

BILLS 1981 - 1982
SB 64 cont. - CSSSB 69

LAG. Finance 1607
1607

1 in the bargaining unit.

2 * Sec. 2. AS 23.40.200(c) is amended to read:

3 (c) The class in (a)(2) of this section is composed of public
4 utility, snow removal, sanitation and [PUBLIC SCHOOL AND OTHER] edu-
5 cational institution employees, except noncertificated employees of
6 school boards. Employees in this class may engage in a strike after
7 mediation, subject to the voting requirement of (d) of this section.
8 for a limited time. The limit is determined by the interests of the
9 health, safety or welfare of the public. The public employer or the
10 labor relations agency may apply to the superior court in the judicial
11 district in which the strike is occurring for an order enjoining the
12 strike. A strike may not be enjoined unless it can be shown that it
13 has begun to threaten the health, safety or welfare of the public. A
14 court, in deciding whether or not to enjoin the strike, shall consider
15 the total equities in the particular class. "Total equities" includes
16 not only the impact of a strike on the public but also the extent to
17 which employee organizations and public employers have met their sta-
18 tutory obligations. If an impasse or deadlock still exists after the
19 issuance of an injunction, the parties shall submit to arbitration to
20 be carried out under AS 09.43.030.

21 * Sec. 3. AS 23.40.250(5) is amended to read:

22 (5) "public employee" means any employee of a public em-
23 ployer, whether or not in the classified service of the public
24 employer, except elected or appointed officials or certificated [TEA-
25 CHERS OR NONCERTIFICATED] employees of school boards [DISTRICTS];

26 * Sec. 4. AS 23.40.250(6) is amended to read:

27 (6) "public employer" means the state or a political subdi-
28 vision of the state, including without limitation, a [TOWN,] city,
29 borough, school board [DISTRICT], board of regents, public and quasi-

1 public corporation, housing authority or other authority established by
2 law, and a person designated by the public employer to act in its
3 interest in dealing with public employees;

4 * Sec. 5. AS 23.40.250 is amended by adding a new paragraph to read:

5 (8) "school board" includes a regional educational atten-
6 dance area school board.

7 * Sec. 6. A school board, including a regional educational attendance
8 area school board, is subject to the Public Employment Relations Act (AS 23.-
9 40.070 - 23.40.260) in its relations with its noncertified employees unless
10 the school board specifically rejects the application of the Public Employ-
11 ment Relations Act within six months after the effective date of this Act.

12 * Sec. 7. Nothing in this Act terminates or modifies a collective bar-
13 gaining unit, recognition of exclusive bargaining representative, or col-
14 lective bargaining agreement if the unit, recognition, or agreement is in
15 effect on the effective date of this Act.

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COMMITTEE REPORT

SENATE

FURTHER: None

3/16/81

Date: 4/8/81

Mr. President:

The Committee on FINANCE has had SSSB 69
making a driver improvement course mandatory for certain drivers who receive
driving demerit points

under consideration and (a majority of the committee) (the committee)
reports it back with the following recommendations:

do pass

do not pass

do pass with attached amendments(s)

replace with CS for SSSB 69 (HESS) same title

new title

and recommends do pass w/amendment

AND attaches a "Letter of Intent" New Fiscal Note

reports it back without recommendation

referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]
[Signature]
[Signature]

[Signature]

[Signature]
Do Pass CHAIRMAN

SENATE AMENDMENT

By Senate Finance Committee

To: CS for SS for SENATE BILL No. 69 (HESS)

To: _____ HOUSE BILL No. _____

PAGE: 1 LINE: 20

CHANGE "50 miles" to "100 miles"

PAGE: 1 LINE: 28-29

DEETE ALL OF "(d)"

PAGE: 1 LINE: 28

ADD NEW SECTION 2, to show effective date July 1, 1981.

Original sponsor: Stimson

Offered: 3/16/81
Referred: Finance

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 69 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a driver improvement course mandatory
7 for certain drivers who receive driving demerit
8 points."

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

10 * Section 1. AS 28.15 is amended by adding a new section to read:

11 Sec. 28.15.225. DRIVER IMPROVEMENT COURSE REQUIRED FOR CERTAIN
12 DRIVERS RECEIVING POINTS. (a) In addition to other consequences of
13 the assessment of points under AS 28.15.221 - 28.15.251, a driver who
14 is assessed six or more points in 12 months, or nine or more points in
15 24 months is required to successfully complete a driver improvement
16 course approved by the department within 45 days from the date the
17 points are assessed unless the requirement is postponed or removed
18 under (b) of this section.

19 (b) If an approved driver improvement course is not conducted
20 within ¹⁰⁰~~50~~ miles by highway of the resident home post office of a driver
21 during the two years following assessment of the points which make the
22 course mandatory for that driver, he is not required to successfully
23 complete a driver improvement course under this section.

24 (c) If a driver who is required to successfully complete a driver
25 improvement course under this section fails to do so within the pre-
26 scribed period, the department shall suspend, revoke, or deny that
27 person's driver's license until the course is successfully completed.

28 ~~Delete (d) A driver is not required to take more than one driver improve-~~
29 ~~ment course under this section.~~

Add

Effective Date July 1, 1981

-1-

CSSSSB 69(HESS)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE
REVENUES

I. REQUEST
Bill/Resolution No. House CS for CS for SS for SB 69 (Judiciary) am H
Title An Act relating to the operation of motor vehicles and to the Motor
Requested by _____ Date _____

II. FISCAL DETAIL
Agency Affected Department of Public Safety
Program Category Affected Life and Property Protection
BRU, Program, Or Subprogram(s) Affected Driver/Vehicle Services
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND		75.0	75.0	75.0	75.0	75.0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

Unrestricted Revenue collected from reinstatement fees, and deposited into the General Fund.

It is estimated there would be 1,500 reinstatements of driving privileges after suspension under Chapter 20 of AS 28, each year.

$$1,500 \times \$50 = \$75,000$$

IV. DATE May 25, 1982 PREPARED BY Bill Brown
AGENCY Public Safety - Motor Vehicles
Original: Legislative Finance PHONE 465-4335
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE
EXPENDITURES

I. REQUEST
Bill/Resolution No. House CS for CS for SS for SB 69 (Judiciary) am H
Title An Act relating to the operation of motor vehicles and to the Motor
Requested by _____ Date _____

II. FISCAL DETAIL
Agency Affected Department of Public Safety
Program Category Affected Life and Property Protection
BRU, Program, Or Subprogram(s) Affected Driver/Vehicle Services
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		9.4	18.7	28.0	28.0	28.0
400 COMMODITIES		.2	.3	.4	.4	.4
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		9.6	19.0	28.4	28.4	28.4

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		9.6	19.0	28.4	28.4	28.4
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

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

CONTRACTUAL: It is estimated an additional 6,080 individuals will be required to maintain proof of financial responsibility for the future in FY 83. Those individuals, plus 6,000 more in FY 84, for a total of 12,080, and an additional 6,000 in FY 85, for a total of 18,080. In FY 86, it is estimated the number of individuals required to file the proof for the first time will be approximately the same as those no longer required to file because their three years have elapsed, therefore, no additional increase.

It has been our experience an average of one notice per individual, each year, will have to be mailed out due to notification from an insurance company that an individual's insurance is being cancelled for non-payment of premium, failure to renew, etc. For legal purposes our notice must be sent via certified mail, return receipt requested, at the cost of \$1.55 each.

FY83 6,080 x \$1.55 = \$9,424
FY84 12,080 x \$1.55 = 18,724
FY85 18,080 x \$1.55 = 28,024

COMMODITIES: Miscellaneous office supplies, including paper, envelopes, etc

IV. DATE May 25, 1982 PREPARED BY Bill Brown
AGENCY Public Safety - Motor Vehicles
PHONE 465-4335
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

Rec'd
4/6/82

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
Bill/Resolution No. House CS for CS for SS for SB 69 (Judiciary)
Title An Act relating to the operation of motor vehicles and to the
Requested by Senator Stimson Date 4-6-82

II. FISCAL DETAIL
Agency Affected Department of Public Safety
Program Category Affected Life and Property Protection
BRU, Program, Or Subprogram(s) Affected Driver/Vehicle Services
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		9.4	18.7	28.0	28.0	28.0
400 COMMODITIES		.2	.3	.4	.4	.4
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		9.6	19.0	28.4	28.4	28.4

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		9.6	19.0	28.4	28.4	28.4
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

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

It is estimated an additional 6,080 individuals will be required to maintain proof of financial responsibility for the future in FY 83. Those individuals, plus 6,000 more in FY 84, for a total of 12,080, and an additional 6,000 in FY 85, for a total of 18,080. In FY 86, it is estimated the number of individuals required to file the proof for the first time will be approximately the same as those no longer required to file because their three years have elapsed, therefore, no additional increase.

It has been our experience an average of one notice per individual, each year, will have to be mailed out due to notification from an insurance company that an individual's insurance is being cancelled for non-payment of premium, failure to renew, etc. For legal purposes our notice must be sent via certified mail, return receipt requested, at the cost of \$1.55 each.

FY83 6,080 x \$1.55 = \$9,424;
FY84 12,080 x \$1.55 = \$18,724
FY85 18,080 x \$1.55 = \$28,024

Commodities: Miscellaneous office supplies, including paper, envelopes, etc

IV. DATE April 6, 1982 PREPARED BY Bill Brown

AGENCY Public Safety/Motor Vehicles

Original: Legislative Finance PHONE 465-4335

cc: Budget and Management
Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

F. W. Ric'd
4/6/82
R/O S.F.H/S/81
Do H. Fin.
Especially

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS 55 SB 69 (Judiciary)
Title An Act relating to potential consequences of the assessment of driver's
Requested by House Judiciary Date 4-2-82

II. FISCAL DETAIL

Agency Affected Department of Public Safety
Program Category Affected Life and Property Protection
BRU, Program, Or Subprogram(s) Affected Driver/Vehicle Services
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		4.5	4.9	5.3	5.8	6.3
400 COMMODITIES		.1	.1	.1	.1	.2
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		4.6	5.0	5.4	5.9	6.5

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		4.6	5.0	5.4	5.9	6.5
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

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

300 - Contractual: When proof of financial responsibility for the future is required, such as in proposed AS 28.15.255(a), it has been our experience an average of one notice per individual, each year, must be mailed out due to notification from an insurance company an individual's insurance has been cancelled for non-payment, failure to renew, etc. For legal purposes this notice must be sent via certified mail, return receipt requested, at the cost of \$1.55 each. The additional number of drivers we would require proof of financial responsibility for the future from is approximately 2,880. $2,880 \times \$1.55 = \$4,464.$

400 - Commodities: Miscellaneous office supplies, including paper, envelopes, etc. \$100.

IV. DATE 4-5-82

PREPARED BY Bill Brown
AGENCY Public Safety - Motor Vehicles
PHONE 465-4335

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

Introduced: 3/4/81
Referred: Health, Education &
Social Services

1 IN THE SENATE

BY STIMSON

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 69

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a driver improvement course mandatory
7 for certain drivers who receive driving demerit
8 points."

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

10 * Section 1. AS 28.15 is amended by adding a new section to read:

11 Sec. 28.15.225. DRIVER IMPROVEMENT COURSE REQUIRED FOR CERTAIN
12 DRIVERS RECEIVING POINTS. (a) In addition to other consequences of
13 the assessment of points under AS 28.15.221 - 28.15.251, a driver who
14 is assessed more than six points in 12 months, or more than nine points
15 in 24 months is required to successfully complete a driver improvement
16 course approved by the department within 45 days from the date the
17 points are assessed unless the requirement is postponed or removed
18 under (b) of this section.

19 (b) If an approved driver improvement course is not conducted
20 within 50 miles of the residence of a driver during the two years
21 following assessment of the points which make the course mandatory for
22 that driver, he is not required to successfully complete a driver
23 improvement course under this section.

24 (c) If a driver who is required to successfully complete a driver
25 improvement course under this section fails to do so within the pre-
26 scribed period, the department shall suspend, revoke, or deny that
27 person's driver's license until the course is successfully completed.

28 (d) A driver is not required to take more than one driver improve-
29 ment course under this section.

