

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 8672

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

Sec. 46.40.180. APPROVAL OF PROGRAMS IN COASTAL RESOURCE SERVICE AREAS. (a) Before adoption by a coastal resource service area board, or by the Department of Community and Regional Affairs under sec. 170 of this chapter, a district coastal management program shall be submitted for review to each city or village within the coastal resource service area. The council of a city or traditional village council shall consider the program submitted for review. Within 60 days of submission, the council of a city or traditional village council shall either approve the program or enter objections to all or any portion of the program.

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

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

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

ARTICLE 3. GENERAL PROVISIONS.

Sec. 46.40.190. COOPERATIVE ADMINISTRATION. (a) A city within the coastal area which is not part of an adjacent coastal resource service area may include itself for purposes of this chapter within an adjacent coastal resource service area if its governing body, by resolution adopted by a majority of its membership, consents to the inclusion of the city and a copy of the resolution is filed with the commissioner of the Department of Community and Regional Affairs.

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

Sec. 46.40.200. STATE AGENCIES. Upon the adoption of the Alaska coastal management program, state departments, boards and commissions shall review their statutory authority, administrative regulations, and applicable procedures pertaining to land and water uses within the coastal area for the purpose of determining whether there are any deficiencies or inconsistencies which prohibit compliance with the program adopted. State agencies shall, within six months of the effective date of the Alaska coastal management program, take whatever action is necessary to facilitate full compliance with and implementation of the program, including preparation and submission of recommendations to the council for additional or amended legislation.

Sec. 46.40.210. DEFINITIONS. In this chapter, unless the context otherwise requires,

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

(A) areas of unique, scarce, fragile or vulnerable natural habitat, cultural value, historical significance, or scenic importance;

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

(C) areas of substantial recreational value or opportunity;

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

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

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

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

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

(A) unified municipalities established under AS 29.68.240 - 29.68.440;

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

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

(D) second class cities of the unorganized borough, or within boroughs which do not exercise planning and zoning authority, which have established a planning commission, and which, in the opinion of the commissioner of the Department of Community and Regional Affairs, have the capability of preparing and implementing a comprehensive district coastal management program under sec. 30 of this chapter;

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

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

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

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

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

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

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

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

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

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

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

(D) facilities serving statewide or interregional transportation and communication needs; and

(E) uses in areas established as state parks or recreational areas under AS 41.20 or as state game refuges, game sanctuaries or critical habitat areas under AS 16.20.

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

Sec. 44.47.095. PLANNING ASSISTANCE FOR DEVELOPMENT AND MAINTENANCE OF DISTRICT COASTAL MANAGEMENT PROGRAMS. The department shall conduct a program of research, training, and technical assistance to coastal resource districts necessary for the development and implementation of district coastal management programs under AS 46.35. The technical assistance shall include the direct granting to the coastal resource districts of a portion of any funds received by the state from the federal coastal zone management program, in amounts to be individually determined for each coastal resource district by the commissioner. State agencies shall assist the department in carrying out the purposes of this section.

* Sec. 6. The Administrative Regulation Review Committee established in AS 24.20.400 - 24.20.460 shall review the administrative regulations adopted by the executive departments of the state government which affect the resources and use of the resources of the state's coastal area. The committee shall, not later than January 20, 1979, make formal recommendation with respect to annulment of regulations adopted which, in the opinion of the committee, fail to implement, interpret or carry out the policies, objectives and standards of the Alaska coastal management program. The recommendations of the committee shall be transmitted to the first regular session of the Eleventh Alaska Legislature.

* Sec. 7. This Act takes effect immediately in accordance with AS 01.10.070(c).

CHAPTER 80. STANDARDS OF THE ALASKA COASTAL MANAGEMENT PROGRAM

Article

1. Government Process
2. Uses and Activities
3. Resources and Habitats
4. Areas Which Merit Special Attention
5. General Provisions

ARTICLE 1. GOVERNMENT PROCESS

Section

10. Coverage of chapter
20. Public participation and information
30. Program management and coordination

6 AAC 80.010. COVERAGE OF CHAPTER.

(a) This chapter contains standards for the use of and application by districts and state agencies in carrying out their responsibilities under the Alaska Coastal Management Act (AS 46.40, and AS 44.19.891 - 44.19.894).

(b) Nothing in this chapter or in any district program displaces or diminishes the authority of any state agency or local government with respect to resources in the coastal area. Uses and activities conducted by state agencies in the coastal area must be consistent with the applicable district program and the standards contained in this chapter. In authorizing uses or activities in the coastal area under its statutory authority, each state agency shall grant authorization if, in addition to finding that the use or activity complies with the agency's statutes and regulations, the agency finds that the use or activity is consistent with the applicable district program and the standards contained in this chapter.

(c) At a minimum, the council will review this chapter annually. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.040

6 AAC 80.020. PUBLIC PARTICIPATION AND INFORMATION.

(a) The council will provide adequate, effective, and continuing opportunities for public participation from the beginning of the Alaska coastal management program. The council will give notice of when and where opportunities for public participation will be provided before adoption of guidelines and standards, review and approval of district

programs and amendments to district programs, and amendments to the Alaska coastal management program.

(b) The council will not approve a district program or significant amendment of a district program unless evidence of significant opportunities for public participation at the district level has been provided.

(c) The council will make available to the public information and educational materials concerning coastal management, in understandable form, including

(1) a guide for the development of district programs;

(2) maps and narratives describing physical and biological characteristics to be used in establishing boundaries of coastal areas;

(3) areas recommended for council designation as areas which merit special attention;

(4) maps showing the distribution and abundance of coastal fish and wildlife species with commercial, recreational, subsistence, or general ecological importance;

(5) an identification of major data and information sources concerning coastal management;

(6) a summary of information regarding coastal regions;

(7) summaries of public hearings and workshops;

(8) films and slide programs;

(9) written material summarizing or explaining the Alaska coastal management program; and

(10) the council's annual report to the legislature.

(d) At public meetings concerning the Alaska coastal management program, the council will ensure that, when requested and reasonably necessary, translation into the appropriate Native language is provided. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.040

6 AAC 80.030. PROGRAM MANAGEMENT AND COORDINATION. (a) The Office of Coastal Management is the designated lead agency for the Alaska coastal management program. The Office of Coastal Management shall

(1) present the staff position regarding matters before the council;

(2) coordinate the activities of state agencies participating in the Alaska coastal management program; and

(3) review state and federal actions for consistency with the Alaska coastal management program, subject to council review.

(b) The council will initiate an interagency program of comprehensive resource management for each geographic region listed in AS 44.19.891(a)(1). Regional programs will

(1) assist the council and districts in identifying uses of state concern and developing management policies for these uses;

(2) provide resource, social, and economic information on a coordinated regional basis; and

(3) assist the council and districts in identifying, avoiding, or minimizing existing or potential conflicts.

(c) Plans and recommendations developed as part of the regional program described in (b) of this section must be transmitted to the district through the Office of Coastal Management. District planning efforts must demonstrate review and consideration of these plans and recommendations. If the final district program proposed does not agree with the regional program plans and recommendations, the differences will be resolved by the council.

(d) The council will prepare a manual of standards for the management of land and water uses in the coastal area to assist in the

development of district and state agency programs. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893

AS 46.40.040

ARTICLE 2. USES AND ACTIVITIES

Section

- 40. Coastal development
- 50. Geophysical hazard areas
- 60. Recreation
- 70. Energy facilities
- 80. Transportation and utilities
- 90. Fish and seafood processing
- 100. Timber harvest and processing
- 110. Mining and mineral processing
- 120. Subsistence

6 AAC 80.040. COASTAL DEVELOPMENT.

(a) In planning for and approving development in coastal areas, districts and state agencies shall give, in the following order, priority to

(1) water-dependent uses and activities;

(2) water-related uses and activities; and

(3) uses and activities which are neither water-dependent nor water-related for which there is no feasible and prudent inland alternative to meet the public need for the use or activity.

(b) The placement of structures and the discharge of dredged or fill material or fill material into coastal water must, at a minimum, comply with Parts 320-323, Title 33, Code of Federal Regulations (Vol. 42 of the Federal Register, pp. 37133 - 47 (July 19, 1977)). (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893

AS 46.40.040

6 AAC 80.050. GEOPHYSICAL HAZARD AREAS. (a) Districts and state agencies shall identify known geophysical hazard areas and areas of high development potential in which there is a substantial possibility that geophysical hazards may occur.

On May 29, 1979, 6 AAC 80.040(b), COASTAL DEVELOPMENT, was amended to read:

(b) The placement of structures and the discharge of dredged or fill material into coastal water must, at a minimum, comply with the standards contained in Parts 320-323, Title 33, Code of Federal Regulations, (Vol. 42 of the Federal Register, pp. 37133--47 (July 19, 1977)).

(b) Development in areas identified under (a) of this section may not be approved by the appropriate state or local authority until siting, design, and construction measures for minimizing property damage and protecting against loss of life have been provided. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.040

6 AAC 80.060. RECREATION. Districts shall designate areas for recreational use. Criteria for designation of areas of recreational use are

(1) the area receives significant use by

persons engaging in recreational pursuits or is a major tourist destination; or

(2) the area has potential for high quality recreational use because of physical, biological, or cultural features. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.040

6 AAC 80.070. ENERGY FACILITIES. (a) Sites suitable for the development of major onshore, nearshore, offshore, and outer continental shelf energy facilities must be identified by the state in cooperation with districts.

On May 29, 1979, 6 AAC 80.060, RECREATION, was amended by adding a new subsection to read:

(b) Districts and state agencies shall give high priority to maintaining and, where appropriate, increasing public access to coastal water.

On May 29, 1979, 6 AAC 80.070, ENERGY FACILITIES, was amended to read:

(a) Sites suitable for the development of major energy facilities must be identified by districts and the state in cooperation with districts.

(b) The siting and approval of major energy facilities by districts and state agencies must be based, to the extent feasible and prudent, on the following standards:

(1) site facilities so as to minimize adverse environmental and social effects while satisfying industrial requirements;

(2) site facilities so as to be compatible with existing and subsequent adjacent uses and projected community needs;

(3) consolidate facilities;

(4) consider the concurrent use of facilities for public or economic reasons;

(5) cooperate with landowners, developers, and federal agencies in the development of facilities;

(6) select sites with sufficient acreage to allow for reasonable expansion of facilities;

(7) site facilities where existing infrastructure, including roads, docks, and airstrips, is capable of satisfying industrial requirements;

(8) select harbors and shipping routes with least exposure to reefs, shoals, drift ice, and other obstructions;

(b) The siting and approval of major oil and gas facilities must be based on the policies of the State of Alaska concerning the onshore and nearshore aspects of oil and gas development.

(c) Districts shall consider that the uses authorized by the issuance of state leases for mineral and petroleum resource extraction are uses of state concern. District programs and plans must be consistent with those uses. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.040

6 AAC 80.080. TRANSPORTATION AND UTILITIES. (a) Transportation and utility routes and facilities in the coastal area must be sited, designed, and constructed so as to be compatible with local community goals and desires as expressed in district programs and local comprehensive plans.

(b) Transportation and utility routes and facilities must be sited inland from beaches and shorelines unless the route or facility is water-dependent or no feasible and prudent inland alternative exists to meet the public need for the route or facility. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.040

(9) encourage the use of vessel traffic control and collision avoidance systems;

(10) select sites where development will require minimal site clearing, dredging and construction in productive habitats;

(11) site facilities so as to minimize the probability, along shipping routes, of spills or other forms of contamination which would affect fishing grounds, spawning grounds, and other biologically productive or vulnerable habitats, including marine mammal rookeries and hauling out grounds and waterfowl nesting areas;

(12) site facilities so that the design and construction of those facilities and support infrastructures in coastal areas of Alaska will allow for the free passage and movement of fish and wildlife with due consideration for historic migratory patterns and so that areas of particular scenic, recreational, environmental, or cultural value will be protected;

(13) site facilities in areas of least biological productivity, diversity, and vulnerability and where effluents and spills can be controlled or contained;

(14) site facilities where winds and air currents disperse airborne emissions which cannot be captured before escape into the atmosphere;

(15) select sites in areas which are designated for industrial purposes and where industrial traffic is minimized through population centers; and

(16) select sites where vessel movements will not result in overcrowded harbors or interfere with fishing operations and equipment.

(c) Districts shall consider that the uses authorized by the issuance of state and federal leases for mineral and petroleum resource extraction are uses of state concern.

6 AAC 80.090. FISH AND SEAFOOD PROCESSING. Districts shall identify and may designate areas of the coast suitable for the location or development of facilities related to commercial fishing and seafood processing. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.040

6 AAC 80.100. TIMBER HARVEST AND PROCESSING. (a) Not approved by Legislature under AS 46.40.080.

(b) Commercial timber harvest activities in the coastal area must be conducted so as to meet the following standards:

(1) the location of facilities and the layout of

logging systems must be managed so as to minimize potential for adverse environmental impacts;

(2) unrestricted fish movement in coastal water must be assured; and

(3) Not approved by Legislature under AS 46.40.080.

(c) Commercial timber transport, storage, and processing in the coastal area must be conducted so as to meet the following standards:

(1) onshore storage of logs must be encouraged where compatible with the objectives of the Alaska coastal management program;

On May 29, 1979, 6 AAC 80.080(a), TRANSPORTATION AND UTILITIES, was amended to read:

(a) Transportation and utility routes and facilities in the coastal area must be sited, designed, and constructed so as to be compatible with district programs.

On May 29, 1979, 6 AAC 80.100, TIMBER HARVEST AND PROCESSING, was amended to read:

(a) Commercial timber harvest activities in the coastal area must be conducted so as to meet the following standards:

(1) the location of facilities and the layout of logging systems must be sited so as to minimize adverse environmental impacts;

(2) free passage and movement of fish in coastal water must be assured; and

(3) timber harvest and timber management activities must be planned so as to protect streambanks and shorelines, prevent adverse impacts on fish resources and habitats, and minimize adverse impacts on wildlife resources and habitats.

(b) Commercial timber transport, storage, and processing in the coastal area must be conducted so as to meet the following standards:

(1) onshore storage of logs must be encouraged where compatible with the objectives of the Alaska Coastal Management Program;

(2) sites for in-water dumping and storage of logs must be selected and these activities conducted so as to minimize adverse effects on the marine ecosystem, minimize conflicts with recreational uses and activities, be safe from storms, and not constitute a hazard to navigation;

(3) roads for log transport and harvest area access must be planned, designed, and constructed so as to minimize mass wasting, erosion, sedimentation, and interference with drainage, and must be adequately maintained until they are returned to their pre-road natural drainage pattern (put to bed); and

(4) stream crossings, including bridges and culverts, must be kept to a minimum number, designed to withstand seasonal high water and flooding, and must provide for unrestricted passage of fish.

(d) Not approved by Legislature under AS 46.40.080. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.040

6 AAC 80.110. MINING AND MINERAL PROCESSING. (a) Mining and mineral processing in the coastal area must be permitted, designed, and conducted so as to be compatible with the standards contained in this chapter, adjacent uses and activities, regional programs, statewide and national needs, district programs, and local comprehensive plans.

