

Introduced: 1/25/84
Referred: Resources and
Finance

1 IN THE SENATE

BY FAHRENKAMP

2

SENATE BILL NO. 375

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to land disposal and management; and
7 providing for an effective date."

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

9 * Section 1. AS 38.04.005(b) is amended to read:

10 (b) In classifying and making state land available for private
11 use and settlement purposes, the director shall consider the natural
12 resources and conditions present on the land and shall seek to mini-
13 mize the effect of private use and settlement on wildlife, fishery,
14 mineral, timber, and other significant resources on the land; the
15 director shall also make adequate provision for public open space
16 which is accessible to communities so that natural areas are easily
17 reached from all communities and settled areas. The amount of that
18 land shall be sufficient to meet existing and projected needs for
19 accessible public recreation land. Special care shall be taken to
20 preserve public access to public water and to retain state ownership
21 of sufficient land which combine high value for recreation and other
22 public purposes with accessibility to settled areas. This classifica-
23 tion for public purposes does not constitute dedication to open space,
24 but the division's management of land so classified shall be in a
25 manner to preserve the identified values.

26 * Sec. 2. AS 38.04.005(e) is repealed and reenacted to read:

27 (e) In classifying and making state land available for private
28 use and settlement, the director shall, when appropriate, hold public
29 hearings in the communities affected by the disposal to solicit the

1 views of the residents of the communities affected.

2 * Sec. 3. AS 38.04.010(b) is amended to read:

3 (b) State land which is located beyond the range of existing
4 schools and other necessary public services, or which is located where
5 development of sources of employment is improbable, may be made avail-
6 able for seasonal recreational purposes or for low density settlement.
7 The seasonal recreation use or low density settlement shall have [,
8 WITH] sufficient separation between residences so that

9 (1) public services will not be necessary or expected; and

10 (2) resources such as timber, firewood, and water in the
11 area are sufficient to accommodate the intended private uses.

12 * Sec. 4. AS 38.04.020(e) as amended by sec. 3, ch. 103, SLA 1983 is
13 amended to read:

14 (e) The commissioner shall annually submit to the governor an
15 appropriation request necessary for the disposal of state land in the
16 land disposal bank that shall be included in the budget submitted to
17 the legislature by the governor. For each fiscal year, the request
18 shall include an estimate of the amount necessary

19 (1) for survey and disposal of land proposed to be made
20 available for homestead staking, with the general location of the
21 land;

22 (2) for survey and disposal of land to be offered as agri-
23 cultural, commercial, industrial, or other uses under AS 38.05.055 or
24 38.05.057, with the general location of the land;

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

27 (4) for preliminary feasibility studies, engineering design
28 work, and construction of access roads and capital improvements re-
29 quired by municipal subdivision ordinance or regulation of the

1 platting board under AS 29.33.150; [IF AN ACCURATE DETERMINATION OF
2 THE AMOUNTS NECESSARY FOR ACCESS ROADS OR CAPITAL IMPROVEMENTS CANNOT
3 BE MADE AT THE TIME THE ESTIMATE IS SUBMITTED, A SCHEDULE FOR OBTAIN-
4 ING THE ESTIMATES, CONSTRUCTING THE ACCESS ROADS OR CAPITAL IMPROVE-
5 MENTS, AND DISPOSING OF THE LAND SHALL BE SUBMITTED;]

6 (5) for identification of land that will be proposed for
7 disposal under this subsection in future fiscal years.

8 * Sec. 5. AS 38.04.020(f) is amended to read:

9 (f) The request of the commissioner under (e) of this section
10 shall be based on an annual written assessment by the commissioner of
11 the market for state land in the different regions of the state. If
12 the state land is in or adjacent to municipalities or unincorporated
13 communities, the assessment shall be developed in consultation with
14 the municipalities or unincorporated communities. The assessment must
15 include a survey of the supply of privately owned land offered for
16 sale, municipal land for which a disposal plan has been completed, and
17 federal land available for sale, lease, or permit for specific activi-
18 ties. The assessment of the market for state land shall be based on
19 an analysis of the amount of private, municipal, and federal land
20 available for disposal on terms equivalent to those used in comparable
21 state land disposal programs and shall include the length of time land
22 remains on the market before it is sold. The assessment must include
23 findings regarding the amount and general location of state land, in
24 addition to land offered by private landowners or available from a
25 municipal government or the federal government, that is necessary to
26 meet the statewide demand for at least five fiscal years immediately
27 after the year in which the assessment is made. The assessment must
28 also state the general location of land proposed for disposal in the
29 next fiscal year and recommendations for the method of disposal under

1 which the land will be offered to the public. The assessment shall
2 also identify the demand for public services and capital improvements,
3 including roads, associated with the market for state land.

4 * Sec. 6. AS 38.04.020(g)(2) is amended to read:

5 (2) Land designated as suitable for subdivision and home-
6 site disposal shall be surveyed, subdivided, classified, and disposed
7 of under this chapter, AS 38.05, and AS 38.08 [AS FOLLOWS:

8 (A) UP TO 80 PERCENT OF THE PARCELS SHALL BE SOLD
9 UNDER THE LOTTERY SALE PROCEDURES ESTABLISHED IN AS 38.05.057 AND
10 38.05.065;

11 (B) AT LEAST 10 PERCENT OF THE PARCELS SHALL BE DIS-
12 POSED OF AS HOMESITES UNDER AS 38.08.010 - 38.08.120; AND

13 (C) AT LEAST AN ADDITIONAL 10 PERCENT OF THE PARCELS
14 SHALL BE DISPOSED OF AS HOMESITES UNDER AS 38.08.010 - 38.08.120
15 EXCEPT THAT, NOTWITHSTANDING AS 38.08.040(b), PARCELS OFFERED
16 UNDER THIS SUBPARAGRAPH SHALL BE OFFERED BY LOTTERY UNDER AS 38.-
17 05.057].

18 * Sec. 7. AS 38.04.020(h) is amended to read:

19 (h) Individual parcels disposed of in subdivisions may not
20 exceed five acres unless the commissioner determines that a larger
21 size is necessary to comply with zoning ordinances, [OR] to permit the
22 design of a viable subdivision because of topographical features, soil
23 conditions, on-site sewage disposal requirements, or water drainage or
24 supply considerations that are unique to the subdivision, to minimize
25 adverse effect on wildlife, fishery, timber, or other significant
26 resources in the area, or to minimize adverse effect on other resi-
27 dential uses in the area.

28 * Sec. 8. AS 38.04 is amended by adding a new section to read:

29 Sec. 38.04.022. FUNDS FOR LAND DISPOSAL. (a) The revenue from

1 the sale of state land shall be deposited in a special state land
2 disposal income account in the state general fund. The legislature
3 may appropriate money from the special state land disposal income
4 account for expenditure by the Department of Natural Resources for
5 necessary costs incurred by the commissioner in the implementation of
6 state land disposal programs authorized under AS 38 and for implemen-
7 tation of AS 38.04.021.

8 (b) Within 30 days after the legislature convenes in regular
9 session the Department of Natural Resources shall submit a report
10 reflecting all money deposited or anticipated to be deposited in the
11 fund established under (a) of this section for the next fiscal year.

12 * Sec. 9. AS 38.04.035(4) is amended to read:

13 (4) For enabling isolated cabin development in remote
14 locations where survey and conveyance is impractical, where potential
15 conflicts with other resources and uses require additional conditions,
16 or where a long-range interest in public ownership and use exist, a
17 system for cabin permits on public land may be used.

