

Byron Mallott
Lieutenant Governor
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Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Bianca Carpeneti
Department of Military & Veterans' Affairs

FROM: Scott Meriwether, Office of the Lieutenant Governor 465.4081 

DATE: June 4, 2018

RE: Filed Permanent Regulations: Department of Military & Veterans' Affairs

Department of Military and Veterans' Affairs regulations re: municipal applicant requirements for military facility zones (10 AAC 40.020)

Attorney General File:	JU2017200461
Regulation Filed:	6/1/2018
Effective Date:	7/1/2018
Print:	227, October 2018

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS
OF THE ALASKA DEPARTMENT OF MILITARY AND VETERANS'
AFFAIRS

The attached one page of regulations, dealing with military facility zones is adopted and certified to be a correct copy of the regulation changes that the Alaska Department of Military and Veterans' Affairs adopts under the authority of AS 26.30.010, AS 26.30.020, and AS 26.30.070 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation. In considering public comments, the Alaska Department of Military and Veterans' Affairs paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor as provided in AS 44.62.180.

Date: 5-15-18


Robert A. K. Doehl, Deputy Commissioner, AK DMVA

FILING CERTIFICATION

Chaire Richardson for
I, *Bryon Mallott* Lieutenant Governor for the State of Alaska, certify that on June 1, 2018, at 4:29 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


Lieutenant Governor

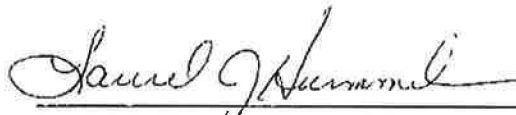
Effective: July 1, 2018.
Register: 227, October 2018

DELEGATION OF AUTHORITY

Under as 44.17.010, the authority and responsibility for adopting regulations of the Department of Military & Veterans Affairs under the Alaska Administrative Procedure Act are delegated to Robert A.K. Doehl, Deputy Commissioner.

I, Commissioner Laurel J. Hummel, elect to delegate this authority.

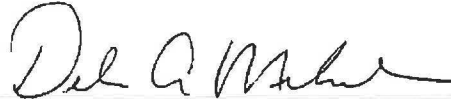
Date: Aug 10, 2016



Laurel J. Hummel, Commissioner

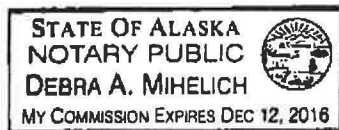
Subscribed and sworn to before me at 3035 E Street, Anchorage, AK on
August 10, 2016

[date]



Notary Public in and for the State of Alaska

[NOTARY SEAL]



FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, BYRON MALLOTT, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,
designate the following state employee to perform the Administrative Procedures Act filing
functions of the Office of the Lieutenant Governor:**

Claire Richardson, Special Assistant

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on January 7th 2015.**

A handwritten signature in blue ink, appearing to read "Byron Mallott", is written over a horizontal dotted line.

**BYRON MALLOTT
LIEUTENANT GOVERNOR**

10 AAC 40.020 is repealed and readopted to read:

10 AAC 40.020. Municipal applicant requirements.

To apply for a military facility zone designation under AS 26.30 and this chapter, or for expansion of a military facility zone, the chief executive officer or governing body of a municipality must file with the department, on a form provided by the department, a completed application as provided under AS 26.30.010(b) and (c), and must include in the application

Two 0.5" tabs (1) a map showing, within the municipality's boundaries,

one more 0.5" tab (A) the area of the proposed military facility zone or proposed expansion; and

one more 0.5" tab (B) the zone's or expanded area's proximity to a facility;

Two 0.5" tabs (2) the statement required under AS 26.30.010(c)(1);

Two 0.5" tabs (3) evidence of the approval required under AS 26.30.010(c)(2);

Al. publisher: this mark is a Toner stain, not a punctuation mark

Two 0.5" tabs (4) evidence that under AS 26.30.020(c)(1), the proposed military facility zone is consistent with the municipality's comprehensive plan or local zoning ordinances;

