

Introduced: 1/12/82  
Referred: Resources, Community  
& Regional Affairs and Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 655

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act transferring the Alaska Coastal Policy Council  
7 and the Office of Coastal Management, and making amend-  
8 ments to the coastal management program; and providing  
9 for an effective date."

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

11 \* Section 1. AS 39.25.120 is amended by adding a new paragraph to read:

12 (20) the executive director of the office of coastal manage-  
13 ment, located in the Department of Community and Regional Affairs.

14 \* Sec. 2. AS 44.47 is amended by adding new sections to read:

15 ARTICLE 11. ALASKA COASTAL POLICY COUNCIL.

16 Sec. 44.47.600. ALASKA COASTAL POLICY COUNCIL. (a) There is  
17 created in the Department of Community and Regional Affairs the Alaska  
18 Coastal Policy Council. The council consists of the following:

19 (1) nine public members appointed by the governor from a list  
20 comprised of at least three names from each region, nominated by the  
21 municipalities of each region; the nominees must be the mayor or member  
22 of the assembly or council of a municipality, or a member of a coastal  
23 resource service area board for a coastal resource district within the  
24 region; one public member must be appointed from each of the following  
25 general regions:

26 (A) northwest Alaska, including, generally, the area of  
27 the North Slope Borough and the Northwest Arctic regional educa-  
28 tional attendance area;

29 (B) Bering Straits, including, generally, the area of

1 the Bering Straits regional educational attendance area;

2 (C) southwest Alaska, including, generally, the area  
3 within the Lower Yukon, Lower Kuskokwim, Southwest, and Lake-Penin-  
4 sula regional educational attendance areas and the Bristol Bay  
5 Borough;

6 (D) Kodiak-Aleutians, including the area of the Kodiak  
7 Island Borough and the Aleutian, Adak, and Pribilof regional educa-  
8 tional attendance areas;

9 (E) Upper Cook Inlet, including the Municipality of  
10 Anchorage and the Matanuska-Susitna Borough;

11 (F) Lower Cook Inlet, including, generally, the area  
12 within the Kenai Peninsula Borough;

13 (G) Prince William Sound, including, generally, the  
14 area east of the Kenai Peninsula Borough to 141° W. longitude;

15 (H) northern Southeast Alaska, including the area south-  
16 east of 141° W. longitude and north of 57° N. latitude, including  
17 the entirety of the City and Borough of Sitka; and

18 (I) southern Southeast Alaska, including that portion  
19 of southeastern Alaska not contained within the area described in  
20 (H) of this paragraph;

21 (2) each of the following:

22 (A) the director of the division of policy development  
23 and planning;

24 (B) the commissioner of the Department of Commerce and  
25 Economic Development;

26 (C) the commissioner of the Department of Community and  
27 Regional Affairs;

28 (D) the commissioner of the Department of Environmental  
29 Conservation;

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- (E) the commissioner of the Department of Fish and Game;
- (F) the commissioner of the Department of Natural Resources; and
- (G) the commissioner of the Department of Transportation and Public Facilities.

(b) Each public member appointed by the governor under (a)(1) of this section serves a term of two years and until his successor is appointed and qualified, except that the term of office of a public member first appointed under (a)(1)(A), (a)(1)(C), (a)(1)(E) and (a)(1)(G) of this section shall be one year. A public member may be reappointed.

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

(d) Each member of the council shall select one person to serve as a permanent alternate at meetings of the council. If a member of the council is unable to attend, he shall advise the alternate who may attend and act in the place of the member. The alternate for a public member appointed under (a)(1) of this section must, at the time of his designation and throughout the period of his service as a permanent alternate, be the mayor or member of the assembly or council of a municipality or member of a coastal resource service area board, within the region from which the permanent member is appointed. The alternate for a designated member serving under (a)(2) of this section must be a deputy commissioner of the department, a special assistant to the commissioner, the director of a division in the department, or, for the division of policy development and planning, the deputy director of the division. The names of alternates must be filed with the council.

(e) Four public members and three designated members of the coun-

1 cil constitute a quorum, but one or more of the members designated by  
2 the council may hold hearings. All decisions of the council must be  
3 made by a majority vote of the members present and voting.

4 (f) Members of the council or their alternates are entitled to per  
5 diem and travel expenses authorized by law for members of boards and  
6 commissions.

7 (g) If an incumbent public member ceases to meet the qualifica-  
8 tions prescribed in (a)(1) of this section for appointment to the coun-  
9 cil or if a vacancy exists among the public members for any other reason  
10 except for a vacancy due to the expiration of the term of a public  
11 member, the governor shall, within 30 days after the establishment of  
12 the vacancy by lack of qualification or other reason, make an appoint-  
13 ment, to be immediately effective, for the unexpired portion of the  
14 term. An appointment by the governor made under this subsection to fill  
15 an unexpired term of a public member must comply with the requirements  
16 of (a)(1) of this section; however, the governor may appoint from quali-  
17 fied persons without soliciting from municipalities nominations of  
18 persons to fill the unexpired portion of the term.

