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Luckhaupt
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HOUSE CS FOR CS FOR SENATE BILL NO. 7(RES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS TAYLOR, Tim Kelly, Donley, Wilken, Leman, Pearce, Mackie, Ward
REPRESENTATIVE Halcro

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to the University of Alaska and university land and authorizing
2 the University of Alaska to select additional state land."

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

4 * Section 1. The uncodified law of the State of Alaska is amended by adding a new
5 section to read:

6 FINDINGS AND PURPOSE. The legislature finds that

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

11 (2) under the Acts of March 4, 1915, 38 Stat. 1214, and January 21, 1929, 45
12 Stat. 1091, the Congress of the United States granted to the Territory of Alaska certain federal
13 land to be held in trust for the benefit of the predecessor of the University of Alaska;

14 (3) the Territory was unable to receive most of the land conveyed by the Act

1 of March 4, 1915, before repeal of that Act by Sec. 6(k) of the Alaska Statehood Act (P.L. 85-
2 508, 72 Stat. 339);

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

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

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

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

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

17 (9) renewable resources should be managed on a sustained yield basis, taking
18 into account the total land grant.

19 * Sec. 2. The uncoded law of the State of Alaska is amended by adding a new section
20 to read:

21 LEGISLATIVE INTENT. It is the intent of the legislature that the University of
22 Alaska

23 (1) receive land under this Act in an expeditious fashion; and

24 (2) encourage the development of in-state value-added industries to the
25 maximum extent feasible when developing land conveyed under AS 14.40.365.

26 * Sec. 3. AS 14.40.170(a) is amended to read:

27 (a) The Board of Regents shall

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

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

- 1 (3) confer such appropriate degrees as it may determine and prescribe;
- 2 (4) have the care, control, and management of
- 3 (A) all the real and personal property of the university; and
- 4 (B) land
- 5 (i) conveyed to the Board of Regents by the
- 6 commissioner of natural resources in the settlement of the claim of the
- 7 University of Alaska to land granted to the state in accordance with the
- 8 Act of March 4, 1915 (38 Stat. 1214), as amended, and in accordance
- 9 with the Act of January 21, 1929 (45 Stat. 1091), as amended; and
- 10 (ii) selected by the University of Alaska and conveyed
- 11 to it by the commissioner of natural resources under AS 14.40.365,
- 12 except as provided in AS 14.40.368(2);
- 13 (5) keep a correct and easily understood record of the minutes of every
- 14 meeting and all acts done by it in pursuance of its duties;
- 15 (6) under procedures to be established by the commissioner of
- 16 administration, and in accordance with existing procedures for other state agencies.
- 17 have the care, control, and management of all money of the university and keep a
- 18 complete record of all money received and disbursed;
- 19 (7) adopt reasonable rules for the prudent trust management and the
- 20 long-term financial benefit to the university of the land of the university;
- 21 (8) provide public notice of sales, leases, exchanges, and transfers of
- 22 the land of the university or of interests in land of the university.

23 * Sec. 4. AS 14.40.291 is amended to read:

24 **Sec. 14.40.291. Land of the University of Alaska not public domain land.**

25 (a) Notwithstanding any other provision of law, university-grant land, state

26 replacement land that becomes university-grant land on conveyance to the university,

27 land selected by and conveyed to the University of Alaska under AS 14.40.365, and

28 any other land owned by the University of Alaska is not and may not be treated as

29 state public domain land. Land conveyed to the University of Alaska under

30 AS 14.40.365 shall be managed under AS 14.40.365 - 14.40.368 and policies of the

31 Board of Regents of the University of Alaska.

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(b) Title to or interest in [TO] land described in (a) of this section may not be acquired by adverse possession, prescription, or in any other manner except by conveyance from the university.

(c) The land described in (a) of this section is subject to condemnation for public purpose in accordance with law.

* Sec. 5. AS 14.40 is amended by adding new sections to read:

Sec. 14.40.365. University land from Statehood Act land selection conveyances. (a) The University of Alaska may select and is entitled to receive the conveyance of not less than 250,000 and not more than 260,000 acres of land conveyed to the state under Sec. 6(b) of the Alaska Statehood Act (P.L. 85-508, 72 Stat. 339). The Board of Regents of the University of Alaska shall annually submit a list of selections to the commissioner of natural resources and, if the list of selections contains land within the boundaries of a municipality, the Board of Regents of the University of Alaska shall submit the list to the municipality. If there is disagreement between the university and the commissioner of natural resources about the land selected, the disagreement must be submitted to the governor, who shall make the final decision. The Board of Regents and the governor shall annually and jointly submit to the legislature, within 30 days of the beginning of a regular legislative session, a list of the selections of land proposed to be conveyed by the state to the University of Alaska under this section. If the list submitted to the legislature contains land within the boundaries of a municipality, the Board of Regents and the governor shall provide a copy of the list to the municipality. Each list must contain not more than 25 percent of the total acres of land to which the university is entitled after subtracting previous conveyances under this section, but not less than 25,000 acres or the remaining entitlement under this section, whichever is less. The legislature may by law approve or disapprove the list of selections submitted to it. A list of selections submitted shall be considered approved for conveyance to the University of Alaska ^{unless} ~~if~~ the legislature ^{acts to approve} ~~does not disapprove~~ the list during the legislative session during which the list was submitted. If the amount of land to be conveyed exceeds the balance due the university under this section, the university shall set out the land to be conveyed in priority order. Land may not be selected if, on the date of its selection by the

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1 university, it

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

3 (2) is located within a municipality that has not received at least 80
4 percent of its land entitlement under AS 29.65 and is not vacant, unappropriated,
5 unreserved land; in this paragraph, "vacant, unappropriated, unreserved land" has the
6 meaning given in AS 29.65.130;

7 (3) is land

8 (A) included in a five-year proposed oil and gas leasing
9 program under AS 38.05.180(b); or

10 (B) leased under, or for which a lease application is pending
11 under, AS 38.05.180(d) or 38.05.150;

12 (4) is subject to

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

14 (B) a mining claim, offshore prospecting permit, a prospecting
15 site, an upland mining lease, or a mining leasehold location;

16 (5) is necessary to carry out the purpose of an interagency land
17 management agreement; or

18 (6) is subject to conveyance under a land exchange or land settlement
19 agreement.

20 (b) Notwithstanding AS 38.05.125(a), the transfer of ownership and
21 management of land from the Department of Natural Resources to the Board of
22 Regents of the University of Alaska under this section includes the interest of the state
23 in

24 (1) the coal, ores, minerals, fissionable materials, geothermal resources,
25 and fossils that may be in or on the land; and

26 (2) the oil and gas that may be in or on the land, but only as to land
27 that is selected by the University of Alaska under this section on and after the date that
28 is the fifth anniversary of the effective date of this section.

29 (c) When the University of Alaska selects the land to which it is entitled under
30 this section, selections must be made in parcels of 640 acres or larger unless the
31 selection is an isolated tract or the commissioner of natural resources finds it is in the

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best interest of the state to convey less. When the University of Alaska becomes entitled to land under this section, the commissioner of natural resources shall convey a document of interim conveyance under (j) of this section or a patent to land.

(d) Notwithstanding any other provision of law, for land selected under (a) of this section but not yet patented to the University of Alaska or for which a document of interim conveyance has not been issued to the University of Alaska under this section,

(1) the state is authorized to enter into contracts and grant leases, licenses, prospecting sites, claims, permits, rights-of-way, or easements and any interim conveyance or patent shall be subject to the contract, lease, license, prospecting site, claim, permit, right-of-way, or easement, except that the authority granted the state by this paragraph is the authority that the state otherwise would have had under existing laws and regulations had the land not been selected by the University of Alaska;

(2) income from and management of the land is subject to AS 14.40.368.

