



COMMITTEE REPORT

HOUSE

4/1

(7)

FURTHER:

Rule

3/18/82

Date:

Mar. 31, 82

Mr. Speaker:

The Committee on JUDICIARY has had HB 8

"An Act providing for the management and control of certain land in the state; and providing for an effective date."

under consideration and ~~(a-majority-of-the-committee)-(the-committee)-~~ reports it back with the following recommendations:

[ ] do pass [ ] do not pass

[ ] do pass with attached amendments(s)

[X] replace with CS for HB 8 (Judiciary)  same title  new title  
and recommends \_\_\_\_\_

[X] AND attaches a "Letter of Intent"  New Fiscal Note

[X] reports it back without ~~recommendation~~ none

[ ] referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING DO PASS

Demetrius Barnes, Ch.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING OTHER RECOMMENDATIONS:

Charles Johnson No Rec  
T. Buchholdt - No Rec  
Freeman No Rec  
P. D. F. Reed - Do Pass upon voter approval  
\_\_\_\_\_  
\_\_\_\_\_

Demetrius Barnes  
CHAIRMAN

COMMITTEE REPORT

3/18

HOUSE

<sup>4</sup>  
2/2/81

FURTHER: JUDICIARY

(11)

Date: March 16, 1982

Mr. Speaker:

The Committee on RESOURCES has had HB 8

"An Act providing for the management and control of certain land in the state; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendations *individual as follows.*
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

*Ken Fanning* *Ch*

*Barry D. Barnes* *Barnes*

*James Carney*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Pin Sudcliffe* *NO REC*

*Anthony Vasler* *Do Not Pass*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Ken Fanning*  
CHAIRMAN

*Brodley*

Original sponsors: Randolph and Bettisworth

Offered: 4/1/32  
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 8 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the management and control of  
7 certain land in the state."

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

9 \* Section 1. FINDINGS AND INTENT. The legislature finds that

10 (1) the intent of the Constitution of the United States was to  
11 grant to each of the states sovereignty over all matters within its bound-  
12 aries except for those powers specifically granted to the United States as  
13 agent of the states;

14 (2) the requirement in the Statehood Act that the State of Alaska  
15 and its people "disclaim all right and title to any lands or other property  
16 not granted or confirmed to the state or its political subdivisions by or  
17 under the authority of this Act, the right or title to which is held by the  
18 United States or is subject to disposition by the United States," as a con-  
19 dition precedent to acceptance of Alaska into the Union, was an act beyond  
20 the power of the Congress of the United States and is thus void;

21 (3) the purported right of ownership and control of the public  
22 land in the State of Alaska by the United States is without foundation and  
23 violates the clear intent of the Constitution of the United States; and

24 (4) the exercise of domination and control of the public land in  
25 the State of Alaska by the United States works a severe, continuous, and  
26 debilitating hardship upon the people of the State of Alaska.

27 \* Sec. 2. AS 38.05 is amended by adding new sections to read:

28 Sec. 38.05.510. MANAGEMENT. (a) The department shall manage the  
29 land in accordance with this chapter, except insofar as that management

COMMITTEE COPY

-1-

CSHB 8(Jud)

*Jud Letter Sent*

1 is inconsistent with the provisions of AS 38.05.500 - 38.05.560.

2 (b) The department shall manage the land in an orderly and bene-  
3 ficial manner.

4 (c) The department may adopt, in accordance with the Administra-  
5 tive Procedure Act (AS 44.62), regulations governing the management of  
6 the land. A regulation adopted under this subsection is not effective  
7 until approved by a concurrent resolution adopted by a vote of both  
8 houses of the legislature.

9 (d) The department may sell, lease, exchange, or encumber the land  
10 when specifically authorized to do so by law and under the terms and  
11 conditions established by law.

12 Sec. 38.05.520. PROPERTY OF THE PEOPLE. On the effective date of  
13 this Act, all land in the state and all minerals not previously appro-  
14 priated are the exclusive property of the people of the state and the  
15 state holds title to the land and minerals in trust for the people of  
16 the state, subject to valid existing rights of applicants for land.