(b) Sand and gravel may be extracted from coastal waters, intertidal areas, barrier islands, and spits, when there is no feasible and prudent alternative to coastal extraction which will meet the public need for the sand or gravel. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.040

(2) sites for in-water dumping and storage of logs must be selected and these activities conducted so as to minimize adverse effects on the marine ecosystem, minimize conflicts with recreational uses and activities, be safe from storms, and not constitute a hazard to navigation;

(3) roads for log transport and harvest area access must be planned, designed, and constructed so as to minimize mass wasting, erosion, sedimentation, and interference with drainage, and must be adequately maintained until they are returned to their pre-road natural drainage patterns (put-to-bed); and

(4) stream crossings, including bridges and culverts, must be kept to a minimum number, designed to withstand seasonal high water and flooding, and must provide for free passage and movement of fish.

On May 29, 1979, 6 AAC 80.110(a), MINING AND MINERAL PROCESSING, was amended to read:

(a) Mining and mineral processing in the coastal area must be regulated, designed, and conducted so as to be compatible with the standards contained in this chapter, adjacent uses and activities, statewide and national needs, and district programs.

6 AAC 80.120. SUBSISTENCE. (a) Districts and state agencies shall recognize and assure opportunities for subsistence usage of coastal areas and resources.

(b) Districts shall identify areas in which subsistence is the dominant use of coastal resources.

(c) Districts may, after consultation with appropriate state agencies, Native corporations, and any other persons or groups, designate areas identified under (b) of this section as subsistence zones in which subsistence uses and activities have priority over all nonsubsistence uses and activities.

(d) Before a potentially conflicting use or activity may be authorized within areas designated under (c) of this section, a study of the possible adverse impacts of the proposed potentially conflicting use or activity upon subsistence usage must be conducted and appropriate safeguards to assure subsistence usage must be provided.

(e) Districts sharing migratory fish and game resources must submit compatible plans for habitat management. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.040

ARTICLE 3. RESOURCES AND HABITATS

Section

- 130. Habitats
- 140. Air, land, and water quality
- 150. Historic, prehistoric, and archaeological resources

6 AAC 80.130. HABITATS. (a) Habitats in the coastal area which are subject to the Alaska coastal management program include

- (1) offshore areas;
- (2) estuaries;
- (3) wetlands and tideflats;
- (4) rocky islands and seacliffs;
- (5) barrier islands and lagoons;

(6) exposed high energy coasts;

(7) rivers, streams, and lakes; and

(8) important upland habitat.

(b) The habitats contained in (a) of this section must be managed so as to maintain or enhance the biological, physical, and chemical characteristics of the habitat which contribute to its capacity to support living resources.

(c) In addition to the standard contained in (b) of this section, the following standards apply to the management of the following habitats:

(1) offshore areas must be managed as a fisheries conservation zone so as to maintain or enhance the state's sport, commercial, and subsistence fishery;

(2) estuaries must be managed so as to assure adequate water flow, natural circulation patterns, nutrients, and oxygen levels, and avoid the discharge of toxic wastes, silt, and destruction of productive habitat;

(3) wetlands and tideflats must be managed so as to assure adequate water flow, nutrients, and oxygen levels and avoid adverse effects on natural drainage patterns, the destruction of important habitat, and the discharge of toxic substances;

(4) rocky islands and seacliffs must be managed so as to avoid the harassment of wildlife, destruction of important habitat, and the introduction of competing or destructive species and predators;

(5) barrier islands and lagoons must be managed so as to maintain adequate flows of sediments, detritus, and water, avoid the alteration or redirection of wave energy which would lead to the filling in of lagoons or the erosion of barrier islands, and discourage activities which would decrease the use of barrier islands by coastal species, including polar bears and nesting birds;

(6) high energy coasts must be managed by assuring the adequate mix and transport of sediments and nutrients and avoiding redirection of transport processes and wave energy; and

(7) rivers, streams, and lakes must be managed to protect natural vegetation, water quality, important fish or wildlife habitat and natural water flow.

(d) Uses and activities in the coastal area which will not conform to the standards contained in (b) and (c) of this section may be allowed by the district or appropriate state agency if the following are established:

(1) there is a significant public need for the proposed use or activity;

(2) there is no feasible prudent alternative to meet the public need for the proposed use or activity which would conform to the standards contained in (b) and (c) of this section; and

(3) all feasible and prudent steps to maximize conformance with the standards contained in (b) and (c) of this section will be taken.

(e) In applying this section, districts and state agencies may use appropriate expertise, including regional programs referred to in sec. 30(b) of this chapter. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.040

6 AAC 80.140. AIR, LAND, AND WATER QUALITY. Notwithstanding any other provision of this chapter, the statutes pertaining to and the regulations and procedures of the Alaska Department of Environmental Conservation with respect to the protection of air, land, and water quality are incorporated into the Alaska coastal management program and, as administered by that agency, constitute the components of the coastal management program with respect to those purposes. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.040

6 AAC 80.150. HISTORIC, PREHISTORIC, AND ARCHAEOLOGICAL RESOURCES. Districts and appropriate state agencies shall identify areas of the coast which are important to the study, understanding, or illustration of national, state, or local history or prehistory. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.040

ARTICLE 4. AREAS WHICH MERIT SPECIAL ATTENTION

Section

160. Areas which merit special attention

6 AAC 80.160. AREAS WHICH MERIT SPECIAL ATTENTION. (a) Districts and appropriate state agencies shall recommend to the council areas to be designated as areas which merit special attention. Recommendations must include the following information:

(1) the basis or bases for designation under AS 46.40.210(1) or (b) of this section;

(2) a map showing the geographical location, surface area and where appropriate, bathymetry of the area;

(3) a description of the area which includes dominant physical and biological features;

(4) the existing ownership, jurisdiction, and management status of the area, including existing uses and activities;

(5) the existing ownership, jurisdiction, and management status of adjacent shoreland and sea areas, including existing uses and activities;

(6) present and anticipated conflicts among uses and activities within or adjacent to the area, if any; and

(7) a proposed management scheme, consisting of the following:

(A) a description of the uses and activities which will be considered proper and the uses and activities which will be considered improper with respect to land and water within the area;

(B) a summary or statement of the policies which will be applied in managing the area; and

(C) an identification of the authority which will be used to implement the proposed management scheme.

(b) In addition to the categories contained in AS 46.40.210(1), areas which merit special attention may include the following:

(1) areas important for subsistence hunting, fishing, food gathering, and foraging;

(2) areas with special scientific values or opportunities, including those where ongoing research projects could be jeopardized by development or conflicting uses and activities; and

(3) potential estuarine or marine sanctuaries.

(c) Management schemes for areas which merit special attention must preserve, protect, enhance, or restore the value or values for which the area was designated.

(d) As used in this section, "areas which merit special attention" has the same meaning as in AS 46.40.210(1). (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.040

ARTICLE 5. GENERAL PROVISIONS

Section 900. Definitions

6 AAC 80.900. DEFINITIONS. Unless the context indicates otherwise, in this chapter

On May 29, 1979, 6 AAC 80.160(a), AREAS WHICH MERIT SPECIAL ATTENTION, was amended to read:

(a) Any person may recommend to a district or to the council areas to be designated as areas which merit special attention. Districts shall designate in district programs areas which merit special attention. Areas which are not in districts and which merit special attention shall be designated by the council with the concurrence of appropriate state agencies, municipalities, and villages affected by the designation. Designations must include the following information:

(1) the basis or bases for designation under AS 46.40.210(1) or (b) of this section;

(2) a map showing the geographical location, surface area and, where appropriate, bathymetry of the area;

(3) a description of the area which includes dominant physical and biological features;

(4) the existing ownership, jurisdiction, and management status of the area, including existing uses and activities;

(5) the existing ownership, jurisdiction, and management status of adjacent shoreland and sea areas, including existing uses and activities;

(6) present and anticipated conflicts among uses and activities within or adjacent to the area, if any; and

(7) a proposed management scheme, consisting of the following:

(A) a description of the uses and activities which will be considered proper and the uses and activities which will be considered improper with respect to land and water within the area;

(B) a summary or statement of the policies which will be applied in managing the area; and

(1) "barrier islands and lagoons" means depositional coastal environments formed by deposits of sediment offshore or coastal remnants which form a barrier of low-lying islands and bars protecting a salt-water lagoon with free exchange of water to the sea;

(2) "coastal water" means all water bodies in the coastal area, including wetlands and the intertidal area;

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

(4) "district" means a coastal resource district as defined in AS 46.40.210(2);

(5) "district program" means a district coastal management program;

(6) "estuary" means a semiclosed coastal body of water which has a free connection with the sea and within which seawater is measurably diluted with freshwater derived from land drainage;

(7) "exposed high-energy coasts" means open and unprotected sections of coastline with exposure to ocean generated wave impacts and usually characterized by coarse sand, gravel, boulder beaches, and well-mixed coastal water;

(8) "facilities related to commercial fishing and seafood processing" includes hatcheries and related facilities, seafood processing plants and support facilities, marine industrial and commercial facilities, and aquaculture facilities;

(9) "geophysical hazards" includes potential flooding, tsunami run-up, landslides, snowslides, severe faults, and ice hazards;

(10) "mining and mineral processing" means the development of mineral resources extracted in tidal rivers, coastal water, and on continental shelves of the open sea, and found in surface, subsurface, and aqueous deposits;

(11) "offshore areas" means submerged lands and waters seaward of the coastline;

(12) "rocky islands and seacliffs" means islands of volcanic or tectonic origin with rocky shores and steep faces, offshore rocks, capes, and steep rocky seafronts;

(13) "tidflats" means mostly unvegetated areas that are alternately exposed and inundated by the falling and rising of the tide;

(14) "transportation and utility routes and facilities" include power transmission lines, mineral slurry lines, oil and gas pipelines, land and marine corridors, railways, highways, roadways, air terminals, water and sewage transfer, and facilities required to operate and maintain the route or facility;

(15) "upland" means drainages, aquifers, and land, the use of which would have a direct and significant impact on coastal water;

(16) "uses of state concern" has the same meaning as in AS 46.40.210(6);

(17) "water-dependent" means a use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body;

(18) "water-related" means a use or activity which is not directly dependent upon access to a water body, but which provides goods or services that are directly associated with water-dependence and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered;

(19) "wetlands" includes both freshwater and saltwater wetlands; "freshwater wetlands" means those environments characterized by rooted vegetation which is partially submerged either continuously or periodically by surface freshwater with less than .5 parts per thousand salt content and not exceeding three meters in

(C) an identification of the authority which will be used to implement the proposed management scheme.

On May 29, 1979, 6 AAC 80.900(9), was amended to read:

(9) "geophysical hazard areas" means those areas which present a threat to life or property from geophysical or geological hazards, including flooding, tsunami run-up, storm surge run-up, landslides, snowslides, faults, ice hazards, erosion, and littoral beach process;

depth; "saltwater wetlands" means those coastal areas along sheltered shorelines characterized by halophytic hydrophytes and macroalgae extending from extreme low tide to an area above extreme high tide which is influenced by sea spray or tidally induced water table changes. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.040

CHAPTER 85. GUIDELINES FOR DISTRICT COASTAL MANAGEMENT PROGRAMS

Article

1. Program Elements
2. Government Process
3. General Provisions

ARTICLE 1. PROGRAM ELEMENTS

Section

10. Coverage of chapter
20. Needs, objectives, and goals
30. Organization
40. Boundaries
50. Resource inventory
60. Resource analysis
70. Subject uses
80. Proper and improper uses
90. Policies
100. Implementation
110. Public participation

On May 29, 1979, 6 AAC 80.900, DEFINITIONS, was amended to read:

6 AAC 80.900, DEFINITIONS. Unless the context indicates otherwise, in this chapter

(20) "feasible and prudent" means consistent with sound engineering practice and not causing environmental, social, or economic problems that outweigh the public benefit to be derived from compliance with the standard which is modified by the term "feasible and prudent":

(21) "including" means including but not limited to;

(22) "major energy facility" includes marine service bases and storage depots, pipelines and rights-of-way, drilling rigs and platforms, petroleum or coal separation, treatment, or storage facilities, liquid natural gas plants and terminals, oil terminals and other port development for the transfer of energy products, petrochemical plants, refineries and associated facilities, hydroelectric projects, other electric generating plants, transmission lines, uranium enrichment or nuclear fuel processing facilities, and geothermal facilities; "major energy facility" means a development of more than local concern carried out in, or in close proximity to, the coastal area, which meets one or more of the following criteria:

(1) a facility required to support energy operations for exploration or production purposes;

(2) a facility used to produce, convert, process, or store energy resources or marketable products;

(3) a facility used to transfer, transport, import, or export energy resources or marketable products;

(4) a facility used for in-state energy use; or

(5) a facility used primarily for the manufacture, production,

6 AAC 85.010. COVERAGE OF CHAPTER.

(a) This chapter contains guidelines for the use of and application by districts in carrying out their responsibilities under the Alaska Coastal Management Act (AS 46.40 and AS 44.19.891 - 44.19.894).

(b) At a minimum, the council will review this chapter annually. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.020. NEEDS, OBJECTIVES, AND GOALS. Each district program must include a statement of the district's overall coastal management needs, objectives, or goals, or the district's comprehensive land and resource use plan. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.030. ORGANIZATION. Each district program must include a description of the district program organization for coastal management. Budgetary and staff needs and, where appropriate, a schedule for necessary reorganization must be included. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.040. BOUNDARIES. (a) Each district program must include a map of the boundaries of the coastal area within the district subject to the district program.

(b) Before council approval of the district program, initial boundaries must be based on *Biophysical Boundaries of Alaska's Coastal Zone* (published by the Office of Coastal Management and the Alaska Department of Fish and Game, 1978, a copy of which is on file with the Office of the Lieutenant Governor, and which is available from the Office of Coastal Management) and must include the zone of direct interaction and the zone of direct influence.

(c) Final boundaries of the coastal area subject to the district program may diverge from the initial boundaries if the final boundaries

(1) extend inland and seaward to the extent necessary to manage uses and activities that have or are likely to have a direct and significant impact on marine coastal water; and

(2) include all transitional and intertidal areas, salt marshes, saltwater wetlands, islands, and beaches.

(d) If the criteria in (c) of this section are met, final boundaries of the coastal area subject to the district program may be based on political jurisdiction, cultural features, planning areas, watersheds, topographic features, uniform setbacks, or the dependency of uses and activities on water access.

(e) The boundaries of the district must be sufficiently compatible with those of adjoining areas to allow consistent administration of the Alaska coastal management program. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

or assembly of equipment, machinery, products, or devices which are involved in any activity described in (1) - (4) of this paragraph;

On May 29, 1979, 6 AAC 85.040(a), BOUNDARIES, was amended to read:

(a) Each district must include a map of the boundaries of the coastal area within the district subject to the district program. Boundaries must enclose those lands which would reasonably be included in the coastal area subject to the district program if they were not subject to the exclusive jurisdiction of the federal government.

6 AAC 85.010. COVERAGE OF CHAPTER.

(a) This chapter contains guidelines for the use of and application by districts in carrying out their responsibilities under the Alaska Coastal Management Act (AS 46.40 and AS 44.19.891 - 44.19.894).

