

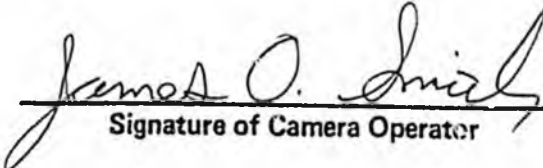
ALASKA LEGISLATURE COMMITTEES 1983-1988 80/2

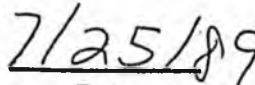
3410 HJUD SB 269 88



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THE LEGISLATURE

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May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

| | | |
|-----------------|---------|---------|
| House Judiciary | 4/28/86 | 1:30 pm |
| " " | 4/29/86 | 1:30 pm |
| " " | 5/7/86 | 1:30 pm |

HOUSE
COMMITTEE REPORT

(11)

Date referred: 3/19/86

FURTHER REFERRALS: FINANCE

(Judiciary added 3.19)

DATE: _____

The JUDICIARY Committee has considered CSSB 269 (Res)

"An Act relating to cabins on state land; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with H CS CS SB 269 (Jud) same title
- new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

~~_____~~

Adrian L. Taylor

SIGNING OTHER RECOMMENDATIONS:

Chairman

Bradley
5/7/86 ✓

Original sponsors: Bennett, Ferguson
and Coghill

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 269 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to cabins on state land; and provid-
7 ing for an effective date."

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

9 * Section 1. LEGISLATIVE PURPOSE. (a) The legislature determines that
10 it is in the public interest to create the Alaska Public Use Cabin System
11 and place within that system cabins owned or built by the state on the
12 reserved or unreserved public land of the state and that the system be
13 managed for the benefit of the residents of the state and visitors to the
14 state.

15 (b) It is further in the public interest to allow persons who are
16 able to demonstrate historic use and occupancy of cabins on state land to
17 purchase the land to resolve land conflicts; to ensure the legally protect-
18 ed use and enjoyment of cabins; and to provide for the continued existence
19 of emergency shelters in remote areas.

20 * Sec. 2. (a) Except as otherwise provided in this section, on the
21 application before June 1, 1988, of a person who can demonstrate the his-
22 toric use and occupancy of a cabin on state land and investments in the
23 cabin before December 31, 1974, and continuing through June 1, 1986, the
24 commissioner of natural resources shall sell not to exceed one acre of
25 state land occupied by the cabin, if the land was not closed to entry under
26 applicable federal or state law at the time the cabin was constructed, un-
27 less the commissioner makes a written best interest finding based on clear
28 and convincing evidence that a land or resource management conflict exists.

29 (b) The land shall be sold for the fair market value of the land as

1 determined by the commissioner on the date of the approval of the applica-
2 tion. The applicant shall pay the costs of appraisal, public notice, and
3 surveying the land.

4 (c) Except as provided in (e) of this section, on the application
5 before June 1, 1988, of a person who can demonstrate the historic use and
6 occupancy of a cabin on state land and investments in the cabin before
7 December 31, 1974, and continuing through June 1, 1986, the commissioner
8 may sell the state land occupied by a cabin within an area that was with-
9 drawn under AS 41 after the cabin was built. The land may not be sold if
10 the state land was withdrawn under AS 41 before the cabin was built. The
11 use of the cabin and the land may not exceed the use that existed at the
12 time the land was withdrawn under AS 41.

13 (d) The commissioner may not sell land occupied by a cabin within an
14 area withdrawn under AS 16.

15 (e) The commissioner may not sell land occupied by a cabin within
16 mental health trust land or school land of the state.

17 (f) If the cabin is located on state land that is adjacent to a body
18 of water, the commissioner shall reserve a 50-foot easement for public
19 access above the mean high water line. The commissioner may establish
20 reasonable restrictions in the grant of the land at the time of sale or
21 under AS 38.05.037(a) on the use, access to, and the transfer of the land
22 sold under this section, including a restriction against the commercial use
23 of the cabin.

24 (g) A cabin on land that may be sold under this section may not be
25 acquired or removed by the commissioner before June 1, 1988; a cabin that
26 has been applied for under this section may not be acquired or removed
27 until the application has been adjudicated and unless the application is
28 denied.

29 * Sec. 3. AS 41.21.020(a) is amended to read:

1 (a) The Department of Natural Resources shall

2 (1) develop a continuing plan for the conservation and
3 maximum use in the public interest of the scenic, historic, archae-
4 ologic, scientific, biological, and recreational resources of the
5 state;

6 (2) plan for and develop a system of state parks and
7 recreational facilities, to be established as the legislature author-
8 izes and directs;

9 (3) acquire by gift, purchase, or transfer from state or
10 federal agencies, or from individuals, corporations, partnerships or
11 associations, land necessary, suitable and proper for roadside, pic-
12 nic, recreational, or park purposes;

13 (4) control, develop and maintain state parks and recre-
14 ational areas;

15 (5) provide for the acquisition, care, control, super-
16 vision, improvement, development, extension, and maintenance of
17 public recreational land, and make necessary arrangements, contracts,
18 or commitments for the improvement and development of land acquired
19 under AS 41.21.010 - 41.21.040;

20 (6) adopt, in accordance with this section and the Admin-
21 istrative Procedure Act (AS 44.62), regulations governing the use and
22 designating incompatible uses within the boundaries of state park and
23 recreational areas to protect the property and to preserve the peace;

24 (7) cooperate with the United States and its agencies and
25 local subdivisions of the state to secure the effective supervision,
26 improvement, development, extension, and maintenance of state parks,
27 state monuments, state historical areas, and state recreational areas,
28 and secure agreements or contracts for the purpose of AS 41.21.010 -
29 41.21.040;

1 (8) encourage the organization of state public park and
2 recreational activities in the local political subdivisions of the
3 state;

4 (9) provide for consulting service designed to develop
5 local park and recreation facilities and programs;

6 (10) provide clearing-house services for other state agen-
7 cies concerned with park and recreation matters; [AND]

8 (11) perform other duties as are prescribed by executive
9 order or by law;

10 (12) maintain memorials to Alaska veterans located in state
11 parks;

12 (13) adopt, in accordance with the Administrative Procedure
13 Act (AS 44.62), regulations governing the use of the Chena River State
14 Recreation Area and designating incompatible uses within the bound-
15 aries of the Chena River State Recreation Area in accordance with
16 AS 41.21.490;

17 (14) manage the cabins owned by the state under AS 41.21.-
18 880.

19 * Sec. 4. AS 41.21. is amended by adding a new section to article 7 to
20 read:

21 Sec. 41 21.880. PUBLIC USE CABINS. (a) There is established a
22 system of public use cabins to be managed by the commissioner and
23 called the Alaska Public Use Cabin System. The commissioner shall
24 publicize the existence of the public use cabins and shall establish a
25 reservation system for the cabins.

26 (b) The commissioner shall establish a fee schedule for the use
27 of the cabins. Fees collected under this subsection shall be deposit-
28 ed in the general fund. The commissioner of administration shall
29 separately account for fees collected and deposited by the

1 commissioner under this subsection. The annual estimated balance in
2 the account may be appropriated by the legislature to the Department
3 of Natural Resources to carry out the purposes of this section. In
4 establishing the fees, the commissioner shall consider

5 (1) the cost to the state of building, renovating, and
6 maintaining the cabins;

7 (2) the cost of administering reservations and collecting
8 the fees for the use of the cabins; and

9 (3) the public interest.

10 (c) Within available appropriations, the commissioner may build
11 or acquire cabins for inclusion in the cabin system. Under state
12 contracting procedures the commissioner may contract for the construc-
13 tion, rehabilitation, operation, and maintenance of cabins within the
14 system.

15 (d) The commissioner may cooperate with local groups with state
16 and federal agencies to maintain and improve the cabin system. The
17 commissioner shall evaluate existing and potential cabin sites and
18 conduct resource planning and public review in the process of des-
19 ignating cabins into the system. The commissioner may develop an
20 operational plan for the renovation, construction, or removal of
21 cabins.

22 (e) A person using a public use cabin may not recover damages
23 from the state for an injury arising out of the use of the public use
24 cabin unless the injury was caused by the gross negligence of the
25 state.

26 (f) In establishing and managing a public use cabin system on
27 state game refuges, critical habitat areas, and game sanctuaries
28 established under AS 16.20, the commissioner shall obtain the concur-
29 rence of the commissioner of fish and game.

1 (g) The commissioner shall make an annual report to the legisla-
2 ture on the costs, occupancy rates, fees collected, and the number and
3 location of cabins in the system, and other information considered
4 relevant by the commissioner.

5 * Sec. 5. Section 2 of this Act is repealed June 1, 1988.

6 * Sec. 6. This Act takes effect immediately in accordance with AS 01.-
7 10.070(c).

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Version #2
Bradley
4/29/86 ✓

Original sponsors: Bennett, Ferguson
and Coghill

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 269 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to cabins on state land; and provid-
7 ing for an effective date."

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

9 * Section 1. LEGISLATIVE PURPOSE. (a) The legislature determines that
10 it is in the public interest to create the Alaska Public Use Cabin System
11 and place within that system cabins owned or built by the state on the
12 reserved or unreserved public land of the state and that the system be
13 managed for the benefit of the residents of the state and visitors to the
14 state.

15 (b) It is further in the public interest to allow persons who are
16 able to demonstrate historic use and occupancy of cabins on state land to
17 purchase the land to resolve land conflicts; to ensure the legally protect-
18 ed use and enjoyment of cabins; and to provide for the continued existence
19 of emergency shelters in remote areas.

20 * Sec. 2. (a) Except as provided in (d) of this section, on the appli-
21 cation before June 1, 1988, of a person who can demonstrate the historic
22 use and occupancy of a cabin on state land and investments in the cabin
23 before January 1, 1968, and continuing through June 1, 1986, the commis-
24 sioner of natural resources shall sell not to exceed one acre of state land
25 occupied by the cabin, if the land was not closed to entry under applicable
26 federal or state law at the time the cabin was constructed, unless the
27 commissioner makes a written best interest finding based on clear and
28 convincing evidence that a land or resource management conflict exists.

29 (b) Except as provided in (d) of this section, on the application

1 before June 1, 1988, of a person who can demonstrate the historic use and
2 occupancy of a cabin on state land and investments in the cabin before
3 January 1, 1968, and continuing through June 1, 1986, the commissioner may
4 sell the state land occupied by a cabin within an area that was withdrawn
5 under AS 41 after the cabin was built. The land may not be sold if the
6 state land was withdrawn under AS 41 before the cabin was built. The use
7 of the cabin and the land may not exceed the use that existed at the time
8 the land was withdrawn under AS 41.

9 (c) The commissioner may not sell land occupied by a cabin within a
10 area withdrawn under AS 16.

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12 mental health trust land or school land of the state.

13 (e) If the cabin is located on state land that is adjacent to a body
14 of water, the commissioner shall reserve a 50-foot easement for public
15 access above the mean high water line. The commissioner may establish
16 reasonable restrictions at the time of sale or under AS 38.05.037(a) on the
17 use, access to, and the transfer of the land sold under this section
18 including a restriction against the commercial use of the cabin.

19 (f) The land shall be sold for the fair market value of the land as
20 determined by the commissioner on the date of the approval of the
21 application. The applicant shall pay the costs of appraisal, public
22 notice, and surveying the land.

23 (g) A cabin on land that may be sold under this section may not be
24 acquired or removed by the commissioner before June 1, 1988; a cabin that
25 has been applied for under this section may not be acquired or removed
26 until the application has been adjudicated and unless the application is
27 denied.

