

ALASKA STATE LEGISLATURE
CONFERENCE COMMITTEE ON HB 130

May 12, 2005
3:37 p.m.

MEMBERS PRESENT

Senator Tom Wagoner, Chair
Senator Gary Wilken
Senator Johnny Ellis

Representative Jay Ramras, Chair
Representative Bruce Weyhrauch
Representative Woodie Salmon

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 130

"An Act granting certain state land to the University of Alaska and establishing the university research forest; and providing for an effective date."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 130

SHORT TITLE: UNIVERSITY LAND GRANT/STATE FOREST

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

02/07/05	(H)	READ THE FIRST TIME - REFERRALS
02/07/05	(H)	RES, FIN
02/09/05	(H)	RES AT 1:00 PM CAPITOL 124
02/09/05	(H)	Heard & Held
02/09/05	(H)	MINUTE(RES)
02/14/05	(H)	RES AT 1:00 PM CAPITOL 124
02/14/05	(H)	Heard & Held
02/14/05	(H)	MINUTE(RES)
02/16/05	(H)	RES AT 1:00 PM CAPITOL 124
02/16/05	(H)	Heard & Held
02/16/05	(H)	MINUTE(RES)
03/02/05	(H)	RES AT 1:00 PM CAPITOL 124
03/02/05	(H)	Heard & Held

03/02/05 (H) MINUTE(RES)
03/04/05 (H) RES AT 1:00 PM CAPITOL 124
03/04/05 (H) Moved CSHB 130(RES) Out of Committee
03/04/05 (H) MINUTE(RES)
03/09/05 (H) RES RPT CS(RES) NT 4DP 3NR
03/09/05 (H) DP: LEDOUX, CRAWFORD, SEATON, RAMRAS;
03/09/05 (H) NR: GATTO, ELKINS, SAMUELS
04/09/05 (H) FIN AT 11:00 AM HOUSE FINANCE 519
04/09/05 (H) Bills Previously Heard/Scheduled
04/12/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519
04/12/05 (H) Moved CSHB 130(FIN) Out of Committee
04/12/05 (H) MINUTE(FIN)
04/13/05 (H) FIN RPT CS(FIN) NT 4DP 5NR
04/13/05 (H) DP: HAWKER, WEYHRAUCH, KELLY, FOSTER;
04/13/05 (H) NR: HOLM, STOLTZE, MOSES, MEYER,
CHENAULT
04/13/05 (H) LETTER OF INTENT WITH FIN REPORT
04/20/05 (H) BEFORE THE HOUSE
04/21/05 (H) BEFORE THE HOUSE
04/21/05 (H) BEFORE THE HOUSE
04/22/05 (H) TRANSMITTED TO (S)
04/22/05 (H) VERSION: CSHB 130(FIN) AM
04/25/05 (S) READ THE FIRST TIME - REFERRALS
04/25/05 (S) FIN
04/28/05 (S) FIN AT 9:00 AM SENATE FINANCE 532
04/28/05 (S) Heard & Held
04/28/05 (S) MINUTE(FIN)
05/02/05 (S) FIN AT 6:00 PM SENATE FINANCE 532
05/02/05 (S) Public testimony may be limited to 3
min.
05/08/05 (S) FIN AT 0:00 AM
05/08/05 (S) Moved SCS CSHB 130(FIN) Out of
Committee
05/08/05 (S) MINUTE(FIN)
05/09/05 (S) FIN RPT SCS 2DP 1DNP 3NR SAME
TITLE
05/09/05 (S) HOUSE LETTER OF INTENT WITH FIN REPORT
05/09/05 (S) DP: WILKEN, GREEN
05/09/05 (S) DNP: STEDMAN
05/09/05 (S) NR: HOFFMAN, OLSON, DYSON
05/10/05 (S) VERSION: SCS CSHB 130(FIN)
05/11/05 (H) CONFERENCE COMMITTEE APPOINTED
05/11/05 (H) RAMRAS (CHAIR), WEYHRAUCH, SALMON
05/11/05 (S) RECEDE MESSAGE READ
05/11/05 (S) CONFERENCE COMMITTEE APPOINTED
05/11/05 (S) WAGONER (CHAIR), WILKEN, ELLIS

05/11/05 (H) SPECIAL SESSION BILL - SEE H. JOURNAL
P. 1962
05/11/05 (S) SPECIAL SESSION BILL - SEE S. JOURNAL
P. 1606
05/12/05 (H) UAL AT 3:00 PM CAPITOL 124

WITNESS REGISTER

DICK MYLIUS, Deputy Director
Division of Mining, Land and Water
Department of Natural Resources (DNR)
Juneau, Alaska
POSITION STATEMENT: Answered questions regarding HB 130.