APRIL 8, 1981

FISCAL NOTE RECEIVED AFTER BILL
PASSED FROM COMMITTEE.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS888 69 "An Act making a driver improvement course
Title mandatory for certain drivers who receive driving demerit points
Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Department of Public Safety
Program Category Affected Life and Property Protection
BRU, Program, or Subprogram(s) Affected Driver/Vehicle Services (Driver Services)

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		23.1	24.9	26.9	29.1	31.4
200 TRAVEL						
300 CONTRACTUAL		2.4	2.6	2.8	3.0	3.3
400 COMMODITIES						
500 EQUIPMENT		1.8				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	27.3	27.5	29.7	32.1	34.7

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND	0	27.3	27.5	29.7	32.1	34.7
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME		1	1	1	1	1
PART TIME						
TEMPORARY						

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

In FY 80, 15,883 individuals reached the point level which will require a D.I. course. Additional correspondence, hearings, and records will be required to monitor and enforce new program. Present staff would be unable to handle the increase. Therefore, one new clerical position needed to handle increase.

PERSONAL SERVICES - FY'82 Salary Schedule - 8% inflation factor
1 clerk typist III, Range 8, 12 mos., Gen. Govt., Anchorage \$23,089

CONTRACTUAL 8% inflation factor
Postage 2,000
Forms printing 400
\$2,400

EQUIPMENT
Typewriter, desk, chair, file cabinet and table \$1,800

IV. DATE April 6, 1981 PREPARED BY *Bull Brown*

AGENCY Division of Motor Vehicles

Original: Legislative Finance PHONE 465-4335

cc: Budget and Management
Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. SSSB 69 "An Act making a driver improvement course mandatory for
Title certain drivers who receive driving demerit points'
 Requested by HESS Date 3-5-81

II. FISCAL DETAIL
 Agency Affected Department of Public Safety
 Program Category Affected Life and Property Protection
 BRU, Program, or Subprogram(s) Affected Driver/Vehicle Services (Driver Services)
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		23.1	24.9	26.9	29.1	31.4
200 TRAVEL						
300 CONTRACTUAL		2.4	2.6	2.8	3.0	3.3
400 COMMODITIES						
500 EQUIPMENT		1.8				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	27.3	27.5	29.7	32.1	34.7

FUNDING (Thousands of Dollars)

GENERAL FUND	0	27.3	27.5	29.7	32.1	34.7
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		1	1	1	1	1
PART TIME						
TEMPORARY						

Assume effective date of 7/1/81

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)
 In FY 80 15,883 individuals reached the point level which will require a D.I. course. Additional correspondence, hearings, and records will be required to monitor and enforce new program. Present staff would be unable to handle the increase. Therefore, one new clerical position needed to handle increase.

PERSONAL SERVICES - FY'82 Salary Schedule - 8% inflation factor

1 clerk typist III, Range 8, 12 mos., Gen. Govt., Anchorage \$23,089

CONTRACTUAL 8% inflation factor

Postage 2,000
 Forms printing 362
 \$2,362

EQUIPMENT (Typewriter, desk, chair, file cabinet and table) \$1,506

IV. DATE March 6, 1981 ^{> 9-81} PREPARED BY Bill Brown
 AGENCY Division of Motor Vehicles
 PHONE 465-4335

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 69
 Title "An Act relating to the point system for driving offenses."
 Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Department of Public Safety
 Program Category Affected Public Protection - Life & Property Protection
 BRU, Program, or Subprogram(s) Affected Driver/Vehicle Services - Driver Services
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	⁸¹ FY 80	⁸² FY 81	⁸³ FY 82	⁸⁴ FY 83	⁸⁵ FY 84	⁸⁶ FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0		

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

The proposed bill would have no significant fiscal impact on the affected BRU/ component. The law, as amended, would eliminate storage of driver records beyond five years as opposed to the existing law which provides for indefinite maintenance of driver records due to the method of calculation of driving offenses points. The net tangible effect would be that less microfilm storage and less computer storage would be required.

IV. DATE 12/12/80 PREPARED BY *[Signature]* Marcia Lynn McKenzie, Budget Analyst
 AGENCY Department of Public Safety
 PHONE 465-4349
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

4/8/81

Finance CS not adopted.

Passed HESS Committee
Substitute instead.

Original sponsor: Stimson

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 69 (FINANCE)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act making a driver improvement course mandatory
7 for certain drivers who receive driving demerit points."

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

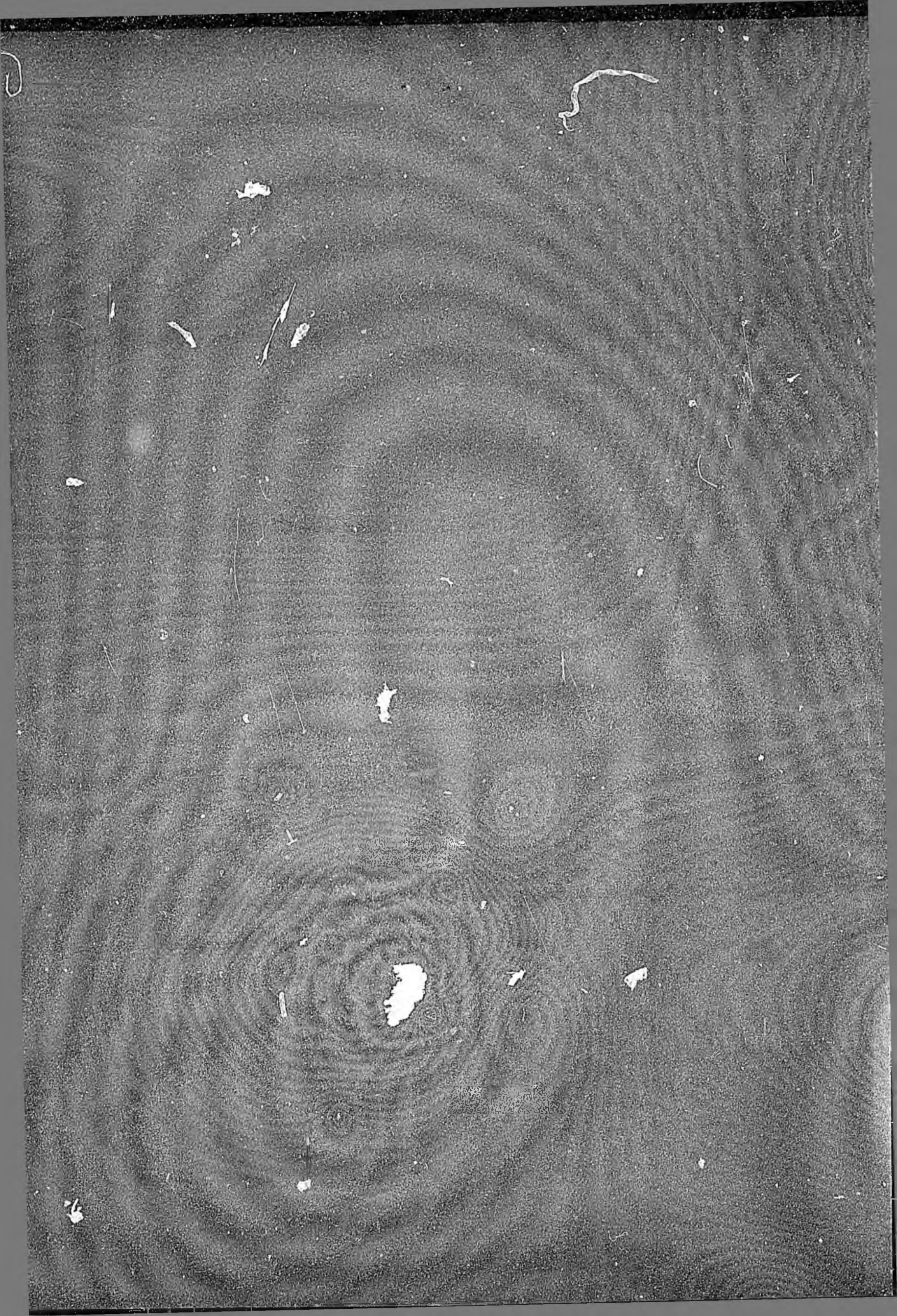
9 * Section 1. AS 28.15 is amended by adding a new section to read:

10 Sec. 28.15.225. DRIVER IMPROVEMENT COURSE REQUIRED FOR CERTAIN
11 DRIVERS RECEIVING POINTS. (a) In addition to other consequences of the
12 assessment of points under AS 28.15.221 - 28.15.251, a driver who is
13 assessed six or more points in 12 months, or nine or more points in 24
14 months is required to successfully complete a driver improvement course
15 approved by the department within 45 days from the date the points are
16 assessed unless the requirement is postponed or removed under (b) of
17 this section.

18 (b) If an approved driver improvement course is not conducted
19 within 50 miles by highway of the resident or place of employment home
20 post office of the driver during the two years following assessment of
21 the points which make the course mandatory for the driver, he is not
22 required to successfully complete a driver improvement course under this
23 section.

24 (c) If a driver who is required to successfully complete a driver
25 improvement course under this section fails to do so within the pre-
26 scribed period, the department shall suspend, revoke, or deny that per-
27 son's driver's license until the course is successfully completed.

28 (d) A driver is not required to take more than one driver improve-
29 ment course under this section.



Original sponsor: Stimson

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 69 (FINANCE)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

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7 for certain drivers who receive driving demerit points."

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11 DRIVERS RECEIVING POINTS. (a) In addition to other consequences of the
12 assessment of points under AS 28.15.221 - 28.15.251, a driver who is
13 assessed six or more points in 12 months, or nine or more points in 24
14 months is required to successfully complete a driver improvement course
15 approved by the department within 45 days from the date the points are
16 assessed unless the requirement is postponed or removed under (b) of
17 this section.

18 (b) If an approved driver improvement course is not conducted
19 within 50 miles by highway of the resident or place of employment home
20 post office of the driver during the two years following assessment of
21 the points which make the course mandatory for the driver, he is not
22 required to successfully complete a driver improvement course under this
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25 improvement course under this section fails to do so within the pre-
26 scribed period, the department shall suspend, revoke, or deny that per-
27 son's driver's license until the course is successfully completed.

28 (d) A driver is not required to take more than one driver improve-
29 ment course under this section.

Original sponsor: Stimson

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 69 (FINANCE)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a driver improvement course mandatory
7 for certain drivers who receive driving demerit points."

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9 * Section 1. AS 28.15 is amended by adding a new section to read:

10 Sec. 28.15.225. DRIVER IMPROVEMENT COURSE REQUIRED FOR CERTAIN
11 DRIVERS RECEIVING POINTS. (a) In addition to other consequences of the
12 assessment of points under AS 28.15.221 - 28.15.251, a driver who is
13 assessed six or more points in 12 months, or nine or more points in 24
14 months is required to successfully complete a driver improvement course
15 approved by the department within 45 days from the date the points are
16 assessed unless the requirement is postponed or removed under (b) of
17 this section.

18 (b) If an approved driver improvement course is not conducted
19 within 50 miles by highway of the resident or place of employment home
20 post office of the driver during the two years following assessment of
21 the points which make the course mandatory for the driver, he is not
22 required to successfully complete a driver improvement course under this
23 section.

24 (c) If a driver who is required to successfully complete a driver
25 improvement course under this section fails to do so within the pre-
26 scribed period, the department shall suspend, revoke, or deny that per-
27 son's driver's license until the course is successfully completed.

28 (d) A driver is not required to take more than one driver improve-
29 ment course under this section.

Original sponsor: Stimson

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 69 (FINANCE)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a driver improvement course mandatory
7 for certain drivers who receive driving demerit points."

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

9 * Section 1. AS 28.15 is amended by adding a new section to read:

10 Sec. 28.15.225. DRIVER IMPROVEMENT COURSE REQUIRED FOR CERTAIN
11 DRIVERS RECEIVING POINTS. (a) In addition to other consequences of the
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22 required to successfully complete a driver improvement course under this
23 section.

24 (c) If a driver who is required to successfully complete a driver
25 improvement course under this section fails to do so within the pre-
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27 son's driver's license until the course is successfully completed.

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29 ment course under this section.

Original sponsor: Stimson

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27 son's driver's license until the course is successfully completed.

28 (d) A driver is not required to take more than one driver improve-
29 ment course under this section.

