

**ALASKA STATE LEGISLATURE
SENATE RESOURCES STANDING COMMITTEE**

February 21, 2024

3:31 p.m.

DRAFT

MEMBERS PRESENT

Senator Click Bishop, Co-Chair
Senator Cathy Giessel, Co-Chair
Senator Bill Wielechowski, Vice Chair
Senator James Kaufman
Senator Forrest Dunbar
Senator Matt Claman
Senator Scott Kawasaki

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 190

"An Act relating to big game hunts for persons with physical disabilities; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 168

"An Act relating to wrongfully seized game."

- HEARD & HELD

SENATE BILL NO. 199

"An Act relating to access roads; relating to state land; relating to contracts for the sale of state land; relating to the authority of the Department of Education and Early Development to dispose of state land; relating to the authority of the Department of Transportation and Public Facilities to dispose of state land; relating to the authority of the Department of Natural Resources over certain state land; relating to the state land disposal income fund; relating to the sale and lease of state land; relating to covenants and restrictions on agricultural land; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 210

"An Act relating to salmon hatchery permits; and authorizing the sale of salmon to permitted persons for stocking lakes."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: SB 190

SHORT TITLE: BIG GAME HUNTING BY PERSON W/ DISABILITY

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/18/24	(S)	READ THE FIRST TIME - REFERRALS
01/18/24	(S)	RES
01/29/24	(S)	RES AT 3:30 PM BUTROVICH 205
01/29/24	(S)	Heard & Held
01/29/24	(S)	MINUTE(RES)
01/31/24	(S)	RES AT 3:30 PM BUTROVICH 205
01/31/24	(S)	<Bill Hearing Canceled>
02/21/24	(S)	RES AT 3:30 PM BUTROVICH 205

BILL: SB 168

SHORT TITLE: COMPENSATION FOR WRONGFULLY SEIZED GAME

SPONSOR(s): BJORKMAN

01/16/24	(S)	PREFILE RELEASED 1/8/24
01/16/24	(S)	READ THE FIRST TIME - REFERRALS
01/16/24	(S)	RES
02/16/24	(S)	RES AT 3:30 PM BUTROVICH 205
02/16/24	(S)	Scheduled but Not Heard
02/21/24	(S)	RES AT 3:30 PM BUTROVICH 205

BILL: SB 199

SHORT TITLE: STATE LAND: DISPOSAL/SALE/LEASE/RESTRICT

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/22/24	(S)	READ THE FIRST TIME - REFERRALS
01/22/24	(S)	TRA, RES, FIN
02/13/24	(S)	TRA AT 1:30 PM BUTROVICH 205
02/13/24	(S)	Heard & Held
02/13/24	(S)	MINUTE(TRA)
02/20/24	(S)	TRA AT 1:30 PM BUTROVICH 205
02/20/24	(S)	Moved CSSB 199(TRA) Out of Committee
02/20/24	(S)	MINUTE(TRA)
02/21/24	(S)	RES AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

SENATOR JESSE BJORKMAN, District D
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Sponsor of SB 168.

RAYMIE MATIASHOWSKI, Staff
Senator Jesse Bjorkman
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Presented the sectional analysis for SB 168.

BERNARD CHASTAIN, Colonel
Alaska Wildlife Troopers
Department of Public Safety (DPS)
Juneau, Alaska
POSITION STATEMENT: Answered questions on SB 168.

CHERYL BROOKING, Senior Assistant Attorney General
Department of Law (DOL)
Anchorage, Alaska
POSITION STATEMENT: Answered questions on SB 168.

TED SPRAKER, representing self
Soldotna, Alaska
POSITION STATEMENT: Invited testimony for SB 168.

REBECCA SCHWANKE, representing self
Glenallen, Alaska
POSITION STATEMENT: Invited testimony for SB 168.

BRENT GOODRUM, Deputy Commissioner
Department of Natural Resources (DNR)
Anchorage, Alaska
POSITION STATEMENT: Introduced SB 199 on behalf of the
administration.

CHRISTY COLLES, Director
Division of Mining, Land, and Water
Department of Natural Resources (DNR)
POSITION STATEMENT: Presented an overview and sectional analysis
of SB 199 on behalf of the administration.

BRYAN SCORESBY, Director
Division of Agriculture

Department of Natural Resources (DNR)
Palmer, Alaska

POSITION STATEMENT: Answered questions on SB 199.

RACHEL LONGACRE, Chief of Operations
Division of Mining, Land and Water (DMLW)
Department of Natural Resources (DNR)
Anchorage, Alaska

POSITION STATEMENT: Answered questions on SB 199.

ACTION NARRATIVE

[3:31:23 PM](#)

CO-CHAIR CLICK BISHOP called the Senate Resources Standing Committee meeting to order at 3:31 p.m. Present at the call to order were Senators Wielechowski, Kaufman, Dunbar, and Co-Chair Giessel, and Co-Chair Bishop. Senators Kawasaki and Claman arrived thereafter.

SB 190-BIG GAME HUNTING BY PERSON W/ DISABILITY

[3:32:19 PM](#)

CO-CHAIR BISHOP announced the consideration of SENATE BILL NO. 190 "An Act relating to big game hunts for persons with physical disabilities; and providing for an effective date."

[3:32:54 PM](#)

CO-CHAIR BISHOP solicited a motion.

[3:32:58 PM](#)

SENATOR DUNBAR moved to adopt Amendment 1, work order 33-GS2382\A.1, to SB 190.

[Original punctuation provided.]

33-GS2382\A.1
Bullard
2/15/24

AMENDMENT 1

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:
LEGISLATIVE INTENT. It is the intent of the legislature that nothing in this Act affects a

municipality's existing authority to manage and control municipal land, including determining whether municipal land may be used for sport hunting."