(b) At a minimum, the council will review this chapter annually. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.020. NEEDS, OBJECTIVES, AND GOALS. Each district program must include a statement of the district's overall coastal management needs, objectives, or goals, or the district's comprehensive land and resource use plan. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.030. ORGANIZATION. Each district program must include a description of the district program organization for coastal management. Budgetary and staff needs and, where appropriate, a schedule for necessary 1978, a copy of which is on file with the Office of the Lieutenant Governor, and which is available from the Office of Coastal Management) and must include the zone of direct interaction and the zone of direct influence.

(c) Final boundaries of the coastal area subject to the district program may diverge from the initial boundaries if the final boundaries

(1) extend inland and seaward to the extent

reorganization must be included. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.040. BOUNDARIES. (a) Each district program must include a map of the boundaries of the coastal area within the district subject to the district program.

(b) Before council approval of the district program, initial boundaries must be based on *Biophysical Boundaries of Alaska's Coastal Zone* (published by the Office of Coastal Management and the Alaska Department of Fish and Game, necessary to manage uses and activities that have or are likely to have a direct and significant impact on marine coastal water; and

(2) include all transitional and intertidal areas, salt marshes, saltwater wetlands, islands, and beaches.

(d) If the criteria in (c) of this section are met, final boundaries of the coastal area subject to the district program may be based on political jurisdiction, cultural features, planning areas, watersheds, topographic features, uniform setbacks, or the dependency of uses and activities on water access.

(e) The boundaries of the district must be sufficiently compatible with those of adjoining areas to allow consistent administration of the Alaska coastal management program. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

or assembly of equipment, machinery, products, or devices which are involved in any activity described in (1) - (4) of this paragraph;

On May 29, 1979, 6 AAC 85.040(a), BOUNDARIES, was amended to read:

(a) Each district must include a map of the boundaries of the coastal area within the district subject to the district program. Boundaries must enclose those lands which would reasonably be included in the coastal area subject to the district program if they were not subject to the exclusive jurisdiction of the federal government.

6 AAC 85.050. RESOURCE INVENTORY. Each district program must include a resource inventory which describes, in a manner sufficient for program development and implementation

(1) habitats listed in 6 AAC 80.130 that are found within or adjacent to the district;

(2) major cultural resources that are found within or adjacent to the district;

(3) major land and water uses and activities which are conducted within or adjacent to the district;

(4) major land and resource ownership and management responsibilities within or adjacent to the district; and

(5) major historic, prehistoric, and archaeological resources which are found within or adjacent to the district. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.060. RESOURCE ANALYSIS. Each district program must include a resource analysis which describes, in a manner sufficient for program development and implementation

(1) significant anticipated changes in the matters identified under sec. 50 of this chapter;

(2) an evaluation of the environmental capability and sensitivity of resources and habitats, including cultural resources, for land and water uses and activities, and

(3) an assessment of the present and anticipated needs and demands for coastal habitats and resources. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.070. SUBJECT USES. Each district program must include a description of the land and water uses and activities which are subject to the district program. The uses and activities mentioned in ch. 80 of this title are, if program. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.080. PROPER AND IMPROPER USES. Each district program must include a description of the uses and activities, including uses of state concern, that will be considered proper, and the uses and activities, including uses of state concern, that will be considered improper within the coastal area, including land and water use designations. This description must be based on the district's statement of overall needs, objectives, or goals, or the district's comprehensive land and resource use plan, under sec. 20 of this chapter, and must be consistent with the standards contained in ch. 80 of this title. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.090. POLICIES. Each district program must include a summary or statement of the policies that will be applied to land and water uses and activities subject to the district program and the process which will be used to determine whether specific proposals for land and water uses and activities will be allowed. It shall be the general policy of the district to approve specific proposals for uses and activities within areas designated for those uses and activities under sec. 80 of this chapter. Districts shall use existing means appropriate for the evaluation of specific proposals to the greatest extent feasible and prudent. Policies and procedures under this section must be consistent with the standards contained in ch. 80 of this title and must meet the following criteria:

(1) comprehensiveness, so as to apply to all uses, activities and areas in need of management;

(2) specificity, so as to allow clear understanding of who will be affected by the district program, how they will be affected, and whether specific proposals for land and water uses and activities will be allowed; and

(3) enforceability, so as to insure implementation of and adherence to the district applicable, subject to the district program. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.100. IMPLEMENTATION. Each district program must include a description of the methods and authority which will be used to implement the district program. Methods and authority must be adequate to insure program implementation, and any additional methods or authority which are required must be specified. Methods and authority include land and water use plans, municipal ordinances and resolutions, (including shoreline, zoning, and subdivision ordinances and building codes), state and federal statutes and regulations, capital improvement programs, the purchase, sale, lease, or exchange of coastal land and water resources, cooperative agreements, tax exemptions for nondevelopment purchase of development rights, memoranda of understanding, and coordinated project or permit review procedures. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.110. PUBLIC PARTICIPATION. Each district program must include evidence of effective and significant opportunities for public participation in program development under sec. 130 of this chapter. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.030

ARTICLE 2. GOVERNMENT PROCESS

Section

- 120. Submittals to council
- 130. Public involvement
- 140. Coordination and review
- 150. Council review

6 AAC 85.120. SUBMITTALS TO COUNCIL. (a) During program development, districts shall submit brief annual progress reports concerning program development to the council.

(b) Following adoption of the final program, districts shall submit brief annual progress reports concerning program implementation to the council.

(c) All significant amendments to the district program must be submitted to the council for approval. The Office of Coastal Management shall review proposed amendments to determine if council approval is required. This determination is subject to council review when requested by a council member.

(d) Districts shall give conceptual approval to district programs and significant amendments to district programs before their submission to the council. The district program as approved by the council becomes effective upon adoption by the district. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.130. PUBLIC INVOLVEMENT. (a) No less than two public meetings must be held within the district during program development to inform the public and receive comments concerning the program. A brief summary or report of the matters considered at the public meeting held under this subsection must be prepared by the district, made available to the public, and retained for inclusion in the record file referred to in sec. 150(c) of this chapter.

(b) At least 30 days before giving conceptual approval to the district program or significant amendment to the district program, the district shall give public notice of the proposed action by conspicuous advertisement in a newspaper of general circulation within the district. The notice must specify the time and place of a public hearing on the proposed action. The public hearing under this subsection may be held not sooner than 10 days after publication of the notice. At the public hearing, each interested person must be given the opportunity to present statements, arguments, or contentions, orally or in writing. Districts shall ensure that, where reasonably requested, translation into the appropriate Native language is provided. The district shall consider all relevant matter presented to it. A written transcript or electronic recording of the public hearing must be submitted to the council.

(c) In addition to the requirements of (b) of this section, districts shall provide publicly advertised opportunities for public involvement in the development of all program elements contained in secs. 20 - 110 of this chapter.

(d) Districts shall provide the public, in a timely manner and in understandable form, information explaining the district coastal management program, the requirements of public participation in program development, how and when the public may participate in program development, what information is

available, and where that information may be obtained. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.140. COORDINATION AND REVIEW. Districts shall provide opportunities for coordination and review by federal, state, and local governmental agencies, including adjacent districts, and other persons with a significant interest in coastal resources or who are conducting or may conduct uses and activities that have or are likely to have a direct and significant impact on the district's coastal area. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.150. COUNCIL REVIEW. (a) When a district program or significant amendment to a district program is given conceptual approval by the district, the program or amendment, together with the transcript or recording of the public hearing held under sec. 130(b) of this chapter and all other material on which the district based its decision, must be submitted to the council.

(b) Within 30 days after submission of the

district program or amendment under (a) of this section, the Office of Coastal Management shall issue its recommendation. The recommendation may be based, in whole or in part, on matters not submitted by the district under (a) of this section. Any matters so used must be identified in the recommendation and placed in the record file under (c) of this section. The recommendation must contain findings and conclusions based on this chapter, the standards contained in ch. 80 of this title, AS 46.40.060, and AS 46.40.070. The recommendation must be served on the district, the council, and all persons who testified or submitted timely written statements at the public hearing held under sec. 130(b) of this chapter.

(c) A record file containing all matter submitted by the district under (a) of this section, the Office of Coastal Management's recommendation under (b) of this section, and all matters on which the recommendation was based must be maintained at the Office of Coastal Management and at a convenient location within the district.

(d) Within 30 days after service of the recommendation, any person served with the recommendation may serve upon the council comments on the recommendation. Within 10 days after the deadline for serving comments on

On May 29, 1979, 6 AAC 85.130(b), PUBLIC INVOLVEMENT, was amended to read:

(b) At least 60 days before giving conceptual approval to the district program or significant amendment to the district program, the district shall give written notice to the council and any person who has requested notice in writing, as well as public notice of the proposed action by conspicuous advertisement in a newspaper of general circulation within the district. In addition, notice must be given by radio and by posting in villages and municipalities within the district. The notice must specify the time and place of a public hearing on the proposed action and the availability for review of the proposed district program document or significant amendment to the district program. The public hearing under this subsection may be held not sooner than 30 days after notice is given. At the public hearing, each person must be given the opportunity to present statements, arguments, or contentions, orally or in writing. Districts shall insure that, where appropriate, translation into the appropriate Native language(s) is provided. The district shall consider all relevant matter presented to it. A written transcript or electronic recording of the public hearing must be submitted to the council.

the council under this subsection, the Office of Coastal Management may submit additional matter to the council in response to the comments. All comments served and all additional matter submitted under this subsection will be placed in the record file.

(e) Within 20 days after the deadline for the Office of Coastal Management's submission of additional matter to the council under (d) of this section, the council will approve or disapprove the district program, in whole or in part. The council's decision will contain findings and conclusions based on this chapter, the standards contained in ch. 80 of this title, AS 46.40.060, and AS 46.40.070. The council's findings and conclusions will be based upon matters contained in the record file. The council will, in its discretion, adopt the findings and

conclusions of the Office of Coastal Management by reference. The council will serve its decision under this subsection on the district and on all persons who submitted timely comments on the staff recommendation under (d) of this section, and will place the decision in the record file.

(f) If the council's decision under (e) of this section disapproves, in whole or in part, the district program, the decision will specify the date and location for the initial mediation session under AS 46.40.060(b). Mediation sessions will be held within the district and will be scheduled with due regard for the convenience of the participants. Any person served with the council's decision under (e) of this section may attend mediation sessions.

On May 29, 1979, 6 AAC 85.150, COUNCIL REVIEW, was amended to read:

(a) (((No changes.)))

(b) Within 30 days after submission of the district program or amendment under (a) of this section, the Office of Coastal Management shall issue its recommendation. The recommendation may be based, in whole or in part, on matters not submitted by the district under (a) of this section. Any matters so used must be identified in the recommendation and placed in the record file under (c) of this section. The recommendation must contain findings and conclusions based on this chapter, the standards contained in ch. 80 of this title, AS 46.40.060, and AS 46.40.070. The recommendation must be served on the district, the council, all persons who testified or submitted timely written statements at the public hearing held under sec. 130(b) of this chapter, and all persons who have requested the recommendation in writing. Broad public notice of the recommendation must be given.

(c) (((No changes.)))

(d) Within 30 days after service of the recommendation, any person served with the recommendation may serve on the council comments on the recommendation. Within 30 days after public notice of the recommendation, any other person may serve on the council comments on the recommendation. Within 10 days after the deadline for serving comments on the council under this subsection, the Office of Coastal Management may submit additional matter to the council in response to the comments. All comments served and all additional matter submitted under this subsection will be placed in the record file. The Office of Coastal Management shall respond to all comments within 30 days of receipt.

(e) (((No changes.)))

(g) If the council and district reach accord in mediation sessions held under (f) of this section, the council will, within 20 days after reaching accord, serve its modified decision on the district and all persons who were served with the council's decision under (e) of this section, and will place the modified decision in the record file. The modified decision will contain findings and conclusions, based on the record file and additional matters adduced during mediation, necessary to demonstrate that the modified decision does not violate this chapter, the standards contained in ch. 80 of this title, AS 46.40.060, or AS 46.40.070.

(h) If the council and the district do not reach an accord, the council will, within 20 days after its determination that an impasse has been reached, set the matter for an adjudicatory hearing under AS 46.40.060(c). Notice of the hearing under AS 44.62.370(c) will be served on the district and all persons who were served with the council's decision under (e) of this section. Any person served with notice of the hearing under this subsection may intervene as a party to the hearing. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

ARTICLE 3. GENERAL PROVISIONS

Section

900. Definitions

6 AAC 85.900. DEFINITIONS. Unless the context indicates otherwise, in this chapter

(1) "beaches" means the area affected by wave action directly from the sea;

(2) "marine coastal water" means water adjacent to shorelines which contains a measurable quantity of seawater, including sounds, bays, lagoons, bayous, ponds and estuaries, and the living resources which are dependent on these bodies of water;

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

(4) "district" means a coastal resource district as defined in AS 46.40.210(2);

(5) "district program" means a district coastal management program;

(6) "islands" means bodies of land

On May 29, 1979, 6 AAC 85.150(f), COUNCIL REVIEW, was amended to read:

(f) If the council's decision under (e) of this section disapproves, in whole or in part, the district program, the decision will specify the date and location for the initial mediation session under AS 46.40.060(b). Mediation sessions will be held with due regard for the convenience of the participants. Any person may attend mediation sessions.

surrounded by water on all sides; interior portions of major islands may be excluded from the coastal area if uses of these islands do not cause direct and significant impacts on coastal waters;

(7) "saltwater wetlands" has the same meaning as that contained in 6 AAC 80.900(19); and

(8) "transitional and intertidal areas" means areas subject to periodic or occasional inundation by tides, including coastal floodplains, storm surge areas, tsunami and hurricane zones, and washover channels. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

On May 29, 1979, 6 AAC 85.900, DEFINITIONS, was amended by adding new subsections to read:

(9) "feasible and prudent" has the same meaning as in 6 AAC 80.900;

(10) "including" has the same meaning as in 6 AAC 80.900.

6
SCOMM

10:10

April 10, 1980

Don Gilman, Co-chair
Alaska Coastal Policy Council
Soldotna, Alaska
and
John Haltermann, Co-chair
Alaska Coastal Policy Council
Juneau, Alaska

Dear Messrs. Gilman and Haltermann:

Recently Representative Osterback sponsored, through the House Resources Committee, HB 992, An Act relating to the formation of coastal resource service areas; and providing for an effective date. This bill, as I understand it, seeks to solve problems encountered in the Alaska Peninsula/Aleutian chain in establishing viable coastal resource service districts.

A similar bill may be introduced on the Senate side, by Senator Mulcahy. As Chair of the Senate Community and Regional Affairs Committee, I would appreciate hearing from you regarding this bill--your and the Council's view both of the problem and of this particular solution to that problem.

Thank you for your cooperation.

Sincerely,

Arliss Sturgulewski
Senator, District 10-H



Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V

State Capitol

Juneau, Alaska 99811

Official Business

BILL NUMBER AND TITLE: HB 992 Coastal Resource Service Areas

ORIGINAL SPONSOR: Osterback (Resources
RECEIVED FROM: Committee)

OTHER SPONSORS: _____
FURTHER REFERRALS: _____

HEARING DATE: 4/28/80

MEMBERS PRESENT: Bill Parker X
Margaret Branson X
Pat O'Connell

Pat Carney X
Charlie Parr X
Fred Zharoff X
Ray Metcalfe

Rep. Alvin Osterback, Sponsor

Uses map to discuss problem which exists particularly in the Aleutian Chain area. Sand Point and King Cove would like to work together on developing a coastal management program independently of the rest of REAA 8 which is noncontiguous. Refers to correspondence between Dept. C&RA and the communities on the issue.

