

CS FOR SENATE BILL NO. 219(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/12/02

Referred: Rules

Sponsor(s): SENATORS HALFORD, Phillips, Taylor, Leman, Kelly, Cowdery, Wilken, Ward

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing and relating to the Navigable Waters Commission for Alaska."**

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

3 * **Section 1.** The uncoded law of the State of Alaska is amended by adding a new section
4 to read:

5 STATE POLICY. The legislature determines that the efficient and orderly
6 development of the state will be better achieved if the state and the federal governments join
7 together in a carefully coordinated approach to land and water use planning and management.
8 The legislature recognizes that, although the state is the primary trustee of public trust
9 resources, it is in the best interest of the citizens if the state and federal governments, as
10 designated stewards of these resources, cooperate to the maximum extent possible in
11 determining their uses. However, the legislature also recognizes that, even without federal
12 participation, the state must proceed to make management decisions. The state is particularly
13 blessed with significant water resources that are invaluable in numerous ways to state
14 residents and all citizens of the United States. With the massive numbers of navigable
15 waterways and bodies of water in the state, the task of resolving submerged land ownership

1 and navigable water determinations has been painfully slow, counter-productive from an
 2 orderly resource management standpoint, and costly as the state, private landowners, and the
 3 federal government attempt to initiate long-range planning processes. For this reason, it is
 4 determined by the legislature that the State of Alaska and the United States should cooperate
 5 in establishing a joint state and federal commission or, if the federal government elects not to
 6 participate, a state commission must be established to proceed efficiently and effectively to

7 (1) expedite the process of quieting legitimate title to the state's submerged
 8 lands;

9 (2) determine, to the extent possible, which bodies of water are navigable or
 10 non-navigable; and

11 (3) provide recommendations to the state and the federal governments
 12 concerning ways to improve the process of making navigability determinations and ways to
 13 quiet title to the state's submerged lands fairly and expeditiously.

14 * **Sec. 2.** The uncoded law of the State of Alaska is amended by adding a new section to
 15 read:

16 **NAVIGABLE WATERS COMMISSION FOR ALASKA.** (a) A Navigable Waters
 17 Commission for Alaska is established. If authorized by federal law, the commission shall be a
 18 joint federal and state commission.

19 (b) The governor or the governor's designee shall serve as chair of the commission. If
 20 federal participation is authorized by federal law, the member appointed by the President of
 21 the United States or the United States Secretary of the Interior shall serve as co-chair of the
 22 joint commission. The chair or co-chairs of the commission shall call meetings.

23 (c) If a joint commission is formed, four state and four federal members of the
 24 commission constitute a quorum, and all decisions of the commission require concurrence by
 25 at least four state and four federal members of the commission. Otherwise, four state
 26 members of the commission constitute a quorum, and all decisions of the commission require
 27 concurrence by at least four members.

28 (d) A vacancy in the membership of the commission does not affect its powers. The
 29 vacancy shall be filled in the same manner in which the original appointment was made.

30 (e) Subject to procedures adopted by the commission, the chair or co-chairs, in
 31 accordance with applicable laws, may

1 (1) appoint and fix the compensation of the commission staff and personnel as
2 they consider necessary; and

3 (2) procure temporary and intermittent services.

4 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

6 MEMBERSHIP OF THE COMMISSION. (a) The state membership on the
7 Navigable Waters Commission for Alaska is composed of the governor or the governor's
8 designee, two members appointed by the governor, two members appointed by the president
9 of the senate, and two members appointed by the speaker of the house, all of whom serve at
10 the pleasure of the appointing authority.

11 (b) The membership also includes individuals appointed under federal law if a joint
12 commission is authorized.

13 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 COMPENSATION AND PER DIEM. (a) A state member of the Navigable Waters
16 Commission for Alaska who is a state officer or employee serves without compensation in
17 addition to that received for regular employment. Other state members of the commission
18 receive compensation as authorized for the Board of Fisheries under AS 16.05.290.

19 (b) State members of the commission are entitled to per diem and travel expenses
20 authorized by law for boards and commissions under AS 39.20.180.

21 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 DUTIES OF THE COMMISSION. The Navigable Waters Commission for Alaska
24 shall

25 (1) establish a process for researching navigability determinations that affect
26 land title;

27 (2) develop procedures for involving private landowners and the general
28 public in the navigability determination process of the commission;

29 (3) undertake a process of navigable and non-navigable waters identification
30 under criteria established in law;

31 (4) make recommendations to improve coordination and consultation between

1 the state and federal governments in making navigability determinations and decisions
2 concerning title to submerged lands.

3 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 HEARINGS. The Navigable Waters Commission for Alaska or, on the authorization
6 of the commission, any subcommittee or member of the commission may, for the purposes of
7 carrying out its duties, hold hearings, take testimony, receive evidence, print or otherwise
8 reproduce and distribute all or part of commission proceedings and reports, and sit and act at
9 those times and places as the commission, subcommittee, or members consider desirable.

10 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 INFORMATION FOR THE COMMISSION. Each agency, department, board, or
13 commission of the state government is authorized to furnish to the Navigable Waters
14 Commission for Alaska, upon request of a chair or co-chair, information the commission
15 considers necessary to carry out its functions under this Act.

16 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 REPORTS. (a) On or before January 31 of each year, the Navigable Waters
19 Commission for Alaska shall submit to the President of the United States, the United States
20 Secretary of the Interior, the United States Congress, the governor, and the state legislature a
21 written report describing its activities during the preceding year and its recommendations
22 regarding its duties under sec. 5 of this Act.

23 (b) The commission shall submit its final comprehensive report at least 10 days
24 before the date the commission is terminated.

25 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 TERMINATION OF THE COMMISSION. The Navigable Waters Commission for
28 Alaska is terminated two years after the effective date of this Act.