Page 1, line 4: 10
Delete "**Section 1**"
Insert "**Sec. 2**"

Renumber the following bill sections accordingly.

Page 1, line 14:
Delete "Section 2"
Insert "Section 3"

Page 2, line 1:
Delete "sec. 3"
Insert "sec. 4"

[3:33:01 PM](#)

CO-CHAIR BISHOP objected for purposes of discussion.

[3:33:05 PM](#)

SENATOR DUNBAR mentioned that despite efforts to negotiate an amendment with the Department of Natural Resources (DNR), an agreement couldn't be reached. He said he is proposing language to clarify the legislative intent. Although he supports the objective of SB 190, residents in Anchorage and other municipalities expressed concerns that the bill might infringe upon municipal authority to manage land use, especially concerning hunting activities like the proposed moose hunt in Kincaid Park. Amendment 1 seeks to reassure Anchorage residents that the municipality retains the final say over land use regulations including the discharge of firearms within municipal boundaries.

[3:35:00 PM](#)

CO-CHAIR BISHOP removed his objection.

[3:35:06 PM](#)

CO-CHAIR BISHOP found no further objection and Amendment 1 was adopted.

[3:35:15 PM](#)

CO-CHAIR BISHOP held SB 190 in committee.

SB 168-COMPENSATION FOR WRONGFULLY SEIZED GAME

[3:35:21 PM](#)

CO-CHAIR BISHOP announced the consideration of SENATE BILL NO. 168 "An Act relating to wrongfully seized game."

[3:36:11 PM](#)

SENATOR JESSE BJORKMAN, District D, Alaska State Legislature, Juneau, Alaska, sponsor of SB 168, said hunters painstakingly plan hunting opportunities to fill their freezers each Fall. He stated that they physically train to prepare for the rigors of the hunt and practice marksmanship with their weapons to ensure a quick, clean harvest. Hunters also work diligently to learn to identify what makes the species of the animals they hunt legal. Learning to identify legal tines on a moose, the overall spread of a moose rack, or what makes a sheep horn full curl can be difficult. However, young hunters can learn how to identify animals that are legal for harvest according to state regulations. He mentioned he taught dozens of middle school students in outdoor education on the process each year. Alaska's selective harvest regulations based on antler configuration or horn growth allow for increased hunting opportunity for all Alaskans. However, there are sometimes disagreements between hunters and law enforcement about whether a harvested animal is indeed legal. When an animal is suspected of being illegally harvested, it is seized and given to others, so it does not go to waste while waiting for the courts to decide the case. If the court finds that the hunter was in the right and the deceased animal was indeed legal, the unlawfully taken meat is gone and cannot be returned.

[3:38:01 PM](#)

SENATOR BJORKMAN stated that according to many hunters who have experienced this situation, the state places their name on the list to receive roadkill as compensation for their loss. Trading roadkill animals for a legally cared for animal is not just compensation for the state's error in enforcing the law. This bill seeks to provide hunters with monetary compensation for an unlawfully taken animal so the hunter can purchase meat of their own choosing. The game animals included under SB 168 are typically those most eaten. However, he is open to including bears. The goal of SB 168 is to ensure hunters have just compensation when animals are wrongfully taken. He expressed appreciation for past incidences when law enforcement recognized the error and returned or replaced the animal. However, often hunters must wait for long periods of time to receive an animal and sometimes it is an unsuitable alternative.

[3:39:41 PM](#)

CO-CHAIR BISHOP asked why bears were excluded from the list.

[3:39:52 PM](#)

SENATOR BJORKMAN said there is not a selective harvest requirement for bears, so it was excluded from SB 168. However, there are instances where law enforcement has seized bear meat and returned it to the hunter, so he agreed it would be logical to include bears.

[3:40:19 PM](#)

SENATOR WIELECHOWSKI recounted a conversation with someone last year who experienced wrongful confiscation of their moose, took the case to the Supreme Court, and won. One year later, the Alaska Department of Fish and Game (ADFG) claimed it no longer possessed the meat, amounting to a loss of 600-800 lbs. of food for someone reliant on subsistence living. He asked Senator Bjorkman if he considered including seals, ducks, or fish.

[3:41:08 PM](#)

SENATOR BJORKMAN replied that fish are fairly easy to replace, marine mammals are regulated by the federal government, and he did not consider including small game. He stated that his focus remains primarily on cases involving the wrongful confiscation of big game, which he hears about more frequently.

[3:41:39 PM](#)

SENATOR CLAMAN referred to SB 186, line 11, and asked why "and" preceded musk ox rather than include it in the sequence.

[3:42:04 PM](#)

RAYMIE MATIASHOWSKI, Staff, Senator Jesse Bjorkman, Alaska State Legislature, Juneau, Alaska, said he would consult with Legal Services and follow up with a response.

[3:42:14 PM](#)

SENATOR CLAMAN asked him to speak to the fiscal note from ADFG and stated his belief that it raises questions.

[3:42:55 PM](#)

SENATOR DUNBAR also sought additional fiscal details.

[3:43:15 PM](#)

MS. MATIASHOWSKI presented the sectional analysis for SB 168:

[Original punctuation provided.]

SB 168 Version A

Sectional Analysis

"Compensation for Wrongfully Seized Game"

Section 1: Amends AS 16.05 by adding a new section, AS 16.05.197, which compensates hunters who have had a hoofed animal wrongfully seized by the state. This monetary compensation will take the weight in pounds of the wrongfully seized game meat multiplied by the current per-pound price of beef sold in the area the game was taken in.

