

SENATE AMENDMENT

BY HALFORD *J. Ferguson*

To: _____
To: _____ CS For SENATE BILL No. 219 (Resources)
HOUSE BILL No. _____

PAGE: 3 LINE: 19

Delete "expertise"
Insert "responsibility"

PAGE: 4 LINE: 16

Delete "solely"

Page 4 Line 21-22

Delete all of (b) and renumber.

PAGE: 5 LINE: 7-12

Delete all of "(f)".

PAGE: 6 LINE: 9-10

Insert period (.) after word Game and delete remainder of sentence.

Offered: 6/15/83
Referred: Finance

Original sponsors: Bennett and Fahrenkamp

SB 84

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 219 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to processing of permits by state
7 agencies, and to administration of the Alaska coastal
8 management program."

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

10 * Section 1. FINDINGS. The legislature finds that

11 (1) the orderly development of state resources is being unneces-
12 sarily delayed by the length of time required to obtain a permit from a
13 state agency, by the complexity of the permit process, and by the number of
14 agencies involved in the permit process;

15 (2) the uncertainties created by the lack of specific time
16 limits, the proliferation of state agency review, the number of state
17 agencies involved in the permit process, and duplicative state agency
18 requirements for the processing of permit applications have resulted in
19 excessive costs to the public in lost employment and higher prices;

20 (3) unnecessary delay in the processing of permit applications
21 is not in the public interest; and

22 (4) a reduction in the number of state agency reviews and review
23 time required in the permit process would promote the social, economic and
24 environmental health and well being of state residents.

25 * Sec. 2. AS 44.62 is amended by adding new sections to read:

26 ARTICLE 8A. PERMIT PROCESSING.

27 Sec. 44.62.632. PERMIT CLASSIFICATION. (a) A state resource
28 agency shall by regulation classify each permit issued by that agency
29 in one of the following categories:

1 (1) class I, for which the state agency must issue a final
2 decision within 30 days after the date of receipt of a completed
3 application; and

4 (2) class II, for which, because of a necessary public
5 notice or interagency review period, a final decision cannot be issued
6 within 30 days; a final decision on a class II permit must be issued
7 within 65 days after the date of receipt of a completed permit appli-
8 cation, unless a public hearing is held on the permit, in which case a
9 final decision must be issued within 85 days of the date of receipt.

10 (b) Each state resource agency shall adopt final regulations
11 classifying its permits by October 1, 1983, following appropriate
12 notice and hearing. Permits applied for after October 1, 1983, must
13 be issued in accordance with the time periods specified in (a) of this
14 section, and the provisions of the implementing regulations.

15 Sec. 44.62.633. OTHER REGULATORY REQUIREMENTS FOR PERMIT PRO-
16 CESSING. (a) An applicant and a resource agency may agree to waive
17 the time limit under AS 44.62.632(a).

18 (b) Upon a finding by the head of a resource agency that a
19 permit being considered by the agency involves unusually complex
20 issues so that the agency cannot render a final decision within the
21 time period specified in AS 44.62.632, the head of the agency may
22 prescribe a time period within which the final decision will be made.
23 The finding of the head of the agency may be appealed by the applicant
24 to the superior court under the Appellate Rules of Procedure.

25 (c) Subject to the provisions of (a) and (b) of this section and
26 AS 44.62.632, if the resource agency fails to make a final decision
27 within 30 days after the receipt of an application for a class I
28 permit or within the time specified in AS 44.62.632(a)(2) for a class
29 II permit, the permit application is approved.

1 (d) Unless otherwise required by law, a state agency may not
2 condition the issuance of a permit upon the issuance of a permit from
3 another governmental agency.

4 (e) The time period specified in AS 44.62.532(a) may be extended
5 if necessary to facilitate joint processing of a permit application by
6 state and federal agencies, but only if adherence to the time periods
7 established in AS 44.62.632(a) would cause a conflict with federal
8 statute or regulation.

9 (f) In performing its functions under this section, the lead
10 agency shall consult with other resource agencies and with coastal
11 resource districts under AS 46.40. The lead agency shall consider
12 documented facts, data, opinion, conclusions, or recommendations
13 submitted by the commenting agency and the coastal resource districts
14 with an approved district coastal management program, within their
15 areas of expertise, but may, in its discretion, reach contrary opin-
16 ions, conclusions or recommendations according to the weight of the
17 evidence received. The lead agency shall balance competing factors in
18 reaching its final decision. No resource agency other than the lead
19 agency has primary expertise in the balancing of competing factors.

20 Sec. 44.62.634. ADDITIONAL INFORMATION. (a) If a resource
21 agency receives a permit application that does not contain sufficient
22 information concerning compliance with the agency's statutes and
23 regulations, the agency shall notify the applicant within 15 days
24 after receipt of a permit application for a class I permit, and within
25 30 days after receipt for a class II permit.

26 (b) The notification must specify those particular facts or
27 issues concerning the proposal upon which the agency requires addi-
28 tional information in order to determine whether the project will
29 conform to the agency's statutes and regulations.

1 (c) If a timely request under (a) and (b) of this section is
2 made, the time period specified in AS 44.62.632 is suspended from the
3 date of request to the date of full compliance with the request.
4 Subsequent requests for additional information may be made, but must
5 relate only to new issues raised by the response to the initial noti-
6 fication.

7 Sec. 44.62.635. LEAD AGENCY. (a) There is established a lead
8 agency that is solely responsible for issuing coastal management
9 consistency determinations under AS 46.40. For resource development
10 activities on state and federal land, water, and submerged land, the
11 lead agency is the Department of Natural Resources. In all other
12 cases, the lead agency is that resource agency that has principal
13 administrative responsibility for the type of development for which
14 the consistency determination is required, even though the development
15 may require permits from more than one resource agency. The lead
16 agency is solely responsible for preparing and submitting state com-
17 ments on federal permit applications. For classes of activities for
18 which no agency with principal responsibility exists the governor
19 shall designate a resource agency to be a lead agency for each class
20 by administrative order no later than October 1, 1983.

21 (b) Except as required by federal law no state agency other than
22 the lead agency may comment to a federal permitting agency.

23 (c) For activities involving approval of a plan of operation and
24 a certificate under 33 U.S.C. 1341 (sec. 401 of the Clean Water Act),
25 the lead agency shall be the Department of Natural Resources.

26 (d) For activities occurring on privately owned land, and for
27 which one or more state permits or a disposal of interest in state
28 land is required to provide access to the privately owned land, or for
29 purposes otherwise ancillary to the activity, the lead agency shall be

1 the Department of Natural Resources.

2 (e) Nothing in this section or AS 46.40 authorizes a lead agency
3 or any resource agency to deny or condition a consistency determina-
4 tion because of effects that may be caused by activities not them-
5 selves requiring a state or federal permit or disposal of interest in
6 state land.

7 (f) In making a consistency determination under this section for
8 an activity occurring outside the boundaries of a coastal resource
9 district with an approved district plan, the lead agency or any re-
10 source agency may consider only those statewide standards and guide-
11 lines adopted by the Alaska Coastal Policy Council under AS 46.40.-
12 040(1).

13 * Sec. 3. AS 44.62.636 is amended by adding a new subsection to read:

14 (c) As used in AS 44.62.632 - 44.62.635,

15 (1) "date of receipt" means the date on which a state
16 agency physically receives an application filed in accordance with
17 agency regulations and at a place identified as appropriate for filing
18 in the agency's regulations;

19 (2) "permit" means a permit, license, certification, con-
20 sistency determination, comments on pending permit applications before
21 other governmental entities, or other authorization or approval issued
22 by a resource agency as a written document that is required to be
23 obtained or is solicited from a state agency before the construction
24 or operation of a project; "permit"

25 (A) does not include the approval of a unit agreement,
26 a unit development plan, or a unit exploration plan, or convey-
27 ances of interest in state land or water;

28 (B) does include all authorizations and approvals,
29 whether proprietary or regulatory, necessary to undertake a

1 project under a previously conveyed property interest;

2 (3) "project" means a new activity or expansion or addition
3 to an existing activity for which permits are required before con-
4 struction or operation; "project" does not include pursuing a trade or
5 profession, providing public health service, or operating a financial
6 institution;

7 (4) "resource agency" includes the Department of Natural
8 Resources, the Department of Environmental Conservation, and the
9 Department of Fish and Game with respect to permits issued for the
10 protection of fish habitat or the regulation of state sanctuaries,
11 refuges, and critical habitat areas.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

June 23, 1983

SUBJECT: Sectional analysis of CSSB 219 (Resources)

TO: Senator Bettye Fahrenkamp
Chairman, Senate Resources Committee

FROM: Billy G. Berrier *BGB*
Director
Division of Legal Services

You have requested a sectional analysis of CSSB 219 (Resources).

Section 1 contains legislative findings. Essentially the findings are that the present system of processing permits results in unnecessary delay and excessive costs in development of state resources and that reduction in the number of state agencies involved and the time required to process permits would be in the public interest.

Section 2 adds a new article to AS 44.62 concerning permit processing consisting of Secs. 44.62.632 - 636.

Section 44.62.632 requires state resource agencies to classify permits by regulation adopted by October 1, 1983. Permits after that date must be issued in accordance with the time periods specified. Two classes of permits are established. These are:

- (1) Class I on which the final decision must be made in 30 days, and
- (2) Class II on which, because of necessary public notice or agency review, the final decision must be made in 65 days unless a public hearing is required in which case the period is 85 days.

