

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 86/2

1962 SRES HB 637 - HB 889

1962



Alaska State Legislature

SENATE Resources Committee

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

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

TO: Senator Bettye Fahrenkamp
Chairman

DATE: 5/5/82

FROM: Resa King
Staff

R.K.

RE: *File* SCS CSHB 637(Fin) am
Relating to the regulation
of the taking, purchase, or
sale of certain fishery
resources

Per your request attached is a "cut and paste" SCS CSHB 637(Fin) am which incorporates the three suggested changes.

Page 1, approximately line 10 - a new section regarding the operation of stationary fishing gear.

Page 2, line 7 and 8 delete "an agent," and "member,"

Page 2, line 8: after the word "employee" insert "in a policy-making position"

Lines 7 and 8 would read: "(2) director, officer, or employee in a policy-making position of the fish processor, of the . . ."

Page 5, after line 25 - a new section regarding fishermen's lien.

Original sponsor: Chuckwuk

Offered: 4/7/82
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 637 (Finance) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the regulation of the taking,
7 purchase, or sale of certain fishery resources; and
8 providing for an effective date."

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

Sec. 16.05.253. OPERATION OF STATIONARY FISHING GEAR. The Board
of Fisheries may require a person who holds a limited entry permit or an
interim-use permit under AS 16.43 to be physically present during the
operation of net gear or other stationary fishing gear operated from a
beach or riparian site, except when the permit holder is traveling to
and from the site of a sale of fish caught in the gear.

*United Fishermen's
of Alaska*
New

10 * Section 1. AS 16.10 is amended by adding new sections to read:

11 Sec. 16.10.265. PURCHASE OF FISH FROM PERMIT HOLDERS. (a) It is
12 unlawful for an individual while acting as a fish processor or primary
13 fish buyer, or as an agent, director, officer, member, or employee of a
14 fish processor, of a primary fish buyer, or of a cooperative corporation
15 organized under AS 10.15 to intentionally or knowingly make an original
16 purchase of fish from a seller who does not hold an entry permit or an
17 interim-use permit issued or transferred to the seller in accordance
18 with AS 16.43.

19 (b) An individual who violates (a) of this section is

20 (1) upon a first conviction, guilty of a class B misdemeanor
21 and shall be sentenced to a fine of not less than \$1,000 nor more than
22 \$5,000, and may be sentenced to a definite term of imprisonment of not
23 more than 90 days;

24 (2) upon a second conviction, guilty of a class A misdemeanor
25 and shall be sentenced to a fine of not less than \$5,000 nor more than
26 \$10,000, and may be sentenced to a definite term of imprisonment of not
27 more than one year;

28 (3) upon a third or subsequent conviction, guilty of a
29 class A misdemeanor and shall be sentenced to a fine of not less than

1 \$10,000 nor more than \$25,000, and may be sentenced to a definite term
2 of imprisonment of not more than one year.

3 (c) The commissioner of revenue shall impose upon a fish processor,
4 primary fish buyer, or cooperative corporation organized under AS 10.15,
5 a civil fine equal to the value of fish purchased in violation of this
6 section by (1) the fish processor or primary fish buyer if the fish
7 processor or primary fish buyer is not a corporation; or (2) ~~[an agent]~~
8 in a policy making position director, officer, ~~[member,]~~ or employee [^] of the fish processor, of the
9 primary fish buyer, or of the cooperative corporation. Value is based
10 on the average price paid to fishermen at the time of the violation.

11 (d) The commissioner of revenue may suspend or revoke a business
12 license issued under AS 43.70.020 or a license to engage in the business
13 of processing or buying raw fish if the licensee or an officer, director,
14 or employee in a policy-making position of the licensee has been con-
15 victed of three or more offenses under this section. Proceedings to
16 suspend or revoke a license are governed by the Administrative Procedure
17 Act (AS 44.62).

18 (e) An organization may not be criminally prosecuted under (a) of
19 this section.

20 (f) As used in this section, "individual" means a natural person.

21 Sec. 16.10.267. POSSESSION OF PERMIT AND IDENTIFICATION BY SELLER.

22 (a) When a fisherman sells fish the fisherman shall possess

23 (1) an entry permit or interim-use permit issued or trans-
24 ferred to the fisherman under AS 16.43, or other document authorized by
25 regulation to be used in place of an entry permit or interim-use permit;
26 and

27 (2) an identification card that has been issued to the fisher-
28 man by a state or federal agency and that bears a photograph of the
29 fisherman.

1 (b) If requested by the purchaser of the fish or by a peace
2 officer, the fisherman shall present for inspection the identification
3 card, entry permit, interim-use permit, or other document required to be
4 in the fisherman's possession under (a) of this section.

5 (c) Examples of a suitable identification card required under
6 (a)(2) of this section are a motor vehicle operator's license issued
7 under AS 28.15.111 and an identification card issued under AS 18.65.310.

8 (d) An individual who violates or assists in the violation of this
9 section is, upon conviction, guilty of a misdemeanor and is punishable
10 by a fine of not more than \$5,000 for a first conviction, and a fine of
11 not more than \$10,000 for a second or third conviction. Upon a third
12 conviction, the person forfeits all interim-use and entry permits held
13 by him and loses eligibility for future issuance or transfer of interim-use
14 or entry permits for a period of three years. Upon a first or second
15 conviction under this section, the court may in its discretion order a
16 forfeiture of interim-use or entry permits held by the person, as well
17 as a loss of eligibility for future issuance or transfer of interim-use
18 or entry permits, or order a suspension of fishing rights under interim-
19 use or entry permits held or to be held by the person for a period of
20 not more than three years.

21 Sec. 16.10.268. NOTICE OF LIABILITY. (a) The commissioner of
22 labor shall print posters that contain notice of the requirements of
23 AS 16.10.265. The commissioner shall distribute the posters to fish
24 processors, primary fish buyers, and cooperative corporations organized
25 under AS 10.15 for the purpose of buying fish.

26 (b) A fish processor, primary fish buyer, or cooperative corpora-
27 tion organized under AS 10.15 for the purpose of buying fish shall
28 display in a prominent place on its business premises posters provided
29 by the commissioner of labor under (a) of this section.

1 * Sec. 2. AS 16.10.296 is amended to read:

2 Sec. 16.10.296. DEFINITIONS. In AS 16.10.265 - 16.10.296 [AS 16.-
3 10.270 - 16.10.296], unless the context otherwise requires,

4 (1) "commissioner" means the commissioner of labor;

5 (2) "fish" means any species of aquatic finfish, inverte-
6 brates and amphibians, shellfish, or any other raw fishery resource, in
7 any stage of its life cycle, found in or introduced into the state, and
8 includes fish eggs;

9 (3) "fish processor" means a person engaging or attempting to
10 engage in a business for which a license is required under AS 43.75.-
11 010 - 43.75.090;

12 (4) "primary fish buyer" means a person, other than a co-
13 operative corporation organized under AS 10.15, engaging or attempting
14 to engage in the business of originally purchasing or buying any [RAW]
15 fishery resource in intrastate, interstate, or foreign commerce.

16 * Sec. 3. AS 16.43.360(a) is amended to read:

17 (a) A person who violates or assists in the violation of a provi-
18 sion of this chapter or a regulation promulgated under this chapter is,
19 upon conviction, guilty of a misdemeanor and is punishable by a fine of
20 not more than \$5,000 for a first conviction, and a fine of not more than
21 \$10,000 for a second or third conviction. Upon a third conviction, the
22 person forfeits [SHALL FORFEIT] all interim-use and entry permits held
23 by him and loses eligibility for future issuance or transfer of interim-
24 use or entry permits for a period of three years. Upon a first or
25 second conviction under this section, the court may in its discretion
26 order a forfeiture of interim-use or entry permits held by the person,
27 [him] as well as a loss of eligibility for future issuance or transfer
28 of interim-use or entry permits, or order a suspension of fishing rights
29 under interim-use or entry permits held or to be held by the person

[HIM] for a period of not more than three years. This subsection does not apply to violations of AS 16.43.140(a).

* Sec. 4. AS 16.43.360 is amended by adding new subsections to read:

(g) A person who violates the provisions of AS 16.43.140(a) is

(1) upon a first conviction, guilty of a class B misdemeanor and may be sentenced to a definite term of imprisonment of not more than 90 days, or forfeiture of the person's fishing vessel, or both, and shall be sentenced to a fine of not less than \$5,000 nor more than \$10,000 and loss of commercial fishing privileges for a period of one year after the date of conviction;

(2) upon a second conviction, guilty of a class A misdemeanor and may be sentenced to a definite term of imprisonment of not more than one year, and shall be sentenced to a fine of not less than \$10,000 nor more than \$20,000, forfeiture of the person's fishing vessel, and loss of commercial fishing privileges for a period of two years after the date of conviction;

(3) upon a third or subsequent conviction, guilty of a class A misdemeanor and may be sentenced to a definite term of imprisonment of not more than one year, and shall be sentenced to a fine of not less than \$20,000 nor more than \$50,000, forfeiture of the person's fishing vessel, and loss of commercial fishing privileges for a period of five years after the date of conviction.

(h) A person convicted of violating the provisions of AS 16.43.140(a) forfeits the value of the fishery resources found on board the person's vessel at the time of the violation.

* Sec. 5. AS 34.35 is amended by adding a new section to read:

ARTICLE 7A. FISHERMEN'S LIEN.

Sec. 34.35.391. FISHERMEN'S LIEN. (a) A person who sells fish to a buyer of fish and receives a fish ticket or a record of purchase as described in AS 16.05.690 has a lien upon the property of the buyer for the value of the fish.

(b) A person who claims the benefit of this section shall, within 90 days of the date the fish are sold, file a claim of lien in the recorder's office of the recording district where the fish were sold.

(c) The lien provided in this section is preferred, prior, and superior to a mortgage, attachment, claim, or demand made or filed in the recording district in which the property is located after the date on which the fish are delivered to the buyer.

* Sec. ~~6~~ This Act takes effect immediately in accordance with AS 01.10.070(c). ⁶

Senator (Liman)
New



Alaska State Legislature

SENATE Resources Committee

Official Business

BETTYE FAHRENKAMP, Chairman
VP FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

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

TO: Senate Resources Committee
FROM: Senate Resources Committee Staff
RE: Committee Meeting, 5/5/82
DATE: May 4, 1982

Please find attached background information, including proposed amendments, for Wednesday's hearing on the following bills:

CSHB 2 Relating to land.

CSHB 637 Relating to the regulation of the taking, purchase, or sale of certain fishery resources.

The meeting will be held at 1:30 p.m. in the Beltz Room.



Alaska State Legislature

SENATE Resources Committee

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

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARISS STURGULEWSKI

MEMBERS PRESENT

Senator Fahrenkamp
Senator Eliason
Senator Gilman
Senator Mulcahy
Senator Sturgulewski

April 30, 1982
1:35 p.m.

Beltz Room
Capitol - Room 211

Hearing:

- CSHB 637 Relating to the regulation of the taking, purchase, or sale or certain fishery resources; and providing for an effective date.
- SB 835 Establishing a National Petroleum Reserve, Alaska, trust fund account and providing for uses of the money placed in the account; and providing for an effective date.
-

CSHB 637

Tom Sofo, Legal Counsel, Legal Services Division, discussed a proposed amendment that would establish a statutory lien under state law to protect the fisherman if the fish purchaser goes bankrupt. This lien would be given priority right behind judicial liens.

Rodger Painter, Executive Director, United Fishermen of Alaska, supports the concept of the amendment, as fishermen are currently unsecured creditors and at the end of the line to get assets in the event of purchaser bankruptcy, but feels there are some questions that need to be answered. Painter expressed support for CSHB 637, as there are currently no penalties against a buyer for knowingly purchasing fish from someone who doesn't have a Limited Entry permit. He stated that the bill provides good protection for processors who unknowingly purchase from a non-permitted fisherman, and that penalties are heavier on the fisherman than on the processor.

Rick Lauber, Pacific Seafood Processors Association, objects to the concept of CSHB 637, as he thinks it will not discourage illegal fishing. He believes the solution is adequate law enforcement by the Department of Public Safety. Lauber also expressed concern over the proposed amendment, stating that the mere holding of the fish ticket is a lien. The lien established in CSHB 637 might discourage a banker from extending loans beyond the processor's initial line of credit.

Senator Fahrenkamp stated that CSHB 637 would be held in Committee for further work.

SB 835

Senator Fahrenkamp stated that the Attorney General, North Slope officials, and Committee staff worked together and the Committee Substitute is the result of their efforts.

Senator Gilman suggested that a letter be sent with the bill to the Finance Committee, asking them to look at the priority uses of the 50% of the funds not going to the communities.

Senator Gilman moved the adoption of the Committee Substitute for SB 835. He then moved CSSB 835, subject to the above mentioned letter, with individual recommendations.

The meeting was adjourned at 2:20 p.m.



Alaska State Legislature

SENATE Resources Committee

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

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

TO: Senate Resources Committee
FROM: Senate Resources Committee Staff
RE: Committee Meeting, 4/30/82
DATE: April 29, 1982

Please find attached background information for Friday's hearing on the following bills:

- CSHB 637 Relating to the regulation of the taking, purchase, or sale of certain fishery resources.
- HB 888 Relating to the sale of royalty oil by the State of Alaska to the Tesoro Alaska Petroleum Company.
- CSHB 889 Relating to the sale of royalty oil by the State of Alaska to Doyon, Ltd.

The meeting will be held at 1:30 p.m. in the Beltz Room.



Alaska State Legislature

SENATE Resources Committee

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

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

MEMBERS PRESENT

Senator Fahrenkamp
Senator Fischer
Senator Bradley
Senator Eliason
Senator Gilman
Senator Mulcahy
Senator Sturgulewski

May 6, 1982
8:10 a.m.

Beltz Room
Capitol - 211

Hearing:

CSHB 637 Relating to the regulation of the taking, purchase, or sale of certain fishery resources.
CSHB 2 Relating to land.

CSHB 637

Senator Mulcahy moved the adoption of the Resources Committee Substitute for CSHB 637. He then moved SCSCSHB 637 (Res) with individual recommendations.

CSHB 2

Senator Mulcahy moved that the Commissioner be required to keep all exploration data and its derivations confidential. There was no objection.

Larry Vavra, Union Oil of California, reiterated the possibility of litigation if the seismic amendment is adopted, particularly if the effective date is January 1, 1982, and quoted from Chapter .01 regarding Retroactive Statutes.

Senator Mulcahy stated that he believes the State should share the cost of obtaining the data.

Mr. Katz, Commissioner, Department of Natural Resources, stated that the Department would try to develop a sequence for obtaining the data that would reduce the possibility of litigation.

Jim Dale, Exxon, Alaska Division Attorney, suggested that the State be allowed to obtain raw and first run data on group shoots, but only raw data on proprietary shoots.

Katz suggested an approach that would consist of listing the permutations suggested by Dale and the Department, and allow the Commissioner to use

those he found necessary to make decisions on a particular lease sale.

Senator Eliason expressed objection to taking the data from the companies without compensation.

Senator Sturgulewski moved the adoption of the short definition of uninterpreted exploration data and asked unanimous consent.

Senator Gilman moved the deletion of the January 1, 1982 effective date, and a roll call vote was taken: Mulcahy, Eliason, and Gilman yea; Fischer, Sturgulewski, and Fahrenkamp nay. So the motion failed.

Senator Mulcahy moved to replace Sections 10 and 11 with the substitute language proposed by the Department, as amended. There was no objection.

Senator Fischer moved the adoption of the revised Sections 12-16 relating to University lands. There was no objection.

Senator Sturgulewski, in addressing the homestead portion of the bill, stated that lands good for agriculture and forestry are generally the best for homesteads, also.

