

SB

340

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: May 7, 1998

FURTHER REFERRALS:

Date of Committee Action: 5/10/98

The FINANCE Committee considered:

CSSB 340(FIN)

CS FOR SENATE BILL NO. 340(FIN)

INCREASE LAND GRANT TO UNIV. OF ALASKA

“An Act relating to the University of Alaska and university land, and authorizing the University of Alaska to select additional state land.”

recommends it be replaced with the following committee substitute HCS CSSB 340 (FIN) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____ fiscal note(s) Senate DNR 5/4/98
UA 5/4/98

zero fiscal note(s) _____ zero fiscal note(s) _____

| SIGNING WITH RECOMMENDATIONS | DP | DNP | NR | AM |
|--------------------------------|----|-----|----|----|
| <i>[Signature]</i> Therriault | X | | | |
| <i>[Signature]</i> Mulder | X | | | |
| <i>[Signature]</i> Martin | X | | | |
| <i>[Signature]</i> Kohring | X | | | |
| <i>[Signature]</i> Davis | X | | | |
| <i>[Signature]</i> Grossendorf | | | X | |
| <i>[Signature]</i> Moses | | | X | |
| <i>[Signature]</i> Davis | | | X | |
| <i>[Signature]</i> Kelly | | | | |
| <i>[Signature]</i> Foster | | | | |

CHAIR'S SIGNATURE *[Signature]*

FISCAL NOTE

No. 5

Bill Version: CSSB340(FIN)

(S) Publish Date: 5/6/98

STATE OF ALASKA 1998 LEGISLATIVE SESSION

Revision Date: 1-May-98

Dept Affected: Natural Resources

Title: An Act relating to the University of Alaska and university land, and authorizing the U of A to select addt. st. land.

BRU: Resource Development

Sponsor: S Judiciary

Component: Land Development

Requestor: S FIN

Component Serial No. 431

Expenditures/Revenues

(Thousands of Dollars)

| OPERATING EXPENDITURES | FY99 | FY00 | FY01 | FY02 | FY03 | FY04 |
|------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| PERSONAL SERVICES | 139.7 | 157.7 | 157.7 | 157.7 | 157.7 | 157.7 |
| TRAVEL | 15.0 | 15.0 | 15.0 | 15.0 | 15.0 | 15.0 |
| CONTRACTUAL | 617.0 | 617.0 | 617.0 | 617.0 | 617.0 | 617.0 |
| SUPPLIES | 8.0 | 15.0 | 15.0 | 15.0 | 15.0 | 15.0 |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 779.7 | 804.7 | 804.7 | 804.7 | 804.7 | 804.7 |

| | | | | | | |
|----------------------|-----|-----|-----|-----|-----|-----|
| CAPITAL EXPENDITURES | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
|----------------------|-----|-----|-----|-----|-----|-----|

| | | | | | | |
|------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|------------------------|--|--|--|--|--|--|

FUND SOURCE

(Thousands of Dollars)

| | | | | | | |
|--------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 30.0 | 32.0 | 32.0 | 32.0 | 32.0 | 32.0 |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| 1007 I/A | 749.0 | 772.7 | 772.7 | 772.7 | 772.7 | 772.7 |
| TOTAL | 779.0 | 804.7 | 804.7 | 804.7 | 804.7 | 804.7 |

Estimate of any current year (FY98) cost: \$ None

POSITIONS

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 3 | 3 | 3 | 3 | 3 | 3 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

ANALYSIS:

(Attach a separate page if necessary)

This fiscal note is the minimum necessary for DNR to process land selections and conveyances to the University of Alaska. Most costs for the conveyance work will be paid for by the University of Alaska using Interagency Receipts, however, this money still must come from state funds.

For FY 99, staff will include 2 mos. of a Natural Resource Manager I, 12 mos. Natural Resource Officer (NRO) II, and 12 mos. NRO I who will help identify parcels for University selection, check land status and land records, prepare public notice, respond to public inquiries, negotiate with the University, and perform other tasks to prepare land lists. Includes 6 mos. for a Land Surveyor I to prepare survey instructions and contracts for survey. Large contractual expenditures reflect the cost to survey parcels, fiscal note assumes average parcel size will be 320 acres, about half (40 parcels) will require survey, average survey cost per parcel assumed to be \$15,000 (40x15,000=600,000).

FY 00 and following years include the above costs, plus costs to issue title documents.

* It is impossible to project the exact amount of revenue these conveyances will generate for the University, and will be lost to the state without knowing exactly what lands will be transferred.