28 * Sec. 3. AS 41.21.020(a) is amended to read:

29 (a) The Department of Natural Resources shall

1 (1) develop a continuing plan for the conservat, n and
2 maximum use in the public interest of the scenic, historic, archae-
3 ologic, scientific, biological, and recreational resources of the
4 state;

5 (2) plan for and develop a system of state parks and
6 recreational facilities, to be established as the legislature author-
7 izes and directs;

8 (3) acquire by gift, purchase, or transfer from state or
9 federal agencies, or from individuals, corporations, partnerships or
10 associations, land necessary, suitable and proper for roadside, pic-
11 nic, recreational, or park purposes;

12 (4) control, develop and maintain state parks and recre-
13 ational areas;

14 (5) provide for the acquisition, care, control, super-
15 vision, improvement, development, extension, and maintenance of
16 public recreational land, and make necessary arrangements, contracts,
17 or commitments for the improvement and development of land acquired
18 under AS 41.21.010 41.21.040;

19 (6) adopt, in accordance with this section and the Admin-
20 istrative Procedure Act (AS 44.62), regulations governing the use and
21 designating incompatible uses within the boundaries of state park and
22 recreational areas to protect the property and to preserve the peace;

23 (7) cooperate with the United States and its agencies and
24 local subdivisions of the state to secure the effective supervision,
25 improvement, development, extension, and maintenance of state parks,
26 state monuments, state historical areas, and state recreational areas,
27 and secure agreements or contracts for the purpose of AS 41.21.010 -
28 41.21.040;

29 (8) encourage the organization of state public park and

1 recreational activities in the local political subdivisions of the
2 state;

3 (9) provide for consulting service designed to develop
4 local park and recreation facilities and programs;

5 (10) provide clearing-house services for other state agen-
6 cies concerned with park and recreation matters; and

7 (11) perform other duties as are prescribed by executive
8 order or by law;

9 (12) maintain memorials to Alaska veterans located in state
10 parks;

11 (13) adopt, in accordance with the Administrative Procedure
12 Act (AS 44.62), regulations governing the use of the Chena River State
13 Recreation Area and designating incompatible uses within the bound-
14 aries of the Chena River State Recreation Area in accordance with
15 AS 41.21.490;

16 (14) manage the cabins owned by the state under AS 41.21.-
17 880.

18 * Sec. 4. AS 41.21. is amended by adding a new section to article 7 to
19 read:

20 Sec. 41.21.880. PUBLIC USE CABINS. (a) There is established a
21 system of public use cabins to be managed by the commissioner and
22 called the Alaska Public Use Cabin System. The commissioner shall
23 publicize the existence of the public use cabins and shall establish a
24 reservation system for the cabins.

25 (b) The commissioner shall establish a fee schedule for the use
26 of the cabins. Fees collected under this subsection shall be deposit-
27 ed in the general fund. The commissioner of administration shall
28 separately account for fees collected and deposited by the commission-
29 er under this subsection. The annual estimated balance in the account

1 may be appropriated by the legislature to the Department of Natural
2 Resources to carry out the purposes of this section. In establishing
3 the fees, the commissioner shall consider

4 (1) the cost to the state of building, renovating, and
5 maintaining the cabins;

6 (2) the cost of administering reservations and collecting
7 the fees for the use of the cabins; and

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9 (c) Within available appropriations, the commissioner may build
10 or acquire cabins for inclusion in the cabin system. Under state
11 contracting procedures the commissioner may contract for the construc-
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21 (e) A person using a public use cabin may not recover damages
22 from the state for an injury arising out of the use of the public use
23 cabin unless the injury was caused by the gross negligence of the
24 state.

25 (f) In establishing and managing a public use cabin system on
26 state game refuges, critical habitat areas, and game sanctuaries
27 established under AS 16.20, the commissioner shall obtain the concur-
28 rence of the commissioner of fish and game.

29 (g) The commissioner shall make an annual report to the

1 legislature on the costs, occupancy rates, fees collected, and the
2 number and location of cabins in the system, and other information
3 considered relevant by the commissioner.

4 * Sec. 5. Section 2 of this Act is repealed June 1, 1988.

5 * Sec. 6. This Act takes effect immediately in accordance with AS 01.-
6 10.070(c).

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Original sponsors: Bennett, Ferguson and Coghill

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 HOUSE COMMITTEE SUBSTITUTE FOR CS FOR SENATE BILL NO. 269 (JUD)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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12 reserved or unreserved public land of the state and that the system be
13 managed for the benefit of the residents of the state and visitors to the
14 state.

15 (b) It is further in the public interest to allow persons who are
16 able to demonstrate historic use and occupancy of cabins on state land to
17 purchase the land to resolve land conflicts; to ensure the legally protect-
18 ed use and enjoyment of cabins; and to provide for the continued existence
19 of emergency shelters in remote areas.

20 * Sec. 2. On the application before June 1, 1988 of a person who has
21 built and maintained a cabin on state land before the effective date of
22 this Act, the commissioner of natural resources shall sell not to exceed
23 one acre of state land occupied by the cabin if the cabin had been erected
24 on the land before January 1, 1968 and if the land was ^{not closed} open to entry under
25 applicable state or federal law at the time the cabin was erected unless
26 the commissioner makes a written best interest finding that a land or
27 resource management conflict exists. The state land shall be sold for the
28 ^{current?} fair market value of the land on the date of the ^{approval of the} application as determined
29 by the commissioner. The applicant shall pay costs of appraisal, public

1 notice, and surveying the land. If the cabin is located on a waterfront
2 the commissioner shall reserve an easement not to exceed 50 feet wide above
3 the mean high water line. At the time of sale and subject thereafter to AS 38.05.
4 037 (a), the commissioner may establish reasonable restrictions to protect against the
5 commercial use of a cabin in the event that the local fish and game advisory committee
6 of the area in which the cabin is located objects to the unrestricted commercial use of
7 the cabin..

8
9
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11 (a) The Department of Natural Resources shall

12 (1) develop a continuing plan for the conservation and
13 maximum use in the public interest of the scenic, historic, archaeo-
14 logic, scientific, biological, and recreational resources of the
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17 ational facilities, to be established as the legislature authorizes
18 and directs;

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4 recreational areas to protect the property and to preserve the peace

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and Coghill

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23 cabin before December 31, 1974, and continuing through June 1, 1986, the
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25 state land occupied by the cabin, if the land was not closed to entry under
26 applicable federal or state law at the time the cabin was constructed, un-
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10 the state land was withdrawn under AS 41 before the cabin was built. The
11 use of the cabin and the land may not exceed the use that existed at the
12 time the land was withdrawn under AS 41.

13 (d) The commissioner may not sell land occupied by a cabin within an
14 area withdrawn under AS 16.

15 (e) The commissioner may not sell land occupied by a cabin within
16 mental health trust land or school land of the state.

17 (f) If the cabin is located on state land that is adjacent to a body
18 of water, the commissioner shall reserve a 50-foot easement for public
19 access above the mean high water line. The commissioner may establish
20 reasonable restrictions in the grant of the land at the time of sale or
21 under AS 38.05.037(a) on the use, access to, and the transfer of the land
22 sold under this section, including a restriction against the commercial use
23 of the cabin.

24 (g) A cabin on land that may be sold under this section may not be
25 acquired or removed by the commissioner before June 1, 1988; a cabin that
26 has been applied for under this section may not be acquired or removed
27 until the application has been adjudicated and unless the application is
28 denied.

29 * Sec. 3. AS 41.21.020(a) is amended to read:

(a) The Department of Natural Resources shall

(1) develop a continuing plan for the conservation and maximum use in the public interest of the scenic, historic, archaeological, scientific, biological, and recreational resources of the state;

(2) plan for and develop a system of state parks and recreational facilities, to be established as the legislature authorizes and directs;

(3) acquire by gift, purchase, or transfer from state or federal agencies, or from individuals, corporations, partnerships or associations, land necessary, suitable and proper for roadside, picnic, recreational, or park purposes;

(4) control, develop and maintain state parks and recreational areas;

(5) provide for the acquisition, care, control, supervision, improvement, development, extension, and maintenance of public recreational land, and make necessary arrangements, contracts, or commitments for the improvement and development of land acquired under AS 41.21.010 - 41.21.040;

(6) adopt, in accordance with this section and the Administrative Procedure Act (AS 44.62), regulations governing the use and designating incompatible uses within the boundaries of state park and recreational areas to protect the property and to preserve the peace;

(7) cooperate with the United States and its agencies and local subdivisions of the state to secure the effective supervision, improvement, development, extension, and maintenance of state parks, state monuments, state historical areas, and state recreational areas, and secure agreements or contracts for the purpose of AS 41.21.010 - 41.21.040;

(8) encourage the organization of state public park and recreational activities in the local political subdivisions of the state;

(9) provide for consulting service designed to develop local park and recreation facilities and programs;

(10) provide clearing-house services for other state agencies concerned with park and recreation matters; [AND]

(11) perform other duties as are prescribed by executive order or by law;

(12) maintain memorials to Alaska veterans located in state parks;

(13) adopt, in accordance with the Administrative Procedure Act (AS 44.52), regulations governing the use of the Chena River State Recreation Area and designating incompatible uses within the boundaries of the Chena River State Recreation Area in accordance with AS 41.21.499;

(14) manage the cabins owned by the state under AS 41.21.-

880.

* Sec. 4. AS 41.21. is amended by adding a new section to article 7 to read:

Sec. 41.21.880. PUBLIC USE CABINS. (a) There is established a system of public use cabins to be managed by the commissioner and called the Alaska Public Use Cabin System. The commissioner shall publicize the existence of the public use cabins and shall establish a reservation system for the cabins.

(b) The commissioner shall establish a fee schedule for the use of the cabins. Fees collected under this subsection shall be deposited in the general fund. The commissioner of administration shall separately account for fees collected and deposited by the

commissioner under this subsection. The annual estimated balance in the account may be appropriated by the Legislature to the Department of Natural Resources to carry out the purposes of this section. In establishing the fees, the commissioner shall consider

(1) the cost to the state of building, renovating, and maintaining the cabins;

(2) the cost of administering reservations and collecting the fees for the use of the cabins; and

(3) the public interest.

(c) Within available appropriations, the commissioner may build or acquire cabins for inclusion in the cabin system. Under state contracting procedures the commissioner may contract for the construction, rehabilitation, operation, and maintenance of cabins within the system.

(d) The commissioner may cooperate with local groups with state and federal agencies to maintain and improve the cabin system. The commissioner shall evaluate existing and potential cabin sites and conduct resource planning and public review in the process of designating cabins into the system. The commissioner may develop an operational plan for the renovation, construction, or removal of cabins.

(e) A person using a public use cabin may not recover damages from the state for an injury arising out of the use of the public use cabin unless the injury was caused by the gross negligence of the state.

(f) In establishing and managing a public use cabin system on state game refuges, critical habitat areas, and game sanctuaries established under AS 16.20, the commissioner shall obtain the concurrence of the commissioner of fish and game.

(g) The commissioner shall make an annual report to the legislature on the costs, occupancy rates, fees collected, and the number and location of cabins in the system, and other information considered relevant by the commissioner.

* Sec. 5. Section 2 of this Act is repealed June 1, 1988.

* Sec. 6. This Act takes effect immediately in accordance with AS 01.-10.070(c).

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

| | |
|---|--|
| REQUEST <u>House Judiciary Committee</u> Bill/Resolution No.: <u>HCS for CS for SP 59</u> Title: <u>An Act relating to cabins on state land; and providing for an effective date.</u> Sponsor: <u>Judiciary Committee</u> Requestor: <u>House Judiciary Committee</u> Date of Request: <u>May 7, 1986</u> | FISCAL DETAIL Agency Affected: _____ BRU: _____ _____ Components: _____ _____ _____ |
|---|--|

EXPENDITURES/REVENUES : (Thousands of Dollars)

| OPERATING | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 | FY 91 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |
| CAPITAL | | | | | | |
| REVENUE | | | | | | |

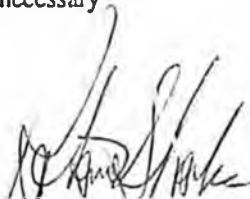
FUNDING : (Thousands of Dollars)

| | | | | | | |
|---------------|---|---|---|---|---|---|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |

POSITIONS :

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS : Attach a separate page if necessary

Prepared by: Roland Shanks  Phone: 465-4100
 Division: Commissioner's Office Date: May 7, 1986
 Approved by Commissioner: Don Collinsworth Date: 5.7.86
 Agency: Dept. of Fish and Game

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Revision Date: _____

REQUESTBill/Resolution No. SB 269Title: Cabins on State LandSponsor: BennettRequestor: Senate Finance

Date of Request: _____

FISCAL DETAILAgency Affected: Natural ResourcesProgram Category Affected: NRMEC

BRU, Program or Subprogram(s) Affected: _____

Land and Water Management: Information and Records**EXPENDITURES/REVENUES: (Thousands of Dollars)**

| | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 |
|------------------------|-------|--------------|--------------|--------------|--------------|--------------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | 87.5 | 380.5 | 438.5 | 438.5 | 438.5 |
| 200 TRAVEL | | 3.0 | 40.0 | 40.0 | 40.0 | 40.0 |
| 300 CONTRACTUAL | | 6.0 | 50.0 | 50.0 | 50.0 | 50.0 |
| 400 SUPPLIES | | 2.0 | 6.0 | 6.0 | 6.0 | 6.0 |
| 500 EQUIPMENT | | 4.0 | 12.0 | 12.0 | 12.0 | 12.0 |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | 102.5 | 488.5 | 546.5 | 546.5 | 546.5 |
| CAPITAL | | | | | | |
| REVENUE | | | | 300.0 | 300.0 | 300.0 |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--|--------------|--------------|--------------|--------------|--------------|
| GENERAL FUND | | 102.5 | 488.5 | 546.5 | 546.5 | 546.5 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | 102.5 | 488.5 | 546.5 | 546.5 | 546.5 |

POSITIONS:

| | | | | | | |
|-----------|--|---|---|----|----|----|
| FULL-TIME | | 2 | 9 | 10 | 10 | 10 |
| PART-TIME | | | 1 | 2 | 2 | 2 |
| TEMPORARY | | | | | | |

ANALYSIS: Attach a separate page if necessary

See attached explanation for yearly program goals. Within seven to ten years operating costs would be reduced to about one-third. Estimate based on 2,000 cabins.