18 * Sec. 10. AS 38.04.045(b) is amended to read:

19 (b) Before the conveyance of surface rights to state land, an
20 official cadastral survey shall be accomplished, unless a comparable,
21 acceptable survey exists that has been conducted by the federal Bureau
22 of Land Management. The rectangular survey section corner positions
23 shall be monumented and shown on a cadastral survey plat approved by
24 the state. However, for those areas where the state may wish to
25 convey surface estate outside of an official cadastral survey grid,
26 the director may waive monumentation of all individual section corner
27 positions and substitute an official control survey with control
28 points being monumented [AT APPROXIMATELY TWO-MILE INTERVALS] and
29 shown on control survey plats approved by the state. No portion of

1 land to be conveyed may be located more than two miles from such a
2 survey control monument. The lots and tracts in state subdivisions
3 shall be monumented and the cadastral survey and plats for the sub-
4 division shall be approved by the state. Where land is located within
5 a municipality with planning, platting, and zoning powers, plats for
6 state subdivisions shall comply with local ordinances and regulations
7 in the same manner and to the same extent as plats for subdivisions by
8 other landowners. State subdivisions shall be filed in the district
9 recorder's office. The requirements of this section do not apply to
10 land made available through a cabin permit system, material sales, or
11 short-term leases; however, for short-term leases the lessee must
12 comply with local subdivision ordinances unless waived by the munic-
13 ipality under procedures specified by ordinance.

14 * Sec. 11. AS 38.04.050 is amended to read:

15 Sec. 38.04.050. ACCESS TO PRIVATE USE AREAS. Wherever state
16 land is surveyed for purposes of private use, legal [ADEQUATE] rights-
17 of-way and easements shall be reserved [AS NECESSARY] for access and,
18 where appropriate, for utility services [POWER AND TELEPHONE SERVICE]
19 to each parcel of land. A right-of-way or easement shall be located
20 to assure adequate and feasible access for the purposes for which the
21 right-of-way or easement was intended. Where necessary and appropri-
22 ate for the use intended or where required by local subdivision ordi-
23 nances, the director shall arrange for the development of surface
24 access as part of the land availability program. The direct cost of
25 local access development shall be borne by the recipient of the land
26 unless otherwise provided by state statutes or regulations.

27 * Sec. 12. AS 38.04.055 is amended to read:

28 Sec. 38.04.055. ACCESS THROUGH PRIVATE USE AREAS. The director
29 shall reserve easements, [AND] rights-of-way, and land in state

1 ownership on, [AND] across, or adjacent to land which is made avail-
2 able for private use as necessary to maintain present and future
3 public use and access to public land and water and to reach adjacent
4 private land [REACH OR USE PUBLIC WATER AND PUBLIC AND PRIVATE LAND].
5 An easement, [OR] right-of-way, or state land reserved under this
6 section may include established trails traditionally used for com-
7 merce, recreation, or transportation.

8 * Sec. 13. AS 38.05.030(c) is amended to read:

9 (c) In addition to the requirements specified in AS 38.50.090,
10 the agencies referred to in (a) and (b) of this section and other
11 state agencies with authority to acquire or dispose of land shall give
12 written notification of the fact of acquisition, lease, disposal, or
13 exchange to the commissioner [DIVISION OF LANDS] within three months
14 after the date that they make the acquisition, lease, disposal, or
15 exchange.

16 * Sec. 14. AS 38.05.030(d) is amended to read:

17 (d) Real property acquired by [,] and under the management of
18 [,] the agencies referred to in (a) and (b) of this section that [,
19 WHICH] is no longer needed for its intended use [,] shall be trans-
20 ferred [RETURNED] to the commissioner [JURISDICTION OF THE DIVISION OF
21 LANDS], except that the Department of Transportation and Public Facil-
22 ities [HIGHWAYS] may dispose of real property acquired by it under
23 AS 19.05.040(2) and AS 19.05.080 - 19.05.120.

24 * Sec. 15. AS 38.05.035 is amended by adding a new subsection to read:

25 (e) Upon a written finding that the interests of the state will
26 be best served, the director may, with the consent of the commis-
27 sioner, approve contracts for the sale, lease, or other disposal of
28 available land, resources, property or interests in them, and, in
29 addition to the conditions and limitations imposed by law, may impose

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

17 (1) a contract for a negotiated sale authorized under
18 AS 38.05.115;

19 (2) a lease of land for a shore fishery site under AS 38.-
20 05.052; or

21 (3) a permit or other authorization revocable by the commis-
22 sioner.

23 * Sec. 16. AS 38.05.035(b) is amended to read:

24 (b) The director may

25 (1) delegate the administrative duties, functions or powers
26 imposed upon the director [HIM] to a responsible employee in the
27 division;

28 (2) grant preference rights for the lease or purchase of
29 state land without competitive bid in order to correct [THE PAST OR

1 FUTURE] errors or omissions of a state or federal administrative
2 agency when inequitable detriment would otherwise result to a diligent
3 claimant or applicant due to situations over which the claimant or
4 applicant had no control; the exercise of this discretionary power
5 operates only to divest the state of its title to or interests in land
6 and may be exercised only

7 (A) with the express approval of the commissioner; and
8 (B) if the application for the preference right is
9 filed with the director within three years from the occurrence of
10 the error or omission;

11 (3) grant a preference right to a claimant who shows bona
12 fide improvement of state land [,] or of federal land subsequently
13 acquired by the state [,] and who has in good faith sought to obtain
14 title to the land but who, through error or omission of others occur-
15 ring within the three years before the application for the preference
16 right, has been denied title to it; upon a showing satisfactory to the
17 commissioner, the claimant may lease or purchase the land at the price
18 set on the date of original entry on the land or, if a price was not
19 set at that time at a price determined by the director [DIVISION] to
20 fairly represent the value of unimproved land at the time the claim
21 was established, but in no event less than the cost of administration
22 including survey; the error or omission of a predecessor in interest
23 or an agent, administrator, or executor which has clearly prejudiced
24 the claimant may be the basis for granting a preference right;

25 (4) sell land [LANDS] by lottery for less than the [THEIR]
26 appraised value when, in the [HIS] judgment of the director, past
27 scarcity of land suitable for private ownership in any particular area
28 has resulted in unrealistic land values;

29 (5) when the director [HE] determines it is in the best

1 interest of the state and will avoid injustice to a person or the
2 [HIS] heirs or devisees of a person, dispose of land, by direct nego-
3 tiation to that person who presently uses and who used and made im-
4 provements to that land before January 3, 1959 or to the [HIS] heirs
5 or devisees of the person; the amount paid for the land shall be its
6 fair market value on the date that the person first entered the land,
7 as determined by the director; a parcel of land disposed of under this
8 paragraph shall be of a size consistent with the person's prior use,
9 but may not exceed five acres;

10 (6) dispose of an interest in land limited to use for
11 agricultural purposes by lottery;

12 (7) convey to an adjoining landowner a parcel of land
13 created by a highway right-of-way alignment or realignment, or a
14 parcel created by the vacation of a state-owned right-of-way if

15 (A) the director [HE] determines that it is in the
16 best interests of the state;

17 (B) the parcel does not exceed the minimum lot size
18 under an applicable zoning code; and

19 (C) the director and the platting authority having
20 land use planning jurisdiction agree that conveyance of the
21 parcel to the adjoining landowner will result in boundaries that
22 are convenient for the use of the land by the landowner and
23 compatible with municipal land use plans;

24 (8) for good cause extend for up to 90 days the time for
25 rental or installment payments by a lessee or purchaser of state land
26 under AS 38.05.005 - 38.05.370 if reasonable penalties and interest
27 set by the director are paid.

