

29            (1) a hotel, motel, resort, or similar business relating to

1 the tourist trade with a dining facility or having kitchen facilities  
2 in a majority of its rental rooms and at least a minimum number of  
3 rental rooms required according to the population of the established  
4 village, incorporated city, unified municipality or population area  
5 established under AS 04.11.400(a) in which the facility will be  
6 located, as follows:

7 (A) 15 rental rooms if the population is less than  
8 1,501;

9 (B) 20 rental rooms if the population is between 1,501  
10 and 2,500;

11 (C) 25 rental rooms if the population is between 2,501  
12 and 5,000;

13 (D) 30 rental rooms if the population is between 5,001  
14 and 15,000;

15 (E) 35 rental rooms if the population is between  
16 15,001 and 25,000;

17 (F) 40 rental rooms if the population is between  
18 25,001 and 50,000; and

19 (G) 50 rental rooms if the population is greater than  
20 50,000; or

21 (2) an airport terminal.

22 \* Sec. 14. AS 04.11.400(h) is amended to read:

23 (h) The board may approve the issuance or transfer of ownership  
24 of a [A] restaurant or eating place license without regard to [MAY BE  
25 ISSUED OR TRANSFERRED NOTWITHSTANDING] (a) of this section if

26 (1) the premises of the restaurant or eating place are more  
27 than 18 miles from the corporate limits of a city or unified municipi-  
28 pality;

29 (2) the premises will serve food to the traveling public;

(3) the board finds that the public convenience will be promoted by the issuance or transfer.

15. AS 04.11.400(1) is amended to read:

(1) An application requesting a transfer of location of licensed premises limited under (a) or (b) of this section shall be granted without regard to [NOTWITHSTANDING] (a) of this section if the new location is less than one mile from the original location and

(1) no ground for denial exists under AS 04.11.340(1) or 04.11.340(2); and

(2) relocation of the licensed premises is necessary due to

(A) termination of a lease or rental agreement;

(B) condemnation of the premises;

(C) the substantial destruction of the premises by any

cause.

Sec. 16. AS 04.11.400(j) is amended to read:

(j) The board may approve the issuance or transfer of ownership of [ISSUE] a restaurant or eating place [NEW] license in a municipality without regard to [NOTWITHSTANDING THE PROVISIONS OF] (a) of this section if the board finds that issuance or transfer of the license is necessary for the public convenience.

\* Sec. 17. AS 04.11.430(a) is amended to read:

(a) Each license shall be issued to a specific individual or individuals, to a partnership, including a limited partnership, or to a corporation. If the license is issued to a corporation, the registered agent of the corporation must be an individual resident of the state.

\* Sec. 18. AS 04.11.504(a) is amended to read:

(a) If a prohibition imposed on the issuance, renewal, [OR]

location of licenses between holders and locations  
90 - 04.11.500 is removed by a vote of "no" on a  
which the majority of the people voted "yes" in an  
1. the board shall, upon application, issue the same  
of licenses which were in effect in the municipality  
village" on the date of certification of the earlier  
the prohibition imposed on issuance, renewal, [OR]  
relocation of licenses between holders and locations is  
"yes" vote on a question set out in AS 04.11.492 and  
board may issue the types of licenses specified in the  
nted to the voters in the subsequent election. Licenses  
for the same or other premises within the municipality  
d village which were licensed on the date of certifica-  
earlier election. However, if the local governing body  
fewer licenses of a particular type be issued than would  
issued if the provisions prescribing the ratio of popu-  
censed premises in AS 04.11.400(a) are applied, only the  
licenses of that particular type requested by the local  
ody may be issued by the board. Priority shall be given  
who were formerly licensees and whose licenses were not  
ause of the results of the previous election. However,  
cants have no legal right to a license and the board is not  
approve the application.

AS 04.21.010 is amended by adding a new subsection to read:  
At least 10 days before the date set for municipal action on  
action for the issuance, renewal, relocation, or transfer of  
of a proposed license, the municipality shall provide writ-  
e of the proposed action and the time and place for a hearing  
unity council that

1 (1) is established by municipal charter or ordinance to  
2 advise the municipal governing body; and

3 (2) has jurisdiction over the area affected by the proposed  
4 action.

5 \* Sec. 20. This Act takes effect immediately in accordance with AS 01.-  
6 0.070(c).

# ALASKA STATE SENATE

JOE P. JOSEPHSON  
DISTRICT H — ANCHORAGE  
1526 F STREET  
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(907) 277-4419

WHILE IN JUNEAU  
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OFFICE OF MINORITY WHIP

COMMITTEES  
BUDGET & AUDIT  
HEALTH, EDUCATION & SOCIAL SERVICES  
RULES  
TRANSPORTATION  
SENATE CHAIR, ANCHORAGE CAUCUS

February 15, 1985

Ms. Patricia Alexander  
Director  
Division of Planning, Policy  
and Evaluation  
Health and Social Services  
Department  
Pouch H-01A  
Juneau, Alaska 99811

Dear Ms. Alexander:

The discussions we have had with you in regard to Senate Bill 26 (notification of community councils) have been very helpful. I appreciate the ideas you have offered in your original position paper and subsequent conversations.

