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MEMORANDUM

State of Alaska

TO: David Dierdorff
Revisor of Statutes
Legislative Affairs Agency

DATE: September 5, 1985

FILE NO:

TELEPHONE NO: 465-3600

FROM: Harold M. Brown
Attorney General

SUBJECT: Alaska Women's
Commission bill
requests

By: Arthur H. Peterson
Assistant Attorney General

As we discussed this morning, the Alaska Women's Commission has requested introduction of a great number of bills. The governor's office has asked me to see whether you would like to include 10 of those items in a revisor's bill. The commission's bill request forms and basic background information are attached for the following items:

1. separate residences;
2. name change provisions upon divorce or dissolution;
3. grounds for divorce;
4. out of wedlock children;
5. artificial insemination;
7. birth certificate preparation;
8. prostitution in liquor licensed facilities;
10. determination of partnership;
11. partner's interest in specific partnership property;
12. burial costs of needy persons.

The numbers in this list correspond with those used in the material that the commission recently submitted to the governor. They bear no necessary relationship to item numbers in the commission's May 1985 report "Review of the Alaska Statutes for Sex Discrimination" (upon which the requests are based).

At your earliest convenience, please let me know which of these items, if any, you would like to include in a revisor's bill. Thanks.

AHP:md

cc: Kathy Marshall, Executive Director
Alaska Women's Commission
3601 "C" Street, Suite 742
Anchorage, AK 99503

1986 LEGISLATIVE PROPOSAL REQUEST FORM

DATE: 7/25/85

DEPARTMENT Office of the Governor, Alaska Women's Commission

SUBJECT OF PROPOSED BILL:

#1 Separate Residences

SUMMARY/EXPLANATION OF INTENT: (Why is legislation requested. Explain need. Attach additional sheet, if necessary.)

Current state law AS 25.24.110 does not acknowledge the right of marriage partners to separate residences except if divorce proceedings have been instituted. Yet, the policy of this state and the view of the courts recognize the ability of men and women to act independently
(continued on attached page)

ESTIMATED FISCAL IMPACT: None

Capital:

Operating:

Has this or a substantially similar bill been introduced (and not passed) in the Legislature in previous session? Has it been drafted but not introduced? (If so, please attach copy of approved draft and give Department of Law file no.: 377 - _____ - _____.)

Why wasn't it passed: NA

Rate the bill's importance to the department by priority number (in relationship to your department's other requests if any.)

COMMISSIONER'S SIGNATURE: Kathy Marshall, Executive Director

DATE: 7/25/85

Governor's Office recommendation:

SUBJECT: Separate Residences

SUMMARY (continued):

regardless of marital status.

This current law must be repealed and a provision added to the Human Rights Commission statute, AS 18.80.255 that affirms the state's policy. The new provision will allow any person the right to establish their own residence (home) and residency in the state regardless of their sex or marital status.



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SEPARATE RESIDENCES

July 1985

Background

Alaska law, AS 25.24.110, allows a spouse in an action for divorce to obtain a separate residence or domicile from that of the other spouse "without reference among other factors to misconduct or consent of the other spouse." This present statute was enacted in 1974 as an amended version of an earlier statute. The prior statute had provided that in divorce actions, "Wives may acquire a separate residence or domicile from that of the husband without reference among other factors to misconduct or consent of the husband."

Under the common law, the husband was considered the head of the household. In that role, the husband had the authority to choose the marital residence. As long as the husband's choice was reasonable, the wife was obliged to follow the husband and live under the circumstances her husband had chosen. Only if the marital unit had broken down was the wife free to establish her own separate domicile.

The present statute impliedly perpetuates this archaic common law rule. By specifically acknowledging the right to separate residences only when divorce proceedings have been instituted, the implication is that separate residences are not expressly sanctioned in the absence of divorce proceedings. Yet the stated policy of this state recognizes the ability of men and women to act independently regardless of marital status. (See Alaska Const. Art. I, §3 (Amend. 1972); AS 18.80.200.

Recommended Legislative Action

AS 25.24.100 should be repealed and a new provision should be added to the Human Rights statute stating that anyone can establish a residence where ever he or she wants without regard to sex or marital status. The common law rule to the contrary would then be specifically nullified.

1986 LEGISLATIVE PROPOSAL REQUEST FORM

DATE: 7/25/85

DEPARTMENT Office of the Governor, Alaska Women's Commission

SUBJECT OF PROPOSED BILL:

#2

Name Change Provisions Upon Divorce of Dissolution

SUMMARY/EXPLANATION OF INTENT: (Why is legislation requested. Explain need. Attach additional sheet, if necessary.)

There are two objectives which affect two different statutes concerned with name change provisions.

Objective 1: AS 09.55.010 gives the Superior Court jurisdiction

(continued on attached page)

ESTIMATED FISCAL IMPACT: None

Capital:

Operating:

Has this or a substantially similar bill been introduced (and not passed) in the Legislature in previous session? Has it been drafted but not introduced? (If so, please attach copy of approved draft and give Department of Law file no.: 377 - _____ - _____.)

Why wasn't it passed: NA

Rate the bill's importance to the department by priority number (in relationship to your department's other requests if any.)

COMMISSIONER'S SIGNATURE Larry Marshall Executive Director

DATE: 7/25/85

Governor's Office recommendation:

SUBJECT: Name Change Provisions Upon Divorce of Dissolution

SUMMARY (continued):

to change the name of a person following marriage or divorce. However, since this statute was enacted before dissolution of marriage was created, it fails to specify that name changes pursuant to dissolutions automatically meet with the public interest requirement as it does with marriage or divorce.

sk AS 09.55.010 should be amended to clarify that name changes during dissolutions automatically meet the public interest requirement.

Objective 2: AS 25.24.160(7) states that the judge in an action for divorce may "change the name of one of the parties." In dissolution proceedings brought by one spouse, the court is authorized to "restore that spouse's prior name, when so requested," pursuant to AS 25.24.230(b). When both spouses have brought the dissolution action, the court is authorized to "restore either spouse's prior name, if so requested." AS 25.24.230(e).

These statutes should be revised to achieve consistency in what type of name changes are permissible in divorce and dissolution proceedings. The divorce statute should be expanded to allow either or both parties to change names at divorce. Revise the dissolution statutes to allow for any change of name instead of an exclusive limitation of restoration of a prior name.



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NAME CHANGE PROVISIONS UPON DIVORCE
OR DISSOLUTION

July 1985

Background

Various statutes address the ability of people to change their names upon divorce or dissolution of a marriage. Among these statutes unnecessary inconsistencies exist in providing name change privileges between these procedures for terminating a marriage.

Dissolution

Alaska law, AS 09.55.010 gives the superior court jurisdiction to change the name of a person if there is a sufficient reason for the change "consistent with the public interest." The statute provides that "a change of name upon marriage or divorce" automatically meets this public interest requirement.

This statute was enacted before dissolution of marriage was created as an alternative procedure to divorce to terminate a marriage. This name change statute fails to specify that name changes pursuant to dissolutions should be presumed consistent with the public interest.

Recommended Legislative Action

Amend AS 09.55.010 to clarify that name changes during dissolutions automatically meet the public interest requirement.

Divorce and Dissolution

AS 25.24.160(7) states that the judge in an action for divorce may "change the name of one of the parties." In dissolution proceedings brought by one spouse, the court is authorized to "restore that spouse's prior name, when so requested," pursuant to AS 25.24.230(b). When both spouses have brought the dissolution action, the court is authorized to "restore either spouse's prior name, if so requested." AS 25.24.230(e). AS 25.24.210(d) specifies that the petition for dissolution "shall request...that the prior name of spouse be restored, if desired by that spouse."

These statutes would be consistent in setting forth what type of name changes are permissible in divorce and dissolution proceedings. Under present law, a new name can be adopted in a divorce proceeding. However, in a dissolution proceeding, only the prior name can be restored. In a divorce action, the court is authorized to change the name of only one of the parties. Where both spouses had changed their names at the time of marriage, such as by hyphenating together their surnames, the court is not specifically authorized to change both spouses' names in a divorce action. In a dissolution action, the court appears to have this power.

Recommended Legislative Action

Revise the name change statutes to achieve consistency. Expand the divorce statute. Revise the dissolution statutes to allow for any change of name instead of an exclusive limitation of restoration of a prior name.

Many men are changing their names at marriage and there would seem to be little risk to the public in allowing a name change by either spouse when a marriage terminates, whether to a prior name or to a totally new name.

1986 LEGISLATIVE PROPOSAL REQUEST FORM

DATE: 7/25/85

DEPARTMENT Office of the Governor, Alaska Women's Commission

SUBJECT OF PROPOSED BILL:

(#3) Grounds for Divorce

SUMMARY/EXPLANATION OF INTENT: (Why is legislation requested. Explain need. Attach additional sheet, if necessary.)

NO Repeal AS 25.24.050, except for Section (5) (c), with the result being that the sole ground for divorce would be incompatibility of temperament. The accessory statutes to the other grounds for

(continued on attached page)
ESTIMATED FISCAL IMPACT: None

Capital:

Operating:

Has this or a substantially similar bill been introduced (and not passed) in the Legislature in previous session? Has it been drafted but not introduced? (If so, please attach copy of approved draft and give Department of Law file no.: 377 - _____ - _____.)

Why wasn't it passed: NA

Rate the bill's importance to the department by priority number (in relationship to your department's other requests if any.)

COMMISSIONER'S SIGNATURE: Kathy Marshall Executive Director

DATE: 7/25/85

Governor's Office recommendation:

SUBJECT: Grounds for Divorce

SUMMARY (continued):

divorce should also be repealed -- AS 25.24.070, .120 and .130. The fault grounds do not seem to add anything to the law and are a source of inequity in occasional cases. The public policy of Alaska is to grant divorces when necessary without reference to fault, making it appropriate to repeal all of the grounds except for incompatibility of temperament.



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GROUNDS FOR DIVORCE

July 1985

Background

Alaska law, AS 25.24.050, sets out 10 different grounds for divorce. Only one of these grounds is a no-fault ground -- incompatibility of temperament. The other nine grounds all involve some sort of failure on the part of one of the parties. These grounds include adultery, conviction of a felony, and drug addiction.

Related to this statute are several other statutory provisions regarding the specific grounds for divorce. AS 25.24.070 provides that a confession of adultery is not alone sufficient to justify a divorce; additional evidence is required to obtain a divorce on this ground. AS 25.24.120 and .130 create several defenses to divorce, such as a defense of express forgiveness to a charge of adultery or conviction of a felony.

Although it is a rare divorce proceeding when any ground other than incompatibility is used, the threat of using the "fault" grounds is a very effective tool in a marriage riddled with unequal bargaining power. Many decisions in divorce discussions can be affected by threats of bringing evidence of fault grounds before the court, in spite of specific statutory provisions which indicate that such fault is irrelevant in the judge's decision-making.

Recommended Legislative Action

Repeal AS 25.24.050, except for Section (5) (c), with the result being that the sole ground for divorce would be incompatibility of temperament. The accessory statutes to the other grounds for divorce should also be repealed -- AS 25.24.070, .120 and .130. The fault grounds do not seem to add anything to the law and are a source of inequity in occasional cases. The public policy of Alaska is to grant divorces when necessary without reference to fault, making it appropriate to repeal all of the grounds except for incompatibility of temperament.

1986 LEGISLATIVE PROPOSAL REQUEST FORM

DATE: 7/25/85

DEPARTMENT Office of the Governor, Alaska Women's Commission

SUBJECT OF PROPOSED BILL:

(#4) Out of Wedlock Children

SUMMARY/EXPLANATION OF INTENT: (Why is legislation requested. Explain need. Attach additional sheet, if necessary.)

Numerous statutes do not conform to the state's broadened concept of legitimacy (AS 25.20.050) which encompasses a child whose parents are ascertained in addition to children born to a marital or after-

(continued on attached page)

ESTIMATED FISCAL IMPACT: None

Capital:

Operating:

Has this or a substantially similar bill been introduced (and not passed) in the Legislature in previous session? Has it been drafted but not introduced? (If so, please attach copy of approved draft and give Department of Law file no.: 377 - _____ - _____.)

Why wasn't it passed: NA

Rate the bill's importance to the department by priority number (in relationship to your department's other requests if any.)

COMMISSIONER'S SIGNATURE: Lady Marshall, Executive Director

DATE: 7/25/85

Governor's Office recommendation:

SUBJECT: Out of Wedlock Children

SUMMARY (Continued):

arising marital relationships.

Objective 1: Adopt a statute similar to the Uniform Parentage Act to replace AS 25.20.050 in order to eliminate the classifications of "legitimate" and "illegitimate."

Objective 2: Amend AS 11.41.450 deleting the phrase "legitimately" or "illegitimately" from this statute criminalizing incest since it does not conform to the broadened concept of legitimacy nor does it affect the acts criminalized.

Objective 3: Amend AS 25.20.045 on artificial insemination by deleting the phrase "and legitimate" because it is unnecessary since the statute refers to a child born to a marital relationship.

Objective 4: Amend AS 25.20.060 deleting the phrase "regardless of the child's legitimacy" from the statute on Child Custody Proceedings. The phrase is inconsistent with the broadened definition and does not add to or limit either parents' rights in any way.

Objective 5: Amend statutes AS 25.05.052, .061 and .311 by deleting those portions of the statutes which purport to legitimize the children of an initially invalid marriage when the marriage is subsequently validated. These statutes use the term "legitimate" in its restrictive sense. Further, it is unnecessary since AS 25.20.050(a) legitimates a child when the putative parent subsequently marries the undisputed parent.

Objective 5: Amend AS 23.30.255, Worker's Compensation Benefits, deleting the phrase "or acknowledged illegitimate child" and substituting it with "child" includes "a child legitimated under AS 25.20.050" under the definition of child because it is self-contradictory since AS 25.20.050 states that an acknowledged child is legitimate.

OUT OF WEDLOCK CHILDREN

July 1985



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Background

Under Alaska law, AS 25.20.050, a procedure is established for identifying the parentage of children born out of wedlock when the parentage is disputed. Typically, the statute has relevance for establishing a man's paternity, since the natural mother of the child is nearly always undisputed. Under the statute, a parent who subsequently marries the undisputed parent, or who acknowledges in writing being a parent, or whose parent status is established in court, will be designated on the birth certificate of the child. The child will also become the legal heir of this parent and entitled to support from this parent during minority. The procedure to establish this parentage is termed "legitimation" and results in what the law terms a "legitimate child."

Until 1984, the statute employed sex-based terminology, and allowed solely for a determination of paternity. The recent amendment replaced this terminology with the sex-neutral term of "putative parent."

Although under the present statute a child need not be born to a married couple in order to be legitimized, this was not always the case. The original legitimation statute, enacted in 1949, allowed only subsequent intermarriage between the parents as the sole means to legitimate a child. However, under the present statute, the definition of a legitimate child has been expanded to encompass a child whose parents are ascertained in addition to children born to a marital or after-arising marital relationship.

Numerous state statutes, however do not fully conform to the broadened concept of legitimacy.

Incest. AS 11.41.450, criminalizes incest. The statute provides that this crime is committed when an adult "engages in sexual penetration with another who is related, either legitimately or illegitimately," in one of the specified relationships set out in the statute (i.e., brother and sister of the whole or half blood).

This statute uses the term "legitimacy" in its narrow sense, meaning in relation to marital status of the perpetrator of incest or the perpetrator's ancestors.

Recommended Legislative Action: The phrase "legitimately or illegitimately" should be deleted, as deletion would not affect in any apparent way the acts criminalized.

Artificial Insemination. Alaska law, AS 25.20.045, provides that:

A child, born to a married woman by means of artificial insemination performed by a licensed physician and consented to in writing by both spouses, is considered for all purposes the natural and legitimate child of both spouses.

The phrase "and legitimate" is unnecessary. A natural child of both spouses born during marriage is legitimate, making the phrase in the statute redundant.

Recommended Legislative Action: Delete the phrase "and legitimate" from AS 25.20.045.

Child Custody Proceedings. Alaska law, AS 25.20.060, deals with child custody proceedings. Section (b) of this statute provides that "[n]either parent, regardless of the question of the child's legitimacy, is entitled to preference in the awarding of custody."

Under AS 25.20.050, a child with two acknowledged parents disputing custody is, by definition, legitimate. AS 25.20.060 is using the term "legitimate" in its restricted sense, meaning children of a marriage, and is therefore inconsistent with section .050. Moreover, the phrase "regardless of the question of the child's legitimacy" does not add to or limit either parent's rights in any way.

Recommended Legislative Action: Delete the phrase "regardless of the question of the child's legitimacy" from AS 25.20.060. Its elimination may actually clarify that neither parent has a statutory preference in child custody determinations.

Invalid Marriages. Alaska laws, AS 25.05.052, .061 and .311 deal with invalid marriages. In each of these statutes is a provision which makes children of the marriage "legitimate" when the marriage is later validated.

These provisions all use the term "legitimate" in its restricted sense. Moreover, these statutes are all unnecessary since AS 25.20.050(a) legitimizes a child when the putative parent subsequently marries the undisputed parent.

Recommended Legislative Action: Delete those portions of the above three statutes which purport to legitimize the children of an initially invalid marriage when the marriage is subsequently validated.

Workers' Compensation Benefits. Alaska law, AS 23.30.255, contains a number of definitions for purposes of workers' compensation benefits. The term "child" is defined to include an "acknowledged illegitimate child dependent upon the deceased" employee.

The phrase "acknowledged illegitimate" child is self-contradictory. Under AS 25.20.050, an acknowledged child is legitimate.

Recommended Legislative Action: The phrase "or acknowledged illegitimate child" should be deleted, and the statutory definition amended as follows: "Child" includes "a child legitimated under AS 25.20.050."

Uniform Parentage Act

Another approach to addressing the elimination of the somewhat offensive and inappropriate terminology of "legitimate" and "illegitimate" would be to adopt a statute similar to the Uniform Parentage Act (UPA) to replace AS 25.20.050. Under the UPA, the parental filial relationships of mother and child is generally established by proof that the woman gave birth to a child. The UPA creates a rebuttable presumption that the parental-filial relationship exists between father and child if there were an attempted or actual marital relationship between the man and the mother, or an acknowledgment of paternity by the man, or a court order establishing paternity.

A number of other jurisdictions have adopted the UPA, and effectively eliminated use of the terminology. Alaska should also consider integrating the UPA into present state law.

1985 LEGISLATIVE PROPOSAL REQUEST FORM

DATE: 7/25/85

DEPARTMENT Office of the Governor, Alaska Women's Commission

SUBJECT OF PROPOSED BILL:

#5 Artificial Insemination

SUMMARY/EXPLANATION OF INTENT: (Why is legislation requested. Explain need. Attach additional sheet, if necessary.)

Objective 1: Amend AS 25.20.045, Artificial Insemination, to recognize the right of a single woman or married woman in the absence of her husband's consent, to give birth by means of

(continued on attached page)

ESTIMATED FISCAL IMPACT: None

Capital:

Operating:

Has this or a substantially similar bill been introduced (and not passed) in the Legislature in previous session? Has it been drafted but not introduced? (If so, please attach copy of approved draft and give Department of Law file no.: 377 - _____ - _____.)

Why wasn't it passed: NA

Rate the bill's importance to the department by priority number (in relationship to your department's other requests if any.)

COMMISSIONER'S SIGNATURE: Lady Marshall, Executive Director

DATE: 7/25/85

Governor's Office recommendation:

SUBJECT: Artificial Insemination

SUMMARY (Continued):

artificial insemination. The current statute only permits a married woman who has obtained consent from her spouse to lawfully give birth by artificial insemination.

Objective 2: Amend AS 25.20.045, Artificial Insemination, to ensure that an anonymous sperm donor is protected from paternity obligations. Under the current statute, theoretically a paternity obligation could be imposed on a donor by establishing the natural parentage of a child in court proceedings.



ARTIFICIAL INSEMINATION

July 1985

Background

Alaska law, AS 25.20.045, provides that:

A child born to a married women by means of artificial insemination performed by a licensed physician and consented to in writing by both spouses, is considered for all purposes the natural and legitimate child of both spouses.

This statute does not recognize the right of a single woman, or married woman in the absence of her husband's consent, to give birth by means of artificial insemination. Further, the present statute offers no protection against paternity obligations of an anonymous sperm donor. Under present law AS 25.20.050, a paternity obligation could be imposed by establishing the natural parentage of a child in court proceedings.

Recommended Legislative Action

AS 25.20.045 should be expanded to specifically recognize the right of a single woman, or married women in the absence of her husband's consent, to give birth by means of artificial insemination.

The statute should also ensure that an anonymous sperm-donor is protected from paternity obligations unless the donor and the woman agree in writing that the donor is the natural father.

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1986 LEGISLATIVE PROPOSAL REQUEST FORM

DATE: 7/25/85

DEPARTMENT Office of the Governor, Alaska Women's Commission

SUBJECT OF PROPOSED BILL:

#7 Birth Certificate Preparation

SUMMARY/EXPLANATION OF INTENT: (Why is legislation requested. Explain need. Attach additional sheet, if necessary.)

Objective 1: Amend AS 18.50.160 (c) to remove the sex bias in the procedure for registering live births. The current language states that "when a birth occurs outside an

(continued on attached page)

ESTIMATED FISCAL IMPACT: None

Capital:

Operating:

Has this or a substantially similar bill been introduced (and not passed) in the Legislature in previous session? Has it been drafted but not introduced? (If so, please attach copy of approved draft and give Department of Law file no.: 377 - _____ - _____.)

Why wasn't it passed: NA

Rate the bill's importance to the department by priority number (in relationship to your department's other requests if any.):

COMMISSIONER'S SIGNATURE: Kathy Marshall, Executive Director

DATE: 7/25/85

Governor's Office recommendation:

SUBJECT: Birth Certificate Preparation

SUMMARY (Continued):

institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority: ... (3) the father, mother, or, in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurs."

Subparagraph (3) should be changed to read "a parent or, if a parent is unable, the person in charge of the premises where the birth occurs."

Objective 2: Delete AS 18.50.160(f) which gives the state registrar the discretion to treat birth certificates of children born to unmarried parents differently from married parents, although no apparent purpose is served by this provision.

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BIRTH CERTIFICATE PREPARATION

July 1985

Alaska law, AS 18.50.160, contains several provisions addressing the preparation of birth certificates by the Bureau of Vital Statistics.

Filing of Live Births

AS 18.50.160 sets out a procedure for registering live births. Section (c) states that "When a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority: ... (3) the father, mother, or in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurs."

The father arguably has higher priority to file than the mother. Also, the father's potential absence is recognized while the mother's potential inability is recognized. No identifiable purpose is served by this sex-based discrimination.

Recommended Legislative Action

Change subparagraph (3) to read "a parent or, if a parent is unable, the person in charge of the premises where the birth occurs."

Children Born Out of Wedlock

Paragraph (f) of AS 18.50.160 provides that "In the case of a child born out of wedlock, the certificate of birth shall be filed in accordance with (a), (b), and (c) of this section unless the state registrar directs another procedure."

No apparent purpose is served by this provision which gives the state registrar the discretion to treat unmarried parents different from married parents.

Recommended Legislative Action

Delete paragraph (f) of AS 18.50.160.

1986 LEGISLATIVE PROPOSAL REQUEST FORM

DATE: 7/25/85

DEPARTMENT Office of the Governor, Alaska Women's Commission

SUBJECT OF PROPOSED BILL:

#8 Prostitution in Liquor Licensed Facilities

SUMMARY/EXPLANATION OF INTENT: (Why is legislation requested. Explain need. Attach additional sheet, if necessary.)

Amend AS 04.11.370 (7) which authorizes the Alcoholic Beverage Control Board to suspend or revoke a liquor license if the Board finds that the licensed premises are "a resort for...prostitutes, or pimps."

The term "pimp" is gender based and should be replaced with the phrase "promoters of prostitution."

ESTIMATED FISCAL IMPACT: None

Capital:

Operating:

Has this or a substantially similar bill been introduced (and not passed) in the Legislature in previous session? Has it been drafted but not introduced? (If so, please attach copy of approved draft and give Department of Law file no.: 377 - _____ - _____.)

Why wasn't it passed: NA

Rate the bill's importance to the department by priority number (in relationship to your department's other requests if any.)

COMMISSIONER'S SIGNATURE: Lethy Mitchell Executive Director

DATE: 7/25/85

Governor's Office recommendation:



PROSTITUTION IN LIQUOR LICENSED FACILITIES

July 1985

Background

Alaska law, AS 04.11.370(7), authorizes the Alcoholic Beverage Control Board to suspend or revoke a liquor license if the Board finds that the licensed premises are "a resort for ... prostitutes, or pimps."

Former AS 11.40.420 (repealed in 1978) defined a pimp as "a male person" who "lives upon or receives the earnings of a prostitute" or is involved with prostitution in other specified ways. The present criminal code makes promoting prostitution a crime regardless of the sex of the promoter. AS 11.65.100 et seq. The liquor licensing statute discriminates on the basis of sex by continuing to use the term "pimps."

Recommended Legislative Action

Replace "pimps" with "promoters of prostitution" in AS 04.11.370(7).

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1986 LEGISLATIVE PROPOSAL REQUEST FORM

DATE: 7/25/85

DEPARTMENT Office of the Governor, Alaska Women's Commission

SUBJECT OF PROPOSED BILL:

#10 Determination of Partnership

SUMMARY/EXPLANATION OF INTENT: (Why is legislation requested. Explain need. Attach additional sheet, if necessary.)

Amend AS 32.05.020 (4) (c) by replacing gender based term "widow" with the term "surviving spouse." The statute inappropriately presumes men, but not women will enter into partnerships.

ESTIMATED FISCAL IMPACT: None

Capital:

Operating:

Has this or a substantially similar bill been introduced (and not passed) in the Legislature in previous session? Has it been drafted but not introduced? (If so, please attach copy of approved draft and give Department of Law file no.: 377 - _____ - _____.)

Why wasn't it passed: NA

Rate the bill's importance to the department by priority number (in relationship to your department's other requests if any.);

COMMISSIONER'S SIGNATURE: Lindy Marshall, Executive Director

DATE: 7/25/85

Governor's Office recommendation:



DETERMINATION OF PARTNERSHIPS

July 1985

Background

Alaska law, AS 32.05.020, sets out rules for determining when a person is considered to have entered into a partnership with other persons. Subsection (4) provides that:

The receipt by a person of a share of the profits of a business is prima facie evidence that he is a partner in the business, but no such inference shall be drawn if such profits were received in payment

(C) as an annuity to a widow or representative of a deceased partner.

"Widow" is defined as "a woman whose husband is dead, and who is not remarried. The corresponding term for a male surviving spouse is "widower," but is not addressed by the statute. The statute inappropriately presumes men, but not women, will enter into partnerships.

Recommended Legislative Action

Replace "widow" with "surviving spouse." In addition, the use of the personal pronoun "he" should be eliminated.

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1986 LEGISLATIVE PROPOSAL REQUEST FORM

DATE: 7/25/85

DEPARTMENT Office of the Governor, Alaska Women's Commission

SUBJECT OF PROPOSED BILL:

#11 Partner's Interest in Specific Partnership Property

SUMMARY/EXPLANATION OF INTENT: (Why is legislation requested. Explain need. Attach additional sheet, if necessary.)

Amend AS 32.05.200 (b) (5) to remove archaic legal terminology that is no longer recognized in Alaska law, "dower" and "curtesy." Further, gender based reference to "widows" should be deleted and replaced with gender neutral term "surviving spouse."

ESTIMATED FISCAL IMPACT: None

Capital:

Operating:

Has this or a substantially similar bill been introduced (and not passed) in the Legislature in previous session? Has it been drafted but not introduced? (If so, please attach copy of approved draft and give Department of Law file no.: 377 - _____ - _____.)

Why wasn't it passed: NA

Rate the bill's importance to the department by priority number (in relationship to your department's other requests if any.):

COMMISSIONER'S SIGNATURE: Larry Masland, Executive Director

DATE: 7/25/85

Governor's Office recommendation:



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PARTNER'S INTEREST IN SPECIFIC PARTNERSHIP PROPERTY

Background

Alaska law, AS 32.05.200, describes the nature of a partner's interest in specific property owned by the partnership. Basically, the partner has no rights to specific property owned by the partnership. The partner's rights are in the partnership itself, and defined by statute as an interest in the profits and surplus of the partnership.

In describing the partner's lack of interest in specific partnership property, AS 32.05.200(b)(5) provides that "a partner's right in specific partnership property is not subject to dower, curtesy, or allowances to widows, heirs or next-of-kin."

The terms "dower" and "curtesy" are antiquated legal doctrines which provided for disinherited spouses. The doctrine of dower accorded a surviving female spouse the right to one-third of all lands owned by the husband for the rest of the wife's life. Curtesy accorded a similar right to a surviving husband, provided that the couple had children born to them which might inherit the estate. No similar requirement conditioned the woman's right to dower. The statute refers only to allowances to widows, a sex-differentiated term.

Dower and curtesy have been abolished in Alaska. Sex-neutral terms have been adopted to establish the rights of surviving spouses in probate law.

