

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

3851 SCRA SB 26

77



RECORDS CERTIFICATION



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James O. Smith
Signature of Camera Operator

10/31/89
Date

S B

2 6

Jan 17 Talked to Chris Barnes - Auc - Fed Comm Cncls
 Asked Fleischner - Fiscal note
 Jan 17 Kenai Boro - Stan Thompson says they have no Comm Cncls
 Called North Star - No Comm Cncls (suggests I call back to Rural Coord.)
 Jan 18 Peggie Garrison - Neighborhood Cncls only she
 will notify John Jensen
 Mat-Su Boro etc notified of Tues Teleconf.
 Suzan Tryck - Auc - notified of hearing
 Called Fleischner about Fiscal note
 Jan 20 - Z. Nelson - in Mex - talked to son
 Saxowsky - no answer
 Porterfield - out of state
 Meadowlakes - Nancy Howes - will contact Mat-Su teleconference Ctr
 Jim Bauer - Alpine
 MaryLee Mayfield - Willow
 Zebrant - South Lakes
 Greenwood - left msg.
 Glen Alps - Tom Snelling
 Old Seward - Jack Thompson
 Rabb

Jan 21 - drafted by Ed Hein
 "area" for neighborhood "or by an act of Municipal gov."
 under APA can be put on a list 44.62.190 (a-2)
 Rabbit Creek, Lloyd Morris - out of town - left message (277-6414)
 Turnagain Arm - Hugh Crink Shank - 653-7837
 North Star Boro - Peggy Martin - Rural Coord. - no organized
 Councils now

Jan 24 - bill passed out of committee - 4 do pass 1 - No Rec. (Cog.)
 Copy of Edna's 1/24 memo to Fed of Comm Cncls
 and to all 5 Valley Comm. Cncls

2/20 Notified Laurie Keta - Rab Cr Comm Cncl
Jack Thompson - Old Seward - Oceanview
Chris Barnes - Fed of Comm Cncls
Joe Lentz - The Butte
call her Barbara Hunt - 376-4537

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

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

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

Senate Community and Regional Affairs

2/26/85, 4:25

3/28/85, 3:35



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman
Members
Senator Ferguson, Vice Chairman
Senator Coghill
Senator Sturgulewski
Senator V. Fischer

Pouch V
Juneau, Alaska 99811

MINUTES (Teleconference)

January 22, 1985
4:20p.m.

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

Senator DeVries, Chairman
Senator Ferguson, Vice Chairman
Senator V. Fischer
Senator Sturgulewski
Senator Coghill

CALENDAR

SB 26 Relating to notification of community councils of certain state actions.

SB 26

Senator Josephson, sponsor of the bill, explained the bill would require state agencies to provide notice of certain actions to community councils. A fiscal note on the bill prepared by the Department of Transportation indicated 3 new full time positions would be needed.

John Spietz, Juneau Neighborhood Associates, testified in support of the bill and said this notice by state agencies would make neighbors and communities feel their thoughts were taken into consideration.

Llana Markey, President of Campbell Park Community Council, Anchorage, spoke in favor of bill, but recommended that 30 days notification before action should be changed to 60 days. Believes Federation of Community Councils should also receive notification.

Michael Bronson, South Lakes Community Council, Wasilla, supports bill with change to provide design stage or earlier notice.

Barbara Hunt, South Lakes Community Council, Wasilla, spoke in support of bill if modified to provide minimum of 45 days notice.

Gene Storm, President of South Education Community Council, Anchorage, supported bill and recommended that the Alcoholic Beverage Control Board be included to give notice of liquor license actions.

Judy Stanek, Member, Campbell Park Community Council, Anchorage, supported bill and thought bill should specify state agencies required to comply.

Kris Barnes, employee of the Community Council Center, Anchorage, supported bill. Public should be provided as much notice as possible.

David Finkelstein, Aide to Senator Josephson, commented that numerous details to be incorporated in SB26 would have to be worked out.

Senators Arliss Sturgulewski and Vic Fischer commented that numerous matters regarding SB 26, (i.e. state agencies involved and definition of specific community groups to receive notification) needed to be worked out before the Committee took further action.

Senato: Edna DeVries, Chairman, ruled that her staff and Senator Josephson's staff would work on a re-draft of SB26 for future consideration by the Committee.

Meeting adjourned at 4:55 p.m.

COMMITTEE TAPE LOG 1985

tape no. 1

Sheet Number 1

date 1-22-85 to -----

Committee: SENATE COMMUNITY & REGIONAL AFFAIRS

bill numbers:

SB26							
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other information: **COMMUNITY COUNCIL NOTIFICATION STATE ACTIONS (Teleconference)**
 Committee members present: Senator DeVries (Chairman) Sturgulewski, Coahill & V. Fischer. Senator Ferguson was absent.

Date/Time	Tape Meter No.	Bill	Significant Information (Witness, Action)
1-22-85	000	Chairman's meetings SB26	DeVries made announcements of future meeting called to order.
---	039		Chrimin introduced Sen Josephson. The first witness, sponsor of the bill.
			Burlport Heights Community Council felt they did not receive adequate notice on Dept of Health & Social Services decision.
			Nothing in state law to require state agencies
			Notify community councils of action to be taken
			Testimony of community councils has been positioned on the bill.
	106		Discussed proposal note by Dept of Transportation saying 3 full time positions would be required on SB26.
	111		Sen V. Fischer speaks.
	115		Sen Josephson speaks to period of notification before action by state agency.

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Date/Time	Tape Meter No.	Bill	Significant Information (Witness, Action)
1-22-85	000	SB26	DeVries made announcements of future meetings Meeting called to order.
	039		Chromin introduced Sen Josephson. The first witness, sponsor of the bill. Support Health Community Council felt they did not receive adequate notice on Dept of Health & Social Services decision.
			Nothing in state law to require state agencies notify community councils of action to be taken. Testimony of community councils has been positioned on the bill.
	106		Discussed fiscal note by Dept of Transportation showing 3 full time positions would be required on SB26.
	111		Sen V. Fischer speaks.
	115		Sen Josephson speaks to period of notification before action by state agency.

COMMITTEE TAPE LOG 1985

tape no. _____

Sheet Number 3

committee: SENATE COMMUNITY & REGIONAL AFFAIRS

date 1-22-85 to _____

bill numbers: SB26 | | | | | | | |

other information: COMMUNITY COUNCIL NOTIFICATION STATE ACTIONS (Teleconference)

Committee members present:

Date/Time	Tape Meter No.	Bill	Significant Information (Witness, Action)
1-22-85	194		Sen. Sturgulewski.
			Are you listed as
			charter - formed under
	205		local government? Mr. Spietz.
	208		Senator Sturgulewski.
	221		Mr. Spietz we do have
			organizational structure
			under the borough.
	233		Mark Phillips, Chairman
			Deport Heights Community
			Council (at) Thanks
			notification should be
			60 days. Supports bill.
	243		Lana Markey, Pres. of
			Campbell Park Community
			Council (and) Need more
			than 30 days notification.
			Otherwise supports bill.
			Federation of Community
			Councils should also be
			notified.

COMMITTEE TAPE LOG 1985

tape no. _____

Sheet Number 4

committee: SENATE COMMUNITY & REGIONAL AFFAIRS

date 1-22-85 to _____

bill numbers: SB26 | | | | | | | | |

other information: COMMUNITY COUNCIL NOTIFICATION STATE ACTIONS (Teleconference)

Committee members present:

Date/Time	Tape Meter No.	Bill	Significant Information (Witness, Action)
1-22-85	258		Sen Sturgeonlewski - Need to get in at time that is important on a state project. Early notice is important
	267		Sen V. Fischer: Projects are ^{carried out in} in stages. Need to provide several checkpoints.
	276		Hans Markey. Should get notice at design stage.
	284		Mike Bronson (Havilla) is Pres. of Community Council. Need design stage or earlier notice -- at least 45 days before construction occurs.
	295		Sen Sturgeonlewski. Was you'd ordinance passed. for setting up community council and then you went under the charter.
	299		Mr. Bronson. Our Community Council went through very organizational period.