Section 44.62.633 establishes other regulatory requirements:

- (a) Allows waiver by the applicant and agency of the

time requirements in Sec. 44.62.632.

- (b) Allows the head of a resource agency to prescribe a longer time period than that established in Sec. 44.62.632 if unusually complex issues are involved. This decision may be appealed to the Superior Court.
- (c) Provides, subject to (a) or (b) above if the final decision is not made in the prescribed time period the permit application is approved.
- (d) Provides issuance of a permit may not be conditioned on obtaining another permit unless the condition is required by law.
- (e) The time periods may be extended to allow joint federal - state permit processing if the time periods presented would cause a conflict with federal law or regulations.
- (f) A lead agency shall consult with other resource agencies and coastal resource districts in performing its functions. It may consider documentation submitted by a commenting agency or resource district but may reach its own conclusions based on the weight of evidence. The lead agency shall balance competing factors in reaching its final decisions. No other agency has primary expertise in balancing competing factors.

Section 44.62.634 regulates requirements of additional information.

- (a) If a permit application does not contain sufficient information concerning compliance with law and regulations the agency must notify the applicant within 15 days for a Class I permit and within 30 days for a Class II permit after date of receipt of the application.
- (b) Provides the notification shall specify the additional information required.
- (c) Provides that if a request is made under (a) or (b) the time period for final decision is suspended from the date of the request until the

request is complied with. Additional requests may be made only if they relate to new issues raised by the response.

Section 44.62.635 relates to lead agencies which solely are responsible for issuing coastal management consistency determinations under AS 44.40.

- (a) Establish lead agencies.
 - (1) For resource development on state and Federal land or water the lead agency is the Department of Natural Resources.
 - (2) In other cases the lead agency is the agency with principal administration responsibility for the type of development for which the determination is required even though permits may be required from more than one agency. If no agency has principal responsibility the governor shall designate a resource agency as a lead agency for each class by October 1, 1983.
- (b) Unless required by federal law no state agency other than the lead agency may comment to a federal permitting agency.
- (c) The lead agency for activities involving a plan of operation and certificate under Sec. 401 of the federal Clean Water Act the lead agency is the Department of Natural Resources.
- (d) If activities for which a consistency determination is required occurs on private land but a permit to use or a disposal of state land is involved the lead agency is the Department of Natural Resources.
- (e) This section and AS 46.40 do not authorize a resource agency to deny or condition a consistency determination because of effects caused by activities not themselves requiring a permit or a disposal of state land.
- (f) If the activity for which the consistency

determination is required occurs outside a coastal resource district with an approved district plan the agency may only consider statewide standards and guidelines adopted by the Alaska Coastal Policy Council.

Section 44.62.636 defines terms used in the Article.

- (1) "date of receipt" means the date an agency physically receives an application filed in accordance with regulations at the place identified as appropriate for receiving filing.
- (2) "permit" is broadly defined as an authorization or approval issued on a written document that is required before construction or operation of a project. It includes authorization or approvals necessary to undertake a project on previously conveyed state property. It does not include the approval of a unit agreement, a unit development plan, or a unit exploration plan, or conveyances of interest in state land or water.
- (3) "project" means a new activity or expansion or addition to an existing activity for which a permit is required. It does not include an occupational license, providing public health services or operating a financial institution.
- (4) "resource agency" includes (1) the Department of Natural Resources, (2) the Department of Environmental Conservation, (3) the Department of Fish and Game with respect to permits issued for the protection of fish habitat or the regulation of state sanctuaries, refuges, and critical habitat areas.

Offered: 6/15/83
Referred: Finance

Original sponsors: Bennett and Fahrenkamp

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 219 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to processing of permits by state
7 agencies, and to administration of the Alaska coastal
8 management program."

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

10 * Section 1. FINDINGS. The legislature finds that

11 (1) the orderly development of state resources is being unneces-
12 sarily delayed by the length of time required to obtain a permit from a
13 state agency, by the complexity of the permit process, and by the number of
14 agencies involved in the permit process;

15 (2) the uncertainties created by the lack of specific time
16 limits, the proliferation of state agency review, the number of state
17 agencies involved in the permit process, and duplicative state agency
18 requirements for the processing of permit applications have resulted in
19 excessive costs to the public in lost employment and higher prices;

20 (3) unnecessary delay in the processing of permit applications
21 is not in the public interest; and

22 (4) a reduction in the number of state agency reviews and review
23 time required in the permit process would promote the social, economic and
24 environmental health and well being of state residents.

25 * Sec. 2. AS 44.62 is amended by adding new sections to read:

26 ARTICLE 8A. PERMIT PROCESSING.

27 Sec. 44.62.632. PERMIT CLASSIFICATION. (a) A state resource
28 agency shall by regulation classify each permit issued by that agency
29 in one of the following categories:

1 (1) class I, for which the state agency must issue a final
2 decision within 30 days after the date of receipt of a completed
3 application; and

4 (2) class II, for which, because of a necessary public
5 notice or interagency review period, a final decision cannot be issued
6 within 30 days; a final decision on a class II permit must be issued
7 within 65 days after the date of receipt of a completed permit appli-
8 cation, unless a public hearing is held on the permit, in which case a
9 final decision must be issued within 85 days of the date of receipt.

10 (b) Each state resource agency shall adopt final regulations
11 classifying its permits by October 1, 1983, following appropriate
12 notice and hearing. Permits applied for after October 1, 1983, must
13 be issued in accordance with the time periods specified in (a) of this
14 section, and the provisions of the implementing regulations.

15 Sec. 44.62.633. OTHER REGULATORY REQUIREMENTS FOR PERMIT PRO-
16 CESSING. (a) An applicant and a resource agency may agree to waive
17 the time limit under AS 44.62.632(a).

18 (b) Upon a finding by the head of a resource agency that a
19 permit being considered by the agency involves unusually complex
20 issues so that the agency cannot render a final decision within the
21 time period specified in AS 44.62.632, the head of the agency may
22 prescribe a time period within which the final decision will be made.
23 The finding of the head of the agency may be appealed by the applicant
24 to the superior court under the Appellate Rules of Procedure.

25 (c) Subject to the provisions of (a) and (b) of this section and
26 AS 44.62.632, if the resource agency fails to make a final decision
27 within 30 days after the receipt of an application for a class I
28 permit or within the time specified in AS 44.62.632(a)(2) for a class
29 II permit, the permit application is approved.

1 (d) Unless otherwise required by law, a state agency may not
2 condition the issuance of a permit upon the issuance of a permit from
3 another governmental agency.

4 (e) The time period specified in AS 44.62.632(a) may be extended
5 if necessary to facilitate joint processing of a permit application by
6 state and federal agencies, but only if adherence to the time periods
7 established in AS 44.62.632(a) would cause a conflict with federal
8 statute or regulation.

9 (f) In performing its functions under this section, the lead
10 agency shall consult with other resource agencies and with coastal
11 resource districts under AS 46.40. The lead agency shall consider
12 documented facts, data, opinion, conclusions, or recommendations
13 submitted by the commenting agency and the coastal resource districts
14 with an approved district coastal management program, within their
15 areas of expertise, but may, in its discretion, reach contrary opin-
16 ions, conclusions or recommendations according to the weight of the
17 evidence received. The lead agency shall balance competing factors in
18 reaching its final decision. No resource agency other than the lead
19 agency has primary expertise in the balancing of competing factors.

20 Sec. 44.62.634. ADDITIONAL INFORMATION. (a) If a resource
21 agency receives a permit application that does not contain sufficient
22 information concerning compliance with the agency's statutes and
23 regulations, the agency shall notify the applicant within 15 days
24 after receipt of a permit application for a class I permit, and within
25 30 days after receipt for a class II permit.

26 (b) The notification must specify those particular facts or
27 issues concerning the proposal upon which the agency requires addi-
28 tional information in order to determine whether the project will
29 conform to the agency's statutes and regulations.

1 (c) If a timely request under (a) and (b) of this section is
2 made, the time period specified in AS 46.62.632 is suspended from the
3 date of request to the date of full compliance with the request.
4 Subsequent requests for additional information may be made, but must
5 relate only to new issues raised by the response to the initial noti-
6 fication.

7 Sec. 44.62.635. LEAD AGENCY. (a) There is established a lead
8 agency that is solely responsible for issuing coastal management
9 consistency determinations under AS 46.40. For resource development
10 activities on state and federal land, water, and submerged land, the
11 lead agency is the Department of Natural Resources. In all other
12 cases, the lead agency is that resource agency that has principal
13 administrative responsibility for the type of development for which
14 the consistency determination is required, even though the development
15 may require permits from more than one resource agency. The lead
16 agency is solely responsible for preparing and submitting state com-
17 ments on federal permit applications. For classes of activities for
18 which no agency with principal responsibility exists the governor
19 shall designate a resource agency to be a lead agency for each class
20 by administrative order no later than October 1, 1983.

21 (b) Except as required by federal law no state agency other than
22 the lead agency may comment to a federal permitting agency.

23 (c) For activities involving approval of a plan of operation and
24 a certificate under 33 U.S.C. 1341 (sec. 401 of the Clean Water Act),
25 the lead agency shall be the Department of Natural Resources.

