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# SB 414

3/12/86 - Spoke to Ned Farguhar in Auc-DNR -  
Agreed that Committee asked for the following:

- 1) Report on acreages and status of same
- 2) Impact on lands exchange
- 3) Anchorage lands problem
- 4) What is DNR best-interest evaluation
- 5) bill sectional as it relates to DNR responsibility.

Will get Str from DNR - Friday - Mar 14  
told Farguhar & Sturge asked for bill

I have also requested a sectional from Tam Cook

3/26

Tam Cook is preparing CS SS SB 414  
incorporating Committee amendments  
adopted at 3/25 Committee Mtg.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907.465.3800

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

*Senate Community & Regional Affairs:*  
*3/11/86 : 3:35 pm*  
*3/25/86: 3:43 pm.*



Official Business

# Alaska State Legislature Senate

## Committee on Community and Regional Affairs

*Staff Cy*

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

COMMITTEE MEETING -- March 25, 1986

SB 407 -- An Act making a special appropriation to the Dept. of C&RA for a grant to the North Slope Borough

\*SS for SB 414 -- An Act relating to municipal land entitlements

SB 448 -- An Act relating to home rule municipalities

SB 407 was considered on March 11 and continued until explanatory data on the bill was received from Avrum Gross.

SS for SB 414 was ... on March 11 and continued until preparation of a sectional analysis by L ... had been received.

SB 448 was also heard on March 11th. The Dept. of C&RA was requested to furnish the Committee an analysis on the effects of the bill.

Material attached:

- (1) Sectional analysis prepared by LAA Legal Services on SSSB 414.
- (2) Letter attaching sectional analysis and charts on SSSB 414 from DNR.\*
- (3) Sectional analysis prepared by LAA Legal Services on SB 448.
- (4) Letter from Commissioner Emil Notti, DC&RA on SB 448.
- (5) Letter from Jeanine Kennedy, Rural Alaska Community Action Program, Inc. on SB 448.

P.S. Mr. Avrum Gross' Office has informed Committee staff they will furnish the data requested on SB 407. This information will be delivered for inclusion in this packet for the 3/25/86 Committee Meeting as soon as it is received.

\* Also attached is the Alaska Municipal League position paper w/atch on SB 414.

*\* 2nd version sub SB 414 attached*

Introduced: 3/25/86  
Referred: Community & Regional Affairs,  
Resources and Finance

1 IN THE SENATE

BY FERGUSON

2 (2d) SPONSOR SUBSTITUTE FOR SENATE BILL NO. 414

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to general grant land entitlements;  
7 and providing for an effective date."

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

9 \* Section 1. AS 29.65 is amended by adding a new section to read:

10 Sec. 29.65.015. DETERMINATION OF ENTITLEMENTS FOR MUNICIPAL-  
11 ITIES. The general grant land entitlement of a municipality is 10  
12 percent of the maximum total acreage of vacant, unappropriated, unre-  
13 served land within its boundaries at any time between the date of its  
14 incorporation and two years after the expiration of the state's right  
15 to make selections under sec. 6(a) or (b) of the Alaska Statehood Act.  
16 By January 1 of each year the director shall determine or update the  
17 unfulfilled entitlement for each municipality under this section and  
18 certify that entitlement to that municipality.

19 \* Sec. 2. AS 29.65 is amended by adding a new section to read:

20 Sec. 29.65.025. LIMITATIONS ON ENTITLEMENTS. (a) A municipal-  
21 ity is eligible for only one general grant land entitlement. A munic-  
22 ipality that qualifies for an entitlement under AS 29.65.010 and  
23 29.65.015 shall receive the larger of the two entitlements.

24 (b) A municipality may not receive a general grant land en-  
25 titlement under AS 29.65.010 or 29.65.015 that exceeds 400,000 acres.

26 (c) All conveyances of legal title to land by the state to a  
27 municipality under AS 29.65.010 or a former law shall be credited  
28 toward fulfillment of the entitlement for that municipality. All  
29 payments for land under AS 29.65.080 or former AS 29.18.208 shall be

1 credited toward fulfillment of the entitlement for that municipality.

2 (d) Land classified under AS 38.05.300 for wildlife habitat may  
3 not be selected and conveyed in fulfillment of a general grant land  
4 entitlement.

5 \* Sec. 3. AS 29.65.040 is repealed and reenacted to read:

6 Sec. 29.65.040. STATUS OF ENTITLEMENTS. (a) After January 1,  
7 1987, a general grant land entitlement under AS 29.65.010 is a vested  
8 property right that must be fulfilled in accordance with AS 29.65.025  
9 and 29.65.080.

10 (b) A general grant land entitlement under AS 29.65.015 is a  
11 property right that vests on the date of incorporation of the municipi-  
12 pality. The entitlement must be fulfilled in accordance with AS 29.-  
13 65.025.

14 \* Sec. 4. AS 29.65.050 is amended by adding a new subsection to read:

15 (d) The commissioner of natural resources is authorized to  
16 negotiate and enter into an agreement with the Municipality of  
17 Anchorage prior to January 1, 1987, whereby the municipality's en-  
18 titlement under this chapter may be fully satisfied by the conveyance  
19 of state land within the municipal boundaries which the commissioner  
20 determines is not necessary for retention in state ownership, whether  
21 or not the land is vacant, unappropriated, and unreserved. The agree-  
22 ment may provide for the conveyance of no more than 5,000 acres of  
23 state land which the commissioner determines is worth no less than  
24 \$5,000,000.

25 \* Sec. ~~4~~<sup>5</sup>. AS 29.65.060 is repealed and reenacted to read:

26 Sec. 29.65.060. SCHOOL AND MENTAL HEALTH LAND. (a) School land  
27 and mental health land within the boundaries of a municipality may not  
28 be included for purposes of determining the general grant land en-  
29 titlement of that municipality.

1 (b) A municipality may not receive school land or mental health  
2 land in fulfillment of its general grant land entitlement.

3 \* Sec. ~~6~~ AS 29.65.080(b) is amended to read:

4 (b) A municipality shall receive payment for its land deficiency  
5 from the municipal land account. A municipality is eligible to re-  
6 ceive payment for land deficiency if, after July 1, 1980, the amount  
7 of land selected by a municipality that is physically suitable for  
8 residential, commercial, or industrial purposes amounts to less than  
9 one-third acre per capita. Any entitlement under AS 29.65.010 that is  
10 less than one-third acre per capita will, for the purposes of this  
11 subsection, be considered a land deficiency. An unselected remaining  
12 entitlement will, for the purpose of deficiency payment under this  
13 subsection, be considered as land physically suitable for residential,  
14 commercial, or industrial purposes. A municipality eligible under  
15 this subsection is entitled to receive a payment for land deficiency  
16 equal to \$1,000 per acre for a number of acres equal to the difference  
17 between one-third of the population of the municipality less the  
18 number of acres physically suitable for residential, commercial or  
19 industrial purposes that has been selected by the municipality. For  
20 the purpose of this subsection, the population of the municipality  
21 shall be the population determined by the commissioner under former  
22 AS 43.18.010 for the program year beginning July 1, 1978, for a munic-  
23 ipality whose entitlement was determined under former AS 29.18.201 [IN  
24 ACCORDANCE WITH AS 29.65.060(f)]. No payment may be made to a munic-  
25 ipality under this subsection in excess of \$9,000,000.

26 \* Sec. ~~7~~<sup>16</sup> AS 29.65.080(g) is amended to read:

27 (g) Payments authorized by this section may only [NOT] be made  
28 to a municipality [ELIGIBLE] for an entitlement under AS 29.65.010  
29 [AS 29.65.020 OR 29.65.030].

1 \* Sec. 8. AS 29.65.130(10) is amended to read:

2 (10) "vacant, unappropriated, unreserved land" means  
3 general grant land as defined in (3) of this section, excluding miner-  
4 als as required by sec. 6(i) of the Alaska Statehood Act, that

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

7 (B) has not been approved for patent to a municipal-  
8 ity under this chapter or former AS 29.18.190 and 29.18.200; or

9 (C) is unclassified or, if classified under AS 38.-  
10 05.300, is classified for agricultural, grazing, material, public  
11 recreation, resource management, settlement, transportation  
12 corridor, forestry, or wildlife habitat [COMMERCIAL, INDUSTRIAL,  
13 PRIVATE RECREATIONAL, RESIDENTIAL, UTILITY, O) OPEN-TO-ENTRY  
14 PURPOSES,] or is classified in accordance with an agreement  
15 between a municipality and the state providing for state manage-  
16 ment of land of the municipality.

17 \* Sec. <sup>10</sup>9. Before January 1, 1987, the Department of Natural Resources  
18 shall consult with each municipality affected by this Act regarding classi-  
19 fications of state land within its boundaries and may assist the munic-  
20 ipality in identifying land suitable for selection in fulfillment of its  
21 general grant land entitlement.

22 \* Sec. ~~10~~<sup>12</sup> AS 29.65.010(b), 29.65.020, 29.65.030, 29.65.050, 29.65.090  
23 and 29.65.110 are repealed.

24 \* Sec. ~~11~~<sup>13</sup> Sections 4 and 9 of this Act take effect immediately in  
25 accordance with AS 01.10.070(c).

26 \* Sec. ~~12~~<sup>14</sup> Sections 1 - 3, 5 - 8, and 10 of this Act take effect  
27 January 1, 1987.

1 (b) A municipality may not receive school land or mental health  
2 land in fulfillment of its general grant land entitlement.

3 \* Sec. <sup>5</sup>6 AS 29.65.080(b) is amended to read:

4 (b) A municipality shall receive payment for its land deficiency  
5 from the municipal land account. A municipality is eligible to re-  
6 ceive payment for land deficiency if, after July 1, 1980, the amount  
7 of land selected by a municipality that is physically suitable for  
8 residential, commercial, or industrial purposes amounts to less than  
9 one-third acre per capita. Any entitlement under AS 29.65.010 that is  
10 less than one-third acre per capita will, for the purposes of this  
11 subsection, be considered a land deficiency. An unselected remaining  
12 entitlement will, for the purpose of deficiency payment under this  
13 subsection, be considered as land physically suitable for residential,  
14 commercial, or industrial purposes. A municipality eligible under  
15 this subsection is entitled to receive a payment for land deficiency  
16 equal to \$1,000 per acre for a number of acres equal to the difference  
17 between one-third of the population of the municipality less the  
18 number of acres physically suitable for residential, commercial or  
19 industrial purposes that has been selected by the municipality. For  
20 the purpose of this subsection, the population of the municipality  
21 shall be the population determined by the commissioner under former  
22 AS 43.18.010 for the program year beginning July 1, 1978, for a munic-  
23 ipality whose entitlement was determined under former AS 29.18.201 [IN  
24 ACCORDANCE WITH AS 29.65.060(f)]. No payment may be made to a munic-  
25 ipality under this subsection in excess of \$9,000,000.

