

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 86/2

2841 SRES SB 222 - SB 225

2141

1 [DIRECTOR'S] determination. The sale shall be conducted by the
2 commissioner [DIRECTOR OR HIS REPRESENTATIVE], and at the time of sale
3 the successful bidder shall deposit the amount specified in the terms
4 of sale. The means by which the amount of deposit is determined shall
5 be prescribed by appropriate regulation. The commissioner [DIRECTOR
6 OR HIS REPRESENTATIVE] shall immediately issue a receipt containing a
7 description of the timber or materials purchased, the price bid, and
8 the terms of sale. The receipt shall be acknowledged in writing by
9 the bidder. A contract of sale, on a form approved by the attorney
10 general, shall be signed by the purchaser and [, FOLLOWING THE AP-
11 PROVAL OF THE COMMISSIONER,] the contract shall be signed by the
12 commissioner [DIRECTOR] on behalf of the state. The [DIRECTOR, WITH
13 THE APPROVAL OF THE] commissioner [,] may impose conditions, limita-
14 tions, and terms considered [WHICH HE CONSIDERS] necessary and proper
15 to protect the interests of the state. Violation of any provision of
16 this chapter or the terms of the contract of sale subjects the pur-
17 chaser to appropriate legal action.

18 * Sec. 77. AS 38.05.130 is amended to read:

19 Sec. 38.05.130. DAMAGES AND POSTING OF BOND. No rights shall be
20 exercised by the state, its lessees, successors or assigns under the
21 reservation as set out in AS 38.05.125 until the state, its lessees,
22 successors, or assigns make provision to pay the owner of the land
23 full payment for all damages sustained by the owner, by reason of
24 entering upon the land. If the owner for any cause refuses or ne-
25 glects to settle the damages, the state, its lessees, successors,
26 assigns, or an applicant for a lease or contract from the state for
27 the purpose of prospecting for valuable minerals, or option, contract
28 or lease for mining coal or lease for extracting geothermal resources,
29 petroleum or natural gas, may enter upon the land in the exercise of

1 the reserved rights after posting a surety bond determined by the
2 commissioner [DIRECTOR], after notice and an opportunity to be heard,
3 to be sufficient as to form, amount, and security to secure to the
4 owner payment for damages, and may institute legal proceedings in a
5 court where the land is located, as may be necessary to determine the
6 damages which the owner may suffer.

7 * Sec. 78. AS 38.05.140(e) is amended to read:

8 (e) The provisions of (d) of this section that apply to waiver,
9 suspension, refund or reduction of rental of minimum royalty apply to
10 rental or minimum royalty paid before or after June 19, 1970 on any
11 lease covering land beneath navigable waters which, according to the
12 records of the department [DIVISION OF LANDS], is in effect on
13 June 19, 1970.

14 * Sec. 79. AS 38.05.145(a) is amended to read:

15 (a) Deposits of coal, phosphates, oil shale, sodium, potassium,
16 oil, gas, geothermal resources and state land [LANDS] containing these
17 deposits are subject to disposition under [RULES AND] regulations [,
18 RECOMMENDED BY THE DIRECTOR AND] adopted by the commissioner, and the
19 provision of AS 38.05.145 - 38.05.181. In applying the acreage limi-
20 tations the commissioner may apply the rule of approximation. The
21 uses of the rule of approximation made before March 31, 1960, by the
22 commissioner are ratified.

23 * Sec. 80. AS 38.05.185(a) is amended to read:

24 (a) The acquisition and continuance of rights in and to deposits
25 on state land [LANDS] of minerals which on January 3, 1959, were
26 subject to location under the mining laws of the United States shall
27 be governed by AS 38.05.185 - 38.05.280. Nothing in AS 38.05.185 -
28 38.05.280 affects the law pertaining to the acquisition of rights to
29 mineral deposits owned by any other person or government. The [DIREC-

1 TOR, WITH THE APPROVAL OF THE] commissioner [,] shall determine that
2 land [THOSE LANDS] from which mineral deposits may be mined only under
3 lease, and, subject to the limitations of AS 38.05.300, that land
4 [THOSE LANDS] which shall be closed to mining State land may not be
5 closed to mining or mineral location unless the commissioner makes a
6 finding that mining would be incompatible with significant surface
7 uses on the state land. State land may not be restricted to mining
8 under lease unless the commissioner determines that potential use
9 conflicts on the state land require that mining be allowed only under
10 written leases issued under AS 38.05.205 or the commissioner has
11 determined that the land was mineral in character at the time of state
12 selection. The determinations required under this subsection shall be
13 made in compliance with land classification orders and land use plans
14 developed under AS 38.05.300.

15 * Sec. 81. AS 38.05.205(a) is amended to read:

16 (a) Prior discovery, location and filing shall initiate prior
17 rights to mineral deposits subject to AS 38.05.185 - 38.05.280 in or
18 on state land [LANDS], other than submerged land [LANDS], which is
19 [ARE] open to mining leasing. Locations shall be made and certifi-
20 cates of location recorded in accordance with AS 38.05.195. If the
21 located land is [LANDS ARE] available on for leasing, the commis-
22 sioner [DIRECTOR] shall publish in a paper of general circulation in
23 the area of the location, notice of the filing of the location and
24 notice that a mineral lease will be issued. The notice may be com-
25 bined with notices of locations either in the same general area or
26 statewide. Unless a conflicting location exists, no later than two
27 weeks after publication of the notice, an application form for a
28 mining lease shall be mailed to the locator by the commissioner [DI-
29 RECTOR]. A lease application shall be filed with the commissioner

1 [DIRECTOR] by the locator within 90 days after receipt of the form.
2 If the located land is [LANDS ARE] not available for leasing, notice
3 shall be given the locator by the commissioner [DIRECTOR] and the
4 locator's prior rights shall terminate. A mining lessee has the
5 exclusive rights of possession and extraction of all minerals subject
6 to AS 38.05.185 - 38.05.280 lying within the boundaries of the [HIS]
7 lease or location. Mining leases may be issued for one location or
8 for a group of contiguous locations held in common. Minerals may not
9 be mined and marketed or used until a lease is issued, except for
10 limited amounts necessary for sampling or testing.

11 * Sec. 82. AS 38.05.205(c) is amended to read:

12 (c) A mining lease shall be for any period up to 55 years, and
13 the lessee has a right to a new lease at the end of each lease period.
14 The commissioner may make reasonable adjustments of the rental rate at
15 the end of each 20 year period, based upon changed conditions in
16 production costs and markets. A valid mining claim located and held
17 under AS 38.05.195 may be converted to a lease at any time upon appli-
18 cation by the owner, and issuance by the commissioner [DIRECTOR]. No
19 rights granted by a mining lease may be exercised until the lease has
20 been filed for record in the recording district where the land is
21 located.

22 * Sec. 83. AS 38.05.245(a) is amended to read:

23 (a) Before the discovery of valuable minerals, an exclusive
24 right to prospect by geophysical, geochemical and similar methods may
25 be acquired by marking boundaries and posting a notice of location of
26 a prospecting site in a manner and containing such information as the
27 commissioner requires. A prospecting site may not exceed 2,640 feet
28 in its longest dimension and its boundaries shall run in the four
29 cardinal directions. A certificate of location shall be filed for

1 record in the recording district where the prospecting site is located
2 within 90 days after posting the notice of location, and a copy of the
3 certificate shall also be mailed to the commissioner [DIRECTOR] within
4 the 90 day period. The locator of a prospecting site has the exclu-
5 sive right to stake mining claims or leasehold locations within the
6 boundaries of the prospecting [HIS] site.

7 * Sec. 84. AS 38.05.245(c) is amended to read:

8 (c) No person may locate more than six prospecting sites in one
9 calendar year in one recording district. A prospecting site remains
10 in effect for one year after the notice of location is posted and may,
11 at the discretion of the commissioner [DIRECTOR], be extended for one
12 year periods. During each year, work of a type compatible with the
13 purpose of this section and acceptable to the commissioner [DIRECTOR]
14 shall be done. The minimum expenditure for the work shall be estab-
15 lished by the commissioner uniformly for all prospecting sites. Where
16 adjacent prospecting sites are held in common the expenditure may be
17 made on any one or more locations. If a prospecting site expires,
18 neither the locator nor a [HIS] successor in interest of the locator
19 may again locate the same prospecting site or any portion of it, as a
20 prospecting site, for a period of two years following the date of
21 expiration or abandonment; nor may the locator [HE], during the two
22 years, either directly or indirectly, obtain a beneficial interest in
23 the same prospecting site or a portion of it.

24 * Sec. 85. AS 38.05.250(a) is amended to read:

25 (a) The exclusive right to prospect for deposits of minerals
26 subject to AS 38.05.185 - 38.05.275 in or on tide and submerged state
27 land [LANDS] may be granted by a permit issued by the commissioner
28 [DIRECTOR]. Permits shall be granted to the first qualified appli-
29 cant. No permit may include an area larger than 2,560 acres, subject

1 to the rule of approximation. Land [LANDS] subject to a prospecting
2 permit shall be as compact in form as possible taking into considera-
3 tion the area involved. The term of the permit shall be seven years.
4 Prospecting permits shall be conditioned upon payment of rental
5 against which credit shall be given for useful expenditures on land
6 covered by the permit or group of contiguous permits under common
7 ownership or assignment. Excess expenditures may be applied against
8 rentals due for the following two years. The rental shall be \$3 per
9 acre for each year, payable at the end of each year. No minerals from
10 land [LANDS] under a prospecting permit may be mined and marketed or
11 used, except for limited amounts necessary for sampling or testing.
12 No person may take or hold prospecting permits for minerals on state
13 land under this section exceeding in the aggregate 100,000 acres. No
14 person may take or hold leases for minerals on state land under this
15 section exceeding in the aggregate 46,080 acres.

16 * Sec. 86. AS 38.05.250(b) is amended to read:

17 (b) Upon discovery, the right to possess and extract the min-
18 erals may be acquired by noncompetitive lease. A noncompetitive lease
19 shall be granted to a holder of a prospecting permit for so much of
20 the land subject to the permit as is shown to the satisfaction of the
21 commissioner [DIRECTOR] to contain workable mineral deposits. Sub-
22 merged land [LANDS] containing known deposits of minerals subject to
23 AS 38.05.185 - 38.05.275 may, in the discretion of the commissioner
24 [DIRECTOR], be offered by competitive bid. The land [THESE LANDS]
25 shall be leased to the responsible qualified person offering the
26 highest amount of cash bonus.

27 * Sec. 87. AS 38.05.255 is amended to read:

28 Sec. 38.05.255. SURFACE USE OF LAND OR WATER. Surface uses of
29 land or water [WATERS] included within mining properties by owners of

1 these properties shall be limited to those necessary for the
2 prospecting for, extraction of, or basic processing of mineral depos-
3 its and shall be subject to reasonable concurrent uses. Permits for
4 millsites and tailings disposal may be granted by the commissioner
5 [DIRECTOR]. The permits shall be conditioned upon payment of a rea-
6 sonable charge for the use and continuance of the limited use. Timber
7 from land [LANDS] open to mining without lease, except timberland
8 [TIMBERLANDS], may be used by a mining claimant or prospecting site
9 locator for the mining or development of the [HIS] location or adja-
10 cent claims under common ownership. On other land [LANDS], timber may
11 be acquired as provided [ELSEWHERE] in this chapter. Use of water
12 shall be made in accordance with AS 46.15 [SEC. 260 OF THIS CHAPTER
13 AND RULES AND REGULATIONS ADOPTED UNDER IT OR IN ACCORDANCE WITH ANY
14 LAW AMENDING OR SUPERSEDING THAT SECTION].

15 * Sec. 88. AS 38.05.265 is amended to read:

16 Sec. 38.05.265. ABANDONMENT. Failure to (1) properly file for
17 record a certificate of location or a statement of annual labor, or
18 (2) file with the commissioner [DIRECTOR] within the time prescribed a
19 lease application or a copy of a prospecting site location certifi-
20 cate, or (3) pay rental or receive credit for rental, or (4) keep
21 location boundaries clearly marked, all as required by AS 38.05.185 -
22 38.05.280 [SECS. 185 - 280 OF THIS CHAPTER] and by regulations adopted
23 under these sections, constitutes abandonment of all rights acquired
24 under the mining lease, location, or site involved, and it is subject
25 to relocation by others. If a location is not relocated by another
26 person with one year after such failure, or, in the case of a pros-
27 pecting site, two years, the locator or claimant of the abandoned
28 location, or the [HIS] successor in interest of the locator or claim-
29 ant, may return to relocate it as though it had never been located. A

1 statement of annual labor which does not accurately set out the
2 essential facts is void and of no effect.

3 * Sec 89. AS 38.05.270 is amended to read:

4 Sec. 38.05.270. TRANSFERS. The sale, lease or other transfer of
5 mining property or interest in mining property shall be recorded or
6 shall be approved by the commissioner under adopted regulations [DI-
7 RECTOR IN COMPLIANCE WITH SUCH REGULATIONS AS THE COMMISSIONER MAY
8 ADOPT]. The heirs and assigns of mining property or interest in
9 mining property have the same rights and duties as their predecessors.

10 * Sec. 90. AS 38.05.275 is amended to read:

11 Sec. 38.05.275. RECOGNITION OF LOCATIONS. Mining locations made
12 on state land [LANDS], including shoreland, tideland [SHORELANDS,
13 TIDELANDS], or submerged land [LANDS], or state selected land [LANDS],
14 under AS 38.05.185 - 38.05.280 [SECS. 185 - 280 OF THIS CHAPTER], or
15 in the manner described in AS 27.10.010 - 27.10.240 acquire for the
16 locator mining rights under AS 38.05.185 - 38.05.280 [SECS. 185 - 280
17 OF THIS CHAPTER], subject to existing claims and to any denial of or
18 restriction in the tentative approval of state selection of the patent
19 of the land [LANDS] to the state. If shoreland, tideland [SHORELANDS,
20 TIDELANDS] or submerged land is [LANDS ARE] included in a mining
21 location or within the projected boundaries of a mining location made
22 in accordance with this section, the locator is required to file a
23 certificate of location with the department [DIVISION OF LANDS] within
24 90 days following the date of posting the notice of location, in
25 addition to filing a certificate of location as required by AS 38.-
26 05.195 [SEC. 195 OF THIS CHAPTER]. The certificate of location must
27 identify the position of the mining location in the system of rec-
28 tangular or protracted surveys.

29 * Sec. 91. AS 38.05.310(a) is amended to read:

1 (a) No land may be sold or leased, or a renewal lease issued,
2 except in the case of an oil or gas or mineral lease, unless it has
3 been appraised within 120 days before the date fixed for the sale or
4 lease. When land is offered at public sale but is not sold and is
5 available at private sale, no reappraisal is required unless the
6 commissioner [DIRECTOR] considers that a change in value of the land
7 [LANDS] may have occurred. A grazing lease may be granted to a lessee
8 of federal grazing land [LANDS] without prior appraisal, if the [HIS]
9 federal lease was cancelled to allow the state to select the land
10 [LANDS] under lease. No land may be sold or leased for less than the
11 approved, appraised market value, except as provided in AS 38.05.315,
12 38.05.320, 38.05.057, 38.05.075 - 38.05.085 and 38.05.097.

