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SENATE FINANCE COMMITTEE REPORT

DATE: 5/5/90

FURTHER:

DATE TURNED INTO OFFICE: _____

The Finance Committee considered SB 500

"An Act relating to the Alaska Coastal Policy Council."

and recommended:

- replace with _____ CS _____ same title
- or adopt _____ CS _____ new title
- attached amendment(s) technical title change (HB only)
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

Bill died in committee.

ATTACHES NEW FISCAL NOTE(S):

Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

appropriation-no fiscal note

APPROVES PREVIOUS:

Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

1. _____

2. _____

Co-Chairs: Signatures and Recommendations

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

6-2236E/3
b

DATE: 2/15/90

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 5-5-90

C & R A

Committee considered

SB 500

Act relating to the Alaska Coastal Policy Council.

and recommended: 5

replace with _____ CS

SB 500 (C+RA)

same title
 new title

attached amendment(s)

and report it
back as follows

_____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

fiscal note(s) _____

zero fiscal note(s) _____

DGC - 3-2-90 CS 500

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

raise - no rec
PA Fund A no rec
to be no rec

Mike Jensen - Do Pass
Chair: Signature and Recommendation

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Alaska Coastal Policy Council

Agency Affected: Office of the Governor
BRU: Office of Management and Budget

Sponsor: Senate Resource
Requestor: Fahrenkamp

Components: Division of Governmental Coordinator

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Robert I. Grogan, Director *Kent Feddersen for* Phone: 465-3562
Division: Governmental Coordination Date: 3/2/90

Approved by Commissioner: _____ Date: 3/2/90
Agency: _____

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies) _____

Changes in CSSB 500 (C&RA)
have no fiscal impact.
This fiscal note is *MSB*
appropriate.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Alaska Coastal Policy Council

Agency Affected: Office of the Governor
BRU: Office of Management and Budget

Sponsor: Senate Resource
Requestor: Fahrenkamp

Components: Division of Governmental
Coordinator

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
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CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Robert L. Grogan, Director *Robert L. Grogan for* Phone: 465-3562
Division: Governmental Coordination Date: 3/2/90

Approved by Commissioner: _____ Date: 3/2/90
Agency: _____

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Offered: 5/5/90
Referred: Finance

6-2236H

Original sponsor(s): Resources Committee

1 IN THE SENATE

BY THE C&RA COMMITTEE

2 CS FOR SENATE BILL NO. 500 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska coastal management
7 program."

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

9 * Section 1. AS 46.40.100(b) is repealed and reenacted to read.

10 (b) On petition of an applicant for a project or an affected
11 coastal resource district, stating that a district coastal management
12 program is not being implemented by a state coordinating agency during
13 a state consistency review for a particular project, the council may
14 convene a public meeting held to consider the matter. The petition
15 may be filed only within the five days following receipt of a proposed
16 determination by the commissioners of the state resource agencies
17 during a project consistency review. A public meeting must be held
18 within 30 days after the filing of the petition. The council shall
19 fully consider the matter and render a decision within 15 days of the
20 public meeting. At a meeting held under this subsection, the council
21 shall make a written finding on whether the state coordinating agency
22 has followed the project consistency review procedures, has properly
23 considered enforceable policies and standards during the project
24 consistency review, or if the use or activity authorized by the per-
25 mit, license, or approval is consistent with the district coastal
26 management program and the regulations adopted under it. After a
27 meeting held under this subsection, the council may

28 (1) dismiss the petition for failure to prove that the
29 state coordinating agency was acting improperly;

1 (2) direct the resource agency commissioners or the state
2 coordinating agency to correct the deficiencies identified in the
3 written findings; or

4 (3) revise the Alaska coastal management program under
5 AS 46.40.010(c).

6 * Sec. 2. AS 46.40.100(c) is repealed and reenacted to read:

7 (c) On the petition of a resident of the district, an affected
8 coastal resource district, or a state agency stating that an approved
9 district coastal management program is not being properly implemented
10 by a coastal resource district or state agency in its general imple-
11 mentation of law and regulations of the Alaska coastal management
12 program, the council may convene a public meeting to consider the
13 matter. A petition may be filed at any time and shall demonstrate
14 that the petitioner sought to resolve the matter with the coastal
15 resource district or the state agency before filing the petition. If
16 the council holds the public meeting, it shall make a written finding
17 on whether

18 (1) a coastal resource district or a state agency has

19 (A) properly considered enforceable policies and
20 standards of its coastal management program approved by the
21 council; and

22 (B) followed the procedures approved by the council
23 for implementation of the coastal management program of the
24 district or of the state agency; and

25 (2) a state agency has satisfactorily performed coastal
26 management responsibilities required by law, regulations, or a reim-
27 bursable services agreement.

