

LEG. FINANCE - BILLS 1977 - 1978 713

CASHB 351 cont., thru HB 353 713

1 (17) through the Department of Community and Regional Affairs,  
2 assist new local governments in the establishment of new police and  
3 public safety operations;

4 (18) develop an Alaskan model for providing legal advice to  
5 justice agencies of municipal governments;

6 (19) conduct analysis of legal and public safety issues re-  
7 lating to the location and relocation of government services;

8 (20) conduct programs of public education in crime prevention,  
9 victimization and justice;

10 (21) conduct other programs for the improvement of justice  
11 administration;

12 (22) establish a first year law school curriculum which, if  
13 approved by the Alaska Commission on Postsecondary Education, shall  
14 provide under AS 08.08.207(a) credit for one year of study at a law  
15 school.

16 (b) With the approval of the Board of Regents, the Institute of  
17 Justice may establish charges for the distribution of books, publica-  
18 tions, and research not otherwise funded and may establish suitable fees  
19 which, in the case of law programs, may be beyond the university's  
20 standard tuition charges to partially defray the cost of instruction for  
21 a course of study that might normally be expected to enhance the earning  
22 power of a student successfully completing the course.

23 \* Sec. 2. AS 08.08.207 is amended to read:

24 Sec. 08.08.207. LAW CLERKS. (a) A [EVERY] person who desires  
25 subsequently to qualify as a general applicant for admission to the  
26 Alaska Bar without having been graduated from an approved law school  
27 shall register as a law clerk as provided by this section. He must be a  
28 bona fide resident of the state and shall present satisfactory proof  
29 that he has been granted a bachelor's degree (other than bachelor of

1 laws) by a college or university offering the degree on the basis of a  
2 four-year course of study and has successfully completed his first year  
3 of studies at a law school within five years of the date of his regis-  
4 tration.

5 (b) The applicant shall obtain regular and full-time employment as  
6 a law clerk in a law office [THE OFFICE OF A JUDGE OF A COURT OF RECORD  
7 OR AN ATTORNEY OR FIRM OF ATTORNEYS LICENSED TO PRACTICE LAW IN ALASKA  
8 AND ENGAGED IN THE GENERAL PRACTICE OF LAW]. The person [BY WHOM HE IS  
9 EMPLOYED, OR IF HE IS EMPLOYED BY A FIRM, THE PERSON] under whose direc-  
10 tion he is to study, must have been admitted to practice law in this  
11 state for at least five years at the time the application for registra-  
12 tion is filed, and be otherwise eligible to act as tutor. The study of  
13 law under this section shall be conducted according to a semester  
14 calendar set by the director. At least 90 days before [BEFORE] the  
15 commencement of the study of law under this section, the applicant shall  
16 file with the director [ALASKA SUPREME COURT] an application to register  
17 as a law clerk. The application shall be made on a form to be provided  
18 by the director [COURT] and shall require answers to interrogatories the  
19 director [SUPREME COURT] may determine from time to time to be relevant  
20 to a consideration of the application. Proof of a fact stated in the  
21 application may be required by the director [COURT]. If the applicant  
22 fails or refuses to furnish any information or proof or answer any  
23 interrogatory required by the application, or independently by the  
24 director [COURT], in a manner satisfactory to the director [COURT], the  
25 application may be denied.

26 (c) Accompanying the application there must be submitted a certi-  
27 ificate [STATEMENT] under oath [OF THE PERSON BY WHOM THE APPLICANT IS  
28 EMPLOYED AS A LAW CLERK, OR, IF HE IS EMPLOYED BY A FIRM,] of the person  
29 under whose direction he is to study, certifying to the fact of the

1 employment and that that person will act as tutor for the applicant and  
2 will faithfully instruct the applicant in the branches of the law pre-  
3 scribed by the course of study adopted by the director [SUPREME COURT].  
4 No person is eligible to act as tutor while disciplinary proceedings  
5 (following the service of a formal complaint) are pending against him,  
6 or if he has ever been censured, reprimanded, suspended or disbarred.  
7 If a registered law clerk finds it necessary to change his tutor during  
8 his period of study, a new certificate [APPLICATION FOR REGISTRATION AS  
9 A LAW CLERK] is required and such credit given for study under his prior  
10 tutor as the director [COURT] may determine.

11 (d) A law clerk whose registration has been approved by the  
12 director [COURT] must pursue a formal program [COURSE] of study, as  
13 established by the director, which, in the absence of an accredited law  
14 school, will, in conjunction with the bar admissions exam, offer a  
15 reasonable alternative means of assuring a level of professional com-  
16 petency adequate to protect the public [FOR THREE CALENDAR YEARS OF AT  
17 LEAST 44 WEEKS EACH YEAR, WITH A MINIMUM EACH WEEK OF 35 HOURS OF STUDY  
18 (IT BEING UNDERSTOOD THAT THE TIME ACTUALLY SPENT IN THE PERFORMANCE OF  
19 THE DUTIES OF LAW CLERK IS TO BE CONSIDERED AS TIME SPENT IN THE STUDY  
20 OF LAW). THE TUTOR MUST GIVE PERSONAL DIRECTION REGULARLY AND FRE-  
21 QUENTLY TO THE CLERK, MUST EXAMINE HIM AT LEAST ONCE A MONTH ON THE  
22 WORK DONE IN THE PREVIOUS MONTH, AND MUST CERTIFY MONTHLY AS TO COMPLI-  
23 ANCE WITH THE REQUIREMENTS OF THIS SUBSECTION AND (e) AND (g) OF THIS  
24 SECTION].

25 (e) The director shall provide for a system of reporting of work  
26 done, study completed, and set examinations to test proficiency in the  
27 knowledge and practice of law. A law clerk may be disqualified from  
28 the program for failing, within a reasonable time, to meet standards of  
29 diligence or proficiency or for failing to meet reporting requirements

1 [THE EXAMINATIONS SHALL BE WRITTEN AND NOT ORAL, AND SHALL BE ANSWERED  
2 BY THE CLERK WITHOUT RESEARCH OR ASSISTANCE DURING THE EXAMINATION. THE  
3 MONTHLY CERTIFICATE OF COMPLIANCE SUBMITTED BY THE TUTOR SHALL BE ACCOM-  
4 PANIED BY THE ORIGINALS OF ALL WRITTEN EXAMINATIONS AND ANSWERS GIVEN  
5 DURING THE PERIOD REPORTED. IF THE CERTIFICATES, TOGETHER WITH THE  
6 REQUIRED ATTACHMENTS, ARE NOT FILED TIMELY WITH THE COURT, NO CREDIT  
7 MAY BE GIVEN FOR ANY PERIOD OF THE DEFAULT].

8 (f) If a registered law clerk does not furnish evidence of com-  
9 pletion of his law studies within a period of six years after registra-  
10 tion, the director [COURT] may cancel the registration.

11 (g) The course of study to be pursued by a registered law clerk  
12 shall cover subjects, text books, case books, and other material the  
13 director [COURT] may from time to time require.

14 (h) A registered law clerk who has attended either an approved or  
15 a nonapproved law school may, in the discretion of the director [COURT],  
16 receive credit for work done and obtain advanced standing. In no event  
17 will credit be given for fractional parts of semesters or terms, or for  
18 correspondence school work.

19 (i) As used in this section

20 (1) "law school" means [(1)] a law school accredited,  
21 approved or meeting the standards of the Council of Legal Education of  
22 the American Bar Association or the Association of American Law Schools;  
23 or [(2)] a school in Alaska offering a course of study which the Alaska  
24 Commission on Postsecondary Education [SUPREME COURT] approves as the  
25 equivalent to a year's study in a law school under [(1) OF] this sub-  
26 section;

27 (2) "director" means the director of legal studies of the  
28 University of Alaska;

29 (3) "law office" means a public or private office approved

1 by the director in which a tutor is employed at an appropriate clinical  
2 law studies program may be conducted.

3 \* Sec. 3. Section 5 of Rule 2 of Part I of the Alaska Bar Rules is  
4 amended to read:

5 Section 5. (a) A [EVERY] person who desires subsequently to  
6 qualify as a general applicant for admission to the Alaska Bar without  
7 having been graduated from an approved law school shall register as a  
8 law clerk as provided by this section of this Rule. He must be a bona  
9 fide resident of the state and shall present satisfactory proof that he  
10 has been granted a bachelor's degree (other than bachelor of laws) by a  
11 college or university offering the degree on the basis of a four-year  
12 course of study and has successfully completed his first year of studies  
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20 this state for at least five years at the time the application for  
21 registration is filed, and be otherwise eligible to act as tutor. The  
22 study of law under this section shall be conducted according to a semes-  
23 ter calendar set by the director. At least 90 days before [BEFORE] the  
24 commencement of the study of law under this section of this Rule, the  
25 applicant shall file with the director [SUPREME COURT] an application to  
26 register as a law clerk. The application shall be made on a form to be  
27 provided by the director [SUPREME COURT] and shall require answers to  
28 interrogatories the director [SUPREME COURT] may determine from time to  
29 time to be relevant to a consideration of the application. Proof of a

1 fact stated in the application may be required by the director [SUPREME  
2 COURT]. If the applicant fails or refuses to furnish any information or  
3 proof or answer any interrogatory required by the application, or in-  
4 dependently by the director [SUPREME COURT], in a manner satisfactory to  
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6 (c) Accompanying the application there must be submitted a certi-  
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25 petency adequate to protect the public [FOR THREE CALENDAR YEARS OF AT  
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1 QUENTLY TO THE CLERK, MUST EXAMINE HIM AT LEAST ONCE A MONTH ON THE WORK  
2 DONE IN THE PREVIOUS MONTH, AND MUST CERTIFY MONTHLY AS TO COMPLIANCE  
3 WITH THE REQUIREMENTS OF (d), (e) AND (g) OF THIS SECTION OF THIS RULE].

4 (e) The director shall provide for a system of reporting of work  
5 done, study completed, and set examinations to test proficiency in the  
6 knowledge and practice of law. A law clerk may be disqualified from the  
7 program for failing, within a reasonable time, to meet standards of  
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25 no event will credit be given for fractional parts of semesters or  
26 terms, or for correspondence school work.

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28 (1) "law school" means [(1)] a law school accredited, ap-  
29 proved or meeting the standards of the Council of Legal Education of the

1 American Bar Association or the Association of American Law Schools; or  
2 [(2)] a school in Alaska offering a course of study which the Alaska  
3 Commission on Postsecondary Education [SUPREME COURT] approves as the  
4 equivalent to a year's study in a law school under [(1) OF] this sub-  
5 division;

6 (2) "director" means the director of legal studies of the  
7 University of Alaska;

8 (3) "law office" means a public or private office approved by  
9 the director in which a tutor is employed and an appropriate clinical  
10 law studies program may be conducted.

11 \* Sec. 4. The legislature declares that this Act is passed under art. IV,  
12 secs. 1 and 15, Constitution of the State of Alaska, which empower the legis-  
13 lature to prescribe the jurisdiction of the courts, and to change the Rules  
14 of Court, and pursuant to the legislature's inherent power.

15 \* Sec. 5. Sections 2 and 3 of this Act amend section 5 of Rule 2 of  
16 Part I of the Alaska Bar Rules of the Rules of Court.

17 \* Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-  
18 070(c).

Com.



# Alaska State Legislature ~ House

## HEALTH, EDUCATION & SOCIAL SERVICES COMMITTEE

Pouch V, State Capitol  
Juneau, Alaska 99811  
(907) 465-3797

### LETTER OF INTENT TO CS FOR HOUSE BILL NO. 351

It is the intent of the Health, Education & Social Services Committee that the budget for the School of Justice in subsequent years be allocated from the University of Alaska's budget.

A handwritten signature in cursive script, appearing to read "Charles H. Parr".

Charles H. Parr, Chairman  
House Health, Education,  
& Social Services Committee

THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. House Bill 351  
 Title "An Act creating the Institute of Justice..."  
 Requested by Representative Bradley et al. Date April 15, 1977

II. FISCAL DETAIL  
 Agency Affected University of Alaska  
 Program Category Affected University of Alaska - Anchorage  
 Budget Request Unit(s) Affected Research and Professional Centers, Instruction, Public Service, Support Service

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES	347.3	<sup>a</sup> 330.2				
200 TRAVEL	38.7	<sup>a</sup> 30.0				
300 CONTRACTUAL	25.4	<sup>a</sup> 18.0				
400 COMMODITIES	10.5	<sup>a</sup> 3.5				
500 EQUIPMENT	1.0					
600 LAND & STRUCTURES						
700 GRANTS CLAIMS, ETC.						
TOTAL	422.9	<sup>a</sup> 381.7				

FUNDING (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
GENERAL FUND	87.7	<sup>b</sup> 313.9				
FEDERAL FUNDS	335.2	<sup>c</sup> 66.8				
OTHER (Specify)						

POSITIONS

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
FULL TIME	10	11				
PART TIME	1	1				
TEMPORARY						

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

This legislation identifies an institutional structure and mission for the statewide justice-related functions of the University. These functions were given a substantial financial boost in FY 75-77 by the justice agencies of Alaska which forebore tapping blockgrant funds from I.E.A.A. so that the University could start a coordinated statewide program of instruction, research and public service in crime prevention and education. The University did not ask for these funds for FY '78 as it had been expected to do by the justice agencies of state and local government.

In addition to providing support for ongoing programs of instruction,

IV. DATE April 15, 1977 PREPARED BY [Signature]  
 AGENCY Director of Legal Studies, University of Alaska  
 PHONE: 278-1913

Original: Legislative Finance  
 cc: Budget and Management

with the concurrence of the court system, the sum of \$37,000 has been requested starting in FY '78, to meet the previously unfunded costs of administering the clerkship program established by the Legislature last year (Ch 181, SLA 1976), an administrative responsibility transferred to the University and amplified under this bill.

NOTES:

(a) This represents a more substantial drop in overall funding from FY 77 to meet the exigency than indicated, since additional personal services (\$37,000) are required to administer the clerkship program with the reduced funds.

(b) The decrease in federal funding from FY 77 and accompanying increase in general fund requirements for FY 78 is associated with an increase in the availability of federal funds in FY 78 to state agencies and the courts since L.E.A.A. funds, which funded the Criminal Justice Center in FY 77, are about the same each year. The need of the University for increased funding results from a reallocation of resources within the state.

(c) This amount supposes the success of a federal grant application from NIAAA to study alcohol control systems in rural Alaska, an application not yet funded by NIAAA.

IMPLEMENTATION OF AUTHORITY BY CATEGORY

The bill establishes an institutional focus for the development of justice studies at the University. It does not require any funding though certain functions as indicated, now ongoing, do need maintenance support. Many of the functions authorized by the bill can be carried out through grants or contracts with the federal government, state executive and legislative agencies, or private foundations which receive funds for these purposes.

