

Introduced: 6/1/83  
Referred: Community and Regional Affairs  
and Judiciary

1 IN THE SENATE

BY GILMAN

2

SENATE BILL NO. 305

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act providing that the Alaska coastal management  
7 program and additions, revisions, or amendments of  
8 the program are subject to approval by law."

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

10 \* Section 1. FINDINGS AND INTENT. (a) The legislature finds that

11 (1) AS 46.40.080 as it existed before the effective date of this  
12 Act provided for legislative oversight by requiring that the Alaska coastal  
13 management program be approved by concurrent resolution passed by both  
14 houses of the legislature;

15 (2) the state supreme court has held that the legislative veto  
16 violates article II of the state constitution on the grounds that the  
17 legislature can subject certain actions of the executive branch to legisla-  
18 tive oversight only through approving or disapproving the actions by law  
19 rather than by resolution;

20 (3) this Act clearly reestablishes the legislature's authority  
21 to review and approve the Alaska Coastal management program.

22 (b) It is the intent of the legislature that the people, through the  
23 legislature, oversee the Alaska coastal management program.

24 \* Sec. 2. AS 46.40.080 is amended to read:

25 Sec. 46.40.080. EFFECTIVE DATE OF ALASKA COASTAL MANAGEMENT  
26 PROGRAM. The Alaska coastal management program adopted by the coun-  
27 cil, and any additions, revisions, or amendments of the program shall  
28 be subject to approval by law and [,] take effect upon the date pro-  
29 vided in the law approving the Alaska coastal management program or

1 the additions, revisions, or amendments of the program [ADOPTION OF A  
2 CONCURRENT RESOLUTION BY A MAJORITY OF THE MEMBERS OF EACH HOUSE OF  
3 THE LEGISLATURE OR BY A VOTE OF THE MAJORITY OF THE MEMBERS OF EACH  
4 HOUSE AT THE TIME THE HOUSES ARE CONVENED IN JOINT SESSION TO CONFIRM  
5 EXECUTIVE APPOINTMENTS SUBMITTED BY THE GOVERNOR].