

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

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 297 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to the notification to community
7 councils and nonprofit community organizations of
8 certain state actions."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 04.11.310(b) is amended to read:
11 (b) Upon receipt of an application for the issuance, renewal,
12 relocation, or transfer of ownership of a license for premises or
13 proposed premises that are located within one-half mile of the boun-
14 dary [WITHIN AN AREA OF A MUNICIPALITY UNDER THE JURISDICTION] of a
15 community council established by municipal charter or ordinance [TO
16 ADVISE THE MUNICIPAL GOVERNING BODY, OR WITHIN AN AREA ADJACENT TO
17 SUCH AN AREA], the board shall
18 (1) immediately provide [TO THE COMMUNITY COUNCIL] written
19 notice of the application to
20 (A) the community council; and
21 (B) any nonprofit community organization that has
22 requested notification in writing; and
23 (2) at least 10 days before the date set for board action
24 on the application provide [TO THE COMMUNITY COUNCIL] written notice
25 of the proposed action and the time and place for a hearing to
26 (A) the community council; and
27 (B) any nonprofit community organization that has
28 requested notification in writing.
29 * Sec. 2. AS 04.11.510(b) is amended to read:

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

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

16 (2) the board may, on its own initiative or in response to
17 an objection or protest, hold a hearing to ascertain the reaction of
18 the public or a local governing body to an application if a hearing is
19 not required under [(1), (3), OR (4) OR] this subsection and the board
20 shall send notice of a hearing conducted under this paragraph 20 days
21 in advance of the hearing to each community council established within
22 the municipality and to each nonprofit community organization entitled
23 to notification under AS 04.11.310(b);

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

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

5 * Sec. 3. AS 04.11 is amended by adding a new section to read:

6 Sec. 04.11.525. NOTICE TO COMMUNITY COUNCIL. On receipt of an
7 application for the issuance, renewal, relocation, or transfer of the
8 ownership of a license, the board shall provide written notice under
9 AS 04.11.310(b).

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

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

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

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

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

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

27 (3) if the project is located within one-half mile of the
28 boundary of an area represented by a community council established by
29 municipal charter or ordinance, the department shall submit the plans

1 to the community council for review and comment.

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

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

5 (1) to a municipality if the land is within the boundaries
6 of the municipality, to a coordinating body established by community
7 councils in a municipality if the coordinating body or a community
8 council within the area served by a coordinating body requests notice
9 in writing; if there is no coordinating body within the municipality,
10 notice shall be provided to each community council established by the
11 charter or ordinance of the municipality if the land is located within
12 the boundaries of the municipality and if the community council re-
13 quests notice in writing;

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

18 (3) to a village corporation organized under sec. 8(a) of
19 the Alaska Native Claims Settlement Act if the land is within 25 [SIX]
20 miles of the village for which the corporation was established and the
21 land is located outside a municipality;

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

26 (5) to a nonprofit community organization or a governing
27 body that has requested notification in writing and provided a map of
28 its boundaries, if the land is within the boundaries.

29 * Sec. 7. AS 38.05.945 is amended by adding new subsections to read:

1 (g) Failure to give notice under this section to a community
2 council, a coordinating body established by community council, or
3 an organization listed in (c)(5) of this section does not constitute a
4 legal basis for invalidation of the action.

5 (h) Notice of an action under (a) of this section shall also be
6 given, upon the receipt of a request in writing, to a

7 (1) community council established by the charter or ordi-
8 nance of the municipality if the land is located within the boundaries
9 of the municipality;

10 (2) coordinating body established by community councils in
11 a municipality in which the land is located;

12 (3) nonprofit community organization or a governing body if
13 the land is within the boundaries.

14 (i) Failure to give notice under this section to a community
15 council, coordinating body established by community council, or
16 organization listed in (h)(3) of this section does not constitute a
17 legal basis for invalidation of the action.