Two 0.5" tabs (5) evidence and data to support the factors and calculations listed in AS 26.30.020(c)(2) – (15);

Two 0.5" tabs (6) other information consistent with the factors set out in AS 26.30.020(c) that the adjutant general determines necessary to designate an area as a military facility zone; and

Two 0.5" tabs (7) evidence, if any, to support the adjutant general's priority consideration to an area under AS 26.30.020(b). (Eff. 8/1/2014, Register 211; on 7/1/2018, Register 227)

Authority: AS 26.30.010 AS 26.30.020 AS 26.30.070

MEMORANDUM


State of Alaska
Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: June 1, 2018

File No.: JU2017200461

Tel. No.: 465-3600

From: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Department of Military and Veterans'
Affairs regulations re: municipal
applicant requirements for military
facility zones (10 AAC 40.020)

We have reviewed the attached regulations from the Department of Military and Veterans' Affairs against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a general delegation dated May 23, 2018 from the Regulations Attorney. The regulations update provisions regarding municipal applicant requirements for military facility zones, in particular to reflect amendments to AS 26.30.020 enacted in secs. 1 and 2, ch. 4, SLA 2017.

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The February 12, 2018 public notice and the May 15, 2018 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Hon. Byron Mallott, Lieutenant Governor
Our file: JU2017200461

June 1, 2018
Page 2

We have made some technical corrections to the format of regulations and added the history note, in accordance with AS 44.62.125 and as shown on the attached copy. We have not made changes to the regulations themselves.

SCW

cc w/enc: (via email)

Laurel J. Hummel, Adjutant General and Commissioner
Department of Military and Veterans' Affairs

Bianca Carpeneti, Special Assistant and Regulations Contact
Department of Military and Veterans' Affairs

Robert A.K. Doehl, Deputy Commissioner
Department of Military and Veterans' Affairs

April Simpson, Notary Administrator
Office of the Lieutenant Governor

Elizabeth M. Bakalar, Assistant Attorney General
Labor and State Affairs Section

MEMORANDUM

State of Alaska Department of Law

TO: The Honorable Byron Mallott
Lieutenant Governor
(*via e-mail*)

DATE: May 23, 2018

TEL. NO.: 465-3600

FROM: Susan Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

SUBJECT: Delegation of authority May
25 - June 5, 2018

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver during my absence May 25, 2018 through June 6, 2018. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct legal review under AS 44.62 and take necessary actions under AS 44.62.

SRP

cc: (*via e-mail*)

Scott C. Meriwether, AAC Coordinator
Office of the Lieutenant Governor

April Simpson, Notary Administrator
Office of the Lieutenant Governor

Steven C. Weaver
Sr. Assistant Attorney General and
Assistant Regulations Attorney
Legislation and Regulations Section

NOTICE OF PROPOSED CHANGES ON MILITARY FACILITY ZONES
IN THE REGULATIONS OF DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

BRIEF DESCRIPTION

The Department of Military and Veterans Affairs proposes to amend, adopt, and repeal regulations in Title 10 of the Alaska Administrative Code dealing with Military Facility Zones, including the following:

10 AAC 40.020 is repealed and rewritten to more closely align with legal drafting standards. Additionally, language is added to allow the applicant to provide evidence that the proposed military facility zone is consistent with the applicant's local zoning ordinances. The intended effect of these changes is to update the regulations to align them with recent statutory changes to AS 26.30.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Michael Johnson, Special Assistant, AK DMVA, P. O. Box 5800, JBER, AK 99505-0800. Additionally, the Alaska Department of Military and Veterans Affairs will accept comments by facsimile at (907) 428-6019 and by electronic mail at Michael.Johnson3@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: <http://notice.alaska.gov/188744>. The comments must be received not later than 5:00 p.m. on March 16, 2018.

