

LEG. FINANCE - BILLS 1977 - 1978 932

SB 213 thru SB 220

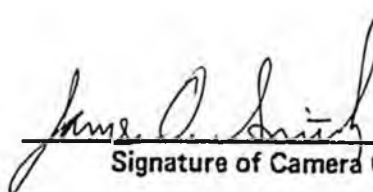
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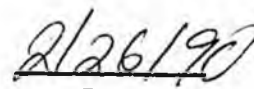
RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.



Signature of Camera Operator



Date

COMMITTEE REPORT

SENATE

5/24/77

March 27, 1978

Date

Mr. President:

The Committee on FINANCE has had SB 213
rural development assistance/Department of Community and Regional Affairs
under consideration. A majority of the members of the Committee

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for _____ and that
CS for _____ do pass
- (and) recommends it be referred to the _____
committee
- reports it back without recommendation
- AND attaches a report of its intent
- (other) _____

MEMBERS SIGNING THE MAJORITY REPORT:

John C. Lippert _____
John C. Lippert _____
John C. Lippert _____
John C. Lippert _____

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____ recommends: _____
_____ recommends: _____
_____ recommends: _____

John C. Lippert
Chairman

Introduced: 3/4/77
Referred: Community and
Regional Affairs and
Finance

1 IN THE SENATE

BY CROFT

2 SENATE BILL NO. 213

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the program of rural development
7 assistance in the Department of Community and Regional
8 Affairs; and providing for an effective date."

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

10 * Section 1. AS 44.47.140(1) is amended to read:

11 (1) no program for any one community may exceed \$40,000

12 [\$20,000] in cost a year; and

13 * Sec. 2. This A t takes effect July 1, 1977.

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SFC
file

SB 213

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

511 WEST 4TH AVENUE
ANCHORAGE 99501

April 10, 1978

Honorable John C. Sackett
Chairman, Senate Finance
Committee
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Re: Rural Development Assistance Program

Dear John:

Enclosed are 7 copies of the Report of the Rural Development Assistance (RDA) Grant Program, which were requested by the Senate Finance Committee on March 22, 1978. The Report is divided into 8 sections, with a Summary for each Section, and backup data from which the Summary was developed.

The Division of Community and Rural Development began administration of the RDA Program on July 1, 1976. Our approach to administering the program has been two-fold: 1) to assist communities to diversify their slender economic base; and 2) to provide training to communities in grant development and management.

Two measures of quantifying that diversification are the number of new, permanent, full time jobs created and the total monies generated for that community. Since July, 1976, there have been 54.5 new, permanent jobs created for rural Alaska that were a direct result of the RDA effort. These positions were funded in many different ways, but none were funded by the RDA Grant directly. In other words, the Grant funds were up front moneys that made the permanent jobs possible. Some positions were funded directly from city revenues (librarians, clerks, and maintenance); other positions were paid for from user fees generated by the project (dock warehousemen, harbor masters, machine repairmen, meter readers, curators, etc.); still other positions were funded from other private sources (health aides, secretaries, etc.).

In addition, with the assistance of the field staff and the RDA Grants used as seed money, nearly \$3.7 million in additional funds has been mobilized to aid in economic diversification.

Honorable John C. Sackett
April 10, 1978
Page Two

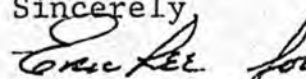
The second major goal of the program is less visible and in many ways less quantifiable. When the new Division began administering the program in 1976, there were 156 open grants, some dating back to 1972. Many of these had been completely overlooked and inactive for many months. A great deal of the Division's initial effort was spent in "cleaning up" these old grants. In many cases this meant merely closing out the paper work, while in others it meant completely retraining new councils and clerks and reprogramming the funds. Currently, there are 48 open grants.

This effort involved large amounts of field time. Now that the "clean up" phase has been completed, the Division staff actively assists communities in the grant development process. This includes acting as a facilitator in developing consensus on where the community is and where they want to be in 5 to 10 years; information and referral; how to mobilize local and other resources; how to manage the project when it is completed; and to a very large extent, serve as a coordinator for multi-agency involvements in most projects.

Federal programs, especially HUD/Community Development Block Grants, and Economic Development Administration (EDA) have had a significant impact in relationship to the RDA Program recently. In 1977, EDA awarded 65 projects in rural Alaska. The RDA Program had involvement in 24 of those projects. This involvement ranged from assisting in the original development, as in the Haines Cultural Center, where RDA funds were provided for the foundation of the center, to technical assistance in developing federal grants and plans, as in Alakanuk, Shishmaref, and Kotlik. In most cases, the funds from EDA were many times what RDA had available.

In order to provide a continuum of effort and coordination, the Division instigated a Task Force On Rural Development. Federal and state agencies, Rural Planners, RDA staff meet quarterly to share and coordinate their effort to assist rural Alaska.

We hope this report will provide you with the type of information that you need. Data on the program prior to 1972 is very sketchy and largely unavailable. If you would like a further explanation of any of the material provided in this report, please contact: Ms. Lare', Community Development Coordinator for the Division of Community and Rural Development.

Sincerely,

Lee McAnerney
Commissioner

LMCA/dt

Enclosures

**KOYUKON
DEVELOPMENT
CORPORATION, INC.**



May 11, 1977

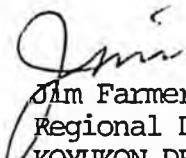
Honorable George Holmen
United State Senate
Pouch V
Juneau, Alaska 99801

Dear Sir:

Give the people of our great State a better chance to help themselves, support SB 213 - a bill increasing the limit on RDA Grants from \$20,000 to \$40,000. Due to the increased cost of goods and services the \$20,000 limit is not very realistic. The higher limit would allow projects to be completed faster and help the people more.

Thank you for your kind consideration in this matter. I'll be watching to see how this area of concern fares.

Yours very truly,


Jim Farmer
Regional Director
KOYUKON DEVELOPMENT CORPORATION

JF/co

cc: Governor

SB 213

Call Nancy Knoohuizen 4765
Community & Rural Development

Notified 3/22/78


Please call when this bill comes before
the committee.

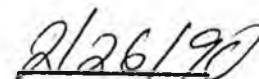


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Signature of Camera Operator


Date

Introduced: 3/4/77
Referred: State Affairs and
Finance

1 IN THE SENATE

BY CROFT AND RODEY

2 SENATE BILL NO. 214

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Alaska Commission on the Status of
7 Women."

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

9 * Section 1. AS 18 is amended by adding a new chapter to read:

10 CHAPTER 110. ALASKA COMMISSION ON THE STATUS OF WOMEN.

11 Sec. 18.110.010. CREATION OF COMMISSION. There is created in the
12 Office of the Governor the Alaska Commission on the Status of Women.

13 Sec. 18.110.020. COMPOSITION. The commission consists of nine
14 members who shall serve at the pleasure of the governor.

15 Sec. 18.110.030. APPOINTMENT. (a) The members shall be appointed
16 on a nonpartisan basis by the governor within 60 days of the effective
17 date of this Act. The members shall be residents of the state. In
18 making the appointments, due consideration shall be given to

19 (1) the recommendations made by civic organizations, women's
20 organizations, educational and vocational groups, employer groups, labor
21 unions, church groups, and other groups having an interest in the status
22 of women;

23 (2) statewide geographical representation of the commission;
24 and

25 (3) minority and low-income representation.

26 (b) The commission shall elect one of its members as chairperson
27 and may select other commission officers as it considers necessary.

28 Sec. 18.110.040. MEETINGS. Within 60 days after the appointment
29 of all the members of the commission, the governor shall call the first

1 meeting of the commission. A majority of the members constitutes a
2 quorum for conducting business and exercising the powers of the commis-
3 sion. The commission shall meet at the call of the chairperson, at the
4 request of a majority of the members, or at a regularly scheduled time
5 as determined by a majority of the members.

6 Sec. 18.110.050. TERMS OF OFFICE. The term of office of each
7 member is three years, except that of the members first appointed, three
8 shall serve for one year, three for two years, and three for three
9 years. A vacancy shall be filled for the balance of the unexpired term
10 in the same manner as original appointments.

11 Sec. 18.110.060. COMPENSATION. Members of the commission receive
12 no compensation for their services but are entitled to per diem and
13 travel allowances authorized by law for other boards and commissions.

14 Sec. 18.110.070. PURPOSE. The purpose of the commission is to
15 further the improvement of the status of women in Alaska by conducting
16 research on issues relating to the status of women, publishing the re-
17 sults of the research, and using other methods, such as public hearings,
18 conferences, and seminars, to inform the public and to assist women in
19 improving the collective, as well as the individual status of women
20 throughout the state.

21 Sec. 18.110.080. POWERS AND DUTIES. To accomplish its purpose,
22 the commission may

23 (1) hire an executive director and additional administrative
24 staff as may be necessary to the commission's function;

25 (2) act as a clearinghouse for governmental and nongovern-
26 mental information relating to the status of women;

27 (3) cooperate with public and private agencies in joint
28 efforts to study and resolve problems relating to the status of women in
29 Alaska;

1 (4) establish standing committees among the members to inves-
2 tigate and make recommendations on various areas of concern;

3 (5) create task forces composed of commission members and
4 other experts as needed;

5 (6) encourage women to utilize their capabilities and to
6 assume leadership roles.

7 Sec. 18.110.090. ACCESS TO INFORMATION. The commission shall have
8 access to all nonconfidential records, data, information, and statistics
9 of all departments, boards, commissions, agencies, and institutions of
10 the state. This includes but is not limited to access to departmental
11 and agency budgets and affirmative action plans.

12 Sec. 18.110.100. ANNUAL REPORT. Each year the commission shall
13 file a report with the governor and the legislature of its proceedings
14 for the previous calendar year and may submit with the report such
15 recommendations for legislative consideration and other action which it
16 considers necessary.



Bucky Jones
THE ALASKA FEDERATION OF
Business and Professional Women's Clubs

P. O. Box 4-312, Anchorage, Alaska, 99509

April 6, 1977

Sen. John C. Sackett, Chairman
Alaska State Senate Finance Committee
Pouch V
Juneau, Alaska, 99811

Re: SB 214

Dear Sir:

The proposed legislation for "An Act Creating the Alaska Commission on the Status of Women" was discussed at a recent meeting of the Anchorage Business and Professional Women's Club.

We urge that your committee give this proposed legislation your full support and recommend its enactment.

If there is any way we can assist in passage of this very important piece of legislation, please let us know.

Sincerely,

Harriett Whittington
Harriett Whittington, President
Anchorage Business & Professional
Women's Club

HW:amh

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 303 / SB 214
 Title "An Act Creating the Alaska Commission On The Status Of Women"
 Requested by Rudd Date 3/4/77

II. FISCAL DETAIL

Agency Affected Office of the Governor
 Program Category Affected Social Services
 Budget Request Unit(s) Affected new

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES		78.0	80.3	82.7	85.2	
200 TRAVEL		16.1	17.1	18.0	19.0	
300 CONTRACTUAL		55.3	58.6	62.1	65.6	
400 COMMODITIES		1.8	1.9	2.0	2.1	
500 EQUIPMENT		3.0	-0-	1.0	1.0	
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	154.2	157.9	165.8	172.9	

FUNDING (Thousands of Dollars)

GENERAL FUND		154.2	157.9	165.8	172.9	
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME		3	3	3	3	
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Assumptions- 7/1/77 effective date
 3% salary increase annually
 6% inflation other

See Attachment A for FY 78 budget estimates.