The probability of some such funds being available makes it important that any appropriation indicate that the funding provided by the state be available for match to L.E.A.A. and other federal grant programs.

Since some functions are correlated, economies result from implementation of several functions together. A paragraph by paragraph analysis follows:

AS 14.40.118

- |     |  |           |
|-----|--|-----------|
| (1) | Justice Degree Programs-maintenance:   | \$276,000 |
|     | - including expanded programs in Kodiak, Kuskokwim, Kenai and Sitka Community Colleges add:                                    | 80,000    |
| (2) | Employment Development-no cost FY78  |           |
| (3) | Continuing Professional Development-no proposed cost FY78; can be developed by L.E.A.A. grants supplementing academic program. |           |
| (4) | Rural Paralegal-Can be carried in academic program supplemented with federal grant support for FY78.                           |           |
| (5) | Law Clerk Program supervision-FY78   | 37,000    |
| (6) | Technical assistance-funded by contracts, grants. No FY78 cost.  |           |

- (7) Juvenile justice research - same.
- (8) Law revision - same.
- (9) Continuing Legal Education, bar - same.
- (10) Associated Disciplines - same and as part of academic program.
- (11) Annual Report on functioning of justice system - as part of academic program.
- (12) Labor-management standards. Funded by contracts, grants. No FY78 costs.
- (13) Alcohol Distribution Control Systems - same.
- (14) Public safety service planning in small communities - same.
- (15) Correspondence courses - as part of academic program with grant supplements.
- (16) Municipal privacy, security - funded by contracts, grants. No FY78 costs.
- (17) Municipal public safety support - same.
- (18) Police legal advisor - same.
- (19) Relocation studies - same.
- (20) Public education - same.
- (21) Improvement of justice administration - same.
- (22) First year law program. Not feasible to fund except as planning, in conjunction with (5) above in FY78.

ANCHORAGE BAR ASSOCIATION

*Handwritten:*  
Sch. 1/2

May 10, 1977

Honorable John C. Sackett, Chairman  
Senate Finance Committee  
Alaska State Legislature  
Juneau, Alaska 98111

RE: House Bill 351 referred to the Senate Finance Committee

Dear Senator Sackett:

Please be advised that on Monday, May 9, 1977, the Anchorage Bar Association passed a resolution opposing those portions of House Bill 351 which provide that the first year of legal training can be taken at the Criminal Justice Center at the Anchorage campus of the University of Alaska. This Bill works in coordination with the bill passed by the legislature last session which permits a student who has completed one year of legal education in an accredited law school to return to the State of Alaska, work for three years under the supervision of an admitted Alaskan attorney, take the Alaska Bar exam and, if passed, be admitted to practice law in the State of Alaska. The Anchorage Bar Association opposes that portion of House Bill 351 which would substitute attendance at an accredited law school with attendance at the University of Alaska Criminal Justice Center for the following reasons.

1. The cost of educating even a few students at the Criminal Justice Center at the University of Alaska, Anchorage campus in the basics such as can be taught in the equivalent of the first year of an accredited law school is unreasonably high. It is unreasonably high because of the demands this will put upon the Center for an even minimally adequate law research facility; the expense of faculty members adequately trained and knowledgeable in specific and specified areas of the law which must be covered in the first year curriculum; the cost of administration of such a program for a limited number of students.

2. That portion of the Bill objected to presents yet one more opportunity for the creation of bureaucracy. The bureaucracy begins at the level of the University with admission committees, curriculum committees, graduation

committees, etc. It then continues both at the legislative level and at the judicial level whereby we create, through necessity, reviewing committees, accreditation committees, and certification committees in order that not only may the program at the University be determined to be of value both economically and academically to the citizens of the State of Alaska, but also so that the public who is supposedly being served by such a program is protected from inadequate, incompetent and ill-trained lawyers.

3. There has been no demonstrated need for the creation of what is obviously the beginning of an attempt to get a full fledged law school in the State of Alaska. This need has not been demonstrated either because of demand from the students nor has it been demonstrated from the view point of a public which does not have access to legal services. If this Bill is an attempt to make legal services available to any group of citizens who at the present time lack legal representation, the Anchorage Bar Association suggests to the committee that this Bill is ill-equipped to do so. There is absolutely nothing either expressed or inherent in the bill which would provide that any student who gets a first year of training at the University of Alaska, however, inadequately, and is supervised for three years by an admitted attorney will then go out into the community to serve those people who at the present time lack access to legal services.

4. There is no demonstrated need of students who desire to get the first year legal education in order to avail themselves of the program instituted by the last legislature for the year's education to be taken at the University of Alaska. The Anchorage Bar Association suggests to the committee that a far more adequate means of dealing with those students, if they can be identified, (and if they exist they must be able to be identified) is to offer an appropriation which would provide scholarships, travel and living expenses for the students who desire to avail themselves of the legal intern program in order that they may attend an already accredited, established, law school on the outside. Until such time as that alternative has been fully investigated by your committee or any other legislative body interested in the welfare of such students, to pass legislation which would create a very poor program at the University of Alaska is unfair to participating students because they are asked to compete with lawyers who have been trained in an adequate program at an accredited school of law.

5. Support for the Bill has been generated by suggesting that it will serve primarily those portions of the Native Alaskan population who desire to practice law in Alaska. It is the position of the Anchorage Bar Association that such students are not helped by an inadequate, necessarily

May 10, 1977

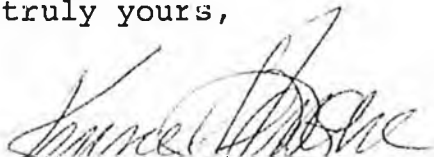
Page 3

under funded attempt by the University of Alaska to throw together a one-year course merely to meet the requirements of one year's attendance at the University. It would be fiscally more responsible to appropriate funds to the University for a comprehensive pre-law program which could be taken advantage of by all students whether they wish to pursue a legal education through the legal intern rule, or attend the full three-year curriculum of an accredited law school or simply to use the pre-law program as an entry into business, public administration, police sciences, etc.

As a result of and because of the above reasons, the Anchorage Bar Association urges you and each member of your committee to recommend to the Alaska State Senate that House Bill 351 not be passed in so far as it provides for the Criminal Justice Center at the University of Alaska, Anchorage campus, to provide the equivalent of one year's legal education for students who wish to then become legal interns and go through the three year program of supervision by an admitted Alaskan attorney in order to avail themselves of the opportunity to take the Alaska Bar Association examination and become practicing attorneys in the State of Alaska.

Very truly yours,

BY:

  
Kenneth Jensen, President  
Anchorage Bar Association

cc: John Butrovich  
Joe Orsini  
Clem Tillion  
George Hohman  
Chancy Croft  
Peter Mealand  
Robert H. Ziegler  
Fred Brown

7  
Sch. 70

# TELEGRAM

A ALASKA COMMUNICATIONS, INC.

PHONE: 586-6440

JUNEAU, ALASKA 99801

02390 NL ANCHORAGE ALASKA 54 05-12 232P ADT

PMS SENATOR JOHN SACKETT

JUN

WE SUPPORT HB351, ESTABLISHING A SCHOOL OF JUSTICE.

FROM WHAT WE HAVE HEARD SENATOR SACKETT IS SITTING ON THE  
BILL FOR FOLITICAL REVENGE WHICH WE DO NOT APPROVE OF.

WE STRONGLY URGE THE SENATE TO PASS THIS BILL SO LAW STUDENTS  
MAY PURSUE THEIR EDUCATION IN OUR STATE

TOM AND TERRY MORRIS SRA BOX 4106A ANCHORAGE ALASKA 99502

1977 MAY 12 20 10



UNIVERSITY OF ALASKA  
CRIMINAL JUSTICE CENTER  
3211 PROVIDENCE AVENUE  
ANCHORAGE, ALASKA 99504

May 10, 1977

Senator John C. Sackett  
Chairman  
Senate Finance Committee  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Dear Senator Sackett:

The Alaska Peace Officers Association President Ben Neff sent you a letter on May 3, 1977 providing qualified support for the passage of C.A.H.B.#351, establishing a School of Justice, which has been passed by the House and referred to the Senate.

As Mr. Neff indicates, the two changes he seeks in the Bill are indeed minor. The deletion of the words "for in-service training" in Section 14.40.118 (3) does not effect the bill. Apparently the APOA executive board members feel more comfortable if the bill does not specifically mention the School of Justice's responsibility for training. This phrase does not contribute anything of substance, hence its absence will not detract from the bill.

However, I might add for your information, Senate Bill #1, Chapter 178 (AS 18.65.130 - 18.65.290) which created the Alaska Police Standards Council (APSC) does not charge the APSC with providing all in-service training for Alaska's police agencies. In fact, Section 18.65.220 (4) charges APSC to "...consult and cooperate with boroughs, municipalities, agencies of the state, other governmental agencies, universities, colleges and other institutions concerning the development of police training schools and programs of instruction." Section 18.65.260 (b) states "...In the administration of the program the Council shall promote the most efficient and economical program for police training, including the maximum utilization of existing facilities and programs to avoid duplication." Clearly it was not the intent of the legislature to restrict all in-service training to that provided by the Alaska Police Standards Council.

Further, the School of Justice would also service correctional

Senator John C. Sackett  
May 10, 1977  
Page 2

and legal agencies-- agencies which have no relationship to the existing Alaska Police Standard Council. Hence, the School could provide in-service training without necessarily providing it for police officers.

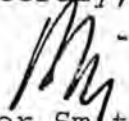
Mr. Neff's second proposed change is the deletion of 14.40.118 (10) which states "...provide correspondence courses specially relevant to the Alaska practitioner in law enforcement and criminal justice." This is an activity which has been carried on by the University for at least 10 years. It was initiated to help police and correctional personnel in bush areas of the State obtain college courses. The University currently has a number of people who are employed in justice positions in remote areas enrolled in such courses. Hence, it is not a new responsibility for the University.

In addition, Alaska's Standards and Goals for Criminal Justice (Section 7.1.16) which were prepared in 1976 states, "The Police Standards Council training coordinator, working with the Criminal Justice Center (of the University of Alaska), should encourage the dissemination of correspondence courses to officers in the bush so they may complete a high school education and secure college credits in police science."

In spite of the fact that the Police Standards Council may not give credit for correspondence "training", we feel correspondence courses for credit toward a college degree is a valuable and worthwhile way to assist police and correctional people in bush areas.

As you can see both of these issues are minor, and we have been advised that the vast majority of justice administrators and officials in Alaska enthusiastically support House Bill 351. We sincerely hope you will take the Alaska Peace Officers Association's advise and assist in the passage of the bill this session.

Sincerely,



Peter Smith Ring  
Acting Director  
Criminal Justice Center

PSR/cw

7  
School of Justice

SITKA  
BAR  
FILE

April 18, 1977

Representative Dick Eliason  
Box 143  
Sitka, Alaska 99835

Re: House Bill No. 351

Dear Dick:

I want to express my strong opposition to House Bill No. 351 concerning the Institute of Justice.

While there may be some merit in some of the individual items contained in section 14.40.110, I feel that in total it is really an attempt to get a law school going in Alaska.

I am strongly against any law school in Alaska. I think it would be an unnecessary expense; the number of people applying for admission to law schools in the south '48 is materially decreasing. It will be years and years and years before the population of Alaska is sufficient to support a law school of any caliber and to have a poor law school would be a fraud upon our citizens.

In fact there is no question in my mind but what the State of Alaska could pay 100% of the cost of every Alaskan who could get into an outside law school and thus save thousands if not tens of thousands of dollars each year. In addition, the student involved would be immeasurably ahead in quality of legal education. Such a plan of state funding of professional training for those courses which the University of Alaska did not offer would also be an opportunity for native students as well to enjoy the benefits of some really good law schools and get into the competitive swing which in order to be a good attorney, they would have to do in any event.

My further objection is that the bill is far too broad in giving almost unlimited and unchanneled discretionary power to the Institute of Justice. In fact its provisions contain so much in the way of unchanneled authority that I question its constitutionality.

Representative Dick Eliason  
April 10, 1977  
Page Two

Although the above statements are my personal thoughts on the subject, at this weeks bar meeting the Sitka Bar passed unanimously a motion to oppose House Bill 351, the present concept of the Institute of Justice or any other like variation of Dean Havelock's Law School. I was instructed to so communicate the feelings of the bar to you.

Very truly yours,

CHRISTIANSON, ROYCE & STABELA

Warren C. Christianson  
President, Sitka Bar Association

WCC/pjl

cc: Honorable Jay S. Hammond  
Governor  
State of Alaska  
Pouch A  
Juneau, Alaska 99811

Ayrua M. Gross  
Attorney General  
Pouch K  
Juneau, Alaska 99811

# Alaska State Legislature

*Gen.*

HOME ADDRESS  
P.O. BOX 85  
GALENA, ALASKA 99741

WHILE IN JUNEAU  
POUCH V  
JUNEAU, ALASKA 99811  
TELEPHONE 465-3755



Senate

SENATOR  
**John C. Sackett**  
CHAIRMAN  
SENATE FINANCE COMMITTEE  
MEMBER  
LABOR & MANAGEMENT COMMITTEE

April 8, 1977

Mr. Vernon C. Nusunginya  
3701 Eureka Plaza, Sp. 21-A  
Anchorage, AK 99503

Dear Mr. Nusunginya:

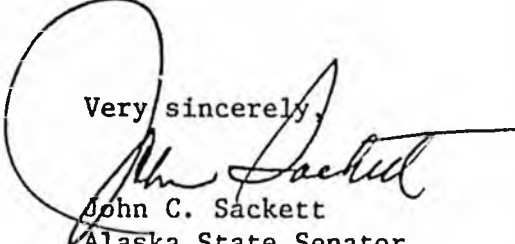
Thank you for your recent letter in reference to the Criminal Justice Degree Program at the University of Alaska in Anchorage.

I can appreciate your special interest in the program, being as you are enrolled as a student within this curriculum. Your points were well taken and I do intend to look into this situation and review the bill to see what can be done with this particular problem.

If you have any further questions regarding this issue, please feel free to write me.

With best regards.

Very sincerely,

  
John C. Sackett  
Alaska State Senator

JCS:s1

Udenora. Nuounginga  
3701 Eureka Plaza Sp. 21-A  
Anchorage, Ak. 99503

03.02.77

Mr. John Sackett  
Chairman, Senate Finance Committee  
Juneau, Ak.

Dear Sir:

I am presently enrolled, as a full time student, in the Criminal Justice baccalaureate degree program at the University of Alaska, located at Anchorage.

