

Introduced: 2/17/86
Referred: State Affairs,
Resources and Finance

1 IN THE HOUSE

BY HERRMANN BY REQUEST

2

HOUSE BILL NO. 666

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to coastal management; and providing
7 for an effective date."

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

9 * Section 1. AS 44.19.155(a) is amended by adding a new paragraph to
10 read:

11 (3) two public members appointed by the governor who repre-
12 sent private landowners with major surface or subsurface fee land-
13 holdings in the coastal area; one member appointed under this para-
14 graph shall represent landowners whose land is principally located
15 south of 60 degrees N. latitude and the other shall represent land-
16 owners whose land is principally located above that latitude.

17 * Sec. 2. AS 44.19.155(b) is amended to read:

18 (b) Each public member appointed by the governor under (a)(1)
19 and (a)(3) of this section serves a term of two years and until a
20 successor is appointed and qualified [, EXCEPT THAT THE TERM OF OFFICE
21 OF A PUBLIC MEMBER FIRST APPOINTED UNDER (a)(1)(A), (a)(1)(C), (a)(1)-
22 (E) AND (a)(1)(G) OF THIS SECTION SHALL BE ONE YEAR]. A public member
23 may be reappointed.

24 * Sec. 3. AS 44.19.155(c) is amended to read:

25 (c) The council shall designate co-chairmen, one of whom shall
26 be selected from among the public members appointed under (a)(1) or
27 (a)(3) of this section and one from among the members designated in
28 (a)(2) of this section.

29 * Sec. 4. AS 44.19.155(e) is amended to read:

1 (e) Six [FOUR] public members and three designated members of
2 the council constitute a quorum, but one or more of the members des-
3 ignated by the council may hold hearings. All decisions of the coun-
4 cil shall be by a majority vote of the members present and voting.

5 * Sec. 5. AS 44.19.155(g) is amended to read:

6 (g) If an incumbent public member ceases to meet the qualifica-
7 tions prescribed in (a)(1) or (a)(3) of this section for nomination to
8 the council or if a vacancy exists among the public members for any
9 other reason except for a vacancy due to the expiration of the term of
10 a public member, the governor shall, within 30 days of the establish-
11 ment of the vacancy by lack of qualification or other reason, make an
12 appointment, to be immediately effective, for the unexpired portion of
13 the term. An appointment by the governor made under this subsection
14 to fill an unexpired term of a public member shall comply with the
15 requirements of (a)(1) or (a)(3) of this section, as appropriate;
16 however, the governor may appoint from qualified persons without
17 soliciting from municipalities nominations of persons to fill the
18 unexpired portion of the term.

19 * Sec. 6. AS 46.40.130(b) is amended to read:

20 (b) Acting at the request of the council, the lieutenant gover-
21 nor, not less than 60 nor more than 90 days after receipt of a proper
22 petition under (a)(1) of this section, a proper resolution under
23 (a)(2) of this section, or at the direction of the council under
24 (a)(3) of this section, shall conduct an election on the question of
25 organization of a coastal resource service area. Election of initial
26 elected board members of the proposed coastal resource service area
27 shall occur at the same time the question of organizing the proposed
28 coastal resource service area is submitted to the voters.

29 * Sec. 7. AS 46.40.140(a) is amended to read:

1 (a) Each coastal resource service area [, UPON ORGANIZATION,]
2 shall have a board composed of two appointed members and seven elected
3 members [AN ELECTED BOARD REPRESENTING THE POPULATION OF THE SERVICE
4 AREA]. The board shall have the powers and duties and perform the
5 functions prescribed for or required of coastal resource districts.

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

7 (b) Two members of a [A] coastal resource service area board
8 shall represent the two private land owners with the largest surface
9 or subsurface fee land holdings in the service area. The members
10 shall be appointed by the governor after consideration of recommenda-
11 tions by the two landowners. The appointed members serve at the
12 pleasure of the governor. They have the same rights and duties as
13 appointed members except that they may not vote. The seven elected
14 [CONTAIN SEVEN MEMBERS. BOARD] members shall be elected at large by
15 the qualified voters of the coastal resource service area.

16 * Sec. 9. AS 46.40.140(d) is amended to read:

17 (d) The term of office of a member of a coastal resource service
18 area board is three years, except that the terms of the elected mem-
19 bers of the first board elected after organization of a coastal re-
20 source service area shall be determined by lot, with two members
21 -serving one-year terms, two members serving two-year terms, and three
22 members serving three-year terms. Elected members [MEMBERS] serve
23 until their successors are elected and have qualified. Nothing in
24 this section prohibits the reelection or reappointment of a board
25 member.

