

Original sponsors: Freeman, Gardiner
and Halford

Offered: 4/22/81
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 31 (Finance) am
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 the 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 29.18.204(c) is amended to read:

10 (c) Land may be selected or nominated for selection by a munici-
11 pality to satisfy a general grant land entitlement under AS 29.18.201
12 and 29.18.202 at any time before October 1, 1980. If a municipal
13 selection or nomination or a part of a municipal selection or nomina-
14 tion is rejected by the director, the municipality may select addi-
15 tional state land of equal area to satisfy its entitlement not later
16 than 90 days after receipt of the director's rejection.

17 * Sec. 2. AS 38.04.020 is repealed and reenacted to read:

18 Sec. 38.04.020. LAND DISPOSAL BANK. (a) The commissioner shall
19 establish a land disposal bank containing state land suitable for
20 disposal by fee simple title into private ownership.

21 (b) The land disposal bank does not include

22 (1) land nominated for selection or selected by a munici-
23 pality to satisfy a general grant land entitlement under AS 29.18.201 -
24 29.18.213;

25 (2) land retained in state ownership for multiple-use manage-
26 ment;

27 (3) land where less than a fee simple title has been con-
28 veyed;

29 (4) land retained in state ownership under an enactment of

1 the legislature or by the governor or a state agency under authority of
2 law.

3 (c) Land to be retained in state ownership may be classified by
4 the commissioner into multiple-use management categories under AS 38.-
5 05.300. Land within a municipality retained in state ownership consists
6 of land classified for retention in state ownership as of December 31,
7 1980. Land outside a municipality to be retained in state ownership
8 consists of land classified for retention in state ownership by the
9 commissioner by July 1, 1983. Land conveyed to the state by the federal
10 government which is to be retained in state ownership consists of land
11 classified by the commissioner within two years of receipt of tentative
12 approval or patent, whichever occurs first. State land not classified
13 for retention in state ownership under this section shall be classified
14 and included in the land disposal bank. The commissioner shall ensure
15 that the bank includes at least 500,000 acres.

16 (d) On January 15 of each year, the commissioner shall report to
17 the legislature on the status of land in the land disposal bank under
18 the following categories:

19 (1) land suitable for remote parcel disposal;
20 (2) land suitable for subdivision disposal; and
21 (3) land suitable for agricultural, commercial, or industrial
22 disposal.

23 (e) The commissioner shall annually submit to the governor an
24 appropriation request necessary for the disposal of state land in the
25 land disposal bank which shall be included in the budget submitted to
26 the legislature by the governor. The request shall include an estimate
27 of the amount necessary

28 (1) for survey and disposal of land proposed to be made
29 available for remote parcel staking for the succeeding fiscal year,

1 with the general location of the land;

2 (2) for survey and disposal of land to be offered as agri-
3 cultural, commercial, or industrial land under AS 38.05.055 or 38.-
4 05.057 during the succeeding fiscal year, with the general location of
5 the land;

6 (3) for the survey and disposal of land proposed to be
7 offered as subdivisions, with the general location of the land;

8 (4) for preliminary feasibility studies, engineering design
9 work, and construction of access roads and capital improvements required
10 by municipal subdivision ordinance or regulation of the platting board
11 under AS 29.33.150; if an accurate determination of the amounts neces-
12 sary for access roads or capital improvements cannot be made at the
13 time the estimate is submitted, a schedule for obtaining the estimates,
14 constructing the access roads or capital improvements, and disposing of
15 the land shall be submitted;

16 (5) for identification of land which will be proposed for
17 disposal under this subsection in future fiscal years.

