

LEG. FINANCE - BILLS 1975 - 1976 450

CSHB 647 cont. thru HB 654 450

Introduced: 1/23/76  
Referred: Finance

BY GRUENING, BRADLEY, BRADNER,  
BUCHHOLDT, GARDINER, NAUGHTON,  
OSTROSKY, PARKER, RUDD AND SWANSON

1 IN THE HOUSE

2 HOUSE BILL NO. 647

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act appropriating to the Office of the Governor,  
7 Athletic Commission; and providing for an effective  
8 date."

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

10 \* Section 1. The sum of \$75,000 is appropriated from the general fund to  
11 the Office of the Governor, Athletic Commission, to pay the travel costs of  
12 the State of Alaska's participants in the Arctic Winter Games, for the fiscal  
13 year ending June 30, 1976.

14 \* Sec. 2. This Act takes effect on the day after its passage and approval  
15 or on the day it becomes law without approval.

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HOUSE JOURNAL

CSHB 647

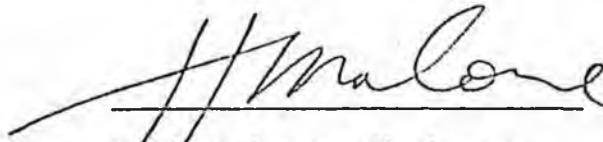
The House Finance Committee on February 11, 1976 reported out with an unanimous do pass recommendation House Finance Committee Substitute for HB 647. The only change in the Committee Substitute is to raise the appropriation amount to the Office of the Governor, Athletic Commission, from \$75,000 to \$98,300.

The purpose of the appropriation is to pay 75 percent of the \$131,000 in travel costs for transporting 232 Alaskan athletes to the Fourth Arctic Winter Games to be held in Schefferville, Quebec this March 21 through 28. This year the greater distance involved for Alaskan competitors in this biennial event (the three prior Arctic Winter Games were held in Yellowknife, Northwest Territories, Whitehorse, and Anchorage) has raised the cost of travel for the Alaska teams and coaches. Included in the total travel cost is airfare to bring competitors from the bush and Southeast Alaska to departure points for the primary charter.

Young and adult Alaskans from twenty-five Alaskan communities will compete with athletes from Arctic Quebec, the Yukon, and Northwest Territories in the following thirteen events: badminton, basketball, volleyball, hockey, curling, table tennis, cross-country skiing, shooting, wrestling, figure skating, snowshoeing, judo, and arctic sports. The latter event, arctic sports, includes some of those unique competitions held in Alaska's Eskimo Olympics such as the one and two leg high kick and the ear pull.

Much time, money, and effort by the Alaskan competitors, coaches, and local sponsors has gone into supporting and equipping the Alaska teams in these thirteen events.

The Committee is pleased to urge passage of CSHB 647 which will help promote wider participation by Alaskans from all over the State in this healthy and exciting experience of a lifetime.



Hugh Malone, Chairman  
House Finance Committee

TO WHOM IT MAY CONCERN:

It is anticipated that a full contingent of 232 persons will travel from Alaska to Schefferville, Quebec to compete in the 1976 Arctic Winter Games, March 21 - 28. Included will be 226 athletes and coaches in 13 sports and a 6 person coordinating staff (Mission).

A contract is in effect with Canadian Pacific Airlines to transport 201 persons between Anchorage and Montreal. Two other contracts with Nordair provide for transportation of 226 persons between Montreal and Schefferville. As the primary charter with CP Air can only accommodate 201 persons, the additional 25 persons will travel on a group rate between Anchorage and Montreal, via Seattle and Vancouver. These 25 can be accommodated on the Nordair charters from Montreal to Schefferville. (CP Air - Nordair were selected based on their interest and substantially low bid.)

It will be therefore necessary for the 6 remaining persons of the 232 to travel separately from the charters.

In addition to the travel between Anchorage and Schefferville it is anticipated that 65 persons will travel from Fairbanks to Anchorage and 15 persons will be traveling to Fairbanks or Anchorage from remote areas of the State. Those persons representing Southeastern Alaska will travel directly to Seattle from Juneau or Ketchikan, the savings in air fare from Anchorage to Seattle offset by overnight expenses. (It is necessary to overnight in Seattle to connect with the overflow group schedule connecting eventually with the Nordair charters.)

On the following page is an itemized account of the routing and anticipated costs for transportation of the Alaska contingent to the 1976 Arctic Winter Games:

1976 Alaska Contingent, Arctic Winter Games, Anticipated Transportation Costs:

Via	Destination	No.	Cost
CP Air	Anch-Kontreal-Anch	201	\$ 76,725.18
Kontreal	Kontreal-Schefterville-Kont.	226	27,907.17
			<u>\$104,632.35</u>
Alaska Pacific Western	Anch-Sattler-Vancouver-Kont. and return		
CP Air			
	(Less air fare from Anchorage on southeastern but offset by overnight expense)		25 \$566.95 each
			14,173.75
	Separate travel expense for 6 persons not included with charters and overflown group.		
	Anch-Kontreal-Schefterville		
	6 \$3762.36 each		4,574.18
	Overnight Montreal		
	6 \$50 each		300.00
	(Scheduling does not allow trip to Schefterville in one day)		
Wien	Pbx-Anch-Pbx		
			5,095.00
Wien	Remote towns & villages to Pbx or Anchorage & Return		
			2,250.00
			<u>\$131,025.57</u>
	TOTAL		

Exact remote travel costs cannot be determined until final selection of all teams is completed by February 15.

A deposit of \$10,500 consisting of loans from Junior Ramos and Alan Olson of \$2,500 and \$8,000 respectively was paid January 19, 1976 to CP Air and Nordair. The contracts signed with CP Air and Nordair require the remaining \$94,131.66, which covers the primary charters to Schefferville, to be paid by February 20. Other costs relating to travel to Anchorage from throughout Alaska and for the overflow group travel must be paid to the respective airlines by March 10.

The deadline for registration is February 15 in order to comply with requirements set forth by the Arctic Winter Games Corporation. Individual payment for transportation costs of approximately \$550 is required at registration. If any funding becomes available to the Alaska team, individual costs will be reduced proportionately. Consequently, receipt of funding prior to February 15 will make it possible for those persons who qualify, but can't afford the full cost of transportation, to be included. Otherwise, alternates who can afford the cost of transportation will be selected as of February 15.

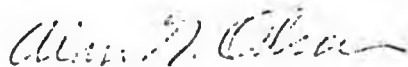
Further information relating to all aspects of Alaska's participation in the 1976 Games can be obtained from:

Junior J. Ramos  
Chef de Mission for the Alaska Team  
2320 Forest Park Drive  
Anchorage, Alaska 99503  
Telephone: Home (907)279-2138  
Work (907)277-0533

and/or

Alan G. Olson  
Alaska Director, Arctic Winter Games Corporation  
2701 Aspen Drive  
Anchorage, Alaska 99503  
Telephone: Home and Work (907)272-2768

Submitted By:



Alan G. Olson, Alaska Director  
Arctic Winter Games Corporation  
February 2, 1976

## EVENTS

## ARCTIC WINTER GAMES

EVENT:	CLASSIFICATION:	COMPETITORS:	OFFICIALS:	TOTAL:
Badminton	Junior Women	3	1	
	Junior Men	3		
	Open Women	3		
	Open Men	3		
		<u>12</u>	1	13
Basketball	Junior Women	8	1	
	Junior Men	8	1	
	Open Women	8	1	
	Open Men	8	1	
		<u>32</u>	4	36
Volleyball	Junior Women	9	1	
	Junior Men	9	1	
	Open Women	9	1	
	Open Men	9	1	
		<u>36</u>	4	40
Hockey	Midget	15	1	
	Open	15	1	
		<u>30</u>	2	32
Curling	Junior Women	4		
	Junior Men	4	1	
	Open Women	4		
	Open Men	4		
		<u>16</u>	1	17
Table Tennis	Junior Women	3	1	
	Junior Men	3		
	Open Women	3		
	Open Men	3		
		<u>12</u>	1	13
Cross Country Skiing	Junior Women	4		
	Junior Men	4	1	
	Open Women	4		
	Open Men	4		
		<u>16</u>	1	17
Shooting	Junior Rifle	3		
	Open Rifle	3		
	Open Pistol	3		
		<u>9</u>		9

EVENT:	CLASSIFICATION:	COMPETITORS:	OFFICIALS:	TOTAL:
Wrestling	Junior Men	8	1	9
Figure Skating	Total Figure Skating	12	2	14
Snowshoeing	Junior Men	4	1	13
	Open Women	4		
	Open Men	4		
		12		
Judo	Total	5	1	6
Arctic Sports	Open - total	6	1	7
				226

TO WHOM IT MAY CONCERN:

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			<u>\$104,631.68</u>
Alaska Pacific Western CP Air	Anch-Seattle-Vancouver-Mont. and return 25 @ \$566.95 each (Less air fare from Juneau or Southeastern but offset by overnight expense)		14,173.75
Separate travel expense for 6 persons not included with charters and overflow group.			
	Anch-Montreal-Schefferville 6 @ \$762.36 each		4,574.16
	Overnight Montreal 6 @ \$50 each (Scheduling does not allow trip to Schefferville in one day)		300.00
Wien	Fbx-Anch-Fbx 65 @ \$78.40		5,096.00
Wien	Remote towns & villages to Fbx or Anchorage & Return 15 @ \$150.00		<u>2,250.00</u>
		TOTAL	<u>\$131,025.57</u>