26 (d) For activities occurring on privately owned land, and for
27 which one or more state permits or a disposal of interest in state
28 land is required to provide access to the privately owned land, or for
29 purposes otherwise ancillary to the activity, the lead agency shall be

1 the Department of Natural Resources.

2 (e) Nothing in this section or AS 46.40 authorizes a lead agency
3 or any resource agency to deny or condition a consistency determina-
4 tion because of effects that may be caused by activities not them-
5 selves requiring a state or federal permit or disposal of interest in
6 state land.

7 (f) In making a consistency determination under this section for
8 an activity occurring outside the boundaries of a coastal resource
9 district with an approved district plan, the lead agency or any re-
10 source agency may consider only those statewide standards and guide-
11 lines adopted by the Alaska Coastal Policy Council under AS 46.40.-
12 040(1).

13 * Sec. 3. AS 44.62.636 is amended by adding a new subsection to read:

14 (c) As used in AS 44.62.632 - 44.62.635,

15 (1) "date of receipt" means the date on which a state
16 agency physically receives an application filed in accordance with
17 agency regulations and at a place identified as appropriate for filing
18 in the agency's regulations;

19 (2) "permit" means a permit, license, certification, con-
20 sistency determination, comments on pending permit applications before
21 other governmental entities, or other authorization or approval issued
22 by a resource agency as a written document that is required to be
23 obtained or is solicited from a state agency before the construction
24 or operation of a project; "permit"

25 (A) does not include the approval of a unit agreement,
26 a unit development plan, or a unit exploration plan, or convey-
27 ances of interest in state land or water;

28 (B) does include all authorizations and approvals,
29 whether proprietary or regulatory, necessary to undertake a

1 project under a previously conveyed property interest;

2 (3) "project" means a new activity or expansion or addition
3 to an existing activity for which permits are required before con-
4 struction or operation; "project" does not include pursuing a trade or
5 profession, providing public health service, or operating a financial
6 institution;

7 (4) "resource agency" includes the Department of Natural
8 Resources, the Department of Environmental Conservation, and the
9 Department of Fish and Game with respect to permits issued for the
10 protection of fish habitat or the regulation of state sanctuaries,
11 refuges, and critical habitat areas.

Introduced: 3/30/83
Referred: Resources and
Finance

1 IN THE SENATE

BY BENNETT AND FAHRENKAMP

2

SENATE BILL NO. 219

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the processing of permits by
7 state agencies; and providing for an effective date."

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

9 * Section 1. FINDINGS. The legislature finds that

10 (1) the orderly development of state resources is being unneces-
11 sarily delayed by the length of time required to obtain permits from state
12 agencies, by the complexity of the permitting process, and by the number of
13 agencies involved in the permitting process;

14 (2) the uncertainties created by the lack of specific time
15 limits, the proliferation of agency reviews, the number of agencies in-
16 volved in the permit process, and unjustified agency requirements upon the
17 processing of permit applications have cost Alaskans millions of dollars in
18 lost employment and higher prices;

19 (3) the public interest has not been advanced by protracted
20 delay in the processing of permit applications by state agencies;

21 (4) by requiring state agencies to process permit applications
22 in an expeditious manner within a reasonable period of time, the state will
23 promote the social, economic, and environmental health and well-being of
24 its citizens.

25 * Sec. 2. AS 44.62 is amended by adding new sections to read:

26 ARTICLE 8A. ISSUANCE OF PERMITS.

27 Sec. 44.62.632. TIME LIMIT ON THE PROCESSING OF PERMITS. (a)

28 Upon receipt of a permit application or receipt of a federal agency
29 request for state review of an application for a federal permit, the

1 responsible state agency shall issue a final decision granting, deny-
2 ing, or reasonably conditioning the issuance of the permit, or issue a
3 final response to the federal agency's request for state review,
4 within the following time periods, unless the applicant and the agency
5 mutually agree to a different period of time:

6 (1) any time period specifically required by state law;

7 (2) 60 days if a time period is not specifically required
8 by state law and a public notice, public hearing, or comment period is
9 specifically required by state law in connection with the permit
10 application;

11 (3) 30 days if (1) or (2) of this subsection do not apply.

12 (b) The final decision on a permit application under (a) of this
13 section shall include:

14 (1) conclusions of the state agency that support its deci-
15 sion concerning the permit application, including the factual basis
16 and statutory authority for any conditions or stipulations to which
17 the permit is subject; and

18 (2) the granting, conditional granting, or denial of the
19 permit by the state agency.

20 (c) The final decision under (a) of this section must bear a
21 fair and substantial relation to the object of the law under which the
22 state agency is empowered to act.

23 (d) A permit may not be denied because of the lack of any other
24 permit, and may not be conditioned upon the acquisition of any other
25 permit.

26 (e) A permit application that has not been approved or rejected
27 by the responsible state agency within the time period specified in
28 (a) of this section is approved as submitted. The permit is approved
29 on the last day on which the state agency could have announced a final

1 decision under (a) of this section.

2 Sec. 44.62.634. DEFECTIVE APPLICATIONS; NOTICE TO APPLICANT.

3 (a) If a state agency receives a permit application requesting a
4 permit that the agency believes it does not have authority to issue,
5 or that it believes is unnecessary, it shall notify the applicant
6 within 10 days after its receipt of the application. A notice given
7 under this subsection is the final agency decision.

8 (b) If a state agency receives a permit application that it
9 believes does not contain sufficient information concerning the loca-
10 tion and nature of the project to allow the agency to determine
11 whether the project complies with state law, the agency shall notify
12 the applicant within 10 days after its receipt of the application.
13 The notice must specify all information the agency requires to deter-
14 mine whether the project complies with state law.

15 Sec. 44.62.635. REVIEW BY THE COMMISSIONER OR BOARD. A state
16 agency's final decision issued under AS 44.62.632 may be reviewed by
17 the commissioner or board of the issuing agency at the request of the
18 applicant. The applicant is entitled to a review de novo if requested
19 in the original request for review; otherwise the review is a review
20 on the record. The request must be filed with the commissioner or
21 board within 30 days of the applicant's receipt of the decision. The
22 commissioner or board shall issue a decision within 10 days of receipt
23 of the request if the review is a review on the record. If the appli-
24 cant has requested a hearing de novo, the hearing shall be held within
25 30 days of receipt of the request, and the decision of the commis-
26 sioner or board shall be made within 30 days of the conclusion of the
27 hearing. Unless the agency decision is confirmed in its entirety, the
28 commissioner or board shall issue a written decision setting out the
29 findings and conclusions in full.

1 Sec. 44.62.636. REVIEW BY THE SUPERIOR COURT. (a) Judicial
2 review by the superior court of a final decision issued by a state
3 agency under AS 44.62.632 or AS 44.62.634 or of a decision of the
4 commissioner or board issued under AS 44.62.635, may be had by filing
5 a notice of appeal in the superior court in accordance with the appli-
6 cable rules of appellate procedure. The right to appeal is not af-
7 fected by the failure to seek reconsideration or further review under
8 AS 44.62.635. The review shall be governed by the provisions of
9 AS 44.62.560(b) - (e) and AS 44.62.570.

10 (b) On an appeal by an applicant to the superior court, the
11 agency that issued the final decision has the burden of proving that
12 the decision is in accordance with AS 44.62.632 and AS 44.62.634.

13 (c) An appeal taken under this section has preference on the
14 calendar of civil actions before the court and shall be decided with-
15 out unnecessary delay.

16 * Sec. 3. AS 44.62.640 is amended by adding a new subsection to read:

17 (c) In AS 44.62.632 - 44.62.634,

18 (1) "permit" means a permit, license, certification, con-
19 sistency determination, comments on pending permit applications before
20 other governmental entities (including environmental impact statement
21 comments), plan review, or other authorization or approval issued as a
22 written document that is required to be obtained or is solicited from
23 a state agency before the construction or operation of a project;
24 "permit" does not include

25 (A) conveyances of interest in state land or water,
26 but does include all authorizations and approvals, whether pro-
27 prietary or regulatory, necessary to undertake a project under a
28 previously conveyed property interest; and

29 (B) the provision of financial assistance;

1 (2) "permit application" includes the following documents:

2 (A) a document requesting the issuance of a permit
3 that contains sufficient information concerning the location and
4 nature of a project to allow the state agency to which it is
5 directed to determine compliance of the project with state law;

6 (B) a document submitted to a state agency by a gov-
7 ernmental entity that solicits comments in connection with a
8 permit being processed by that governmental entity;

9 (3) "project" means a new activity or expansion or addition
10 to an existing activity for which permits are required before con-
11 struction or operation; "project" does not include pursuing a trade or
12 profession, providing public health service, or operating a financial
13 institution;

14 (4) "state agency" means a state department, commission,
15 board, or other agency of the state; "state agency" includes a local
16 or regional air pollution control authority established under AS 46.-
17 03.210 and a coastal resource district and coastal resource service
18 board established under AS 46.40.010 - 46.40.210.

19 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
20 10.070(c).