My original interest in this bill arose from a complaint by the Airport Heights Community Council over failure to be notified of a certificate of need application in their area. I had envisioned including certificate of need notification in SB 26, but your suggestion for administrative implementation appears to make more sense.

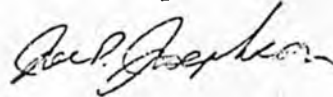
To achieve this end, I would like to pursue your offer to include affected community councils on your notification list. Enclosed is a recent mailing list of community councils in the Anchorage area. Updated address lists can be gotten by contacting the Community Councils Center, 801 West Fireweed Lane, Suite 103, Anchorage, Alaska 99503, phone is 279-1641. The Center may be willing to send you their updated lists, which they prepare periodically for their internal purposes.

The Sponsor Substitute for SB 26, which I just introduced, does not affect the Department of Health and Social Services because of your assurances that the matter will be handled administratively within your agency. Please advise me as to whether this administrative approach is still acceptable to your Department.

Ms. Patricia Alexander  
February 14, 1985  
Page Two

With best wishes, I am

Sincerely,



Joe P. Josephson  
State Senator

JPJ:dfk  
Enclosure

cc: Airport Heights Community Council  
Campbell Park Community Council  
Downtown Community Council  
Fairview Community Council  
Government Hill Community Council  
Northeast Community Council  
North Mt. View Community Council  
Russian Jack Community Council  
Scenic Park Area Community Council  
South Addition Community Council  
South Fork Community Council

ALASKA STATE SENATE

JOE P. JOSEPHSON  
DISTRICT H -- ANCHORAGE  
1526 F STREET  
ANCHORAGE, ALASKA 99501  
(907) 277-4419

WHILE IN JUNEAU  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4525

*amendment  
limits ABC w/ F. H. ...  
to just CC which has  
the license site*



OFFICE OF MINORITY WHIP

COMMITTEES  
BUDGET & AUDIT  
HEALTH, EDUCATION & SOCIAL SERVICES  
RULES  
TRANSPORTATION  
SENATE CHAIR, ANCHORAGE CAUCUS

TO: Senate Community and Regional Affairs Members  
FROM: Senator Joe Josephson  
DATE: February 25, 1985

*JPJ*

RE: Sponsor Substitute for Senate Bill 26 notification  
of community councils on certain state actions.

On February 13, 1985, I introduced the attached Sponsor Substitute in an attempt to incorporate comments from your Committee's previous hearing on the bill. I asked my staff to revise the bill and to address the primary notification problems of community councils, but with minimum disruption and costs to state agencies.

The original version of SB 26 would have applied to all departments, regardless of their current notification procedures. SSSB 26 affects only DOT-PF and the Alcoholic Beverage Control Board.

The Department of Health and Social Services was originally affected by the bill, but after meeting with Department representatives, it appeared that inclusion of community councils in notification about hospital "certificate of need" determinations could be best done administratively. My February 15, 1985, letter to Ms. Patricia Alexander of the Health and Social Services Department is attached.

The effects of SSSB 26 are:

Alcoholic Beverage Control Board

Section 1 Community councils would be sent a copy of the ABC Board meeting agenda (which is already sent to Board members) 10 days before the meeting.

Section 2        When the ABC Board holds a public hearing (a few times a year), councils will be sent a notice 20 days in advance

Section 3        When the ABC Board initially receives a liquor license application, the same notice now sent to the local governments within 10 days would also be sent to the community councils.

Department of Transportation & Public Facilities

Section 4        In cases where DOT-PF is required to notify a municipality of the construction of a proposed public project, affected community councils would also be notified.

Other Changes

To include community councils not "chartered" through local government, the reference has been changed to "each community council established by municipal charter or ordinance.

We have requested, and should have by tomorrow, fiscal notes from the ABC Board and DOT-PF for SSSB 26. They should be very small.

Attachments

Original sponsors: Pourchot, Boucher,  
Martin, et al

1  
2 IN THE HOUSE

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

3 CS FOR HOUSE BILL NO. 360 (C&RA)

4 IN THE LEGISLATURE OF THE STATE OF ALASKA

5 FOURTEENTH LEGISLATURE - FIRST SESSION

6 A BILL

7 For an Act entitled: "An Act relating to notification of community coun-  
8 cils and nonprofit community organizations of certain  
9 state actions."

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

11 \* Section 1. AS 04.06.050 is amended to read:

12 Sec. 04.06.050. MEETINGS. The board shall meet at the call of  
13 the chairman. The board shall also meet at least once each year in  
14 each judicial district of the state to study this title and to modify  
15 existing board regulations in light of statewide and local problems.  
16 The board shall send a copy of the agenda of each board meeting at  
17 least 10 days before the board meeting to each community council  
18 established by municipal charter or ordinance and to each nonprofit  
19 community organization that requests a copy.