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Submitted By:

*Alan G. Olson*

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February 2, 1976

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## ARCTIC WINTER GAMES

<u>EVENT:</u>	<u>CLASSIFICATION:</u>	<u>COMPETITORS:</u>	<u>OFFICIALS:</u>	<u>TOTAL:</u>
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	Junior Men	3		
	Open Women	3		
	Open Men	3		
		<u>12</u>	<u>1</u>	13
Basketball	Junior Women	8	1	
	Junior Men	8	1	
	Open Women	8	1	
	Open Men	8	1	
		<u>32</u>	<u>4</u>	36
Volleyball	Junior Women	9	1	
	Junior Men	9	1	
	Open Women	9	1	
	Open Men	9	1	
		<u>36</u>	<u>4</u>	40
Hockey	Midget	15	1	
	Open	15	1	
		<u>30</u>	<u>2</u>	32
Curling	Junior Women	4		
	Junior Men	4	1	
	Open Women	4		
	Open Men	4		
		<u>16</u>	<u>1</u>	17
Table Tennis	Junior Women	3	1	
	Junior Men	3		
	Open Women	3		
	Open Men	3		
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	Junior Men	4	1	
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Shooting	Junior Rifle	3		
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# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith  
Signature of Camera Operator

2/6/90  
Date

"An Act appropriating to the Office of the Governor, Athletic Commission; and providing for an effective date."

# COMMITTEE REPORT

1/23/76

HOUSE

Mr. Speaker:

Date 2-11-76

The Committee on FINANCE has had HB 517

under consideration. A Majority of the members of the Committee

( ) recommends it DO PASS

( ) recommends it DO NOT PASS

( ) recommends it DO PASS WITH ATTACHED AMENDMENT(S)

(X) recommends it BE REPLACED WITH CS FOR HB 647 AND THAT

CS FOR HR 647 DO PASS

( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

( ) reports it back WITHOUT RECOMMENDATION

( ) "other"

Members signing the Majority report:

<u>T. Buchholz</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>E. J. Hargen</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

J. Malone Chairman

## HOUSE JOURNAL

### CSHB 647

The House Finance Committee on February 11, 1976 reported out with an unanimous do pass recommendation House Finance Committee Substitute for HB 647. The only change in the Committee Substitute is to raise the appropriation amount to the Office of the Governor, Athletic Commission, from \$75,000 to \$98,300.

The purpose of the appropriation is to pay 75 percent of the \$131,000 in travel costs for transporting 232 Alaskan athletes to the Fourth Arctic Winter Games to be held in Schefferville, Quebec this March 21 through 23. This year the greater distance involved for Alaskan competitors in this biennial event (the three prior Arctic Winter Games were held in Yellowknife, Northwest Territories, Whitehorse, and Anchorage) has raised the cost of travel for the Alaska teams and coaches. Included in the total travel cost is airfare to bring competitors from the bush and Southeast Alaska to departure points for the primary charter.

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The Committee is pleased to urge passage of CSHB 647 which will help promote wider participation by Alaskans from all over the State in this healthy and exciting experience of a lifetime.



Hugh Malone, Chairman  
House Finance Committee

Original sponsor: Bradner, Gruening,  
Bradley, et al

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 647

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4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

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7 Athletic Commission; and providing for an effective  
8 date."

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11 the Office of the Governor, Athletic Commission, to pay the travel costs of  
12 the State of Alaska's participants in the Arctic Winter Games, for the fiscal  
13 year ending June 30, 1976.

14 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-  
15 070(c).

Introduced: 1/23/76  
Referred: Finance

BY GRUENING, BRADLEY, BRADNER,  
BUCHHOLDT, GARDINER, NAUGHTON,  
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ALASKA



ROEH, JR.  
INDUSTRIAL RELATIONS

AIRPORT ROAD  
99502



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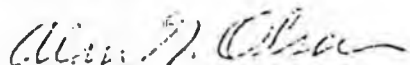
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Submitted By:



Alan G. Olson, Alaska Director  
Arctic Winter Games Corporation  
February 2, 1976

ARCTIC WINTER GAMES

EVENTS

EVENTS: CLASSIFICATION: COMPETITORS: OFFICIALS: TOTAL:

Event	Classification	Competitors	Officials	Total
Badminton	Junior Women Junior Men Open Women Open Men	3 3 3 3	1	13
Basketball	Junior Women Junior Men Open Women Open Men	8 8 8 8	1	36
Volleyball	Junior Women Junior Men Open Women Open Men	9 9 9 9	1	40
Hockey	Midget Open	15 15	2	32
Curling	Junior Women Junior Men Open Women Open Men	4 4 4 4	1	17
Table Tennis	Junior Women Junior Men Open Women Open Men	3 3 3 3	1	13
Gross Country Skiing	Junior Women Junior Men Open Women Open Men	4 4 4 4	1	17
Shooting	Junior Rifle Open Rifle Junior Pistol Open Pistol	3 3 3 3	1	9

<u>EVENT:</u>	<u>CLASSIFICATION:</u>	<u>COMPETITORS:</u>	<u>OFFICIALS:</u>	<u>TOTAL:</u>
Wrestling	Junior Men <i>12-17</i>	8	1	9
Figure Skating	Total Figure Skating <i>12-17</i>	12	2	14
Snowshoeing	Junior Men	4	1	
	Open Women	4		
	Open Men	4		
		<u>12</u>	1	13
Judo	Total	5	1	6
Arctic Sports	Open - total	6	1	<u>7</u>
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James O. Smith  
Signature of Camera Operator

2/6/90  
Date

Introduced: 1/26/76  
Referred: Finance and Health,  
Education & Social Services

1 IN THE HOUSE

BY FREEMAN

2 HOUSE BILL NO. 650

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-  
7 ment of Education for additions to the Prince of Wales  
8 High School; and providing for an effective date."

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

10 \* Section 1. The sum of \$467,787 is appropriated from the general fund to  
11 the Department of Education for the construction of additions to the Craig-  
12 Klawock High School at Craig, Prince of Wales Island.

13 \* Sec. 2. This Act takes effect July 1, 1976.  
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"An Act making a special appropriation to the Department of Education for additions to the Prince of Wales High School; and providing for an effective date."

## COMMITTEE REPORT

1/26/76

HOUSE

HEALTH, EDUCATION & SOCIAL SERVICES

Mr. Speaker:

Date \_\_\_\_\_

The Committee on FINANCE has had HB 650

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR \_\_\_\_\_ AND THAT

CS FOR \_\_\_\_\_ DO PASS

"and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_  
Chairman

1806  
Hall

Introduced: 1/26/76  
Referred: Finance and Health,  
Education & Social Services

1 IN THE HOUSE

BY FREEMAN

2 HOUSE BILL NO. 650

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-  
7 ment of Education for additions to the Prince of Wales  
8 High School; and providing for an effective date."

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

10 \* Section 1. The sum of \$467,787 is appropriated from the general fund to  
11 the Department of Education for the construction of additions to the Craig-  
12 Klawock High School at Craig, Prince of Wales Island.

13 \* Sec. 2. This Act takes effect July 1, 1976.

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COMMITTEE COPY

-1-

HB 650

ALASKA STATE LEGISLATURE

..... Legislature      SECOND Session

HOUSE ..... NO. 450.....

By .....

"An Act making a special appropriation to the Department of Education for additions to the building of Valdez High School and providing for an effective date."

DR. OF THE HOUSE

Introduced in the House ..... 1976.....

HISTORY IN THE HOUSE

19 76

Jan 25

Read first time and referred to Committee on Finance and Health, Education and Social Services  
Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed  
Signed by Speaker  
Sent to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed  
Signed by President  
Returned to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Received from Senate

Reported correctly enrolled

Sent to Governor

..... By Governor

Filed with Lt. Governor

Chapter No. ....

SOUTHEASTERN ALASKA  
COMMUNITY  
ACTION PROGRAM



February 17, 1976

Hugh Malone, Chairman  
House Finance Committee  
House of Representatives  
Pouch Y  
Juneau, Alaska 99811

Dear Representative Malone:

The Board of Directors of the Southeastern Alaska Community Action Program on January 27, 1976 unanimously passed the attached resolution urging the State of Alaska to adequately fund the high school construction slated for Craig, Alaska. If this facility is to become a reality, let alone serve its purpose within the community, an increase of the funding level is an unavoidable necessity.

Representative Oral Freeman, in response to our request for his support has brought to our attention House Bill 650 which would provide additional funding for Craig's Prince of Wales High School. Although the bill would not bring the funding level up to the amount established as needed in the SEACAP Board's resolution, we have been assured by Bill Rabe, Director of the Division of Buildings, Department of Public Works, that the bill will cover the costs of the high school facility originally slated for Craig. Trusting that this is true and that this facility will successfully serve the need of the students and community of Craig, we urge that the House Finance Committee expedite the passage of House Bill 650.

Sincerely,

*Anne Moore*  
Anne Moore  
VISTA

AM:ew

RESOLUTION NO. 8

Entitled: Urging the State of Alaska to provide enough money to build a high school facility that will adequately serve students in Craig, Alaska.

WHEREAS, the City of Craig needs to build a new school; and

WHEREAS, the State of Alaska has agreed to build said school and appropriate 1.5 million dollars for this building; and

WHEREAS, now that the contract is let the actual money is only \$800,000 and the cost of construction has doubled; and

WHEREAS, the present proposed building has no vocational, recreational, or cafeteria facilities.

