

SB

562

SENATE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE MINUTES

April 4, 1978

Present: Senators Orsini, Hackney, Sumner and Willis; Janet McCabe, Federal-State Land Use Planning Commission; Rynniewa Wescott, Fairbanks Town & Village Assoc.; Pat Conheady, Department of Natural Resources; Walt Parker, Federal-State Land Use Planning Commission; John Katz, Federal-State Land Use Planning Commission.

Absent: Senator Ferguson

Senate Bill 562 and House Bill 795 were the bills before the committee.

Chairman Orsini called the meeting to order at 3:02.

HOUSE BILL 795

Rynniewa Wescott, Fairbanks Town and Village Association for Development, Inc. stated that there were four basic goals of the program: 1) To develop a comprehensive program for public works projects in their region 2) to establish a closer multi-agency communications and coordination within communities 3) to create provisions for reduction in construction leave time and cost of public facilities and 4) to insure the capital improvements budgeting reflects the economic development goals of local decision makers and residents. She also stated that the Rural Capital Improvements Program was involved in long range economic development planning in an area consisting of 240,000 square miles with 45 small communities in the area. There are 32 organized municipalities and the rest are run by traditional village councils. She stated that the Rural Capital Improvements Program was basically funded by state money though it has a planning grant from EDA that includes the entire district. It also receives planning money from the borough for planning within the borough.

Chairman Orsini asked whether state money was being used to plan development of private enterprises. Ms. Wescott replied that Town and Village Assoc. works with village corporations to assist in planning and helps in finding funding for the corporations' projects.

Chairman Orsini stated that this bill would come before the committee again for further discussion.

SENATE BILL 562

Janet McCabe, Federal-State Land Use Planning Commission, stated that the Commission had assisted the Senate Resources Committee and the Administration in preparing this bill for the disposal of approximately 50,000 acres of state lands annually into private ownership. She stated that the Commission supports SB 562. She

April 4, 1978

SB 562, HB 795

gave a background of state land use up until the present. She also went over the three main sections of the bill and outlined the intent of each section. The Committee members, Ms. McCabe, Mr. Walt Parker, Commission Co-Chairman and Mr. John Katz, Commission Attorney discussed the municipal land selections, wilderness permits and the means by which Stated trust lands could be used for income producing purposes.

Chairman Orsini stated that this bill would also be held in committee for further discussion. The meeting was adjourned at 4:10 p.m.

SENATE COMMUNITY AND REGIONAL AFFAIRS
COMMITTEE MINUTES

April 6, 1978

Present: Senators Orsini, Willis, Hackney and Ferguson; Reed Stoops, Senate Resources; Jack Chenoweth, Legislative Affairs Agency; Richard Holden, Department of Transportation and Public Facilities; Jim Rolle, Alaska Municipal League; Peter Froehlich, Attorney General's Office; Bob Waldrop, Department of Natural Resources; Veronica Clark, Department of Community and Regional Affairs; Robert Cole, Department of Health, Education and Social Services; Janice Gates, Department of Health, Education and Social Services.

Absent: Senator Sumner

The bills before the Committee today were SB 562, SB 533 and SB 183.

Chairman Orsini called the meeting to order at 3:05.

SENATE BILL 562

Pat Conheady and Bob Waldrop, Department of Natural Resources, stated that the bill responds to three basic needs: 1) Stability 2) land policy management and 3) guidance from the Administration and Legislature, the latter providing the kind of stability that the Department needs to transcend the Administrative whims of various governors and their cabinets. They stated that it was a reflection of the experience brought to them by the Land Use Planning Commission, Senator Poland and various land administrators around the state. They went on to highlight the needs of the bill. Basically it is a two part bill: 1) Establishes land resources inventory and 2) mandates that the Administration dispose of 50,000 acres of land in the first year and thereafter whatever the budgetary constraints are and whatever the wishes of the legislature are. Stated that this was so that the Department wouldn't run into the problem of needing the land but not having the money to make the land available. Bob Waldrop explained that the 50,000 acres was derived from an estimate that they decided the Department could enact this year if they got sufficient assistance from the budgetary process. Pat Conheady stated that the State currently had patent to 36 million acres and presented a chart which illustrated the categories in which the land could be used. Bob Waldrop stated, however, that only approximately 1.4 million acres of State land was suitable for intensive habitation and agriculture.

They stated that the Department feels that if this bill and SB 568 were enacted into law it would give the voters an alternative at the ballot box come November on the Beirne initiative. The enactment of this legislation, they concluded, would provide a legislative umbrella for the implementation of land policies, such as the municipal land selection bill.

SENATE BILL 183

Robert Cole, Department of Health, Education and Social Services stated

that this bill was really designed to place greater amounts of power in the hands of local voters in election districts in making decisions on how alcohol was to be sold, used and utilized within each community. He stated that this bill would do the following: election would be held which would allow voters to chose several options of how alcohol is to be sold and used in their communities. One of the options would be to completely restrict the sale of beverage alcohol. It would further empower through that same process citizens to restrict sell, plus ban shipment through mail orders or telephone orders in restricted areas. He stated that this bill would also allow communities that had voted to go dry to decide to open a community liquor store by referendum vote. He stated that another provision has to do with compensating communities in rural Alaska which voted to close liquor stores since they would lose a lot of local sales taxes. The proposal that the Department made was that if they chose to vote themselves dry the state would be willing to pay them a credit based upon a 10% per capita for lost sales tax revenue. The Committee and Mr. Cole went over the penalties for bootlegging and possession laws in the provisions of this bill. He stated that there was a provisions that retailers state-wide would receive a list of the communities that went dry and would be prohibited by law to receive any order from those communities. The Committee also discussed additional alternatives to going completely dry, such as permitting beer and wine but no hard liquor.

Jim Rolle, Alaska Municipal League, suggested that some consideration for local municipalities to protest to licensing of liquor sales on the local level should be made.

Chairman Orsini stated that this bill would be held in committee for further discussion.

SENATE BILL 533

Richard Holden, Deputy Commissioner of the Department of Transportation and Public Facilities and Keith Dick, Department of Transportation and Public Facilities. Mr. Holden stated that the Department had prepared a fiscal note and had some amendments for the bill.

Mr. Holden pointed out that currently there is no coordinated planning for capital facilities in rural Alaska. Consequently many expensive mistakes are made and inefficient projects are undertaken to provide, for example, schools where there are inadequate water supplies or sewer facilities. He continued that frequently small communities receive over-complicated facilities without the means of funding their operation, since one area of state government is not required to coordinate its activities with another.

The proposed Committee Substitute for SB 533, in Holden's view, would provide DOT with the authority to coordinate the numerous agency programs in rural areas.

Veronica Clark, Department of Community and Regional Affairs stated that she and Larry Kimball also from the Department of C&RA had worked closely

with Mr. Holden on the amendments and two of the things that they were interested in having changed from the original bill was 1) make very clear the responsibilities of the other agencies and 2) expand the scope of the bill beyond municipalities and to include unincorporated areas. These were the two things the Department of Community and Regional Affairs wanted covered in this bill.

Mr. Holden discussed the problem of the state inventory of state owned buildings. He also stated that DOT was not funded to do this inventory and has to have the cooperation with other departments to be able to do this. He explained that the Department would approach it directly through the technical assistance program. He stated that they would not change the approach in rendering assistance it would still have to be at the request of local communities as opposed to automatically doing it.

Jime Rolle, stated that the Alaska Municipal League supports this bill.

Chairman Orsini stated that this bill would be brought before the committee again next week for further discussion.

Chairman Orsini adjourned the meeting at 5:00.

SENATE COMMUNITY AND REGIONAL AFFAIRS
COMMITTEE MINUTES

April 11, 1978

Present: All Committee Members, Jay Moor, DPDP; Richard Holden, DOT; Reed Stoops, Senate Resources; Jack Chenoweth, Legislative Affairs; and Jim Rolle, Alaska Municipal League.

Senate Bill 533 and Senate Bill 562 were the bills before the Committee.

SENATE BILL 533

Richard Holden, Department of Transportation and Public Facilities, stated that the Department had drawn up an amended fiscal note and also some proposed amendments to the bill. He stated that both of these had been finalized with the Department of Community and Regional Affairs, Division of Policy, Development and Planning, Department of Health, Education and Social Services and Jim Rolle of the Alaska Municipal League. He said that the basic proposal of the bill was to achieve the coordination between agencies and municipalities by requiring state oversight of municipal and local activities which state agencies either fund or operate.

Mr. Holden explained that current statutes require DPDP to coordinate state capital improvement activities.

Jay Moor, DPDP, stated that his division had requested the inclusion of subsections 14 and 15 into the proposed committee substitute to insure DPDP's coordination role. He explained that subsection 14 stated that DPDP must maintain a comprehensive development plan and subsection 15 stated that planning agencies use coordinating projections.

Senator Sumner expressed his concern that DPDP's involvement with state agencies seemed more and more like a management role than that of a coordinating role. He was disturbed that he would be referred to DPDP for information by certain Departments when, in fact, he wanted the information from that Department first hand.

Mr. Moor explained that, in the case of two agencies disagreeing over planning policy, the dispute would be settled by the Governor's office. In such a situation, the Governor's office might request DPDP to prepare a staff study recommending one or another course of action.

In response to Committee questions, Mr. Holden acknowledged that a state agency desiring to construct a facility in a municipality would first be required to obtain local planning and zoning approval before work could begin. The existence of legislation along the lines of SB 533, he affirmed, would not remove municipal oversight on state activities within municipal boundaries.

Chairman Orsini stated that this bill would be brought up again Thursday, April 13, 1978, for further testimony.

SENATE BILL 562

Chairman Orsini asked the committee members if they wanted to work on the bill themselves or send it on to Senate Resources where they would be sure to change it. He suggested three possible changes in the bill, one of which would be an increase in acreage, dealing with the state trust lands and the concept of residential credits which, he stated, was not in the bill but would fit into it. The Committee members felt that it should go on through the process and Senator Ferguson moved that the Committee pass the bill out with individual recommendations.

The meeting was adjourned at 4:30 p.m.



NO HIPPIES—While walking around town today the Insider heard several young people complaining that the land opened for public selection under the "Hippy Homestead" bill passed last year was being taken by older folks who had been in Alaska 35 or 40 years, and no hippies were getting the land. Evidently we've called the bill by its nickname so long that some folks think that's the official title and intent. It's not. The designation came from an earlier version sponsored by Rep. Oral Freeman, D-Ketchikan, which legislators said would give land only to the types of people losing out on the residency-based land selection program now.

Fairbanks Daily News Miner

April 17, 1978

(2)

SB 562 Janet McCall

Suggo 562-

late 60's - large disposal
recently - very little disposal

Burne Inc. ; Gov's land credit ;

LUPC
Muni land use

- Art I = policy for pub + port use
 - land near comm to be developed first
 - retaining land in local use
- II = land avail for port use
- III = ^{500 min acres} ~~Interim~~ ^{Interim} planning + classif.

LUPC has adopted policy form.
add language in bill

Muni land selec bill - was considered

W. Parker

Desire by many for wilderness experience - try to
avoid survey costs - spread them out - anticipate
only a few hundred doing this.

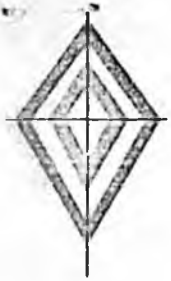
Probably not a sure legal means of state not providing
services (school, police)

Land trading ?

MontHealth, Univ Land, School Land

regard these lands as most valuable
no active program for utilizing trust land
legal oblig for trust boards.

"Perm fund" concept for sale of trust lands



RESOURCE ASSOCIATES OF ALASKA, INC.