Jeff Paynes, Deputy Commissioner, Department of Natural Resources, stated the intent of the Department is to focus the homestead option on lands with agricultural potential but that do not meet the soil classification standards for true agricultural lands.

Senator Sturgulewski moved that remote parcels be limited to 40 acres in size. There was no objection.

Senator Sturgulewski moved that the habitable dwelling size be increased to 400 square feet. There was no objection.

Senator Sturgulewski moved to increase the occupancy requirement from 35 to 55 months, and a roll call vote was taken: Fischer, Sturgulewski yea; Bradley, Mulcahy, Eliason, Gilman nay. So the motion failed.

Senator Fahrenkamp recessed the meeting at 9:20 a.m. to allow staff to prepare a "cut and paste" version of the Resources Committee Substitute.

The meeting was called back to order at 1:15 p.m.

Senator Eliason moved that the Committee rescind its action on the amendment limiting remote parcels to 40 acres in size. There was no objection.

Senator Fischer moved that a person who has received more than 15 acres of state land be ineligible for land under CSMB 2, and asked unanimous consent.

May 6, 1982

Page 3

Senator Rodey proposed an amendment that would enable homesite recipients to obtain financing for dwellings, by deleting the requirement that a dwelling be built before title to the land could be received, and by deleting the 5-year residency requirement.

Senator Fahrenkamp expressed concern over the proposal, as it eliminates the "sweat equity" concept of the bill.

Haynes expressed opposition to the proposed amendment, as it might increase competition for homesites, and not allow the people who want to live and work the land to benefit from the program. He suggested loans only to obtain materials, not for actual construction.

Katz explained that the Department is attempting to work out a method of reimbursing the oil companies for the seismic data. Possibilities are a credit against future royalties or bonuses, or a sufficient capital budget. Fair market value of the seismic information would be determined by an independent appraiser, with a penalty levied against companies who refuse to sell.

Senator Mulcahy moved the adoption of the Resources Committee Substitute for CSHB 2. He then moved SCS CSHB 2 (Res) with individual recommendations.

Senator Sturgulewski moved for the adoption of the Letter of Intent to accompany SCS CSHB 2 (Res).

The meeting was adjourned at 1:45 p.m.

12-2775
Sofo #1
4/6/82

HB 637
Proposed Amendment

HOUSE

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE - SECOND SESSION

A BILL

entitled: "An Act establishing a lien for the value of fish sold
to a buyer."

PASSED BY THE LEGISLATURE OF THE STATE OF ALASKA:

Section 1. AS 34.35 is amended by adding a new section to read:

ARTICLE 7A. FISHERMEN'S LIEN.

Sec. 34.35.391. FISHERMEN'S LIEN. (a) A person who sells fish to
a buyer of fish and receives a fish ticket or a record of purchase as
described in AS 16.05.690 has a lien upon the property of the buyer for
the value of the fish.

(b) The lien provided in this section is preferred, prior, and
superior to a mortgage, attachment, claim, or demand made or filed in
any recording district in which the property is located as of the date
which the fish are delivered to the buyer.

HB 637 TITLE & SPONSOR SUMMARY

16:05 4/19/82 PAGE 1 OF 2

AMENDED TITLE: CSHB 637(FIN)AM

AN ACT RELATING TO THE REGULATION OF TAKING, PURCHASE,
OR SALE OF CERTAIN FISHERY RESOURCES,
AND PROVIDING FOR AN EFFECTIVE DATE

PRIME SPONSOR: CHUCKWUK.

CO-SPONSORS:

CURRENT STATUS: 4/17/82 PASSD (H) ON RECONS

HB 637 HOUSE ACTION

16:05 4/19/82 PAGE 2 OF 2

DATE SEQ PAGE

LEGISLATIVE ACTION

DATE	SEQ	PAGE	LEGISLATIVE ACTION
01/11/82	01	0009	FIRST READING -- COMMITTEE REPORTS
04/01/82	02	1010	RES -- CS02, NR02 REFERRAL RECOMMENDED TO FINANCE
04/01/82	03	1010	THREE F/NOTES HSE SUPPL #34
04/07/82	04	1165	FIN -- 106, NR01
04/15/82	05	1295	SECOND READING
04/15/82	06	1295	FIN CS ADOPTED BY UNAN CONSENT
04/15/82	07	1295	AM01 ADOPTED BY UNAN CONSENT
04/15/82	08	1306	AM02 WITHDRAWN
04/15/82	09	1306	AM03 ADOPTED BY UNAN CONSENT
04/15/82	10	1306	FAILED TO ADV 3RD READING BY DIV 24-10-06
04/16/82	11	1331	THIRD READING
04/16/82	12	1332	FAILED TO RETN 2ND READING BY DIV 13-19-08
04/16/82	13	1332	PASSED BY DIV 29-03-08
04/16/82	14	1333	EFFECTIVE DATE VOTE SAME AS PASSAGE
04/16/82	15	1333	NOTICE OF RECONSIDERATION GIVEN
04/17/82	16	1348	PASSED ON RECONSIDERATION BY DIV 32-05-03
04/17/82	17	1348	EFFECTIVE DATE VOTE SAME AS PASSAGE

**

**

*** ** *

SEARCH - QUERY

00003 '43.70.020'.CITATION. OR '16.10.296'.CITATION. OR '16.43.360'.CITATION. OR '16.43.140'.CITATION.

AS16.10.296 DOCUMENT= 1 OF 4

HEADINGS TITLE 16.
Fish and Game.
CHAPTER 10.
Fisheries and Fishing Regulations.
ARTICLE 6.
Purchase of Fish.

CITATION Sec. 16.10.296.

CATCH LINE

DEFINITIONS.

TEXT In secs. 270 - 296 of this chapter, unless the context otherwise requires,

- (1) "commissioner" means the commissioner of labor;
- (2) "fish" means any species of aquatic fin fish, invertebrates and amphibians, shellfish, or any other raw fishery resource, in any stage of its life cycle, found in or introduced into the state;
- (3) "fish processor" means a person engaging or attempting to engage in a business for which a license is required under AS 43.75.010 - 43.75.090;
- (4) "primary fish buyer" means a person, other than a cooperative corporation organized under AS 10.15, engaging or attempting to engage in the business of originally purchasing or buying any raw fishery resource in intrastate, interstate, or foreign commerce.

HISTORY (Sec. 2 ch 102 SLA 1977)

AS16.43.140 DOCUMENT= 2 OF 4

HEADINGS TITLE 16.
Fish and Game.
CHAPTER 43.
Regulation of Entry into Alaska Commercial Fisheries.
ARTICLE 3.
Requirements for Entry Permits.

CITATION Sec. 16.43.140.

CATCH LINE

PERMIT REQUIRED.

TEXT (a) After January 1, 1974, no person may operate gear in the commercial taking of fishery resources without a valid entry permit or a valid interim-use permit issued by the commission.

(b) A permit is not required of a crewman or other person assisting in the operation of a unit of gear engaged in the commercial taking of fishery resources as long as the holder of the entry permit or the interim-use permit for that particular unit of gear is at all times present and actively engaged in the operation of the gear.

(c) A person may hold more than one interim-use or entry permit issued or transferred under this chapter only for the following purposes:

- (1) fishing more than one type of gear;
- (2) fishing in more than one administrative area;
- (3) harvesting particular species for which separate interim-use or entry permits are issued.

HISTORY (Sec. 1 ch 79 SLA 1973)
AS16.43.360 DOCUMENT= 3 OF 4

HEADINGS TITLE 16.
Fish and Game.
CHAPTER 43.
Regulation of Entry into Alaska Commercial Fisheries.
ARTICLE 6.
General Provisions.

CITATION Sec. 16.43.360.

CATCH LINE

PENALTIES.

TEXT

(a) A person who violates or assists in the violation of a provision of AS 16.43.010 - 16.43.380 or a regulation promulgated under AS 16.43.010 - 16.43.380 is, upon conviction, guilty of a misdemeanor and is punishable by a fine of not more than \$5,000 for a first conviction, and a fine of not more than \$10,000 for a second or third conviction. Upon a third conviction, the person shall forfeit all interim-use and entry permits held by him and loses eligibility for future issuance or transfer of interim-use or entry permits for a period of three years. Upon a first or second conviction under this section, the court may in its discretion order a forfeiture of interim-use or entry permits held by him as well as a loss of eligibility for future issuance or transfer of interim-use or entry permits or order a suspension of fishing rights under interim-use or entry permits held or to be held by him for a period of not more than three years.

(b) A person who knowingly makes a false statement of fact in the application for or renewal of an interim-use permit or an entry permit or vessel license application or renewal or in the application for a transfer under AS 16.43.170 - 16.43.180, or a person who assists another by knowingly making a false statement of fact in support of the other person's application for issuance or renewal of an interim-use permit or an entry permit or vessel license is guilty of a misdemeanor and shall forfeit all interim-use permits and entry permits held by him and shall lose eligibility for interim-use permits and for entry permits for a period of three years and is punishable by a fine of not more than \$5,000.

(c) Repealed by sec. 12 ch 47 SLA 1981.

(d) If a permit holder is charged by the state with violating a provision of AS 16.43.010 - 16.43.380 or a regulation adopted under AS 16.43.010 - 16.43.360, he may not transfer, under AS 16.43.170, any interim-use or entry permit he may hold, until after the final adjudication or dismissal of the charges.

(e) Notwithstanding any other provision of this section, no interim-use or entry permit may be transferred while under suspension, without the consent of the commission.

(f) An entry permit forfeited under this section that is taken as security for a loan under AS 16.10.333 or AS 44.81.230 shall be reassigned as provided in AS 16.10.337 or AS 44.81.250.

HISTORY (Sec. 1 ch 79 SLA 1973; am sec. 7 ch 73 SLA 1977; am secs. 7 9 ch 123 SLA 1978; am secs. 10, 12 ch 47 SLA 1981)

AS43.70.020 DOCUMENT= 4 OF 4

HEADINGS TITLE 43.
Revenue and Taxation.
CHAPTER 70.

Alaska Business License Act.

CITATION Sec. 43.70.020.

CATCH LINE

APPLICATION FOR LICENSE.

TEXT

(a) For the privilege of engaging in a business in the state, a person shall first apply, upon forms prescribed by the commissioner, and obtain a license, and pay the license fee provided for in AS 43.70.030. A license issued to a firm for a particular line of business covers all its operations in the state in the line of business regardless of the number of its establishments. A license issued under this subsection shall include

- (1) the name and address of the licensee;
- (2) the line of business to be conducted; and
- (3) the year for which the license is issued.

(b) Application for a renewal of a license and payment of the initial fee shall be made before February 1 of each year.

(c) No license may be issued for a period extending beyond the end of the calendar year for which it is issued.

(d) A person engaging in a business subject to licensing provisions of a regulatory nature (for example, the requirement of posting a bond before beginning business as a collection agency) must, in addition to filing the regular application required by this section, comply with those regulatory provisions before being entitled to a license under AS 43.70.020 - 43.70.120.

HISTORY (Sec. 4 ch 43 SLA 1949; am sec. 44 ch 113 SLA 1980)

R0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

MEMORANDUM

TO: Kevin Bruce, Senate Judiciary Committee Staff

FROM: Tom Johnson, Senate Resources Committee Staff

DATE: May 11, 1982

RE: Background materials on HB 637

Per your request of earlier today, attached please find some background material ~~on~~ HB 637 files on HB 637.

TO: Billy Berrier
Director
Legal Services

DATE: 5/5/82

Attn: Ed Hein

FROM: Bettye Fahrenkamp,
Chairman

RE: ~~Senate Committee~~ for
CSHB 637 (Fin) am

Attached is language I would like incorporated into a final
revision of CSHB 637 (Fin) am.

If you have any questions please contact Resa King at
465-3834. When the bill is completed please return it to
Room 211 Capitol Building.

Attachments

TO: Billy Berrier
Director
Legal Services

DATE: 4/28/82

FROM: Bettye Fahrenkamp
Chairman

RE: 68HB6837 (Fin) am

AB637

We have this bill scheduled for hearing April 30th.
In review in the bill I note that page 2, ~~section~~ (e)
states:

"An organization may not be criminally prosecuted under
(a) of this section."

In looking up the meaning of the word "organization"
in Black's law dictionary it becomes unclear as to who
is exempted from section (a).

Any help you can provide in clarifying the meaning
would be most appreciated.

If you have any questions please contact Resa King
at 465-3834. I would appreciate your opinion on this
section being delivered to Room 211 capitol building.

H B

6 4 3

SENATE RESOURCES COMMITTEE
LEGISLATION CHECKLIST

HB 643
BILL NUMBER
[CSHB 643 (Fin) am]

IDENTIFICATION:

BILL NAME: repealing & amending certain 1981 approps. reappropriating a 1980 approp. for the Kasaan dock; approp. to legislative finance div. for a Bristol Bay development plan; efd.

SPONSOR(S): Bradley

RELATED BILLS PENDING:

DATE INTRODUCED: 1/27/81

REFERRALS Transport, Resources,
Finance

INITIAL RESEARCH:

INITIAL BILL SUMMARY COMPLETED *yes*

SUMMARY BY LEGAL DIVISION:
DEPT. OF LAW SUMMARY:

SPONSOR CONTACTED FOR BACKUP
MATERIALS:

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS AND/OR GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE

BACKGROUND MATERIAL DISTRIBUTED

PSA/PRESS RELEASE

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/CS DRAFTED

AMENDED TITLE: CSHB 643(FIN)AM
 REPEALING & AMENDING CERTAIN APPROPRIATIONS MADE IN 1981
 REAPPROPRIATING A 1980 APPROPRIATION FOR THE
 KASAAN DOCK; MAKING AN APPROPRIATION TO THE LEGISLATIVE
 FINANCE DIV FOR A BRISTOL BAY DEVELOPMENT STUDY; ED
 PRIME SPONSOR: CHUCKWUK.

CO-SPONSORS:

CURRENT STATUS: 2/01/82 IN (S) TRANSPORTAT REFERRAL: RESOURCES

HB 643 HOUSE ACTION

DATE	SEQ	PAGE	LEGISLATIVE ACTION
01/11/82	01	0010	FIRST READING -- COMMITTEE REPORTS
01/14/82	02	0055	MUVED FROM RES TO FIN BY UNAN CONSENT
01/27/82	03	0166	FIN -- CS06, NR02
01/29/82	04	0193	SECOND READING
01/29/82	05	0193	FIN CS ADOPTED BY UNAN CONSENT
01/29/82	06	0193	AM01 ADOPTED BY UNAN CONSENT
01/29/82	07	0194	AP02 ADOPTED BY UNAN CONSENT
01/29/82	08	0194	ADVANCED TO 3RD READING BY UNAN CONSENT
01/29/82	09	0194	THIRD READING
01/29/82	10	0195	ASSIGNED BY DIV 35-00-05
01/29/82	11	0195	EFFECTIVE DATE VOTE SAME AS PASSAGE
****	**	**	*** ** *

HB 643 SENATE ACTION

DATE	SEQ	PAGE	LEGISLATIVE ACTION
02/01/82	12	0160	FIRST READING -- COMMITTEE REPORTS
			TRANSPORTATION
			RESOURCES
			FINANCE
			RULES
****	**	**	*** ** *

H B

668

SENATE RESOURCES COMMITTEE
LEGISLATION CHECKLIST

HB 668

BILL NUMBER

IDENTIFICATION:

BILL NAME: "An Act providing the division of fish and wildlife, Department of Public Safety, access to confidential reports and records of the Department of Fish and Game related to commercial fishing; and providing for an effective date."

