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Referred: Community &
Regional Affairs and
Resources

1 IN THE SENATE

BY HACKNEY

2 SENATE BILL NO. 129

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state use of materials sites in
7 boroughs."

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

9 * Section 1. AS 19.10 is amended by adding a new section to read:

10 Sec. 19.10.225. MATERIALS SITES IN BOROUGHES. (a) If the depart-
11 ment or a contractor for the department plans to remove materials for a
12 construction project from a state materials site located in a home rule
13 or first or second class general law borough, the commissioner shall, at
14 least 120 days before the planned removal, notify the borough assembly
15 of the department's plans. Within 60 days after the commissioner's
16 notification, the borough assembly shall advise the department of
17 approval or disapproval of the plans to remove materials. The depart-
18 ment or a contractor for the department may not remove materials from a
19 state materials site located in a home rule or first or second class
20 general law borough if the removal has been disapproved by the borough
21 assembly.

22 (b) After notification of the department's plans to remove mater-
23 ials from a state materials site located in a home rule or first or
24 second class general law borough, the borough assembly shall conduct an
25 inquiry to determine the effect of the operation of the materials site
26 on adjacent land and landowners. The inquiry shall be concluded and a
27 decision reached by the borough assembly within 45 days after the noti-
28 fication, and shall include

29 (1) on-site inspection of the land which contains the

1 materials site;

2 (2) consideration of alternate materials sites in or near the
3 borough; and

4 (3) a public hearing conducted by the borough assembly.

5 (c) The borough assembly may delegate the duties contained in (a)
6 and (b) of this section to the borough planning commission.

7 (d) In this section, "state materials site" means a site for the
8 extraction of materials which is located on state land or on land sub-
9 ject to a state materials site easement or right-of-way.

10 * Sec. 2. AS 29.38.010 is amended by adding a new subsection to read:

11 (b) Exercise of the power to regulate the use of materials sites
12 by the Department of Transportation and Public Facilities under AS 19.-
13 10.225 areawide, or in the borough area outside cities is at the option
14 of a first class borough and is not subject to the restrictions on the
15 acquisition of additional borough powers contained in (a) of this sec-
16 tion or AS 29.33.250 - 29.33.290. After adoption of a borough ordinance
17 to provide for areawide exercise of the power to regulate state use of
18 materials sites, no home rule or general law city within the borough may
19 exercise the power unless the borough ordinance so provides or the
20 borough by ordinance ceases to exercise the power.

21 * Sec. 3. AS 29.48.020 is amended to read:

22 Sec. 29.48.020. SECOND CLASS BOROUGH POWERS OUTSIDE CITIES. A
23 second class borough may, in the area outside cities,

24 (1) regulate or prohibit the offering for sale, exposure for
25 sale, sale, use, or explosion of fireworks;

26 (2) provide for licensing, impounding, and disposition of
27 animals;

28 (3) regulate the licensing and operation of motor vehicles
29 and operators;

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- (4) regulate snow vehicles as provided in AS 05.30.070;
- (5) provide for garbage and solid waste collection and disposal subject to AS 29.48.033;
- (6) provide for water pollution control;
- (7) regulate the use of materials sites by the Department of Transportation and Public Facilities under AS 19.10.225.