

**ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2**

**3913 SHEB SB 26 - SB 27**

789



# RECORDS CERTIFICATION

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James O. Smith  
Signature of Camera Operator

10/31/89  
Date

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Senate Health, Education and Social Services Committee

Legislation Checklist

Bill number: SB 26

Sponsor: Josephson

Pouchot AB

Date referred to committee: 4/9/85

Synopsis completed:

Fiscal note:

Further referrals: none

CONTACTS:

Josephson / Pouchot

DOTPF - Susan Heisehauer / Dan Malik 2571

Revenue - Pat Shanrock Director ABL 2300  
Royce Miller

Corrections - Cindy Nelson, 3376 - get language from Cindy @ facility

# 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,

*Esther C. Wunnicke, Deputy*  
pc Esther C. Wunnicke  
Commissioner

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

The Honorable Joe Josephson  
Alaska State Senate

qualified bidder by competitive bidding under general competitive leasing regulations subject to all outstanding valid interests therein and valid options pertaining thereto. Likewise if, in any such proceeding, less than the whole interest in a lease, interest, or option is canceled or forfeited to the state, the partial interests so canceled or forfeited shall be sold by the director to the highest responsible qualified bidder under general competitive leasing regulations. (§ 1 ch SLA 1964; am § 68 ch 59 SLA 1982)

Revisor's notes. — Formerly AS 38.05.351. Renumbered in 1984. Effect of amendments. — The 1982

**Sec. 38.05.940. Veterans' land discount.** (a) An eligible veteran is entitled to a discount of 25 percent on the purchase price of state land sold under this title and classified under AS 38.05.005 — 38.05.270 for use other than commercial or industrial use.

(b) To be eligible for a discount under this section, a veteran shall submit proof, as required by regulation, that the veteran

- (1) is 18 years of age or older on the date of sale;
- (2) has been a state resident for a period of not less than one year immediately preceding the date of sale;
- (3) has served on active duty in the U.S. Armed Forces at least two years, unless tenure was shortened due to a service connected disability or due to receiving an early separation upon return from a tour of duty overseas; and
- (4) has received an honorable discharge or a general discharge under honorable conditions.

(c) A veteran is entitled to only one discount under this section during the veteran's lifetime.

(d) A discount under this section may be applied only to the acquisition of surface rights to state land. A discount under this section may be applied to survey costs, road development costs, utility assessments, or other costs that the commissioner determines are reimbursable to the state.

(e) A discount under this section may not be used toward the purchase of land offered at a restricted sale under AS 38.05.067. (§ 48 ch SLA 1984)

**Sec. 38.05.945. Notice.** (a) This section establishes the requirements for notice given by the department for the following actions:

- (1) classification or reclassification of state land under AS 38.05.300 or the closing of land to mineral leasing or entry under AS 38.05.185;
- (2) zoning of land under applicable law;
- (3) a decision under AS 38.05.035(e) regarding the sale, lease, or disposal of an interest in state land or resources; and

(4) a competitive disposal of an interest in state land or resources under final decision under AS 38.05.035(e).

(b) Notice of one or more actions described in (a) of this section shall be given at least 30 days before the action by publication in newspapers of statewide circulation and in newspapers of general circulation in the vicinity of the proposed action and one or more of the following methods:

- (1) publication through public service announcements on the electronic media serving the area affected by the action,
- (2) posting in a conspicuous location in the vicinity of the action,
- (3) notification of parties known or likely to be affected by the action,

or

(4) another method calculated to reach affected persons. A notice shall contain sufficient information in commonly understood terms to inform the public of the nature of the action and the opportunity of the public to comment on the action.

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

(1) to a municipality if the land is within the boundaries of the municipality;

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

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

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

(d) Notice is not required under this section for a permit or other authorization revocable by the department.

(e) The provisions of this section do not apply to a lease issued under AS 38.05.205.

(f) The provisions of this section do not apply to a production license issued under AS 38.05.207. (§ 10 art III ch 169 SLA 1959; am § 8 ch 61 SLA 1960; am § 2 ch 74 SLA 1961; am § 3 ch 117 SLA 1976; am § 14 ch 257 SLA 1976; am §§ 39, 40 ch 85 SLA 1979; am § 4 ch 108 SLA 1981; am § 36 ch 113 SLA 1981; am § 3 ch 87 SLA 1982; am §§ 44 — 46 ch 152 SLA 1984)

Revisor's notes. — Formerly AS 38.05.345. Renumbered in 1984.

Effect of amendments. — The first 1981 amendment added a subsection (b) to the section as it appeared before the second 1981 amendment rewrote the section. Sub-

section (h) now appears as subsection (e).

The second 1981 amendment rewrote this section.

The 1982 amendment added subsection (f).

The 1984 amendment, in subsection (a),



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

Fouch V  
Juneau, Alaska 99811

January 24, 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

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        |
|------------------------|-------------|--------------|--------------|--------------|--------------|--------------|
| <b>OPERATING</b>       |             |              |              |              |              |              |
| 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         |              |              |              |              |              |
| 500 LAND & STRUCTURES  |             |              |              |              |              |              |
| 700 GRANTS, CLAIMS     |             |              |              |              |              |              |
| 800 MISCELLANEOUS      |             |              |              |              |              |              |
| <b>TOTAL OPERATING</b> | <b>37.4</b> | <b>164.5</b> | <b>172.8</b> | <b>181.2</b> | <b>190.5</b> | <b>200.0</b> |

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|----------------|--|--|--|--|--|--|
| <b>CAPITAL</b> |  |  |  |  |  |  |
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| <b>REVENUE</b> |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|

**FUNDING: (Thousands of Dollars)**

|               | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 |
|---------------|-------|-------|-------|-------|-------|-------|
| GENERAL FUND  | 37.4  | 164.5 | 172.8 | 181.2 | 190.5 | 200.0 |
| FEDERAL FUNDS |       |       |       |       |       |       |
| OTHER         |       |       |       |       |       |       |
| <b>TOTAL</b>  |       |       |       |       |       |       |

**POSITIONS:**

|           | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 |
|-----------|-------|-------|-------|-------|-------|-------|
| 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: Warr S. 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.



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.

K

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

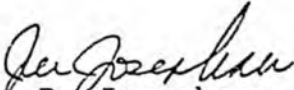
The Honorable Norman Gorsuch  
October 11, 1984  
Page Two

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.

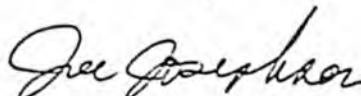
I am also communicating with the Attorney General to determine if and how such a requirement could be developed in state regulations or whether legislation would be necessary to reach that result.

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

BILL SHEFFIELD, GOVERNOR

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 my constituents, who wish more notification of state action 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 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.

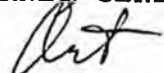
### III.

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

BILL SHEFFIELD, GOVERNOR

**DEPT. OF HEALTH AND SOCIAL SERVICES**

**OFFICE OF THE COMMISSIONER**

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.

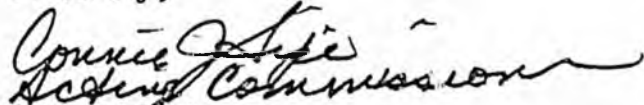
In the case of the Raleigh Hills Hospital project, the Certificate of Need application documents the contacts with the Director of the Federation of Community Councils and with representatives of three separate community councils. Unfortunately, the Airport Heights Community Council was not contacted 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

§ 04.06.020

ALASKA STATUTES

§ 04.06.060

For legislative history of liquor control, see *Boehl v. Sabre Jet Room, Inc.*, Sup. Ct. Op. No. 3 (File No. 17), 349 P.2d 585 (1960), decided under former AS 04.05.010.

