

ALASKA LEGISLATURE COMMITTEE REPORTS 1987-1988
8672

SSTA - SB 273 - SB 280

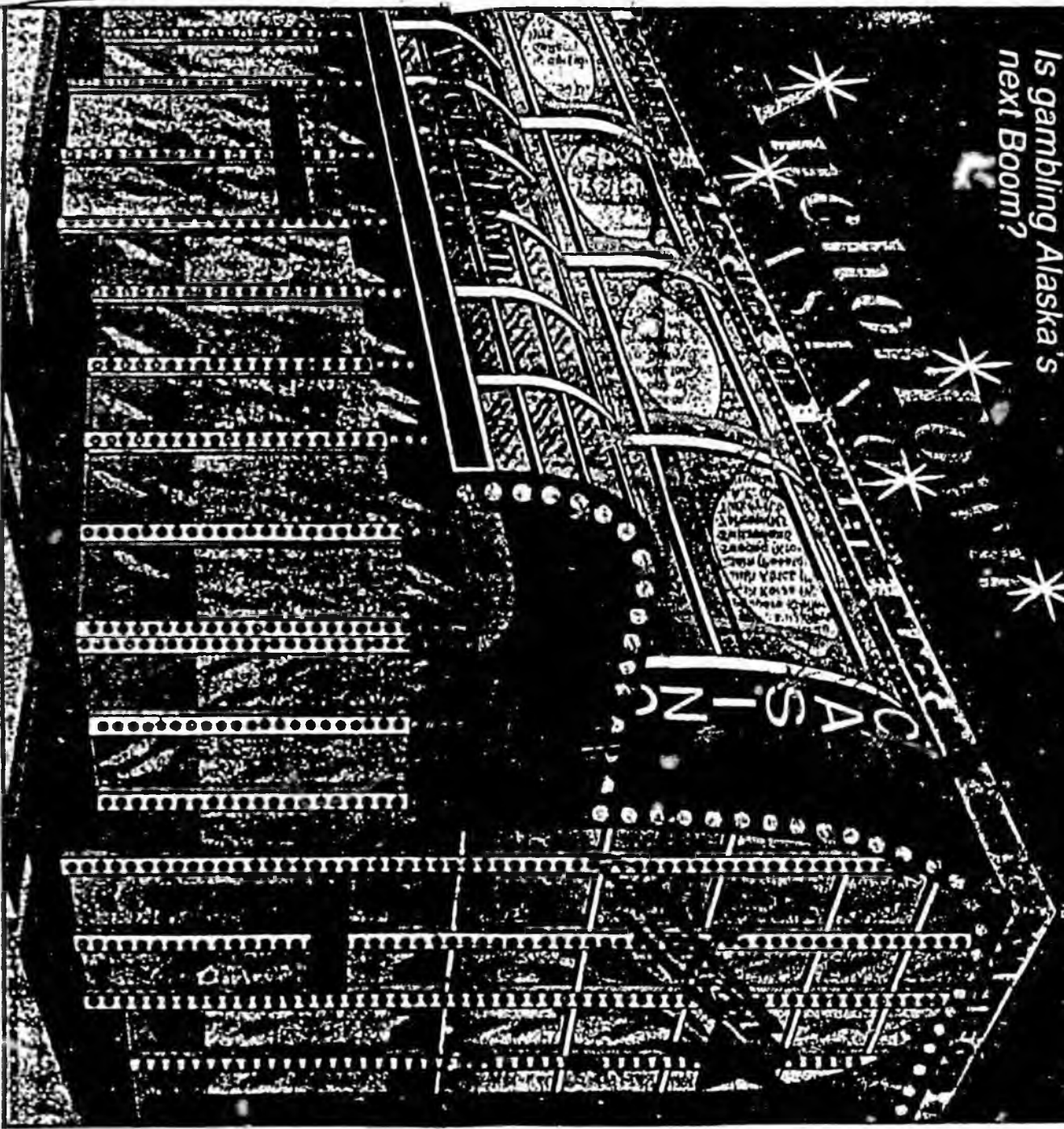
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THE ALASKANS

THE BET ON BETTING

Is gambling Alaska's next Boom?



CORRECTION

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

THIS IS A rough
DRAFT (Possible mail
out to general public)

SENATE BILL NO. 284
AN ACT WHICH WOULD AUTHORIZE
LIMITED HISTORIC GAMBLING IN HISTORIC DISTRICTS

What is your opinion?

Please take a moment and fill out this
questionnaire.

Background information:

1. The Alaska legislature will soon consider authorizing limited historic gambling in designated historic districts and parks (ex: Old F.E. Gold Camp, Fox Dredge);
2. A majority of voters in the municipality must approve;
3. A licence to conduct gambling would be required;
4. A mamimum amount of a bet would be established;
5. Gambling would be restricted to persons over 18 years of age.

Survey questions: Please check one answer for items A through D and make any comments on the following lines.

A. Gambling would be a good source of income for municipalities and private businesses affected by this bill.

Agree _____ Disagree _____

Comments: _____

B. Tourism would be directly promoted by the establishment of Limited Historic Gambling.

Agree _____ Disagree _____

Comments: _____

C. Local residents would be more inclined to frequent historic district establishments if gambling were offered.

Agree _____ Disagree _____

D. Competition between businesses which could offer gambling and those which could not would remain about the same because of other factors such as services, location, attractions, etc.

Agree _____ Disagree _____

Comments: _____

E. To what extent would Limited Historic Gambling affect the following groups?

Check one box for each group:

	many positive effects	some positive effects	little or no effect	some negative effects	many negative effects
Minors--under 18 years of age					
Poor people and/or compulsive gamblers					
Illegal gambling activities					
Gambling that is now allowed: bingo, etc.					
businesses in Historic Districts					
General public					

Your responses to the following questions will be helpful in understanding and interpreting this information.

1. Are you a resident of Alaska? (check one) Yes ___ No ___
If yes, for how long? _____

2. Are you registered to vote: (check one) Yes ___ No ___
If not, is this issue important enough for you to do so? _____

3. Please check the correct box. I am:
Female ___ Male ___ Under forty ___ Over forty ___

4. Please indicate your education and/or skills.

5. What is your present occupation and/or lifestyle: _____

6. Do you have any specific religious or moral objections to the establishment of Limited Historic Gambling Enterprises in designated historic districts or parks? (check one)
Yes ___ No ___

7. How would you vote on this issue? (check one)
Yes ___ Undecided ___
No ___ Need more information _____

8. I would like to have a copy of AK Senate Bill 284. Yes ___ No ___

*****Your help is greatly appreciated!*****
THANK YOU!

Mr. Stan Tyree
1910 Turner St.
Fairbanks Ak. 99701

March 24, 1988

Mr. Abood
Chairman of The Senate State Affairs
Legislative Affairs Office
Fairbanks Ak. 99701

The State Senate Sir:

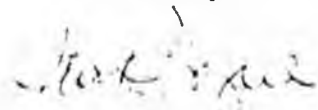
I am writing to voice my support for a bill that concerns historic gambling. Senate bill 273, prepared by Senator Fettey Fahrenkamp.

Sir if I were able, I would crench this letter in tears. Tears shed by friends and neighbors who have left this town in an attempt to find work in the lower fourty eight. I would do this to convince you sir, that we as citizens of Fairbanks " The Golden Heart City " have hearts made of a much less durable substance than gold. Our hearts break, and our hearts bleed . Ive seen men, proud men, for the first time in their lives knuckle under to hunger and swallow that pride in order to eat and feed their own. When you see a man going through the humiliation of asking for assistance to feed his family, look in his eyes. He won't return your glance cause he was brought up in a society that taught him " only bums don't work " but if you look despite that, nine out of ten times this is what your going to see, shame, shame that he has to sit in some office reduced to a number, telling some lady he's never met how it's not really his fault that he can't find work. Trying to retain what little pride he brought in with him. Also there's a hollow look, a look that says " I never thought this could happen to me, and it scares the hell out of me "

In the city of Fairbanks you, with no trouble at all will find a great many people, quick to explain the evil nature of gambling, but I tell you the hunger and hardship of a depressed economy can bring a community to it's knees, and make a good man turn bad one thousand times faster than any hand of cards on Gods earth.

In closing I would like to say one more thing. I didnt just fall off a turnip truck, I realize this bill isn't the answer to all our problems but it's a step in the direction of recovery. And if we don't take it now what will make us take it.

Sincerely

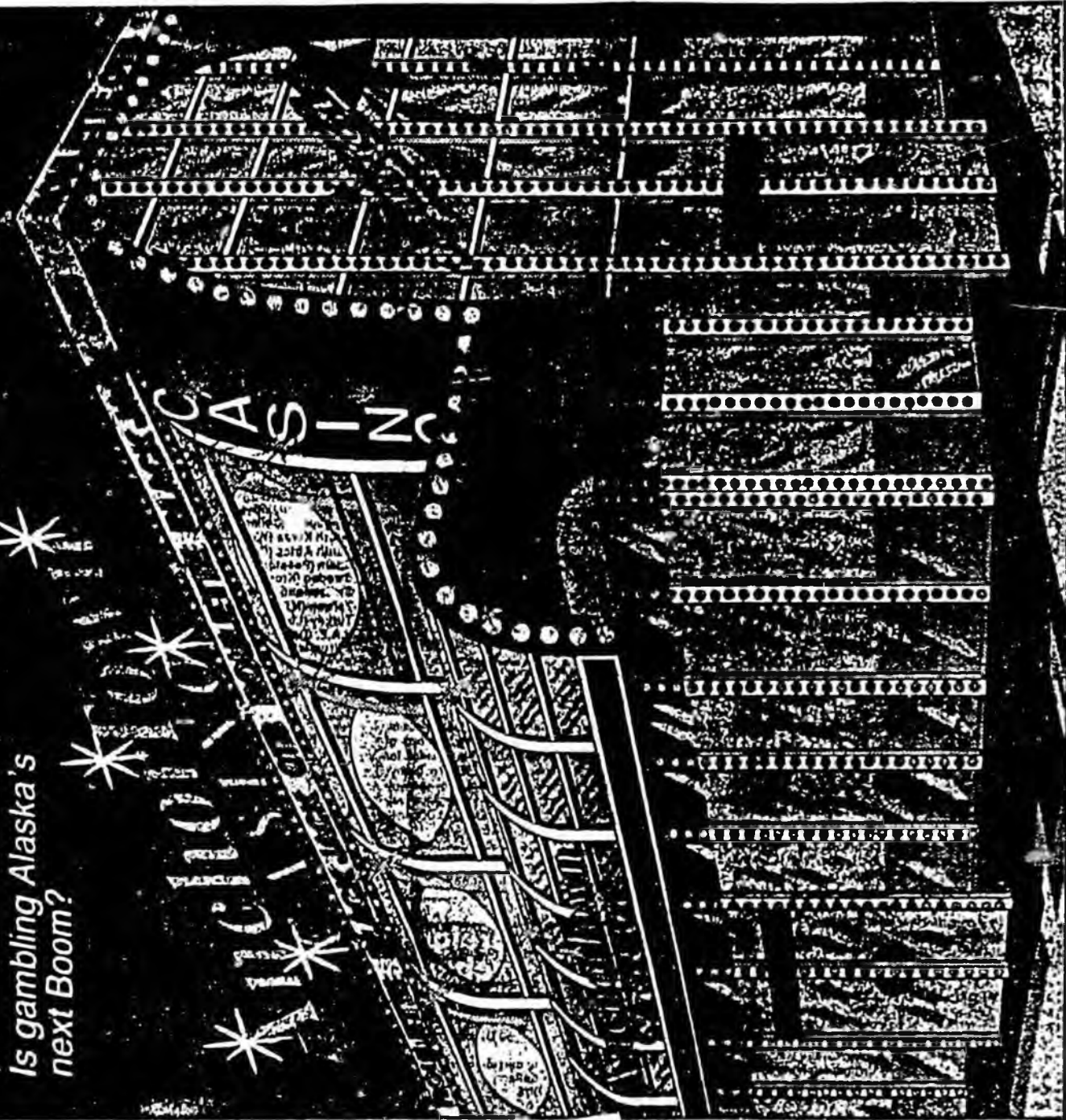


Stan Tyree

The Alaskans

THE BET ON BETTING

*Is gambling Alaska's
next Boom?*



THE NEW GOLD RUS

Despite legal limits, gambling booms in Alaska, and its advocates want

By GEORGE BRYSON

Political consultant and sometimes-professional-fight-promoter Bill McConkey was not happy. It was that preacher again. This time Anchorage Baptist minister Jerry Prevo was rallying his flock against an effort to legalize casino gambling in Alaska — a movement McConkey avidly supports.

Prevo had debated him in public on the subject just recently. And again the preacher had hammered away at the moral consequences to the state.

Moral consequences. McConkey wondered. What moral consequences? What are the moral consequences of all the gambling that already exists in the state? The daily bingo games, the lotteries, the Monte Carlo nights, the dog racing, the "social" poker games, the ice classics, the rain classics, the fish derbies, the office football pools, the barroom instant-cash "rippies"? Wasn't that gambling?

"I mean, gambling is everywhere," McConkey said, sweeping his long boxer's arm through the air of his Eagle River office. "Every Moose Hall, every Elks' Hall, every Lions' Club, all of the bars, the bowling alleys, the churches, the PTA — every institution that is sacred and hallowed to us is running some kind of gambling operation."

"Hey, when I was in Juneau you could get in a poker game any night at the Baranof Hotel with our legislators and our lobbyists and members of the administration. Gambling is rampant in this state."

Alaska revenue officers could only agree. Their latest figures show the state in the midst of a gambling boom unparalleled in its history. How could that be, in a state where gambling isn't officially allowed?

As most charity leaders know, Alaska law has long permitted non-profit organizations to raise money through certain approved forms of gambling. Ten years ago, bingo games, club raffles, lotteries and ice classics raised about \$9 million in gross revenues for Alaska non-profits. Five years ago, with the increase in professional bingo operators to assist the groups, revenues had grown to \$23 million. And last year — fueled by a popular new form of cookie-cutter gambling known as pull-tabs or "rippies" — charitable gaming revenues soared upwards of \$70 million.

Rep. Mark Boyer, D-Fairbanks, places the figure closer to \$100 million — more, he says, than has



Promoter Bill McConkey

ever been generated by the placer gold-mining industry in Alaska.

The proceeds are divvied up by an increasing number of non-profit groups — from the Alaska Repertory Theatre to the Camp Fire Girls to the Iditarod Trail Committee — that see charitable gaming as a precious resource in these recession-ridden times. Alaska awarded gambling permits to 788 such groups in 1965. Today there are nearly a thousand.

But expect to hear even more advertisements for charitable gambling in the future if a bill now before the legislature — one that more than doubles the amount of gaming any one group can conduct — is passed as expected this session. Or if the hottest new gambit in Alaska gaming — statewide charitable lotteries — catches fire like the industry now predicts.

Last November a tiny American Legion post in Glennallen contracted a man in Fairbanks to sell \$300,000 worth of "Alotto" tickets all across the state. The operator promised to pay a grand prize of \$100,000 to the eventual lottery

winner, as well as about \$70,000 in "instant prizes" along the way. He would do this, he told the American Legion, for about \$55,000 — leaving a tidy \$75,000 profit for charity.

Despite the fact that no one in Alaska knew when the lottery would occur precisely (the operator simply promised to keep plugging away with his four-person crew until all the tickets were sold), and despite hardly any advertising, and despite monumental problems in distribution, the effort appears to be a roaring success. By January, Alaskans who could find them were buying the little \$1 Alotto tickets at a rate of 8,000 a day — and the operator expected to surpass his 30,000-ticket quota well before the drawing, now set for Jan. 31.