26 \* Sec. <sup>6</sup>7 AS 29.65.080(g) is amended to read:

27 (g) Payments authorized by this section may only [NOT] be made  
28 to a municipality [ELIGIBLE] for an entitlement under AS 29.65.010  
29 [AS 29.65.020 OR 29.65.030].

1 AS 38.05.300, is classified for agricultural, grazing, material,  
2 public recreation, resource management, settlement, transporta-  
3 tion corridor, forestry, wildlife habitat and water resources,  
4 [COMMERCIAL, INDUSTRY, PRIVATE RECREATIONAL, RESIDENTIAL, UTILI-  
5 TY, OR OPEN-TO-ENTRY PURPOSES,] or is classified in accordance  
6 with an agreement between a municipality and the state providing  
7 for state management of land of the municipality.

8 \* Sec. 7. AS 29.65 is amended by adding a new section to read:

9 Sec. 29.65.150. MUNICIPALITY PARTICIPATION. The department  
10 shall coordinate and consult with the affected municipality in identi-  
11 fying or classifying state land before the effective date of secs. 1 -  
12 6 of this Act.

13 \* Sec. 8. AS 29.65.030(c), 29.65.040(e), 29.65.050(b) and (c), 29.65.-  
14 090 and 29.65.110 are repealed.

15 \* Sec. 9. Section 7 of this Act takes effect immediately in accordance  
16 with AS 01.10.070(c).

17 \* Sec. 10. Sections 1 - 6 and 8 of this Act take effect January 1,  
18 1987.

Introduced: 3/11/86  
Referred: Community and Regional  
Affairs and Finance

1 IN THE SENATE

BY FERGUSON

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 414

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: An Act relating to municipal land entitlements; and  
7 providing for an effective date.

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

9 \* Section 1. AS 29.65.010(b) is amended to read:

10 (b) This section is a continuation of the provisions of former  
11 AS 29.18.201 and does not grant additional entitlements, although if  
12 an entitlement established under AS 29.65.020 or 29.65.030 exceeds the  
13 entitlement in (a) of this section, the municipality shall receive the  
14 larger entitlement. The entitlement for a municipality may not exceed  
15 400,000 acres.

16 \* Sec. 2. AS 29.65.020(a) is amended to read:

17 Sec. 29.65.020. DETERMINATION OF ENTITLEMENT FOR MUNICIPALITIES  
18 [CITIES]. (a) The general grant land entitlement of a municipality  
19 [CITY] formerly eligible to receive general grant land under the  
20 provisions of former AS 29.18.190 and 29.18.200 is 10 percent of the  
21 maximum total acreage of vacant, unappropriated, unreserved land  
22 within [IN] the boundaries of each municipality [CITY] at any time  
23 between the initial date of eligibility under former AS 29.18.190 and  
24 29.18.200 and two years after the expiration of the state's right to  
25 make selections under sec. 6(a) or (b) of the Alaska Statehood Act.  
26 By January 1 of each calendar year [JULY 1, 1978. WITHIN SIX MONTHS  
27 AFTER JULY 1, 1978,] the director shall determine or update the en-  
28 titlement for each municipality [CITY] eligible to receive general  
29 grant land under this section [FORMER AS 29.18.202] and certify that

1 entitlement to the municipality [CITY].

2 \* Sec. 3. AS 29.65.020(b) is repealed and reenacted to read:

3 (b) Other conveyances of state land to a municipality shall be  
4 counted toward fulfillment of a municipality's entitlement.

5 \* Sec. 4. AS 29.65.030(a) is amended to read:

6 Sec. 29.65.030. DETERMINATION OF ENTITLEMENT FOR [NEWLY INCOR-  
7 PORATED] MUNICIPALITIES. (a) The general grant land entitlement of a  
8 municipality incorporated after July 1, 1978, is 10 percent of the  
9 total acreage of vacant, unappropriated, unreserved land within the  
10 boundaries of the municipality at any time between the date of incor-  
11 poration and two years after the expiration of the state's right to  
12 make selections under secs. 6(a) and (b) of the Alaska Statehood Act  
13 [ON THE DATE OF ITS INCORPORATION].

14 \* Sec. 5. AS 29.65.060 is repealed and reenacted to read:

15 Sec. AS 29.65.060. SCHOOL, UNIVERSITY, AND MENTAL HEALTH LAND.

16 (a) The acreage of school, university, or mental health land, if any,  
17 may not be included in the determination of entitlement under AS 29.-  
18 65.010, 29.65.020 or 29.65.030.

19 (b) Municipalities may not select school, university, or mental  
20 health land under this chapter.

21 \* Sec. 6. AS 29.65.130(10) is amended to read:

22 (10) "vacant, unappropriated, unreserved land" means general  
23 grant land as defined in (3) of this section, excluding minerals as  
24 required by sec. 6(i) of the Alaska Statehood Act, that

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

27 (B) has not been approved for patent to a municipality  
28 under this chapter or former AS 29.18.190 and 29.18.200; or

29 (C) is unclassified or, if classified under

A M E N D M E N T

Offered in the SENATE

By V. Fischer

TO: 2d SSSB 414

Page 2, line 22, after "served." delete all material through line 24



Official Business

# Alaska State Legislature

## Senate

### Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

Committee Meeting -- March 11, 1986

SB 407 An Act making a special appropriation to the Dept. of C&RA for a grant to the North Slope Borough

SS for SB 414 An Act relating to municipal land entitlements

SB 448 An Act relating to home rule municipalities

Committee work session with DC&RA on municipal dissolution

---

SB 407 makes an appropriation to the DC&RA for a grant to the North Slope Borough to offset loss of revenue due to a boundary change.

SB 414 would allow boroughs the right to select a certain amount of vacant unappropriated and unreserved State land within their boundaries.

SB 448 would allow second class cities to go to Home Rule without assuming certain powers.

Material attached:

- a) Letter dated 2/21/86 to Sen. Ferguson from George N. Ahmaogak, Sr., Mayor of the North Slope Borough on SB 407.
- b) On SB 414 position papers and fiscal notes from DC&RA and DNR.
- c) On SB 448 memo dtd 2/18/86 from Sen. Vic Fischer; position paper & fiscal note from DC&RA.
- d) Re. municipal dissolution - Statement with applicable law from DC&RA.

Introduced: 3/11/86  
Referred: Community and Regional  
Affairs and Finance

1 IN THE SENATE

BY FERGUSON

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 414

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

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11 AS 29.18.201 and does not grant additional entitlements, although if  
12 an entitlement established under AS 29.65.020 or 29.65.030 exceeds the  
13 entitlement in (a) of this section, the municipality shall receive the  
14 larger entitlement. The entitlement for a municipality may not exceed  
15 400,000 acres.

16 \* Sec. 2. AS 29.65.020(a) is amended to read:

17 Sec. 29.65.020. DETERMINATION OF ENTITLEMENT FOR MUNICIPALITIES  
18 [CITIES]. (a) The general grant land entitlement of a municipality  
19 [CITY] formerly eligible to receive general grant land under the  
20 provisions of former AS 29.18.190 and 29.18.200 is 10 percent of the  
21 maximum total acreage of vacant, unappropriated, unreserved land  
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23 between the initial date of eligibility under former AS 29.18.190 and  
24 29.18.200 and two years after the expiration of the state's right to  
25 make selections under sec. 6(a) or (b) of the Alaska Statehood Act.  
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27 AFTER JULY 1, 1978,] the director shall determine or update the en-  
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29 grant land under this section [FORMER AS 29.18.202] and certify that  
S

1 entitlement to the municipality [CITY].

2 \* Sec. 3. AS 29.65.020(b) is repealed and reenacted to read:

3 (b) Other conveyances of state land to a municipality shall be  
4 counted toward fulfillment of a municipality's entitlement.

5 \* Sec. 4. AS 29.65.030(a) is amended to read:

6 Sec. 29.65.030. DETERMINATION OF ENTITLEMENT FOR [NEWLY INCORPORATED]  
7 MUNICIPALITIES. (a) The general grant land entitlement of  
8 municipality incorporated after July 1, 1978, is 10 percent of the  
9 total acreage of vacant, unappropriated, unreserved land within the  
10 boundaries of the municipality at any time between the date of incorporation  
11 and two years after the expiration of the state's right to  
12 make selections under secs. 6(a) and (b) of the Alaska Statehood Act  
13 [ON THE DATE OF ITS INCORPORATION].

14 \* Sec. 5. AS 29.65.060 is repealed and reenacted to read:

15 Sec. AS 29.65.060. SCHOOL, UNIVERSITY, AND MENTAL HEALTH LAND

16 (a) The acreage of school, university, or mental health land, if any  
17 may not be included in the determination of entitlement under AS 29.  
18 65.010, 29.65.020 or 29.65.030.

19 (b) Municipalities may not select school, university, or mental  
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21 \* Sec. 6. AS 29.65.130(10) is amended to read:

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26 particular uses or purposes;

27 (B) has not been approved for patent to a municipality  
28 under this chapter or former AS 29.18.190 and 29.18.200; or

29 (C) is unclassified or, if classified under

1 AS 38.05.300, is classified for agricultural, grazing, material,  
2 public recreation, resource management, settlement, transporta-  
3 tion corridor, forestry, wildlife habitat and water resources,  
4 [COMMERCIAL, INDUSTRY, PRIVATE RECREATIONAL, RESIDENTIAL, UTILI-  
5 TY, OR OPEN-TO-ENTRY PURPOSES,] or is classified in accordance  
6 with an agreement between a municipality and the state providing  
7 for state management of land of the municipality.

8 \* Sec. 7. AS 29.65 is amended by adding a new section to read:

9 Sec. 29.65.150. MUNICIPALITY PARTICIPATION. The department  
10 shall coordinate and consult with the affected municipality in identi-  
11 fying or classifying state land before the effective date of secs. 1 -  
12 6 of this Act.

13 \* Sec. 8. AS 29.65.030(c), 29.65.040(e), 29.65.050(b) and (c), 29.65.-  
14 090 and 29.65.110 are repealed.

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16 with AS 01.10.070(c).

17 \* Sec. 10. Sections 1 - 6 and 8 of this Act take effect January 1,  
18 1987.