Prepared by: Jane Angvik / m Phone: 269-8503
 Division: Land Date: 1-May-98
 Approved by Commissioner: [Signature] Date: 5-1-98
 Agency: Natural Resources

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

FISCAL NOTE

No. 4
 Bill Version: CS SB 340(FIN)
 (S) Publish Date: 5/6/98

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Revision Date (Note if correction) _____ Dept. Affected University of Alaska
 Title An Act relating to the University of Alaska and SRU University of Alaska
university land, and authorizing selection of additional land. Component Statewide Services
 Sponsor Senate Judiciary
 Requester Senate Finance Component Serial No. 730

Expenditures/Revenues (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 |
|------------------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | 1,500.0 | 1,500.0 | 1,500.0 | 1,500.0 | 1,500.0 | 1,500.0 |
| TOTAL OPERATING | 1,500.0 | 1,500.0 | 1,500.0 | 1,500.0 | 1,500.0 | 1,500.0 |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|-------------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| FUND SOURCE | FY 99 | FY 00 | FY 01 | FY 02 | FY 03 | FY 04 |
|--------------------------|----------------|----------------|----------------|----------------|----------------|----------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| 1048 University Receipts | 1,500.0 | 1,500.0 | 1,500.0 | 1,500.0 | 1,500.0 | 1,500.0 |
| TOTAL | 1,500.0 | 1,500.0 | 1,500.0 | 1,500.0 | 1,500.0 | 1,500.0 |

Estimate of any current year (FY98) cost: none

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This bill provides for the selection and conveyance to the University of Alaska of 250,000 acres of land conveyed to the state under the Alaska Statehood Act. A list of land to be conveyed is to be presented to the legislature within 30 days of the beginning of each regular session, with each list to contain at least 25,000 acres. The bill also provides that the University of Alaska shall bear all costs of selection, platting, surveying and conveyance. This fiscal note assumes that the minimum 25,000 acreage will be platted and surveyed each year, at an estimated cost of \$1,500.0. All costs will be paid from the university land grant trust fund as provided for in AS 14.40.400; related expenditures will also be reflected in the university's annual operating budget as university receipts.

Prepared by Marylou Burton, Director Phone 474-6490
 Division UA Statewide Budget Office Date 5/5/98
 Approved by Ct. Marylou Burton, Director *Marylou Burton* Date 5/5/98
 Agency UA Statewide Budget Office

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

For further distribution information, call the Governor's Legislative Office

no/obj Adopted

0-LS1664K.3
Cook
5/9/98

AMENDMENT

OFFERED IN THE HOUSE
TO: CSSB 340(FIN)

BY REPRESENTATIVE KELLY

1 Page 4, lines 25 - 29:

2 Delete all material.

3 Insert "submitted. Land may not be included in the list if, on the date of its selection
4 by the university, it

5 (1) has been reserved by law from the public domain;

6 (2) is land"

7 Page 5, lines 3 - 10:

8 Delete all material and insert:

9 "(3) is subject to

10 (A) an oil, gas, or coal lease, or coal prospecting lease; or

11 (B) a mining claim, a prospecting site, or an upland mining

12 lease;"

13 Renumber the following paragraphs accordingly.

14 Page 5, line 11:

15 Delete "not"

16 Page 5, line 13:

17 Delete "not"

18 Page 9, line 15:

19 Delete "December 31, 2012"

20 Insert "December 31, 2020"

0-1.S1664\K.3

1 Page 10, line 16:

2 Delete all material.

3 Insert "of university land or an interest in university land;"

4 Page 10, lines 17 - 18:

5 Delete all material and insert:

6 "(2) before the issuance of a notice of an intent to award a contract
7 relating to a sale, lease, or disposal of university land or an interest in university land,
8 the names"

9 Page 10, lines 21 - 22:

10 Delete all material.

11 Insert "appraisal, gross receipts, net receipts, or other financial information relating
12 to university land or an interest in university land and considered for"

13 Page 10, lines 26 - 29:

14 Delete all material.

15 Insert "operations relating to management of university land;
16 (5) applications for rights-of-way or easements across university land;
17 and"

18 Page 10, line 31:

19 Delete all material.

20 Insert "for university land that is being considered for"

21 Page 11, line 5:

22 Delete "identified in AS 14.40.365(a)(4)"

0-LS1664\K.4

1 subsection does not apply if the match is not made available by a municipality."