28 * Sec. 17. AS 38.05.050 is amended to read:

29 Sec. 38.05.050. DISPOSAL OF LAND FOR PRIVATE OWNERSHIP. The

1 commissioner [, UPON THE RECOMMENDATION OF THE DIRECTOR,] shall deter-
2 mine the land to be disposed of for private use. The commissioner
3 [DIRECTOR] shall determine the time and place of disposal. An auction
4 sale, a lottery sale, or a disposal of land for homesites [UNDER
5 AS 38.04.020(g)(2)(C)] must be held in the community [MUNICIPALITY]
6 that is closest to the land to be sold or disposed of and in which
7 regular sessions of a court of the state are held.

8 * Sec. 18. AS 38.05.055 is amended to read:

9 Sec. 38.05.055. AUCTION SALE PROCEDURES. Unless another method
10 of sale is required under AS 38.05.005 - 38.05.370, under AS 38.07.-
11 010 - 38.07.060, or under AS 38.08.010 - 38.08.120, the sale of state
12 land shall be made at public auction to the highest qualified bidder
13 as determined by the director. The director may accept bids and sell
14 state land under this section at no less than 85 percent of the ap-
15 praised fair market value of the land. A bidder must appear in person
16 at the auction unless medical reasons, attendance at school, or mili-
17 tary service outside the state prevent attendance. A bidder may be
18 represented by an attorney or agent at the auction if the land offered
19 for disposal is commercial, industrial, or agricultural land. An
20 aggrieved bidder may appeal to the commissioner within five days after
21 the sale for a review of the director's determination. The sale shall
22 be conducted by the director [OR HIS REPRESENTATIVE,] and at the time
23 of sale the successful bidder shall deposit an amount equal to five
24 percent of the purchase price [, OR IF THE PURCHASER ELECTS TO USE
25 LAND DISCOUNTS GRANTED UNDER AS 38.05.058, FIVE PERCENT OF THE AMOUNT
26 BID AFTER DEDUCTION OF THE DISCOUNT]. The director [OR HIS REPRESEN-
27 TATIVE] shall immediately issue a receipt containing a description of
28 the land or property purchased, the price bid, and the amount depos-
29 ited [, AND THE AMOUNT OF ANY DISCOUNT ALLOWED]. The receipt shall

1 be acknowledged in writing by the bidder.

2 * Sec. 19. AS 38.05.065 is amended by adding a new subsection to read:

3 (d) If the director believes that a material breach of a con-
4 tract for a sale of land has occurred, the director shall afford the
5 purchaser and any other person with an interest in the contract an
6 opportunity to appear and present evidence. On a determination based
7 on the evidence presented that there has been a material breach of the
8 contract, the director may foreclose the interest of the purchaser or
9 any other person with an interest under the contract. If the state
10 has transferred or assigned its interest in the contract to a third
11 person, the transferee or assignee has the rights of the state under
12 the contract.

13 * Sec. 20. AS 38.05.069(a) is amended to read:

14 (a) On a determination [IF THE DIRECTOR DETERMINES] that the
15 highest and best use of unoccupied land is for agricultural purposes
16 [.] and [IF HE DETERMINES] that it is in the best interests of the
17 state to sell or lease the land, the commissioner [HE] shall grant to
18 an Alaskan resident owning and using or leasing and using land for
19 agricultural purposes a [60-DAY] first option at [AFTER THE DATE OF]
20 the auction to purchase or lease the unoccupied land situated adjacent
21 to or in close proximity to land presently held by the Alaskan resi-
22 dent [THE APPROXIMATE VICINITY OF HIS PRESENTLY HELD LAND] for the
23 amount of the high bid received at public auction. If more than one
24 Alaskan resident qualifies for a first option under this section,
25 eligibility for the first option shall be determined by lot and the
26 option must be exercised on the conclusion of the public auction. A
27 parcel of agricultural land sold under this section may not be less
28 than 20 acres and a parcel of agricultural land that [WHICH] is
29 acquired by exercise of the option granted in this subsection may not

1 exceed 320 acres. Agricultural land that [WHICH] is acquired under
2 this section must be used for agricultural purposes as required by
3 law.

4 * Sec. 21. AS 38.05.069(c) is amended to read:

5 (c) Under this section

6 (1) the director may convey or lease an interest in the
7 land only for agricultural purposes, and all other interests in the
8 land remain in the state; the sale or lease shall be at public auc-
9 tion;

10 (2) the remaining interests may subsequently be conveyed or
11 leased by the director only upon the request of the grantee or lessee
12 or the [HIS] assigns of the grantee or lessee and the determination of
13 the director, with the written concurrence of the commissioner, that
14 the conveyance or lease is in the public interest;

15 (3) the conveyance or lease of the remaining interests
16 shall be at public auction; the original grantee or lessee or the
17 [HIS] assigns of the grantee or lessee have a preference right to meet
18 the high bid at the time of [WITHIN 30 DAYS AFTER THE DAY OF] the
19 auction; if the right is exercised, the value of improvements owned by
20 the holder of the preference right, included with the remaining inter-
21 ests sold, shall be deducted from the purchase price;

22 (4) by requesting the conveyance or lease of the remaining
23 interest, the original grantee or lessee or the [HIS] assigns of the
24 grantee or lessee

25 (A) consents to the sale or lease, and

26 (B) if the preference right provided by (3) of this
27 subsection is not exercised, consents to sell at fair market
28 value the improvements related to the remaining interest, as
29 appraised by the director;

1 (5) the remaining interests in the land may not be conveyed
2 or leased for less than their appraised value together with improve-
3 ments except for the deduction allowed by (3) of this subsection.

4 * Sec. 22. AS 38.05.110 is amended to read:

5 Sec. 38.05.110. SALE OF TIMBER AND MATERIALS. The commissioner
6 [DIRECTOR] shall provide for cruises of timber and appraisals of other
7 materials in or upon state land and shall assess the supply of and
8 current markets for timber on and other materials in privately owned
9 land in close proximity to state land to determine [LANDS AND TRANSMIT
10 THIS DATA TO THE COMMISSIONER, TOGETHER WITH HIS RECOMMENDATIONS WITH
11 RESPECT TO]

12 (1) the timber and other materials that [WHICH] should be
13 offered for sale, and

14 (2) the terms of sale of the timber or other materials.

15 * Sec. 23. AS 38.05.115(a) is amended to read:

16 (a) The commissioner [, UPON RECOMMENDATION OF THE DIRECTOR,]
17 shall determine the timber and other materials to be sold, and the
18 limitations, conditions and terms of sale. The limitations, condi-
19 tions and terms shall include the utilization, development and mainte-
20 nance of the sustained yield principle, subject to preference among
21 other beneficial uses. The commissioner [DIRECTOR] may negotiate
22 sales of timber or materials without advertisement and on the limita-
23 tions, conditions, and terms that are considered to be [WHICH HE
24 CONSIDERS ARE] in the best interests of the state [, SUBJECT TO THE
25 APPROVAL OF THE COMMISSIONER]. However, not more than 500 M.B.M. or
26 equivalent other measure of timber or more than 25,000 cubic yards of
27 materials may be sold by nonadvertised, negotiated sale to the same
28 purchaser within a one-year period.

29 * Sec. 24. AS 38.05.118(a) is amended to read:

1 (a) Notwithstanding any other provision of AS 38.05.110 - 38.-
2 05.120, the commissioner [DIRECTOR, WITH THE APPROVAL OF THE COMMIS-
3 SIONER,] may negotiate a sale of timber to a local manufacturer at
4 appraised value. The period of a contract for a sale of timber nego-
5 tiated under this section may not exceed 25 years. The contract shall
6 provide that the appraised value of timber remaining to be harvested
7 under the provisions of the contract shall be redetermined at least
8 once every five years.