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STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : 3/3/86

**REQUEST**

Bill/Resolution No. : SB 414  
 Title : An Act relating to municipal  
entitlements  
 Sponsor : Senator Furcison  
 Requestor : \_\_\_\_\_  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : Community & Regional Affairs  
 BRU : \_\_\_\_\_  
 Components : \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING : (Thousands of Dollars)**

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

**POSITIONS :**

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by : Doug Griffin, Deputy Director  
 Division : Municipal & Regional Assistance

Phone : 465-4750  
 Date : 3/3/86

Approved by Commissioner : [Signature]  
 Agency : Community & Regional Assistance

Date : 3/10/86

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

4/9/86

Analysis - SSSB 414

The analysis includes funding for a Natural Resources Tech 1. Additionally, two positions and their funding which are currently located in the land conveyance component will be transferred to work on this project. These positions will be located in the regional offices to determine entitlements for the entities in the region.

Most of the work to prepare certificates of entitlement will occur in the first year of the project. Successive years will require less intense activity to update land records in preparation of annual certificates. Positions will be transferred back to the land conveyance component when not needed. In years 1989, 1990 and 1991, we anticipate handling the statewide workload with a single NRT I.

The contractual funds are principally for the costs of publishing notices required by AS 38.05.945 and the large number of maps and plats that will be required to adjudicate the land selections of municipalities, and to determine entitlements.

COMMITTEE REPORT  
SENATE

3/25/86  
~~3/17/86~~  
2/14/86

*Risomus*  
FINANCE

FURTHER:

Date 3/25/86

Mr. President

The Committee on C&RA considered <sup>2d</sup> SSSB 414  
relating to municipal land entitlements; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for 2d SSB 414 (C+RA)
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  ~~RE~~ FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

*Darguson*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS

*Allen Sturgulinski No Rec.*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Edna De Vries*  
Chairman

*Do Pass*  
Chairman recommendation

SB 414 Amendments 3/25/86

- ① Pg 4, Line 24, add Section 5. (to ~~take~~ have immediate effective date)
- ② Pg 2, line 3, change word "and" to "or"
- ③ Sen. V.  
Fischer  
amend. Pg 2, Sec 4(d) Reword section so it will have general applicability
- ④ [[Sec. 4(d)] Pg 2, lines 21 thru 24 delete beginning with "The agreement ...."
- ⑤ Pg 4, line 19, change word "may" to "shall"

~~ASK EDNA?~~

3/26  
Phone Call

Tam is going to put Sec. 4 in temporary-law.

In CS

Tam says?

Added  
tech. amndts → Title 38, Secs 8 + 9.  
to remove  
errors in  
Statutes



Official Business

# Alaska State Legislature

## Senate

### Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

April 2, 1986

#### MEMORANDUM

TO: Senator Frank Ferguson  
Senator Vic Fischer  
Senator Jack Coghill  
Senator Arliss Strugulewski

FROM: Senator DeVries, Chair  
Community & Regional Affairs Committee

SUBJECT: SB 414 Municipal Entitlements

---

Even though this bill has passed out of Senate C&RA Committee I wanted you to have Commissioner Wunnicke's letter dated 3/26/86 with attachments for clarification and to complete your file.

Enclosure

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH M  
JUNEAU, ALASKA 99811  
PHONE: 907-465-2400

March 26, 1986

MAR 31 1986

The Honorable Edna DeVries, Chair  
Senate Community and Regional  
Affairs Committee  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Senator DeVries:

In my March 17 letter about SB 414 (municipal entitlements), I included some figures about borough land entitlements. We have reviewed this chart, which was prepared quite expeditiously, and we found that the acreage for the Bristol Bay Borough was inaccurately represented. I am enclosing a revised chart for you, other members of the Committee, and House Committee members.

Thank you.

Sincerely,



Esther C. Wunnicke  
Commissioner

Enclosure

cc: Senate Community and Regional  
Affairs Committee Members  
House Community and Regional  
Affairs Committee Members

ESTIMATED BOROUGH ENTITLEMENT ACREAGE UNDER SSSB 414  
 Based on March, 1986 Land Status

<u>BOROUGH</u>	<u>SSSB 414 ENTITLEMENT</u>	<u>1978 ENTITLEMENT</u>	<u>APPROXIMATE ADDITIONAL ENTITLEMENT</u>
Ketchikan Gateway	1,470	11,593	0
Sitka	490	10,500	0
Juneau	430	19,584	0
Haines	13,300	2,800	10,500
Bristol Bay	4,900	2,898	2,000
Kodiak Island	41,200	58,787	0
Kenai Peninsula	76,200	155,780	0
Anchorage	1,700	44,893	0
Matanuska-Susitna	400,000	355,210	44,800
Fairbanks-North Star	223,200	112,000	111,000
North Slope	400,000	89,850*	400,000
NW Arctic (Proposed)	230,000	n.a.	<u>230,000</u>
TOTAL			798,300

\* Received zero entitlement pursuant to election  
 of benefits in AS 29.65.110.

DNR Division of Land and Water Management  
 Land Management Section  
 March 19, 1986

DEPARTMENT OF  
 NATURAL RESOURCES

MAR 21 1986

COMMISSIONER'S OFFICE  
 JUNEAU

ESTIMATED BOROUGH ENTITLEMENT ACRES UNDER SSSB 414  
Based on March, 1986 Land Status

	KETCHIKAN GATEWAY	SITKA	JUNEAU	HAINES	BRISTOL BAY	KODIAK ISLAND	KENAI PENINSULA	ANCHORAGE	MATANUSKA SUSITNA	FAIRBANKS NORTH STAR	NORTH SLOPE	NW ARCTIC (PROPOSED)
Total 6(a) and 6(b) Statehood Land Conveyed to State	26,900	15,600	25,000	165,000	51,500	482,000	2,019,000	521,000	9,334,000	3,231,000	7,513,000	2,300,000
Less: Legislatively Designated Units	0	0	800	27,500	0	11,200	580,000	483,000	2,603,600	614,600	0	0
Less: Non-Selectable Classifications	0	0	0	27	0	0	267,000	0	956,000	118,700	7,031	0
Less: Previous Conveyances												
- Borough	11,402	10,500	19,584	2,800	2,519	58,787	99,393	20,676	355,703	90,572	0	0
- City	0	0	0	0	0	1	806	0	406	15	0	0
- Disposals	750	200	300	2,000	0	415	17,000	200	262,800	175,000	0	0
- Land Ex/Agmt.	0	0	0	0	0	0	292,965	0	185,590	0	0	0
Total Land Unavailable	12,200	10,700	20,700	32,000	2,500	70,000	1,257,000	504,000	4,364,000	999,000	7,000	0
Available Selectable Land	14,700	4,900	4,300	133,000	49,000	412,000	762,000	17,000	4,970,000	2,232,000	7,506,000	2,300,000
SSSB 414 Entitlement (10% of WUU)	1,470	490	430	13,300	4,900	41,200	76,200	1,700	400,000*	223,200	400,000*	230,000
1978 Entitlement	11,593	10,500	19,584	2,800	2,898	58,787	155,780	44,893	355,210	112,000	89,850**	n.a.

\* Entitlement not to exceed 400,000 acres under SSSB 414.

\*\* Received zero entitlement pursuant to election of benefits in AS 29.65.110.

DNR Division of Land and Water Management  
Land Management Section  
March 19, 1986

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

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POUCH M  
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Enclosure

cc: Senate Community and Regional  
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DNR Division of Land and Water Management  
Land Management Section  
March 19, 1986

DEPARTMENT OF  
NATURAL RESOURCES

MAR 21 1986

COMMISSIONER'S OFFICE  
JUNEAU

ESTIMATED BOROUGH ENTITLEMENT ACREAGE UNDER SSSB 414

Based on March, 1986 Land Status

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DNR Division of Land and Water Management  
Land Management Section  
March 19, 1986

COMMITTEE REPORT

SENATE

*Risauis*  
FINANCE

FURTHER:

3/25/86  
~~3/17/86~~  
~~2/14/86~~

Date 3/25/86

Mr. President

The Committee on C&RA considered <sup>2d</sup> SSSB 414  
relating to municipal land entitlements; afd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for 2d SSB 414 (C+RA)
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

*Jerguson*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS

*Arles Sturgulewski No. Rec.*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Edna De Vries*  
Chairman

*Rob Pass*  
Chairman recommendation



Official Business

Alaska State Legislature  
Senate

Committee on  
Community and Regional Affairs

Senator Edna DeVries, Chairman

Members

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

March 27, 1986

TO: McKie Campbell  
Senate Resources Committee

FROM: Trudie Alford ~~ta~~  
Senate C&RA Committee

SUBJ: CS 2d SSSB 414 (C&RA)

This bill will be coming to your committee in the next few days.

Wanted you to know that Ned Farquhar, DNR, informed me that he does not believe their fiscal note has changed from the one prepared on the earlier version of the bill, SS SB 414. He is checking the matter out and will send Senator DeVries advice in writing.

I will forward a copy of his letter to Senate Resources to your attention.

Atchs

**STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE**

Revision Date : 03-13-86

**REQUEST**

Bill/Resolution No. : SSSB 414  
Title : Municipal Land Entitlements

Sponsor : Sen. Ferguson  
Requestor : Sen. CERA  
Date of Request : 03-13-86

**FISCAL DETAIL**

Agency Affected : Natural Resources  
BRU : Land & Water Management

Components : \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		165.9	91.9	43.0	43.0	43.0
TRAVEL		12.0	6.0	4.0	4.0	4.0
CONTRACTUAL		21.0	10.5	6.0	6.0	6.0
SUPPLIES		.3	.3	.2	.2	.2
EQUIPMENT		.9				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>200.1</b>	<b>108.7</b>	<b>53.2</b>	<b>53.2</b>	<b>53.2</b>

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING : (Thousands of Dollars)**

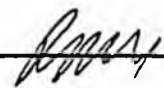
GENERAL FUND		200.1	108.7	53.2	53.2	53.2
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		<b>200.1</b>	<b>108.7</b>	<b>53.2</b>	<b>53.2</b>	<b>53.2</b>

**POSITIONS :**

FULL-TIME		4	2	1	1	1
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

See attached.

Prepared by: Gary Johnson  Phone : 762-4355  
Division : Land & Water Management Date : 03-11-86

Approved by Commissioner : Ann S D Am H Date : 3/14/86  
Agency : Natural Resources

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

03-14-86

Analysis - SSSB 414

The analysis includes funding for two Nat'l Res Officer II and two Nat'l Res Tech II. These positions will be placed in the regional offices to determine entitlements for the entities in the region.

Most of the work to prepare certificates of entitlement will occur in the first year of the project. Successive years will require less intense activity to update land records in preparation of annual certificates, thus fewer employees will be needed in succeeding years. In the second year the department anticipates the project requiring only two Nat'l Res Officer II positions to continue with certification and decision processing. In years 89,90, and 91, we anticipate handling the statewide workload with a single NRO II.

