

SB

217

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 5/11/93

FURTHER: RESOURCES
FINANCE

Date of 5-Day Notice: 1/20/94
(in accordance with Uniform Rule 23)

DATE TURNED
INTO OFFICE: 2/3/94

HES Committee considered SB 217

"An Act relating to land of the University of Alaska and authorizing the University of Alaska to select additional state public domain land."

and recommends:

replace with _____ CS SB 217 (HES)

- same title
- new title
- technical title change (HB only)

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
Natural Resources	1/25/94		1,051.1

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

Scott Simpson
Loren A. Lehman
Mike Miller

OTHER RECOMMENDATIONS:

Steve King Do Pass
Chair: Signature and Recommendation

DIVISION OF LEGAL SERVICES

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MEMORANDUM

January 29, 1994

SUBJECT: Draft CSSB 217 () (Work Order No. 8-LS0468)

TO: Senator Steve Frank
ATTN: Rick Solie

FROM: Jack Chenoweth
Legislative Counsel



The enclosed draft is based on the instructions you provided early Friday morning. Let me try to walk you through the bill pointing out how I have handled each item.

Item 1 -- Remove reference to "mineral estate" and substitute specific reference to the elements of the subsurface estate that are conveyed: At the end of proposed AS 14.40.365(b), I substitute the exact language--"fossils" included--of the reserved mineral estate from AS 38.05.125(a). (If you wanted to drive the point home, we could, additionally, amend AS 38.05.125(c) to insert a reference to "AS 14.40.365.")

Item 2 -- the University takes the land as a state agency: I think you are already covered by proposed AS 14.40.365(h)(1).

Item 3 -- oil and gas exploration license land: I address this in the revision of proposed AS 14.40.365(d)(2) contained in the bill's section 5 and, in bill section 13, give the provision a contingent effective date.

Item 4 -- disposition of income: Since the committee adopted Senator Sharp's motion to adopt Brian Rogers amendment, I started with that--you'll see it set out as bill section 6--but adapted the language, and also made an "Except as provided in . . ." insert to the second sentence of proposed AS 14.40.365(f).

Item 5 -- municipal land selection: This is addressed in proposed AS 14.40.365(d)(1)(A) and (B), in both section 4 and section 5. I did not prepare language setting a limitation in the number of years that a municipality was given to select under AS 29.65, nor did I set a limitation on the number of years that the University

Senator Steve Frank
January 31, 1994
Page 2

had to select. See if these provisions cover the problems of selections both by the current municipalities and by any newly-incorporated ones.

Item 6 -- the University to cover the costs, probably under reimbursable service agreements, of department handling of selections and conveyances: Is the language of proposed AS 14.40.365(i) sufficient?

I also had a note that reference to "conveyance" in the mental health trust land provision should be expanded to say "designation" and have made that addition in the bill's section 11(1).

You asked me if I couldn't redraft proposed AS 14.40.365(a)(1) to avoid the "is subject to only" language. I have expanded (a)(1) into (a)(1) - (3) and tried to restate the proposition in paragraph (a)(3).

The committee adopted amendments that I prepared at your request, identified as E.1 and E.2, also have been incorporated into the draft.

Is there anything omitted?

JBC:gc
94-067.glc

Enclosure

8-LS0468J
Chenoweth
1/31/94

CS FOR SENATE BILL NO. 217()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS FRANK, Kerttula, Miller, Rieger, Taylor, Sharp

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the University of Alaska and university land, authorizing the
2 University of Alaska to select additional state public domain land, and defining
3 net income from the University of Alaska's endowment trust fund as 'university
4 receipts' subject to prior legislative appropriation; and providing for an effective
5 date."

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

7 * Section 1. FINDINGS AND PURPOSE. The legislature finds that

8 (1) as the beneficiary under the provisions of the Acts of August 30, 1890, and
9 March 4, 1907, designating the Alaska Agricultural College and School of Mines as
10 beneficiary, and of March 4, 1915, 38 Stat. 1214, transferring certain land for its location and
11 support, the University of Alaska is a land grant university;

12 (2) under the Acts of March 4, 1915, 38 Stat. 1214, and January 21, 1929, 45
13 Stat. 1091, the Congress of the United States granted to the Territory of Alaska certain federal

1 land to be held in trust for the benefit of the predecessor of the University of Alaska;

2 (3) the Territory was unable to receive most of the land conveyed by the Act
3 of March 4, 1915, before repeal of that Act by sec. 6(k) of the Alaska Statehood Act (P.L. 85-
4 508, 72 Stat. 339);

5 (4) the Congress of the United States granted the State of Alaska the right to
6 select 102,500,000 acres of federal land under sec. 6(b) of the Alaska Statehood Act;

7 (5) the land selection rights embodied in the Alaska Statehood Act reflect in
8 part congressional recognition that the state would need the land to support its government and
9 programs, and the Congress assumed that the State of Alaska would in turn devote some of
10 the land or the income from it for the use and benefit of the University of Alaska;

11 (6) most land grant colleges in the western United States have obtained a larger
12 land grant from the federal government than the University of Alaska has received;

13 (7) an academically strong and financially secure state university system is a
14 cornerstone to the long-term development of a stable population and to a healthy, diverse
15 economy in the state; and

16 (8) it is in the best interests of the state and the University of Alaska that the
17 university take ownership of a significant and substantial portfolio of income producing land
18 in order to provide income for the support of public higher education in the state.

19 * Sec. 2. AS 14.40.170(a) is amended to read:

20 (a) The Board of Regents shall

21 (1) appoint the president of the university by a majority vote of the
22 whole board, and the president may attend meetings of the board;

23 (2) fix the compensation of the president of the university, all heads of
24 departments, professors, teachers, instructors, and other officers;

25 (3) confer such appropriate degrees as it may determine and prescribe;

26 (4) have the care, control, and management of

27 (A) all the real and personal property of the university; and

28 (B) land

29 (i) conveyed to the Board of Regents by the
30 commissioner of natural resources in the settlement of the claim of the
31 University of Alaska to land granted to the state in accordance with the

1 Act of March 4, 1915 (38 Stat. 1214), as amended, and in accordance
2 with the Act of January 21, 1929 (45 Stat. 1091), as amended; and

3 (ii) selected by the university and conveyed to it by
4 the commissioner of natural resources under AS 14.40.365;

5 (5) keep a correct and easily understood record of the minutes of every
6 meeting and all acts done by it in pursuance of its duties;

7 (6) under procedures to be established by the commissioner of
8 administration, and in accordance with existing procedures for other state agencies,
9 have the care, control, and management of all money of the university and keep a
10 complete record of all money received and disbursed:

11 (7) adopt reasonable rules for the prudent trust management and the
12 long-term financial benefit to the university of the land of the university;

13 (8) provide public notice of sales, leases, exchanges, and transfers of
14 the land of the university or of interests in land of the university;

15 (9) report each year within the first 10 days of the convening of a
16 regular session of the legislature on the expenditures made during the preceding fiscal
17 year from the funds of the University of Alaska that are derived from sales, leases,
18 exchanges, or transfers of the land of the university or of interests in land of the
19 university

20 (A) that were conveyed to the University of Alaska in
21 settlement of the claim of the University of Alaska to land granted to the state
22 in accordance with the Act of March 4, 1915 (38 Stat. 1214), as amended, and
23 in accordance with the Act of January 21, 1929 (45 Stat. 1091), as amended;
24 and

25 (B) that were selected by and conveyed to the university
26 under AS 14.40.365.

27 * Sec. 3. AS 14.40.291 is amended to read:

28 Sec. 14.40.291. LAND OF THE UNIVERSITY OF ALASKA NOT PUBLIC
29 DOMAIN LAND. Notwithstanding any other provision of law, university-grant land,
30 state replacement land that becomes university-grant land on conveyance to the
31 university, land selected by and conveyed to the university under AS 14.40.365, and

1 any other land owned by the University of Alaska is not and may not be treated as
2 state public domain land. Title to or interest in [TO] land described in this section
3 may not be acquired by adverse possession, prescription, or in any other manner except
4 by conveyance from the university. The land is subject to condemnation for public
5 purpose in accordance with law.

6 * Sec. 4. AS 14.40 is amended by adding a new section to read:

7 Sec. 14.40.365. UNIVERSITY LAND FROM STATEHOOD ACT LAND
8 SELECTION CONVEYANCES. (a) The University of Alaska may select and is
9 entitled to receive the conveyance of 1,000,000 acres of land conveyed to the state
10 under sec. 6(b) of the Alaska Statehood Act (P.L. 85-508, 72 Stat. 339) that, on the
11 date of its selection by the university,

12 (1) has not been conveyed or encumbered by the state;

13 (2) has not been reserved by law from the public domain;

14 (3) is not subject to a possessory interest or encumbrance other than

15 (A) a lease other than an oil or gas lease;

16 (B) a timber contract;

17 (C) a mining claim;

18 (D) a sale of materials under AS 38.05.110 - 38.05.120;

19 (E) a land use permit or right-of-way issued by the Department

20 of Natural Resources under AS 38.05;

21 (4) is not necessary to carry out the purpose of an interagency land
22 management agreement; or

23 (5) is not subject to conveyance under a land exchange or land
24 settlement agreement.

25 (b) Notwithstanding AS 38.05.125(a), the transfer of ownership and
26 management of land from the Department of Natural Resources to the Board of
27 Regents of the University of Alaska under this section includes the interest of the state
28 in the oil, gas, coal, ores, minerals, fissionable materials, geothermal resources, and
29 fossils which may be in or on the land.

30 (c) When the University of Alaska selects the land to which it is entitled under
31 this section, unless the commissioner of natural resources determines under (d) of this

1 section that title to the land should not be conveyed, the commissioner of natural
2 resources shall convey title to the land selected.

3 (d) The commissioner of natural resources may not convey title to any land
4 selection made by the university under this section if the commissioner determines that
5 the proposed selection

6 (1) includes land for which, at the time of its selection under this
7 section,

8 (A) a municipality has made a selection under AS 29.65, unless
9 the land selection is, at a later date, rejected by the commissioner of natural
10 resources or relinquished by the municipality; or

11 (B) the commissioner reasonably believes may be selected by
12 a municipality under AS 29.65.030, but the commissioner may not withhold
13 under this subparagraph the conveyance of title to land selected by the
14 university for more than three years after the date of the municipality's
15 incorporation;

16 (2) is not in the best interests of the state; in making a determination
17 under this paragraph as to whether a selection by the university is in the best interests
18 of the state, the commissioner shall consider

19 (A) the interest of the general public in retention of the land in
20 state ownership;

21 (B) ensuring an appropriate diversity in the character of land
22 owned by the state and by the university;

23 (C) the public benefits achieved by conveyance of the land to
24 the university;

25 (D) the probable potential for the development of the land and
26 its resources and the probable income to the university from the conveyance of
27 the land;

28 (E) benefits to the university from the conveyance of the land
29 to it; and

30 (F) the efficiency of the management of the land resulting from
31 the conveyance of the land.

1 (e) The Board of Regents may appeal to the superior court a decision of the
2 commissioner of natural resources not to convey to the university land selected by it
3 under this section.

4 (f) When land is conveyed to the university under this section, the university
5 takes the land subject to any possessory interest held by another person on the
6 effective date of the conveyance. Except as provided in AS 14.40.368, the university
7 is entitled to receive the consideration due under that interest for the duration of the
8 interest.

9 (g) In conveying land to the university under this section, the commissioner
10 of natural resources shall give public notice under AS 38.05.945(b) and (c) and provide
11 for access under AS 38.05.127, but other provisions of AS 38.04 and AS 38.05 do not
12 apply.

13 (h) Land transferred or conveyed to the university under this section

14 (1) is subject to

15 (A) section 6(i) of the Alaska Statehood Act (P.L. 85-508, 72
16 Stat. 339);

17 (B) art. IX of the state constitution;

18 (C) AS 19.10.010; and

19 (D) the rights of the state under former 43 U.S.C. 932 (sec. 8,
20 Act of July 26, 1866, 14 Stat. 253);

21 (2) excludes any interest transferred to the state by quit claim deed
22 dated June 30, 1959, under authority of the Alaska Omnibus Act, P.L. 86-70, 73 Stat.
23 141.

24 (i) The university shall bear all costs of selection and survey of the land that
25 it selects for conveyance under this section and, subject to approval by law, shall
26 reimburse the Department of Natural Resources for the reasonable costs of expenses
27 incurred by that department relating to selection of land and its conveyances, not to
28 exceed \$1,000,000.

29 * Sec. 5. AS 14.40.365(d) is repealed and reenacted to read:

30 (d) The commissioner of natural resources may not convey title to any land
31 selection made by the university under this section if the commissioner determines that

1 the proposed selection

2 (1) includes land for which, at the time of its selection under this
3 section,

4 (A) a municipality has made a selection under AS 29.65, unless
5 the land selection is, at a later date, rejected by the commissioner of natural
6 resources or relinquished by the municipality; or

7 (B) the commissioner reasonably believes the land may be
8 selected by a municipality under AS 29.65.030, but the commissioner may not
9 withhold under this subparagraph the conveyance of title to land selected by the
10 university longer than three years after the date of the municipality's
11 incorporation;

12 (2) includes land that, at the time of its selection under this section, is
13 subject to an oil and gas exploration license, or that the commissioner reasonably
14 believes will be made part of, an oil and gas exploration license issued under
15 AS 38.05.131 - 38.05.134;

16 (3) is not in the best interests of the state; in making a determination
17 under this paragraph as to whether a selection by the university is in the best interests
18 of the state, the commissioner shall consider

19 (A) the interest of the general public in retention of the land in
20 state ownership;

21 (B) ensuring an appropriate diversity in the character of land
22 owned by the state and by the university;

23 (C) the public benefits achieved by conveyance of the land to
24 the university;

25 (D) the probable potential for the development of the land and
26 its resources and the probable income to the university from the conveyance of
27 the land;

28 (E) benefits to the university from the conveyance of the land
29 to it; and

30 (F) the efficiency of the management of the land resulting from
31 the conveyance of the land.

1 * Sec. 6. AS 14.40 is amended by adding a new section to read:

2 Sec. 14.40.368. DISPOSITION OF INCOME FROM EXISTING
3 ENCUMBRANCES. The state is entitled to receive the income from land selected by
4 and conveyed to the University of Alaska under AS 14.40.365 that is subject to a
5 lease, contract, claim, sale, permit, or right-of-way identified in AS 14.40.365(a)(3) for
6 the duration of the term of the lease, contract, claim, sale, permit, or right-of-way, and
7 during any renewal of it that is authorized by the lease, contract, claim, sale, permit,
8 or right-of-way, or by law. The equitable title to the land selected vests with the
9 University of Alaska only upon conclusion of the term of the lease, contract, claim,
10 sale, permit, or right-of-way, and any renewal authorized by law.

11 * Sec. 7. AS 14.40.400(a) is amended to read:

12 (a) The Department of Revenue shall establish a separate endowment trust
13 fund in which all net income derived from the sale or lease of the land granted under
14 the Act of Congress approved January 21, 1929, and the land selected by and
15 conveyed to the university under AS 14.40.365, and in which all monetary gifts,
16 bequests, or endowments made to the University of Alaska for the purpose of the fund,
17 shall be held in trust.

18 * Sec. 8. AS 14.40.400(e) is amended to read:

19 (e) Subject to legislative appropriation, the [THE] Department of
20 Administration shall disburse the net income from the trust fund upon vouchers
21 approved by the president and treasurer of the University of Alaska specifying the
22 purpose for which the money is to be used and showing it is to be used in conformity
23 with this section.

24 * Sec. 9. AS 14.40.491 is amended to read:

25 Sec. 14.40.491. DEFINITION OF UNIVERSITY RECEIPTS. In AS 14.40.120
26 - 14.40.491, "university receipts" includes
27 (1) student fees, including tuition;
28 (2) receipts from university auxiliary services;
29 (3) recovery of indirect costs of university activities;
30 (4) the net income of the trust fund established in AS 14.40.400 and
31 receipts from sales and rentals of university property;

- 1 (5) federal receipts;
2 (5) gifts, grants, and contracts; and
3 (7) receipts from sales, rentals, and the provision of services of
4 educational activities.

5 * Sec. 10. AS 29.45.030(a) is amended to read:

6 (a) The following property is exempt from general taxation:

7 (1) municipal property, including property held by a public corporation
8 of a municipality, or state property, except that

9 (A) a private leasehold, contract, or other interest in the
10 property is taxable to the extent of the interest;

11 (B) notwithstanding any other provision of law, property
12 acquired by an agency, corporation, or other entity of the state through
13 foreclosure or deed in lieu of foreclosure and retained as an investment of a
14 state entity is taxable; this subparagraph does not apply to federal land granted
15 to the University of Alaska under AS 14.40.380 or 14.40.390, or to other land
16 granted to the university by the state to replace land that had been granted
17 under AS 14.40.380 or 14.40.390, or to land conveyed by the state to the
18 university under AS 14.40.365;

19 (C) an ownership interest of a municipality in real property
20 located outside the municipality acquired after December 31, 1990, is taxable
21 by another municipality; however, a borough may not tax an interest in real
22 property located in the borough and owned by a city in that borough;

23 (2) household furniture and personal effects of members of a
24 household;

25 (3) property used exclusively for nonprofit religious, charitable,
26 cemetery, hospital, or educational purposes;

27 (4) property of a nonbusiness organization composed entirely of persons
28 with 90 days or more of active service in the armed forces of the United States whose
29 conditions of service and separation were other than dishonorable, or the property of
30 an auxiliary of that organization;

31 (5) money on deposit;

1 (6) the real property of certain residents of the state to the extent and
2 subject to the conditions provided in (e) of this section;

3 (7) real property or an interest in real property that is exempt from
4 taxation under 43 U.S.C. 1620(d), as amended;

5 (8) property of a political subdivision, agency, corporation, or other
6 entity of the United States to the extent required by federal law; except that a private
7 leasehold, contract, or other interest in the property is taxable to the extent of that
8 interest;

9 (9) natural resources in place including coal, ore bodies, mineral
10 deposits, and other proven and unproven deposits of valuable materials laid down by
11 natural processes, unharvested aquatic plants and animals, and timber.

12 * Sec. 11. APPLICABILITY OF UNIVERSITY SELECTION RIGHTS UNDER
13 AS 14.40.365 TO LAND. In addition to the land that, under AS 14.40.365(d), the
14 commissioner of natural resources may not convey to the University of Alaska, the
15 commissioner of natural resources may not convey land that, at the time of its selection by
16 the university,

17 (1) is subject to designation for conveyance or conveyance to the Alaska
18 Mental Health Trust Authority under sec. 54, ch. 66, SLA 1991;

19 (2) is land that the commissioner of natural resources reasonably believes
20 should be designated for conveyance or conveyed to the Alaska Mental Health Trust Authority
21 under sec. 55, ch. 66, SLA 1991, as compensation to that trust for original mental health trust
22 land not available for return to the corpus of the trust; or

23 (3) is land described in sec. 56, ch. 66, SLA 1991, as listed in "Lands
24 Hypothecated to the Mental Health Trust, May 1991" located in the office of the director of
25 the division of lands, Department of Natural Resources, in Anchorage, Alaska, that has been
26 hypothecated to secure reconstitution of the mental health trust; however, as the reconstitution
27 of the mental health trust is accomplished and the hypothecated land is released on a pro rata
28 basis, the University of Alaska may select the land and the commissioner may convey it.

29 * Sec. 12. LEGISLATIVE INTENT. It is the intent of the legislature that, if sec. 11 of
30 this Act takes effect after the effective date of secs. 1 - 4 and 6 - 10 of this Act, the
31 commissioner of natural resources reject, as inconsistent with the best interests of the state,

1 selections of land by the University of Alaska under AS 14.40.365, added by sec. 4 of this
2 Act, of land described in sec. 11 of this Act.

3 * Sec. 13. Section 5 of this Act takes effect on the effective date of a version of House Bill
4 199 or Senate Bill 150 of the Eighteenth Alaska Legislature authorizing oil and gas
5 exploration licensing on state land.

6 * Sec. 14. Section 11 of this Act takes effect on the effective date of ch. 66, SLA 1991.

DIVISION OF LEGAL SERVICES

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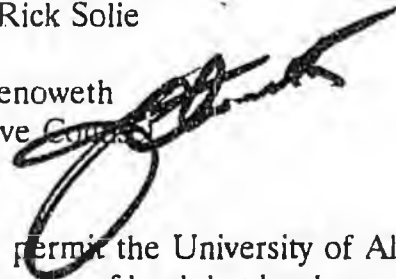
MEMORANDUM

January 21, 1994

SUBJECT: Senate Bill 217 -- Sectional analysis (Work Order No. 8-LS0468\E)

TO: Senator Steve Frank
ATTN: Rick Solie

FROM: Jack Chenoweth
Legislative Council



The measure proposes (1) to permit the University of Alaska to select and receive the conveyance of one million acres of land that has been selected by the state under the provisions of section 6(b) of the Alaska Statehood Act and (2) to hold the land selected in trust as part of the University endowment.