9 * Sec. 25. AS 38.05.118(c) is amended to read:

10 (c) A [NO] sale of timber may not be negotiated by the commis-
11 sioner [DIRECTOR] under this section except on a finding [UNLESS HE
12 FIRST FINDS] that, within an area proximate to the business site which
13 the manufacturer may economically serve, there exists

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

17 * Sec. 26. AS 38.05.120 is amended to read:

18 Sec. 38.05.120. DISPOSAL PROCEDURE. Timber and other materials
19 shall be sold either by sealed bids or public auction, depending on
20 which method is determined by the commissioner to be in the best
21 interests of the state, to the highest qualified bidder as determined
22 by the commissioner [DIRECTOR. AN AGGRIEVED BIDDER MAY APPEAL TO THE
23 COMMISSIONER WITHIN FIVE DAYS AFTER THE SALE FOR A REVIEW OF THE
24 DIRECTOR'S DETERMINATION]. The sale shall be conducted by the commis-
25 sioner [DIRECTOR OR HIS REPRESENTATIVE], and at the time of sale the
26 successful bidder shall deposit the amount specified in the terms of
27 sale. The means by which the amount of deposit is determined shall be
28 prescribed by appropriate regulation. The commissioner [DIRECTOR OR
29 HIS REPRESENTATIVE] shall immediately issue a receipt containing a

1 description of the timber or materials purchased, the price bid, and
2 the terms of sale. The receipt shall be acknowledged in writing by
3 the bidder. A contract of sale, on a form approved by the attorney
4 general, shall be signed by the purchaser and [, FOLLOWING THE AP-
5 PROVAL OF THE COMMISSIONER,] the contract shall be signed by the
6 commissioner [DIRECTOR] on behalf of the state. The commissioner
7 [DIRECTOR, WITH THE APPROVAL OF THE COMMISSIONER,] may impose condi-
8 tions, limitations, and terms considered [WHICH HE CONSIDERS] neces-
9 sary and proper to protect the interests of the state. Violation of
10 any provision of this chapter or the terms of the contract of sale
11 subjects the purchaser to appropriate legal action.

12 * Sec. 27. AS 38.05.127(a) is amended to read:

13 (a) Before the sale, lease, grant, or other disposal of any
14 interest in state land adjacent to a body of water or waterway, the
15 department [DEPARTMENT OF NATURAL RESOURCES] shall,

16 (1) under regulations, determine if the body of water or
17 waterway is navigable water, public water, or neither;

18 (2) upon finding that the body of water or waterway is
19 navigable or public water, provide for the specific easements, [OR]
20 rights-of-way, or retention of land in state ownership [BOTH], rea-
21 sonably necessary to ensure [INSURE] free access to and along the body
22 of water, unless the department finds that regulating or limiting
23 access is necessary for other beneficial uses or public purposes.

24 * Sec. 28. AS 38.05.127 is amended by adding a new subsection to read:

25 (e) The establishment of easements or rights-of-way for oil and
26 gas and mineral leases under (a) of this section need not be made
27 until the leases are ready to be developed.

28 * Sec. 29. AS 38.05.205(a) is amended to read:

29 (a) Prior discovery, location and filing shall initiate prior

1 rights to mineral deposits subject to AS 38.05.185 - 38.05.280 in or
2 on state land [LANDS], other than submerged land [LANDS], which is
3 [ARE] open to mining leasing. Locations shall be made and certifi-
4 cates of location recorded in accordance with AS 38.05.195. If the
5 located land is [LANDS ARE] available only for leasing, the commis-
6 sioner shall provide notice under AS 38.05.345 of the filing of the
7 location and notice that a mineral lease will be issued. After notice
8 under AS 38.05.345, an application form for a mining lease shall be
9 mailed to the locator by the commissioner unless [THE DIRECTOR SHALL
10 PUBLISH IN A PAPER OF GENERAL CIRCULATION IN THE AREA OF THE LOCATION,
11 NOTICE OF THE FILING OF THE LOCATION AND NOTICE THAT A MINERAL LEASE
12 WILL BE ISSUED. THE NOTICE MAY BE COMBINED WITH NOTICES OF LOCATIONS
13 EITHER IN THE SAME GENERAL AREA OR STATEWIDE. UNLESS] a conflicting
14 location exists [, NO LATER THAN TWO WEEKS AFTER PUBLICATION OF THE
15 NOTICE, AN APPLICATION FORM FOR A MINING LEASE SHALL BE MAILED TO THE
16 LOCATOR BY THE DIRECTOR]. A lease application shall be filed with the
17 commissioner [DIRECTOR] by the locator within 90 days after receipt of
18 the form. If the located land is [LANDS ARE] not available for leas-
19 ing, notice shall be given the locator by the commissioner [DIRECTOR]
20 and the locator's prior rights shall terminate. A mining lessee has
21 the exclusive rights of possession and extraction of all minerals
22 subject to AS 38.05.185 - 38.05.280 lying within the boundaries of the
23 [HIS] lease or location. Mining leases may be issued for one location
24 or for a group of contiguous locations held in common. Minerals may
25 not be mined and marketed or used until a lease is issued, except for
26 limited amounts necessary for sampling or testing.

27 * Sec. 30. AS 38.05.205(c) is amended to read:

28 (c) A mining lease shall be for any period up to 55 years, and
29 the lessee has a right to a new lease at the end of each lease period.

1 The commissioner may make reasonable adjustments of the rental rate at
2 the end of each 20 year period, based upon changed conditions in
3 production costs and markets. A valid mining claim located and held
4 under AS 38.05.195 may be converted to a lease at any time upon appli-
5 cation by the owner, and issuance by the commissioner [DIRECTOR]. No
6 rights granted by a mining lease may be exercised until the lease has
7 been filed for record in the recording district where the land is
8 located.

9 * Sec. 31. AS 38.05.300(a) is amended to read:

10 (a) The commissioner shall classify for surface use land [LANDS]
11 in areas considered [WHERE HE CONSIDERS IT] necessary and proper.
12 This section does not prevent reclassification of land [LANDS] where
13 the public interest warrants reclassification, nor does it preclude
14 multiple purpose use of land [LANDS] whenever different uses are
15 compatible. State [NO STATE] land, water, or land and water area may
16 not, [SHALL] except by act of the state legislature, be closed to
17 multiple purpose use [,] if the area involved contains more than 640
18 acres.

19 * Sec. 32. AS 38.05.310(a) is amended to read:

20 (a) No land may be sold or leased, or a renewal lease issued,
21 except in the case of an oil or gas or mineral lease, unless it has
22 been appraised within one year [120 DAYS] before the date fixed for
23 the sale or lease. When land is offered at public sale but is not
24 sold and is available at private sale, no reappraisal is required
25 unless the director considers that a change in value of the land
26 [LANDS] may have occurred. A grazing lease may be granted to a lessee
27 of federal grazing land [LANDS] without prior appraisal, if the [HIS]
28 federal lease was cancelled to allow the state to select the land
29 [LANDS] under lease. No land may be sold or leased for less than the

1 approved, appraised market value, except as provided in AS 38.05.055,
2 38.05.057, 38.05.075 - 38.05.085, 38.05.097, 38.05.315, and 38.05.320.

3 * Sec. 33. AS 38.05.345(a) is amended to read:

4 (a) This section establishes the requirements for notice given
5 by the department for the following actions:

6 (1) classification or reclassification of state land under
7 AS 38.05.300 and the closing of land to mineral leasing or entry under
8 AS 38.05.185;

9 (2) zoning of land under applicable law [;

10 (3) A DECISION UNDER AS 38.05.035(a)(14) REGARDING THE
11 SALE, LEASE, OR DISPOSAL OF AN INTEREST IN STATE LAND OR RESOURCES:
12 AND

13 (4) A COMPETITIVE DISPOSAL OF AN INTEREST IN STATE LAND OR
14 RESOURCES AFTER FINAL DECISION UNDER AS 38.05.035(a)(14)].