ACTION NARRATIVE

CHAIR JAY RAMRAS called the Conference Committee on HB 130 to order at [3:37:15 PM](#). Representatives Salmon, Ramras, and Weyhrauch and Senators Wilken, Wagoner, and Ellis were present at the call to order.

HB 130-UNIVERSITY LAND GRANT/STATE FOREST

CHAIR RAMRAS announced that the only order of business would be HOUSE BILL NO. 130 "An Act granting certain state land to the University of Alaska and establishing the university research forest; and providing for an effective date." [Before the committee were CSHB 130(FIN)am and SCS CSHB 130(FIN).]

REPRESENTATIVE WEYHRAUCH moved that the conference committee accept HB 130 (FIN)am as the conference report.

CHAIR WAGONER objected.

A roll call vote was taken. Representatives Salmon, Ramras, and Weyhrauch and Senator Ellis voted in favor, and Senators Wilken and Wagoner voted against it. Therefore, HB 130(FIN)am failed to become the working document.

CHAIR WAGONER moved that the conference committee accept SCS CSHB 130(FIN) as the conference report.

REPRESENTATIVE WEYHRAUCH objected.

A roll call vote was taken. Senators Wilken and Wagoner voted in favor, and Senator Ellis and Representatives Ramras, Salmon

and Weyhrauch voted against it. Therefore, SCS CSHB 130(FIN) failed to become the working document.

REPRESENTATIVE WEYHRAUCH highlighted a matrix comparing the two versions of the bill and noting the seven disagreeing provisions. He requested that he make a motion for each item as he moves down the list.

SENATOR WAGONER objected, and pointed out that there are two documents one of which was prepared by the Department of Natural Resources (DNR).

CHAIR RAMRAS clarified that the "letter-shaped" document was from DNR, and the landscape document was prepared by his staff. He suggested working off his document and using the DNR document as a reference.

[3:41:12 PM](#)

CHAIR WAGONER removed his objection.

REPRESENTATIVE WEYHRAUCH said if anyone sees a discrepancy, "we reserve the right to come back and discuss it at a future date in case there's something we miss, so that no one's prejudiced by an omission by going off the two-page document, as opposed to by the one-page document."

REPRESENTATIVE WEYHRAUCH said, "The first line deals with language that ensures the University of Alaska's cooperative extension service is adequately staffed." He moved the Senate version [in which the language on page 2, line 23 is deleted].

CHAIR WAGONER objected.

REPRESENTATIVE WEYHRAUCH explained that he added that language in House Finance so that the university would fill an empty cooperative extension service position in northern Southeast Alaska. He said this adds a duty to the Board of Regents that already falls under their other duties. He said he wanted to get the university's attention, "and I think I have a good faith commitment to fill that ... so I don't object to the Senate's version where that language is out." He said the university intends to fill the position.

CHAIR WAGONER removed his objection.

There being no objection, the Senate version of item 1 carried. [The language on page 2, lines 24-25, of CSHB 130(FIN)am will not be included in the CCS.]

REPRESENTATIVE WEYHRAUCH moved to adopt the Senate language for item 2, which limits the size of easements to 25 feet. He asked for information from DNR.

CHAIR WAGONER objected.

[3:44:04 PM](#)

DICK MYLIUS, Deputy Director, Division of Mining, Land and Water, Department of Natural Resources (DNR), said the standard easement is a width of 50 feet along the shoreline, which the state applies whenever it transfers land to a municipality. Senator Stedman added the language to [SCS CSHB 130(FIN)] to limit the easement to a 25-foot width, because he thought 50 feet is too wide particularly in Southeast Alaska.

SENATOR ELLIS surmised that the department would view consistent easement widths as useful.

MR. MYLIUS replied yes, adding that is why 50 feet is in regulation. The statute allows the commissioner to change it if the topography lends itself to a smaller or larger easement, he said.

[3:45:14 PM](#)

SENATOR ELLIS concluded then that DNR already has the flexibility.

MR. MYLIUS agreed, but opined that with large conveyances such as this, the department doesn't have the ability to view each parcel for the determination.