Specifically--

Bill section 4, proposing a new section, AS 14.40.365, would authorize selection of, and conveyance of, state land by the University:

-- Subsection (a) sets the total amount of land the University may select and describes the kind of land that is available to the University to complete its selection, tying the description of the kind of land that may be selected to its status on the date the land is selected.

-- Subsection (b) sets aside the effect of AS 38.05.125(a) to allow the state to pass the mineral estate in the land selected to the University.

-- Subsection (c) mandates conveyance of University selections "unless the commissioner [of natural resources] determines under [subsection (d)] that the title should not be conveyed," but places all costs of survey of the land on the University.

-- Subsection (d) precludes the commissioner of natural resources from conveying land if the conveyance of the proposed selection is not in the state's best interests, and identifies six factors that the commissioner is to consider.

-- Subsection (e) authorizes appeals to the courts of a decision by the commissioner under (d) not to convey land.

-- Subsection (f) declares that the University takes land conveyed to it subject to any outstanding possessory interest--any outstanding interest in the party held or asserted by a third party--but gives to the University the right to any consideration otherwise due the state for that possessory interest from date of conveyance to termination of the possessory interest.

-- Subsection (g), applicable to the land conveyances, imposes on the commissioner of natural resources the duty to provide notice and allow access.

-- Subsection (h) subjects the land that is transferred or conveyed to the University to certain laws:

-- section 6(i) of the Statehood Act, reserving to the state--under subsection (b), presumably to the University the mineral estate;

-- article IX of the state constitution, addressing, generally, matters of finance and taxation;

-- AS 19.10.010, a provision relating to the reservation of state land for public highway purposes; and

-- the rights of the state under former 43 U.S.C. 932--more commonly known as RS 2477, rights-of-way over unreserved public land for public highway construction;

but it excludes from selection by and conveyance to the University certain lands obtained by the state under the Alaska Omnibus Act, P.L. 96-70.

Bill section 2 amends AS 14.40.170(a) to add to the duties of the Board of Regents responsibility for the land selected and conveyed to the University under AS 14.40.365, and requires the Regents to include within their required annual report a discussion of the earnings of that land.

Bill section 3 adds "land selected by and conveyed to the University [of Alaska] under AS 14.40.365" as land that is not to be treated as part of the state public domain land.

Bill section 5: A key provision, this amendment of AS 14.40.400(a) amends the provision that directs the University to establish an endowment trust fund for land conveyed to it under the 1929 grant to the Territory of Alaska for the benefit of the University to require deposit into the trust the land selected by the University and conveyed by the state under AS 14.40.365. The land selections made under bill section 4 would be managed under applicable trust principles.

Senator Steve Frank
January 21, 1994
Page 3

Bill section 6: This amendment of AS 29.45.030(a) would extend to the land selected by the University and conveyed to it under AS 14.40.365 the exemption from municipal taxation that is provided to other land granted by the federal or state governments to the University for land grant purposes, by extending to this selected land the exception to an exemption of state land held for purposes of investment.

Bill section 1 incorporates into proposed findings and a statement of purpose a brief statement of the history of University land transactions and a justification for this measure.

JBC:mi
94-009.mai

Alaska State Legislature

Legislative Research Agency



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December 7, 1992

MEMORANDUM

TO: Senator Steve Frank

FROM: Christine M. Cheff *CWC*
Legislative Analyst

RE: Land Endowments to United States Land Grant Colleges and Universities
Research Request 93.033

You asked for information about land endowments made to colleges and universities in the United States. Specifically, you wanted to know how much land was given to the institutions by state and federal governments, what restrictions applied to those lands, and the lands selection methods employed by each state.

Under the Morrill Act of 1862, each state was entitled to receive a grant for public lands, the income from which would provide the financial base of operation for at least one college or university (Attachment A).¹ The purpose of the act was to "promote the liberal and practical education of the industrial classes in the several pursuits and professions in life." We found many sources of historical information concerning the Morrill Act itself, but were unable to find any comprehensive information about the individual state grants.² The Bureau of Land Management (BLM) did provide some approximate figures on the amount of land received by each state (Attachment B).³ Because the results of the initial research were unsatisfactory, we consulted with your staff and agreed to conduct

¹The Morrill Act did not limit states to the establishment of just one land grant school; however, the "Second Morrill Act" of 1890 specifically authorized states to split original land grant funds so that agricultural schools for "colored students" could be established. Additional federal funds, rather than lands, were provided for those schools.

²We contacted the following: Association of American Colleges, National Agricultural Library, National Association of State Universities and Land Grant Colleges, United States Department of Education and United States Department of Interior.

³The figures are approximate because they are described in a table as, grants made to "other schools." June Wrona, BLM public affairs officer in Washington, D.C., believes the figures are principally reflective of university lands granted. They do not include lands for the public or "common schools" of grades K-12.

Senator Frank
December 7, 1992
Page 2

separate state surveys concerning the following geographically representative land grant schools: Colorado State University, Cornell University (New York), the University of Kentucky, Michigan State University, the University of Nevada, South Carolina State College, Washington State University and the University of Wyoming.

Brief summaries of the Morrill Act's general provisions and restrictions, and of the state survey results, are provided below.

The Morrill Act of 1862

With passage of the Morrill Act, all of the states were granted the right to select specific amounts of public land within their borders for purposes of establishing university endowments. Individual grants were equal to 30,000 acres for each of a state's congressional representatives and senators. If a state had no available public lands, as was the case in most eastern states, it received government scrip in an amount equivalent to the land entitlement.⁴ The intention was for the states to sell the land or the scrip and to assign the proceeds for the operation of designated "land grant" institutions. Legislative action was required of any state wishing to accept a grant.⁵ Included in that acceptance was an agreement to abide by the following provisions of the Act:

- no mineral lands could be selected or purchased;
- no more than one million total acres of land scrip purchases could be made in any single state;
- all proceeds from the sale of land or scrip were to be invested and the principal "forever remain unimpaired";
- interest on the principal was to be used for the endowment, support and maintenance of a college "where the leading object shall be . . . to teach such branches of learning as are related to agriculture and the mechanic arts . . ."; and
- no portion of the fund or the interest was to be used for the purchase, erection, preservation, or repair of any building or buildings.

⁴The scrip was paper proof of a state's entitlement to a certain number of acres of public land.

⁵Under the original act, state legislatures had two years from the date the Morrill Act was approved by the president to accept its provisions. An 1866 amendment extended that time to three years from the date the act passed, and new states were allowed three years from the date of their admission into the Union.

Senator Frank
December 7, 1992
Page 3

Twenty-seven states received scrip instead of land, but most of them quickly sold it. They were primarily motivated by the need to establish support endowment for the new schools. The market was so flooded with scrip that its value dropped from \$1.25 to as low as \$0.42 an acre. Not surprisingly, a few individuals ended up owning the majority of the scrip that had been issued.⁶ Historians seem to agree that, with the exception of New York, states east of the Mississippi did not make enough profit from either the land or the scrip to adequately endow their universities.

State Survey Results

The purpose of this survey was to obtain specific information about the university lands selection process employed in eight states and to determine if the states had made any additional grants of land to their universities. We made telephone calls to the land grant schools and government agencies in Colorado, Kentucky, Michigan, Nevada, New York, South Carolina, Washington and Wyoming. Our contacts included university administrators and librarians, state librarians and archivists, land commissioners, and departments of natural resources staff.

Despite talking with such a wide range of people, we obtained a surprisingly small amount of additional information. With the exception of four states, all of the university land grants were settled before the turn of this century.⁷ Gaining access to that historical information apparently requires considerable research effort. No information about state lands that may have been added to the original federal grants was available from the agencies we contacted.

Books written about the Cornell University and Michigan State University grants indicate that at the time of the Morrill Act the competition for land was strong among the settlers, railroads and speculators. By the time the universities began their selection, most of the prime land was gone. Michigan and New York were able, however, to realize some success from their grants.

In 1863 the Michigan legislature established an agricultural land grant board to control and manage the selection, care and disposal of its 240,000 acre grant. The original plan was to select land based on its agricultural potential, rather than for its timber. The board reasoned that if a forest was destroyed by fire, the value of the land would be depreciated. That logic was not exclusively

⁶Paul Wallace Gates, *The Wisconsin Pine Lands of Cornell University*, (The State Historical Society of Wisconsin, 1943).

⁷Alaska, Arizona, Hawaii and Oklahoma.

Senator Frank
December 7, 1992
Page 4

applied and a large amount of timber land was selected. Because of conservative management practices, Michigan still had 50,000 unsold acres as late as 1927.⁸

Two of the states in our survey received their grants in scrip. Kentucky sold its 330,000 scrip acres at a loss, for \$0.50 an acre. On the other hand, all of New York's 989,920 acres of scrip was purchased by one man, Ezra Cornell. He had secured the charter for Cornell University and was determined to secure its future as well. With the scrip, he bought available public lands in Wisconsin, Kansas and Minnesota. Those lands eventually produced five million dollars in profit for the university's endowment.⁹

I hope this information will be useful. Please call if we can be of further assistance on this or any other matter.

Attachments

⁸Herbert Andrew Berg, *The State of Michigan and The Morrill Land Grant College Act of 1862*, Michigan State University, 1965.

⁹*The Wisconsin Pine Lands of Cornell University*, 242 - 243.

ATTACHMENT A
The Morrill Act of July 2, 1862
Land-Grant Colleges and Universities, 1862-1962

Section III

Federal Laws and Rulings

Federal Laws and Rulings Relating to Federal Funds for Instruction for Land-Grant Colleges and Universities

FROM THE passage of the Morrill Act in 1862 to July 1, 1939, Federal funds for instruction in the land-grant colleges and universities were administered by the Department of the Interior.

From July 1, 1939 to April 11, 1953, these funds were administered through the Federal Security Agency. Under provisions of the act approved April 1, 1953 (67 Stat., 5 U.S.C. 623), known as the Reorganization Plan I of 1953, the Federal Security Agency was abolished and the Department of Health, Education, and Welfare was created. All functions of the Federal Security Administrator were transferred to the Secretary of Health, Education, and Welfare, and all components of the Agency to the new department. Hence, the legal authority for the administration of the Morrill Act of 1862 and its several amendments and supplements appropriating funds for instruction in the land-grant colleges rests with the Secretary of Health, Education, and Welfare. Apart from the certification of grants, the Secretary exercises this authority through the U.S. Commissioner of Education and the Assistant Commissioner for Higher Education.

Act of July 2, 1862 (First Morrill Act)

[Providing for the Endowment, Support and Maintenance of Colleges of Agriculture and Mechanic Arts]

[AN ACT Donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts]

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there be granted to the several States, for the purposes hereinafter mentioned, an amount of public land, to be apportioned to each State a quantity equal to thirty thousand acres for each Senator and Representative in Congress to which the States are respectively entitled by the apportionment under the census of 1860; Provided, That no mineral lands shall be selected or purchased under the provisions of this act.

Sec. 2. And be it further enacted, That the land aforesaid, after being surveyed, shall be apportioned to the several States in sections or subdivisions of sections, not less than one-quarter of a section; and wherever there are public lands in a State, subject to sale at private entry at one dollar and twenty-five cents per acre, the quantity to which said State shall be entitled shall be selected from such lands, within the limits of such State; and the Secretary of the Interior is hereby directed to issue to each of the States, in which there is not the quantity of public lands subject to sale at private entry, at one dollar and twenty-five cents per acre, to which said State may be entitled under the provisions of this act, land scrip to the amount in acres for the deficiency of its distributive share; said scrip to be sold by said States, and the proceeds thereof applied to the uses and purposes prescribed in this act, and for no other purpose whatsoever: Provided, That in no case shall any State to which land scrip may thus be issued be allowed to locate the same within the limits of any other State, or of any territory of the United States; but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States subject to sale at private entry, at one dollar and twenty-five cents, or less, an acre: And provided further, That not more than one million acres shall be located by such assignees in any one of the States: And provided further, That no such location shall be made before one year from the passage of this act.

Sec. 3. And be it further enacted, That all the expenses of management, superintendence, and taxes from date of selection of said lands, previous to their sales, and all expenses incurred in the management and disbursement of moneys which may be received therefrom, shall be paid by the States to which they may belong, out of the treasury of said States, so that the entire proceeds of the sale of said lands shall be applied, without any diminution whatever, to the purposes hereinafter mentioned.

Sec. 4 (as amended April 13, 1926, 44 Stat. 1, 217). That all moneys derived from the sale of lands aforesaid by the States to which lands are apportioned and from the sales of land scrip heretofore provided for shall be invested in bonds of the United States or of the States or some other safe bonds; or the same may be invested by the States having no State bonds in any manner after the legislatures of such States shall have assented thereto and engaged that such funds shall yield a fair and reasonable rate of return, to be fixed by the State legislatures, and that the principal thereof shall forever remain unimpaired: Provided, That the moneys so invested or loaned shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section 5 of this act), and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

Sec. 5. And be it further enacted, That the grant of land and land scrip hereby authorized shall be made on the following conditions, to which, no

well as to the provisions heretofore contained, the previous assent of the several States shall be signified by legislative acts:

First. If any portion of the fund invested, as provided by the foregoing section, or any portion of the interest thereon, shall, by any action or contingency, be diminished or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished; and the annual interest shall be regularly applied without diminution to the purposes mentioned in the fourth section of this act, except that a sum, not exceeding 10 per centum upon the amount received by any State under the provisions of this act, may be expended for the purchase of land for sites or experimental farms, whenever authorized by the respective legislatures of said States;

Second. No portion of said fund, nor the interest thereon, shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings;

Third. Any State which may take and claim the benefit of the provisions of this act shall provide, within five years, at least not less than one college, as prescribed in the fourth section of this act, or the grant to such State shall cease; and said State shall be bound to pay the United States the amount received of any lands previously sold, and that the title to purchasers under the State shall be valid;

Fourth. An annual report shall be made regarding the progress of each college, recording any improvements and experiments made, with their costs and results, and such other matters, including State industrial and economical statistics, as may be supposed useful; one copy of which shall be transmitted by mail free, by each, to all the other colleges which may be endowed under the provisions of this act, and also one copy to the Secretary of the Interior;

Fifth. When lands shall be selected from those which have been raised to double the minimum price in consequence of railroad grants, they shall be computed to the States at the maximum price, and the number of acres proportionally diminished;

Sixth. No State, while in a condition of rebellion or insurrection against the Government of the United States, shall be entitled to the benefit of this act;

Seventh. No State shall be entitled to the benefits of this act unless it shall express its acceptance thereof by its legislature within two years from the date of its approval by the President.

Sec. 6. *And be it further enacted,* That land scrip issued under the provisions of this act shall not be subject to location until after the first day of January, 1863.

Sec. 7. *And be it further enacted,* That land officers shall receive the same fees for locating land scrip issued under the provisions of this act as is now allowed for the location of military bounty land warrants under existing laws: *Provided,* That maximum compensation shall not be thereby increased.

Sec. 8. *And be it further enacted,* That the governors of the several States to which scrip shall be issued under this act shall be required to report annually to Congress all sales made of such scrip until the whole shall be disposed of, the amount received for the same, and what appropriation has been made of the proceeds.

Act of 1866 Amending First Morrill Act

[Providing for the Extension of Time Within Which States May Accept Provisions of First Morrill Act]

AN ACT To amend the fifth section of an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, so as to extend the time within which the provisions of said act shall be accepted and such colleges established.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time in which the several States may comply with the provisions of the act of July second, eighteen hundred and sixty-two, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," is hereby extended so that the acceptance of the benefits of the said act may be expressed within three years from the passage of this act, and the colleges required by the said act may be provided within five years from the date of the filing of such acceptance with the Commissioner of the General Land Office: *Provided,* That when any Territory shall become a State and be admitted into the Union such new States shall be entitled to the benefits of the said act of July second, eighteen hundred and sixty-two, by expressing the acceptance therein required within three years from the date of its admission into the Union, and providing the college or colleges within five years after such acceptance, as prescribed in this act: *Provided further,* That any State which has heretofore expressed its acceptance of the act herein referred to shall have the period of five years within which to provide at least one college as described in the fourth section of said act, after the time for providing said college, according to the act of July second, eighteen hundred and sixty-two, shall have expired.

Approved, July 23, 1866. (14 Stat. 208.)

Digest of Rulings and Opinions on Act of July 2, 1862

Accounting and reports.—"Accounts should be kept by the proper officers" of all the States having grants "showing all the facts relating to the sale and leasing of lands granted for agricultural colleges, and the receipt, investment, and disposition of the proceeds arising from such sales and leases; and such officers should, when called on to do so, timely report such facts to the Secretary of the Interior or permit an ascertainment of such facts through inspection and examination of their records by some officer of the Government or other person designated by the Secretary of the Interior for that purpose."

The representatives of the Office of Education or some other officer designated by the Secretary of the Interior should, through reports from the officers of each of the States, or otherwise, from time to time as the occasion may require, ascertain all facts and conditions tending to show the manner in which the funds arising from the lands granted for agricultural colleges are being handled, invested, and disposed of; or furnish a full statement thereof to the Secretary of the Interior.—*Rulings approved by the Secretary of the Interior, October 11, 1923.*

In order that the Department of the Interior through the Commissioner of Education may be able to ascertain whether or not the States are complying with the provisions of the act of 1862, the institutions receiving the benefit of that act are required to submit a statement of the disbursements of the annual income received by them under said act.—*Ruling of Secretary of the Interior, July 11, 1930.*

Division of fund.—"A State may by appropriate legislation divide the original 1862 land-grant fund into two parts and provide that the interest of each part shall be available to a particular college and vest in such college, as an agency of the State, the duty of investing its particular part of the funds in bonds of the United States or of the State or some other safe bonds, the determination of the safety of which is to rest with the college."—*Ruling of Secretary of the Interior, September 15, 1935.*

Income and its use.—"The income" from the 1862 land grant endowment "is not a fiscal year or limited fund. It must remain forever at the disposal of the institution entitled to the benefit of the fund. Nor may it ever be covered into the general State funds or used for general State purposes. There can be no default to the State by the institution."

"Proceeds from rentals, sale of timber rights, water rights, and other privileges, and interest on deferred payments of purchase money partake of the same character as the income from invested funds, and must be devoted, without diminution, to the purposes" of the act.

"The only restriction placed by the act of Congress of July 2, 1862, upon the expenditures of the income derived from the sale of public lands granted for the endowment of colleges of agriculture and the mechanic arts and the investment of the purchase money is that no part of such income may be expended for the purchase, erection, preservation, or repair of any building or buildings, nor may this income be used for the purchase of land."—*Rulings of Secretary of the Interior, May 23, 1916.*

Instruction for women students.—Instruction in the industries for women is included in instruction in agriculture and mechanic arts.—*Ruling of Secretary of the Interior, May 23, 1916.*

Military tactics.—An agricultural college which offers a proper, substantial course in military tactics complies sufficiently with the requirements as to military tactics in the act of July 2, 1862, and the other acts, even though the students at that institution are not compelled to take that course.—*Opinion of Attorney General, June 30, 1930.*

Default of act of 1862.—The act of 1890 (26 Stat. 417) with the amendment of 1907 (34 Stat. 1251) is supplementary to the act of 1862; therefore any default of the provisions of the act of 1862 renders the State liable for non-certification for the annual installments of the funds appropriated by the acts of 1890 and 1907.—*Ruling of Secretary of the Interior, May 23, 1916.*

Act of August 30, 1890 (Second Morrill Act)

[Providing for the Further Endowment and Support of Colleges of Agriculture and Mechanic Arts]

[AN ACT To apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July second, eighteen hundred and sixty-two]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, arising from the sale of public lands, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts now established, or which may be hereafter established, in accordance with an act of Congress approved July second, eighteen hundred and sixty-two, the sum of fifteen thousand dollars for the year ending June thirtieth, eighteen hundred and ninety, and an annual increase of the amount of such appropriation hereafter for ten years by an additional sum of one thousand dollars over the preceding year, and the annual amount of be paid thereafter to each State and Territory shall be twenty-five thousand dollars to be applied only to instruction in agriculture, the mechanic arts, the English language and the various branches of mathematical, physical, natural, and economic science, with special reference to their applications in the industries of life, and to the facilities for such instruction: *Provided,* That no money shall be paid out under this act to any State or Territory for the support and maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be a compliance with the provisions of this act if the funds received in such State or Territory be equitably divided as hereinafter set forth: *Provided,* That in any State in which there has been one college established in pursuance of the act of July second, eighteen hundred and sixty-two, and also in which an educational institution of like character has been established, or may be hereafter established, and is now aided by such State from its own revenue, for the education of colored students in agriculture and the mechanic arts, however named or styled, or whether or not it has received money heretofore under the act to which this act is an amendment, the legislature of such a State may propose and report to the Secretary of the Interior a just and equitable division of the fund to be received under this act between one college for white students and one institution for colored students established as aforesaid, which shall be divided into two parts and paid accordingly, and thereupon such institution for colored students shall be entitled to the benefits of this act and subject to its provisions, as much as it would have been if it had been included under the act of eighteen hundred and sixty-two, and the fulfillment of the foregoing provisions shall be taken as a compliance with the provision in reference to separate colleges for white and colored students.

