

ALABAMA LEGISLATION COMMITTEE FILED 2005-1-204 00/2

2839

SRES

SB

222

21

Senator Bettye Fahrenkamp
Page 2
April 24, 1984

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

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

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

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

If I may be of further assistance, please advise.

DRD:csh
J6/071

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RATHER THAN "DIVISION", "LAND" RATHER THAN "LANDS") AND DELETES OBSOLETE REFERENCES TO "UNIVERSITY LANDS" AND REPEALED STATUTES.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

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

1/10/84

BETTYE,

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

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

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

A COPY OF SB 222 IS ENCLOSED.

MAR 25 1983

SB 222

STATE OF ALASKA
THE LEGISLATURE

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


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 23, 1983

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

TO: Senator Bettye Fahrenkamp
Chairman, Senate Resources Committee

FROM: David R. Dierdorff 
Revisor of Statutes

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

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

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

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

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

Senator Bettye Fahrenkamp
Page 2
March 23, 1983

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

If I can be of further assistance, please advise.

DRD:ljb

Enclosure
11/012

Alaska State Legislature

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



POUCH V
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Senate

Committee on Resources

March 9, 1984

SB 222 - DNR CLEAN-UP LEGISLATION

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

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

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

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
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Senate

Committee on Resources

MINUTES

April 22, 1983
3:10 p.m.

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

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

CALENDAR

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

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

HJR 38

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

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

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

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

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

SJR 12

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

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

CSHB 151

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

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

SB 222

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

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

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

SB 181

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

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

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

Bill was held over.

SB 233

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

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

SB 168

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

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

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

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

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

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

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

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
V.C FISCHER
BOB MULCAHY
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Senate Committee on Resources

MINUTES

April 25, 1983
3:04 p.m.

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

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

Senator V. Fischer
Senator Mulcahy
Senator Sturgulewski

CALENDAR

SB 222

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

HJR 38

Relating to marketing and transporting Alaska's natural gas.

SB 11

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

SB 222

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

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

HJR 38

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

SB 11

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

The meeting adjourned at 3:17 p.m.

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

June 13, 1983

SUBJECT: Renumbering and reorganization of AS 38 and AS 41

TO: Mark Wittow
Special Assistant
Department of Natural Resources

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

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

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

DRD:ljb

Enclosures
24/010

Pat -

Please act fast.

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

MW

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March 22, 1983

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The first four sentences become (a).

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

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

The fifth sentence becomes (c) and should read:

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

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

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

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

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

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

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

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

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

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

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

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

Article 13 - Miscellaneous Provisions (AS 38.05.800 - 872)

Article 14 - General Provisions (AS 38.05.900 - 990)

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

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

The following sections derive from Ballot Measure 5.

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

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STATE OF ALASKA
THE LEGISLATURE

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LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

May 10, 1983

SUBJECT: Title 41

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

FROM: David R. Dierdorff
Revisor of Statutes

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

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

AS 41.05.040. Renumber the section as AS 41.98.015.

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

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

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

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

AS 41.05.070. Renumber the section as AS 41.98.035.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AS 41.12.020. Renumber the section as AS 41.98.120.

AS 41.12.030. Renumber the section as AS 41.98.130.

AS 41.12.040. Renumber the section as AS 41.98.140.

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

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

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

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

Article 2. Forest Reserve Fund (AS 41.15.180)

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

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

Article 5. Miscellaneous Provisions (AS 41.15.900)

Article 6. General Provisions (AS 41.15.950)

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

Elizabeth E. Pincus
Page 6
May 10, 1983

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

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

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

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

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

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

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

AS 41.15.400. Renumber the section as AS 41.15.900.

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

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

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

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

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

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

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

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

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

AS 41.15.700. Renumber as AS 41.15.950.

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

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

Article 2 - Enforcement (AS 41.17.120 - 41.17.143)

Article 3 - Miscellaneous Provisions (AS 41.17.800)

Article 4 - General Provisions (AS 41.17.900 -
41.17.950)

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

The legislative history report should be rewritten to read:

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

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

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

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

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

Change the spanned reference to "this chapter".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AS 41.17.090(g). Delete "his".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 1 - Administration (AS 41.21.010 - 41.21.099)

Article 2 - State Parks (AS 41.21.100 - 41.21.399)

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

Article 4 - Wildlife Preserves (AS 41.21.600 -
41.21.799)

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

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

Article 7 - Miscellaneous Provisions (AS 41.21.900 -
41.21.949)

Article 8 - General Provisions (AS 41.21.950 -
41.21.999)

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

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

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

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

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

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

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

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

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

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

The revisor's note to this section should read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Revise the 1969 revisor's note to current style.