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

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

24 (1) if an application is denied, the notice of denial shall  
25 be furnished the applicant immediately in writing stating the reason  
26 for the denial in clear and concise language; the notice of denial  
27 shall inform the applicant that the applicant [HE] is entitled to an  
28 informal conference with either the director or the board, and that,  
29 if not satisfied by the informal conference, the applicant [HE] is  
then entitled to a formal hearing before the board; if the applicant

1  
2 requests a formal hearing, the board shall adhere to AS 44.62.330 -  
3 44.62.630 [(ADMINISTRATIVE PROCEDURE ACT)]; all interested persons may  
4 be heard at the hearing and unless waived by the applicant and the  
5 board, the formal hearing shall be held in the area for which the  
6 application is requested;

7 (2) the board may, on its own initiative or in response to  
8 an objection or protest, hold a hearing to ascertain the reaction of  
9 the public or a local governing body to an application if a hearing is  
10 not required under (1), (3), or (4) or this subsection; the board  
11 shall send notice of the hearing 20 days in advance to each community  
12 council established by municipal charter or ordinance and to each  
13 nonprofit community organization that requests notice;

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

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

24 \* Sec. 3. AS 04.11.520 is amended to read:

25 Sec. 04.11.520. NOTICE TO LOCAL GOVERNING BODY. After receipt  
26 of an application from within (1) an established village, (2) an  
27 incorporated city, (3) an organized borough, or (4) a unified munic-  
28 ipality, the board shall transmit written notice to the local govern-  
29 ing body within 10 days so that the local governing body may protest  
under AS 04.11.480. The board shall also send written notice within

1  
2 10 days to each community council established by municipal charter or  
3 ordinance and to each nonprofit community organization that requests  
4 written notice.

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

6 Sec. 33.30.025. SITING OF PRISON FACILITIES. The commissioner  
7 shall notify each community council established by municipal charter  
8 or ordinance of the department's plans to locate or to contract for  
9 the operation of a prison facility or community residential facility  
10 in the area represented by the community council.

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

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

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

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

20 (3) if the project is located within the area represented  
21 by a community council established by municipal charter or ordinance,  
22 the department shall submit the plans to the community council for  
23 review and comment;

24 (4) if the project is located outside a municipality, the  
25 department shall submit the plans to the postmaster of each permanent  
26 settlement of more than 25 persons located within six miles of the  
27 project with a request that the plans be posted in a conspicuous  
28 location.

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

(c) Notice at least 30 days before action under (a) of this

1  
2 section shall also be given to the following:

3 (1) to a municipality if the land is within the boundaries  
4 of the municipality and to a community council established by municipi-  
5 pal charter or ordinance if the land is within the area represented by  
6 the council;

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

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

15 (4) to the postmaster of each [A] permanent settlement of  
16 more than 25 persons located within six miles of the land if the land  
17 is located outside a municipality, with a request that the notice be  
18 posted in a conspicuous location.

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

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

REQUEST

Bill/Resolution No.: HB360  
 Title: Notification of  
Community Councils  
 Sponsor: Rep. Pourchot, et al  
 Requestor: House C & RA Committee  
 Date of Request: 4/10/85

FISCAL DETAIL

Agency Affected: Department of Revenue  
 Program Category Affected: Public Protection  
 BRU, Program or Subprogram(s) Affected: Alcoholic Beverage Control Board

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		1.0	1.0	1.0	1.0	1.0
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLA. 4S						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>1.5</b>	<b>1.5</b>	<b>1.5</b>	<b>1.5</b>	<b>1.5</b>

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	1.5	1.5	1.5	1.5	1.5
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Patrick L. Sharrock Director Phone: 277-8638  
 Division: Alcoholic Beverage Control Board Date: 4/17/85

Approved by Commissioner: Mary A. Jordan Date: 4/19/85  
 Agency: Department of Revenue

Distribution (by Agency preparing fiscal note):

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

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No.: CSHB360  
 Title: Notification of Community  
Councils  
 Sponsor: Pourchot ET AL  
 Requestor: C&RA  
 Date of Request: 4-18-85

FISCAL DETAIL

Agency Affected: DOT&PF  
 Program Category Affected: Transportation  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

This document speaks only to portions of this bill affecting AS 33.30.010 as other statutes mentioned do not directly relate to this department. Currently, the Department makes every effort to notify communities and villages of forthcoming construction activity. Providing notice to post-masters of small communities outside a municipality will add minimal cost to the Department's operation.

Prepared By: Daniel F. Malick *DA* Phone: 465-4070  
 Division: HO Plans & Programs Date: 4/19/85

Approved by Commissioner: W. S. Spink Date: 4/19/85  
 Agency: DOT&PF

Distribution (by Agency preparing fiscal note):

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

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No.: HB 360  
Title: Notice to community councils  
or certain state actions

Sponsor: Pourchot, et al.  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Natural Resources  
Program Category Affected: NRMEC

BRU, Program or Subprogram(s) Affected:  
Land and Water Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-	-0-	-0-

<b>CAPITAL</b>		-0-	-0-	-0-	-0-	-0-
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<b>REVENUE</b>		-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

No fiscal impact

Prepared By: Mike Vediner  
Division: Land and Water Management  
Approved by Commissioner: Mrs. D'Amico, Deputy  
Agency: Natural Resources