18 (f) The request of the commissioner under (e) of this section
19 shall be based on an assessment by the commissioner of the current
20 needs and anticipated uses of state land in the different regions of
21 the state and developed in consultation with municipalities. The
22 assessment must be completed each year in writing. It must identify
23 areas where land values are artificially inflated and include a survey
24 of the supply of land in private ownership currently on the market,
25 plans for the disposal of municipal land, and the amount of federal
26 land available for disposal through sales, leases, or permits for
27 specific activities. The assessment of needs and anticipated uses for
28 state land shall be based on an analysis of demand for land offered for
29 a variety of purposes under terms equivalent to those available under

1 comparable state land disposal programs. The assessment must include
2 findings regarding the amount of state land which is necessary to meet
3 the statewide demand for three fiscal years immediately after the year
4 in which the assessment is made. The assessment must also include the
5 general location of land to be disposed of and recommendations for the
6 methods of disposal and terms under which the land will be offered to
7 the public.

8 (g) After July 1 of each year, the commissioner shall direct the
9 expenditure of money appropriated for the disposal of land in response
10 to requests made under (f) of this section for the following:

11 (1) land designated as suitable for remote parcel disposal
12 shall be classified and surveyed under this chapter and AS 38.05 and
13 made available for staking and lease under AS 38.05.077;

14 (2) land designated as suitable for subdivision disposal
15 shall be surveyed, subdivided, classified, and disposed of as follows:

16 (A) up to 80 percent of the parcels shall be sold under
17 the lottery sale procedures established in AS 38.05.057 and
18 38.05.065;

19 (B) at least 10 percent of the parcels shall be disposed
20 of as homesites under AS 38.08; and

21 (C) at least an additional 10 percent of the parcels
22 shall be disposed of as homesites under AS 38.08 except that,
23 notwithstanding AS 38.08.040(b), parcels offered under this sub-
24 paragraph shall be offered by lottery under AS 38.05.057;

25 (3) land designated agricultural, commercial, or industrial
26 shall be sold under AS 38.05.055 or 38.05.057.

27 (h) Individual parcels disposed of in subdivisions may not exceed
28 five acres unless the commissioner determines that a larger size is
29 necessary to comply with local zoning ordinances or to permit the

1 design of a viable subdivision because of topographical features, soil
2 conditions, on-site sewage disposal requirements, or water drainage or
3 supply considerations that are unique to the subdivision.

4 (i) Nothing in this section prevents the disposal of interests in
5 land not in the land disposal bank by the commissioner under

6 (1) AS 38.05.055;

7 (2) AS 38.05.057;

8 (3) AS 38.05.070;

9 (4) AS 38.05.079;

10 (5) AS 38.08; or

11 (6) other law.

12 (j) A person or an agency of the state may nominate land retained
13 in state ownership for inclusion in the land disposal bank or may
14 nominate land in the land disposal bank for retention in state owner-
15 ship. The commissioner shall hold public hearings semiannually to take
16 nominations under this subsection. A transfer of land from retention
17 in state ownership to the land disposal bank or from the land disposal
18 bank to retention in state ownership shall be accomplished through a
19 classification order under AS 38.05.300 and notice under AS 38.05.345.
20 The commissioner shall make a written determination within six months
21 after receipt of a nomination if he determines that land nominated will
22 not be classified or reclassified as requested.

23 (k) The commissioner may withdraw from the land disposal bank
24 state land that has been offered for disposal but not conveyed within
25 five years after inclusion in the land disposal bank. State land
26 withdrawn from the land disposal bank under this section must be reclas-
27 sified under AS 38.04.065.

28 * Sec. 3. AS 38.04 is amended by adding a new section to read:

29 Sec. 38.04.021. IDENTIFICATION AND DISPOSAL OF MUNICIPAL ENTITLE-

1 MENT LAND. (a) Notwithstanding AS 29.18.201 - 29.18.213, the commis-
2 sioner shall refrain from issuing patents to municipalities for
3 approved selections under AS 29.18.201 - 29.18.213 except in accordance
4 with the procedures established in this section.