COMMITTEE REPORT

HOUSE

(11)

FURTHER:

5/4/82

(Taken from rules and referred to Finance 5/4/82)

Date:

5/5/82

Mr. Speaker:

The Committee on Finance has had SSSSS 69 (Jud)

"An Act relating to potential consequences of the assessment of driver's deservit points."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SSSSS 69 (Jud) same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. House CS for CS for SS for SB 69 (Judiciary)
 Title An Act relating to the operation of motor vehicles and to the
 Requested by Senator Stimson Date 4-6-82

II. FISCAL DETAIL
 Agency Affected Department of Public Safety
 Program Category Affected Life and Property Protection
 BRU, Program, Or Subprogram(s) Affected Driver/Vehicle Services
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		9.4	18.7	28.0	28.0	28.0
400 COMMODITIES		.2	.3	.4	.4	.4
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		9.6	19.0	28.4	28.4	28.4

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		9.6	19.0	28.4	28.4	28.4
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

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

It is estimated an additional 6,080 individuals will be required to maintain proof of financial responsibility for the future in FY 83. Those individuals, plus 6,000 more in FY 84, for a total of 12,080, and an additional 6,000 in FY 85, for a total of 18,080. In FY 86, it is estimated the number of individuals required to file the proof for the first time will be approximately the same as those no longer required to file because their three years have elapsed, therefore, no additional increase.

It has been our experience an average of one notice per individual, each year, will have to be mailed out due to notification from an insurance company that an individual's insurance is being cancelled for non-payment of premium, failure to renew, etc. For legal purposes our notice must be sent via certified mail, return receipt requested, at the cost of \$1.55 each.

FY83 6,080 x \$1.55 = \$9,424;
 FY84 12,080 x \$1.55 = \$18,724
 FY85 18,080 x \$1.55 = \$28,024

Commodities: Miscellaneous office supplies, including paper, envelopes, etc.

IV. DATE April 6, 1982 PREPARED BY Bill Brown
 AGENCY Public Safety/Motor Vehicles
 PHONE 465-4335

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Original sponsor: Stimson

Offered: 4/7/82
Referred: Rules

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 HOUSE CS FOR CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 69 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE -- SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the operation of motor vehicles and
7 to the Motor Vehicle Safety Responsibility Act (AS 28.-
8 20)."

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

10 * Section 1. AS 28.15.231 is amended by adding a new subsection to read:

11 (f) Upon conviction of a violation of a traffic law that results
12 in a driver accumulating six or more points from offenses committed
13 during any consecutive 12-month period or nine or more points from
14 offenses committed during any 24-month period, on request of the depart-
15 ment the court may, in addition to any other penalty authorized by law,
16 require the driver to successfully complete a driver improvement course
17 approved by the department within a period of time prescribed by the
18 court. The department may suspend, revoke, or deny the driver's license
19 of a person who fails to successfully complete the driver improvement
20 course required by the court under this section within the prescribed
21 time period.

22 * Sec. 2. AS 28.15 is amended by adding a new section to read:

23 Sec. 28.15.255. PROOF OF FINANCIAL RESPONSIBILITY REQUIRED. (a)
24 The department may not reinstate a driver's license that has been revoked
25 or suspended under AS 28.15.221 - 28.15.261 until the person whose
26 license has been revoked or suspended provides proof of financial respon-
27 sibility for the future.

28 (b) If a driver accumulates six or more points during a 12-month
29 period, the department may require the driver to provide proof of finan-

1 cial responsibility for the future as a condition of retaining his
2 driver's license, and may suspend the driver's license until proof of
3 financial responsibility is provided.

4 (c) As used in this section, the term "proof of financial respon-
5 sibility for the future" has the meaning set out in AS 28.20.230(b) and
6 may be established as provided in AS 28.20.

7 * Sec. 3. AS 28.20.050 is amended by adding a new subsection to read:

8 (e) A peace officer investigating an accident that results in
9 bodily injury to or the death of a person or damage to the property of a
10 person exceeding \$500 shall inform persons involved in the accident in
11 writing of the requirements of this chapter as they apply to suspension
12 of an operator's license or driving privileges.

13 * Sec. 4. AS 28.20.120(b) is amended to read:

14 (b) If proof of financial responsibility is provided and to [TO]
15 the extent provided by the written agreement filed with it, the depart-
16 ment shall not require the deposit of security and shall terminate a
17 previous order of suspension, or if security was deposited, the depart-
18 ment shall immediately return the security to the depositor or his
19 personal representative.

20 * Sec. 5. AS 28.20.150(a) is amended to read:

21 (a) Unless a suspension is terminated under other provisions of
22 this chapter, an order of suspension by the department remains in effect
23 until terminated and no license may be renewed or issued to a person
24 whose license is suspended until proof of financial responsibility for
25 the future is provided and

26 (1) the person deposits or there is deposited on his behalf
27 the security required under this chapter; or

28 (2) three years elapse [ONE YEAR ELAPSES] following the date
29 of suspension [AND EVIDENCE SATISFACTORY TO THE DEPARTMENT IS FILED WITH

1 IT THAT DURING THE PERIOD NO ACTION FOR DAMAGES ARISING OUT OF THE
2 ACCIDENT RESULTING IN THE SUSPENSION HAS BEEN INSTITUTED].

3 * Sec. 6. AS 28.20.210(a) is amended to read:

4 (a) Upon the expiration of two years [ONE YEAR] from the date of
5 deposit of security, the security remaining on deposit shall be returned
6 to the person who made the deposit or his personal representative if an
7 affidavit or other evidence satisfactory to the department is filed with
8 it showing that

9 (1) no action for damages arising out of the accident for
10 which deposit was made is pending against the person on whose behalf the
11 deposit was made, and

12 (2) there does not exist any unpaid judgment against the
13 person in an action.

14 * Sec. 7. AS 28.20.240 is amended to read:

15 Sec. 28.20.240. PROOF REQUIRED WHEN USE OF LICENSE IS RESTRICTED
16 [UPON CERTAIN CONVICTIONS]. Whenever under a law of this state the
17 license of a person is suspended, [OR] revoked, limited, or canceled for
18 any reason [CONVICTION OR FORFEITURE OF BAIL], the department may [SHALL]
19 not issue to that person a new or renewal of license in his name until
20 permitted to do so under the motor vehicle laws of this state. A period
21 of suspension, revocation, limitation, or cancellation under this sec-
22 tion continues until proof of financial responsibility for the future
23 is provided [, AND NEED NOT DO SO THEN UNTIL THE PERSON GIVES PROOF OF
24 FINANCIAL RESPONSIBILITY FOR THE FUTURE].

25 * Sec. 8. AS 28.20 is amended by adding a new section to read:

26 Sec. 28.20.585. REINSTATEMENT FEE. If an operator's license is
27 suspended under the provisions of this chapter, the department shall
28 charge a person who applies for reinstatement of the operator's license
29 a reinstatement fee of \$50.

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* Sec. 9. AS 28.20.150(b) is repealed.

Original sponsor: Stimson

Offered: 4/7/82
Referred: Rules

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 HOUSE CS FOR CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 69 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the operation of motor vehicles and
7 to the Motor Vehicle Safety Responsibility Act (AS 28.-
8 20)."

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

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12 in a driver accumulating six or more points from offenses committed
13 during any consecutive 12-month period or nine or more points from
14 offenses committed during any 24-month period, on request of the depart-
15 ment the court may, in addition to any other penalty authorized by law,
16 require the driver to successfully complete a driver improvement course
17 approved by the department within a period of time prescribed by the
18 court. The department may suspend, revoke, or deny the driver's license
19 of a person who fails to successfully complete the driver improvement
20 course required by the court under this section within the prescribed
21 time period.

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27 sibility for the future.

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29 period, the department may require the driver to provide proof of finan-

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2 driver's license, and may suspend the driver's license until proof of
3 financial responsibility is provided.

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* Sec. 9. AS 28.20.150(b) is repealed.

TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SSSB 69 "An Act making a driver improvement course mandatory for
 Title certain drivers who receive driving demerit points
 Requested by HESS Date 3-5-81

II. FISCAL DETAIL

Agency Affected Department of Public Safety
 Program Category Affected Life and Property Protection
 BRU, Program, or Subprogram(s) Affected Driver/Vehicle Services (Driver Services)
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		23.1	24.9	26.9	29.1	31.4
200 TRAVEL						
300 CONTRACTUAL		2.4	2.6	2.8	3.0	3.3
400 COMMODITIES						
500 EQUIPMENT		1.8				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	27.3	27.5	29.7	32.1	34.7

FUNDING (Thousands of Dollars)

	0	27.3	27.5	29.7	32.1	34.7
GENERAL FUND	0	27.3	27.5	29.7	32.1	34.7
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	1	1	1	1	1
FULL TIME	1	1	1	1	1
PART TIME					
TEMPORARY					

Assume effective date of 7/1/81

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

In FY 80 15,883 individuals reached the point level which will require a D.I. course. Additional correspondence, hearings, and records will be required to monitor and enforce new program. Present staff would be unable to handle the increase. Therefore, one new clerical position needed to handle increase.

PERSONAL SERVICES - FY'82 Salary Schedule - 8% inflation factor

1 clerk typist III, Range 8, 12 mos., Gen. Govt., Anchorage \$23,089

CONTRACTUAL 8% inflation factor

Postage 2,000
 Forms printing 362
 \$2,362

EQUIPMENT (Typewriter, desk, chair, file cabinet and table) \$1,806

IV. DATE March 6, 1981

PREPARED BY Bill Brown
 AGENCY Division of Motor Vehicles
 PHONE 465-4335

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Original sponsor: Stimson

Offered: 5/8/81
Referred: Rules

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 69 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to potential consequences of the
7 assessment of driver's demerit points."

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

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10 (f) Upon conviction of a violation of a traffic law that results
11 in a driver accumulating six or more points from offenses committed
12 during any consecutive 12-month period or nine or more points from
13 offenses committed during any 24-month period, on request of the depart-
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15 require the driver to successfully complete a driver improvement course
16 approved by the department within a period of time prescribed by the
17 court. The department may suspend, revoke, or deny the driver's license
18 of a person who fails to successfully complete the driver improvement
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22 Sec. 28.15.255. PROOF OF FINANCIAL RESPONSIBILITY REQUIRED. (a)
23 The department may not reinstate a driver's license that has been
24 revoked or suspended under AS 28.15.221 - 28.15.261 until the person
25 whose license has been revoked or suspended provides proof of financial
26 responsibility for the future.

27 (b) If a driver accumulates six or more points during a 12-month
28 period, the department may require the driver to provide proof of
29 financial responsibility for the future as a condition of retaining his

1 driver's license, and may suspend the driver's license until proof of
2 financial responsibility is provided.

3 (c) As used in this section, the term "proof of financial respon-
4 sibility for the future" has the meaning set out in AS 28.20.230(b) and
5 may be established as provided in AS 28.20.
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Original sponsors: Bennett, Parr and
Fahrenkamp

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 2d HOUSE CS FOR CS FOR SENATE BILL NO. 84 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to processing of permits by state agen-
7 cies, and to administration of the Alaska Coastal Man-
8 agement program; and providing for an effective date."

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

10 * Section 1. FINDINGS. The legislature finds that

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

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

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

22 (4) by reducing the number of agencies and agency reviews involved
23 in the permit process, and by requiring state agencies to process permit ap-
24 plications in an expeditious manner, the social, economic, and environmental
25 health and well-being of Alaska citizens will be promoted; and

26 (5) there are many administrative orders and similar documents
27 that have been promulgated by the executive branch relating to interagency
28 review that conflict and overlap, retarding the permit issuing process.

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

1 62.632(a) unless the applicant agrees otherwise.

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

7 (c) Subject to (a) and (b) of this section and AS 44.62.634,
8 failure of a resource agency to make a final decision within 30 days
9 after the receipt of a completed permit application for a class I
10 permit, or within 65 days after the receipt of a completed permit
11 application for a class II permit, is approval of the application. In
12 an appeal of a permit issued by operation of this subsection, the
13 record shall be considered in the light most favorable to the applicant,
14 and the permit shall be accorded a presumption of regularity.

15 (d) A state agency may not condition the issuance of a permit
16 upon the issuance of a permit from another governmental agency.

17 Sec. 44.62.634. ADDITIONAL INFORMATION. (a) If a resource agen-
18 cy receives a completed permit application that does not contain suffi-
19 cient information concerning the project's compliance with the agency's
20 statutes and regulations, the agency shall notify the applicant within
21 15 days after receipt of a completed permit application for a class I
22 permit, and within 30 days after receipt for a class II permit.

23 (b) The notification must specify those particular facts or
24 issues concerning the proposal upon which the agency requires additional
25 information in order to determine whether the project will conform to
26 the agency's statutes and regulations.