Such willingness by Alaskans to bet their hard-earned dollars on "a chance" — and the millions of dollars that small-time gambling operations have raised in the process — hasn't gone unnoticed, either by the state or by private merchants.

There are at least five bills before the legislature now that would



Preacher Jerry Prevo

extend gambling rights to private businessmen or the state government itself, while broadening the choices. Among them:

• A bill by Rep. Ron Larson, D-Fairbanks, allowing parimutuel wagering in Alaska, such as track-betting on horse races and dog-sled races.

• A bill by Rep. Mark Boyer, D-Fairbanks, establishing a state-run lottery along the lines of those that already exist in New York and California.

• A bill by Rep. Robin Taylor, R-Wrangell, allowing "historic gambling" in the communities of Nome, Skagway and Fairbanks, where it was once legal.

• A bill by Sen. Bettye Fahrenkamp, D-Fairbanks, allowing historic gambling anywhere in the state, while limiting its forms to card-playing, dice and wheel games.

• And a bill by Rep. Fritz Pettyjohn, R-Anchorage, permitting Nevada-styled casino gambling and horse-racing anywhere in the state where the local populace votes its approval.

Gambling everywhere. Moose Hall, Elks' Hall, Club, all the bowling churches every in sacred & us is running kind of operation.

Only the I have no chap this. Pettyjohn with McConkey small business Gambling Pettyjohn to try to sure approve tive process. signatures of tured voters I tion for the li

McConkey, director, says 20,000 unval far, with abo ge. He predict easily qualify Alaska votes what the 14 touch. A rally showed that; change. Fairbanks-Summita B Peninsula B school. But is the legislature

"They don't the individual key explained read their I They don't w wrong true-bel — like I get servants of I gambling.

"I mean, I you're talking cans better I and boxers. I one negative and it. The cocktail-party your character have." But the

RUSH

advocates want more



Anchorage Daily News/Elk - 4

Gambling is everywhere. Every Moose Hall, every Elks' Hall, every Lions' Club, all of the bars, the bowling alleys, the churches, the PTA — every institution that is sacred and hallowed to us is running some kind of gambling operation.

— Bill McConkey

Only the latter is considered to have no chance at passage. Sensing this, Pettyjohn has joined forces with McConkey and several other small businessmen in the Legalized Gambling Petition Drive — an effort to try to get Pettyjohn's measure approved through the initiative process. The group needs the signatures of about 18,000 registered voters to qualify the proposition for the 1989 statewide ballot.

McConkey, the drive's executive director, says it has gathered about 20,000 unvalidated signatures so far, with about nine months still to go. He predicts the measure will easily qualify for the ballot — and Alaska voters then will approve what the legislature refused to touch. A railbelt poll last summer showed that most Alaskans in Anchorage, Fairbanks, the Matanuska-Susitna Borough and the Kenai Peninsula Borough favor the proposition. But he isn't surprised that the legislature itself is reticent.

"They don't want the beat from the individual preachers," McConkey explained. "They don't want to read their names in the papers. They don't want to see some right-wing true-believer writing a letter — like I get — calling them the servants of Satan for promoting gambling."

"I mean, these are my clients you're talking about. I know politicians better than I know gamblers and boxers. They don't want to see one negative letter. They can't stand it. The politician will say, in cocktail-party talk, 'You can count your character by the enemies you have.' But they don't mean it. They



Continued on next page Furrler Perry Green is a "social gambler" whose way with cards has earned him a spot in the World Series of F

Anchorage Daily News

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GAMBLING

Continued from previous page

don't want any enemies. They want everybody to love them."

Not everyone loves Alaska's present-day gambling boom. State revenue officials liken it to a beast that's grown totally out of control. Alaska's gaming regulations are obsolete, they say, and their ability to enforce them a joke. And the losers include just about everyone involved.

One recurrent problem is a provision in the law that allows non-profit groups to assign their gambling permits to professional operators. The pros run the bingo games or lotteries or pull-tabs — pay the expenses, pay their own salaries — and are then required to pass the rest of the gambling proceeds back to the charities as profit.

Some operators do precisely that. But some have been known to pad their expenses, or run such inefficient shops that they rob the charities of thousands of dollars in profits, according to Sally Smith, former state Department of Revenue director of public services.

One report that prompted such suspicions came to the state's attention two years ago, when four Fairbanks non-profit groups — the

Not everyone loves Alaska's present-day gambling boom. State revenue officials liken it to a beast that's grown totally out of control.

Fairbanks JSO, the Montesson Association, the Fairbanks Business and Professional Women, and the Midnight Sun Lions Club — received zero dollars in profit over a two-year period, even though the firm that jointly operated their bingo and pull-tab games received \$1.3 million in gross revenues.

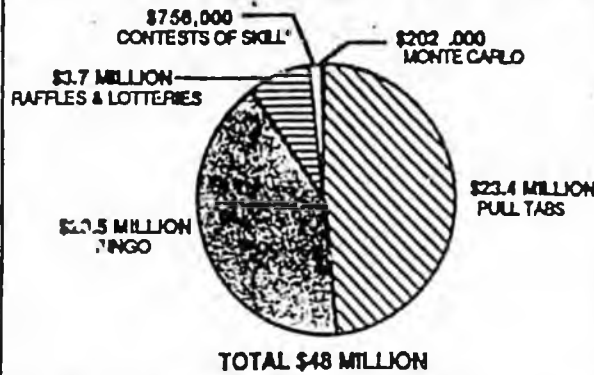
"All we could really do is write them and say, 'What's the deal,'" Smith said. She had no staff back then to audit suspected wrongdoers.

In other instances, operators have simply "turned off their cash registers" at a certain point in the evening and pocketed the rest of the night's gambling proceeds — not even bothering to fudge accounting sheets.

"A lot of the fraud tips we've gotten are from people who've worked in the system — and gotten angry," Smith says. "They'll call and say, 'I'll tell you anything you want to know.' But usually they don't want their name used. And so there's nothing we can do."

Smith's small staff conducted a survey two years ago to try to determine how much revenue the operators should have been report-

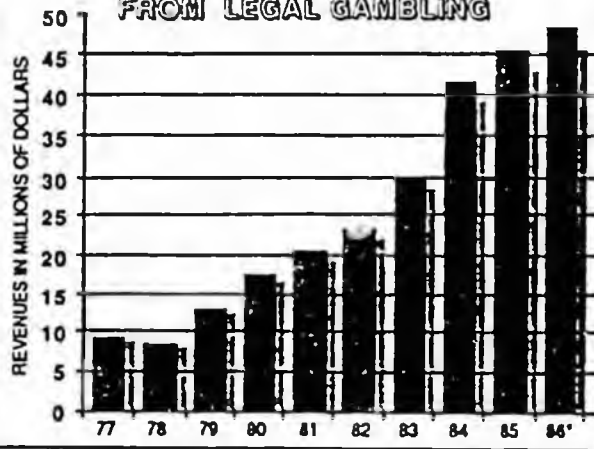
BREAKDOWN OF 1988 GAMBLING REVENUES



*CONTEST OF SKILL INCLUDE: FISH DERBY, ICE CLASSIC, DOG CONTEST, RAIN CLASSIC, GOLF, BOWLING, RODEO, ATHLETIC EVENTS, ETC.

Source: Alaska Dept. of Revenue

TOTAL GROSS REVENUES FROM LEGAL GAMBLING



*Incomplete report, only two thirds of gambling permit holders have reported income so far.
Source: Alaska Dept. of Revenue;

ing, based on an industry formula for the amount of gambling paraphernalia they were using. Reviewing the records of just 20 percent of the non-profit organizations, she found the groups had underreported their gross revenues by about \$10 million.

Extrapolating that figure, the survey estimated that all the non-profit groups together — perhaps unwittingly, perhaps deliberately — underreported their gross revenues to the state by \$50 million. A discrepancy of that magnitude would have meant \$500,000 in lost revenues to the state, inasmuch as a 1 percent tax is charged on all gambling.

"It wasn't a scientific study," Smith said. "And we didn't have anybody to follow through on it. We would have had to go out and get the hard evidence and work up a case."

Three years ago, the state did just that in a suit against Kenneth Brown, then owner/manager of

Northern Lights Bingo. Brown was charged with skimming \$810,000 in profits from five groups — the Spearhead Lions, the McKinley Lions, the Association of Retarded Citizens of Anchorage, the March of Dimes and Barrier Free Recreation Inc. He had done so by paying himself a \$200-a-night salary over a two-year period — well over the \$4.85-an-hour maximum wage the state allows for bingo employees — among other extra expenses.

But the state ultimately threw out its case. It agreed to reduce the charges against Brown from a felony to a misdemeanor in exchange for his confession, partly because the defense witnesses — the charities themselves — failed to take Brown strongly to task. Generally, they were thankful for the money he had raised for them. After the trial, they retained Brown as their operator until he sold his business. Moreover, the judge scolded the prosecution for "selective enforcement" of its gaming laws — sup-

porting the defense attorney's conclusion that most bingo operators violate the wage limit.

It wasn't a very happy experience for the state lawyers, but Smith wasn't totally surprised. Not infrequently, she says, the charities the state suspects of being balked out of profits turn out to be their operator's most ardent defenders. She theorizes why:

"If you try to run a professional gaming operation yourself, you find it's a pain in the neck. Now if (the operator) brings you back more money than you made when you were doing it yourself — not a lot more, but more than when you were doing it — you're not going to complain."

Certain legislators, however, are complaining. Among them, Rep. Dave Donley, D-Anchorage, has sponsored a bill that would require bingo and pull-tab operators to return a profit of at least 15 percent of gross revenues to their non-profit sponsors.

The legislation also would require the operators to post a \$25,000 bond for each permit they use; require financial statements to be more detailed, and filed more regularly; and set a higher fee schedule to pay for enforcement of the law.

The reforms are long overdue, Smith says. "We're the most liberal of any of the states I've seen that allow charitable gambling. We have the fewest rules."

Perry Green is what Alaska law books refer to as a "social" gambler. Social gambling is legal in Alaska. Green gambles at the sweet science of poker, playing at private residences where house-odds aren't allowed and everyone has the same chance to win as everyone else. Theoretically Green's chances are probably better than yours or mine.

The photographic evidence hanging inside his downtown fur shop, David Green Master Furner, is telling. One photo shows Green and poker immortal Amarillo Slim posing together after a competition. Another shows Green winning \$175,000 in the World Series of Poker. Still another shows him traveling to Ireland as captain of the U.S. Poker Team.

"To be a good gambler you have to be relaxed," Green says, leaning back in a chair in the backroom of his fur store. "And you should always play with expendable income. It's kind of like investing in property. You don't invest your savings in property, you invest your excess savings."

"You've also got to be physically and mentally prepared. You're got to be emotionally happy. A player that's subject to big highs and big lows can't really sustain a poker career."

At 51, Green has nurtured his own poker-playing for well over three decades — despite the demands of running a major business, fathering five children and grandfathering five more.

"I think the playing helps the business, and the business helps the playing," he says. "The more competition you have, the better you are in business."

To stay sharp, Green deals him-

Five legislators and their gambling proposals



Rep. Fritz Pettyjohn
Nevada-style casino gambling and horse racing statewide where local folks OK it.



Rep. Robin Taylor
"Historic gambling" in Nome, Fairbanks and Skagway, where it was once legal.



Rep. Mark Boyer
A state-run lottery along the lines of those now existing in California and New York.



Sen. Betty Fahrenkamp
"Historic gambling" anywhere in Alaska, limited to card-playing, dice and wheel games.



Rep. Ivo Larson
Statewide parimutuel wagering, such as track betting on horse races and dog-sled racing.

self practice hands everyday — sometimes as a way to fall asleep. Then he rises from bed as early as 3 o'clock to catch the end of an all-night card game. He always leaves in time to open his shop at 7.

Green welcomes more legalized gambling in Alaska — but not necessarily large hotel casinos. He'd rather see the legalization of Alaska-style card houses first.

“To be a good gambler you have to be relaxed. And you should always play with expendable income. It's kind of like investing in property. You don't invest your savings in property, you invest your excess savings.”

— Perry Green

“I just don't think we're ready for full-blown casinos,” he says. It's too easy for the unsophisticated player to lose a lot of money.

Instead, Green favors the “historic gambling” concept advanced by Fahrenkamp, as well as parimutuel wagering.

“I would say if you had legalized poker, if you had legalized parimutuel betting (on race horses), if you had legalized bookmaking on sporting events — and you had these in major cities in Alaska, you'd raise millions of dollars,” he said. “And you'd have a good employment basis.”

Fahrenkamp, however, isn't overly optimistic about her gambling bill this session. It still hasn't been heard in committee. But she thinks it makes more sense than

allowing huge hotel casinos to be constructed in the state.

“I think you should crawl a little before you try and run,” she says.

Larson's bill to allow parimutuel wagering, on the other hand, has already passed the House and is now awaiting action in the Senate.

And Boyer's bill to establish a state-operated lottery — which backers say would generate about \$20 million annually for Alaska — is beginning to draw second glances, given the popularity of a charity-operated lottery this winter.

State lotteries hold no interest for him, Green says. And he doubts whether Alaska's tiny population really lends itself to the kind of math that makes the drawings successful.

“If I'm going to gamble, I like to make the odds as close to 50-50 as possible — and that certainly isn't a 50-50 proposition. Except that you're going to win or lose. And the chances of losing are far greater

than your chances of winning.

“I think a lottery is a dream for some people. And that's all life is. It's a dream.”

When Bill McConkey envisions the Anchorage of the Future, he sees a handsome city bustling with economic life. He sees gambling centers limited by municipal ordinance to a few strategic blocks. He sees 30,000 new jobs statewide — thanks to the casinos and new quarter-horse racetracks in Palmer and Fairbanks. He sees about 400,000 people who annually pass through Anchorage International Airport without stopping suddenly deciding to visit town. He sees about \$400 million annually in new state revenues from gambling and liquor taxes — and a local property-tax windfall that would offset any problems caused by Anchorage's increased population.

“If the municipality is wise,” McConkey says, “the Egan Convention Center will probably be turned

into a municipal Anchorage casino. And the Performing Arts Center would then really be a performing arts center. You would have stage shows and musicals and professional entertainers over there of the highest order. And Sullivan Arena would really be booked with professional sports.”

“Secondly, I would see what you would call a major development — say 5,000 to 10,000 square feet of slot machines and poker tables — down at Alyeska. You'd see probably another here at (Austrian developer Robert) Rogner's (proposed ski resort) in Eagle River.

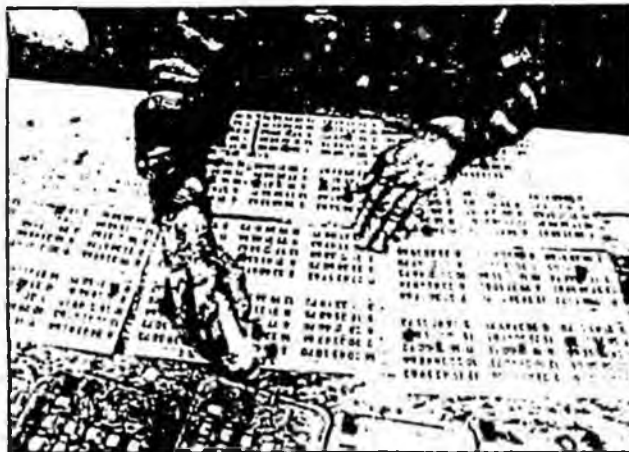
“I would envision a good race track in Palmer and another one in Fairbanks, and Alaska being on a quarter-horse circuit. I would see Palmer and Fairbanks and Calgary and Whitehorse and maybe Billings and Butte and Cheyenne — a pretty good quarter-horse circuit there. I think you'd see a short season. Maybe a 45-day season. You'd see horses. You'd see good races. A lot of excitement, and a lot of fun. And you'd see some money made and some jobs created.”