5 (b) The commissioner shall initiate with each municipality en-
6 titled to receive land under AS 29.18 a review of selections for which
7 patent has not been issued as of the effective date of this Act. By
8 July 1, 1982, the commissioner and each municipality shall jointly
9 designate 20 percent of the selections for which patents have not been
10 issued as of the effective date of this Act, which are most suitable
11 for disposal into private ownership. A municipality may substitute
12 land patented as of the effective date of this Act with the concurrence
13 of the commissioner. In a municipality whose entitlement under
14 AS 29.18.201 includes substantial amounts of land containing class I,
15 II, and III agricultural soils, one-half of the land designated for
16 disposal under this subsection may be class I, II, or III agricultural
17 soils and be restricted to agricultural development only. Disposals by
18 the municipality of land for residential parcels of 10 acres or less or
19 agricultural parcels may be counted toward the 20 percent of selections
20 designated under this subsection, if the parcels were disposed of
21 before the effective date of this Act on terms generally similar to
22 comparable state disposals or if the parcels were disposed of after the
23 effective date of this Act on terms equal to or better than those
24 offered in comparable state disposals. If, by July 1, 1982, the commis-
25 sioner and a municipality cannot agree on land to be designated, the
26 commissioner shall make the designation. By September 1, 1982, the
27 commissioner shall certify the legal descriptions of the land
28 designated and include it as a special category of land in the land
29 disposal bank. The land shall be made available for disposal in accord-

1 ance with AS 38.04.020(d) - (h), except that none of the land may be
2 proposed for remote parcel disposal and the land is not subject to
3 AS 38.04.020(j). A municipality may submit a recommended disposal
4 schedule for land designated under this subsection.

5 (c) By January 15 of each year, the commissioner shall submit to
6 the governor an appropriation request sufficient to survey all approved
7 selections not patented, not designated under (b) of this section, and
8 requiring survey under AS 29.18.207. The request shall be submitted by
9 the governor to the legislature with the budget. Upon receipt of an
10 appropriation for this purpose, the commissioner shall survey the land
11 and issue the patents as expeditiously as possible. For approved
12 selections not designated under (b) of this section and not in need of
13 survey under AS 29.18.207, the commissioner shall issue patents by
14 September 1, 1982. Patents may not be issued until land suitable for
15 disposal into private ownership has been designated under (b) of this
16 section.

17 (d) Upon disposal of land designated under (b) of this section,
18 the commissioner shall make a partial assignment to the municipality in
19 which the land is situated of receipts from the land sale contract
20 relating to the value of the land without improvements.

21 (e) Notwithstanding (a) - (d) of this section, the commissioner
22 may issue patents for approved selections otherwise in conformity with
23 AS 29.18.201 - 29.18.213 if

24 (1) the land to be patented is for an essential public
25 facility or purpose for which there is an immediate need as determined
26 by the commissioner;

27 (2) the land has been scheduled and formally advertised for
28 disposal by a municipality under its land disposal program; or

29 (3) the amount of land patented to a municipality is less

1 than 10 percent of its entitlement as of the effective date of this Act
2 and the municipality requests an amount of patented land sufficient to
3 bring it to the 10 percent level.

4 * Sec. 4. AS 38.04.055 is amended by adding a new subsection to read:

5 (b) An easement or right-of-way reserved under this section may
6 include established trails traditionally used for commerce, recreation,
7 or transportation.

8 * Sec. 5. AS 38.05.035(a)(14) is amended to read:

9 (14) when he makes a written finding that the interests of
10 the state will be best served, he may, with the consent of the commis-
11 sioner, approve contracts for the sale, lease, or other disposal of
12 available lands, resources, property or interest in them, and in addi-
13 tion to the conditions and limitations imposed by law, he may impose
14 additional conditions or limitations in the contracts as he, with the
15 consent of the commissioner, determines will best serve the interests
16 of the state; and no contract for the sale, lease, or other disposal of
17 available lands or interests in them, is legally binding on the state
18 until the commissioner formally records his consent to the contract;
19 but if the appraised value is not greater than \$50,000 [\$10,000] in the
20 case of the sale of land or an interest in land, or \$5,000 [\$1,000] in
21 the case of the annual rental of land or interest in land, the director
22 may approve and issue the contract without the consent or approval of
23 the commissioner; the written finding shall be available to the public
24 upon request; before a public hearing, if held, or in any case no less
25 than 21 days before the sale, lease, or other disposal of available
26 land, property, resources, or interests in them, the director shall
27 make available to the public a written decision in which he sets out
28 the facts and applicable law upon which he based his determination that
29 the sale, lease, or other disposal will best serve the interests of the