13 * Sec. 92. AS 38.05.315 is amended to read:

14 Sec. 38.05.315. PUBLIC AND CHARITABLE USE. (a) The lease,
15 sale, or other disposal of state land or resources may be made to a
16 state or federal agency or political subdivision, or the lease, sale,
17 or disposal of coal deposits suitable for mining may be made to a
18 utility owned and operated by a government agency or nonprofit cooper-
19 ative association organized to participate under the Federal Rural
20 Electrification Act for the purpose of generating electric power and
21 energy or the production of process steam, or both, for less than the
22 appraised value as determined by [THE DIRECTOR AND APPROVED BY] the
23 commissioner to be fair and proper and in the best interests of the
24 public, with due consideration given to the nature of the public
25 services or function rendered by the agency, subdivision, or utility
26 making application, and of the terms of the grant under which the land
27 was acquired by the state.

28 (b) Notwithstanding AS 38.05.077 - 38.05.080 and 38.05.095, the
29 commissioner [DIRECTOR], upon application filed by an applicant

1 eligible under (b) - (d) of this section, may, by negotiation and
2 without public auction in the manner prescribed in (b) - (d) of this
3 section, lease state land for a term of not more than 55 years.
4 Before leasing, the commissioner [DIRECTOR] shall prepare a land use
5 plan and a land classification to insure that the proposed use is
6 compatible with area utilization. Before the land may be leased under
7 (b) - (d) of this section, it must be shown to the satisfaction of the
8 commissioner [DIRECTOR] that the land is to be used for an established
9 or definitely proposed project, and that the eligible applicant has
10 the financial ability to carry out the project. The commissioner may
11 establish limitations on the acreage which may be leased under (b) -
12 (d) of this section to an applicant.

13 (c) Eligible applicants under (b) - (d) of this section are
14 limited to nonprofit corporations, associations, clubs, or societies
15 organized and operated exclusively for charitable, religious, scien-
16 tific, or educational purposes, or for the promotion of social wel-
17 fare, if the project for which the land is desired conforms to those
18 objectives and not commercial development. No lease of land may be
19 granted under this section for a project closed to the use and enjoy-
20 ment of the general public. In every case the applicant shall submit
21 evidence that it is exempt from payment of federal income tax. As a
22 condition of and in consideration of the rights acquired under a lease
23 granted under (b) - (d) of this section, each eligible organization
24 and its parent or subsidiary organizations shall (1) maintain and
25 preserve books, accounts, and records that the commissioner [DIRECTOR]
26 prescribes by regulation as necessary and appropriate; and (2) accord
27 at all reasonable times to the state and its authorized agents and
28 auditors the right of access to those books, accounts and records for
29 the purpose of inspecting, examining and copying them. Any

1 information provided the state in the course of an audit becomes a
2 matter of public record.

3 (d) The commissioner [DIRECTOR] may lease the land to an eli-
4 gible applicant at a reasonable annual rental, taking into considera-
5 tion the purposes for which the land is to be used and the financial
6 resources of the applicant. The rental may not be less than one
7 percent of the fair market value on land [LANDS] acquired primarily
8 for development, or less than five percent of the fair market value on
9 university or acquired land [LANDS]. Rent may not be charged for
10 state land leased for a youth encampment. For the purposes of this
11 subsection, "youth encampment" shall be defined by the commissioner by
12 regulation. Renewal leases may be issued at the discretion of the
13 commissioner [DIRECTOR] upon the expiration of a primary or renewal
14 term. Each lease shall contain a provision for its termination as to
15 all or part of the land [LANDS] upon a finding by the commissioner
16 [DIRECTOR] that the land or a part of it has not been used by the
17 lessee for the purpose specified in the lease for a period of two
18 years. No lease may be assigned or subleased except with the consent
19 of the commissioner [DIRECTOR], and in any case may only be trans-
20 ferred to an applicant eligible under (b) - (d) of this section. A
21 lessee may not change the use specified in the lease to another or
22 additional use except with the consent of the commissioner [DIRECTOR].
23 If, at any time after the land is leased, the lessee attempts to
24 assign the lease or transfer control over the land to another, or if
25 the land is devoted to a use other than that for which the land was
26 leased without the consent of the commissioner [DIRECTOR], the lease
27 automatically terminates.

28 (e) The lease, sale, or other disposal of state land at ap-
29 praised fair market value may be negotiated with a licensed public

1 utility or a licensed common carrier by [THE DIRECTOR WITH THE AP-
2 PROVAL OF] the commissioner if the utility or carrier reasonably
3 requires the land for the conduct of its business under its license.

4 (f) The commissioner shall lease state land for telephone or
5 electric transmission and distribution lines for less than the ap-
6 praised value of the land if the lessee is a nonprofit cooperative
7 association organized under AS 10.25.010 - 10.25.650. Before deter-
8 mining [HE DETERMINES] the annual rental, the commissioner shall
9 consider the nature of the public service rendered by the nonprofit
10 cooperative association and the terms of the grant under which the
11 land was acquired by the state. A nonprofit cooperative association
12 may not construct improvements other than transmission or distribution
13 lines and substations on land leased under this subsection.

14 * Sec. 93. AS 38.05.320(b) is amended to read:

15 (b) Home rule cities and cities of the first class incorporated
16 on or before April 1, 1964, may apply, in the manner prescribed by the
17 commissioner [DIRECTOR], and in accordance with [SUCH] regulations
18 [AS] the commissioner [DIRECTOR] may adopt, for a conveyance to them
19 of all land [LANDS] seaward of the home rule cities and cities of the
20 first class which is [ARE] between the mean high tide line in, or
21 forming the boundary of, the home rule cities and cities of the first
22 class, and a line to be shown on a plat made a part of the application
23 which shall be the pierhead line established under the Act of Septem-
24 ber 7, 1957, or the harbor line established under the Act of March 3,
25 1899, or if no pierhead line or harbor line is established then a line
26 subject to approval by [THE DIRECTOR, WITH THE CONCURRENCE OF] the
27 commissioner [,] which shall be seaward of all tideland [TIDELANDS]
28 and submerged land [LANDS] occupied or suitable for occupation and
29 development without unreasonable interference with navigation. The

1 commissioner [DIRECTOR] shall convey that [THESE] tide and submerged
2 land [LANDS] to home rule cities and cities of the first class.
3 Applications by preference right claimants filed with the commissioner
4 [DIRECTOR] before June 30, 1964, shall continue to be processed to a
5 final determination and conveyance, if any by the commissioner [DIREC-
6 TOR], if such preference right claimants are entitled to a conveyance
7 from the commissioner [DIRECTOR] under the existing previous to
8 July 22, 1964.

9 (1) Each home rule city and city of the first class granted
10 a conveyance shall prepare an official subdivision plat of the area
11 conveyed showing all structures and improvements and the boundaries of
12 each tract occupied or developed, together with the name of the owner
13 or claimant. The subdivisional plat shall include within the bound-
14 aries of each tract occupied or developed such surrounding tide and
15 submerged land as is [LANDS AS ARE] reasonably necessary in the opin-
16 ion of the governing body of the home rule cities and cities of the
17 first class for the use and enjoyment of the structures and improve-
18 ments by the owner or claimant, but shall not include tide or sub-
19 merged land [LANDS] which if granted to the occupant would unjustly
20 deprive an occupant of adjoining land [LANDS] from [HIS] reasonable
21 use and enjoyment of it [THEM].

22 (2) An occupant of land included in the conveyance to home
23 rule cities and cities of the first class, who occupied or developed
24 the land on and before September 7, 1957, has a class I preference
25 right to the land [LANDS] from the home rule cities and cities of the
26 first class upon the execution of a waiver to the state and the home
27 rule cities and cities of the first class of all rights the occupant
28 may have acquired under Public Law 85-303 (71 Stat. 623).

29 (3) An occupant of land included in the conveyance to home

1 rule cities and cities of the first class, who has a class II prefer-
2 ence right by reason of the conveyance to home rule cities and cities
3 of the first class, and is unwilling to waive the right has a prefer-
4 ence right to the land [LANDS] which it is mandatory for the home rule
5 cities and cities of the first class to expeditiously honor upon
6 application from the occupant after the Secretary of the Army has
7 submitted to the Secretary of the Interior and the governor [OF THE
8 STATE] maps showing the pierhead line established by the corps of
9 engineers with respect to the tract so granted.

10 (4) An occupant of land included in the conveyance to home
11 rule cities and cities of the first class, who occupied or developed
12 the land after September 7, 1957, and before January 3, 1959, and who
13 continued to occupy it on January 3, 1959, has a class III preference
14 right to the land [LANDS] from the home rule cities and cities of the
15 first class.

16 (5) In making a conveyance to an occupant, the home rule
17 cities and cities of the first class shall include as a part of the
18 tract conveyed and in addition to the occupied or developed land
19 [LANDS], such additional tide and submerged land as is [LANDS AS ARE]
20 reasonably necessary in the opinion of the governing body of the home
21 rule cities and cities of the first class for the occupant's use and
22 enjoyment of the occupied or developed land, but the conveyance shall
23 not include any area which would unjustly deprive an occupant of
24 adjoining land [LANDS] from reasonable use and enjoyment of it [THOSE
25 LANDS] or which, if developed, will interfere with navigation.

26 (6) Each home rule city and city of the first class receiv-
27 ing conveyances shall by ordinance provide for reasonable regulations
28 governing the filing and processing of applications, publication of
29 notices, and the adjudication of disputes between claimants by the

1 governing body of the home rule cities and cities of the first class.
2 A party aggrieved by its determination may appeal to the superior
3 court.

4 (7) When no preference right has been granted to purchase
5 or lease tideland [TIDELANDS], the home rule cities and cities of the
6 first class may sell or lease the tideland [TIDELANDS] conveyed to
7 them, and may impose terms or conditions for the sale or lease. The
8 [SUCH] terms and conditions shall include such reservation of rights-
9 of-way as are necessary to provide reasonable access to public waters.

10 * Sec. 94. AS 38.05.320(c) is amended to read:

11 (c) An occupant of tide or submerged land which is not seaward
12 of a municipal corporation, who occupied or developed it on and before
13 [PRIOR TO] September 7, 1957, has a class I preference right to the
14 land [LANDS] from the state. However, if the land is seaward of a
15 surveyed townsite, the occupant shall execute a waiver to the state of
16 all rights which the occupant [HE] may have acquired under Public Law
17 85-303 (71 Stat. 623), before the preference right may be exercised.

18 (1) A person who has a class II preference right in the
19 disposition of land by the state not provided for under paragraph
20 (b)(3), and who is unwilling to waive that right, has a preference
21 right to the land [LANDS] which it is mandatory for the commissioner
22 [DIRECTOR] to expeditiously honor upon application from the occupant
23 after the Secretary of the Army has submitted to the Secretary of the
24 Interior and the governor [OF THE STATE] maps showing the pierhead
25 line established by the corps of engineers with respect to the tract
26 so granted.

27 (2) An occupant of tide or submerged land which is not
28 seaward of a municipal corporation, who occupied or developed it after
29 September 7, 1957, and before January 3, 1959, and who continued to

1 occupy it on January 3, 1959, has a class III preference right to the
2 land [LANDS] from the state.

3 (3) The preference right [RIGHTS HEREINABOVE] granted any
4 occupant in (c) of this section is lost unless the occupant of tide or
5 submerged land not seaward of a home rule or first class city makes
6 application to the commissioner [DIRECTOR] to exercise the preference
7 right by July 1, 1967.

8 (4) Each occupant shall [AT HIS COST] furnish at the cost
9 of the occupant a plat showing the exterior boundaries of the tideland
10 [TIDELANDS] and submerged land [LANDS] covered by the application, in
11 form and with proof of accuracy as set out in regulations of the
12 commissioner [DIRECTOR], and shall show the location and nature of all
13 fill material, buildings, structures and improvements, which form the
14 basis of the application and which are situated upon the tract applied
15 for. The applicant may include within the boundaries of the tract
16 applied for the [SUCH] surrounding tide and submerged land as is
17 [LANDS AS ARE] reasonably necessary in the opinion of the applicant
18 for the use and enjoyment of the structures and improvements by the
19 occupant, but may not include any tide or submerged land [LANDS] which
20 if granted to the occupant would unjustly deprive an occupant of
21 adjoining land [LANDS] from [HIS] reasonable use and enjoyment of it
22 [THEM].

23 (5) In making a conveyance to an occupant, the commissioner
24 [DIRECTOR] shall include as a part of the tract conveyed, and in
25 addition to the occupied or developed land [LANDS], such additional
26 tide and submerged land as is [LANDS AS ARE] reasonably necessary in
27 the opinion of the commissioner [DIRECTOR] for the occupant's use and
28 enjoyment of the occupied or developed land, but the conveyance shall
29 not include any area which would unjustly deprive an occupant of

1 adjoining land [LANDS] from reasonable use and enjoyment of it [THEM]
2 or which, if developed, will interfere with navigation.

3 (6) The commissioner [DIRECTOR] shall by regulation provide
4 for reasonable procedures [REGULATIONS] governing the filing and
5 processing of applications, the publication of notices and the adju-
6 dication of disputes between claimants. A party aggrieved by an
7 adjudication may appeal to the superior court.

8 (7) The holder of a valid corps of engineers permit issued
9 before November 15, 1959, may be given a preference to a lease or
10 permit by the state if justified in accordance with the policy of this
11 chapter and if in the best interests of the state. This preference is
12 subordinate to all other preferences recognized under this chapter.

13 * Sec. 95. AS 38.05.321(b) is amended to read:

14 (b) State land classified as agricultural land which has been
15 selected by a municipality under former AS 29.18.190 - 29.18.200 or
16 AS 29.18.205(e) may be approved by the commissioner [DIRECTOR] for
17 patent under AS 29.18.205(f); however, only rights in the land for
18 agricultural purposes may be transferred and all other interests in
19 the land will remain with the state. Agricultural land approved for
20 patent to a municipality under AS 29.18.205(f) shall be credited, acre
21 for acre, toward fulfillment of that municipality's entitlement under
22 AS 29.18.201 - 29.18.203. If the commissioner [DIRECTOR] later deter-
23 mines it to be in the best interests of the state to transfer some or
24 all of the additional rights in that approved or patented agricultural
25 land, those rights shall pass without consideration to the municipal-
26 ity in which the land is located. The notice and review provisions of
27 AS [38.05.205 AND] 38.05.345 are applicable to conveyance of rights
28 under this section.

29 * Sec. 96. AS 38.05.323(a) is amended to read:

1 (a) Notwithstanding any other provision of law, a home rule or
2 general law municipality which accepts by conveyance or other disposi-
3 tion from the state a public recreation area facility developed under
4 the terms of P.L. 507 (70 Stat. 130), upon application, shall receive
5 by conveyance from the commissioner [DIRECTOR] all land owned by the
6 state seaward of the public recreation area facility which is between
7 the mean high tide line and the mean low tide line. The commissioner
8 may adopt [DIRECTOR MAY PROMULGATE] necessary regulations providing
9 for the conveyance of land under this section.

