

Original sponsors: Malone, Miller
and Specking

Offered: 5/25/78
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 211 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to 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 planning and classification by the state,
13 the United States, and private owners of mutually agreed upon areas of
14 land in Alaska by establishing land use planning and classification
15 institutions which provide full protection of significant natural values,
16 enable a flexible response to energy and other commodity needs as they
17 arise, and minimize conflicts among landowners and between competing
18 land uses. The legislature recognizes that participation by private
19 landholders is necessary for the success of an active classification
20 and planning system.

21 Sec. 41.45.020. POLICY. The legislature recognizes the best use
22 of the public domain will change with time and that only an active
23 classification system can meet these changing needs. The legislature
24 further recognizes that there are valid national and state interests in
25 lands within Alaska.

26 Sec. 41.45.030. COMMISSION. There is established the Alaska Land
27 Commission.

28 Sec. 41.45.040. MEMBERSHIP. (a) The commission shall consist of
29 six full-time members.

1 (b) Three members of the commission, one of whom shall be desig-
2 nated as state co-chairman, shall be appointed by the governor and shall
3 serve at his pleasure.

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

6 Sec. 41.45.050. TERM. The term of office of a state member of the
7 commission is four years and shall coincide with that of the governor.
8 A vacancy in the office of a member representing the state shall be
9 filled by appointment by the governor. The appointee selected to fill
10 the vacancy shall hold office for the balance of the full term for which
11 his predecessor was appointed. An appointee to an unexpired term shall
12 be subject to the same confirmation requirements as any other appointee.

13 Sec. 41.45.060. COMPENSATION. The three members of the commission
14 appointed by the governor shall receive an annual salary as established
15 under AS 39.23. Members appointed by the governor are entitled to per
16 diem and travel expenses authorized by law for boards and commissions.

17 Sec. 41.45.070. DUTIES. The commission shall

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

26 (2) classify land included within common management areas;

27 (3) establish procedures to govern the performance of the
28 business of the commission, including provision for public hearings to
29 obtain public comment on existing and proposed land use planning and

1 management programs of the state and federal governments;

2 (4) review and recommend to the federal government and to the
3 state necessary or desirable changes in statutes and regulations affect-
4 ing land in the state which is subject to cooperative management under
5 this chapter;

6 (5) review resource inventories prepared by the managing
7 agencies of land designated as "common management areas";

8 (6) make recommendations to appropriate federal and state
9 officials with respect to ways to improve coordination and consultation
10 among the state and federal governments and private landholders in
11 wildlife management, transportation planning, wilderness review, and
12 other activities which appear to require regional or statewide coordina-
13 tion;

14 (7) make recommendations to appropriate federal and state
15 officials with respect to ways to insure that economic development is
16 orderly and planned and is compatible with local, state and national
17 economic, social, and environmental objectives;

18 (8) make recommendations to appropriate federal and state
19 officials with respect to those changes in laws, policies, and programs
20 relating to public land and resources which the commission considers
21 necessary;

22 (9) make recommendations to appropriate federal and state
23 officials with respect to the inventory, planning, classification,
24 management, and use of federal and state land, respectively, and to
25 provide such assistance to Native corporations upon their request;

26 (10) make recommendations to appropriate federal and state
27 officials with respect to needed modifications in existing withdrawals
28 of federal and state public land; and

29 (11) make recommendations to appropriate federal and state

1 officials with respect to the programs and budgets of federal and state
2 agencies responsible for the administration of public land in Alaska.

3 Sec. 41.45.080. POWERS. The commission may

4 (1) classify state and federal land within a common manage-
5 ment area, except that, before classifying land located within a munici-
6 pality which exercises planning and zoning authority, the commission
7 shall first obtain approval of the local planning authority of the
8 municipality;

9 (2) enter into common management agreements with private
10 landowners and municipal corporations;

11 (3) enter into agreements with agencies of the state and
12 federal government to implement the work of the commission;

13 (4) employ staff and consultants as necessary to perform the
14 duties established in this chapter.

15 Sec. 41.45.090. LAND MANAGEMENT IN COMMON MANAGEMENT AREAS. The
16 agency or party responsible under law for the management of that land
17 included within a common management area shall retain that authority but
18 shall be subject to the authority of the commission to classify land
19 according to its beneficial uses.

20 Sec. 41.45.100. PROPERTY TAX EXEMPTION. If a private landowner,
21 including, but not limited to, any entity established under the Alaska
22 Native Claims Settlement Act, enters into an agreement by which the
23 commission classifies land owned by the private landowner, for a minimum
24 of five years, that land shall be exempt from any property tax or special
25 assessment for capital improvements on the land during the time it is
26 managed by the commission. If the land is withdrawn from the common
27 management area before the minimum five-year period, other than by
28 mutual agreement of all parties, then all property taxes or special
29 assessments for capital improvements on the land which would otherwise

1 have been payable shall be due at the time the land is withdrawn.

2 Sec. 41.45.110. TECHNICAL ASSISTANCE. With respect to land which
3 is the subject of a cooperative management agreement, state agencies, in
4 addition to any other requirements by law, may provide technical and
5 other assistance in fire suppression, trespass control, and mineral
6 exploration. This assistance may be provided without compensation if
7 the agency determines that to do so would foster the intent of coopera-
8 tive management and the public good.

