

1 IN THE SENATE BY COGHILL, FAIKS AND FAHRENKAMP

2 SENATE BILL NO. 196

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, resource development, and critical environ-
23 mental concern;

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

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

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

1 (7) plan for compatible surface and mineral land use clas-
2 sifications; and

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

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

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

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

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

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 AS 38.04.065(d) is repealed and reenacted to read:

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

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

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

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

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

11 * Sec. 7. Land that was classified for disposal or other purposes on
12 the basis of a site-specific land use plan before August 29, 1986, remains
13 subject to the classification order in effect on that date until the land
14 is reclassified under AS 38.04.065, as amended in secs. 1 - 6 of this Act,
15 and AS 38.05.300.

16 * Sec. 8. A land management and disposal decision made before the
17 effective date of this Act under a classification order under AS 38.05.300
18 that is based on a site-specific land use plan is valid, notwithstanding
19 the adoption of the classification order before the adoption of the region-
20 al land use plan, if other requirements of law were met.