

SENATE BILL NO. 369

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/24/92

Referred: O&G, Resources, Finance

A BILL**FOR AN ACT ENTITLED**

1 "An Act ratifying an agreement settling litigation between the State of Alaska and the
2 Arctic Slope Regional Corporation; establishing procedures for implementing the agreement;
3 and providing for an effective date."

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

5 * **Section 1. PURPOSE.** The purpose of this Act is to provide for the settlement of certain claims
6 raised in litigation between the State of Alaska and the Arctic Slope Regional Corporation (ASRC) in
7 "State of Alaska v. Arctic Slope Regional Corporation." Alaska Superior Court, Third Judicial District,
8 Case No. 3AN-85-15523, and to improve the marketability of certain land titles in the Nuiqsut and Point
9 Lay areas. The litigation arose over a 1974 agreement under which ASRC and the state were to
10 exchange certain potentially valuable mineral lands in the Point Lay and Nuiqsut areas in exchange for
11 which the state was to withdraw challenges to the eligibility, under the Alaska Native Claims Settlement
12 Act (ANCSA), of the villages of Nuiqsut (Kuukpik Corporation) and Point Lay (Cully Corporation).
13 For reasons that the State and ASRC disputed, the land exchanges of the 1974 agreement were never
14 completed. Under the 1991 Settlement Agreement that this Act ratifies, the state and ASRC will

1 exchange undivided interests in the subsurface of submerged lands and uplands in the Point Lay and
2 Nuiqsut areas and establish a fixed revenue sharing percentage for those lands.

3 * Sec. 2. RATIFICATION. Notwithstanding any provision of AS 38 or any other provision of state
4 law, the "1991 Settlement Agreement Between Arctic Slope Regional Corporation and the State of
5 Alaska" (including the exhibits to it) is hereby ratified as to the rights, duties, agreements, and
6 obligations of the state provided for or contemplated in it.

7 * Sec. 3. RULES AGAINST PERPETUITIES AND RESTRAINTS ON ALIENATION. No statutory
8 or common law rules against perpetuities, including AS 34.27.010, or restraints on alienation of property
9 apply to the settlement agreement ratified by this Act or to any interest or power created by it.

10 * Sec. 4. COMMISSIONER AUTHORITY. The commissioner of natural resources is authorized and
11 directed to implement the terms of the settlement agreement ratified by this Act, including, without
12 limitation, to execute and deliver patents to ASRC as provided for in the settlement agreement,
13 notwithstanding any procedural requirement or other provision of Alaska law that might otherwise be
14 deemed a restriction on the commissioner's authority to implement the agreement. The commissioner
15 may not materially amend the settlement agreement without legislative approval.

16 * Sec. 5. RECORDATION. (a) The commissioner of natural resources shall record a true and
17 authenticated photocopy of the settlement agreement ratified by this Act, and any conveyance document
18 required by it, in the recording office of the appropriate recording district, and shall incorporate the
19 settlement agreement in the land records system maintained by the Department of Natural Resources.

20 (b) The commissioner of natural resources shall deliver a signed original of the settlement
21 agreement to the archivist in the Department of Administration, for preservation.

22 * Sec. 6. ACTIONS. (a) Notwithstanding any other provision of Alaska law, no person may bring
23 an action challenging the legality of the settlement agreement ratified by this Act, in whole or in part,
24 or the legality of a provision of this Act, unless the action is commenced in a state superior court within
25 six months after the effective date of this Act.

26 (b) Nothing in this Act is intended to create a right in any person to challenge the legality of
27 the settlement agreement ratified by this Act, in whole or in part, or the legality of a provision of this
28 Act.

29 * Sec. 7. WAIVER OF SOVEREIGN IMMUNITY. The State of Alaska waives its sovereign
30 immunity from suit by ASRC and its successors or assigns seeking to enforce or protect rights conferred
31 on ASRC under the settlement agreement ratified by this Act, but only if that action is brought in state

- 1 superior court. Nothing in this Act is intended to waive the state's immunity from suit in federal court
- 2 under the eleventh amendment of the Constitution of the United States.
- 3 * Sec. 8. This Act takes effect immediately under AS 01.10.070(c).