I'm presently concerned about the possibility that the Anchorage campus administration may cut the Criminal Justice B.A. program, due to a "budget cut-back". The administration's primary justification for the discontinuation of the C.J. program is actually an attack upon a new and developing academic discipline.

As a student, I've spent two Semesters in the program, as of September 1976, and think it is a practical, contributing, and applicable program which will contribute greatly. This contribution is in particular reference to those going into work within the Criminal Justice spectrum, and the people they will influence. The present program allows a student to obtain a good academic foundation in: corrections, law enforcement, law science, and federal and state government structure and processes.

But another important factor is the environment in which we the students are learning. Anchorage, in many ways, serves as the main "hub" of social, economic, and political activity within our state. This allows more than just the academic aspect of our education. This allows students to observe, study, contact, communicate with, research and work for many state and federal departments and agencies in the state, while getting his<sup>her</sup> formal education. Basically, I feel it's good sound practical program which should not be cut.

I understand that there is presently a bill in the State Affairs Committee in support of a "Independent (Institution of Criminal Justice)" at the Anchorage Senior College. Please support this bill, give it some time and consideration. If the Criminal Justice B.A. program has to suffer the consequences of our present Anchorage U of A Campus administration, how do we justify it?

Thank you,

Vernon Charles Nusingiya



*Due: 7 "School of Justice"*  
UNIVERSITY OF ALASKA, ANCHORAGE

2533 PROVIDENCE AVENUE  
ANCHORAGE, ALASKA 99504

ANCHORAGE COMMUNITY COLLEGE

4 May 1977

Senator John Sackett  
Chairman, Senate Finance Committee  
Capital Building  
Juneau, Alaska 99811

Dear Senator Sackett:

The Health Education Social Services Committee substitute for House Bill 351 creating the School of Justice and amending State law should not be passed. Please consider the following arguments.

In the bill, items 1, 2, 3, 4, 6, 8, 9, 10, & 11 are already being done by the Division of Community Services of the University of Alaska, Anchorage/Anchorage Community College and have been for several years.

Just two years ago the State paid John Havelock \$20,000 to perform a law school feasibility study in which he found that there were an abundance of attorneys and that no law school is needed or feasible. This bill creates the 1st year of a law school.

The bill requires the removal of approximately 300 Community College students and their supporting faculty from the College to the University in direct violation of the labor contract between the ACCFT Local 2404 and the University and in violation of the President's policy of reorganizing with the team approach. I, as a faculty member and coordinator of the programs for the College first learned of the bill from students and first obtained a copy of it the very day it passed the House. The level of reorganization contained in the bill is usually done at the dean/director level - not by the legislature.

If the University did not see justification nor justice system support for continued funding of the Criminal Justice Center experiment, it seems out of character and ill advised for the legislature to continue that funding.

The bill may jeopardize the certification process for the Law Science program thus affecting the degrees and occupations of over 100 students.

Senator John Sackett

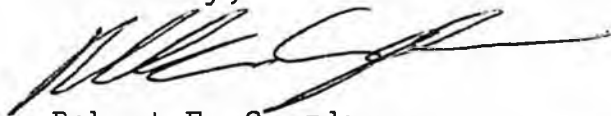
4 May 1977

Page 2

The bill takes authority from the Supreme Court and gives it to the director of legal studies for the University to become final authority on bar exam applicants and admissions. My research indicates that the Supreme Court will address this issue during the week of May 9-13, 1977. A decision to spend over \$380,000 might well await input from the court which will finally determine the legality of the bill. As an aside investigation into the title "director of legal studies" would indicate that the title was given to the current director of the Criminal Justice Center after his appointment and as such was never legally advertised in accordance with federal and State equal employment laws.

Considering the above points alone, it would seem imprudent to pass this bill out of committee.

Sincerely,



Robert E. Congdon  
Criminal Justice Program Coordinator  
Anchorage Community College

/jak

cc: George H. Hohman  
Chancy Croft  
H.D. Meland  
John Butrovich  
Joseph L. Orsini  
Clem V. Tillion  
James Irany, ACC



# UNIVERSITY OF ALASKA. ANCHORAGE

2533 PROVIDENCE AVENUE  
ANCHORAGE, ALASKA 99504

ANCHORAGE COMMUNITY COLLEGE

4 May 1977

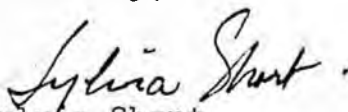
Mr. John C. Sackett  
Chairman, Finance Committee  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Sackett:

A number of students have been making inquiries of me regarding CS HB 351, permitting the director of legal studies of the University of Alaska to approve clerkships and take other measures to accredit the student for admission to the Alaska Bar. I have great concern regarding an academically-appointed official being granted such prerogatives when the Alaska Supreme Court has stated in IN RE STEPHENSON, Opinion No. 1740, 511 P2d 136 (Alaska 1973) that it only has the inherent and final power and authority to determine standards for admission to practice law in this state. It appears that the incipient legislation referred to above is already misleading students into believing that they may qualify pursuant to authority exercised by a University official, and I believe this is of great disservice to the students.

I urge you to do whatever you can to alert the proper legislators to the problems in the bill, especially as by its terms it constitutes a fraud upon the student public.

Sincerely,

  
Sylvia Short  
Criminal Justice Studies  
Anchorage Community College

/jak  
cc: George H. Hohman  
Chancy Croft  
H.D. Meland  
John Butrovich  
Joseph L. Orsini  
Clem V. Tillion  
James Irany, ACC



# UNIVERSITY OF ALASKA, ANCHORAGE

2533 PROVIDENCE AVENUE  
ANCHORAGE, ALASKA 99504

ANCHORAGE COMMUNITY COLLEGE

4 May 1977

Senator John C. Sackett  
Chairman, Finance Committee  
Pouch V  
Juneau, Alaska 99811

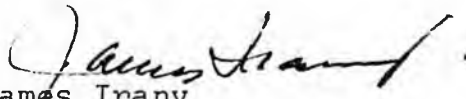
Dear Senator Sackett:

You will receive two letters, one from Sylvia Short and the other from Robert E. Congdon, regarding House Bill 351 creating the School of Justice and amending State law in the area of legal studies.

I basically support the arguments presented to you in these two letters and wish to further stress that these matters have never been discussed with me as director of the Criminal Justice program currently offering Associate of Arts degrees in Police Administration, Corrections, and Law Science at Anchorage Community College. Any alteration in these programs should at least be discussed with us. I am somewhat amazed that John Havelock would institute such a proposed bill in Juneau without mentioning it to me.

I recommend that you save the \$380,000 allocated for that program and give us sufficient time to discuss this matter within the University and arrive at a more acceptable way to settle our problems here first before we settle your way.

Sincerely,

  
James Irany  
Director  
Community Services and Continuing Education

/jak  
cc: George H. Hohman  
Chancy Croft  
H.D. Meland  
John Butrovich  
Joseph L. Orsini  
Clem V. Tillion



# 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

2/14/90  
Date

# COMMITTEE REPORT

3-15-77

## HOUSE

\_\_\_\_\_ Date

Mr. Speaker:

The Committee on FINANCE has had HB 352

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 352 and that  
CS for HB 372 do pass
- (and) recommends it be referred to the \_\_\_\_\_  
committee
- reports it back without recommendation
- AND attaches a report of its intent
- (other) \_\_\_\_\_

### MEMBERS SIGNING THE MAJORITY REPORT:

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

### MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

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

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

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

[Signature]  
Chairman

THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST Bill/Resolution No. HB 352  
Title Authorizing state land to be made available as agricultural homesites  
Requested by House Finance Date 4/13/77

II. FISCAL DETAIL  
Agency Affected Department of Natural Resources  
Program Category Affected Development  
Budget Request Unit(s) Affected Agricultural Development - Admin. & Support

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES		-0-				
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-				

FUNDING (Thousands of Dollars)


GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

Note: All expenses involved in the implementation of HB 352 were included in the fiscal note for HB 353. Any expenses incurred by the state are to be recovered by the sale of the land.

IV. DATE \_\_\_\_\_ PREPARED BY   
AGENCY Steve Cowper, Chairman  
PHONE House Finance Committee  
Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

Original sponsors: Swanson, Beirne,  
Bennett, et al

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 352

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing state land to be made available as  
7 agricultural homesites; and providing for an effective  
8 date."

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

10 \* Section 1. PURPOSE OF ACT. The longstanding policy of the state, de-  
11 clared in the Constitution of the State of Alaska (art. VIII, sec. 1) and the  
12 Alaska Land Act (AS 38.05.350), has been to encourage the settlement of the  
13 state's land and the development of its resources by making them available  
14 for maximum use consistent with the public interest. In authorizing the  
15 classification of land for settlement as agricultural homesites, this Act is  
16 intended to further that policy explicitly by recognizing that agricultural  
17 production in the state is in its infancy and that by making land available  
18 to the public the development of agriculture as a renewable resource will be  
19 enhanced by attracting persons needed to assist in the development of agri-  
20 culture in those areas.

21 \* Sec. 2. AS 38.08 is amended by adding new sections to read:

22 Sec. 38.08.300. CLASSIFICATION OF LAND FOR AGRICULTURAL HOMESITE  
23 ENTRY. Within 30 days after designation of an agricultural development  
24 project under sec. 30 of this chapter, the director of the division of  
25 agriculture is authorized to select and classify land which is vacant,  
26 unappropriated and unreserved located within a project designated under  
27 sec. 30(d) of this chapter that

28 (1) is suitable for erection of residential dwellings to use  
29 as a permanent abode;

1 (2) contains sufficient surface area to provide one agri-  
2 cultural homesite per every 640 acres included within a project desig-  
3 nated under this chapter.

4 Sec. 38.08.310. SURVEY AND ENTRY. (a) The director shall survey  
5 for agricultural homesite entry state land classified under sec. 300 of  
6 this chapter. A person qualified under (5) of this subsection to  
7 acquire state land may enter upon agricultural homesite entry land under  
8 a permit issued by the director and, after occupying the land in a  
9 habitable dwelling for three consecutive years and paying the cost of  
10 having the land surveyed and a pro rata share of the department's cost  
11 of administering the disposal of the agricultural homesite entry land,  
12 he shall be issued a patent to the land, conveying title to the land on  
13 the condition that the land not be further subdivided. Entry and patent  
14 under this section are subject to the following conditions and pro-  
15 cedures:

16 (1) Agricultural homesite entry locations shall be selected by  
17 the director.

18 (2) Agricultural homesite entry land shall be divided into  
19 parcels of five acres, in reasonably compact form.

20 (3) Following classification of land for agricultural home-  
21 site entry, the director shall publish notice of the availability of the  
22 land for at least three consecutive weeks in at least three newspapers  
23 of general circulation in the state, at least one of which, if possible,  
24 shall be a newspaper of general circulation in the vicinity of the  
25 available land.

26 (4) Fees for filing an application may not exceed \$10. An  
27 applicant may apply for more than one available agricultural homesite,  
28 but no applicant, together with members of the same household, may be  
29 issued more than one agricultural homesite entry permit or patent during

1 the lifetime of the applicant.

2 (5) If the number of applicants qualified for agricultural  
3 homesite entry exceeds the number of available agricultural homesites  
4 offered, or if several applicants apply and qualify for the same agri-  
5 cultural homesite, priority in award of an entry permit shall be on the  
6 basis of length of residence in the state.

7 (6) To qualify for agricultural homesite entry, an applicant  
8 shall

9 (A) at the time of application have attained the age of  
10 18;

11 (B) submit proof of not less than five years residence  
12 in the state immediately preceding the date his application was  
13 submitted;

14 (C) agree that he will be a participant in the agri-  
15 cultural project;

16 (D) agree to erect the habitable dwelling within five  
17 years after entry;

18 (E) agree to pay for the cost of a survey and a pro rata  
19 share of the department's cost of administration of the disposal of  
20 the agricultural homesite entry land required under this subsection  
21 before a patent is issued; and

22 (F) agree to occupy the habitable dwelling for the re-  
23 quired time as provided in this subsection.

24 (b) An applicant satisfying the requirements for agricultural  
25 homesite entry under this section shall be issued a revocable permit to  
26 occupy and improve the agricultural homesite for patent as provided in  
27 this section. The application fee is the sole rent chargeable on the  
28 permit for its duration. The permit may not be revoked except for sub-  
29 stantial breach of the terms and conditions of the agricultural homesite

1 entry under (a) of this section. The permit may not be assigned, con-  
2 veyed or otherwise transferred, but rights under the permit may devolve  
3 by testate or intestate succession. An attempt to assign, convey, or to  
4 otherwise transfer the permit, is void and constitutes a substantial  
5 breach.

6 (c) Upon revocation and termination of a permit, improvements or  
7 chattels upon the agricultural homesite shall be managed, and subsequent  
8 issuance of a permit for entry on the agricultural homesite shall be  
9 conditioned, in the same manner as provided in AS 38.05.090 for removal  
10 or reversion of improvements upon termination of leases of state land.

11 (d) Consideration paid for a subsequent conveyance, assignment or  
12 lease of agricultural homesite land shall not be more than the fair  
13 market value of the improvements located on the land.

14  
15  
16 (e) No state land which is located within the boundaries of an  
17 organized borough or city may be classified for agricultural homesite  
18 entry under this section until the proposed use of the land has been  
19 studied and reviewed jointly by the director and the local planning  
20 authority. Nothing in this section or AS 29.18.190 prevents the director  
21 from classifying for agricultural homesite entry land which would  
22 otherwise be available for borough or city selection under AS 29.18.190.  
23 If classified for agricultural homesite entry, the land shall not be  
24 available for city or borough selection.

25 (f) Nothing in this section obligates the state to provide ser-  
26 vices to land which is the subject of agricultural homesite entry and  
27 patent.

28 (g) In this section "habitable dwelling" means a dwelling of a  
29 permanent nature, together with fixtures and facilities, including

1 " sanitary facilities, required or customary in the vicinity of the land  
2 made available for agricultural homesite entry. The commissioner by  
3 regulation shall establish reasonable requirements to satisfy the  
4 standard of a habitable dwelling set out in this subsection.

5 \* Sec. 3. This Act takes effect upon the effective date of a version of  
6 an Act entitled "An Act providing for the creation of agricultural develop-  
7 ment projects."

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THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. HB 352  
 Title Authorizing state land to be made available as agricultural homesites  
 Requested by House Finance Date 4/13/77

II. FISCAL DETAIL  
 Agency Affected Department of Natural Resources  
 Program Category Affected Development  
 Budget Request Unit(s) Affected Agricultural Development - Admin. & Support

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES		-0-				
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-				

FUNDING (Thousands of Dollars)


GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

Note: All expenses involved in the implementation of HB 352 were included in the fiscal note for HB 353. Any expenses incurred by the state are to be recovered by the sale of the land.

