

07-14-2000

Senate Journal

3821

**SB 235**

Message dated June 6 and received June 7, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governors Office for permanent filing:

CS FOR SENATE BILL NO. 235(FIN) am HAn  
Act authorizing the exchange of land between the Alaska Railroad Corporation and Eklutna, Inc., between the Alaska Railroad Corporation and the United States Department of the Army and the United States Department of the Air Force, between the Alaska Railroad Corporation and Chugach Alaska Corporation, and between the Alaska Railroad Corporation and the Municipality of Anchorage; authorizing the transfer of land between Alaska Railroad mileposts 133 and 134 from the Alaska Railroad Corporation to certain named individuals; relating to transfers of public land or grants or conveyances of interest in public land among the Alaska Railroad Corporation, the Department of Transportation and Public Facilities, and the Department of Natural Resources to relocate or widen the Seward Highway, to relocate railroad facilities, and to relocate adjacent utility facilities from Potter Station to Girdwood; and providing for an effective date.

Chapter 116, SLA 2000

Effective Date: 6/7/00

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**CS FOR SENATE BILL NO. 235(FIN) am H**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Amended: 4/28/00

Offered: 4/11/00

Sponsor(s): SENATORS LEMAN, Wilken, Taylor

REPRESENTATIVE Murkowski

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act authorizing the exchange of land between the Alaska Railroad  
2 Corporation and Eklutna, Inc., between the Alaska Railroad Corporation and the  
3 United States Department of the Army and the United States Department of the  
4 Air Force, between the Alaska Railroad Corporation and Chugach Alaska  
5 Corporation, and between the Alaska Railroad Corporation and the Municipality  
6 of Anchorage; authorizing the transfer of land between Alaska Railroad mileposts  
7 133 and 134 from the Alaska Railroad Corporation to certain named individuals;  
8 relating to transfers of public land or grants or conveyances of interest in public  
9 land among the Alaska Railroad Corporation, the Department of Transportation  
10 and Public Facilities, and the Department of Natural Resources to relocate or  
11 widen the Seward Highway, to relocate railroad facilities, and to relocate adjacent  
12 utility facilities from Potter Station to Girdwood; and providing for an effective

1 date."

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

3 **Article 1. Land Exchanges Between Alaska Railroad**  
 4 **Corporation and Eklutna, Inc., Department of Army and**  
 5 **Department of Air Force, Chugach Alaska Corporation, and**  
 6 **Municipality of Anchorage; Transfer of Land to Certain Individuals.**

7 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new  
 8 section to read:

9 APPROVAL OF THE TRANSFER OF REAL PROPERTY TO EKLUTNA, INC. (a)  
 10 The Alaska Railroad Corporation is authorized to convey the corporation's entire interest in  
 11 approximately 384 acres of rail land within Tract 39 of Dependent Resurvey of Rectangular  
 12 Survey of Township 15 North, Range 2 West, Seward Meridian, officially filed November 10,  
 13 1992, to Eklutna, Inc., in exchange for the conveyance to the corporation by Eklutna, Inc., of  
 14 approximately 65 acres of land adjacent to the railroad utility corridor at railroad mileposts  
 15 129, 130, 133, 140, 142, 146, and 151 and sufficient additional acreage east of Birchwood  
 16 Airport and adjacent to the railroad between miles 134.5 and 136.3 to equalize the value of  
 17 lands exchanged.

18 (b) The conveyances described in this section are made for the purpose of realignment  
 19 of railroad track to improve operating efficiency and enhance safety.

20 (c) The land conveyed by Eklutna, Inc. to the Alaska Railroad Corporation shall be  
 21 held and managed by the corporation in accordance with AS 42.40.

22 (d) This section constitutes legislative approval under AS 42.40.285(1) for the Alaska  
 23 Railroad Corporation to convey its entire interest in the land described in (a) of this section.