NOW THEREFORE BE IT RESOLVED, that the State of Alaska provide enough money to build a facility that will adequately serve the students in Craig area.

Signed: Steve Hotch

Steve Hotch, President  
SEACAP Board of Directors

Signed: Judy Mears

Judy Mears, Secretary  
SEACAP Board of Directors



# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith  
Signature of Camera Operator

2/6/90  
Date

# COMMITTEE REPORT

(9)

HOUSE

XXXX  
4/14/76

Mr. Speaker:

Date 5-17-76

The Committee on FINANCE has had HB 654

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR HB 651 AND THAT  
CS FOR HB 654 DO PASS

"and" recommends it BE REFERRED TO THE \_\_\_\_\_  
COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

<u>[Signature]</u>	<u>[Signature]</u>	_____
_____	_____	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____

Members NOT concurring in the Majority report:

<u>[Signature]</u>	recommends: <u>[Signature]</u>
_____	recommends:
_____	recommends:
_____	recommends:
_____	recommends:

[Signature] Chairman

Original Sponsor: Rules Committee by  
request of the Governor

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 654 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the administration of state  
7 land."

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

9 \* Section 1. AS 38.05.030(e) is amended to read:

10 (e) The sale, lease or other disposal of school lands under the  
11 jurisdiction of the department shall be made by the commissioner in  
12 accordance with the provisions of this chapter. However, disposal of  
13 school lands under this subsection, other than disposal by lease for a  
14 term of years, shall be made only for sites for school facilities or for  
15 residential, public park and public recreation purposes. School lands  
16 may be exchanged for (1) state lands, (2) vacant, unappropriated and  
17 unreserved public lands and (3) lands owned by a city, borough or other  
18 public entity. In the case of unequal values, cash may be used to  
19 equalize land values. When the department determines that it is in the  
20 best interest of the state to dispose of the school lands located within  
21 Sections 16 and 36 in an organized borough or city of any class, the  
22 borough or city is authorized, and has preference for six months after  
23 notice, to acquire the land at the appraised value by purchase or  
24 exchange of land acceptable to the department. No sale, lease, exchange  
25 or other disposal of school lands may be made without the approval of  
26 the State Board of Education.

27 \* Sec. 2. AS 38.05.069 is amended by adding a new subsection to read:

28 (f) Nothing in (c) of this section affects the disposal of minerals  
29 under secs. 135 - 183 of this chapter.

1 \* Sec. 3. AS 38.05 is amended by adding a new section to read:

2 Sec. 38.05.102. LESSEE PREFERENCE. If land within a leasehold  
3 created under secs. 70 - 100 of this chapter is offered for sale or  
4 long-term lease at the termination of the existing leasehold, the  
5 director may, if he finds that it is in the best interest of the state,  
6 allow the holder in good standing of that leasehold to purchase or lease  
7 the land for the amount of the high bid received at public auction.

8 \* Sec. 4. AS 38.05.115 is amended to read:

9 Sec. 38.05.115. LIMITATIONS AND CONDITIONS OF SALE. (a) The  
10 commissioner, upon recommendation of the director, shall determine the  
11 timber and other materials to be sold, and the limitations, conditions  
12 and terms of sale. The limitations, conditions and terms shall include  
13 the utilization, development and maintenance of the sustained yield  
14 principle, subject to preference among other beneficial uses. The  
15 director may negotiate sales of timber or materials without advertise-  
16 ment and on the limitations, conditions, and terms which he considers  
17 are in the best interests of the state, subject to the approval of the  
18 commissioner. However, not more than 500 M.B.M. or equivalent other  
19 measure of timber or more than \$5,000 [\$2,500] of materials may be sold  
20 by nonadvertised, negotiated sale to the same purchaser within a one-  
21 year period.

22 (b) Negotiated sales for timber or materials not exceeding a value  
23 of \$500 [\$250] are exempt from the provisions of AS 34.15.150.

24 \* Sec. 5. AS 38.05.305 is repealed and re-enacted to read:

25 Sec. 38.05.305. NOTICE AND REVIEW. (a) No land or interest in  
26 land within the boundaries or within six linear miles of the boundaries  
27 of a general law, home rule or unified municipality, as defined under AS  
28 29, may be classified, reclassified, sold or leased, or otherwise  
29 disposed of, including the renewal of a lease entered into after the

1 effective date of this Act, unless the following procedures have been  
2 complied with:

3 (1) A notice of the proposed action shall be sent to the  
4 governing body of each municipality a boundary of which is within six  
5 linear miles of the land involved.

6 (2) The notice shall be sent at the earliest practicable time  
7 but no less than 30 days before the proposed action.

8 (3) The notice must contain a statement of the proposed  
9 action, identifying the land involved and the action proposed in suf-  
10 ficient detail to fairly inform the recipient of the nature of the  
11 proposed action. If the land is not surveyed, a legal description need  
12 not be used; but the land must be described in sufficient detail to  
13 allow the recipient to understand its approximate size, number of tracts  
14 involved, and location. The notice must also contain a statement to the  
15 effect that the municipality is invited to comment on the proposed  
16 action and that, upon the request of the governing body, chief executive  
17 officer, or planning agency, the division will consult with the municipi-  
18 pal officials on the proposed action. Any request by a municipality for  
19 consultation must include the name of the municipal official to be  
20 consulted and be sent no later than 15 days after receipt of the notice  
21 by the municipality, and the notice must contain a statement to this  
22 effect and name the official and address to which the municipality's  
23 request should be sent.

24 (4) In consulting with the municipal officials, the proposed  
25 action and the authority under which it is to be taken shall be explain-  
26 ed and the reason for the proposed action shall be given. A public  
27 hearing need not be held, but the municipal officials may hold a public  
28 hearing or otherwise allow public participation and comment.

29 (5) A municipality having a right to notice or consultation

1 under this section may appeal to the superior court and have set aside  
2 any action taken which does not conform to this section. A municipality  
3 incorporated or established less than 30 days before the action is taken  
4 has no right to notice or consultation under this section.

5 (b) No land or interest in land outside the boundaries of a general  
6 law, home rule, or unified municipality, as defined under AS 29, may be  
7 classified, reclassified, sold or leased, or otherwise disposed of,  
8 including the renewal of a lease entered into after the effective date  
9 of this Act, unless a notice of the proposed action as required by  
10 (a)(3) of this section is made upon the regional corporation organized  
11 under the Alaska Native Claims Settlement Act (85 Stat. 688, 43 U.S.C.  
12 secs. 1601-1626), within the boundaries of which the land is located.  
13 The president of the affected regional corporation or his designee has  
14 the same rights of notice, consultation, and appeal as those provided  
15 for in (a)(2) - (5) of this section.

16 (c) When notice is given under (b) of this section, the require-  
17 ments of sec. 345 of this chapter relating to notice apply in addition  
18 to any other applicable notice requirements. If requested, the director  
19 shall hold a hearing within the affected area under (b) of this section.  
20 No action proposed by the director which is subject to the notice  
21 requirement specified in (b) of this section is final until at least 30  
22 days after the date the notice was published.

23 \* Sec. 6. AS 38.05.315 is amended by adding a new subsection to read:

24 (e) The lease, sale, or other disposal of state land at appraised  
25 fair market value may be negotiated with a licensed public utility or a  
26 licensed common carrier by the director with the approval of the com-  
27 missioner if the utility or carrier reasonably requires the land for the  
28 conduct of its business under its license.

29 \* Sec. 7. AS 38.05.330 is amended to read:

1           Sec. 38.05.330. PERMITS. The director, without the prior approval  
2 of the commissioner, may issue permits, rights-of-way or easements on  
3 state land for [SECONDARY] roads, trails, ditches, field gathering lines  
4 or transmission and distribution pipelines not subject to AS 38.35,  
5 telephone and transmission lines, log storage, oil well drilling sites  
6 and production facilities for the purposes of recovering minerals from  
7 adjacent lands under valid lease, and other similar uses or improve-  
8 ments, or for the limited personal use of timber or materials. The  
9 commissioner, upon recommendation of the director, shall establish a  
10 reasonable rate or fee schedule to be charged for these uses. In the  
11 granting, suspension or revocation of a permit or easement of lands, the  
12 director shall give preference to that use of the land which will be of  
13 greatest economic benefit to the state and the development of its re-  
14 sources. However, first preference shall be granted to the upland owner  
15 for the use of a tract of tideland, or tideland and contiguous submerged  
16 land, which is seaward of the upland property of the upland owner and  
17 which is needed by the upland owner for any of the purposes for which  
18 the use may be granted.

19 \* Sec. 8. AS 38.05.345 is amended to read:

20           Sec. 38.05.345. NOTICES. (a) Public notice of a sale, lease or  
21 other disposal of land or interest in it [, EXCEPT GRANTS UNDER SEC. 330  
22 OF THIS CHAPTER AND PREFERENCE RIGHT GRAZING LEASES UNDER SECS. 75 AND  
23 80 OF THIS CHAPTER, WHEN REQUIRED,] shall be substantially as follows.