Who would do all this?
“I'm not Mafia Mike,” McConkey says. “I'm not going to be — you. But I know that I have Japanese interests — now you laugh — you're free to laugh — but I contacted a friend of mine in Los Angeles who does a lot of work for some Japanese businessmen. And he sent a letter back and said they are very interested in a major investment in Alaska tourism and gambling — and this sounds real good.”

It sounded real good to Michael “Mafia Mike” Von Gnatensky, too, when the Anchorage mayoral candidate last summer decided to tell voters that he'd received commitments from three Las Vegas companies to build \$600 million worth of hotel-casinos in Anchorage.

But in subsequent telephone in-

Continued on next page



Bingo games pull in more than \$20 million a year in Alaska.

GAMBLING

Continued from previous page

interviews with executives at Caesar's World, Bally Corp and Resorts International, a Daily News reporter was told in so many words that, no, they'd never heard of Mafia Mike and, no again, they had no developmental interests in Alaska.

"I'll tell you what," said Stephen Allen, director of publicity at Bally's Las Vegas. "If someone called up here and introduced himself as Mafia Mike, I doubt we'd even say goodbye."

Von Gnatensky was undeterred. "My arrangement with them is we don't go public until the right time," he said. "They're extremely serious, but they don't want to get caught in the middle of this goat rope of a mayoral campaign."

Meanwhile, McConkey was worried whether the proposal to legalize gambling would get goat-roped by Mafia Mike. More and more, the public was beginning to identify the idea with the outspoken Von Gnatensky, McConkey says — even though he and Pettyjohn had no association with the gangster-suited pizza salesman. He also denies Von Gnatensky's assertion that he was asked by the pro-gambling committee to step down as chairman.

"I never asked Mafia Mike to gently step aside of any committee," McConkey said. "I asked him not to run for mayor. I called him up and said, 'For God sakes, don't run for mayor. For one, you don't have a chance. And two, you'll hurt the legitimate cause of bringing gambling to the state.'"

"And I was right on both counts."

Voter surveys on the issue are difficult to gauge. A railbelt poll of 500 voters last May found that a majority (61 percent) answered "yes" to the question, "Would you or do you support legislation permitting state-regulated gambling and entertainment other than existing charitable ones in Alaska?"

Conducted by ASK Information Search on behalf of citizens supporting casino gambling (not McConkey), the survey carefully avoided the emotion-laden word "casino." But a follow-up question found that feelings toward gambling varied markedly according to the type of gambling involved. Ninety-one percent of those who answered "yes" to the initial question said they would support "historical gold-rush gambling," 83 percent said they would support "horse-racing," and only 73 percent agreed to support "casino gambling" — or 47 percent of all the people interviewed.

At the same time, the survey found that the greatest support for "legislation permitting state-regulated gambling" could be found in Fairbanks (67 percent), followed by the Mat-Su Borough (64 percent), the Kenai Peninsula Borough (62

percent) and Anchorage (57 percent).

One month later, Dittman Research Corp. asked Anchorage voters a more pointed question: "Would you support or oppose legalized casino gambling in Anchorage?" A small majority, 32 percent, opposed the idea; 62 percent approved.

McConkey is fond of telling his critics they'll have at least five chances to say "no" to legalized casino gambling. "First," he says, "you don't have to sign the petition. Second, you can vote against it on the state ballot. Third, you can vote against it again on the local ballot. Fourth, you don't have to go in. And fifth, you don't have to play."

His opponents, McConkey says, would take those choices away from you.

But Baptist pastor Jerry Prevo (who faced McConkey in one public debate), and former Anchorage Police Chief Brian Porter (who met him in another) and Methodist minister John Shaffer (who wrote a newspaper essay denouncing legalizing casinos in Alaska) say it's more a matter of crime than free choice.

Quoting from "The Boardwalk Jungle," a book about Atlantic City, Shaffer said FBI figures show that Atlantic City crime has quadrupled since 1977.

Porter took a similar tack. "Atlantic City officials said things were going to be different in their city, too," he said. "But two years after they started, half their gambling commission was indicted."

In his own debate, Prevo spoke of the moral decay of a place where fathers gamble away the milk money, mothers drink, and teenagers get hooked on life in a casino.

"Atlantic City Atlantic City Atlantic City," McConkey complains. "A teeming, crowded metropolis one hour driving time from Brooklyn. Why does (Prevo) want to keep comparing us with that?"

"Why doesn't he compare Anchorage to Monte Carlo — an international city on the ocean? Or Lake Tahoe — with skiing? He won't do that. All I'm asking is for these so-called honest people — who are hinting that I'm the servant of Satan — to cut that hypocritical bull — and play fair."

He takes a breath, then leans back in his chair.

"I'm not saying I have the answer to the Alaskan economy," McConkey says. "But I have one of the answers. I have one thing that might add, statewide, over three or four years, 20,000 to 30,000 jobs."

"That's good." ■

■ George Bryson is a staff writer for We Alaskans magazine. Fran Durnet, Bob Mattinen, Erik Hill, Michael Penn and Bill Roth are Daily News photographers.



Alaskans have been buying Alotta tickets at the rate of 8,000 a day.



Sally Smith, former state revenue director of public services.

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SB

276

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 4.29.87 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: JUDICIARY
FINANCE

**FISCAL NOTE(S) ATTACHED 1 **
IN ACCORDANCE WITH AS 24.08.035
(see below)

4/23/87

DATE TURNED INTO OFFICE 3/5/87

Mr. President:

STATE AFFAIRS Committee considered SB 276

issuance of a brewery license.

and recommended:

- replace with CS _____ same title
- attached amendment(s) and new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____
- letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING TO PASS

OTHER RECOMMENDATIONS

Paul C. [unclear]
Joe P. Josephson

[Signature]
Chairman signature and recommendation

Committee Backup Attached

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST _____

Bill Version: SB 276
Publish Date: _____

Revision Date: _____
Title: An Act Relating to Issuance of
a Brewery License

Agency Affected: Revenue
BRU: Alcoholic Beverage Control Board

Sponsor: Sen. Fahrenkamp
Requestor: State Affairs

Components: Operating

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	-	-	-	-
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

Prepared By: Royce Weller *RW*
Division: Office of the Commissioner

Phone: 465-2300
Date: May 1, 1987

Approved by Commissioner: Hugh Malone *H.M.*
Agency: Department of Revenue

Date: May 1, 1987

Distribution (by Agency preparing fiscal note):

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

STATE OF ALASKA

DEPARTMENT OF REVENUE

ALCOHOLIC BEVERAGE CONTROL BOARD

SI EVE COWPER, GOVERNOR

560 W. 7TH AVE
ANCHORAGE, ALASKA 99501-8898

May 1, 1987

The Honorable Mitch Abood, Chairman
State Affairs Committee
Alaska State Senate
P.O. Box V
Juneau, AK 99811

Dear Senator Abood:

Your office called to let me know that your committee will consider SB 276 concerning brewery licenses on Monday, May 4.

Members of the Alcoholic Beverage Control Board have informally discussed micro breweries and their increasing popularity. The board believes the innovation would contribute to a new dimension of operation for licensees and, therefore, has no objection to the proposed amendments.

Thank you for notifying the board. If I can provide any additional information, please do not hesitate to let me know.

Sincerely,



Patrick L. Sharrock
Director
(907) 277-8638

PLS:cr

cc: Senator Bettye Fahrenkamp

87-91

SB 276 An Act relating to the issuance of a brewery license by
Senator Fahrenkamp 5/4/87

Before the Senate State Affairs Committee

Under current law, a person who has a brewery license may not receive, from the Alcohol Board of Control, a dispensary license. There is no explicit prohibition for the opposite case. However, lacking guidelines and explicit authorization, to date, ABC has not issued any brewery licenses to persons already holding a beverage dispensary license. This bill would provide clear authority and give them specific conditions under which they would be able to do use it.

If the bill passes, a new industry would be fostered in Alaska, i.e. "brew pubs" which are a growing trend in other states. A brew pub is the industry term for a bar that makes its own beer in small quantities for sale only on the premises. They are the size of micro breweries or smaller.

Sectional Analysis

Section 1. AS 04.11.130 Brewery License

New subsection (e) sets out the conditions under which a holder of brewery license and beverage dispensary license may sell beer:

- (1) in quantities less than five gallons on premises
- (2) not more than 16,000 gallons (5000 barrels) in a year.

Section 2. AS 04.11.450(b) Prohibited Financial Interest

Amended to authorize the holder of beverage dispensary license to obtain a brewery license, subject to AS 04.11.130(e).

Provided by Senator Fahrenkamp's office.

SB

277

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 29 April 1987 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: TRANSPORTATION
FINANCE

**FISCAL NOTE(S) ATTACHED **
IN ACCORDANCE WITH AS 24.08.035
(see below)

4/23/87

DATE TURNED INTO OFFICE 12 May 1987

Mr. President:

STATE AFFAIRS

Committee considered

SB 277

registration of vehicles owned by charitable organizations.

and recommended:

- replace with CS _____ same title
- attached amendment(s) and new title

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING DO PASS

[Signature]
[Signature]

OTHER RECOMMENDATIONS

[Signature] (No Rec)

[Signature]
Chairman signature and recommendation

Committee Backup Attached

BILL NO: SB 277

DATE: April 28, 1987

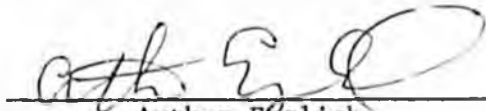
TITLE: An Act relating to registration of vehicles owned by charitable organizations.

CONTACT: Bill Brown
465-4335

Present law exempts charitable organizations from paying full registration fee (they pay \$5 per vehicle), and the motor vehicle registration tax in communities where it is collected by DMV at the time of registration. This bill removes charitable organizations from this exempt status.

The bill would generate additional revenue for the State, and for those municipalities for which the department collects the registration tax.

The department is neutral on this bill.



Arthur English
Commissioner

DEPARTMENT OF
PUBLIC SAFETY

POSTAL PERMIT /

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version : SB 277
Publish Date : _____

Revision Date: _____

Agency Affected: Public Safety

Title: An Act relating to registration of vehicles owned by charitable organ...

BRU: Motor Vehicles

Sponsor: Szymanski

Components: _____

Requestor: Senate State Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE	-0-	84.6	87.1	89.7	92.4	95.2
---------	-----	------	------	------	------	------

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

1986 registration figures reflect 2,563 vehicles registered to charitable organizations. If the regular fee was collected, instead of the current \$5.00 per vehicle, the above reflects the increase in revenue. Assumed effective date of 7-1-87, with a 3% growth factor.

JMR
4/25/87
Prepared by: Bill Brown Phone: 465-4335
Division: Motor Vehicles Date: 4-28-87
Approved by Commissioner: [Signature] Date: 4/28/87
Agency: Public Safety

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

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 5, 1987

SUBJECT: Motor vehicle registration - SB 277

TO: Senator Mike Szymanski

FROM: Michael F. Ford *M.F.*
Legislative Counsel

You have asked if there are any legal problems created by denying special license plates or a lower registration fee to charitable organizations, as in SB 277. The short answer is no. The registration fee charged to charitable organizations is purely a creation of statute, and may be changed as determined by the legislature. Charitable organizations have no right or entitlement to special plates, or to special consideration in the fee charged for registering a motor vehicle. See Washington Chocolate Co. v. King County, 152 P.2d 981 (Wash. 1944).

I did examine two other state registration statutes, Washington and California, to determine if they granted similar exemptions. While both states granted narrow exemptions for vehicles owned by government or nonprofit educational groups, neither state had a broad provision similar to AS 28.10.181(e). As each state legislature is free to grant or deny exemptions of this kind, I would expect considerable variation between the states as to particular exemptions.

Please contact me if you have further questions.

MFF:csh
c8/023



Alaska State Legislature

Senator Mike Szymanski

While in Session:
P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4978/4979

Interim
11920 Johns Rd.
Anchorage, AK 99515
(907) 349-3373

1024 W. 6th
Anchorage, AK 99501
(907) 276-6739

M E M O R A N D U M

To: Senator Mitch Abood, Chair
Senate State Affairs Committee

From: *Mike Szymanski*
Senator Mike Szymanski

Date: April 29, 1987

Subject: Request for Committee Hearing on SB 277

I would like to formally request that a hearing be held at your earliest convenience in Senate State Affairs Committee on Senate Bill 277, "An Act relating to registration of vehicles owned by charitable organizations."

Attached is a copy of the backup material that I circulated on this bill, along with a front page Anchorage Daily News article on the subject. I believe we struck a raw nerve with the public on this issue; KFQD radio had this bill as their subject matter for a call in program last Thursday evening, and I understand that some 625 people called in, about 25 opposed to the bill and the other 600 supporting it!!

If you need it for reference, I have the complete file (3 inches thick) listing every single license plate and who it was issued to for 1984 and 1985 in the category of charitable exempt plates (some 2,474 of them in 1985 alone).

I appreciate your support as co-sponsor of this piece of legislation.



Alaska State Legislature

Senator Mike Szymanski

MEMORANDUM

To: Members of the Alaska Senate
From: Senator Mike Szymanski
Date: April 17, 1987
Subject: Proposed Legislation on Exempt License Plates

While in Session:
P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4978/4979

Interim
11920 Johns Rd.
Anchorage, AK 99515
(907) 349-3373

1024 W. 6th
Anchorage, AK 99501
(907) 276-6739

In 1978 the Alaska legislature passed legislation relating to the registration of unique and special vehicles and vehicles used for special purposes. Included in this list of specially registered vehicles are historic vehicles; special request plates, vehicles owned by disabled veterans and handicapped persons; by state officials; by consular offices; by ranchers, farmers, and dairymen; by amateur mobile radio station operators; by auto dealers, by former POWs; by occasional users of highways; and also vehicles owned by the state, municipalities, and charitable organizations of the state (AS 28.10.181 (e)).

There appears to be a great deal of abuse going on with free plates being supplied to various charitable organizations of the state. "Charitable organization" is defined as a "nonprofit association, corporation, society, or other entity organized, incorporated, or headquartered in the state for educational, cultural, scientific or other charitable purposes, as prescribed in regulations of the department." This definition is so broad that for all practical purposes, every single organization and/or individual in the state qualifies for free plates. As a result, the privilege of having free plates is being terribly abused, and the Department of Motor Vehicles does not have the manpower to investigate individual cases to prevent abuse from occurring. Further, with exempt plates the vehicle does not have to pass an IM inspection, and the local government is not able to collect their tax like they do with regular plates, so they lose revenue.

There are hundreds of plates going to utility companies; hundreds to each of several major church denominations, including the Universal Life church, which usually only has 1 member per denomination; plates registered to individuals who may or may not be registered as non-profit corporations; labor unions; APU & AMU; Gruening Park Apartments; the University of Washington, & California University; Anchorage Gymnastics Association; the list is endless. A summary copy is attached for your reference, along with a list of "charitable organizations" receiving free plates who are driving Mercedes, Porsches, Fiats, Cadillacs, etc.

With so much abuse and no way to control it or monitor it, the only solution seems to be to eliminate this category of plates altogether. In 1985 there were 2,474 exempt plates given to charitable organizations. At an average of \$35 apiece, the state is losing \$86,590 a year in revenues that can be used elsewhere.

