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STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

SB 222
BILL SHEFFIELD, GOVERNOR

POUCH M
JUNEAU, ALASKA 99811
PHONE: 465-2400

April 25, 1983

The Honorable Bettye Fahrenkamp
Senator
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

I apologize for the late comments on SB 222.

We would appreciate your consideration of the following amendments:

Page 19, line 24 would read:

available to the public a written finding (decision) which sets out the facts

The word "finding" is used elsewhere in this paragraph.

Page 22, lines 16-21 would read:

(3) notice of application period and date of the lottery shall be given in accordance with AS 38.05.345[(e)]; and

Public notice procedures are defined in AS 38.05.345 for all land disposal. The revisor's recommendation appears to create a separate notice procedure for lottery disposal.

Page 23, lines 11-28 would read:

*Sec. 49. AS 38.05.058 is repealed.

This is a substantive change which the committee may not wish to address in a revisor's bill.

The Honorable Bettye Fahrenkamp
Page 2
April 25, 1983

Page 60, lines 10-15 would read:

shall publish notice of the availability of the land in the same manner as provided in AS 38.05.345[(e)].

Public notice procedures are defined in AS 38.05.345 for all land disposal. The revisor's recommendation appears to create a separate notice procedure for homesite disposal.

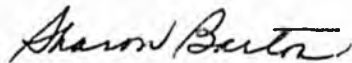
Page 60, line 20 would read (delete remainder of line 20, 21 and 22):

of an entry permit shall be by lottery.

The committee may not wish to address this substantive change in a revisor's bill.

I have attached a copy of the appropriate pages of SB 222 with these changes noted. We will be available to testify at your convenience.

Sincerely,



Sharon Barton
Special Assistant
to the Commissioner

Attachment

COMMITTEE REPORT
SENATE

FURTHER:

4/27/83

Date: _____

Mr. President:

The Committee on FINANCE has had SB 222

relating to the organization of the Department of Natural Resources, substituting references in the Alaska Statutes to the department and the commissioner for references to the division of lands and the director of the division of lands.

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 recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

COMMITTEE REPORT
SENATE

3/31/83

FURTHER: Finance

Date: _____

Mr. President:

The Committee on Resources has had SB 222

Relating to the organization of the Department of Natural Resources, substituting references in the Alaska Statutes to the department and the commissioner for references to the division of lands and the director of the division of lands.

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 recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

SB 222

TO: BETTYE
FROM: SANDRA
DATE: MAY 16, 1984

SB 222- RELATING TO ORGANIZATION OF DNR AND PLANNING AND
CONSTRUCTION OF FOREST PRODUCTS ACCESS ROADS.

PREPARED BY REVISOR OF STATUTES IN LEGISLATIVE LEGAL DIVISION.

REFLECTS CHANGES IN DRAFTING STYLE:

"COMMISSIONER" RATHER THAN "DIRECTOR"

"DEPARTMENT" RATHER THAN "DIVISION"

"LAND" RATHER THAN "LANDS"

DELETES OBSOLETE REFERENCES:

TO "UNIVERSITY LANDS" (PER PASSAGE OF 1983 LEGISLATION)

TO REPEALED STATUTES

PASSAGE OF BILL WILL FACILITATE WORK CURRENTLY BEING DONE IN
PREPARATION FOR THE REPRINTING OF TITLE 38 PAMPHLET THIS SUMMER.

FINANCE CS AUTHORIZES DNR TO CONTRACT FOR CONSTRUCTION OF FIREWOOD
ACCESS ROADS, RATHER THAN GOING THROUGH D.O.T.

SUPPORT TECHNICAL AMENDMENTS BEING PROPOSED BY SURVEYORS

SUPPORT AMENDMENT THAT WOULD ALLOW REVISOR TO CHECK NEW SECTIONS
OF SB 375 FOR CHANGES IN DRAFTING STYLE BEING MADE IN SB 222.

OPPOSE BUSSELL'S SURVEY AMENDMENT. HAVE PROPOSED SURVEYORS COME
IN NEXT YEAR WITH COMPLETE PACKAGE - NO CLEAR INDICATION OF ACTUAL
NEEDS AND FUNDING AT THIS TIME.

PROPOSED AMENDMENTS TO SB 222

page 14, line 28 and page 15, line 2. Amend to read:

(6) "official control survey" means a position marked on the ground [by triangulation or traverse stations] established in conformity with standards adopted by United States Coastal and Geodetic Survey for first, second and third order work, whose geodetic positions have been rigidly adjusted on the North American datum of 1927 or the North American datum of 1983 and approved by the department.

RATIONALE:

Both amendments have been brought to staff attention by the Society of Professional Land Surveyors. Triangulation and traverse stations are not the most current or only methods of survey. The "North American datum of 1983" reflects a change in the federal datum used as a base for the Alaska Coordinate System. Conforming changes have been made in SB 375 (Sections 56-67); this amendment reflects an oversight.

page 75, line 14.

Add a new section 134 and renumber remaining sections accordingly:

Sec. 134 Wherever the phrases "division of lands" or the "director of the division of lands" appear in the Alaska Statutes, the revisor of statutes shall substitute the phrases "commissioner of natural resources" or "Department of Natural Resources".

RATIONALE:

SB 222 was prepared by the revisor of statutes to reflect the changes in drafting style reflected above. Prior to passage of SB 222 and SB 375 by the Senate, Legislative Legal Division reviewed both bills for conformity. However, SB 375 has since been substantially amended. The new Section 134 would ensure that any new sections added in SB 375 will reflect the change in drafting style.



Official Business

Alaska State Legislature

Senate

Committee on Finance

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Senator Bettyc Fahrenkamp
FROM: Senator Don Bennett
SUBJECT: SB 222
DATE: April 13, 1984

A handwritten signature in dark ink, appearing to read "Don Bennett", written over a horizontal line.

Attached is a proposed Committee Substitute (Finance) for CSSB 222 (2nd Resources).

The proposed Finance substitute would simplify procedures for the Department of Natural Resources and for the Department of Transportation in the construction of firewood access roads. The change is supported by both departments.

The Finance Committee Substitute would grant the Division of Forestry the authority to plan, construct, or contract to private parties for the construction of access roads for forest products disposal. The Division of Forestry currently plans and constructs firewood access roads, but it is required to go through the Department of Transportation to contract with private parties for construction.

If you should support SB 222 when it comes before the Senate Finance Committee next wednesday, I would appreciate your support of the Finance Committee Substitute.

I have attached a letter from Deputy Commissioner Glenzer of the Department of Transportation in support of the change. A spokesperson from the Department of Natural Resources will also testify in favor of the Finance substitute. I would be happy to provide any additional information you might require.

Attached: CS for SB 222 (Finance)
Letter from DOT/PF

MAR 15 1984

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
NORTHERN REGION, Deputy Commissioner

Bill Sheffield, Governor

2301 PEGER ROAD
FAIRBANKS, ALASKA 99701
(907) 452-1911

March 12, 1984

Re: Division of Forestry
Authorization for
Road Construction

Senator Don Bennett
Alaska State Legislature
State Capitol
Pouch V
Juneau, AK 99811

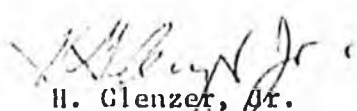
Dear Senator Bennett:

We have been approached by Mr. Les Fortune, District Forester, regarding our support of statutory changes to provide the Division of Forestry authority to plan, construct and maintain access roads to their forest product disposal areas.

Since the low standard, often temporary, access roads normally required for such disposals can be planned and constructed quite efficiently in the Division of Forestry, we support their proposal.

In order to preclude widespread extension of this authority to other departments, divisions and purposes, we recommend the changes be limited to access roads for forest products disposal.

Sincerely,


H. Glenzer, Jr.
Deputy Commissioner
Northern Region

WBM:kk

CC: Les Fortune, District Forester

Original sponsor: Resources Committee

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 222 (Finance)

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 the organization of the Depart-
7 ment of Natural Resources and planning and construc-
8 tion of forest products access roads; and providing
9 for an effective date."

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

11 * Section 1. AS 19.30.060 is amended to read:

12 Sec. 19.30.060. PURPOSE. It is the purpose of AS 19.30.060 -
13 19.30.100 to provide access to state lands that [WHICH] are programmed
14 for surface or forest products disposal, and to provide access roads
15 at the lowest possible cost.

16 * Sec. 2. AS 19.30.070 is amended to read:

17 Sec. 19.30.070. PLANNING AND [CONTRACTS FOR] CONSTRUCTION OF
18 ROADS. The commissioner of natural resources [DIRECTOR OF THE DIVI-
19 SION OF LANDS] may plan and construct roads or contract with private
20 persons for the construction of roads to and on state land [LANDS]
21 programmed for surface or forest products disposal [WHICH ARE NOT MORE
22 THAN SIX MILES FROM EXISTING ROADS OR HIGHWAYS].

23 * Sec. 3. AS 19.30.080 is amended to read:

24 Sec. 19.30.080. CONSTRUCTION STANDARDS AND MAINTENANCE. An
25 access road constructed under AS 19.30.060 - 19.30.100 shall be of low
26 standard, not necessarily suitable for all weather use. The state is
27 not under obligation to maintain an access road constructed under
28 AS 19.30.060 - 19.30.100. If an access road is constructed outside a
29 municipality that has zoning ordinances, the right-of-way width for

1 the road shall be determined by the Department of Natural Resources
2 [DIVISION OF LANDS] and the Department of Transportation and Public
3 Facilities. If an access road is constructed within the boundaries of
4 a municipality that has zoning ordinances, the right-of-way width
5 shall conform to the subdivision control ordinances of the municipal-
6 ity. Contracts for the work on an access road shall be awarded to the
7 lowest responsible bidder qualified to contract with the state.

8 * Sec. 4. AS 19.30.090 is amended to read:

9 Sec. 19.30.090. PAYMENT OF CONSTRUCTION COSTS [IN LAND CREDIT
10 CERTIFICATES]. The cost of constructing access roads to state land
11 [LANDS] shall be paid in appropriated funds or freely transferable
12 land credit certificates which may be applied toward the purchase or
13 lease of any state land [LANDS] under the jurisdiction of the Depart-
14 ment of Natural Resources [DIVISION OF LANDS], except tide, submerged,
15 and shoreland and land [SHORELANDS AND LANDS] belonging to the state
16 which have been obtained by escheat, purchase, or any means other than
17 by general land grant. A land credit certificate is valid for a
18 period of 20 years after issue. After the expiration of 20 years from
19 date of issue the holder may not start an action against the state or
20 any person based upon the certificate. The method of disposing of
21 land [LANDS] and resources and restrictions upon their disposal estab-
22 lished by law or regulation are in no way affected by the use of land
23 credit certificates.

24 * Sec. 5. AS 29.18.202 is amended to read:

25 Sec. 29.18.202. DETERMINATION OF ENTITLEMENT FOR CITIES. The
26 general grant land entitlement of a city formerly eligible to receive
27 general grant land under the provisions of former AS 29.18.190 and
28 29.18.200 [, AS REPEALED BY THIS ACT,] is 10 percent of the maximum
29 total acreage of vacant, unappropriated, unreserved land within the

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465 3800

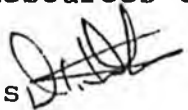
LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 25, 1983

SUBJECT: Amendments to SB 222 and publishing considerations

TO: Senator Bettye Fahrenkamp
Chairman, Senate Resources Committee

FROM: David R. Dierdorff 
Revisor of Statutes

This memorandum is written in response to suggested amendments to SB 222 proposed by the Department of Natural Resources, and to also provide you with written comments regarding the publishing schedule and costs as requested in your invitation to us dated April 12, 1983

Department amendments.

The first amendment, on page 19, line 24 of the bill, presents no difficulty. The language of the bill reflected existing law and the amendment is an improvement.

The second amendment, on page 23, lines 11 - 28, which would delete all language and substitute a repeal of AS 38.05.058 presents a serious problem. First, it would require a title change in the bill, as it introduces a substantive provision relating to residency requirements, to say nothing of the other provisions of the section proposed for repeal. Apart from that, I do not believe that it would be wise, as a matter of precedent, to introduce a substantive change of this magnitude in an otherwise purely technical bill. While this is not a true "revisor's bill", it is in the nature of a revisor's bill and, in fact, was referred to as a revisor's bill in your April 22nd hearing. If the committee desires to avoid giving the impression of endorsing an unconstitutional law by amending it as proposed in Secs. 49 and 50, I would prefer that the committee simply delete those sections from the bill.

The final amendment offered by the department, on page 60, lines 10 - 14, fails to acknowledge that AS 38.05.345(e) was repealed and reenacted by the legislature after AS 38.08.040(b) was enacted, resulting in the repeal of the provisions of AS 38.05.345(e) which related to notice. The present provisions of the referenced subsection are irrelevant to notice. The language of Sec. 109 of SB 222 substitutes the provisions of former AS 38.05.345(e) for the obsolete reference and was proposed only after consultation with the Department of Law and the Department of Natural Resources. Identical provisions appear in Secs. 78 and 87 of CSSB 133 (the revisor's bill).

Publishing schedule and costs.

The Alaska Statutes are published in the form of title pamphlets and annual supplements. When the material in the supplement reaches or exceeds 50 percent of the material in a title pamphlet, the publisher is required by contract to replace the old title pamphlet. Replacement can be delayed one year by mutual consent of the publisher and the Legislative Affairs Agency. Additional delays are reserved for extraordinary circumstances. For example, the replacement of Title 29 has been delayed twice because of the pending revision of the title.

Title 38 was originally scheduled for replacement in 1982. It was delayed until 1983, I believe due to the workload of the revisors, who must provide editorial instructions to the publisher. The material in the supplement now represents 68 percent of the material in the title pamphlet.

Earlier this year we completed our editorial work in preparation for the replacement of Title 38. It was during that work that we determined that something needed to be done about the division of lands references in the statutes. If nothing is done to statutorily reflect the administrative reality, each chapter of the Alaska Statutes that refers to the division will carry a revisor's note as follows:

Through administrative reorganization, the Department of Natural Resources has eliminated the division of lands. Duties and responsibilities given to the division of lands under this chapter have been assigned to other divisions of the department. Duties and responsibilities given to the director of the division of lands under this chapter have been assigned to the

deputy commissioner for operations, who has been given the additional title "director of lands".

Since the Title 38 pamphlet is scheduled for replacement, it would be desirable to incorporate the corrective amendments of SB 222 in the new pamphlet, unless, of course, the legislature determines as a matter of policy that there should be a division of lands within the department.

Assuming that the policy question is answered appropriately, there are two good reasons to expedite the passage of SB 222.

The first is the goal of providing the users of the Alaska Statutes with an accurate, readable publication. Since there is in fact no division of lands, the many statutory references to the division and its director are misleading to the average user. Further, if SB 222 does not pass until the second session, and the title pamphlet is reprinted as scheduled in 1983, each section of Title 38 affected by the bill will have to be printed in the 1984 supplements. That would mean that probably 40 percent of the material in Title 38 would be in the supplement within only one year after replacement. That is not only expensive, as I will point out in a moment, but it is inconvenient for the users of the publication.

Second is the matter of cost. It is less expensive for the state (and also the private subscribers to the Alaska Statutes) for material to be printed in the title pamphlets than in the supplements. Under the contract with the publisher, we pay \$45 per page for title reprints and \$52.50 per page for material in the supplements. (It is not quite that simple, but for purposes of this discussion, it is accurate.) These are 1982 costs, which will increase five to ten percent for 1983, and an additional five to ten percent for 1984, as the annual price is adjusted in accordance with changes in the "Producers' Price Index" for the printing trades.

Our estimated cost for replacement of Title 38 this year is \$8,500 to 8,900. The estimated cost of supplemental pages required for the title if SB 222 passed in the second session instead of this year is another \$4,800. If we were to delay replacement of Title 38 until 1984, the cost of printing a supplement for Title 38 in 1983 would be around \$5,500 to 6,000 and the additional cost to replace the pamphlet in 1984 (due to an additional year's inflation) would

Senator Bettye Fahrenkamp
Page 4
April 25, 1983

be around \$800, making the cost of delay at least \$6,300 to the state alone. Added to this, of course, is the cost to users in terms of inconvenience.

I would be happy to answer any questions you might have about either the bill or the publishing process.

DRD:ljb
16/008

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

POLITY STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

MEMORANDUM

April 24, 1984

SUBJECT: CSSB 222 (Finance)

TO: Senator Bettye Fahrenkamp

FROM: David R. Dierdorff
Revisor of Statutes



You have asked whether CSSB 222 (Finance) violates the single subject rule.

The single subject rule is contained in Article II, Sec. 13 Constitution of the State of Alaska which provides:

SECTION 13. Every bill shall be confined to one subject unless it is an appropriation bill or one codifying, revising, or rearranging existing laws. Bills for appropriations shall be confined to appropriations. The subject of each bill shall be expressed in the title. The enacting clause shall be: "Be it enacted by the Legislature of the State of Alaska."

The primary aim of the rule has been stated by our court to be restraint of the log-rolling process in the legislature. The court describes log-rolling as deliberately inserting in one bill several dissimilar or incongruous subjects in order to secure the necessary support for passage of the measure. Suber v. Alaska State Bond committee, , 414 P.2d 546 (1966).

The test broadly stated:

Ultimately the decision in cases of this kind must be made on a basis of practicality and reasonableness. In determining whether a bill is confined to one subject we agree with the statement:

All that is necessary is that the act should embrace some one general subject; and by this is meant, merely, that all matters treated of should fall under some one general idea, be so connected



Senator Bettye Fahrenkamp
Page 2
April 24, 1984

with or related to each other, either logically or in popular understanding, as to be parts of, or germane to, one general subject.

was adopted in Gellert v. State, 522 P.2d 1120 (Alaska 1974), and has been quoted with approval in each subsequent case in point in Alaska. It is therefore well settled that this broad language is the standard against which compliance with the single subject rule is to be tested.

While the original purpose of SB 222 was to bring the Alaska Statutes into conformity with administrative reality by substituting references to the Department of Natural Resources and the commissioner for references to the division of land and the director of that division, it can be fairly stated that the subject of the bill is the administration of state land programs by the Department of Natural Resources. The addition of sec. 1 and minor changes within sec. 2 and 4 made by the Finance Committee relate to powers of the department in connection with ~~certain access roads to state land.~~ The subject of the new material is very closely related to the subject of the Resources Committee version of the bill and it is my opinion that the single subject rule is not violated by CSSB 222 (Finance).

It should be noted that at least two other sections of the bill (12 and 51) contain amendments that have the effect of changing powers of the department. Further, the last version of the bill prepared for the Resources Committee during the first session contained several other provisions modifying powers or procedures. These changes were taken care of through other legislation enacted by the first session so they no longer appear in the bill. My point is simply that as long as the amendments relate to the administration of state land or programs connected with state land, they are within the single subject rule.

If I may be of further assistance, please advise.

DRD:csh
J6/071

SB 222, WHICH IS ALSO BEFORE YOU TODAY, WAS PREPARED BY THE REVISOR OF STATUTES IN OUR LEGISLATIVE LEGAL DIVISION. THE BILL REFLECTS CHANGES IN DRAFTING STYLE (THE USE OF "COMMISSIONER" RATHER THAN "DIRECTOR", "DEPARTMENT" RATHER THAN "DIVISION", "LAND" RATHER THAN "LANDS") AND DELETES OBSOLETE REFERENCES TO "UNIVERSITY LANDS" AND REPEALED STATUTES. BEFORE APPROVAL BY THE SENATE RESOURCES COMMITTEE, SB 222 WAS REVIEWED BY OUR LEGAL DIVISION TO ENSURE THAT THE TECHNICAL CHANGES IT PROPOSES TO TITLE 38 ARE CONSISTENT WITH THE CHANGES PROPOSED IN SB 375.

I HAVE REVIEWED THE FINANCE COMMITTEE SUBSTITUTE FOR SB 222, AND DO SUPPORT THE CHANGES IT PROPOSES. PASSAGE OF SB 222 WILL FACILITATE WORK CURRENTLY BEING DONE IN PREPARATION FOR THE REPLACEMENT OF THE TITLE 38 PAMPHLET LATER THIS YEAR. I URGE YOUR SUPPORT.

BETTYE,

REQUEST THAT SB 222, RELATING TO THE ORGANIZATION OF D.N.R., SUBSTITUTING REFERENCES IN THE ALASKA STATUTES TO THE DEPARTMENT AND THE COMMISSIONER FOR REFERENCES TO THE DIVISION OF LANDS AND THE DIRECTOR OF THE DIVISION OF LANDS, BE RETURNED TO SENATE RESOURCES COMMITTEE.

This bill, which was prepared by the Revisor of Statutes (in the legislative Legal Division) and makes technical changes to Title 38, passed out of Senate Resources last session, and is currently in the Senate Finance Committee. A major project of the Resources Committee during the interim was a review of Title 38. Based on our review, I will be recommending further amendments to the Title, and would like to have SB 222 available for the Committee to work from.

BETTYE, YOU MAY WANT TO SUGGEST THIS TO BENNETT AND KERTTULA BEFORE SESSION.

A COPY OF SB 222 IS ENCLOSED.

MAR 25 1983

SB 222

STATE OF ALASKA
THE LEGISLATURE

POUCHY - STATE CAPITOL
JUNEAU, ALASKA 99811
907 465-3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 23, 1983

SUBJECT: Division of lands
(Work Order No. 13-0968)

TO: Senator Bettye Fahrenkamp
Chairman, Senate Resources Committee

FROM: David R. Dierdorff 
Revisor of Statutes

Enclosed is a draft bill which eliminates all statutory references to the division of lands and the director of the division, substituting the Department of Natural Resources and the commissioner of natural resources as appropriate. The draft is fairly straightforward, but there are a few items which should be called to your attention.

First, I have made a number of form and style changes to reflect current drafting styles and to insure that any amendments made by this bill are consistent with editorial work done in preparation for the replacement of the Title 38 pamphlet later this year. I have also been mindful of changes which have been proposed in CSSB 133 (Judiciary) (the revisor's bill) which was recently delivered to Senator Ray.

Second, you will note that I had to repeal and reenact AS 35.05.035 in order to end up with a rational statute.

Third, section 140 of the draft contains a policy guess, simply to place the draft before you. Obviously, you might prefer to substitute some other public official for the director on this board. The easiest, relatively neutral solution from a drafting standpoint was to allow the governor to appoint one additional member.

Finally, the repealed sections or parts of sections, which appear in the draft in numerical order rather than in the last section, are all provisions which dealt exclusively with the division or the director and were organizational or technical rather than substantive. In most cases, they

Senator Bettye Fahrenkamp
Page 2
March 23, 1983

merely duplicate powers already granted the commissioner or
represent obsolete definitions.

If I can be of further assistance, please advise.

DRD:ljb

Enclosure
11/012

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

March 9, 1984

SB 222 - DNR CLEAN-UP LEGISLATION

In May 1983 the Senate Resources Committee passed out a Committee Substitute for SB 222, An Act relating to the organization of DNR, substituting references in the Alaska statutes to the Department and the Commissioner for references to the Division of Lands and the Director of the Division of Lands. When session adjourned last year, the bill lay in the Senate Finance Committee. Early in January the bill was returned to the Senate Resources Committee at the Chairman's request.

The Committee's work on SB 375, An Act relating to land disposal and management, is nearing completion; SB 375 is scheduled for Committee action this Friday, March 9. Our Legal Division has reviewed SB 222 to ensure that the technical changes it proposes to Title 38 are consistent with the changes proposed in SB 375.

In short, SB 222, which was prepared by the Revisor of Statutes, reflects changes in drafting style (the use of Commissioner rather than Director, the use of Department rather than Division, the use of land rather than lands, and references to full citations rather than sections only, i.e. "AS 38.05.065(c)" rather than ".065(c) of this chapter").

REQUEST

Bill/Resolution No.: SB 222
 Title: Organization of DNR
 Sponsor: Senate Resources
 Requestor:

II. FISCAL DETAIL

Agency Affected: Natural Resources
 Program Category Affected:
 BRU, Program of Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	0	0	0			
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
	0	0	0			

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						
	0	0	0			

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Sharon Barton
 Division: Commissioner's Office, DNR
 Approved by Commissioner: Mu Halloran
 Department: Natural Resources

Phone: 465-2400
 Date: April 22, 1983
 Date: April 22, 198e

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

MINUTES

April 22, 1983
3:10 p.m.

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

Senator Fahrenkamp, Chair	Senator V. Fischer
Senator Ziegler, Vice Chair	Senator Mulcahy
Senator Eliason	Senator Sturgulewski
Senator P. Fischer	

CALENDAR

- HJR 38 Relating to marketing and transporting Alaska's natural gas
- SJR 12 Opposing the extension of the provisions of the Export Administration Act of 1979 that effectively bans the export of Alaska North Slope Oil.
- HB 151 An Act making a special appropriation to the Department of Natural Resources, division of parks, for acquisition and development of the House of Wickersham in Juneau; and providing for an effective date.
- SB 222 An Act relating to the organization of the Department of Natural Resources, substituting references in the Alaska Statutes to the department and the commissioner for references to the division of lands and the director of the division of lands.
- SB 181 An Act making supplemental appropriation to the Department of Natural Resources for land deficiency entitlements; and providing for an effective date.
- SB 233 An Act enacting the Northwest Interstate Compact on Low-level Radioactive Waste Management; and providing for an effective date.

SB 168 An Act relating to the Alaska Power Authority; and providing for an effective date.

HJR 38

Representative Cowder, sponsor of the measure, felt the measure was needed to back the Reagan administration's efforts to establish a free market.

Harold Moles, Vice President for Alaskan Operations, Northwest Alaskan Pipeline Company, felt the resolution should not be passed at the risk of delaying or harming the gas pipeline project.

Jerry McCutcheon supported passing the resolution, but felt it was not in Alaska's best interest.

Senator V. Fischer asked if the Administration had a position on the resolution. Senator Fahrenkamp said they had been invited to speak, but had expressed no interest.

Senator Fahrenkamp felt that the Budget & Audit Committee hearings scheduled to be held over the weekend might provide useful information for the committee, and so held the bill over.

SJR 12

Jim Palmer, Joint Oil & Gas Committee Aide, explained that the resolution calls for our Congressional delegation to do everything possible to remove the ban on export of Alaskan oil when the Export Administration Act is considered later this year.

Senator Sturgulewski moved to report out SJR 12 with individual recommendations. Motion passed without objection.

CSHB 151

Representative Mike Miller of Juneau, co-sponsor of the legislation, explained the necessity to acquire the Wickersham collection before it is dispersed. There was discussion of exactly how the appropriation could be used.

Senator V. Fischer moved to adopt the committee substitute, including the letter of intent, and to report the bill out with individual recommendations. Motion passed without objection.

SB 222

Sharon Barton, special assistant to the Commissioner of the Department of Natural Resources, explained that the bill is a "housekeeping" measure and endorsed its passage.

Senator Sturgulewski moved that the bill be brought before the committee, and moved Barton's first recommended amendment. Motion passed without objection.

Barton continued to offer suggested amendments. Senator Fahrenkamp asked that the amendments be prepared in writing for the committee's consideration, and held the bill over until those could be received and until the statute revisor's opinion could be asked.

SB 181

Rav Mann, Property Management Officer for the Municipality of Anchorage, gave a history of the Municipality's efforts to obtain its land entitlement.

There was discussion of whether the Municipality would take a \$5 million settlement as provided in statutes, or if it would continue to approach the legislature for additional funds or land.

Jane Anqvik, Municipality of Anchorage Assembly Member, felt it was not in Anchorage's best interest to accept a full cash settlement at this time if that would preclude any efforts to seek amendments to the entitlement provisions.

Bill was held over.

SB 233

Stan Hungerford, Air & Solid Waste Management Section, Department of Environmental Conservation, and T.R. Strong, Head of the Radiation Control Section for the State of Washington, spoke in support of SB 233 and explained how it would be beneficial to Alaska to become a member of the Northwest Interstate Compact.

Senator Mulcahy moved to report out the bill with individual recommendations. The motion passed without objection.

SB 168

Sterling Gallagher, Vice President of John Naveen & Co., supported SB 168, and the first three proposed amendments.

Commissioner Dick Ivon, Department of Commerce & Economic Development, supported the bill and the amendments and urged early passage of the measure.

There was discussion of the fourth amendment offered by Senator V. Fischer, who said he preferred not to move his amendment.

Dave Hutchens, Alaska Rural Electrical Cooperative Association, supported the bill and the three amendments.

Senator Mulcahy moved the amendments. Senator V. Fischer asked that the question be divided. On the question, each amendment passed without objection.

Senator Mulcahy moved that the Resources committee substitute for SB 168, including the three amendments, be reported out with individual recommendations. The motion passed without objection.

The meeting was adjourned at 4:45 p.m.

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
V.C FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



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Senate Committee on Resources

MINUTES

April 25, 1983
3:04 p.m.

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

Senator Fahrenkamp, Chair
Senator Ziegler, Vice Chair
Senator Eliason
Senator P. Fischer

Senator V. Fischer
Senator Mulcahy
Senator Sturgulewski

CALENDAR

SB 222

An Act relating to the organization of the Department of Natural Resources, substituting references in the Alaska Statutes to the department and the commissioner for references to the division of lands and the director of the division of lands.

HJR 38

Relating to marketing and transporting Alaska's natural gas.

SB 11

An Act making special appropriations to the Alaska Power Authority; and providing for an effective date.

SB 222

David Dierdorff, Legal Services, referred to a memorandum distributed to the committee outlining suggestions and comments. He supported the amendments proposed by DNR.

Senator Sturgulewski moved to adopt and report out with individual recommendations the committee substitute for SB 222. The motion passed without objection.

HJR 38

Senator Mulcahy moved to accept and report out the Resources committee substitute for HJR 38, with individual recommendations. The motion passed without objection.

SB 11

Senator Ziegler moved to accept the committee substitute, and moved to report the bill out with individual recommendations. Both motions passed without objection.

The meeting adjourned at 3:17 p.m.

STATE OF ALASKA
THE LEGISLATURE

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JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

June 13, 1983

SUBJECT: Renumbering and reorganization of AS 38 and AS 41

TO: Mark Wittow
Special Assistant
Department of Natural Resources

FROM: David R. Dierdorff *DRD*
Revisor of Statutes

Enclosed are copies of the pages from our memos to the publisher on AS 38 and AS 41 that deal with renumbering or reorganization within the titles. If you have any questions about our instructions, please feel free to give me a call. Keep in mind that the instructions are given in the old section order, so it is sometimes difficult to picture the reorganized material. When we reorganize, we work from computer printouts and do a lot of charting, so we have seen how the material will fit together.

I have highlighted the text to help you find the relevant instructions.

DRD:ljb

Enclosures
24/010

Pat -

Please act fast.

*This will severely impact DNR
& public, & cost much \$ +
redo all forms!*

MW

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March 22, 1983

to manage the land, which was conveyed for airport and other purposes. The division of lands is the proper agency for acceptance of title. The division of aviation in the (former) Department of Public Works possesses the authority to manage the granted land for airport and directly related purposes while the division of lands possesses the authority to manage the land for other public purposes. Op. Att'y Gen., April 14, 1977."

AS 38.05.035(a)(1). In the first clause, delete "him" and insert "the director".

AS 38.05.035(a)(2). Delete "lands" and insert "land". Delete "them" and insert "it".

AS 38.05.035(a)(4). Delete "lands" and insert "land".

AS 38.05.035(a)(6). Delete "lands" and insert "land".

AS 38.05.035(a)(7). Delete the first "lands" and insert "land". Delete "these lands" and insert "that land". Delete the last "lands" and insert "land".

AS 38.05.035(a)(9)(A). Delete "lands" and insert "land".

AS 38.05.035(a)(9)(F). Delete "lands" and insert "land". Delete "are" and insert "is".

AS 38.05.035(a)(10). Change the spanned reference to "this chapter".

AS 38.05.035(a)(11). Delete "he" and insert "the director". Delete "operations" and insert "operation".

AS 38.05.035(a)(12). In the fourth line, following "state" delete the comma and insert a semicolon. In the same line, delete "shall". Delete "lands" and insert "land" in the three occurrences.

AS 38.05.035(a)(14). This paragraph should have been placed in subsection (b) at the time of the bulk formal revision, as the powers granted are all discretionary. However, the addition of subsection (c) to this section complicates a simple transfer to (b). Consequently, renumber this paragraph as subsection (c) and relocate accordingly. The paragraph should also be rewritten as follows:

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"(3) not have purchased land at a sale by lottery in the state within eight years immediately preceding the sale date and certify that fact in the application."

AS 38.05.057(c). Change the spanned reference to "AS 44.62".

AS 38.05.057(d)(1). Rewrite the paragraph to read:

"(1) be qualified under the applicable provisions of this section and certify that fact in the application."

AS 38.05.057(e)(3). Change the internal reference to "AS 38.05.945(e)" to reflect renumbering. See the comments under AS 38.08.020 in this memo, as they apply to this reference as well. Add a note indicating that through amendments to AS 38.05.945 (former AS 38.05.345) the reference is now obsolete.

A section has been added to the revisor's bill proposing to resolve this problem by substituting the substantive provisions of former AS 38.05.345(e) for the obsolete reference in both this subsection and AS 38.08.020. Should this pass, the note to the section suggested above can be deleted.

AS 38.05.057(f). Change the spanned reference to "AS 38.08".

AS 38.05.057(g). In the first sentence, delete "or his representative".

AS 38.05.058(a). Change the spanned reference to "this chapter". Please note that that was the language of the original enactment and that when the spanned reference was substituted, this reference contained an error, as the chapter extends to section 370, not 270.

AS 38.05.058(b)(5). Rewrite the paragraph to read:

"(5) show by all attending circumstances an intent to maintain continuous residence in Alaska; and"

AS 38.05.058(c). The second sentence of this subsection should be pulled out of the subsection and established as a new (g).

are" and insert "land is". In the eighth sentence, delete "his" and insert "the".

AS 38.05.210. This section would be more readable if reorganized as follows:

The first four sentences become (a).

Sentences 6 - 8 become (b). The eighth sentence should be rewritten to read:

"The failure of one of several co-owners to contribute the proportion of the expenditures required for annual labor from the co-owner shall be treated in accordance with AS 38.05.215 - 38.05.235."

The fifth sentence becomes (c) and should read:

"(c) AS 38.05.240 and 38.05.280 apply to this section."

AS 38.05.215. In the second line, delete "his" and insert "the".

In the third line, following "labor" insert "from the co-owner".

In the seventh line, following "90 days" delete ", and, if" and insert ". If".

In the tenth line, delete "his proportion of the required expenditures, his interest" and insert "the required proportion of the expenditures, the interest of the delinquent co-owner".

In the eleventh line, delete "his" and insert "the".

I do not see any useful purpose to continuing the revisor's note to this section and the cross reference notes following each subsequent section through AS 38.05.240. Clearly, AS 38.05.185 makes the entire article applicable to state lands.

AS 38.05.270(a). Change the archaic reference to "AS 38.05.215" and in (a)(2) delete "his" and insert "the delinquent co-owner".

AS 38.05.295. In the first sentence, delete "prescribe rules and" and insert "adopt". In the second sentence, delete "lands" and insert "land".

In order to open up the chapter for growth, we are going to reorganize the chapter from AS 38.05.300 to the end. The articles will be:

Article 11 - Classification of Land (AS 38.05.300 - 321)

Article 12 - State Control of Certain Land (AS 38.05.500 - 505)

Article 13 - Miscellaneous Provisions (AS 38.05.800 - 872)

Article 14 - General Provisions (AS 38.05.900 - 990)

The reorganization will require, of course, substantial renumbering. The renumbered sections, together with the new numbers assigned, follow:

<u>Old Section Number</u>	<u>New Section Number</u>
AS 38.05.301	AS 38.05.830
AS 38.05.310	AS 38.05.840
AS 38.05.315	AS 38.05.815
AS 38.05.320	AS 38.05.820
AS 38.05.323	AS 38.05.821
AS 38.05.330	AS 38.05.850
AS 38.05.335	AS 38.05.860
AS 38.05.340	AS 38.05.920
AS 38.05.345	AS 38.05.945
AS 38.05.346	AS 38.05.946
AS 38.05.348	AS 38.05.870
AS 38.05.349	AS 38.05.872
AS 38.05.350	AS 38.05.910
AS 38.05.351	AS 38.05.930
AS 38.05.355	AS 38.05.950
AS 38.05.362	AS 38.05.311
AS 38.05.365	AS 38.05.965
AS 38.05.370	AS 38.05.990

The following sections derive from Ballot Measure 5.

<u>Old Section Number</u>	<u>New Section Number</u>
AS 38.05.510	AS 38.05.501

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LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

May 10, 1983

SUBJECT: Title 41

TO: Elizabeth E. Pincus
Executive Editor
Michie Bobbs-Merrill

FROM: David R. Dierdorff
Revisor of Statutes

We have completed our initial work in preparation for the replacement of the Title 41 pamphlet. In addition to the items which will be taken care of by Michie employees, which we will assume to include a standard revisor's note for each section in which minor word changes have been made, we have the following editorial instructions:

AS 41.05. Transfer to a new chapter, AS 41.98, entitled "Miscellaneous Provisions." Section renumbering will be noted in comments to each section. The former chapter will be Article 1 of AS 41.98, entitled "Mineral Resource Fund."

AS 41.05.040. Renumber the section as AS 41.98.015.

AS 41.05.050. Renumber the section as AS 41.98.020(a).

AS 41.05.060(a). Renumber the section as AS 41.98.020(b). Change the internal reference to "AS 41.98.010 - 41.98.100" to reflect renumbering.

AS 41.05.060(b)-(e). Renumber the section as AS 41.98.025(a)-(d). The section catchline should read: "Operation of the board."

AS 41.05.060(f). Renumber the section as AS 41.98.030. The section catchline should read: "Compensation."

AS 41.05.070. Renumber the section as AS 41.98.035.

AS 41.08.020(b). Rewrite the introductory clause to read:

"(b) In addition, the division of geological and geophysical surveys shall"

AS 41.08.020(b)(5). In the first line, delete the second "and" and insert a comma.

Couldn't the effect of amendments note simply state that the 1980 amendment added "geothermal resources" to the first clause of (a)? The technical grammatical amendments probably don't need to be spelled out for the user and, in fact, probably deter use of the note. As a part of our effort to develop consistency in the notes, and eliminate information which is of little value, let's take a hard look at the effect of amendments notes. My thought is that they should provide a terse statement of the substantive effect of the amendment to save the reader a trip to the session laws. But they should not try to substitute for the session laws.

The editor's note to this section, if you wish to continue it, should really be a cross reference to legislative policy on geothermal resources.

AS 41.10.010. In the first sentence, delete "lands" and insert "land"; delete "are" and insert "is a"; and delete "assets" and insert "asset". In the last line, delete "these lands" and insert "this land"; and delete "their" and insert "its".

AS 41.10.030. Delete "lands" and insert "land".

AS 41.10.100. Delete "him" and insert "the commissioner"; delete "his" and insert "the"; and following "functions" insert "of the commissioner".

AS 41.10.110(6). Delete "lands" and insert "land".

AS 41.10.120. Rewrite the section catchline to read: "Approval by land occupier."

AS 41.12. Transfer this chapter to the new AS 41.98. It will become Article 2 of the new chapter. Note that AS 41.12 is very poorly indexed in the Topical General Index (Terri is developing a memo on some indexing problems we have discovered, which will include this item).

AS 41.12.010. Renumber the section as AS 41.98.110.
Rewrite the section catchline to read: "Compact."

Article II(a). In the second sentence, delete "he" and insert "the member".

In the third sentence, delete "Any" and insert "A"; delete the first two and the last usages of "his" and insert "the member's"; and delete "his membership" and insert "the term of the member".

AS 41.12.020. Renumber the section as AS 41.98.120.

AS 41.12.030. Renumber the section as AS 41.98.130.

AS 41.12.040. Renumber the section as AS 41.98.140.

AS 41.12.050. Renumber the section as AS 41.98.150. Change the rpanned reference to "AS 23.30" in both instances.

Seeing "workers' compensation" reminds me that the Annual Contents Card reference to Title 23 was not changed to reflect the revision of the Title name.

AS 41.15. This chapter will be reorganized a little. The new organization will be:

Article 1. Protection of Forested Land (AS 41.15.010 - 41.15.170)

Article 2. Forest Reserve Fund (AS 41.15.180)

Article 3. Fire Suppression Fund (AS 41.15.200 - 41.15.240)

Article 4. Haines State Forest Resource Management Area (AS 41.15.300 - 41.15.330)

Article 5. Miscellaneous Provisions (AS 41.15.900)

Article 6. General Provisions (AS 41.15.950)

Section renumbering and reorganization will be discussed under the present number of appropriate sections.

Elizabeth E. Pincus
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AS 41.15.120. Rewrite the section catchline to read:
"Failure to assist in preventing or suppressing fires."
Delete the first "his" and insert "the officer or
employee's" and delete the second "his".

AS 41.15.130 and 41.15.140. Change the archaic reference in
each section to "AS 41.15.010 - 41.15.170".

AS 41.15.150. In the section catchline, delete "a felony".
Delete "lands that are" and insert "land that is"; and
delete "him" and insert "the person".

AS 41.15.160. In the section catchline, delete "allowed".
Change the four archaic references to "AS 41.15.010 -
41.15.170".

AS 41.15.170. Change the archaic reference to "AS 41.15.010
- 41.15.170"; in (3) delete "lands" and insert "land" in
both instances.

AS 41.15.180(a). Delete "he" and insert "the commissioner".

AS 41.15.230. Delete "his" and insert "the governor's".

AS 41.15.400. Renumber the section as AS 41.15.900.

AS 41.15.500. Renumber the section as AS 41.15.300. Change
the two spanned references to "AS 41.15.300 - 330" and
change the internal reference in (a) to "AS 41.15.305(a)" to
reflect renumbering.

AS 41.15.510(a) - (c). Renumber as AS 41.15.305(a) -
(c). The new section catchline is "Establishment and
boundaries". In (a)(1), delete "lands" and insert "land".
In (a)(2), delete "Those mental health lands" and insert
"That mental health land".

AS 41.15.510(d) and (e). Renumber as AS 41.15.310(a) and
(b). The new section catchline is "Coordinated management".

AS 41.15.510(f). Renumber as AS 41.15.330. The new section
catchline is "Existing rights".

AS 41.15.520(a) and (d) - (f). Renumber as AS 41.15.315(a)
- (d). Retain the old catchline.

AS 41.15.520(b). Renumber as AS 41.15.320(b).

AS 41.15.520(c). Renumber as AS 41.15.320(a).

AS 41.15.520(g). Renumber as AS 41.15.320(c). The catchline for new AS 41.15.320 is "Management plan and regulations".

AS 41.15.520(h). Renumber as AS 41.15.325. The new section catchline is "Cooperative management agreements".

AS 41.15.700. Renumber as AS 41.15.950.

AS 41.17. This chapter will also be reorganized somewhat. It is to be divided into four articles as follows:

Article 1 - Administration and Management
(AS 41.17.010 - 41.17.110)

Article 2 - Enforcement (AS 41.17.120 - 41.17.143)

Article 3 - Miscellaneous Provisions (AS 41.17.800)

Article 4 - General Provisions (AS 41.17.900 -
41.17.950)

Renumbering and reorganizing instructions are given under the existing section numbers.

The legislative history report should be rewritten to read:

"For the governor's transmittal letter on SB 59 (1978), with a sectional analysis, see 1978 Senate Journal, p. 656. AS 41.17 derives from CSSSSB 59 (Rules) am H, which was enacted as Chapter 108, SLA 1978."

Enclosed is an opinion of the Attorney General dated May 7, 1980, which you might consider for annotation to the chapter. We suggest:

"Proposed regulation establishing compliance with management practice under AS 41.17 and regulations as an affirmative defense to prosecution for alleged water quality violations for the forestry industry alone would cause an equal protection problem; executive agency cannot, by regulation, create an affirmative defense to what the legislature has determined should be prosecuted."

AS 41.17.010(6). Change the internal reference to federal law to read:

"16 U.S.C. 1456(f) [sec.307(f) of the Coastal Zone Management Act of 1972, P.L. 92-583]"

Change the spanned reference to "this chapter".

Enclosed is an attorney general's opinion dated April 20, 1981, which quotes AS 41.17.010(6). Please consider it for annotation to this and other relevant sections.

AS 41.17.020. Correct the section catchline to reflect the 1981 amendments by rewriting to read: "Division of forestry established".

AS 41.17.020(a). Change the spanned reference to "this chapter". Everything after the first sentence becomes new (b) of the section.

AS 41.17.020(b). Renumber as AS 41.17.020(c). Change the spanned references to "this chapter".

AS 41.17.020(c). Renumber as AS 41.17.800, with the catchline "Proposed state forests". Change the spanned reference to "AS 38.05". In the third line, delete the first comma, and delete "him" and insert "the governor".

AS 41.17.020(d) - (i) and (k). Renumber as AS 41.17.055(a) - (g), with the catchline "Powers and duties of the commissioner".

AS 41.17.020(f). In the second sentence, delete "he" and insert "the commissioner".

AS 41.17.020(g). Change the spanned reference to "this chapter".

AS 41.17.020(h). Change the spanned reference to "this chapter".

AS 41.17.020(j). Renumber as AS 41.17.900(d). (The balance of this new section will be discussed under existing AS 41.17.050.) Change the spanned references to "this chapter".

AS 41.17.020(k). Change the spanned reference to "AS 44.62". In the last line, delete "under" and change the internal reference to "AS 41.17.047" to reflect renumbering.

AS 41.17.030(b). Change the spanned reference to "this chapter".

AS 41.17.040(a) - (d) and (g). Renumber as AS 41.17.041(a) - (e). Retain the section catchline used with existing AS 41.17.040.

AS 41.17.040(e). Renumber as AS 41.17.043, with the section catchline "Terms of office". Delete "his" and insert "the".

AS 41.17.040(f). Renumber as AS 41.17.047, with the section catchline "Powers and duties of board". Change the three spanned references to "this chapter".

AS 41.17.040(h). Renumber as AS 41.17.045, with the section catchline "Removal of members". Divide the section into subsections, with the first two sentences becoming (a) and the last three sentences (b). In the first and fifth sentences, delete "his" and insert "the governor's".

AS 41.17.050. Renumber as AS 41.17.900 and retain the existing catchline. Change the four spanned references to "this chapter".

AS 41.17.060. Change the two spanned references to "this chapter".

AS 41.17.070. Change the three spanned reference to "this chapter". Note that (d) is obsolete. I will propose repeal in a revisor's bill.

AS 41.17.080(a). Change the spanned reference to "AS 44.62"; delete "under" and change the internal reference to "AS 41.17.047" to reflect renumbering.

AS 41.17.080(b). Renumber as AS 41.17.085, with the section catchline "Permit applications". Divide the new section into subsections, with the first two sentences becoming (a) and the last sentence becoming (b). Change the spanned reference to "AS 46.35".

AS 41.17.080(c). Renumber as AS 41.17.080(b).

AS 41.17.080(d). Renumber as AS 41.17.080(c). Change the spanned reference to "this chapter".

AS 41.17.090. Change the five spanned references to "this chapter".

AS 41.17.090(e). Delete "promulgated" and insert "established".

AS 41.17.090(g). Delete "his".

AS 41.17.090(j). Note that this subsection is obsolete. I will propose repeal in a revisor's bill.

AS 41.17.100. Change the spanned reference to "this chapter".

AS 41.17.110. Change the spanned reference to "this chapter".

AS 41.17.120. Change the section catchline to read: "Inspections and investigations." Change the spanned reference to "this chapter".

AS 41.17.130(a). Renumber as AS 41.17.131, with the section catchline "Prohibitions and penalty". Delete "No person may" and insert "A person may not". Change the first two spanned references to "this chapter". Divide the section into subsections, with the first sentence becoming (a) and the second sentence becoming (b).

AS 41.17.130(b) and (c). Renumber as AS 41.17.133(a) and (b), with the section catchline "Notice and hearing; final orders". Change the two internal references from "(a) of this section" to "AS 41.17.131" to reflect renumbering.

AS 41.17.130(d). Renumber as AS 41.17.135, with the section catchline "Civil fines". Change the internal reference in (4) to "AS 41.17.131" to reflect renumbering.

AS 41.17.130(e). Renumber as AS 41.17.137, with the section catchline "Temporary orders". Divide the section into subsections, with the first sentence becoming (a) and the last two sentences becoming (b). Change two internal references from "(b) of this section" to "AS 41.17.133(a)" to reflect renumbering. Change the last internal reference

from "(c) of this section" to "AS 41.17.133(b)" to reflect renumbering.

AS 41.17.130(f) and (g). Renumber as AS 41.17.141(a) and (b), with the section catchline "Enforcement of orders". Change the internal reference in the first line from "(c) or (e) of this section" to "AS 41.17.133(b) or AS 41.17.137" to reflect renumbering.

AS 41.17.130(h) and (i). Renumber as AS 41.17.139(a) and (b), with the section catchline "Procedures". Change the spanned reference to "AS 44.62". In the fourth sentence of existing (h), delete "to him". In the second line of existing (i), change the internal reference to "(a)" to reflect renumbering.

AS 41.17.140. Renumber as AS 41.17.143, retaining the catchline of existing AS 41.17.140.

In (a), change the spanned reference to "this chapter". Change the internal reference from "AS 41.17.130" to "AS 41.17.131 - 41.17.141" to reflect renumbering. In the last sentence, delete "his".

In (b), Change the internal reference to "AS 41.17.133" to reflect renumbering.

In (c), Change the internal reference to "AS 41.17.137" to reflect renumbering.

AS 41.17.950. Change the spanned reference to "this chapter".

AS 41.17.950(9). Change the internal reference to "AS 41.17.900(a)-(c)" to reflect renumbering.