10 * Sec. 97. AS 38.05.330(a) is amended to read:

11 (a) The [DIRECTOR, WITHOUT THE PRIOR APPROVAL OF THE] commis-
12 sioner [,] may issue permits, rights-of-way or easements on state land
13 for roads, trails, ditches, field gathering lines or transmission and
14 distribution pipelines not subject to AS 38.35.010 - 38.35.260, tele-
15 phone or electric transmission and distribution lines, log storage,
16 oil well drilling sites and production facilities for the purposes of
17 recovering minerals from adjacent land [LANDS] under valid lease, and
18 other similar uses or improvements, or for the limited personal use of
19 timber or materials. The commissioner [, UPON RECOMMENDATION OF THE
20 DIRECTOR,] shall establish a reasonable rate or fee schedule to be
21 charged for these uses, subject to the exception for nonprofit cooper-
22 ative associations specified in (b) of this section. In the granting,
23 suspension or revocation of a permit or easement of land [LANDS], the
24 commissioner [DIRECTOR] shall give preference to that use of the land
25 which will be of greatest economic benefit to the state and the devel-
26 opment of its resources. However, first preference shall be granted
27 to the upland owner for the use of a tract of tideland, or tideland
28 and contiguous submerged land, which is seaward of the upland property
29 of the upland owner and which is needed by the upland owner for any of

1 the purposes for which the use may be granted.

2 * Sec. 98. AS 38.05.335 is amended to read:

3 Sec. 38.05.335. DEPOSITS. (a) The commissioner [DIRECTOR] may
4 require an applicant seeking the sale, lease or other disposal of land
5 [LANDS], other than under an oil and gas or mineral lease, to deposit
6 an amount covering the estimated cost of an appraisal, survey and
7 necessary advertising. All deposited funds not expended shall be
8 refunded to the applicant. If land is [LANDS ARE] sold or leased to
9 other than the applicant making the deposit, the party awarded the
10 land [LANDS] shall pay the total actual cost of appraising and survey-
11 ing the land [LANDS], together with the total actual cost of advertis-
12 ing, and the deposit shall be returned to the original applicant.

13 (b) Except as provided in (c) of this section, if a competitive
14 sale or lease of state land, minerals, timber or materials is to be
15 made by sealed bid, the commissioner [DIRECTOR] may require each
16 bidder to submit an earnest money deposit with each [HIS] bid. If the
17 sale or lease is by public auction, the commissioner [DIRECTOR] may
18 require each person desiring to bid to make an earnest money deposit
19 before bidding. The earnest money deposit of the highest qualified
20 bidder shall be applied toward the sale or lease price. If the suc-
21 cessful bidder defaults in the payment of the amount [HIS] bid, the
22 [HIS] deposit shall be forfeited to the state. All other earnest
23 money deposits shall be returned unless the commissioner decides to
24 award the contract to the second highest qualified bidder upon default
25 by the highest bidder rather than call for new bids, in which case the
26 commissioner may retain the deposit of the second highest qualified
27 bidder until final disposition of the land is made. A successful
28 bidder for a mineral lease who can prove to the satisfaction of the
29 commissioner within 45 days after notification of the lease award that

1 there is a reasonable doubt as to the ability of the state to grant a
2 valid lease to the land may withdraw the amount bid and have the
3 earnest money deposit returned [MAY WITHDRAW HIS BID AND HAVE HIS
4 EARNEST MONEY DEPOSIT RETURNED IF, WITHIN 45 DAYS AFTER NOTIFICATION
5 OF THE LEASE AWARD, HE CAN PROVE TO THE SATISFACTION OF THE COMMIS-
6 SIONER THAT THERE IS A REASONABLE DOUBT AS TO THE STATE'S ABILITY TO
7 GRANT A VALID LEASE TO THE LAND].

8 (c) The commissioner shall require each bidder for the competi-
9 tive leasing of oil and gas land [LANDS] to submit with each [HIS] bid
10 a deposit of money equal to 20 percent of the bonus.

11 * Sec. 99. AS 38.05.340(a) is amended to read:

12 (a) Except as provided in (b) of this section, all contracts of
13 purchase or lease of land [LANDS] or interest in land [LANDS] may be,
14 on the affirmative approval of the commissioner [DIRECTOR], assigned
15 or subleased in whole or in part in writing by the contract holder or
16 lessee, and the assignee or sublessee is subject to the provisions of
17 laws and regulations applicable to the contract or lease.

18 * Sec. 100. AS 38.05.348(a) is amended to read:

19 (a) The commissioner [DIRECTOR OF THE DIVISION OF LANDS] may
20 make grants of state land to persons and municipal corporations to
21 replace land which is rendered unusable by a natural disaster for the
22 purposes for which it was used before the natural disaster. The
23 commissioner [DIRECTOR] shall designate state land which is available
24 to replace land rendered unusable.

25 * Sec. 101. AS 38.05.348(c) is amended to read:

26 (c) An application for a grant of state land shall be filed with
27 the commissioner [DIRECTOR], and shall contain

28 (1) the name and address of the applicant;

29 (2) a legal description of the land rendered unusable;

- 1 (3) proof of ownership of the land; and
2 (4) a statement of the purpose for which the land was used
3 before the natural disaster rendered it unusable.

4 * Sec. 102. AS 38.05.348(d) is amended to read:

5 (d) The commissioner [DIRECTOR] shall, within 30 days of receipt
6 of the application, approve or disapprove the application. The com-
7 missioner's [DIRECTOR'S] determination of eligibility for a grant of
8 state land is final. Upon approval of [AT THE TIME HE APPROVES] the
9 application or as soon thereafter as possible, the commissioner [DI-
10 RECTOR] shall specify the land which shall be granted to an eligible
11 applicant. In making the [HIS] designation the commissioner [HE]
12 shall consider the value, size and use of the land rendered unusable
13 as a result of the natural disaster, and shall as nearly as possible
14 grant land of equal size or value or of equal utility.

15 * Sec. 103. AS 38.05.349 is amended to read:

16 Sec. 38.05.349. DISPOSITION OF STATE LAND FOR FLOOD CONTROL
17 PROJECTS. The department [DIVISION OF LANDS] may make conveyances of
18 title or other interests in state land, provide for exchange of land,
19 or make other arrangements with respect to state land, as necessary to
20 meet federally established requirements of flood control projects
21 authorized inside the state by the United States before or after
22 June 6, 1971.

23 * Sec. 104. AS 38.05.351 is amended to read:

24 Sec. 38.05.351. BONA FIDE PURCHASERS. No right, title, or
25 interest of a bona fide purchaser of any lease, interest in a lease,
26 option to acquire a lease or an interest in it, acquired after the
27 effective date of issuance of the lease and held by a qualified per-
28 son, association, or corporation in conformity with this chapter shall
29 be canceled or forfeited or otherwise adversely affected by reason of

1 the fact that the holding of the person, association, or corporation
2 from which the lease, interest, or option was acquired, or of a [HIS]
3 predecessor in title (including the original lessee of the state) may
4 have been canceled or forfeited, or may be or have been subject to
5 cancellation or forfeiture. If, in any proceeding for cancellation or
6 forfeiture, an underlying lease, interest, or option is canceled or
7 forfeited to the state and there are valid interests therein or valid
8 options to acquire the lease or an interest therein which are not
9 subject to cancellation or forfeiture, the underlying lease, interest,
10 or option shall be sold by the commissioner [DIRECTOR] to the highest
11 responsible qualified bidder by competitive bidding under general
12 competitive leasing regulations subject to all outstanding valid
13 interests therein and valid options pertaining thereto. Likewise if,
14 in any such proceeding, less than the whole interest in a lease,
15 interest, or option is canceled or forfeited to the state, the partial
16 interests so canceled or forfeited shall be sold by the commissioner
17 [DIRECTOR] to the highest responsible qualified bidder under general
18 competitive leasing regulations.

19 * Sec. 105. AS 38.05.362(a) is amended to read:

20 (a) Notwithstanding any other provision of law, [THE DIRECTOR,
21 WITH THE APPROVAL OF] the commissioner, in consultation with other
22 appropriate agencies and entities, shall classify for agricultural
23 purposes

24 (1) no less than 650,000 acres of state patented or tenta-
25 tively approved land which is appropriate for agricultural purposes
26 but in no event less than 50 percent of the state patented or tenta-
27 tively approved land which on September 22, 1976 [THE EFFECTIVE DATE
28 OF THIS ACT] has been classified as Class II or Class III in detailed
29 soil surveys of the National Cooperative Soil Survey;

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

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

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

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

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

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

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

25 (1) comply with local zoning ordinances; or

26 (2) permit the design of a subdivision because of topo-
27 graphical features, soil conditions, on-site sewage disposal require-
28 ments, or water drainage or supply considerations unique to the sub-
29 division.

1 (c) Repealed.

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

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

6 Sec. 38.08.020. PUBLIC NOTICE. The commissioner [DIRECTOR]
7 shall publish notice of the availability of the land in the same
8 manner as provided in AS 38.05.345 [AS 38.05.345(e)].

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

10 (b) If the number of applicants qualified for homesite entry
11 exceeds the number of available homesites offered, or if several
12 applicants apply and qualify for the same homesite, priority in award
13 of an entry permit shall be accorded to that applicant showing proof
14 of the longest residency in the state. An applicant shall present
15 [HIS] proof of residency to the department in a manner designated by
16 the commissioner [DIRECTOR].

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

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

21 (1) occupies the land for a cumulative total of 35 months
22 within the seven-year period following issuance of the homesite entry
23 permit;

24 (2) erects a habitable, permanent, single-family dwelling
25 on the homesite, which meets all applicable state and local regula-
26 tions, within five years of the date of issuance of the homesite entry
27 permit; for the purposes of this paragraph, mobile homes are not
28 considered to be permanent dwellings unless they are placed on a
29 permanent foundation;

1 (3) reimburses the state for the survey and platting under-
2 taken in accordance with AS 38.08.010 - 38.08.110; the commissioner
3 [DIRECTOR] shall provide by regulation for installment payments of
4 this requirement.

5 * Sec. 112. AS 38.08.100 is amended to read:

6 Sec. 38.08.100. SUBSTANTIAL COMPLETION OF DWELLING. An entry
7 permit may not be revoked for failure to erect a dwelling in the time
8 required under AS 38.08.060(4)(2) [SEC. 60(a)(2) OF THIS CHAPTER] if
9 the commissioner [DIRECTOR] finds that erection of the dwelling has
10 been substantially completed and progress toward completion is being
11 made at the expiration of the time required.

12 * Sec. 113. AS 38.10.010 is amended to read:

13 Sec. 38.10.010. APPLICATION FOR TRANSFER. Upon application by a
14 municipal corporation with a population of less than 5,000 persons
15 according to the latest United States census entitled to a conveyance
16 of tide and submerged land [LANDS] under AS 38.05.320(b), the commis-
17 sioner of natural resources [DIRECTOR OF THE DIVISION OF LANDS OF THE
18 DEPARTMENT OF NATURAL RESOURCES] may make or provide for the making of
19 surveys that may be required for the transfer of tide and submerged
20 land [LANDS] to the municipal corporation, and as may be required for
21 subsequent conveyance of the tide and submerged land [LANDS] by the
22 municipal corporations to occupants of the land [THOSE LANDS] who hold
23 preference rights. When the application by the municipal corporation
24 is accepted, the governing body of the municipal corporation shall
25 execute a contract on a form approved by the attorney general provid-
26 ing for the survey under the sole management and supervision of the
27 commissioner [DIRECTOR] and for repayment according to the provisions
28 of this chapter.

29 * Sec. 114. AS 38.10.020 is amended to read:

1 Sec. 38.10.020. SURVEYS. The survey provided for in AS 38.10.-
2 010 [SEC. 10 OF THIS CHAPTER] shall define the outside boundary of the
3 land [LANDS] to be conveyed to the municipal corporation and shall, on
4 the same or separate plats, show all structures and improvements and
5 the boundaries of each tract occupied or developed, together with the
6 name of the owner or claimant, and shall contain sufficient data to
7 permit preparation of adequate legal descriptions of the tracts to be
8 conveyed. The plats shall provide the same information as to all
9 tracts adjoining the outside boundary of the land [LANDS] to be con-
10 veyed to the municipal corporation. A sketch plat, sufficient for its
11 purpose in the opinion of the commissioner of natural resources [DI-
12 RECTOR], shall indicate the boundaries of each occupied or developed
13 tract as determined by the governing body of the municipal corporation
14 and the sketch plat shall be prepared and submitted to the commis-
15 sioner [DIRECTOR] before actual surveying shall begin. Nothing in
16 this chapter and nothing in a plat or sketch showing interior subdivi-
17 sion of the land [LANDS] to be conveyed to the municipal corporation
18 shall be construed as a determination of any preference right, nor
19 shall it prohibit adjustment and resurvey [RE-SURVEY] of the interior
20 subdivision.

21 * Sec. 115. AS 38.10.030 is amended to read:

22 Sec. 38.10.030. COSTS AND EXPENSES OF SURVEYS. Money shall be
23 appropriated from the general fund in an amount to be determined from
24 time to time by the legislature to facilitate the [SUCH] work. Ac-
25 counting of all costs and expenses of the surveys shall be made to the
26 municipal corporation by the commissioner of natural resources [DIREC-
27 TOR] periodically and a final accounting shall be made upon patent of
28 the land [LANDS] to the municipal corporation. Costs and expenses
29 chargeable to the city shall include the actual amount expended for

1 the survey and a reasonable allocation of overhead, travel and equip-
2 ment expense. The total amount of costs and expenses shall be repaid
3 to the fund through the commissioner [DIRECTOR] by the municipal
4 corporation for whom the survey was made, with interest at six percent
5 a year from the date of patent. The actual cost of survey of each
6 interior subdivision shall be determined by the commissioner [DIREC-
7 TOR]. For tracts conveyed to a preference right holder, the state
8 shall be reimbursed by the municipal corporation in the amount of the
9 survey costs of that tract as determined by the commissioner [DIREC-
10 TOR] within 30 days after the transfer of each tract. For tracts
11 conveyed, leased or otherwise disposed of by the municipal corpora-
12 tion, the fund shall be reimbursed by the municipal corporation in an
13 amount equal to 90 percent of the gross proceeds of the sale, lease or
14 other disposal of each tract until the total amount of the costs and
15 expenses of the survey, with interest, due the state is paid. The
16 total amount, with interest, shall be reimbursed to the state within
17 five years from the date of patent.

18 * Sec. 116. AS 38.10.050 is amended to read:

19 Sec. 38.10.050. REGULATIONS [RULES, REGULATIONS] AND PROCEDURES.

20 The commissioner of natural resources [, UPON RECOMMENDATION OF THE
21 DIRECTOR,] may establish reasonable procedures and adopt reasonable
22 [RULES AND] regulations necessary to carry out this chapter.

23 * Sec. 117. AS 38.35.220(c) is amended to read:

24 (c) Applications for pipeline permits which have been filed with
25 the Department of Natural Resources [DIVISION OF LANDS] before May 20,
26 1972 shall be considered as filed under this chapter but this does not
27 otherwise restrict the authority of the commissioner in acting on
28 these applications under this chapter; however, if the department
29 [DIVISION OF LANDS] has, before May 20, 1972, granted right-of-entry

1 to an applicant or issued a letter of no-objection to an applicant,
2 and the applicant thereafter fully complies with all of the terms and
3 conditions originally specified by the department [DIVISION OF LANDS]
4 or other agency, these applications are existing valid permits or
5 easements on May 20, 1972.

6 * Sec. 118. AS 38.50.010 is amended to read:

7 Sec. 38.50.010. AUTHORIZATION. Subject to the requirements of
8 this chapter, [THE DIRECTOR, WITH THE CONCURRENCE OF] the commissioner
9 [.] is authorized to dispose of state land or interest in land by
10 exchanging it for land, interest in land, or other consideration.
11 Exchanges shall be for the purpose of consolidating state land hold-
12 ings, creating land ownership and use patterns which will permit more
13 effective administration of the state public domain, facilitating the
14 objectives of state programs, or other public purposes.

