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Referred: State Affairs and
Resources

1 IN THE SENATE

BY KERTTULA

2 CS SENATE BILL NO. 141

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 a Joint Legislative Commission on
7 the Selection of State Land; and providing for an
8 effective date."

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

10 * Section 1. FINDINGS. The legislature finds that

11 (1) the Act providing for the admission of Alaska into the Union
12 (P.L. 85-508) constitutes a compact between the United States and the people
13 of the State of Alaska;

14 (2) subject to subsequent determination of the rights of Alaska
15 Natives claiming land on the basis of aboriginal title, the Alaska Statehood
16 Act authorized selection by the state of 102,550,000 acres from the public
17 land of the United States which was vacant, unappropriated and unreserved at
18 the time of selection, together with additional acreage from national forest
19 land;

20 (3) the Congress has provided for settlement of the claims of
21 Alaska Natives by enactment of the Alaska Native Claims Settlement Act (P.L.
22 92-203);

23 (4) the same legislation providing for the settlement of the
24 claims of Alaska Natives directs the withdrawal of 80 million acres of public
25 land for subsequent evaluation and possible inclusion in national park,
26 forest, wildlife refuge, and wild and scenic river systems, and that legis-
27 lation now under consideration by the Congress would, if enacted, add ex-
28 tensive additional acreage to the land already closed to selection by the
29 State of Alaska;

1 (5) the state has not completed selection of the land which it
2 is authorized to select under the statehood Act, seven years remain to the
3 state to complete its selections, and the continuing action on the part of
4 the Congress in effecting or considering the withdrawal or reservation of
5 land constitutes a serious threat to the state's ability to make timely
6 selection under the Statehood Act of land having actual or potential economic
7 value;

8 (6) the current administration, while nominally supporting a
9 program to assure continuing selection of land, has shown itself reluctant to
10 contest with the federal government the significant legal questions attending
11 exercise of the right of selection in the face of actual or threatened
12 federal withdrawals; and

13 (7) a resolution of the legal questions involving the rights of
14 selection under the statehood Act as against the continuing efforts of the
15 federal government to restrict selections by withdrawal or reservation of
16 public land is of immediate concern to the people of Alaska and to the future
17 development of the state and its resources.

18 * Sec. 2. INTENT. It is the intent of the legislature, in providing for
19 the establishment of a commission and enumerating its powers and duties,
20 that there be provided to the people of the State of Alaska both the oppor-
21 tunity and the means by which to review state land selection practices and
22 the policies of the federal government concerning reservation, withdrawal or
23 disposition of public land in Alaska, and to receive advice and evaluate
24 alternative procedures which may be adopted or followed to assure the exer-
25 cise of the right of selection by the state, including, but not limited to,
26 the initiation or support of litigation to assert the state's position on the
27 question. This Act is not intended to serve as the vehicle of challenge to
28 the selection of land by corporations organized in accordance with the pro-
29 visions of the Alaska Native Claims Settlement Act which may be in conflict

1 with tentative land selections already made by the state.

2 * Sec. 3. JOINT LEGISLATIVE COMMISSION ESTABLISHED. There is established
3 the Joint Legislative Commission on the Selection of State Land. The commis-
4 sion consists of 10 members, including the following: the president of the
5 senate, the speaker of the house of representatives, and the chairmen of the
6 finance, judiciary, resources, and state affairs committees of each house of
7 the legislature.

8 * Sec. 4. ORGANIZATION. The members of the commission established in
9 sec. 3 of this Act may elect a chairman and vice-chairman. The commission
10 shall meet at the call of the chairman or at the request of any four of its
11 members.

12 * Sec. 5. DUTIES. The commission established in sec. 3 of this Act shall
13 research the history of the Alaska Statehood Act, the provisions of that Act
14 with regard to state land selection rights and applicable commentary, judi-
15 cial decisions bearing on the exercise of land selection rights granted to
16 the State of Alaska by that Act, and such other matters which, in the opinion
17 of the commission, are relevant to the subject. It shall review and consider
18 the merits of a challenge to the actions of the federal government in pro-
19 viding for reservation or withdrawal of public land and in reducing the
20 acreage available from which the state is entitled to complete selections
21 contemplated by the statehood Act. The commission may, if necessary, indivi-
22 dually, on behalf of the people of the State of Alaska, or by participation
23 with others, initiate court action to assert the state's position with
24 respect to the exercise of the right to select land as provided in the Alaska
25 Statehood Act.

26 * Sec. 6. STAFF. The division of legal services in the Legislative
27 Affairs Agency serves as staff to the commission. With the consent of a
28 majority of the members of the commission, the director of legal services may
29 employ or contract for the services of those persons necessary to carry out

1 the purposes of this Act, including, but not limited to temporary employees,
2 consultants, attorneys, and others knowledgeable of the subject of this Act.

3 * Sec. 7. COMPENSATION. Members of the commission established in sec. 3
4 of this Act receive the same travel pay and per diem as provided by law for
5 members of the legislature serving on other boards. Temporary employees are
6 entitled to the compensation paid to temporary employees of the legislature.

7 * Sec. 8. BUDGET. The commission shall make a formal request to the
8 Legislative Council for the funds which it considers necessary for its work.

9 * Sec. 9. EFFECTIVE DATE. This Act takes effect immediately in accor-
10 dance with AS 01.10.070(c).

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