AS 41.17.950(10). Delete "himself"; delete "on his behalf" and insert "for that person"; following "operation as" insert "an"; and delete "his" and insert "the".

AS 41.20. This chapter is to be substantially reorganized and renumbered. It will be transferred to AS 41.21. As above, we will discuss specific editorial and renumbering instructions under the existing section numbers, but, for ease in understanding the reorganization, there follows a new analysis of the chapter:

Article 1 - Administration (AS 41.21.010 - 41.21.099)

Article 2 - State Parks (AS 41.21.100 - 41.21.399)

Article 3 - State Recreation Areas (AS 41.21.400 -
41.21.599)

Article 4 - Wildlife Preserves (AS 41.21.600 -
41.21.799)

Article 5 - Roadside Rests, Beaches (AS 41.21.800 -
41.21.849)

Article 6 - Trails, Footpaths and Campsites
(AS 41.21.850 - 41.21.899)

Article 7 - Miscellaneous Provisions (AS 41.21.900 -
41.21.949)

Article 8 - General Provisions (AS 41.21.950 -
41.21.999)

Obviously, the section references above are intended to show the space reserved for the articles, rather than the actual section numbers used in the articles.

There are references to AS 41.20 in two other titles of the Alaska Statutes which will need to be changed to reflect this reorganization. One is in AS 46.40.210(6)(E) and there are two occurrences in AS 47.10.010(b). Our computer search did not reveal any other references to the chapter.

AS 41.20.010. Renumber as AS 41.21.010, with the section catchline "Purpose". Change the archaic reference to "AS 41.21.010 - 41.21.040".

We would like the revisor's note after this and all other transferred sections to read (note this is different than the suggestion for this type of note I included in my memo of April 8th -- let me know which style you prefer, or feel free to suggest your own):

"Formerly AS . Transferred and renumbered under AS 01.05.031 in 1983."

AS 41.20.020. Renumber as AS 41.21.020, with the section catchline unchanged.

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AS 41.20.020(5). Delete "lands" and insert "land" in both occurrences. Change the internal reference to "AS 41.21.010 - 41.21.040" to reflect renumbering.

AS 41.20.020(6). Change the spanned reference to "AS 44.62".

AS 41.20.020(7). Change the internal reference to "AS 41.21.010 - 41.21.040" to reflect renumbering.

AS 41.20.020(13). Change the spanned reference to "AS 44.62". Change the internal reference to "AS 41.21.490" to reflect renumbering.

The revisor's note to this section should read:

"Formerly AS 41.20.020. Transferred and renumbered, with minor word changes in (5) of this section, under AS 01.05.031, in 1983. The present second sentence of AS 41.21.490 was originally enacted as part of (13) of this section and was transferred, with appropriate minor word changes in (13) of this section, under AS 01.05.031, in 1981. Two paragraphs (12) were added by the 1981 amendments. The paragraph added by the second amendment was renumbered as (13)."

Rewrite the second paragraph of the effect of amendments note to read:

"The second 1981 amendment made minor word changes in paragraph (6) and added paragraph(13)."

AS 41.20.025. Renumber as AS 41.21.025, with the section catchline "Zoning of private land within state parks".

AS 41.20.025(a). Delete "Department of Natural Resources" and insert "department". Delete "in accordance with" and insert "under".

AS 41.20.025(b). Change the reference to federal law to read: "43 U.S.C. 1601-1628 (P.L. 92-203, Alaska Native Claims Settlement Act)".

AS 41.20.030. Renumber as AS 41.21.030, with the section catchline unchanged.

AS 41.20.040. Renumber as AS 41.21.040, with the section catchline "Division within department". In the first line, delete "of natural resources"; in the second line, delete "Department of Natural Resources" and insert "department"; and change the archaic reference to "AS 41.21.010 - 41.21.040".

Delete the 1971 revisor's note and add an editor's note to read:

"A division of parks was established in 1970 under the authority given in this section."

AS 41.20.043. Renumber as AS 41.21.950, with the section catchline "Penalties". Delete "promulgated" and insert "adopted".

Delete the 1971 revisor's note. Add to the standard revisor's note used for this title reprinting a sentence to read:

"This section was originally enacted as AS 41.20.200 and renumbered in 1970."

AS 41.20.045. Renumber as AS 41.21.955, with the section catchline unchanged. Change the revisor's note as for AS 41.20.043.

AS 41.20.045(a). Delete "promulgated" and insert "adopted".

AS 41.20.045(b). Delete "made" and insert "adopted" in both occurrences.

AS 41.20.047. Renumber as AS 41.21.990, with the section catchline unchanged. Change the revisor's note appropriately (with the various actions listed in reverse chronological order).

AS 41.20.050. Renumber as AS 41.21.800, with the section catchline unchanged. Rewrite the first two lines and the first part of the third line to read:

"The department and the Department of Transportation and Public Facilities shall jointly select"

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In the next to last sentence, delete "highways" and insert "highway". In the last sentence, delete "Department of Natural Resources" and insert "department".

Rewrite the effect of amendment note to read (if it is retained):

"The 1977 amendment substituted 'Department of Transportation and Public Facilities' for 'Department of Public Works' in the first sentence."

AS 41.20.060. Renumber as AS 41.21.805, with the section catchline unchanged. Delete "Public Works" and insert "Transportation and Public Facilities". Following "fireplaces" delete the comma.

The renumbering of AS 41.20.050 and AS 41.20.060 requires that the internal reference in AS 38.04.910(8)(A) be changed to "AS 41.21.800 and 41.21.805".

AS 41.20.070. Renumber as AS 41.21.850, with the section catchline "Wilderness trails and campsites".

Revise the 1969 revisor's note to current style.

AS 41.20.080. Renumber as AS 41.21.852, with the section catchline unchanged. In the first and third sentences, delete "Department of Natural Resources" and insert "department". Note the error in line three, which was the subject of error memo 83-019. If it is to be retained, rewrite the effect of amendment note as for AS 41.20.050.

AS 41.20.090. Renumber as AS 41.21.854, with the section catchline unchanged. Delete "of natural resources".

AS 41.20.100. Renumber as AS 41.21.856, with the section catchline unchanged. Delete "of natural resources". Delete "promulgate" and insert "adopt".

AS 41.20.110. Renumber as AS 41.21.858, with the section catchline "Campsites, work by prisoners". Note that the sections referenced in the cross reference note in the supplement have been repealed. The reference should read:

"As to employment and compensation of prisoners see AS 33.30.225 and 33.30.227."

AS 41.20.110(a). Delete "Public Works" and insert "Transportation and Public Facilities".

AS 41.20.110(b). Rewrite the second sentence to read:

"The commissioner of health and social services may grant remuneration considered sufficient for the work, either in money or reduction of sentence."

AS 41.20.120. Renumber as AS 41.21.860, with the section catchline "Federal financial assistance". Delete "of natural resources". Change the internal reference to federal law to read: "16 U.S.C. 460d, 460~~1~~-4 to 460~~1~~-11 and 23 U.S.C. 120(note) (P.L.88-578, Land and Water Conservation Fund Act of 1965)". Note that the 1969 revisor's note contains an incorrect U.S.C. reference because of the failure to use a distinctive type font for "ell". Delete the 1969 revisor's note.

In AS 38.04.910(9)(A), change the internal reference to "AS 41.21.850 - 41.21.860" to reflect renumbering.

AS 41.20.130. Renumber as AS 41.21.410, with the section catchline "Purpose of AS 41.21.410 - 41.21.425". Change the two references from "ss130 - 160 of this chapter" to "AS 41.21.410 - 41.21.425". Change the two references from "s140 of this chapter" to "AS 41.21.415". In the first and third sentences, delete "lands and waters" and insert "land and water". In the second sentence, delete "the provisions of". In the third sentence, delete "their" and insert "its". Update the revisor's note, delete the cross reference and delete the legislative history note.

AS 41.20.140. Renumber as AS 41.21.415, with the section catchline "Authority to designate Captain Cook State Recreation Area". Delete "waters" and insert "water". Delete "Department of Natural Resources" and insert "department". Change the archaic reference to "AS 41.21.410 - 41.21.425". Rewrite the paragraph which follows the colon to read:

"Township 8 North, Range 10 West, Seward Meridian

Section 3

Section 9

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Section 10: NW1/4, NE1/4, SW1/4, W1/2SE1/4

Section 15: W1/2W1/2

Sections 16 and 17

All tideland abutting the above and all of Stormy Lake."

The 1969 revisor's note should be rewritten to the style of the 1970 note following AS 41.20.210.

AS 41.20.150. Renumber as AS 41.21.420, with the section catchline unchanged. Delete "of natural resources". Change the archaic internal reference to "AS 41.21.410" to reflect renumbering.

AS 41.20.160. Renumber as AS 41.21.425, with the section catchline unchanged. Delete "of natural resources".

In AS 38.04.910(8)(B), change the internal reference from "AS 41.20.130 - 41.20.160" to "AS 41.21.410 - 41.21.425" to reflect renumbering.

AS 41.20.170. Renumber as AS 41.21.110, with the section catchline "Purpose of AS 41.21.110 - 41.21.113". In the first sentence, change the archaic reference to "AS 41.21.110 - 41.21.113"; delete "lands and waters" and insert "land and water"; and change the archaic reference to "AS 41.21.111". In the second sentence, delete "the provisions of". In the third sentence, change the archaic references to "AS 41.21.111" and "AS 41.21.110 - 41.21.113" respectively; delete "lands" and insert "land"; and delete "their" and insert "its".

AS 41.20.180. Renumber as AS 41.21.111, with the section catchline "Authority to designate Chilkat State Park". In the first sentence, delete "lands and waters" and insert "land and water"; and delete "those" and insert "that". In the second sentence, delete "waters" and insert "water"; and delete "Department of Natural Resources" and insert "department". In the third sentence, change the archaic reference to "AS 41.21.110 - 41.21.113".

Rewrite the paragraphs containing the legal descriptions to read:

"(1) Township 31 South, Range 60 East, Copper River Meridian

U.S.S. 1599: the portions of Sections 6-8 known as Battery Point Light House Reserve

(2) Township 31 South, Range 59 East, Copper River Meridian

Section 1, excluding the portions of Lots 2 and 3 within the Chilkoot Inlet Alaska Subdivision

Section 12: NW1/4, NE1/4, SE1/4

Township 31 South, Range 60 East, Copper River Meridian

Section 6: Lots 1-3

Section 7: Lots 1-7

Section 8: Lot 1

Sections 17 and 18

Section 19: NE1/4NW1/4, N1/2NE1/4

(3) Township 31 South, Range 60 East, Copper River Meridian

Section 30: Lots 8 and 9

Section 31

Section 32: SW1/4, W1/2NW1/4SE1/4,
W1/2SE1/4NW1/4SE1/4, Lots 9-16 including
W1/2SW1/4SE1/4SE1/4

((Note that the description above was incorrectly printed in the 1977 pamphlet))

(4) Township 32 South, Range 60 East, Copper River Meridian

Section 5: W1/2, W1/2SE1/4

Sections 6-9, 15-17, 21 and 22, excluding Tongass

National Forest."

AS 41.20.190. Renumber as AS 41.21.112, with the section catchline unchanged. In the first sentence, delete "of natural resources"; and change the archaic internal reference to "AS 41.21.110" to reflect renumbering. In the second sentence, delete "herein" and insert "in this section".

Establish a new section, AS 41.21.113, with the catchline "Eminent domain prohibited" and the text of section 4, ch 47, SLA 1975. Delete the editor's notes which follow the Article 5 analysis and AS 41.20.180.

AS 41.20.200. Renumber as AS 41.21.120, with the section catchline "Purpose of AS 41.21.120 - 41.21.125". Change the archaic references to "AS 41.21.120 - 41.21.125" and "AS 41.21.121" as appropriate to reflect renumbering. Delete "lands and waters" and insert "land and water" in both occurrences. In the second sentence, delete "the provisions of"; and delete "Act" and insert "act". In the third sentence, delete "their" and insert "its". Note that there is a typographical error in the case note to this section. Correct by deleting ". The" following "error" and inserting ",the"

AS 41.20.210. Renumber as AS 41.21.121, with the section catchline "Chugach State Park established". Delete "lands and waters" and insert "land and water" in the first and fourth sentences. In the first sentence, delete "those" and insert "that". In the fourth sentence, delete "are those" and insert "is that".

Note the typographical errors in (3) which were the subject of error memo 83-063.

AS 41.20.220. Renumber as AS 41.21.122, with the section catchline "Management responsibility". In the first sentence, delete "lands and waters" and insert "land and water"; change the archaic reference to "AS 41.21.121" to reflect renumbering; delete "Department of Natural Resources" and insert "department"; and delete "Highways" and insert "Transportation and Public Facilities". In the second sentence, delete "Department of Natural Resources" and insert "department". In the third sentence, delete "Department of Natural Resources" and insert "department"; and change the archaic reference to "AS 41.21.121" to

reflect renumbering. In the fourth sentence, change the archaic reference to "AS 41.21.121" to reflect renumbering.

AS 41.20.230. Renumber as AS 41.21.123, with the section catchline unchanged.

AS 41.20.230(a). Delete "of natural resources". Change the archaic reference to "AS 41.21.120 - 41.21.125" to reflect renumbering.

AS 41.20.230(b). Delete "of natural resources".

AS 41.20.230(c). Establish as a new section, AS 41.21.124, with the catchline "Discharge of firearms". Delete "Department of Natural Resources" and insert "department".

Delete the legislative history note.

AS 41.20.240. Renumber as AS 41.21.125, with the section catchline unchanged. Delete "of natural resources".

AS 41.20.250. Renumber as AS 41.21.130, with the section catchline "Purpose of AS 41.21.130 - 41.21.143". Change the archaic references to "AS 41.21.130 - 41.21.143" and "AS 41.21.131" as appropriate to reflect renumbering. In the first and third sentences, delete "lands and waters" and insert "land and water". In the second sentence, delete "the provisions of"; and delete "Act" and insert "act".

AS 41.20.260. Renumber as AS 41.21.131, with the section catchline "Kachemak Bay State Park established".

AS 41.20.260(a). Delete "lands and waters" and insert "land and water" in three occurrences. In the first sentence, delete "those" and insert "that". In the second sentence, delete "these" and insert "this"; and delete "their" and insert "its". In the third sentence, delete "are" and insert "is"; delete "their" and insert "its"; and delete "Department of Natural Resources" and insert "department". In (1), "Chugachik Island" should be on the next line, indented (just like the Sections set out in other paragraphs).

AS 41.20.260(b). Delete "lands" and insert "land" in both occurrences.

AS 41.20.260(c). Rewrite the subsection to read:

"(c) Land lying within the parcels described in (a) and (b) of this section upon which there are valid entries or upon which there are valid applications for lease filed under AS 38.05 before May 9, 1970, is excepted from (a) and (b) of this section; however, if any land excepted under this subsection is subsequently relinquished to the state, it shall be included as part of Kachemak Bay State Park."

AS 41.20.261(a) and (b). Renumber as AS 41.21.140(a) and (b), with the section catchline "Kachemak Bay State Wilderness Park established". In the first sentence of (a), delete "are" and insert "is". In the third sentence of (a), delete "Department of Natural Resources" and insert "department". In (b)(2), delete the semicolon and insert a colon.

AS 41.20.261(c). Renumber as AS 41.21.141, with the section catchline "Certain land excepted". Change two internal references from "(a) and (b) of this section" to "AS 41.21.140" to reflect renumbering. Change the reference to federal law to "43 U.S.C. 1610, 1611 and 1613 (P.L. 92-203, secs. 11, 12 and 14 of the Alaska Native Claims Settlement Act)".

AS 41.20.261(d). Renumber as AS 41.21.142, with the section catchline "Stream rehabilitation permitted". Delete "lands" and insert "land"; and change the internal reference from "(a) or (b) of this section" to "AS 41.21.140" to reflect renumbering.

AS 41.20.261(e). Renumber as AS 41.21.143, with the section catchline "Discharge of firearms". Delete "Department of Natural Resources" and insert "department".

AS 41.20.270. Renumber as AS 41.21.132, with the section catchline "Incompatible use prohibited". Delete "of natural resources". Change the archaic reference to "AS 41.21.130 - 41.21.143" to reflect renumbering.

AS 41.20.280. Renumber as AS 41.21.133, with the section catchline unchanged. Delete "Department of Natural Resources" and insert "department". Delete the legislative history note.

AS 41.20.290. Renumber as AS 41.21.134, with the section catchline "Purchase authorized; eminent domain prohibited". Delete "of natural resources".

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AS 41.20.300. Renumber as AS 41.21.150, with the section catchline "Purpose of AS 41.21.150 - 41.21.152". Change the archaic internal references to "AS 41.21.150 - 41.21.152" and "AS 41.21.151" as appropriate to reflect renumbering. In the first and third sentences, delete "lands and waters" and insert "land and water". In the second sentence, delete "the provisions of"; and delete "Act" and insert "act".

AS 41.20.310. Renumber as AS 41.21.151, with the section catchline "Denali State Park established". In the first sentence, delete "lands and waters" and insert "land and water". In the second sentence, delete "These lands and waters are" and insert "This land and water is"; and delete "their" and insert "its". In the third sentence, delete "Lands covered by ss300 - 320 of this chapter are those" and insert "Land covered by AS 41.21.150 - 41.21.152 is that".

In paragraph (1), delete the comma and insert a semicolon in the following locations, all following "right-of-way": lines 2, 4, 6 and 8; in line 10, insert a comma following "right-of-way".

In paragraph (2), replace each "T" with "Township", each "R" with "Range"; and following "R7W" delete the semicolon and insert a colon, following "34-36" delete the comma and insert a semicolon.

Delete the editor's note and establish a cross reference note as follows:

"As to authority of commissioner to adopt regulations designating incompatible uses, see AS 41.21.020(6); as to legislative declaration that certain electrical transmission line is a compatible use in Denali State Park, see sec. 14, ch 118, SLA 1981."

((I sure wish we used "for" instead of "as to"))

AS 41.20.320. Renumber as AS 41.21.152, with the section catchline "Eminent domain prohibited".

Change the internal reference in AS 38.04.910(8)(C) to "AS 41.21.110 - 41.21.152" to reflect renumbering.

AS 41.20.330. Renumber as AS 41.21.430, with the section catchline "Purpose of AS 41.21.430 - 41.21.445". Change the archaic internal references to "AS 41.21.430 - 41.21.445"

and "AS 41.21.435" as appropriate to reflect renumbering. In the first and third sentences, delete "lands and waters" and insert "land and water". In the second sentence, delete "the provisions of"; and delete "Act" and insert "act". Delete the legislative history note which precedes the section.

AS 41.20.335. Renumber as AS 41.21.435, with the section catchline "Authority to designate Caines Head State Recreation Area". In the first sentence, delete "lands and waters and all those" and insert "land and water and all that". In the second sentence, delete "Department of Natural Resources" and insert "department". In the fifth sentence, delete "Lands covered by ss330 - 345 of this chapter are those" and insert "Land covered by AS 41.21.430 - 41.21.445 is that".

AS 41.20.340. Renumber as AS 41.21.440, with the section catchline unchanged. Delete "of natural resources". Change the archaic internal reference to "AS 41.21.435" to reflect renumbering.

AS 41.20.345. Renumber as AS 41.21.445, with the section catchline "Purchase authorized; eminent domain prohibited". Delete "of natural resources"

Change the internal reference in AS 38.04.910(8)(B) from "AS 41.20.330 - 41.20.345" to "AS 41.21.430 - 41.21.445" to reflect renumbering.

AS 41.20.355. Renumber as AS 41.21.864, with the section catchline unchanged.

AS 41.20.355(b) and (d). Delete "Highways" and insert "Transportation and Public Facilities".

AS 41.20.355(e). Following "commissioner", insert "of natural resources".

AS 41.20.355(f). Change the archaic reference to "AS 41.21.864 - 41.21.872" to reflect renumbering.

You will note that although "commissioner" and "department" are defined for this chapter, I have used the full names in this section to avoid confusion between the two departments mentioned.

AS 41.20.360. Renumber as AS 41.21.866, with the section catchline unchanged. Delete "highways" and insert "transportation and public facilities" in both occurrences; and delete "Highways" and insert "Transportation and Public Facilities".

AS 41.20.365. Renumber as AS 41.21.868, with the section catchline unchanged.

AS 41.20.365(a). Change the federal code reference to "(23 U.S.C.)" to reflect legislative intent to refer to the entire title as it stood at the time of the state enactment (title 23 now ends with section 408). Delete "Department of Natural Resources" and insert "department". Delete "Highways" and insert "Transportation and Public Facilities". Change the internal reference to "AS 41.21.864(b) and 41.21.866" to reflect renumbering.

AS 41.20.365(c). Change the internal references to "AS 41.21.864(a)", "AS 41.21.864(b) and 41.21.866" and "AS 41.21.864 - 41.21.872" respectively to reflect renumbering. Delete "Highways" and insert "Transportation and Public Facilities".

AS 41.20.370. Renumber as AS 41.21.870, with the section catchline unchanged. Change the internal reference to "AS 41.21.864(a)" to reflect renumbering. Delete "of natural resources". Delete "Highways" and insert "Transportation and Public Facilities". Delete "Department of Natural Resources" and insert "department".

AS 41.20.375. Renumber as AS 41.21.872, with the section catchline unchanged. Change the internal reference to "AS 41.21.864 - 41.21.872" to reflect renumbering. Delete "of natural resources". Delete "its" and insert "their". In the second sentence, delete the comma.

Change the internal reference in AS 38.04.910(9)(B) to "AS 41.21.864 - 41.21.972" to reflect renumbering.

AS 41.20.385. Renumber as AS 41.21.900, with the section catchline "Purpose of AS 41.21.900 - 41.21.908". Change the internal reference to "AS 41.21.900 - 41.21.908" to reflect renumbering. Note the error in the first sentence which was the subject of error memo 83-064.

AS 41.20.390. Renumber as AS 41.21.902, with the section catchline "Alaska Conservation Action Corps created". Delete "parks and recreation division" and insert "division of parks".

AS 41.20.395. Renumber as AS 41.21.904, with the section catchline unchanged. In (4) and (6), delete "lands" and insert "land".

AS 41.20.400. Renumber as AS 41.21.906, with the section catchline unchanged. Delete "of the Department of Natural Resources" in both subsections.

AS 41.20.405. Renumber as AS 41.21.908, with the section catchline "Applicability of child labor laws". Delete "the provisions of". Change the archaic internal reference to "AS 41.21.900 - 41.21.908" to reflect renumbering.

AS 41.20.410. Renumber as AS 41.21.910, with the section catchline "Alaska Youth Hostel System established".

AS 41.20.420. Renumber as AS 41.21.912, with the section catchline "Duties of division".

AS 41.20.430. Renumber as AS 41.21.914, with the section catchline "Hostel locations".

AS 41.20.440. Renumber as AS 41.21.916, with the section catchline unchanged.

AS 41.20.450. Renumber as AS 41.21.918, with the section catchline "Duties of coordinator". Delete "his" and insert "the division". In (4), change the internal references to "AS 41.21.912(2)" to reflect renumbering.

AS 41.20.460. Renumber as AS 41.21.160, with the section catchline "Purpose of AS 41.21.160 - 41.21.167". Change the internal references to "AS 41.21.160 - 41.21.167" and "AS 41.21.161" as appropriate to reflect renumbering. In the last sentence, delete "them" and insert "it".

AS 41.20.470. Renumber as AS 41.21.161, with the section catchline "Wood-Tikchik State Park established". In (c), change the internal reference to federal law exactly as was done in AS 41.20.261(c).

AS 41.20.480(a). Renumber as AS 41.21.162, with the section catchline "Designation of management responsibility". Change the internal reference to "AS 41.21.161" to reflect renumbering. Delete "Department of Natural Resources" and insert "department".

AS 41.20.480(b). Renumber as AS 41.21.163, with the section catchline "Management Council created". In the last sentence, delete "him" and insert "the governor".

AS 41.20.480(c). Renumber as AS 41.21.164, with the section catchline "Management plan". Delete "Department of Natural Resources" and insert "department".

AS 41.20.480(d). Renumber as AS 41.21.165, with the section catchline "Regulations". Delete "Department of Natural Resources" and insert "department" in both occurrences.

AS 41.20.480(e). Renumber as AS 41.21.166, with the section catchline "Fish and wildlife breeding areas".

AS 41.20.490. Renumber as AS 41.21.167, with the section catchline unchanged. In (a), change the internal reference to "AS 41.21.161" to reflect renumbering. In (b), change the internal reference to "AS 41.21.165" to reflect renumbering.

AS 41.20.491. Renumber as AS 41.21.450, with the section catchline "Purpose of AS 41.21.450 - 41.21.465". Change the internal references to "AS 41.21.450 - 41.21.465" and "AS 41.21.455" as appropriate to reflect renumbering. Delete "lands and waters" and insert "land and water".

AS 41.20.492. Renumber as AS 41.21.455, with the section catchline "Nancy Lake State Recreation Area established". In (a), delete "lands and waters" and insert "land and water"; delete "those" and insert "that"; delete "lands" and insert "land"; delete "Department of Natural Resources" and insert "department"; and, at the end of the introductory paragraph, delete the period and insert a colon.

In (b), delete "lands which are" and insert "land that is"; delete "which have" and insert "that have"; delete "the provisions of" and insert "former"; and move the phrase "before April 22, 1970" from the end of the sentence and insert following "by the borough". Delete the editor's note.

AS 41.20.495. Renumber as AS 41.21.460, with the section catchline unchanged. Delete "of natural resources". Change the internal reference to "AS 41.21.450" to reflect renumbering.

AS 41.20.496. Renumber as AS 41.21.465, with the section catchline unchanged. Delete "of natural resources".

In AS 38.04.910(8)(B), change the internal reference from "ch 61, SLA 1966" to "AS 41.21.450 - 41.21.465" to reflect renumbering.

AS 41.20.497. Renumber as AS 41.21.470, with the section catchline "Purpose of AS 41.21.470 - 41.21.490". Change the internal references to "AS 41.21.470 - 41.21.490" and "AS 41.21.475" as appropriate to reflect renumbering. Delete "lands, waters" and insert "land, water".

AS 41.20.498(a). Renumber as AS 41.21.475, with the section catchline "Chena River Recreation Area established". Delete "lands and waters" and insert "land and water"; delete "those" and insert "that"; delete "lands" and insert "land"; and delete "Department of Natural Resources" and insert "department".

AS 41.20.498(b). Renumber as AS 41.21.480, with the section catchline "Eminent domain".

AS 41.20.498(c). Renumber as AS 41.21.485, with the section catchline "Zoning of private land". Delete "Department of Natural Resources" and insert "department". Change the spanned reference to "AS 44.62".

AS 41.20.505. Renumber as AS 41.21.490, with the section catchline unchanged. Delete "of natural resources". Change the internal references to "AS 41.21.020(13)" and "AS 41.21.470" to reflect renumbering. In (3), delete "the effective date of the act establishing the state recreation area" and insert "June 18, 1967".

In AS 38.04.910(8)(B), Change the internal reference from "ch 26 SLA 1967" to "AS 41.21.470 - 41.21.490" to reflect renumbering.

Article 16. Delete the effective date note.

AS 41.20.506. Renumber as AS 41.21.610, with the section

catchline "Purpose of AS 41.21.610 - 41.21.630".

AS 41.20.506(a). Change the internal references to "AS 41.21.610 - 41.21.630" and "AS 41.21.611(b)" to reflect renumbering.

AS 41.20.506(b)(5). Change the first internal reference to "AS 41.21.611(b)" to reflect renumbering. Rewrite the last clause to read: "consistent with the other purposes of this subsection and (a) of this section".

AS 41.20.506(c). Change the internal references to "AS 41.21.610 - 41.21.630", "(AS 41.15.300 - 41.15.325)" and "AS 41.21.621" to reflect renumbering.

AS 41.20.506(d). Change the internal references to "AS 41.21.611(b)" and "AS 41.21.610 - 41.21.630" to reflect renumbering.

AS 41.20.507. This section is to be broken up into several new sections and substantially reorganized. The new sections, and their sources in existing law, are:

AS 41.21.611 - (a) was AS 41.20.507(a)
(b) was AS 41.20.507(k)

AS 41.21.612 - (a) was AS 41.20.507(b), except last sentence
(b) was AS 41.20.507(n)

AS 41.21.613 - was the last sentence of AS 41.20.507(b)

AS 41.21.614 - was AS 41.20.507(c)

AS 41.21.615 - was AS 41.20.507(d)

AS 41.21.616 - was AS 41.20.507(e)

AS 41.21.617 - was AS 41.20.507(f)

AS 41.21.618 - was AS 41.20.507(g)

AS 41.21.619 - was AS 41.20.507(h)

AS 41.21.620 - (a) was AS 41.20.507(i)
(b) was AS 41.20.507(m)

AS 41.21.621 - was AS 41.20.507(j)

AS 41.21.622 - was AS 41.20.507(1)

The catchlines for the new sections are:

AS 41.21.611 - "Alaska Chilkat Bald Eagle Preserve established"

AS 41.21.612 - "Land excluded"

AS 41.21.613 - "Eminent domain prohibited"

AS 41.21.614 - "Native allotments"

AS 41.21.615 - "Fish and game management"

AS 41.21.616 - "Regulations"

AS 41.21.617 - "Other uses generally"

AS 41.21.618 - "Traditional uses"

AS 41.21.619 - "Access and rights-of-way"

AS 41.21.620 - "Management plan"

AS 41.21.621 - "Additions or deletions to preserve"

AS 41.21.622 - "Historical, cultural and burial sites"

In addition to the above, please make the following editorial changes (listed by reference to existing section organization):

AS 41.20.507(a). Change the internal reference to "(b) of this section" to reflect renumbering. Delete "Department of Natural Resources" and insert "department".

AS 41.20.507(b). Delete "the effective date of this Act [July 1, 1982]" and insert "July 1, 1982". In the last sentence, delete "of natural resources".

AS 41.20.507(d)(1). Change the internal reference to "AS 41.21.610 - 41.21.630" to reflect renumbering.

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AS 41.20.507(d)(2). Change the federal law reference to "16 U.S.C.668a (sec. 2, Bald Eagle Protection Act)".

AS 41.20.507(e). Delete "Department of Natural Resources" and insert "department" in three occurrences. Change the internal reference to "AS 41.21.625" to reflect renumbering. Note the typographical error in the second sentence which was the subject of error memo 83-079.

AS 41.20.507(f). Delete "(k) of this section" and insert "AS 41.21.611(b)" in both occurrences. Delete "of natural resources". Delete "AS 41.20.506(a) and (b)" and insert "AS 41.21.610(a) and (b)" to reflect renumbering.

AS 41.20.507(g). Delete ", Department of Natural Resources" and insert "of the department". Change the internal reference to "AS 41.21.610(a) and (b)" to reflect renumbering.

AS 41.20.507(h). Change three internal references from "(k) of this section" to "AS 41.21.611(b)" to reflect renumbering. Change the last internal reference to "AS 41.21.610(a) and (b)" to reflect renumbering.

AS 41.20.507(i). Change the internal reference to "AS 41.21.625" to reflect renumbering.

AS 41.20.507(l)[ell]. Change the internal reference to "AS 41.21.617" to reflect renumbering.

AS 41.20.507(m). Change the internal reference to "(a) of this section" to reflect renumbering.

Delete the first paragraph of the editor's note, as the subject will be covered by the "universal" revisor's note. The second paragraph of the note should follow AS 41.21.620 and should read:

"Section 3, ch 95, SLA 1982 requires that the management plan be adopted and implemented within two years after July 1, 1982."

AS 41.20.515. Renumber as AS 41.21.625, with the section catchline unchanged. In (e), delete "Department of Natural Resources" and insert "department".

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AS 41.37.150. Change the spanned reference to "this chapter".

AS 41.45. This chapter is to be transferred to AS 27 (Mining). The effective date of the chapter is May 2, 1983 (see vol. 48, no. 57, Federal Register, pp 12274 - 12289). The renumbering of the chapter and other editorial matters will be contained in the memo relating to Title 27, which is transmitted with this memc.

DRD:ljb
18/012

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Page 5
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becomes AS 27.21.010, AS 41.45.020 becomes AS 27.21.020,
etc.

We have the following editorial instructions for the chapter
(using the old section numbers):

Delete all of the effective date notes.

Delete all of the editor's notes, or paragraphs thereof,
which tell the reader where to find the federal act. See
the definition in AS 41.45.998(18). Further instructions
relating to editor's notes are assumed to include this
instruction.

AS 41.45.010. Delete the last paragraph of the editor's
note.

AS 41.45.030. Delete the last paragraph of the editor's
note.

AS 41.45.060(a). Delete "the date the Alaska program is
approved under 30 U.S.C. 1253, as amended" and insert "May
2, 1983". Delete the editor's note.

AS 41.45.080(a), (c) and (e). Change the internal refer-
ences to reflect renumbering.

AS 41.45.080(b). Change the internal reference to
AS 38.05.945 to reflect renumbering of AS 38.05.

AS 41.45.120. Change the internal reference to reflect
renumbering.

AS 41.45.130. Change the internal reference to
AS 38.05.945(b) and (c) to reflect renumbering of AS 38.05.

AS 41.45.140(a). Following "a person", insert "who" (see
error memo 83-066). Change the internal reference to
reflect renumbering.

AS 41.45.140(c) and (d). Change the internal references to
reflect renumbering.

AS 41.45.150(a). Change the internal reference to reflect
renumbering.

AS 41.45.160(b). Change the internal reference to reflect
renumbering.

AS 27.10.240. Change the archaic reference to "AS 27.10.230".

AS 27.15. Delete the revisor's note. Substitute a cross reference to AS 38.05.185 - 38.05.280.

AS 27.15.010. Delete the cross reference.

AS 27.20.010. Rewrite the section to read:

"Sec. 27.20.010. Regulations. (a) The commissioner may adopt the regulations and issue the orders considered necessary to carry out the purposes of this chapter, and the regulations shall have the force and effect of law. Regulations and orders authorized by this chapter shall be consistent with its purposes, and may include but are not limited to regulations and orders pertaining to and supplementing the subject matter contained in this chapter. The commissioner, in adopting coal mining safety regulations, shall, as nearly as is practicable, conform to the federal regulations applicable to bituminous coal and lignite mine safety.

(b) All regulations and orders authorized by this chapter shall be adopted in accordance with the Administrative Procedure Act (AS 44.62)."

AS 27.20.021. In the catchline, delete "Department may inspect" and insert "Inspection of". In the second sentence, delete "He" and insert "The department".

AS 27.20.031. Change the spanned reference to "this chapter".

AS 27.20.041. Change the spanned reference to "this chapter".

AS 27.20.051. Change the spanned reference to "this chapter".

AS 27.20.061. Change the section catchline to "Definitions". Change the spanned reference to "this chapter".

AS 27.21. This new chapter will consist of existing AS 41.45. Section numbering will be exactly as given in AS 41.45 to minimize confusion. For example, AS 41.45.010

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
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Senate

Committee on Resources

April 25, 1983

Memo

To: Senate Resources Committee Members

From: Senate Resources Committee Staff

Subject: Proposed CS for SB 222, DNR Clean-up legislation

A CS (pages attached) is proposed to contain the following amendments which have been recommended by the DNR and approved by the Statute Revisor. None are considered substantive changes.

1) On page 19, line 24, make the following change:

"...available to the public a written [decision] finding which sets out the facts..."

Rationale

This is essentially an editorial change to conform to the use of the word in other revised sections of the bill.

2) On page 22, lines 16-21 make the following changes:

(3) notice of the application period and the date of the lottery shall be [published once each week for four consecutive weeks before the beginning date of an application period in newspapers of general circulation in the state and by the electronic media covering the region of the state in which the land is located] given in accordance with AS 38.05.345 [(e)] ; and

Rationale

Public notice procedures are defined in AS 38.05.345 for all land disposal. The language of the bill might be construed to create a separate notice procedure for lottery disposals.

3) Page 60, lines 10-15, make the same change as in amendment no. 2 above for the same reason.

In addition, the DNR has proposed two amendments to the bill to delete the statute references to the resident discount program which has been ruled unconstitutional by the Alaska Supreme Court. Staff recommends this be considered at a later time.

1 compatible with municipal land use plans;

2 (7) for good cause extend for up to 90 days the time for
3 rental or installment payments by a lessee or purchaser of state land
4 under this chapter if reasonable penalties and interest set by the
5 commissioner are paid.

6 (c) A parcel of land may be conveyed under (b) of this section
7 without classification or reclassification under AS 38.05.300.

8 (d) A parcel of land described in (b)(6) of this section must be
9 sold at its fair market value as determined by the commissioner on the
10 basis of an appraisal completed as provided in AS 38.05.310. Nothing
11 in this subsection prevents the sale of land under AS 38.05.055 or
12 38.05.057 to a person not qualifying as an adjoining landowner if the
13 adjoining landowner declines to purchase the land.

14 (e) Upon a written finding, which shall be available to the
15 public on request, that the interests of the state will be best
16 served, the commissioner may approve contracts for the sale, lease, or
17 other disposal of available land, resources, property or interests in
18 them, and, in addition to the conditions and limitations imposed by
19 law, may impose additional conditions or limitations in the contracts
20 as the commissioner determines will best serve the interests of the
21 state. Before a public hearing, if held, or in any case no less than
22 21 days before the sale, lease, or other disposal of available land,
23 property, resources, or interests in them, the commissioner shall make
24 available to the public a written ^{finding} [decision] which sets out the facts
25 and applicable law upon which the commissioner based the determination
26 that the sale, lease, or other disposal will best serve the interests
27 of the state. A written finding is not required before the approval
28 of

29 (1) a contract for a negotiated sale authorized by AS 38.-

1 05.115;

2 (2) the lease of land for a shore fishery site under
3 AS 38.05.082;

4 (3) a permit or other authorization revocable by the de-
5 partment.

6 * Sec. 42. AS 38.05.037 is amended to read:

7 Sec. 38.05.037. ZONING POWERS OF DEPARTMENT [REGULATIONS IN THE
8 UNORGANIZED BOROUGH TO FACILITATE FEDERAL LAND SALES]. (a) In areas
9 of the state outside first, second or third class boroughs where there
10 is no municipality with a zoning power, the department [DIVISION OF
11 LANDS] shall exercise the zoning power by adopting zoning regulations.

12 (b) The department [DIVISION OF LANDS] may exercise its zoning
13 power

14 (1) within federal land [LANDS] in the unorganized borough
15 only at the times and in the areas it is requested to do so by the
16 Secretary of the Interior to facilitate sales of federal land [LANDS]
17 within the unorganized borough under P.L. 88-608, 78 Stat. 988;

18 (2) within any portion of a third class borough covered by
19 the Alaska coastal management program adopted in accordance with the
20 provisions of AS 46.40 [AS 46.35] if the municipality has not done so.

21 (c) Any zoning done by the department [DIVISION OF LANDS] under
22 (b) of this section is final unless disapproved by concurrent resolu-
23 tion at the next regular session of the legislature.

24 * Sec. 43. AS 38.05.040 is amended to read:

25 Sec. 38.05.040. COMMISSIONER [DIRECTOR] SHALL BE BONDED. Before
26 performing any [HIS] duties, the commissioner [DIRECTOR] shall execute
27 a corporate surety bond to the state in the sum of \$150,000, condi-
28 tioned upon the faithful performance of all [HIS] duties under this
29 chapter and upon the prompt and faithful accounting of all money

1 ful bidder shall deposit an amount equal to five percent of the pur-
2 chase price, or if the purchaser elects to use land discounts granted
3 under AS 38.05.058, five percent of the amount bid after deduction of
4 the discount. The commissioner [DIRECTOR OR HIS REPRESENTATIVE] shall
5 immediately issue a receipt containing a description of the land or
6 property purchased, the price bid, the amount deposited, and the
7 amount of any discount allowed. The receipt shall be acknowledged in
8 writing by the bidder.

9 * Sec. 46. AS 38.05.057 (e) is amended to read:

10 (e) The commissioner [DIRECTOR] shall accept applications to
11 purchase particular parcels under the following procedures and
12 conditions:

13 (1) the application period may not be less than 45 days;

14 (2) no application may be accepted less than 15 days before
15 each lottery;

16 (3) notice of the application period and the date of the
17 lottery shall be ~~published once each week for four consecutive weeks~~
18 ~~before the beginning date of an application period in newspapers of~~
19 ~~general circulation in the state and by the electronic media covering~~
20 ~~the region of the state in which the land is located~~ [GIVEN IN ACCOR-
21 DANCE WITH AS 38.05.345(e)]; and

22 (4) the application shall be made on a form provided by the
23 department.

24 * Sec. 47. AS 38.05.057(g) is amended to read:

25 (g) After receiving the deposit required under (a) of this
26 section, the commissioner [DIRECTOR OR HIS REPRESENTATIVE] shall
27 immediately issue a receipt containing a description of the land or
28 property to be conveyed, the price of the land, and the terms of
29 disposal. The receipt shall be acknowledged in writing by the pur-

1 collected by the commissioner [HIM] or [HIS] deputies, assistants,
2 employees or agents of the commissioner. The bond, together with
3 additional conditions or limitations considered necessary, shall be
4 approved by the attorney general and filed in the office of the gover-
5 nor. The premium upon the bond is payable from money appropriated for
6 operation of the department [DIVISION].

7 * Sec. 44. AS 38.05.050 is amended to read:

8 Sec. 38.05.050. DISPOSAL OF LAND FOR PRIVATE OWNERSHIP. The
9 commissioner [, UPON THE RECOMMENDATION OF THE DIRECTOR,] shall deter-
10 mine the land to be disposed of for private use. The commissioner
11 [DIRECTOR] shall determine the time and place of disposal. An auction
12 sale, a lottery sale, or a disposal of land for homesites under
13 AS 38.04.020(g)(2)(C) must be held in the municipality that is closest
14 to the land to be sold or disposed of and in which regular sessions of
15 a court of the state are held.

16 * Sec. 45. AS 38.05.055 is amended to read:

17 Sec. 38.05.055. AUCTION SALE PROCEDURES. Unless another method
18 of sale is required under AS 38.05.005 - 38.05.370, [UNDER] AS 38.07.-
19 010 - 38.07.060, or [UNDER] AS 38.08.010 - 38.08.120, the sale of
20 state land shall be made at public auction to the highest qualified
21 bidder as determined by the commissioner [DIRECTOR]. A bidder must
22 appear in person at the auction unless medical reasons, attendance at
23 school, or military service outside the state prevent attendance. A
24 bidder may be represented by an attorney or agent at the auction if
25 the land offered for disposal is commercial, industrial, or agricul-
26 tural land. An aggrieved bidder may appeal to the commissioner within
27 five days after the sale for a review of the commissioner's [DIREC-
28 TOR'S] determination. The sale shall be conducted by the commissioner
29 [DIRECTOR OR HIS REPRESENTATIVE], and at the time of sale the success-

1 graphical features, soil conditions, on-site sewage disposal require-
2 ments, or water drainage or supply considerations unique to the sub-
3 division.

4 (c) Repealed.

5 (d) The commissioner [DIRECTOR] shall, to as great an extent as
6 possible, classify land for homesite entry based upon the distribution
7 of population in the state.

8 * Sec. 109. AS 38.08.020 is amended to read:

9 Sec. 38.08.020. PUBLIC NOTICE. The commissioner [DIRECTOR]
10 shall publish notice of the availability of the land in ~~newspapers of~~
11 ~~general circulation in the state and by the electronic media covering~~
12 ~~the region of the state in which the land is located. The notice~~
13 ~~shall be published once each week for four consecutive weeks before~~
14 ~~the beginning date of an application period~~ THE SAME MANNER AS PRO-
15 VIDED IN AS 38.05.345[(e)].

16 * Sec. 110. AS 38.08.040(b) is amended to read:

17 (b) If the number of applicants qualified for homesite entry
18 exceeds the number of available homesites offered, or if several
19 applicants apply and qualify for the same homesite, priority in award
20 of an entry permit shall be accorded to that applicant showing proof
21 of the longest residency in the state. An applicant shall present
22 [HIS] proof of residency to the department in a manner designated by
23 the commissioner [DIRECTOR].

24 * Sec. 111. AS 38.08.060(a) is amended to read:

25 (a) A person who enters upon homesite entry land under a permit
26 issued by the commissioner [DIRECTOR] shall be issued a patent to the
27 land conveying an unencumbered title if that person

28 (1) occupies the land for a cumulative total of 35 months
29 within the seven-year period following issuance of the homesite entry

1 tively approved land which on September 22, 1976 [THE EFFECTIVE DATE
2 OF THIS ACT] has been classified as Class II or Class III in detailed
3 soil surveys of the National Cooperative Soil Survey;

4 (2) classification under (1) shall be completed within
5 three years of September 22, 1976.

6 * Sec. 106. AS 38.05.365(5) is repealed.

7 * Sec. 107. AS 38.07.030(a) is amended to read:

8 (a) An owner of agricultural land, or a lessee from the state of
9 agricultural land, in the general vicinity of the land to be cleared
10 or drained under AS 38.07.010(a) [SEC. 10(a) OF THIS CHAPTER] may
11 apply to the commissioner to have the [HIS] land cleared or drained or
12 both along with the state land. The applicant's land shall be in-
13 cluded in the contract of land to be cleared or drained if, in the
14 discretion of the commissioner, the inclusion is feasible and furthers
15 the agricultural policies of the Department of Natural Resources
16 [DIVISION].

17 * Sec. 108. AS 38.08.010 is amended to read:

18 Sec. 38.08.010. CLASSIFICATION OF LAND FOR HOMESITE ENTRY. (a)
19 The commissioner [DIRECTOR] shall designate, classify and make avail-
20 able for homesite entry state land in amounts and at times as required
21 in AS 38.04.020 or as may otherwise be required by law.

22 (b) Land classified as homesite entry land shall be divided into
23 parcels not exceeding five acres in reasonably compact form, with
24 boundaries conforming as nearly as practicable to natural geologic and
25 topographic features. However a parcel may exceed five acres if the
26 commissioner [DIRECTOR] determines that the larger parcel is necessary
27 to

28 (1) comply with local zoning ordinances; or

29 (2) permit the design of a subdivision because of topo-

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

REQUEST

Bill/Resolution No.: SB 222
 Title: Organization of DNR
 Sponsor: Senate Resources
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: Natural Resources
 Program Category Affected: _____
 BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	0	0	0			
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
	0	0	0			

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						
	0	0	0			

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Sharon Barton Phone: 465-2400
 Division: Commissioner's Office, DNR Date: April 22, 1983
 Approved by Commissioner: Mary Malbran Date: April 22, 198e
 Department: Natural Resources

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

3/8/83

P. 14, 15, 175

Offered: 4/18/84
Referred: Rules

Original sponsor: Resources Committee

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2

CS FOR SENATE BILL NO. 222 (Finance)

HOUSE ~~SENATE~~

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

FINANCE

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the organization of the Department of Natural Resources and planning and construction of forest products access roads; and providing for an effective date."

7

8

9

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

11 * Section 1. AS 19.30.060 is amended to read:

12

Sec. 19.30.060. PURPOSE. It is the purpose of AS 19.30.060 -

13

19.30.100 to provide access to state lands that [WHICH] are programmed

14

for surface or forest products disposal, and to provide access roads

15

at the lowest possible cost.

16

* Sec. 2. AS 19.30.070 is amended to read:

17

Sec. 19.30.070. PLANNING AND [CONTRACTS FOR] CONSTRUCTION OF

18

ROADS. The commissioner of natural resources [DIRECTOR OF THE DIVI-

19

SION OF LANDS] may plan and construct roads or contract with private

20

persons for the construction of roads to and on state land [LANDS]

21

programmed for surface or forest products disposal [WHICH ARE NOT MORE

22

THAN SIX MILES FROM EXISTING ROADS OR HIGHWAYS].

23

* Sec. 3. AS 19.30.080 is amended to read:

24

Sec. 19.30.080. CONSTRUCTION STANDARDS AND MAINTENANCE. An

25

access road constructed under AS 19.30.060 - 19.30.100 shall be of low

26

standard, not necessarily suitable for all weather use. The state is

27

not under obligation to maintain an access road constructed under

28

AS 19.30.060 - 19.30.100. If an access road is constructed outside a

29

municipality that has zoning ordinances, the right-of-way width for

1 the road shall be determined by the Department of Natural Resources
2 [DIVISION OF LANDS] and the Department of Transportation and Public
3 Facilities. If an access road is constructed within the boundaries of
4 a municipality that has zoning ordinances, the right-of-way width
5 shall conform to the subdivision control ordinances of the municipal-
6 ity. Contracts for the work on an access road shall be awarded to the
7 lowest responsible bidder qualified to contract with the state.

8 * Sec. 4. AS 19.30.090 is amended to read:

9 Sec. 19.30.090. PAYMENT OF CONSTRUCTION COSTS [IN LAND CREDIT
10 CERTIFICATES]. The cost of constructing access roads to state land
11 [LANDS] shall be paid in appropriated funds or freely transferable
12 land credit certificates which may be applied toward the purchase or
13 lease of any state land [LANDS] under the jurisdiction of the Depart-
14 ment of Natural Resources [DIVISION OF LANDS], except tide, submerged,
15 and shoreland and land [SHORELANDS AND LANDS] belonging to the state
16 which have been obtained by escheat, purchase, or any means other than
17 by general land grant. A land credit certificate is valid for a
18 period of 20 years after issue. After the expiration of 20 years from
19 date of issue the holder may not start an action against the state or
20 any person based upon the certificate. The method of disposing of
21 land [LANDS] and resources and restrictions upon their disposal estab-
22 lished by law or regulation are in no way affected by the use of land
23 credit certificates.

