

COMMITTEE REPORT  
SENATE

FURTHER:

Date 5/11/85

Mr. President

The Committee on FINANCE considered 20

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 \_\_\_\_\_
- new title \_\_\_\_\_
- same title and recommends Do Pass
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE  
102.5 DIR
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Rich. Hilliard

John ...

...

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS

...

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Chairman \_\_\_\_\_

Chairman recommendation \_\_\_\_\_

Offered: 5/2/85  
Referred: Finance

Original sponsors: Bennett, Ferguson  
and Coghill

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 269 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to cabins on state land; and provid-  
7 ing for an effective date."

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

9 \* Section 1. On the application of a person who owns a cabin on state  
10 land on the effective date of this Act, the commissioner of natural  
11 resources shall sell not to exceed one acre of state land occupied by the  
12 cabin if the cabin had been erected on the land before January 1, 1968 and  
13 if the land was open to entry under applicable state or federal law at the  
14 time the cabin was erected. The state land shall be sold for the fair  
15 market value of the land as determined by the commissioner. The applicant  
16 shall pay costs of surveying the land. If the cabin is located on a  
17 waterfront, the commissioner shall reserve an easement not to exceed 20  
18 feet wide above the mean high water line. If the cabin is located in land  
19 that has been withdrawn under AS 16 or AS 41 since January 1, 1968, the  
20 land shall be sold notwithstanding its withdrawal. The commissioner may  
21 not establish restrictions on use of the cabin or on future transfers of  
22 the land sold under this section.

23 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
24 10.070(c).

FISCAL NOTE

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

**REQUEST**

Bill/Resolution No.: SB 269  
 Title: Cabins on State Land

Sponsor: Bennett  
 Requestor: Senate Finance  
 Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected: Natural Resources  
 Program Category Affected: NRMEC

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

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

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES		87.5	380.5	438.5	438.5	438.5
200 TRAVEL		3.0	40.0	40.0	40.0	40.0
300 CONTRACTUAL		6.0	50.0	50.0	50.0	50.0
400 SUPPLIES		2.0	6.0	6.0	6.0	6.0
500 EQUIPMENT		4.0	12.0	12.0	12.0	12.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		102.5	488.5	546.5	546.5	546.5

<b>CAPITAL</b>						
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<b>REVENUE</b>				300.0	300.0	300.0
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND		102.5	488.5	546.5	546.5	546.5
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		102.5	488.5	546.5	546.5	546.5

**POSITIONS:**

FULL-TIME		2	9	10	10	10
PART-TIME			1	2	2	2
TEMPORARY						

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

See attached explanation for yearly program goals. Within seven to ten years operating costs would be reduced to about one-third. Estimate based on 2,000 cabins.

Because this would amount to a major new land disposal program, it will require full administrative support in regional offices and contract administration. Annual costs will include adjudication/survey and appraisal review/planning, etc.

Prepared By: DTS/DLWM/Commissioner's Office Phone: 465-2400  
 Division: \_\_\_\_\_ Date: 4/25/85

Approved by Commissioner: Ned Fargher Date: 4/25/85  
 Agency: Natural Resources

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

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

7/1/84

FISCAL NOTE ANALYSIS  
SB 269  
DEPARTMENT OF NATURAL RESOURCES

With the passage of SB 269, the Department of Natural Resources would encounter a large number and variety of administrative responsibilities that could not be met under existing budgets. These responsibilities would include the implementation of regulations for the cabin program, title and records review, survey instructions and review, public notice/decisions/findings, appraisal instructions and review, issuance of title, and contract administration and enforcement where the purchaser chooses to purchase the land over a period of twenty years.

Because the Department estimates that there are 2,000 cabins on state land, and it would be impossible to accomplish the proposed conveyance in a short term, the fiscal impact is estimated for a five- to ten-year cabin land sale program. Most of the administrative handling of cabin purchase applications would be done in the three regional offices: Anchorage, Fairbanks, and Juneau. Both the Division of Land and Water Management and the Division of Technical Services would be closely involved.

YEAR ONE -

1. Prepare regulations for program. How determine the one-acre parcel? How accommodate owners who are within game refuges or state parks? Convey submerged lands title for waterside cabins? Reserve easements/rights-of-way across adjacent public lands and through the parcel? How determine 1980 appraised value and provide for appeals? Who pays survey/appraisal costs? What are conditions for contracts of sale (AS 38.05.065)? May an owner purchase more than one cabin? How prove ownership and use before 1980? What if more than one owner applies to purchase a cabin? Is program open forever at same appraisal amount? What opportunities are there for public notice/comment on proposed conveyances? May the state conduct its own land disposals, timber sales, leases, R/W conveyances if there is an unauthorized cabin nearby or within the area and an application has been filed? Can commissioner decide that less than an acre will be conveyed? May the commissioner prevent subdivision (for other cabins, trailer lots, etc.) within refuges and parks? How prepare survey/appraisal instructions?
2. Announce program to public and begin preparation for applications. Provide application forms, information sheets, procedural directions to all regional staff.

