

Introduced: 3/29/72  
Referred: Resources

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 766

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Joint Federal-State Land Use  
7 Planning Commission for Alaska; and providing for an  
8 effective date."

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

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

11 CHAPTER 40. THE JOINT FEDERAL-STATE

12 LAND USE PLANNING COMMISSION FOR ALASKA.

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

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

23 Sec. 414.0.030. STATE MEMBERSHIP ON THE COMMISSION. (a) The  
24 state membership on the commission is composed of the governor or his  
25 designate and four members appointed by the governor and serving at  
26 his pleasure.

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

1 85 Stat. 688.

2 Sec. 41.40.040. COMPENSATION AND PER DIEM. (a) A state member  
3 of the commission who is designated from the state government serves  
4 without compensation in addition to that received for his regular  
5 employment.

6 (b) Except to the extent provided for in (a) of this section,  
7 state members of the commission receive compensation at the rate of  
8 \$100 per day for each day they are engaged in the performance of their  
9 duties as members of the commission.

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

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

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

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

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

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

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

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

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

12 (8) make recommendations from time to time as the President  
13 of the United States, Congress, and the governor and legislature of  
14 the state as to changes in laws, policies, and programs that the  
15 commission determines are necessary or desirable;

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

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

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

28 Sec. 41.40.060. REPORTS. (a) On or before January 31 of each  
29 year, the commission shall submit to the President of the United

1 States, the Congress, the governor and the legislature a written  
2 report with respect to its activities during the preceding calendar  
3 year.

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

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

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

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

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

1           Sec. 41.40.110. STATEHOOD ACT LAND SELECTIONS. Nothing in this  
2 chapter shall be construed as an agreement by the state to surrender,  
3 waive, or condition any right granted to it by Public Law 85-508,  
4 72 Stat. 339 to make selection of land owned by the United States.

5           Sec. 41.40.120. RECOMMENDATIONS BY THE COMMISSION. The  
6 director of the division of lands retains the authority to make and  
7 revise classifications of land under the authority of AS 38.05.300.  
8 However, any recommendation made by the commission and concurred in  
9 by the governor or his designate on the commission as to the most wise  
10 and beneficial use of state land constitutes to that extent an  
11 establishment for the state of the use of that land until December 31,  
12 1976 and thereafter until changed pursuant to law. The commission  
13 may by the same process reconsider and make new recommendations until  
14 December 31, 1976 when it is in the public interest.

15 \* Sec. 2. AS 44.19.760 - 775 are repealed.

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