SPONSOR(S): Sutcliffe; Fanning

RELATED BILLS PENDING:

DATE INTRODUCED: (H) 1/15/82
(S) 3/18/82

REFERRALS

Resources
Judiciary

INITIAL RESEARCH:

INITIAL BILL SUMMARY COMPLETED *yes*

SUMMARY BY LEGAL DIVISION:
DEPT. OF LAW SUMMARY:

SPONSOR CONTACTED FOR BACKUP
MATERIALS: *Sutcliffe*

FISCAL NOTE: *4/26*

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS AND/OR GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET: *4/26*

STAFF MEMO TO COMMITTEE:

~~TELECONFERENCE~~

BACKGROUND MATERIAL DISTRIBUTED

~~PSA/PRESS RELEASE~~

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/CS DRAFTED: *✓*

✓ Fish & Game
✓ Public Safety - Paul Conger 4354
Rep Sutcliffe

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

*Received
4/26/82*

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 668
Title Act providing FWP access to confidential reports/records of Dent. of F&G.
Requested by House Resources Date 2-5-82

II. FISCAL DETAIL

Agency Affected Department of Public Safety
Program Category Affected NR MEC
BRU, Program, Or Subprogram(s) Affected Fish & Wildlife Protection
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

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

No Fiscal Impact

IV. DATE 2-5-82 PREPARED BY *Don Tetzel*
AGENCY Department of Public Safety
PHONE 269-5534
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named) *Anders*
33-001 (Rev. 12/81)



Alaska State Legislature

SENATE Resources Committee

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

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

MEMBERS PRESENT

Senator Fahrenkamp
Senator Fischer
Senator Eliason
Senator Gilman
Senator Mulcahy
Senator Sturgulewski

April 26, 1982
1:35 p.m.

Beltz Room
Capitol - Room 211

Hearing:

- HB 668 Providing the division of fish and wildlife protection, Department of Public Safety, access to confidential reports and records of the Department of Fish and Game related to commercial fishing.
- CSHB 811 Providing preferences for occupants of land under a United States Forest Service timber contract.
- SB 809 Providing for the issuance of general obligation bonds in the amount of \$121,000,000 for the purpose of paying the cost of construction of and improvements to water, sewer, and solid waste facilities.

CSHB 811

Dennis Kuntz, Thorne Bay, explained that Thorne Bay is a logging community of 400 people located 45 miles northwest of Ketchikan. Established by Louisiana-Pacific, it is about to be abandoned due to economic conditions, and under the terms of LP's contract with the U.S. Forest Service, within 60 days. Kuntz urged speedy passage of the bill, so the residents will not be forced to leave their homes.

Representative Freeman, co-sponsor, expressed support for CSHB 811.

Sharon Barton, Special Assistant to the Commissioner, Department of Natural Resources, expressed support for the bill, stating that it parallels the Forest Service preference right legislation currently on the books. The fiscal note is zero, as concerned parties have agreed to pay for the survey costs, along with nominal administration costs for handling the conveyance.

Senator Mulcahy moved CSHB 811 with individual recommendations.

HB 668

Representative Sutcliffe, sponsor, stated his support for HB 668 and his opposition to CSHB 668. HB 668 gives the Department of Public Safety access to fish ticket information, and the Committee Substitute limits the amount of information that would be made available to the Department. Sutcliffe pointed out that any misuse by the Department of information on the fish ticket would result in harsh penalties to the accused officer. He also stated that limiting the amount of available information would prevent the protection officers from doing a complete job.

Senator Eliason stated that the bill had been heard in subcommittee, and the members were under the impression that all the information the protection officer needed was contained on the limited entry cards. They thought the Department supported the Committee Substitute, until a phone call five days ago. Eliason expressed concern over rights of privacy, and disapproval of the trend to open up private information to government agencies whether or not they need it.

Senator Eliason asked unanimous consent for adoption of the Committee Substitute. He then moved CSHB 668 with individual recommendations.

SB 889

Ernie Mueller, Commissioner, Department of Environmental Conservation, supports the concept of requiring a feasibility study before any obligation is made, and suggested addition of a section allowing the Department flexibility to transfer funds among projects. He explained that many of the projects listed in SB 889 may expect to get matching funds from the Department, but the DEC construction grant program currently has no funds in it.

Senator Gilman expressed concern over how the funds would actually be distributed, and stated that perhaps enabling legislation was needed to set up the fund.

Ginny Chitwood, Alaska Municipal League, urged that SB 889 be amended to include an appropriation for the water supply, sewerage, and solid waste facility fund. In this program, the state and municipality each pay 50% of the non-federal costs of eligible projects. Many communities that are willing to put up a local share would be eliminated in SB 889, because the existing fund is out of money. She further urged the passage of HB 304 or SB 252, which increase the state share of projects to 75%, as a compromise between the 100% funding in SB 889 and the current 50% match program.

Senator Sturgulewski stated her support for inclusion of the Village Safe Water Program and the water supply, sewerage, and solid waste facility fund in SB 889.

Senator Fahrenkamp stated that SB 889 would be held over for further work.

The meeting was adjourned at 2:45 p.m.

LEGISLATION SUMMARY

HB 668: "An Act providing the division of fish and wildlife protection, Department of Public Safety, access to confidential reports and records of the Department of Fish and Game related to commercial fishing; and providing for an effective date."

Sec. 1: Amends existing law regarding the confidentiality of certain reports and records in the Fish and Game Code to authorize the Department of Fish and Game to release reports and records to the division of fish and wildlife protection, Department of Public Safety, to assist them in carrying out their statutory responsibilities.

Sec. 2: Immediate effective date.

NOTE: The Department of Fish and Game is currently authorized, under this specific provision [AS 16.05.815(a)(2)] to release the complete reports and records to the Department of Revenue and the Commercial Fisheries Entry Commission.

Original sponsors: Sutcliffe and Fanning

IN THE HOUSE

BY THE RESOURCES COMMITTEE

SENATE CS FOR HOUSE BILL NO. 668 (Resources)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWELFTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the release of records by the Department of Fish and Game to the Department of Public Safety; and providing for an effective date."

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

Section 1. AS 16.05.815(a) is amended by adding a new paragraph to read:

(6) any records and reports of the department, except information contained on a fish ticket required by the department relating to the species, number, weight, and dollar value of fish bought or sold, to the division of fish and wildlife protection in the Department of Public Safety.

* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-

070(c).

HB 668

SEARCH - QUERY
00001 '16.05.815'.CITATION.

AS16.05.815 DOCUMENT= 1 OF 1

HEADINGS TITLE 16.
FISH AND GAME.
CHAPTER 05.
FISH AND GAME CODE.
ARTICLE 6.
MISCELLANEOUS PROVISIONS.

CITATION SEC. 16.05.815.
CATCH LINE

CONFIDENTIAL NATURE OF CERTAIN REPORTS AND RECORDS.

TEXT (A) EXCEPT AS PROVIDED IN (B) OF THIS SECTION, RECORDS
REQUIRED BY REGULATIONS OF THE DEPARTMENT CONCERNING THE LANDINGS
OF FISH, SHELLFISH OR FISHERY PRODUCTS, AND ANNUAL STATISTICAL
REPORTS OF BUYERS AND PROCESSORS REQUIRED BY REGULATION OF THE
DEPARTMENT ARE CONFIDENTIAL AND MAY NOT BE RELEASED BY THE
DEPARTMENT EXCEPT THAT THE DEPARTMENT MAY RELEASE

(1) ANY OF ITS RECORDS AND REPORTS TO THE NATIONAL
MARINE FISHERIES SERVICE AS REQUIRED FOR PREPARATION AND
IMPLEMENTATION OF THE FISHERY MANAGEMENT PLANS OF THE NORTH
PACIFIC FISHERY MANAGEMENT COUNCIL WITHIN THE FISHERY
CONSERVATION ZONE; HOWEVER, INFORMATION RELEASED TO THE
NATIONAL MARINE FISHERIES SERVICE UNDER THIS PARAGRAPH MAY
NOT DISCLOSE THE IDENTITY OF INDIVIDUAL FISHERMEN OR THEIR
VESSELS;

(2) ANY OF ITS RECORDS AND REPORTS TO THE DEPARTMENT OF
REVENUE AND TO THE COMMERCIAL FISHERIES ENTRY COMMISSION TO
ASSIST THEM IN CARRYING OUT THEIR STATUTORY RESPONSIBILITIES;

(3) RECORDS OR REPORTS OF THE TOTAL VALUE PURCHASED BY
EACH BUYER TO A MUNICIPALITY WHICH LEVIES AND COLLECTS A TAX
ON FISH, SHELLFISH, OR FISHERY PRODUCTS IF THE MUNICIPALITY

(A) REQUIRES RECORDS OF THE LANDINGS OF FISH,
SHELLFISH, OR FISHERY PRODUCTS TO BE SUBMITTED TO IT FOR
PURPOSES OF VERIFICATION OF TAXES PAYABLE; AND

(B) MAINTAINS THE CONFIDENTIALITY OF REPORTS AND
RECORDS WHICH IT RECEIVES UNDER THIS PARAGRAPH;

(4) SUCH RECORDS AND REPORTS AS NECESSARY TO BE IN
CONFORMITY WITH A COURT ORDER; OR

(5) ON REQUEST, THE REPORT OF A PERSON TO THE PERSON
WHOSE FISHING ACTIVITY IS THE SUBJECT OF THE REPORT.

(B) RECORDS OR REPORTS RECEIVED BY THE DEPARTMENT WHICH DO
NOT IDENTIFY INDIVIDUAL FISHERMEN, BUYERS, OR PROCESSORS OR THE
SPECIFIC LOCATIONS WHERE FISH HAVE BEEN TAKEN ARE PUBLIC
INFORMATION.

HISTORY (SEC. 1 CH 117 SLA 1970; AM SEC. 1 CH 117 SLA 1974; AM SEC. 1
66 SLA 1980)

R0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

Editor's notes. — Section 2, SCS HB 207 am S (H. failed eff. date) enacted this section. On July 3, 1980, the governor acting on advice from the attorney general return SCS HB 207 am S (H. failed eff. date) to the house. The governor's letter of transmittal advised the house and the senate that the bill could not become law because the same version of the bill had not passed both houses of the legislature. Legislative counsel advises that under the Alaska Constitution, Article II, sec. 17, the bill became law without the governor's signature, and under the Alaska Constitution, Article II, sec. 18, its provisions took effect October 5, 1980.

This section was enacted by § 2 of SCS HB 207 am S (H. failed eff. date) as AS

16.05.785 but was renumbered by the revisor of statutes pursuant to AS 01.05.031.

Section 1 of SCS HB 207 am S (H. failed eff. date), provides: "The purpose of sec. 2 of this Act [this section] is to protect wildlife which, as a result of wildlife migrations, congregates in large numbers near the highway between the Yukon River and the Arctic Ocean."

Legislative history reports. — For governor's letter returning SCS HB 207 am S (H. failed eff. date) see 1980 House Journal, p. 2240, and 1980 Senate Journal, p. 1781. For attorney general's opinion advising the governor that the house and senate did not pass the same bill, see Op. Atty. Gen. July 1, 1980.

Sec. 16.05.815. Confidential nature of certain reports and records. (a) Except as provided in (b) of this section, records required by regulations of the department concerning the landings of fish, shellfish or fishery products, and annual statistical reports of buyers and processors required by regulation of the department are confidential and may not be released by the department except that the department may release

(1) any of its records and reports to the National Marine Fisheries Service as required for preparation and implementation of the fishery management plans of the North Pacific Fishery Management Council within the fishery conservation zone; however, information released to the National Marine Fisheries Service under this paragraph may not disclose the identity of individual fishermen or their vessels;

(2) any of its records and reports to the Department of Revenue and to the Commercial Fisheries Entry Commission to assist them in carrying out their statutory responsibilities;

(3) records or reports of the total value purchased by each buyer to a municipality which levies and collects a tax on fish, shellfish, or fishery products if the municipality

(A) requires records of the landings of fish, shellfish, or fishery products to be submitted to it for purposes of verification of taxes payable; and

(B) maintains the confidentiality of reports and records which it receives under this paragraph;

(4) such records and reports as necessary to be in conformity with a court order; or

(5) on request, the report of a person to the person whose fishing activity is the subject of the report.

(b) Records or reports received by the department which do not identify individual fishermen, buyers, or processors or the specific locations where fish have been taken are public information. (§ 1 ch 117 SLA 1970; am § 1 ch 117 SLA 1974; am § 1 ch 66 SLA 1980)

✓

TO: Billy Berrier
Director
Legal Services

DATE: 4/26/82

ATTN: Ed Heim

FROM: Bettye Fahrenkamp
Chairman
Senate Resources Committee

RE: SCSHB 668(Res)

Attached is a copy of ~~SCSHB 668(Res)~~ ~~SCSHB 668(Res)~~ that the Committee would like incorporated in to a final bill.

If you have any questions please contact Resa King at 465-3834. When the bill is completed please return it to Room 211 Capitol Building.

Attachment

HB 668

Original sponsors: Sutcliffe and Fanning

IN THE HOUSE

BY THE RESOURCES COMMITTEE

SENATE CS FOR HOUSE BILL NO. 668 (Resources)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWELFTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the release of records by the Department of Fish and Game to the Department of Public Safety; and providing for an effective date."

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

Section 1. AS 16.05.815(a) is amended by adding a new paragraph to

read:

(6) any records and reports of the department, except information contained on a fish ticket required by the department relating to the species, number, weight, and dollar value of fish bought or sold, to the division of fish and wildlife protection in the Department of Public Safety.

* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-

070(c).

H B

8 11

COMMITTEE REPORT
SENATE

4/19/82

FURTHER: Finance

Date: 4/21/82

Mr. President:

The Committee on RESOURCES has had CSHB 811(Res)
providing preferences for occupants of land under a United States Forest
Service timber contract

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

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Tom Helmer

Mike...

Bob...

H. T. ...

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Chairman
CHAIRMAN

IDENTIFICATION:

BILL NAME: "An Act providing preferences for occupants of land under a United States Forest Service timber contract; and providing for an effective date."

SPONSOR(S): Resources
Original Sponsor: Gardiner

RELATED BILLS PENDING:

DATE INTRODUCED: (H) 2/16/82
(S) 4/19/82

REFERRALS

Resources

INITIAL RESEARCH:

INITIAL BILL SUMMARY COMPLETED

SUMMARY BY LEGAL DIVISION:
DEPT. OF LAW SUMMARY:

SPONSOR CONTACTED FOR BACKUP
MATERIALS:

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS AND/OR GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE

BACKGROUND MATERIAL DISTRIBUTED

PSA/PRESS RELEASE

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/CS DRAFTED

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 811

Title An act relating to preferences to occupants of land under
Requested by House REsources Ct. Date USFS Timber contract

II. FISCAL DETAIL

Department of Natural Resources

Agency Affected

Program Category Affected MPMC

BRU, Program, Or Subprogram(s) Affected Land Management

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

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-			

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME		0	0			
TEMPORARY						

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

Departmental responsibilities under this bill can be accomplished with funding for the land disposal program in the Governor's FY 83 budget submission.

IV. DATE March 22, 1982 PREPARED BY Mark Wittow

AGENCY Dept. of Natural Resources

Original: Legislative Finance PHONE 465-2400

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

Mark Wittow



Alaska State Legislature

SENATE Resources Committee

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

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

TO: Senate Resources Committee
FROM: Senate Resources Committee Staff
RE: Committee Meeting, 4/26/82
DATE: April 23, 1982

Please find attached background information for Monday's hearing on the following bills:

- HB 668 Providing the division of fish and wildlife protection, Department of Public Safety, access to confidential reports and records of the Department of Fish and Game related to commercial fishing; and providing for an effective date.
- HB 811 Providing preferences for occupants of land under a United States Forest Service timber contract; and providing for an effective date.
- SB 889 Providing for the issuance of general obligation bonds in the amount of \$121,000,000 for the purpose of paying the cost of construction of and improvements to water, sewer, and solid waste facilities; and providing for an effective date.

