

SENATE CS FOR CS FOR HOUSE BILL NO. 115(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 2/5/16

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES CHENAULT, Johnson, Olson, Keller, Millett, Talerico, Herron, Reinbold, Thompson, Neuman, Saddler, Lynn, Hughes, Tilton

SENATOR Giessel

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the sovereignty of the state and the state's right to a credit or setoff
2 for amounts or injuries inequitably or unlawfully caused or claimed by the federal
3 government; requiring the United States to lift certain land orders and federal
4 withdrawals; relating to the transfer of public land or interests in public land from the
5 federal government to the state and to the disposal of that land or any interest in land;
6 and providing for an effective date."

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

8 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
9 to read:

10 SHORT TITLE. This Act may be known as the Alaska Sovereignty and Transfer of
11 Federal Public Land to Alaska Act.

12 * **Sec. 2.** AS 44.03 is amended by adding a new section to read:

13 **Sec. 44.03.005. State sovereignty; right to setoffs.** (a) The state solemnly

1 affirms its state sovereignty and fully reserves and asserts all rights and powers
 2 directly and indirectly related to those rights and powers under the Ninth and the
 3 Tenth Amendments to the Constitution of the United States.

4 (b) The affirmation, reservation, and assertion in (a) of this section include the
 5 reservation of the rights of the state to claim a credit or setoff for any amount or injury
 6 inequitably or unlawfully caused or claimed by the federal government.

7 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
 8 read:

9 TRANSFER OF FEDERAL PUBLIC LAND; RECEIPT BY THE STATE. (a) Before
 10 January 1, 2017, the United States shall, subject to acceptance by the state,

- 11 (1) relinquish title to public land or an interest in land in the state; and
 12 (2) transfer title to public land or an interest in land to the state.

13 (b) Under the authority in AS 38.05.035(a)(11) or as otherwise provided by law, the
 14 director of the division of lands in the Department of Natural Resources shall accept the land
 15 and interest in land conveyed to the state under (a)(2) of this section on behalf of the state if
 16 the director determines that the acceptance is in the best interest of the state.

17 (c) If the land or interest in land the state receives under (a)(2) of this section is sold,
 18 leased, or granted, each contract for the sale, lease, or grant of state land or interest in land,
 19 and each deed for state land, properties, or an interest in land transferred by the state must
 20 include a reservation using the language provided for a reservation in AS 38.05.125(a).

21 (d) In this section, "public land" means federal land in the state except for land

- 22 (1) to which title is held by a person that is not a governmental entity;
 23 (2) used for military or naval purposes, including a military reservation; or
 24 (3) that was a national park on January 1, 2015.

25 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
 26 read:

27 LIFTING OF PUBLIC LAND ORDERS; PERIOD FOR MINERAL
 28 EXPLORATION AND RESOURCE EVALUATION. (a) For land not transferred to the state
 29 under sec. 3(a)(2) of this Act, the United States shall lift all public land orders and federal
 30 withdrawals subsequent to those public land orders of land in the state, except for land that is
 31 used for military or naval purposes, including a military reservation, so that state land

1 selections that are currently in top-filed status on that land may attach.

2 (b) To allow the state sufficient time to conduct mineral exploration and resource
3 evaluation on the land subject to public land orders and federal withdrawals under (a) of this
4 section, 43 U.S.C. 1635(f)(1) (sec. 906(f)(1), Alaska National Interest Lands Conservation
5 Act, P.L. 96-487, 94 Stat. 2371) is suspended until the later of January 1, 2037, 20 years after
6 the date the last public land order is lifted under (a) of this section, or the date the last
7 withdrawal subsequent to those public land orders is lifted.

8 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).