

Introduced: 4/2/81
Referred: Resources

1 IN THE HOUSE

BY ROGERS

2 HOUSE BILL NO. 467

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state land; and providing for an
7 effective date."

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

9 * Section 1. AS 38.04.070(1) is amended to read:

10 (1) state public reserve lands: areas of public land to be
11 managed for a wide variety of compatible uses and purposes in accor-
12 dance with the principles of multiple use and sustained yield; land
13 designated to this category may include, but not be limited to, range
14 land, state forest reserves and state wildlife reserves as well as land
15 classified for public purposes within settlement impact areas;

16 * Sec. 2. AS 38.04.910 is amended by adding a new paragraph to read:

17 (12) "range land" means land which is suited for the grazing
18 or pasturing of domestic animals.

19 * Sec. 3. AS 38.05 is amended by adding a new section to read:

20 Sec. 38.05.083. LEASES FOR GRAZING PURPOSES. (a) The director
21 may classify land as subject to lease for grazing purposes and may
22 publicly invite applications for lease of the land so classified.
23 Request for applications shall be made at the time of the land classi-
24 fication notice.

25 (b) Each application for a lease for grazing purposes must be
26 accompanied by a development plan, prepared in cooperation with the
27 United States Soil Conservation Service. The development plan must be
28 approved by the director.

29 (c) In determining the qualifications of an applicant for a lease

1 for grazing purposes, the director shall consider, in addition to the
2 development plan and the preferences under AS 38.05.102,

3 (1) the prior experience of the applicant with grazing;

4 (2) the proximity of other grazing sites used by the appli-
5 cant to the land to be leased;

6 (3) the proximity of the applicant's residence to the land
7 to be leased;

8 (4) the applicant's present ability to use the land to its
9 maximum potential; and

10 (5) other factors relevant to the equitable leasing of the
11 land.

12 (d) If two or more applications are received for the same lease
13 of land for grazing purposes and the director cannot determine a
14 preference between conflicting applicants on the basis of qualifica-
15 tions, the director shall select between the applicants by lot.

16 (e) A lease for grazing purposes may be issued for any period not
17 exceeding 55 years. If the commissioner determines that the land is
18 not being used for the purpose for which the lease was issued, the
19 lease issued under this section may be cancelled by the director.

20 (f) A development plan may provide for the growing and harvesting
21 of crops beyond those needed for use by the lessee. Surplus crops may
22 be sold by the lessee.

23 (g) The director shall establish a reasonable rental for a lease
24 for grazing purposes as follows:

25 (1) a fixed base fee based on the fair market value of the
26 land in its natural state;

27 (2) an additional use fee based on the number of animals
28 grazing on the land per month;

29 (3) an additional royalty fee based on the fair market value

1 of the agricultural products sold by the lessee.

2 (h) Subleasing and renewals of land for grazing purposes are
3 governed by AS 38.05.095 - 38.05.102.

4 * Sec. 4. AS 38.05 is amended by adding a new section to read:

5 Sec. 38.05.086. LEASE RENTAL CREDIT. The lessee of land within a
6 leasehold created under AS 38.05.070 - 38.05.100 shall be granted
7 credit against current or future rent if he accomplishes work on or off
8 the leased land which results in increased value to state land. A
9 credit may not be allowed under this section unless authorized by the
10 director before the lessee begins the work. The authorization shall
11 stipulate the type of work, the standards of construction, and the
12 maximum allowable credit for the specific work project.

13 * Sec. 5. AS 38.05 is amended by adding a new section to read:

14 Sec. 38.05.101. RENEWAL OF LEASE. (a) At the expiration of a
15 lease under AS 38.05.070 - 38.05.100, the lessee has the option to
16 renew the lease if he has complied with the terms of the original
17 lease.

18 (b) The term of a renewal lease under this section, when added to
19 the term of the original lease, may not exceed the time limit contained
20 in AS 38.05.070.

21 * Sec. 6. AS 38.05.102 is amended to read:

22 Sec. 38.05.102. LESSEE PREFERENCE. (a) If land within a lease-
23 hold created under AS 38.05.070 - 38.05.100 is offered for sale or
24 long-term lease at the termination of the existing leasehold, the
25 director shall [MAY, IF HE FINDS THAT IT IS IN THE BEST INTERESTS OF
26 THE STATE,] allow the holder in good standing of that leasehold to
27 purchase or lease the land for the amount of the high bid received at
28 public auction.

29 (b) If state land is offered for sale or long-term lease and the

holder of the leasehold does not exercise his preference under (a) of this section, or if there is no lessee, a qualified applicant who is the owner or lessee of contiguous land has the preference described in (a) of this section. If no qualified applicant owns or leases contiguous land, the qualified applicant whose land is closest to the land to be sold or leased has the preference under (a) of this section.

* Sec. 7. AS 38.05.355 is amended to read:

Sec. 38.05.355. PROHIBITION AND PENALTIES. A person who bargains, contracts, or agrees, or attempts to bargain, contract, or agree with another that the other shall not bid freely upon or purchase any parcel of land of the state offered at public sale; or by intimidation, combination, or unfair management, hinders, prevents, or attempts to hinder or prevent, a person from bidding upon or purchasing a tract of land offered for sale; or intentionally makes a false statement in an application to lease or purchase state land, is punishable by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both.

* Sec. 8. This Act takes effect July 1, 1981.