

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

May 8, 2019

3:32 p.m.

MEMBERS PRESENT

Representative John Lincoln, Co-Chair
Representative Geran Tarr, Co-Chair
Representative Grier Hopkins, Vice Chair
Representative Sara Hannan
Representative Ivy Spohnholz
Representative Dave Talerico

MEMBERS ABSENT

Representative Chris Tuck
Representative George Rauscher
Representative Sara Rasmussen

OTHER LEGISLATORS PRESENT

Senator Click Bishop

COMMITTEE CALENDAR

SENATE BILL NO. 95

"An Act approving the transfer of certain Alaska Railroad Corporation land; and providing for an effective date."

- MOVED HCS SB 95(RES) OUT OF COMMITTEE

CS FOR SENATE BILL NO. 91(FIN)

"An Act relating to the development and operation of a hydroelectric site at the Nuyakuk River Falls; providing for the amendment of the management plan for the Wood-Tikchik State Park; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 95

SHORT TITLE: LAND TRANSFERS

SPONSOR(S): SENATOR(S) COGHILL

03/22/19 (S) READ THE FIRST TIME - REFERRALS

03/22/19 (S) RES, FIN
 04/05/19 (S) RES AT 3:30 PM BUTROVICH 205
 04/05/19 (S) Moved SB 95 Out of Committee
 04/05/19 (S) MINUTE(RES)
 04/08/19 (S) RES RPT 4DP 1NR
 04/08/19 (S) DP: BIRCH, KIEHL, GIESSEL, COGHILL
 04/08/19 (S) NR: KAWASAKI
 04/15/19 (S) FIN AT 9:00 AM SENATE FINANCE 532
 04/15/19 (S) Heard & Held
 04/15/19 (S) MINUTE(FIN)
 04/24/19 (S) FIN RPT 3DP 4NR
 04/24/19 (S) DP: VON IMHOF, MICCICHE, BISHOP
 04/24/19 (S) NR: STEDMAN, WIELECHOWSKI, OLSON,
 WILSON
 04/24/19 (S) FIN AT 9:00 AM SENATE FINANCE 532
 04/24/19 (S) Moved SB 95 Out of Committee
 04/24/19 (S) MINUTE(FIN)
 04/26/19 (S) TRANSMITTED TO (H)
 04/26/19 (S) VERSION: SB 95
 04/27/19 (H) READ THE FIRST TIME - REFERRALS
 04/27/19 (H) RES
 05/06/19 (H) RES AT 1:00 PM BARNES 124
 05/06/19 (H) Heard & Held
 05/06/19 (H) MINUTE(RES)
 05/08/19 (H) RES AT 1:00 PM BARNES 124

BILL: SB 91

SHORT TITLE: NUYAKUK RIVER: HYDROELECTRIC SITE

SPONSOR(s): SENATOR(s) HOFFMAN

03/15/19 (S) READ THE FIRST TIME - REFERRALS
 03/15/19 (S) RES, FIN
 04/05/19 (S) RES AT 3:30 PM BUTROVICH 205
 04/05/19 (S) <Bill Hearing Canceled>
 04/15/19 (S) RES AT 3:30 PM BUTROVICH 205
 04/15/19 (S) Heard & Held
 04/15/19 (S) MINUTE(RES)
 04/22/19 (S) RES RPT 3DP 2NR
 04/22/19 (S) DP: BIRCH, KIEHL, COGHILL
 04/22/19 (S) NR: REINBOLD, KAWASAKI
 04/22/19 (S) RES AT 3:30 PM BUTROVICH 205
 04/22/19 (S) Moved SB 91 Out of Committee
 04/22/19 (S) MINUTE(RES)
 04/30/19 (S) FIN AT 9:00 AM SENATE FINANCE 532
 04/30/19 (S) Heard & Held
 04/30/19 (S) MINUTE(FIN)
 05/06/19 (S) FIN RPT CS 3DP 4NR SAME TITLE

05/06/19 (S) DP: STEDMAN, HOFFMAN, BISHOP
05/06/19 (S) NR: VON IMHOF, MICCICHE, SHOWER, WILSON
05/06/19 (S) FIN AT 9:00 AM SENATE FINANCE 532
05/06/19 (S) Moved CSSB 91(FIN) Out of Committee
05/06/19 (S) MINUTE(FIN)
05/07/19 (S) TRANSMITTED TO (H)
05/07/19 (S) VERSION: CSSB 91(FIN)
05/08/19 (H) RES AT 1:00 PM BARNES 124

WITNESS REGISTER

SENATOR JOHN COGHILL
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Speaking as the sponsor of SB 95, expressed support for a forthcoming amendment to the bill.

JAMES KUBITZ, Vice President
Real Estate and Facilities
Alaska Railroad Corporation
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 95.

DAVE STANCLIFF
Tok, Alaska

POSITION STATEMENT: Testified in regard to SB 95.

REPRESENTATIVE BRYCE EDGMON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced CSSB 91(FIN).