15 * Sec. 34. AS 38.05.345(b) is amended to read:

16 (b) Notice of one or more actions described in (a) of this
17 section shall be given by more than one of the following methods at
18 least 30 days before the action: [BY] (1) publication in newspapers of
19 statewide circulation and in a newspaper of general circulation in the
20 vicinity of the proposed action, (2) publication through public ser-
21 vice announcements on the electronic media serving the area affected
22 by the action, (3) posting in a conspicuous location in the vicinity
23 of the action, (4) notification of parties known or likely to be
24 affected by the action, or (5) another method calculated to reach
25 affected persons. A notice shall contain sufficient information to
26 inform the public of the nature of the action and the opportunity of
27 the public to comment on the action.

28 * Sec. 35. AS 38.05.345(d) is amended to read:

29 (d) For purposes of this section an "interest in state land or

1 resources" does not include

2 [(1)] a permit or other authorization revocable by the
3 department [; OR

4 (2) NEGOTIATED SALES UNDER AS 38.05.115].

5 * Sec. 36. AS 38.05.365 is amended to read:

6 Sec. 38.05.365. DEFINITIONS. In AS 38.05.005 - 38.05.370,
7 unless the context otherwise requires,

8 (1) "acquired land [LANDS]" means land [LANDS] belonging to
9 the state including tide, submerged and shoreland [SHORELANDS] which
10 has [HAVE] been obtained by escheat, purchase, or any means other than
11 by general land grant;

12 (2) "agricultural land [LANDS]" means land [LANDS] chiefly
13 valuable for agricultural purposes;

14 (3) "commissioner" means the commissioner [OF THE DEPART-
15 MENT] of natural resources;

16 (4) "department" means the Department of Natural Resources;

17 (5) "director" means the director of the division of lands
18 of the Department of Natural Resources;

19 (6) "industrial and commercial land [LANDS]" means land
20 [LANDS] chiefly valuable for industrial trade, manufacturing or busi-
21 ness use;

22 (7) "lieu and indemnity land [LANDS]" means land [LANDS]
23 which the state is entitled to select under the provisions of 38 Stat.
24 1214, as amended (48 USC 353) or a similar statute to compensate for
25 land [LANDS] in place of surveyed rectangulars, which have been lost
26 to the state by reason of deficient sections, prior rights, claims,
27 withdrawals, reservations and other appropriations;

28 [(8) repealed.]

29 (8) [(9)] "mineral land [LANDS]" means land [LANDS]

1 prospectively valuable for mineral deposits;

2 (9) "multiple use" has the meaning given in AS 38.04.910;

3 (10) "park and recreation land [LANDS]" means land [LANDS]
4 chiefly valuable for public park and recreation use;

5 (11) "preference right forest lease" means a lease granted
6 to a lessee whose United States Forest Service term special use permit
7 was cancelled to allow the land under permit to be selected by the
8 state;

9 (12) "preference right grazing lease" means a grazing lease
10 granted to a lessee whose federal grazing lease was cancelled to allow
11 the land under lease to be selected by the state;

12 (13) "rule of approximation" is the rule which is applied in
13 determining whether or not a lease complies with the area limits set
14 forth in AS 38.05.005 - 38.05.370 and regulations adopted under it and
15 in keeping the boundaries of leased land [LANDS] coincidental with
16 legal subdivisions; under the rule, if the area covered by a lease in
17 excess of the permitted maximum is smaller than the area of any defi-
18 ciency that would result by eliminating from the lease the smallest
19 legal subdivision covered by the lease or application for lease, the
20 excess area will be permitted to remain in the lease; if the excess
21 area is greater than the deficient area would be, then the smallest
22 legal subdivision will be eliminated from the lease;

23 [(14) repealed.]

24 (14) "shoreland" [(15) "SHORELANDS"] means land [LANDS]
25 belonging to the state which is [ARE] covered by nontidal water
26 [WATERS] that is [ARE] navigable under the laws of the United States
27 up to ordinary high water mark as modified by accretion, erosion, or
28 reliction;

29 (15) [(16)] "state land [LANDS]" or "land" ["LANDS"] means

1 all land [LANDS], including shore, tide and submerged land [LANDS], or
2 resources belonging to or acquired by the state;

3 (16) [(17)] "submerged land [LANDS]" means land [LANDS]
4 covered by tidal water [WATERS] between the line of mean low water and
5 seaward to a distance of three geographical miles or further as may
6 hereafter be properly claimed by the state;

7 (17) "tideland" [(18) "TIDELANDS"] means land [THOSE LANDS]
8 which is [ARE] periodically covered by tidal water [WATERS] between
9 the elevation of mean high and mean low tides;

10 (18) [(19)] "timber land [LANDS]" and "material land
11 [LANDS]" mean state land [LANDS] chiefly valuable for materials,
12 including, but not limited to, sand, stone, gravel, pumice, common
13 clay, or timber and other forest products;

14 (19) [(20)] "university land [LANDS]" means all sections 33
15 reserved to the university under 38 Stat. 1214, as amended (48 USC
16 353) and all land [LANDS] granted to or reserved for the benefit of
17 the university;

18 (20) [(21)] "grazing land [LANDS]" means land [LANDS]
19 chiefly valuable for grazing purposes; [.]

20 (21) [(22)] "navigable water [WATERS]" means any water of
21 the state forming a river, stream, lake, pond, slough, creek, bay,
22 sound, estuary, inlet, strait, passage, canal, sea or ocean, or any
23 other body of water or waterway within the territorial limits of the
24 state or subject to its jurisdiction, that is navigable in fact for
25 any useful public purpose, including but not limited to water suitable
26 for commercial navigation, floating of logs, landing and takeoff of
27 aircraft, and public boating, trapping, hunting waterfowl and aquatic
28 animals, fishing, or other public recreational purposes;

29 (22) [(23)] "public water [WATERS]" means navigable water

1 and all other water, whether inland or coastal, fresh or salt, that is
2 reasonably suitable for public use and utility, habitat for fish and
3 wildlife in which there is a public interest, or migration and spawn-
4 ing of fish in which there is a public interest; [.]

5 (23) [(24)] "geothermal resources" means the natural heat of
6 the earth at temperatures greater than 120 degrees Celsius, measured
7 at the point where the highest-temperature resources encountered enter
8 or contact a well or other resource extraction device, and includes

9 (A) the energy, including pressure, in whatever form
10 present in, resulting from, created by, or that may be extracted
11 from that natural heat;

12 (B) the material medium, including the geothermal
13 fluid naturally present, as well as substances artificially
14 introduced to serve as a heat transfer medium; and

15 (C) all dissolved or entrained minerals and gases that
16 may be obtained from the material medium, but excluding hydrocar-
17 bon substances and helium.

18 * Sec. 37. AS 38.08.060 is amended by adding a new subsection to read:

19 (e) If a permit holder has met each of the provisions of (a) of
20 this section except for (a)(1), the commissioner may issue the permit
21 holder a patent if the commissioner determines that the permit holder
22 has made a good faith effort to meet the occupancy requirements and
23 the permit holder purchases the homesite at its fair market value at
24 the time of the expiration of the permit under AS 38.05.065.

25 * Sec. 38. AS 38.09.010(b) is amended to read:

26 (b) The commissioner shall complete a [CADASTRAL] survey of
27 homestead entry state land under AS 38.04.045 before designating the
28 state land for homestead entry. [NO PORTION OF LAND MADE AVAILABLE
29 FOR HOMESTEAD ENTRY MAY BE LOCATED MORE THAN A MILE FROM A SURVEY

1 CONTROL MONUMENT.]

2 * Sec. 39. AS 38.09.090 is amended by adding a new subsection to read:

3 (b) An applicant who complies with AS 38.09.050(a)(2) - (5) and
4 who tenders the commissioner an amount equal to five percent of the
5 present fair market value of the land within five years of the issu-
6 ance of the permit may purchase the land under AS 38.05.065 if the
7 commissioner determines that the applicant has made a good faith
8 effort to meet the occupancy requirements. The purchase price is the
9 fair market value of the land at the time of the purchase.