(e) Unless the governor provides otherwise under (a) of this section, the governor may not include on a list of selections of land submitted to the legislature a land selection made by the University of Alaska under this section if the commissioner of natural resources determines that the proposed selection

(1) includes land that the commissioner, in consultation with the commissioner of fish and game, determines has demonstrated value to the public as a habitat area that is especially critical to the perpetuation of fish or wildlife;

(2) 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;

(3) includes land within the boundaries of a municipality, the municipality has a remaining entitlement under AS 29.65, and the municipality selects the land under AS 29.65 after its selection by the Board of Regents and before the Board of Regents and the governor jointly submit their list of land selections to the legislature; or



- 1 (4) includes land that, at the time of its selection under this section,
2 (A) is subject to an oil and gas exploration license; or
3 (B) the commissioner reasonably believes will be made part of
4 an oil and gas exploration license issued under AS 38.05.131 - 38.05.134; the
5 commissioner may not refuse to convey title to land to the University of Alaska
6 under this subparagraph for more than three years after its first selection by the
7 University of Alaska.
- 8 (f) When land is conveyed to the University of Alaska under this section, the
9 University of Alaska takes the land subject to any possessory interest held by another
10 person on the effective date of the conveyance.
- 11 (g) In conveying land to the University of Alaska under this section, the
12 commissioner of natural resources shall give public notice that substantially complies
13 with notice requirements under AS 38.05.945(b) and (c) and provide for access under
14 AS 38.05.127, but other provisions of AS 38.04 and AS 38.05 do not apply.
- 15 (h) Land transferred or conveyed to the University of Alaska under this section
16 (1) is subject to
17 (A) Sec. 6(i) of the Alaska Statehood Act (P.L. 85-508, 72 Stat.
18 339);
19 (B) art. IX of the state constitution;
20 (C) AS 19.10.010;
21 (D) the payment requirements to the Alaska permanent fund
22 under AS 37.13.010(a) and (b); and
23 (E) any easement, right-of-way, or other access claimed,
24 reserved, occupied, or possessed by the state and any rights of the state under
25 former 43 U.S.C. 932 (sec. 8, Act of July 26, 1866, 14 Stat. 253);
- 26 (2) excludes any interest transferred to the state by quitclaim deed dated
27 June 30, 1959, under authority of the Alaska Omnibus Act, P.L. 86-70, 73 Stat. 141;
- 28 (3) based on a land selection filed by the University of Alaska on or
29 after the effective date of this section and until the day before the day that is the fifth
30 anniversary of the effective date of this section, is subject to reservation by the state
31 in perpetuity of all oil and gas that may be in or on the land, together with the right

1 to explore the land for oil and gas and to remove from the land all oil and gas located
2 in and on it.

3 (i) The University of Alaska shall bear all costs of selection, platting,
4 surveying, and, except as provided in (k) of this section, conveyance of the land that
5 it selects under this section and, subject to appropriation, shall reimburse the
6 Department of Natural Resources for the reasonable costs incurred by that department
7 relating to that selection, platting, surveying, and conveyance. As to land due the
8 University of Alaska under (c) of this section,

9 (1) if the land has been surveyed, the boundaries of the land conveyed
10 must conform to the public land subdivisions established by the approved survey;

11 (2) if the land is unsurveyed, the commissioner shall survey the exterior
12 boundaries of the land to be conveyed without interior subdivision and shall issue
13 patent in terms of the exterior boundary survey within one year of the later of the
14 effective date of the approval by the legislature of the list containing the land or the
15 adjournment of the legislative session during which the list containing the land was not
16 disapproved by the legislature.

17 (j) For land due the University of Alaska under (c) of this section that is
18 unsurveyed, pending the survey of exterior boundaries and issuance of patent, the
19 commissioner of natural resources shall, within one year of the later of the effective
20 date of the approval by the legislature of the list containing the land or the
21 adjournment of the legislative session during which the list containing the land was not
22 disapproved by the legislature, prepare and provide to the University of Alaska a
23 document of interim conveyance for the land to be conveyed.

24 (k) Except as provided in AS 14.40.368(2), management of land conveyed to
25 the University of Alaska by patent or by a document of interim conveyance vests with
26 the University of Alaska from the date of recording of the patent or document of
27 interim conveyance. The state shall pay the cost of recording all patents and
28 documents of interim conveyance.

29 (l) The University of Alaska may not make a land selection under this section
30 after December 31, 2010.

31 (m) The commissioner may not convey land under this section unless the *

1 commissioner reserves easements, rights-of-way, and other forms of access

2 (1) required under the Constitution of the State of Alaska or other law;

3 and

4 (2) sufficient to ensure all current access, and reasonably foreseeable
5 future access, to adjacent public or private land or water.

6 Sec. 14.40.366. Management requirements for university land. (a) The
7 Board of Regents shall, by policy, establish procedures for mineral entry or location
8 and mineral leasing on university land selections made under AS 14.40.365 that are
9 substantially similar to mineral entry, location, and leasing procedures for state land
10 under AS 38.05.185 - 38.05.275.

11 (b) Notwithstanding other provisions of law, the University of Alaska shall
12 seek public comment on proposals for development, exchange, or sale of university
13 selections made under AS 14.40.365. The Board of Regents shall adopt policies that
14 provide that the university shall prepare an annual plan for management and
15 disposition of university land under this section and shall, not less than 60 days before
16 scheduled approval by the Board of Regents of the plan,

17 (1) make copies of the plan available at all legislative information
18 offices and at other locations as the university may designate;

19 (2) publish a notice in newspapers of general circulation in the state
20 that provides the public with information on the locations where the plan is available
21 for public inspection;

22 (3) give notice to all legislators and to local governments with
23 jurisdiction over the land affected by the proposal; and

24 (4) seek public comment on the annual plan before action by the Board
25 of Regents approving the plan.

26 (c) Subject to appropriation of the income, the Board of Regents shall use an
27 amount up to 20 percent of the earnings derived from the management of university
28 land conveyed to the university under AS 14.40.365 for programs and services
29 supporting the development of natural resources within the region from which the
30 earnings were derived. The earnings shall be used by the campus or campuses located
31 within the region from which the earnings were derived if a municipality within which

1 the campus or campuses are located provides to the campus or campuses a match of
2 the same amount. This subsection does not apply if the match is not made available
3 by a municipality.

4 (d) Before the conveyance or the disposal of an interest in the land to a third
5 party, land conveyed to the University of Alaska under AS 14.40.365 shall be managed
6 in a manner that, to the maximum extent practicable, permits activities of the public
7 that do not interfere with the use of the land by the university.

8 **Sec. 14.40.367. Confidential records.** Notwithstanding AS 09.25.100 -
9 09.25.220, on a determination that it is in the best interest of the University of Alaska
10 or on the request of the person who has provided the information, the president of the
11 university may keep the following confidential:

12 (1) the name of a person applying for the sale, lease, or other disposal
13 of university land or an interest in university land;

14 (2) before the issuance of a notice of intent to award a contract relating
15 to a sale, lease or disposal of university land or an interest in university land, the
16 names of the participants and the terms of their offers;

17 (3) all geological, geophysical, engineering, architectural, sales,
18 appraisal, gross receipts, net receipts, or other financial information relating to
19 university land or an interest in university land and considered for or offered for
20 disposal or currently subject to a contract;

21 (4) cost data and financial information submitted by an applicant in
22 support of applications for bonds, leases, or other information in offerings and ongoing
23 operations relating to management of university land;

24 (5) applications for rights-of-way or easements across university land;
25 and

26 (6) requests for information about or applications by public agencies
27 for university land that is being considered for use for a public purpose.