15 * Sec. 119. AS 38.50.020 is amended to read:

16 Sec. 38.50.020. VALUE OF PROPERTIES EXCHANGED. (a) The land,
17 interest in land, and other consideration which the state receives in
18 an exchange made under this chapter shall be equal to or exceed the
19 appraised fair market value of the land, interest in land or property
20 exchanged, by the state; however, the commissioner [DIRECTOR] may
21 accept cash from, or pay cash to, any other party to an exchange in
22 order to equalize the value of the property or other consideration
23 conveyed and received by the state. If the commissioner [DIRECTOR]
24 determines that the property to be exchanged is not equal in appraised
25 fair market value or if the value cannot be ascertained with reason-
26 able certainty, the commissioner [DIRECTOR] may enter into an exchange
27 upon a finding [IF HE FINDS] that the appraised fair market value of
28 the property to be received, together with the value of other public
29 benefits, equals or exceeds the value of the property which the state

1 will relinquish. An exchange for other than equal appraised fair
2 market value is subject to legislative review as provided in AS 38.-
3 50.140 [SEC. 140 OF THIS CHAPTER].

4 (b) An appraisal required by this section is presumed accurate
5 and valid for a period of six months from the time the appraisal is
6 completed. After that time, or if the commissioner [DIRECTOR] has
7 reason to believe that the value of the appraised property has changed
8 significantly during the original six-month period, a reappraisal of
9 the property is required.

10 * Sec. 120. AS 38.50.030 is amended to read:

11 Sec. 38.50.030. PARTIES. (a) The commissioner [DIRECTOR] may
12 exchange land and interests [INTEREST] in land with a government
13 agency, organization, corporation, individual, or other person. At
14 the beginning of discussions concerning a proposed exchange, the
15 commissioner [DIRECTOR] shall require proof that each party to the
16 negotiations is the owner of, or is legally entitled to, the property
17 which the party desires to exchange and proof that a person acting as
18 an agent for a principal [THE PARTY] has the authority to negotiate an
19 exchange in behalf of the [HIS] principal.

20 (b) The commissioner [DIRECTOR] may negotiate an exchange in-
21 volving more than one party; however, in order to ascertain whether
22 the equal value requirements of this chapter have been met, the com-
23 missioner [DIRECTOR] shall consider only the land and other considera-
24 tion which the state would convey and receive if the exchange were
25 executed.

26 * Sec. 121. AS 38.50.040 is amended to read:

27 Sec. 38.50.040. LAND SUBJECT TO EXCHANGE. Except as otherwise
28 provided in AS 38.50.010 - 38.50.170, the commissioner [DIRECTOR] is
29 authorized to convey for purposes of exchange any state land or

1 interest in land regardless of the authority under which the land or
2 interest was obtained by the State. The conveyance of university land
3 shall be approved in the manner prescribed in AS 38.05.030.

4 * Sec. 122. AS 38.50.050 is amended to read:

5 Sec. 38.50.050. CONVEYANCE OF MINERAL RIGHTS. Subject to the
6 requirements of this chapter, the commissioner [DIRECTOR] is autho-
7 rized to exchange mineral rights in state land to the extent that the
8 conveyance is authorized by the state constitution and applicable
9 federal law. The commissioner [DIRECTOR] may not exchange or receive
10 the surface estate of land or the mineral rights in it, one without
11 the other, unless the separation of estate is necessitated by a prior
12 separation of ownership or by restrictions in applicable law, or the
13 commissioner [DIRECTOR] otherwise finds that the conveyance or receipt
14 of the surface or mineral estates, one without the other, is necessary
15 to achieve a significant public purpose.

16 * Sec. 123. AS 38.50.060 is amended to read:

17 Sec. 38.50.060. RESERVATIONS AND COVENANTS. The commissioner
18 [DIRECTOR] may include in any patent or other instrument issued under
19 this chapter any reservations and covenants relating to the land which
20 the commissioner [HE] he considers necessary to protect or promote the
21 public interest. Reservations and covenants may include, but are not
22 limited to, those relating to access, environmental protection, and
23 use or development rights. The commissioner [DIRECTOR] may receive
24 land which is subject to reservations and covenants if the commis-
25 sioner [HE] finds that the reservations and covenants are consistent
26 with the public interest.

27 * Sec. 124. AS 38.50.080 is amended to read:

28 Sec. 38.50.080. PROHIBITION AGAINST FUTURE CONSIDERATIONS AND
29 ALIENATION OF SELECTION RIGHTS. (a) The commissioner [DIRECTOR] may

1 not negotiate or enter into a land exchange agreement which requires
2 the identification of land, interest in land, or other consideration,
3 except for the performance of necessary survey work, at any time after
4 the agreement is initially executed.

5 (b) The commissioner [DIRECTOR], in implementing the provisions
6 of this chapter, may not alienate or agree not to exercise selection
7 rights granted to the state in the Alaska Statehood Act or other
8 applicable law authorizing the state to select land or interest in
9 land.

10 * Sec. 125. AS 38.50.090 is amended to read:

11 Sec 38.50.090. COORDINATION WITH OTHER STATE AGENCIES. (a)
12 During the negotiation of a land exchange, the commissioner [DIRECTOR]
13 shall consult with other departments [AND OTHER DIVISIONS OF THE
14 DEPARTMENT OF NATURAL RESOURCES] relative to matters which are within
15 their jurisdiction. If land under the jurisdiction of a state agency
16 other than the Department of Natural Resources may be involved in a
17 proposed exchange, the commissioner [DIRECTOR] shall afford the head
18 of that agency an opportunity to participate in the discussions re-
19 specting the land.

20 (b) The commissioner [DIRECTOR] shall be afforded an opportunity
21 to review and comment on any land exchange proposed by a state agency
22 other than the Department of Natural Resources.

23 * Sec. 126. AS 38.50.100 is amended to read:

24 Sec. 38.50.100. FINDING REQUIREMENT AS TO ALTERNATIVES. Before
25 circulating notice under AS 38.50.110 [SEC. 110 OF THIS CHAPTER], the
26 commissioner [DIRECTOR] shall consider other alternatives to achieve
27 the objectives of the proposed exchange in an effort to determine
28 whether the proposed exchange will best serve the public interest. In
29 making this determination, the commissioner [DIRECTOR] shall consider,

1 among other things, the advantages and disadvantages of acquiring the
2 land or interest in land for the state by means of purchase, lease, or
3 selection under the Alaska Statehood Act, or condemnation. In addi-
4 tion, the commissioner [HE] shall consider alternatives to the dis-
5 posal through exchange of the state land or interest in land, includ-
6 ing, but not limited to, lease or sale.

7 * Sec. 127. AS 38.50.110(a) is amended to read:

8 (a) Not more than 60 days nor less than 30 days before a public
9 hearing is scheduled under AS 38.50.120 the commissioner [DIRECTOR]
10 shall circulate a notice containing the information specified in (b)
11 of this section. The commissioner [DIRECTOR] shall

12 (1) publish or post the notice as provided in AS 38.05.345,
13 except as otherwise specified in this section; the commissioner [
14 THE DIRECTOR] shall publish the notice in a newspaper of general
15 circulation in the vicinity of the land which the state will receive
16 and in the three most populated cities of the state;

17 (2) mail the notice to any person who has filed a request
18 for notice of proposed exchanges;

19 (3) mail the notice to each member of the legislature;

20 (4) mail the notice to each municipality the boundaries of
21 which encompass or are located within six linear miles of land in-
22 volved in the proposed exchange;

23 (5) circulate the notice to the Office of the Governor and
24 to all state departments;

25 (6) Repealed.

26 (7) mail the notice to any corporation organized under the
27 Alaska Native Claims Settlement Act, which corporation owns or has
28 selected land located within a radius of 15 linear miles from land or
29 property involved in the proposed exchange; and

1 (8) mail the notice to any other party, including an orga-
2 nization of land users, that the commissioner [HE] considers appropri-
3 ate.

4 * Sec. 128. AS 38.50.120 is amended to read:

5 Sec. 38.50.120. PUBLIC HEARINGS. (a) The commissioner [DIREC-
6 TOR] may hold as many public hearings as is considered appropriate.
7 There shall be at least one public hearing.

8 (b) A person who desires to testify at a hearing shall be pro-
9 vided an opportunity to do so, subject to reasonable time limits. In
10 addition, the commissioner [DIRECTOR] shall hold the hearing record
11 open for at least two weeks following the conclusion of a hearing in
12 order to receive supplemental or additional statements.

13 * Sec. 129. AS 38.50.130 is amended to read:

14 Sec. 38.50.130. REPORT ON PROPOSED EXCHANGE. (a) In conjunc-
15 tion with the public notice required by AS 38.50.110, the commissioner
16 [DIRECTOR] shall prepare and distribute the report required by this
17 section to the parties listed in AS 38.50.110(a)(2) - (8) and to any
18 other party who requests it. The report shall contain, among other
19 things, a copy of the notice required by AS 38.50.110 and a discussion
20 in a concise format designed to facilitate public understanding of the
21 issues of

22 (1) the physical characteristics of the land involved,
23 including the surface and mineral resources associated with the land;

24 (2) the appraised fair market value of each tract involved
25 in the exchange or, if the exchange is for other than equal appraised
26 fair market value, the nonmonetary values which are involved;

27 (3) the benefits and detriments which can be expected to
28 accrue, including possible social, economic, and environmental im-
29 pacts; and

1 (4) alternatives to the proposed exchange.

2 (b) Upon termination of the period provided for agency and
3 public comment, the report and the proposed land exchange may be
4 revised, if appropriate, to reflect comments or other information
5 which has come to the commissioner's [DIRECTOR'S] attention. A brief
6 summary of all comments and information received shall be appended to
7 the report.

8 * Sec. 130. AS 38.50.140 is amended to read:

9 Sec. 38.50.140. LEGISLATIVE REVIEW. Within 10 days of the
10 convening of a regular legislative session, the governor shall trans-
11 mit to the president of the senate and the speaker of the house of
12 representatives any proposal for a land exchange for other than equal
13 appraised fair market value which is scheduled to occur before the
14 next legislative session. If, in the view of the governor [HIS VIEW],
15 exigent circumstances seriously affecting state interests so require,
16 the governor may submit the proposed exchange to the legislature at
17 some other time. A finding of exigent circumstances shall be care-
18 fully documented in the letter of transmittal. The commissioner
19 [DIPECTOR] is authorized to conclude a proposed exchange agreement
20 unless either house of the legislature by simple resolution disap-
21 proves of the exchange within 60 legislative days of transmittal by
22 the governor. A decision by the legislature to disapprove a proposed
23 exchange shall be accompanied by a recommendation to the governor with
24 respect to future actions which the commissioner [DIRECTOR] should
25 take concerning the exchange.

26 * Sec. 131. AS 38.50.150 is amended to read:

27 Sec. 38.50.150. EXECUTION OF EXCHANGE. If a deed, contract of
28 exchange, or other instrument of conveyance which the commissioner
29 [DIRECTOR] receives to effectuate an exchange is properly executed,

1 acknowledged, and authorized by the appropriate party, the commis-
2 sioner [DIRECTOR] shall accept conveyance of title to the land and
3 other property which the state is to receive as consideration, and
4 [HE] shall issue a patent, contract of exchange or other instrument of
5 conveyance to the appropriate party for the property which the commis-
6 sioner [HE] is then obligated to convey. Before acceptance by the
7 commissioner [DIRECTOR] of a deed, contract of exchange or other
8 instrument, no action taken by the commissioner [HIM] or by any other
9 state official creates a right against the state with respect to state
10 land.

11 * Sec. 132. AS 38.50.170(2) is repealed.

12 * Sec. 133. AS 38.95.080(a) is amended to read:

13 (a) The commissioner of natural resources [DIRECTOR OF THE
14 DIVISION OF LANDS] shall issue a nontransferable permit for the con-
15 struction of a trapping cabin on state land to a person who meets the
16 following qualifications:

17 (1) the person must have an established trapline with proof
18 of regular use;

19 (2) the person must have a trapline of sufficient length to
20 justify the need for cabin construction.

21 * Sec. 134. AS 38.95.080(b) is amended to read:

22 (b) Nothing in (a) of this section prevents the commissioner
23 [DIRECTOR] from issuing a permit to more than one qualified person for
24 the construction and use of the same trapping cabin.

25 * Sec. 135. AS 38.95.080(c) is amended to read:

26 (c) The commissioner [DIRECTOR] shall establish, by regulation,
27 conditions attaching to the permit issued under (a) and (b) of this
28 section. These conditions shall include the following:

29 (1) permits shall be issued for a period of not more than

1 10 years, with succeeding 10-year renewal options, if periodic use and
2 occupancy is established, and the qualifications of (a) of this sec-
3 tion continue to be met;

4 (2) a cabin shall be constructed and maintained according
5 to reasonable specifications established by the commissioner [DIREC-
6 TOR]; one cabin constructed under a permit may contain not more than
7 400 square feet; however, in no case may another cabin constructed
8 under the same permit exceed 192 square feet;

9 (3) a permit shall specify the number of cabins allowed to
10 be constructed and indicate their specific geographical location; the
11 commissioner [DIRECTOR] may establish a maximum number of cabins per
12 person or otherwise limit their number because of the probability of
13 adverse consequences;

14 (4) adequate provision must be made for waste and garbage
15 disposal, as determined by the commissioner [DIRECTOR];

16 (5) the payment of a trapping cabin permit fee of \$10.

17 * Sec. 136. AS 40.15.070 is amended to read:

18 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be
19 subdivided or dedicated is situated within a first or second class
20 borough the proposed subdivision or dedication shall be submitted to
21 the borough planning commission for approval. If the land is situated
22 within a city in the unorganized borough or the third class borough
23 the proposed subdivision or dedication shall be submitted to the city
24 planning commission for approval. The borough planning commission is
25 the platting authority for the first or second class borough, the city
26 planning commission is the platting authority for the city, and the
27 Department of Natural Resources [DIVISION OF LANDS] is the platting
28 authority in the remaining areas of the state and third class borough
29 for the change or vacation of existing plats or a portion of such

1 plats, as provided in AS 40.15.075 [SEC. 75 OF THIS CHAPTER]. If the
2 borough or the city does not have a planning commission, the borough
3 assembly or the city governing body, respectively, is the platting
4 authority and the proposed subdivision or dedication shall be submit-
5 ted to it. No subdivision may be filed for record until it is ap-
6 proved by the platting authority.

7 * Sec. 137. AS 40.15.075 is amended to read:

8 Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH AND THIRD
9 CLASS BOROUGH. The Department of Natural Resources [DIVISION OF
10 LANDS] is the platting authority in the area outside organized bor-
11 oughs and outside cities in the unorganized borough and in the third
12 class borough for only the purposes of hearing and acting on petitions
13 for the change or vacation of plats and shall execute this function
14 substantially in conformity with the provisions of AS 29.33.210 -
15 29.33.240. Costs of publication and mailing as well as other costs
16 authorized in AS 29.33.210 shall be paid to the department [DIVISION]
17 by the petitioner. The commissioner of natural resources [DEPARTMENT
18 OF NATURAL RESOURCES] shall adopt reasonable regulations governing the
19 exercise of the authority conferred by this section upon the depart-
20 ment [DIVISION OF LANDS].