IV. DATE \_\_\_\_\_ PREPARED BY   
 AGENCY Steve Cowper, Chairman  
 PHONE House Finance Committee  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 352  
 Title An Act authorizing state land to be made available as agricultural homesites  
 Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Natural Resources  
 Program Category Affected NRMEC  
 Budget Request Unit(s) Affected Division of Lands

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES	30.0					
200 TRAVEL	5.0					
300 CONTRACTUAL	1750.0					
400 COMMODITIES	1.0					
500 EQUIPMENT	1.0					
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	<b>1787.0</b>					

FUNDING (Thousands of Dollars)

GENERAL FUND	1787.0					
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME	1.0					
PART TIME						
TEMPORARY						

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

Assume 5a out of each 640a: subdivision of each section involves 2 miles of line for center 1/4, 1 mile for quarter-quarters, 1/2 for 10a or a total of 3 1/2 miles of survey line for each 5a at \$10,000/mile = \$35,000/homesite @ 50 homesites = \$1,750,000.

Personal services and travel for one position.

IV. DATE March 29, 1977 PREPARED BY *Ted Smith* Ted Smith  
 AGENCY Dept. of Natural Resources, Div. of Lands  
 Original: Legislative Finance PHONE \_\_\_\_\_  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

Introduced: 3/15/77  
Referred: Finance

BY SWANSON, BEIRNE, BENNETT, COWPER,  
DANKWORTH, HAYES, OSE, PARR AND  
KELLY

1 IN THE HOUSE

2 HOUSE BILL NO. 352

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

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12 Alaska Land Act (AS 38.05.350), has been to encourage the settlement of the  
13 state's land and the development of its resources by making them available  
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15 classification of land for settlement as agricultural homesites, this Act is  
16 intended to further that policy explicitly by recognizing that agricultural  
17 production in the state is in its infancy and that by making land available  
18 to the public the development of agriculture as a renewable resource will be  
19 enhanced by attracting persons needed to assist in the development of agri-  
20 culture in areas of the state as a major resource.

21 \* Sec. 2. AS 38.08 is amended by adding new sections to read:

22 Sec. 38.08.300. CLASSIFICATION OF LAND FOR AGRICULTURAL HOMESITE  
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25 lands shall select and classify land which is vacant, unappropriated and  
26 unreserved located within or in the approximate vicinity of a project  
27 designated under sec. 30(d) of this chapter that

28 (1) is suitable for erection of residential dwellings to use  
29 as a permanent abode;

Introduced: 3/15/77  
Referred: Finance

BY SWANSON, BEIRNE, BENNETT, COWPER,  
DANKWORTH, HAYES, OSE, PARR AND  
KELLY

1 IN THE HOUSE

2 HOUSE BILL NO. 352

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

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7 agricultural homesites; and providing for an effective  
8 date."

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

10 \* Section 1. PURPOSE OF ACT. The longstanding policy of the state, de-  
11 clared in the Constitution of the State of Alaska (art. VIII, sec. 1) and the  
12 Alaska Land Act (AS 38.05.350), has been to encourage the settlement of the  
13 state's land and the development of its resources by making them available  
14 for maximum use consistent with the public interest. In authorizing the  
15 classification of land for settlement as agricultural homesites, this Act is  
16 intended to further that policy explicitly by recognizing that agricultural  
17 production in the state is in its infancy and that by making land available  
18 to the public the development of agriculture as a renewable resource will be  
19 enhanced by attracting persons needed to assist in the development of agri-  
20 culture in areas of the state as a major resource.

21 \* Sec. 2. AS 38.08 is amended by adding new sections to read:

22 Sec. 38.08.300. CLASSIFICATION OF LAND FOR AGRICULTURAL HOMESITE  
23 ENTRY. Within 30 days after designation of an agricultural development  
24 project under sec. 30 of this chapter, the director of the division of  
25 lands shall select and classify land which is vacant, unappropriated and  
26 unreserved located within or in the approximate vicinity of a project  
27 designated under sec. 30(d) of this chapter that

28 (1) is suitable for erection of residential dwellings to use  
29 as a permanent abode;

1 (2) does not contain soils equivalent to classes I - III as  
2 used by the United States Soil Conservation Service;

3 (3) contains sufficient surface area to provide one agri-  
4 cultural homesite for every 640 acres included within a project desig-  
5 nated under this chapter.

6 Sec. 38.08.310. SURVEY AND ENTRY. (a) The director shall survey  
7 for agricultural homesite entry state land classified under sec. 300 of  
8 this chapter. A person qualified under (5) of this subsection to acquire  
9 state land may enter upon agricultural homesite entry land under a per-  
10 mit issued by the director and, after occupying the land in a habitable  
11 dwelling for three consecutive years and paying the cost of having the  
12 land surveyed, he shall be issued a patent to the land, conveying title  
13 to the land on the condition that the land not be further subdivided.  
14 Entry and patent under this section are subject to the following condi-  
15 tions and procedures:

16 (1) Agricultural homesite entry land shall be divided into  
17 parcels of five acres, in reasonably compact form.

18 (2) Following classification of land for agricultural home-  
19 site entry, the director shall publish notice of the availability of the  
20 land for at least three consecutive weeks in at least three newspapers  
21 of general circulation in the state, at least one of which, if possible,  
22 shall be a newspaper of general circulation in the vicinity of the  
23 available land.

24 (3) Fees for filing an application may not exceed \$10. An  
25 applicant may apply for more than one available agricultural homesite,  
26 but no applicant, together with members of the same household, may be  
27 issued more than one agricultural homesite entry permit or patent during  
28 the lifetime of the applicant.

29 (4) If the number of applicants qualified for agricultural

1 homesite entry exceeds the number of available agricultural homesites  
2 offered, or if several applicants apply and qualify for the same agri-  
3 cultural homesite, priority in award of an entry permit shall be on the  
4 basis of length of residence in the state.

5 (5) To qualify for agricultural homesite entry, an applicant  
6 shall

7 (A) at the time of application have attained the age of  
8 18;

9 (B) submit proof of not less than five years continuous  
10 residence in the state immediately preceding the date his applica-  
11 tion was submitted;

12 (C) agree to erect the habitable dwelling within five  
13 years after entry;

14 (D) agree to pay for the survey required under this  
15 subsection before a patent is issued; and

16 (E) agree to occupy the habitable dwelling for the re-  
17 quired time as provided in this subsection.

18 (b) An applicant satisfying the requirements for agricultural  
19 homesite entry under this section shall be issued a revocable permit to  
20 occupy and improve the agricultural homesite for patent as provided in  
21 this section. The application fee is the sole rent chargeable on the  
22 permit for its duration. The permit may not be revoked except for sub-  
23 stantial breach of the terms and conditions of the agricultural homesite  
24 entry under (a) of this section. The permit may not be assigned, con-  
25 veyed or otherwise transferred, but rights under the permit may devolve  
26 by testate or intestate succession. An attempt to assign, convey, or to  
27 otherwise transfer the permit, is void and constitutes a substantial  
28 breach.

29 (c) Upon revocation and termination of a permit, improvements or

1 chattels upon the agricultural homesite shall be managed, and subsequent  
2 issuance of a permit for entry on the agricultural homesite shall be  
3 conditioned, in the same manner as provided in AS 38.05.090 for removal  
4 or reversion of improvements upon termination of leases of state land.

5 (d) No state land which is located within the boundaries of an  
6 organized borough or city may be classified for agricultural homesite  
7 entry under this section until the proposed use of the land has been  
8 studied and reviewed jointly by the director and the local planning  
9 authority. Nothing in this section or AS 29.18.190 prevents the director  
10 from classifying for agricultural homesite entry land which would  
11 otherwise be available for borough or city selection under AS 29.18.190.  
12 If classified for agricultural homesite entry, the land shall not be  
13 available for city or borough selection.

14 (e) Nothing in this section obligates the state to provide ser-  
15 vices to land which is the subject of agricultural homesite entry and  
16 patent.

17 (f) In this section "habitable dwelling" means a dwelling of a  
18 permanent nature, together with fixtures and facilities, including  
19 sanitary facilities, required or customary in the vicinity of the land  
20 made available for agricultural homesite entry. The commissioner by  
21 regulation shall establish reasonable requirements to satisfy the  
22 standard of a habitable dwelling set out in this subsection.

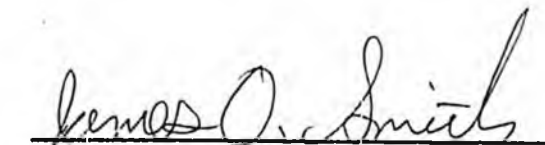
23 \* Sec. 3. This Act takes effect upon the effective date of a version of  
24 an Act entitled "An Act providing for the creation of agricultural development  
25 projects."

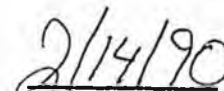


# RECORDS CERTIFICATION



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.

  
Signature of Camera Operator

  
Date

# COMMITTEE REPORT

3-15-77

## HOUSE

April 14, 1977 Date

Mr. Speaker:

The Committee on FINANCE has had HB 353

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 353 and that

Finance CS for HB 353 do pass

(and) recommends it be referred to the \_\_\_\_\_ committee

reports it back without recommendation

AND attaches a report of its intent

(other) \_\_\_\_\_

### MEMBERS SIGNING THE MAJORITY REPORT:

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

### MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

[Signature] recommends: [Signature]

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

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

[Signature]  
Chairman

THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. CSHB 353(Finance)  
 Title An Act providing for the creation of agricultural development projects  
 Requested by House Finance Date 4/12/77

II. FISCAL DETAIL  
 Agency Affected Department of Natural Resources  
 Program Category Affected Development  
 Budget Request Unit(s) Affected Agricultural Development - Administration & Support

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES		32.0				
200 TRAVEL		3.0				
300 CONTRACTUAL						
400 COMMODITIES		.5				
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>35.5</b>				


FUNDING (Thousands of Dollars)

GENERAL FUND		35.5				
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME		1.0				
PART TIME						
TEMPORARY						

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

IV. DATE April 12, 1977 PREPARED BY  Steve Cowper  
 AGENCY Chairman, House Finance Committee  
 PHONE \_\_\_\_\_  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

Original sponsors: Swanson, Bairne,  
Bennett, et al

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 353

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the creation of agricultural  
7 development projects; and providing for an effective  
8 date."

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

10 \* Section 1. AS 38 is amended by adding a new chapter to read:

11 CHAPTER 08. AGRICULTURAL DEVELOPMENT PROJECTS.

12 ARTICLE 1. ADMINISTRATION.

13 Sec. 38.08.010. LEGISLATIVE FINDING AND POLICY. (a) The legisla-  
14 ture finds, determines and declares that

15 (1) a sound and sustained agricultural production, processing  
16 and marketing industry is necessary to the healthy economic life and  
17 future well-being of Alaska;

18 (2) no geographic entity has ever attained lasting greatness  
19 through extractive resource production alone;

20 (3) the agricultural potential of Alaska is perhaps the  
21 single most significant prospect for a stable future;

22 (4) the land potentially capable of sustaining agricultural  
23 production in Alaska covers millions of acres throughout the various  
24 regions;

25 (5) agriculture, as a resource management tool, could provide  
26 a large percentage of the state's basic consumer needs in food, fiber,  
27 industrial raw materials, and aesthetic products at a reasonable price.

28 (b) It is declared to be the policy of the state, in the interests  
29 of promoting the health, security and general benefit of all the people

1 of the state, and a public purpose, to increase job opportunities and  
2 otherwise to encourage the economic growth of the state, to stimulate  
3 agricultural production as a renewable resource so that the people of  
4 Alaska can produce a substantial portion of their food for Alaskan and  
5 export markets, and to place state, federal, national and private  
6 agricultural land into production, by granting powers, duties, and  
7 functions as provided in this chapter.

8 Sec. 38.08.020. POWERS AND DUTIES OF THE DIRECTOR. The director  
9 shall

10 (1) manage, inspect and control state land and improvements  
11 on it belonging to the state and under the jurisdiction of the division;

12 (2) execute laws, regulations and orders adopted by the  
13 commissioner;

14 (3) prescribe application procedures and practices for the  
15 sale of an interest in land under the jurisdiction of the division;

16 (4) prescribe fees or service charges, with the consent of  
17 the commissioner, for any public service rendered;

18 (5) under the conditions and limitations imposed by law,  
19 issue deeds or other conveyances disposing of an interest in land under  
20 the jurisdiction of the division;

21 (6) have jurisdiction over state land located within an  
22 agricultural development project under this chapter; to this end the  
23 director possesses the powers and, with the approval of the commis-  
24 sioner, shall perform the duties necessary to protect the state's rights  
25 and interest in state land, including the taking of all necessary action  
26 to protect and enforce the state's contractual or other property rights;

27 (7) maintain such records as the commissioner considers  
28 necessary, administer oaths, and do all things incidental to the author-  
29 ty imposed; cost data and financial information submitted in support of

1 applications shall be kept confidential;

2 (8) account for the fees or other money received in the ad-  
3 ministration of this chapter including the sale of an interest in land,  
4 identify their source, and promptly transmit them to the proper fiscal  
5 department after crediting them to the proper fund; receipts from land  
6 application filing fees and charges for copies of maps and records shall  
7 be deposited immediately in the general fund of the state by the direc-  
8 tor;

9 (9) select and employ or obtain at reasonable compensation  
10 cadastral, appraisal, or other professional personnel he considers  
11 necessary for the proper operations of the division;

12 (10) adopt regulations necessary to administer the provisions  
13 of this chapter.

14 ARTICLE 2. DISPOSAL OF LAND.

15 Sec. 38.08.030. REVIEW, DESIGNATION AND APPROVAL. (a) The direc-  
16 tor with respect to land available for disposal by the state and classi-  
17 fied for agricultural use, shall

18 (1) identify land suitable for large-scale agricultural  
19 development projects under this chapter;

20 (2) determine whether the project, if developed under this  
21 chapter, will be economically advantageous to the state and the general  
22 public benefit and will contribute to the economic growth of the state;

23 (3) determine whether provision to meet increased demand upon  
24 public facilities, including utilities and public access routes, that  
25 would result from the designation of a project is reasonably assured;

26 (4) recommend annually, but not later than October 1 of each  
27 year, that the commissioner designate land available for disposal by the  
28 state and identified as suitable for development under (1) of this  
29 subsection as an agricultural development project.

1 (b) The commissioner shall with respect to a recommendation made  
2 under (a)(4) of this section transmit a report containing the infor-  
3 mation required under (a)(4) of this section to those local governing  
4 bodies and regional corporations entitled to notice and review under AS  
5 38.05.305.

