

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2

HOUSE BILL NO. 289

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to management of state land."

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

8 \* Section 1. AS 38.04.065(a) is amended to read:

9 (a) The commissioner shall, with local governmental and public  
10 involvement under [IN ACCORDANCE WITH] AS 38.05.945, develop, main-  
11 tain, and, when appropriate, revise land use plans that [WHICH] pro-  
12 vide [, BY REGIONS OR AREAS,] for the use of the state-owned land.

13 \* Sec. 2. AS 38.04.065(b) is amended to read:

14 (b) In the development and revision of land use plans, the  
15 commissioner shall

16 (1) use and observe the principles of multiple use and  
17 sustained yield;

18 (2) consider physical, economic, and social factors affect-  
19 ing the [REGION OR] area and involve other agencies and the public in  
20 achieving a systematic interdisciplinary approach;

21 (3) give priority to planning and classification in areas  
22 of potential settlement and critical environmental concern;

23 (4) rely, to the extent that it is available, on the inven-  
24 tory of the state land, its resources, and other values;

25 (5) consider present and potential uses of state land;

26 (6) consider the supply, resources, and present and poten-  
27 tial use of land under other ownership within the area [OR REGION] of  
28 concern;

29 (7) plan for compatible surface and mineral land use

1        classifications; and

2                    (8) provide for meaningful participation in the planning  
3 process by affected local governments, state and federal agencies,  
4 adjacent landowners, and the general public.

5 \* Sec. 3. AS 38.04.065(c) is amended to read:

6                    (c) The [AS A BASIS FOR MORE DETAILED LAND USE PLANNING AND  
7 CLASSIFICATION, THE] commissioner shall develop regional land use  
8 plans for the use of all state land. Each regional land use plan  
9 [THESE REGIONAL PLANS] shall identify and delineate

10                    (1) areas of settlement and settlement impact, where land  
11 must be classified for various private uses and for public recreation,  
12 open space, and other public uses desirable in and around settlement;  
13 and

14                    (2) areas that [WHICH] must be retained in state ownership  
15 and planned and classified for various uses and purposes under [IN  
16 ACCORDANCE WITH] AS 38.04.015.

17 \* Sec. 4. AS 38.04.065(d) is repealed and reenacted to read:

18                    (d) The commissioner shall sign and date a regional land use  
19 plan and each revision to it after participation by members of the  
20 public and affected municipal governments. The commissioner may adopt  
21 as a regional land use plan a comprehensive plan adopted by a munic-  
22 ipality of the state having planning and zoning powers if the commis-  
23 sioner determines that the municipal plan adequately recognizes and  
24 protects state interests. Before the commissioner adopts a regional  
25 land use plan, a land classification for disposal or for another  
26 purpose may be made on the basis of a site-specific land use plan,  
27 except for a land disposal under AS 38.05.057, AS 38.08, and AS 38.09.  
28 A land classification for purposes of a disposal under AS 38.05.057,  
29 AS 38.08, or AS 38.09 shall be based on a regional land use plan.

1 After adoption of a regional land use plan, land classifications shall  
2 be made under the plan.

3 \* Sec. 5. AS 38.04.065(f) is amended to read:

4 (f) Each decision [DECISIONS] about the location of easements  
5 and rights-of-way, other than for minor access, shall be integrated  
6 with land use planning and classification [FOR THE APPROPRIATE AREA OR  
7 REGION].

8 \* Sec. 6. AS 38.04.065(g) is amended to read:

9 (g) Each land use plan [LAND USE PLANS] adopted by the commis-  
10 sioner under this section shall be consistent with municipal [LOCAL  
11 GOVERNMENTAL] land use plans to the maximum extent determined consis-  
12 tent with the state interests and the purposes of this chapter.

13 \* Sec. 7. AS 38.04.910(7) is amended to read:

14 (7) "short-term lease" means a lease for a term of 10  
15 [FIVE] years or less;

16 \* Sec. 8. AS 38.05.035(b) is amended by adding a new paragraph to read:

17 (10) negotiate the sale or lease of improved state land at  
18 fair market value after the improvements to the land have been de-  
19 clared surplus by another agency of the state to the needs of that  
20 agency.