Phone: 465-2400  
Date: April 12, 1985  
Date: April 12, 1985

Distribution (by Agency preparing fiscal note):

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

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

**REQUEST:**

Bill/Resolution No.: HB 360  
 Title: "An Act relating to notification of community councils of certain state actions."  
 Sponsor: Representative Pourchot  
 Requestor: (H) C&RA  
 Date of Request: April 12, 1985

**FISCAL DETAIL:**

Agency Affected: DEPARTMENT OF CORRECTIONS  
 Program Category Affected: \_\_\_\_\_  
 Administration of Justice  
 BRU, Program or Subprogram(s) Affected: Offender Confinement, Reformation and Supervision

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

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
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<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

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

**ANALYSIS:** Attach a separate page if necessary.

This legislation will create no fiscal impact on the Department of Corrections.

Prepared By: William W. Ladwig *William W. Ladwig*  
 Division: Deputy Commissioner - Administration

Phone: 465-3376  
 Date: April 12, 1985

Approved by Commissioner: *Stan Veale*  
 Agency: DEPARTMENT OF CORRECTIONS

Date: April 12, 1985

Distribution (by Agency preparing fiscal note):

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

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

**REQUEST**  
 Bill/Resolution No.: CSSSSB26  
 Title: Notification of  
community councils  
 Sponsor: \_\_\_\_\_  
 Requestor: Sen. HESS Committee  
 Date of Request: April 5, 1985

**FISCAL DETAIL**  
 Agency Affected: Dept. of Revenue  
 Program Category Affected: Public  
Protection  
 BRU, Program or Subprogram(s) Affected:  
Alcoholic Beverage Control Board

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

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		.5	.5	.5	.5	.5
400 SUPPLIES		.7	.7	.7	.7	.7
500 EQUIPMENT		.3	.3	.3	.3	.3
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>1.5</b>	<b>1.5</b>	<b>1.5</b>	<b>1.5</b>	<b>1.5</b>

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-0-	1.5	1.5	1.5	1.5	1.5
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Prepared By: Patrick L. Sharrock Phone: 277-8638  
 Division: Alcoholic Beverage Control Board Date: 4-10-85  
 Approved by Commissioner: Max A. Nordmark Date: 4/11/85  
 Agency: Department of Revenue

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

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

**REQUEST**

Bill/Resolution No.: SSSB 26  
 Title: Notice to Community Councils  
 Sponsor: Senator Josephson  
 Requestor: Same  
 Date of Request: 2/21/85

**FISCAL DETAIL**

Agency Affected: DOT&PF  
 Program Category Affected: Transportation  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_

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

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME						
PART-TIME						
TEMPORARY						

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

Although this bill would require a duplication of paperwork in submitting public project plans to municipal councils as well as planning commissions, the requirement melds with the current process well enough to warrant no increased costs to the Department.

Prepared By: *Carol Taylor* Phone: 465-4070  
 Division: Plans and Programs, Headquarters Date: 2/21/85  
 Approved by <sup>for</sup> Commissioner: *Wm S. Spivey* - Date: 2/25/85  
 Agency: DOT&PF

**Distribution (by Agency preparing fiscal note):**

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

7/1/84



Dept. of Transportation & Public Facilities

# Position Paper

**BILL NO:** Sponsor Substitute for Senate Bill 26 **APPROVED:** *W. J. Knapp*  
R. J. Knapp  
for Commissioner  
**TITLE:** Notice to Community Councils **DATE:** 2-22-85

The Department is pleased to see the Sponsor Substitute for Senate Bill 26 since we feel that it provides community councils with a much more workable arrangement for the review of construction projects proposed by the Department within areas served by the community councils. Currently the Department submits plans of all pending construction projects to the municipalities. This substitute bill would require the Department to also submit these plans directly to community councils authorized under municipal charter in impact areas. Since the Department submits plans for municipal review in a timely fashion allowing comment to be reflected in design and project management changes, a concurrent review by community councils would provide those individuals in the immediate vicinity of a project (and therefore most likely to be impacted by it) a reasonable time and sufficient materials to request project improvements.

The substitute bill also considers activities of the Alcoholic Beverage Control Board which fall outside the mandate of the Department of Transportation and Public Facilities and therefore this position paper remains mute to those items.





# RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith  
Signature of Camera Operator

7/25/89  
Date

HB

376

STATE OF ALASKA

MEMBER  
FINANCE COMMITTEE  
SPECIAL COMMITTEE ON FISHERIES



POUCH V  
JUNEAU ALASKA 99811  
(907) 465-4737  
PO BOX 1065  
BETHEL ALASKA 99559  
(907) 543-2922

REPRESENTATIVE JOHNE BINKLEY

MEMORANDUM

TO: Rep. Bette Cato, Chairman  
Transportation Committee

FROM: Rep. John Binkley *John B.*

DATE: April 15, 1985

RE: House Bill 376 - "An Act relating to municipal regulation of vehicles for hire" by Rep. John Binkley

Sectional Analysis

Sec. 1 Amends AS 29.48.035, adding a new subsection to read:

(d) Allows municipalities to license and regulate taxicabs and other vehicles for hire, allows them to fix, set and change rates, and they may regulate entry into the businesses.