1 state; a written finding is not required before the approval of

2 (A) a contract for a negotiated sale authorized by
3 AS 38.05.115;

4 (B) issuance of a permit under AS 38.05.330; or

5 (C) the lease of land for a shore fishery site under
6 AS 38.05.082.

7 * Sec. 6. AS 38.05.035(b) is amended by adding new paragraphs to read:

8 (7) convey to an adjoining landowner a parcel of land
9 created by a highway right-of-way alignment or realignment or a parcel
10 created by the vacation of a state-owned right-of-way if

11 (A) he determines that it is in the interest of the
12 state;

13 (B) the parcel does not exceed one acre; and

14 (C) the director and the platting authority having land
15 use planning jurisdiction agree that conveyance of the parcel to
16 the adjoining landowner will result in boundaries which are
17 convenient for the use of the land by the landowner and compatible
18 with municipal land use plans;

19 (8) for good cause extend the time for rental or installment
20 payments by a lessee or purchaser of state land under this chapter if
21 reasonable penalties and interest set by the director are paid.

22 * Sec. 7. AS 38.05.035 is amended by adding a new subsection to read:

23 (c) A parcel of land may be conveyed under (b)(7) of this section
24 without classification or reclassification under AS 38.05.300 but the
25 parcel must be sold at its fair market value as determined by the
26 director on the basis of an appraisal under AS 38.05.310. Nothing in
27 this subsection prevents the sale of land to a person not qualifying as
28 an adjoining landowner if the adjoining land owner declines to purchase
29 under (b)(7) of this section.

1 * Sec. 8. AS 38.05.050 is repealed and reenacted to read:

2 Sec. 38.05.050. DETERMINATIONS BEFORE DISPOSAL OF LAND FOR PRIVATE
3 OWNERSHIP. The commissioner, upon recommendation of the director,
4 shall determine the land to be disposed of for private use. The direc-
5 tor shall determine the time and place of disposal. An auction sale, a
6 lottery sale, or a disposal of land for homesites under AS 38.08 must
7 be held in the municipality that is closest to the land to be sold or
8 disposed of and in which regular sessions of the superior court are
9 held.

10 * Sec. 9. AS 38.05.055 is amended to read:

11 Sec. 38.05.055. AUCTION SALE PROCEDURES. Unless another
12 method of sale is authorized under this chapter, under AS 38.07, or under
13 [EXCEPT AS PROVIDED IN AS 38.05.057, 38.05.315(d), AND] AS 38.08, the
14 sale of state land shall be made at public auction to the highest
15 qualified bidder [AS DETERMINED BY THE DIRECTOR]. A bidder must appear
16 in person at the auction unless medical reasons, attendance at school
17 or military service outside the state prevent attendance. A bidder
18 may be represented by an attorney or agent at the auction if the land
19 offered for disposal is classified as commercial, industrial, or agri-
20 cultural land. An aggrieved bidder may appeal to the commissioner
21 within five days after the sale for a review of the director's deter-
22 mination. The sale shall be conducted by the director or his represent-
23 ative, and at the time of sale the successful bidder shall deposit an
24 amount equal to five percent [ONE-TENTH] of the purchase price, or
25 if the purchaser elects to use land discounts granted under AS 38.05.-
26 058, five percent of the amount bid after deduction of the discount.
27 The director or his representative shall immediately issue a receipt
28 containing a description of the land or property purchased, the price
29 bid, the amount deposited, and the amount of any discount allowed

1 [TERMS OF SALE], which receipt shall be acknowledged in writing by the
2 bidder. [A CONTRACT OF SALE ON A FORM APPROVED BY THE ATTORNEY GENERAL
3 SHALL BE SIGNED BY THE PURCHASER AND, AFTER APPROVAL OF THE COMMIS-
4 SIONER, THE CONTRACT SHALL ALSO BE SIGNED BY THE DIRECTOR ON BEHALF OF
5 THE STATE.]

