

Introduced: 2/19/65
Referred: Judiciary

1 IN THE SENATE

RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 120

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to administrative adjudica-
7 tion and court review of rights relating to
8 leases and sales under the State Land Act;
9 and providing for an effective date."

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

11 * Section 1. AS 38.05.055 is amended to read:

12 Sec. 38.05.055. SALES PROCEDURE. Except as provided
13 in § 315(d) of this chapter, the sale shall be made at public
14 auction to the highest qualified bidder as determined by the
15 director. An aggrieved bidder may appeal to the commissioner,
16 pursuant to rules and regulations of the department, within
17 five days after the sale for a review of the director's
18 determination. An aggrieved bidder may appeal the decision
19 of the commissioner to the superior court, pursuant to AS
20 44.62.560 and 570. The sale shall be conducted by the
21 director or his representative, and at the time of sale the
22 successful bidder shall deposit an amount equal to one-tenth
23 of the purchase price. The director or his representative
24 shall immediately issue a receipt containing a description
25 of the land or property purchased, the price bid, and the
26 terms of sale, which receipt shall be acknowledged in writing
27 by the bidder. A contract of sale on a form approved by the
28 attorney general shall be signed by the purchaser and, after
29 approval of the commissioner, the contract shall also be

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1 signed by the director on behalf of the state.

2 * Sec. 2. AS 38.05.075 is amended to read:

3 Sec. 38.05.075. LEASING PROCEDURES. The leasing shall
4 be made at public auction to the highest qualified bidder as
5 determined by the director. An aggrieved bidder may appeal
6 to the commissioner pursuant to rules and regulations of the
7 department within five days for a review of the director's
8 determination. An aggrieved bidder may appeal the decision
9 of the commissioner to the superior court pursuant to AS
10 44.62.560 - 570. When a valid existing federal grazing lease
11 is canceled to allow state selection of the areas under lease,
12 the lessee of the lands has the preference right to lease the
13 lands without competitive bidding upon terms as favorable to
14 the lessee as those contained in the canceled federal lease.
15 The leasing shall be conducted by the director or his repre-
16 sentative, and the successful bidder shall deposit the first
17 year's rental, or such portion of it as the commissioner re-
18 quires, in cash or by certified check, cashier's check, or
19 money order, in accordance with his bid. The director or his
20 representative shall immediately issue a receipt containing a
21 description of the land or interest leased, the price bid,
22 and terms of the lease. The receipt shall be acknowledged
23 in writing by the bidder. A lease on a form approved by the
24 attorney general shall be signed by the lessee and, upon
25 approval by the commissioner, shall be signed by the director.

26 * Sec. 3. AS 38.05.120 is amended to read:

27 Sec. 38.05.120. DISPOSAL PROCEDURE. Timber and other
28 material shall be sold at public auction to the highest
29 qualified bidder as determined by the director. An aggrieved

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1 bidder may appeal to the commissioner, pursuant to rules and
2 regulations of the department, within five days after the sale
3 for a review of the director's determination. An aggrieved
4 bidder may appeal the decision of the commissioner to the
5 superior court pursuant to AS 44.62.560 - 570. The sale shall
6 be conducted by the director or his representative, and at
7 the time of sale the successful bidder shall deposit an
8 amount equal to one-tenth of the purchase price. The director
9 or his representative shall immediately issue a receipt con-
10 taining a description of the timber or materials purchased,
11 the price bid, and the terms of sale. The receipt shall be
12 acknowledged in writing by the bidder. A contract of sale,
13 on a form approved by the attorney general, shall be signed
14 by the purchaser and, following the approval of the commis-
15 sioner, the contract shall be signed by the director on
16 behalf of the state. The director, with the approval of the
17 commissioner, may impose conditions, limitations, and terms
18 which he considers necessary and proper to protect the in-
19 terests of the state. Violations of any provision of this
20 chapter or the terms of the contract of sale subjects the
21 purchaser to appropriate legal action.

