

HJR

53

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

4/22/98

DATE: 3/18/98

FURTHER:

DATE TURNED
IN TO OFFICE: 4/22/98

Finance Committee considered

HOUSE JOINT RESOLUTION NO. 53

Relating to support for federal legislation providing for the continuation of the University of Alaska by the conveyance of federal land to the university.

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS HJR 53 (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

Senate Bill:

- same title
- new title
- House Bill:**
- same title
- technical title
- new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Rep. E. ...</i>	X				
<i>Sen. ...</i>	X				
<i>...</i>	X				
<i>... only</i>	X				
Co-Chair: <i>...</i>	✓	Co-Chair:			
Co-Chair: <i>...</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

University	4/18/98	✓	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

No: 1
 4/22/98
 Bill Version: HJR 53
 (H) Publish Date: 2/20/98

STATE OF ALASKA
 1998 LEGISLATIVE SESSION

Revision Date: _____
 Title: Relating to support for federal legislation providing for the
continuation of the U. of A. by the conveyance of federal land...
 Sponsor: Kelly
 Requester: _____

Dept. Affected University
 BRU _____
 Component Statewide administration
 Component Serial No. _____

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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES []						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1091 Designated Program Receipts						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by *Mark Hanley*
 Rep. Mark Hanley, Co-Chair
Gene Therrault
 Rep. Gene Therrault, Co-Chair

Phone 465-4939
 Phone 465-4797
 Date 2/18/98

COMMITTEE COPY

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

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House District 31

House Of Representatives

Sponsor Statement

HJR 53

HJR 53 lends support to US Senate Bill S660. Senate Bill 660 provides for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska.

Supporting S660 helps complete the land grant to the University of Alaska. It will greatly assist the continuation of higher education in Alaska.

This Bill places the Legislature on the record supporting the commitment to the University of Alaska as a land grant university.

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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. (Reported in the Senate)

Calendar No. 208

105th CONGRESS

1st Session

S. 660

[Report No. 105-106]

A BILL

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.

October 9, 1997

Reported with an amendment

S 660 RS

Calendar No. 208

105th CONGRESS

1st Session

S. 660

[Report No. 105-106]

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.

IN THE SENATE OF THE UNITED STATES

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(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;

(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.

(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) or lands designated as LUD II by section 201 of the Tongass Timber Reform Act of 1990.

(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.

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(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 Public Law 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, or are designated as LUD II by section 201 of the Tongass Timber Reform Act of 1990;

(2) any Federal lands validly selected or top filed pursuant to section 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

(3) any Federal lands withdrawn and actually used in connection with the administration of any Federal installations and military reservations unless the head of the land holding or occupying agency or entity agrees.

(d) If, following the Secretary's review of tentative selections by the University, the amount of

acreage approved by the Secretary for conveyance is less than the full primary grant, the University may select additional lands to satisfy the primary grant.

(e) Upon the University's tentative selection of land:

(1) Such land shall be segregated and unavailable for selection by and conveyance to the State of Alaska or any corporation organized pursuant to the Alaska Native Claims Settlement Act and shall not be otherwise encumbered or disposed of by the United States pending completion of the selection process.

(2) The University shall possess the nonexclusive right to enter onto such lands for the purpose of--

(A) assessing the oil, gas, mineral, and other resource potential therein. The University, and its delegates or agents, shall be permitted to engage in assessment techniques including but not limited to core drilling to assess the metalliferous or other values, and surface geological exploration and seismic exploration for oil and gas; Provided, That this paragraph shall not be construed as including or allowing exploratory drilling of oil and gas wells; and

(B) exercising due diligence regarding the making of a final selection.

(f) Within one year of the Secretary's approval of a tentative selection, the University may make therefrom a final selection pursuant to this Act. Within six months of such final selection by the University, the Secretary shall issue a tentative approval of such final selection. Such tentative approval shall be deemed to transfer to the University all right, title, and interest of the United States in and to the described selection. Any lakes, rivers and streams contained within such selections shall be meandered and lands submerged thereunder conveyed in accordance with 43 U.S.C. Sec. 1631, as amended. Upon completion of a survey of lands included within such tentative approval, the Secretary shall promptly issue a patent to such lands. Pending issuance of a patent, the University shall have rights and authorities over tentatively approval lands consistent with those under the Alaska Statehood Act and the Alaska Native Claims Settlement Act, including the right to transfer, assign, exchange, grant, deed, lease or otherwise convey any or all present or future interest in the lands granted pursuant to this Act.

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(g) The Secretary of Agriculture, as well as the heads of other Federal agencies, shall take such actions as may be necessary to facilitate and expedite the implementation of this Act by the Secretary of the Interior.

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

(a) As a condition to receiving the land grant provided by section 2 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 2 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 or 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 decisionmaking. 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 provision in minimum increments of 25,000 acres up to the maximum of 250,000 acres.

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TO THE EDITOR

Alaska regents for seeking a larger land grant to support the university, 250,000 federal acres.

Ordinance of 1785 specified that land west of Ohio be surveyed into townships composed of 36 sections of 640 acres. Every Section 16 would be set aside for "maintenance of public schools."

The 1842 Morrill Act dedicated land to states for "agriculture and mechanic arts" based on population with 30,000 acres per member of Congress. In 1848, the 1785 Ordinance was amended to double the section grant to two—Sections 16 and 36. Three of the last four states admitted to the Union—Utah, New Mexico, and Arizona—each received four. Under that formula, Alaska's grant for public schools would exceed 40 million acres.