24 * Sec. 5. AS 29.18.202 is amended to read:

25 Sec. 29.18.202. DETERMINATION OF ENTITLEMENT FOR CITIES. The
26 general grant land entitlement of a city formerly eligible to receive
27 general grant land under the provisions of former AS 29.18.190 and
28 29.18.200 [, AS REPEALED BY THIS ACT,] is 10 percent of the maximum
29 total acreage of vacant, unappropriated, unreserved land within the

1 boundaries of each city at any time between the initial date of eligi-
2 bility under former AS 29.18.190 and 29.18.200 and July 1, 1978.
3 Within six months of July 1, 1978, the commissioner [DIRECTOR] shall
4 determine the entitlement for each city eligible to receive general
5 grant land under this section and certify that entitlement to the
6 city.

7 * Sec. 6. AS 29.18.203(b) is amended to read:

8 (b) Within six months of the date of incorporation of a munici-
9 pality which is incorporated after July 1, 1978, the commissioner
10 [DIRECTOR] shall determine the entitlement of each municipality eli-
11 gible to receive general grant land under (a) of this section and
12 certify the entitlement to the municipality.

13 * Sec. 7. AS 29.18.204(c) is amended to read:

14 (c) Land may be selected or nominated for selection by a munic-
15 ipality to satisfy a general grant land entitlement under AS 29.18.201
16 and 29.18.202 at any time before October 1, 1980. However, if a
17 municipal selection or nomination or a part of a municipal selection
18 or nomination is rejected by the commissioner [DIRECTOR], the munic-
19 ipality may, not later than 90 days after receipt of the commission-
20 er's [DIRECTOR'S] rejection, select additional state land as necessary
21 to satisfy its entitlement.

22 * Sec. 8. AS 29.18.204(d) is amended to read:

23 (d) Land may be selected by a municipality to satisfy a general
24 grant land entitlement under AS 29.18.203 at any time within one year
25 after the commissioner [DIRECTOR] certifies the entitlement to the
26 municipality.

27 * Sec. 9. AS 29.18.205(b) is amended to read:

28 (b) All approved selections under former AS 29.18.190 and
29 29.18.200 for which patent has not been issued to a municipality on

1 July 1, 1978 shall be reviewed by the commissioner [DIRECTOR] within
2 nine months of July 1, 1978. Any approved selection of land which was
3 vacant, unappropriated or unreserved on the date of selection is valid
4 as of the date of the approval under former AS 29.18.190 and 29.18.-
5 200, and a patent shall be issued to the municipality within three
6 months after approval by the commissioner [DIRECTOR] of a plat of
7 survey. The acreage shall be credited toward fulfillment of the
8 municipality's entitlement. No municipality is entitled to receive
9 patent under AS 29.18.011 - 29.18.610 to more than its entitlement
10 determined under AS 29.18.201 - 29.18.203. Any prior approval by the
11 commissioner [DIRECTOR] of municipal selections for land which was not
12 vacant, unappropriated or unreserved on the date of selection shall be
13 rescinded, and patent may not be issued except when disposal to a
14 third party by sale or lease has occurred. Transfers of land to
15 municipalities under AS 29.18.011 - 29.18.610 are subject to AS 38.-
16 05.321. Classification actions as reflected upon the land status
17 records of the Department of Natural Resources are determinative of
18 land classification status for purposes of AS 29.18.011 - 29.18.610.

19 * Sec. 10. AS 29.18.205(f) is amended to read:

20 (f) The commissioner [DIRECTOR] shall approve each selection for
21 patent within nine months of its selection by a municipality, and a
22 patent shall be issued to the municipality for land selected in satis-
23 faction of a general grant land entitlement vested under AS 29.18.-
24 201 - 29.18.203 within three months after approval by the commissioner
25 [DIRECTOR] of a plat of survey.

26 * Sec. 11. AS 29.18.206(d) is amended to read:

27 (d) Within six months after approval of a municipal selection of
28 school, university, or mental health land, the commissioner [DIRECTOR]
29 shall identify state general grant land of approximately equal value

1 to the land requested by the municipality, and shall propose the
2 replacement land for the concurrence of the appropriate board. If a
3 proposal by the commissioner [DIRECTOR] is rejected by the board, the
4 commissioner [DIRECTOR] shall meet with the board as often as neces-
5 sary to determine the type and amount of equal value replacement land
6 that would be required to obtain the board's concurrence, and shall
7 propose the replacement land for consideration by the board. The
8 replacement land shall thereafter be managed for the purposes for
9 which the land selected by the municipality was acquired by the Terri-
10 tory and State of Alaska.

11 * Sec. 12. AS 29.18.206(e) is amended to read:

12 (e) The notice and review provisions of AS [38.05.305 AND]
13 38.05.345 are applicable to the designation of other general grant
14 land as school, university or mental health land in replacement of
15 land selected under this section. The provisions of AS 38.50 [AND
16 38.05.032] do not apply to such designations under this section. [THE
17 PROVISIONS OF AS 38.05.030(a), 38.05.030(e), AND 38.05.035(a)(13)
18 WHICH REQUIRE THE APPROVAL OF THE RESPECTIVE TRUST BOARD BEFORE DIS-
19 POSAL OF LANDS BY THE DIRECTOR DO NOT APPLY TO SELECTIONS OF SCHOOL,
20 UNIVERSITY OR MENTAL HEALTH LAND BY A MUNICIPALITY UNDER THIS SEC-
21 TION.]

22 * Sec. 13. AS 29.18.207(c) is amended to read:

23 (c) If land selected by a municipality is unsurveyed at the time
24 of approval, the commissioner [DIRECTOR] shall survey, or may approve
25 the municipality's survey of, the exterior boundaries of an approved
26 selection without interior subdivision, and shall issue patent in
27 terms of the exterior boundary survey. The cost of the survey shall
28 be borne by the municipality. If land selected by a municipality has
29 been surveyed at the time of its selection, the boundaries shall

1 conform to the public land subdivisions established by the approved
2 survey.

3 * Sec. 14. AS 29.18.207(d) is amended to read:

4 (d) The commissioner [DIRECTOR] may approve municipal selections
5 of land which have been tentatively approved or patented to the state
6 by the federal government, but the commissioner [HE] may not issue
7 patent to a municipality until the land has first been patented to the
8 state. After approval of a selection by the commissioner [DIRECTOR],
9 but before patent to a municipality, the municipality may execute
10 conditional leases and make conditional sales only with the consent of
11 the commissioner [DIRECTOR]. Conditional sales and conditional leases
12 made before July 1, 1978 do not require the consent of the commis-
13 sioner [DIRECTOR].

14 * Sec. 15. AS 29.18.209 is amended to read:

15 Sec. 29.18.209. AUTHORIZATION FOR LAND EXCHANGES. The [DIREC-
16 TOR, WITH THE CONCURRENCE OF THE] commissioner [,] and any municipal-
17 ity are authorized to exchange land or interests in land when it is in
18 the public interest. Land or interests in land exchanged under this
19 section must be of approximately equal value, including the non-
20 monetary value of public benefits. Exchange procedures shall comply
21 with applicable law and municipal ordinances. The notice and review
22 provisions of AS [38.05.305 AND] 38.05.345 are applicable to exchanges
23 of land under this section. The provisions of AS 38.50.010 - 38.50.-
24 170 do not apply to exchanges of land under this section.

25 * Sec. 16. AS 29.18.210(b) is amended to read:

26 (b) Where state land is the most logical location for demon-
27 strated municipal expansion for nonpublic settlement and development
28 purposes, and when an exchange of land under AS 29.18.209 is not
29 possible or is not in the public interest, it is the policy of the

1 state to sell or lease the land at public auction. The state may
2 contract with a municipality to act as its agent in an auction of
3 state land under applicable statutes. When a municipality acts as the
4 agent of the state in an auction, the municipality may retain from the
5 proceeds of the auction the expenses that [WHICH] the commissioner
6 [DIRECTOR] determines to be necessary and reasonable.

7 * Sec. 17. AS 29.18.210(c) is amended to read:

8 (c) Nothing in AS 29.18.011 - 29.18.610 limits or impairs the
9 authority of the commissioner [DIRECTOR] to transfer land to munic-
10 ipalities, without limit or consideration, for public purposes in
11 accordance with AS 38.05.315. If there is a remaining entitlement of
12 the municipality, land transferred under AS 38.05.315 shall be cred-
13 ited toward fulfillment of the entitlement.

14 * Sec. 18. AS 29.18.211(a) is amended to read:

15 (a) A municipality which on July 1, 1978 is engaged in litiga-
16 tion, or which becomes engaged in litigation, regarding a claim to
17 state land under former AS 29.18.190 and 29.18.200 shall elect either
18 to obtain the benefits provided in AS 29.18.201 - 29.18.213 or to
19 pursue the litigation and thereby waive any claim to entitlement under
20 AS 29.18.201 - 29.18.213. An election shall be made by filing a motion
21 for dismissal with prejudice in the court in which the litigation is
22 pending. If the claim involves a municipality identified in
23 AS 29.18.201, the municipality shall file its motion for dismissal
24 within 60 days of July 1, 1978. If the claim involves a city eligible
25 to receive an entitlement under AS 29.18.202, the city shall file its
26 motion for dismissal within 60 days after receiving the certificate of
27 entitlement provided by the commissioner [DIRECTOR] under AS 29.18.-
28 202. Failure of the municipality to file a motion for dismissal
29 during the time period provided in this subsection shall be considered

1 a waiver of entitlement under AS 29.18.201 - 29.18.213.

2 * Sec. 19. AS 29.18.213 is amended to read:

3 Sec. 29.18.213. DEFINITIONS. In AS 29.18.201 - 29.18.213,
4 unless the context otherwise requires,

5 [(1) Repealed]

6 (1) [(2)] "approved selection" means a municipal land
7 selection that [WHICH] has been approved in writing by the
8 commissioner [DIRECTOR] for transfer by patent to a municipality;

9 (2) [(3)] "commissioner" ["DIRECTOR"] means the
10 commissioner [DIRECTOR] of the [DIVISION OF LANDS,] Department of
11 Natural Resources, or the commissioner's [HIS] designee;

12 (3) [(4)] "general grant land" means land patented or
13 tentatively approved to the state from the United States under sec.
14 6(a) or (b) of the Alaska Statehood Act;

15 (4) [(5)] "mental health land" means land granted under
16 Title II, sec. 202 of P.L. 84-830, as amended before or after July 1,
17 1978;

18 (5) [(6)] "municipal land selection" means a request by a
19 municipality, filed in writing with the commissioner [DIRECTOR] under
20 authority of AS 29.18.190 and 29.18.200 repealed by this Act or under
21 AS 29.18.201 - 29.18.213 for vacant, unappropriated, unreserved
22 general grant land within its municipal boundaries in partial
23 fulfillment of its municipal entitlement;

24 (6) [(7)] "municipality" means a home rule or general law
25 city or organized borough of any class, and includes unified
26 municipalities established under AS 29.68.240 - 29.68.440;

27 (7) [(8)] "patent" means a document, issued by the
28 commissioner [DIRECTOR] to a municipality for a previously approved
29 selection, which conveys and quitclaims all the right, title and

1 interest of the state without reservation or condition except as may
2 be required by law;

3 (8) [(9)] "remaining entitlement" means the general grant
4 land entitlement determined in accordance with AS 29.18.201 -
5 29.18.213, reduced by the total acreage of approved selections,
6 including both patented and unpatented parcels;

7 (9) [(10)] "school land" means those rectangular sections
8 16 and 36 within each township surveyed on or before January 3, 1959,
9 and confirmed and transferred to the State of Alaska upon its
10 admission under sec. 6(k), Alaska Statehood Act, 72 Stat. 33), and any
11 other land designated solely for school revenues;

12 (10) [(11)] "university land" has the meaning given that
13 term in AS 38.05.365 [MEANS ALL SECTIONS 33 RESERVED TO THE UNIVERSITY
14 UNDER 38 STAT. 1214, AS AMENDED (48 U.S.C. 353) AND ALL LAND GRANTED
15 TO OR RESERVED FOR THE BENEFIT OF THE UNIVERSITY];

16 (11) [(12)] "vacant, unappropriated, unreserved land" means
17 general grant land as defined in (3) [(4)] of this section, excluding
18 minerals as required by sec. 6(i) of the Alaska Statehood Act, that
19 [WHICH]

20 (A) has not been set aside by statute for one or more
21 particular uses or purposes;

22 (B) has not been approved for patent to a municipality
23 under AS 29.18.201 - 29.18.213 or former AS 29.18.190 and
24 29.18.200 repealed by this act; or

25 (C) is unclassified or, if classified under
26 AS 38.05.300, is classified for agricultural, grazing,
27 commercial, industrial, private recreational, residential,
28 utility or open-to-entry purposes, or where classified in
29 accordance with an agreement between a municipality and the state

1 providing for state management of land of the municipality.

2 * Sec. 20. AS 30.15.040 is amended to read:

3 Sec. 30.15.040. DISPOSITION OF STATE LAND FOR PORT FACILITIES
4 DEVELOPMENT PROJECTS. The [DIVISION OF LANDS IN THE] Department of
5 Natural Resources, subject to the applicable provisions of AS 38.05
6 and AS 38.10, may convey title or other interests in state land,
7 provide for the exchange of state land, or make other arrangements
8 with respect to state land that may be necessary to complete a project
9 for which a state grant is approved under this chapter.

10 * Sec. 21. AS 38.04.005(b) is amended to read:

11 (b) In classifying state land for private use and settlement
12 purposes, the commissioner [DIRECTOR] shall make adequate provision
13 for public open space which is accessible to communities so that
14 natural areas are easily reached from all communities and settled
15 areas. The amount of that land shall be sufficient to meet existing
16 and projected needs for accessible public recreation land. Special
17 care shall be taken to preserve public access to public water and to
18 retain state ownership of sufficient land which combine high value for
19 recreation and other public purposes with accessibility to settled
20 areas. This classification for public purposes does not constitute
21 dedication to open space, but the department's [DIVISION'S] management
22 of land so classified shall be in a manner to preserve the identified
23 values.

24 * Sec. 22. AS 38.04.' 10(a) is amended to read:

25 (a) The primary public interest in conveying rights to state
26 land surface to private parties is to make them available to individ-
27 uals and other persons for direct use in areas classified as suitable
28 for these purposes. In making state land available for private use,
29 the commissioner [DIRECTOR] shall seek to guide year-round settlement

1 to areas where public services already exist, or can be extended with
2 reasonable economy, or where development of a viable economic base is
3 probable.

4 * Sec. 23. AS 38.04.025 is amended to read:

5 Sec. 38.04.025. VARIETY OF USES. In making state land available
6 for private use, the commissioner [DIRECTOR] shall endeavor to accom-
7 modate persons with a current need and anticipated use for the land.
8 To this end, the commissioner [DIRECTOR] shall assess the nature of
9 the supply and demand for state land in different regions and loca-
10 tions of the state, taking into account the supply of available land
11 under other ownership, and shall make land available in locations and
12 under programs suited to the differing needs of prospective users
13 throughout the state.

14 * Sec. 24. AS 38.04.030 is amended to read:

15 Sec. 38.04.030. LAND AVAILABILITY PROGRAMS. Programs which may
16 be used by the commissioner [DIRECTOR] to make the state's land sur-
17 face available for private use under this section include sale of
18 whole or partial rights to the fee simple estate, including conveyance
19 of agricultural use rights; leasing; [OPEN-TO-ENTRY;] homesteading;
20 homesteading; permitting for construction and occupation of cabins in
21 isolated locations on land retained in state ownership; and other
22 methods as provided by law.

23 * Sec. 25. AS 38.04.035 is amended to read:

24 Sec. 38.04.035. CRITERIA FOR PROGRAM SELECTION. In determining
25 which land availability program is appropriate for state land [LANDS]
26 in different locations, the commissioner [DIRECTOR] shall be guided by
27 the following criteria:

28 (1) To cover public costs associated with private land use
29 and to provide the public with a fair return for publicly owned

1 property, conveyance of state land to private parties should be at
2 fair market value except where otherwise authorized by statute, or by
3 an administrative regulation the adoption of which is specifically
4 permitted by statute.

5 (2) Sale or lease programs should be used where land is
6 readily accessible to a major community center or where, because of a
7 prime location on waterfront or a transportation route or some other
8 location characteristic, land has relatively high real estate value.

9 (3) Sale programs are preferred but lease programs should
10 be used

11 (A) where special land use controls are required and
12 there is a high public interest in having certain types of land
13 used for particular purposes;

14 (B) when the intended use is a temporary one;

15 (C) in commercial or industrial situations when a
16 leasehold can provide cash flow advantages to the lessee;

17 (D) when a unique location with special public values
18 is involved, as in a deep water port, hydroelectric site, or
19 aquaculture facility;

20 (E) where current demand for private use is high, but
21 projections suggest that, in the future, the land may be more
22 valuable for public use, as in accessible waterfront recreation
23 areas.

24 (4) For enabling isolated cabin development in remote
25 locations where survey and conveyance is impractical, a system for
26 cabin permits on public land may be used.

27 (5) Limited or conditional title may be granted when the
28 state's best interest so dictates. Among other things, title limita-
29 tions may include grants of agricultural interest only, retention of

1 development rights, and retention of scenic or other easements. A
2 conditional title may be tied to a development schedule or other
3 standards of performance.

4 * Sec. 26. AS 38.04.045(b) is amended to read:

5 (b) Before the conveyance of surface rights to state land, an
6 official cadastral survey shall be accomplished, unless a comparable,
7 acceptable survey exists that has been conducted by the federal Bureau
8 of Land Management. The rectangular survey section corner positions
9 shall be monumented and shown on a cadastral survey plat approved by
10 the state. However, for those areas where the state may wish to
11 convey surface estate outside of an official cadastral survey grid,
12 the commissioner [DIRECTOR] may waive monumentation of all individual
13 section corner positions and substitute an official control survey
14 with control points being monumented at approximately two-mile inter-
15 vals and shown on control survey plats approved by the state. No
16 portion of land to be conveyed may be located more than two miles from
17 such a survey control monument. The lots and tracts in state subdivi-
18 sions shall be monumented and the cadastral survey and plats for the
19 subdivision shall be approved by the state. Where land is located
20 within a municipality with planning, platting, and zoning powers,
21 plats for state subdivisions shall comply with local ordinances and
22 regulations in the same manner and to the same extent as plats for
23 subdivisions by other landowners. State subdivisions shall be filed
24 in the district recorder's office. The requirements of this section
25 do not apply to land made available through a cabin permit system,
26 material sales, or short-term leases; however, for short-term leases
27 the lessee must comply with local subdivision ordinances unless waived
28 by the municipality under procedures specified by ordinance.

29 * Sec. 27. AS 38.04.050 is amended to read:

1 Sec. 38.04.050. ACCESS TO PRIVATE USE AREAS. Wherever state
2 land is surveyed for purposes of private use, adequate rights-of-way
3 and easements shall be reserved as necessary for access and, where
4 appropriate, for power and telephone service to each parcel of land.
5 Where necessary and appropriate for the use intended, the commissioner
6 [DIRECTOR] shall arrange for the development of surface access as part
7 of the land availability program. The direct cost of local access
8 development shall be borne by the recipient of the land unless other-
9 wise provided by state statutes or regulations.

10 * Sec. 28. AS 38.04.055 is amended to read:

11 Sec. 38.04.055. ACCESS THROUGH PRIVATE USE AREAS. The commis-
12 sioner [DIRECTOR] shall reserve easements and rights-of-way on and
13 across land which is made available for private use as necessary to
14 reach or use public water and public and private land. An easement or
15 right-of-way reserved under this section may include established
16 trails traditionally used for commerce, recreation, or transportation.

17 * Sec. 29. AS 38.04.910(2) is amended to read:

18 (2) "department" means ["DIRECTOR" MEANS THE DIRECTOR OF
19 THE DIVISION OF LANDS OF] the Department of Natural Resources;

20 * Sec. 30. AS 38.04.910(5) is amended to read:

21 (5) "official cadastral survey" means a United States
22 public land survey or a survey executed under survey instructions
23 issued by the department [DIVISION] for the purpose of preparing a
24 cadastral survey plat, and approved and accepted by the department
25 [DIVISION] for the state's official records;

26 * Sec. 31. AS 38.04.910(6) is amended to read:

27 (6) "official control survey" means a position marked on
28 the ground [by triangulation or traverse stations established] in con-
29 formity with standards adopted by United States Coastal and Geodetic

1 Survey for first, second and third order work, whose geodetic posi-
2 tions have been rigidly adjusted on the North American datum of 1927 or the
3 and approved by the department [DIVISION]; NAD 1983

4 * Sec. 32. AS 38.05.020(b) is amended to read:

5 (b) The commissioner may

6 (1) establish reasonable procedures and adopt reasonable
7 [RULES AND] regulations necessary to carry out this chapter [AND MAY,
8 WHENEVER NECESSARY, ISSUE DIRECTIVES OR ORDERS TO THE DIRECTOR TO
9 CARRY OUT SPECIFIC FUNCTIONS AND DUTIES]; all [RULES AND] regulations
10 adopted by the commissioner shall be adopted under the Administrative
11 Procedure Act (AS 44.62); orders classifying land by the commissioner
12 [CLASSIFYING LANDS] issued after January 3, 1959, are not required to
13 be adopted under the Administrative Procedure Act (AS 44.62);

14 (2) enter into agreements that the commissioner [WHICH HE]
15 considers necessary to carry out the purposes of this chapter,
16 including agreements with federal and state agencies;

17 [(3) REVIEW ANY ORDER OR ACTION OF THE DIRECTOR;]

18 (3) [(4)] exercise the powers and do the acts necessary to
19 carry out the provisions and objectives of this chapter;

20 (4) [(5)] notwithstanding the provisions of any other
21 section of this chapter, grant an extension of the time within which
22 payments due on any lease or sale of state land, minerals, or
23 materials may be made, including payment of rental and royalties, if
24 the commissioner [HE] finds that compliance with the requirements is
25 or was prevented by reason of war, riots, or acts of God; [.]

26 (5) [(6)] classify tracts for agricultural uses and require
27 the prequalification, including the submission of conservation plans,
28 development plans, or other plans, schedules, or programs, of persons
29 who apply to participate in an agricultural development project under

1 AS 44.33.475.

2 * Sec. 33. AS 38.05.030(b) is amended to read:

3 (b) The provisions of this chapter do not apply to any power,
4 duty or authority now or in the future granted to the Department of
5 Transportation and Public Facilities [PUBLIC WORKS AND THE DEPARTMENT
6 OF HIGHWAYS] in the name of the state, to acquire, use, lease, dispose
7 of, or exchange real property, or any interest in real property.
8 Lands assigned by the department [DIVISION OF LANDS] to the Department
9 of Transportation and Public Facilities [PUBLIC WORKS AND THE DEPART-
10 MENT OF HIGHWAYS] shall be returned to the management of the depart-
11 ment [DIVISION OF LANDS] when they are no longer needed for the pur-
12 poses assigned.

13 * Sec. 34. AS 38.05.030(c) is amended to read:

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

20 * Sec. 35. AS 38.05.030(d) is amended to read:

21 (d) Real property acquired by, and under the management of, the
22 agencies referred to in (a) and (b) of this section, which is no
23 longer needed for its intended use, shall be returned to the jurisdic-
24 tion of the department [DIVISION OF LANDS], except that the Department
25 of Transportation and Public Facilities [HIGHWAYS] may dispose of real
26 property acquired by it under AS 19.05.040(2) and AS 19.05.080 -
27 19.05.120.

28 * Sec. 36. AS 38.05.035 is repealed and reenacted to read:

29 Sec. 38.05.035. POWERS AND DUTIES OF THE COMMISSIONER. (a) The

1 commissioner shall

2 (1) manage, inspect and control state land and improvements
3 on it belonging to the state and under the jurisdiction of the depart-
4 ment;

5 (2) prescribe application procedures and practices for the
6 sale, lease or other disposition of available land, resources, prop-
7 erty, or an interest in them;

8 (3) prescribe fees or service charges for any public ser-
9 vice rendered;

10 (4) under the conditions and limitations imposed by law,
11 issue deeds, leases or other conveyances disposing of available land,
12 resources, property or an interest in them;

13 (5) have jurisdiction over state land, except that land
14 acquired by the Alaska World War II Veterans Board and the Agricul-
15 tural Loan Board or the departments or agencies succeeding to their
16 respective functions through foreclosure or default; to this end the
17 commissioner has the power and shall perform the duties necessary to
18 protect the state's rights and interest in state land, including the
19 taking of all necessary action to protect and enforce the state's
20 contractual or other property rights;

21 (6) maintain necessary records, administer oaths, and do
22 all things incidental to the authority imposed; the following records
23 and files shall be kept confidential upon request of the person sup-
24 plying the information;

25 (A) the name of the person nominating or applying for
26 the sale, lease, or other disposal of land by competitive bid-
27 ding;

28 (B) before the announced time of opening, the names of
29 the bidders and the amounts of the bids;

1 (C) all geological, geophysical and engineering data
2 supplied, whether or not concerned with the extraction or devel-
3 opment of natural resources;

4 (D) except as provided in AS 38.05.036, cost data and
5 financial information submitted in support of applications,
6 bonds, leases and similar items;

7 (E) applications for rights-of-way or easements;

8 (F) requests for information or applications by public
9 agencies for land which is being considered for use for a public
10 purpose;

11 (7) account for the fees, licenses, taxes or other money
12 received in the administration of this chapter including the sale or
13 leasing of land, identify their source, and promptly transmit them to
14 the proper fiscal department after crediting them to the proper fund;
15 receipts from land application filing fees and charges for copies of
16 maps and records shall be deposited immediately in the general fund of
17 the state;

18 (8) be the certifying agent of the state to select, accept
19 and secure by whatever action is necessary in the name of the state,
20 by deed, sale, gift, devise, judgment, operation of law, or other
21 means any land, of whatever nature or interest, available to the
22 state; and

23 (9) be the certifying agent of the state, to select, accept
24 or secure by whatever action is necessary in the name of the state any
25 land, or title or interest to land available, granted, or subject to
26 being transferred to the state for any purpose.

27 (b) The commissioner may

28 (1) grant preference rights for the lease or purchase of
29 state land without competitive bid in order to correct the errors or

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

6 (2) grant a preference right to a claimant who shows bona
7 fide improvement of state land or federal land subsequently acquired
8 by the state and who has in good faith sought to obtain title to the
9 land but who, through error or omission of others, has been denied
10 title to it; upon a showing satisfactory to the commissioner, the
11 claimant may lease or purchase the land at the price set on the date
12 of original entry on the land or, if a price was not set at that time
13 at a price determined by the department to fairly represent the value
14 of unimproved land at the time the claim was established, but in no
15 event less than the cost of administration including survey; the error
16 or omission of a predecessor in interest or an agent, administrator,
17 or executor which has clearly prejudiced the claimant may be the basis
18 for granting a preference right;

19 (3) sell land by lottery for less than the appraised value
20 when, in the judgment of the commissioner, past scarcity of land
21 suitable for private ownership in any particular area has resulted in
22 unrealistic land values;

23 (4) when the commissioner determines it is in the best
24 interest of the state and will avoid injustice to a person or the
25 heirs or devisees of a person, dispose of land, by direct negotiation
26 to the person who presently uses and who used and made improvements to
27 the land before January 3, 1959, or to the heirs or devisees of the
28 person; the amount paid for the land shall be its fair market value on
29 the date that the person first entered the land, as determined by the

1 commissioner; a parcel of land disposed of under this paragraph shall
2 be of a size consistent with the person's prior use, but may not
3 exceed five acres;

4 (5) dispose of an interest in land limited to use for
5 agricultural purposes by lottery;

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

9 (A) the commissioner determines that it is in the best
10 interests of the state;

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

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

18 (7) for good cause extend for up to 90 days the time for
19 rental or installment payments by a lessee or purchaser of state land
20 under this chapter if reasonable penalties and interest set by the
21 commissioner are paid.

22 (c) A parcel of land may be conveyed under (b) of this section
23 without classification or reclassification under AS 38.05.300.

24 (d) A parcel of land described in (b)(6) of this section must be
25 sold at its fair market value as determined by the commissioner on the
26 basis of an appraisal completed as provided in AS 38.05.310. Nothing
27 in this subsection prevents the sale of land under AS 38.05.055 or
28 38.05.057 to a person not qualifying as an adjoining landowner if the
29 adjoining landowner declines to purchase the land.

will

1 (e) Upon a written finding that the interests of the state will
2 be best served, the commissioner may approve contracts for the sale,
3 lease, or other disposal of available land, resources, property or
4 interests in them, and, in addition to the conditions and limitations
5 imposed by law, may impose additional conditions or limitations in the
6 contracts as the commissioner determines will best serve the interests
7 of the state. Before a public hearing, if held, or in any case no
8 less than 21 days before the sale, lease, or other disposal of
9 available land, property, resources, or interests in them, the
10 commissioner shall make available to the public a written finding
11 which sets out the facts and applicable law upon which the
12 commissioner based the determination that the sale, lease, or other
13 disposal will best serve the interests of the state. A written
14 finding is not required before the approval of

- 15 (1) a contract for a negotiated sale authorized by AS 38.-
- 16 05.115;
- 17 (2) the lease of land for a shore fishery site under
- 18 AS 38.05.082;
- 19 (3) a permit or other authorization revocable by the
- 20 commissioner.

21 * Sec. 37. AS 38.05.037 is amended to read:

22 Sec. 38.05.037. ZONING ~~POWER~~ OF DEPARTMENT [REGULATIONS IN THE
23 UNORGANIZED BOROUGH TO FACILITATE FEDERAL LAND SALES]. (a) In areas
24 of the state outside first, second or third class boroughs where there
25 is no municipality with a zoning power, the department [DIVISION OF
26 LANDS] shall exercise the zoning power by adopting zoning regulations.

27 (b) The department [DIVISION OF LANDS] may exercise its zoning
28 power

- 29 (1) within federal land [LANDS] in the unorganized borough

1 only at the times and in the areas it is requested to do so by the
2 Secretary of the Interior to facilitate sales of federal land [LANDS]
3 within the unorganized borough under P.L. 88-608, 78 Stat. 988;

4 (2) within any portion of a third class borough covered by
5 the Alaska coastal management program adopted in accordance with the
6 provisions of AS 46.40 [AS 46.35] if the municipality has not done so.

7 (c) Any zoning done by the department [DIVISION OF LANDS] under
8 (b) of this section is final unless disapproved by concurrent resolu-
9 tion at the next regular session of the legislature.

10 * Sec. 38. AS 38.05.040 is amended to read:

11 Sec. 38.05.040. COMMISSIONER [DIRECTOR] SHALL BE BONDED. Before
12 performing any [HIS] duties, the commissioner [DIRECTOR] shall execute
13 a corporate surety bond to the state in the sum of \$150,000, condi-
14 tioned upon the faithful performance of all [HIS] duties under this
15 chapter and upon the prompt and faithful accounting of all money
16 collected by the commissioner [HIM] or [HIS] deputies, assistants,
17 employees or agents of the commissioner. The bond, together with
18 additional conditions or limitations considered necessary, shall be
19 approved by the attorney general and filed in the office of the gover-
20 nor. The premium upon the bond is payable from money appropriated for
21 operation of the department [DIVISION].

22 * Sec. 39. AS 38.05.050 is amended to read:

23 Sec. 38.05.050. DISPOSAL OF LAND FOR PRIVATE OWNERSHIP. The
24 commissioner [, UPON THE RECOMMENDATION OF THE DIRECTOR,] shall deter-
25 mine the land to be disposed of for private use. The commissioner
26 [DIRECTOR] shall determine the time and place of disposal. An auction
27 sale, a lottery sale, or a disposal of land for homesites under
28 AS 38.04.020(1)(2)(C) must be held in the municipality that is closest
29 to the land to be sold or disposed of and in which regular sessions of

1 a court of the state are held.

2 * Sec. 40. AS 38.05.055 is amended to read:

3 Sec. 38.05.055. AUCTION SALE PROCEDURES. Unless another method
4 of sale is required under this chapter, [UNDER] AS 38.07, or [UNDER]
5 AS 38.08, the sale of state land shall be made at public auction to
6 the highest qualified bidder as determined by the commissioner
7 [DIRECTOR]. A bidder must appear in person at the auction unless
8 medical reasons, attendance at school, or military service outside the
9 state prevent attendance. A bidder may be represented by an attorney
10 or agent at the auction if the land offered for disposal is
11 commercial, industrial, or agricultural land. An aggrieved bidder may
12 appeal to the commissioner within five days after the sale for a
13 review of the commissioner's [DIRECTOR'S] determination. The sale
14 shall be conducted by the commissioner [DIRECTOR OR HIS
15 REPRESENTATIVE], and at the time of sale the successful bidder shall
16 deposit an amount equal to five percent of the purchase price, or if
17 the purchaser elects to use land discounts granted under AS 38.05.058,
18 five percent of the amount bid after deduction of the discount. The
19 commissioner [DIRECTOR OR HIS REPRESENTATIVE] shall immediately issue
20 a receipt containing a description of the land or property purchased,
21 the price bid, the amount deposited, and the amount of any discount
22 allowed. The receipt shall be acknowledged in writing by the bidder.

23 * Sec. 41. AS 38.05.057(e) is amended to read:

24 (e) The commissioner [DIRECTOR] shall accept applications to
25 purchase particular parcels under the following procedures and condi-
26 tions:

- 27 (1) the application period may not be less than 45 days;
28 (2) no application may be accepted less than 15 days before
29 each lottery;

1 (3) notice of the application period and the date of the
2 lottery shall be given in accordance with AS 38.05.345; and

3 (4) the application shall be made on a form provided by the
4 department.

5 * Sec. 42. AS 38.05.057(g) is amended to read:

6 (g) After receiving the deposit required under (a) of this
7 section, the commissioner [DIRECTOR] shall immediately issue a receipt
8 containing a description of the land or property to be conveyed, the
9 price of the land, and the terms of disposal. The receipt shall be
10 acknowledged in writing by the purchaser.

11 * Sec. 43. AS 38.05.057(i) is amended to read:

12 (i) The commissioner [DIRECTOR] may include in contracts for
13 sale of land under this section terms which

14 (1) require purchasers to use or occupy, or both, the land
15 purchased for a reasonable period of time after a sale;

16 (2) prohibit the resale of land purchased by the initial
17 purchaser until the requirements imposed under (1) of this subsection,
18 if any, are satisfied.

19 * Sec. 44. AS 38.05.060 is amended to read:

20 Sec. 38.05.060. REJECTION OF BIDS. Before the signing of the
21 formal conveyance [BY THE DIRECTOR], the commissioner may reject all
22 bids when the best interests of the state justify this action. Land
23 [LANDS] offered at public sale but not sold may be made available at
24 private sale for not less than the [THEIR] appraised value.

25 * Sec. 45. AS 38.05.065(c) is amended to read:

26 (c) The commissioner [DIRECTOR] shall, for contracts under (a)
27 or (b) of this section, set for each sale the period for the payment
28 of installments and the total purchase price plus interest. The
29 [DIRECTOR, WITH THE CONSENT OF THE] commissioner [,] may also include

1 in contracts under this section conditions, limitations and terms
2 considered [WHICH HE CONSIDERS] necessary and proper to protect the
3 interest of the state. Violations of any provision of this chapter or
4 the terms of the contract of sale subject the purchaser to appropriate
5 administrative and legal action, including but not limited to specific
6 performance, foreclosure, ejectment, or other legal remedies in accor-
7 dance with applicable state law.

8 * Sec. 46. AS 38.05.067(a) is amended to read:

9 (a) Except as provided in (e) of this section, before offering
10 to the general public any unoccupied residential land [LANDS], the
11 commissioner [DIRECTOR] shall offer the land at a restricted sale at
12 which only veterans may buy.

13 * Sec. 47. AS 38.05.067(b) is amended to read:

14 (b) The commissioner [DIRECTOR] shall not sell the land [LANDS]
15 under this section at less than the [THEIR] fair appraised market
16 value. The commissioner [DIRECTOR] shall adopt [MAKE] regulations
17 necessary to ensure that land [LANDS] sold under this section is [ARE]
18 for bona fide residential use and not for speculation.

19 * Sec. 48. AS 38.05.068(a) is amended to read:

20 (a) Before offering to the public any land which is subject to a
21 valid existing United States Forest Service permit in effect on the
22 day before that land is tentatively approved for patent to the state,
23 or which is subject to a lease issued under AS 38.05.087, the commis-
24 sioner [DIRECTOR] shall offer the land for sale to the permittee or a
25 [HIS] successor in title, if the permittee or a successor in title of
26 the permittee [HE] can be found.

27 * Sec. 49. AS 38.05.069 is amended to read:

28 Sec. 38.05.069. PREFERENCE TO PERSONS FOR AGRICULTURAL PURPOSES.
29 (a) On a determination [IF THE DIRECTOR DETERMINES] that the highest

1 and best use of unoccupied land is for agricultural purposes [,] and
2 [IF HE DETERMINES] that it is in the best interests of the state to
3 sell or lease the land, the commissioner [HE] shall grant to an
4 Alaskan resident owning and using or leasing and using land for
5 agricultural purposes a 60-day first option after the date of the
6 auction to purchase or lease the unoccupied land situated adjacent to
7 or in the approximate vicinity of land presently held by the Alaska
8 resident [HIS PRESENTLY HELD LAND] for the amount of the high bid
9 received at public auction. A parcel of agricultural land sold under
10 this section may not be less than 20 acres and a parcel of
11 agricultural land that [WHICH] is acquired by exercise of the option
12 granted in this subsection may not exceed 320 acres. Agricultural
13 land that [WHICH] is acquired under this section must be used for
14 agricultural purposes as required by law.

15 (b) If more than one person is eligible for a first option under
16 (a) of this section, the commissioner [DIRECTOR] shall determine
17 priority by granting precedence first to the person who demonstrates
18 the greatest need for the unoccupied land in order to establish an
19 economic unit and, secondly, to the eligible person who occupies land
20 that is most readily accessible to unoccupied land to be sold or
21 leased. In the event that two or more persons have approximately
22 equal qualifications for priority under this section, the commissioner
23 [DIRECTOR] shall grant priority to that person who is a veteran. If
24 more than one person is approximately equally well qualified under
25 this section, the commissioner [DIRECTOR] shall determine priority by
26 lot.

27 (c) Under this section

28 (1) the commissioner [DIRECTOR] may convey or lease an
29 interest in the land only for agricultural purposes, and all other

1 interests in the land remain in the state;

2 (2) the sale or lease shall be at public auction;

3 (3) [(2)] the remaining interests may subsequently be
4 conveyed or leased by the commissioner [DIRECTOR] only upon the
5 request of the grantee or lessee or the [HIS] assigns of the grantee
6 or lessee and the determination of [THE DIRECTOR, WITH THE WRITTEN
7 CONCURRENCE OF] the commissioner [,] that the conveyance or lease is
8 in the public interest;

9 (4) [(3)] the conveyance or lease of the remaining
10 interests shall be at public auction;

11 (5) the original grantee or lessee or their [HIS] assigns
12 have a preference right to meet the high bid within 30 days after the
13 day of the auction;

14 (6) if the preference right is exercised, the value of
15 improvements owned by the holder of the preference right, included
16 with the remaining interests sold, shall be deducted from the purchase
17 price;

18 (7) [(4)] by requesting the conveyance or lease of the
19 remaining interest, the original grantee or lessee or the [HIS]
20 assigns of the grantee or lessee

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

22 (B) if the preference right provided by (5) [(3)] of
23 this subsection is not exercised, consents to sell at fair market
24 value the improvements related to the remaining interest, as
25 appraised by the commissioner [DIRECTOR];

26 (8) [(5)] the remaining interests in the land may not be
27 conveyed or leased for less than their appraised value together with
28 improvements except for the deduction allowed by (6) [(3)] of this
29 subsection.

1 (d) When not in conflict with this section, the [OTHER] provi-
2 sions of AS 38.05.045 - 38.05.105 apply to disposals under this sec-
3 tion.

4 (e) In [FOR THE PURPOSES OF] this section,

5 (1) "agricultural purposes" includes farming, ranching,
6 grazing, and storage or control of agricultural crops or livestock;

7 (2) "approximate vicinity" includes an area in which the
8 land does not have a common boundary to presently held land or in
9 which the land is physically separated from presently held land by any
10 type of barrier.

11 (f) Nothing in (c) of this section affects the disposal of
12 minerals under AS 38.05.135 - 38.05.183.

13 * Sec. 50. AS 38.05.070(b) is amended to read:

14 (b) The [DIRECTOR, WITH THE APPROVAL OF THE] commissioner [,]
15 shall determine the land to be leased and the limitations, conditions
16 and terms of the lease. If the appraised value of the transaction is
17 \$250 a year or less the commissioner [DIRECTOR] may negotiate a lease
18 without advertisement for a period not to exceed five years, and on
19 the limitations, conditions and terms of the commissioner [WHICH HE]
20 considers are in the best interests of the state. A lease negotiated
21 under this subsection is not eligible for a preference under
22 AS 38.05.102.

23 * Sec. 51. AS 38.05.070(c) is amended to read:

24 (c) A lease may be issued for a period up to 55 years, if it
25 appears to be in the best interests of the state [AND IF THE COMMIS-
26 SIONER APPROVES]. If the commissioner determines that the land or a
27 part of it which is the subject of a grazing lease is not being used
28 for the purpose issued, the lease may be declared void. [HOWEVER, A
29 NONRENEWABLE LEASE FOR SCHOOL LANDS MAY BE ISSUED FOR A PERIOD NOT TO

1 EXCEED 99 YEARS.]

2 * Sec. 52. AS 38.05.075 is amended to read:

3 Sec. 38.05.075. LEASING PROCEDURES. The leasing shall be made
4 at public auction to the highest qualified bidder as determined by the
5 commissioner [DIRECTOR]. An aggrieved bidder may appeal to the com-
6 missioner within five days for a review of the [DIRECTOR'S] determina-
7 tion. When a valid existing federal grazing lease is cancelled to
8 allow state selection of the area under lease, the lessee of the land
9 [LANDS] has the preference right to lease the land [LANDS] without
10 competitive bidding for a term equal to that originally granted in the
11 cancelled federal lease and upon terms as favorable to the lessee as
12 those contained in the cancelled federal lease. The leasing shall be
13 conducted by the commissioner [DIRECTOR, OR HIS REPRESENTATIVE,] and
14 the successful bidder shall deposit the first year's rental, or that
15 portion of it which the commissioner requires, in accordance with the
16 [HIS] bid. The commissioner [DIRECTOR OR HIS REPRESENTATIVE] shall
17 immediately issue a receipt containing a description of the land or
18 interest leased, the price bid, and terms of the lease. The receipt
19 shall be acknowledged in writing by the bidder. A lease, or a form
20 approved by the attorney general, shall be signed by the lessee and [,
21 UPON APPROVAL BY] the commissioner [, SHALL BE SIGNED BY THE DIREC-
22 TOR].

23 * Sec. 53. AS 38.05.080 is amended to read:

24 Sec. 38.05.080. REJECTION OF BIDS. Before signing [THE DIRECTOR
25 SIGNS] the lease, the commissioner may reject all bids for leases when
26 the best interest of the state justifies this action.

27 * Sec. 54. AS 38.05.082 is amended to read:

28 Sec. 38.05.082. LEASES FOR SHORE FISHERIES DEVELOPMENT. (a)
29 The [DIRECTOR, WITH THE APPROVAL OF THE] commissioner [,] may lease

1 tide and submerged land [LANDS] for fisheries development. Fisheries
2 development includes the utilization of shore gill nets or set nets
3 for the taking of fish. Every lease issued under this section shall
4 reserve to the public a right-of-way for access to navigable waters
5 and other tide and submerged land [LANDS].

6 (b) The commissioner [DIRECTOR] may classify land [LANDS] as
7 subject to leases for fisheries development, and publicly invite
8 applications for lease of the selected areas. Each application shall
9 be accompanied by an affidavit to the effect that the applicant pres-
10 ently intends to personally utilize the leased area for fishing pur-
11 poses the following season. If two or more applications are received
12 for the same shore area, the commissioner [DIRECTOR] shall award the
13 lease to the most qualified applicant. In determining the qualifica-
14 tions of applicants, the commissioner [DIRECTOR] shall consider the
15 length of time during which the applicant has been engaged in set
16 netting, the proximity of the [HIS] past fishing sites of the appli-
17 cant to the land to be leased, the [HIS] present ability of the appli-
18 cant to utilize the location to its maximum potential, and other
19 factors relevant to the equitable assignment of the disputed area. If
20 the commissioner [DIRECTOR] cannot determine a preference between
21 conflicting applicants for the same lease site on the basis of quali-
22 fications, the commissioner [HE] shall select between the applicants
23 by lot. An aggrieved applicant may appeal to the commissioner within
24 five days for a review of the [DIRECTOR'S] determination.

25 (c) A lease for set net fishing may be issued for any period not
26 exceeding 10 years. If the commissioner determines that the land is
27 not being utilized for the purpose for which the lease is issued, the
28 lease may be declared void. The commissioner [DIRECTOR] shall estab-
29 lish a reasonable rental for the lease, equal to the administrative

1 costs involved in processing the leasehold applications.

2 (d) Subleasing and renewals of leases are governed by AS 38.05.-
3 095 and AS 38.05.102.

4 (e) The lease of submerged land [LANDS] conveys no interest in
5 the water above the land or in the fish in the water.

6 * Sec. 55. AS 38.05.085(b) is amended to read:

7 (b) When it becomes necessary to determine the fair market value
8 of property as required by (a) of this section, the commissioner
9 [DIRECTOR] shall have the property appraised by a qualified appraiser.
10 If the lessee disagrees with the appraisal obtained by the commis-
11 sioner, the lessee [DIRECTOR, HE] may appoint a qualified appraiser to
12 make an appraisal of the property in question. If the two appraisers
13 agree upon the fair market value, the determination is binding on the
14 parties. In the event the two appraisers are unable to agree, they
15 shall appoint a third qualified appraiser who shall then make an [HIS]
16 appraisal of the property in question. When the third appraisal is
17 completed, the two of the three appraisals which are nearest each
18 other in their determination of the fair market value shall be av-
19 eraged and the resultant sum shall be the fair market value of the
20 property in question and absolutely binding on the parties. All costs
21 incurred in making the appraisals provided for in this subsection
22 shall be borne by the state and the lessee equally.

23 * Sec. 56. AS 38.05.085(c) is amended to read:

24 (c) The lessee shall make advance payments of the annual rent or
25 portion of it as the [DIRECTOR, WITH THE APPROVAL OF THE] commissioner
26 [.] may require.

27 * Sec. 57. AS 38.05.087(a) is amended to read:

28 (a) Before offering to the public any land for lease which is
29 subject to a valid existing United States Forest Service permit in

1 effect in a state-selected area on the day before the area was tenta-
2 tively approved for patent to the state, the commissioner [DIRECTOR]
3 shall offer the land for leasing to the permittee at not less than its
4 fair appraised market value before offering it to the general public.

5 * Sec. 58. AS 33.05.090 is amended to read:

6 Sec. 38.05.090. REMOVAL OR REVERSION OF IMPROVEMENTS UPON TER-
7 MINATION OF LEASES. (a) Improvements owned by a lessee on state land
8 shall, within 60 days after the termination of the lease, be removed
9 by the lessee [HIM] if removal will not cause injury or damage to the
10 land. The commissioner [DIRECTOR] may extend the time for removing
11 improvements in cases where hardship is proven. The retiring lessee
12 or permittee may, with the consent of the commissioner [DIRECTOR],
13 sell [HIS] improvements to the succeeding lessee or permittee.

14 (b) If improvements or chattels, or both, having an appraised
15 value exceeding \$10,000 as determined by the commissioner [DIRECTOR]
16 are not removed within the time allowed, the improvements or chattels
17 or both shall, upon notice to the lessee, be sold at public sale under
18 the direction of the commissioner [DIRECTOR]. The proceeds of sale
19 inure to the lessee who placed the improvements or chattels on the
20 land after paying to the state all rents due and expenses incurred in
21 making the sale. If there are no other bidders at the sale, the
22 commissioner [DIRECTOR] may bid in the name of the state. The bid
23 money shall be taken from the fund to which the land belongs and the
24 fund shall receive all money or other value subsequently derived from
25 the sale or leasing of the improvements or chattels. The state ac-
26 quires all the rights that any other purchaser could acquire by reason
27 of the purchase.

28 (c) If improvements or chattels, or both, having an appraised
29 value of \$10,000 or less, as determined by the commissioner

1 [DIRECTOR], are not removed within the time allowed, they revert to
2 the state and absolute title vests in the state. The preference right
3 lessees of grazing or forest land [LANDS] may follow the provisions
4 for removal of improvements upon termination of the lease as autho-
5 rized in the cancelled federal lease or permit.

6 (d) Improvements of the lessee which have become fixtures of the
7 land shall be purchased by the subsequent purchaser or lessee of the
8 land if the improvements were authorized in the former lease or by
9 permit from the commissioner [DIRECTOR]. Upon the termination of a
10 lease, and at additional times which may be necessary, the value of
11 the authorized fixtures remaining on the land shall be set by agree-
12 ment between the former lessee and the commissioner [DIRECTOR] or, if
13 agreement cannot be reached, by an independent appraisal made at cost
14 to the former lessee.

15 (e) A notice or offer by the state to sell or lease formerly
16 leased land shall state

17 (1) the value of the authorized fixtures remaining on the
18 land;

19 (2) that the purchaser or lessee will be required, as a
20 condition of the sale or lease, to purchase the fixtures from the
21 former lessee for an amount equal to the value specified.

22 * Sec. 59. AS 38.05.095(a) is amended to read:

23 (a) Except as provided in (b) of this section, a lessee may
24 sublease or assign the land or a portion of it [UPON WHICH HE HAS A
25 LEASE] if, after application to the commissioner, the commissioner
26 [DIRECTOR, THE DIRECTOR] issues a permit. The commissioner [DIRECTOR]
27 may issue a permit upon a finding [IF HE FINDS] that it is in the best
28 interests of the state to do so.