[3:45:37 PM](#)

SENATOR ELLIS said he could understand Senator Stedman's concerns about Southeast Alaska, but there are parcels all over the state.

MR. MYLIUS clarified that it only applies to saltwater, and Southeast is the only place where there are saltwater parcel conveyances to the university. He noted that the Kodiak parcel is on the list to be withdrawn.

SENATOR ELLIS asked if Mr. Mylius presumes an amendment will pass [eliminating the Kodiak parcel].

MR. MYLIUS said the Kodiak parcel is already out of both bills.

[3:46:08 PM](#)

CHAIR WAGONER said in a lot of cases there are bluffs, so the difference between 25 and 50 feet is considerable.

CHAIR WAGONER removed his objection.

A roll call vote was taken. Senators Wilken and Wagoner and Representatives Weyhrauch and Ramras voted in favor of adopting item 2, which limits the size of easements to 25 feet, and Senator Ellis and Representative Salmon voted against it. Therefore, item two of SCS CSHB 130(FIN) was adopted [and the language on page 4, lines 8-10, of SCS CSHB 130(FIN) was maintained].

REPRESENTATIVE WEYHRAUCH moved that the committee adopt item 3 of CSHB 130(FIN)am, for which he said he will request limited powers of free conference.

CHAIR WAGONER objected, and asked if that will be an amendment from Representative Weyhrauch.

REPRESENTATIVE WEYHRAUCH replied yes, but he said he did not have it with him.

CHAIR WAGONER removed his objection.

REPRESENTATIVE WEYHRAUCH opined that an objection must be maintained in order to preserve it for limited free conference.

A roll call vote was taken. Senator Ellis and Representatives Salmon, Weyhrauch and Ramras voted in favor of adopting item 3 of CSHB 130(FIN)am, and Senator Wilken and Wagoner voted against it. Therefore, the motion failed.

REPRESENTATIVE WEYHRAUCH inquired as to the meaning of item 4 of the matrix.

[3:49:14 PM](#)

MR. MYLIUS explained that a sentence was added and the word "such" no longer made sense.

REPRESENTATIVE WEYHRAUCH clarified that item 4 for SCS CSHB 130(FIN) should be deleting "such". He moved item 4 of SCS CSHB 130(FIN). There being no objection, item 4 of SCS CSHB 130(FIN) was adopted.

REPRESENTATIVE WEYHRAUCH moved that the committee adopt item 5 of SCS CSHB 130(FIN).

CHAIR WAGONER objected.

REPRESENTATIVE WEYHRAUCH explained that this has to do with additional parcels added in the Petersburg-Wrangell area. In the House Finance Committee, the provision was added to delete parcels contingent on borough formation. "The intent was to spur the use and development of these lands, and to allow municipalities close to these lands to subsume them into the borough if they were selected. It's sort of a push-pull language." He said he has no objection to those additional parcels being added. It comports with the intent of the bill, he opined.

SENATOR WILKEN said he couldn't determine how the matrix fits with the bills.

REPRESENTATIVE WEYHRAUCH said he is talking about Section O of [SCS CSHB 130(FIN)], which is not clear in the matrix. "Section O has to do with the borough formation, and it left the House in one form and ended on line 21 on page 6" whereas the Senate has it on page 6, line 10 "and increases it to line 27." For purposes of the minutes and discussion, he opined that it is clearer to say, "I move that this conference committee adopt the Senate's version of "O" on page 6 of the Senate bill."

[3:52:54 PM](#)

SENATOR WILKEN said, "So on Version P, page 6, ... the motion would be to adopt the Senate version, lines 10 through 27."

REPRESENTATIVE WEYHRAUCH said that is his motion.

[3:53:07 PM](#)

REPRESENTATIVE WEYHRAUCH said if this conference meets later and finds something that the committee has missed, "I think we've

all reserved the right to come back and discuss it without prejudice." He said the committee is not relying on the matrix completely.

[3:53:46 PM](#)

CHAIR WAGONER removed his objection.

CHAIR RAMRAS asked, "Is there an objection to adopting Section O of the P Version, on page 6. Seeing no objection, number 5 is adopted with intention of returning--is that right?"

REPRESENTATIVE WEYHRAUCH said, "No, Senate Version on "O" is adopted without returning."