3230 AIRPORT WAY, FAIRBANKS, ALASKA 99701
TELEPHONE: (907) 479-6231/6097
TELEX: 090 35402

May 19, 1978

To: Alaska House of Representatives
Alaska State Senate

Senator Joseph Orsini:

C.S.S.B. 562 "An act relating to Alaska land policy" should be rescinded by the Senate and stopped in the House. It is a deceptive measure which disenfranchises the people of Alaska from their State land. It is passed off as a conveyance of land into private hands but actually it is a massive lock up of state land patterned after the BLM Organic Act. It can be used to create an instant wilderness devoid of private human use.

The land is the foundation of our economy, our livelihoods, our liberty. Please read the following notes on CSSB 562.

Chapter 4 Title is deceptive because it addresses state land surface whereas the bill addresses both surface and sub-surface.

Section 38.04.065 has sections lifted verbatim from the BLM Organic Act which have already proved unworkable. This section effectively removes all the basic rights of citizens on the land and places the land in the hands of total bureaucratic control.

Subsection (e) can be used to prevent any private activity on the land for an indefinite period pending classification. This means hunting, fishing, guiding, mining, logging, every conceivable private use.

The entire section gives total discretion over our lives to the Commissioner.

What does subsection (b) (3) mean? In whose judgement are these decisions to be made?

Subsection (b) (8) can easily be used to close all state lands to mining and oil exploration and development.

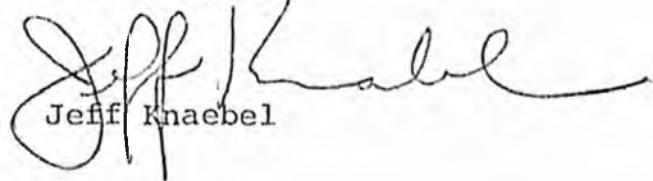
Section 38.04.070 creates new systems for reserves, parks, wild and scenic rivers. Do we not have enough of this from the Feds already?

This bill completes the process of economic suicide of Alaska's resource industries that was begun with 17d-2 and 4R-39 (even potentially including tourism through application of Section 38.04.065 (e)). Yet it is being hailed as an aid to private ownership. It is a monstrous deception.

My outfit has hoped to employ over 100 Alaskans this year, which generates about 40 jobs with subcontractors. But if you people pass anything like CSSB 562 into law, the predictable consequence of the regulations which will be promulgated is that the resource industries will be drowned in bureaucracy and these potential jobs will be lost. The task of raising risk capital for exploration will become insurmountable.

I implore you not to disenfranchise us from our land. At the least, please give us a chance to testify at public hearings. Our livelihoods are at stake.

Respectfully,



Jeff Knaebel

JK:sad

Municipality
of
Anchorage



P. 58 562
POUCH 5-080
ANCHORAGE, ALASKA 99501
(907) 274-2325

GEORGE M. SULLIVAN,
MAYOR

OFFICE OF THE MAYOR

April 17, 1978

The Honorable Kay Pollard
Alaska State Senator
Pouch V
Juneau, Alaska 99811

Dear Senator Pollard:

Senate Bill No. 562 will come before the Natural Resources Committee on Monday, April 17, 1978. There are three sections of this Bill which may adversely affect the Municipality of Anchorage. We would like to share our concerns with you regarding these sections before the Bill is heard by your committee.

Proposed section 38.04.045 (b) deals with the survey and subdivision of State land to be conveyed to private ownership. This section mandates compliance with local planning and platting ordinances. However, this section exempts from these ordinances land made available through mineral sales or a cabin permit system.

We object to the exemption provision for two reasons. First, it would be detrimental to the Municipality's planning program because under it large segments of land within the Municipality would not be subject to our planning and platting ordinances. If certain segments of land are not subject to the Municipality's planning and platting ordinances, then the ordinances become ineffective because they are designed to regulate all the land within the Municipality.

Second, the exemption provision conflicts with the policy contained in A.S. 09.55.275 which requires that any agency of the State must comply with local platting regulations in the same manner as private land owners when the State seeks to acquire property. This policy logically applies to the converse, i.e. when the State seeks to dispose of property. Providing for a partial exemption when the State seeks to dispose of property appears to serve no purpose. For the foregoing reasons, we suggest that the exemption provision be deleted.

April 17, 1973

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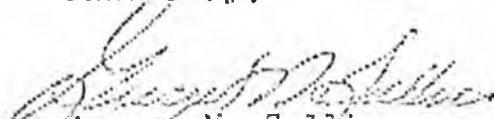
Proposed section 38.04.065 deals with State Land Use Planning and Classification. Subsection (g) requires that State land use plans be consistent with local plans only to the extent that the Commissioner determines the local plan to be consistent with State interests.

We object to this subsection because it seems to conflict with A.S. 35.10.020 entitled "Consultation with Municipal Planning and Zoning Commissions". This section requires the State to comply with all local planning and zoning ordinances in the same manner as private land owners unless a State agency can "clearly demonstrate an overriding State interest". When a State agency makes such a showing, a specific waiver must be granted by the Governor.


We suggest that subsection (g) be made consistent with the language in A.S. 35.10.020 by amending the latter to require State land use plans to be consistent with Municipal plans unless a gubernatorial waiver is granted upon a "clear showing of an overriding State interest".

Proposed Section 38.04.065 would involve the State in regional land use planning in areas which now have local planning. The Municipality of Anchorage has actively engaged in a land use planning program and intends to maintain this effort. Until the degree of State involvement in local land use management is clarified, we cannot support this proposed section.

Sincerely,



George M. Sullivan
Mayor



Michael J. Mahan
Director of Planning

/sw

SENATE BILL 562 "An Act relating to Alaska land policy"

Background

SB 562 was introduced by the Senate Resources Committee, chaired by Senator Poland. The bill's counterpart in the House is HB 904, introduced by the Governor. According to Senator Poland's AA, the basic data for SB 562 was prepared by the Land Use Planning Commission. Senator Poland, who had been interested in this subject, used the LUPC material and, in conjunction with the Governor, got the two bills introduced, one in the House and the other in the Senate. (SB 568, introduced by Senate Rules at the Governor's request, allows a state resident a land credit of \$1,000 for each year's continuous residence in Alaska. SB 568 has not been referred to Senate Community and Regional Affairs)

Purpose (Sec. 38.04.020)

In FY 79, the director of lands would make available to the public not less than 50,000 acres. Not more than ten percent of this figure could be used for leasing. For each year thereafter, the director will present three options to the Legislature: 1) an increased-level land disposal program, 2) a current-level program and 3) a reduced-level program. One of these options must include at least 50,000 acres.

Criteria (Sec. 38.04.035)

- 1) To cover costs to public, the land must be conveyed to private ownership at fair market value.
- 2) Land readily accessible to community centers or where it has a high commercial value should be either leased or sold to private owners.
- 3) Lease programs should be used:
 - a) for special public needs to control specific land use
 - b) when intended use is temporary
 - c) in commercial or industrial uses where leases would generate high cash flow
 - d) unique location with special public values
 - e) where public demand use is high, such as waterfront recreation
- 4) Limited or conditional title to the land where the state determines this to be in the public interest (e.g. agriculture).

Policy (Sec. 38.04.005)

- 1) Choice of lands to be conveyed shall be determined through the inventory, planning and classification process of the bill.

- 2) The director of lands shall make adequate provision for public open spaces accessible to communities for public recreation.
- 3) The requirement for future generations must be considered and adequate state land retained for their needs.
- 4) Involvement of municipalities and local residents is essential in determining conveyance of state land to private ownership.

Other

In addition to the disposal of land, the bill also calls for the director of lands to develop, maintain and revise land use plans for state-owned land, according to a set of criteria. (Sec. 38.04.065)

The bill also sets up (Sec. 38.04.070) a series of Management Systems for state lands retained in public ownership. They include: State Public Reserve System, State Park System, State Trails System, Wild and Scenic River Systems and State Public Domain.

In addition it outlines criteria for the retention of state land (Sec. 38.04.015)

Senate Community and Regional
Affairs Committee Staff

April 4, 1978

Senate Bill 562

"An Act relating to Alaska Land Policy"

This bill, based on the recommendations of the Federal-State Land Use Policy Commission, seeks to provide a comprehensive land use policy for state land which will implement broad constitutional goals for both public and private purposes. These policies are to be sufficiently detailed to guide administration decision making. The legislature must approve annually, the Administration's state land disposal program.

The bill contains three major elements:

- 1) Policy for Use and Classification of State land and Surface. Article VIII of the Alaska Constitution mandates that the state provide for a balanced combination of public and private land use and to allocate suitable land for such use.
Local involvement in land classification prior to disposal is provided for in order to balance public use against private which may be especially important in lands adjacent to communities.
- 2) Land Availability for Private Use. This section mandates that state land be made available to individuals on an annual basis in locations and parcel sizes that best meet differing needs in different parts of the state. A minimum of 50,000 acres shall be made available during the first year after enactment, no more than 10% of which shall be for leases. Thereafter, the Administration shall present to the legislature annually for its approval, three options for land disposal programs. These options will be a) an increased level program, b) a current level program, and c) a reduced level program. At least one option must include at least 50,000 acres.
- 3) Inventory, Planning and Classification. The bill requires the timely completion of an inventory of the resource values of all state lands. Through use of the inventory, land needs may be met with the best possible lands designated for the purpose intended. The designation of land use shall be accomplished in cooperation with local governments and the public.

In addition to existing state land management systems (State parks, trail systems, wild and scenic river systems, etc) a new classification called the State Public Reserve System is established for lands to be designated for multiple uses. The legislature would retain its existing authority to approve any designation of more than 640 acres which would close land to multiple use.

Further provisions establish guidelines for survey and subdivision, public access and easements.

WRITTEN by PETE FROELICH
IN THE AG'S OFFICE

Introduced: 3/22/78
Referred: Community & Regional
Affairs, Resources and Finance

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 SENATE BILL NO. 562

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to Alaska land policy; and providing
7 for an effective date."

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

9 * Section 1. PURPOSE. Alaska's Constitution directs that the state
10 "encourage the settlement of its land and the development of its resources
11 by making them available for maximum use consistent with the public interest"
12 (art. VIII, sec. 1), and to "provide for the utilization, development, and
13 conservation of all natural resources belonging to the state, including
14 land and water for the maximum benefit of its people" (art. VIII, sec.
15 2). The constitution also directs that "Fish, forests, wildlife, grasslands,
16 and all other replenishable resources belonging to the State shall be
17 utilized, developed, and maintained on the sustained yield principle,
18 subject to preferences among beneficial uses" (art. VIII, sec. 4). The
19 purpose of this Act is to implement these broad constitutional goals through
20 establishment of policies for use of state land surface and to express
21 these policies in sufficient detail to guide the administrative decisions
22 which govern the use and management of state-owned land.

23 * Sec. 2. AS 38 is amended by adding a new chapter to read:

24 CHAPTER 4. POLICY FOR USE AND CLASSIFICATION
25 OF STATE LAND SURFACE.

26 ARTICLE 1. PUBLIC AND PRIVATE LAND USE.

27 Sec. 38.04.005. POLICY. (a) In order to provide for maximum
28 use of state land consistent with the public interest, it is the
29 policy of the State of Alaska to plan and manage state-owned land to

1 establish a balanced combination of land available for both public and
2 private purposes. The choice of land best suited for public and
3 private use shall be determined through the inventory, planning, and
4 classification processes set out in secs. 60 and 70 of this chapter.

5 (b) In classifying state land for private use and settlement
6 purposes, the director shall make adequate provision for public open
7 space which is accessible to communities so that natural areas are
8 easily reached from all communities and settled areas. The amount of
9 such land must be sufficient to meet existing and projected needs for
10 accessible public recreation land. Special care shall be taken to
11 preserve public access to public water and to retain state ownership
12 of sufficient land which combine high value for recreation and other
13 public purposes with accessibility to settled areas. This classifica-
14 tion for public purposes does not constitute dedication to open space,
15 but the division's management of land so classified shall be in a
16 manner to preserve the identified values.