Because this would amount to a major new land disposal program, it will require full administrative support in regional offices and contract administration. Annual costs will include adjudication/survey and appraisal review/planning, etc.

Prepared By: DTS/DLWM/Commissioner's OfficePhone: 465-2400

Division: _____

Date: 4/25/85Approved by Commissioner: Ned FarscherDate: 4/25/85Agency: Natural Resources**Distribution (by Agency preparing fiscal note):**

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

7/1/84

3. Begin public notice, review of cabin conveyances consistent with AS 38.05.945 and AS 38.05.035(e) and constitutional provisions for equal protection and use/management of the public domain.
5. Begin to field check cabins, surveys, appraisals.
6. Begin planning/platting easements and rights-of-way for public needs.

YEAR THREE -

1. Continue 1-6 above.
2. Close application opportunities in some areas, open in others to distribute regional impact of applications on administrative staff.
3. Begin to issue accurate title/quitclaim deed to some applicants who meet conditions.
4. Issue contracts of sale and prepare twenty-year payment schedule and conditions for successful applicants wishing to pay over time.
5. Note title changes, applications on land title records (must record applications immediately on receipt for awareness during other land disposal/management planning).
6. Begin to accept new title documents in recorder's Offices.

YEARS FOUR TO TEN -

1. Continue with the program, aiming to complete within four to seven years.

FISCAL NOTE ANALYSIS
SB 269
DEPARTMENT OF NATURAL RESOURCES

With the passage of SB 269, the Department of Natural Resources would encounter a large number and variety of administrative responsibilities that could not be met under existing budgets. These responsibilities would include the implementation of regulations for the cabin program, title and records review, survey instructions and review, public notice/decisions/findings, appraisal instructions and review, issuance of title, and contract administration and enforcement where the purchaser chooses to purchase the land over a period of twenty years.

Because the Department estimates that there are 2,000 cabins on state land, and it would be impossible to accomplish the proposed conveyance in a short term, the fiscal impact is estimated for a five- to ten-year cabin land sale program. Most of the administrative handling of cabin purchase applications would be done in the three regional offices: Anchorage, Fairbanks, and Juneau. Both the Division of Land and Water Management and the Division of Technical Services would be closely involved.

YEAR ONE -

1. Prepare regulations for program. How determine the one-acre parcel? How accommodate owners who are within game refuges or state parks? Convey submerged lands title for waterside cabins? Reserve easements/rights-of-way across adjacent public lands and through the parcel? How determine 1980 appraised value and provide for appeals? Who pays survey/appraisal costs? What are conditions for contracts of sale (AS 38.05.065)? May an owner purchase more than one cabin? How prove ownership and use before 1980? What if more than one owner applies to purchase a cabin? Is program open forever at same appraisal amount? What opportunities are there for public notice/comment on proposed conveyances? May the state conduct its own land disposals, timber sales, leases, R/W conveyances if there is an unauthorized cabin nearby or within the area and an application has been filed? Can commissioner decide that less than an acre will be conveyed? May the commissioner prevent subdivision (for other cabins, trailer lots, etc.) within refuges and parks? How prepare survey/appraisal instructions?
2. Announce program to public and begin preparation for applications. Provide application forms, information sheets, procedural directions to all regional staff.

YEAR TWO -

1. Accept applications. Answer public inquiries.
2. Begin adjudicating applications. Determine which are on state lands, notify applicants who are not on state lands. Review proof of cabin construction prior to 1980.

LINE ITEM EXPLANATIONS - SB 269

FY 86

- 100 - Two positions, 87.5
1. Natural Resource Manager I (47.5)
Supervise start-up of program, including regulations and public information
 2. Natural Resource Technician I (40.0)
Assist in program start-up, begin policy/procedures directives for regional staff, coordinate with survey/title/records staff to assure timely notation of applications on status plats and conveyance of accurate title, coordinate with contract administration staff to begin handling sales contracts
- 200 - 3.0
Travel to regions
- 300 - 6.0
Special legal research for regulations
- 400 - 2.0
Supplies and commodities for new staff
- 500 - 4.0
Office equipment for new staff (chair, desk, typewriter, file)

FY 87

- 100 - Seven new positions, 293.5 + 87.5 from FY 86
- 1,2,3. Natural Resource Technician in each regional office (127.5)
Begin adjudication/review of applications, provide local response to inquiries, conduct public notice, negotiate difficulties with applicant and adjacent landowners or citizens; begin review of appeals on appraisals, adjudication
 - 4,5,6. Survey/Title Staff in central/regional offices (127.5)
Begin survey check (some field work required), conduct full title check, note applications and conveyances on state land records.
 7. Accounting Technician and part-time clerical (38.0)
Begin issuing contracts of sale for successful applicants
- 200 - 40.0
Travel to field check cabins/appraisals/surveys, review area resources for possible conflicts
- 300 - 50.0
Advertising, hearings, legal assistance for adjudicating applications and administering appeals; preparation and issuance of some title documents
- 400 - 6.0
Supplies and commodities for new staff
- 500 - 12.0
Office equipment for seven new staff

FY 88-94/5

Continue all costs but add one Accounting Technician and some part-time clerical staff for future contract administration.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: 03-18-86

REQUEST

Bill Resolution No. 400 33 288 (Reg) 1
 Title: Casinos on state land

 Sponsor: Bennett
 Requestor: House Resources
 Date of Request: 03-17-86

FISCAL DETAIL

Agency Affected: Natural Resources
 BRU: Land & Water Management, Information and Records

 Components: _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

| OPERATING | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 | FY 91 |
|------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| PERSONAL SERVICES | 87.5 | 380.5 | 438.5 | 438.5 | 438.5 | 438.5 |
| TRAVEL | 3.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 |
| CONTRACTUAL | 6.0 | 50.0 | 50.0 | 50.0 | 50.0 | 50.0 |
| SUPPLIES | 2.0 | 6.0 | 6.0 | 6.0 | 6.0 | 6.0 |
| EQUIPMENT | 4.0 | 12.0 | 12.0 | 12.0 | 12.0 | 12.0 |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 102.5 | 488.5 | 546.5 | 546.5 | 546.5 | 546.5 |
| CAPITAL | | | | | | |
| REVENUE | | | 300.0 | 300.0 | 300.0 | 300.0 |

FUNDING : (Thousands of Dollars)

| | | | | | | |
|---------------|--------------|--------------|--------------|--------------|--------------|--------------|
| GENERAL FUND | 102.5 | 488.5 | 546.5 | 546.5 | 546.5 | 546.5 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | 102.5 | 488.5 | 546.5 | 546.5 | 546.5 | 546.5 |

POSITIONS :

| | | | | | | |
|-----------|---|---|----|----|----|---|
| FULL-TIME | 2 | 2 | 10 | 10 | 10 | |
| PART-TIME | | 1 | 2 | 2 | 2 | 2 |
| TEMPORARY | | | | | | |

ANALYSIS : Attach a separate page if necessary

See attached explanation of yearly program goals. Within seven to ten years operating costs would be reduced to about one-third. Estimate based on 2,000 cabins.

Because this would amount to a major new land disposal program, it will require full administration support in regional offices and contract administration. Annual (See at

Prepared by: PTS/DLWM/Commissioner's Office *[Signature]* Phone: 465-2400
 Division: _____ Date: 03-18-86

Approved by Commissioner: *[Signature]* Date: 03-18-86 *AF*
 Agency: Natural Resources

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Analysis Continued:

costs will include adjudication/survey and appraisal review/planning, etc.

FISCAL NOTE ANALYSIS
SB 269
DEPARTMENT OF NATURAL RESOURCES

With the passage of SB 269, the Department of Natural Resources would encounter a large number and variety of administrative responsibilities that could not be met under existing budgets. These responsibilities would include the implementation of regulations for the cabin program, title and records review, survey instructions and review, public notice/decisions/findings, appraisal instructions and review, issuance of title, and contract administration and enforcement where the purchaser chooses to purchase the land over a period of twenty years.

Because the Department estimates that there are 2,000 cabins on state land, and it would be impossible to accomplish the proposed conveyance in a short term, the fiscal impact is estimated for a five- to ten-year cabin land sale program. Most of the administrative handling of cabin purchase applications would be done in the three regional offices: Anchorage, Fairbanks, and Juneau. Both the Division of Land and Water Management and the Division of Technical Services would be closely involved.

YEAR ONE -

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2. Announce program to public and begin preparation for applications. Provide application forms, information sheets, procedural directions to all regional staff.

YEAR TWO -

1. Accept applications. Answer public inquiries.
2. Begin adjudicating applications. Determine which are on state lands, notify applicants who are not on state lands. Review proof of cabin construction prior to 1980.

3. Begin public notice, review of cabin conveyances consistent with AS 38.05.945 and AS 38.05.035(e) and constitutional provisions for equal protection and use/management of the public domain.
5. Begin to field check cabins, surveys, appraisals.
6. Begin planning/platting easements and rights-of-way for public needs.

YEAR THREE -

1. Continue 1-6 above.
2. Close application opportunities in some areas, open in others to distribute regional impact of applications on administrative staff.
3. Begin to issue accurate title/quitclaim deed to some applicants who meet conditions.
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YEARS FOUR TO TEN -

1. Continue with the program, aiming to complete within four to seven years.

LINE ITEM EXPLANATIONS - SB 269

FY 86

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FY 87

- 100 - Seven new positions, 293.5 + 87.5 from FY 86
1,2,3. Natural Resource Technician in each regional office (127.5)
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Advertising, hearings, legal assistance for adjudicating applications and administering appeals; preparation and issuance of some title documents
- 400 - 6.0
Supplies and commodities for new staff
- 500 - 12.0
Office equipment for seven new staff

FY 88-94/5

Continue all costs but add one Accounting Technician and some part-time clerical staff for future contract administration.

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF LAND AND WATER MANAGEMENT

555 CORDOVA STREET
POUCH 7-005
ANCHORAGE, ALASKA 99510-7005
PHONE: (907) 276-2653

March 10, 1986

SB 269

The Honorable Jalmar Kerttula
P.O. Box V
Juneau, Alaska 99811

Dear Senator Kerttula:

I wish the response to your staff's call last week could be as brief as the inquiry. You asked about SB 269, wondered if the legislature hadn't just done something like this, and indicated a general interest in preference rights. Your memory was accurate. In 1984 the legislature adopted 38.05.035(f) which addressed some of the individuals who would benefit from SB 269. This action was merely one in a long series of preference opportunities created by the legislature since statehood (see Attachment C). Your general interest sparked me to request Land and Water Management's regional managers to submit reports on their current preference right caseload. The results are in, and this letter summarizes the volume, variety, and vexatious nature of the preference right applications currently pending with the department. The volume and variety of cases are shown in Attachments A, B and C; the nature of the program is discussed below.

As you are probably aware, preference right laws are the legislature's solution to the general prohibition against the disposal of state land by private, non-competitive negotiation: Most of these laws originated as a means to solve problems for individual constituents (for example, a homesteader unable to obtain title to his or her homestead due to a bureaucratic foul-up); while others were intended to help classes of individuals (such as victims of natural disaster).