21 * Sec. 138. AS 41.15.040 is amended to read:

22 Sec. 41.15.040. RIGHT OF ENTRY TO CONTROL AND SUPPRESS FIRES.
23 Upon approval by the commissioner or an [HIS] authorized agent, em-
24 ployees of the Department of Natural Resources [DIVISION OF LANDS], or
25 of any organization authorized to prevent, control or suppress fires
26 or destructive agents, and others assisting in the control or sup-
27 pression of fires upon request of an officer or employee of the United
28 States or the state may at any time enter upon any land [LANDS],
29 whether publicly or privately owned, for the purpose of preventing,

1 suppressing or controlling forest fires and destructive agents.

2 * Sec. 139. AS 41.17.030(a) is amended to read:

3 (a) The division shall manage state forests and, as directed by
4 the commissioner, provide technical advice to the department [DIVISION
5 OF LANDS] on sound forest practices necessary to ensure the continuous
6 growing and harvesting of commercial forest species on other state
7 land.

8 * Sec. 140. AS 44.19.056 is amended to read:

9 Sec. 44.19.056. COMPOSITION. The State Geographic Board con-
10 sists of the commissioner [DIRECTOR] of the Department of Community
11 and Regional Affairs, the curator of the state museum, the state
12 historical librarian, the commissioner of the Department of Transpor-
13 tation and Public Facilities, the commissioner of the Department of
14 Natural Resources, the commissioner of the Department of Education,
15 [THE DIRECTOR OF THE DIVISION OF LANDS,] and two [ONE] other persons
16 [PERSON] appointed by the governor.

17 * Sec. 141. AS 44.62.330(a)(9) is amended to read:

18 (9) Department of Natural Resources [DIVISION OF LANDS]
19 under the Alaska Land Act where applicable

20 * Sec. 142. AS 45.50.235(b) is amended to read:

21 (b) Timber property which becomes state property under the
22 provisions of this section may be sold under terms and conditions
23 established by the commissioner [DIRECTOR OF THE DIVISION OF LANDS].

24 * Sec. 143. AS 46.15.133(a) is amended to read:

25 (a) Upon receipt of an application, the commissioner shall
26 prepare a notice containing the location and extent of the proposed
27 appropriation, the name and address of the applicant and other infor-
28 mation the commissioner [HE] considers pertinent. The notice shall
29 state that within 15 days of publication or service of notice, persons

1 may file with the commissioner [DIRECTOR] written objections, stating
2 the name and address of the objector, and any facts tending to show
3 that rights of the objector or the public interest would be adversely
4 affected by the proposed appropriation.

5 * Sec. 144. AS 46.15.133(b) is amended to read:

6 (b) The commissioner shall publish the notice at the applicant's
7 expense in one issue of a newspaper of general distribution in the
8 area of the state in which the water is to be appropriated. The
9 commissioner shall also have notice served personally or by certified
10 mail upon an appropriator of water or applicant for or holder of a
11 permit who, according to the records of the Department of Natural
12 Resources [DIVISION OF LANDS], may be affected by the proposed appro-
13 priation and may serve notice upon any governmental agency, political
14 subdivision or person; notice shall also be served upon the Department
15 of Fish and Game and the Department of Environmental Conservation.

16 * Sec. 145. AS 46.15.260(7) is repealed.

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 22, 1983

SUBJECT: Title 38

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

FROM: David R. Dierdorff
Revisor of Statutes

We have completed our initial work in preparation for the replacement of the Title 38 pamphlet. In addition to the items which will be taken care of by Michie employees, which I will assume to include a standard editorial note for each section which is redrafted under AS 01.05.031(c) and sec. 4, Chapter 58, SLA 1982, we have the following editorial instructions:

Add a revisor's note to AS 38.04, AS 38.05, AS 38.08, AS 38.10, AS 38.50 and AS 38.95 as follows:

"Through administrative reorganization, the Department of Natural Resources has eliminated the division of lands. Duties and responsibilities given to the division of lands under this chapter have been assigned to other divisions of the department. Duties and responsibilities given to the director of the division of lands under this chapter have been assigned to the deputy commissioner for operations, who had been given the additional title 'director of lands'."

For your information, legislation may be introduced this session to correct the references in Title 38 to the division of lands. The Departments of Natural Resource and Law have been informed of the need to correct this problem, but have declined to take any action. It is our opinion that an administrative change of a division with the statutory status of the division of lands can not be accomplished without an executive order or legislative enactment. It has been suggested that the revisor should make the

necessary changes either through the revisor's bill or the exercise of editorial powers. However, we have declined to do so in light of the legislative history in this matter. As of this writing, we have been asked by the Senate Resources Committee to prepare a bill eliminating all references to the division and the director and substituting the department and the commissioner as appropriate. We will keep you posted on legislative developments.

AS 38.04.020(c). In the next to last sentence, delete the first "the" and insert "a".

AS 38.04.020(g). Change the four spanned references in this subsection to "this chapter", "AS 38.05" and "AS 38.08" as appropriate.

AS 38.04.020(i). Change the spanned reference to "AS 38.08".

AS 38.04.020(j). In the third sentence, change the second internal reference to "AS 38.05.945" to reflect renumbering. Rewrite the last sentence to read:

"The commissioner shall determine in writing within six months of the receipt of a nomination whether the land will be classified or reclassified as requested."

AS 38.04.035. In the second line, delete "lands" and insert "land".

AS 38.04.040. Change the spanned reference to "this chapter".

AS 38.04.065(a). I will add a section to the revisor's bill deleting the reference to AS 38.05.305 and substituting a reference to AS 38.05.345.

AS 38.04.065(g). Delete "he determines to be" and insert "determined". Change the spanned reference to "this chapter".

AS 38.04.900(a). In the first sentence, change the spanned reference to "AS 44.62" and delete "he believes are" and insert "believed". In the second sentence, delete "the effective date of this act" and insert "July 19, 1978" in both occurrences. In the third sentence, correct the typo

by adding an "s" to "regulation" (an error memo, number 83-026, was sent to Cliff Anderson on February 21, 1983).

It is my belief that everything after the first sentence of this subsection should have been placed in temporary law. I will add a section to the revisor's bill proposing repeal of that material.

AS 38.04.910. In the first line, change the spanned reference to "this chapter".

AS 38.04.910(10). Delete "lands" and insert "land".

Add an editor's note as follows:

"For additional areas designated as state recreation areas, see AS 41.20.491 - 41.20.505; for additional areas designated as state parks see AS 41.20.460 - 41.20.490."

A section has been added to the revisor's bill which would repeal and reenact AS 38.04.910(8). If it passes this session, the editor's note above can be deleted and a cross reference note will be necessary. I will send the text of that note with the enrolled bill if we get that far.

AS 38.05.020(a). Delete "land division" and insert "division of lands".

AS 38.05.020(b)(1). Delete "rules and" in both occurrences. Rewrite the last clause to read:

"orders classifying land issued by the commissioner after January 3, 1959, are not required to be adopted under the Administrative Procedure Act (AS 44.62);".

AS 38.05.020(b)(2). Delete "which he considers" and insert "considered".

AS 38.05.020(b)(5). Delete "he finds that".

AS 38.05.020(c). Extract this subsection and move to AS 38.35 as a new section to be numbered AS 38.35.015. The catchline for the new section should read "Powers of the commissioner." Make the following editorial changes:

Elizabeth E. Pincus
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In the second and third lines, delete "the Alaska Right-of-Way Leasing Act of 1972 (AS 38.35)" and insert "this chapter".

In the third line, delete "he in".

In the fourth line, delete "his".

In (7), delete "Act" and insert "chapter".

Since most of the annotations to AS 38.05.020 relate to regulations adopted under this (and other) sections, it would be helpful to users to divide the annotations clearly into those interpreting the section or determining whether a regulation was within the scope of the powers given by this section, and those interpreting the regulation or otherwise involving the regulation. You will, of course, have to segregate out those annotations which will have to appear under new AS 38.35.015.

AS 38.05.015 a). Delete "his" and insert "the". Insert "of the commissioner" following "authority." Delete "as defined in AS 01.10.060(7)".

AS 38.05.030(a). Change the spanned references to "this chapter" and "AS 38.50" respectively. Delete "lands" and insert "land" in both occurrences.

AS 38.05.030(b). Change the spanned reference to "this chapter". Delete both references to the Departments of Public Works and Highways and insert "Department of Transportation and Public Facilities". Delete "Lands" and insert "Land".

AS 38.05.030(d). Delete "Highways" and insert "Transportation and Public Facilities".

Enclosed is an Attorney General's opinion dated April 14, 1977, which should be considered for inclusion in the annotations to AS 38.05.030 and the other sections discussed in the opinion. We suggest:

"The interaction of AS 38.05.030(b), 38.05.035(a)(7) and (12), AS 35.05.040(1), and AS 35.20.010 was examined to determine (1) which agency of the state had authority to accept title to land transferred by the federal government and (2) which agency had authority

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

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

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

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

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

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

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

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

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

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

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

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

"(e) When the director makes a written finding, which shall be available to the public upon request, that the interests of the state will be best served, the director may, with the consent of the commissioner, approve contracts for the sale, lease, or other disposal of available land, resources, property or interests in them, and, in addition to the conditions and limitations imposed by law, impose additional conditions or limitations in the contracts as the director, with the consent of the commissioner, determines will best serve the interests of the state. No contract for the sale, lease, or other disposal of available land or interest in land is legally binding on the state until the commissioner formally consents or approves the contract; but if the appraised value is not greater than \$50,000 in the case of the sale of land or interest in land, or \$5,000 in the case of the annual rental of land or interest in land, the director may approve and issue the contract without the consent or approval of the commissioner. Before a public hearing, if held, or in any case no less than 21 days before the sale, lease, or other disposal of available land, resources, property, or interests in them, the director shall make available to the public a written decision which sets out the facts and applicable law upon which the director based the determination that the sale, lease, or other disposal will best serve the interests of the state. A written finding is not required before the approval of . . . ((paragraphs (A), (B) and (C) are unchanged, but should be renumbered (1), (2) and (3)))."

AS 38.05.035(b)(1). Following "delegate", delete "the". Delete "imposed upon him".

AS 38.05.035(b)(3). In the seventh line, following "time", insert a comma.

AS 38.05.035(b)(4). In the first line, delete "lands" and insert "land" and delete "their" and insert "the". In the second line, delete "his" and insert "the". In the same line, insert "of the director" following "judgment".

AS 38.05.035(b)(5). In the first line, delete "he" and insert "the director". In the second line, delete "his" and insert "that person's". In the third line, delete "that" and insert "the". In the fourth line, delete "his" and insert "that person's".

AS 38.05.035(b)(7)(A). Delete "he" and insert "the director".

AS 38.05.035(b)(8). Change the spanned reference to "this chapter".

AS 38.05.035(d). In the first sentence, change the internal reference to "AS 38.05.840" to reflect renumbering.

Add a revisor's note to the section substantially as follows:

Former paragraph (14) of subsection (a) was renumbered as subsection (e) pursuant to AS 01.05.031(b)(2), as the paragraph sets forth discretionary powers of the director rather than mandatory duties.

AS 38.05.036(a). Change the spanned reference to "this chapter".

AS 38.05.036(b). Change the spanned reference to "this chapter".

AS 38.05.036(c). Change both spanned references to "AS 43".

AS 38.05.036(d). Change both spanned references to "AS 43".

AS 38.05.036(e). Change the spanned reference to "this chapter".

AS 38.05.037(b)(1). Delete "lands" and insert "land" in both occurrences.

AS 38.05.037(b)(2). Delete "AS 46.35" and insert "AS 46.40". Add a revisor's note describing the change and incorporating the relevant portion of the material now in the editor's note. Delete the editor's note.

AS 38.05.037. Enclosed is a memorandum opinion of the Attorney General dated January 3, 1980, which should be considered for annotation to this section. We suggest:

"The zoning power vested in the Department of Natural Resources under AS 38.05.037 is broad enough to encompass the creation of historical districts as a control over land use. The exercise of that authority does not, however, make the property eligible for historic

preservation loans under AS 45.98, which is aimed solely at historic districts established by municipalities. Mem. Opn. Att'y Gen., January 3, 1980."

AS 38.05.040. In the first line, delete "his" and insert "any". In the third line delete "his" and insert "all". In the fifth line, delete "him" and insert "the director" and delete "his". In the sixth line, following "agents" insert "of the director".

AS 38.05.045. Delete the editor's note which immediately precedes this section (following the Article analysis), since Chapter 47, SLA 1982, terminates (self-destructs?) July 1, 1983.

Change the second spanned reference to "AS 38.08". Please note that in addition to being one of the instances of the now old style of spanned reference, this reference incorrectly omitted "AS", as there was a chapter change from the immediately preceding reference. See pages 31-2 of the drafting manual.

In the first sentence, delete "lands" and insert "land" in both occurrences and delete "shorelands" and insert "shoreland".

In the second sentence, delete "lands" and insert "land" and delete "-38.05.348" and insert ", 38.05.321, 38.05.810 - 38.05.870, 38.05.920, 38.05.945 and 38.05.946".

AS 38.05.055. In the first sentence, delete the second and third "under" and change the spanned references to "this chapter", "AS 38.07" and "AS 38.08" respectively. In the fifth sentence, delete "or his representative," and in the sixth sentence, delete "or his representative". A cross reference should be added as follows:

"For terms required in a contract of sale for land sold under this section, see AS 38.05.065(a)."

AS 38.05.057. This section has numerous problems, some of which will have to await the next piece of legislation affecting it, one or two of which we can try to remedy through the revisor's bill, and a few of which we can take care of at this time. The section will need a note as follows, in addition to the standard editor's note relating to redrafting to remove offensive pronouns:

"AS 38.05.055, referred to in (g) of this section, was amended by sec. 15, Chapter 113, SLA 1981. One of the changes was the deletion of language relating to the form of contract. See AS 38.05.065(b) for the terms required in contracts of sale for land sold under this section."

In addition, for user convenience, it would be a good idea to add a cross reference to the section duplicating, in part, the material suggested above for an editor's note (the only duplication would be the last sentence).

I will add a section to the revisor's bill amending (g) to reflect the 1982 changes. However, be prepared to publish with the above note in the event the revisor's bill does not pass during this session. The cross reference will still be required.

AS 38.05.057(a). In the third sentence, delete "if he determines" and insert "on a determination that". Rewrite the fourth sentence to read:

"The commissioner shall consult with the assessor of a municipality before determining the purchase price for land which is located in the municipality and which is to be sold under this section."

In the fifth sentence, delete "or his representative". In the sixth sentence, delete "he" and insert "the applicant".

AS 38.05.057(b). Delete "a potential purchaser" and insert "an applicant". Add to the revisor's note the following:

"In subsection (b), in the first sentence, the words 'an applicant' were substituted for 'a potential purchaser' by the revisor of statutes under AS 01.05.031 in order to attain uniformity in terminology."

AS 38.05.057(b) (2). Rewrite the paragraph to read:

"(2) have been a resident of the state for not less than one year immediately preceding the date of application and submit proof of that fact as required by regulation;"

AS 38.05.057(b) (3). Rewrite the paragraph to read:

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

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

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

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

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

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

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

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

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

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

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

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

AS 38.05.058(d). In the first sentence, delete "his" and substitute "the person's".

AS 38.05.058(f). In the second and third lines, delete "the eligibility requirements set out" and insert "is a veteran as defined". In the third line delete "(veterans' preference)".

