

AMENDMENT No. 1

By Senator Wielechowski

OFFERED IN THE

TO: CSSB 45 (CRA)

1 Page 1, line 1, through page 16, line 12 :

2 Delete all material and insert:

3 **""An Act extending the termination date of the Alaska coastal management program**
4 **and relating to the extension; relating to the review of activities and regulations of the**
5 **Alaska coastal management program; establishing the Alaska Coastal Policy Board;**
6 **relating to the development, review, and approval of district coastal management plans;**
7 **relating to the duties of the Department of Natural Resources relating to the Alaska**
8 **coastal management program; relating to the review of certain consistency**
9 **determinations; providing for an effective date by amending the effective date of secs. 1 -**
10 **13 and 18, ch. 31, SLA 2005; and providing for an effective date."**

11 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

12 * **Section 1.** AS 44.37.020 is amended by adding a new subsection to read:

13 (c) In administering the Alaska coastal management program under AS 46.39
14 and AS 46.40, the Department of Natural Resources may consider how subsistence
15 uses may be affected.

16 * **Sec. 2.** AS 44.66.020(a) is amended to read:

17 (a) Agency programs and activities listed in this subsection that are
18 specifically designated as provided in AS 44.66.030 are subject to termination during
19 the regular legislative session convening in the month and year set out after each:

20 (1) programs in the budget categories of general government, public

1 protection, and administration of justice - January, 1980;

2 (2) programs in the budget categories of education and the University
3 of Alaska - January, 1981;

4 (3) programs in the budget categories of health and social services -
5 January, 1982;

6 (4) programs in the budget categories of natural resources
7 management, development, and transportation - January, 1983;

8 (5) the Alaska coastal management program (AS 46.40) - January,
9 2017 [2011].

10 * **Sec. 3.** AS 46.39 is amended by adding a new section to article 1 to read:

11 **Sec. 46.39.005. Alaska Coastal Policy Board.** (a) The Alaska Coastal Policy
12 Board is created in the Department of Natural Resources. The board consists of the
13 following:

14 (1) five public members appointed by the governor; the public
15 members shall include

16 (A) one at-large member and an alternate member from any
17 coastal resource district who is a representative of

18 (i) a Native regional corporation established under 43
19 U.S.C. 1601 et seq. (Alaska Native Claims Settlement Act);

20 (ii) a mining organization;

21 (iii) an oil and gas organization; or

22 (iv) any other resource development or extraction
23 industry;

24 (B) four members from a list composed of at least three names
25 from each region, and four alternate members from a list composed of at least
26 three names from each region, nominated and submitted by the coastal
27 resource districts of each region; the governor may reject a list submitted under
28 this subparagraph and request that subsequent lists with different names be
29 submitted; one public member and one alternate member shall be appointed
30 from each of the following regions:

31 (i) northwest Alaska, including, generally, the area of

1 the North Slope Borough and the Northwest Arctic Borough; and the
2 Bering Strait area, including, generally, the area of the Bering Strait
3 regional educational attendance area;

4 (ii) southwest Alaska, including, generally, the area
5 within the Lower Yukon, Lower Kuskokwim, and Southwest regional
6 educational attendance areas and the Lake and Peninsula and Bristol
7 Bay Boroughs; and the Kodiak-Aleutians area, including the area of the
8 Kodiak Island and Aleutians East Boroughs and the Aleutian, Adak,
9 and Pribilof regional educational attendance areas;

10 (iii) Upper Cook Inlet area, including the Municipality
11 of Anchorage and the Matanuska-Susitna Borough; the Lower Cook
12 Inlet area, including, generally, the Kenai Peninsula Borough; and the
13 Prince William Sound area, including, generally, the area east of the
14 Kenai Peninsula Borough to 141 West longitude; and

15 (iv) Southeast Alaska, generally the area east of 141
16 West longitude;

17 (2) each of the following designated members:

- 18 (A) the commissioner of environmental conservation;
- 19 (B) the commissioner of fish and game;
- 20 (C) a deputy commissioner of natural resources;
- 21 (D) the commissioner of transportation and public facilities.