The meeting will be held at 1:30 p.m. in the Beltz Room.



Alaska State Legislature

House of Representatives

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Rep. Sutcliffe, Rep. Fanning
Co-Chairman, House Resources Committee

FROM: Denise Zachary, assistant *denise*
to Rep. Gardiner

DATE: March 18, 1982

RE: CS HB 811, Sectional analysis

CS HB 811, relating to preferences to occupant of land under a United States Forest Service timber contract, has been referred to your committee.

The intent of the bill is to provide a preference right to the occupant to purchase the land if that person has erected or purchased a dwelling.

Section 1. AS 38.05.064. PREFERENCE TO OCCUPANTS UNDER FOREST SERVICE TIMBER SALE CONTRACT.

(a) This section does not mandate land disposal to occupant but does ensure that a preference right is given to those who have erected or purchased a permanent improvement.

(b) This section spells out provisions of existing law.

(c) The purchase price of land for noncommercial residential purpose is described.

(d) Sale of land for use other than residential purposes is depicted in this section.

(e) Logging camps have a poor layout; this section provides for the adjustment of boundaries on land with permanent improvements, satisfying the occupants.

MEMORANDUM

TO: Rep. Eric Sutcliffe
Rep. Ken Fanning
Co-Chairmen, House Resources Committee

FROM: Rep. Terry Gardiner

DATE: March 5, 1982

RE: HB 811/ preferences to occupants of land
under Forest Service contract

I introduced HB 811, relating to preferences to occupants of land under U.S. Forest Service timber contract, on February 16, 1982. This legislation was referred to the House Resources Committee.

Need for this bill arose as the community of Thorne Bay is being forced to incorporate due to the Louisiana Pacific Company reduction in workforce. Louisiana Pacific is closing down the east half of their logging camp leaving 18 private homes without sewer, water, or electricity. This land is presently under lease from the U.S. Forest Service.

Thorne Bay residents are now going through the process of incorporation with a July 1, 1982, deadline so that they will qualify for revenue sharing.

This is a Thorne Bay problem, but is a problem that could occur in many logging camps throughout the state.

I would appreciate a hearing scheduled on this bill this session if possible.

Thank you for your time on this matter.

MEMORANDUM

State of Alaska

TO: Senate Resources Ct.

DATE: April 23, 1982

FILE NO:

TELEPHONE NO:

FROM: Mark Wittow
Special Assistant
to the Commissioner

MW

SUBJECT: Fiscal Note, HB 811

The original fiscal note for HB 811 was premised on the Department's land disposal program being funded at the levels proposed in the Governor's original budget request for FY 83. As you know, those numbers have been substantially cut back.

Although the Department's budget currently has no funding available for the survey work necessary to adjudicate the preference rights established in the bill, a solution has been suggested which would allow the fiscal note to the bill to remain at 0. The people of Thorne Bay have expressed a willingness to accomplish the required survey work themselves, operating under the standards of the Department. A registered land surveyor would have to approve all work done to meet the requirements of the statute. DNR involvement will be limited to issuing survey instructions, approving the plats and adjudicating the applications.

If it is understood by all interested parties that the grant of preference right to applicants in Thorne Bay will be contingent on the members of that community assuming responsibility for survey of their existing tracts, the fiscal note for HB 811 will not need to be changed.

cc: Jack Sedwick



Alaska State Legislature

House of Representatives

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Senate Resources Committee
ATTN.: Tom

FROM: Denise Zachary, assistant
Rep. Gardiner

DATE: April 23, 1982

RE: CS HB 811/ back-up material

Tom,

Per your request, I have attached back-up material on HB 811, preferences to occupants of land under Forest Service contract. I have included: 1) sectional analysis, 2) memorandum to Rep. Sutcliffe, and 3) memorandum to Sen. Fahrenkamp.

Also the requested House Resource Committee minutes will be delivered to you from that committee.

If you have any other questions please contact me.

Denise/ 4944

denise



Alaska State Legislature

House of Representatives

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Senator Bettye Fahrenkamp
Chairperson, Senate Resources Committee

FROM: Representative Terry Gardiner *TG*

DATE: April 20, 1982

RE: CS HB 811/ preferences to occupants of land
under Forest Service contract

I introduced HB 811, relating to preferences to occupants of land under U.S. Forest Service timber contract, on February 16, 1982. The original bill was introduced to protect interests of Thorne Bay home owners. The C.S., adopted by the House Resources Committee, also takes care of homes disposed by Louisiana Pacific to occupants and provides for an effective date. This legislation was passed in the House of Representatives on April 18, 1982, 35-0.

Need for this bill arose as the community of Thorne Bay is being forced to incorporate due to the Louisiana Pacific Company's reduction in workforce. Louisiana Pacific has abandoned the lower end of their logging camp leaving the residents of the 60 homes in this section having to find means of providing their own utilities. The land relinquished by L.P., before becoming state select land, must be returned to its original state. Residents would like first preference to purchase the land on which their present homes exist.

It is important for this bill to be passed as soon as possible as there is a July 1, 1982, deadline for incorporation so that the community will qualify for revenue sharing.

This is a Thorne Bay problem, but is a problem that could occur in many logging camps throughout the state.

I would appreciate a hearing scheduled on this bill, this session if possible.

Thank you for your time on this matter.

HOUSE RESOURCES
STANDING COMMITTEE
March 16, 1982
5:30 p.m.

Members Present: Rep. Sutcliffe, and Fanning Co-chairmen
Rep. Grussendorf
Rep. Barnes
Rep. Vaska
Rep. Halford

Members Absent: Rep. Carney

COMMITTEE CALENDAR

HB 528 "Amending the Fish & Game code - Title 16"
HB 8 "Relating to management and control of State
lands"
HB 811 "Relating to preferences to occupants of
land under a USFS timber contract"
HJR 78 "Relating to commercial fishing by foreign
fleets in the 200 mile fishery conservation
zone along Alaska's coast"

WITNESS REGISTER

Ed Hein
Legal Services
Legislative Affairs
No address available
No telephone number available
Position Statement: To speak on HJR 78

Rodger Painter
United Fishermen of Alaska
No address available
No telephone number available
Position Statement: To speak on HJR 78

Rep. Dick Randolph
Pouch V
Juneau, Alaska 99811
(907)465-4821
Position Statement: To speak on HJR 78

Richard Lauber
No address available
No telephone number available
Position Statement: To speak on HJR 78

Rep. Terry Gardiner
Pouch V
Juneau, Alaska 99811
(907)465-4944
Position Statement: To speak on HB 811

Rep. Oral Freeman
Pouch V
Juneau, Alaska 99811
(907)465-4976
Position Statement: To speak on HB 811

Depts M. Kuntz
Box 131
Thorne Bay, Alaska 99950
(907)828-3984
Position Statement: To give testimony on HB 811

Reggie Johnson
P.O. Box 165
Thorne Bay, Alaska 99950
(907)828-3991
Position Statement: To give testimony on HB 811

Mark Witton
Department of Natural Resources
No address available
No telephone number available
Position Statement: To speak on HB 811

Andy Pekovich
Department of Natural Resources
No address available
No telephone number available
Position Statement: To speak on HB 811

PREVIOUS ACTION

HB 811	Previous action unavailable
HB 528	Previous action unavailable
HB 8	Previous action unavailable
HJR 78	Previous action unavailable

ACTION NARRATIVE

Recording
Tape #116
Number 001

The meeting of the House Resource Committee
was called to order by Chairman Sutcliffe at

3:00 p.m. Committee members present were: Reps. Vaska, Fanning, Carney, Barnes and Sutcliffe. Absent were Reps. Halford and Grussendorf.

- Number 022 Rep. Fanning: Requested movement of HJR 78 from HCR be rescinded; and that the bill be brought back before the Committee.
- Number 029 Rep. Sutcliffe: Ed Hein has suggested some changes. There are some language changes and some changes have been made for clarification.
- Number 040 Rep. Fanning: Moves to accept amendments as suggested in March 3 memo from Ed Hein; asks unanimous consent.
- Number 045 Rep. Sutcliffe: So moved. Amendments adopted.
- Number 063 Rep. Fanning: Asked change - Line 10, Line 17; add "domestic" before "fisheries management".
- Number 072 Rep. Sutcliffe: Amendment adopted.
- Number 074 Rep. Fanning: Page 2, addition of two WHEREAS. Moved and asked unanimous consent.
- Number 092 Rep. Sutcliffe: Asked Rodger Painter, UFA, to speak.
- Number 097 Rodger Painter: Don't understand why "incidentally destroyed" was used. Not very descriptive; "caught" would be better.
- Number 113 Rep. Fanning: Asked Mr. Painter if there were any other areas of concern?
- Number 117 Mr. Painter: Define "value".
- Number 139 Rep. Fanning to Rep. Randolph: Asked if suggested changes were acceptable to him. (His reply: Yes)
- Number 155 Richard Lauber: Stated that a number of small halibut are caught. If these fish were projected as adult fish, foreign trawl catch far exceeds American catches.
- Number 173 Rep. Fanning: Requested two new WHEREAS. Asked unanimous consent.

Number 181 Rep. Sutcliffe: Amendments accepted.

Number 185 Rep. Sutcliffe: Will accept motion to move HJR 78 from HRC. Rep. Carney: So moved.

Number 190 Rep. Sutcliffe: HJR 78 moved from HRC.

Number 200 (HB 8) - Rep. Fanning: No further amendments to add. Will next go to Judiciary.

Number 213 Rep. Barnes: Re: Talk given by Nevada Sen. Rhoads - I felt his indication was, that passage of this bill was useless. He wanted support for privatization. His statements on the teleconference are the exact opposite from what he told me.

Number 235 Rep. Fanning: Discussion of testimony given by Sen. Rhoads.

Number 241 Rep. Barnes: Noted both pieces of legislation were discussed. Feels there is conflict.

Number 251 Rep. Sutcliffe: Wants to move HB 8 from HRC.

Number 255 Rep. Vaska: Objects.

Number 257 Rep. Fanning: Motion to move HB 8 from HBR. In favor: Reps. Fanning, Sutcliffe, Barnes, Carney. Opposed: Rep. Vaska.

Number 308 (Mark-up of HB 528) - Page 1 - no changes.

Number 321 Page 2, line 28: Delete Section 7 - So moved by Rep. Vaska. Passed.

Number 355 Page 3, line 13: Delete Section 8 - So moved by Rep. Barnes. Passed.

Number 405 Line 22: Delete: "as directed by the commissioner of revenue: and replace with: "soon as practicable after the last day of each calendar month or quarter, as directed by the commissioner of revenue." So moved by Rep. Fanning. Passed.

Number 410 Page 6, line 19: Delete: "who constructs" and replace with: "which intends to construct." Line 26: after "activity", insert "set out in this subsection". So moved by Rep. Fanning. Passed.

Number 450 Page 13, line 13: Delete: "16.05.835" -
Line 14: Delete: "16.10.120". So moved by
Rep. Barnes. Passed.

Number 460 Rep. Sutcliffe: 58 foot limit will be
before HRC, as well as drum seine. There
could be problems in this area.

Number 478 It was moved that the amendments be
accepted. Passed.

Side Two Number 001 Rep. Barnes: Moved to accept Committee
Substitute of HB 528, and to move it from
HRC.

Number 008 Rep. Fanning: Bill is passed from HRC.

Number 010 Hb 637 will not be heard today. It will be
rescheduled.

Number 022 (HB 811) - Rep. Sutcliffe: HRC did
preliminary work and found areas that need
work. There is a substitute in the mill.

Number 030 Rep. Gardiner: Has dealt with a bill of
this type before. Preference bills are
difficult to do without causing problems.
The reason for the bill - based on community
of Thorne Bay (logging camp). Discussion of
bill. The community is being established,
there are: residents, schools, utilities,
etc. already.

No one now owns the land. It is Forest
Service land leased to the lumber company.
Residents of Thorne Bay want to form a
second class city. They have been working
with DNR and Community Affairs.

If usual routine were to be followed, public
would be able to bid on land with houses
already there. Those homes belong to people
already living in Thorne Bay. Intent is to
give these people preferences on buying this
land.

Another factor - municipality of Thorne Bay
could have land selection. This could be
done through normal channels.

Number 115 Rep. Fanning: What is the reason for push
of commercial land being at market value?

- Number 123 Rep. Gardiner: Community concerns, (PKU and others), have not requested preferential action.
- Number 156 Rep. Fanning: Wold assume that during lumber action, residents of homes did not pay any part of lease fees?
- Number 165 Rep. Gardiner: LPK owned some of the houses, utilities, etc. Don't know what charges were paid by LPK.
- Number 179 Rep. Oral Freeman: There is only one commercial interest (dry goods store). Others coming later. They can buy land
- Number 195 Denis Kuntz: LPK has abandoned operations in this area. This was due to economic cut-backs.
- Number 224 Discussion of need for legislation. There is a need to keep people so that city can be formed. Happy with bill as it is.
- Number 261 Denis Kuntz: Discussion of Sec. B. Company is now selling houses in abandoned area to residents. Results of bids will be known Thursday.
- Number 281 Denis Kuntz: Banks will not loan money because land is not owned. This bill would help this situation.
- Number 299 Mr. Kuntz: This situation will arise in other areas, as other camps close down.
- Number 313 Rep. Fanning: I have no objection to concept. Discussion of areas concerned in bill. What land area is included?
- Number 326 Reggie Johnson: Land under houses only is covered by this bill.
- Number 339 Rep. Barnes: Asked what the population was and what the economic base was.
- Number 354 Mr. Johnson: Population approximately 350 people. Industry - fishing, mining, and support services for ferry is present plans are completed.
- Number 365 Rep. Fanning: Committee substitute eliminates recreation cabins (Sec. C, Line 18).

Number 383 Mr. Kuntz: Discussion of recreational residences. Noted - there were none there at this time.

Number 409 Rep. Gardiner: If land is put on the open market, there could be recreational homes forth coming.

Number 427 Rep. Sutcliffe: Discussion of occupancy requirements.

Number 477 Mark Wittow: Generally, feels that this is a good bill. Discussion of leases, lapses and other reversion to State of the land.

Tape #117

Number 018 Rep. Fanning: Re: Line 16 - What is being addressed by statement "before the termination of the timber contract."

Number 027 Rep. Stuccliffe: Discussion of Committee Substitute for bill and language used in it.

Number 034 Mark Wittow: Suggestion: Language now says in Sec. A and B at beginning "before to the public" the Director shall" and B. Municipality may want to select some of that land.

Number 052 Rep. Fanning: Questions commercial land being included in this bill.

Number 062 Mr. Wittow: If municipality chose land, they could handle land disposal. Discussion of original concept for choosing this land.

Number 083 Rep. Fanning: What was intent? Are we trying to develop blanket language for future cases? Or, for a specific area. Explain "A" to me. Discussion of "A" followed with Mr. Wittow.

Number 108 Rep. Fanning: Doesn't this language preclude future concerns? Or, are we talking about up to expiration of lease time? (Reply from Mr. Wittow: Into the future.)