6 * Sec. 10. AS 38.05.057(a) is amended to read:

7 (a) The commissioner may dispose of land, including land limited
8 to use for agricultural purposes, by lottery. The purchase price of
9 land sold by lottery shall be the fair market value of the land as
10 determined by the commissioner [BUT MAY NOT BE LESS THAN \$400 PER ACRE,
11 OR, IF THE LAND IS LIMITED TO USE FOR AGRICULTURAL PURPOSES, THE PUR-
12 CHASE PRICE MAY NOT BE LESS THAN \$100 PER ACRE]. The commissioner
13 shall [MAY] sell land by lottery for less than the fair market value of
14 the land if he determines that scarcity of land for private use in the
15 area of the land to be sold has resulted in unrealistic land values.
16 Before the commissioner determines the purchase price for land which is
17 located in a municipality and which is to be sold under this section,
18 he shall consult with the assessor of the municipality. The lottery
19 shall be conducted in public by the commissioner or his representative,
20 and an applicant may not be selected to purchase land unless he is pre-
21 sent on the date and at the place that the lottery is conducted unless
22 medical reasons, attendance at school or military service outside the
23 state prevent attendance. An applicant may be represented by an agent
24 on the day of the lottery if the land offered for sale is classified as
25 commercial, industrial, or agricultural land. On the day of the lottery
26 [AT THE TIME OF SIGNING A CONTRACT OF SALE] a purchaser selected by lot
27 shall deposit an amount equal to five percent of the purchase price, or
28 if the purchaser elects to use land discounts granted under AS 38.-
29 05.058, five percent of the [DISCOUNT] purchase price after deduction

1 of the discount.

2 * Sec. 11. AS 38.05.067(d) is repealed and reenacted to read:

3 (d) In this section "veteran" means a person with 90 days or more
4 of active service in the armed forces of the United States who has been
5 honorably discharged.

6 * Sec. 12. AS 38.05.067(e) is amended to read:

7 (e) This section does not apply to the sale of state land under
8 AS 38.04.020(g)(2) [AS 38.05.047(f)], AS 38.05.077, and 38.05.078.

9 * Sec. 13. AS 38.05.077(a) is amended to read:

10 (a) The commissioner shall, under the procedures required by
11 AS 38.04.020, AS 38.05.300, [AND] 38.05.305, and 38.05.345, classify
12 state land which is suitable for disposal as remote parcels. The
13 commissioner shall designate remote parcel selection areas consisting
14 of land classified under this section. The commissioner may [SHALL] set
15 the number of remote parcels that may be selected in each remote parcel
16 selection area. A remote parcel may not exceed 40 acres. [THE COMMIS-
17 SIONER SHALL DETERMINE FOR EACH REMOTE PARCEL SELECTION AREA, THE
18 AMOUNT OF LAND IN EACH REMOTE PARCEL THAT MAY BE USED FOR RESIDENTIAL
19 PURPOSES. LAND WHICH MAY BE USED FOR RESIDENTIAL PURPOSES IN A REMOTE
20 PARCEL MAY NOT BE LESS THAN TWO ACRES AND MAY NOT EXCEED FIVE ACRES.]