Am. Jur. 2d, ALR, and C.J.S. references. — 45 Am. Jur. 2d, Intoxicating Liquors, § 1 et seq.

Federal constitutional and legislative

provisions as to intoxicating liquor as affecting state legislation, 10 ALR 1587; 11 ALR 1320; 26 ALR 661; 70 ALR 132.

Test of intoxicating character of bought beverages, 4 ALR 1137; 11 ALR 1233; 19 ALR 512; 36 ALR 725; 91 ALR 513, 528. 48 C.J.S. Intoxicating Liquors § 1 et seq.

**Sec. 04.06.020. Appointment and qualifications.** The board consists of five members appointed by the governor and confirmed by a majority of the members of the legislature in joint session. A member of the board may not hold any other state or federal office, either elective or appointive. Two members of the board shall be persons actively engaged in the alcoholic beverage industry, except that no member may hold a wholesale license or be an officer, agent, or employee of a wholesale alcoholic beverage enterprise. No three members of the board may be engaged in the same business, occupation, or profession. (§ 1 ch 131 SLA 1980)

**Cross reference.** — As to appointment, qualifications, and terms of office of members of departmental boards, councils, or commissions, see AS 39.05.060.

**Sec. 04.06.030. Terms of office.** (a) Members of the board shall be appointed for overlapping terms of three years.

(b) A vacancy occurring in the membership of the board shall be filled within 30 days by appointment of the governor for the unexpired portion of the vacated term.

(c) The board shall select a chairman from among its members. (§ 1 ch 131 SLA 1980)

**Cross reference.** — As to appointment, qualifications, and terms of office of members of departmental boards, councils, or commissions, see AS 39.05.060.

**Editor's note.** — Section 14, ch. 131,

SLA 1980 provides: "Notwithstanding AS 04.06. members of the Alcoholic Beverage Control Board serving on the board on the effective date of this Act continue in office until the expiration of their terms."

**Sec. 04.06.040. Per diem and expenses.** Members of the board do not receive a salary, but are entitled to per diem and travel expenses authorized by law for other boards and commissions. (§ 1 ch 131 SLA 1980)

**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. (§ 1 ch 131 SLA 1980)

**Sec. 04.06.060. Quorum and majority.** Three members of the board constitute a quorum for the conduct of business, except that a

Article 7. Board Procedures.

Section

510. Procedure for action on license applications, suspensions, and revocations

Sec. 04.11.510. Procedure for action on license applications, suspensions, and revocations. (a) Unless a legal action relating to the license, applicant or premises to be licensed is pending, the board shall decide whether to grant or deny an application within 90 days of receipt of the application at the main office of the board. However, the decision may not be made before the 30 days allowed for protest under AS 04.11.480 have elapsed unless waived by the municipality.

(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 he is entitled to an informal conference with either the director or the board, and that, if not satisfied by the informal conference, 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;

(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.

(c) Unless the grounds for the suspension or revocation are under AS 04.11.370(4), board proceedings to suspend or revoke a license shall be conducted in accordance with AS 44.62.330 — 44.62.630 (Administrative Procedure Act), except that the licensee is entitled to an opportunity to informally confer with the director or the board within 10 days after the accusation is served upon him. Notice of the opportunity for an informal conference shall be served upon the licensee along with the

accusation. If an informal conference is requested, the running of the period of time specified in AS 44.62.380 for filing a notice of defense is tolled from the date of receipt of the request for the conference until the day following the date of the conference unless extended by the board. After the conference, the licensee, if not satisfied by the results of the conference, may obtain a hearing by filing a notice of defense as provided in AS 44.62.390. If the grounds for suspension or revocation are under AS 04.11.370(4), the licensee is not entitled to notice and hearing under AS 44.62.330 — 44.62.630 on the merits of the suspension or revocation. However, the board shall afford the licensee notice and hearing on the issue of what administrative sanction to impose under AS 04.16.180.

(d) The board may not accept an application for the issuance, renewal, or transfer of a license within one year after a local option election. (§ 2 ch 131 SLA 1980; am § 12 ch 28 SLA 1981)

**Effect of amendments.** — The 1981 amendment added subsection (d).

## Article 9. Miscellaneous Provisions.

### Section

680. Duration of licenses and permits

### Sec. 04.11.610. Refund to municipalities.

**Opinions of attorney general.** — The Commissioner of Revenue has the authority under this section to deny refunds of liquor license fees to the City and Borough of Juneau if City and Borough of Juneau police officers fail to actively enforce local, state, and federal law. February 6, 1984, Op. Att'y Gen.

The City and Borough of Juneau need not be excused, for purposes of this section, from failure to enforce laws in areas where it does not exercise police powers at all. February 6, 1984, Op. Att'y Gen.

**Sec. 04.11.680. Duration of licenses and permits.** (a) Upon application and payment of one-half of the annual fee, the board may issue a license under AS 04.06.010 — 04.21.080 which will be effective for a continuous six-month period. Otherwise, all licenses issued under AS 04.06.010 — 04.21.080 other than a retail stock sale license are effective for the calendar year ending December 31, unless a shorter period is prescribed by the board or by law.

(b) A permit issued under AS 04.06.010 — 04.21.080 shall be for the period prescribed by the board, which period shall be clearly designated on the permit. (§ 2 ch 131 SLA 1980; am § 13 ch 28 SLA 1981)

**Effect of amendments.** — The 1981 amendment added "or by law" at the end of the second sentence of subsection (a).

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**Editor's note.** — The cases cited in the note below were decided under former AS 04.05.030, 04.15.100, and earlier statute.

**Compliance with Administrative Procedure Act.** — An authorized proceeding of the Alcoholic Beverage Control Board to consider a license application constituted a public hearing on the application, and as such, was subject to the requirements of the Administrative Procedure Act (AS 44.62). *Ketchikan Retail Liquor Dealers Ass'n v. State, ABC Bd., Sup. Ct. Op. No. 1963 (File No. 3697), 602 P.2d 434 (1979).*

**Discretion.** — That lawful and sound,

and not arbitrary, discretion must be exercised in granting or refusing licenses is beyond question. In re Alaska Labor Trades Ass'n, 10 Alaska 472 (1945).

**For discussion of hearing required before suspension of license under prior law,** see *Frontier Saloon, Inc. v. Alcoholic Beverage Control Bd., Sup. Ct. Op. No. 1062 (File No. 1984), 524 P.2d 657 (1974).*

**Am. Jur. 2d and C.J.S. references.** —  
45 Am. Jur. 2d Intoxicating Liquors §§ 153-169.  
48 C.J.S. Intoxicating Liquors §§ 142-166.

**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. (§ 2 ch 131 SLA 1980)

**Sec. 04.11.530. Consideration of reports.** A license may not be suspended or revoked under AS 04.11.370(4) or (5) unless the board considers the reports prepared by arresting and investigating officers and the sentencing report sent to the board under AS 12.55.025(b). (§ 2 ch 131 SLA 1980)

**Sec. 04.11.535. Suspension and revocation based on acts of employees.** (a) If, in a proceeding to suspend or revoke a license under AS 04.11.370(5), the board finds that a sentencing report sent to the board under AS 12.55.025(b) or a report prepared by the investigating or arresting officers in connection with the violation, contains information which if uncontradicted or unexplained would provide a ground for suspension or revocation under AS 04.11.370(5), the licensee has the burden of proof to establish that he neither knowingly allowed the violation nor recklessly or with criminal negligence failed to act in accordance with the duty prescribed under AS 04.21.030.