27 (c) If a timely request under (a) and (b) of this section is
28 made, the time period specified in AS 44.62.632 is suspended from the
29 date of request to the date of full compliance with the request.

1 Subsequent requests for additional information may be made, but must
2 relate only to new issues raised by the response to the initial noti-
3 fication. Subsequent requests do not extend the time periods specified
4 in AS 44.62.632.

5 (d) Nothing in this section grants a resource agency the authority
6 to request information beyond the authority given to it by other sta-
7 tutes.

8 Sec. 44.62.635. LEAD AGENCY. (a) There is established a lead
9 agency that is solely responsible for issuing coastal management consis-
10 tency determinations under AS 46.40 and for preparing and submitting
11 state comments on federal permit applications. The lead agency is that
12 resource agency that has principal responsibility for authorizing the
13 overall activity, including instances where an activity requires permits
14 from more than one resource agency. For classes of activities for
15 which no agency with principal responsibility exists the governor shall
16 designate a resource agency to be a lead agency for each class by
17 administrative order no later than October 1, 1982.

18 (b) In performing its functions under this section, the lead
19 agency shall consult with other resource agencies and with coastal
20 resource districts under AS 46.40. The lead agency shall consider
21 documented facts, data, opinion, conclusions, or recommendations sub-
22 mitted by the commenting agency and the coastal resource districts with
23 an approved district coastal management program, within their areas of
24 expertise, but may, in its discretion, reach contrary opinions, conclu-
25 sions or recommendations according to the evidence received. The lead
26 agency shall give substantive consideration to the documented facts and
27 data, and to the professional judgments and recommendations substan-
28 tiated by the facts and data that are submitted by the commenting
29 agencies and the coastal resource districts with an approved district

1 coastal management program, within their primary areas of expertise. A
2 professional judgment or recommendation is adequately substantiated
3 under this subsection if it is based on documented facts or data reason-
4 ably relied on by experts in the field. The lead agency shall then
5 balance competing factors in reaching its final decision. No resource
6 agency other than the lead agency has primary expertise in the balancing
7 of competing factors.

8 (c) Except as required by federal law no state agency other than
9 the lead agency may comment to a federal permitting agency.

10 (d) For activities involving a disposal of interest in land and a
11 certification under sec. 401 of the Clean Water Act (33 U.S.C. sec.
12 1341), the lead agency shall be the Department of Natural Resources.

13 (e) For activities involving a plan of operation approval under a
14 previous disposal of an interest in land and a certificate under sec.
15 401 of the Clean Water Act (33 U.S.C. sec. 1341), the lead agency shall
16 be the Department of Natural Resources.

17 Sec. 44.62.636. COMMENT PERIOD. A coastal resource district or
18 state agency that receives a request for comment in connection with a
19 permit application or plan review being processed by a resource agency
20 shall submit these comments in accordance with the following schedule:

21 (1) comments on class I permits shall be submitted within 15
22 days after the agency's receipt of the request;

23 (2) comments on class II permits and federal permits shall
24 be submitted within 30 days after the agency's receipt of the request;

25 (3) when under AS 44.62.633, the requesting agency has
26 extended the time periods specified in AS 44.62.632, that agency may
27 extend the time period specified in this section; however, comments
28 submitted under this paragraph must be submitted no later than 30 days
29 before the date on which the lead agency must issue a final decision.

1 Sec. 44.62.637. ADMINISTRATIVE APPEALS. (a) The uniform proce-
2 dural regulations adopted under AS 44.62.632(b) must provide for an
3 administrative appeal from a final decision on a permit application.
4 The administrative appeal is to the head of the resource agency in-
5 volved. Administrative appeals conducted under this section are not
6 subject to the procedures in AS 44.62.330 - 44.62.630.

7 (b) The administrative appeal must be resolved within 45 days
8 after the final decision on a permit application, or, if a hearing is
9 held on the administrative appeal, within 65 days after the final
10 decision on the permit application.

11 (c) An appeal taken from a decision granting a permit may, but
12 need not, stay the issuance of the permit.

13 (d) The head of the agency may summarily dismiss an appeal before
14 the time established in this section, and the dismissal is the final
15 agency action on the matter.

16 (e) In an appeal from the denial or conditioning of a permit the
17 head of the agency may, if he determines that the public interest would
18 be served, grant the permit or remove conditions of the permit until
19 the appeal is determined.

20 Sec. 44.62.638. REVIEW BY THE SUPERIOR COURT. (a) Judicial
21 review by the superior court of a final decision issued under AS 44.-
22 62.632 - 44.62.637 may be had by filing a notice of appeal in the
23 superior court in accordance with the applicable Rules of Appellate
24 Procedure. The review is governed by the provisions of AS 44.62.-
25 560(b) - (e) and AS 44.62.570.

26 (b) An appeal taken under this section should have preference on
27 the calendar of civil actions before the court and should be decided
28 without unnecessary delay.

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

1 (c). As used in AS 44.62.632 - 44.62.638,

2 (1) "date of receipt" means the date on which a state agency
3 actually receives a completed application filed in accordance with
4 agency regulations and at a place identified as appropriate for filing
5 in the agency's regulations;

6 (2) "permit" means a permit, license, certification, consis-
7 tency determination, or other authorization or approval issued by a
8 resource agency as a written document that is required to be obtained
9 or is solicited from a state agency before the construction or opera-
10 tion of a project; "permit"

11 (A) does not include the approval of a unit agreement,
12 a unit development plan, or a unit exploration plan, or conveyances
13 of interest in state land or water;

14 (B) does include all authorizations and approvals,
15 whether proprietary or regulatory, necessary to undertake a project
16 under a previously conveyed property interest;

17 (3) "project" means a new activity or expansion or addition
18 to an existing activity for which permits are required before construc-
19 tion or operation; "project" does not include pursuing a trade or
20 profession, providing public health service, or operating a financial
21 institution;

22 (4) "resource agency" includes the Department of Natural
23 Resources, the Department of Environmental Conservation, and the Depart-
24 ment of Fish and Game with respect to permits issued for the protection
25 of fish habitat or the regulation of state sanctuaries, refuges, and
26 critical habitat areas.

27 * Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-
28 070(c).

MSG 82-00021818 PRTY 1 04/17/82 18:11:29 ORIG: LA08 IN= 0009 OUT= 0009
FROM: CANDY/ANCHORGE TO: JUNEAU T/C
TARGET: LJ01 SUBJ: HOUSE FINANCE T/C PAGE 0001

SPEAKERS:

JIM DERIGO/ARCO, P.O. BOX 360 265-6534
PATRICK M. ANDERSON/MUNICIPALITY OF ANCHORAGE
POUCH 6-650, ANCHORAGE 99502 243-7044
ETHEL H. NELSON, P.O. BOX 4-1579, ANC. 99509 278-9611
PAUL LOWE/SIERRA CLUB, 1603 ATKINSON DRIVE, ANC. 99504
BOB SUTHERLAND, P.O. BOX 80871, COLLEGE, AK 99708 474-7074
DAVID FINKELSTEIN, 3911 PETERKIN AVENUE, 99504 272-9317
PATRICI RUMLEY, 6106 PROSPERITY DRIVE, ANC. 99504 333-6894
OBSERSERS:
DANIEL G. RODGERS/ARCO, P.O. BOX 360, ANC.
STEPHAN M. WILLIAMS/ARCO
W.P. METZ, 4610 EDINBURGH, ANC 99502 243-7044
STEVE ELLIS/CHEVRON, 1001 W. THIRD, #400, ANC 99501 279-3581

MORE _ NXT MSG U/R/S _ PREV MSG U/R/S _ RESEND _ CANCEL _

MSG 82-00021818 PRTY 1 04/17/82 18:11:29 ORIG: LA08 IN= 0009 OUT= 0009
FROM: CANDY/ANCHORGE TO: JUNEAU T/C
TARGET: LJ01 SUBJ: HOUSE FINANCE T/C PAGE 0002

JAMES M. POSEY/ARCO, P.O. BOX 360, ANC 99510
DAVE HARBOUR, SRA BOX 62-R, ANC 99507 349-2787
SHEHLA ANJUM, 3201 C STREET, SUITE 602, ANC 99503 276-4374
JUDE HANZLER/RURAL CAP, 327 EAGLE ST., ANC 279-2511
JACK HESSION, 545 E. 4TH AVENUE, #5, ANC 99501 274-2318
ERIC MYERS, 3911 PETERKIN AVENUE, ANC 99504 279-6719
THOMAS M. DILLON, SRA BOX 599-D, ANC 99507 345-5894
HENRY MITCHELL, 805 W. 3RD, ANC 277-5845
D.E. GLASS, 1381 HILLCREST DRIVE, #201 99503
MATT ZENCEY, 1850 KUSKOKWIM, ANC 99508 277-3096
PEG KEHRER/AKPIRG, BOX 1093, ANC 99510, 278-3661
MILTON BYRD, SRA BOX 1423E, ANC 99502 279-1471
JEFF EUSTIS, TRUSTEES FOR AK, 833 GAMBELL ST., SUITE B, ANC 99501 276-42444
JOHN J. DURKIN, BOX 8-752, ANC 99508 279-0930
TOM FINK, 6359 COLGAK DRIVE, ANC 265-6532
JEFF PARKER, 545 E. 4TH, ANC 99501 274-2318

BACK _ NXT MSG U/R/S _ PREV MSG U/R/S _ RESEND _ CANCEL _

MSG 82-00021816 PRTY 1 04/17/82 18:09:38 ORIG: LR00 IN= 0012 OUT= 0010
FROM: FLORENCE IN BARROW TO: TIM, JUNEAU
TARGET: LJ01 SUBJ: (H) FINANCE T/C ON SB84 4/14/82 PAGE 0001

LIST OF PARTICIPANTS AND OBSERVERS FROM BARROW:

PARTICIPANTS:

1. MICHAEL I. JEFFERY, REPRESENTING CITY OF KAKTOVIK, ALASKA LEGAL SERVICES
P.O. BOX 309, BARROW, ALASKA PH. 852 - 2311
2. MAYOR EUGENE BROWER, NORTH SLOPE BOROUGH, BARROW, ALASKA 99723 PH. 852-2611

OBSERVERS:

1. RALPH ANDERSON, NORTH SLOPE BOROUGH, BOX 69, BARROW, ALASKA 99723 - 852-2611
2. REBECCA REYNOLDS, NSB. BOX 69, BARROW, ALASKA 99723 852 - 2611
3. HAROLD CURRAN, NSB. BOX 69, BARROW, ALASKA 99723 852-2611

MSG 82-00021766 PRTY 1 04/17/82 15:49:20 ORIG: LS00 IN= 0005 OUT= 0043
FROM: THERESA IN SITKA TO: T/C MODERATOR
TARGET: LJ01 SUBJ: 4PM T/C STATE REFORM PERMIT SYSTEM PAGE 0001

SITKA HAS ONE HERE TO PARTICIPATE:

1. KENT HANSON, P.O.B. 4464 MT.EDGE CUMBE, AK 99835 747-6989

NXT MSG U/R/S _ PREV MSG U/R/S _ RESEND _ CANCEL _

MSG 82-00021774 PRTY 1 04/17/82 16:10:53 ORIG: LI00 IN= 0002 OUT= 0039
FROM: ANNA MAY/DILLINGHAM TO: JUNEAU LIO
TARGET: LJ01 SUBJ: 4-17-82 H.FIN.COMM. ON SB84 PAGE 0001

PARTICIPATE

GREG PETERS OF BRISTOL BAY C.R.S.A. BOARD, AND BRISTOL BAY NATIVE ASSCC.
BOX 189, DILLINGHAM, AK. PHONE 842-5257

OBSERVE

ELLYN DERMAN BOX 2894, DILLINGHAM, AK. 99576 PHONE 842-5699

NXT MSG U/R/S _ PREV MSG U/R/S _ RESEND _ CANCEL _

MSG 82-00021775 PRTY 1 04/17/82 16:12:43 ORIG: LF01 IN= 0004 OUT= 0038
FROM: ANNIE IN FAIRBANKS TO: JUNEAU T/C
TARGET: LJ01 SUBJ: HOUSE FINANCE PERMIT T/C PAGE 0001

HERE TO TESTIFY:

1. RUDY VETTER, BOX 342, FBX 99707
2. JAMES V DREW, 4848 PALO VERDE, FBX 99701
3. DAVID BENTON, 700 W 19TH AVE. FBX 99503
4. TOM OWEN, 3747 ERICKSON, FBX 99701

NXT MSG U/R/S _ PREV MSG U/R/S _ RESEND _ CANCEL _

MSG 82-00021776 PRTY 1 04/17/82 16:14:06 ORIG: LB00 IN= 0005 OUT= 0037
FROM: HELEN/BETHEL TO: JUNEAU INFORMATION
TARGET: LJ01 SUBJ: SB 84 PERMIT REFORM T/C 4/17/82 PAGE 0001

BETHEL HAS TWO PARTICIPANTS, THEY ARE:
1. JANET SHANTZ Y.K. CRSA BOARD, BOX 1169 BETHEL, AK. 543-2856 TO TESTIFY.
2. NORMAN COHEN NUNAM KITLUTSISTI BOX 267, BETHEL, AK. 543-2956 TO OBSERVE ONLY.
THE SPEAKER FEW MINUTES AGO WAS JANET SHANTZ.