19 Sec. 44.47.605. POWERS OF THE COUNCIL. The council may

20 (1) apply for and accept grants, contributions, and appro-  
21 priations, including application for and acceptance of federal funds  
22 which may become available for coastal planning and management;

23 (2) contract for necessary services;

24 (3) consult and cooperate with

25 (A) persons, organizations, and groups, public or pri-  
26 vate, interested in, affected by, or concerned with coastal area  
27 planning and management;

28 (B) agents and officials of the coastal resource dis-  
29 tricts of the state, and federal and state agencies concerned with

1 or having jurisdiction over coastal planning and management;

2 (4) take any reasonable action necessary to carry out the  
3 provisions of AS 44.47.600 -- 44.47.615.

4 Sec. 44.47.610. DUTIES OF THE COUNCIL. In conformity with the  
5 Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et  
6 seq.), the council shall

7 (1) through the public hearing process and the recording of  
8 the minutes of the hearings, develop guidelines and standards for the  
9 preparation of, and approve, in accordance with AS 46.40, the Alaska  
10 coastal management program;

11 (2) establish continuing coordination among state agencies to  
12 facilitate the development and implementation of the Alaska coastal  
13 management program;

14 (3) assure continued provision of data and information to  
15 coastal resource districts to carry out their planning and management  
16 functions under the program; and

17 (4) submit annually to the legislature, not later than the  
18 10th day of each regular session, the portion of the coastal management  
19 program approved or amended by the council during the preceding year.

20 Sec. 44.47.615. OFFICE OF COASTAL MANAGEMENT; COUNCIL STAFF.  
21 There is created in the department the office of coastal management.  
22 The office shall provide the staff for the council. The commissioner  
23 shall employ the executive director of the office, with the concurrence  
24 of the council. The position of executive director is in the partially  
25 exempt service under AS 39.25.120. The executive director of the of-  
26 fice, with the concurrence of the commissioner, may contract with or  
27 employ personnel or consultants necessary to carry out the powers and  
28 duties of the council. The commissioner and the council shall enter  
29 into an agreement for the operation of the office of coastal management.

1           Sec. 44.47.620. DEFINITION. In AS 44.47.600 -- 44.47.620, "coun-  
2   cil" means the Alaska Coastal Policy Council.

3 \* Sec. 3. AS 46.40.010(a) is amended to read:

4           (a) The Alaska Coastal Policy Council established in AS 44.47.600  
5 [AS 44.19.891] shall approve, in accordance with AS 46.40.010 -- 46.40.-  
6 210, the Alaska coastal management program.

7 \* Sec. 4. AS 46.40.050 is repealed and reenacted to read:

8           Sec. 46.40.050. ACTION AND SUBMISSION BY COASTAL RESOURCE DIS-  
9 TRICTS. Each coastal resource district which, on the effective date of  
10 this section, has not yet submitted to the council a district coastal  
11 management program and received the council's approval of the district  
12 program shall, within six months after the effective date of this sec-  
13 tion, or within six months after the certification of the results of the  
14 first coastal resource service area board election under AS 46.40.140,  
15 whichever is later, submit to the council a schedule for the development  
16 of the district coastal management program. The schedule shall include  
17 dates for the completion and submission of the district program to the  
18 council. After consultation with the district, the council shall deter-  
19 mine whether to approve, reject, or modify the district's schedule for  
20 development of the district program. The district shall submit progress  
21 reports to the council during the development of the district coastal  
22 management program annually or more frequently as determined by the  
23 council.

24 \* Sec. 5. AS 46.40.060(a) is amended to read:

25           (a) If, upon submission of a district coastal management program  
26 for approval, the council finds that the program is substantially con-  
27 sistent with the provisions of this chapter and the guidelines and  
28 standards adopted by the council and does not arbitrarily or unreason-  
29 ably restrict or exclude uses of state concern, the council may

1                   (1) grant summary approval of the district coastal [COSTAL]  
2 management program; [,]

3                   (2) grant approval of the district program with conditions  
4 with which the district must comply within time periods specified by  
5 the council; or

6                   (3) [MAY] approve portions of the district program which  
7 are consistent.

8 \* Sec. 6. AS 46.40.140(a) is amended to read:

9                   (a) Each coastal resource service area, upon organization, shall  
10 have an elected board representing the population of the service area.  
11 The board shall have the powers and duties and perform the functions  
12 prescribed for or required of coastal resource districts in the devel-  
13 opment and submittal of the district coastal management program, or any  
14 amendments to the district program, to the council for its approval.  
15 The board shall assist state agencies in their implementation of the  
16 approved district program under AS 46.40.090(a). The board may, in a  
17 timely manner, provide the state agencies with comments and recommenda-  
18 tions on the application of the district program to proposed land and  
19 water uses or activities.