Parr - Questions the effect of such a subdivision on the planning for Outer Continental Shelf activities.

Murray Walsh, Office of CZM

Bottomfish and OCS impacts would be addressed in the planning process regardless of the size of the coastal resource service area.

Veronica Clark, Dept. C&RA

Dept. supports the concept of the bill as does the Alaska Coastal Policy Council which endorsed the proposal.

Parr - Questions effect on Council representation of HB992.

Clark

Nine regions of the state have representation on the Council and HB 992 wouldn't effect this. Clark generally addressed problems with the inability to subdivide REAAs in the Prince of Wales area and Southeast Ak. in particular. It is her perception that planning hasn't been initiated thus far as people aren't aware or convinced that they have some- to gain from the planning exercise.

Parker - Questions if it is the intent in the proposed CS work draft that one first class or home rule city could exclude itself while another might be required to be included in the subdivided area? This point needs to be clarified in the final CS.

COMMITTEE ACTION: Supports drafting of CS with clarifications noted by Committee members.

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9 2 00-712

Zharoff - Suggests that other "features" might be relevant to be included on p. 1.

Carney - Other "features" would probably be brought out during the public hearing process.

Parr - At the least, economic and ecological considerations should be mentioned.

Committee concurs that a CS be drafted based on the work draft.

Original sponsor: Rules/Legislative Budget
and Audit Committee

Offered: 5/22/80
Referred: Finance

1 IN THE HOUSE

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

2

SENATE CS FOR CS FOR HOUSE BILL NO. 932

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act creating the Rural Development Council; and
7 providing for an effective date."

8

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

9

* Section 1. FINDINGS; POLICY, PURPOSE. (a) The legislature finds that
10 there is a public interest in the development of a healthy private economic
11 base in rural Alaska, that the rural areas of the state and the many small
12 communities of the state have been in economic crisis for decades, and that
13 in many rural communities a private economic base has ceased to exist which
14 conditions endanger the economic, social, and cultural well-being of the
15 state's rural citizens and the healthy growth and balance of the state's
16 entire economy. The legislature further finds that while many opportunities
17 for economic growth may be available to rural areas, the problems of the
18 state's rural areas are many and complex, spreading beyond the confines or
19 authority of any one program, any one government, or any one policymaker and
20 therefore requiring a special initiative on the part of all concerned parties.
21

22

(b) It is the policy of the legislature that

23

(1) villages and small communities should have access to economic
24 development opportunities;

25

(2) there is a special commitment to the development of a private
26 economic base for villages and small communities;

27

(3) the state should use its resources and financial strength to
28 encourage the development of a healthy, self-sustaining rural economy;

29

(4) the state has the primary policy responsibility to act and to

1 catalyze commitment among many interests, including the state, federal govern-
2 ment, local governments, and the private sector to promote a private economy
3 in rural areas;

4 (5) the advocacy of a private economy compatible with preservation
5 of the subsistence economy should be one of the highest priorities of state
6 policy.

7 (c) It is the purpose of this Act to create a governmental structure
8 that will function as an advocate of rural areas and small communities pre-
9 senting development issues before state, federal, and local governments, and
10 in the private sectors, and which will assist rural people and institutions
11 in laying the foundations of a healthy rural private economic base.

12 * Sec. 2. AS 44.19 is amended by adding new sections to read:

13 ARTICLE 3C. RURAL DEVELOPMENT COUNCIL.

14 Sec. 44.19.191. COUNCIL ESTABLISHED. (a) There is established in
15 the Office of the Governor the Rural Development Council. The council
16 consists of

17 (1) a person appointed by the governor and designated as
18 chairman of the council;

19 (2) a member of each house of the legislature appointed by
20 the presiding officer of that house;

21 (3) the commissioners of the departments of transportation
22 and public facilities, commerce and economic development, and community
23 and regional affairs, and the director of the division of policy de-
24 velopment and planning;

25 (4) six representatives of the private sector appointed by
26 the governor who are residents of the rural area or small communities;

27 (5) the Alaska state director of the Farmers Home Administra-
28 tion of the United States Department of Agriculture, the Special Assis-
29 tant to the Secretary of the United States Department of the Interior in

1 Alaska, and a designated representative of the Region X Rural Develop-
2 ment Task Force, who are ex officio members of the council and may
3 attend and participate in all meetings of the council but may not vote.

4 (b) The members of the council appointed by the governor serve at
5 the pleasure of the governor.

6 (c) The council may invite representatives from state and federal
7 agencies, local governments, or other groups and interested individuals
8 to participate as nonvoting participants as the council considers appro-
9 priate.

10 (d) The chairman of the council is the person designated by the
11 governor as chairman. The chairman may appoint a vice-chairman.

12 (e) Members of the council serve without compensation but are
13 entitled to per diem and travel expenses provided by law for members of
14 boards and commissions.

15 Sec. 44.19.201. EXECUTIVE DIRECTOR. An employee of the Office of
16 the Governor designated by the governor is executive director of the
17 council.

18 Sec. 44.19.211. POLICY AND COORDINATION. The council shall pro-
19 vide policy recommendations to the legislature and to the governor. The
20 chairman of the council shall assist the director in coordinating the
21 economic development activities of all departments and agencies of
22 government so that the need for those activities and the impact of those
23 activities on small communities and rural areas is considered and assist
24 in coordinating the activities of departments and agencies of government
25 which have field responsibilities in the rural areas to the extent that
26 those activities relate to economic development. The council shall also
27 assist the governor in his advocacy function.

28 Sec. 44.19.216. MEETINGS. The council shall meet at the call of
29 the governor or the chairman or at the request of a majority of the

1 members. The council shall meet at least four times a year at a regu-
2 larly scheduled time as determined by the members. The council may
3 convene meetings of heads of agencies or departments which are concerned
4 with rural matters or economic development if the council determines a
5 meeting to be useful.

6 Sec. 44.19.221. POWERS AND DUTIES OF THE COUNCIL. The council
7 shall

8 (1) investigate and assess rural conditions;

9 (2) act as advocate for the development of an economic base
10 which is compatible with preservation of the subsistence economy in
11 rural Alaska, for community development and for public services which
12 will enhance the opportunity for growth of an economic base in small
13 communities and rural Alaska, and for other matters and programs useful
14 to development of the private economy in rural Alaska;

15 (3) develop and recommend to the governor and the legislature
16 rural development goals and policies;

17 (4) recommend to the governor and the legislature activities,
18 programs, projects, or strategies which will stimulate rural development
19 in Alaska in accordance with adopted state rural development policies;

20 (5) recommend to the governor and the legislature the most
21 effective uses of available federal money to implement the priorities
22 itemized in (4) of this section;

23 (6) assist in the interagency and intergovernmental coordina-
24 tion of economic development issues, activities, and projects in Alaska;

25 (7) submit to the governor, within one year of the effective
26 date of this Act and on a yearly basis thereafter, a report containing
27 a summary of the council's activities regarding the duties under (1),
28 (3), (4), (11), and (12) of this section and making recommendations as
29 to future rural development activities;

1 (8) act as advocate for rural development programs which are
2 not within the jurisdiction of a specific department or agency;

3 (9) act as advocate for appropriate technology development
4 and the advancement of entrepreneurial opportunities;

5 (10) encourage and assist in the creation and use of regional
6 development enterprises;

7 (11) identify opportunities for joint investment strategies;

8 (12) facilitate rural development efforts approved by the
9 governor by

10 (A) identifying interagency or intergovernmental pro-
11 cedural obstacles and providing assistance to these efforts in
12 meeting legal requirements;

13 (B) coordinating technical and financial assistance
14 efforts;

15 (C) offering its services as a mediator on specific
16 conflicts arising in rural development issues.

17 Sec. 44.19.226. REPORTS. Before January 15 of each year the
18 council shall submit to the legislature a comprehensive report de-
19 scribing the activities of the council for the preceding year.

20 Sec. 44.19.231. DEFINITIONS. In AS 44.19.191 - 44.19.231

21 (1) "council" means the Rural Development Council;

22 (2) "director" means the executive director of the Rural De-
23 velopment Council.

24 * Sec. 3. AS 44.66.010(a) is amended by adding a new paragraph to read:

25 (8) Rural Development Council (AS 44.19.191 - 44.19.231) --

26 June 30, 1987.

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

Original sponsor: State Affairs Committee

Offered: 4/30/80
Referred: Rules

1 IN THE SENATE

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 562

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the formation of coastal resource
7 service areas; and providing for an effective date."

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

9 * Section 1. AS 46.40.120(a) is amended to read:

10 (a) Except as otherwise provided in [(b) OF] this section, each
11 regional educational attendance area established under AS 14.08.031
12 containing a part of the coastal area may be organized as a coastal
13 resource service area.

14 * Sec. 2. AS 46.40.120 is amended by adding a new subsection to read:

15 (d) For purposes of coastal zone management only, the commissioner
16 of the Department of Community and Regional Affairs may, after public
17 hearings held in the regional educational attendance area affected,
18 divide an existing regional educational attendance area into no more
19 than three coastal resource service areas according to geographic,
20 cultural, economic, environmental, or other features relevant to coastal
21 management planning; however

22 (1) each coastal resource service area formed by dividing an
23 existing regional educational attendance area must contain at least one
24 first class city or home rule city;

25 (2) a city within a coastal resource service area formed by
26 dividing an existing regional educational attendance area may not elect
27 to exclude itself from the coastal resource service area; and

28 (3) a coastal resource service area formed before the effec-
29 tive date of this Act may not be divided for coastal management planning

1 purposes.

2 * Sec. 3. AS 46.40.190 is amended to read:

3 Sec. 46.40.190. COOPERATIVE ADMINISTRATION. (a) A city within
4 the coastal area which is not part of a [AN ADJACENT] coastal resource
5 service area shall be included [MAY INCLUDE ITSELF] for purposes of this
6 chapter within an adjacent coastal resource service area unless [IF] its
7 governing body, by resolution adopted by a majority of its membership,
8 chooses to exclude [CONSENTS TO THE INCLUSION OF] the city from an ad-
9 jacent coastal resource service area and a copy of the resolution is
10 filed with the commissioner of the Department of Community and Regional
11 Affairs.

12 (b) Nothing in this chapter restricts or prohibits cooperative or
13 joint administration of functions between a municipality and a coastal
14 resource service area organized under the provisions of this chapter
15 upon initiation of a mutual agreement for the purpose. A city which
16 elects to be excluded from an adjacent coastal resource service area
17 under (a) of this section shall enter into a mutual agreement for co-
18 operative or joint administration of functions with the coastal resource
19 service area board from the adjacent coastal resource service area.

20 * Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-
21 070(c).

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B - JUNEAU 99811

April 21, 1980

The Honorable Bill Parker
Chairman
Community and Regional Affairs
Committee
Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Mr. Chairman:

At your request, the Department of Community and Regional Affairs has prepared background information on HB 992 and explored alternatives to the bill.

BACKGROUND

The Alaska Coastal Management Act of 1977, as amended, allows residents of the unorganized borough to organize coastal resource districts encompassing one or more regional educational attendance areas (REAAs). The Commissioner of Community and Regional Affairs has authority to combine two or more REAAs into a single coastal resource service area prior to organizational elections. Municipalities which exercise planning powers are also districts; they may join an adjacent coastal resource service area but are not required to do so. Each district prepares a coastal management program to be submitted to the Coastal Policy Council and State Legislature. This system seems to work well in certain areas, but has been received with reservation in others. Attachment 1 lists each coastal REAA and coastal resource districts within each REAA and indicates whether the district's coastal management program is under way or completed. REAAs which have not yet conducted coastal management elections but could do so under the present law are described as "potential" districts.

Coastal resource districts have been organized in three regions of the unorganized borough; another region is seriously considering following suit. Districts have formed in the Northwest Alaska region (REAA 1), the Bering Straits region (REAA 2), and the Yukon/Kuskokwim region (REAAs 3 and 4); district formation is under consideration in the Bristol Bay region (REAAs 6 and 7). These four regions have the following traits in common:

The Honorable Bill Parker
April 21, 1980
Page 2

1. Each region has one dominant regional center: Kotzebue in the Northwest Alaska region; Nome in the Bering Straits region; Bethel in the Yukon/Kuskokwim region and Dillingham in the Bristol Bay region.
2. All of the communities in the Northwest Alaska region and all but one in each of the other regions are second class cities or unincorporated and therefore obtain educational services from an REAA. (First class and home rule cities operate their own school districts.)
3. In two of the three regions which have organized coastal resource districts the regional center has chosen not to join the adjacent service area. Consequently, in the Bering Straits region there are two coastal resource districts, the City of Nome and the Bering Straits Coastal Resource Service Area; in the Yukon/Kuskokwim region, there are also two coastal resource districts, the City of Bethel and the Yukon/Kuskokwim Coastal Resource Service Area.

In addition to the regions discussed in the foregoing paragraphs, there are six coastal REAAs which have not yet organized coastal resource districts. They have the following characteristics:

1. Four of them--the Aleutian Islands (REAA 8), Northern Panhandle (REAA 18), Southern Panhandle (REAA 19) and Prince William Sound (REAA 21)--have several first class or home rule cities each and no dominant regional center. Therefore, each region has several school districts, several coastal resource districts, and no established central gathering place or service center (except Anchorage, Juneau, or Seattle).
2. Federal landholdings consume much of the land within each region. Federally owned land is not part of the State's coastal zone. Settled areas and non-federal land often occur as isolated pockets separated by thousands of acres of federally owned land.

HB 992 resulted from concern that options offered by the Alaska Coastal Management Act may not be well suited to the second set of REAAs discussed above (REAAs 8, 9, 10, 18, 19, 21). Attachment 2 describes advantages and disadvantages of the status quo [AS 46.40120(b)], HB 992, two legislative alternatives and one administrative alternative.

