

CS FOR SENATE BILL NO. 465 (RULES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

Offered: 5/1/92
Referred: Today's Calendar

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the land exchange between the State of Alaska and Cape Fox
2 Corporation; and providing for an effective date."

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

4 * **Section 1. PURPOSES AND LEGISLATIVE FINDINGS.** (a) The purposes of this Act are for
5 the state to acquire the surface estates of land at White River, Lake Harriet Hunt, and Talbot Lake from
6 the Cape Fox Corporation to provide increased road-accessible public recreation opportunities in the
7 Ketchikan area; to transfer the surface estates of state land near Leask Lake to private ownership with
8 the Cape Fox Corporation to allow for increased economic benefits in the construction, timber support,
9 and tourism industries; and to improve the White River and Leask Lake roads to meet recreational
10 standards at no additional expense to the state.

11 (b) The legislature finds that the exchange approved in sec. 2 of this Act will further important
12 recreational, economic development, and environmental protection interests, and that time is of the
13 essence to approve the exchange, or the opportunity to further those interests might be lost.

14 (c) The legislature finds that the value of the land to be received by the state and the value of

1 the road improvements are substantially equal to or exceed the appraised fair market value of the state
2 land to be exchanged, as required by AS 38.50.020, and that the transfer is in the public interest.

3 (d) The legislature finds that the land exchange approved by this Act will provide a benefit to
4 the people of the Ketchikan Gateway Borough and also finds that this Act necessitates an appropriation
5 by the Ketchikan Gateway Borough for a land management plan as required under sec. 4 of this Act.
6 The legislature further finds that art. II, sec. 19 of the Alaska Constitution, which requires the approval
7 of a majority of the voters of a political subdivision when a local act necessitates the appropriation of
8 money by the political subdivision, applies to this Act.

9 * Sec. 2. APPROVAL OF LAND EXCHANGE AGREEMENT. Under AS 38.50.140, the legislature
10 approves the land exchange agreement entered into by the State of Alaska, Department of Natural
11 Resources, and the Cape Fox Corporation on April 6, 1992, ADL 105565.

12 * Sec. 3. LAND EXCHANGE. The approval of the agreement specified in sec. 2 of this Act
13 authorizes the exchange of the following lands between the State of Alaska and the Cape Fox
14 Corporation:

15 (1) State Land to be Exchanged: fractional portions of sections 13, 14, 22 - 24, 26, 27,
16 and 35 of Township 73 South, Range 91 East, Copper River Meridian, as specified in the agreement
17 approved in sec. 2 of this Act;

18 (2) Cape Fox Corporation Land to be Exchanged: fractional portions of sections 2 - 5,
19 9 - 11, 16 - 18, 20 and 21 of Township 74 South, Range 91 East, Copper River Meridian, as specified
20 in the agreement approved in sec. 2 of this Act.

21 * Sec. 4. The Ketchikan Gateway Borough shall prepare a land management plan for the land to be
22 received by the state under secs. 1 - 3 of this Act.

23 * Sec. 5. The clerk of the Ketchikan Gateway Borough shall place before the qualified voters of the
24 borough at the next regular election a question as to whether the land exchange and land management
25 plan under secs. 1 - 4 of this Act should occur. The question shall appear on the ballot in the following
26 form:

27 Q U E S T I O N

28 Shall the Cape Fox land exchange with the state, which will require the
29 borough to prepare a land management plan, be approved?

30 Approve []

Disapprove []

31 * Sec. 6. (a) Sections 1 - 4 of this Act take effect on the date the clerk of the Ketchikan Gateway

1 Borough certifies that the voters of the Ketchikan Gateway Borough under sec. 5 of this Act have
2 approved the land exchange and preparation of the land management plan specified in secs. 1 - 4 of this
3 Act. The clerk of the Ketchikan Gateway Borough shall notify the lieutenant governor and the revisor
4 of statutes of the result of the vote specified in sec. 5 of this Act.

5 (b) If the procedure in sec. 5 of this Act for the approval of the land exchange and preparation
6 of the land management plan in secs. 1 - 4 of this Act is held to be improper or infirm by a court, then
7 secs. 1 - 3 of this Act take effect on the earlier of

8 (1) the date of the final decision of the superior court, without regard to whether that
9 decision is appealed; and

10 (2) the date under (a) of this section.

11 * Sec. 7. Section 5 of this Act takes effect immediately under AS 01.10.070(c).