24           (b) Notice shall be published once a week for three consecutive  
25 weeks preceding the time of sale stated in the notice, in at least one  
26 newspaper of general circulation in the vicinity in which the land,  
27 property or interest in it is to be sold, leased or disposed of. Where  
28 there is no newspaper of general circulation in the vicinity, notices  
29 shall be posted in three public places near the land to be sold, leased

1 or otherwise disposed of. The sale, lease or disposal of lands shall be  
2 held not less than 30 days after publication of the first notice and not  
3 [ONE WEEK NOR] more than five [THREE] weeks following the last appear-  
4 ance of the published notice. The notice shall contain a description of  
5 the land and interest to be sold, leased or disposed of and the time,  
6 place, and general terms of the sale, lease or disposal.

7 (c) [PUBLIC NOTICE OF GRANTS OF PERMITS, RIGHTS-OF-WAY AND EASE-  
8 MENTS UNDER SEC. 330 OF THIS CHAPTER AND OF GRANTS OF PREFERENCE RIGHT  
9 GRAZING LEASES AND PREFERENCE RIGHT FOREST LEASES UNDER SECS. 75 and 80  
10 OF THIS CHAPTER SHALL BE ESTABLISHED IN REGULATIONS ADOPTED BY THE  
11 COMMISSIONER.]

12 \* Sec. 9. AS 38.05.100 and 38.05.347 are repealed.

13 \* Sec. 10. Preferences granted under 11 AAC 54.250 and 11 AAC 58.660  
14 before the effective date of this Act to leaseholders in good standing are  
15 confirmed and ratified.

*This is the correct version  
of Finance CS as adopted by  
the committee Hm*

Original Sponsor: Rules Committee by  
request of the Governor

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2

CS FOR HOUSE BILL NO. 654 (Finance)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

NINTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the administration of state land."

7

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

8

\* Section 1. AS 38.05.030(e) is amended to read:

9

(e) The sale, lease or other disposal of school lands under the jurisdiction of the department shall be made by the commissioner in accordance with the provisions of this chapter. However, disposal of school lands under this subsection, other than disposal by lease for a term of years, shall be made only for sites for school facilities or for residential, public park and public recreation purposes. School lands may be exchanged for (1) state lands, (2) vacant, unappropriated and unreserved public lands and (3) lands owned by a city, borough or other public entity. In the case of unequal values, cash may be used to equalize land values. When the department determines that it is in the best interest of the state to dispose of the school lands located within Sections 16 and 36 in an organized borough or city of any class, the borough or city is authorized, and has preference for six months after notice, to acquire the land at the appraised value by purchase or exchange of land acceptable to the department. No sale, lease, exchange or other disposal of school lands may be made without the approval of the state [STATE] Board of Education. The state Board of Education shall act as a trustee of school lands. The board may retain private counsel when necessary to carry out its duties as a trustee.

28

\* Sec. 2. AS 38.05 is amended by adding a new section to read:

29

Sec. 38.05.032. SCHOOL LAND DISPOSITION PROCEDURES. (a) Before

1 In the sale, lease or other disposal of school land, the director shall

2 (1) cause the preparation of a development plan which ade-  
3 quately describes the manner in which the land will be developed or  
4 utilized; however, no development plan is required for an exchange of  
5 school land to a public entity;

6 (2) make notice under sec. 345 of this chapter of the pro-  
7 posed development plan, stating that a disposal of the land for such use  
8 is under consideration, and that interested persons may make comments  
9 and submit alternative proposals for development and use within 30 days  
10 of the last publication of notice; and

11 (3) notify municipalities as provided in sec. 305 of this  
12 chapter at the same time notice is published or posted under (2) of this  
13 subsection; no further notice to municipalities need be given at the  
14 time of disposal.

15 (b) In the case of school land to be disposed of within munici-  
16 palities, no disposal may be made until the municipal planning authority  
17 has held a public hearing on development plans and applications relating  
18 to the land to be disposed of. The director shall make development  
19 plans and applications available to municipal planning authorities for  
20 this purpose. No disposition of land may be made sooner than three  
21 weeks after a hearing held under this subsection. No disposition of  
22 land may be made unless the development plan is approved by the munic-  
23 pal planning authority.

24 \* Sec. 3. AS 38.05.035(a)(13) is amended to read:

25 (13) select, administer, and dispose of mental health lands  
26 for the support of the mental health program except that no mental  
27 health lands may be disposed of without the approval of the commissioner  
28 of health and social services;

29 \* Sec. 4. AS 38.05.035(a)(14) is amended to read:

1 (14) when he makes a written finding in a document available  
2 to the public on request [FINDS] that the interests of the state will be  
3 best served, he may, with the consent of the commissioner, approve  
4 contracts for the sale, lease, or other disposal of available lands,  
5 resources, property or interests in them, and in addition to the condi-  
6 tions and limitations imposed by law, he may impose additional condi-  
7 tions or limitations in the contracts as he, with the consent of the  
8 commissioner, determines will best serve the interests of the state; and  
9 no contract for the sale, lease, or other disposal of available lands or  
10 interest in them, is legally binding on the state until the commissioner  
11 formally records his consent to the contract; but if the appraised value  
12 is not greater than \$10,000 in the case of the sale of land or an  
13 interest in land, or \$1,000 in the case of the annual rental of land or  
14 interest in land, the director may approve and issue the contract  
15 without the consent or approval of the commissioner.

16 \* Sec. 5. AS 38.05.069(a) is repealed and re-enacted to read:

17 (a) If the director determines that the highest and best use of  
18 unoccupied land is for agricultural purposes, he shall grant to an  
19 Alaskan resident owning and using or leasing and using land for agri-  
20 cultural purposes a 60-day first option after the date of the auction to  
21 purchase or lease unoccupied land situated adjacent to or in the approxi-  
22 mate vicinity of his presently held land for the amount of the high bid  
23 received at public auction; provided the aggregate number of acres owned  
24 and acquired under the option shall not exceed 320 acres; and further  
25 provided that the land acquired under this section is used for agri-  
26 cultural purposes as required by law.

27 \* Sec. 6. AS 38.05.069(b) is amended to read:

28 (b) If more than one person is eligible for a first option under  
29 (a) of this section, the director shall determine priority by granting

1 precedence first to the person who demonstrates the greatest need for  
2 the unoccupied land in order to establish an economic unit and, second-  
3 ly, to the eligible person who occupies land that is most readily  
4 accessible to the unoccupied land to be sold or leased [LEASE]. In the  
5 event that two or more persons have approximately equal qualifications  
6 for priority under this section, the director shall grant priority to  
7 that person who is a veteran. If more than one person is approximately  
8 equally well qualified under this section, the director shall [MAY]  
9 determine priority by lot.

10 \* Sec. 7. AS 38.05.069 is amended by adding a new subsection to read:

11 (f) Nothing in (c) of this section affects the disposal of minerals  
12 under secs. 135 - 183 of this chapter.

13 \* Sec. 8. AS 38.05 is amended by adding a new section to read:

14 Sec. 38.05.102. LESSEE PREFERENCE. If land within a leasehold  
15 created under secs. 70 - 100 of this chapter is offered for sale or  
16 long-term lease at the termination of the existing leasehold, the  
17 director may, if he finds that it is in the best interest of the state,  
18 allow the holder in good standing of that leasehold to purchase or lease  
19 the land for the amount of the high bid received at public auction.

20 \* Sec. 9. AS 38.05.105 is amended to read:

21 Sec. 38.05.105. PERIODIC RENTAL ADJUSTMENTS. Each lease shall  
22 stipulate that the annual rental payment is subject to adjustment at  
23 five-year intervals and charges or adjustments shall be based primarily  
24 on a reappraised annual rental value. [HOWEVER, WHEN DEVELOPMENT OF THE  
25 LAND IS NOT OTHERWISE POSSIBLE DUE TO SPECIAL CONDITIONS, THE REAP-  
26 PRaisal PERIOD MAY BE LENGTHENED OR WAIVED UNDER REGULATIONS ADOPTED BY  
27 THE COMMISSIONER.]

28 \* Sec. 10. AS 38.05.115 is amended to read:

29 Sec. 38.05.115. LIMITATIONS AND CONDITIONS OF SALE. (a) The

1 commissioner, upon recommendation of the director, shall determine the  
2 timber and other materials to be sold, and the limitations, conditions  
3 and terms of sale. The limitations, conditions and terms shall include  
4 the utilization, development and maintenance of the sustained yield  
5 principle, subject to preference among other beneficial uses. The  
6 director may negotiate sales of timber or materials without advertise-  
7 ment and on the limitations, conditions, and terms which he considers  
8 are in the best interests of the state, subject to the approval of the  
9 commissioner. However, not more than 500 M.B.M. or equivalent other  
10 measure of timber or more than \$5,000 [\$2,500] of materials may be sold  
11 by nonadvertised, negotiated sale to the same purchaser within a one-  
12 year period.

13 (b) Negotiated sales for timber or materials not exceeding a value  
14 of \$500 [\$250] are exempt from the provisions of AS 34.15.150.

15 \* Sec. 11. AS 38.05.135 is amended by adding a new subsection to read:

16 (b) When minerals are to be leased on a competitive basis, in  
17 addition to any other notice given, notice shall also be given as pro-  
18 vided in secs. 305 and 345 of this chapter. If land is to be made  
19 available for noncompetitive mineral leasing, notice of the proposed  
20 action shall also be given as provided in secs. 305 and 345 of this  
21 chapter. After the notice of noncompetitive leasing has been made as  
22 required in this subsection, notice of the subsequent issuance of a  
23 noncompetitive lease for the land involved shall be made by mail not  
24 less than 30 days before the issuance of the lease only to those who  
25 have requested the notice.

