

Introduced by: Mayor
Date: May 6, 1975
Vote: Unanimous
Action: Adopted

KENAI PENINSULA BOROUGH

RESOLUTION NO. 75-29

A RESOLUTION OPPOSING ENACTMENT OF SPONSOR SUBSTITUTE FOR SENATE BILL 175 WHICH WOULD CREATE THE ALASKA COASTAL ZONE MANAGEMENT PLANNING COUNCIL AND RELATES TO THE MANAGEMENT OF THE COASTAL ZONE WITHIN THE STATE OF ALASKA .

WHEREAS . Sponsor Substitute for Senate Bill No. 175 could put complete economic control of the Kenai Peninsula Borough into the hands of the Alaska Coastal Zone Management Planning Council; and

WHEREAS , planning and development of a comprehensive plan and zoning , would be taken , as a practical matter , from local control and placed with the state; and

WHEREAS , the land boundaries of the Commission is not fixed by the proposed legislation , hence it is possible that the Commission's control could encompass the entire Kenai Peninsula Borough; and

WHEREAS , this constitutes the creation of at least one more super regulatory state agency with one member elected (the lieutenant governor) , eight members appointed by the Governor and serving at his pleasure , and 4 members appointed by the legislature (one each by the senate and house democratic and republican caucuses) which can be expected to be dominated by legislators from Anchorage and Fairbanks which have no appreciable coastal zone areas within their limits; and

WHEREAS , there is no immediate need shown for the creation of this board with its broad and powerful regulatory functions; and

WHEREAS , local people with local control can better handle their own affairs than a statewide board located in Juneau; and

WHEREAS, we, the people of the Kenai Peninsula Borough, by and through our Borough Assembly and its representatives, state that we resent this attempt by the State of Alaska to take away our local control and to subject the people of this borough to the excruciating wisdom of a paternalistic state board; and

WHEREAS, there are inadequate remedies, through the courts, available to those most severely affected by this bill; and

WHEREAS, court injunctions could be secured against violation of law, regulation, or a written order or directive of the department or the council without the necessity of showing either irreparable harm or a favorable balance of equities which is normally required for securing an injunction; and

WHEREAS, this bill would limit and control any construction, renovation, forestry, mining, and similar endeavors, within this coastal zone and would put any control in the State of Alaska through its board; and

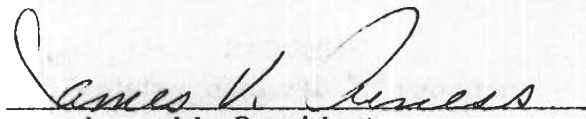
WHEREAS, this board would require borough and city compliance with their regulations;

NOW THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

That the Assembly of the Kenai Peninsula Borough, representing the people of the Kenai Borough, are unalterably opposed to this land and life control bill and resent its being introduced and will oppose it as illegal and in direct contravention of the Constitution of the United States and the philosophy of a free people and urgently request all legislators and state officials to stop this bill and all similarly related government control bills.

That copies of this resolution shall be transmitted to Governor Jay Hammond and to Senator Jalmar Kertulla, Senator Clem Tillion, Representative Keith Specking, Representative Hugh Malone, and Representative Leo Rhode.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
THIS 6th DAY OF MAY, 1975.


Assembly President

ATTEST:


Borough Clerk

Kenai Peninsula Borough
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