Recommended Legislative Action

Subsection (5) of AS 32.05.200(b) should be amended to remove the archaic and sex-differentiated terminology.

1986 LEGISLATIVE PROPOSAL REQUEST FORM

DATE: 7/25/85

DEPARTMENT Office of the Governor, Alaska Women's Commission

SUBJECT OF PROPOSED BILL:

#12 Burial Costs of Needy Persons

SUMMARY/EXPLANATION OF INTENT: (Why is legislation requested. Explain need. Attach additional sheet, if necessary.)

Amend AS 47.25.230 to remove sex bias in determining who shall pay the cost of burial of a needy person. The current statute sets responsibility to the father before the mother, the grandfather before the grandmother and the brother before the sister. The statute should be rewritten using gender neutral terms "parents, grandparents, grandchildren or siblings."

ESTIMATED FISCAL IMPACT: None

Capital:

Operating:

Has this or a substantially similar bill been introduced (and not passed) in the Legislature in previous session? Has it been drafted but not introduced? (If so, please attach copy of approved draft and give Department of Law file no.: 377 - _____ - _____.)

Why wasn't it passed: NA

Rate the bill's importance to the department by priority number (in relationship to your department's other requests if any.)

COMMISSIONER'S SIGNATURE: Kathy Marshall Executive Director

DATE: 7/25/85

Governor's Office recommendation:



BURIAL COSTS OF NEEDY PERSONS

July 1985

Background

Alaska law, AS 47.25.230, provides that "[e]very needy person shall be supported while living, and upon dying, shall be given a decent burial by the spouse, children, father, mother, grandfather, grandmother, grandchildren, brothers or sisters of the needy person, if they, or any of them, have the ability to do so, in the order named."

The problem with this provision is in the last clause -- "in the order named." The statute makes the father of a needy person liable for support and burial expenses before the mother, the grandfather prior to the grandmother, and the brothers before the sisters. The sex discrimination is self-evident.

Recommended Legislative Action

Revise the sentence by replacing "father, mother, grandfather, grandmother..." with "parents, grandparents, grandchildren or siblings..."

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MEMORANDUM

State of Alaska

TO: Honorable Emil Notti
Commissioner
Department of Community &
Regional Affairs

DATE: October 10, 1985

FILE NO: 366-075-86

TELEPHONE NO: 465-3600

FROM: Harold M. Brown
Attorney General

SUBJECT: Municipality eligi-
bility for municipal
assistance under ch.
90, SLA 1985

By: Susan D. Cox *SDC*
Assistant Attorney General
Governmental Affairs-Juneau

I. QUESTION AND SHORT ANSWER

You have asked whether Metlakatla is eligible to receive municipal assistance in fiscal year 1986 under ch. 90, SLA 1985, in light of an apparent conflict with ch. 74, SLA 1985 (the Municipal Code revision). We have concluded that chs. 74 and 90 can be read in harmony and should both be given effect. Consequently, any municipality that qualifies under the terms of ch. 90, SLA 1985 is eligible to receive municipal assistance.

II. BACKGROUND

Before this year's legislative session, certain statutory provisions for municipal assistance were located in AS 43.20.016. The municipal assistance fund was set up in the Department of Revenue (DOR) (AS 43.20.016(a)), from which organized boroughs and cities received municipal assistance money. Distribution from the fund was done according to a statutory formula which could vary depending on the level of legislative appropriation to the fund and the municipality's population. AS 43.20.016(a), (b), and (c). Municipalities organized under federal law were not entitled to receive municipal assistance from this fund because AS 43.20.016 applied only to municipalities created under state law. Communities other than cities and boroughs organized under state law were, however, entitled to aid from another source under AS 29.89.050. A variety of municipal assistance and revenue sharing programs, administered by the Department of Community and Regional Affairs (DCRA), were established in AS 29.88, AS 29.89, and AS 29.95.

Representative Goll introduced a bill in the first session of the 14th Alaska State Legislature to expand the definition of municipalities qualified to receive money from the municipal assistance fund: HB 198. 1/ In its final form, HB 198

1/ Throughout this memorandum, when we refer to bills it will be by their original designation, for simplicity's sake. We recognize that all of the bills mentioned here were amended to varying degrees before final passage. When we refer to the bills after enactment, we will use their session law chapter reference.

amended AS 43.20.016 by substituting any reference to "organized boroughs and cities" with the more general term "municipalities." A new subsection was added to AS 43.20.016 to define municipality as not only a city or borough organized under state law, but also as "a municipality organized under the federal law as an Indian reserve that existed before enactment of 43 U.S.C. 1618(a) and is continued in existence under that subsection." A new provision establishing the base amount of assistance for a municipality organized under federal law was added to AS 43.20.016(b). A municipality organized under federal law was also required by new AS 43.20.016(e) to perform certain acts before qualifying to receive assistance. The effective date of this bill was July 1, 1985.

Meanwhile, for many years DCRA and others had supported the wholesale revision of Title 29, the Municipal Code. As he had done in the past, the governor introduced a bill to accomplish that end in the first session of the 14th legislature: HB 72. The bill not only rewrote various sections of Title 29, but reorganized and renumbered them as well. The various provisions regarding state aid to municipalities and revenue sharing found in AS 29.88, AS 29.89, and AS 29.95 were united in a single chapter, new AS 29.60 (state programs), with minor alterations. Administration of the municipal assistance fund was transferred from DOR to DCRA. New AS 29.60.350. The substance of AS 43.20.016(a) -- (d) was set out in new AS 29.60.350 -- 29.60.370, otherwise basically unchanged. Because the substance of AS 43.20.016 was incorporated in new AS 29.60, the bill repealed AS 43.20.016. HB 72 carried an effective date provision of January 1, 1986.

Both HB 72 and HB 198 were passed by the first session of the 14th Alaska State Legislature, and signed into law by the governor, as chs. 74 and 90 of the 1985 session laws, respectively. Chapter 74 repeals AS 43.20.016 effective January 1, 1986. Secs. 88 and 90, ch. 74, SLA 1985. Although it continues the municipal assistance fund 2/ (in a different department and under a new series of statute numbers), it does not expressly contain the substance of the amendments to municipal assistance eligibility that were enacted by ch. 90, SLA 1985. The question then is whether the HB 198 amendments to the municipal assistance fund statute (ch. 90, SLA 1985) that were enacted in the same legislative session as HB 72 (ch. 74, SLA 1985) are repealed by HB 72 or whether they should instead be incorporated into the new Title 29.

2/ Sec. 16, ch. 74, SLA 1985.

III. LEGAL ANALYSIS

We have not found a case where an Alaska appellate court has considered this precise situation; however, several supreme court and court of appeals decisions are instructive. In a number of instances the courts have been called upon to construe apparently conflicting statutes, where one party has argued that by passing an Act on the same subject in a subsequent session, the legislature intended by implication to repeal previously enacted law. Pena v. State, 664 P.2d 169 (Alaska App. 1983); Hafling v. Inlandboatmen's Union of Pacific, 585 P.2d 870 (Alaska 1978); Warren v. Thomas, 568 P.2d 400 (Alaska 1977); Peter v. State, 531 P.2d 1263 (Alaska 1975). The court's approach to this problem primarily rests on an analysis of legislative intent:

We shall look to the purpose indicated by the legislature in passage of an act in our effort to determine whether the new enactment is intended to repeal a prior one. If enforcement of the prior statute is in irreconcilable conflict with such purpose, it will be held to have been impliedly repealed.

Peter v. State, 531 P.2d at 1268. The court later affirmed this position, stating, "The implied repeal of an act is disfavored and will be limited to that which is necessary to carry out the intent of the legislature." Pena v. State, 664 P.2d at 175; Warren v. Thomas, 568 P.2d at 876, n.20 ("Legislative intent is the key..."). This position is consistent with that taken by the federal courts and the U.S. Supreme Court:

[W]e decline to read the statutes as being in irreconcilable conflict without seeking to ascertain the actual intent of Congress. Our examination of the legislative history is guided by another maxim: "'repeals by implication are not favored.'" "The intention of the legislature to repeal must be 'clear and manifest.'" We must read the statutes to give effect to each if we can do so while preserving their sense and purpose.

Watt v. Alaska, 451 U.S. 259, 266-267 (1980) (citations omitted); see also Preston v. Heckler, 734 F.2d 1359, 1367-1368 (9th Cir. 1984).

Although these cases show how courts approach a similar statutory construction problem, none of these decisions deal with

a possible conflict between acts of the same legislative session. The applicable rule in that situation is best expressed in the Sutherland treatise on statutory construction:

If the same legislative session enacts two or more acts on the same subject they are presumed to have been actuated by the same policy and intended to have effect together. The rules of construction and interpretation of acts in pari materia apply with singular force to enactments promulgated by the same legislative body, and this strengthens the presumption against implied repeals. ... The enactment of ... two statutes upon the same subject at the same session was held to be an indication of the intent of the legislature that both acts should have concurrent operation. Other courts have eschewed a mechanical approach to the problem of resolving conflict between statutes enacted by the same legislative authority, and have sought to give effect to the legislative intent irrespective of the chronology of different enactments.

In the absence of an irreconcilable conflict between two acts of the same session, each will be construed to operate within the limits of its own terms in a manner not to conflict with each other.

1A N. Singer, Sutherland Statutory Construction § 23.17 at 378 (4th ed. 1985) (emphasis added).

Both chs. 74 and 90 concurrently amend the law on municipal assistance. Ch. 74 moves the substance of AS 43.20.016 to a new chapter on state aid in AS 29.60. Its major substantive change to AS 43.20.016 is to transfer the municipal assistance fund from DOR to DCRA. Chapter 74 repeals AS 43.20.016 as a matter of form because its provisions have been simultaneously relocated in AS 29.60.350 -- 29.60.370. It does not abolish the program of municipal assistance that was set up by AS 43.20.016. Meanwhile, ch. 90 revises the substance of AS 43.20.016 to expand the definition of a municipality qualifying for money from the municipal assistance fund. These Acts do not irreconcilably conflict with each other. It is of no consequence that ch. 74 repeals AS 43.20.016, the statute that ch. 90 amends, because ch. 74 does not repeal the substance of AS 43.20.016, it simply moves it. This conclusion is bolstered by the fact that both Acts were passed by the legislature within days of each other and there is no evidence that the legislature intended ch. 74 to repeal ch. 90.

As has been noted above, some version of a bill revising and reorganizing Title 29 has been introduced in each of the last several sessions of the legislature. This year the bill began as HB 72, introduced in the House on January 16. Many other pieces of legislation directly affecting the municipal code were also introduced this session; of these, four passed. HB 226, SB 190, SB 270, and HB 253 were first introduced on February 22, February 26, April 3, and March 1, 1985, respectively. HB 198 was introduced on February 15. The movement of these bills through committees in each house crisscrossed and overlapped; no bill was clearly first or last in consideration.

All six of these pieces of municipal legislation ultimately passed within a three-day period at the close of the first session of the 14th Alaska State Legislature: between May 9 and 12, 1985. They were each transmitted to the governor between May 10 and May 15. The governor signed HB 72 on June 2 (ch. 74), HB 226 also on June 2 (ch. 73), HB 198 on June 3 (ch. 90), and SB 190, SB 270, and HB 253 on June 5 (chapters 91, 92, and 103, respectively).

None of the substance of the five smaller municipal bills was incorporated into the massive Title 29 revision. Instead, the legislature opted to consider each bill individually, rather than tacking any onto another bill. The reason for this is rather apparent. The sponsors of the smaller bills did not want to have them subsumed by HB 72 for fear that the large bill would not pass, as it had not for several years. Conversely, proponents of HB 72 did not want to see it laden with controversial amendments that could doom the bulk revision. There is no evidence that the legislature did not intend all of its legislation to be given effect, if enacted.

Because ch. 74 reorganized Title 29 and renumbered its sections, virtually all of the old section numbers that chapters 73, 90, 91, 92, and 103 amend have been repealed by ch. 74. However, as long as Title 29 maintains the substance of the repealed sections under some new section number, and the substance of ch. 74 does not irreconcilably conflict with the amendments in chapters 73, 90, 91, 92, and 103, all of the municipal legislation of this most recent session should be construed together, as Sutherland states.

It may be argued that, because the legislature passed ch. 74 after ch. 90, ch. 74 repeals the municipal assistance fund amendments made by ch. 90. The dates of passage do not alter the general rule that Acts passed on the same subject in the same session are to have effect together, where they do not irrecon-

Hon. Emil Notti, Commissioner
Department of Community
and Regional Affairs

October 10, 1985
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cilably conflict. Sutherland, § 23.17. Only where there is an irreconcilable conflict does the later legislation repeal the earlier legislation to the extent of the conflict in their terms. Id. Furthermore, there appears to be some confusion among courts and writers as to whether the critical time is passage or enactment. Id. In this case, the House concurred in the Senate's amendments to HB 198 two days before it did the same for HB 72, but HB 72 was enacted (as ch. 74) one day before HB 198 (as ch. 90).

The effective dates of the municipal legislation of this session likewise do not affect our analysis: ch. 92 -- June 6, 1985; ch. 90 -- July 1, 1985; ch. 73 -- August 31, 1985; and chapters 74, 91, and 103 -- January 1, 1986. Even in cases where bills of the same session irreconcilably conflict with each other, it is always the date of passage or enactment that controls statutory construction, not the time of taking effect. Id. Moreover, even if the legislature had intended ch. 90 to be in force only from July 1, 1985 to January 1, 1986, when ch. 74 would repeal it, the legislature could have expressly indicated its intention to have this result.

Based on the foregoing analysis, we conclude that the amendments to municipal assistance accomplished by ch. 90, SLA 1985 must be incorporated into sec. 16, ch. 74, SLA 1985. This result is necessary to effectuate the intent of the legislature and is based on sound principles of statutory construction.

SDC/pjg

cc: Marty Rutherford, Director
DCRA, Municipal & Regional
Assistance Div. -- Anchorage

Douglas Griffin
Jim Plasman
DCRA, MARAD -- Juneau

David Dierdorff, Esq.
Revisor of Statutes
Legislative Affairs Agency

Tamara Cook, Esq.
Legislative Legal Counsel
Legislative Affairs Agency

-2450

MEMORANDUM

State of Alaska

DIVISION OF PARKS
AND OUTDOOR RECREATION

DEPARTMENT OF NATURAL RESOURCES
TO David Dierdorff
Revisor of Statutes
Legislative Legal Council
Division of Legal Services

DATE: January 2, 1986

FILE NO:

TELEPHONE NO: 465-2400

SUBJECT: Alaska Chilkat
Bald Eagle Preserve

James H. Bennett
The Honorable Esther C. Wunnicke
Commissioner
Neil C. Johannsen
Director

Attached are corrections to a portion of the legislation establishing the Alaska Chilkat Bald Eagle Preserve.

After final passage of AS 41.20.507 (now AS 41/21/611), several discrepancies were discovered in the legal description. The corrections will not change the intent of the original legislation, but rather correct discrepancies in the legal description according to accepted land description practices.

The Eagle Preserve legislation was written according to a reference map. When the legal description was written, correct land description notations were not utilized in defining the river, portions of previously surveyed land, and one mapped section of land was inadvertently left out of the description.

At the January, 1983 Eagle Preserve Advisory Council meeting, an explanation and presentation was made to request changes to correct the legal description. The Eagle Preserve Advisory Council and Department of Natural Resources review has concluded that these changes are valid and in keeping with the legislative intent and documentation.

Therefore, I request that these corrections be incorporated into your 1986 revisor's bill. The corrected legal description is being forwarded to you as an attachment to this memo. In the corrected version, where underlined words or phrases appear, those items are proposed for addition to the legislation currently in effect. Where brackets and capitalization appear, those items are proposed for deletion from the current effective legislation.

attachments

ALASKA STATE PARKS --

 on the Map!

- DNR - CHILKAT EAGLE PRESERVE -

(k) Except for University of Alaska grant land, the land and water owned by the state and all land and water acquired by the state in the future lying within the following described parcels are designated as the Alaska Chilkat Bald Eagle Preserve:

- (1) Township 26 South, Range 55 East, Copper River Meridian
 - Section 12: that portion within USS 3708
 - Section 13: that portion within USS 3708
 - Section 23: $SE\frac{1}{2}NE\frac{1}{2}$, $NE\frac{1}{2}SE\frac{1}{2}$, $E\frac{1}{2}NW\frac{1}{2}SE\frac{1}{2}$, $S\frac{1}{2}SE\frac{1}{2}$
 - Sections 24 and 25
 - Section 26: $E\frac{1}{2}$
 - Section 33: $SE\frac{1}{2}SE\frac{1}{2}SE\frac{1}{2}$
 - Section 34: $E\frac{1}{2}NE\frac{1}{2}$, $E\frac{1}{2}SW\frac{1}{2}NE\frac{1}{2}$, $SE\frac{1}{2}NE\frac{1}{2}SW\frac{1}{2}$, $E\frac{1}{2}SW\frac{1}{2}SW\frac{1}{2}$,
 $SW\frac{1}{2}SW\frac{1}{2}SW\frac{1}{2}$, $SE\frac{1}{2}SW\frac{1}{2}$, $SE\frac{1}{2}$
 - Section 35
 - Section 36: $NE\frac{1}{2}NW\frac{1}{2}NE\frac{1}{2}$, $W\frac{1}{2}W\frac{1}{2}NE\frac{1}{2}$, $NW\frac{1}{2}$, $N\frac{1}{2}SW\frac{1}{2}$, $N\frac{1}{2}SW\frac{1}{2}SW\frac{1}{2}$,
 $SW\frac{1}{2}SW\frac{1}{2}SW\frac{1}{2}$, $NW\frac{1}{2}SE\frac{1}{2}SW\frac{1}{2}$, $NW\frac{1}{2}SE\frac{1}{2}$
- (2) Township 26 South, Range 56 East, Copper River Meridian
 - Section 7: $SW\frac{1}{2}NE\frac{1}{2}$, [$S\frac{1}{2}NW\frac{1}{2}$,] $S\frac{1}{2}$ and that portion of the
 $S\frac{1}{2}NW\frac{1}{2}$ within USS 3708
 - Section 8: $SE\frac{1}{2}SW\frac{1}{2}NW\frac{1}{2}$, $SE\frac{1}{2}NW\frac{1}{2}$, $SW\frac{1}{2}$, that portion of the
 $S\frac{1}{2}NE\frac{1}{2}$ within USS 3708
 - Section 17: $W\frac{1}{2}NW\frac{1}{2}$
 - Section 18
 - Section 19: $W\frac{1}{2}$, $SW\frac{1}{2}SE\frac{1}{2}$
 - Section 30: $NE\frac{1}{2}NW\frac{1}{2}NE\frac{1}{2}$, $W\frac{1}{2}NW\frac{1}{2}NE\frac{1}{2}$, $NW\frac{1}{2}$, $W\frac{1}{2}SW\frac{1}{2}$
- (3) Township 27 South, Range 55 East, Copper River Meridian
 - Section 2: $NW\frac{1}{2}$, $W\frac{1}{2}NE\frac{1}{2}SW\frac{1}{2}$, $NW\frac{1}{2}SW\frac{1}{2}$, $N\frac{1}{2}SW\frac{1}{2}SW\frac{1}{2}$, $SW\frac{1}{2}SW\frac{1}{2}SW\frac{1}{2}$,
 $NW\frac{1}{2}SE\frac{1}{2}SW\frac{1}{2}$, except USS 3744
 - Section 3
 - Section 4: $NE\frac{1}{2}NE\frac{1}{2}NE\frac{1}{2}$, $S\frac{1}{2}NE\frac{1}{2}NE\frac{1}{2}$, $E\frac{1}{2}SW\frac{1}{2}NE\frac{1}{2}$, $SE\frac{1}{2}NE\frac{1}{2}$,
 $E\frac{1}{2}SE\frac{1}{2}SW\frac{1}{2}$, $SE\frac{1}{2}$
 - Section 8: $SE\frac{1}{2}SE\frac{1}{2}SW\frac{1}{2}$, $S\frac{1}{2}S\frac{1}{2}SE\frac{1}{2}$, $N\frac{1}{2}SE\frac{1}{2}SE\frac{1}{2}$
 - Section 9: $E\frac{1}{2}$, $E\frac{1}{2}NW\frac{1}{2}$, $N\frac{1}{2}NE\frac{1}{2}SW\frac{1}{2}$, $SE\frac{1}{2}NE\frac{1}{2}SW\frac{1}{2}$, $NW\frac{1}{2}SW\frac{1}{2}SW\frac{1}{2}$,
 $S\frac{1}{2}S\frac{1}{2}SW\frac{1}{2}$
 - Section 10: $W\frac{1}{2}W\frac{1}{2}NE\frac{1}{2}$, $W\frac{1}{2}$

Section 15: NW $\frac{1}{2}$ NW $\frac{1}{2}$ NE $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{2}$ NE $\frac{1}{2}$, SW $\frac{1}{2}$ NE $\frac{1}{2}$, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{2}$

Section 16: E $\frac{1}{2}$, NW $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{2}$, NW $\frac{1}{2}$ SE $\frac{1}{2}$ SW $\frac{1}{2}$, E $\frac{1}{2}$ SE $\frac{1}{2}$ SW $\frac{1}{2}$

Section 17: N $\frac{1}{2}$ NE $\frac{1}{2}$, NE $\frac{1}{2}$ SW $\frac{1}{2}$ NE $\frac{1}{2}$, SE $\frac{1}{2}$ NE $\frac{1}{2}$, E $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$,
N $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$, SE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$

Section 21: E $\frac{1}{2}$, E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{2}$, SW $\frac{1}{2}$ SE $\frac{1}{2}$ NW $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{2}$, SE $\frac{1}{2}$ SW $\frac{1}{2}$ SW $\frac{1}{2}$

Section 22: SW $\frac{1}{2}$ NE $\frac{1}{2}$ NE $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{2}$, W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{2}$

Section 26: NW $\frac{1}{2}$ NW $\frac{1}{2}$ NW $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{2}$ NW $\frac{1}{2}$, SW $\frac{1}{2}$ NW $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{2}$

Section 27

Section 28: E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$ W $\frac{1}{2}$

Section 33: N $\frac{1}{2}$ NE $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{2}$ NE $\frac{1}{2}$, NW $\frac{1}{2}$ SW $\frac{1}{2}$ NE $\frac{1}{2}$, SE $\frac{1}{2}$ NE $\frac{1}{2}$, E $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$,
NE $\frac{1}{2}$ SE $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{2}$ SE $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{2}$ SE $\frac{1}{2}$, SE $\frac{1}{2}$ SE $\frac{1}{2}$ SE $\frac{1}{2}$

Section 34

Section 35: NW $\frac{1}{2}$ NW $\frac{1}{2}$ NE $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{2}$ NE $\frac{1}{2}$, SW $\frac{1}{2}$ NE $\frac{1}{2}$, NW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{2}$,
S $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{2}$, W $\frac{1}{2}$, SE $\frac{1}{2}$

Section 36: W $\frac{1}{2}$ SW $\frac{1}{2}$ SW $\frac{1}{2}$

(4) Township 28 South, Range 55 East, Copper River Meridian

Section 1: S $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$, SW $\frac{1}{2}$

Section 2

Section 3: NE $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$, SE $\frac{1}{2}$ NW $\frac{1}{2}$, NE $\frac{1}{2}$ NE $\frac{1}{2}$ SW $\frac{1}{2}$,
N $\frac{1}{2}$ SE $\frac{1}{2}$, SE $\frac{1}{2}$ SE $\frac{1}{2}$

Section 4: E $\frac{1}{2}$ NE $\frac{1}{2}$ NE $\frac{1}{2}$

Section 10: that portion of Mosquito Lake within the NE $\frac{1}{2}$

Section 11: N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{2}$, NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$, SE $\frac{1}{2}$ SE $\frac{1}{2}$, except USS 3431

Section 12

Section 13: E $\frac{1}{2}$, NE $\frac{1}{2}$ NW $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{2}$ NW $\frac{1}{2}$, NW $\frac{1}{2}$ NW $\frac{1}{2}$ NW $\frac{1}{2}$, NW $\frac{1}{2}$ SE $\frac{1}{2}$ NW $\frac{1}{2}$,
E $\frac{1}{2}$ SE $\frac{1}{2}$ NW $\frac{1}{2}$

[SECTION 15: THAT PORTION OF MOSQUITO LAKE]

Section 19: Lot 13

Section 24: E $\frac{1}{2}$ E $\frac{1}{2}$, NE $\frac{1}{2}$ NW $\frac{1}{2}$ NE $\frac{1}{2}$

Section 25: except that portion north of the Haines Highway

[LOTS 9-11 AND 16]

Section 26: that portion [OF LOT 5 AND NE $\frac{1}{2}$ NW $\frac{1}{2}$] south of the

Haines Highway, except [AND] Lots 2, 3, and SW $\frac{1}{2}$ SW $\frac{1}{2}$

[1, 12, AND 17]

Section 27: that portion south of the Haines Highway except
S $\frac{1}{2}$ S $\frac{1}{2}$ [LOTS 5-8, 10, 13, 18, 19, AND 22]

Section 28: [,] except S $\frac{1}{2}$ S $\frac{1}{2}$, the south 660 feet of Lots 5-7,
and that portion north of the Haines Highway

Section 29: [,] except S $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$, NE $\frac{1}{2}$ SE $\frac{1}{2}$ SE $\frac{1}{2}$, and Lots 9, 14, 15,
and 18

Section 30: E $\frac{1}{2}$ NE $\frac{1}{2}$, N $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ [LOT 11, AND LOT 6 EXCEPT THE
SOUTH 660 FEET]

Section 33: SE $\frac{1}{2}$ SE $\frac{1}{2}$ SE $\frac{1}{2}$ [S $\frac{1}{2}$ SE $\frac{1}{2}$ SE $\frac{1}{2}$]

Section 34: S $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$

Section 35: except NW $\frac{1}{2}$ NE $\frac{1}{2}$, S $\frac{1}{2}$ NE $\frac{1}{2}$, NW $\frac{1}{2}$, S $\frac{1}{2}$ [LOT 1]

Section 36: [,] except SW $\frac{1}{2}$ NW $\frac{1}{2}$, S $\frac{1}{2}$, and the south 660 feet of
Lots 3-4

(5) Township 28 South, Range 56 East, Copper River Meridian

Section 7: SW $\frac{1}{2}$ NW $\frac{1}{2}$ NW $\frac{1}{2}$, SW $\frac{1}{2}$ NW $\frac{1}{2}$, SW $\frac{1}{2}$ SE $\frac{1}{2}$ NW $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{2}$ SW $\frac{1}{2}$, SE $\frac{1}{2}$ NE $\frac{1}{2}$ SW $\frac{1}{2}$,
NW $\frac{1}{2}$ SW $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{2}$, SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$

Section 17: W $\frac{1}{2}$ SW $\frac{1}{2}$ SW $\frac{1}{2}$, SE $\frac{1}{2}$ SW $\frac{1}{2}$ SW $\frac{1}{2}$

Section 18: W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{2}$ NE $\frac{1}{2}$, SW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{2}$, W $\frac{1}{2}$, SE $\frac{1}{2}$

Section 19

Section 20: W $\frac{1}{2}$ W $\frac{1}{2}$

Section 29: except USS 948, USS 991, Lots 1, 2, ^{and} 4-7,
NE $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{2}$ [LOTS 8-11]

Section 30: [,] except Lots 1, 4, 5, 8, 15-17, and the NE $\frac{1}{2}$ SW $\frac{1}{2}$

Section 31

Section 32: [,] except USS 991, USS 2455, and Lots 1, 2, and 24

Section 33: S $\frac{1}{2}$ except USS 2455 and Lots 18-21

Section 34: W $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$, SE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$, SW $\frac{1}{2}$ except ~~Lots 1, 2, NE $\frac{1}{2}$ SW $\frac{1}{2}$ and~~
[LOTS 1, 2, S $\frac{1}{2}$ NE $\frac{1}{2}$ SW $\frac{1}{2}$,]

(6) Township 28 South, Range 57 East, Copper River Meridian

Section 22: NE $\frac{1}{2}$ SW $\frac{1}{2}$, E $\frac{1}{2}$ SE $\frac{1}{2}$ SW $\frac{1}{2}$, W $\frac{1}{2}$ NW $\frac{1}{2}$ SE $\frac{1}{2}$, SW $\frac{1}{2}$ SE $\frac{1}{2}$,
NW $\frac{1}{2}$ SE $\frac{1}{2}$ SE $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{2}$ SE $\frac{1}{2}$

Section 26: W $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{2}$

Section 27: E $\frac{1}{2}$ E $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{2}$ NE $\frac{1}{2}$, SE $\frac{1}{2}$ NW $\frac{1}{2}$ NE $\frac{1}{2}$

Section 34: NE $\frac{1}{2}$ NE $\frac{1}{2}$, NE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{2}$

Section 35: SW $\frac{1}{2}$ SW $\frac{1}{2}$ NE $\frac{1}{2}$, NW $\frac{1}{2}$ NW $\frac{1}{2}$ NW $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{2}$ NW $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{2}$,
E $\frac{1}{2}$ SW $\frac{1}{2}$, NW $\frac{1}{2}$ NW $\frac{1}{2}$ SE $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{2}$ SE $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{2}$, SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$