The public policy dilemma facing the adjudicator of preference right applications is that the benefits of the program are not generally available to all Alaskans. It is difficult to weigh the good intentions of the legislature to help an individual Alaskan against the potential for injustice to the general citizenry of Alaska. This process is made particularly difficult in instances where the statutes are written broadly, and consequently could become targets for abuse.

It is this broad discretion that is the heart of many of the state preference right laws; for without that discretion, the law could not be made applicable to individual situations. It is also one of the factors that usually makes adjudication of these cases difficult and extremely time consuming. The other key factor is that preference right claim

Senator Jalmar Kerttula
March 10, 1986
Page 2

adjudication is not specifically funded by the legislature. It is not unusual for fact finding in an individual preference right case to take months or even years. Although the adjudication process for all types of preference rights is not identical (reference Attachment D), the process is described below in a general sense.

Initially, an adjudicator is faced with a bare outline of the facts of the case, provided by a letter from the applicant. From this information, the adjudicator must determine whether the applicant qualifies under a specific preference right statute and which regulations, department policy, and case law are applicable to the case. Usually, additional facts must also be gathered from the applicant and more research performed. Occasionally an outside finder of fact is called in to accomplish part of this research. (In many of these cases the facts have begun to fade with age.) In cases involving improvements, the adjudicator often performs a field inspection in addition to the other research.

The adjudicator then determines whether the applicant is qualified under the preference right law and whether the sale or lease of land is in the best interest of the state. Occasionally, the two decisions oppose each other and an alternate solution must be reached. (For instance, below market sales of mental health trust lands will likely not be in the state's best interest due to the recent Alaska Supreme Court decision. If the applicant is qualified for a preference right, the legislature may be asked to find the difference.) If either decision is not in the applicant's favor, or if the terms of an affirmative decision are not acceptable to the applicant, an appeal can be expected. If my decision on the appeal is unacceptable, the applicant may also appeal to the commissioner. Occasionally, a case will even proceed on appeal to Superior Court.

Because of its dynamic physical and political characteristics, Alaska has a long history of unauthorized land use. The preference right program is the only method which allows an applicant to gain title to state land which he or she has already occupied or is using. Consequently, many unqualified applications are received by the department and most applicants tend to exhaust all administrative appeals. All this can cause considerable work and delay.

If initial decisions are made in favor of the applicant, the disposal or lease process begins. The first step is public notice under AS 38.05.945 (interagency review is part of the best interest process), followed by survey and appraisal.

It is at this point that we occasionally find surprises, such as in the case of Mr. Terrapelle (from Eska Townsite). After years of processing, Mr. Terrapelle was finally granted a preference right to purchase the state

Senator Jalmar Kerttula

March 10, 1986

Page 3

land underneath and immediately surrounding his home--excluding the land lying within the Alaska Railroad right-of-way. However, the survey revealed that Mr. Terrapelle's home is entirely within the right-of-way, so we are back to the drawing board.

If no insurmountable problems are encountered during this phase, the disposal or lease proceeds (usually by negotiation) and a contract or patent is eventually issued.

Unlike most other department programs, the preference right adjudication process is unfunded by the legislature. As a result, the department is forced to use staff and monies associated with other funded (and related) projects to process preference rights and their processing takes place on a time available basis. Although preference rights in general do not usually generate much interest from the legislature, individual cases often have a very high profile, and often times considerable pressure is brought to bear on the department to accelerate the process for a particular applicant.

You can see, this is often a long, arduous and frustrating exercise for all concerned. The end result, if favorable to the applicant, is the sale or lease of a few acres of state land which other Alaskans did not have the equal opportunity to use or purchase. Often, the sale or lease does not even recoup the associated administrative costs and brings no real remuneration to the state to justify the lack of equal access. However, this is not to say that preference rights are necessarily bad as these statutes have allowed DNR to correct inequitable situations that have arisen over time. However, any blanket approvals as that imagined in SB 269 do not permit a determination of the state's best interest which deny access by the public, agencies and local government to the decision making process.

This letter, together with attachments, is provided to give you a broad picture of the complexities and pitfalls of the preference right program. As you might imagine, the intricacies and perplexities of the program could fill a textbook. I would be happy to attempt to answer any further questions you may have.

Your inquiry also asked specifically about preference right cases in the Cooper Landing area. The majority of preference right cases in this area are former U.S. Forest Service recreational use permittees now attempting to gain title from the state under AS 38.05.068. I am pleased to report that most of these cases are near completion and await approved surveys, some are ready for a final finding, while a few are at other stages of processing. If you need the particulars of a specific case, I can have my staff research it and provide it to you.

Senator Jalmar Kerttula
March 10, 1986
Page 4

Thank you for the opportunity to explain one of our most challenging but troublesome programs.

Sincerely,

Tom Hawkins

Tom Hawkins, Director
Division of Land & Water Management

Attachment

cc: James K. Barnett
Bob Arnold

ATTACHMENT A

Preference Rights Pending Under AS 38.05 March, 1986

| AREA | AS 38.05.035 | | | | | | | | | | AS 38.05 | | | | | | | | | | | TOTAL | |
|----------------|--------------|-----|--------|-----|-------------------|------|--------|-----|--------|-----|----------|--------|------|-----|---------|-----|------|------|----------|-------|------|-------|-----|
| | (b)(2) | * | (b)(3) | * | (b)(2) and (b)(3) | * | (b)(E) | * | (b)(7) | * | .068 | * | .069 | * | .075(c) | * | .102 | * | (HB 248) | * | .820 | | * |
| SERO | 1 | (1) | 3 | (1) | 0 | (0) | 6 | (1) | 2 | (1) | 24 | | 5 | (0) | 55 | (0) | 4 | (2) | 0 | (0) | 17 | (3) | 112 |
| SCRO | 9 | (2) | 6 | (2) | 31 | (10) | 15 | (2) | 3 | (2) | 79 | (See | 1 | (1) | 0 | (2) | 34 | (35) | 6 | (100) | 17 | (3) | 201 |
| NRO | 4 | (1) | 2 | (1) | 10 | (50) | 2 | (1) | 4 | (2) | 0 | Below) | 0 | (1) | 0 | (0) | 2 | (10) | 2 | (10) | 1 | (0) | 27 |
| TOTAL | 14 | (4) | 11 | (4) | 41 | (60) | 23 | (4) | 9 | (5) | 103 | | 1 | (2) | 55 | (2) | 40 | (47) | 8 | (110) | 35 | (6) | 340 |
| DIR | 0 | | 0 | | 1 | | 0 | | 4 | | 0 | | 0 | | 0 | | 1 | | 0 | | 0 | | 6 |
| COM | 0 | | 0 | | 3 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 3 |
| APPEALS TOTALS | 0 | | 0 | | 4 | | 0 | | 4 | | 0 | | 0 | | 0 | | 1 | | 0 | | 0 | | 9 |
| GRAND TOTALS | 14 | | 11 | | 45 | | 23 | | 13 | | 103 | | 1 | | 55 | | 41 | | 8 | | 35 | | 349 |

Statewide (mostly SERO and SCRO) potential for .068 = 150-200
 Statewide potential for .102 = 600-800

* These figures represent projected incoming preference rights for the remainder of FY '86. It is nearly impossible to project preference right appeals.

ATTACHMENT B

| * * * S T A F F * * * | | | | |
|------------------------------------|----------------------------|--|----------------------------|------------------------|
| Location | Responsible Unit | Number of Staff in Unit/ Number of Pref. Right Adjudicators | | % person year by level |
| | | | Level | |
| Southeast Region (Juneau) | Retained Lands | 7/3 | NRO I (14) | 100% |
| | | | NRO II (16) | 30% |
| Southcentral Region (Anchorage) | Disposals | 9/3 | NRM II (20) | 40% |
| | | | NRM I (18) | 30% |
| | | | NRT II (12) | 90% |
| Northern Region (Fairbanks) | Permits | 5/4 | NRO I (14) | 75% |
| | Disposals | 11/4 | NRO II (16) NRM II (20) | 50% 25% |
| Director-- Appeals | Special Projects | 3/1 | NRM I (18) | 20% |
| Commissioner-- Appeals | Legislative Implementation | 2/2 | NRM I (18) | 15% |
| | | | NRO II (16) | 10% |

The following is a listing of the monthly pay (at the first pay step) for each of the ranges (levels) shown in the above chart. Most preference right adjudicators are experienced and are at higher pay steps.

| | | |
|--------------------------------------|----------|---------|
| Natural Resource Technician (NRT) II | Range 12 | \$2,072 |
| Natural Resource Officer (NRO) I | Range 14 | \$2,353 |
| Natural Resource Officer (NRO) II | Range 16 | \$2,702 |
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ATTACHMENT C

PREFERENCE RIGHTS UNDER AS 38.05

OVERVIEW

A preference right is a right to obtain a long-term lease or title to state land without providing the same opportunity to all Alaskans. The right may be granted to a qualified individual or group by the Commissioner of the Department of Natural Resources or his/her designee.

The department is prevented from making private, non-competitive or negotiated land sales or long-term leases, except under the preference right laws. Most of these laws were created to provide an equitable method for disposing of improved and occupied land (e.g. a homestead settled in the early years of statehood, but not acquired by the homesteader due to an administrative error). Other laws allow landowners to acquire adjacent state land (e.g. a small, isolated land fragment of state land, possibly created by a new road). Still others grant preferences to classes of individuals, such as veterans or victims of natural disasters.

The department currently has 15 separate statutory preference right provisions which either allow or mandate the state to give individuals, or groups, priority in the purchase or long-term lease of state land. These laws provide for the granting of preference rights to: meet high bid at auction; purchase or lease without competitive bid; privately negotiate a purchase, lease or grant; or participate in a restricted advance sale. Some statutes contain provisions that mandate the preference right grant to qualified applicants; others are discretionary.

Discretionary decisions involving preference rights must be based on thorough knowledge and careful weighing of the pertinent facts, laws and public responsibility. That is, the law must be examined to see what evidence must be gathered, which decisions must be made and what criteria must be used in making them. It is the responsibility of the applicant to provide evidence to the division to support the preference right claim. Acceptable evidence may include (but is not limited to): copies of government records, title documents, affidavits, and photographs.

In addition, all disposals of state land require a best interest finding by the director under AS 38.05.035 (e). For discretionary preference rights, the best interest finding covers two questions: First, after examining title, use, conflicts, value and environmental impacts, is disposing of the parcel in the best interest of the state? (Input from other agencies may play a large portion of the finding.) Second, after weighing the department's constitutional mandate (Article VIII, Section 2) to administer the state's natural resources for the maximum benefit of its people against legislative intent to allow preference acquisition of state land under certain circumstances, is the granting of the preference right in the best interest of the state?

PREFERENCE RIGHTS
UNDER AS 38.05
Page 2

It is conceivable that the disposal may be found to be in the best interest of the state, while granting the preference right itself is not. If this occurs, the land may be made available for purchase or long-term lease at public auction. If the applicant owns improvements on the land, he must be given an opportunity to remove the improvements within a reasonable period of time (not less than 120 days). If the improvements are not removed, the state must claim the improvements and either remove them or have them appraised and added to the land sale or lease.

HISTORY

The first preference right statute (AS 38.05.820 tide and submerged land) was part of the original Alaska Land Act enacted by the first state legislature in 1959. Since that time, 15 more provisions have been added and one repealed (AS 38.05.066, preference to persons for fishery purposes; repealed 1980): Ten were added in the 1960's, two more in the 1970's and three more were added by the end of 1984.

In the early 1960's there were only a handful of preference right applications. As more laws have come into effect and more land has passed into state ownership, those applications have increased to produce a backlog of approximately 350 applications by 1985.

Approximately one-third of these preference right applications are made under the provision of AS 38.05.035, which is the most broadly written and discretionary of the preference right laws. These cases are the most complex and time consuming, requiring upper level, experienced personnel and months or years to process. It is predicted that this category will continue to grow as more land comes to the state and the complexities of land title increase.

Another third of the 1985 backlog is made up of former U.S. Forest Service permittees seeking to acquire title to the land from the state under AS 38.05.068. It is predicted that these applications will decline in the next few years as most of the encumbered U.S. Forest Service land has already passed to the state.

The remaining third is made up of various other provisions, but largely consists of requests from state leases to convert the lease to full title acquisition under AS 38.05.102. The 1985 potential for conversion requests under this statute is between 600 and 800. Most of this potential is made up of long term (55 year) leases and it is likely that requests would be spread out over the next 50 years.

