

Original sponsors: Miller and Gardiner

Offered: 6/2/80  
Referred: Rules

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 688 (Rules)

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,  
16 rearing, or migration of anadromous fish;

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

20 (3) the owner of the timber agrees to convey his right to cut  
21 and remove the timber to the state for a term of not less than 30 years  
22 or more than 150 years, which term shall be the period required for  
23 regrowth of the timber after cutting as determined by the commissioner  
24 of natural resources based on site and soil characteristics and com-  
25 parable periods for regrowth of timber in adjacent areas or in other  
26 areas with similar geography and climate.

27 (b) The money or other consideration offered for timber cutting  
28 rights under this section shall equal the fair market value of the  
29 timber cutting rights as determined by the commissioner of natural

1 resources.

2 (c) The commissioner of fish and game shall regularly, and when  
3 requested by the owner of the land or by the former owner of the timber,  
4 reevaluate the importance of the adjacent waters for, or the hazardous  
5 nature of cutting timber acquired under this section to, the spawning,  
6 rearing, or migration of anadromous fish. If, upon reevaluation, the  
7 commissioner of fish and game determines that the timber cutting  
8 activity is no longer hazardous to the spawning, rearing, or migration  
9 of anadromous fish or that the adjacent waters are no longer important  
10 to the spawning, rearing or migration of anadromous fish, the former  
11 owner of the timber is entitled to repurchase the timber cutting rights  
12 from the Department of Natural Resources for consideration of the same  
13 value paid by the Department of Natural Resources for the timber cutting  
14 rights with annual interest at a reasonable rate as determined by the  
15 commissioner of natural resources.

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

- 18 (1) paying money;
- 19 (2) exchanging state land or an interest in state land;
- 20 (3) purchasing private or public land to exchange that land  
21 for the timber rights; and
- 22 (4) using any combination of the methods described in (1) -  
23 (3) of this subsection.

24 (e) The commissioner of natural resources shall

- 25 (1) advise the commissioner of fish and game on the perfor-  
26 mance of his duties under this section;
- 27 (2) at least 120 days before the acquisition of timber cut-  
28 ting rights under this section, determine the consideration to be paid  
29 for those rights; and

1 (3) give public notice of the proposed exchange of state land  
2 in the manner specified in AS 38.05.345 for the sale of state land by  
3 public auction.

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

6 (g) If the value of a proposed acquisition of privately owned  
7 timber cutting rights under (d) of this section exceeds \$1,000,000, the  
8 timber cutting rights may not be acquired unless acquisition is approved  
9 by the legislature by concurrent resolution.

10 (h) This section does not authorize a state department or agency  
11 to exercise the power of eminent domain to acquire land or timber cut-  
12 ting rights for the protection of waters important to the spawning or  
13 migration of anadromous fish.

14 (i) In this section,

15 (1) "owner of the timber" means a person who owns the right  
16 to cut or harvest standing timber that may be acquired under this sec-  
17 tion even if the person holds no other interest in the land on which the  
18 timber is located;

19 (2) "timber cutting rights" or "right to cut or harvest  
20 timber" means an assignable license together with an interest in the  
21 standing timber held by the owner of the timber which allows the owner  
22 of the timber or his assignee to enter upon the land on which the timber  
23 is located to cut and remove the timber of commercial value.