6 (c) Within 10 days of the convening of the regular legislative  
7 session, the commissioner shall transmit to the president of the senate  
8 and the speaker of the house of representatives

9 (1) a report containing the identifications, determinations  
10 and recommendations required under (a) of this section;

11 (2) a report containing the department's findings concerning  
12 the recommendation made under (a)(4) of this section; and

13 (3) a copy of comments received, if any, from a local govern-  
14 ing body or regional corporation under AS 38.05.305.

15 (d) The commissioner shall, unless he makes a finding within 30  
16 days after receipt of the director's recommendation that the deter-  
17 mination under (a)(2) of this section is arbitrary and not in the best  
18 interests of the state, designate the project as an agricultural devel-  
19 opment project under this chapter and issue an order describing the land  
20 within the boundaries of the project and placing that land under the  
21 jurisdiction of the division of agriculture unless the legislature by  
22 concurrent resolution disapproves the report of the commissioner under  
23 (c) of this section within 30 legislative days of the transmittal of the  
24 report, or the end of the session, whichever occurs first. A decision  
25 by the legislature to disapprove a proposal under this chapter shall be  
26 accompanied by a recommendation to the commissioner with respect to  
27 future actions which he and the director should take concerning the  
28 proposal.

29 Sec. 38.08.040. SALE OF AGRICULTURAL DEVELOPMENT LAND. (a) The

1 director shall sell an interest in land only for agricultural purposes,  
2 and all other interests in the land remain in the state; the sale shall  
3 be by direct negotiation with an individual selected under sec. 50 of  
4 this chapter, and the price shall be the pro rata share of the costs  
5 incurred by the state in surveying, clearing, breaking, and administering  
6 the sale of the agricultural rights to land within the project.  
7 The terms of the sale shall be set by regulation adopted under AS 44.62  
8 for each project designated under sec. 30(d) of this chapter. The  
9 director shall divide the agricultural development land into parcels  
10 that will assure the creation of economical farm units. No land sales  
11 may be made by the state within the boundaries of an agricultural  
12 project other than under those conditions in this section.

13 (b) The remaining interests held by the state may not subsequently  
14 be sold by the director.

15 (c) A subsequent conveyance, assignment or lease of an interest in  
16 land sold under (a) of this section shall be conditioned upon the prior  
17 approval of the director.

18 (d) Consideration paid by a grantee for a subsequent conveyance,  
19 assignment or lease interest in land sold under (a) of this section may  
20 not be more than the agricultural use value as determined by the direc-  
21 tor.

22 Sec. 38.08.050. SELECTION OF QUALIFIED INDIVIDUALS. (a) The  
23 director shall, after designation of a project under sec. 30(d) of this  
24 chapter, publicly solicit applications from individuals desiring to  
25 participate in the development of a project under this chapter.

26 (b) The director shall, after consultation with but not limited to  
27 local soil conservation subdistricts, local farm representatives,  
28 chambers of commerce, and ad hoc agricultural groups that reside within  
29 a close vicinity to the agricultural project, select individuals who

1 have applied for participation in a project and who are best qualified,  
2 to successfully farm the land located within a project. The director  
3 shall sell the agricultural rights in land under sec. 40 of this chapter  
4 to individuals selected under (a) of this section. Individuals who have  
5 been residents for a minimum of five years before the sale under sec. 50  
6 of this chapter shall be given a preference under this subsection.

### 7 ARTICLE 3. FINANCIAL PROVISIONS.

#### 8 Sec. 38.08.060. AGRICULTURAL DEVELOPMENT PROJECT REVOLVING FUND.

9 There is established an agricultural development project revolving fund  
10 which shall be administered by the director under the supervision of the  
11 commissioner exclusively for the purposes of this chapter. The fund is  
12 composed of money appropriated by the legislature to it and any other  
13 money made available for the purposes of this chapter.

14 Sec. 38.07.070. ACCOUNTS AND DEPOSIT. The commissioner of revenue  
15 is ex officio the treasurer and custodian of the fund and shall admin-  
16 ister it as directed by the director under the supervision of the com-  
17 missioner. The director shall transmit all money received for the sale  
18 of agricultural rights in land located within an agricultural develop-  
19 ment project to the commissioner of revenue for deposit in the fund.

20 Sec. 38.08.080. REPAYMENT TO GENERAL FUND. All money made avail-  
21 able to the fund from the general fund or a special fund is a loan from  
22 the general fund or the special fund. All surplus at the end of a  
23 fiscal year over amounts made available to the fund from the general  
24 fund or from any special fund shall be repaid to the general fund or the  
25 special fund until the loan is repaid in full. Repayments need not  
26 begin until after the first five complete fiscal years after the fund is  
27 created.

28 Sec. 38.08.090. EXPENDITURES FROM THE FUND. The director, with  
29 the approval of the commissioner, may expend money from the fund to

1 contract for the clearing, breaking and draining of land under AS 38.-  
2 07.040 if the land to be cleared or drained is located within an agri-  
3 cultural development project under this chapter.

4 Sec. 38.08.100. LOAN GUARANTEES. (a) The director may enter into  
5 agreements with private banks, other lending institutions and indivi-  
6 duals to guarantee loans made for farm development and operations,  
7 storage and processing of farm produce, livestock and machinery, and to  
8 individuals, partnerships or corporations, for storage and processing  
9 plants for agricultural products, transportation and access for those  
10 products and necessary utilities.

11 (b) The guarantees under (a) of this section may not exceed 90 per  
12 cent of the amount loaned, and the loan shall be secured by acceptable  
13 collateral and may not exceed 90 per cent of the appraised value of the  
14 collateral offered as security. The director shall by regulation set  
15 the interest rate and terms acceptable for loans guaranteed under this  
16 section.

17 Sec. 38.08.105. DEFINITIONS. In this chapter

18 (1) "commissioner" means the commissioner of the Department  
19 of Natural Resources;

20 (2) "director" means the director of the division of agri-  
21 culture, Department of Natural Resources;

22 (3) "interest in land only for agricultural purposes" means  
23 fee simple ownership of land conditioned upon the right of the owner to  
24 develop the land only for production of plants and animals useful to man  
25 including forage and sod crops, grains and feed crops, dairy and dairy  
26 products, livestock including breeding and grazing, fruits, vegetables,  
27 and other similar uses and activities; a structure or improvement may  
28 not be placed on the land except for use as a single-family dwelling of  
29 the owner or one that is consistent with agricultural operations.

1 ARTICLE 4. DELTA-CLEARWATER-TANANA LOOP

2 AGRICULTURAL DEVELOPMENT PROJECT.

3 Sec. 38.08.110. LEGISLATIVE FINDINGS AND DESIGNATION. (a) Under  
4 the authority granted by art. VIII, secs. 6, 8, and 9 of the Alaska  
5 State Constitution, the legislature finds

6 (1) that all preliminary identifications and determinations  
7 required under sec. 30(a)(1) - (4) of this chapter concerning the  
8 Delta-Clearwater-Tanana Loop agricultural development project as de-  
9 scribed in sec. 110 of this chapter have been satisfied as evidenced by  
10 a report entitled "Potential Barley Production in the Delta-Clearwater  
11 area of Alaska" and Volumes I, II and IV of the "Delta Land Management  
12 Study" prepared by the division of lands;

13 (2) that sec. 30(b)(1) of this chapter has been satisfied and  
14 that notice and review of the proposed action to create the Delta-  
15 Clearwater-Tanana Loop agricultural development project as described in  
16 sec. 120 of this chapter is unnecessary unless a local governing body or  
17 regional corporation entitled to notice and review under AS 38.05.305  
18 enacts a resolution objecting to the designation of the project within  
19 30 days after the effective date of this section.

20 (b) The Delta-Clearwater-Tanana Loop agricultural development  
21 project as described in sec. 120 of this chapter is designated an agri-  
22 cultural development project under this chapter. The review and desig-  
23 nation required under sec. 30(c) and (d) of this chapter are waived  
24 through exercise of the authority granted to the legislature under art.  
25 VIII, secs. 6, 8, and 9 of the Alaska State Constitution.

26 Sec. 38.08.120. PROJECT DESCRIPTION. The lands designated as the  
27 Delta-Clearwater-Tanana Loop agricultural development project and  
28 limited to agricultural use are those within the following described  
29 parcels:

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- (1) Township 10 South, Range 12 East, Fairbanks Meridian
  - Section 26: NW1/4 of NW1/4, SW1/4 of NW1/4, SW1/4
  - Section 31: E1/2 of SW1/4, SE1/4
  - Section 32: S1/2
  - Section 33: S1/2
  - Section 34: S1/2
  - Section 35: NW1/4, NW1/4 of NE1/4, S1/2 of NE1/4, S1/2
  - Section 36: W1/2 of SW1/4, W1/2 of SE1/4 of SW1/4
- (2) Township 11 South, Range 12 East, Fairbanks Meridian
  - Section 1: NW1/4, SW1/4 of NE1/4, W1/2 of SE1/4 of NE1/4, SW1/4, W1/2 of SE1/4, W1/2 of NE1/4 of SE1/4, W1/2 of SE1/4 of SE1/4
  - Sections 2 - 5
  - Section 6: NE1/4, NE1/4 of NW1/4, SE1/4 of NW1/4, NE1/4 of SW1/4, SE1/4 of SW1/4, SE1/4
  - Section 7: NE1/4 of SW1/4, SE1/4 of SW1/4, SE1/4
  - Sections 8 - 16
  - Section 17: North of Alaska Highway Right-of-Way
  - Section 18: North of Alaska Highway Right-of-Way
  - Section 19: North of Alaska Highway Right-of-Way
  - Section 20: North of Alaska Highway Right-of-Way
  - Section 21: North of Alaska Highway Right-of-Way
  - Section 22: North of Alaska Highway Right-of-Way
  - Sections 23 - 25: North of Alaska Highway Right-of-Way
  - Section 26: North of Alaska Highway Right-of-Way
  - Section 27: North of Alaska Highway Right-of-Way
  - Section 27: South of Alaska Highway Right-of-Way and East of a line from SW corner of 27 to NE corner of 27

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Section 34

Section 35: North of Alaska Highway Right-of-Way

Section 36: North of Alaska Highway Right-of-Way

(3) A 4.84 square mile parcel of land lying south of the Alaska Highway and north of the northern boundary of the Fort Greely Military Reservation and described as follows: Beginning at the Alaska Highway crossing of Rhoads Creek in Section 26, T11S, R12E, Fairbanks Meridian; then southwesterly up Rhoads Creek approximately 1.0 miles to a point 2,376 feet north and 1,056 feet west of the SE corner of Section 34, T11S, R12E, Fairbanks Meridian; then northwesterly along the northern boundary of the Fort Greely Military Reservation approximately 4.4 miles to a point 1,056 feet south of the NW corner of Section 19, T11S, R12E, Fairbanks Meridian; then northerly along the range line approximately 1.2 miles to the Alaska Highway; then southeasterly along the Alaska Highway approximately 5.28 miles to the point of beginning.

- (4) Township 11 South, Range 13 East, Fairbanks Meridian
- Section 1: South of a line from SW corner of 1 to NE corner of 1
- Section 2: South of a line from NE corner of 2 to NW corner of 2
- Section 3: South of a line from SW corner of 3 to NE corner of 3
- Section 7: NW1/4 of NW1/4, SW1/4 of NW1/4, SE1/4 of NW1/4, SW1/4, NW1/4 of SE1/4, SW1/4 of SE1/4, SE1/4 of SE1/4
- Section 9: South of a line from SW corner of 9 to NE corner of 9
- Sections 10 - 16

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Section 17: NW1/4 of NW 1/4, S1/2 of NW1/4, NE1/4  
of NE1/4, S1/2 of NE1/2, SE1/4, SW1/4

Sections 18 - 30

Section 31: North of Alaska Highway Right-of-Way

Sections 32 - 36

(5) Township 11 South, Range 14 East, Fairbanks Meridian

Section 5: South of line from NE corner of 5 to SW  
corner of 5 and South of a line from NW corner of  
5 to SE corner of 5

Section 6: South of a line from SE corner of 6 to  
NW corner of 6

Sections 7 and 8

Section 9: NW1/4 of NW1/4, S1/2 of NW1/4, SW1/4

Section 16: W1/2

Sections 17 - 20

Section 21: W1/2 of NE1/4, SE1/4, W1/2

Section 22: SW1/4 of SW1/4

Section 26: NW1/4 of SW1/4, SW1/4 of SW1/4

Section 27: NW1/4, SW1/4, SE1/4

Sections 28 - 34

Section 35: W1/2

(6) Township 12 South, Range 12 East, Fairbanks Meridian

Section 12: NE1/4 of NE1/4

(7) Township 12 South, Range 13 East, Fairbanks Meridian

Sections 1 - 4: Excluding T. and M. site in S1/2 and  
North of Alaska Highway Right-of-Way

Section 5: North of Alaska Highway Right-of-Way and  
excluding T. and M. site in NE1/4

Section 6: North of Alaska Highway Right-of-Way

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Section 9: North of Alaska Highway Right-of-Way ex-  
cluding T. and M. site in NE1/4

Section 10: North of Alaska Highway Right-of-Way and  
excluding T. and M. site in the SE1/4 of section 10  
Sections 11 and 12

Section 13: North of Alaska Highway Right-of-Way

Section 14: North of Alaska Highway Right-of-Way

Section 24. North of Alaska Highway Right-of-Way

(8) Township 12 South, Range 14 East, Fairbanks Meridian

Section 2: NW1/4, W1/2 of SW1/4, W1/2 of NE1/4 of  
SW1/4, W1/2 of SE1/4 of SW1/4

Sections 3 - 10

Section 11: W1/2 NW1/4, W1/2 of SW1/4

Section 14: W1/2 of NW1/4, SW1/4, W1/2 of SW1/4  
of SE1/4

Sections 15 - 18

Section 19: North of Alaska Highway Right-of-Way

Sections 20 - 23

Section 25: W1/2 of NW1/4, W1/2 of SE1/4 of NW1/4,  
W1/2 of NE1/4 of SW1/4, W1/2 of SW1/4, SE1/4  
of SW1/4

Sections 26 and 27

Section 28: North of Alaska Highway Right-of-Way

Section 29: North of Alaska Highway Right-of-Way

Section 36: W1/2

(9) Township 3 South, Range 10 East, Fairbanks Meridian

Section 36: S1/2

(10) Township 9 South, Range 10 East, Fairbanks Meridian

Section 1: NE1/4

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Section 2: W1/2  
Section 3: E1/2, S1/2 of SW1/4  
Section 9: N1/2, NE1/4 of SW1/4, N1/4 of SE1/4  
Section 10  
Section 11: W1/2  
Section 11: SE & SW1/4 of SE1/4  
Section 12: W1/2 & SE1/4  
Sections 13 - 15  
Section 22: N1/2 & SE1/4  
Sections 23 - 26  
Sections 35 and 36

(11) Township 10 South, Range 10 East, Fairbanks Meridian

Section 2: NE1/4 of NW1/4, NW1/4 of NE1/4, NE1/4 of NE1/4, SE1/4 of NE1/4, E1/2 of SW1/4 of NE1/4, E1/2, NW1/4 of SE1/4, NE1/4 of SE1/4, SE1/4 of SE1/4

(12) Township 9 South, Range 11 East, Fairbanks Meridian

Section 6: NW1/4 of NW1/4, S1/2 of NW1/4, N1/2 of NE1/4 of SW1/4, N1/2 of NW1/4 of SW1/4

Section 7: SW1/4 of NW1/4, SW1/4, SW1/4 of SE1/4, SE1/4 of SE1/4

Section 17: NW1/4 of NW1/4, S1/2 of NW1/4, SW1/4, SW1/4 of SE1/4

Sections 18 - 20

Sections 29 - 31

Section 32: NW1/4, W1/2 of NE1/4, SW1/4, SE1/4

(13) Township 10 South, Range 11 East, Fairbanks Meridian

Section 6: NW1/4, NE1/4, N1/2 of NW1/4 of SW1/4, N1/2 of NE1/4 of SW1/4, N1/2 of NW1/4 of SE1/4, N1/2

1 of NE1/4 of SE1/4

2 Sec. 33.08.130. PUBLIC HIGHWAY RIGHT-OF-WAY. All rights-of-way  
3 for public highways under AS 19.10.010 not in use on the effective date  
4 of this section and located within the boundaries of the Delta-Clear-  
5 water-Tanana Loop agricultural development project as described in sec.  
6 120 of this chapter remain in effect. An agricultural production area  
7 established within the project as described in sec. 120 of this chapter  
8 may utilize the public right-of-way for agricultural production. If the  
9 public right-of-way is needed for public use, the owner or lessee of the  
10 land encumbered by the right-of-way shall be compensated for agricul-  
11 tural development land necessary for the public use.

