



LAWS OF ALASKA

1978

Source

3d CSHB 54

Chapter No.

73

AN ACT

Relating to the administration of state land; and providing for an effective date.

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

* Section 1. AS 38.05.050 is amended to read:

Sec. 38.05.050. FIXING SALE. The commissioner, upon recommendation of the director, shall determine the lands to be sold, the limitations and conditions which attach to the lands sold, and the terms of the sale. The director shall fix the time of sale and the manner of giving notice of the sale. The sale shall take place at the time and location specified in the notice of sale and within the recording district where the property is located or an adjacent recording district.

* Sec. 2. AS 38.05.115(a) and (b) are amended to read:

(a) The commissioner, upon recommendation of the director, shall determine the timber and other materials to be sold, and the limitations, conditions and terms of sale. The limitations, conditions and terms shall include the utilization, development and maintenance of the sustained yield principle, subject to preference among other beneficial uses. The director may negotiate sales of timber or materials without advertisement and on the limitations, conditions, and terms which he considers are in the best interests of the state, subject to the approval of the commissioner. However, not more than 500 M.B.M. or equivalent other measure of timber or more than 25,000 cubic yards of materials may be sold by nonadvertised, negotiated sale to the same purchaser within a one-year period.

(b) Negotiated sales not exceeding 50 M.B.M. or the equivalent other measure of timber or 2,500 cubic yards of materials are exempt from the provisions of AS 34.15.150.

Chapter 73

* Sec. 3. AS 38.05.115 is amended by adding a new subsection to read:

(c) The limitations of this section are not applicable to timber which becomes state property under the provisions of AS 45.50.210 - 45.50.235.

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

Sec. 38.05.118. NEGOTIATED TIMBER SALES IN AREAS OF HIGH UNEMPLOYMENT. (a) Notwithstanding any other provision of secs. 110 - 120 of this chapter, the director, with the approval of the commissioner, may negotiate a sale of timber to a local manufacturer at appraised value. The period of a contract for a sale of timber negotiated under this section may not exceed 25 years. The contract shall provide that the appraised value of timber remaining to be harvested under the provisions of the contract shall be redetermined at least once every five years.

(b) Notice of intent to negotiate a contract authorized by (a) of this section shall be given in accordance with sec. 305 of this chapter.

(c) No sale of timber may be negotiated by the director under this section unless he first finds that, within an area proximate to the business site which the manufacturer may economically serve, there exists

- (1) a high level of local unemployment;
- (2) an underutilized timber manufacturing capacity; and
- (3) an underutilized allowable cut of state timber.

* Sec. 5. AS 45.50.235 is amended by adding a new subsection to read:

(b) Timber property which becomes state property under the provisions of this section may be sold under terms and conditions established by the director of the division of lands.

* Sec. 6. This Act takes effect immediately in accordance with AS 01.10.070(c).