28 **Sec. 14.40.368 Land subject to encumbrances and trespasses.** Except as
29 provided in AS 14.40.365(b), for the land selected by the University of Alaska under
30 AS 14.40.365 that is subject to a lease, license, contract, prospecting site, claim, sale,
31 permit, right-of-way, or easement, or to trespass,

1 (1) if the lease, license, contract, prospecting site, claim, sale, permit,
2 right-of-way, easement, or trespass

3 (A) existed before the selection of the land by the University
4 of Alaska, the state is entitled to receive the income obtained from the lease,
5 license, contract, prospecting site, claim, sale, permit, right-of-way, easement,
6 or trespass for the duration of the term of the lease, license, contract,
7 prospecting site, claim, sale, permit, right-of-way, or easement, or of the
8 trespass, and during any renewal of it that is authorized by the lease, license,
9 contract, prospecting site, claim, sale permit, right-of-way, or easement, or by
10 law;

11 (B) did not exist before the selection of the land by the
12 University of Alaska,

13 (i) the state is entitled to receive the income obtained
14 from the lease, license, contract, prospecting site, claim, sale, permit,
15 right-of-way, or easement, or from trespass before the recording of the
16 conveyance to the University of Alaska by the issuance of a document
17 of interim conveyance or a patent;

18 (ii) the University of Alaska is entitled to receive the
19 income obtained from the lease, license, contract, prospecting site,
20 claim, sale, permit, right-of-way, or easement, or from trespass on the
21 date of and after the recording of the conveyance to the University of
22 Alaska by the issuance of a document of interim conveyance or a
23 patent;

24 (2) the responsibility for the management of the land vests with the
25 University of Alaska only upon conclusion of the term of the lease, license, contract,
26 prospecting site, claim, sale, permit, right-of-way, or easement, and any renewal
27 authorized by the lease, license, contract, prospecting site, claim, sale, permit, right-of-
28 way, or easement, or by law, if the lease, license, contract, prospecting site, claim,
29 sale, permit, right-of-way, or easement existed before the land's being selected by the
30 university; if the lease, license, contract, prospecting site, claim, sale, permit, right-of-
31 way, or easement was entered into after selection, then the responsibility for

1 management vests with the university on the date of recording of the conveyance of
2 the land to the university by a document of interim conveyance or patent.

3 * Sec. 6. AS 14.40.400(a) is amended to read:

4 (a) The Board of Regents shall establish a separate endowment trust fund in
5 which shall be held in trust in perpetuity all

6 (1) [ALL] net income derived from the sale or lease of the land granted
7 under the Act of Congress approved January 21, 1929, as amended; [AND]

8 (2) net income derived from the sale, lease, or management of the
9 land selected by and conveyed to the University of Alaska under AS 14.40.365;
10 and

11 (3) [ALL] monetary gifts, bequests, or endowments made to the
12 University of Alaska for the purpose of the fund.

13 * Sec. 7. AS 29.45.030(a) is amended to read:

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

15 (1) municipal property, including property held by a public corporation
16 of a municipality, [OR] state property, property of the University of Alaska, or land
17 that is in the trust established by the Alaska Mental Health Enabling Act of 1956, P.L.
18 84-830, 70 Stat. 709, except that

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

21 (B) notwithstanding any other provision of law, property
22 acquired by an agency, corporation, or other entity of the state through
23 foreclosure or deed in lieu of foreclosure and retained as an investment of a
24 state entity is taxable; this subparagraph does not apply to federal land granted
25 to the University of Alaska under AS 14.40.380 or 14.40.390, [OR] to other
26 land granted to the university by the state to replace land that had been granted
27 under AS 14.40.380 or 14.40.390, or to land conveyed by the state to the
28 university under AS 14.40.365;

29 (C) an ownership interest of a municipality in real property
30 located outside the municipality acquired after December 31, 1990, is taxable
31 by another municipality; however, a borough may not tax an interest in real

1 property located in the borough and owned by a city in that borough;

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

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

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

10 (5) money on deposit;

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

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

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

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

22 * Sec. 8. AS 41.17.115(b) is amended to read:

23 (b) The commissioner shall adopt regulations for the protection of riparian
24 areas; the regulations may include higher standards of protection for fish and other
25 public resources on land managed by the department or owned by the University of
26 Alaska than on other public land or private land. The regulations may vary by region
27 of the state and must take into consideration reasonable classification of water bodies
28 and the economic feasibility of timber operations.

29 * Sec. 9. AS 41.17.118(a) is amended to read:

30 (a) The riparian standards for state land, including land owned by the
31 University of Alaska, are as follows:

1 (1) on state forest land managed by the department or owned by the
2 University of Alaska that is located north of the Alaska Range, harvest of timber may
3 not be undertaken within 100 feet immediately adjacent to an anadromous or high
4 value resident fish water body unless the division determines that adequate protection
5 remains for the fish habitat;

6 (2) on state forest land managed by the department or owned by the
7 University of Alaska that is located south of the Alaska Range,

8 (A) harvest of timber may not be undertaken within 100 feet
9 immediately adjacent to an anadromous or high value resident fish water body;

10 (B) between 100 and 300 feet from the water body, timber
11 harvest may occur but shall be consistent with the maintenance of important
12 fish and wildlife habitat.

13 * Sec. 10. AS 41.17.950(11) is amended to read:

14 (11) "other public land" means state land managed by state agencies
15 other than the department or the University of Alaska and [,] land owned by a
16 municipality [, AND LAND OWNED BY THE UNIVERSITY OF ALASKA];

17 * Sec. 11. AS 41.17.950(13) is amended to read:

18 (13) "riparian area" means

19 (A) the areas specified in AS 41.17.116(a) on private land in the
20 coastal forest of spruce or hemlock;

21 (B) the areas specified in regulations adopted by the
22 commissioner under AS 41.17.116(b) on private land outside the coastal forest
23 of spruce or hemlock;

24 (C) the area 100 feet from the shore or bank or an anadromous
25 or high value resident fish water body on state land managed by the department
26 or owned by the University of Alaska and on other public land;

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

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February 8, 2000

Honorable Bill Hudson
Co-Chair
House Resources Committee
Capitol Building, Room 108
Juneau, AK 99801

Honorable Beverly Masek
Co-Chair
House Resources Committee
Capitol Building, Room 128
Juneau, AK 99801

Dear Representatives Hudson and Masek:

The Department of Fish and Game would like to express its concerns regarding the following sections of HCS CSSB 7(RES) "An Act relating to the University of Alaska and university land, and authorizing the University of Alaska to select additional state land":

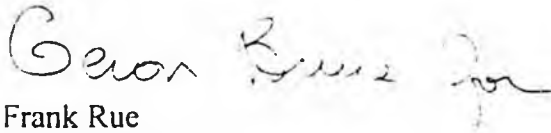
1. Section 5 (a) (1): The department is concerned that this provision does not adequately protect legislatively-designated areas such as wildlife refuges, wildlife sanctuaries, and critical habitat areas from selection, since these areas are not explicitly reserved by law from the public domain.
2. Section 5 (e) (1): The Department is very concerned that the bill will allow the University of Alaska to select lands that are currently designated as fish and wildlife habitat in state area plans. Further, since not all state lands have been classified under a state area plan, it is possible that lands that qualify for fish and wildlife habitat designations, but which have not yet been formally designated, may be selected.
3. Section 5 (h) (1) (E): The department expends considerable time and money on protecting public access to land and water. There is a provision in law that exempts University of Alaska lands from public access. If lands are transferred to the University of Alaska, then the department requests the opportunity to file for public access (i.e., easements) prior to conveyance. Further, since the University of Alaska may choose to dispose of the lands after they are selected, the department is concerned about ensuring that the transfer of reservations for easement and public access remain in effect on University of Alaska lands with any change in ownership.

February 8, 2000

Likewise, existing fish and wildlife protection measures on state lands, such as setbacks from rivers, may be lost with the transfer of land to the University.

Thank you for your consideration of the department's comments. If you have any questions, please do not hesitate to call me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Frank Rue".

