

32-LS1624\B
Bullard
4/27/22

CS FOR SENATE BILL NO. 230(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATE RESOURCES COMMITTEE

A BILL

FOR AN ACT ENTITLED

"An Act relating to trapping cabins on state land; and relating to trapping cabin permit fees."

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

*** Section 1.** AS 38.05.850(a) is amended to read:

(a) The director, without the prior approval of the commissioner, may issue permits, rights-of-way, or easements on state land for roads, trails, ditches, field gathering lines or transmission and distribution pipelines not subject to AS 38.35, telephone or electric transmission and distribution lines, log storage, oil well drilling sites and production facilities for the purposes of recovering minerals from adjacent land under valid lease, and other similar uses or improvements, or revocable, nonexclusive permits for the personal or commercial use or removal of resources that the director has determined to be of limited value. The commissioner, upon recommendation of the director, shall establish a reasonable rate or fee schedule to be charged for these uses, subject to AS 38.95.080(g) and the exception for nonprofit

cooperative associations specified in (b) of this section. In the granting, suspension, or revocation of a permit or easement of land, the director shall give preference to that use of the land that will be of greatest economic benefit to the state and the development of its resources. However, first preference shall be granted to the upland owner for the use of a tract of tideland, or tideland and contiguous submerged land, that is seaward of the upland property of the upland owner and that is needed by the upland owner for any of the purposes for which the use may be granted.

* **Sec. 2.** AS 38.95.080(a) is repealed and reenacted to read:

(a) The commissioner may issue a nonexclusive nontransferable permit to a person qualified under this section that, subject to conditions imposed under (c) of this section, entitles the person to

(1) construct and use a trapping cabin on state land; or

(2) use an existing cabin on state land, if

(A) the owner or currently permitted users of the cabin approve; or

(B) the cabin is not owned by another person.

* **Sec. 3.** AS 38.95.080(b) is repealed and reenacted to read:

(b) The commissioner shall issue a permit to a person who

(1) is at least 18 years of age;

(2) possesses a valid trapping license issued under AS 16.05.330 - 16.05.430;

(3) provides proof acceptable to the commissioner that the person

(A) has an established trapline of sufficient length to justify the need for cabin construction or use; and

(B) is engaged in trapping in the area identified in the application.

* **Sec. 4.** AS 38.95.080(c) is amended to read:

(c) The director shall establish, by regulation, conditions **for a** [ATTACHING TO THE] permit issued under [(a) AND (b) OF] this section. **The regulations must include the following** [THESE] conditions [SHALL INCLUDE THE FOLLOWING]:

(1) **a permit is valid for a period of not more than 10 years, and the**

director [PERMITS] shall continue to renew the permit for successive periods of not more than 10 years [BE ISSUED FOR A PERIOD OF NOT MORE THAN 10 YEARS, WITH SUCCEEDING 10-YEAR RENEWAL OPTIONS], if the permit holder

(A) establishes the person's periodic use and occupancy of the cabin;

(B) meets [IS ESTABLISHED, AND] the qualifications of [(a) OF] this section [CONTINUE TO BE MET];

(2) an existing [A] cabin or a cabin authorized under a permit issued under this section shall be [CONSTRUCTED AND] maintained according to reasonable specifications established by the commissioner [DIRECTOR]; a primary [ONE] cabin authorized [CONSTRUCTED] under a permit issued under this section may contain not more than 400 square feet; however, in no case may another cabin constructed under the same permit exceed 192 square feet;

(3) a permit shall specify the number of cabins allowed to be constructed and indicate their specific geographical location; the director may establish a maximum number of cabins for each [PER] person or otherwise limit their number because of the probability of adverse consequences;

(4) adequate provision must be made for waste and garbage disposal, as determined by the director;

(5) the payment of a trapping cabin permit fee determined by the director; the fee may not exceed

(A) \$100 for the issuance or renewal of the permit; and

(B) \$25 for each year of the term of the permit [OF \$10].

* Sec. 5. AS 38.95.080(d) is amended to read:

(d) A permit issued under [(a) AND (b) OF] this section is not a disposal of interest and does not convey an interest in land, does not grant or establish a preference right to a lease or purchase of land, and does not, except as authorized by the commissioner, allow for other uses of a cabin or land adjacent to a cabin for a purpose other than trapping. A person may [ENTITLES ITS HOLDER TO] use timber in the immediate vicinity of a [THE] cabin for which the person holds a

1 **permit** for personal noncommercial purposes only. [NO OWNERSHIP RIGHTS TO
2 THE LAND ARE CONVEYED BY THE ISSUANCE OF A TRAPPING CABIN
3 PERMIT UNDER THIS SECTION].

4 * **Sec. 6.** AS 38.95.080 is amended by adding new subsections to read:

5 (f) Subject to (a)(2) of this section, if the director determines that it is in the
6 best interests of the state, the director may issue multiple permits for the use of a
7 trapping cabin.

8 (g) The department may not charge an additional land use fee for the use or
9 construction of a trapping cabin authorized by a permit issued under this section.

10 * **Sec. 7.** AS 38.95.085 is amended to read:

11 **Sec. 38.95.085. Definitions for AS 38.95.080 and 38.95.085 [AS 38.95.075 -**
12 **38.95.085]. In AS 38.95.080 and 38.95.085 [AS 38.95.075 - 38.95.085],**

13 (1) "commissioner" means the commissioner of natural resources;

14 (2) **"department" means the Department of Natural Resources;**

15 **(3)** "director" means the director of the division of lands **in the**
16 **department.**

17 * **Sec. 8.** AS 38.95.075 is repealed.