22 (b) Public members serve staggered terms of three years. Except as provided
23 by (c) of this section, each member serves until a successor is appointed and qualified.
24 A public member may be reappointed.

25 (c) The board may recommend that the governor remove a public member for
26 cause. With or without a recommendation from the board, the governor may remove a
27 public member for cause. If a public member is removed, the alternate member shall
28 serve the remainder of the term, and a new alternate shall be appointed under (a)(1) of
29 this section. In this subsection, "for cause" includes lack of contribution to the board's
30 work, neglect of duty, incompetence, inability to serve, poor attendance, and
31 misconduct in office.

1 (d) The board shall designate co-chairs, one of whom shall be selected from
2 among the public members appointed under (a)(1) of this section and one from among
3 the members designated in (a)(2) of this section.

4 (e) If a member serving under (a)(1) of this section is unable to attend, the
5 alternate may attend. The names of alternates serving under (a)(1) of this section shall
6 be filed with the board.

7 (f) If a member serving under (a)(2) of this section is unable to attend, a
8 deputy commissioner in the same department may attend and act in place of the
9 member. The names of deputy commissioners serving as alternates for members
10 serving under (a)(2) of this section shall be filed with the board.

11 (g) Three public members and three designated members of the board
12 constitute a quorum. However, action may be taken only upon the affirmative vote of
13 at least two-thirds of the full membership of the board.

14 (h) The board shall meet at least four times a year and as often as necessary to
15 fulfill its duties under this chapter and AS 46.40. Meetings may be held and members
16 may vote telephonically, except one board meeting a year shall be held in person.

17 (i) Public members of the board are entitled to per diem and travel expenses
18 authorized by law for members of boards and commissions.

19 (j) Administrative support for the board shall be provided by the division in
20 the department responsible for coastal and ocean management. The director of the
21 division in the department responsible for coastal and ocean management may contract
22 with or employ persons as necessary to assist the board in carrying out the board's
23 duties and responsibilities.

24 (k) The board shall

25 (1) make recommendations to the department relating to the approval
26 or modification of a district coastal management plan under AS 46.40.060(b);

27 (2) provide a forum for the discussion of issues related to this chapter,
28 AS 46.40, and the coastal uses and resources of the state; and

29 (3) annually solicit from state and federal agencies information as to
30 whether they implemented any new statutes or regulations affecting coastal uses or
31 resources to determine if existing enforceable policies duplicate, restate, incorporate

1 by reference, rephrase, or adopt the new state or federal statutes or regulations, and if
2 so, direct a coastal resource district with such enforceable policies to resubmit its
3 coastal management plan for review under this chapter and AS 46.40; and

4 (4) review and provide comments to the department on regulations
5 proposed under this chapter and AS 46.40.

6 * **Sec. 4.** AS 46.39.010 is amended by adding a new subsection to read:

7 (d) Not later than January 20 each year, the department shall prepare an annual
8 report summarizing the department's efforts to draft and adopt regulations under this
9 chapter and AS 46.40 during the prior calendar year. The department shall notify the
10 legislature that the report is available and shall also post the report on the department's
11 Internet website.

12 * **Sec. 5.** AS 46.39.030 is amended to read:

13 **Sec. 46.39.030. Powers of the department.** The department may

14 (1) apply for and accept grants, contributions, and appropriations,
15 including application for and acceptance of federal funds that may become available
16 for coastal planning and management;

17 (2) contract for necessary services;

18 (3) consult and cooperate with

19 (A) persons, organizations, and groups, public or private,
20 interested in, affected by, or concerned with coastal area planning and
21 management;

22 (B) agents and officials of the coastal resource districts of the
23 state, the Alaska Coastal Policy Board established in AS 46.39.005, and
24 federal and state agencies concerned with or having jurisdiction over coastal
25 planning and management;

26 (4) take any reasonable action necessary to carry out the provisions of
27 this chapter or AS 46.40.