10 * Sec. 40. AS 38.20.010 is amended to read:

11 Sec. 38.20.010. ADOPTION. The systems [SYSTEM] of rectangular
12 plane coordinates established by the National Geodetic Survey, Nation-
13 al Ocean Service [UNITED STATES COAST AND GEODETIC SURVEY] for defin-
14 ing and stating the positions or locations of points on the surface of
15 the earth in this state are [IS] adopted. The systems are [IT IS] to
16 be known as the "Alaska Coordinate System of 1927" and the "Alaska
17 Coordinate System of 1983."

18 * Sec. 41. AS 38.20.030 is amended to read:

19 Sec. 38.20.030. DESIGNATION OF ZONES. In any land description
20 in which a coordinate system [IT] is used a zone of the coordinate
21 system is designated the "Alaska Coordinate System of 1927, Zone
22" or the "Alaska Coordinate System of 1983, Zone"

23 * Sec. 42. AS 38.20.040 is amended to read:

24 Sec. 38.20.040. USE OF COORDINATE SYSTEM. The plane coordinates
25 of a point on the earth's surface, to be used in expressing the posi-
26 tion or location of the point in the appropriate zone of this system,
27 consist of two distances, expressed in feet and decimals of a foot
28 when using the Alaska Coordinate System of 1927 and expressed in
29 meters and decimals of a meter when using the Alaska Coordinate System

1 of 1983. One of these distances, known as the "x-coordinate," gives
2 the position in an east-and-west direction; the other known as the
3 "y-coordinate" gives the position in a north-and-south direction.
4 These coordinates shall be made to depend upon and conform to the
5 coordinates of the North American Horizontal Geodetic Control Network
6 as determined by the National Geodetic Survey, National Ocean Service
7 [, ON THE ALASKA COORDINATE SYSTEM, OF THE TRIANGULATION AND TRAVERSE
8 STATIONS OF THE UNITED STATES COAST AND GEODETIC SURVEY IN THE STATE,
9 AS THOSE COORDINATES HAVE BEEN DETERMINED BY THE SURVEY].

10 * Sec. 43. AS 38.20.060 is amended to read:

11 Sec. 38.20.060. CHARACTERISTICS OF ZONES. The zones of the
12 Alaska Coordinate System of 1927 have the following characteristics:

13 (1) Zone 1 is an oblique Mercator projection of the Clarke
14 spheroid of 1866, having an origin at the intersection of parallel 57°
15 00 minutes [MINUTE] north latitude and meridian 133° 40 minutes
16 [MINUTE] west of Greenwich, at which the scale is set one part in
17 10,000 too small, and through which the axis of symmetry is in geo-
18 detic azimuth arc tangent-3/4, reckoned clockwise from south. The
19 origin is assigned values such that all final coordinates will be
20 positive.

21 (2) Zone 2 is a transverse Mercator projection of the
22 Clarke spheroid of 1866, having a central meridian 142° 00 minutes
23 [MINUTE] west of Greenwich, on which meridian the scale is set one
24 part in 10,000 too small. The origin of coordinates is at the inter-
25 section of the meridian 142° 00 minutes [MINUTE] west of Greenwich and
26 the parallel of 54° 00 minutes [MINUTE] north latitude. This origin
27 is given the coordinates: x = 500,000 feet and y = 0 feet.

28 (3) Zone 3 is a transverse Mercator projection of the
29 Clarke spheroid of 1866, having a central meridian 146° 00 minutes

1 [MINUTE] west of Greenwich, on which meridian the scale is set at one
2 part in 10,000 too small. The origin of coordinates is at the inter-
3 section of the meridian 146° 00 minutes [MINUTE] west of Greenwich and
4 the parallel 54° 00 minutes [MINUTE] north latitude. This origin is
5 given the coordinates: x = 500,000 feet and y = 0 feet.

6 (4) Zone 4 is a transverse Mercator projection of the
7 Clarke spheroid of 1866, having a central meridian 150° 00 minutes
8 [MINUTE] west of Greenwich, on which meridian the scale is set at one
9 part in 10,000 too small. The origin of coordinates is at the inter-
10 section of the meridian 150° 00 minutes [MINUTE] west of Greenwich and
11 the parallel 54° 00 minutes [MINUTE] north latitude. This origin is
12 given the coordinates: x = 500,000 feet and y = 0 feet.

13 (5) Zone 5 is a transverse Mercator projection of the
14 Clarke spheroid of 1866, having a central meridian 154° 00 minutes
15 [MINUTE] west of Greenwich, on which meridian the scale is set at one
16 part in 10,000 too small. The origin of coordinates is at the inter-
17 section of the meridian 154° 00 minutes [MINUTE] west of Greenwich and
18 the parallel 54° 00 minutes [MINUTE] north latitude. This origin is
19 given the coordinates: x = 500,000 feet and y = 0 feet.

20 (6) Zone 6 is a transverse Mercator projection of the
21 Clarke spheroid of 1866, having a central meridian 158° 00 minutes
22 [MINUTE] west of Greenwich, on which meridian the scale is set at one
23 part in 10,000 too small. The origin of coordinates is at the inter-
24 section of the meridian 158° 00 minutes [MINUTE] west of Greenwich and
25 the parallel 54° 00 minutes [MINUTE] north latitude. This origin is
26 given the coordinates: x = 500,000 feet and y = 0 feet.

27 (7) Zone 7 is a transverse Mercator projection of the
28 Clarke spheroid of 1866, having a central meridian 162° 00 minutes
29 [MINUTE] west of Greenwich, on which meridian the scale is set at one

1 part in 10,000 too small. The origin of coordinates is at the inter-
2 section of the meridian 162° 00 minutes [MINUTE] west of Greenwich and
3 the parallel 54° 00 minutes [MINUTE] north latitude. This origin is
4 given the coordinates: x = 700,000 feet and y = 0 feet.

5 (8) Zone 8 is a transverse Mercator projection of the
6 Clarke spheroid of 1866, having a central meridian 166° 00 minutes
7 [MINUTE] west of Greenwich, on which meridian the scale is set at one
8 part in 10,000 too small. The origin of coordinates is at the inter-
9 section of the meridian 166° west of Greenwich and the parallel 54° 00
10 minutes [MINUTE] north latitude. This origin is given the coordi-
11 nates: x = 500,000 feet and y = 0 feet.

12 (9) Zone 9 is a transverse Mercator projection of the
13 Clarke spheroid of 1866, having a central meridian 170° 00 minutes
14 [MINUTE] west of Greenwich, on which meridian the scale is set at one
15 part in 10,000 too small. The origin of coordinates is at the inter-
16 section of the meridian 170° 00 minutes [MINUTE] west of Greenwich and
17 the parallel 54° 00 minutes [MINUTE] north latitude. This origin is
18 given the coordinates: x = 600,000 feet and y = 0 feet.

19 (10) Zone 10 is a Lambert conformal conic projection of the
20 Clarke spheroid of 1866, having standard parallels at north latitude
21 51° 50 minutes [MINUTE] as and 53° 50 minutes, along which parallels
22 the scale shall be exact. The origin of coordinates is at the inter-
23 section of the meridian 176° 00 minutes [MINUTE] west of Greenwich and
24 the parallel 51° 00 minutes [MINUTE] north latitude. This origin is
25 given the coordinates: x = 3,000,000 feet and y = 0 feet.