Senate District E

Partial Listing of Free plates given to charitable organizations
(each category has examples only, and is not complete)

- 1) Utiltities
 - a. Golden Valley Electric
yye663-699, yyf749-760, 787-91, 100-122
 - b. Copper Valley Electric (yye746-53)
 - c. Mat Su Telephone (yee874-928, yyf218-249; yyf151-51;
many more in yyg, yyg626-39; yyg715-726; 744-763; yyg808-
821; yyg840-47; yyh595-607; 617-632; yyh
 - d. Glacier Highway Electric yyf434-442
 - e. Homer Electric yyf889-896, 958-987, yyg432-443, 447-449;
yyg535-546
 - f. Matanuska Electric Assoc. yyg486-514; 529-533;
yyg822-838; yyh800-811
 - g. Kodiak Electric Association yyg558-577 ; yyg727-36
 - h. Chugach Electric yyg901-947; yyh102-149
 - i. Kulkwan Sanitation Faciltieis Corp yyh463
- 2) School Districts
 - a. Yukon Koyukuk School Dist (930-945)
 - b. Railbelt School Dist (yyf264-269)
 - c. Lower Kuskokwim School District yyf856-867
 - d. Northwest Arctic School District yyh702-708
- 3) Sheldon Jackson College
- 4) Alaska Teamsters Employmee Training yyg465-771
- 5) Fire Departments, Volunteer Fire Departments
- 6) Civil Air Patrol (many, some listed under Alaska Wing)
- 7) Churches
 - a. Universal Life church (one member; hundreds in all)
 - b. Anchorage Baptist Temple yyg414-427
 - c. Arctic Missions (yye776-88)
 - d. 7th Day Adventists (yye820-25)
 - e. Central Alaskan Missions (yye 853-9)
 - f. Soul Harvest yyf374-377; yyj447
 - g. Corporation of the Catholic Bishops AR (many plates)
 - h. North American Indian Revivalas & World Missions yyf732-
 - i. Anchorage Baptist Temple yyj450
 - i. LDS yyf835-49
 - j. Holy Ghost Fathers of Ireland yyg764
 - k. Corporation President, LDS yyg856-57
 - l. World of Faith Broadcast yyg889
 - m. Korean Hope Presbyterian Church yyg891
 - n. Solid Rock Ministrias (many plates; eg yyj305-7
 - o. Alaska Evangeltistic Fund yyj339
- 8) Salvation Army (many plates)
- 9) Anchorage Outboard Club
- 10) Alaska Repertory Theater (8 or 10 at least, scattered)
- 11) Jaycess
- 12) Visual Arts Center yye506
- 13) ULC Inc Charter (2) yye551
- 14) Individual Names
 - a. Richard Bluel yye660
 - b. Gregory McGovern (yye714)
 - c. Edwin Carns (Living Word Ministry)

Examples of Charitable Organizations getting Free Plates for less-than-charitable vehicles:

#	<u>License</u>	<u>Car</u>	<u>Group</u>
1	yya995	Stud 53	Matanuska Electr Assn.
2	yyb365	Buick 72	Turning Point Boys Ranch
3	yyc141	Cadil 69	Arctic Circle Free Will
4	yye122	Linc 78	Univ. Life Church
5	yye203	Olds 74	International Conference of the Bible
6	yye216	Merced 67	Sapa Christian Center
7	yye381	Cadil 54	Transportation Museum of Alaska
8	yye385	Merc 81	Anchorage Park United Methodist
9	yye545	Saab 74	Sage Hoeberrmann
10	yye806	Buick 75	Corpo of the Catholic Archbishop
11	yye874	Merc 79	Matanuska Telephone Assoc.
12	yyf473	Merc 75	Catholic Bishop of Northern Alaska
13	yyf478	Linc 83	Anchorage Baptist Temple
14	yyf535	Olds 81	Universal Life Church
15	yyf537	Volvo 82	Universal Life Church
16	yyf546	Cadil 72	Emily Holcomb
17	yyf565	Linc 77	Blessed Trinity Church
18	yyf607	Merc 70	Fairbanks Rescue Mission
19	yyf679	Olds 75	Corporation of the Catholic Archdiocese
20	yyf683	Buick 82	Copper River School District
21	yyf715	Cadil 75	Bible Baptist Church, Inc. (Fairbanks)
22	yyf737	Merc 80	Bible Baptist Church of Fairbanks
23	yyf741	Linc 78	Universal Life Church
24	yye966	Merc 80	Delta Greely School District R
25	yyf896	Olds 81	Homer Electric Assoc
26	yyf908	Buick 75	Universal Life Church
27	yyf989	Cadil 82	Anchorage Gymnastics Assoc
28	yyf998	Stud 52	Homer Electric Assoc
29	yyf994	Stud 53	Homer Electric Assoc
30	yyg140	Olds 80	Corp. of Catholic Archbishops of ANch.
31	yyg150	Linc 79	Raymond Ansel
32	yyg162	Audi 76	St Pauls Catholic Church
33	yyg182	Merc 79	Calvarys Northern Lights Mission
34	yyg189	Saab 72	St. Seraphim of Sarov. Orthodox
35	yyg200	Merced 72	Alaska Mission #4
36	yyg201	Merced 65	Alaska Mission #3
37	yyg265	Olds 80	Western Dominican Province
38	yyg273	Olds 82	Jesuit Fathers
39	yyg312	Olds 77	Anchorage Baptist Temple
40	yyg346	Olds 82	Soul Harvest, Inc.
41	yyg652	Olds 83	Copper Valley Electric Assoc
42	yyg865	Buic 82	Society of Jesus--Alaska Hool.
43	yyh175	Buic 81	Corporation of the Catholic.
44	yyh220	Olds 83	Providence Hospital
45	yyh301	Buic 80	Society of Jesus
46	yyh324	Olds 82	Calvarys Northern Lights
47	yyh355	Linc 73	Mission of Faith #4
48	yyh399	Merced 66	North Star Church (Healy)
49	yyh409	Olds 84	South Anchorage Assembly of God

ADN.
Apr 1 23, 87
D. 1

Freebie license plates

Lawmakers say courtesy abused

By JOHN LINDBACK
Daily News reporter

JUNEAU — What do the Muldoon Community Assembly, Beans Cafe, University of Washington, Anchorage Gymnastics Association, the Universal Life Church and Chugach Electric Association all have in common?

The state of Alaska gives them and hundreds of other organizations and churches free license plates for their vehicles, regardless of their ability to pay.

While most Alaskans pay the state Division of Motor Vehicles \$35 a year to register a car and \$40 for a pickup, about 2,500 vehicles owned by what state law calls "charitable organizations" get plates for a nominal \$5 a year. The plates are identifiable because they all carry YY as the first two letters.

A 1979 Porsche is registered in the name of the Muldoon Community Assembly, according to state listings. The Anchorage Gymnastics Association registered a 1982 Cadillac. The Sisters of St. Ann registered a 1983 Peugeot. And the Alaska Mission #3 of Anchorage registered a 1965 Mercedes. Alaska Mission #4 of Wasilla registered a 1972 Mercedes.

Hundreds of vehicles are registered to the Universal Life Church.

All of the organizations pay the nominal \$5 fee and somebody from the group signs an affidavit that says the vehicle is used exclusively for the purposes of their group.

Groups based in Anchorage get extra savings. They are also exempted from a personal property tax collected for the Municipality of Anchorage at the time vehicle owners register with the state. For cars, the tax ranges from \$5 to \$60 a year, depending on

See Back Page, PLATES

RECUPERATING



This ailing eagle, recovering at a clinic run by Association, is due to be returned to the wild when it is care of itself, to be given to an educational group. The association has cared for eagles, hawks, seagulls, rav and more photos, Back Page.

weather

index

House

CORRECTION

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

Partial Listing of Free plates given to charitable organizations
(each category has examples only, and is not complete)

- 1) Utilities
 - a. Golden Valley Electric
yye663-699, yyf719-760, 787-91, 100-122
 - b. Copper Valley Electric (yye746-53)
 - c. Mat Su Telephone (yee874-928, yyf218-249; yyf151-51;
many more in yyg, yyg626-39; yyg715-726; 744-763; yyg808-
821; yyg840-47; yyh595-607; 617-632; yyh
 - d. Glacier Highway Electric yyf434-442
 - e. Homer Electric yyf889-896, 958-987, yyg432-443, 447-449;
yyg535-546
 - f. Matanuska Electric Assoc. yyg486-514; 529-533;
yyg822-838; yyh800-811
 - g. Kodiak Electric Association yyg558-577 ; yyg727-36
 - h. Chugach Electric yyg901-947; yyh102-149
 - i. Kulkwan Sanitation Facilities Corp yyh463
- 2) School Districts
 - a. Yukon Koyukuk School Dist (930-945)
 - b. Railbelt School Dist (yyf264-269)
 - c. Lower Kuskokwim School District yyf856-867
 - d. Northwest Arctic School District yyh702-708
- 3) Sheldon Jackson College
- 4) Alaska Teamsters Employee Training yyg465-771
- 5) Fire Departments, Volunteer Fire Departments
- 6) Civil Air Patrol (many, some listed under Alaska Wing)
- 7) Churches
 - a. Universal Life church (one member; hundreds in all)
 - b. Anchorage Baptist Temple yyg414-427
 - c. Arctic Missions (yye776-88)
 - d. 7th Day Adventists (yye820-25)
 - e. Central Alaskan Missions (yye 853-9)
 - f. Soul Harvest yyf374-377; yyj447
 - g. Corporation of the Catholic Bishops AR (many plates)
 - h. North American Indian Revivalas & World Missions yyf732-
 - i. Anchorage Baptist Temple yyj450
 - i. LDS yyf835-49
 - j. Holy Ghost Fathers of Ireland yyg764
 - k. Corporation President, LDS yyg856-57
 - l. World of Faith Broadcast yyg889
 - m. Korean Hope Presbyterian Church yyg891
 - n. Solid Rock Ministries (many plates; eg yyj305-7
 - o. Alaska Evangelistic Fund yyj339
- 8) Salvation Army (many plates)
- 9) Anchorage Outboard Club
- 10) Alaska Repertory Theater (8 or 10 at least, scattered)
- 11) Jaycess
- 12) Visual Arts Center yye506
- 13) ULC Inc Charter (2) yye551
- 14) Individual Names
 - a. Richard Bluel yye660
 - b. Gregory McGovern (yye714)
 - c. Edwin Carns (Living Word Ministry)

- d. Arnold Barry yyf385
- e. Kayleen Louise Stipe & Gary, yyf579
- 17) Alaskan Laborers Training Fund (yye836-9
- 18) Native Associations
 - a. Copper River Native Association
 - b. Orutsararmuit Native Council yyg975
 - c. AFN yyj445
- 19) Providence Hospital yyf 191
- 20) APU yyf207,209,215,217; APU Surplus properties yyg617;yyh546
- 21) AMU yyf210-13
- 23) Gruening Park Apartments yyf349
- 24) Frontiers of Faith Ministries; Sterling (Surplus Properties Services Anchorage
- 25) Alaska Public Television yyf398
- 26) Monroe High school yyf476
- 27) Transportation Museum of Alaska yyf658
- 28) Out of State Plates
 - a. University of Washington!! yyf-686-689;yyf978
 - b. California Unviersity yyg339
- 29) Tanana Valley Fair Assoc yyf794-5
- 30) Town of Metlakatla yyf897
- 31) Anchorage Gymnastics Association yyf989
- 32) Service Oil & GAS, Inc.yygl11
- 33) Hutchings Chevrolet-Oldsmobile yygl51
- 34) Raymond Ansel, Peninsula Savings & Loan Ass. yyg150
- 35) Anchorage Motor Musers Club yyg321
- 36) Agelus Memorial Park yyg410;868
- 37) Casa De San Jose (yyg464)
- 38) Metlakatla Indian Community yyg671
- 39) Stevens Village Council yyg676
- 40) Send of Alaska yyg700-706; yyj151-52
- 41) Wasilla Lions Club yyg796
- 42) National Outdoor Leadership yyg848-49
- 43) Anchorage Shrine Club yyg874
- 44) Mat-Su Valley Humane Society yyg986
- 45) St. Elizabeth Ann Seton School yyh176
- 46) Bethel Pre-Maternal Home yyh190
- 47) Employment Training Center, Fedalaska Federal Credit Union yyh195
- 48) Cassel Enola, DBA Anchoraage Gymnastics Assoc. yyh210;224
- 49) Monroe Foundation yyh336
- 50) Alpine aLTERNATIVES yyh408
- 51) Susitna Girl Scout Council yyh444, Boy Scouts 445
- 52) City of Palmer yyh846
- 53) Alaska State Fair yyh977-79
- 54) Muldoon Community Assembly yyj140
- 55) Anchorage Police Chaplain yyj210
- 56) Nordic Ski Asocc. of Anch. yyj254
- 57) Interior Region Housing Authority yyj315
- 58) Alaska light opera theatre yyj365
- 59) The Lodge yyj500-501
- 60) Beans Cafe yyj513-

Examples of Charitable Organizations getting Free Plates for less-than-charitable vehicles:

#	License	Car	Group
1	yya995	Stud 53	Matanuska Electr Assn.
2	yyb365	Buick 72	Turning Point Boys Ranch
3	yycl41	Cadil 69	Arctic Circle Free Will
4	yyel22	Linc 78	Univ. Life Church
5	yye203	Olds 74	International Conference of the Bible
6	yye216	Merced 67	Sapa Christian Center
7	yye381	Cadil 54	Transportation Museum of Alaska
8	yye385	Merc 81	Anchorage Park United Methodist
9	yye545	Saab 74	Sage Hoebermann
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12	yyf473	Merc 75	Catholic Bishop of Northern Alaska
13	yyf478	Linc 83	Anchorage Baptist Temple
14	yyf535	Olds 81	Universal Life Church
15	yyf537	Volvo 82	Universal Life Church
16	yyf546	Cadil 72	Emily Holcomb
17	yyf565	Linc 77	Blessed Trinity Church
18	yyf607	Merc 70	Fairbanks Rescue Mission
19	yyf679	Olds 75	Corporation of the Catholic Archdiocese
20	yyf683	Buick 82	Copper River School District
21	yyf715	Cadil 75	Bible Baptist Church, Inc. (Fairbanks)
22	yyf737	Merc 80	Bible Baptist Church of Fairbanks
23	yyf741	Linc 78	Universal Life Church
24	yye966	Merc 80	Delta Greely School District R
25	yyf896	Olds 81	Homer Electric Assoc
26	yyf908	Buick 75	Universal Life Church
27	yyf989	Cadil 82	Anchorage Gymnastics Assoc
28	yyf998	Stud 52	Homer Electric Assoc
29	yyf994	Stud 53	Homer Electric Assoc
30	yyg140	Olds 80	Corp. of Catholic Archbishops of Anch.
31	yyg150	Linc 79	Raymond Ansel
32	yyg162	Audi 76	St Pauls Catholic Church
33	yyg182	Merc 79	Calvarys Northern Lights Mission
34	yyg189	Saab 72	St. Seraphim of Sarov. Orthodox
35	yyg200	Merced 72	Alaska Mission #4
36	yyg201	Merced 65	Alaska Mission #3
37	yyg265	Olds 80	Western Dominican Province
38	yyg273	Olds 82	Jesuit Fathers
39	yyg312	Olds 77	Anchorage Baptist Temple
40	yyg346	Olds 82	Soul Harvest, Inc.
41	yyg652	Olds 83	Copper Valley Electric Assoc
42	yyg865	Buic 82	Society of Jesus--Alaska Hool.
43	yyh175	Buic 81	Corporation of the Catholic.
44	yyh220	Olds 83	Providence Hospital
45	yyh301	Buic 80	Society of Jesus
46	yyh324	Olds 82	Calvarys Northern Lights
47	yyh355	Linc 73	Mission of Faith #4
48	yyh399	Merced 66	North Star Church (Healy)
49	yyh409	Olds 84	South Anchorage Assembly of God

50	yyh489	Buic 84	Alaska Heritage Review (address in Anchorage and also one in Seattle)
51	yyh504	Olds 71	Gods Retreat
52	yyh5^4	Olds 77	St. Benedicts Church
53	yyh548	Royal 84	Abbot Loop Comm. Chapel
54	yyh587	Olds 82	Matanuska Telephone Assoc.
55	yyh665	Buick 80	Corp of Catholic Archbishops
57	yyh696	Cadil 78	Tri-Valley Volunteer Fire Dept.
58	yyh726	Olds 84	Alaska Villlage Electric Assoc.
59	yyh857	Olds 76	Sapa Christian Center
60	yyj137	Fiat 78	Solid Rock Ministries Inc. (Soldotna)
61	yyj140	Porsche79	Muldoon Community Assembly
62	yyj182	Olds 79	Corp. of Catho. Archbishops Anch
63	yyj190	Buic 85	Sisters of Providence in Washington (Seattle address; secondary Eagle River)
64	yyj272	Olds 82	Corp. Catholic Archbishops Anch
65	yyj295	Buic 84	Our Lady of Compassion
66	yyj323	Olds 83	Wayland Baptist University
67	yyj339	Buic 79	Alaska Evangelistic Fund, Inc.
68	yyj348	Olds 81	Trinity Presbyterian Church
69	yy367	Olds 85	Watchtower Society of New York Inc.
70	yy379	Olds 82	Corp. Cathollic Archbishops of Anchora
71	yyj389	Olds 80	Alaska Pacific University
72	yyj398	Olds 81	St. Marys Episcopal Church
73	yyj436	Olds 83	Theodor Zembal or the Society of Jesus -Oregon
74	yyj445	Buick 81	Alaska Federation of Natives
75	yyj447	Olds 85	Soul Harvest, Inc. (Anchorage & Seattle)
76	yyj450	Cadil 69	Anchorage Baptist Temple
77	yyj457	Peugot 83	Sisters of St. Ann
78	yyj506	Buic 81	Corporation of Catholic
79	yyj564	Buic 84	Boy Scouts of America (ANCHORAGE)
80	yyj566	Buic 84	Boy Scouts of America Ancho
81	yyj598	Buic 85	Hillcrest Church of the Nazarene
82	yyj604	Buic 86	Akeela House, INC.
83	yyj610	Olds 80	Anchorage Baptist Temple
84	yyj632	Buic 86	The Salvation Army

ADN.
Apr. 23, 87
D. 1

Freebie license plates

Lawmakers say courtesy abused

By JOHN LINDBACK
Daily News reporter

JUNEAU — What do the Muldoon Community Assembly, Beans Cafe, University of Washington, Anchorage Gymnastics Association, the Universal Life Church and Chugach Electric Association all have in common?