26 \* Sec. 12. AS 38.05.305 is repealed and re-enacted to read:

27 Sec. 38.05.305. NOTICE AND REVIEW. (a) No land or interest in  
28 land within the boundaries or within six linear miles of the boundaries  
29 of a general law, home rule or unified municipality, as defined under

1 AS 29, may be classified, reclassified, sold or leased, or otherwise  
2 disposed of, including the renewal of a lease entered into after the  
3 effective date of this Act, unless the following procedures have been  
4 complied with:

5 (1) A notice of the proposed action shall be sent to the  
6 governing body of each municipality a boundary of which is within six  
7 linear miles of the land involved.

8 (2) The notice shall be sent at the earliest practicable time  
9 but no less than 30 days before the proposed action.

10 (3) The notice must contain a statement of the proposed  
11 action, identifying the land involved and the action proposed in suf-  
12 ficient detail to fairly inform the recipient of the nature of the  
13 proposed action. If the land is not surveyed, a legal descriptor need  
14 not be used; but the land must be described in sufficient detail to  
15 allow the recipient to understand its approximate size, number of tracts  
16 involved, and location. The notice must also contain a statement to the  
17 effect that the municipality is invited to comment on the proposed  
18 action and that, upon the request of the governing body, chief executive  
19 officer, or planning agency, the division will consult with the munic-  
20 ipal officials on the proposed action. Any request by a municipality for  
21 consultation must include the name of the municipal official to be  
22 consulted and be sent no later than 15 days after receipt of the notice  
23 by the municipality, and the notice must contain a statement to this  
24 effect and name the official and address to which the municipality's  
25 request should be sent.

26 (4) In consulting with the municipal officials, the proposed  
27 action and the authority under which it is to be taken shall be explain-  
28 ed and the reason for the proposed action shall be given. A public  
29 hearing need not be held, but the municipal officials may hold a public

1 hearing or otherwise allow public participation and comment. A hearing  
2 held under this paragraph shall be attended by the commissioner of  
3 natural resources or his designee.

4 (5) A municipality having a right to notice or consultation  
5 under this section may appeal to the superior court and have set aside  
6 any action taken which does not conform to this section. A municipality  
7 incorporated or established less than 30 days before the action is taken  
8 has no right to notice or consultation under this section.

9 (b) No land or interest in land outside the boundaries of a  
10 general law, home rule, or unified municipality, as defined under AS  
11 29, may be classified, reclassified, sold or leased, or otherwise  
12 disposed of, including the renewal of a lease entered into after the  
13 effective date of this Act, unless a notice of the proposed action as  
14 required by (a)(3) of this section is made upon the regional corporation  
15 organized under the Alaska Native Claims Settlement Act (85 Stat. 688,  
16 43 U.S.C. secs. 1601-1626), within the boundaries of which the land is  
17 located. The president of the affected regional corporation or his  
18 designee has the same rights of notice, consultation, hearing and appeal  
19 as those provided for in (a)(2) - (5) of this section.

20 (c) When notice is given under (b) of this section, the require-  
21 ments of sec. 345 of this chapter relating to notice apply in addition  
22 to any other applicable notice requirements. If requested, the director  
23 shall hold a hearing within the affected area under (b) of this section.  
24 No action proposed by the director which is subject to the notice  
25 requirement specified in (b) of this section is final until at least 30  
26 days after the date the notice was published.

27 \* Sec. 13. AS 38.05.315 is amended by adding a new subsection to read:

28 (e) The lease, sale, or other disposal of state land at appraised  
29 fair market value may be negotiated with a licensed public utility or a

1 licensed common carrier by the director with the approval of the com-  
2 missioner if the utility or carrier reasonably requires the land for the  
3 conduct of its business under its license.

4 \* Sec. 14. AS 38.05.330 is amended to read:

5 Sec. 38.05.330. PERMITS. The director, without the prior approval  
6 of the commissioner, may issue permits, rights-of-way or easements on  
7 state land for [SECONDARY] roads, trails, ditches, field gathering lines  
8 or transmission and distribution pipelines not subject to AS 38.35,  
9 telephone and transmission lines, log storage, oil well drilling sites  
10 and production facilities for the purposes of recovering minerals from  
11 adjacent lands under valid lease, and other similar uses or improve-  
12 ments, or for the limited personal use of timber or materials. The  
13 commissioner, upon recommendation of the director, shall establish a  
14 reasonable rate or fee schedule to be charged for these uses. In the  
15 granting, suspension or revocation of a permit or easement of lands, the  
16 director shall give preference to that use of the land which will be of  
17 greatest economic benefit to the state and the development of its re-  
18 sources. However, first preference shall be granted to the upland owner  
19 for the use of a tract of tideland, or tideland and contiguous submerged  
20 land, which is seaward of the upland property of the upland owner and  
21 which is needed by the upland owner for any of the purposes for which  
22 the use may be granted.

23 \* Sec. 15. AS 38.05.345 is amended to read:

24 Sec. 38.05.345. NOTICES. (a) Public notice of a sale, lease or  
25 other disposal of land or interest in it [, EXCEPT GRANTS UNDER SEC. 330  
26 OF THIS CHAPTER AND PREFERENCE RIGHT GRAZING LEASES UNDER SECS. 75 AND  
27 80 OF THIS CHAPTER, WHEN REQUIRED,] shall be substantially as follows.

28 (b) Notice shall be published once a week for three consecutive  
29 weeks preceding the time of sale stated in the notice, in at least one

1 newspaper of general circulation in the vicinity in which the land,  
2 property or interest in it is to be sold, leased or disposed of. Where  
3 there is no newspaper of general circulation in the vicinity, notices  
4 shall be posted in three public places near the land to be sold, leased  
5 or otherwise disposed of. The sale, lease or disposal of lands shall be  
6 held not less than 30 days after publication of the first notice and not  
7 [ONE WEEK NOR] more than five [THREE] weeks following the last appear-  
8 ance of the published notice. The notice shall contain a description of  
9 the land and interest to be sold, leased or disposed of and the time,  
10 place, and general terms of the sale, lease or disposal.

11 [(c) PUBLIC NOTICE OF GRANTS OF PERMITS, RIGHTS-OF-WAY AND EASE-  
12 MENTS UNDER SEC. 330 OF THIS CHAPTER AND OF GRANTS OF PREFERENCE RIGHT  
13 GRAZING LEASES AND PREFERENCE RIGHT FOREST LEASES UNDER SECS. 75 and 80  
14 OF THIS CHAPTER SHALL BE ESTABLISHED IN REGULATIONS ADOPTED BY THE  
15 COMMISSIONER.]

16 \* Sec. 16. AS 38.05.100 and 38.05.347 are repealed.

17 \* Sec. 17. Preferences granted under 11 AAC 54.250 and 11 AAC 58.660  
18 before the effective date of this Act to leaseholders in good standing are  
19 confirmed and ratified.

# CORRECTION

THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY

1 newspaper of general circulation in the vicinity in which the land,  
2 property or interest in it is to be sold, leased or disposed of. Where  
3 there is no newspaper of general circulation in the vicinity, notices  
4 shall be posted in three public places near the land to be sold, leased  
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6 held not less than 30 days after publication of the first notice and not  
7 [ONE WEEK NOR] more than five [THREE] weeks following the last appear-  
8 ance of the published notice. The notice shall contain a description of  
9 the land and interest to be sold, leased or disposed of and the time,  
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16 \* Sec. 16. AS 38.05.100 and 38.05.347 are repealed.

17 \* Sec. 17. Preferences granted under 11 AAC 54.250 and 11 AAC 58.660  
18 before the effective date of this Act to leaseholders in good standing are  
19 confirmed and ratified.

AMEND HB654

AS 38.05.035(a)(14) is amended by adding the following:

Prior to any public hearings on the decision to sell, lease or dispose of available lands or interests therein, the director shall make available to the public, upon adequate notice, information considered by the director regarding economic and environmental impact of the decision on competing renewable and non-renewable resources actually or potentially affected by the decision.

JAN 27 1976

HB 654  
-  
658

The Honorable Mike Bradner  
Speaker of the House  
Alaska State Legislature  
Juneau, Alaska 99811

Dear Mr. Speaker:

In accordance with AS 24.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting a package of six bills relating to programs affecting the Department of Natural Resources.

The first bill amends a number of sections in Title 38 of the Alaska Statutes. Section 1 amends AS 38.05.030(e) to remove an unnecessary restriction on the management of school land which prevents the state from maximizing a return on them. It does away with the restriction that school land may be disposed of only for sites for school facilities or for public park and public recreation purposes. The purpose of the congressional grant of school land was to benefit the school system through the use or disposal of that land for value. Under the law as it now reads, this purpose is being frustrated. The amendment retains the requirement that any disposition of this land approved by the State Board of Education. This ensures that the land will be managed and disposed of in such a way as to benefit the school system.

Sections 2 and 3 of the first bill amend AS 38.05.069 which relates to agricultural preference rights. The amendment would change the preference from that of being able to purchase the land at an appraised value to that of being able to meet the high bid received at a public auction for the agricultural interest in the lands. The amendment is necessary because land transactions in agricultural areas are infrequent enough that a fair market value is usually unascertainable with any degree of certainty. The result is that the land goes to the preference right holder at substantially less than it would bring at a public auction. By providing for the auction and giving the preference right holder the right to meet the high bid so as to acquire the land, the amended law would retain the preference but allow the state to receive true market value for its land.