12 \* Sec. 2. AS 03.10.050(a) is amended to read:

13 (a) The director of the division of agriculture [COMMISSIONER]  
14 shall administer the loan fund in conjunction with the agricultural  
15 revolving loan fund board. No loan in excess of \$100,000 [\$25,000] may  
16 be made by the director [COMMISSIONER] without the approval of a major-  
17 ity of the board.

18 \* Sec. 3. AS 33.05.020(a) and (b) are amended to read:

19 (a) The commissioner shall supervise the administration of the  
20 land and agriculture divisions [DIVISION].

21 (b) The commissioner may

22 (1) establish reasonable procedures and adopt reasonable  
23 rules and regulations necessary to carry out this chapter and may, when-  
24 ever necessary, issue directives or orders to the directors [DIRECTOR]  
25 to carry out specific functions and duties; all rules and regulations  
26 adopted by the commissioner shall be adopted under the Administrative  
27 Procedure Act (AS 44.62); orders by the commissioner classifying lands  
28 issued after January 3, 1959, are not required to be adopted under the  
29 Administrative Procedure Act (AS 44.62);

1 (2) enter into agreements which he considers necessary to  
2 carry out the purposes of this chapter and ch. 8 of this title, includ-  
3 ing agreements with federal and state agencies;

4 (3) review any order or action of the directors [DIRECTOR];

5 (4) exercise the powers and do the acts necessary to carry  
6 out the provisions and objectives of this chapter and ch. 8 of this  
7 title;

8 (5) notwithstanding the provisions of any other section of  
9 this chapter or ch. 8 of this title, grant an extension of the time  
10 within which payments due on any lease or sale of state land, minerals,  
11 or materials may be made, including payment of rental and royalties, if  
12 he finds that compliance with the requirements is or was prevented by  
13 reason of war, riots, or acts of God.

14 \* Sec. 4. AS 38.05.030 is amended by adding a new subsection to read:

15 (f) The sale of an interest in state lands available for disposal  
16 by the state and classified for agricultural use and located within a  
17 project under ch. 8 of this title shall be under the jurisdiction of the  
18 director of the division of agriculture.

19 \* Sec. 5. AS 38.05.035(7) is amended to read:

20 (7) have jurisdiction over state lands, except for those  
21 lands located within an agricultural development project under ch. 8 of  
22 this title and those lands acquired by the Alaska World War II Veterans  
23 Board and the Agricultural Loan Board or the departments or agencies  
24 succeeding to their respective functions through foreclosure or default;  
25 to this end the director possesses the powers and, with the approval of  
26 the commission, shall perform the duties necessary to protect the  
27 state's rights and interest in state lands, including the taking of all  
28 necessary action to protect and enforce the state's contractual or other  
29 property rights;

1 \* Sec. 6. AS 38.05.045 is amended to read:

2       Sec. 38.05.045. GENERALLY. All lands owned in fee by the state or  
3 to which the state may become entitled, excepting tide, submerged or  
4 shorelands, [AND] timber or grazing lands, and lands located within an  
5 agricultural development project under ch. 3 of this title may be sold  
6 as provided in secs. 45 - 69 of this chapter. However, this section  
7 does not prevent the disposition of lands as provided in secs. 300 - 348  
8 of this chapter.

9 \* Sec. 7. AS 38.07.010 is amended to read:

10       Sec. 38.07.010. SELECTION AND LEASE. (a) The director [COMMIS-  
11 SIONER] may select areas of state land classified as agricultural and  
12 contract for the land to be cleared, broken or drained [OR BOTH] at  
13 state expense. In this selection and contracting, the commissioner  
14 shall be guided by the recommendations of the U.S. Soil Conservation  
15 Service.

16       (b) The land thus cleared or drained shall be put up for competi-  
17 tive lease in lots that are determined to be economical farm units by  
18 the director [OF NOT LESS THAN 320 ACRES EACH].

19 \* Sec. 8. AS 38.07.020(a) is amended to read:

20       (a) Except as provided in (c) of this section, the [THE] lease in  
21 sec. 10(b) of this chapter shall be for 10 years with an option for a  
22 five-year renewal.

23 \* Sec. 9. AS 38.07.020 is amended by adding a new subsection to read:

24       (c) This section does not apply to the clearing, breaking or  
25 draining of lands within an agricultural development project under ch. 8  
26 of this title. The provisions for sale of agricultural rights under  
27 that chapter will control.

28 \* Sec. 10. AS 38.07.060 is amended by adding a new paragraph to read:

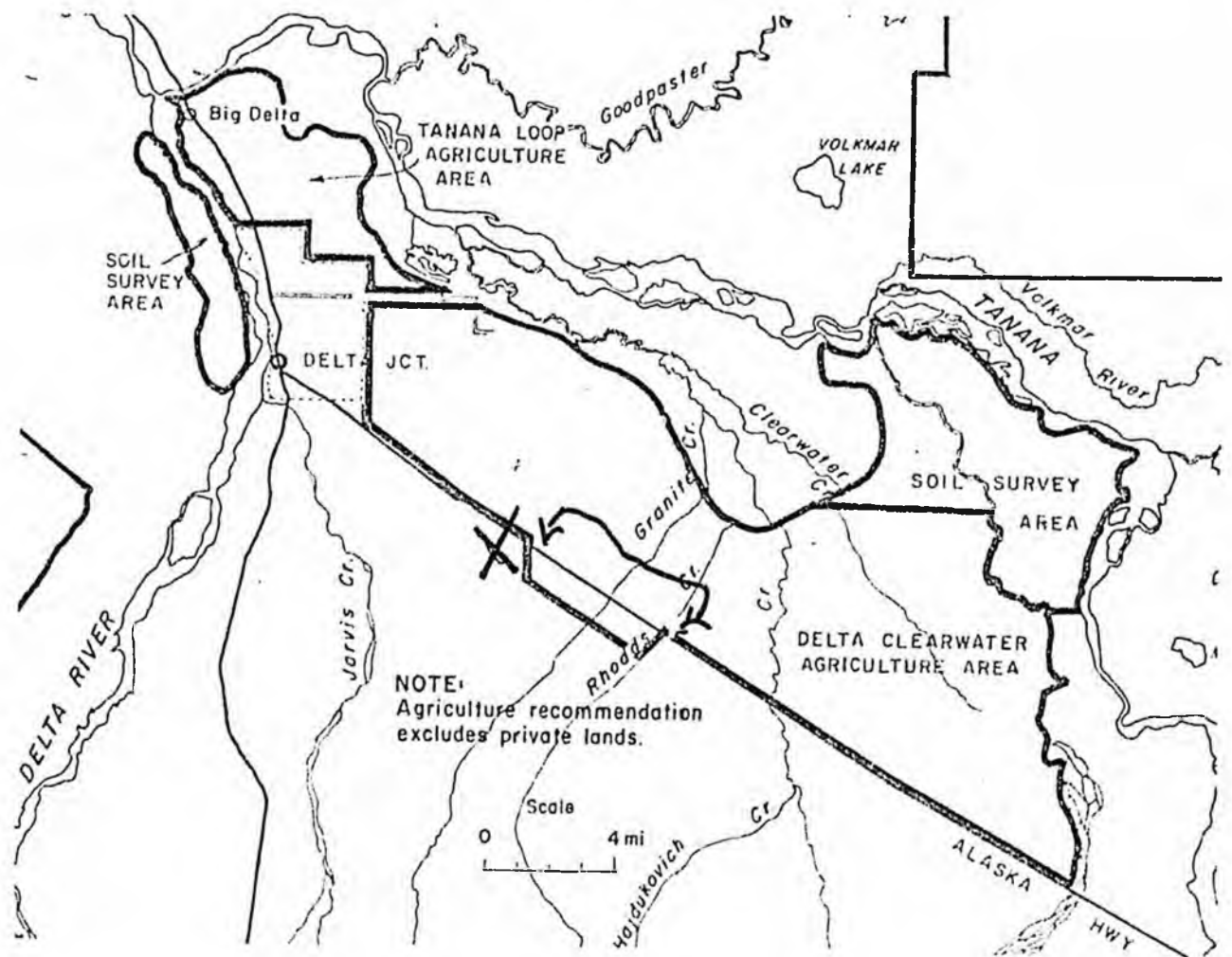
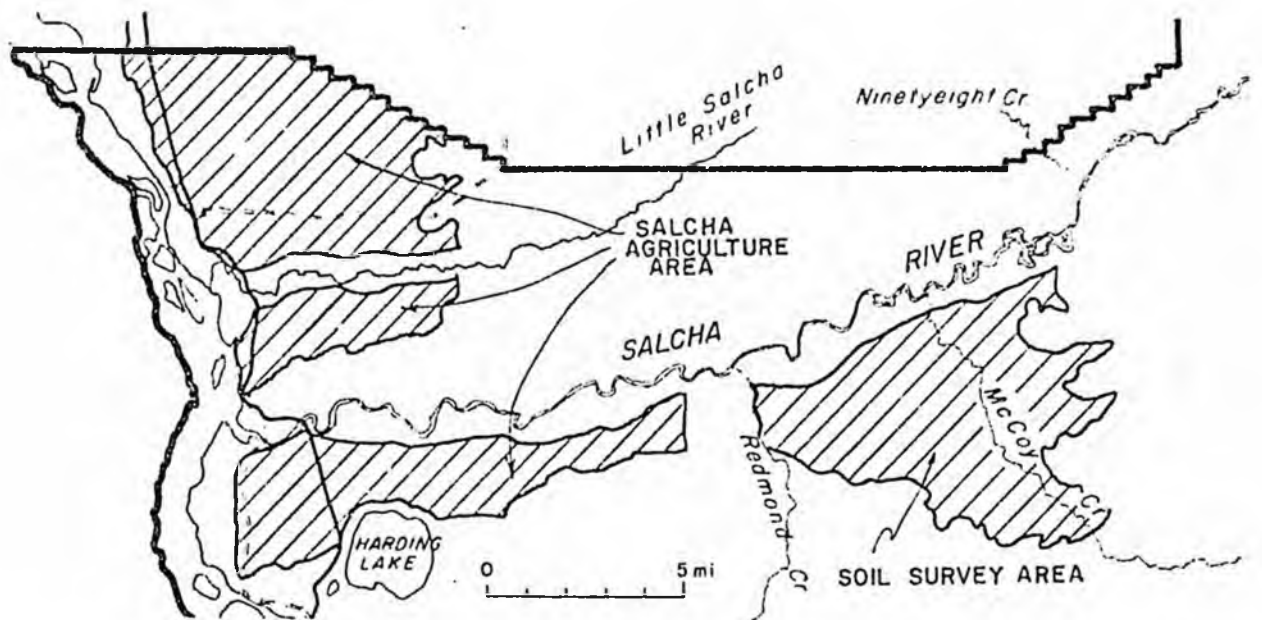
29       (4) "director" means the director of the division of agricul-

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ture.

\* Sec. 11. This Act takes effect immediately in accordance with AS 01.10.070(c).

# THE DELTA LAND MANAGEMENT PLANNING STUDY



FORM 02-0018C  
FOR BRIEF COMMUNICATIONS  
MAY BE HANDWRITTEN

# MEMORANDUM

## State of Alaska

TO:  *Legislative Affairs*

DEPT. \_\_\_\_\_  
DIV. \_\_\_\_\_  
SEC. \_\_\_\_\_

DATE : *4-15-77*

FROM:

*Rebecca Enger  
House Finance*

SUBJECT: *CSHB 353*

*Please make the changes indicated  
on page 5 and page 9 and return  
to me in Room 411 as soon as possible*

Original sponsor: Swanson, Beirne,  
Bennett, et al

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 353

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the creation of agricultural  
7 development projects; and providing for an effective  
8 date."

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

10 \* Section 1. AS 38 is amended by adding a new chapter to read:

11 CHAPTER 08. AGRICULTURAL DEVELOPMENT PROJECTS.

12 ARTICLE 1. ADMINISTRATION.

13 Sec. 38.08.010. LEGISLATIVE FINDING AND POLICY. (a) The legisla-  
14 ture finds, determines and declares that

15 (1) a sound and sustained agricultural production, processing  
16 and marketing industry is necessary to the healthy economic life and  
17 future well-being of Alaska;

18 (2) no geographic entity has ever attained lasting greatness  
19 through extractive resource production alone;

20 (3) the agricultural potential of Alaska is perhaps the  
21 single most significant prospect for a stable future;

22 (4) the land potentially capable of sustaining agricultural  
23 production in Alaska covers millions of acres throughout the various  
24 regions;

25 (5) agriculture, as a resource management tool, could provide  
26 a large percentage of the state's basic consumer needs in food, fiber,  
27 industrial raw materials, and aesthetic products at a reasonable price.