17 (c) In allocating land for private use and public retention, the
18 requirements of future generations must be considered. To this end, a
19 supply of state land of a variety of types and locations must be
20 reserved to provide an opportunity for future decisions.

21 (d) Private land use rights are integral to the material well-
22 being of the people of Alaska and our society.

23 (e) Involvement of municipalities and local residents is essen-
24 tial in the decision making process which leads to making state land
25 available for private use.

26 Sec. 38.04.010. PUBLIC INTEREST IN MAKING LAND AVAILABLE FOR
27 PRIVATE USE. (a) The primary public interest in conveying rights to
28 state land surface to private parties is to make them available to
29 individuals and other persons for direct use in areas classified as

1 suitable for these purposes. In making state land available for
2 private use, the director shall seek to guide year-round settlement to
3 areas where public services already exist, or can be extended with
4 reasonable economy, or where development of a viable economic base is
5 probable.

6 (b) State land which is located beyond the range of existing
7 schools and other necessary public services, or which is located where
8 development of sources of employment is improbable, may be made avail-
9 able for seasonal recreational purposes or for low density settlement,
10 with sufficient separation between residences so that public services
11 will not be necessary or expected.

12 Sec. 38.04.015. PUBLIC INTEREST IN RETAINING STATE LAND IN
13 PUBLIC OWNERSHIP. The primary public interests in retaining areas of
14 state land surface in public ownership are:

15 (1) to make them available on a sustained yield basis for a
16 variety of beneficial uses including subsistence, forestry, grazing,
17 sport hunting and fishing, hiking, snowmobiling, skiing, and other
18 activities of a type which can generally be made available to more
19 people and conducted more successfully if the land is in public rather
20 than private ownership;

21 (2) to facilitate mining and mineral leasing by managing
22 appropriate public land for surface uses which are compatible with
23 subsurface uses;

24 (3) to protect critical wildlife habitat and areas of
25 special scenic, recreational, scientific, or other environmental
26 concern;

27 (4) to restrict development in floodplains, avalanche
28 zones, and other hazardous locations; and

29 (5) to guide the location of settlement and development to

SUBSISTENCE AMENDMENTS COULD be
plugged in here

1 minimize public costs and maximize social and economic benefits.

2 ARTICLE 2. LAND AVAILABILITY FOR PRIVATE USE.

3 Sec. 38.04.020. TIMING AND AMOUNT. On a continuing or annual
4 basis, the director shall make available for private use an array of
5 state land suitable for a variety of uses. During fiscal year 1979,
6 the director shall make available a minimum of 50,000 acres, not more
7 than 10 per cent of which may be made available for leasing. Annually
8 thereafter, the following three options for the state land availability
9 program must be submitted to the legislature along with the admini-
10 stration's budget: an increased-level program, a current-level program,
11 and a reduced-level program. At least one option must include at
12 least 50,000 acres.

13 Sec. 38.04.025. VARIETY OF USES. In making state land available
14 for private use, the director shall endeavor to accommodate persons
15 with a current need and anticipated use for the land. To this end,
16 the director shall assess the nature of the supply and demand for
17 state land in different regions and locations of the state, taking
18 into account the supply of available land under other ownership, and
19 shall make land available in locations and other programs suited to
20 the differing needs of prospective users throughout the state.

21 Sec. 38.04.030. LAND AVAILABILITY PROGRAMS. Programs which may
22 be used by the director to make the state's land surface available for
23 private use under this section include sale of whole or partial rights
24 to the fee simple estate, including conveyance of agricultural use
25 rights; leasing; open-to-entry; homesiting; homesteading; permitting
26 for construction and occupation of cabins in isolated locations on
27 land retained in state ownership; and other methods as provided by
28 law.

29 Sec. 38.04.035. CRITERIA FOR PROGRAM SELECTION. In determining

1 which land availability program is appropriate for state lands in
2 different locations, the director shall be guided by the following
3 criteria:

4 (1) To cover public costs associated with private land use
5 and to provide the public with a fair return for publicly owned pro-
6 perty, conveyance of state land to private parties should be at fair
7 market value except where otherwise authorized by statute or by admini-
8 strative regulation.

9 (2) Sale or lease programs should be employed where land is
10 readily accessible to a major community center or where, because of a
11 prime location on waterfront or a transportation route or some other
12 location characteristic, land has relatively high real estate value.

13 (3) Lease programs should be employed

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

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

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

20 (D) when a unique location with special public values
21 is involved, as in a deep water port; and

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

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

29 (5) Limited or conditional title may be granted when the

1 state's best interest so dictates. Among other things, title limita-
2 tions may include grants of agricultural interest only, retention of
3 development rights, and retention of scenic or other easements. A
4 conditional title may be tied to a development schedule or other
5 standards of performance.

6 Sec. 38.04.040. AVAILABILITY OF MENTAL HEALTH LAND, SCHOOL LAND,
7 AND UNIVERSITY LAND. Mental health land, school land, and university
8 land may be made available at fair market value for private use under
9 the purposes of this chapter; however, any such action must be in
10 accordance with statutes pertaining to these lands and the authority
11 of the mental health land board, the Board of Education, and the Board
12 of Regents of the University of Alaska.

13 Sec. 38.04.045. SURVEY AND SUBDIVISION. (a) State land to be
14 conveyed in fee simple or less than fee simple estate must be sub-
15 divided so that lots and tracts are of a size which fits the require-
16 ments of individual users and reflects the physical characteristics of
17 the land, except that in locations where there is an inadequate margin
18 between the demand for and the supply of vacant land, the state may
19 make land available for private acquisition in parcels that are larger
20 than required for individual use.

21 (b) Before the conveyance of surface rights to state land, an
22 official cadastral survey must be accomplished, unless a comparable,
23 acceptable survey exists that has been conducted by the Federal Bureau
24 of Land Management. The rectangular survey section corner positions
25 must be monumented and shown on a cadastral survey plat approved by
26 the state. However, for those areas where the state may wish to
27 convey surface estate outside of an Official Cadastral Survey grid,
28 the director may waive monumentation of all individual section corner
29 positions and substitute an official control survey with control

1 points being monumented at approximately two-mile intervals and shown
2 on control survey plats approved by the state. No portion of land to
3 be conveyed may be located more than two suitable miles from such a
4 survey control monument. The lots and tracts in state subdivisions
5 must be monumented and the cadastral survey and plats for the sub-
6 division must be approved by the state. Where land is located within
7 a municipality with planning, platting, and zoning powers, plats for
8 state subdivisions must comply with local ordinances and regulations
9 in the same manner and to the same extent as plats for subdivisions by
10 other landowners. State subdivisions must be filed in the district
11 recorder's office. The requirements of this section do not apply to
12 land made available through material sales or a cabin permit system,
13 or under short-term leases.

14 Sec. 38.04.050. ACCESS TO PRIVATE USE AREAS. Wherever state
15 land is surveyed for purposes of private use, adequate rights-of-way
16 and easements must be reserved as necessary for access and, where
17 appropriate, for power and telephone service to each parcel of land.
18 Where necessary and appropriate for the use intended, the director
19 shall arrange for the development of surface access as part of the
20 land availability program. The direct cost of local access development
21 must be borne by the recipient of the land unless otherwise provided
22 by state statutes or regulations.

23 Sec. 38.04.055. ACCESS THROUGH PRIVATE USE AREAS. The director
24 shall reserve easements and rights-of-way on and across land which is
25 made available for private use as necessary to reach or use public
26 water and public and private land.

27 ARTICLE 3. INVENTORY, PLANNING, AND CLASSIFICATION.

28 Sec. 38.04.060. INVENTORY. (a) The commissioner shall prepare
29 and maintain on a continuing basis an inventory of all state land and

1 water and their resource and other values, giving priority to areas of
2 potential settlement and of critical environmental concern. This
3 inventory must be kept current so as to reflect changes in conditions
4 and to identify new and emerging resource and other values.

5 (b) The commissioner's inventory must include land and water
6 under interagency assignment of land management authority and land and
7 water proposed for such an assignment. That land and water must be
8 reviewed at regular intervals to analyze current and proposed uses as
9 these uses relate to alternative uses for all or part of the land and
10 to determine the uses which best provide for the public interest.

11 (c) As funds and manpower are made available, the commissioner
12 shall provide local and federal governments and major private land-
13 owners with data from the inventory for the purpose of planning and
14 managing the uses of land in proximity to state land.

15 Sec. 38.04.065. LAND USE PLANNING AND CLASSIFICATION. (a) The
16 commissioner shall, with local governmental and public involvement,
17 develop, maintain and, when appropriate, revise land use plans which
18 provide, by regions or areas, for the use of the state-owned land.

19 (b) In the development and revision of land use plans, the
20 commissioner shall:

21 (1) use and observe the principles of multiple use and
22 sustained yield;

23 (2) use a systematic interdisciplinary approach to achieve
24 integrated consideration of physical, economic, and social factors
25 affecting the region or area;

26 (3) give priority to planning and classification in areas
27 of potential settlement and critical environmental concern;

28 (4) rely, to the extent that it is available, on the inven-
29 tory of the state land, its resources, and other values;

- 1 (5) consider present and potential uses of state land;
- 2 (6) consider the supply, resources, and present and poten-
- 3 tial use of land under other ownership within the area or region of
- 4 concern;
- 5 (7) weigh long-term benefits to the public against short-
- 6 term benefits;
- 7 (8) plan for compatible surface and mineral land use classi-
- 8 fications; and
- 9 (9) provide for meaningful participation in the planning
- 10 process by affected local governments, state and federal agencies,
- 11 adjacent landowners, and the general public.

12 (c) As a basis for more detailed land use planning and classifi-

13 cation, the commissioner shall develop regional land use plans for the

14 use of all state land. These regional plans must identify and delineate

15 (1) areas of settlement and settlement impact, where land must be

16 classified for various private uses and for public recreation, open

17 space, and other public uses desirable in and around settlement; and

18 (2) areas which must be retained in state ownership and planned and

19 classified for various uses and purposes in accordance with sec. 15 of

20 this chapter.

21 (d) Official regional or area plans and subsequent amendments

22 adopted by the commissioner after public and local governmental parti-

23 cipation must be signed and dated by the commissioner. Land classifi-

24 cations must be made in accordance with these official plans.

25 (e) Land must be classified before being made available for pri-

26 vate use or included in the management systems described in sec. 70 of

27 this chapter.

28 (f) Decisions about the location of easements and rights-of-way,

29 other than for minor access, must be integrated with land use planning

7

1 and classification for the appropriate area or region.

2 (g) Land use plans adopted by the commissioner under this section
3 must be consistent with local governmental land use plans to the
4 maximum extent he determines to be consistent with the state interests
5 and the purposes of this chapter.

6 Sec. 38.04.070. MANAGEMENT SYSTEMS. (a) State land classified
7 for uses and purposes involving retention in public ownership may be
8 included in the following management systems:

9 (1) State Public Reserve System: areas of public land to
10 be managed for a wide variety of compatible uses and purposes in
11 accordance with the principles of multiple use and sustained yield;
12 land designated to this system may include, but need not be limited
13 to, state forest reserves and state wildlife reserves as well as land
14 classified for public purposes within settlement impact areas;

15 (2) State Park System: areas with special recreational,
16 scenic, cultural, historical, wilderness, or similar values, to be
17 managed primarily for the public use and enjoyment of these values;

18 (3) State Trail System: a system of public historic or
19 recreational trails;

20 (4) Wild and Scenic River Systems: a system of rivers with
21 special natural, scenic, and recreational values designated by the
22 state to be managed as part of the national system of wild and scenic
23 rivers in accordance with the federal Wild and Scenic Rivers Act (82
24 Stat. 906; 16 U.S.C. 1271 et seq.);

25 (5) State Public Domain: land within areas designated on
26 regional plans as settlement and settlement impact which are not part
27 of the management systems listed in (1) -- (4) of this subsection;
28 through classification, this land may be made available for private
29 use, settlement, and development as well as for public uses associated

1 with settlement and development.