The state of Alaska gives them and hundreds of other organizations and churches free license plates for their vehicles, regardless of their ability to pay.

While most Alaskans pay the state Division of Motor Vehicles \$35 a year to register a car and \$40 for a pickup, about 2,500 vehicles owned by what state law calls "charitable organizations" get plates for a nominal \$5 a year. The plates are identifiable because they all carry YY as the first two letters.

A 1979 Porsche is registered in the name of the Muldoon Community Assembly, according to state listings. The Anchorage Gymnastics Association registered a 1982 Cadillac. The Sisters of St. Ann registered a 1983 Peugeot. And the Alaska Mission #3 of Anchorage registered a 1965 Mercedes. Alaska Mission #4 of Wasilla registered a 1972 Mercedes.

Hundreds of vehicles are registered to the Universal Life Church.

All of the organizations pay the nominal \$5 fee and somebody from the group signs an affidavit that says the vehicle is used exclusively for the purposes of their group.

Groups based in Anchorage get extra savings. They are also exempted from a personal property tax collected for the Municipality of Anchorage at the time vehicle owners register with the state. For cars, the tax ranges from \$5 to \$60 a year, depending on

See Back Page, PLATES

RECUPERATING



This ailing eagle, recovering at a clinic run by Association, is due to be returned to the wild when it is in care of itself, to be given to an educational group. The association has cared for eagles, hawks, seagulls, raven and more photos, Back Page.

weather

index

House

Military officers said that, in 1986, fewer than three percent of the men and women in the armed forces who were tested for illicit drugs were found to have used them. With testing having become widespread, the officers said, that was a close indication of overall usage.

In comparison, 27 percent of those in the armed forces in 1980 admitted to having used drugs the previous month.

The Army, the largest of

drug users, they also credited the higher level of education for recruits entering the services today and growing peer pressure within the services.

The military services have experienced many disputes over the legality of testing.

But the services have won enough backing in the courts to make testing pervasive. The Army, which has 900,000 soldiers, reservists and civilian employees subject to testing, conducted 1.2 million tests last year, an increase of

the first half-hour of a controller's shift, and on the third day of the controller's work week. The FAA has also found that three-fourths of the errors occur when a controller is handling 10 or fewer airplanes.

The Navy, which had the second-worst drug record in 1980, found last year that 2.8 percent of the sailors tested showed positive results, which was about the same as the year before.

AIR TRAFFIC: Task force to seek causes of mistakes

Continued from Page A-1

to maintain the proper separation between two planes, the mistake is automatically recorded on an FAA computer. These are known as "operational errors." FAA regulations generally require controllers to maintain a horizontal separation of five miles and a vertical separation of 1,000 feet.

Engen, terming the recent rise in errors "an aberration," cautioned against drawing

conclusions about the increase in errors or the organization of the task force. He noted that errors declined by 25 percent in 1985 and by 13 percent last year. During 1986, controllers handled 94 million flight legs and recorded 1,207 errors, 265 in the first three months of that year. In the first three months of 1987, there were 313 errors.

From an earlier review of 1,400 controller errors, the FAA found that most occur between 3 p.m. and 5 p.m., on

the first half-hour of a controller's shift, and on the third day of the controller's work week. The FAA has also found that three-fourths of the errors occur when a controller is handling 10 or fewer airplanes.

"I don't think we're going to come up with any great new things," Engen said. "We're not going to reinvent the wheel. You keep looking at the errors to try and prevent them."

PLATES: Some lawmakers say it's time for the state to stop giving a break on fees

Continued from Page A-1

the age of the vehicle.

But the freebies may not last long.

Legislators who don't like the looks of the motor vehicle lists are beginning to think that the state might benefit from the more than \$80,000 a year it forgoes by handing out free plates.

Sen. Mike Szymanski, D-Anchorage, suspects abuse of an old law that was originally designed to give non-profit charitable organizations a fi-

nanacial break.

"It seems to me if you can afford a vehicle like a Porsche or a Mercedes you ought to be able to afford the licensing fee to go along with it," Szymanski said. As a result, he's trying to find support this week for a bill that would eliminate free plates for all vehicles except those owned by the state or municipal governments.

So far, Sens. Mitch Abood, R-Anchorage, Arliss Sturgulewski, R-Anchorage and Pat Rodey, D-Anchorage, have joined up to co-sponsor Szymanski's legislation.

Attempts Wednesday to reach some owners of YY plates for comment on Szymanski's plan turned up little. A spokeswoman for the Muldoon Community Assembly, owners of the Porsche, declined comment.

No phone listings could be found for Alaska Mission #3 or Alaska Mission #4, registered Mercedes owners.

Szymanski said the problem lies in the state law's overly broad definition of charitable organization. It is defined as a "nonprofit association, corporation, society, or other entity organized, in-

corporated, or headquartered in the state for educational, cultural, scientific or other charitable purposes; as prescribed in regulations of the department."

Utility companies and church denominations have registered hundreds of vehicles. Labor groups also qualify for freebie plates along with nonprofit cultural organizations, such as the Alaska Repertory Theatre and the Alaska Light Opera. Other nonprofit organizations like the Nordic Ski Association of Anchorage, Mat-Su Valley Humane Society, Wasilla

DIVIDENDS: House votes to spend surplus

Continued from Page A-1

version is akin to tapping the dividend account, there was little debate on the floor.

It would be more popular, but not practical, for lawmakers to vote for a higher dividend, said House Majority Leader Max Gruenberg, D-Anchorage.

"It's very, very tempting to say to our constituents, 'Look, I gave you \$40 more in your dividend,'" Gruenberg said. "We need that money to balance the budget."

Rep. Peter Goll, D-Haines, said the money should go into the principal of the perma-

nent fund, taking it out of lawmakers' reach. He tried, unsuccessfully, to amend the bill.

House members approved the measure, 23-15. Minority Leader Fritz Pettyjohn, R-Anchorage, said he plans to call for another vote today.

He said he is not convinced the money would go into the dividend fund even under Cowper's bill.

"If it were to fail, money would not necessarily go into this year's permanent fund dividends. This money will remain where it is and will be available for any use the leg-

islature desires," he said.

A spokesman for Cowper said the governor would prefer the money go into dividends. He said Cowper is asking fiscal analysts to study the impact the House bill will have on the dividend account.

Last year, at former Gov. Bill Sheffield's request, lawmakers reappropriated unclaimed dividends, but Sheffield eventually vetoed the action after some people characterized it as a "midnight raid" on the dividend program.

If the Senate approves the House measure, it would set a precedent for using excess dividends.

At low altitudes, this contamination could rain down on areas within 125 miles of the intended target, she calculated.

"It would be worse if the warheads hit and detonated as planned," Howes said. "But there still would be a price to pay if they didn't."



Fred M. Getty
7550 Trenton Lane
Anchorage, AK 99502
907 276-1680

April 23, 1987

Senator Mitch Abood
Alaska State Senate
Post Office Box 7
Juneau, Alaska 99811

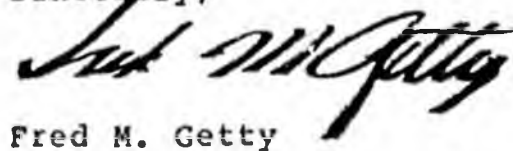
Re: Alaska License Plates YY

Dear Senator Abood:

The time has come to eliminate the State's YY license program.

We need to be responsible and pay for what we get. Please support any bill that would eliminate the dispensing of free license plates to any non-municipal or state organization.

Sincerely,



Fred M. Getty

C
Committee
M

SPB

280

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 2/24/88 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: RESOURCES

**FISCAL NOTE(S) ATTACHED **
IN ACCORDANCE WITH AS 24.08.035
(see below)

4/28/87

DATE TURNED INTO OFFICE 3/11/88

Mr. President:

STATE AFFAIRS

Committee considered SB 280

issuance of permits and consistency determinations.

and recommended:

replace with CS _____ same title
 attached amendment(s) and new title

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Jim Dal (No Rec)
W. Hurler (No Rec)

Don Willard
Chairman signature and recommendation

Committee Backup Attached

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: _____
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Dept. of Natural Resources
 Title: SB280 Relating to the issuance of permits and consistency determinations BRU: Commissioner's Office
 Sponsor: Coghill, Faiks, and Jones Components: _____
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	400.7	400.7	400.7	400.7	400.7	400.7
TRAVEL	14.9	14.9	14.9	14.9	14.9	14.9
CONTRACTUAL	91.7	91.7	91.7	91.7	91.7	91.7
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	507.3	507.3	507.3	507.3	507.3	507.3

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	507.3	507.3	507.3	507.3	507.3	507.3
FEDERAL FUNDS						
OTHER						
TOTAL	507.3	507.3	507.3	507.3	507.3	507.3

POSITIONS:

FULL-TIME	8	8	8	8	8	8
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: _____ Phone: _____
 Division: _____ Date: _____

Approved by Commissioner: *Jennie Gornik* Date: 3-11-88
 Agency: Department of Natural Resources

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

Alaska State Legislature

Senate Resources Committee



Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Arliss Sturqulewski
Sen. Jim Duncan
Sen. Fred Zharoff
Sen. Dick Eliason

Box V
Juneau, Alaska 99811
(907) 465-4907

M E M O R A N D U M

To: Senator Abood, Chairman Senate State Affairs Committee
Members of Senate State Affairs Committee

From: Senator Coghill

Subj: Sponsor Statement on SB 280; relating to the issuance of permits and consistency determinations.

Date: February 29, 1988

Very briefly this bill would require the Office of Management and Budget to do two things:

- 1) designate a lead agency to render on behalf of the state, each federal consistency determination and certification authorized by the Coastal Zone Management Act of 1972; and
- 2) designate a lead agency to render on behalf of the state each conclusive state consistency determination when a project requires two or more state or federal permits, leases, or authorizations.

These two changes are located on page 3 of the bill.

The rest of the bill adds a new section to statutes that designates DNR as the lead agency for development activities on state land and water, on federal land and water, and on the outer continental shelf.

My intent in this bill is to get DNR back in the drivers seat on resource development projects and to reduce the time lines for industry to receive the necessary permits.

Attached to this memo are two pages from the Legislative Reporting Service publication, relating to SB 280.

INTRODUCTION OF BILLS (Senate, cont'd)

SB 279, (cont'd)

section, the applicant has to be reexamined on the whole section. If the applicant fails the exam or any section of it on two separate occasions, the board has to refuse to examine the applicant further until the applicant produces evidence satisfactory to the board that the applicant has pursued further study in preparation for the examination.

—Sections relating to examination and license qualifications are retroactive to January 1, 1987 (does not include section increasing number of board members or section outlining reexamination procedures). Provides Act takes effect immediately.

Introduced April 27 and referred to Health, Education & Social Services; Finance.

Permits &
Consistency
Determinations
(lead agencies)

SENATE BILL NO. 280, by Senators Coghill, Faiks and Jones. Would require the Office of Management & Budget (OMB) to designate a lead agency to render, on behalf of the state, each federal consistency determination and certification authorized by the Coastal Zone Management Act of 1972; and each conclusive state consistency determination when a project requires two or more state or federal permits, leases, or authorizations. Current law requires OMB to render, on behalf of the state, all federal consistency determinations and certifications authorized by the CZM Act of 1972, and a conclusive state consistency determination when a project requires two or more state or federal permits, leases, or authorizations.

Adds sections to AS 44.19.145 (Functions and duties of the OMB) stating:

—The Department of Natural Resources is designated as the lead agency for consistency determinations that involve resource development activities on state land, water and submerged lands, and federal land, water, and the Outer Continental Shelf.

—In performing its functions, the lead agency has to consult with other resource agencies and with coastal resource districts under the Alaska Coastal Management Program (AS 46.40) The lead agency has to consider documented facts, data, opinions, or recommendations submitted by another agency of the state or by a coastal resource district with an approved district coastal management program within its area of expertise. The lead agency has to balance competing factors in reaching its final decision and can make a recommendation contrary to a recommendation received from another agency.

—Except when required by federal law, a state agency other than a designated lead agency may not make a recommendation to a federal permitting agency.

—In making a consistency determination for an activity that is occurring outside the boundaries of a coastal resource district.

INTRODUCTION OF BILLS (Senate, cont'd)

SB 280, (cont'd)

with an approved district plan, the lead agency and each resource agency have to apply statewide standards and guidelines adopted by the Alaska Coastal Policy Council.

--The director of OMB has to make the designations of lead agencies by administrative order published in the Alaska Administrative Journal. The designations may be revised by published administrative order.

The director of OMB has to make the initial lead agency designations not later than October 1, 1987.

Introduced April 28 and referred to State Affairs; Resources.

Occupational/
Phys. Therapy &
Religious
Healing

SENATE BILL NO. 281, by Senator Fischer by Request. Relates to occupational therapy, physical therapy, and religious healing practitioners:

--Would incorporate occupational therapists into the state physical therapy board, making it the "State Physical Therapy and Occupational Therapy Board." The membership of the board would be increased from five to seven members, adding two licensed occupational therapists or a licensed occupational therapist and a licensed occupational therapy assistant. The board would control all matters pertaining to the licensing of physical and occupational therapists and their assistants and the practice of physical and occupational therapy.

--The physical and occupational therapy board would "provide for the examination of applicants" (currently the board must conduct examinations).