STATE OF ALASKA
FISCAL NOTE

Revision Date

I. REQUEST

Bill/Resolution No.: CSSB 219
 Title: Permit Reform
 Sponsor: Bennett
 Requestor: Senate Resources

II. FISCAL DETAIL

Agency Affected: Natural Resources
 Program Category Affected: NRMEC
 BRU, Program of Subprogram(s) Affe
 Mgmt. of Land/Mineral/Energy Resourc

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY
OPERATING						
100 PERSONAL SERVICES		346.6				
200 TRAVEL		18.0				
300 CONTRACTUAL		94.5				
400 COMMODITIES		33.8				
500 EQUIPMENT		264.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		756.9				
CAPITAL		-				
REVENUE		-				

FUNDING: (Thousands of Dollars)

GENERAL FUND	756.9				
FEDERAL FUNDS					
OTHER (Specify Source)					

POSITIONS:

FULL-TIME	10				
PART-TIME					
TEMPORARY					

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Unknown

IV. ANALYSIS: Attach a separate page for any Analysis (Attached)

Prepared By: Jim Barnett *James Barnett* Phone: 265-4131
 Division: Commissioner's Office - Anchorage Date: 5/20/83
 Approved by ^{for} Deputy Commissioner *Mayhew* Date: 5/20/83
 Commissioner: Commissioner
 Department: Natural Resources

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor

Attachment to Fiscal Note for CSSB 219

- I. Assumes following new personnel to process and coordinate CZM and permitting for development on state and federal lands, including OCS leasing, mining and timber sales:

<u>Fairbanks</u>	<u>Annual Cost w/benefits</u>
Nat. Resource Manager I	48,735
Nat. Resource Officer II	42,570
Nat. Resource Officer I	36,945
Clerk III	25,095
<u>Anchorage</u>	
Nat. Resource Manager I	42,570
Nat. Resource Officer II	36,945
Nat. Resource Officer I	32,175
Clerk III	22,305
<u>Juneau</u>	
Nat. Resource Officer II	36,945
Clerk III	22,305
	<hr/> 346.6

- II. Assumes travel costs for adopting regulations and occasional meetings. to resolve conflicts.

III. Contractual -

For publishing of notices and general overhead costs (phone, rent, etc.).

- IV. Equipment costs include \$250,000 for a system linking the three permitting centers.

Costs beyond FY 84 are not estimated, but comparable. Assumes that CSSB 219 is amended to exclude conveyance-related permits such as material sales, ROW's, etc.

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: SB 219
 Title: "Processing of permits by state. . ."
 Sponsor: Senator Bennett
 Requestor: Senate Resources

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Life & Property
 BRU, Program of Subprogram(s) Affected: Fire Prevention

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis No fiscal impact anticipated

Prepared By: Paul Conger Phone: 465-4338
 Division: Administrative Services Date: 4-5-83
 Approved by Commissioner: [Signature] Date: 4/6/83
 Department: Public Safety

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: SB 219
 Title: "...processing of permits..."
 Sponsor: Senator Bennett
 Requestor: Senate Resources Committee

II. FISCAL DETAIL

Agency Affected: Department of Law
 Program Category Affected: General Govt.
 BRU, Program of Subprogram(s) Affected: Legal Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard I. Pegues, Director
 Division: Administrative Services Division

Phone: 465-3672
 Date: May 20, 1983

Approved by Commissioner: Norman C. Gorsuch, Attorney General
 Department: Department of Law

Date: May 20, 1983

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

SB 219
Fiscal Note
Analysis

This bill greatly shortens the permitting process time of state agencies. Although this will cause us to assist with some new regulations necessary to establish a shortened permit process for the permitting agencies, this additional work will be on a single-time basis and will not be unduly burdening. Therefore, the bill will not have a significant fiscal impact on the Department of Law's operations. Considerable fiscal impact will occur on the part of agencies responsible for permits, such as Fish & Game, DEC, Natural Resources, and the Limited Entry Commission, as they gear up to review and issue permits in shortened times provided by the bill. Moreover, this bill does not seem to be limited to resources areas, as does the companion bill in the House, HB 14, and it appears that there may also be considerable impact in regulated industries such as transportation.

STATE OF ALASKA
FISCAL NOTE

Revision Date 1983

I. REQUEST

Bill/Resolution No.: CSSB 219
 Title: Permit Reform
 Sponsor: Bennett
 Requestor: Senate Resources

II. FISCAL DETAIL

Agency Affected: Natural Resources
 Program Category Affected: NRMEC
 BRU, Program of Subprogram(s) Affected: Mgmt. of Land/Mineral/Energy Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		346.6				
200 TRAVEL		18.0				
300 CONTRACTUAL		94.5				
400 COMMODITIES		33.8				
500 EQUIPMENT		264.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		756.9				
CAPITAL		-				
REVENUE		-				

FUNDING: (Thousands of Dollars)

GENERAL FUND	756.9					
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME	10					
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Unknown

IV. ANALYSIS: Attach a separate page for any Analysis (Attached)

Prepared By: Jim Barnett *James Barnett* Phone: 265-4131
 Division: Commissioner's Office - Anchorage Date: 5/20/83
 Approved by ^{for} Deputy Commissioner *Mary H. ...* Date: 5/20/83
 Department: Natural Resources

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor

Attachment to Fiscal Note for CSSB 219

- I. Assumes following new personnel to process and coordinate CZM and permitting for development on state and federal lands, including OCS leasing, mining and timber sales.

<u>Fairbanks</u>	<u>Annual Cost w/benefits</u>
Nat. Resource Manager I	48,735
Nat. Resource Officer II	42,570
Nat. Resource Officer I	36,945
Clerk III	25,095
<u>Anchorage</u>	
Nat. Resource Manager I	42,570
Nat. Resource Officer II	36,945
Nat. Resource Officer I	32,175
Clerk III	22,305
<u>Juneau</u>	
Nat. Resource Officer II	36,945
Clerk III	22,305
	<hr/>
	346.6

- II. Assumes travel costs for adopting regulations and occasional meetings to resolve conflicts.

III. Contractual -

For publishing of notices and general overhead costs (phone, rent, etc.).

- IV. Equipment costs include \$250,000 for a system linking the three permitting centers.

Costs beyond FY 84 are not estimated, but comparable. Assumes that CSSB 219 is amended to exclude conveyance-related permits such as material sales, ROW's, etc.

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: SB 219
 Title: "...processing of permits..."
 Sponsor: Senator Bennett
 Requestor: Senate Resources Committee

II. FISCAL DETAIL

Agency Affected: Department of Law
 Program Category Affected: General Govt.
 BRU, Program of Subprogram(s) Affected: Legal Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard I. Pegues, Director

Division: Administrative Services Division

Approved by Commissioner: Norman C. Gorsuch, Attorney General

Department: Department of Law

Phone: 465-3672

Date: May 20, 1983

Date: May 20, 1983

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

SB 219
Fiscal Note
Analysis

This bill greatly shortens the permitting process time of state agencies. Although this will cause us to assist with some new regulations necessary to establish a shortened permit process for the permitting agencies, this additional work will be on a single-time basis and will not be unduly burdening. Therefore, the bill will not have a significant fiscal impact on the Department of Law's operations. Considerable fiscal impact will occur on the part of agencies responsible for permits, such as Fish & Game, DEC, Natural Resources, and the Limited Entry Commission, as they gear up to review and issue permits in shortened times provided by the bill. Moreover, this bill does not seem to be limited to resources areas, as does the companion bill in the House, HB 14, and it appears there may also be considerable impact in regulated industries such as transportation.

CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 2/6/84

REQUEST

Bill/Resolution No.: SB 219
 Title: Act Relating to Processing of Permits
 Sponsor: Bennett and Fabrenkamp
 Requestor: Law
 Date of Request: 2/6/84

FISCAL DETAIL

Agency Affected: Environmental Conservation
 Program Category Affected: All permit programs of DEC
 BRU, Program or Subprogram(s) Affected: Environmental Quality Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		105.2				
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		105.2				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
GENERAL FUND		105.2				
FEDERAL FUNDS						
OTHER						
TOTAL		105.2				

POSITIONS:

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
FULL-TIME		4				
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

General funds

ANALYSIS: Attach a separate page for analysis

Prepared By: Douglas Redburn Phone: 465-2634
 Division: Environmental Quality Management Date: 2/6/84
 Approved by Commissioner: [Signature] Date: 2/6/84
 Agency: Environmental Conservation

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Fiscal Analysis

Personnel Services request is allocated as follows:

- 1 Clerk Typist III in Southeastern Regional permitting office in Juneau @ \$25,577
- 2 Clerk Typist III in Southcentral Regional permitting office in Anchorage @ \$25,577/position x 2
- 1 Clerk Typist III in Northern Regional permitting office in Fairbanks @ \$28,446

Total -----> \$105,177/year

Services provided include decreasing turnover time in typing permits and position paper to meet time frame requirements of the legislation, decrease time related to mailings/correspondence, and automating permit conditions into computer data base. No new professional positions are being requested.

