

Introduced: 2/11/77  
Referred: Resources and  
Judiciary

1 IN THE HOUSE

BY MALONE, MILLER AND SPECKING

CS HOUSE BILL NO. 211 (Judiciary) Am

2  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Alaska Land Commission; and  
7 providing for an effective date."

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

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

10 CHAPTER 45. ALASKA LAND COMMISSION.

11 Sec. 41.45.010. PURPOSE. The purpose of this chapter is to pro-  
12 vide for a common system of management by the state and the United  
13 States of public land in Alaska.

14 Sec. 41.45.020. POLICY. The legislature recognizes the best use  
15 of the public domain will change with time and that only an active  
16 management system can meet these changing needs. The legislature  
17 further recognizes that there is a valid national public interest in  
18 public land in Alaska, including state land, as well as a valid interest  
19 on the part of the people of Alaska in federal land in Alaska.

20 Sec. 41.45.030. COMMISSION. There is established the Alaska Land  
21 Commission.

22 Sec. 41.45.040. MEMBERSHIP. (a) The commission shall consist of  
23 seven members.

24 (b) Three members of the commission shall be appointed by the  
25 governor and shall serve at his pleasure.

26 (c) Members appointed by the governor are subject to confirmation  
27 by a majority of the members of the legislature in joint session.

28 Sec. 41.45.050. TERM. The term of office of a state member of the  
29 commission is four years. The governor shall designate among his

1 initial appointees who shall serve, respectively, for terms of two,  
2 three, and four years. A vacancy in the office of a member representing  
3 the state shall be filled by appointment by the governor. The appointee  
4 selected to fill the vacancy shall hold office for the balance of the  
5 full term for which his predecessor was appointed. An appointee to an  
6 unexpired term shall be subject to the same confirmation requirements as  
7 any other appointee.

8 Sec. 41.45.060. COMPENSATION. The three members of the commission  
9 appointed by the governor receive compensation at the rate of \$250 a day  
10 for each day they are engaged in the performance of their duties as  
11 members of the commission. Members appointed by the governor are en-  
12 titled to per diem and travel expenses authorized by law for boards and  
13 commissions.

14 Sec. 41.45.070. DUTIES. The commission shall

15 (1) initiate and maintain a continuing process of land use  
16 planning and management, including but not limited to submitting recom-  
17 mendations to the governor and legislature of Alaska and the Congress of  
18 the United States concerning state and federal land to be designated as  
19 "common management areas", the identification of land amenable to  
20 special use designation, the determination of federal and state land  
21 which may be made available for disposal, and recommendations regarding  
22 the use of other land remaining in federal and state ownership;

23 (2) manage land included within common management areas;

24 (3) establish procedures to govern the performance of the  
25 business of the commission, including provision for public hearings to  
26 obtain public comment on existing and proposed land use planning and  
27 management programs of the state and federal governments;

28 (4) review and recommend to Congress and to the legislature  
29 changes in statutes and regulations affecting land in the state which is

1 subject to cooperative management under this chapter which are necessary  
2 or desirable;

3 (5) submit recommendations and take whatever action is neces-  
4 sary to assure that the use of the resources of Alaska affecting state  
5 and federal land subject to the provisions of this chapter is compatible  
6 with state and national environmental objectives, the public interest in  
7 public land and resources in Alaska, and the economic development of the  
8 state.

9 Sec. 41.45.080. POWERS. The commission may

10 (1) manage state and federal land subject to the authority  
11 granted in this chapter;

12 (2) enter into common management agreements with private  
13 landowners whose land is within or adjacent to the boundaries of land  
14 subject to the commission's classification and management authority;

15 (3) enter into agreements with agencies of the state and  
16 federal government to implement the work of the commission.

17 Sec. 41.45.090. HEARINGS. The commission or, on the authorization  
18 of the majority of its members, any subcommittee or member of the  
19 commission may, for the purpose of carrying out the provisions of this  
20 chapter, hold hearings, receive testimony and evidence, and sit and act  
21 at those times and places as the commission or subcommittee determines.  
22 Hearings shall be held, insofar as practicable, in communities and areas  
23 which are to be affected.

24 Sec. 41.45.100. ANNUAL REPORT. On or before January 10 of each  
25 year, the commission shall submit to the President of the United States,  
26 Congress, the governor and the legislature a written report with respect  
27 to its activities during the preceding fiscal year. The report shall  
28 also include the activities that the commission contemplates over the  
29 next fiscal year, and the amount of funding required.

1           Sec. 41.45.110. LAND FOR INCLUSION WITHIN COMMON MANAGEMENT AREAS.

2           (a) The commission shall establish a process to provide for the identi-  
3           fication and submission of recommendations concerning areas in federal  
4           and state ownership for inclusion in common management areas. Land  
5           designated for inclusion within common management areas shall be submit-  
6           ted by the commission to Congress and the legislature. A recommendation  
7           which includes state land shall be presented to the legislature during  
8           the first 10 days of any regular session. The recommendation shall  
9           become effective at the adjournment of the session unless disapproved by  
10          a resolution concurred in by a majority of the members of each house of  
11          the legislature.

12          (b) Classification of state land within a common management area  
13          which is approved by the legislature supersedes the authority of the  
14          director of the division of lands to classify the land under AS 38.05.-  
15          300.

16          Sec. 41.45.120. JUDICIAL REVIEW. A person aggrieved by a decision  
17          of the commission in any determination involving state land subject to  
18          the provisions of this chapter may seek review of the decision in the  
19          superior court.

20          \* Sec. 2. FEDERAL MEMBERSHIP ON THE COMMISSION. Section 1 of this Act  
21          contemplates the authorization by Congress of legislation complementing the  
22          provisions of this Act. It is the intent of the legislature that Congress  
23          provide for the designation of three representatives to serve as members of  
24          the Alaska Land Commission, and that the seventh member of the commission be  
25          appointed by a majority vote of the six members, and serve as the executive  
26          director of the commission.

27          \* Sec. 3. This Act takes effect on the effective date of legislation  
28          enacted by the Congress of the United States providing for the establishment  
29          of an Alaska Land Commission and containing provisions which are not in con-

1 flict with the provisions of this Act.

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