SEC. 2. That the sums hereby appropriated to the States and Territories for the further endowment and support of colleges shall be annually paid on or before the thirty-first day of July of each year, by the Secretary of the Treasury, upon the warrant of the Secretary of the Interior, out of the Treasury of the United States, to the State or Territorial treasurer, or to such officer as shall be designated by the laws of such State or Territory to receive the same, who shall, upon the order of the trustees of the college, or the institution for colored students, immediately pay over said sums to the treasurers of the respective colleges or other institutions entitled to receive the same, and such treasurer² shall be required to report to the Secretary of Agriculture and to the Secretary of the Interior, on or before the first day of September of each year, a detailed statement of the amount so received and of its disbursement. The grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purpose of said grants: *Provided*, That payments of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury.

SEC. 3. That if any portion of the moneys received by the designated officer of the State or Territory for the further and more complete endowment, support, and maintenance of colleges, or of institutions for colored students, as provided in this act, shall, by any action or contingency, be diminished or lost, or be misapplied, it shall be replaced by the State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be appropriated or paid to such State or Territory; and no portion of said moneys shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings. An annual report by the president of each of said colleges shall be made to the Secretary of Agriculture, as well as to the Secretary of the Interior, regarding the condition and progress of each college, including statistical information in relation to its receipts and expenditures, its library, the number of its students and professors, and also as to any improvements and experiments made under the direction of any experiment stations attached to said colleges, with their costs and results, and such other industrial and economical statistics as may be regarded as useful, one copy of which shall be transmitted by mail free to all other colleges further endowed under this act.

SEC. 4. That on or before the first day of July in each year, after the passage of this act, the Secretary of the Interior shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is entitled to receive its share of the annual appropriation for colleges, or of institutions for colored students, under this act, and the amount which thereupon each is entitled, respectively, to receive: If the Secretary of the Interior shall withhold a certificate from any State or Territory of its appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the close of the next Congress, in order that the State or Territory may, if it should so desire, appeal to Congress from the determination of the Secretary of the Interior. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury. And the Secretary of the Interior is hereby charged with the proper administration of this law.

²Treasurers of the respective colleges, not State treasurers. (Hullug Oct. 10, 1917.)

SEC. 5. That the Secretary of the Interior shall annually report to Congress the disbursements which have been made in all the States and Territories, and also whether the appropriation of any State or Territory has been withheld, and if so, the reasons therefor.

SEC. 6. Congress may at any time amend, suspend, or repeal any or all of the provisions of this act.

Approved, August 30, 1890. (20 Stat. 417.)

Nelson Amendment of March 4, 1907

[Providing for the More Complete Endowment and Maintenance of Land-Grant Colleges]

[Extract from an act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eight]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided to each State and Territory for the more complete endowment and maintenance of agricultural colleges now established, or which may hereafter be established in accordance with the act of Congress approved July second, eighteen hundred and sixty-two, and the act of Congress approved August thirtieth, eighteen hundred and ninety, the sum of five thousand dollars, in addition to the sum named in said act for the fiscal year ending June thirtieth, nineteen hundred and eight, and an annual increase of the amount of such appropriation thereafter for four years by an additional sum of five thousand dollars over the preceding year, and the annual sum to be paid thereafter to each State and Territory shall be fifty thousand dollars, to be applied only for the purposes of the agricultural colleges as defined and limited in the act of Congress approved July second, eighteen hundred and sixty-two, and the act of Congress approved August thirtieth, eighteen hundred and ninety.

That the sum hereby appropriated to the States and Territories for the further endowment and support of the colleges shall be paid by, to, and in the manner prescribed by the act of Congress approved August thirtieth, eighteen hundred and ninety, entitled "An act to apply a portion of the proceeds of the public land to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of the act of Congress approved July second, eighteen hundred and sixty-two," and the expenditure of the said money shall be governed in all respects by the provisions of the said act of Congress approved July second, eighteen hundred and sixty-two, and the said act of Congress approved August thirtieth, eighteen hundred and ninety: *Provided*, That said colleges may use a portion of this money for providing courses for the special preparation of instructors for teaching the elements of agriculture and the mechanic arts.

Approved, March 4, 1907. (31 Stat. L. 1281.)

ATTACHMENT B
United States Public Land Grants
Agricultural Colleges

UNITED STATES PUBLIC LAND GRANTS
AGRICULTURAL COLLEGES*

Alabama	383,785	Maine	210,000	Oklahoma	1,050,000
Alaska	112,084	Maryland	210,000	Oregon	136,165
Arizona	849,197	Massachusetts	360,000	Pennsylvania	780,000
Arkansas	196,080	Michigan	286,080	Rhode Island	120,000
California	196,080	Minnesota	212,160	South Carolina	180,000
Colorado	138,040	Mississippi	348,240	South Dakota	366,080
Connecticut	180,000	Missouri	376,080	Tennessee	300,000
Delaware	90,000	Montana	388,721	Texas	180,000
Florida	182,160	Nebraska	136,080	Utah	556,141
Georgia	270,000	Nevada	136,080	Vermont	150,000
Idaho	386,686	New Hampshire	150,000	Virginia	300,000
Illinois	526,080	New Jersey	210,000	Washington	336,080
Indiana	436,080	New Mexico	1,346,540	West Virginia	150,000
Iowa	286,080	New York	990,000	Wisconsin	332,160
Kansas	151,270	North Carolina	270,000	Wyoming	136,800
Kentucky	330,000	North Dakota	336,080		
Louisiana	256,292	Ohio	699,120		

* The figures are approximate. They were obtained from the Bureau of Land Management, Public Affairs, Washington, D.C. (Public Land Statistics, Table 4 "Other Schools," U.S. Department of Interior, 1985).

We are unable to account for the fact that the amounts of land received by some western states are significantly disproportionate to entitlements allotted under the Morrill Act formula.

Prepared by the Legislative Research Agency, December 1992 (93.033).

DIVISION OF LEGAL SERVICES

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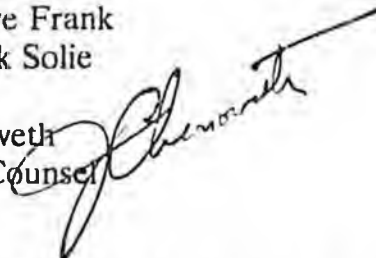
MEMORANDUM

September 25, 1992

SUBJECT: Federal Acts cited in SB 476

TO: Senator Steve Frank
ATTN: Rick Solie

FROM: Jack Chenoweth
Legislative Counsel



Per your request, enclosed are copies of each of the following, all of which are cited in SB 476 (17th Legislature):

-- the Act of August 30, 1890, relating to the use of public lands for the support of colleges for the benefit of agriculture;

-- the Act of March 4, 1915, reserving land in the Territory of Alaska for educational purposes; and

-- the Act of January 21, 1929, making an additional grant of land for the Agricultural College and School of Mines in the Territory of Alaska.

The Senate Bill also cites an "Act of March 4, 1906." I drew this reference from existing AS 14.40.380. There is no such federal Act. Instead, I did find reference to an "Act of March 4, 1907"--in fact, there are a slew of Acts of that date. After quickly reviewing them all, I conclude that the reference should be to the one designated "Chap. 2907" and particularly to that portion that mentions "agricultural experiment stations in Alaska," as highlighted.

As you can readily see, the 1915 and 1929 Acts are the critical ones.

JBC:gc
92-485.glc

Enclosures

infectious or contagious diseases, he may, by proclamation, suspend the importation of all or any class of animals for a limited time, and may change, modify, revoke, or renew such proclamation, as the public good may require; and during the time of such suspension the importation of any such animals shall be unlawful.

SEC. 10. That the Secretary of Agriculture shall cause careful inspection to be made by a suitable officer of all imported animals described in this act, to ascertain whether such animals are infected with contagious diseases or have been exposed to infection so as to be dangerous to other animals, which shall then either be placed in quarantine or dealt with according to the regulations of the Secretary of Agriculture; and all food, litter, manure, clothing, utensils, and other appliances that have been so related to such animals on board ship as to be judged liable to convey infection shall be dealt with according to the regulations of the Secretary of Agriculture; and the Secretary of Agriculture may cause inspection to be made of all animals described in this act intended for exportation, and provide for the disinfection of all vessels engaged in the transportation thereof, and of all barges or other vessels used in the conveyance of such animals intended for export to the ocean steamer or other vessels, and of all attendants and their clothing, and of all head-ropes and other appliances used in such exportation, by such orders and regulations as he may prescribe; and if, upon such inspection, any such animals shall be adjudged, under the regulations of the Secretary of Agriculture, to be infected or to have been exposed to infection so as to be dangerous to other animals, they shall not be allowed to be placed upon any vessel for exportation; the expense of all the inspection and disinfection provided for in this section to be borne by the owners of the vessels on which such animals are exported.

Approved, August 30, 1890

Modifications, etc.
 Importation, etc., unlawful.
 Inspection of all imported animals, etc., to be made.
 Disposal of animals etc., by regulations of Secretary of Agriculture.
 Inspection of animals intended for export.
 Disinfection of vessels, etc.
 Infected or exposed animals not allowed to embark.
 Cost of inspection and disinfection.

CHAP. 840.—An act to establish a fog-signal at or near the Cuckolds Island, at the entrance to Boothbay Harbor, otherwise known as Townsend Harbor, Maine.

August 30, 1890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to establish a fog-signal at or near Cuckolds Island, at the entrance of Boothbay Harbor, otherwise known as Townsend Harbor, Maine, at a cost not exceeding twenty-five thousand dollars, including the cost of the site.

Cuckolds Island, Boothbay (Townsend) Harbor, Me.
 Establishing fog-signal at.
 Cost.

Approved, August 30, 1890.

CHAP. 841.—An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July second, eighteen hundred and sixty-two.

August 30, 1890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, arising from the sales of public lands, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts now established, or which may be hereafter established, in accordance with an act of Congress approved July second, eighteen hundred and sixty-two,

Public lands proceeds.
 Agricultural, etc., colleges.
 Increased annual appropriations to States and Territories for more complete endowment, etc., of.

Vol. 12, pp. 503-505.

Appropriation for year ending June 30, 1890.

Increasing annual appropriation for ten years.

Annual appropriation thereafter.

Expenditure limited.

Provisos.

No distinction of race, etc., in any one college.
Separate colleges for white and colored students.

Division of funds in certain cases.
Vol. 12, pp. 503-505.

Legislative proposition and report of equitable, etc., division.

Compliance with law.

Time, manner, etc., of annual payments to State or Territorial treasurer, etc.

Payments to treasurers of colleges or other institutions.
Annual financial reports to Secretaries of Agriculture and the Interior.

Money grants subject to legislative assent.

Proviso.

Certain installments due to be paid on assent of Governor, etc.

Diminution of fund to be made up by State, etc.

the sum of fifteen thousand dollars for the year ending June thirtieth, eighteen hundred and ninety, and an annual increase of the amount of such appropriation thereafter for ten years by an additional sum of one thousand dollars over the preceding year, and the annual amount to be paid thereafter to each State and Territory shall be twenty-five thousand dollars to be applied only to instruction in agriculture, the mechanic arts, the English language and the various branches of mathematical, physical, natural and economic science, with special reference to their applications in the industries of life, and to the facilities for such instruction: *Provided*, That no money shall be paid out under this act to any State or Territory for the support and maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be a compliance with the provisions of this act if the funds received in such State or Territory be equitably divided as hereinafter set forth: *Provided*, That in any State in which there has been one college established in pursuance of the act of July second, eighteen hundred and sixty-two, and also in which an educational institution of like character has been established, or may be hereafter established, and is now aided by such State from its own revenue, for the education of colored students in agriculture and the mechanic arts, however named or styled, or whether or not it has received money heretofore under the act to which this act is an amendment, the legislature of such State may propose and report to the Secretary of the Interior a just and equitable division of the fund to be received under this act between one college for white students and one institution for colored students established as aforesaid, which shall be divided into two parts and paid accordingly, and thereupon such institution for colored students shall be entitled to the benefits of this act and subject to its provisions, as much as it would have been if it had been included under the act of eighteen hundred and sixty-two, and the fulfillment of the foregoing provisions shall be taken as a compliance with the provision in reference to separate colleges for white and colored students.

SEC. 2. That the sums hereby appropriated to the States and Territories for the further endowment and support of colleges shall be annually paid on or before the thirty-first day of July of each year, by the Secretary of the Treasury, upon the warrant of the Secretary of the Interior, out of the Treasury of the United States, to the State or Territorial treasurer, or to such officer as shall be designated by the laws of such State or Territory to receive the same, who shall, upon the order of the trustees of the college, or the institution for colored students, immediately pay over said sums to the treasurers of the respective colleges or other institutions entitled to receive the same, and such treasurers shall be required to report to the Secretary of Agriculture and to the Secretary of the Interior, on or before the first day of September of each year, a detailed statement of the amount so received and of its disbursement. The grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purpose of said grants: *Provided*, That payments of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury.

SEC. 3. That if any portion of the moneys received by the designated officer of the State or Territory for the further and more complete endowment, support, and maintenance of colleges, or of institutions for colored students, as provided in this act, shall, by any action or contingency, be diminished or lost, or be misapplied,

it shall be replaced by the State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of said moneys shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings. An annual report by the president of each of said colleges shall be made to the Secretary of Agriculture, as well as to the Secretary of the Interior, regarding the condition and progress of each college, including statistical information in relation to its receipts and expenditures, its library, the number of its students and professors, and also as to any improvements and experiments made under the direction of any experiment stations attached to said colleges, with their cost and results, and such other industrial and economical statistics as may be regarded as useful, one copy of which shall be transmitted by mail free to all other colleges further endowed under this act.

Limitation upon subsequent payments.

No portion to be applied to buildings.

Annual report of colleges to Secretaries of Agriculture and the Interior.

Exchanges of college reports, mail free.

SEC. 4. That on or before the first day of July in each year, after the passage of this act, the Secretary of the Interior shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is entitled to receive its share of the annual appropriation for colleges, or of institutions for colored students, under this act, and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of the Interior shall withhold a certificate from any State or Territory of its appropriation the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the close of the next Congress, in order that the State or Territory may, if it should so desire, appeal to Congress from the determination of the Secretary of the Interior. If the next Congress shall not direct such sum to be paid it shall be covered into the Treasury. And the Secretary of the Interior is hereby charged with the proper administration of this law.

Annual ascertainment and certification of amounts, etc., due to States, etc.

Withheld certificates.

Secretary of Interior to report facts to President, etc.

Appeal from Secretary of Interior to Congress.

Congress failing, amount to be covered in.

Secretary of Interior to administer the law.

SEC. 5. That the Secretary of the Interior shall annually report to Congress the disbursements which have been made in all the States and Territories, and also whether the appropriation of any State or Territory has been withheld, and if so, the reasons therefor.

Annual report to Congress as to disbursement, withholding, etc.

SEC. 6. Congress may at any time amend, suspend, or repeal any or all of the provisions of this act.

Amendment, etc.

Approved, August 30, 1890.

CHAP. 854.—An act granting the use of certain lands to the town of New Haven, Connecticut, for a public park.

September 1, 1890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That there is hereby granted to the town of New Haven, in the State of Connecticut, the right to occupy, improve, and control, for the purposes of a public park, for the use and benefit of citizens of the United States and for no other purposes whatever, the tract of land owned by the United States which is situated on the east shore of New Haven Harbor, containing thirty acres, more or less, known as the Fort Hale tract, and partly occupied by an abandoned earth-work of that name, said tract being bounded northerly by the north side of the roadway leading to said tract, easterly by lands owned by various private parties, and southerly and westerly by New Haven Harbor, upon the following conditions and provisions:

New Haven, Conn. Grant of Fort Hale tract for public park, to town of.

Limitation of use, etc.

Description of tract.

Boundaries.

Conditions of grant.

Secretary of War to approve plans.

First. That before beginning any use or improvement of said land the said town shall present to the Secretary of War detailed plans of such improvement and shall have received his approval thereof.

March 4, 1907.
[H. R. 24815.]

[Public, No. 242.]

Agricultural Department appropriations.

Pay of Secretary, Assistant, clerks, etc.
Act, p. 993.

Engineer, etc.

Laborers, etc.

CHAP. 2907.—An Act Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eight.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in full compensation for the fiscal year ending June thirtieth, nineteen hundred and eight, for the purposes and objects hereinafter expressed, namely:

DEPARTMENT OF AGRICULTURE.

OFFICE OF THE SECRETARY: Secretary of Agriculture, twelve thousand dollars; Assistant Secretary of Agriculture, five thousand dollars; and the Assistant Secretary is hereby authorized to perform such duties in the conduct of the business of the Department of Agriculture as may be assigned by the Secretary of Agriculture; chief clerk, two thousand five hundred dollars; one solicitor, three thousand five hundred dollars; private secretary to the Secretary of Agriculture, two thousand five hundred dollars; stenographer and executive clerk to the Secretary of Agriculture, two thousand dollars; stenographer to the Assistant Secretary of Agriculture, one thousand four hundred dollars; private secretary to the Assistant Secretary of Agriculture, one thousand six hundred dollars; one appointment clerk, two thousand dollars; one chief of supply division, two thousand dollars; one telegraph and telephone operator, one thousand four hundred dollars; one telegraph and telephone operator, one thousand two hundred dollars; one inspector, two thousand dollars; one clerk class four, one thousand eight hundred dollars; three clerks class three, four thousand eight hundred dollars; seven clerks class one, eight thousand four hundred dollars; two clerks, at one thousand dollars each, two thousand dollars; one clerk, nine hundred dollars; one clerk, eight hundred and forty dollars; six clerks or laborers, at seven hundred and twenty dollars each, four thousand three hundred and twenty dollars; one chief engineer, who shall be captain of the watch, one thousand six hundred dollars; one fireman, who shall be a steam fitter, nine hundred dollars; three assistant firemen, at seven hundred and twenty dollars each, two thousand one hundred and sixty dollars; one assistant fireman, six hundred dollars; one carpenter, one thousand dollars; one electrician, one thousand dollars; one painter, nine hundred dollars; one plumber, nine hundred dollars; one blacksmith, eight hundred and forty dollars; one lieutenant of the watch, one thousand dollars; thirteen night watchmen, at seven hundred and twenty dollars each, nine thousand three hundred and sixty dollars; two day watchmen, at seven hundred and twenty dollars each, one thousand four hundred and forty dollars; one mechanic, one thousand one hundred dollars; seven clerks or messengers, at eight hundred and forty dollars each, five thousand eight hundred and eighty dollars; one assistant messenger, seven hundred and twenty dollars; in all, ninety-five thousand seven hundred and sixty dollars.

OFFICE OF THE SECRETARY: Laborers and charwomen: One assistant messenger, seven hundred and twenty dollars; one skilled laborer, eight hundred and forty dollars; one skilled laborer, seven hundred and twenty dollars; one skilled laborer, six hundred and sixty dollars; three skilled laborers, at six hundred dollars each, one thousand eight hundred dollars; one skilled laborer, four hundred and eighty dollars; one assistant messenger or laborer, six hundred dollars; two assistant messengers, at six hundred dollars each, one thousand two hundred dollars; one assistant messenger, four hundred and eighty dollars; one laborer, six hundred dollars; one painter, seven hundred and twenty

dollars; eleven laborers or charwomen, five thousand two hundred and forty dollars each, extra laborers, emergency laborers, one thousand six hundred dollars; one hundred and forty dollars.

Total for office of Secretary two hundred dollars.

WEA

SALARIES, OFFICE OF CHIEF BUREAU, five thousand dollars; one chief clerk, five thousand dollars; four chiefs of division, eight thousand dollars; one chief clerk, six thousand dollars; six clerks of class one, six thousand dollars; six clerks of class two, nine thousand dollars; six clerks of class one, three thousand seven hundred dollars; nine clerks, at one thousand one hundred dollars each, nine thousand nine hundred dollars; one hundred and forty dollars; one copyist, one hundred dollars; two assistant foremen, three hundred dollars each, three hundred dollars; one thousand four hundred dollars; one thousand four hundred dollars; three lithographers, three thousand dollars each, three thousand dollars; one chief engineer, one thousand two hundred dollars; ten chief and fifty dollars each, two hundred dollars; one chief mechanic, one thousand two hundred dollars; one chief engineer, one thousand two hundred dollars; one chief artisan, at eight hundred dollars; five messengers, three thousand dollars each, three thousand dollars; three messengers, seven hundred and twenty dollars each, two thousand one hundred and sixty dollars; three messengers, at seven hundred and sixty dollars each, two thousand one hundred and eighty dollars; thirty messengers or laborers, three thousand nine hundred dollars; messenger boys, or laborers, eight hundred dollars; laborers, at four hundred dollars each, four hundred dollars; laborers, at four hundred dollars each, four hundred dollars; three charwomen, seven hundred and twenty dollars; one thousand nine hundred

dollars for postage, and also including not to exceed ten thousand dollars for all necessary expenses incident to moving into the new buildings of the Department, and for the partial equipment of the same, forty-seven thousand dollars.