(b) If the board suspends or revokes a license on grounds that a licensee knowingly allowed or recklessly or with criminal negligence failed to act in accordance with the duty prescribed under AS 04.21.030 resulting in unlawful action of an agent or employee, the board shall file a criminal complaint charging the licensee with violation of AS 04.16.150. (§ 2 ch 131 SLA 1980)

**Sec. 04.11.537. Application of precedent.** In determining whether issuance, renewal, transfer, suspension, or revocation of a license is in the best interests of the public, the board need not conform to or distinguish its decision from any action it has taken in the past on applications presenting similar facts, but may instead base its decision only on the particular facts before it. (§ 2 ch 131 SLA 1980)

### Chapter 30. Prison Facilities and Prisoners.

#### Article

1. Establishment, Control and Management of Prison Facilities (§§ 33.30.010 — 33.30.080)
2. Commitments (§§ 33.30.090 — 33.30.190)
3. Employment and Furloughs (§§ 33.30.225 — 33.30.280)
4. Miscellaneous Provisions (§§ 33.30.290 — 33.30.320)
5. General Provisions (§ 33.30.900)

#### Article 1. Establishment, Control and Management of Prison Facilities.

##### Section

10. Commissioner to control and manage state prison facilities
20. Commissioner to establish and administer prison facilities
30. Commissioner to adopt rules and regulations
40. Duty of commissioner to provide prison facilities
50. Commissioner to provide medical services

##### Section

55. [Repealed]
60. Commissioner may contract for confinement and care of prisoners
70. Commissioner may contract to furnish facilities to United States or political subdivision of this state
80. Commissioner may lease state prison facility to political subdivision

**Sec. 33.30.010. Commissioner to control and manage state prison facilities.** ~~The commissioner has control and management of state prison facilities.~~ (§ 2 ch 133 SLA 1960)

**Cross references.** — As to prisoners working on trails and campsites, see AS 41.20.110(b).

#### NOTES TO DECISIONS

**Duty to promulgate regulations.** — The commissioner is under a legislative mandate and has the concomitant duty to promulgate appropriate regulations concerning prison facilities and the numerous other matters coming within the ambit of this chapter. *McGinnis v. Stevens*, Sup. Ct. Op. No. 1517 (File No. 3094), 570 P.2d 735 (1977).

**Commissioner's control of prison system.** — There are strong indications of a legislative intent to leave the establishment, control, and management of the prison system in the hands of the Commissioner of the Department of Health and Welfare whenever practical under the state constitution. *Rust v. State*, Sup. Ct. Op. No. 1668 (File No. 3172), 582 P.2d 134,

on rehearing modified on other grounds, 584 P.2d 38 (1978).

**Administration must be neither arbitrary nor vindictive.** — As an extension of the state, the Division of Corrections must administer Alaska's prisons in a manner which is neither arbitrary nor vindictive. *Rust v. State*, Sup. Ct. Op. No. 1668 (File No. 3172), 582 P.2d 134, on rehearing modified on other grounds, 584 P.2d 38 (1978).

**Authority to designate specific facility for incarceration.** — See notes under same catchline, AS 33.30.100, Notes to Decisions.

Cited in *McGinnis v. Stevens*, Sup. Ct. Op. No. 1207 (File Nos. 2255, 2312), 543 P.2d 1221 (1975).

§ 35.27.030

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PUBLIC BUILDINGS AND WORKS

§ 35.30.010

Effect of amendments. — The first 1977 amendment inserted "schools, office buildings, court buildings and other facilities which are designed for substantial public use" in paragraph (2) and added paragraph (3).

The second 1977 amendment

substituted "Department of Transportation and Public Facilities" for "Department of Public Works" in paragraph (1).

The 1980 amendment rewrote paragraph (2), and added paragraph (4).

### Chapter 30. Consistency with Local Government Plans and Ordinances.

#### Section

10. Review and approval by local planning authorities  
20. Compliance with municipal ordinances

#### Section

30. Waiver  
40. Definitions

Cross reference. — As to construction procedures, see AS 35.15.010 et seq.

**Sec. 35.30.010. Review and approval by local planning authorities.** (a) Except as provided in (b) of this section, before commencing construction of a public project,

(1) if the project is located in a municipality, the department shall submit the plans for the project to the planning commission of the municipality for review and approval;

(2) if the project is located within two miles of a village, the department shall submit the plans to the village council for review and comment.

(b) Prior approval by a municipal planning commission may not be required before the commencement of construction of a highway or local service road if

(1) the Department of Transportation and Public Facilities and the municipality have entered into agreement for the planning of the project under AS 19.20.060 or 19.20.070 and the plans for the project are completed in accordance with the terms of that agreement;

(2) the municipality has adopted a municipal master highway plan under AS 19.20.080 and the highway or local service road is consistent with the plan adopted; or

(3) the Department of Transportation and Public Facilities has entered into agreement with the municipality for the planning of transportation corridors under AS 19.10.280 and the plans for the project are completed in accordance with the provisions of that agreement.

(c) If final disapproval by resolution of the governing body of the affected municipality or village is not received within 90 days from the

**Article**

6. Leasing of Mineral Lands (§§ 38.05.135 — 38.05.184)
7. Mining Rights (§§ 38.05.185 — 38.05.280)
8. Multiple Mineral Development of the Same Tracts (§ 38.05.285)
9. Land Selection (§ 38.05.290)
10. Parks and Recreation Areas (§ 38.05.295)
11. Classification of Land (§§ 38.05.300 — 38.05.321)
12. State Control of Certain Land (§§ 38.05.500 — 38.05.505)
13. Miscellaneous Provisions (§§ 38.05.810 — 38.05.872)
14. General Provisions (§§ 38.05.910 — 38.05.990)

**Revisor's notes.** — Through administrative reorganization, the Department of Natural Resources has eliminated the division of lands. Duties and responsibilities given to the division of lands under this chapter have been assigned to other divisions of the depart-

ment. Duties and responsibilities given to the director of the division of lands under this chapter have been assigned to the deputy commissioner for operations, who has been given the additional title "director of lands."

**NOTES TO DECISIONS**

Chapter enacted pursuant to Alaska Const., art. VIII, § 10. — See Moore v. State, Sup. Ct. Op. No. 1284 (File Nos. 2551, 2587), 553 P.2d 8 (1976); North Slope Borough v. LeResche, Sup. Ct. Op. No. 1687 (File No. 3275), 581 P.2d 1112 (1978). Cited in Thomas v. Bailey, Sup. Ct. Op. No. 1835 (File Nos. 4204, 4220), 595 P.2d

1 (1979); Hammond v. North Slope Borough, Sup. Ct. Op. No. 2499 (File Nos. 5550, 5558), 645 P.2d 750 (1982); State v. First Nat'l Bank, Sup. Ct. Op. No. 2591 (File Nos. 5006, 5107), 660 P.2d 406 (1982); Gilman v. Martin, Sup. Ct. Op. No. 2652 (File No. 5937), 662 P.2d 120 (1983).