2 Page 11, line 21, through page 12, line 5:

3 Delete all material.

4 Insert new material to read:

5 **"Sec. 14.40.375. Tort immunity for personal injuries, death, or property**
 6 **damage occurring on university land.** (a) Notwithstanding AS 09.65.200 and
 7 except as provided in (b) of this section, the University of Alaska is not liable in tort,
 8 except for an affirmative act that constitutes gross negligence or reckless or intentional
 9 misconduct, for damages for the injury to or death of a person, or for property
 10 damage to the property of a person, who enters onto or remains on land owned by the
 11 University of Alaska.

12 (b) The provisions of (a) of this section do not apply to damages for injury
 13 to or death of a person, or for property damage to the property of a person, that
 14 occurs on land of the University of Alaska that, after receipt of title to the land by the
 15 University of Alaska, has been improved and is actively maintained by the University
 16 of Alaska."

2 no lobby amended P.02
0-1.S1664/K.4
Cook
5/9/98

AMENDMENT

OFFERED IN THE HOUSE
TO: CSSB 340(FIN)

BY REPRESENTATIVE KELLY

1 Page 4, line 21, following "less.":
2 Insert "A list may identify land in excess of the amount of acreage set out in this
3 subsection, but the amount of land identified on the list may not exceed by more than 25
4 percent in total acreage the amount of acreage to which, on the date of submission of the list
5 to the legislature, the university has not received title under this section. If, on a list
6 presented to the legislature under this subsection, the amount of land to be conveyed exceeds
7 the balance due the university under this section, the university shall set out the land to be
8 conveyed in priority order, ~~and, thereafter, when the university receives conveyance of title~~
9 ~~to land, the commissioner shall reduce the excess acreage by striking from the list the land~~
10 ~~that has the lowest priority and shall continue to strike acreage from the list until the list of~~
11 ~~land to be conveyed does not exceed by more than 25 percent in total acreage the amount of~~
12 ~~acreage to which the university has not received title under this section."~~

13 Page 6, line 4, following "land":
14 Delete "selected by"
15 Insert "submitted to the legislature on a list under AS 14.40.365(a)"

16 Page 10, lines 6 - 10:
17 Delete all material.
18 Insert "amount up to 20 percent of the earnings derived from the management of
19 university land conveyed to the university under AS 14.40.365 for programs and services
20 supporting the development of natural resources within the region from which the earnings
21 were derived. The earnings shall be used by the campus or campuses located within the
22 region from which the earnings were derived if a municipality within which the campus or
23 campuses are located provides to the campus or campuses a match of the same amount. This

0-LS1664\K.2
Cook
5/8/98

3

w/d

AMENDMENT

OFFERED IN THE HOUSE

TO: CSSB 340(FIN)

1 Page 4, line 31:

2 Delete "or"

3 Page 5, line 2, following "38.05.150;":

4 Insert "or"

5 Page 5, following line 2:

6 Insert a new subparagraph to read:

7 "(C) that is the subject of a permit application for a
8 telecommunications cable or transmission line that has been filed with the state
9 and is pending;"

AMENDMENT

#4

no/obj
adopt

DAVIES

TO: CSSB 340 (FIN) - University of Alaska Land Grant

Page 4, line 16

After, "(P.L. 85-508, 72, Stat. 339)."

Insert:

If there is a disagreement between the university and the Department of Natural Resources about the land to be placed on the list, the disagreement must be submitted to the governor, who shall make the final decision.

Page 4, line 17

Delete [commissioner of natural resources]

Insert, governor

#5

failed

AMENDMENT

Grussendorf

OFFERED IN THE HOUSE

TO: CSSB 340(FIN)

1 Page 1, line 2, following "land":

2 Insert "; and providing for an effective date"

3 Page 13, following line 24:

4 Insert new bill sections to read:

5 "* Sec. 9. This Act takes effect only if a federal law is enacted during ~~1998~~ that makes
6 at least 250,000 acres of federal land available for conveyance to the University of Alaska
7 or to the state for the benefit of the University of Alaska.

8 * Sec. 10. If this Act takes effect, it takes effect on January 1, 1999."

AMENDMENT

6

faiced
By REP DAVIS

SB 340(FIN)

Delete lines 5-14 on page 7 and replace with:

(1) Includes land for which, at the time of its selection under this section the commissioner reasonably believes the land may be selected by a municipality under AS 29.65, but the commissioner may not withhold the conveyance of title to land selected by the university longer than five years after the date of the municipality's incorporation; or

(2) includes land selected by the University within the boundaries of an organized municipality under AS 29.65 unless:
(A) the municipality has received its entire entitlement, or
(B) the municipality, by resolution of its governing body, has authorized such selections by the university.

renumber existing sections 2 and 3 to 3 and 4.

