

**CS FOR HOUSE BILL NO. 498(RES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

**BY THE HOUSE RESOURCES COMMITTEE**

**Offered: 4/19/04**

**Referred: Finance**

**Sponsor(s): REPRESENTATIVE SEATON**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act requiring the sale or trade of state land."**

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

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

5 LEGISLATIVE FINDINGS. The legislature finds that

6 (1) as a general policy, the state benefits from the private ownership and  
7 development of property;

8 (2) less than one percent of land in the state is privately owned, and less than  
9 ten percent is owned by Alaska Native Corporations;

10 (3) with changing populations and economics, it is sometimes in the best  
11 interest of the state to acquire private lands for specific public benefits; and

12 (4) conflicting state interests can be resolved by requiring that equal and  
13 comparable lands be sold or traded into private ownership every time private lands are  
14 acquired by the state through purchase or eminent domain.

15 \* **Sec. 2.** AS 38.05.050 is amended to by adding new subsections to read:

1           (b) Except as provided in (c) and (d) of this section, the commissioner shall  
2 sell for private use an amount of settlement or agricultural land equal to or greater than  
3 the total acreage acquired by the state from private landowners through purchase or  
4 eminent domain. The settlement or agricultural land sold shall be reasonably  
5 proximate in location to the land acquired, shall be of equal or greater value, and shall  
6 demonstrate similar economic development potential. If sufficient settlement or  
7 agricultural land reasonably proximate in location to the land acquired by the state is  
8 not available, the commissioner shall review other proximate state land to determine if  
9 that land may be reclassified as settlement or agricultural land, except that land  
10 classified by the commissioner as public recreation, heritage, transportation, water  
11 resources, or wildlife habitat, may not be reclassified under this subsection. If, after  
12 reviewing proximate state land for reclassification, the commissioner finds that there  
13 is no proximate settlement or agricultural land available, the requirement to sell  
14 settlement or agricultural land under this subsection to offset an acquisition of private  
15 land does not apply to that acquisition. The sale of settlement or agricultural land  
16 under this subsection shall be close in time to the acquisition by the state from a  
17 private landowner, but is not required to be simultaneous. If a single parcel is not  
18 available, multiple parcels of land may be combined to meet the requirements of this  
19 subsection.

20           (c) The commissioner may trade settlement or agricultural land with the owner  
21 of the land the state is acquiring to satisfy the sale requirements of (b) of this section.  
22 Land traded by the state under this subsection is not subject to the proximity, value, or  
23 acreage requirements of (b) of this section and does not need to demonstrate economic  
24 development potential that is similar to the potential of the private land acquired.

25           (d) The provisions of (b) of this section do not apply to land acquired by the  
26 state solely for a roadway, right-of-way, or easement.

27           (e) In this section, "settlement land" means

28                   (1) upland that is, by reason of its physical qualities and location,  
29 suitable for year-round or seasonal residential or private recreational use or for  
30 commercial or industrial development;

31                   (2) tideland, submerged land, or shoreland that is suitable for float

1 homes; or

2 (3) land that is immediately adjacent to upland with existing or  
3 proposed settlement and that will be managed to support the existing or proposed  
4 upland settlement uses.

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

7 APPLICABILITY. AS 38.05.050(b), added by sec. 2 of this Act, applies to acreage  
8 acquired by the state from private landowners by purchase or eminent domain on or after the  
9 effective date of this Act.