Number 120 Rep. Sutcliffe: Can't we speak to the sale that has occurred? (Home bids)

Number 133 Rep. Carney to Mark Wittow: Explain term "permitee". Rep. Carney questioned changes

- Number 160 in statutes to assist in problem.
Rep. Sutcliffe and Carney: Discussion of preference rights - patents - contracts.
- Number 202 Rep. Sutcliffe: Is DNR in favor of accommodating people in Thorne Bay?
- Number 207 Mr. Wittow: Bill was to offer them preferential rights.
- Number 231 Rep. Carney to Mr. Wittow: What is the value of the land?
- Number 235 Mr. Wittow: Lots are very small, land is of little value.
- Number 240 Rep. Carney: This should apply statewide; not only in Thorne Bay.
- Number 258 Rep. Fanning and Mr. Wittow: Discussion of "State owning" improvements.
- Number 291 Rep. Barnes: Bill would apply not only to Thorne Bay. Discussion of land disposal.
- Number 336 Rep. Carney: "D" basically copied - except provision of preference. Questions deletion of "recreational"? Wants it included.
- Number 380 Rep. Barnes: Wants removal of "non recreational".
- Number 426 Rep. Freeman: Sec. 6 - "Statehood Act": Land Selection. Discussion of accessing a number of areas that could be concerned with like needs/requirements. Feels it would be a shame to get the bill bogged down and not passed.
- Number 483 Rep. Fanning: As Co-sponsor, would you object to addressing Thorne Bay directly? (Rep. Freeman's reply: No)
- Number 502 Rep. Carney to Rep. Freeman: Would you object in having this project included in "Permittee Act" of Forest Service? Reply from Rep. Freeman: Discussion of other Forest Service permits, land selection. Feels he would prefer to see bill kept as is. Debate on permits between Reps. Freeman and Carney.
- Number 581 Rep. Barnes: Objects to legislation being written for direct response to Thorne Bay.

Wants blanket legislation.

- Number 595 Rep. Fanning: DNR - doesn't want to have to sell land. Questions deletion on non-recreational and deletion of commercial.
- Number 621 Mr. Wittow: Language is the same in Forest Service permits.
- Side Two Number 010 Rep. Sutcliffe: Asked Rep. Freeman to work with DNR and Committee to seek a solution.
- Number 016 Rep. Barnes: Stated she was against Departments writing legislation.
- Number 045 Rep. Carney: Doesn't object to preference - but, based on what? Residency?
- Number 056 Rep. Fanning: Is it agreeable to the Committee to develop legislation with a residence requirement of one year?
- Number 067 Rep. Sutcliffe: All contingencies could not be covered by this. People that should, won't qualify.
- Number 085 Rep. Carney: That is why I prefer to let the lumber company deal with title transfers.
- Number 104 Rep. Freeman: Discussion of preference legislation. Feels abuses would be so small - should not be an area of great concern.
- Number 150 Andy Pekovich: Skeptical of some aspects. Revision is preferential to new legislation. Discussion of possible solutions. Selection process - stopping a windfall.
- Number 194 Rep. Fanning: Re: Forestry Permitting: How do we get them to do this? (Pekovich's reply: I'm not sure, it would take a policy change.)
- Number 251 Rep. Freeman: We would hate to have Thorne Bay dependent on Forest Service. They are beyond our reach.
- Number 272 Mr. Kuntz: What about preference for those holding Forest permits?
- Number 297 Rep. Carney: What about open entry?
- Number 318 Mr. Johnson: What time table are we talking

about?

Number 322

Rep. Fanning: We are anxious to move this bill, but there are questions that need to be answered.

Meeting adjourned at 5:35p.m.

NOT HEARD

HB 637 HB 811

SIGN-IN

MEETING DATE
03-16-82

NAME & TITLE	BUSINESS OR ORGANIZATION NAME & ADDRESS	PHONE	BILL NUMBER
LT. Conrad SEIBEL	DEPT. PUBLIC SAFETY P.O. Box 2780 Juneau, AK	789-2161	HB 637
Roger Painter	UFA 195 S Franklin Juneau	586-2820	HB 637
John Hale	UFA 197 S. Franklin	"	"
Rick Lauber	PSPA		HB 637
Reggie Johnson	Thorne Bay Community Club	-	HB 811
Denis M. Kuntz	Thorne Bay	828-3984	HB 811
Tony Gardiner	KATJ	465-1194	"



Alaska State Legislature

SENATE Resources Committee

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

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

MEMBERS PRESENT

Senator Fahrenkamp
Senator Fischer
Senator Eliason
Senator Gilman
Senator Mulcahy
Senator Sturgulewski

April 26, 1982
1:35 p.m.

Beltz Room
Capitol - Room 211

Hearing:

- HB 668 Providing the division of fish and wildlife protection, Department of Public Safety, access to confidential reports and records of the Department of Fish and Game related to commercial fishing.
- CSHB 811 Providing preferences for occupants of land under a United States Forest Service timber contract.
- SB 889 Providing for the issuance of general obligation bonds in the amount of \$121,000,000 for the purpose of paying the cost of construction of and improvements to water, sewer, and solid waste facilities.

CSHB 811

Dennis Kuntz, Thorne Bay, explained that Thorne Bay is a logging community of 400 people located 45 miles northwest of Ketchikan. Established by Louisiana-Pacific, it is about to be abandoned due to economic conditions, and under the terms of LP's contract with the U.S. Forest Service, within 60 days. Kuntz urged speedy passage of the bill, so the residents will not be forced to leave their homes.

Representative Freeman, co-sponsor, expressed support for CSHB 811.

Sharon Barton, Special Assistant to the Commissioner, Department of Natural Resources, expressed support for the bill, stating that it parallels the Forest Service preference right legislation currently on the books. The fiscal note is zero, as concerned parties have agreed to pay for the survey costs, along with nominal administration costs for handling the conveyance.

Senator Mulcahy moved CSHB 811 with individual recommendations.

HB 668

Representative Sutcliffe, sponsor, stated his support for HB 668 and his opposition to CSHB 668. HB 668 gives the Department of Public Safety access to fish ticket information, and the Committee Substitute limits the amount of information that would be made available to the Department. Sutcliffe pointed out that any misuse by the Department of information on the fish ticket would result in harsh penalties to the accused officer. He also stated that limiting the amount of available information would prevent the protection officers from doing a complete job.

Senator Eliason stated that the bill had been heard in subcommittee, and the members were under the impression that all the information the protection officer needed was contained on the limited entry cards. They thought the Department supported the Committee Substitute, until a phone call five days ago. Eliason expressed concern over rights of privacy, and disapproval of the trend to open up private information to government agencies whether or not they need it.

Senator Eliason asked unanimous consent for adoption of the Committee Substitute. He then moved CSHB 668 with individual recommendations.

SB 889

Ernie Mueller, Commissioner, Department of Environmental Conservation, supports the concept of requiring a feasibility study before any obligation is made, and suggested addition of a section allowing the Department flexibility to transfer funds among projects. He explained that many of the projects listed in SB 889 may expect to get matching funds from the Department, but the DEC construction grant program currently has no funds in it.

Senator Gilman expressed concern over how the funds would actually be distributed, and stated that perhaps enabling legislation was needed to set up the fund.

Ginny Chitwood, Alaska Municipal League, urged that SB 889 be amended to include an appropriation for the water supply, sewerage, and solid waste facility fund. In this program, the state and municipality each pay 50% of the non-federal costs of eligible projects. Many communities that are willing to put up a local share would be eliminated in SB 889, because the existing fund is out of money. She further urged the passage of HB 304 or SB 252, which increase the state share of projects to 75%, as a compromise between the 100% funding in SB 889 and the current 50% match program.

Senator Sturgulewski stated her support for inclusion of the Village Safe Water Program and the water supply, sewerage, and solid waste facility fund in SB 889.

Senator Fahrenkamp stated that SB 889 would be held over for further work.

The meeting was adjourned at 2:45 p.m.

CSHB 811 (Res): "An Act providing for preferences for occupants of land under a United States Forest Service timber contract; an providing for an effective date."

General: The purpose of this bill is to protect the interests of occupants of existing permanent improvements on land formerly under a United States Forest Service timber contract, by establishing preference rights for purchase should the land be subsequently offered to the public in a state land sale.

Sec. 1: Requires the director of the division of lands, Department of Natural Resources, pursuant to a state land sale of land formerly under a United States Forest Service timber contract, to first offer the land to the occupant of a permanent improvement on that land, if any, or his successor in interest, if the permanent improvement was built with the approval of, or purchased from the former timber sale contractor prior to the effective date of this Act, and occupied by the occupant or his successor for at least 90 days prior to relinquishment of the land by the contractor.

Requires sales under this section to be administered according to the land sales provisions of the Alaska Land Act, except when in conflict with this section.

If the improvement is a residence used for noncommercial residential purposes, the commissioner is required to determine the purchase price to be offered to the occupant, equal to the state costs for the sale and survey or resurvey of the land.

If the improvement is used for other than noncommercial residential purposes, the director is authorized to offer the land to the occupant or his successor for not less than the appraised fair market value, or for a negotiated price under the public use provisions of the Alaska Land Act.*

Authorizes the director to adjust the boundaries of lots containing improvements to provide for the general health, welfare and safety of the residents.

Sec. 2: Immediate effective date.

*AS 38.05.315(e): "The lease, sale, or other disposal of state land at appraised fair market value may be negotiated with a licensed public utility or a licensed common carrier by the director with the approval of the commissioner if the utility or carrier reasonably requires the land for the conduct of its business under its license."

AMENDED TITLE:

AN ACT RELATING TO PREFERENCES TO OCCUPANTS OF LAND UNDER
A UNITED STATES FOREST SERVICE TIMBER CONTRACT

PRIME SPONSOR: GARDINER.

CO-SPONSORS: HAUGEN, FREEMAN.

CURRENT STATUS: 4/17/82 POSTPND 4/18/82(H)

HB 811 HOUSE ACTION

DATE SEQ PAGE

LEGISLATIVE ACTION

02/17/82	01	0518	FIRST READING --- COMMITTEE REPORTS
03/22/82	02	0878	RES -- CS06
03/22/82	03	0890	RESOURCE REPORT WITHDRAWN
03/22/82	04	0890	RECOMMITTED TO RES BY UNAN CONSENT
03/26/82	05	0933	RES -- CS05
03/26/82	06	0933	F/NOTE EQUALS ZERO
04/17/82	07	1358	POSTPONED UNTIL 04/18/82 BY UNAN CONSENT
****	**	**	*** ** *

SELECT - QUERY
00002 1 SECTION WL 38.05.045,38.05.069

AS38.05.045 DOCUMENT= 1 OF 13

HEADINGS TITLE 38.
PUBLIC LANDS.
CHAPTER 05.
ALASKA LAND ACT.
ARTICLE 2.
SALE OF LANDS.

CITATION SEC. 38.05.045.
CATCH LINE

GENERALLY.
TEXT ALL LANDS OWNED IN FEE BY THE STATE OR TO WHICH THE STATE MAY BECOME ENTITLED, EXCEPTING TIDE, SUBMERGED OR SHORELANDS, AND TIMBER OR GRAZING LANDS, MAY BE SOLD AS PROVIDED IN AS 38.05.045 - 38.05.069 AND 38.08.010 - 38.08.120. HOWEVER, THIS SECTION DOES NOT PREVENT THE DISPOSITION OF LANDS AS PROVIDED IN AS 38.05.300 - 38.05.348.

HISTORY (SEC. 1 ART IV CH 169 SLA 1959; AM SEC. 50 CH 32 SLA 1971; AM SEC. 12 CH 85 SLA 1979)

AS38.05.047 DOCUMENT= 2 OF 13

HEADINGS TITLE 38.
PUBLIC LANDS.
CHAPTER 05.
ALASKA LAND ACT.
ARTICLE 2.
SALE OF LANDS.

CITATION SEC. 38.05.047.
CATCH LINE

CLASSIFICATION AND SALE OF STATE LAND IN MUNICIPALITIES.
TEXT REPEALED BY SEC. 45 CH 113 SLA 1981.

AS38.05.050 DOCUMENT= 3 OF 13

HEADINGS TITLE 38.
PUBLIC LANDS.
CHAPTER 05.
ALASKA LAND ACT.
ARTICLE 2.
SALE OF LANDS.

CITATION SEC. 38.05.050.
CATCH LINE

DISPOSAL OF LAND FOR PRIVATE OWNERSHIP.
TEXT THE COMMISSIONER, UPON THE RECOMMENDATION OF THE DIRECTOR, SHALL DETERMINE THE LAND TO BE DISPOSED OF FOR PRIVATE USE. THE DIRECTOR SHALL DETERMINE THE TIME AND PLACE OF DISPOSAL. AN AUCTION SALE, A LOTTERY SALE OR A DISPOSAL OF LAND FOR HOMESITES UNDER AS 38.04.020(G)(2)(C) MUST BE HELD IN THE MUNICIPALITY THAT IS CLOSEST TO THE LAND TO BE SOLD OR DISPOSED OF AND IN WHICH REGULAR SESSIONS OF A COURT OF THE STATE ARE HELD.

HISTORY (SEC. 1 ART IV CH 169 SLA 1959; AM SEC. 1 CH 73 SLA 1978; AM SEC. 14 CH 113 SLA 1981)

AS38.05.055 DOCUMENT= 4 OF 13

HEADINGS TITLE 38.
PUBLIC LANDS.
CHAPTER 05.
ALASKA LAND ACT.

mm

ARTICLE 2.
SALE OF LANDS.
CITATION SEC. 38.05.055.

CATCH LINE

AUCTION SALE PROCEDURES.

TEXT UNLESS ANOTHER METHOD OF SALE IS REQUIRED UNDER AS 38.05.005 - 38.05.370, UNDER AS 38.07.010 - 38.07.060, OR UNDER AS 38.08.010 - 38.08.120, THE SALE OF STATE LAND SHALL BE MADE AT PUBLIC AUCTION TO THE HIGHEST QUALIFIED BIDDER AS DETERMINED BY THE DIRECTOR. A BIDDER MUST APPEAR IN PERSON AT THE AUCTION UNLESS MEDICAL REASONS, ATTENDANCE AT SCHOOL, OR MILITARY SERVICE OUTSIDE THE STATE PREVENT ATTENDANCE. A BIDDER MAY BE REPRESENTED BY AN ATTORNEY OR AGENT AT THE AUCTION IF THE LAND OFFERED FOR DISPOSAL IS COMMERCIAL, INDUSTRIAL, OR AGRICULTURAL LAND. AN AGGRIEVED BIDDER MAY APPEAL TO THE COMMISSIONER WITHIN FIVE DAYS AFTER THE CALL FOR A REVIEW OF THE DIRECTOR'S DETERMINATION. THE SALE SHALL BE CONDUCTED BY THE DIRECTOR OR HIS REPRESENTATIVE, AND AT THE TIME OF SALE THE SUCCESSFUL BIDDER SHALL DEPOSIT AN AMOUNT EQUAL TO FIVE PERCENT OF THE PURCHASE PRICE, OR IF THE PURCHASER ELECTS TO USE LAND DISCOUNTS GRANTED UNDER AS 38.05.058, FIVE PERCENT OF THE AMOUNT BID AFTER DEDUCTION OF THE DISCOUNT. THE DIRECTOR OR HIS REPRESENTATIVE SHALL IMMEDIATELY ISSUE A RECEIPT CONTAINING A DESCRIPTION OF THE LAND OR PROPERTY PURCHASED, THE PRICE BID, THE AMOUNT DEPOSITED, AND THE AMOUNT OF ANY DISCOUNT ALLOWED. THE RECEIPT SHALL BE ACKNOWLEDGED IN WRITING BY THE BIDDER.

HISTORY (SEC. 2 ART IV CH 169 SLA 1959; AM SEC. 9 CH 61 SLA 1960; AM SEC. 2 CH 137 SLA 1962; AM SEC. 3 CH 176 SLA 1978; AM SEC. 14 CH 85 SLA 1979; AM SEC. 15 CH 113 SLA 1981)

AS38.05.057 DOCUMENT= 5 OF 13

HEADINGS TITLE 38.
PUBLIC LANDS.
CHAPTER 05.
ALASKA LAND ACT.
ARTICLE 2.
SALE OF LANDS.

CITATION SEC. 38.05.057.

CATCH LINE

DISPOSAL OF LAND BY LOTTERY.

