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1 IN THE HOUSE

2

HOUSE BILL NO. 297

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the notification to community
7 councils and postmasters 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 board meeting not
15 less than 10 days before the meeting of the board to each community
16 council. The board shall also send a copy of the agenda of each board
17 meeting to each nonprofit community organization that requests a copy.

18 * Sec. 2. AS 04.11.310(b) is amended to read:

19 (b) Upon receipt of an application for the issuance, renewal,
20 relocation, or transfer of ownership of a license for premises or
21 proposed premises that are located within one-half mile of the boun-
22 dary [WITHIN AN AREA OF A MUNICIPALITY UNDER THE JURISDICTION] of a
23 community council established by municipal charter or ordinance [TO
24 ADVISE THE MUNICIPAL GOVERNING BODY, OR WITHIN AN AREA ADJACENT TO
25 SUCH AN AREA], the board shall

26 (1) immediately provide to the community council written
27 notice of the application; and

28 (2) at least 10 days before the date set for board action
29 on the application provide to the community council written notice of

1 the proposed action and the time and place for a hearing.

2 * Sec. 3. AS 04.11.510(b) is amended to read:

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

6 (1) if an application is denied, the notice of denial shall
7 be furnished the applicant immediately in writing stating the reason
8 for the denial in clear and concise language; the notice of denial
9 shall inform the applicant that the applicant is entitled to an in-
10 formal conference with either the director or the board, and that,
11 if not satisfied by the informal conference, the applicant is then
12 entitled to a formal hearing before the board; if the applicant re-
13 quests a formal hearing, the board shall adhere to AS 44.62.330 -
14 44.62.630 (Administrative Procedure Act); all interested persons may
15 be heard at the hearing and unless waived by the applicant and the
16 board, the formal hearing shall be held in the area for which the
17 application is requested;

18 (2) the board may, on its own initiative or in response to
19 an objection or protest, hold a hearing to ascertain the reaction of
20 the public or a local governing body to an application if a hearing is
21 not required under [(1), (3), OR (4) OR] this subsection and the board
22 shall send notice of a hearing conducted under this paragraph 20 days
23 in advance of the hearing to each community council established within
24 the municipality and to each nonprofit community organization that
25 requests notice;

26 (3) if a petition containing the signatures of 35 percent
27 of the adult residents having a permanent place of abode outside of
28 but within two miles of an incorporated city or an established village
29 is filed with the board, the board shall hold a public hearing on the

1 question of whether the issuance, renewal, or transfer of the license
2 in the city or village would be in the public interest;

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

7 * Sec. 4. AS 04.11 is amended by adding a new section to read:

8 Sec. 04.11.525. NOTICE TO COMMUNITY COUNCIL. On receipt of an
9 application for the issuance, renewal, relocation, or transfer of the
10 ownership of a license, the board shall provide written notice of the
11 proposed action and the time and place of the hearing to each communi-
12 ty council entitled to notice under AS 04.11.310(b). The notice shall
13 be provided to each community council not less than 10 days before the
14 date of the hearing.

15 * Sec. 5. AS 33.30 is amended by adding a new section to read:

16 Sec. 33.30.025. SITING OF PRISON FACILITIES. (a) The commis-
17 sioner shall notify each community council established by municipal
18 charter or ordinance of the department's plans to locate a prison
19 facility or to contract for the operation of a prison facility, commu-
20 nity residential facility, or other rehabilitation program if the
21 facility or proposed facility will be within one-half mile of the
22 boundary of the area represented by a community council.

23 (b) The commissioner shall provide a notice to the postmaster of
24 each community of more than 25 persons located within six miles of a
25 proposed prison facility, community rehabilitation facility, or other
26 rehabilitation program that is to be located outside of a municipali-
27 ty. The commissioner shall request the postmaster to post the notice
28 in a conspicuous place within the community.

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

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

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

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

9 (3) if the project is located within one-half mile of the
10 boundary of an area represented by a community council, the department
11 shall submit the plans to the community council for review and com-
12 ment;

13 (4) if the project is located outside a municipality, the
14 department shall submit a description of the project to the postmaster
15 of each permanent settlement of more than 25 persons that is located
16 within six miles of the proposed project, and the department shall re-
17 quest the postmaster to post the notice describing the project in a
18 conspicuous place within the community.

19 * Sec. 7. 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 municipi-
24 pal charter or ordinance if the land is within one-half mile of the
25 boundary of the area represented by the community 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.