

Original sponsors: Coghill, Faiks  
and Fahrenkamp

1 IN THE SENATE BY THE RULES COMMITTEE  
2 CS FOR SENATE BILL NO. 196 (Rules)  
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; and  
7 providing for an effective date."

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

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

10 (a) Except as provided in (d) and (h) of this section, the [THE]  
11 commissioner shall, with local governmental and public involvement  
12 under [IN ACCORDANCE WITH] AS 38.05.945, adopt [DEVELOP], maintain,  
13 and, when appropriate, revise regional land use plans that [WHICH]  
14 provide [, BY REGIONS OR AREAS,] for the use and management of [THE]  
15 state-owned land.

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

17 (b) In the adoption [DEVELOPMENT] and revision of regional and  
18 site-specific land use plans, the commissioner shall

19 (1) use and observe the principles of multiple use and  
20 sustained yield;

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

24 (3) give priority to planning and classification in areas  
25 of potential settlement, renewable and nonrenewable resource develop-  
26 ment, and critical environmental concern;

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

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

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

4 (7) plan for compatible surface and mineral land use clas-  
5 sifications; and

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

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

10 (c) The [AS A BASIS FOR MORE DETAILED LAND USE PLANNING AND  
11 CLASSIFICATION, THE] commissioner shall adopt [DEVELOP] regional land  
12 use plans for [THE USE OF ALL] state land. Each regional land use  
13 plan [THESE REGIONAL PLANS] shall identify and delineate

14 (1) areas of settlement and settlement impact, where land  
15 must be classified for various private uses, renewable and nonrenew-  
16 able resource development, and for public recreation, open space, and  
17 other public uses desirable in and around settlement; and

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

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

22 (d) The commissioner may adopt as a land use plan a comprehen-  
23 sive plan adopted by a municipality of the state having planning and  
24 zoning powers or a land management plan adopted by another govern-  
25 mental entity if the commissioner determines that the plan adequately  
26 recognizes and protects state interests. A decision to adopt the plan  
27 must be preceded by public hearings in affected and interested commu-  
28 nities and by a draft decision, available for public review, that  
29 describes the state's interests and how the state will implement the

1 plan.

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

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

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

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

12 \* Sec. 7. AS 38.04.065 is amended by adding new subsections to read:

13 (h) Before the commissioner adopts a regional land use plan, a  
14 land classification may be made on the basis of a site-specific land  
15 use plan, except a classification for a land disposal under AS 38.-  
16 05.057, AS 38.08, AS 38.09, or a new commercial agriculture project  
17 under AS 38.05.020(b)(6). After adoption of a regional land use plan,  
18 land classifications shall be made under the plan.

19 (i) An oil and gas lease sale is not subject to this section.  
20 Oil and gas lease sales are subject to the planning process estab-  
21 lished under AS 38.05.180.

22 \* Sec. 8. AS 38.04.910(7) is amended to read:

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

25 \* Sec. 9. AS 38.05.035(b) is amended by adding a new paragraph to read:

26 (10) negotiate the sale or lease of state land at fair  
27 market value to a person who acquired by contract, purchase, or lease  
28 rights to improvements on the land from another state agency or who  
29 leased the land from another state agency.

1 \* Sec. 10. AS 38.05.035(e) is amended to read:

2 (e) Upon a written finding that the interests of the state will  
3 be best served, the director may, with the consent of the commission-  
4 er, approve contracts for the sale, lease, or other disposal of avail-  
5 able land, resources, property or interests in them, and, in addition  
6 to the conditions and limitations imposed by law, may impose addition-  
7 al conditions or limitations in the contracts as the director deter-  
8 mines, with the consent of the commissioner, will best serve the  
9 interests of the state. A contract for the sale, lease, or other  
10 disposal of available land or an interest in land is not legally  
11 binding on the state until the commissioner approves the contract but  
12 if the appraised value is not greater than \$50,000 in the case of the  
13 sale of land or an interest in land, or \$5,000 in the case of the  
14 annual rental of land or interest in land, the director may execute  
15 the contract without the approval of the commissioner. Before a  
16 public hearing, if held, or in any case no less than 21 days before  
17 the sale, lease, or other disposal of available land, property, re-  
18 sources, or interests in them, the director shall make available to  
19 the public a written finding that sets out the facts and applicable  
20 law upon which the determination that the sale, lease, or other dis-  
21 posal will best serve the interests of the state was based. A written  
22 finding is not required before the approval of

23 (1) a contract for a negotiated sale authorized under  
24 AS 38.05.115;

25 (2) a lease of land for a shore fishery site under AS 38.-  
26 05.082;

27 (3) a permit or other authorization revocable by the com-  
28 missioner;

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

1 (5) a mineral lease issued under AS 38.05.205; [OR]  
2 (6) a production license issued under AS 38.05.207; or  
3 (7) an exempt oil and gas sale under AS 38.05.180(d) for  
4 which a written best interest finding has been issued for the area of  
5 the sale within the 36 months before the date of the sale unless the  
6 commissioner determines that new information has become available that  
7 justifies a revision of the best interest finding.