17 Sec. 38.05.530. TREATIES AND COMPACTS. Land in the state which,  
18 on the effective date of this Act, is administered by the United States  
19 under international treaties and interstate compacts shall be admin-  
20 istered by the department in conformity with those treaties and com-  
21 pacts.

22 Sec. 38.05.540. PROCEEDS TO THE GENERAL FUND. The proceeds of  
23 sales, fees, rents, royalties, or other receipts from the land paid to  
24 the state under the provisions of AS 38.05.500 - 38.05.560 shall be  
25 deposited in the general fund.

26 Sec. 38.05.550. EXCLUSIVE ENFORCEMENT. (a) The state has exclu-  
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28 (b) An individual may institute a civil action to recover damages  
29 on behalf of the state for injury or loss sustained as the result of a

1 violation of the provisions of AS 38.05.500 - 38.05.560 or for the  
2 failure of the state to enforce its trust responsibilities to the people  
3 of the state.

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13 means all land within the exterior boundaries of the State of Alaska  
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15 (1) to which title is held by a private person or entity;

16 (2) to which title is held by the state or a municipality on  
17 the effective date of this Act;

18 (3) which is controlled by the United States Department of  
19 Defense or the Alaska Power Administration on the effective date of this  
20 Act;

21 (4) which is within the Annette Island Indian Reserve;

22 (5) which has been selected by a regional or village corpora-  
23 tion under the Alaska Native Claims Settlement Act of 1971;

24 (6) which is located in Mt. McKinley National Park and  
25 national monuments established before January 1, 1977.  
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27  
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Guthrie  
12-0136

Introduced: 2/4/81  
Referred: Resources and  
Judiciary

1 IN THE HOUSE BY RANDOLPH AND BETTISWORTH

2 HOUSE BILL NO. 8

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the management and control of  
7 certain land in the state; and providing for an effec-  
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28 Constitution of the State of Alaska revoking the state's disclaimer of  
29 rights to land not granted or confirmed to the state under authority of the

1 Act admitting Alaska to the Union is approved by the voters at a general  
2 election held in November 1982.

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Alaska State Legislature

CHAIRMAN  
HOUSE JUDICIARY COMMITTEE  
MEMBER  
HOUSE RESOURCES COMMITTEE  
HOUSE POLICY COMMITTEE  
ALASKA REPRESENTATIVE  
STATES RIGHTS COORDINATING COUNCIL  
WESTERN LANDS TASK FORCE  
CITIZENS ADVISORY COMMISSION  
ON ALASKA LANDS  
FINANCE SUBCOMMITTEES  
PUBLIC PROTECTION, JUSTICE  
& EDUCATION



House of Representatives

REPRESENTATIVE  
RAMONA L. BARNES

ANCHORAGE  
2230 PAXSON  
ANCHORAGE, ALASKA 99504  
(907) 337-7904  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3797

April 1, 1982

The Honorable Joe Hayes  
Speaker, House of Representatives  
Pouch V  
Juneau, Alaska 99811

Dear Speaker Hayes:

The House Judiciary Committee considered House Bill 8 on March 31, 1982 and subsequently adopted a Judiciary Committee substitute for the original Bill.

The original HB8 had a 22 million dollar fiscal note based on section 3 of the Bill. The amended Bill which the Judiciary Committee has adopted deletes Section 3 of the Bill which consequently nullifies the 22 million dollar fiscal note.

Based on this information, the Chairman of the Judiciary Committee has determined to deny the Department of Natural Resources fiscal note and refer CSHB8 (Jud) to Rules Committee for further consideration.

Sincerely,

A handwritten signature in cursive script that reads "Ramona L. Barnes".