COMMITTEE REPORT

(7)

Date referred: 1/24/86

FURTHER REFERRALS: JUDICIARY

(referral to c&ra added 1/24)

DATE: \_\_\_\_\_

The COMMUNITY & REGIONAL AFFAIRS Committee has considered HB 376

"An Act relating to municipal regulation of vehicles for hire."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CSHB376 (CRA)  same title

new title

and recommends \_\_\_\_\_

further referral to the \_\_\_\_\_ Committee

- and attaches:
- letter of intent
  - first fiscal note
  - raw fiscal note
  - zero fiscal note

SIGNING DO PASS:

\_\_\_\_\_  
*F. Kufwalle*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

SIGNING OTHER RECOMMENDATIONS:

*W. J. Marlow* DO NOT PASS  
 \_\_\_\_\_  
*W. FURNACE* DO NOT PASS  
 \_\_\_\_\_  
*ROD & PADD* No Rec  
 \_\_\_\_\_  
*Rt. Jones* No Rec  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

VIOLATES SPIRIT OF NOV. 84  
TRANSPORTATION REGULATION  
REVISION

\_\_\_\_\_  
*John Jones*  
 \_\_\_\_\_  
 Chairman

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

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

**REQUEST**

Bill/Resolution No. : CSHB 376 (Trsp)  
 Title : "An Act relating to municipal regulation of vehicles for hire..."

Sponsor : Binkley / H. Trsp. Comm.  
 Requestor : H. Community & Regional Affairs  
 Date of Request : 2/03/86

**FISCAL DETAIL**

Agency Affected : Public Safety  
 BRU : Motor Vehicles

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

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

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-	-0-	-0-

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

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

**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		-0-	-0-	-0-	-0-	-0-

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

This act doesn't directly affect the Department of Public Safety.

Prepared by : K. Niles Kathy Niles, Admin. Ass't  
 Division : Commissioner's Office

Phone : 465-4336

Date : 2/03/86

Approved by Commissioner : [Signature]  
 Agency : Public Safety

Date : 2/3/86

Distribution (by Agency preparing fiscal note):

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

Offered: 1/24/86  
Referred: Judiciary

Original sponsor: Binkley

BY THE TRANSPORTATION  
COMMITTEE

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 376 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to municipal regulation of vehicles  
7 for hire; and providing for an effective date."

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

9 \* Section 1. AS 29.35 is amended by adding a new section to read:

10 Sec. 29.35.142. REGULATION OF VEHICLES FOR HIRE. A municipality  
11 may license, control, regulate, and establish standards for the safe  
12 operation of taxicabs, limousines, or other vehicles for hire within  
13 the boundaries of the municipality and may fix, establish, and change  
14 rates charged for the service. The municipality may regulate entry  
15 into the business of providing taxicabs, limousines or other vehicles  
16 for hire.

17 \* Sec. 2. This Act takes effect March 1, 1987.

Introduced: 4/12/85  
Referred: Transportation and  
Judiciary

1 IN THE HOUSE

BY BINKLEY

2

HOUSE BILL NO. 376

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to municipal regulation of vehicles  
7 for hire."

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

9 \* Section 1. AS 29.48.035 is amended by adding a new subsection to  
10 read:

11 (d) A municipality may license, control, and regulate taxicabs,  
12 limousines or other vehicles for hire that are operated within the  
13 boundaries of the municipality and may fix, establish, and change the  
14 rates charged for the service. Based on the municipality's determina-  
15 tion of need for the services, the municipality may regulate entry  
16 into the business of providing taxicabs, limousines, or other vehicles  
17 for hire.



STATE OF ALASKA

MEMBER  
FINANCE COMMITTEE  
SPECIAL COMMITTEE ON FISHERIES



POUCH V  
JUNEAU ALASKA 99811  
(907) 465-4737  
PO BOX 1085  
BETHEL ALASKA 99559  
(907) 543-2922

REPRESENTATIVE JOHNE BINKLEY

January 28, 1986

TO: Representative Peter Goll  
Chairman  
Community and Regional Affairs Committee

From: Representative Johne Binkley

A handwritten signature in dark ink, appearing to read "Johne Binkley", written over the printed name.

Re: House Bill 376

House Bill 376 (CS Transportation) is now in your Committee. It provides local municipalities the statutory authority to regulate entry into the business of taxicabs, limousines, and other vehicles for hire. Further, the municipality may license, control and regulate the above, as well as fix, establish, and change rates charged for the service.

To explain the purpose of the bill, the Attorney General states; House Bill 376 does not appear either to add or subtract from this authority, although it sets out the authority somewhat more cogently than present law." (AS 29.48.035)

I am requesting the Committee members consider a slight change suggested by Legislative Legal Services-on lines 12 and 16 change "other vehicles" to read "other passenger vehicles". Also, please consider deleting Sec. 2 which is not necessary nor desirable.