OFFICE OF EXPERIMENT STATIONS.

Experiment Stations Office.
Salaries.

SALARIES, OFFICE OF EXPERIMENT STATIONS: One Director, one thousand five hundred dollars; one chief clerk, one thousand dollars; one clerk and proof reader, one thousand six hundred dollars; four clerks, class two, five thousand six hundred dollars; four clerks, class one, four thousand eight hundred dollars; three clerks, at one thousand dollars each, three thousand dollars; three clerks, at nine hundred dollars each, one thousand eight hundred dollars; four clerks, at eight hundred and forty dollars each, three thousand three hundred and sixty dollars; one clerk or messenger, one hundred and forty dollars; one messenger or caretaker, seven hundred and twenty dollars; one messenger, six hundred dollars; one messenger or laborer, four hundred and eighty dollars; two messengers, four hundred and eighty dollars each, nine hundred and sixty dollars; one copyist or laborer, seven hundred and twenty dollars; three laborers or charwomen, at four hundred and eighty dollars each, one thousand four hundred and forty dollars; in all, thirty-one thousand five hundred and twenty dollars.

Agricultural experiment stations.
Vol. 21, p. 410.

AGRICULTURAL EXPERIMENT STATIONS: To carry into effect the provisions of an Act approved March second, eighteen hundred and eighty-seven, entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an Act approved July second, eighteen hundred and sixty-two, and of the Acts supplementary thereto, and to enforce the execution thereof, eight hundred and twenty thousand dollars, thirty thousand dollars of which sum shall be paid upon the order of the Secretary of Agriculture, to enable him to carry out the provisions of section three of said Act of March second, eighteen hundred and eighty-seven, and the Secretary of Agriculture to prescribe the form of the annual financial statement required by section three of said Act of March second, eighteen hundred and eighty-seven, shall ascertain whether the expenditures under the appropriation hereby made are in accordance with the provisions of said Act, and make report thereon to Congress, and to carry out the provisions of section two, four, and five of an Act approved March sixteenth, nineteen hundred and six, entitled "An Act to provide for an increased appropriation for agricultural experiment stations and regulating the expenditure thereof," and the Secretary of Agriculture is hereby authorized to rent offices and to employ such assistants, clerks, and other persons as he may deem necessary, in the city of Washington and elsewhere, and to incur such other expenses for office fixtures and supplies, stationery, traveling, freight, and express charges, illustration of the Experiment Station Record, bulletins, and reports as he may find essential in carrying out the objects of the above Act, and the sums apportioned to the several States shall be paid quarterly in advance. And the Secretary of Agriculture is hereby authorized to furnish to such institutions or individuals as may care to buy them copies of the card index of agricultural literature prepared by the Office of Experiment Stations, and charge for the same a price covering the additional expense involved in the preparation of these copies; and he is hereby authorized to apply the moneys received toward the expense of the preparation of the index, and this fund shall be available until used; and the Secretary of Agriculture is hereby authorized to expend seventy-two thousand

Vol. 12, p. 503.

Bulletins.
Vol. 21, p. 411.

Statements, etc.

Expenditures.

Act, p. 64.

Payment to states.
Card Index.

Stations in Alaska, Hawaii and Porto Rico.

dollars, of which sum to be used in the erection of buildings, the preparation, and distribution of reports, more than twenty-four thousand dollars for the maintenance of such stations. The Secretary of Agriculture is authorized to obtain on the land belonging in Alaska, Hawaii, and Porto Rico from the sale of such products, this fund shall be available to the amount of seven thousand dollars; the sum shall be used by the Secretary of Agriculture upon the organization of agricultural schools in the several States and Territories, and similar organizations in foreign countries, and for the preparation of plans and methods for making the dissemination of the results of the Agriculture and the agricultural methods of agricultural experiment stations in Alaska. Had the Secretary of Agriculture, at the discretion of the Secretary of the Government, be granted in any one year, which cases where such an employment of the Secretary of Agriculture in any one year.

Nutrition Investigations: To incur such expenses as may be incurred in the purchase, storage, and storing in Washington, D. C., and now the property of the Government, five thousand dollars.

IRRIGATION AND DRAINAGE: To authorize the Secretary of Agriculture to investigate and report on the conditions of Agriculture and Territories as affecting irrigation and of riparian proprietors upon the use of irrigation, and upon suggestions of the best methods in agriculture, and upon plans for water by drainage and upon appliances for irrigation and upon the illustration of reports, including employment elsewhere; and all necessary expenses, five thousand dollars.

Total for Office of Experiment Stations, two thousand and two hundred and twenty dollars.

OFFICE

SALARIES, OFFICE OF THE SECRETARY OF AGRICULTURE: One scientist and have charge of the office, one thousand seven hundred and twenty dollars; one clerk, one thousand six hundred dollars; two clerks, one hundred dollars; three clerks, at one hundred dollars each, three hundred dollars; two clerks, at seven hundred and forty dollars each, one thousand four hundred and eighty dollars; and all necessary expenses, five hundred and ninety dollars.

dollars, of which sum to establish and maintain agricultural experiment stations in Alaska, Hawaii, and Porto Rico, including the erection of buildings, the printing (in Hawaii and Porto Rico), illustration, and distribution of reports and bulletins; *Provided*, That not more than twenty-four thousand dollars shall be expended for the maintenance of such stations in any one of said Territories; and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, and Porto Rico and to apply the money received from the sale of such products to the maintenance of said stations, and this fund shall be available until used; in all, eight hundred and twenty-seven thousand dollars; *Provided*, That five thousand dollars of this sum shall be used by the Secretary of Agriculture to investigate and report upon the organization and progress of farmers' institutes and agricultural schools in the several States and Territories, and upon similar organizations in foreign countries, with special suggestions of plans and methods for making such organizations more effective for the dissemination of the results of the work of the Department of Agriculture and the agricultural experiment stations and of improved methods of agricultural practice. And the employees of the experiment stations in Alaska, Hawaii, and Porto Rico may hereafter, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leave of absence not to exceed fifteen days in any one year, which leave may, in exceptional and meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year.

Nutrition Investigations: To enable the Secretary of Agriculture to incur such expenses as may be necessary for the packing, transporting to and storing in Washington, District of Columbia, of all apparatus now the property of the Government and used in the nutrition investigations, five thousand dollars, or so much thereof as may be necessary.

IRRIGATION AND DRAINAGE INVESTIGATIONS: To enable the Secretary of Agriculture to investigate and report upon the laws of the States and Territories as affecting irrigation and the rights of appropriators and of riparian proprietors and institutions relating to irrigation and upon the use of irrigation waters, at home and abroad, with especial suggestions of the best methods for the utilization of irrigation waters in agriculture, and upon plans for the removal of seepage and surplus waters by drainage and upon the use of different kinds of power and appliances for irrigation and drainage, and for the preparation, printing, and illustration of reports and bulletins on irrigation and drainage, including employment of labor in the city of Washington or elsewhere; and all necessary expenses, one hundred and fifty thousand dollars.

Total for Office of Experiment Stations, one million and thirteen thousand two hundred and twenty dollars.

OFFICE OF PUBLIC ROADS.

SALARIES, OFFICE OF PUBLIC ROADS: One Director, who shall be a scientist and have charge of all scientific and technical work, two thousand seven hundred and fifty dollars; one chief of records, one thousand six hundred dollars; one editorial clerk, one thousand two hundred dollars; two clerks, class one, two thousand four hundred dollars; three clerks, at one thousand dollars each, three thousand dollars; two clerks, at seven hundred and twenty dollars each, one thousand four hundred and forty dollars; in all, twelve thousand three hundred and ninety dollars.

*Provision
limit, etc.*

Report on farmers' institutes.

Leaves of absence.

Nutrition investigation.
Storage, etc., of apparatus.

Irrigation and drainage investigations.

Reports.

Public Roads Office.

Salaries.

southwest quarter, in section thirty-six, four hundred and thirty-seven and seventy-one one-hundredths acres.

In township thirty-four south, range two east, Salt Lake meridian: The northeast quarter of the southeast quarter, the northwest quarter of the southeast quarter, the southeast quarter of the southeast quarter, the southwest quarter of the southeast quarter, the northeast quarter of the southwest quarter, the northwest quarter of the southwest quarter, the southeast quarter of the southwest quarter, the southwest quarter of the southwest quarter, in section sixteen, three hundred and twenty acres.

In township thirty-four south, range three east, Salt Lake meridian: The northeast quarter of the northeast quarter, the northwest quarter of the northeast quarter, the southeast quarter of the southeast quarter, the southwest quarter of the southeast quarter, the northeast quarter of the southwest quarter, the northwest quarter of the southwest quarter, the southeast quarter of the southwest quarter, and the southwest quarter of the southwest quarter, in section sixteen, three hundred and twenty acres.

Together with forty-three and fifty-one one-hundredths acres of loss due to fractional condition of township three north, range fifteen east, Salt Lake meridian.

In township twenty-three south, range four west, Salt Lake meridian: The west half and southwest quarter of the northeast quarter of section thirty-six, three hundred and sixty acres;

In township twenty-three south, range four west: The southeast quarter section thirty-six, one hundred and sixty acres;

In township twenty-three south, range four and one-half west: Section two, six hundred and forty acres; the west half of the southeast quarter and the southeast quarter of the southeast quarter section sixteen, one hundred and twenty acres; section thirty-six, six hundred and forty acres;

In township twenty-four south, range four and one-half west: Northwest quarter of northeast quarter and southeast quarter of northeast quarter section two, eighty acres;

In township twenty-three south, range five west: West half of northwest quarter and south half of southeast quarter section thirty-six, one hundred and sixty acres; together with thirty-six and nine one-hundredths acres of loss due to fractional condition of township five north, range four west, Salt Lake meridian; a total of forty-one hundred and ninety-eight and thirty-one one-hundredths acres, more or less.

Provided, That said patent shall not issue until the State of Utah shall have filed an unconditional relinquishment of all the lands covered by Utah segregation list numbered two, as well as a proper release of any interest or claim which the State of Utah may have or assert in or to the lands offered in exchange for those herein proposed to be patented.

Approved, March 4, 1915.

Proviso.
Subject to relinquishment of lands from State.

March 4, 1915.
[S. 7313.]
[Public, No. 330.]

Alaska.
Public lands reserved for common schools when surveyed.

For agricultural college and school of mines.

CHAP. 181.—An Act To reserve lands to the Territory of Alaska for educational uses, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when the public lands of the Territory of Alaska are surveyed, under direction of the Government of the United States, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved from sale or settlement for the support of common schools in the Territory of Alaska; and section thirty-three in each township in the Tanana Valley between parallels sixty-four and

sixty-five north and the one hundred and one (meridian of Greenwich) from sale or settlement in Alaska upon the condition that where sections are made upon any of the lands thereof in the future, the same shall be respectively appropriated or are wanting, and reserved and reserved by Act of Congress numbered ninety-one (Two thousand and one): *Provided*, That no section shall be provided for leasing to any person, association, or any other person, or any part thereof, until the acceptance of the same shall be effective or until the United States section thirty-three in before described proceeds or in appropriated as a Territorial tract expended only of Alaska or of the Territory, in such

SEC. 2. That south of the Fairbanks numbered one west of the ship numbered two west of section thirty-six, in township and range number same are hereby condition that site for an agricultural claim of any person homestead or prior to the said land as an agricultural purpose of the United States.

CHAP. 182.
tion projects of
Be it enacted States of America made homes hundred and

sixty-five north latitude and between the one hundred and forty-fifth and the one hundred and fifty-second degrees of west longitude (meridian of Greenwich) shall be, and the same is hereby, reserved from sale or settlement for the support of a Territorial agricultural college and school of mines when established by the Legislature of Alaska upon the tract granted in section two of this Act: *Provided*, That where settlement with a view to homestead entry has been made upon any part of the sections reserved hereby before the survey thereof in the field, or where the same may have been sold or otherwise appropriated by or under the authority of any Act of Congress, or are wanting or fractional in quantity, other lands may be designated and reserved in lieu thereof in the manner provided by the Act of Congress of February twenty-eighth, eighteen hundred and ninety-one (Twenty-sixth Statutes, page seven hundred and ninety-one): *Provided further*, That the Territory may, by general law, provide for leasing said land in area not to exceed one section to any one person, association, or corporation for not longer than ten years at any one time: *And provided further*, That if any of said sections, or any part thereof, shall be of known mineral character at the date of acceptance of survey thereof, the reservation herein made shall not be effective or applicable, but the entire proceeds or income derived by the United States from such sections sixteen and thirty-six and such section thirty-three in each township in the Tanana Valley area hereinbefore described, and the minerals therein, together with the entire proceeds or income derived from said reserved lands, are hereby appropriated and set apart as separate and permanent funds in the Territorial treasury, to be invested and the income from which shall be expended only for the exclusive use and benefit of the public schools of Alaska or of the agricultural college and school of mines, respectively, in such manner as the Legislature of Alaska may by law direct.

Sec. 2. That section numbered six, in township numbered one south of the Fairbanks base line and range numbered one west of the Fairbanks meridian; section numbered thirty-one, in township numbered one north of the Fairbanks base line and range numbered one west of the Fairbanks meridian; section numbered one, in township numbered one south of the Fairbanks base line and range numbered two west of the Fairbanks meridian; and section numbered thirty-six, in township numbered one north of the Fairbanks base line and range numbered two west of the Fairbanks meridian, be, and the same are hereby, granted to the Territory of Alaska, but with the express condition that they shall be forever reserved and dedicated to use as a site for an agricultural college and school of mines: *Provided*, That nothing in this Act shall be held to interfere with or destroy any legal claim of any person or corporation to any part of said lands under the homestead or other law for the disposal of the public lands acquired prior to the approval of this Act: *Provided further*, That so much of the said land as is now used by the Government of the United States as an agricultural experiment station may continue to be used for such purpose until abandoned for that use by an order of the President of the United States or by Act of Congress.

Approved, March 4, 1915.

CHAP. 182.—An Act For the relief of homestead entrymen under the reclamation projects of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who has made homestead entry under the Act of June seventeenth, nineteen hundred and two (Thirty-second Statutes at Large, page three hun-

Proviso.
Lieu selections allowed.

Vol. 36, p. 791.

Leases by Territory permitted.

Mineral lands.
Use of proceeds for benefit of schools.

Agricultural college and school of mines.
Sections reserved for site of.

Proviso.
Prior legal claims.

Government agricultural experiment station continued.

March 4, 1915.
[H. R. 19061.]

[Public, No. 331.]

Reclamation Act.
Relinquishment of homestead entries under, if land not irrigable.
Vol. 32, p. 358.

CHAP. 87.—An Act To provide for the acquisition by Parker I-See-O Post Numbered 12, All American Indian Legion, Lawton, Oklahoma, of the east half northeast quarter northeast quarter northwest quarter of section 20, township 2 north, range 11 west, Indian meridian, in Comanche County, Oklahoma.

January 19, 1929.
[H. R. 13711.]
[Public, No. 677.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to cause a patent to issue to Edward Clark, Charles Apekaum, Calvin Atchavit, Frank Methvin, and William Tracypokendooah as trustees of Parker I-See-O Post Numbered 12, of the All American Indian Legion, Lawton, Oklahoma, and to their successors, for the east half northeast quarter northeast quarter northwest quarter of section 20, township 2 north, range 11 west of the Indian meridian, situate in Comanche County, Oklahoma: *Provided, however,* That said patent shall be issued upon the express condition that Parker I-See-O Post Numbered 12, All American Indian Legion, Lawton, Oklahoma, shall erect a post building upon said tract within five years after the approval of this Act: *Provided further,* That whenever said tract shall no longer be used as the site for a post building for said Parker I-See-O Post that title shall revert to the United States.

Public lands
Granted for post
building to Parker
I-See-O Post, All Amer-
ican Indian Legion,
Lawton, Okla.

Proviso.
Building must be
built in five years.

Forfeiture for non-
user.

Approved, January 19, 1929.

CHAP. 91.—An Act Providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes.

January 21, 1929.
[H. R. 12775.]
[Public, No. 678.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the title and fee to lot 2 of section 2 in township 35 north, range 2 west, Willamette meridian, in San Juan County, in the State of Washington, being situated within an abandoned military reservation on Lopez Island in said county, said lot containing twenty-two acres, be, and the same is hereby, granted, on the payment to the United States of \$1.25 per acre subject to the condition and reversion hereinafter provided for, to the said county for recreational and public-park purposes in addition to and enlargement of the park granted to said county of San Juan, State of Washington, by the Act of Congress of April 17, 1926: *Provided,* That if said lands shall not be used for the purposes hereinabove mentioned, the same or such part thereof not used shall revert to the United States: *Provided further,* That said land shall be subject to the right of way for county roads granted to the county authorities of San Juan County, State of Washington, by the Act of Congress of February 21, 1925 (Forty-third Statutes, page 957): *Provided further,* That there shall be reserved to the United States all gas, oil, coal, or other mineral deposits found at any time in the said lands and the right to prospect for, mine, and remove the same.

Lopez Island, Wash.
Land on, granted to
San Juan County, for
park purposes.

Payment required.

Additional to former
grant.
Vol. 44, p. 298.

Proviso.
Reversion for non-
user.
Subject to county
roads right of way.
Vol. 43, p. 957.

Mineral deposits re-
served.

Approved, January 21, 1929.

CHAP. 92.—An Act Making an additional grant of lands for the support and maintenance of the Agricultural College and School of Mines of the Territory of Alaska, and for other purposes.

January 21, 1929.
[H. R. 10157.]
[Public, No. 679.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the provision made by the Act of Congress approved March 4, 1915 (Thirty-eighth Statutes at Large, page 1214), for the use and benefit of the Agricultural College and School of Mines, there is hereby granted to the Territory of Alaska, for the exclusive use and benefit of the Agricultural College and School of Mines, one hundred thousand acres of vacant nonmineral surveyed unreserved public

Alaska.
Agricultural College
and School of Mines.

Additional public
lands granted to.
Vol. 38, p. 1214.

lands in the Territory of Alaska, to be selected, under the direction and subject to the approval of the Secretary of the Interior, by the Territory, and subject to the following conditions and limitations:

Territory to have exclusive control.

SEC. 2. That the college and school provided for in this Act shall forever remain under the exclusive control of the said Territory, and no part of the proceeds arising from the sale or disposal of any lands granted herein shall be used for the support of any sectarian or denominational college or school.

Lands, and proceeds thereof to be held in trust and disposed of only as herein provided.

SEC. 3. That it is hereby declared that all lands hereby granted to said Territory are hereby expressly transferred and confirmed to the said Territory and shall be by the said Territory held in trust, to be disposed of, in whole or in part, only in the manner herein provided and for the objects specified in the granting provisions, and that the natural products and money proceeds of any of said lands shall be subject to the same trusts as the lands producing the same. Disposition of any of said lands or of any money or thing of value directly or indirectly derived therefrom for any object other than that for which such particular lands or the lands from which such money or thing of value shall have been derived or granted or in any manner contrary to the provisions of this Act shall be deemed a breach of trust.

Any other disposition a breach of trust.

Mortgages, etc., not valid.

SEC. 4. That no mortgage or other encumbrance of said lands shall be valid in favor of any person for any purpose or under any circumstances whatsoever. Said lands shall not be sold nor leased, in whole or in part, except to the highest bidder at public auction, notice of which public auction shall first have been duly given by advertisement, which shall set forth the nature, time, and place of the transaction to be had, with full description of the lands to be offered, published once each week for not less than ten successive weeks in a newspaper of general circulation published regularly at the capital and in a newspaper of like circulation which shall then be regularly published nearest to the location of the lands so offered; nor shall any sale or contract for the sale of any timber or other natural product of such lands be made, save at the place, in the manner, and after the notice thus provided for sales and leases of the lands themselves: *Provided*, That nothing herein contained shall prevent said Territory from leasing any of said lands referred to in this section for a term of five years or less without such advertisement herein required.

Sales or leases, except to highest bidder after specified publication, forbidden.

Sales of timber, etc., subject to same provisions.

Proviso. Leases on terms for five years, without advertisement, allowed.

Appraisal at true value, and no disposal at less than as so ascertained.

SEC. 5. That all lands, leasehold, timber, and other products of the land before being offered shall be appraised at their true value, and no sale or other disposal thereof shall be made for a consideration less than the value so ascertained, nor, in case of the sale of the land, less than a minimum price of \$5 per acre; nor upon credit unless accompanied by ample security, and the legal title shall not be deemed to have passed until the consideration shall have been paid.

Minimum price for the land.

Fund established and receipts to be deposited in Territorial treasury.

SEC. 6. That a fund shall be established in the Territorial treasury to carry out the purposes of this Act, and whenever any money shall be in any manner derived from any of the land granted same shall be deposited in the Territorial treasury in the fund. The Territorial treasurer shall keep all such money invested in safe interest-bearing securities, which securities shall be approved by the governor and the secretary of state of the Territory, and shall at all times be under a good and sufficient bond or bonds conditioned for the faithful performance of his duties in regard thereto, as defined by this Act and the laws of the Territory not in conflict herewith. The income from said fund may and shall be used exclusively for the purposes of such Agricultural College and School of Mines: *Provided*, That no portion of said income shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings.

