

Introduced: 1/18/80
Referred: Judiciary

1 IN THE HOUSE

BY FREEMAN, PARR, BARNES, PHILLIPS
AND ROGERS

2 HOUSE CONCURRENT RESOLUTION NO. 40 am S
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 ELEVENTH LEGISLATURE - SECOND SESSION

5 Relating to Alaska's right under the
6 Statehood Act to land promised by the
7 Act.

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

9 WHEREAS the legislature finds that

10 (1) the Act providing for the admission of Alaska into the Union
11 (P.L. 85-508) constitutes a contract between the United States and the people
12 of the State of Alaska;

13 (2) subject to subsequent determination of the rights of Alaska
14 Natives claiming land on the basis of aboriginal title, the Alaska Statehood
15 Act authorized selection by the state of 102,550,000 acres from the public
16 land of the United States which was vacant, unappropriated and unreserved at
17 the time of selection, together with additional acreage from national forest
18 land;

19 (3) the Congress has provided for settlement of the claims of
20 Alaska Natives by enactment of the Alaska Native Claims Settlement Act (P.L.
21 92-203);

22 (4) the same legislation providing for the settlement of the
23 claims of Alaska Natives directs the withdrawal of 80 million acres of public
24 land for subsequent evaluation and possible inclusion in national park,
25 forest, wildlife refuge, and wild and scenic river systems, and that legis-
26 lation now under consideration by Congress would, if enacted, add extensive
27 additional acreage to the land already closed to selection by the State of
28 Alaska;

29 (5) by a series of proclamations the President of the United

1 States has purported to establish national monuments encompassing over
2 55,000,000 acres of land within the State of Alaska, citing as authority for
3 this action the Act for the Preservation of American Antiquities adopted
4 June 8, 1906 (16 U.S.C. 431); and

5 (6) the state has not completed selection of the land which it is
6 authorized to select under the Statehood Act, and the continuing action on
7 the part of the President and Congress in effecting or considering the with-
8 drawal or reservation of land has very substantially impaired the state's
9 ability to make timely selection under the Statehood Act of land having
10 actual or potential economic value; and

11 WHEREAS the Statehood Act provided that substantial land could be
12 selected by the State of Alaska and would be granted to the state upon selec-
13 tion, and the reasons for the selection and grants, as stated in the report
14 of the Committee on Interior and Insular Affairs accompanying the bill,
15 including the finding that:

16 "In Alaska very little land has passed out of Federal title and there
17 seems to be little chance of any marked change in this situation under
18 existing Federal policies"

19 leading to the conclusion that the land must be conveyed to the state since,
20 as stated in the report,

21 "If Alaska is to become a State, it must be a full and equal State, and
22 not a puppet of the Federal Government"; and

23 WHEREAS the United States has broken its compact with the State of
24 Alaska and the people of Alaska through the actions of the President and
25 Congress which have effectively prevented exercise of the land selection
26 rights found necessary and promised; and

27 WHEREAS these violations are of such a serious nature that the valid
28 right to full title to the land promised under the Statehood Act and the
29 right of unilateral action by the state to enforce the rights accrued to the

1 state through the compact have arisen;

2 BE IT RESOLVED that the Alaska State Legislature respectfully requests
3 the Governor to cause immediate selection of the land to which the State of
4 Alaska is entitled from the United States under the Statehood Act, to declare
5 by proclamation that title to this land is vested in the State of Alaska, and
6 to take whatever steps are necessary to defend the title of the state to this
7 land.

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