RECEIVED JAN 22 1986

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

3867

MEMORANDUM

January 22, 1986

SUBJECT: Municipal regulation of vehicles for hire  
(Work Order No. 14-1628)

TO: Senator John Sackett  
Attn: Max Gifford

FROM: Michael F. Ford *M.F.*  
Legislative Counsel

I wanted to point out two issues that will affect the draft I have prepared concerning municipal regulation of vehicles for hire. By initiative effective February 28, 1985, AS 29.35.140 was enacted which provides that a municipality may not regulate transportation of passengers if the regulation conflicts with regulations formerly in existence on April 1, 1983, adopted by the Alaska Transportation Commission under former AS 02.05, AS 42.07, or AS 42.10. Due to the time constraints of your work order, I have not yet determined if this draft is in conflict with the regulations. I have therefore assumed that a conflict does exist and given this work order a delayed effective date in order to avoid violating Article XI, section 6 of the Constitution of the State of Alaska, concerning repeal of an initiative.

I also wanted to point out that the initiative might not apply to home rule municipalities, in that the initiative does not amend AS 29.10.200, which is the section limiting home rule municipal powers. The initiative would apply to general law cities, boroughs, and unified municipalities.

Please let me know if you wish me to determine if the delayed effective date is necessary.

MFF:mkr  
M2:065

Enclosure

# STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

BILL SHEFFIELD, GOVERNOR

REPLY TO:

1031 W 4th AVENUE  
SUITE 200  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 276-3550

1st NATIONAL CENTER  
100 CUSHMAN ST.  
SUITE 400  
FAIRBANKS, ALASKA 99701  
PHONE: (907) 452-1568

POUCH K - STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3600

April 24, 1985

The Honorable John Binkley  
Representative  
Pouch V  
Juneau, AK 99811

Re: House Bill 376

Dear Representative Binkley:

Attorney General Gorsuch has referred your letter of April 17, 1985 to this section for comment.

The proposed legislation would not change the existing municipal exemption from antitrust liability as regards taxicab regulation. AS 29.48.035 gives municipalities authority to "regulate ... vehicle ... traffic, and licensing and operation of motor vehicles" [AS 29.48.035(a)(1)], to "regulate ... licensing of drivers of taxicabs, for-hire automobiles, motor buses, or other vehicles for the transportation of passengers" [AS 29.48.-035(a)(2)], and to "regulate ... transportation fares" [AS 29.-48.035(a)(4)]. This broad grant of authority would seem to cover all aspects of the taxicab industry. House Bill 376 does not appear to either add to or subtract from this authority, although it sets out the authority somewhat more cogently than present law.

Because the present law grants municipalities such broad authority, the municipalities are exempt from both state and federal antitrust liability. Parker v. Brown, 317 U.S. 341 (1943); Golden State Transport v. City of Los Angeles, 726 F.2d 1430 (9th Cir. 1984). House Bill 376 would not affect the exemption. Commissioner John Pugh, Department of Health and Social Services, recently requested our opinion about an analogous situation involving municipal regulation of ambulance services. A copy of our opinion is attached for your information.

The Anchorage price-fixing case you mention did not involve application of the municipal antitrust exemption. Anchorage ordinances allow private taxicab companies to set whatever fares they choose, up to a maximum charge. Two competing

taxicab companies, it was alleged, got together and agreed to charge the maximum fare, and no lower. This flew directly in the face of the ordinance, which was intended to promote fare competition in the Anchorage taxicab industry. The companies were not "expressly required" by Anchorage ordinance to fix prices, and thus their private activity could be challenged under the anti-trust laws. AS 45.50.572(g). The municipality was not involved in this price-fixing, and thus the municipal exemption did not apply.


We do not have any specific information concerning how municipal regulation of taxicabs has been beneficial or detrimental to consumers. As you are probably aware, this has been the subject of much debate in the Anchorage Assembly over the last year. Assemblyman John Wood has very strong opinions on the subject, and may be better able to assist you in this regard.

Please feel free to call if you have any questions, or if I can be of any further assistance in this matter.

Sincerely yours,

NORMAN C. GORSUCH  
ATTORNEY GENERAL

By:

  
Richard D. Monkman  
Assistant Attorney General  
Antitrust Section

RDM:and

Enclosure

cc: Art Peterson,  
Assistant Attorney General  
Juneau



FEDERAL TRADE COMMISSION

Seattle Regional Office  
2806 Federal Building  
915 Second Avenue  
Seattle, Washington 98174  
(206) 442-4655

April 18, 1985

The Honorable John Binkley  
Alaska House of Representatives  
Pouch V.  
Juneau, Alaska 99821

Dear Representative Binkley:

As your staff member, Marybeth Hilburn, requested, I am enclosing some materials on taxicab regulation. The first item is a letter we sent to John Wood of the Anchorage Assembly supporting the issuance of additional taxicab permits. I am also enclosing a report on taxicab regulation prepared by the FTC's Bureau of Economics.