Ramona L. Barnes  
Chairman, House Judiciary Committee

RLB/rv

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 3  
Title Providing for Management & Control of State Land  
Requested by House Resources Date 3-25-82

II. FISCAL DETAIL

Agency Affected Department of Natural Resources  
Program Category Affected NRMFC  
BRU, Program, Or Subprogram(s) Affected See below  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		22,000	ESTIMATE			

FUNDING (Thousands of Dollars)

GENERAL FUND		22,000				
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME		250	ESTIMATE			
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

If the constitutional amendment described in Section 3 of the bill passes, the Department would have management authority over approximately 200 million acres of existing federal lands. The Department currently manages approximately 50 million acres of patented and tentatively apportioned state lands; the state's land entitlement is 102 million acres. The estimate described above is based on the fact the state would assume responsibility for mining claims, fire protection, water adjudication, oil and gas leasing, timber sales and general land use (disposals, leases, etc.) on the newly acquired lands. The figure given is a rough estimate - the exact figure would depend on the timing of the transfer and legislative and executive policy on management of the lands. (For comparative purposes, the U.S. Forest Service spends over \$90 million a year and employs 1200 people to manage the 23 million acres in Alaska for which that agency is responsible.)

IV. DATE 3-25-82 PREPARED BY Mark Wittow  
AGENCY DMR  
PHONE 465-2400  
Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)  
33-001 (Rev. 12/81)

12-0136  
*Handwritten notes*

ALASKA STATE LEGISLATURE

TWELFTH Legislature FIRST... Session

HOUSE ..... BILL ..... NO. 3 .....  
 By RANJOLPH AND BETTISWORTH .....

"An Act providing for the management and control of certain land in the state; and providing for an effective date."

Management and control of certain land in the state.

Introduced in the House ..... 2/4, 19...81

HISTORY IN THE HOUSE

19 81	Read first time and referred to Committee on Resources and Judiciary												
Feb 4	Reported back with recommendation that												
	Read second time and												
	Read third time and												
	<table border="0"> <tr><td>PASS</td><td>Effective Date</td></tr> <tr><td>Yeas</td><td>Yeas</td></tr> <tr><td>Nays</td><td>Nays</td></tr> <tr><td>Absent</td><td>Absent</td></tr> <tr><td>Excused</td><td>Excused</td></tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused		
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Absent	Absent												
Excused	Excused												
	Reported correctly engrossed Signed by Speaker Sent to Senate												
CHIEF CLERK OF THE HOUSE													

HISTORY IN THE SENATE

19	Read first time and referred to Committee on												
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	Reported correctly engrossed Signed by President Returned to House												
SECRETARY OF THE SENATE													

HISTORY IN THE HOUSE

19	Received from Senate
	Concurred in Senate amendment thus adopting: VOTE
	Failed to concur in Senate amendment; asked Senate to recede VOTE
	Senate receded from amendment VOTE
	Senate failed to recede from amendment VOTE
	CC appointed by House
	CC appointed by Senate
	CC adopted by House VOTE
	CC adopted by Senate VOTE
	To enrolling Reported correctly enrolled Sent to Governor ..... by Governor
	Filed with Lt. Governor
	Chapter No. ....

Introduced: 2/4/81  
Referred: Resources and  
Judiciary

1 IN THE HOUSE

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Original sponsors: Randolph and Bettisworth

Offered: 4/1/82  
Referred: Rules

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15 and its people "disclaim all right and title to any lands or other property  
16 not granted or confirmed to the state or its political subdivisions by or  
17 under the authority of this Act, the right or title to which is held by the  
18 United States or is subject to disposition by the United States," as a con-  
19 dition precedent to acceptance of Alaska into the Union, was an act beyond  
20 the power of the Congress of the United States and is thus void;

21 (3) the purported right of ownership and control of the public  
22 land in the State of Alaska by the United States is without foundation and  
23 violates the clear intent of the Constitution of the United States; and

24 (4) the exercise of domination and control of the public land in  
25 the State of Alaska by the United States works a severe, continuous, and  
26 debilitating hardship upon the people of the State of Alaska.