Investment in interest-bearing securities.

Bond required.

Income exclusively for the college.

Proviso. Application thereof for salaries, etc., forbidden.

SEC. 7. That concerning any of the thereof of the in conformity with. It shall be the duty to prosecute in the proceedings at the necessary and appropriate application and thereof and the. Approved, Jan

CHAP. 96.—At Lawrence and Rain a bridge across the

Be it enacted United States of Congress is Lawrence, State bridge and app suitable to the Arkansas, in an Act to regulate approved March Sec. 2. The expressly reset Approved, J

CHAP. 97.—At Lawrence and Rain a bridge across the

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CHAP. 98.—the construction Louisiana.

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SEC. 7. That every sale, lease, conveyance, or contract of or concerning any of the lands hereby granted or confirmed or the use thereof of the natural products thereof, not made in substantial conformity with the provisions of this Act, shall be null and void. It shall be the duty of the Attorney General of the United States to prosecute in the name of the United States and in its courts such proceedings at law or in equity as may from time to time be necessary and appropriate to enforce the provisions hereof relative to the application and disposition of the said lands and the products thereof and the funds derived therefrom.

Sales, etc., not in conformity herewith null and void.

Attorney General to enforce in Federal courts necessary proceedings relative to application of lands, etc.

Approved, January 21, 1929.

CHAP. 96.—An Act Granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near the town of Black Rock, Arkansas.

January 23, 1929.
[S. 4976.]
[Public, No. 680.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the counties of Randolph and Lawrence, State of Arkansas, to construct, maintain, and operate a bridge and approaches thereto across the Spring River, at a point suitable to the interests of navigation, at or near Black Rock, Arkansas, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Spring River, Randolph and Lawrence Counties, Ark., may bridge, at Black Rock.

Construction.
Vol. 24, p. 61.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, January 25, 1929.

CHAP. 97.—An Act Granting the consent of Congress to the Counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near Imboden, Arkansas.

January 25, 1929.
[S. 4977.]
[Public, No. 681.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge and approaches thereto across the Spring River, at a point suitable to the interests of navigation, at or near Imboden, Arkansas, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Spring River, Lawrence and Randolph Counties, Ark., may bridge, at Imboden.

Construction.
Vol. 24, p. 54.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, January 25, 1929.

CHAP. 98.—An Act To extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Baton Rouge, Louisiana.

January 25, 1929.
[S. 5038.]
[Public, No. 682.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of the bridge across the Mississippi River at or near Baton Rouge, Louisiana, authorized to be built by the Baton Rouge-Mississippi River Bridge Company, its successors and assigns, by the Act of Congress approved February 20, 1923, are hereby extended one and three years, respectively, from February 20, 1929.

Mississippi River. Time extended for bridging, at Baton Rouge, La.

Act, p. 130.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, January 25, 1929.

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A Land Grant College Without the Land:

**A History of the University of Alaska's
Federal Land Grant**



**A Report to the University of Alaska
Statewide Office of Land Management**

by Terrence M. Cole, Ph.D.

**Chair, Department of History
University of Alaska Fairbanks**

November 1993

Table of Contents

1.	Executive Summary	3
11.	Acres for Education.	4
	Morrill Act of 1862	
	Inequities of the Land Grants	
111.	Alaska's Educational Land Grants	6
	Tanana Valley Agricultural College Reserve	
	Absence of Surveys Negate 1915 Reserve	
	Lack of Land Income	
	1929 Land Grant	
	10 Million Acres More	
IV.	The Statehood Movement	9
	1916 Statehood Bill—	
	11.3 Million Acres for Higher Education	
	1940s Revival of the Statehood Campaign	
	From In-Place To quantity Grants	
	103 Million Acres	
	Internal Improvement Land for Higher Education	
	Proposed Elimination of 1915 Reserve	
	Direct Grants of School and Univ. Land	
	UA Campaign for Additional Grant Land	
	Elimination of Dedicated Land Grants	
V.	The Land Grant College Without the Land	17
	Loss of a Quarter-million Acres Due to Statehood	
	Legislative Approval of One Million Acres for UA	
	Egan's Veto of One Million Acre UA Reserve	
	Reaction to Egan's Veto	
	The UA's "Starvation Grant"	
	Continuation of Efforts in 1960s to Acquire Land	
	President Wood Lobbies for North Slope Land	
	After the Land Freeze	
VI.	Sources	25



I. EXECUTIVE SUMMARY

The University of Alaska is a land-grant college without the land. In 1915, Congress reserved for Alaska's land-grant institution potentially more than a quarter-of-a-million acres in the Tanana Valley, proceeds from the sale and development of which would help finance the operation of the school. Under the terms of the measure, written by Delegate James Wickersham, the college was to receive every surveyed and unclaimed Section 33 in an area of about 14,000 square miles between Fairbanks in the north and the foothills of the Alaska Range in the south, in addition to the main campus of about 2,250 acres four miles from Fairbanks.

However, this large Tanana Valley land-grant never materialized. For decades, almost all of the land in the Tanana Valley (like the rest of Alaska) remained unsurveyed and therefore unavailable. As late as the 1950s, only 0.6 percent of Alaska had been properly surveyed under the standard rectangular system, and a territorial report concluded that at the speed Alaska was being surveyed, it could take as long as 43,510 years to complete the job. (Chipperfield 1954: 4) Due primarily to this incredibly slow pace of federal land surveys, Alaska's landgrant institution received only a fraction of the land Congress reserved for it in 1915; in addition to its 2,250 acre campus, the University of Alaska received less than 9,000 acres out of a reservation created for it totalling approximately 268,800 acres.

To partially remedy the situation, Congress granted an additional 100,000 acres to Alaska's land-grant college in 1929, but even with this additional grant, the total was less than half of the original acreage authorized in 1915.

Further efforts to increase the size of Alaska's higher education federal land-grant were made from the 1930s through the 1950s. Several bills were submitted to Congress that would have reserved up to 10 million acres for Alaska's land-grant college, but strong opposition, primarily from the Department of Interior, doomed the effort.

With the passage of the Alaska statehood bill in 1958, the university's legal rights to further land under the 1915 reservation were extinguished. The statehood act repealed the 1915 reservation because Congress apparently believed the enormous statehood entitlement of more than 103 million acres—far larger than that of any other state in American history—would provide sufficient resources so that the 49th state could adequately support its university. Alaska Delegate E.L. "Bob" Bartlett agreed with the majority of Congress that by not targeting specific amounts of land for specific purposes, such as had traditionally been done for the support of higher education elsewhere, the new state would have greater flexibility and more control of its own affairs.

Bartlett claimed in 1958 that in exchange for giving up the "in-place" grants—such as the Tanana Valley Section 33 reservation—the state of Alaska had received not only a far greater percentage of the public domain than other western states, but also greater freedom to choose land wherever it wished "without any reference at all to the traditional section-by-section formula." This freedom, as Bartlett predicted, helped the state immeasurably, for instance, when the state selected land at Prudhoe Bay, which turned out to be the richest oil field in North American history. But the cost of this greater freedom in land choice was a vastly smaller educational land grant for Alaska.

Traditionally, the size of land grants were most often determined by a state's population not by its area. Nevertheless, some of the last western states were given generous grants despite their sparse populations. For instance, Oklahoma and New Mexico each received about one million acres to support higher education. But, Alaskan higher education never shared in this federal bounty. Alaska received less land specifically dedicated for the support of higher education than any other western public land state, and less educational land or script than all but one of the contiguous states. Among the 48 states which had received federal land or land scrip to establish land-grant colleges, mining schools, teachers' colleges, and state

universities, only Delaware received fewer acres than Alaska. Thus, after statehood, Alaska in 1959 was in an anomalous position. While the state had received more land and a greater percentage of land from the federal government than any other western state, it ranked next to the bottom of the list in the amount of federal land it had received for higher education.

Since the statehood act had invalidated the university's 1915 Tanana Valley reservation, many Alaskans supported efforts to specifically designate a portion of the 103 million acre statehood entitlement for the support of the University of Alaska. In the spring of 1959, the first state legislature passed a measure authorizing the state to reserve to the UA one million acres "for the purpose of replacing grants of certain Sections 33 in the Tanana Valley previously allowed under federal law and now superseded" by the statehood act.

To the dismay of the University of Alaska and its supporters, Governor William A. Egan vetoed the one million acre university on the grounds that it would complicate the enormous task of the Division of Lands in selecting the statehood entitlement, and would furthermore violate the Alaska constitution's prohibition against dedicated funds. University of Alaska President Ernest Patty, shocked at Egan's veto, believed that the governor did not understand the century-long tradition of American land-grant colleges. President Patty did not share Egan's view that increasing the size of the university's land grant would violate the state constitution.

William R. Wood, Patty's successor as UA President, remembers that both state and federal officials agreed that the university had been short-changed in the statehood act, but that state officials believed additional lands should come from authorities in Washington, D.C., while federal officials told the university to look to Juneau for redress. Governor Egan's steadfast opposition to granting or reserving state land to the university essentially killed any chance of addressing the issue on the state level until Walter J. Hickel became governor in 1966. But shortly after Hickel's election, he was greeted by Secretary of Interior Stewart Udall's land freeze halting all transfers of federal lands until the issue of Alaska Native land claims could be settled.

Over the next 15 years, controversies regarding Alaska land matters continued to boil, as the public domain in Alaska was carved up for the first time. In 1971, Congress passed the Alaska Native Claims Settlement Act, reserving 44 million acres for Alaska Natives and opening the way for the construction of the Trans-Alaska Pipeline. The pipeline marked the start of a national conservation battle in the 1970s over the future of Alaska's lands, which culminated in 1980 with the passage of the Alaska National Interest Lands Conservation Act, a measure which added 104 million acres to the state's conservation systems.

Now, with many of the major Alaska land issues of the 1970s and 1980s settled, supporters of the University of Alaska have encouraged the state to re-examine the question of the university's land grant and consider granting the school additional lands in order for it to "achieve parity" with higher educational systems in other states.

This report is a brief historical review of the land-grant issue as it pertains to the University of Alaska, a land-grant college without the land.

II. ACRES FOR EDUCATION: THE TRADITION OF FEDERAL LAND GRANTS

The U.S. government helped finance America's educational system, from kindergarten to college, not with money, but with land. The practice of trading acres for education is one of the oldest traditions in American history, even pre-dating the United States Constitution. Dedicating land from the public domain to finance schools in the various states and territories was born of necessity, since the national government had a shortage of dollars and a surplus of acres. According to a 1939 Department of Interior tabulation, the total educational land grants to Alaska and the 48 states amounted to more than 200 million acres, an area bigger than the state of Texas.

The Ordinance of 1785 established the rectangular survey of New England as the basis on which all land west of the Ohio would be subdivided; land was surveyed into townships composed of 36 sections of 640 acres or one square mile each. The 1785 law also established the principle of federal land endowments for education by reserving Section 16 of every township "for the maintenance of public schools, within said township." (Taylor 1969: 131) After the admission of Ohio in 1803, Section 16 of every township in every new territory or state was typically reserved for schools; any Section 16 which had somehow been preempted was replaced by another section "in lieu thereof." (Hibbard 1939: 310) Over the 19th century, as the need for the expansion of education grew, so did the size of the federal land endowment for schools. With the admission of Oregon in 1859, the usual common school section grant doubled from one section to two (Sections 16 and 36). Utah, New Mexico, and Arizona, three of the last four states admitted before Alaska, each received four sections for school lands (Sections 2, 16, 32 and 36).

Common school grants were by far the largest in terms of acreage; however, higher education also received varying amounts of land. Different states received federal land grants for seminaries, teachers' colleges, mining schools, military schools and universities totaling millions of acres. Most notable among the land grants for higher education were the land-grant agricultural colleges created by the Morrill Act of 1862.

MORRILL ACT OF 1862

The Morrill Act, which has been called "perhaps the most important single act for education ever passed by Congress," revolutionized higher education in America. (Taylor 1969: 111) Previously attending a college or university had been the privilege of an elite upper class, but supplied with government land grants totalling more than 11 million acres, the nation created new kinds of colleges in every state and territory that would stress the teaching of "agriculture and the mechanic arts" to the "industrial classes." Thanks to the creation of the system of land-grant colleges and universities, which eventually spread to all 50 states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands, the doors of higher education swung open for the first time to millions of working class men and women. "Democracy's College" is the apt title of the classic history of the land-grant college movement.

INEQUITIES OF THE LAND GRANTS

Despite the laudable goals of the Morrill Act, serious problems with the legislation emerged. The acreage of each state's land grant was based on population as measured by the size of its congressional delegation; for each senator and representative a state sent to Congress, it received 30,000 acres. Therefore, the law favored the heavily populated, industrialized eastern states over the more sparsely settled and primarily agricultural western states. For instance, Rhode Island, the smallest state in the union, received 120,000 acres in scrip, a larger land grant than that of either Oregon, Nebraska, Kansas, Nevada, or Colorado, all of which received the minimum of 90,000 acres. Similarly, Connecticut (180,000 acres) received more than California (150,000 acres), and New Jersey (210,000 acres) more than Montana (140,000 acres).

Besides the glaring inequities between eastern and western states, except in a few instances, the land grants never created the financial endowments for the agricultural colleges which Congress had intended. As one historian has noted, the disposal record of the various states' agricultural college land grants "is clouded by scandal, fraud, and poor management. Many states realized less than one dollar an acre for their land, and some were even swindled out of the proceeds of the sales altogether." (Madsen 1976: 34) The poorest performance was that of Brown University in Rhode Island, which received only 42 cents an acre for its land.

One of the few states to earn a significant income from its land grant was New York, which received the largest grant of nearly one million acres (in scrip). Ezra Cornell, founder of New York's land-grant college, Cornell University, invested the scrip in 500,000 acres of the pinelands of northern Wisconsin to amass a nest egg of

III. ALASKA' EDUCATIONAL LAND GRANTS

TANANA VALLEY AGRICULTURAL COLLEGE RESERVE

ABSENCE OF SURVEYS NEGATE 1915 GRANT

\$5 million for the school. Historian Paul Wallace Gates noted in his 1943 study of Cornell's land grant that the university's investment in Wisconsin was "one of the largest and ultimately most successful land speculations in American history." (Gates 1943: 49) But Cornell University was the exception. "None of the states received, through the Agricultural-College Act, sufficient funds to place their agricultural colleges on a sound financial basis at the outset," Gates wrote, "and with the exception of New York, no state east of the Mississippi River ever obtained from land or scrip what might be regarded as an adequate endowment." (Gates 1943: 245)

The man who ensured that the federal government would provide land for the support of schools and colleges in Alaska, as it did elsewhere, was Alaska Delegate James Wickersham. In 1915, Wickersham pushed a measure through Congress which reserved lands for both a common school system throughout the Territory and an agricultural land-grant college in the Tanana Valley near his hometown of Fairbanks.

Wickersham's 1915 school lands' bill appeared to be the first giant step in the disposition of the public domain in Alaska, reserving potentially about 20 million acres for education in the Territory. Despite earmarking this large reservation of federal land specifically for education, however, federal officials did little to ensure that schools and colleges in Alaska would actually receive any of the land which had been reserved for them. The high cost and slow speed of Alaskan development, due in part to bureaucratic inertia and the lack of federal land surveys, invalidated the generous terms of the 1915 act, so that Alaska ultimately received only a tiny fraction of the approximately 20 million acres of land Congress reserved for education in the Territory in 1915.

Delegate Wickersham's 1915 school lands' bill followed the precedents in other states and territories by reserving specific sections of federal land for the purposes of education. His legislation reserved every surveyed Section 16 and 36 throughout the territory for the support of the "common schools" of Alaska. This total reservation—of potentially more than 20 million acres—was the largest public school grant (on paper at least) in American history.

Besides the enormous common school grant, Wickersham's bill also set aside potentially more than a quarter-of-a-million acres in the Tanana Valley for the support of an agricultural college and school of mines. Four sections around the Fairbanks Agricultural Experiment Station outside of Fairbanks were designated as the campus, while every Section 33 in the Tanana Valley between 64 and 65 degrees north (approximately from the foothills of the Alaska Range to Fairbanks) and 145 and 152 degrees west (from near modern-day Delta Junction in the east to the mouth of the Tanana River in the west) were reserved to provide an endowment for the support of the college. Wickersham's bill also followed the established procedure set in other states and territories by promising the territory "in lieu of" lands, if any of the reserved sections would be preempted before survey by homesteaders or otherwise disposed of by Congress.

In 1917, the Alaska Territorial Legislature formally incorporated the Alaska Agricultural College and School of Mines (renamed the University of Alaska in 1935) as Alaska's land-grant institution. However, the land which Congress had reserved in 1915 to provide an endowment for the school was never transferred from federal ownership due to the same problem that effectively negated nearly every Congressional land measure in Alaska: the absence of surveys.

At the time Wickersham introduced his measure in 1915 to reserve lands for a land-grant college, no one in Congress was even certain about how much Tanana Valley revenue land they were actually reserving for the agricultural college. For instance, before the bill's passage, the report from the Committee on Public Lands stated that the agricultural college reserve in the Tanana Valley was "a very small one" of 134,400

acres, "which is a smaller number of acres than is usually given an agricultural college or school of mines." (U.S. House 1915: 5) Wickersham himself said on the floor of the House that the Alaska Agricultural College would receive only a total of 80 sections (51,200 acres). Another congressman claimed the reserve would be about 180,000 acres, while another claimed "it would be even more than that." (Congressional Record, 24 February 1915: 4544-4545) Still later the Dept. of Interior estimated that the Section 33 grant totaled 336,000 acres. (U.S. Dept. of Interior, 1939: 3)

Confusion stemmed mostly from the fact that virtually none of the land under consideration had yet been surveyed, so no one could have known exactly how many sections were potentially included in the reserve. (According to calculations made years later by University of Alaska administrators, the total Section 33 land reserved for Alaska's land-grant college under the 1915 measure comprised 420 sections or 268,800 acres. (Patty to Egan, 8 February 1960, Pres. Papers, 60/61, Box 14, File 204)

The lack of surveys not only caused confusion about the size of the Alaska Agricultural College's reservation, it also effectively cancelled the value of the reservation itself. The land set aside in 1915 was clearly predicated on surveys; obviously, the specific sections reserved for education could not be reserved until after they had been delineated. The first line in the 1915 law stated in part that the educational lands could be reserved only "when the public lands of the Territory of Alaska are surveyed, under direction of the Government of the United States..." Considering the pace at which the federal government was completing the rectangular survey of Alaska, the college could have literally waited until the next ice age, or longer, to receive all of its land. In 1915, the General Land Office had hardly even begun the task of surveying the Territory. Even four decades later, in 1952, only about 0.6 percent of Alaska's estimated area of 375 million acres had been surveyed. One politician predicted in the early 1950s that at the going rate of land surveys, it would take between 12,000 and 17,000 years to finish the job, while a less optimistic report from the Territorial Division of Lands estimated it might take as long 43,510 years! (U.S. House, Statehood For Alaska, 1957: 321; Chipperfield 1954: 4) Not until after statehood in the 1960s did the U.S. government finally begin to survey sizeable portions of the public domain in Alaska. (Ducker 1992)

Without surveys, the 1915 congressional school land reservations in Alaska for both public schools and the land-grant college remained empty promises. Out of the estimated 20 million acres that the 1915 grant reserved for the public schools of Alaska, the Territory of Alaska ultimately received only about 106,000 acres, or 0.5 percent of the original reservation. (Chipperfield 1954: 2; Stein 1987: 7)

The land-grant college's expected Tanana Valley land grant never materialized either. In 1958, the university reported that only 19 Section 33s—out of a possible total of 420 Section 33s in the Tanana Valley—had been surveyed. "At present rate of survey," the university's land manager reported in 1958, "one might expect completion of survey in from 200 to 1,000 years." (Land Manager Report, 20 May 1958, Pres. Papers, 1958/59, Box 6, File 88) According to figures from the State Division of Lands, out of the 1915 reservation, Alaska's land-grant institution ultimately received only 11,211 acres, of which about 2,250 acres were the campus site reserved for educational purposes, leaving only 8,961 acres for revenue purposes. Thus, the University of Alaska was granted less than 3.3 percent of the 268,800 acre Tanana Valley reservation Congress created for its financial support in 1915. (Stein 1987: 167)

LACK OF LAND INCOME

The lack of land was clearly seen in the university's balance sheet. During the University of Alaska's first three decades, from 1917 to 1946, the total revenue to its permanent fund from land sales, rentals, and leases was only \$227.50. During that time, the university's land income never amounted to more than \$30 a year. Other years were even worse. From 1926-1928, Alaska's alleged land-grant college earned only 75 cents from its land grant. Nearly every third year, until the late 1940s, the UA

earned absolutely no income from its land whatsoever. (UA Permanent Fund Statement, 1917-1971, Pres Papers, 1971/72, Box "Higher Ed...", File, Land—July-Dec)

1929 LAND GRANT

Congress recognized the inadequacies of the 1915 Tanana Valley agricultural college reservation when it passed a measure 14 years later to grant an additional 100,000 acres for the "exclusive use and benefit" of the Alaska Agricultural College and School of Mines. Under the 1915 act, the educational lands were merely reserved, with title vested in the Federal government, but the 1929 act was an outright grant of 100,000 acres to the Territory for the support of the college.