2 (b) State land classified in accordance with sec. 65 of this
3 chapter may be included in the State Public Reserve System by procla-
4 mation of the governor.

5 (c) State land classified in accordance with sec. 65 of this
6 chapter may be included in the State Park System, State Trail System
7 or the Wild and Scenic River System by proclamation of the governor.
8 However, no state land, water, or combination of land and water may,
9 except by Act of the state legislature, be closed to multiple purpose
10 use, if the area involved contains more than 640 acres.

11 ARTICLE 4. GENERAL PROVISIONS.

12 Sec. 38.04.900. REGULATIONS. The commissioner may adopt under
13 the Administrative Procedure Act (AS 44.62) regulations he believes
14 are necessary to carry out the purposes of this chapter. Within 120
15 days after the effective date of this Act, the director shall submit
16 to the commissioner draft regulations implementing this chapter and
17 revising regulations in effect on the effective date of this Act per-
18 taining to planning, classification, management, and disposal of the
19 state's surface estate in land. New and revised regulations must be
20 integrated in a single comprehensive draft compatible with the struc-
21 ture of the Alaska Administrative Code. In preparing this draft, the
22 director shall seek to simplify and clarify regulations governing land
23 planning, classification, management, and disposal.

24 Sec. 38.04.910. DEFINITIONS. In this chapter, unless the context
25 otherwise requires,

26 (1) "commissioner" means the commissioner of the Department
27 of Natural Resources;

28 (2) "director" means the director of the division of lands
29 of the Department of Natural Resources;

1 (3) "fair market value" means the price at which a willing
2 seller and a willing buyer will trade;

3 (4) "multiple use" means the management of state land and
4 its various resource values so that it is used in the combination that
5 will best meet the present and future needs of the people of Alaska,
6 making the most judicious use of the land for some or all of these
7 resources or related services over areas large enough to provide
8 sufficient latitude for periodic adjustments in use to conform to
9 changing needs and conditions; it includes (A) the use of some land
10 for less than all of the resources, and (B) a combination of balanced
11 and diverse resource uses that takes into account the short-term and
12 long-term needs of present and future generations for renewable and
13 nonrenewable resources, including, but not limited to, recreation,
14 range, timber, minerals, watershed, wildlife and fish, and natural
15 scenic, scientific, and historic values;

16 (5) "official cadastral survey" means a United States
17 public land survey or a survey executed under survey instructions
18 issued by the division for the purpose of preparing a cadastral survey
19 plat, and approved and accepted by the division for the state's offi-
20 cial records;

21 (6) "official control survey" means a position marked on
22 the ground by triangulation or traverse stations established in con-
23 formity with standards adopted by United States Coastal and Geodetic
24 Survey for first, second and third order work, whose geodetic positions
25 have been rigidly adjusted on the North American datum of 1927 and
26 approved by the division;

27 (7) "short-term lease" means a lease for a term of five
28 years or less;

29 (8) "state park" means an area of state land designated by

1 proclamation of the governor or by statute to be managed for public
2 use and enjoyment of recreational, scenic, cultural, historical,
3 wilderness, and similar values, including but not limited to areas
4 designated under (A) AS 41.20.050 - 41.20.060, roadside rests and
5 recreational beaches; (B) AS 41.20.130 - 41.20.160, 41.20.330 -
6 41.20.345, ch. 61 SLA 1966, and ch. 26 SLA 1967, state recreation
7 areas, (C) AS 41.20.170 - 41.20.320, state parks; and (D) AS 41.35.030,
8 state monuments and historic sites;

9 (9) "state trail" means an area designated by proclamation
10 of the governor or by statute to be managed as a public historic or
11 recreational trail including but not limited to (A) trails designated
12 under AS 41.20.070 - 41.20.120, wilderness trails and campsites; and
13 (B) trails and footpaths designated under AS 41.20.355 - 41.20.375;

14 (10) "state wild and scenic river" means any free-flowing
15 river or stream so designated by the state in accordance with the
16 criteria set forth in the Federal Wild and Scenic Rivers Act (82 Stat.
17 906; 16 U.S.C. 1271-1287);

18 (11) "sustained yield" means the achievement and maintenance
19 in perpetuity of a high level annual or regular periodic output of the
20 various renewable resources of the state lands consistent with multiple
21 use.

22 * Sec. 3. AS 38.05.300 is repealed.

23 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
24 10.070(c).



Official Business

Alaska State Legislature

Senate

Committee on Resources

Pouch V
State Capitol
Juneau, Alaska 99811

MARCH 21, 1978

THE HONORABLE JOHN RADER
PRESIDENT OF THE SENATE
ALASKA STATE LEGISLATURE
JUNEAU, ALASKA 99811

DEAR MR. PRESIDENT:

THE PURPOSE FOR INTRODUCTION BY THE RESOURCES COMMITTEE OF "AN ACT RELATING TO ALASKA LAND POLICY" IS TO IMPLEMENT BROAD CONSTITUTIONAL GOALS FOR THE USE OF STATE LANDS FOR BOTH PRIVATE AND PUBLIC PURPOSES. THE APPROACH SUGGESTED IS THE ESTABLISHMENT OF LAND POLICIES SUFFICIENTLY DETAILED TO GUIDE ADMINISTRATIVE DECISION MAKING AND THROUGH ANNUAL LEGISLATIVE APPROVAL OF A STATE LAND DISPOSAL PROGRAM. CURRENTLY, IN SPITE OF IMPENDING LAND TRANSFERS TO THE STATE, A COMPREHENSIVE POLICY FOR THE USE OF STATE LANDS DOES NOT EXIST.

THE ACT IS BASED UPON RECOMMENDATIONS DEVELOPED AFTER LONG TERM STUDY BY THE FEDERAL-STATE LAND USE PLANNING COMMISSION AND REFINED THROUGH DISCUSSIONS WITH THE ADMINISTRATION. IT IS A JOINT EFFORT TO SET FORTH A RATIONAL PLAN FOR LAND DISPOSAL AND RETENTION, IN WHICH A NEED OF ALASKA'S RESIDENTS MAY BE SATISFIED IN A RESPONSIBLE MANNER.

THE BILL CONTAINS THREE MAJOR ELEMENTS:

- (1) POLICY FOR USE AND CLASSIFICATION OF STATE LAND SURFACE. THIS INSURES THAT THE STATE'S LAND POLICY AS CONSTITUTIONALLY MANDATED IN ARTICLE VIII IS TO PROVIDE FOR A BALANCED COMBINATION OF PRIVATE AND PUBLIC LAND USE AND TO ALLOCATE SUITABLE LAND FOR SUCH USE.

AS BALANCED LAND USE IS ESPECIALLY IMPORTANT IN LANDS ADJACENT TO COMMUNITIES, SPECIAL EMPHASIS IS PROVIDED INCLUDING A REQUIREMENT FOR LOCAL INVOLVEMENT IN LAND CLASSIFICATION PRIOR TO DISPOSAL.

- (2) LAND AVAILABILITY FOR PRIVATE USE. THIS SECTION MANDATES THAT STATE LAND BE MADE AVAILABLE TO INDIVIDUALS ON AN ANNUAL BASIS IN LOCATIONS AND PARCEL SIZES THAT BEST MEET DIFFERING NEEDS IN DIFFERENT PARTS OF THE STATE. A MINIMUM OF 50,000 ACRES SHALL BE MADE AVAILABLE DURING THE FIRST YEAR AFTER ENACTMENT, NO MORE THAN 10% OF WHICH SHALL BE FOR LEASES. THEREAFTER, THE ADMINISTRATION SHALL PRESENT TO THE LEGISLATURE ANNUALLY FOR ITS APPROVAL, THREE OPTIONS FOR LAND DISPOSAL PROGRAMS.

THE OPTIONS MAY INCLUDE FEE SIMPLE TRANSFER, CONVEYANCE OF AGRICULTURAL RIGHTS, LEASING, OPEN-TO-ENTRY; HOMESITING, HOMESTEADING, AND REMOTE CABIN PERMITS.

FURTHER PROVISIONS ESTABLISH GUIDELINES FOR SURVEY AND SUBDIVISION, PUBLIC ACCESS, AND EASEMENTS.

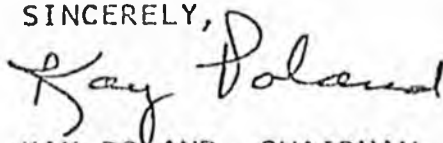
- (3) INVENTORY, PLANNING, AND CLASSIFICATION. THE BILL REQUIRES THE TIMELY COMPLETION OF AN INVENTORY OF THE RESOURCE VALUES OF ALL STATE LANDS. THROUGH USE OF THE INVENTORY, LAND NEEDS MAY BE MET WITH THE BEST POSSIBLE LANDS DESIGNATED FOR THE PURPOSE INTENDED. THE DESIGNATION OF LAND USE SHALL BE ACCOMPLISHED IN COOPERATION WITH LOCAL GOVERNMENTS AND THE PUBLIC.

IN ADDITION TO EXISTING STATE LAND MANAGEMENT SYSTEMS, A NEW CLASSIFICATION CALLED THE STATE PUBLIC RESERVE SYSTEM IS ESTABLISHED FOR LANDS TO BE DESIGNATED FOR MULTIPLE USES. THE LEGISLATURE WOULD RETAIN ITS EXISTING AUTHORITY TO APPROVE ANY DESIGNATION OF MORE THAN 640 ACRES WHICH WOULD CLOSE LAND TO MULTIPLE USE.

IT IS NOT THE INTENT OF THIS LEGISLATION TO OFFER A SIMILAR LAND DISPOSAL PROGRAM AS PROPOSED BY THE HOMESTEAD INITIATIVE. IT IS NOT A FREE LAND PROGRAM; IT WOULD NOT DISPOSE OF LAND IN SUCH VAST QUANTITY AS PROPOSED BY THE INITIATIVE; AND IT IS NOT INTENDED TO ENCOURAGE SPECULATION.

IT IS, HOWEVER, A RESPONSIBLE LAND DISPOSAL METHOD WHICH SHOULD BE CONSIDERED IRRESPECTIVE OF THE HOMESTEAD INITIATIVE.

SINCERELY,



KAY POLAND, CHAIRMAN
SENATE RESOURCES COMMITTEE

The Honorable Hugh Malone
Speaker of the House
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of Article III, Section 18 of the Alaska Constitution, and in accordance with AS 24.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting two bills related to the disposal of land. This legislation, in conjunction with existing law, will constitute a comprehensive long-term state land management policy and will mandate a rational process to make state land available for private ownership and use.

The first bill, called the Alaska Land Credit Act, will establish a new program by which state land would be made available at a minimal cost. The second measure, the Alaska Land Policy Act, clarifies and supplements the broad multiple land use mandates set out in Article VIII of the Alaska Constitution.

We who live in this state should be able to secure land for private use. Twenty-two thousand people have underscored that desire for land by signing the Beirne/Kerttula initiative. But that initiative has real problems. It would require that up to thirty million acres be made available on a first-come, first-served basis. Each three-year resident would be entitled to stake 40 acres of public land wherever vacant state land exists. Land would be issued, free, to the first claimant without regard to their needs or public needs. No improvement or residence on the land would be required to gain title.

This is no plan to give people needed sites for cabins or other use. It is, plainly and simply, a vast land giveaway which could create an Oklahoma land rush in Alaska.