IV. DATE 3/22/77 PREPARED BY Marian L. Endicott, Administrative Officer
 AGENCY Office of the Governor
 PHONE 465-3544
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

ATTACHMENT A - HB 303

<u>Personal Services</u>				<u>\$77,981</u>
Executive Director	RG 24A	\$2,938/mo =	\$35,256	
Secretary I	RG 10B	1,120/mo =	13,440	
Research Assistant	RG 10B	1,120/mo =	<u>13,440</u>	
		Subtotal	\$62,136	
		Benefits 25.5%	<u>15,845</u>	
		TOTAL	\$77,981	

<u>Travel</u>	<u>\$16,100</u>
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Quarterly board meetings (9 members)	
Transportation - Estimated \$200 per trip	\$ 7,200
Per Diem - 3 days x \$50/day per meeting	<u>5,400</u>
	\$12,600

Administrative Staff Travel	
Planning & Administration-6 trips, 3 days each	
Transportation - Estimated \$200 per trip	\$ 1,200
Per diem - Estimated \$50/day	<u>900</u>
	\$ 2,100

Commission Meetings - Quarterly	
Transportation - Estimated \$200/trip	\$ 800
Per diem - Estimated \$50/day	<u>600</u>
	\$ 1,400

<u>Contractual Services</u>	<u>\$55,240</u>
-----------------------------	-----------------

Phone, long distance- estimated \$600/month	\$ 7,200
Postage- estimated \$300/month	3,600
Printing- forms & stationery	2,000
Rent & Utilities-	
904 square feet @ \$1.25/sq. ft.	13,440
Heat & Lights- estimated \$200/month	2,400
Janitorial- estimated \$90/month	1,080
Equipment rental-	
Mag Card typewriter- \$285/month	3,420
Xerox- estimated \$300/month	<u>3,600</u>
	\$55,240

<u>Commodities</u>	<u>\$ 1,800</u>
Estimated \$50/month per staff member	

<u>Equipment</u>	<u>\$ 3,000</u>
Estimated \$1,000 per position for program implementation	

COMMITTEE REPORT
SENATE

4/18/77

_____ Date

Mr. President:

The Committee on Finance has had SB 214
creating Alaska Commission on Status of women
under consideration. A majority of the members of the Committee

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for _____ and that
CS for _____ do pass
- (and) recommends it be referred to the _____
committee
- reports it back without recommendation
- AND attaches a report of its intent
- (other) _____

MEMBERS SIGNING THE MAJORITY REPORT:

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____ recommends: _____
_____ recommends: _____
_____ recommends: _____

_____ Chairman

COMMITTEE REPORT

3/4/77

SENATE

**Finance

April 15, 1977 Date

Mr. President:

The Committee on STATE AFFAIRS has had SB 214 creating Alaska Commission on Status of Women under consideration. A majority of the members of the Committee

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for SB 214 and that CS for SB 214 ^{and} do pass
- (and) recommends it be referred to the _____ committee
- reports it back without recommendation
- AND attaches a report of its intent
- (other) _____

MEMBERS SIGNING THE MAJORITY REPORT:

<u>Jim Keefe</u>	<u>Do - pass</u>	_____
<u>Ed Willis</u>	<u>Do - pass</u>	_____
<u>John Huber</u>	<u>Do PASS</u>	_____

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____ recommends: _____

_____ recommends: _____

_____ recommends: _____

Jim Keefe
- Chairman

Original sponsors: Croft, Rodey
and Kerttula

Offered: 4/18/77
Referred: Finance

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 214

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

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14 members who shall serve at the pleasure of the governor.

15 Sec. 18.110.030. APPOINTMENT. (a) The members shall be appointed
16 on a nonpartisan basis by the governor within 60 days of the effective
17 date of this Act. The members shall be women residents of the state.
18 Three members shall be under 25 years of age, three between 25 and 50
19 years of age, and three over 50 years of age. In making the appointments,
20 due consideration shall be given to

21 (1) the recommendations made by civic organizations, women's
22 organizations, educational and vocational groups, employer groups, labor
23 unions, church groups, and other groups having an interest in the status
24 of women;

25 (2) statewide geographical representation of the commission;
26 and

27 (3) minority and low-income representation.

28 (b) The commission shall elect one of its members as chairperson
29 and may select other commission officers as it considers necessary.

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29 (3) cooperate with public and private agencies in joint

1 efforts to study and resolve problems relating to the status of women in
2 Alaska;

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Introduced: 3/4/77
Referred: State Affairs and
Finance

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15 recommendations for legislative consideration and other action which it
16 considers necessary.

ALASKA STATE LEGISLATURE

TENTH Legislature FIRST Session

SENATE BILL NO. 214

By CROFT AND RODEY

"An act creating the Alaska Commission on the Status of Women."

Ala. Commission on Status of Women

Introduced in the Senate 3/4/1977

HISTORY IN THE SENATE

1977

3 4

Read first time and referred to Committee on State Affairs and Finance

Reported back with recommendation that *S.A. replace w/ks & 3 de pias to Finance*

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by President
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by Speaker
Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Received from House

Reported correctly enrolled

Sent to Governor

..... By Governor

Filed with Lt. Governor

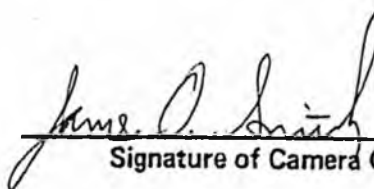
Chapter No.



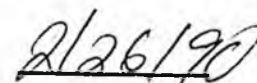
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Signature of Camera Operator



Date

Introduced: 3/7/77
Referred: State Affairs and
Finance

BY POLAND, KERTTULA,
AND ZIEGLER

1 IN THE SENATE

2 SENATE BILL NO. 218

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Public Works, division of water and harbors,
8 for small boat harbors; and providing for an effective
9 date."

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

11 * Section 1. The sum of \$6,600,000 is appropriated from the general fund
12 to the Department of Public Works, division of water and harbors,

13 (1) to complete inner harbor facilities for small boat har-
14 bors at

15 Sand Point \$ 600,000

16 King Cove. 500,000

17 (2) to enlarge existing small boat harbors at

18 Kodiak \$2,000,000

19 Cordova. 2,000,000

20 Ketchikan. 1,500,000

21 * Sec. 2. The appropriation made by this Act is for capital projects and
22 is subject to the provisions of AS 37.25.020.

23 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
24 070(c).

25
26
27
28
29

#

3/17/77

COMMITTEE REPORT

SENATE

_____ Date

Mr. President:

The Committee on FINANCE has had SB 218 spec. appropriation to Dept. of Public Works for small boat harbors under consideration. A majority of the members of the Committee

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for _____ and that CS for _____ do pass
- (and) recommends it be referred to the _____ committee
- reports it back without recommendation
- AND attaches a report of its intent
- (other) _____

MEMBERS SIGNING THE MAJORITY REPORT:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____	recommends:	_____
_____	recommends:	_____
_____	recommends:	_____

_____ Chairman

COMMITTEE REPORT
SENATE

3/7/77

**Finance

16 MARCH 1977 Date

Mr. President:

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spec. approp. to Dept. of Public Works for small boat harbors
under consideration. A majority of the members of the Committee

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for _____ and that

CS for _____ do pass

- (and) recommends it be referred to the _____
committee

reports it back without ^{individual} recommendation

AND attaches a report of its intent

(other) REPORTS IT BACK WITH INDIVIDUAL RECOMMENDATIONS.

MEMBERS SIGNING THE MAJORITY REPORT:

_____	_____	_____
<u>3</u> <u>John Walker</u>	<u>No Rec</u>	_____
<u>2</u> <u>John Walker</u>	<u>NO REC</u>	_____

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____ recommends: _____

_____ recommends: _____

_____ recommends: _____

1 Chairman
do pass

Introduced: 3/7/77/8
Referred: State Affairs and
Finance

BY POLAND, KERTTULA,
AND ZIEGLER

1 IN THE SENATE

2 SENATE BILL NO. 218

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
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22 is subject to the provisions of AS 37.25.020.

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24 070(c).

ALASKA STATE LEGISLATURE

TENTH Legislature FIRST Session

SENATE BILL..... NO.218.....

By ..POLAND, KERTTILA, AND....
ZIEGLER

"An Act making a special appropriation to the Department of Public Works, division of water and harbors, for small boat harbors; and providing for an effective date."

Introduced in the Senate ... 3/7/77, 1977

HISTORY IN THE SENATE

19 77

3 7

3 17

Read first time and referred to Committee on State Affairs and Finance

Reported back with SA 1 recommendation that *do pass* *2 more, to finance*

Read second time and

Read third time and

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reconsideration

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reported correctly engrossed
Signed by President
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reconsideration

PASS Effective Date
Yeas Yeas
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CHIEF CLERK OF THE HOUSE

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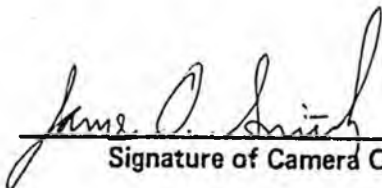
Chapter No.



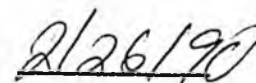
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Signature of Camera Operator



Date

BY THE RULES COMMITTEE BY REQUEST
OF THE JOINT ADMINISTRATION-
LEGISLATIVE COMMITTEE ON COASTAL
MANAGEMENT

1 IN THE SENATE

2 SENATE BILL NO. 220

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

10 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that

11 (1) the coastal area of the state is a distinct and valuable
12 natural resource of concern to all the people of the state;

13 (2) the demands upon the resources of the coastal area are signi-
14 ficant, and will increase in the future;

15 (3) the protection of the natural and scenic resources and the
16 fostering of wise development of the coastal area are of concern to present
17 and future citizens of the state;

18 (4) the capacity of the coastal area to withstand the demands upon
19 it is limited;

20 (5) the degree of planning and resource allocation which has
21 occurred in the coastal area has often been motivated by short-term consider-
22 ations, unrelated to sound planning principles; and

23 (6) in order to promote the public health and welfare, there is a
24 critical need to engage in comprehensive land and water use planning in
25 coastal areas and to establish the means by which a planning process and
26 management program involving the several governments and areas of the unor-
27 ganized borough having an interest in the coastal area may be effectively
28 implemented.

29 * Sec. 2. LEGISLATIVE POLICY. It is the policy of the state to

1 (1) preserve, protect, develop, use, and, where necessary, restore
2 or enhance the coastal resources of the state for this and succeeding genera-
3 tions;

4 (2) encourage coordinated planning and decision making in the
5 coastal area among levels of government and citizens engaging in or affected
6 by activities involving the coastal resources of the state;

7 (3) develop a management program which sets out policies, objec-
8 tives, standards and procedures to guide and resolve conflicts among public
9 and private activities involving the use of resources which have a direct and
10 significant impact upon the coastal waters of the state;

11 (4) assure the participation of the public, local governments, and
12 agencies of the state and federal governments in the development and imple-
13 mentation of a coastal management program;

14 (5) utilize existing governmental structures and authorities, to
15 the maximum extent feasible, to achieve the policies set out in this section;
16 and

17 (6) authorize and require state agencies to carry out their plan-
18 ning duties, powers and responsibilities and take actions authorized by law
19 with respect to programs affecting the use of the resources of the coastal
20 area in accordance with the policies set out in this section and the guide-
21 lines and standards adopted by the Alaska Coastal Policy Council under AS
22 46.35.