--Adds a new subsection outlining requirements for licensure as an occupational therapist or assistant. An applicant, unless a graduate of a foreign school of occupational therapy, would have to have successfully completed a curriculum of occupational therapy approved by the Committee of Allied Health Education and Accreditation of the American Medical Association, and the American Occupational Therapy Association appropriate to the license being sought. The applicant also has to submit proof of successful completion of supervised field work, pass the test, and meet qualifications for licensure set out in regulations. Outlines procedure for becoming licensed for applicants who are graduates of schools located outside the U.S. Adds a new sections that provides for licensing by credential, and a section outlining experience-based licensure of occupational therapists.

--A temporary permit issued to an occupational therapist is valid for eight months or until the results of the exam for which the applicant is scheduled are published, whichever occurs first. If the applicant fails to take an exam for which the applicant is scheduled, the temporary permit would lapse on the day of the exam.

--Licensees would have to renew the license every two years

STATE OF ALASKA

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET DIVISION OF GOVERNMENTAL COORDINATION

STEVE COWPER, GOVERNOR

CENTRAL OFFICE

P.O. BOX AW
JUNEAU, ALASKA 99811-0165
PHONE: (907) 465-3562

SOUTHEAST REGIONAL OFFICE

431 NORTH FRANKLIN
P.O. BOX AW, SUITE 101
JUNEAU, ALASKA 99811-0165
PHONE: (907) 465-3562

SOUTHCENTRAL REGIONAL OFFICE

2600 DENALI STREET
SUITE 700
ANCHORAGE, ALASKA 99503-2796
PHONE: (907) 274-1581

NORTHERN REGIONAL OFFICE

675 SEVENTH AVENUE
STATION H
FAIRBANKS, ALASKA 99701-4596
PHONE: (907) 456-3084

TO: Senator Mitch Abood, Chairman
Senate State Affairs Committee

FROM: Robert L. Grogan, ^{RLG} Director
Division of Governmental Coordination

RE: Senate Bill 208

DATE: February 29, 1988

I have attached for your review the following documents:

1. The Alaska Coastal Consistency Review Process - Overview

This attachment briefly describes how the state's permitting process works. It highlights key provisions of the state's current procedures and discusses the primary benefits to applicants.

2. Coastal Consistency Review Process - Results

This document focuses on the state's four-year experience with the current regulations. Various performance indicators are used.

3. How to Apply for Permits in Alaska's Coastal Zone

This outreach document has been used to communicate information about the state's permitting process.

Please contact me for additional information.

cc: Senate State Affairs Committee Members

DIVISION OF GOVERNMENTAL COORDINATION
ALASKA COASTAL CONSISTENCY REVIEW PROCESS
OVERVIEW

Since adoption of the coastal consistency review regulations in early 1984, major progress has been made to achieve the following permit reform goals:

- ° establish regulatory deadlines for state permit decisions,
- ° eliminate repetitive state reviews and decisions on the same project,
- ° expedite state permit reviews and decisions,
- ° ensure uniformity in state agency comments on federal permit decisions,
- ° assist applicants in the processing of state and federal permits,
- ° provide adequate opportunity for public and local government participation in state permit decisions, and
- ° achieve a balanced, factually documented decision including consideration of the costs and benefits of requiring particular stipulations.

The state's system for reviewing and processing most project related permits, leases, and other legal approvals is governed by regulations adopted in March 1984, entitled Project Consistency with the Alaska Coastal Management Program (6 AAC 50). The regulations require that coastal projects only be reviewed one time for approvals required by the Departments of Environmental Conservation, Fish and Game, and Natural Resources and for consistency reviews conducted by the Division of Governmental Coordination (DGC). These regulations, provide for (1) easy access to and participation in the decision making process by applicants, (2) expedient decisions on project consistency and (3) quick issuance of permits by the state resource agencies. Features of the existing regulations and additional efforts being taken by the state to improve the permitting process include the following:

- ° All appropriate permits and certificates for a project are evaluated in a single review. This eliminates duplicative and time consuming review of individual permits necessary for the same project.
- ° When a project requires permits of two or more state agencies or a federal permit, DGC coordinates the project review and renders a conclusive consistency determination on behalf of all the state resource agencies. This provides applicants with a single state agency contact (DGC) to coordinate the project review and, if necessary, resolve any outstanding conflicts. It also provides a single state voice for communicating

the state's position on a project to federal permitting agencies.

- ° The consistency review regulations have streamlined the permitting process. Consistency determinations are completed in an average of 39 days. State resource agency permits are required to be issued within 5 days of the consistency determination. Previously, the state could take six months or longer to complete the review of a project for federal consistency with the Alaska Coastal Management Program (ACMP).
- ° If an applicant considers a decision by the State of Alaska to be unacceptable, opportunities exist to elevate a decision to policy makers of the state resource agencies for their reconsideration. Applicants are encouraged to participate in discussions of their project at each level of review.
- ° On request, DGC will assist applicants schedule pre-application meetings with all the concerned agencies (state, federal and local) to discuss their project prior to filing permit applications. At these pre-application meetings, agencies provide recommendations to an applicant for designing a project that will meet review criteria and ensure compliance with state, federal, and local requirements. Also, the applicant learns how the permit process works, who to contact for information, and what to expect during the review process. These pre-application meetings also provide a forum for informal agency contact to assess regulatory requirements for projects.
- ° A brochure which describes the state's consistency review to potential applicants has been mailed to approximately 5,000 potential applicants listed in business directories prepared by the Department of Commerce and Economic Development (attached). Part of the brochure includes a survey form which the applicant can return by mail to request additional assistance from DGC in dealing with the consistency review process.

Since January 1984, DGC has processed 1,959 project reviews. Of this total, more than 99% were found consistent. The average review period for these projects was 39 days. Following the review, all state and most federal permits are promptly issued.

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Division of Governmental Coordination
 Office of the Governor, State of Alaska
 P.O. Box AW
 Juneau, Alaska 99811

**30-Day and 50-Day
 Review Schedules**

Federal and state public notice requirements determine the review schedule for your project. A 30-day review schedule will be used if a public notice is not required and all associated state permits can be issued in 30 days. A 50-day review schedule will be used for projects with approvals requiring a public notice. These schedules limit the amount of time state agencies have to review your project and issue state permits if the project is found consistent with Alaska Coastal Management Program standards.*

	30-Day Review	50-Day Review
Consistency review begins	Day 1	Day 1
Deadline for regional reviewers to request additional information	Day 15	Day 25
Public and agency reviewer comments due	Day 17	Day 34
Notification of preliminary determination	Day 24	Day 44
Request for elevation	Day 29	Day 49
Conclusive consistency determination issued (unless elevation requested)	Day 30	Day 50
If elevated, director's determination	Day 45	Day 65
If elevated again, commissioner's determination	Day 60	Day 80

* These schedules may be extended only under circumstances outlined in 6 AAC 50.110.



Elevation (Appeal) Process

If you do not concur with the proposed determination on your project, you may request *elevation*, or further review by division directors within the state resource agencies. The directors review the proposed determination and any additional information included in the elevation request, then issue a second proposed determination.

You may then elevate the review to the commissioners of the resource agencies if the director-level review does not satisfy your interests. This is the final step in the administrative appeal process.

Each elevation review can take no longer than 15 days. State resource agencies and coastal districts may also request elevation. In actual practice, elevation has rarely been required.

For More Information

About a specific project, contact the DGC office nearest you:

Southeast Regional Office
 Division of Governmental
 Coordination
 P.O. Box AW, Suite 101
 431 North Franklin Street
 Juneau, AK 99811-0165
 Phone: (907) 465-3562

Southcentral Regional Office
 Division of Governmental
 Coordination
 2600 Denali Street, Suite 700
 Anchorage, AK 99503-2798
 Phone: (907) 274-1581

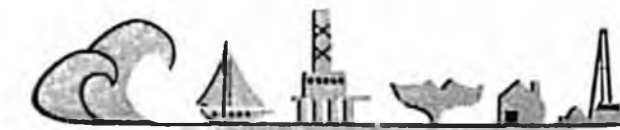
Northern Regional Office
 Division of Governmental
 Coordination
 Station H
 675 Seventh Avenue
 Fairbanks, AK 99701-4596
 Phone: (907) 456-3084

If you have any questions about the *Consistency Review Process* or the *Alaska Coastal Management Program*, contact:

Division of Governmental
 Coordination
 P.O. Box AW
 431 North Franklin Street
 Juneau, AK 99811-0165
 Phone: (907) 465-3562

Division of Governmental Coordination
 Office of the Governor, State of Alaska
 P.O. Box AW
 Juneau, Alaska 99811

How To Apply For State Permits In Alaska's Coastal Zone



stamp



The State of Alaska has a streamlined, coordinated system for reviewing applications and issuing permits for proposed projects that would affect natural resources in Alaska's coastal zone. It's called the *consistency review process*.

This brochure briefly outlines the consistency review process for applicants seeking resource-related state and federal permits.* The review process is more fully explained in state regulation 6 AAC 50. The consistency review process does not cover business licenses, municipal authorizations, or projects outside the coastal zone.

The Consistency Review Process Provides

- Quick answers to whether your project is in the coastal zone and what permits you need.
- A one-stop, consolidated state response to coastal development projects and related state and federal permit applications.
- Specific timeframes and deadlines for permit issuance.
- A fast appeal process.

* Federal agencies, please contact the Division of Governmental Coordination regarding procedures for direct federal actions.

The State Permitting Process

The consistency review process is based on the Alaska Coastal Management Program and is designed to improve management of Alaska's coastal land and water uses. Project proposals are reviewed to:

- Determine the project's consistency with the Alaska Coastal Management Program.
- Identify permits required by the state resource agencies, that is, the Alaska Departments of Environmental Conservation, Fish and Game, and Natural Resources.
- Trigger the issuance of necessary permits and other authorizations by state resource agencies.

Who Handles The Consistency Review Process?

If a federal permit or permits from more than one state agency are required, the consistency review process is coordinated by a regional office of the Division of Governmental Coordination in the Office of the Governor. If permits from only one state agency are required, the state agency responsible for issuing those permits coordinates the review.

To Start

Project applicants should complete the *Coastal Project Questionnaire* to determine which permits are needed. *Note: Placer miners see below.*

Copies of the questionnaire are available from the Division of Governmental Coordination (DGC), the resource agencies, or the U.S. Army Corps of Engineers (COE). Regional DGC contacts are shown on the back of this brochure. The COE has a toll-free telephone number: 1-800-478-2712.

Filling out the questionnaire properly is important and will help agencies process your project application without delays. If you have any questions or need assistance, contact a regional DGC or state agency office (listed on the questionnaire). The questionnaire includes a *Certification of Consistency* which must be completed and signed by you to meet federal requirements.

The Coastal Project Questionnaire will help identify which permits are needed, your contacts for the consistency review process and the DGC regional office that will be working with you.

Placer miners should submit a *Triagency Application* to the Department of Natural Resources (DNR) instead of completing the Coastal Project Questionnaire. Contact the DNR, Division of Mining and Geology, or the nearest DGC regional office for more information.

Preapplication Meetings Can Save You Time

Before you settle on your final project plans and submit your application, the state can arrange for meetings between you and state agency representatives. These can help identify concerns and information needs, and encourage a mutual understanding of the project. To arrange for a preapplication meeting, call or write the coordinating agency contact.

Review Begins When The Application Packet Is Complete

Consistency review begins upon receipt of your complete application packet, which will be prepared by you and the agencies. A complete packet includes:

- The Coastal Project Questionnaire and signed Certification of Consistency.
- Copies of any state permit applications needed for the project (originals go to the state agency issuing the permit).
- Copies of any federal permit applications needed for the project (originals go to the federal agency issuing the permit).
- Any additional pertinent information including public notices from agencies.

Who Reviews The Project ?

The participants in the review process include:

1. You, the applicant
2. State resource agencies and the Division of Governmental Coordination
3. The affected local coastal community
4. Other interested members of the public

Steps in the Review Process

Start-up

You will be notified when the review starts. You will receive your project's assigned review number, review schedule, and other information.

Information Requests

Agencies may request additional information from you up to the 25th day of the review. The coordinating agency may stop the review until that information is received.

Proposed Determination

After reviewing comments on the packet, the coordinating agency will develop a proposed consistency determination. It will be discussed with you, state resource agencies, and coastal districts.

Conclusive Determination

A conclusive consistency determination will be issued upon agreement of the proposed determination.

Permits

Agencies will issue state permits covered by the determination within five days after the conclusive consistency determination is issued.

see other side →

Name _____
 Organization _____
 Street (or Box #) _____
 City _____ State _____ Zip _____

Please send more detailed information on:

- Alaska Consistency Review Process
 The Alaska Coastal Management Program

I would attend a consistency review process workshop scheduled in my area.

Yes _____ No _____

DIVISION OF GOVERNMENTAL COORDINATION
COASTAL CONSISTENCY REVIEW PROCESS
RESULTS

Project Review and Permit Coordination

Development projects in Alaska are regulated by an interlocking web of federal, state, and local permits, leases, and other authorizations. Whether a project involves large investments, such as a major oil and gas project or a relatively small investment such as a residential fill project, all require some degree of review by federal, state, and local agencies before the project can move forward. As provided under AS 44.19.15 and 6 AAC 50, the Division of Governmental Coordination (DGC) coordinates the agency review of all required project permits within the state's coastal boundary. This coordination service means all state permits for a project are reviewed at the same time, permits are issued quickly (Table 1), and that the project applicant and federal permitting agencies has a single point of contact with the state.

DGC coordinates the balancing of different state interests and responsibilities through a process of agency consensus to yield a conclusive consistency finding on the proposed project. If an applicant or resource agency considers a proposed decision to be unacceptable, opportunities exist to elevate that decision to policy makers of the state resource agencies for their reconsideration. When a proposed coastal development project has been found consistent with applicable standards of the Alaska Coastal Management Program (ACMP), all project permits are promptly issued.

Regional offices are maintained in Anchorage, Fairbanks, and Juneau for the convenience of development project applicants and to facilitate timely project review and permit issuance by state resource agency personnel having the greatest familiarity with the natural resources of each region.

DGC's permit coordination process serves eight specific objectives which include:

1. Render a conclusive consistency determination for coastal projects that must be reviewed for consistency within the Alaska Coastal Management Program;
2. Streamline and expedite state reviews and decisions on coastal development projects;
3. Establish uniformity in the state's comments and decisions on direct federal actions of federally permitted development projects;

4. Eliminate repetitive reviews and decisions on the same projects;
5. Provide adequate opportunity for public and local participation in state decisions;
6. Assist applicants in the processing of state and federal permits;
7. Achieve balanced, factually documented decisions including consideration of the costs and benefits of requiring particular stipulations; and
8. Provide an interagency conflict resolution mechanism.

The result of this process is that the time and effort needed to obtain state approval for a variety of permits is significantly reduced especially for projects requiring several federal and state approvals.

The following table shows that the majority of projects reviewed for consistency are approved, and the average project review is completed in 39 days. Following the review, all state and most federal permits are promptly issued.

TABLE 1

Consistency Reviews Summary
January 1, 1984 - December 30, 1987

<u>Total Number of Projects Reviewed:</u>	1959
Projects Found Consistent:	1941
Projects Found Inconsistent:	18
<u>Total Number of Projects Elevated:</u>	15
Director Level:	9
Commissioner Level:	6
<u>Average Number of Days in Review:</u>	39

A few examples of DGC coordinated consistency review projects follow.

PLATINUM MINING Platinum mining occurred this year in the Goodnews Bay area within the Cenaliulriit coastal resource service area, in the Yukon-Kuskokwim region. Cenaliulriit has an approved coastal management program and actively participated in the consistency review, including site visits with state agency staff. DGC's consistency determination balanced several competing resource needs. The determination assured that mining could occur, that access would be provided to a subsistence berry-picking site, and that significant work was completed on a reclamation plan for an onsite anadromous fish stream.