- (7) Township 29 South, Range 55 East, Copper River Meridian
 Section 1: $S\frac{1}{2}NE\frac{1}{2}NE\frac{1}{2}$, $E\frac{1}{2}SW\frac{1}{2}NE\frac{1}{2}$, $N\frac{1}{2}SE\frac{1}{2}NE\frac{1}{2}$, $SW\frac{1}{2}SE\frac{1}{2}NE\frac{1}{2}$,
 $NW\frac{1}{2}NE\frac{1}{2}SE\frac{1}{2}$, $NE\frac{1}{2}NW\frac{1}{2}SE\frac{1}{2}$
- (8) Township 29 South, Range 56 East, Copper River Meridian
 Section 1
 Section 2: $N\frac{1}{2}NE\frac{1}{2}$, $E\frac{1}{2}SE\frac{1}{2}NE\frac{1}{2}$, $NE\frac{1}{2}NW\frac{1}{2}$, $E\frac{1}{2}NE\frac{1}{2}SE\frac{1}{2}$, $NE\frac{1}{2}SE\frac{1}{2}SE\frac{1}{2}$
 Section 4: $W\frac{1}{2}NW\frac{1}{2}$, $W\frac{1}{2}SE\frac{1}{2}NW\frac{1}{2}$, $SE\frac{1}{2}SE\frac{1}{2}NW\frac{1}{2}$, $SW\frac{1}{2}$, $W\frac{1}{2}NW\frac{1}{2}SE\frac{1}{2}$,
 $SE\frac{1}{2}NW\frac{1}{2}SE\frac{1}{2}$, $SW\frac{1}{2}SE\frac{1}{2}$, $W\frac{1}{2}SE\frac{1}{2}SE\frac{1}{2}$, $SE\frac{1}{2}SE\frac{1}{2}SE\frac{1}{2}$
 Section 5: $E\frac{1}{2}$, $N\frac{1}{2}NW\frac{1}{2}$, $SE\frac{1}{2}NE\frac{1}{2}SW\frac{1}{2}$, $E\frac{1}{2}SE\frac{1}{2}SW\frac{1}{2}$
 Section 6: $N\frac{1}{2}N\frac{1}{2}NE\frac{1}{2}$, $NE\frac{1}{2}[NE\frac{1}{2}]NW\frac{1}{2}$, [$S\frac{1}{2}NE\frac{1}{2}NW\frac{1}{2}$,] $S\frac{1}{2}NW\frac{1}{2}NW\frac{1}{2}$,
 $N\frac{1}{2}SW\frac{1}{2}NW\frac{1}{2}$, $NW\frac{1}{2}SE\frac{1}{2}NW\frac{1}{2}$
 Section 8: except $SW\frac{1}{2}SW\frac{1}{2}$ and $S\frac{1}{2}SE\frac{1}{2}SW\frac{1}{2}$
 Section 9
 Section 10: $S\frac{1}{2}S\frac{1}{2}NE\frac{1}{2}$, $SW\frac{1}{2}NE\frac{1}{2}NW\frac{1}{2}$, $NW\frac{1}{2}NW\frac{1}{2}$, $S\frac{1}{2}NW\frac{1}{2}$, $S\frac{1}{2}$
 Section 11: $S\frac{1}{2}NE\frac{1}{2}$, $S\frac{1}{2}S\frac{1}{2}NW\frac{1}{2}$, $NE\frac{1}{2}SW\frac{1}{2}NW\frac{1}{2}$, $N\frac{1}{2}SE\frac{1}{2}NW\frac{1}{2}$, $S\frac{1}{2}$
 Sections 12-14
 Section 15: $N\frac{1}{2}$; $N\frac{1}{2}N\frac{1}{2}SW\frac{1}{2}$, $E\frac{1}{2}SE\frac{1}{2}$, $NW\frac{1}{2}SE\frac{1}{2}$, $E\frac{1}{2}SW\frac{1}{2}SE\frac{1}{2}$
 Section 16: $E\frac{1}{2}NE\frac{1}{2}$, $E\frac{1}{2}W\frac{1}{2}NE\frac{1}{2}$, $W\frac{1}{2}NW\frac{1}{2}NE\frac{1}{2}$, $NW\frac{1}{2}SW\frac{1}{2}NE\frac{1}{2}$,
 $N\frac{1}{2}N\frac{1}{2}NW\frac{1}{2}$, $SE\frac{1}{2}NE\frac{1}{2}NW\frac{1}{2}$, $NE\frac{1}{2}SE\frac{1}{2}NW\frac{1}{2}$
 Section 17: $N\frac{1}{2}NE\frac{1}{2}NE\frac{1}{2}$
 Section 22: $N\frac{1}{2}NE\frac{1}{2}NE\frac{1}{2}$, $NE\frac{1}{2}NW\frac{1}{2}NE\frac{1}{2}$
 Section 23: that portion of the $N\frac{1}{2}NW\frac{1}{2}$ lying west of
 Chilkat Lake
- (9) Township 29 South, Range 57 East, Copper River Meridian
 Section 4: $NW\frac{1}{2}NW\frac{1}{2}SW\frac{1}{2}$, $S\frac{1}{2}NW\frac{1}{2}SW\frac{1}{2}$, $SW\frac{1}{2}SW\frac{1}{2}$, $NW\frac{1}{2}SE\frac{1}{2}SW\frac{1}{2}$, $S\frac{1}{2}SE\frac{1}{2}SW\frac{1}{2}$
 Section 5: [,] except Lots 2-4, $N\frac{1}{2}NE\frac{1}{2}$, $NE\frac{1}{2}SE\frac{1}{2}NE\frac{1}{2}$ [, AND THE
 NORTH 660 FEET AND THE EAST 660 FEET OF LOT 2]
 Section[S] 6: [-8] except Lots 1 and 9
Sections 7 and 8
 USS 907
 Section 9: $W\frac{1}{2}W\frac{1}{2}NE\frac{1}{2}$, $SE\frac{1}{2}SW\frac{1}{2}NE\frac{1}{2}$, $SW\frac{1}{2}SE\frac{1}{2}NE\frac{1}{2}$, $NW\frac{1}{2}$, $S\frac{1}{2}$
 Section 10: Lots 1-4, $W\frac{1}{2}NE\frac{1}{2}SW\frac{1}{2}$, $NW\frac{1}{2}SE\frac{1}{2}SW\frac{1}{2}$, $E\frac{1}{2}SW\frac{1}{2}SE\frac{1}{2}SW\frac{1}{2}$
 Section 14: that portion west of the Haines Highway
 Section 15: [,] except $NE\frac{1}{2}NE\frac{1}{2}$ and Lots 7-10, 13-14
 Sections 16-18

USS 786

Section 19: $NE\frac{1}{2}NE\frac{1}{2}NE\frac{1}{2}$

Section 20: $NE\frac{1}{2}$, $E\frac{1}{2}NW\frac{1}{2}$, $NW\frac{1}{2}NW\frac{1}{2}$, $E\frac{1}{2}SW\frac{1}{2}NW\frac{1}{2}$, $NE\frac{1}{2}SE\frac{1}{2}$,
 $N\frac{1}{2}NW\frac{1}{2}SE\frac{1}{2}$, $SE\frac{1}{2}NW\frac{1}{2}SE\frac{1}{2}$, $NE\frac{1}{2}SE\frac{1}{2}SE\frac{1}{2}$

Sections 21 and 22

Section 23: that portion west of the Haines Highway

Section 25: that portion west of the Haines Highway

Section 26: that portion west of the Haines Highway

Section 27

Section 28: $NE\frac{1}{2}$, $NE\frac{1}{2}NW\frac{1}{2}$, $N\frac{1}{2}NW\frac{1}{2}NW\frac{1}{2}$, $N\frac{1}{2}SE\frac{1}{2}NW\frac{1}{2}$, $NE\frac{1}{2}SE\frac{1}{2}$,
 $N\frac{1}{2}NW\frac{1}{2}SE\frac{1}{2}$, $SE\frac{1}{2}NW\frac{1}{2}SE\frac{1}{2}$, $NE\frac{1}{2}SE\frac{1}{2}SE\frac{1}{2}$

Section 34: $NE\frac{1}{2}$, $NE\frac{1}{2}NW\frac{1}{2}$, $NE\frac{1}{2}SE\frac{1}{2}NW\frac{1}{2}$, $NE\frac{1}{2}SE\frac{1}{2}$, $NE\frac{1}{2}NW\frac{1}{2}SE\frac{1}{2}$,
 $E\frac{1}{2}SE\frac{1}{2}SE\frac{1}{2}$

Section 35

Section 36: that portion west of the Haines Highway

(10) Township 29 South, Range 58 East, Copper River Meridian

Section 3: $S\frac{1}{2}SW\frac{1}{2}NW\frac{1}{2}$, $SW\frac{1}{2}NE\frac{1}{2}SW\frac{1}{2}$, $W\frac{1}{2}SW\frac{1}{2}$, $SE\frac{1}{2}SW\frac{1}{2}$, $S\frac{1}{2}SW\frac{1}{2}SE\frac{1}{2}$

Section 4: $SW\frac{1}{2}NE\frac{1}{2}NE\frac{1}{2}$, $W\frac{1}{2}NE\frac{1}{2}$, $SE\frac{1}{2}NE\frac{1}{2}$, $NW\frac{1}{2}$, $NE\frac{1}{2}SW\frac{1}{2}$, $SE\frac{1}{2}$

Section 9: $NE\frac{1}{2}NE\frac{1}{2}$

Section 10: $N\frac{1}{2}$, $E\frac{1}{2}SW\frac{1}{2}$, $E\frac{1}{2}W\frac{1}{2}SW\frac{1}{2}$, $NW\frac{1}{2}NW\frac{1}{2}SW\frac{1}{2}$, $SE\frac{1}{2}$

Section 31: that portion south of the Haines Highway

(11) Township 30 South, Range 57 East, Copper River Meridian

Section 1

Section 2: $NE\frac{1}{2}$, $NE\frac{1}{2}NW\frac{1}{2}$, $N\frac{1}{2}NW\frac{1}{2}NW\frac{1}{2}$, $SE\frac{1}{2}NW\frac{1}{2}NW\frac{1}{2}$, $N\frac{1}{2}SE\frac{1}{2}NW\frac{1}{2}$,
 $SE\frac{1}{2}SE\frac{1}{2}NW\frac{1}{2}$, $N\frac{1}{2}SE\frac{1}{2}$, $N\frac{1}{2}SE\frac{1}{2}SE\frac{1}{2}$

Section 3: $NE\frac{1}{2}NE\frac{1}{2}NE\frac{1}{2}$

Section 12: $NE\frac{1}{2}$, $NE\frac{1}{2}NW\frac{1}{2}$, $NE\frac{1}{2}NW\frac{1}{2}NW\frac{1}{2}$, $NE\frac{1}{2}SE\frac{1}{2}NW\frac{1}{2}$, $W\frac{1}{2}NE\frac{1}{2}SE\frac{1}{2}$,
 $NE\frac{1}{2}NW\frac{1}{2}SE\frac{1}{2}$, $E\frac{1}{2}E\frac{1}{2}SE\frac{1}{2}$, $NW\frac{1}{2}SE\frac{1}{2}SE\frac{1}{2}$

[SECTION 13: $NE\frac{1}{2}NE\frac{1}{2}NE\frac{1}{2}$]

(12) Township 30 South, Range 58 East, Copper River Meridian

Section 6: that portion west of the Haines Highway

Section 7: that portion west of the Haines Highway

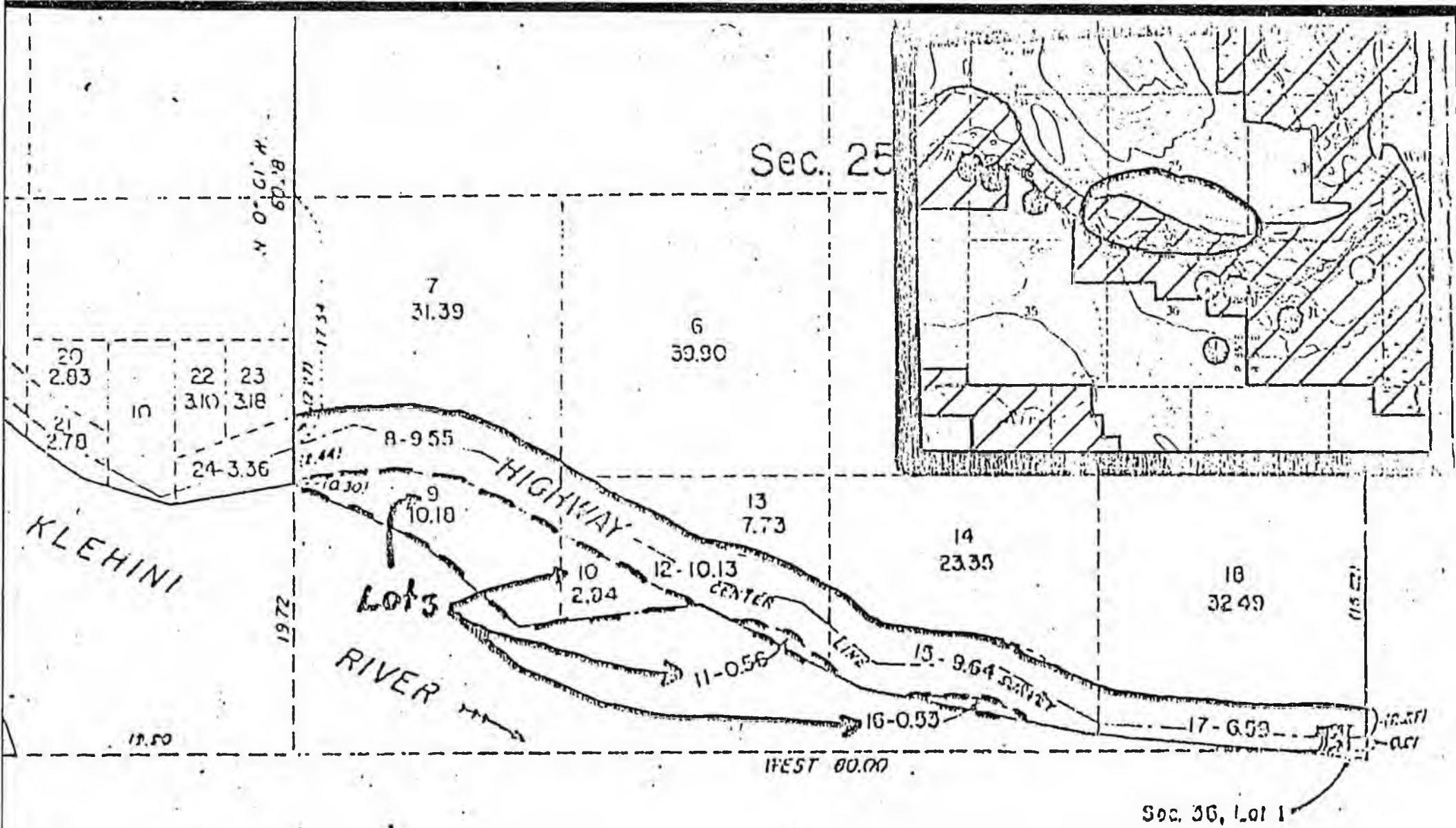
Section 8: that portion west of the Haines Highway

Section 16: that portion west of the Haines Highway

Section 17: that portion west of the Haines Highway

Section 18: Lots 1-3 and 5, $SW\frac{1}{2}NE\frac{1}{2}$, $N\frac{1}{2}SE\frac{1}{2}NW\frac{1}{2}$,

$SE\frac{1}{2}SE\frac{1}{2}NW\frac{1}{2}$, $SE\frac{1}{2}$



3. Line 8 on page 9 should be amended to read:

~~Section 25, except that portion north of the Haines Highway.~~

Section 25; Lots 9 - 11 and 16

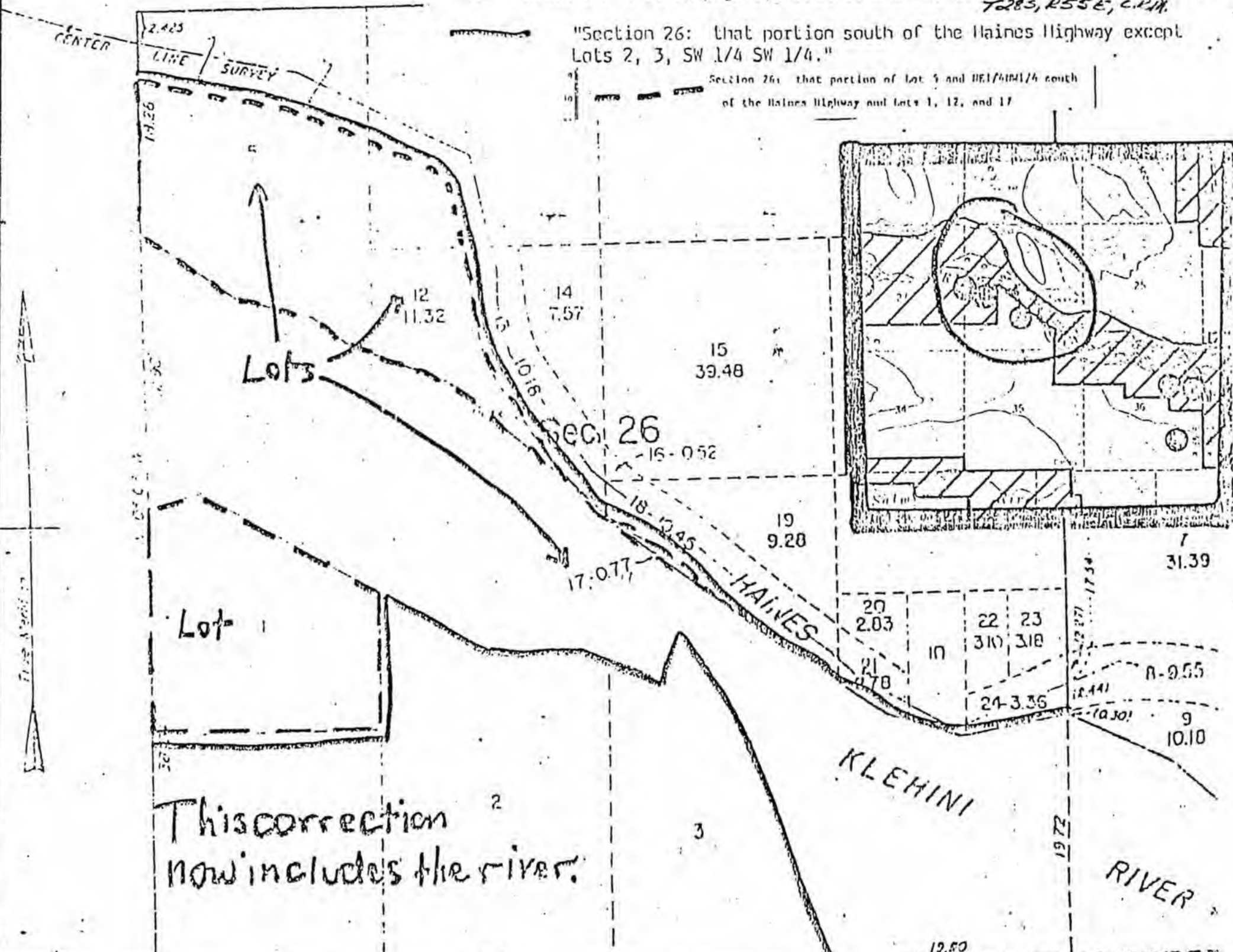
This correction now includes river.

T28S, R55E, C.1M

4. Lines 9 & 10 on page 9 should be amended to read:
70283, R55E, C4N.

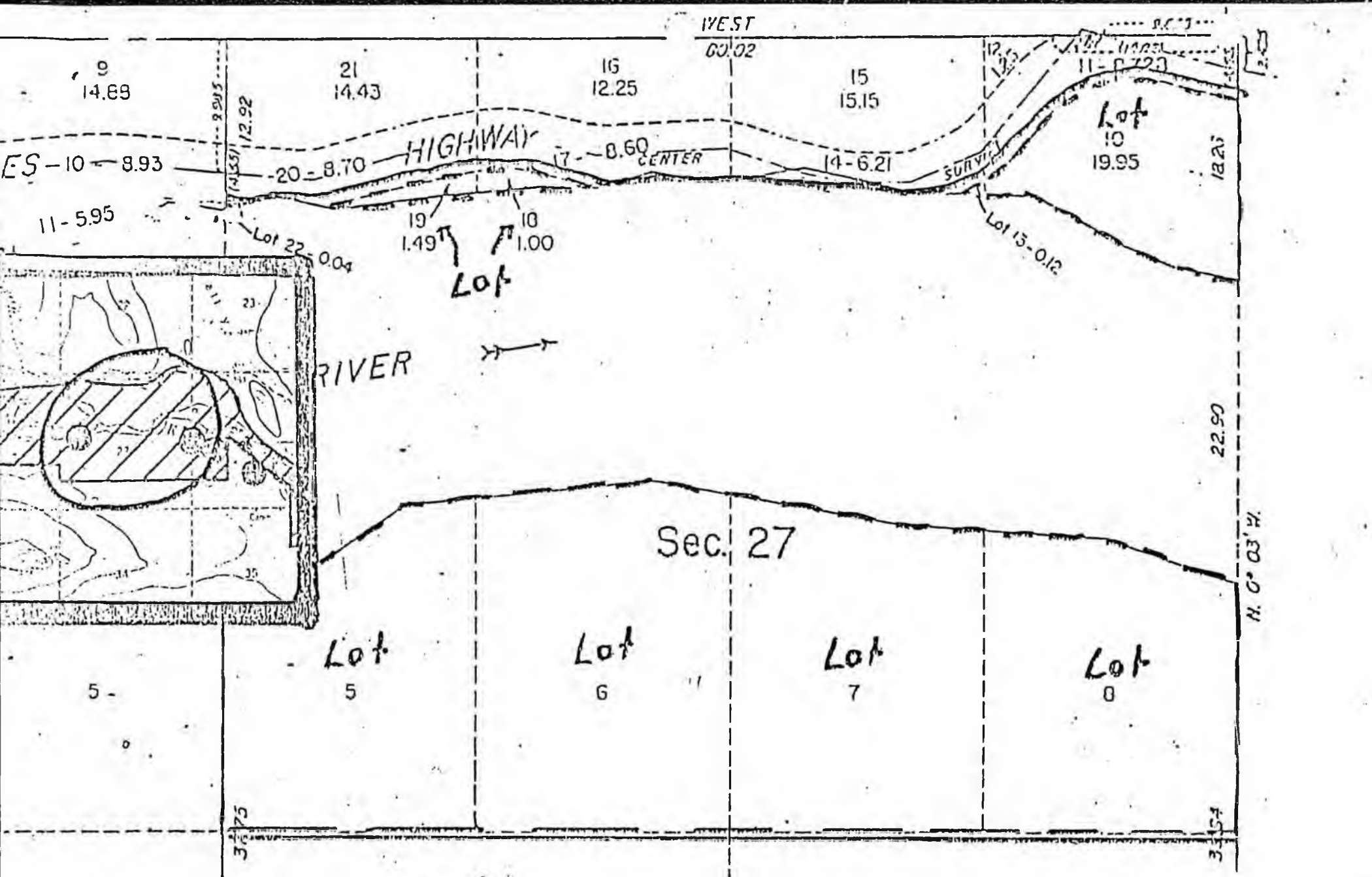
"Section 26: that portion south of the Haines Highway except Lots 2, 3, SW 1/4 SW 1/4."

Section 26: that portion of lot 5 and NE 1/4 NW 1/4 south of the Haines Highway and lots 1, 12, and 17



This correction now includes the river.

19.50



5. Line 11 on page 9 should be amended to read:

~~Section 27: that portion south of the Haines Highway except S 1/2 S 1/2.~~

Section 27: Lots 5 - 8, 10, 13, 16, 17, and 22

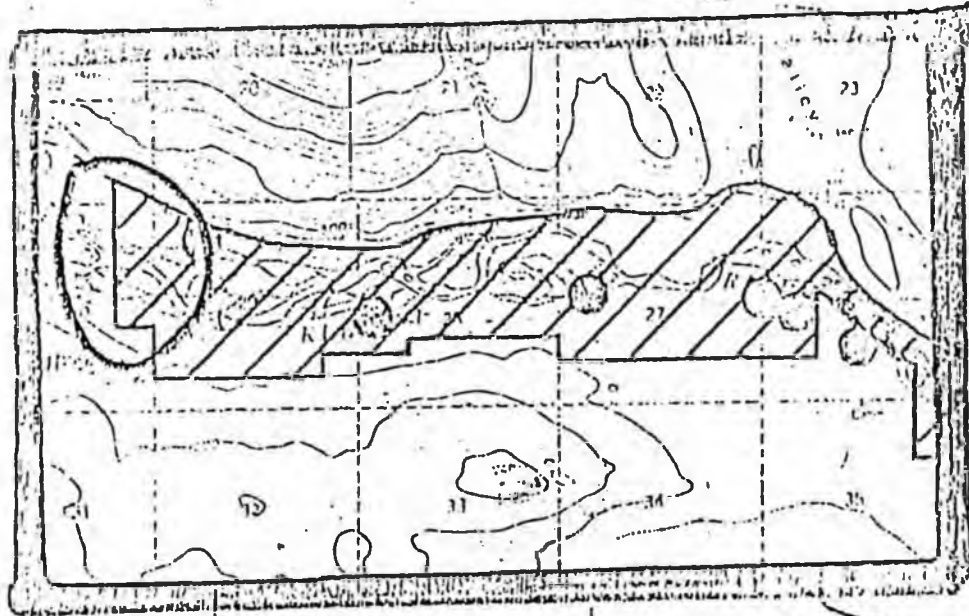
TRES, ROSE, CRIM.

Correction now includes river.

6. Line 16 on page 9 should be amended to read:

"Section 30: E 1/2 NE 1/4, N 1/2 NE 1/4 SE 1/4, ~~Lot 11, Lot 6~~
~~except the south 660 feet~~"

Section 30: Lot 11, and Lot 6 except the south 660 feet.



Sec. 30

Correction now includes river.

AINES

KLEHINI

RIVE

7285, 55' 2.116

N 0°

113.113

11.565

13.308

13

12

107

N 69° 59' E 79.60

120.00

3

2

16.94

6.375

20

N 0° 07' W

KLEHINI

RIVE

Sec. 30

Correction now includes river.

N 0°

113.113

11.565

13.308

13

12

107

N 69° 59' E 79.60

120.00

3

2

16.94

6.375

20

N 0° 07' W

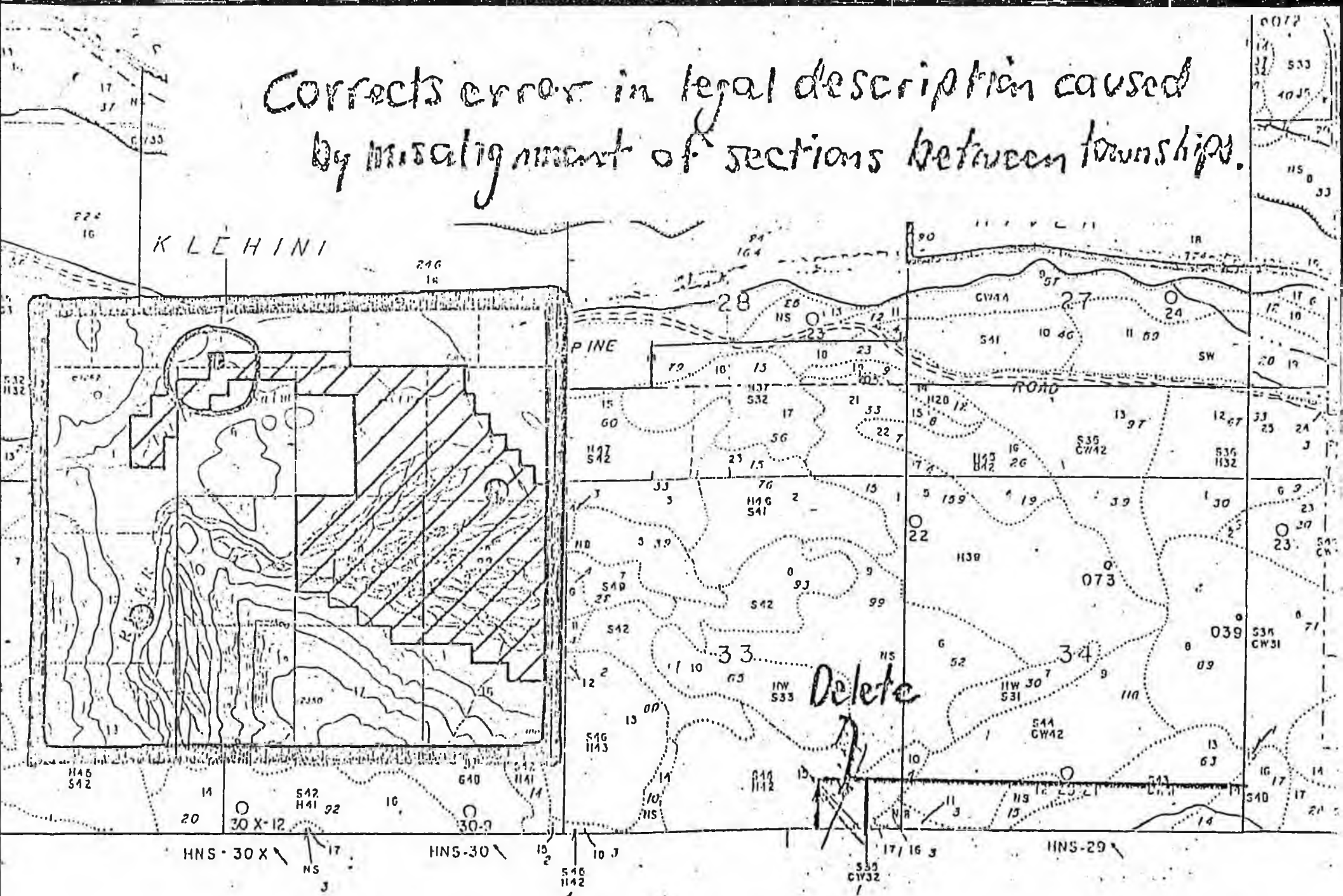
KLEHINI

RIVE

Sec. 30

Correction now includes river.