23 * Sec. 3. AS 44.19 is amended by adding new sections to read:

24 ARTICLE 11A. ALASKA COASTAL POLICY COUNCIL.

25 Sec. 44.19.891. ALASKA COASTAL POLICY COUNCIL. (a) There is
26 created in the Office of the Governor the Alaska Coastal Policy Council.
27 The council consists of the following:

28 (1) eight public members appointed by the governor, who shall
29 be the mayor or member of the assembly or council of a municipality; one

1 public member shall be appointed from each of the following general
2 regions:

3 (A) northwest Alaska, including, generally, the area
4 of the North Slope Borough and the Northwest Arctic and Bering
5 Straits regional educational attendance areas;

6 (B) southwest Alaska, including, generally, the area
7 within the Lower Yukon, Lower Kuskokwim, Southwest, and Lake-
8 Peninsula regional educational attendance areas and the Bristol Bay
9 Borough;

10 (C) Kodiak-Aleutians, including the area of the Kodiak
11 Island Borough and the Aleutian, Adak and Pribilof regional educa-
12 tional attendance areas;

13 (D) Upper Cook Inlet, including the Municipality of
14 Anchorage and the Matanuska-Susitna Borough;

15 (E) Lower Cook Inlet, including, generally, the area
16 within the Kenai Peninsula Borough;

17 (F) Prince William Sound, including, generally, the area
18 east of the Kenai Peninsula Borough to 141° W. longitude;

19 (G) northern Southeast Alaska, including the area south-
20 east of 141° W. longitude and north of 57° N. latitude, including
21 the entirety of the City and Borough of Sitka; and

22 (H) southern Southeast Alaska, including that portion of
23 southeastern Alaska not contained within the area described in (G)
24 of this paragraph.

25 (2) each of the following:

26 (A) the director of the division of policy development
27 and planning;

28 (B) the commissioner of the Department of Commerce and
29 Economic Development;

1 (C) the commissioner of the Department of Community and
2 Regional Affairs;

3 (D) the commissioner of the Department of Environmental
4 Conservation;

5 (E) the commissioner of the Department of Fish and Game;

6 (F) the commissioner of the Department of Natural Re-
7 sources; and

8 (G) the commissioner of the Department of Public Works.

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

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

19 (d) Members appointed under (a) of this section may select one per-
20 son to serve as a permanent alternate at meetings of the council. If
21 the member appointed is unable to attend, the alternate may act in his
22 place.

23 (e) Four public members and three designated members of the
24 council constitute a quorum, but one or more of the members designated
25 by the council may hold hearings. All decisions of the council shall be
26 by a majority vote of the members present and voting.

27 (f) Members of the council are entitled to per diem and travel
28 expenses authorized by law for members of boards and commissions.

29 (g) If there is a vacancy among the public members appointed under

1 (a)(1) of this section, the governor shall make an appointment to
2 become immediately effective for the unexpired portion of the term.

3 Sec. 44.19.392. POWERS OF THE COUNCIL. The council may

4 (1) apply for and accept grants, contributions, and appropri-
5 ations, including application for and acceptance of federal funds which
6 may become available for coastal planning and management;

7 (2) contract for necessary services;

8 (3) consult and cooperate with

9 (A) persons, organizations, and groups, public or
10 private, interested in, affected by, or concerned with coastal area
11 planning and management;

12 (B) agents and officials of the coastal resource dis-
13 tricts of the state, and federal and state agencies concerned with
14 or having jurisdiction over coastal area planning and management;

15 (4) take any reasonable action necessary to carry out the
16 provisions of secs. 891 - 894 of this chapter.

17 Sec. 44.19.893. DUTIES OF THE COUNCIL. In conformity with the
18 Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et
19 seq.), the council shall

20 (1) develop guidelines and standards for the preparation of,
21 and approve, in accordance with AS 46.35, the Alaska coastal management
22 program;

23 (2) establish continuing coordination among state agencies to
24 facilitate the development and implementation of the Alaska coastal
25 management program; in carrying out its duties under this paragraph, the
26 council shall initiate an interagency program of comprehensive coastal
27 resource planning for each geographic region described in sec. 891(a)(1)
28 of this chapter;

29 (3) assure continued provision of data and information to

1 coastal resource districts to carry out their planning and management
2 functions under the program;

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

6 Sec. 44.19.894. COUNCIL STAFF. The council shall utilize the
7 staff of the office of coastal management within the division of policy
8 development and planning in discharging its powers and duties. The
9 coordinator of the office, with the concurrence of the council, may
10 contract with or employ personnel or consultants he considers necessary
11 to carry out the powers and duties of the council.

12 * Sec. 4. AS 46 is amended by adding a new chapter to read:

13 CHAPTER 35. COASTAL MANAGEMENT PROGRAM.

14 ARTICLE 1. DEVELOPMENT OF ALASKA COASTAL MANAGEMENT PROGRAM.

15 Sec. 46.35.010. DEVELOPMENT OF ALASKA COASTAL MANAGEMENT PROGRAM.

16 (a) The Alaska Coastal Policy Council established in AS 44.19.891 shall
17 approve, in accordance with secs. 10 - 210 of this chapter, the Alaska
18 coastal management program.

19 (b) The council may approve the Alaska coastal management program
20 for a portion or portions of the coastal area before approving the
21 complete program under (a) of this section. Portions of the program
22 approved under this subsection shall be incorporated into the Alaska
23 coastal management program.

24 (c) The Alaska coastal management program shall be reviewed by the
25 council and, when appropriate, revised to

26 (1) add newly approved district coastal management programs,
27 or revisions and amendments to the Alaska coastal management program;

28 (2) integrate newly approved district coastal management
29 programs, or revisions and amendments of district coastal management

1 programs, with existing approved programs and with plans developed by
2 state agencies;

3 (3) add new or revised state statutes, policies, regulations
4 or other appropriate material;

5 (4) review the effectiveness of implementation of district
6 coastal management programs; and

7 (5) consider new information acquired by the state and
8 coastal resource districts.

9 (d) All reviews and revisions shall be in accordance with the
10 guidelines and standards adopted by the council under sec. 40 of this
11 chapter.

12 Sec. 46.35.020. OBJECTIVES. The Alaska coastal management program
13 shall be consistent with the following objectives:

14 (1) the use, management, restoration and enhancement of the
15 overall quality of the coastal environment;

16 (2) the development of industrial or commercial enterprises
17 which are consistent with the social, cultural, historical, economic and
18 environmental interests of the people of the state;

19 (3) the orderly, balanced utilization and protection of the
20 resources of the coastal area consistent with sound conservation and
21 sustained yield principles;

22 (4) the management of coastal land and water uses in such a
23 manner that, generally, those uses which are economically or physically
24 dependent on a coastal location are given higher priority when compared
25 to uses which do not economically or physically require a coastal
26 location;

27 (5) the protection and management of significant historic,
28 cultural, natural and aesthetic values and natural systems or processes
29 within the coastal area;

1 (6) the prevention of damage to or degradation of land and
2 water reserved for their natural values as a result of inconsistent land
3 or water usages adjacent to that land;

4 (7) the recognition of the need for a continuing supply of
5 energy to meet the requirements of the state and the contribution of a
6 share of the state's resources in meeting national energy needs; and

7 (8) the full and fair evaluation of all demands on the land
8 and water in the coastal area.

9 Sec. 46.35.030. DEVELOPMENT OF DISTRICT COASTAL MANAGEMENT PRO-
10 GRAMS. Coastal resource districts shall develop and adopt district
11 coastal management programs in accordance with the provisions of this
12 chapter. The program adopted by a coastal resource district shall be
13 based upon a comprehensive resource use plan or a comprehensive state-
14 ment of needs, policies, objectives and standards governing the use of
15 resources within the coastal area of the district. The program shall be
16 consistent with the guidelines and standards adopted by the council
17 under sec. 40 of this chapter and shall include:

18 (1) a delineation within the district of the boundaries of
19 the coastal area subject to the district coastal management program;

20 (2) a statement, list, or definition of the land and water
21 uses and activities subject to the district coastal management program;

22 (3) a statement of policies to be applied to the land and
23 water uses subject to the district coastal management program;

24 (4) regulations, as appropriate, to be applied to the land
25 and water uses subject to the district coastal management program;

26 (5) a description of the uses and activities which will be
27 considered proper and the uses and activities which will be considered
28 improper with respect to the land and water within the coastal area;

29 (6) a summary or statement of the policies which will be

1 applied and the procedures which will be used to determine whether
2 specific proposals for land or water uses or activities shall be allowed;
3 and

4 (7) a designation of, and the policies which will be applied
5 to the use of, areas within the coastal resource district which merit
6 special attention.

7 Sec. 46.35.040. DUTIES OF THE ALASKA COASTAL POLICY COUNCIL. The
8 Alaska Coastal Policy Council shall

9 (1) by regulation adopted under the provisions of the
10 Administrative Procedure Act (AS 44.62), identify and define, within
11 six months of the effective date of this Act, for the use of and
12 application by coastal resource districts and state agencies for carry-
13 ing out their responsibilities under this chapter, guidelines and
14 standards for

15 (A) identifying the boundaries of the coastal area
16 subject to the district coastal management program;

17 (B) determining the land and water uses and activities
18 subject to the district coastal management program;

19 (C) developing policies applicable to the land and
20 water uses subject to the district coastal management program;

21 (D) developing regulations applicable to the land and
22 water uses subject to the district coastal management program;

23 (E) developing policies and procedures to determine
24 whether specific proposals for the land and water uses or activities
25 subject to the district coastal management program shall be allowed;

26 (F) designating and developing policies for the use of
27 areas of the coast which merit special attention; and

28 (G) measuring the progress of a coastal resource dis-
29 trict in meeting its responsibilities under this chapter;

1 (2) develop and maintain a program of technical and financial
2 assistance to aid coastal resource districts in the development and
3 implementation of district coastal management programs;

4 (3) undertake review and approval of district coastal manage-
5 ment programs in accordance with this chapter;

6 (4) initiate a process for identifying and managing uses of
7 state, regional and district concern within specific areas of the coast;

8 (5) develop procedures or guidelines for consultation and
9 coordination with federal agencies managing land or conducting activi-
10 ties potentially affecting the coastal area of the state.

11 Sec. 46.35.050. ACTION AND SUBMISSION BY COASTAL RESOURCE DIS-
12 TRICTS. Each coastal resource district shall make substantial progress,
13 in the opinion of the council, toward completion of an approvable dis-
14 trict coastal management program and shall complete and submit to the
15 council for approval its program within 30 months of the effective date
16 of this Act or within 30 months of certification of the results of the
17 district's organization, whichever is later.