28 * **Sec. 6.** AS 46.39.040 is amended to read:

29 **Sec. 46.39.040. Duties of the department.** In conformity with 16 U.S.C. 1451
30 - 1464 (Coastal Zone Management Act of 1972), as amended, the department shall

31 (1) develop statewide standards for the Alaska coastal management

1 program, and criteria for the preparation and approval of district coastal management
2 plans in accordance with AS 46.40;

3 (2) establish continuing coordination among state agencies to facilitate
4 the development and implementation of the Alaska coastal management program; in
5 carrying out its duties under this paragraph, the department shall initiate an
6 interagency program of comprehensive coastal resource planning for each geographic
7 region of the state;

8 (3) assure continued provision of [DATA AND] information to coastal
9 resource districts to carry out their planning and management functions under the
10 program; in providing information to a coastal resource district and coastal
11 resource service area under this paragraph, the department shall provide the
12 information by electronic transmission, or by mail if the addressee does not have
13 an electronic mail address, to the presiding officer of the governing body of the
14 coastal resource district and to other persons as may be designated in writing by
15 the district;

16 (4) summarize the minutes of the board's discussion of issues
17 related to this chapter, AS 46.40, and coastal uses and resources of the state.

18 * Sec. 7. AS 46.40.030 is amended to read:

19 **Sec. 46.40.030. Development of district coastal management plans.** (a)
20 Coastal resource districts shall develop and adopt district coastal management plans in
21 accordance with the provisions of this chapter. The plan adopted by a coastal resource
22 district shall be based upon a municipality's existing comprehensive plan or a new
23 comprehensive resource use plan or comprehensive statement of needs, policies,
24 objectives, and standards governing the use of resources within the coastal area of the
25 district. The plan must meet the [STATEWIDE STANDARDS AND] district plan
26 criteria adopted under AS 46.40.040, may not be inconsistent with the standards
27 adopted under AS 46.40.040, and must include

28 (1) a delineation within the district of the boundaries of the coastal area
29 subject to the district coastal management plan;

30 (2) a statement, list, or definition of the land and water uses and
31 activities subject to the district coastal management plan;

1 (3) a statement of **enforceable** policies to be applied to the land and
2 water uses subject to the district coastal management plan; **and**

3 (4) [A DESCRIPTION OF THE USES AND ACTIVITIES THAT
4 WILL BE CONSIDERED PROPER AND THE USES AND ACTIVITIES THAT
5 WILL BE CONSIDERED IMPROPER WITH RESPECT TO THE LAND AND
6 WATER WITHIN THE COASTAL AREA; AND

7 (5)] a designation of **any** [, AND THE POLICIES THAT WILL BE
8 APPLIED TO THE USE OF,] areas **which merit special attention under** [WITHIN]
9 the **district coastal management plan and a designation of the enforceable policies**
10 **that will be applicable within those areas which** [RESOURCE DISTRICT THAT]
11 merit special attention.

12 (b) In developing enforceable policies in its coastal management plan under
13 (a) of this section, a coastal resource district shall **meet the requirements of**
14 **AS 46.40.070 and ensure that the enforceable policies**

15 **(1) are clear and concise as to the activities and persons affected by**
16 **the policies;**

17 **(2) use prescriptive or performance-based standards that are**
18 **written in precise and enforceable language;**

19 **(3) address a coastal use or resource of concern to the residents of**
20 **the coastal resource district and consider the aggregate evidence relating to that**
21 **concern; and**

22 **(4) employ the least restrictive means to achieve the objective of**
23 **the enforceable policy** [MEET THE REQUIREMENTS OF AS 46.40.070 AND
24 MAY NOT DUPLICATE, RESTATE, OR INCORPORATE BY REFERENCE
25 STATUTES AND ADMINISTRATIVE REGULATIONS ADOPTED BY STATE
26 OR FEDERAL AGENCIES].

27 * **Sec. 8.** AS 46.40.030 is amended by adding new subsections to read:

28 (c) In determining whether an enforceable policy employs the least restrictive
29 means to achieve its objective, the following factors shall be considered:

30 (1) alternative methods of achieving the objective of the policy;

31 (2) the aggregate evidence relating to each alternative method; and

1 (3) how the alternative methods may affect other existing or potential
2 uses.