22 * Sec. 4. AS 38.05.145 is amended to read:

23 Sec. 38.05.145. LEASING PROCEDURE. Deposits of coal,
24 phosphates, oil shale, sodium, potassium, oil, gas and state
25 lands containing these deposits are subject to disposition
26 under rules and regulations, recommended by the director and
27 adopted by the commissioner, and the provisions of § 145 -
28 180 of this chapter. An aggrieved applicant for a lease may
29 seek review of the decision awarding the lease, pursuant to

1 rules and regulations of the department. An aggrieved bidder
2 may appeal a final decision of the department to the superior
3 court pursuant to AS 44.62.560 - 570. In applying the acre-
4 age limitations the commissioner may apply the rule of
5 approximation. The uses of the rule of approximation made
6 before March 31, 1960, by the commissioner are ratified.

7 * Sec. 5. AS 44.62.330(a) is amended to read:

8 Sec. 44.62.330. APPLICATION OF CHAPTER. (a) The pro-
9 cedure of the state boards, commissions, and officers listed
10 in this subsection or of their successors by reorganization
11 under the constitution shall be conducted under the provisions
12 of §§ 330 - 630 of this chapter. This procedure, including,
13 but not limited to, accusations and statements of issues,
14 service, notice and time and place of hearing, subpoenas,
15 depositions, matters concerning evidence and decisions, con-
16 duct of hearing, judicial review and scope of judicial review,
17 continuances, reconsideration, reinstatement or reduction of
18 penalty, contempt, mail vote, oaths, impartiality, and simi-
19 lar matters shall be governed by this chapter, notwithstand-
20 ing similar provisions in the statutes dealing with the state
21 boards, commissions, and officers listed. Where indicated,
22 the procedure that shall be conducted under §§ 330 - 630 of
23 this chapter is limited to named functions of the agency.

24 Board of Barber Examiners

25 Board of Chiropractic Examiners

26 Board of Dental Examiners

27 Board of Engineers and Architects Examiners

28 Board of Examiners in Basic Sciences

29 Board of Examiners in Optometry

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1 Board of Hairdressing and Beauty Culture Examiners

2 State Medical Board

3 [DIVISION OF LANDS UNDER ALASKA LAND ACT WHERE APPLI-
4 CABLE]

5 Board of Nursing

6 Board of Pharmacy

7 Board of Public Accountancy

8 Department of Labor as to functions relating to employ-
9 ment security only as provided in (c) of this section

10 Alaska Real Estate Examining Board

11 Alaska Workmen's Compensation Board, where procedures
12 are not otherwise expressly provided by the Alaska Workmen's
13 Compensation Act

14 Department of Public Works, as to functions relating to
15 aeronautics and communications

16 Alcoholic Beverage Control Board

17 Department of Natural Resources, as to functions relating
18 to the conservation of oil and gas

19 Department of Commerce, under Alaska Small Loans Act

20 Department of Revenue, under Cigarette Tax Act

21 Department of Commerce, as to functions under Alaska
22 Banking Code

23 Board of Governors of the Alaska Bar

24 Department of Public Safety, as to suspension, etc., of
25 driver's licenses

26 Department of Health and Welfare, under AS 47.35.010 -
27 47.35.080, relating to boarding and foster homes for children

28 Department of Education, as to nonretention of teachers,
29 AS 14.20.130 - 14.20.210

1 Department of Health and Welfare, under Radiation Pro-
2 tection Act (AS 18.60.470 - 18.60.570)

3 Department of Health and Welfare under Alaska Food,
4 Drug, and Cosmetic Act (AS 17.20), and in connection with
5 the licensing of embalmers under AS 08.44.010

6 Department of Health and Welfare and the Hospital
7 Advisory Council, under AS 18.20.010 - 18.20.130

8 Department of Health and Welfare, under Alaska Water
9 Pollution Control Act (AS 46.05)

10 Department of Health and Welfare, under AS 18.35.010 -
11 18.35.090, concerning the regulation of tourist and trailer
12 camps, motor courts, and motels

13 Department of Commerce, in relation to insurance com-
14 panies under AS 21.05.010 - 21.05.040, except as to procedure
15 in respect to the filing of rates, and the approval or dis-
16 approval and administrative and judicial review of the rates,
17 as provided in AS 21.10.745 - 21.10.780, 21.10.785(a) - (c),
18 21.10.790, 21.10.800, and 21.10.850.

19 * Sec. 6. This Act takes effect on the day after its passage
20 and approval or on the day it becomes law without such approval.
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