YEAR TWO -

1. Accept applications. Answer public inquiries.
2. Begin adjudicating applications. Determine which are on state lands, notify applicants who are not on state lands. Review proof of cabin construction prior to 1980.

3. Begin public notice, review of cabin conveyances consistent with AS 38.05.945 and AS 38.05.035(e) and constitutional provisions for equal protection and use/management of the public domain.
5. Begin to field check cabins, surveys, appraisals.
6. Begin planning/platting easements and rights-of-way for public needs.

YEAR THREE -

1. Continue 1-6 above.
2. Close application opportunities in some areas, open in others to distribute regional impact of applications on administrative staff.
3. Begin to issue accurate title/quitclaim deed to some applicants who meet conditions.
4. Issue contracts of sale and prepare twenty-year payment schedule and conditions for successful applicants wishing to pay over time.
5. Note title changes, applications on land title records (must record applications immediately on receipt for awareness during other land disposal/management planning).
6. Begin to accept new title documents in recorder's Offices.

YEARS FOUR TO TEN -

1. Continue with the program, aiming to complete within four to seven years.

LINE ITEM EXPLANATIONS - SB 269

FY 86

- 100 - Two positions, 87.5
  - 1. Natural Resource Manager I (47.5)  
Supervise start-up of program, including regulations and public information
  - 2. Natural Resource Technician I (40.0)  
Assist in program start-up, begin policy/procedures directives for regional staff, coordinate with survey/title/records staff to assure timely notation of applications on status plats and conveyance of accurate title, coordinate with contract administration staff to begin handling sales contracts
  
- 200 - 3.0  
Travel to regions
  
- 300 - 6.0  
Special legal research for regulations
  
- 400 - 2.0  
Supplies and commodities for new staff
  
- 500 - 4.0  
Office equipment for new staff (chair, desk, typewriter, file)

FY 87

- 100 - Seven new positions, 293.5 + 87.5 from FY 86
  - 1,2,3. Natural Resource Technician in each regional office (127.5)  
Begin adjudication/review of applications, provide local response to inquiries, conduct public notice, negotiate difficulties with applicant and adjacent landowners or citizens; begin review of appeals on appraisals, adjudication
  - 4,5,6. Survey/Title Staff in central/regional offices (127.5)  
Begin survey check (some field work required), conduct full title check, note applications and conveyances on state land records.
  - 7. Accounting Technician and part-time clerical (38.0)  
Begin issuing contracts of sale for successful applicants
  
- 200 - 40.0  
Travel to field check cabins/appriasals/surveys, review area resources for possible conflicts
  
- 300 - 50.0  
Advertising, hearings, legal assitance for adjudicating applications and administering appeals; preparation and issuance of some title documents
  
- 400 - 6.0  
Supplies and commodities for new staff
  
- 500 - 12.0  
Office equipment for seven new staff

FY 88-94/5

Continue all costs but add one Accounting Technician and some part-time clerical staff for future contract administration.

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 03-18-86

**REQUEST**

Bill/Resolution No. : SB 269  
 Title : Cabins on State Land  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Sponsor : Bennett  
 Requestor : House Resources  
 Date of Request : 03-17-86

**FISCAL DETAIL**

Agency Affected : Natural Resources  
 BRU : Land & Water Management; Information and Records  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Components : \_\_\_\_\_  
 \_\_\_\_\_

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

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	87.5	380.5	438.5	438.5	438.5	
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<b>CAPITAL</b>						
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<b>REVENUE</b>			300.0	300.0	300.0	
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**POSITIONS :**

FULL-TIME	2	9	10	10	10	
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TEMPORARY						

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

See attached explanation of yearly program goals. Within seven to ten years operating costs would be reduced to about one-third. Estimate based on 2,000 cabins.

Because this would amount to a major new land disposal program, it will require full administration support in regional offices and contract administration. Annual (See atch.)