NXT MSG U/R/S _ PREV MSG U/R/S _ RESEND _ CANCEL _

MSG 82-00021790 PRTY 1 04/17/82 16:43:38 ORIG: LR00 IN= 0010 OUT= 0026
FROM: FLORENCE IN BARROW TO: TIM, JUNEAU
TARGET: LJ01 SUBJ: (H) FIN T/C ON SB 84 - 4/14/82 PAGE 0001

BARROW WOULD LIKE TO HAVE AS OUR NEXT PARTICIPANT:
MAYOR EUGENE BROWER, NORTH SLOPE BOROUGH, BOX 69, BARROW, ALASKA 99723

NXT MSG U/R/S _ PREV MSG U/R/S _ RESEND _ CANCEL _

MSG 82-00021784 PRTY 1 04/17/82 16:28:06 ORIG: LR00 IN= 0009 OUT= 0030
FROM: FLORENCE IN BARROW TO: TIM JUNEAU
TARGET: LJ01 SUBJ: (H) FIN T/C ON SB 84 4/14/82 PAGE 0001

0 TESTIFY: J
1. MICHAEL JEFFERY
2. HAROLD CURRAN, NORTH SLOPE BOROUGH, BOX 69, BARROW, AK 99723
MAY WANT TO TESTIFY:
3. RALPH ANDERSON

NXT MSG U/R/S _ PREV MSG U/R/S _ RESEND _ CANCEL _

MSG 82-00021782 PRTY 1 04/17/82 16:21:38 ORIG: LR00 IN= 0008 OUT= 0032
FROM: FLORENCE IN BARROW TO: TIM, JUNEAU
TARGET: LJ01 SUBJ: (H) FIN ON SB84 4/17/82 PAGE 0001

PARTICIPANTS IN BARROW:
MAY WANT TO TESTIFY:
MICHAEL I. JEFFERY, FOR CITY OF KAKTOVIK, ALASKA LEGAL SERVICES,
P.O. BOX 309, BARROW, AK
MAY WANT TO TESTIFY:
RALPH ANDERSON, NORTH SLOPE BOROUGH, BOX 69, BARROW, ALASKA 99723

NXT MSG U/R/S _ PREV MSG U/R/S _ RESEND _ CANCEL _

MSG 82-00021803 PRTY 1 04/17/82 17:31:15 ORIG: LF01 IN= 0008 OUT= 0017
FROM: MAXINE/FBX TO: JUNO T/C
TARGET: LJ01 SUBJ: HOUSE FIN. T/C 4/17 SB 84 PAGE 0001

TO TESTIFY IN FAIRBANKS

RUDY VETTER, BOX 342, FAIRBANKS, 99707 PH456-7269
JAMES V. DREW, 4848 PALO VERDE, FAIRBANKS 99701 PH. 479-3947
DAVID BENTON, 700 W 18TH AVE. FBX 99703 PH. 276-5159
(MR. BENTON COULDN'T WAIT)
TOM OWEN, 3747 ERICKSON, FAIRBANKS 99701 PH. 479-2461
JAMES A. MESSER, C OF C, BOX 870, FAIRBANKS 99707 PH. 452-3300
DONALD STEIN, AK MINERS ASSOC., 105 DUNBAR AVE., FAIRBANKS 99701 PH. 456-7642
JOHN M RETTERER, BOX 73662, FAIRBANKS 99707 PH. 456-7171, 452-5988
(OUR OFFICE SENDING DOWN WRITTEN TESTIMONY FOR MR. RETTERER)

OBSERVERS:

JACK WRIGHT, BOX 55717, N. POLE 99705 PH. 488-6108
CLYDE GERAGHTY, BOX 507, FAIRBANKS 99707 PH. 452-5191

NXT MSG U/R/S _ PREV MSG U/R/S _ RESEND _ CANCEL _

MSG 82-00021798 PRTY 1 04/17/82 17:06:36 ORIG: LB00 IN= 0010 OUT= 0021
FROM: HELEN/BETHEL TO: TIM/JUNEAU
TARGET: LJ01 SUBJ: ADDITIONAL PARTICIPANT PAGE 0001

BETHEL'S ADDITIONAL PARTICIPANT HAROLD SPARCKS WOULD LIKE TO TESTIFY INSTEAD OF OBSERVE. THANK YOU.

NXT MSG U/R/S _ PREV MSG U/R/S _ RESEND _ CANCEL _

MSG 82-00021794 PRTY 1 04/17/82 17:01:47 ORIG: LB00 IN= 0007 OUT= 0023
FROM: HELEN/BETHEL TO: TIM/JUNEAU
TARGET: LJ01 SUBJ: ADDITIONAL OBSERVOR PAGE 0001

BETHEL HAS ONE MORE ADDITIONAL OBSERVER:

3. HAROLD SPARCK, YK CRSA BOARD, BOX 267, BETHEL, AK. 543-2856 JUST TO OBSERVE.

NXT MSG U/R/S _ PREV MSG U/R/S _ RESEND _ CANCEL _

MSG 82-00021791 PRTY 1 04/17/82 16:42:34 ORIG: LB00 IN= 0006 OUT= 0025
FROM: HELEN/BETHEL TO: TIM/JUNEAU
TARGET: LJ01 SUBJ: (H) FIN T/C ON SB 84 4/17/82 PAGE 0001

BETHEL HAS TWO PARTICIPANTS THEY ARE:

1. JANET SHANTZ Y.K. CRSA BOARD, BOX 169 BETHEL, AK. 543-2856 TO TESTIFY.
 2. NORMAN COHEN NUNAM KITLUTSISTI BOX 267, BETHEL, AK. 543-2956 TO OBSERVE ONLY.
- THE SPEAKER FEW MINUTES AGO WAS JANET SHANTZ.

NXT MSG U/R/S _ PREV MSG U/R/S _ RESEND _ CANCEL _

MSG 82-00021790 PRY 1 04/17/82 16:43:38 ORIG: LR00 IN= 0010 OUT= 0026
FROM: FLORENCE IN BARROW TO: TIM, JUNEAU
TARGET: LJ01 SUBJ: (H) FIN T/C ON SB 84 - 4/14/82 PAGE 0001

BARROW WOULD LIKE TO HAVE AS OUR NEXT PARTICIPANT:
MAYOR EUGENE BROWER, NORTH SLOPE BOROUGH, BOX 69, BARROW, ALASKA 99723

NXT MSG U/R/S _ PREV MSG U/R/S _ RESEND _ CANCEL _

MSG 82-00021784 PRY 1 04/17/82 16:28:06 ORIG: LR00 IN= 0009 OUT= 0030
FROM: FLORENCE IN BARROW TO: TIM JUNEAU
TARGET: LJ01 SUBJ: (H) FIN T/C ON SB 84 4/14/82 PAGE 0001

TO TESTIFY: J

1. MICHAEL JEFFERY
 2. HAROLD CURRAN, NORTH SLOPE BOROUGH, BOX 69, BARROW, AK 99723
- MAY WANT TO TESTIFY:
3. RALPH ANDERSON

NXT MSG U/R/S _ PREV MSG U/R/S _ RESEND _ CANCEL _

MSG 82-00021782 PRY 1 04/17/82 16:21:38 ORIG: LR00 IN= 0008 OUT= 0032
FROM: FLORENCE IN BARROW TO: TIM, JUNEAU
TARGET: LJ01 SUBJ: (H) FIN ON SB84 4/17/82 PAGE 0001

PARTICIPANTS IN BARROW:

HERE TO TESTIFY:

MICHAEL I. JEFFERY, FOR CITY OF KAKTOVIK, ALASKA LEGAL SERVICES,
P.O. BOX 309, BARROW, AK

HERE AS AN OBSERVER, MAY WANT TO TESTIFY:

RALPH ANDERSON, NORTH SLOPE BOROUGH, BOX 69, BARROW, ALASKA 99723

4/17/82

COPIES to
ALL FINANCE
MEMBERS

STATEMENT SUBMITTED BY MIKE NISHIMOTO AT THE HOUSE FINANCE COMMITTEE
TELECONFERENCE ON 2D HOUSE CS FOR CS FOR SENATE BILL NO. 84.

My name is Mike Nishimoto. I ask that this statement be made a part of your hearing record for the proposed house substitute of Senate Bill 84.

I agree with sponsors of the bill that permits can be processed more efficiently. But I do not believe that delays are all caused by the resource agencies. Applicants and agencies must share the responsibilities in making the permit process more efficient. Delays also occur when applicants do not provide accurate information on their projects. Project plans are vague and not described adequately enough to allow agencies to evaluate the project. In some instances the applicant would modify his project and sometimes change project locations two or three times and yet expect timely approval of their permits.

Applicants don't plan the timing of submitting their applications. An application submitted in early winter cannot be evaluated until the next spring when a site inspection can be made. If there are potential problems with a fish run or bird migration then these events must occur before an evaluation can be made. However, if an applicant plans his project, he would be resolving potential conflicts in advance of formally submitting his application. Early notification of project plans even in the conceptual stages gives agencies an opportunity to plan site inspections before permits are submitted. They need not make a special more costly trip to inspect this one site but incorporate it as part of their summer field schedule.

Early project planning can reduce most delays. Making people aware of agency policies can also help reduce conflicts and hence delays. The proposal to reduce permit processing time by mandating short review times--often inadequate review periods-- will not work if it is not accompanied by substantial effort in improving the planning process. This act must also require serious pre-permit consultation as a prerequisite to any reduction in the permit review period. If there is not enough time for agencies to collect sufficient biological information, a credible biologist would review a project under the worse case basis. If a biologist submits to political pressure then the result could be litigation by conservation groups. It leads to greater delays and provides no benefit to the applicant or the public. Therefore, I suggest that this bill be revised to incorporate changes as described above and in the specific comments that follow.

Specific Comments

Page 2, Lines 15-20. Permit Classification. This subparagraph should be modified to provide criteria to guide State agencies in classifying their permits. The heart of this act lies with the classification of the permits. A class I permit must be restricted to categories of projects that have not created environmental problems in the past. An agency would not have the time to conduct an in-depth case by case analysis within the proposed time frame.

Page 2, lines 21-29. Other Regulatory Requirements. Often decisions cannot be made quickly because applications are submitted in the winter or other periods when fish and wildlife are not active in the area. This may not be interpreted as a complex problem, but it should be recognized as a valid cause of delaying decisions. This delay can be avoided if applicants would recognize these factors and submit applications accordingly. Applicants should take some responsibility in the permit process and not place all the burden on an agency. Furthermore, this act should encourage pre-permit consultations so problems would be resolved when applications are submitted.

Page 3, lines 11-14. Other Regulatory Requirements etc. The last sentence of the subparagraph is confusing and should be reworded. What is meant by "presumption of regularity"?

Page 3, lines 15-16. Other Regulatory Requirements etc. This sentence is also confusing. Apparently this means that an agency cannot stipulate that a permit would be approved if the applicant also receives approval of permits required by a federal or local agency.

Page 4, lines 1-4. Additional Information. This section should clearly state that additional requests can be made (still with the time period suspended) if the applicant did not adequately provide information that an agency originally requested. This would plug loopholes where applicants would submit only token data so they would have complied to an agency's request and also realizing that there would be no future time suspensions to the comment period for additional information.

