

H B

3 2 3

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

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 RESOURCES COMMITTEE, 5/7/85 3:40

# Alaska State Legislature

ARLISS STUF/GULEWSKI, Chairman  
BETTYE FAHRENKAMP, Vice Chairman  
JACK COGHILL  
DICK ELIASON  
VIC FISCHER  
RICK HALFORD  
FRED ZHAROFF



POUCH V  
JUNEAU, ALASKA. 99811  
(907) 485-4907

## Senate Committee on Resources

MEMORANDUM

May 4, 1985

TO: All Members  
Senate Resources Committee

FROM: Staff *[Signature]*  
Senate Resources Committee

RE: HB 323 am "An Act relating to a grant of state land to the City of Pelican; and providing for an effective date."

HB 323 am would allow for up to 10 acres of state land to be conveyed to the City of Pelican.

The City of Pelican did not receive any state land under municipal selection because there was no state land in the Pelican area at that time. Since then, the state has received federal land in the amount of 8.863 acres adjacent to the city. The community would like to have this land conveyed to it for community expansion. Pelican has not received any prior land conveyances from the state.

The bill corrects an unfortunate situation that precluded Pelican from participating in earlier municipal selections.

The attached fiscal note is zero but if the state held the land there may occur at some future date a state land sale in which funds would come to the state. No state sales are planned. The current estimate of worth is about \$202,500.

HB 323 passed the House by a vote of 39 yea and 0 nea.

#### Enclosures:

1. Fiscal note from DNR
2. Position paper from Rep. Grussendorf
3. Position paper from Commissioner Notti, C&RA
4. Letter from DNR to the Speaker of the House
5. Letter from City of Pelican to the Speaker of the House

**FISCAL NOTE**

Revision Date: April 22, 1985

**REQUEST**

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

**FISCAL DETAIL**

Agency Affected: Natural Resources  
 Program Category Affected: NRMEC

Sponsor: Grussendorf  
 Requestor: House Finance  
 Date of Request: April 20, 1985

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

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

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>						
<b>REVENUE</b>						(202.5)

**FUNDING: (Thousands of Dollars)**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:**

The Department projects an eventual loss of revenues that might have accrued from the sale of this land, currently estimated to be worth about \$202,500. However, the land could not be sold for at least three years because it has not been considered for disposal in the Land Availability Determination Systems (LADS). Thus the revenue loss is projected for FY 90 or beyond.

Prepared By: Ned Farguhar Phone: 465-2400  
 Division: Commissioner's Office Date: April 22, 1985

Approved by Commissioner: Wmmt J Amos, Deputy Date: April 22, 1985  
 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

ALASKA STATE LEGISLATURE  
FRONT COVER AND INSIDE FRONT COVER

P.O. BOX 9000  
SITKA, ALASKA 99781  
(907) 742-4400

HOUSE COMMITTEE  
LEGISLATIVE COUNCIL

DISTRICT 3  
ELFIN COVE  
PELICAN  
FORT ALEXANDER  
SITKA  
TENAKEE

# Alaska State Legislature



WHILE IN JUNEAU  
HOUSE V  
LEGISLATIVE COUNCIL  
(907) 465-3024  
(907) 55-3720

## House of Representatives SPEAKER OF THE HOUSE

April 12, 1985

### POSITION PAPER HB 323 - Pelican Land Grant

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

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

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

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

# STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

RECEIVED  
4/3/85  
BILL SHEFFIELD, GOVERNOR

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

949 E. 36TH AVENUE, SUITE 400  
ANCHORAGE, ALASKA 99508  
PHONE: (907) 563-1073

March 28, 1985

## POSITION PAPER

RE: HB 323

SPONSOR: Representative Grussendorf

### Program Effects of Bill

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

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

### Comments

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

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

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

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

The Department supports passage of this legislation.

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

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

POUCH M  
JUNEAU, ALASKA 99811  
PHONE:

March 11, 1985

Ms. Mary Halloran  
Administrative Assistant  
Office of the Speaker  
Alaska House of Representatives  
Pouch V  
Juneau, Alaska 99811

Dear Ms. Halloran:

In response to your interest in obtaining residential land for the City of Pelican, the department has explored various alternatives. Unfortunately, it appears there is no statutory authority by which the department could convey state land to Pelican, independent of purchase or through a land exchange.