Prepared by : DTS/DLWM/Commissioner's Office *R. A. M.* Phone : 465-2400  
 Division : \_\_\_\_\_ Date : 03-18-86

Approved by Commissioner : Arms D. Amundson Date : 03-18-86  
 Agency : Natural Resources

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

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

Analysis Continued:

costs will include adjudication/survey and appraisal review/planning, etc.

FISCAL NOTE ANALYSIS  
SB 269  
DEPARTMENT OF NATURAL RESOURCES

With the passage of SB 269, the Department of Natural Resources would encounter a large number and variety of administrative responsibilities that could not be met under existing budgets. These responsibilities would include the implementation of regulations for the cabin program, title and records review, survey instructions and review, public notice/decisions/findings, appraisal instructions and review, issuance of title, and contract administration and enforcement where the purchaser chooses to purchase the land over a period of twenty years.

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Office equipment for seven new staff

FY 88-94/5

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## SECTIONAL ANALYSIS FOR CS SB 269 (Resources)

An Act relating to cabins on state land; and providing for an effective date

### Section 1

Owners, as of the effective date of this bill, of cabins which were erected on state land before January 1, 1968, and open to entry under applicable state or federal law at the time the cabin was erected, may apply to the commissioner of natural resources to purchase up to one acre of state land occupied by the cabin. The land shall be sold at the fair market value, as determined by the commissioner. Cost of surveying the land shall be paid by the applicant.

If the cabin is located on a waterfront, an easement shall be reserved, not to exceed 20 feet wide above the mean high water line. If the cabin is located in land that has been withdrawn under AS 16 (Fish and Game) or AS 41 (Public Resources) since January 1, 1968, the land shall be sold notwithstanding its withdrawal. The commissioner may not establish restrictions on the use of the cabin or on future transfers of the land sold under this section.

### Section 2

This Act takes effect immediately. may apply with the commissioner of natural resources

May 6, 1985

The Honorable Jan Faiks  
Chair, Senate Finance Committee  
Pouch V  
Juneau, AK 99811

Dear Senator Faiks:

I am writing with comments on SB 269 (cabins on state land), which was amended in the Resources Committee hearing on Wednesday and moved on to the Finance Committee.

The amended bill

Senator Halford's proposed amendments would markedly improve the bill.

As I stated in an April 25 letter to Senator Sturgulewski, I recognize that some long-time Alaskans who built cabins on open federal land many years ago believe that their tenancy should lead to a preference for the purchase of state land. I also believe, however, that the State must be very careful not to reward knowing unauthorized use of state lands by mandating a preference right to a class of cabinholders, particularly at less than current fair market value.

Senator Halford's amendments focus the preference on cabinholders who entered open land prior to Interior Secretary Udall's 1967 "land freeze" in Alaska, and require that the purchase be at current market value. We support these amendments and would suggest several others (attached) to clarify the intent of the bill and to prevent the sale of lands where land and resource management conflicts exist.

Existing cabin programs

The department has several programs that provide for cabin owners on state land.

First, the department leases land competitively for the long term under AS 38.05.070(c). The provisions of AS 38.05.102 allow a lessee preference to purchase land at the termination of the lease.

May 6, 1985

Additionally the Department disposes of some lands under preference right statutes in AS 38.05.035(b). There are several varieties of preference rights that the commissioner may issue; as Senator Halford and my staff indicated, the preference right program has not been very active in recent years but our regional offices are making a concerted effort to clear up the backlogs of applications from the past. The adjudication of preference rights can be expensive and time-consuming, but the department is committed to acting on the applications as expeditiously as possible, within our existing land disposals budget.

New trapping cabins are permitted under AS 38.95 and the department generally supports HB 281 (Shultz) which would create a new mechanism for the permitting of trapping cabins already in use.

Ten-year negotiated leases are available under AS 38.05.070 (b). Noncompetitive leases may be issued to prequalified bidders under AS 38.05.075(f).

The State also can issue 25-year remote cabin permits under AS 38.05.079, although this program is not implemented yet.

Under regulations adopted last summer (attached), the department issues personal use cabin permits to persons who own a cabin on state land. I spent a great deal of time in the preparation of these regulations because I wanted to be certain that the State provided equitably for the use of existing cabins on state land without giving preferential land ownership rights. Owning over 80 million acres with various resource values important to Alaskans, the State must take care not to allow or sanctify indiscriminate, unauthorized use of its lands. Land sales and cabin use are needed and appropriate on much of the public domain, but they should be planned openly a consultation with all interested members of the public. It is simply unfair to sell parcels of land to persons who have used land without authorization while other persons are required to participate in land offering programs. And it would create a firestorm of protest from today's landowners and residents who live near state lands if open entry leading to disposal were permitted today.