In our conversation, Ms. Hilburn suggested that perhaps it is appropriate to let cities resolve municipal regulatory questions without interference from state or federal authorities. I think that viewpoint overlooks a more basic question, which is why should cities be given the authority to supplant free market competition? It is the mission of the Federal Trade Commission to protect the opportunity of business people, such as taxicab operators, to compete freely. Our report, as well as others cited in the Anchorage comments, indicates that fare and entry regulation cause consumers to pay higher fares and restrict the opportunities for many people to operate taxicabs. For these reasons, the staff of the Federal Trade Commission have opposed regulation of the fares or entry of taxicabs. On the other hand, in the Anchorage comments, and comments to others, the staff of the Commission have supported municipal regulation in areas where the city has a legitimate interest, such as vehicle safety and operator competence.

Ms. Hilburn explained that you have proposed a bill to authorize the regulation of taxicabs by municipalities in Alaska. If you so request, I would be happy to arrange formal, Commission-approved, staff comments on your specific proposal. I should forewarn you that normally the approval process takes at least a couple of weeks after I receive your request and a copy of the bill itself.

Sincerely yours,

*Ross D. Petty*

Ross D. Petty  
Assistant Regional Director

Enclosures



FEDERAL TRADE COMMISSION

Seattle Regional Office  
2806 Federal Building  
915 Second Avenue  
Seattle, Washington 98174  
(206) 442-4656

February 11, 1985

Assemblyman John Wood  
4757 Business Park Blvd.  
Anchorage, Alaska 99503

Dear Assemblyman Wood:

As you requested, we are sending you information on recent Commission activity concerning taxicab regulation along with our views on your proposed ordinance AO #84-251. The ordinance would provide for the issuance of an increase of 25 new taxicab permits or a 25 percent increase in the total number of permits each year, whichever is greater. I understand that two alternative ordinance provisions also are being considered calling for (1) a 10% annual increase in permits or (2) hearings upon application for one or more new permits to determine the public convenience and necessity of new permits. We are grateful for this opportunity to present our views and hope they will be of assistance to the Assembly in its consideration of this legislation.

This letter represents the views of the Seattle Regional Office and the Bureaus of Competition, Economics, and Consumer Protection of the Federal Trade Commission. The views expressed here are not necessarily those of the Commission or of any individual Commissioner, although the Commission has authorized the presentation of these views.

As you may know, the Federal Trade Commission staff has had an interest in the competitive effects of taxicab regulation for some time. As long ago as 1978 the Seattle Regional Office submitted comments in support of the deregulation of taxicabs in that city. More recently the Commission staff has submitted its views on legislation relating to taxicab regulation to the city governments of Seattle, Chicago, San Francisco, and the District of Columbia as well as to the Colorado State legislature. Such comments are consistent with the Commission's dual goals of promoting competition and protecting consumers.

In 1984 the Commission issued complaints<sup>1</sup> against the municipal governments of Minneapolis and New Orleans for engaging in regulatory activities that had the effect of limiting the number of taxicab licenses, increasing fares, and eliminating

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<sup>1</sup> The Commission vote on issuing these complaints was 3-2, with Commissioners Bailey and Pertschuk dissenting.

competition. The complaints indicated that the Commission had reason to believe that the two cities, in concert with local cab companies, had violated the antitrust laws, by restricting entry into the market without having been sufficiently authorized to do so by the state legislature. The state of Louisiana later passed a law permitting its cities to regulate taxicab entry and fares. On the other hand, Minneapolis joined those cities that have chosen to permit more competition among taxicabs by amending its ordinance to permit more entry.

At the same time the Commission issued these complaints, it also released a 176-page report entitled "An Economic Analysis of Taxicab Regulation" by its Bureau of Economics. The principal conclusion of this study is that no persuasive economic rationale exists for restrictions on the total number of taxicabs. The study found that such restrictions waste resources, harm consumers, and impose a disproportionate burden on low income people. By contrast, the report supports in principle other kinds of taxicab regulations dealing with vehicle safety and liability insurance. I understand that you already have a copy of the Bureau of Economics report.

The conclusions of the Commission's Bureau of Economics study are not unique. Another recent study, commissioned by the U.S. Department of Transportation, concluded that the combination of restraints on entry of new cabs and regulations preventing fare discounting cost consumers nearly \$800 million annually and the loss of 38,000 jobs in the taxi industry. Anchorage recently began to allow fare competition. Enactment of the proposed ordinance will lift entry restrictions and is likely to further benefit consumers and suppliers of taxicab services in Anchorage.

Citizens of Seattle, Washington have been enjoying the benefits of deregulation since 1978. During that time, over 200 new jobs for cab drivers have been created. Waiting times for cabs have dropped with the greater number of cabs available. Fares have risen more slowly than transit prices generally. Taxi fares in Seattle are currently approximately 10-15 percent lower than what we estimate they would have been under continued regulation.<sup>2</sup> Despite efforts to reinforce entry and fare regulations, the city of Seattle has thus far rejected proposals to reestablish such regulations. Other cities that have benefitted from reform of taxicab regulations to permit more entry include Milwaukee and Madison, Wisconsin; Jacksonville, Florida; Spokane, Washington; San Diego, Oakland, Berkeley, and Sacramento, California; and Phoenix and Tucson, Arizona.

