

LEGAL SERVICES

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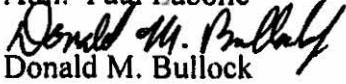
State Capitol
Juneau, Alaska 99801-1182
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MEMORANDUM

March 22, 2013

SUBJECT: Seaward of a municipality (HB 181)
(Work Order No. 28-LS0649\A)

TO: Representative Neal Foster
Attn: Paul Labolle

FROM: 
Donald M. Bullock
Legislative Counsel

You asked for a legal definition for the word "seaward," and whether HB 181 applies only to tidal and seaward areas that are within municipal boundaries.

Seaward

There is no definition for "seaward" in the Alaska Statutes or the Alaska Administrative Code, although the word appears a number of times. AS 01.10.040(a) provides direction for determining the meaning of words:

Words and phrases shall be construed according to the rules of grammar and according to their common and approved usage. Technical words and phrases and those that have acquired a peculiar and appropriate meaning, whether by legislative definition or otherwise, shall be construed according to the peculiar and appropriate meaning.

The common and approved usage of the term "seaward" is provided by *Webster's Third New International Dictionary*.¹ Three meanings are given. As an adverb, "seaward" means "toward the sea;" as a noun, the term means "the side away from land and toward the open sea; also a location in this direction. As an adjective, "seaward" means "directed or situated toward the sea" or "coming from the sea."

In the context of the HB 181, "seaward" reasonably means the direction away from land and toward the sea.

¹ *Webster's Third New International Dictionary of the English Language, Unabridged*, (2002).

State tide and submerged land

The application of HB 181 does not require that the state tide and submerged land seaward of a municipality be within a municipality. Separate accounting is required only for lease rentals, royalties, and royalty sale proceeds from state land seaward of a municipality.² Similarly, the accounting for the mining tax (AS 43.65) focuses on "property, on state tide and submerged land seaward" of a municipality.³

An apportionment to tidal and submerged state land that is seaward from land that is not within a municipality is not subject to appropriation under the language of the bill.

If I may be of further assistance, please advise.

DMB:ljw
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² Sec. 1, HB 181.

³ Sec. 2, HB 181.