26 * Sec. 44. AS 38.20.060 is amended by adding a new subsection to read:

27 (b) The zones of the Alaska Coordinate System of 1983 have the
28 following characteristics:

29 (1) Zone 1 is an oblique Mercator projection of the World

1 Reference Ellipsoid, having an origin at the intersection of parallel
2 57° 00 minutes north latitude and meridian 133° 40 minutes west of
3 Greenwich, at which the scale is set one part in 10,000 too small, and
4 through which the axis of symmetry is in geodetic azimuth arc tan-
5 gent-3/4, reckoned clockwise from south. The origin is assigned
6 values such that all final coordinates will be positive.

7 (2) Zone 2 is a transverse Mercator projection of the World
8 Reference Ellipsoid, having a central meridian 142° 00 minutes west of
9 Greenwich, on which meridian the scale is set one part in 10,000 too
10 small. The origin of coordinates is at the intersection of the meri-
11 dian 142° 00 minutes west of Greenwich and the parallel of 54° 00
12 minutes north latitude. This origin is given the coordinates: x =
13 500,000 meters and y = 0 meters.

14 (3) Zone 3 is a transverse Mercator projection of the World
15 Reference Ellipsoid, having a central meridian 146° 00 minutes west of
16 Greenwich, on which meridian the scale is set at one part in 10,000
17 too small. The origin of coordinates is at the intersection of the
18 meridian 146° 00 minutes west of Greenwich and the parallel 54° 00
19 minutes north latitude. This origin is given the coordinates: x =
20 500,000 meters and y = 0 meters.

21 (4) Zone 4 is a transverse Mercator projection of the World
22 Reference Ellipsoid, having a central meridian 150° 00 minutes west of
23 Greenwich, on which meridian the scale is set at one part in 10,000
24 too small. The origin of coordinates is at the intersection of the
25 meridian 150° 00 minutes west of Greenwich and the parallel 54° 00
26 minutes north latitude. This origin is given the coordinates: x =
27 500,000 meters and y = 0 meters.

28 (5) Zone 5 is a transverse Mercator projection of the World
29 Reference Ellipsoid, having a central meridian 154° 00 minutes west of

1 Greenwich, on which meridian the scale is set at one part in 10,000
2 too small. The origin of coordinates is at the intersection of the
3 meridian 154° 00 minutes west of Greenwich and the parallel 54° 00
4 minutes north latitude. This origin is given the coordinates: x =
5 500,000 meters and y = 0 meters.

6 (6) Zone 6 is a transverse Mercator projection of the World
7 Reference Ellipsoid, having a central meridian 158° 00 minutes west of
8 Greenwich, on which meridian the scale is set at one part in 10,000
9 too small. The origin of coordinates is at the intersection of the
10 meridian 158° 00 minutes west of Greenwich and the parallel 54° 00
11 minutes north latitude. This origin is given the coordinates: x =
12 500,000 meters and y = 0 meters.

13 (7) Zone 7 is a transverse Mercator projection of the World
14 Reference Ellipsoid, having a central meridian 162° 00 minutes west of
15 Greenwich, on which meridian the scale is set at one part in 10,000
16 too small. The origin of coordinates is at the intersection of the
17 meridian 162° 00 minutes west of Greenwich and the parallel 54° 00
18 minutes north latitude. This origin is given the coordinates: x =
19 500,000 meters and y = 0 meters.

20 (8) Zone 8 is a transverse Mercator projection of the World
21 Reference Ellipsoid, having a central meridian 166° 00 minutes west of
22 Greenwich, on which meridian the scale is set at one part in 10,000
23 too small. The origin of coordinates is at the intersection of the
24 meridian 166° west of Greenwich and the parallel 54° 00 minutes north
25 latitude. This origin is given the coordinates: x = 500,000 meters
26 and y = 0 meters.

27 (9) Zone 9 is a transverse Mercator projection of the World
28 Reference Ellipsoid, having a central meridian 170° 00 minutes west of
29 Greenwich, on which meridian the scale is set at one part in 10,000

1 too small. The origin of coordinates is at the intersection of the
2 meridian 170° 00 minutes west of Greenwich and the parallel 54° 00
3 minutes north latitude. This origin is given the coordinates: x =
4 500,000 meters and y = 0 meters.

5 (10) Zone 10 is a Lambert conformal conic projection of the
6 World Reference Ellipsoid, having standard parallels at north latitude
7 51° 50 minutes as and 53° 50 minutes, along which parallels the scale
8 shall be exact. The origin of coordinates is at the intersection of
9 the meridian 176° 00 minutes west of Greenwich and the parallel 51° 00
10 minutes north latitude. This origin is given the coordinates: x =
11 1,000,000 meters and y = 0 meters.

12 * Sec. 45. AS 38.20.070 is amended to read:

13 Sec. 38.20.070. POSITION OF SYSTEM. The position of the Alaska
14 Coordinate System of 1927 shall be as marked on the ground by triangu-
15 lation or traverse stations established in conformity with the stan-
16 dards adopted by the National Geodetic Survey, National Ocean Service
17 [UNITED STATES COAST AND GEODETIC SURVEY FOR FIRST-ORDER, SECOND
18 -ORDER, AND THIRD-ORDER WORK,] whose geodetic positions have been
19 rigidly adjusted on the North American datum of 1927 and whose coordi-
20 nates have been computed on the system defined in this chapter. [ANY
21 SUCH STATION MAY BE USED FOR ESTABLISHING A SURVEY CONNECTION WITH THE
22 ALASKA COORDINATE SYSTEM.]

23 * Sec. 46. AS 38.20.070 is amended by adding a new subsection to read:

24 (b) The position of the Alaska Coordinate System of 1983 shall
25 be as marked on the ground by triangulation or traverse stations
26 established in conformity with the standards adopted by the National
27 Geodetic Survey, National Ocean Service whose geodetic positions have
28 been rigidly adjusted on the North American datum of 1983 and whose
29 plane coordinates have been computed on the system defined in this

1 chapter.

2 * Sec. 47. AS 38.20.080 is amended to read:

3 Sec. 38.20.080. LIMITATION. Coordinates [NO COORDINATES] based
4 on the Alaska Coordinate System, purporting to define the position of
5 a point on a land boundary, may not [SHALL] be presented to be record-
6 ed in any public land records or deed records unless the point is
7 within two miles of a horizontal control [TRIANGULATION OR TRAVERSE]
8 station established in conformity with National Geodetic Survey,
9 National Ocean Service standards and specifications for first-order,
10 second-order, or third-order work [THE STANDARDS PRESCRIBED IN AS 38.-
11 20.070]. The two-mile limitation may be modified by a state agency to
12 meet local conditions.

13 * Sec. 48. AS 38.20.090 is amended to read:

14 Sec. 38.20.090. USE OF SYSTEM NAME. The use of the term "Alaska
15 Coordinate System of 1927" on a map, report of survey, or other docu-
16 ment is limited to coordinates based on the Alaska Coordinate System
17 of 1927 as defined in this chapter.

18 * Sec. 49. AS 38.20.090 is amended by adding a new subsection to read:

19 (b) The use of the term "Alaska Coordinate System of 1983" on a
20 map, report of survey, or other document is limited to coordinates
21 based on the Alaska Coordinate System of 1983 as defined in this
22 chapter.

23 * Sec. 50. AS 38.20.100 is amended to read:

24 Sec. 38.20.100. USE OF PUBLIC LAND SURVEY DESCRIPTIONS. When
25 coordinates based on the Alaska Coordinate System of 1927 or the
26 Alaska Coordinate System of 1983 are used to describe a tract of land
27 which in the same document is also described by reference to a sub-
28 division, line, or corner of the United States public land surveys,
29 the description by coordinates shall be construed as supplemental to

1 the basic description of the subdivisions, line, or corner contained
2 in the official plats and field notes filed of record, and in the
3 event of a conflict the description by reference to the subdivision,
4 line, or corner of the United States public land surveys prevails over
5 the description by coordinates.