A M E N D M E N T

2

w/d

OFFERED IN THE HOUSE

BY DAVIES

TO: SB 340 (FIN)

Page 13, following line 24:

Insert new bill section to read:

“*Sec. 9. This Act takes effect only if a federal law is enacted that makes at least 250,000 acres of federal land available for conveyance to the University of Alaska or to the state for the benefit of the University of Alaska and the university or state has selected 250,000 acres of the land to be conveyed.”

ALASKA STATE LEGISLATURE

Sen. Robin Taylor, Chair
Sen. Druc Pearce, Vice Chair
Sen. Mike Miller
Sen. Sean Parnell
Sen. Johnny Ellis



State Capitol
Juneau, AK 99801-1182
(907) 465-3717
Fax: (907) 465-3922

Senate Judiciary Committee

SPONSOR STATEMENT

SENATE BILL 340

“Relating to the University of Alaska and university land, and authorizing the University to select additional state land.”

The provisions of SB 340 allow the University of Alaska to select 250,000 acres of state land subject to approval by the Legislature. Land approved for transfer would include interests in minerals and to oil and gas subject to certain limitations. Also lands subject to a coal lease or where a lease application is pending are not available for selection. The University would bear the costs of selection, platting, surveying and conveyance. All land selections must be made by December 31, 2012. Twenty percent (20%) of income derived from selected lands must be used at the campus closest to the income generating parcel(s). All lands conveyed under this program are exempted from municipal taxation. SB 340 is compatible with Senator Murkowski's S.660 the legislation, pending in Congress, that will convey additional public lands to the University of Alaska.

The University of Alaska system was created under federal authority as a land grant institution to provide for the higher education requirements of Alaska's people in perpetuity. Most colleges established under the land grant program were endowed with sizable land bases from which to generate income to be used for operating purposes. Unlike most institutions in the lower 48 states, the University of Alaska does not have the relatively larger population base and proximity to other support services that are so beneficial. The University of Alaska also suffers from a smaller pool of alumni and other normal sources of endowment income which many institutions rely on to help support operations, especially subsidies for teaching positions.

In the past decade several legislators have introduced legislation allowing the University of Alaska to select additional lands from the State. The purpose of all legislative attempts to provide more land for the University statewide system has been to provide more income producing assets where monetary resources are becoming scarcer and unpredictable. This bill continues the effort to give the University of Alaska a larger more productive land base. The bill also provides clear expectations that land conveyed is to be used for the development of value added industries where appropriate.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

May 8, 1998

SUBJECT: Sectional summary (CSSB 340(FIN))

TO: Senator Robin Taylor, Chair
Senate Judiciary Committee
Attn: Ralph Bennett

FROM: Tamara Brandt Cook
Director *TBC*

Sec. 1. Findings and purpose, including that the University of Alaska should own income producing land to provide income for the support of public higher education.

Sec. 2. Legislative intent that the University encourage the development of in-state value-added industries when developing the land conveyed to it.

Sec. 3. Technical amendment to add the land conveyed under this bill to the provision granting the Board of Regents the care, control, and management of other University land.

Sec. 4. Technical amendment to account for the land conveyed under this bill.

Sec. 5. Adds new section dealing with new land selections.

Sec. 14.40.365. Allows the University to select 50,000 acres of state land. A list of land proposed to be conveyed by the state shall be periodically submitted to the legislature and the legislature may approve or disapprove the list. Sets out requirements for the land that may be selected. The transfer of ownership of the land to the University includes the interest of the state in minerals and to oil and gas, but only as to land that is selected at least 5 years after the effective date of the bill. Describes the power of the state to manage the land selected but not yet conveyed. Lists types of land that may not be conveyed, including land the conveyance of which is determined by the Commissioner of Natural Resources not to be in the best interest of the state. The University bears costs of selection, platting, surveying, and conveying the land, except the state pays the cost of recording patents and documents of interim conveyance. The University must make all selections by December 31, 2012. Land reverts to the state if on the 10th anniversary of the conveyance the commissioner finds that the University is not actively managing the land to provide income.

Sec. 14.40.366. The Board of Regents must establish procedures for mineral leasing on the conveyed land that are substantially similar to state procedures. The board must

Senator Robin Taylor

May 8, 1998

Page 2

prepare an annual plan for the management of the land and seek public comment on the plan. At least 20 percent of the income derived from the management of selected land must be used at the campus that is closest to the land from which the income was derived.

Sec. 14.40.368. For land conveyed that is subject to certain types of agreements (leases, claims, permits, etc.), the state is entitled to receive the income, and the management of the land is turned over to the University only after the term of the agreement expires.