TEXT (A) THE COMMISSIONER MAY DISPOSE OF LAND, INCLUDING LAND LIMITED TO USE FOR AGRICULTURAL PURPOSES, BY LOTTERY. THE PURCHASE PRICE OF LAND SOLD BY LOTTERY SHALL BE THE FAIR MARKET VALUE OF THE LAND AS DETERMINED BY THE COMMISSIONER. THE COMMISSIONER MAY SELL LAND BY LOTTERY FOR LESS THAN THE FAIR MARKET VALUE OF THE LAND IF HE DETERMINES THAT SCARCITY OF LAND FOR PRIVATE USE IN THE AREA OF THE LAND TO BE SOLD HAS RESULTED IN UNREALISTIC LAND VALUES. BEFORE THE COMMISSIONER DETERMINES THE PURCHASE PRICE FOR LAND WHICH IS LOCATED IN A MUNICIPALITY AND WHICH IS TO BE SOLD UNDER THIS SECTION HE SHALL CONSULT WITH THE ASSESSOR OF THE MUNICIPALITY. THE LOTTERY SHALL BE CONDUCTED IN PUBLIC BY THE COMMISSIONER OR HIS REPRESENTATIVE. AN APPLICANT MAY NOT BE SELECTED TO PURCHASE LAND UNLESS HE IS PRESENT ON THE DATE AND AT THE PLACE THAT THE LOTTERY IS CONDUCTED UNLESS MEDICAL REASONS, ATTENDANCE AT SCHOOL, OR MILITARY SERVICE OUTSIDE THE STATE PREVENT ATTENDANCE. AN APPLICANT MAY BE REPRESENTED BY AN AGENT ON THE DAY OF THE

LOTTERY IF THE LAND OFFERED FOR SALE IS COMMERCIAL, INDUSTRIAL, OR AGRICULTURAL LAND. ON THE DAY OF THE LOTTERY A PURCHASER SELECTED BY LOT SHALL DEPOSIT AN AMOUNT EQUAL TO FIVE PERCENT OF THE PURCHASE PRICE, OR IF THE PURCHASER ELECTS TO USE LAND DISCOUNTS GRANTED UNDER AS 38.05.058, FIVE PERCENT OF THE PURCHASE PRICE AFTER DEDUCTION OF THE DISCOUNT.

(B) TO QUALIFY TO PARTICIPATE IN A LOTTERY UNDER (A) OF THIS SECTION, A POTENTIAL PURCHASER SHALL

(1) AT THE TIME OF APPLICATION HAVE ATTAINED THE AGE OF 18;

(2) SUBMIT PROOF, AS REQUIRED BY REGULATION, THAT HE HAS BEEN A RESIDENT OF THE STATE FOR NOT LESS THAN ONE YEAR IMMEDIATELY PRECEDING THE DATE HIS APPLICATION WAS SUBMITTED; AND

(3) CERTIFY THAT HE HAS NOT PURCHASED LAND AT A SALE BY LOTTERY IN THE STATE WITHIN EIGHT YEARS IMMEDIATELY PRECEDING THE SALE DATE.

(C) THE COMMISSIONER MAY ADOPT REGULATIONS UNDER THE ADMINISTRATIVE PROCEDURE ACT (AS 44.62.010 44.62.650) WHICH SPECIFY QUALIFICATIONS FOR LOTTERY PARTICIPANTS DIFFERENT FROM THOSE SPECIFIED IN (B) OF THIS SECTION IF

(1) AN INTEREST IN LAND LIMITED TO AGRICULTURAL PURPOSES IS TO BE SOLD UNDER (A) OF THIS SECTION;

(2) THE SALE IS A PART OF A PROGRAM TO DEVELOP AGRICULTURAL LAND AS A RENEWABLE RESOURCE OF THE STATE; AND

(3) THE REGULATIONS INCLUDE RESIDENCY, SKILL, EXPERIENCE, AND FINANCIAL REQUIREMENTS NECESSARY TO QUALIFY PERSONS WHO ARE COMPETENT AND FINANCIALLY ABLE TO DEVELOP THE LAND AS A SUCCESSFUL AGRICULTURAL ENTERPRISE.

(D) TO APPLY FOR PARTICIPATION IN A LOTTERY UNDER THIS SECTION AN APPLICANT SHALL

(1) CERTIFY THAT HE IS QUALIFIED UNDER THE APPLICABLE PROVISIONS OF THIS SECTION; AND

(2) PAY A NONREFUNDABLE APPLICATION FEE OF NOT MORE THAN \$25 FOR EACH APPLICATION.

(E) THE DIRECTOR SHALL ACCEPT APPLICATIONS TO PURCHASE PARTICULAR PARCELS UNDER THE FOLLOWING PROCEDURES AND CONDITIONS:

(1) THE APPLICATION PERIOD MAY NOT BE LESS THAN 45 DAYS;

(2) NO APPLICATION MAY BE ACCEPTED LESS THAN 15 DAYS BEFORE EACH LOTTERY;

(3) NOTICE OF THE APPLICATION PERIOD AND THE DATE OF THE LOTTERY SHALL BE GIVEN IN ACCORDANCE WITH AS 38.05.345(E); AND

(4) THE APPLICATION SHALL BE MADE ON A FORM PROVIDED BY THE DEPARTMENT.

(F) IF ONLY ONE APPLICATION FOR A PARCEL IS RECEIVED, THE COMMISSIONER SHALL OFFER THE PARCEL TO THE APPLICANT WHO APPLIED FOR THE PARCEL IF THE APPLICANT IS QUALIFIED TO PARTICIPATE IN THE LOTTERY. IF MORE THAN ONE APPLICATION IS RECEIVED FOR A PARCEL, OR IF MORE APPLICATIONS ARE RECEIVED FOR THE RIGHT TO SELECT A REMOTE PARCEL OFFERED UNDER AS 38.05.077 THAN THE NUMBER OF REMOTE PARCELS AUTHORIZED, THE COMMISSIONER SHALL SELECT THE APPLICANT WHO IS ENTITLED TO RECEIVE A CONVEYANCE OF THE LAND BY LOTTERY. IF THE COMMISSIONER DOES NOT RECEIVE AN APPLICATION FOR A PARCEL OF STATE LAND OR IF A PURCHASER FAILS TO SIGN A LEASE

AGREEMENT OR CONTRACT OF SALE, THE PARCEL SHALL BE OFFERED TO THE FIRST ELIGIBLE PERSON TO APPLY FOR THE PARCEL. IF THE PARCEL WAS DESIGNATED AS A HOMESITE AND OFFERED TO THE PUBLIC UNDER AS 38.05.047(F), THE PARCEL SHALL BE DISPOSED OF UNDER THE TERMS REQUIRED BY AS 38.08.010 - 38.08.120.

(G) AFTER RECEIVING THE DEPOSIT REQUIRED UNDER (A) OF THIS SECTION, THE DIRECTOR OR HIS REPRESENTATIVE SHALL IMMEDIATELY ISSUE A RECEIPT CONTAINING A DESCRIPTION OF THE LAND OR PROPERTY TO BE CONVEYED, THE PRICE OF THE LAND, AND THE TERMS OF DISPOSAL. THE RECEIPT SHALL BE ACKNOWLEDGED IN WRITING BY THE PURCHASER. A CONTRACT OF SALE SHALL BE EXECUTED IN THE SAME FORM AND MANNER AS REQUIRED UNDER AS 38.05.055.

(H) AN AGGRIEVED LOTTERY PARTICIPANT MAY APPEAL TO THE COMMISSIONER WITHIN FIVE DAYS AFTER THE LOTTERY IS CONDUCTED FOR A REVIEW OF THE LOTTERY PROCEDURES.

(I) THE DIRECTOR MAY INCLUDE IN CONTRACTS FOR SALE OF LAND UNDER THIS SECTION TERMS WHICH

(1) REQUIRE PURCHASERS TO USE OR OCCUPY, OR BOTH, THE LAND PURCHASED FOR A REASONABLE PERIOD OF TIME AFTER A SALE;

(2) PROHIBIT THE RESALE OF LAND PURCHASED BY THE INITIAL PURCHASER UNTIL THE REQUIREMENTS IMPOSED UNDER (1) OF THIS SUBSECTION, IF ANY, ARE SATISFIED.

HISTORY (SEC. 4 CH 176 SLA 1978; AM SECS. 15 - 22 CH 85 SLA 1979; AM SEC. 16 CH 113 SLA 1981)

AS38.05.058 DOCUMENT= 6 OF 13

HEADINGS TITLE 38.

PUBLIC LANDS.

CHAPTER 05.

ALASKA LAND ACT.

ARTICLE 2.

SALE OF LANDS.

CITATION SEC. 38.05.058.

CATCH LINE

LAND DISCOUNT PROGRAM.

TEXT

(1) THE COMMISSIONER SHALL GRANT TO ELIGIBLE PERSONS A DISCOUNT ON THE PURCHASE PRICE OF LAND SOLD WHICH IS CLASSIFIED FOR ANY USE OTHER THAN COMMERCIAL OR INDUSTRIAL UNDER AS 38.05.005 - 38.05.270 AT THE RATE OF FIVE PER CENT OF THE PURCHASE PRICE OF THE LAND PURCHASED FOR EACH FULL YEAR THAT THE PURCHASER IS A RESIDENT OF THE STATE. A DISCOUNT GRANTED UNDER THIS SECTION MAY NOT EXCEED 50 PER CENT OF THE TOTAL PURCHASE PRICE OF THE LAND OR A VALUE OF \$25,000, WHICHEVER AMOUNT IS LESS, EXCEPT THAT AN ELIGIBLE VETERAN IS ENTITLED TO RECEIVE A DISCOUNT UNDER THIS SECTION WHICH MAY NOT EXCEED 75 PER CENT OF THE TOTAL PURCHASE PRICE OF THE LAND OR \$37,500, WHICHEVER AMOUNT IS LESS. A DISCOUNT MAY BE USED BY AN ELIGIBLE VETERAN TO PURCHASE LAND OFFERED AT A RESTRICTED SALE UNDER AS 38.05.067.

(B) TO BE ELIGIBLE FOR A DISCOUNTED PURCHASE PRICE UNDER (A) OF THIS SECTION, A PERSON SHALL

(1) HAVE BEEN PHYSICALLY PRESENT IN THE STATE FOR THE 12-MONTH PERIOD BEFORE THE SALE, EXCEPT FOR BRIEF INTERVALS, MILITARY SERVICE, ATTENDANCE AT AN EDUCATIONAL OR TRAINING INSTITUTION OR FOR ABSENCE FOR GOOD CAUSE;

(2) MAINTAIN A PLACE OF RESIDENCE IN THE STATE;

(3) BE REGISTERED TO VOTE IN THE STATE;

(4) NOT HAVE CLAIMED RESIDENCE IN ANY OTHER STATE FOR

ANY PURPOSE DURING THE 12-MONTH PERIOD IMMEDIATELY BEFORE THE SALE;

(5) SHOW BY ALL ATTENDING CIRCUMSTANCE THAT HIS INTENT IS TO MAKE ALASKA HIS CONTINUOUS RESIDENCE; AND

(6) HAVE ATTAINED THE AGE OF 18 AT THE DATE OF SALE.

(C) A PERSON SEEKING TO ESTABLISH ELIGIBILITY FOR A DISCOUNT UNDER THIS SECTION SHALL PRESENT PROOF MEETING THE CRITERIA SET OUT IN (B) OF THIS SECTION TO THE DIRECTOR. A PERSON WHO SUBMITS INFORMATION TO THE DIRECTOR UNDER THIS SECTION KNOWING IT TO BE FALSE IS GUILTY OF A FELONY AND, UPON CONVICTION, IS PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN FIVE YEARS, OR BY A FINE OF NOT MORE THAN \$50,000, OR BY BOTH.

(D) A PERSON IS ENTITLED TO NOT MORE THAN ONE DISCOUNT ON THE PURCHASE PRICE OF LAND UNDER THIS SECTION IN HIS LIFETIME. A DISCOUNT GRANTED UNDER THIS SECTION MAY BE APPLIED ONLY TO THE ACQUISITION OF SURFACE RIGHTS TO STATE LAND. A DISCOUNT MAY NOT BE APPLIED TO COSTS SUCH AS SURVEY COSTS, ROAD DEVELOPMENT COSTS, UTILITY ASSESSMENTS, OR OTHER COSTS AS DETERMINED BY THE DIRECTOR WHICH ARE REIMBURSABLE TO THE STATE. IN ALL CASES, A CASH DOWN PAYMENT OF AT LEAST FIVE PER CENT OF THE DISCOUNTED PURCHASE PRICE OF THE LAND SHALL BE MADE AT THE TIME OF SALE.

(E) THE COMMISSIONER MAY ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

(F) IN THIS SECTION "VETERAN" MEANS A PERSON WHO SATISFIES THE ELIGIBILITY REQUIREMENTS OF (B) OF THIS SECTION AND THE ELIGIBILITY REQUIREMENTS SET OUT IN AS 38.05.067(D) (VETERANS' PREFERENCE).

HISTORY (SEC. 6 CH 181 SLA 1978; AM SECS. 23 - 25 CH 85 SLA 1979)

AS38.05.060 DOCUMENT= 7 OF 13

HEADINGS TITLE 38.
PUBLIC LANDS.
CHAPTER 05.
ALASKA LAND ACT.
ARTICLE 2.
SALE OF LANDS.

CITATION SEC. 38.05.060.

CATCH LINE

REJECTION OF BIDS.

TEXT BEFORE THE SIGNING OF THE FORMAL CONVEYANCE BY THE DIRECTOR, THE COMMISSIONER MAY REJECT ALL BIDS WHEN THE BEST INTERESTS OF THE STATE JUSTIFY THIS ACTION. LANDS OFFERED AT PUBLIC SALE BUT NOT SOLD MAY BE MADE AVAILABLE AT PRIVATE SALE FOR NOT LESS THAN THEIR APPRAISED VALUE.

HISTORY (SEC. 2 ART IV CH 169 SLA 1959; AM SEC. 9 CH 61 SLA 1960; AM SEC. 2 CH 137 SLA 1962)

AS38.05.06 DOCUMENT= 8 OF 13

HEADINGS TITLE 38.
PUBLIC LANDS.
CHAPTER 05.
ALASKA LAND ACT.
ARTICLE 2.
SALE OF LANDS.

CITATION SEC. 38.05.063.

CATCH LINE

SALES FOR PIPELINE PURPOSES.

TEXT REPEALED BY SEC. 31 CH 3 FSSLA 1973.

HEADINGS TITLE 38.
PUBLIC LANDS.
CHAPTER 05.
ALASKA LAND ACT.
ARTICLE 2.
SALE OF LANDS.

CITATION SEC. 38.05.065.

CATCH LINE

TERMS OF CONTRACT OF SALE.

TEXT

(A) THE CONTRACT OF SALE FOR LAND SOLD AT PUBLIC AUCTION UNDER AS 38.05.055 SHALL REQUIRE THE REMAINDER OF THE PURCHASE PRICE TO BE PAID IN MONTHLY, QUARTERLY OR ANNUAL INSTALLMENTS OVER A PERIOD OF 20 YEARS, WITH INTEREST AT THE PREVAILING RATE FOR REAL ESTATE MORTGAGE LOANS MADE BY THE FEDERAL LAND BANK FOR THE FARM CREDIT DISTRICT FOR ALASKA AT THE TIME THE CONTRACT IS SIGNED. INSTALLMENT PAYMENTS PLUS INTEREST SHALL BE SET ON THE LEVEL-PAYMENT BASIS.