COMMITTEE TAPE LOG 1985

tape no. _____

Sheet Number 5

date 1-22-85 to _____

committee: SENATE COMMUNITY & REGIONAL AFFAIRS

bill numbers: SB26 | | | | | | | |

other information: COMMUNITY COUNCIL NOTIFICATION STATE ACTIONS (Teleconference)

Committee members present:

Date/Time	Tape Meter No.	Bill	Significant Information (Witness, Action)
1-22-85	307		Barbara Hunt. Notice of forty five minimum is required.
	314		Sen DeVries thanked witness for testimony.
	317		Gene Storm, Pres. of South-Edition Community Council (Inc). Supports wholeheartedly effort to give notice to Community Councils. Thought liquor license board should be included under bill.
	338		Judy ^{STANEK} Stankiewicz, Member of Campbell Community Council (Inc). Which depts would have to respond to bill is important.
	346		Sen DeVries - Intent to make bill as broad as possible.
Side 2 102	010		^{STANEK} Stankiewicz. Other depts which should be included are Dept of Corrections & (ABC). Alcohol Beverage Control Board.

COMMITTEE TAPE LOG 1985

tape no. _____

Sheet Number 6

date 1-22-85 to _____

Committee: SENATE COMMUNITY & REGIONAL AFFAIRS

bill numbers: SB26

Other information:

COMMUNITY COUNCIL NOTIFICATION STATE ACTIONS (Teleconference)

Committee members present:

Date/Time	Tape Meter No.	Bill	Significant Information (Witness, Action)
1-22-85			On Transportation Projects.
			Community Councils want to be involved in design and location of facilities.
			Council should have 30 days to comment on plans at hand. Costs would depend on how many state agencies would have to comply with the bill.
	068		Possible state could contract with Federation of Community Councils to provide names/addresses of councils throughout state and coordinate notices.
	075		Sen Sturgulewski.
	081		Judy Starnick (STANEK)
	090		Sturgulewski: Fiscal note from DOT but thinks would not just cover DOT.
	109		Testimony of Barbara Karl read by Judy Starnick supporting bill.

COMMITTEE TAPE LOG 1985

tape no. _____

Sheet Number 7

Committee: SENATE COMMUNITY & REGIONAL AFFAIRS

date 1-22-85 to _____

bill numbers: SB26 | | | | | | | |

other information: COMMUNITY COUNCIL NOTIFICATION STATE ACTIONS (Teleconference)

Committee members present:

Date/Time	Tape Meter No.	Bill	Significant Information (Witness, Action)
1-22-85	122		Chris Earnes, Employee of Community Council Center: Public should be given as much notice as possible.
	150		Barbara Hunt (Mat-son) Would bill provide notice re. gravel extraction -- hot item in Valley
	165		David Zink ^{Chairman} Josephson's aide. That is one of many details that would have to be worked out.
	174		V. Fischer. Thought no-draft of bill might be in order. by Senator Delbies & Josephson's staff.
	180		Sen. Surgulewski. Who is covered? Depts need to know. How you use Community Councils -- need to look at other areas to define who exactly would receive notice.
	198		Chairman Delbies ruled that a redraft of bill would be worked out by Sen Josephson's staff for future consideration.
			Meetings adjourned at 4:55 P.M.

Hein
3/22/85

Original sponsor: Josephson

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 26 (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 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.

17 * Sec. 2. AS 04.11.510(b) is 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

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;

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.

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 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
5 rehabilitation program in the area represented by the community
6 council.

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

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

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

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

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

20 * Sec. 6. AS 38.05.115(a) is amended to read:

21 (a) The commissioner shall determine the timber and other
22 materials to be sold, and the limitations, conditions and terms of
23 sale. The limitations, conditions and terms shall include the
24 utilization, development and maintenance of the sustained yield
25 principle, subject to preference among other beneficial uses. The
26 commissioner may negotiate sales of timber or materials without
27 advertisement and on the limitations, conditions, and terms that are
28 considered to be in the best interests of the state. However, not
29 more than 500 M.B.M. or equivalent other measure of timber or more

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than 25,000 cubic yards of materials may be sold by nonadvertised, negotiated sale to the same purchaser within a one-year period. The commissioner may not negotiate a sale of materials, other than timber, without first notifying each community council established by municipal charter or ordinance from whose area the materials are to be removed.



Official Business

Alaska State Legislature

Community & Regional Affairs Committee

Pouch V
State Capitol
Juneau, Alaska 99811

C&RA Committee Meeting -- March 28, 1985

HEARD BY COMMITTEE Jan 22, 1985

SB 26 -- introduced 1/14/85 - Josephson

"Notification to community councils of certain state actions"

DOTPF -- Fiscal note 1/22 - FY'85 \$37.4, FY'86 \$164.5

Position paper -- against bill

DHESS -- Fiscal note 1/23 - ZERO

Position paper 1/25 - no strong statement of support or non support

SSSB 26 -- introduced 2/13/85

HEARD BY COMMITTEE 2/26/85

DOTPF -- Fiscal note 2/25 - ZERO

Position -- appears to have no objection

DHESS -- Ltr 3/12 stating will provide through regulations for community council notification of certificate of need activity

DC&RA -- Position paper 3/7 No strong statement of support or non support

ABC Board -- Fiscal note '85 ZERO, FY'86 \$0.8

HEARING BY COMMITTEE 3/28/85

CSSSB 26 -- prepared 3/22/85

Contains all provisions in sponsor substitute and adds 2 sections:

Sec. 4 -- amends AS 33.30, providing for notification on prisons/halfway houses

Sec. 6 -- amends AS 38.05, providing for notification on sale of materials (gravel)

LTR from DNR -- against gravel notification provisions

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH M
JUNEAU, ALASKA 99811
PHONE: 907-465-2400

March 28, 1985

The Honorable Edna DeVries
Alaska State Senate
Pouch V
Juneau, AK 99811

Dear Senator DeVries:

I have just been notified of a new provision (Section 6) in draft CSSSSB 26 (C&RA) that would require the Department to provide notice to the local municipally-chartered community council of any negotiated materials sale.

At present the department does notify local municipalities (under AS 38.05.945) of sales that would come from a new materials source such as a sand and gravel pit, but does not notify them of small negotiated sales from an existing pit. We regard these small sales from existing pits as a permitted activity that does not have new local impacts. To require notice of such sales would slow down state sand and gravel disposals for public and private construction projects that may need expeditious small sales from existing state materials sources.

It is our belief that local concern for notification of materials sales should be satisfied by the notice we already provide. I do not believe that a second notice of small sales from within existing pits would serve any useful purpose and would only add expense and delay to our current process. Therefore, I would recommend against enactment of the proposed amendment to AS 38.05.115(a) (Sec. 6) of draft CSSSSB 26 (C&RA).

Sincerely,

B. Wunnicke, Deputy
pc Esther C. Wunnicke
Commissioner

cc: Tom Hawkins, Director
Division of Land and Water
Management

The Honorable Joe Josephson
Alaska State Senate

Original sponsor: Josephson

Final

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

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7 not required under (1), (3), or (4) or this subsection; the board
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9 council established by municipal charter or ordinance;

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
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5 tion program in the area represented by the community council.

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

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8 construction of a public project,

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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;

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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.

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.
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Alaska State Legislature

Senate

Committee on Community and Regional Affairs



Official Business

Senator Edna DeVries, Chairman
Members
Senator Ferguson, Vice Chairman
Senator Coghill
Senator Sturgulewski
Senator V. Fischer

Pouch V
Juneau, Alaska 99811

January 4, 1985

To: Committee Members, C&RA *Edna*

From: Senator Edna DeVries, Chair

Re: SB 26

Our January 22 hearing on subject bill elicited active participation from community council representatives from Anchorage, Mat-Su, and Juneau. Committee discussion, witness testimony, and comments by bill sponsor, Senator Josephson, suggest the need for revision in the following areas:

- 1) State departments other than DOT/PF take actions that affect community councils; i.e., Alcoholic Beverage Control Board (liquor licenses); Corrections (location of halfway houses); Environmental Conservation (sewer/water lines). An interest was also expressed by community council representatives in the effect of certain environmental impact statements, and the extraction of gravel.
- 2) The notice period for actions of interest should be lengthened. Suggestions were for 45 to 90 days.
- 3) Provision should be made for community councils to come under the statute even though they are not "chartered" through local government. Should local community organizations be recognized legally by their local governments in order to fall within the provisions of SB 26; i.e., what is the definition of a community council?
- 4) Fiscal notes will be required from all departments affected by the provisions of SB 26.

Senator Josephson will be introducing a sponsor substitute which takes into consideration the above discussion items. I would like for us to hear the sponsor substitute for SB 26 on February 7.

