

1 IN THE SENATE

BY THE RULES COMMITTEE BY REQUEST

2 SENATE BILL NO. 391

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the issuance of limited land use  
7 permits for land under mineral lease."

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

9 \* Section 1. AS 38.05 is amended by adding a new section to read:

10 Sec. 38.05.177. LIMITED LAND USE PERMITS FOR LAND UNDER MINERAL  
11 LEASE. (a) After the termination of a mineral lease or permit granted  
12 under secs. 135 - 175 of this chapter, the commissioner may enter into  
13 an agreement with the person who held the lease or permit, for further  
14 use or development of the land under the terms of a limited land use  
15 permit, to be issued by the commissioner for a period of not more  
16 than 55 years. In determining the advisability of issuing a limited  
17 land use permit under this section, the commissioner shall consider  
18 existing improvements and their effects on the land and whether  
19 the use to which the land will be put after issuance of a limited land  
20 use permit will

21 (1) improve the physical character of the land;

22 (2) detract substantially from the aesthetic appearance of  
23 the land;

24 (3) result in environmental degradation to lands adjacent  
25 to or in close proximity to the land for which the limited use permit  
26 is issued;

27 (4) preclude other higher and more beneficial uses for the  
28 land;

29 (5) be consistent with the best interests of the state.

1 (b) The commissioner shall promulgate regulations necessary to  
2 carry out the purposes of this section and to ensure that the land for  
3 which a permit is issued is used or developed for the purposes agreed  
4 upon and not for speculation.

5 (c) A limited land use permit remains in effect during the period  
6 for which it is issued unless the land is not being used for the  
7 purpose issued, in which case the permit may be declared void. How-  
8 ever, every 10 years from the date of issuance, the commissioner shall  
9 review the permit to assure that the use or development of the land is  
10 in conformity with (a)(1) - (3) and (5) of this section. If that  
11 use or development is nonconforming, the permit may be declared void.

12 (d) The commissioner shall establish a reasonable fee for a  
13 limited land use permit issued under this section, equal to the admin-  
14 istrative costs involved in permit issuance.  
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