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REPRESENTATIVE
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RULES COMMITTEE
LEGISLATIVE COUNCIL

DISTRICT 3
ELFIN COVE
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Alaska State Legislature



House of Representatives
SPEAKER OF THE HOUSE

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April 12, 1985

POSITION PAPER
HB 323 - Pelican Land Grant

The City of Pelican has been the unfortunate victim of a series of legislative and administrative decisions over several years. Unlike other Alaska communities, Pelican has never received any land under the municipal entitlement program.

The original entitlement act called for any municipality to receive ten percent of the "vacant, unappropriated, unreserved" state lands available at the date on which the municipality applied for entitlement. That date of application varied, of course, from community to community, which created administrative difficulties as state land records were not adequate to determine how much acreage was actually conveyed to the State on such and such a day. The state was receiving title to federal lands under terms of the Statehood act, and there was often uncertainty over the timing and location of "new" state lands being transferred from the federal government. In response to the situation, the Legislature in 1979 required established communities to apply for land entitlement by a fixed date.

Unfortunately for Pelican, as of that fixed date, the State had not received any land from the federal government in Pelican's vicinity. With no nearby State lands, there was zero percentage available for Pelican's entitlement rather than the ten percent envisioned by earlier statute. The city, however, was assured by the Director of Lands, Mike Smith, that it would somehow be accommodated in the future when the State did gain lands in its vicinity.

The State has since received lands from the federal government, including 8.9 acres directly adjacent to the City of Pelican. Current statutes, however, allow the transfer of land to Pelican only for public and charitable uses, not for the community expansion which Pelican needs and wants. A municipal entitlement for Pelican is possible only through enactment of the proposed legislation in HB323. The bill corrects an inequitable situation, putting Pelican on the same basis as other Alaska communities which enjoy municipal land entitlements.

STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

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March 28, 1985

POSITION PAPER

RE: HB 323

SPONSOR: Representative Grussendorf

Program Effects of Bill

The bill would grant 10 acres of state land to the City of Pelican. The property in question was recently annexed to the city, and contains the location of the city's sanitary landfill. The city council has considered purchase of the property to allow for community expansion, and while it has not met to formally endorse HB 323, its support appears certain. The council was very supportive of the acquisition when the city received a copy of a letter from Speaker Grussendorf to Commissioner Wunnicke, indicating that such a bill would be introduced. There is a shortage of developable land in Pelican, and the acquisition of this property would be a significant step in alleviating this shortage.

The property is surveyed, and no fiscal note is anticipated.

Comments

The purpose of the bill is to make state land available to the city which the city is not otherwise entitled to receive. A brief history follows.

The state's original municipal land entitlement statutes allowed established cities to select up to 10% of the vacant and unappropriated land within their boundaries by a time certain to be set by the city. At the same time, the state was receiving title to federal lands under the terms of the Statehood act. Transfers between the state and local governments became somewhat confusing, due to uncertainty over the timing and location of state acquisition of federal lands. The legislature responded to the situation in 1979, by requiring established communities to apply for their land entitlement by a fixed date.

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Unfortunately for Pelican there was no state land available for municipal selection as this date arrived then passed, as the state had not received title to federal lands in or near Pelican. Thus, the city did not apply for entitlement lands, and found itself without the authorization to receive entitlement properties, except under AS 38.05.810. This citation requires that the land be used for a general public purpose and not for settlement as the city wishes. Likewise, the city could not receive land under AS 29.18.201-.213, as they were an established and not a new municipality, and, as mentioned, their "window of opportunity" had closed.

This bill is simply to rectify the situation, and provide Pelican with the same rights to property enjoyed by other communities. It expands the scope of municipal land entitlements by allowing Pelican, as an established community, to use the entitlement for other than a general public purpose, but the language of the bill appears sufficiently specific to prevent a precedent from being established.

The Department supports passage of this legislation.



Emil Notti, Commissioner

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 323
Title: Land Grant to Pelican

Sponsor: Grussendorf
Requestor: _____
Date of Request: _____

FISCAL DETAIL

Agency Affected: Natural Resources
Program Category Affected: NRMEC

BRU, Program or Subprogram(s) Affected:
Land and Water Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL		-0-	-0-	-0-	-0-	-0-
REVENUE		-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

No fiscal impact

Prepared By: Mike Vediner
Division: Land and Water Management

Phone: 465-2400
Date: April 15, 1985

Approved by Commissioner: Wm D. Zymel
Agency: Natural Resources

Date: April 15, 1985

Distribution (by Agency preparing fiscal note):

- Legislative Finance
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