ACTION NARRATIVE

[3:32:17 PM](#)

CO-CHAIR GERAN TARR called the House Resources Standing Committee meeting to order at 3:32 p.m. Representatives Hannan, Hopkins, Talerico, Lincoln, and Tarr were present at the call to order. Representative Spohnholz arrived as the meeting was in progress. Senator Bishop was also in attendance.

SB 95-LAND TRANSFERS

[3:32:42 PM](#)

CO-CHAIR TARR announced that the first order of business would be SENATE BILL NO. 95, "An Act approving the transfer of certain Alaska Railroad Corporation land; and providing for an effective date."

[3:33:19 PM](#)

SENATOR JOHN COGHILL, Alaska State Legislature, sponsor, expressed his support of the forthcoming amendment to SB 95.

[3:33:41 PM](#)

CO-CHAIR TARR opened public testimony on SB 95.

JAMES KUBITZ, Vice President, Real Estate and Facilities, Alaska Railroad Corporation, stated the Alaska Railroad Corporation's support for SB 95. He said he doesn't have prepared testimony and is available to answer question.

CO-CHAIR TARR closed public testimony after ascertaining no one else wished to testify.

[3:35:14 PM](#)

The committee took a brief at-ease.

[3:35:35 PM](#)

REPRESENTATIVE TALERICO moved to adopt Amendment 1, labeled 31-LS0678\U.2, Fisher, 4/30/19, which read:

Page 1, line 1, following "**Act**":

Insert "**directing the sale of certain land to the Tok Shooters Association, Inc.;**"

Page 1, following line 3:

Insert a new bill section to read:

"* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSFER OF REAL PROPERTY TO THE TOK SHOOTERS ASSOCIATION, INC. (a) The Department of Natural Resources shall convey to the Tok Shooters Association, Inc., the surface estate of the real property used as a shooting range at Tok, Alaska, located at Mile 1323.2 of the Alaska Highway, within the Fairbanks Meridian, Township 18 North, Range 11 East, Section 10.

(b) In consideration for the conveyance under (a) of this section, the Department of Natural Resources may accept cash equivalent to the fair market value of the land being conveyed.

(c) The Department of Natural Resources is authorized to take actions necessary to convey the real property described in this section to the Tok Shooters Association, Inc., including platting, replatting, surveying, subdividing, and other actions."

Page 1, line 4:

Delete "**Section 1**"

Insert "**Sec. 2**"

Renumber the following bill section accordingly.

[3:35:59 PM](#)

CO-CHAIR TARR objected to Amendment 1 for discussion purposes.

REPRESENTATIVE TALERICO thanked the sponsor of SB 95 for his support of Amendment 1. He said the Tok Shooters Association, Inc., has operated the shooting range since about 1976 via a lease system. He recounted that years ago the Department of Natural Resources (DNR) wasn't comfortable with the lease and so did a no-cost lease to the Alaska Department of Fish and Game (ADF&G). Via ADF&G, he said, the Tok Shooters Association was able to lease state land, which the association turned into a well-developed shooting range. He noted that with the lease approaching 40 years old and expiring, the Tok Shooters Association would like to purchase the property at fair market value from the State of Alaska.

REPRESENTATIVE TALERICO explained Amendment 1 would allow DNR to convey that property to the Tok Shooters Association in consideration of fair market value of the land being conveyed. He said the land survey by Mathews Land Surveying, Inc., has not yet been submitted, but the survey was paid for partly by ADF&G funds and partly by the Tok Shooters Association. He added that purchase of the land seems to be the best resolution to the situation. He stated that over the years the range has supplied the Tok Shooters Association with a safe and important place to shoot, as well as the range being utilized for qualification of practice by ADF&G, U.S. Fish and Wildlife Service, Alaska State Troopers, and Bureau of Land Management. He further noted that hunter safety classes and bow hunting qualification are also

done at this range. He asked for the committee's support in adding Amendment 1 to SB 95.

[3:38:36 PM](#)

REPRESENTATIVE HANNAN inquired why DNR hasn't wanted to continue the lease. She further inquired as to whether the title of the bill will accommodate a DNR sale of land as opposed to the title of the bill, which is railroad transfer of land.

REPRESENTATIVE TALERICO replied he is unsure why DNR doesn't want to continue with the lease. He said it seemed awkward at the time to do a no-cost lease to another state department and the association's lease from ADF&G is actually a sub-lease. He related that the Tok Shooters Association, which has over 150 members, is anxious to continue the range and [once the land is purchased] the association would be responsible for and is ready for all of the liability for the shooting range.

[3:40:22 PM](#)

REPRESENTATIVE HANNAN pointed out that the title of the bill is railroad transfer of property.

REPRESENTATIVE TALERICO responded that a Concurrent Resolution must accompany a bill that has a title change, and a resolution to accommodate the title change is ready to go along with the bill if Amendment 1 is adopted.

