

Introduced: 1/15/82
Referred: Resources, Judiciary
and Finance

1 IN THE HOUSE

BY BARNES AND FANNING

2 HOUSE BILL NO. 667

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state control of certain land; and
7 providing for an effective date."

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

9 * Section 1. AS 38.05 is amended by adding new sections to read:

10 ARTICLE 15. STATE CONTROL OF CERTAIN LAND.

11 Sec. 38.05.500. ADDITIONAL FEDERAL GRANTS. If the state is
12 authorized by a federal act enacted after the effective date of this
13 Act to acquire unreserved, unappropriated public land within the border
14 of the state, the governor shall apply to the United States for the
15 transfer to the state of the land under the provisions of the federal
16 act.

17 Sec. 38.05.510. MANAGEMENT. (a) The commissioner shall manage
18 the land which is obtained under the federal act for the purposes
19 established in the federal act as a condition of the grant and for the
20 purposes of recreation, grazing, mining, forestry, the preservation of
21 historic sites, antiquities, artifacts, and wilderness, the conservation
22 of water and wildlife, and to achieve the best uses of the land as
23 determined by the department for their sustainable economic yield under
24 AS 38.05.550.

25 (b) The department shall manage the land in an orderly and bene-
26 ficial manner.

27 (c) The commissioner may adopt regulations for the transfer and
28 management of the land under the provisions of this chapter.

29 (d) The department may sell, lease, exchange, or encumber the

1 land when specifically authorized to do so by law and under the terms
2 and conditions established by the law.

3 Sec. 38.05.520. PROPERTY OF THE STATE. Subject to valid existing
4 rights of applicants for land, all public land in the state and the
5 water appurtenant to it and all minerals not previously appropriated is
6 the exclusive property of the state.

7 Sec. 38.05.530. EXISTING RIGHTS UNDER FEDERAL LAW. Until equiva-
8 lent measures are enacted by the legislature, the rights and privileges
9 of the people of this state granted under the provisions of existing
10 federal law are preserved under administration by the department.

11 Sec. 38.05.540. TREATIES AND COMPACTS. Land in the state which
12 has been administered by the United States under international treaties
13 and interstate compacts will continue to be administered by the state
14 in conformity with those treaties and compacts.

15 Sec. 38.05.550. MULTIPLE USE. The land shall be used to the
16 greatest extent possible for recreation, wildlife habitat, agriculture,
17 mineral, and timber production, and for the development, production,
18 and transmission of energy and other public and private services under
19 the principles of multiple use to provide maximum benefit to the people
20 of the state.

21 Sec. 38.05.560. DISPOSALS OF LAND ACQUIRED UNDER THE FEDERAL ACT.
22 (a) Land acquired under the federal act may be disposed of only under
23 the provisions of this section. Land or an interest in land disposed
24 of without compliance with this section is

25 (1) voidable if the state did not receive substantially full
26 value for the land or an interest in land disposed of or if the land is
27 not disposed of under this section; and

28 (2) subject to reformation at any time to comply with the
29 requirements of (g) of this section.

1 (b) The commissioner shall reserve from a grant or sale minerals
2 in the land.

3 (c) The commissioner shall reserve necessary and reasonable
4 easements or other property interests as will assure public access to
5 other federal and state land.

6 (d) Land may be sold under AS 38.05.045 - 38.05.069 for the
7 expansion of a municipality if the land is adjacent to a municipality
8 and the municipality requests the sale.

9 (e) Land may be leased under AS 38.05.070 - 38.05.105 for agricul-
10 tural purposes if the land has been classified by the commissioner as
11 agricultural.

12 (f) Land may be leased for

13 (1) purposes authorized under federal law;

14 (2) purposes other than the extraction of natural resources
15 under AS 38.05.070 - 38.05.105.

16 (g) Land may be disposed of to an agency or instrumentality of
17 the federal government if the disposal would have been authorized under
18 federal law. Land disposed of under this subsection shall be without
19 compensation and by a conveyance under which the state retains sover-
20 eignty and jurisdiction of the land.

21 (h) Land may be disposed of under this chapter to a municipality
22 of the state or to a nonprofit corporation or association in the same
23 manner as federal land may be disposed of under the Public and Recrea-
24 tional Purposes Act of 1926.

25 (i) Mining claims shall be disposed of under the provisions of
26 30 U.S.C. sec. 21 et seq., and under the regulations of the commis-
27 sioner.

28 **Sec. 38.05.570. PROCEEDS TO THE GENERAL FUND.** The proceeds of
29 sales, fees, rents, royalties or other receipts from the land paid to

1 the state under the provisions of AS 38.05.500 - 38.05.590 shall be
2 deposited in the general fund.

3 Sec. 38.05.580. SURVEY. (a) The department shall study the land
4 to determine

- 5 (1) land which should be made available for disposition;
6 (2) land which should be retained by the state as habitat
7 for wildlife or for recreational or other public purposes; and
8 (3) land which should be made available for selection by a
9 municipality.

10 (b) The department shall consider the views of municipalities on
11 the management of land within or near municipalities.

12 (c) The department shall report to the First Session of the
13 Thirteenth Legislature its findings and recommendations under this
14 section.

15 Sec. 38.05.590. DEFINITION. In AS 38.05.500 - 38.05.590,

16 (1) "federal act" means an act of Congress which provides
17 for cession and conveyance to the state of unreserved, unappropriated
18 public lands of the United States located in the state whether the
19 effective date of the federal act is before or after the effective date
20 of AS 38.05.500 - 38.05.590;

21 (2) "land" means all land and water within the exterior
22 boundaries of the State of Alaska except land and water

23 (A) to which title was held by a private person or
24 entity;

25 (B) to which title was held by the state, a municipality
26 in the state, or the University of Alaska;

27 (C) which is controlled by the United States Department
28 of Defense or the Alaska Power Administration;

29 (D) which is within the Annette Islands Reserve;

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(E) which has been selected by a regional or village corporation under the Alaska Native Claims Settlement Act of 1971;

(F) which is located within congressionally authorized national parks, monuments, national forests, or wildlife refuges;

(G) which is land acquired by a purchase consented to by the legislature.

* Sec. 2. This Act takes effect July 1, 1982.