STATUTORY PROVISIONS

The following are brief outlines of the various preference right provisions available under AS 38.05. More specific information may be garnered from each statute.

AS 38.05.035(b)(2): Correction of federal or state administrative error or omission.

Enacted in 1960, this was the second preference right statute created by the Alaska Legislature. Its original form was nearly identical to the wording of the current statute. It allows the purchase or long-term lease of state land without competitive bid in order to correct governmental errors or omissions. The applicant must have been diligent and without control of the situation. The denial of title to the land must also cause "inequitable detriment" to the applicant.

In 1962 the statute was expanded to include eligible applicants who had improvements on the land and whose lack of title was caused by the error or omission of others. This provision was broken into a separate subsection, AS 38.05.035(b)(3) in 1965. A 1984 amendment to this statute limit the time in which an applicant can file for this preference.

This kind of preference right entails a lot of investigative research and negative findings are frequently appealed.

AS 38.05.035(b)(3): Correction of error by others when improvements involved.

This subsection was created in 1962 as part of what is now codified as AS 38.05.035(b)(2). It allows the owners of bona fide improvements on state land who have made good faith efforts to obtain title, but were prejudiced by another party (such as a predecessor in interest), to obtain title to that land. A 1981 amendment directs the price of the land to be "set on the date of original entry on the land" or a price representing the value at the time the claim was established. The time in which an applicant can file under this statute was limited by a 1984 amendment to this subsection.

As with the previous preference, negative findings are frequently appealed, and much time is spent on investigation, title research and determining size of the parcel that qualifies for preference.

AS 38.05.035(b)(5): (The Nigh Bill) Grants title for all statehood occupancy in situations of hardship or injustice.

This subsection was created in 1963. It was introduced as legislature to help a single individual, Bill Nigh, for which it is named. However, before it was enacted it was broadened to be generally applicable. It allows the state to dispose of up to five acres of land which was used and improved prior to statehood, provided that the disposal will avoid injustice and the land is currently used. The land was to be sold at its 1959 fair market value. A 1981 amendment set the land value as of the date the person first entered the land. A 1972 amendment expanded the statute to cover heirs and devisees.

In order to qualify for this preference an applicant must have made the improvements prior to January 3, 1959, which was almost 27 years ago. Understandably, fewer applications are filed as more time passes. Documentation of use and dates are key elements in adjudicating these applications and become more difficult each year.

AS 38.05.035(f): Business purpose preference right.

This statute was created by the legislature in 1984 to assist businesses, primarily guiding operations. It requires the granting of a preference right to purchase or long-term lease state land to persons who were legally using federal land for business purposes for five or more years before state selection; and who continued to legally operate under state jurisdiction - unless a written finding is made that the disposal would interfere with public use of the land. The statute was not used in its first year of existence.

AS 38.05.035(b)(7): Remnant of land which is unmanagable or caused by right-of-way adjustment.

This statute was created in 1981 to allow the state to convey remnants of land created by right-of-way establishments or adjustments. In 1984 it was expanded to allow any unmanagable remnant of state land to be sold to adjacent land owners. The parcel must be smaller than allowed under current zoning, and its conveyance must result in convenient and compatible boundaries.

No particular problems have been noted in the processing of this type of preference right. A few new applications can be expected in the future as remnant parcels are created by land disposals or right-of-way alignments.

AS 38.05.067: Veterans Preference.

This statute was created in 1962 to require the offering of certain unoccupied residential land at a sale restricted to veterans before offering it to the general public. This preference right has been used from time to time when residential parcels have been disposed of at public auction. This preference does not require any special adjudication, just submission of proof that the claimant has served at least 90 days in the U.S. armed forces and has been honorably discharged. Use of this preference right has diminished as residential auctions have been de-emphasized in favor of lottery disposals.

AS 38.05.068: U.S. Forest Service permittee preference.

Since 1963, this statute has required the offering of state land which was under a valid U.S. Forest Service permit immediately preceding transfer of that land to the state, to the holder of the permit, before offering the land to the general public. The purposes of the permit determines the purchase price of the land: recreational, residential, or non-commercial uses require that the land be sold only to recoup administrative costs; all other uses are sold for appraised fair market value.

Since the state began to receive tentative approval of its selections on Forest Service lands, this has become a frequently used preference right in southeast and southcentral Alaska. More new cases can be expected as the state continues to receive approval of its selections on Forest Service lands. No major problems have been encountered in the adjudication of this type of preference.

AS 38.05.069: Agricultural purpose preference.

Created by the legislature in 1965, this statute requires the granting of the option to meet high bid at public auction for the sale or lease of state agricultural land to Alaskan residents holding and using adjacent agricultural land. This preference right is seldom used largely due to the scarcity of state agricultural land.

AS 38.05.075(b): Federal grazing lease preference.

This provision was one of the first enacted by the state legislature in 1960. It entitles the holder of a federal grazing lease which was cancelled to allow for state selection, to obtain a state grazing lease. The terms and conditions must be equal to those of the federal grazing lease. This is a seldom used preference right.

AS 38.05.075(c): Tideland lease preference to adjacent upland owners.

This preference right was established by the legislature in 1984. It entitles the owner of land that fronts state tide and submerged land to, under certain conditions, acquire a non-competitive lease for the tide and submerged land. Although it is seldom used in northern and southcentral Alaska, it is the predominant preference right used in southeastern Alaska. This preference right is the only one which actually cuts processing time. The adjudication is basically the same as that done for other tideland lease applications. The only additional step is making a determination in the preliminary decision or final finding that the applicant qualifies for the preference. The time consuming work of public auction is then waived. (Public auctions seldom involve parties other than the adjacent upland owners.)

AS 38.05.079(d): Preference sales to holders of remote cabin permits.

This provision was created in 1979 as part of the remote cabins permit legislation. It requires the offering of land subject to a valid state remote cabin permit to the holder of that permit before offering it to the general public.

Presently no regulations have been promulgated, no lands have been classified for remote cabins, and no remote cabin permits have been issued. Once the program has been implemented and permits issued, there probably will be instances where this preference right is used.

AS 38.05.087: U.S. Forest Service permittee preference lease.

This 1963 legislation parallels AS 38.05.068. All requirements are the same, except that the offer is for lease to former U.S. Forest Service permittees, instead of sale.

This preference right has probably never been used. State land managers prefer to convey lands to a qualified Forest Service Permittee under AS 38.05.068 rather than lease the land under this statute since the lessee would still have a preference to purchase should the state ever decide to sell the lands.

AS 38.05.102: State lessee preference for sale or continued lease.

Passed in 1976, this statute allows the granting of a preference right to purchase or lease state land to the current leaseholders of that land; providing they are in good standing. A 1981 amendment to the leasing statute, AS 38.05.070, made this section inapplicable to short-term negotiated leases. However, short-term leases entered into prior to July 1, 1981 will continue to be eligible until they expire.

Unless difficulty is encountered during agency and public review of the decision to sell the land, these preference rights are fairly straightforward to process. Because of the high number of state leases (600-800 in 1985), this provision will probably continue to enjoy a fair amount of popularity.

AS 38.05.820: Preference sale of tidelands occupied and developed before statehood.

Part of the original Alaska Land Act promulgated in 1959, this statute allows the granting of preference right conveyance of state tide and submerged land which was occupied and developed prior to statehood. The statute applies to municipalities as well as individuals. No new individual preference rights will be submitted in the future since the statutory deadline for filing was July 1, 1967. Although the municipality deadline was June 30, 1964, a Supreme Court decision affirmed the City of Haines' right to file for preference for tidelands seaward of land annexed since 1964. Therefore, applications may be made by Municipalities in the future.

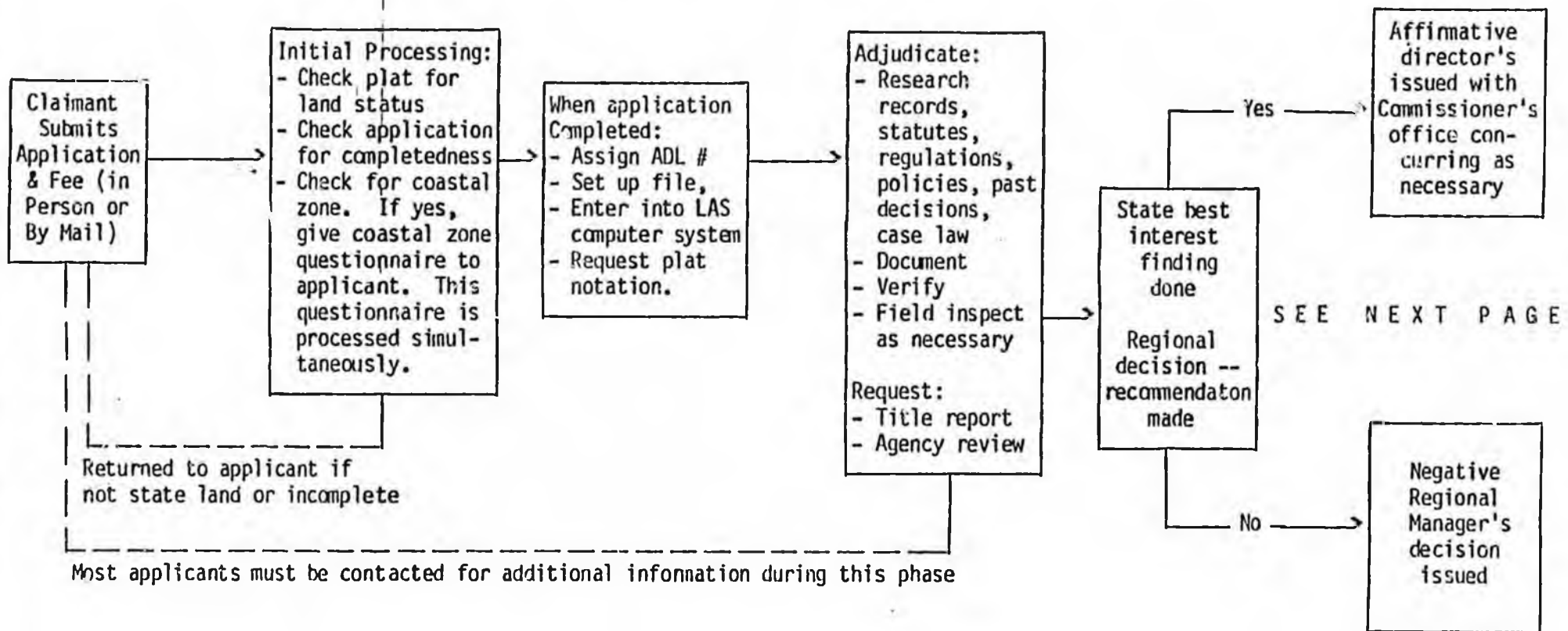
AS 38.05.870: Natural disaster relief (prompted by the disastrous 1964 Good Friday earthquake and the 1967 Fairbanks Flood).

The legislature created this statute in 1967. It allows the granting of land to replace land made unusable by a natural disaster. Owners may be required to deed the unusable land to the state. The statute is seldom used.

