

Original sponsors: Miller and Gardiner

Offered: 5/16/80
Referred: Rules

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR 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 natural re-
7 sources to acquire certain timber cutting rights."

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

9 * Section 1. AS 41.17 is amended by adding a new section to read:

10 Sec. 41.17.105. ACQUISITION OF TIMBER RIGHTS. (a) If requested
11 by the commissioner of fish and game the commissioner of natural re-
12 sources may acquire for the state the right to cut and remove timber
13 from private forest land if

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

17 (2) the commissioner of fish and game finds that the timber
18 cutting would be hazardous to the spawning and migration of anadromous
19 fish; and

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

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

25 (c) Timber cutting rights acquired by the commissioner of natural
26 resources under this section may be conveyed by the commissioner of
27 natural resources if the owner of the land on which the timber is
28 situated or his assignee requests the conveyance and the commissioner of
29 fish and game determines in writing that the conveyance and harvest of

1 the timber will not adversely affect the spawning and migration of
2 anadromous fish. The conveyance of timber cutting rights under this
3 section shall be at public auction. The owner of the land or his
4 assignee has a preference right to meet the high bid within 30 days
5 after the day of the auction.

6 (d) The commissioner of natural resources may acquire privately
7 owned timber cutting rights under this section by

- 8 (1) paying money;
- 9 (2) exchanging state land or an interest in state land;
- 10 (3) purchasing private or public land to exchange that land
11 for the timber rights; and
- 12 (4) using any combination of the methods described in (1) -
13 (3) of this subsection.

14 (e) The commissioner of natural resources shall

- 15 (1) advise the commissioner of fish and game on the perfor-
16 mance of his duties under this section;
- 17 (2) at least 120 days before the conveyance of timber cutting
18 rights under this section, determine the market value of those rights;
19 and
- 20 (3) give public notice of the proposed exchange of state land
21 in the same manner specified in AS 38.05.345(e) for the sale of state
22 land by public auction.

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

25 (g) The following transactions entered into by the commissioner of
26 natural resources are not effective unless approved by the legislature
27 by concurrent resolution if the value of the transaction exceeds
28 \$1,000,000;

- 29 (1) the purchase of timber cutting rights;

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(2) the exchange of state land or interest in state land for timber cutting rights; or

(3) the purchase of private or public land in exchange for timber cutting rights.