



LAWS OF ALASKA

1972

Source

Chapter No.

HB 766

181

AN ACT

Relating to the Joint Federal-State Land Use Planning Commission for Alaska; and providing for an effective date.

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

* Section 1. AS 41 is amended by adding a new chapter to read:

CHAPTER 40. THE JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA.

Sec. 41.40.010. STATE POLICY. The legislature determines that the efficient and provident development of Alaska will be better achieved if the state joins with the United States in a carefully coordinated approach to land use planning. The legislature recognizes that the state, since it is and will be a substantial land owner, should cooperate with the United States in establishing a joint commission to plan the future uses of the public land base in Alaska.

Sec. 41.40.020. JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA. A Joint Federal-State Land Use Planning Commission for Alaska is established.

Sec. 41.40.030. STATE MEMBERSHIP ON THE COMMISSION.
(a) The state membership on the commission is composed of the governor or his designate and four members appointed by the governor and serving at his pleasure.

(b) Until December 31, 1976, at least one member appointed by the governor shall be a Native of Alaska who is eligible for enrollment under the Alaska Native Claims Settlement Act, P.L. 92-203, 85 Stat. 688.

Sec. 41.40.040. COMPENSATION AND PER DIEM. (a) A

state member of the commission who is designated from the state government serves without compensation in addition to that received for his regular employment.

(b) Except to the extent provided for in (a) of this section, state members of the commission receive compensation at the rate of \$100 per day for each day they are engaged in the performance of their duties as members of the commission.

(c) State members of the commission are entitled to per diem and travel expenses authorized by law for boards and commissions.

Sec. 41.40.050. DUTIES OF THE COMMISSION. The commission shall

(1) undertake a process of land-use planning, including the identification of and the making of recommendations concerning areas planned and best suited for permanent reservation in federal ownership as parks, game refuges, and other public uses, areas of federal and state lands to be made available for disposal, and uses to be made of lands remaining in federal and state ownership;

(2) make recommendations with respect to proposed land selections by the state under the Alaska Statehood Act and by village and regional corporations under the Alaska Native Claims Settlement Act;

(3) be available to advise upon and assist in the development and review of land-use plans for lands selected by the Native village and regional corporations under the Alaska Native Claims Settlement Act and by the state under the Alaska Statehood Act;

(4) review existing withdrawals of federal public lands and recommend to the President of the United States those additions to or modifications of withdrawals that are considered desirable;

(5) establish procedures, including public hearings, for obtaining public views on the land-use planning programs of the state and federal governments for lands under their administration;

(6) establish a committee of land-use advisers to the commission, made up of representatives of commercial and industrial land users in Alaska, recreational land users, wilderness users, environmental groups, Alaska Natives, and other citizens;

(7) make recommendations to the President of the United States and the governor on programs and budgets of the federal and state agencies responsible for the administration of federal and state lands;

(8) make recommendations from time to time as the President of the United States, Congress, and the governor and legislature of the state as to changes in laws, policies, and programs that the commission

determines are necessary or desirable;

(9) make recommendations to insure that economic growth and development is orderly, planned and compatible with state and national environmental objectives, the public interest in the public lands, parks, forests, and wildlife refuges in Alaska, and the economic and social well-being of the Native people and other residents of Alaska;

(10) make recommendations to improve coordination and consultation between the state and federal governments in making resource allocation and land use decisions; and

(11) make recommendations on ways to avoid conflicts between the state and the Native people in the selection of public lands.

Sec. 41.40.060. REPORTS. (a) On or before January 31 of each year, the commission shall submit to the President of the United States, the Congress, the governor and the legislature a written report with respect to its activities during the preceding calendar year.

(b) On or before May 30, 1976, the commission shall submit its final report to the President of the United States, the Congress, the governor and legislature with respect to its planning and other activities under this chapter, together with its recommendations for programs or other actions which it determines should be taken by the United States and the state.

Sec. 41.40.070. TERMINATION OF THE COMMISSION. The commission ceases to exist on December 31, 1976.

Sec. 41.40.080. PUBLIC EASEMENTS. The commission shall identify desirable public easements across lands and at periodic points along the courses of major waterways in consultation with appropriate state and federal agencies and regional and village corporations and members of the public.

Sec. 41.40.090. HEARINGS. The commission or, on the authorization of the commission, any subcommittee or member of the commission may, for the purposes of carrying out the provisions of this chapter, hold hearings, take testimony, receive evidence, print or otherwise reproduce and distribute all or part of its proceedings and reports, and sit and act at those times and places as the commission, subcommittee, or member considers desirable. Hearings shall be held insofar as practicable in those areas that are to be affected.

Sec. 41.40.100. INFORMATION FOR THE COMMISSION. Each department, board, or commission of the state government is authorized to furnish to the commission upon request of a co-chairman, information the commission considers necessary to carry out its functions under this chapter.

Sec. 41.40.110. STATEHOOD ACT LAND SELECTIONS.

Nothing in this chapter shall be construed as an agreement by the state to surrender, waive, or condition any right granted to it by Public Law 85-508, 72 Stat. 339 to make selection of land owned by the United States.

Sec. 41.40.120. RECOMMENDATIONS BY THE COMMISSION. The director of the division of lands retains the authority to make and revise classifications of land under the authority of AS 38.05.300. However, any recommendation made by the commission and concurred in by the governor or his designate on the commission as to the most wise and beneficial use of state land constitutes to that extent an establishment for the state of the use of that land until December 31, 1976 and thereafter until changed pursuant to law. The commission may by the same process reconsider and make new recommendations until December 31, 1976 when it is in the public interest.

* Sec. 2. AS 44.19.760 - 44.19.775 are repealed.

* Sec. 3. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.