The section will obviously need an editor's note as to the redrafting of subsections (b) and (d) to eliminate gender-filled pronouns and a revisor's note with respect to the reorganization of material from (c) to new (g) and the redrafting of (f). The revisor's note should be as follows:

"Subsection (f) of this section was redrafted by the revisor of statutes under AS 01.05.031. Subsection (g) was formerly the second sentence of (c) of this section and was renumbered by the revisor of statutes under AS 01.05.031."

AS 38.05.060. In the second sentence, delete "Lands" and insert "Land" and delete "their" and insert "its". Add a revisor's note describing the change and citing AS 01.-05.031.

AS 38.05.065(c). In the second sentence, delete "which he considers" and insert "considered". In the third sentence, change the spanned reference to "this chapter".

AS 38.05.067(a). Delete "lands" and insert "land".

AS 38.05.067(b). In the first sentence, delete "the lands" and insert "land" and delete "their" and insert "the". In the second sentence, delete "lands" and insert "land" and delete "are" and insert "is".

AS 38.05.068(a). In the last line, delete "his" and insert "a"; delete "he" and insert "the permittee or a successor in title of the permittee".

AS 38.05.068(b). Delete "other" and insert "the".

AS 38.05.068(c) and (d). Delete "his successor" and insert "the successor of a permittee".

AS 38.05.069(a). In the second line, delete "if he determines". In the third line, delete "he" and insert "the

Elizabeth E. Pincus
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director". In the seventh line, delete "his presently held land" and insert "land presently held by the Alaska resident".

AS 38.05.069(c)(2), (3) and (4). Delete "his" and insert "their".

AS 38.05.069(d). Delete "other" and insert "the".

AS 38.05.069(e). Delete "For the purposes of" and insert "In".

AS 38.05.070(b). In the second sentence, delete "he considers".

AS 38.05.075. Delete "or his representative" in both occurrences (fourth and fifth sentences). In the third sentence, delete "lands" and insert "land" in both occurrences. In the fourth sentence (first line on page 33 of the supplement), delete "his" and insert "the".

AS 38.05.077(c). In the first sentence, delete "he" and insert "the person".

AS 38.05.077(g). In the second line, delete "his" and insert "the". Correct the spelling of "previously" (see error memo 83-054, sent March 21, 1983).

AS 38.05.077(h). In the second line, delete "his" and insert "the" and in the fifth line, delete "he" and insert "the director".

AS 38.05.077(i)(2). Rewrite the paragraph to read:

"(2) have been a resident of the state for not less than one year immediately preceding the date of application and submit proof of that fact as required by regulation; and"

AS 38.05.077(i)(3). Rewrite the paragraph to read:

"(3) not have previously leased a remote parcel from the state within eight years immediately preceding the date of staking a remote parcel and certify that fact in the application."

In the notes to AS 38.05.077, make the following changes:

The first paragraph of the editor's note should be made a cross reference. The second paragraph should be included in the revisor's note rather than the editor's note. The last two paragraphs are probably obsolete by now.

AS 38.05.078(a). Rewrite the subsection to read:

"(a) A lessee of a remote parcel who surveys the land before expiration of the lease or a renewal of the lease may purchase the land."

Delete the material presently in the editor's note as it is apparently obsolete and add an editor's note as follows (in addition to the standard language relating to the gender surgery):

"Subsection (f) of this section defines a term which was eliminated from this section by the 1981 amendment."

I will add to the revisor's bill a proposed repeal of (f). Note also that (b), referred to in (e) has been repealed. That should be apparent to users, however, so a note is probably not necessary.

A section has been added to the revisor's bill proposing an amendment to (e) to cure the present defect.

AS 38.05.079(a). Two of the statutes referenced in this subsection, AS 38.05.047 and 38.05.305, have been repealed. The solution is not as easy as it might appear, so I am working with the Department of Law on a section for the revisor's bill. Be prepared to add a note pointing out the repealed references.

AS 38.05.079(d). Delete "his assigns" and insert "the assigns of the permittee".

AS 38.05.082(a). Delete "lands" and insert "land" in both occurrences.

AS 38.05.082(b). In the first sentence, delete "lands" and insert "land". In the fourth sentence, delete "his" in both occurrences and insert "the"; following "fishing sites" insert "of the applicant"; and following "ability" insert

"of the applicant". In the fifth sentence, delete "he" and insert "the director".

AS 38.05.082(d). Change the archaic reference to "AS 38.-05.095 - 38.05.100". Note that AS 38.05.100 has been repealed. AS 38.05.102 authorizes a renewal and was enacted as a part of the bill repealing AS 38.05.100. Consequently, the note should include a reference to the present provisions in AS 38.05.102. Further, the subsequent enactment of AS 38.05.097 and 38.05.098, neither of which deal with subleasing or renewals, has eroded completely the validity of the spanned reference. I will add a provision to the revisor's bill proposing appropriate amendments.

AS 38.05.082(e). Delete "lands" and insert "land".

AS 38.05.085(a)(1). Change the spanned reference to "this chapter".

AS 38.05.085(b). In the second sentence, delete "he" and insert "the lessee". In the fourth sentence, delete "his" and insert "an".

AS 38.05.085(d). Delete "his" and insert "the" and delete "he" and insert "the lessee".

AS 38.05.085(f). Change the spanned reference to "this chapter".

AS 38.05.085(g)(3). Change the spanned reference to "AS 44.62".

AS 38.05.087(b). Delete "other" and insert "the".

AS 38.05.090(a). In the first sentence, delete "him" and insert "the lessee". In the last sentence, delete "his".

AS 38.05.090(c). Delete "lands" and insert "land".

AS 38.05.095(a). Rewrite the subsection to read:

"(a) Except as provided in (b) of this section, a lessee may sublease or assign the leased land or a portion of it if, after application to the director, the director issues a permit. The director may issue a permit upon a finding that it is in the best interests of the state to do so."

AS 38.05.095(b). Change the internal reference to "AS 38.05.815" to reflect renumbering.

AS 38.05.097(a). Change two internal references from AS 38.05.315 to "AS 38.05.815" to reflect renumbering.

AS 38.05.098(a). Rewrite the last sentence to read:

"An exemption may not be granted for a portion of the leased real property which is used for a purpose other than as the permanent place of abode of the leaseholder."

AS 38.05.098(b). In the third sentence, delete "he" and insert "the commissioner". In the fourth sentence, delete "in the form he considers necessary". In addition to the standard note relating to the removal of an obnoxious pronoun, it might be desirable to note that AS 38.05.020 gives the commissioner adequate authority to prescribe the form and extent of proof required under AS 38.05.098.

AS 38.05.102. Delete "if he finds" and insert "upon a finding". Note that AS 38.05.100 has been repealed.

AS 38.05.103(b). In the sixth line, note the typo which resulted in the misspelling of the word "covenants". An error memo (83-041) was sent to Cliff Anderson on March 3, 1983.

AS 38.05.105(a). In the third sentence, delete "of the division of lands".

AS 38.05.110. Delete "lands" and insert "land". Delete "his". Note that the word "proved" in the second line should have been "provide". An error memo (83-042) was sent to Cliff Anderson on March 3, 1983.

AS 38.05.115(a). In the third sentence, delete "he considers".

AS 38.05.118(c). Delete "he" and insert "the director".

Note that AS 38.05.305, referenced in AS 38.05.118(b), was repealed by sec.45, Chapter 113, SLA 1981. We should add a note to the section informing users of the repeal. I am working with the Department of Law on an appropriate section for the revisor's bill which will unravel the mess created

by the repeal of AS 38.05.305 and redrafting of AS 38.05.345.

AS 38.05.120. In the third and fifth sentences, delete "or his representative". In the next to last sentence, delete "he" and insert "the director".

AS 38.05.125. Delete everything after "under" in the first line on page 43 of the supplement and delete everything before "except" in the second line on page 43, and insert "AS 38.05.045 - 38.05.120, 38.05.321, 38.05.810 - 38.05.821, AS 38.08, or AS 38.50".

Restore the quotation mark at the end of the text. (See error memo 83-049 sent to Cliff Anderson on March 18, 1983).

Delete the second paragraph of the editor's note.

AS 38.05.127(a) and (b). In both instances, delete "Department of Natural Resources" and insert "department".

AS 38.05.127(d). Change the spanned reference to "AS 29.18".

AS 38.05.135(a). In the first sentence, delete "deposit" and insert "deposits" (see error memo 83-002) and delete "lands" and insert "land".

In the second sentence, delete "lands" and insert "land" and delete "shorelands" and insert "shoreland".

In the third sentence, delete "lands" and insert "land".

AS 38.05.135(b). Change the internal reference to AS 38.05.345 to "AS 38.05.945" to reflect renumbering. As noted, AS 38.05.305 was repealed. Consequently, delete "AS 38.05.305 and".

AS 38.05.137. In the first sentence, delete "lands" and insert "land" and delete "are" and insert "is".

AS 38.05.140(a). Delete "lands" and insert "land" in three occurrences.

AS 38.05.140(b). In the second sentence, delete the first "he" and insert "the commissioner" and delete "he prescribes" and insert "adopted by the commissioner".

AS 38.05.140(d). In the ninth line, delete "in his judgment" and insert "the commissioner determines that". In the tenth line, delete "whenever in his judgment" and insert "that".

AS 38.05.140(f). Delete "shorelands" and insert "shoreland".

AS 38.05.145(a). In the third line, delete "lands" and insert "land". In the fourth line, delete "rules and". In the fifth line, delete "provision" and insert "provisions". See error memo 83-050, sent March 18, 1983.

AS 38.05.150(a). Delete "lands" and insert "land".

AS 38.05.150(b). In the first sentence, delete "on his own motion" and insert "otherwise" and delete "lands" and insert "land". In the second sentence, delete everything following "method" and insert "prescribed by regulation".

AS 38.05.150(c). In the second sentence, delete "his" and insert "the". In the third sentence, delete "if he finds" and insert "(1) on a determination"; following "exploration," insert "(2)"; and delete everything following "reasons" and insert "the commissioner determines warrant extension."

AS 38.05.150(d). In the first sentence, delete "lands" and insert "land".

In addition to the standard editor's note on neuterizing, we should add a revisor's note justifying the other redrafting of (b) and (c) under AS 01.05.031(b)(10).

AS 38.05.155(a). In the first sentence, delete "lands" and insert "land" and delete "in his judgment". In the second sentence, delete everything following "methods" and insert "prescribed by regulation".

AS 38.05.165(a). In the second sentence, delete "lands" and insert "land". In the fourth sentence, delete "his" and insert "the". In the fifth sentence, delete "lands" and insert "land" and delete everything following "methods" and insert "prescribed by regulation".

AS 38.05.170(a). In the first sentence, delete "rules and" and delete "prescribed" and insert "adopted". In the second

sentence, delete "lands" and insert "land". In the fourth sentence, delete "his" and insert "the". In the fifth sentence, delete "lands" and insert "land" and delete everything following "methods" and insert "prescribed by regulation".

AS 38.05.175(a). In the first sentence, delete "rules and" and delete "prescribed" and insert "adopted". In the second sentence, delete "lands" and insert "land". In the fourth sentence, delete "his" and insert "the". In the fifth sentence, delete "lands" and insert "land" and delete everything following "methods" and insert "prescribed by regulation".

AS 38.05.180(d)(3). In the third line of the paragraph, delete "where".

AS 38.05.180(i). Change the spanned reference to "AS 43.55". Change the reference to "AS 37.10.065" to a reference to "AS 37.13.010".

AS 38.05.180(l). Change the spanned reference to "AS 31.05". Delete "may, at his discretion," and insert "has discretion to".

AS 38.05.180(m). In the first sentence, delete "if he finds it to be" and insert "upon a finding that it is".

AS 38.05.180(o). Delete "shorelands" and insert "shoreland".

AS 38.05.180(p). In the second sentence, delete "he" and insert "the commissioner". In the third sentence, delete "he".

AS 38.05.180(q). Change the spanned reference to "AS 31.05".

AS 38.05.180(t). In the first sentence, delete ", on conditions which he prescribes," and insert "prescribe conditions and"; following "approve" insert ", on conditions,"; and delete "his discretion" and insert "the discretion of the commissioner".

AS 38.05.180(w). In the first sentence, delete "him" and insert "the commissioner". In the second sentence, delete "as he determines" and insert "determined".

The editor's note refers to the delayed repeal of AS 37.10.065. Unfortunately, a similar note does not appear under AS 37.10.065. I trust that you are taking steps to avoid a repetition of this sort of error in the future. In any event, the transfer referred to in the note is scheduled to occur next month, so the note can be eliminated. I will notify you when the transfer has been completed.

AS 38.05.181. Delete all of the subsection catchlines. As far as I know, this is the only section of the Alaska Statutes with subsection catchlines and they should be eliminated.

AS 38.05.181(a). In the first sentence, delete "he adopts" and insert "adopted by the commissioner".

AS 38.05.181(c). Rewrite the third sentence to read:

"The commissioner has discretion to renew the permit for an additional one-year term."

In the last sentence, delete "his" in both occurrences and insert "the".

AS 38.05.181(d). In the first sentence, delete "him" and insert "the commissioner".

AS 38.05.183(a). Change the spanned reference to "this chapter".

AS 38.05.183(b). Delete "if he determines" and insert "on a determination".

AS 38.05.183(c). Change the spanned reference to "this chapter".

AS 38.05.183(d). In the second sentence, delete "his" and insert "the".

AS 38.05.183(e). Change the spanned reference to "this chapter".

AS 38.05.184(b). Delete "Department of Natural Resources" and insert "department".

AS 38.05.184(c). Delete "of natural resources".

AS 38.05.184(e). In the second sentence delete "of natural resources" and in the last sentence delete "Department of Natural Resources" and insert "department".

AS 38.05.184(f). Delete "of natural resources" and delete "he" and insert "the commissioner".

AS 38.05.185(a). In the first sentence, delete "lands" and insert "land". In the second sentence, delete "those lands" and insert "that land" in both occurrences.

AS 38.05.185(b). In the third line, delete the first "it" and insert "those sections" and delete "his rights" and insert "the rights of a mining lessee or a locator". In the fourth line, preceding "the locator" insert "the mining lessee or". The last sentence of this subsection should be made a separate subsection (c). Add a revisor's note substantially as follows:

The phrase "the mining lessee or" was inserted following "the satisfaction of the commissioner that" in (b) of this section by the revisor of statutes under AS 01.05.031(b)(7). Subsection (c) was enacted as a part of (b) and renumbered (c) by the revisor of statutes under AS 01.05.031(b)(9).

AS 38.05.190(a). Change the archaic reference to "~~AS 38.05.185~~ - 38.05.280".

AS 38.05.190(b). Rewrite the subsection to read:

"(b) An unqualified person who acquires an interest in exploration or mining rights by operation of law shall be allowed two years in which to become qualified or to dispose of the interest to a qualified person."

AS 38.05.195. Change the archaic internal references to present style. In the first sentence, delete "lands" and insert "land". In the second sentence, delete "his" and insert "the" and following "claim" insert "of the locator".

AS 38.05.205(a). In the first sentence, delete "lands" and insert "land" in both occurrences and delete "are" and insert "is". In the third sentence, delete "lands are" and insert "land is". In the seventh sentence, delete "lands

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

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

The first four sentences become (a).

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

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

The fifth sentence becomes (c) and should read:

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

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

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

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

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

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

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

AS 38.05.220(a). Change the archaic reference to "AS 38.05.215" and in (a)(2) delete "him" and insert "the delinquent co-owner".

AS 38.05.225. In the first sentence, delete "his" and insert "the".