Sincerely,

Marie Matsued-Pignatelli
for Lee McAnerney
Commissioner

Attachments

The Honorable Bill Parker
April 21, 1980
Page 3

cc: The Honorable Arliss Sturgulewski
Alaska State Senate

The Honorable Bob Mulcahy
Alaska State Senate

The Honorable Al Osterback
Alaska State House of Representatives

Keith Specking
Office of the Governor

<u>Region</u>	<u>Coastal Resource Districts</u> (Including cities and boroughs within regions generally defined by REAAs)
REAA 1 Northwest Alaska	* NANA Coastal Resource Service Area
REAA 2 Bering Straits	* Nome * Bering Straits Coastal Resource Service Area
REAA 3&4 Lower Yukon/ Lower Kuskokwim	Bethel * Yukon/Kuskokwim Coastal Resource Service Area
REAA 6&7 Nushagak-Bristol Bay Lake/Peninsula-Bristol Bay	Dillingham * Bristol Bay Borough * Bristol Bay Coastal Resource Service Area (potential)
REAA 8 Aleutian Islands	Unalaska King Cove Sand Point Aleutian Chain Coastal Resource Service Area (potential)
REAA 9 Pribilof Islands	Pribilof Islands Coastal Resource Service Area (potential)
REAA 10 Adak	Adak Coastal Resource Service Area (potential)
REAA 18 Northern Panhandle	* Yakutat * Haines (City) * Skagway * Juneau Pelican Hoonah * Sitka * Kake Northern Panhandle Coastal Resource Service Area (potential)
REAA 19 Southern Panhandle	* Petersburg * Wrangell * Klawock * Craig * Hydaburg * Ketchikan Gateway Borough Southern Panhandle Coastal Resource Service Area (potential)
REAA 20 Metlakatla/Annette	* Annette Islands Indian Reserve
REAA 21 Chugach	* Cordova * Valdez Prince William Sound Coastal Resource Service Area (potential)

* Program under way or completed

Status quo

AS 46.40.120(b) allows the Commissioner of Community and Regional Affairs to consolidate two or more REAAs into one coastal resource service area after considering standards applicable to incorporation of borough governments, the likelihood that a borough would be incorporated within the area, or the extent of federally owned land and water within the area.

HB 992

Under HB 992, AS 46.40.120(b) would be amended to allow the Commissioner of Community and Regional Affairs to not only consolidate two or more REAAs into one coastal resource service area, but also subdivide REAAs into separate coastal resource service areas according to geographic, cultural, or other features relevant to coastal management planning. Borough incorporation standards would also be considered, as would federal ownership of coastal land and water.

Legislative alternative #1

Retain the language of HB 992, but restrict application of the subdivision provision to the Aleutian Chain (REAA 8), Northern Panhandle (REAA 18), Southern Panhandle (REAA 19), and Prince William Sound (REAA 21). Allow the Commissioner of Community and Regional Affairs to combine REAAs with subdivisions of other REAAs if such combinations satisfy standards mentioned in HB 992.

Advantages

By using the REAA as the basic unit for planning in the unorganized borough, the present law does not create any new boundaries for delivery of government services.

HB 992 also uses REAAs as the basic unit of reference for coastal resource service areas.

First-class or home-rule cities of the unorganized borough might be more inclined to join coastal resource service areas smaller than the entire REAA in which they are located.

HB 992 would allow residents to plan for those areas which affect them most directly and with which they are most intimately familiar.

This provision would restrict application of the subdivision section to areas most likely to express interest in them.

Disadvantages

The present law allows first-class and home rule cities (and second-class cities under certain circumstances) to develop coastal management programs separate from the region. Many cities do not see it in their best interest to join forces with an entire REAA. Consequently, coastal resource service areas are not being organized in several REAAs, yet many cities have legitimate interest in influencing development outside their corporate limits.

Indiscriminate subdivision of an REAA could produce fragmented coastal management programs.

The restriction may be unnecessary since coastal resource service areas have organized districts in most of the other coastal REAAs.

There may be constitutional questions about treating regions differently by specifying the geographic area rather than by specifying standards which must be met.

Legislative alternative #2

Retain the language of HB 992, but add the following provision:

If an REAA is divided and an organization election is called in one subdivision, an election will automatically be called in all other subdivisions of the REAA. If any one of the subdivisions elects to organize a district, all other subdivisions are automatically organized. The coastal management program from all subdivisions of an REAA must be coordinated from the outset and submitted simultaneously to enable the Coastal Policy Council and State Legislature to reach a reasonable conclusion about the compatibility of the plans. Although each subdivision would have its own board, there would be a seven-member regional oversight board with representation from the entire REAA (or combination of REAAs) on a one-man, one-vote basis.

Administrative alternative

A coastal resource service area encompassing one or more REAAs could voluntarily organize itself in such a way that board members from one area would meet routinely with local people in that area and use full board meetings as a means to combine sectional ideas and make compromises if necessary.

Advantages

All of the advantages of HB 992.

Greater coordination among plans than would be afforded under HB 922.

Disadvantages

Certain areas may be prematurely coerced into preparing a coastal management program by virtue of actions taken by neighboring areas.

Any section could delay approval of the programs of other sections.

Creation of another layer of government would make the process more cumbersome and costly.

Local involvement in regional coastal management planning with as few new formal structures as possible.

No legislative change would be needed.

The representation and consequent voting strength of any given area on the seven-member service area board would be less in an entire REAA than in a subdivision of it.

STATE OF ALASKA

COASTAL POLICY COUNCIL

April 17, 1980

LOCAL MEMBERS:

Donald Gilman,
Lower Cook Inlet,
Co-Chairman
Stanley Anderson,
Bering Straits
Jon Halliwell,
Northern Southeast
Eben Hopson,
Northwest
Malcolm "Pete" Isleib,
Prince William Sound
John Nicori,
Southwest
Robert Sanderson,
Southern Southeast
Lidia Selkregg,
Upper Cook Inlet
Betty Wallin,
Kodiak-Aleutians

The Honorable Arliss Sturgulewski, Chairman
Senate Community and Regional Affairs Committee
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Sturgulewski:

The Alaska Coastal Policy Council, at its last meeting on March 18 and 19, 1980, took action on four items related to coastal management that will be of interest to the Legislature and in particular to the two Community and Regional Affairs Committees.

STATE MEMBERS:

Frances Ulmer,
Director of Policy
Development &
Planning,
Co-chairman
Robert Ward,
Commissioner of
Transportation &
Public Facilities
Charles Webber,
Commissioner of
Commerce &
Economic
Development
Robert LeResche,
Commissioner of
Natural Resources
Lee McAnerney,
Commissioner of
Community &
Regional Affairs
Ernst Mueller,
Commissioner of
Environmental
Conservation
Ronald Skoog,
Commissioner of
Fish & Game

Resolution 79-2 of the Rural Alaska Coastal Management Conference, requesting Continuation of Coastal Resource Service Area (CRSA) boards, was endorsed by the council with a request for implementation powers deleted. Resolution 79-6 of the Rural Alaska Coastal Management Conference requesting the creation of interior resource districts, was endorsed in its entirety by the council. Copies of the resolutions, as the council endorsed them, are attached for your information.

The council supports CSSB 348, CSSB 349, and CSHB 581, as described by Ms. Margo Waring, which deal with local governments and make provisions for unorganized boroughs, including the division of rural education attendance areas.

Finally, the council voted to request amendment of section 46.40.120 (b) of the Alaska Coastal Management Act as follows:

The Commissioner of the Department of Community and Regional Affairs may, after public hearings held in the area affected, consolidate two or more regional education attendance areas as a single coastal resource service area or may subdivide an existing regional education attendance area, according to geographic, cultural, or other features relevant to coastal management planning.

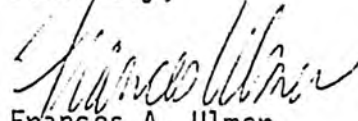
This proposed amendment is now before the House of Representatives as HB 992, currently pending in the House Community and Regional Affairs Committee.



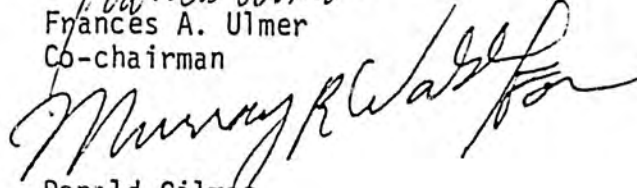
The Honorable Arliss Sturgulewski -2- April 17, 1980

If further information is required, please contact Murry Walsh,
Coordinator of the Office of Coastal Management (465-3540).

Sincerely,



Frances A. Ulmer
Co-chairman



Donald Gilman
Co-chairman

Attachments

RESOLUTION 79-2 OF THE RURAL ALASKA COASTAL MANAGEMENT CONFERENCE

AS ENDORSED BY THE ALASKA COASTAL POLICY COUNCIL

ENTITLED: REQUESTING CONTINUATION OF COASTAL RESOURCE SERVICE AREA
BOARDS.

WHEREAS, the Alaska Coastal Management Act of 1977 allows for the formation of coastal resource service areas in the unorganized borough for the purpose of developing coastal management programs, and

WHEREAS, the Department of Community and Regional Affairs provides funding and technical assistance so that coastal management plans may be developed and approved; and

WHEREAS, the coastal resource service area is formed after an election by the communities in the affected region; and

WHEREAS, the coastal resource service area boards are comprised of members from those various communities; and

WHEREAS, there is currently no provision for funding of coastal resource service area boards after the approval of their plans; and

WHEREAS, there is no mechanism for coastal resource service areas to monitor the implementation of their plans; and

WHEREAS, there is no mechanism for coastal resource service areas to monitor consistency determinations made by state agencies;

NOW THEREFORE BE IT RESOLVED that the Alaska State Legislature amend the Alaska Coastal Management Act of 1977 in order that the coastal resource service boards maintain their identity and be funded after approval by the Coastal Policy Council and the legislature of their coastal management plans.

RESOLUTION 79-6 OF THE RURAL ALASKA COASTAL MANAGEMENT CONFERENCE

AS ENDORSED BY THE ALASKA COASTAL POLICY COUNCIL

ENTITLED: REQUEST FOR CREATION OF INTERIOR RESOURCE DISTRICTS.

WHEREAS, the State of Alaska and the federal government have released oil and gas lease schedules for the next five years; and

WHEREAS, the State of Alaska and the federal government have enacted legislation providing for the formation of coastal resource districts; and

WHEREAS, the federal government and the State of Alaska provide funds for implementation of coastal zone management plans to the coastal districts; and

WHEREAS, the State of Alaska's five year schedule includes oil and gas lease sales in the interior of Alaska; and

WHEREAS, oil and gas development and pipeline construction in the Interior has the same impact as offshore development; and

WHEREAS, these interior areas have no legislative basis for creating district plans and no source of funding districts in the event of oil and gas lease sales and pipeline construction; and

WHEREAS, the Department of Community and Regional Affairs is allocated funds for the development of coastal districts,

Now, therefore, be it

RESOLVED, that the Department of Community and Regional Affairs search for a method of funding resource districts in the areas of the Interior which will be impacted by state oil and gas lease sales and pipeline construction, and

BE IT FURTHER RESOLVED that the Alaska State Legislature fund interim planning districts.

Original sponsor: State Affairs Committee

Offered: 4/30/80
Referred: Rules

1 IN THE SENATE

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 562

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the formation of coastal resource
7 service areas; and providing for an effective date."

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

9 * Section 1. AS 46.40.120(a) is amended to read:

10 (a) Except as otherwise provided in [(b) OF] this section, each
11 regional educational attendance area established under AS 14.08.031
12 containing a part of the coastal area may be organized as a coastal
13 resource service area.

14 * Sec. 2. AS 46.40.120 is amended by adding a new subsection to read:

15 (d) For purposes of coastal zone management only, the commissioner
16 of the Department of Community and Regional Affairs may, after public
17 hearings held in the regional educational attendance area affected,
18 divide an existing regional educational attendance area into no more
19 than three coastal resource service areas according to geographic,
20 cultural, economic, environmental, or other features relevant to coastal
21 management planning; however

22 (1) each coastal resource service area formed by dividing an
23 existing regional educational attendance area must contain at least one
24 first class city or home rule city;

25 (2) a city within a coastal resource service area formed by
26 dividing an existing regional educational attendance area may not elect
27 to exclude itself from the coastal resource service area; and

28 (3) a coastal resource service area formed before the effec-
29 tive date of this Act may not be divided for coastal management planning

1 purposes.

2 * Sec. 3. AS 46.40.190 is amended to read:

3 Sec. 46.40.190. COOPERATIVE ADMINISTRATION. (a) A city within
4 the coastal area which is not part of a [AN ADJACENT] coastal resource
5 service area shall be included [MAY INCLUDE ITSELF] for purposes of this
6 chapter within an adjacent coastal resource service area unless [IF] its
7 governing body, by resolution adopted by a majority of its membership,
8 chooses to exclude [CONSENTS TO THE INCLUSION OF] the city from an ad-
9 jacent coastal resource service area and a copy of the resolution is
10 filed with the commissioner of the Department of Community and Regional
11 Affairs.

12 (b) Nothing in this chapter restricts or prohibits cooperative or
13 joint administration of functions between a municipality and a coastal
14 resource service area organized under the provisions of this chapter
15 upon initiation of a mutual agreement for the purpose. A city which
16 elects to be excluded from an adjacent coastal resource service area
17 under (a) of this section shall enter into a mutual agreement for co-
18 operative or joint administration of functions with the coastal resource
19 service area board from the adjacent coastal resource service area.

20 * Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-
21 070(c).

*Outback
Spencer
Woman's Club*

Introduced: 4/3/80
Referred: Community & Regional
Affairs

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 HOUSE BILL NO. 992

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the formation of coastal resource
7 service areas; and providing for an effective date."

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

9 * Section 1. AS 46.40.120(b) is amended to read:

10 (b) The commissioner of the Department of Community and Regional
11 Affairs may, after public hearings held in the area affected, consoli-
12 date two or more regional educational attendance areas as a single
13 coastal resource service area or may divide an existing regional educa-
14 tional attendance area into two or more coastal resource service areas
15 according to geographic, cultural or other features relevant to coastal
16 management planning

17 (1) if a substantial portion of the coastal area contains
18 land and water area owned by the federal government over which it
19 exercises exclusive jurisdiction or land held in trust by the federal
20 government for Alaska Natives over which the state would not exercise
21 control as to use; or

22 (2) if, after giving due consideration to the standards
23 applicable to incorporation of borough governments and the likelihood
24 that a borough will be incorporated within the area, the commissioner
25 determines that the functions to be performed under this chapter could
26 be undertaken more efficiently through the combination of two or more
27 regional educational attendance areas as a single coastal resource
28 service area or through the division of a regional educational attendance
29 area into two or more coastal resource service areas.

1 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
2 070(c).
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Bill/Resolution No. HB 992

Title An Act relating to the formation of coastal resource service areas

Requested by House Community & Regional Affairs Committee Date 4/8/80

II. FISCAL DETAIL

Agency Affected Department of Community & Regional Affairs

Program Category Affected Development

Budget Request Unit(s) Affected Community Planning Services

EXPENDITURES (Thousands of Dollars)

	81 FY ~~88~~	82 FY ~~78~~	83 FY ~~80~~	84 FY ~~81~~	85 FY ~~82~~	86 FY ~~83~~
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

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

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

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

Administrative activities associated with HB 992 would include travel and advertising for public hearings. Costs could be absorbed by the Governor's FY 81 budget request (program area: Natural Resource Management Administration; BRU: Coastal Zone Management). Assuming the Governor's budget for that BRU is approved there should be no additional administrative costs associated with HB 992.