29 * Sec. 60. AS 38.05.097(c) is amended to read:

1 (c) A nonprofit organization which satisfies the requirements of
2 this section that is using land under a lease in effect before July 1,
3 1978 may convert its lease to a new lease with terms exempting it from
4 the payment of rent by submitting a written request to the commis-
5 sioner [DIRECTOR].

6 * Sec. 61. AS 38.05.102 is amended to read:

7 Sec. 38.05.102. LESSEE PREFERENCE. If land within a leasehold
8 created under AS 38.05.070 - 38.05.105 is offered for sale or
9 long-term lease at the termination of the existing leasehold, the
10 commissioner [DIRECTOR] may, upon a finding that it is in the best
11 interest of the state, allow the holder in good standing of that
12 leasehold to purchase or lease the land for its appraised fair market
13 value at the time of the sale or long-term lease.

14 * Sec. 62. AS 38.05.103 is amended to read:

15 Sec. 38.05.103. RIGHTS OF HOLDER OF SECURITY INTEREST. (a) If
16 there is a breach or default of a term of a lease or of the provisions
17 of this chapter relating to a lease, the department [DIVISION] shall
18 provide written notice of the breach or default by personal service or
19 by registered or certified mail to the lessee and to any holder of
20 record having a security interest in the leased property. The notice
21 shall also make demand upon the lessee to cure or remedy the breach or
22 default within 60 days from the date of receipt of the notice and
23 demand. If a lessee fails to cure or remedy the breach or default
24 within 60 days, or within the additional time which the department
25 [DIVISION] may allow for good cause, the state may, subject to (b) of
26 this section, exercise any right which it may have at law or as set
27 out in the lease.

28 (b) If a lessee fails to cure or remedy a breach or default
29 within the time allowed in (a) of this section, a holder of a security

1 interest who has received notice under (a) of this section may cure or
2 remedy the breach or default if the breach or default can be cured by
3 the payment of money or, if this cannot be done, by performing or
4 undertaking in writing to perform the terms, covenants, restrictions
5 and conditions of the lease capable of performance by the holder. The
6 holder shall act within 60 days from the date of receipt of notice
7 under (a) of this section, or within an additional period as the
8 commissioner [DIRECTOR] may allow for good cause.

9 * Sec. 63. AS 38.05.105(a) is amended to read:

10 (a) Each lease shall stipulate that at the conclusion of the
11 initial 25-year period of the lease and at intervals of 10 years
12 thereafter the annual rent payment is subject to adjustment. Charges
13 or adjustments shall be based primarily on an adjusted fair market
14 value. However, if the commissioner [DIRECTOR OF THE DIVISION OF
15 LANDS] determines that single-family residential development is the
16 best use of the land, the reappraisal period may be lengthened or the
17 readjustment waived in accordance with regulations adopted by the
18 department. Before a waiver of rent adjustment is issued, the land
19 shall have a current reappraisal. A waiver is valid only if single-
20 family residential development actually occurs. The regulations
21 adopted under this section shall ensure that the state receives a fair
22 return from the land.

23 * Sec. 64. AS 38.05.110 is amended to read:

24 Sec. 38.05.110. SALE OF TIMBER AND MATERIALS. The commissioner
25 [DIRECTOR] shall provide for cruises of timber and appraisals of other
26 materials in or upon state land to determine [LANDS AND TRANSMIT THIS
27 DATA TO THE COMMISSIONER, TOGETHER WITH HIS RECOMMENDATIONS WITH
28 RESPECT TO] (1) the timber and other materials which should be offered
29 for sale, and (2) the terms of sale of the timber or other materials.

1 * Sec. 65. AS 38.05.115(a) is amended to read:

2 (a) The commissioner [, UPON RECOMMENDATION OF THE DIRECTOR,]
3 shall determine the timber and other materials to be sold, and the
4 limitations, conditions and terms of sale. The limitations, condi-
5 tions and terms shall include the utilization, development and mainte-
6 nance of the sustained yield principle, subject to preference among
7 other beneficial uses. The commissioner [DIRECTOR] may negotiate
8 sales of timber or materials without advertisement and on the limita-
9 tions, conditions, and terms that are considered to be [WHICH HE
10 CONSIDERS ARE] in the best interests of the state [, SUBJECT TO THE
11 APPROVAL OF THE COMMISSIONER]. However, not more than 500 M.B.M. or
12 equivalent other measure of timber or more than 25,000 cubic yards of
13 materials may be sold by nonadvertised, negotiated sale to the same
14 purchaser within a one-year period.

15 * Sec. 66. AS 38.05.118 is amended to read:

16 Sec. 38.05.118. NEGOTIATED TIMBER SALES IN AREAS OF HIGH UNEM-
17 PLOYMENT. (a) Notwithstanding any other provision of AS 38.05.110 -
18 38.05.120, the [DIRECTOR, WITH THE APPROVAL OF THE] commissioner [,]
19 may negotiate a sale of timber to a local manufacturer at appraised
20 value. The period of a contract for a sale of timber negotiated under
21 this section may not exceed 25 years. The contract shall provide that
22 the appraised value of timber remaining to be harvested under the
23 provisions of the contract shall be redetermined at least once every
24 five years.

25 (b) Notice of intent to negotiate a contract authorized by (a)
26 of this section shall be given in accordance with AS 38.05.345.

27 (c) No sale of timber may be negotiated by the commissioner
28 [DIRECTOR] under this section except on a finding [UNLESS HE FIRST
29 FINDS] that, within an area proximate to the business site which the

1 manufacturer may economically serve, there exists

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

5 * Sec. 67. AS 38.05.120 is amended to read:

6 Sec. 38.05.120. DISPOSAL PROCEDURE. Timber and other materials
7 shall be sold either by sealed bids or public auction, depending on
8 which method is determined by the commissioner to be in the best
9 interests of the state, to the highest qualified bidder as determined
10 by the commissioner [DIRECTOR]. An aggrieved bidder may appeal to the
11 commissioner within five days after the sale for a review of the
12 [DIRECTOR'S] determination. The sale shall be conducted by the com-
13 missioner [DIRECTOR OR HIS REPRESENTATIVE], and at the time of sale
14 the successful bidder shall deposit the amount specified in the terms
15 of sale. The means by which the amount of deposit is determined shall
16 be prescribed by appropriate regulation. The commissioner [DIRECTOR
17 OR HIS REPRESENTATIVE] shall immediately issue a receipt containing a
18 description of the timber or materials purchased, the price bid, and
19 the terms of sale. The receipt shall be acknowledged in writing by
20 the bidder. A contract of sale, on a form approved by the attorney
21 general, shall be signed by the purchaser and [, FOLLOWING THE AP-
22 PROVAL OF THE COMMISSIONER,] the contract shall be signed by the
23 commissioner [DIRECTOR] on behalf of the state. The [DIRECTOR, WITH
24 THE APPROVAL OF THE] commissioner [,] may impose conditions, limita-
25 tions, and terms considered [WHICH HE CONSIDERS] necessary and proper
26 to protect the interests of the state. Violation of any provision of
27 this chapter or the terms of the contract of sale subjects the pur-
28 chaser to appropriate legal action.

29 * Sec. 68. AS 38.05.130 is amended to read:

1 Sec. 38.05.130. DAMAGES AND POSTING OF BOND. No rights shall be
2 exercised by the state, its lessees, successors or assigns under the
3 reservation as set out in AS 38.05.125 until the state, its lessees,
4 successors, or assigns make provision to pay the owner of the land
5 full payment for all damages sustained by the owner, for reason of
6 entering upon the land. If the owner for any cause refuses or ne-
7 glects to settle the damages, the state, its lessees, successors,
8 assigns, or an applicant for a lease or contract from the state for
9 the purpose of prospecting for valuable minerals, or option, contract
10 or lease for mining coal or lease for extracting geothermal resources,
11 petroleum or natural gas, may enter upon the land in the exercise of
12 the reserved rights after posting a surety bond determined by the
13 commissioner [DIRECTOR], after notice and an opportunity to be heard,
14 to be sufficient as to form, amount, and security to secure to the
15 owner payment for damages, and may institute legal proceedings in a
16 court where the land is located, as may be necessary to determine the
17 damages which the owner may suffer.

18 * Sec. 69. AS 38.05.140(e) is amended to read:

19 (e) The provisions of (d) of this section that apply to waiver,
20 suspension, refund or reduction of rental of minimum royalty apply to
21 rental or minimum royalty paid before or after June 19, 1970 on any
22 lease covering land beneath navigable waters which, according to the
23 records of the department [DIVISION OF LANDS], is in effect on
24 June 19, 1970.

25 * Sec. 70. AS 38.05.145(a) is amended to read:

26 (a) Deposits of coal, phosphates, oil shale, sodium, potassium,
27 oil, gas, geothermal resources and state land [LANDS] containing these
28 deposits are subject to disposition under [RULES AND] regulations [,
29 RECOMMENDED BY THE DIRECTOR AND] adopted by the commissioner, and the

1 provision of AS 38.05.145 - 38.05.181. In applying the acreage limi-
2 cations the commissioner may apply the rule of approximation. The
3 uses of the rule of approximation made before March 31, 1960, by the
4 commissioner are ratified.

5 * Sec. 71. AS 38.05.185(a) is amended to read:

6 (a) The acquisition and continuance of rights in and to deposits
7 on state land [LANDS] of minerals which on January 3, 1959, were
8 subject to location under the mining laws of the United States shall
9 be governed by AS 38.05.185 - 38.05.280. Nothing in AS 38.05.185 -
10 38.05.280 affects the law pertaining to the acquisition of rights to
11 mineral deposits owned by any other person or government. The [DIREC-
12 TOR, WITH THE APPROVAL OF THE] commissioner [,] shall determine that
13 land [THOSE LANDS* from which mineral deposits may be mined only under
14 lease, and, subject to the limitations of AS 38.05.300, that land
15 [THOSE LANDS] which shall be closed to mining. State land may not be
16 closed to mining or mineral location unless the commissioner makes a
17 finding that mining would be incompatible with significant surface
18 uses on the state land. State land may not be restricted to mining
19 under lease unless the commissioner determines that potential use
20 conflicts on the state land require that mining be allowed only under
21 written leases issued under AS 38.05.205 or the commissioner has
22 determined that the land was mineral in character at the time of state
23 selection. The determinations required under this subsection shall be
24 made in compliance with land classification orders and land use plans
25 developed under AS 38.05.300.

26 * Sec. 72. AS 38.05.205(a) is amended to read:

27 (a) Prior discovery, location and filing shall initiate prior
28 rights to mineral deposits subject to AS 38.05.185 - 38.05.280 in or
29 on state land [LANDS], other than submerged land [LANDS], which is

1 [ARE] open to mining leasing. Locations shall be made and certifi-
2 cates of location recorded in accordance with AS 38.05.195. If the
3 located land is [LANDS ARE] available only for leasing, the commis-
4 sioner [DIRECTOR] shall publish in a paper of general circulation in
5 the area of the location, notice of the filing of the location and
6 notice that a mineral lease will be issued. The notice may be com-
7 bined with notices of locations either in the same general area or
8 statewide. Unless a conflicting location exists, no later than two
9 weeks after publication of the notice, an application form for a
10 mining lease shall be mailed to the locator by the commissioner [DI-
11 RECTOR]. A lease application shall be filed with the commissioner
12 [DIRECTOR] by the locator within 90 days after receipt of the form.
13 If the located land is [LANDS ARE] not available for leasing, notice
14 shall be given the locator by the commissioner [DIRECTOR] and the
15 locator's prior rights shall terminate. A mining lessee has the
16 exclusive rights of possession and extraction of all minerals subject
17 to AS 38.05.185 - 38.05.280 lying within the boundaries of the [HIS]
18 lease or location. Mining leases may be issued for one location or
19 for a group of contiguous locations held in common. Minerals may not
20 be mined and marketed or used until a lease is issued, except for
21 limited amounts necessary for sampling or testing.

22 * Sec. 73. AS 38.05.205(c) is amended to read:

23 (c) A mining lease shall be for any period up to 55 years, and
24 the lessee has a right to a new lease at the end of each lease period.
25 The commissioner may make reasonable adjustments of the rental rate at
26 the end of each 20 year period, based upon changed conditions in
27 production costs and markets. A valid mining claim located and held
28 under AS 38.05.195 may be converted to a lease at any time upon appli-
29 cation by the owner, and issuance by the commissioner [DIRECTOR]. No

1 rights granted by a mining lease may be exercised until the lease has
2 been filed for record in the recording district where the land is
3 located.

4 * Sec. 74. AS 38.05.245(a) is amended to read:

5 (a) Before the discovery of valuable minerals, an exclusive
6 right to prospect by geophysical, geochemical and similar methods may
7 be acquired by marking boundaries and posting a notice of location of
8 a prospecting site in a manner and containing such information as the
9 commissioner requires. A prospecting site may not exceed 2,640 feet
10 in its longest dimension and its boundaries shall run in the four
11 cardinal directions. A certificate of location shall be filed for
12 record in the recording district where the prospecting site is located
13 within 90 days after posting the notice of location, and a copy of the
14 certificate shall also be mailed to the commissioner [DIRECTOR] within
15 the 90 day period. The locator of a prospecting site has the exclu-
16 sive right to stake mining claims or leasehold locations within the
17 boundaries of the prospecting [HIS] site.

18 * Sec. 75. AS 38.05.245(c) is amended to read:

19 (c) No person may locate more than six prospecting sites in one
20 calendar year in one recording district. A prospecting site remains
21 in effect for one year after the notice of location is posted and may,
22 at the discretion of the commissioner [DIRECTOR], be extended for one
23 year periods. During each year, work of a type compatible with the
24 purpose of this section and acceptable to the commissioner [DIRECTOR]
25 shall be done. The minimum expenditure for the work shall be estab-
26 lished by the commissioner uniformly for all prospecting sites. Where
27 adjacent prospecting sites are held in common the expenditure may be
28 made on any one or more locations. If a prospecting site expires,
29 neither the locator nor a [HIS] successor in interest of the locator

1 may again locate the same prospecting site or any portion of it, as a
2 prospecting site, for a period of two years following the date of
3 expiration or abandonment; nor may the locator [HE], during the two
4 years, either directly or indirectly, obtain a beneficial interest in
5 the same prospecting site or a portion of it.

6 * Sec. 76. AS 38.05.250(a) is amended to read:

7 (a) The exclusive right to prospect for deposits of minerals
8 subject to AS 38.05.185 - 38.05.275 in or on tide and submerged state
9 land [LANDS] may be granted by a permit issued by the commissioner
10 [DIRECTOR]. Permits shall be granted to the first qualified appli-
11 cant. No permit may include an area larger than 2,560 acres, subject
12 to the rule of approximation. Land [LANDS] subject to a prospecting
13 permit shall be as compact in form as possible taking into considera-
14 tion the area involved. The term of the permit shall be seven years.
15 Prospecting permits shall be conditioned upon payment of rental
16 against which credit shall be given for useful expenditures on land
17 covered by the permit or group of contiguous permits under common
18 ownership or assignment. Excess expenditures may be applied against
19 rentals due for the following two years. The rental shall be \$3 per
20 acre for each year, payable at the end of each year. No minerals from
21 land [LANDS] under a prospecting permit may be mined and marketed or
22 used, except for limited amounts necessary for sampling or testing.
23 No person may take or hold prospecting permits for minerals on state
24 land under this section exceeding in the aggregate 100,000 acres. No
25 person may take or hold leases for minerals on state land under this
26 section exceeding in the aggregate 46,080 acres.

27 * Sec. 77. AS 38.05.250(b) is amended to read:

28 (b) Upon discovery, the right to possess and extract the min-
29 erals may be acquired by noncompetitive lease. A noncompetitive lease

1 shall be granted to a holder of a prospecting permit for so much of
2 the land subject to the permit as is shown to the satisfaction of the
3 commissioner [DIRECTOR] to contain workable mineral deposits. Sub-
4 merged land [LANDS] containing known deposits of minerals subject to
5 AS 38.05.185 - 38.05.275 may, in the discretion of the commissioner
6 [DIRECTOR], be offered by competitive bid. The land [THESE LANDS]
7 shall be leased to the responsible qualified person offering the
8 highest amount of cash bonus.

9 * Sec. 78. AS 38.05.255 is amended to read:

10 Sec. 38.05.255. SURFACE USE OF LAND OR WATER. Surface uses of
11 land or water included within mining properties by owners of those
12 properties shall be limited to those necessary for the prospecting
13 for, extraction of, or basic processing of mineral deposits and shall
14 be subject to reasonable concurrent uses. Permits for millsites and
15 tailings disposal may be granted by the commissioner [DIRECTOR]. The
16 permits shall be conditioned upon payment of a reasonable charge for
17 the use and continuance of the limited use. Timber from land open to
18 mining without lease, except timberland, may be used by a mining
19 claimant or prospecting site locator for the mining or development of
20 the location or adjacent claim under common ownership. On other
21 land, timber may be acquired as provided in this chapter. Use of
22 water shall be made in accordance with AS 46.15.

23 * Sec. 79. AS 38.05.265 is amended to read:

24 Sec. 38.05.265. ABANDONMENT. Failure to (1) properly file for
25 record a certificate of location or a statement of annual labor, or
26 (2) file with the commissioner [DIRECTOR] within the time prescribed a
27 lease application or a copy of a prospecting site location certifi-
28 cate, or (3) pay rental or receive credit for rental, or (4) keep
29 location boundaries clearly marked, all as required by AS 38.05.185 -

1 38.05.280 [SECS. 185 - 280 OF THIS CHAPTER] and by regulations adopted
2 under these sections, constitutes abandonment of all rights acquired
3 under the mining lease, location, or site involved, and it is subject
4 to relocation by others. If a location is not relocated by another
5 person with one year after such failure, or, in the case of a pros-
6 pecting site, two years, the locator or claimant of the abandoned
7 location, or the [HIS] successor in interest of the locator or claim-
8 ant, may return to relocate it as though it had never been located. A
9 statement of annual labor which does not accurately set out the essen-
10 tial facts is void and of no effect.

11 * Sec. 80. AS 38.05.270 is amended to read:

12 Sec. 38.05.270. TRANSFERS. The sale, lease or other transfer of
13 mining property or interest in mining property shall be recorded or
14 shall be approved by the commissioner under adopted regulations [DI-
15 RECTOR IN COMPLIANCE WITH SUCH REGULATIONS AS THE COMMISSIONER MAY
16 ADOPT]. The heirs and assigns of mining property or interest in
17 mining property have the same rights and duties as their predecessors.

18 * Sec. 81. AS 38.05.275 is amended to read:

19 Sec. 38.05.275. RECOGNITION OF LOCATIONS. Mining locations made
20 on state land [LANDS], including shoreland, tideland [SHORELANDS,
21 TIDELANDS], or submerged land [LANDS], or state selected land [LANDS],
22 under AS 38.05.185 - 38.05.280 [SECS. 185 - 280 OF THIS CHAPTER], or
23 in the manner described in AS 27.10.010 - 27.10.240 acquire for the
24 locator mining rights under AS 38.05.185 - 38.05.280 [SECS. 185 - 280
25 OF THIS CHAPTER], subject to existing claims and to any denial of or
26 restriction in the tentative approval of state selection of the patent
27 of the land [LANDS] to the state. If shoreland, tideland [SHORELANDS,
28 TIDELANDS] or submerged land is [LANDS ARE] included in a mining
29 location or within the projected boundaries of a mining location made

1 in accordance with this section, the locator is required to file a
2 certificate of location with the department [DIVISION OF LANDS] within
3 90 days following the date of posting the notice of location, in
4 addition to filing a certificate of location as required by AS 38.-
5 05.195 [SEC. 195 OF THIS CHAPTER]. The certificate of location must
6 identify the position of the mining location in the system of rec-
7 tangular or protracted surveys.

8 * Sec. 82. AS 38.05.310(a) is amended to read:

9 (a) No land may be sold or leased, or a renewal lease issued,
10 except in the case of an oil or gas or mineral lease, unless it has
11 been appraised within 120 days before the date fixed for the sale or
12 lease. When land is offered at public sale but is not sold and is
13 available at private sale, no reappraisal is required unless the
14 commissioner [DIRECTOR] considers that a change in value of the land
15 [LANDS] may have occurred. A grazing lease may be granted to a lessee
16 of federal grazing land [LANDS] without prior appraisal, if the [HIS]
17 federal lease was cancelled to allow the state to select the land
18 [LANDS] under lease. No land may be sold or leased for less than the
19 approved, appraised market value, except as provided in AS 38.05.315,
20 38.05.320, 38.05.057, 38.05.075 - 38.05.085 and 38.05.097.

21 * Sec. 83. AS 38.05.315 is amended to read:

22 Sec. 38.05.315. PUBLIC AND CHARITABLE USE. (a) The lease,
23 sale, or other disposal of state land or resources may be made to a
24 state or federal agency or political subdivision, or the lease, sale,
25 or disposal of coal deposits suitable for mining may be made to a
26 utility owned and operated by a government agency or nonprofit cooper-
27 ative association organized to participate under the Federal Rural
28 Electrification Act for the purpose of generating electric power and
29 energy or the production of process steam, or both, for less than the

1 appraised value as determined by [THE DIRECTOR AND APPROVED BY] the
2 commissioner to be fair and proper and in the best interests of the
3 public, with due consideration given to the nature of the public
4 services or function rendered by the agency, subdivision, or utility
5 making application, and of the terms of the grant under which the land
6 was acquired by the state.

7 (b) Notwithstanding AS 38.05.070 - 38.05.080 and 38.05.095, the
8 commissioner [DIRECTOR], upon application filed by an applicant eli-
9 gible under (b) - (d) of this section, may, by negotiation and without
10 public auction in the manner prescribed in (b) - (d) of this section,
11 lease state land for a term of not more than 55 years. Before leas-
12 ing, the commissioner [DIRECTOR] shall prepare a land use plan and a
13 land classification to insure that the proposed use is compatible with
14 area utilization. Before the land may be leased under (b) - (d) of
15 this section, it must be shown to the satisfaction of the commissioner
16 [DIRECTOR] that the land is to be used for an established or def-
17 initely proposed project, and that the eligible applicant has the
18 financial ability to carry out the project. The commissioner may
19 establish limitations on the acreage which may be leased under (b) -
20 (d) of this section to an applicant.

21 (c) Eligible applicants under (b) - (d) of this section are
22 limited to nonprofit corporations, associations, clubs, or societies
23 organized and operated exclusively for charitable, religious, scien-
24 tific, or educational purposes, or for the promotion of social wel-
25 fare, if the project for which the land is desired conforms to those
26 objectives and not commercial development. No lease of land may be
27 granted under this section for a project closed to the use and enjoy-
28 ment of the general public. In every case the applicant shall submit
29 evidence that it is exempt from payment of federal income tax. As a

1 condition of and in consideration of the rights acquired under a lease
2 granted under (b) - (d) of this section, each eligible organization
3 and its parent or subsidiary organizations shall (1) maintain and
4 preserve books, accounts, and records that the commissioner [DIRECTOR]
5 prescribes by regulation as necessary and appropriate; and (2) accord
6 at all reasonable times to the state and its authorized agents and
7 auditors the right of access to those books, accounts and records for
8 the purpose of inspecting, examining and copying them. Any informa-
9 tion provided the state in the course of an audit becomes a matter of
10 public record.

11 (d) The commissioner [DIRECTOR] may lease the land to an eli-
12 gible applicant at a reasonable annual rental, taking into considera-
13 tion the purposes for which the land is to be used and the financial
14 resources of the applicant. The rental may not be less than one
15 percent of the fair market value on land [LANDS] acquired primarily
16 for development, or less than five percent of the fair market value on
17 university or acquired land [LANDS]. Rent may not be charged for
18 state land leased for a youth encampment. For the purposes of this
19 subsection, "youth encampment" shall be defined by the commissioner by
20 regulation. Renewal leases may be issued at the discretion of the
21 commissioner [DIRECTOR] upon the expiration of a primary or renewal
22 term. Each lease shall contain a provision for its termination as to
23 all or part of the land [LANDS] upon a finding by the commissioner
24 [DIRECTOR] that the land or a part of it has not been used by the
25 lessee for the purpose specified in the lease for a period of two
26 years. No lease may be assigned or subleased except with the consent
27 of the commissioner [DIRECTOR], and in any case may only be trans-
28 ferred to an applicant eligible under (b) - (d) of this section. A
29 lessee may not change the use specified in the lease to another or

1 additional use except with the consent of the commissioner [DIRECTOR].
2 If, at any time after the land is leased, the lessee attempts to
3 assign the lease or transfer control over the land to another, or if
4 the land is devoted to a use other than that for which the land was
5 leased without the consent of the commissioner [DIRECTOR], the lease
6 automatically terminates.

7 (e) The lease, sale, or other disposal of state land at ap-
8 praised fair market value may be negotiated with a licensed public
9 utility or a licensed common carrier by [THE DIRECTOR WITH THE AP-
10 PROVAL OF] the commissioner if the utility or carrier reasonably
11 requires the land for the conduct of its business under its license.

12 (f) The commissioner shall lease state land for telephone or
13 electric transmission and distribution lines for less than the ap-
14 praised value of the land if the lessee is a nonprofit cooperative
15 association organized under AS 10.25.010 - 10.25.650. Before deter-
16 mining [HE DETERMINES] the annual rental, the commissioner shall
17 consider the nature of the public service rendered by the nonprofit
18 cooperative association and the terms of the grant under which the
19 land was acquired by the state. A nonprofit cooperative association
20 may not construct improvements other than transmission or distribution
21 lines and substations on land leased under this subsection.

22 * Sec. 84. AS 38.05.320(b) is amended to read:

23 (b) Home rule cities and cities of the first class incorporated
24 on or before April 1, 1964, may apply, in the manner prescribed by the
25 commissioner [DIRECTOR], and in accordance with [SUCH] regulations
26 [AS] the commissioner [DIRECTOR] may adopt, for a conveyance to them
27 of all land [LANDS] seaward of the home rule cities and cities of the
28 first class which is [ARE] between the mean high tide line in, or
29 forming the boundary of, the home rule cities and cities of the first

1 class, and a line to be shown on a plat made a part of the application
2 which shall be the pierhead line established under the Act of Septem-
3 ber 7, 1957, or the harbor line established under the Act of March 3,
4 1899, or if no pierhead line or harbor line is established then a line
5 subject to approval by [THE DIRECTOR, WITH THE CONCURRENCE OF] the
6 commissioner [,] which shall be seaward of all tideland [TIDELANDS]
7 and submerged land [LANDS] occupied or suitable for occupation and
8 development without unreasonable interference with navigation. The
9 commissioner [DIRECTOR] shall convey that [THESE] tide and submerged
10 land [LANDS] to home rule cities and cities of the first class.
11 Applications by preference right claimants filed with the commissioner
12 [DIRECTOR] before June 30, 1964, shall continue to be processed to a
13 final determination and conveyance, if any by the commissioner [DIREC-
14 TOR], if such preference right claimants are entitled to a conveyance
15 from the commissioner [DIRECTOR] under the existing previous to
16 July 22, 1964.

17 (1) Each home rule city and city of the first class granted
18 a conveyance shall prepare an official subdivision plat of the area
19 conveyed showing all structures and improvements and the boundaries of
20 each tract occupied or developed, together with the name of the owner
21 or claimant. The subdivisional plat shall include within the bound-
22 aries of each tract occupied or developed such surrounding tide and
23 submerged land as is [LANDS AS ARE] reasonably necessary in the opin-
24 ion of the governing body of the home rule cities and cities of the
25 first class for the use and enjoyment of the structures and improve-
26 ments by the owner or claimant, but shall not include tide or sub-
27 merged land [LANDS] which if granted to the occupant would unjustly
28 deprive an occupant of adjoining land [LANDS] from [HIS] reasonable
29 use and enjoyment of it [THEM].

1 (2) An occupant of land included in the conveyance to home
2 rule cities and cities of the first class, who occupied or developed
3 the land on and before September 7, 1957, has a class I preference
4 right to the land [LANDS] from the home rule cities and cities of the
5 first class upon the execution of a waiver to the state and the home
6 rule cities and cities of the first class of all rights the occupant
7 may have acquired under Public Law 85-303 (71 Stat. 623).

8 (3) An occupant of land included in the conveyance to home
9 rule cities and cities of the first class, who has a class II prefer-
10 ence right by reason of the conveyance to home rule cities and cities
11 of the first class, and is unwilling to waive the right has a prefer-
12 ence right to the land [LANDS] which it is mandatory for the home rule
13 cities and cities of the first class to expeditiously honor upon
14 application from the occupant after the Secretary of the Army has
15 submitted to the Secretary of the Interior and the governor [OF THE
16 STATE] maps showing the pierhead line established by the corps of
17 engineers with respect to the tract so granted.

18 (4) An occupant of land included in the conveyance to home
19 rule cities and cities of the first class, who occupied or developed
20 the land after September 7, 1957, and before January 3, 1959, and who
21 continued to occupy it on January 3, 1959, has a class III preference
22 right to the land [LANDS] from the home rule cities and cities of the
23 first class.

24 (5) In making a conveyance to an occupant, the home rule
25 cities and cities of the first class shall include as a part of the
26 tract conveyed and in addition to the occupied or developed land
27 [LANDS], such additional tide and submerged land as is [LANDS AS ARE]
28 reasonably necessary in the opinion of the governing body of the home
29 rule cities and cities of the first class for the occupant's use and

1 enjoyment of the occupied or developed land, but the conveyance shall
2 not include any area which would unjustly deprive an occupant of
3 adjoining land [LANDS] from reasonable use and enjoyment of it [THOSE
4 LANDS] or which, if developed, will interfere with navigation.

5 (6) Each home rule city and city of the first class receiving
6 conveyances shall by ordinance provide for reasonable regulations
7 governing the filing and processing of applications, publication of
8 notices, and the adjudication of disputes between claimants by the
9 governing body of the home rule cities and cities of the first class.
10 A party aggrieved by its determination may appeal to the superior
11 court.

12 (7) When no preference right has been granted to purchase
13 or lease tideland [TIDELANDS], the home rule cities and cities of the
14 first class may sell or lease the tideland [TIDELANDS] conveyed to
15 them, and may impose terms or conditions for the sale or lease. The
16 [SUCH] terms and conditions shall include such reservation of rights-
17 of-way as are necessary to provide reasonable access to public waters.

18 * Sec. 25. AS 38.05.320(c) is amended to read:

19 (c) An occupant of tide or submerged land which is not seaward
20 of a municipal corporation, who occupied or developed it on and before
21 [PRIOR TO] September 7, 1957, has a class I preference right to the
22 land [LANDS] from the state. However, if the land is seaward of a
23 surveyed townsite, the occupant shall execute a waiver to the state of
24 all rights which the occupant [HE] may have acquired under Public Law
25 85-303 (71 Stat. 623), before the preference right may be exercised.

26 (1) A person who has a class II preference right in the
27 disposition of land by the state not provided for under paragraph
28 (b)(3), and who is unwilling to waive that right, has a preference
29 right to the land [LANDS] which it is mandator for the commissioner

1 [DIRECTOR] to expeditiously honor upon application from the occupant
2 after the Secretary of the Army has submitted to the Secretary of the
3 Interior and the governor [OF THE STATE] maps showing the pierhead
4 line established by the corps of engineers with respect to the tract
5 so granted.

6 (2) An occupant of tide or submerged land which is not
7 seaward of a municipal corporation, who occupied or developed it after
8 September 1957, and before January 3, 1959, and who continued to
9 occupy it on January 3, 1959, has a class III preference right to the
10 land [LANDS] from the state.

11 (3) The preference right [RIGHTS HEREINABOVE] granted any
12 occupant in (c) of this section is lost unless the occupant of tide or
13 submerged land not seaward of a home rule or first class city makes
14 application to the commissioner [DIRECTOR] to exercise the preference
15 right by July 1, 1967.

16 (4) Each occupant shall [AT HIS COST] furnish at the cost
17 of the occupant a plat showing the exterior boundaries of the tideland
18 [TIDELANDS] and submerged land [LANDS] covered by the application, in
19 form and with proof of accuracy as set out in regulations of the
20 commissioner [DIRECTOR], and shall show the location and nature of all
21 fill material, buildings, structures and improvements, which form the
22 basis of the application and which are situated upon the tract applied
23 for. The applicant may include within the boundaries of the tract
24 applied for the [SUCH] surrounding tide and submerged land as is
25 [LANDS AS ARE] reasonably necessary in the opinion of the applicant
26 for the use and enjoyment of the structures and improvements by the
27 occupant, but may not include any tide or submerged land [LANDS] which
28 if granted to the occupant would unjustly deprive an occupant of
29 adjoining land [LANDS] from [HIS] reasonable use and enjoyment of it

1 [THEM].

2 (5) In making a conveyance to an occupant, the commissioner
3 [DIRECTOR] shall include as a part of the tract conveyed, and in
4 addition to the occupied or developed land [LANDS], such additional
5 tide and submerged land as is [LANDS AS ARE] reasonably necessary in
6 the opinion of the commissioner [DIRECTOR] for the occupant's use and
7 enjoyment of the occupied or developed land, but the conveyance shall
8 not include any area which would unjustly deprive an occupant of
9 adjoining land [LANDS] from reasonable use and enjoyment of it [THEM]
10 or which, if developed, will interfere with navigation.

11 (6) The commissioner [DIRECTOR] shall by regulation provide
12 for reasonable procedures [REGULATIONS] governing the filing and
13 processing of applications, the publication of notices and the adju-
14 dication of disputes between claimants. A party aggrieved by an
15 adjudication may appeal to the superior court.

16 (7) The holder of a valid corps of engineers permit issued
17 before November 15, 1959, may be given a preference to a lease or
18 permit by the state if justified in accordance with the policy of this
19 chapter and if in the best interests of the state. This preference is
20 subordinate to all other preferences recognized under this chapter.

21 * Sec. 86. AS 38.05.321(b) is amended to read:

22 (b) State land classified as agricultural land which has been
23 selected by a municipality under former AS 29.18.190 - 29.18.200 or
24 29.18.205(e) may be approved by the commissioner [DIRECTOR] for patent
25 under AS 29.18.205(f); however, only rights in the land for
26 agricultural purposes may be transferred and all other interests in
27 the land will remain with the state. Agricultural land approved for
28 patent to a municipality under AS 29.18.205(f) shall be credited, acre
29 for acre, toward fulfillment of that municipality's entitlement under

1 AS 29.18.201 - 29.18.203. If the commissioner [DIRECTOR] later deter-
2 mines it to be in the best interests of the state to transfer some or
3 all of the additional rights in that approved or patented agricultural
4 land, those rights shall pass without consideration to the municipal-
5 ity in which the land is located. The notice and review provisions of
6 AS [38.05.305 AND] 38.05.345 are applicable to conveyance of rights
7 under this section.

8 * Sec. 87. AS 38.05.323(a) is amended to read:

9 (a) Notwithstanding any other provision of law, a home rule or
10 general law municipality which accepts by conveyance or other disposi-
11 tion from the state a public recreation area facility developed under
12 the terms of P.L. 507 (70 Stat. 130), upon application, shall receive
13 by conveyance from the commissioner [DIRECTOR] all land owned by the
14 state seaward of the public recreation area facility which 's between
15 the mean high tide line and the mean low tide line. The commissioner
16 may adopt [DIRECTOR MAY PROMULGATE] necessary regulations providing
17 for the conveyance of land under this section.

18 * Sec. 88. AS 38.05.330(a) is amended to read:

19 (a) The [DIRECTOR, WITHOUT THE PRIOR APPROVAL OF THE] commis-
20 sioner [,] may issue permits, rights-of-way or easements on state land
21 for roads, trails, ditches, field gathering lines or transmission and
22 distribution pipelines not subject to AS 38.35.010 - 38.35.260, tele-
23 phone or electric transmission and distribution lines, log storage,
24 oil well drilling sites and production facilities for the purposes of
25 recovering minerals from adjacent land [LANDS] under valid lease, and
26 other similar uses or improvements, or for the limited personal use of
27 timber or materials. The commissioner [, UPON RECOMMENDATION OF THE
28 DIRECTOR,] shall establish a reasonable rate or fee schedule to be
29 charged for these uses, subject to the exception for nonprofit

1 cooperative associations specified in (b) of this section. In the
2 granting, suspension or revocation of a permit or easement of land
3 [LANDS], the commissioner [DIRECTOR] shall give preference to that use
4 of the land which will be of greatest economic benefit to the state
5 and the development of its resources. However, first preference shall
6 be granted to the upland owner for the use of a tract of tideland, or
7 tideland and contiguous submerged land, which is seaward of the upland
8 property of the upland owner and which is needed by the upland owner
9 for any of the purposes for which the use may be granted.

10 * Sec. 89. AS 38.05.335 is amended to read:

11 Sec. 38.05.335. DEPOSITS. (a) The commissioner [DIRECTOR] may
12 require an applicant seeking the sale, lease or other disposal of land
13 [LANDS], other than under an oil and gas or mineral lease, to deposit
14 an amount covering the estimated cost of an appraisal, survey and
15 necessary advertising. All deposited funds not expended shall be
16 refunded to the applicant. If land is [LANDS ARE] sold or leased to
17 other than the applicant making the deposit, the party awarded the
18 land [LANDS] shall pay the total actual cost of appraising and survey-
19 ing the land [LANDS], together with the total actual cost of advertis-
20 ing, and the deposit shall be returned to the original applicant.

21 (b) Except as provided in (c) of this section, if a competitive
22 sale or lease of state land, minerals, timber or materials is to be
23 made by sealed bid, the commissioner [DIRECTOR] may require each
24 bidder to submit an earnest money deposit with each [HIS] bid. If the
25 sale or lease is by public auction, the commissioner [DIRECTOR] may
26 require each person desiring to bid to make an earnest money deposit
27 before bidding. The earnest money deposit of the highest qualified
28 bidder shall be applied toward the sale or lease price. If the suc-
29 cessful bidder defaults in the payment of the amount [HIS] bid, the

1 [HIS] deposit shall be forfeited to the state. All other earnest
2 money deposits shall be returned unless the commissioner decides to
3 award the contract to the second highest qualified bidder upon default
4 by the highest bidder rather than call for new bids, in which case the
5 commissioner may retain the deposit of the second highest qualified
6 bidder until final deposition of the land is made. A successful
7 bidder for a mineral lease who can prove to the satisfaction of the
8 commissioner within 45 days after notification of the lease award that
9 there is a reasonable doubt as to the ability of the state to grant a
10 valid lease to the land may withdraw the amount bid and have the
11 earnest money deposit returned [MAY WITHDRAW HIS BID AND HAVE HIS
12 EARNEST MONEY DEPOSIT RETURNED IF, WITHIN 45 DAYS AFTER NOTIFICATION
13 OF THE LEASE AWARD, HE CAN PROVE TO THE SATISFACTION OF THE COMMIS-
14 SIONER THAT THERE IS A REASONABLE DOUBT AS TO THE STATE'S ABILITY TO
15 GRANT A VALID LEASE TO THE LAND].

16 (c) The commissioner shall require each bidder for the competi-
17 tive leasing of oil and gas land [LANDS] to submit with each [HIS] bid
18 a deposit of money equal to 20 percent of the bonus.

19 * Sec. 90. AS 38.05.340(a) is amended to read:

20 (a) Except as provided in (b) of this section, all contracts of
21 purchase or lease of land [LANDS] or interest in land [LANDS] may be,
22 on the affirmative approval of the commissioner [DIRECTOR], assigned
23 or subleased in whole or in part in writing by the contract holder or
24 lessee, and the assignee or sublessee is subject to the provisions of
25 laws and regulations applicable to the contract or lease.

26 * Sec. 91. AS 38.05.348(a) is amended to read:

27 (a) The commissioner [DIRECTOR OF THE DIVISION OF LANDS] may
28 make grants of state land to persons and municipal corporations to
29 replace land which is rendered unusable by a natural disaster for the

1 purposes for which it was used before the natural disaster. The
2 commissioner [DIRECTOR] shall designate state land which is available
3 to replace land rendered unusable.

4 * Sec. 92. AS 38.05.348(c) is amended to read:

5 (c) An application for a grant of state land shall be filed with
6 the commissioner [DIRECTOR], and shall contain

- 7 (1) the name and address of the applicant;
- 8 (2) a legal description of the land rendered unusable;
- 9 (3) proof of ownership of the land; and
- 10 (4) a statement of the purpose for which the land was used
11 before the natural disaster rendered it unusable.

12 * Sec. 93. AS 38.05.348(d) is amended to read:

13 (d) The commissioner [DIRECTOR] shall, within 30 days of receipt
14 of the application, approve or disapprove the application. The com-
15 missioner's [DIRECTOR'S] determination of eligibility for a grant of
16 state land is final. Upon approval of [AT THE TIME HE APPROVES] the
17 application or as soon thereafter as possible, the commissioner [DI-
18 RECTOR] shall specify the land which shall be granted to an eligible
19 applicant. In making the [HIS] designation the commissioner [HE]
20 shall consider the value, size and use of the land rendered unusable
21 as a result of the natural disaster, and shall as nearly as possible
22 grant land of equal size or value or of equal utility.

23 * Sec. 94. AS 38.05.349 is amended to read:

24 Sec. 38.05.349. DISPOSITION OF STATE LAND FOR FLOOD CONTROL
25 PROJECTS. The department [DIVISION OF LANDS] may make conveyances of
26 title or other interests in state land, provide for exchange of land,
27 or make other arrangements with respect to state land, as necessary to
28 meet federally established requirements of flood control projects
29 authorized inside the state by the United States before or after

1 June 6, 1971.

2 * Sec. 95. AS 38.05.351 is amended to read:

3 Sec. 38.05.351. BONA FIDE PURCHASERS. No right, title, or
4 interest of a bona fide purchaser of any lease, interest in a lease,
5 option to acquire a lease or an interest in it, acquired after the
6 effective date of issuance of the lease and held by a qualified per-
7 son, association, or corporation in conformity with this chapter shall
8 be canceled or forfeited or otherwise adversely affected by reason of
9 the fact that the holding of the person, association, or corporation
10 from which the lease, interest, or option was acquired, or of a [HIS]
11 predecessor in title (including the original lessee of the state) may
12 have been canceled or forfeited, or may be or have been subject to
13 cancellation or forfeiture. If, in any proceeding for cancellation or
14 forfeiture, an underlying lease, interest, or option is canceled or
15 forfeited to the state and there are valid interests therein or valid
16 options to acquire the lease or an interest therein which are not
17 subject to cancellation or forfeiture, the underlying lease, interest,
18 or option shall be sold by the commissioner [DIRECTOR] to the highest
19 responsible qualified bidder by competitive bidding under general
20 competitive leasing regulations subject to all outstanding valid
21 interests therein and valid options pertaining thereto. Likewise if,
22 in any such proceeding, less than the whole interest in a lease,
23 interest, or option is canceled or forfeited to the state, the partial
24 interests so canceled or forfeited shall be sold by the commissioner
25 [DIRECTOR] to the highest responsible qualified bidder under general
26 competitive leasing regulations.

27 * Sec. 96. AS 38.05.362(a) is amended to read:

28 (a) Notwithstanding any other provision of law, [THE DIRECTOR,
29 WITH THE APPROVAL OF] the commissioner, in consultation with other

1 appropriate agencies and entities, shall classify for agricultural
2 purposes

3 (1) no less than 650,000 acres of state patented or tenta-
4 tively approved land which is appropriate for agricultural purposes
5 but in no event less than 50 percent of the state patented or tenta-
6 tively approved land which on September 22, 1976 [THE EFFECTIVE DATE
7 OF THIS ACT] has been classified as Class II or Class III in detailed
8 soil surveys of the National Cooperative Soil Survey;

9 (2) classification under (1) shall be completed within
10 three years of September 22, 1976.

11 * Sec. 97. AS 38.07.030(a) is amended to read:

12 (a) An owner of agricultural land, or a lessee from the state of
13 agricultural land, in the general vicinity of the land to be cleared
14 or drained under AS 38.07.010(a) may apply to the commissioner to have
15 the [HIS] land cleared or drained or both along with the state land.
16 The applicant's land shall be included in the contract of land to be
17 cleared or drained if, in the discretion of the commissioner, the
18 inclusion is feasible and furthers the agricultural policies of the
19 Department of Natural Resources [DIVISION].

20 * Sec. 98. AS 38.08.010 is amended to read:

21 Sec. 38.08.010. CLASSIFICATION OF LAND FOR HOMESITE ENTRY. (a)
22 The commissioner [DIRECTOR] shall designate, classify and make avail-
23 able for homesite entry state land in amounts and at times as required
24 in AS 38.04.020 or as may otherwise be required by law.

25 (b) Land classified as homesite entry land shall be divided into
26 parcels not exceeding five acres in reasonably compact form, with
27 boundaries conforming as nearly as practicable to natural geologic and
28 topographic features. However a parcel may exceed five acres if the
29 commissioner [DIRECTOR] determines that the larger parcel is necessary

1 to

2 (1) comply with local zoning ordinances; or

3 (2) permit the design of a subdivision because of topo-
4 graphical features, soil conditions, on-site sewage disposal require-
5 ments, or water drainage or supply considerations unique to the sub-
6 division.

7 (c) Repealed.

8 (d) The commissioner [DIRECTOR] shall, to as great an extent as
9 possible, classify land for homesite entry based upon the distribution
10 of population in the state.

11 * Sec. 99. AS 38.08.020 is amended to read:

12 Sec. 38.08.020. PUBLIC NOTICE. The commissioner [DIRECTOR]
13 shall publish notice of the availability of the land in the same
14 manner as provided in AS 38.05.345.

15 * Sec. 100. AS 38.08.060(a) is amended to read:

16 (a) A person who enters upon homesite entry land under a permit
17 issued by the commissioner [DIRECTOR] shall be issued a patent to the
18 land conveying an unencumbered title if that person

19 (1) occupies the land for a cumulative total of 35 months
20 within the seven-year period following issuance of the homesite entry
21 permit;

22 (2) erects a habitable, permanent, single-family dwelling
23 on the homesite, which meets all applicable state and local regula-
24 tions, within five years of the date of issuance of the homesite entry
25 permit; for the purposes of this paragraph, mobile homes are not
26 considered to be permanent dwellings unless they are placed on a
27 permanent foundation;

28 (3) reimburses the state for the survey and platting under-
29 taken in accordance with this chapter; the commissioner [DIRECTOR]

1 shall provide by regulation for installment payments of this
2 requirement.

3 * Sec. 101. AS 38.08.100 is amended to read:

4 Sec. 38.08.100. SUBSTANTIAL COMPLETION OF DWELLING. An entry
5 permit may not be revoked for failure to erect a dwelling in the time
6 required under AS 38.08.060(a)(2) if the commissioner [DIRECTOR] finds
7 that erection of the dwelling has been substantially completed and
8 progress toward completion is being made at the expiration of the time
9 required.

10 * Sec. 102. AS 38.10.010 is amended to read:

11 Sec. 38.10.010. APPLICATION FOR TRANSFER. Upon application by a
12 municipal corporation with a population of less than 5,000 persons
13 according to the latest United States census entitled to a conveyance
14 of tide and submerged land [LANDS] under AS 38.05.320(b), the commis-
15 sioner of natural resources [DIRECTOR OF THE DIVISION OF LANDS OF THE
16 DEPARTMENT OF NATURAL RESOURCES] may make or provide for the making of
17 surveys that may be required for the transfer of tide and submerged
18 land [LANDS] to the municipal corporation, and as may be required for
19 subsequent conveyance of the tide and submerged land [LANDS] by the
20 municipal corporations to occupants of the land [THOSE LANDS] who hold
21 preference rights. When the application by the municipal corporation
22 is accepted, the governing body of the municipal corporation shall
23 execute a contract on a form approved by the attorney general provid-
24 ing for the survey under the sole management and supervision of the
25 commissioner [DIRECTOR] and for repayment according to the provisions
26 of this chapter.

27 * Sec. 103. AS 38.10.020 is amended to read:

28 Sec. 38.10.020. SURVEYS. The survey provided for in AS 38.10.-
29 010 shall define the outside boundary of the land [LANDS] to be

1 conveyed to the municipal corporation and shall, on the same or
2 separate plats, show all structures and improvements and the
3 boundaries of each tract occupied or developed, together with the name
4 of the owner or claimant, and shall contain sufficient data to permit
5 preparation of adequate legal descriptions of the tracts to be
6 conveyed. The plats shall provide the same information as to all
7 tracts adjoining the outside boundary of the land [LANDS] to be con-
8 veyed to the municipal corporation. A sketch plat, sufficient for its
9 purpose in the opinion of the commissioner of natural resources [DI-
10 RECTOR], shall indicate the boundaries of each occupied or developed
11 tract as determined by the governing body of the municipal corporation
12 and the sketch plat shall be prepared and submitted to the commis-
13 sioner [DIRECTOR] before actual surveying shall begin. Nothing in
14 this chapter and nothing in a plat or sketch showing interior subdivi-
15 sion of the land [LANDS] to be conveyed to the municipal corporation
16 shall be construed as a determination of any preference right, nor
17 shall it prohibit adjustment and resurvey [RE-SURVEY] of the interior
18 subdivision.