Corrects error in legal description caused
by misalignment of sections between townships.



7. Line 17 on page 9 should be amended to read:

~~Section 33: SE 1/4 SE 1/4 SE 1/4.~~
Section 33: SE 1/4 SE 1/4 SE 1/4.

T28S, R55E, CR. 11.

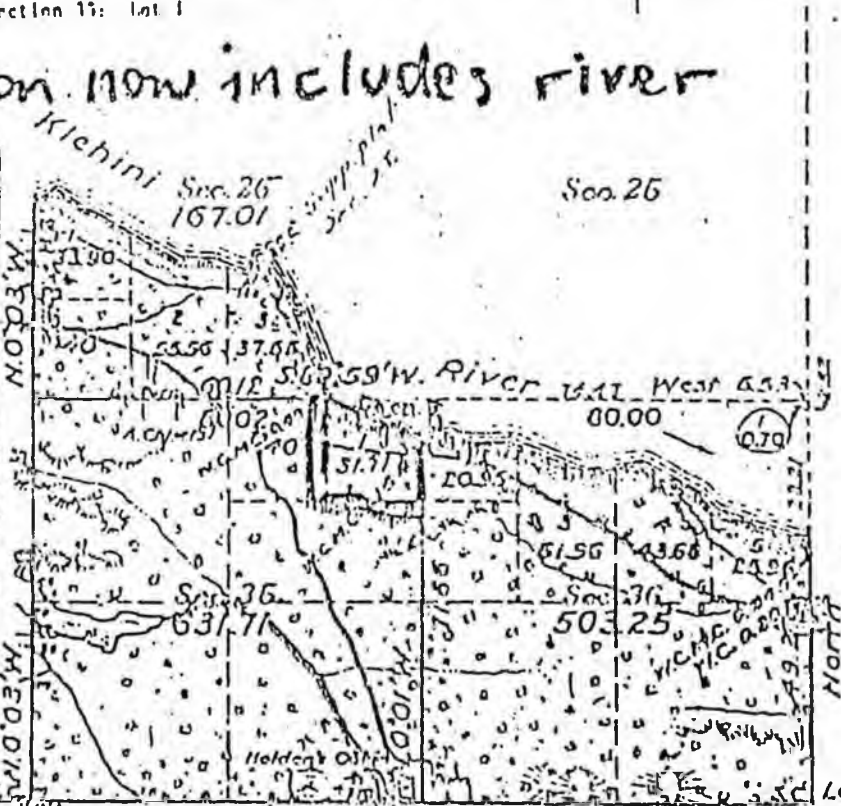
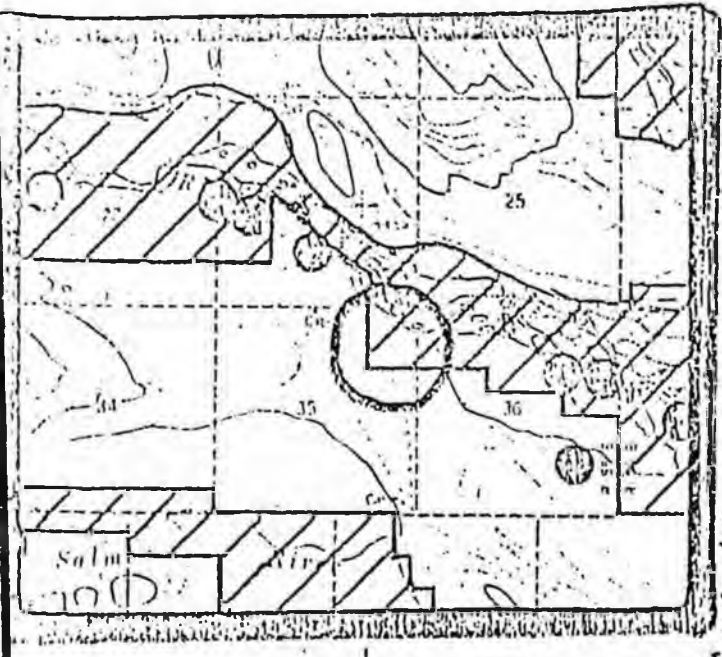
8. Line 19 on page 9 should be amended to read:

"Section 35, except NW 1/4 NE 1/4, S 1/2 NE 1/4, NW 1/4, S 1/2."

UNF

25125

Correction now includes river



Areas in Acres	
Public Land	1,301
Indian Reservation	
Indian Allotments	
Mineral Claims	
Water Surface	1/2
Total Area	1,301

Standard WEST Parallel
 Longitude: 55° 25' 37" N
 Longitude: 135° 57' 49" W
 Scale 40 Chains to
 Mean Magnetic Declination

Amount of Surveys			When Surveyed	
Ala.	Cha.	Sec.	Began	Completed
1	00	00	Jan 26, 1919	Mar 26, 1919
5	00	00	Apr 23, 1919	Apr 23, 1919
4	30	85	Apr 9, 1919	Apr 27, 1919
2	36	64	Apr 23, 1919	Apr 23, 1919

The above map of Township No. 51 North, Range No. 53 East, of the _____ Meridian, Alaska, is strictly conformable to the field notes of the survey in this office, which have been examined and approved.

U. S. Surveyor General's Office
 Anchorage, Alaska, March 15, 1920

[Signature]
 Surveyor General

9. Line 2 on page 10 should be amended to read:

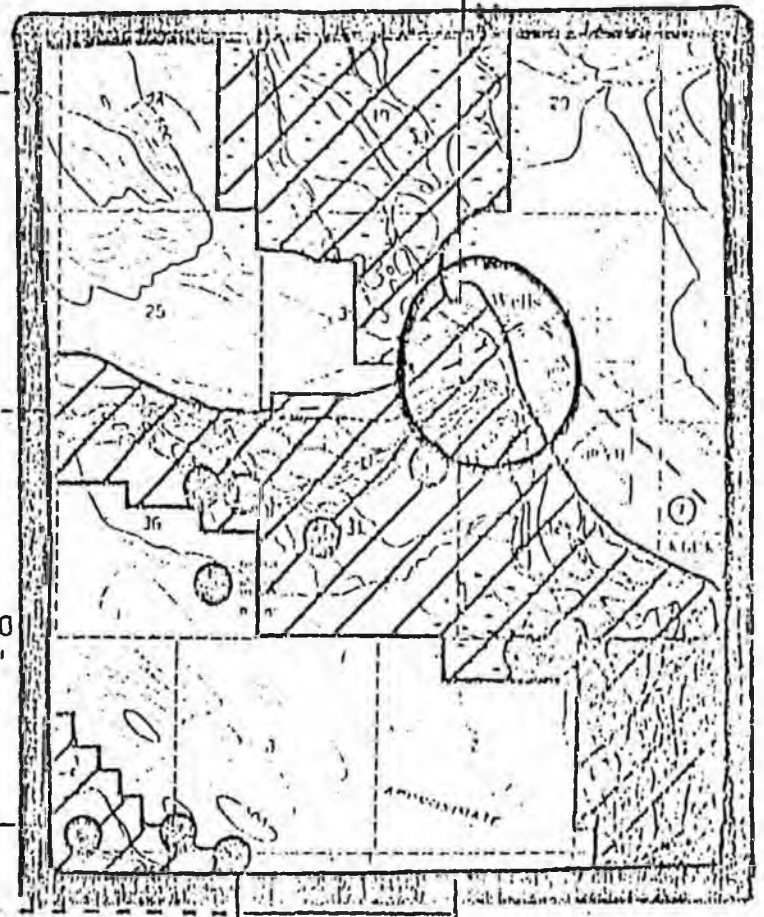
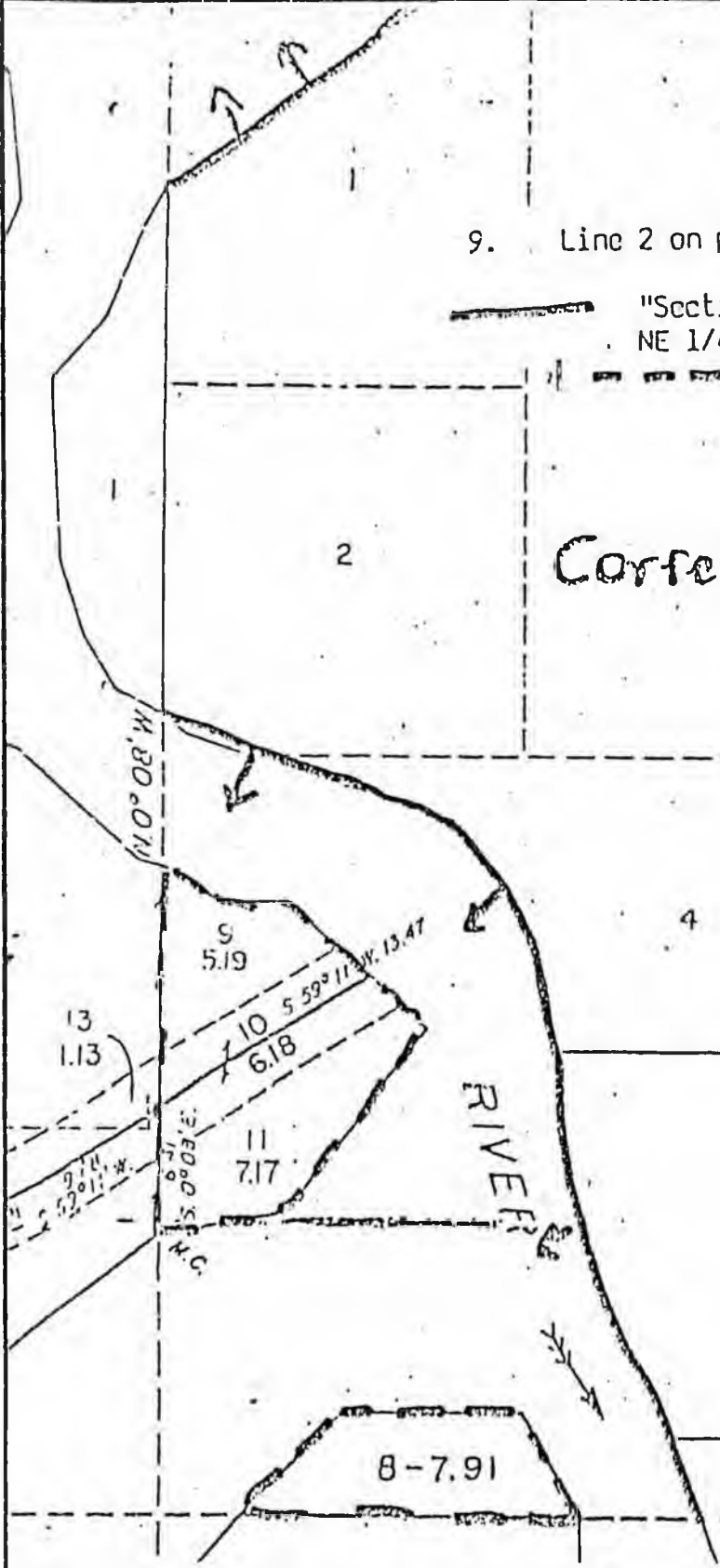
"Section 29, except USS 948, USS 991, Lots 1, 2, 4-7,
NE 1/4, E 1/2 NW 1/4."

Section 29: Lots 0 - 11

Correction now includes river

Sec. 29

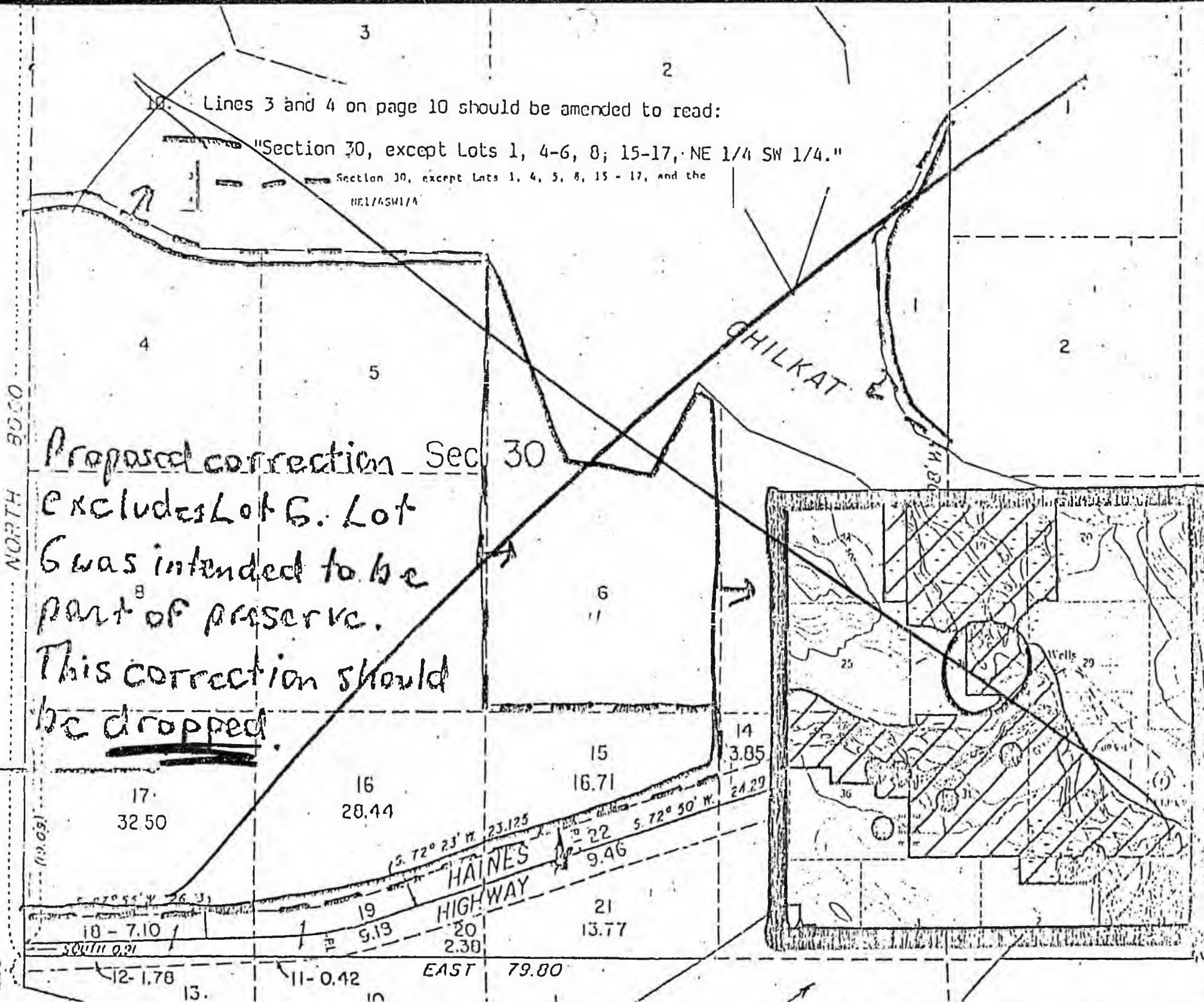
U. S. SURVEY No. 940



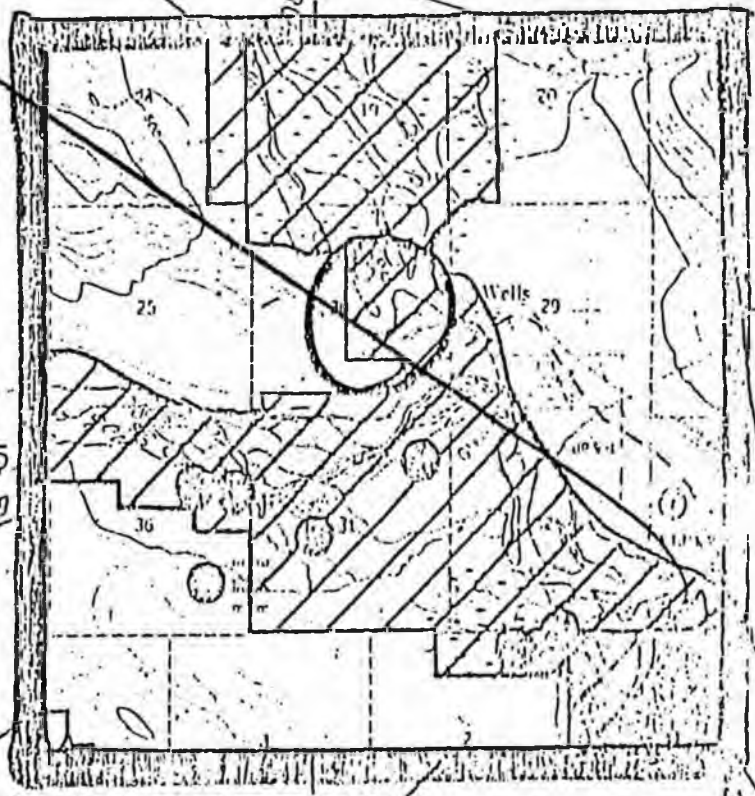
10. Lines 3 and 4 on page 10 should be amended to read:

"Section 30, except Lots 1, 4-6, 8; 15-17, NE 1/4 SW 1/4."

Section 30, except Lots 1, 4, 5, 8, 15 - 17, and the NE 1/4 SW 1/4



Proposed correction Sec 30
 excludes Lot 6. Lot
 6 was intended to be
 part of preserve.
 This correction should
 be dropped.



c. 0.5.17

WEST 39.60

NO. 11

T29S, R56E, C11M

11. Lines 9 and 10 on page 10 should be amended to read:

"Section 34: W 1/2 SW 1/4 SE 1/4, SE 1/4 SW 1/4 SE 1/4, SW 1/4 except Lots 1, 2, NE 1/4 SW 1/4."

Section 34: Lots 1, 2, S1/2NE1/4SW1/4, W1/2SW1/4SE1/4 SE1/4SW1/4SE1/4

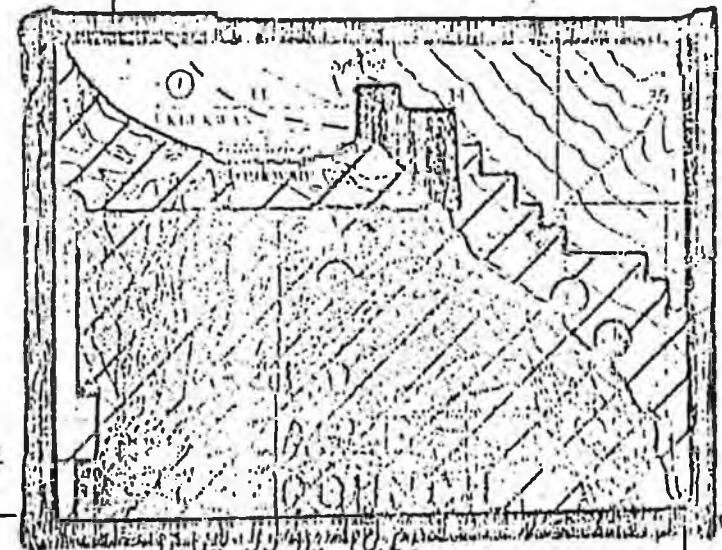
Adjust to delete isolated parcel?

Imp't.

Sec. 33

(Dependent Resurvey)
S 89°55' W, 39.78

Sec. 34



Delete - Klukwan Indian Village

CHILKAT RIVER

2

160

N 0° 07' W, 40.05
(Dependent Resurvey)

Why not delete - Imp't nesting habitat

EAST 40.00

SEVENTH

STANDARD

8.67

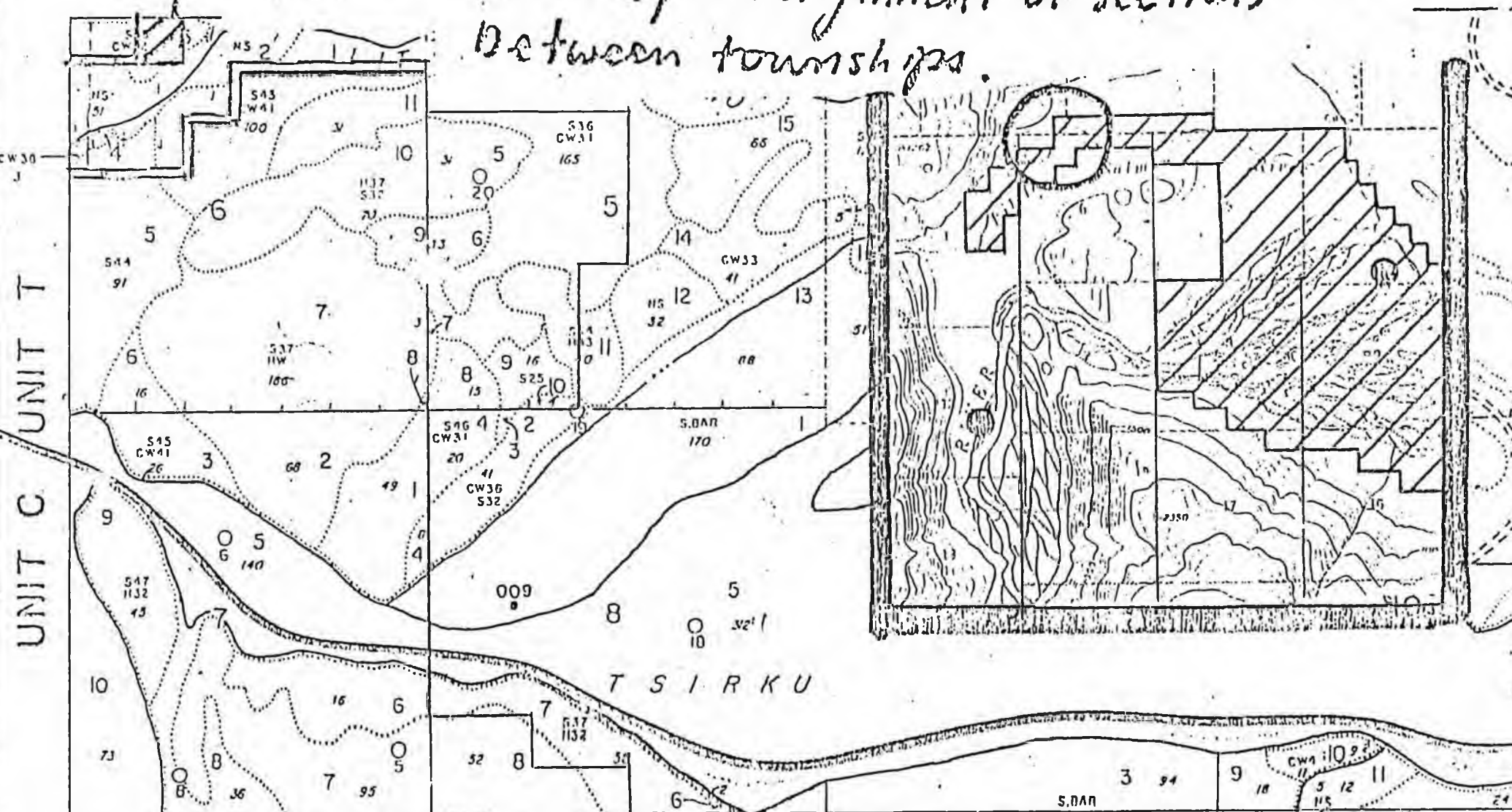
PARALLEL

SOUTH

N 0° 05' W, 40.05

Addition - corrects error in legal description
 caused by misalignment of sections
 between townships.

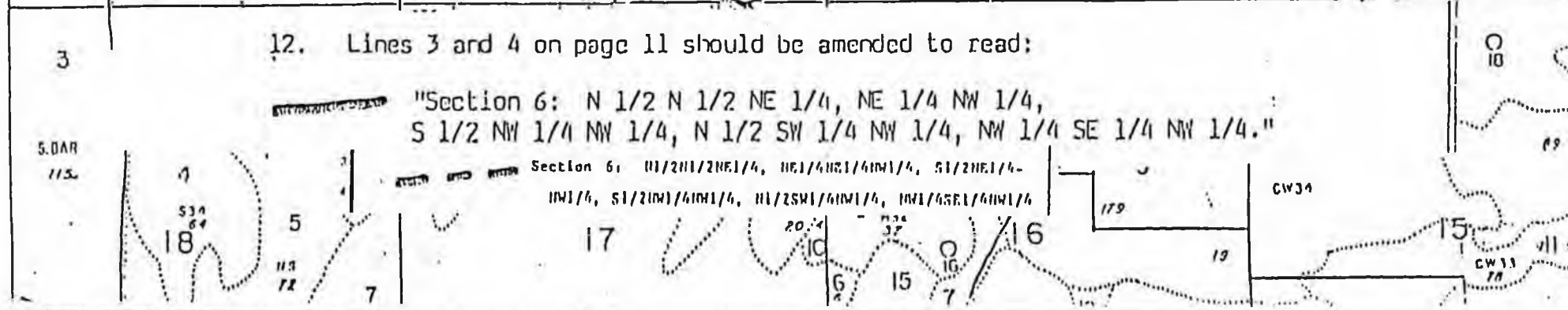
T29S, R56E, CR11



12. Lines 3 and 4 on page 11 should be amended to read:

"Section 6: N 1/2 N 1/2 NE 1/4, NE 1/4 NW 1/4,
 S 1/2 NW 1/4 NW 1/4, N 1/2 SW 1/4 NW 1/4, NW 1/4 SE 1/4 NW 1/4."