Sec. 14.40.369. Before conveying or disposing of an interest in selected land the University is required to manage the land in a manner that permits customary and traditional uses of resources to the maximum extent practicable.

Sec. 14.40.367. Permits the president of the university, on a determination that it is in the best interest of the university or on request of a person who provided the information, to keep confidential certain types of information relating to land conveyed to the university under AS 14.40.365.

Sec. 6. Except for an act or omission that constitutes gross negligence or reckless or intentional misconduct, grants the university tort immunity for the injury or death of a person who enters the unimproved portion of land owned by the university if the injury or death resulted from a natural condition of the land or the person entered the land for recreation, and if the person had no responsibility to provide compensation for the use of the land.

Sec. 7. Includes income derived from the management of selected land in the endowment trust fund.

Sec. 8. Exempts from municipal taxation property of the University.

TBC:glc
98-274.glc



Legislative Resources

Mr. President, in my State of Alaska the University of Alaska is the oldest post-secondary school. The university was chartered prior to statehood and has played a vital role in educating Alaskans as well as students from around the world. The expertise of the university has been in many areas, mining, agriculture, arctic and subarctic sciences.

Additionally, the university has served as an important cornerstone in the history of our State. For example, the university housed the Alaska Constitutional Convention where the fathers of our statehood act carved out the rights and privileges guaranteed to Alaskan citizens. Further, Mr. President, the university is proud of the fact that it began life as the Alaska Agricultural and Mining College. However, Mr. President, what makes the University of Alaska unique is the fact that it is the only land-grant college in the Nation that is virtually landless today.

As some of my colleagues know, one of the oldest and most respected ways of financing America's educational system has been from the land-grant system. This was established in 1785 and the practice gives land to schools and universities for their use in supporting their educational endeavors. In 1862, Congress passed what was then known as the Morrill Act, which created the land-grant colleges and universities as a way to underwrite the cost of higher education to more and more of America's young people. These colleges and universities received land from the Federal Government for facility location, and more importantly as a way to provide for sustaining revenues to those educational institutions.

Mr. President, the University of Alaska received the smallest amount of land of any State, with the exception of Delaware that has a land-grant college. Delaware received about 90,000 acres. Even the land-grant college in Rhode Island received more land from the Federal Government than has the University of Alaska. Rhode Island received 120,000 acres.

In a State the size of Alaska, about 365 million acres, we should logically have one of the best and most fully funded land-grant colleges in the country.

<http://www.senate.gov/~murkowski/legres/Statements/S660Statement.html>

SUPPORTING
DOCUMENTS

Yet, to date, the University of Alaska only has about 111,000 acres. Unfortunately, without the land promised to Alaska under the land-grant allocation system in earlier legislation, the university is unable to share as one of the premier land-grant colleges in this country.

Previous efforts were made in Congress to fix this problem. These efforts date back to 1915, less than 50 years after the passage of the Morrill Act, when Alaska's delegate to Congress, Delegate James Wickersham shepherded a measure through Congress that set aside potentially more than a quarter of a million acres in the Tanana Valley outside Fairbanks for the support of an agriculture college and school of mines.

Following the practice established in the lower 48 States for the other land-grant colleges, Wickersham's bill set aside every section 33 of the unsurveyed Tanana Valley for the Alaska Agriculture College and Schools of Mines.

Alaska's educational future at that time looked favorable. Many Alaskans saw the opportunity to set up an endowment system similar to that set up by the University of Washington in the downtown center of Seattle, WA, where valuable university lands are leased providing funding for the university's maintenance and upkeep as well as some capital projects.

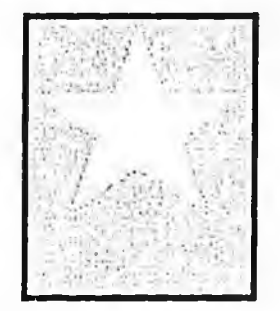
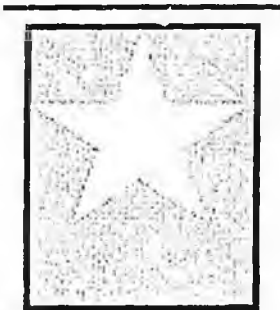
However, in Alaska's case, before the land could be transferred to the Alaska Agricultural College and School of Mines, renamed the University of Alaska in 1935, the land had to be surveyed in order to establish the exact acreage included in the reserve lands.

The section reserved for education could not be transferred to the college until they had been delineated. According to records at the time, it was unlikely given the incredibly slow speed of surveying that the land could be completely surveyed before the end of the current century. Surveying is still an extraordinarily slow process in Alaska's remote and unpopulated terrain.