27 \* Sec. 2. AS 38.05 is amended by adding new sections to read:

28 Sec. 38.05.510. MANAGEMENT. (a) The department shall manage the  
29 land in accordance with this chapter, except insofar as that management

1 is inconsistent with the provisions of AS 38.05.500 - 38.05.560.

2 (b) The department shall manage the land in an orderly and bene-  
3 ficial manner.

4 (c) The department may adopt, in accordance with the Administra-  
5 tive Procedure Act (AS 44.62), regulations governing the management of  
6 the land. A regulation adopted under this subsection is not effective  
7 until approved by a concurrent resolution adopted by a vote of both  
8 houses of the legislature.

9 (d) The department may sell, lease, exchange, or encumber the land  
10 when specifically authorized to do so by law and under the terms and  
11 conditions established by law.

12 Sec. 38.05.520. PROPERTY OF THE PEOPLE. On the effective date of  
13 this Act, all land in the state and all minerals not previously appro-  
14 priated are the exclusive property of the people of the state and the  
15 state holds title to the land and minerals in trust for the people of  
16 the state, subject to valid existing rights of applicants for land.

17 Sec. 38.05.530. TREATIES AND COMPACTS. Land in the state which,  
18 on the effective date of this Act, is administered by the United States  
19 under international treaties and interstate compacts shall be admin-  
20 istered by the department in conformity with those treaties and com-  
21 pacts.

22 Sec. 38.05.540. PROCEEDS TO THE GENERAL FUND. The proceeds of  
23 sales, fees, rents, royalties, or other receipts from the land paid to  
24 the state under the provisions of AS 38.05.500 - 38.05.560 shall be  
25 deposited in the general fund.

26 Sec. 38.05.550. EXCLUSIVE ENFORCEMENT. (a) The state has exclu-  
27 sive jurisdiction to enforce the provisions of AS 38.05.500 - 38.05.560.

28 (b) An individual may institute a civil action to recover damages  
29 on behalf of the state for injury or loss sustained as the result of a

1 violation of the provisions of AS 38.05.500 - 38.05.560 or for the ,  
2 failure of the state to enforce its trust responsibilities to the people  
3 of the state.

4 (c) An individual who, under color of federal law, performs manage-  
5 ment functions allocated to the department under AS 38.05.510 on the  
6 land is, upon conviction, guilty of a felony and is punishable by impri-  
7 sonment for not less than two years nor more than ten years.

8 (d) A corporation which, under color of federal law, performs  
9 management functions allocated to the department under AS 38.05.510 on  
10 the land is, upon conviction, guilty of a felony and is punishable by a  
11 fine of not more than \$5,000.

12 Sec. 38.05.560. DEFINITIONS. In AS 38.05.500 - 38.05.560 "land"  
13 means all land within the exterior boundaries of the State of Alaska  
14 except land and water

15 (1) to which title is held by a private person or entity;

16 (2) to which title is held by the state or a municipality on  
17 the effective date of this Act;

18 (3) which is controlled by the United States Department of  
19 Defense or the Alaska Power Administration on the effective date of this  
20 Act;

21 (4) which is within the Annette Island Indian Reserve;

22 (5) which has been selected by a regional or village corpora-  
23 tion under the Alaska Native Claims Settlement Act of 1971;

24 (6) which is located in Mt. McKinley National Park and  
25 national monuments established before January 1, 1977.  
26  
27  
28  
29

Alaska State Legislature

CHAIRMAN  
HOUSE JUDICIARY COMMITTEE  
MEMBER  
HOUSE RESOURCES COMMITTEE  
HOUSE POLICY COMMITTEE  
ALASKA REPRESENTATIVE  
STATES RIGHTS COORDINATING COUNCIL  
WESTERN LANDS TASK FORCE  
CITIZENS ADVISORY COMMISSION  
ON ALASKA LANDS  
FINANCE SUBCOMMITTEES  
PUBLIC PROTECTION, JUSTICE  
& EDUCATION



House of Representatives

REPRESENTATIVE  
RAMONA L. BARNES

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ANCHORAGE, ALASKA 99504  
(907) 337-7904  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3797

April 1, 1982

The Honorable Joe Hayes  
Speaker, House of Representatives  
Pouch V  
Juneau, Alaska 99811

Dear Speaker Hayes:

The House Judiciary Committee considered House Bill 8 on March 31, 1982 and subsequently adopted a Judiciary Committee substitute for the original Bill.