CC: Senator Josephson

Introduced: 2/13/85
Referred: Community and Regional
Affairs, Health, Education
and Social Services and
Finance

1 IN THE SENATE

BY JOSEPHSON

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 26

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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.

17 * Sec. 2. AS 04.11.510(b) is 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

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;

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.

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 35.30.010(a) is amended to read:

1 (a) Except as provided in (b) of this section, before commencing
2 construction of a public project,
3 (1) if the project is located in a municipality, the de-
4 partment shall submit the plans for the project to the planning com-
5 mission of the municipality for review and approval;
6 (2) if the project is located within two miles of a vil-
7 lage, the department shall submit the plans to the village council for
8 review and comment;
9 (3) if the project is located within the area represented
10 by a community council established by municipal charter or ordinance,
11 the department shall submit the plans to the community council for
12 review and comment.



Official Business

Alaska State Legislature

Senate

Pouch V
State Capitol
Juneau, Alaska 99811

Jan 17, 1985

SB 26

Requires State government to notify a legally organized Community Council when the State constructs or issues a permit to construct or make material changes within the geographical bounds within which a community council exercises oversight.

1314 Birchwood Street
Anchorage, Alaska 99504
August 16, 1984

RECEIVED

AUG 28 1984

Josephson,

The Honorable Joe Josephson
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Josephson:

This letter is to advise you of a shortcoming in the State public notice and comment process, with regard to municipal community councils. As you know, the Municipality of Anchorage routinely notifies community councils of proposed municipal actions in order to allow for neighborhood comment. However, this does not necessarily include State activities.

State approval of hospital certificates of need is an example. During the past two years, the Airport Heights Community Council has been in contact with State legislators and the Department of Health and Social Services with respect to the new Charter North Hospital in Anchorage. One result apparent from the discussions is the Council's need for timely notification before State actions are taken. It was suggested that the Department of Health and Social Services improve the public notice requirements within its regulations. However, we have recently learned of the commencement of construction of the Raleigh Hills Hospital, also within the Airport Heights area. The Council had heard nothing of this development within the past year.

We believe that this sort of problem can be avoided if regulations that would require at least a 30 day advance notice to affected community councils are adopted by all State agencies. This would allow for better public response and would help preclude surprise and irritation on the part of the residents.

Sincerely,

Barbara Karl
Acting Secretary
for Mark Phillips, President
Airport Heights Community Council

ALASKA STATE SENATE

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



WHILE IN JUNEAU
POUCH V
JUNEAU ALASKA 99811
907) 465 4907
(907) 465 4525

COMMITTEES
HEALTH EDUCATION & SOCIAL SERVICES (CHAIR)
JUDICIARY (VICE-CHAIR)
FINANCE
MAJORITY CAUCUS (CHAIR)

October 11, 1984

The Honorable Norman Gorsuch
Attorney General
State of Alaska
Pouch K
Juneau, Alaska 99811

Dear Attorney General Gorsuch:

On behalf of my constituents who are leaders of the Airport Heights Community Council, I am writing to pose the following questions.

1. Under existing statutes, can executive departments of the state and public corporations, such as the Alaska Housing Finance Corporation, be required to notify community councils within the Municipality of Anchorage of proposed state actions of special interest or concern to an Anchorage neighborhood represented by a community council?
2. If so, could this be accomplished by executive order by the Governor or by a regulation promulgated for all agencies, or would each agency have to consider such a regulation as a separate question for that agency to be determined independently from other agencies?
3. To reach the result desired by my constituents, who wish more notification of state action affecting neighborhoods, is a legislative enactment required?

To help you understand the contents in which these inquiries are made, I enclose copy of a letter by the Airport Heights Community Council and also copy of my letter to Commissioner John Pugh. You will note that the issue

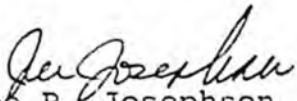
The Honorable Norman Gorsuch
October 11, 1984
Page Two

arose because of neighborhood concern about hospital certificate of need for Charter North Hospital and Raleigh Hills Hospital.

Thank you for your attention in this matter. I hope to hear from you before the 1985 legislative session.

With best wishes, I am

Sincerely,


Joe P. Josephson
State Senator

JPJ:rak
Enclosures

ALASKA STATE SENATE

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



WHILE IN JUNEAU
POUCH V
JUNEAU ALASKA 99811
(907) 465-4907
(907) 465-4525

COMMITTEES
HEALTH EDUCATION & SOCIAL SERVICES (CHAIR)
JUDICIARY (VICE CHAIR)
FINANCE
MAJORITY CAUCUS (CHAIR)

October 11, 1984

The Honorable John Pugh
Commissioner
Department of Health and
Social Services
Pouch H-01
Juneau, Alaska 99811

Dear Commissioner Pugh:

I am enclosing copy of a letter to me from officers of a community council in my district who believe that when the state approves hospital certification of need, community councils affected should be notified of the state's intentions before final action, and should be afforded an opportunity for input.

I concur. I suspect that such a requirement has not been considered because community councils have official status under the Anchorage Municipal Charter, which I had the privilege of helping draft as Vice Chairman of the Charter Commission and as Chairman of the Drafting Subcommittee, but community councils may not enjoy similar status elsewhere in Alaska.

Ms. Karl and Mr. Phillips would also favor state notification to community councils as a requirement for all state actions affecting neighborhoods, in advance of such actions.

I am also communicating with the Attorney General to determine if and how such a requirement could be developed in state regulations or whether legislation would be necessary to reach that result.

The Honorable John Pugh
October 11, 1984
Page Two

Meanwhile, I would welcome your views as to whether your Department might communicate directly with Anchorage community councils, when the Department contemplates any action which may have impact upon the quality of life in an Anchorage neighborhood.

With best wishes, I am

Sincerely,



Joe P. Josephson
State Senator

JPJ:rak
Enclosure

cc: Attorney General Gorsuch
Barbara Karl
Mark Phillips

DEPARTMENT OF LAW

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

OFFICE OF THE ATTORNEY GENERAL

October 23, 1984

Honorable Joe P. Josephson
Alaska State Senate
1526 "F" Street
Anchorage, AK 99501

Re: Notice of state action to be
furnished community councils

Dear Joe:

Attorney General Gorsuch has asked me to respond to your October 11, 1984 inquiry on this general subject. You mentioned that your inquiry arises in the context of the Airport Heights Community Council's concern about Department of Health and Social Services' handling of certificates of need for Charter North Hospital and Raleigh Hills Hospital. You asked three questions:

1. Under existing statutes, can executive departments of the state and public corporations, such as the Alaska Housing Finance Corporation, be required to notify community councils within the Municipality of Anchorage of proposed state actions of special interest or concern to an Anchorage neighborhood represented by a community council?
2. If so, could this be accomplished by executive order by the Governor or by a regulation promulgated for all agencies, or would each agency have to consider such a regulation as a separate question for that agency to be determined independently from other agencies?
3. To reach the result desired by constituents, who wish more notification of state act affecting neighborhoods, is a legislative enactment required?

I.

With regard to the first question, the short answer is yes. In fact, for certain kinds of state action, state agencies already are required to notify interested persons and to notify persons who have asked to be put on a mailing list. This is in addition to newspaper publication of notice. For example, a provision in the Alaska Administrative Procedure Act, AS 44.62.-190(a)(2), requires an agency to give notice of proposed regula-

tions adoption to "every person who has filed a request for notice of proposed action with the state agency," and AS 44.62.-190(a)(4)(A) requires the agency "when appropriate in the judgment of the agency, (A) [to mail notice] to a person or a group of persons whom the agency believes is interested in the proposed action." Another statutory provision is AS 46.35.050 which requires the Department of Environmental Conservation to publish newspaper notice, but not individual notice, of certain types of proposed projects affecting the environment.

For certificates of need, AS 18.07.101 authorizes the commissioner of health and social services to adopt regulations governing the review of applications for those certificates. Under that authority, the commissioner has adopted, among other provisions, 7 AAC 07.050(c), which requires, upon acceptance of an application as complete, notification of "persons directly affected." That phrase is defined in 7 AAC 07.130(11) to include "members of the public to be served by the activity for which a certificate of need is required." Although even that definition leaves some room for the exercise of discretion, it would appear that the members of the Airport Heights Community Council would indeed be covered by that provision for the purposes of hospitals being built in that community. (I do not know how the Raleigh Hills Hospital proceeded to the construction stage without the council having received notice of the project, as mentioned in Barbara Karl's August 16, 1984 letter to you.)