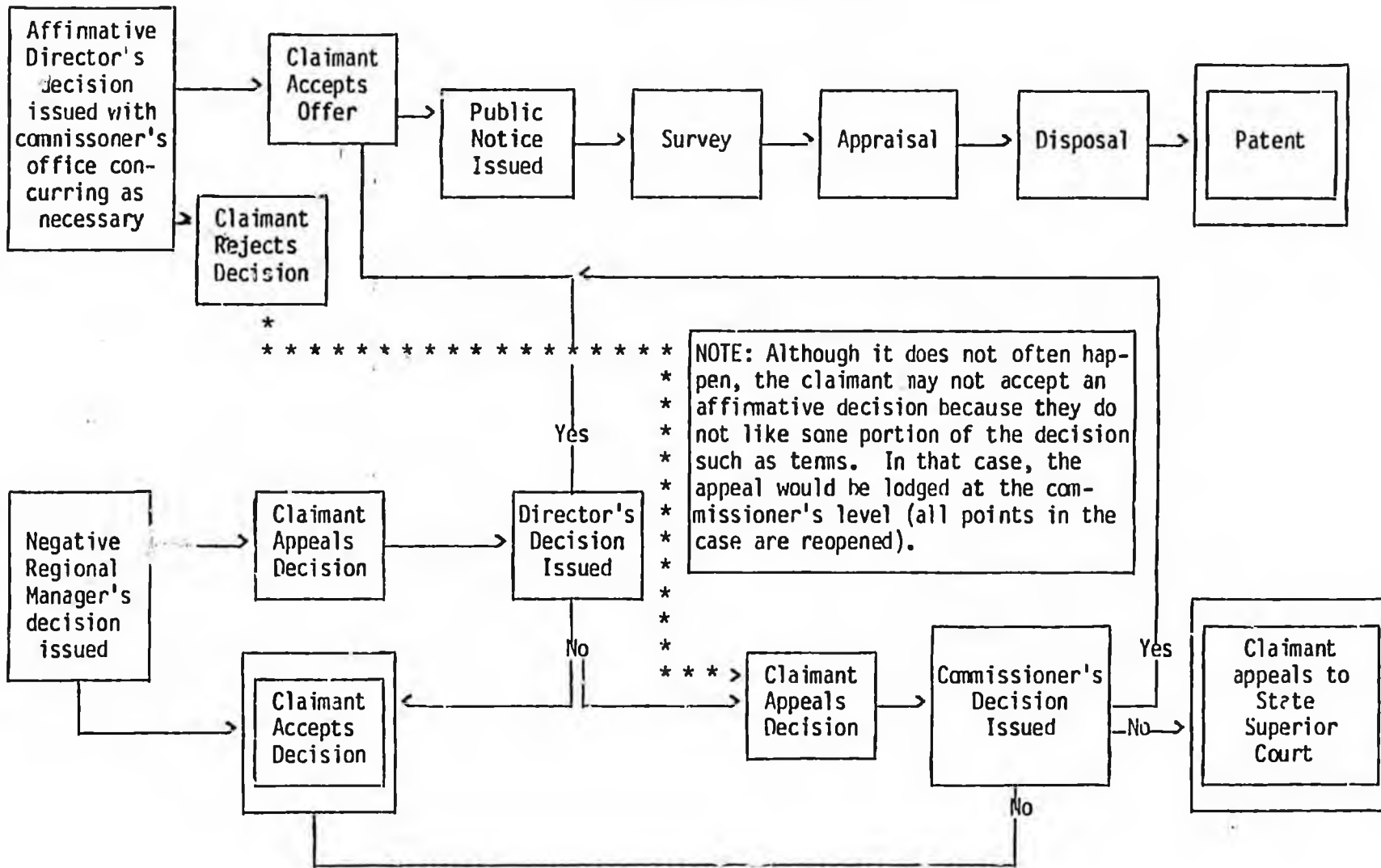
ATTACHMENT D

(Processing Flow Charts)

PREFERENCE RIGHT PROCESSING UNDER
AS 38.05.035

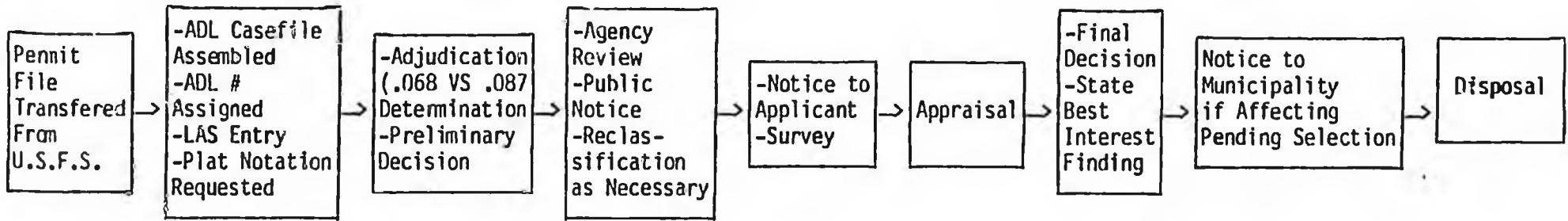


PREFERENCE RIGHT PROCESSING UNDER
AS 38.05.035 (Cont'd.)

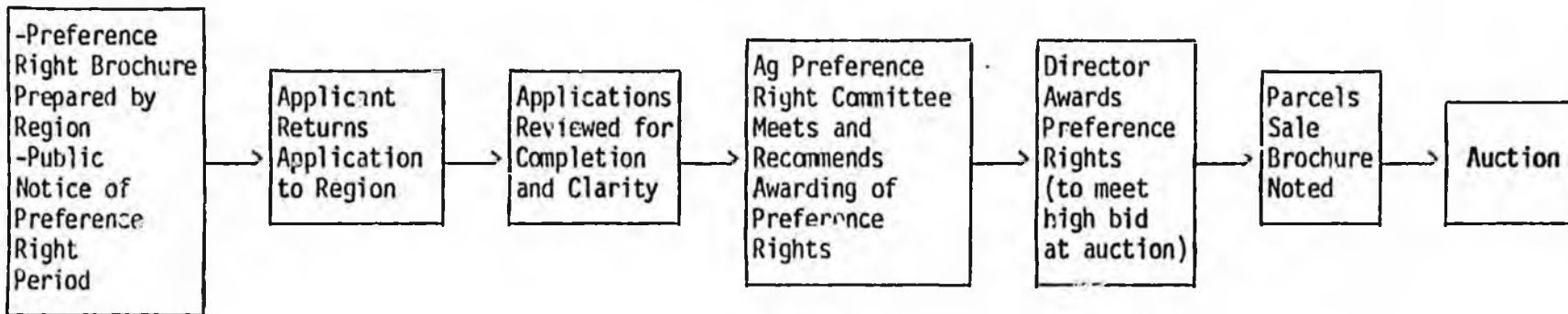


NOTE: Although it does not often happen, the claimant may not accept an affirmative decision because they do not like some portion of the decision such as terms. In that case, the appeal would be lodged at the commissioner's level (all points in the case are reopened).

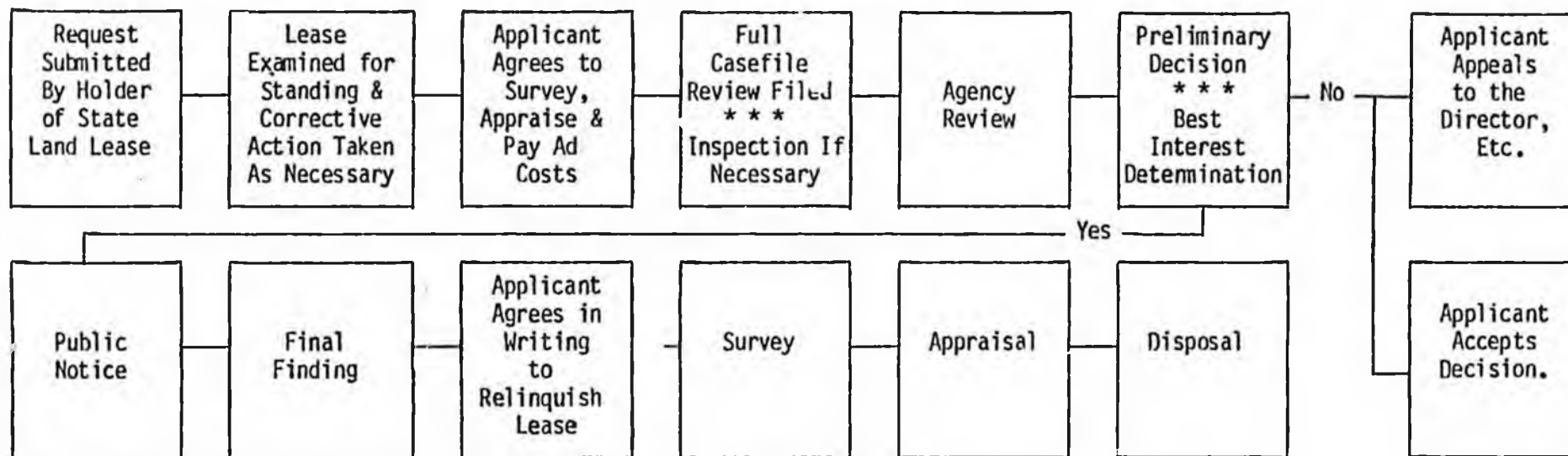
(Forest Service Permittee Preference)



Processing for Preference Rights Under AS 38.05.069
Agricultural Rights Preference



PROCESSING FOR PREFERENCE RIGHTS UNDER AS 38.05.102
(LESSEE PREFERENCE)



ATTACHMENT A

Preference Rights Pending Under AS 38.05 March, 1986

| AREA | AS 38.05.035 | | | | | | | | | | AS 38.05 | | | | | | | | | | | TOTAL | |
|----------------|--------------|-----|--------|-----|-------------------|------|--------|-----|--------|-----|----------|-------|------|-----|---------|-----|------|------|----------|-------|------|-------|-----|
| | (b)(2) | * | (b)(3) | * | (b)(2) and (b)(3) | * | (b)(5) | * | (b)(7) | * | .068 | * | .069 | * | .075(c) | * | .102 | * | (HB 248) | * | .820 | | * |
| SERO | 1 | (1) | 3 | (1) | 0 | (0) | 6 | (1) | 2 | (1) | 24 | | 0 | (0) | 55 | (0) | 4 | (2) | 0 | (0) | 17 | (3) | 112 |
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| APPEALS TOTALS | 0 | | 0 | | 4 | | 0 | | 4 | | 0 | | 0 | | 0 | | 1 | | 0 | | 0 | | 9 |
| GRAND TOTALS | 14 | | 11 | | 45 | | 23 | | 13 | | 103 | | 1 | | 55 | | 41 | | 8 | | 35 | | 349 |

Statewide (mostly SERO and SCRO) potential for .068 = 150-200
 Statewide potential for .102 = 600-800

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| * * * S T A F F * * * | | | | |
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AS 38.05.035(b)(7): Remnant of land which is unmanagable or caused by right-of-way adjustment.

This statute was created in 1981 to allow the state to convey remnants of land created by right-of-way establishments or adjustments. In 1984 it was expanded to allow any unmanagable remnant of state land to be sold to adjacent land owners. The parcel must be smaller than allowed under current zoning, and its conveyance must result in convenient and compatible boundaries.

No particular problems have been noted in the processing of this type of preference right. A few new applications can be expected in the future as remnant parcels are created by land disposals or right-of-way alignments.

AS 38.05.067: Veterans Preference.

This statute was created in 1962 to require the offering of certain unoccupied residential land at a sale restricted to veterans before offering it to the general public. This preference right has been used from time to time when residential parcels have been disposed of at public auction. This preference does not require any special adjudication, just submission of proof that the claimant has served at least 90 days in the U.S. armed forces and has been honorably discharged. Use of this preference right has diminished as residential auctions have been de-emphasized in favor of lottery disposals.

AS 38.05.068: U.S. Forest Service permittee preference.

Since 1963, this statute has required the offering of state land which was under a valid U.S. Forest Service permit immediately preceding transfer of that land to the state, to the holder of the permit, before offering the land to the general public. The purposes of the permit determines the purchase price of the land: recreational, residential, or non-commercial uses require that the land be sold only to recoup administrative costs; all other uses are sold for appraised fair market value.

Since the state began to receive tentative approval of its selections on Forest Service lands, this has become a frequently used preference right in southeast and southcentral Alaska. More new cases can be expected as the state continues to receive approval of its selections on Forest Service lands. No major problems have been encountered in the adjudication of this type of preference.

AS 38.05.069: Agricultural purpose preference.

Created by the legislature in 1965, this statute requires the granting of the option to meet high bid at public auction for the sale or lease of state agricultural land to Alaskan residents holding and using adjacent agricultural land. This preference right is seldom used largely due to the scarcity of state agricultural land.

AS 38.05.075(b): Federal grazing leasee preference.

This provision was one of the first enacted by the state legislature in 1960. It entitles the holder of a federal grazing lease which was cancelled to allow for state selection, to obtain a state grazing lease. The terms and conditions must be equal to those of the federal grazing lease. This is a seldom used preference right.

AS 38.05.075(c): Tideland lease preference to adjacent upland owners.

This preference right was established by the legislature in 1984. It entitles the owner of land that fronts state tide and submerged land to, under certain conditions, acquire a non-competitive lease for the tide and submerged land. Although it is seldom used in northern and southcentral Alaska, it is the predominant preference right used in southeastern Alaska. This preference right is the only one which actually cuts processing time. The adjudication is basically the same as that done for other tideland lease applications. The only additional step is making a determination in the preliminary decision or final finding that the applicant qualifies for the preference. The time consuming task of public auction is then waived. (Public auctions seldom involve parties other than the adjacent upland owners.)