In the second sentence, delete "he" and insert "the claimant or lien holder"; delete "his intention" and insert "intent"; delete the last "his" and insert "the"; and, following "address" insert "of the owner of the claim".

AS 38.05.230(a). Change the archaic reference to "AS 38.05.225".

AS 38.05.230(b). Delete the first "his" and insert "a". Delete the second "his" and insert "the" and following "oath" insert "of the person claiming the lien".

AS 38.05.235. Change the archaic reference to "AS 38.05.230".

AS 38.05.240. Rewrite the first clause (everything up to "geological,") to read: In AS 38.05.210 - 38.05.235, "labor" includes

In the ninth line, delete "or persons".

Rewrite the section catchline to read "Labor defined for AS 38.05.210 - 38.05.235".

AS 38.05.245(a). In the last sentence, delete "his" and insert "the prospecting".

AS 38.05.245(c). In the last sentence, delete "his" and insert "a" and insert, following "in interest", "of the locator". In the same sentence, delete "he" and insert "the locator".

AS 38.05.250. Change the catchline to read "Prospecting permits and leases on tide and submerged land."

AS 38.05.250(a). Delete "lands" and insert "land" in three occurrences.

AS 38.05.250(b). In the third sentence, delete "lands" and insert "land". In the last sentence, delete "These lands" and insert "The land".

AS 38.05.250(c). Delete "lands" and insert "land".

AS 38.05.255. Change the catchline to read "Surface use of land or water." In the first sentence, delete "waters" and insert "water".

In the fourth sentence, delete "lands" and insert "land"; delete "timberlands" and insert "timberland"; and delete "his" and insert "the". In the fifth sentence, delete "lands" and insert "land" and delete "elsewhere".

In the sixth sentence, delete "and rules". Change the archaic reference to "AS 38.05.260". Add a note indicating the repeal of AS 38.05.260 and noting that AS 46.15 contains the present provisions on water law. The revisor's bill proposes an amendment to this section.

AS 38.05.260. The note should include a cross reference to AS 46.15 for present provisions on water usage and appropriation. AS 27.10.080 should also have a similar cross reference.

AS 38.05.265. In the first sentence, change the archaic reference to "AS 38.05.185 - 38.05.280". In the second sentence, delete "his" and insert "the", and following "interest" insert "of the locator or claimant".

AS 38.05.275. Change the internal references to "AS 38.05.185 - 38.05.280", "AS 27.10", "AS 38.05.185 - 38.05.280" and "AS 38.05.190" respectively.

In the first sentence, delete "lands" and insert "land" in four occurrences and delete "shorelands, tidelands" and insert "shoreland, tideland".

In the second sentence, delete "shorelands, tidelands" and insert "shoreland, tideland" and delete "lands are" and insert "land is".

AS 38.05.280. Change the archaic reference to "AS 38.05.210 - 38.05.240".

AS 38.05.285. Delete "lands" and insert "land".

AS 38.05.290(a). In the first sentence, delete "lands" and insert "land"; change the spanned reference to "this chapter"; and delete ", rules".

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

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

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

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

Article 13 - Miscellaneous Provisions (AS 38.05.800 - 872)

Article 14 - General Provisions (AS 38.05.900 - 990)

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

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

The following sections derive from Ballot Measure 5.

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

<u>Old Section Number</u>	<u>New Section Number</u>
AS 38.05.520	AS 38.05.502
AS 38.05.540	AS 38.05.503
AS 38.05.560	AS 38.05.504
AS 38.05.570	AS 38.05.505

AS 38.05.300(a). Delete "lands" in each occurrence and insert "land"; delete "he" and insert "the commissioner".

AS 38.05.301. Renumber AS 38.05.830. In the last sentence, delete "he finds it"; change the spanned reference to "this chapter".

AS 38.05.310. Renumber AS 38.05.840. In the second and third sentences of (a), delete "lands" in each of the three occurrences and insert "land". In the third sentence of (a), delete "his" and insert "the". In the fourth sentence of (a), put the referenced sections in ascending sequence and change two references to reflect renumbering; hence, the references should read: "AS 38.05.057, 38.05.075 - 38.05.085, 38.05.097, 38.05.810 and 38.05.820".

AS 38.05.315. Renumber AS 38.05.810. In (d) of the section, delete "lands" and insert "land" in three occurrences.

In (f) of the section, change the spanned reference to "AS 10.25" and, in the second sentence, delete "he determines" and insert "determining".

AS 38.05.320. Renumber AS 38.05.820. In this section, the terms "land", "lands", "tide and submerged land(s)" and "tidelands and submerged lands" are used inconsistently. Please substitute "land" for "lands" and "tide and submerged land" for "tidelands and submerged lands" wherever occurring in the section. There are also several uses of "tidelands" which should be changed to "tideland". Editorial changes required by the substitution of the singular for the plural will be noted in the analysis of the section which follows:

(b) In the first sentence, delete "are" and insert "is". In the second sentence, delete "these" and insert "that". In the third sentence, following "under the", insert "laws". (See error memo 83-047, sent to Cliff Anderson on March 11, 1983)

(b) (1) In the second sentence, delete "are" and insert "is". In the same sentence, delete "his". In the same sentence, delete "them" and insert "it".

(b) (5) Delete "are" and insert "is" and delete "those lands" and insert "it".

(c) In the second sentence, delete "he" and insert "the occupant".

(c) (3) Delete "rights hereinabove" and insert "right". Delete "any" and insert "an".

(c) (4) In the first sentence, delete "at his cost furnish" and insert "furnish at the cost of the occupant". In the second sentence, delete "are" and insert "is"; delete "his"; and delete "them" and insert "it".

(c) (5) Delete "are" and insert "is" and delete "them" and insert "it".

(c) (6) Delete "regulations" and insert "procedures".

(d) Insert a comma after "section" and after "requires".

(d) (1) Delete "his" and insert "the" and following "interest" insert "of a person".

(d) (7) Delete "his" and following "interest" insert "of the occupant".

AS 38.05.321(b). In the first sentence, following the first "under" insert "former". In the fourth sentence, delete "AS 38.05.305 and". Change the remaining internal reference to "AS 38.05.945" to reflect renumbering.

AS 38.05.321(c). Insert "former" following "provisions of" in the third line.

With the editorial changes made in connection with this replacement printing, it would appear unnecessary to continue the editor's notes now following this section. If you determine that the notes should remain, please add a note indicating that AS 29.18.205(e) referred to in (b) of the section was repealed by sec.45, Chapter 85, SLA 1979. In any event, a revisor's note should be added explaining

the editorial changes made in (b) and (c). I would suggest that that note could include a reference to the repealers and do away with any need for the editor's note.

AS 38.05.323. Renumber AS 38.05.821.

AS 38.05.330. Renumber AS 38.05.850.

AS 38.05.330(a). Change the spanned reference to "AS 38.35". Delete "lands" and insert "land" in both occurrences.

AS 38.05.330(b). Change the spanned reference to "AS 10.25".

AS 38.05.335. Renumber AS 38.05.860. In (a) and (c) delete "lands" and insert "land". In the third sentence of (a), delete "are" and insert "is". In (c), delete "his" and insert "each".

AS 38.05.335(b). In the first sentence, delete "his" and insert "each". In the fourth sentence, delete the first "his" and insert "the amount" and delete the second "his" and insert "the". In the fifth sentence, delete "deposition" and insert "disposition" (see sec. 1, Chapter 145, SLA 1966). Rewrite the last sentence to read:

"A successful bidder for a mineral lease who can prove to the satisfaction of the commissioner within 45 days after notification of the lease award that there is a reasonable doubt as to the ability of the state to grant a valid lease to the land may withdraw the amount bid and have the earnest money deposit returned."

AS 38.05.340. Renumber AS 38.05.920. In (a), delete "lands" and insert "land" in both occurrences.

AS 38.05.345. Renumber AS 38.05.945. In (a)(3) and (4), the internal reference must be changed to AS 38.05.035(e) in both instances to reflect reorganization of that section.

Enclosed is a memorandum opinion of the Attorney General dated November 25, 1977, which you may wish to consider for annotation to this section.

AS 38.05.346. Renumber AS 38.05.946. Change the catchline to read "Hearings." Change the internal reference to

"AS 38.05.945(c)" to reflect renumbering. Rewrite the last sentence to read:

"The commissioner has discretion to hold a public hearing."

I do not think the revisor's note is necessary given the explanation contained in the editor's note. Also, AS 38.05.345(d) does not belong in the Historical Citation to this section, as it has nothing to do with enacting or amending the section and the editor's note is certainly adequate to explain the difference between the session law and the section as printed. Use of a former section number in the Historical Citations is misleading and confusing and not explained in the User's Guide. Consequently, please delete such references wherever appearing.

AS 38.05.348. Renumber AS 38.05.870.

In the first sentence of (a), delete "of the division of lands".

Rewrite the first sentence of (b) to read:

"Only a person who is the owner of land rendered unuseable that was used or leased before the natural disaster for private residential, business or commercial purposes is eligible for a grant of state land."

In the third sentence of (d), delete "At the time he approves" and insert "Upon approval of".

In the fourth sentence of (d), delete "his" and insert "the" and delete "he" and insert "the director".

AS 38.05.349. Renumber AS 38.05.872.

AS 38.05.350. Renumber AS 38.05.910.

AS 38.05.351. Renumber AS 38.05.930. In the eighth line, delete "his" and insert "a".

AS 38.05.355. Renumber AS 38.05.950. Rewrite the catchline to read "Interference with bidding prohibited; penalties.":

AS 38.05.362. Renumber AS 38.05.311. In (a)(1), delete "the effective date of this Act" and insert "September 22, 1976".

AS 38.05.365. Renumber AS 38.05.965. Change the spanned references to "this chapter". Paragraphs (1), (2), (6) - (10), and (13) - (21) use the terms "lands", "shorelands" and "tidelands". Change all of those to the singular as appropriate and make the following additional editorial changes required by that change:

In (1), delete "have" and insert "has".

In (15), delete "are" and insert "is".

In (18), delete "those" and insert "that" and delete "are" and insert "is".

AS 38.05.370. Renumber AS 38.05.990.

AS 38.05.510. Renumber AS 38.05.501. The two spanned references should read "AS 38.05.500 - 38.05.505".

AS 38.05.520. Renumber AS 38.05.502. Delete "(a)". Delete "the effective date of this act" and insert "February 21, 1983".

AS 38.05.540. Renumber AS 38.05.503.

AS 38.05.560. Renumber AS 38.05.504. Change the spanned reference as above.

AS 38.05.570. Renumber AS 38.05.505. Change the spanned references as above.

AS 38.06.025(b). Delete "his pleasure" and insert "the pleasure of the governor".

AS 38.06.025(d). Rewrite the subsection to read:

"(d) A public member shall continue in office at the expiration of a term until a successor is appointed and qualifies."

AS 38.06.025(e). In the second sentence, delete "his" and insert "the".

AS 38.06.035(a). Change the spanned reference to "this chapter".

AS 38.06.035(b). Delete "his relationship" and insert "the relationship of a member of the board".

AS 38.06.040(a)(4). Delete "he" and insert "the commissioner".

AS 38.06.040(b)(3). Change the spanned reference to "AS 44.62".

AS 38.06.055. Enclosed is an opinion of the Attorney General dated February 23, 1977, which should be considered for annotation, as it defines the authority of the legislature in approving or rejecting contracts. The basic point to be made is that the legislature may not conditionally approve, for that amounts to a rejection of the offer and would require a renegotiation of the contract.

AS 38.06.060. Enclosed is an opinion of the Attorney General dated September 26, 1977, which should be considered for annotation to this section as it approves procedures related to maintaining the confidentiality of certain documents under this section.

AS 38.07.020(a). Rewrite the subsection to read:

"(a) A lease under AS 38.07.010(b) shall be for 10 years with an option for a five-year renewal."

AS 38.07.020(b). In the first sentence, delete "he" and insert "the lessee". In the second sentence, delete "his" and insert "the".

AS 38.07.030(a). Change the archaic reference to "AS 38.07.010(a)". Delete "his" and insert "the".

AS 38.07.030(b). In the second sentence, delete "he" and insert "the landowner".

AS 38.07.040. Rewrite the beginning of the first sentence to read:

"A contract under AS 38.07.010(a) may provide..."

AS 38.08. I would suggest eliminating all of the editor's note material following the chapter analysis other than the

recitation of the provisions of sec. 1, Chapter 142, SLA 1977.

AS 38.08.010. There is really nothing that needs to be done to this section, but it does remind me that, as a matter of style, I think that the type style and size used for repealed subsections or paragraphs should be distinctive. I am not sure that your present production equipment is sophisticated enough to do this easily, but if you make the conversion to textbase publishing, it will be relatively simple. My personal preference would be for the type size to be smaller than that used for the text of the law. If a style difference were also desired it should be either italics or slightly lighter. The same type should, of course, be used for repealed sections, articles, chapters, etc. Think about this and let me know what you think.

AS 38.08.020. We should change the internal reference to AS 38.05.945(e), but note, however, that when that section was rewritten in 1981, subsection (e) became totally irrelevant to AS 38.08.020. It is unfortunate that this cross reference was not changed at that time. I believe that we might be safe in changing the reference to AS 38.05.945, without the subsection reference, as the disposal of land under AS 38.08 is conducted under the general provisions of AS 38.05.035 and, through that devious route, the notice provisions of AS 38.05.945 (renumbered) come into play. Confused? So am I. I have discussed this with the Department of Law as noted in the comments to AS 38.05.057(e) (3) and we hope to solve this in the revisor's bill. A note to this section, similar to that suggested for AS 38.05.057 would be desirable if the revisor's bill does not pass.

AS 38.08.030(a) (2). Delete "he" and insert "the applicant" three times. Delete "his" and insert "the".

AS 38.08.040(b). In the second sentence, delete "his".

AS 38.08.050(a). Change the archaic reference to "AS 38.08.060". AS 38.08.060(a) (3) and (b). Change the spanned reference to "this chapter".

AS 38.08.060(c). Delete "his" and insert "a".

AS 38.08.100. Change the archaic reference to "AS 38.08.060(a) (2)".

AS 38.08.110. Change the second spanned reference to "this

chapter".

AS 38.08.120(3). Delete "that his intent is to make this state his permanent residence" and insert "an intent to maintain a permanent residence in the state".

AS 38.10.010. Change the internal reference to AS 38.05.820(b) to reflect renumbering. In lines 4, 5 and 6, delete "lands" and insert "land". In line 7, delete "those lands" and insert "the land".

AS 38.10.020. Change the archaic reference to "AS 38.10.010". Delete "lands" and insert "land" in three occurrences.

AS 38.10.030. In the second sentence, delete "lands" and insert "land".

AS 38.10.040. Change the archaic reference to "AS 38.05".

AS 38.10.050. Change the catchline to "Regulations and procedures". Delete "rules and".

The printed matter relating to repealed AS 38.12 and renumbered AS 38.15 bring some further form and style comments. There has obviously been some inconsistency in the treatment of such chapters (compare AS 38.15 in the 1977 pamphlet with AS 14.58 in the 1982 pamphlet and compare AS 38.12 with the minimal information on repealed chapters in the 1982 AS 14 pamphlet; see also the treatment of AS 44.57, 44.59 and 44.60 in the 1980 pamphlet).