19 * Sec. 104. AS 38.10.030 is amended to read:

20 Sec. 38.10.030. COSTS AND EXPENSES OF SURVEYS. Money shall be
21 appropriated from the general fund in an amount to be determined from
22 time to time by the legislature to facilitate the [SUCH] work. Ac-
23 counting of all costs and expenses of the surveys shall be made to the
24 municipal corporation by the commissioner of natural resources [DIREC-
25 TOR] periodically and a final accounting shall be made upon patent of
26 the land [LANDS] to the municipal corporation. Costs and expenses
27 chargeable to the city shall include the actual amount expended for
28 the survey and a reasonable allocation of overhead, travel and equip-
29 ment expense. The total amount of costs and expenses shall be repaid

1 to the fund through the commissioner [DIRECTOR] by the municipal
2 corporation for whom the survey was made, with interest at six percent
3 a year from the date of patent. The actual cost of survey of each
4 interior subdivision shall be determined by the commissioner [DIREC-
5 TOR]. For tracts conveyed to a preference right holder, the state
6 shall be reimbursed by the municipal corporation in the amount of the
7 survey costs of that tract as determined by the commissioner [DIREC-
8 TOR] within 30 days after the transfer of each tract. For tracts
9 conveyed, leased or otherwise disposed of by the municipal corpora-
10 tion, the fund shall be reimbursed by the municipal corporation in an
11 amount equal to 90 percent of the gross proceeds of the sale, lease or
12 other disposal of each tract until the total amount of the costs and
13 expenses of the survey, with interest, due the state is paid. The
14 total amount, with interest, shall be reimbursed to the state within
15 five years from the date of patent.

16 * Sec. 105. AS 38.10.050 is amended to read:

17 Sec. 38.10.050. REGULATIONS [RULES, REGULATIONS] AND PROCEDURES.
18 The commissioner of natural resources [, UPON RECOMMENDATION OF THE
19 DIRECTOR,] may establish reasonable procedures and adopt reasonable
20 [RULES AND] regulations necessary to carry out this chapter.

21 * Sec. 106. AS 38.35.220(c) is amended to read:

22 (c) Applications for pipeline permits which have been filed with
23 the Department of Natural Resources [DIVISION OF LANDS] before May 20,
24 1972 shall be considered as filed under this chapter but this does not
25 otherwise restrict the authority of the commissioner in acting on
26 these applications under this chapter; however, if the department
27 [DIVISION OF LANDS] has, before May 20, 1972, granted right-of-entry
28 to an applicant or issued a letter of no-objection to an applicant,
29 and the applicant thereafter fully complies with all of the terms and

1 conditions originally specified by the department [DIVISION OF LANDS]
2 or other agency, these applications are existing valid permits or
3 easements on May 20, 1972.

4 * Sec. 107. AS 38.50.010 is amended to read:

5 Sec. 38.50.010. AUTHORIZATION. Subject to the requirements of
6 this chapter, [THE DIRECTOR, WITH THE CONCURRENCE OF] the commissioner
7 [,] is authorized to dispose of state land or interest in land by
8 exchanging it for land, interest in land, or other consideration.
9 Exchanges shall be for the purpose of consolidating state land hold-
10 ings, creating land ownership and use patterns which will permit more
11 effective administration of the state public domain, facilitating the
12 objectives of state programs, or other public purposes.

13 * Sec. 108. AS 38.50.020 is amended to read:

14 Sec. 38.50.020. VALUE OF PROPERTIES EXCHANGED. (a) The land,
15 interest in land, and other consideration which the state receives in
16 an exchange made under this chapter shall be equal to or exceed the
17 appraised fair market value of the land, interest in land or property
18 exchanged by the state; however, the commissioner [DIRECTOR] may
19 accept cash from, or pay cash to, any other party to an exchange in
20 order to equalize the value of the property or other consideration
21 conveyed and received by the state. If the commissioner [DIRECTOR]
22 determines that the property to be exchanged is not equal in appraised
23 fair market value or if the value cannot be ascertained with reason-
24 able certainty, the commissioner [DIRECTOR] may enter into an exchange
25 upon a finding [IF HE FINDS] that the appraised fair market value of
26 the property to be received, together with the value of other public
27 benefits, equals or exceeds the value of the property which the state
28 will relinquish. An exchange for other than equal appraised fair
29 market value is subject to legislative review as provided in

1 AS 38.50.140.

2 (b) An appraisal required by this section is presumed accurate
3 and valid for a period of six months from the time the appraisal is
4 completed. After that time, or if the commissioner [DIRECTOR] has
5 reason to believe that the value of the appraised property has changed
6 significantly during the original six-month period, a reappraisal of
7 the property is required.

8 * Sec. 109. AS 38.50.030 is amended to read:

9 Sec. 38.50.030. PARTIES. (a) The commissioner [DIRECTOR] may
10 exchange land and interests [INTEREST] in land with a government
11 agency, organization, corporation, individual, or other person. At
12 the beginning of discussions concerning a proposed exchange, the
13 commissioner [DIRECTOR] shall require proof that each party to the
14 negotiations is the owner of, or is legally entitled to, the property
15 which the party desires to exchange and proof that a person acting as
16 an agent for a principal [THE PARTY] has the authority to negotiate an
17 exchange in behalf of the [HIS] principal.

18 (b) The commissioner [DIRECTOR] may negotiate an exchange in-
19 volving more than one party; however, in order to ascertain whether
20 the equal value requirements of this chapter have been met, the com-
21 missioner [DIRECTOR] shall consider only the land and other considera-
22 tion which the state would convey and receive if the exchange were
23 executed.

24 * Sec. 110. AS 38.50.040 is amended to read:

25 Sec. 38.50.040. LAND SUBJECT TO EXCHANGE. Except as otherwise
26 provided in this chapter, the commissioner [DIRECTOR] is authorized to
27 convey for purposes of exchange any state land or interest in land
28 regardless of the authority under which the land or interest was
29 obtained by the state. The conveyance of university land shall be

1 approved in the manner prescribed in AS 38.05.030.

2 * Sec. 111. AS 38.50.050 is amended to read:

3 Sec. 38.50.050. CONVEYANCE OF MINERAL RIGHTS. Subject to the
4 requirements of this chapter, the commissioner [DIRECTOR] is autho-
5 rized to exchange mineral rights in state land to the extent that the
6 conveyance is authorized by the state constitution and applicable
7 federal law. The commissioner [DIRECTOR] may not exchange or receive
8 the surface estate of land or the mineral rights in it, one without
9 the other, unless the separation of estate is necessitated by a prior
10 separation of ownership or by restrictions in applicable law, or the
11 commissioner [DIRECTOR] otherwise finds that the conveyance or receipt
12 of the surface or mineral estates, one without the other, is necessary
13 to achieve a significant public purpose.

14 * Sec. 112. AS 38.50.060 is amended to read:

15 Sec. 38.50.060. RESERVATIONS AND COVENANTS. The commissioner
16 [DIRECTOR] may include in any patent or other instrument issued under
17 this chapter any reservations and covenants relating to the land which
18 the commissioner [HE] considers necessary to protect or promote the
19 public interest. Reservations and covenants may include, but are not
20 limited to, those relating to access, environmental protection, and
21 use or development rights. The commissioner [DIRECTOR] may receive
22 land which is subject to reservations and covenants if the commis-
23 sioner [HE] finds that the reservations and covenants are consistent
24 with the public interest.

25 * Sec. 113. AS 38.50.080 is amended to read:

26 Sec. 38.50.080. PROHIBITION AGAINST FUTURE CONSIDERATIONS AND
27 ALIENATION OF SELECTION RIGHTS. (a) The commissioner [DIRECTOR] may
28 not negotiate or enter into a land exchange agreement which requires
29 the identification of land, interest in land, or other consideration,

1 except for the performance of necessary survey work, at any time after
2 the agreement is initially executed.

3 (b) The commissioner [DIRECTOR], in implementing the provisions
4 of this chapter, may not alienate or agree not to exercise selection
5 rights granted to the state in the Alaska Statehood Act or other
6 applicable law authorizing the state to select land or interest in
7 land.

8 * Sec. 114. AS 38.50.090 is amended to read:

9 Sec. 38.50.090. COORDINATION WITH OTHER STATE AGENCIES. (a)
10 During the negotiation of a land exchange, the commissioner [DIRECTOR]
11 shall consult with other departments [AND OTHER DIVISIONS OF THE
12 DEPARTMENT OF NATURAL RESOURCES] relative to matters which are within
13 their jurisdiction. If land under the jurisdiction of a state agency
14 other than the Department of Natural Resources may be involved in a
15 proposed exchange, the commissioner [DIRECTOR] shall afford the head
16 of that agency an opportunity to participate in the discussions re-
17 specting the land.

18 (b) The commissioner [DIRECTOR] shall be afforded an opportunity
19 to review and comment on any land exchange proposed by a state agency
20 other than the Department of Natural Resources.

21 * Sec. 115. AS 38.50.100 is amended to read:

22 Sec. 38.50.100. FINDING REQUIREMENT AS TO ALTERNATIVES. Before
23 circulating notice under AS 38.50.110, the commissioner [DIRECTOR]
24 shall consider other alternatives to achieve the objectives of the
25 proposed exchange in an effort to determine whether the proposed
26 exchange will best serve the public interest. In making this
27 determination, the commissioner [DIRECTOR] shall consider, among other
28 things, the advantages and disadvantages of acquiring the land or
29 interest in land for the state by means of purchase, lease or

1 selection under the Alaska Statehood Act, or condemnation. In addi-
2 tion, the commissioner [HE] shall consider alternatives to the dis-
3 posal through exchange of the state land or interest in land, includ-
4 ing, but not limited to, lease or sale.

5 * Sec. 116. AS 38.50.110(a) is amended to read:

6 (a) Not more than 60 days nor less than 30 days before a public
7 hearing is scheduled under AS 38.50.120 the commissioner [DIRECTOR]
8 shall circulate a notice containing the information specified in (b)
9 of this section. The commissioner [DIRECTOR] shall

10 (1) publish or post the notice as provided in AS 38.05.345,
11 except as otherwise specified in this section; the commissioner [
12 THE DIRECTOR] shall publish the notice in a newspaper of general
13 circulation in the vicinity of the land which the state will receive
14 and in the three most populated cities of the state;

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

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

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

21 (5) circulate the notice to the Office of the Governor and
22 to all state departments;

23 [(6) Repealed]

24 (6) [(7)] mail the notice to any corporation organized
25 under the Alaska Native Claims Settlement Act, which corporation owns
26 or has selected land located within a radius of 15 linear miles from
27 land or property involved in the proposed exchange; and

28 (7) [(8)] mail the notice to any other party, including an
29 organization of land users, that the commissioner [HE] considers

1 appropriate.

2 * Sec. 117. AS 38.50.120 is amended to read:

3 Sec. 38.50.120. PUBLIC HEARINGS. (a) The commissioner [DIREC-
4 TOR] may hold as many public hearings as is considered appropriate.
5 There shall be at least one public hearing.

6 (b) A person who desires to testify at a hearing shall be pro-
7 vided an opportunity to do so, subject to reasonable time limits. In
8 addition, the commissioner [DIRECTOR] shall hold the hearing record
9 open for at least two weeks following the conclusion of a hearing in
10 order to receive supplemental or additional statements.

11 * Sec. 118. AS 38.50.130 is amended to read:

12 Sec. 38.50. REPORT ON PROPOSED EXCHANGE. (a) In conjunc-
13 tion with the public notice required by AS 38.50.110, the commissioner
14 [DIRECTOR] shall prepare and distribute the report required by this
15 section to the parties listed in AS 38.50.110(a)(2) - (7) [(8)] and to
16 any other party who requests it. The report shall contain, among
17 other things, a copy of the notice required by AS 38.50.110 and a
18 discussion in a concise format designed to facilitate public
19 understanding of the issues of

20 (1) the physical characteristics of the land involved,
21 including the surface and mineral resources associated with the land;

22 (2) the appraised fair market value of each tract involved
23 in the exchange or, if the exchange is for other than equal appraised
24 fair market value, the nonmonetary values which are involved;

25 (3) the benefits and detriments which can be expected to
26 accrue, including possible social, economic, and environmental im-
27 pacts; and

28 (4) alternatives to the proposed exchange.

29 (b) Upon termination of the period provided for agency and

1 public comment, the report and the proposed land exchange may be
2 revised, if appropriate, to reflect comments or other information
3 which has come to the commissioner's [DIRECTOR'S] attention. A brief
4 summary of all comments and information received shall be appended to
5 the report.

6 * Sec. 119. AS 38.50.140 is amended to read:

7 Sec. 38.50.140. LEGISLATIVE REVIEW. Within 10 days of the
8 convening of a regular legislative session, the governor shall trans-
9 mit to the president of the senate and the speaker of the house of
10 representatives any proposal for a land exchange for other than equal
11 appraised fair market value which is scheduled to occur before the
12 next legislative session. If [, IN HIS VIEW,] exigent circumstances
13 seriously affecting state interests so require, the governor may
14 submit the proposed exchange to the legislature at some other time. A
15 finding of exigent circumstances shall be carefully documented in the
16 letter of transmittal. The commissioner [DIRECTOR] is authorized to
17 conclude a proposed exchange agreement unless either house of the
18 legislature by simple resolution disapproves of the exchange within 60
19 legislative days of transmittal by the governor. A decision by the
20 legislature to disapprove a proposed exchange shall be accompanied by
21 a recommendation to the governor with respect to future actions which
22 the commissioner [DIRECTOR] should take concerning the exchange.

23 * Sec. 120. AS 38.50.150 is amended to read:

24 Sec. 38.50.150. EXECUTION OF EXCHANGE. If a deed, contract of
25 exchange, or other instrument of conveyance which the commissioner
26 [DIRECTOR] receives to effectuate an exchange is properly executed,
27 acknowledged, and authorized by the appropriate party, the commis-
28 sioner [DIRECTOR] shall accept conveyance of title to the land and
29 other property which the state is to receive as consideration, and

1 [HE] shall issue a patent, contract of exchange or other instrument of
2 conveyance to the appropriate party for the property which the commis-
3 sioner [HE] is then obligated to convey. Before acceptance by the
4 commissioner [DIRECTOR] of a deed, contract of exchange or other
5 instrument, no action taken by the commissioner [HIM] or by any other
6 state official creates a right against the state with respect to state
7 land.

8 * Sec. 121. AS 38.95.080(a) is amended to read:

9 (a) The commissioner of natural resources [DIRECTOR OF THE
10 DIVISION OF LANDS] shall issue a nontransferable permit for the con-
11 struction of a trapping cabin on state land to a person who meets the
12 following qualifications:

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

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

17 * Sec. 122. AS 38.95.080(b) is amended to read:

18 (b) Nothing in (a) of this section prevents the commissioner
19 [DIRECTOR] from issuing a permit to more than one qualified person for
20 the construction and use of the same trapping cabin.

21 * Sec. 123. AS 38.95.080(c) is amended to read:

22 (c) The commissioner [DIRECTOR] shall establish, by regulation,
23 conditions attaching to the permit issued under (a) and (b) of this
24 section. These conditions shall include the following:

25 (1) permits shall be issued for a period of not more than
26 10 years, with succeeding 10-year renewal options, if periodic use and
27 occupancy is established, and the qualifications of (a) of this sec-
28 tion continue to be met;

29 (2) a cabin shall be constructed and maintained according

1 to reasonable specifications established by the commissioner [DIREC-
2 TOR]; one cabin constructed under a permit may contain not more than
3 400 square feet; however, in no case may another cabin constructed
4 under the same permit exceed 192 square feet;

5 (3) a permit shall specify the number of cabins allowed to
6 be constructed and indicate their specific geographical location; the
7 commissioner [DIKECTOR] may establish a maximum number of cabins per
8 person or otherwise limit their number because of the probability of
9 adverse consequences;

10 (4) adequate provision must be made for waste and garbage
11 disposal, as determined by the commissioner [DIRECTOR];

12 (5) the payment of a trapping cabin permit fee of \$10.

13 * Sec. 124. AS 40.15.070 is amended to read:

14 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be
15 subdivided or dedicated is situated within a first or second class
16 borough the proposed subdivision or dedication shall be submitted to
17 the borough planning commission for approval. If the land is situated
18 within a city in the unorganized borough or the third class borough
19 the proposed subdivision or dedication shall be submitted to the city
20 planning commission for approval. The borough planning commission is
21 the platting authority for the first or second class borough, the city
22 planning commission is the platting authority for the city, and the
23 Department of Natural Resources [DIVISION OF LANDS] is the platting
24 authority in the remaining areas of the state and third class borough
25 for the change or vacation of existing plats or a portion of such
26 plats, as provided in AS 40.15.075. If the borough or the city does
27 not have a planning commission, the borough assembly or the city
28 governing body, respectively, is the platting authority and the
29 proposed subdivision or dedication shall be submitted to it. No

1 subdivision may be filed for record until it is approved by the
2 platting authority.

3 * Sec. 125. AS 40.15.075 is amended to read:

4 Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH AND THIRD
5 CLASS BOROUGH. The Department of Natural Resources [DIVISION OF
6 LANDS] is the platting authority in the area outside organized bor-
7 oughs and outside cities in the unorganized borough and in the third
8 class borough for only the purposes of hearing and acting on petitions
9 for the change or vacation of plats and shall execute this function
10 substantially in conformity with the provisions of AS 29.33.210 -
11 29.33.240. Costs of publication and mailing as well as other costs
12 authorized in AS 29.33.210 shall be paid to the department [DIVISION]
13 by the petitioner. The commissioner of natural resources [DEPARTMENT
14 OF NATURAL RESOURCES] shall adopt reasonable regulations governing the
15 exercise of the authority conferred by this section upon the depart-
16 ment [DIVISION OF LANDS].

17 * Sec. 126. AS 41.15.040 is amended to read:

18 Sec. 41.15.040. RIGHT OF ENTRY TO CONTROL AND SUPPRESS FIRES.
19 Upon approval by the commissioner or an authorized agent, employees of
20 the Department of Natural Resources [DIVISION OF LANDS], or of any
21 organization authorized to prevent, control or suppress fires or
22 destructive agents, and others assisting in the control or suppression
23 of fires upon request of an officer or employee of the United States
24 or the state may at any time enter upon any land, whether publicly or
25 privately owned, for the purpose of preventing, suppressing or
26 controlling forest fires and destructive agents.

27 * Sec. 127. AS 41.17.030(a) is amended to read:

28 (a) The division shall manage state forests and, as directed by
29 the commissioner, provide technical advice to the department [DIVISION

1 OF LANDS] on sound forest practices necessary to ensure the continuous
2 growing and harvesting of commercial forest species on other state
3 land.

4 * Sec. 128. AS 44.19.056 is amended to read:

5 Sec. 44.19.056. COMPOSITION. The State Geographic Board con-
6 sists of the commissioner of the Department of Community and Regional
7 Affairs, the curator of the state museum, the state historical
8 librarian, the commissioner of the Department of Transportation and
9 Public Facilities, the commissioner of the Department of Natural
10 Resources, the commissioner of the Department of Education, [THE
11 DIRECTOR OF THE DIVISION OF LANDS,] and two [ONE] other persons
12 [PERSON] appointed by the governor.

13 * Sec. 129. AS 44.62.330(a)(9) is amended to read:

14 (9) Department of Natural Resources [DIVISION OF LANDS]
15 under the Alaska Land Act where applicable

16 * Sec. 130. AS 45.50.235(b) is amended to read:

17 (b) Timber property which becomes state property under the
18 provisions of this section may be sold under terms and conditions
19 established by the commissioner [DIRECTOR OF THE DIVISION OF LANDS].

20 * Sec. 131. AS 46.15.133(a) is amended to read:

21 (a) Upon receipt of an application, the commissioner shall
22 prepare a notice containing the location and extent of the proposed
23 appropriation, the name and address of the applicant and other infor-
24 mation the commissioner [HE] considers pertinent. The notice shall
25 state that within 15 days of publication or service of notice, persons
26 may file with the commissioner [DIRECTOR] written objections, stating
27 the name and address of the objector, and any facts tending to show
28 that rights of the objector or the public interest would be adversely
29 affected by the proposed appropriation.

1 * Sec. 132. AS 46.15.133(b) is amended to read:

2 (b) The commissioner shall publish the notice at the applicant's
3 expense in one issue of a newspaper of general distribution in the
4 area of the state in which the water is to be appropriated. The
5 commissioner shall also have notice served personally or by certified
6 mail upon an appropriator of water or applicant for or holder of a
7 permit who, according to the records of the Department of Natural
8 Resources [DIVISION OF LANDS], may be affected by the proposed appro-
9 priation and may serve notice upon any governmental agency, political
10 subdivision or person; notice shall also be served upon the Department
11 of Fish and Game and the Department of Environmental Conservation.

12 * Sec. 133. AS 38.05.005 - 38.05.015; 38.05.020(a); 38.05.365(5);
13 AS 38.50.170(2); and AS 46.15.260(7) are repealed.

14 * Sec. 134. This Act takes effect July 1, 1984.

Sec 135 Revisor of statutes instructed to

[div] dept

[dir] commissioner

wherever else may appear in Title 38

Offered: 4/27/83
Referred: Finance

Sec 11 - chg. U.M.V. am.

Sec 31

Sec 36

Sec 41 - check

Sec 35

Sec 37

Sec 42

Sec 46

Sec 47

Sec 87

Sec 106

Sec 109

Original sponsor: Resources Committee

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2

CS FOR SENATE BILL NO. 222 (Resources)

Sec 132

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

Sec 145

4

THIRTEENTH LEGISLATURE - FIRST SESSION

Per Pourchet:
Sec 26

5

A BILL

6 For an Act entitled: "An Act relating to the organization of the Depart-

7

ment of Natural Resources, substituting references in

8

DOT PT - Dept. Pub. Works & Highways

the Alaska Statutes to the department and the commis-

9

sioner for references to the division of lands and

10

the director of the division of lands."

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

12 * Section 1. AS 19.30.070 is amended to read:

13

Sec. 19.30.070. CONTRACTS FOR CONSTRUCTION OF ROADS. The com-

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missioner of natural resources [DIRECTOR OF THE DIVISION OF LANDS] may

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contract with private persons for the construction of roads to and on

16

state land [LANDS] programmed for surface disposal which are not more

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than six miles from existing roads or highways.

18

* Sec. 2. AS 19.30.080 is amended to read:

19

Sec. 19.30.080. CONSTRUCTION STANDARDS AND MAINTENANCE. An

20

access road constructed under AS 19.30.060 - 19.30.100 shall be of low

21

standard, not necessarily suitable for all weather use. The state is

22

not under obligation to maintain an access road constructed under

23

AS 19.30.060 - 19.30.100. If an access road is constructed outside a

24

municipality that has zoning ordinances, the right-of-way width for

25

the road shall be determined by the Department of Natural Resources

26

[DIVISION OF LANDS] and the Department of Transportation and Public

27

Facilities. If an access road is constructed within the boundaries of

28

a municipality that has zoning ordinances, the right-of-way width

29

shall conform to the subdivision control ordinances of the

1 municipality. Contracts for the work on an access road shall be
2 awarded to the lowest responsible bidder qualified to contract with
3 the state.

4 * Sec. 3. AS 19.30.090 is amended to read:

5 Sec. 19.30.090. PAYMENT OF CONSTRUCTION COSTS IN LAND CREDIT
6 CERTIFICATES. The cost of constructing access roads to state land
7 [LANDS] shall be paid in freely transferable land credit certificates
8 which may be applied toward the purchase or lease of any state land
9 [LANDS] under the jurisdiction of the Department of Natural Resources
10 [DIVISION OF LANDS], except tide, submerged, and shoreland and land
11 [SHORELANDS AND LANDS] belonging to the state which have been obtained
12 by escheat, purchase, or any means other than by general land grant.
13 A land credit certificate is valid for a period of 20 years after
14 issue. After the expiration of 20 years from date of issue the holder
15 may not start an action against the state or any person based upon the
16 certificate. The method of disposing of land [LANDS] and resources
17 and restrictions upon their disposal established by law or regulation
18 are in no way affected by the use of land credit certificates.

19 * Sec. 4. AS 29.18.202 is amended to read:

20 Sec. 29.18.202. DETERMINATION OF ENTITLEMENT FOR CITIES. The
21 general grant land entitlement of a city formerly eligible to receive
22 general grant land under the provisions of AS 29.18.190 and AS 29.18.-
23 200, as repealed by this act, is 10 percent of the maximum total
24 acreage of vacant, unappropriated, unreserved land within the bound-
25 aries of each city at any time between the initial date of eligibility
26 under former AS 29.18.190 and AS 29.18.200 and July 1, 1978. Within
27 six months of July 1, 1978, the commissioner [DIRECTOR] shall deter-
28 mine the entitlement for each city eligible to receive general grant
29 land under this section and certify that entitlement to the city.

OK

1 * Sec. 5. AS 29.18.203(b) is amended to read:

2 (b) Within six months of the date of incorporation of a munic-
3 ipality which is incorporated after July 1, 1978, the commissioner
4 [DIRECTOR] shall determine the entitlement of each municipality eli-
5 gible to receive general grant land under (a) of this section and
6 certify the entitlement to the municipality.

7 * Sec. 6. AS 29.18.204(c) is amended to read:

8 (c) Land may be selected or nominated for selection by a munic-
9 ipality to satisfy a general grant land entitlement under AS 29.18.201
10 and AS 29.18.202 at any time before October 1, 1980. However, if a
11 municipal selection or nomination or a part of a municipal selection
12 or nomination is rejected by the commissioner [DIRECTOR], the munic-
13 ipality may, not later than 90 days after receipt of the commission-
14 er's [DIRECTOR'S] rejection, select additional state land as necessary
15 to satisfy its entitlement.

16 * Sec. 7. AS 29.18.204(d) is amended to read:

17 (d) Land may be selected by a municipality to satisfy a general
18 grant land entitlement under AS 29.18.203 at any time within one year
19 after the commissioner [DIRECTOR] certifies the entitlement to the
20 municipality.

21 * Sec. 8. AS 29.18.205(b) is amended to read:

22 (b) All approved selections under former AS 29.18.190 and
23 AS 29.18.200 for which patent has not been issued to a municipality on
24 July 1, 1978 shall be reviewed by the commissioner [DIRECTOR] within
25 nine months of July 1, 1978. Any approved selection of land which was
26 vacant, unappropriated or unreserved on the date of selection is valid
27 as of the date of the approval under former AS 29.18.190 and AS 29.-
28 18.200, and a patent shall be issued to the municipality within three
29 months after approval by the commissioner [DIRECTOR] of a plat of

1 survey. The acreage shall be credited toward fulfillment of the
2 municipality's entitlement. No municipality is entitled to receive
3 patent under AS 29.18.011 - 29.18.610 to more than its entitlement
4 determined under AS 29.18.201 - 29.18.203. Any prior approval by the
5 commissioner [DIRECTOR] of municipal selections for land which was not
6 vacant, unappropriated or unreserved on the date of selection shall be
7 rescinded, and patent may not be issued except when disposal to a
8 third party by sale or lease has occurred. Transfers of land to
9 municipalities under AS 29.18.011 - 29.18.610 are subject to AS 38.-
10 05.321. Classification actions as reflected upon the land status
11 records of the Department of Natural Resources are determinative of
12 land classification status for purposes of AS 29.18.011 - 29.18.610.

13 * Sec. 9. AS 29.18.205(f) is amended to read:

14 (f) The commissioner [DIRECTOR] shall approve each selection for
15 patent within nine months of its selection by a municipality, and a
16 patent shall be issued to the municipality for land selected in satis-
17 faction of a general grant land entitlement vested under AS 29.18.-
18 201 - 29.18.203 within three months after approval by the commissioner
19 [DIRECTOR] of a plat of survey.

20 * Sec. 10. AS 29.18.206(d) is amended to read:

21 (d) Within six months after approval of a municipal selection of
22 school, university, or mental health land, the commissioner [DIRECTOR]
23 shall identify state general grant land of approximately equal value
24 to the land requested by the municipality, and shall propose the
25 replacement land for the concurrence of the appropriate board. If a
26 proposal by the commissioner [DIRECTOR] is rejected by the board, the
27 commissioner [DIRECTOR] shall meet with the board as often as neces-
28 sary to determine the type and amount of equal value replacement land
29 that would be required to obtain the board's concurrence, and shall

1 propose the replacement land for consideration by the board. The
2 replacement land shall thereafter be managed for the purposes for
3 which the land selected by the municipality was acquired by the Terri-
4 tory and State of Alaska.

5 * Sec. 11. AS 29.18.206(e) is amended to read:

6 (e) The notice and review provisions of AS [38.05.305 AND]
7 38.05.345 are applicable to the designation of other general grant
8 land as school, university or mental health land in replacement of
9 land selected under this section. The provisions of AS 38.50.010 -
10 38.50.170 [AND 38.05.032] do not apply to such designations under this
11 section. The provisions of AS 38.05.030(a) [, 38.05.030(e), AND
12 38.05.035(a)(13)] which require the approval of the Board of Regents
13 or the University of Alaska [RESPECTIVE TRUST BOARD] before disposal
14 of land [LANDS] by the commissioner [DIRECTOR] do not apply to selec-
15 tions of [SCHOOL,] university [OR MENTAL HEALTH] land by a municipal-
16 ity under this section.

17 * Sec. 12. AS 29.18.207(c) is amended to read:

18 (c) If land selected by a municipality is unsurveyed at the time
19 of approval, the commissioner [DIRECTOR] shall survey, or may approve
20 the municipality's survey of, the exterior boundaries of an approved
21 selection without interior subdivision, and shall issue patent in
22 terms of the exterior boundary survey. The cost of the survey shall
23 be borne by the municipality. If land selected by a municipality has
24 been surveyed at the time of its selection, the boundaries shall
25 conform to the public land subdivisions established by the approved
26 survey.

27 * Sec. 13. AS 29.18.207(d) is amended to read:

28 (d) The commissioner [DIRECTOR] may approve municipal selections
29 of land which have been tentatively approved or patented to the state

1 by the federal government, but the commissioner [HE] may not issue
2 patent to a municipality until the land has first been patented to the
3 state. After approval of a selection by the commissioner [DIRECTOR],
4 but before patent to a municipality, the municipality may execute
5 conditional leases and make conditional sales only with the consent of
6 the commissioner [DIRECTOR]. Conditional sales and conditional leases
7 made before July 1, 1978 do not require the consent of the commis-
8 sioner [DIRECTOR].

9 * Sec. 14. AS 29.18.209 is amended to read:

10 Sec. 29.18.209. AUTHORIZATION FOR LAND EXCHANGES. The [DIREC-
11 TOR, WITH THE CONCURRENCE OF THE] commissioner [,] and any municipal-
12 ity are authorized to exchange land or interests in land when it is in
13 the public interest. Land or interests in land exchanged under this
14 section must be of approximately equal value, including the non-
15 monetary value of public benefits. Exchange procedures shall comply
16 with applicable law and municipal ordinances. The notice and review
17 provisions of AS [38.05.305 AND] 38.05.345 are applicable to exchanges
18 of land under this section. The provisions of AS 38.50.010 - 38.50.-
19 170 do not apply to exchanges of land under this section.

20 * Sec. 15. AS 29.18.210(b) is amended to read:

21 (b) Where state land is the most logical location for demon-
22 strated municipal expansion for nonpublic settlement and development
23 purposes, and when an exchange of land under AS 29.18.209 is not
24 possible or is not in the public interest, it is the policy of the
25 state to sell or lease the land at public auction. The state may
26 contract with a municipality to act as its agent in an auction of
27 state land under applicable statutes. When a municipality acts as the
28 agent of the state in an auction, the municipality may retain from the
29 proceeds of the auction the expenses which the commissioner [DIRECTOR]

1 determines to be necessary and reasonable.

2 * Sec. 16. AS 29.18.210(c) is amended to read:

3 (c) Nothing in AS 29.18.011 - 29.18.610 limits or impairs the
4 authority of the commissioner [DIRECTOR] to transfer land to munic-
5 ipalities, without limit or consideration, for public purposes in
6 accordance with AS 38.05.315. If there is a remaining entitlement of
7 the municipality, land transferred under AS 38.05.315 shall be cred-
8 ited toward fulfillment of the entitlement.

9 * Sec. 17. AS 29.18.211(a) is amended to read:

10 (a) A municipality which on July 1, 1978 is engaged in litiga-
11 tion, or which becomes engaged in litigation, regarding a claim to
12 state land under former AS 29.18.190 and AS 29.18.200 shall elect
13 either to obtain the benefits provided in AS 29.18.201 - 29.18.213 or
14 to pursue the litigation and thereby waive any claim to entitlement
15 under AS 29.18.201 - 29.18.213. An election shall be made by filing a
16 motion for dismissal with prejudice in the court in which the litiga-
17 tion is pending. If the claim involves a municipality identified in
18 AS 29.18.201, the municipality shall file its motion for dismissal
19 within 60 days of July 1, 1978. If the claim involves a city eligible
20 to receive an entitlement under AS 29.18.202, the city shall file its
21 motion for dismissal within 60 days after receiving the certificate of
22 entitlement provided by the commissioner [DIRECTOR] under AS 29.18.-
23 202. Failure of the municipality to file a motion for dismissal
24 during the time period provided in this subsection shall be considered
25 a waiver of entitlement under AS 29.18.201 - 29.18.213.

26 * Sec. 18. AS 29.18.213(2) is amended to read:

27 (2) "approved selection" means a municipal land selection
28 which has been approved in writing by the commissioner [DIRECTOR] for
29 transfer by patent to a municipality;

1 * Sec. 19. AS 29.18.213(3) is amended to read:

2 (3) "commissioner" ["DIRECTOR"] means the commissioner
3 [DIRECTOR] of the [DIVISION OF LANDS,] Department of Natural Re-
4 sources, or the commissioner's [HIS] designee;

5 * Sec. 20. AS 29.18.213(6) is amended to read:

6 (6) "municipal land selection" means a request by a munic-
7 ipality, filed in writing with the commissioner [DIRECTOR] under
8 authority of AS 29.18.190 and AS 29.18.200 repealed by this act or
9 under AS 29.18.201 - 29.18.213 for vacant, unappropriated, unreserved
10 general grant land within its municipal boundaries in partial fulfill-
11 ment of its municipal entitlement;

12 * Sec. 21. AS 29.18.213(8) is amended to read:

13 (8) "patent" means a document, issued by the commissioner
14 [DIRECTOR] to a municipality for a previously approved selection,
15 which conveys and quitclaims all the right, title and interest of the
16 state without reservation or condition except as may be required by
17 law;

18 * Sec. 22. AS 30.15.040 is amended to read:

19 Sec. 30.15.040. DISPOSITION OF STATE LAND FOR PORT FACILITIES
20 DEVELOPMENT PROJECTS The [DIVISION OF LANDS IN THE] Department of
21 Natural Resources, subject to the applicable provisions of AS 38.05
22 and AS 38.10, may convey title or other interests in state land,
23 provide for the exchange of state land, or make other arrangements
24 with respect to state land that may be necessary to complete a project
25 for which a state grant is approved under this chapter.

26 * Sec. 23. AS 38.04.005(b) is amended to read:

27 (b) In classifying state land for private use and settlement
28 purposes, the commissioner [DIRECTOR] shall make adequate provision
29 for public open space which is accessible to communities so that

1 natural areas are easily reached from all communities and settled
2 areas. The amount of that land shall be sufficient to meet existing
3 and projected needs for accessible public recreation land. Special
4 care shall be taken to preserve public access to public water and to
5 retain state ownership of sufficient land which combine high value for
6 recreation and other public purposes with accessibility to settled
7 areas. This classification for public purposes does not constitute
8 dedication to open space, but the department's [DIVISION'S] management
9 of land so classified shall be in a manner to preserve the identified
10 values.

11 * Sec. 24. AS 38.04.010(a) is amended to read:

12 (a) The primary public interest in conveying rights to state
13 land surface to private parties is to make them available to individ-
14 uals and other persons for direct use in areas classified as suitable
15 for these purposes. In making state land available for private use,
16 the commissioner [DIRECTOR] shall seek to guide year-round settlement
17 to areas where public services already exist, or can be extended with
18 reasonable economy, or where development of a viable economic base is
19 probable.

20 * Sec. 25. AS 38.04.025 is amended to read:

21 Sec. 38.04.025. VARIETY OF USES. In making state land available
22 for private use, the commissioner [DIRECTOR] shall endeavor to accom-
23 modate persons with a current need and anticipated use for the land.
24 To this end, the commissioner [DIRECTOR] shall assess the nature of
25 the supply and demand for state land in different regions and loca-
26 tions of the state, taking into account the supply of available land
27 under other ownership, and shall make land available in locations and
28 under programs suited to the differing needs of prospective users
29 throughout the state.

1 * Sec. 26. AS 38.04.030 is amended to read:

2 Sec. 38.04.030. LAND AVAILABILITY PROGRAMS. Programs which may
3 be used by the commissioner [DIRECTOR] to make the state's land sur-
4 face available for private use under this section include sale of
5 whole or partial rights to the fee simple estate, including conveyance
6 of agricultural use rights; leasing; open-to-entry; homesiting; home-
7 steading; permitting for construction and occupation of cabins in
8 isolated locations on land retained in state ownership; and other
9 methods as provided by law.

10 * Sec. 27. AS 38.04.035 is amended to read:

11 Sec. 38.04.035. CRITERIA FOR PROGRAM SELECTION. In determining
12 which land availability program is appropriate for state land [LANDS]
13 in different locations, the commissioner [DIRECTOR] shall be guided by
14 the following criteria:

15 (1) To cover public costs associated with private land use
16 and to provide the public with a fair return for publicly owned prop-
17 erty, conveyance of state land to private parties should be at fair
18 market value except where otherwise authorized by statute, or by an
19 administrative regulation the adoption of which is specifically per-
20 mitted by statute.

21 (2) Sale or lease programs should be used where land is
22 readily accessible to a major community center or where, because of a
23 prime location on waterfront or a transportation route or some other
24 location characteristic, land has relatively high real estate value.

25 (3) Sale programs are preferred but lease programs should
26 be used

27 (A) where special land use controls are required and
28 there is a high public interest in having certain types of land
29 used for particular purposes;

- 1 (B) when the intended use is a temporary one;
- 2 (C) in commercial or industrial situations when a
3 leasehold can provide cash flow advantages to the lessee;
- 4 (D) when a unique location with special public values
5 is involved, as in a deep water port, hydroelectric site, or
6 aquaculture facility;
- 7 (E) where current demand for private use is high, but
8 projections suggest that, in the future, the land may be more
9 valuable for public use, as in accessible waterfront recreation
10 areas.

11 (4) For enabling isolated cabin development in remote
12 locations where survey and conveyance is impractical, a system for
13 cabin permits on public land may be used.

14 (5) Limited or conditional title may be granted when the
15 state's best interest so dictates. Among other things, title limita-
16 tions may include grants of agricultural interest only, retention of
17 development rights, and retention of scenic or other easements. A
18 conditional title may be tied to a development schedule or other
19 standards of performance.

20 * Sec. 28. AS 38.04.045(b) is amended to read:

21 (b) Before the conveyance of surface rights to state land, an
22 official cadastral survey shall be accomplished, unless a comparable,
23 acceptable survey exists that has been conducted by the federal Bureau
24 of Land Management. The rectangular survey section corner positions
25 shall be monumented and shown on a cadastral survey plat approved by
26 the state. However, for those areas where the state may wish to
27 convey surface estate outside of an official cadastral survey grid,
28 the commissioner [DIRECTOR] may waive monumentation of all individual
29 section corner positions and substitute an official control survey

1 with control points being monumented at approximately two-mile inter-
2 vals and shown on control survey plats approved by the state. No
3 portion of land to be conveyed may be located more than two miles from
4 such a survey control monument. The lots and tracts in state subdivi-
5 sions shall be monumented and the cadastral survey and plats for the
6 subdivision shall be approved by the state. Where land is located
7 within a municipality with planning, platting, and zoning powers,
8 plats for state subdivisions shall comply with local ordinances and
9 regulations in the same manner and to the same extent as plats for
10 subdivisions by other landowners. State subdivisions shall be filed
11 in the district recorder's office. The requirements of this section
12 do not apply to land made available through a cabin permit system,
13 material sales, or short-term leases; however, for short-term leases
14 the lessee must comply with local subdivision ordinances unless waived
15 by the municipality under procedures specified by ordinance.

16 * Sec. 29. AS 38.04.050 is amended to read:

17 Sec. 38.04.050. ACCESS TO PRIVATE USE AREAS. Whenever state
18 land is surveyed for purposes of private use, adequate rights-of-way
19 and easements shall be reserved as necessary for access and, where
20 appropriate, for power and telephone service to each parcel of land.
21 Where necessary and appropriate for the use intended, the commissioner
22 [DIRECTOR] shall arrange for the development of surface access as part
23 of the land availability program. The direct cost of local access
24 development shall be borne by the recipient of the land unless other-
25 wise provided by state statutes or regulations.

26 * Sec. 30. AS 38.04.055 is amended to read:

27 Sec. 38.04.055. ACCESS THROUGH PRIVATE USE AREAS. The commis-
28 sioner [DIRECTOR] shall reserve easements and rights-of-way on and
29 across land which is made available for private use as necessary to

1 reach or use public water and public and private land. An easement or
2 right-of-way reserved under this section may include established
3 trails traditionally used for commerce, recreation, or transportation.

4 * Sec. 31. AS 38.04.900(a) is amended to read:

5 (a) The commissioner shall adopt under the Administrative Proce-
6 dure Act (AS 44.62) regulations believed [HE BELIEVES RE] necessary
7 to carry out the purposes of this chapter. [WITHIN 120 DAYS AFTER THE
8 EFFECTIVE DATE OF THIS ACT, THE DIRECTOR SHALL SUBMIT TO THE COMMIS-
9 SIONER DRAFT REGULATIONS IMPLEMENTING THIS CHAPTER AND REVISING REGU-
10 LATIONS IN EFFECT ON THE EFFECTIVE DATE OF THIS ACT PERTAINING TO
11 PLANNING, CLASSIFICATION, MANAGEMENT, AND DISPOSAL OF THE STATE'S
12 SURFACE ESTATE IN LAND. NEW AND REVISED REGULATION SHALL BE INTE-
13 GRATED IN A SINGLE COMPREHENSIVE DRAFT COMPATIBLE WITH THE STRUCTURE
14 OF THE ALASKA ADMINISTRATIVE CODE. IN PREPARING THIS DRAFT, THE
15 DIRECTOR SHALL SEEK TO SIMPLIFY AND CLARIFY REGULATIONS GOVERNING LAND
16 PLANNING, CLASSIFICATION, MANAGEMENT, AND DISPOSAL.]

17 * Sec. 32. AS 38.04.910(2) is amended to read:

18 (2) "department" means ["DIRECTOR" MEANS THE DIRECTOR OF
19 THE DIVISION OF LANDS OF] the Department of Natural Resources;

20 * Sec. 33. AS 38.04.910(5) is amended to read:

21 (5) "official cadastral survey" means a United States
22 public land survey or a survey executed under survey instructions
23 issued by the department [DIVISION] for the purpose of preparing a
24 cadastral survey plat, and approved and accepted by the department
25 [DIVISION] for the state's official records;

26 * Sec. 34. AS 33. AS 38.04.910(6) is amended to read:

27 (6) "official control survey" means a position marked on
28 the ground by triangulation or traverse stations established in con-
29 formity with standards adopted by United States Coastal and Geodetic

1 Survey for first, second and third order work, whose geodetic posi-
2 tions have been rigidly adjusted on the North American datum of 1927
3 and approved by the department [DIVISION];

4 * Sec. 35. AS 38.05.005 - 38.05.015 and AS 38.05.020(a) are repealed.

5 * Sec. 36. AS 38.05.020(b)(1) is amended to read:

6 (1) establish reasonable procedures and adopt reasonable
7 [RULES AND] regulations necessary to carry out this chapter [AND MAY,
8 WHENEVER NECESSARY, ISSUE DIRECTIVES OR ORDERS TO THE DIRECTOR TO
9 CARRY OUT SPECIFIC FUNCTIONS AND DUTIES]; all [RULES AND] regulations
10 adopted by the commissioner shall be adopted under the Administrative
11 Procedure Act (AS 44.62); orders classifying land by the commissioner
12 [CLASSIFYING LANDS] issued after January 3, 1959, are not required to
13 be adopted under the Administrative Procedure Act (AS 44.62);

14 * Sec. 37. AS 38.05.020(b)(3) is repealed.

15 * Sec. 38. AS 38.05.030(b) is amended to read:

16 (b) The provisions of this chapter do not apply to any power,
17 duty or authority now or in the future granted to the Department of
18 Transportation and Public Facilities [PUBLIC WORKS AND THE DEPARTMENT
19 OF HIGHWAYS] in the name of the state, to acquire, use, lease, dispose
20 of or exchange real property, or any interest in real property.
21 Lands assigned by the department [DIVISION OF LANDS] to the Department
22 of Transportation and Public Facilities [PUBLIC WORKS AND THE DEPART-
23 MENT OF HIGHWAYS] shall be returned to the management of the depart-
24 ment [DIVISION OF LANDS] when they are no longer needed for the pur-
25 poses assigned.

26 * Sec. 39. AS 38.05.030(c) is amended to read:

27 (c) In addition to the requirements specified in AS 38.50.090,
28 the agencies referred to in (a) and (b) of this section and other
29 state agencies with authority to acquire or dispose of land shall give

1 written notification of the fact of acquisition, lease or exchange to
2 the department [DIVISION OF LANDS] within three months after the date
3 that they make the acquisition, lease or exchange.

4 * Sec. 40. AS 38.05.030(d) is amended to read:

5 (d) Real property acquired by, and under the management of, the
6 agencies referred to in (a) and (b) of this section, which is no
7 longer needed for its intended use, shall be returned to the jurisdic-
8 tion of the department [DIVISION OF LANDS], except that the Department
9 of Transportation and Public Facilities [HIGHWAYS] may dispose of real
10 property acquired by it under AS 19.05.040(2) and AS 19.05.080 -
11 19.05.120.

12 * Sec. 41. AS 38.05.035 is repealed and reenacted to read:

13 Sec. 38.05.035. POWERS AND DUTIES OF THE COMMISSIONER. (a) The
14 commissioner shall

15 (1) manage, inspect and control state land and improvements
16 on it belonging to the state and under the jurisdiction of the depart-
17 ment;

18 (2) prescribe application procedures and practices for the
19 sale, lease or other disposition of available land, resources, prop-
20 erty, or an interest in them;

21 (3) prescribe fees or service charges for any public ser-
22 vice rendered;

23 (4) under the conditions and limitations imposed by law,
24 issue deeds, leases or other conveyances disposing of available land,
25 resources, property or an interest in them;

26 (5) have jurisdiction over state land, except that land
27 acquired by the Alaska World War II Veterans Board and the Agricul-
28 tural Loan Board or the departments or agencies succeeding to their
29 respective functions through foreclosure or default; to this end the

1 commissioner has the power and shall perform the duties necessary to
2 protect the state's rights and interest in state land, including the
3 taking of all necessary action to protect and enforce the state's
4 contractual or other property rights;

5 (6) maintain necessary records, administer oaths, and do
6 all things incidental to the authority imposed; the following records
7 and files shall be kept confidential upon request of the person sup-
8 plying the information;

9 (A) the name of the person nominating or applying for
10 the sale, lease, or other disposal of land by competitive bid-
11 ding;

12 (B) before the announced time of opening, the names of
13 the bidders and the amounts of the bids;

14 (C) all geological, geophysical and engineering data
15 supplied, whether or not concerned with the extraction or devel-
16 opment of natural resources;

17 (D) except as provided in AS 38.05.036, cost data and
18 financial information submitted in support of applications,
19 bonds, leases and similar items;

20 (E) applications for rights-of-way or easements;

21 (F) requests for information or applications by public
22 agencies for land which is being considered for use for a public
23 purpose;

24 (7) account for the fees, licenses, taxes or other money
25 received in the administration of this chapter including the sale or
26 leasing of land, identify their source, and promptly transmit them to
27 the proper fiscal department after crediting them to the proper fund;
28 receipts from land application filing fees and charges for copies of
29 maps and records shall be deposited immediately in the general fund of

1 the state;

2 (8) be the certifying agent of the state to select, accept
3 and secure by whatever action is necessary in the name of the state,
4 by deed, sale, gift, devise, judgment, operation of law, or other
5 means any land, of whatever nature or interest, available to the
6 state; and

7 (9) be the certifying agent of the state, to select, accept
8 or secure by whatever action is necessary in the name of the state any
9 land, or title or interest to land available, granted, or subject to
10 being transferred to the state for any purpose.

11
12 (b) The commissioner may

13 (1) grant preference rights for the lease or purchase of
14 state land without competitive bid in order to correct the errors or
15 omissions of a state or federal administrative agency when inequitable
16 detriment would otherwise result to a diligent claimant or applicant
17 due to situations over which the claimant or applicant had no control;
18 the exercise of this discretionary power operates only to divest the
19 state of its title to or interests in land;

20 (2) grant a preference right to a claimant who shows bona
21 fide improvement of state land, or federal land subsequently acquired
22 by the state, and who has in good faith sought to obtain title to the
23 land but who, through error or omission of others, has been denied
24 title to it; upon a showing satisfactory to the commissioner, the
25 claimant may lease or purchase the land at the price set on the date
26 of original entry on the land or, if a price was not set at that time
27 at a price determined by the department to fairly represent the value
28 of unimproved land at the time the claim was established, but in no
29 event less than the cost of administration including survey; the error

1 or omission of a predecessor in interest or an agent, administrator,
2 or executor which has clearly prejudiced the claimant may be the basis
3 for granting a preference right;

4 (3) sell land by lottery for less than the appraised value
5 when, in the judgment of the commissioner, past scarcity of land
6 suitable for private ownership in any particular area has resulted in
7 unrealistic land values;

8 (4) when the commissioner determines it is in the best
9 interest of the state and will avoid injustice to a person or that
10 person's heirs or devisees, dispose of land, by direct negotiation to
11 the person who presently uses and who used and made improvements to
12 the land before January 3, 1959 or that person's heirs or devisees;
13 the amount paid for the land shall be its fair market value on the
14 date that the person first entered the land, as determined by the
15 commissioner; a parcel of land disposed of under this paragraph shall
16 be of a size consistent with the person's prior use, but may not
17 exceed five acres;

18 (5) dispose of an interest in land limited to use for
19 agricultural purposes by lottery;

20 (6) convey to an adjoining landowner a parcel of land
21 created by a highway right-of-way alignment or realignment, or a
22 parcel created by the vacation of a state-owned right-of-way if

23 (A) the commissioner determines that it is in the best
24 interests of the state;

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

27 (C) the commissioner and the platting authority having
28 land use planning jurisdiction agree that conveyance of the
29 parcel to the adjoining landowner will result in boundaries that

1 are convenient for the use of the land by the landowner and
2 compatible with municipal land use plans;

3 (7) for good cause extend for up to 90 days the time for
4 rental or installment payments by a lessee or purchaser of state land
5 under this chapter if reasonable penalties and interest set by the
6 commissioner are paid.