DR/bp

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 2/1/84

REQUEST

Bill/Resolution No.: CSSB219
Title: Permit Reform

FISCAL DETAIL

Agency Affected: Natural Resources
Program Category Affected: NRMFC

Sponsor: Bennett
Requestor: _____
Date of Request: _____

BRU, Program or Subprogram(s) Affected: _____
Mgmt. of Land/Mineral/Energy Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		300.0				
200 TRAVEL		19.0				
300 CONTRACTUAL		99.0				
400 SUPPLIES		35.5				
500 EQUIPMENT		30.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		483.5				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		483.5				
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		8				
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Robert Butts *Robert Butts* Phone: 465-2400
Division: Oil and Gas Date: 2/1/84

Approved by Commissioner: Wm D. Amundson *Wm D. Amundson* Date: 2/1/84
Agency: Department of Natural Resources

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Attachment to Fiscal Note for CSSB 219

- I. Assumes the following additional personnel will be needed to process and coordinate CZM and permitting for development on state and federal lands, including OCS leasing, mining and timber sales. Other funds associated with permit reform are in the Governor's proposed FY85 DNR budget, Minerals & Energy Mgmt. BRU, Petroleum Mgmt. component, \$192.9 GF; and Land/Water Mgmt. BRU, Land/Water Public Use component, \$92.7 interagency receipts.

<u>Fairbanks</u>	<u>Annual Cost w/benefits</u>
Nat. Resource Manager I	54,600
Nat. Resource Officer I	40,700
Clerk III	28,000
<u>Anchorage</u>	
Nat. Resource Manager I	47,600
Nat. Resource Officer I	35,800
Clerk III	26,300
<u>Juneau</u>	
Nat. Resource Officer II	40,700
Clerk III	26,300
	<u>\$300,000</u>

- II. Assumes travel costs for adopting regulations and occasional meetings to resolve conflicts.

III. Contractual -

For publishing of notices and general overhead costs (phone, rent, etc.).

- IV. Equipment costs include \$30,000 for upgrading the existing communication system linking the three permitting centers.

Costs beyond FY 85 are not estimated, but comparable. Assumes that HB 14 is amended to exclude conveyance-related permits such as material sales, ROW's, etc.

SENATE AMENDMENT

By HALFORD *J. Ferguson*

To: _____ CS For SENATE BILL No. 219 (Resources)

To: _____ HOUSE BILL No. _____

PAGE: 3 LINE: 19

Delete "expertise"
Insert "responsibility"

PAGE: 4 LINE: 16

Delete "solely"

Page 4 Line 21-22

Delete all of (b) and renumber.

PAGE: 5 LINE: 7-12

Delete all of (f).

PAGE: 6 LINE: 9-10

Insert period (.) after word Game and
delete remainder of sentence.

Offered: 6/15/83
Referred: Finance

Original sponsors: Bennett and Fahrenkamp

SB 84

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SENATE BILL NO. 219 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to processing of permits by state
7 agencies, and to administration of the Alaska coastal
8 management program."

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

10 * Section 1. FINDINGS. The legislature finds that

11 (1) the orderly development of state resources is being unneces-
12 sarily delayed by the length of time required to obtain a permit from a
13 state agency, by the complexity of the permit process, and by the number of
14 agencies involved in the permit process;

15 (2) the uncertainties created by the lack of specific time
16 limits, the proliferation of state agency review, the number of state
17 agencies involved in the permit process, and duplicative state agency
18 requirements for the processing of permit applications have resulted in
19 excessive costs to the public in lost employment and higher prices;

20 (3) unnecessary delay in the processing of permit applications
21 is not in the public interest; and

22 (4) a reduction in the number of state agency reviews and review
23 time required in the permit process would promote the social, economic and
24 environmental health and well being of state residents.

25 * Sec. 2. AS 44.62 is amended by adding new sections to read:

26 ARTICLE 8A. PERMIT PROCESSING.

27 Sec. 44.62.632. PERMIT CLASSIFICATION. (a) A state resource
28 agency shall by regulation classify each permit issued by that agency
29 in one of the following categories:

1 (1) class I, for which the state agency must issue a final
2 decision within 30 days after the date of receipt of a completed
3 application; and

4 (2) class II, for which, because of a necessary public
5 notice or interagency review period, a final decision cannot be issued
6 within 30 days; a final decision on a class II permit must be issued
7 within 65 days after the date of receipt of a completed permit appli-
8 cation, unless a public hearing is held on the permit, in which case a
9 final decision must be issued within 85 days of the date of receipt.

10 (b) Each state resource agency shall adopt final regulations
11 classifying its permits by October 1, 1983, following appropriate
12 notice and hearing. Permits applied for after October 1, 1983, must
13 be issued in accordance with the time periods specified in (a) of this
14 section, and the provisions of the implementing regulations.

15 Sec. 44.62.633. OTHER REGULATORY REQUIREMENTS FOR PERMIT PRO-
16 CESSING. (a) An applicant and a resource agency may agree to waive
17 the time limit under AS 44.62.632(a).

18 (b) Upon a finding by the head of a resource agency that a
19 permit being considered by the agency involves unusually complex
20 issues so that the agency cannot render a final decision within the
21 time period specified in AS 44.62.632, the head of the agency may
22 prescribe a time period within which the final decision will be made.
23 The finding of the head of the agency may be appealed by the applicant
24 to the superior court under the Appellate Rules of Procedure.

25 (c) Subject to the provisions of (a) and (b) of this section and
26 AS 44.62.632, if the resource agency fails to make a final decision
27 within 30 days after the receipt of an application for a class I
28 permit or within the time specified in AS 44.62.632(a)(2) for a class
29 II permit, the permit application is approved.

1 (d) Unless otherwise required by law, a state agency may not
2 condition the issuance of a permit upon the issuance of a permit from
3 another governmental agency.

4 (e) The time period specified in AS 44.62.632(a) may be extended
5 if necessary to facilitate joint processing of a permit application by
6 state and federal agencies, but only if adherence to the time periods
7 established in AS 44.62.632(a) would cause a conflict with federal
8 statute or regulation.

9 (f) In performing its functions under this section, the lead
10 agency shall consult with other resource agencies and with coastal
11 resource districts under AS 46.40. The lead agency shall consider
12 documented facts, data, opinion, conclusions, or recommendations
13 submitted by the commenting agency and the coastal resource districts
14 with an approved district coastal management program, within their
15 areas of expertise, but may, in its discretion, reach contrary opin-
16 ions, conclusions or recommendations according to the weight of the
17 evidence received. The lead agency shall balance competing factors in
18 reaching its final decision. No resource agency other than the lead
19 agency has primary expertise in the balancing of competing factors.

20 Sec. 44.62.634. ADDITIONAL INFORMATION. (a) If a resource
21 agency receives a permit application that does not contain sufficient
22 information concerning compliance with the agency's statutes and
23 regulations, the agency shall notify the applicant within 15 days
24 after receipt of a permit application for a class I permit, and within
25 30 days after receipt for a class II permit.

26 (b) The notification must specify those particular facts or
27 issues concerning the proposal upon which the agency requires addi-
28 tional information in order to determine whether the project will
29 conform to the agency's statutes and regulations.

1 (c) If a timely request under (a) and (b) of this section is
2 made, the time period specified in AS 44.62.632 is suspended from the
3 date of request to the date of full compliance with the request.
4 Subsequent requests for additional information may be made, but must
5 relate only to new issues raised by the response to the initial noti-
6 fication.

7 Sec. 44.62.635. LEAD AGENCY. (a) There is established a lead
8 agency that is solely responsible for issuing coastal management
9 consistency determinations under AS 46.40. For resource development
10 activities on state and federal land, water, and submerged land, the
11 lead agency is the Department of Natural Resources. In all other
12 cases, the lead agency is that resource agency that has principal
13 administrative responsibility for the type of development for which
14 the consistency determination is required, even though the development
15 may require permits from more than one resource agency. The lead
16 agency is solely responsible for preparing and submitting state com-
17 ments on federal permit applications. For classes of activities for
18 which no agency with principal responsibility exists the governor
19 shall designate a resource agency to be a lead agency for each class
20 by administrative order no later than October 1, 1983.

21 (b) Except as required by federal law no state agency other than
22 the lead agency may comment to a federal permitting agency.

23 (c) For activities involving approval of a plan of operation and
24 a certificate under 33 U.S.C. 1341 (sec. 401 of the Clean Water Act),
25 the lead agency shall be the Department of Natural Resources.

26 (d) For activities occurring on privately owned land, and for
27 which one or more state permits or a disposal of interest in state
28 land is required to provide access to the privately owned land, or for
29 purposes otherwise ancillary to the activity, the lead agency shall be

1 the Department of Natural Resources.

2 (e) Nothing in this section or AS 46.40 authorizes a lead agency
3 or any resource agency to deny or condition a consistency determina-
4 tion because of effects that may be caused by activities not them-
5 selves requiring a state or federal permit or disposal of interest in
6 state land.

7 (f) In making a consistency determination under this section for
8 an activity occurring outside the boundaries of a coastal resource
9 district with an approved district plan, the lead agency or any re-
10 source agency may consider only those statewide standards and guide-
11 lines adopted by the Alaska Coastal Policy Council under AS 46.40.-
12 040(1).

