



Sectional Analysis

House Bill 281 – State Land for Remote Rec Cabin Sites (33-GH2026\A)

Section 1 - Amends the uncodified law of the State of Alaska to add a statement of purpose.

Section 2 - Amends AS 38.05.035(e) (outlining the powers and duties of the director of the division of lands) to add a new (e)(6)(I) stating that the director is not required to issue a written finding before approval of a remote recreational cabin site permit, lease, or sale under AS 38.05.600 (the remote recreational cabin sites statute).

Section 3 - Amends AS 38.05.045 (the statute stating that, in general but with some exceptions, all land owned in fee by the state may be sold as provided in AS 38.05.045 - .069 and in AS 38.08) to add that this statute does not prevent the disposition of land as provided in AS 38.05.600 (the remote recreational cabin sites statute).

Section 4 - Amends AS 38.05.065(b) (the statute providing terms of contract for sale) to state that a contract for land sold under AS 38.05.600 (the remote recreational cabin sites statute) to add a requirement for installment payments of no more than 20 years on a level-payment basis at interest rates set by AS 38.05.065(i).

Section 5 - Amends AS 38.05.125(a) (the statute listing reservations for contracts for sale, lease, or grant of state land, and each deed to state land, properties, or interest in state land) to add AS 38.05.600 to the list of statutes subject to the reservations laid out in .125(a).

Section 6 - Amends AS 38.05.600 by repealing the existing remote recreational site statute and re-enacting it as follows:

- (a) States that the commissioner shall provide for the permitting, lease, and sale of state land for remote recreational sites to eligible applicants, as described in (b) and (c).
- (b) States that the commissioner shall publish an annual schedule of land offerings that lists areas available for staking of remote recreational cabin sites. The department will provide public notice of the annual schedule and applicants may apply for sites.
- (c) States that eligible applicants may nominate unencumbered land and apply for a permit, lease, or sale of up to 10 acres of state land that is not included in the commissioner's schedule of land offerings.
- (d) States that the commissioner may classify or reclassify nominated land if nominated land is not classified to allow for remote recreational cabin sites. The applicant would be responsible for all administrative costs associated with reclassification; the department shall provide public notice of the nomination; and if the applicant fails to

stake land within 90 days of approval, the commissioner may include the land in the annual schedule of offerings.

- (e) States that the commissioner may issue a permit to an eligible applicant for a term of not more than five years. The permit could be renewed up to four times, for five years per renewal. Permits are revocable at will and may be terminated by the commissioner for any reason. The permittee is eligible to lease or purchase the site, and if the land subject to the permit is offered for sale or lease, the commissioner shall first offer the site to the permittee.
- (f) States that the commissioner may issue a lease for a term not more than 10 years, with two 10-year renewals. A lease may be terminated by the commissioner if a lessee fails to use the land according to the terms of the lease. The lessee may purchase the site at any time during the lease.
- (g) States that annual fees for permits and leases shall be set by the commissioner in accordance with AS 38.05.073(m) to ensure the state receives a fair return. After the termination of a permit or lease, improvements or personal property remaining on the land shall be handled as provided in AS 38.05.090. A lease or permit may not be assigned.
- (h) States that sales must be at fair market value at the time of entry, and the purchaser must pay the costs of appraisal, survey, and platting.
- (i) States that the commissioner may adopt regulations to implement this section.
- (j) Provides definitions for “eligible applicant” and “resident”.

Section 7 - Amends the uncodified law by adding a new section relating to transition, stating that a lease executed under AS 38.05.600 before the effective date of this act and in effect on the effective date of this act is eligible for renewal under AS 38.05.600 as repealed and reenacted in Section 6 of this bill.

Section 8 - Provides for an immediate effective date under AS 01.10.070(c).