18 Sec. 46.35.060. REVIEW AND APPROVAL BY COUNCIL. (a) If, upon
19 submission of a district coastal management program for approval, the
20 council finds that the program is substantially consistent with the
21 provisions of this chapter and the guidelines and standards adopted by
22 the council and does not arbitrarily or unreasonably restrict or exclude
23 uses of state concern, the council may grant summary approval of the
24 district coastal management program, or may approve portions of the
25 district program which are consistent.

26 (b) If the council finds that a district coastal management pro-
27 gram is not approvable or is approvable only in part under (a) of this
28 section, it shall direct that deficiencies in the program submitted by
29 the coastal resource district be mediated. In mediating the deficien-

1 cies, the council may call for one or more public hearings in the dis-
2 trict. The council shall meet with officials of the coastal resource
3 district in order to resolve differences.

4 (c) If, after mediation, the differences have not been resolved to
5 the mutual agreement of the coastal resource district and the council,
6 the council shall call for a public hearing and shall resolve the dif-
7 ferences in accordance with the Administrative Procedure Act (AS 44.62).
8 After a public hearing held under this subsection, the council shall
9 enter findings and, by order, may require

10 (1) that the district coastal management program be amended
11 to make it consistent with the provisions of this chapter or the guide-
12 lines and standards adopted by the council;

13 (2) that the district coastal management program be revised
14 to accommodate a use of state concern; or

15 (3) any other action be taken by the coastal resource dis-
16 trict as appropriate.

17 (d) The superior courts of the state have jurisdiction to enforce
18 orders of the council entered under (c) of this section.

19 Sec. 46.35.070. STANDARDS FOR COUNCIL REVIEW AND APPROVAL. (a)
20 The council shall approve a district coastal management program sub-
21 mitted for review and approval if the program is consistent with the
22 provisions of this chapter and the guidelines and standards adopted by
23 the council.

24 (b) Notwithstanding an inconsistency of a district coastal manage-
25 ment program submitted for review and approval with the guidelines and
26 standards adopted, the council shall approve the program if it finds
27 that

28 (1) strict adherence to the guidelines and standards adopted
29 would result in a violation of another state law or policy;

1 (2) strict adherence to the guidelines and standards adopted
2 would cause or probably cause substantial irreparable harm to another
3 interest or value in the coastal area of the district; or

4 (3) the inconsistency is of a technical nature and no sub-
5 stantial harm would result to the policies and objectives of this
6 chapter or the Alaska coastal management program.

7 (c) In determining whether a restriction or exclusion of a use of
8 state concern is arbitrary or unreasonable, the council shall approve
9 the restriction or exclusion if it finds that

10 (1) the coastal resource district has consulted with and
11 considered the views of appropriate federal, state or regional agencies;

12 (2) the district has based its restriction or exclusion on
13 the availability of reasonable alternative sites; and

14 (3) the district has based its restriction or exclusion on an
15 analysis showing that the proposed use is incompatible with the proposed
16 site.

17 (d) A decision by the council under this section shall be given
18 within 90 days.

19 Sec. 46.35.080. EFFECTIVE DATE OF ALASKA COASTAL MANAGEMENT
20 PROGRAM. The Alaska coastal management program adopted by the council,
21 and any additions, revisions, or amendments of the program, take effect
22 upon adoption of a concurrent resolution by a majority of the members of
23 each house of the legislature or by a vote of the majority of the mem-
24 bers of each house at the time the houses are convened in joint session
25 to confirm executive appointments submitted by the governor.

26 Sec. 46.35.090. IMPLEMENTATION OF DISTRICT COASTAL MANAGEMENT
27 PROGRAMS. (a) A district coastal management program approved by the
28 council and the legislature for a coastal resource district which does
29 not have and exercise zoning or other controls on the use of resources

1 within the coastal area shall be implemented by appropriate state
2 agencies. Implementation shall be in accordance with the comprehensive
3 use plan or the statement of needs, policies, objectives and standards
4 adopted by the district.

5 (b) A coastal resource district which has and exercises zoning or
6 other controls on the use of resources within the coastal area shall
7 implement its district coastal management program. Implementation shall
8 be in accordance with the comprehensive use plan or the statement of
9 needs, policies, objectives and standards adopted by the district.

10 Sec. 46.35.100. COMPLIANCE AND ENFORCEMENT. (a) Municipalities
11 and state agencies shall administer land and water use regulations or
12 controls in conformity with district coastal management programs approv-
13 ed by the council and the legislature and in effect.

14 (b) On petition of a coastal resource district, a citizen of the
15 district, or a state agency, showing that a district coastal management
16 program is not being enforced or implemented, the council shall convene
17 a public hearing to consider the matter. A hearing called under this
18 subsection shall be held in accordance with the Administrative Procedure
19 Act (AS 44.62). After hearing, the council may order that the coastal
20 resource district or state agency take any action which the council
21 considers necessary to enforce, implement or comply with the district
22 coastal management program.

23 (c) In determining whether an approved district coastal management
24 program is being implemented, enforced or complied with by a coastal
25 resource district which exercises planning authority or controls on the
26 use of resources within the coastal area, the council shall find in
27 favor of the district if

28 (1) zoning or other regulations have been adopted and are
29 being enforced;

1 (2) variances are being granted according to procedures and
2 criteria which are elements of the district coastal management program,
3 or the variance is otherwise approved by the council; and

4 (3) procedures and standards adopted by the coastal resource
5 district as required by this chapter or by the guidelines and standards
6 adopted by the council and subsequently approved by the legislature have
7 been followed and considered.

8 (d) In determining whether a state agency is complying with a
9 district coastal management program with respect to its exercise of
10 regulation or control of the resources within the coastal area, the
11 council shall find in favor of the agency if

12 (1) the use or activity for which the permit, license or
13 approval is granted is consistent with the district coastal management
14 program and regulations adopted under it; and

15 (2) the use or activity for which the permit, license or
16 approval is granted is consistent with requirements imposed by state
17 statute, regulation, or local ordinance applicable to the use or activity

18 (e) The superior courts of the state have jurisdiction to enforce
19 lawful orders of the council.

20 ARTICLE 2. COASTAL MANAGEMENT PROGRAMS

21 IN THE UNORGANIZED BOROUGH.

22 Sec. 46.35.110. AUTHORITY IN THE UNORGANIZED BOROUGH. Under
23 AS 29.03.020 and secs. 110 - 180 of this chapter, the legislature autho-
24 rizes organization of coastal resource service areas in the unorganized
25 borough and grants authority to the service areas which may be organized
26 to perform the duties required under this chapter.

27 Sec. 46.35.120. COASTAL RESOURCE SERVICE AREAS. (a) Except as
28 provided in (b) of this section, each regional educational attendance
29 area established under AS 14.08.031 containing a part of the coastal

1 area may be organized as a coastal resource service area.

2 (b) The commissioner of the Department of Community and Regional
3 Affairs may, after public hearings held in the area affected, consoli-
4 date two or more regional educational attendance areas as a single
5 coastal resource service area

6 (1) if a substantial portion of the coastal area contains
7 land and water area owned by the federal government over which it exer-
8 cises exclusive jurisdiction or land held in trust by the federal govern-
9 ment for Alaska Natives over which the state would not exercise control
10 as to use; or

11 (2) if, after giving due consideration to the standards
12 applicable to incorporation of borough governments and the likelihood
13 that a borough will be incorporated within the area, the commissioner
14 determines that the functions to be performed under this chapter could
15 be undertaken more efficiently through the combination of two or more
16 regional educational attendance areas as a single coastal resource ser-
17 vice area.

18 (c) A determination under (b) of this section shall be made before
19 organization of the coastal resource service area and no later than six
20 months from the effective date of this Act.

21 Sec. 46.35.130. ORGANIZATION OF SERVICE AREA. (a) Organization
22 of a coastal resource service area may be initiated by

23 (1) submission to the council of a petition signed by a
24 number of registered voters equal to 15 per cent of the number of votes
25 cast within the coastal resource service area at the last state general
26 election;

27 (2) submission to the council of a resolution approved by the
28 city council or traditional governing body of not less than 25 per cent
29 of the number of cities and villages within the coastal resource service

1 area; or

2 (3) at the direction of a majority of the members of the
3 council in the manner set out in sec. 160 of this chapter.

4 (b) Acting at the request of the council, the lieutenant governor,
5 not less than 60 nor more than 90 days after receipt of a proper peti-
6 tion under (a)(1) of this section, a proper resolution under (a)(2) of
7 this section, or at the direction of the council under (a)(3) of this
8 section, shall conduct an election on the question of organization of a
9 coastal resource service area.

10 Sec. 46.35.140. COASTAL AREA BOARDS. (a) Each coastal resource
11 service area, upon organization, shall have an elected board represent-
12 ing the population of the service area. The board shall have the powers
13 and duties and perform the functions prescribed for or required of
14 coastal resource districts.

15 (b) A coastal area board shall contain seven members. Board
16 members shall be elected at large by the qualified voters of the coastal
17 resource service area.

18 (c) The commissioner of the Department of Community and Regional
19 Affairs, after consultation with residents of a coastal resource service
20 area, may divide a service area into sections only for the purpose of
21 nominating and electing board members. Division of a service area into
22 sections for the purpose of nomination and election shall be in accor-
23 dance with the provisions of AS 14.08.051(a). Division may be proposed
24 in the petition submitted under sec. 130(a)(1) of this chapter, in the
25 resolution submitted under sec. 130(a)(2) of this chapter, at the direc-
26 tion of the council under sec. 130(a)(3) of this chapter, or may be
27 proposed at any time by the members of the coastal area board. If
28 proposed by the board, the division of the service area into sections is
29 subject to approval of a majority of the qualified voters voting on the

1 question in the coastal resource service area at the next regular elec-
2 tion or at a special election called for that purpose and, if approved,
3 takes effect at the next regular election of members of the coastal area
4 board.

5 (d) The term of office of a member of a coastal area board is
6 three years, except that the terms of the members of the first board
7 elected after organization of a coastal resource service area shall be
8 determined by lot, with two members serving one-year terms, two members
9 serving two-year terms, and three members serving three-year terms.
10 Members serve until their successors are elected and have qualified.
11 Nothing in this section prohibits the reelection of a board member.

12 (e) The lieutenant governor shall provide for the election of the
13 members of coastal area boards. The first election of board members
14 shall occur not less than 60 nor more than 90 days after certification
15 of the results of an organization election under sec. 130(b) of this
16 chapter in which a majority of votes cast favors organization of the
17 service area.

18 (f) Except for the first election of members of coastal area
19 boards, elections shall be held annually on the date of election of
20 members of regional educational attendance area boards under AS 14.08.-
21 071(b).

22 (g) A vacancy on a coastal area board shall be filled by appoint-
23 ment as provided in AS 14.08.041(a) for vacancies in the membership of
24 regional educational attendance area boards.

25 (h) Members of coastal area boards are subject to recall on the
26 same grounds and in the same manner as provided for recall of municipal
27 officials in AS 29.28.130 - 29.28.250. The lieutenant governor functions
28 in place of the assembly or council and municipal clerk for receipt and
29 review of recall petitions and the conduct of recall elections.