RED DOG ROAD On behalf of the Alaska Industrial Development Authority, Cominco Alaska submitted a detailed permit package for the DeLong Mountain Transportation System, or the "Red Dog Road." DGC coordinated the review of the proposed port facility, the 54-mile road from the port to the mine, 16 material sites and access roads, a temporary construction camp, a solid waste disposal site, and tundra travel, interagency agreement on conditions for state approvals was reached in 43 days.

BRADLEY LAKE HYDROELECTRIC PROJECT Review of the Bradley Lake Hydroelectric Project included review of the final environmental impact statement and Federal Energy Regulatory Commission license, state and federal construction permits and leases (23 approvals), permanent camp permits (two approvals), and operational discharge permits and transmission line construction permits (three approvals). Each phase was found to be consistent with the standards of the Alaska Coastal Management Program.

DEFENSE ENVIRONMENTAL RESTORATION ACT The U.S. Army Corps of Engineers (COE) has been conducting a major effort to inventory and clean up former military sites across Alaska. DGC worked with COE and Defense Environmental Restoration Act Program staff to establish review procedures for these activities. Based on the COE's implementation schedule, DGC proposed a four-phase review process to satisfy state regulatory requirements without delaying the COE's schedule. This procedure has subsequently been used as the basis for numerous other project reviews.

- (1) supervise and administer the activities of the office;
- (2) advise the governor on matters of comprehensive state planning;
- (3) make an annual report to the governor of the activities of the office.

(b) The director may

(1) with the written concurrence of the governor, enter into contracts and subcontracts on behalf of the state to carry out the provisions of AS 44.19.141 — 44.19.152;

(2) act for the state in the initiation, investigation, evaluation of or participation in any program relative to the stated purpose of AS 44.19.141 — 44.19.152 which may involve more than one government or governmental unit;

(3) on behalf of the state, accept and expend any gifts or grants made to the state with the approval of the governor where such gifts or grants were made for the purposes of furthering the objectives of the office. (§ 1 ch 219 SLA 1970; am §§ 18, 19 ch 63 SLA 1983)

Revisor's notes. — Formerly AS 44.19.877. Renumbered in 1980. amendment substituted "office" for "division" throughout this section.

Effect of amendments. — The 1983

Sec. 44.19.145. Functions and duties of the office. (a) The office shall

(1) provide technical assistance to the governor and the legislature in identifying long range goals and objectives for the state and its political subdivisions;

(2) prepare and maintain a state comprehensive development plan;

(3) provide information and assistance to state agencies to aid in governmental coordination and unity in the preparation of agency plans and programs;

(4) review planning within state government as may be necessary for receipt of federal, state or other funds;

(5) participate with other countries, provinces, states or subdivisions of them in international or interstate planning, and assist Alaska's local governments, governmental conferences and councils, in planning and coordinating their activities;

(6) encourage educational and research programs that further state planning and development, and provide administrative and technical services for them;

(7) publish such statistical information or other documentary material as will further the provisions and intent of AS 44.19.141 — 44.19.152;

(8) assist the governor and the Department of Community and Regional Affairs in coordinating the activities of state agencies which have an impact on the solution of local and regional development problems;

(9) serve as a clearinghouse for information, data, and other materials which may be helpful or necessary to federal, state or local governmental agencies in discharging their respective responsibilities or in obtaining federal or state financial or technical assistance;

(10) review all proposals for the location of capital improvements by any state agency and advise and make recommendations concerning location of these capital improvements;

(11) render, on behalf of the state, all federal consistency determinations and certifications authorized by 16 U.S.C. 1456 (§ 307, Coastal Zone Management Act of 1972), and a conclusive state consistency determination when a project requires two or more state or federal permits, leases, or authorizations.

(b) The office shall, in carrying out its functions, consult with local, regional, state and federal officials, private groups and individuals, and with officials of other countries, provinces and states, and may hold public hearings to obtain information for the purpose of carrying out the provisions of AS 44.19.141 — 44.19.152.

(c) The governor may establish coordinating or advisory planning groups.

(d) The office shall

(1) coordinate its services and activities with those of other state departments and agencies to the fullest extent possible to avoid duplication;

(2) prepare an integrated annual report on the long-range development program of the state and submit it to the governor for incorporation into the governor's report to the legislature;

(3) cooperate with the University of Alaska and other appropriate public and private institutions in research and investigations. (§ 2 ch 103 SLA 1966; am § 2 ch 219 SLA 1970; am § 2 ch 60 SLA 1972; am §§ 8, 10 ch 200 SLA 1972; am § 5 ch 207 SLA 1975; am § 20 ch 63 SLA 1983)

Revisor's notes. — Formerly AS 44.19.880. Renumbered in 1980.

Effect of amendments. — The 1983 amendment substituted "office" for "division"

throughout the section, made other minor word changes, and in subsection (1) revised the paragraph numbering and added paragraph (11).

Sec. 44.19.152. Definitions. In AS 44.19.141 — 44.19.152.

(1) "director" means the director of the office of management and budget;

(2) "office" means the Alaska office of management and budget. (§ 1 ch 219 SLA 1970; am § 13 ch 207 SLA 1975; am § 21 ch 63 SLA 1983)

Revisor's notes. — Formerly AS 44.19.881. Renumbered in 1980.

Effect of amendments. — The 1983 amendment repealed a former definition of "division," in the definition of "director"

substituted "office of management and budget" for "division of policy development and planning", added the definition of "office," and ordered the definitions alphabetically.

Article 1. Development of Alaska Coastal Management Program.

Section	Section
10. Development of Alaska coastal management program	60. Review and approval by council
20. Objectives	70. Standards for council review and approval
30. Development of district coastal management programs	80. Effective date of Alaska coastal management program
40. Duties of the Alaska Coastal Policy Council	90. Implementation of district coastal management programs
50. Action and submission by coastal resource districts	100. Compliance and enforcement

Collateral references. — 78 Am. Jur. 2d, Waters, §§ 59-116, 375-438. 65 C.J.S., Navigable Waters, §§ 10-18, 20-132; 93 C.J.S., Waters, §§ 71-85.

Sec. 46.40.010. Development of Alaska coastal management program. (a) The Alaska Coastal Policy Council established in AS 44.19.155 shall approve, in accordance with this chapter, the Alaska coastal management program.

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

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

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

(2) integrate newly approved district coastal management programs, or revisions and amendments of district coastal management programs, with existing approved programs and with plans developed by state agencies;

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

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

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

(d) All reviews and revisions shall be in accordance with the guidelines and standards adopted by the council under AS 46.40.040. (§ 4 ch 84 SLA 1977)

NOTES TO DECISIONS

Stated in *Hammond v. North Slope Borough*, Sup. Ct. Op. No. 2499 (File Nos. 5550, 5558), 645 P.2d 750 (1982).

Sec. 46.40.030. Development of district coastal management programs. Coastal resource districts shall develop and adopt district coastal management programs in accordance with the provisions of this chapter. The program adopted by a coastal resource district shall be based upon a municipality's existing comprehensive plan or a new comprehensive resource use plan or comprehensive statement of needs, policies, objectives and standards governing the use of resources within the coastal area of the district. The program shall be consistent with the guidelines and standards adopted by the council under AS 46.40.040 and shall include:

- (1) a delineation within the district of the boundaries of the coastal area subject to the district coastal management program;
- (2) a statement, list, or definition of the land and water uses and activities subject to the district coastal management program;
- (3) a statement of policies to be applied to the land and water uses subject to the district coastal management program;
- (4) regulations, as appropriate, to be applied to the land and water uses subject to the district coastal management program;
- (5) 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 the land and water within the coastal area;
- (6) a summary or statement of the policies which will be applied and the procedures which will be used to determine whether specific proposals for land or water uses or activities shall be allowed; and
- (7) a designation of, and the policies which will be applied to the use of, areas within the coastal resource district which merit special attention. (§ 4 ch 84 SLA 1977)

Opinions of attorney general. — The adoption of forest practices regulations by the Department of Natural Resources in 11 AAC 95 has completely preempted the coastal policy council's regulations, 6 AAC 00.100, in regulating timber harvest and processing in the coastal area. April 20, 1981 Op. Att'y Gen.

The allocation of responsibility for administration of the forest practices regulations in coastal management consistency determinations is sufficiently unclear that it seems appropriate for resolution by the

adoption of regulations since differing policy considerations emphasized in the Forest Practices Act, the Coastal Management Act, and proposed permit reform regulations will be served to a greater or lesser extent by assigning responsibility for interpreting and applying the forest practices regulations to more than one agency and since a particular result is not compelled under the various pieces of authorizing legislation. April 20, 1981 Op. Att'y Gen.

CORRECTION

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

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

(d) All reviews and revisions shall be in accordance with the guidelines and standards adopted by the council under AS 46.40.040. (§ 4 ch 84 SLA 1977)

(5) "person" means an individual, municipal, public, or private corporation, or other entity, and includes a state agency and a local government;

(6) "processing" and "processing of applications" means the entire process followed in relation to the making of decisions on an application for a permit and review of it as provided in AS 46.35.030 — 46.35.080;

(7) "project" means any new activity or expansion of or addition to an existing activity, fixed in location, for which permits are required before construction or operation;

(8) "state agency" means a state department, commission, board or other agency of the state; for the purposes of this chapter "state agency" also means a local or regional air pollution control authority established under AS 46.03.210. (§ 1 ch 60 SLA 1977; am § 84 ch 74 SLA 1985)

Revisor's notes. — Paragraph (4) reorganized in 1987.

Effect of amendments. — The 1985 amendment substituted "unified municipality" for "municipality unified under AS 29.68.240 — 29.68.440" in paragraph (3).

Sec. 46.35.210. Short title. This Act may be cited as the Environmental Procedures Coordination Act. (§ 1 ch 60 SLA 1977)

Chapter 40. The Alaska Coastal Management Program.

Article

1. Development of Alaska Coastal Management Program (§§ 46.40.010 — 46.40.100)
2. Coastal Management Programs in the Unorganized Borough (§§ 46.40.110 — 46.40.180)
3. General Provisions (§§ 46.40.190 — 46.40.210)

Cross references. — For regulations for the Alaska Coastal Management Program, see 6 AAC 80 and 6 AAC 85.

Opinions of attorney general. — The activities of lessees, permittees and other private persons on nonexclusive federal coastal lands remain subject to state regulatory authority including the coastal management program unless the particular state regulation is preempted by, irreconcilably conflicts with or frustrates the

purpose of another federal law. February 3, 1978 Op. Att'y Gen.

While federal land use decisions will not be governed or controlled by the state's coastal management program, they must, to the degree that they directly affect nonfederal coastal resources, conform to the state program to the maximum extent practicable. February 3, 1978 Op. Att'y Gen.

NOTES TO DECISIONS

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Opinions of attorney general. — The doctrine of federal preemption, derived from the supremacy clause of the United States Constitution, Article VI, clause 2, would not apply to state regulation of outer continental shelf activities in the coastal zone. May 12, 1980 Op. Att'y Gen.

Reasonable restrictions on oil and gas activities embodied in a local coastal management plan, incorporated into the Alaska Coastal Management Program, would be enforceable against off-shore federal lessees. May 12, 1980 Op. Att'y Gen.

Municipal authority to regulate oil and gas activities of federal lessees depends upon whether the leases are on-shore or off-shore. In the case of the former, the doctrine of federal preemption may prohibit local coastal zone ordinances from affecting any measure of control. In the case of the latter, local coastal management programs which are approved by the Alaska Coastal Policy Council and thus

part of the Alaska Coastal Management Program will become one of the touchstones in the state consistency determination required by section 307(c)(3) of the Coastal Zone Management Act, 16 U.S.C. § 1451 et seq. May 12, 1980 Op. Att'y Gen.

A municipality enacting a local district coastal management program may restrict or exclude a use of state concern without falling afoul of the constitutional limitations in Alaska Const., art. X, § 11 on the exercise of municipal authority if that restriction or exclusion is reasonable, within the meaning of AS 46.40.070(c). May 12, 1980 Op. Att'y Gen.

The Alaska Oil and Gas Conservation Act, AS 31.05.005 et seq., which mandates the conservation of oil and gas and prohibits their waste, would not be contravened by a local coastal management plan which comports with the Alaska Coastal Management Program. May 12, 1980 Op. Att'y Gen.

Sec. 46.40.020. Objectives. The Alaska coastal management program shall be consistent with the following objectives:

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

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

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

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

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

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

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

(8) the full and fair evaluation of all demands on the land and water in the coastal area. (S 4 ch 84 SLA 1977)

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

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(d) All reviews and revisions shall be in accordance with the guidelines and standards adopted by the council under AS 46.40.040. (§ 4 ch 84 SLA 1977)

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Municipal authority to regulate oil and gas activities of federal lessees depends upon whether the leases are on-shore or off-shore. In the case of the former, the doctrine of federal preemption may prohibit local coastal zone ordinances from affecting any measure of control. In the case of the latter, local coastal management programs which are approved by the Alaska Coastal Policy Council and thus

part of the Alaska Coastal Management Program will become one of the touchstones in the state consistency determination required by section 307(c)(3) of the Coastal Zone Management Act, 16 U.S.C. § 1451 et seq. May 12, 1980 Op. Att'y Gen.

A municipality enacting a local district coastal management program may restrict or exclude a use of state concern without falling afoul of the constitutional limitations in Alaska Const., art. X, § 11 on the exercise of municipal authority if that restriction or exclusion is reasonable, within the meaning of AS 46.40.070(c). May 12, 1980 Op. Att'y Gen.

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

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

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

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

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

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

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

(8) the full and fair evaluation of all demands on the land and water in the coastal area. (S 4 ch 84 SLA 1977)

NOTES TO DECISIONS

Stated in *Hammond v. North Slope Borough*, Sup. Ct. Op. No. 2499 (File Nos. 5550, 5558), 645 P.2d 750 (1982).

Sec. 46.40.030. Development of district coastal management programs. Coastal resource districts shall develop and adopt district coastal management programs in accordance with the provisions of this chapter. The program adopted by a coastal resource district shall be based upon a municipality's existing comprehensive plan or a new comprehensive resource use plan or comprehensive statement of needs, policies, objectives and standards governing the use of resources within the coastal area of the district. The program shall be consistent with the guidelines and standards adopted by the council under AS 46.40.040 and shall include:

- (1) a delineation within the district of the boundaries of the coastal area subject to the district coastal management program;
- (2) a statement, list, or definition of the land and water uses and activities subject to the district coastal management program;
- (3) a statement of policies to be applied to the land and water uses subject to the district coastal management program;
- (4) regulations, as appropriate, to be applied to the land and water uses subject to the district coastal management program;
- (5) 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 the land and water within the coastal area;
- (6) a summary or statement of the policies which will be applied and the procedures which will be used to determine whether specific proposals for land or water uses or activities shall be allowed; and
- (7) a designation of, and the policies which will be applied to the use of, areas within the coastal resource district which merit special attention. (§ 4 ch 84 SLA 1977)

Opinions of attorney general. — The adoption of forest practices regulations by the Department of Natural Resources in 11 AAC 95 has completely preempted the coastal policy council's regulations, 6 AAC 80.100, in regulating timber harvest and processing in the coastal area. April 20, 1981 Op. Att'y Gen.

The allocation of responsibility for administration of the forest practices regulations in coastal management consistency determinations is sufficiently unclear that it seems appropriate for resolution by the

adoption of regulations since differing policy considerations emphasized in the Forest Practices Act, the Coastal Management Act, and proposed permit reform regulations will be served to a greater or lesser extent by assigning responsibility for interpreting and applying the forest practices regulations to more than one agency and since a particular result is not compelled under the various pieces of authorizing legislation. April 20, 1981 Op. Att'y Gen.

NOTES TO DECISIONS

Stated in *Hammond v. North Slope Borough*, Sup. Ct. Op. No. 2499 (File Nos. 5550, 5558), 645 P.2d 750 (1982).