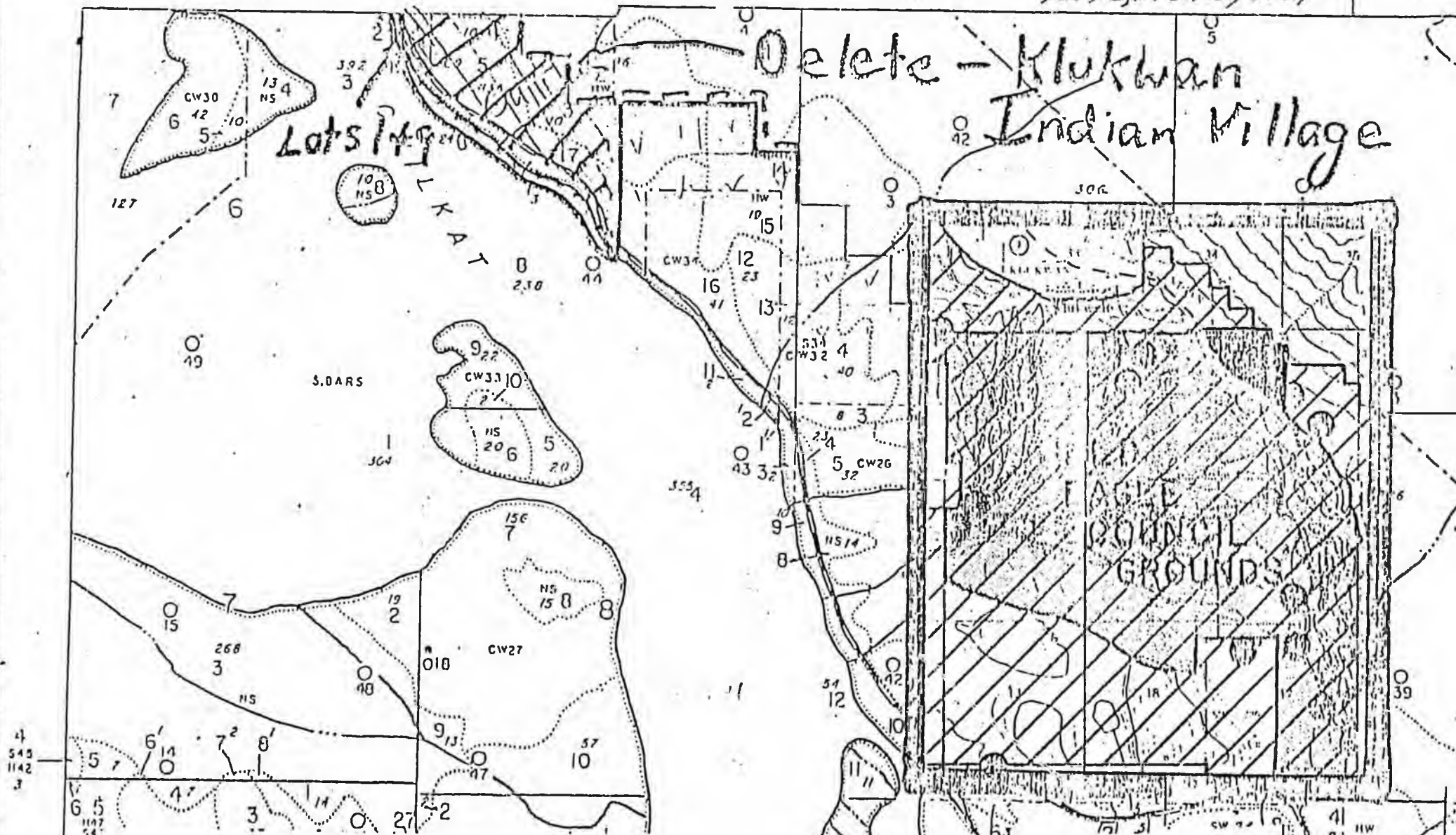
Section 6: N1/2N1/2NE1/4, NE1/4NW1/4, S1/2NE1/4-
 NW1/4, S1/2NW1/4NW1/4, N1/2SW1/4NW1/4, NW1/4SE1/4NW1/4



T24S, 57E, 41W

ete - Klukwan
Indian Village

Lots 1-13



13. Lines 24 and 25 on page 11 should be amended to read:

~~Section 5, except Lots 2-4, N 1/2 NE 1/4, NE 1/4 SE 1/4 NE 1/4.~~

14. Line 26 on page 11 should be amended to read:

~~Section 6, except Lots 1 and 9.~~

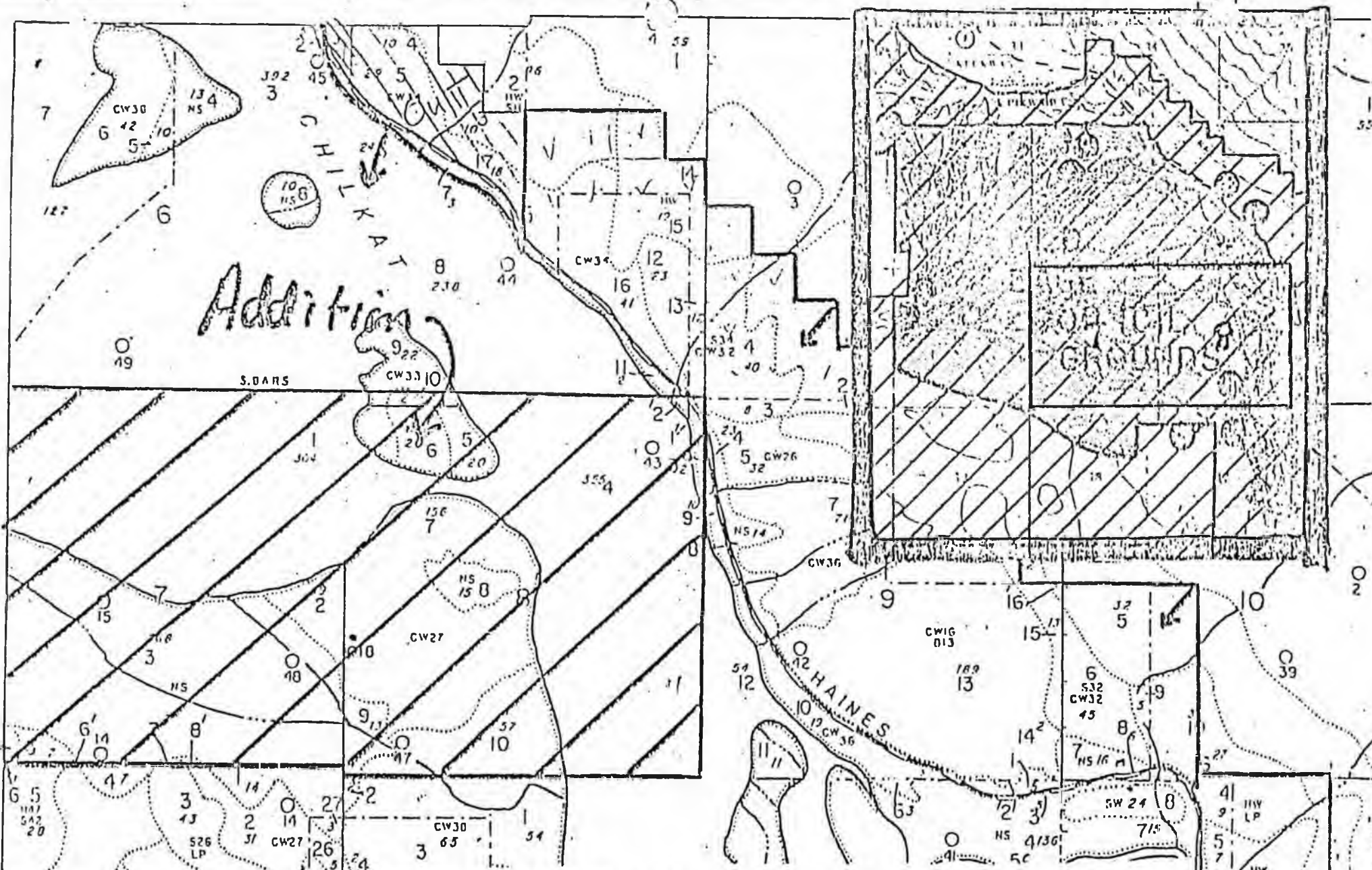
Section 5, except N1/2NE1/4, NE1/4SE1/4NE1/4, and the north 660 feet and the east 660 feet of lot 2
Sections 6 - 8

7
H47
S42
1

4
S45
H42
3

9
H35
S33
17



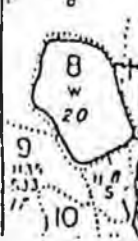


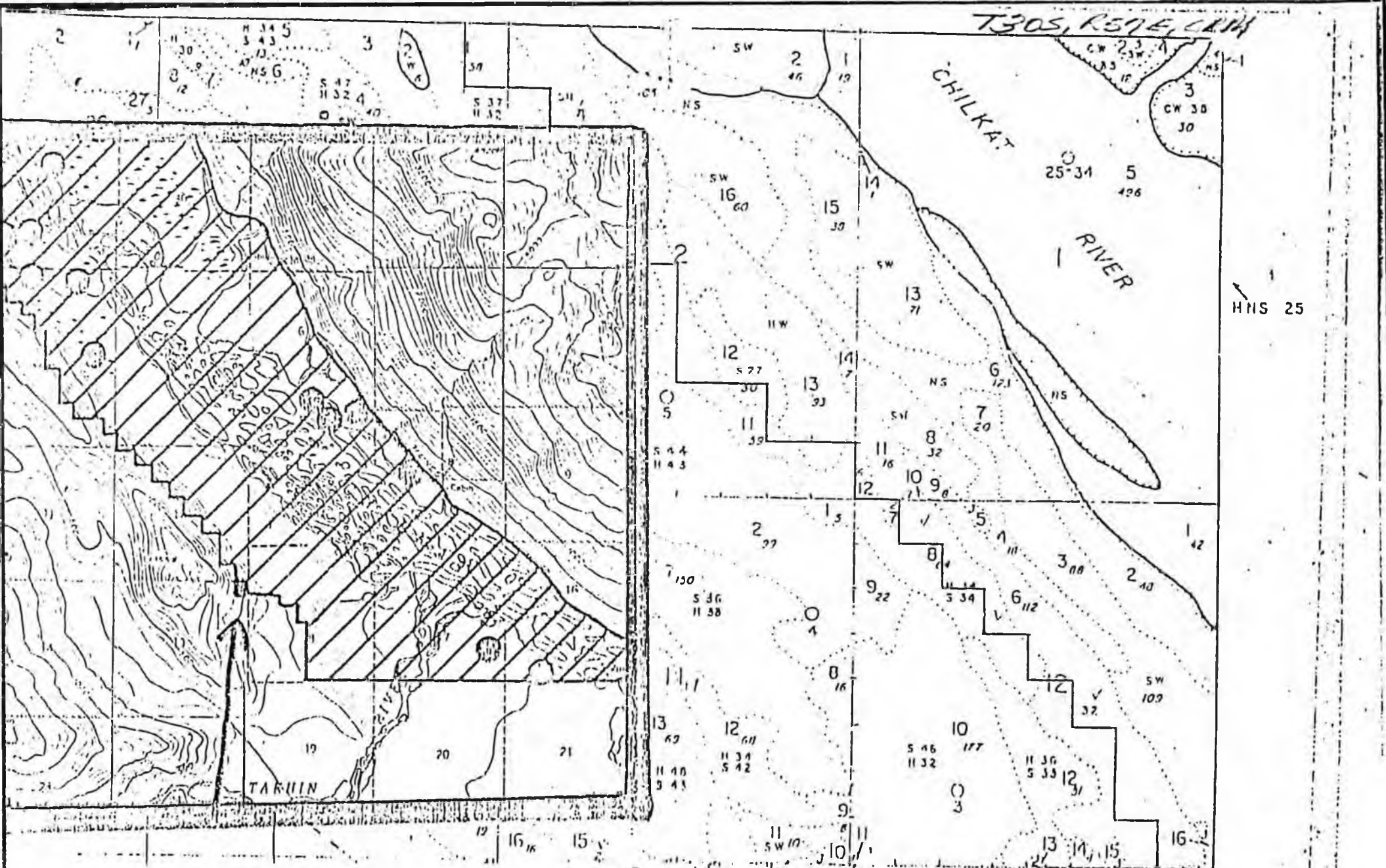
15. An additional line should be added to page 11 under (9) to read:

"Sections 7 and 8."

T295, R57E, CR4.

These sections were inadvertently omitted from original description.





16. Line 11 on page 13 should be removed.

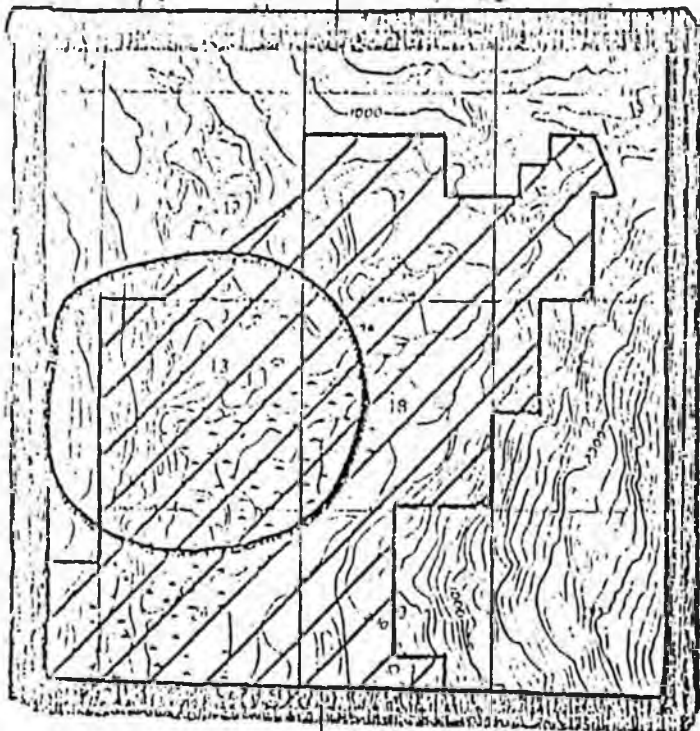
Section 13: N 1/4 Sec 13, T30S, R57E, C1W

corrects error in legal description caused by misalignment of sections between ranges.

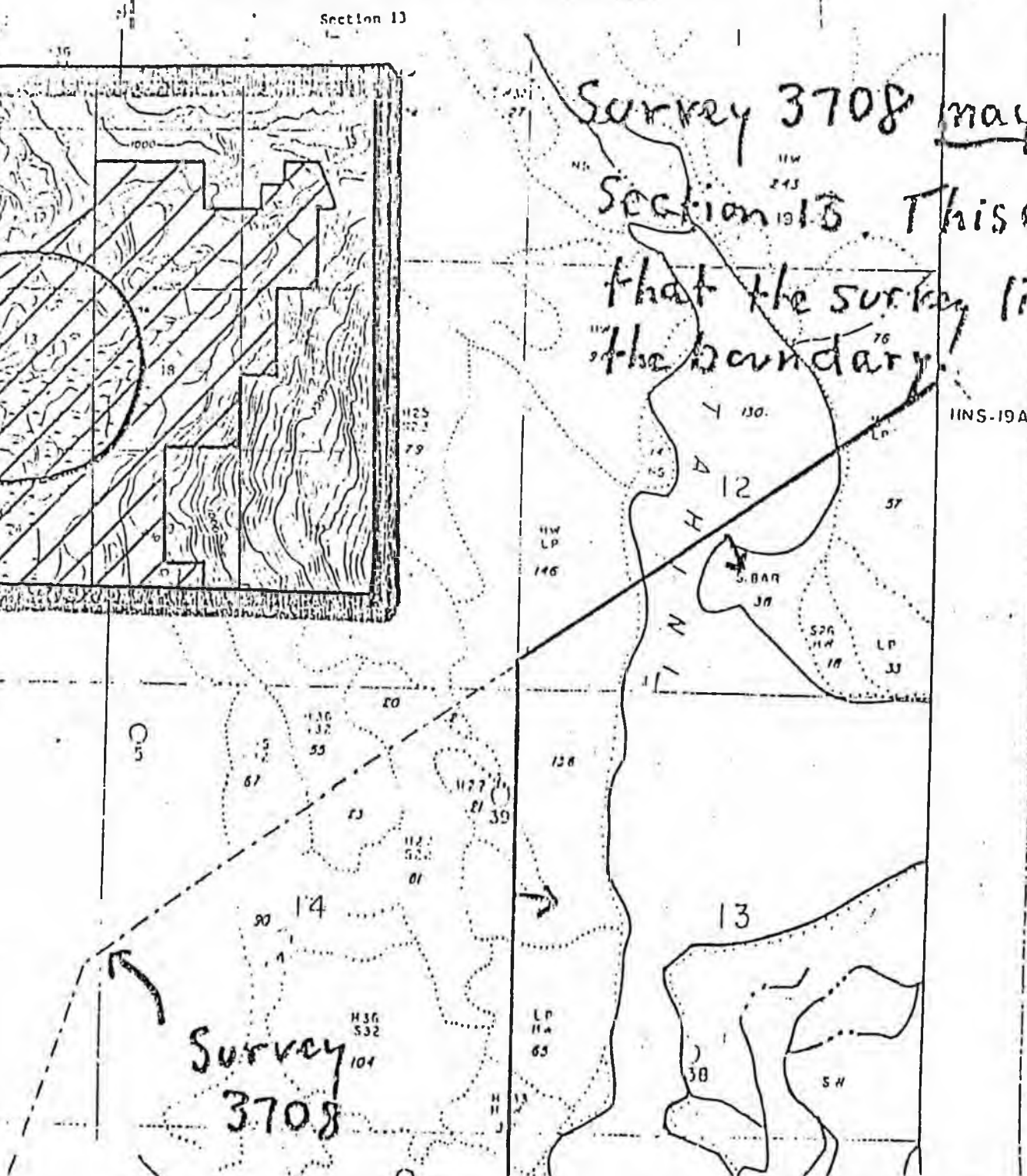
17. Line 27 on page 6 should be amended to read:

"Section 13: that portion within USS 3708"

Section 13



Survey 3708 may cut through
 Section 13. This correction assures
 that the survey line is used as
 the boundary.



T265, L55E, U111

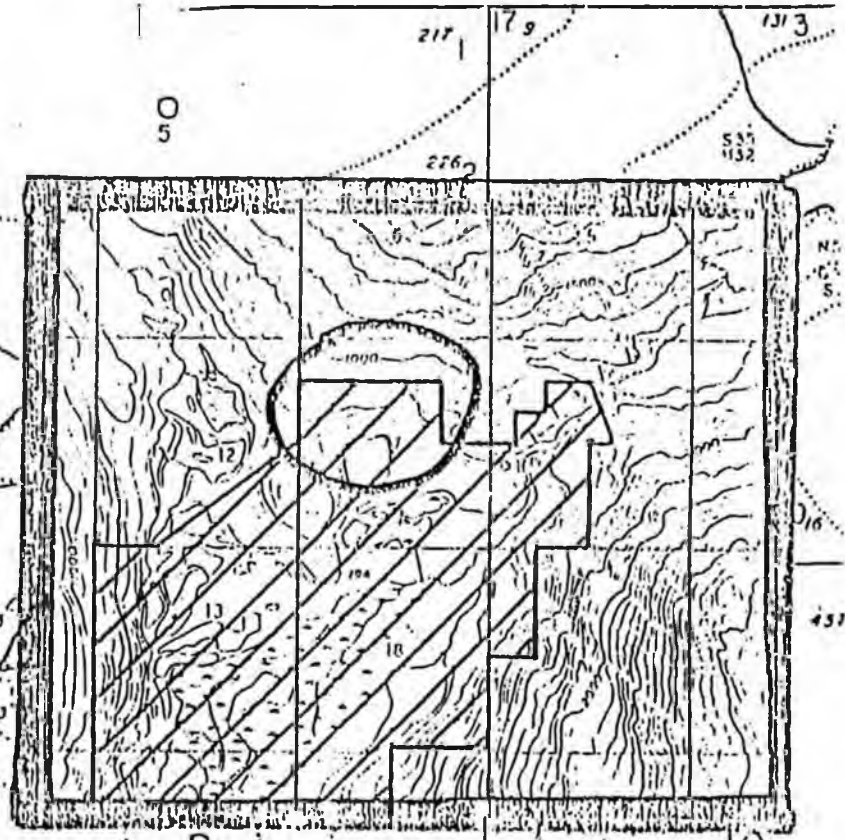
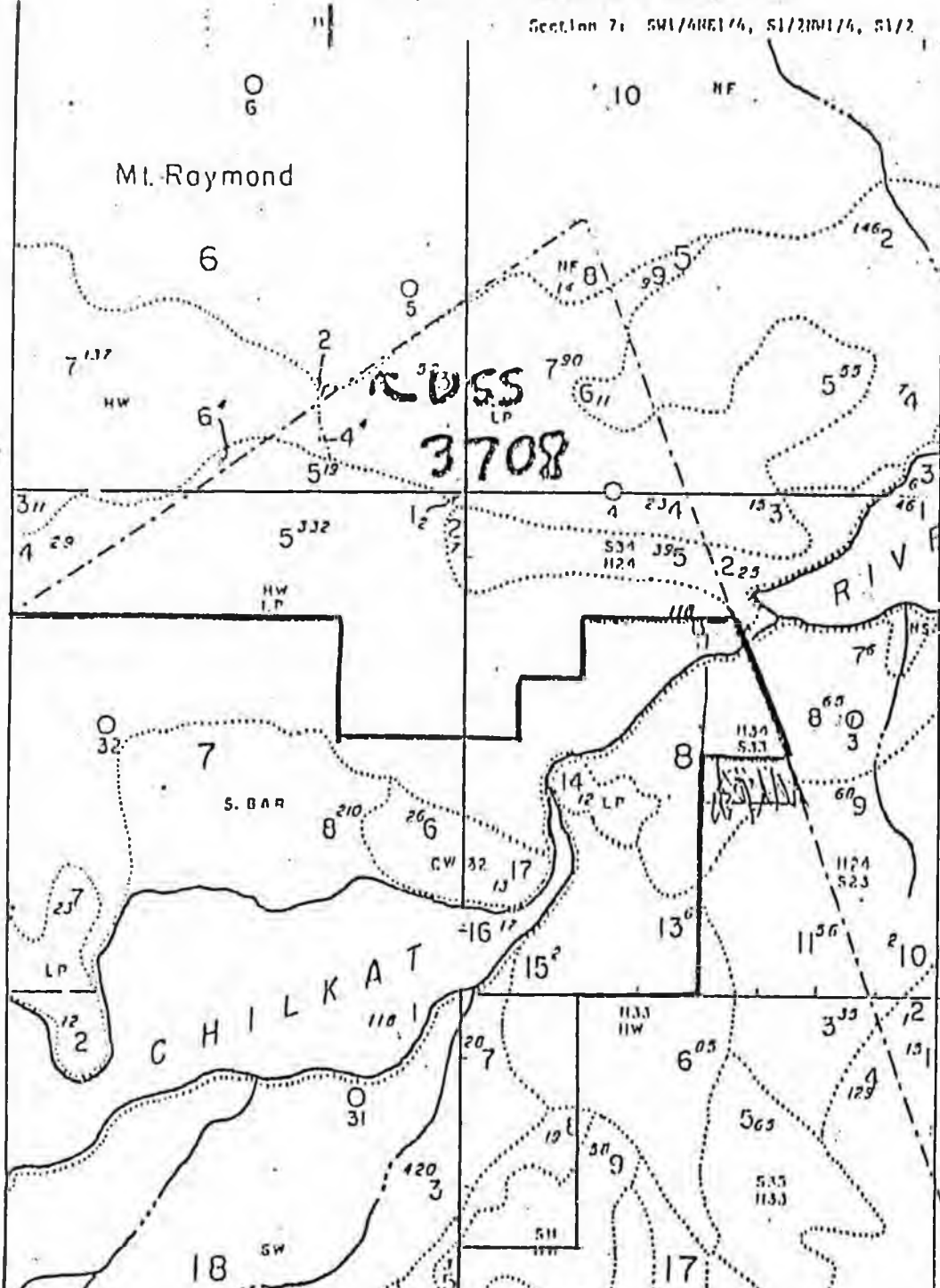
- S3
- S3 CWJ
- S4 H4
- S3 HW
- H3
- H2
- H3 S3
- H2 S2
- H3 HW
- CW2
- S3 H2
- H2
- H3 S3
- H2 S2
- CW3
- NC
- NF

T26 R51

Survey 3708

18. Line 11 on page 7 should be amended to read:

"Section 7: SW 1/4 NE 1/4, S 1/2, and that portion of the S 1/2 NW 1/4 within USS 3708"



U.S. Survey may cut through Section 7 south of the mapped location. This correction assures that if the survey line is south of the mapped location, it will be used as the boundary.

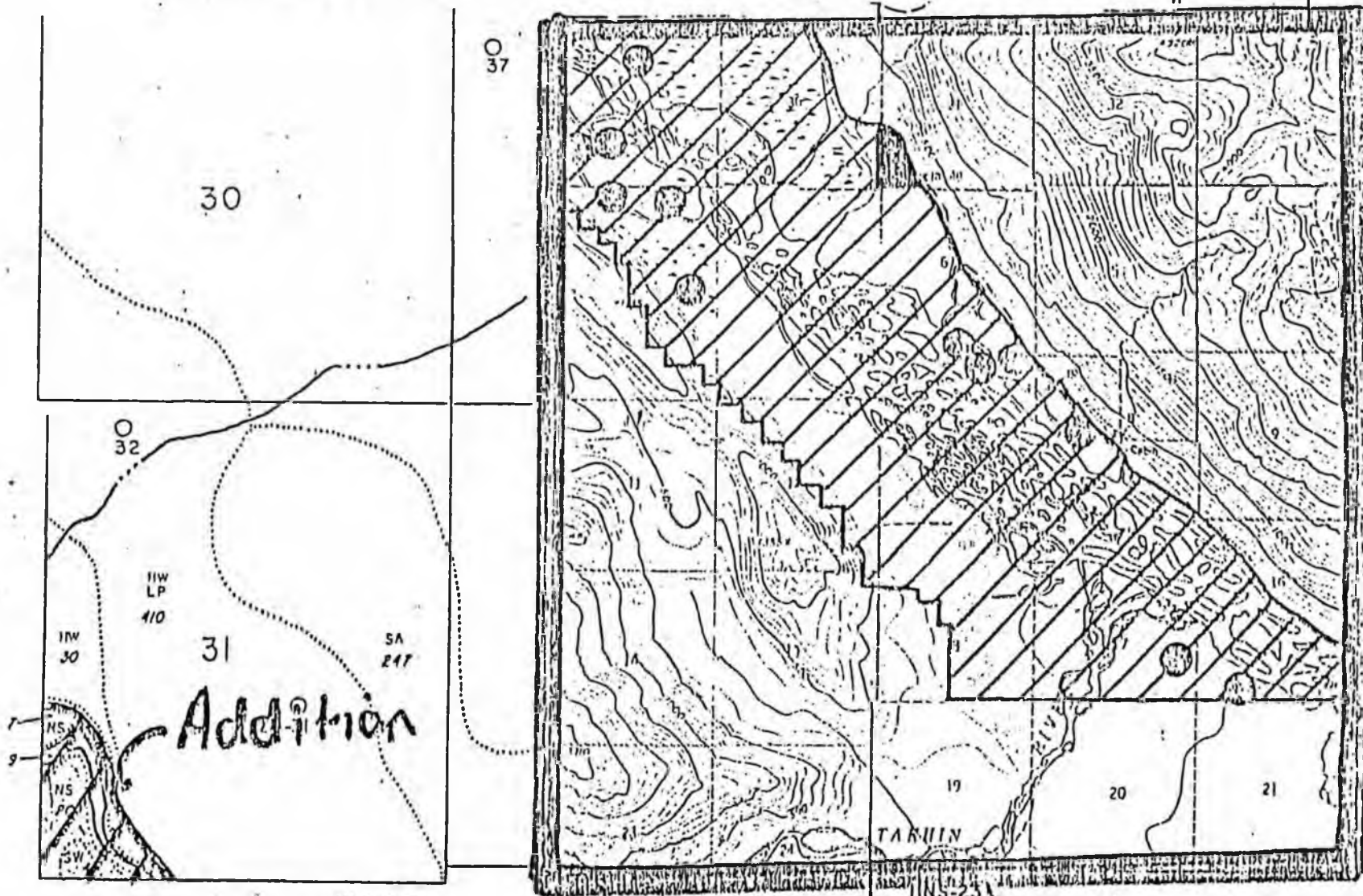
T29S, R58E, C111.

1165C

This section was inadvertently omitted
 from original description

19. An additional line should be added on page 13 under T. 29S.,
 R. 58E., C.R.M. to read:

"Section 31: that portion south of the Haines Highway"



HNS-24

UNIT C UNIT 11

Revisor's notes. — Formerly AS
41.20.506. Renumbered in 1983.

Sec. 41.21.611. Alaska Chilkat Bald Eagle ~~Preserve~~ established. (a) Subject to valid existing rights, ~~the~~ ~~and~~ ~~water~~ presently owned by the state and all land and ~~water~~ ~~acquired~~ in the future by the state lying within the boundaries ~~described in b)~~ of this section are designated the Alaska Chilkat Bald ~~Eagle Preserve~~ and assigned to the department for control, development, ~~and~~ maintenance.