13 * Sec. 3. AS 44.62.636 is amended by adding a new subsection to read:

14 (c) As used in AS 44.62.632 - 44.62.635,

15 (1) "date of receipt" means the date on which a state
16 agency physically receives an application filed in accordance with
17 agency regulations and at a place identified as appropriate for filing
18 in the agency's regulations;

19 (2) "permit" means a permit, license, certification, con-
20 sistency determination, comments on pending permit applications before
21 other governmental entities, or other authorization or approval issued
22 by a resource agency as a written document that is required to be
23 obtained or is solicited from a state agency before the construction
24 or operation of a project; "permit"

25 (A) does not include the approval of a unit agreement,
26 a unit development plan, or a unit exploration plan, or convey-
27 ances of interest in state land or water;

28 (B) does include all authorizations and approvals,
29 whether proprietary or regulatory, necessary to undertake a

1 project under a previously conveyed property interest;

2 (3) "project" means a new activity or expansion or addition
3 to an existing activity for which permits are required before con-
4 struction or operation; "project" does not include pursuing a trade or
5 profession, providing public health service, or operating a financial
6 institution;

7 (4) "resource agency" includes the Department of Natural
8 Resources, the Department of Environmental Conservation, and the
9 Department of Fish and Game with respect to permits issued for the
10 protection of fish habitat or the regulation of state sanctuaries,
11 refuges, and critical habitat areas.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

June 23, 1983

SUBJECT: Sectional analysis of CSSE 219 (Resources)

TO: Senator Bettye Fahrenkamp
Chairman, Senate Resources Committee

FROM: Billy G. Berrier *BGB*
Director
Division of Legal Services

You have requested a sectional analysis of CSSE 219 (Resources).

Section 1 contains legislative findings. Essentially the findings are that the present system of processing permits results in unnecessary delay and excessive costs in development of state resources and that reduction in the number of state agencies involved and the time required to process permits would be in the public interest.

Section 2 adds a new article to AS 44.62 concerning permit processing consisting of Secs. 44.62.632 - 636.

Section 44.62.632 requires state resource agencies to classify permits by regulation adopted by October 1, 1983. Permits after that date must be issued in accordance with the time periods specified. Two classes of permits are established. These are:

- (1) Class I on which the final decision must be made in 30 days, and
- (2) Class II on which, because of necessary public notice or agency review, the final decision must be made in 65 days unless a public hearing is required in which case the period is 85 days.

Section 44.62.633 establishes other regulatory requirements:

- (a) Allows waiver by the applicant and agency of the

time requirements in Sec. 44.62.632.

- (b) Allows the head of a resource agency to prescribe a longer time period than that established in Sec. 44.62.632 if unusually complex issues are involved. This decision may be appealed to the Superior Court.
- (c) Provides, subject to (a) or (b) above if the final decision is not made in the prescribed time period the permit application is approved.
- (d) Provides issuance of a permit may not be conditioned on obtaining another permit unless the condition is required by law.
- (e) The time periods may be extended to allow joint federal - state permit processing if the time periods presented would cause a conflict with federal law or regulations.
- (f) A lead agency shall consult with other resource agencies and coastal resource districts in performing its functions. It may consider documentation submitted by a commenting agency or resource district but may reach its own conclusions based on the weight of evidence. The lead agency shall balance competing factors in reaching its final decisions. No other agency has primary expertise in balancing competing factors.

Section 44.62.634 regulates requirements of additional information.

- (a) If a permit application does not contain sufficient information concerning compliance with law and regulations the agency must notify the applicant within 15 days for a Class I permit and within 30 days for a Class II permit after date of receipt of the application.
- (b) Provides the notification shall specify the additional information required.
- (c) Provides that if a request is made under (a) or (b) the time period for final decision is suspended from the date of the request until the

request is complied with. Additional requests may be made only if they relate to new issues raised by the response.

Section 44.62.635 relates to lead agencies which solely are responsible for issuing coastal management consistency determinations under AS 44.40.

- (a) Establish lead agencies.
 - (1) For resource development on state and federal land or water the lead agency is the Department of Natural Resources.
 - (2) In other cases the lead agency is the agency with principal administration responsibility for the type of development for which the determination is required even though permits may be required from more than one agency. If no agency has principal responsibility the governor shall designate a resource agency as a lead agency for each class by October 1, 1983.
- (b) Unless required by federal law no state agency other than the lead agency may comment to a federal permitting agency.
- (c) The lead agency for activities involving a plan of operation and certificate under Sec. 401 of the federal Clean Water Act the lead agency is the Department of Natural Resources.
- (d) If activities for which a consistency determination is required occurs on private land but a permit to use or a disposal of state land is involved the lead agency is the Department of Natural Resources.
- (e) This section and AS 46.40 do not authorize a resource agency to deny or condition a consistency determination because of effects caused by activities not themselves requiring a permit or a disposal of state land.
- (f) If the activity for which the consistency

determination is required occurs outside a coastal resource district with an approved district plan the agency may only consider statewide standards and guidelines adopted by the Alaska Coastal Policy Council.

Section 44.62.636 defines terms used in the Article.

- (1) "date of receipt" means the date an agency physically receives an application filed in accordance with regulations at the place identified as appropriate for receiving filing.
- (2) "permit" is broadly defined as an authorization or approval issued on a written document that is required before construction or operation of a project. It includes authorization or approvals necessary to undertake a project on previously conveyed state property. It does not include the approval of a unit agreement, a unit development plan, or a unit exploration plan, or conveyances of interest in state land or water.
- (3) "project" means a new activity or expansion or addition to an existing activity for which a permit is required. It does not include an occupational license, providing public health services or operating a financial institution.
- (4) "resource agency" includes (1) the Department of Natural Resources, (2) the Department of Environmental Conservation, (3) the Department of Fish and Game with respect to permits issued for the protection of fish habitat or the regulation of state sanctuaries, refuges, and critical habitat areas.

1 (1) class I, for which the state agency must issue a final
2 decision within 30 days after the date of receipt of a completed
3 application; and

4 (2) class II, for which, because of a necessary public
5 notice or interagency review period, a final decision cannot be issued
6 within 30 days; a final decision on a class II permit must be issued
7 within 65 days after the date of receipt of a completed permit appli-
8 cation, unless a public hearing is held on the permit, in which case a
9 final decision must be issued within 85 days of the date of receipt.

10 (b) Each state resource agency shall adopt final regulations
11 classifying its permits by October 1, 1983, following appropriate
12 notice and hearing. Permits applied for after October 1, 1983, must
13 be issued in accordance with the time periods specified in (a) of this
14 section, and the provisions of the implementing regulations.

15 Sec. 44.62.633. OTHER REGULATORY REQUIREMENTS FOR PERMIT PRO-
16 CESSING. (a) An applicant and a resource agency may agree to waive
17 the time limit under AS 44.62.632(a).

18 (b) Upon a finding by the head of a resource agency that a
19 permit being considered by the agency involves unusually complex
20 issues so that the agency cannot render a final decision within the
21 time period specified in AS 44.62.632, the head of the agency may
22 prescribe a time period within which the final decision will be made.
23 The finding of the head of the agency may be appealed by the applicant
24 to the superior court under the Appellate Rules of Procedure.

25 (c) Subject to the provisions of (a) and (b) of this section and
26 AS 44.62.632, if the resource agency fails to make a final decision
27 within 30 days after the receipt of an application for a class I
28 permit or within the time specified in AS 44.62.632(a)(2) for a class
29 II permit, the permit application is approved.

Offered: 6/15/83
Referred: Finance

Original sponsors: Bennett and Fahrenkamp

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SENATE BILL NO. 219 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to processing of permits by state
7 agencies, and to administration of the Alaska coastal
8 management program."

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

10 * Section 1. FINDINGS. The legislature finds that

11 (1) the orderly development of state resources is being unneces-
12 sarily delayed by the length of time required to obtain a permit from a
13 state agency, by the complexity of the permit process, and by the number of
14 agencies involved in the permit process;

15 (2) the uncertainties created by the lack of specific time
16 limits, the proliferation of state agency review, the number of state
17 agencies involved in the permit process, and duplicative state agency
18 requirements for the processing of permit applications have resulted in
19 excessive costs to the public in lost employment and higher prices;

20 (3) unnecessary delay in the processing of permit applications
21 is not in the public interest; and

22 (4) a reduction in the number of state agency reviews and review
23 time required in the permit process would promote the social, economic and
24 environmental health and well being of state residents.

25 * Sec. 2. AS 44.62 is amended by adding new sections to read:

26 ARTICLE 8A. PERMIT PROCESSING.

27 Sec. 44.62.632. PERMIT CLASSIFICATION. (a) A state resource
28 agency shall by regulation classify each permit issued by that agency
29 in one of the following categories:

1 (1) class I, for which the state agency must issue a final
2 decision within 30 days after the date of receipt of a completed
3 application; and

4 (2) class II, for which, because of a necessary public
5 notice or interagency review period, a final decision cannot be issued
6 within 30 days; a final decision on a class II permit must be issued
7 within 65 days after the date of receipt of a completed permit appli-
8 cation, unless a public hearing is held on the permit, in which case a
9 final decision must be issued within 85 days of the date of receipt.

10 (b) Each state resource agency shall adopt final regulations
11 classifying its permits by October 1, 1983, following appropriate
12 notice and hearing. Permits applied for after October 1, 1983, must
13 be issued in accordance with the time periods specified in (a) of this
14 section, and the provisions of the implementing regulations.

15 Sec. 44.62.633. OTHER REGULATORY REQUIREMENTS FOR PERMIT PRO-
16 CESSING. (a) An applicant and a resource agency may agree to waive
17 the time limit under AS 44.62.632(a).

