

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 12(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 2/19/99

Referred: Rules

Sponsor(s): REPRESENTATIVES JAMES, Therriault, Dyson, Harris, Kemplen

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a utility corridor and railroad right-of-way between the
2 Alaska Railroad and the Alaska-Canada border."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 19.05.122(a) is amended to read:

5 (a) **Subject to legislative appropriation**, [NOT LATER THAN APRIL 1,
6 1982, THE INTERIOR DIVISION OF] the department shall delineate a proposed
7 utility corridor, **including a railroad right-of-way, between the right-of-way** [FOR
8 THE EXTENSION] of the Alaska Railroad **and** [TO] the Canadian border. The
9 proposed utility corridor shall include a complete legal description of the proposed
10 railroad right-of-way.

11 * **Sec. 2.** AS 19.05.122(b) is amended to read:

12 (b) Within 90 days after receiving a report transmitting the work [OF THE
13 INTERIOR DIVISION] of the department under (a) of this section, the commissioner
14 shall, in conformity with AS 44.62 (Administrative Procedure Act), if necessary, adopt

1 a regulation approving, modifying, or rejecting the proposed utility corridor and
 2 railroad right-of-way.

3 * **Sec. 3.** AS 19.05.122(c) is amended to read:

4 (c) If the commissioner approves or modifies the proposed utility corridor and
 5 railroad right-of-way,

6 (1) the Department of Natural Resources shall promptly

7 (A) classify, or reclassify, and reserve any state land within the
 8 utility corridor for use as a utility corridor and railroad right-of-way; and

9 **(B) record the route of the utility corridor and railroad**
 10 **right-of-way in the appropriate recording office; the recordation of the**
 11 **route**

12 **(i) is not subject to the requirements established for**
 13 **the recording of documents under AS 40.17; and**

14 **(ii) in regard to nonstate land, is solely for**
 15 **informational purposes and does not constitute the assertion of a**
 16 **right to or an encumbrance of land or an interest in land that is not**
 17 **owned by the state; and**

18 (2) the department shall

19 (A) exercise its authority under AS 19.05.040 to acquire rights-
 20 of-way across land within the utility corridor which is subject to the state's
 21 power of condemnation;

22 (B) work with federal officials to secure reclassification and
 23 withdrawal of federal land in the utility corridor for reservations and rights-of-
 24 way across the federal land for use as a utility corridor and railroad right-of-
 25 way; and

26 (C) prepare a report evaluating the impact of construction of an
 27 extension of the Alaska Railroad across federal land within the railroad right-
 28 of-way; the statement shall satisfy the requirements for an "environmental
 29 impact statement" under 42 U.S.C. 4332.

30 * **Sec. 4.** AS 19.05.122 is amended by adding new subsections to read:

31 (e) In performing the work required by (a) of this section, the railroad

1 alignment and identification of a railroad right-of-way of not less than 500 feet,
2 together with adjacent sites that can be developed for necessary construction materials,
3 shall guide the identification and delineation of the corridor.

4 (f) To complete the work required by this section, the commissioner may
5 accept and, subject to legislative appropriation, expend any legal gifts and grants
6 relating to the work and may enter into agreements relating to the work with the
7 federal government, an agency or instrumentality of the state, a municipality, or a
8 private organization.