(b) Except for University of Alaska grant land, ~~the~~ ~~and~~ ~~water~~ owned by the state and all land and water acquired ~~by the state~~ in the future lying within the following described parcels ~~are~~ designated as the Alaska Chilkat Bald Eagle Preserve:

- (1) Township 26 South, Range 55 East, Copper River Meridian
 - Section 12: that portion with USS 3708
 - Section 13
 - Section 23: SE1/4NE1/4, NE1/4SE1/4, E1/2NW1/4SE1/4, S1/2SE1/4
 - Sections 24 and 25
 - Section 26: E1/2
 - Section 33: SE1/4SE1/4SE1/4
 - Section 34: E1/2NE1/4, E1/2SW1/4NE1/4, SE1/4NE1/4SW1/4, E1/2SW1/4SW1/4, SW1/4SW1/4SW1/4, SE1/4SW1/4, SE1/4
 - Section 35
 - Section 36: NE1/4NW1/4NE1/4, W1/2W1/2NE1/4, NW1/4, N1/2SW1/4, N1/2SW1/4SW1/4, SW1/4SW1/4SW1/4, NW1/4SE1/4SW1/4, NW1/4SE1/4
- (2) Township 26 South, Range 56 East, Copper River Meridian
 - Section 7: SW1/4NE1/4, S1/2NW1/4, S1/2
 - Section 8: SE1/4SW1/4NW1/4, SE1/4NW1/4, SW1/4, that portion of the S1/2NE1/4 within USS 3708
 - Section 17: W1/2NW1/4
 - Section 18
 - Section 19: W1/2, SW1/4SE1/4
 - Section 30: NE1/4NW1/4NE1/4, W1/2NW1/4NE1/4, NW1/4, W1/2SW1/4
- (3) Township 27 South, Range 55 East, Copper River Meridian
 - Section 2: NW1/4, W1/2NE1/4SW1/4, NW1/4SW1/4, N1/2SW1/4SW1/4, SW1/4SW1/4SW1/4, NW1/4SE1/4SW1/4, except USS 3744
 - Section 3
 - Section 4: NE1/4NE1/4NE1/4, S1/2NE1/4NE1/4, E1/2SW1/4NE1/4, SE1/4NE1/4, E1/2SE1/4SW1/4, SE1/4
 - Section 8: SE1/4SE1/4SW1/4, S1/2S1/2SE1/4, N1/2SE1/4SE1/4
 - Section 9: E1/2, E1/2NW1/4, N1/2NE1/4SW1/4, SE1/4NE1/4SW1/4, NW1/4SW1/4SW1/4, S1/2S1/2SW1/4

eserve estab-
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Preserve and
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and and water
he state in the
designated as

Meridian

NW1/4SE1/4,

NE1/4SW1/4,
4, SE1/4

1/4, NW1/4,
SW1/4SW1/4,

Meridian

4, that por-

1/4, NW1/4,

Meridian

SW1/4SW1/4,
E1/4SW1/4,

E1/4NE1/4,
SE1/4

E1/4SE1/4

E1/4SW1/4,
SW1/4

- Section 10: W1/2W1/2NE1/4, W1/2
- Section 15: NW1/4NW1/4NE1/4, S1/2NW1/4NE1/4, SW1/4NE1/4, W1/2, W1/2SE1/4
- Section 16: E1/2, NW1/4, N1/2SW1/4, NW1/4SE1/4SW1/4, E1/2SE1/4SW1/4
- Section 17: N1/2NE1/4, NE1/4SW1/4NE1/4, SE1/4NE1/4, E1/2NE1/4NW1/4, N1/2NE1/4SE1/4, SE1/4NE1/4SE1/4
- Section 21: E1/2, E1/2E1/2NW1/4, SW1/4SE1/4NW1/4, E1/2SW1/4, SE1/4SW1/4SW1/4
- Section 22: SW1/4NE1/4NE1/4, W1/2E1/2, W1/2SE1/4NE1/4, W1/2, W1/2E1/2SE1/4
- Section 26: NW1/4NW1/4NW1/4, S1/2NW1/4NW1/4, SW1/4NW1/4, W1/2E1/2SW1/4, W1/2SW1/4
- Section 27
- Section 28: E1/2, E1/2W1/2, E1/2W1/2W1/2
- Section 33: N1/2NE1/4, E1/2SW1/4NE1/4, NW1/4SW1/4NE1/4, SE1/4NE1/4, E1/2NE1/4NW1/4, NE1/4SE1/4, E1/2NW1/4SE1/4, N1/2SE1/4SE1/4, SE1/4SE1/4SE1/4
- Section 34
- Section 35: NW1/4NW1/4NE1/4, S1/2NW1/4NE1/4, SW1/4NE1/4, NW1/4SE1/4NE1/4, S1/2SE1/4NE1/4, W1/2, SE1/4
- Section 36: W1/2SW1/4SW1/4
- (4) Township 28 South, Range 55 East, Copper River Meridian
 - Section 1: S1/2SW1/4NW1/4, SW1/4
 - Section 2
 - Section 3: NE1/4, N1/2NW1/4, N1/2SW1/4NW1/4, SE1/4NW1/4, NE1/4NE1/4SW1/4, N1/2SE1/4, SE1/4SE1/4
 - Section 4: E1/2NE1/4NE1/4
 - Section 10: that portion of Mosquito Lake
 - Section 11: N1/2, N1/2SE1/4, NE1/4SW1/4SE1/4, SE1/4SE1/4, except USS 3431
 - Section 12
 - Section 13: E1/2, NE1/4NW1/4, E1/2NW1/4NW1/4, NW1/4NW1/4NW1/4, NW1/4SE1/4NW1/4, E1/2SE1/4NW1/4
 - Section 15: that portion of Mosquito Lake
 - Section 19: Lot 13
 - Section 24: E1/2E1/2, NE1/4NW1/4NE1/4
 - Section 25: Lots 9 — 11 and 16
 - Section 26: that portion of Lot 5 and NE1/4NW1/4 south of the Haines Highway and Lots 1, 12, and 17
 - Section 27: Lots 5 — 8, 10, 13, 18, 19, and 22
 - Section 28, except S1/2S1/2, the south 660 feet of Lots 5 — 7, and that portion north of the Haines Highway
 - Section 29, except S1/2S1/2S1/2, NE1/4SE1/4SE1/4, and Lots 9, 14, 15, and 18

- Section 30: Lot 11, and Lot 6 except the south 660 feet.
 Section 33: S1/2SE1/4SE1/4
 Section 34: S1/2S1/2S1/2
 Section 35: Lot 1
 Section 36, except SW1/4NW1/4, S1/2, and the south 660 feet of
 Lots 3 — 4
- (5) Township 28 South, Range 56 East, Copper River Meridian
 Section 7: SW1/4NW1/4NW1/4, SW1/4NW1/4,
 SW1/4SE1/4NW1/4, W1/2NE1/4SW1/4, SE1/4NE1/4SW1/4,
 NW1/4SW1/4, S1/2SW1/4, SW1/4SW1/4SE1/4
 Section 17: W1/2SW1/4SW1/4, SE1/4SW1/4SW1/4
 Section 18: W1/2W1/2NE1/4, E1/2SW1/4NE1/4,
 SW1/4SE1/4NE1/4, W1/2, SE1/4
 Section 19
 Section 20: W1/2W1/2
 Section 29: Lots 8 — 11
 Section 30, except Lots 1, 4, 5, 8, 15 — 17, and the NE1/4SW1/4
 Section 31
 Section 32, except USS 991, USS 2455, and Lots 1, 2, and 24
 Section 33: S1/2 except USS 2455 and Lots 18 — 21
 Section 34: Lots 1, 2, S1/2NE1/4SW1/4, W1/2SW1/4SE1/4
 SE1/4SW1/4SE1/4
- (6) Township 28 South, Range 57 East, Copper River Meridian
 Section 22: NE1/4SW1/4, E1/2SE1/4SW1/4, W1/2NW1/4SE1/4,
 SW1/4SE1/4, NW1/4SE1/4SE1/4, S1/2SE1/4SE1/4
 Section 26: W1/2SW1/4NW1/4, W1/2W1/2SW1/4
 Section 27: E1/2E1/2, N1/2NW1/4NE1/4, SE1/4NW1/4NE1/4
 Section 34: NE1/4NE1/4, NE1/4SE1/4NE1/4
 Section 35: SW1/4SW1/4NE1/4, NW1/4NW1/4NW1/4,
 S1/2NW1/4NW1/4, S1/2NW1/4, E1/2SW1/4,
 NW1/4NW1/4SE1/4, S1/2NW1/4SE1/4, S1/2SE1/4,
 SW1/4NE1/4SE1/4
- (7) Township 29 South, Range 55 East, Copper River Meridian
 Section 1: S1/2NE1/4NE1/4, E1/2SW1/4NE1/4,
 N1/2SE1/4NE1/4, SW1/4SE1/4NE1/4, NW1/4NE1/4SE1/4,
 NE1/4NW1/4SE1/4
- (8) Township 29 South, Range 56 East, Copper River Meridian
 Section 1
 Section 2: N1/2NE1/4, E1/2SE1/4NE1/4, NE1/4NW1/4,
 E1/2NE1/4SE1/4, NE1/4SE1/4SE1/4
 Section 4: W1/2NW1/4, W1/2SE1/4NW1/4, SE1/4SE1/4NW1/4,
 SW1/4, W1/2NW1/4SE1/4, SE1/4NW1/4SE1/4, SW1/4SE1/4,
 W1/2SE1/4SE1/4, SE1/4SE1/4SE1/4
 Section 5: E1/2, N1/2NW1/4, SE1/4NE1/4SW1/4,
 E1/2SE1/4SW1/4

0 feet.
 th 660 feet of
 Meridian
 W1/4NW1/4,
 NE1/4SW1/4,
 SW1/4NE1/4,
 NE1/4SW1/4
 . 2, and 24
 SW1/4SE1/4
 Meridian
 W1/4SE1/4,
 1/4NE1/4
 V1/4NW1/4,
 E1/2SW1/4,
 S1/2SE1/4,
 Meridian
 V1/4NE1/4,
 E1/4SE1/4,
 Meridian
 1/4NW1/4,
 1/4NW1/4,
 V1/4SE1/4,
 1/4SW1/4,

Section 6: N1/2N1/2NE1/4, NE1/4NE1/4NW1/4,
 S1/2NE1/4NW1/4, S1/2NW1/4NW1/4, N1/2SW1/4NW1/4,
 NW1/4SE1/4NW1/4
 Section 8, except SW1/4SW1/4 and S1/2SE1/4SW1/4
 Section 9
 Section 10: S1/2S1/2NE1/4, SW1/4NE1/4NW1/4, NW1/4NW1/4,
 S1/2NW1/4, S1/2
 Section 11: S1/2NE1/4, S1/2S1/2NW1/4, NE1/4SW1/4NW1/4,
 N1/2SE1/4NW1/4, S1/2
 Sections 12 — 14
 Section 15: N1/2, N1/2N1/2SW1/4, E1/2SE1/4, NW1/4SE1/4,
 E1/2SW1/4SE1/4
 Section 16: E1/2NE1/4, E1/2W1/2NE1/4, W1/2NW1/4NE1/4,
 NW1/4SW1/4NE1/4, N1/2N1/2NW1/4, SE1/4NE1/4NW1/4,
 NE1/4SE1/4NW1/4
 Section 17: N1/2NE1/4NE1/4
 Section 22: N1/2NE1/4NE1/4, NE1/4NW1/4NE1/4
 Section 23: that portion of the N1/2NW1/4 lying west of Chilkat
 Lake
 (9) Township 29 South, Range 57 East, Copper River Meridian
 Section 4: NW1/4NW1/4SW1/4, S1/2NW1/4SW1/4,
 SW1/4SW1/4, NW1/4SE1/4SW1/4, S1/2SE1/4SW1/4
 Section 5, except N1/2NE1/4, NE1/4SE1/4NE1/4, and the north
 660 feet and the east 660 feet of Lot 2
 Sections 6 — 8
 USS 907
 Section 9: W1/2W1/2NE1/4, SE1/4SW1/4NE1/4,
 SW1/4SE1/4NE1/4, NW1/4, S1/2
 Section 10: Lots 1 — 4, W1/2NE1/4SW1/4, NW1/4SE1/4SW1/4,
 E1/2SW1/4SE1/4SW1/4
 Section 14: that portion west of the Haines Highway
 Section 15, except NE1/4NE1/4 and Lots 7 — 10, 13 — 14
 Sections 16 — 18
 USS 786
 Section 19: NE1/4NE1/4NE1/4
 Section 20: NE1/4, E1/2NW1/4, NW1/4NW1/4,
 E1/2SW1/4NW1/4, NE1/4SE1/4, N1/2NW1/4SE1/4,
 SE1/4NW1/4SE1/4, NE1/4SE1/4SE1/4
 Sections 21 and 22
 Section 23: that portion west of the Haines Highway
 Section 25: that portion west of the Haines Highway
 Section 26: that portion west of the Haines Highway
 Section 27
 Section 28: NE1/4, NE1/4NW1/4, N1/2NW1/4NW1/4,
 N1/2SE1/4NW1/4, NE1/4SE1/4, N1/2NW1/4SE1/4,
 SE1/4NW1/4SE1/4, NE1/4SE1/4SE1/4

Section 34: NE1/4, NE1/4NW1/4, NE1/4SE1/4NW1/4,
NE1/4SE1/4, NE1/4NW1/4SE1/4, E1/2SE1/4SE1/4

Section 35

Section 36: that portion west of the Haines Highway

(10) Township 29 South, Range 58 East, Copper River Meridian

Section 3: S1/2SW1/4NW1/4, SW1/4NE1/4SW1/4, W1/2SW1/4,
SE1/4SW1/4, S1/2SW1/4SE1/4

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

Section 9: NE1/4NE1/4

Section 10: N1/2, E1/2SW1/4, E1/2W1/2SW1/4,
NW1/4NW1/4SW1/4, SE1/4

(11) Township 30 South, Range 57 East, Copper River Meridian

Section 1

Section 2: NE1/4, NE1/4NW1/4, N1/2NW1/4NW1/4,
SE1/4NW1/4NW1/4, N1/2SE1/4NW1/4, SE1/4SE1/4NW1/4,
N1/2SE1/4, N1/2SE1/4SE1/4

Section 3: NE1/4NE1/4NE1/4

Section 12: NE1/4, NE1/4NW1/4, NE1/4NW1/4NW1/4,
NE1/4SE1/4NW1/4, W1/2NE1/4SE1/4, NE1/4NW1/4SE1/4,
E1/2E1/2SE1/4, NW1/4SE1/4SE1/4

Section 13: NE1/4NE1/4NE1/4

(12) Township 30 South, Range 58 East, Copper River Meridian

Section 6: that portion west of the Haines Highway

Section 7: that portion west of the Haines Highway

Section 8: that portion west of the Haines Highway

Section 16: that portion west of the Haines Highway

Section 17: that portion west of the Haines Highway

Section 18: Lots 1 — 3 and 5, SW1/4NE1/4, N1/2SE1/4NW1/4,
SE1/4SE1/4NW1/4, SE1/4

(§ 1 ch 95 SLA 1982)

Revisor's notes. — Formerly AS
41.20.507(a), (k). Renumbered in 1983.

Sec. 41.21.612. Land excluded. (a) Private land, approved or pending Native allotments, pending and approved land selections made by the Haines Borough under state law on July 1, 1982, University of Alaska grant land not located within the Chilkat River Critical Habitat Area established by AS 16.20.230(8), and existing transportation and utility corridors located partially or completely within the Alaska Chilkat Bald Eagle Preserve are excluded from the Alaska Chilkat Bald Eagle Preserve.

(b) University of Alaska grant land located within the boundary of the Chilkat River Critical Habitat Area established under AS 16.20.230(8) is excluded from the Alaska Chilkat Bald Eagle Preserve. (§ 1 ch 95 SLA 1982)

§ 41.21.612

E1/4NW1/4,
4

Meridian
W1/2SW1/4,

1/4, NW1/4,

W1/2SW1/4,

Meridian

V1/4NW1/4,
E1/4NW1/4,

V1/4NW1/4,
W1/4SE1/4,

Meridian

1/4NW1/4,

proved or
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2. Univer-
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Preserve.

§ 41.21.613

PUBLIC RESOURCES

§ 41.21.616

Revisor's notes. — Subsection (a) was AS 41.20.507(n). Reorganized and formerly the first sentence of AS 41.20.507(b). Subsection (b) was formerly renumbered in 1983.

Sec. 41.21.613. Eminent domain prohibited. The commissioner may not acquire private land or University of Alaska grant land located partially or completely within the Alaska Chilkat Bald Eagle Preserve by eminent domain for any purpose. (§ 1 ch 95 SLA 1982)

Revisor's notes. — Formerly the last sentence of AS 41.20.507(b). Reorganized and renumbered in 1983.

Sec. 41.21.614. Native allotments. Approved or pending Native allotments located partially or completely within the Alaska Chilkat Bald Eagle Preserve are not adversely affected by the establishment of the Alaska Chilkat Bald Eagle Preserve and all approved allotments and all pending allotments located partially or completely within the preserve shall be treated as private land. (§ 1 ch 95 SLA 1982)

Revisor's notes. — Formerly AS 41.20.507(c). Renumbered in 1983.

Sec. 41.21.615. Fish and game management. The Department of Fish and Game is responsible for the management of fish and game resources in the Alaska Chilkat Bald Eagle Preserve

(1) under applicable law and consistent with the purposes of AS 41.21.610 — 41.21.630;

(2) subject to the authority of the Secretary of the Interior to permit the taking of bald eagles for the religious purposes of an Indian tribe under 16 U.S.C. 668a (Sec. 2, Bald Eagle Protection Act). (§ 1 ch 95 SLA 1982)

Revisor's notes. — Formerly AS 41.20.507(d). Renumbered in 1983.

Sec. 41.21.616. Regulations. The department shall consult with the Department of Fish and Game, the United States Fish and Wildlife Service, a local governing body of a municipality, any local fish and game advisory committees, and the Alaska Chilkat Bald Eagle Preserve Advisory Council established by AS 41.21.625 before adoption of reasonable regulations governing public use and protection of the Alaska Chilkat Bald Eagle Preserve. The Department of Fish and Game shall consult with the department and the Alaska Chilkat Bald Eagle Preserve Advisory Council in proposing regulations governing fish and game management in the Alaska Chilkat Bald Eagle Preserve for adoption by the Board of Fisheries or the Board of Game. The Department of Fish and Game and the department shall cooperate with

the United States Fish and Wildlife Service in its administration of federal law governing the conservation of bald eagles. (§ 1 ch 95 SLA 1982)

Revisor's notes. — Formerly AS 41.20.507(e). Renumbered in 1983.

Sec. 41.21.617. Other uses generally. The state land and water described in AS 41.21.611(b) are closed to mineral entry under AS 38.05.135 — 38.05.280, to commercial harvest of timber, and to sale under state land disposal laws. The commissioner may lease the land described in AS 41.21.611(b) under AS 38.05.070 — 38.05.105 for a purpose consistent with AS 41.21.610(a) and (b). A municipality may select land within the Alaska Chilkat Bald Eagle Preserve under law. (§ 1 ch 95 SLA 1982)

Revisor's notes. — Formerly AS 41.20.507(f). Renumbered in 1983.

Sec. 41.21.618. Traditional uses. Continued opportunities for traditional uses of the Alaska Chilkat Bald Eagle Preserve at levels and by methods and means that are compatible with the protection of the bald eagle population are guaranteed. These historically compatible uses include but are not limited to hunting, trapping, fishing, berry picking, other subsistence and recreational uses, operation of motorized vehicles, and the harvesting of personal-use firewood. The level and method or means of traditional use may continue subject to reasonable regulation unless the director of the division of parks of the department, after consultation with the Alaska Chilkat Bald Eagle Preserve Advisory Council, makes a finding that the level or method and means of use is causing significant resource damage that is inconsistent with AS 41.21.610(a) and (b). The director of the division of parks shall hold a public hearing in Haines and Klukwan before restricting a traditional use permitted under this section. (§ 1 ch 95 SLA 1982)

Revisor's notes. — Formerly AS 41.20.507(g). Renumbered in 1983.

Sec. 41.21.619. Access and rights-of-way. If privately owned land, University of Alaska grant land, a valid mining right, an existing mineral lease, a subsurface right on private land, or other valid occupancy is surrounded by state land of the Alaska Chilkat Bald Eagle Preserve or if privately owned land, University of Alaska grant land, federal land, municipal land, or state land not described in AS 41.21.611(b), a valid mining claim, subsurface right, or other valid occupancy on land not described in AS 41.21.611(b) does not have

Administration of
§ 1 ch 95 SLA

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reasonable, timely, and economically feasible access and egress by means other than crossing land designated as Alaska Chilkat Bald Eagle Preserve land in AS 41.21.611(b), the director of the division of parks shall grant a private landowner, the University of Alaska, a holder of a valid existing right to land, or a state agency, municipality, or federal agency the rights necessary to assure reasonable, timely, and economically feasible access and egress. A permittee or licensee of an owner of land or the holder of a valid existing right to land may use access and egress granted under this subsection. The rights of access and egress granted under this subsection are subject to reasonable regulation and stipulations established by the director of the division of parks after consulting with the Alaska Chilkat Bald Eagle Preserve Advisory Council to protect the purposes and values of the Alaska Chilkat Bald Eagle Preserve and to minimize adverse environmental impacts in the preserve. As used in this subsection, "valid existing right" includes but is not limited to a valid mining right, an existing mineral right, and a subsurface right. The director of the division of parks shall give favorable consideration to applications for utility rights-of-way that are compatible with AS 41.21.610(a) and (b). (§ 1 ch 95 SLA 1982)

Revisor's notes. — Formerly AS 41.20.507(h). Renumbered in 1983.

Sec. 41.21.620. Management plan. (a) The director of the division of parks and the Alaska Chilkat Bald Eagle Advisory Council established under AS 41.21.625, in written consultation with the United States Fish and Wildlife Service, the Department of Fish and Game, the Chilkat Indian Village, the Chilkoot Indian Association, and other appropriate groups, may use information gained through cooperative resource studies in the development of the management plan for the Alaska Chilkat Bald Eagle Preserve and in decisions affecting the management and administration of the preserve. The director of the division of parks and the advisory council shall investigate the need for additional research to increase the knowledge and understanding of the natural and cultural resources of the area and to enhance the effective management of the Alaska Chilkat Bald Eagle Preserve.

(b) The director of the division of parks and the director of the division of forestry shall consult in the preparation of the management plan prepared under (a) of this section to promote effective, efficient, and coordinated administration of the Haines State Forest Resource Management Area and the Alaska Chilkat Bald Eagle Preserve for the purposes and values for which each is established. (§ 1 ch 95 SLA 1982)

Revisor's notes. — Formerly AS 41.20.507(i), (m). Renumbered in 1983.

Editor's notes. — Section 3, ch. 95, SLA

1982 requires that the management plan be adopted and implemented within two years after July 1, 1982.

Sec. 41.21.621. Additions or deletions to preserve. An agency of the state may not participate or cooperate with a federal or private study considering additions to or deletions from the area of the Alaska Chilkat Bald Eagle Preserve without giving 90 days prior notice to the Alaska Chilkat Bald Eagle Preserve Advisory Council. The director of the division of parks may waive the notice required by this subsection on the director's determination in writing to the advisory council that an emergency necessitates immediate study or a shorter period of notice to the advisory council. (§ 1 ch 95 SLA 1982)

Revisor's notes. — Formerly AS 41.20.507(j). Renumbered in 1983.

Sec. 41.21.622. Historical, cultural and burial sites. Historical, cultural, and burial sites identified in the Alaska Chilkat Bald Eagle Preserve management plan are not available for surface disposal under AS 41.21.617 and shall be managed by the director of the division of parks to prevent vandalism, destruction, and desecration. (§ 1 ch 95 SLA 1982)

Revisor's notes. — Formerly AS 41.20.507(i). Renumbered in 1983.

Sec. 41.21.625. Alaska Chilkat Bald Eagle Preserve Advisory Council. (a) A 12-member Alaska Chilkat Bald Eagle Preserve Advisory Council is established. The members of the advisory council shall be selected under this section.

(b) The governor shall appoint individuals to the Alaska Chilkat Bald Eagle Preserve Advisory Council representing the following interests for a two-year term:

- (1) a resident of the Haines Borough representing a conservation organization;
- (2) a representative of the United States Fish and Wildlife Service; and
- (3) a member of the Upper Lynn Canal fish and game advisory committee.

(c) The mayor of the City of Haines, the mayor of the Haines Borough, the president of Klukwan, Inc., the chairman of the Council of the Chilkat Indian Village, and the chairman of the Chilkoot Indian Association are ex officio members of the Alaska Chilkat Bald Eagle Preserve Advisory Council. The mayor of the Haines Borough may recommend to the governor for appointment to the advisory council the name of a resident of the Haines Borough for the representation of commercial or industrial interests.

(d) The commissioner of fish and game, the director of the division of parks, and the director of the division of forestry, or their designees, serve ex officio as members of the Alaska Chilkat Bald Eagle Preserve Advisory Council.

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(e) The Alaska Chilkat Bald Eagle Preserve Advisory Council shall assist the department in the development and monitoring of a management plan for the Alaska Chilkat Bald Eagle Preserve. The management plan shall be presented at public hearings in Haines and Klukwan before approval and implementation by the department

(f) Members of the Alaska Chilkat Bald Eagle Preserve Advisory Council selected under (b) — (d) of this section may select alternates to act as members of the advisory council in their absence. (§ 1 ch 95 SLA 1982)

Revisor's notes. — Formerly AS
41.20.515. Renumbered in 1983.

Sec. 41.21.630. Existing rights. The establishment of the Alaska Chilkat Bald Eagle Preserve under AS 41.21.610 — 41.21.630 does not enlarge, diminish, add to, or waive a requirement of law otherwise applicable to the management or use of the state land of the Haines State Forest Resource Management Area (AS 41.15.300 — 41.15.330) or private land. An activity allowed under law on land not described in AS 41.21.611(b), including but not limited to an activity described in AS 41.21.618, timber harvest, mining, resource development, and recreation, is permitted so long as the activity is conducted in compliance with law. (§ 1 ch 95 SLA 1982)

Revisor's notes. — Formerly AS
41.20.525. Renumbered in 1983.

Article 6. Roadside Rests, Beaches.

Section

800. Selection of sites

805. Construction and maintenance of
facilities

Collateral references. — 59 Am. Jur.
2d. Parks, Squares, and Playgrounds.
§§ 25, 27, 30.
81A C.J.S., States, §§ 146 — 148.

Sec. 41.21.800. Selection of sites. The department and the Department of Transportation and Public Facilities shall jointly select sites of ten acres or less for their historic or scenic value, or for recreation beaches along waterways, roadside rests for travelers resting, camping, or parking, and determine what facilities are necessary or desirable at these sites. Selection of the sites for roadside rests and recreation beaches shall be based upon the flow of traffic and distances to and

Dierdorff
4/1/86

Original sponsor: Rules/Legislative Council

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 493 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making corrective amendments to the Alaska
7 Statutes as recommended by the revisor of statutes;
8 and providing for an effective date."

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

10 * Section 1. AS 04.11.070 is amended to read:

11 Sec. 04.11.070. POWER LIMITED TO THE BOARD. Only the board may
12 issue, renew, transfer, relocate, suspend, or revoke a license under
13 this title.

14 * Sec. 2. AS 04.11.370(7) is amended to read:

15 (7) use of the licensed premises as a resort for illegal
16 possessors or users of narcotics, prostitutes, or promoters of prosti-
17 tution [PIMPS]; in addition to any other legally competent evidence,
18 the character of the premises may be proved by the general reputation
19 of the premises in the community as a resort for illegal possessors or
20 users of narcotics, prostitutes, or promoters of prostitution [PIMPS];

21 * Sec. 3. AS 04.11.537 is amended to read:

22 Sec. 04.11.537. APPLICATION OF PRECEDENT. In determining wheth-
23 er issuance, renewal, transfer, relocation, suspension, or revocation
24 of a license is in the best interests of the public, the board need
25 not conform to or distinguish its decision from any action it has
26 taken in the past on applications presenting similar facts, but may
27 instead base its decision only on the particular facts before it.

28 * Sec. 4. AS 04.11.560(b) is amended to read:

29 (b) A decision by the board relating to the issuance, renewal,

1 transfer, relocation, suspension, or revocation of a license under
2 this title may be appealed to the superior court under AS 44.62.560.

3 * Sec. 5. AS 05.05.010(a) is amended to read:

4 (a) There is created an athletic commission within the Depart-
5 ment of Commerce and Economic Development. The commission consists of
6 four members appointed by the governor. One member of the commission
7 must be appointed from each of the four judicial districts [MAJOR
8 SENATE DISTRICTS DESCRIBED IN SEC. 2, ART. XIV OF THE STATE CONSTITU-
9 TION]. The commissioners must be appointed for overlapping two-year
10 terms. Members of the commission serve at the pleasure of the gover-
11 nor and must be selected on the basis of their known interest in and
12 knowledge of athletics in the state.

13 * Sec. 6. AS 08.18.081(a) is amended to read:

14 (a) A person having a claim against a contractor for any of the
15 items referred to in AS 08.18.071 may bring suit upon the bond in the
16 district court of the judicial district in which venue lies. A copy of
17 the complaint shall be served by registered or certified mail upon the
18 commissioner at the time suit is filed and the commissioner shall
19 maintain a record, available for public inspection, of all suits
20 commenced. Two additional copies shall be served upon the director of
21 the division of insurance with the payment [OF \$5] to the director of
22 a fee set under AS 21.06.250, taxable as costs in the action. This
23 service upon the director shall constitute service on the surety and
24 the director shall transmit the complaint or a copy of it to the
25 surety within 72 hours after it has been received. The surety upon
26 the bond is not liable in an aggregate amount in excess of that named
27 in the bond, but in case claims pending at any one time exceed the
28 amount of the bond, the claims shall be satisfied from the bond in the
29 following order:

- 1 (1) labor, including employee benefits;
2 (2) taxes and contributions due the state, city and bor-
3 ough, in that order;
4 (3) material and equipment;
5 (4) claims for breach of contract;
6 (5) repair of public facilities.

7 * Sec. 7. AS 08.20.150 is repealed.