24 \* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section  
 25 to read:

26 APPROVAL OF THE TRANSFER OF REAL PROPERTY TO THE UNITED  
 27 STATES DEPARTMENT OF THE ARMY AND THE UNITED STATES DEPARTMENT  
 28 OF THE AIR FORCE. (a) The Alaska Railroad Corporation is authorized to convey the  
 29 corporation's entire interest in approximately 229 acres of railroad utility corridor between  
 30 railroad mileposts 118 and 127.5, within Township 13 North, Range 3 West, Seward Meridian,

1 Township 14 North, Range 3 West, Seward Meridian, and Township 14 North, Range 2 West,  
 2 Seward Meridian to the United States Department of the Army and the United States  
 3 Department of the Air Force in exchange for the conveyance of approximately 227 acres of  
 4 land in the same vicinity to the corporation by the United States.

5 (b) The conveyances described in this section are made for the purpose of realignment  
 6 of railroad track to improve operating efficiency and enhance safety.

7 (c) The land conveyed by the United States to the Alaska Railroad Corporation shall  
 8 be held and managed by the corporation in accordance with AS 42.40.

9 (d) This section constitutes legislative approval under AS 42.40.285(1) for the Alaska  
 10 Railroad Corporation to convey its entire interest in the land described in (a) of this section.

11 \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section  
 12 to read:

13 APPROVAL OF THE TRANSFER OF REAL PROPERTY TO CHUGACH ALASKA  
 14 CORPORATION. (a) Contingent upon the conveyance to the Alaska Railroad Corporation  
 15 by the Chugach Alaska Corporation of an equivalent interest in real property onto which the  
 16 railroad utility corridor may be relocated, the Alaska Railroad Corporation is authorized to  
 17 convey the corporation's entire interest in approximately 6.4 acres of railroad utility corridor  
 18 between railroad mileposts 14 and 15, within Township 2 North, Range 1 East, Sections 6 and  
 19 7, Seward Meridian, to the Chugach Alaska Corporation.

20 (b) The conveyances described in this section are made for the purpose of realignment  
 21 of the railroad to allow relocation of the Seward Highway by the Department of  
 22 Transportation and Public Facilities to improve highway operations and enhance safety.

23 (c) Land conveyed by the Chugach Alaska Corporation to the Alaska Railroad  
 24 Corporation shall be held and managed by the Alaska Railroad Corporation in accordance with  
 25 AS 42.40.

26 (d) This section constitutes legislative approval under AS 42.40.285(1) for the Alaska  
 27 Railroad Corporation to convey its entire interest in the land described in (a) of this section.

28 \* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section  
 29 to read:

30 APPROVAL OF THE TRANSFER OF CERTAIN REAL PROPERTY WITHIN THE  
 31 MUNICIPALITY OF ANCHORAGE. (a) Contingent upon the approval of the conveyance

1 of affected municipal park land by the voters of the Municipality of Anchorage, the Alaska  
2 Railroad Corporation is authorized to convey the corporation's entire interest in

3 (1) approximately 4.5 acres of railroad utility corridor between railroad  
4 mileposts 133 and 134, within Township 15 North, Range 2 West, Sections 13 and 24, Seward  
5 Meridian, to the Municipality of Anchorage in exchange for the conveyance of approximately  
6 13.6 acres of land in the same vicinity to the corporation by the Municipality of Anchorage;

7 (2) approximately 5.1 acres of railroad utility corridor between railroad  
8 mileposts 133 and 134, within Township 15 North, Range 1 West, Sections 18 and 19, Seward  
9 Meridian, to Richard and Carol Drebert, Harry and Simone Thomson, and Richard Moore or  
10 their personal representatives, successors, or assigns; each to receive that portion of the  
11 railroad utility corridor immediately adjacent to their respective parcels of land.

12 (b) The conveyances described in this section are made for the purpose of realignment  
13 of railroad track to improve operating efficiency and enhance safety.

14 (c) The land conveyed by the Municipality of Anchorage to the Alaska Railroad  
15 Corporation shall be held and managed by the corporation in accordance with AS 42.40.