Frank Rue
Commissioner

cc: Pat Pourchot
Commissioner Shively
Representative Mulder
Representative Therriault



750 W. 2nd Ave. #109, Anchorage AK 99501 / Ph. 907-258-6171 / Fax 907-258-6177

P.O. Box 22151, Juneau AK 99802 / Ph. 907-463-3366 / Fax 907-463-3312 / unite@akvoice.org

SENATE BILL 7 ~ University Lands Bill

House Resources Committee
February 7, 2000

Alaska Conservation Voters, formerly Alaska Conservation Voice, is a not-for-profit organization dedicated to protecting Alaska's environment through public education and advocacy. Our 40 member organizations represent over 21,000 registered Alaskan voters. ACV believes investment in our university system is critical for the state's continued economic prosperity and for enabling the state's participation in the developing intellectual and knowledge-based economy that is fueling our country's progress. We support funding that will guarantee a strong university system now and in the future.

ACV is pleased to see that the new draft Committee Substitute of SB 7 addresses several of our concerns with environmental impacts of this legislation, namely providing for consultation with ADF&G and requiring increased protection of riparian areas. Nevertheless, we continue to believe that SB 7 does not guarantee adequate or reliable funding for the university. Simply put, the university's full attention should be directed towards education, where it has expertise, and not be diverted towards the complex and often contentious arena of land management. We urge you to oppose this legislation and instead seek more effective, viable ways that address the imminent financial needs of the university.

We continue to have serious concerns with SB 7, including:

- It robs Alaskans of more effective opportunities to capitalize on our natural assets, rather than simply liquidating them to finance a specific state function.
- It is deleterious to local economies. Because the university must seek to maximize revenue, it has rapidly liquidated its existing timber assets and then exported these valuable Alaskan resources in the round at significant cost to local economies. During past timber sales, such as those at Yakataga, the university has ignored local processing and local hire opportunities.
- Because of the university's aggressive development policies, the bill threatens fish and wildlife resources, as well as the subsistence, recreational, and commercial uses that depend on them. It threatens community water sources and local use, expansion and planning options. At both the local and regional level, university land selections would further complicate confusing land ownership patterns and make sorting out the conflicts a costly and time-consuming process.
- Even with the language in the new draft Committee Substitute to ensure access, SB 7 may impact highly valued access rights on selected lands that the university chooses to sell to a third party or develop in such a way as to preclude access. Potentially at risk are the hunting, fishing, skiing, mushing, and innumerable other recreational and commercial activities that Alaskans depend upon.

Alaskans deserve a strong university for our children, BUT we urge you to support the university through appropriations, not through land giveaways like SB 7.

Susan Schrader,
Conservation Advocate

Conserve Alaska. It's Only Natural.

FISCAL NOTE

BILL NO. SB 7 (FIN)

2000 LEGISLATIVE SESSION

Revision Date (Note if correction) _____ Dept. Affected University of Alaska
 Title An Act relating to the University of Alaska and BRU 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

OPERATING EXPENDITURES	FY 01	FY 02	FY 03	FY 04	FY 05
Personal Services					
Travel					
Contractual	1,627.0	1,627.0	1,627.0	1,627.0	1,627.0
Supplies					
Equipment					
Land & Structures					
Grants & Claims					
Miscellaneous					
TOTAL OPERATING	1,627.0	1,627.0	1,627.0	1,627.0	1,627.0

CAPITAL EXPENDITURES					
----------------------	--	--	--	--	--

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

FUND SOURCE

1002 Federal Receipts					
1003 GF Match					
1004 GF					
1005 GF/Program Receipts					
1037 GF/Mental Health					
1048 University Receipts	1,627.0	1,627.0	1,627.0	1,627.0	1,627.0
TOTAL	1,627.0	1,627.0	1,627.0	1,627.0	1,627.0

Estimate of any current year (FY99) 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 \$1,627. 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 Pat Pitney, Director Phone 474-5889
 Division UA Budget and Institutional Research Date 2/4/99
 Approved by Pat Pitney, Director Date 2/4/99
 Agency University of Alaska

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FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CSSB 7(Fin) am

Revision Date: 07-Feb-00 Dept Affected: Natural Resources
 Title: An Act relating to the U. of A. and univ. land, & BRU: Minerals, Land and Water Development
authorizing the U. of A. to select additional state land. Component: Land Sales & Municipal Entitlements
 Sponsor: Sen. Taylor, et al.
 Requestor: HRES Component Serial No. 2456

Expenditures/Revenues (inflation not included unless otherwise noted below) (Thousands of Dollars)

OPERATING EXPENDITURES	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
PERSONAL SERVICES	142.0	161.0	161.0	161.0	161.0	161.0
TRAVEL	15.0	15.0	15.0	15.0	15.0	15.0
CONTRACTUAL SUPPLIES	1,000.0	1,000.0	1,000.0	1,000.0	1,000.0	1,000.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	1,157.0	1,176.0	1,176.0	1,176.0	1,176.0	1,176.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES (fund code)	see note					
--------------------------------	----------	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
1002 Federal Receipts						
1003 GF Match						
1004 GF	30.0	32.0	32.0	32.0	32.0	32.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
I/A (University)	1,127.0	1,144.0	1,144.0	1,144.0	1,144.0	1,144.0
TOTAL	1,157.0	1,176.0	1,176.0	1,176.0	1,176.0	1,176.0

Estimate of any current year (FY00) cost: \$ N/A

POSITIONS

POSITIONS	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
FULL-TIME	3	3	3	3	3	3
PART-TIME						
TEMPORARY						

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. Costs could be higher depending on what lands are selected and the level of controversy relating to individual parcels. Most costs for the conveyance work will be paid for by the University using Interagency Receipts; however, this money still must come from state funds.

For FY 01, 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 [cont.]

Prepared by: Robert M. Loeffler Phone: 907-269-8600
 Division: Mining, Land and Water Date: 07-Feb-00
 Approved by Commissioner: [Signature] Date: 2-7-00
 Agency: Natural Resources

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ANALYSIS [continued]:

contractual expenditures reflect the cost to survey parcels. FY 02 and following years include the above costs, plus costs to issue title documents.

* Note: It is impossible to project how much revenue these conveyances will generate for the University, and will be lost to the state, without knowing exactly what lands will be transferred. However, it can be assumed the University will select the most valuable parcels it can find. The effect is to divert a significant revenue stream out of the general fund, where it would have been available for those public purposes the Legislature deemed most important in a given year, into the hands of the Board of Regents for strictly university purposes. Also, by removing the most valuable parcels from the state's asset base, the bill reduces one of the most important incentives for local government to incorporate: the opportunity to select top-quality commercial, residential, and industrial land for municipal ownership under AS 29.65.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CSSB 7(FIN) AM

Revision Date/Time (Note if correction) 2/4/00 Dept. Affected Fish and Game
 Title INCREASE LAND GRANT TO UNIV. OF ALASKA BRU Habitat
 Component Habitat
 Sponsor Senator Taylor
 Requester House Resources Component No. 486

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	64.5	64.5	64.5	64.5	64.5	64.5
Travel	3.5	3.5	3.5	3.5	3.5	3.5
Contractual	1.5	1.5	1.5	1.5	1.5	1.5
Supplies	0.5	0.5	0.5	0.5	0.5	0.5
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	70.0	70.0	70.0	70.0	70.0	70.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	70.0	70.0	70.0	70.0	70.0	70.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	70.0	70.0	70.0	70.0	70.0	70.0

Estimate of any current year (FY2000) cost: _____

POSITIONS

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The Habitat Division will require one additional habitat biologist III to conduct reviews of the fish and wildlife values and public uses of these resources on the lands proposed for conveyance to the university. These reviews will be used by DNR to evaluate whether or not conveyance of specific parcels out of the public domain is in the best interests of the state. Assumptions: 1) many university selections will be in remote locations requiring travel from ADF&G offices; 2) between 25,000 and 62,500 acres will need review by ADF&G each year; and 3) field reviews will only be affordable for those parcels thought to be of highest value for continued production of fish and wildlife and public use of these resources.