8 * Sec. 8. AS 08.20.200 is amended to read:

9 Sec. 08.20.200. UNLICENSED PRACTICE A MISDEMEANOR. A person who
10 practices chiropractic in the state without a license in violation of
11 AS 08.20.100 is guilty of a misdemeanor, and upon conviction is pun-
12 ishable by a fine of not more than \$1,000, or by imprisonment for not
13 more than a year, or by both. [IN PROSECUTIONS UNDER THIS SECTION,
14 EVIDENCE THAT THE DEFENDANT HAS FAILED TO FILE THE DEFENDANT'S CERTIF-
15 ICATE OF REGISTRATION WITH THE BOARD IS PRIMA FACIE EVIDENCE THAT THE
16 DEFENDANT IS NOT A LICENSED CHIROPRACTOR.]

17 * Sec. 9. AS 08.54.142(b) is amended to read:

18 (b) A person may not engage in the activity of transporting by
19 air without an annual [AIR COMMERCE] certificate as required by
20 AS 42.30.225 [AS 02.05.040].

21 * Sec. 10. AS 08.64.280 and 08.64.350 are repealed.

22 * Sec. 11. AS 08.72.120 is amended to read:

23 Sec. 08.72.120. REGISTRATION. It is unlawful for a person to
24 practice, or attempt, or offer to practice, optometry without first
25 obtaining a certificate of registration from the board [, AND WITHOUT
26 FILING THE CERTIFICATE WITH THE CLERK OF THE SUPERIOR COURT IN EACH
27 JUDICIAL DISTRICT IN WHICH THE PERSON PRACTICES].

28 * Sec. 12. AS 08.72.125(b) is amended to read:

29 (b) It is unlawful for a person to practice, or to attempt or

1 offer to practice, optometry in communities on a part-time basis
2 without obtaining a branch office certificate of registration from the
3 board [, AND WITHOUT FILING THE CERTIFICATE WITH THE CLERK OF THE
4 SUPERIOR COURT IN EACH JUDICIAL DISTRICT IN WHICH THE PERSON MAINTAINS
5 A BRANCH OFFICE].

6 * Sec. 13. AS 08.72.130 is repealed.

7 * Sec. 14. AS 08.88.421 is amended to read:

8 Sec. 08.88.421. EXCEPTIONS. This chapter does not apply to

9 (1) a person who is not licensed under this chapter who
10 makes a real estate transaction with respect to real estate the person
11 owns or on the person's own behalf, unless the transaction involves
12 land defined in AS 34.55.044(6) which is not in Alaska;

13 (2) an attorney in fact under a power of attorney authoriz-
14 ing the consummation of a specific real estate transaction; an attor-
15 ney in fact may not act as such for more than two transactions in a
16 calendar year;

17 (3) a lawyer performing duties as a lawyer;

18 (4) a public official in the conduct of official duties;

19 (5) a person acting as receiver, trustee, administrator,
20 executor, or guardian;

21 (6) a person acting under court order;

22 (7) a person acting under the authority of a will or trust
23 instrument;

24 (8) a person dealing in mineral rights transactions;

25 (9) [EACH OF THE FOLLOWING:

26 (A)] a domestic or foreign corporation, [OR] a general
27 or limited partnership, [;] or

28 [(B)] a partner or regular employee of a domestic or
29 foreign corporation or a general or limited partnership, when

1 performing an act described in AS 08.88.161 in the regular
2 course, or as an incident to, the management, sale, or other
3 disposition of real estate owned by the corporation or partner-
4 ship; the exemption provided in this paragraph [SUBPARAGRAPH]
5 does not apply to a person who performs an act described in
6 AS 08.88.161 either as a vocation or for compensation if the
7 amount of the compensation is dependent upon or directly related
8 to the value of the real estate with respect to which the act is
9 performed; [.]

10 (10) a resident manager of rented real estate if the resi-
11 dent manager's duties are limited to the negotiation of leases and
12 rental agreements and the collection of rent for the use of the real
13 estate and if the resident manager is

14 (A) employed by the owner of the real estate; or

15 (B) employed by, or engaged under contract with, a
16 licensed real estate broker.

17 * Sec. 15. AS 09.55.010 is amended to read:

18 Sec. 09.55.010. JURISDICTION IN ACTION FOR CHANGE OF NAME. A
19 person may bring an action for change of name in the superior court.
20 A [NO] change of name of a person may not be made unless the court
21 finds sufficient reasons for the change and also finds it consistent
22 with the public interest. A change of name upon marriage, dissolu-
23 tion, or divorce meets these requirements.

24 * Sec. 16. AS 10.45.120 is amended to read:

25 Sec. 10.45.120. CORPORATE NAME. The corporate name of a profes-
26 sional corporation shall contain the last name of one or more of its
27 shareholders, unless the regulations of a particular regulating board
28 or the ethics of a profession permit the use of a corporate name which
29 does not include the surname of any present or former shareholder.

1 The corporate name shall be ended by the word "Corporation," [OR] "In-
2 corporated," or "Limited," or by the abbreviation "Corp.," [OR]
3 "Inc.," or "Ltd.," or by the words, "a professional corporation," or
4 by the abbreviation "P.C."

5 * Sec. 17. AS 11.81.250(a) is amended to read:

6 Sec. 11.81.250. CLASSIFICATION OF OFFENSES. (a) For purposes
7 of sentencing under AS 12.55, all offenses defined in this title,
8 except murder in the first and second degree, sexual assault in the
9 first degree, sexual abuse of a minor in the first degree, misconduct
10 involving a controlled substance in the first degree, and kidnapping,
11 are classified on the basis of their seriousness, according to the
12 type of injury characteristically caused or risked by commission of
13 the offense and the culpability of the offender. Except for murder in
14 the first and second degree, sexual assault in the first degree,
15 sexual abuse of a minor in the first degree, misconduct involving a
16 controlled substance in the first degree, and kidnapping, the offenses
17 in this title are classified into the following categories:

18 (1) class A felonies, which characteristically involve
19 conduct resulting in serious physical injury or a substantial risk of
20 serious physical injury to a person;

21 (2) class B felonies, which characteristically involve
22 conduct resulting in less severe violence against a person than class
23 A felonies, aggravated offenses against property interests, or aggra-
24 vated offenses against public administration or order;

25 (3) class C felonies, which characteristically involve
26 conduct serious enough to deserve felony classification but not seri-
27 ous enough to be classified as A or B felonies;

28 (4) class A misdemeanors, which characteristically involve
29 less severe violence against a person, less serious offenses against

1 property interests, less serious offenses against public administra-
2 tion or order, or less serious offenses against public health and
3 decency than felonies;

4 (5) class B misdemeanors, which characteristically involve
5 a minor risk or physical injury to a person, minor offenses against
6 property interests, minor offenses against public administration or
7 order, or minor offenses against public health and decency;

8 (6) violations, which characteristically involve conduct
9 inappropriate to an orderly society but which do not denote criminal-
10 ity in their commission.

11 * Sec. 18. AS 11.81.250(b) is amended to read:

12 (b) The classification of each felony defined in this title,
13 except murder in the first and second degree, sexual assault in the
14 first degree, sexual abuse of a minor in the first degree, misconduct
15 involving a controlled substance in the first degree, and kidnapping,
16 is designated in the section defining it. A felony under Alaska law
17 defined outside this title for which no penalty is specifically pro-
18 vided is a class C felony.

19 * Sec. 19. AS 12.55.155(c)(20) is amended to read:

20 (20) the defendant was on furlough under AS 33.30 or on
21 parole or probation for another felony charge or conviction that would
22 be considered a prior felony conviction under AS 12.55.145(a)(2);

23 * Sec. 20. AS 14.08.081 is amended to read:

24 Sec. 14.08.081. RECALL. The members of a regional school board
25 are subject to recall in accordance with AS 29.26.240 - 29.26.360,
26 except that the director of [THE DIVISION OF] elections shall perform
27 the functions of a municipal clerk, [AND] the lieutenant governor
28 shall perform the functions of the assembly or council under those
29 sections, and the last regular election is the last regularly

1 scheduled election held within the regional educational attendance
2 area.

3 * Sec. 21. AS 14.12.030(b) is amended to read:

4 (b) Each borough and city school district with an average daily
5 membership exceeding 5,000 has a school board of seven, nine or eleven
6 members, as established by ordinance. [SCHOOL BOARD MEMBERS MAY BE
7 ELECTED AT LARGE, OR AS PROVIDED IN AS 29.23.310.]

8 * Sec. 22. AS 14.20.160 is amended to read:

9 Sec. 14.20.160. LOSS OF TENURE RIGHTS. Tenure rights are lost
10 when the teacher's employment in the district is interrupted or ter-
11 minated [, OR WHEN THE TEACHER REACHES THE AGE OF 65].

12 * Sec. 23. AS 14.20.220(f) is repealed.

13 * Sec. 24. AS 18.05.040(a)(10) is repealed.

14 * Sec. 25. AS 18.08.040(a) is amended to read:

15 (a) Members of the council shall be appointed for staggered
16 [OVERLAPPING] terms of four years.

17 * Sec. 26. AS 18.08.040(b) is amended to read:

18 (b) Each year the governor shall appoint a consumer to one of
19 the staggered terms on the council that expire during that year [OF
20 THE 11 INITIAL APPOINTMENTS TO THE COUNCIL, TWO SHALL BE APPOINTED FOR
21 ONE-YEAR TERMS, THREE FOR TWO-YEAR TERMS, THREE FOR THREE-YEAR TERMS,
22 AND THREE FOR FOUR-YEAR TERMS. A CONSUMER SHALL BE APPOINTED TO EACH
23 OF THESE OVERLAPPING TERMS. APPOINTMENTS MADE ON THE EXPIRATION OF
24 THE INITIAL APPOINTMENTS SHALL BE MADE FOR FOUR YEARS].

25 * Sec. 27. AS 18.26.030(b) is amended to read:

26 (b) The four public members appointed under (a)(4) of this
27 section serve for staggered four-year terms. Each must be a resident
28 of the state and a qualified voter at the time of appointment and
29 shall comply with the requirements of AS 39.50 (conflict of interest).

1 [THE PUBLIC MEMBERS FIRST APPOINTED SHALL HAVE TERMS OF ONE, TWO,
2 THREE AND FOUR YEARS RESPECTIVELY, TO BE DETERMINED BY LOT.] Each
3 member shall hold office for the term of the [HIS] appointment and
4 until a [HIS] successor has been appointed and qualified. A member is
5 eligible for reappointment. A vacancy on the board of directors
6 occurring other than by expiration of term shall be filled in the same
7 manner as the original appointment but for the unexpired term only.
8 Each member of the board before entering upon the [HIS] duties of
9 office shall take and subscribe to an oath to perform the duties of
10 [HIS] office faithfully, impartially, and justly to the best of the
11 member's [HIS] ability. A record of the oath shall be filed in the
12 Office of the Governor.

13 * Sec. 28. AS 18.50.160(c) is amended to read:

14 (c) When a birth occurs outside an institution, the certificate
15 shall be prepared and filed by one of the following in the indicated
16 order of priority:

17 (1) the physician in attendance at or immediately after the
18 birth; or in the [HIS] absence of a physician

19 (2) a person other than a parent in attendance at or imme-
20 diately after the birth; or [IN HIS ABSENCE]

21 (3) a parent, or, if a parent is unable [THE FATHER, MOTH-
22 ER, OR, IN THE ABSENCE OF THE FATHER AND THE INABILITY OF THE MOTHER],
23 the person in charge of the premises where the birth occurs.

24 * Sec. 29. AS 18.55.375 is amended to read:

25 Sec. 18.55.375. INVESTMENT OF STATE SURPLUS. Notwithstanding
26 other provisions of law, when the commissioner of revenue determines
27 that there is in the state treasury a surplus above an amount suffi-
28 cient to meet current cash expenditure needs, the surplus may be
29 invested, in addition to the investments permitted by AS 37.10.070(a),

1 in mortgages owned by the authority for loans made to cooperatives
2 under AS 18.55.370(2) and secured by real estate in the state. The [,
3 WHICH] investments shall be subject to the terms and conditions that
4 the authority and the commissioner of revenue may provide in a [ANY]
5 contract of sale. Investments allowed by this section shall be made
6 as provided for other investments of state money under AS 37.10.070
7 [AS 37.10.070(a), (f), (g) AND (i)]. The terms and conditions of a
8 [ANY] contract of sale authorized to be made under this section may
9 include but are not limited to

10 (1) the investment by the state in a specified or determin-
11 able amount of mortgages;

12 (2) the existence of a prior lien on and pledge of the
13 mortgages invested in by the state;

14 (3) provisions relating to the subordination of the state's
15 interest in and application of annual payments of principal and inter-
16 est or the proceeds of a permitted sale of, or insurance or prepay-
17 ments on, the mortgages; and

18 (4) the right of the authority to repurchase the mortgages
19 at a predetermined price.

20 * Sec. 30. AS 18.55.570(a) is amended to read:

21 (a) The authority may issue bonds and notes from time to time
22 for any of its corporate purposes including the payment of principal
23 and interest upon advances for surveys and plans for redevelopment
24 projects. The authority may issue refunding bonds for the purpose of
25 the payment or retirement or in exchange for bonds previously issued
26 by it. The authority may issue the types of bonds and notes it deter-
27 mines, including bonds and notes on which the principal and interest
28 are payable (1) exclusively from the income, proceeds, and revenues of
29 the redevelopment project financed with the proceeds of the bonds or

1 notes, or (2) exclusively from the income, proceeds, and revenues of
2 any of its redevelopment projects whether or not they are financed in
3 whole or in part with the proceeds of the bonds or notes [, OR (3) IN
4 WHOLE OR IN PART FROM TAXES ALLOCATED TO, AND PAID INTO A SPECIAL FUND
5 BY A CITY, BOROUGH, OR OTHER TAXING AGENCY UNDER THE PROVISIONS OF
6 AS 18.55.695 - 18.55.700]. The bonds or notes may be further secured
7 by a pledge of all or any part of a loan, grant or contribution from
8 the federal government or from another source, or by a mortgage of a
9 redevelopment project of the authority.

10 * Sec. 31. AS 18.55.695, 18.55.696, 18.55.697, 18.55.698, 18.55.700-
11 (e) - (h), 18.55.945, and 18.55.950(19) are repealed.

12 * Sec. 32. AS 18.56.030(c) is amended to read:

13 (c) The board members described in (a)(2) and (a)(3) of this
14 section serve two-year terms. [HOWEVER, THE INITIAL APPOINTMENT OF
15 ONE MEMBER DESCRIBED IN (a)(3) OF THIS SECTION SHALL BE FOR A ONE-YEAR
16 TERM.]

17 * Sec. 33. AS 18.56.105 is amended to read:

18 Sec. 18.56.105. ALLOCATION OF LENDING ACTIVITIES. The corpo-
19 ration shall designate regions within the state which in the aggre-
20 gate, encompass the entire state. In participating in the making or
21 purchasing of loans under AS 18.56.090(2) and (3) [AS 18.56.090(1) -
22 (3)] or under AS 18.56.100, the corporation shall make its money
23 available through the private financial institutions in the state
24 within each region designated by the corporation under this section.
25 The corporation shall allocate its money among the regions on the
26 basis of recent and future anticipated lending activity as well as the
27 potential need for the loans in each region and may reallocate its
28 money among the regions as it considers appropriate to reflect changes
29 in lending activity or need in the regions.

1 * Sec. 34. AS 18.56.210(9) is repealed.

2 * Sec. 35. AS 18.56.210(13) is amended to read:

3 (13) "bond" or "obligation" means a bond, bond anticipation
4 note, or other note of the corporation authorized to be issued by the
5 corporation under this chapter, or a mortgage participation certifi-
6 cate issued with respect to mortgages of the corporation.

7 * Sec. 36. AS 18.60.057(b) is amended to read:

8 (b) The [TERMS OF] members of the board serve staggered terms of
9 [ARE] four years. A [EXCEPT THAT (1) THE MEMBERS OF THE BOARD FIRST
10 TAKING OFFICE SHALL SERVE, AS DESIGNATED BY THE GOVERNOR AT THE TIME
11 OF APPOINTMENT, ONE FOR A TERM OF ONE YEAR, ONE FOR A TERM OF TWO
12 YEARS, AND ONE FOR A TERM OF FOUR YEARS, AND (2) A] vacancy caused by
13 the death, resignation, or removal of a member before the expiration
14 of the term for which the member [HE] was appointed shall be filled
15 only for the remainder of the unexpired term. A member of the board
16 may be removed by the governor for inefficiency, neglect of duty or
17 malfeasance in office.

18 * Sec. 37. AS 18.60.070 is amended to read:

19 Sec. 18.60.070. CONTROL OF FUNDS. Funds appropriated by the
20 legislature for AS 18.60.010 - 18.60.105, [FUNDS IN THE BOILER FUND
21 CREATED FOR AS 18.60.380,] and contributions shall be spent only for
22 the purposes of AS 18.60.010 - 18.60.105.

23 * Sec. 38. AS 18.67.020(b) is amended to read:

24 (b) Members of the board serve staggered terms of [THE TERM OF
25 OFFICE OF EACH MEMBER OF THE BOARD IS] three years [, EXCEPT THAT OF
26 THE MEMBERS FIRST APPOINTED ONE SHALL BE APPOINTED FOR A TERM OF THREE
27 YEARS, ONE FOR A TERM OF TWO YEARS, AND ONE FOR A TERM OF ONE YEAR].
28 All vacancies, except through the expiration of term, shall be filled
29 for the unexpired term only.

1 * Sec. 39. AS 24.45.171(12) is amended to read:

2 (12) "public official" or "public officer [OFFICE]" means a
3 public official [OR PUBLIC OFFICE] as defined in AS 39.50.200(a);
4 however, it does not include a judicial officer or an elected or
5 appointed municipal officer.

6 * Sec. 40. AS 25.24.160(5) is amended to read:

7 (5) for the [TO] change of [THE] name of either [ONE] of
8 the parties.

9 * Sec. 41. AS 28.10.411(a) is repealed.

10 * Sec. 42. AS 28.10.502(b) is amended to read:

11 (b) A lien under this section is limited to towing and storage
12 charges [ASSESSED ACCORDING TO THE TARIFF FILED BY THE CARRIER WITH
13 THE ALASKA TRANSPORTATION COMMISSION; HOWEVER, IN THE ABSENCE OF A
14 FILED TARIFF, THE TOWING OR STORAGE CHARGE SHALL BE THE SAME AS THE
15 LOWEST SIMILAR CHARGE IN THE OTHER FILED TARIFFS COVERING THE SAME
16 SERVICE OR ROUTE]. Storage charges cease to be part of the lien after
17 60 days unless the registered owner or primary lienholder, if any, has
18 been given actual notice of the possessory lien within that time or
19 unless a certified letter has been mailed within that time to the
20 owner and primary lienholder, if any, at their addresses of record
21 with the Department of Public Safety or the corresponding office in
22 another jurisdiction in which the title to the motor vehicle and the
23 lien on it are recorded.

24 * Sec. 43. AS 29.10.040(a) is amended to read:

25 (a) A candidate for a charter commission of an existing munic-
26 ipality shall have been qualified to vote in that [BE A VOTER OF AN
27 EXISTING] municipality for at least one year [THREE YEARS] immediately
28 preceding the charter commission election.

29 * Sec. 44. AS 29.45.030(a)(4) is amended to read:

1 (4) property of a nonbusiness organization [OR ITS AUXILIA-
2 RY] composed entirely of persons with 90 days or more of active ser-
3 vice in the armed forces of the United States whose conditions of
4 service and separation were other than dishonorable, or the property
5 of an auxiliary of that organization;

6 * Sec. 45. AS 29.60.120(a)(3) is amended to read:

7 (3) to a municipality in which a [LICENSED] health facility
8 is operated, \$2,000 per bed for each bed actually used for patient
9 care, limited to the number of beds provided for in the construction
10 design of the health facility, or \$8,000 per health facility as the
11 municipality determines.

12 * Sec. 46. AS 29.60.360(a) is amended to read:

13 (a) The base amount to be distributed from the municipal assis-
14 tance fund to each municipality for the fiscal year shall be the
15 amount received by the municipality during fiscal year 1978 under
16 AS 43.70.080 as that section provided before the 1978 amendment. A
17 city incorporated within a borough after June 30, 1977, shall receive
18 as a base amount a share of the amount distributed to the borough in
19 which it is located based on a ratio of population in the city to the
20 total population of the borough. A city incorporated outside a bor-
21 ough after June 30, 1977, shall receive as a base amount the amount
22 received by the city in the state most closely approximating it in
23 population at the time of its incorporation. A borough incorporated
24 after June 30, 1977, shall receive as a base amount the amount re-
25 ceived by the borough in the state most closely approximating it in
26 population at the time of its incorporation. The base amount to be
27 distributed to each municipality organized under federal law shall be
28 the amount received as a base amount by the city most closely approx-
29 imating it in population on June 30, 1977.

1 * Sec. 47. AS 29.60 is amended by adding a new section to read:

2 Sec. 29.60.365. MUNICIPALITIES ORGANIZED UNDER FEDERAL LAW. To
3 qualify to receive money under AS 29.60.350 - 29.60.370, a municipal-
4 ity organized under federal law as an Indian reserve that existed
5 before enactment of 43 U.S.C. 1618(a) and is continued in existence
6 under that subsection shall form a community development corporation
7 with authority to determine how money received under AS 29.60.350 -
8 29.60.370 will be used. The charter must require that the governing
9 board of the corporation shall be elected at an annual election open
10 to all residents of the municipality who are registered and qualified
11 to vote in state elections. The department may distribute money for
12 the municipality only to a corporation organized in accordance with
13 this section and only after the corporation has delivered a written
14 waiver of sovereign immunity from legal action by the state to recover
15 all or a portion of the money distributed under AS 29.60.350 - 29.60.-
16 370.

17 * Sec. 48. AS 29.60 is amended by adding a new section to art. 4 to
18 read:

19 Sec. 29.60.375. DEFINITION. In AS 29.60.350 - 29.60.370 "munic-
20 ipality" includes a municipality organized under federal law as an
21 Indian reserve that existed before enactment of 43 U.S.C. 1618(a) and
22 is continued in existence under that subsection.

23 * Sec. 49. RETROACTIVITY OF SECTIONS 43 AND 46 - 48. The amendments to
24 AS 29.10 and AS 29.60 made by secs. 43 and 46 - 48 of this Act are retroac-
25 tive to January 1, 1986.

26 * Sec. 50. AS 32.05.020(4) is amended to read:

27 (4) The receipt by a person of a share of the profits of a
28 business is prima facie evidence that the person [HE] is a partner in
29 the business, but this [NO SUCH] inference may not [SHALL] be drawn if

1 the [SUCH] profits were received in payment

2 (A) as a debt by installments or otherwise;

3 (B) as wages of an employee or rent to a landlord;

4 (C) as an annuity to a surviving spouse [WIDOW] or
5 representative of a deceased partner;

6 (D) as interest on a loan, though the amount of pay-
7 ment varies with the profits of the business;

8 (E) as the consideration for the sale of the goodwill
9 of a business or other property by installments or otherwise.

10 * Sec. 51. AS 32.05.200(b)(5) is amended to read:

11 (5) a partner's right in specific partnership property is
12 not subject to [DOWER, CURTESY, OR] allowances to a surviving spouse
13 [WIDOWS], heirs, or next of kin.

14 * Sec. 52. AS 34.40.100 is amended to read:

15 Sec. 34.40.100. WHEN TITLE OF PURCHASER FOR VALUE NOT AFFECTED.
16 The provisions of AS 34.40.010 and 34.40.070 - 34.40.130 [, AND
17 AS 13.05 WITH THE EXCEPTION OF AS 13.05.070, AS 13.15.070 - 13.15.130,
18 AND AS 13.30.670] may not be construed in any manner to affect or
19 impair the title of a purchaser for a valuable consideration unless it
20 appears that the purchaser had previous notice of the fraudulent
21 intent of the purchaser's immediate grantor, or of the fraud rendering
22 _ is continued in existence under that subsection.

23 * Sec. 53. AS 37.05.230(6) is repealed.

24 * Sec. 54. AS 39.25.120(c) is amended by adding a new paragraph to
25 read:

26 (19) the deputy director of the division of housing assis-
27 tance in the Department of Community and Regional Affairs.

28 * Sec. 55. AS 41.21.611(b)(1) is amended to read:

29 (1) Township 26 South, Range 55 East, Copper River Meridian

1 Section 12: that portion within USS 3708

2 Section 13: that portion within USS 3708

3 Section 23: SE1/4NE1/4, NE1/4SE1/4, E1/2NW1/4SE1/4,
4 S1/2SE1/4

5 Sections 24 and 25

6 Section 26: E1/2

7 Section 33: SE1/4SE1/4SE1/4

8 Section 34: E1/2NE1/4, E1/2SW1/4NE1/4, SE1/4NE1/4SW1/4,
9 E1/2SW1/4SW1/4, SW1/4SW1/4SW1/4, SE1/4SW1/4, SE1/4

10 Section 35

11 Section 36: NE1/4NW1/4NE1/4, W1/2W1/2NE1/4, NW1/4,
12 N1/2SW1/4, N1/2SW1/4SW1/4, SW1/4SW1/4SW1/4,
13 NW1/4SE1/4SW1/4, NW1/4SE1/4

14 * Sec. 56. AS 41.21.611(b)(2) is amended to read:

15 (2) Township 26 South, Range 56 East, Copper River Meridian

16 Section 7: SW1/4NE1/4, that portion of the S1/2NW1/4
17 within USS 3708, S1/2

18 Section 8: SE1/4SW1/4NW1/4, SE1/4NW1/4, SW1/4, that
19 portion of the S1/2NE1/4 within USS 3708

20 Section 17: W1/2NW1/4

21 Section 18

22 Section 19: W1/2, SW1/4SE1/4

23 Section 30: NE1/4NW1/4NE1/4, W1/2NW1/4NE1/4, NW1/4,
24 W1/2SW1/4

25 * Sec. 57. AS 41.21.611(b)(4) is amended to read:

26 (4) Township 28 South, Range 55 East, Copper River Meridian

27 Section 1: S1/2SW1/4NW1/4, SW1/4

28 Section 2

29 Section 3: NE1/4, N1/2NW1/4, N1/2SW1/4NW1/4,

1 SE1/4NW1/4, NE1/4NE1/4SW1/4, N1/2SE1/4, SE1/4SE1/4
2 Section 4: E1/2NE1/4NE1/4
3 Section 10: that portion of Mosquito Lake within the
4 NE1/4
5 Section 11: N1/2, N1/2SE1/4, NE1/4SW1/4SE1/4,
6 SE1/4SE1/4, except USS 3431
7 Section 12
8 Section 13: E1/2, NE1/4NW1/4, E1/2NW1/4NW1/4,
9 NW1/4NW1/4NW1/4, NW1/4SE1/4NW1/4, E1/2SE1/4NW1/4
10 [SECTION 15: THAT PORTION OF MOSQUITO LAKE]
11 Section 19: Lot 13
12 Section 24: E1/2E1/2, NE1/4NW1/4NE1/4
13 Section 25: except that portion north of the Haines
14 Highway [LOTS 9 - 11 AND 16]
15 Section 26: that portion [OF LOT 5 AND NE1/4NW1/4]
16 south of the Haines Highway, except Lots 2, 3,
17 and the SW1/4SW1/4 [LOTS 1, 12, AND 17]
18 Section 27: that portion south of the Haines Highway
19 except S1/2S1/2 [LOTS 5 - 8, 10, 13, 18, 19, AND 22]
20 Section 28: [,] except S1/2S1/2, the south 660 feet of
21 Lots 5 - 7, and that portion north of the Haines
22 Highway
23 Section 29: [,] except S1/2S1/2S1/2, NE1/4SE1/4SE1/4,
24 and Lots 9, 14, 15, and 18
25 Section 30: E1/2NE1/4, N1/2NE1/4SE1/4 [LOT 11, AND LOT
26 6 EXCEPT THE SOUTH 660 FEET.]
27 Section 33: SE1/4SE1/4SE1/4 [S1/2SE1/4SE1/4]
28 Section 34: S1/2S1/2S1/2
29 Section 35: except NW1/4NE1/4, S1/2NE1/4, NW1/4, S1/2

1 [LOT 1]

2 Section 36: [,] except SW1/4NW1/4, S1/2, and the south
3 660 feet of Lots 3 - 4

4 * Sec. 58. AS 41.21.611(b)(5) is amended to read:

5 (5) Township 28 South, Range 56 East, Copper River Meridian

6 Section 7: SW1/4NW1/4NW1/4, SW1/4NW1/4,

7 SW1/4SE1/4NW1/4, W1/2NE1/4SW1/4, SE1/4NE1/4SW1/4,

8 NW1/4SW1/4, S1/2SW1/4, SW1/4SW1/4SE1/4

9 Section 17: W1/2SW1/4SW1/4, SE1/4SW1/4SW1/4

10 Section 18: W1/2W1/2NE1/4, E1/2SW1/4NE1/4,

11 SW1/4SE1/4NE1/4, W1/2, SE1/4

12 Section 19

13 Section 20: W1/2W1/2

14 Section 29: except USS 948, USS 991, Lots 1, 2, and

15 4 - 7, NE1/4, E1/2NW1/4 [LOTS 8 - 11]