7 (c) A parcel of land may be conveyed under (b) of this section
8 without classification or reclassification under AS 38.05.300.

9 (d) A parcel of land described in (b)(6) of this section must be
10 sold at its fair market value as determined by the commissioner on the
11 basis of an appraisal completed as provided in AS 38.05.310. Nothing
12 in this subsection prevents the sale of land under AS 38.05.055 or
13 38.05.057 to a person not qualifying as an adjoining landowner if the
14 adjoining landowner declines to purchase the land.

15 (e) Upon a written finding, which shall be available to the
16 public on request, that the interests of the state will be best
17 served, the commissioner may approve contracts for the sale, lease, or
18 other disposal of available land, resources, property or interests in
19 them, and, in addition to the conditions and limitations imposed by
20 law, may impose additional conditions or limitations in the contracts
21 as the commissioner determines will best serve the interests of the
22 state. Before a public hearing, if held, or in any case no less than
23 21 days before the sale, lease, or other disposal of available land,
24 property, resources, or interests in them, the commissioner shall make
25 available to the public a written finding which sets out the facts and
26 applicable law upon which the commissioner based the determination
27 that the sale, lease, or other disposal will best serve the interests
28 of the state. A written finding is not required before the approval
29 of

1 (1) a contract for a negotiated sale authorized by AS 38.-
2 05.115;

3 (2) the lease of land for a shore fishery site under
4 AS 38.05.082;

5 (3) a permit or other authorization revocable by the de-
6 partment.

7 * Sec. 42. AS 38.05.037 is amended to read:

8 Sec. 38.05.037. ZONING POWERS OF DEPARTMENT [REGULATIONS IN THE
9 UNORGANIZED BOROUGH TO FACILITATE FEDERAL LAND SALES]. (a) In areas
10 of the state outside first, second or third class boroughs where there
11 is no municipality with a zoning power, the department [DIVISION OF
12 LANDS] shall exercise the zoning power by adopting zoning regulations.

13 (b) The department [DIVISION OF LANDS] may exercise its zoning
14 power

15 (1) within federal land [LANDS] in the unorganized borough
16 only at the times and in the areas it is requested to do so by the
17 Secretary of the Interior to facilitate sales of federal land [LANDS]
18 within the unorganized borough under P.L. 88-608, 78 Stat. 988;

19 (2) within any portion of a third class borough covered by
20 the Alaska coastal management program adopted in accordance with the
21 provisions of AS 46.40 [AS 46.35] if the municipality has not done so.

22 (c) Any zoning done by the department [DIVISION OF LANDS] under
23 (b) of this section is final unless disapproved by concurrent resolu-
24 tion at the next regular session of the legislature.

25 * Sec. 43. AS 38.05.040 is amended to read:

26 Sec. 38.05.040. COMMISSIONER [DIRECTOR] SHALL BE BONDED. Before
27 performing any [HIS] duties, the commissioner [DIRECTOR] shall execute
28 a corporate surety bond to the state in the sum of \$150,000, condi-
29 tioned upon the faithful performance of all [HIS] duties under this

1 chapter and upon the prompt and faithful accounting of all money
2 collected by the commissioner [HIM] or [HIS] deputies, assistants,
3 employees or agents of the commissioner. The bond, together with
4 additional conditions or limitations considered necessary, shall be
5 approved by the attorney general and filed in the office of the gover-
6 nor. The premium upon the bond is payable from money appropriated for
7 operation of the department [DIVISION].

8 * Sec. 44. AS 38.05.050 is amended to read:

9 Sec. 38.05.050. DISPOSAL OF LAND FOR PRIVATE OWNERSHIP. The
10 commissioner [, UPON THE RECOMMENDATION OF THE DIRECTOR,] shall deter-
11 mine the land to be disposed of for private use. The commissioner
12 [DIRECTOR] shall determine the time and place of disposal. An auction
13 sale, a lottery sale, or a disposal of land for homesites under
14 AS 38.04.020(g)(?)(C) must be held in the municipality that is closest
15 to the land to be sold or disposed of and in which regular sessions of
16 a court of the state are held.

17 * Sec. 45. AS 38.05.055 is amended to read:

18 Sec. 38.05.055. AUCTION SALE PROCEDURES Unless another method
19 of sale is required under AS 38.05.005 - 38.05.370, [UNDER] AS 38.07.-
20 010 - 38.07.060, or [UNDER] AS 38.08.010 - 38.08.120, the sale of
21 state land shall be made at public auction to the highest qualified
22 bidder as determined by the commissioner [DIRECTOR]. A bidder must
23 appear in person at the auction unless medical reasons, attendance at
24 school, or military service outside the state prevent attendance. A
25 bidder may be represented by an attorney or agent at the auction if
26 the land offered for disposal is commercial, industrial, or agricul-
27 tural land. An aggrieved bidder may appeal to the commissioner within
28 five days after the sale for a review of the commissioner's [DIREC-
29 TOR'S] determination. The sale shall be conducted by the commissioner

1 [DIRECTOR OR HIS REPRESENTATIVE], and at the time of sale the success-
2 ful bidder shall deposit an amount equal to five percent of the pur-
3 chase price, or if the purchaser elects to use land discounts granted
4 under AS 38.05.058, five percent of the amount bid after deduction of
5 the discount. The commissioner [DIRECTOR OR HIS REPRESENTATIVE] shall
6 immediately issue a receipt containing a description of the land or
7 property purchased, the price bid, the amount deposited, and the
8 amount of any discount allowed. The receipt shall be acknowledged in
9 writing by the bidder.

10 * Sec. 46. AS 38.05.057(e) is amended to read:

11 (e) The commissioner [DIRECTOR] shall accept applications to
12 purchase particular parcels under the following procedures and condi-
13 tions:

14 (1) the application period may not be less than 45 days;

15 (2) no application may be accepted less than 15 days before
16 each lottery;

17 (3) notice of the application period and the date of the
18 lottery shall be given in accordance with AS 38.05.345 [AS 38.05.345-
19 (e)]; and

20 (4) the application shall be made on a form provided by the
21 department.

22 * Sec. 47. AS 38.05.057(g) is amended to read:

23 (g) After receiving the deposit required under (a) of this
24 section, the commissioner [DIRECTOR OR HIS REPRESENTATIVE] shall
25 immediately issue a receipt containing a description of the land or
26 property to be conveyed, the price of the land, and the terms of
27 disposal. The receipt shall be acknowledged in writing by the pur-
28 chaser. [A CONTRACT OF SALE SHALL BE EXECUTED IN THE SAME FORM AND
29 MANNER AS REQUIRED UNDER AS 38.05.055.]

1 * Sec. 48. AS 38.05.057(i) is amended to read:

2 (i) The commissioner [DIRECTOR] may include in contracts for
3 sale of land under this section terms which

4 (1) require purchasers to use or occupy, or both, the land
5 purchased for a reasonable period of time after a sale;

6 (2) prohibit the resale of land purchased by the initial
7 purchaser until the requirements imposed under (1) of this subsection,
8 if any, are satisfied.

9 * Sec. 49. AS 38.05.058(c) is amended to read:

10 (c) A person seeking to establish eligibility for a discount
11 under this section shall present proof meeting the criteria set out in
12 (b) of this section to the commissioner [DIRECTOR]. A person who
13 submits information to the commissioner [DIRECTOR] under this section
14 knowing it to be false is guilty of a felony and, upon conviction, is
15 punishable by imprisonment for not more than five years, or by a fine
16 of not more than \$50,000, or both.

17 * Sec. 50. AS 38.05.058(d) is amended to read:

18 (d) A person is entitled to not more than one discount on the
19 purchase price of land under this section in the person's [HIS] life-
20 time. A discount granted under this section may be applied only to
21 the acquisition of surface rights to state land. A discount may not
22 be applied to costs such as survey costs, road development costs,
23 utility assessments, or other costs as determined by the commissioner
24 [DIRECTOR] which are reimbursable to the state. In all cases, a cash
25 down payment of at least five percent of the discounted purchase price
26 of the land shall be made at the time of sale.

27 * Sec. 51. AS 38.05.060 is amended to read:

28 Sec. 38.05.060. REJECTION OF BIDS. Before the signing of the
29 formal conveyance [BY THE DIRECTOR], the commissioner may reject all

1 bids when the best interests of the state justify this action. Land
2 [LANDS] offered at public sale but not sold may be made available at
3 private sale for not less than the [THEIR] appraised value.

4 * Sec. 52. AS 38.05.065(c) is amended to read:

5 (c) The commissioner [DIRECTOR] shall, for contracts under (a)
6 or (b) of this section, set for each sale the period for the payment
7 of installments and the total purchase price plus interest. The
8 [DIRECTOR, WITH THE CONSENT OF THE] commissioner [,] may also include
9 in contracts under this section conditions, limitations and terms
10 considered [WHICH HE CONSIDERS] necessary and proper to protect the
11 interest of the state. Violations of any provision of this chapter or
12 the terms of the contract of sale subject the purchaser to appropriate
13 administrative and legal action, including but not limited to specific
14 performance, foreclosure, ejectment, or other legal remedies in accor-
15 dance with applicable state law.

16 * Sec. 53. AS 38.05.067(a) is amended to read:

17 (a) Except as provided in (c) of this section, before offering
18 to the general public any unoccupied residential land [LANDS], the
19 commissioner [DIRECTOR] shall offer the land at a restricted sale at
20 which only veterans may buy.

21 * Sec. 54. AS 38.05.067(b) is amended to read:

22 (b) The commissioner [DIRECTOR] shall not sell the land [LANDS]
23 under this section at less than the [THEIR] fair appraised market
24 value. The commissioner [DIRECTOR] shall adopt [MAKE] regulations
25 necessary to ensure that land [LANDS] sold under this section is [ARE]
26 for bona fide residential use and not for speculation.

27 * Sec. 55. AS 38.05.068(a) is amended to read:

28 (a) Before offering to the public any land which is subject to a
29 valid existing United States Forest Service permit in effect on the

1 day before that land is tentatively approved for patent to the state,
2 or which is subject to a lease issued under AS 38.05.087, the commis-
3 sioner [DIRECTOR] shall offer the land for sale to the permittee or a
4 [HIS] successor in title, if the permittee or a successor in title of
5 the permittee [HE] can be found.

6 * Sec. 56. AS 38.05.069 is amended to read:

7 Sec. 38.05.069. PREFERENCE TO PERSONS FOR AGRICULTURAL PURPOSES.

8 (a) If the commissioner [DIRECTOR] determines that the highest and
9 best use of unoccupied land is for agricultural purposes [,] and [IF
10 HE DETERMINES] that it is in the best interests of the state to sell
11 or lease the land, the commissioner [HE] shall grant to an Alaskan
12 resident owning and using or leasing and using land for agricultural
13 purposes a 60-day first option after the date of the auction to pur-
14 chase or lease the unoccupied land situated adjacent to or in the
15 approximate vicinity of land presently held by the Alaska resident
16 [HIS PRESENTLY HELD LAND] for the amount of the high bid received at
17 public auction. A parcel of agricultural land sold under this section
18 may not be less than 20 acres and a parcel of agricultural land which
19 is acquired by exercise of the option granted in this subsection may
20 not exceed 320 acres. Agricultural land which is acquired under this
21 section must be used for agricultural purposes as required by law.

22 (b) If more than one person is eligible for a first option under
23 (a) of this section, the commissioner [DIRECTOR] shall determine
24 priority by granting precedence first to the person who demonstrates
25 the greatest need for the unoccupied land in order to establish an
26 economic unit and, secondly, to the eligible person who occupies land
27 that is most readily accessible to unoccupied land to be sold or
28 leased. In the event that two or more persons have approximately
29 equal qualifications for priority under this section, the commissioner

1 [DIRECTOR] shall grant priority to that person who is a veteran. If
2 more than one person is approximately equally well qualified under
3 this section, the commissioner [DIRECTOR] shall determine priority by
4 lot.

5 (c) Under this section

6 (1) the commissioner [DIRECTOR] may convey or lease an
7 interest in the land only for agricultural purposes, and all other
8 interests in the land remain in the state; the sale or lease shall be
9 at public auction;

10 (2) the remaining interests may subsequently be conveyed or
11 leased by the commissioner [DIRECTOR] only upon the request of the
12 grantee or lessee or their [HIS] assigns and the determination of [THE
13 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 their
17 [HIS] assigns have a preference right to meet the high bid within 30
18 days after the day of the auction; if the right is exercised, the
19 value of improvements owned by the holder of the preference right,
20 included with the remaining interests sold, shall be deducted from the
21 purchase price;

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

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

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

29 (5) the remaining interests in the land may not be conveyed

1 or leased for less than their appraised value together with improve-
2 ments except for the deduction allowed by (3) of this subsection.

3 (d) When not in conflict with this section, the [OTHER] provi-
4 sions of AS 38.05.045 - 38.05.105 apply to disposals under this sec-
5 tion.

6 (e) In [FOR THE PURPOSES OF] this section,

7 (1) "agricultural purposes" includes farming, ranching,
8 grazing, and storage or control of agricultural crops or livestock;

9 (2) "approximate vicinity" includes an area in which the
10 land does not have a common boundary to presently held land or in
11 which the land is physically separated from presently held land by any
12 type of barrier.

13 (f) Nothing in (c) of this section affects the disposal of
14 minerals under AS 38.05.135 - 38.05.183.

15 * Sec. 57. AS 38.05.070(b) is amended to read:

16 (b) The [DIRECTOR, WITH THE APPROVAL OF THE] commissioner [,]
17 shall determine the land to be leased and the limitations, conditions
18 and terms of the lease. If the appraised value of the transaction is
19 \$250 a year or less the commissioner [DIRECTOR] may negotiate a lease
20 without advertisement for a period not to exceed five years, and on
21 the limitations, conditions and terms which [HE CONSIDERS] are in the
22 best interests of the state. A lease negotiated under this subsection
23 is not eligible for a preference under AS 38.05.102.

24 * Sec. 58. AS 38.05.070(c) is amended to read:

25 (c) A lease may be issued for a period up to 55 years, if it
26 appears to be in the best interests of the state [AND IF THE COMMIS-
27 SIONER APPROVES]. However, a nonrenewable lease for school land may
28 be issued for a period not to exceed 99 years. If the commissioner
29 determines that the land or a part of it which is the subject of a

1 grazing lease is not being used for the purpose issued, the lease may
2 be declared void. [HOWEVER, A NONRENEWABLE LEASE FOR SCHOOL LANDS MAY
3 BE ISSUED FOR A PERIOD NOT TO EXCEED 99 YEARS.]

4 * Sec. 59. AS 38.05.075 is amended to read:

5 Sec. 38.05.075. LEASING PROCEDURES. The leasing shall be made
6 at public auction to the highest qualified bidder as determined by the
7 commissioner [DIRECTOR]. An aggrieved bidder may appeal to the com-
8 missioner within five days for a review of the [DIRECTOR'S] determina-
9 tion. When a valid existing federal grazing lease is cancelled to
10 allow state selection of the area under lease, the lessee of the land
11 [LANDS] has the preference right to lease the land [LANDS] without
12 competitive bidding for a term equal to that originally granted in the
13 cancelled federal lease and upon terms as favorable to the lessee as
14 those contained in the cancelled federal lease. The leasing shall be
15 conducted by the commissioner [DIRECTOR, OR HIS REPRESENTATIVE,] and
16 the successful bidder shall deposit the first year's rental, or that
17 portion of it which the commissioner requires, in accordance with the
18 [HIS] bid. The Commissioner [DIRECTOR OR HIS REPRESENTATIVE] shall
19 immediately issue a receipt containing a description of the land or
20 interest leased, the price bid, and terms of the lease. The receipt
21 shall be acknowledged in writing by the bidder. A lease, on a form
22 approved by the attorney general, shall be signed by the lessee and [,
23 UPON APPROVAL BY] the commissioner [, SHALL BE SIGNED BY THE DIREC-
24 TOR].

25 * Sec. 60. AS 38.05.077(g) is amended to read:

26 (g) If a person stakes a remote parcel in good faith but in-
27 cludes land in the [HIS] parcel that was previously claimed by another
28 person eligible to stake a remote parcel, the commissioner [DIRECTOR]
29 shall approve that part of the later staking that does not conflict

1 with the earlier staking and allow the person to stake additional land
2 in the remote parcel staking area.

3 * Sec. 61. AS 38.05.077(h) is amended to read:

4 (h) If a person stakes a remote parcel in good faith but in-
5 cludes land in the [HIS] parcel that is outside the remote parcel
6 staking area, the commissioner [DIRECTOR] shall either disapprove the
7 staking of land outside the remote parcel staking area and allow the
8 person to stake additional land in the remote parcel staking area or
9 the commissioner [HE] may approve the staking of the land outside the
10 remote parcel staking area.

11 * Sec. 62. AS 38.05.080 is amended to read:

12 Sec. 38.05.080. REJECTION OF BIDS. Before signing [THE DIRECTOR
13 SIGNS] the lease, the commissioner may reject all bids for leases when
14 the best interest of the state justifies this action.

15 * Sec. 63. AS 38.05.082 is amended to read:

16 Sec. 38.05.082. LEASES FOR SHORE FISHERIES DEVELOPMENT. (a)
17 The [DIRECTOR, WITH THE APPROVAL OF THE] commissioner [,] may lease
18 tide and submerged land [LANDS] for fisheries development. Fisheries
19 development includes the utilization of shore gill nets or set nets
20 for the taking of fish. Every lease issued under this section shall
21 reserve to the public a right-of-way for access to navigable waters
22 and other tide and submerged land [LANDS].

23 (b) The commissioner [DIRECTOR] may classify land [LANDS] as
24 subject to leases for fisheries development, and publicly invite
25 applications for lease of the selected areas. Each application shall
26 be accompanied by an affidavit to the effect that the applicant pres-
27 ently intends to personally utilize the leased area for fishing pur-
28 poses the following season. If two or more applications are received
29 for the same shore area, the commissioner [DIRECTOR] shall award the

1 lease to the most qualified applicant. In determining the qualifica-
2 tions of applicants, the commissioner [DIRECTOR] shall consider the
3 length of time during which the applicant has been engaged in
4 netting, the proximity of the [HIS] past fishing sites of the appli-
5 cant to the land to be leased, the [HIS] present ability of the appli-
6 cant to utilize the location to its maximum potential, and other
7 factors relevant to the equitable assignment of the disputed area. If
8 the commissioner [DIRECTOR] cannot determine a preference between
9 conflicting applicants for the same lease site on the basis of quali-
10 fications, the commissioner [HE] shall select between the applicants
11 by lot. An aggrieved applicant may appeal to the commissioner within
12 five days for a review of the [DIRECTOR'S] determination.

13 (c) A lease for set net fishing may be issued for any period not
14 exceeding 10 years. If the commissioner determines that the land is
15 not being utilized for the purpose for which the lease is issued, the
16 lease may be declared void. The commissioner [DIRECTOR] shall estab-
17 lish a reasonable rental for the lease, equal to the administrative
18 costs involved in processing the leasehold applications.

19 (d) Subleasing and renewals of leases are governed by AS 38.05.-
20 095 and AS 38.05.102 [SECS. 95 - 100 OF THIS CHAPTER].

21 (e) The lease of submerged land [LANDS] conveys no interest in
22 the water above the land or in the fish in the water.

23 * Sec. 64. AS 38.05.085(b) is amended to read:

24 (b) When it becomes necessary to determine the fair market value
25 of property as required by (a) of this section, the commissioner
26 [DIRECTOR] shall have the property appraised by a qualified appraiser.
27 If the lessee disagrees with the appraisal obtained by the commis-
28 sioner, the lessee [DIRECTOR, HE] may appoint a qualified appraiser to
29 make an appraisal of the property in question. If the two appraisers

1 agree upon the fair market value, the determination is binding on the
2 parties. In the event the two appraisers are unable to agree, they
3 shall appoint a third qualified appraiser who shall then make an [HIS]
4 appraisal of the property in question. When the third appraisal is
5 completed, the two of the three appraisals which are nearest each
6 other in their determination of the fair market value shall be av-
7 eraged and the resultant sum shall be the fair market value of the
8 property in question and absolutely binding on the parties. All costs
9 incurred in making the appraisals provided for in this subsection
10 shall be borne by the state and the lessee equally.

11 * Sec. 65. AS 38.05.085(c) is amended to read:

12 (c) The lessee shall make advance payments of the annual rent or
13 portion of it as the [DIRECTOR, WITH THE APPROVAL OF THE] commissioner
14 [,] may require.

15 * Sec. 66. AS 38.05.087(a) is amended to read:

16 (a) Before offering to the public any land for lease which is
17 subject to a valid existing United States Forest Service permit in
18 effect in a state-selected area on the day before the area was tenta-
19 tively approved for patent to the state, the commissioner [DIRECTOR]
20 shall offer the land for leasing to the permittee at not less than its
21 fair appraised market value before offering it to the general public.

22 * Sec. 67. AS 38.05.090 is amended to read:

23 Sec. 38.05.090. REMOVAL OR REVERSION OF IMPROVEMENTS UPON TER-
24 MINATION OF LEASES. (a) Improvements owned by a lessee on state land
25 shall, within 60 days after the termination of the lease, be removed
26 by the lessee [HIM] if removal will not cause injury or damage to the
27 land. The commissioner [DIRECTOR] may extend the time for removing
28 improvements in cases where hardship is proven. The retiring lessee
29 or permittee may, with the consent of the commissioner [DIRECTOR],

1 sell [HIS] improvements to the succeeding lessee or permittee.

2 (b) If improvements or chattels, or both, having an appraised
3 value exceeding \$10,000 as determined by the commissioner [DIRECTOR]
4 are not removed within the time allowed, the improvements or chattels
5 or both shall, upon notice to the lessee, be sold at public sale under
6 the direction of the commissioner [DIRECTOR]. The proceeds of sale
7 inure to the lessee who placed the improvements or chattels on the
8 land after paying to the state all rents due and expenses incurred in
9 making the sale. If there are no other bidders at the sale, the
10 commissioner [DIRECTOR] may bid in the name of the state. The bid
11 money shall be taken from the fund to which the land belongs and the
12 fund shall receive all money or other value subsequently derived from
13 the sale or leasing of the improvements or chattels. The state
14 requires all the rights that any other purchaser could acquire by reason
15 of the purchase.

16 (c) If improvements or chattels, or both, having an appraised
17 value of \$10,000 or less, as determined by the commissioner [DIREC-
18 TOR], are not removed within the time allowed, they revert to the
19 state and absolute title vests in the state. The preference right
20 leases of grazing or forest land [LANDS] may follow the provisions
21 for removal of improvements upon termination of the lease as au-
22 thorized in the cancelled federal lease or permit.

23 (d) Improvements of the lessee which have become fixtures of the
24 land shall be purchased by the subsequent purchaser or lessee of the
25 land if the improvements were authorized in the former lease or by
26 permit from the commissioner [DIRECTOR]. Upon the termination of a
27 lease, and at additional times which may be necessary, the value of
28 the authorized fixtures remaining on the land shall be set by agree-
29 ment between the former lessee and the commissioner [DIRECTOR] or, if

1 agreement cannot be reached, by an independent appraisal made at cost
2 to the former lessee.

3 (e) A notice or offer by the state to sell or lease formerly
4 leased land shall state

5 (1) the value of the authorized fixtures remaining on the
6 land;

7 (2) that the purchaser or lessee will be required, as a
8 condition of the sale or lease, to purchase the fixtures from the
9 former lessee for an amount equal to the value specified.

10 * Sec. 68. AS 38.05.095(a) is amended to read:

11 (a) Except as provided in (b) of this section, a lessee may
12 sublease or assign the land or a portion of it [UPON WHICH HE HAS A
13 LEASE] if, after application to the commissioner, the commissioner
14 [DIRECTOR, THE DIRECTOR] issues a permit. The commissioner [DIRECTOR]
15 may issue a permit upon a finding [IF HE FINDS] that it is in the best
16 interests of the state to do so.

17 * Sec. 69. AS 38.05.097(c) is amended to read:

18 (c) A nonprofit organization which satisfies the requirements of
19 this section that is using land under a lease in effect before July 1,
20 1978 may convert its lease to a new lease with terms exempting it from
21 the payment of rent by submitting a written request to the commis-
22 sioner [DIRECTOR].

23 * Sec. 70. AS 38.05.102 is amended to read:

24 Sec. 38.05.102. LESSEE PREFERENCE. If land within a leasehold
25 created under AS 38.05.070 - 38.05.105 [38.05.100] is offered for sale
26 or long-term lease at the termination of the existing leasehold, the
27 commissioner [DIRECTOR] may, upon a finding [IF HE FINDS] that it is
28 in the best interest of the state, allow the holder in good standing
29 of that leasehold to purchase or lease the land for its appraised fair

1 market value at the time of the sale or long-term lease.

2 * Sec. 71. AS 38.05.103 is amended to read:

3 Sec. 38.05.103. RIGHTS OF HOLDER OF SECURITY INTEREST. (a) If
4 there is a breach or default of a term of a lease or of the provisions
5 of this chapter relating to a lease, the department [DIVISION] shall
6 provide written notice of the breach or default by personal service or
7 by registered or certified mail to the lessee and to any holder of
8 record having a security interest in the leased property. The notice
9 shall also make demand upon the lessee to cure or remedy the breach or
10 default within 60 days from the date of receipt of the notice and
11 demand. If a lessee fails to cure or remedy the breach or default
12 within 60 days, or within the additional time which the department
13 [DIVISION] may allow for good cause, the state may, subject to (b) of
14 this section, exercise any right which it may have at law or as set
15 out in the lease.

16 (b) If a lessee fails to cure or remedy a breach or default
17 within the time allowed in (a) of this section, a holder of a security
18 interest who has received notice under (a) of this section may cure or
19 remedy the breach or default if the breach or default can be cured by
20 the payment of money or, if this cannot be done, by performing or
21 undertaking in writing to perform the terms, covenants, restrictions
22 and conditions of the lease capable of performance by the holder. The
23 holder shall act within 60 days from the date of receipt of notice
24 under (a) of this section, or within an additional period as the
25 commissioner [DIRECTOR] may allow for good cause.

26 * Sec. 72. AS 38.05.105(a) is amended to read:

27 (a) Each lease shall stipulate that at the conclusion of the
28 initial 25-year period of the lease and at intervals of 10 years
29 thereafter the annual rent payment is subject to adjustment. Charges

1 or adjustments shall be based primarily on an adjusted fair market
2 value. However, if the commissioner [DIRECTOR OF THE DIVISION OF
3 LANDS] determines that single-family residential development is the
4 best use of the land, the reappraisal period may be lengthened or the
5 readjustment waived in accordance with regulations adopted by the
6 department. Before a waiver of rent adjustment is issued, the land
7 shall have a current reappraisal. A waiver is valid only if single-
8 family residential development actually occurs. The regulations
9 adopted under this section shall ensure that the state receives a fair
10 return from the land.

11 * Sec. 73. AS 38.05.110 is amended to read:

12 Sec. 38.05.110. SALE OF TIMBER AND MATERIALS. The commissioner
13 [DIRECTOR] shall provide for cruises of timber and appraisals of other
14 materials in or upon land to determine [LANDS AND TRANSMIT THIS DATA
15 TO THE COMMISSIONER, TOGETHER WITH HIS P COMMENDATIONS WITH RESPECT
16 TO] (1) the timber and other materials which should be offered for
17 sale, and (2) the terms of sale of the timber or other materials.

18 * Sec. 74. AS 38.05.115(a) is amended to read:

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

1 nonadvertised, negotiated sale to the same purchaser within a one-year
2 period.

3 * Sec. 75. AS 38.05.118 is amended to read:

4 Sec. 38.05.118. NEGOTIATED TIMBER SALES IN AREAS OF HIGH UNEM-
5 PLOYMENT. (a) Notwithstanding any other provision of AS 38.05.110 -
6 38.05.120, the [DIRECTOR, WITH THE APPROVAL OF THE] commissioner [,]
7 may negotiate a sale of timber to a local manufacturer at appraised
8 value. The period of a contract for a sale of timber negotiated under
9 this section may not exceed 25 years. The contract shall provide that
10 the appraised value of timber remaining to be harvested under the
11 provisions of the contract shall be redetermined at least once every
12 five years.

13 (b) Notice of intent to negotiate a contract authorized by (a)
14 of this section shall be given in accordance with AS 38.05.345
15 [AS 38.05.305].

16 (c) No sale of timber may be negotiated by the commissioner
17 [DIRECTOR] under this section unless the commissioner [HE] first finds
18 that, within an area proximate to the business site which the manufac-
19 turer may economically serve, there exists

- 20 (1) a high level of local unemployment;
21 (2) an underutilized timber manufacturing capacity; and
22 (3) an underutilized allowable cut of state timber.

23 * Sec. 76. AS 38.05.120 is amended to read:

24 Sec. 38.05.120. DISPOSAL PROCEDURE. Timber and other materials
25 shall be sold either by sealed bids or public auction, depending on
26 which method is determined by the commissioner to be in the best
27 interests of the state, to the highest qualified bidder as determined
28 by the commissioner [DIRECTOR]. An aggrieved bidder may appeal to the
29 commissioner within five days after the sale for a review of the

1 [DIRECTOR'S] determination. The sale shall be conducted by the
2 commissioner [DIRECTOR OR HIS REPRESENTATIVE], and at the time of sale
3 the successful bidder shall deposit the amount specified in the terms
4 of sale. The means by which the amount of deposit is determined shall
5 be prescribed by appropriate regulation. The commissioner [DIRECTOR
6 OR HIS REPRESENTATIVE] shall immediately issue a receipt containing a
7 description of the timber or materials purchased, the price bid, and
8 the terms of sale. The receipt shall be acknowledged in writing by
9 the bidder. A contract of sale, on a form approved by the attorney
10 general, shall be signed by the purchaser and [, FOLLOWING THE AP-
11 PROVAL OF THE COMMISSIONER,] the contract shall be signed by the
12 commissioner [DIRECTOR] on behalf of the state. The [DIRECTOR, WITH
13 THE APPROVAL OF THE] commissioner [,] may impose conditions, limita-
14 tions, and terms considered [WHICH HE CONSIDERS] necessary and proper
15 to protect the interests of the state. Violation of any provision of
16 this chapter or the terms of the contract of sale subjects the pur-
17 chaser to appropriate legal action.

18 * Sec. 77. AS 38.05.130 is amended to read:

19 Sec. 38.05.130. DAMAGES AND POSTING OF BOND. No rights shall be
20 exercised by the state, its lessees, successors or assigns under the
21 reservation as set out in AS 38.05.125 until the state, its lessees,
22 successors, or assigns make provision to pay the owner of the land
23 full payment for all damages sustained by the owner, by reason of
24 entering upon the land. If the owner for any cause refuses or ne-
25 glects to settle the damages, the state, its lessees, successors,
26 assigns, or an applicant for a lease or contract from the state for
27 the purpose of prospecting for valuable minerals, or option, contract
28 or lease for mining coal or lease for extracting geothermal resources,
29 petroleum or natural gas, may enter upon the land in the exercise of

1 the reserved rights after posting a surety bond determined by the
2 commissioner [DIRECTOR], after notice and an opportunity to be heard,
3 to be sufficient as to form, amount, and security to secure to the
4 owner payment for damages, and may institute legal proceedings in a
5 court where the land is located, as may be necessary to determine the
6 damages which the owner may suffer.

7 * Sec. 78. AS 38.05.140(e) is amended to read:

8 (e) The provisions of (d) of this section that apply to waiver,
9 suspension, refund or reduction of rental of minimum royalty apply to
10 rental or minimum royalty paid before or after June 19, 1970 on any
11 lease covering land beneath navigable waters which, according to the
12 records of the department [DIVISION OF LANDS], is in effect on
13 June 19, 1970.

14 * Sec. 79. AS 38.05.145(a) is amended to read:

15 (a) Deposits of coal, phosphates, oil shale, sodium, potassium,
16 oil, gas, geothermal resources and state land [LANDS] containing these
17 deposits are subject to disposition under [RULES AND] regulations [,
18 RECOMMENDED BY THE DIRECTOR AND] adopted by the commissioner, and the
19 provision of AS 38.05.145 - 38.05.181. In applying the acreage limi-
20 tations the commissioner may apply the rule of approximation. The
21 uses of the rule of approximation made before March 31, 1960, by the
22 commissioner are ratified.

23 * Sec. 80. AS 38.05.185(a) is amended to read:

24 (a) The acquisition and continuance of rights in and to deposits
25 on state land [LANDS] of minerals which on January 3, 1959, were
26 subject to location under the mining laws of the United States shall
27 be governed by AS 38.05.185 - 38.05.280. Nothing in AS 38.05.185 -
28 38.05.280 affects the law pertaining to the acquisition of rights to
29 mineral deposits owned by any other person or government. The [DIREC-

1 TOR, WITH THE APPROVAL OF THE] commissioner [,] shall determine that
2 land [THOSE LANDS] from which mineral deposits may be mined only under
3 lease, and, subject to the limitations of AS 38.05.300, that land
4 [THOSE LANDS] which shall be closed to mining State land may not be
5 closed to mining or mineral location unless the commissioner makes a
6 finding that mining would be incompatible with significant surface
7 uses on the state land. State land may not be restricted to mining
8 under lease unless the commissioner determines that potential use
9 conflicts on the state land require that mining be allowed only under
10 written leases issued under AS 38.05.205 or the commissioner has
11 determined that the land was mineral in character at the time of state
12 selection. The determinations required under this subsection shall be
13 made in compliance with land classification orders and land use plans
14 developed under AS 38.05.300.

15 * Sec. 81. AS 38.05.205(a) is amended to read:

16 (a) Prior discovery, location and filing shall initiate prior
17 rights to mineral deposits subject to AS 38.05.185 - 38.05.280 in or
18 on state land [LANDS], other than submerged land [LANDS], which is
19 [ARE] open to mining leasing. Locations shall be made and certifi-
20 cates of location recorded in accordance with AS 38.05.195. If the
21 located land is [LANDS ARE] available on for leasing, the commis-
22 sioner [DIRECTOR] shall publish in a paper of general circulation in
23 the area of the location, notice of the filing of the location and
24 notice that a mineral lease will be issued. The notice may be com-
25 bined with notices of locations either in the same general area or
26 statewide. Unless a conflicting location exists, no later than two
27 weeks after publication of the notice, an application form for a
28 mining lease shall be mailed to the locator by the commissioner [DI-
29 RECTOR]. A lease application shall be filed with the commissioner

1 [DIRECTOR] by the locator within 90 days after receipt of the form.
2 If the located land is [LANDS ARE] not available for leasing, notice
3 shall be given the locator by the commissioner [DIRECTOR] and the
4 locator's prior rights shall terminate. A mining lessee has the
5 exclusive rights of possession and extraction of all minerals subject
6 to AS 38.05.185 - 38.05.280 lying within the boundaries of the [HIS]
7 lease or location. Mining leases may be issued for one location or
8 for a group of contiguous locations held in common. Minerals may not
9 be mined and marketed or used until a lease is issued, except for
10 limited amounts necessary for sampling or testing.

11 * Sec. 82. AS 38.05.205(c) is amended to read:

12 (c) A mining lease shall be for any period up to 55 years, and
13 the lessee has a right to a new lease at the end of each lease period.
14 The commissioner may make reasonable adjustments of the rental rate at
15 the end of each 20 year period, based upon changed conditions in
16 production costs and markets. A valid mining claim located and held
17 under AS 38.05.195 may be converted to a lease at any time upon appli-
18 cation by the owner, and issuance by the commissioner [DIRECTOR]. No
19 rights granted by a mining lease may be exercised until the lease has
20 been filed for record in the recording district where the land is
21 located.

22 * Sec. 83. AS 38.05.245(a) is amended to read:

23 (a) Before the discovery of valuable minerals, an exclusive
24 right to prospect by geophysical, geochemical and similar methods may
25 be acquired by marking boundaries and posting a notice of location of
26 a prospecting site in a manner and containing such information as the
27 commissioner requires. A prospecting site may not exceed 2,640 feet
28 in its longest dimension and its boundaries shall run in the four
29 cardinal directions. A certificate of location shall be filed for

1 record in the recording district where the prospecting site is located
2 within 90 days after posting the notice of location, and a copy of the
3 certificate shall also be mailed to the commissioner [DIRECTOR] within
4 the 90 day period. The locator of a prospecting site has the exclu-
5 sive right to stake mining claims or leasehold locations within the
6 boundaries of the prospecting [HIS] site.

7 * Sec. 84. AS 38.05.245(c) is amended to read:

8 (c) No person may locate more than six prospecting sites in one
9 calendar year in one recording district. A prospecting site remains
10 in effect for one year after the notice of location is posted and may,
11 at the discretion of the commissioner [DIRECTOR], be extended for one
12 year periods. During each year, work of a type compatible with the
13 purpose of this section and acceptable to the commissioner [DIRECTOR]
14 shall be done. The minimum expenditure for the work shall be estab-
15 lished by the commissioner uniformly for all prospecting sites. Where
16 adjacent prospecting sites are held in common the expenditure may be
17 made on any one or more locations. If a prospecting site expires,
18 neither the locator nor a [HIS] successor in interest of the locator
19 may again locate the same prospecting site or any portion of it, as a
20 prospecting site, for a period of two years following the date of
21 expiration or abandonment; nor may the locator [HE], during the two
22 years, either directly or indirectly, obtain a beneficial interest in
23 the same prospecting site or a portion of it.

24 * Sec. 85. AS 38.05.250(a) is amended to read:

25 (a) The exclusive right to prospect for deposits of minerals
26 subject to AS 38.05.185 - 38.05.275 in or on tide and submerged state
27 land [LANDS] may be granted by a permit issued by the commissioner
28 [DIRECTOR]. Permits shall be granted to the first qualified appli-
29 cant. No permit may include an area larger than 2,560 acres, subject

1 to the rule of approximation. Land [LANDS] subject to a prospecting
2 permit shall be as compact in form as possible taking into considera-
3 tion the area involved. The term of the permit shall be seven years.
4 Prospecting permits shall be conditioned upon payment of rental
5 against which credit shall be given for useful expenditures on land
6 covered by the permit or group of contiguous permits under common
7 ownership or assignment. Excess expenditures may be applied against
8 rentals due for the following two years. The rental shall be \$3 per
9 acre for each year, payable at the end of each year. No minerals from
10 land [LANDS] under a prospecting permit may be mined and marketed or
11 used, except for limited amounts necessary for sampling or testing.
12 No person may take or hold prospecting permits for minerals on state
13 land under this section exceeding in the aggregate 100,000 acres. No
14 person may take or hold leases for minerals on state land under this
15 section exceeding in the aggregate 46,080 acres.

16 * Sec. 86. AS 38.05.250(b) is amended to read:

17 (b) Upon discovery, the right to possess and extract the min-
18 erals may be acquired by noncompetitive lease. A noncompetitive lease
19 shall be granted to a holder of a prospecting permit for so much of
20 the land subject to the permit as is shown to the satisfaction of the
21 commissioner [DIRECTOR] to contain workable mineral deposits. Sub-
22 merged land [LANDS] containing known deposits of minerals subject to
23 AS 38.05.185 - 38.05.275 may, in the discretion of the commissioner
24 [DIRECTOR], be offered by competitive bid. The land [THESE LANDS]
25 shall be leased to the responsible qualified person offering the
26 highest amount of cash bonus.

27 * Sec. 87. AS 38.05.255 is amended to read:

28 Sec. 38.05.255. SURFACE USE OF LAND OR WATER. Surface uses of
29 land or water [WATERS] included within mining properties by owners of

1 these properties shall be limited to those necessary for the
2 prospecting for, extraction of, or basic processing of mineral depos-
3 its and shall be subject to reasonable concurrent uses. Permits for
4 millsites and tailings disposal may be granted by the commissioner
5 [DIRECTOR]. The permits shall be conditioned upon payment of a rea-
6 sonable charge for the use and continuance of the limited use. Timber
7 from land [LANDS] open to mining without lease, except timberland
8 [TIMBERLANDS], may be used by a mining claimant or prospecting site
9 locator for the mining or development of the [HIS] location or adja-
10 cent claims under common ownership. On other land [LANDS], timber may
11 be acquired as provided [ELSEWHERE] in this chapter. Use of water
12 shall be made in accordance with AS 46.15 [SEC. 260 OF THIS CHAPTER
13 AND RULES AND REGULATIONS ADOPTED UNDER IT OR IN ACCORDANCE WITH ANY
14 LAW AMENDING OR SUPERSEDING THAT SECTION].

15 * Sec. 88. AS 38.05.265 is amended to read:

16 Sec. 38.05.265. ABANDONMENT. Failure to (1) properly file for
17 record a certificate of location or a statement of annual labor, or
18 (2) file with the commissioner [DIRECTOR] within the time prescribed a
19 lease application or a copy of a prospecting site location certifi-
20 cate, or (3) pay rental or receive credit for rental, or (4) keep
21 location boundaries clearly marked, all as required by AS 38.05.185 -
22 38.05.280 [SECS. 185 - 280 OF THIS CHAPTER] and by regulations adopted
23 under these sections, constitutes abandonment of all rights acquired
24 under the mining lease, location, or site involved, and it is subject
25 to relocation by others. If a location is not relocated by another
26 person with one year after such failure, or, in the case of a pros-
27 pecting site, two years, the locator or claimant of the abandoned
28 location, or the [HIS] successor in interest of the locator or claim-
29 ant, may return to relocate it as though it had never been located. A

1 statement of annual labor which does not accurately set out the
2 essential facts is void and of no effect.

3 * Sec 89. AS 38.05.270 is amended to read:

4 Sec. 38.05.270. TRANSFERS. The sale, lease or other transfer of
5 mining property or interest in mining property shall be recorded or
6 shall be approved by the commissioner under adopted regulations [DI-
7 RECTOR IN COMPLIANCE WITH SUCH REGULATIONS AS THE COMMISSIONER MAY
8 ADOPT]. The heirs and assigns of mining property or interest in
9 mining property have the same rights and duties as their predecessors.

10 * Sec. 90. AS 38.05.275 is amended to read:

11 Sec. 38.05.275. RECOGNITION OF LOCATIONS. Mining locations made
12 on state land [LANDS], including shoreland, tideland [SHORELANDS,
13 TIDELANDS], or submerged land [LANDS], or state selected land [LANDS],
14 under AS 38.05.185 - 38.05.280 [SECS. 185 - 280 OF THIS CHAPTER], or
15 in the manner described in AS 27.10.010 - 27.10.240 acquire for the
16 locator mining rights under AS 38.05.185 - 38.05.280 [SECS. 185 - 280
17 OF THIS CHAPTER], subject to existing claims and to any denial of or
18 restriction in the tentative approval of state selection of the patent
19 of the land [LANDS] to the state. If shoreland, tideland [SHORELANDS,
20 TIDELANDS] or submerged land is [LANDS ARE] included in a mining
21 location or within the projected boundaries of a mining location made
22 in accordance with this section, the locator is required to file a
23 certificate of location with the department [DIVISION OF LANDS] within
24 90 days following the date of posting the notice of location, in
25 addition to filing a certificate of location as required by AS 38.-
26 05.195 [SEC. 195 OF THIS CHAPTER]. The certificate of location must
27 identify the position of the mining location in the system of rec-
28 tangular or protracted surveys.

29 * Sec. 91. AS 38.05.310(a) is amended to read:

1 (a) No land may be sold or leased, or a renewal lease issued,
2 except in the case of an oil or gas or mineral lease, unless it has
3 been appraised within 120 days before the date fixed for the sale or
4 lease. When land is offered at public sale but is not sold and is
5 available at private sale, no reappraisal is required unless the
6 commissioner [DIRECTOR] considers that a change in value of the land
7 [LANDS] may have occurred. A grazing lease may be granted to a lessee
8 of federal grazing land [LANDS] without prior appraisal, if the [HIS]
9 federal lease was cancelled to allow the state to select the land
10 [LANDS] under lease. No land may be sold or leased for less than the
11 approved, appraised market value, except as provided in AS 38.05.315,
12 38.05.320, 38.05.057, 38.05.075 - 38.05.085 and 38.05.097.

13 * Sec. 92. AS 38.05.315 is amended to read:

14 Sec. 38.05.315. PUBLIC AND CHARITABLE USE. (a) The lease,
15 sale, or other disposal of state land or resources may be made to a
16 state or federal agency or political subdivision, or the lease, sale,
17 or disposal of coal deposits suitable for mining may be made to a
18 utility owned and operated by a government agency or nonprofit cooper-
19 ative association organized to participate under the Federal Rural
20 Electrification Act for the purpose of generating electric power and
21 energy or the production of process steam, or both, for less than the
22 appraised value as determined by [THE DIRECTOR AND APPROVED BY] the
23 commissioner to be fair and proper and in the best interests of the
24 public, with due consideration given to the nature of the public
25 services or function rendered by the agency, subdivision, or utility
26 making application, and of the terms of the grant under which the land
27 was acquired by the state.

28 (b) Notwithstanding AS 38.05.077 - 38.05.080 and 38.05.095, the
29 commissioner [DIRECTOR], upon application filed by an applicant

1 eligible under (b) - (d) of this section, may, by negotiation and
2 without public auction in the manner prescribed in (b) - (d) of this
3 section, lease state land for a term of not more than 55 years.
4 Before leasing, the commissioner [DIRECTOR] shall prepare a land use
5 plan and a land classification to insure that the proposed use is
6 compatible with area utilization. Before the land may be leased under
7 (b) - (d) of this section, it must be shown to the satisfaction of the
8 commissioner [DIRECTOR] that the land is to be used for an established
9 or definitely proposed project, and that the eligible applicant has
10 the financial ability to carry out the project. The commissioner may
11 establish limitations on the acreage which may be leased under (b) -
12 (d) of this section to an applicant.

13 (c) Eligible applicants under (b) - (d) of this section are
14 limited to nonprofit corporations, associations, clubs, or societies
15 organized and operated exclusively for charitable, religious, scien-
16 tific, or educational purposes, or for the promotion of social wel-
17 fare, if the project for which the land is desired conforms to those
18 objectives and not commercial development. No lease of land may be
19 granted under this section for a project closed to the use and enjoy-
20 ment of the general public. In every case the applicant shall submit
21 evidence that it is exempt from payment of federal income tax. As a
22 condition of and in consideration of the rights acquired under a lease
23 granted under (b) - (d) of this section, each eligible organization
24 and its parent or subsidiary organizations shall (1) maintain and
25 preserve books, accounts, and records that the commissioner [DIRECTOR]
26 prescribes by regulation as necessary and appropriate; and (2) accord
27 at all reasonable times to the state and its authorized agents and
28 auditors the right of access to those books, accounts and records for
29 the purpose of inspecting, examining and copying them. Any

1 information provided the state in the course of an audit becomes a
2 matter of public record.

3 (d) The commissioner [DIRECTOR] may lease the land to an eli-
4 gible applicant at a reasonable annual rental, taking into considera-
5 tion the purposes for which the land is to be used and the financial
6 resources of the applicant. The rental may not be less than one
7 percent of the fair market value on land [LANDS] acquired primarily
8 for development, or less than five percent of the fair market value on
9 university or acquired land [LANDS]. Rent may not be charged for
10 state land leased for a youth encampment. For the purposes of this
11 subsection, "youth encampment" shall be defined by the commissioner by
12 regulation. Renewal leases may be issued at the discretion of the
13 commissioner [DIRECTOR] upon the expiration of a primary or renewal
14 term. Each lease shall contain a provision for its termination as to
15 all or part of the land [LANDS] upon a finding by the commissioner
16 [DIRECTOR] that the land or a part of it has not been used by the
17 lessee for the purpose specified in the lease for a period of two
18 years. No lease may be assigned or subleased except with the consent
19 of the commissioner [DIRECTOR], and in any case may only be trans-
20 ferred to an applicant eligible under (b) - (d) of this section. A
21 lessee may not change the use specified in the lease to another or
22 additional use except with the consent of the commissioner [DIRECTOR].
23 If, at any time after the land is leased, the lessee attempts to
24 assign the lease or transfer control over the land to another, or if
25 the land is devoted to a use other than that for which the land was
26 leased without the consent of the commissioner [DIRECTOR], the lease
27 automatically terminates.

28 (e) The lease, sale, or other disposal of state land at ap-
29 praised fair market value may be negotiated with a licensed public

1 utility or a licensed common carrier by [THE DIRECTOR WITH THE AP-
2 PROVAL OF] the commissioner if the utility or carrier reasonably
3 requires the land for the conduct of its business under its license.

4 (f) The commissioner shall lease state land for telephone or
5 electric transmission and distribution lines for less than the ap-
6 praised value of the land if the lessee is a nonprofit cooperative
7 association organized under AS 10.25.010 - 10.25.650. Before deter-
8 mining [HE DETERMINES] the annual rental, the commissioner shall
9 consider the nature of the public service rendered by the nonprofit
10 cooperative association and the terms of the grant under which the
11 land was acquired by the state. A nonprofit cooperative association
12 may not construct improvements other than transmission or distribution
13 lines and substations on land leased under this subsection.