28 (b) It is declared to be the policy of the state, in the interests  
29 of promoting the health, security and general ~~welfare~~ <sup>benefit</sup> of all the people

1 of the state, and a public purpose, to increase job opportunities and  
2 otherwise to encourage the economic growth of the state, to stimulate  
3 agricultural production as a renewable resource so that the people of  
4 Alaska can produce a substantial portion of their food for Alaskan and  
5 export markets, and to place state, federal, national and private  
6 agricultural land into production, by granting powers, duties, and  
7 functions as provided in this chapter:

8 Sec. 38.08.020. POWERS AND DUTIES OF THE DIRECTOR. The director  
9 shall

10 (1) manage, inspect and control state land and improvements  
11 on it belonging to the state and under the jurisdiction of the division;

12 (2) execute laws, regulations and orders adopted by the  
13 commissioner;

14 (3) prescribe application procedures and practices for the  
15 sale of an interest in land under the jurisdiction of the division;

16 (4) prescribe fees or service charges, with the consent of  
17 the commissioner, for any public service rendered;

18 (5) under the conditions and limitations imposed by law ~~and~~  
19 ~~the commissioner~~, issue deeds or other conveyances disposing of an  
20 interest in land under the jurisdiction of the division;

21 (6) have jurisdiction over state land located within an  
22 agricultural development project under this chapter; to this end the  
23 director possesses the powers and, with the approval of the commis-  
24 sioner, shall perform the duties necessary to protect the state's rights  
25 and interest in state land, including the taking of all necessary action  
26 to protect and enforce the state's contractual or other property rights;

27 (7) maintain such records as the commissioner considers  
28 necessary, administer oaths, and do all things incidental to the author-  
29 ty imposed; cost data and financial information submitted in support of

1 applications shall be kept confidential;

2 (8) account for the fees or other money received in the ad-  
3 ministration of this chapter including the sale of an interest in land,  
4 identify their source, and promptly transmit them to the proper fiscal  
5 department after crediting them to the proper fund; receipts from land  
6 application filing fees and charges for copies of maps and records shall  
7 be deposited immediately in the general fund of the state by the direc-  
8 tor;

9 (9) select and employ or obtain at reasonable compensation  
10 cadastral, appraisal, or other professional personnel he considers  
11 necessary for the proper operations of the division;

12 (10) adopt regulations necessary to administer the provisions  
13 of this chapter.

14 ARTICLE 2. DISPOSAL OF LAND.

15 Sec. 38.08.030. REVIEW, DESIGNATION AND APPROVAL. (a) The direc-  
16 tor with respect to land available for disposal by the state and  
17 classified for agricultural use, shall

18 (1) identify land suitable for large-scale agricultural  
19 development projects under this chapter;

20 (2) determine whether the project, if developed under this  
21 chapter, will be economically advantageous to the state and the general  
22 public ~~welfare~~<sup>benefit</sup> and will contribute to the economic growth of the state;

23 (3) determine whether provision to meet increased demand upon  
24 public facilities, including utilities and public access routes, that  
25 would result from the designation of a project is reasonably assured;

26 (4) recommend annually, but not later than October 1 of each  
27 year, that the commissioner designate land available for disposal by the  
28 state and identified as suitable for development under (1) of this  
29 subsection as an agricultural development project.

1 (b) The commissioner shall with respect to a recommendation made  
2 under (a)(4) of this section transmit a report containing the infor-  
3 mation required under (a)(4) of this section to those local governing  
4 bodies and regional corporations entitled to notice and review under AS  
5 38.05.305.

6 (c) Within 10 days of the convening of the regular legislative  
7 session, the commissioner shall transmit to the president of the senate  
8 and the speaker of the house of representatives

9 (1) a report containing the identifications, determinations  
10 and recommendations required under (a) of this section;

11 (2) a report containing the department's findings concerning  
12 the recommendation made under (a)(4) of this section; and

13 (3) a copy of comments received, if any, from a local govern-  
14 ing body or regional corporation under AS 38.05.305.

15 (d) The commissioner shall, unless he makes a finding within 30  
16 days after receipt of the director's recommendation that the deter-  
17 mination under (a)(2) of this section is arbitrary and not in the best  
18 interests of the state, designate the project as an agricultural develop-  
19 ment project under this chapter and issue an order describing the land  
20 within the boundaries of the project and placing that land under the  
21 jurisdiction of the division of agriculture unless the legislature by  
22 concurrent resolution disapproves the report of the commissioner under  
23 (c) of this section within 30 legislative days of the transmittal of  
24 the report, or the end of the session, whichever occurs first. A  
25 decision by the legislature to disapprove a proposal under this chapter  
26 shall be accompanied by a recommendation to the commissioner with re-  
27 spect to future actions which he and the director should take concerning  
28 the proposal.

29 Sec. 38.08.040. SALE OF AGRICULTURAL DEVELOPMENT LAND. (a) The

1 director shall sell an interest in land only for agricultural purposes,  
2 and all other interests in the land remain in the state; the sale shall  
3 be by direct negotiation with an individual selected under sec. 50 of  
4 this chapter, and the price <sup>shall be</sup> ~~may not be greater~~ than the pro rata share  
5 of the costs incurred by the state in surveying, clearing, breaking, and  
6 administering the sale of the agricultural rights to land within the  
7 project. The terms of the sale shall be set by regulation adopted  
8 under AS 44.62 for each project designated under sec. 30(d) of this  
9 chapter. The director shall divide the agricultural development land  
10 into parcels that will assure the creation of economical farm units.

→ insert  
11 (b) The remaining interests held by the state may not subsequently  
12 be sold by the director, ~~and will be held in perpetuity by the state.~~

13 (c) A subsequent conveyance, assignment or lease of an interest in  
14 land sold under (a) of this section shall be conditioned upon the prior  
15 approval of the director.

16 (d) Consideration paid by a grantee for a subsequent conveyance,  
17 assignment or lease interest in land sold under (a) of this section may  
18 not be more than the agricultural use value as determined by the direc-  
19 tor.

20 Sec. 38.08.050. SELECTION OF QUALIFIED INDIVIDUALS. (a) The  
21 director shall, after designation of a project under sec. 30(d) of this  
22 chapter, publicly solicit applications from individuals desiring to  
23 participate in the development of a project under this chapter.

24 (b) <sup>insert</sup> ~~The director, after consultation with local farm groups within~~  
25 ~~the agricultural development project, shall~~ select individuals who have  
26 applied for participation in a project and who are best qualified, to  
27 successfully farm the land located within a project. The director shall  
28 sell the agricultural rights in land under sec. 40 of this chapter to  
29

1 individuals selected under (a) of this section. Individuals who have  
2 been residents for a minimum of five years before the sale under sec. 50  
3 of this chapter shall be given a preference under this subsection.

4 ARTICLE 3. FINANCIAL PROVISIONS.

5 Sec. 38.08.060. AGRICULTURAL DEVELOPMENT PROJECT REVOLVING FUND.

6 There is established an agricultural development project revolving fund  
7 which shall be administered by the director under the supervision of the  
8 commissioner exclusively for the purposes of this chapter. The fund is  
9 composed of money appropriated by the legislature to it and any other  
10 money made available for the purposes of this chapter.

11 Sec. 38.07.070. ACCOUNTS AND DEPOSIT. The commissioner of revenue  
12 is ex officio the treasurer and custodian of the fund and shall admin-  
13 ister it as directed by the director under the supervision of the com-  
14 missioner. The director shall transmit all money received for the sale  
15 of agricultural rights in land located within an agricultural develop-  
16 ment project to the commissioner of revenue for deposit in the fund.

17 Sec. 38.08.080. REPAYMENT TO GENERAL FUND. All money made avail-  
18 able to the fund from the general fund or a special fund is a loan from  
19 the general fund or the special fund. All surplus at the end of a  
20 fiscal year over amounts made available to the fund from the general  
21 fund or from any special fund shall be repaid to the general fund or the  
22 special fund until the loan is repaid in full. Repayments need not  
23 begin until after the first five complete fiscal years after the fund is  
24 created.

25 Sec. 38.03.090. EXPENDITURES FROM THE FUND. The director, with  
26 the approval of the commissioner, may expend money from the fund to  
27 contract for the clearing, breaking and draining of land under  
28  
29

1 AS 38.07.040 if the land to be cleared or drained is located within an  
2 agricultural development project under this chapter.

3 Sec. 38.08.100. LOAN GUARANTEES. (a) The director may enter into  
4 agreements with private banks, other lending institutions and indivi-  
5 duals to guarantee loans made for farm development and operations,  
6 storage and processing of farm produce, livestock and machinery, and to  
7 individuals, partnerships or corporations, for storage and processing  
8 plants for agricultural products, transportation and access for those  
9 products and necessary utilities.

10 (b) The guarantees under (a) of this section may not exceed 90 per  
11 cent of the amount loaned, and the loan shall be secured by acceptable  
12 collateral and may not exceed 90 per cent of the appraised value of the  
13 collateral offered as security. The director shall by regulation set  
14 the interest rate and terms acceptable for loans guaranteed under this  
15 section.

16 Sec. 38.08.105. DEFINITIONS. In this chapter

17 (1) "commissioner" means the commissioner of the Department  
18 of Natural Resources;

19 (2) "director" means the director of the division of agri-  
20 culture, Department of Natural Resources;

21 (3) "interest in land only for agricultural purposes" means  
22 fee simple ownership of land conditioned upon the right of the owner to  
23 develop the land only for production of plants and animals useful to man  
24 including forage and sod crops, grains and feed crops, dairy and dairy  
25 products, livestock including breeding and grazing, fruits, vegetables,  
26 and other similar uses and activities; a structure or improvement may  
27 not be placed on the land except for use as a single-family dwelling of  
28 the owner or one that is consistent with agricultural operations.

29 ARTICLE 4. DELTA-CLEARWATER-TANANA LOOP

1 AGRICULTURAL DEVELOPMENT PROJECT.

2 Sec. 38.08.110. LEGISLATIVE FINDINGS AND DESIGNATION. (a) Under  
3 the authority granted by art. VIII, secs. 6, 8, and 9 of the Alaska  
4 State Constitution, the legislature finds

5 (1) that all preliminary identifications and determinations  
6 required under sec. 30(a)(1) - (4) of this chapter concerning the  
7 Delta-Clearwater-Tanana Loop agricultural development project as de-  
8 scribed in sec. 110 of this chapter have been satisfied as evidenced by  
9 a report entitled "Potential Barley Production in the Delta-Clearwater  
10 area of Alaska" and Volumes I, II and IV of the "Delta Land Management  
11 Study" prepared by the division of lands;

12 (2) that sec. 30(b)(1) of this chapter has been satisfied and  
13 that notice and review of the proposed action to create the Delta-  
14 Clearwater-Tanana Loop agricultural development project as described in  
15 sec. 120 of this chapter is unnecessary unless a local governing body or  
16 regional corporation entitled to notice and review under AS 38.05.305  
17 enacts a resolution objecting to the designation of the project within  
18 30 days after the effective date of this section.

19 (b) The Delta-Clearwater-Tanana Loop agricultural development  
20 project as described in sec. 120 of this chapter is designated an agri-  
21 cultural development project under this chapter. The review and desig-  
22 nation required under sec. 30(c) and (d) of this chapter are waived  
23 through exercise of the authority granted to the legislature under art.  
24 VIII, secs. 6, 8, and 9 of the Alaska State Constitution.

25 Sec. 38.08.120. PROJECT DESCRIPTION. The lands designated as the  
26 Delta-Clearwater-Tanana Loop agricultural development project and  
27 limited to agricultural use are those within the following described  
28 parcels:

29 (1) Township 10 South, Range 12 East, Fairbanks Meridian

- 1 Section 26: NW1/4 of NW1/4, SW1/4 of NW1/4, SW1/4
- 2 Section 31: E1/2 of SW1/4, SE1/4
- 3 Section 32: S1/2
- 4 Section 33: S1/2
- 5 Section 34: S1/2
- 6 Section 35: NW1/4, NW1/4 of NE1/4, S1/2 of NE1/4, S1/2
- 7 Section 36: W1/2 of SW1/4, W1/2 of SE1/4 of SW1/4
- 8 (2) Township 11 South, Range 12 East, Fairbanks Meridian
- 9 Section 1: NW1/4, SW1/4 of NE1/4, W1/2 of SE1/4 of
- 10 NE1/4, SW1/4, W1/2 of SE1/4, W1/2 of NE1/4 of
- 11 SE1/4, W1/2 of SE1/4 of SE1/4
- 12 Sections 2 - 5
- 13 Section 6: NE1/4, NE1/4 of NW1/4, SE1/4 of NW1/4,
- 14 NE1/4 of SW1/4, SE1/4 of SW1/4, SE1/4
- 15 Section 7: NE1/4 of SW1/4, SE1/4 of SW1/4, SE1/4
- 16 Sections 8 - 16
- 17 Section 17: North of Alaska Highway Right-of-Way
- 18 Section 18: North of Alaska Highway Right-of-Way
- 19 ~~Section 19:~~ " " " "
- 20 Section 20: North of Alaska Highway Right-of-Way
- 21 Section 21: North of Alaska Highway Right-of-Way
- 22 Section 22: North of Alaska Highway Right-of-Way
- 23 Sections 23 - 25: North of Alaska Highway Right-of-Way
- 24 Section 26: North of Alaska Highway Right-of-Way
- 25 ~~Section 26: South of Alaska Highway Right-of-Way~~
- 26 Section 27: North of Alaska Highway Right-of-Way
- 27 Section 27: South of Alaska Highway Right-of-Way and
- 28 East of a line from SW corner of 27 to NE corner
- 29 of 27
- ~~Section 33: East of a line from SW corner of 33 to NE~~

corner of 33

Section 34

Section 35: ~~South of Alaska Highway Right-of-Way~~ North  
of Alaska Highway Right-of-Way

Section 36: ~~South of Alaska Highway Right-of-Way~~ North  
of Alaska Highway Right-of-Way

(3)

Insert <sup>Ty count.</sup> →

A 4.84 square mile parcel of land lying south of the Alaska Highway and north of the northern boundary of the Fort Greely Military Reservation more particularly described as follows:

- Beginning at the Alaska Highway crossing of Rhoads Creek in Sec. 26, T11S, R12 E, F.M.;
- Thence southwesterly up Rhoads Creek approximately 1.0 miles to a point 2,376' north and 1,056' west of the SE corner of Sec. 34, T11S, R12 E, F.M.;
- Thence northwesterly along the northern boundary of the Fort Greely Military Reservation approximately 4.4 miles to a point 1,056' south of the NW corner of Sec. 19, T11S, R12 E, F.M.;
- Thence northerly along the range line approximately 1.2 miles to the Alaska Highway;
- Thence southeasterly along the Alaska Highway approximately 5.28 miles to the point of beginning.