The 1929 law required the granted land to be surveyed before selection. However, unlike the 1915 in-place reservation which specified particular sections, the 1929 legislation was an actual quantity grant; under its provisions, the Territory of Alaska could select 100,000 acres of "vacant, nonmineral, surveyed, unreserved public lands" anywhere in Alaska for the financial support of the college. (U.S. Senate 1929)

The 1929 quantity grant became the major land grant of the University of Alaska. By the 1960s, virtually all 100,000 acres had been selected and patented, forming the bulk of UA's total land-grant trust of approximately 111,000 acres.

10 MILLION ACRES MORE

Charles E. Bunnell, the first president of the University of Alaska, and Delegate Anthony J. Dimond never ceased their efforts to increase the size of the UA's land grant and reserve. During the seven years from 1936 to 1943, Dimond introduced at least five nearly identical bills in the 74th, 75th, 76th, 77th and 78th Congresses, to extend the 1915 Section 33 reservation in the Tanana Valley to the entire territory. Dimond's legislation proposed amending the 1915 act, stating:

...Section 33 in each township in said Territory shall be, and the same is hereby, reserved from sale or settlement for the support of the University of Alaska...

Reserving each Section 33 throughout the entire Territory of Alaska, not simply those in the Tanana Valley, would have increased the university land reserve to approximately 10 million acres. This would have been, by far, the largest higher education land grant in history, nearly equal by itself to all of the land and script given to all of the land-grant colleges and universities in the United States.

Dimond saw this 10 million acre land bank as the university's endowment for the future. He explained in a 1937 telegram that the land he proposed reserving was at present "of little if any value but eventually by increased value may be of substantial aid in maintaining university." (Dimond to Shatuck, 14 July 1937)

Opposition to the 10 million acre university reserve came principally from the Department of Interior. Year-after-year, the Secretary of Interior recommended against expansion of the Section 33 reserve on the grounds that the university already had more land than it needed. As evidence, Interior officials pointed out that the UA had taken no steps to select any of the 100,000 acres made available to it by Congress in 1929. "It appears," Acting Secretary of the Interior Charles West wrote in 1937, "that no selections have yet been made by the Territory of Alaska under said grant." (West to DeRouen, 3 April 1937)

No matter how it looked in Washington, D.C., the failure to file any selections was more a factor of Bunnell's short-handed administration than a lack of interest in acquiring additional land. Struggling to survive from one fiscal year to the next, the UA lacked the staff in the 1930s and 1940s to tackle the massive job of land selection that the 1929 act required. Officially, Bunnell was both president and comptroller, and any issue of substance that concerned the university crossed his desk, from buying library books to selecting land.

Dimond asked Bunnell to explain in writing why the University genuinely needed the reservation of additional lands. However, Dimond realized Bunnell's

difficult position. The university had numerous dealings with Interior Department officials and Bunnell could not afford to alienate them. "If you are disinclined to write a letter that I can use before the Committee," Dimond wrote Bunnell, "will you not at least with your superior knowledge of the entire subject, write me a memorandum which I may adopt in whole or part as my own without bringing your name into the controversy." (Dimond to Bunnell, 6 April 1937) If Bunnell ever wrote the memo which Dimond requested, it has not yet come to light.

In 1938, the university selected 1,927 acres near Fairbanks for its first quantity grant under the 1929 law. (Stein 1987: 7) Nevertheless, the Interior Department continued to thwart Dimond's and Bunnell's efforts to reserve additional land for the university. "The Department of the Interior is still vigorously opposed to having set aside for the University of Alaska any more of the public lands in the Territory...." Dimond wrote to Bunnell in February 1941. (Dimond to Bunnell, 11 February 1941)

A month later Dimond further explained: "The Department's argument against the bill seems to be based upon the theory that plenty of land has already been reserved for the University of Alaska and no more is needed. Specific reference was made to the fact that the grant of 100,000 acres made to the Territory of Alaska for the benefit of the University...has not yet been selected except for approximately 2000 acres..." (Dimond to Bunnell, 12 March 1941)

By the time Dimond introduced his 10 million acre bill for the fifth and last time in 1943, he had apparently resigned himself to the Interior Department's unwavering opposition. As Dimond expected, the Interior Department responded once again with a negative recommendation. Acting Secretary Abe Fortas wrote in July 1943 that Delegate Dimond's proposed 10 million acre reserve, added to the more than 20 million acres previously reserved in 1915 for common schools and higher education in Alaska, would create a gigantic educational reserve of more than 30 million acres which Alaska did not need.

"Such an amount would be greatly in excess of the grants of public land made to any of the States," Fortas wrote, "and, considering the comparatively small population of the Territory of Alaska, approximately 60,000, an additional reservation of the amount proposed for educational purposes, would seem unwarranted and greatly out of proportion to the present or contemplated need of the Territory." (Fortas to Peterson, 19 July 1943)

In 1944, E. L. "Bob" Bartlett replaced Dimond as Alaska's Delegate to Congress. Bartlett told Bunnell he would resubmit Dimond's 10 million acre reservation proposal, but claimed it would be futile as the Interior Department would continue to thwart the measure. "I have no doubt that if I introduce a bill seeking the same objective a similar report will be made," Bartlett wrote, "but I am perfectly willing to do so in any event if such is your desire." (Bartlett to Bunnell, 30 December 1944)

Apparently Bartlett did not reintroduce Dimond's university land measure, as by that time a new force had arisen which would drastically alter Alaska's political landscape and the land question: the Alaska statehood movement.

IV. THE STATEHOOD MOVEMENT

In 1916, one year after Congress reserved more than a quarter of a million acres in the Tanana Valley to finance a land-grant college in Fairbanks, James Wickersham submitted the first bill requesting statehood for Alaska. Wickersham introduced his statehood bill, a symbolic gesture with no real hope of passage, on the 49th anniversary of the signing of the Alaska Purchase Treaty. He patterned his measure after the statehood act of Oklahoma, supposing the generous grants of money and land for education would find favor with Democrats, traditional supporters of state's rights, who at the time controlled both Congress and the White House. (Atwood 1979: 306)

FIRST STATEHOOD ACT PROPOSES
11.3 MILLION ACRES FOR HIGHER
EDUCATION IN ALASKA

Wickersham's 1916 bill called for Congress to grant Alaska approximately 11.3 million acres specifically for the support of higher education and approximately 20 million acres for public schools. If enacted, the proposals would have been the most generous public education and higher education grants in the history of the United States. Among its other provisions, Wickersham's measure-anticipating Delegate Anthony Dimond's campaign in the 1930s and 1940s to increase the University of Alaska's land grant—proposed granting one section in each township throughout the territory for higher education. Delegate Wickersham recommended granting every Section 13 (about 10 million acres) for the equal benefit of Alaska's future universities, teachers' colleges, agricultural colleges, and schools of mines. Furthermore, instead of certain traditional land grants for internal improvements, and other swamp land grants which were not applicable to Alaska, the bill would have granted an additional 1.3 million acres for higher education dedicated as follows:

400,000 acres for universities

400,000 acres for agricultural colleges and schools of mines

300,000 acres for teachers' colleges

200,000 acres for schools of forestry

(Daily Alaska Dispatch, 31 March 1916; Naske 1972: 3)

THE 1940s REVIVAL OF THE
STATEHOOD CAMPAIGN

Delegate Wickersham's 1916 statehood bill died without receiving a hearing, and it was not until more than a quarter of a century later that the question of Alaska statehood again surfaced in Congress. In 1943, bills were introduced in both houses calling for the admission of Alaska as a state, requesting extraordinarily generous land provisions. The bills would have given Alaska all of the unappropriated public land in the Territory, except for those lands actively used by the federal government. Furthermore, Delegate Anthony Dimond's bill in the House also included his long standing proposal to grant the University of Alaska an additional 10 million acres by reserving for it every Section 33 in the Territory. (Naske 1972: 3)

When Congress seriously began to address the Alaska statehood issue following World War II, debate centered on the amount of land the proposed 49th state would receive. Initially, most Alaskans assumed that the new state of Alaska would be given all the public land in the territory. Delegate Bob Bartlett's 1947 statehood bill, like his predecessor Anthony Dimond's bill four years earlier, recommended that the United States government convey to the state of Alaska all of the vacant public domain; and, in addition, reserve 20 million acres or two sections in each township (Sections 16 and 36) for public schools, and 10 million acres or one section in each township (Section 33) for the support of the University of Alaska. (U.S. House 1947: 2)

The Interior Department supported the concept of Alaska statehood, but fiercely opposed granting the future state government all of Alaska's public domain. Acting Secretary Warner Gardner wrote the department's official report on April 14, 1947 claiming most of Alaska should be held in trust for all of the people of the United States.

The custom has been for the federal government to grant to the new states lands for schools and for internal improvements, but to retain the bulk of the public lands under federal ownership. I strongly recommend that there be no change in this practice in the case of Alaska.

Gardner suggested several changes in Bartlett's bill, which the secretary claimed would permit

Alaska to enter into the Union on a basis similar to that on which the western continental States were admitted. While retaining the greater part of the public lands for national management, the federal government has made grants to the new states for school purposes and internal improvements. Similar grants should be made in the case of Alaska. (U.S. House 1947: 12)

In particular, Gardner's suggested amendments would reduce the state's land entitlement to about 20 million acres for public schools (every Section 16 and 36),

500,000 acres for miscellaneous internal improvements, and approximately 438,000 acres for the support of the University of Alaska. (Under Gardner's proposal, the university's total acreage would consist of the 2,250 acre campus, the 1915 Tanana Valley Section 33 reservation—erroneously calculated by Interior to be about 336,000 acres—and the 1929 land grant of 100,000 acres.) (U.S. House 1947: 14)

In the spring of 1948, Delegate Bartlett and the Interior Department compromised on the size of the statehood land-grant proposal; both agreed to support a grant of four sections in each township (Sections 2, 16, 32 and 36) totaling about 40 million acres, and to reassert the University of Alaska's rights to the entire 1915 Tanana Valley Section 33 grant, i.e. about 268,000 acres, and the 1929 grant of 100,000 acres. (U.S. House 1949: 2) Bartlett and other strong statehood supporters admitted that they would have preferred to ask for more land, but that political reality at the time dictated that four sections per township, plus Section 33 in the Tanana Valley, was the best deal Alaska could hope to receive. As retired Delegate Dimond told a Senate committee in 1950, "...we have to take this or we do not get anything." (U.S. Senate 1950: 75)

Nevertheless, others still maintained that unless Alaska received more land, it could never become economically viable as a state. Two statehood bills introduced in 1949 again repeated the original Dimond-Bartlett position: all public land not needed by the federal government, in addition to about 20 million acres for public schools (every Section 16 and 36) and about 10 million acres for the support of the University of Alaska (every Section 33). (H.R. 25 and H.R. 2300, 81st Congress, 1st Session)

FROM IN-PLACE TO QUANTITY GRANTS

Congress moved towards a revolutionary solution to the Alaska state land question in 1950, when it rejected traditional in-place grants of specific sections, and endorsed the concept of quantity grants of larger blocks of open acreage. Ironically, the most eloquent case for changing the manner in which Alaska's land would be granted, and for also granting Alaska additional land, probably originated with statehood's most vocal opponent, Winton C. Arnold, chief lobbyist and publicist for the Alaskan canned salmon industry. (Naske 1972)

At numerous congressional statehood hearings, Arnold showed charts and graphs illustrating that at the rate the rectangular survey was being extended to Alaska, it would literally take thousands of years to complete the task. (As noted previously, estimates in the 1950s were that it might take anywhere from 12,000 to 43,510 years to survey all of Alaska.) For instance, Arnold tabulated the history of land surveys in the last ten states admitted into the union, from North Dakota (1889) to Arizona (1912). On the date of admission, the percentage of surveyed land in the new states ranged from a minimum of 20 percent in Idaho, to a maximum of 100 percent in Oklahoma. By contrast, Arnold noted that only 0.672 percent of Alaska had been surveyed by 1950. (U.S. Senate 1950: 414) Since Alaska could not receive title to a specific section of land until it had been surveyed, the state would virtually have to wait forever to receive all of its land, and Arnold maintained that therefore statehood was not a practical option for Alaska.

Instead of ruling out statehood, however, the slow pace of surveys merely convinced the Senate Committee on Interior and Insular Affairs, as Bob Bartlett wrote, to adopt a "bold and precedent shattering way in determining how land should be transferred to the new state." (Naske 1972: 8) In 1957, the year before Congress finally voted to admit Alaska into the Union, Bob Bartlett recalled that during its deliberations in 1950, the Senate committee

evolved an entirely new principle in respect to land grants. Its decision was that the historic manner of passing on to the new state numbered sections after the survey should be discarded. Substituted, therefore, was the provision which has remained in every statehood bill since, namely the extraordinarily liberal and, I believe for Alaska, advantageous principle that the state should be allowed to select what land it desired from the

public domain not already appropriated or reserved. Recognizing the fact that surveys were so far behind, the Senate Committee inserted language which would permit the state to select this land 25 years after admission. Transfer was to have been made after the exterior boundaries were surveyed by the Secretary of the Interior. This is intended to speed up the whole process of land selection so that title may pass swiftly to the state instead of the state having to wait for years and years—perhaps as many as 15,000!—before receiving its land patrimony. (Bartlett to Franklin, 19 January 1957, RG 223, Box 132, HR 50)

The committee abandoned the practice of in-place grants and substituted quantity grants of blocks of land ranging in size from slightly more than 5,000 to as much as 50,000 acres, surveyed on exterior lines only. Giving the state selection rights would enable it to choose the most valuable tracts of land and avoid the traditional checkerboard pattern of land ownership which would only further increase the cost and retard the pace of Alaskan economic development. Carefully selecting land, the new state could theoretically create a consistent strategy of land planning and resource development.

103 MILLION ACRES

Besides replacing in-place grants with quantity grants, in the early 1950s Congress also broke with historical precedent by recommending Alaska receive far more acreage than any state in the history of the United States. This was necessary, a Senate report stated in 1954, because the laws for the disposal of the public domain in Alaska "have been and are vitiated to a large degree by the Federal policies of the last half century..." To alter Alaska's "distorted landownership pattern"—99 percent of the land was still under federal control—the Senate recommended in 1953 that the new state be given 103 million acres or nearly 30 percent of the area of Alaska: almost three times the percentage of land given to any other western state. (Later proposals would run as high as 182 million acres or about 50 percent of Alaska, though the final figure approved by Congress in 1958 was a total of 103,350,000 acres.) Even with such an enormous statehood entitlement, however, more than two-thirds of Alaska would continue to be federal land. "From one point of view, therefore," the Senate reported in 1954, "a grant of 103,350,000 acres may be unprecedented. From the other point of view, a grant of any smaller amount would still leave the federal government in a position of overwhelming dominance over the land and resources of the new state and its people." (U.S. Senate 1954: 2)

INTERNAL IMPROVEMENT LAND SPECIFIED FOR HIGHER EDUCATION

Most of the statehood bills submitted in the 1950s continued to recognize that higher education in general, and the University of Alaska in particular, should be given a specific amount of acreage. The basic formula for the 103,350,000 acre proposal, repeated in numerous bills submitted between 1953 and 1957, divided the state's total acreage into three categories: an unrestricted general-use grant, community development grants, and internal improvement grants. (See Table No. 1 on page 11)

The bulk of the land consisted of an unrestricted "general open grant" of 100 million acres; revenues from the disposition of this land could be "used for the running expenses and the development of the new State, as its people, through their elected representatives, may direct." (U.S. Senate 1954: 30) A second category of land was the community development grant of 800,000 acres, half of which would be selected from the public domain and half from the national forests. These lands were designated for "the development and expansion of communities." (Stein 1987: 13)

The third and final category of land, comprising the remaining 2,550,000 acres, was for specific internal improvements, including penitentiaries, reform schools, public buildings, pioneers' homes, teachers' colleges, and the University of Alaska. Virtually every piece of statehood legislation Congress considered until 1957 specified that higher education would directly receive at least one million acres of the

103,350,000 acre proposed statehood entitlement, consisting of 500,000 acres for the University of Alaska and 500,000 acres for the support of teachers' colleges or normal schools. (See Table No. 1)

TABLE NO. 1

Typical Calculation of Acreage in proposed Alaska Statehood Bills, 1953-1957

1. 100 million acres—General open grant, no restrictions.
2. 800,000 acres—Community Development Grants—to be used for expansion of communities. Half of acreage would come from the public domain, half from national forest land.
3. 2,550,000 acres—for various specified state functions and internal improvements enumerated as follows:
 - 500,000 acres—University of Alaska
 - 500,000 acres—teachers' colleges
 - 500,000 acres—public buildings
 - 200,000—schools and asylums
for the deaf, dumb and blind
 - 200,000 acres—penitentiaries
 - 200,000 acres—mental institutions
 - 200,000 acres—charitable, penal and
reformatory institutions
 - 250,000 acres—pioneer homes

(U.S. House 1953: 17)

**PROPOSED ELIMINATION OF 1915
RESERVE**

By the early 1950s, it seemed likely that if and when Alaska achieved statehood, the University of Alaska would receive its long-delayed increase in the size of its land grant. Invariably, all of the statehood bills before Congress addressed the need to give the university additional land. But impending statehood also raised fears in the Territory of cancellation of the 1915 public school and university land reservation. Given that Congress had rejected the concept of in-place grants in favor of quantity grants, it seemed reasonable to many lawmakers, including Delegate Bob Bartlett, that Congress should revoke the 1915 reservations and substitute a larger quantity grant.

The Territorial Department of Land warned in a December 1954 report that Alaska was in danger of potentially losing the millions of acres which the United States had reserved for Alaska education almost three decades earlier. The statehood bill then under consideration (See Table No. 1) would repeal the 1915 school land reservation, and though it would provide up to one million acres specifically for the support of higher education (500,000 acres for the University of Alaska and 500,000 acres for teachers' colleges), it would not provide specific acreage to support the school system, traditionally the prime justification for granting land to states. The report recommended that some means be found to guarantee that land be granted to support Alaska schools, just as was being done for higher education with internal improvement land under the proposed statehood bill.

There may be no objection to the repeal of the school reservation act providing some other provision is made to grant the school system 20,101,488 acres, an amount equal to the amount it would have received under that act. The original and chief purpose of making grants of land to states was for benefiting the public schools. The proposed legislation... provides grants for many other state institutions and purposes for which grants are generally made but the most important grant for the public schools is not provided for. In fact, the school system would lose the reservations that have been previously granted. (Chippewa 1954: 13-14)

In March 1955, Territorial Land Commissioner W.A. Chipperfield drafted a bill which he believed would protect the land rights of Alaska's schools and the University of Alaska, by immediately granting to the Territory all surveyed reserved school and university sections, with funds from the sale or other use of such lands earmarked for the schools and the University of Alaska. (Chipperfield to Heintzleman, 7 March 1955, E.L. Bartlett Collection, Legislative Bill File, Box 2, Folder 19)

In response to the concerns of Commissioner Chipperfield and others, Delegate Bartlett argued that dedicated school lands were not in Alaska's best interest. Bartlett claimed Chipperfield's proposal seemed to run "directly counter to the existing concept which has been expressed in the various statehood bills for the last few years, namely, that Alaska shall have the privilege of choosing its lands rather than having to accept them by reason of established sections..." (Bartlett to Heintzleman, 26 March 1955, Bartlett Collection, Legislative Bill File, Box 2, Folder 19)

Alaska's Commissioner of Education Don Dafoe voiced similar concerns about the lack of "specific land grants for schools." Dafoe wrote Bartlett that receipts from school lands should be added to the "permanent school fund with a view toward building it up to where it would be a good endowment in 50 to 100 years from now..." (Dafoe to Bartlett, 16 April 1957) Dafoe argued that the long-term interests of Alaskan education required careful management of the school lands.

Whether or not Alaska has a good solid permanent school fund 50 years from now will depend upon how carefully school land matters are handled at this time. There is a school of thought which believes in giving away these lands for little or nothing and which believes that the monies received should be subject to immediate use in total, rather than going into the permanent school fund. (Dafoe to Bartlett, 5 April 1957, Bartlett Collection, Legislative Bill File, Box 2, Folder 20)

Bartlett responded that he was philosophically opposed to dedicating lands or funds for specific purposes.