1 Sec. 46.35.150. ELECTIONS IN SERVICE AREAS. Organization elec-
2 tions under sec. 130 of this chapter and other elections, including
3 recall elections conducted under sec. 140 of this chapter, shall be
4 administered by the lieutenant governor in the general manner provided
5 in the Alaska Election Code (AS 15.05 - 15.60). In addition, the
6 lieutenant governor may adopt regulations necessary to the conduct of
7 coastal area board elections. The state shall pay all election costs.

8 Sec. 46.35.160. ORGANIZATION AT THE DIRECTION OF THE COUNCIL. (a)
9 Whenever it appears that major economic development activity will occur
10 in a coastal resource service area or in waters adjacent to a coastal
11 resource service area which has not been organized, the council may
12 direct the lieutenant governor to submit to the voters of the service
13 area the question of organization. The council may require an election
14 on the question only after holding at least one public hearing within
15 the area proposed for organization.

16 (b) For purposes of this section, "major economic development
17 activity" includes a call for nomination by the secretary of the United
18 States Department of the Interior for leasing of tracts within petroleum
19 basins in waters of the outer continental shelf adjacent to the coastal
20 resource service area or any other significant industrial or commercial
21 activity which, in the opinion of the council, would commit the re-
22 sources of the coastal area to a use of direct and significant impact
23 upon the coastal waters of the state.

24 Sec. 46.35.170. PREPARATION OF DISTRICT COASTAL MANAGEMENT PROGRAM
25 BY THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS. (a) If residents
26 of a coastal resource service area reject organization of the service
27 area at an election called for the purpose and the council finds, after
28 public hearing, that major economic development activity has occurred or
29 will occur within the service area, the council may direct the Department

1 of Community and Regional Affairs to prepare and recommend for consid-
2 eration by the council and for submission to the legislature a district
3 coastal management program for the service area.

4 (b) At the request of the council, the Department of Community and
5 Regional Affairs shall complete the district coastal management program
6 in accordance with this chapter and the guidelines and standards adopted
7 by the council for a coastal resource service area which has been organ-
8 ized but which has failed to make substantial progress in the preparation
9 of an approvable district coastal management program within 18 months of
10 certification of the results of an organization election or which has
11 not submitted for approval to the council a program within 30 months of
12 certification of the results of its organization election. Preparation
13 of the program shall be conducted in consultation with the coastal
14 resource service area and shall, to the maximum extent consistent with
15 this chapter, reflect the expressed concerns of the residents of the
16 service area.

17 (c) Before requesting the department to complete the district
18 coastal management program under (b) of this section, the council shall
19 meet with the members of the coastal area board to determine whether the
20 coastal area board is able to complete a district coastal management
21 program within the time limitations established in this section.

22 Sec. 46.35.180. APPROVAL OF PROGRAMS IN COASTAL RESOURCE SERVICE
23 AREAS. (a) Before adoption by a coastal area board, or by the Depart-
24 ment of Community and Regional Affairs under sec. 170 of this chapter, a
25 district coastal management program shall be submitted for review to
26 each city or village within the coastal resource service area. The
27 council of a city and residents of a village shall consider the program
28 submitted for review. Within 60 days of submission, the council of a
29 city or residents of a village shall either approve the program or enter

1 objections to all or any portion of the program.

2 (b) If a city or village within a coastal resource service area
3 fails to approve a portion of the coastal district management program
4 prepared and submitted for approval under (a) of this section, the
5 governing body shall advise the coastal area board or the department, as
6 applicable, of its objections to the proposed program and suggest
7 alternative elements or components for inclusion in the district coastal
8 management program. New matter submitted by a city or village which is
9 substantially consistent with the guidelines and standards adopted by
10 the council shall be accepted and the district coastal management program
11 modified accordingly. If a city or village fails to provide objections
12 and suggested alternatives within the time limits established in this
13 section, the coastal area board or the department, as applicable, may
14 adopt the district coastal management program as initially offered.

15 (c) Objection by a city council under (b) of this section is
16 limited to objection to elements of the program affecting resources or
17 the use of resources within the corporate limits of the city. Objection
18 by a village under (b) of this section is limited to objection to
19 elements of the program affecting resources or the use of resources
20 within the village or within two miles of the village.

21 (d) For purposes of this section, "village" means an unincorpor-
22 ated community where at least 25 persons reside as a social unit as
23 determined by the Department of Community and Regional Affairs.

24 ARTICLE 3. GENERAL PROVISIONS.

25 Sec. 46.35.190. COOPERATIVE ADMINISTRATION. (a) A city within
26 the coastal area which is not part of an adjacent coastal resource
27 service area may include itself for purposes of this chapter within an
28 adjacent coastal resource service area if its governing body, by resolu-
29 tion adopted by a majority of its membership, consents to the inclusion

1 of the city and a copy of the resolution is filed with the commissioner
2 of the Department of Community and Regional Affairs.

3 (b) Nothing in this chapter restricts or prohibits cooperative or
4 joint administration of functions between a municipality and a coastal
5 resource service area organized under the provisions of this chapter
6 upon initiation of a mutual agreement for the purpose.

7 Sec. 46.35.200. STATE AGENCIES. Upon the adoption of the Alaska
8 coastal management program, state departments, boards and commissions
9 shall review their statutory authority, administrative regulations, and
10 applicable procedures pertaining to land and water uses within the
11 coastal area for the purpose of determining whether there are any defi-
12 ciencies or inconsistencies which prohibit compliance with the program
13 adopted. State agencies shall, within six months of the effective date
14 of the Alaska coastal management program, take whatever action is
15 necessary to facilitate full compliance with an implementation of the
16 program, including preparation and submission of recommendations to the
17 council for additional or amended legislation.

18 Sec. 46.35.210. DEFINITIONS. In this chapter, unless the context
19 otherwise requires,

20 (1) "area which merits special attention" means a delineated
21 geographic area within the coastal area which is sensitive to change or
22 alteration and which, because of plans or commitments or because a claim
23 on the resources within the area delineated would preclude subsequent
24 use of the resources to a conflicting or incompatible use, warrants
25 special management attention, or which, because of its value to the
26 general public, should be identified for current or future planning,
27 protection, or acquisition; these areas, subject to council definition
28 of criteria for their identification, include:

29 (A) areas of unique, scarce, fragile or vulnerable

1 natural habitat, cultural value, historical significance, or scenic
2 importance;

3 (B) areas of high natural productivity or essential
4 habitat for living resources;

5 (C) areas of substantial recreational value or oppor-
6 tunity;

7 (D) areas where development of facilities is dependent
8 upon the utilization of, or access to, coastal waters;

9 (E) areas of unique geologic or topographic significance
10 which are susceptible to industrial or commercial development;

11 (F) areas of significant hazard due to storms, slides,
12 floods, erosion or settlement; and

13 (G) areas needed to protect, maintain, or replenish
14 coastal land or resources, including coastal flood plains, aquifer
15 recharge areas, beaches and offshore sand deposits;

16 (2) "coastal resource district" means each of the following
17 which contains a portion of the coastal area of the state:

18 (A) unified municipalities established under AS 29.08.-
19 240 - 29.68.440;

20 (B) organized boroughs of any class which exercise
21 planning and zoning authority;

22 (C) home rule and first class cities of the unorganized
23 borough or within boroughs which do not exercise planning and
24 zoning authority;

25 (D) second class cities of the unorganized borough, or
26 within boroughs which do not exercise planning and zoning author-
27 ity, which have established a planning commission, and which, in
28 the opinion of the commissioner of the Department of Community and
29 Regional Affairs, have the capability of preparing and implementing

1 a comprehensive district coastal management program under sec. 30
2 of this chapter;

3 (E) coastal resource service areas established and
4 organized under AS 29.03.020 and secs. 110 - 180 of this chapter;

5 (3) "council" means the Alaska Coastal Policy Council;

6 (4) "department" means the Department of Community and
7 Regional Affairs;

8 (5) "use of direct and significant impact" means a use, or an
9 activity associated with the use, which proximately contributes to a
10 material change or alteration in the natural or social characteristics
11 of a part of the state's coastal area and in which

12 (A) the use, or activity associated with it, would have
13 a net adverse effect on the quality of the resources of the coastal
14 area;

15 (B) the use, or activity associated with it, would limit
16 the range of alternative uses of the resources of the coastal area;
17 or

18 (C) the use would, of itself, constitute a tolerable
19 change or alteration of the resources within the coastal area but
20 which, cumulatively, would have an adverse effect;

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

24 (A) uses of national interest, including the use of
25 resources for the siting of ports and major facilities which con-
26 tribute to meeting national energy needs, construction and mainte-
27 nance of navigational facilities and systems, resource development
28 of federal land, and national defense and related security facili-
29 ties that are dependent upon coastal locations;

1 (B) uses of more than local concern, including those
2 land and water uses which confer significant environmental, social,
3 cultural, or economic benefits or burdens beyond a single coastal
4 resource district;

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

11 (D) facilities serving statewide or interregional trans-
12 portation and communication needs; and

13 (E) uses in areas established as state parks or recrea-
14 tional areas under AS 41.20 or as state game refuges, game sanctu-
15 aries or critical habitat areas under AS 16.20.

16 * Sec. 5. AS 44.47 is amended by adding a new section to read:

17 Sec. 44.47.095. PLANNING ASSISTANCE FOR DEVELOPMENT AND MAINTENANCE
18 OF DISTRICT COASTAL MANAGEMENT PROGRAMS. The department shall conduct a
19 program of research, training, and technical assistance to coastal
20 resource districts necessary for the development and implementation of
21 district coastal management programs under AS 46.35. State agencies
22 shall assist the department in carrying out the purposes of this section.

23 * Sec. 6. The Administrative Regulation Review Committee established in
24 AS 24.20.400 - 24.20.460 shall review the administrative regulations adopted
25 by the executive departments of the state government which affect the re-
26 sources and use of the resources of the state's coastal area. The committee
27 shall, not later than January 20, 1979, make formal recommendation with
28 respect to annulment of regulations adopted which in the opinion of the
29 committee, fail to implement, interpret or carry out the policies, objectives

1 and standards of the Alaska coastal management program. The recommendations
2 of the committee shall be transmitted to the first regular Session of the
3 Eleventh Alaska Legislature.

4 * Sec. 7. This Act takes effect immediately in accordance with AS 01.10.-
5 070(c).

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THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
Bill/Resolution No. SB 220 / HB 342
Title "An Act relating to the management of coastal resources of the state"
Requested by The Senate Rules Committee by request Date 3/7/77
of the joint Administration-Legislative
Committee on coastal management

II. FISCAL DETAIL
Agency Affected Office of the Governor (DPDP) and Dept. of Comm. & Reg. Affai
Program Category Affected Coastal Zone Management
Budget Request Unit(s) Affected 01-47-6-02-00-00

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	-0-	1,000.0	1,000.0	1,000.0	1,000.0
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	1,000.0	1,000.0	1,000.0	1,000.0
OTHER (Specify)						

POSITIONS

FULL TIME	4	4	4	4	4	4
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

A. Assumptions.

1. Passage of the bill will make federal approval under section 306 of the Coastal Zone Management Act of 1972, and award of additional funding under that section, possible; and this should occur in June of 1978.
2. No increase in state cash appropriations will be needed to match the incoming federal grants. The larger federal grants can be matched with local participation and state agency in-kind services.
3. Only four new positions in state government (3 in CRA, 1 in DPDP) should be needed to implement the bill. Almost all of the bill's provisions can be met with the existing personnel now in place in various state agencies as a result of the existing Alaska Coastal Management Program (ACMP). The new positions will be needed because of the substantial new role of local governments and the needs of the new council.