3 (d) Additional factors that the department may require be addressed in
4 determining whether an enforceable policy employs the least restrictive means to
5 achieve its objective are as follows:

6 (1) the economic effects of alternative methods;

7 (2) the technological feasibility of the alternative methods; and

8 (3) any other relevant factors.

9 * **Sec. 9.** AS 46.40.040(b) is amended to read:

10 (b) **Notwithstanding any other provision of law,** AS 46.03, AS 46.04,
11 AS 46.09, AS 46.14, and the regulations adopted under those statutes constitute the
12 exclusive enforceable policies of the Alaska coastal management program for those
13 purposes. For those purposes only,

14 (1) the issuance of permits, certifications, approvals, and
15 authorizations by the Department of Environmental Conservation establishes
16 consistency with the Alaska coastal management program for those activities of a
17 proposed project subject to those permits, certifications, approvals, and authorizations;

18 (2) for a consistency review of an activity that does not require a
19 Department of Environmental Conservation permit, certification, approval, or
20 authorization because the activity is a federal activity or the activity is located on
21 federal land or the federal outer continental shelf, consistency with AS 46.03,
22 AS 46.04, AS 46.09, and AS 46.14 and the regulations adopted under those statutes
23 shall be established on the basis of whether the Department of Environmental
24 Conservation finds that the activity satisfies the requirements of those statutes and
25 regulations.

26 * **Sec. 10.** AS 46.40.050 is amended by adding a new subsection to read:

27 (c) A coastal resource district shall resubmit its coastal management plan, as
28 may be directed by the board under AS 46.39.005(k)(3).

29 * **Sec. 11.** AS 46.40.060(a) is amended to read:

30 (a) If, upon submission of a district coastal management plan for approval, the
31 department finds that the plan meets the provisions of this chapter [AND THE

1 STATEWIDE STANDARDS AND DISTRICT PLAN CRITERIA ADOPTED BY
2 THE DEPARTMENT AND DOES NOT ARBITRARILY OR UNREASONABLY
3 RESTRICT OR EXCLUDE USES OF STATE CONCERN], the department may
4 approve the district coastal management plan, or may approve portions of the district
5 plan that meet those requirements.

6 * **Sec. 12.** AS 46.40.060(b) is amended to read:

7 (b) If the department finds that a district coastal management plan is not
8 approvable or is approvable only in part under (a) of this section, **the department**
9 **shall explain in writing the basis for its decision. The coastal resource district that**
10 **submitted the plan may request that the department submit the plan or portions**
11 **of the plan to the board for review. The board shall review the plan or portions of**
12 **the plan and make recommendations relating to whether the department should**
13 **approve or modify the district coastal management plan in whole or in part** [IT
14 SHALL DIRECT THAT DEFICIENCIES IN THE PLAN SUBMITTED BY THE
15 COASTAL RESOURCE DISTRICT BE MEDIATED. IN MEDIATING THE
16 DEFICIENCIES, THE DEPARTMENT MAY CALL FOR ONE OR MORE PUBLIC
17 HEARINGS IN THE DISTRICT. THE DEPARTMENT SHALL MEET WITH
18 OFFICIALS OF THE COASTAL RESOURCE DISTRICT IN ORDER TO
19 RESOLVE DIFFERENCES].

20 * **Sec. 13.** AS 46.40.060(c) is amended to read:

21 (c) **After the board has reviewed the district coastal management plan**
22 **and submitted recommendations under (b) of this section** [IF, AFTER
23 MEDIATION, THE DIFFERENCES HAVE NOT BEEN RESOLVED], the
24 department shall enter findings and, by order, may [REQUIRE]

25 (1) **approve the plan or portions of the plan;**

26 (2) **require** that the district coastal management plan be amended to
27 **meet** [SATISFY] the provisions of this chapter [OR MEET THE STATEWIDE
28 STANDARDS] and district plan criteria adopted by the department;

29 (3) **require** [(2)] that the district coastal management plan be revised
30 to accommodate a use of state concern; or

31 (4) **require the coastal resource district to submit additional**

1 information if, in the judgment of the department, additional information is
2 necessary for the department to approve the plan or portions of the plan [(3)
3 ANY OTHER ACTION BE TAKEN BY THE COASTAL RESOURCE DISTRICT
4 AS APPROPRIATE].