Prepared by: Ken Taylor
 Division: Habitat
 Approved by: Commissioner Frank Rue
 Agency: Department of Fish and Game

Phone: 465-4105
 Date/Time: 2/4/00 3:55 PM
 Date: 02/04/2000

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AMENDMENT #1
HCS CS SB 7 (RES)

OFFERED BY: Representative Beverly Masek

Page 4, lines 26-28:

Insert "not" after "shall"

Replace "unless" for "if"

Replace "acts to approve" for "does not disapprove"

New sentence to read:

A list of selections submitted shall not be considered approved for conveyance to the University of Alaska [if] unless the legislature [does not approve] acts to approve the list during the legislative session during which the list was submitted.

New Text Underlined [Deleted Text Bracketed]

SB 7
Resources Committee Substitute
1-LS0072/S

Page 5, line 3:

Current statute allows municipalities to select only vacant, unappropriated, unreserved (VUU) land within their boundaries, but allows the University to select any state land.

The change would bring the University on the same selection level as the municipalities in certain cases.

When talking to DNR we learned that there are only seven municipalities (Kenai, Lake & Peninsula, Yakutat, Denali, Aleutians East, North Slope and Northwest Arctic), mostly in western Alaska, who have not selected most of their land. This is could be from a number of reasons: when they were incorporated, how much land they selected prior to statehood, or if they were waiting on USGS maps to be completed before making their selections.

We tried to make the change specific to those seven municipalities by setting the requirement that unless the municipalities have at least 80% of their land entitlement the University is only allowed to select VUU land in their boundaries.

In the case of the Lake & Peninsula Borough, the entitlement is greater than the VUU land available.

Page 6, line 20:

Protects public interest in special lands. This amendment is spurred by the situation in Cape Yakataga when the University logged the thin strip of forest between mountain and the ocean, thus killing any possible habitat between the two.

Page 7, line 23:

Protects public access to University conveyed lands.

Page 8, line 31 - Page 9, Line 5:

Protects public access to University conveyed lands.

Page 9, line 6:

The University will have the same mineral management requirements as on state land.

Page 13, line 22:

The University will be subject to riparian management standards as required on state lands under the Forest Practices Act.

100 foot buffers on ALL anadromous streams south of The Alaska Range and on coastal forest areas.

Calendar No. 131

106TH CONGRESS
1ST SESSION**S. 744**

[Report No. 106-61]

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

MARCH 25, 1999

Mr. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JUNE 2, 1999

Reported under authority of the order of the Senate of May 27, 1999, by Mr. MURKOWSKI, with an amendment

[Omit the part struck through and insert the part printed in *italic*]

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 SECTION 1. FINDINGS AND PURPOSES.

2 (a) FINDINGS.—The Congress finds that—

3 (1) the University of Alaska is the successor to
4 and the beneficiary of all Federal grants and convey-
5 ances to or for the Alaska Agricultural College and
6 School of Mines;

7 (2) under the Acts of March 4, 1915, 38 Stat.
8 1214, and January 21, 1929, 45 Stat. 1091, the
9 United States granted to the Territory of Alaska
10 certain federal land for the University of Alaska;

11 (3) the Territory was unable to receive most of
12 the land intended to be conveyed by the Act of
13 March 4, 1915, before repeal of that Act by sec.
14 6(k) of the Alaska Statehood Act (Public Law 85-
15 508, 72 Stat. 339);

16 (4) only one other state land grant college in
17 the United States has obtained a smaller land grant
18 from the federal government than the University of
19 Alaska has received, and all land grant colleges in
20 the western states of the United States have ob-
21 tained substantially larger land grants than the Uni-
22 versity of Alaska;

23 (5) an academically strong and financially se-
24 cure state university system is a cornerstone to the
25 long-term development of a stable population and to

1 a healthy, diverse economy and is in the national in-
2 terest;

3 (6) the national interest is served by transfer-
4 ring certain federal lands to the University of Alaska
5 which will be able to use and develop the resources
6 of such lands and by returning certain lands held by
7 the University of Alaska located within certain fed-
8 eral conservation system units to federal ownership;

9 (7) the University of Alaska holds valid legal
10 title to and is responsible for management of lands
11 transferred by the United States to the Territory
12 and State of Alaska for the University and an ex-
13 change of lands is consistent with and in furtherance
14 of the purposes and terms of, and thus not in viola-
15 tion of, the Federal grant of such lands.

16 (b) PURPOSES.—The purposes of this act are—

17 (1) to fulfill the original commitment of Con-
18 gress to establish the University of Alaska as a land
19 grant university with holdings sufficient to facilitate
20 operation and maintenance of a university system
21 for the inhabitants of the State of Alaska; and

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

1 SEC. 2. LAND GRANT.

2 (a) Notwithstanding any other provision of law and
3 subject to valid existing rights, the University of Alaska
4 ("University") is entitled to select up to 250,000 acres
5 of federal lands or interest in lands in or adjacent to Alas-
6 ka as a grant. The Secretary of the Interior ("Secretary")
7 shall promptly convey to the University federal lands se-
8 lected and approved in accordance with the provisions of
9 this Act.

10 (b)(1) Within 48 months of the enactment of this
11 Act, the University of Alaska may submit to the Secretary
12 a description of lands or interests in lands for conveyance
13 under subsection (a). The initial selection may be less than
14 or exceed the maximum amount of the grant and the Uni-
15 versity may add or delete lands or interest in lands during
16 this period, except that selections shall not exceed 275,000
17 acres at any one time.

18 (2) The University may select lands validly selected
19 but not conveyed to the State of Alaska or to a Native
20 Corporation organized pursuant to the Alaska Native
21 Claims Settlement Act (85 Stat. 688), except that these
22 lands or interests in lands may not be approved or con-
23 veyed to the University unless the State of Alaska or the
24 Native Corporation relinquishes its selection in writing.

25 (3) The University may not make selections within
26 a Conservation System Unit, as defined in the Alaska Na-

1 tional Interest Lands Conservation Act (16 U.S.C. 3101),
2 or in the Tongass National Forest except within lands
3 classified as LUD III or LUD IV by the United States
4 Forest Service and limited to areas of second growth tim-
5 ber where timber harvest occurred after January 1, 1952.

6 (4) The University may make selections within the
7 National Petroleum Reserve-Alaska ("NPRA"), except
8 that—

9 (A) no selection may be made within an area
10 withdrawn for village selection pursuant to section
11 11(a) of the Alaska Native Claims Settlement Act
12 for the Native villages of Atkasook, Barrow, Nuiqsit
13 and Wainwright;

14 (B) no selection may be made in the Teshekpuk
15 Lake Special Area as depicted on a map dated
16 March 24; and

17 (C) No selections may be made within those
18 portions of NPRA north of latitude 69 degrees
19 North in excess of 92,000 acres. Notwithstanding
20 any other provision of this Act, no selection may be
21 made within such area during the two year period
22 extending from the date of enactment of this act.
23 The Secretary shall attempt to conclude an agree-
24 ment with the University of Alaska and the State of
25 Alaska providing for sharing NPRA leasing revenues

1 within the two year period. If the Secretary con-
2 cludes such an agreement, he shall transmit it to the
3 Congress, and no selection may be made within such
4 area during the three year period extending from the
5 date of enactment of this Act. If legislation has not
6 been enacted within three years of the date of enact-
7 ment of this Act approving the agreement, the Uni-
8 versity of Alaska may make selections within such
9 area. An agreement shall provide for the University
10 of Alaska to receive a portion of annual revenues
11 from mineral leases within NPRA in lieu of any land
12 selections within NPRA north of latitude 69 degrees
13 North, but not to exceed ten percent of such reve-
14 nues or \$9 million annually, whichever is less.

15 (5) Within forty-five (45) days of receipt of a selec-
16 tion, the Secretary shall publish notice of the selection in
17 the Federal Register. The notice shall identify the lands
18 or interest in lands included in the selection and provide
19 for a period for public comment not to exceed sixty (60)
20 days.

21 (6) Within six months of the receipt of such a notice
22 the Secretary shall accept or reject the selection and shall
23 promptly notify the University of his decision, including
24 the reasons for any rejection. A selection that is not re-

1 jected within six months of notification to the Secretary
2 is approved without further action.