Thus we see that the legislature has dealt differently with different kinds of state functions. It is also to be expected that the various state agencies will have various ways of executing their respective responsibilities.

II.

As to your second question, it appears to me that the best answer is to seek legislation, rather than some sort of general executive order or administrative regulation. The legislation should specifically address the kinds of programs or functions and the particular steps in the administration of those programs or functions that should require individual notice to members of the public. As discussed in the 1963 study of executive orders, prepared jointly by the Legislative Affairs Agency and the Department of Law, executive orders issued under art. 3, sec. 23 of the Alaska Constitution are limited to the organization of the executive branch or the assignment of functions among its units. Thus, an executive order does not seem appropriate for your purpose.

Honorable Joe P. Josephson
Alaska State Senate

October 23, 1984
Page 3

However, there would seem to be little doubt that the governor would have authority under art. 3, secs. 1 and 24 to issue an administrative order to achieve the result you seek. Under that same authority, the governor could adopt an administrative regulation, as he did for the handling of public records (6 AAC 95). The difficulty, however, would be in preparing an order or regulation of sufficient breadth to cover all of the possible situations that you might think should be included while tailoring it to fit the specific circumstances of each program.

It would, of course, also be possible for individual agencies to include such notice requirements in their respective regulations (as DHSS did for the certificate-of-need program). Again, it would appear that the constitution provides the governor with sufficient authority to direct the agencies to do so. Another possibility would be for a community council to petition certain agencies, under AS 44.62.220, to adopt a regulation that provides for the notice.

My own recommendation would be that the legislature deal with the subject of notice by addressing the specific programs and specific actions for which it believes this additional notice should be required.

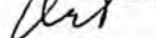
III.

The answer to your third question is no, a legislative enactment is not required. But, as I mentioned in the preceding paragraph, that seems to me to be a preferable course of action. That way the focus would be on specific areas of concern and the idea of additional notice would not get bogged down in the morass of problems that would be engendered by trying to come up with some all-encompassing general directive.

I hope this is of some help to you. Best wishes.

Yours truly,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: 
Arthur H. Peterson
Assistant Attorney General

AHP:md

cc: Hon. John Pugh, Commissioner
Dept. of Health & Social Services

STATE OF ALASKA
DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH H 01
JUNEAU, ALASKA 99811
PHONE: 465-3030

October 25, 1984

The Honorable Joe Josephson
1526 F Street
Anchorage, Alaska 99501

Dear Senator Josephson:

Thank you for your letter regarding the Airport Heights Community Council and the concern of its members regarding the Raleigh Hills Hospital and public involvement in the Certificate of Need review process. I agree that input from grassroots groups such as the community councils is important to the Certificate of Need process. Since July when I first became aware of this concern by the Airport Heights Community Council the following steps have been taken.

I have consulted with the State Health Planning and Development Agency within the Division of Planning and with South Central Health Planning and Development on the public process for the Raleigh Hills Certificate of Need application. Although the public process followed during the Raleigh Hills application review met all requirements of the statutes and regulations for public involvement, I believe more can be done to assure that community councils are advised of projects proposed within their areas.

This may be achieved with little additional effort by including all such councils on the health systems agency mailing list for notification of public meetings for consideration of Certificate of Need applications. I have written to each of the three Alaskan health systems agencies to advise them of the concern and to request that they contact the community councils in their respective regions in order to obtain current mailing addresses for those organizations for inclusion on the appropriate mailing lists. I believe that this will ensure that community councils receive notification and that regulatory and statutory changes are unnecessary.

In the case of the Raleigh Hills Hospital project, the Certificate of Need application documents the contacts with the Director of the Federation of Community Councils and with representatives of three separate community councils. Unfortunately, the Airport Heights Community Council was not contacted because at the time of the public review the planned location of the Raleigh Hills Hospital was not within its area. Subsequent to issuance of a Certificate of Need for the Raleigh Hills Hospital, it was necessary for the project sponsor to change the intended location of the facility.

October 25, 1984

It is my understanding that the local planning and zoning boards or councils have responsibility to contact residents of the area to give notice of the proposed location of such a facility within a given neighborhood when a construction permit is requested. Because the site of such facilities is primarily a matter for local consideration, I do not propose to change the Certificate of Need process to address specific locations. Additionally, I have written to Anchorage Mayor Tony Knowles regarding the concern expressed in your letter, noting that local governments inform neighborhoods of requests for construction permits and that health systems agencies are assuming responsibility for notifying community councils and other similar groups of public meetings on Certificate of Need applications.

Again, I thank you for your interest in facilitating communication between the Department of Health and Social Services and local neighborhoods when Department action may have local impact. I will welcome further suggestions from you or the Airport Heights Community Council for improvement of the public process for Certificate of Need reviews.

Sincerely,



John R. Pugh
Commissioner

cc: Airport Heights Community Council
Patricia R. Alexander, Director
Division of Planning

COMMITTEE REPORT
SENATE

FURTHER:

HESS
FINANCE

1/14/85

Date April 9, 1985

Mr. President

The Committee on C&RA considered SS SB 26 (C&RA)

relating to notification of community councils of certain state actions.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SS SB 26 (C&RA)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Handwritten Signature]

[Handwritten Signature]

[Handwritten Signature]

[Handwritten Signature]
Chairman

[Handwritten Signature]
Chairman recommendation

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



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.

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.

Handwritten note:
-copy to Sen. Bell
and Sen. Johnson
etc. in mark file to
Sen. CARA members.

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

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF PLANNING,

BILL SHEFFIELD, GOVERNOR

POUCH H 01A
JUNEAU, ALASKA 99811
PHONE: 465-3037

March 12, 1985

RECEIVED

MAR 14

The Honorable Joe P. Josephson
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Josephson,

Dear Senator Josephson:

Re: Senate Bill 26

Thank you for your recent letter regarding your decision to omit certificate of need notification to community councils from Senate Bill 26. Our agency is working on revisions to the regulations and will include Community Councils to the list of persons to be notified. My staff has updated our community council mailing list with the new one you graciously provided and the appropriate community council contact person will be notified of certificate of need activity.

I am grateful for the opportunity to share ideas on this bill with you and appreciate your positive response to my suggestions.

Sincerely,

Patricia R. Alexander

Patricia R. Alexander
Director

ALASKA STATE SENATE

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

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



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.

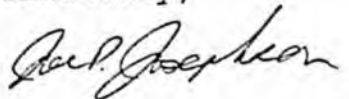
To achieve this end, I would like to pursue your offer to include affected community councils on your notification list. Enclosed is a recent mailing list of community councils in the Anchorage area. Updated address lists can be gotten by contacting the Community Councils Center, 801 West Fireweed Lane, 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

STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700

949 E. 36TH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99508
PHONE: (907) 563-1073

March 7, 1985

POSITION PAPER

RE: SSSB 26


SPONSOR: Senator Josephson

Program Effects of the Bill

This bill would require the Alcoholic Beverage Control Board to notify community councils established by municipal charter or ordinance of meetings and hearings regarding the board's fact finding and regulatory activities. Similarly, the Department of Transportation and Public Facilities shall submit plans for proposed State projects to affected community councils for their review and comment.

Comments

This bill provides for additional public awareness of meetings and deliberations which could have significant impact on residents and their neighborhoods. This notification of certain meetings and proposed public construction projects should strengthen local involvement and accountability. The agencies affected will, of course, bear these additional notification burdens and will have to extend themselves to involve the submunicipal community councils in their decisionmaking process. However, this would appear to be a small price to pay for what should be more community and public involvement in formulating government decisions.



Emil Notti, Commissioner

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SSSB 26
 Title: Relating to notification of community councils.
 Sponsor: Sen. Josephson
 Requestor: Sen. Com. & Region. Affairs
 Date of Request: 2/25/85

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
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		.5	.5	.5	.5	.5
400 SUPPLIES		.3	.3	.3	.3	.3
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	.8	.8	.8	.8	.8

CAPITAL						
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REVENUE	-	-	-	-	-	-
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FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND						
FEDERAL FUNDS	-0-	.8	.8	.8	.8	.8
OTHER						
TOTAL						

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
 Assume the law would become effective in FY86.