Although many Alaskans recognize the problems of this approach, they support it because there is no permanent

policy established in the law to get even needed public lands into private ownership. An alternative method must be provided which creates a land policy that is reasonable, consistent, useable and stable.

I am introducing two bills into the Legislature today to provide that alternative. The bills accomplish the following:

Land Credit Bill - SR 568

1. Make a minimum 50,000 acres of land available to the public in the first year, in addition to that already being conveyed. Thereafter the amount made available each year is determined by the Legislature, but more land might be opened each year.
2. Establish a Land Credit of \$1,000 for each year of residency. These credits may be used for up to 90% of the purchase or rental price of public land.
3. Land credits may be applied to all means of land disposal: Open to Entry, direct sales, lease sale of agricultural rights, and homesite programs.

Land Policy Bill SR 562

1. Establish a land and resource inventory program for analyzing the value and use potential of state land.
2. Establish a clear legislative statement of land disposal policy.
3. Establish a means for balancing private and public land uses and allocating lands for each purpose.
4. Establish a logical system to ensure useable and safe land is conveyed to the public.

These bills, I believe, meet the legitimate needs of the people of Alaska for land, but do so in a responsible manner. The bills accept the basic concept of the land disposal from the Beirne/Kerttula initiative but take it several logical steps further. I feel these bills are wider in application and more far-sighted in that they

provide for a continuation of desirable public uses on public lands while making land available to the citizens of Alaska for their needs.

Sincerely,

Jay S. Hammond
Governor

HAMMOND

BIERNE

ACREAGE AVAILABLE

Set annually by Legislature
new lands must be made avail-
able each year.

30 million up to 160 acres per
applicant. Best land claimed
in first program year.

LIKELY LOCATION OF
LAND

Determined by need and avail-
ability. A mixture of remote,
community and commercial.

Generally remote.

PURPOSE FOR WHICH LAND
CAN BE USED

According to owner's desires.

Due to remoteness, most likely
is homesteading.

ACQUISITION METHOD

Use of land credits to purchase
or lease or through normal
methods. No land rush.

On-the-ground staking and filing
of claim.

ELIGIBILITY

All over 18 years. Credits
accrue according to length of
residency.

All over 18 years and who have
lived in Alaska more than 3 years.

COST

To applicant:

Determined by length of
residency and location and size
of parcel.

Free to first qualified applicant.

To State:

Cost of government administration
minimal.

Large additional administrative
costs and personnel.

STATE
of ALASKA**MEMORANDUM**DEPARTMENT OF NATURAL RESOURCES
OFFICE OF THE COMMISSIONERTO: Ben Harding
Administrative Assistant
Senate Community and
Regional Affairs Committee

DATE: April 6, 1978

FILE NO

TELEPHONE NO

FROM:


Patrick Conheady
Department of Natural Resources

SUBJECT: Land Disposals

Pursuant to your recent request, the following is a breakdown
of disposals of land since statehood:

<u>YEAR</u>	<u>SALES</u>		<u>LEASES</u>		<u>Cumulative Total</u>
	<u># of parcels</u>	<u>acreage</u>	<u># of parcels</u>	<u>acreage</u>	
1959			23	76.10	76.1
1960	84	465.95	13	105.54	647.59
1961	57	24011.28	17	69.37	24728.24
1962	481	8565.59	65	1385.0	34681.83
1963	611	5888.03	257	27454.08	68023.08
1964	674	24954.8	104	4316.09	97294.83
1965	406	5594.81	56	8623.91	111513.55
1966	103	2888.33	134	4710.84	119112.72
1967	173	1105.82	246	1328.09	121546.63
1968	356	1096.3	100	982.46	123625.39
1969	195	2534.7	256	5481.25	131641.34
1970	197	7617.91	407	25895.33	165154.58
1971	62	965.13	998	40201.76	206321.47
1972	410	5327.51	910	25312.28	236961.26
1973	143	3421.81	974	5613.35	245996.42
1974	122	3097.95	751	4765.03	253859.40
1975	78	1593.4	21	616.37	256069.17
1976			17	108.82	256177.99
1977	34	50.76	2	10.0	256238.75
1978	270	64259.0	67	700.0	321197.75

NOTE: Lease total includes 18,663.02 acres in 3920 parcels
disposed of after 1967 in the Open-to-entry program.

I trust this information will be of value .

STATE OF ALASKA

F: SB 562
JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K - STATE CAPITOL
JUNEAU 99811

April 7, 1978

The Honorable Joseph L. Orsini
Chairman, Senate Community and
Regional Affairs Committee
Alaska State Legislature
Pouch V, State Capital
Juneau, Alaska 99811

Re: Public Notice and Review
under SB 562 (Land Policy)

Dear Joe:

I am writing to clarify any confusion I may have created by a misstatement I made before your committee at yesterday's hearing on SB 562 (relating to land policy).

In response to your question about public notice and review in the land planning and classification process established by the bill, Pat Conheady mentioned that AS 38.05.345 requiring notice of land disposals would still apply. I added that, likewise, AS 38.05.300 requiring notice of land disposals and classifications to, and consultation with, municipalities and regional corporations would also still apply. It was then pointed out that AS 38.05.300 would be repealed by SB 562. My mistake was that the statutory provision I had in mind is AS 38.05.305. This provision would not be repealed by the bill and would therefore, of course, still be applicable.

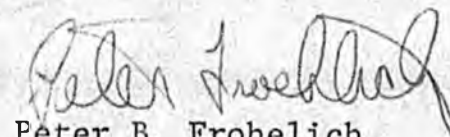
In addition, SB 562 requires local governmental and public involvement in the state land use planning and classification process. (See sec. 38.04.065(a) and (d) on pp. 8 and 9 of the bill).

I hope this explanation eliminates any confusion my misstatement of the citation to AS 38.05.305 might have caused. If I can provide any further assistance to your consideration of this bill, please let me know.

Sincerely,

AVRUM M. GROSS
ATTORNEY GENERAL

By:



Peter B. Frohelich
Assistant Attorney General

PBF:bvd

cc: Art Peterson
Pat Conheady

CITY OF SKAGWAY

F: CSS/S 241

GATEWAY TO THE GOLD RUSH OF '98"
P. O. BOX 415 SKAGWAY, ALASKA 99840

April 4, 1978

Senator Kay Poland, Chairman
Senate Resource Committee
Pouch V Mail Stop 3100
Juneau, Alaska 99811

Dear Senator Poland:

The subjects here are proposed legislation concerning selection and transfer of State land to municipalities - S.B. No. 241 and C.S. for H.B. No. 133 - and H.B. No. 886 - State Aid for Municipal Capitol Improvements. The Common Council of the City of Skagway submits for consideration the following comments and recommendations on these pieces of legislation:

S.B. No. 241, Sec. 29.18.202 states " ---For purposes of determination of entitlement, the boundaries of each municipality are those which existed on the initial date of eligibility under former Secs. 190 - 220."

The boundaries of the City of Skagway on the "initial date of eligibility" were established early in the century and do not encompass any significant amount of vacant, unappropriated, unreserved general grant land, 10% of which might be transferred to the City. Although the City has recently extended its boundaries through annexation, the new municipal limits include very little land that is suitable for development by the City. Even if transfer were permitted, there is a dearth of developable land in the Skagway area. There are some State and Federal lands, tentatively allocated for State selection, adjacent to the City which, subject to future annexation, could be selected by and transferred to the City and, subsequently, developed by the City or sold or leased to private enterprise. It is the City's view that this course of action offers the most practicable means of resolving the land shortage problem yet it appears that S.B. 241 will preclude this approach.

The C.S. for H.B. 133 contains much of the same material and, more specifically, limits the land entitlements or payments in lieu thereof to several boroughs and the Municipality of Anchorage. Is the omission of consideration of the land needs of other municipalities, such as Skagway for example, an oversight or is it the intent of the legislation?

Senator Kay Foland
April 4, 1978
Page 2

H.B. No. 886: The City Council supports this legislation.

It is suggested that, as presently drafted, S.B. 241 and C.S. for H.B. 133 do not fulfill their Statements of Purpose and it is recommended that these two pieces of legislation be reviewed and revised so as to include equitable consideration of the needs for land or in lieu payments for all of the municipalities in Alaska.

Sincerely,

G.D. Acker
G.D. Acker
City Manager

cc: Senator Bill Ray
Representative Mike Miller
Representative Jim Duncan
DCRA - Pritchard
City Attorney - Ruddy
Senate DCRA Committee- J. Orsinix

GDACP

Salamatoff Native Association, Inc.

P.O. Box 2682
Kenai, Alaska 99611
Phone 283-4681

*F: Coastal
Mgmt.
Resp.*

April 7, 1978

Joe Orsini, Chairman
Senate Committee on Community
and Regional Affairs
ALASKA STATE LEGISLATURE
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Joe:

I am writing you as President of the Salamatoff Native Association, Inc., relative to the Alaska Coastal Zone Management Act, and we might just as well include the Act that relates to Wet-Lands, since it is doing the same thing.

First, there is no way you can discuss, intelligently, coastal zone until you define the zone. It is absolutely inconceivable to us that the coastal zone extends thirty or more miles inland. A zone 1,000 feet wide above higher high tide is more than adequate.

Second, the C.Z.M.A., should regulate those things that are detrimental to marine life or navigation, not the kind of structure or business placed on shore. We already have organizations that protect the public from the environment, watch out for their health and safety, and in general, take care of us from the cradle to the grave.

Third, C.Z.M.A., unless it repeals already existing regulations, only adds another layer of bureaucracy to a system that already over-regulates the public.

Fourth, the staff that will be required to police the proposed regulations staggers the imagination. How many people will be required to see that everyone who builds a two-holer, thirty miles inland from the coast, gets a permit? Who is going to diaper the moose and caribou that roam the area like the loggers had to do with their horses and mules in

Rikia Murphy
Honorary
Chief

Orin Segura
President

Emery Showalter, Sr.
Vice President

Marjorie Jordan
Secretary &
Treasurer

Toni Lindgren
Executive Sec. &
Bkper.

Harry Mann
Director

R. Andy Johnson
Director

Dan Johnson
Director

Mattie Bortas
Director

Joe Orsini, Chairman
Senate Committee on
Community and Regional
Affairs

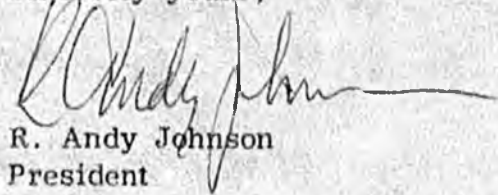
April 7, 1978

Page 2

Fifth, and probably most important, the State of Alaska, under the home rule concept, should never allow itself to be blackmailed by the Federal government into making bad laws under threat of having other Federal monies withheld. Alaska has enough resources and qualified people to survive without having to be told what to do by someone who has no conception of what our country or people are like.

Anything you can do to limit coastal zone to the coast -- Having all laws and government documents written in English without fine print so that anyone with a high school education can understand them will be appreciated.

Sincerely yours,



R. Andy Johnson
President

RAJ:cp

STATE OF ALASKA

The system also provides for credit for service outside of Alaska, for disability, medical and death benefits, for survivors' allowances, and for the refund of member contributions and interest when a teacher leaves membership service.

The Teachers Retirement Fund is a specifically invested fund. All cash and securities are held in the name of that fund. Surplus cash may be invested in the same kinds of securities as authorized for the Public Employees' Retirement Fund.

Revenues consist of teachers' contributions, employer contributions, state contributions and investment income. Expenditures consist of benefits paid to members, refunds of contributions on withdrawal from membership service and the costs of administering the system.

An actuarial valuation of the fund is required at intervals of not more than five years. The valuation includes an expression of opinion as to the adequacy of contributions to provide benefits to which teachers are entitled.