(4) Township 11 South, Range 14 East, Fairbanks Meridian  
Section 5: South of line from NE corner of 5 to SW corner of 5 and South of a line from NW corner of 5 to SE corner of 5

1 Section 6: South of a line from SE corner of 6 to  
2 NW corner of 6

3 Sections and 8

4 Section 9: NW1/4 of NW1/4, S1/2 of NW1/4, SW1/4

5 Section 16: W1/2

6 Sections 17 - 20

7 Section 21: W1/2 of NE1/4, SE1/4, W1/2

8 Section 22: SW1/4 of SW1/4

9 Section 26: NW1/4 of SW1/4, SW1/4 of SW1/4

10 Section 27: NW1/4, SW1/4, SE1/4

11 Sections 28 - 34

12 Section 35: W1/2

13 (6) Township 12 South, Range 12 East, Fairbanks Meridian

14 ~~Section 1: North of a line 1 1/4 miles South and~~  
15 ~~parallel to the Alaska Highway Right-of-Way~~

16 ~~Section 2: North of a line 1 1/4 miles South and~~  
17 ~~parallel to the Alaska Highway Right-of-Way~~

18 Section 12: NE1/4 of NE1/4

19 (7) Township 12 South, Range 13 East, Fairbanks Meridian

20 Sections 1 - 4: Excluding T. and M. site in S1/2 and  
21 North of Alaska Highway Right-of-Way

22 Section 5: North of Alaska Highway Right-of-Way and  
23 excluding T. and M. site in NE1/4

24 ~~Section 5: South of Alaska Highway Right-of-Way~~

25 Section 6: North of Alaska Highway Right-of-Way and  
26 South of Alaska Highway Right-of-Way

27 ~~Section 7: North of a line 1 1/4 miles South and~~  
28 ~~parallel to the Alaska Highway Right-of-Way~~

29 ~~Section 8: North of a line 1 1/4 miles South and~~

1 ~~parallel to the Alaska Highway Right-of-Way~~

2 Section 9: ~~South of Alaska Highway Right-of-Way and~~  
3 North of Alaska Highway Right-of-Way excluding  
4 T. and M. site in NE1/4

5 Section 10: North of Alaska Highway Right-of-Way and  
6 ~~South of Alaska Highway Right-of-Way~~, excluding  
7 T. and M. site in the SE1/4 of section 10

8 Sections 11 and 12

9 Section 13: North of Alaska Highway Right-of-Way

10 Section 14: North of Alaska Highway Right-of-Way

11 ~~Section 15: NW1/4, SW1/4, SE1/4~~

12 ~~Section 16: North of line 1 1/4 miles South and~~  
13 ~~parallel to the Alaska Highway Right-of-Way~~

14 ~~Section 22: NW1/4, North of a line 1 1/4 miles South~~  
15 ~~and parallel to Alaska Highway Right-of-Way~~

16 Section 24. North of Alaska Highway Right-of-Way

17 <sup>8</sup>  
(P) Township 12 South, Range 14 East, Fairbanks Meridian

18 Section 2: NW1/4, W1/2 of SW1/4, W1/2 of NE1/4 of  
19 SW1/4, W1/2 of SE1/4 of SW1/4

20 Sections 3 - 10

21 Section 11: W1/2 NW1/4, W1/2 of SW1/4

22 Section 14: W1/2 of NW1/4, SW1/4, W1/2 of SW1/4  
23 of SE1/4

24 Sections 15 - 18

25 ~~Section 19: North of Alaska Highway Right-of-Way~~

26 ~~Section 19: South of Alaska Highway Right-of-Way~~

27 Sections 20 - 23

28 Section 25: W1/2 of NW1/4, W1/2 of SE1/4 of NW1/4,  
29 W1/2 of NE1/4 of SW1/4, W1/2 of SW1/4, SE1/4

1 of SW1/4

2 Sections 26 and 27

3 Section 28: North of Alaska Highway Right-of-Way

4 ~~Section 28: South of Alaska Highway Right-of-Way~~

5 Section 29: North of Alaska Highway Right-of-Way

6 ~~Section 29: South of Alaska Highway Right-of-Way~~

7 ~~Section 30: NE1/4, N1/2 of SE1/4~~

8 ~~Section 32: E1/2 of NW1/4, NE1/4, N1/2 of SE1/4~~

9 ~~Section 33: Excluding Alaska Highway Right-of-Way~~

10 ~~Section 34: Excluding Alaska Highway Right-of-Way~~

11 ~~Section 35: Excluding Alaska Highway Right-of-Way~~

12 Section 36: W1/2

13 <sup>9</sup>  
(8) Township 8 South, Range 10 East, Fairbanks Meridian

14 Section 36: S1/2

15 <sup>10</sup>  
(8) Township 9 South, Range 10 East, Fairbanks Meridian

16 Section 1: NE1/4

17 Section 2: W1/2

18 Section 3: E1/2, S1/2 of SW1/4

19 Section 9: N1/2, NE1/4 of SW1/4, N1/4 of SE1/4

20 Section 10

21 Section 11: W1/2

22 Section 11: SE & SW1/4 of SE1/4

23 Section 12: W1/2 & SE1/4

24 Sections 13 - 15

25 Section 22: N1/2 & SE1/4

26 Sections 23 - 26

27 Sections 35 and 36

28 <sup>11</sup>  
(10) Township 10 South, Range 10 East, Fairbanks Meridian

29 Section 2: NE1/4 of NW1/4, NW1/4 of NE1/4, NE1/4 of

1                   NE1/4, SE1/4 of NE1/4, E1/2 of SW1/4 of NE1/4,  
2                   E1/2, NW1/4 of SE1/4, NE1/4 of SE1/4, SE1/4 of  
3                   SE1/4

4                   <sup>12</sup>  
(11) Township 9 South, Range 11 East, Fairbanks Meridian  
5                   Section 6: NW1/4 of NW1/4, S1/2 of NW1/4, N1/2 of  
6                   NE1/4 of SW1/4, E1/2 of NW1/4 of SW1/4

7                   Section 7: SW1/4 of NW1/4, SW1/4, SW1/4 of SE1/4,  
8                   SE1/4 of SE1/4

9                   Section 17: NW1/4 of NW1/4, S1/2 of NW1/4, SW1/4,  
10                   SW1/4 of SE1/4

11                   Sections 18 - 20

12                   Sections 29 - 31

13                   Section 32: NW1/4, W1/2 of NE1/4, SW1/4, SE1/4

14                   <sup>13</sup>  
(12) Township 10 South, Range 11 East, Fairbanks Meridian  
15                   Section 6: NW1/4, NE1/4, N1/2 of NW1/4 of SW1/4, N1/2  
16                   of NE1/4 of SW1/4, N1/2 of NW1/4 of SE1/4, N1/2  
17                   of NE1/4 of SE1/4

18                   Sec. 38.08.130. PUBLIC HIGHWAY RIGHT-OF-WAY. All rights-of-way .  
19                   for public highways under AS 19.10.010 not in use on the effective date  
20                   of this section and located within the boundaries of the Delta-Clear-  
21                   water-Tanana Loop agricultural development project as described in sec.  
22                   120 of this chapter remain in effect, An agricultural production area  
23                   established within the project as described in sec. 120 of this chapter  
24                   may utilize the public right-of-way for agricultural production. If the  
25                   public right-of-way is needed for public use, the owner or lessee of the  
26                   land encumbered by the right-of-way shall be compensated for agricultural  
27                   development land necessary for the public use.

28                   \* Sec. 2. AS 03.10.050(a) is amended to read:

29                   (a) The director of the division of agriculture [COMMISSIONER]

1 shall administer the loan fund in conjunction with the agricultural  
2 revolving loan fund board. No loan in excess of \$100,000 [\$25,000] may  
3 be made by the director [COMMISSIONER] without the approval of a major  
4 ity of the board.

5 \* Sec. 3. AS 38.05.020(a) and (b) are amended to read:

6 (a) The commissioner shall supervise the administration of the  
7 land and agriculture divisions [DIVISION].

8 (b) The commissioner may

9 (1) establish reasonable procedures and adopt reasonable  
10 rules and regulations necessary to carry out this chapter and may, when  
11 ever necessary, issue directives or orders to the directors [DIRECTOR]  
12 to carry out specific functions and duties; all rules and regulations  
13 adopted by the commissioner shall be adopted under the Administrative  
14 Procedure Act (AS 44.62); orders by the commissioner classifying lands  
15 issued after January 3, 1959, are not required to be adopted under the  
16 Administrative Procedure Act (AS 44.62);

17 (2) enter into agreements which he considers necessary to  
18 carry out the purposes of this chapter and ch. 8 of this title, includ-  
19 ing agreements with federal and state agencies;

20 (3) review any order or action of the directors [DIRECTOR];

21 (4) exercise the powers and do the acts necessary to carry  
22 out the provisions and objectives of this chapter and ch. 8 of this  
23 title;

24 (5) notwithstanding the provisions of any other section of  
25 this chapter or ch. 8 of this title, grant an extension of the time  
26 within which payments due on any lease or sale of state land, minerals,  
27 or materials may be made, including payment of rental and royalties, if  
28 he finds that compliance with the requirements is or was prevented by  
29 reason of war, riots, or acts of God.

1 \* Sec. 4. AS 38.05.030 is amended by adding a new subsection to read:

2 (f) The sale of an interest in state lands available for disposal  
3 by the state and classified for agricultural use and located within a  
4 project under ch. 8 of this title shall be under the jurisdiction of the  
5 director of the division of agriculture.

6 \* Sec. 5. AS 38.05.035(7) is amended to read:

7 (7) have jurisdiction over state lands, except for those  
8 lands located within an agricultural development project under ch. 8 of  
9 this title and those lands acquired by the Alaska World War II Veterans  
10 Board and the Agricultural Loan Board or the departments or agencies  
11 succeeding to their respective functions through foreclosure or default;  
12 to this end the director possesses the powers and, with the approval of  
13 the commissioner, shall perform the duties necessary to protect the  
14 state's rights and interest in state lands, including the taking of all  
15 necessary action to protect and enforce the state's contractual or other  
16 property rights;

17 \* Sec. 6. AS 38.05.045 is amended to read:

18 Sec. 38.05.045. GENERALLY. All lands owned in fee by the state or  
19 to which the state may become entitled, excepting tide, submerged or  
20 shorelands, [AND] timber or grazing lands, and lands located within an  
21 agricultural development project under ch. 8 of this title may be sold  
22 as provided in secs. 45 - 69 of this chapter. However, this section  
23 does not prevent the disposition of lands as provided in secs. 300 - 348  
24 of this chapter.

25 \* Sec. 7. AS 38.07.010 is amended to read:

26 Sec. 38.07.010. SELECTION AND LEASE. (a) The director [COMMISS-  
27 SIONER] may select areas of state land classified as agricultural and  
28 contract for the land to be cleared, broken or drained [OR BOTH] at state  
29 expense. In thi selection and contracting, the commissioner shall be

1 guided by the recommendations of the U.S. Soil Conservation Service.

2 (b) The land thus cleared or drained shall be put up for competi-  
3 tive lease in lots that are determined to be economical farm units by  
4 the director [OF NOT LESS THAN 320 ACRES EACH].

5 \* Sec. 8. AS 38.07.020(a) is amended to read:

6 (a) Except as provided in (e) of this section, the [THE] lease in  
7 sec. 10(b) of this chapter shall be for 10 years with an option for a  
8 five-year renewal.

9 \* Sec. 9. AS 38.07.020 is amended by adding a new subsection to read:

10 (c) This section does not apply to the clearing, breaking or  
11 draining of lands within an agricultural development project under ch. 8  
12 of this title. The provisions for sale of agricultural rights under  
13 that chapter will control.

14 \* Sec. 10. AS 38.07.060 is amended by adding a new paragraph to read:

15 (4) "director" means the director of the division of agricul-  
16 ture.

17 \* Sec. 11. This Act takes effect immediately in accordance with AS 01.-  
18 10.070(c).

Amendment to HB 353

Insert:

local soil conservation  
sub-districts,

The director shall, after consultation with but not limited to,  
local farm representatives, chamber of commerces, ad hoc agricul-  
tural groups that reside within a close vicinity to the proposed  
agricultural project ~~shall select~~. . . .

THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 353  
 Title Act providing for creation of agricultural development projects  
 Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Natural Resources  
 Program Category Affected NRMEC  
 Budget Request Unit(s) Affected Division of Agriculture

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES	450.0					
200 TRAVEL	10.0					
300 CONTRACTUAL	5.0					
400 COMMODITIES	5.0					
500 EQUIPMENT	10.0					
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.	1000.0					
TOTAL	1480.0					

FUNDING (Thousands of Dollars)

GENERAL FUND	1480.0					
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME	13.0					
PART TIME						
TEMPORARY						

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

1. General administration and purchase selection process: 3 people
2. Agricultural Development project revolving fund: \$1,000,000 start-up
3. Land management office: 10 people

IV. DATE March 29, 1977 PREPARED BY Ted Smith  
 AGENCY Dept. of Natural Resources, Div. of Lands  
 Original: Legislative Finance PHONE \_\_\_\_\_  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

Introduced: 3/15/77  
Referred: Finance

BY SWANSON, BEIRNE, BENNETT,  
COWPER, DANKWORTH, HAYES, OSE,  
PARR AND KELLY

1 IN THE HOUSE

2 HOUSE BILL NO. 353

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the creation of agricultural  
7 development projects; and providing for an effective  
8 date."

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

10 \* Section 1. AS 38 is amended by adding a new chapter to read:

11 CHAPTER 08. AGRICULTURAL DEVELOPMENT PROJECTS.

12 ARTICLE 1. ADMINISTRATION.

13 Sec. 38.08.010. LEGISLATIVE FINDING AND POLICY. (a) The legisla-  
14 ture finds, determines and declares that

15 (1) a sound and sustained agricultural production, processing  
16 and marketing industry is necessary to the healthy economic life and  
17 future well-being of Alaska;

18 (2) no geographic entity has ever attained lasting greatness  
19 through extractive resource production alone;

20 (3) the agricultural potential of Alaska is perhaps the  
21 single most significant prospect for a stable future;

22 (4) the land potentially capable of sustaining agricultural  
23 production in Alaska covers millions of acres throughout the various  
24 regions;

25 (5) agriculture, as a resource management tool, could provide  
26 a large percentage of the state's basic consumer needs in food, fiber,  
27 industrial raw materials, and aesthetic products at a reasonable price;

28 (6) agricultural use of state land can serve to protect the  
29 integrity of watersheds, establish open space for the enjoyment of all