The original HB8 had a 22 million dollar fiscal note based on section 3 of the Bill. The amended Bill which the Judiciary Committee has adopted deletes Section 3 of the Bill which consequently nullifies the 22 million dollar fiscal note.

Based on this information, the Chairman of the Judiciary Committee has determined to deny the Department of Natural Resources fiscal note and refer CSHB3 (Jud) to Rules Committee for further consideration.

Sincerely,

A handwritten signature in cursive script that reads "Ramona L. Barnes".

Ramona L. Barnes  
Chairman, House Judiciary Committee

RLB/rv

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 3

Title Providing for Management & Control of State Land

Requested by House Resources

Date 3-25-82

II. FISCAL DETAIL

Agency Affected Department of Natural Resources

Program Category Affected NRMFC

BRU, Program, Or Subprogram(s) Affected See below

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		22,000	ESTIMATE			

FUNDING (Thousands of Dollars)

GENERAL FUND		22,000				
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME		250	ESTIMATE			
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

If the constitutional amendment described in Section 3 of the bill passes, the Department would have management authority over approximately 200 million acres of existing federal lands. The Department currently manages approximately 50 million acres of patented and tentatively proposed state lands; the state's land entitlement is 102 million acres. The estimate described above is based on the fact the state would assume responsibility for mining claims, fire protection, water adjudication, oil and gas leasing, timber sales and general land use (disposals, leases, etc.) on the newly acquired lands. The figure given is a rough estimate - the exact figure would depend on the timing of the transfer and legislative and executive policy on management of the lands. (For comparative purposes, the U.S. Forest Service spends over \$90 million a year and employs 1200 people to manage the 23 million acres in Alaska for which that agency is responsible.)

IV. DATE 3-25-82

PREPARED BY Mark Wittow

AGENCY DMR

PHONE 465-2400

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

1108

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 8 (Judiciary)  
 Title Providing for Management & Control of State Land  
 Requested by House Judiciary Date 4/5/82

II. FISCAL DETAIL

Agency Affected Department of Natural Resources  
 Program Category Affected NRMFC  
 BRU, Program, or Subprogram(s) Affected See below  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY <sup>83</sup> 83	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		22,000	ESTIMATE			

FUNDING (Thousands of Dollars)

GENERAL FUND		22,000	ESTIMATE			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		250	ESTIMATE			
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

CSHB 8 would grant to the Department management authority over approximately 200 million acres of existing federal lands. The Department currently manages approximately 50 million acres of patented and tentatively approved state lands; the State's land entitlement is 102 million acres. The estimate described above is based on the fact the state would assume responsibility for mining claims, fire protection, water adjudication, oil and gas leasing, timber sales and general land use (disposals, leases, etc.) on the newly acquired lands. The figure given is a rough estimate - the exact figure would depend on legislative and executive policy for management of the lands. (For comparative purposes, the U.S. Forest Service spends over \$90 million a year and employs 1200 people to manage the 23 million acres in Alaska for which that agency is responsible; the U.S. Bureau of Land Management spends over \$40 million a year and employs 1000 people to manage the 65 million acres under its jurisdiction in Alaska.) This fiscal note does not include an estimate of the revenues which would be received under AS 38.05.540 of the Act; nor does it consider the costs incurred by other state agencies as a result of state acquisition of the federal domain.

IV. DATE 4/5/82 PREPARED BY Mark Wittow  
 AGENCY DNR Mark Wittow  
 PHONE 465-2400  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)