In all, only 19 section 33's, or approximately 11,211 acres, were ever transferred to the University of Alaska. Of this, 2,250 acres were used for the original campus, and the remainder was left to the discretion of the board of regents to support educational programs and facilities.

Recognizing the difficulties of surveying in Alaska, subsequent legislation was passed in 1929 that simply granted land for the benefit of the university. This grant totaled approximately 100,000 acres, and to this day comprises the bulk of the university's total 111,211 acres of land--less than one-third of what was originally promised. In 1958, the Alaska Statehood Act was passed which extinguished the unfulfilled land grants. The university was thus left with little land with which to support itself and is thus unable to completely fulfill its mission as a land-grant college.

Mr. President, the legislation I am introducing today would redeem the promises made to the university in 1915 and put the university on an even footing with other land-grant colleges in the United States. It provides the university with the land needed to support itself financially and it offers the chance to grow and continue to act as a responsible steward of the land and educator of young Alaskans. It also provides a concrete timetable under which the university must select its land and the Secretary of Interior must act upon those selections.



This legislation also contains significant restrictions on the land that the university can select. The university cannot select land located within a conservation system unit, land validly conveyed to the State or an ANCSA corporation or land used in connection with Federal or military institutions.

Accordingly, Mr. President, under my bill, the university must relinquish extremely valuable inholdings in Alaska once it receives its second-tier State/Federal grant under section 6, of this bill. Therefore, the result of this legislation will mean, specifically, relinquishment of prime university inholdings in such magnificent areas as the Alaska Peninsula and Maritime National Wildlife Refuge, the Kenai Fjords National Park, Wrangell St. Elias National Park and Preserve and Denali Park and Preserve. Mr. President, not only does this bill uphold a decades-old promise to the University of Alaska, it further protects Alaska's unique parks and refuges.

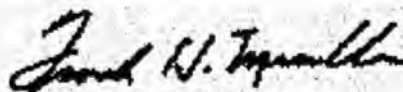
Recognize, Mr. President, my bill requires the State to participate in the process, as well, under an option. Specifically, the bill would grant the university 250,000 acres of Federal land. The university would be eligible to receive another 250,000 acres of Federal land on a matching basis with the State, for a total of 500,000 additional acres. This would be at the option of the legislature, the Governor, and the university's board of regents

Mr. President, the State matching provision is an important component of this legislation. Most agree with the premise that the university was shorted land. However, some believe it is the sole responsibility of the Federal Government to compensate the university with land, while others believe it is solely the responsibility of the State to grant the university land. The legislation I am introducing today offers a compromise, a compromise giving both the State and the Federal Government the opportunity to contribute, as well as provide the Government with valuable inholdings in Federal parks and preserves.

With the passage of this bill, Mr. President, the University of Alaska will finally be able to act fully as a land grant college, and will be able to select lands that can provide the university with stable revenue sources, as well as provide responsible stewardship for the lands.

This is an exciting time for the University of Alaska. The promises that were made 82 years ago could be fulfilled with this legislation, and Alaskans could look forward to a very bright future for the university and the many Alaskans who receive an education there.

I ask unanimous consent, at this time, to have printed in the Record the proposed inholdings that the University has which would be deeded over to the Federal Government under this legislation, a history of the university of Alaska's land grant from the time we were designated as a territory, land grant rankings of all the States, as well as a copy of the bill.



| | | |
|---------------------------|-----------------------------|------------------------|
| <u>THIS SEARCH</u> | <u>THIS DOCUMENT</u> | <u>GO TO</u> |
| <u>Next Hit</u> | <u>Forward</u> | |
| <u>Prev Hit</u> | <u>Back</u> | <u>HomePage</u> |
| <u>Hit List</u> | <u>Best Sections</u> | <u>Help</u> |
| | <u>Doc Contents</u> | |

S.660

To provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes. (Introduced in the Senate)

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS- The Congress finds that--

