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Referred: Community & Regional
Affairs, Judiciary and Finance

BY POURCHOT, BOUCHER, MARTIN,
GRUENBERG, CLOCKSIN, UEHLING
AND PEARCE

1 IN THE HOUSE

2 HOUSE BILL NO. 360

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to notification of community coun-
7 cils of certain state actions."

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

9 * Section 1. AS 04.06.050 is amended to read:

10 Sec. 04.06.050. MEETINGS. The board shall meet at the call of
11 the chairman. The board shall also meet at least once each year in
12 each judicial district of the state to study this title and to modify
13 existing board regulations in light of statewide and local problems.
14 The board shall send a copy of the agenda of each meeting at least 10
15 days before the meeting to each community council established by
16 municipal charter or ordinance.

17 * Sec. 2. AS 04.11.510(b) is amended to read:

18 (b) The board may review an application for the issuance, renew-
19 al, transfer of location, or transfer to another person of a license
20 without affording the applicant notice or hearing, except

21 (1) if an application is denied, the notice of denial shall
22 be furnished the applicant immediately in writing stating the reason
23 for the denial in clear and concise language; the notice of denial
24 shall inform the applicant that the applicant [HE] is entitled to an
25 informal conference with either the director or the board, and that,
26 if not satisfied by the informal conference, the applicant [HE] is
27 then entitled to a formal hearing before the board; if the applicant
28 requests a formal hearing, the board shall adhere to AS 44.62.330 -
29 44.62.630 [(ADMINISTRATIVE PROCEDURE ACT)]; all interested persons may

1 be heard at the hearing and unless waived by the applicant and the
2 board, the formal hearing shall be held in the area for which the
3 application is requested;

4 (2) the board may, on its own initiative or in response to
5 an objection or protest, hold a hearing to ascertain the reaction of
6 the public or a local governing body to an application if a hearing is
7 not required under (1), (3), or (4) or this subsection; the board
8 shall send notice of the hearing 20 days in advance to each community
9 council established by municipal charter or ordinance;

10 (3) if a petition containing the signatures of 35 percent
11 of the adult residents having a permanent place of abode outside of
12 but within two miles of an incorporated city or an established village
13 is filed with the board, the board shall hold a public hearing on the
14 question of whether the issuance, renewal, or transfer of the license
15 in the city or village would be in the public interest;

16 (4) if a protest to the issuance, renewal, transfer of
17 location or transfer to another person of a license made by a local
18 governing body is based on a question of law, the board shall hold a
19 public hearing.

20 * Sec. 3. AS 04.11.520 is amended to read:

21 Sec. 04.11.520. NOTICE TO LOCAL GOVERNING BODY. After receipt
22 of an application from within (1) an established village, (2) an
23 incorporated city, (3) an organized borough, or (4) a unified munic-
24 ipality, the board shall transmit written notice to the local govern-
25 ing body within 10 days so that the local governing body may protest
26 under AS 04.11.480. The board shall also send written notice within
27 10 days to each community council established by municipal charter or
28 ordinance.

29 * Sec. 4. AS 33.30 is amended by adding a new section to read:

1 Sec. 33.30.025. SITING OF PRISON FACILITIES. The commissioner
2 shall notify each community council established by municipal charter
3 or ordinance of the department's plans to locate a prison facility or
4 to contract for the operation of a halfway house or other rehabilita-
5 tion program in the area represented by the community council.

6 * Sec. 5. AS 35.30.010(a) is amended to read:

7 (a) Except as provided in (b) of this section, before commencing
8 construction of a public project,

9 (1) if the project is located in a municipality, the de-
10 partment shall submit the plans for the project to the planning com-
11 mission of the municipality for review and approval;

12 (2) if the project is located within two miles of a vil-
13 lage, the department shall submit the plans to the village council for
14 review and comment;

15 (3) if the project is located within the area represented
16 by a community council established by municipal charter or ordinance,
17 the department shall submit the plans to the community council for
18 review and comment.

19 * Sec. 6. AS 38.05.945(c) is amended to read:

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

22 (1) to a municipality if the land is within the boundaries
23 of the municipality and to a community council established by munici-
24 pal charter or ordinance if the land is within the area represented by
25 the council;

26 (2) to a regional corporation if the boundaries of the
27 corporation as established by sec. 7(a) of the Alaska Native Claims
28 Settlement Act encompass the land and the land is outside a municipal-
29 ity;

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

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