5 * **Sec. 14.** AS 46.40.060 is amended by adding new subsections to read:

6 (e) Only a coastal resource district affected by a decision of the department
7 under this section may request reconsideration of the decision. The request must be
8 made within 15 days after the decision, must be in writing, and must include a
9 statement of the specific issues and material facts that the coastal resource district
10 contends that the department overlooked, failed to consider, or misconceived. The
11 commissioner of natural resources may review the department's decision on the basis
12 of the request and determine whether the decision should be changed. The
13 commissioner may issue a determination in writing within 20 days after the issuance
14 of the decision. If the commissioner has not issued a written decision within the 20-
15 day period, the request for reconsideration shall be considered as denied. Denial of a
16 request for reconsideration is a final administrative order and decision of the
17 department.

18 (f) The superior courts of the state have jurisdiction to enforce orders of the
19 department entered under (c) and (e) of this section.

20 * **Sec. 15.** AS 46.40.070 is repealed and reenacted to read:

21 **Sec. 46.40.070. Requirements for department review and approval.** (a) The
22 department shall approve a district coastal management plan submitted for review and
23 approval if, as determined by the department, the

24 (1) district coastal management plan meets the requirements of this
25 chapter and the district plan criteria adopted by the department; and

26 (2) enforceable policies of the district coastal management plan

27 (A) do not duplicate, restate, incorporate by reference,
28 rephrase, or adopt state or federal statutes or regulations;

29 (B) are not preempted by or in conflict with state or federal
30 statutes or regulations;

31 (C) employ the least restrictive means to achieve the objective

1 of the enforceable policies;

2 (D) do not arbitrarily or unreasonably restrict uses of state
3 concern; and

4 (E) meet the requirements of (b) and (c) of this section.

5 (b) The enforceable policies in a district coastal management plan submitted
6 for review under this section that meet the requirements of (a) of this section may
7 establish new standards or requirements that are within the authority of a state or
8 federal agency unless

9 (1) a state agency specifically objects to the proposed new standards or
10 requirements on the grounds that the proposed standards or requirements

11 (A) are based on aggregate evidence that is relied upon by the
12 coastal resource district to satisfy the requirements of AS 46.40.030 but that
13 conflicts with the agency's interpretation of the aggregate evidence within the
14 agency's area of expertise;

15 (B) conflict with the agency's allocation of existing or planned
16 agency resources to meet state policies and objectives; or

17 (C) conflict with agency priorities or objectives, or other state
18 policies;

19 (2) the proposed new standards or requirements address discharges,
20 emissions, contaminants, conditions, risks, or other matters that fall within the
21 authority of the Department of Environmental Conservation under AS 46.03,
22 AS 46.04, AS 46.09, AS 46.14, and regulations adopted under those statutes.

23 (c) An approval of a district coastal management plan with enforceable
24 policies may not affect a person's rights or authorizations under an unexpired permit,
25 lease, or other valid existing right to explore or develop natural resources that predates
26 the date that the enforceable policy becomes final. An enforceable policy becomes
27 final when its adoption is no longer subject to further review through either a judicial
28 or administrative process.

29 (d) Notwithstanding AS 46.40.030(a)(4), in reviewing and approving a district
30 coastal management plan under (a) of this section, the department may not require a
31 district to designate areas for the purpose of developing an enforceable policy.

1 (e) In this section, "specifically objects" means that, during a review of a
2 district coastal management plan under AS 46.40.050 or 46.40.060 and their
3 implementing regulations, a written objection to the enforceable policy that establishes
4 the new standards or requirements is filed with the department by

- 5 (1) the commissioner or deputy commissioner of a state agency; or
- 6 (2) the attorney general of the state.

7 (f) Notwithstanding any other provision of this chapter, an enforceable policy
8 that establishes requirements within the authority of a state or federal agency shall be
9 superseded upon the enactment of a law or adoption of a regulation that is inconsistent
10 with the enforceable policy.

