

Introduced: 2/7/80  
Referred: Resources

1 IN THE HOUSE

BY MILLER AND GARDINER

2

HOUSE BILL NO. 688

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act authorizing the commissioner of fish and game  
7 to acquire certain timber cutting rights."

8

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

9

\* Section 1. AS 16.05 is amended by adding a new section to read:

10

Sec. 16.05.875. ACQUISITION OF TIMBER RIGHTS. (a) The commis-  
11 sioner may acquire for the state the perpetual right to cut and remove  
12 timber from private forest land if

13

(1) the timber is on land which is adjacent to a river, lake,  
14 or stream specified under AS 16.05.870 as important to the spawning and  
15 migration of anadromous fish;

16

(2) he disapproves plans and specifications for the proposed  
17 timber cutting submitted to him under AS 16.05.870(c) because those  
18 plans fail to protect the spawning and migration of anadromous fish; and

19

(3) the owner of the timber agrees to convey his perpetual  
20 right to cut and remove the timber to the state.

21

(b) The money or other consideration offered for timber cutting  
22 rights under this section may not exceed the market value of those  
23 rights as determined by the commissioner of natural resources.

24

(c) Timber cutting rights acquired by the commissioner under this  
25 section may be conveyed by the commissioner if the owner of the land on  
26 which the timber is situated or his assignee requests the conveyance and  
27 the commissioner determines in writing that the conveyance and harvest  
28 of the timber will not adversely affect the spawning and migration of  
29 anadromous fish. The conveyance of timber cutting rights under this

1 section shall be at public auction. The owner of the land or his  
2 assignee has a preference right to meet the high bid within 30 days  
3 after the day of the auction.

4 (d) The commissioner may acquire privately owned timber cutting  
5 rights under this section by

6 (1) paying money;

7 (2) exchanging state land or an interest in state land;

8 (3) purchasing private or public land to exchange that land  
9 for the timber rights; and

10 (4) using any combination of the methods described in (1) -  
11 (3) of this subsection.

12 (e) The commissioner of natural resources shall

13 (1) advise the commissioner on the performance of his duties  
14 under this section;

15 (2) if he determines that suitable state land is available,  
16 classify and make available to the commissioner state land or an inter-  
17 est in state land which may be offered for exchange under this section;

18 (3) at least 120 days before the conveyance of timber cutting  
19 rights under this section, determine the market value of those rights;  
20 and

21 (4) give public notice of the proposed exchange of state land  
22 in the same manner specified in AS 38.05.345(e) for the sale of state  
23 land by public auction.

24 (f) AS 38.50 does not apply to an exchange of state land under  
25 this section.

26

27

28

29