...personally I have a very strong feeling that some of the fiscal woes of our government in all of its subdivision today are brought about by income segregations for stated purposes. Such income may be too much or too little for the objectives sought. All money for government use must come from the taxpayers, and I, for one, feel that the legislative bodies should not be shackled in appropriating according to the needs of the times. (Bartlett to Dafoe, 19 April 1957, Bartlett Collection, Legislative Bill File, Box 3, Folder 28)

DIRECT GRANTS OF SCHOOL AND UNIV. LAND

Despite Bartlett's opposition to dedicated lands and funds, he did introduce a measure in May 1955 calling for the U.S. government to grant all reserved (i.e. surveyed) public school and University of Alaska lands to the Territory of Alaska. Under Bartlett's bill, the Territorial Legislature would have the authority to dispose of the lands as they wished, however, all "proceeds or income are to be expended solely for the exclusive use and benefit of the public schools of Alaska and of the University of Alaska..." (H.R. 6242, 84th Congress, 1st Session)

The Interior Department supported Bartlett's proposal. Since the only reserved school lands were those which had been surveyed, the total acreage to be granted would have been relatively small (one estimate was about 160,000 acres). The bill provided, however, that as more sections were surveyed and therefore reserved each year, more acreage would be granted. "In all respects, the school sections should be treated as if statehood had already been conferred on Alaska," Assistant Secretary Fred Aandahl wrote. However, the Secretary wished Congress to consider both the public school land and the university land as one whole, rather than two separate pots of money. As Aandahl wrote,

At the present time, Sections 16 and 36 throughout the Territory are set aside for the support of the common schools, while the sections numbered 33 in part of the Tanana Valley are set aside for the support of the University. We

would prefer that no distinction be made by the terms of the statute, but that, instead, the proceeds from all the granted sections be set aside for the common support of the schools and the University and that the Territorial government be given discretion in the distribution of proceeds between these two educational purposes. (Aandahl to Rep. Engle, U.S. House, National Archives, RG 233, Box 113, H.R. 6242)

The bill to grant school and university sections directly to the Territory failed, as did another measure introduced by Bartlett in 1955 which would have granted millions of acres directly to the Territory of Alaska without waiting for statehood. This bill would have repealed the 1915 school and university reservation, and simultaneously granted the Territory the right to select up to 20 million acres from the public domain, approximately the amount of land that could have been reserved under the 1915 act.

The Interior Department agreed with the spirit of Bartlett's bill, which called for in-place grants to be replaced with a quantity grant.

A grant of school sections in place is a grant of lands widely dispersed on a geographical basis. Such a grant gives the recipient, within limits, a fair proportion of the various classes of lands within its boundaries, the good as well as the bad. Since the grantee's holdings are distributed over a wide area, large-scale exchange programs are required, as we have learned by experience, to bring the holdings together into manageable and economical units...

A very large proportion of the land in Alaska does not appear to promise, for the reasonably near future, any substantial economic return. A grant of school sections in place would, therefore, leave the Territory with a large body of widely dispersed holdings, needing management and protection and yielding little in the way of revenues. (Assistant Secy to Rep. Engle, RG 233, U.S. House, National Archives, Box 97A, H.R. 246)

Though the Interior Department favored quantity grants in principle, the department opposed revoking the 1915 school and university section reservation on the grounds that the Territory was not yet ready to manage 20 million acres. Rather, the Assistant Secretary of the Interior suggested granting three million acres immediately to the Territory as the first installment of a large quantity grant that would eventually replace the 1915 reservations. Furthermore, Interior Department officials suggested that the revenue from the three million acres be divided as follows:

- 20%—public schools
- 20%—University of Alaska
- 20%—University of Alaska Teacher Training
- 40%—discretion of the legislature

(Assistant Secy to Rep. Engle, 23 May 1956, RG 233, U.S. House, Box 97A, H.R. 246)

UA CAMPAIGN FOR ADDITIONAL GRANT LAND

Charles Bunnell's successors as University of Alaska president, Terris Moore (1949-1953) and Ernest Patty (1953-1960), both recognized the necessity for the university to gain additional land if it was to be placed on a secure financial footing. President Patty noted in 1955 that the university had virtually no income at all from its small amount of surveyed Section 33 land in the Tanana Valley, which he claimed was predominantly "moose pasture" anyway. He estimated the UA's total income from the Tanana Valley land reservation was only about \$20 a year. (Patty to Sen. Anderson, 21 July 1955, UA Pres Papers, 1955/56, Box 5, File 93)

President Patty made the acquisition of additional grant land and the repeal of the restrictions on existing university land—especially the prohibition against selecting mineral lands, and the ten-year leasing limit, which eliminated the possibility of any private investments on educational land—primary goals of his admin-

istration. Under Patty for the first time in its history, the University actually designated a land manager to look after its holdings.

Starting in 1954, Patty made numerous proposals to the Secretary of Interior for more land, including a request that the U.S. government grant the university part of Naval Petroleum Reserve No. 4 on Alaska's Arctic coast, so that the school could participate in any bounties from future oil leases. In order to stimulate Alaskan economic development, Patty suggested in July 1954 that the Territory be immediately granted one million acres, instead of waiting to receive several million acres that could come with eventual statehood. (Land Manager Report, 20 May 1958, Pres. Papers, 1958/59, Box 6, File 88)

Since all recognized that the lack of surveys had effectively negated any effective land grants in the past, the University of Alaska Board of Regents unanimously passed an official resolution in October 1955, requesting the right to select half-a-million acres—including mineral rights—of unsurveyed lands, to support the institution. The resolution stated:

WHEREAS, the Board of Regents, recognizing their responsibilities in the furnishing of higher education in Alaska, and whereas (sic) must continually maintain an adequate source of funds for the conduct of a good university, and

WHEREAS, it is an accepted and desirable procedure for a state university to look to the income from land under its jurisdiction as a source of funds for the university, and

WHEREAS, valuable lands in Alaska are not being developed because they have not been surveyed, and

WHEREAS, the University is being denied an important source of income because mineral rights are withheld for land under its jurisdiction;

THEREFORE, BE IT RESOLVED that the Congress of the United States is urged to enact appropriate legislation to grant the University of Alaska the authority to select land up to 500,000 acres with full mineral rights and permission to select non-surveyed land...

(Minutes of UA Board of Regents, 24 October 1955) Congress failed to act on the Board of Regents' request.

ELIMINATION OF DEDICATED LAND GRANTS

Initially, university officials were not particularly alarmed at the prospect of losing the 1915 reservation with the coming of statehood. Most statehood bills would have given the university an additional one million acres—almost four times the amount of land that the institution would have lost with the abolition of the Tanana Valley educational reserve. In the final push towards statehood in 1957-1958, however, the internal improvement grants of 2,550,000 acres—including the 500,000 acres for the University and 500,000 acres for the University's teacher training programs—were consolidated into the 100 million acre general grant, leaving the disposition of all 102,550,500 acres at the discretion of the legislature.

Beyond eliminating the specific grant of one million acres for higher education, the final statehood bill also cancelled the 1915 education reserve (though it did confirm the university's rights to the few thousand acres of Section 33 land that were already reserved and surveyed). The congressional intent clearly was that the massive unrestricted quantity grant substituted for the 1915 reserve. As Assistant Secretary of the Interior Hatfield Chilson wrote in March 1957, "In view of the quantify grants contained in the bill, we agree that section 1 of the 1915 act should be repealed. As of the present time, only a small percentage of the Territory has been surveyed, and we suggest that, as to such lands, the sections which have been reserved for educational purposes should be granted to the State of Alaska to be used by it for the purposes for which they were reserved." (U.S. House 1957: 25)

Apparently, the elimination of the designated internal improvement grants from the statehood bill for the University of Alaska and other essential state services was done with the full support and backing of Alaska Delegate Bob Bartlett, who had long

opposed attempts to dedicate state land for specific purposes. Looking back on the issue in 1964, then Senator Bartlett explained his reasoning to Gov. William A. Egan. He had always opposed dedicated land grants, he said, because he did not want to see the chaotic inter-agency bickering which had plagued Alaska during Territorial days, the same fear which led Alaska's constitutional framers to create a powerful executive branch. Bartlett continued:

I have a particularly strong feeling on this because at many times during consideration of the statehood bill, efforts were made to set aside this amount of land or that amount of land for the common schools and for other educational uses. I always resisted these and, as it turned out, successfully. My conviction was—and is—that notwithstanding the possible need for such reservations in the early statehood bills, the reasons for such have long since evaporated. I suspect that in those days there was not the dedication or devotion to education which has since come into being and it was felt that an assured source of income must be provided for the schools. That is not so in these days... (If dedication is made for one institution or one purpose, what argument could be made against expanding? None, of course. The philosophy here is closely akin, as I believe, to board control of a state agency with the Governor serving only as a figurehead. If it is done for one department of government, then almost necessarily it must be done for all. Once we are there, we have the chaos of territorial days all over again. (Bartlett to Egan, 8 June 1964, UA Pres Papers, 1963/64, Box 14, Folder 212)

V. THE LAND-GRANT COLLEGE WITHOUT THE LAND

LOSS OF A QUARTER-MILLION ACRES DUE TO STATEHOOD

The passage of the Statehood Act in 1958, without any provision for land specifically dedicated for the support of the University of Alaska, ended for the time being at least the possibility of getting additional land from the federal government. But even more critical from the point of view of the university was its loss of the balance of the Tanana Valley Section 33 reservation—more than a quarter million acres. The statehood act cancelled the 1915 reservation of educational lands, stopping any further lands under the act from being reserved once they were surveyed, though reaffirming the university's rights to any acreage already surveyed, selected, and reserved.

University attorney Ed Merdes wrote Secretary of the Interior Fred Seaton in early 1960 to clarify the status of the Section 33 lands. Merdes wrote that one interpretation of the statehood act, could be that all Section 33s were still in fact reserved, pending a survey. Merdes argued:

From a reasonable interpretation of the language of the Act, it appears that Section 33 continues to be reserved, subject only to being surveyed; and that upon the survey of these lands, title to the same immediately passes to the state for the University of Alaska. It is not clear whether such lands are included in or in addition to the grant of 102 (sic) million acres specified in Section 6(b) of the Statehood Act and although we would like to think it is "in addition to", we suspicion (sic) it is "included in" the 102 million acres. (Merdes to Seaton, 7 March 1960, Pres Papers, 1959/60, Box 6, File 90)

The Secretary's answer has not been found in the files, however, it is clear from the historical record that the government maintained the Section 33 land could not be reserved until surveyed and selected. Therefore, any lands not surveyed prior to the statehood act, could in no way be still considered reserved.

The UA did make an effort to keep its rights to some of the disputed Section 33 land. During the week before President Eisenhower signed the statehood act on January 3, 1959, UA land manager Donald Eynck filed 64,000 acres of indemnity selections chosen in lieu of surveyed Section 33 land in the Tanana Valley which had been denied to the university. Eynck filed the applications, as attorney Merdes wrote, "to keep alive any possible rights the University might have to these lands," despite

the repeal of the 1915 reservation by the statehood act. Merdes said the filing was also done because he thought it might possibly "be the basis for either grandfather rights or legislation that would grant the University additional lands, seemingly lost by said repeal." (Merdes to Wood, 15 November 1960, Pres Papers, 1959/60, Box 6, File 85; Board of Regents Minutes, 20-22 October 1960)

The Bureau of Land Management rejected the university's 64,000 acre indemnity selections on the grounds that the selections were not timely. BLM argued that as of January 3, 1959, the official day Alaska became a state, the reservation was no longer in existence. Since, by that date, the lands had not yet been reserved, title could not be transferred. It is unclear from the record, however, precisely why applications filed prior to January 3 would have been automatically disallowed and not given some grandfather rights.

Merdes contacted now Senator Bartlett's legislative assistant, Joe Josephson, about the impact of the statehood act on university land selections in the Tanana Valley. Based on his research in unpublished Congressional hearings, and discussions with Senator Bartlett, Josephson replied unequivocally that Congressional intent in the statehood act had been for the new state government to address the issue of the size of the university's land grant. In a memo to Merdes, Josephson wrote:

The theory of the land-grant provisions in the statehood act was that they would replace inter alia [among other things] the reservations authorized in 48 U.S.C. 353 and that the state university would petition the state government to satisfy the needs of the University which previously to statehood were met in part by 48 U.S.C. 353. (Josephson to Merdes, 10 November 1959, Pres Papers, 1959/60, Box 6, File 85)

Besides the legal issue, Josephson argued that it would be politically disastrous to ask Congress to reopen such a major clause of the statehood compact as the land grant.

Such a decision would encompass broad issues of tactics affecting all the legislation which relates to the welfare of Alaska. Unfortunately, there may still be members of Congress who look at the admission of Alaska with a disapproving eye and who would seize upon proposed legislation to make the terms of the Act of Admission more generous from the state's point of view to prove that their position against statehood was correct and, possibly, to justify rejection of other programs. (Josephson to Merdes, 10 November 1959, Pres Papers, 1959/60, Box 6, File 85)

Merdes accepted Josephson's reasoning, and recommended the university drop the 64,000 acre claim against the federal government and concentrate on getting additional land from the state government. "For even if the lands were reserved," Merdes wrote in a memo to the university president, "let alone merely filed upon, there still would be no chance of success, since the intent of Congress was to repeal 48USCA 353, and thereby permit the University to obtain future lands from the State under the generous grant given to Alaska in the Statehood Act, rather than as an individual entity." (Merdes to Wood, 10 November 1960, Pres Papers, 1959/60, Box 6, File 85)

LEGISLATIVE APPROVAL OF ONE MILLION ACRES FOR UA

The university sought redress for its land deficiencies from the state of Alaska. Probably the clearest evidence that many Alaskans assumed that the new state would designate additional lands for the support of the university was the passage by the first state legislature in the spring of 1959 of a measure authorizing the state to reserve one-million acres for the UA.

The original version of the university land bill (House Bill No. 176) declared the legislature's ultimate intent was eventually to grant the university five million acres "for the purpose of replacing those grants previously allowed under federal law... which has been superseded... and for the further purpose of establishing a means by which the University may be properly maintained and operated and direct state support thereby reduced." The measure specifically called for the UA to "select, accept or

secure by July 7, 1983" one million acres "from those lands granted the state by the federal government." Sixteen legislators from across Alaska—or 40 percent of the entire body—joined in sponsoring H.B. 176. Among others, the list of sponsors of the UA's land restitution bill included future Alaska governor Jay S. Hammond of Naknek, House Speaker Warren Taylor, the entire Fairbanks delegation, and other members from Anchorage, Nome, McKinley Park, Cordova, McGrath, Seward, and Point Barrow.

A committee substitute scaled down the legislative intent language to one million acres. "This reservation of land," the substitute bill stated, "shall be for the purpose of replacing grants of certain Sections 33 in the Tanana Valley previously allowed under federal law and now superseded" by the statehood act. (Committee Substitute for H.B. 176)

After a heated debate, the committee substitute passed the House on March 24, 1959 by a vote of 26-10, with four absences. One legislative observer noted that opponents of the bill were either "anti-university" (no one from Southeastern Alaska supported the measure) or were "anti-dedicated fund votes as they considered the granting of land another form of earmarking funds..." (Butler to Patty, 24 March 1959, Pres Papers, 1958/59, Box 6, File 93) In the state senate, the one million acre appropriation passed unanimously 20-0, after Senators changed the terminology in the bill from "granting lands" to "reserving lands for the support of." (Alaska Senate Journal, 1st Legislature, 1st Session, 1959: 859-860)

EGAN'S VETO OF ONE MILLION ACRE UA RESERVE

It came as a shock to President Patty and the Board of Regents when Governor William A. Egan vetoed the one million acre bill on May 4, 1959. Egan gave numerous justifications for his rejection of the legislature's bill, and his veto message detailed his strong philosophical objections to it. His veto read in part:

I am vetoing COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 176, a bill intended to reserve lands for the support of the University of Alaska, because I believe it wrong in principle, inconsistent with constitutional concepts and not in the public interest. In so saying, I may add that I would act similarly on any bill which sought, as this does, to make special disposition of the proceeds of public lands in aid of one public function to the exclusion of others. For more than a century and a half, the United States has granted to new states, on admission, lands for particular purposes. These so-called 'internal improvement grants' have been made for a variety of purposes, i.e., public schools, universities, normal schools, capital building, penal institutions, etc., and have comprised in all, a hodge-podge of grants for varied purposes, without assurance that in selection, income potential, or quality, lands so earmarked would be equitably apportioned among state functions.

Governor Egan correctly stated that traditionally federal lands were specifically earmarked for internal improvements such as penitentiaries, mental institutions, etc.. But as this report has demonstrated, the vast majority of federal land grants to states were for the support of education. Egan then gave the legislature his version of why the land provisions in the Alaska statehood were unique.

Some years ago, a Senate Committee headed by Senator O' Mahoney of Wyoming, while considering Alaska's proposed admission to the union, developed an entirely new concept of federal land grants to newly admitted states. That new concept sought, instead of the earmarked 'internal improvement' grants, to grant to the new state a specified total acreage for the support of state functions, yet earmarked for none. In short, the proceeds of such lands would go to the state treasury for suitable allotment of income by the legislature to the various state functions as circumstances might from time-to-time require.

That proposal, in terms of lands, is consistent with Alaska's constitutional and budget concepts regarding public monies and their earmarking, and allows desired flexibility in meeting changed conditions from year-to-year.

The governor then explained the heart of the matter as far as he was concerned. If the university received its internal improvement grant, how could the state refuse similar land grants for other state functions? According to Egan, the university was no different from any other agency of state government.

If we are to return to the 'internal improvement' concept of earmarking state lands, can we in good conscience limit the practice to the University? Why not similar provision for common schools, public buildings, hospitals, penal institutions, highways, airports, aid to dependent children, and so on throughout the entire list of important state functions? Certainly, this bill invites similar treatment for other state responsibilities. By this bill, the door would be opened to an unplanned disposition, or dissipation, of the resource without regard to relative need and without regard to the clear constitutional and congressional intent.

Besides Egan's philosophical opposition to the state granting additional land to the university, he claimed UA leaders were mistaken in believing that unsurveyed Section 33 lands were ever truly University of Alaska lands. The confusion arose from the difference between surveyed reserved lands (such as the 1915 in-place Section 33 reservation) and granted lands (such as the 1929 quantity grant of 100,000 acres).

Prior to the passage of the statehood bill, certain Sections 33 in the Tanana Valley were reserved, not granted, to the territory on the condition that their rental proceeds go to the University... To suggest that those other areas, which, on survey some time in the distant future, would have become numbered Sections 33 in the Tanana Valley, but which have never been surveyed and, therefore, have never been reserved nor productive of income for the University, have now been lost, is to say that the University has lost something it never had.

In conclusion, Egan rejected what had long been the basic financial concept behind the land grant institution. "I wish to make it perfectly clear that I have great interest in the University of Alaska," he wrote, "and that this veto is motivated by good administrative practices alone. The University's financing will be sounder and more certain by reliance on the appropriation and bonding processes." (Alaska Senate Journal, 1st Legislature, 1st Session, 1098-1100)

REACTION TO EGAN'S VETO

President Patty and the regents assumed that Egan's veto was based on the fact that the governor had been hospitalized with a severe illness when the measure was under discussion, and that he misunderstood the unique role and history of land-grant colleges in America. Following the passage of the bill by the legislature, Patty had never even bothered to contact Egan, thinking the governor was sure to sign it into law. As Patty wrote one legislator on June 15, 1959:

We were completely caught off base by the Governor's veto of the land bill. I think he made a very serious mistake which was based largely on the fact that he did not understand that there is historical precedent in every state of land grants to their land-grant university. Also, I feel he was not advised of the fact that the University lost potentially (sic) millions of acres of land under the Statehood act. (Patty to Erwin, 15 June 1959, Pres Papers, 1959/60, Box 6, Folder 96)

C.W. Snedden's *Fairbanks Daily News-Miner*, a key player in the battle for statehood, explained that Egan's veto left the "University in the slightly unique position of being a land-grant university without any land to speak of." *The News-Miner* continued:

Governor Egan may have lost sight of the fact that with the coming of statehood to Alaska, the University of Alaska lost its right to acquire almost a million acres of Alaska land.

The University's rights to this land, as has been stated by Dr. Ernest Patty, president of the University, have been 'washed out' in the bill which granted more than a hundred million acres of land to the new state. We agree with Dr. Patty in the belief that the theory behind depriving the University of this land was that Congress felt the state would provide adequately for the University through special land grants.