14 * Sec. 93. AS 38.05.320(b) is amended to read:

15 (b) Home rule cities and cities of the first class incorporated
16 on or before April 1, 1964, may apply, in the manner prescribed by the
17 commissioner [DIRECTOR], and in accordance with [SUCH] regulations
18 [AS] the commissioner [DIRECTOR] may adopt, for a conveyance to them
19 of all land [LANDS] seaward of the home rule cities and cities of the
20 first class which is [ARE] between the mean high tide line in, or
21 forming the boundary of, the home rule cities and cities of the first
22 class, and a line to be shown on a plat made a part of the application
23 which shall be the pierhead line established under the Act of Septem-
24 ber 7, 1957, or the harbor line established under the Act of March 3,
25 1899, or if no pierhead line or harbor line is established then a line
26 subject to approval by [THE DIRECTOR, WITH THE CONCURRENCE OF] the
27 commissioner [,] which shall be seaward of all tideland [TIDELANDS]
28 and submerged land [LANDS] occupied or suitable for occupation and
29 development without unreasonable interference with navigation. The

1 commissioner [DIRECTOR] shall convey that [THESE] tide and submerged
2 land [LANDS] to home rule cities and cities of the first class.
3 Applications by preference right claimants filed with the commissioner
4 [DIRECTOR] before June 30, 1964, shall continue to be processed to a
5 final determination and conveyance, if any by the commissioner [DIREC-
6 TOR], if such preference right claimants are entitled to a conveyance
7 from the commissioner [DIRECTOR] under the existing previous to
8 July 22, 1964.

9 (1) Each home rule city and city of the first class granted
10 a conveyance shall prepare an official subdivision plat of the area
11 conveyed showing all structures and improvements and the boundaries of
12 each tract occupied or developed, together with the name of the owner
13 or claimant. The subdivisional plat shall include within the bound-
14 aries of each tract occupied or developed such surrounding tide and
15 submerged land as is [LANDS AS ARE] reasonably necessary in the opin-
16 ion of the governing body of the home rule cities and cities of the
17 first class for the use and enjoyment of the structures and improve-
18 ments by the owner or claimant, but shall not include tide or sub-
19 merged land [LANDS] which if granted to the occupant would unjustly
20 deprive an occupant of adjoining land [LANDS] from [HIS] reasonable
21 use and enjoyment of it [THEM].

22 (2) An occupant of land included in the conveyance to home
23 rule cities and cities of the first class, who occupied or developed
24 the land on and before September 7, 1957, has a class I preference
25 right to the land [LANDS] from the home rule cities and cities of the
26 first class upon the execution of a waiver to the state and the home
27 rule cities and cities of the first class of all rights the occupant
28 may have acquired under Public Law 85-303 (71 Stat. 623).

29 (3) An occupant of land included in the conveyance to home

1 rule cities and cities of the first class, who has a class II prefer-
2 ence right by reason of the conveyance to home rule cities and cities
3 of the first class, and is unwilling to waive the right has a prefer-
4 ence right to the land [LANDS] which it is mandatory for the home rule
5 cities and cities of the first class to expeditiously honor upon
6 application from the occupant after the Secretary of the Army has
7 submitted to the Secretary of the Interior and the governor [OF THE
8 STATE] maps showing the pierhead line established by the corps of
9 engineers with respect to the tract so granted.

10 (4) An occupant of land included in the conveyance to home
11 rule cities and cities of the first class, who occupied or developed
12 the land after September 7, 1957, and before January 3, 1959, and who
13 continued to occupy it on January 3, 1959, has a class III preference
14 right to the land [LANDS] from the home rule cities and cities of the
15 first class.

16 (5) In making a conveyance to an occupant, the home rule
17 cities and cities of the first class shall include as a part of the
18 tract conveyed and in addition to the occupied or developed land
19 [LANDS], such additional tide and submerged land as is [LANDS AS ARE]
20 reasonably necessary in the opinion of the governing body of the home
21 rule cities and cities of the first class for the occupant's use and
22 enjoyment of the occupied or developed land, but the conveyance shall
23 not include any area which would unjustly deprive an occupant of
24 adjoining land [LANDS] from reasonable use and enjoyment of it [THOSE
25 LANDS] or which, if developed, will interfere with navigation.

26 (6) Each home rule city and city of the first class receiv-
27 ing conveyances shall by ordinance provide for reasonable regulations
28 governing the filing and processing of applications, publication of
29 notices, and the adjudication of disputes between claimants by the

1 governing body of the home rule cities and cities of the first class.
2 A party aggrieved by its determination may appeal to the superior
3 court.

4 (7) When no preference right has been granted to purchase
5 or lease tideland [TIDELANDS], the home rule cities and cities of the
6 first class may sell or lease the tideland [TIDELANDS] conveyed to
7 them, and may impose terms or conditions for the sale or lease. The
8 [SUCH] terms and conditions shall include such reservation of rights-
9 of-way as are necessary to provide reasonable access to public waters.

10 * Sec. 94. AS 38.05.320(c) is amended to read:

11 (c) An occupant of tide or submerged land which is not seaward
12 of a municipal corporation, who occupied or developed it on and before
13 [PRIOR TO] September 7, 1957, has a class I preference right to the
14 land [LANDS] from the state. However, if the land is seaward of a
15 surveyed townsite, the occupant shall execute a waiver to the state of
16 all rights which the occupant [HE] may have acquired under Public Law
17 85-303 (71 Stat. 623), before the preference right may be exercised.

18 (1) A person who has a class II preference right in the
19 disposition of land by the state not provided for under paragraph
20 (b)(3), and who is unwilling to waive that right, has a preference
21 right to the land [LANDS] which it is mandatory for the commissioner
22 [DIRECTOR] to expeditiously honor upon application from the occupant
23 after the Secretary of the Army has submitted to the Secretary of the
24 Interior and the governor [OF THE STATE] maps showing the pierhead
25 line established by the corps of engineers with respect to the tract
26 so granted.

27 (2) An occupant of tide or submerged land which is not
28 seaward of a municipal corporation, who occupied or developed it after
29 September 7, 1957, and before January 3, 1959, and who continued to

1 occupy it on January 3, 1959, has a class III preference right to the
2 land [LANDS] from the state.

3 (3) The preference right [RIGHTS HEREINABOVE] granted any
4 occupant in (c) of this section is lost unless the occupant of tide or
5 submerged land not seaward of a home rule or first class city makes
6 application to the commissioner [DIRECTOR] to exercise the preference
7 right by July 1, 1967.

8 (4) Each occupant shall [AT HIS COST] furnish at the cost
9 of the occupant a plat showing the exterior boundaries of the tideland
10 [TIDELANDS] and submerged land [LANDS] covered by the application, in
11 form and with proof of accuracy as set out in regulations of the
12 commissioner [DIRECTOR], and shall show the location and nature of all
13 fill material, buildings, structures and improvements, which form the
14 basis of the application and which are situated upon the tract applied
15 for. The applicant may include within the boundaries of the tract
16 applied for the [SUCH] surrounding tide and submerged land as is
17 [LANDS AS ARE] reasonably necessary in the opinion of the applicant
18 for the use and enjoyment of the structures and improvements by the
19 occupant, but may not include any tide or submerged land [LANDS] which
20 if granted to the occupant would unjustly deprive an occupant of
21 adjoining land [LANDS] from [HIS] reasonable use and enjoyment of it
22 [THEM].

23 (5) In making a conveyance to an occupant, the commissioner
24 [DIRECTOR] shall include as a part of the tract conveyed, and in
25 addition to the occupied or developed land [LANDS], such additional
26 tide and submerged land as is [LANDS AS ARE] reasonably necessary in
27 the opinion of the commissioner [DIRECTOR] for the occupant's use and
28 enjoyment of the occupied or developed land, but the conveyance shall
29 not include any area which would unjustly deprive an occupant of

1 adjoining land [LANDS] from reasonable use and enjoyment of it [THEM]
2 or which, if developed, will interfere with navigation.

3 (6) The commissioner [DIRECTOR] shall by regulation provide
4 for reasonable procedures [REGULATIONS] governing the filing and
5 processing of applications, the publication of notices and the adju-
6 dication of disputes between claimants. A party aggrieved by an
7 adjudication may appeal to the superior court.

8 (7) The holder of a valid corps of engineers permit issued
9 before November 15, 1959, may be given a preference to a lease or
10 permit by the state if justified in accordance with the policy of this
11 chapter and if in the best interests of the state. This preference is
12 subordinate to all other preferences recognized under this chapter.

13 * Sec. 95. AS 38.05.321(b) is amended to read:

14 (b) State land classified as agricultural land which has been
15 selected by a municipality under former AS 29.18.190 - 29.18.200 or
16 AS 29.18.205(e) may be approved by the commissioner [DIRECTOR] for
17 patent under AS 29.18.205(f); however, only rights in the land for
18 agricultural purposes may be transferred and all other interests in
19 the land will remain with the state. Agricultural land approved for
20 patent to a municipality under AS 29.18.205(f) shall be credited, acre
21 for acre, toward fulfillment of that municipality's entitlement under
22 AS 29.18.201 - 29.18.203. If the commissioner [DIRECTOR] later deter-
23 mines it to be in the best interests of the state to transfer some or
24 all of the additional rights in that approved or patented agricultural
25 land, those rights shall pass without consideration to the municipal-
26 ity in which the land is located. The notice and review provisions of
27 AS [38.05.205 AND] 38.05.345 are applicable to conveyance of rights
28 under this section.

29 * Sec. 96. AS 38.05.323(a) is amended to read:

1 (a) Notwithstanding any other provision of law, a home rule or
2 general law municipality which accepts by conveyance or other disposi-
3 tion from the state a public recreation area facility developed under
4 the terms of P.L. 507 (70 Stat. 130), upon application, shall receive
5 by conveyance from the commissioner [DIRECTOR] all land owned by the
6 state seaward of the public recreation area facility which is between
7 the mean high tide line and the mean low tide line. The commissioner
8 may adopt [DIRECTOR MAY PROMULGATE] necessary regulations providing
9 for the conveyance of land under this section.

10 * Sec. 97. AS 38.05.330(a) is amended to read:

11 (a) The [DIRECTOR, WITHOUT THE PRIOR APPROVAL OF THE] commis-
12 sioner [,] may issue permits, rights-of-way or easements on state land
13 for roads, trails, ditches, field gathering lines or transmission and
14 distribution pipelines not subject to AS 38.35.010 - 38.35.260, tele-
15 phone or electric transmission and distribution lines, log storage,
16 oil well drilling sites and production facilities for the purposes of
17 recovering minerals from adjacent land [LANDS] under valid lease, and
18 other similar uses or improvements, or for the limited personal use of
19 timber or materials. The commissioner [, UPON RECOMMENDATION OF THE
20 DIRECTOR,] shall establish a reasonable rate or fee schedule to be
21 charged for these uses, subject to the exception for nonprofit cooper-
22 ative associations specified in (b) of this section. In the granting,
23 suspension or revocation of a permit or easement of land [LANDS], the
24 commissioner [DIRECTOR] shall give preference to that use of the land
25 which will be of greatest economic benefit to the state and the devel-
26 opment of its resources. However, first preference shall be granted
27 to the upland owner for the use of a tract of tideland, or tideland
28 and contiguous submerged land, which is seaward of the upland property
29 of the upland owner and which is needed by the upland owner for any of

1 the purposes for which the use may be granted.

2 * Sec. 98. AS 38.05.335 is amended to read:

3 Sec. 38.05.335. DEPOSITS. (a) The commissioner [DIRECTOR] may
4 require an applicant seeking the sale, lease or other disposal of land
5 [LANDS], other than under an oil and gas or mineral lease, to deposit
6 an amount covering the estimated cost of an appraisal, survey and
7 necessary advertising. All deposited funds not expended shall be
8 refunded to the applicant. If land is [LANDS ARE] sold or leased to
9 other than the applicant making the deposit, the party awarded the
10 land [LANDS] shall pay the total actual cost of appraising and survey-
11 ing the land [LANDS], together with the total actual cost of advertis-
12 ing, and the deposit shall be returned to the original applicant.

13 (b) Except as provided in (c) of this section, if a competitive
14 sale or lease of state land, minerals, timber or materials is to be
15 made by sealed bid, the commissioner [DIRECTOR] may require each
16 bidder to submit an earnest money deposit with each [HIS] bid. If the
17 sale or lease is by public auction, the commissioner [DIRECTOR] may
18 require each person desiring to bid to make an earnest money deposit
19 before bidding. The earnest money deposit of the highest qualified
20 bidder shall be applied toward the sale or lease price. If the suc-
21 cessful bidder defaults in the payment of the amount [HIS] bid, the
22 [HIS] deposit shall be forfeited to the state. All other earnest
23 money deposits shall be returned unless the commissioner decides to
24 award the contract to the second highest qualified bidder upon default
25 by the highest bidder rather than call for new bids, in which case the
26 commissioner may retain the deposit of the second highest qualified
27 bidder until final disposition of the land is made. A successful
28 bidder for a mineral lease who can prove to the satisfaction of the
29 commissioner within 45 days after notification of the lease award that

1 there is a reasonable doubt as to the ability of the state to grant a
2 valid lease to the land may withdraw the amount bid and have the
3 earnest money deposit returned [MAY WITHDRAW HIS BID AND HAVE HIS
4 EARNEST MONEY DEPOSIT RETURNED IF, WITHIN 45 DAYS AFTER NOTIFICATION
5 OF THE LEASE AWARD, HE CAN PROVE TO THE SATISFACTION OF THE COMMIS-
6 SIONER THAT THERE IS A REASONABLE DOUBT AS TO THE STATE'S ABILITY TO
7 GRANT A VALID LEASE TO THE LAND].

8 (c) The commissioner shall require each bidder for the competi-
9 tive leasing of oil and gas land [LANDS] to submit with each [HIS] bid
10 a deposit of money equal to 20 percent of the bonus.

11 * Sec. 99. AS 38.05.340(a) is amended to read:

12 (a) Except as provided in (b) of this section, all contracts of
13 purchase or lease of land [LANDS] or interest in land [LANDS] may be,
14 on the affirmative approval of the commissioner [DIRECTOR], assigned
15 or subleased in whole or in part in writing by the contract holder or
16 lessee, and the assignee or sublessee is subject to the provisions of
17 laws and regulations applicable to the contract or lease.

18 * Sec. 100. AS 38.05.348(a) is amended to read:

19 (a) The commissioner [DIRECTOR OF THE DIVISION OF LANDS] may
20 make grants of state land to persons and municipal corporations to
21 replace land which is rendered unusable by a natural disaster for the
22 purposes for which it was used before the natural disaster. The
23 commissioner [DIRECTOR] shall designate state land which is available
24 to replace land rendered unusable.

25 * Sec. 101. AS 38.05.348(c) is amended to read:

26 (c) An application for a grant of state land shall be filed with
27 the commissioner [DIRECTOR], and shall contain

28 (1) the name and address of the applicant;

29 (2) a legal description of the land rendered unusable;

- 1 (3) proof of ownership of the land; and
2 (4) a statement of the purpose for which the land was used
3 before the natural disaster rendered it unusable.

4 * Sec. 102. AS 38.05.348(d) is amended to read:

5 (d) The commissioner [DIRECTOR] shall, within 30 days of receipt
6 of the application, approve or disapprove the application. The com-
7 missioner's [DIRECTOR'S] determination of eligibility for a grant of
8 state land is final. Upon approval of [AT THE TIME HE APPROVES] the
9 application or as soon thereafter as possible, the commissioner [DI-
10 RECTOR] shall specify the land which shall be granted to an eligible
11 applicant. In making the [HIS] designation the commissioner [HE]
12 shall consider the value, size and use of the land rendered unusable
13 as a result of the natural disaster, and shall as nearly as possible
14 grant land of equal size or value or of equal utility.

15 * Sec. 103. AS 38.05.349 is amended to read:

16 Sec. 38.05.349. DISPOSITION OF STATE LAND FOR FLOOD CONTROL
17 PROJECTS. The department [DIVISION OF LANDS] may make conveyances of
18 title or other interests in state land, provide for exchange of land,
19 or make other arrangements with respect to state land, as necessary to
20 meet federally established requirements of flood control projects
21 authorized inside the state by the United States before or after
22 June 6, 1971.

23 * Sec. 104. AS 38.05.351 is amended to read:

24 Sec. 38.05.351. BONA FIDE PURCHASERS. No right, title, or
25 interest of a bona fide purchaser of any lease, interest in a lease,
26 option to acquire a lease or an interest in it, acquired after the
27 effective date of issuance of the lease and held by a qualified per-
28 son, association, or corporation in conformity with this chapter shall
29 be canceled or forfeited or otherwise adversely affected by reason of

1 the fact that the holding of the person, association, or corporation
2 from which the lease, interest, or option was acquired, or of a [HIS]
3 predecessor in title (including the original lessee of the state) may
4 have been canceled or forfeited, or may be or have been subject to
5 cancellation or forfeiture. If, in any proceeding for cancellation or
6 forfeiture, an underlying lease, interest, or option is canceled or
7 forfeited to the state and there are valid interests therein or valid
8 options to acquire the lease or an interest therein which are not
9 subject to cancellation or forfeiture, the underlying lease, interest,
10 or option shall be sold by the commissioner [DIRECTOR] to the highest
11 responsible qualified bidder by competitive bidding under general
12 competitive leasing regulations subject to all outstanding valid
13 interests therein and valid options pertaining thereto. Likewise if,
14 in any such proceeding, less than the whole interest in a lease,
15 interest, or option is canceled or forfeited to the state, the partial
16 interests so canceled or forfeited shall be sold by the commissioner
17 [DIRECTOR] to the highest responsible qualified bidder under general
18 competitive leasing regulations.

19 * Sec. 105. AS 38.05.362(a) is amended to read:

20 (a) Notwithstanding any other provision of law, [THE DIRECTOR,
21 WITH THE APPROVAL OF] the commissioner, in consultation with other
22 appropriate agencies and entities, shall classify for agricultural
23 purposes

24 (1) no less than 650,000 acres of state patented or tenta-
25 tively approved land which is appropriate for agricultural purposes
26 but in no event less than 50 percent of the state patented or tenta-
27 tively approved land which on September 22, 1976 [THE EFFECTIVE DATE
28 OF THIS ACT] has been classified as Class II or Class III in detailed
29 soil surveys of the National Cooperative Soil Survey;

1 (2) classification under (1) shall be completed within
2 three years of September 22, 1976.

3 * Sec. 106. AS 38.05.365(5) is repealed.

4 * Sec. 107. AS 38.07.030(a) is amended to read:

5 (a) An owner of agricultural land, or a lessee from the state of
6 agricultural land, in the general vicinity of the land to be cleared
7 or drained under AS 38.07.010(a) [SEC. 10(a) OF THIS CHAPTER] may
8 apply to the commissioner to have the [HIS] land cleared or drained or
9 both along with the state land. The applicant's land shall be in-
10 cluded in the contract of land to be cleared or drained if, in the
11 discretion of the commissioner, the inclusion is feasible and furthers
12 the agricultural policies of the Department of Natural Resources
13 [DIVISION].

14 * Sec. 108. AS 38.08.010 is amended to read:

15 Sec. 38.08.010. CLASSIFICATION OF LAND FOR HOMESITE ENTRY. (a)
16 The commissioner [DIRECTOR] shall designate, classify and make avail-
17 able for homesite entry state land in amounts and at times as required
18 in AS 38.04.020 or as may otherwise be required by law.

19 (b) Land classified as homesite entry land shall be divided into
20 parcels not exceeding five acres in reasonably compact form, with
21 boundaries conforming as nearly as practicable to natural geologic and
22 topographic features. However a parcel may exceed five acres if the
23 commissioner [DIRECTOR] determines that the larger parcel is necessary
24 to

25 (1) comply with local zoning ordinances; or

26 (2) permit the design of a subdivision because of topo-
27 graphical features, soil conditions, on-site sewage disposal require-
28 ments, or water drainage or supply considerations unique to the sub-
29 division.

1 (c) Repealed.

2 (d) The commissioner [DIRECTOR] shall, to as great an extent as
3 possible, classify land for homesite entry based upon the distribution
4 of population in the state.

5 * Sec. 109. AS 38.08.020 is amended to read:

6 Sec. 38.08.020. PUBLIC NOTICE. The commissioner [DIRECTOR]
7 shall publish notice of the availability of the land in the same
8 manner as provided in AS 38.05.345 [AS 38.05.345(e)].

9 * Sec. 110. AS 38.08.040(b) is amended to read:

10 (b) If the number of applicants qualified for homesite entry
11 exceeds the number of available homesites offered, or if several
12 applicants apply and qualify for the same homesite, priority in award
13 of an entry permit shall be accorded to that applicant showing proof
14 of the longest residency in the state. An applicant shall present
15 [HIS] proof of residency to the department in a manner designated by
16 the commissioner [DIRECTOR].

17 * Sec. 111. AS 38.08.060(a) is amended to read:

18 (a) A person who enters upon homesite entry land under a permit
19 issued by the commissioner [DIRECTOR] shall be issued a patent to the
20 land conveying an unencumbered title if that person

21 (1) occupies the land for a cumulative total of 35 months
22 within the seven-year period following issuance of the homesite entry
23 permit;

24 (2) erects a habitable, permanent, single-family dwelling
25 on the homesite, which meets all applicable state and local regula-
26 tions, within five years of the date of issuance of the homesite entry
27 permit; for the purposes of this paragraph, mobile homes are not
28 considered to be permanent dwellings unless they are placed on a
29 permanent foundation;

1 (3) reimburses the state for the survey and platting under-
2 taken in accordance with AS 38.08.010 - 38.08.110; the commissioner
3 [DIRECTOR] shall provide by regulation for installment payments of
4 this requirement.

5 * Sec. 112. AS 38.08.100 is amended to read:

6 Sec. 38.08.100. SUBSTANTIAL COMPLETION OF DWELLING. An entry
7 permit may not be revoked for failure to erect a dwelling in the time
8 required under AS 38.08.060(4)(2) [SEC. 60(a)(2) OF THIS CHAPTER] if
9 the commissioner [DIRECTOR] finds that erection of the dwelling has
10 been substantially completed and progress toward completion is being
11 made at the expiration of the time required.

12 * Sec. 113. AS 38.10.010 is amended to read:

13 Sec. 38.10.010. APPLICATION FOR TRANSFER. Upon application by a
14 municipal corporation with a population of less than 5,000 persons
15 according to the latest United States census entitled to a conveyance
16 of tide and submerged land [LANDS] under AS 38.05.320(b), the commis-
17 sioner of natural resources [DIRECTOR OF THE DIVISION OF LANDS OF THE
18 DEPARTMENT OF NATURAL RESOURCES] may make or provide for the making of
19 surveys that may be required for the transfer of tide and submerged
20 land [LANDS] to the municipal corporation, and as may be required for
21 subsequent conveyance of the tide and submerged land [LANDS] by the
22 municipal corporations to occupants of the land [THOSE LANDS] who hold
23 preference rights. When the application by the municipal corporation
24 is accepted, the governing body of the municipal corporation shall
25 execute a contract on a form approved by the attorney general provid-
26 ing for the survey under the sole management and supervision of the
27 commissioner [DIRECTOR] and for repayment according to the provisions
28 of this chapter.

29 * Sec. 114. AS 38.10.020 is amended to read:

1 Sec. 38.10.020. SURVEYS. The survey provided for in AS 38.10.-
2 010 [SEC. 10 OF THIS CHAPTER] shall define the outside boundary of the
3 land [LANDS] to be conveyed to the municipal corporation and shall, on
4 the same or separate plats, show all structures and improvements and
5 the boundaries of each tract occupied or developed, together with the
6 name of the owner or claimant, and shall contain sufficient data to
7 permit preparation of adequate legal descriptions of the tracts to be
8 conveyed. The plats shall provide the same information as to all
9 tracts adjoining the outside boundary of the land [LANDS] to be con-
10 veyed to the municipal corporation. A sketch plat, sufficient for its
11 purpose in the opinion of the commissioner of natural resources [DI-
12 RECTOR], shall indicate the boundaries of each occupied or developed
13 tract as determined by the governing body of the municipal corporation
14 and the sketch plat shall be prepared and submitted to the commis-
15 sioner [DIRECTOR] before actual surveying shall begin. Nothing in
16 this chapter and nothing in a plat or sketch showing interior subdivi-
17 sion of the land [LANDS] to be conveyed to the municipal corporation
18 shall be construed as a determination of any preference right, nor
19 shall it prohibit adjustment and resurvey [RE-SURVEY] of the interior
20 subdivision.

21 * Sec. 115. AS 38.10.030 is amended to read:

22 Sec. 38.10.030. COSTS AND EXPENSES OF SURVEYS. Money shall be
23 appropriated from the general fund in an amount to be determined from
24 time to time by the legislature to facilitate the [SUCH] work. Ac-
25 counting of all costs and expenses of the surveys shall be made to the
26 municipal corporation by the commissioner of natural resources [DIREC-
27 TOR] periodically and a final accounting shall be made upon patent of
28 the land [LANDS] to the municipal corporation. Costs and expenses
29 chargeable to the city shall include the actual amount expended for

1 the survey and a reasonable allocation of overhead, travel and equip-
2 ment expense. The total amount of costs and expenses shall be repaid
3 to the fund through the commissioner [DIRECTOR] by the municipal
4 corporation for whom the survey was made, with interest at six percent
5 a year from the date of patent. The actual cost of survey of each
6 interior subdivision shall be determined by the commissioner [DIREC-
7 TOR]. For tracts conveyed to a preference right holder, the state
8 shall be reimbursed by the municipal corporation in the amount of the
9 survey costs of that tract as determined by the commissioner [DIREC-
10 TOR] within 30 days after the transfer of each tract. For tracts
11 conveyed, leased or otherwise disposed of by the municipal corpora-
12 tion, the fund shall be reimbursed by the municipal corporation in an
13 amount equal to 90 percent of the gross proceeds of the sale, lease or
14 other disposal of each tract until the total amount of the costs and
15 expenses of the survey, with interest, due the state is paid. The
16 total amount, with interest, shall be reimbursed to the state within
17 five years from the date of patent.

18 * Sec. 116. AS 38.10.050 is amended to read:

19 Sec. 38.10.050. REGULATIONS [RULES, REGULATIONS] AND PROCEDURES.

20 The commissioner of natural resources [, UPON RECOMMENDATION OF THE
21 DIRECTOR,] may establish reasonable procedures and adopt reasonable
22 [RULES AND] regulations necessary to carry out this chapter.

23 * Sec. 117. AS 38.35.220(c) is amended to read:

24 (c) Applications for pipeline permits which have been filed with
25 the Department of Natural Resources [DIVISION OF LANDS] before May 20,
26 1972 shall be considered as filed under this chapter but this does not
27 otherwise restrict the authority of the commissioner in acting on
28 these applications under this chapter; however, if the department
29 [DIVISION OF LANDS] has, before May 20, 1972, granted right-of-entry

1 to an applicant or issued a letter of no-objection to an applicant,
2 and the applicant thereafter fully complies with all of the terms and
3 conditions originally specified by the department [DIVISION OF LANDS]
4 or other agency, these applications are existing valid permits or
5 easements on May 20, 1972.

6 * Sec. 118. AS 38.50.010 is amended to read:

7 Sec. 38.50.010. AUTHORIZATION. Subject to the requirements of
8 this chapter, [THE DIRECTOR, WITH THE CONCURRENCE OF] the commissioner
9 [.] is authorized to dispose of state land or interest in land by
10 exchanging it for land, interest in land, or other consideration.
11 Exchanges shall be for the purpose of consolidating state land hold-
12 ings, creating land ownership and use patterns which will permit more
13 effective administration of the state public domain, facilitating the
14 objectives of state programs, or other public purposes.

15 * Sec. 119. AS 38.50.020 is amended to read:

16 Sec. 38.50.020. VALUE OF PROPERTIES EXCHANGED. (a) The land,
17 interest in land, and other consideration which the state receives in
18 an exchange made under this chapter shall be equal to or exceed the
19 appraised fair market value of the land, interest in land or property
20 exchanged, by the state; however, the commissioner [DIRECTOR] may
21 accept cash from, or pay cash to, any other party to an exchange in
22 order to equalize the value of the property or other consideration
23 conveyed and received by the state. If the commissioner [DIRECTOR]
24 determines that the property to be exchanged is not equal in appraised
25 fair market value or if the value cannot be ascertained with reason-
26 able certainty, the commissioner [DIRECTOR] may enter into an exchange
27 upon a finding [IF HE FINDS] that the appraised fair market value of
28 the property to be received, together with the value of other public
29 benefits, equals or exceeds the value of the property which the state

1 will relinquish. An exchange for other than equal appraised fair
2 market value is subject to legislative review as provided in AS 38.-
3 50.140 [SEC. 140 OF THIS CHAPTER].

4 (b) An appraisal required by this section is presumed accurate
5 and valid for a period of six months from the time the appraisal is
6 completed. After that time, or if the commissioner [DIRECTOR] has
7 reason to believe that the value of the appraised property has changed
8 significantly during the original six-month period, a reappraisal of
9 the property is required.

10 * Sec. 120. AS 38.50.030 is amended to read:

11 Sec. 38.50.030. PARTIES. (a) The commissioner [DIRECTOR] may
12 exchange land and interests [INTEREST] in land with a government
13 agency, organization, corporation, individual, or other person. At
14 the beginning of discussions concerning a proposed exchange, the
15 commissioner [DIRECTOR] shall require proof that each party to the
16 negotiations is the owner of, or is legally entitled to, the property
17 which the party desires to exchange and proof that a person acting as
18 an agent for a principal [THE PARTY] has the authority to negotiate an
19 exchange in behalf of the [HIS] principal.

20 (b) The commissioner [DIRECTOR] may negotiate an exchange in-
21 volving more than one party; however, in order to ascertain whether
22 the equal value requirements of this chapter have been met, the com-
23 missioner [DIRECTOR] shall consider only the land and other considera-
24 tion which the state would convey and receive if the exchange were
25 executed.

26 * Sec. 121. AS 38.50.040 is amended to read:

27 Sec. 38.50.040. LAND SUBJECT TO EXCHANGE. Except as otherwise
28 provided in AS 38.50.010 - 38.50.170, the commissioner [DIRECTOR] is
29 authorized to convey for purposes of exchange any state land or

1 interest in land regardless of the authority under which the land or
2 interest was obtained by the State. The conveyance of university land
3 shall be approved in the manner prescribed in AS 38.05.030.

4 * Sec. 122. AS 38.50.050 is amended to read:

5 Sec. 38.50.050. CONVEYANCE OF MINERAL RIGHTS. Subject to the
6 requirements of this chapter, the commissioner [DIRECTOR] is autho-
7 rized to exchange mineral rights in state land to the extent that the
8 conveyance is authorized by the state constitution and applicable
9 federal law. The commissioner [DIRECTOR] may not exchange or receive
10 the surface estate of land or the mineral rights in it, one without
11 the other, unless the separation of estate is necessitated by a prior
12 separation of ownership or by restrictions in applicable law, or the
13 commissioner [DIRECTOR] otherwise finds that the conveyance or receipt
14 of the surface or mineral estates, one without the other, is necessary
15 to achieve a significant public purpose.

16 * Sec. 123. AS 38.50.060 is amended to read:

17 Sec. 38.50.060. RESERVATIONS AND COVENANTS. The commissioner
18 [DIRECTOR] may include in any patent or other instrument issued under
19 this chapter any reservations and covenants relating to the land which
20 the commissioner [HE] he considers necessary to protect or promote the
21 public interest. Reservations and covenants may include, but are not
22 limited to, those relating to access, environmental protection, and
23 use or development rights. The commissioner [DIRECTOR] may receive
24 land which is subject to reservations and covenants if the commis-
25 sioner [HE] finds that the reservations and covenants are consistent
26 with the public interest.

27 * Sec. 124. AS 38.50.080 is amended to read:

28 Sec. 38.50.080. PROHIBITION AGAINST FUTURE CONSIDERATIONS AND
29 ALIENATION OF SELECTION RIGHTS. (a) The commissioner [DIRECTOR] may

1 not negotiate or enter into a land exchange agreement which requires
2 the identification of land, interest in land, or other consideration,
3 except for the performance of necessary survey work, at any time after
4 the agreement is initially executed.

5 (b) The commissioner [DIRECTOR], in implementing the provisions
6 of this chapter, may not alienate or agree not to exercise selection
7 rights granted to the state in the Alaska Statehood Act or other
8 applicable law authorizing the state to select land or interest in
9 land.

10 * Sec. 125. AS 38.50.090 is amended to read:

11 Sec 38.50.090. COORDINATION WITH OTHER STATE AGENCIES. (a)
12 During the negotiation of a land exchange, the commissioner [DIRECTOR]
13 shall consult with other departments [AND OTHER DIVISIONS OF THE
14 DEPARTMENT OF NATURAL RESOURCES] relative to matters which are within
15 their jurisdiction. If land under the jurisdiction of a state agency
16 other than the Department of Natural Resources may be involved in a
17 proposed exchange, the commissioner [DIRECTOR] shall afford the head
18 of that agency an opportunity to participate in the discussions re-
19 specting the land.

20 (b) The commissioner [DIRECTOR] shall be afforded an opportunity
21 to review and comment on any land exchange proposed by a state agency
22 other than the Department of Natural Resources.

23 * Sec. 126. AS 38.50.100 is amended to read:

24 Sec. 38.50.100. FINDING REQUIREMENT AS TO ALTERNATIVES. Before
25 circulating notice under AS 38.50.110 [SEC. 110 OF THIS CHAPTER], the
26 commissioner [DIRECTOR] shall consider other alternatives to achieve
27 the objectives of the proposed exchange in an effort to determine
28 whether the proposed exchange will best serve the public interest. In
29 making this determination, the commissioner [DIRECTOR] shall consider,

1 among other things, the advantages and disadvantages of acquiring the
2 land or interest in land for the state by means of purchase, lease, or
3 selection under the Alaska Statehood Act, or condemnation. In addi-
4 tion, the commissioner [HE] shall consider alternatives to the dis-
5 posal through exchange of the state land or interest in land, includ-
6 ing, but not limited to, lease or sale.

7 * Sec. 127. AS 38.50.110(a) is amended to read:

8 (a) Not more than 60 days nor less than 30 days before a public
9 hearing is scheduled under AS 38.50.120 the commissioner [DIRECTOR]
10 shall circulate a notice containing the information specified in (b)
11 of this section. The commissioner [DIRECTOR] shall

12 (1) publish or post the notice as provided in AS 38.05.345,
13 except as otherwise specified in this section; the commissioner [
14 THE DIRECTOR] shall publish the notice in a newspaper of general
15 circulation in the vicinity of the land which the state will receive
16 and in the three most populated cities of the state;

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

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

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

23 (5) circulate the notice to the Office of the Governor and
24 to all state departments;

25 (6) Repealed.

26 (7) mail the notice to any corporation organized under the
27 Alaska Native Claims Settlement Act, which corporation owns or has
28 selected land located within a radius of 15 linear miles from land or
29 property involved in the proposed exchange; and

1 (8) mail the notice to any other party, including an orga-
2 nization of land users, that the commissioner [HE] considers appropri-
3 ate.

4 * Sec. 128. AS 38.50.120 is amended to read:

5 Sec. 38.50.120. PUBLIC HEARINGS. (a) The commissioner [DIREC-
6 TOR] may hold as many public hearings as is considered appropriate.
7 There shall be at least one public hearing.

8 (b) A person who desires to testify at a hearing shall be pro-
9 vided an opportunity to do so, subject to reasonable time limits. In
10 addition, the commissioner [DIRECTOR] shall hold the hearing record
11 open for at least two weeks following the conclusion of a hearing in
12 order to receive supplemental or additional statements.

13 * Sec. 129. AS 38.50.130 is amended to read:

14 Sec. 38.50.130. REPORT ON PROPOSED EXCHANGE. (a) In conjunc-
15 tion with the public notice required by AS 38.50.110, the commissioner
16 [DIRECTOR] shall prepare and distribute the report required by this
17 section to the parties listed in AS 38.50.110(a)(2) - (8) and to any
18 other party who requests it. The report shall contain, among other
19 things, a copy of the notice required by AS 38.50.110 and a discussion
20 in a concise format designed to facilitate public understanding of the
21 issues of

22 (1) the physical characteristics of the land involved,
23 including the surface and mineral resources associated with the land;

24 (2) the appraised fair market value of each tract involved
25 in the exchange or, if the exchange is for other than equal appraised
26 fair market value, the nonmonetary values which are involved;

27 (3) the benefits and detriments which can be expected to
28 accrue, including possible social, economic, and environmental im-
29 pacts; and

1 (4) alternatives to the proposed exchange.

2 (b) Upon termination of the period provided for agency and
3 public comment, the report and the proposed land exchange may be
4 revised, if appropriate, to reflect comments or other information
5 which has come to the commissioner's [DIRECTOR'S] attention. A brief
6 summary of all comments and information received shall be appended to
7 the report.

8 * Sec. 130. AS 38.50.140 is amended to read:

9 Sec. 38.50.140. LEGISLATIVE REVIEW. Within 10 days of the
10 convening of a regular legislative session, the governor shall trans-
11 mit to the president of the senate and the speaker of the house of
12 representatives any proposal for a land exchange for other than equal
13 appraised fair market value which is scheduled to occur before the
14 next legislative session. If, in the view of the governor [HIS VIEW],
15 exigent circumstances seriously affecting state interests so require,
16 the governor may submit the proposed exchange to the legislature at
17 some other time. A finding of exigent circumstances shall be care-
18 fully documented in the letter of transmittal. The commissioner
19 [DIPECTOR] is authorized to conclude a proposed exchange agreement
20 unless either house of the legislature by simple resolution disap-
21 proves of the exchange within 60 legislative days of transmittal by
22 the governor. A decision by the legislature to disapprove a proposed
23 exchange shall be accompanied by a recommendation to the governor with
24 respect to future actions which the commissioner [DIRECTOR] should
25 take concerning the exchange.

26 * Sec. 131. AS 38.50.150 is amended to read:

27 Sec. 38.50.150. EXECUTION OF EXCHANGE. If a deed, contract of
28 exchange, or other instrument of conveyance which the commissioner
29 [DIRECTOR] receives to effectuate an exchange is properly executed,

1 acknowledged, and authorized by the appropriate party, the commis-
2 sioner [DIRECTOR] shall accept conveyance of title to the land and
3 other property which the state is to receive as consideration, and
4 [HE] shall issue a patent, contract of exchange or other instrument of
5 conveyance to the appropriate party for the property which the commis-
6 sioner [HE] is then obligated to convey. Before acceptance by the
7 commissioner [DIRECTOR] of a deed, contract of exchange or other
8 instrument, no action taken by the commissioner [HIM] or by any other
9 state official creates a right against the state with respect to state
10 land.

11 * Sec. 132. AS 38.50.170(2) is repealed.

12 * Sec. 133. AS 38.95.080(a) is amended to read:

13 (a) The commissioner of natural resources [DIRECTOR OF THE
14 DIVISION OF LANDS] shall issue a nontransferable permit for the con-
15 struction of a trapping cabin on state land to a person who meets the
16 following qualifications:

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

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

21 * Sec. 134. AS 38.95.080(b) is amended to read:

22 (b) Nothing in (a) of this section prevents the commissioner
23 [DIRECTOR] from issuing a permit to more than one qualified person for
24 the construction and use of the same trapping cabin.

25 * Sec. 135. AS 38.95.080(c) is amended to read:

26 (c) The commissioner [DIRECTOR] shall establish, by regulation,
27 conditions attaching to the permit issued under (a) and (b) of this
28 section. These conditions shall include the following:

29 (1) permits shall be issued for a period of not more than

1 10 years, with succeeding 10-year renewal options, if periodic use and
2 occupancy is established, and the qualifications of (a) of this sec-
3 tion continue to be met;

4 (2) a cabin shall be constructed and maintained according
5 to reasonable specifications established by the commissioner [DIREC-
6 TOR]; one cabin constructed under a permit may contain not more than
7 400 square feet; however, in no case may another cabin constructed
8 under the same permit exceed 192 square feet;

9 (3) a permit shall specify the number of cabins allowed to
10 be constructed and indicate their specific geographical location; the
11 commissioner [DIRECTOR] may establish a maximum number of cabins per
12 person or otherwise limit their number because of the probability of
13 adverse consequences;

14 (4) adequate provision must be made for waste and garbage
15 disposal, as determined by the commissioner [DIRECTOR];

16 (5) the payment of a trapping cabin permit fee of \$10.

17 * Sec. 136. AS 40.15.070 is amended to read:

18 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be
19 subdivided or dedicated is situated within a first or second class
20 borough the proposed subdivision or dedication shall be submitted to
21 the borough planning commission for approval. If the land is situated
22 within a city in the unorganized borough or the third class borough
23 the proposed subdivision or dedication shall be submitted to the city
24 planning commission for approval. The borough planning commission is
25 the platting authority for the first or second class borough, the city
26 planning commission is the platting authority for the city, and the
27 Department of Natural Resources [DIVISION OF LANDS] is the platting
28 authority in the remaining areas of the state and third class borough
29 for the change or vacation of existing plats or a portion of such

1 plats, as provided in AS 40.15.075 [SEC. 75 OF THIS CHAPTER]. If the
2 borough or the city does not have a planning commission, the borough
3 assembly or the city governing body, respectively, is the platting
4 authority and the proposed subdivision or dedication shall be submit-
5 ted to it. No subdivision may be filed for record until it is ap-
6 proved by the platting authority.

7 * Sec. 137. AS 40.15.075 is amended to read:

8 Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH AND THIRD
9 CLASS BOROUGH. The Department of Natural Resources [DIVISION OF
10 LANDS] is the platting authority in the area outside organized bor-
11 oughs and outside cities in the unorganized borough and in the third
12 class borough for only the purposes of hearing and acting on petitions
13 for the change or vacation of plats and shall execute this function
14 substantially in conformity with the provisions of AS 29.33.210 -
15 29.33.240. Costs of publication and mailing as well as other costs
16 authorized in AS 29.33.210 shall be paid to the department [DIVISION]
17 by the petitioner. The commissioner of natural resources [DEPARTMENT
18 OF NATURAL RESOURCES] shall adopt reasonable regulations governing the
19 exercise of the authority conferred by this section upon the depart-
20 ment [DIVISION OF LANDS].

21 * Sec. 138. AS 41.15.040 is amended to read:

22 Sec. 41.15.040. RIGHT OF ENTRY TO CONTROL AND SUPPRESS FIRES.
23 Upon approval by the commissioner or an [HIS] authorized agent, em-
24 ployees of the Department of Natural Resources [DIVISION OF LANDS], or
25 of any organization authorized to prevent, control or suppress fires
26 or destructive agents, and others assisting in the control or sup-
27 pression of fires upon request of an officer or employee of the United
28 States or the state may at any time enter upon any land [LANDS],
29 whether publicly or privately owned, for the purpose of preventing,

1 suppressing or controlling forest fires and destructive agents.

2 * Sec. 139. AS 41.17.030(a) is amended to read:

3 (a) The division shall manage state forests and, as directed by
4 the commissioner, provide technical advice to the department [DIVISION
5 OF LANDS] on sound forest practices necessary to ensure the continuous
6 growing and harvesting of commercial forest species on other state
7 land.

8 * Sec. 140. AS 44.19.056 is amended to read:

9 Sec. 44.19.056. COMPOSITION. The State Geographic Board con-
10 sists of the commissioner [DIRECTOR] of the Department of Community
11 and Regional Affairs, the curator of the state museum, the state
12 historical librarian, the commissioner of the Department of Transpor-
13 tation and Public Facilities, the commissioner of the Department of
14 Natural Resources, the commissioner of the Department of Education,
15 [THE DIRECTOR OF THE DIVISION OF LANDS,] and two [ONE] other persons
16 [PERSON] appointed by the governor.

17 * Sec. 141. AS 44.62.330(a)(9) is amended to read:

18 (9) Department of Natural Resources [DIVISION OF LANDS]
19 under the Alaska Land Act where applicable

20 * Sec. 142. AS 45.50.235(b) is amended to read:

21 (b) Timber property which becomes state property under the
22 provisions of this section may be sold under terms and conditions
23 established by the commissioner [DIRECTOR OF THE DIVISION OF LANDS].

24 * Sec. 143. AS 46.15.133(a) is amended to read:

25 (a) Upon receipt of an application, the commissioner shall
26 prepare a notice containing the location and extent of the proposed
27 appropriation, the name and address of the applicant and other infor-
28 mation the commissioner [HE] considers pertinent. The notice shall
29 state that within 15 days of publication or service of notice, persons

1 may file with the commissioner [DIRECTOR] written objections, stating
2 the name and address of the objector, and any facts tending to show
3 that rights of the objector or the public interest would be adversely
4 affected by the proposed appropriation.

5 * Sec. 144. AS 46.15.133(b) is amended to read:

6 (b) The commissioner shall publish the notice at the applicant's
7 expense in one issue of a newspaper of general distribution in the
8 area of the state in which the water is to be appropriated. The
9 commissioner shall also have notice served personally or by certified
10 mail upon an appropriator of water or applicant for or holder of a
11 permit who, according to the records of the Department of Natural
12 Resources [DIVISION OF LANDS], may be affected by the proposed appro-
13 priation and may serve notice upon any governmental agency, political
14 subdivision or person; notice shall also be served upon the Department
15 of Fish and Game and the Department of Environmental Conservation.

16 * Sec. 145. AS 46.15.260(7) is repealed.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 22, 1983

SUBJECT: Title 38

TO: Elizabeth E. Pincus
Executive Editor
Michie Bobbs-Merrill

FROM: David R. Dierdorff
Revisor of Statutes

We have completed our initial work in preparation for the replacement of the Title 38 pamphlet. In addition to the items which will be taken care of by Michie employees, which I will assume to include a standard editorial note for each section which is redrafted under AS 01.05.031(c) and sec. 4, Chapter 58, SLA 1982, we have the following editorial instructions:

Add a revisor's note to AS 38.04, AS 38.05, AS 38.08, AS 38.10, AS 38.50 and AS 38.95 as follows:

"Through administrative reorganization, the Department of Natural Resources has eliminated the division of lands. Duties and responsibilities given to the division of lands under this chapter have been assigned to other divisions of the department. Duties and responsibilities given to the director of the division of lands under this chapter have been assigned to the deputy commissioner for operations, who had been given the additional title 'director of lands'."

For your information, legislation may be introduced this session to correct the references in Title 38 to the division of lands. The Departments of Natural Resource and Law have been informed of the need to correct this problem, but have declined to take any action. It is our opinion that an administrative change of a division with the statutory status of the division of lands can not be accomplished without an executive order or legislative enactment. It has been suggested that the revisor should make the

necessary changes either through the revisor's bill or the exercise of editorial powers. However, we have declined to do so in light of the legislative history in this matter. As of this writing, we have been asked by the Senate Resources Committee to prepare a bill eliminating all references to the division and the director and substituting the department and the commissioner as appropriate. We will keep you posted on legislative developments.

AS 38.04.020(c). In the next to last sentence, delete the first "the" and insert "a".

AS 38.04.020(g). Change the four spanned references in this subsection to "this chapter", "AS 38.05" and "AS 38.08" as appropriate.

AS 38.04.020(i). Change the spanned reference to "AS 38.08".

AS 38.04.020(j). In the third sentence, change the second internal reference to "AS 38.05.945" to reflect renumbering. Rewrite the last sentence to read:

"The commissioner shall determine in writing within six months of the receipt of a nomination whether the land will be classified or reclassified as requested."

AS 38.04.035. In the second line, delete "lands" and insert "land".

AS 38.04.040. Change the spanned reference to "this chapter".

AS 38.04.065(a). I will add a section to the revisor's bill deleting the reference to AS 38.05.305 and substituting a reference to AS 38.05.345.

AS 38.04.065(g). Delete "he determines to be" and insert "determined". Change the spanned reference to "this chapter".

AS 38.04.900(a). In the first sentence, change the spanned reference to "AS 44.62" and delete "he believes are" and insert "believed". In the second sentence, delete "the effective date of this act" and insert "July 19, 1978" in both occurrences. In the third sentence, correct the typo

by adding an "s" to "regulation" (an error memo, number 83-026, was sent to Cliff Anderson on February 21, 1983).

It is my belief that everything after the first sentence of this subsection should have been placed in temporary law. I will add a section to the revisor's bill proposing repeal of that material.

AS 38.04.910. In the first line, change the spanned reference to "this chapter".

AS 38.04.910(10). Delete "lands" and insert "land".

Add an editor's note as follows:

"For additional areas designated as state recreation areas, see AS 41.20.491 - 41.20.505; for additional areas designated as state parks see AS 41.20.460 - 41.20.490."

A section has been added to the revisor's bill which would repeal and reenact AS 38.04.910(8). If it passes this session, the editor's note above can be deleted and a cross reference note will be necessary. I will send the text of that note with the enrolled bill if we get that far.

AS 38.05.020(a). Delete "land division" and insert "division of lands".

AS 38.05.020(b)(1). Delete "rules and" in both occurrences. Rewrite the last clause to read:

"orders classifying land issued by the commissioner after January 3, 1959, are not required to be adopted under the Administrative Procedure Act (AS 44.62);".

AS 38.05.020(b)(2). Delete "which he considers" and insert "considered".

AS 38.05.020(b)(5). Delete "he finds that".

AS 38.05.020(c). Extract this subsection and move to AS 38.35 as a new section to be numbered AS 38.35.015. The catchline for the new section should read "Powers of the commissioner." Make the following editorial changes:

Elizabeth E. Pincus
Page 4
March 22, 1983

In the second and third lines, delete "the Alaska Right-of-Way Leasing Act of 1972 (AS 38.35)" and insert "this chapter".

In the third line, delete "he in".

In the fourth line, delete "his".

In (7), delete "Act" and insert "chapter".

Since most of the annotations to AS 38.05.020 relate to regulations adopted under this (and other) sections, it would be helpful to users to divide the annotations clearly into those interpreting the section or determining whether a regulation was within the scope of the powers given by this section, and those interpreting the regulation or otherwise involving the regulation. You will, of course, have to segregate out those annotations which will have to appear under new AS 38.35.015.