IV. DATE 3/23/77 PREPARED BY Murray P. Walsh
AGENCY DPDP, Governor's Office
Original: Legislative Finance PHONE 465-4973
cc: Budget and Management
Prime Sponsor (First Legislator Named)

III. Analysis, Continued

B. Program Summary.

The purpose of a fiscal note is usually to show what increases in state staff or expenditures can be expected as a result of legislation. In this case, SB 220/HB 342 would become the centerpiece of an existing program which began in the summer of 1974. The program, which is called the Alaska Coastal Management Program (ACMP) just as in the bill, has changed in many respects since it began, but the overall goal of wise use and protection of the coastal resources has never changed nor has the programmatic goal of federal approval under section 306 of the Coastal Zone Management Act of 1972 changed.

Analysis by the ACMP staff in the Office of the Governor, the Dept. of Law, and the federal Office of Coastal Zone Management shows that the proposed bill should make it possible for ACMP to be federally approved with little difficulty if the bill is enthusiastically administered. This approval would permit larger federal CZM grants to be made to the state. So, while the face sheet of this note is filled out according to the instructions for fiscal notes, we provide a more thorough look at the ACMP budget on the following charts. Grant application and BRU data, as well as ACMP staff experience and expectation have been melded to form general budget charts for fiscal years 1977, 78, and 79. The figures are reliable insofar as general allocations and magnitude; but they are not exact since there are many unknowns. The figures for FY 77 are also rough since they are drawn from two separate grant applications and a possible supplemental application.

The first chart might be thought of as the "pre-bill situation." Since FY 77 will end just after passage of the bill, there will be little of the bill reflected in the FY 77 chart. This is not awkward, since many of the bill's provisions were anticipated. The major difference from FY 77 to FY 78 and beyond will be the amount of local government involvement, which was only voluntary, and rather novel at the start of FY 77.

The second chart, for FY 78, is a projection of program development expenditures as the implementation of the bill begins. There is much to do: Local governments must be provided with enough funds to get their programs underway, and the Council will have quite a job in getting organized and establishing its guidelines and procedures. Additionally, the ACMP office will be pursuing approval of the program by the end of the fiscal year, and this will involve substantial time and money.

The third chart can be thought of as the first year of "regular" program administration. By this time the larger Sec. 306 grants will be available and local programs should be well underway. Also, some local governments may be done with developing their programs, and thus be eligible for administration grants with which to maintain their programs. This last topic

is not addressed in the proposed legislation, but making grants of CZM 306 funds for regular municipal and borough administration of local coastal programs is certainly permitted and encouraged in the national CZM program.

The first and second charts will be largely unchanged whether or not SB 220/HB 342 passes or not, except that the funds for local grants in the second (FY 78) chart might be less because the local demand would probably not be as high without the existence of a bill like SB 220/HB 342.

The third chart (FY 79) may not be valid at all if the bill does not pass because there is considerable uncertainty over whether ACMP could be federally approved without the help of SB 220/HB 342, or something similar.

Chart One-Fiscal Year 77.

Approximate ACMP Receipts:*

Federal:	\$1,200,000
State Cash Appropriation:	250,000
TOTAL	<u>\$1,450,000</u>

Approximate ACMP Expenditures:

ACMP Office Use...	
Public Participation	\$ 200,000
Program Elements	100,000
Grant and Contract Adm.	50,000
Grants to Local Gov'ts	350,000
Assistance to Local Gov't	225,000
State Agency Projects	525,000
TOTAL	<u>\$1,450,000</u>

Chart Two-Fiscal Year 78

Approximate ACMP Receipts:*

Federal:	\$1,200,000
State Appropriation:	250,000
TOTAL	<u>\$1,450,000</u>

Approximate ACMP Expenditures:

ACMP Office Use...	
Public Participation	\$ 225,000
Program Elements	75,000
Grant and Contract Adm.	50,000
Grants to Local Gov'ts	625,000
Assistance to Local Gov't	75,000
State Agency Projects	400,000
TOTAL	<u>\$1,450,000</u>

Chart Three-Fiscal Year 79 (If approval under Sec. 306 of the Coastal Zone Management Act has been achieved, and the federal funding is thereby available.)

Approximate ACMP Receipts:*

Federal:	\$2,000,000
State Appropriation:	250,000
TOTAL	<u>\$2,250,000</u>

Approximate ACMP Expenditures:

ACMP Office Use:	
Public Participation:	\$200,000
Program Elements:	75,000
Grant and Contract Adm:	75,000
Program Development Grants	
to local government:	700,000
Program Administration	
Grants to local gov't:	600,000
Assistance to Local gov't:	100,000
State Agency Projects:	500,000
TOTAL	<u>\$2,250,000</u>

* The receipts shown here are those monies under ACMP Office control only. The federal grants do require state matching shares, of which the annual ACMP appropriation is a part. The rest of the match is made up from local and state agency in-kind contributions to the program. Grants to local governments usually require that the local government contribute some value to its own program in cash or in kind, and this contribution is used as part of the overall match for the federal funds. The match ratio now is 4 federal dollars for every 1 state dollar. The state ususally has no trouble finding enough matching share, and this is why we do not expect to ask for any larger annual appropriation than \$250,000 per year.

C. Personnel.

SB 220/HB 342 will cause a dramatic increase in local involvement in ACMP. Thus, we see the need of at least three mid-range planners in addition to the existing CRA staff to handle the increased demand for grants and services. All other aspects of SB 220/HB 342 have been forseen except the Alaska Coastal Policy Council, and the ACMP office will need a para-professional administrator to attend to the needs of the Council. All these people can easily be paid from the present program revenue.

D. Budgetary Terms Defined

The terms used in the three budget charts for the Program Summary in (B) above may not be familiar to everyone, so descriptions are provided below for better understanding of the Alaska Coastal Management Program activities and expenditures.

"ACMP Office Use" means the funds expended directly from the Alaska Coastal Management Program Office within the Division of Policy Development and Planning in the Office of the Governor. The other funds are spent by other state agencies or passed through to local governments. The ACMP Office applies for the entire amount and arranges contracts with the other state agencies. The next three terms are more specific activities undertaken by the ACMP staff.

"Public Participation" There are basically two objectives of public participation: The first and current effort is to learn as much as possible from the public about Alaskan coastal affairs, and in return to acquaint the public as much as possible with the nature of ACMP. The second objective, which will begin soon, is to enable thorough public review, understanding, and comment on the policies and other more specific details about the program, which have only now begun to solidify. Both objectives are pursued with a community workshop series, a monthly newsletter, a group of special interest representatives, an array of slide programs, brochures, films, etc, and by staff visits to communities and group meetings. There are presently two staff people working on public participation, with help from others. Much of the work is done by contractors. People from other state agencies assist as well.

"Program Elements" This refers to a series of tasks whose purpose is to lead to approval of ACMP under Section 306 of the federal Coastal Zone Management Act. Many of the duties that the Council would perform with passage of SB 220/HB 342 are complemented by ongoing program elements, which include assembling a unified policy base, defining land and water uses of state concern, listing and defining special areas in the coast which need extra attention in management, coordinating the array of state authorities, organizing the array of state procedures for better management, coordinating and consulting with federal agencies, and eventually producing a program document which unifies and describes all these elements. This work is done by two and a half staff people with some contracted assistance.

"Grant and Contract Administration" This is the task of applying for and managing the large sums of money that flow into the program. Grant applications require forecasting the often uncertain program needs over a year or more in the future, and balancing the many demands for the use of the funds. Then, a number of contracts with agencies and consultants must be consummated, coordinated, kept track of, reported on, and eventually audited. One and one-half staff people do this work. The grants are audited every year.

"Grants to Local Governments" The ACMP Office contracts with the Dept. of Community and Regional Affairs to provide funds for local planning efforts. Some of this activity is specifically related to planning for OCS development impacts on the communities, and the rest is for general coastal management planning. If the bill passes, this same mechanism would be used to support the local planning effort called for in the bill. A matching share is usually required of the local governments in return for grants, but this is only 20% of the value of the project and can be in-kind services as well as cash. When the ACMP is approved under section 306, we will be able to provide funds for administration of local programs as well as for the planning.

"Assistance to Local Governments" In addition to the direct grants, CRA assists local governments by providing individual and general staff and consultant assistance. Often, a local government will need help for a project, but the size of the project does not warrant hiring a local planner. The job may only take three months. In cases like this, CRA will provide professional staff assistance to the local government. In other cases, several local governments may be faced with the same kind of problem, and help can be provided to all with a CRA staff project or a consultant project. The product or report is then given to the local governments which need it. Whatever the situation, this form of assistance is basically just support to local planning by means other than direct grants. A final example is a project by two or local governments want to work together on a project, and CRA can relieve both of paperwork difficulties if a contractor is to be used.

"State Agency Projects" These are tasks undertaken by state agencies at the request of ACMP or at the agency's own initiative. In the former case, ACMP needed information on the biophysical relationship of the marine waters to the specific uplands of Alaska. The Dept. of Fish and Game was contracted for this work. The result will assure adequate program coverage of the important processes of nature. In other cases, an agency may look ahead to its duties related to ACMP and ask for funds to conduct a study or inventory. In all cases, the ACMP Office assures that the project will be of value to ACMP and in most cases, also of value to local governments.

"Program Development Grants to Local Government" and "Program Administration Grants to local government" are both terms that are subsumed under "Grants to Local Government."

COMMITTEE REPORT
SENATE

4/13/77

_____ Date

Mr. President:

The Committee on Finance has had SB 220 management of coastal resources of the state under consideration. A majority of the members of the Committee

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for _____ and that CS for _____ do pass
- (and) recommends it be referred to the _____ committee
- reports it back without recommendation
- AND attaches a report of its intent
- (other) _____

MEMBERS SIGNING THE MAJORITY REPORT:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____	recommends:	_____
_____	recommends:	_____
_____	recommends:	_____

_____ Chairman

COMMITTEE REPORT
SENATE

****FINANCE****

4/7/77

_____ Date

Mr. President:

The Committee on COMMUNITY & REGIONAL AFFAIRS has had SB 220
management of coastal resources of the state
under consideration. A majority of the members of the Committee

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for _____ and that
CS for _____ do pass
- (and) recommends it be referred to the _____
committee
- reports it back without recommendation
- AND attaches a report of its intent
- (other) Letter of Intent

MEMBERS SIGNING THE MAJORITY REPORT:

Steve Hackney _____
Ed Willis _____

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

Jerguson recommends: No Rec
 _____ recommends: _____
 _____ recommends: _____

J. Orsini
 Chairman

A M E N D M E N T

OFFERED IN THE SENATE:

Senate Community and
By: Regional Affairs Committee

To: _____ SENATE BILL No. 220

HOUSE BILL No. _____

PAGE: 2 and 3

LINE: _____

Page 2, line 28: Change "eight" to "nine"

Page 3, line 3 & 4: Delete "the area of the North Slope
Borough and"

Page 3, line 6: Add "(B) the North Slope Borough;"
and reletter accordingly.