IV. DATE 4/8/80

PREPARED BY Veronica Clark

AGENCY Community and Regional Affairs

PHONE 465-4750

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

SCOMM

10:10A



Official Business

Alaska State Legislature

House of Representatives

Committee on Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

LEGISLATIVE PACKAGE

INTRODUCED BY THE RULES COMMITTEE
BY REQUEST OF THE LEGISLATIVE COUNCIL FOR
THE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE
INTERIM JOINT LOCAL GOVERNMENT STUDY

HB 580	(SB 348)	Establishing unorganized boroughs
HB 581	(SB 350)	Responsibilities of DPDP
HB 582	(SB 349)	Program of Planning Assistance
HB 583	(SB 351)	State aid to local governments
HB 584	(SB 354)	Eliminating the third class borough
HB 585	(SB 353)	Incorporation of second class as Home Rule boroughs
HB 586	(SB 352)	Requiring fiscal notes for bills affecting a municipality

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL (for the
Community and Regional Affairs
Committee Interim Joint Local
Government Study)

1 IN THE SENATE

2 SENATE BILL NO. 348

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing unorganized boroughs, amending the
7 responsibilities of state agencies for state programs
8 and services for residents of organized and unorganized
9 boroughs, and authorizing adoption of home rule char-
10 ters by unorganized boroughs; and providing for an
11 effective date."

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

13 * Section 1. PURPOSE. The purpose of this Act is to provide for the
14 division of the state's single unorganized borough into unorganized boroughs
15 to accommodate the delivery of services and programs by state agencies within
16 common boundaries and to require the collection of data and information about
17 state programs with reference to a set of boundaries adopted for use by all
18 state agencies for the purpose of improving the delivery of state services
19 and encouraging the development of regional responsibilities for the planning
20 and implementation of these services.

21 * Sec. 2. AS 29.03 is amended by adding new sections to read:

22 Sec. 29.03.011. ESTABLISHMENT OF UNORGANIZED BOROUGHs. Except as
23 the boundaries are adjusted as provided in AS 29.03.021, the geographic
24 area within each regional educational attendance area established under
25 AS 14.08.031 is, effective 120 days after the effective date of this
26 Act, established as an unorganized borough.

27 Sec. 29.03.021. ADJUSTMENT OF BOUNDARIES BY COMMISSIONER. The
28 commissioner may, after public hearings in the areas affected, establish
29 boundaries other than the boundaries of a regional educational attend-

1 ance area for an unorganized borough under AS 29.03.011. In making
2 adjustments, the commissioner shall consider the standards applicable to
3 the incorporation of boroughs under AS 29.18.030 and the regional boun-
4 daries adopted by the Native regional corporations established under the
5 Alaska Native Claims Settlement Act. The commissioner may not establish
6 boundaries for an unorganized borough which include territory within
7 more than one Native regional corporation established under the Alaska
8 Native Claims Settlement Act unless the inclusion of the territory is
9 reasonably necessary for the efficient administration of programs and
10 services by state agencies.

11 * Sec. 3. AS 44.17 is amended by adding new sections to read:

12 ARTICLE 2. COLLECTION OF DATA AND INFORMATION

13 ABOUT STATE SERVICES IN DISTRICTS.

14 Sec. 44.17.100. DISTRICTS. Each of the following is a district of
15 the state:

16 (1) a borough or unified municipality incorporated under
17 AS 29; and

18 (2) an unorganized borough determined under AS 29.03.011 -
19 29.03.021.

20 Sec. 44.17.110. DATA AND INFORMATION. Each state agency, in-
21 cluding a board or commission assigned to an agency for administrative
22 purposes, shall provide for the administration of the programs for which
23 it is responsible on the basis of districts designated in AS 44.17.100
24 by

25 (1) collecting data, processing and analyzing statistics, and
26 providing information about programs on the basis of each of the dis-
27 tricts;

28 (2) developing program planning for districts;

29 (3) coordinating program planning for agency activities with

1 the plans and activities of other agencies, municipalities, and federal
2 departments and agencies in each district; and

3 (4) providing information to the governor, legislature and
4 the public for use in the preparation and consideration of the state
5 budget and other legislation bearing on the provision of state services
6 in each district.

7 Sec. 44.17.120. EXEMPTIONS AND MODIFICATIONS. (a) An exemption
8 from AS 44.17.110 may be granted by the legislature to an agency if
9 conformity would cause undue expense, hardship, or decreased efficiency
10 in the development and operation of an agency program. The agency
11 requesting the exemption shall submit to the Legislative Council

12 (1) a written statement naming the program for which the
13 exemption is sought and explaining the reasons for seeking the exemp-
14 tion; and

15 (2) an evaluation of the practicality of conforming to AS 44.-
16 17.110 within a five-year period.

17 (b) The boundaries of a district may be modified by the legisla-
18 ture if the requirements of conformity to the boundaries as set out in
19 AS 44.17.100 would be detrimental to the accomplishment of the objec-
20 tives of an agency program. An agency requesting modification of the
21 boundaries shall submit to the Legislative Council

22 (1) a statement naming the program for which modification of
23 district boundaries is requested and the reasons for seeking a modifica-
24 tion;

25 (2) a map depicting the revised boundaries which will be used
26 if a modification of boundaries is granted; and

27 (3) an evaluation of the likelihood of conforming to the
28 boundaries established in AS 44.17.100 within a five-year period.

29 * Sec. 4. AS 29 is amended by adding a new chapter to read:

1 CHAPTER 19. DIRECT INCORPORATION OF A HOME RULE BOROUGH.

2 Sec. 29.19.010. INCORPORATION. (a) The residents of an unorgan-
3 ized borough established in accordance with AS 29.03.011 - 29.03.021 may
4 apply for the incorporation of a home rule borough. The petition for
5 borough incorporation shall be filed with the Department of Community
6 and Regional Affairs and shall include the information and signatures
7 required by AS 29.18.050. Petitions for incorporation filed under this
8 section shall be processed, reviewed and determined in accordance with
9 AS 29.18.060 - 29.18.090.

10 (b) The standards applicable to the incorporation of an organized
11 borough under art. X, sec. 3 of the state constitution and AS 29.18.030
12 apply to the incorporation of an organized borough under this section.

13 Sec. 29.19.020. CHARTER ELECTION. If the Local Boundary Commis-
14 sion accepts the petition filed under AS 29.19.010, it shall immediately
15 notify the lieutenant governor. Within 30 days after notification, the
16 lieutenant governor shall order an election within the proposed home
17 rule borough to determine whether the voters will elect a charter com-
18 mission of 11 members, and to determine the persons elected to serve on
19 the charter commission. The lieutenant governor shall provide not less
20 than 20 or more than 30 days during which candidates for the charter
21 commission may present nominating petitions. The election on the
22 question of election of a charter commission and the determination of
23 persons elected to serve on the charter commission shall be held not
24 less than 60 or more than 75 days after the date of the election order.

25 Sec. 29.19.030. PREPARATION OF CHARTER. (a) If, at the election
26 called by the lieutenant governor under AS 29.19.020, a majority of the
27 voters favors election of a charter commission, the 11 persons receiving
28 the highest number of votes cast at that election constitutes the char-
29 ter commission. The charter commission shall prepare a proposed charter

1 and submit it to the Department of Community and Regional Affairs within
2 one year of the first meeting of the charter commission. The commis-
3 sioner of community and regional affairs shall review the proposed
4 charter for compliance with laws applicable to home rule municipalities
5 and, if it complies, request the lieutenant governor to submit the
6 proposed borough incorporation petition and proposed home rule charter
7 to residents of the proposed home rule borough. If the proposed charter
8 does not comply with law, the commissioner shall return the proposed
9 charter to the charter commission with a statement of the legal defi-
10 ciencies.

11 (b) Within 90 days of the receipt of comments from the commis-
12 sioner of community and regional affairs with respect to provisions of a
13 proposed home rule charter which are not in compliance with the laws
14 applicable to home rule municipalities, the charter commission may
15 prepare and submit to the commissioner an amended charter which meets
16 the objections in the original proposed charter.

17 (c) Only one original and one amended charter may be submitted to
18 the commissioner of community and regional affairs under this section.

19 Sec. 29.19.040. RATIFICATION OF CHARTER. The lieutenant governor
20 shall order an election on the question of whether the area shall be
21 incorporated as a home rule borough in accordance with the charter
22 approved by the commissioner of community and regional affairs. The
23 proposed charter shall be posted throughout the proposed borough by the
24 lieutenant governor before the election is held. The election shall be
25 held not less than 60 or more than 90 days following the election order.

26 Sec. 29.19.050. RESULTS OF RATIFICATION ELECTION. (a) If a
27 majority of the votes cast by the qualified voters of the proposed
28 borough is against the incorporation of a borough under the proposed
29 home rule charter, the proposal is defeated. ✓ *Look at*

1 (b) If a majority of the votes cast by the qualified voters of the
2 proposed borough favors incorporation of the borough under the proposed
3 home rule charter, the lieutenant governor shall declare that the un-
4 organized borough in which the election was held is incorporated as an
5 organized borough and a municipal corporation in accordance with the
6 provisions of the home rule charter. The lieutenant governor shall
7 provide for the election of the officers provided for in the charter.

8 (c) The election and qualification of officers under (b) of this
9 section shall be completed by the lieutenant governor in accordance with
10 AS 29.18.120 and the provisions of the home rule charter of the borough.

11 Sec. 29.19.060. VOTERS, ELECTIONS AND COSTS. (a) A person is
12 qualified to vote in an election authorized by AS 29.19.010 - 29.19.060
13 if he is qualified to vote in state elections and if he is a resident of
14 the unorganized borough proposed for incorporation as a home rule
15 borough.

16 (b) The lieutenant governor shall conduct elections authorized by
17 AS 29.19.010 - 29.19.050 substantially in the manner provided in the
18 Alaska Election Code (AS 15.05 - 15.60), and shall certify the results
19 of all elections under this chapter. Costs of elections under this
20 chapter shall be paid by the office of the lieutenant governor.

21 (c) Costs of charter preparation under this chapter shall
22 be paid by the Department of Community and Regional Affairs.

23 Sec. 29.19.070. APPLICABILITY OF GENERAL TRANSITIONAL PROVISIONS.
24 The provisions of AS 29.18.130 - 29.18.180 apply to home rule boroughs
25 incorporated under this chapter.

26 * Sec. 5. AS 29.03.010 and 29.03.020 are repealed.

27 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-
28 070(c).

Introduced: 1/21/80
Referred: Community & Regional
Affairs and Finance

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL (for the
Community and Regional Affairs
Committee Interim Joint Local
Government Study)

1 IN THE SENATE

2 SENATE BILL NO. 349

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a program of planning assistance
7 for unorganized boroughs; and providing for an effective
8 date."

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

10 * Section 1. AS 44.47 is amended by adding a new section to read:

11 Sec. 44.47.085. ASSISTANCE FOR DEVELOPMENT OF REGIONAL MANAGEMENT
12 PROGRAMS IN THE UNORGANIZED BOROUGH. (a) For the purpose of preparing
13 a management program for an unorganized borough, the commissioner may
14 contract as provided by this section with

15 (1) a municipality or group of municipalities; or

16 (2) a nonprofit corporation organized under the laws of the
17 state.

18 (b) The commissioner may contract for the preparation of only one
19 management program for each unorganized borough. The commissioner may
20 contract only if he is satisfied that the municipality, group of municipalities,
21 or corporation with which he contracts is capable of preparing a management
22 program that considers the entire population of the unorganized borough.
23

24 (c) A municipality, group of municipalities, or corporation interested in
25 preparing a management program for an unorganized borough may ask the commissioner
26 to request a proposal or [the commissioner may request a proposal on his own initiative.]
27 A request for proposal shall be advertised. The advertisement of a request for a
28 proposal for the preparation of a management program for the unorganized borough shall
29

1 outline the work to be completed, and contain other information which
2 the commissioner believes necessary and which he requires to advise the
3 public of the work to be completed under the contract, and which will
4 assist him in evaluating proposals received. The commissioner shall
5 advertise for a period of not less than 45 days by any means which he
6 believes will provide adequate notice to interested parties and resi-
7 dents of the unorganized borough.

8 (d) After receiving the proposals the commissioner shall evaluate
9 them. The commissioner may refuse all proposals and readvertise, or may
10 accept a proposal and contract in accordance with (e) of this section.

11 (e) A contract entered into under this section shall

12 (1) require that the report to be completed under the con-
13 tract include an analysis and recommendations concerning incorporation
14 of a borough government for all or a portion of the unorganized borough;
15 and

16 (2) provide that

17 (A) the work to be performed shall be completed not
18 later than the June 30 following the third anniversary of the date
19 of the contract;

20 (B) payment for work performed under the contract is
21 subject to legislative appropriation to the account established in
22 (g) of this section; and

23 (C) payment for work performed under the contract during
24 each fiscal year in which the contract is in effect may not exceed
25 the limit established in (h) of this section.

26 (f) A contract entered into under this section may require the
27 contractor to consider additional topics, including but not limited to,

28 (1) evaluation of the economic development potential of the
29 unorganized borough;

ADD

(A process for regional public participation ^{group}
mechanism for representation ^{in an oversight}
function for (regional representation))

- (2) determination of housing and capital facility needs;
- (3) examination of demographic, social and environmental

factors; and

- (4) presentation of a process for developing the report and implementing its recommendations. ^{Have to implement}

(g) There is established in the Department of Community and Regional Affairs the unorganized borough planning account. The account shall be administered by the commissioner and shall be used to pay for contracts entered into under this section.

(h) During each fiscal year, the commissioner may not pay to a contractor under a contract authorized by this section more than \$25,000 plus \$25 per capita for each person residing within the unorganized borough, as determined by the commissioner.

(i) In this section, "unorganized borough" means a subdivision established under AS 29.03.011 - 29.03.021.

* Sec. 2. This Act takes effect on the effective date of a version of an Act entitled, "An Act establishing unorganized boroughs, amending the responsibilities of state agencies for state programs and services that benefit residents of organized and unorganized boroughs, and authorizing adoption of home rule charters by unorganized boroughs; and providing for an effective date."

Introduced: 1/21/80
Referred: Community & Regional
Affairs and Finance

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL (for the
Community and Regional Affairs
Committee Interim Joint Local
Government Study)

1 IN THE SENATE

2 SENATE BILL NO. 350

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the responsibilities of the divi-
7 sion of policy development and planning, Office of the
8 Governor; and providing for an effective date."

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

10 * Section 1. The division of policy development and planning shall study
11 and report to the legislature, not later than January 31, 1981, as to the
12 conformity by state agencies, boards and commissions with the program re-
13 quirements under AS 44.17.100 - 44.17.120, including but not limited to
14 recommendations which require legislation and for the development and im-
15 plementation of a master geographical coding system to report on the coordi-
16 nation of delivery of state services by districts.

17 * Sec. 2. This Act takes effect on the effective date of a version of a
18 bill entitled "An Act establishing unorganized boroughs, amending the respon-
19 sibilities of state agencies for state programs and services for residents of
20 organized and unorganized boroughs, and authorizing adoption of home rule
21 charters by unorganized boroughs; and providing for an effective date."

Introduced: 1/21/80
Referred: Community & Regional
Affairs and Finance

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL (for the
Community and Regional Affairs
Committee Interim Joint Local
Government Study)

1 IN THE SENATE

2 SENATE BILL NO. 351

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state aid to local governments; and
7 providing for an effective date."

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

9 * Section 1. AS 43.18 is amended by adding a new section to read:

10 Sec. 43.18.015. ADDITIONAL ENTITLEMENT. A city or organized
11 borough of any class which is entitled to state aid under AS 43.18.010
12 shall receive additional state aid for each fiscal year in the amount of
13 \$25,000 adjusted to include an area cost-of-living differential deter-
14 mined in accordance with AS 43.18.012.