3 (7) The Secretary may reject a selection if the Sec-
4 retary finds that the selection would have a significant ad-
5 verse impact on ability of the Secretary to comply with
6 the land entitlement provisions of the Alaska Statehood
7 Act or the Alaska Native Claims Settlement Act. (43
8 U.S.C. 1601) or if the Secretary finds that the selection
9 would have a direct, significant and irreversable adverse
10 effect on a Conservation System Unit as defined in the
11 Alaska National Interest Conservation Act.

12 (8) The Secretary shall promptly publish notice of an
13 acceptance or rejection of a selection in the Federal Reg-
14 ister.

15 (9) An action taken pursuant to this Act is not a
16 major federal action within the meaning of section
17 102(2)(C) of Public Law 91-190 (83 Stat. 852, 853).

18 (c) The University may not select federal lands or in-
19 terest in lands reserved for military purposes or reserved
20 for the administration of a federal agency, unless the Sec-
21 retary of Defense or the head of the affected agency agrees
22 to relinquish the lands or interest in lands.

23 (d) The University may select additional lands or in-
24 terest in lands to replace lands rejected by the Secretary.

1 (e) Lands or interest in lands shall be segregated and
2 unavailable for selection by and conveyance to the State
3 of Alaska or a Native Corporation and shall not be other-
4 wise encumbered or disposed of by the United States
5 pending completion of the selection process.

6 (f) The University may enter selected lands on a non-
7 exclusive basis to assess the oil, gas, mineral and other
8 resource potential therein and to exercise due diligence re-
9 garding making a final selection. The University, and its
10 delegates or agents, shall be permitted to engage in assess-
11 ment techniques including, but not limited to, core drilling
12 to assess the metalliferous or other values, and surface
13 geological exploration and seismic exploration for oil and
14 gas, except that exploratory drilling of oil and gas wells
15 shall not be permitted.

16 (g) Within one year of the Secretary's approval of
17 a selection, the University may make a final decision
18 whether to accept these lands or interest in lands and shall
19 notify the Secretary of its decision. The Secretary shall
20 publish notice of any such acceptance in the Federal Reg-
21 ister within six months. Effective on the date that such
22 notice is published, all right, title, and interest of the
23 United States in the described selection, including the
24 right to transfer, assign, alienate, exchange, grant, deed,
25 lease or otherwise convey any or all present or future in-

1 terest in the lands or interest in lands shall vest in the
2 University.

3 (h) Lakes, rivers and streams contained within final
4 selections shall be meandered and lands submerged there-
5 under shall be conveyed in accordance with section 901
6 of the Alaska National Interest Lands Conservation Act
7 (94 Stat. 2371, 2430; 43 U.S.C. 1631).

8 (i) Upon completion of a survey of lands or interests
9 in lands subject to an interim approval, the Secretary shall
10 promptly issue patent to these lands or interest in lands.

11 (j) The Secretary of Agriculture and the heads of
12 other Federal departments and agencies shall take
13 promptly such actions as may be necessary to assist the
14 Secretary implementing this Act.

15 **SEC. 3. RELINQUISHMENT OF CERTAIN UNIVERSITY OF**
16 **ALASKA HOLDINGS.**

17 (a) As a condition to any grant provided by section
18 2 of this Act, the University shall convey to the Secretary
19 those lands listed in "The University of Alaska's Inholding
20 Reconveyance Document" and dated ~~April 24, 1997~~ *May*
21 *17, 1999*.

22 (b) The University shall begin conveyance of the
23 lands described in subsection (a) upon approval of selected
24 lands and shall convey to the Secretary a percentage of
25 these lands approximately equal to that percentage of the

1 total grant represented by the approval. The University
2 shall not be required to convey to the Secretary any lands
3 other than those listed in subsection (a). The Secretary
4 shall accept quitclaim deeds from the University for these
5 lands.

6 **SEC. 4. JUDICIAL REVIEW.**

7 The University of Alaska may bring an appropriate
8 action, including an action in the nature of mandamus,
9 against the Secretary for violation of this Act or for review
10 of a final agency decision taken under this Act. An action
11 pursuant to this section may be brought in the United
12 States District Court for the District of Alaska within two
13 (2) years of the alleged violation or final agency decision.

14 **SEC. 6. STATE MATCHING GRANT.**

15 (a) Notwithstanding any other provision of law and
16 subject to valid existing rights, the University may, in ad-
17 dition to the grant made available in section 2, select up
18 to 250,000 acres of federal lands or interests in lands in
19 or adjacent to Alaska to be conveyed on an acre-for-acre
20 basis as a matching grant for any lands granted to the
21 University by the State of Alaska after the date of enact-
22 ment of this Act.

23 (b) Selections of lands or interests in lands pursuant
24 to this section shall be in parcels of 25,000 acres or great-
25 er.

1 (c) Grants made under this section shall be subject
2 to the terms and conditions applicable to grants made
3 under section 2 of this Act.

Calendar No. 131

106TH CONGRESS
1ST SESSION

S. 744

[Report No. 106-61]

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.

JUNE 2, 1999

Reported with an amendment

106TH CONGRESS
1ST SESSION

H. R. 2958

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 HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 1999

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS AND PURPOSES.**

4 (a) FINDINGS.—The Congress finds that—

5 (1) the University of Alaska is the successor to
6 and the beneficiary of all Federal grants and convey-
7 ances to or for the Alaska Agricultural College and
8 School of Mines;

1 (2) under the Acts of March 4, 1915, 38 Stat.
2 1214, and January 21, 1929, 45 Stat. 1091, the
3 United States granted to the Territory of Alaska
4 certain federal land for the University of Alaska;

5 (3) the Territory was unable to receive most of
6 the land intended to be conveyed by the Act of
7 March 4, 1915, before repeal of that Act by sec.
8 6(k) of the Alaska Statehood Act (Public Law 85-
9 508, 72 Stat. 339);

10 (4) only one other state land grant college in
11 the United States has obtained a smaller land grant
12 from the federal government than the University of
13 Alaska has received, and all land grant colleges in
14 the western states of the United States have ob-
15 tained substantially larger land grants than the Uni-
16 versity of Alaska;

17 (5) an academically strong and financially se-
18 cure state university system is a cornerstone to the
19 long-term development of a stable population and to
20 a healthy, diverse economy and is in the national in-
21 terest;

22 (6) the national interest is served by transfer-
23 ring certain federal lands to the University of Alaska
24 which will be able to use and develop the resources
25 of such lands and by returning certain lands held by

1 the University of Alaska located within certain fed-
2 eral conservation system units to federal ownership;

3 (7) the University of Alaska holds valid legal
4 title to and is responsible for management of lands
5 transferred by the United States to the Territory
6 and State of Alaska for the University and an ex-
7 change of lands is consistent with and in furtherance
8 of the purposes and terms of, and thus not in viola-
9 tion of, the Federal grant of such lands.

10 (b) PURPOSES.—The purposes of this act are—

11 (1) to fulfill the original commitment of Con-
12 gress to establish the University of Alaska as a land
13 grant university with holdings sufficient to facilitate
14 operation and maintenance of a university system
15 for the inhabitants of the State of Alaska; and

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

19 **SEC. 2. LAND GRANT.**

20 (a) Notwithstanding any other provision of law and
21 subject to valid existing rights, the University of Alaska
22 (“University”) is entitled to select up to 250,000 acres
23 of federal lands or interest in lands in or adjacent to Alas-
24 ka as a grant. The Secretary of the Interior (“Secretary”)
25 shall promptly convey to the University federal lands se-

1 lected and approved in accordance with the provisions of
2 this Act.

3 (b)(1) Within 48 months of the enactment of this
4 Act, the University of Alaska may submit to the Secretary
5 a description of lands or interests in lands for conveyance
6 under subsection (a). The initial selection may be less than
7 or exceed the maximum amount of the grant and the Uni-
8 versity may add or delete lands or interest in lands during
9 this period, except that selections shall not exceed 275,000
10 acres at any one time.