[3:44:00 PM](#)

SENATOR CLAMAN asked how a wrongfully taken animal is determined and wondered which cut of meat is used. He relayed that ADFG suggested there are ambiguities under SB 168.

[3:44:18 PM](#)

SENATOR BJORKMAN said when drafting SB 168, the intent was to base the value on the price of beef per pound. However, expecting beef to be sold in a rationalized price per region is unrealistic. There are other alternative methods the committee could consider, such as utilizing the existing statutory value of the animal for determining a restitution price.

[3:45:26 PM](#)

SENATOR DUNBAR asked if the restitution table is specific to the region the meat was harvested and noted differences based on location.

[3:45:59 PM](#)

SENATOR BJORKMAN replied that restitution is specific to the community where the animal was harvested. However, compensation is statewide and not specific to any particular region.

[3:46:27 PM](#)

SENATOR DUNBAR commented that animals harvested in rural areas may be worth far more.

[3:46:50 PM](#)

SENATOR BJORKMAN agreed and stated the intent of SB 168 is to allow ADFG to replace an animal with an alternative that is agreeable to the hunter. He opined that most hunters would prefer a suitable replacement over a small monetary compensation listed on the restitution schedule.

[3:48:12 PM](#)

SENATOR DUNBAR inquired about the number of animals seized per year.

[3:48:34 PM](#)

CO-CHAIR BISHOP invited Colonel Chastain, Alaska Wildlife Troopers, to respond.

[3:48:58 PM](#)

COLONEL BERNARD CHASTAIN, Alaska Wildlife Troopers, Department of Public Safety (DPS), Juneau, Alaska, replied that DPS researched cases of wrongfully seized game over the previous five years. He stated that the department returned on average 1-2 animals per year. This includes all seized animals, including moose, sheep, caribou, and other animals across the state, although some years may see a higher count. This includes cases where the court found the defendant not guilty and returned the animal. It also includes cases when technical issues occurred due to an error made by the court or law enforcement, and sometimes by the Department of Law (DOL), leading to case dismissals and the return of the animal to the defendant.

[3:50:27 PM](#)

SENATOR DUNBAR asked if the Senate Finance Standing Committee would hear SB because of the indeterminate fiscal note.

[3:50:36 PM](#)

CO-CHAIR BISHOP replied he is uncertain given pending amendments to the bill.

[3:50:42 PM](#)

SENATOR DUNBAR opined that it would be relatively easy to determine the fiscal impact considering only 1-2 moose per year are seized.

[3:51:04 PM](#)

SENATOR WIELECHOWSKI asked on average how many big game animals are seized annually.

[3:51:17 PM](#)

COLONEL CHASTAIN estimated that over one hundred big game animals are seized per year. He stated that the majority of seized animals are moose and average over one hundred per year. Annually, about 20-25 sheep, along with some Caribou, deer, and other animals are seized annually. The total average is about 150 or more.

[3:51:55 PM](#)

SENATOR WIELECHOWSKI inquired about the process after animals are seized and asked how many of those animals are returned to the hunter.

[3:52:10 PM](#)

COLONEL CHASTAIN replied that once an animal is seized, it is documented and goes to a charity organization unless the case is contentious. He said many cases result from hunters who voluntarily admit their mistake while some cases involve hunters coordinating with ADFG to arrange an animal field check. ADFG then assists DPS in determining the legality of taking the animal. In instances where a court mandates the return of an animal, the next available animal akin to the original is offered to the defendant. The department works with defendants to determine a resolution when offers are declined. In most situations, the next available animal in good condition that is akin to the original game is provided to the defendant. The department makes a statewide effort to preserve processed illegally taken game for restitution purposes.

[3:54:24 PM](#)

SENATOR CLAMAN stated that in the second paragraph of the indeterminant fiscal note, it discusses how to determine if game was wrongfully seized. He requested clarification on the process by which a criminal case concludes with a defendant being found not guilty, yet the game seized during the case is not considered wrongfully taken.

[3:54:56 PM](#)

COLONEL CHAISTAIN replied that according to AS 16.05.190, DPS is authorized to seize an animal and cite the hunter when there is probable cause to believe it was wrongfully taken. The court is then required to forfeit the animal. The term "wrongfully seized" is not legally defined. Occasionally, the court determines the animal was legal and it is returned to the hunter.

[3:56:00 PM](#)

SENATOR CLAMAN asked for confirmation of his understanding that if the criminal court finds the defendant not guilty and orders the return of the game, the state is not held responsible for wrongfully obtaining the seized animal.

[3:56:20 PM](#)

COLONEL CHAISTAIN replied that is correct and reiterated that he is unaware of a legal definition of "wrongfully seized" or a finding that would come from the court.

[3:56:30 PM](#)

SENATOR CLAMAN asked whether anyone had ever filed a civil case for the return of game meat that was seized by the state.

[3:57:06 PM](#)

CHERYL BROOKING, Senior Assistant Attorney General, Department of Law (DOL), Anchorage, Alaska, replied she has been on the job for ten years and never witnessed a civil claim related to wrongfully seized game.

[3:57:26 PM](#)

SENATOR WIELECHOWSKI asked how many animals are seized and returned before a court action.

[3:57:52 PM](#)

COLONEL CHAISTAIN replied it is rare for that situation to occur, but it is possible.

[3:58:10 PM](#)

CO-CHAIR GIESSEL suggested defining the term "wrongfully seized."

[3:58:47 PM](#)

MS. BROOKING recommended that it would be helpful to either define "wrongfully seized" or reference the existing definition of "probable cause" if it is determined that an animal was seized without probable cause.