TELECON RECORD

DATE: 3/26/86  
CALL PLACED BY: ta  
PHONE NUMBER: 4989  
CALL RECEIVED BY: Aleta Lee Sec'y to Borough Mayor  
PHONE NUMBER: 452-4761 "Marquita Helms"  
SUBJECT: SB 414 Am Act relating to municipal land entitlements

NOTES: Informed Aleta Lee the Senate P&T Com amended the 2nd sponsor sub for SB 414 and passed out the committee substitute bill CS and SS SB 414 (C&RA) on 3/25. Told her she should be able to get a copy of the CS by next week and Mayor Helms could make any future input to Senate Resources, the next committee of referral.

Call or her ant SB 414.  
Mayor give status of

TELECOPY COVER SHEET  
\*\*FAIRBANKS\*\* INFORMATION OFFICE

TO: INU

FOR: Senator DeVries

PHONE: \_\_\_\_\_

PHONE: \_\_\_\_\_

FROM: Guarita Helms  
F.N.S.B. 879402

INSTRUCTIONS: please call for pickup  
diver 3/25/86

DATE/TIME SENT: \_\_\_\_\_ SENT BY: Annie

PLEASE ACK. RECEIPT: ✓ HOLD FOR PICK-UP: \_\_\_\_\_

NUMBER OF PAGES: 1 (NOT COUNTING COVER SHEET)



# Fairbanks North Star Borough

Mayor: Juanita Helms

March 25, 1986

Edna B. DeVries, Chairman  
Community and Regional Affairs Committee  
Room 427, Capital Building  
Juneau, AK 99811

Dear Ms. DeVries:

Senate Bill 414 provides for municipalities that currently have general grant land entitlements to receive ten percent (10%) of the total acreage of unappropriated and unreserved State land within its own boundaries. I support this legislation.

My staff will be examining the extent and nature of the unappropriated State land that would become available for selection by the Fairbanks North Star Borough, should SB 414 become law. In addition to an increase in our total acreage, it is also important to consider the physical characteristics of State lands that would be available for further selection.

I would appreciate your support of this bill. I will be in touch with you again when a more detailed analysis has been made. Thank you for your continued support.

Sincerely,

A handwritten signature in cursive script that reads "Juanita Helms".

Juanita Helms  
Borough Mayor

JH/pld

cc: Interior Delegation

C+RA Mtg  
3/25/86

3/25/86

~~Passed Out~~  
~~SS 907 Special appra to DCRA~~  
~~for grant to No. Slope Borough.~~

Interperson mod bl - w/o object  
su rdid.

<sup>2nd</sup> Passed Out  
SS 55414 Gen'l grant land entitlements

Tam Cook 2nd sponsor sub is  
fairly based on CS HB 587 C+RA <sup>draft</sup> by Greg Jones.

U is draft ext  
Ds 1 01.5 wd del w/P  
entit. 2 hrs cities & no machines.  
Ds entitlements no longer U 4m  
hs U Ds bl Ds bl wd ta  
er v Anderson Pblm. 1978 cutoff  
dt zbn repealed iDs bl -

Comi Sub - med ept dt on  
Sec. 5

Sec 2 is not in House version

Sec 4 <sup>Pr 4a</sup> on Const of Sec 4.

Pg 4, line 19 used to read  
"shall"

See marked page

Pg 22, line 22

Ned Farguhar, DNR

Don't v brief so lfd in name of Am  
2 subseq its entitlements. Wan bl  
2 red guard, ~~is~~ rather Pa specific.

Chip Henneslein

Working on age Or last yr.  
If Lumpsum Co for Dept  
Wd wan me agree to end 4D Am  
2 stick.

Fischer amend. - Sec 6 revised  
2 ~~items~~ Pod 4 still applicable  
& remove last 2

Stuef / Farguhar some places - sm Counties  
Or Don't re so lfd so he won't benefit  
U bl.

Strong mji bus pepl ded out v lft  
wz less In wz no lft availb  
we ought 2 v clear need v wtr  
2 apud fd what's go 2 apu  
U bl r w go 2 mk covered  
whole.

Jarquhar - It is a dtd  
pld's nt 2 dets terms re. menth  
ield on mtrs by a Court.  
wd b defolt 2 estimate wt  
revenue impust st my use for As  
ole addd implementat  
ole Cuanta go 2 ned No' my no s  
Anc. Dat at Sec 5(f) fd grandfath  
i exist munies.

mod Cook Sec 4 s<sup>a</sup> ve temp secl.  
nt wd b aplfd b repl Sec 5(f)  
AS 25.65.080 ms ole apy 2 exist  
munies on its terms.

Bougers AML Spite bl -

Fischer Amend to DCRA, Consonant  
w/ ppos v bl -

For ppos v

DeVries - we're creat a maze &  
pepl 2 Usfd wt De lb ab 2 do -

HB 448

Fischer - ppos 2 give Counties access  
audites <sup>to</sup> mny on own afu -  
Amendments Prod As a strategy &  
local home rule, mt e region  
De r in -

DeVries <sup>As a</sup> job & plug, plat & lfd use -  
does nt cold educat -

Fischer - we can't mv As bl ny  
ms | wan 2 mk fr As solo not  
auditz sub Counts 2 every educat -

Zuscher - od. e wd ppr a drift  
Cmi sub icpro — amad

SB 414

See 5 — med efct d5

C&RA -- 3/11/86

762-2483

Sen Ferguson

SB 414 —

Ned Farquar - DNR supports the bill working w/C&RA on certain problems w/the bill

Jeff Smith —

adds new section limiting size of entitlement to 400,000 - NS Borough Only Boro that would be entitled to more

Boro's could choose to go under present extended law or new provisions

Sturg

How is going to receive what

Smith

Basic L<sub>1</sub> to new NS Borough - Mat-Su Boro, Anderson, Yakutat — all cities benefit as add'l state land is selected.

Sturg

How many <sup>1</sup> get - but would get under this new law

What kind of potential for communities & which communities

Fargher - don't have acreage figures -  
as to kind of land  
working on this now -

Smith - NS Boro would get 400,000 acres

Sturg - We need that info  
Farg - working on it

Coghill - This will take care of the Anderson problem -  
what kind of impact on all state lands in  
future -

Jeff - feel giving this land out is positive  
some cities couldn't select because no  
state land available - now state land  
is available -

Sturg - What is impact of lands exchange

1 exchange program in title 38 and one in  
title 29 - don't see any major changes

Fischer X I support bill -  
Anchorage problem - how to settle

Farg Working w/ MOA To make land  
rather than money - don't want  
issue specifically addressed in this legislation

Farqu<sup>?</sup> - provide info on Anc land To Cover<sup>?</sup>

~~Fischer~~ - C&RIA - feels Sec 7 most important section of bill

Fischer - should some of these lands be selected?

Farquhar DNR has to do an interest evaluation so that a muni selection does not necessarily mean a muni conveyance

X Coghill Want an ~~anal~~ analysis of what "DNR evaluation" means

Coghill What is Sec 8 - what are we repealing

X Farquhar - looked to find any language dealing w/ timeline - especially 1978

→ Can do a sectional analysis

NANA Region Boro - what could they select  
DNR says 240,000 acres ceiling

Bruce Willard, City Councilman, City of Anderson —  
Am very much in favor of bill  
want to look at Sponsor Substitute

Coghull - will send you sponsor substitute, also  
will incorporate Tom Hawkins info and  
compare the two —

Ferg - Don't want bill to go forward until all  
questions answered.

X Farquhar - will put all info together —  
will have sectional analysis by Friday

— so will rehear in a week and a half —


X Sturg - want to see in analysis any impact this would  
have out there - need detailed work on this

*Alaska*  
**MUNICIPAL**  
*League*

TELEPHONE  
(907) 586-1325

105 MUNICIPAL WAY, SUITE 301  
JUNEAU, ALASKA 99801

TO: Senator Edna DeVries, Chair  
Members of the Senate Community and Regional Affairs Committee

FROM: Scott A. Burgess, Executive Director 

DATE: March 25, 1986

SUBJECT: SSSB 414 - Municipal Land Entitlements

As stated in the League's previous written testimony, and AML Resolution 86-21, we are in full support of SB 414, and SSSB 414 (see written testimony dated March 6, 1986).

For the record, I would like to clarify our understanding that the intent of the legislation is not to affect the final outcome of the Alaska Supreme Court case, Weiss v Alaska. The legislation correctly states that mental health land cannot be selected in the future; however, negotiations are still underway as to the status of current selections. These must be resolved by the Court and the parties in the case, and the intent is not to resolve this issue with SSSB 414.

Thank you.

MAR 25 1986


# Alaska MUNICIPAL League

TELEPHONE  
(907) 586-1325

105 MUNICIPAL WAY, SUITE 301  
JUNEAU, ALASKA 99801

MAR 19 1986

TO: Senator Edna DeVries, Chair  
Members of the Senate Community and Regional Affairs Committee

FROM: Scott A. Burgess, Executive Director 

DATE: March 6, 1986

SUBJECT: SB 414 - Municipal Land Entitlements

The Alaska Municipal League strongly supports SB 414. Attached is a resolution generally supporting such legislation adopted by the AML membership at their annual conference and business meeting in Fairbanks in November. The legislation would recognize past inequities, recognize the needs of growing municipalities, and make more efficient use of state land by encouraging development and effective use near population, employment and service centers.

As written, the bill would appear to have three major proposals.

1. It would extend the date during which a municipality could receive 10% of the total vacant, unappropriated, unreserved (VUU) state land within its municipal boundaries until 1996, two years after 1994. Under the Statehood Act, the State has 35 years in which to select.
2. It would require the annual recomputation of the maximum total acreage base from which to determine the 10% entitlement to account for additional acreage available for selection through reclassification (see #3 below), additional state selections, and annexation. On this point some clarification of the intent and a definition of "mileage rate equivalent" in Section 2 would be helpful.
3. It expands the state land classifications from which a municipality may select land.

The legislation could potentially benefit all municipalities, equally in proportion to municipal land area and depending on available State VUU land. This would include municipalities which did not have received a statutory entitlement and the North Slope Borough which lost its entitlement in a court battle with the State. Also, it could benefit those who received statutory entitlements and newly incorporated municipalities which received 10% under the existing law, now or over time, by recomputing the base as the result of annexations or in the event the State has selected additional land within its boundaries, and by increasing the types of VUU land with the new classifications eligible for selection. The specific effects on individual municipalities will vary by community, size, incorporation date, amount of VUU land, entitlement

status etc. The Department of Natural Resources did not have a list of municipalities potentially affected by this legislation available at the time I prepared this memo, and such a list may not be possible with the varying circumstances.

One concern I would raise is the fiscal note, which also was not available at this time. Without adequate funding, this legislation will present false hopes and probable frustrations. Inadequate funding for municipalities and the Department of Natural Resources is presumably a major deterrent to satisfying municipal entitlements under current law. While state revenues will be continued to be strapped, this legislation will only add to the land selection, planning, survey, transfer and development costs of the land entitlement program, and must be addressed by the Legislature to realize the intent of this bill.