Prepared By: Patrick L. Sharrock, Director
 Division: Alcoholic Beverage Control Board

Phone: 277-8638
 Date: 2/25/85

Approved by Commissioner: Mary A. Nordale
 Agency: Department of Revenue

Date: _____

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.: SSSB 26
Title: Relating to notification of community councils.
Sponsor: Sen. Josephson
Requestor: Sen. Com. & Region. Affairs
Date of Request: 2/25/85

FISCAL DETAIL

Agency Affected: Dept. of Revenue
Program Category Affected: Public Protection
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EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES		.5	.5	.5	.5	.5
500 EQUIPMENT		.3	.3	.3	.3	.3
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	.8	.8	.8	.8	.8

CAPITAL						
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REVENUE	-	-	-	-	-	-
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FUNDING: (Thousands of Dollars)

GENERAL FUND	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FEDERAL FUNDS	-0-	.8	.8	.8	.8	.8
OTHER						
TOTAL						

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
Assume the law would become effective in FY86.

Prepared By: Patrick L. Sharrack, Director Phone: 277-8638
Division: Alcoholic Beverage Control Board Date: 2/25/85

Approved by Commissioner: Mary A. Nordale Date: 3-1-85
Agency: Department of Revenue

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



Dept. of Transportation & Public Facilities

Position Paper

BILL NO: Sponsor Substitute for Senate Bill 26 **APPROVED:** *Wm Spahr*
R. J. Knapp
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.

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
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
500 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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 Commissioner: *Wm S. Spurlin* 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)



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

April 4, 1985

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

Attached is a copy of the Notification to Community Councils bill, SB 26, as it passed out of my committee this week. The bill provides for notification on liquor licenses, the location of prisons or halfway houses, State construction projects, and application for the removal of gravel from State lands.

It is not a perfect bill but I did want to get it on its way, so that hopefully it can be passed this year. The next committees of referral are Health, Education, and Social Services (chaired by Senator Bettye Fahrenkamp); and Finance (chaired by Senators Jan Faiks and John Sackett).

I do feel that community councils will be benefited by this legislation and I was pleased to be a part of speeding it on its way. If I can help out with other concerns, please let me know.

May God bless you, and Happy Spring!

Sincerely,

Edna DeVries
Senator

ya

atch

State Legislature
Committee on
and Regional Affairs

Pouch V
Anchorage, Alaska 99811

1/25/85
Sent copy of
ltr atch

Mr. Jack Thompson
550 Highview
Anchorage, AK 99515

Committee on
and Regional Affairs

Pouch V
Anchorage, Alaska 99811

Mr. Lloyd Morris
SRA Box 261-M
Anchorage, AK 99516

Committee on
and Regional Affairs

Pouch V
Anchorage, Alaska 99811

Llana M. Markey, Chairman
Federal of Community Councils
1818 CindyLee Lane
Anchorage, AK 99507



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members:
Senator Ferguson, Vice Chairman
Senator Coghill
Senator Sturgulewski
Senator V. Fischer

Pouch V
Juneau, Alaska 99811

January 24, 1985

To: Committee Members, C&RA

From: Senator Edna DeVries, Chair *Edna*

Re: SB 26

Our January 22 hearing on subject bill elicited active participation from community council representatives from Anchorage, Mat-Su, and Juneau. Committee discussion, witness testimony, and comments by bill sponsor, Senator Josephson, suggest the need for revision in the following areas:

- 1) State departments other than DOT/PF take actions that affect community councils; i.e., Alcoholic Beverage Control Board (liquor licenses); Corrections (location of halfway houses); Environmental Conservation (sewer/water lines). An interest was also expressed by community council representatives in the effect of certain environmental impact statements, and the extraction of gravel.
- 2) The notice period for actions of interest should be lengthened. Suggestions were for 45 to 90 days.
- 3) Provision should be made for community councils to come under the statute even though they are not "chartered" through local government. Should local community organizations be recognized legally by their local governments in order to fall within the provisions of SB 26; i.e., what is the definition of a community council?
- 4) Fiscal notes will be required from all departments affected by the provisions of SB 26.

Senator Josephson will be introducing a sponsor substitute which takes into consideration the above discussion items. I would like for us to hear the sponsor substitute for SB 26 on February 7.

CC: Senator Josephson

AMENDMENT TO CSSB 26

Strike all of Section 6 as it appears in the Committee Substitute, and insert a new Section 6, in lieu thereof, reading as follows:

"Sec. 6. AS 38.05.945(c)(1) is amended as follows:

(1) to a municipality if the land is within the boundaries of the municipality, and to a community council established by municipal charter or ordinance if the disposal or sale is within the boundaries of the council."



Official Business

Alaska State Legislature

Community & Regional Affairs Committee

Pouch V
State Capitol
Juneau, Alaska 99811

Committee Meeting - April 2, 1985

The Committee will consider two bills --

SB 249 - Approp Senior Citizen Homeowner
Tax Exemptions

CSHB 253 - Municipal Tax Exemptions; Fire
(C&RA) Facilities

SB 249-----

Makes a supplemental appropriation to the Department of C&RA of \$325,000. The appropriation is to cover reimbursement to local government for senior citizen' homeowner property tax exemptions

CSHB 253 (C&RA)-----

Permits local government to partially or wholly exempt land from a tax for fire protection; allowing the tax to be levied only on improvements (including personal property).

Public Safety -- supports the bill and attaches a zero fiscal note

Community & Regional Affairs -- is opposed to the bill and attaches a zero fiscal note

Fairbanks North Star Borough supports the bill by Resolution 85-024

The Alaska Conference of Mayors supports the bill by Resolution 84-8

A M E N D M E N T

Offered in the SENATE

By DeVries

TO: CSSSSB 26(C&RA)

Page 3, line 6, after "council.", insert:

"The commissioner shall provide notice under this section at least 20 days before the department's plans are approved or adopted."

Page 4, line 3:

Delete "negotiate a sale of" and insert in its place "sell"

Page 4, line 4:

Delete "without first notifying" and insert in its place "unless at least 20 days before completing the sale the commissioner notifies"

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 26
 Title: Notice to Community Councils
 Sponsor: Senator Josephson
 Requestor: _____
 Date of Request: 1/22/84

FISCAL DETAIL

Agency Affected: DOT&PF
 Program Category Affected: TRANSPORTATION
 BRU, Program or Subprogram(s) Affected: Design & Construction

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	32.1	163.5	171.7	180.0	189.3	198.7
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES	.3	1.0	1.1	1.2	1.2	1.3
500 EQUIPMENT	5.0					
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	37.4	164.5	172.8	181.2	190.5	200.0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	37.4	164.5	172.8	181.2	190.5	200.0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	3	3	3	3	3	3
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Three full-time positions within the regional divisions of Design & Construction to track projects and coordinate notifications to municipalities.

Prepared By: Carol Taylor *CT* Phone: 465-2171
 Division: Plans & Programs Date: 1/22/85

Approved by Commissioner: Walter J. Spahr Date: 1/22/85
 Agency: Department of Transportation & Public Facilities

Distribution (by Agency preparing fiscal note):

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

7/1/84

Senate Bill No. 26

Passage of this bill would require the department to contact all community councils of projects potentially affecting their locale "...not less than 30 days before construction begins...". Since the majority of the Department's construction projects can be construed to have one or more of the potential impacts noted in the bill, this bill would require the Department to take steps to assure that all community councils within the vicinity of all construction project be notified. Since the Department does not now keep a complete record of all community councils, the Department's implementation of this legislation would require the Department to maintain such listings and promulgate operating policy requiring their notification. Since community councils and their municipalities are not now required to inform the Department of the formation of the community council, the Department will likely have to promulgate regulations requiring municipalities to inform the Department of new and/or changes to local community council makeup. These new duties would have operating budget impacts as noted in the attached fiscal note.

There are some questions to whether being informed 30 days before construction begins will fully meet the concerns for which this bill is assumed to address. In many cases, notification 30 days before construction begins would follow the Department's formal contracting for construction. Concerns with the project following the Department's formal contracting for its construction would not allow concerned parties reasonable time to inform the Department of their concerns. From the Department's and State's standpoint, changes to a construction project after construction contracting is accomplished affect cost to the state, and in many cases dramatically increases the total cost of the project as a result of contractor claims.