21 \* Sec. 9. AS 38.05.035(e) is amended to read:

22 (e) Upon a written finding that the interests of the state will  
23 be best served, the director may, with the consent of the commis-  
24 sioner, approve contracts for the sale, lease, or other disposal of avail-  
25 able land, resources, property or interests in them, and, in addition  
26 to the conditions and limitations imposed by law, may impose addition-  
27 al conditions or limitations in the contracts as the director deter-  
28 mines, with the consent of the commissioner, will best serve the  
29 interests of the state. A contract for the sale, lease, or other

1 disposal of available land or an interest in land is not legally  
2 binding on the state until the commissioner approves the contract but  
3 if the appraised value is not greater than \$50,000 in the case of the  
4 sale of land or an interest in land, or \$5,000 in the case of the  
5 annual rental of land or interest in land, the director may execute  
6 the contract without the approval of the commissioner. Before a  
7 public hearing, if held, or in any case no less than 21 days before  
8 the sale, lease, or other disposal of available land, property, re-  
9 sources, or interests in them, the director shall make available to  
10 the public a written finding that sets out the facts and applicable  
11 law upon which the determination that the sale, lease, or other dis-  
12 posal will best serve the interests of the state was based. A written  
13 finding is not required before the approval of

14 (1) a contract for a negotiated sale authorized under  
15 AS 38.05.115;

16 (2) a lease of land for a shore fishery site under AS 38.-  
17 05.082;

18 (3) a permit or other authorization revocable by the com-  
19 missioner;

20 (4) a mineral claim located under AS 38.05.195;

21 (5) a mineral lease issued under AS 38.05.205; [OR]

22 (6) a production license issued under AS 38.05.207; or

23 (7) an exempt oil and gas sale under AS 38.05.180(d) for  
24 which a written best interest finding has been issued for the area of  
25 the sale or for a contiguous or adjacent area within the 36 months  
26 before the date of the sale.

27 \* Sec. 10. AS 38.09.030(c) is amended to read:

28 (c) The homestead entry permit may not be assigned, conveyed, or  
29 in any manner transferred except

- 1 (1) by testate or intestate succession;
- 2 (2) to a spouse during marriage;
- 3 (3) by order of a court as part of a divorce settlement;
- 4 (4) to either a member of the immediate family or a grantee
- 5 of the applicant in the case of an extreme emergency or illness which
- 6 disables the applicant; or
- 7 (5) by exchange by parties in the same homestead area, with
- 8 a notice to the commissioner of the change in the ownership of the
- 9 entry permit.

10 \* Sec. 11. AS 38.09.040(a) is amended to read:

11 (a) A homestead entry permit may be revoked by the commissioner

12 for a [ANY] substantial breach of the permit conditions or the re-

13 quirements of this chapter, including

14 (1) an assignment, conveyance, or transfer of the permit

15 not authorized under AS 38.09.030(c);

16 (2) failure of the permit holder to submit a plat of survey

17 to the commissioner within five [TWO] years after the issuance of the

18 permit [OR UNDER (b) OF THIS SECTION];

19 (3) failure of the permit holder to erect a dwelling in the

20 time required under AS 38.09.050(a), except that if the commissioner

21 finds that the dwelling has been nearly completed and progress toward

22 completion is being made at the expiration of the time required, the

23 commissioner may extend the time required for completion for not more

24 than one year;

25 (4) failure to brush the boundaries of the land not de-

26 scribed by aliquot parts or as a lot of record within 90 days after

27 issuance of the homestead entry permit;

28 (5) failure to clear and either put into production or

29 prepare for cultivation 25 percent of the land classified for

1 agricultural use within five years after the issuance of the permit.

2 \* Sec. 12. AS 38.09.050(a) is amended to read:

3 (a) The commissioner shall issue a patent to homestead entry  
4 land if the permit holder

5 (1) resides and lives on the homestead entry land for not  
6 less than 25 months within five years after the issuance of the home-  
7 stead entry permit;

8 (2) completes an approved survey of the land within five  
9 [TWO] years after the issuance of the permit [OR UNDER AS 38.09.-  
10 040(b)];

11 (3) erects a habitable, permanent dwelling on the homestead  
12 within three years after the issuance of the homestead entry permit;

13 (4) brushes the boundaries of the land not described by  
14 aliquot parts or as a lot of record within 90 days after the issuance  
15 of the permit;

16 (5) clears and either puts into production or prepares for  
17 cultivation either 25 percent of the land classified for agricultural  
18 use or 50 percent of the land having class II or III soils, whichever  
19 is less, within five years after issuance of the permit.

20 \* Sec. 13. Land that was classified for disposal or other purposes on  
21 the basis of a site-specific land use plan before August 29, 1986, remains  
22 subject to the classification order in effect on that date until the land  
23 is reclassified under AS 38.04.065, as amended in secs. 1 - 6 of this Act,  
24 and AS 38.05.300.

25 \* Sec. 14. A land management and disposal decision, including a  
26 disposal under AS 38.05.057, AS 38.08, or AS 38.09, made before the  
27 effective date of this Act under a classification order under AS 38.05.300  
28 that is based on a site-specific land use plan is valid, notwithstanding  
29 the adoption of the classification order before the adoption of the region-

1 al land use plan, if other requirements of law were met.

2 \* Sec. 15. AS 38.09.040(b) is repealed.