Sec. 46.40.040. Duties of the Alaska Coastal Policy Council. Through the public hearing process and the recording of the minutes of the hearings, the Alaska Coastal Policy Council shall

(1) by regulation, adopt under the provisions of the Administrative Procedure Act (AS 44.62) not later than April 15, 1978, for the use of and application by coastal resource districts and state agencies for carrying out their responsibilities under this chapter, guidelines and standards for

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

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

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

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

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

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

(G) measuring the progress of a coastal resource district in meeting its responsibilities under this chapter;

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

(3) undertake review and approval of district coastal management programs in accordance with this chapter;

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

(5) develop procedures or guidelines for consultation and coordination with federal agencies managing land or conducting activities potentially affecting the coastal area of the state. (5 4 ch 84 SLA 1977; am 5 1 ch 129 SLA 1978)

Cross references. — For regulations for the Alaska Coastal Management Program, see 6 AAC 80 and 6 AAC 85.

Sec. 46.40.050. Action and submission by coastal resource districts. Each coastal resource district shall make substantial progress, in the opinion of the council, toward completion of an approvable district coastal management program and shall complete and submit to the council for approval its program within 30 months of June 4, 1977 or within 30 months of certification of the results of the district's organization, whichever is later. If, in the opinion of the council, after receipt of a written request for extension from the district which includes the reasons for the extension, an extension is considered proper, the council may grant an extension to a date which is not later than December 4, 1981, or to a date which is within 54 months of certification of the results of the district's organization, whichever is later. (§ 4 ch 84 SLA 1977; am § 1 ch 66 SLA 1979)

Sec. 46.40.060. Review and approval by council. (a) If, upon submission of a district coastal management program for approval, the council finds that the program is substantially consistent with the provisions of this chapter and the guidelines and standards adopted by the council and does not arbitrarily or unreasonably restrict or exclude uses of state concern, the council may grant summary approval of the district coastal management program, or may approve portions of the district program which are consistent.

(b) If the council finds that a district coastal management program is not approvable or is approvable only in part under (a) of this section, it shall direct that deficiencies in the program submitted by the coastal resource district be mediated. In mediating the deficiencies, the council may call for one or more public hearings in the district. The council shall meet with officials of the coastal resource district in order to resolve differences.

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

(1) that the district coastal management program be amended to make it consistent with the provisions of this chapter or the guidelines and standards adopted by the council;

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

(3) any other action be taken by the coastal resource district as appropriate.

(d) The superior courts of the state have jurisdiction to enforce orders of the council entered under (c) of this section (§ 4 ch 84 SLA 1977)

Opinions of attorney general. — The invalid provisions of AS 46.40.080 are severable from the remainder of the Coastal Management Act. Thus, council guidelines take effect when adopted in accordance with the Administrative Procedure Act, AS 44 62. The effective date of council action on district programs is governed by the council's regulations and this section. April 29, 1980 Op. Att'y Gen.

A municipality enacting a local district coastal management program may restrict or exclude a use of state concern without falling afoul of the constitutional limitations in Alaska Const., art. X, § 11 on the exercise of municipal authority if that restriction or exclusion is reasonable, within the meaning of AS 46.40.070(c). May 12, 1980 Op. Att'y Gen.

Sec. 46.40.070. Standards for council review and approval.

(a) The council shall approve a district coastal management program submitted for review and approval if the program is consistent with the provisions of this chapter and the guidelines and standards adopted by the council.

(b) Notwithstanding an inconsistency of a district coastal management program submitted for review and approval with the guidelines and standards adopted, the council shall approve the program if it finds that

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

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

(3) the inconsistency is of a technical nature and no substantial harm would result to the policies and objectives of this chapter or the Alaska coastal management program.

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

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

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

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

(d) A decision by the council under this section shall be given within 90 days. (§ 4 ch 84 SLA 1977)

Opinions of attorney general. — Reading subsection (b) as vesting local officials with complete control over policy formulation would probably render the Alaska Coastal Management Act unconstitutional under Alaska Const., art. VIII, § 2. May 12, 1980 Op. Att'y Gen.

Reasonable restrictions on oil and gas activities embodied in a local coastal management plan, incorporated into the Alaska Coastal Management Program,

would be enforceable against off-shore federal leasees. May 12, 1980 Op. Att'y Gen.

A municipality enacting a local district coastal management program may restrict or exclude a use of state concern without falling afoul of the constitutional limitations in Alaska Const., art. X, § 11 on the exclusion of municipal authority if that restriction or exclusion is reasonable,

within the meaning of subsection (c), May 12, 1980 Op. Att'y Gen.

The Alaska Oil and Gas Conservation Act, AS 31.05.005 et seq., which mandates the conservation of oil and gas and pro-

hibits their waste, would not be contravened by a local coastal management plan which comports with the Alaska Coastal Management Program, May 12, 1980 Op. Att'y Gen.

Sec. 46.40.080. Effective date of Alaska coastal management program. The Alaska coastal management program adopted by the council, and any additions, revisions, or amendments of the program, take effect upon adoption of a concurrent resolution by a majority of the members of each house of the legislature or by a vote of the majority of the members of each house at the time the houses are convened in joint session to confirm executive appointments submitted by the governor. (§ 4 ch 84 SLA 1977)

Cross references. — For effective dates related to the Alaska Coastal Management Program, see 6 AAC 80.170(n) and 6 AAC 85.180. For resolution approving certain regulations under this section before the A.L.I.V.E. decision (discussed in notes below), see LR 41 in the 1978 Temporary and Special Acts and Resolves.

Opinions of attorney general. — Under the decision in *State v. A.L.I.V.E.*, Voluntary, Sup. Ct. Op. No. 2022 (File No. 3670), 606 P.2d 769 (1980), that the use of legislative resolutions as a veto over regulations, programs or other actions or pro-

posed actions is constitutionally impermissible except as expressly provided by the constitution, this section is invalid. March 6, 1980 Op. Att'y Gen.

The invalid provisions of section are severable from the remainder of the Coastal Management Act. Thus, council guidelines take effect when adopted in accordance with the Administrative Procedure Act, AS 44.62. The effective date of council action on district programs is governed by the council's regulations, and AS 46.40.060. April 29, 1980 Op. Att'y Gen.

Sec. 46.40.090. Implementation of district coastal management programs. (a) A district coastal management program approved by the council and the legislature for a coastal resource district which does not have and exercise zoning or other controls on the use of resources within the coastal area shall be implemented by appropriate state agencies. Implementation shall be in accordance with the comprehensive use plan or the statement of needs, policies, objectives and standards adopted by the district.

(b) A coastal resource district which has and exercises zoning or other controls on the use of resources within the coastal area shall implement its district coastal management program. Implementation shall be in accordance with the comprehensive use plan or the statement of needs, policies, objectives and standards adopted by the district. (§ 4 ch 84 SLA 1977)

Sec. 46.40.100. Compliance and enforcement. (a) Municipalities and state agencies shall administer land and water use regulations or controls in conformity with district coastal management programs approved by the council and the legislature and in effect.

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

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

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

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

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

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

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

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

(e) The superior courts of the state have jurisdiction to enforce lawful orders of the council. (§ 4 ch 84 SLA 1977)

Opinions of attorney general. — For programs, see notes under this heading following AS 46.40.080.

Article 2. Coastal Management Programs in the Unorganized Borough.

<p>Section 110 Authority in the unorganized borough 120 Coastal resource service areas 130 Organization of coastal resource service area</p>	<p>Section 140 Coastal resource service area boards 150. Elections in coastal resource service areas 160 Organization at the direction of the council</p>
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Section

170. Preparation of district coastal management program by the Department of Community and Regional Affairs

Section

180. Approval of programs in coastal resource service areas

Collateral references. — 78 Am. Jur. 2d. Waters, §§ 59-116, 375-438.

65 C.J.S., Navigable Waters, §§ 10-18, 20-132; 93 C.J.S., Waters, §§ 71-85.

Sec. 46.40.110. Authority in the unorganized borough. Under AS 29.03.020 and AS 46.40.110 — 46.40.180, the legislature authorizes organization of coastal resource service areas in the unorganized borough and grants authority to the service areas which may be organized to perform the duties required under this chapter. (§ 4 ch 84 SLA 1977) :

Sec. 46.40.120. Coastal resource service areas. (a) Except as otherwise provided in this section, each regional educational attendance area established under AS 14.08.031 containing a part of the coastal area may be organized as a coastal resource service area.

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

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

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

(c) A determination under (b) of this section shall be made before organization of the coastal resource service area.

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

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

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

(3) a coastal resource service area formed before June 1, 1980, may not be divided for coastal management planning purposes. (§ 4 ch 84 SLA 1977; am § 2 ch 129 SLA 1978; am §§ 1, 2 ch 48 SLA 1980)

Sec. 46.40.130. Organization of coastal resource service area.

(a) Organization of a coastal resource service area may be initiated

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

(2) by submission to the council of a resolution approved by the city council or traditional village council of not less than 25 percent of the number of cities and villages within the coastal service area; or

(3) at the direction of a majority of the members of the council in the manner set out in AS 46.40.160.

(b) Acting at the request of the council, the lieutenant governor, not less than 60 nor more than 90 days after receipt of a proper petition under (a)(1) of this section, a proper resolution under (a)(2) of this section, or at the direction of the council under (a)(3) of this section, shall conduct an election on the question of organization of a coastal resource service area. (§ 4 ch 84 SLA 1977)

Sec. 46.40.140. Coastal resource service area boards. (a) Each coastal resource service area, upon organization, shall have an elected board representing the population of the service area. The board shall have the powers and duties and perform the functions prescribed for or required of coastal resource districts.

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

(c) The commissioner of the Department of Community and Regional Affairs, after consultation with residents of a coastal resource service area, may divide a service area into sections only for the purpose of nominating and electing board members. Division of a service area into sections for the purpose of nomination and election shall be in accordance with the provisions of AS 14.08.051(a). Division may be proposed in the petition submitted under AS 46.40.130(a)(1), in the resolution submitted under AS 46.40.130(a)(2), at the direction of the council under AS 46.40.130(a)(3), or may be proposed at any time by the members of the coastal resource service area board. If proposed by

the board, the division of the service area into sections is subject to approval of a majority of the qualified voters voting on the question in the coastal resource service area at the next regular election or at a special election called for that purpose and, if approved, takes effect at the next regular election of members of the coastal resource service area board.

(d) The term of office of a member of a coastal resource service area board is three years, except that the terms of the members of the first board elected after organization of a coastal resource service area shall be determined by lot, with two members serving one-year terms, two members serving two-year terms, and three members serving three-year terms. Members serve until their successors are elected and have qualified. This section does not prohibit the reelection of a board member.

(e) The lieutenant governor shall provide for the election of the members of coastal resource service area boards. The first election of board members shall occur not less than 60 nor more than 90 days after certification of the results of an organization election under AS 46.40.130(b) in which a majority of votes cast favors organization of the coastal resource service area.

(f) Except for the first election of members of coastal resource service area boards, elections shall be held annually on the date of election of members of regional educational attendance area boards under AS 14.08.071(b).

(g) A vacancy on a coastal resource service area board shall be filled by appointment as provided in AS 14.08.041(a) for vacancies in the membership of regional educational attendance area boards.

(h) Members of coastal resource service area boards are subject to recall on the same grounds and in the same manner as provided for recall of municipal officials in AS 29.26.240 — 29.26.350. The lieutenant governor functions in place of the assembly or council and municipal clerk for receipt and review of recall petitions and the conduct of recall elections. (§ 4 ch 84 SLA 1977; am § 85 ch 74 SLA 1985)

Effect of amendments. — The 1985 29.28.250" at the end of the first sentence amendment substituted "AS 29.26.240 — of subsection (h). 29.26.350" for "AS 29.28.130 —

Sec. 46.40.150. Elections in coastal resource service areas. Organization elections under AS 46.40.130 and other elections, including recall elections conducted under AS 46.40.140, shall be administered by the lieutenant governor in the general manner provided in the Alaska Election Code (AS 15). In addition, the lieutenant governor may adopt regulations necessary to the conduct of coastal resource service area board elections. The state shall pay all election costs. (§ 4 ch 84 SLA 1977)

Editor's notes. — The director of elections has succeeded to most of the administrative duties of the lieutenant governor under AS 15.10.105.

Sec. 46.40.160. Organization at the direction of the council.

(a) Whenever it appears that major economic development activity will occur in a coastal resource service area or in water adjacent to a coastal resource service area which has not been organized, the council may direct the lieutenant governor to submit to the voters of the service area the question of organization. The council may require an election on the question only after holding at least one public hearing within the area proposed for organization.

(b) In this section, "major economic development activity" includes a call for nomination by the Secretary of the United States Department of the Interior for leasing of tracts within petroleum basins in water of the outer continental shelf adjacent to the coastal resource service area or any other significant industrial or commercial activity which, in the opinion of the council, would commit the resources of the coastal area to a use of direct and significant impact upon the coastal water of the state. (§ 4 ch 84 SLA 1977)

Sec. 46.40.170. Preparation of district coastal management program by the Department of Community and Regional Affairs.

(a) If residents of a coastal resource service area reject organization of the service area at an election called for the purpose and the council finds, after public hearing, that major economic development activity has occurred or will occur within the service area, the council may direct the Department of Community and Regional Affairs to prepare and recommend for consideration by the council and for submission to the legislature a district coastal management program for the service area.

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

(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. (§ 4 ch 84 SLA 1977)

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 AS 46.40.170, 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. (§ 4 ch 84 SLA 1977)

Article 3. General Provisions.

Section
190. Cooperative administration
200. State agencies

Section
210. Definitions

Collateral references. — 78 Am. Jur. 2d, Waters, §§ 59-116, 375-438. 65 C.J.S., Navigable Waters, § 10-18, 20-132; 93 C.J.S., Waters, § 71-85.

Sec. 46.40.190. Cooperative administration. (a) A city within the coastal area which is not part of a coastal resource service area shall be included for purposes of this chapter within an adjacent coastal resource service area unless its governing body, by resolution adopted by a majority of its membership, chooses to exclude the city from an adjacent coastal resource service area and a copy of the resolution is filed with the commissioner of community and regional affairs.

(b) This chapter does not restrict or prohibit 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. A city which elects to be excluded from an adjacent coastal resource service area under (a) of this section shall enter into a mutual agreement for cooperative or joint administration of functions with the coastal resource service area board from the adjacent coastal resource service area. (§ 4 ch 84 SLA 1977; am § 3 ch 48 SLA 1980)

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. (§ 4 ch 84 SLA 1977)

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 water;

(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;

(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 community and regional affairs, have the capability of preparing and implementing a comprehensive district coastal management program under AS 46.40.030;

(E) coastal resource service areas established and organized under AS 29.03.020 and AS 46.40.110 — 46.40.180;

(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 41.21 or as state game refuges, game sanctuaries or critical habitat areas under AS 16.20. (§ 4 ch 84 SLA 1977; am § 3 ch 129 SLA 1978; am § 86 ch 74 SLA 1985)

Effect of amendments. — The 1985 AS 29.68.240 — 29.68.440" at the end of amendment deleted "established under subparagraph (A) of paragraph (2).

Chapter 45. Northwest Interstate Compact on Low-level Radioactive Waste Management.

Section

10. Compact enacted
20. Implementation

Sec. 46.45.010. Compact enacted. The Northwest Interstate Compact on Low-Level Radioactive Waste Management, as contained in this section, is enacted into law and entered into on behalf of the State of Alaska with any and all other states legally joining it in a form substantially as follows:

NORTHWEST INTERSTATE COMPACT ON LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT

ARTICLE I. POLICY AND PURPOSE.

The party states recognize that low-level radioactive wastes are generated by essential activities and services that benefit the citizens