#### Fiscal note

With Senator Halford's amendments, and our proposals, the Department will be able to reduce its fiscal note by about one-half. However, it is important for the Legislature to

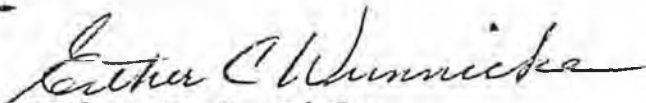
May 6, 1985

recognize that the proposed cabin program amounts to a new land disposal program. If not funded separately, it will take a large amount of funding away from our existing land disposals, which are discretionary. It also will prevent the processing of other pending preference rights.

Summary position

Based on information from the Attorney General, the Department remains concerned with the constitutionality of the proposed bill, and with the attached amendments wishes to see the bill improved so that there is some protection of the public's interest. We do not support the bill because we believe we have already taken the steps to resolve the issue of concern. If the bill is passed and signed into law, we will comply with legislative intent; however, if it is not workable, equitable, and constitutional, we may recommend that it be vetoed.

Sincerely,



Esther C. Wunnicke  
Commissioner

Attachments

cc: w/attachments -  
Senator Don Bennett  
Senator Jack Coghill  
Senator Frank Ferguson  
Senator Arliss Sturgulewski

DNR AMENDMENT ONE

CSSB 269 (Res)

Explanation

This amendment will allow the commissioner a small measure of flexibility in conveying cabin parcels. This flexibility will be necessary where 1) a third-party interest has already been created on the state land, for instance on a grazing lease, land offering, or municipal entitlement conveyance; 2) an action such as mining claims or entitlement application has had the effect of segregating the surface estate from the open public domain; or 3) the land has extraordinary resource values or attributes that militate against its transfer - such as land within a proposed major development site or a known highly critical habitat or recreational site.

Under the proposed amendment, the burden of proof will clearly be on the State to indicate that the application conflicts with land and resource management programs.

Amendment

At line 10, after "Act", insert:

and unless land or resource management conflicts exist

DNR AMENDMENT TWO

CSSB 269 (Res)

Explanation

This amendment will clarify that the applicant must conduct survey within a time certain.

Amendment

At line 16, after "shall", insert:

survey the land within five years and

DNR AMENDMENT THREE

CSSB 269 (Res)

Explanation

The amendment will clarify the waterfront easement language in the bill.

Amendment

At lines 16-17, delete "cabin is located on a waterfront" and insert:

application includes waterfrontage

Also, at line 18, insert before "mean":

ordinary or

DNR AMENDMENT FOUR

CSSB 269 (Res)

Explanation

The amendment will prevent inappropriate uses such as subdivision or commercial use of cabin parcels where these activities should be curtailed. In some cases (for instance, in refuges and parks) such activities would be inconsistent with past use of the parcel and with current management of surrounding lands.

Amendment

At line 20, before "the", insert:

Except where land or resource management concerns  
exist,

Offered: 5/2/85  
Referred: Finance

Original sponsors: Bennett, Ferguson  
and Coghill

1 IN THE SENATE BY THE RESOURCES COMMITTEE  
2 CS FOR SENATE BILL NO. 269 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to cabins on state land; and provid-  
7 ing for an effective date."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. On the application of a person who owns a cabin on state  
10 land on the effective date of this Act, the commissioner of natural  
11 resources shall sell not to exceed one acre of state land occupied by the  
12 cabin if the cabin had been erected on the land before January 1, 1968 and  
13 if the land was open to entry under applicable state or federal law at the  
14 time the cabin was erected. The state land shall be sold for the fair  
15 market value of the land as determined by the commissioner. The applicant  
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19 that has been withdrawn under AS 16 or AS 41 since January 1, 1968, the  
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21 not establish restrictions on use of the cabin or on future transfers of  
22 the land sold under this section.  
23 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
24 10.070(c).

Introduced: 4/3/85  
Referred: Resources

BY BENNETT, FERGUSON  
AND COGHILL

1 IN THE SENATE

2 SENATE BILL NO. 269

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

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COMMITTEE REPORT  
SENATE

FURTHER: FINANCE

4/3/85

Date 5/1/85

Mr. President

The Committee on RESOURCES considered SB 269  
relating to cabins on state land; 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 SB 269 (R)
- new title
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MEMBERS SIGNING  
DO PASS

[Signature]

[Signature]

[Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS

[Signature] (No Rec)

[Signature] (NR)

\_\_\_\_\_

\_\_\_\_\_

[Signature]  
Chairman

No Rec  
Chairman recommendation