**Article 1. Administration.****Section**

05. Division of lands
10. Appointment of director
15. Director serves at pleasure of commissioner
20. Authority and duties of the commissioner
25. Continuing regulations, agreements, etc.
27. Cooperative resource management or development agreements

**Section**

30. Exceptions
35. Powers and duties of the director
36. Audit of royalty and net profit payments
37. Zoning regulations in the unorganized borough to facilitate federal land sales
40. Director shall be bonded

**Collateral references.** — 72 Am. Jur. 2d, States, Territories, and Dependencies, § 66.

73 C.J.S., Public Lands, § 237.

**Certainty:** requirements as to certainty and completeness of terms of lease in agreement to lease, 85 ALR3d 414.

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38.04.910

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PUBLIC LANDS

§ 38.04.910

approved and accepted by the division for the state's official records;

(6) "official control survey" means a position marked on the ground by triangulation or traverse stations established in conformity with standards adopted by United States Coastal and Geodetic Survey for first, second and third order work, whose geodetic positions have been rigidly adjusted on the North American datum of 1927 and approved by the division;

(7) "short-term lease" means a lease for a term of five years or less;

(8) "state park" means an area of state land designated by law to be managed for public use and enjoyment of recreational, scenic, cultural, historical, wilderness, and similar values, and includes roadside rests and recreational beaches, state monuments and historic sites, state recreation areas and state parks, including marine parks;

(9) "state trail" means an area designated by law to be managed as a public historic or recreational trail including but not limited to

(A) trails designated under AS 41.21.850 — 41.21.860, wilderness trails and campsites; and

(B) trails and footpaths designated under AS 41.21.864 — 41.21.872;

(10) "sustained yield" means the achievement and maintenance in perpetuity of a high level annual or regular periodic output of the various renewable resources of the state land consistent with multiple use;

(11) "wild and scenic river" means a free-flowing river or stream designated as provided in 16 U.S.C. 1271-1287 (Wild and Scenic Rivers Act, 82 Stat. 906). (§ 5 ch 181 SLA 1978; am § 95 ch 6 SLA 1984)

Cross references. — For state parks and recreation areas, see AS 41.21; for state monuments and historic sites, see AS 41.35.030.

Effect of amendments. — The 1984 amendment rewrote paragraph (8).

#### NOTES TO DECISIONS

Sustained yield principle. — The "sustained yield principle" as used in Alaska Const., art. VII, § 4, accords with the definition set forth in paragraph (10) of this section, and the added language in the "sustained yield" definition of AS 41.17.950 that it "does not require that timber be harvested in a nondeclining

yield basis over a rotation period" should be read as permitting timber cutting at a level that cannot be sustained over a forest rotation period only in unusual circumstances. Southeast Alaska Conservation Council, Inc. v. State, Sup. Ct. Op. No. 2662 (File No. 5855), 665 P.2d 544 (1983).

### Chapter 05. Alaska Land Act.

#### Article

1. Administration (§§ 38.05.005 — 38.05.040)
2. Sale of Lands (§§ 38.05.045 — 38.05.069)
3. Leasing of Lands Other than for the Extraction of Natural Resources (§§ 38.05.070 — 38.05.105)
4. Disposal of Timber and Materials (§§ 38.05.110 — 38.05.120)
5. Reservation of Rights to Alaska (§§ 38.05.125 — 38.05.130)

ble qualified bidder by competitive bidding under general competitive leasing regulations subject to all outstanding valid interests therein and valid options pertaining thereto. Likewise if, in any such proceeding, less than the whole interest in a lease, interest, or option is canceled or forfeited to the state, the partial interests so canceled or forfeited shall be sold by the director to the highest responsible qualified bidder under general competitive leasing regulations. (§ 1 ch 18 SLA 1964; am § 68 ch 59 SLA 1982)

**Revisor's notes.** — Formerly AS 38.05.351. Renumbered in 1984. amendment, substituted "chapter" for "section" near the beginning of the section.

**Effect of amendments.** — The 1982

**Sec. 38.05.940. Veterans' land discount.** (a) An eligible veteran is entitled to a discount of 25 percent on the purchase price of state land sold under this title and classified under AS 38.05.005 — 38.05.270 for a use other than commercial or industrial use.

(b) To be eligible for a discount under this section, a veteran shall submit proof, as required by regulation, that the veteran

(1) is 18 years of age or older on the date of sale;

(2) has been a state resident for a period of not less than one year immediately preceding the date of sale;

(3) has served on active duty in the U.S. Armed Forces at least two years, unless tenure was shortened due to a service connected disability or due to receiving an early separation upon return from a tour of duty overseas; and

(4) has received an honorable discharge or a general discharge under honorable conditions.

(c) A veteran is entitled to only one discount under this section during the veteran's lifetime.

(d) A discount under this section may be applied only to the acquisition of surface rights to state land. A discount under this section may not be applied to survey costs, road development costs, utility assessments, or other costs that the commissioner determines are reimbursable to the state.

(e) A discount under this section may not be used toward the purchase of land offered at a restricted sale under AS 38.05.067. (§ 48 ch 152 SLA 1984)

**Sec. 38.05.945. Notice.** (a) This section establishes the requirements for notice given by the department for the following actions:

(1) classification or reclassification of state land under AS 38.05.300 and the closing of land to mineral leasing or entry under AS 38.05.185;

(2) zoning of land under applicable law;

(3) a decision under AS 38.05.035(e) regarding the sale, lease, or disposal of an interest in state land or resources; and

(4) a competitive disposal of an interest in state land or resources after final decision under AS 38.05.035(e).

(b) Notice of one or more actions described in (a) of this section shall be given at least 30 days before the action by publication in newspapers of statewide circulation and in newspapers of general circulation in the vicinity of the proposed action and one or more of the following methods:

(1) publication through public service announcements on the electronic media serving the area affected by the action,

(2) posting in a conspicuous location in the vicinity of the action,

(3) notification of parties known or likely to be affected by the action, or

(4) another method calculated to reach affected persons. A notice shall contain sufficient information in commonly understood terms to inform the public of the nature of the action and the opportunity of the public to comment on the action.

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

(1) to a municipality if the land is within the boundaries of the municipality;

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

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

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

(d) Notice is not required under this section for a permit or other authorization revocable by the department.

(e) The provisions of this section do not apply to a lease issued under AS 38.05.205.

(f) The provisions of this section do not apply to a production license issued under AS 38.05.207. (§ 10 art III ch 169 SLA 1959; am § 8 ch 61 SLA 1960; am § 2 ch 74 SLA 1961; am § 3 ch 117 SLA 1976; am § 14 ch 257 SLA 1976; am §§ 39, 40 ch 85 SLA 1979; am § 4 ch 108 SLA 1981; am § 36 ch 113 SLA 1981; am § 3 ch 87 SLA 1982; am §§ 44 — 46 ch 152 SLA 1984)

Revisor's notes. — Formerly As section (h) now appears as subsection (e). 38.05.345. Renumbered in 1984. The second 1981 amendment rewrote this section.

Effect of amendments. — The first 1981 amendment added a subsection (h) to this section.

The 1982 amendment added subsection (f).