Again, the Alaska Municipal League supports HB 414, appreciates the effort of the sponsor, and urges passage by the Committee. I apologize for not attending the hearing but will be Washington, D.C. on League business. Thank you.

Attachment

RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE

RESOLUTION NO. 86-21

A RESOLUTION ADDRESSING LAND ENTITLEMENTS.

WHEREAS, the purpose of municipal entitlements is to provide local governments throughout Alaska a land base with which to meet a broad variety of present and future needs, and

WHEREAS, many municipalities throughout the State have not received entitlements, and

WHEREAS, while the problems associated with the fulfillment of municipal entitlements for each municipality may vary with individual communities, concern over the fulfillment of entitlements is deeply shared by all communities, and

WHEREAS, the lack of municipal entitlements presents hardships for municipalities and severely restricts the ability of communities to plan effectively for the future, and

WHEREAS, fulfillment of municipal entitlements is one of the most important and basic rights of municipalities and a duty of the State;

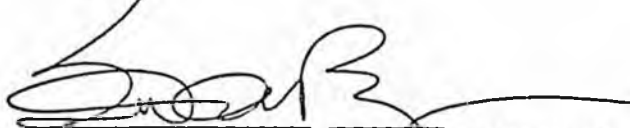
NOW, THEREFORE, BE IT RESOLVED that the Alaska Municipal League calls upon the Legislature, the Governor, and the Alaska Department of Natural Resources to take whatever actions are necessary to correct existing inequities and overcome any and all remaining obstacles to fulfill land entitlements for all municipalities.

Adopted this 16th day of November, 1985.



LEO B. RASMUSSEN, President

ATTEST:



SCOTT A. BURGESS, Executive Director

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 18, 1986

MAR 18 1986

SUBJECT: Municipal land entitlements  
(SSSB 414 - Sectional Analysis)

TO: Senator Edna DeVries, Chair  
Senate Community and Regional Affairs  
Committee

FROM: Tamara Brandt Cook *TBC*  
Director  
Division of Legal Services

Sec. 1. The section dealing with general grant land entitlements to boroughs and unified municipalities is amended so that the municipalities, which under this bill qualify to receive an entitlement under another section as well, will receive the larger of the two entitlements. Although it is not entirely clear, this appears to be the intended affect of this provision. In addition, the section sets an upper limit of 400,000 acres for an entitlement. The provision appears to be intended to apply to entitlements under AS 29.65.020 and 29.65.030 as well as 29.65.010, and probably should be contained in a separate section rather than being inserted into AS 29.65.010.

Sec. 2. The section that under existing law applies only to entitlements for cities eligible to receive entitlements under former laws is expanded to apply to all forms of municipalities, including boroughs. The amount of an entitlement is determined based on the amount of certain state land within the boundaries of a municipality at any time between its date of eligibility under the former law and two years after the expiration of the state's right to make selections under the Alaska Statehood Act. The cut-off date of July 1, 1978 contained in existing law has been deleted. By January 1 of each year the director is required to determine or update the entitlement for each municipality. Under existing law the determination is required to be made within six months after the July 1, 1978 cut-off date.

Sec. 3. The existing subsection (b) stating that entitlements under AS 29.65.020 are not new entitlements, but rather, a continuation of entitlements available under prior law has been repealed. It is replaced with a statement that other conveyances of state land are counted toward fulfillment of the general grant land entitlement. This provision appears to be intended to replace AS 29.65.050(a), or, at least, appears to substantially duplicate AS 29.65.050(a). It seems to me that AS 29.65.050(a) should be repealed or modified to contain the material placed in Sec. 3.

Sec. 4. A municipality incorporated after July 1, 1978 may receive an amount of land based on the amount of certain state land within its boundaries at any time between the date of incorporation and two years after the expiration of the state's right to make selections under secs. 6(a) and (b) of the Alaska Statehood Act. Under existing law, the determination is made as of the date of incorporation. Under this bill there now appears to be essentially no difference between the determination of entitlements based on whether or not a municipality is incorporated after July 1, 1978. It would seem appropriate to merge material contained in Section 3 - 4 of the bill into one section of law and simply repeal AS 29.65.020 and 29.65.030. The result would, I think, be clearer. Eliminating AS 29.65.020 would also partially avoid the confusion now created by AS 29.65.040 with provisions that no longer seem necessary concerning vesting of entitlements under former laws, specifically providing for vesting of rights under AS 29.65.030, and utterly silent concerning vesting of rights under AS 29.65.020, which, as amended in this bill, now creates new rights.

Sec. 5. The provision in existing law permitting selection in certain cases of school or mental health land is eliminated. This land may not be selected.

Sec. 6. The definition of "vacant, unappropriated, unreserved land" is amended by deleting references to certain classifications established under AS 38.05.300 and inserting reference to others. Since the classifications are set by the Department of Natural Resources, it cannot be determined to what extent the amendment alters the state land available for selection by municipalities.

Sec. 7. The department is required to consult with affected municipalities in identifying or classifying state land

before the effective date of the Act. Note that "department" is by definition the Department of Community and Regional Affairs, although, in the context of this section I suspect that the Department of Natural Resources is intended. Also, the section should be treated as temporary law and not assigned a statute number.

Sec. 8. The subsection providing that entitlements under AS 29.65.030 are merely continuations of entitlements under former law is repealed. Subsection (e) relating to the status of entitlements is repealed. That entire section seems confusing in the context of this bill and I recommend that it be redrafted. Provisions on pending selections under former law are repealed, along with the provision requiring the director to approve selections within nine months. The provision authorizing land exchanges between the director and a municipality is repealed. The provision requiring a municipality engaged in litigation regarding a claim to state land under former law to elect the benefits of a general grant land entitlement or pursue the litigation and waive any claim to the entitlement is repealed.

Sec. 9. The provision requiring consultation with affected municipalities on land classifications has an immediate effective date.

Sec. 10. The rest of the bill takes effect January 1, 1987.

TBC:mkr  
m4/018

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 03-13-86

**REQUEST**

Bill/Resolution No. : SSSB 414  
 Title : Municipal Land Entitlements

Sponsor : Sen. Ferguson  
 Requestor : Sen. C&RA  
 Date of Request : 03-13-86

**FISCAL DETAIL**

Agency Affected : Natural Resources  
 BRU : Land & Water Management

Components : \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		165.9	91.9	43.0	43.0	43.0
TRAVEL		12.0	6.0	4.0	4.0	4.0
CONTRACTUAL		21.0	10.5	6.0	6.0	6.0
SUPPLIES		.3	.5	.2	.2	.2
EQUIPMENT		.9				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>200.1</b>	<b>108.7</b>	<b>53.2</b>	<b>53.2</b>	<b>53.2</b>

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		200.1	108.7	53.2	53.2	53.2
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		<b>200.1</b>	<b>108.7</b>	<b>53.2</b>	<b>53.2</b>	<b>53.2</b>

**POSITIONS :**

FULL-TIME		4	2	1	1	1
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

See attached.

Prepared by : Gary Johnson  Phone : 762-4355  
 Division : Land & Water Management Date : 03-11-86

Approved by Commissioner : Ann S D Ann M Date : 3/19/86  
 Agency : Natural Resources

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

03-14-86

Analysis - SSSB 414

The analysis includes funding for two Nat'l Res Officer II and two Nat'l Res Tech II. These positions will be placed in the regional offices to determine entitlements for the entities in the region.

Most of the work to prepare certificates of entitlement will occur in the first year of the project. Successive years will require less intense activity to update land records in preparation of annual certificates, thus fewer employees will be needed in succeeding years. In the second year the department anticipates the project requiring only two Nat'l Res Officer II positions to continue with certification and decision processing. In years 89,90, and 91, we anticipate handling the statewide workload with a single NRO II.

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH M  
JUNEAU, ALASKA 99811  
PHONE: 907-465-2400

March 17, 1986

MAR 18 1986

The Honorable Edna B. DeVries, Chair  
Community and Regional Affairs Committee  
Alaska State Senate  
P.O. Box V  
Juneau, AK 99811

Dear Senator DeVries:

In response to questions posed last Tuesday by you and other members of the Community and Regional Affairs Committee regarding the Sponsor Substitute for Senate Bill 414, an act relating to municipal land entitlements, the department has assembled pertinent information.

First, attached for your review is a sectional analysis of SSSB 414. This analysis was prepared by the department in consultation with the Department of Community and Regional Affairs (DCRA).

Second, I have also attached several charts which should help explain the effect of this bill on existing and proposed municipalities. State land status records for the area within the existing and proposed boroughs were analyzed to determine which boroughs will likely be affected by the proposed legislation. This analysis involved the identification of the approximate acreage of vacant, unappropriated and unreserved general grant land within each existing borough which would be available for municipal entitlement calculations and selection.

As a result of this analysis, it appears that the Matanuska-Susitna, Fairbanks North Star, North Slope, Haines, Bristol Bay and proposed Northwest Arctic Boroughs would be the primary beneficiaries. The remaining boroughs would likely not be eligible for additional entitlement acreage because the existing entitlement under AS 29.65.010(a) exceeds the amount of available land pursuant to the proposed legislation. As a result, their entitlements will remain the same.

March 17, 1986

The effect of SSSB 414 on each of Alaska's 149 cities is much more difficult to determine. As you may be aware, by virtue of there being no available state land within their municipal boundaries, 125 cities received a zero entitlement as a result of the 1978 municipal entitlement legislation. Most of the zero entitlement municipalities will likely still not benefit under SSSB 414 because no state land exists, or will be conveyed, within their municipal boundaries. However, the bill will likely benefit several of the zero entitlement municipalities because the state has since been conveyed land, or will be conveyed land, within their municipal boundaries (i.e. Anderson). In addition, an undetermined number of municipalities may receive additional entitlement acreage by virtue of past and future annexation actions (i.e. Seward).

SSSB 414 will not affect existing land exchanges, settlements of litigation or other agreements. As proposed, the bill allows municipalities to select only vacant, unappropriated and unreserved (vuu) general grant land. As presently defined in 29.65.030(10) and amended by the bill, vuu land includes general grant land (excluding minerals) which has been conveyed to the state under Section 6(a) and (b) of the Alaska Statehood Act and is appropriately classified (or unclassified). Thus, land acquired by the state or required to be transferred by the state, as a result of exchanges, settlements, agreements, etc. will be ineligible for municipal selection. This includes land acquired or to be transferred to the state or Cook Inlet Region, Inc. as a result of the 1976 Cook Inlet Land Trade.