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

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

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

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

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

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

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

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

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

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

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

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

"Township 8 North, Range 10 West, Seward Meridian

Section 3

Section 9

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

Section 15: W1/2W1/2

Sections 16 and 17

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

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

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

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

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

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

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

Rewrite the paragraphs containing the legal descriptions to read:

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

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

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

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

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

Township 31 South, Range 60 East, Copper River Meridian

Section 6: Lots 1-3

Section 7: Lots 1-7

Section 8: Lot 1

Sections 17 and 18

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

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

Section 30: Lots 8 and 9

Section 31

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

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

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

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

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

National Forest."

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

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

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

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

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

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

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

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

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

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

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

Delete the legislative history note.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 16. Delete the effective date note.

AS 41.20.506. Renumber as AS 41.21.610, with the section

catchline "Purpose of AS 41.21.610 - 41.21.630".

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

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

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

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

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

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

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

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

AS 41.21.614 - was AS 41.20.507(c)

AS 41.21.615 - was AS 41.20.507(d)

AS 41.21.616 - was AS 41.20.507(e)

AS 41.21.617 - was AS 41.20.507(f)

AS 41.21.618 - was AS 41.20.507(g)

AS 41.21.619 - was AS 41.20.507(h)

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

AS 41.21.621 - was AS 41.20.507(j)

AS 41.21.622 - was AS 41.20.507(1)

The catchlines for the new sections are:

AS 41.21.611 - "Alaska Chilkat Bald Eagle Preserve established"

AS 41.21.612 - "Land excluded"

AS 41.21.613 - "Eminent domain prohibited"

AS 41.21.614 - "Native allotments"

AS 41.21.615 - "Fish and game management"

AS 41.21.616 - "Regulations"

AS 41.21.617 - "Other uses generally"

AS 41.21.618 - "Traditional uses"

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

AS 41.21.620 - "Management plan"

AS 41.21.621 - "Additions or deletions to preserve"

AS 41.21.622 - "Historical, cultural and burial sites"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DRD:ljb
18/012

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

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

Delete all of the effective date notes.

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

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

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

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

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

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

AS 41.45.120. Change the internal reference to reflect
renumbering.

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

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

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

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

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

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

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

AS 27.15.010. Delete the cross reference.

AS 27.20.010. Rewrite the section to read:

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

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

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

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

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

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

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

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

Alaska State Legislature

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Senate

Committee on Resources

April 25, 1983

Memo

To: Senate Resources Committee Members

From: Senate Resources Committee Staff

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

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

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

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

Rationale

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

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

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

Rationale

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

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

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

1 compatible with municipal land use plans;

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

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

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

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

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

1 05.115;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (c) Repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (1) comply with local zoning ordinances; or

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

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

REQUEST

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

II. FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						
	0	0	0			

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

IV. ANALYSIS: Attach a separate page for any Analysis

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

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P. 14, 15, 175

Offered: 4/18/84
Referred: Rules

Original sponsor: Resources Committee

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2

CS FOR SENATE BILL NO. 222 (Finance)

HOUSE ~~SENATE~~

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

FINANCE

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

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

7

8

9

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

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

12

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

13

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

14

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

15

at the lowest possible cost.

16

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

17

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

18

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

19

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

20

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

21

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

22

THAN SIX MILES FROM EXISTING ROADS OR HIGHWAYS].

23

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

24

Sec. 19.30.080. CONSTRUCTION STANDARDS AND MAINTENANCE. An

25

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

26

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

27

not under obligation to maintain an access road constructed under

28

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

29

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 a waiver of entitlement under AS 29.18.201 - 29.18.213.

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

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

5 [(1) Repealed]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 providing for state management of land of the municipality.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (b) The commissioner may

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

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

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

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

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

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

1 AS 44.33.475.

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

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

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

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

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

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

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

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

1 commissioner shall

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (b) The commissioner may

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

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

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

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

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

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

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

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

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

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

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

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

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

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

will

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

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

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

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

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

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

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

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

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

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

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

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

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

1 a court of the state are held.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (c) Under this section

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