[3:59:20 PM](#)

SENATOR CLAMAN asked about the legal implication of moving to define "wrongfully seized" as opposed to "probable cause." He asked if there are any other sections in statute that use the term "wrongfully seized."

[4:00:03 PM](#)

MS. BROOKING replied she is unaware of any location in statute where the term is used.

[4:00:18 PM](#)

SENATOR WIELECHOWSKI asked how the Department of Law (DOL) makes a hunter whole in cases where troopers raid someone's house and game evidence is spoiled.

[4:00:44 PM](#)

MS. BROOKING deferred to Colonel Chaistain to respond.

[4:01:16 PM](#)

COLONEL CHAISTAIN asked for clarification to ensure he understood the question correctly.

[4:01:34 PM](#)

SENATOR WIELECHOWSKI provided an example of spoiled evidence and asked if compensation is provided.

[4:01:52 PM](#)

COLONEL CHAISTAIN replied that Alaska State Troopers may enter a person's home and cause damage, but officers do their best to repair and replace everything that was destroyed.

[4:02:49 PM](#)

SENATOR CLAMAN asked if the state reimburses the value of the property that is no longer viable when it is seized by state troopers.

[4:03:27 PM](#)

COLONEL CHAISTAIN replied that he is aware of a situation where the court found that a person was not guilty or liable. He said in these situations, DPS tries to make the person whole by replacing any damaged items and the defendant is given the option to receive the next available roadkill animal or a similar animal. Sometimes, a person may wait several months before an animal of similar quality is obtained for the replacement. However, the animal is delivered in most situations when the court finds the defendant not guilty.

[4:04:41 PM](#)

CO-CHAIR BISHOP announced invited testimony and invited Ted Spraker, former Chair of Alaska Board of Game, to speak to SB 168.

[4:05:08 PM](#)

TED SPRAKER, representing self, Soldotna, Alaska, said he is a strong supporter of SB 168 and appreciates how it ensures fairness for the public. He provided a hypothetical scenario and drew a parallel with liability in compensating for truck damage in an auto accident to highlight the importance of rectifying wrongful citations for illegal moose meat confiscation. While antlers may be returned if a citation is later found to be legal, the meat is often unrecoverable. He stressed that ADFG and state troopers have difficult jobs, but acknowledged that mistakes may occur and they should be held accountable. He said he has been called in several times as an expert witness for hunters since he played a lead role in the implementation of

selective harvest in 1997. A few years ago, a woman killed a moose and the animal was brought to ADFG thereafter. The department determined that the animal was illegal, so the antlers and meat were stored in Alaska State Troopers' freezer. The case went on for several months and the judge eventually ruled in her favor. However, when she obtained the meat, it was inedible and could not be used to feed her family. He said this type of scenario does not happen often, but it is devastating when it does occur. He opined that SB 168 is a good bill that would fairly compensate hunters who wrongfully lose their game.

4:09:37 PM

REBECCA SCHWANKE, representing self, Glenallen, Alaska, testified in support of SB 168. She explained her background as a former Alaska Department of Fish and Game (ADFG) employee and current roles as a big game guide, hunter, wildlife biologist, consultant, and expert witness on Dall sheep legality. She said she spent 12 years working alongside ADGF and big game hunters on numerous research management projects. One project included establishing Dall sheep full curl-horn regulations in 2004. She stated she also worked closely with other state biologists and state troopers, including Colonel Chaistain, to develop the sealing process. Her role included training staff to ensure consistency in the Dall sheep legality determination and sealing procedures with fairness and consistency. She recounted the opportunity to testify in court on behalf of state prosecutors and recently on behalf of hunters who had their Dall sheep horns wrongfully seized. She said hunters hope ADFG and the Alaska State Troopers are consistently working to ensure they employ the highest quality training for their staff and ensure a full and fair evaluation of legality when a harvested animal is presented. Acknowledging that the state generally gets it right in legality determinations, she noted the difficulty and loss experienced by both parties in cases of confiscation. If a hunter opts to contest the confiscation and comes out of court without a guilty verdict, it is up to the state to return the evidence to the hunter. She highlighted the significant amount of time, energy, and resources expended by hunters who contest confiscations and are found not guilty. There is currently a lack of standardized requirements or a process to compensate hunters for the loss of valuable game meat. In some situations, hunters do not receive any meat or compensation. When a big game animal is wrongfully seized, the value of the animal may be worth more in certain regions. She stated she trusts that the committee and bill sponsor can work together to find a consistent, easier to apply, fair evaluation process for wrongfully taken big game.

[4:13:16 PM](#)

CO-CHAIR BISHOP concluded invited testimony and held SB 168 in committee.

SB 199-STATE LAND: DISPOSAL/SALE/LEASE/RESTRICT

[4:13:39 PM](#)

CO-CHAIR BISHOP announced the consideration of SENATE BILL NO. 199 "An Act relating to access roads; relating to state land; relating to contracts for the sale of state land; relating to the authority of the Department of Education and Early Development to dispose of state land; relating to the authority of the Department of Transportation and Public Facilities to dispose of state land; relating to the authority of the Department of Natural Resources over certain state land; relating to the state land disposal income fund; relating to the sale and lease of state land; relating to covenants and restrictions on agricultural land; and providing for an effective date."