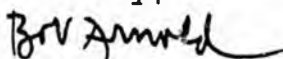
As you know, Pelican did not receive a municipal land entitlement pursuant to AS 29.18.201-.213. However a municipal land conveyance obviously could be accomplished if Pelican were to obtain a special legislatively approved municipal entitlement.

The department is also prepared to consider disposing of available state land in Pelican through our annual land offering program. It may be possible to offer subdivision lots with a high percentage of homesites, thereby providing an enhanced opportunity for local participation. A state subdivision offering, however, may take several years to accomplish.

We have also explored the AS 38.05.810 (Public and Charitable Use) authority but do not feel it is appropriate for this circumstance, since Pelican would subsequently sell the land to private interests.

Representatives of our Southeast Regional Office will be available to assist you in your efforts to obtain land for Pelican.

Sincerely,



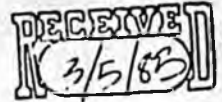
Robert D. Arnold  
Deputy Commissioner

cc: Paula Burgess, Southeast Regional Manager



City

of



Pelican

BOX 757

PELICAN, ALASKA 99832

PHONE 735-4101

March 1, 1985

Representative Ben Grussendorf  
Pouch V  
Juneau, AK. 99811

Dear Ben:

During the time of land entitlement decision making by the state, the city of Pelican was denied or not included in any land grant awards. The Pelican planning commission is not seeking to lay blame for this upon the city or upon any agency or individual. The commission does, however, want to explore the possibility of the city of Pelican acquiring a limited amount of land through an entitlement, or other, award. Specifically we have in mind the state owned land contingent to the former Pelican city limits and recently annexed by the city. This area consists of 8.92 acres and is needed by the city for residential expansion.

Should the city acquire this land the city would re-survey the lots and rights of way and eventually offer the lots for sale to the public. We have a land use plan requiring development within a period of two years of the date of purchase from the city of city owned land. This plan would apply to the newly annexed land if title is acquired from the state. The land would be classified R-1, one and two family dwellings.

DNR policy at the present time allows acquisition for the use proposed by the city through fair market value purchase only. Appraisal would be made at city expense and the purchase price set by DNR. This is fair enough, but due to the fact that Pelican received no state land through the entitlement program we are exploring the possibility of relief from DNR terms for all or part of the 8.92 acres involved.

We realize that you are extremely busy with legislative duties at this time. As this is not a project with a deadline to meet we will appreciate any action or information that you may be able to supply at a later date.

Our DNR contact - Andy Peckovitch - has been most cooperative and easy to work with.

Thank you for any help that you may be able to give us in this matter.

*Bill Odell*  
Sincerely, Bill Odell planning commission chairman

Dave -

HB323 Pelican Land Grant

Suggest you contact the following as potential witnesses:

DNR: Andy Peckovitch, 465-3400. He knows the history of the situation better than anyone else.

Community & Regional Affairs: Peter Freer, 465-4750. CRA is prepared to support the legislation.

DNR: Commissioner's Office. 465-2400.

We are asking the City of Pelican to send a letter of support, but with mail service being what it is, the letter may not arrive by Monday.

Ben will testify also.

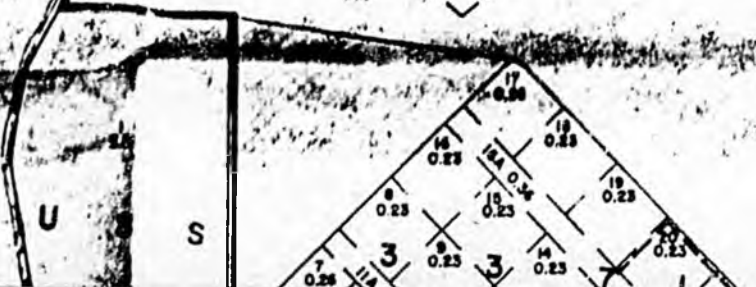
Thanks,  
*MARY*  
Mary Halloran

THE FOLLOWING DOCUMENT HAS  
NOT BEEN FILMED BUT IS  
AVAILABLE IN THE ORIGINAL  
FILE

**LAND ESTATE**  
**(SUPPL)**  
SEE WATER & MINERAL ESTATES

LISIANSKI

INLET



OTHER ACTIONS AFFECTING DISPOSAL  
USE OF STATE LANDS  
USS FOR A.B. PELEAH TOWNSHIP, PR. 00-0-00  
Plan Approved 7/6/09  
USS 3371 Plan Approved 3/22/00

Series of horizontal lines for recording additional information.