

HOUSE BILL NO. 291

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE COUNCIL

Introduced: 1/20/12

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the posting of notices at United States post offices; and providing for**
2 **an effective date."**

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

4 * **Section 1.** AS 03.35.030 is amended to read:

5 **Sec. 03.35.030. Notice, hearing, and order.** Upon receipt of a petition for the
6 establishment, addition, elimination, or dissolution of a controlled livestock district,
7 the district judge shall set a time for hearing the petition not less than 30 days after its
8 receipt. Notice of the time and place of the hearing and its purpose shall be posted in
9 not **fewer** [LESS] than three conspicuous public places within the proposed district [,
10 INCLUDING A POST OFFICE,] for a period of at least 30 days before the hearing.
11 [IF THERE IS NO POST OFFICE WITHIN THE PROPOSED DISTRICT, THEN
12 THE NOTICE SHALL BE POSTED IN TWO CONSPICUOUS PUBLIC PLACES
13 IN THE PROPOSED DISTRICT AND IN THE POST OFFICE NEAREST THE
14 PROPOSED DISTRICT.] If, at the hearing, the district judge finds that the petition

meets the requirements established under AS 03.35.020 and that notice of the hearing has been given, the district judge shall enter an order granting the request contained within the petition. The boundaries of the district are those proposed within the petition. The district judge shall certify to the clerk of the superior court for the judicial district a copy of the findings and order. The district judge shall send a copy of the order to the commissioner.

* **Sec. 2.** AS 34.35.175(d) is amended to read:

(d) Before the sale is made, notice of the sale shall be given to the debtor by registered letter directed to the last known place of residence of the debtor, if the residence is known, and also by posting notice of the sale in three public places in the recording district [, ONE OF WHICH SHALL BE AT OR NEAR THE FRONT DOOR OF THE POST OFFICE NEAREST THE PLACE OF SALE,] for 10 days before the day of sale. The notice must contain a particular description of the article to be sold, the name of the owner or reputed owner, the amount due on the lien, and the time and place of the [SAID] sale.

* **Sec. 3.** AS 34.45.050(b) is amended to read:

(b) The holder or the holder's agent shall give public notice of sale by posting, within five miles of the place of sale, in three public places, [ONE OF WHICH SHALL BE THE NEAREST POST OFFICE IF WITHIN THAT DISTANCE,] a notice that the property will be sold at public auction. The notice must also contain a reasonably correct description of the property, the name and residence of the owner if known, the name and residence of the holder, and the time and place of sale.

* **Sec. 4.** AS 43.20.270(d) is amended to read:

(d) When distraint is made, as provided in this section,

(1) the deputy or agent charged with the collection shall make or have made an account of the property distrained, a copy of which, signed by the deputy or agent making the distraint, shall be left with the owner or possessor of the property, or at the dwelling or usual place of business of the owner or possessor, with a person of suitable age and discretion, if a person of suitable age and discretion can be found, or, if the taxpayer is a corporation, with an officer, manager, general agent, or agent for process, with a note of the amount demanded and the time and place of sale;

1 (2) the deputy or agent shall immediately publish a notice of the time
2 and place of sale, together with a description of the property distrained, in a newspaper
3 within the judicial district in which the distraint is made, and, in the discretion of the
4 department, have the notice publicly posted in three public places within five miles of
5 the place where the sale is to be held [, ONE OF THE NOTICES TO BE POSTED AT
6 THE POST OFFICE NEAREST TO THE PLACE WHERE THE SALE IS TO BE
7 MADE]; and

8 (3) the time of sale may not be less than 10 nor more than 60 days
9 from the date of the notification to the owner or possessor of the property, and the
10 place proposed for the sale may not be more than five miles from the place of making
11 the distraint; the sale may be adjourned from time to time by the deputy or agent, if the
12 deputy or agent considers it advisable, but not for more than 90 days in all.

13 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).