[4:14:37 PM](#)

BRENT GOODRUM, Deputy Commissioner, Department of Natural Resources (DNR), Anchorage, Alaska, said Alaska manages over one hundred million acres of uplands and 65 million acres of tidelands that belong to the state's residents. He stated SB 199 would create flexibility and responsiveness within state departments and generate additional opportunities to put our lands to work for everyday Alaskans. The bill would serve to streamline land transfer functions, enable the Department of Transportation and Public Facilities (DOT&PF), and the Department of Education and Early Development (DEED) to directly transfer land that is no longer needed for its original purpose to private parties, therefore reducing bureaucratic administration and complicated multi-agency efforts. SB 199 would also work to create flexible leasing requirements that would allow DNR to decide when surveys are necessary for long-term leases to support applicants' needs and potentially lower costs for lessees. It would further incorporate adaptable road standards that allow for more economical pioneer road standards for land access and align right-of-way widths with municipal zoning codes. SB 199 would provide necessary financial support for the development of state lands in preparation for sales to Alaskans, as well as extend the contract terms of sales to 30 years. This legislation would help facilitate commercial land sales by introducing a new statute for commercial land leasing and sales. It would expand agricultural use to be inclusive of

activities to help offset agricultural development costs. This is an important piece of legislation that could help create new opportunities in making Alaska's lands open to everyday Alaskans.

[4:17:05 PM](#)

CHRISTY COLLES, Director, Division of Mining, Land, and Water, Department of Natural Resources (DNR), moved to slide 2 and provided an overview and sectional analysis of SB 199:

[Original punctuation provided.]

Overview

Authorize the Department of Education & Early Development (DEED) and the Department of Transportation & Public Facilities (DOT&PF) to directly dispose of surface land, rather than transferring land to the Department of Natural Resources (DNR) for conveyance
Increase the cap on the Land Disposal Income Fund (LDIF)

Update and improve provisions relating to DNR's land disposal procedures in AS 19.30, AS 38.04, AS 38.05
Amends agricultural use restrictions
Add a new statute relating to leases and sales of land for commercial development

[4:18:02 PM](#)

MS. COLLES moved to slide 3 and explained the authority for the direct disposal of state land:

[Original punctuation provided.]

Authority for Direct Disposal of State Land

- Proposed amendments allow the Department of Education and Early Development (amending AS 14.07.030) and Department of Transportation & Public Facilities (amending AS 35.20.070) to sell land directly to private parties
- Streamlining land disposals, reducing multi-agency involvement
- Expanding eligible recipients beyond federal, state agencies, and political subdivisions

- Department of Natural Resources first right of refusal for disposal of lands no longer needed for transportation public facilities

MS. COLLES said this amendment would eliminate the need for DNR to include any restrictions imposed by department statutes in the disposal process, as these requirements may be inconsistent with the needs of sister agencies. This change would expand the pool of eligible recipients beyond federal and state agencies, as well as political subdivisions. Under the Alaska Constitution, DEED would comply with art.VIII, sec. 10 for public notice and art. IX, sec. 6 for a public purpose. SB 199 would also repeal and reenact DOT&PF's authority under AS 35. This amendment would streamline the disposal process by removing the multi-agency factor and any constraints imposed by DNR statutes. The bill would require DOT and public facilities to offer land deemed suitable for disposal to DNR before disposing of it themselves. DNR would then have 45 days to accept, reject, or ignore the offer. If land is not accepted within 45 days, DOT could dispose of the land according to standards established by the commissioner. If SB 199 becomes law, DOT would have direct disposal authority for lands acquired for Public Facilities and projects under AS 35. If these lands are no longer needed for such projects, DOT&PF's current disposal regulations would apply and these actions would be conducted under DOT's public notice requirements that implement art.VIII, sec. 10 of the Alaska Constitution.

[4:19:52 PM](#)

CO-CHAIR BISHOP asked for confirmation of his understanding that the goal of SB 199 is to streamline the process to make more state lands available for public purchase or leasing and eliminate the 10-year survey requirement. He asked if DNR has the first right of refusal between DEED and DOT.

[4:20:26 PM](#)

MS. COLLES replied yes. She said that the provision was added in the Senate Transportation Committee to give DNR the first right of refusal for the DOT piece, but the provision is excluded in the section specific to DEED.

[4:20:50 PM](#)

MS. COLLES moved to slide 4 and reviewed the land disposal income fund (LDIF):

[Original punctuation provided.]

Land Disposal Income Fund (LDIF)

- The LDIF holds deposits from the state land disposal program
- Under current law, the portion of the fund in excess of \$5 million is to be deposited in the state general fund
- The bill raises state land disposal income fund cap from \$5 million to \$12 million
- Boosts spending authority for larger projects
- Addresses inflation since 2000; cap unchanged for 20 years
- Adjustment to funding cap, not appropriation
- Department can request limit increase in annual report

Capital authority operates over multiple years. SB 199 also includes provisions that authorize gifts, donations, and grants in accordance with memo.

MS. COLLES said the proposed increase to \$12 million to the land disposal income fund aims to bolster the LDIF balance and facilitate the department's efforts in land development and disposal, while accounting for inflation since its inception in 2000. Concern over a minimal fund balance resulting from fiscal sweeps, revenue expenditures, disparities, and escalating land development costs underscore the necessity for the proposed increase. DNR is closely monitoring the fund's status and is adjusting general fund expenses including core costs. Elevating the cap is an initial measure to sustain the funds' effectiveness in supporting multi-year large-scale development projects. Capital authority for subdivision improvements operates over multiple fiscal years with vigilant oversight of contractual agreements to prevent revenue shortfalls. However, funding constraints may hinder land preparation for future sales. This request is not for an appropriation, but for a higher fund balance for land sale receipts. LDIF supports the Division of Mining, Land and Water (DMLW) and the Division of Agriculture within DNR. SB 199 also includes provisions that authorize DNR to accept gifts, donations, and grants for the purpose of providing signage for an asset under the control of the department in accordance with a memorandum of understanding agreed on by the donor and the department.