Page 4, lines 8-17. Lead Agency. To comply with the Fish and Wildlife Coordination Act, ADF&G must make recommendations to the Corps or other agencies issuing federal permits. The lead agency on federal permits should be ADF&G and the Alaska Department of Environmental Conservation (if Section 401 permits are required). The Clean Water Act requires a water quality certification from ADEC. There must also be an independent body such as the Coastal Policy Council and its staff (Office of Coastal Management) who would have oversight responsibilities over actions taken by lead agencies on consistency determinations. This body should evaluate actions of lead agencies either annually or twice a year. The evaluation should become a public document and lead agencies must be required to correct any deficiencies identified by the Coastal Policy Council. The Council or the Office of Coastal Management should also arbitrate conflicts between a lead agency and commenting agency.

Page 5, lines 1-7. Lead Agency. A procedure for balancing the competing factors should be included under this section. It should at least include a written document that describes the rationale used in reaching a decision. These findings should be made a public document.

Page 5, lines 8-9. Lead Agency. This requirement further emphasizes that on Corps permits ADEC and ADF&G must be the lead agency to comply with the Fish and Wildlife Coordination Act and the Clean Water Act respectively.

Page 5, lines 10-12. Lead Agency. If land disposal requires Section 401 certification, it infers that other federal permits would also be required. This means that ADF&G must comment to the federal agency under the Fish and Wildlife Coordination Act. Thus, either ADF&G should be the lead agency or there must be co-lead agencies. Same comments apply to subparagraph (e).

Page 5, lines 23-25. Comment Period. All Class II permits should be required to be publicized through a public notice (at least in a local newspaper) to solicit comments by the public. If resource agencies plan to take action in the public interest then the public should have a chance to express their views of a particular proposal. There should also be uniform guidelines for requiring public hearings.

Page 5, lines 25-29. Comment Period. A coastal resource district or state agency requested to comment on a project by a lead agency should be provided an opportunity to request time extensions. The rationale for accepting or rejecting these request should be documented and be available to the public.

Page 6, lines 1-6. Administrative appeal. This section should include procedures in making an appeal. There should be two types of appeal -- one for conflicts among State agencies and another for the public. In agency appeals the Office of Coastal Management should serve as arbitrators.

Page 6, lines 13-15. Administrative appeal. Criteria should be established for accepting or rejecting an appeal. Decisions on appeals should be a public document.

Page 6, lines 16-19. During a appeal no agency action should be made on a permit. To take action during an appeal defeats the purpose of that process. The applicant must demonstrate why an agency's action would not be in the public interest. However, if this subparagraph is to be retained then to be fair, the subparagraph should state that on appeals from permit issuance, the head of the agency may deny a permit if he determines that it is in the public interest. If such action is reasonable on denials then it should be reasonable for permit issuance.

Mike Rubino

COMMITTEE REPORT

HOUSE

2/24
Rules

(5)

FURTHER:

1/11/82

Date: Feb. 19, 1982

Mr. Speaker: (Taken from calendar 1/11/82) *reference to*
The Committee on LABOR & COMMERCE has had ^{CS} HCS/SB 84(2d Rules)amH

"An Act relating to the granting of land use authorizations by state agents."

under consideration and ~~the majority of the committee~~ reports it back with the following recommendations:

do pass do not pass

~~do pass with attached amendments(s)~~

replace with CS for ^{2d H} CS FOR SENATE BILL #84 (L+C) same title new title

and recommends it do pass

AND attaches a "Letter of Intent" New Fiscal Note

reports it back without recommendation

referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Randolph
[Signature]
[Signature]
[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Terry Martin Do Not Pass until Amended

Terry Martin
Terry Martin
CHAIRMAN

HCS SB 84(2d Rules) amH

HOUSE COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR
SENATE BILL NO 84(2d Rules) amH (relating to the granting of land
use authorization by state agents) lacking the necessary
three-fourths vote to advance to third reading the same day
(page 2585 of the ^{JUNE 24} 1981 House Journal) was automatically before
the House in third reading and read the third time.

Amendment No. 5 by Fanning adopted 6/24/81 Page 2583

Page 5, Line 24:

Delete the second "and" and insert "all"

Return L & C. [Signature]

H O U S E

am #1 by Clocksen - failed
am #2 by Clocksen - failed
am #3 by Clocksen - wld
am #4 by Clocksen - wld
am #5 by Fanning - adopted
am #6 by Metcalfe - failed

ENGROSS: _____

ENROLL: _____

HB # _____

HCS

CS SB # 841 (2d Rules) am #1

HJR # _____

SJR # _____

HCR # _____

SCR # _____

HR # _____

DATE PASSED 6/24/81

ROLL CALL: YEAS: _____

EFFECTIVE DATE: YEAS: _____

NAYS: _____

NAYS: _____

ABSENT: _____

ABSENT: _____

EXCUSED: _____

EXCUSED: _____

AMENDMENT #1

OFFERED IN THE HOUSE:

By: Clocks

To: _____ HOUSE BILL No. _____
HCS CS SENATE BILL No. 84 (2d Rules)

PAGE: _____

LINE: _____

Page 2 - Line 5 - Delete ^{" "}30 and insert "45".

Page 2 - Line 9 - Delete ^{" "}65 and insert "90".

Filed

AMENDMENT # 2

OFFERED IN THE HOUSE:

By: Clocks in

To: _____ HOUSE BILL No. _____

SENATE BILL No. 84 (2d Reading)

PAGE: _____

LINE: _____

Page 3 - Delete lines 9 - 16.

Failed

AMENDMENT #3

OFFERED IN THE HOUSE:

By: Clocks in

To: _____ HOUSE BILL No. _____

SENATE BILL No. 84 (2d. (Rules))

PAGE: _____

LINE: _____

Page 5 ^{line 22}
^ - Delete Section 4.

 W/D

A M E N D M E N T #4

OFFERED IN THE HOUSE:

By: Clocksin

To: _____ HOUSE BILL No. _____

SENATE BILL No. 84 (2d Reading)

PAGE: _____

LINE: _____

Page 3 - Line 11 - ^{" "}Delete 30 and insert "45".

Page 3 - Line 12 - ^{" "}Delete 65 and insert "90".

W/D

AMENDMENT #5

OFFERED IN THE HOUSE:

By: Fanning

To: HCS CS SB

HOUSE BILL No. _____

SENATE BILL No. 84

PAGE: 5

LINE: 24

ln 24 delete the second { "and" }
insert in its place, the word "all"

Adopted

AMENDMENT

#6

OFFERED IN THE HOUSE:

BY: Alcalá

TO: _____ HOUSE BILL No. _____

SENATE BILL No. HCS CSSB 84
LINE: _____ (2nd Rules)

PAGE: 1strew-11

Delete all material,
insert the content
of CSSB 84 (Res)

Failed

HOUSE

*in 2nd
fil 6/24*

held

ENGROS: _____

ENROLL: _____

HB # _____

OS SB # 84(Res)

HJR # _____

SJR # _____

HCR # _____

SCR # _____

HR # _____

DATE PASSED _____

ROLL CALL: YEAS: _____

EFFECTIVE DATE: YEAS: _____

NAYS: _____

NAYS: _____

ABSENT: _____

ABSENT: _____

EXCUSED: _____

EXCUSED: _____

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

June 22, 1981

SUBJECT: CSSB 84 (Rules) -- Permits

TO: Representative John G. Fuller
Chairman, House Rules Committee

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

The draft submitted raises many questions of style and substance. Since these are related here, I have made only changes clearly needed for style except for the change in the title which is constitutionally required under the descriptive title requirement.

A more important problem is that Sec. 4 of the bill is a clear violation of the single subject rule. Substantive law governing who has preference rights to leases of state land is not related to the process by which permits are granted which is otherwise the subject of the bill.

BGB:ljb

Enclosure

COMMITTEE REPORT
HOUSE

6/23
On
today
121 people
calendar

FURTHER:

(5)

Date: June 23, 1981

Mr. Speaker:

The Committee on Rules has had ~~the~~ ^(see) CSSB 84 (R1s)

"An Act relating to the processing of permits by state agencies; ~~to surface leasing of land, and to administration of the Alaska coastal management program;~~ and providing for an effective date."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with ^HCS for CSSB 84(2d R1s) same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

John Bell

MEMBERS HAVING
OTHER RECOMMENDATIONS:

ROD E. PILLI No Rec.
A. D. Smith No Rec.
Joe F. Hayes No Rec.

John Bell
CHAIRMAN

Being drafted

COMMITTEE REPORT

HOUSE

6/22
On
today's
calendar

FURTHER:

(5)

Date: June 22, 1981

Mr. Speaker:

The Committee on RULES has had CSSB 84(Res)

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

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with [#] CS for CSSB 84 (Rules) same title
 new title
- and recommends do pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

John G. Hall
Joe I. Hayes
Patrick W. O'Connell

MEMBERS HAVING
OTHER RECOMMENDATIONS:

R. J. E. Pelloni No Rec
P. J. Smith

John G. Hall
 CHAIRMAN

COMMITTEE REPORT

HOUSE

6/21
Rule

6/21/81

FURTHER:

(9)

Date: 6/21/81

Mr. Speaker

The Committee on FINANCE has had CSSB 84(Res)

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

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title

and recommends w/ attached amendment

AND attaches a "Letter of Intent" New Fiscal Note

reports it back without ^{individual} recommendation
out

referred to the _____ Committee

MEMBERS SIGNING
DO PASS

James G. ... do pass

Robert B. ...

Joe Montgomery

MEMBERS HAVING
OTHER RECOMMENDATIONS:

David Cuddy no rec

John S. ... no rec

... - Do Not Pass

... - Do Not Pass

... no rec

Vernon ... No Rec.

Robert B. ...
CHAIRMAN

A M E N D M E N T

OFFERED IN THE HOUSE:

By: Finance Committee

To: CS HOUSE BILL No. 84 (Res)

SENATE BILL No. _____

PAGE: 2

LINE: 5

after "timē" add ", or unless the agency makes a written finding stating why more time is required and sets a deadline for issuance or denial of the permit"

Berri

Original sponsors: Bennett, Parr and
Fahrenkamp

Offered: 2/24/82
Referred: Rules

BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE SENATE

2 2d HOUSE CS FOR CS FOR SENATE BILL NO. 84 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

10 * Section 1. FINDINGS. The legislature finds that

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

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

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

22 (4) by reducing the number of agencies and agency reviews in-
23 volved in the permit process, and by requiring state agencies to process
24 permit applications in an expeditious manner, the social, economic, and
25 environmental health and well-being of Alaska citizens will be promoted; and

26 (5) there are many administrative orders and similar documents
27 that have been promulgated by the executive branch relating to interagency
28 review that conflict and overlap, retarding the permit issuing process.

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

1 62.632(a) unless the applicant agrees otherwise.

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

7 (c) Subject to (a) and (b) of this section and AS 44.62.634,
8 failure of a resource agency to make a final decision within 30 days
9 after the receipt of a completed permit application for a class I
10 permit, or within 65 days after the receipt of a completed permit
11 application for a class II permit, is approval of the application. In
12 an appeal of a permit issued by operation of this subsection, the
13 record shall be considered in the light most favorable to the applicant,
14 and the permit shall be accorded a presumption of regularity.

15 (d) A state agency may not condition the issuance of a permit
16 upon the issuance of a permit from another governmental agency.

17 Sec. 44.62.634. ADDITIONAL INFORMATION. (a) If a resource agen-
18 cy receives a completed permit application that does not contain suffi-
19 cient information concerning the project's compliance with the agency's
20 statutes and regulations, the agency shall notify the applicant within
21 15 days after receipt of a completed permit application for a class I
22 permit, and within 30 days after receipt for a class II permit.

23 (b) The notification must specify those particular facts or
24 issues concerning the proposal upon which the agency requires additional
25 information in order to determine whether the project will conform to
26 the agency's statutes and regulations.

27 (c) If a timely request under (a) and (b) of this section is
28 made, the time period specified in AS 44.62.632 is suspended from the
29 date of request to the date of full compliance with the request.

1 Subsequent requests for additional information may be made, but must
2 relate only to new issues raised by the response to the initial noti-
3 fication. Subsequent requests do not extend the time periods specified
4 in AS 44.62.632.

5 (d) Nothing in this section grants a resource agency the authority
6 to request information beyond the authority given to it by other sta-
7 tutes.

8 Sec. 44.62.635. LEAD AGENCY. (a) There is established a lead
9 agency that is solely responsible for issuing coastal management consis-
10 tency determinations under AS 46.40 and for preparing and submitting
11 state comments on federal permit applications. The lead agency is that
12 resource agency that has principal responsibility for authorizing the
13 overall activity, including instances where an activity requires permits
14 from more than one resource agency. For classes of activities for
15 which no agency with principal responsibility exists the governor shall
16 designate a resource agency to be a lead agency for each class by
17 administrative order no later than October 1, 1982. In performing its
18 functions under this section, the lead agency shall consult with other
19 resource agencies and with coastal resource districts under AS 46.40.