15 * Sec. 2. This Act takes effect July 1, 1980.

16 *A municipality qualifying settlement*
17 *under AS 29.88 or AS 29.89 shall receive*
18 *a minimum payment of \$25,000 plus a*
19 *area cost-of-living differential for each*
20 *fiscal year -*

Introduced: 1/21/80
Referred: Community & Regional
Affairs and Finance

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL (for the
Community and Regional Affairs
Committee Interim Joint Local
Government Study)

1 IN THE SENATE

2 SENATE BILL NO. 352

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act requiring fiscal notes for bills affecting a
7 municipality."

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

9 * Section 1. AS 24.30.035 is amended to read:

10 Sec. 24.30.035. FISCAL NOTES ON BILLS. Before a bill is reported
11 from the committee of first referral, there shall be attached to the
12 bill a fiscal note containing an estimate of the amount of the appropria-
13 tion increase or decrease which would result from enactment of the bill
14 for the ensuing fiscal year and at least two succeeding fiscal years.
15 If enactment of the bill would require an expenditure or appropriation
16 by any municipality, a fiscal note shall be attached to the bill con-
17 taining an estimate of the amount of the total expenditure or appropria-
18 tion which would be required during each of the first three fiscal
19 years by all affected municipalities. If [OR, IF] the bill has no
20 fiscal impact, a statement to that effect shall be attached. The fiscal
21 note or statement relating to a state program shall be prepared by the
22 department or departments affected. The fiscal note or statement relat-
23 ing to municipalities shall be prepared by the Department of Community
24 and Regional Affairs, but that department may obtain the assistance of
25 any other state agency in the preparation of the note or statement. If
26 the bill is presented by the governor for introduction in accordance
27 with AS 24.30.060(b) and the uniform rules of the legislature, the
28 fiscal note or statement shall be attached to the bill before the bill
29 is introduced. An amendment or a substitute bill proposed by a commit-

tee of referral that changes the fiscal impact of a bill shall be
explained in a revised fiscal note or statement attached to the bill.

Introduced: 1/21/80
Referred: Community & Regional
Affairs and Finance

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL (for the
Community and Regional Affairs
Committee Interim Joint Local
Government Study)

1 IN THE SENATE

2 SENATE BILL NO. 353

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the incorporation of second class
7 boroughs as home rule boroughs."

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

9 * Section 1. AS 29.13.010 is amended to read:

10 Sec. 29.13.010. MUNICIPAL CHARTER ADOPTION. A first class muni-
11 cipality or second class borough may adopt a charter for its own govern-
12 ment. A home rule municipality may amend its charter or adopt a new
13 one. A charter is framed by a charter commission of seven members
14 chosen by the municipal voters at a regular or special election. A
15 candidate for the commission must be a qualified voter of the munici-
16 pality and a resident of the municipality for three years immediately
17 preceding the election. A charter commission election is called by
18 filing a petition with the borough assembly or the city council, or by
19 resolution of the borough assembly or city council. The petition must
20 be signed by a number of municipal voters equal to 10 percent of the
21 votes cast in the last regular election of the municipality.

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Introduced: 1/21/80
Referred: Community & Regional
Affairs and Finance

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL (for the
Community and Regional Affairs
Committee Interim Joint Local
Government Study)

1 IN THE SENATE

2 SENATE BILL NO. 354

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act eliminating third class boroughs."

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

8 * Section 1. AS 29.08.030 is amended to read:

9 Sec. 29.08.030. CLASSES OF GENERAL LAW. General law municipali-
10 ties are of four [FIVE] classes:

- 11 (1) first class boroughs;
- 12 (2) second class boroughs;
- 13 (3) [THIRD CLASS BOROUGH];
- 14 (4) first class cities;
- 15 (5) second class cities.

16 * Sec. 2. AS 29.08.040(g) is amended to read:

17 (g) A second class borough may reclassify as a first class [OR
18 THIRD CLASS] borough [, AND A THIRD CLASS BOROUGH MAY RECLASSIFY AS A
19 FIRST CLASS OR SECOND CLASS BOROUGH,] in the manner provided by AS 29.-
20 33.270 - 29.33.290 for the addition of powers by boroughs, except the
21 petition or proposal requests reclassification instead of requesting
22 addition of powers.

23 * Sec. 3. AS 29.78.010(1) is amended to read:

24 (1) "borough" means a general law first or [,] second [OR
25 THIRD] class organized borough;

26 * Sec. 4. AS 02.15.260(10) is amended to read:

27 (10) "municipality" means a home rule or general law municipal
28 corporation and political subdivision, which is a first or second class
29 borough or city [, OR A THIRD CLASS BOROUGH,] incorporated under the

1 laws of the state;

2 * Sec. 5. AS 14.12.110 is amended to read:

3 Sec. 14.12.110. SINGLE BODY AS ASSEMBLY AND SCHOOL BOARD. Not-
4 withstanding the provisions of this chapter or other law, a single body
5 may serve as both the borough assembly and borough school board in the
6 manner provided for in this section [THIRD CLASS BOROUGH UNDER AS 07.-
7 17.030], if a borough ordinance for that purpose is approved by the
8 assembly and ratified by a referendum of a majority of the qualified
9 borough voters voting on the question at a regular or special election,
10 and if the public school population within the borough is 500 pupils or
11 less. If a single body serves as both the borough assembly and school
12 board, the borough executive is the presiding officer of the borough
13 assembly and president of the school board and the borough executive
14 has all powers of a borough executive under AS 29.23 except for the
15 veto power.

16 * Sec. 6. AS 38.05.037(a) is amended to read:

17 (a) In areas of the state outside first and [,] second [OR THIRD]
18 class boroughs where there is no municipality with a zoning power, the
19 division of lands shall exercise the zoning power by adopting zoning
20 regulations.

21 * Sec. 7. AS 40.15.070 is amended to read:

22 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be sub-
23 divided or dedicated is situated within a first or second class borough,
24 the proposed subdivision or dedication shall be submitted to the borough
25 planning commission for approval. If the land is situated within a city
26 in the unorganized borough, [OR THE THIRD CLASS BOROUGH] the proposed
27 subdivision or dedication shall be submitted to the city planning com-
28 mission for approval. The borough planning commission is the platting
29 authority for the first or second class borough, the city planning

1 commission is the platting authority for the city, and the division of
2 lands is the platting authority in the remaining areas of the state [AND
3 THIRD CLASS BOROUGH] for the change or vacation of existing plats or a
4 portion of such plats, as provided in AS 40.15.075. If the borough or
5 the city does not have a planning commission, the borough assembly or
6 the city governing body, respectively, is the platting authority and the
7 proposed subdivision or dedication shall be submitted to it. No sub-
8 division may be filed for record until it is approved by the platting
9 authority.

10 * Sec. 8. AS 40.15.075 is amended to read:

11 Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH [AND THIRD
12 CLASS BOROUGH]. The division of lands is the platting authority in the
13 area outside organized boroughs and outside cities in the unorganized
14 borough [AND IN THE THIRD CLASS BOROUGH] for only the purposes of
15 hearing and acting on petitions for the change or vacation of plats and
16 shall execute this function substantially in conformity with the provi-
17 sions of AS 29.33.210 - 29.33.240. Costs of publication and mailing as
18 well as other costs authorized in AS 29.33.210 shall be paid to the
19 division by the petitioner. The Department of Natural Resources shall
20 adopt reasonable regulations governing the exercise of the authority
21 conferred by this section upon the division of lands.

22 * Sec. 9. AS 43.35.130 is amended to read:

23 Sec. 43.35.130. REFUND TO LOCAL GOVERNMENTS. The department shall
24 refund 75 percent of the tax collected from sales of punchboards in an
25 organized borough or city of the first or [,] second [, OR THIRD] class
26 to the local government. The balance shall be deposited in the general
27 fund.

28 * Sec. 10. A municipality which is incorporated as a third class borough
29 on the effective date of this Act may continue to operate as such until

1 December 31, 1984 and shall retain all the rights, powers and privileges
2 which it possessed on the effective date of this Act. A third class borough
3 which has not reclassified itself in the manner provided by AS 29.33.270 -
4 29.33.290 before December 31, 1984, is reclassified as a second class borough
5 on that date.

6 * Sec. 11. The following laws are repealed: AS 29.08.040(h), (i), and
7 (j); AS 29.41; AS 29.43.040(b); and AS 38.05.037(b)(2).
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Original sponsor: Rules/Legislative Council

Offered: 3/26/80
Referred: Finance

1 IN THE HOUSE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 580

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to unorganized boroughs, establishing
7 unorganized boroughs, establishing a program of finan-
8 cial assistance for the preparation of regional plans
9 by unorganized boroughs, permitting adoption of home
10 rule charters by unorganized boroughs, and directing
11 submission of recommendations concerning adjustment of
12 the boundaries of service areas of the unorganized
13 borough; and providing for an effective date."

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

15 * Section 1. PURPOSE. The legislature finds that the single unorganized
16 borough of the state has proven unworkable in accommodating demands from its
17 residents for change and recognizes that a more systematic approach to the
18 planning and delivery of services for residents of this area is necessary.
19 In providing, in this Act, for identifying a common set of boundaries by
20 which to subdivide the state's single unorganized borough into multiple
21 unorganized boroughs, it is the purpose of the legislature to extend the
22 opportunity to residents of unorganized boroughs to assist in planning and
23 program development by

24 (1) preparing regional plans; and
25 (2) broadening the range of methods by which residents may in-
26 corporate a regional government.

27 * Sec. 2. INTENT. In providing for the division of the state's unorga-
28 nized borough into unorganized boroughs, it is the intent of the legislature
29 that all future transfers of functions or services from state agencies to

1 regions within unincorporated areas be made only within the boundaries for
2 unorganized boroughs established under AS 29.03.011 - 29.03.021, added by
3 sec. 3 of this Act.

4 * Sec. 3. AS 29.03 is amended by adding new sections to read:

5 Sec. 29.03.011. ESTABLISHMENT OF UNORGANIZED BOROUGHs. Except as
6 the boundaries are adjusted as provided in AS 29.03.021, the geographic
7 area within each regional educational attendance area established under
8 AS 14.08.031 is, effective 180 days after the effective date of this
9 Act, established as an unorganized borough.

10 Sec. 29.03.021. ADJUSTMENT OF BOUNDARIES BY COMMISSIONER. The
11 commissioner of community and regional affairs may establish boundaries
12 other than the boundaries of a regional educational attendance area for
13 an unorganized borough under AS 29.03.011. If requested by residents
14 of an unorganized borough, the commissioner shall hold at least one
15 public hearing within each regional educational attendance area before
16 establishing boundaries for unorganized boroughs under this section. In
17 establishing boundaries under this section, the commissioner shall
18 consider

19 (1) the standards applicable to the incorporation of boroughs
20 under AS 29.18.030;

21 (2) the regional boundaries adopted by the Native regional
22 corporations established under the Alaska Native Claims Settlement Act;
23 and

24 (3) census divisions of the state used for the 1980 census.

25 * Sec. 4. AS 44.47 is amended by adding a new section to read:

26 Sec. 44.47.085. ASSISTANCE FOR REGIONAL PLANS IN THE UNORGANIZED
27 BOROUGH. (a) The commissioner may contract with a municipality, a
28 group of municipalities, or one or more regional Native corporations
29 organized as nonprofit corporations under the laws of the state to

1 prepare a regional plan for an unorganized borough.

2 (b) The commissioner may contract for the preparation of only one
3 regional plan for each unorganized borough. The commissioner may con-
4 tract only if he is satisfied that the party with whom he contracts is
5 capable of preparing a regional plan that considers the entire popu-
6 lation of the unorganized borough.

7 (c) When a municipality, group of municipalities, or one or more
8 regional Native nonprofit corporations proposes to prepare a regional
9 plan for an unorganized borough, the commissioner shall request pro-
10 posals for preparation of a regional plan. The residents of an un-
11 organized borough may petition the commissioner to request proposals for
12 preparation of a regional plan, and the commissioner shall request
13 proposals if the petition is signed by a number of qualified voters
14 equal to not less than 15 percent of the number of votes cast in the
15 unorganized borough at the last state general election.

16 (d) A request for proposal for preparation of a regional plan for
17 an unorganized borough made under (c) of this section shall be adver-
18 tised. The commissioner shall advertise for a period of not less than
19 45 days by public notice announcements provided to newspapers and radio
20 and television stations. The advertisement of a request for a proposal
21 for the preparation of a regional plan shall

22 (1) invite a municipality, group of municipalities or re-
23 gional Native nonprofit corporation to submit a proposal for the
24 preparation of a regional plan;

25 (2) outline the work to be completed; and

26 (3) contain other information which the commissioner believes
27 will inform the public of the work to be completed under the contract,
28 and which will assist him in evaluating proposals received.

29 (e) After receiving the proposals for preparation of a regional

1 plan, the commissioner shall evaluate them. In evaluating the pro-
2 posals, the commissioner may request advice from residents of an un-
3 organized borough for which the regional plan is proposed. The commis-
4 sioner may refuse all proposals and readvertise, or may accept a pro-
5 posal and enter into a contract as provided in (f) of this section.

6 (f) A contract entered into under this section

7 (1) shall require that the regional plan include

8 (A) an analysis and recommendations concerning incor-
9 poration of a borough government for all or a portion of the un-
10 organized borough;

11 (B) an evaluation of the economic development potential
12 of the unorganized borough;

13 (C) a recommendation concerning capital facility needs
14 of the unorganized borough;

15 (D) an examination of demographic, social and environ-
16 mental factors affecting the unorganized borough;

17 (E) an examination of

18 (i) interrelationships among the regional educa-
19 tional attendance area, the coastal resource service area, and
20 any other regional entity responsible for services in the
21 unorganized borough; and

22 (ii) the interrelationships between the governments
23 of cities within the unorganized borough and regional entities
24 listed in (1) of this subparagraph; and

25 (F) a process for implementing the recommendations made
26 as part of the regional plan;

27 (2) shall provide

28 (A) a mechanism for securing public participation in the
29 preparation of the regional plan;

1 (B) that the regional plan be completed not later than
2 the June 30 following the third anniversary of the date of the
3 contract; and

4 (C) that payment for work performed under the contract
5 is subject to legislative appropriation to the account established
6 in (g) of this section;

7 (3) may permit the contractor to subcontract parts of the
8 work to be performed to one or more subcontractors.

9 (g) There is established in the Department of Community and Re-
10 gional Affairs the unorganized borough regional planning account. The
11 account shall be administered by the commissioner and shall be used to
12 pay for contracts entered into under this section.

13 (h) During each fiscal year, the commissioner may not pay to a
14 contractor under a contract authorized by this section more than \$25,000
15 plus \$25 per capita for each person residing within the unorganized
16 borough for which the regional plan is to be prepared, as determined by
17 the commissioner.

18 (i) In this section, "unorganized borough" means a subdivision
19 established under AS 29.03.011 - 29.03.021.