I have also outlined briefly below the existing process used by the department to process municipal land selections. It should be noted that, to date, the department has not adopted regulations regarding the municipal entitlement program. However, policies and procedures have been adopted by the Division of Land and Water Management (DLWM) which serve to implement the existing law.

Selections made by municipalities are received and processed by the DLWM. This process initially involves land status checks, public notice and agency consultation. Thereafter, a proposed decision is prepared and sent to the affected municipality for review. The municipality then has 30 days to concur with, or appeal, the proposed decision. If the selection is approved, a final decision is then issued and the land is transferred to the municipality. The approved selection is followed by survey and patent. An approved selection thus constitutes a transfer of all right to title, including management responsibility.

March 17, 1986

The proposed decision identifies any associated rights-of-ways, easements or other reservations in the conveyance. The department may also reject a municipal selection, based upon a state or public purpose. However, for the most part, any potential conflicts are negotiated and resolved with affected municipalities prior to the issuance of the proposed decision.

The department is available and prepared to explain the department's municipal entitlement program to the committee in greater detail. It is my intention that appropriate department staff be present during committee hearings to help answer any associated questions and clarify matters.

Sincerely,



Esther C. Wunnicke  
Commissioner

Attachments

MEMORANDUM

State of Alaska

To:  
DISTRIBUTION

Date: March 14, 1986

From: Gary Gustafson, Chief  
Land Management  
Land and Water Management

File no:

Telephone no: 762-4346

Subject: Senate Bill 414

Analysis of Sponsor Substitute for Senate Bill 414

Section 1. This section allows a borough with a 1978 statutory entitlement per AS 29.65.010(a) to increase its entitlement if the new entitlement formula provided in AS 29.65.020 or 29.65.030 (10 percent of vacant unappropriated, unreserved land) results in a higher entitlement figure. Under no circumstances, however, shall a borough's entitlement exceed 400,000 acres. This should benefit those boroughs which encompass a substantial amount of available state land (i.e. Bristol Bay, Fairbanks North Star Borough, Matanuska-Susitna, Haines, North Slope Borough).

Section 2. The existing entitlement formula now applicable to cities - 10 percent of total acreage of vacant, unappropriated, unreserved land - is expanded to include all municipalities (organized boroughs and cities). There is no maximum entitlement threshold applicable to cities.

Entitlements for municipalities are also allowed to increase if the state has received additional land within municipal boundaries, up until two years after the expiration of state selection rights. As state selection rights will expire after January 2, 1994, municipal entitlements could increase (subject to the state's receipt of land) until January 2, 1996. The director is also required to determine or update entitlements for each municipality by January 1 of each year.

Section 3. This eliminates the previous language which did not grant additional entitlements to cities incorporated before January 1, 1986. Instead, a subsection is added which provides that

any conveyances of state land to municipalities which occur outside AS 29.65 shall be counted against that municipalities entitlement. This covers prior direct legislative land conveyances, such as those to Whittier and Pelican.

- Section 4. Similar to Section 2 (above), the entitlement for newly incorporated municipalities is allowed to increase if additional land is conveyed to the state within municipal boundaries before two years after the expiration of the state's selection rights expire (January 2, 1996).

NOTE: The title of this section should read "DETERMINATION OF ENTITLEMENT FOR NEWLY INCORPORATED MUNICIPALITIES".

- Section 5. This section previously allowed municipalities to select and receive school and mental health land, under certain circumstances. If school or mental health land was selected, the director was to identify replacement land of approximately equal value and propose such replacement land for the concurrence of the appropriate board. If approved, the replacement land was then to be managed in accord with the purposes for which the land was originally acquired.

The section is now proposed for repeal because a recent Alaska Supreme Court decision (Weiss v. Alaska) ordered the state to return mental health land to trust status and prohibited the department from divestiture of mental health land unless the trust is compensated for at least fair market value of the land. As school lands pose very similar trust obligations (although there has been no court determination), it is prudent to also exclude school lands from municipal selection. University lands are proposed for exclusion because a 1982 agreement with the university has transferred title to these lands to the University of Alaska.

- Section 6. This section amends the definition of "vacant, unappropriated and unreserved land" to eliminate those classification categories no longer in existence (commercial, industry, private, recreational, residential, utility, open-to-entry) and replaces them

with those new classification categories considered appropriate for municipal entitlement determinations and selection (material, public recreation, resource management, settlement, transportation corridor, wildlife habitat and water resources). The agricultural and grazing classifications have not been altered and remain available for selection, as do unclassified lands. The classification categories ineligible for municipal selection are oil and gas, coal, minerals, heritage resources, geothermal and reserved use.

The majority of the state's vacant, unappropriated and unreserved land is presently classified as resource management.

Section 7. This section repeals several provisions of AS 29.65 which are either out-dated or inconsistent with this bill. Specifically,

- (a) AS 29.65.030(c) - Is inconsistent with the bill because it specified the section will not grant additional entitlements to municipalities incorporated before January 1, 1986.
- (b) AS 29.65.040(e) - This provision is out-dated and no longer serves any useful purpose.
- (c) AS 29.65.050(b) and (c) - Subsection (b) is out-dated as all approved selections under former AS 29.18.190 and 29.18.200 for which patent was not issued on July 1, 1978 by the director have now been reviewed. Subsection (c) required the director to approve each municipal selection for patent within nine months of selection and a patent within three months of approval of plat of survey. These requirements simply can not be met under the new bill due to lack of sufficient departmental staff to process the increased workload. Alternative deadlines could be proposed, although the department prefers to repeal the requirement and process selections as staff and resources allow.
- (d) AS 29.65.090 - This would repeal the present authorization for the state and municipalities to exchange land or interests in land of

approximate value if in the public interest. It is the experience of department that this exchange authority is very difficult to administer because it does not require trades to be based upon equal appraised value and exempts such trades from the more stringent public review and legislative approval requirements otherwise necessary for exchanges under AS 38.50. Furthermore, there are no regulations to implement the existing section. The repeal of this section will not eliminate state land exchanges with municipalities. Instead, such trades may still occur, only subject to AS 38.50.

- (e) AS 29.65.110 - The election of benefits covered by this section no longer apply as no municipalities are still engaged in litigation regarding a claim to state land under former AS 29.18.190 or 29.18.200 and the statute of limitations has expired.

Section 8. As the act is not proposed to take effect until January 1, 1987 (see Section 10), this section will ensure coordination and consultation with affected municipalities should the department proceed with a land classification effort prior to the effective date of the act.

Section 9. Making the act effective on January 1, 1987 will reduce associated fiscal impacts of the bill for FY 87 and allow the state to complete any classification actions necessary to protect sensitive state lands.

GG/jlj

ESTIMATED BOROUGH ENTITLEMENT ACREAGE UNDER SSSB 414  
Based on March, 1986 Land Status

<u>BOROUGH</u>	<u>SSSB 414 ENTITLEMENT</u>	<u>1978 ENTITLEMENT</u>	<u>APPROXIMATE ADDITIONAL ENTITLEMENT</u>
Ketchikan Gateway	1,470	11,593	0
Sitka	490	10,500	0
Juneau	430	19,584	0
Haines	13,300	2,800	10,500
Bristol Bay	12,750	2,898	9,900
Kodiak Island	41,200	58,787	0
Kenai Peninsula	76,200	155,780	0
Anchorage	1,700	44,893	0
Matanuska-Susitna	400,000	355,210	44,800
Fairbanks-North Star	223,200	112,000	111,000
North Slope	400,000	89,850*	400,000
NW Arctic (Proposed)	230,000	n.a.	<u>230,000</u>
TOTAL			806,200

\* Received zero entitlement pursuant to election  
of benefits in AS 29.65.110.

DNR Division of Land and Water Management  
Land Management Section  
March 14, 1986

Region	Municipality	Muni- Type	Incori. Date	Acres	Source of Entitle-	
				Intitle- ment	ment	Determination
E	Kuiuqut	2	1975	0	Ltr	8/7/78
E	City & Borough of Juneau	2	1970	19,584	Statute	
E	City & Borough of Sitka	2	1971	10,500	Statute	
E	Craig	1	1922	0	Ltr	8/7/78
E	Haines	1	1910	0	Ltr	8/7/78
E	Haines Borough	B	1968	2,800	Statute	
E	Hoonah	1	1946	15	Ltr	8/7/78
E	Hydaburg	1	1927	0	Ltr	8/7/78
E	Kake	1	1952	0	Ltr	8/7/78
E	Kasaan	2	1976	0	Ltr	8/7/78
E	Ketchikan	H	1900	0.5	Ltr	8/7/78
E	Ketchikan Gateway Borough	B	1963	11,593	Statute	
E	Klawock	1	1929	0	Ltr	8/7/78
E	Kupreanof	2	1975	0	Ltr	8/7/78 180 ac.
E	Metlakatla	F	1944 (Federal)			
E	Pelican	1	1943	0	Ltr	8/7/78 10 ac.
E	Petersburg	H	1910	0	Ltr	8/7/78 461 ac.
E	Port Alexander	2	1974	0	Ltr	8/7/78
E	Saxman	2	1930	0	Ltr	8/7/78
E	Skagway	1	1900	35	Ltr	8/7/78
E	Tenakee Springs	2	1971	0	8/7/78	2,958 ac.
E	Thorne Bay	2	1982	612	DTA Decision	
E	Trangell	H	1903	0	Ltr	8/7/78 310 ac.
E	Yakutat	1	1948	75	Ltr	8/7/78
N	Alakanuk	2	1969	0	Ltr	8/7/78
N	Allakaket	2	1975	0	Ltr	8/7/78
N	Ambler	2	1971	0	Ltr	8/7/78
N	Anaktuvuk Pass	2	1957	0	Ltr	8/7/78
N	Anderson	2	1962	0	Ltr	8/7/78
N	Atkasuk	2	1982	0	Ltr	8/7/83
N	Barrow	1	1959	0	Ltr	8/7/78
N	Brevig Mission	2	1969	40	Ltr	8/7/78
N	Buckland	2	1966	0	Ltr	8/7/78
N	Deering	2	1970	0	Ltr	8/7/78
N	Delta Junction	2	1960	400	Ltr	8/7/78
N	Dionede	2	1970	0	Ltr	8/7/78
N	Eagle	2	1901	0	Ltr	8/7/78
N	Elin	2	1970	0	Ltr	8/7/78
N	Fairbanks	H	1903	15	Ltr	8/7/78
N	Fairbanks North Star Boro	B	1964	112,000	Statute	
N	Fort Yukon	2	1959	0	Ltr	8/7/78
N	Galena	1	1971	0	Ltr	8/7/78
N	Gamble	2	1963	0	Ltr	8/7/78
N	Golovin	2	1971	0	Ltr	8/7/78
N	Hughes	2	1973	0	Ltr	8/7/78
N	Huslia	2	1969	0	Ltr	8/7/78
N	Kaktovik	2	1971	0	Ltr	8/7/78
N	Kaltag	2	1969	0	Ltr	8/7/78
N	Kiana	2	1964	0	Ltr	8/7/78
N	Kivalina	2	1969	0	Ltr	8/7/78
N	Kobuk	2	1973	0	Ltr	8/7/78
N	Kotzebue	2	1958	0	Ltr	8/7/78
N	Koyuk	2	1970	0	Ltr	8/7/78
N	Koyukuk	2	1973	0	Ltr	8/7/78