AS 14.25.020 provides that administrative expenditures for operation of the system must be included in the Governor's budget for each fiscal year and are subject to appropriation by the legislature. There is no comparable requirement for benefits paid to members and refunds of contributions. These amounts are not included in the Governor's budget and are not appropriated at annual sessions of the legislature. Sections of the Act that authorize these expenditures -- Sections 120, 140, 150, 160 and 162 -- constitute continuing appropriations of the fund for these purposes.

The Public School Permanent Fund was established in 1931. Section 2 of Chapter 55, Session Laws of Alaska 1931 provides that, "All monies received for any school property of any kind under the provisions of this Act shall be covered into the Treasury of the Territory for the credit of the permanent school fund". The fund receives revenues produced by sections 16 and 36 of each township within the State. These monies are invested and the interest earned is used for the public schools of the State.

Additions to the fund consist of cash received from: land lease rentals, mineral lease rentals, sale of state land, sale of state resources, bonus mineral leases, and royalties on minerals. Fund cash is invested in U.S. Treasury Bonds and notes and the interest received is credited to the General Fund. It is appropriated from the General Fund for the exclusive use and benefit of the public schools of Alaska.

The University of Alaska Permanent Fund is the University equivalent of the Public School Permanent Fund. AS 14.40.400 provides that: "The Department of Revenue shall establish a separate fund in which all money derived from the sale or lease of the lands granted under the Act of Congress approved January 21, 1929 shall be held in trust. The trust fund shall be invested in

STATE OF ALASKA

interest bearing securities as approved by the Governor. The income from the trust fund shall be used exclusively for the Agricultural College and School of Mines. . .The Department of Administration shall disburse the income from the trust fund upon vouchers approved by the president and treasurer of the university specifying the purpose for which the money is to be used and showing it is to be used in conformity with this section". The principal of this fund is a non-expendable trust.

Receipts of the fund include: land lease rentals, mineral lease rentals, sale of state lands, sale of state resources, bonus mineral leases, and royalties on minerals. Disbursements are made for the purchase of investments and accrued interest on investments.

It is noted in a footnote to AS 14.40.400 that a standard of trust investment has not been established in Alaska case law. The sole limitation on investment of the permanent fund is contained in the Federal Act, which states: "The Territorial Treasurer shall keep all such money invested in safe interest-bearing securities, which securities, shall be approved by the Governor and the Secretary of State of the Territory". The fund is invested in U.S. Treasury obligations.

This fund is also an interim holding fund for income realized on investments. All income is used exclusively for the University of Alaska.

The Mortgage Insurance Fund is a trust fund that is used to self insure mortgages financed by bonds issued by the Alaska Housing Finance Corporation. Fund resources are provided by a state appropriation and by a matching fee charged for mortgage commitments. The amount required for each mortgage varies from 2% to 6% of the principal amount depending on the loan-to-value ratio at the time of the application.

The Unemployment Compensation Fund derives its revenue from a payroll tax on employers and employees, interest and penalties assessed against delinquent employers, interest earned on funds on deposit with the federal government and federal grants for certain benefit payments. Revenues are deposited in a federal trust fund from which amounts required to pay benefits are requisitioned as needed. This fund is used exclusively for benefit payments according to law, to the eligible unemployed. Administrative expenses of the State Employment Service and the Unemployment Insurance Program of the Alaska Department of Labor are financed from federal grants for that purpose.

On November 2, 1976, the voters of Alaska approved a Constitutional amendment providing for the establishment of the Alaska Permanent Fund. The amendment provides, in part, that: "At least 25% of all mineral lease rentals, royalties, royalty sale proceeds, federal mineral revenue sharing payments and bonuses received by the State shall be placed in a Permanent Fund, the principal of which shall be used only for those income-producing investments specifically designated by law as eligible for Permanent Fund investments.

F: 58 562

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RESULTS OF A KSRM RADIO POLL

CONDUCTED ON SOUND OFF....AN HOUR LONG PUBLIC AFFAIRS PROGRAM ON MARCH 29, 1978. KENAI PENINSULA RESIDENTS WERE ASKED TO CALL THE SHOW AND ON THE AIR VOTE FOR THE TWO ISSUES. THE RESULTS ARE TABULATED BELOW.

#1 Do you favor the PANAMA CANAL TREATY THAT WILL FACE THE SENATE OF THE UNITED STATES IN APRIL?

YES 3 NO 79 ABSTAIN 1
(NOT ENOUGH INFO)

#2 Do you favor the MIKE BIERNE HOMESTEAD INITIATIVE?

YES 66 NO 16 ABSTAIN 1
(NOT ENOUGH INFO)


JOHN C. DAVIS, MODERATOR

STATE
of ALASKA

MEMORANDUM

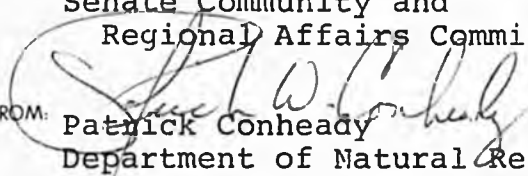
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF THE COMMISSIONER

TO: Ben Harding
Administrative Assistant
Senate Community and
Regional Affairs Committee

DATE: April 6, 1978

FILE NO:

TELEPHONE NO:

FROM:  Patrick Conheady
Department of Natural Resources

SUBJECT: Land Disposals

Pursuant to your recent request, the following is a breakdown of disposals of land since statehood:

<u>YEAR</u>	<u>SALES</u>		<u>LEASES</u>		<u>Cumulative Total</u>
	<u># of parcels</u>	<u>acreage</u>	<u># of parcels</u>	<u>acreage</u>	
1959			23	76.10	76.1
1960	84	465.95	13	105.54	647.59
1961	57	24011.28	17	69.37	24728.24
1962	481	8565.59	65	1385.0	34681.83
1963	611	5888.03	257	27454.08	68023.08
1964	674	24954.8	104	4316.09	97294.83
1965	406	5594.81	56	8623.91	111513.55
1966	103	2888.33	134	4710.84	119112.72
1967	173	1105.82	246	1328.09	121546.63
1968	356	1096.3	100	982.46	123625.39
1969	195	2534.7	256	5481.25	131641.34
1970	197	7617.91	407	25895.33	165154.58
1971	62	965.13	998	40201.76	206321.47
1972	410	5327.51	910	25312.28	236961.26
1973	143	3421.81	974	5613.35	245996.42
1974	122	3097.95	751	4765.03	253859.40
1975	78	1593.4	21	616.37	256069.17
1976			17	108.82	256177.99
1977	34	50.76	2	10.0	256238.75
1978	270	64259.0	67	700.0	321197.75

NOTE: Lease total includes 18,663.02 acres in 3920 parcels disposed of after 1967 in the Open-to-entry program.

I trust this information will be of value .

PROP 562
EXHIB 241

Sponsor duly authorized to circulate Petition No. _____

INITIATIVE PETITION

The undersigned qualified voters of the State of Alaska petition that Proposition #10, Entitled: "The Alaska Homestead Act."

Impartial Summary of the Proposed Bill to be Initiated

Proposition #10

This proposal would make all vacant, unappropriated, and unreserved State general grant land (except trust land and 500,000 acres selected by the State for public purposes) available for homesteading until 30% of the land or 30,000,000 acres, whichever comes first, has passed into private ownership. A three-year resident would be eligible for one grant of 40 acres (20 acres in Southeast Alaska); a five-year resident would be eligible for two grants; a ten-year resident would be eligible for four grants. However, only one grant could be received per year.

(See inside of this page for text of bill)

WARNING

A person who signs a name other than his own on the petition or who knowingly signs his name more than once for the same proposition at one election or who signs the petition knowing he is not a qualified voter, upon conviction is punishable by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both. (AS 15.45.100)

AN INITIATIVE

For An Act Entitled: "The Alaska Homestead Act."

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ALASKA:

* Section 1. The people find that only approximately one million acres of the 363 million total land acreage of Alaska is in private ownership on the effective date of this Act. The people further find that individual land ownership is integral to the material well-being of the people and encourages more citizen awareness and involvement in the affairs of the state. Further, the people are cognizant that all land was privately owned at the time of the nation's founding and believes that private land ownership is integral to the American system. In addition, the people are aware that the Constitution of the State of Alaska declares that it is the policy of the state to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest (art. VIII, sec. 1), and further that the constitution permits the people to implement this policy by providing for the grant of state land (art. VIII, sec. 9). The people find that of the approximately 104 million acres to which the state is entitled under the Statehood Act, less than 75,000 acres have been made available by the state to citizens for settlement and development purposes, and that the failure to make more land available is a failure to implement the policy of art. VIII, sec. 1 of the Alaska Constitution. The people declare their purpose to make available to its citizens at least 30 per cent or 30,000,000 acres of state land for settlement and development, and further declares that a policy of private land ownership is in the best interests of the people of the state.

* Section 2. AS 38.05 is amended by adding new sections to read:

ARTICLE 13. HOMESTEAD GRANTS OF STATE LAND.

Sec. 38.05.410. LAND AVAILABLE FOR HOMESTEAD ENTRY. (a) All vacant, unappropriated, and unreserved general grant land is classified

and available as homestead entry land except trust land. The land shall remain classified as homestead entry land until 30 per cent or 30,000,000 acres, whichever comes first, of the state general grant land has passed into private ownership through the homestead program established in secs. 410 - 540 of this chapter. The director may reclassify for public purposes up to 500,000 acres of land classified as homestead entry land under this section.

(b) The director or his designee, within 30 days after the effective date of this Act and annually thereafter, shall publish notice in at least three newspapers of general circulation in the state and shall make available to the public information relating to the general availability of land for homestead entry under this section.

Sec. 38.05.420. ELIGIBILITY AND APPLICATION. (a) A person who has been a resident of the state, as defined in sec. 530 of this chapter, continuously for the three years preceding application, shall receive a homestead grant upon

(1) recording a written application in the form prescribed by AS 34.15.045 in the recording district in which the homestead entry land is located; and

(2) filing with the director the following materials:

(A) a copy of the recorded application,

(B) proof of residency,

(C) a \$100 filing fee, unless the applicant submits a title search as provided in (b) of this section, in which case the filing fee is \$75.

(b) An applicant for a homestead grant may submit to the director a title search conducted by a title insurance company authorized to do business in the state under AS 21.66.100.

(c) A person who has been a resident of the state for at least three years is eligible to receive, subject to (d) of this section, one grant of not more than 40 acres. A person who has been a resident of the state for at least five years is eligible to receive, subject to (d) of this section, two grants not to exceed a combined total of 80 acres. A person who has been a resident of the state for at least 10 years is eligible to receive, subject to (d) of this section, four grants not to exceed a combined total of 160 acres.

(d) No homestead grant may be issued for an area of homestead entry land less than 40 acres in area except (1) when a loss of acreage is caused by inclusion of waters in the applicant's parcel; or (2) when the parcel is located in Southeast Alaska entirely east of the 141st meridian extrapolated to the sea. No person may receive more than one grant per year regardless of size, and in no event may any person accumulate more than 160 acres under secs. 410 - 540 of this chapter or more than 20 acres in Southeast Alaska east of the 141st meridian extrapolated to the sea.

(e) Within any 90-day period established in sec. 440 of this chapter, a person who is eligible for a homestead grant may file one application for a grant. If within a 90-day period more than one person applies and qualifies for the same homestead entry land, priority shall be established by the earliest date of recording. If more than one person applies for the same land at the same time, priority shall be established by lot.