The State has experienced continuing difficulty in preventing real estate speculation under this provision for agricultural preference rights. Accordingly, section 3 repeals and re-enacts AS 38.05.069(c) to limit the preference to an interest in the land for agricultural purposes alone, retaining all other interests in the state. The remaining interests could be conveyed subsequently only at public auction. Under the proposed amendment, the land could be used for non-agricultural purposes only upon the concurrence of the owner, the state, and payment of full value.

Section 4 of the bill amends AS 38.05.070(b) to increase the limit on negotiated leases from the present rental value of \$250 a year to a rental value of \$600 a year. The proposed amendment reflects the changes in the value of money that have taken place in the past few years but reflects no change in policy.

Section 5 adds a new section to AS 38.05 which allows a holder in good standing of a lease to purchase the property at the termination of leasehold by meeting the amount of the high bid received at a public auction. This is a practice that has been followed by regulation for many years now. Section 13 ratifies the regulatory practice.

Section 6 amends AS 38.05.115(a) so as, first, to authorize expressly other than board footage measures in the sales of timber, and second, to increase the limit on the negotiation of material sales from \$2,500 to \$5,000. The first change will simply allow measuring by volumes or cords and the second merely reflects the change in the value of money that has occurred over the years.

Section 7 repeals and re-enacts AS 38.05.305 which relates to giving notice to communities of a sale or lease of state land. The proposed legislation is necessitated by a recent decision of the Alaska Supreme Court (State v. Aleut Corp., Op. No. 1198, Oct. 22, 1975). That decision demonstrated that the existing law is far too vague, that the notice requirements will forever be in doubt, and that future litigation will necessarily result. The situation has, therefore, been created in which the sale or lease of state land may always be clouded when that land is in the vicinity of any organized community in Alaska.

The amendment removes each of the uncertainties existing in the present law and each of the additional uncertainties created by the Supreme Court's recent decision. Because the purpose of the notice requirement is to ensure that those governmental bodies having legal control over land use have

lesser term than it would otherwise, i.e., a lease for five years rather than for ten, if the circumstances warrant. Nevertheless, the blanket right to a single renewal remains overbroad and should be repealed.

Section 12 also repeals AS 38.05.347. That section expired by its own terms in 1967 and is now an anachronism.

Section 13 merely confirms preference rights granted under existing administrative regulations. This is related to the new preference provisions in section 5 of the bill.

The second bill in the package amends AS 34.10.130(a). The effect of the amendment is to provide for the Department of Natural Resources rather than the Department of Revenue to handle the deeds in foreclosures under the land registration law. The reason for the amendment is that the Department of Revenue no longer has any function with respect to land registration. Everything except this one item is now handled by the Department of Natural Resources.

The third bill in the package amends AS 29.63.010 which relates to special assessments. The state has subjected itself to pay special assessments to local governments on the construction of capital improvements which benefit state property. The problem with the existing law on the subject is that, first, it does not specify that the assessment is subject to appropriation by the legislature, and second, it does not specify upon which agency an assessment should be made. The proposed amendments spell out just what is required in this respect.

The fourth bill in the package amends AS 40.15.075 which relates to the platting authority in the unorganized borough and third class boroughs. The present law limits this authority so as to apply it only to changes and vacations of plats. The result is that the public interest in ensuring that the subdivision of land is accomplished with precision and certainty is now totally unprotected. The increase in authority is to ensure that original subdivisions will be legal, valid and conform to acceptable subdivision practices and that persons purchasing subdivided land will be acquiring the benefit of their bargain and not be defrauded.

The fifth and final bill in the package amends the provisions of Title 38 relating to the Joint Federal-State Land-Use Planning Commission. Amendments have been enacted

a voice in state land disposition, the amendment specifies that notice will be given to municipalities. Because state land located near municipalities is that which is generally most desirable to place in private hands, the adoption of this amendment is of the utmost necessity.

Section 8 adds to the existing authority for disposing of state land at appraised fair market value by negotiation to include negotiated leases or sales to licensed public utilities or licensed common carriers. The firms in these categories are required by their licenses to provide certain levels of service to the public. This in turn requires that they have certain facilities available. In many areas the land best suited for these facilities is state land. Under those circumstances, there is no need for a public auction, and indeed, a public auction becomes undesirable insofar as it may lead to a frustration of the licensing requirements which the proper state licensing agency has imposed.

Section 9 amends AS 38.05 to add a new section 321. The section provides for restrictions on changing the use of land sold or leased for agricultural purposes. A bill to achieve substantially the same effect passed the last legislature, but had to be vetoed because of a conflict with the state constitution. The amendment avoids that conflict, achieves the desired result, and has my utmost support.

Section 10 amends AS 38.05.330, which relates to land-use permits, to delete the word "secondary" as it modifies the word "roads." As a practical matter, there is no reason to distinguish between primary and secondary roads in the issuance of permits from the Department of Natural Resources to the Department of Highways. The permit process gives the highway builder every interest that he needs, and protects the state's interest in the lands to the extent required.

Section 11 amends AS 38.05.345, which relates to public notice on matters affecting the state lands. Its purpose is to make the notice requirement apply generally to all transactions and to establish a more certain means of determining the timing of notice to be given.

Section 12 of the bill repeals AS 38.05.100. That section gives every state lessee an absolute right to a single renewal of a land lease as long as he is not in default. Such an absolute right should never properly be given in every instance but rather should be based on the term of the original lease, the use to be made of the leased lands, and the circumstances surrounding the lease. To protect the state's interest, the division of lands offers leases for a

by Congress, which extend the life of the commission into 1979. The bill is designed to conform the state law to the federal law.

Sincerely,

Jay S. Hammond  
Governor

Original Sponsor: Rules Committee by  
request of the Governor

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2

CS FOR HOUSE BILL NO. 654 (Finance)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

NINTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the administration of state  
land."

7

8

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

9

\* Section 1. AS 38.05.030(e) is amended to read:

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\* Sec. 2. AS 38.05.069 is amended by adding a new subsection to read:

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(f) Nothing in (c) of this section affects the disposal of minerals  
under secs. 135 - 183 of this chapter.

1 \* Sec. 3. AS 38.05 is amended by adding a new section to read:

2       Sec. 38.05.102. LESSEE PREFERENCE. If land within a leasehold  
3       created under secs. 70 - 100 of this chapter is offered for sale or  
4       long-term lease at the termination of the existing leasehold, the  
5       director may, if he finds that it is in the best interest of the state,  
6       allow the holder in good standing of that leasehold to purchase or lease  
7       the land for the amount of the high bid received at public auction.

8 \* Sec. 4. AS 38.05.115 is amended to read:

9       Sec. 38.05.115. LIMITATIONS AND CONDITIONS OF SALE. (a) The  
10       commissioner, upon recommendation of the director, shall determine the  
11       timber and other materials to be sold, and the limitations, conditions  
12       and terms of sale. The limitations, conditions and terms shall include  
13       the utilization, development and maintenance of the sustained yield  
14       principle, subject to preference among other beneficial uses. The  
15       director may negotiate sales of timber or materials without advertise-  
16       ment and on the limitations, conditions, and terms which he considers  
17       are in the best interests of the state, subject to the approval of the  
18       commissioner. However, not more than 500 M.B.M. or equivalent other  
19       measure of timber or more than \$5,000 [\$2,500] of materials may be sold  
20       by nonadvertised, negotiated sale to the same purchaser within a one-  
21       year period.

22       (b) Negotiated sales for timber or materials not exceeding a value  
23       of \$500 [\$250] are exempt from the provisions of AS 34.15.150.

24 \* Sec. 5. AS 38.05.305 is repealed and re-enacted to read:

25       Sec. 38.05.305. NOTICE AND REVIEW. (a) No land or interest in  
26       land within the boundaries or within six linear miles of the boundaries  
27       of a general law, home rule or unified municipality, as defined under AS  
28       29, may be classified, reclassified, sold or leased, or otherwise  
29       disposed of, including the renewal of a lease entered into after the

1 effective date of this Act, unless the following procedures have been  
2 complied with:

3 (1) A notice of the proposed action shall be sent to the  
4 governing body of each municipality a boundary of which is within six  
5 linear miles of the land involved.

6 (2) The notice shall be sent at the earliest practicable time  
7 but no less than 30 days before the proposed action.

8 (3) The notice must contain a statement of the proposed  
9 action, identifying the land involved and the action proposed in suf-  
10 ficient detail to fairly inform the recipient of the nature of the  
11 proposed action. If the land is not surveyed, a legal description need  
12 not be used; but the land must be described in sufficient detail to  
13 allow the recipient to understand its approximate size, number of tracts  
14 involved, and location. The notice must also contain a statement to the  
15 effect that the municipality is invited to comment on the proposed  
16 action and that, upon the request of the governing body, chief executive  
17 officer, or planning agency, the division will consult with the municipi-  
18 pal officials on the proposed action. Any request by a municipality for  
19 consultation must include the name of the municipal official to be  
20 consulted and be sent no later than 15 days after receipt of the notice  
21 by the municipality, and the notice must contain a statement to this  
22 effect and name the official and address to which the municipality's  
23 request should be sent.

24 (4) In consulting with the municipal officials, the proposed  
25 action and the authority under which it is to be taken shall be explain-  
26 ed and the reason for the proposed action shall be given. A public  
27 hearing need not be held, but the municipal officials may hold a public  
28 hearing or otherwise allow public participation and comment.