Region	Municipality	Year 1950	Incorp. Date	Acres Entitle- ment	Source of Entitle- ment Determination
N	Kenana		1921	0	Ltr 8/7/78
N	Lone		1901	0	Ltr 8/7/78
N	Noorvik	2	1964	0	Ltr 8/7/78
N	North Pole	H	1953	0.5	Ltr 8/7/78
N	North Slope Borough	F	1972	89,850	Statute Redet.
N	Nulato	2	1963	0	Ltr 8/7/78
N	Point Hope	2	1966	0	Ltr 8/7/78
N	Ruby	2	1973	0	Ltr 8/7/78
N	Saint Michael	2	1969	0	Ltr 8/7/78
N	Savoonga	2	1969	0	Ltr 8/7/78
N	Selavik	2	1977	0	Ltr 8/7/78
N	Shaktoolik	2	1969	0	Ltr 8/7/78
N	Shishmaref	2	1969	0	Ltr 8/7/78
N	Shungnak	2	1967	0	Ltr 8/7/78
N	Stebbins	2	1969	0	Ltr 8/7/78
N	Tanana	1	1982	0	Ltr 8/7/78
N	Teller	2	1963	0	Ltr 8/7/78
N	Unalakleet	2	1974	0	Ltr 8/7/78
N	Wainwright	2	1962	0	Ltr 8/7/78
N	Wales	2	1964	0	Ltr 8/7/78
N	White Mountain	2	1969	0	Ltr 8/7/78
N	Whittier	2	1969	0	600 ac. grant
S	Akhiok	2	1974	0	Ltr 8/7/78
S	Akiachak	2	1974	0	Ltr 8/7/78
S	Akiak	2	1970	0	Ltr 8/7/78
S	Akutan	2	1979	0	Rec. 5 ac under 810
S	Aleknagik	2	1973	0	Ltr 8/7/78
S	Angoon	2	1963	0	Ltr 8/7/78
S	Aniak	2	1972	0	Ltr 8/7/78
S	Anvik	2	1969	0	Ltr 8/7/78
S	Atnautluak	2	1976	0	Ltr 8/7/78
S	Bethel	2	1957	0	Ltr 8/7/78
S	Pristol Bay Borough	B	1962	2,898	Statute
S	Chefornak	2	1974	0	Ltr 8/7/78
S	Chevak	2	1967	0	Ltr 8/7/78
S	Chignik	2	1983	0	Ltr
S	Chuathbaluk	2	1975	0	Ltr 8/7/78
S	Clark's Point	2	1971	0	Ltr 8/7/78
S	Cold Bay	2	1981	0	DTS Decision
S	Cordova	H	1909	235	Ltr 8/7/78
S	Dillingham	1	1963	1.0	Ltr 8/7/78
S	Eek	2	1970	0	Ltr 8/7/78
S	Ekvok	2	1974	0	Ltr 8/7/78
S	Emmonak	2	1964	0	Ltr 8/7/78
S	Fortuna Ledge	2	1970	0	Ltr 8/7/78
S	Goodnews Bay	2	1970	0	Ltr 8/7/78
S	Grayling	2	1969	0	Ltr 8/7/78
S	Holy Cross	2	1968	0	Ltr 8/7/78
S	Honer	1	1964	16	Ltr 8/7/78
S	Hooper Bay	2	1966	0	Ltr 8/7/78
S	Houston	2	1966	405	Ltr 8/7/78
S	Kachemak	2	1961	0	Ltr 8/7/78
S	Kasigluk	2	1982	0	Ltr
S	Kenai	H	1960	30	Ltr 8/7/78

Re- gion	Municipality	Muni- Type	Incor- Date	Acres Intitle- ment	Source of Entitle- ment Determination
S	Kenai Peninsula Borough	B	1964	155,780	Statute
S	King Cove	1	1947	0	Ltr 8/7/78
S	Kodiak	H	1940	20	Ltr 8/7/78
S	Kodiak Island Borough	B	1963	56,500	Statute
S	Kotlik	2	1970	0	Ltr 8/7/78
S	Kwethluk	2	1975	0	Ltr 8/7/78
S	Larsen Bay	2	1974	0	Ltr 8/7/78
S	Lower Kalskag	2	1969	0	Ltr 8/7/78
S	Manokotak	2	1970	0	Ltr 8/7/78
S	Matanuska-Susitna	B	1974	355,210	Statute
S	McGrath	2	1975	0	Ltr 8/7/78
S	Mekoryuk	2	1969	0	Ltr 8/7/78
S	Mountain Village	2	1967	0	Ltr 8/7/78
S	Municipality of Anch.	M	1975	44,893	Statute
S	Napakiak	2	1970	0	Ltr 8/7/78
S	Napaskiak	2	1971	0	Ltr 8/7/78
S	New Stuyahok	2	1972	0	Ltr 8/7/78
S	Newhalen	2	1971	0	Ltr 8/7/78
S	Newtok	2	1976	0	Ltr 8/7/88
S	Nightmute	2	1974	0	Ltr 8/7/83
S	Nikolai	2	1970	0	Ltr 8/7/78
S	Nondalton	2	1971	0	Ltr 8/7/78
S	Nunapitchuk	2	1969	0	Ltr 8/7/78
S	Old Harbor	2	1966	0	Ltr 8/7/78
S	Ouzinkie	2	1967	240	Ltr 8/7/78
S	Palmer	H	1951	0	Ltr 8/7/78
S	Pilot Station	2	1969	0	Ltr 8/7/78
S	Platinum	2	1975	0	Ltr 8/7/78
S	Port Heiden	2	1972	0	Ltr 8/7/78
S	Port Lions	2	1966	35	Ltr 8/7/78
S	Quinhagak	2	1975	0	Ltr 8/7/78
S	Russian Mission	2	1970	0	Ltr 8/7/78
S	Saint George	2	1983	0	Ltr
S	Saint Mary's	1	1967	0	Ltr 8/7/78
S	Saint Paul	2	1971	0	Ltr 8/7/78
S	Sand Point	1	1978	0	Ltr 8/7/78
S	Scammon Bay	2	1967	0	Ltr 8/7/78
S	Seldovia	1	1945	0	Ltr 8/7/78
S	Seward	H	1912	240	Ltr 8/7/78
S	Shageluk	2	1970	0	Ltr 8/7/78
S	Sheldon Point	2	1974	0	Ltr 8/7/78
S	Soldotna	1	1967	10	Ltr 8/7/78
S	Togiak	2	1969	0	Ltr 8/7/78
S	Toksook Bay	2	1972	0	Ltr 8/7/78
S	Tuluksak	2	1970	0	Ltr 8/7/78
S	Tununak	2	1975	0	Ltr 8/7/78
S	Unalaska	1	1942	0	DTS
S	Upper Kalskag	2	1975	0	Ltr 8/7/78
S	Valdez	H	1901	4,805	Ltr 8/7/78
S	Wasilla	2	1974	0	Ltr 8/7/78

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUGH M  
JUNEAU, ALASKA 99811  
PHONE: 907-465-2400

March 11, 1986

MAR 11 1986

The Honorable Edna DeVries  
Chair, Community and Regional  
Affairs Committee  
Alaska State Senate  
P.O. Box V  
Juneau, AK 99811

Dear Senator DeVries:

I am writing with regard to SB 414, relating to municipal entitlements. The Department supports the concept of this bill and approves of changes made in the sponsor substitute. The bill now serves the interests of both increasing municipal entitlement opportunities in Alaska and cleaning up language in the existing statute.

Municipal land entitlements serve a variety of public policy goals. They increase the ability of local government to advance local purposes such as economic development or land conservation. They reduce the state's management responsibilities and role within organized areas, shifting some of the costs, difficulties, and benefits of land management from the state to local governments. They also can serve as an incentive for the organization or new boroughs and cities, to the long-term benefit of Alaska's citizens.

The proposed bill is expected to provide state lands to between ten and twenty communities which received a zero entitlement under the last municipal entitlement rewrite in 1978. Another ten to twenty communities will receive state land before 1996. A few communities which have already received land will see their existing entitlements increase. Our staff are not able to quantify the amount of state acreage that would be conveyed under SB 414, nor have we been able to identify conclusively the communities which will benefit; these tasks would require some very detailed and expensive work on the status plats. However, I am attaching some general information on the amount of state land in classifications which might be available for selection under SB 414, and a summary of municipal entitlement conveyances made to date.

March 11, 1986

As you can see from the enclosures, about 67.8 million acres of state land are classified in categories that would be open for selection. We do not know how much of this land is within city or borough boundaries, nor do we know how much of it is within the boundaries of communities which have already received all or most of their entitlement under previous entitlement programs.

Please contact me if you have questions or comments on the department's position on the bill. Thank you.