11 (2) The University may select lands validly selected
12 but not conveyed to the State of Alaska or to a Native
13 Corporation organized pursuant to the Alaska Native
14 Claims Settlement Act (85 Stat. 688), except that these
15 lands or interests in lands may not be approved or con-
16 veyed to the University unless the State of Alaska or the
17 Native Corporation relinquishes its selection in writing.

18 (3) The University may not make selections within
19 a Conservation System Unit, as defined in the Alaska Na-
20 tional Interest Lands Conservation Act (16 U.S.C. 3101),
21 or in the Tongass National Forest except within lands
22 classified as LUD III or LUD IV by the United States
23 Forest Service and limited to areas of second growth tim-
24 ber where timber harvest occurred after January 1, 1952.

1 (4) The University may make selections within the
2 National Petroleum Reserve-Alaska ("NPRA"), except
3 that—

4 (A) no selection may be made within an area
5 withdrawn for village selection pursuant to section
6 11(a) of the Alaska Native Claims Settlement Act
7 for the Native villages of Atkasook, Barrow, Nuiqsit
8 and Wainwright;

9 (B) no selection may be made in the Teshekpuk
10 Lake Special Area as depicted on a map dated
11 March 24; and

12 (C) No selections may be made within those
13 portions of NPRA north of latitude 69 degrees
14 North in excess of 92,000 acres. Notwithstanding
15 any other provision of this Act, no selection may be
16 made within such area during the two year period
17 extending from the date of enactment of this act.
18 The Secretary shall attempt to conclude an agree-
19 ment with the University of Alaska and the State of
20 Alaska providing for sharing NPRA leasing revenues
21 within the two year period. If the Secretary con-
22 cludes such an agreement, he shall transmit it to the
23 Congress, and no selection may be made within such
24 area during the three year period extending from the
25 date of enactment of this Act. If legislation has not

1 been enacted within three years of the date of enact-
2 ment of this Act approving the agreement, the Uni-
3 versity of Alaska may make selections within such
4 area. An agreement shall provide for the University
5 of Alaska to receive a portion of annual revenues
6 from mineral leases within NPRA in lieu of any land
7 selections within NPRA north of latitude 69 degrees
8 North, but not to exceed ten percent of such reve-
9 nues or \$9 million annually, whichever is less.

10 (5) Within forty-five (45) days of receipt of a selec-
11 tion, the Secretary shall publish notice of the selection in
12 the Federal Register. The notice shall identify the lands
13 or interest in lands included in the selection and provide
14 for a period for public comment not to exceed sixty (60)
15 days.

16 (6) Within six months of the receipt of such a notice
17 the Secretary shall accept or reject the selection and shall
18 promptly notify the University of his decision, including
19 the reasons for any rejection. A selection that is not re-
20 jected within six months of notification to the Secretary
21 is approved without further action.

22 (7) The Secretary may reject a selection if the Sec-
23 retary finds that the selection would have a significant ad-
24 verse impact on ability of the Secretary to comply with
25 the land entitlement provisions of the Alaska Statehood

1 Act or the Alaska Native Claims Settlement Act. (43
2 U.S.C. 1601) or if the Secretary finds that the selection
3 would have a direct, significant and irreversable adverse
4 effect on a Conservation System Unit as defined in the
5 Alaska National Interest Conservation Act.

6 (8) The Secretary shall promptly publish notice of an
7 acceptance or rejection of a selection in the Federal Reg-
8 ister.

9 (9) An action taken pursuant to this Act is not a
10 major federal action within the meaning of section
11 102(2)(C) of Public Law 91-190 (83 Stat. 852, 853).

12 (c) The University may not select federal lands or in-
13 terest in lands reserved for military purposes or reserved
14 for the administration of a federal agency, unless the Sec-
15 retary of Defense or the head of the affected agency agrees
16 to relinquish the lands or interest in lands.

17 (d) The University may select additional lands or in-
18 terest in lands to replace lands rejected by the Secretary.

19 (e) Lands or interest in lands shall be segregated and
20 unavailable for selection by and conveyance to the State
21 of Alaska or a Native Corporation and shall not be other-
22 wise encumbered or disposed of by the United States
23 pending completion of the selection process.

24 (f) The University may enter selected lands on a non-
25 exclusive basis to assess the oil, gas, mineral and other

1 resource potential therein and to exercise due diligence re-
2 garding making a final selection. The University, and its
3 delegates or agents, shall be permitted to engage in assess-
4 ment techniques including, but not limited to, core drilling
5 to assess the metalliferous or other values, and surface
6 geological exploration and seismic exploration for oil and
7 gas, except that exploratory drilling of oil and gas wells
8 shall not be permitted.

9 (g) Within one year of the Secretary's approval of
10 a selection, the University may make a final decision
11 whether to accept these lands or interest in lands and shall
12 notify the Secretary of its decision. The Secretary shall
13 publish notice of any such acceptance in the Federal Reg-
14 ister within six months. Effective on the date that such
15 notice is published, all right, title, and interest of the
16 United States in the described selection, including the
17 right to transfer, assign, alienate, exchange, grant, deed,
18 lease or otherwise convey any or all present or future in-
19 terest in the lands or interest in lands shall vest in the
20 University.

21 (h) Lakes, rivers and streams contained within final
22 selections shall be meandered and lands submerged there-
23 under shall be conveyed in accordance with section 901
24 of the Alaska National Interest Lands Conservation Act
25 (94 Stat. 2371, 2430; 43 U.S.C. 1631).

1 (i) Upon completion of a survey of lands or interests
2 in lands subject to an interim approval, the Secretary shall
3 promptly issue patent to these lands or interest in lands.

4 (j) The Secretary of Agriculture and the heads of
5 other Federal departments and agencies shall take
6 promptly such actions as may be necessary to assist the
7 Secretary implementing this Act.

8 **SEC. 3. RELINQUISHMENT OF CERTAIN UNIVERSITY OF**
9 **ALASKA HOLDINGS.**

10 (a) As a condition to any grant provided by section
11 2 of this Act, the University shall convey to the Secretary
12 those lands listed in "The University of Alaska's Inholding
13 Reconveyance Document" and dated May 17, 1999.

14 (b) The University shall begin conveyance of the
15 lands described in subsection (a) upon approval of selected
16 lands and shall convey to the Secretary a percentage of
17 these lands approximately equal to that percentage of the
18 total grant represented by the approval. The University
19 shall not be required to convey to the Secretary any lands
20 other than those listed in subsection (a). The Secretary
21 shall accept quitclaim deeds from the University for these
22 lands.

23 **SEC. 4. JUDICIAL REVIEW.**

24 The University of Alaska may bring an appropriate
25 action, including an action in the nature of mandamus,

1 against the Secretary for violation of this Act or for review
2 of a final agency decision taken under this Act. An action
3 pursuant to this section may be brought in the United
4 States District Court for the District of Alaska within two
5 (2) years of the alleged violation or final agency decision.

6 **SEC. 6. STATE MATCHING GRANT.**

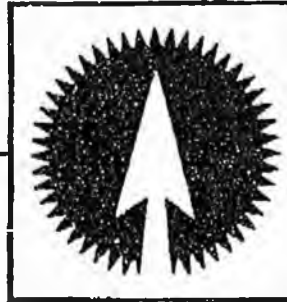
7 (a) Notwithstanding any other provision of law and
8 subject to valid existing rights, the University may, in ad-
9 dition to the grant made available in section 2, select up
10 to 250,000 acres of federal lands or interests in lands in
11 or adjacent to Alaska to be conveyed on an acre-for-acre
12 basis as a matching grant for any lands granted to the
13 University by the State of Alaska after the date of enact-
14 ment of this Act.

15 (b) Selections of lands or interests in lands pursuant
16 to this section shall be in parcels of 25,000 acres or great-
17 er.

18 (c) Grants made under this section shall be subject
19 to the terms and conditions applicable to grants made
20 under section 2 of this Act.