It is my hope that we can develop a consistent style that meets the needs of the average user and uses a minimum of page space to execute. In my opinion, the only value in retaining material within the body of the title is that it provides a convenient location for cross references. On the other hand, if the parallel reference table page was given some attention, it might be possible to use that page to convey a variety of information. For example, that page in the 1982 AS 14 pamphlet, while stating that it indicates the disposition of renumbered sections, also gives some information about repealed chapters. In fact, that is the only information about those chapters in the entire AS 14 pamphlet. This has already caused some minor problems with inexperienced bill drafters who did not realize that the section numbers were not available for new provisions. The

same problem came up in AS 44 this year. Obviously, there are other tables available to the user to obtain such technical information, but not all users who should know everything there is to know about the Alaska Statutes know about all of the tables or remember to use them.

Let's consider a revamping of the parallel reference page which would set forth in condensed form the following:

- (1) disposition of renumbered sections;
- (2) disposition of transferred sections;
- (3) repealed chapters, with terse cross references to present provisions;
- (4) anything else of a similar nature.

If an appropriate page could be developed, then we could eliminate material from both the title analysis and the body of the title. Why don't you dummy up a page (and, at the same time, if possible, dummy up a page showing some possibilities for treatment of repealed sections, subsections, etc., as noted earlier) and send it up for our consideration? If you are particularly pleased with the format you have used in one of the other states, that might be a good starting point.

AS 38.20.080. Change the archaic reference to "AS 38.20.070".

AS 38.35.030. Change the archaic reference to "AS 38.35.040".

AS 38.35.040. Delete "he shall by regulation require" and insert "required by regulation". Delete "upon his own motion" and insert "in the exercise of discretion". Change the archaic reference to "AS 38.35.050 - 38.35.100".

AS 38.35.050 (b). Change the archaic references to "AS 38.35.080" and "AS 38.35.100".

AS 38.35.050 (d). In the second sentence, delete "his". Delete "he" and insert "the person".

AS 38.35.070. Change the archaic reference to "AS 38.35.050". In (4) of the section, delete "he" and insert "the commissioner".

AS 38.35.080(a). Delete "he" and insert "the commissioner". Delete "his" and insert "the" and following "purpose" insert "of the commissioner".

AS 38.35.080(b). Change the archaic reference to "AS 38.35.070".

AS 38.35.080(c). Change the archaic reference to "AS 38.35.070(a)".

AS 38.35.090. Delete "he" and insert "the commissioner".

AS 38.35.100(a). Delete "with him". Change the archaic reference to "AS 38.35.050".

AS 38.35.100(a)(4). Delete "he" and insert "the applicant".

AS 38.35.100(b). Delete "he" and insert "the commissioner" in both instances.

AS 38.35.110. In the second sentence, delete "he" and insert "the commissioner".

AS 38.35.120(a)(9). Delete "his".

AS 38.35.120(c). Delete "that he determines the public interest requires" and insert "required by the public interest".

AS 38.35.120(f). This subsection should be split off into a new section, to be AS 38.35.122. The catchline should read "Products pipeline leases." Delete "may, at his discretion," and insert "has discretion to". Delete "this section" and insert "AS 38.35.120". Note that the word "or" between "land" and "products" should be "for". An error memo (83-051) was sent to Cliff Anderson on March 18, 1983.

AS 38.35.200(a). Change the archaic references to "AS 38.35.070" and "AS 38.35.100".

AS 38.35.230(9). In (A), delete "lands" and insert "land". Change the internal reference to "AS 38.05.965".

Note that (b) and (c) should be (B) and (C). An error memo (83-052) was sent to Cliff Anderson on March 18, 1983.

AS 38.50.020(a). In the second sentence, delete "if he finds" and insert "upon a finding". In the third sentence, change the archaic reference to "AS 38.50.140".

AS 38.50.030(a). Note that the last word in the first line should be "and" (see sec. 1, Chapter 240, SIA 1976). Following "and", change "interest" to "interests". In the second sentence, delete the second "the party" and insert "a principal" and delete "his" and insert "the".

AS 38.50.040. Change the spanned reference to "this chapter".

AS 38.50.060. Delete "he" and insert "the director" in both occurrences.

AS 38.50.100. Change the archaic reference to "AS 38.50.110". In the last sentence, delete "he" and insert "the director".

AS 38.50.110(a)(1). Change the internal reference to "AS 38.05.945".

AS 38.50.110(a)(8). Delete "he" and insert "the director".

AS 38.50.130. The effect of amendments note would be much more helpful to the user if it simply said "The 1982 amendment corrected an erroneous internal reference."

AS 38.50.140. In the second sentence, delete "his view" and insert "the view of the governor".

AS 38.50.150. Delete the first "he". Delete the second "he" and delete "him" and insert "the director" in both instances.

AS 38.50.170(3). Delete "lands" and insert "land".

AS 38.95.080(e). Delete "his" and insert "the" in both instances.

AS 38.95.150 and AS 38.95.160. Change the spanned reference to "AS 08.48".

Elizabeth E. Pincus
Page 36
March 22, 1983

Legislative History Notes. We have reviewed all of the legislative history notes in AS 38 and determined that all should be deleted except the following:

- (1) AS 38.04.020. The note should be rewritten to read "For legislative intent regarding land to be included in the land disposal bank, see the Free Conference Committee letter of intent accompanying HB 66 (Chapter 85, SLA 1979), in 1979 House Journal, pp. 1330-1333, 1355, or 1979 Senate Journal, pp. 1120-1124."
- (2) AS 38.05.030. Retain the reference contained in the second sentence of the note in the 1977 pamphlet.
- (3) AS 38.05.125.
- (4) AS 38.05.127. This note should also appear following (renumbered) AS 38.05.965.
- (5) AS 38.08.010.
- (6) AS 38.95.050. Add to the note, following "p. 837", an additional reference, ", 840".

The renumbering of sections in AS 38.05 will require the changing of internal references in the following sections:

AS 29.18.206, 29.18.209 and 29.18.210
AS 29.33.150 and 29.33.160
AS 41.17.020
AS 41.45.080, 41.45.130 and 41.45.170
AS 43.05.010 and 43.05.040
AS 46.35.200(4)(R), (T) - (V), and (HH).

I will let you make the proper substitutions. This memo is too long as it is!

The next title memo will deal with AS 41, to be followed by AS 09.

DRD:ljb

Enclosures
11/001

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

REQUEST

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

II. FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
	0	0	0			

POSITIONS:

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL-TIME						
PART-TIME						
TEMPORARY						
	0	0	0			

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

IV. ANALYSIS: Attach a separate page for any Analysis

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

Distribution:

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

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5

SENATE RESOURCES COMMITTEE
LEGISLATION CHECKLIST

IDENTIFICATION:

BILL NUMBER: SB 225

BILL NAME: Creating the Matamoras Valley Moose Range.

SPONSOR(S): Kerttula

RELATED BILLS PENDING:

DATE INTRODUCED: 3-31-83

REFERRALS: Resources
Finance

INITIAL RESEARCH:

BILL SUMMARY COMPLETED:

SUMMARY BY LEGAL DIVISION:

SPONSOR CONTACTED FOR
BACKUP MATERIALS:

DEPT. OF LAW SUMMARY:

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS/GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE:

BACKGROUND MATERIAL DISTRIBUTED:

PSA/PRESS RELEASE:

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/COMMITTEE
SUBSTITUTES DRAFTED:

Alaska State Legislature

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



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

Senate

Committee on Resources

TO: Senate Resources Committee Members
FROM: Senate Resources Committee Staff
RE: March 30 Committee Hearing
DATE: March 28, 1984

On Friday, March 30, 1984 at 3:00 pm in the Beltz Room, the Senate Resources Committee will hear the following bills:

SSSB 45 ESTABLISHING AN AGRICULTURAL LAND SALE PAYMENT MORATORIUM

SSSB 45 would authorize DNR to declare a moratorium of up to 5 years on agricultural land purchase payments if certain conditions are met. Specifically, farm development, crop production and harvesting expenses must be equivalent to the payments that would otherwise be made.

Sb 225 CREATING THE MATANUSKA VALLEY MOOSE RANGE

SB 225, which was heard by the Resources Committee on March 19, establishes designated state lands as the Matanuska Valley Moose Range. A Committee Substitute has been prepared based on negotiations with DNR, the Department of Fish and Game, and the bill sponsor.

1. General management is assigned to DNR, with Fish and Game maintaining management responsibility for the fish and game resources.
2. DNR will prepare a management plan "which reflects the concurrence of the Dept. of Fish and Game".
3. The definition of "multiple use" has been amended to include forestry management and coal leasing and development.
4. About 20,000 acres of high quality general use land along the highway has been withdrawn.

Introduced: 4/22/83
Referred: Resources
and Finance

1 IN THE SENATE

BY KERTTULA

2 ^{COMMITTEE}
[SPONSOR] SUBSTITUTE FOR SENATE BILL NO. 225 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Matanuska Valley Moose Range."

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

8 * Section 1. AS 16.20 is amended by adding new sections to read:

9 ARTICLE 7. MATANUSKA VALLEY MOOSE RANGE.

10 Sec. 16.20.340. PURPOSE. The purpose of AS 16.20.340 - 16.20.-
11 360 is to establish the area described in AS 16.20.350 as the Mata-
12 nuska Valley Moose Range. The primary purpose of the Matanuska Valley
13 Moose Range [is] to maintain, ^{are} [and rehabilitate] ^{improve and enhance} moose populations and
14 habitat and other wildlife resources of the area and to perpetuate
15 public multiple use of the area, including but not limited to fishing,
16 ^{forestry management} grazing, ^{coal leasing and development} hunting, trapping, mineral entry, and other forms of public
17 use of public land not incompatible with the purpose stated in this
18 section.

19 Sec. 16.20.350. DESIGNATED STATE LAND AND WATER. The state-
20 owned land and water, vacant and unappropriated, and all that acquired
21 in the future by the state, lying within the boundary described in
22 this section, are designated as the Matanuska Valley Moose Range, ^{and} are
23 reserved from all uses incompatible with their primary ^{purposes} [function] as
24 public use land. ^{The lands described herein are to be managed} [and are assigned to the Department of Natural Re-
25 sources and Department of Fish and Game for control, enforcement,
26 development, and maintenance]

27 (1) Township 18 North, Range 1 East, Seward Meridian

28 Section 1

29 (2) Township 18 North, Range 2 East, Seward Meridian

Sections 4-6

- 1 Section 5, W1/2
- 2 Sections 6 - 7
- 3 Sections 11 - 13
- 4 Sections 18 - 19
- 5 Sections 24 - 25
- 6 Section 30, N1/2
- 7 Sections 31 - 33, S1/2
- 8 Sections 34 - 36
- 9 (11) Township 20 North, Range 4 East, Seward Meridian
- 10 Section 5, W1/2
- 11 Section 6
- 12 Section 7, N1/2
- 13 Sections 12 - 13
- 14 Sections 21 - 26
- 15 (12) Township 20 North, Range 5 East, Seward Meridian

Sections 1-3
 Section 4, E1/2
 Section 5, W1/2
 W1/2 SE1/4
 NE1/4
 Section 7
 Section 8, W1/2
 W1/2 E1/2
 Sections 11, 12
 Section 14, N1/2
 Sections 15 - 21
 Section 22, NW1/4
 N1/2, NE1/4
 Section 30, Section 29 W1/2,
 those portions lying
 north of the right of way
 for the Glenn Highway

Section 5
 Section 6, E1/2
 Sections 7 - 8
 Section 12, S1/2
 Sections 13 - 34
 Section 33 SW1/4 NE1/4
 N1/2 NE1/4
 SW1/4 SW1/4
 N1/2 SW1/4
 NW1/4
 Section 34 N1/2 N1/2
 [Sections 35 - 36, that portion lying north of the
 Matanuska River]

(13) Township 20 North, Range 6 East, Seward Meridian [that
 portion lying north of the Matanuska River]

(14) Township 20 North, Range 7 East, Seward Meridian
 Sections 6 [7]
 [Sections 18 - 19
 Section 30, that portion lying north of the Matanuska
 River]

1 (15) Township 21 North, Range 2 East, Seward Meridian
2 Section 25
3 Section 36
4 (16) Township 21 North, Range 3 East, Seward Meridian
5 Section 25
6 Section 29, W1/2
7 Sections 30 - 31
8 Section 32, W1/2
9 Section 36, N1/2
10 (17) Township 21 North, Range 4 East, Seward Meridian
11 Section 12, W1/2
12 Section 13
13 Section 20
14 Section 21, S1/2
15 Section 24, E1/2
16 Section 28
17 Section 29, E1/2
18 Section 30, S1/2
19 Sections 31 - 32
20 (18) Township 21 North, Range 5 East, Seward Meridian
21 Section 3
22 Section 9
23 Section 10, W1/2
24 Sections 16 - 17
25 Sections 19 - 20
26 Section 21, N1/2
27 Section 29, W1/2
28 Sections 30 - 31
29 Section 32, W1/2

- 1 (19) Township 21 North, Range 6 East, Seward Meridian
 2 Section 2
 3 Section 3, E1/2
 4 Section 10
 5 Section 11, W1/2
 6 Section 14, W1/2
 7 Section 15
 8 Sections 21 - 22
 9 Section 23, W1/2
 10 Sections 28 - 29
 11 Sections 31 - 36

- 12 (20) Township 21 North, Range 7 East, Seward Meridian
 13 Sections 27 - 28
 14 Sections 31 - 32
 15 Section 33, N1/2
 16 Section 4, N1/2

- 17 (21) Township 22 North, Range 6 East, Seward Meridian
 18 Section 23
 19 Section 26
 20 Section 35

21 Section 16.20.360. DESIGNATION OF MANAGEMENT RESPONSIBILITY.

22 (a) The Department of Fish and Game is responsible for the management
 23 of fish and game resources on the state land and water described in
 24 AS 16.20.350 consistent with the purposes of AS 16.20.340 - 16.20.360.

25 (b) Management of the surface and subsurface estate is the
 26 responsibility of the Department of Natural Resources. ^{After adequate public hearings,} ~~Actions by~~ the
 27 Department of Natural Resources ^{develop and} [that affect the habitat] shall [be in]
 28 ^{adopt a management plan for the Range which reflects the concurrence of} [conformity with a management plan proposed and adopted by] the Depart-
 29 ment of Fish and Game [after adequate public hearings]. The management

1 plan shall be revised, if necessary and appropriate, under the same
2 procedure[s] followed for initial adoption. *The plan shall provide for roadside recreation sites,
including picnicking and camping areas.*

3 (c) The Department of Natural Resources may, after consultation
4 with the Department of Fish and Game, adopt regulations governing the
5 public use of the area. The regulations must provide for multiple use
6 by the public, as defined in AS 38.04.910(4) *and AS 16.20.340*, including, among other
7 uses, fishing, grazing, hunting, trapping, and recreation].
8 Regulations adopted for the Matanuska Valley Moose Range shall not
9 apply to private land within the boundary described in AS 15.20.350.

10 (d) [Portions of] the area [important for fish and wildlife habi-
11 tat, breeding, and migration] must be managed to sustain fish and
12 wildlife resources in perpetuity, according to the principle of sus-
13 tained yield.

14 (e) [The area shall be open to mineral entry, under reasonable
15 regulations that the Department of Natural Resources may adopt, in
16 consultation with the Department of Fish and Game.

17 (f) [The commissioner of natural resources may acquire in the
18 name of the state, by negotiated purchase only, without an option of
19 first purchase, title or interest in real property lying within the
20 boundaries of the Matanuska Valley Moose Range.