

STATE LANDS AND MATERIALS

Senate Bill 211/House Bill 371

Sectional Analysis

Sec. 1, 6 & 9. These sections are identical in form and resolve an ambiguity in state law that vests DOT&PF with authority to hold and manage airports (AS 02), highways (AS 19), public facilities (AS 35), and vests DNR with authority to hold and manage state lands (AS 38). These sections clarify that DOT&PF has primary authority to manage the surface estate of its facilities; DNR retains its authority to administer its statutory authorities on highway, airport, and public facility land, upon DOT&PF terms and conditions to protect the state's infrastructure.

Sec. 2, 4 & 10. These sections are identical in form and provide uniform language across all of DOT&PF's statutory authorities for the disposal of excess land and property interests for airports (AS 02), highways (AS 19) and public facilities (AS 35). Upon a DOT&PF determination that lands or property interests are excess to its needs, DOT&PF shall notify DNR to allow the transfer of excess lands to be used for other public purposes. DOT&PF retains its current authority to dispose excess property and improvements according to the terms and conditions established by the DOT&PF commissioner.

Sec. 3, 5 & 8. These sections are identical in form and establish a process for the transfer of state-owned public domain land to DOT&PF for the construction or maintenance of state-owned airports (AS 02), highways (AS 19) and public facilities (AS 35). Within four months of DOT&PF's written determination that public domain land is reasonably necessary for a DOT&PF facility, DNR must transfer title to the surface estate of the identified property. The public receives notice of the intended transfer of state land by posting of DOT&PF's written determination and property plans. These sections clarify that a transfer of land from DNR to DOT&PF is not a "disposal" of state land and that the transfer of state property for the construction or maintenance of the state's infrastructure is presumed to be in the public interest.

Sec. 7. This section updates the terminology used in AS 35.10.120 to use the more inclusive term "municipality" when referencing entities eligible for sale or lease of state-owned harbor facilities

Sec. 11. This section amends DOT&PF's exemption from the Alaska Land Act to specifically exempt interagency transfers of land, authorized under sections 3, 5 & 8 of the bill, from the Alaska Land Act's requirements for the disposal of state land. Additionally, this section makes the return of former public domain to DNR permissive, which will provide more flexibility and efficiency in DOT&PF's management of its rights-of-ways.

Sec. 12. This section amends AS 38.05.030(d) to expand DOT&PF's authority to dispose property excess to its needs to include property that was formerly held in the state's public domain.

Sec. 13. This section amends A.S. 38.05.030 to allow DOT&PF to use state-owned material sites without payment and without term or quantity limitations. This will eliminate a recurring administrative burden on DOT&PF and DNR that currently requires the preparation of material sales contracts that result in continuous renewal to extend the term of the contract or allow for additional quantity.

Sec. 14. This section amends A.S. 42.40.285 to eliminate the requirement that the legislature approve the sale of fee interest in land held by the Alaska Railroad Corporation to DOT&PF. This requirement currently can add one to two years to the land acquisition process, which we believe to be an unintended consequence of the existing statute language.

Sec. 15. This section transfers the surface estate of certain lands from DNR to DOT&PF for the Happy Valley and Franklin Bluffs maintenance stations and airstrips. The lands are necessary for the maintenance and operation of the Dalton Highway and are becoming increasingly important with the recent resource development proposals in this corridor. The proposed language will not affect licenses or permits issued by DNR for use of these properties and will provide for the existing authorizations to be incorporated into DOT&PF issued permits and licenses under the rural airport leasing program.

Sec.16. This section allows DNR to remove the term of year restriction from the reciprocal easements exchanged between the state and federal governments in SAFETEA-LU § 4407. The federal government will be able to remove its 55-year limitation on the highway and utility easements issued to DOTPF from the U.S. Forest Service, once the DNR 55-year limitations are removed from the log transfer facility easements over state submerged lands that were issued to the U.S. Forest Service.

Sec.17. This section provides for an effective date.