

Introduced: 2/21/80  
Referred: Resources and  
Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 497

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making miscellaneous amendments to AS 38.05,  
7 the Alaska Land Act."

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

9 \* Section 1. AS 38.05.035(a)(14) is amended to read:

10 (14) when he makes a written finding that the interests of  
11 the state will be best served, he may, with the consent of the commis-  
12 sioner, approve contracts for the sale, lease, or other disposal of  
13 available lands, resources, property or interests in them, and, in ad-  
14 dition to the conditions and limitations imposed by law, he may impose  
15 additional conditions or limitations in the contracts as he, with the  
16 consent of the commissioner, determines will best serve the interests  
17 of the state; and no contract for the sale, lease, or other disposal  
18 of available lands or interests in them, is legally binding on the  
19 state until the commissioner formally records his consent to the con-  
20 tract; but if the appraised value is not greater than \$50,000 [\$10,000]  
21 in the case of the sale of land or an interest in land, or \$5,000  
22 [\$1,000] in the case of the annual rental of land or interest in land,  
23 the director may approve and issue the contract without the consent or  
24 approval of the commissioner. The written finding shall be available  
25 to the public upon request. Before a public hearing, if held, or in  
26 any case no less than 21 days before the sale, lease, or other disposal  
27 of available land, property, resources, or interests in them, the di-  
28 rector shall make available to the public a written decision in which  
29 he sets out the facts and applicable law upon which he based his deter-

1 mination that the sale, lease, or other disposal will best serve the  
2 interests of the state; for the purpose of this subsection, "interest  
3 in land" does not include negotiated personal use permits and sales  
4 authorized by AS 38.05.115, permits granted under AS 38.05.330, or  
5 shore fishery leases granted under AS 38.05.082.

6 \* Sec. 2. AS 38.05.035(b) is amended by adding a new paragraph to read:

7 (7) when he determines that it is in the interests of the  
8 state, convey to an adjoining land owner a small parcel of land created  
9 by a highway right-of-way alignment or realignment, or a parcel  
10 created by the vacation of a state-owned right-of-way; for purposes of  
11 this paragraph, "small parcel of land" means land not exceeding one  
12 acre if the parcel is located outside of a municipality exercising  
13 planning, platting, and zoning power, and means land that is too small  
14 to meet municipal lot size requirements if the parcel is located  
15 within the boundaries of a municipality exercising planning, platting,  
16 and zoning power; no conveyance may be made under this paragraph  
17 unless the director determines that the parcel is too small or too  
18 irregular in shape, or that for other reasons it fails to meet applica-  
19 ble standards defining residential or commercial lot size adopted by  
20 the platting authority having jurisdiction, and unless the director  
21 and the platting authority having jurisdiction agree that conveyance  
22 of the parcel to an adjoining land owner will result in more usable  
23 boundaries; a parcel conveyed under this paragraph

24 (A) assumes the classification or zoning designation  
25 of the land which it is intended to complement and is exempt from  
26 requirements of prior classification or zoning;

27 (B) must be sold at its fair market value as determined  
28 by the director on the basis of an appraisal completed within 120  
29 days before signature of a contract of sale or instrument of con-

veyance, whichever occurs earlier.

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2 \* Sec. 3. AS 38.05.070(b) is amended to read:

3 (b) The director, with the approval of the commissioner, shall  
4 determine the land to be leased and the limitations, conditions and  
5 terms of the lease. If the appraised value of the transaction is  
6 \$1,000 [\$250] a year or less the director may negotiate a lease with-  
7 out advertisement for a period not to exceed five years, and on the  
8 limitations, conditions and terms which he considers are in the best  
9 interests of the state.

10 \* Sec. 4. AS 38.05.305 is amended by adding a new subsection to read:

11 (e) For the purpose of this section, "interest in land" does not  
12 include negotiated personal use permits and sales authorized by AS  
13 38.05.115, permits granted under AS 38.05.330, or shore fishery leases  
14 granted under AS 38.05.082.

15 \* Sec. 5. AS 38.05.330(a) is amended to read:

16 (a) The director, without the prior approval of the commissioner,  
17 may issue permits, rights-of-way or easements on state land for roads,  
18 trails, ditches, field gathering lines or transmission and distribution  
19 pipelines not subject to AS 38.35, telephone or electric transmission  
20 and distribution lines, log storage, oil well drilling sites and pro-  
21 duction facilities for the purposes of recovering minerals from adja-  
22 cent lands under valid lease, solid waste disposal sites, grazing,  
23 and other similar uses or improvements, or for the limited personal  
24 use of timber or materials. The commissioner, upon recommendation of  
25 the director, shall establish a reasonable rate or fee schedule to be  
26 charged for these uses, subject to the exception for nonprofit coopera-  
27 tive associations specified in (b) of this section. In the granting,  
28 suspension or revocation of a permit or easement of lands, the director  
29 shall give preference to that use of the land which will be of greatest

1 economic benefit to the state and the development of its resources.  
2 However, first preference shall be granted to the upland owner for the  
3 use of a tract of tideland, or tideland and contiguous submerged land,  
4 which is seaward of the upland property of the upland owner and which  
5 is needed by the upland owner for any of the purposes for which the  
6 use may be granted.

7 \* Sec. 6. AS 38.05.345 is amended by adding a new subsection to read:

8 (h) Notice other than of a public auction under (b) of this sec-  
9 tion or of a disposal under (e) of this section must be by publication  
10 for three consecutive weeks in a newspaper circulated in the vicinity  
11 of the proposed action, or for three consecutive weeks in at least two  
12 newspapers of general circulation.  
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