For transportation related projects, Department of Transportation and Public Facilities has already in place policies and procedures which require not only the notification but also the initiation of public hearings on location and design related matters for all transportation related construction projects. However, these public hearings and notifications are not targeted directly at chartered community councils though the Department assumes reasonable public interest in these projects are being affectively dealt with. The Department also assumes that other agencies with location and design approval responsibility for non-transportation related facilities have similiary public notification and public hearing procedures. The Department's procedures require this public review and comment period well in advance of construction commencement and allow for changes in the project's location and design details in a time and in a manner which allows for the maintenance of time and dollar budgets for each project.

While the assumed purpose of this bill, to inform chartered community councils of projects affecting their community, is supported by the Department, the timing of the requirement tied to the construction commencement date could create problems of great expense to the State, should the State attempt to react to concerns noted by community councils.

POSITION PAPER

SENATE BILL NO. 26

For "An Act relating to notification of community councils of certain state action."

Senate Bill 26 mandates the state to notify any community council established by a municipal charter regarding proposed construction of a public project for which a state permit or certificate of need is required. The department, agency, or public entity of the state that has responsibility for the construction or the issuance of the permit or certificate of need shall give notification not less than 30 days before construction of a public project begins or before the permit or certificate of need is issued.

Current Status

The Department of Health and Social Services has primarily four functions which would be affected by SB 26:

Certificate of Need (AS 18.07);
Health Facilities Construction Licensure (AS 18.20);
Construction Grant Administration; and
Departmental Construction Projects.

The Certificate of Need program requires that public notice be provided for review of each certificate of need application under 7 AAC 07.05 (c). This notification is provided by advertisement in at least one newspaper of general circulation in the state and by advertisement in one newspaper of general circulation in the appropriate health service area. In addition, each regional health systems agency holds a meeting, open to the public, after separate notification is provided in a newspaper of general circulation in the appropriate health service area. Persons, including local councils, who have requested notification of review schedules are provided separate notification by mail.

There is presently no statutory requirement for public notification of construction licenses, but evidence of compliance with local planning and zoning is required prior to issuance of the construction license.

Strengths of Bill

Local input on projects is important. This bill provides an additional method for notifying people about projects which will directly impact them.

Weaknesses of Bill

The additional guarantee of public notification applies only to those people who live in a locality represented by a community council established by municipal charter. In this respect the bill is exclusive. On the other hand, the provisions are duplicative, as one community council may receive three different notices from three different state agencies on a single project.

POSITION PAPER CONTINUED
SB 26
Page 2

If citizen input in a state project is solicited it is important that the comments be received farther in advance of the project than 30 days. Input is more valuable at earlier stages.

The certificate of need program is primarily concerned with the equitable and cost effective distribution of health facilities within the state. A certificate of need does not require construction of an approved health facility at a particular site, and the actual site of a proposed facility within a community need not be defined to accomplish the purposes of the certificate of need statute. The site of a proposed health facility is the responsibility of local planning and zoning agencies.

Because there is no single source of information on contact persons for community councils in Alaska, establishing and maintaining a list would be an ongoing problem for each state entity affected.

Conclusion

The Department of Health and Social Services supports local involvement in decision making, including participation by community councils, and, therefore, supports the concept of Senate Bill 26.

However, in the Department's view, the desired goal of local involvement could be achieved more efficiently by limiting the state's responsibility to contacting local governments rather than individual community councils. It is the responsibility of each local government to disseminate the information to community councils and other interested groups.

Furthermore, if the State chooses to assume more responsibility for notification at the local level, the process would be more efficient if one state agency acted as a clearinghouse of information. The designated clearinghouse agency would be responsible for consolidating multiple notifications and multi-agency actions into a single notification. The Division of Governmental Coordination of the Office of Management and Budget has assumed a similar task regarding Federal funds.

If it is determined that notification to community councils, as well as to local governments, is appropriate, it is important that provisions be made for each community council to advise the appropriate state agency of its existence in order to receive notification of state projects which will affect the council.

POSITION PAPER CONTINUED
SB 26
Page 3

Position

The Department of Health and Social Services recognizes the value of local participation in decision making on public projects and on private projects which require a state permit. The Department, however, does not support this bill in its present form.

RECOMMENDED BY: Patricia R. Alexander
PATRICIA R. ALEXANDER, DIRECTOR
DIVISION OF PLANNING

DATE: 1/22/85

APPROVED BY: John R. Pugh
JOHN R. PUGH
COMMISSIONER
DEPARTMENT OF HEALTH & SOCIAL SERVICES

DATE: 1/25/85

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SR 26
 Title: An Act relating to notification of community councils of ... action
 Sponsor: Joe Josephson
 Requestor: _____
 Date of Request: 1/16/85

FISCAL DETAIL

Agency Affected: DHSS
 Program Category Affected: _____
 BRU, Program or Subprogram(s) Affected: _____
DHSS Administrative Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL	0	0	0	0	0	0
----------------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
----------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME none						
TEMPORARY required						

ANALYSIS: Attach a separate page if necessary This bill would require considerable staff time to track down the appropriate community council for notification. However, once the community council is identified and a system of notification of construction licenses and of locations of public projects is developed, the actual notification would be routine. It is estimated that notices to community councils would include three on CON, 13 on construction licenses, one on DHSS projects and 10 on pass through grants annually.

Prepared By: Patricia R. Alexander
 Division: Planning

Phone: 465-3037

Date: 1/23/85

Approved by Commissioner: Joe Josephson
 Agency: DHSS

Date: 1/25/85 Joe

Distribution (by Agency preparing fiscal note):

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

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

POUCH M
JUNEAU, ALASKA 99811
PHONE: 907-485-2400

OFFICE OF THE COMMISSIONER

March 28, 1985

The Honorable Edna DeVries
Alaska State Senate
Pouch V
Juneau, AK 99811

Dear Senator DeVries:

I have just been notified of a new provision (Section 6) in draft CSSSSB 26 (C&RA) that would require the Department to provide notice to the local municipally-chartered community council of any negotiated materials sale.

At present the department does notify local municipalities (under AS 38.05.945) of sales that would come from a new materials source such as a sand and gravel pit, but does not notify them of small negotiated sales from an existing pit. We regard these small sales from existing pits as a permitted activity that does not have new local impacts. To require notice of such sales would slow down state sand and gravel disposals for public and private construction projects that may need expeditious small sales from existing state materials sources.

It is our belief that local concern for notification of materials sales should be satisfied by the notice we already provide. I do not believe that a second notice of small sales from within existing pits would serve any useful purpose and would only add expense and delay to our current process. Therefore, I would recommend against enactment of the proposed amendment to AS 38.05.115(a) (Sec. 6) of draft CSSSSB 26 (C&RA).

Sincerely,

B. Wunnicke, Deputy
pc Esther C. Wunnicke
Commissioner

cc: Tom Hawkins, Director
Division of Land and Water
Management

The Honorable Joe Josephson
Alaska State Senate

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH M
JUNEAU, ALASKA 99811
PHONE: 907-485-2400

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Sincerely,

B. Wunnicke, Deputy
pc Esther C. Wunnicke
Commissioner

cc: Tom Hawkins, Director
Division of Land and Water
Management

The Honorable Joe Josephson
Alaska State Senate

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH M
JUNEAU, ALASKA 99811
PHONE: 907-485-2400

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Sincerely,

B. Wunnicke, Deputy
pc Esther C. Wunnicke
Commissioner

cc: Tom Hawkins, Director
Division of Land and Water
Management

The Honorable Joe Josephson
Alaska State Senate

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH M
JUNEAU, ALASKA 99811
PHONE: 907-465-2400

March 28, 1985

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Alaska State Senate
Pouch V
Juneau, AK 99811

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Sincerely,

B. W. Wunnicke, Deputy
pc Esther C. Wunnicke
Commissioner

cc: Tom Hawkins, Director
Division of Land and Water
Management

The Honorable Joe Josephson
Alaska State Senate



Alaska State Legislature

Official Business

Community & Regional Affairs Committee

Pouch V
State Capitol
Juneau, Alaska 99811

February 23, 1985

Edna,

Follows is info for your Tuesday, 26 Feb Committee meeting....

Your meeting begins at 4:15 instead of 3:30p due to the Joint Session to hear "State of the Judiciary" and your agreement to give Senator Fahrenkamp some of your time for her HESS meeting.