AS 38.05.015 a). Delete "his" and insert "the". Insert "of the commissioner" following "authority." Delete "as defined in AS 01.10.060(7)".

AS 38.05.030(a). Change the spanned references to "this chapter" and "AS 38.50" respectively. Delete "lands" and insert "land" in both occurrences.

AS 38.05.030(b). Change the spanned reference to "this chapter". Delete both references to the Departments of Public Works and Highways and insert "Department of Transportation and Public Facilities". Delete "Lands" and insert "Land".

AS 38.05.030(d). Delete "Highways" and insert "Transportation and Public Facilities".

Enclosed is an Attorney General's opinion dated April 14, 1977, which should be considered for inclusion in the annotations to AS 38.05.030 and the other sections discussed in the opinion. We suggest:

"The interaction of AS 38.05.030(b), 38.05.035(a)(7) and (12), AS 35.05.040(1), and AS 35.20.010 was examined to determine (1) which agency of the state had authority to accept title to land transferred by the federal government and (2) which agency had authority

to manage the land, which was conveyed for airport and other purposes. The division of lands is the proper agency for acceptance of title. The division of aviation in the (former) Department of Public Works possesses the authority to manage the granted land for airport and directly related purposes while the division of lands possesses the authority to manage the land for other public purposes. Op. Att'y Gen., April 14, 1977."

AS 38.05.035(a)(1). In the first clause, delete "him" and insert "the director".

AS 38.05.035(a)(2). Delete "lands" and insert "land". Delete "them" and insert "it".

AS 38.05.035(a)(4). Delete "lands" and insert "land".

AS 38.05.035(a)(6). Delete "lands" and insert "land".

AS 38.05.035(a)(7). Delete the first "lands" and insert "land". Delete "those lands" and insert "that land". Delete the last "lands" and insert "land".

AS 38.05.035(a)(9)(A). Delete "lands" and insert "land".

AS 38.05.035(a)(9)(F). Delete "lands" and insert "land". Delete "are" and insert "is".

AS 38.05.035(a)(10). Change the spanned reference to "this chapter".

AS 38.05.035(a)(11). Delete "he" and insert "the director". Delete "operations" and insert "operation".

AS 38.05.035(a)(12). In the fourth line, following "state" delete the comma and insert a semicolon. In the same line, delete "shall". Delete "lands" and insert "land" in the three occurrences.

AS 38.05.035(a)(14). This paragraph should have been placed in subsection (b) at the time of the bulk formal revision, as the powers granted are all discretionary. However, the addition of subsection (c) to this section complicates a simple transfer to (b). Consequently, renumber this paragraph as subsection (e) and relocate accordingly. The paragraph should also be rewritten as follows:

"(e) When the director makes a written finding, which shall be available to the public upon request, that the interests of the state will be best served, the director may, with the consent of the commissioner, approve contracts for the sale, lease, or other disposal of available land, resources, property or interests in them, and, in addition to the conditions and limitations imposed by law, impose additional conditions or limitations in the contracts as the director, with the consent of the commissioner, determines will best serve the interests of the state. No contract for the sale, lease, or other disposal of available land or interest in land is legally binding on the state until the commissioner formally consents or approves the contract; but if the appraised value is not greater than \$50,000 in the case of the sale of land or interest in land, or \$5,000 in the case of the annual rental of land or interest in land, the director may approve and issue the contract without the consent or approval of the commissioner. Before a public hearing, if held, or in any case no less than 21 days before the sale, lease, or other disposal of available land, resources, property, or interests in them, the director shall make available to the public a written decision which sets out the facts and applicable law upon which the director based the determination that the sale, lease, or other disposal will best serve the interests of the state. A written finding is not required before the approval of . . . ((paragraphs (A), (B) and (C) are unchanged, but should be renumbered (1), (2) and (3)))."

AS 38.05.035(b)(1). Following "delegate", delete "the". Delete "imposed upon him".

AS 38.05.035(b)(3). In the seventh line, following "time", insert a comma.

AS 38.05.035(b)(4). In the first line, delete "lands" and insert "land" and delete "their" and insert "the". In the second line, delete "his" and insert "the". In the same line, insert "of the director" following "judgment".

AS 38.05.035(b)(5). In the first line, delete "he" and insert "the director". In the second line, delete "his" and insert "that person's". In the third line, delete "that" and insert "the". In the fourth line, delete "his" and insert "that person's".

AS 38.05.035(b)(7)(A). Delete "he" and insert "the director".

AS 38.05.035(b)(8). Change the spanned reference to "this chapter".

AS 38.05.035(d). In the first sentence, change the internal reference to "AS 38.05.840" to reflect renumbering.

Add a revisor's note to the section substantially as follows:

Former paragraph (14) of subsection (a) was renumbered as subsection (e) pursuant to AS 01.05.031(b)(2), as the paragraph sets forth discretionary powers of the director rather than mandatory duties.

AS 38.05.036(a). Change the spanned reference to "this chapter".

AS 38.05.036(b). Change the spanned reference to "this chapter".

AS 38.05.036(c). Change both spanned references to "AS 43".

AS 38.05.036(d). Change both spanned references to "AS 43".

AS 38.05.036(e). Change the spanned reference to "this chapter".

AS 38.05.037(b)(1). Delete "lands" and insert "land" in both occurrences.

AS 38.05.037(b)(2). Delete "AS 46.35" and insert "AS 46.40". Add a revisor's note describing the change and incorporating the relevant portion of the material now in the editor's note. Delete the editor's note.

AS 38.05.037. Enclosed is a memorandum opinion of the Attorney General dated January 3, 1980, which should be considered for annotation to this section. We suggest:

"The zoning power vested in the Department of Natural Resources under AS 38.05.037 is broad enough to encompass the creation of historical districts as a control over land use. The exercise of that authority does not, however, make the property eligible for historic

preservation loans under AS 45.98, which is aimed solely at historic districts established by municipalities. Mem. Opn. Att'y Gen., January 3, 1980."

AS 38.05.040. In the first line, delete "his" and insert "any". In the third line delete "his" and insert "all". In the fifth line, delete "him" and insert "the director" and delete "his". In the sixth line, following "agents" insert "of the director".

AS 38.05.045. Delete the editor's note which immediately precedes this section (following the Article analysis), since Chapter 47, SLA 1982, terminates (self-destructs?) July 1, 1983.

Change the second spanned reference to "AS 38.08". Please note that in addition to being one of the instances of the now old style of spanned reference, this reference incorrectly omitted "AS", as there was a chapter change from the immediately preceding reference. See pages 31-2 of the drafting manual.

In the first sentence, delete "lands" and insert "land" in both occurrences and delete "shorelands" and insert "shoreland".

In the second sentence, delete "lands" and insert "land" and delete "-38.05.348" and insert ", 38.05.321, 38.05.810 - 38.05.870, 38.05.920, 38.05.945 and 38.05.946".

AS 38.05.055. In the first sentence, delete the second and third "under" and change the spanned references to "this chapter", "AS 38.07" and "AS 38.08" respectively. In the fifth sentence, delete "or his representative," and in the sixth sentence, delete "or his representative". A cross reference should be added as follows:

"For terms required in a contract of sale for land sold under this section, see AS 38.05.065(a)."

AS 38.05.057. This section has numerous problems, some of which will have to await the next piece of legislation affecting it, one or two of which we can try to remedy through the revisor's bill, and a few of which we can take care of at this time. The section will need a note as follows, in addition to the standard editor's note relating to redrafting to remove offensive pronouns:

"AS 38.05.055, referred to in (g) of this section, was amended by sec. 15, Chapter 113, SLA 1981. One of the changes was the deletion of language relating to the form of contract. See AS 38.05.065(b) for the terms required in contracts of sale for land sold under this section."

In addition, for user convenience, it would be a good idea to add a cross reference to the section duplicating, in part, the material suggested above for an editor's note (the only duplication would be the last sentence).

I will add a section to the revisor's bill amending (g) to reflect the 1982 changes. However, be prepared to publish with the above note in the event the revisor's bill does not pass during this session. The cross reference will still be required.

AS 38.05.057(a). In the third sentence, delete "if he determines" and insert "on a determination that". Rewrite the fourth sentence to read:

"The commissioner shall consult with the assessor of a municipality before determining the purchase price for land which is located in the municipality and which is to be sold under this section."

In the fifth sentence, delete "or his representative". In the sixth sentence, delete "he" and insert "the applicant".

AS 38.05.057(b). Delete "a potential purchaser" and insert "an applicant". Add to the revisor's note the following:

"In subsection (b), in the first sentence, the words 'an applicant' were substituted for 'a potential purchaser' by the revisor of statutes under AS 01.05.031 in order to attain uniformity in terminology."

AS 38.05.057(b) (2). Rewrite the paragraph to read:

"(2) have been a resident of the state for not less than one year immediately preceding the date of application and submit proof of that fact as required by regulation;"

AS 38.05.057(b) (3). Rewrite the paragraph to read:

"(3) not have purchased land at a sale by lottery in the state within eight years immediately preceding the sale date and certify that fact in the application."

AS 38.05.057(c). Change the spanned reference to "AS 44.62".

AS 38.05.057(d)(1). Rewrite the paragraph to read:

"(1) be qualified under the applicable provisions of this section and certify that fact in the application."

AS 38.05.057(e)(3). Change the internal reference to "AS 38.05.945(e)" to reflect renumbering. See the comments under AS 38.08.020 in this memo, as they apply to this reference as well. Add a note indicating that through amendments to AS 38.05.945 (former AS 38.05.345) the reference is now obsolete.

A section has been added to the revisor's bill proposing to resolve this problem by substituting the substantive provisions of former AS 38.05.345(e) for the obsolete reference in both this subsection and AS 38.08.020. Should this pass, the note to the section suggested above can be deleted.

AS 38.05.057(f). Change the spanned reference to "AS 38.08".

AS 38.05.057(g). In the first sentence, delete "or his representative".

AS 38.05.058(a). Change the spanned reference to "this chapter". Please note that that was the language of the original enactment and that when the spanned reference was substituted, this reference contained an error, as the chapter extends to section 370, not 270.

AS 38.05.058(b)(5). Rewrite the paragraph to read:

"(5) show by all attending circumstances an intent to maintain continuous residence in Alaska; and"

AS 38.05.058(c). The second sentence of this subsection should be pulled out of the subsection and established as a new (g).

AS 38.05.058(d). In the first sentence, delete "his" and substitute "the person's".

AS 38.05.058(f). In the second and third lines, delete "the eligibility requirements set out" and insert "is a veteran as defined". In the third line delete "(veterans' preference)".

The section will obviously need an editor's note as to the redrafting of subsections (b) and (d) to eliminate gender-filled pronouns and a revisor's note with respect to the reorganization of material from (c) to new (g) and the redrafting of (f). The revisor's note should be as follows:

"Subsection (f) of this section was redrafted by the revisor of statutes under AS 01.05.031. Subsection (g) was formerly the second sentence of (c) of this section and was renumbered by the revisor of statutes under AS 01.05.031."

AS 38.05.060. In the second sentence, delete "Lands" and insert "Land" and delete "their" and insert "its". Add a revisor's note describing the change and citing AS 01.-05.031.

AS 38.05.065(c). In the second sentence, delete "which he considers" and insert "considered". In the third sentence, change the spanned reference to "this chapter".

AS 38.05.067(a). Delete "lands" and insert "land".

AS 38.05.067(b). In the first sentence, delete "the lands" and insert "land" and delete "their" and insert "the". In the second sentence, delete "lands" and insert "land" and delete "are" and insert "is".

AS 38.05.068(a). In the last line, delete "his" and insert "a"; delete "he" and insert "the permittee or a successor in title of the permittee".

AS 38.05.068(b). Delete "other" and insert "the".

AS 38.05.068(c) and (d). Delete "his successor" and insert "the successor of a permittee".

AS 38.05.069(a). In the second line, delete "if he determines". In the third line, delete "he" and insert "the

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director". In the seventh line, delete "his presently held land" and insert "land presently held by the Alaska resident".

AS 38.05.069(c)(2), (3) and (4). Delete "his" and insert "their".

AS 38.05.069(d). Delete "other" and insert "the".

AS 38.05.069(e). Delete "For the purposes of" and insert "In".

AS 38.05.070(b). In the second sentence, delete "he considers".

AS 38.05.075. Delete "or his representative" in both occurrences (fourth and fifth sentences). In the third sentence, delete "lands" and insert "land" in both occurrences. In the fourth sentence (first line on page 33 of the supplement), delete "his" and insert "the".

AS 38.05.077(c). In the first sentence, delete "he" and insert "the person".

AS 38.05.077(g). In the second line, delete "his" and insert "the". Correct the spelling of "previously" (see error memo 83-054, sent March 21, 1983).

AS 38.05.077(h). In the second line, delete "his" and insert "the" and in the fifth line, delete "he" and insert "the director".

AS 38.05.077(i)(2). Rewrite the paragraph to read:

"(2) have been a resident of the state for not less than one year immediately preceding the date of application and submit proof of that fact as required by regulation; and"

AS 38.05.077(i)(3). Rewrite the paragraph to read:

"(3) not have previously leased a remote parcel from the state within eight years immediately preceding the date of staking a remote parcel and certify that fact in the application."

In the notes to AS 38.05.077, make the following changes:

The first paragraph of the editor's note should be made a cross reference. The second paragraph should be included in the revisor's note rather than the editor's note. The last two paragraphs are probably obsolete by now.

AS 38.05.078(a). Rewrite the subsection to read:

"(a) A lessee of a remote parcel who surveys the land before expiration of the lease or a renewal of the lease may purchase the land."

Delete the material presently in the editor's note as it is apparently obsolete and add an editor's note as follows (in addition to the standard language relating to the gender surgery):

"Subsection (f) of this section defines a term which was eliminated from this section by the 1981 amendment."

I will add to the revisor's bill a proposed repeal of (f). Note also that (b), referred to in (e) has been repealed. That should be apparent to users, however, so a note is probably not necessary.

A section has been added to the revisor's bill proposing an amendment to (e) to cure the present defect.

AS 38.05.079(a). Two of the statutes referenced in this subsection, AS 38.05.047 and 38.05.305, have been repealed. The solution is not as easy as it might appear, so I am working with the Department of Law on a section for the revisor's bill. Be prepared to add a note pointing out the repealed references.

AS 38.05.079(d). Delete "his assigns" and insert "the assigns of the permittee".

AS 38.05.082(a). Delete "lands" and insert "land" in both occurrences.

AS 38.05.082(b). In the first sentence, delete "lands" and insert "land". In the fourth sentence, delete "his" in both occurrences and insert "the"; following "fishing sites" insert "of the applicant"; and following "ability" insert

"of the applicant". In the fifth sentence, delete "he" and insert "the director".

AS 38.05.082(d). Change the archaic reference to "AS 38.-05.095 - 38.05.100". Note that AS 38.05.100 has been repealed. AS 38.05.102 authorizes a renewal and was enacted as a part of the bill repealing AS 38.05.100. Consequently, the note should include a reference to the present provisions in AS 38.05.102. Further, the subsequent enactment of AS 38.05.097 and 38.05.098, neither of which deal with subleasing or renewals, has eroded completely the validity of the spanned reference. I will add a provision to the revisor's bill proposing appropriate amendments.

AS 38.05.082(e). Delete "lands" and insert "land".

AS 38.05.085(a)(1). Change the spanned reference to "this chapter".

AS 38.05.085(b). In the second sentence, delete "he" and insert "the lessee". In the fourth sentence, delete "his" and insert "an".

AS 38.05.085(d). Delete "his" and insert "the" and delete "he" and insert "the lessee".

AS 38.05.085(f). Change the spanned reference to "this chapter".

AS 38.05.085(g)(3). Change the spanned reference to "AS 44.62".

AS 38.05.087(b). Delete "other" and insert "the".

AS 38.05.090(a). In the first sentence, delete "him" and insert "the lessee". In the last sentence, delete "his".

AS 38.05.090(c). Delete "lands" and insert "land".

AS 38.05.095(a). Rewrite the subsection to read:

"(a) Except as provided in (b) of this section, a lessee may sublease or assign the leased land or a portion of it if, after application to the director, the director issues a permit. The director may issue a permit upon a finding that it is in the best interests of the state to do so."

AS 38.05.095(b). Change the internal reference to "AS 38.05.815" to reflect renumbering.

AS 38.05.097(a). Change two internal references from AS 38.05.315 to "AS 38.05.815" to reflect renumbering.

AS 38.05.098(a). Rewrite the last sentence to read:

"An exemption may not be granted for a portion of the leased real property which is used for a purpose other than as the permanent place of abode of the leaseholder."

AS 38.05.098(b). In the third sentence, delete "he" and insert "the commissioner". In the fourth sentence, delete "in the form he considers necessary". In addition to the standard note relating to the removal of an obnoxious pronoun, it might be desirable to note that AS 38.05.020 gives the commissioner adequate authority to prescribe the form and extent of proof required under AS 38.05.098.

AS 38.05.102. Delete "if he finds" and insert "upon a finding". Note that AS 38.05.100 has been repealed.

AS 38.05.103(b). In the sixth line, note the typo which resulted in the misspelling of the word "covenants". An error memo (83-041) was sent to Cliff Anderson on March 3, 1983.

AS 38.05.105(a). In the third sentence, delete "of the division of lands".

AS 38.05.110. Delete "lands" and insert "land". Delete "his". Note that the word "proved" in the second line should have been "provide". An error memo (83-042) was sent to Cliff Anderson on March 3, 1983.

AS 38.05.115(a). In the third sentence, delete "he considers".

AS 38.05.118(c). Delete "he" and insert "the director".

Note that AS 38.05.305, referenced in AS 38.05.118(b), was repealed by sec.45, Chapter 113, SLA 1981. We should add a note to the section informing users of the repeal. I am working with the Department of Law on an appropriate section for the revisor's bill which will unravel the mess created

by the repeal of AS 38.05.305 and redrafting of AS 38.05.345.

AS 38.05.120. In the third and fifth sentences, delete "or his representative". In the next to last sentence, delete "he" and insert "the director".

AS 38.05.125. Delete everything after "under" in the first line on page 43 of the supplement and delete everything before "except" in the second line on page 43, and insert "AS 38.05.045 - 38.05.120, 38.05.321, 38.05.810 - 38.05.821, AS 38.08, or AS 38.50".

Restore the quotation mark at the end of the text. (See error memo 83-049 sent to Cliff Anderson on March 18, 1983).

Delete the second paragraph of the editor's note.

AS 38.05.127(a) and (b). In both instances, delete "Department of Natural Resources" and insert "department".

AS 38.05.127(d). Change the spanned reference to "AS 29.18".

AS 38.05.135(a). In the first sentence, delete "deposit" and insert "deposits" (see error memo 83-002) and delete "lands" and insert "land".

In the second sentence, delete "lands" and insert "land" and delete "shorelands" and insert "shoreland".

In the third sentence, delete "lands" and insert "land".

AS 38.05.135(b). Change the internal reference to AS 38.05.345 to "AS 38.05.945" to reflect renumbering. As noted, AS 38.05.305 was repealed. Consequently, delete "AS 38.05.305 and".

AS 38.05.137. In the first sentence, delete "lands" and insert "land" and delete "are" and insert "is".

AS 38.05.140(a). Delete "lands" and insert "land" in three occurrences.

AS 38.05.140(b). In the second sentence, delete the first "he" and insert "the commissioner" and delete "he prescribes" and insert "adopted by the commissioner".

AS 38.05.140(d). In the ninth line, delete "in his judgment" and insert "the commissioner determines that". In the tenth line, delete "whenever in his judgment" and insert "that".

AS 38.05.140(f). Delete "shorelands" and insert "shoreland".

AS 38.05.145(a). In the third line, delete "lands" and insert "land". In the fourth line, delete "rules and". In the fifth line, delete "provision" and insert "provisions". See error memo 83-050, sent March 18, 1983.

AS 38.05.150(a). Delete "lands" and insert "land".

AS 38.05.150(b). In the first sentence, delete "on his own motion" and insert "otherwise" and delete "lands" and insert "land". In the second sentence, delete everything following "method" and insert "prescribed by regulation".

AS 38.05.150(c). In the second sentence, delete "his" and insert "the". In the third sentence, delete "if he finds" and insert "(1) on a determination"; following "exploration," insert "(2)"; and delete everything following "reasons" and insert "the commissioner determines warrant extension."

AS 38.05.150(d). In the first sentence, delete "lands" and insert "land".

In addition to the standard editor's note on neuterizing, we should add a revisor's note justifying the other redrafting of (b) and (c) under AS 01.05.031(b)(10).

AS 38.05.155(a). In the first sentence, delete "lands" and insert "land" and delete "in his judgment". In the second sentence, delete everything following "methods" and insert "prescribed by regulation".

AS 38.05.165(a). In the second sentence, delete "lands" and insert "land". In the fourth sentence, delete "his" and insert "the". In the fifth sentence, delete "lands" and insert "land" and delete everything following "methods" and insert "prescribed by regulation".

AS 38.05.170(a). In the first sentence, delete "rules and" and delete "prescribed" and insert "adopted". In the second

sentence, delete "lands" and insert "land". In the fourth sentence, delete "his" and insert "the". In the fifth sentence, delete "lands" and insert "land" and delete everything following "methods" and insert "prescribed by regulation".

AS 38.05.175(a). In the first sentence, delete "rules and" and delete "prescribed" and insert "adopted". In the second sentence, delete "lands" and insert "land". In the fourth sentence, delete "his" and insert "the". In the fifth sentence, delete "lands" and insert "land" and delete everything following "methods" and insert "prescribed by regulation".

AS 38.05.180(d)(3). In the third line of the paragraph, delete "where".

AS 38.05.180(i). Change the spanned reference to "AS 43.55". Change the reference to "AS 37.10.065" to a reference to "AS 37.13.010".

AS 38.05.180(l). Change the spanned reference to "AS 31.05". Delete "may, at his discretion," and insert "has discretion to".

AS 38.05.180(m). In the first sentence, delete "if he finds it to be" and insert "upon a finding that it is".

AS 38.05.180(o). Delete "shorelands" and insert "shoreland".

AS 38.05.180(p). In the second sentence, delete "he" and insert "the commissioner". In the third sentence, delete "he".

AS 38.05.180(q). Change the spanned reference to "AS 31.05".

AS 38.05.180(t). In the first sentence, delete ", on conditions which he prescribes," and insert "prescribe conditions and"; following "approve" insert ", on conditions,"; and delete "his discretion" and insert "the discretion of the commissioner".

AS 38.05.180(w). In the first sentence, delete "him" and insert "the commissioner". In the second sentence, delete "as he determines" and insert "determined".

The editor's note refers to the delayed repeal of AS 37.10.065. Unfortunately, a similar note does not appear under AS 37.10.065. I trust that you are taking steps to avoid a repetition of this sort of error in the future. In any event, the transfer referred to in the note is scheduled to occur next month, so the note can be eliminated. I will notify you when the transfer has been completed.

AS 38.05.181. Delete all of the subsection catchlines. As far as I know, this is the only section of the Alaska Statutes with subsection catchlines and they should be eliminated.

AS 38.05.181(a). In the first sentence, delete "he adopts" and insert "adopted by the commissioner".

AS 38.05.181(c). Rewrite the third sentence to read:

"The commissioner has discretion to renew the permit for an additional one-year term."

In the last sentence, delete "his" in both occurrences and insert "the".

AS 38.05.181(d). In the first sentence, delete "him" and insert "the commissioner".

AS 38.05.183(a). Change the spanned reference to "this chapter".

AS 38.05.183(b). Delete "if he determines" and insert "on a determination".

AS 38.05.183(c). Change the spanned reference to "this chapter".

AS 38.05.183(d). In the second sentence, delete "his" and insert "the".

AS 38.05.183(e). Change the spanned reference to "this chapter".

AS 38.05.184(b). Delete "Department of Natural Resources" and insert "department".

AS 38.05.184(c). Delete "of natural resources".

AS 38.05.184(e). In the second sentence delete "of natural resources" and in the last sentence delete "Department of Natural Resources" and insert "department".

AS 38.05.184(f). Delete "of natural resources" and delete "he" and insert "the commissioner".

AS 38.05.185(a). In the first sentence, delete "lands" and insert "land". In the second sentence, delete "those lands" and insert "that land" in both occurrences.

AS 38.05.185(b). In the third line, delete the first "it" and insert "those sections" and delete "his rights" and insert "the rights of a mining lessee or a locator". In the fourth line, preceding "the locator" insert "the mining lessee or". The last sentence of this subsection should be made a separate subsection (c). Add a revisor's note substantially as follows:

The phrase "the mining lessee or" was inserted following "the satisfaction of the commissioner that" in (b) of this section by the revisor of statutes under AS 01.05.031(b)(7). Subsection (c) was enacted as a part of (b) and renumbered (c) by the revisor of statutes under AS 01.05.031(b)(9).

AS 38.05.190(a). Change the archaic reference to "~~AS 38.05.185~~ - 38.05.280".

AS 38.05.190(b). Rewrite the subsection to read:

"(b) An unqualified person who acquires an interest in exploration or mining rights by operation of law shall be allowed two years in which to become qualified or to dispose of the interest to a qualified person."

AS 38.05.195. Change the archaic internal references to present style. In the first sentence, delete "lands" and insert "land". In the second sentence, delete "his" and insert "the" and following "claim" insert "of the locator".

AS 38.05.205(a). In the first sentence, delete "lands" and insert "land" in both occurrences and delete "are" and insert "is". In the third sentence, delete "lands are" and insert "land is". In the seventh sentence, delete "lands

are" and insert "land is". In the eighth sentence, delete "his" and insert "the".

AS 38.05.210. This section would be more readable if reorganized as follows:

The first four sentences become (a).

Sentences 6 - 8 become (b). The eighth sentence should be rewritten to read:

"The failure of one of several co-owners to contribute the proportion of the expenditures required for annual labor from the co-owner shall be treated in accordance with AS 38.05.215 - 38.05.235."

The fifth sentence becomes (c) and should read:

"(c) AS 38.05.240 and 38.05.280 apply to this section."

AS 38.05.215. In the second line, delete "his" and insert "the".

In the third line, following "labor" insert "from the co-owner".

In the seventh line, following "90 days" delete ", and, if" and insert ". If".

In the tenth line, delete "his proportion of the required expenditures, his interest" and insert "the required proportion of the expenditures, the interest of the delinquent co-owner".

In the eleventh line, delete "his" and insert "the".

I do not see any useful purpose to continuing the revisor's note to this section and the cross reference notes following each subsequent section through AS 38.05.240. Clearly, AS 38.05.185 makes the entire article applicable to state lands.

AS 38.05.220(a). Change the archaic reference to "AS 38.05.215" and in (a)(2) delete "him" and insert "the delinquent co-owner".

AS 38.05.225. In the first sentence, delete "his" and insert "the".

In the second sentence, delete "he" and insert "the claimant or lien holder"; delete "his intention" and insert "intent"; delete the last "his" and insert "the"; and, following "address" insert "of the owner of the claim".

AS 38.05.230(a). Change the archaic reference to "AS 38.05.225".

AS 38.05.230(b). Delete the first "his" and insert "a". Delete the second "his" and insert "the" and following "oath" insert "of the person claiming the lien".

AS 38.05.235. Change the archaic reference to "AS 38.05.230".

AS 38.05.240. Rewrite the first clause (everything up to "geological,") to read: In AS 38.05.210 - 38.05.235, "labor" includes

In the ninth line, delete "or persons".

Rewrite the section catchline to read "Labor defined for AS 38.05.210 - 38.05.235".

AS 38.05.245(a). In the last sentence, delete "his" and insert "the prospecting".

AS 38.05.245(c). In the last sentence, delete "his" and insert "a" and insert, following "in interest", "of the locator". In the same sentence, delete "he" and insert "the locator".

AS 38.05.250. Change the catchline to read "Prospecting permits and leases on tide and submerged land."

AS 38.05.250(a). Delete "lands" and insert "land" in three occurrences.

AS 38.05.250(b). In the third sentence, delete "lands" and insert "land". In the last sentence, delete "These lands" and insert "The land".

AS 38.05.250(c). Delete "lands" and insert "land".

AS 38.05.255. Change the catchline to read "Surface use of land or water." In the first sentence, delete "waters" and insert "water".

In the fourth sentence, delete "lands" and insert "land"; delete "timberlands" and insert "timberland"; and delete "his" and insert "the". In the fifth sentence, delete "lands" and insert "land" and delete "elsewhere".

In the sixth sentence, delete "and rules". Change the archaic reference to "AS 38.05.260". Add a note indicating the repeal of AS 38.05.260 and noting that AS 46.15 contains the present provisions on water law. The revisor's bill proposes an amendment to this section.

AS 38.05.260. The note should include a cross reference to AS 46.15 for present provisions on water usage and appropriation. AS 27.10.080 should also have a similar cross reference.

AS 38.05.265. In the first sentence, change the archaic reference to "AS 38.05.185 - 38.05.280". In the second sentence, delete "his" and insert "the", and following "interest" insert "of the locator or claimant".

AS 38.05.275. Change the internal references to "AS 38.05.185 - 38.05.280", "AS 27.10", "AS 38.05.185 - 38.05.280" and "AS 38.05.190" respectively.

In the first sentence, delete "lands" and insert "land" in four occurrences and delete "shorelands, tidelands" and insert "shoreland, tideland".

In the second sentence, delete "shorelands, tidelands" and insert "shoreland, tideland" and delete "lands are" and insert "land is".

AS 38.05.280. Change the archaic reference to "AS 38.05.210 - 38.05.240".

AS 38.05.285. Delete "lands" and insert "land".

AS 38.05.290(a). In the first sentence, delete "lands" and insert "land"; change the spanned reference to "this chapter"; and delete ", rules".

AS 38.05.295. In the first sentence, delete "prescribe rules and" and insert "adopt". In the second sentence, delete "lands" and insert "land".

In order to open up the chapter for growth, we are going to reorganize the chapter from AS 38.05.300 to the end. The articles will be:

Article 11 - Classification of Land (AS 38.05.300 - 321)

Article 12 - State Control of Certain Land (AS 38.05.500 - 505)

Article 13 - Miscellaneous Provisions (AS 38.05.800 - 872)

Article 14 - General Provisions (AS 38.05.900 - 990)

The reorganization will require, of course, substantial renumbering. The renumbered sections, together with the new numbers assigned, follow:

<u>Old Section Number</u>	<u>New Section Number</u>
AS 38.05.301	AS 38.05.830
AS 38.05.310	AS 38.05.840
AS 38.05.315	AS 38.05.815
AS 38.05.320	AS 38.05.820
AS 38.05.323	AS 38.05.821
AS 38.05.330	AS 38.05.850
AS 38.05.335	AS 38.05.860
AS 38.05.340	AS 38.05.920
AS 38.05.345	AS 38.05.945
AS 38.05.346	AS 38.05.946
AS 38.05.348	AS 38.05.870
AS 38.05.349	AS 38.05.872
AS 38.05.350	AS 38.05.910
AS 38.05.351	AS 38.05.930
AS 38.05.355	AS 38.05.950
AS 38.05.362	AS 38.05.311
AS 38.05.365	AS 38.05.965
AS 38.05.370	AS 38.05.990

The following sections derive from Ballot Measure 5.

<u>Old Section Number</u>	<u>New Section Number</u>
AS 38.05.510	AS 38.05.501

<u>Old Section Number</u>	<u>New Section Number</u>
AS 38.05.520	AS 38.05.502
AS 38.05.540	AS 38.05.503
AS 38.05.560	AS 38.05.504
AS 38.05.570	AS 38.05.505

AS 38.05.300(a). Delete "lands" in each occurrence and insert "land"; delete "he" and insert "the commissioner".

AS 38.05.301. Renumber AS 38.05.830. In the last sentence, delete "he finds it"; change the spanned reference to "this chapter".

AS 38.05.310. Renumber AS 38.05.840. In the second and third sentences of (a), delete "lands" in each of the three occurrences and insert "land". In the third sentence of (a), delete "his" and insert "the". In the fourth sentence of (a), put the referenced sections in ascending sequence and change two references to reflect renumbering; hence, the references should read: "AS 38.05.057, 38.05.075 - 38.05.085, 38.05.097, 38.05.810 and 38.05.820".

AS 38.05.315. Renumber AS 38.05.810. In (d) of the section, delete "lands" and insert "land" in three occurrences.

In (f) of the section, change the spanned reference to "AS 10.25" and, in the second sentence, delete "he determines" and insert "determining".

AS 38.05.320. Renumber AS 38.05.820. In this section, the terms "land", "lands", "tide and submerged land(s)" and "tidelands and submerged lands" are used inconsistently. Please substitute "land" for "lands" and "tide and submerged land" for "tidelands and submerged lands" wherever occurring in the section. There are also several uses of "tidelands" which should be changed to "tideland". Editorial changes required by the substitution of the singular for the plural will be noted in the analysis of the section which follows:

(b) In the first sentence, delete "are" and insert "is". In the second sentence, delete "these" and insert "that". In the third sentence, following "under the", insert "laws". (See error memo 83-047, sent to Cliff Anderson on March 11, 1983)

(b) (1) In the second sentence, delete "are" and insert "is". In the same sentence, delete "his". In the same sentence, delete "them" and insert "it".

(b) (5) Delete "are" and insert "is" and delete "those lands" and insert "it".

(c) In the second sentence, delete "he" and insert "the occupant".

(c) (3) Delete "rights hereinabove" and insert "right". Delete "any" and insert "an".

(c) (4) In the first sentence, delete "at his cost furnish" and insert "furnish at the cost of the occupant". In the second sentence, delete "are" and insert "is"; delete "his"; and delete "them" and insert "it".

(c) (5) Delete "are" and insert "is" and delete "them" and insert "it".

(c) (6) Delete "regulations" and insert "procedures".

(d) Insert a comma after "section" and after "requires".

(d) (1) Delete "his" and insert "the" and following "interest" insert "of a person".

(d) (7) Delete "his" and following "interest" insert "of the occupant".

AS 38.05.321(b). In the first sentence, following the first "under" insert "former". In the fourth sentence, delete "AS 38.05.305 and". Change the remaining internal reference to "AS 38.05.945" to reflect renumbering.

AS 38.05.321(c). Insert "former" following "provisions of" in the third line.

With the editorial changes made in connection with this replacement printing, it would appear unnecessary to continue the editor's notes now following this section. If you determine that the notes should remain, please add a note indicating that AS 29.18.205(e) referred to in (b) of the section was repealed by sec.45, Chapter 85, SLA 1979. In any event, a revisor's note should be added explaining

the editorial changes made in (b) and (c). I would suggest that that note could include a reference to the repealers and do away with any need for the editor's note.

AS 38.05.323. Renumber AS 38.05.821.

AS 38.05.330. Renumber AS 38.05.850.

AS 38.05.330(a). Change the spanned reference to "AS 38.35". Delete "lands" and insert "land" in both occurrences.

AS 38.05.330(b). Change the spanned reference to "AS 10.25".

AS 38.05.335. Renumber AS 38.05.860. In (a) and (c) delete "lands" and insert "land". In the third sentence of (a), delete "are" and insert "is". In (c), delete "his" and insert "each".

AS 38.05.335(b). In the first sentence, delete "his" and insert "each". In the fourth sentence, delete the first "his" and insert "the amount" and delete the second "his" and insert "the". In the fifth sentence, delete "deposition" and insert "disposition" (see sec. 1, Chapter 145, SLA 1966). Rewrite the last sentence to read:

"A successful bidder for a mineral lease who can prove to the satisfaction of the commissioner within 45 days after notification of the lease award that there is a reasonable doubt as to the ability of the state to grant a valid lease to the land may withdraw the amount bid and have the earnest money deposit returned."

AS 38.05.340. Renumber AS 38.05.920. In (a), delete "lands" and insert "land" in both occurrences.

AS 38.05.345. Renumber AS 38.05.945. In (a) (3) and (4), the internal reference must be changed to AS 38.05.035(e) in both instances to reflect reorganization of that section.

Enclosed is a memorandum opinion of the Attorney General dated November 25, 1977, which you may wish to consider for annotation to this section.

AS 38.05.346. Renumber AS 38.05.946. Change the catchline to read "Hearings." Change the internal reference to

"AS 38.05.945(c)" to reflect renumbering. Rewrite the last sentence to read:

"The commissioner has discretion to hold a public hearing."

I do not think the revisor's note is necessary given the explanation contained in the editor's note. Also, AS 38.05.345(d) does not belong in the Historical Citation to this section, as it has nothing to do with enacting or amending the section and the editor's note is certainly adequate to explain the difference between the session law and the section as printed. Use of a former section number in the Historical Citations is misleading and confusing and not explained in the User's Guide. Consequently, please delete such references wherever appearing.

AS 38.05.348. Renumber AS 38.05.870.

In the first sentence of (a), delete "of the division of lands".

Rewrite the first sentence of (b) to read:

"Only a person who is the owner of land rendered unuseable that was used or leased before the natural disaster for private residential, business or commercial purposes is eligible for a grant of state land."

In the third sentence of (d), delete "At the time he approves" and insert "Upon approval of".

In the fourth sentence of (d), delete "his" and insert "the" and delete "he" and insert "the director".

AS 38.05.349. Renumber AS 38.05.872.

AS 38.05.350. Renumber AS 38.05.910.

AS 38.05.351. Renumber AS 38.05.930. In the eighth line, delete "his" and insert "a".

AS 38.05.355. Renumber AS 38.05.950. Rewrite the catchline to read "Interference with bidding prohibited; penalties.":

AS 38.05.362. Renumber AS 38.05.311. In (a)(1), delete "the effective date of this Act" and insert "September 22, 1976".

AS 38.05.365. Renumber AS 38.05.965. Change the spanned references to "this chapter". Paragraphs (1), (2), (6) - (10), and (13) - (21) use the terms "lands", "shorelands" and "tidelands". Change all of those to the singular as appropriate and make the following additional editorial changes required by that change:

In (1), delete "have" and insert "has".

In (15), delete "are" and insert "is".

In (18), delete "those" and insert "that" and delete "are" and insert "is".

AS 38.05.370. Renumber AS 38.05.990.

AS 38.05.510. Renumber AS 38.05.501. The two spanned references should read "AS 38.05.500 - 38.05.505".

AS 38.05.520. Renumber AS 38.05.502. Delete "(a)". Delete "the effective date of this act" and insert "February 21, 1983".

AS 38.05.540. Renumber AS 38.05.503.

AS 38.05.560. Renumber AS 38.05.504. Change the spanned reference as above.

AS 38.05.570. Renumber AS 38.05.505. Change the spanned references as above.

AS 38.06.025(b). Delete "his pleasure" and insert "the pleasure of the governor".

AS 38.06.025(d). Rewrite the subsection to read:

"(d) A public member shall continue in office at the expiration of a term until a successor is appointed and qualifies."

AS 38.06.025(e). In the second sentence, delete "his" and insert "the".

AS 38.06.035(a). Change the spanned reference to "this chapter".

AS 38.06.035(b). Delete "his relationship" and insert "the relationship of a member of the board".

AS 38.06.040(a)(4). Delete "he" and insert "the commissioner".

AS 38.06.040(b)(3). Change the spanned reference to "AS 44.62".

AS 38.06.055. Enclosed is an opinion of the Attorney General dated February 23, 1977, which should be considered for annotation, as it defines the authority of the legislature in approving or rejecting contracts. The basic point to be made is that the legislature may not conditionally approve, for that amounts to a rejection of the offer and would require a renegotiation of the contract.

AS 38.06.060. Enclosed is an opinion of the Attorney General dated September 26, 1977, which should be considered for annotation to this section as it approves procedures related to maintaining the confidentiality of certain documents under this section.

AS 38.07.020(a). Rewrite the subsection to read:

"(a) A lease under AS 38.07.010(b) shall be for 10 years with an option for a five-year renewal."

AS 38.07.020(b). In the first sentence, delete "he" and insert "the lessee". In the second sentence, delete "his" and insert "the".

AS 38.07.030(a). Change the archaic reference to "AS 38.07.010(a)". Delete "his" and insert "the".

AS 38.07.030(b). In the second sentence, delete "he" and insert "the landowner".

AS 38.07.040. Rewrite the beginning of the first sentence to read:

"A contract under AS 38.07.010(a) may provide..."

AS 38.08. I would suggest eliminating all of the editor's note material following the chapter analysis other than the

recitation of the provisions of sec. 1, Chapter 142, SLA 1977.

AS 38.08.010. There is really nothing that needs to be done to this section, but it does remind me that, as a matter of style, I think that the type style and size used for repealed subsections or paragraphs should be distinctive. I am not sure that your present production equipment is sophisticated enough to do this easily, but if you make the conversion to textbase publishing, it will be relatively simple. My personal preference would be for the type size to be smaller than that used for the text of the law. If a style difference were also desired it should be either italics or slightly lighter. The same type should, of course, be used for repealed sections, articles, chapters, etc. Think about this and let me know what you think.

AS 38.08.020. We should change the internal reference to AS 38.05.945(e), but note, however, that when that section was rewritten in 1981, subsection (e) became totally irrelevant to AS 38.08.020. It is unfortunate that this cross reference was not changed at that time. I believe that we might be safe in changing the reference to AS 38.05.945, without the subsection reference, as the disposal of land under AS 38.08 is conducted under the general provisions of AS 38.05.035 and, through that devious route, the notice provisions of AS 38.05.945 (renumbered) come into play. Confused? So am I. I have discussed this with the Department of Law as noted in the comments to AS 38.05.057(e) (3) and we hope to solve this in the revisor's bill. A note to this section, similar to that suggested for AS 38.05.057 would be desirable if the revisor's bill does not pass.

AS 38.08.030(a) (2). Delete "he" and insert "the applicant" three times. Delete "his" and insert "the".

AS 38.08.040(b). In the second sentence, delete "his".

AS 38.08.050(a). Change the archaic reference to "AS 38.08.060". AS 38.08.060(a) (3) and (b). Change the spanned reference to "this chapter".

AS 38.08.060(c). Delete "his" and insert "a".

AS 38.08.100. Change the archaic reference to "AS 38.08.060(a) (2)".

AS 38.08.110. Change the second spanned reference to "this

chapter".

AS 38.08.120(3). Delete "that his intent is to make this state his permanent residence" and insert "an intent to maintain a permanent residence in the state".

AS 38.10.010. Change the internal reference to AS 38.05.820(b) to reflect renumbering. In lines 4, 5 and 6, delete "lands" and insert "land". In line 7, delete "those lands" and insert "the land".

AS 38.10.020. Change the archaic reference to "AS 38.10.010". Delete "lands" and insert "land" in three occurrences.

AS 38.10.030. In the second sentence, delete "lands" and insert "land".

AS 38.10.040. Change the archaic reference to "AS 38.05".

AS 38.10.050. Change the catchline to "Regulations and procedures". Delete "rules and".

The printed matter relating to repealed AS 38.12 and renumbered AS 38.15 bring some further form and style comments. There has obviously been some inconsistency in the treatment of such chapters (compare AS 38.15 in the 1977 pamphlet with AS 14.58 in the 1982 pamphlet and compare AS 38.12 with the minimal information on repealed chapters in the 1982 AS 14 pamphlet; see also the treatment of AS 44.57, 44.59 and 44.60 in the 1980 pamphlet).

It is my hope that we can develop a consistent style that meets the needs of the average user and uses a minimum of page space to execute. In my opinion, the only value in retaining material within the body of the title is that it provides a convenient location for cross references. On the other hand, if the parallel reference table page was given some attention, it might be possible to use that page to convey a variety of information. For example, that page in the 1982 AS 14 pamphlet, while stating that it indicates the disposition of renumbered sections, also gives some information about repealed chapters. In fact, that is the only information about those chapters in the entire AS 14 pamphlet. This has already caused some minor problems with inexperienced bill drafters who did not realize that the section numbers were not available for new provisions. The

same problem came up in AS 44 this year. Obviously, there are other tables available to the user to obtain such technical information, but not all users who should know everything there is to know about the Alaska Statutes know about all of the tables or remember to use them.

Let's consider a revamping of the parallel reference page which would set forth in condensed form the following:

- (1) disposition of renumbered sections;
- (2) disposition of transferred sections;
- (3) repealed chapters, with terse cross references to present provisions;
- (4) anything else of a similar nature.

If an appropriate page could be developed, then we could eliminate material from both the title analysis and the body of the title. Why don't you dummy up a page (and, at the same time, if possible, dummy up a page showing some possibilities for treatment of repealed sections, subsections, etc., as noted earlier) and send it up for our consideration? If you are particularly pleased with the format you have used in one of the other states, that might be a good starting point.

AS 38.20.080. Change the archaic reference to "AS 38.20.070".

AS 38.35.030. Change the archaic reference to "AS 38.35.040".

AS 38.35.040. Delete "he shall by regulation require" and insert "required by regulation". Delete "upon his own motion" and insert "in the exercise of discretion". Change the archaic reference to "AS 38.35.050 - 38.35.100".

AS 38.35.050 (b). Change the archaic references to "AS 38.35.080" and "AS 38.35.100".

AS 38.35.050 (d). In the second sentence, delete "his". Delete "he" and insert "the person".

AS 38.35.070. Change the archaic reference to "AS 38.35.050". In (4) of the section, delete "he" and insert "the commissioner".

AS 38.35.080(a). Delete "he" and insert "the commissioner". Delete "his" and insert "the" and following "purpose" insert "of the commissioner".

AS 38.35.080(b). Change the archaic reference to "AS 38.35.070".

AS 38.35.080(c). Change the archaic reference to "AS 38.35.070(a)".

AS 38.35.090. Delete "he" and insert "the commissioner".

AS 38.35.100(a). Delete "with him". Change the archaic reference to "AS 38.35.050".

AS 38.35.100(a)(4). Delete "he" and insert "the applicant".

AS 38.35.100(b). Delete "he" and insert "the commissioner" in both instances.

AS 38.35.110. In the second sentence, delete "he" and insert "the commissioner".

AS 38.35.120(a)(9). Delete "his".

AS 38.35.120(c). Delete "that he determines the public interest requires" and insert "required by the public interest".

AS 38.35.120(f). This subsection should be split off into a new section, to be AS 38.35.122. The catchline should read "Products pipeline leases." Delete "may, at his discretion," and insert "has discretion to". Delete "this section" and insert "AS 38.35.120". Note that the word "or" between "land" and "products" should be "for". An error memo (83-051) was sent to Cliff Anderson on March 18, 1983.

AS 38.35.200(a). Change the archaic references to "AS 38.35.070" and "AS 38.35.100".

AS 38.35.230(9). In (A), delete "lands" and insert "land". Change the internal reference to "AS 38.05.965".

Note that (b) and (c) should be (B) and (C). An error memo (83-052) was sent to Cliff Anderson on March 18, 1983.

AS 38.50.020(a). In the second sentence, delete "if he finds" and insert "upon a finding". In the third sentence, change the archaic reference to "AS 38.50.140".

AS 38.50.030(a). Note that the last word in the first line should be "and" (see sec. 1, Chapter 240, SIA 1976). Following "and", change "interest" to "interests". In the second sentence, delete the second "the party" and insert "a principal" and delete "his" and insert "the".

AS 38.50.040. Change the spanned reference to "this chapter".

AS 38.50.060. Delete "he" and insert "the director" in both occurrences.

AS 38.50.100. Change the archaic reference to "AS 38.50.110". In the last sentence, delete "he" and insert "the director".

AS 38.50.110(a)(1). Change the internal reference to "AS 38.05.945".

AS 38.50.110(a)(8). Delete "he" and insert "the director".

AS 38.50.130. The effect of amendments note would be much more helpful to the user if it simply said "The 1982 amendment corrected an erroneous internal reference."

AS 38.50.140. In the second sentence, delete "his view" and insert "the view of the governor".

AS 38.50.150. Delete the first "he". Delete the second "he" and delete "him" and insert "the director" in both instances.

AS 38.50.170(3). Delete "lands" and insert "land".

AS 38.95.080(e). Delete "his" and insert "the" in both instances.

AS 38.95.150 and AS 38.95.160. Change the spanned reference to "AS 08.48".

Legislative History Notes. We have reviewed all of the legislative history notes in AS 38 and determined that all should be deleted except the following:

- (1) AS 38.04.020. The note should be rewritten to read "For legislative intent regarding land to be included in the land disposal bank, see the Free Conference Committee letter of intent accompanying HB 66 (Chapter 85, SLA 1979), in 1979 House Journal, pp. 1330-1333, 1355, or 1979 Senate Journal, pp. 1120-1124."
- (2) AS 38.05.030. Retain the reference contained in the second sentence of the note in the 1977 pamphlet.
- (3) AS 38.05.125.
- (4) AS 38.05.127. This note should also appear following (renumbered) AS 38.05.965.
- (5) AS 38.08.010.
- (6) AS 38.95.050. Add to the note, following "p. 837", an additional reference, ", 840".

The renumbering of sections in AS 38.05 will require the changing of internal references in the following sections:

AS 29.18.206, 29.18.209 and 29.18.210
AS 29.33.150 and 29.33.160
AS 41.17.020
AS 41.45.080, 41.45.130 and 41.45.170
AS 43.05.010 and 43.05.040
AS 46.35.200(4)(R), (T) - (V), and (HH).

I will let you make the proper substitutions. This memo is too long as it is!

The next title memo will deal with AS 41, to be followed by AS 09.

DRD:ljb

Enclosures
11/001

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

REQUEST

Bill/Resolution No.: SB 222
 Title: Organization of DNR
 Sponsor: Senate Resources
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: Natural Resources
 Program Category Affected: _____
 BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	0	0	0			
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
	0	0	0			

POSITIONS:

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL-TIME						
PART-TIME						
TEMPORARY						
	0	0	0			

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Sharon Barton Phone: 465-2400
 Division: Commissioner's Office, DNR Date: April 22, 1983
 Approved by Commissioner: Mary Halloran Date: April 22, 198e
 Department: Natural Resources

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