[4:22:20 PM](#)

MS. COLLES moved to slide 5 and explained the agricultural land lease and sale procedures:

[Original punctuation provided.]

Agricultural Land Lease and Sale Procedures

- Amendment to AS 38.05.321 allows broader use of agricultural land and improvements
- Currently an agricultural landowner can only use the land for purposes that are incidental to and not inconsistent with agricultural land
- Proposed amendment would now allow an agricultural landowner to use land for purposes that are consistent with and do not interfere with the primary purpose

MS. COLLES conveyed that SB 199 proposes amendments to existing statutes that would broaden the scope of agricultural activities beyond primary use. These would enable ancillary endeavors like bed and breakfast operations to supplement and alleviate agricultural development expenses. While it is crucial to preserve agricultural land for its intended purpose, the limited availability of land underscores the need for flexibility. Granting the director greater discretion and permitting diverse economic activities within agricultural farm developments could foster a more robust economic framework for farmers and ripen greater success.

[4:23:06 PM](#)

SENATOR DUNBAR asked how primary use and ancillary land use are determined.

[4:23:29 PM](#)

MS. COLLES deferred the question.

[4:23:50 PM](#)

BRYAN SCORESBY, Director, Division of Agriculture, Department of Natural Resources (DNR), Palmer, Alaska, responded that he would follow up with the committee with additional information in writing.

[4:24:21 PM](#)

MS. COLLES moved to slide 6 and explained access road construction:

[Original punctuation provided.]

Access Road Construction

Amends AS 19.30.080 to specify that access roads to surface disposals may be developed at a pioneer standard

Clarifying language on right-of-way widths within municipal boundaries

Align with municipal zoning requirements to the same extent as private developers

[4:24:51 PM](#)

SENATOR WIELECHOWSKI asked whether SB 199, Section 2, requires municipalities to maintain the roads that are built under Section 2 of SB 199.

[4:25:20 PM](#)

MS. COLLES replied yes and said if the roads are within a municipality or borough and they are the designated planning authority and that signs the plat, they would be responsible for road maintenance.

[4:25:34 PM](#)

SENATOR WIELECHOWSKI asked if the state could take away local control and prevent a municipality from mandating higher standards for access roads.

[4:25:57 PM](#)

MS. COLLES replied no and said the existing zoning code helps DNR plan for a subdivision. She stated if the planning authority wants to mandate a higher requirement for a subdivision than for a private owner, it becomes cost prohibitive. DNR seeks to be treated with the same standards as private land developers.

[4:26:53 PM](#)

SENATOR DUNBAR conveyed that a common concern he has heard from Anchorage residents is that too much responsibility is placed on private developers for planning. However, there is extensive negotiation with every project that involves planning and zoning. Oftentimes, there are additional standards placed on private landowners. He asked how to define equal standards when private landowners are often held to different standards depending on the project.

[4:27:52 PM](#)

MS. COLLES replied that DNR has experienced the Mat-Su Borough holding it to a higher standard. Not holding private landowners

to a higher standard should receive consideration. However, DNR perceives that it has been held to a higher standard and seeks a level playing field.

[4:28:22 PM](#)

SENATOR DUNBAR opined that there is a non-uniform standard shortcoming of local law. It is often political forces that push to increase development costs for certain developers. He expressed uncertainty that the phrasing in SB 199 would overcome the issue.

[4:28:48 PM](#)

CO-CHAIR BISHOP requested an example of how the standard would apply.

[4:28:58 PM](#)

MS. COLLES stated that DNR seeks to analyze the municipality or borough zoning codes and design and plan for road development based on those codes. She noted it often takes up to two years to go through the plat process. The department does not always have extra funds available to extend the process and make changes when the municipality adds new criteria. SB 199 holds municipalities to the standards that they have written in zoning codes.

[4:30:11 PM](#)

CO-CHAIR BISHOP provided a hypothetical scenario and asked if the amendment applies to DNR-owned land within a municipality.

[4:30:20 PM](#)

MS. COLLES replied that is correct.

[4:30:29 PM](#)

SENATOR CLAMAN asked if DNR wants to build to the pioneer road rather than the municipal road standard.

[4:30:41 PM](#)

MS. COLLES replied DNR has little land within the municipality of Anchorage. However, it does have land in and near boundary lines of boroughs. She referenced the Matanuska-Susitna Borough as an example. DNR would have to follow the zoning requirements of all boroughs and municipalities.

[4:31:17 PM](#)

CO-CHAIR BISHOP commented that the Alaska Highway was originally a pioneer road.

[4:31:26 PM](#)

SENATOR CLAMAN asked whether DNR would build to pioneer road standards or the Mat-Su Borough standards given the land is inside and alongside the borough.

[4:31:50 PM](#)

MS. COLLES said DNR would build to the standards of the Mat-Su Borough, but it does not want to be held to higher standards. The department designs plats off of borough codes. DNR then takes the plat to the borough for signing, but the borough then raises the bar on its requirements.

[4:32:27 PM](#)

SENATOR CLAMAN asked if the concern is that boroughs can elevate development standards on DNR projects, so DNR is seeking to limit this authority.

[4:32:41 PM](#)

MS. COLLES replied that is correct.

[4:32:51 PM](#)

CO-CHAIR BISHOP opined that "pioneer" may be wrong term to use because DNR only wants the same zoning requirements that municipalities require.

[4:33:16 PM](#)

MR. GOODRUM said DNR worked closely with Alaska Municipal League on the provision under SB 199 to ensure consistency with several municipalities and boroughs. He conveyed the department worked to find an agreement and did not receive any disputes regarding the provision.

