

Original sponsors: Donley, Barnes,
Brown, et al.

1 IN THE HOUSE BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 297 (C&RA)

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 nonprofit community councils of certain
8 state actions."

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

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

11 Sec. 04.06.050. MEETINGS. The board shall meet at the call of
12 the chairman. The board shall also meet at least once each year in
13 each judicial district of the state to study this title and to modify
14 existing board regulations in light of statewide and local problems.
15 The board shall send a copy of the agenda of each board meeting not
16 less than 10 days before the meeting of the board to each community
17 council. The board shall also send a copy of the agenda of each board
18 meeting to each nonprofit community organization that requests a copy.

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

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

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

29 (2) at least 10 days before the date set for board action

1 on the application provide to the community council written notice of
2 the proposed action and the time and place for a hearing.

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

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

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

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

27 (3) if a petition containing the signatures of 35 percent
28 of the adult residents having a permanent place of abode outside of
29 but within two miles of an incorporated city or an established village

1 is filed with the board, the board shall hold a public hearing on the
2 question of whether the issuance, renewal, or transfer of the license
3 in the city or village would be in the public interest;

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

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

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

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

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

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

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

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

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

4 (3) if the project is located within one-half mile of the
5 boundary of an area represented by a community council established by
6 municipal charter or ordinance, the department shall submit the plans
7 to the community council for review and comment.

8 * Sec. 7. AS 38.05.945(c) is amended to read:

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

11 (1) to a municipality if the land is within the boundaries
12 of the municipality, to a coordinating body established by community
13 councils in a municipality, and to each community council established
14 by municipal charter or ordinance that requests notice;

15 (2) to a regional corporation if the boundaries of the
16 corporation as established by sec. 7(a) of the Alaska Native Claims
17 Settlement Act encompass the land and the land is outside a municipal-
18 ity;

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

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