Alaska never received title to specific sections because the territory was unsurveyed. So in the 1950s, Congress rejected section grants and substituted quantity grants for Alaska. That meant 100 million acres of a general grant plus specific acreage for prisons, schools, asylums, pioneers homes, and 500,000 acres for the university and 500,000 acres for a teachers college.

In the final Statehood Act in 1958, all were rolled into a single land grant to Alaska. The Statehood Act also canceled all unsurveyed land grants. That reduced the university's federal land grant from 360,000 acres it had received under earlier legislation, to 112,000 acres.

We urge Alaskans to read Senate Bill 660. When he introduced it, Sen. Murkowski stated

that most of the land selected "would stem from the 70 million acres of uncommitted land currently under control of the Bureau of Land Management." Restrictions, a system of public hearings and required approval by the Secretary of Interior adequately protects lands with which SEACC is concerned.

It offers a chance for the state to join in a land grant by matching up to 250,000 acres with another 250,000 federal acres.

Remember, the university belongs to all Alaskans. Regents seek to assure a system of higher education in the next millennium adequately funded to do the job.

Sincerely,
Lew M. Williams Jr.
UA regent
Ketchikan

Land grant

Sept. 4, 1997

To the editor:

Southeast Alaska Conservation Council inaccurately criticizes this writer, Sen. Frank Murkowski and the University of

COMMENTARY

Land grant would help UA fill educational needs

By Jerome B. Komisar

The following is excerpted from University of Alaska President Jerome B. Komisar's presentation to U.S. Senate Energy and Resources Committee of the university's views in support of S.660, which would grant federal public lands to the university, fulfilling earlier commitments made to it by Congress. Komisar testified Sept. 11 before the U.S. Senate Energy and Natural Resources Committee in Washington, D.C.

The University of Alaska is Alaska's only public land grant university. In 1915 and 1929, Congress made federal land grants totaling close to 370,000 acres to the state for the exclusive use and benefit of the university.

For a number of reasons, the university has received less than a third of the acreage allocated to it under these grants. The failure to transfer the total allotment was due to the incompleteness of the federal government's study of the region.

Before they could be conveyed, the lands had to be surveyed. As of 1915, only a fraction of 1 percent of Alaska had been surveyed, virtually none of it in the Tanana Valley where the granted lands were located. As late as 1952, a mere 0.6 percent of the entire Territory of Alaska had been surveyed. In the early 1950s, predictions about how long it would take to survey Alaska at current federal speed varied between 12,000 and 43,510 years.

The result is that of all the states that have received land grants, only Delaware received less than Alaska. And given the size of Alaska, no other state, by far, received a smaller portion of total state acreage for the support of higher learning.

This obvious inequity is impossible to rationalize: first, Alaska's vast size makes it eminently possible to devote significant acreage to the support of higher education and greater learning — Alaska does not have a land shortage, at least not in public lands; while, second, Alaska's vast distances, its harsh climactic conditions, and the remote locations of many of its cities and villages create prohibitive costs unknown in the rest of the country, which makes a grant of land exemplary public policy.

If there is any section of our nation where educational land grants are justified and necessary, it is in the great

land of Alaska.

The University of Alaska is a statewide system which consists of three multimission universities located in Anchorage, Fairbanks and Juneau with extended satellite colleges and centers, including more than dozens of extension and research sites.

Not surprisingly, the need for higher education is most difficult to serve in the rural and remote areas of the state where vast distances separate cities and villages, where air travel is the only means of transportation, where the cost of communications — telephone, television, electronic networks — can be exorbitant.

A sufficient land grant would enable the university to plan and provide more effectively the educational and cultural services needed throughout the enormous Alaska terrain and permit the massive size of the land to provide economic benefits as well as cause financial cost.

Additional land also will enable the university to further the application of exemplary ways of extracting and managing natural resources. It will permit economic development projects and land utilization that balance environmental protection with social progress.

The income earned will further the university's research in those disciplines in which it has exceptional depth and opportunity: geophysics and climate change, oceanography and fisheries; the clean use of fossil fuels; arctic biology and arctic engineering; and the economic and social dynamics of the circumpolar north.

S.660 also envisions that the university will convey to the National Park Service and the U. S. Fish and Wildlife Service thousands of acres of university lands that are now inholdings in or adjacent to parks and refuges created or expanded by the 1980 Alaska National Interest Lands Conservation Act. These inholdings would be relinquished to the United States.

Thus, the proposed legislation, in addition to making the university whole, would have the added benefit of enhancing the conservation and management of Alaska's vast parks, refuges and wilderness areas.

By providing the University of Alaska with a land grant which is both more consistent with what was originally intended and commensurate with the state's size and character, this legislation will permit the University of Alaska to carry out its singular responsibility as a unique and major national center for culture, for learning, and for opportunity in the great far north.



The result is that of all the states that have received land grants, only Delaware received less than Alaska.

It will permit economic development projects and land utilization that balance environmental protection with social progress.

debate

agement Council worth noting that ownership pub- various parties in \$1 billion Bering poorly-placed. million-metric-ton processors, while : factory trawlers. nity development 98. The fishery er to consider a rior limit its position for another

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