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<sup>2</sup> Zerbe, Seattle Taxis: Deregulation Hits a Pothole, Regulation, Nov./Dec. 1983 at 43.

An additional problem with restricted entry is that it affects most those consumers who are most dependent on cabs for transportation and the procurement of necessities: the handicapped, the poor, and the elderly. The members of those groups spend a larger proportion of their incomes on taxi rides than do other segments of the population. A recent study in Seattle indicated that such financially disadvantaged consumers make up 25 percent of total taxicab ridership.

Who gains from entry limitations like Anchorage's? The principal beneficiaries of maintaining the current system are the current holders of taxicab permits. Limitations on the number of permits enables the holders of these taxicab permits to earn supracompetitive profits. For example, we understand that the City of Anchorage charges \$750 per year for a permit. Owners of those permits typically resell them for as much as \$45,000. To cover such a high acquisition cost, the permit holder would have to collect \$12.50 a day from the cab driver using the permit.<sup>3</sup> In other words, it would take more than a driver's first fare (on average) to pay this supracompetitive profit.<sup>4</sup> This is in addition to the cost of purchasing or leasing a cab, the cost of gasoline and insurance, or a take home wage for the driver. This daily expense does not go to cover any of the real costs of providing service, nor is it a tax to maintain the streets. It is simply a cash transfer from consumers to permit holders.

Proponents of restricted entry typically argue that without entry restrictions there will be "too many" taxis. They argue that cab fares will increase and the quality of cabs, drivers and service will decrease. However, the value of a permit demonstrates conclusively that there are too few cabs. Deregulation does not mean letting anyone put any junk vehicle regardless of its condition on the road. There is nothing in the concept of free entry to prevent Anchorage from maintaining reasonable levels of safety and quality in the city's taxicab fleet and establishing reasonable skill and knowledge requirements for

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3 At an annual interest rate of 10%, \$45,000 represents the capitalized value of a perpetual stream of profits of \$4,500 per year. For a cab in operation 360 days each year, \$12.50 must be collected each day to equal \$4,500 in one year.

4 The Alaska Attorney General's office estimates the average taxi fare to be about \$10. Anchorage Times, A-1, 12 (January 23, 1985).

drivers.<sup>5</sup> Open entry means, rather, giving licensees who are qualified the chance to compete and giving consumers lower fares.

Open entry does not necessarily mean that new taxi cabs will simply charge the maximum fares now allowed by Anchorage. The actual fare will be set by competitive forces. Checker and Yellow Cabs' recent experience of trying to charge \$2.00 per mile when rival Alaska Cab was charging \$1.40 per mile illustrates this effect.<sup>6</sup> Newcomer Alaska Cab's market share went from approximately 12 percent to 70 percent in just 4 months according to estimates by the Attorney General's office. After that time, Yellow and Checker reduced their fares to \$1.40. Reports of the benefit of competition come also from Jacksonville, Florida, and Madison and Milwaukee, Wisconsin, to name a few. Special senior citizens discounts became available in Madison, Sacramento, and Tucson following deregulation.

Open entry does not mean that service will decline. Many cities report that service has improved under deregulation. In Jacksonville, Oakland and San Diego open entry led to an increase in fleet maintenance and a reduction in vehicle age as new fleets entered the market. In Milwaukee, Santa Barbara, and Seattle taxi competition reduced the waiting time for a cab.

Finally, open entry does not mean that all taxicab operators will go broke. As with most businesses, those operators offering higher quality service at lower prices will prosper while less competitive operators will not. This is precisely what happened in Anchorage in the beginning of 1984 and that experience illustrates how Anchorage taxicab consumers respond to competition.

The Assembly is considering three alternative ordinance provisions, all of which seek to ensure new entry but also restrict the amount of new entry. We believe that no entry restrictions beyond those for safe and competent service are necessary. We urge the Assembly to minimize any other restrictions on entry.

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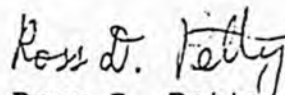
5 Section 11.10.080 of each of the proposals requires vehicle inspections to ensure safety. If the minimum levels for quality and safety were set arbitrarily high enough, they could act as de facto restrictions on entry. However, reasonable standards should not have any significant anticompetitive effect.

6 For a story on the related price-fixing settlement, see Anchorage Times, A-1, 12 (January 23, 1985).

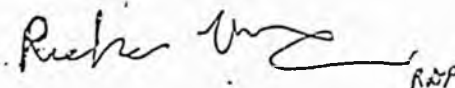
In sum, based on the economic evidence and recent experience throughout the country, we strongly support issuance of more taxicab permits in Anchorage. Freer entry into the taxicab business, consistent with maintenance of safe and competent service, will benefit Anchorage residents and visitors by reducing waiting times for taxis, fostering fare discounting, and creating employment opportunities.

We sincerely thank you for the opportunity to comment on the proposed ordinance AO #84-251.

Sincerely yours,



Ross D. Petty  
Assistant Regional Director



Richard O. Zerbe, Jr.  
Consulting Economist