At 4:15 there will be a teleconference hookup with Anchorage and Mat-Su for purposes of getting testimony on SB 26 - Senator Josephson's bill on notification to Community Councils of certain actions. There now is a Sponsor Substitute as per your memo to Josephson outlining the committee's comments on how the bill ought to be changed. Dave Finkelstein, Josephson's aide is suppose to have a position paper on the bill and at least one new fiscal note. He did not have either as of Saturday, Feb 23. -- I did talk to Joe Lentz' wife about the teleconference, Joe was not at home. I have also notified the Anchorage Federation of Community Councils in Anchorage and the two Anchorage Community Councils in your district.

The Committee is also to take up CSSSSB 19 -- Vic Fischer's bill for an Anchorage Coastal Wildlife Refuge. A committee substitute has been drafted as per the Committee's instructions and Fischer plans to offer an amendment as requested by Cook Inlet Region which will permit surface access to Fire Island. Aspen Corporation (Chuck Becker) was going to protest the bill, but since Becker was in your office, the corporation has been denied a permit by the Dept of Natural Resources, so I don't know if they will protest now.

Vic also has secured a resolution from the Anchorage Assembly in support of the Anchorage Coastal Wildlife Refuge.

On Feb 28....you are to hear in committee...

SB 69 - Regulating the sale of alcoholic beverages, and
SB 137 - Providing for an office of senior citizen housing and
an older Alaskans housing fund...

We were requested by the Older Alaskans Commission to hold a teleconference on SB 137-- and it has been set up for Anchorage, Mat-Su, Fairbanks, and Juneau.

I have had no word from any committee member concerning your memo asking for suggestions on holding hearings on SB 142-- Title 29 changes.

A handwritten signature in cursive script, appearing to read "Yvonne".

A M E N D M E N T

Offered in the SENATE

By V. Fischer
for Josephson

TO: SSSB 26

Page 2, line 8: delete "each" and insert in its place "a"

Page 2, line 9: after "council" insert "if (A) the council has been"; after "ordinance;" insert "and (B) the application ~~per-~~ ^{relates}
tains to a licensed premises located within the area represented
by the council"

Page 2, line 27: delete "each" and insert in its place "a"; after "council" insert "if (A) the council has been"; after "ordinance;" insert "and (B) the application ^{relates} ~~per-~~ to a
licensed premises located within the area represented by the
council"

Introduced: 1/14/85
Referred: Community and Regional Affairs,
Health, Education and Social Services
and Finance

1 IN THE SENATE

BY JOSEPHSON

2

SENATE BILL NO. 26

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 35.30 is amended by adding a new section to read:

10 Sec. 35.30.015. NOTICE TO COMMUNITY COUNCILS. A department,
11 agency, or public entity of the state that has responsibility for
12 construction of a public project or for issuance of a permit or cer-
13 tificate of need for the construction of a private project shall
14 notify each community council established by ^{an act of} ~~municipal~~ ^{government} of
15 any construction that will affect health, safety, population density,
16 aesthetics, traffic, or parking in the ^{area} ~~neighborhood~~ represented by the
17 community council. Notice shall be given not less than 30 days before
18 construction begins or before a permit or certificate of need for
19 construction is issued.



Alaska State Legislature

SENATE

Official Business

Community & Regional Affairs Committee

Pouch V
State Capitol
Juneau, Alaska 99811

January 22, 1984 -- Tuesday -- 4:00p -- Beltz Room

Committee AGENDA

I. Call Meeting to Order

- A. Note the Committee members present --
Senator Ferguson is out of town

Welcome any members of the public who have come to observe or testify.

- B. Remind any one who has come to testify or observe that we would appreciate it if they would sign the register on the table.

Request that those persons who testify give their name, address, and affiliation prior to giving their testimony. Also, ask them to please speak clearly into the microphone so that Committee records can be accurate.

II. Announce Legislation before Committee

- A. We will be hearing SB 26 today. SB 26 is an Act re - ing to notification of community councils of certain state actions.....

The Municipality of Anchorage has 34 Community Councils, and the Matanuska-Susitna Borough has 5 community councils, with two more in the organization process. Neither the Kenai Peninsula Borough or the Fairbanks North Star Borough have organized community councils. The City-Borough of Juneau has Neighborhood Councils that are not presently recognized officially by the City/Borough.

We are tied in by teleconference today to the Anchorage LIO office and to the Mat-Su LIO office, because these areas are those chiefly affected by this proposed legislation.

(.....Welcome Anchorage and Mat-Su to the hearing.... and inquire as to number of witnesses present at each location....etc.....)

Legislative Information Office Representative will provide you with this information after she communicates with Mat-Su & Anchorage LIO offices

Senator Josephson is the sponsor of SB 26 and he will testify first...

(...After Josephson, other witnesses in Anchorage, Wasilla, and those present in Juneau testify...)

Any questions from Committee....

Introduction of Committee Substitute

In your bill files you will find a slightly revised copy of SB 26. I have recommended these proposed changes so that SB 26 will more adequately address the needs of community councils that are organized in more rural areas...

(...discuss changes...)

.....established by "an act of Municipal government" rather than by "charter".....

....in the "area" represented by the community council, rather than in the "neighborhood"

I have three public opinion messages from community councils... in Anchorage

Campbell Park Community Council strongly supports SB 26.....

South Fork Community Council supports SB 26 but suggests a 60 day notification period rather than a 30 day period

Scenic Park Community Council strong supports SB 26 but suggests a 45 day notification period.

Discussion of proposed changes.....perhaps propose changes to bill and present it as a committee substitute

Discussion ---- Vote

Motion to pass the bill out of Committee

ANNOUNCEMENTS

On Thursday, Jan 24, we will hear SB 54 by Senator Kerttula -- "An Act making a special appropriation for payment as a grant to the City of Palmer for the 50th Colony Anniversary Celebration of the Alaska Rural Rehabilitation Corporation"

We will meet again at 4:00p with a teleconference hookup with the Wasilla Senior Center and The Palmer Senior Center

On Tuesday, January 29, we will have before us for public hearing, SB 19 by Senator Vic Fischer,, "An Act creating the Anchorage Coastal State Wildlife Refuge ".....

On Thursday, January 31 the members of the Board of the Alaska Municipal League will come before us to discuss the problems and opportunities facing local government during 1985.

February 5, the Local Boundary Commission will appear before a joint meeting of the House and Senate C&RA committees. The Local Boundary Commission will be reporting to the two committees in accordance with Section 12, Article 10 of the Alaska Constitution.

February 12, we will meet again with the House C&RA Committee to hear a presentation by John Walsh, father of Adam Walsh....the child whose abduction was the subject of a recent television film. Mr. Walsh will discuss the problem of child abuse and exploitation. His appearance is sponsored by the Alaska Juvenile Crime Commission.

There will be further information about these meetings for Committee members, and announcement will be made in the Senate Journals.

Any further comments from the Committee.

Meeting adjourned until 4:00 p.m. on Thursday, JANUARY 24.

DELIVER TO: DORIS
 ORIGINAL
 CREATED: 01/01/86 TIME: 12
 SUBJECT: SI
 PRINT DATE: 01/23 03 TIME: 00

FINAL 7

DATE: JAN 22, 1986
 SITE: JUNE 11
 SPONSOR: TENNIS CLUBBY LA PIEDRA, PEARO
 SUBJECT: SF 26- RELATING TO ACCIDENT OF
 SCHMIDT'S CO. AT SAN JUAN MOUNTAINS
 LOCAL MODERATOR: LA PIEDRA

TESTIFIED:

NAME REPRESENTING	ADDRESS	PHONE
1. SEN. JOSEPHSON		
2. SEN. VIC FISHER		
3. DAVID FINKELSTEIN	SEN. JOSEPHSON'S OFFICE	445-4505
4. JOHN SPIETS	1321 GLACIER WAY, 99804 SHEAL NEIGHBORHOOD - SEATTLE	506-2290

OBSERVED:

1. E. ZIRLER SEN. COSHILL'S OFFICE

COMMITTEE MEMBERS PRESENT

SEN. DE VRIES, CHAIR
 SEN. COSHILL
 SEN. STANBULEWICZ

TESTIFIED

OBSERVED _____
 OF _____

TIME START _____
 TIME END _____



* DELIVER TO TELNO

* ORIGINAL

* SENT: 01/22/85 TIME 7:30

* FROM: TCANC

* SUBJECT: FINAL STATS

* PRINT DATE: 01/22/85 TIME 7:37

*** FINAL I/C STATS ***

DATE: JAN. 22, 1985
 SITE: ANCHORAGE
 SPONSOR: (S) C AND RA
 SUBJECT: SB 26 COMMUNITY COUNCILS
 LOCAL MODERATOR: BARBARA

TESTIFIED:

NAME/REPRESENTING	ADDRESS	PHONE
1. MARK PHILLIPS-AIRPORT HEIGHTS	1214 BIRCHWOOD	277-8943
2. LLANA M. MARNEY-CARPBELL	POUCH 40	262-9154
3. JUDY STANEK	801 FIREWEED LANE	277-1977
4. KRIS BARNES	801 FIREWEED LANE	277-1977
5. GENE STORM	1129 C ST.	274-4803

OBSERVED:

NAME/REPRESENTING	ADDRESS	PHONE
1. NANCY KILLORTH - ANCHORAGE TIMES	POUCH 40	243-9154

TESTIFIED: _____
 OBSERVED: _____
 TOTAL: _____

TIME START: 4:15
 TIME END: 5:05

* LETTER TO: TELMO

* ORIGINAL

* SENT: 01/22/85 TIME 12:10

* FROM: TELMA

* SUBJECT: CONGRESS AND REGIONAL AFFAIRS

* PRINT DATE: 01/22/85 12:10

*

*** FINAL T/O STATS ***

DATE: 01/22/85
 SITE: NAT-2
 SPONSOR: SENATE COMMUNIT AND REGIONAL AFFAIRS
 SUBJECT: 23
 LOCAL MODERATED: MARY

REGISTERED

NAME/REPRESENTING CONTACT PHONE

1. MICHAEL THOMPSON, SOUTH LAKE 22, P O BOX 276, PALMER 99345 - 374-3832

2. BARBARA WOLF, SOUTH LAKE 22, P O BOX 276, PALMER 99345 - 374-3837

UNSERVED:

NAME/REPRESENTING CONTACT PHONE

REGISTERED: _____
 UNSERVED: _____
 TOTAL: _____

TIME START: _____
 TIME END: _____

1
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* DELIVER TO: JFOM *
* * * * *
* ORIGINAL *
* SENT: 01/22/85 TIME: 16:06 *
* FROM: MARTIE ROZKYDAL *
* SUBJECT: FOM - MATR-0005 *
* PRINT DATE: 01/22/85 TIME: 16:07 *
* * * * *

TO: SEN. KERTTULA AND DEVRIES
REP. LARSON AND HURLEY

FROM: JOHN STEVENS
PO BOX 875644
WASILLA 99687
DAYTIME PHONE: 376-3061

SUBJECT SB26

I SUPPORT SB 26. I BELIEVE THAT THE PEOPLE LIVING OUT HERE DON'T ALWAYS GET EVERYTHING AND WE SHOULD HAVE A CHANCE TO KNOW WHAT IS GOING ON.

MSG. MATR-0005*****MARTIE/MATSU*****1/22/85

TO: SEN. DEVRIES AND KERTTULA
REP. HURLEY AND LARSON

FROM: CHUCK KAUCIK
SRA BOX 6031
PALMER 99645
DAYTIME PHONE 376-2337

SUBJECT SB 26

I AM IN SUPPORT OF SB 26. I BELIEVE THAT IT IS IMPORTANT TO NOTIFY COMMUNITY COUNCILS OF ANY PENDING LEGISLATION FOR OTHER ACTIONS RELATED TO THE PARTICULAR SERVICE AREA.

*
* DELIVER TO: JFOM *
* *
* *
* ORIGINAL *
* SENT: 01/22/85 TIME: 14:28 *
* FROM: BARBARA NORRELL *
* SUBJECT: POM *
* PRINT DATE: 01/22/85 TIME: 14:28 *
* *

TO: SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE
SENS. DEVRIES, FERGUSON, COGHILL, STURGULEWSKI, V. FISCHER

FROM: BETTY BRUCKMAN, 13001 FOSTER ROAD, ANCHORAGE 99516,
345-3448

SUBJECT: SB 26

I AM PRESIDENT OF TAKU/CAMPBELL COMMUNITY COUNCIL AND WE APPROVE
AND WOULD LIKE TO SEE SB 26 INACTED. WOULD BE REFRESHING TO HAVE
NOTICE IN A TIMELY MANNER.

I ASSUME THAT BILL COVERS ROAD CONSTRUCTION. BUT IN CASE OF ROAD
CONSTRUCTION WOULD LIKE CONTINUES UPDATES.

THANKS

PRIMARY DISTRIBUTION
JFOM
L10A

DATE/TIME SENT
01/22/85 14:28
01/22/85 14:28

*
* DELIVER TO: JFOM *
* *
* *
* ORIGINAL *
* SENT: 01/21/85 TIME: 14:58 *
* FROM: LIOA *
* SUBJECT: POM *
* PRINT DATE: 01/21/85 TIME: 15:07 S *
* *

TO: SENATORS DEVRIES, VIC.FISCHER, HALFORD, KELLY, STURGULEWSKI

FRJM: DAVE YOUNG
SR2 BOX 9213
EAGLE RIVER, ALASKA 99577

URGE PASSAGE OF SB26, BUT WOULD SUGGEST A 60 DAY NOTIFICATION PERIOD AS MANY COUNCILS MEET ONLY ONCE PER MONTH ANYTIME TO GATHER INFORMATION AND PROVIDE INPUT.

SIGNED DAVE YOUNG, PRESIDENT, SOUTH FORK COMMUNITY COUNCIL

EAGLE RIVER

*
* DELIVER TO: JFOM *
* *
* *
* ORIGINAL *
* SENT: 01/21/85 TIME: 17:07 *
* FROM: LANA TRUJILLO *
* SUBJECT: POM *
* PRINT DATE: 01/21/85 TIME: 17:07 *
* *

TO: SEN. DEVRIES, VIC FISCHER, JOSEPHSON, STURGULEWSKI

FROM: ROBERT BALDWIN, 4907 ROGER DR., ANCHORAGE, 99507,
562-5451(HM), 562-2482(WK), RE: SB 26

THE CAMPBELL PARK COMMUNITY COUNCIL STRONGLY SUPPORTS SB 26.
NOTIFICATION SHOULD PROVIDE FOR INPUT DURING FORMATIVE STAGES AS
OPPOSED TO REACTING TO INFLEXIBLE, FINAL DECISIONS. ROBERT
BALDWIN, CHAIRMAN, CAMPBELL PARK COMMUNITY COUNCIL.

*
* DELIVER TO: JPOM *
* * *
* ORIGINAL *
* SENT: 01/18/85 TIME: 16:36 *
* FROM: BARBARA NORRELL *
* SUBJECT: POM *
* PRINT DATE: 01/18/85 TIME: 16:36 *
* * *

TO: SENATORS DEVRIES, VIC FISCHER, JOSEPHSON, STURGULEWSKI
FROM: FRANK MATTHEWS, PRESIDENT SCENIC PARK COMMUNITY COUNCIL,
8621 LEEPER CIRCLE, ANCHORAGE, 99504, 333-2800
SUBJECT SB 26

THE SCENIC PARK AREA COMMUNITY COUNCIL STRONGLY SUPPORTS SB 26.
WE WOULD SUGGEST, IF IT IS PRACTICAL, TO PROVIDE FOR A 45 DAY
NOTIFICATION PERIOD.

PRIMARY DISTRIBUTION
JPOM
LIOA

DATE/TIME SENT
01/18/85 16:36
01/18/85 16:36

told Dave this was o.k. 2/12/85

David Finkelstein X-1525

IN THE SENATE

BY JOSEPHSON

DRAFT

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 26
IN THE LEGISLATURE OF THE STATE OF ALASKA
FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to notification of community councils of certain state actions."

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

* Section 1. AS 04.06.050 is amended to read:

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

ABC change #2

The board shall send a copy of the agenda of each meeting at least 10 days before the meeting to each community council established by municipal charter or ordinance.

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

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

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

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

(2) the board may, on its own initiative or in response to an objection or protest, hold a hearing to ascertain the reaction of the public or a local governing body to an application if a hearing is 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 council established by municipal charter or ordinance;

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

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

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

Sec. 04.11.520. NOTICE TO LOCAL GOVERNING BODY. After receipt of an application from within (1) an established village, (2) an incorporated city, (3) an organized borough, or (4) a unified municipality, the board shall transmit written notice to the local governing 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 10 days to each community council established by municipal charter or ordinance.

* Sec. 4. AS 35.30.010(a) is amended to read:

ABC
Change
#3

ABC
Change
#1