[4:33:42 PM](#)

CO-CHAIR BISHOP expressed appreciation for the end goal and stated he frequently hears about the shortage of housing and land in Alaska. He stated the aim of SB 199 is to ease these burdens to make more homes available for first-time homeowners.

[4:34:15 PM](#)

MS. COLLES moved to slide 7 and explained land sale procedures:

[Original punctuation provided.]

Land Sale Procedures

- Land sale disposal contracts
- Longer purchase terms from 20 years to 30 years

- Consistency in terms from "Foreclosure" to "Termination"
- Allows for paid in full purchase when existing infrastructure would increase liability of financing a land sale purchase contract

MS. COLLES added that the terminology is more consistent and aligns with administrative processes rather than banking terms. She said the provision also includes a definition for public auction that would pave the way for online auctions. While traditional DNR sale methods would persist under SB 199, defining public auctions would enhance the structure of online platforms. Through a best interest finding, DNR could require payment in full within 120 days following the sale of land. Infrastructure that exceeds \$10 thousand, this amendment protects the state from receiving the infrastructure in poor condition and having higher liability.

[4:35:12 PM](#)

MS. COLLES moved to slide 8 and explained survey requirements for leases:

[Original punctuation provided.]

Survey Requirements for Leases

- Discretion of cadastral surveys for long-term leases
 - Survey could be required where infrastructure boundaries or access management is in the best interest of the state
 - Reduces the financial and administrative burden on industries
 - Industry is challenged by current requirements
- Ex: Renewable energy projects, grazing leases

MS. COLLES said SB 199 proposes several amendments that aim to streamline processes and reduce barriers for development on state land. She stated that AS 38.04.045(b) would grant the commissioner through a best interest finding the option to determine the necessity of a cadastral survey that would provide flexibility while maintaining state oversight. Statute provision AS 38.05.070 would eliminate the requirement for surveys for long-term leases. This change acknowledges that surveys and appraisals for leases exceeding ten years can pose significant hurdles for industries seeking land development, especially in

grazing, renewable energy, and agricultural industries. These requirements not only deter development, but also incur prohibitive costs, especially for industries with extensive land needs. These amendments aim to promote economic growth by reducing unnecessary administrative burdens and expenses associated with land development processes. DNR would maintain the ability to require a survey if desired.

[4:36:19 PM](#)

CO-CHAIR BISHOP asked if a miner would have ten years to obtain and convert a survey to a lease.

[4:36:43 PM](#)

MS. COLLES said DNR does not require surveys for mining leases because it is a different type of land right. She stated the amendment is specific to land leases such as one obtained for agricultural farming. Some developments are remote and require \$20,000 - \$30,000 to complete the survey. If land is remote, alternative proof could be provided to the department in lieu of a survey, such as GPS coordinates, to demonstrate land boundaries. If the developer wanted to purchase the land, the survey would be required.

[4:37:45 PM](#)

CO-CHAIR BISHOP asked her to repeat the cost of the survey.

[4:37:50 PM](#)

MS. COLLES replied that the cost ranges between \$20,000 - \$40,000 dollars.

[4:37:57 PM](#)

CO-CHAIR GIESSEL requested the definition of a cadastral survey.

[4:38:05 PM](#)

MS. COLLES replied that the cadastral survey mandates that land must be marked with survey markers, which is often costly.

[4:38:33 PM](#)

CO-CHAIR BISHOP recalled seeing a local survey marker marked in concrete.

[4:38:45 PM](#)

MS. COLLES moved to slide 9 and described land used for commercial development:

[Original punctuation provided.]

Land for Commercial Development

- Stimulate economic development
- Offers land for leasing, and sale, by requesting proposals
- For state land identified or nominated as a Qualified Opportunity Zone
- For state land nominated by the public
- For any other state land the commissioner deems appropriate for commercial development under 640 acres
- Nominated land may need to be reclassified
- Provide additional public notice beyond normal AS 38.05.945

MS. COLLES said under AS.38.05.840, DNR would need to evaluate land nominations, identify land offering areas, prepare documents relating to planning and classification, prepare best-interest findings under AS.38.05.035(e), title due diligence, title report issuance, and provide an appraisal of the land. The DNR commissioner would be required to prepare a report for each property deemed appropriate for commercial development. The report would highlight the municipal and state government services that the commissioner anticipates as necessary for the area. It also includes municipal and state tax revenue required to provide these services if the land undergoes commercial development.

[4:39:43 PM](#)

SENATOR DUNBAR asked her to define commercial development and wondered whether there are any restrictions for land use.

[4:40:03 PM](#)

MS. COLLES replied that DNR seeks individuals who hold a business license and are willing to invest capital into the property. Initially, a developer enters into a lease agreement. Therefore, DNR would like to see evidence of a viable development plan and proof of a commercial enterprise operation. Proof of immediate profit is unnecessary given the time it may take for operations to generate revenue. She noted that hunting guides have previously shown interest in obtaining lodges, uncertainty of land ownership makes it challenging for them to invest capital.

[4:40:59 PM](#)

SENATOR DUNBAR asked if any activities are prohibited for commercial development, such as mining, oil, or gas operations.

[4:41:15 PM](#)

MS. COLLES replied that no activities are currently prohibited under commercial operations. However, subsurface activities would require additional authorization for operations. The provision is specific to surface operations, so subsurface lands could not be purchased under the provision.

[4:41:44 PM](#)

SENATOR WIELECHOWSKI asked what discretion the commissioner has in the reclassification of land and wondered whether any parameters exist.

[4:41:59 PM](#)

MS. COLLES replied there are statutes that mandate DNR to go through a public process to reclassify lands that often take 2-5 years and involve much public input. She said documents that demonstrate that the reclassification of land is in the best interest of the state are required, as well as coordination with sister agencies.