The 1984 amendment, in subsection (a),

2.40.030     Definition and recognition of community councils.

A.     Community councils defined. "Community councils" are nonprofit, voluntary, self-governing associations composed of residents, property owners, business owners and representatives from nonprofit associations and other entities located within geographical areas designated as districts by (the Assembly). ~~"Residents," for the purpose of this chapter, are defined as: Residents, property owners and representatives from nonprofit associations and other entities located within geographical areas designated as districts by the Assembly.~~

*municipal charter or ordinance*

B.     Recognition of community councils. Upon request of one or more voluntary associations and after public notice and hearing, the Assembly may recognize by resolution any one voluntary association as the community council for a given district. To qualify for and maintain recognition, an association must establish that it:

1.     meets the definition of a "community council" as set forth in subsection A of this section;
2.     has a policy and practice of open membership which encourages participation of persons from all segments of the community;
3.     does not charge dues, or require other financial contribution as a condition of membership or participation, in excess of \$5.00 per member per year; however, such organization may receive contributions of no more than \$50.00 per member per year from members to meet the costs of its operations;
4.     is, in the opinion of the Assembly, representative of the residents in the district;
5.     has held at least two meetings in the district which resulted in a determination to seek recognition as a community council. Such meetings must have been subsequent to public notice through newspaper publication, school distribution and other means adequate to inform most, if not all, district residents of the meeting. (GAAB 5.75.020).

# 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

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Josephson,

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

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  
Director

TO: Senate HESS Committee members  
FROM: Senator Josephson  
DATE: April 30, 1985

*Joe Josephson*

RE: CS for Sponsor Substitute for SB 26 (C&RA)  
"An Act relating to notification of community  
councils of certain state actions"

Under this bill, those community councils created by municipal charter or ordinance would receive the following notification:

Alcohol Beverage Control Board

The board shall notify community councils created by municipal charter or ordinance of the receipt of liquor license applications (Sec. 3), meeting agendas (Sec. 1), and application hearings (Sec. 2).

Prison Facilities

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

Transportation and Public Facilities

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

State Land Actions

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



Dept. of Transportation & Public Facilities

# Position Paper

**BILL NO:** Sponsor Substitute for Senate Bill 26

**APPROVED:** *W. J. Knapp*  
R. J. Knapp  
for Commissioner

**TITLE:** Notice to Community Councils

**DATE:** 2-22-85

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

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

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

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

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

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)

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

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

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

|                |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|
| <b>CAPITAL</b> |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|

|                |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|
| <b>REVENUE</b> |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

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

Phone: 277-8638

Date: 4-10-85

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

Date: 4/11/85

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

SB 26, An Act relating to notification of community councils of certain state actions.

Under SB 26, community councils would receive notification of the following state activities:

- 1) by the Department of Transportation and Public Facilities, of plans for construction of public projects;
- 2) by the Department of Corrections, of plans to locate a prison facility or halfway house;
- 3) by the Department of Natural Resources, of classification or disposal of state land;
- 4) by the Alcoholic Beverage Control Board, of meetings and liquor license hearings.

A proposed amendment defining community council is attached.

file SB26

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: 1/13/86

**REQUEST**

Bill/Resolution No.: SSSB 26  
 Title: Notification of community councils  
 certain state actions  
 Sponsor: Senator Josephson  
 Requestor: \_\_\_\_\_  
 Date of Request: March 4, 1985

**FISCAL DETAIL**

Agency Affected: C&RA  
 BRU: Local Government Assistance  
 Components: Training & Development

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

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

|         |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|
| CAPITAL |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|

|         |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|
| REVENUE |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|

**FUNDING : (Thousands of Dollars)**

|               |     |     |     |     |     |     |
|---------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND  | -0- | -0- | -0- | -0- | -0- | -0- |
| FEDERAL FUNDS |     |     |     |     |     |     |
| OTHER         |     |     |     |     |     |     |
| TOTAL         |     |     |     |     |     |     |

**POSITIONS :**

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

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

Prepared by: Doug Griffin, Deputy Director  
 Division: Municipal & Regional Assistance

Phone: 465-4750  
 Date: 1/13/86

Approved by Commissioner: [Signature]  
 Agency: Community & Regional Affairs

Date: 1/17/86

Distribution (by Agency preparing fiscal note):

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

SB 26 - RELATING TO COMMUNITY COUNCILS

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SB 26 REQUIRES 4 STATE AGENCIES TO PROVIDE INFORMATION DIRECTLY TO COMMUNITY COUNCILS ABOUT CERTAIN ACTIVITIES THAT AFFECT THE AREA UNDER THE COUNCIL'S JURISDICTION:

- DOT/PF - PLANS FOR CONSTRUCTION OF PUBLIC PROJECTS
- CORRECTIONS PLANS TO LOCATE A PRISON FACILITY OR HALFWAY HOUSE
- DNR PLANS TO CLASSIFY, RECLASSIFY, OR DISPOSE OF LAND
- ABC BOARD MEETINGS AND LIQUOR LICENSE HEARINGS

ANCHORAGE AND MAT-SU HAVE CREATED COMMUNITY COUNCILS BY ORDINANCE IN AREAS THAT ARE UNDERGOING RAPID CHANGE OR GROWTH.

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

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

Mary Van Nimwegen

S-HESS 1-22-85 4:20pm

5-2-85 1:34pm

S-CRA 2-26-85 4:25pm



# RECORDS CERTIFICATION



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

*James O. Smith*  
Signature of Camera Operator

*10/31/89*  
Date

S

B

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7



**COMMITTEE REPORT**  
**SENATE**

FURTHER:

FINANCE

1/14/85

Date 1-21-85

Mr. President

The Committee on HESS considered SB 27

special appropriation for a Council on Domestic Violence and Sexual Assault, for a training program on the prevention, intervention, investigation and treatment of sexual and physical abuse of minors; *etd.*

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 \_\_\_\_\_
- 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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
*Charles J. ...*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Butler ...*  
\_\_\_\_\_  
Chairman

*Do Pass*  
\_\_\_\_\_  
Chairman recommendation

**POSITION PAPER**

**FOR SENATE BILL NO. 27 (HESS)**

For an Act entitled: "An Act making a special appropriation to the Department of Public Safety, Council on Domestic Violence and Sexual Assault, for a training program on the prevention, intervention, investigation and treatment of sexual and physical abuse of minors; and providing for an effective date."

This bill would appropriate \$235,900 from the general fund to Public Safety, The Council on Domestic Violence and Sexual Assault to train teams of community professionals, including but not limited to, law enforcement officials, prosecuting attorneys, victim advocates, social workers, teachers and medical personnel on the prevention, intervention, investigation and treatment of sexual and physical abuse of minors.

The Department of Health and Social Services, Division of Family and Youth Services supports the concept of SB 27, but would have it amended to read: "An act making a special appropriation to the Department of Health and Social Services, Division of Family and Youth Services for an expanded training program on identification, intervention, investigation and treatment of physical and sexual abuse and neglect of minors.

**DIVISION OF FAMILY AND YOUTH SERVICES, MANDATED TO PROTECT CHILDREN FROM ABUSE AND NEGLECT**

The Department of Social and Health Services, Division of Family and Youth Services is mandated by law to provide protection for children from child abuse (physical and sexual) and neglect.