16 (d) This section constitutes legislative approval under AS 42.40.285(1) for the Alaska  
17 Railroad Corporation to convey its entire interest in the land described in (a) of this section.

18 **Article 2. Potter Station to Girdwood.**

19 \* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section  
20 to read:

21 **FINDINGS AND POLICY REGARDING CHUGACH STATE PARK.** (a) The  
22 legislature finds that

23 (1) the Seward Highway within the Chugach State Park from Potter Station to  
24 Girdwood is the sole highway link between the Kenai Peninsula and the rest of this state, an  
25 interstate highway on the national highway system, and a national scenic byway;

26 (2) the Seward Highway within the Chugach State Park is affected by  
27 avalanches and other potential operational problems;

28 (3) relocation or widening of the Seward Highway to avoid some of the  
29 operational problems will require relocation of some adjacent railroad and utility facilities; and

30 (4) relocation of railroad facilities within the Chugach State Park will allow  
31 some areas of the railroad track to be straightened.

1 (b) It is the policy of the state that relocation or widening of the Seward Highway or  
 2 relocation of railroad facilities within the Chugach State Park is appropriate and may be  
 3 accomplished without significantly adversely affecting the purposes for which Chugach State  
 4 Park was established.

5 \* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section  
 6 to read:

7 **CHUGACH STATE PARK LAND TRANSFERS AND CONVEYANCES. (a)**  
 8 **Notwithstanding AS 41.21.120 - 41.21.125,** the commissioner of natural resources may, for  
 9 the purpose of relocation or widening of all or portions of the Seward Highway or relocation  
 10 of railroad facilities within the Chugach State Park, and upon a finding by the commissioner  
 11 that any grant or conveyance for that purpose would not significantly adversely affect the  
 12 purposes for which the Chugach State Park was established,

13 (1) grant a highway easement to the Department of Transportation and Public  
 14 Facilities;

15 (2) convey a property interest in land to the Alaska Railroad Corporation to  
 16 allow relocation of the Alaska Railroad;

17 (3) grant utility easements; and

18 (4) receive land or interests in land in exchange for land or interests in land  
 19 granted or conveyed under (1), (2), or (3) of this subsection.

20 (b) A grant or conveyance made under (a) of this section may not exceed the interest  
 21 needed to relocate or widen the Seward Highway or relocate railroad facilities within the  
 22 Chugach State Park and to construct, repair, and maintain the relocated or widened highway  
 23 and the relocated railroad or utility.

24 (c) A property interest conveyed to the Alaska Railroad Corporation under (a)(2) of  
 25 this section shall be held and managed by the corporation in accordance with AS 42.40.

26 (d) Land or an interest in land received by the commissioner under (a)(4) of this  
 27 section shall be designated as part of Chugach State Park.

28 \* **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section  
 29 to read:

30 **ALASKA RAILROAD LAND TRANSFERS AND CONVEYANCES.**

31 **Notwithstanding AS 42.40.285,** the Alaska Railroad Corporation may, for the purpose of the

1 relocation or widening of the Seward Highway or relocation of Alaska Railroad facilities  
2 within the Chugach State Park, and relocation of adjacent utility facilities, transfer land or  
3 convey interests in land in exchange for land or interests in land conveyed to the corporation.

4 \* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 **IDENTIFICATION OF STATE PARK LAND OR INTERESTS IN LAND BEING**  
7 **TRANSFERRED OR CONVEYED UNDER SECTIONS 5 - 7 OF THIS ACT.** By the first  
8 day of the First Regular Session of the Twenty-Second Alaska State Legislature, or as soon  
9 as possible after that date, the governor shall

10 (1) identify any land being transferred under secs. 5 - 7 of this Act that  
11 requires amendment to statutes describing the Chugach State Park; and

12 (2) submit to the legislature any legislation needed to make those statutory  
13 amendments.

14 \* **Sec. 9.** This Act takes effect immediately under AS 01.10.070(c).