18 (b) Upon a finding by the head of a resource agency that a
19 permit being considered by the agency involves unusually complex
20 issues so that the agency cannot render a final decision within the
21 time period specified in AS 44.62.632, the head of the agency may
22 prescribe a time period within which the final decision will be made.
23 The finding of the head of the agency may be appealed by the applicant
24 to the superior court under the Appellate Rules of Procedure.

25 (c) Subject to the provisions of (a) and (b) of this section and
26 AS 44.62.632, if the resource agency fails to make a final decision
27 within 30 days after the receipt of an application for a class I
28 permit or within the time specified in AS 44.62.632(a)(2) for a class
29 II permit, the permit application is approved.

1 (d) Unless otherwise required by law, a state agency may not
2 condition the issuance of a permit upon the issuance of a permit from
3 another governmental agency.

4 (e) The time period specified in AS 44.62.632(a) may be extended
5 if necessary to facilitate joint processing of a permit application by
6 state and federal agencies, but only if adherence to the time periods
7 established in AS 44.62.632(a) would cause a conflict with federal
8 statute or regulation.

9 (f) In performing its functions under this section, the lead
10 agency shall consult with other resource agencies and with coastal
11 resource districts under AS 46.40. The lead agency shall consider
12 documented facts, data, opinion, conclusions, or recommendations
13 submitted by the commenting agency and the coastal resource districts
14 with an approved district coastal management program, within their
15 areas of expertise, but may, in its discretion, reach contrary opin-
16 ions, conclusions or recommendations according to the weight of the
17 ev" nce received. The lead agency shall balance competing factors in
18 reaching its final decision. No resource agency other than the lead
19 agency has primary expertise in the balancing of competing factors.

20 Sec. 44.62.634. ADDITIONAL INFORMATION. (a) If a resource
21 agency receives a permit application that does not contain sufficient
22 information concerning compliance with the agency's statutes and
23 regulations, the agency shall notify the applicant within 15 days
24 after receipt of a permit application for a class I permit, and within
25 30 days after receipt for a class II permit.

26 (b) The notification must specify those particular facts or
27 issues concerning the proposal upon which the agency requires addi-
28 tional information in order to determine whether the project will
29 conform to the agency's statutes and regulations.

1 (c) If a timely request under (a) and (b) of this section is
2 made, the time period specified in AS 44.62.632 is suspended from the
3 date of request to the date of full compliance with the request.
4 Subsequent requests for additional information may be made, but must
5 relate only to new issues raised by the response to the initial noti-
6 fication.

7 Sec. 44.62.635. LEAD AGENCY. (a) There is established a lead
8 agency that is solely responsible for issuing coastal management
9 consistency determinations under AS 46.40. For resource development
10 activities on state and federal land, water, and submerged land, the
11 lead agency is the Department of Natural Resources. In all other
12 cases, the lead agency is that resource agency that has principal
13 administrative responsibility for the type of development for which
14 the consistency determination is required, even though the development
15 may require permits from more than one resource agency. The lead
16 agency is solely responsible for preparing and submitting state com-
17 ments on federal permit applications. For classes of activities for
18 which no agency with principal responsibility exists the governor
19 shall designate a resource agency to be a lead agency for each class
20 by administrative order no later than October 1, 1983.

21 (b) Except as required by federal law no state agency other than
22 the lead agency may comment to a federal permitting agency.

23 (c) For activities involving approval of a plan of operation and
24 a certificate under 33 U.S.C. 1341 (sec. 401 of the Clean Water Act),
25 the lead agency shall be the Department of Natural Resources.

26 (d) For activities occurring on privately owned land, and for
27 which one or more state permits or a disposal of interest in state
28 land is required to provide access to the privately owned land, or for
29 purposes otherwise ancillary to the activity, the lead agency shall be

1 the Department of Natural Resources.

2 (e) Nothing in this section or AS 46.40 authorizes a lead agency
3 or any resource agency to deny or condition a consistency determina-
4 tion because of effects that may be caused by activities not them-
5 selves requiring a state or federal permit or disposal of interest in
6 state land.

7 (f) In making a consistency determination under this section for
8 an activity occurring outside the boundaries of a coastal resource
9 district with an approved district plan, the lead agency or any re-
10 source agency may consider only those statewide standards and guide-
11 lines adopted by the Alaska Coastal Policy Council under AS 46.40.-
12 040(1).

13 * Sec. 3. AS 44.62.630 is amended by adding a new subsection to read:

14 (c) As used in AS 44.62.632 - 44.62.635,

15 (1) "date of receipt" means the date on which a state
16 agency physically receives an application filed in accordance with
17 agency regulations and at a place identified as appropriate for filing
18 in the agency's regulations;

19 (2) "permit" means a permit, license, certification, con-
20 sistency determination, comments on pending permit applications before
21 other governmental entities, or other authorization or approval issued
22 by a resource agency as a written document that is required to be
23 obtained or is solicited from a state agency before the construction
24 or operation of a project; "permit"

25 (A) does not include the approval of a unit agreement,
26 a unit development plan, or a unit exploration plan, or convey-
27 ances of interest in state land or water;

28 (B) does include all authorizations and approvals,
29 whether proprietary or regulatory, necessary to undertake a

1 project under a previously conveyed property interest;

2 (3) "project" means a new activity or expansion or addition
3 to an existing activity for which permits are required before con-
4 struction or operation; "project" does not include pursuing a trade or
5 profession, providing public health service, or operating a financial
6 institution;

7 (4) "resource agency" includes the Department of Natural
8 Resources, the Department of Environmental Conservation, and the
9 Department of Fish and Game with respect to permits issued for the
10 protection of fish habitat or the regulation of state sanctuaries,
11 refuges, and critical habitat areas.

Introduced: 3/30/83
Referred: Resources and
Finance

1 IN THE SENATE

BY BENNETT AND FAHRENKAMP

2

SENATE BILL NO. 219

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the processing of permits by
7 state agencies; and providing for an effective date."

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

9 * Section 1. FINDINGS. The legislature finds that

10 (1) the orderly development of state resources is being unneces-
11 sarily delayed by the length of time required to obtain permits from state
12 agencies, by the complexity of the permitting process, and by the number of
13 agencies involved in the permitting process;

14 (2) the uncertainties created by the lack of specific time
15 limits, the proliferation of agency reviews, the number of agencies in-
16 volved in the permit process, and unjustified agency requirements upon the
17 processing of permit applications have cost Alaskans millions of dollars in
18 lost employment and higher prices;

19 (3) the public interest has not been advanced by protracted
20 delay in the processing of permit applications by state agencies;

21 (4) by requiring state agencies to process permit applications
22 in an expeditious manner within a reasonable period of time, the state will
23 promote the social, economic, and environmental health and well-being of
24 its citizens.

25 * Sec. 2. AS 44.62 is amended by adding new sections to read:

26

ARTICLE 8A. ISSUANCE OF PERMITS.

27

Sec. 44.62.632. TIME LIMIT ON THE PROCESSING OF PERMITS. (a)

28

Upon receipt of a permit application or receipt of a federal agency

29

request for state review of an application for a federal permit, the

1 responsible state agency shall issue a final decision granting, deny-
2 ing, or reasonably conditioning the issuance of the permit, or issue a
3 final response to the federal agency's request for state review,
4 within the following time periods, unless the applicant and the agency
5 mutually agree to a different period of time:

6 (1) any time period specifically required by state law;

7 (2) 60 days if a time period is not specifically required
8 by state law and a public notice, public hearing, or comment period is
9 specifically required by state law in connection with the permit
10 application;

11 (3) 30 days if (1) or (2) of this subsection do not apply.

12 (b) The final decision on a permit application under (a) of this
13 section shall include:

14 (1) conclusions of the state agency that support its deci-
15 sion concerning the permit application, including the factual basis
16 and statutory authority for any conditions or stipulations to which
17 the permit is subject; and

18 (2) the granting, conditional granting, or denial of the
19 permit by the state agency.

20 (c) The final decision under (a) of this section must bear a
21 fair and substantial relation to the object of the law under which the
22 state agency is empowered to act.

23 (d) A permit may not be denied because of the lack of any other
24 permit, and may not be conditioned upon the acquisition of any other
25 permit.

26 (e) A permit application that has not been approved or rejected
27 by the responsible state agency within the time period specified in
28 (a) of this section is approved as submitted. The permit is approved
29 on the last day on which the state agency could have announced a final

1 decision under (a) of this section.

2 Sec. 44.62.634. DEFECTIVE APPLICATIONS; NOTICE TO APPLICANT.

3 (a) If a state agency receives a permit application requesting a
4 permit that the agency believes it does not have authority to issue,
5 or that it believes is unnecessary, it shall notify the applicant
6 within 10 days after its receipt of the application. A notice given
7 under this subsection is the final agency decision.

8 (b) If a state agency receives a permit application that it
9 believes does not contain sufficient information concerning the loca-
10 tion and nature of the project to allow the agency to determine
11 whether the project complies with state law, the agency shall notify
12 the applicant within 10 days after its receipt of the application.
13 The notice must specify all information the agency requires to deter-
14 mine whether the project complies with state law.