20 (b) Substantive consideration shall be given to the documented
21 factual statements or data submitted by resource agencies and to the
22 office of coastal management within their primary areas of expertise,
23 and to the documented factual statements or data submitted by coastal
24 resource districts made under an approved district coastal management
25 program. The lead agency shall consider opinions, conclusions or
26 recommendations submitted by the commenting agency, but may, in its
27 discretion, reach contrary opinions, conclusions or recommendations
28 according to the evidence received. The lead agency shall then balance
29 competing factors in reaching its final decision. No resource agency

1 other than the lead agency has primary expertise in the balancing of
2 competing factors.

3 (c) Except as required by federal law no state agency other than
4 the lead agency may comment to a federal permitting agency.

5 (d) For activities involving a disposal of interest in land and a
6 certification under sec. 401 of the Clean Water Act (33 U.S.C. sec.
7 1341), the lead agency shall be the Department of Natural Resources.

8 (e) For activities involving a plan of operation approval under a
9 previous disposal of an interest in land and a certificate under sec.
10 401 of the Clean Water Act (33 U.S.C. sec. 1341), the lead agency shall
11 be the Department of Natural Resources.

12 Sec. 44.62.636. COMMENT PERIOD. A coastal resource district or
13 state agency that receives a request for comment in connection with a
14 permit application or plan review being processed by a resource agency
15 shall submit these comments in accordance with the following schedule:

16 (1) comments on class I permits shall be submitted within 15
17 days after the agency's receipt of the request;

18 (2) comments on class II permits and federal permits shall
19 be submitted within 30 days after the agency's receipt of the request;

20 (3) when under AS 44.62.633, the requesting agency has
21 extended the time periods specified in AS 44.62.632, that agency may
22 extend the time period specified in this section; however, comments
23 submitted under this paragraph must be submitted no later than 30 days
24 before the date on which the lead agency must issue a final decision.

25 Sec. 44.62.637. ADMINISTRATIVE APPEALS. (a) The uniform proce-
26 dural regulations adopted under AS 44.62.632(b) must provide for an
27 administrative appeal from a final decision on a permit application.
28 The administrative appeal is to the head of the resource agency in-
29 volved. Except as provided in this section the procedure is conducted

1 under AS 44.62.330 - 44.62.630.

2 (b) The administrative appeal must be resolved within 45 days
3 after the final decision on a permit application, or, if a hearing is
4 held on the administrative appeal, within 65 days after the final
5 decision on the permit application.

6 (c) An appeal taken from a decision granting a permit may, but
7 need not, stay the issuance of the permit.

8 (d) The head of the agency may summarily dismiss an appeal before
9 the time established in this section, and the dismissal is the final
10 agency action on the matter.

11 (e) In an appeal from the denial or conditioning of a permit the
12 head of the agency may, if he determines that the public interest would
13 be served, grant the permit or remove conditions of the permit until
14 the appeal is determined.

15 Sec. 44.62.638. REVIEW BY THE SUPERIOR COURT. (a) Judicial
16 review by the superior court of a final decision issued under AS 44.-
17 62.632 - 44.62.637 may be had by filing a notice of appeal in the
18 superior court in accordance with the applicable Rules of Appellate
19 Procedure. The review is governed by the provisions of AS 44.62.-
20 560(b) - (e) and AS 44.62.570.

21 (b) An appeal taken under this section should have preference on
22 the calendar of civil actions before the court and should be decided
23 without unnecessary delay.

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

25 (c) As used in AS 44.62.632 - 44.62.638,

26 (1) "date of receipt" means the date on which a state agency
27 actually receives a completed application filed in accordance with
28 agency regulations and at a place identified as appropriate for filing
29 in the agency's regulations;

1 (2) "permit" means a permit, license, certification, consis-
2 tency determination, or other authorization or approval issued by a
3 resource agency as a written document that is required to be obtained
4 or is solicited from a state agency before the construction or opera-
5 tion of a project; "permit"

6 (A) does not include the approval of a unit agreement,
7 a unit development plan, or a unit exploration plan, or conveyances
8 of interest in state land or water;

9 (B) does include all authorizations and approvals,
10 whether proprietary or regulatory, necessary to undertake a project
11 under a previously conveyed property interest;

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

17 (4) "resource agency" includes the Department of Natural
18 Resources, the Department of Environmental Conservation, and the Depart-
19 ment of Fish and Game with respect to permits issued for the protection
20 of fish habitat or the regulation of state sanctuaries, refuges, and
21 critical habitat areas.
22
23
24
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26
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28
29

Original sponsors: Bennett, Parr and
Fahrenkamp

Referred: 6/23/81
For Today's Supplemental
Calendar

1 IN THE SENATE

BY THE RULES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 84 (2d Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the granting of land use authoriza-
7 tions by state agents."

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

9 * Section 1. FINDINGS. The legislature finds that

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

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

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

21 (4) by reducing the number of agencies and agency reviews in-
22 volved in the permit process, and by requiring state agencies to process
23 permit applications in an expeditious manner, the social, economic, and
24 environmental health and well-being of Alaska citizens will be promoted; and

25 (5) there are many administrative orders and similar documents
26 that have been promulgated by the executive branch relating to interagency
27 review that conflict and overlap, retarding the permit issuing process.

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

29 ARTICLE 8A. PERMIT PROCESSING.

COMMITTEE COPY

1 Sec. 44.62.632. PERMIT CLASSIFICATION. (a) Each state resource
2 agency shall by regulation classify each of the permits issued by that
3 agency within one of the two following categories:

4 (1) class I permits, for which the state agency must issue a
5 final, pre-adjudicatory decision within 30 days after the date of
6 receipt of a completed application; and

7 (2) class II permits, for which, because of a necessary or
8 appropriate public notice or interagency review period, a final, pre-
9 adjudicatory decision cannot be issued until 65 days after the date of
10 receipt of a completed application.

11 (b) Final regulations classifying its permits, and uniform proce-
12 dural regulations providing for the processing of these permits, shall
13 be adopted by each state resource agency by October 1, 1981. Permits
14 applied for after this date must be issued in accordance with the time
15 periods specified in (a) of this section, and the provisions of the
16 implementing regulations. Regulations adopted under this section may
17 be revised.

18 Sec. 44.62.633. OTHER REGULATORY REQUIREMENTS FOR PERMIT PROCESS-
19 ING. (a) An applicant and a resource agency may agree to waive a time
20 limit required by regulation for the classification of the applicable
21 permit.

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

29 (c) The time period specified in AS 44.62.632(a) may be extended

1 by a maximum of 20 days if a public hearing is held on a permit appli-
2 cation.

3 (d) The time period specified in AS 44.62.632(a) may be extended
4 if necessary to facilitate joint processing of a permit application
5 through memorandum of understanding by state and federal agencies, and
6 strict adherence to the time periods established in AS 44.62.632(a)
7 would pose an irreconcilable conflict with a federal statute or regula-
8 tion.

9 (e) Subject to (a) - (d) of this section and AS 44.62.634, fail-
10 ure of a resource agency to make a final, pre-adjudicatory decision
11 within 30 days after the receipt of a completed application for a class
12 I permit, or within 65 days after the receipt of a completed applica-
13 tion for a class II permit, constitutes approval of the application.
14 In an appeal of a permit issued by operation of this subsection, the
15 record shall be construed in a light most favorable to the applicant,
16 and the permit shall be accorded a presumption of regularity.

17 Sec. 44.62.634. ADDITIONAL INFORMATION. (a) If a resource agen-
18 cy receives a completed permit application form which does not contain
19 sufficient information concerning the project's compliance with the
20 agency's statutes and regulations, the agency shall notify the appli-
21 cant within 15 days after receipt of a completed application for a
22 class I permit, and within 30 days after receipt for a class II permit.
23 The notification must specify all information that the agency believes
24 at the time to be necessary to determine compliance of the project with
25 the agency's statutes and regulations.

26 (b) The initial and any subsequent notification must specify
27 those particular facts or issues concerning the proposal that require
28 more information than is provided on a completed application form.
29 Subsequent requests for additional information must be made within the

1 permit deadline as extended, and may be made only with respect to new
2 issues raised by the response to the initial notification.

3 (c) If a timely request under this section is made, the time per-
4 iod specified in AS 44.62.632 is suspended from the date of request to
5 the date of full compliance with the request.

6 Sec. 44.62.635. LEAD AGENCY. There are established lead agencies
7 which are solely responsible for issuing coastal management consistency
8 determinations under AS 46.40 and for preparing and submitting state
9 comments on federal permit applications. The lead agency may vary for
10 classes of activities, but shall be that agency that has principal
11 responsibility for authorizing the overall activity. For classes of
12 activities for which no agency with principal responsibility exists the
13 governor shall designate a lead agency by administrative order no later
14 than October 1, 1981. In performing its functions under this section,
15 the lead agency shall consult with other resource agencies and with
16 coastal resource districts under AS 46.40. The lead agency shall
17 balance competing factors in reaching its decision. Great weight shall
18 be given to the comments of resource agencies within their primary area
19 of expertise, and also to the comments of coastal resource districts
20 with approved coastal management plans, unless the district's recom-
21 mendation would result in the arbitrary or unreasonable restriction or
22 exclusion of uses of state concern as that term is defined in AS 46.40.-
23 070(c).

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

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

26 (1) "date of receipt" means the date on which a state agency
27 actually receives a completed application filed in accordance with
28 agency regulations and at a place identified as appropriate for filing
29 in the agency's regulations;

1 (2) "final, pre-adjudicatory decision" means that decision
2 of a state agency, or its staff that forms the basis for a timely re-
3 quest for an adjudicatory hearing or administrative appeal, and that
4 becomes the agency's final decision if an adjudicatory hearing or man-
5 datory administrative appeal is not timely requested;

6 (3) "permit" means a permit, license, certification, consis-
7 tency determination, plan review, or other authorization or approval
8 issued by a resource agency as a written document that is required to
9 be obtained or is solicited from a state agency before the construction
10 or operation of a project; "permit" does not include conveyances of in-
11 terest in state land or water, but does include all authorizations and
12 approvals, whether proprietary or regulatory, necessary to undertake a
13 project under a previously conveyed property interest;

14 (4) "project" means a new activity or expansion or addition
15 to an existing activity for which permits are required before construc-
16 tion or operation; and

17 (5) "resource agency" includes the Department of Natural
18 Resources, the Department of Environmental Conservation, the Alaska
19 Coastal Policy Council, and the Department of Fish and Game with respect
20 to permits issued for the protection of fish habitat or the regulation
21 of state sanctuaries, refuges, and critical habitat areas.

22 * Sec. 4. AS 38.05.075 is repealed and reenacted to read:

23 Sec. 38.05.075. SURFACE LEASING PROCEDURE. (a) Except as pro-
24 vided in AS 38.05.068, 38.05.082, and (b) - (e) of this section, and ^{all} ✓
25 leasing shall be conducted by public auction, to the highest pre-quali-
26 fied bidder, as determined by the director. An aggrieved pre-qualified
27 bidder may appeal to the commissioner by a letter postmarked within
28 five days after the director's determination. Lease auctions shall be
29 conducted by the director or his representative, and the successful

1 pre-qualified bidder shall deposit at the auction the first year's
2 rental or that percentage of it that the commissioner shall require.
3 The director may require a deposit for any survey and appraisal costs
4 reasonably incurred by another pre-qualified bidder acting in accor-
5 dance with the department's regulations. If a bidder making a deposit
6 of survey or appraisal costs is determined to be the highest pre-quali-
7 fied bidder under this subsection, his deposit shall be paid to the un-
8 successful bidder who incurred those costs. The director or his repre-
9 sentative shall immediately issue a receipt to the successful pre-qual-
10 ified bidder containing a description of the land or interest leased,
11 the total price bid, the terms of the lease, and the amount, if any, to
12 be paid for the survey or appraisal. The receipt shall be immediately
13 acknowledged by the bidder. If the receipt is not acknowledged by the
14 bidder in accordance with this subsection, the director may re-offer
15 the land in accordance with this section. The lease, on a form ap-
16 proved by the attorney general, shall be signed by the successful
17 bidder within 30 days after the auction, and shall thereafter be signed
18 by the director, after approval by the commissioner.

