

Original sponsors: Kerttula and Huber

Offered: 3/31/77
Referred: Resources

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR 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 contract 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 is
2 authorized to select under the Statehood Act, seven years remain to the state
3 to complete its selections, and the continuing action on the part of the
4 Congress in effecting or considering the withdrawal or reservation of land
5 constitutes a serious threat to the state's ability to make timely selection
6 under the Statehood Act of land having actual or potential economic value;

7 (6) there is need for the legislature to review current state
8 policies and practices regarding the selection of the balance of the land due
9 the state under the Alaska Statehood Act; and

10 (7) the determination of selection policy and resolution of the
11 legal questions involving the rights of selection under the Statehood Act as
12 against the continuing efforts of the federal government to restrict selec-
13 tions by withdrawal or reservation of public land is of immediate concern to
14 the people of Alaska and to the future development of the state and its
15 resources.

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

28 * Sec. 3. JOINT LEGISLATIVE COMMISSION ESTABLISHED. There is established
29 the Joint Legislative Commission on the Selection of State Land. The commis-

1 sion consists of 10 members, including the following: the president of the
2 senate, the speaker of the house of representatives, and the chairmen of the
3 finance, judiciary, resources, and state affairs committees of each house of
4 the legislature.

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

9 * Sec. 5. DUTIES. (a) The commission established in sec. 3 of this Act
10 shall

11 (1) research the history of the Alaska Statehood Act, the provi-
12 sions of that Act with regard to state selection rights and applicable com-
13 mentary, judicial decisions bearing on the exercise of land selection rights
14 granted to the State of Alaska by that Act, and such other matters which, in
15 the opinion of the commission, are relevant to the subject;

16 (2) undertake and direct research into the history of the admin-
17 istration of the processing of land selections by the Bureau of Land Manage-
18 ment to determine the degree of diligence with which the bureau has completed
19 action on state land selections;

20 (3) research the legal status of land "tentatively approved" for
21 selection by the state and the subsequent resultant effects of the failure of
22 the federal government to complete action on tentatively approved selections
23 in a timely manner;

24 (4) review and report on the effects of overselection of land by
25 corporations organized in accordance with the provisions of the Alaska Native
26 Claims Settlement Act as a factor limiting the completion of state selections;

27 (5) determine the need for a legislative mandate by which to guide
28 the selection of the balance of land due under the Statehood Act and, if a
29 mandate is considered necessary, prepare legislation for the purpose.

1 (b) The commission established in sec. 3 of this Act may

2 (1) in consultation with the attorney general and persons knowl-
3 edgeable of the subject matter of this Act, review and consider the merits of
4 a challenge to the actions of the federal government in providing for reser-
5 vation or withdrawal of public land and in reducing the acreage available
6 from which the state is entitled to complete selections contemplated by the
7 Statehood Act;

8 (2) by participation with others, initiate court action to assert
9 the state's position with respect to the exercise of the right to select land
10 as provided in the Alaska Statehood Act.

11 * Sec. 6. STAFF. The division of legal services in the Legislative
12 Affairs Agency serves as staff to the commission. With the consent of a
13 majority of the members of the commission, the director of legal services may
14 employ or contract for the services of those persons necessary to carry out
15 the purposes of this Act, including, but not limited to temporary employees,
16 consultants, attorneys, and others knowledgeable of the subject of this Act.

17 * Sec. 7. COMPENSATION. Members of the commission established in sec. 3
18 of this Act receive the same travel pay and per diem as provided by law for
19 members of the legislature.

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

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