

**SB 145**

**( ) USE COMMITTEE REPORT**

(11)

Date Referred: May 16, 1991

FURTHER REFERRALS:

Date of Committee Action: 5/17/91

The FINANCE Committee considered:

CSSB 145(RES)

CS FOR SENATE BILL NO. 145 (<sup>Finance</sup>RESOURCES)

STATE LAND FOR CEMETERIES, LANDFILL, ETC.

"An Act relating to the sale or disposal of state land for use as a cemetery or a solid waste facility."

**RECOMMENDATIONS:**

be replaced with HCS CS SB 145 (FIN)  the same title  
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note \_\_\_\_\_

2  zero fiscal note(s) DNR 3/26/91  
DEC 3/26/91

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>Mike Savare</u> NAVARRC	<input checked="" type="checkbox"/>	<u>Gene Jack</u> JACKO		<input checked="" type="checkbox"/>	
<u>MAMM Beyer</u> Beyer	<input checked="" type="checkbox"/>	<u>Pat Sharp</u> SHARP		<input checked="" type="checkbox"/>	
<u>Tay Brown</u> BROWN	<input checked="" type="checkbox"/>	<u>Rollie Phillips</u> Phillips		<input checked="" type="checkbox"/>	
<u>[Signature]</u> Koppman	<input checked="" type="checkbox"/>				
<u>[Signature]</u> Hanson	<input checked="" type="checkbox"/>				
<u>[Signature]</u> Ulmer	<input checked="" type="checkbox"/>				
<u>EP Maclean</u>	<input checked="" type="checkbox"/>				

Mike Savare EP Maclean  
 CO-CHAIRMAN'S SIGNATURE  
 NAVARRC

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

No. 1  
Bill session: SB 145  
(S) Publish Date: 3/26/91

Revision Date: 22-Mar-91 Department Affected: Natural Resources  
Title: Disposal of state land BRU: Land & Water Management  
Sponsor: Senator Menard Components: Land & Water Management  
Requestor: Senate Resources COMPONENT SERIAL NO. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of Current year impact: None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Gary Gustafson Phone: 762-2692  
Division: Land & Water Management Date: 22-Mar-91  
Approved by Commissioner: Harold Heinze Date: 22-Mar-91  
Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB.

REV 10/90

& Im Changes in CSSB 145 (R) have no fiscal impact. This fiscal note is appropriate.

page 1 of 1

3/26/91 PT  
date Comptroller (initial)

FISCAL NOTE

No. 2

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Bill Version: S B/45

(S) Publish Date: 3/26/91

Revision Date: \_\_\_\_\_  
Title: State land as cemeteries and hazardous facilities  
Sponsor: Senator Curt Menard  
Requestor: Senator Curt Menard

Department Affected: DEC  
BRU: Environmental Quality  
Component: EQ Projects

COMPONENT SERIAL NO. 

1	0	1	1	6
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

Estimate of current year impact: NONE

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Janice Adair  
Division: Commissioner's Office

Phone: 465-2600  
Date: \_\_\_\_\_

Approved by Commissioner: *Menardwell*  
Agency: Dept. of Environmental Conservation

Date: 3/15/91

Distribution (by preparer): Legislative Fin: \_\_\_\_\_ & Impacted Agency(ies).

Rev. 10/90

Changes in CSB 145 (R2) have no fiscal impact. This fiscal note is appropriate.

Page \_\_\_\_\_ of \_\_\_\_\_

3/25/91 date: \_\_\_\_\_  
Comte Aide (INITIALS): PT

HOUSE CS FOR CS FOR SENATE BILL NO. 145 (FINANCE)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): SENATORS MENARD, Kerttula

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the sale or disposal of state land for use as a cemetery."

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

3 \* Section 1. AS 38.05.810(a) is amended to read:

4 (a) Except as otherwise provided in AS 38.05.183(h), the lease, sale, or other disposal  
 5 of state land or resources may be made to a state or federal agency or political subdivision, [OR]  
 6 the lease, sale, or disposal of coal deposits suitable for mining may be made to a utility owned  
 7 and operated by a government agency or nonprofit cooperative association organized to  
 8 participate under the Federal Rural Electrification Act for the purpose of generating electric  
 9 power and energy or the production of process steam, or both, or the sale or other disposal of  
 10 state land may be made to a tax-exempt, nonprofit corporation, association, club, or society  
 11 organized and operated exclusively for the management of a cemetery, for less than the  
 12 appraised value as determined by the director and approved by the commissioner to be fair and  
 13 proper and in the best interests of the public, with due consideration given to the nature of the  
 14 public services or function rendered by the agency, subdivision, tax-exempt, nonprofit

1 corporation, association, club, or society, or utility making application, and of the terms of the  
2 grant under which the land was acquired by the state.

**HOUSE CONCURRENT RESOLUTION NO.**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**SEVENTEENTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE FINANCE COMMITTEE**

**Introduced:**

**Referred:**

**A RESOLUTION**

**1 Suspending Uniform Rules 41(b), 24(c), and 35 of the Alaska State Legislature concerning**  
**2 Senate Bill No. 145, relating to the sale or disposal of state land for use as a cemetery**  
**3 or a solid waste facility.**

**4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

**5 That under Rule 54 of the Uniform Rules of the Alaska State Legislature, the provisions of Rule**  
**6 41(b), Rule 24(c), and Rule 35 of the Uniform Rules, regarding changes to the title of a bill, are**  
**7 suspended in consideration of Senate Bill No. 145, allowing the sale or disposal of state land for use as**  
**8 a cemetery or a solid waste facility.**

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. \_\_\_\_\_

Revision Date: May 17, 1991 Department Affected: Department of Environmental

Title: An Act relating to the sale or disposal of state land for use as a cemetery. BRU: Conservation

Sponsor: Senator Menard Component: \_\_\_\_\_

Requestor: HOUSE FINANCE COMMITTEE COMPONENT SERIAL NO. 