19 (b) When a valid existing grazing lease is cancelled to permit
20 state selection of the land under lease, the lessee of the land has a
21 preference right to lease the land without competitive bidding for a
22 term equal to the unexpired term originally granted in the cancelled
23 federal lease, and upon terms no less favorable to the lessee than
24 those contained in the cancelled federal lease.

25 (c) A littoral owner or lessee has a preference right to acquire,
26 without competitive bidding, a lease for tide and submerged land di-
27 rectly adjacent to his upland parcel if

28 (1) lease of the tide or submerged land is sought solely for
29 the purpose of facilitating water transport of material extracted,

1 harvested, produced, or processed on the adjacent uplands;

2 (2) the proposed use of the tide and submerged land is com-
3 patible with the classification of this land and the adjacent uplands;

4 (3) there is no competing interest for a higher and better
5 use of the subject tide and submerged land;

6 (4) where the land was formed by isostatic rebound, granting
7 of a lease would not violate the state's irrevocable trust respon-
8 sibilities; and

9 (5) issuance of the lease will not interfere with prior ex-
10 isting rights.

11 (d) The annual rental for a lease issued under (c) of this sec-
12 tion shall be determined by an appraisal conducted under AS 38.05.310.
13 If the adjacent upland ownership interest is less than fee simple, the
14 term of the lease acquired under (c) of this section may not exceed the
15 unexpired term of the upland interest. Termination of a less-than-fee
16 upland interest before its normal expiration, for any reason, shall
17 terminate the lease acquired under (c) of this section.

18 (e) The department shall, in conformity with AS 38.05.345, re-
19 quire pre-qualification of bidders for a lease to be issued under
20 AS 38.05.070. If, as a result of pre-qualification, the director de-
21 termines that there is only one qualified bidder for the lease, he may
22 issue a lease to that bidder at the appraised value as determined by
23 AS 38.05.310, without competitive bidding. Notwithstanding AS 38.05.-
24 345, disposal shall occur as soon as practicable following completion
25 of survey and appraisal, and notice of any auction shall be made per-
26 sonally or by registered mail to all pre-qualified bidders.

27 * Sec. 5. AS 44.19.162 is amended to read:

28 Sec. 44.19.162. COUNCIL STAFF. The council shall utilize the
29 staff of the office of coastal management within the Department of

1 Community and Regional Affairs [DIVISION OF POLICY DEVELOPMENT AND
2 PLANNING] in discharging its powers and duties. The commissioner
3 [COORDINATOR OF THE OFFICE], with the concurrence of the council, may
4 contract with or employ personnel or consultants he considers necessary
5 to carry out the powers and duties of the council.

6 * Sec. 6. AS 46.35 is amended by adding a new section to read:

7 Sec. 46.35.025. PRE-APPLICATION CONFERENCE. (a) A person con-
8 sidering the submission of a permit coordination request under AS 46.-
9 35.030, or a master application under AS 46.35.035, may request a per-
10 mit requirement information center established under AS 46.35.160 to
11 hold a pre-application conference.

12 (b) The department will invite to the conference appropriate fed-
13 eral, state, and local agencies. The conference will be held no later
14 than 30 days after receipt of a request under (a) of this section.

15 (c) The purpose of a pre-application conference is to enable a
16 potential applicant and appropriate federal, state, and local agencies
17 to discuss the nature of the proposed activity, tentative or possible
18 agency concerns over the activity, and permits that may be required.

19 * Sec. 7. AS 46.35.030 is amended to read:

20 Sec. 46.35.030. PERMIT COORDINATION REQUEST [MASTER APPLICATION].

21 (a) A person proposing a project which requires the issuance of one or
22 more permits may at his sole discretion submit a permit coordination
23 request [MASTER APPLICATION] to the department requesting the issuance
24 of all permits and documents covered by this chapter [NECESSARY BEFORE
25 THE CONSTRUCTION AND OPERATION OF THE PROJECT IN THE STATE]. The
26 request [MASTER APPLICATION] shall be on a form established by the
27 department and shall contain sufficient information as to the location
28 and the nature of the project, including discharge of wastes and use of
29 or interference with natural resources of the state.

1 (b) Upon receipt of a properly completed request [MASTER APPLICA-
2 TION], the department shall immediately forward a copy of the request
3 [APPLICATION] to each agency administering a permit covered by this
4 chapter [ALL HEADS OF EXECUTIVE DEPARTMENTS OF THE STATE] and the chief
5 elected official of all municipalities in which a portion of the project
6 is proposed to be constructed, together with the date by which the
7 agency shall respond to the request [MASTER APPLICATION].

8 (c) Each agency notified shall respond in writing to the depart-
9 ment by the specified date, not exceeding 15 days from receipt, as de-
10 termined by the department, advising

11 (1) whether the agency has permit jurisdiction over [AN IN-
12 TEREST IN] the request [MASTER APPLICATION]; and

13 (2) if the response to (1) of this subsection is affirma-
14 tive, the permit program under the agency's jurisdiction to which the
15 project described in the request [MASTER APPLICATION] is pertinent [;
16 AND

17 (3) WHETHER, IN RELATION TO THE MASTER APPLICATION, A PUBLIC
18 HEARING AS PROVIDED IN AS 46.35.050 and 46.35.060 WOULD BE IN THE
19 PUBLIC INTEREST].

20 (d) Each notified agency which (1) responds within the specified
21 date that it does not have permit jurisdiction over the project de-
22 scribed in the request [AN INTEREST IN THE MASTER APPLICATION]; or (2)
23 does not respond as required within the specified date, may not subse-
24 quently require a permit of the applicant for the project described in
25 the request [MASTER APPLICATION] unless the request [MASTER APPLICA-
26 TION] contained false, misleading, or deceptive information, or other
27 information or lack of information which would reasonably lead an agen-
28 cy to misjudge its interest in the project [MASTER APPLICATION].

29 (e) The department shall submit application forms relating to

1 permit programs identified in affirmative responses under (c) of this
2 section to the applicant with a direction to complete and return them
3 to the department within a reasonable time as specified by the depart-
4 ment.

5 (f) When the applications, properly completed, have been returned
6 to the department, each of the applications shall be transmitted to the
7 appropriate state agency for the performance of its responsibilities of
8 decision making in accordance with the procedures of this chapter, and
9 any applicable permit deadline shall begin on the date of receipt of a
10 completed application by the permitting agency.

11 * Sec. 8. AS 46.35 is amended by adding new sections to read:

12 Sec. 46.35.035. MASTER APPLICATION. (a) The department shall
13 periodically develop master applications on a commercial or industrial
14 activity basis.

15 (b) A master application developed under this section serves as
16 the application form for each permit that is generally required for the
17 commercial or industrial activity.

18 (c) When a person submits a master application developed under
19 this section, AS 46.35.030 does not apply. The master application
20 shall be served on the office of the department specified in regulation
21 and any applicable permit deadline shall begin on the date of receipt
22 of a complete application by the appropriate office of the department.

23 (d) The use of the master application procedures established in
24 this chapter is at the sole discretion of the applicant.

25 Sec. 46.35.051. PERMIT PROCEDURES. (a) Permits sought under
26 AS 46.35.030 or 46.35.035 shall be processed in one consolidated pro-
27 ceeding. The proceeding shall be governed by those procedures that
28 would otherwise be applicable to a permit being sought and that provide
29 for the greatest degree of public participation and interagency review.

1 The decisional deadline applicable to the procedure used shall apply to
2 each final decision made under AS 46.35.070. If the holding of a
3 public hearing is discretionary under the applicable procedure, a
4 majority of the permitting agencies shall determine whether to hold a
5 public hearing under applicable criteria.

6 (b) Any change in the application or coordination request made
7 during the pendency of proceedings under AS 46.35.030 or this section
8 which is either jurisdictional or would result in significant new ad-
9 verse impacts from the project shall be treated as the filing of a new
10 application or coordination request.

11 * Sec. 9. AS 46.35.070 is repealed and reenacted to read:

12 Sec. 46.35.070. FINAL DECISION. Each permitting agency shall
13 forward its final decision to the department within the deadline estab-
14 lished under AS 46.35.051(a). As soon as all final decisions are re-
15 ceived by the department, the department shall incorporate them, with-
16 out modification, into one document and transmit it to the applicant
17 either personally or by registered mail.

18 * Sec. 10. AS 46.35.080 is amended to read:

19 Sec. 46.35.080. WITHDRAWAL OF AGENCY FROM PARTICIPATION. (a) A
20 state agency participating in a consolidated proceeding [RESPONDING AF-
21 FIRMATIVELY UNDER AS 46.35.030(b)] may withdraw from participation
22 as to one or more permits [IN THE PROCESSING PROVIDED IN AS 46.35.030 -
23 46.35.070] at any time, by written notification to the department, if
24 it subsequently appears to the state agency that it does not have [HAS
25 NO] permit [PROGRAMS UNDER ITS] jurisdiction [APPLICABLE TO THE PRO-
26 JECT].

27 (b) A decision by a state agency to withdraw from the proceeding
28 is irreversible, and the state agency may not subsequently require the
29 [A] permit of the applicant for the project described in the master ap-

1 plication unless the master application contained false, misleading, or
2 deceptive information, or other information or lack of information
3 which would reasonably lead an agency to misjudge its interest in the
4 permit coordination request or master application.

5 * Sec. 11. AS 46.35.090(a) is amended to read:

6 (a) A person aggrieved by a final decision issued under AS 46.35.-
7 070 [AS 46.35.070(d)] may file a notice of appeal with the commissioner
8 requesting an adjudicatory hearing within 15 [30] days of receipt
9 [TRANSMITTAL] of the final decision by [TO] the person. A failure to
10 file a timely notice of appeal constitutes a waiver of the person's
11 right to review the final decision, unless the failure was due to cir-
12 cumstances beyond the applicant's control.

13 * Sec. 12. AS 46.35.110 is amended to read:

14 Sec. 46.35.110. APPLICATION. Notwithstanding any other provi-
15 sions of regulation or statute relating to the processing of applica-
16 tion for permits, the procedures set out in this chapter are exclusive
17 for permits sought under AS 46.35.030 and applications filed under
18 AS 46.35.035 [AS 46.35.030]. The procedures of this chapter are in
19 lieu of any procedures otherwise provided by law or regulation, and are
20 to be followed by a state agency in ruling upon those applications.

21 * Sec. 13. AS 46.35.130(a) is amended to read:

22 (a) No permit for a project filed under AS 46.35.030 or 46.35.035
23 may be issued unless the application has provided a certification from
24 the appropriate local government that the project is in compliance with
25 the zoning ordinances and associated comprehensive plans administered
26 by the local government regarding the project. If the local government
27 has no such ordinances or plans, the local government shall certify that
28 fact. A local government may accept applications for certification
29 under this section and shall rule upon them within 30 days. A local

1 government may impose stipulations of performance in its approval, but,
2 upon certification, the local government may not change the zoning
3 ordinances as to the proposed project until the procedures of this
4 chapter, including an appeal, are completed.

5 * Sec. 14. AS 46.35.170 is amended by adding a new subsection to read:

6 (c) The department may enter into memoranda of understanding with
7 federal agencies for the full or partial processing of related federal
8 permits under the procedures established by this chapter.

9 * Sec. 15. AS 46.35 is amended by adding a new section to read:

10 Sec. 46.35.175. RELATION TO SURFACE LEASING PROCEDURE. When a
11 project requires a surface lease under AS 38.05.075 in addition to per-
12 mits covered by this chapter,

13 (1) application for the surface lease shall be coordinated
14 under AS 46.35.030 or, when applicable, subsumed in the master applica-
15 tion submitted under AS 46.35.035;

16 (2) the determination required under AS 38.05.035(a)(14)
17 shall be consolidated in the proceeding conducted under AS 46.35.051,
18 and the procedure for making that determination shall govern the con-
19 solidated proceeding; and

20 (3) AS 46.35.040 applies if there is more than one pre-
21 qualified bidder.

22 * Sec. 16. AS 46.35.200(4) is repealed and reenacted to read:

23 (4) "permit" means a permit, license, certification, consis-
24 tency determination, plan review, or other authorization or approval
25 issued as a written document that is required to be obtained from ei-
26 ther the Department of Fish and Game, Department of Environmental Con-
27 servation, Department of Natural Resources, or Office of the Governor,
28 division of policy development and planning; "permit" does not include
29 disposals of an interest in state land or water, but does include all