15 Sec. 44.62.635. REVIEW BY THE COMMISSIONER OR BOARD. A state
16 agency's final decision issued under AS 44.62.632 may be reviewed by
17 the commissioner or board of the issuing agency at the request of the
18 applicant. The applicant is entitled to a review de novo if requested
19 in the original request for review; otherwise the review is a review
20 on the record. The request must be filed with the commissioner or
21 board within 30 days of the applicant's receipt of the decision. The
22 commissioner or board shall issue a decision within 10 days of receipt
23 of the request if the review is a review on the record. If the appli-
24 cant has requested a hearing de novo, the hearing shall be held within
25 30 days of receipt of the request, and the decision of the commis-
26 sioner or board shall be made within 30 days of the conclusion of the
27 hearing. Unless the agency decision is confirmed in its entirety, the
28 commissioner or board shall issue a written decision setting out the
29 findings and conclusions in full.

1 Sec. 44.62.636. REVIEW BY THE SUPERIOR COURT. (a) Judicial
2 review by the superior court of a final decision issued by a state
3 agency under AS 44.62.632 or AS 44.62.634 or of a decision of the
4 commissioner or board issued under AS 44.62.635, may be had by filing
5 a notice of appeal in the superior court in accordance with the appli-
6 cable rules of appellate procedure. The right to appeal is not af-
7 fected by the failure to seek reconsideration or further review under
8 AS 44.62.635. The review shall be governed by the provisions of
9 AS 44.62.560(b) - (e) and AS 44.62.570.

10 (b) On an appeal by an applicant to the superior court, the
11 agency that issued the final decision has the burden of proving that
12 the decision is in accordance with AS 44.62.632 and AS 44.62.634.

13 (c) An appeal taken under this section has preference on the
14 calendar of civil actions before the court and shall be decided with-
15 out unnecessary delay.

16 * Sec. 3. AS 44.62.640 is amended by adding a new subsection to read:

17 (c) In AS 44.62.632 - 44.62.634,

18 (1) "permit" means a permit, license, certification, con-
19 sistency determination, comments on pending permit applications before
20 other governmental entities (including environmental impact statement
21 comments), plan review, or other authorization or approval issued as a
22 written document that is required to be obtained or is solicited from
23 a state agency before the construction or operation of a project;
24 "permit" does not include

25 (A) conveyances of interest in state land or water,
26 but does include all authorizations and approvals, whether pro-
27 prietary or regulatory, necessary to undertake a project under a
28 previously conveyed property interest; and

29 (B) the provision of financial assistance;

1 (2) "permit application" includes the following documents:

2 (A) a document requesting the issuance of a permit
3 that contains sufficient information concerning the location and
4 nature of a project to allow the state agency to which it is
5 directed to determine compliance of the project with state law;

6 (B) a document submitted to a state agency by a gov-
7 ernmental entity that solicits comments in connection with a
8 permit being processed by that governmental entity;

9 (3) "project" means a new activity or expansion or addition
10 to an existing activity for which permits are required before con-
11 struction or operation; "project" does not include pursuing a trade or
12 profession, providing public health service, or operating a financial
13 institution;

14 (4) "state agency" means a state department, commission,
15 board, or other agency of the state; "state agency" includes a local
16 or regional air pollution control authority established under AS 46.-
17 03.210 and a coastal resource district and coastal resource service
18 board established under AS 46.40.010 - 46.40.210.

19 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
20 10.070(c).

I. REQUEST
 Bill/Resolution No.: CSSB 219
 Title: Permit Reform
 Sponsor: Bennett
 Requestor: Senate Resources

II. FISCAL DETAIL
 Agency Affected: Natural Resources
 Program Category Affected: NRMEC ERU, Program of Subprogram(s) Affected
 Mgmt. of Land/Mineral/Energy Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		346.6				
200 TRAVEL		18.0				
300 CONTRACTUAL		94.5				
400 COMMODITIES		33.8				
500 EQUIPMENT		264.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		756.9				
CAPITAL		-				
REVENUE		-				

FUNDING: (Thousands of Dollars)

GENERAL FUND	756.9					
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME	10					
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Unknown

IV. ANALYSIS: Attach a separate page for any Analysis (Attached)

Prepared By: Jim Barnett *James Barnett* Phone: 265-4131
 Division: Commissioner's Office - Anchorage Date: 5/20/83
 Approved by: Deputy Commissioner *Mayhew* Date: 5/20/83
 Department: Natural Resources

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor

Attachment to Fiscal Note for CSSB 219

- I. Assumes following new personnel to process and coordinate CZM and permitting for development on state and federal lands, including OCS leasing, mining and timber sales.

<u>Fairbanks</u>	<u>Annual Cost w/benefits</u>
Nat. Resource Manager I	48,735
Nat. Resource Officer II	42,570
Nat. Resource Officer I	36,945
Clerk III	25,095
<u>Anchorage</u>	
Nat. Resource Manager I	42,570
Nat. Resource Officer II	36,945
Nat. Resource Officer I	32,175
Clerk III	22,305
<u>Juneau</u>	
Nat. Resource Officer II	36,945
Clerk III	22,305

346.6

- II. Assumes travel costs for adopting regulations and occasional meetings to resolve conflicts.
- III. Contractual -
For publishing of notices and general overhead costs (phone, rent, etc.).
- IV. Equipment costs include \$250,000 for a system linking the three permitting centers.

Costs beyond FY 84 are not estimated, but comparable. Assumes that CSSB 219 is amended to exclude conveyance-related permits such as material sales, ROW's, etc.

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: SB 219
 Title: "Processing of permits by state. . ."
 Sponsor: Senator Bennett
 Requestor: Senate Resources

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Life & Property
 BRL, Program of Subprogram(s) Affected: Fire Prevention

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis No fiscal impact anticipated

Prepared By: Paul Conger Phone: 465-4338
 Division: Administrative Services Date: 4-5-83
 Approved by Commissioner: [Signature] Date: 4/6/83
 Department: Public Safety

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

3/8/83

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: SB 219
 Title: "...processing of permits..."
 Sponsor: Senator Bennett
 Requestor: Senate Resources Committee

II. FISCAL DETAIL

Agency Affected: Department of Law
 Program Category Affected: General Govt.
 BRU, Program of Subprogram(s) Affected: Legal Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard I. Pegues, Director
 Division: Administrative Services Division
 Approved by Commissioner: Richard I. Pegues / FGN
 Department: Department of Law

Phone: 465-3672
 Date: May 20, 1983
 Date: May 20, 1983

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

SB 219
Fiscal Note
Analysis

This bill greatly shortens the permitting process time of state agencies. Although this will cause us to assist with some new regulations necessary to establish a shortened permit process for the permitting agencies, this additional work will be on a single-time basis and will not be unduly burdening. Therefore, the bill will not have a significant fiscal impact on the Department of Law's operations. Considerable fiscal impact will occur on the part of agencies responsible for permits, such as Fish & Game, DEC, Natural Resources, and the Limited Entry Commission, as they gear up to review and issue permits in shortened times provided by the bill. Moreover, this bill does not seem to be limited to resources areas, as does the companion bill in the House, HB 14, and it appears that there may also be considerable impact in regulated industries such as transportation.

Attachment to Fiscal Note for CSSB 219

- I. Assumes following new personnel to process and coordinate CZM and permitting for development on state and federal lands, including OCS leasing, mining and timber sales.

<u>Fairbanks</u>	<u>Annual Cost w/benefits</u>
Nat. Resource Manager I	48,735
Nat. Resource Officer II	42,570
Nat. Resource Officer I	36,945
Clerk III	25,095
<u>Anchorage</u>	
Nat. Resource Manager I	42,570
Nat. Resource Officer II	36,945
Nat. Resource Officer I	32,175
Clerk III	22,305
<u>Juneau</u>	
Nat. Resource Officer II	36,945
Clerk III	22,305
	<hr/> 346.6

- II. Assumes travel costs for adopting regulations and occasional meetings to resolve conflicts.

III. Contractual -

For publishing of notices and general overhead costs (phone, rent, etc.).

- IV. Equipment costs include \$250,000 for a system linking the three permitting centers.

Costs beyond FY 84 are not estimated, but comparable. Assumes that CSSB 219 is amended to exclude conveyance-related permits such as material sales, ROW's, etc.

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST
 Bill/Resolution No.: SB 219
 Title: "...processing of permits..."
 Sponsor: Senator Bennett
 Requestor: Senate Resources Committee

II. FISCAL DETAIL
 Agency Affected: Department of Law
 Program Category Affected: General Govt.
 BRU, Program of Subprogram(s) Affected: Legal Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: May 20, 1983
 Approved by Commissioner: Richard I. Pegues / Fox Date: May 20, 1983
 Department: Department of Law

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

SR 219
Fiscal Note
Analysis

This bill greatly shortens the permitting process time of state agencies. Although this will cause us to assist with some new regulations necessary to establish a shortened permit process for the permitting agencies, this additional work will be on a single-time basis and will not be unduly burdening. Therefore, the bill will not have a significant fiscal impact on the Department of Law's operations. Considerable fiscal impact will occur on the part of agencies responsible for permits, such as Fish & Game, DEC, Natural Resources, and the Limited Entry Commission, as they gear up to review and issue permits in shortened times provided by the bill. Moreover, this bill does not seem to be limited to resources areas, as does the companion bill in the House, HB 14, and it appears that there may also be considerable impact in regulated industries such as transportation.