(f) It is the responsibility of the applicant to publish notice once a week for three consecutive weeks in at least one newspaper of general circulation in the vicinity of the land to which he seeks a homestead grant. Where there is no newspaper in the general vicinity, notices shall be posted in three public places near the land. The notice shall contain a description of the land and shall state that the application for the homestead grant was made in accordance with the Alaska Homestead Act (AS 38.05.410 - 38.05.540). Title to the homestead entry land may not pass to the applicant unless preceded by notice as required in this section. The provisions of secs. 305 - 345 of this chapter are not applicable to secs. 410 - 540 of this chapter.

(g) Parcel boundaries shall conform to the township and section aliquot parts system according to the Manual of Instructions for the Survey of the Public Lands of the United States, 1973 edition, Bureau of Land Management, Technical Bulletin 6, and boundaries shall be described by reference to either surveyed or protracted sections and portions of sections.

Sec. 38.05.430. NOTIFICATION OF RIGHT TO POSSESSION. (a) Ninety days after the effective date of this Act and every 90 days thereafter, the director or his designee shall notify successful applicants for

homestead grants during the previous 90-day period of their right to enter on the land. The applicant is entitled to take possession of the land 90 days after the close of the 90-day period in which he submitted his application if the director fails to inform him of his right to enter unless the director has notified the applicant by registered mail that the applicant is ineligible for the grant and includes the basis for that finding.

(b) Notwithstanding the provisions of (a) of this section, a person who has submitted a copy of a title search to the director with his application as provided in sec. 420 (b) of this chapter is entitled to possession of the homestead entry for which he has applied 30 days after his application if the title search shows no prior claims on the land.

Sec. 38.05.440. SURVEY. It is the responsibility of the applicant to provide for a survey by a land surveyor registered in the state under AS 08.01 of the land for which he seeks a homestead grant. Surveys shall conform to regulations adopted by the division of lands, and in force on the effective date of this Act. The survey shall be performed within five years after the right to possession provided in sec. 430 of this chapter, with extensions granted at the discretion of the director. Failure to have a survey done shall result in forfeiture of the homestead grant. Subject to secs. 125 and 127 of this chapter, title to the land passes in fee simple to the grantee upon completion and recording of the survey in the recording district in which the homestead entry land is located. A copy of the survey shall be sent to the director.

Sec. 38.05.450. IMPROVEMENTS AND RESTRICTIONS. (a) Subject to (b) of this section, no improvements may be required or restrictions imposed on homestead entry land, except as required by general law or home rule municipalities.

(b) No grantee of homestead entry land may extract timber or materials on a commercial basis, sell, subdivide, or otherwise dispose of the land until one year after a grant of patent under secs. 410 - 540 of this chapter.

Sec. 38.05.460. TAXES. Land acquired under the homestead grant program is exempt from municipal property tax for a period of one year

from the date of the grant of patent.

Sec. 38.05.470. BOROUGH AND CITY SELECTIONS. Notwithstanding any other provisions of law, land subject to borough and city selection under AS 29.18.190 which is classified as homestead entry land under sec. 420 of this chapter is available for homestead entry as well as borough and city selection.

Sec. 38.05.480. DEDICATION OF LAND FOR ACCESS TO PUBLIC AND NAVIGABLE WATER. A tract of 100 feet wide between each section of land acquired from the state under secs. 410 - 540 of this chapter is dedicated for public access to public and navigable water. The section line is the center of the dedicated access route.

Sec. 38.05.490. STATE SERVICES. Nothing in secs. 410 - 540 of this chapter obligates the state to provide services to land which is the subject of homestead entry for 15 years after it is open to entry.

Sec. 38.05.500. EXECUTION FOR SATISFACTION OF DEBTS. Homestead entry land under secs. 410 - 540 of this chapter is exempt from execution upon a judgment to enforce a judicial lien, process, or proceeding to collect an unsecured debt.

Sec. 38.05.520. FALSE INFORMATION. (a) Intentionally filing false information for the purpose of obtaining a homestead grant under secs. 410 - 540 of this chapter is a felony punishable as prescribed in AS. 11.05.145 and upon conviction shall result in loss of all right, title, and interest to any land obtained under the provisions of secs. 410 - 540 of this chapter.

(b) The filing of false information in connection with an application, survey, proof of residency, or title search under secs. 410 - 540 of this chapter may result in forfeiture of the homestead grant or grant of patent at the discretion of the director but does not affect the right, title, or interest of a bona fide purchaser for value from the applicant or assignees of the applicant.

Sec. 38.05.530. DEFINITIONS. In secs. 410 - 540 of this chapter,

(1) "director" means the director of the division of lands;

(2) "general grant land" means land patented or tentatively approved to the state from the United States under sec. 6 (a) or (b) of the Alaska Statehood Act (72 Stat. 339, et seq.);

(3) "homestead grant" means the right of an applicant for homestead entry land to enter upon the land for which he has applied;

(4) "resident" means a person who is at least 18 years of age and

(A) except for brief intervals, military service, attendance at an educational or training institution, or for absences for good cause, is physically present in the state for the required period;

(B) maintains a place of residence in the state;

(C) has established residency for voting purposes in the state and is a registered voter;

(D) has not, within the period of required residency, claimed residency in another state; and

(E) shows by all attending circumstances that his intent is to make Alaska his permanent residence;

(5) "trust land" includes all the land received by grant of the federal government for the purposes of supporting schools, the University of Alaska, and the state's mental health program;

(6) "vacant, unappropriated, and unreserved land" means the surface estate of general grant land as defined in (2) of this section, exclusive of tideland and submerged land, which

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

(B) is unclassified or, if classified under sec. 300 of this chapter, is classified for agricultural, grazing, commercial, industrial, private recreation, residential, utility, or open-to-entry purposes; or

(C) has not been disposed of through lease, sale or other administrative action.

Sec. 38.05.540. SHORT TITLE. Sections 410 - 540 of this chapter may be cited as the Alaska Homestead Act.

*Sec. 3. AS 34.15 is amended by adding a new section to read:

Sec. 34.15.045. FORM OF HOMESTEAD APPLICATION. (a) A homestead application may be substantially in the following form:

"The applicant (here insert the name and place of residence) has been a resident of Alaska, as defined in AS 38.05.530, for _____ years and hereby applies for a homestead grant for the following described

real estate (here insert description), located in the State of Alaska.

Dated this _____ day of _____, 19____."

(b) The application shall be signed and sealed by the applicant and shall be recorded as directed in this chapter.

*Sec. 4. AS 34.15.340(a) is amended by adding a new paragraph to read:

(7) applications for homestead grants.

*Sec. 5. This Act take effect ninety (90) days after its passage.

✓ Joe
FI SB 562

SENATE BILL 562 "An Act relating to Alaska land policy"

Background

SB 562 was introduced by the Senate Resources Committee, chaired by Senator Poland. The bill's counterpart in the House is HB 904, introduced by the Governor. According to Reed Stoops, Sen. Poland's AA, the basic data for SB 562 was prepared by the Land Use Planning Commission. Senator Poland, who had been interested in this subject, used the LUPC material and, in conjunction with the Governor, got the two bills introduced, one in the House and the other in the Senate. There is, however, no counterpart in the Senate to HB 905, the companion bill to HB 904. HB 905 provides for a resident of Alaska to have \$1,000 reduced from the price of the land he obtains for each year's residence in the state. Senator Poland apparently did not like this provision and is reportedly looking into a means whereby a purchaser could obtain "sweat equity" in the land.

8/1/78 905

Purpose

In FY 79, the director of lands would make available to the public not less than 50,000 acres. Not more than ten percent of this figure could be used for leasing. For each year thereafter, the director will present three options to the Legislature: 1) an increased-level land disposal program, 2) a current-level program, and 3) a reduced-level program. One of these options must include at least 50,000 acres.

Criteria

- 1) To cover costs to public, the land must be conveyed to private ownership at fair market value.
- 2) Land readily accessible to community centers or where it has a high commercial value should be either leased or sold to private owners.
- 3) Lease programs should be used:
 - a) for special public needs to control specific land use
 - b) when intended use is temporary
 - c) in commercial or industrial uses where leases would generate high cash flow
 - d) unique location with special public values
 - e) where public demand use is high, such as waterfront recreation

4) Limited or conditional title to the land where the state determines this to be in the public interest (e.g. agriculture).

Policy

- 1) Choice of lands to be conveyed shall be determined through the inventory, planning, and classification processes of the bill.
- 2) The director of lands shall make adequate provision for public open spaces accessible to communities for public recreation.
- 3) The requirement for future generations must be considered and adequate state land retained for their needs.
- 4) Involvement of municipalities and local residents is essential in determining conveyance of state land to private ownership.

Other

In addition to the disposal of land, the bill also calls for the director of lands to develop, maintain, and revise land use plans for state-owned land, according to a set of criteria.

The bill also sets up (Sec.38.04.070) a series of Management Systems for state lands retained in public ownership. They include: State Public Reserve System, State Park System, State Trails System, Wild and Scenic River Systems, and State Public Domain.

bfh

4-3-78



Official Business

Alaska State Legislature

Senate
Committee on
Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

March 27, 1978

Dear Mayor:

Attached is a copy of Senate Bill 562 ("An Act relating to Alaska land policy") recently introduced by the Senate Resources Committee and now before the Senate Community and Regional Affairs Committee for consideration.

Since the disposition of state land to both municipalities and private citizens in Alaska is one of the most fundamental issues facing government and the public at this time, I would appreciate your careful review of the legislation proposed in SB 562 and your assessment on the effects the enactment into law of such a measure would affect your municipality's financial, social and land use planning.

It is the Committee's intention to schedule hearings on SB 562 as quickly as possible. I would therefore appreciate receiving your comments as soon as you are able to review the legislation. I hope you will also feel free to contact me directly if you have additional questions on this issue.

Sincerely,

A handwritten signature in cursive script that reads "Joe Orsini".

JOE ORSINI
Chairman, Senate
Community and Regional
Affairs Committee

JO:gd

Enclosure: SB 562

JK
SEND TO ALL BOROUGHES, ALL FIRST CLASS CITIES, BETHEL, ~~KOTZEBUE~~, ~~DELTA~~,
JUNCTION, FORT YUKON, AND WASILLA

✓ Joe
F: SB 562

S/RESOURCES COMMENTS ON SB 562 3-27-78

Reed Stoops this morning confirmed that SB 562 was the Governor's land policy bill which had been introduced in the House as HB 904. However, a further House Bill (905) which provides for land equity by length of residence was not introduced on the Senate side, since Poland apparently has some problems with it. (The newspapers have indicated that she is considering some form of "sweat-equity".)

Stoops also said that SB 562 had been based on material and proposals prepared by the Land Use Planning Commission which had dove-tailed with Poland's own interest. This in turn supposedly sparked the Governor's interest.

According to Stoops, Land Use Planning Commission members will be in Juneau April 5 and 7 to discuss land use policies and land disposition proposals with Senate Resources.

Ben Harding



Official Business

Alaska State Legislature

Senate

Committee on Resources

Pouch V
State Capitol
Juneau, Alaska 99811

MARCH 21, 1978

THE HONORABLE JOHN RADER
PRESIDENT OF THE SENATE
ALASKA STATE LEGISLATURE
JUNEAU, ALASKA 99811

DEAR MR. PRESIDENT:

THE PURPOSE FOR INTRODUCTION BY THE RESOURCES COMMITTEE OF "AN ACT RELATING TO ALASKA LAND POLICY" IS TO IMPLEMENT BROAD CONSTITUTIONAL GOALS FOR THE USE OF STATE LANDS FOR BOTH PRIVATE AND PUBLIC PURPOSES. THE APPROACH SUGGESTED IS THE ESTABLISHMENT OF LAND POLICIES SUFFICIENTLY DETAILED TO GUIDE ADMINISTRATIVE DECISION MAKING AND THROUGH ANNUAL LEGISLATIVE APPROVAL OF A STATE LAND DISPOSAL PROGRAM. CURRENTLY, IN SPITE OF IMPENDING LAND TRANSFERS TO THE STATE, A COMPREHENSIVE POLICY FOR THE USE OF STATE LANDS DOES NOT EXIST.

