

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 220

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE MCCABE

Introduced: 2/23/26

Referred: Community and Regional Affairs, Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to easements and rights-of-way in state parks."**

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

3 * **Section 1.** AS 41.21.024 is amended to read:

4 **Sec. 41.21.024. Easements and rights-of-way for access to private land.**

5 The department **shall** [MAY] grant a public easement or public right-of-way within a
6 state park unit for access to private property **or an easement or right-of-way for the**
7 **installation, operation, maintenance, upgrade, removal, or replacement of public**
8 **utility facilities and infrastructure** if the commissioner determines that the easement
9 or right-of-way

10 (1) will not unduly affect park resources; [AND]

11 (2) is in the public interest; **and**

12 **(3) complies with other applicable law.**

13 * **Sec. 2.** AS 41.21.024 is amended by adding new subsections to read:

14 (b) In granting an easement or right-of-way for a facility or infrastructure of a
15 public utility under (a) of this section, the department shall ensure that the easement or

1 right-of-way provides adequate and feasible access for

2 (1) the purposes for which the right-of-way or easement was intended;
3 and

4 (2) installation, operation, maintenance, upgrade, removal, or
5 replacement of the affected utility facilities and infrastructure.

6 (c) If a person seeking an easement or right-of-way applies under (d) of this
7 section and the commissioner determines that the easement or right-of-way is not
8 disqualified under (a)(1) - (3) of this section, the department shall grant the easement
9 or right-of-way and may not provide the person another lesser land use authorization
10 or permission in lieu of the easement or right-of-way.

11 (d) A utility provider or property owner seeking an easement or right-of-way
12 under (a) of this section shall submit an application on a form provided or in a format
13 approved by the department that

14 (1) describes

15 (A) how the easement or right-of-way will benefit the public
16 interest;

17 (B) the need for the easement or right-of-way;

18 (C) the proposed location of the easement or right-of-way;

19 (D) the utility facilities and infrastructure proposed to be
20 located in the easement or right-of-way; and

21 (2) includes

22 (A) an assessment of the potential environmental effects if the
23 easement or right-of-way is granted; and

24 (B) a survey of the area that would be affected by the easement
25 or right-of-way; for purposes of this subparagraph, a cadastral survey is not
26 required, and the survey may be performed by GPS in a format established in
27 regulations adopted by the department.

28 (e) The scope and detail required for an assessment in an application under
29 (d)(2)(A) of this section must be commensurate with the planned use, and the likely
30 effects, of an easement or right-of-way applied for and granted under this section.
31 Assessment requirements adopted by the department shall, to the extent possible,

1 minimize project delays and an applicant's expenses.

2 (f) The commissioner shall approve or disapprove an application submitted
 3 under (d) of this section within 60 days after the department receives a complete
 4 application. An application that contains the information required under (d) of this
 5 section shall be considered completed even if the application contains minor
 6 omissions. If the commissioner disapproves an application, the department shall
 7 provide the reasons for the disapproval in writing to the applicant. For an application
 8 that is approved, the commissioner may impose reasonable terms and conditions,
 9 including reasonable permit fees to protect the primary uses of the park and the
 10 environment, to ensure public safety, and to minimize disruption to other land uses. If
 11 the commissioner does not approve or disapprove an application within 60 days after
 12 the department receives a complete application, the easement or right-of-way is
 13 considered approved unless otherwise prohibited by another law.

14 (g) The commissioner may not impose a term or condition under (f) of this
 15 section

16 (1) requiring

17 (A) improvements or other work outside of the area affected by
 18 the easement or right-of-way; or

19 (B) the completion or performance of a duplicative study or
 20 test;

21 (2) without providing clear standards or defined time limitations; or

22 (3) that is materially different than the terms and conditions imposed
 23 on similarly situated applicants.

24 (h) If a valid existing section line easement or other recognized easement or
 25 right-of-way crosses land within a state park unit, the department shall adopt
 26 regulations for making the easement or right-of-way available for use by the public.
 27 The department may not impose restrictions that unreasonably interfere with the use of
 28 the easement or right-of-way by a public utility, or by a person to access private
 29 property, if the department determines the use of the easement or right-of-way

30 (1) will not unduly affect park resources;

31 (2) is in the public interest; and

1 (3) complies with other applicable law.

2 (i) In considering whether granting an easement or right-of-way is in the
3 public interest under (a) of this section, the commissioner shall consider the benefits
4 the easement or right-of-way would provide

5 (1) in accessing private property;

6 (2) by improving or expanding public utility services and
7 infrastructure; and

8 (3) to the local community and economy.

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

11 **APPLICABILITY.** Regulations adopted under AS 41.21.124(h), enacted by sec. 2 of
12 this Act, apply to an easement or right-of-way granted on or after the effective date of this
13 Act.