

Offered: 4/24/85
Referred: Judiciary and
Finance

Original sponsors: Pourchot, Boucher,
Martin, et al

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

1 IN THE HOUSE

2

CS FOR HOUSE BILL NO. 360 (C&RA)

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-
cils and nonprofit community organizations of certain
state actions."

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

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* Section 1. AS 04.06.050 is amended to read:

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Sec. 04.06.050. MEETINGS. The board shall meet at the call of

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the chairman. The board shall also meet at least once each year in

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each judicial district of the state to study this title and to modify

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existing board regulations in light of statewide and local problems.

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The board shall send a copy of the agenda of each board meeting at

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least 10 days before the board meeting to each community council

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established by municipal charter or ordinance and to each nonprofit

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community organization that requests a copy.

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

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(b) The board may review an application for the issuance, renew-

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al, transfer of location, or transfer to another person of a license

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without affording the applicant notice or hearing, except

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(1) if an application is denied, the notice of denial shall

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be furnished the applicant immediately in writing stating the reason

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for the denial in clear and concise language; the notice of denial

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shall inform the applicant that the applicant [HE] is entitled to an

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informal conference with either the director or the board, and that,

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if not satisfied by the informal conference, the applicant [HE] is

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then entitled to a formal hearing before the board; if the applicant

1 requests a formal hearing, the board shall adhere to AS 44.62.330 -
2 44.62.630 [(ADMINISTRATIVE PROCEDURE ACT)]; all interested persons may
3 be heard at the hearing and unless waived by the applicant and the
4 board, the formal hearing shall be held in the area for which the
5 application is requested;

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

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

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

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

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

1 10 days to each community council established by municipal charter or
2 ordinance and to each nonprofit community organization that requests
3 written notice.

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

5 Sec. 33.30.025. SITING OF PRISON FACILITIES. The commissioner
6 shall notify each community council established by municipal charter
7 or ordinance of the department's plans to locate or to contract for
8 the operation of a prison facility or community residential facility
9 in the area represented by the community council. If the facility is
10 to be located or operated outside a municipality, the commissioner
11 shall notify the postmaster of each permanent settlement of more than
12 25 persons located within six miles of the proposed facility with a
13 request that the notice be posted in a conspicuous location.

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

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

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

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

23 (3) if the project is located within the area represented
24 by a community council established by municipal charter or ordinance,
25 the department shall submit the plans to the community council for
26 review and comment;

27 (4) if the project is located outside a municipality, the
28 department shall submit a description of the project to the postmaster
29 of each permanent settlement of more than 25 persons located within

1 six miles of the project with a request that the project description
2 be posted in a conspicuous location.

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

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

6 (1) to a municipality if the land is within the boundaries
7 of the municipality and to a community council established by municipi-
8 pal charter or ordinance if the land is within the area represented by
9 the council;

10 (2) to a regional corporation if the boundaries of the
11 corporation as established by sec. 7(a) of the Alaska Native Claims
12 Settlement Act encompass the land and the land is outside a municipali-
13 ty;

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

18 (4) to the postmaster of each [A] permanent settlement of
19 more than 25 persons located within six miles of the land if the land
20 is located outside a municipality, with a request that the notice be
21 posted in a conspicuous location.