COMMITTEE REPORT

SENATE

3/7/77

**Finance
**Community & Regional
Affairs (3/8/77)

①
4/6/77

Date

Mr. President:

The Committee on RESOURCES has had SB 220
management of coastal resources of the state
under consideration. A majority of the members of the Committee

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s) *2 am.*
- recommends it be replaced with CS for _____ and that
CS for _____ do pass
- (and) recommends it be referred to the _____
committee
- reports it back without recommendation
- AND attaches a report of its intent
- (other) _____

MEMBERS SIGNING THE MAJORITY REPORT:

1 <u>William</u>	<u>No Pass</u>	_____
1 <u>Chancy</u>	<u>No Pass</u>	_____
2 <u>John Huber</u>	<u>NO REC</u>	_____
2 <u>Herb Meland</u>	<u>✓</u>	_____

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

2 <u>Colletta</u>	recommends:	<u>No Rec</u>
1 <u>John Entwuch</u>	recommends:	<u>No Pass</u>
_____	recommends:	_____

1 K. Poland
Chairman
Do Pass

A M E N D M E N T #1

OFFERED IN THE SENATE:

BY: Resources Committee

To: _____ SENATE BILL No. 220

HOUSE BILL No. _____

PAGE: 2

LINE: 28

Delete line 28 + insert

~~Sec. 44.19.891. ALASKA COASTAL POLICY COUNCIL~~

After (1) substitute new language as follows:

Eight public members appointed by the Governor from a list comprised of at least three names from each region, nominated by the municipalities of each region. The nominees shall

A M E N D M E N T #2

OFFERED IN THE SENATE:

By: Resources Committee

To: _____ SENATE BILL No. 220

HOUSE BILL No. _____

PAGE: 24

LINE: 21

between AS 46.35 and State Agencies, insert the following:

Such technical assistance shall include the direct granting to the coastal resource districts a portion of any funds received by the state from the federal coastal zone management program, in amounts to be individually determined for each coastal resource district by the Commissioner.

STATE
of ALASKA

MEMORANDUM

TO: Senator Poland ✓
Senator Orsini
Representative Rudd
Jack Chenoweth
Ron Lind
Fran Ulmer

DATE : March 25, 1977

FROM:

SUBJECT: SB 220/HB 342: Fiscal Note

Murray Walsh *MW*
Alaska Coastal Management Program
Division of Policy Development and Planning
Office of the Governor

We have prepared a fiscal note for SB 220/HB 342. Since the bill will complement and augment an existing program, we have tried to present a basic understanding of the present and near future financial expectations of the Alaska Coastal Management Program, rather than just showing the expected increases that would result from passage and implementation of SB 220/HB 342.

We hope this information is useful and instructive to you, and please call on us for further explanation or clarification of the fiscal or any other aspects of the coastal program.

Introduced: 3/7/77
Referred: Resources and Finance

BY THE RULES COMMITTEE BY REQUEST
OF THE JOINT ADMINISTRATION-
LEGISLATIVE COMMITTEE ON COASTAL
MANAGEMENT

1 IN THE SENATE

2 SENATE BILL NO. 220 220

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

10 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that

11 (1) the coastal area of the state is a distinct and valuable
12 natural resource of concern to all the people of the state;

13 (2) the demands upon the resources of the coastal area are signi-
14 ficant, and will increase in the future;

15 (3) the protection of the natural and scenic resources and the
16 fostering of wise development of the coastal area are of concern to present
17 and future citizens of the state;

18 (4) the capacity of the coastal area to withstand the demands upon
19 it is limited;

20 (5) the degree of planning and resource allocation which has
21 occurred in the coastal area has often been motivated by short-term consider-
22 ations, unrelated to sound planning principles; and

23 (6) in order to promote the public health and welfare, there is a
24 critical need to engage in comprehensive land and water use planning in
25 coastal areas and to establish the means by which a planning process and
26 management program involving the several governments and areas of the unor-
27 ganized borough having an interest in the coastal area may be effectively
28 implemented.

29 * Sec. 2. LEGISLATIVE POLICY. It is the policy of the state to

1 (1) preserve, protect, develop, use, and, where necessary, restore
2 or enhance the coastal resources of the state for this and succeeding genera-
3 tions;

4 (2) encourage coordinated planning and decision making in the
5 coastal area among levels of government and citizens engaging in or affected
6 by activities involving the coastal resources of the state;

7 (3) develop a management program which sets out policies, objec-
8 tives, standards and procedures to guide and resolve conflicts among public
9 and private activities involving the use of resources which have a direct and
10 significant impact upon the coastal waters of the state;

11 (4) assure the participation of the public, local governments, and
12 agencies of the state and federal governments in the development and imple-
13 mentation of a coastal management program;

14 (5) utilize existing governmental structures and authorities, to
15 the maximum extent feasible, to achieve the policies set out in this section;
16 and

17 (6) authorize and require state agencies to carry out their plan-
18 ning duties, powers and responsibilities and take actions authorized by law
19 with respect to programs affecting the use of the resources of the coastal
20 area in accordance with the policies set out in this section and the guide-
21 lines and standards adopted by the Alaska Coastal Policy Council under AS
22 46.35.

23 * Sec. 3. AS 44.19 is amended by adding new sections to read:

24 ARTICLE 11A. ALASKA COASTAL POLICY COUNCIL.

25 Sec. 44.19.891. ALASKA COASTAL POLICY COUNCIL. (a) There is
26 created in the Office of the Governor the Alaska Coastal Policy Council.
27 The council consists of the following:

28 (1) ✓ eight public members appointed by the governor, who shall
29 be the mayor or member of the assembly or council of a municipality; one

1 public member shall be appointed from each of the following general
2 regions: ✓ -

3 (A) northwest Alaska, including, generally, the area
4 of the North Slope Borough and the Northwest Arctic and Bering
5 Straits regional educational attendance areas;

6 (B) southwest Alaska, including, generally, the area
7 within the Lower Yukon, Lower Kuskokwim, Southwest, and Lake-
8 Peninsula regional educational attendance areas and the Bristol Bay
9 Borough;

10 (C) Kodiak-Aleutians, including the area of the Kodiak
11 Island Borough and the Aleutian, Adak and Pribilof regional educa-
12 tional attendance areas;

13 (D) Upper Cook Inlet, including the Municipality of
14 Anchorage and the Matanuska-Susitna Borough;

15 (E) Lower Cook Inlet, including, generally, the area
16 within the Kenai Peninsula Borough;

17 (F) Prince William Sound, including, generally, the area
18 east of the Kenai Peninsula Borough to 141° W. longitude;

19 (G) northern Southeast Alaska, including the area south-
20 east of 141° W. longitude and north of 57° N. latitude, including
21 the entirety of the City and Borough of Sitka; and

22 (H) southern Southeast Alaska, including that portion of
23 southeastern Alaska not contained within the area described in (G)
24 of this paragraph.

25 (2) each of the following:

26 (A) the director of the division of policy development
27 and planning;

28 (B) the commissioner of the Department of Commerce and
29 Economic Development;

1 (C) the commissioner of the Department of Community and
2 Regional Affairs;

3 (D) the commissioner of the Department of Environmental
4 Conservation;

5 (E) the commissioner of the Department of Fish and Game;

6 (F) the commissioner of the Department of Natural Re-
7 sources; and

8 (G) the commissioner of the Department of Public Works.

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

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

19 (d) Members appointed under (a) of this section may select one per-
20 son to serve as a permanent alternate at meetings of the council. If
21 the member appointed is unable to attend, the alternate may act in his
22 place.

23 (e) Four public members and three designated members of the
24 council constitute a quorum, but one or more of the members designated
25 by the council may hold hearings. All decisions of the council shall be
26 by a majority vote of the members present and voting.

27 (f) Members of the council are entitled to per diem and travel
28 expenses authorized by law for members of boards and commissions.

29 (g) If there is a vacancy among the public members appointed under

1 (a)(1) of this section, the governor shall make an appointment to
2 become immediately effective for the unexpired portion of the term.

3 Sec. 44.19.892. POWERS OF THE COUNCIL. The council may

4 (1) apply for and accept grants, contributions, and appropri-
5 ations, including application for and acceptance of federal funds which
6 may become available for coastal planning and management;

7 (2) contract for necessary services;

8 (3) consult and cooperate with

9 (A) persons, organizations, and groups, public or
10 private, interested in, affected by, or concerned with coastal area
11 planning and management;

12 (B) agents and officials of the coastal resource dis-
13 tricts of the state, and federal and state agencies concerned with
14 or having jurisdiction over coastal area planning and management;

15 (4) take any reasonable action necessary to carry out the
16 provisions of secs. 891 - 894 of this chapter.

17 Sec. 44.19.893. DUTIES OF THE COUNCIL. In conformity with the
18 Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et
19 seq.), the council shall

20 (1) develop guidelines and standards for the preparation of,
21 and approve, in accordance with AS 46.35, the Alaska coastal management
22 program;

23 (2) establish continuing coordination among state agencies to
24 facilitate the development and implementation of the Alaska coastal
25 management program; in carrying out its duties under this paragraph, the
26 council shall initiate an interagency program of comprehensive coastal
27 resource planning for each geographic region described in sec. 891(a)(1)
28 of this chapter;

29 (3) assure continued provision of data and information to

1 coastal resource districts to carry out their planning and management
2 functions under the program;

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

6 Sec. 44.19.894. COUNCIL STAFF. The council shall utilize the
7 staff of the office of coastal management within the division of policy
8 development and planning in discharging its powers and duties. The
9 coordinator of the office, with the concurrence of the council, may
10 contract with or employ personnel or consultants he considers necessary
11 to carry out the powers and duties of the council.

12 * Sec. 4. AS 46 is amended by adding a new chapter to read:

13 CHAPTER 35. COASTAL MANAGEMENT PROGRAM.

14 ARTICLE 1. DEVELOPMENT OF ALASKA COASTAL MANAGEMENT PROGRAM.

15 Sec. 46.35.010. DEVELOPMENT OF ALASKA COASTAL MANAGEMENT PROGRAM.

16 (a) The Alaska Coastal Policy Council established in AS 44.19.891 shall
17 approve, in accordance with secs. 10 - 210 of this chapter, the Alaska
18 coastal management program.

19 (b) The council may approve the Alaska coastal management program
20 for a portion or portions of the coastal area before approving the
21 complete program under (a) of this section. Portions of the program
22 approved under this subsection shall be incorporated into the Alaska
23 coastal management program.

24 (c) The Alaska coastal management program shall be reviewed by the
25 council and, when appropriate, revised to

26 (1) add newly approved district coastal management programs,
27 or revisions and amendments to the Alaska coastal management program;

28 (2) integrate newly approved district coastal management
29 programs, or revisions and amendments of district coastal management

1 programs, with existing approved programs and with plans developed by
2 state agencies;

3 (3) add new or revised state statutes, policies, regulations
4 or other appropriate material;

5 (4) review the effectiveness of implementation of district
6 coastal management programs; and

7 (5) consider new information acquired by the state and
8 coastal resource districts.

9 (d) All reviews and revisions shall be in accordance with the
10 guidelines and standards adopted by the council under sec. 40 of this
11 chapter.