(B) THE CONTRACT OF SALE FOR LAND SOLD UNDER AS 38.05.057 AND UNDER AS 38.05.078 SHALL REQUIRE THE REMAINDER OF THE PURCHASE PRICE TO BE PAID IN MONTHLY, QUARTERLY, OR ANNUAL INSTALLMENTS OVER A PERIOD OF NOT MORE THAN 20 YEARS. INSTALLMENT PAYMENTS PLUS INTEREST SHALL BE SET ON THE LEVEL-PAYMENT BASIS. THE INTEREST RATE TO BE CHARGED ON INSTALLMENT PAYMENTS IS THE PREVAILING RATE FOR REAL ESTATE MORTGAGE LOANS MADE BY THE FEDERAL LAND BANK FOR THE FARM CREDIT DISTRICT FOR ALASKA AT THE TIME THE CONTRACT IS SIGNED.

(C) THE DIRECTOR SHALL, FOR CONTRACTS UNDER (A) OR

(B) OF THIS SECTION, SET FOR EACH SALE THE PERIOD FOR THE PAYMENT OF INSTALLMENTS AND THE TOTAL PURCHASE PRICE PLUS INTEREST. THE DIRECTOR, WITH THE CONSENT OF THE COMMISSIONER, MAY ALSO INCLUDE IN CONTRACTS UNDER THIS SECTION CONDITIONS, LIMITATIONS AND TERMS WHICH HE CONSIDERS NECESSARY AND PROPER TO PROTECT THE INTEREST OF THE STATE. VIOLATIONS OF ANY PROVISION OF AS 38.05.005 - 38.05.370 OR THE TERMS OF THE CONTRACT OF SALE SUBJECT THE PURCHASER TO APPROPRIATE ADMINISTRATIVE AND LEGAL ACTION, INCLUDING BUT NOT LIMITED TO SPECIFIC PERFORMANCE, FORECLOSURE, EJECTMENT, OR OTHER LEGAL REMEDIES IN ACCORDANCE WITH APPLICABLE STATE LAW.

HISTORY (SEC. 3 ART IV CH 169 SLA 195); AM SEC. 5 CH 176 SLA 1978; AM SECS. 26, 27 CH 85 SLA 1979; AM SECS. 17, 18 CH 113 SLA 1981)

HEADINGS TITLE 38.
PUBLIC LANDS.
CHAPTER 05.
ALASKA LAND ACT.
ARTICLE 2.
SALE OF LANDS.

CITATION SEC. 38.05.066.

CATCH LINE

PREFERENCE TO PERSONS FOR FISHERY PURPOSES.

TEXT

REPEALED BY SEC. 34 CH 94 SLA 1980.

HEADINGS TITLE 38.
PUBLIC LANDS.
CHAPTER 05.

ALASKA LAND ACT.
ARTICLE 2.
SALE OF LANDS.

CITATION SEC. 38.05.067.
CATCH LINE

VETERANS PREFERENCE.

TEXT (A) EXCEPT AS PROVIDED IN (E) OF THIS SECTION, BEFORE OFFERING TO THE GENERAL PUBLIC ANY UNOCCUPIED RESIDENTIAL LANDS, THE DIRECTOR SHALL OFFER THE LAND AT A RESTRICTED SALE AT WHICH ONLY VETERANS MAY BUY.

(B) THE DIRECTOR SHALL NOT SELL THE LANDS UNDER THIS SECTION AT LESS THAN THEIR FAIR APPRAISED MARKET VALUE. THE DIRECTOR SHALL MAKE REGULATIONS NECESSARY TO ENSURE THAT LANDS SOLD UNDER THIS SECTION ARE FOR BONA FIDE RESIDENTIAL USE AND NOT FOR SPECULATION.

(C) WHEN NOT IN CONFLICT WITH THIS SECTION, OTHER PROVISIONS OF AS 38.05.045 - 38.05.067 APPLY TO SALES UNDER THIS SECTION.

(D) IN THIS SECTION "VETERAN" MEANS A PERSON WITH 90 DAYS OR MORE OF ACTIVE SERVICE IN THE ARMED FORCES OF THE UNITED STATES WHO HAS BEEN HONORABLY DISCHARGED.

(E) THIS SECTION DOES NOT APPLY TO THE SALE OF STATE LAND UNDER AS 38.04.020(G)(2), AS 38.05.077, AND 38.05.078.

HISTORY (SEC. 4 ART IV CH 169 SLA 1959; ADDED BY CH 102 SLA 1962; AM SEC. 1 CH 28 SLA 1963; AM SEC. 1 CH 1 SLA 1968; AM SECS. 28, 29 CH 85 SLA 1979; AM SEC. 35 CH 94 SLA 1980; AM SECS. 19, 20 CH 113 SLA 1981)

AS38.05.068 DOCUMENT= 12 OF 13

HEADINGS TITLE 38.
PUBLIC LANDS.
CHAPTER 05.
ALASKA LAND ACT.
ARTICLE 2.
SALE OF LANDS.

CITATION SEC. 38.05.068.
CATCH LINE

FOREST SERVICE PERMITTEES' SALES PREFERENCE.

TEXT (A) BEFORE OFFERING TO THE PUBLIC ANY LAND WHICH IS SUBJECT TO A VALID EXISTING UNITED STATES FOREST SERVICE PERMIT IN EFFECT ON THE DAY BEFORE THAT LAND IS TENTATIVELY APPROVED FOR PATENT TO THE STATE, OR WHICH IS SUBJECT TO A LEASE ISSUED UNDER AS 38.05.087, THE DIRECTOR SHALL OFFER THE LAND FOR SALE TO THE PERMITTEE OR HIS SUCCESSOR IN TITLE, IF HE CAN BE FOUND.

(B) WHEN NOT IN CONFLICT WITH THIS SECTION, OTHER PROVISIONS OF AS 38.05.045 - 38.05.067 APPLY TO SALES UNDER THIS SECTION.

(C) IF THE PERMIT DESCRIBED IN (A) OF THIS SECTION IS FOR A RECREATIONAL CABIN, RECREATIONAL RESIDENCE, NONRECREATIONAL RESIDENCE, OR A RESIDENCE OF A COMMUNITY NATURE AND THE LAND IS USED FOR NONCOMMERCIAL RESIDENTIAL OR RECREATIONAL PURPOSES, THE PURCHASE PRICE OFFERED TO A PERMITTEE OR HIS SUCCESSOR SHALL BE AN AMOUNT DETERMINED BY THE COMMISSIONER WHICH IS EQUAL TO THE STATE MONEY REQUIRED TO BE SPENT IN ORDER TO SELL THE LAND PLUS THE COST OF SURVEY OR RESURVEY, IF THE SURVEY OR RESURVEY IS MADE BY THE DEPARTMENT OR A CONTRACTOR OF THE DEPARTMENT.

(D) IF THE PERMIT DESCRIBED IN (A) OF THIS SECTION IS FOR A USE OTHER THAN A USE LISTED IN (C) OF THIS SECTION, THE PURCHASE PRICE OFFERED TO A PERMITTEE OR HIS SUCCESSOR SHALL BE NOT LESS

THAN THE APPRAISED FAIR MARKET VALUE OF THE LAND.

HISTORY (SEC. 1 CH 26 SLA 1963; AM SEC. 39 CH 127 SLA 1974; AM SECS. 1, 2
CH 26 SLA 1979)

AS38.05.069 DOCUMENT= 13 OF 13

HEADINGS TITLE 38.
PUBLIC LANDS.
CHAPTER 05.
ALASKA LAND ACT.
ARTICLE 2.
SALE OF LANDS.

CITATION SEC. 38.05.069.

CATCH LINE

PREFERENCE TO PERSONS FOR AGRICULTURAL PURPOSES.

TEXT

(A) IF THE DIRECTOR DETERMINES THAT THE HIGHEST AND BEST USE OF UNOCCUPIED LAND IS FOR AGRICULTURAL PURPOSES, AND IF HE DETERMINES THAT IT IS IN THE BEST INTERESTS OF THE STATE TO SELL OR LEASE THE LAND, HE SHALL GRANT TO AN ALASKAN RESIDENT OWNING AND USING OR LEASING AND USING LAND FOR AGRICULTURAL PURPOSES A 60-DAY FIRST OPTION AFTER THE DATE OF THE AUCTION TO PURCHASE OR LEASE THE UNOCCUPIED LAND SITUATED ADJACENT TO OR IN THE APPROXIMATE VICINITY OF HIS PRESENTLY HELD LAND FOR THE AMOUNT OF THE HIGH BID RECEIVED AT PUBLIC AUCTION. A PARCEL OF AGRICULTURAL LAND SOLD UNDER THIS SECTION MAY NOT BE LESS THAN 20 ACRES AND A PARCEL OF AGRICULTURAL LAND WHICH IS ACQUIRED BY EXERCISE OF THE OPTION GRANTED IN THIS SUBSECTION MAY NOT EXCEED 320 ACRES. AGRICULTURAL LAND WHICH IS ACQUIRED UNDER THIS SECTION MUST BE USED FOR AGRICULTURAL PURPOSES AS REQUIRED BY LAW.

(B) IF MORE THAN ONE PERSON IS ELIGIBLE FOR A FIRST OPTION UNDER (A) OF THIS SECTION, THE DIRECTOR SHALL DETERMINE PRIORITY BY GRANTING PRECEDENCE FIRST TO THE PERSON WHO DEMONSTRATES THE GREATEST NEED FOR THE UNOCCUPIED LAND IN ORDER TO ESTABLISH AN ECONOMIC UNIT AND, SECONDLY, TO THE ELIGIBLE PERSON WHO OCCUPIES LAND THAT IS MOST READILY ACCESSIBLE TO UNOCCUPIED LAND TO BE SOLD OR LEASED. IN THE EVENT THAT TWO OR MORE PERSONS HAVE APPROXIMATELY EQUAL QUALIFICATIONS FOR PRIORITY UNDER THIS SECTION, THE DIRECTOR SHALL GRANT PRIORITY TO THAT PERSON WHO IS A VETERAN. IF MORE THAN ONE PERSON IS APPROXIMATELY EQUALLY WELL QUALIFIED UNDER THIS SECTION, THE DIRECTOR SHALL DETERMINE PRIORITY BY LOT.

(C) UNDER THIS SECTION

(1) THE DIRECTOR MAY CONVEY OR LEASE AN INTEREST IN THE LAND ONLY FOR AGRICULTURAL PURPOSES, AND ALL OTHER INTERESTS IN THE LAND REMAIN IN THE STATE; THE SALE OR LEASE SHALL BE AT PUBLIC AUCTION;

(2) THE REMAINING INTERESTS MAY SUBSEQUENTLY BE CONVEYED OR LEASED BY THE DIRECTOR ONLY UPON THE REQUEST OF THE GRANTEE OR LESSEE OR HIS ASSIGNS AND THE DETERMINATION OF THE DIRECTOR, WITH THE WRITTEN CONCURRENCE OF THE COMMISSIONER, THAT THE CONVEYANCE OR LEASE IS IN THE PUBLIC INTEREST;

(3) THE CONVEYANCE OR LEASE OF THE REMAINING INTERESTS SHALL BE AT PUBLIC AUCTION; THE ORIGINAL GRANTEE OR LESSEE OR HIS ASSIGNS HAVE A PREFERENCE RIGHT TO MEET THE HIGH BID WITHIN 30 DAYS AFTER THE DAY OF THE AUCTION; IF THE RIGHT IS EXERCISED, THE VALUE OF IMPROVEMENTS OWNED BY THE HOLDER OF

THE PREFERENCE RIGHT, INCLUDED WITH THE REMAINING INTERESTS SOLD, SHALL BE DEDUCTED FROM THE PURCHASE PRICE;

(4) BY REQUESTING THE CONVEYANCE OR LEASE OF THE REMAINING INTEREST, THE ORIGINAL GRANTEE OR LESSEE OR HIS ASSIGNS

(A) CONSENTS TO THE SALE OR LEASE, AND

(B) IF THE PREFERENCE RIGHT PROVIDED BY (3) OF THIS SUBSECTION IS NOT EXERCISED, CONSENTS TO SELL AT FAIR MARKET VALUE THE IMPROVEMENTS RELATED TO THE REMAINING INTEREST, AS APPRAISED BY THE DIRECTOR;

(5) THE REMAINING INTERESTS IN THE LAND MAY NOT BE CONVEYED OR LEASED FOR LESS THAN THEIR APPRAISED VALUE TOGETHER WITH IMPROVEMENTS EXCEPT FOR THE DEDUCTION ALLOWED BY (3) OF THIS SUBSECTION.

(D) WHEN NOT IN CONFLICT WITH THIS SECTION, OTHER PROVISIONS OF AS 38.05.045 - 38.05.105 APPLY TO DISPOSALS UNDER THIS SECTION.

(E) FOR THE PURPOSES OF THIS SECTION,

(1) "AGRICULTURAL PURPOSES" INCLUDES FARMING, RANCHING, GRAZING, AND STORAGE OR CONTROL OF AGRICULTURAL CROPS OR LIVESTOCK;

(2) "APPROXIMATE VICINITY" INCLUDES AN AREA IN WHICH THE LAND DOES NOT HAVE A COMMON BOUNDARY TO PRESENTLY HELD LAND OR IN WHICH THE LAND IS PHYSICALLY SEPARATED FROM PRESENTLY HELD LAND BY ANY TYPE OF BARRIER.

(F) NOTHING IN (C) OF THIS SECTION AFFECTS THE DISPOSAL OF MINERALS UNDER AS 38.05.135 - 38.05.183.

HISTORY (SEC. 1 CH 97 SLA 1965; AM SECS. 1, 2 CH 71 SLA 1976; AM SECS. 4 - 6 CH 257 SLA 1976; AM SEC. 30 CH 05 SLA 1979)

R0601 * END OF DOCUMENTS IN LIST -- ENTER RETURN OR ANOTHER COMMAND.

SEARCH - QUERY
00004 '38.05.315'.CITATION.

AS38.05.315 DOCUMENT= 1 OF 1

HEADINGS TITLE 38.
PUBLIC LANDS.
CHAPTER 05.
ALASKA LAND ACT.
ARTICLE 11.
MISCELLANEOUS PROVISIONS.

CITATION SEC. 38.05.315.

CATCH LINE

PUBLIC AND CHARITABLE USE.

TEXT

(A) THE LEASE, SALE, OR OTHER DISPOSAL OF STATE LAND OR RESOURCES MAY BE MADE TO A STATE OR FEDERAL AGENCY OR POLITICAL SUBDIVISION, OR THE LEASE, SALE, OR DISPOSAL OF COAL DEPOSITS SUITABLE FOR MINING MAY BE MADE TO A UTILITY OWNED AND OPERATED BY A GOVERNMENT AGENCY OR NONPROFIT COOPERATIVE ASSOCIATION ORGANIZED TO PARTICIPATE UNDER THE FEDERAL RURAL ELECTRIFICATION ACT FOR THE PURPOSE OF GENERATING ELECTRIC POWER AND ENERGY OR THE PRODUCTION OF PROCESS STEAM, OR BOTH, FOR LESS THAN THE APPRAISED VALUE AS DETERMINED BY THE DIRECTOR AND APPROVED BY THE COMMISSIONER TO BE FAIR AND PROPER AND IN THE BEST INTERESTS OF THE PUBLIC, WITH DUE CONSIDERATION GIVEN TO THE NATURE OF THE PUBLIC SERVICES OR FUNCTION RENDERED BY THE AGENCY, SUBDIVISION, OR UTILITY MAKING APPLICATION, AND OF THE TERMS OF THE GRANT UNDER WHICH THE LAND WAS ACQUIRED BY THE STATE.