21 * Sec. 14. AS 38.05.077(c) is amended to read:

22 (c) A person who qualifies under (g) of this section may apply
23 [UNDER THE PROCEDURES SET OUT IN AS 38.05.057] to lease a remote parcel
24 in a parcel selection area designated by the commissioner under (a) of
25 this section if he has staked the exterior boundaries of the remote
26 parcel in accordance with the parcel selection procedures established
27 under (b) of this section during an entry period established by the
28 commissioner. A [EACH] person [WHO IS ENTITLED TO SELECT A REMOTE
29 PARCEL] may enter a remote parcel selection [THE] area [FOR WHICH HE

1 APPLIED] to stake the boundaries of a remote parcel. A person shall
2 select a remote parcel in person and may not be represented by an
3 attorney or agent.

4 * Sec. 15. AS 38.05.077(d) is amended to read:

5 (d) Not later than 15 days after [SELECTION AND] staking the
6 exterior boundaries of a remote parcel, the person who staked
7 [SELECTED] the parcel shall file a sketch plat with the department
8 which shows the location of the remote parcel [AND THE LOCATION OF THE
9 LAND IN THE PARCEL THAT HE INTENDS TO USE FOR RESIDENTIAL PURPOSES].
10 At the time of filing the sketch plat, the person who staked [SELECTED]
11 the parcel shall apply to lease the land. An application to lease the
12 land shall be on a standard form prepared by the department. The
13 annual rental payment for the first year of the lease shall be submit-
14 ted to the department with the application. After the application to
15 lease a remote parcel is approved, the commissioner shall offer to
16 lease the land to the person who staked [SELECTED] the remote parcel. A
17 lease granted under this section shall contain the following terms:

18 (1) a remote parcel may be leased for five years;

19 (2) a remote parcel lease may be renewed at the option of
20 the lessee for a second five-year period under the same terms as pro-
21 vided for the first five-year period of the remote parcel lease; [AND]

22 (3) a rental payment shall be paid annually and shall be
23 \$10 for each acre; [\$150 A YEAR FOR FIVE ACRES OR LESS PLUS \$50 FOR
24 EACH ACRE BY WHICH THE REMOTE PARCEL EXCEEDS FIVE ACRES.]

25 (4) unless the land is surveyed, the lessee shall, within
26 one year of approval of the lease application and continuously for the
27 lease period, physically delineate the boundaries of the parcel by
28 brushing a line so that they are readily visible from the ground.

29 * Sec. 16. AS 38.05.077 is amended by adding a new subsection to read:

1 (g) To qualify to lease a remote parcel under this section, a
2 person shall

3 (1) at the time of application be 18 years of age or older:

4 (2) submit proof as required by regulation that he has been
5 a resident of the state for not less than one year immediately
6 preceding the date his application was submitted; and

7 (3) certify that he has not previously leased a remote
8 parcel from the state within eight years immediately preceding the date
9 of staking a remote parcel.

10 * Sec. 17. AS 38.05.078(a) is amended to read:

11 (a) A lessee of a remote parcel may purchase the land leased
12 [USED FOR RESIDENTIAL PURPOSES IN A REMOTE PARCEL] if, before the
13 expiration of the lease or [A RENEWAL OF THE] lease renewal, he pays
14 a deposit to the department equal to five percent of the fair market
15 value of the land under (c) of this section, surveys the [RESIDENTIAL]
16 land, and erects a habitable dwelling on the land. The lessee of a
17 remote parcel may prove the existence and the location of a habitable
18 dwelling by executing an affidavit as to its existence and location
19 and including with the affidavit a clear photo and an accurate drawing
20 prepared, signed, and dated by the lessee and described with refer-
21 ence to one or more survey corners of the remote parcel.

22 * Sec. 18. AS 38.05.078(c) is amended to read:

23 (c) A lessee of a remote parcel may purchase land in the [A]
24 remote parcel under the terms specified in AS 38.05.065(b). The
25 purchase price of land sold under this section shall be its fair market
26 value as determined by the commissioner, less the total amount paid to
27 the department in annual rental fees under AS 38.05.077(d)(3). The
28 valuation date for determining the fair market value of land sold under
29 this section is the date that the remote parcel was first leased to the

1 purchaser of the land [PLAT OF SURVEY IS APPROVED BY THE COMMISSIONER].