8 \* Sec. 11. AS 38.05.810 is amended by adding a new subsection to read:

9 (g) The commissioner shall retain a reversionary interest on  
10 each sale or other disposal granted under (a) or (e) of this section.  
11 The commissioner may waive the reversionary interest on a written  
12 determination that the waiver is in the public interest.

13 \* Sec. 12. AS 38.05.940(b) is amended to read:

14 (b) To be eligible for a discount under this section, a veteran  
15 shall submit proof, as required by regulation, that the veteran

16 (1) is 18 years of age or older on the date of sale;

17 (2) has been a state resident for a period of not less than  
18 one year immediately preceding the date of sale;

19 (3) has served on active duty in the U.S. Armed Forces at  
20 least 90 days [TWO YEARS], unless tenure was shortened due to a ser-  
21 vice connected disability or due to receiving an early separation upon  
22 return from a tour of duty overseas; and

23 (4) has received an honorable discharge or a general dis-  
24 charge under honorable conditions.

25 \* Sec. 13. AS 38.09.030(c) is amended to read:

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

28 (1) by testate or intestate succession;

29 (2) to a spouse during marriage;

- 1 (3) by order of a court as part of a divorce settlement;  
2 (4) to either a member of the immediate family or a grantee  
3 of the applicant in the case of an extreme emergency or illness which  
4 disables the applicant; or  
5 (5) after the approval of the commissioner, by an exchange  
6 between parties in the same homestead area.

7 \* Sec. 14. AS 38.09.040(a) is amended to read:

8 (a) A homestead entry permit may be revoked by the commissioner  
9 for a [ANY] substantial breach of the permit conditions or the re-  
10 quirements of this chapter, including

11 (1) an assignment, conveyance, or transfer of the permit  
12 not authorized under AS 38.09.030(c);

13 (2) failure of the permit holder to submit a plat of survey  
14 to the commissioner within five [TWO] years after the issuance of the  
15 permit [OR UNDER (b) OF THIS SECTION];

16 (3) failure of the permit holder to erect a dwelling in the  
17 time required under AS 38.09.050(a), except that if the commissioner  
18 finds that the dwelling has been nearly completed and progress toward  
19 completion is being made at the expiration of the time required, the  
20 commissioner may extend the time required for completion for not more  
21 than one year;

22 (4) failure to brush the boundaries of the land not de-  
23 scribed by aliquot parts or as a lot of record within 90 days after  
24 issuance of the homestead entry permit;

25 (5) failure to clear and either put into production or  
26 prepare for cultivation either 25 percent of the land classified for  
27 agricultural use or 50 percent of the cropland soils, whichever is  
28 less, within five years after the issuance of the permit.

29 \* Sec. 15. AS 38.09.050(a) is amended to read:

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

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

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

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

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

14 (5) clears and either puts into production or prepares for  
15 cultivation either 25 percent of the land classified for agricultural  
16 use or 50 percent of the cropland [LAND HAVING CLASS II OR III] soils,  
17 whichever is less, within five years after issuance of the permit.

18 \* Sec. 16. Land that was classified for disposal or other purposes  
19 before August 29, 1986, remains subject to the classification order in  
20 effect on that date until the land is reclassified under AS 38.04.065, as  
21 amended in secs. 1 - 7 of this Act, and AS 38.05.300.

22 \* Sec. 17. A land management and disposal decision, including a dis-  
23 posal under AS 38.05.057, AS 38.08, or AS 38.09, or a commercial agricul-  
24 ture project under AS 38.05.020(b)(6), made before the effective date of  
25 this Act under a classification order under AS 38.05.300 is valid, notwith-  
26 standing the adoption of the classification order before the adoption of  
27 the regional land use plan, if other requirements of law were met.

28 \* Sec. 18. A minerals management or disposal decision made before the  
29 effective date of this Act is valid, whether or not the land was classified

1 if other requirements of law were met.

2 \* Sec. 19. Nothing in this Act affects the Chase III Agricultural  
3 Homestead disposal decision of the Department of Natural Resources, remand-  
4 ed by the courts for reconsideration by the department.

5 \* Sec. 20. AS 38.09.040(b) is repealed.

6 \* Sec. 21. This Act takes effect immediately under AS 01.10.070(c).