20 * Sec. 5. AS 29 is amended by adding a new chapter to read:

21 CHAPTER 19. DIRECT INCORPORATION OF A HOME RULE BOROUGH.

22 Sec. 29.19.010. INCORPORATION. (a) The residents of an unorgan-
23 ized borough established in accordance with AS 29.03.011 - 29.03.021 may
24 apply for the incorporation of a home rule borough. The petition for
25 borough incorporation shall be filed with the Department of Community
26 and Regional Affairs and shall include the information and signatures
27 required by AS 29.18.050. Petitions for incorporation filed under this
28 section shall be processed, reviewed and determined in accordance with
29 AS 29.18.060 - 29.18.090.

1 (b) A petition submitted under (a) of this section shall

2 (1) specify the number of members of the charter commission,
3 but the number of members may not exceed 15; and

4 (2) describe the manner of election of members of the charter
5 commission; if election is to be by district, a description of the
6 boundaries of each district shall be included in or attached to the
7 petition.

8 (c) If the petition submitted under (a) of this section requests
9 election of charter commission members on a basis other than at large
10 within the unorganized borough, the manner of election of the members of
11 the commission shall conform to standards applicable to the composition
12 and apportionment of legislative bodies which are imposed by art. I,
13 sec. 1 of the state constitution.

14 (d) The standards applicable to the incorporation of an organized
15 borough under art. X, sec. 3 of the state constitution and AS 29.18.030
16 apply to the incorporation of an unorganized borough under this section.

17 Sec. 29.19.020. CHARTER ELECTION. (a) If the Local Boundary
18 Commission accepts the petition filed under AS 29.19.010, it shall
19 immediately notify the lieutenant governor. Within 30 days after noti-
20 fication, the lieutenant governor shall order an election within the
21 proposed home rule borough to determine whether the voters will elect a
22 charter commission, and to determine the persons elected to serve on the
23 charter commission.

24 (b) Charter commission candidates are nominated by petition signed
25 by at least 50 registered voters residing within the unorganized
26 borough. The lieutenant governor shall allow not less than 20 or more
27 than 30 days during which candidates for the charter commission may
28 present nominating petitions.

29 (c) The election on the question of election of a charter com-

1 mission and the determination of persons elected to serve on the charter
2 commission shall be held not less than 60 or more than 75 days after the
3 date of the election order.

4 Sec. 29.19.030. PREPARATION OF CHARTER. (a) If, at the election
5 called by the lieutenant governor under AS 29.19.020, a majority of the
6 voters favors election of a charter commission, the persons receiving
7 the highest number of votes cast at that election constitute the charter
8 commission. The charter commission shall prepare a proposed charter and
9 submit it to the Department of Community and Regional Affairs within one
10 year of the first meeting of the charter commission. The commissioner
11 of community and regional affairs shall review the proposed charter for
12 compliance with laws applicable to home rule municipalities and, if it
13 complies, request the lieutenant governor to submit the proposed borough
14 incorporation petition and proposed home rule charter to residents of
15 the proposed home rule borough. If the proposed charter does not comply
16 with law, the commissioner of community and regional affairs shall
17 return the proposed charter to the charter commission with a statement
18 of the legal deficiencies.

19 (b) Within 90 days of the receipt of the statement of the commis-
20 sioner of community and regional affairs indicating that the proposed
21 home rule charter does not comply with law, the charter commission may
22 prepare and submit to the commissioner an amended charter which meets
23 the objections to the original proposed charter.

24 Sec. 29.19.040. RATIFICATION OF CHARTER. The lieutenant governor
25 shall order an election on the question of whether the unorganized
26 borough shall be incorporated as a home rule borough in accordance with
27 the charter approved by the commissioner of community and regional
28 affairs. The proposed charter shall be posted throughout the proposed
29 borough by the lieutenant governor before the election is held. The

1 election shall be held not less than 60 or more than 90 days following
2 the election order.

3 Sec. 29.19.050. RESULTS OF RATIFICATION ELECTION. (a) If a
4 majority of the votes cast by the qualified voters of the proposed
5 borough favors incorporation of the borough under the proposed home rule
6 charter, the lieutenant governor shall declare that the unorganized
7 borough in which the election was held is incorporated as an organized
8 borough and a municipal corporation in accordance with the provisions of
9 the home rule charter. The lieutenant governor shall provide for the
10 election of the officers provided for in the charter.

11 (b) The election and qualification of officers under (a) of this
12 section shall be completed by the lieutenant governor in accordance with
13 AS 29.18.120 and the provisions of the home rule charter of the borough.

14 Sec. 29.19.060. RESUBMISSION OF CHARTER. If a proposed charter is
15 rejected, the charter commission shall prepare, adopt and submit a
16 second proposed charter to the voters in accordance with AS 29.19.030 -
17 29.19.050. The second proposed charter shall be submitted to the voters
18 within one year of the date of the charter election held under AS 29.-
19 19.040. If the second proposed charter is rejected, the charter com-
20 mission is dissolved.

21 Sec. 29.19.070. VOTERS, ELECTIONS, COSTS, AND VACANCIES. (a) A
22 person is qualified to vote in an election authorized by AS 29.19.010 -
23 29.19.060 if he is qualified to vote in state elections and if he is a
24 resident of the unorganized borough proposed for incorporation as a home
25 rule borough.

26 (b) The lieutenant governor shall conduct elections authorized by
27 AS 29.19.010 - 29.19.060 substantially in the manner provided in the
28 Alaska Election Code (AS 15.05 - 15.60), and shall certify the results
29 of all elections under this chapter. Costs of elections under this

1 chapter shall be paid by the office of the lieutenant governor.

2 (c) Costs of charter preparation under this chapter shall be paid
3 by the Department of Community and Regional Affairs.

4 (d) The commissioner of community and regional affairs shall ap-
5 point a registered voter of the unorganized borough for which a charter
6 is being prepared to fill a vacancy occurring on the charter commission
7 established under this chapter.

8 Sec. 29.19.080. APPLICABILITY OF TRANSITIONAL PROVISIONS. The
9 provisions of AS 29.13.130 - 29.18.180 apply to home rule boroughs
10 incorporated under this chapter.

11 Sec. 29.19.090. STATUS OF HOME RULE BOROUGHES. (a) A home rule
12 borough incorporated under this chapter shall exercise all powers
13 required of a borough under AS 29.33.

14 (b) For purposes of acquisition of areawide powers, the provisions
15 of AS 29.38.010 apply to a home rule borough incorporated under this
16 chapter unless otherwise specifically provided in the charter of the
17 borough.

18 * Sec. 6. AS 29.03.010 and 29.03.020 are repealed.

19 * Sec. 7. UNORGANIZED BOROUGH SERVICE AREAS. (a) The commissioner of
20 education shall recommend to the legislature, not later than January 31,
21 1981, whether changes should be made in the boundaries of a regional
22 educational attendance area organized under AS 14.08 to conform the bound-
23 aries of the regional educational attendance area to an unorganized borough
24 of which it is a part.

25 (b) The Alaska Coastal Policy Council shall recommend to the legis-
26 lature, not later than January 31, 1981, whether changes should be made in
27 the boundaries of an existing coastal resource service area organized under
28 AS 46.40 to conform the boundaries of the coastal resource service area to an
29 unorganized borough of which it is a part.

1 * Sec. 8. This Act takes effect immediately in accordance with AS 01.10.-
2 070(c).
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Original sponsor: Rules/Legislative Council

Offered: 3/26/80
Referred: Rules

1 IN THE HOUSE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 581

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the responsibilities of executive
7 departments of state government for certain state
8 programs; and providing for an effective date."

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

10 * Section 1. AS 44.17 is amended by adding new sections to read:

11 ARTICLE 2. PLANNING AND MANAGEMENT OF STATE SERVICES.

12 Sec. 44.17.100. PROGRAM DATA AND INFORMATION. (a) A principal
13 department of the executive branch of state government, including a
14 board or commission assigned to a department for administrative pur-
15 poses, shall use the home rule and general law boroughs, unified muni-
16 cipalities, and regional educational attendance areas as the geographic
17 units by which to collect and report data and information and process
18 and analyze statistics about each of its programs.

19 (b) The information, data and statistics required to be collected
20 and reported by this section include but are not limited to

21 (1) information which may be required by the division of
22 policy development and planning in the Office of the Governor to
23 describe the geographic distribution of the state's population, economic
24 activities, and public services; and

25 (2) information about the program, including
26 (A) the estimated number of persons needing a service;
27 (B) the number of persons served by the program;
28 (C) the costs of the services provided by the program;

29 and

1 (D) the conditions addressed or corrected by a service
2 provided by the program.

3 (c) A department, board or commission may request an exemption
4 from this section. An exemption granted under this subsection expires
5 on June 30, 1982. The request for exemption shall be submitted to the
6 governor, who may grant the exemption if he finds that additional ex-
7 pense, increased workload, or decreased efficiency in the operation of a
8 program or development of a new program would be substantially greater
9 than the public interest in compliance with this section. A department,
10 board or commission requesting an exemption under this subsection shall
11 submit to the governor a written statement

12 (1) naming the program for which an exemption is requested;

13 (2) describing the problems which would be encountered if the
14 department, board or commission were required to conform to this sec-
15 tion; and

16 (3) evaluating the effect of an exemption granted under this
17 subsection on the collection and reporting requirements of (a) of this
18 section for other programs administered by the department, board or
19 commission.

20 * Sec. 2. AS 44.17 is amended by adding new sections to read:

21 Sec. 44.17.110. PROGRAM PLANNING AND MANAGEMENT. (a) A principal
22 department of the executive branch of state government, including a
23 board or commission assigned to a department for administrative pur-
24 poses, shall use the home rule and general law boroughs, unified muni-
25 cipalities, and regional educational attendance areas of the state as
26 the geographic units by which to develop and implement plans for provid-
27 ing services and to coordinate program planning and administration with
28 the plans and programs of other agencies, municipalities and the federal
29 government.

1 (b) A department, board or commission may combine one or more home
2 rule boroughs, general law boroughs, unified municipalities, and regional
3 educational attendance areas to define the geographical area within
4 which a program is provided.

5 Sec. 44.17.120. REPORTING OF SERVICE COSTS. (a) A principal
6 department of the executive branch of the government, including a board
7 or commission assigned to a department for administrative purposes,
8 shall provide information giving the direct cost of providing services
9 to each municipality and regional educational attendance area used by
10 the department under AS 44.17.110(a) for the management and administra-
11 tion of its programs. The information shall be available to

12 (1) the division of budget and management in the Office of
13 the Governor, for its use in making recommendations for the program
14 budget of a department, board or commission;

15 (2) the legislature, for its use in consideration of the
16 state budget and other legislation relating to state services; and

17 (3) the public, upon request to the department, board or
18 commission.

19 (b) In this section, "direct cost" means a cost which is related
20 to providing a service, exclusive of general administrative and support
21 costs.

22 Sec. 44.17.130. EXEMPTION. The provisions of AS 44.17.110 -
23 44.17.120 do not apply to

24 (1) a program of an executive department, board or commission
25 which provides only professional or technical support services for
26 another state department, board or commission, as determined by the
27 governor; and

28 (2) a program for which exemption is specifically requested
29 by the department, board or commission, and granted by the governor

1 because

2 (A) the program concerns the conservation or development
3 of a natural resource; and

4 (B) the application of AS 44.17.110 - 44.17.120 would
5 cause a substantial impediment to the performance of duties by the
6 department, board, or commission.

7 Sec. 44.17.140. DEFINITION. In AS 44.17.100 - 44.17.140, "regional
8 educational attendance area" means a subdivision of the part of the
9 state not within an organized borough as determined by the commissioner
10 of community and regional affairs under AS 14.08.031.

11 * Sec. 3. AS 44.17 is amended by adding new sections to read:

12 ARTICLE 2. PLANNING AND MANAGEMENT OF STATE SERVICES.

13 Sec. 44.17.100. PROGRAM DATA AND INFORMATION. (a) A principal
14 department of the executive branch of state government, including a
15 board or commission assigned to a department for administrative pur-
16 poses, shall use the home rule and general law boroughs, unified muni-
17 cipalities, and unorganized boroughs as the geographic units by which to
18 collect and report data and information and process and analyze statis-
19 tics about each of its programs.

20 (b) The information, data and statistics required to be collected
21 and reported by this section include but are not limited to

22 (1) information which may be required by the division of
23 policy development and planning in the Office of the Governor to describe
24 the geographic distribution of the state's population, economic activi-
25 ties, and public services; and

26 (2) information about the program, including

27 (A) the estimated number of persons needing a service;

28 (B) the number of persons served by the program;

29 (C) the costs of the services provided by the program;

1 and

2 (D) the conditions addressed or corrected by a service
3 provided by the program.

4 (c) A department, board or commission may request an exemption
5 from this section. An exemption granted under this subsection expires
6 on June 30, 1982. The request for exemption shall be submitted to the
7 governor, who may grant the exemption if he finds that additional ex-
8 pense, increased workload, or decreased efficiency in the operation of a
9 program or development of a new program would be substantially greater
10 than the public interest in compliance with this section. A department,
11 board or commission requesting an exemption under this subsection shall
12 submit to the governor a written statement

13 (1) naming the program for which an exemption is requested;

14 (2) describing the problems which would be encountered if the
15 department, board or commission were required to conform to this sec-
16 tion; and

17 (3) evaluating the effect of an exemption granted under this
18 subsection on the collection and reporting requirements of (a) of this
19 section for other programs administered by the department, board or
20 commission.

21 * Sec. 4. AS 44.17 is amended by adding new sections to read:

22 Sec. 44.17.110. PROGRAM PLANNING AND MANAGEMENT. (a) A principal
23 department of the executive branch of state government, including a
24 board or commission assigned to a department for administrative pur-
25 poses, shall use the home rule and general law boroughs, unified muni-
26 cipalities, and unorganized boroughs of the state as the geographic
27 units by which to develop and implement plans for providing services and
28 to coordinate program planning and administration with the plans and
29 programs of other agencies, municipalities and the federal government.

1 (b) A department, board or commission may combine one or more home
2 rule boroughs, general law boroughs, unified municipalities, and un-
3 organized boroughs to define the geographical area within which a pro-
4 gram is provided.

5 Sec. 44.17.120. REPORTING OF SERVICE COSTS. (a) A principal
6 department of the executive branch of the government, including a board
7 or commission assigned to a department for administrative purposes,
8 shall provide information giving the direct cost of providing services
9 to each municipality and unorganized borough used by the department
10 under AS 44.17.110(a) for the management and administration of its
11 programs. The information shall be available to

12 (1) the division of budget and management in the Office of
13 the Governor, for its use in making recommendations for the program
14 budget of a department, board or commission;

15 (2) the legislature, for its use in consideration of the
16 state budget and other legislation relating to state services; and

17 (3) the public, upon request to the department, board or
18 commission.

19 (b) In this section, "direct cost" means a cost which is related
20 to providing a service, exclusive of general administrative and support
21 costs.

22 Sec. 44.17.130. EXEMPTION. The provisions of AS 44.17.110 -
23 44.17.120 do not apply to

24 (1) a program of an executive department, board or commission
25 which provides only professional or technical support services for
26 another state department, board or commission, as determined by the
27 governor; and

28 (2) a program for which exemption is specifically requested
29 by the department, board or commission, and granted by the governor