THE ACT IS BASED UPON RECOMMENDATIONS DEVELOPED AFTER LONG TERM STUDY BY THE FEDERAL-STATE LAND USE PLANNING COMMISSION AND REFINED THROUGH DISCUSSIONS WITH THE ADMINISTRATION. IT IS A JOINT EFFORT TO SET FORTH A RATIONAL PLAN FOR LAND DISPOSAL AND RETENTION, IN WHICH A NEED OF ALASKA'S RESIDENTS MAY BE SATISFIED IN A RESPONSIBLE MANNER.

THE BILL CONTAINS THREE MAJOR ELEMENTS:

- (1) POLICY FOR USE AND CLASSIFICATION OF STATE LAND SURFACE. THIS INSURES THAT THE STATE'S LAND POLICY AS CONSTITUTIONALLY MANDATED IN ARTICLE VIII IS TO PROVIDE FOR A BALANCED COMBINATION OF PRIVATE AND PUBLIC LAND USE AND TO ALLOCATE SUITABLE LAND FOR SUCH USE.

AS BALANCED LAND USE IS ESPECIALLY IMPORTANT IN LANDS ADJACENT TO COMMUNITIES, SPECIAL EMPHASIS IS PROVIDED INCLUDING A REQUIREMENT FOR LOCAL INVOLVEMENT IN LAND CLASSIFICATION PRIOR TO DISPOSAL.

- (2) LAND AVAILABILITY FOR PRIVATE USE. THIS SECTION MANDATES THAT STATE LAND BE MADE AVAILABLE TO INDIVIDUALS ON AN ANNUAL BASIS IN LOCATIONS AND PARCEL SIZES THAT BEST MEET DIFFERING NEEDS IN DIFFERENT PARTS OF THE STATE. A MINIMUM OF 50,000 ACRES SHALL BE MADE AVAILABLE DURING THE FIRST YEAR AFTER ENACTMENT, NO MORE THAN 10% OF WHICH SHALL BE FOR LEASES. THEREAFTER, THE ADMINISTRATION SHALL PRESENT TO THE LEGISLATURE ANNUALLY FOR ITS APPROVAL, THREE OPTIONS FOR LAND DISPOSAL PROGRAMS.

THE OPTIONS MAY INCLUDE FEE SIMPLE TRANSFER, CONVEYANCE OF AGRICULTURAL RIGHTS, LEASING, OPEN-TO-ENTRY; HOMESITING, HOMESTEADING, AND REMOTE CABIN PERMITS.

FURTHER PROVISIONS ESTABLISH GUIDELINES FOR SURVEY AND SUBDIVISION, PUBLIC ACCESS, AND EASEMENTS.

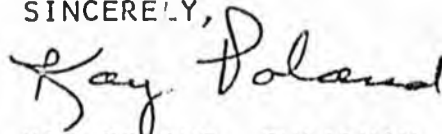
- (3) INVENTORY, PLANNING, AND CLASSIFICATION. THE BILL REQUIRES THE TIMELY COMPLETION OF AN INVENTORY OF THE RESOURCE VALUES OF ALL STATE LANDS. THROUGH USE OF THE INVENTORY, LAND NEEDS MAY BE MET WITH THE BEST POSSIBLE LANDS DESIGNATED FOR THE PURPOSE INTENDED. THE DESIGNATION OF LAND USE SHALL BE ACCOMPLISHED IN COOPERATION WITH LOCAL GOVERNMENTS AND THE PUBLIC.

IN ADDITION TO EXISTING STATE LAND MANAGEMENT SYSTEMS, A NEW CLASSIFICATION CALLED THE STATE PUBLIC RESERVE SYSTEM IS ESTABLISHED FOR LANDS TO BE DESIGNATED FOR MULTIPLE USES. THE LEGISLATURE WOULD RETAIN ITS EXISTING AUTHORITY TO APPROVE ANY DESIGNATION OF MORE THAN 640 ACRES WHICH WOULD CLOSE LAND TO MULTIPLE USE.

IT IS NOT THE INTENT OF THIS LEGISLATION TO OFFER A SIMILAR LAND DISPOSAL PROGRAM AS PROPOSED BY THE HOMESTEAD INITIATIVE. IT IS NOT A FREE LAND PROGRAM; IT WOULD NOT DISPOSE OF LAND IN SUCH VAST QUANTITY AS PROPOSED BY THE INITIATIVE; AND IT IS NOT INTENDED TO ENCOURAGE SPECULATION.

IT IS, HOWEVER, A RESPONSIBLE LAND DISPOSAL METHOD WHICH SHOULD BE CONSIDERED IRRESPECTIVE OF THE HOMESTEAD INITIATIVE.

SINCERELY,



KAY POLAND, CHAIRMAN
SENATE RESOURCES COMMITTEE

HAMMOND

BIERNE

ACREAGE AVAILABLE

Set annually by Legislature
new lands must be made avail-
able each year.

30 million up to 160 acres per
applicant. Best land claimed
in first program year.

LIKELY LOCATION OF
LAND

Determined by need and avail-
ability. A mixture of remote,
community and commercial.

Generally remote.

PURPOSE FOR WHICH LAND
CAN BE USED

According to owner's desires.

Due to remoteness, most likely
is homesteading.

ACQUISITION METHOD

Use of land credits to purchase
or lease or through normal
methods. No land rush.

On-the-ground staking and filing
of claim.

ELIGIBILITY

All over 18 years. Credits
accrue according to length of
residency.

All over 18 years and who have
lived in Alaska more than 3 years.

COST To applicant:

Determined by length of
residency and location and size
of parcel.

Free to first qualified applicant.

To State:

Cost of government administration
minimal.

Large additional administrative
costs and personnel.

The Honorable Hugh Malone
Speaker of the House
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of Article III, Section 18 of the Alaska Constitution, and in accordance with AS 24.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting two bills related to the disposal of land. This legislation, in conjunction with existing law, will constitute a comprehensive long-term state land management policy and will mandate a rational process to make state land available for private ownership and use.

The first bill, called the Alaska Land Credit Act, will establish a new program by which state land would be made available at a minimal cost. The second measure, the Alaska Land Policy Act, clarifies and supplements the broad multiple land use mandates set out in Article VIII of the Alaska Constitution.

We who live in this state should be able to secure land for private use. Twenty-two thousand people have underscored that desire for land by signing the Beirne/Kerttula initiative. But that initiative has real problems. It would require that up to thirty million acres be made available on a first-come, first-served basis. Each three-year resident would be entitled to stake 40 acres of public land wherever vacant state land exists. Land would be issued, free, to the first claimant without regard to their needs or public needs. No improvement or residence on the land would be required to gain title.

This is no plan to give people needed sites for cabins or other use. It is, plainly and simply, a vast land giveaway which could create an Oklahoma land rush in Alaska.

Although many Alaskans recognize the problems of this approach, they support it because there is no permanent

policy established in the law to get even needed public lands into private ownership. An alternative method must be provided which creates a land policy that is reasonable, consistent, useable and stable.

I am introducing two bills into the Legislature today to provide that alternative. The bills accomplish the following:

Land Credit Bill - SR 568

1. Make a minimum 50,000 acres of land available to the public in the first year, in addition to that already being conveyed. Thereafter the amount made available each year is determined by the Legislature, but more land might be opened each year.
2. Establish a Land Credit of \$1,000 for each year of residency. These credits may be used for up to 90% of the purchase or rental price of public land.
3. Land credits may be applied to all means of land disposal: Open to Entry, direct sales, lease sale of agricultural rights, and homesite programs.

Land Policy Bill SR 562

1. Establish a land and resource inventory program for analyzing the value and use potential of state land.
2. Establish a clear legislative statement of land disposal policy.
3. Establish a means for balancing private and public land uses and allocating lands for each purpose.
4. Establish a logical system to ensure useable and safe land is conveyed to the public.

These bills, I believe, meet the legitimate needs of the people of Alaska for land, but do so in a responsible manner. The bills accept the basic concept of the land disposal from the Beirne/Kerttula initiative but take it several logical steps further. I feel these bills are wider in application and more far-sighted in that they

provide for a continuation of desirable public uses on public lands while making land available to the citizens of Alaska for their needs.

Sincerely,

Jay S. Hammond
Governor

SENATE BILL 562 "An Act relating to Alaska land policy"

Background

SB 562 was introduced by the Senate Resources Committee, chaired by Senator Poland. The bill's counterpart in the House is HB 904, introduced by the Governor. According to Senator Poland's AA, the basic data for SB 562 was prepared by the Land Use Planning Commission. Senator Poland, who had been interested in this subject, used the LUPC material and, in conjunction with the Governor, got the two bills introduced, one in the House and the other in the Senate. (SB 568, introduced by Senate Rulles at the Governor's request, allows a state resident a land credit of \$1,000 for each year's continuous residence in Alaska. SB 568 has not been referred to Senate Community and Regional Affairs)

Purpose (Sec. 38.04.020)

In FY 79, the director of lands would make available to the public not less than 50,000 acres. Not more than ten percent of this figure could be used for leasing. For each year thereafter, the director will present three options to the Legislature: 1) an increased-level land disposal program, 2) a current-level program and 3) a reduced-level program. One of these options must include at least 50,000 acres.

Criteria (Sec. 38.04.035)

- 1) To cover costs to public, the land must be conveyed to private ownership at fair market value.
- 2) Land readily accessible to community centers or where it has a high commercial value should be either leased or sold to private owners.
- 3) Lease programs should be used:
 - a) for special public needs to control specific land use
 - b) when intended use is temporary
 - c) in commercial or industrial uses where leases would generate high cash flow
 - d) unique location with special public values
 - e) where public demand use is high, such as waterfront recreation
- 4) Limited or conditional title to the land where the state determines this to be in the public interest (e.g. agriculture).

Policy (Sec. 38.04.005)

- 1) Choice of lands to be conveyed shall be determined through the inventory, planning and classification process of the bill.

- 2) The director of lands shall make adequate provision for public open spaces accessible to communities for public recreation.
- 3) The requirement for future generations must be considered and adequate state land retained for their needs.
- 4) Involvement of municipalities and local residents is essential in determining conveyance of state land to private ownership.

Other

In addition to the disposal of land, the bill also calls for the director of lands to develop, maintain and revise land use plans for state-owned land, according to a set of criteria. (Sec. 38.04.065)

The bill also sets up (Sec. 38.04.070) a series of Management Systems for state lands retained in public ownership. They include: State Public Reserve System, State Park System, State Trails System, Wild and Scenic River Systems and State Public Domain.

In addition it outlines criteria for the retention of state land (Sec. 38.04.015)

Senate Community and Regional
Affairs Committee Staff

April 4, 1978

Fiscal Note: HB 904
3/23/78

50,000 ACRE DISPOSAL (DNR)

<u>Function</u>	<u>LINE ITEM</u>					<u>Total</u>
	<u>100</u>	<u>200</u>	<u>300</u>	<u>400</u>	<u>500</u>	
Site Identification and Evaluation	307	23	74	7	6	417
Subdivision and Layout	932	34	614	11	31	1,622
Survey	441	32	2,054	42	40	2,609
Administration	157	4	192	2	35	390
Total	<u>1,837</u>	<u>93</u>	<u>2,934</u>	<u>62</u>	<u>112</u>	<u>5,038</u>

INVENTORY/ASSESSMENT REQUIREMENT (DNR)

Inventory/Assessment	242	21	138	8	11	<u>420</u>
<u>GRAND TOTALS HB 904</u>	<u>2,079</u>	<u>114</u>	<u>3,072</u>	<u>70</u>	<u>123</u>	<u>5,458</u>