28 * Sec. 3. AS 46.40.100(d) is repealed and reenacted to read:

29 (d) After a meeting held under (c) of this section, the council

1 may

2 (1) dismiss the petition for a failure to prove that the
3 coastal resource district was acting improperly;

4 (2) direct the coastal resource district or the state
5 agency to correct the deficiencies identified in the written finding
6 prepared under (c) of this section; and

7 (3) revise the Alaska coastal management program under
8 AS 46.40.010(c).

9 * Sec. 4. AS 46.40.100(e) is amended to read:

10 (e) Notwithstanding the powers conferred on the council under
11 (b) - (d) of this section, the council may not review a case under (b)
12 of this section if action by a state agency has been challenged in
13 court as inconsistent with the Alaska coastal management program. The
14 superior courts of the state have exclusive appellate jurisdiction
15 over that action [TO ENFORCE LAWFUL ORDERS OF THE COUNCIL].

16 * Sec. 5. AS 46.40.100 is amended by adding a new subsection to read:

17 (f) In this section,

18 (1) "affected coastal resource district" means a coastal
19 district in which a project is proposed to be located, or that may
20 experience a direct and significant effect from a proposed project or
21 the implementation of a district coastal management program;

22 (2) "coordinating agency" means the agency responsible for
23 coordination and facilitation of the review and the rendering of the
24 consistency determination;

25 (3) the "resource agency commissioners" are

26 (A) the commissioner of natural resources;

27 (B) the commissioner of fish and game; and

28 (C) the commissioner of environmental conservation.
29

BY THE RESOURCES COMMITTEE

1 IN THE SENATE

2 SENATE BILL NO. 500

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska Coastal Policy Coun-
7 cil."

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

9 * Section 1. AS 46.40.100(b) is amended to read:

10 (b) On petition of a coastal resource district, a citizen of the
11 district, or a state agency, stating [SHOWING] that a district coastal
12 management program is not being implemented, enforced, or complied
13 with, the council may [SHALL] convene a public hearing to consider the
14 matter. After the public hearing, the council may make a recommenda-
15 tion to the coastal resource district or to a state agency that it
16 considers appropriate and may revise the Alaska coastal management
17 program under AS 46.40.010(c). [A HEARING CALLED UNDER THIS SUB-
18 SECTION SHALL BE HELD IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE
19 ACT (AS 44.62). AFTER THE HEARING, THE COUNCIL MAY ORDER THAT THE
20 COASTAL RESOURCE DISTRICT OR STATE AGENCY TAKE ANY ACTION WHICH THE
21 COUNCIL CONSIDERS NECESSARY TO IMPLEMENT, ENFORCE OR COMPLY WITH THE
22 DISTRICT COASTAL MANAGEMENT PROGRAM.]

23 * Sec. 2. AS 46.40.100(c) is amended to read:

24 (c) At a hearing convened under (b) of this section concerning
25 implementation of, enforcement of, or compliance with [IN DETERMINING
26 WHETHER] an approved district coastal management program [IS BEING
27 IMPLEMENTED, ENFORCED OR COMPLIED WITH] by a coastal resource district
28 that [WHICH] exercises zoning authority or control [CONTROLS] on the
29 use of resources within the coastal area, the council may consider
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1 whether [SHALL FIND IN FAVOR OF THE DISTRICT IF]

2 (1) zoning or other regulations have been adopted and are
3 being enforced;

4 (2) variances are being granted according to procedures and
5 criteria that [WHICH] are elements of the district coastal management
6 program, or the variance is otherwise approved by the council; and

7 (3) procedures and standards adopted by the coastal re-
8 source district as required by this chapter or by the guidelines and
9 standards adopted by the council and subsequently approved by the
10 legislature have been followed and considered.

11 * Sec. 3. AS 46.40.100(d) is amended to read:

12 (d) At a hearing convened under (b) of this section concerning
13 implementation, enforcement, or compliance by a state agency [IN
14 DETERMINING WHETHER A STATE AGENCY IS COMPLYING] with a district
15 coastal management program with respect to its exercise of regulation
16 or control of the resources within the coastal area, the council may
17 consider whether [SHALL FIND IN FAVOR OF THE AGENCY IF

18 (1)] the use or activity for which the permit, license, or
19 approval is granted is consistent with the district coastal management
20 program and regulations adopted under it [; AND]

21 (2) THE USE OR ACTIVITY FOR WHICH THE PERMIT, LICENSE OR
22 APPROVAL IS GRANTED IS CONSISTENT WITH REQUIREMENTS IMPOSED BY STATE
23 STATUTE, REGULATION, OR LOCAL ORDINANCE APPLICABLE TO THE USE OF
24 ACTIVITY].

25 * Sec. 4. AS 46.40.100(e) is amended to read:

26 (e) Notwithstanding the powers conferred on the council under
27 (b), (c), and (d) of this section, the council does not have appellate
28 jurisdiction over a case in which an action by a municipality or a
29 state agency is challenged as inconsistent with the Alaska coastal

1 management program. The superior courts of the state have exclusive
2 appellate jurisdiction over that action [TO ENFORCE LAWFUL ORDERS OF
3 THE COUNCIL].
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