**DIVISION OF FAMILY AND YOUTH SERVICES HAS ESTABLISHED TRAINING PROGRAM**

The Division has the responsibility to set standards for and provide training to staff and the community in the prevention, identification, intervention, investigation and treatment of child abuse and neglect. The Division has an established training program which provides for coordination, networking and training of teams and groups of community professionals. From July 1, 1983 to September 30, 1984, the Division of Family and Youth Services trained 1,156 persons, 688 of which were community professionals and 468 Division staff. This training involved networking of the community to deal with all problems of child abuse

Position Paper SB 27  
page 2

and neglect and child sexual abuse. Specifically, during the same period, sexual abuse training was provided by the Division to 996 persons, 351 of whom were staff and 635 community professionals.

In looking at the total child abuse population in FY 83, of 5,574 reports, 63.7% were cases of neglect, 26.7% were of physical abuse and 11% child sexual abuse. The focus of the training needs to be broad based and not limited. The Division of Family and Youth Services has experts on staff who train in all areas and they also have knowledge of and established relationships with community representatives with specialties. The staff of Family and Youth Services have highly qualified professionals and staff trainers, many with masters degrees in the field. Therefore the need to contract for expert training is very limited.

#### RURAL SOUTHEAST PILOT PROJECT TO PROTECT CHILDREN

The Division of Family of Youth Services in a pilot project in Southeast Alaska spent \$150,000 in FY 84 developing and training child protection teams in seventeen communities. The teams lead by the Family and Youth Services Social Workers were comprised of persons in the community who could coordinate an approach to prevention, intervention, investigation, and treatment of all forms of child abuse and neglect. These teams which are still functioning included representatives of law enforcement, domestic violence, health professionals, school personnel, and treatment persons.

#### PUBLIC AWARENESS

The Division of Family and Health Services has developed comprehensive public awareness materials, translated into different native Alaska dialects, which will be utilized in training the general public, school personnel, medical personnel, mental health professionals, early childhood personnel, and community human services providers.

#### ESTABLISHED PROTOCOLS CAN BE EXPANDED TO INCLUDE CHILD PHYSICAL ABUSE AND NEGLECT

The Division of Family and Youth Services' efforts to increase coordination have included development of local inter-agency protocols for intervening in cases of child sexual abuse, and participation in development of statewide protocols. The Division hopes to expand this in the future to include protocols for intervening in physical abuse and neglect cases as well. Training for those mandated to intervene directly in child abuse and neglect cases will be vital to effective implementation of these protocols. Training of others who have less direct involvement in intervention or who are engaged in prevention and treatment of child abuse and neglect will be an important adjunct.

Position Paper SB 27  
page 3

SUMMARY

With the mandate and authority to intervene in child abuse cases and experience with the range of such cases, the Division of Family and Youth Services has had the opportunity to develop the special expertise essential to implementing such an important training program. This training program could be readily incorporated into the Division's on-going training efforts thereby avoiding duplication of effort, particularly in the administrative area, and ensuring a well coordinated overall training effort.

An alternative approach to the bill would be to provide additional funding to the existing training program of the Division of Family and Youth Services to expand its ability to reach an even broader number of persons.

POSITION

Support the bill - if amended to designate the Division of Family and Youth Services to coordinate training. However, the Department is not requesting a substantial funding increase to the Governor's Budget. As the bill reads now, it has no fiscal impact on the Department. If amended to designate the Department as the coordinating agency, a fiscal note will be prepared.

ATTACHMENTS

Child Abuse and Neglect In Alaska Report to Governor Bill Sheffield. Training Report, Division of Family and Youth Services July 1, 1983 to September 30, 1984.

RECOMMENDED:

Michael L. Price  
Michael L. Price, Director  
Division of Family  
and Youth Services

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

APPROVED:

John R. Pugh  
John R. Pugh, Commissioner  
Department of Health  
and Social Services

DATE: 1/17/85

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No.: SB 27  
 Title: An Act....training....abuse  
of minors  
 Sponsor: Sen. Faiks  
 Requestor: \_\_\_\_\_  
 Date of Request: 1/16/85

FISCAL DETAIL

Agency Affected: Health and Social Services  
 Program Category Affected: \_\_\_\_\_  
 BRU, Program or Subprogram(s) Affected:  
Program Services, Social Services, Youth  
Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

N/A

Prepared By: Michael L. Price *MLP* Phone: 465-3170  
 Division: Family and Youth Services Date: 1/16/85

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_ *JCC*  
 Agency: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

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

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER

---

SB 27

"An Act making a special appropriation to the Department of Public Safety, Council on Domestic Violence and Sexual Assault, for a training program on the prevention, investigation and treatment of sexual and physical abuse of minors."

The Council on Domestic Violence and Sexual Assault (hereafter referred to as Council) supports SB 27. This legislation would enable the state to develop core child response teams in different communities. The Council supports a coordinated approach because it is more sensitive to victims' needs, improves investigations and maximizes the use of limited resources.

The Council consists of seven members, including representatives from the Departments of Law, Public Safety, Health and Social Services and Education and three public members, and is therefore an appropriate agency to develop a coordinated approach. The Council would use a team of employees from the four departments represented on the Council plus Council staff to develop and monitor the project.

Cases of child abuse are very complicated because of the need to balance protection and support of the victim and her/his family with society's and the criminal justice system's need to prosecute the offender. Most professionals, including peace officers, are required by law to report to the Division of Family and Youth Services if they believe a "child has suffered harm as a result of abuse". Family and Youth Services is required to take action to prevent further harm to the child or to insure the proper care and protection of the child. Family and Youth Services reports the alleged abuse to the District Attorney and the police. There is then potential for all three agencies to carry out investigations which will require interviewing the victim.

Since the topic is so sensitive and young children need to be treated differently than adults, investigations must be done carefully and be coordinated. It is crucial that agency professionals are trained specifically in working with child victims. The team concept is accepted nationally as an effective and sensitive model and Governor Sheffield signed a child sexual assault agreement in September, 1984 that promotes coordination in child sexual assault cases between state agencies.

It is also important that school and day care personnel be trained because children often disclose to their teachers or day care providers that they are victims. These personnel should be knowledgeable about legal reporting requirements, physical and behavioral symptoms of child abuse and how to respond to children that disclose abuse. Eighteen community based programs funded by the Council work with child sexual assault victims directly, conduct prevention/education programs in the schools and communities and/or are involved in child sexual assault coordination efforts. Domestic violence/sexual assault, child abuse, and mental health staff would also be appropriate representatives on teams.

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No.: SB 27  
 Title: "...training program on...  
 abuse of minors..."  
 Sponsor: Faiks  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Public Safety  
 Program Category Affected: \_\_\_\_\_  
Administration of Justice  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Council on Domestic Violence and  
 Sexual Assault

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

|                |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|
| <b>CAPITAL</b> |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|

|                |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|
| <b>REVENUE</b> |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

A proposed budget is attached to the position paper on this appropriation bill. It should be noted that the estimated cost of \$400/day for each trainer and facilitator during implementation is the maximum estimated for the level of professional expertise required.

Prepared By: Marcia Lynn McKenzie Phone: 465-4349  
 Division: Administrative Services Date: 1/15/85

Approved by Commissioner: Robert J. Sundberg Date: 1/15/85  
 Agency: Department of Public Safety

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

7/1/84

BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF PUBLIC SAFETY**

**COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT**

POUCH N  
ROOM 312, GOLDSTEIN BUILDING  
JUNEAU, ALASKA 99911

PHONE: 465-4356

October 1, 1984

Elizabeth J. Hickerson  
Senior Advisor  
Senate Advisory Council  
1024 West 6th Avenue, Suite 203  
Anchorage, Alaska 99501

Dear Elizabeth:

I am sorry it has taken so long for me to respond to your request on September 10, for a budget for training in the prevention, investigation and treatment of sexual and physical abuse of minors as described in SB 447. Our FY 86 budget and countless other preoccupations keep me going.