- (1) the University of Alaska is the successor to and the beneficiary of all Federal grants and conveyances to or for the Alaska Agricultural College and School of Mines;
- (2) under the Acts of March 4, 1915, 38 Stat. 1214, and January 21, 1929, 45 Stat. 1091, the United States granted to the Territory of Alaska certain federal land for the University of Alaska;
- (3) the Territory was unable to receive most of the land intended to be conveyed by the Act of March 4, 1915, before repeal of that Act by Sec. 6(k) of the Alaska Statehood Act (P.L. 85-508, 72 Stat. 339);
- (4) only one other state land grant college in the United States has obtained a smaller land grant from the federal government than the University of Alaska has received, and all land grant colleges in the western states of the United States have obtained substantially larger land grants than the University of Alaska;
- (5) an academically strong and financially secure state university system is a cornerstone to the long-term development of a stable population and to a healthy, diverse economy and is in the national interest;
- (6) the national interest is served by transferring certain federal lands to the University of Alaska which will be able to use and develop the resources of such lands and by returning certain lands held by the University of Alaska located within certain federal conservation system units to federal ownership; and

(7) the University of Alaska holds valid legal title to and is responsible for management of lands transferred by the United States to the Territory and State of Alaska for the University and that an exchange of lands is consistent with and in furtherance of the purposes and terms of, and thus not in violation of, the Federal grant of such lands.

(b) PURPOSES- The purposes of this act are--

(1) to fulfill the original commitment of Congress to establish the University of Alaska as a land grant university with holdings sufficient to facilitate operation and maintenance of a university system for the inhabitants of the State of Alaska; and

(2) to acquire from the University of Alaska lands it holds within federal Parks, Wildlife Refuges, and Wilderness areas.

SEC. 2. PRIMARY FEDERAL GRANT.

(a) Notwithstanding any other provision of law, but subject to valid existing rights and the procedures set forth herein, the University is granted and entitled to take up to 250,000 acres of federal lands (or reserved interests in lands) in or adjacent to Alaska as a federal grant. The University may identify and select the specific lands it intends to take pursuant to this grant, and the Secretary of the Interior ('Secretary') shall promptly convey to the University the lands selected, in accordance with the provisions of this Act.

(b)(1) Within 48 months of enactment of this Act, the University of Alaska may submit to the Secretary a list of properties the University has tentatively selected to receive under the conditions of this grant. Such list may be submitted in whole or in part during this period and the University may make interim tentative selections that it may relinquish or change within the 48 month period. The University may submit tentative selections that exceed the amount of the grant except that such selections shall not exceed 275,000 acres at any one time.

(2) All selections shall be in reasonably compact units: *Provided*, That the University may select small tracts of federal land within federal reservations consistent with the limitations in subsection (c) below.

(3) The University may submit tentative selections of federal lands validly selected but not conveyed to the State of Alaska or the corporations organized pursuant to the Alaska Native Claims Settlement Act: *Provided*, That such lands may not be approved or conveyed to the University unless the State of Alaska and or the corporation has relinquished its prior selection.

THIS SEARCH

THIS DOCUMENT

GO TO

Next Hit

Forward

Prev Hit

Back

HomePage

Hit List

Best Sections

Help

Doc Contents

| | | |
|--------------------------|-------------------------------|--------------------------|
| THIS SEARCH | THIS DOCUMENT | GO TO |
| Next Hit | Forward | |
| Prev Hit | Back | HomePage |
| Hit List | Best Sections | Help |
| | Doc Contents | |

S.660

To provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes. (Introduced in the Senate)

SEC. 2. PRIMARY FEDERAL GRANT.

(a) Notwithstanding any other provision of law, but subject to valid existing rights and the procedures set forth herein, the University is granted and entitled to take up to 250,000 acres of federal lands (or reserved interests in lands) in or adjacent to Alaska as a federal grant. The University may identify and select the specific lands it intends to take pursuant to this grant, and the Secretary of the Interior ('Secretary') shall promptly convey to the University the lands selected, in accordance with the provisions of this Act.

(b)(1) Within 48 months of enactment of this Act, the University of Alaska may submit to the Secretary a list of properties the University has tentatively selected to receive under the conditions of this grant. Such list may be submitted in whole or in part during this period and the University may make interim tentative selections that it may relinquish or change within the 48 month period. The University may submit tentative selections that exceed the amount of the grant except that such selections shall not exceed 275,000 acres at any one time.

(2) All selections shall be in reasonably compact units: *Provided*, That the University may select small tracts of federal land within federal reservations consistent with the limitations in subsection (c) below.

(3) The University may submit tentative selections of federal lands validly selected but not conveyed to the State of Alaska or the corporations organized pursuant to the Alaska Native Claims Settlement Act: *Provided*, That such lands may not be approved or conveyed to the University unless the State of Alaska and or the corporation has relinquished its prior selection.

(4) The University shall make no selections within Conservation System Units as defined in the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101).

(5) Within forty-five (45) days of receipt of a University tentative selection, the Secretary shall publish notice of said selection in the

Federal Register. Such notice shall identify lands included in the tentative selection and provide for a period for public comment on the tentative selection not to exceed sixty (60) days.