○

Alaska Forest Association, Inc.



111 STEDMAN SUITE 200
KETCHIKAN, ALASKA 99901-6599
Phone 907-225-6114
FAX 907-225-5920

April 26, 1999

The Honorable Robin Taylor
Alaska State Senate
State Capitol
Juneau, AK 99801

Re: Support for SB7, University land selections

Dear Robin:

Thank you for introducing Senate Bill 7 which will help to make Alaska's land grant university whole with respect to its land entitlement. One of the great errors made in the press of the statchood effort in 1959 was letting the federal government off the hook for additional land for the university. As you know, Senator Murkowski has introduced legislation in Congress to address that oversight. Your bill would mesh well with the pending federal legislation and help bring the University of Alaska's land entitlement in line with those of other land grant universities around the country.

The Alaska Forest Association has been on record in the past supporting grants of additional land to the University of Alaska. Senate Bill 7 also has the Association's full support. In addition to the direct benefit to the university itself, this measure can help improve the state's economy by creating opportunities for new development of natural resources.

SB 7 is carefully crafted legislation that addresses an important issue for the University of Alaska while protecting the prior existing rights of other landowners, leaseholders and claimants. This legislation is clearly in the best interest of Alaska. AFA urges its speedy passage into law.

Sincerely,

Jack H. Phelps
Executive Director

cc: Senator Sean Parnell
Senator John Torgerson
Representative Brian Porter



Charlie Boddy
Vice President Of Governmental Relations

February 1, 1999

Senator Robin Taylor
Alaska State Legislature
Vice-Chair Senate Resources
Juneau, Alaska

Subject: Senate Bill No. 7, University of Alaska lands bill

Dear Senator Taylor,

Thank you for according me time last week to discuss the intrinsic worth of SB7. The effort to make the University whole as a land grant college is laudable.

Your staff worked with the resource community last year to make certain that lands already encumbered with leases, permits and the like - were not included as being available for selection. The current version maintains that provision.

From my perspective, the one provision still needed is a process which allows the legislature to approve the ultimate list of lands selected and agreed to be conveyed. By having the legislature approve all lands being transferred to the trust, a "best interest finding" will have been made on the selections, easing the timelines that might otherwise slow development and or conveyance ultimately of the lands.

Thank you for considering these comments. With best regards, I remain,

Sincerely,

Cc: Sen. Gary Wilken
Sen. Pete Kelly

Monday 29 Mar 99

Juneau Empire

Murkowski introduces another university land bill

THE ASSOCIATED PRESS

FAIRBANKS - U.S. Sen. Frank Murkowski has introduced a new bill in Congress that proposes to grant the University of Alaska an additional 500,000 acres of federal land.

Similar bills have failed three times in the past, but this time the Alaska Republican has added provisions to improve its chances of passage.

But the bill, introduced last week, still faces challenges.

Gov. Tony Knowles opposes a proposed matching contribution of up to 250,000 acres of state land. And despite some concessions, environmentalists still view the bill as an invitation for resource overdevelopment.

"This bill, at the heart of it, isn't about the University of Alaska," said Marc Wheeler, spokes-

man for the Southeast Alaska Conservation Council. "It's about taking public lands out of public hands."

Murkowski's latest version includes a provision that would block the university from selecting lands containing virgin, old-growth timber in Southeast Alaska. The bill also embraces a revenue-sharing concept proposed in January by Knowles.

"Logging in the Tongass and the issue of oil development in NPR-A were two leading complaints about the bill in 1997," said Murkowski spokesman Chuck Kleeschulte.


Murkowski has long said the University of Alaska was shorted as a land-grant institution, receiving only about 111,000 acres of federal land - a third of what it was originally promised.

DON YOUNG, CHAIRMAN

U.S. House of Representatives
Committee on Resources
Washington, DC 20515

February 3, 2000

The Hon. Robin Taylor
Alaska Senate
State Capitol
Juneau, Alaska 99801-1182


Dear Senator Taylor:

Knowing of your interest in allocating land to support and enhance the higher educational mission of the University of Alaska, I wanted this opportunity to comment on H.R. 2958, a bill I introduced to provide a federal land grant to the institution. This legislation includes provisions of interest to the Alaska Legislature.

As you are aware, Alaska has not received its complete federal land grant. The history behind this issue began in 1915 when Congress reserved about 268,000 acres of public domain for the Alaska Agricultural College and School of Mines. The extremely slow pace of surveying prevented most of the land from being conveyed, so in 1929, Congress granted 100,000 acres more to the University. This brought the total land grant to just over 111,000 acres by the time the 1958 Alaska Statehood bill eliminated the original 1915 grant. The result is that Alaska's post-secondary education system is denied the resources and benefits of owning a substantial grant that other State systems enjoy.

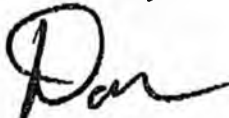
H.R. 2958 will provide a 250,000 acre grant of federal land to complete the promise Congress originally made, and bring the university endowment of land up to par with that of other state institutions, all of which currently rank higher in terms of land grants received.

One of the substantive hurdles that must be cleared in order to advance a new federal land grant is the objection of opponents who believe that Congress intended the State, through its Statehood Act entitlement, to grant the university lands it was supposed to have received through the original 1915 congressional grant. For a number of reasons I believe this argument is flawed.

Nonetheless, a way to overcome this objection is by a provision I included in H.R. 2958 that will provide to the university system up to an additional 250,000 acres of federal land as long as the State of Alaska matches it on an acre-for-acre basis. Clearly, a State match would signal the commitment of the Legislature to augmenting the university's future through a combination of federal and State grants.

I trust this will explain the rationale behind H.R. 2958. Please do not hesitate to contact me if you have any comments or questions.

Sincerely,

A handwritten signature in cursive script that reads "Don".

DON YOUNG
Chairman

DY/cnf

Alaska State Legislature

Chairman,
Judiciary Committee

State Capitol
Juneau, Alaska 99801-1182
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Ketchikan, Alaska 99901
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Senator Robin L. Taylor

SPONSOR STATEMENT CS SENATE BILL 7(FIN) am

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

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 that many institutions rely on to help support operations, especially subsidies from 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 as monetary resources are becoming scarcer and more unpredictable. This bill continues that effort to give the University of Alaska a larger more productive land base.

The provisions of SB 7 allow the University of Alaska to select 250,000 acres of state land. Land selected for transfer would include interests in minerals and to oil and gas subject to certain limitations. Certain lands would be exempt from selection, such as:

- lands subject to coal lease or where a lease application is pending;
- land reserved by law from the public domain;
- land included in a five-year proposed oil and gas leasing program; and,
- land that has a lease application pending.

All land must be selected by December 31, 2010.

District A:

Hyder • Ketchikan • Kupreanof • Meyers Chuck • Petersburg • Saxman • Sitka • Wrangell

To address concerns raised about continued access to this land, a provision was included in the bill that allows existing uses of the land to continue as long as they do not interfere with the university's use of the land.

Another provision that was included in the bill provides a first right of refusal for municipalities within which the university selects a parcel of land, if the municipality has a remaining entitlement. This provision, which was proposed by the sponsor at the request of the AML, now provides additional protection for municipalities. The bill currently exempts land that has been selected by a municipality, and allows the commissioner to withhold land that the commissioner believes a municipality might select.

In an endeavor to encourage local support, up to twenty percent (20%) of the income derived from lands conveyed as a result of this legislation is to be given to the campus or campuses in the region from which the earnings are derived if the local community contributes a like amount. This revenue is to be used for programs and services that support the development of natural resources within the region.

Sen. Frank Murkowski has again introduced federal legislation that would provide 250,000 acres of land to the University of Alaska and an additional 250,000 acres if the State of Alaska provides a 250,000 match. SB 7 meets the requirements of Senator Murkowski's bill for the local match.

It is the sponsor's hope that this legislation will enable the University of Alaska to begin making its way toward equal footing with other land grant universities around the Nation.