20 \* Sec. 7. AS 46.40.140(b) is repealed and reenacted to read:

21                   (b) Coastal resource service area board members are to be elected  
22 at large by the qualified voters of the coastal resource service area.  
23 The board must consist of five, seven, nine, or eleven members. The  
24 commissioner of the Department of Community and Regional Affairs shall  
25 determine the number of board members before the first board election,  
26 in consultation with the residents of the coastal resource service area.

27 \* Sec. 8. AS 46.40.170(b) is amended to read:

28                   (b) At the request of the council, the Department of Community and  
29 Regional Affairs shall complete the district coastal management program

1 in accordance with this chapter and the guidelines and standards adopted  
2 by the council for a coastal resource service area which has been organ-  
3 ized but which has failed to make substantial progress in the prepara-  
4 tion of an approvable district coastal management program within the  
5 time limitations approved by the council for completion and submission  
6 of the district program under AS 46.40.050 [18 MONTHS OF CERTIFICATION  
7 OF THE RESULTS OF AN ORGANIZATION ELECTION OR WHICH HAS NOT SUBMITTED  
8 FOR APPROVAL TO THE COUNCIL A PROGRAM WITHIN 30 MONTHS OF CERTIFICATION  
9 OF THE RESULTS OF ITS ORGANIZATION ELECTION]. Preparation of the pro-  
10 gram shall be conducted in consultation with the coastal resource ser-  
11 vice area and shall, to the maximum extent consistent with this chapter,  
12 reflect the expressed concerns of the residents of the service area.

13 \* Sec. 9. AS 46.40.170(c) is amended to read:

14 (c) Before requesting the department to complete the district  
15 coastal management program under (b) of this section, the council shall  
16 meet with the members of the coastal resource service area board to  
17 determine whether the board is able to complete a district coastal man-  
18 agement program within the time limitations established by the council  
19 under AS 46.40.050 [IN THIS SECTION].

20 \* Sec. 10. AS 46.40.190(b) is amended to read:

21 (b) Nothing in this chapter restricts or prohibits cooperative or  
22 joint administration of functions between a municipality and a coastal  
23 resource service area organized under the provisions of this chapter  
24 upon initiation of a mutual agreement for the purpose. A city which  
25 elects to be excluded from an adjacent coastal resource service area  
26 under (a) of this section shall establish procedures, as appropriate,  
27 for the mutual exchange of information concerning the development and  
28 implementation of the district program [ENTER INTO A MUTUAL AGREEMENT  
29 FOR COOPERATIVE OR JOINT ADMINISTRATION OF FUNCTIONS] with the coastal

1 resource service area board from the adjacent coastal resource service  
2 area.

3 \* Sec. 11. AS 46.40 is amended by adding a new section to read:

4 Sec. 46.40.195. CONTINUANCE OF DISTRICT PROGRAMS. A district  
5 coastal management program which is approved by the council continues in  
6 effect as the district coastal management program for a coastal resource  
7 district, or portion of a district, which organizes as a new local  
8 government under AS 29.18 which has and exercises planning powers; or is  
9 reclassified to assume planning powers in accordance with AS 29.08.040;  
10 or alters its municipal boundaries in accordance with AS 29.68 or other  
11 lawful means. However, nothing in this section prohibits a new local  
12 government which is formed from all or a portion of a coastal resource  
13 district from amending the district program for the coastal area con-  
14 tained within its boundaries in accordance with this chapter and the  
15 standards and guidelines adopted by the council.

16 \* Sec. 12. AS 44.19.155 -- 44.19.162 are repealed.

17 \* Sec. 13. Coastal resource service areas which have organized and  
18 elected a coastal resource service area board as of the effective date of  
19 AS 46.40.140(b), repealed and reenacted in sec. 7 of this Act shall, within  
20 six months after the effective date of this Act, choose whether to decrease  
21 or increase the existing number of board members to five, nine, or eleven  
22 members. If proposed by the board, the reduction or expansion of the number  
23 of board members is subject to approval by a majority of the qualified voters  
24 voting on the question in the coastal resource service area at the next  
25 regular election or at a special election called for that purpose. If ap-  
26 proved by the voters, the change in the number of board members takes effect  
27 at the next regular election of members of the coastal resource service area  
28 board. Notwithstanding AS 46.40.140(d), if the number of board members is to  
29 be increased or decreased under this section, the terms of office for all

1 board members expire upon the election and qualification of their successors  
2 at the board election following a decision to increase or decrease the number  
3 of board members. However, nothing in this section prohibits the reelection  
4 of board members at the election held following a decision to increase or  
5 decrease the number of board members under this section.

6 \* Sec. 14. This Act takes effect July 1, 1982.  
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