You may submit written questions relevant to the proposed action to Michael Johnson, Special Assistant, AK DMVA, National Guard Armory, Building 49000, JBER, AK 99505 and via email at Michael.johnson3@alaska.gov. The questions must be received at least 10 days before the end of the public comment period. The Alaska Department of Military and Veterans Affairs will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Michael Johnson, Special Assistant, at 202-624-5991 or Michael.johnson3@alaska.gov not later than March 9, 2018 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 (<http://notice.alaska.gov/188744>) and by contacting Michael Johnson, Special Assistant, at 202-624-5991 or Michael.johnson3@alaska.gov.

After the public comment period ends, the Alaska Department of Military and Veterans Affairs 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 26.30.070

Statutes being implemented, interpreted, or made specific: AS 26.30.020 AS26.30.010

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

Date: 02/12/2018

/s/

Michael Johnson, Special Assistant
Alaska Department of Military and Veterans Affairs

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))¹

1. Adopting agency: Department of Military and Veterans Affairs
2. General subject of regulation: Military Facility Zones
3. Citation of regulation (may be grouped): 10 AAC 40.020
4. Department of Law file number, if any: JU2017200461

5. Reason for the proposed action:

() Compliance with federal law or action (identify): _____

(X) Compliance with new or changed state statute: Chapter 4 SLA 2017 (SB 9)

() Compliance with federal or state court decision (identify): _____

() Development of program standards

(X) Other: Update and clarification of current regulations.

6. Appropriation/Allocation: None

7. Estimated annual cost to comply with the proposed action to:

A private person: None

Another state agency: None

A municipality: None

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY <u>2018</u>	Subsequent Years
Operating Cost	\$ <u>-0-</u>	\$ <u>-0-</u>
Capital Cost	\$ <u>-0-</u>	\$ <u>-0-</u>
1002 Federal receipts	\$ _____	\$ _____
1003 General fund match	\$ _____	\$ _____
1004 General fund	\$ _____	\$ _____
1005 General fund/ program	\$ _____	\$ _____
Other (identify)	\$ _____	\$ _____

9. The name of the contact person for the regulation:

Name: Michael Johnson
Title: Special Assistant
Address: AK DMVA PO Box 5900, JBER, AK 99505
Telephone: 202-624-5991
E-mail address: michael.johnson3@alaska.gov

10. The origin of the proposed action:

☒ Staff of state agency
☐ Federal government
☐ General public
☐ Petition for regulation change
☐ Other (identify): _____

11. Date: February 9, 2018 Prepared by: M. Johnson
[signature]

Name (printed): Michael Johnson
Title (printed): Special Assistant
Telephone: 202-624-5991

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Robert A. K. Doehl, Deputy Commissioner of the Alaska Department of Military and Veterans Affairs, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 10 AAC 40.20 relating to applications for Military Facility Zones has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chair of the House and Senate Committees on State Affairs, the Administrative Regulation Review Committee, and the legislative council.

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 5-15-18

Robert A. K. Doehl

Robert A. K. Doehl, Deputy Commissioner AK DMVA

Subscribed and sworn to before me at Anchorage, AK on

May 15, 2018



[Signature]

Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Robert A. K. Doehl, Deputy Commissioner of the Alaska Department of Military and Veterans' Affairs, being duly sworn, state the following:

In compliance with AS 44.62.215, the Alaska Department of Military and Veterans' Affairs has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Alaska Department of Military and Veteran's Affairs regulation on Military Facility Zones.

Date: 5-15-18

Robert A. K. Doehl
Robert A. K. Doehl, Deputy Commissioner

Subscribed and sworn to before me at Anchorage, AK on
May 15, 2018
(date)



[Signature]
Notary Public in and for the State of Alaska

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\$313.74

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

Joleesa Stepetin

being first duly sworn on oath deposes and says that he/she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

February 12, 2018

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed

Joleesa Stepetin

Subscribed and sworn to before me
this 12th day of February, 2018

Britney Thompson

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES

2/23/2019

NOTICE OF PROPOSED CHANGES ON MILITARY FACILITY ZONES IN THE REGULATIONS OF DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

BRIEF DESCRIPTION

The Department of Military and Veterans Affairs proposes to amend, adopt, and repeal regulations in Title 10 of the Alaska Administrative Code dealing with Military Facility Zones, including the following:

10 AAC 40.020 is repealed and rewritten to more closely align with legal drafting standards. Additionally, language is added to allow the applicant to provide evidence that the proposed military facility zone is consistent with the applicant's local zoning ordinances. The intended effect of these changes is to update the regulations to align them with recent statutory changes to AS 26.30.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Michael Johnson, Special Assistant, AK DMVA, P. O. Box 5800, JBER, AK 99505-0800. Additionally the Alaska Department of Military and Veterans Affairs will accept comments by facsimile at (907) 428-6019 and by electronic mail at Michael.Johnson3@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: <http://notice.alaska.gov/188744>. The comments must be received not later than 5:00 p.m. on March 16, 2018.

You may submit written questions relevant to the proposed action to Michael Johnson, Special Assistant, AK DMVA, National Guard Armory, Building 49000, JBER, AK 99505 and via email at Michael.Johnson3@alaska.gov. The questions must be received at least 10 days before the end of the public comment period. The Alaska Department of Military and Veterans Affairs will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Michael Johnson, Special Assistant, at 202-624-5991 or Michael.Johnson3@alaska.gov not later than March 9, 2018 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 (<http://notice.alaska.gov/188744>) and by contacting Michael Johnson, Special Assistant, at 202-624-5991 or Michael.Johnson3@alaska.gov.

After the public comment period ends, the Alaska Department of Military and Veterans Affairs 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 26.30.070

Statutes being implemented, interpreted, or made specific: AS 26.30.020 AS 26.30.010

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

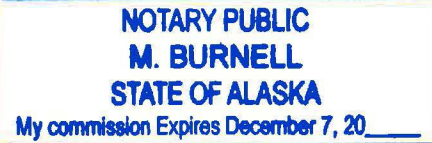
Date: 02/12/2018

/s/
Michael Johnson, Special Assistant
Alaska Department of Military and Veterans Affairs

Published: February 12, 2018

Notary Public
BRITNEY L. THOMPSON
State of Alaska

My Commission Expires Feb 23, 2019



AFFP
NOTICE OF PROPOSED CHANGES

Affidavit of Publication

UNITED STATES OF AMERICA }
STATE OF ALASKA } SS.
FOURTH DISTRICT }

Before me, the undersigned, a notary public, this day personally appeared Tameka Ambersley, who, being first duly sworn, according to law, says that he/she is an Advertising Clerk of the Fairbanks Daily News-Miner, a newspaper (i) published in newspaper format, (ii) distributed daily more than 50 weeks per year, (iii) with a total circulation of more than 500 and more than 10% of the population of the Fourth Judicial District, (iv) holding a second class mailing permit from the United States Postal Service, (v) not published primarily to distribute advertising, and (vi) not intended for a particular professional or occupational group. The advertisement which is attached is a true copy of the advertisement published in said paper on the following day(s):

February 12, 2018

and that the rate charged thereon is not excess of the rate charged private individuals, with the usual discounts.


Advertising Clerk

Subscribed to and sworn to me this 12th day of February 2018.


Marena Burnell, Notary Public in and for the State of Alaska.

My commission expires: December 07, 2021

00002881 00044705

Legal Acct
SOA, DEPT OF MILITARY & VETERANS' AFF
PO BOX 5549
JBER, AK 99505

44705

NOTICE OF PROPOSED CHANGES ON
MILITARY FACILITY ZONES
IN THE REGULATIONS OF DEPARTMENT OF
MILITARY AND
VETERANS AFFAIRS

BRIEF DESCRIPTION

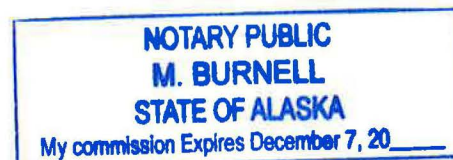
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Statutory authority: AS 26.30.070
Statutes being implemented, interpreted, or made specific: AS 26.30.020 AS 26.30.010
Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: 02/12/2018
/s/ Michael Johnson, Special Assistant
Alaska Department of Military and Veterans Affairs
Publish: 02-12-18