(6) Within six months of the receipt of a University tentative selection, the Secretary shall notify the University of his acceptance or objection to each tentative selection, including the reasons for any objection. Failure to object within six months shall constitute approval by the Secretary. Any public comments submitted in response to a public notice issued pursuant to paragraph (5) above may be considered by the Secretary: *Provided*, That the Secretary may object to tentative selections of the University if and only if he demonstrates that a conveyance of such to the University--

(A) will have a significant adverse impact on the purposes for which a Conservation System Unit was established; or

(B) will have a significant adverse impact on fulfillment of the Alaska Statehood Act or the Alaska Native Claims Settlement Act. (43 U.S.C. 1601)

(7) The Secretary's acceptance of, or objection to, any tentative selections submitted by the University of Alaska pursuant to Section 2 of this Act or the conveyance of any such selections by tentative approval, patent or other instrument are not major federal actions within the means of section 102(2)(c) of P.L. 91-190.

(8) The Secretary shall publish notice of any decision to accept or object to a tentative selection in the Federal Register.

(c) The Secretary shall not approve or convey, under this grant,

(1) any federal lands which, at the time of enactment of this Act, are included in a Conservation System Unit;

(2) any federal lands validly selected or top filed pursuant to Sec. 906(e) of Public Law 96-487 but not conveyed to the State of Alaska or the corporations pursuant to the Alaska Native Claims Settlement Act; or

THIS SEARCH

[Next Hit](#)

[Prev Hit](#)

[Hit List](#)

THIS DOCUMENT

[Forward](#)

[Back](#)

[Best Sections](#)

[Doc Contents](#)

GO TO

[HomePage](#)

[Help](#)

| | | |
|---------------------------------|--------------------------------------|---------------------------------|
| <u>THIS SEARCH</u> | <u>THIS DOCUMENT</u> | <u>GO TO</u> |
| <u>Next Hit</u> | <u>Forward</u> | |
| <u>Prev Hit</u> | <u>Back</u> | <u>HomePage</u> |
| <u>Hit List</u> | <u>Best Sections</u> | <u>Help</u> |
| | <u>Doc Contents</u> | |

S.660

To provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes. (Introduced in the Senate)

SEC. 3. RELINQUISHMENT OF CERTAIN UNIVERSITY OF ALASKA HOLDINGS.

(a) As a condition to receiving the land grant provided by Section 6 of this Act, the University of Alaska shall convey to the Secretary those lands listed in 'The University of Alaska's Inholding Reconveyance Document' and dated April 24, 1997.

(b) The University shall begin conveyance of the lands listed in (a) above upon taking title to lands it has selected pursuant to section 6 of this Act and shall convey to the Secretary a percentage amount of land proportional to that which it has received, but in no event shall it be required to convey any lands other than those listed in (a) above to the Secretary. The Secretary shall accept quitclaim deeds from the University for these lands.

SEC. 4. ALIENATION OF LANDS

Notwithstanding any other provision of law, the University of Alaska may transfer, assign, exchange, grant, deed, lease or otherwise convey any or all present future interests in the lands granted pursuant to this Act.

SEC. 5. JUDICIAL REVIEW.

The University of Alaska has the right to bring action for, including but not limited to, relief in the nature of mandamus, against the Secretary for violation of this Act or for review of an agency decision under this Act. Such an action can only be brought in the United States District Court for the District of Alaska and within two (2) years of the alleged violation or the final decision-making. For all other entities or persons, decisions of the Secretary shall be final and conclusive.

SEC. 6. STATE MATCHING GRANT.

(a) Notwithstanding any other provision of law, but subject to valid existing rights and the procedures set forth in this Act, the University is granted and shall be entitled to take, in addition to the primary grant provided for in Section 2 herein, up to another 250,000 acres in federal lands (or reserved interests in lands) in or adjacent to Alaska: *Provided*, That any additional acres are granted, as specified below, on a matching acre-for-acre basis to the extent that the State of Alaska shall first grant to the University State-owned land in Alaska.

(b) The university may select and the Secretary shall convey lands which the University is entitled to receive pursuant to this State Matching Grant Provisions in minimum increments of 25,000 acres up to the maximum of 250,000 acres.

| <i>THIS SEARCH</i> | <i>THIS DOCUMENT</i> | <i>GO TO</i> |
|--------------------------|-------------------------------|--------------------------|
| Next Hit | Forward | |
| Prev Hit | Back | HomePage |
| Hit List | Best Sections | Help |
| | Doc Contents | |
