

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES TO COMMUNITY ASSISTANCE
PAYMENT PROGRAM IN THE REGULATIONS OF THE DEPARTMENT OF
COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

BRIEF DESCRIPTION: The Department of Commerce, Community, and Economic Development proposes to change regulations for the community assistance payment program in order to comply with the changes made by Alaska Legislature in 2016, SB210, to the former community revenue sharing program, to streamline and expedite distribution of the community assistance payments, and to add recordkeeping requirements related to receipt and expenditure of community assistance payments.

The Department of Commerce, Community, and Economic Development proposes to adopt regulation changes in 3 AAC 180.010- 3 AAC 180.900 of the Alaska Administrative Code dealing with the community assistance payment program, including the following:

1. 3 AAC 180.010 – .900 are proposed to be amended to implement Senate Bill 210 wording changes concerning the former community revenue sharing payment program under AS 29.60.850 - 29.60.879; the amendment substitutes “assistance” for “revenue sharing” throughout the entire chapter.
2. 3 AAC 180.010 is proposed to be repealed and reenacted to clarify the application requirements for receiving community assistance payments by municipalities, reserves, and communities; to repeal the requirements dealing with municipal elections, meeting of governing bodies and codification of local codes by municipalities; to add recordkeeping requirements for receipts and expenditures of community assistance payments; and to allow the use of electronic mail for submission of applications and administration of the program.
3. 3 AAC 180.020 is proposed to be repealed and reenacted to list all the requirements concerning annual reports that must be filed by municipalities with the department in order to receive a payment.
4. 3 AAC 180.030 is proposed to be repealed and reenacted to streamline the population determination process by the department, which will continue to use the most recent population estimates released by the Department of Labor and Workforce Development. The proposed changes eliminate the following: the process to follow in determining population estimates by the department; the head count census and housing unit methods used by entities when there is conflict between or among the population results; and appeal to the commissioner when population numbers are in conflict.
5. 3 AAC 180.040 is proposed to be repealed in order to remove the requirement of requesting for adjustment of population determination at the request of a municipality.
6. 3 AAC 180.050 is proposed to be repealed to remove appeal of population determination to the commissioner by municipalities.
7. 3 AAC 180.060 is proposed to be repealed to remove the following: requirement to hold at least one public meeting regarding use of community assistance payment. The requirement

to dedicate the payment for a public purpose and provide a service or facility available to every person in the community are proposed to be added to the proposed 3 AAC 180.010.

8. 3 AAC 180.065 is proposed to be repealed to remove the following: the requirement to submit to the department an annual audit. Audit requirements are covered in proposed 3 AAC 180.010 and 3 AAC 180.020.
9. 3 AAC 180.070 is proposed to be repealed. The requirements for payments on behalf of communities located within boroughs or unified municipalities have been moved to proposed 3 AAC 180.010.
10. 3 AAC 180.080 is proposed to be amended to substitute “department” for “commissioner;” to fix a clerical error by replacing “nonprofit entity” for “community” and to add past performance on “bulk fuel loans under AS 42.45.250 – 42.45.299, or any other financial aid provided by the state or federal government to the factors the department will consider when determining the most qualified entity to receive a community assistance payment.
11. 3 AAC 180.090 is amended to substitute “assistance” for “revenue sharing.”
12. 3 AAC 180.100 is amended to substitute “department” for “commissioner.”
13. 3 AAC 180.110 is proposed to be repealed and reenacted in order to clarify which communities are considered a social unit and which are not.
14. 3 AAC 180.120 is amended to substitute “department” for “director” and “assistance” for “revenue sharing.”
15. 3 AAC 180.130 is amended to substitute “assistance” for “revenue sharing.”
16. 3 AAC 180.140 is proposed to be amended to add the word “assignment” to the section heading, to substitute “applicant” for “entity” and “department” for “commissioner,” and to add a new subsection dealing with assignment of community assistance payments to a third party when the loss of services essential to the public health and safety of municipality, reserve or community is imminent.
17. 3 AAC 180.900 is proposed to be amended to remove the definitions of “allocation year,” “computation year,” “director,” and “division,” and to add and define “entity.”

This is a **SUPPLEMENTAL NOTICE** adding to the **NOTICE OF PROPOSED CHANGES** issued on June 14, 2017, and June 26, 2017, concerning these proposed regulation revisions. This **SUPPLEMENTAL NOTICE** is being issued because the department has decided to extend the written comment period on those proposed revisions. If you previously submitted written comments under the June 17, 2017, or June 26, 2017 **NOTICE OF PROPOSED CHANGES**, you need not resubmit those comments under this notice as those comments are part of the record and will be considered by the department.

You may comment on the proposed regulation changes, including the potential cost to private persons of complying with the proposed changes, by submitting written comments to Iura S.

Leahu at Department of Commerce, Community, and Economic Development, DCRA, Attn: CAP Regulations Review, P.O. Box 110809, Juneau, AK 99801-0809. Additionally, the Department of Commerce, Community, and Economic Development will accept comments and questions by facsimile at 907-465-4814 and by electronic mail at iura.leahu@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. **The comments must be received not later than 4:30 pm, August 25, 2017.**

You may submit written questions relevant to the proposed action by email to iura.leahu@alaska.gov or at the Department of Commerce, Community, and Economic Development, DCRA, Attn: CAP Regulations Review, P.O. Box 110809, Juneau, AK 99801-0809. **The questions must be received at least 10 days before the end of this extended public comment period.** The department will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the website of the Division of Community and Regional Affairs at <https://www.commerce.alaska.gov/web/dcra/>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Iura S. Leahu at iura.leahu@alaska.gov or at 907-465-4814 not later than August 18, 2017, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System, on the website of the Division of Community and Regional Affairs at <https://www.commerce.alaska.gov/web/dcra/> and by contacting Iura S. Leahu at email iura.leahu@alaska.gov or at 907-465-4814.

After the public comment period ends, the Department of Commerce, Community, and Economic Development will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

Statutory authority: AS 08.04; AS 10.20; AS 29.20.640; AS 29.45.020; AS 29.45.660; AS 29.60.850; AS 29.60.855; AS 29.60.860; AS 29.60.865; AS 29.60.879; AS 29.71.800; AS 44.33.020.

Statutes being implemented, interpreted, or made specific: AS 29.60.850 - 29.60.879.

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: August 10, 2017

Melissa Tayler, Deputy Director

Division of Community and
Regional Affairs, Department of
Commerce, Community, and Economic
Development