

SB 145

SENATE FINANCE COMMITTEE REPORT

DATE: 3/26/91

FURTHER:

DATE TURNED INTO OFFICE: 4-24-91

The Finance Committee considered SENATE BILL NO. 145

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

and recommended:

replace with _____ CS
 or adopt _____ CS SB 145 (RES)
 attached amendment(s)
 _____ letter of intent adopted

same title
 new title
 technical title change (HB only)

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):
Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

appropriation-no fiscal note

APPROVES PREVIOUS:

Dept/Date:
 fiscal note(s) _____

zero fiscal note(s) DEC/3-18-91
DWR/2-22-91

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Al Adams
James H. ...
Rich ...
Frank ...

1. Fred ... 2. V. ... Do pass
Co-Chairs: Signatures and recommendations

STATE OF ALASKA
1991 LEGISLATIVE SESSION

No. _____
Bill . sion: SR 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
Components: Land & Water Management
Sponsor: Senator Menard
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 CS SB 145 (RDS) page 1 of 1
have no fiscal impact. This
fiscal note is appropriate.

3/25/91 PT

R/O SRC 4-221-91

FISCAL NOTE

STATE OF ALASKA 1991 LEGISLATIVE SESSION

No. 2

Bill Version: SB145

(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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

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: [Signature]
 Agency: Dept. of Environmental Conservation

Date: 3/25/91

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

Changes in CS SB 145 (RBD)
 have no fiscal impact. This
 fiscal note is appropriate.
3/25/91 PT
 date: _____ Comptroller (initials)

CS FOR SENATE BILL NO. 145 (RESOURCES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 3/26/91
Referred: Finance

Sponsor(s): SENATOR MENARD

A BILL

FOR AN ACT ENTITLED

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

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

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

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

1 given to the nature of the public services or function rendered by the agency, subdivision, tax-
2 exempt, nonprofit corporation, association, club, or society, or utility making application, and
3 of the terms of the grant under which the land was acquired by the state.



Alaska State Legislature

Senator Curt Menard

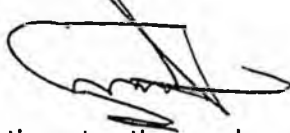


*While in
Session:*
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165 E. Parks
Highway
Wasilla, Alaska
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*Senate
District
E*

TO: Senator Pat Pourchot, Co-Chairman
Senate Finance Committee

FROM: Senator Curt Menard 

RE: SB 145 - An act relating to the sale or disposal of
state land for use as a cemetery or as a solid
waste facility

DATE: April 19, 1991

Thank you for hearing SB 145.

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 association 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

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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 community cannot afford to pay fair market value for the land.

I would appreciate your serious consideration and support of SB 145.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

WALTER J. HICKEL, GOVERNOR

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
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March 22, 1991

OFFICE OF THE COMMISSIONER

The Honorable Lloyd Jones, Chair
Senate Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Senator Jones:

Subject: SB 145, 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 or hazardous waste facility.

Position: The Department of Natural Resources supports the portions of this bill relating to the sale of state land for a cemetery or solid waste facility, but believes disposals for hazardous waste facilities should be more carefully examined and treated as a separate issue.

Background: At this time, the department can lease but not sell land to municipalities or non-profit organizations for public or charitable purposes at less than fair market value. 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. Because of the broad policy issues related to hazardous waste facilities, and because the state retains the subsurface estate for land it sells, hazardous waste facility disposals should be considered separately.


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.

Recommendation: Delete references to hazardous waste facilities from 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