Sincerely,

*Esther C. Wunnicke*

*f* Esther C. Wunnicke  
Commissioner

Attachments

cc: Senator Ferguson

ATTACHMENT ONE  
Municipal conveyances (2/86)

<u>Municipality</u>	<u>Acreage</u>
Ketchikan	0.5
North Pole	0.5
Dillingham	1.0
Soldotna	14.0
Fairbanks, City	15.0
Hoonah	15.0
Homer	16.0
Kodiak	32.0
Port Lions	35.0
Bethel	40.0
Yakutat	75.0
Kupreanof	180.0
Cordova	235.0
Ouzinkie	240.0
Kenai	307.0
Wrangell	310.0
Delta Junction	400.0
Houston	405.0
Petersburg	461.0
Skagway	500.0
Seward	562.0
Whittier	600.0
Thorne Bay	612.0
Haines Borough	2,800.0
Bristol Bay Borough	2,898.0
Tenakee Springs	2,958.1
Valdez	4,805.0
Sitka, City and Borough	10,500.0
Ketchikan Gateway Borough	11,593.0
Juneau, City and Borough	19,584.0
Anchorage, Municipality	44,893.0
Kodiak Island Borough	56,500.0
Fairbanks Northstar Borough	112,000.0
Kenai Peninsula Borough	155,780.0
Matanuska-Susitna Borough	355,210.0

ATTACHMENT TWO  
State Land Classifications (12/85)

<u>State land in categories open to selection:</u>	<u>Acreage:</u>
Unclassified	11,200,000
Agriculture	629,000
Grazing	152,750
Material	5,100
Public recreation	1,400,000
Resource management	39,800,000
Settlement	2,900,000
Transportation corridor	0
Forestry	3,200,000
Wildlife habitat	1,900,000
Water resources	127,500
Wildlife habitat/Public recreation	6,200,000
Forestry/Wildlife habitat	283,000
Wildlife habitat/Water resources	<u>55,000</u>
 TOTAL STATE ACREAGE IN AVAILABLE CATEGORIES	 67,852,350

<u>State land not in categories open to selection:</u>	<u>Acreage:</u>
Legislatively designated areas	8,000,000
Minerals	83,750
Minerals/Wildlife habitat/Public recreation	2,100,000
Oil and gas/Wildlife habitat	352,000
Oil and gas/Wildlife habitat/Public recreation	2,400,000
Reserved use	600,000
Coal	2,500
Resource assessment	<u>150,000</u>
 TOTAL STATE ACREAGE NOT IN AVAILABLE CATEGORIES	 13,688,250

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : SB 414  
 Title : Municipal Land Entitlements

Sponsor : Sen Ferguson  
 Requestor : Sen. C.G.R.A.  
 Date of Request : 03-07-86

**FISCAL DETAIL**

Agency Affected : Natural Resources  
 BRU : Land & Water Mgmt-Public Use

Components : \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		218.4				
TRAVEL		12.0				
CONTRACTUAL		21.0				
SUPPLIES		3				
EQUIPMENT		9				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		252.6	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		252.6	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		252.6	-0-	-0-	-0-	-0-

**POSITIONS :**

FULL-TIME		5				
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

The analysis includes funding for 4 Nat'l Res Officer II and 1 Nat'l Res Tech II. These positions will be placed in the Regional Offices to determine entitlements for the entities in the region.

Prepared by : Gary Johnson *RJM*  
 Division : Land & Water Mgmt.

Phone : 762-4355  
 Date : 03-11-86

Approved by Commissioner : Thomas D. Amundson  
 Agency : Natural Resources

Date : 3/11/86

**Distribution (by Agency preparing fiscal note) :**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

# STATE OF ALASKA

## DEPT. OF COMMUNITY & REGIONAL AFFAIRS

### OFFICE OF THE COMMISSIONER

March 10, 1986

#### POSITION PAPER

RE: SB 414

SPONSOR: Senator Ferguson

#### Program Effects of Bill

The bill would, by broadening the definition to "municipalities", extend to boroughs the right to select 10% of vacant unappropriated and unreserved State land within their boundaries.

The bill would also extend the determination of land selection date from "within six months of July 1, 1978" (or "six months from date of incorporation" for municipalities incorporated after July 1, 1978) to "two years after the expiration of the State's right to make selections". This revision would allow municipalities the right to make selections from all State land, rather than just the land available at a particular time. It would also allow municipalities to select State land in newly annexed areas.

In addition, Section 4 of the bill would change the definition of "vacant, unappropriated and unreserved land" to include land categories currently utilized by the State. Land extensive categories such as "resource management, forestry, wildlife habitat and water resources" would be specifically included.

#### Comments

The Department of Community and Regional Affairs supports the proposed legislation because of its beneficial effect on municipalities. The political subdivisions of the State should be entitled to share the benefits of increased State land within their boundaries whenever the increase occurs. The proposed legislation allows municipalities to share the good fortunes of the State whenever the State receives additional land within the municipal boundaries. Beneficiaries of the proposed legislation would include the proposed Northwest Arctic Borough, the Matanuska-Susitna Borough, the City of Anderson, the North Slope Borough, and cities such as Yakutat that may be annexing State land in the future.

BILL SHEFFIELD, GOVERNOR

POUCH B  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-4700

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ANCHORAGE, ALASKA 99508  
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SB 414  
March 10, 1986  
Page Two

One of the Department's goals is to support the formation of local governments when it is desired by residents of the area. Under current laws, the municipal land entitlement is based on the amount of State land within the municipal boundaries at the time of incorporation. Thus, the decision to incorporate a local government at a particular time may be significantly influenced by whether or not the State has received land in the area being considered for incorporation. Because the proposed legislation allows the municipal land entitlement to be determined as the State receives land, the amount of State land in the area proposed for incorporation becomes less of a factor in the decision to incorporate. Local residents can concentrate more debate on the need for and desirability of local government rather than on the timing of State land selections. Moreover, the proposed legislation would allow municipalities to increase their entitlements when annexing areas containing State land, consistent with the overall intent of the entitlement program. It would also serve to institute a consistent framework for entitlements, rather than continue the piecemeal approach that had been followed in the past when the Legislature addressed the issue of entitlements for the cities of Pelican and Whittier.

The Department urges that the Legislature adopt the amendments to AS 29.65.130(10)(C) contained in Section 4 of the bill as introduced. The municipal land entitlement is based on the amount of land considered to be "vacant, unappropriated and unreserved". Under AS 29.65.130(10)(C) the State land classifications, which are considered "vacant, unappropriated and unreserved" for purposes of determining municipal land entitlements, are listed. Many future boroughs, and to some extent future cities, are expected to contain significant amounts of State land classified as forestry or wildlife habitat. Therefore it is of particular importance that the State land classifications of forestry and wildlife habitat remain in the list of classifications considered "vacant, unappropriated and unreserved" for purposes of determining municipal land entitlements.

  
\_\_\_\_\_  
Emil Notti, Commissioner

**STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE**

Revision Date : 3/3/86

**REQUEST**

Bill/Resolution No. : SB 414  
 Title : An Act relating to municipal  
 ---entitlements  
 Sponsor : Senator Furguson  
 Requestor : \_\_\_\_\_  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : Community & Regional Affairs  
 BRU : \_\_\_\_\_  
 Components : \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING : (Thousands of Dollars)**

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by : Doug Griffin, Deputy Director  
 Division : Municipal & Regional Assistance

Phone : 465-4750  
 Date : 3/3/86

Approved by Commissioner : [Signature]  
 Agency : Community & Regional Assistance

Date : 3/10/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Introduced: 3/11/86  
Referred: Community and Regional  
Affairs and Finance

1 IN THE SENATE

BY FERGUSON

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 414  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: An Act relating to municipal land entitlements; and  
7 providing for an effective date.

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

9 \* Section 1. AS 29.65.010(b) is amended to read:

10 (b) This section is a continuation of the provisions of former  
11 AS 29.18.201 and does not grant additional entitlements, although if  
12 an entitlement established under AS 29.65.020 or 29.65.030 exceeds the  
13 entitlement in (a) of this section, the municipality shall receive the  
14 larger entitlement. The entitlement for a municipality may not exceed  
15 400,000 acres.

16 \* Sec. 2. AS 29.65.020(a) is amended to read:

17 Sec. 29.65.020. DETERMINATION OF ENTITLEMENT FOR MUNICIPALITIES  
18 [CITIES]. (a) The general grant land entitlement of a municipality  
19 [CITY] formerly eligible to receive general grant land under the  
20 provisions of former AS 29.18.190 and 29.18.200 is 10 percent of the  
21 maximum total acreage of vacant, unappropriated, unreserved land  
22 within [IN] the boundaries of each municipality [CITY] at any time  
23 between the initial date of eligibility under former AS 29.18.190 and  
24 29.18.200 and two years after the expiration of the state's right to  
25 make selections under sec. 6(a) or (b) of the Alaska Statehood Act.  
26 By January 1 of each calendar year [JULY 1, 1978. WITHIN SIX MONTHS  
27 AFTER JULY 1, 1978,] the director shall determine or update the en-  
28 titlement for each municipality [CITY] eligible to receive general  
29 grant land under this section [FORMER AS 29.18.202] and certify that  
S

1 entitlement to the municipality [CITY].

2 \* Sec. 3. AS 29.65.020(b) is repealed and reenacted to read:

3 (b) Other conveyances of state land to a municipality shall  
4 counted toward fulfillment of a municipality's entitlement.

5 \* Sec. 4. AS 29.65.030(a) is amended to read:

6 Sec. 29.65.030. DETERMINATION OF ENTITLEMENT FOR [NEWLY INCO  
7 PORATED] MUNICIPALITIES. (a) The general grant land entitlement of  
8 municipality incorporated after July 1, 1978, is 10 percent of th  
9 total acreage of vacant, unappropriated, unreserved land within th  
10 boundaries of the municipality at any time between the date of incor  
11 poration and two years after the expiration of the state's right t  
12 make selections under secs. 6(a) and (b) of the Alaska Statehood Ac  
13 [ON THE DATE OF ITS INCORPORATION].

14 \* Sec. 5. AS 29.65.060 is repealed and reenacted to read:

15 Sec. AS 29.65.060. SCHOOL, UNIVERSITY, AND MENTAL HEALTH LAND

16 (a) The acreage of school, university, or mental health land, if any  
17 may not be included in the determination of entitlement under AS 29.  
18 65.010, 29.65.020 or 29.65.030.

19 (b) Municipalities may not select school, university, or menta  
20 health land under this chapter.

21 \* Sec. 6. AS 29.65.130(10) is amended to read:

22 (10) "vacant, unappropriated, unreserved land" means genera  
23 grant land as defined in (3) of this section, excluding minerals a  
24 required by sec. 6(i) of the Alaska Statehood Act, that

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

27 (B) has not been approved for patent to a municipalit  
28 under this chapter or former AS 29.18.190 and 29.18.200; or

29 (C) is unclassified or, if classified unde

1 AS 38.05.300, is classified for agricultural, grazing, material  
2 public recreation, resource management, settlement, transporta-  
3 tion corridor, forestry, wildlife habitat and water resources,  
4 [COMMERCIAL, INDUSTRY, PRIVATE RECREATIONAL, RESIDENTIAL, UTILI-  
5 TY, OR OPEN-TO-ENTRY PURPOSES,] or is classified in accordance  
6 with an agreement between a municipality and the state providing  
7 for state management of land of the municipality.

8 \* Sec. 7. AS 29.65 is amended by adding a new section to read:

9 Sec. 29.65.150. MUNICIPALITY PARTICIPATION. The department  
10 shall coordinate and consult with the affected municipality in identi-  
11 fying or classifying state land before the effective date of secs. 1 -  
12 6 of this Act.

13 \* Sec. 8. AS 29.65.030(c), 29.65.040(e), 29.65.050(b) and (c), 29.65.-  
14 090 and 29.65.110 are repealed.

15 \* Sec. 9. Section 7 of this Act takes effect immediately in accordance  
16 with AS 01.10.070(c).

17 \* Sec. 10. Sections 1 - 6 and 8 of this Act take effect January 1,  
18 1987.