[4:42:31 PM](#)

SENATOR WIELECHOWSKI asked if a best interest finding is required for reclassification.

[4:42:40 PM](#)

MS. COLLES replied that the process is not identical to the best interest finding under AS 38.05.035, but it requires a decision under its own statute. She stated that plans that determine the decision are appealed on a regular basis.

[4:43:02 PM](#)

SENATOR WIELECHOWSKI asked if land would go to a competitive auction if a developer requested to purchase and reclassify property.

[4:43:25 PM](#)

MS. COLLES deferred the question.

[4:43:37 PM](#)

RACHEL LONGACRE, Chief of Operations, Division of Mining, Land and Water (DMLW), Department of Natural Resources (DNR), Anchorage, Alaska, replied that in the instance of two overlapping nominations with solicited interest, there is a competitive process in which the highest bid is collected.

[4:44:08 PM](#)

SENATOR WIELECHOWSKI acknowledged that a separate bill included similar provisions and wondered how the reclassification process would unfold under SB 199. He envisioned that a substantial number of people could request to convert land for commercial use and asked whether there is a requirement for fair market value.

[4:44:54 PM](#)

MS. LONGACRE replied that the highest bidder would enter the lease, but the lease requirements would include terms that prove the commercial aspect. She said the actual land sale would be for fair market value and go through the normal disposal process. The highest bidder would need to meet the necessary threshold.

[4:45:32 PM](#)

CO-CHAIR BISHOP asked how fair market value is determined.

[4:45:37 PM](#)

MS. LONGACRE responded that DMLW follows an appraisal process.

[4:45:48 PM](#)

SENATOR DUNBAR wondered if the public has a chance to bid in the nomination process to eliminate an unfair advantage of first-mover parties.

[4:46:29 PM](#)

MS. LONGACRE replied that once the nominated land meets the program requirements, it goes through a public process that solicits public interest.

[4:46:45 PM](#)

SENATOR DUNBAR asked for clarification of his understanding that interested parties without a first-mover advantage could place bids.

[4:46:53 PM](#)

MS. LONGACRE replied that is correct and said with a solicitation of interest, a bid proposal is required. The proposal must be vetted against program requirements for commercial development.

[4:47:13 PM](#)

SENATOR CLAMAN provided a hypothetical of two competing parties seeking land nomination. He asked if commercial development

would hold an advantage over residential development in the nomination process.

[4:47:56 PM](#)

MS. LONGACRE replied that the advantage would only apply for settlement lands. She said there is a detailed process to determine the eligibility for obtaining a commercial lease on state land. Residential or subdivision land undergoes a similar assessment process. This is not opening new land. This tool serves to provide commercial land options alongside subdivision or remote recreational land, rather than introducing entirely new land, so the settlement classification remains.

[4:48:58 PM](#)

SENATOR CLAMAN asked whether that would prompt DNR to reconsider its assessment regarding the allocation of land for commercial or residential purposes.

[4:49:20 PM](#)

MS. LONGACRE replied that it would be included in the analysis. She said if DNR determines that the land is best suited for residential use, the state would proceed with developing a subdivision in that area while ensuring critical habitat preservation is part of the assessment. Conversely, if an area is deemed most suitable for commercial activity, DNR would assess what is in the state's best interest. She emphasized that there isn't necessarily competition between residential and commercial uses, but rather a determination of what best suits the land in that particular area. The state currently has the option to offer land for sale under the subdivision disposal program, which could eventually be utilized for commercial purposes once under private ownership. The program allows the state to ensure that offering the tracks of land would generate commercial enterprises on the land that would help support community economics in the area.

[4:50:34 PM](#)

SENATOR WIELECHOWSKI referred to Section 17 of SB 199, highlighting that it grants the commissioner the authority to identify land suitable for commercial development. He expressed concern over the broad scope of these standards, which could potentially open up a vast amount of land across the state. While acknowledging that the consensus favors opening up more land, certain areas, such as state parks or wildlife refuges, may not be suitable for commercial development. He noted that according to the statute, the commissioner could potentially open up any land.

[4:51:54 PM](#)

MS. LONGACRE replied that the land must be classified as settlement land for DNR to go through the disposal process. She said land identified under any other classification would need to be reclassified. Statute provisions indicate how reclassification goes through a public process and would not be amendment by SB 199.

[4:52:29 PM](#)

MS. COLLES clarified that legislatively-designated areas and parks could be reclassified or disposed of. DNR follows a public process and allows for appeals if the public is affected by a decision. This provision serves as another tool in the process. While there are existing private programs, none currently exist for commercial use, which is why DNR is seeking this type of authority.

[4:53:26 PM](#)

SENATOR DUNBAR referenced the subsection on reclassification and asked whether the commissioner already has the authority to classify or reclassify lands. He said he does not understand what subsection (c) changes under SB 199.

[4:54:00 PM](#)

MS. COLLES replied that DNR seeks to make it known that the reclassification of land could occur and aims to ensure clarity moving forward.

[4:54:43 PM](#)

SENATOR DUNBAR referenced slide 3 and said he understands the desire to remove DNR from the process, noting there is already an established disposal process in place. He asked for an explanation of differences between DEED, Public Facilities, and DNR processes. He suggested that DEED may have less experience with the reclassification process compared to DNR.

[4:55:57 PM](#)

MS. COLLES said she would provide follow-up information to the committee.

[4:56:44 PM](#)

CO-CHAIR BISHOP held SB 199 in committee.

[4:57:13 PM](#)

There being no further business to come before the committee, Chair Bishop adjourned the Senate Resources Standing Committee meeting at 4:57 p.m.