11 * **Sec. 16.** AS 46.40.096(d) is amended to read:

12 (d) In preparing a consistency review and determination for a proposed
13 project, the reviewing entity shall

14 (1) request consistency review comments for the proposed project
15 from state resource agencies, affected coastal resource districts, and other interested
16 parties as determined by regulation adopted by the department;

17 (2) prepare proposed consistency determinations;

18 (3) **conduct an elevated review** [COORDINATE SUBSEQUENT
19 REVIEWS] of proposed consistency determinations prepared under (2) of this
20 subsection; **an elevated** [A SUBSEQUENT] review of a proposed consistency
21 determination under this paragraph

22 (A) **shall be conducted** [IS LIMITED TO A REVIEW] by the
23 **commissioners or deputy commissioners of the resource agencies**
24 [DEPARTMENT];

25 (B) may occur only if requested by

26 (i) the project applicant;

27 (ii) a state resource agency; or

28 (iii) an affected coastal resource district; and

29 (C) shall be completed **with the issuance of a written order**
30 **signed by at least two of the commissioners or deputy commissioners of**
31 **the resource agencies** [BY THE DEPARTMENT] within **60** [45] days after

1 the initial request for an elevated [SUBSEQUENT] review under this
2 paragraph; if a written order is not issued in accordance with this
3 subparagraph, the proposed consistency determination under (2) of this
4 subsection is the final consistency determination and certification; and

5 (4) render the final consistency determination and certification
6 consistent with this subsection.

7 * Sec. 17. AS 46.40.096(o) is amended to read:

8 (o) The time limitations in (n) of this section

9 (1) do not apply to a consistency review involving the disposal of an
10 interest in state land or resources;

11 (2) are suspended

12 (A) from the time the reviewing entity determines that the
13 applicant has not adequately responded in writing within 14 days after the
14 receipt of a written request from the reviewing entity for additional
15 information, until the time the reviewing entity determines that the applicant
16 has provided an adequate written response;

17 (B) during a period of time requested by the applicant;

18 (C) during the period of time a consistency review is
19 undergoing an elevated [A SUBSEQUENT] review under (d)(3) of this
20 section.

21 * Sec. 18. AS 46.40.096(q)(2) is amended to read:

22 (2) "reviewing entity" means the

23 (A) Department of Natural Resources, for a consistency review
24 subject to AS 46.39.010;

25 (B) commissioners or deputy commissioners of the resource
26 agencies for an elevated review;

27 (C) state agency identified in (b) of this section, for a
28 consistency review not subject to AS 46.39.010.

29 * Sec. 19. AS 46.40.180(b) is amended to read:

30 (b) If a city or village within a coastal resource service area fails to approve a
31 portion of the district coastal management plan prepared and submitted for approval

1 under (a) of this section, the governing body shall advise the coastal resource service
2 area board of its objections to the proposed plan and suggest alternative elements or
3 components for inclusion in the district coastal management plan. New matter
4 submitted by a city or village that **is not inconsistent with the standards adopted**
5 **under AS 46.40.040 and** meets the [STATEWIDE STANDARDS AND] district plan
6 criteria adopted under this chapter shall be accepted and the district coastal
7 management plan modified accordingly. If a city or village fails to provide objections
8 and suggested alternatives within the time limits established in this section, the coastal
9 resource service area board may adopt the district coastal management plan as initially
10 offered.

11 * **Sec. 20.** AS 46.40.210 is amended by adding new paragraphs to read:

12 (13) "aggregate evidence" means the most complete and competent
13 information available that relates to an enforceable policy in a district coastal
14 management plan or the development of an enforceable policy in a proposed district
15 coastal management plan; in this paragraph, "information" includes

16 (A) data that are obtained through the scientific method, that
17 relate to established chemical, physical, biological, or ecosystem management
18 principles, that are in a form that allows resource agency review for scientific
19 merit, and that are supported by one or more of the following:

20 (i) written analysis based on field observations and
21 professional judgment along with photographic or other documentation;