(B) NOTWITHSTANDING AS 38.05.070 - 38.05.080 AND 38.05.095, THE DIRECTOR, UPON APPLICATION FILED BY AN APPLICANT ELIGIBLE UNDER (B) - (D) OF THIS SECTION, MAY, BY NEGOTIATION AND WITHOUT PUBLIC AUCTION IN THE MANNER PRESCRIBED IN (B) - (D) OF THIS SECTION, LEASE STATE LAND FOR A TERM OF NOT MORE THAN 55 YEARS. BEFORE LEASING, THE DIRECTOR SHALL PREPARE A LAND USE PLAN AND A LAND CLASSIFICATION TO INSURE THAT THE PROPOSED USE IS COMPATIBLE WITH AREA UTILIZATION. BEFORE THE LAND MAY BE LEASED UNDER (B) - (D) OF THIS SECTION, IT MUST BE SHOWN TO THE SATISFACTION OF THE DIRECTOR THAT THE LAND IS TO BE USED FOR AN ESTABLISHED OR DEFINITELY PROPOSED PROJECT, AND THAT THE ELIGIBLE APPLICANT HAS THE FINANCIAL ABILITY TO CARRY OUT THE PROJECT. THE COMMISSIONER MAY ESTABLISH LIMITATIONS ON THE ACREAGE WHICH MAY BE LEASED UNDER (B) - (D) OF THIS SECTION TO AN APPLICANT.

(C) ELIGIBLE APPLICANTS UNDER (B) - (D) OF THIS SECTION ARE LIMITED TO NONPROFIT CORPORATIONS, ASSOCIATIONS, CLUBS, OR SOCIETIES ORGANIZED AND OPERATED EXCLUSIVELY FOR CHARITABLE, RELIGIOUS, SCIENTIFIC, OR EDUCATIONAL PURPOSES, OR FOR THE PROMOTION OF SOCIAL WELFARE, IF THE PROJECT FOR WHICH THE LAND IS DESIRED CONFORMS TO THOSE OBJECTIVES AND NOT COMMERCIAL DEVELOPMENT. NO LEASE OF LAND MAY BE GRANTED UNDER THIS SECTION FOR A PROJECT CLOSED TO THE USE AND ENJOYMENT OF THE GENERAL PUBLIC. IN EVERY CASE THE APPLICANT SHALL SUBMIT EVIDENCE THAT IT IS EXEMPT FROM PAYMENT OF FEDERAL INCOME TAX. AS A CONDITION OF AND IN CONSIDERATION OF THE RIGHTS ACQUIRED UNDER A LEASE GRANTED UNDER (B) - (D) OF THIS SECTION, EACH ELIGIBLE ORGANIZATION AND ITS PARENT OR SUBSIDIARY ORGANIZATIONS SHALL (1) MAINTAIN AND PRESERVE BOOKS, ACCOUNTS, AND RECORDS THAT THE DIRECTOR PRESCRIBES BY REGULATION AS NECESSARY AND APPROPRIATE;

AND (2) ACCORD AT ALL REASONABLE TIMES TO THE STATE AND ITS AUTHORIZED AGENTS AND AUDITORS THE RIGHT OF ACCESS TO THOSE BOOKS, ACCOUNTS AND RECORDS FOR THE PURPOSE OF INSPECTING, EXAMINING AND COPYING THEM. ANY INFORMATION PROVIDED THE STATE IN THE COURSE OF AN AUDIT BECOMES A MATTER OF PUBLIC RECORD.

(D) THE DIRECTOR MAY LEASE THE LAND TO AN ELIGIBLE APPLICANT AT A REASONABLE ANNUAL RENTAL, TAKING INTO CONSIDERATION THE PURPOSES FOR WHICH THE LAND IS TO BE USED AND THE FINANCIAL RESOURCES OF THE APPLICANT. THE RENTAL MAY NOT BE LESS THAN ONE PERCENT OF THE FAIR MARKET VALUE ON LANDS ACQUIRED PRIMARILY FOR DEVELOPMENT, OR LESS THAN FIVE PERCENT OF THE FAIR MARKET VALUE ON UNIVERSITY OR ACQUIRED LANDS. RENT MAY NOT BE CHARGED FOR STATE LAND LEASED FOR A YOUTH ENCAMPMENT. FOR THE PURPOSES OF THIS SUBSECTION, "YOUTH ENCAMPMENT" SHALL BE DEFINED BY THE COMMISSIONER BY REGULATION. RENEWAL LEASES MAY BE ISSUED AT THE DISCRETION OF THE DIRECTOR UPON THE EXPIRATION OF A PRIMARY OR RENEWAL TERM. EACH LEASE SHALL CONTAIN A PROVISION FOR ITS TERMINATION AS TO ALL OR PART OF THE LANDS UPON A FINDING BY THE DIRECTOR THAT THE LAND OR A PART OF IT HAS NOT BEEN USED BY THE LESSEE FOR THE PURPOSE SPECIFIED IN THE LEASE FOR A PERIOD OF TWO YEARS. NO LEASE MAY BE ASSIGNED OR SUBLEASED EXCEPT WITH THE CONSENT OF THE DIRECTOR, AND IN ANY CASE MAY ONLY BE TRANSFERRED TO AN APPLICANT ELIGIBLE UNDER (B) - (D) OF THIS SECTION. A LESSEE MAY NOT CHANGE THE USE SPECIFIED IN THE LEASE TO ANOTHER OR ADDITIONAL USE EXCEPT WITH THE CONSENT OF THE DIRECTOR. IF, AT ANY TIME AFTER THE LAND IS LEASED, THE LESSEE ATTEMPTS ASSIGN THE LEASE OR TRANSFER CONTROL OVER THE LAND TO ANOTHER, OR IF THE LAND IS DEVOTED TO A USE OTHER THAN THAT FOR WHICH THE LAND WAS LEASED WITHOUT THE CONSENT OF THE DIRECTOR, THE LEASE AUTOMATICALLY TERMINATES.

(E) THE LEASEE SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF STATE LAND AT OR BELOW THE FAIR MARKET VALUE AS DETERMINED BY THE DIRECTOR WITH THE CONSENT OF THE COMMISSIONER. THE LEASEE SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE LAND FOR THE CONDUCT OF ITS BUSINESS UNDER ITS LICENSE.

(F) THE COMMISSIONER SHALL LEASE STATE LAND FOR TELEPHONE OR ELECTRIC TRANSMISSION AND DISTRIBUTION LINES FOR LESS THAN THE APPRAISED VALUE OF THE LAND IF THE LESSEE IS A NONPROFIT COOPERATIVE ASSOCIATION ORGANIZED UNDER AS 10.25.010 - 10.25.650. BEFORE HE DETERMINES THE ANNUAL RENTAL, THE COMMISSIONER SHALL CONSIDER THE NATURE OF THE PUBLIC SERVICE RENDERED BY THE NONPROFIT COOPERATIVE ASSOCIATION AND THE TERMS OF THE GRANT UNDER WHICH THE LAND WAS ACQUIRED BY THE STATE. A NONPROFIT COOPERATIVE ASSOCIATION MAY NOT CONSTRUCT IMPROVEMENTS OTHER THAN TRANSMISSION OR DISTRIBUTION LINES AND SUBSTATIONS ON LAND LEASED UNDER THIS SUBSECTION.

HISTORY (SEC. 4 ART III CH 149 SLA 1959; AM SEC. 1 CH 155 SLA 1960; AM SEC. 1 CH 137 SLA 1962; AM SEC. 1 CH 36 SLA 1976; AM SEC. 12 CH 257 SLA 1976; AM SEC. 1 CH 76 SLA 1980; AM SECS. 34, 35 CH 113 SLA 1981)

R0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

TO: Don Bennett
Co-Chairman
Senate Finance Committee

DATE: 4/26/82

FROM: Bettye Fabrenkamp
Chairman
Senate Resources Committee

RE: CSHB 811(Res)

The Senate Resources Committee today passed out CSHB 811(Res) which provides preferences for occupants of land under a United States Forest Service timber contract.

Attached is background information on this bill which contains a zero fiscal note. I would appreciate you considering waiving the Finance Committee referral on this bill.

Attachments

TO: Ed Dankworth
Co-Chairman
Senate Finance Committee

DATE: 4/26/82

FROM

FROM: Bettye Fahrenkamp
Chairman
Senate Resources Committee

RE: CSHB 811(Res)

The Senate Resources Committee today passed out CSHB 811(Res) which provides preferences for occupants of land under a United States Forest Service timber contract.

Attached is background information on this bill which contains a zero fiscal note. I would appreciate you considering waiving the Finance Committee referral on this bill.

Attachments

H

B

888

COMMITTEE REPORT

SENATE

4/19/82

FURTHER: Finance

Date: 5/5/82

Mr. President:

The Committee on RESOURCES

has had HB 883

sale of royalty oil by the State of Alaska to the Tesoro Alaska
Petroleum Company

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

do pass

do not pass

do pass with attached amendments(s)

replace with CS for _____

same title
 new title

and recommends _____

AND attaches a "Letter of Intent"

New Fiscal Note

reports it back without recommendation

referred to the _____

Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Don Leman
Bob West
John ...
Sam ...
W. ...
...
...
...

...
CHAIRMAN

IDENTIFICATION:

BILL NAME: "An Act relating to the sale of royalty oil by the State of Alaska to the Tesoro Alaska Petroleum Company; and providing for an effective date."

SPONSOR(S): Rules ~~(C...)~~

RELATED BILLS PENDING:

DATE INTRODUCED: (H) 3/29/82
(S) 4/19/82

REFERRALS

Resources

INITIAL RESEARCH:

INITIAL BILL SUMMARY COMPLETED ✓

SUMMARY BY LEGAL DIVISION:
DEPT. OF LAW SUMMARY:

SPONSOR CONTACTED FOR BACKUP MATERIALS:

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS AND/OR GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPRATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE

BACKGROUND MATERIAL DISTRIBUTED

PSA/PRESS RELEASE

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/CS DRAFTED

LEGISLATION SUMMARY

HB 888: "An Act relating to the sale of royalty oil by the State of Alaska to the Tesoro Alaska Petroleum Company; and providing for an effective date."

Sec. 1: Approves and ratifies the "Agreement for the Sale and Purchase of Royalty Oil between the State of Alaska and the Tesoro Alaska Petroleum Company" of February 6, 1982.

Sec. 2: Immediate effective date.

PRIME SPONSOR: Rules (Governor's request)



Alaska State Legislature

SENATE Resources Committee

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

Official Business

BETTIE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

MEMBERS PRESENT

Senator Fahrenkamp
Senator Fischer
Senator Bradley
Senator Eliason
Senator Gilman
Senator Mulcahy
Senator Sturgulewski

May 5, 1982
1:40 p.m.

Beltz Room
Capitol - 211

Hearing:

HB 888 Relating to the sale of royalty oil by the State of Alaska to the Tesoro Alaska Petroleum Company.
CSHB 889 Relating to the sale of royalty oil by the State of Alaska to Doyon, Ltd.
CSHB 2 Relating to land.

HB 888

Senator Gilman moved HB 888 with individual recommendations.

CSHB 889

Senator Gilman moved CSHB 889 with individual recommendations.

CSHB 2

Senator Sturgulewski moved the adoption of an amendment changing "him" to "the Commissioner" on page 7, line 3. There was no objection.

John Katz, Commissioner, Department of Natural Resources, stated he had reservations about Senator Bennett's proposed amendment, which would require that land exchanges above 640 acres receive legislative approval. He stated that Bennett's amendment raises a real concern relating to public notification and hearings on proposed land exchanges, but feels this is already covered in the current statute, and that Bennett's concerns can be resolved through proper implementation of the statute.

Katz spoke in support of Senator Anderson's proposed amendment, which would allow the State to grant survey money to municipalities.

Senator Fischer moved the adoption of the Anderson amendment, and Senator Sturgulewski asked unanimous consent.

Mary Halloran, Special Assistant to the Commissioner, Department of Natural Resources, proposed new seismic language that would extend the provision of confidentiality to the analysis, reproduction, and interpretation of data; increase the penalty for breach of confidence to a Class B felony; require that employees who have access to the confidential data post a bond in an amount to be determined by the Commissioner; and include an effective date of January 1, 1982.

Jim Dale, Exxon, Alaska Division Attorney, expressed opposition to the seismic language which states that geological and geophysical data is required in every presale analysis, and to the January 1, 1982 effective date.

Senator Fischer proposed an amendment to delete page 6, lines 26-29, and replace it with "In order to achieve the purposes of this Chapter, the". There was no objection.

Dale explained that because of the value of proprietary data to the companies, some may decide to legally challenge any law requiring them to provide the State with such data.

Gene Wiles, Chevron, reiterated Chevron's opposition to the amendment. He urged that it be mandatory that the Commissioner keep the data and its analysis, reproduction, and processing confidential.

Halloran urged support for the January 1, 1982 effective date, stating that the data gathered this past winter is needed by the Department to carry out the upcoming Beaufort lease sale.

The Committee was adjourned at 3:10 p.m. until 8:00 a.m. May 6, 1982.

H B

8 8 9

COMMITTEE REPORT
SENATE

4/19/82

FURTHER: Finance

Date: 5/5/82

Mr. President:

The Committee on RESOURCES has had CSHB 899(Fin)
sale of royalty oil by the State of Alaska to Devon, Ltd.

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

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Don Nelson

Bob Mendenhall

John Mendenhall

John Mendenhall

John Mendenhall

John Mendenhall

Don Nelson
CHAIRMAN

IDENTIFICATION:

BILL NAME: "An Act relating to the sale of royalty oil by the State of Alaska to Doyon, Ltd.; and providing for an effective date."

SPONSOR(S): Finance RELATED BILLS PENDING:
Original Sponsor: Rules (Gov's request).

DATE INTRODUCED:

REFERRALS

INITIAL RESEARCH:

INITIAL BILL SUMMARY COMPLETED ✓

SUMMARY BY LEGAL DIVISION:
DEPT. OF LAW SUMMARY:

SPONSOR CONTACTED FOR BACKUP MATERIALS:

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS AND/OR GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE

BACKGROUND MATERIAL DISTRIBUTED

PSA/PRESS RELEASE

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/CS DRAFTED

Henry Adams, DEC. 26, 01
Alvin Chifwood, AK Municipal League
Tolla Coughlin, SE Reg Resource Center 586-6806

LEGISLATION SUMMARY

CSHB 889 (Fin): "An Act relating to the sale of royalty oil by the State of Alaska to Doyon, Ltd., and providing for an effective date."

Sec. 1: Approves and ratifies the "Agreement for the Sale and Purchase of Royalty Oil between the State of Alaska and Doyon, Ltd.", of February 26, 1982, provided that by October 1, 1982, the Governor makes a written finding that refinery financing required by the Agreement has been obtained and that the project is otherwise imminent and viable.

Sec. 2: Immediate effective date.

PRIME SPONSOR: Finance ORIGINAL SPONSOR: Rules (Governor's request)



Alaska State Legislature

SENATE Resources Committee

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

MEMBERS PRESENT

Senator Fahrenkamp
Senator Fischer
Senator Bradley
Senator Eliason
Senator Gilman
Senator Mulcahy
Senator Sturgulewski

FOUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

May 5, 1982
1:40 p.m.

Beltz Room
Capitol - 211

Hearing:

HB 888 Relating to the sale of royalty oil by the State of Alaska to the Tesoro Alaska Petroleum Company.
CSHB 889 Relating to the sale of royalty oil by the State of Alaska to Doyon, Ltd.
CSHB 2 Relating to land.

HB 888

Senator Gilman moved HB 888 with individual recommendations.

CSHB 889

Senator Gilman moved CSHB 889 with individual recommendations.

CSHB 2

Senator Sturgulewski moved the adoption of an amendment changing "him" to "the Commissioner" on page 7, line 3. There was no objection.

John Katz, Commissioner, Department of Natural Resources, stated he had reservations about Senator Bennett's proposed amendment, which would require that land exchanges above 640 acres receive legislative approval. He stated that Bennett's amendment raises a real concern relating to public notification and hearings on proposed land exchanges, but feels this is already covered in the current statute, and that Bennett's concerns can be resolved through proper implementation of the statute.

Katz spoke in support of Senator Anderson's proposed amendment, which would allow the State to grant survey money to municipalities.