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*Change title SB 145*

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Representative Mike Navarre, Co-Chair *Mike Navarre* 465-3706  
Representative Eileen MacLean, Co-Chair *Eileen MacLean* Phone: 465-3722

Division: \_\_\_\_\_ Date: May 17, 1991

Approved by Commissioner: \_\_\_\_\_  
Agency: \_\_\_\_\_ Date: \_\_\_\_\_

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Attachment #1

SB 145

5/17/91

NOT adopted

AMENDMENT 2

TO: SB 145

Page 1, line 1-2

DELETE "or a solid waste facility"

Page 1, line 12-13

DELETE "or a solid waste facility"



# Alaska State Legislature

*Senator Curt Menard*



*While in Session:*  
P.O. Box V  
Juneau, Alaska  
99811  
(907)465-2679

*Interim:*  
165 E. Parks  
Highway  
Wasilla, Alaska  
99687  
(907)373-2878

*Senate  
District  
E*

## SPONSOR STATEMENT

I realize that Finance Committee scheduling is very tight in these last few days of the session so I very much appreciate your hearing SB 145.

SB 145 was passed by the Senate by a vote of 17-0 and is supported by the Department of Natural Resources.

This bill would allow the Division of Land and Water Management to sell land for less than fair market value to non-profit corporations or associations which are set up exclusively to manage a cemetery or solid waste facility.

Under this provision, local community organizations such as the Trapper Creek Community Services Organization in my District will be able to acquire a specific parcel of state land located in their community for less than fair market value. I have been working with the community for over two years in an attempt to locate a suitable site for a cemetery.

It is appropriate that the State be able to dispose of rather than lease land to local communities for public purposes such as cemeteries and solid waste facilities where it is not in the State's interest to continue to be the owner of the land. Long term uses can create liability problems which the State reasonably should not incur.

Also, I believe this statutory provision is appropriate where, as is the case in Trapper Creek, the local community cannot afford to pay fair market value for the land. I would appreciate your support of SB 145.



# Alaska State Legislature

*Senator Curt Menard*



*While in Session:*  
P.O. Box V  
Juneau, Alaska  
99811  
(907)465-2679

*Interim:*  
165 E. Parks  
Highway  
Wasilla, Alaska  
99687  
(907)373-2878

*Senate District E*

TO: Rep. Mike Navarre, Co-Chairman  
House Finance Committee

Rep. Eileen Maclean, Co-Chairman  
House Finance Committee

FROM: Senator Curt Menard

RE: SB 145 Hearing Request

DATE: May 15, 1991

I realize that Finance Committee scheduling is very tight in these last few days of the session, but I would very much appreciate your scheduling of SB 145 pending referral from the House Resources Committee.

SB 145 was passed by the Senate by a vote of 17-0 and is supported by the Department of Natural Resources.

This bill would allow the Division of Land and Water Management to sell land for less than fair market value to non-profit corporations or associations which are set up exclusively to manage a cemetery or solid waste facility.

Under this provision, local community organizations such as the Trapper Creek Community Services Organization in my District will be able to acquire a specific parcel of state land located in their community for less than fair market value. I have been working with the community for over two years in an attempt to locate a suitable site for a cemetery.



Page 2  
SB 145

It is appropriate that the State be able to dispose of rather than lease land to local communities for public purposes such as cemeteries and solid waste facilities where it is not in the State's interest to continue to be the owner of the land. Long term uses can create liability problems which the State reasonably should not incur.

Also, I believe this statutory provision is appropriate where, as is the case in Trapper Creek, the local community cannot afford to pay fair market value for the land.

Thank you for your attention to this request and I would appreciate your support of SB 145.

# STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

## DEPARTMENT OF NATURAL RESOURCES

400 WILLOUGHBY AVENUE  
JUNEAU, ALASKA 99801-1796  
PHONE: (907) 465-2400  
FACSIMILE: (907) 586-2754

May 13, 1991

OFFICE OF THE COMMISSIONER

The Honorable Cliff Davidson, Chair  
House Resources Committee  
P.O. Box V  
Juneau, AK 99811

Dear Representative Davidson:

Subject: CSSB 145 (Res), which allows the state to sell or dispose of state land, for less than the appraised value, to a nonprofit corporation or association organized to manage a cemetery or solid waste facility.

Position: The Department of Natural Resources supports this bill.

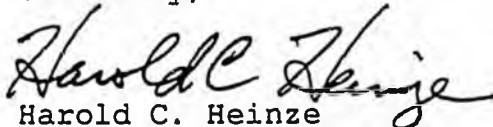
Background: At this time, the department can lease but not sell land at less than fair market value to non-profit organizations for public or charitable purposes. We would, however, prefer to sell rather than lease land for a cemetery or solid waste facility because of the associated long term liability problems. Examples of local needs for cemetery or solid waste sites:

The Trapper Creek Community Services Organization has requested state land for a local cemetery. This bill would allow the organization to purchase state land, at less than fair market value, for the cemetery.

The Tolsona and Nelchina community councils have formed to provide fire protection and operate solid waste disposal facilities. The councils have identified local sites for the facilities and are willing to operate them. We are reluctant to lease land for the facilities because of the liability problem, and the communities cannot afford to pay fair market value to purchase the land.

Please let me know if you need additional information related to this bill.

Sincerely,

  
Harold C. Heinze  
Commissioner

cc: Committee Members  
Senator Menard  
Bruce Kendall, Legislative Liaison, Office of the Governor  
John Sandor, Commissioner, Department of Environmental  
Conservation