6 * Sec. 51. AS 38.20.110 is amended to read:

7 Sec. 38.20.110. USE OF SYSTEM NOT REQUIRED. Nothing in this
8 chapter requires a purchaser or mortgagee to rely on a description,
9 any part of which depends exclusively upon the Alaska Coordinate
10 System of 1927 or the Alaska Coordinate System of 1983.

11 * Sec. 52. AS 38.35.140(b) is amended to read:

12 (b) The lessee shall reimburse the state for all reasonable
13 costs incurred in processing an application filed under AS 38.35.050
14 and in monitoring the construction, operation, maintenance, and re-
15 moval of the pipeline on the right-of-way.

16 * Sec. 53. AS 38.50.020(b) is amended to read:

17 (b) An appraisal required by this section is presumed accurate
18 and valid for a period of one year [SIX MONTHS] from the time the
19 appraisal is completed. After that time, or if the director has
20 reason to believe that the value of the appraised property has changed
21 significantly during the original one year [SIX-MONTH] period, a
22 reappraisal of the property is required.

23 * Sec. 54. AS 38.50.040 is amended to read:

24 Sec. 38.50.040. LAND SUBJECT TO EXCHANGE. Except as otherwise
25 provided in this chapter, the director is authorized to convey for
26 purposes of exchange any state land or interest in land regardless of
27 the authority under which the land or interest was obtained by the
28 state. [THE CONVEYANCE OF UNIVERSITY LAND SHALL BE APPROVED IN THE
29 MANNER PRESCRIBED IN AS 38.05.030.]

1 * Sec. 55. AS 38.50.110(a) is amended to read:

2 (a) Not more than 60 days nor less than 30 days before a public
3 hearing is scheduled under AS 38.50.120 the director shall circulate a
4 notice containing the information specified in (b) of this section
5 except as provided in (c) of this section. The director shall

6 (1) publish or post the notice as provided in AS 38.05.345,
7 except as otherwise specified in this section; the [. THE] director
8 shall publish the notice in a newspaper of general circulation in the
9 vicinity of the land which the state will receive and in the three
10 most populated cities of the state;

11 (2) mail the notice to any person who has filed a request
12 for notice of proposed exchanges;

13 (3) mail the notice to each member of the legislature;

14 (4) mail the notice to each municipality the boundaries of
15 which encompass or are located within six linear miles of land in-
16 volved in the proposed exchange;

17 (5) circulate the notice to the Office of the Governor and
18 to all state departments;

19 [(6) Repealed]

20 (6) [(7)] mail the notice to any corporation organized
21 under the Alaska Native Claims Settlement Act, which corporation owns
22 or has selected land located within a radius of 15 linear miles from
23 land or property involved in the proposed exchange; and

24 (7) [(8)] mail the notice to any other party, including an
25 organization of land users, that the director [HE] considers appropri-
26 ate.

27 * Sec. 56. AS 38.50.110 is amended by adding a new subsection to read:

28 (c) The director shall provide the information required under
29 (b) of this section under AS 38.05.345(b) - (c) for exchanges of

- 1 (1) less than 640 acres of land; or
2 (2) land having an appraised or estimated fair market value
3 of less than \$100,000.

4 * Sec. 57. AS 38.50.120(a) is amended to read:

5 (a) The commissioner [DIRECTOR] may hold as many public hearings
6 as is considered appropriate. For an exchange of state land having
7 640 acres or more or having an appraised or estimated fair market
8 value of \$100,000 or more, there [THERE] shall be at least one public
9 hearing.

10 * Sec. 58. AS 38.50.140 is amended to read:

11 Sec. 38.50.140. LEGISLATIVE REVIEW. Within 10 days of the
12 convening of a regular legislative session, the governor shall trans-
13 mit to the president of the senate and the speaker of the house of
14 representatives any proposal for a land exchange required to be sub-
15 mitted to the legislature under AS 38.50.020(a) that [FOR OTHER THAN
16 EQUAL APPRAISED FAIR MARKET VALUE WHICH] is scheduled to occur before
17 the next legislative session. If [, IN HIS VIEW,] exigent circum-
18 stances seriously affecting state interests so require, the governor
19 may submit the proposed exchange to the legislature at some other
20 time. A finding of exigent circumstances shall be carefully document-
21 ed in the letter of transmittal. The director is authorized to con-
22 clude a proposed exchange agreement unless either house of the legis-
23 lature by simple resolution disapproves of the exchange within 60
24 legislative days of transmittal by the governor. A decision by the
25 legislature to disapprove a proposed exchange shall be accompanied by
26 a recommendation to the governor with respect to future actions which
27 the director should take concerning the exchange.

28 * Sec. 59. AS 38.95.080(a) is amended to read:

29 (a) The commissioner may [DIRECTOR OF THE DIVISION OF LANDS

1 SHALL] issue a nontransferable permit for the construction of a trap-
2 ping cabin on state land to a person who meets the following qualifi-
3 cations:

4 (1) the person must have an established trapline with proof
5 of regular use;

6 (2) the person must have a trapline of sufficient length to
7 justify the need for cabin construction.

8 * Sec. 60. AS 29.33.150(b) is amended to read:

9 (b) The regulations adopted under (a) of this section apply to
10 subdivision plats of undeveloped state land for disposal under AS 38.-
11 05 or AS 38.08 filed with the platting board. [THE PLATTING BOARD MAY
12 NOT DISAPPROVE THE SUBDIVISION PLAT ON THE BASIS OF REGULATIONS WHICH
13 REQUIRE CAPITAL IMPROVEMENTS ON OR TO STATE LAND INCLUDED IN THE
14 SUBDIVISION PLAT.] Regulations adopted after the platting board is
15 notified by the commissioner of natural resources of a proposed sale
16 of subdivided state land under AS 38.05 or AS 38.08 do not apply to
17 the state land in the proposed sale.

18 * Sec. 61. AS 29.18.206(e) is amended to read:

19 (e) The notice and review provisions of AS [38.05.305 AND]
20 38.05.345 are applicable to the designation of other general grant
21 land as school, university or mental health land in replacement of
22 land selected under this section. The provisions of AS 38.50.010 -
23 38.50.170 and 38.05.032 do not apply to such designations under this
24 section. [THE PROVISIONS OF AS 38.05.030(a), 38.05.030(e), AND
25 38.05.035(a)(13) WHICH REQUIRE THE APPROVAL OF THE RESPECTIVE TRUST
26 BOARD BEFORE DISPOSAL OF LANDS BY THE DIRECTOR DO NOT APPLY TO SELEC-
27 TIONS OF SCHOOL, UNIVERSITY OR MENTAL HEALTH LAND BY A MUNICIPALITY
28 UNDER THIS SECTION.]

29 * Sec. 62. AS 29.33.150(c) is amended to read:

1 (c) The platting board must approve and sign the subdivision
2 plat within 60 days of its receipt from the commissioner of natural
3 resources unless the platting board

4 (1) determines that the plat does not comply with subdivi-
5 sion regulations [OTHER THAN THOSE REQUIRING CAPITAL IMPROVEMENTS TO
6 STATE LAND]; and

7 (2) notifies the commissioner of each determination of
8 noncompliance within the 60-day period established in this subsection.

9 * Sec. 63. AS 29.33.150(e); AS 38.04.025, 38.04.040, 38.04.045(a);
10 AS 38.05.030(a), 38.05.035(a)(14), 38.05.069(b), 38.05.345(e), 38.05.350,
11 38.05.362 and 38.05.365(20) are repealed.

12 * Sec. 64. This Act takes effect July 1, 1984.