REPRESENTATIVE WEYHRAUCH moved to adopt the House version of the remaining section [which is on page 6, lines 16-19, of CSHB 130(FIN) am]. He pointed out that a new subsection (q) was added by the Senate, and therefore he moved to delete that and [request] limited powers of free conference on that matter. He clarified that he was speaking of page 7, line 3-15, subsection (q) of SCS CSHB 130(FIN).

CHAIR WAGONER objected.

A roll call vote was taken. Senator Ellis and Representatives Salmon, Weyhrauch and Ramras voted in favor adopting [item 5 of CSHB 130(FIN)am], and Senators Wilken and Wagoner voted against it. Therefore, the motion failed.

REPRESENTATIVE WEYHRAUCH said, "I move that the conference committee sign a report ... asking the respective bodies to provide them with ... limited powers of free conference on the two issues that we have not agreed upon. And ask that we meet as soon as possible to resolve that."

CHAIR RAMRAS inquired as to the desire with item 7.

REPRESENTATIVE WEYHRAUCH withdrew his motion, and moved that the committee adopt item 7 of CSHB 130(FIN)am, pending some description because he is not sure of what it means. "So I will move the House version, which doesn't contain that," he said.

CHAIR WAGONER objected.

SENATOR WILKEN inquired as to what that provision does.

CHAIR RAMRAS opined, "I think we want to go the other way on that."

[3:57:01 PM](#)

REPRESENTATIVE WEYHRAUCH said the motion is the House version, which contains the language while the Senate version does not. He explained that the language was added to comport with the House letter of intent, which related that if land isn't going to be offered to a municipality, it's to be offered to a nearby nonprofit that has to use the land in the same method as it was used historically. The language provide the DNR the option, he said. Furthermore, it is more in line with the House's intent to get the land into private hands without an intent provision. The provision specifies that when the department does its public notice on operative sales, perhaps the land could be offered to a land trust, the Discovery Foundation, et cetera, he explained.

CHAIR RAMRAS announced his opposition to adopt the House language because of his understanding that there is no such thing as a second right of refusal. Furthermore, it makes it more difficult for DNR to dispose of land, he said.

REPRESENTATIVE SALMON expressed concern with the reference to a nonprofit organization because there are a lot of such organizations. He asked if the language specified to which organizations the land could be sold.

[4:00:12 PM](#)

REPRESENTATIVE WEYHRAUCH explained that [current] statute would have to be reviewed for the definition of a nonprofit. He posed an example of a group that might use a parcel for the historic use of obtaining yellow cedar for building totemic items. He added, "There are potentially hundreds of organizations who could apply, and it goes in the public notice and if DNR wants to offer it to them, they may." He noted that a lot of people complained about the lack of public notice [for conveyances].

[4:01:24 PM](#)

CHAIR RAMRAS said, "Unfortunately this could also include somebody like the Sierra Club."

CHAIR WAGONER explained that the Senate "took care of it with a letter of intent." He said he is not sure how a court would interpret it. "We intended for this not to be placed in the

hands of nonprofits because we want this land out in the public's hands; we want this land to be developed," he stressed. Furthermore, the desire was that if boroughs are formed, the land would be part of the tax base.

REPRESENTATIVE WEYHRAUCH asked if it was a Senate Resources Standing Committee letter of intent, and requested the ability to review it.

[4:02:41 PM](#)

SENATOR WILKEN said he is not in favor of the language because the purposed of the legislation is to create sustained value for the university. He expressed concern about any entity using the land for noneconomic purposes. If a municipality doesn't want it, the university should use its resources to find someone that can generate income. [The House language] seems to indicate that such an entity could be a nonprofit, which he interpreted to mean nonincome. Therefore, Senator Wilken noted his strong support of the Senate's lack of language on this matter.

A roll call vote was taken. Senator Ellis and Representatives Salmon and Weyhrauch voted in favor adopting item 7 of CSHB 130(FIN)am, and Representative Ramras and Senators Wilken and Wagoner voted against it. Therefore, the motion failed.

[4:04:23 PM](#)

REPRESENTATIVE WEYHRAUCH moved that committee ask the respective bodies for limited powers of free conference to deal with items 3, 6, and 7. There being no objection, it was so ordered.

[HB 130 was held over.]

ADJOURNMENT

The Conference Committee on HB 130 recessed the meeting at 4:06 p.m. to a call of the chair. The meeting reconvened on May 13, 2005.