2 * Sec. 19. AS 38.08.010(b) is amended to read:

3 (b) Land classified as homesite entry land shall be divided into
4 parcels not exceeding five acres in reasonably compact form, with
5 boundaries conforming as nearly as practicable to natural geologic and
6 topographic features. A parcel may exceed five acres if the director
7 determines that a larger size is necessary to comply with local zoning
8 ordinances or to permit the design of a viable subdivision because of
9 topographical features, soil conditions, on-site sewage disposal re-
10 quirements, or water drainage or supply considerations that are unique
11 to the subdivision.

12 * Sec. 20. AS 38.08.040(b) is amended to read:

13 (b) If the number of applicants qualified for homesite entry
14 exceeds the number of available homesites offered [,] or if several
15 applicants apply and qualify for the same homesite, priority in award
16 of an entry permit shall be accorded to that applicant showing proof of
17 the longest residency in the state. An applicant shall present his
18 proof of residency to the director in person at the time and place
19 designated by the director unless medical reasons or military service
20 outside the state prevent attendance.

21 * Sec. 21. AS 40.15.010 is amended by adding a new subsection to read:

22 (b) Notwithstanding (a) of this section, AS 29.33.190, AS 38.04.-
23 045(b), AS 40.15.070 and 40.15.200, a subdivision of state land classi-
24 fied for disposal under AS 38.05 and AS 38.08 need not show the approval
25 of the platting board or other subdivision authority having jurisdiction
26 in order to file the plat for record in the office of the recorder.
27 However, state subdivision plats must be submitted to the platting
28 authority for review in compliance with AS 29.33.160(c) and recorded
29 before the sale of a lot or tract in the subdivision.

A subdivision of state land shall comply with all municipal requirements in existence on the date of the announcement of a state subdivision except for those that require the construction of access roads or capital improvements for the state subdivision.

* Sec. 22. AS 40.15.190(2) is amended to read:

(2) "subdivision"

(A) means the division of a tract or parcel of land into two or more lots, sites, or other divisions for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or areas subdivided;

(B) does not include cadastral plats, cadastral control plats, open-to-entry plats, or remote parcel plats created by or on behalf of the state regardless of whether these plats include easements or other public dedications.

* Sec. 23. AS 41.17.020(a) is amended to read:

(a) The governor may [SHALL] establish, within the Department of Natural Resources, a division of forestry [FOREST, LAND, AND WATER MANAGEMENT] to carry out this chapter and other appropriate duties designated by the governor. The division shall be headed by a director who shall be the state forester, appointed to the partially exempt service in accordance with law by the commissioner, from a list of two or more candidates submitted by the board. The commissioner may reject all candidates, in which case the board shall submit a new list. The state forester shall be a natural resources land manager with generally accepted educational credentials, familiar and experienced with the renewable and nonrenewable resources and values of forest land and the products, benefits, and services obtained from them.

1 * Sec. 24. A person who selected a remote parcel or acquired a right to
2 select a remote parcel before July 1, 1981, may convert his remote parcel
3 lease agreement to a new lease agreement which contains terms and conditions
4 consistent with AS 38.05.077(d) and 38.05.078(a) and (c) as amended in secs.
5 15, 17, and 18 of this Act. The commissioner of natural resources shall
6 prepare and distribute new lease forms to persons described in this section.

7 * Sec. 25. Land disposals conducted by the commissioner of natural
8 resources for fiscal year 1982 shall be in accordance with appropriations to
9 the Department of Natural Resources for that purpose.

10 * Sec. 26. AS 38.05.047, 38.05.065(a), 38.05.077(b)(2), and 38.05.078(b)
11 are repealed.

12 * Sec. 27. This Act takes effect July 1, 1981.
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