9 Sec. 41.45.120. HEARINGS. The commission or, on the authorization
10 of the majority of its members, any subcommittee or member of the com-
11 mission may, for the purpose of carrying out the provisions of this
12 chapter, hold hearings, receive testimony and evidence, and sit and act
13 at those times and places as the commission or subcommittee determines.
14 Hearings shall be held, insofar as practicable, in communities and areas
15 which are to be affected.

16 Sec. 41.45.130. MEETINGS. All commission meetings shall be public
17 and notice of a meeting shall be given at least 15 days before the date
18 when the meeting is to take place.

19 Sec. 41.45.140. ANNUAL REPORT. On or before January 10 of each
20 year, the commission shall submit to the President of the United States,
21 Congress, the governor and the legislature a written report with respect
22 to its activities during the preceding calendar year. The report shall
23 also include the activities that the commission contemplates over the
24 next calendar year, and the amount of funding required.

25 Sec. 41.45.150. LAND FOR INCLUSION WITHIN COMMON MANAGEMENT AREAS.
26 (a) The commission shall establish a process to provide for the identi-
27 fication and submission of recommendations concerning areas in federal
28 and state ownership for inclusion in common management areas. Land
29 designated for inclusion within common management areas shall be submit-

1 ted by the commission to Congress and the legislature. A recommendation
2 which includes state land shall be presented to the legislature during
3 the first 10 days of any regular session. The recommendation shall
4 become effective at the adjournment of the session unless disapproved,
5 in whole or in part, by a resolution concurred in by a majority of the
6 members of each house of the legislature.

7 (b) Classification of state land within a common management area
8 supersedes the authority of the director of the division of lands to
9 classify the land under AS 38.05.300.

10 (c) The state may withdraw any portion of state land in a "common
11 management area" with six months notice to the commission.

12 Sec. 41.45.160. VETO. With respect to all state land subject to
13 this chapter, the governor may veto a decision of the commission, within
14 45 days of the action of the commission.

15 Sec. 41.45.170. EXECUTIVE COORDINATION COMMITTEE. There is estab-
16 lished an Executive Coordination Committee composed of the commissioners
17 of natural resources, fish and game, transportation and public facili-
18 ties, environmental conservation, commerce and economic development,
19 revenue, community and regional affairs, or their designees, and the
20 state co-chairman of the Alaska Land Commission. The committee shall
21 meet regularly in order to coordinate those programs and functions of
22 their departments which could affect the administration of state and
23 federal public land. The governor shall designate the chairman of the
24 committee.

25 Sec. 41.45.180. PRINCIPAL OFFICE. The principal office of the
26 commission shall be located in Alaska.

27 Sec. 41.45.190. FUNDING. The state shall pay 50 per cent of the
28 costs and other expenses incurred by the commission in any one fiscal
29 year.

1 Sec. 41.45.200. EXPIRATION OF THE COMMISSION. (a) On or before
2 the ninth anniversary of the effective date of this Act, the governor
3 shall present to the legislature a report on the desirability of con-
4 tinued state participation in the commission.

5 (b) State participation in the commission shall terminate on the
6 tenth anniversary of the effective date of this Act, unless otherwise
7 provided by law.

8 Sec. 41.45.210. JUDICIAL REVIEW. A person aggrieved by a decision
9 of the commission in any determination involving state land subject to
10 the provisions of this chapter may seek review of the decision in the
11 superior court.

12 * Sec. 2. AS 39.23.060 is amended to read:

13 Sec. 39.23.060. REVIEW OF COMPENSATION AND BENEFITS; OFFICERS
14 COVERED. The commission shall conduct an on-going review of compensa-
15 tion and retirement benefits for members of the legislature; the gover-
16 nor; the lieutenant governor; commissioners, deputy commissioners, and
17 division directors of each executive department; members of the Alaska
18 Public Utilities Commission; members of the Alaska Pipeline Commission;
19 members of the Alaska Transportation Commission; members of the Alaska
20 Commercial Fisheries Entry Commission; state members of the Alaska Land
21 Commission; and the judiciary, to determine the appropriateness of
22 compensation and benefits.

23 * Sec. 3. AS 41.40.070 is amended to read:

24 Sec. 41.40.070. TERMINATION OF THE COMMISSION. The commission
25 ceases to exist 120 days after the establishment of the Alaska Land
26 Commission or on April 30, 1981, whichever comes first [ON JUNE 30, 1979].

27 * Sec. 4. FEDERAL MEMBERSHIP ON THE COMMISSION. Section 1 of this Act
28 contemplates the authorization by Congress of legislation complementing the
29 provisions of this Act. It is the intent of the legislature that Congress

1 provide for the designation of three representatives to serve as members of
2 the Alaska Land Commission.

3 * Sec. 5. Sections 1, 2, and 4 of this Act take effect on the effective
4 date of legislation enacted by the Congress of the United States providing
5 for the establishment of an Alaska Land Commission and containing provisions
6 which are not in conflict with the provisions of this Act, if such legisla-
7 tion is passed by Congress before January 1, 1981.

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