

SENATE BILL NO. 42

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY SENATORS COGHILL, Bishop

Introduced: 2/1/19
Referred: Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act requiring the state to quitclaim to the federal government land or an interest in**
2 **land after a determination that the land or interest was wrongfully or erroneously**
3 **conveyed to the state."**

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

5 * **Section 1.** AS 38.05.035(a) is amended to read:

6 (a) The director shall

7 (1) have general charge and supervision of the division and may
8 exercise the powers specifically delegated to the director; the director may employ and
9 fix the compensation of assistants and employees necessary for the operations of the
10 division; the director is the certifying officer of the division, with the consent of the
11 commissioner, and may approve vouchers for disbursements of money appropriated to
12 the division;

13 (2) manage, inspect, and control state land and improvements on it
14 belonging to the state and under the jurisdiction of the division;

1 (3) execute laws, rules, regulations, and orders adopted by the
2 commissioner;

3 (4) prescribe application procedures and practices for the sale, lease, or
4 other disposition of available land, resources, property, or interest in them;

5 (5) prescribe fees or service charges, with the consent of the
6 commissioner, for any public service rendered;

7 (6) under the conditions and limitations imposed by law and the
8 commissioner, issue deeds, leases, or other conveyances disposing of available land,
9 resources, property, or any interests in them;

10 (7) have jurisdiction over state land, except that land acquired by the
11 Alaska World War II Veterans Board and the Agricultural Loan Board or the
12 departments or agencies succeeding to their respective functions through foreclosure
13 or default; to this end, the director possesses the powers and, with the approval of the
14 commissioner, shall perform the duties necessary to protect the state's rights and
15 interest in state land, including the taking of all necessary action to protect and enforce
16 the state's contractual or other property rights;

17 (8) maintain the records the commissioner considers necessary,
18 administer oaths, and do all things incidental to the authority imposed; the following
19 records and files shall be kept confidential upon request of the person supplying the
20 information:

21 (A) the name of the person nominating or applying for the sale,
22 lease, or other disposal of land by competitive bidding;

23 (B) before the announced time of opening, the names of the
24 bidders and the amounts of the bids;

25 (C) all geological, geophysical, and engineering data supplied,
26 whether or not concerned with the extraction or development of natural
27 resources;

28 (D) except as provided in AS 38.05.036, cost data and financial
29 information submitted in support of applications, bonds, leases, and similar
30 items;

31 (E) applications for rights-of-way or easements;

(F) requests for information or applications by public agencies for land that is being considered for use for a public purpose;

(9) account for the fees, licenses, taxes, or other money received in the administration of this chapter including the sale or leasing of land, identify its [THEIR] source, and promptly transmit it [THEM] to the proper fiscal department after crediting it [THEM] to the proper fund; receipts from land application filing fees and charges for copies of maps and records shall be deposited immediately in the general fund of the state by the director;

(10) select and employ or obtain at reasonable compensation cadastral, appraisal, or other professional personnel the director considers necessary for the proper operation of the division;

(11) be the certifying agent of the state to select, accept, and secure by whatever action is necessary in the name of the state, by deed, sale, gift, devise, judgment, operation of law, or other means any land, of whatever nature or interest, available to the state; and be the certifying agent of the state, to select, accept, or secure by whatever action is necessary in the name of the state any land, or title or interest to land available, granted, or subject to being transferred to the state for any purpose;

(12) on request, furnish records, files, and other information related to the administration of AS 38.05.180 to the Department of Revenue for use in forecasting state revenue under or administering AS 43.55, whether or not those records, files, and other information are required to be kept confidential under (8) of this subsection; in the case of records, files, or other information required to be kept confidential under (8) of this subsection, the Department of Revenue shall maintain the confidentiality that the Department of Natural Resources is required to extend to records, files, and other information under (8) of this subsection;

(13) when reasonably possible, give priority to and expedite the processing of an application for a lease or assignment of a lease of state land for development and operation of a gas storage facility, for a right-of-way to a gas storage facility, for a change to the allocation of production within a unit, and for a permit necessary for the operation of a gas storage facility; in this paragraph, "gas storage

1 facility" has the meaning given in AS 31.05.032;

2 **(14) quitclaim land or an interest in land to the federal**
 3 **government after a determination by the director that the land or the interest in**
 4 **land was wrongfully or erroneously conveyed by the federal government to the**
 5 **state.**

6 * **Sec. 2.** AS 38.05.125(b) is amended to read:

7 (b) The provisions of (a) of this section do not apply to a quitclaim of land or a
 8 transfer of an interest in land made under **AS 38.05.035(a)(14)** [AS 38.05.035(b)(9)].

9 * **Sec. 3.** AS 38.05.321(c) is amended to read:

10 (c) The provisions of this section do not apply to

11 (1) state land classified as agricultural land that has been selected by a
 12 municipality under the provisions of former AS 29.18.190 - 29.18.200 if the selection
 13 is an approved selection before April 1, 1978, and is otherwise valid under
 14 AS 29.65.050(b) or former AS 29.18.205(b); or

15 (2) a quitclaim of the interest of the state to the federal government
 16 under **AS 38.05.035(a)(14)** [AS 38.05.035(b)(9)].

17 * **Sec. 4.** AS 38.05.035(b)(9) is repealed.