29 (5) A municipality having a right to notice or consultation

1 under this section may appeal to the superior court and have set aside  
2 any action taken which does not conform to this section. A municipality  
3 incorporated or established less than 30 days before the action is taken  
4 has no right to notice or consultation under this section.

5 (b) No land or interest in land outside the boundaries of a general  
6 law, home rule, or unified municipality, as defined under AS 29, may be  
7 classified, reclassified, sold or leased, or otherwise disposed of,  
8 including the renewal of a lease entered into after the effective date  
9 of this Act, unless a notice of the proposed action as required by  
10 (a)(3) of this section is made upon the regional corporation organized  
11 under the Alaska Native Claims Settlement Act (85 Stat. 688, 43 U.S.C.  
12 secs. 1601-1625), within the boundaries of which the land is located.  
13 The president of the affected regional corporation or his designee has  
14 the same rights of notice, consultation, and appeal as those provided  
15 for in (a)(2) - (5) of this section.

16 (c) When notice is given under (b) of this section, the require-  
17 ments of sec. 345 of this chapter relating to notice apply in addition  
18 to any other applicable notice requirements. If requested, the director  
19 shall hold a hearing within the affected area under (b) of this section.  
20 No action proposed by the director which is subject to the notice  
21 requirement specified in (b) of this section is final until at least 30  
22 days after the date the notice was published.

23 \* Sec. 6. AS 38.05.315 is amended by adding a new subsection to read:

24 (e) The lease, sale, or other disposal of state land at appraised  
25 fair market value may be negotiated with a licensed public utility or a  
26 licensed common carrier by the director with the approval of the com-  
27 missioner if the utility or carrier reasonably requires the land for the  
28 conduct of its business under its license.

29 \* Sec. 7. AS 38.05.330 is amended to read:

1           Sec. 38.05.330. PERMITS. The director, without the prior approval  
2 of the commissioner, may issue permits, rights-of-way or easements on  
3 state land for [SECONDARY] roads, trails, ditches, field gathering lines  
4 or transmission and distribution pipelines not subject to AS 38.35,  
5 telephone and transmission lines, log storage, oil well drilling sites  
6 and production facilities for the purposes of recovering minerals from  
7 adjacent lands under valid lease, and other similar uses or improve-  
8 ments, or for the limited personal use of timber or materials. The  
9 commissioner, upon recommendation of the director, shall establish a  
10 reasonable rate or fee schedule to be charged for these uses. In the  
11 granting, suspension or revocation of a permit or easement of lands, the  
12 director shall give preference to that use of the land which will be of  
13 greatest economic benefit to the state and the development of its re-  
14 sources. However, first preference shall be granted to the upland owner  
15 for the use of a tract of tideland, or tideland and contiguous submerged  
16 land, which is seaward of the upland property of the upland owner and  
17 which is needed by the upland owner for any of the purposes for which  
18 the use may be granted.

19 \* Sec. 8. AS 38.05.345 is amended to read:

20           Sec. 38.05.345. NOTICES. (a) Public notice of a sale, lease or  
21 other disposal of land or interest in it [, EXCEPT GRANTS UNDER SEC. 330  
22 OF THIS CHAPTER AND PREFERENCE RIGHT GRAZING LEASES UNDER SECS. 75 AND  
23 80 OF THIS CHAPTER, WHEN REQUIRED,] shall be substantially as follows.

24           (b) Notice shall be published once a week for three consecutive  
25 weeks preceding the time of sale stated in the notice, in at least one  
26 newspaper of general circulation in the vicinity in which the land,  
27 property or interest in it is to be sold, leased or disposed of. Where  
28 there is no newspaper of general circulation in the vicinity, notices  
29 shall be posted in three public places near the land to be sold, leased

1 or otherwise disposed of. The sale, lease or disposal of lands shall be  
2 held not less than 30 days after publication of the first notice and not  
3 [ONE WEEK NOR] more than five [THREE] weeks following the last appear-  
4 ance of the published notice. The notice shall contain a description of  
5 the land and interest to be sold, leased or disposed of and the time,  
6 place, and general terms of the sale, lease or disposal.

7 (c) [PUBLIC NOTICE OF GRANTS OF PERMITS, RIGHTS-OF-WAY AND EASE-  
8 MENTS UNDER SEC. 330 OF THIS CHAPTER AND OF GRANTS OF PREFERENCE RIGHT  
9 GRAZING LEASES AND PREFERENCE RIGHT FOREST LEASES UNDER SECS. 75 and 80  
10 OF THIS CHAPTER SHALL BE ESTABLISHED IN REGULATIONS ADOPTED BY THE  
11 COMMISSIONER.]

12 \* Sec. 9. AS 38.05.100 and 38.05.347 are repealed.

13 \* Sec. 10. Preferences granted under 11 AAC 54.250 and 11 AAC 58.660  
14 before the effective date of this Act to leaseholders in good standing are  
15 confirmed and ratified.

*This copy in  
master file*

MEMORANDUM

TO: Hugh Malone  
Chairman  
House Finance Committee

FROM: Ted Smith *TS*  
Chairman  
House Labor & Management Committee

I recommend the following proposed amendments to HB 654.

Page 6 after line 3 add new subsection as follows:

AS 38.05.305 (d) The initial opening of lands which had been unavailable for mineral rights acquisition under the provisions of sections 135-280 of this chapter and for competitive mineral lease sales after the effective date of this act shall be subject to the review provisions of paragraphs (a)-(c) of this section.

After the initial opening, there shall be given by mailing to persons who file a written request with the director, a notice of the proposed issuance of any noncompetitive mineral lease or permit at least thirty days but not more than three months prior to the proposed issuance date of the lease or permit.

*Also see 2 should be deleted due  
to passage of HB ~~435~~  
411*

A M E N D M E N T

TO: CSHB 654 (Finance)

Page 1, between lines 26 and 27: Insert the following new material and renumber remaining sections accordingly:

"\* Sec. 2. AS 38.05.035(b) is amended by adding a new paragraph to read:

(6) with the consent of the commissioner and upon written finding that the interests of the state will best be served, approve contracts for the sale, lease, or other disposal of available lands, resources or interests in them; in addition to the conditions and limitations imposed by law he may impose additional conditions or limitations in the contract as he, with the consent of the commissioner, determines will best serve the interests of the state; no contract for the sale, lease or disposal of available lands or interests in them is legally binding on the state until the commissioner formally records his consent to the contract; but if the appraised value is not greater than \$10,000 in the case of the sale of land or an interest in land, or \$1,000 in the case of the annual rental of land or interest in land, the director may approve and issue the contract without the consent or approval of the commissioner; before making a determination as to whether the sale, lease or disposal will best serve the interests of the state, the director shall compile and review information regarding the economic and environmental impact of the sale, lease, or disposal on competing renewable and nonrenewable resources actually or potentially affected by the decision; before public hearings on the decision, the director shall make available to the public the information compiled; adequate notice to the public of the information availability shall be made; the department may adopt regulations under the Administrative

Procedure Act (AS 44.62), to effectuate the purposes of this paragraph."

Page 6, line 12: Delete "and", and insert a comma. After "38.05.347", insert "and 38.05.035(a)(14)".

AS 38.05.035(b) is amended by adding a new section to read something like this:

(b)(6) with the consent of the commissioner and upon written findings that the interests of the state will best be served, approve contracts for the sale, lease or other disposal of available lands, resources, or interests therein, in accordance with the procedures set out in AS 38.05.035(a)(14). In addition to the conditions and limitations imposed by law, he may impose additional conditions or limitations in the contracts as he, with the consent of the commissioner, determines will best serve the interests of the state; and no contract for the sale, or disposal of available lands or interests therein, is legally binding on the state until the commissioner formally records his consent to the contract; but if the appraised value is not greater than \$10,000 in the case of the sale of land or an interest therein, or \$1,000 in the case of the annual rental of the land or interest therein, the director may approve and issue the contract without the consent or approval of the commissioner.

~~AS 38.05.035(a)(14) is repealed and re-enacted to read something like this:~~

~~(a)(14) prior to a finding that the ~~interests~~ sale, lease or disposal of available lands or interests therein pursuant to the provisions of AS 38.05.035(b)(6) will best serve the interests of the State, shall compile and review information including but not limited to (i) economic and environmental impact of the disposal on competing renewable and non-renewable resources ~~affected~~ actually or potentially affected by the decision to sell, lease or dispose, (ii) the net energy result of the decision to sell, lease, or dispose, where applicable. Prior to public hearings on the sale, lease or disposal of available lands or interests therein, the director shall make available to the public the information ~~compiled~~ compiled and the findings. The department may promulgate regulations and rules under the Administrative Procedure Act to carry out the provisions of this section.~~

(1)

Lisa Ridd ✓  
adopted  
clean up redundancies

Amendment:

Page 1, line 27: Insert the following

Sec. 38.05.032. SCHOOL LAND DISPOSITION PROCEDURES. <sup>(a)</sup> The sale, lease or other disposal of school land under sec. 30(e) of this chapter shall be made by the department in accordance with the provisions of this chapter, except that the director shall

(1) prepare or require the preparation of a development plan describing the proposed development or use of the land; provided, however, that in the case of an exchange of school land a development plan is required only if the land is to be exchanged to a non-public entity;

(2) give notice as required by sections 030(e) and 305 of this chapter at substantially the same time notice is published or posted in accordance with the provisions of (3) of this ~~sub-~~ section;

(3) give notice as required by section 345 of this chapter; the notice shall include a summary of the proposed development or use and a solicitation for submission within 15 days after completion of the publication or posting of alternative proposals for development or use of the land, and shall state that the time of disposal may be amended by supplemental notice to conform with other pre-sale procedures.