16 Section 30: [,] except Lots 1, 4, 5, 8, 15 - 17, and
17 the NE1/4SW1/4

18 Section 31

19 Section 32: [,] except USS 991, USS 2455, and Lots 1,

20 2, and 24

21 Section 33: S1/2 except USS 2455 and Lots 18 21

22 Section 34: [LOTS 1, 2, S1/2NE1/4SW1/4,]

23 W1/2SW1/4SE1/4, SE1/4SW1/4SE1/4, SW1/4 except

24 NE1/4SW1/4 and Lots 1 and 2

25 * Sec. 59. AS 41.21.611(b)(8) is amended to read:

26 (8) Township 29 South, Range 56 East, Copper River Meridian

27 Section 1

28 Section 2: N1/2NE1/4, E1/2SE1/4NE1/4, NE1/4NW1/4,

29 E1/2NE1/4SE1/4, NE1/4SE1/4SE1/4

1 Section 4: W1/2NW1/4, W1/2SE1/4NW1/4, SE1/4SE1/4NW1/4,
2 SW1/4, W1/2NW1/4SE1/4, SE1/4NW1/4SE1/4, SW1/4SE1/4,
3 W1/2SE1/4SE1/4, SE1/4SE1/4SE1/4

4 Section 5: E1/2, N1/2NW1/4, SE1/4NE1/4SW1/4
5 E1/2SE1/4SW1/4

6 Section 6: N1/2N1/2NE1/4, NE1/4NW1/4 [NE1/4NE1/4NW1/4,
7 S1/2NE1/4NW1/4], S1/2NW1/4NW1/4, N1/2SW1/4NW1/4,
8 NW1/4SE1/4NW1/4

9 Section 8: [,] except SW1/4SW1/4 and S1/2SE1/4SW1/4

10 Section 9

11 Section 10: S1/2S1/2NE1/4, SW1/4NE1/4NW1/4, NW1/4NW1/4,
12 S1/2NW1/4, S1/2

13 Section 11: S1/2NE1/4, S1/2S1/2NW1/4, NE1/4SW1/4NW1/4,
14 N1/2SE1/4NW1/4, S1/2

15 Sections 12 - 14

16 Section 15: N1/2, N1/2N1/2SW1/4, E1/2SE1/4, NW1/4SE1/4,
17 E1/2SW1/4SE1/4

18 Section 16: E1/2NE1/4, E1/2W1/2NE1/4, W1/2NW1/4NE1/4,
19 NW1/4SW1/4NE1/4, N1/2N1/2NW1/4, SE1/4NE1/4NW1/4,
20 NE1/4SE1/4NW1/4

21 Section 17: N1/2NE1/4NE1/4

22 Section 22: N1/2NE1/4NE1/4, NE1/4NW1/4NE1/4

23 Section 23: that portion of the N1/2NW1/4 lying west of
24 Chilkat Lake

25 * Sec. 60. AS 41.21.611(b)(9) is amended to read:

26 (9) Township 29 South, Range 57 East, Copper River Meridian
27 Section 4: NW1/4NW1/4SW1/4, S1/2NW1/4SW1/4, SW1/4SW1/4,
28 NW1/4SE1/4SW1/4, S1/2SE1/4SW1/4

29 Section 5: [,] except Lots 2 - 4, N1/2NE1/4,

1 NE1/4SE1/4NE1/4 [, AND THE NORTH 660 AND THE EAST 660
2 FEET OF LOT 2]

3 Section 6: except Lots 1 and 9

4 Sections 7 and [6-] 8

5 USS 907

6 Section 9: W1/2W1/2NE1/4, SE1/4SW1/4NE1/4,
7 SW1/4SE1/4NE1/4, NW1/4, S1/2

8 Section 10: Lots 1 - 4, W1/2NE1/4SW1/4

9 NW1/4SE1/4SW1/4, E1/2SW1/4SE1/4SW1/4

10 Section 14: that portion west of the Haines Highway

11 Section 15: [,] except NE1/4NE1/4 and Lots 7 - 10, 13 -
12 14

13 Sections 16 - 18

14 USS 786

15 Section 19: NE1/4NE1/4NE1/4

16 Section 20: NE1/4, E1/2NW1/4, NW1/4NW1/4,
17 E1/2SW1/4NW1/4, NE1/4SE1/4, N1/2NW1/4SE1/4,
18 SE1/4NW1/4SE1/4, NE1/4SE1/4SE1/4

19 Sections 21 and 22

20 Section 23: that portion west of the Haines Highway

21 Section 25: that portion west of the Haines Highway

22 Section 26: that portion west of the Haines Highway

23 Section 27

24 Section 28: NE1/4, NE1/4NW1/4, N1/2NW1/4NW1/4,
25 N1/2SE1/4NW1/4, NE1/4SE1/4, N1/2NW1/4SE1/4,
26 SE1/4NW1/4SE1/4, NE1/4SE1/4SE1/4

27 Section 34: NE1/4, NE1/4NW1/4, NE1/4SE1/4NW1/4,
28 NE1/4SE1/4, NE1/4NW1/4SE1/4, E1/2SE1/4SE1/4

29 Section 35

1 Section 36: that portion west of the Haines Highway

2 * Sec. 61. AS 41.21.611(b)(10) is amended to read:

3 (10) Township 29 South, Range 58 East, Copper River

4 Meridian

5 Section 3: S1/2SW1/4NW1/4, SW1/4NE1/4SW1/4, W1/2SW1/4,
6 SE1/4SW1/4, S1/2SW1/4SE1/4

7 Section 4: SW1/4NE1/4NE1/4, W1/2NE1/4, SE1/4NE1/4,
8 NW1/4, NE1/4SW1/4, SE1/4

9 Section 9: NE1/4NE1/4

10 Section 10: N1/2, E1/2SW1/4, E1/2W1/2SW1/4,
11 NW1/4NW1/4SW1/4, SE1/4

12 Section 31: that portion south of the Haines Highway

13 * Sec. 62. AS 41.21.611(b)(11) is amended to read:

14 (11) Township 30 South, Range 57 East, Copper River

15 Meridian

16 Section 1

17 Section 2: NE1/4, NE1/4NW1/4, N1/2NW1/4NW1/4,
18 SE1/4NW1/4NW1/4, N1/2SE1/4NW1/4, SE1/4SE1/4NW1/4,
19 N1/2SE1/4, N1/2SE1/4SE1/4

20 Section 3: NE1/4NE1/4NE1/4

21 Section 12: NE1/4, NE1/4NW1/4, NE1/4NW1/4NW1/4,
22 NE1/4SE1/4NW1/4, W1/2NE1/4SE1/4, NE1/4NW1/4SE1/4,
23 E1/2E1/2SE1/4, NW1/4SE1/4SE1/4

24 [SECTION 13: NE1/4NE1/4NE1/4]

25 * Sec. 63. AS 43.25 is repealed.

26 * Sec. 64. AS 43.26 is repealed.

27 * Sec. 65. AS 45.50.110 is repealed.

28 * Sec. 66. AS 45.55.030(d) is amended to read:

29 (d) Every registration expires one year from its effective date

1 unless renewed. [THE ADMINISTRATOR MAY BY RULE OR ORDER PREPARE AN
2 INITIAL SCHEDULE FOR REGISTRATION RENEWALS SO THAT SUBSEQUENT RENEWALS
3 OF REGISTRATIONS EFFECTIVE ON MAY 9, 1959, MAY BE STAGGERED BY CALEN-
4 DAR MONTHS. FOR THIS PURPOSE THE ADMINISTRATOR MAY BY RULE REDUCE THE
5 REGISTRATION FEE PROPORTIONATELY.]

6 * Sec. 67. AS 45.89.500(4)(K) is amended to read:

7 (K) any other energy-saving device approved by the
8 commissioner of commerce and economic development [UNDER AS 44.-
9 33.040(12)].

10 * Sec. 68. AS 47.45.230 is amended to read:

11 Sec. 47.25.230. PERSONS LIABLE FOR SUPPORT AND BURIAL. Every
12 needy person shall be supported while living and upon dying, shall be
13 given a decent burial by the spouse, children, parents, grandparents
14 [FATHER, MOTHER, GRANDFATHER, GRANDMOTHER], grandchildren, or siblings
15 [BROTHERS OR SISTERS] of the needy person, if they, or any of them,
16 have the ability to do so, in the order named. Every designated
17 person who fails to support the needy person when directed by the
18 department to do so, or fails to give the needy person a decent burial
19 shall reimburse the state or a municipality for the funds expended by
20 either the state or a municipality for the relief or burial of the
21 needy person, and these sums with interest and costs may be recovered
22 by the state or a municipality of the state in a civil action.

23 * Sec. 69. AS 47.37.270(6) is amended to read:

24 (6) "coordinator" means the coordinator of the office of
25 alcoholism and drug abuse;

26 * Sec. 70. Section 55, ch. 37, SLA 1985, is amended to read:

27 Sec. 55. Sections 1 - 3 and 31 of this Act take effect immedi-
28 ately in accordance with AS 01.10.070(c).

29 * Sec. 71. Section 56, ch. 37, SLA 1985, is amended to read:

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Sec. 56. Except as provided in sec. 55 of this Act, the sections of this Act and the portions of sec. 54 [SECTIONS 4 - 54] of this Act that relate to a particular occupation take effect on the effective date of the regulations adopted under AS 08.01.065, enacted in sec. 2 of this Act, that apply to that occupation.

* Sec. 72. This Act takes effect immediately in accordance with AS 01.-10.070(c).

HOUSE JOURNAL SUPPLEMENT

March 7, 1986

No. 95

M E M O R A N D U M

March 5, 1986

SUBJECT: CSHB 493(Judiciary)
TO: Representative M. Mike Miller
Chairman, House Judiciary
FROM: David R. Dierdorff *[Signature]*
Revisor of Statutes

This bill was prepared by the revisor of statutes under AS 01.05.036, which provides, in part, that the revisor of statutes shall

. . . prepare for submission to the legislature legislation for the correction or removal of . . . deficiencies, conflicts, or obsolete provisions, or to otherwise improve the form or substance of . . . the statute law of this state.

This memorandum discusses the committee substitute passed out of committee March 5, 1986.

Sections 1, 5 and 6. These sections amend AS 04.11.070, 04.11.537 and 04.11.560(b) to conform the sections to the 1985 amendments to AS 04.11 made by ch. 93, SLA 1985. The 1985 amendments changed the concept of "transfer of location" to "relocation" of a liquor license. The Department of Law requested that we conform the language in 13 sections in AS 04.11, but we believe that the three sections included in the amendment are the only ones that really need to be changed. All of the others speak to "transfer to a new location," "transfer between holders or locations," or other similar phrases that describe "relocation."

Sec. 2 and 3. Under current law, the holders of brewery and winery licenses are allowed to give a person small samples of their products on their premises, unless the recipient is intoxicated. They are permitted to give samples to minors, to any person on an election day, or at any hour of the day or night. Our analysis of the two provisions proposed for amendment in secs. 2 and 3 of the bill suggests that this

Section 23 Deleted
Renumbered accordingly

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was an oversight. The Department of Law and the executive director of the Alcoholic Beverage Control Board concur in our analysis and have asked that the statutes be amended to make breweries and wineries subject to the same prohibitions that other licensees are subject to.

Sec. 4 This section proposes an amendment to AS 04.11.370, which sets out the grounds for the suspension or revocation of a liquor license. The 1978 revision of the criminal laws substituted "promotion of prostitution" for "pimping" in the provisions relating to crimes connected with prostitution. The amendment proposed by this section updates the language of AS 04.11.370(7) to reflect this fact. The amendment was suggested by the Alaska Women's Commission. See the commission's "Review of the Alaska Statutes for Sex Discrimination", May 1985, at page 43.

Sec. 7. This section deletes an obsolete reference to senate districts and replaces it with a reference to the judicial districts of the state. The amendment was suggested by the Department of Law.

Sec. 8. This section conforms AS 08.18.081 to the changes made in AS 21 by ch. 26, SLA 1985. That law authorized the director of the insurance division to establish by regulation fees for the various services provided by the division. The intent of that legislation was to provide flexibility in the fee structure to allow the state to recover through fees the cost of the services provided. The proposed amendment substitutes "a fee set under AS 21.06.250" for the old fee of \$5.00 charged when the director acts as an agent of the surety on a contractor's bond for service of process. The amendment was requested by the insurance division.

Sec. 9. AS 08.20.150, proposed for repeal by this section, requires licensed chiropractors to record their licenses with the clerk of the superior court. Since 1966, the state has had centralized licensing and the division of occupational licensing maintains all of the records. The chief counsel of the court system and the regulations attorney in the Department of Law have requested that this archaic provision be repealed to eliminate an unnecessary burden on the court system and a source of confusion among licensees.

Sec. 10. The sentence proposed for deletion by this section refers to filing certificate "with the board" (of

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chiropractic examiners), which, as the revisor's note to this section has pointed out, is a nonexistent requirement. The intent may have been to refer to filing with the court, which has been required under AS 08.20.150, proposed for repeal by the preceding section of the bill. This amendment was suggested by the regulations attorney in the Department of Law.

Sec. 11. The amendment proposed by this section updates AS 08.54.142(b) to reflect changes in the regulation of air carriers made by the 1983 initiative and related action by the first session of the 14th Legislature.

Secs. 12-15. In these sections of the bill, AS 08.64.280 and 08.64.350, relating to physicians' licenses, are proposed for repeal; AS 08.64.350, AS 08.72.120 and AS 08.72.125(b) are amended; and AS 08.72.130, relating to optometrists' licenses, is proposed for repeal. The reasons for these proposals are the same as those set out above in the discussion of sec. 9 of the bill.

Sec. 16. The section proposed for amendment, AS 08.88.421, lists the persons and entities who are exempted from the laws regulating real estate brokers and salesmen. Paragraph (9) describes certain corporations, partnerships, and individuals as exempt, but those provisions conflict with AS 08.88.161, which sets out the requirement that certain corporations, partnerships, and individuals must be licensed under the laws. The source of the conflict is that the exceptions set out in AS 08.88.421(9)(B) relate only to that subparagraph, when they should probably relate to AS 08.88.421(9)(A) as well. The Department of Law suggested that AS 08.88.421(9) be amended as proposed in sec. 16 of the bill in order to eliminate the conflict and conform the provision to apparent legislative intent.

Sec. 17. This section and sec. 42 of the bill reflect recommendations of the Alaska Women's Commission (see pages 15 - 17 of their "Review of the Alaska Statutes for Sex Discrimination") relating to change of name in domestic relations actions. The amendment to AS 09.55.010 proposed in sec. 17 simply updates the basic statute relating to jurisdiction in an action to change a person's name, by adding a reference to "dissolution" in the last sentence. This provision was adopted before dissolutions were established in Alaska and was not amended when dissolutions were provided for.

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Sec. 18. This section authorizes a professional corporation to use the abbreviation "P.C." in its name. That abbreviation is in fact frequently used by professional corporations in Alaska and throughout the country. The fact that the abbreviation is not authorized has apparently been overlooked in the past. The amendment to authorize its use would eliminate a potential problem between the Department of Commerce and Economic Development, professional licensing boards, and professionals. This amendment was requested by the Department of Law. The amendment also authorizes the use of "Limited" or "Ltd." to conform this section to AS 10.05.021, dealing with names of for-profit corporations generally.

Secs. 19 and 20. These sections update provisions relating to the classification of offenses to reflect legislative changes to the underlying provisions in 1982 and 1983.

Sec. 21. Section 21 responds to a problem that was addressed in *Kuvaas v. State*, 696 P.2d 684, discussed at page 48 of the November 1985 "oversight" report examining court decisions construing Alaska statutes. The court construed AS 12.55.155(c)(20), listing one of the many aggravating factors a court may consider in imposing sentence, as relating only to prior convictions of crimes that were felonies under Alaska law, or in the case of convictions in another state, convictions of crimes that would have been considered felonies if committed in Alaska. The amendment places in the statutes the court's interpretation of the statutes, and the legislature's apparent intent.

Sec. 22. Recall elections in REAA's are conducted under the municipal recall provisions of AS 29.26. Although the statutory references within AS 14.08.081 were changed as a part of the municipal code revision (ch. 74, SLA 85), there is a minor problem remaining that is addressed in sec. 22 of the bill. The new municipal code requires the director of elections to use the last regular election in the municipality to determine the number of signatures required on the recall petition. The municipal code, however, excludes REAA's from the definition of a municipality. The suggested amendment makes it clear that the election to be used as the basis for signature requirements is "the last regularly scheduled election held within the regional educational attendance area."

Sec. 23. This proposed amendment is made to conform a section to the provisions of the new municipal code (ch. 74, SLA 1985). Under new AS 29.20.300, members of a school board "are elected at large unless a different method of election has been approved by the voters in a regular election." The last sentence of AS 14.12.030(b) is inconsistent with that provision and is proposed for deletion.

Sec. 24. The language in AS 14.20.160 proposed for deletion is contrary to both federal and state law relating to age discrimination. The amendment was requested by the Department of Education to avoid misunderstanding and confusion.

Sec. 25. The provision proposed for repeal is obsolete and should have been repealed in 1984 when other provisions made obsolete by changes in the relationship between the state and public schools were repealed. AS 14.20.220(f) established the minimum salary for substitute teachers as a percentage of the "base salary" for the appropriate area of the state. The state no longer establishes base salaries for teachers. The Department of Education requested the repeal of this obsolete provision.

Sec. 26. The paragraph proposed for repeal required the commissioner of health and social services to adopt regulations covering "the notification of engagement or release of a physician assistant under AS 08.64.170(b)." In 1974, AS 08.64.170(b) was repealed, rendering the paragraph proposed for repeal obsolete.

Secs. 27 - 29. These sections propose amendments that will delete obsolete material related to initial appointments.

Sec. 30. This section amends the statute governing the registration of live births by eliminating a statutory preference given to fathers. This amendment was requested by the Alaska Women's Commission. See page 32 of their "Review of the Alaska Statutes for Sex Discrimination."

Sec. 31. The 1980 rewrite of AS 37.10.070 made obsolete the reference to subsections (a), (f), (g) and (i) of that section in the next to last sentence of the section proposed for amendment.

Secs. 32 and 33. These sections propose an amendment to AS 18.55.570(a) and the repeal of AS 18.55.695 - 18.55.698, 18.55.700(e)-(h), 18.55.945 and 18.55.950(19). All of the

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provisions proposed for repeal relate to the 1964 earthquake and are no longer needed. The amendment to AS 18.55.570(a) is required if the other sections are repealed. The action proposed by secs. 32 and 33 was requested by counsel for the Alaska State Housing Authority. The amendment to AS 18.55.570(a) is also supported by the state assessor's office.

Sec. 34. Deletes obsolete material related to initial appointments.

Sec. 35. AS 18.56.090(1), referenced in the second sentence of the section proposed for amendment, was repealed in 1981. The reference is amended to reflect that.

Sec. 36 and 37. There are two definitions of "obligation" in AS 18.56.270. Section 36 of the bill would repeal the first definition of the term, and sec. 37 amends the second definition to incorporate material that was in the repealed definition.

Sec. 38. The amendment deletes obsolete material related to initial appointments.

Sec. 39. The "boiler fund" and AS 18.60.380, referred to in AS 18.60.070, were repealed in 1968. The proposed amendments deletes the obsolete references.

Sec. 40. The amendment deletes obsolete material related to initial appointments.

Sec. 41. The term "public office", defined by AS 24.45.171(12), does not appear in AS 24.45 and is not defined in AS 39.50.200(a) as suggested by the existing language of AS 24.45.171(12). The amendment substitutes "public officer" for "public office". The term "public officer" is used in AS 24.45, so the substitution of that term for "public office" is appropriate.

Sec. 42. This section proposes a technical amendment to AS 25.24.160 relating to the change of a party's name by the court in connection with a divorce. The change was requested by the Alaska Women's Commission (see the discussion for sec. 17 of this bill).

Sec. 43. The provision proposed for repeal directed the state to reimburse local governments for revenue lost

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through the operation of the senior citizens' exemption for certain motor vehicle taxes. AS 29.45.030(j), enacted in the new municipal code, now covers the subject and makes AS 28.10.411(d) redundant. The repeal of this provision was requested by the state assessor's office.

Sec. 44. The amendment to AS 28.10.502(b), proposed in this section, deletes language that was made obsolete by the passage of the initiative deregulating transportation.

Sec. 45. Chapter 92, SLA 1985, amended AS 29.13.010(b), effective June 6, 1985. Chapter 74, SLA 1985, repealed AS 29.13, effective January 1, 1986, and did not incorporate the changes made by ch. 92 in the equivalent provisions in AS 29.10.040 enacted as a part of the municipal code revision. The amendment to AS 29.10.040(a) proposed by sec. 45 incorporates the substantive amendment of ch. 92 and makes a minor style change to clarify the language of the subsection. The amendment proposed by sec. 45 is made retroactive to January 1, 1986, by sec. 51 of the bill.

Sec. 46. The proposed amendment to newly enacted AS 29.45.030(a)(4) clarifies that it is the organization of certain veterans that must be composed entirely of those veterans, not the auxiliary of such organization. The sentence construction proposed is identical to that found in former AS 29.53.020(a)(4), which was repealed when the new municipal code was enacted. The amendment was requested by the state assessor's office.

Sec. 47. AS 29.60.120(f) defines a "health facility" as one that is "licensed or certified by the state or approved under regulations adopted by" the Department of Community and Regional Affairs. The term "licensed health facility" is, however, used in AS 29.60.120(a)(3). The Department of Community and Regional Affairs believes that this was an oversight in the new municipal code and has requested a correction that deletes "licensed" from AS 29.60.120(a)(3).

Secs. 48 - 51. The legislature last session enacted ch. 90, providing for state aid to certain municipalities organized under federal law. The law was effective July 1, 1985. However, the legislature also enacted ch. 74, the new municipal code, effective January 1, 1986, and, ch. 74 included the repeal of the old state aid to municipalities provision (AS 43.20.116) and the enactment of new provisions in AS 29 that continued the old program without substantive

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change. The new provisions, however, did not take into account the changes in AS 43.20.016 made by ch. 90. Sections 48 - 51 would reenact the substantive provisions of ch. 90 as part of AS 29 and make the enactment retroactive to January 1, 1986, the date that AS 43.20.016 was repealed. In sec. 48, an additional amendment to the first sentence of AS 29.60.360(a) is made to clarify a reference to AS 43.70.080. That minor clarification was requested by the Department of Law. With respect to the amendments made in secs. 48 - 50, the Department of Law is of the opinion that the result can be achieved through interpretation of the two enactments of the 1985 legislature and has issued a memorandum to that effect. However, we do not share their opinion and believe that the amendments should be adopted to ensure that both ch. 90 and ch. 74 are given effect.

Sec. 52. The amendment to AS 32.05.020 proposed by this section substitutes "surviving spouse" for "widow" to ensure that the determination of a partnership is not dependent upon the sex of the recipient of an annuity. This amendment was requested by the Alaska Women's Commission.

Sec. 53. This amendment would delete references to dower and curtesy, legal doctrines that have been abolished in Alaska, and substitute the term "a surviving spouse" for "widows". It does not change the nature of a partner's interest in specific partnership property. The amendment was requested by the Alaska Women's Commission. For a discussion of their recommendation, and the recommendation behind sec. 52 of the bill, see pages 50 - 51 of "Review of the Alaska Statutes for Sex Discrimination."

Sec. 54. This section proposes an amendment to delete references, in the chapter dealing with fraudulent transfers, to provisions that were repealed in 1972 when the new probate code was enacted. It is not believed necessary to substitute references to the new code.

Sec. 55. This section proposes for repeal a paragraph in the competitive bid law that was rendered obsolete by the passage of the initiative deregulating air carriers.

Sec. 56. This section would add a reference in the law describing the partially exempt service to a position placed in the partially exempt service by AS 44.47.365. The amendment was requested by the division of personnel in the Department of Administration.

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Secs. 57 - 64. Following the passage of ch. 95, SLA 1982, several discrepancies were discovered in the legal descriptions of the land to be included in the Chilkat Bald Eagle Preserve. The commissioner of natural resources has requested that these descriptions be corrected in the revisor's bill. In the memorandum to the revisor that transmitted the corrections, the commissioner stated:

The Eagle Preserve legislation was written according to a reference map. When the legal description was written, correct land description notations were not utilized in defining the river, portions of previously surveyed land, and one mapped section of land was inadvertently left out of the description.

At the January, 1983 Eagle Preserve Advisory Council meeting, an explanation and presentation was made to request changes to correct the legal description. The Eagle Preserve Advisory Council and Department of Natural Resources review has concluded that these changes are valid and in keeping with the legislative intent and documentation.

Therefore, I request that these corrections be incorporated into your 1986 revisor's bill.

The backup material for the revisor's bill includes maps of the areas involved and a description of the source of the error where that was ascertainable, and will be made available to the committee or any member upon request.

Secs. 65 and 66. These sections would repeal two programs, the Alaska Industrial Incentive Act and the Industrial Incentive Tax Credit Act, which have been fully executed. By the terms of AS 43.25.110, the former program was closed to new participants on June 30, 1968. AS 43.26.070 closed the latter program on June 30, 1971. The repeal was suggested by the regulations attorney in the Department of Law.

Secs. 67 and 68. These sections deal with obsolete provisions in AS 45. The section proposed for repeal, AS 45.50.110, had no application after July 1, 1966. It dealt with the expiration of trademark registrations filed before July 1, 1961. The amendment to AS 45.55.030(d) deletes transitional provisions from the subsection. The provisions have been obsolete since May 1960.

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Sec. 69. In 1983, the legislature repealed AS 44.33.040. However, the reference to that section in the definitions for AS 45.89 (the Residential Energy Conservation Fund) was not amended to reflect that. This section proposes the deletion of the reference in the same manner that similar references were deleted in the 1983 Act (ch. 79, SLA 1983).

Sec. 70. The amendment would make the liability for burial expenses dependent upon relationship to the deceased rather than upon a combination of relationship and sex. This amendment was requested by the Alaska Women's Commission and was discussed on page 59 of their "Review of the Alaska Statutes for Sex Discrimination."

Sec. 71. This section corrects a reference to the office of alcoholism and drug abuse.

Secs. 72 and 73. Chapter 37, SLA 1985 replaced statutory license and other fees connected with occupational licensing with fees established by regulation. The authority to adopt the fees was made effective immediately, but all of the amendments relating to specific occupations were made effective upon the adoption of regulations. At the time the bill was enacted, it was assumed that the department would adopt the regulations for all occupations at the same time. However, the regulations are in fact being adopted on an occupation by occupation basis. For example, the first regulations to be adopted, relating to guides and to nurses, will be effective March 6, 1986, and the balance of the regulations will be adopted and become effective at various times during 1986.

This may be an orderly way to adopt the regulations, but it plays havoc with the effective date provisions of ch. 37. The problem is further complicated by the fact that the fee for one occupation covered by ch. 37, explosives handlers, is not set by regulations of the Department of Commerce and Economic Development under AS 08.01.065, referred to in the effective date provisions, but by the Department of Labor. The amendment proposed by sec. 72 of CSHB 493 makes the amendment relating to explosives handlers effective immediately (it would be effective at the same time CSHB 493 is effective).

The amendment proposed by sec. 73 would tie the effective date of ch. 37's amendments and repealers to the adoption of regulations for the specific occupation governed by the

affected statutory provisions. The problem and the proposed solutions have been discussed with the Department of Law and it is agreed that secs. 72 and 73 present the most practical solution.

Sec. 74. This would make the Act effective immediately.

DRD:mkr
M3:004

Enclosure

cc: Art Peterson
Department of Law

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

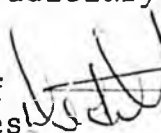
POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

MEMORANDUM

April 1, 1986

SUBJECT: SCS CSHB 493 (Judiciary)

TO: Senator Pat Rodey
Chairman, Senate Judiciary

FROM: David R. Dierdorff 
Revisor of Statutes

Enclosed is the draft SCS CSHB 493 that you requested. Please note that I took advantage of this opportunity to delete the "controversial" comma in what is now sec. 14 of the bill.

DRD:mkr
m4:054

Enclosure

AMENDMENT TO HB 493 SEC. 16

Amendment to AS 08.88.421(9)(B)

(B) a partner or regular employee of a domestic or foreign corporation or a general or limited partnership, when performing an act described in AS 08.88.161 (IN THE REGULAR COURSE, OR) as an incident to(,) the management, sale or other disposition of real estate owned by the corporation or partnership(,); The exemption in this subparagraph does not apply to(A PERSON WHO PERFORMS AN ACT DESCRIBED IN AS 08.88.161 EITHER AS A VOCATION OR FOR COMPENSATION IF THE AMOUNT OF THE COMPENSATION IS DEPENDENT UPON OR DIRECTLY RELATED TO THE VALUE OF THE REAL ESTATE WITH RESPECT TO WHICH THE ACT IS PERFORMED.)

(a) A person who performs an act described in AS 08.88.161 as a vocation.

(b) A person who performs an act described in AS 08.88.161 for compensation if the compensation is paid for a specific transaction or is based on the value of the real estate involved in the transaction.

Proposed by Real Estate ~~Commission~~ Commission