

HOUSE BILL NO. 266

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE PORTER

Introduced: 5/2/01

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing and relating to the Joint Federal and State Navigable Waters**
2 **Commission for Alaska; and providing for an effective date."**

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

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

6 STATE POLICY. The legislature determines that the efficient and orderly
7 development of the state will be better achieved if the state and the federal governments join
8 together in a carefully coordinated approach to land and water use planning and management.
9 The legislature recognizes that, although the state is the primary trustee of public trust
10 resources, it is in the best interest of the citizens if the state and federal governments, as
11 designated stewards of these resources, cooperate to the maximum extent possible in
12 determining their uses. The state is particularly blessed with abundant water resources that
13 are invaluable in numerous ways to state residents and all citizens of the United States.
14 Because of the massive numbers of navigable waterways and bodies of water in the state, the

1 task of resolving submerged land ownership and navigable water determinations has been
 2 painfully slow, counter-productive from an orderly resource management standpoint, and
 3 costly as the state, private landowners, and the federal government attempt to initiate long-
 4 range planning processes. For this reason, it is determined by the legislature that the State of
 5 Alaska and the United States should cooperate in establishing a joint commission to proceed
 6 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 water use and navigability decisions and
 13 ways to quiet title to the state's submerged lands fairly and expeditiously.

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

16 JOINT FEDERAL AND STATE NAVIGABLE WATERS COMMISSION FOR
 17 ALASKA. (a) A Joint Federal and State Navigable Waters Commission for Alaska is
 18 established as authorized by federal law.

19 (b) The governor or the governor's designee and the member appointed by the
 20 President of the United States shall serve as co-chairs of the commission. The initial meeting
 21 of the commission shall be called by the co-chairs.

22 (c) Three state and three federal members of the commission constitute a quorum. All
 23 decisions of the commission shall require concurrence by at least three state and three federal
 24 members of the commission.

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

27 (e) Subject to procedures adopted by the commission, the co-chairs, in accordance
 28 with applicable state and federal laws, may

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

31 (2) procure temporary and intermittent services.

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

3 STATE MEMBERSHIP OF THE COMMISSION. (a) The state membership on the
4 Joint Federal and State Navigable Waters Commission for Alaska is composed of the
5 governor or the governor's designee, two members appointed by the governor, one member
6 appointed by the president of the senate, and one member appointed by the speaker of the
7 house, all of whom serve at the pleasure of the appointing authority.

8 (b) At least one member appointed by the governor shall be an Alaska Native.

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

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

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

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

20 DUTIES OF THE COMMISSION. The Joint Federal and State Navigable Waters
21 Commission for Alaska shall

22 (1) establish a process for researching navigability determinations that affect
23 land title;

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

26 (3) undertake a process of navigable waters identification under criteria
27 established in law;

28 (4) make recommendations to improve coordination and consultation between
29 the state and federal governments in making water use and navigability decisions and
30 decisions concerning title to submerged lands.

31 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

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

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

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

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

16 RATIFICATION OF COMMISSION RECOMMENDATIONS. Recommendations
17 from the commission concerning the designation of specific waters in the state as being either
18 navigable or non-navigable are subject to ratification by both federal and state law.

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

21 REPORTS. (a) On or before January 31 of each year, the Joint Federal and State
22 Navigable Waters Commission for Alaska shall submit to the President of the United States,
23 the United States Congress, the governor, and the state legislature a written report describing
24 its activities during the preceding year.

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

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

29 TERMINATION OF THE COMMISSION. The Joint Federal and State Navigable
30 Waters Commission for Alaska is terminated two years after the effective date of this Act.

31 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 REVISOR'S NOTIFICATION. The Attorney General shall notify the revisor of
3 statutes of the effective date specified in sec. 12 of this Act.

4 * **Sec. 12.** This Act takes effect on the date that formation of a Joint Federal and State
5 Navigable Waters Commission for Alaska is authorized by federal law.