~~(4)~~ In the case of school land to be disposed of within a municipality, no disposal may be made until the municipal planning authority has held a public hearing on the development plans which have been submitted for the land to be disposed of.

In the case of school land to be exchanged to a public entity, the planned use of the land will be presented by the entity. No disposition of land may be made less than 30 days after approval of one or more development plans by the municipal planning authority.

②

adopted with  
inclusion of  
.345

38.05.135

Amend present 38.05.135 to make it subsection

(a). Then add a new subsection (b) as follows:

(b) Notice. When minerals are to be leased on a competitive basis, in addition to any other notice made, notice shall also be made as provided by sec. 305 of this chapter. If lands are to be made available for noncompetitive mineral leasing, notice of the proposed action shall also be made as provided by sec. 305 of this chapter. Thereafter, 30-day notice of the proposed issuance of any noncompetitive lease for those lands shall be made by mail only to those who have requested such notice.

.345

2

A M E N D M E N T

TO: CSHB 654 (Finance)

BY SMITH

Page 4, between lines 22 and 23 insert the following new material:

"(d) Lands opened for mineral rights acquisition under the provisions of secs. 135 - 280 of this chapter and for competitive mineral leasing after the effective date of this Act are subject to the notice and hearing provisions of (a) - (c) of this section. After the initial opening of lands for a noncompetitive mineral lease or permit as specified in this subsection, upon written request to the director by a person, notice of any proposed issuance of a noncompetitive mineral lease or permit shall be given by mail to the person at least 30 days but not more than three months before the proposed issuing of the lease or permit."

4

adopted

A M E N D M E N T

TO: CSHB 654 (Finance)

Page 6, between lines 11 and 12, insert the following new material and renumber the remaining sections accordingly:

"§ Sec. 9. AS 38.05.035(a)(13) is amended to read:

(13) select, administer, and dispose of mental health lands for the support of the mental health program except that no mental health lands may be disposed of without the approval of the Mental Health Advisory Council: *Comm of HHS*

A M E N D M E N T

TO: CSHB 654 (Finance)

Page 6, line 16: add the following new language:

• Sec. 11. AS 38.05.069(b) is amended to read:

(b) If more than one person is eligible for a first option under (a) of this section, the director shall determine priority by granting precedence first to the person who demonstrates the greatest need for the unoccupied land in order to establish an economic unit and, secondly, to the eligible person who occupies land that is most readily accessible to the unoccupied land to be sold or leased [LEASE]. In the event that two or more persons have approximately equal qualifications for priority under this section, the director shall grant priority to that person who is a veteran. If more than one person is approximately equally well qualified under this section, the director shall [MAY] determine priority by establishing which application to exercise the option was received first by the director [LOT].

A M E N D M E N T

5  
adopted

TO: CSHB 654 (Finance)

(a) change necessary in HB 411

Page 6, line 16: add the following new language:

\* Sec. 11. AS 38.05.069(b) is amended to read:

(b) If more than one person is eligible for a first option under (a) of this section, the director shall determine priority by granting precedence first to the person who demonstrates the greatest need for the unoccupied land in order to establish an economic unit and, secondly, to the eligible person who occupies land that is most readily accessible to the unoccupied land to be sold or leased [LEASE]. In the event that two or more persons have approximately equal qualifications for priority under this section, the director shall grant priority to that person who is a veteran. If more than one person is approximately equally well qualified under this section, the director shall [MAY] determine priority by establishing which application to exercise the option was received first by the director [LOT].

#6 have amendment

#6  
adopted

A M E N D M E N T

TO: CSHB 654

Page 1, line 26: After the period, insert the following new material.

"The state Board of Education shall act as a trustee of school lands to ensure that the school lands are administered in a prudent manner to protect the land and to assure that the land produces reasonable profit. The state Board of Education may retain private counsel and use trust funds when necessary to carry out its duties, under this subsection."

↓  
funds from sale?

if already has counsel  
a member to

The Board may retain counsel and take such action as it deems appropriate to protect the trust.

A M E N D M E N T

⑦  
adopted

TO: CSHB 654 (Finance)

Page 1, between lines 26 and 27: Insert the following new material and renumber remaining sections accordingly:

"\* Sec. 2. AS 38.05.035<sup>(a) (14)</sup>(b) is amended by adding a new paragraph to read:

(6) with the consent of the commissioner and upon written finding that the interests of the state will best be served, approve contracts for the sale, lease, or other disposal of available lands, resources or interests in them; in addition to the conditions and limitations imposed by law he may impose additional conditions or limitations in the contract as he, with the consent of the commissioner, determines will best serve the interests of the state; no contract for the sale, lease or disposal of available lands or interests in them is legally binding on the state until the commissioner formally records his consent to the contract; but if the appraised value is not greater than \$10,000 in the case of the sale of land or an interest in land, or \$1,000 in the case of the annual rental of land or interest in land, the director may approve and issue the contract without the consent or approval of the commissioner; ~~before making a determination as to whether the sale, lease or disposal will best serve the interests of the state, the director shall compile and review information regarding the economic and environmental impact of the sale, lease, or disposal on competing renewable and nonrenewable resources actually or potentially affected by the decision; before public hearings on the decision, the director shall make available to the public the information compiled; adequate notice to the public of the information availability shall be made; the department may adopt regulations under the Administrative~~

Procedure Act (AS 44.62) to effectuate the purposes of this paragraph."

Page 6, line 12: Delete "and", and insert a comma. After "38.05.347", insert "and 38.05.035(a)(14)".

THE LEGISLATURE OF THE STATE OF ALASKA  
FISCAL NOTE  
 Second Session - Ninth Legislature

I. REQUEST

Bill No. Unnumbered House Bill  
 Title: Relation to administration of state funds  
 Requested by: Legislative Request to the Governor Date: Dec 15, 1975  
 Return Date Requested: Dec 30, 1975  
 Agency: Natural Resources Program: Land and water management

II. FISCAL DETAIL

Budget Request Unit(s) Affected: None

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

B. FUNDING: (Thousands of dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. ATTACHMENTS

V. DATE: Dec 26, 1975 PREPARED BY: Dale G. T. Colton  
Deputy Director, Division of Land

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

Original sponsor: Gardiner

Offered: 4/30/76

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 411 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to land sales or leases for agri-  
7 cultural purposes."

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

9 \* Section 1. AS 38.05.069(a) is amended to read:

10 (a) If the director determines that the highest and best use of  
11 unoccupied land is for agricultural purposes, he shall grant to an  
12 Alaskan resident owning and using or leasing and using land for agri-  
13 cultural purposes a 60-day first option after [FROM] the date of the  
14 auction [THE LAND BECOMES AVAILABLE TO THE PUBLIC OR 90 DAYS FROM THE  
15 EFFECTIVE DATE OF THIS SECTION, WHICHEVER IS LATER,] to purchase or  
16 lease unoccupied land situated adjacent to or in the approximate  
17 vicinity of his presently held land for the amount of the high bid  
18 received at public auction; provided the aggregate number of acres  
19 owned and acquired under the option shall not exceed 320 [640] acres;  
20 and further provided that the land acquired under this section is used  
21 for agricultural purposes as required by law. Offers to exercise an  
22 option to purchase or lease for the amount of the high bid shall be  
23 accorded priority in order of time received by the director [FOR AT  
24 LEAST ONE YEAR FOLLOWING PURCHASE].

25 \* Sec. 2. AS 38.05.069(c) is repealed and re-enacted to read:

26 (c) Under this section

27 (1) the director may convey or lease an interest in the land  
28 only for agricultural purposes, and all other interests in the land  
29 remain in the state; the sale or lease shall be at public auction;

1 (2) the remaining interests may subsequently be conveyed or  
2 leased by the director only upon the request of the grantee or lessee or  
3 his assigns and the determination of the director, with the written  
4 concurrence of the commissioner, that the conveyance or lease is in the  
5 public interest;

6 (3) the conveyance or lease of the remaining interests shall  
7 be at public auction; the original grantee or lessee or his assigns have  
8 a preference right to meet the high bid within 30 days after the day of  
9 the auction; if the right is exercised, the value of improvements owned  
10 by the holder of the preference right, included with the remaining  
11 interests sold, shall be deducted from the purchase price;

12 (4) by requesting the conveyance or lease of the remaining  
13 interest, the original grantee or lessee or his assigns

14 (A) consents to the sale or lease, and

15 (B) if the preference right provided by (3) of this  
16 subsection is not exercised, consents to sell at fair market value  
17 the improvements related to the remaining interest, as appraised by  
18 the director;

19 (5) the remaining interests in the land may not be conveyed  
20 or leased for less than their appraised value together with improvements  
21 except for the deduction allowed by (3) of this subsection.

22 \* Sec 3. AS 38.05 is amended by adding a new section to read:

23 Sec. 38.05.321. RESTRICTION ON SALE OR LEASE OR OTHER DISPOSAL OF  
24 AGRICULTURAL LAND. No state land classified as agricultural land may be  
25 sold, leased or otherwise disposed of in a manner inconsistent with sec.  
26 69 of this chapter.  
27  
28  
29