REPRESENTATIVE HANNAN asked whether the committee could hear from the department.

CO-CHAIR TARR answered that no individuals from DNR are available online.

REPRESENTATIVE HANNAN noted there is a DNR person in the room.

CO-CHAIR TARR replied that the individual is the legislative liaison, but is not here today to testify or provide any input.

[3:41:15 PM](#)

REPRESENTATIVE HANNAN said she would really like to support the amendment, but has a number of questions having most recently dealt with a survey question in a bill she is sponsoring. She stated she wants to ensure the survey has been vetted. She explained she would like to know how many other shooters

associations and shooting ranges across the state are similarly situated because the Tok Shooters Association is not the only association that has had a relationship with leased land from the state under a zero-cost lease. She said she wants to know whether this year Tok will be the one and then next year there will be a bill for nine others, or whether Tok is the only one and is unique in its situation. She added that she wants to understand it more clearly before she votes in support. She said every community in Alaska needs a safe, monitored shooting range with a community buy-in. What is being talked about here, she continued, is not only an emotional buy-in and support for a community but also money changing hands. Therefore, she continued, she wants to understand the potential of how many other properties the legislature might be looking at, given other shooters associations could want a similar remedy.

CO-CHAIR TARR responded that there is a challenge with the request because the committee doesn't have an individual from DNR online and only two more minutes to work on this bill. She noted the bill would also come up on the House floor. She noted she is hearing and seeing confirmation from the bill sponsor that this is a friendly amendment. She apologized for the unusual situation.

[3:43:38 PM](#)

CO-CHAIR TARR removed her objection to Amendment 1.

REPRESENTATIVE HANNAN objected.

A roll call vote was taken. Representatives Hopkins, Spohnholz, Talerico, Lincoln, and Tarr voted in favor of Amendment 1. Representative Hannan voted against it. Therefore, Amendment 1 was adopted by a vote of 5-1.

[3:44:29 PM](#)

CO-CHAIR TARR reopened public testimony on SB 95.

DAVE STANCLIFF testified he has been involved with the Tok Shooters Association for 30 years and the range was before his time. Regarding why DNR was uncomfortable with the lease, he said the range has many thousands of dollars of improvements and has had some vandalisms and destructions from parties and unauthorized use of the range. A gate was put up, he stated, and members of the Tok Shooters Association and people with permission can unlock the gate with a combination. He related

that because it is on public property, DNR is uncomfortable with having the gate locked and not having full public access. Also, he continued, DNR is uncomfortable due to the liability and would prefer to have the liability with the Tok Shooters and so the transaction makes sense from a liability standpoint.

[3:46:18 PM](#)

CO-CHAIR TARR closed public testimony on SB 95 and announced the bill is now before the committee.

[3:46:33 PM](#)

REPRESENTATIVE HANNAN stated she would like to support the bill on the floor, but she cannot unless she gets some information regarding her concerns. She related that her family is a member of two shooting ranges, the Cooper Landing shooting club and the Craig shooting club, and she would now go look at their leases to see if they are similarly situated as the Tok Shooters Association in being DNR and ADF&G leases. She opined that if one range were to be transferred for zero cost, then other parties would also ask for a similar resolution. She said she is interested in knowing whether DNR has only cracked down on Tok with a gate or whether every sporting club on state land across the state that has exercised some prudent jurisdiction of the buildings and securing the facilities will be coming into their leases in the near future.

[3:47:38 PM](#)

CO-CHAIR LINCOLN moved to report SB 95, labeled 31-LS0678\U, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSSB 95(RES) was reported out of the House Resources Standing Committee.

SB 91-NUYAKUK RIVER: HYDROELECTRIC SITE

[3:48:19 PM](#)

CO-CHAIR TARR announced that the final order of business would be CS FOR SENATE BILL NO. 91(FIN), "An Act relating to the development and operation of a hydroelectric site at the Nuyakuk River Falls; providing for the amendment of the management plan for the Wood-Tikchik State Park; and providing for an effective date."

[3:48:37 PM](#)

REPRESENTATIVE BRYCE EDGMON, Alaska State Legislature, explained that CSSB 91(FIN) would allow for a local utility based in Dillingham to get the authority necessary to go into a nearby state park and explore the feasibility of an in-river hydroelectric project. The location of the project is 65-70 miles northeast of Dillingham, he said, and the bill would allow the current statutes around the park itself to be amended.

CO-CHAIR TARR noted the House Special Committee on Fisheries heard a presentation on the bill that indicated the natural flow of the river at the proposed location provides a good opportunity for an in-river hydroelectric project, but the bill is necessary for that to happen.

REPRESENTATIVE EDGMON agreed the aforementioned is correct.

[3:50:44 PM](#)

CO-CHAIR TARR stated the bill has been vetted by the other body and is now before this body. She said the committee would like to act on the bill at its next meeting and will be taking both public testimony and amendments at that meeting.

[SB 91 was held over.]

[3:52:16 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 3:52 p.m.