26 * Sec. 10. AS 46.40.140(g) is amended to read:

27 (g) A vacancy in an appointed position on a coastal resource
28 service area board shall be filled for the duration of the term by
29 appointment of the governor. A vacancy on a coastal resource service

1 area board in an elected position shall be filled by appointment as
2 provided in AS 14.08.041(a) for vacancies in the membership of region-
3 al educational attendance area boards.

4 * Sec. 11. AS 46.40.140(h) is amended to read:

5 (h) Elected members [MEMBERS] of coastal resource service area
6 boards are subject to recall on the same grounds and in the same
7 manner as provided for recall of municipal officials in AS 29.26.240 -
8 29.26.350. The lieutenant governor functions in place of the assembly
9 or council and municipal clerk for receipt and review of recall pe-
10 titions and the conduct of recall elections, and the last regular
11 election is the last regularly scheduled election held within the
12 coastal resource service area.

13 * Sec. 12. AS 46.40.140 is amended by adding a new subsection to read:

14 (i) Members of a coastal resource service area board serve
15 without compensation but are entitled to per diem and travel expenses
16 authorized for other boards and commissions under AS 39.20.180.

17 * Sec. 13. AS 46.40.160(a) is amended to read:

18 (a) Whenever it appears that major economic development activity
19 will occur in a coastal [RESOURCE SERVICE] area of the state or in
20 coastal waters adjacent to [A COASTAL RESOURCE SERVICE] an area that
21 [WHICH] has not been organized as a coastal resource service area, the
22 council may direct the lieutenant governor to submit to the voters of
23 the [SERVICE] area the question of organization. The council may
24 require an election on the question only after holding at least one
25 public hearing within the area proposed for organization. Notwith-
26 standing AS 46.40.120, the council shall establish boundaries of the
27 area proposed for organization that are consistent with sound planning
28 principles and include all unorganized land or water necessary to
29 adequately plan for major economic development.

1 * Sec. 14. AS 46.40.170(a) is amended to read:

2 (a) If residents of a coastal resource service area or unor-
3 ganized area proposed for organization under AS 46.40.160 reject
4 organization of the service area at an election called for the purpose
5 and the council finds, after public hearing, that major economic
6 development activity has occurred or will occur within the [SERVICE]
7 area, the council may direct the Department of Community and Regional
8 Affairs to prepare and recommend for consideration by the council [AND
9 FOR SUBMISSION TO THE LEGISLATURE] a district coastal management
10 program for the [SERVICE] area. In preparing the plan the department
11 shall consult with an advisory board appointed by the council. Advi-
12 sory board members do not receive compensation but are entitled to per
13 diem and travel expenses provided for other boards and commissions
14 under AS 39.20.180. An advisory board shall consist of

15 (1) seven residents of the area; and

16 (2) two people that represent the two private landowners
17 with the largest surface or subsurface fee land holdings in the area.

18 * Sec. 15. AS 46.40.210(6) is amended to read:

19 (6) "uses of state concern" means those land and water
20 uses which would significantly affect the long-term public interest;
21 these uses, subject to council definition of their extent, include:

22 (A) uses of national interest, including the use of
23 resources for the siting of ports and major facilities which
24 contribute to meeting national energy needs, construction and
25 maintenance of navigational facilities and systems, resource
26 development of federal land, and national defense and related
27 security facilities that are dependent upon coastal locations;

28 (B) uses of more than local concern, including those
29 land and water uses which confer significant environmental,

1 social, cultural, or economic benefits or burdens beyond a single
2 coastal resource district;

3 (C) the siting of major energy facilities, activities
4 pursuant to a state oil and gas lease, or large-scale industrial
5 or commercial development activities which are dependent on a
6 coastal location and which, because of their magnitude or the
7 magnitude of their effect on the economy of the state or the
8 surrounding area, are reasonably likely to present issues of more
9 than local significance;

10 (D) facilities serving statewide or interregional
11 transportation and communication needs; [AND]

12 (E) uses in areas established as state parks or
13 recreational areas under AS 41.21 or as state game refuges, game
14 sanctuaries or critical habitat areas under AS 16.20 ; and

15 (F) activities associated with the production, manage-
16 ment, harvesting, transportation, and processing of timber.

17 * Sec. 16. This Act takes effect immediately in accordance with AS 01.-
18 10.070(c).