When the Council thought that the bill would pass last session, they approved the enclosed proposal. I have added the budget numbers based upon the Council's plan. Also enclosed is a copy of the child sexual assault agreement signed by the Commissioners of Public Safety, Corrections, Health and Social Services, the Attorney General and the Governor.

Thanks for all your help.

Sincerely,

*Barbara*

Barbara Miklos  
Executive Director

Enclosure

cc: Robert J. Sundberg, Commissioner, Department of Public Safety  
Sandra Borbridge, Special Assistant to Governor Sheffield

The Council on Domestic Violence and Sexual Assault is strongly committed to a team approach in cases of child sexual assault. If professionals, including social workers and law enforcement, do not coordinate efforts; it is possible for a victim to be interviewed many times by different people. Also, without specific interviewing skills that are needed with children, interviewers may be uncomfortable or make the child uncomfortable. A beneficial side effect of a coordinated team approach is that it maximizes the use of limited professional resources. Although some training has been conducted in the state, the focus is rarely across disciplines and often not targeted to all appropriate community people. Therefore training is needed that brings diverse groups together and focuses on a team approach.

Last year SB 447 passed the Senate but did not pass the House. The purpose of the legislation was to develop a training program on the prevention, investigation and treatment of sexual and physical abuse of minors. The Council was to develop a program to train teams of community professionals. The Council on Domestic Violence and Sexual Assault is the most appropriate agency to oversee the training because it includes representatives from the Departments of Law, Public Safety, Health and Social Services and Education.

The Council approved a training plan at their meeting May 2, 1984. Training shall include information about identification, team investigation and prosecution, treatment and prevention of child abuse.

The Council's tentative plan is to contract with an individual experienced in this field to coordinate the effort; plan the training in conjunction with agency personnel; develop training materials, determine training locations and schedules; identify participants and set up the training. A team of departmental representatives (Law, Health & Social Services, Education and Public Safety) would develop the RFP and review proposals.

#### PHASE I

The first training session would be for policy makers such as regional managers of Division of Family and Youth Services (DFYS), trooper detachment commanders, heads of state agencies (mental health, alcoholism, domestic violence/sexual assault), regional district attorneys, selected police chiefs, representatives from the Departments of Education and Corrections and Legislators and/or staff. The purposes of this initial meeting are to:

Provide an overview of child abuse treatment

Present a model team approach

Discuss implementation of the child sexual assault agreement signed by Public Safety, Health and Social Services, Law and Corrections in September 1984.

Discuss regional training sites and participants

#### PHASE II

Following this initial meeting, regional training would be provided in five to seven locations. These trainings will be conducted for victim witnesses, sexual assault

and mental health programs, private therapists, DFYS, troopers, police, medical personnel, district attorneys, and teachers. Specific topics to be included are: dynamics of sexual and physical abuse of minors, including information about victims, non offending parents and perpetrators; interviewing child victims, the laws in Alaska relating to sexual and physical abuse of minors; methods of meeting the child's emotional needs during investigation and prosecution; families' roles in investigation and prosecution, investigation techniques including knowledge about child development and team building, implementation requirements of the child sexual assault agreement and the development of community plans of action. Trainers will include experts in the different areas from Alaska and outside the state.

Proposed budget:

Contractor to coordinate and plan the training in conjunction with involved state agencies and community based sexual assault programs; develop training materials that can be used for the training and in the future, determine training locations and schedules; identify participants and set up training. \$50,000

Other (printing, office supplies, advertising, etc.) \$7,500

Phase I - training to policy makers:

|                                                                                      |          |
|--------------------------------------------------------------------------------------|----------|
| Four trainers and facilitators @ \$400/day for 3 days plus their travel and per diem | \$ 8,500 |
| Meeting rooms                                                                        | 900      |
| Travel and per diem for participants to Anchorage                                    | 17,500   |

Phase II - training to direct providers in seven sites possibly, Anchorage, Juneau, Palmer, Bethel, Nome, Soldotna and Fairbanks.

|                                                                                                       |          |
|-------------------------------------------------------------------------------------------------------|----------|
| Trainers: Five trainers and facilitators @ \$400/day for 4 days, seven sites plus travel and per diem | \$84,500 |
| Meeting rooms                                                                                         | 5,000    |

Travel for participants - This travel would be for people in surrounding villages and other communities to come in for training - maximum 25 people for each session

|                                                                                               |        |
|-----------------------------------------------------------------------------------------------|--------|
| Anchorage - (including 3 people each from Valdez, Cordova, Kodiak and 2 Aleutian communities) | 10,000 |
| Juneau - (representatives from Sitka, Ketchikan, Petersburg, Wrangell, Kake and Haines)       | 13,000 |
| Palmer/Wasilla and other Matanuska Valley communities                                         | 2,000  |
| Bethel - (Including 3 people from Dillingham and 15 village participants)                     | 10,000 |
| Nome - (including 15 village representatives and 4 representatives from Kotzebue)             | 9,000  |

Fairbanks - (including 3 people from Barrow  
and 18 village participants) 11,000

Soldotna - (including 6 people from Homer  
and 1 village and 3 people from Seward) 7,000

TOTAL \$235,900

# ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

## POSITION PAPER

SB 27

The Alaska Network on Domestic Violence and Sexual Assault, a non-profit corporation representing 20 domestic violence and sexual assault programs statewide, supports SB27 to establish and provide funding for a training program for the prevention, intervention, investigation, and treatment of sexual and physical abuse of minors.

Fifteen of the Network's 20 programs are currently addressing the issue of child sexual abuse by providing direct services to child victims and non-offending parents; conducting education and prevention programs in communities; developing and presenting curricula dealing with sexual assault to school districts; coordinating service provision with other social service and law enforcement agencies; and developing protocols for inter-agency use in cases of child sexual abuse.

Reports of cases of child sexual abuse have increased dramatically. The increase in the reporting rate is due to the success of community education and awareness efforts by domestic violence and sexual assault programs, and presentations on sexual assault prevention to children in school settings. While it is critical that these efforts continue, it must be realized that they will result in increased disclosures of incidences of abuse, and individuals and agencies involved in dealing with child victims must be trained to respond.

Child victims will often disclose incidences of abuse to teachers and day care providers. Educators and care givers must be trained to recognize behavioral and other symptoms and patterns of a child suffering abuse, and how to sensitively handle a disclosure. They must also be aware of legal reporting requirements of such cases to the Division of Family and Youth Services.

Division of Family and Youth Services' case workers are required to take action after such a report, to prevent further harm to the child and to insure the child's proper care and protection. Consequently, case workers are brought into immediate contact with child victims and require training in dealing sensitively with the child in the interviewing process.

Because child sexual abuse is a felony crime, the Division of Family and Youth Services is required to report such cases to law enforcement agencies for purposes of conducting an investigation of the charges. Law enforcement agency personnel should be provided training in conducting interviews, the success of which will have a direct impact on the disposition of such cases.

In order to avoid additional trauma to the child and to insure that the child is protected from further harm, all these agencies and individuals need to work cooperatively, comprehensively, and efficiently in developing a sensitive and effective approach to handling cases of child sexual abuse. The provision of training to all professionals who are likely to come into contact with a child victim is a necessary and logical step. The Network feels that the establishment of a training program, utilizing a team approach composed of service providers from all disciplines is crucial to impacting the high incidence of child sexual abuse.

# STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

SB 27  
BILL SHEFFIELD, GOVERNOR

POUCH H 01  
JUNEAU, ALASKA 99811  
PHONE:

December 14, 1984

The Honorable Jan Faiks  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

Dear Senator Faiks:

Thank you for allowing me the opportunity to review your initial drafts of legislation concerning child abuse. I appreciate this courtesy and your leadership in addressing these problems in innovative ways.

I agree strongly that a coordinated approach to the problems of child abuse and neglect is essential to effective prevention, intervention, and treatment. A coordinated approach is also desirable to reduce trauma to children and minimize disruption of families.

The basic approach embodied in your draft proposals - achieving coordination through training - is insightful and one both Commissioner Pugh and I could support strongly, although we would suggest that this Department would be the appropriate agency to perform this important function. The conceptual approach your drafts suggest is very similar to the approach the Department has been implementing for some years through training efforts of the Division of Family and Youth Services (DFYS). That division has conducted joint training for state employees, private agency staff, and citizens on a variety of levels - from sponsoring conferences and symposiums to conducting local workshops on specific issues relating to prevention, intervention, and treatment of child abuse and neglect. For example, in fiscal year 1983 over 90 such training events were presented.

Similarly, DFYS' efforts to increase coordination have included development of local inter-agency protocols for intervening in cases of child sexual abuse, and participation in development of statewide protocols. We hope to expand this in the future to include protocols for intervening in physical abuse and neglect cases as well. Training for those mandated to intervene directly in child abuse and neglect cases will be vital to effective implementation of these protocols. Training of others who have less direct involvement in intervention or who are engaged in prevention and treatment of child abuse and neglect will be an important adjunct.

With the mandate and authority to intervene in child abuse cases and experience with the range of such cases, the Division of Family and Youth Services has had the opportunity to develop the special expertise essential to implementing such an important training program. This training program could be readily incorporated into the division's ongoing training efforts thereby avoiding duplication of effort, particularly in the administrative area, and ensuring a well coordinated overall training effort.

We also support the concept of ensuring that state employees required to report suspected instances of child abuse and neglect receive training sufficient to enable them to better recognize and respond appropriately to the problem. Again, the preparation and distribution of training materials concerning child abuse and neglect is appropriately a function of the Department of Health and Social Services given our primary responsibility for intervening in such cases. Since the Department already undertakes much of what is envisioned in your draft Bill #2 on a discretionary basis, it would also be most efficient and effective from an administrative standpoint for any mandated efforts to be performed by the same agency. We would suggest also that it would be most appropriate to include such training in the regular training curriculum of the agencies in which persons required to report suspected cases of abuse and neglect are employed. This would increase efficiency in training present employees and ensure that training related to child abuse and neglect became an integral part of the orientation training of each new employee. The Department, through the Division of Family and Youth Services, could develop standards of training and training curricula and coordinate implementation of the training as a major component of its overall training efforts.

I support your desire to ensure that elderly victims of domestic violence have the ability to obtain injunctive relief. I believe, however, that under the existing definition of domestic violence elderly persons may obtain such relief since they could be considered as "...a member of the social unit comprised of those living together in the same dwelling...."

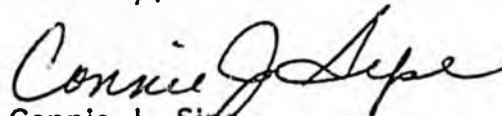
Although the present definition would not allow injunctive relief in all appropriate cases (e.g., an elderly parent living apart from abusive adult offspring), I would be hesitant to support the definition of domestic violence proposed in the draft Bill #3. It is so broad that it chances losing the focus on the special problems presented by domestic violence. Under the proposed definition, domestic violence would include any assaultive crime if the perpetrator and victim are related,

however remotely, by blood or marriage. This expands far beyond the concept of the social unit incorporated in the present law and in doing so becomes so broad that it fails to define the special character and nature of the relationships involved in domestic violence. It is almost a certainty that, for the purposes of uniformity, the definition proposed in draft Bill #3 would, if adopted, also become the definition of domestic violence contained in AS 18.66. I am concerned that if this were to occur, the uniqueness and focus of domestic violence programs would be lost. It is important for domestic violence programs to maintain their unique qualities and focus and not simply be required to expand to become a parallel social service system because of a broad definition. Should this occur, the important needs they meet might again be lost among competing priorities. I would be happy to work with you to develop a definition which could both meet the needs of elderly persons and retain the special focus of domestic violence programs.

As you may know, this Department and the Department of Law have been developing legislative proposals for introduction by Governor Sheffield to address a variety of child protection issues. A synopsis of the proposals being considered for introduction is enclosed. I think these proposals will complement those you have suggested, and I hope they receive your constructive review and support.

Thank you again for the courtesy of allowing me to review your draft proposals. I hope my comments have been helpful and constructive.

Sincerely,



Connie J. Sipe  
Deputy Commissioner

Enclosure



Official Business

*Sandra* SB 27  
Alaska State Legislature

Senate

Committee on

Health, Education & Social Services

Pouch V  
State Capitol  
Juneau, Alaska 9981

M E M O R A N D U M

TO: Members, Senate Committee on Health, Education and Social Services

FROM: Committee Staff

RE: Committee Meeting, Thursday, January 17, 1985

DATE: January 15, 1985

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On Thursday, January 17 from 1:30 - 3:30 pm in the Beltz Room, the Senate Committee on Health, Education and Social Services will hear the following bills:

SB 27 Making a special appropriation to the Department of Public Safety, Council on Domestic Violence and Sexual Assault, for a training program on the prevention, intervention, investigation and treatment of sexual and physical abuse of minors.

SB 27 provides funding to the Department of Public Safety, Council on Domestic Violence and Sexual Assault to coordinate a training program for community professionals on the prevention, intervention, investigation and treatment of sexual and physical abuse of minors.

A child sexual abuse agreement for Alaska entered into last September between the Departments of Law, Public Safety, Health and Social Services and Corrections established a framework for mutual cooperation among the departments in their response to reported instances of child abuse. The agreement encourages local communities to adopt their own guidelines and develop specific agreements among local law enforcement, social service and treatment agencies. SB 27 provides funding for the training necessary to establish local coordination.

Sandra  
1-17-85 hearing

SB 27

DFYS has not done community team training.

→ Council's statutory authority doesn't include "neglect."

Many cases are neglect - DFYS deals w/ them.

Liz - Bill doesn't address neglect - priority should be protection from physical + sexual abuse

\$100,000 public ed. program on abuse

12 brochures - 5 aimed specifically at those req'd to report

radio spots (6 lang.)

TV spots

posters

advertise 24-hr.  
genith # in Anch.

(out 1st of  
March)

→ Josephson: "What budget would DFYS need to do community/reporting training?"

"Admin. needs to come back w/ 1 position!"

→ <sup>Carla</sup> Timpone: DFYS doesn't have under their purview child sexual assault ~~not~~ perpetrated by other than a family member.

want team training modeled after

Mat-Su (Wasilla) program.

In Juneau, AWARE provided training to DFYS employees!

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

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

Mary Van Nimwegen

HESS

1-31-85

1:40 pm

1-17-85

1:33 pm