12 Sec. 46.35.020. OBJECTIVES. The Alaska coastal management program
13 shall be consistent with the following objectives:

14 (1) the use, management, restoration and enhancement of the
15 overall quality of the coastal environment;

16 (2) the development of industrial or commercial enterprises
17 which are consistent with the social, cultural, historical, economic and
18 environmental interests of the people of the state;

19 (3) the orderly, balanced utilization and protection of the
20 resources of the coastal area consistent with sound conservation and
21 sustained yield principles;

22 (4) the management of coastal land and water uses in such a
23 manner that, generally, those uses which are economically or physical-
24 dependent on a coastal location are given higher priority when compared
25 to uses which do not economically or physically require a coastal
26 location;

27 (5) the protection and management of significant historic,
28 cultural, natural and aesthetic values and natural systems or processes
29 within the coastal area;

1 (6) the prevention of damage to or degradation of land and
2 water reserved for their natural values as a result of inconsistent land
3 or water usages adjacent to that land;

4 (7) the recognition of the need for a continuing supply of
5 energy to meet the requirements of the state and the contribution of a
6 share of the state's resources in meeting national energy needs; and

7 (8) the full and fair evaluation of all demands on the land
8 and water in the coastal area.

9 Sec. 46.35.030. DEVELOPMENT OF DISTRICT COASTAL MANAGEMENT PRO-
10 GRAMS. Coastal resource districts shall develop and adopt district
11 coastal management programs in accordance with the provisions of this
12 chapter. The program adopted by a coastal resource district shall be
13 based upon a comprehensive resource use plan or a comprehensive state-
14 ment of needs, policies, objectives and standards governing the use of
15 resources within the coastal area of the district. The program shall be
16 consistent with the guidelines and standards adopted by the council
17 under sec. 40 of this chapter and shall include:

18 (1) a delineation within the district of the boundaries of
19 the coastal area subject to the district coastal management program;

20 (2) a statement, list, or definition of the land and water
21 uses and activities subject to the district coastal management program;

22 (3) a statement of policies to be applied to the land and
23 water uses subject to the district coastal management program;

24 (4) regulations, as appropriate, to be applied to the land
25 and water uses subject to the district coastal management program;

26 (5) a description of the uses and activities which will be
27 considered proper and the uses and activities which will be considered
28 improper with respect to the land and water within the coastal area;

29 (6) a summary or statement of the policies which will be

1 applied and the procedures which will be used to determine whether
2 specific proposals for land or water uses or activities shall be allowed;
3 and

4 (7) a designation of, and the policies which will be applied
5 to the use of, areas within the coastal resource district which merit
6 special attention.

7 Sec. 46.35.040. DUTIES OF THE ALASKA COASTAL POLICY COUNCIL. The
8 Alaska Coastal Policy Council shall

9 (1) by regulation adopted under the provisions of the
10 Administrative Procedure Act (AS 44.62), identify and define, within
11 six months of the effective date of this Act, for the use of and
12 application by coastal resource districts and state agencies for carry-
13 ing out their responsibilities under this chapter, guidelines and
14 standards for

15 (A) identifying the boundaries of the coastal area
16 subject to the district coastal management program;

17 (B) determining the land and water uses and activities
18 subject to the district coastal management program;

19 (C) developing policies applicable to the land and
20 water uses subject to the district coastal management program;

21 (D) developing regulations applicable to the land and
22 water uses subject to the district coastal management program;

23 (E) developing policies and procedures to determine
24 whether specific proposals for the land and water uses or activities
25 subject to the district coastal management program shall be allowed;

26 (F) designating and developing policies for the use of
27 areas of the coast which merit special attention; and

28 (G) measuring the progress of a coastal resource dis-
29 trict in meeting its responsibilities under this chapter;

1 (2) develop and maintain a program of technical and financial
2 assistance to aid coastal resource districts in the development and
3 implementation of district coastal management programs;

4 (3) undertake review and approval of district coastal manage-
5 ment programs in accordance with this chapter;

6 (4) initiate a process for identifying and managing uses of
7 state, regional and district concern within specific areas of the coast;

8 (5) develop procedures or guidelines for consultation and
9 coordination with federal agencies managing land or conducting activi-
10 ties potentially affecting the coastal area of the state.

11 Sec. 46.35.050. ACTION AND SUBMISSION BY COASTAL RESOURCE DIS-
12 TRICTS. Each coastal resource district shall make substantial progress,
13 in the opinion of the council, toward completion of an approvable dis-
14 trict coastal management program and shall complete and submit to the
15 council for approval its program within 30 months of the effective date
16 of this Act or within 30 months of certification of the results of the
17 district's organization, whichever is later.

18 Sec. 46.35.060. REVIEW AND APPROVAL BY COUNCIL. (a) If, upon
19 submission of a district coastal management program for approval, the
20 council finds that the program is substantially consistent with the
21 provisions of this chapter and the guidelines and standards adopted by
22 the council and does not arbitrarily or unreasonably restrict or exclude
23 uses of state concern, the council may grant summary approval of the
24 district coastal management program, or may approve portions of the
25 district program which are consistent.

26 (b) If the council finds that a district coastal management pro-
27 gram is not approvable or is approvable only in part under (a) of this
28 section, it shall direct that deficiencies in the program submitted by
29 the coastal resource district be mediated. In mediating the deficien-

1 cles, the council may call for one or more public hearings in the dis-
2 trict. The council shall meet with officials of the coastal resource
3 district in order to resolve differences.

4 (c) If, after mediation, the differences have not been resolved to
5 the mutual agreement of the coastal resource district and the council,
6 the council shall call for a public hearing and shall resolve the dif-
7 ferences in accordance with the Administrative Procedure Act (AS 44.62).
8 After a public hearing held under this subsection, the council shall
9 enter findings and, by order, may require

10 (1) that the district coastal management program be amended
11 to make it consistent with the provisions of this chapter or the guide-
12 lines and standards adopted by the council;

13 (2) that the district coastal management program be revised
14 to accommodate a use of state concern; or

15 (3) any other action be taken by the coastal resource dis-
16 trict as appropriate.

17 (d) The superior courts of the state have jurisdiction to enforce
18 orders of the council entered under (c) of this section.

19 Sec. 46.35.070. STANDARDS FOR COUNCIL REVIEW AND APPROVAL. (a)
20 The council shall approve a district coastal management program sub-
21 mitted for review and approval if the program is consistent with the
22 provisions of this chapter and the guidelines and standards adopted by
23 the council.

24 (b) Notwithstanding an inconsistency of a district coastal manage-
25 ment program submitted for review and approval with the guidelines and
26 standards adopted, the council shall approve the program if it finds
27 that

28 (1) strict adherence to the guidelines and standards adopted
29 would result in a violation of another state law or policy;

1 (2) strict adherence to the guidelines and standards adopted
2 would cause or probably cause substantial irreparable harm to another
3 interest or value in the coastal area of the district; or

4 (3) the inconsistency is of a technical nature and no sub-
5 stantial harm would result to the policies and objectives of this
6 chapter or the Alaska coastal management program.

7 (c) In determining whether a restriction or exclusion of a use of
8 state concern is arbitrary or unreasonable, the council shall approve
9 the restriction or exclusion if it finds that

10 (1) the coastal resource district has consulted with and
11 considered the views of appropriate federal, state or regional agencies;

12 (2) the district has based its restriction or exclusion on
13 the availability of reasonable alternative sites; and

14 (3) the district has based its restriction or exclusion on an
15 analysis showing that the proposed use is incompatible with the proposed
16 site.

17 (d) A decision by the council under this section shall be given
18 within 90 days.

19 Sec. 46.35.080. EFFECTIVE DATE OF ALASKA COASTAL MANAGEMENT
20 PROGRAM. The Alaska coastal management program adopted by the council,
21 and any additions, revisions, or amendments of the program, take effect
22 upon adoption of a concurrent resolution by a majority of the members of
23 each house of the legislature or by a vote of the majority of the mem-
24 bers of each house at the time the houses are convened in joint session
25 to confirm executive appointments submitted by the governor.

26 Sec. 46.35.090. IMPLEMENTATION OF DISTRICT COASTAL MANAGEMENT
27 PROGRAMS. (a) A district coastal management program approved by the
28 council and the legislature for a coastal resource district which does
29 not have and exercise zoning or other controls on the use of resources

1 within the coastal area shall be implemented by appropriate state
2 agencies. Implementation shall be in accordance with the comprehensive
3 use plan or the statement of needs, policies, objectives and standards
4 adopted by the district.

5 (b) A coastal resource district which has and exercises zoning or
6 other controls on the use of resources within the coastal area shall
7 implement its district coastal management program. Implementation shall
8 be in accordance with the comprehensive use plan or the statement of
9 needs, policies, objectives and standards adopted by the district.

10 Sec. 46.35.100. COMPLIANCE AND ENFORCEMENT. (a) Municipalities
11 and state agencies shall administer land and water use regulations or
12 controls in conformity with district coastal management programs approv-
13 ed by the council and the legislature and in effect.

14 (b) On petition of a coastal resource district, a citizen of the
15 district, or a state agency, showing that a district coastal management
16 program is not being enforced or implemented, the council shall convene
17 a public hearing to consider the matter. A hearing called under this
18 subsection shall be held in accordance with the Administrative Procedure
19 Act (AS 44.62). After hearing, the council may order that the coastal
20 resource district or state agency take any action which the council
21 considers necessary to enforce, implement or comply with the district
22 coastal management program.

23 (c) In determining whether an approved district coastal management
24 program is being implemented, enforced or complied with by a coastal
25 resource district which exercises planning authority or controls on the
26 use of resources within the coastal area, the council shall find in
27 favor of the district if

28 (1) zoning or other regulations have been adopted and are
29 being enforced;

1 (2) variances are being granted according to procedures and
2 criteria which are elements of the district coastal management program,
3 or the variance is otherwise approved by the council; and

4 (3) procedures and standards adopted by the coastal resource
5 district as required by this chapter or by the guidelines and standards
6 adopted by the council and subsequently approved by the legislature have
7 been followed and considered.

8 (d) In determining whether a state agency is complying with a
9 district coastal management program with respect to its exercise of
10 regulation or control of the resources within the coastal area, the
11 council shall find in favor of the agency if

12 (1) the use or activity for which the permit, license or
13 approval is granted is consistent with the district coastal management
14 program and regulations adopted under it; and

15 (2) the use or activity for which the permit, license or
16 approval is granted is consistent with requirements imposed by state
17 statute, regulation, or local ordinance applicable to the use or activity.

18 (e) The superior courts of the state have jurisdiction to enforce
19 lawful orders of the council.

20 ARTICLE 2. COASTAL MANAGEMENT PROGRAMS

21 IN THE UNORGANIZED BOROUGH.

22 Sec. 46.35.110. AUTHORITY IN THE UNORGANIZED BOROUGH. Under
23 AS 29.03.020 and secs. 110 - 180 of this chapter, the legislature autho-
24 rizes organization of coastal resource service areas in the unorganized
25 borough and grants authority to the service areas which may be organized
26 to perform the duties required under this chapter.

27 Sec. 46.35.120. COASTAL RESOURCE SERVICE AREAS. (a) Except as
28 provided in (b) of this section, each regional educational attendance
29 area established under AS 14.08.031 containing a part of the coastal