

CS FOR HOUSE BILL NO. 87(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 2/1/07

Referred: Finance

Sponsor(s): REPRESENTATIVES KELLY, Foster, Stoltze

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Citizens' Advisory Commission on Federal Management Areas**
2 **in Alaska; and providing for an effective date."**

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

4 * **Section 1.** AS 41.37 is amended by adding new sections to read:

5 **Sec. 41.37.160. Citizens' Advisory Commission on Federal Management**
6 **Areas in Alaska.** (a) The Citizens' Advisory Commission on Federal Management
7 Areas in Alaska is established.

8 (b) The commission is an advisory agency of the executive branch of the state
9 but is not allocated to a principal department of the executive branch. In the exercise
10 of its responsibilities, the commission shall consider the views of citizens of the state
11 and officials of the state.

12 **Sec. 41.37.170. Membership and officers.** (a) The commission is composed
13 of 12 members appointed in accordance with this section.

14 (b) The membership of the commission shall represent each judicial district in

1 the state.

2 (c) The governor shall appoint six members of the commission.

3 (d) The speaker of the house of representatives shall appoint one member of
4 the commission from the membership of the state house of representatives and two
5 members who are residents of the state who are not legislators, except that the speaker
6 may not replace a member who is not a legislator whose term has not expired unless
7 the member is removed under AS 41.37.200.

8 (e) The president of the senate shall appoint one member of the commission
9 from the membership of the state senate and two members who are residents of the
10 state who are not legislators, except that the president may not replace a member who
11 is not a legislator whose term has not expired unless the member is removed under
12 AS 41.37.200.

13 (f) The commission shall select a presiding officer of the commission from its
14 membership. The commission may elect other officers.

15 **Sec. 41.37.180. Qualifications of members.** The members of the commission
16 appointed by the governor under AS 41.37.170(c) and members appointed under
17 AS 41.37.170(d) and (e) who are not members of the legislature shall be representative
18 of the diversity of users and uses of federal land in the state.

19 **Sec. 41.37.190. Term of members of the commission.** (a) A member of the
20 commission appointed by the governor serves for a term of four years and until a
21 successor is appointed and qualifies.

22 (b) A member of the commission appointed from the legislature serves for the
23 person's term of office as a legislator.

24 (c) A member of the commission appointed by the speaker of the house or
25 president of the senate serves for four years and until a successor is appointed and
26 qualifies.

27 **Sec. 41.37.200. Removal of a member.** (a) A member of the commission may
28 be removed by the appointing authority for cause after notice and hearing or after
29 missing three consecutive meetings of the commission. The presiding officer of the
30 commission shall inform the appointing authority if a member misses three
31 consecutive meetings.

1 (b) After a member of the commission misses two consecutive meetings and
2 before the third meeting, the commission shall notify the member in writing that
3 failure to attend the next meeting may result in the removal of the member. The failure
4 of the commission to notify a member under this subsection does not prevent the
5 appointing authority from removing a member under (a) of this section.

6 **Sec. 41.37.210. Compensation, expenses, and per diem.** (a) A member of the
7 commission who is a legislator or a full-time employee of the state or of a
8 municipality of the state shall suffer no loss of compensation from the state or a
9 municipality of the state as a result of service to the commission.

10 (b) A member of the commission is entitled to per diem and travel expenses
11 authorized for boards and commissions under AS 39.20.180.

12 **Sec. 41.37.220. Staff of the commission.** The commission may employ staff
13 and contract for services relating to matters within its authority. Staff employed under
14 this section are responsible to the commission.

15 **Sec. 41.37.230. Duties of the commission.** (a) The commission shall consider,
16 research, and hold hearings on the consistency with federal law and congressional
17 intent on management, operation, planning, development, and additions to federal
18 management areas in the state.

19 (b) The commission shall consider, research, and hold hearings on the effect
20 of federal regulations and federal management decisions on the people of the state.

21 (c) The commission may, after consideration of the public policy concerns
22 under (a) and (b) of this section, make a recommendation on the concerns identified
23 under (a) and (b) of this section to an agency of the state or to the agency of the United
24 States that manages federal land in the state.

25 (d) The commission shall consider the views, research, and reports of advisory
26 groups established by it under AS 41.37.240 as well as the views, research, and reports
27 of individuals and other groups in the state.

28 (e) The commission shall establish internal procedures for the management of
29 the responsibilities granted to it under this chapter.

30 (f) The commission shall report annually to the governor and the legislature
31 within the first 10 days of a regular legislative session.

1 (g) The commission shall cooperate with each department or agency of the
2 state or with a state board or commission in the fulfillment of their duties.

3 **Sec. 41.37.240. Advisory groups of the commission.** (a) The commission
4 may establish advisory groups in the state.

5 (b) The commission shall invite nominations for the membership on the
6 advisory groups and shall consider the nominations in making its appointments to the
7 groups.

8 (c) The membership of each advisory group shall be broadly representative of
9 individuals involved in activities affected by the establishment or management of units
10 of federal land within the state.

11 **Sec. 41.37.250. Suit.** The commission may request the attorney general to file
12 suit against a federal official or agency if the commission determines that the federal
13 official or agency is acting in violation of an Act of Congress, congressional intent, or
14 the best interests of the state.

15 **Sec. 41.37.260. Agency cooperation.** Each state department, agency, board,
16 and commission shall cooperate with the commission in the fulfillment of the duties of
17 the commission under AS 41.37.230.

18 **Sec. 41.37.270. Definition.** In this chapter, "commission" means the Citizens'
19 Advisory Commission on Federal Management Areas in Alaska.

20 * **Sec. 2.** AS 41.37.160, 41.37.170, 41.37.180, 41.37.190, 41.37.200, 41.37.210, 41.37.220,
21 41.37.230, 41.37.240, 41.37.250, 41.37.260, and 41.37.270 are repealed June 30, 2014.

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

24 TRANSITION. Notwithstanding AS 41.37.190(a), as enacted in sec. 1 of this Act, the
25 terms of the first members of the Citizens' Advisory Commission on Federal Management
26 Areas in Alaska appointed by the governor under AS 41.37.170, as enacted in sec. 1 of this
27 Act, are as follows: (1) two members shall be appointed for a four-year term; (2) two
28 members shall be appointed for a three-year term; (3) one member shall be appointed for a
29 two-year term; and (4) one member shall be appointed for a one-year term. The governor shall
30 specify the term of office of each member appointed subject to this section.

31 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).