AS 38.05.079(d): Preference sales to holders of remote cabin permits.

This provision was created in 1979 as part of the remote cabins permit legislation. It requires the offering of land subject to a valid state remote cabin permit to the holder of that permit before offering it to the general public.

Presently no regulations have been promulgated, no lands have been classified for remote cabins, and no remote cabin permits have been issued. Once the program has been implemented and permits issued, there probably will be instances where this preference right is used.

AS 38.05.087: U.S. Forest Service permittee preference lease.

This 1963 legislation parallels AS 38.05.068. All requirements are the same, except that the offer is for lease to former U.S. Forest Service permittees, instead of sale.

This preference right has probably never been used. State land managers prefer to convey lands to a qualified Forest Service Permittee under AS 38.05.068 rather than lease the land under this statute since the lessee would still have a preference to purchase should the state ever decide to sell the lands.

PREFERENCE RIGHTS
UNDER AS 38.05 .
Page 7

AS 38.05.102: State lessee preference for sale or continued lease.

Passed in 1976, this statute allows the granting of a preference right to purchase or lease state land to the current leaseholders of that land; providing they are in good standing. A 1981 amendment to the leasing statute, AS 38.05.070, made this section inapplicable to short-term negotiated leases. However, short-term leases entered into prior to July 1, 1981 will continue to be eligible until they expire.

Unless difficulty is encountered during agency and public review of the decision to sell the land, these preference rights are fairly straightforward to process. Because of the high number of state leases (600-800 in 1985), this provision will probably continue to enjoy a fair amount of popularity.

AS 38.05.820: Preference sale of tidelands occupied and developed before statehood.

Part of the original Alaska Land Act promulgated in 1959, this statute allows the granting of preference right conveyance of state tide and submerged land which was occupied and developed prior to statehood. The statute applies to municipalities as well as individuals. No new individual preference rights will be submitted in the future since the statutory deadline for filing was July 1, 1967. Although the municipality deadline was June 30, 1964, a Supreme Court decision affirmed the City of Haines' right to file for preference for tidelands seaward of land annexed since 1964. Therefore, applications may be made by Municipalities in the future.

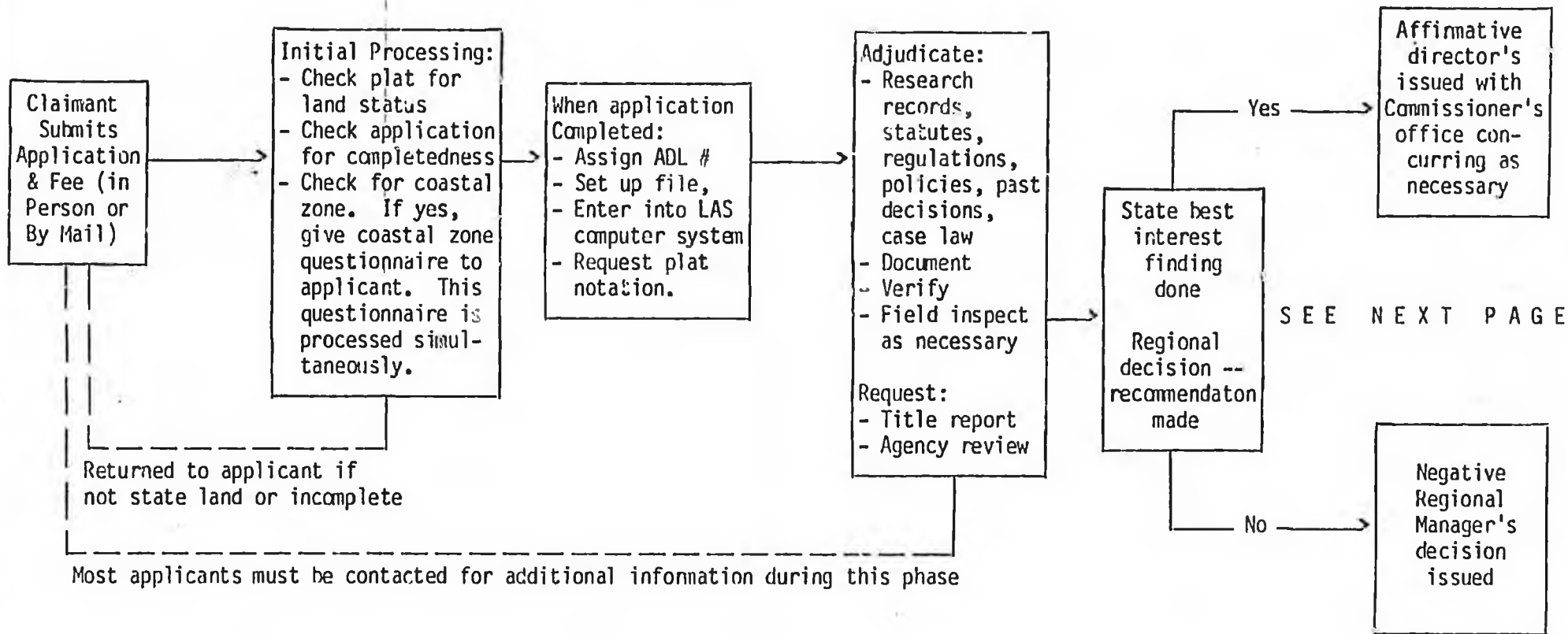
AS 38.05.870: Natural disaster relief (prompted by the disastrous 1964 Good Friday earthquake and the 1967 Fairbanks Flood).

The legislature created this statute in 1967. It allows the granting of land to replace land made unusable by a natural disaster. Owners may be required to deed the unusable land to the state. The statute is seldom used.

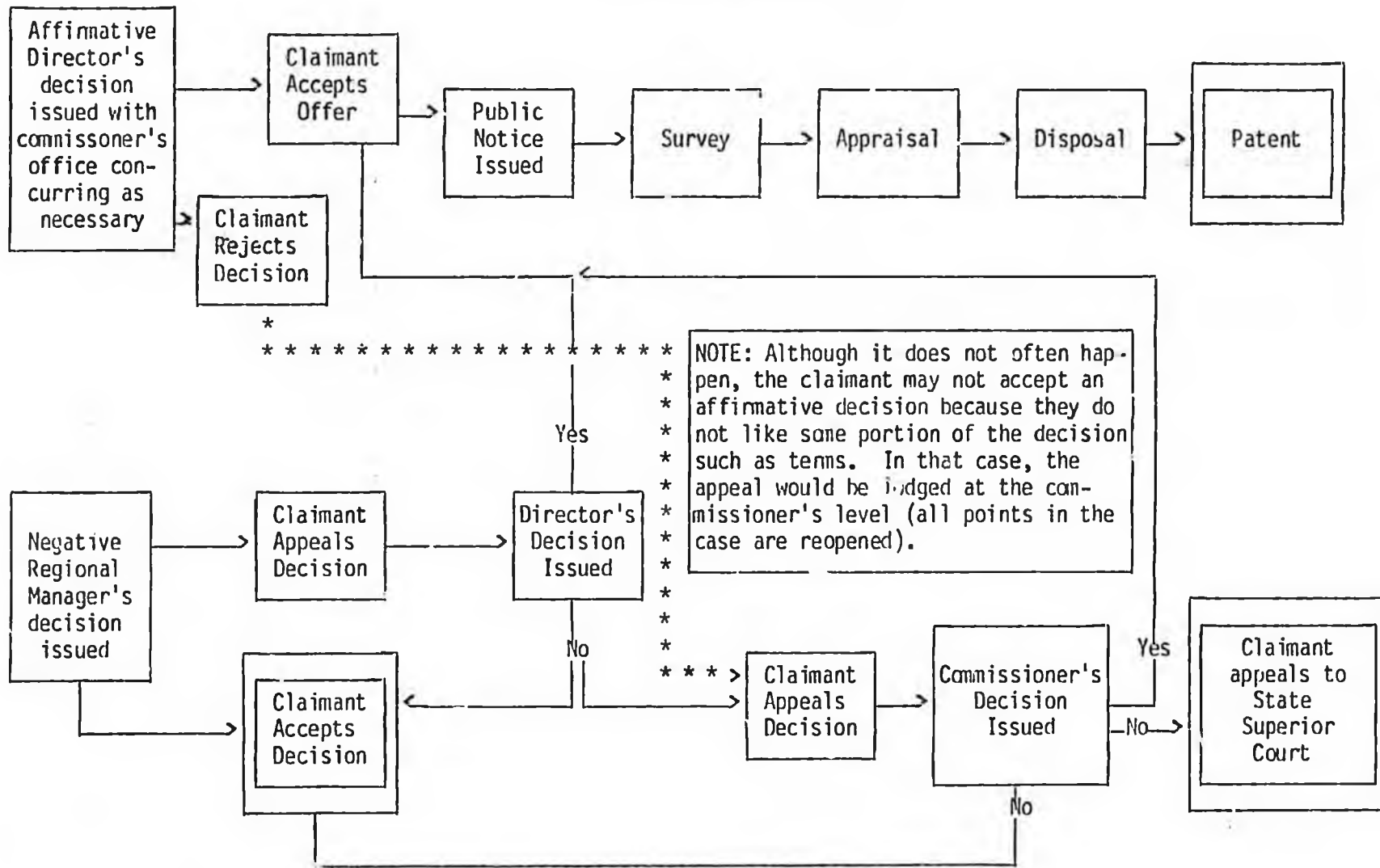
ATTACHMENT D

(Processing Flow Charts)

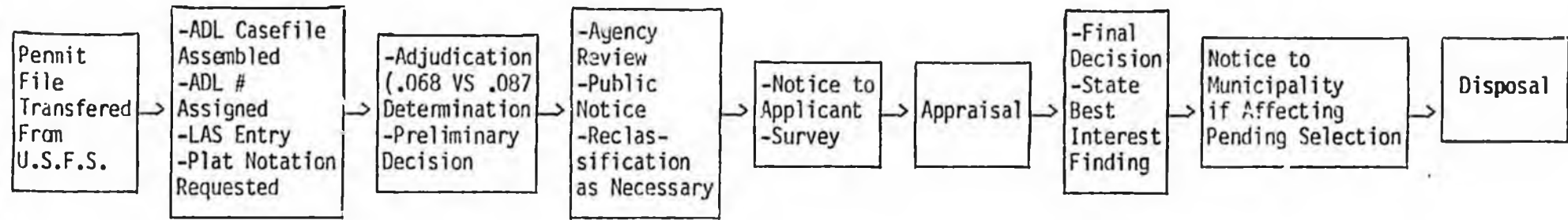
PREFERENCE RIGHT PROCESSING UNDER
AS 38.05.035