22 (ii) written analysis from a professional scientist with
23 expertise in the specific discipline; or

24 (iii) site-specific scientific research that may include
25 peer-review level research or literature; and

26 (B) knowledge about the coastal environment or the human use
27 of that environment, including information passed down through generations,
28 if that knowledge is

29 (i) derived from experience and observations;

30 (ii) generally accepted by the local community; and

31 (iii) not determined by a resource agency to be

1 inconsistent with competent information described under (A) of this
2 paragraph;

3 (14) "board" means the Alaska Coastal Policy Board established in
4 AS 46.39.005;

5 (15) "commissioners" means the commissioners of the resource
6 agencies;

7 (16) "elevated review" means a review of a proposed consistency
8 determination by the commissioners or deputy commissioners of the resource
9 agencies.

10 * **Sec. 21.** AS 46.39.005 is repealed.

11 * **Sec. 22.** AS 46.40.060(d) is repealed.

12 * **Sec. 23.** The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 APPLICABILITY. The changes to AS 44.37.020, AS 46.39, and AS 46.40 made by
15 secs. 1, 3 - 20, and 22 of this Act apply only on and after July 1, 2012.

16 * **Sec. 24.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 TRANSITION: MEMBERS OF THE ALASKA COASTAL POLICY BOARD;
19 STAGGERED TERMS. Notwithstanding AS 46.39.005(a), added by sec. 3 of this Act, and
20 secs. 23 and 31 of this Act, within 30 days after the effective date of this section, the
21 municipalities of each region identified in AS 46.39.005(a)(1)(B) shall submit to the governor
22 the names of three persons to be considered for appointment as public members, and the
23 names of three persons to be considered as alternate members, from the region qualified under
24 AS 46.39.005(a), added by sec. 3 of this Act. Notwithstanding AS 46.39.005, added by sec. 3
25 of this Act, and secs. 23 and 31 of this Act, within 60 days after the effective date of this
26 section, the governor shall appoint, from the lists of names submitted under
27 AS 46.39.005(a)(1)(B), one member and one alternate member from each region, or request
28 subsequent lists of names in accordance with AS 46.39.005(a)(1)(B), and shall appoint one at-
29 large member and one alternate member to serve on the Alaska Coastal Policy Board
30 established by AS 46.39.005, added by sec. 3 of this Act. The governor shall appoint the
31 public members to three-year staggered terms to begin on the date AS 46.39.005 takes effect.

1 The alternate member for each public member shall serve the same term as the public
2 member. The governor shall specify the term of each public member appointed subject to this
3 section.

4 * **Sec. 25.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

6 **TRANSITION: PENDING DISTRICT COASTAL MANAGEMENT PLANS.** If a
7 plan of a coastal resource district was submitted to the Department of Natural Resources
8 before July 1, 2012, but is pending approval in its entirety before July 1, 2012, the coastal
9 resource district shall resubmit the entire plan to the Department of Natural Resources for
10 approval using the standards set out in AS 46.39 and AS 46.40, as modified by secs. 1, 3 - 20,
11 and 22 of this Act.

12 * **Sec. 26.** The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 **REVIEW AND REPORT BY THE ALASKA COASTAL POLICY BOARD.** Before
15 February 1, 2014, the Alaska Coastal Policy Board shall review AS 46.40.040(b), as amended
16 by sec. 9 of this Act, AS 46.40.040(c), and AS 46.40.096(i), their implementing regulations,
17 and related federal and state statutes and regulations, and prepare a report to the governor and
18 the legislature on any proposed changes to the provisions of AS 46.40.

19 * **Sec. 27.** The uncodified law of the State of Alaska is amended by adding a new section to
20 read:

21 **RETROACTIVITY AND REVIVAL.** (a) The amendment to AS 44.66.020(a)(5)
22 made by sec. 2 of this Act is retroactive to January 1, 2011.