The assumption was proved correct when the legislature acted to ensure that a land area equivalent to that lost to the University by passage of statehood was restored... We do not believe that Governor Egan's veto of this bill has or will ever have the support of the Alaskan public. We feel the veto reflects a lack of appreciation for the importance of providing an independent source of revenue for our University—an ever growing asset not subject to the whims of future legislatures. (News-Miner, 7 May 1959)

THE UA'S "STARVATION
GRANT"

Patty wrote Egan in February 1960 to renew the campaign for the university's land bill. "The Regents and I felt that this was the most forward looking Bill for the University that had ever reached the Legislature," Patty wrote, "and we were all surprised when you vetoed it. This veto came shortly after you returned from the hospital and I blamed myself for not making a special trip to Juneau to explain the background of the bill." (Patty to Egan, 8 Feb 1960)

In his six-page letter, President Patty highlighted for the governor ten reasons why the legislation was essential:

1. The history and theory behind the Morrill Act setting up a Land-Grant University in each state is based on the theory that each Land-Grant University would be given a land grant for the partial support of the University...
2. The Statehood Act for Alaska took away from the University the major portion of its original Land Grant.
3. The University now has only a minimal grant of land; much of this is of no immediate value and compared, area wise, to the other states, it is one of the smallest and (sic) unpromising grants of any state university.
4. Most universities now have a subsidiary income from lands or other property. This is generally used for research and for projects that cannot be readily financed from legislative appropriations. The income from lands should be invested in an endowment fund and only the income from this fund should be disbursed. The idea the University might possibly secure an income beyond its reasonable need is a misconception beyond the realm of possibility.
5. There may come a time in the history of the state when some great financial crisis will develop. If the university had, by that time, developed an important endowment, then the income from this might be very helpful in tiding the university through the difficult period.
6. To avoid duplication, the land granted to the university would be handled by the state Division of lands and there would be limitations on the amount of land which the university could acquire in any one year.
7. The land-grant idea is workable and has 100 years of history behind it.
8. A broad financial base is important.
9. (A) Strong state university is vital to growth of state...
10. A subsidiary endowment income will help to make the difference between a moderately good university and an outstanding university.

Patty detailed the history of the university's land grant. He recounted how the statehood act had cost the university some 259,296 acres of the total 268,800 acre reservation created in the Tanana Valley in 1915 and called it a "pathetic situation." The university's total income from its 1915 Tanana Valley land was only \$243 a year.

Even with the 100,000 acre grant of 1929, which the statehood act had not affected, Patty calculated that the university's total land grant amounted to only 109,504 acres. "This is a starvation grant for a land-grant university located in a state containing 365 million acres," Patty wrote. "Actually the requested addition of one million acres is very modest and is less than one percent of the land which the state will acquire."

The university president then blasted what he called the "trickle down theory" as completely counter to the theory behind land-grant institutions.

Obviously, some of the state income from land will trickle down to the university, but this violates the original concept of the Land-Grant Act which sought to provide a partial and separate form of income to supplement the work of the university, which cannot always be financed by annual appropriations.

The Board of Regents plan to use its land income as an endowment fund and to draw off only the income from this endowment. It would probably be 10 years hence before this endowment would yield an important income. Who knows, if we could build up an endowment of several million dollars the income would be vital in keeping the university alive, if lean years should come. At the present time, the endowment fund of the university, in the hands of the state treasurer, totals only \$15,300.

Patty scoffed at the idea that the university might end up with too much money if it received additional land. "This is beyond even the most remote possibility," he wrote. "The chances are many times better that you or I might win the Nenana Ice Classic." At that time, even the oil-rich University of Texas received only 39 percent of their budget from their endowment. "What a wonderful thing it would be for all Alaska if a great oil bonanza should be developed on university land and we could accumulate an endowment of 50 million dollars and use the income from this in perpetuity."

In conclusion, Patty suggested to Egan that the legislation allow the University of Alaska to select up to one million acres over the next 20 years. He predicted it could be a decade or longer before the endowment grew to any significant size. "However, I would expect that our grandchildren would conclude that we had great foresight."

Initially, Patty believed in early 1960 he was making progress convincing Egan of the rightness of the university's cause. In a memorandum to the Board of Regents in late February, Patty noted: "When I talked to the Governor several weeks ago he told me that he had been reluctant to veto the Bill and even suggested that if we would wait two or three years he might be willing to change his mind."

But on his next visit with Egan, Patty found the governor's position against the million acre grant had hardened. "Governor has become most adamant against this," he informed the regents, "and indicated that if the Legislature again passed this Bill he would veto it. Several members of the Legislature are anxious and willing to promote the Bill, but I did not encourage them for there seems to be no chance to pass the measure over the Governor's veto." (Patty to Regents, 29 February 1960, Pres Papers 1963/64, Box 14, File 206)

Governor Egan's steadfast opposition to granting the university additional land doomed the effort on the state level. Nevertheless, bills to provide the UA additional land continued to find support in the legislature and were regularly introduced throughout the 1960s.

Patty's successor as U.A. President, Dr. William R. Wood, kept up the fight for a new land grant from either the state or the federal government, or both. According to Wood, state and federal authorities always agreed that the university should receive additional land and agreed that the other party should provide it.

CONTINUATION OF EFFORTS IN
1960s TO ACQUIRE LAND

Wood found the possibility of acquiring new land particularly appealing, because, for the first time in its history, the university finally started to earn a sizeable income from its land holdings in 1961 when it began selling oil leases on its Kenai Peninsula land. In its first 43 years, the university's cumulative income from land was only \$16,256.03. But with the start of oil leasing in FY 60/61, the UA earned \$604,470 in one year alone, or about 38 times what it had earned since 1917. No oil was ever struck on university land, however, and thereafter the amount netted from oil leasing steadily declined. (UA Permanent Fund Statement, 1917-1971, Pres Papers, 1971/72, Box "Higher Ed...", File, Land—July-Dec)

In April 1964, when Congress was grappling with relief efforts for the Good Friday Earthquake, President Wood wired Sen. Bartlett if it would be "presumptuous" to request amending the statehood act and give the university three million acres. "This could provide base for much-needed sustained support of the university now central to development of state's resources and nationally valuable as regional environmental research center." (Wood to Bartlett, 25 April 1964) Bartlett's administrative assistant Mary Lee Council dashed Wood's hopes. "Since any omnibus or other legislation will relate strictly to the disaster," she wrote, "I would doubt very much whether legislation of the kind you mention would be entertained." (Council to Wood, 28 April 1964, Pres Papers, 1963/64, Box 14, File 212)

PRESIDENT WOOD LOBBIES FOR
NORTH SLOPE LAND

Continuing discussions with both state and federal officials, President Wood tried a new approach to acquire the three million acres he believed the university required for financial security. Wood proposed to Senator Bartlett that the university be given land from either "within the Arctic Wildlife Range, from Naval (Petroleum Reserve) No. 4, when and if the Reserve is eliminated or diminished in size, from the existing public domain, or from lands already acquired or to be acquired by the state." Before taking up Wood's suggestion with Secretary of Interior Stewart Udall, Bartlett conferred with Roscoe Bell, director of the state Division of Lands. "I am reminded that Governor Egan once vetoed a bill involving the university lands," Bartlett wrote, "but my memory on the subject is somewhat hazy..." (Bartlett to Bell, 14 May 1964)

Lands Director Bell informed Bartlett that the state would continue to oppose giving the university new lands from the public domain, simply because it would merely take away land from the State of Alaska. Already the Division of Lands faced a difficult challenge finding land that would in fact produce any revenue. "Any new authorizations for university land selection from open public domain would appear unacceptable," Bell wrote Bartlett, "because such would in effect, reduce other state land suitable for selection. (The acreage of land having apparent value seems far below the state's entitlement of 103,000,000 acres." Bell then reiterated Egan's long-standing objections. He wrote Senator Bartlett,

I am sure that you understand perfectly the state's past position in opposing a university land selection of several million acres of valuable land, which could result in a situation where the university has valuable lands producing more revenue than would be needed while other state functions were neglected because of lack of funds. (Bell to Bartlett, 27 May 1964)

However, there was one idea for giving the University of Alaska land to which Bell and Governor Egan responded enthusiastically: taking it from a pre-existing federal reserve, such as the nine million acre Arctic Wildlife Range (now known as the Arctic National Wildlife Refuge or ANWR) created in 1960.

Bell complained that though the Arctic Wildlife Range was supposed to be "subject to multiple use management," such a hope was unrealistic. The U.S. Fish and Wildlife Service, he charged, "is of necessity more or less beholden to conservationists, some of whom are radical and articulate single-use wilderness proponents (sic)." However, he speculated, "Perhaps revocation of the withdrawal could be accomplished if it were to permit a university selection for conservation and

management as a 'great Arctic Wildland Management Laboratory.'" Bell explained his proposal in some detail, by which the Arctic Wildlife Range would be supplanted by a university laboratory.

The University and its motives in management could not be questioned. The University likewise has the potential for tapping foundation monies as well as entering into cooperative agreements with federal agencies under which it might be possible to develop a program of Arctic Wildlife Research and Resource Management without unbearable cost to the state of Alaska. As 'university land,' the land would be under the full management control of the university. At the same time, multiple-use management and revenue production would be a possibility without violation of the primary purpose of the 'laboratory.' Because it appears that the state would have little probability getting the land restored to the public domain to permit normal selection and management procedures, and since the land does offer some possibility of producing revenue ultimately to help support the university, such a program might possibly be supportable by the state. Enabling state legislation would be required to authorize such a university selection of several million acres. To be acceptable, such a selection would probably be limited to lands made available by revocation of the Arctic wildlife refuge. (Bell to Bartlen, 27 May 1964)

Governor Egan supported Bell's proposal that the Arctic Wildlife Range be replaced in whole or in part by a University of Alaska Management Laboratory. Thus, the state of Alaska had no objection to the University of Alaska receiving millions of acres of additional land, if it came from a federal reserve closed to exploration and development, that would otherwise be unavailable for general state selection. There is no evidence in the record, however, that federal authorities ever showed any support for the plan.

AFTER THE LAND FREEZE

With the defeat of Governor Bill Egan by Walter Hickel in the 1966 election, Hickel promised a new era of Alaskan economic development. Yet the land freeze instituted by Secretary of Interior Udall in December 1966 virtually brought state land selections to a dead stop and extinguished the fading hope that the University of Alaska might be able to receive an additional land grant in the foreseeable future. Legally and politically the Alaska land picture grew more complex year-by-year. Within the next 15 years the open public domain in Alaska would essentially vanish, as the entire state was parceled off among development interests, environmental interests, and Native groups, with settlement of the Native Land Claims issue in 1971, construction of the Trans-Alaska Pipeline from 1974-1977, and passage of the Alaska National Interest Lands Conservation Act in 1980.

Now that Alaska's land issues have been somewhat resolved, university supporters have again proposed that additional lands be granted to the University of Alaska from either the state or the federal government, or both, to resolve the financial issue which continues to haunt the land-grant college without the land.



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- RG 46, Records of the United States Senate

AMENDMENT

IN THE SENATE

TO Senate Bill 217

Page 1, line 2, after "land" insert

"and providing for an effective date."

Page 7, after line 17, insert new *Section 7 to read:

***Sec. 7.** This Act takes effect upon a final court determination which resolves all outstanding issues in *Weiss v. State* [court docket #]

AMENDMENT

IN THE SENATE

TO Senate Bill 217

Page 6, after line 10

Insert new *Section 6 to read:

***Sec. 6.** A.S. 14.40 is amended by adding a new section to read:

AS 14.40.401. Income from the University of Alaska endowment trust fund established by AS 14.40.400(a) is subject to the Executive Budget Act (A.S. 37.07).

Renumber sections accordingly

113

AMENDMENT

IN THE SENATE

TO Senate Bill 217

Page 6, after line 3, insert new *Sec. 5 to read:

*Sec. 6. AS 14.40 is amended by adding a new section to read:

Sec. 14.40.366. DISPOSITION OF INCOME FROM EXISTING ENCUMBRANCES. Income from land selections by the University of Alaska under AS 14.40.365 which are subject to encumbrances listed in AS 14.40.365(a)(1)(A)-(E) shall be transmitted to the State of Alaska during the pendency of the primary term of the lease, contract, claim, sale or permit. Equitable title to such selections shall vest with the University of Alaska only upon fulfillment of the primary term of said lease, contract, claim, sale or permit.

Renumber sections accordingly

#4

AMENDMENT

IN THE SENATE

TO Senate Bill 217

Page 6, after line 3, insert new subsection (h) to read:

(h) Notwithstanding other provisions of this subsection, if the University selects land within the boundaries of an organized municipality which has not completed its municipal land selections under AS _____, the commissioner shall hold university selections in abeyance for three years, or until completion of municipal selections, whichever comes first. Municipal selections under AS _____ shall have precedence over university selections under this subsection.

A M E N D M E N T

OFFERED IN THE SENATE
TO: SB 217

BY SENATOR FRANK

Page 1, line 1, after "Alaska":

Delete "and"

Insert ", "

Page 1, line 2, after "land":

Insert ", and defining net income from the University of Alaska's endowment trust fund as 'university receipts' subject to prior legislative appropriation"

Page 6, following line 10:

Insert new bill sections to read:

"* Sec. 6. AS 14.40.400(e) is amended to read:

(e) Subject to legislative appropriation, the [THE] Department of Administration shall disburse the net income from the trust fund upon vouchers approved by the president and treasurer of the University of Alaska specifying the purpose for which the money is to be used and showing it is to be used in conformity with this section.

* Sec. 7. AS 14.40.491 is amended to read:

Sec. 14.40.491. DEFINITION OF UNIVERSITY RECEIPTS. In AS 14.40.420 - 14.40.491, "university receipts" includes

- (1) student fees, including tuition;
- (2) receipts from university auxiliary services;
- (3) recovery of indirect costs of university activities;
- (4) the net income of the trust fund established in AS 14.40.400
and receipts from sales and rentals of university property;
- (5) federal receipts;

- (6) gifts, grants, and contracts; and
- (7) receipts from sales, rentals, and the provision of services of educational activities."

Renumber the following bill section accordingly.

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR FRANK

TO: SB 217

Page 1, line 2, following "land":

Insert "; and providing for an effective date"

Page 4, line 28, through page 5, line 12:

Delete all material and insert:

"(d) The commissioner may not convey title to any land selection made by the university under this section if the commissioner determines that the proposed selection

(1) includes land for which, at the time of its selection under this section, a municipality has made a selection under AS 29.65, unless the land selection is, at a later date, rejected by the commissioner of natural resources or relinquished by the municipality;

(2) is not in the best interests of the state; in making a determination under this paragraph as to whether a selection by the university is in the best interests of the state, the commissioner shall consider

(A) the interest of the general public in retention of the land in state ownership;

(B) ensuring an appropriate diversity in the character of land owned by the state and by the university;

(C) the public benefits achieved by conveyance of the land to the university;

(D) the probable potential for the development of the land and its resources and the probable income to the university from the conveyance of the land;

(E) benefits to the university from the conveyance of the land

to it; and

(F) the efficiency of the management of the land resulting from the conveyance of the land."

Page 7, following line 17:

Insert new bill sections to read:

"* Sec. 7. APPLICABILITY OF UNIVERSITY SELECTION RIGHTS UNDER AS 14.40.365 TO LAND. In addition to the land that, under AS 14.40.365(d), the commissioner of natural resources may not convey to the University of Alaska, the commissioner of natural resources may not convey land for which, at the time of its selection by the university,

(1) is subject to conveyance to the Alaska Mental Health Trust Authority under sec. 54, ch. 66, SLA 1991;

(2) is land that the commissioner of natural resources reasonably believes should be conveyed to the Alaska Mental Health Trust Authority under sec. 55, ch. 66, SLA 1991, as compensation to that trust for original mental health trust land not available for return to the corpus of the trust; or

(3) is land described in sec. 56, ch. 66, SLA 1991, as listed in "Lands Hypothecated to the Mental Health Trust, May 1991" located in the office of the director of the division of lands, Department of Natural Resources, in Anchorage, Alaska, that has been hypothecated to secure reconstitution of the mental health trust; however, as the reconstitution of the mental health trust is accomplished and the hypothecated land is released on a pro rata basis, the University of Alaska may select the land and the commissioner may convey it.

* Sec. 8. LEGISLATIVE INTENT. It is the intent of the legislature that, if sec. 7 of this Act takes effect after the effective date of secs. 1 - 6 of this Act, the commissioner of natural resources reject, as inconsistent with the best interests of the state, selections of land by the University of Alaska under AS 14.40.365, added by sec. 4 of this Act, of land described in sec. 7 of this Act.

* Sec. 9. Section 7 of this Act takes effect on the effective date of ch. 66, SLA 1991."

#7
AMENDMENT

OFFERED IN THE SENATE
TO: SB 217

BY SENATOR FRANK

Page 5, line 18, after "conveyance.":

Delete "The"

Insert "Except for the annual rent or other form of consideration received for land under lease, the"

Page 5, line 19, after "interest.":

Insert "The lessee shall continue to pay annual rent or other form of consideration due for land under lease to the state department that was entitled to it before the conveyance, and the state is entitled to receive the consideration due under the leasehold interest for the duration of that interest."

Library

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB217

Revision Date: Original Dept Affected: Natural Resources
 Title: "An Act relating to land of the University of Alaska and authorizing the University of Alaska to select additional..." BRU: Resource Development
 Component: Land Development
 Sponsor: Senator Frank
 Requestor: Senator Frank Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	873.6	773.6	754.6	647.4	647.4	647.4
TRAVEL	6.0	6.0	6.0	6.0	6.0	6.0
CONTRACTUAL	92.5	192.5	192.5	192.5	192.5	92.5
SUPPLIES	15.0	15.0	15.0	13.0	13.0	13.0
EQUIPMENT	64.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	1,051.1	987.1	968.1	858.9	858.9	758.9

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES () ** SEE NOTE IN ANALYSIS BELOW.

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,051.1	987.1	968.1	858.9	858.9	758.9
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	1,051.1	987.1	968.1	858.9	858.9	758.9

Estimate of any current year (FY94) cost: \$ None (assume effective date 7/1/94 or later)

POSITIONS

FULL-TIME	16	14	14	12	12	12
PART-TIME	3	4	4	3	3	3
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

** Note: Transferring one million acres of the best revenue producing land to the University would decrease the general fund by the same amount it increases revenue to the University. It is impossible to project the exact amount without knowing what lands are transferred to the University.

Prepared by: Ron Swanson, Director Phone: 762-2692
 Division: Land Date: 25-Jan-94
 Approved by Commissioner: Harry A. Noah Date: 25-Jan-94
 Agency: Natural Resources

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

BACKGROUND FOR SB217 FISCAL NOTE

Assumptions and background

- 6-year project to adjudicate the selections (takes process to the grant of management authority; need for survey and conveyance work will continue for many years)
- Staff consolidated in Anchorage for efficiency
- 640 acres average parcel size for adjudication (1,000,000 acres=166,167 acres/year=260 parcels/year=640 acres/day each year)
- No planning or selection work needed. University selections come from existing state-selected or state-owned land, and are exempt from AS 38.04.
- AS 14.40.365(c) says, "The university shall bear all costs of survey of the land." We assume this means they pay the surveyor's costs, but have included one half-time CSAII for survey instructions and plat review.
- Realty Services will prepare cost projections for title and conveyance work, LRIS will prepare cost projections for LAS, GIS, and other information services.
- Cost projections are level - no inflation is assumed
- State pays for phase 1 environmental audit.

Item	Code	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
Project management and adjudication (NRMI, 1 NROI, NRTI/II)	100	263.5	263.5	263.5	263.5	263.5	263.5
Survey support (1/2CSAI)	100	28.0	28.0	28.0	28.0	28.0	28.0
Realty services (NROI, 3 NROI, 2 NRTI/II, CTIII, DPC) ²	100	350.1	350.1	350.1	261.9	261.9	261.9
Business Programming (A/PIV) ³	100	75.0	38.0	19.0	0	0	0
GIS support (A/PIII) ³	100	65.0	33.0	33.0	33.0	33.0	33.0
Status graphics support (NRMI-1 mo/yr, 1/2NROI for year 1 only, NROI)	100	77.0	61.0	61.0	61.0	61.0	61.0
SUBTOTAL	100	858.60	773.60	754.60	647.40	647.40	647.40
Travel (Proj. mgr., adjudication, realty)	200	6.0	6.0	6.0	6.0	6.0	6.0
Public notices under AS 38.05.945	300	7.5	7.5	7.5	7.5	7.5	7.5
Realty services - BLM computer runs, etc.	300	10.0	10.0	10.0	10.0	10.0	10.0
Office space - Realty Services	300	75.0	75.0	75.0	75.0	75.0	75.0

¹Years 1-3 include all listed staff; years 4-6 assume slowdown while surveys are completed, and assume staff = NROI, 2NROI, NRTI/II, CTIII, and DPC only.

²Full-time in year 1, half-time in year 2, one-quarter time in year 3

³Full-time in year 1, half-time in years 2-6

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Phase 1 environmental audit/hazardous materials survey ⁴	300	0	100.0	100.0	100.0	100.0	0
SUBTOTAL		92.50	192.50	192.50	192.50	192.50	92.50
Supplies - Adjudication and project management	400	4.0	4.0	4.0	4.0	4.0	4.0
Supplies - Realty Services	400	8.0	8.0	8.0	6.0	6.0	6.0
Supplies - LRIS	400	3.0	3.0	3.0	3.0	3.0	3.0
SUBTOTAL		15.00	15.00	15.00	13.00	13.00	13.00
Computers for adjudicators and tech	500	16.0	0	0	0	0	0
Computers for realty services	500	48.0	0	0	0	0	0
SUBTOTAL		64.00	0.00	0.00	0.00	0.00	0.00
TOTAL		1,036.10	987.10	968.10	858.90	858.90	758.90

⁴Assumes university selections would be identified in years 1-4 and surveyed for environmental hazards in years 2-5. Based on costs of environmental audit for mental health lands. Process would use primarily air photos and existing data to screen sites, with site-specific follow-up only as needed.

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