23 (b) If, under AS 01.10.070(c), sec. 29 of this Act takes effect on or after July 1, 2011,
24 sec. 29 of this Act is retroactive to July 1, 2011, the provisions repealed by sec. 18, ch. 31,
25 SLA 2005, are revived, and the provisions amended by secs. 1 - 13, ch. 31, SLA 2005, are
26 amended to read as they read on June 30, 2011, subject to reconciliation with other bills
27 affecting those sections passed by the Twenty-Seventh Alaska State Legislature and enacted
28 into law. If a provision is revived, it is revived as the provision read on June 30, 2011. The
29 revived or amended provisions are subject to secs. 23 and 31 of this Act and to amendment
30 and repeal under sec. 22, ch. 31, SLA 2005, as amended by sec. 29 of this Act.

31 (c) Notwithstanding (b) of this section, if sec. 29 of this Act does not receive the

1 concurrence of two-thirds of the membership of each house as required under art. II, sec. 18,
2 Constitution of the State of Alaska,

3 (1) the provisions repealed by sec. 18, ch. 31, SLA 2005, are revived
4 retroactive to July 1, 2011; if a provision is revived, it is revived as it read on June 30, 2011;
5 and

6 (2) the provisions amended by secs. 1 - 13, ch. 31, SLA 2005, are amended to
7 read as they read on June 30, 2011, subject to reconciliation with other bills affecting those
8 sections passed by the Twenty-Seventh Alaska State Legislature and enacted into law.

9 (d) If, under AS 01.10.070(c), sec. 29 of this Act takes effect on or after July 1, 2011,
10 regulations adopted under AS 46.39 and AS 46.40 and annulled as a result of repeals made by
11 sec. 18, ch. 31, SLA 2005, are revived to the extent that the regulations are consistent with
12 this Act.

13 * **Sec. 28.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 **CONDITIONAL EFFECT.** Section 21 of this Act takes effect only if

16 (1) AS 46.39.005 takes effect after July 1, 2011; and

17 (2) secs. 1 - 13 and 18, ch. 31, SLA 2005, take effect.

18 * **Sec. 29.** The uncodified law of the State of Alaska enacted in sec. 22, ch. 31, SLA 2005, is
19 amended to read:

20 Sec. 22. Sections 1 - 13 and 18, ch. 31, SLA 2005, [OF THIS ACT] take effect
21 July 1, 2017 [2011, UNLESS THE STATE'S REVISED COASTAL
22 MANAGEMENT PROGRAM HAS NOT BEEN APPROVED BY THE NATIONAL
23 OCEANIC AND ATMOSPHERIC ADMINISTRATION, OFFICE OF OCEAN AND
24 COASTAL RESOURCE MANAGEMENT, UNITED STATES DEPARTMENT OF
25 COMMERCE, UNDER 16 U.S.C. 1455 AND 1457 (COASTAL ZONE
26 MANAGEMENT ACT OF 1972) BEFORE JANUARY 1, 2006. IF THE STATE'S
27 REVISED COASTAL MANAGEMENT PROGRAM IS NOT APPROVED
28 BEFORE JANUARY 1, 2006, BY THE NATIONAL OCEANIC AND
29 ATMOSPHERIC ADMINISTRATION, OFFICE OF OCEAN AND COASTAL
30 RESOURCE MANAGEMENT, UNITED STATES DEPARTMENT OF
31 COMMERCE, THEN SECS. 1 - 13 AND 18 OF THIS ACT TAKE EFFECT

1 MAY 10, 2006. THE COMMISSIONER OF NATURAL RESOURCES SHALL
2 NOTIFY THE REVISOR OF STATUTES ON FEBRUARY 1, 2006, WHETHER
3 THE REVISED COASTAL MANAGEMENT PROGRAM HAS BEEN APPROVED
4 AS DESCRIBED IN THIS SECTION].

5 * **Sec. 30.** If sec. 21 of this Act takes effect under sec. 28 of this Act, it takes effect on the
6 date that secs. 1 - 13 and 18, ch. 33, SLA 2005, take effect.

7 * **Sec. 31.** Sections 1, 3 - 20, 22, 25, and 26 of this Act take effect July 1, 2012.

8 * **Sec. 32.** Except as provided in secs. 30 and 31 of this Act, this Act takes effect
9 immediately under AS 01.10.070(c)."