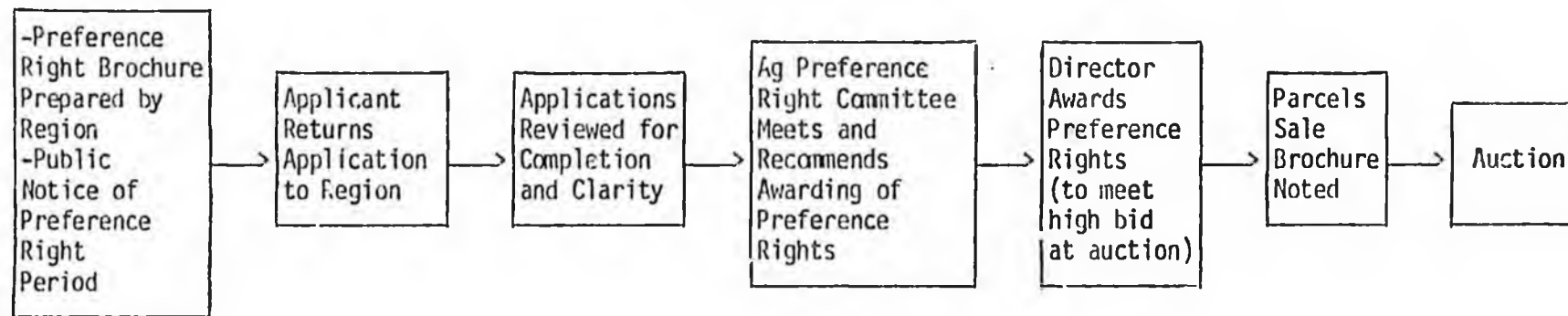
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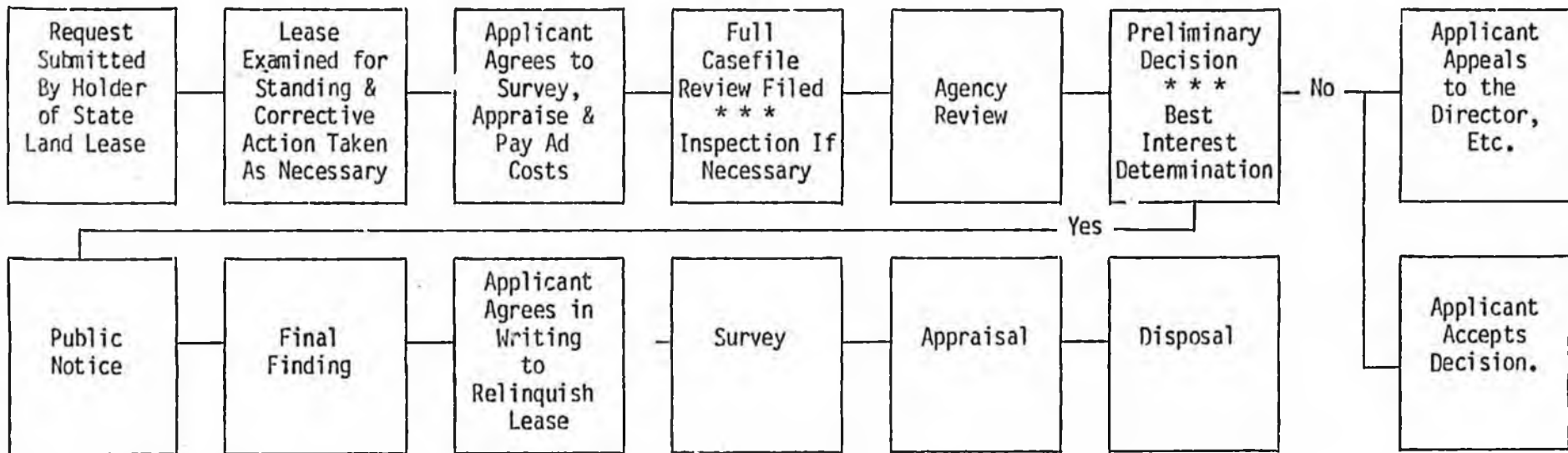
(Forest Service Permittee Preference)



Processing for Preference Rights Under AS 38.05.069
Agricultural Rights Preference



PROCESSING FOR PREFERENCE RIGHTS UNDER AS 38.05.102
(LESSEE PREFERENCE)



PUBLIC OPINION MESSAGE

TO: REPRESENTATIVE M. MIKE MILLER
FROM: BRENDA THEYERS-WILSON
314 HIGH ST.
KODIAK, AK. 99615
486-4659

BILL NO: SB 269

SUBJECT: PURCHASE OF CABINS ON STATE LAND

MESSAGE:

PLEASE DO NOT SUPPORT SB 269. IT IS UNNECESSARY, VAGUE, AND UNFAIR TO THOSE WHO DO NOT SQUAT ON STATE LAND. I DO NOT LIKE THE LACK OF RESTRICTIONS ON PRIVATE IN-HOLIDAYS IN "CRITICAL" PUBLIC LANDS. IF PEOPLED WANT TRULY PRIVATE, PERSONAL LAND, LET THEM BUY IT THROUGH DNR DISPOSAL.

DATE: 04/23/86 TIME: 13:20:20 SENT BY: KODIAK LIO

COPIES TO: REPRESENTATIVE: DAVE THOMPSON
HOUSE JUDICIARY



May 2, 1986

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Rep. Mike Miller, Chairman
House Judiciary Committee
Pouch V
Juneau, Alaska 99811

Dear Mr. Miller,

We would like to go on record as opposing Senate Bill #269, which would allow owners of cabins that were placed on certain state-owned lands prior to 1981, to purchase an acre of land including that on which the cabin is located.

This short term solution to the problem of privately-owned cabins illegally placed on publicly-owned land, addresses only the interests of the cabin owners (many of whom, or more likely most of whom, never did expect to gain title to the land, but only wanted a temporary shelter while on hunting trips) and it ignores the question of what is the best long-term use of the land as it affects the public at large. Small, randomly-placed in-holdings can only detract from the useability of the surrounding publicly-owned land and, therefore, would not be in the best interest of the public at large.

Less important, but still significant, why reward people for illegal actions?

We appreciate the fact that at one time, erecting cabins on public land was a common practice which provided needed shelter for anyone passing through an area, and in some parts of Alaska, this may still be true today. Allowing the current owners to use these cabins during their lifetime seems like a realistic and very generous (if not total) solution on the state's part, unlike the proposed bill which will create more problems than it solves.

Thank you.

Beth Cumming

Beth Cumming

for The Kachemak Bay Conservation Society

cc to:

Rep. Mike Navarre
Rep. Andre Marrau
Sen. Paul Fischer



ALASKA RESOURCE POLICY COALITION

250 Cushman Street, Suite 4-B
Fairbanks, Alaska 99701

VOTE YES VOTE YES VOTE YES VOTE YES VOTE YES VOTE YES

Our membership has previously mailed to you a list of ten (10) bills which we wanted passed. We recognize the time constraints. The following four (4) are highlighted as most important:

SB 418: MINERALS COMMISSION

SB 429: REGULATIONS SMALL BUSINESS

WATER USAGE: A COMPROMISE !!! HB695, SB460, CS for HB627

SB 269: CABINS ON STATE LAND

VOTE YES VOTE YES VOTE YES VOTE YES VOTE YES VOTE YES

THANK YOU! THANK YOU!

Trespass cabin bill meets opposition

Environmentalists cite costs

by Bruce Scandling
Associated Press

JUNEAU — A proposal giving Alaskans the chance to buy cabins they built on state land before 1981 has been criticized by environmentalists, who say the program would cost too much money and leave cabins standing in game refuges and other protected areas.

The measure, introduced last year by Senate President Don Bennett, R-Fairbanks, would allow Alaskans the chance to keep the so-called "trespass cabins" built on state land.

The Department of Natural Resources has estimated that 1,500 such cabins exist on state lands.

Bennett said the people who worked to build those cabins should have the right to keep them, especially because land status in Alaska was uncertain for years.

People should not be penalized for building cabins on land later selected by the state under provisions of the Alaska National Interest Lands Conservation Act, he has said.

Under Bennett's proposal (SB269), people would be allowed to buy their trespass cabins from the state at fair market value, along with an acre of surrounding land.

The bill passed the Senate last year, and is under consideration in the House. It passed the House Resources Committee and faces its next hearing in the House Judiciary Committee.

That's where the Alaska Envi-

ronmental Lobby Inc. is apparently prepared to make a stand against the bill.

"This bill through its redundancy, inequity, divisiveness, cost and vagueness will succeed only in diminishing the integrity of current and potential resource management in the state," wrote Scott Highleyman, executive director of the environmental lobby.

In a letter delivered last week to House Judiciary Committee Chairman Mike Miller, D-Juneau, the group urged defeat of the measure.

The bill would create another form of land disposal program for the state, and cost as much as \$500,000 a year to manage, Highleyman. The natural resources department has said it would require 10 new positions to run such a program.

Those figures are disputed by Bennett and other supporters of the measure, who contend such a disposal program could actually make money for the state because Alaskans would pay market rates for the land around their cabins.

The environmental group also opposes the bill on grounds it would allow the sale of land in areas already set aside by the state as game refuges, parks, recreation areas and other wildlife sanctuaries.

Supporters of the measure, however, point to language in the bill specifying that the natural resources commissioner "may" sell land to applicants in the program.

**Speak
your mind...**

We're listening.

April 2 — District Teleconference

Concerned about how the state is spending its money? Wondering how declining oil revenues are affecting Alaska's overall financial status? Bring your questions and opinions about the state budget or any other topic to the open forum teleconference and speak directly to your legislative representatives in Juneau. We want to hear from you.

The District Teleconference will be held at the Abbott Loop Elementary School Library, 8427 Lake Otis Parkway, on Wednesday, April 2, at 7 p.m.

**Sen. Jan Faiks
Rep. Red Boucher
Rep. Steve Rieger**

**Sen. Arliss Sturgulewski
Rep. Virginia Collins
Rep. Fritz Pettyjohn**

For more information call 274-6611

Dale & Sue Miller
Post Office Box 211248
Auke Bay, AK 99821
789-0479

RE: SB 269

They are opposed to this bill because it would legalize what has been an illegal act and give preferential treatment to a few. Gov. Sheffield has a cabin over on Cook Inlet and since it is on state land it would give him preference.

Mrs. Miller would like to testify when this bill comes up for a hearing in the Judiciary Committee

4/10/86
4:15 p.m.

SB 269

Talaheim Lodge

An Alaskan Fishing Adventure

March 28, 1986

Mike Miller
House Judiciary
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Miller,

You now may be considering S.B. #269 dealing with state lands. I hope you can put this through quickly this session. It is a good bill and I would like the opportunity to give you an example of why it might help me and others in my same circumstance.

Not all people wishing for the passage of this bill are land squatters. I applied for a long term lease 12 years ago and went through the entire process including money out of my pocket for a land appraisal. At the very last minute I found myself out in the cold with nothing...after being told there would be no problems. My situation was spawned by an extreme policy change at the beginning of the Hammond administration. The state gave me a land-use permit and I began a small fishing camp. Over the years this small fishing camp turned into a life-long dream for me...a small lodge and headquarter's sight for my hunting business. My guide area surrounds our "home-lodge".

Our lodge being ever so small is still our whole life. The lease expired and at one time we were told to vacate. During this lease I was assured something would come along that would grant us a long term lease or sale. Now after years of battle, the state is going to present us with a 55 year lease, however the conditions don't seem really fair. I have to pay for just one acre a very large annual fee and the land must be appraised every five years. My last appraisal cost me over \$2500.

So I hope you can see how I find this bill a ray of hope. I believe the state will not let themselves get into the mess it has in the past with people on state land. After SB #269 has come to bill, I think most land problems like mine will come to pass. The state will not lose for we all will pay top dollar for the lands...just one acre.

Please consider my plea and bounce this bill through. Thanks so much.

Sincerely,


Mark Miller

Write: Mark Miller, Box 87-3627, Wasilla, Alaska (907) 376-3824

Sierra Club

Alaska Field Office

241 E. Fifth Avenue, Suite 205, Anchorage, Alaska 99501, (907) 276-4048



By Wilbur Mills

April 10, 1986

Representative Mike Miller
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Miller:

Awaiting the attention of the House Judiciary Committee is SB269, a poorly disguised land disposal measure that our 1600 members statewide strongly disapprove of because of its redundancy, favoritism, and cost. We sincerely hope that as Chairman of that committee you seriously consider the implications SB269 portends to all state lands, but especially lands reserved for refuges, sanctuaries, and recreation areas.

Cabins illegally built on state lands, estimated to number around 1500, should not be made legitimate through legislation. This action would afford a small minority of Alaskans, usually affluent, a privilege that is then not available to others. Those few should not be rewarded in this way for constructing trespass cabins, while law-abiding residents are effectively punished by restricting their recreational opportunities and by causing resource conflicts on their public lands. In addition to the inequity and likely resource conflicts or even damage, the cost of this land disposal program should be considered thoroughly.

Finally, in regard to this issue we concur fully with the comments of the Alaska Environmental Lobby, a coalition of which the Alaska Chapter and Groups of the Sierra Club are members.

Sincerely,

Mike Matz
Associate Representative

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

SB 269

Talaheim Lodge

An Alaskan Fishing Adventure

March 28, 1986

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House Judiciary
Alaska State Legislature
Pouch V
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Finally, in regard to this issue we concur fully with the comments of the Alaska Environmental Lobby, a coalition of which the Alaska Chapter and Groups of the Sierra Club are members.

Sincerely,

Mike Matz
Associate Representative

KEN BUNCH

AIR TAXI OPERATOR • REGISTERED GUIDE • OUTFITTER

Sportsman • Flying • Service



P. O. BOX 31 - GLENNALLEN, ALASKA 99588

April 28, 1986

Representative M. M. Miller
P.O. Box V
Juneau, Alaska 99801

Dear Representative Miller:

As a registered Alaska guide and outfitter, I am opposed to SB 269 regarding state land being made available to guides for cabin sites. It seems unconscionable to me that our law makers in Juneau would favor indiscriminate construction of cabins throughout the wilderness areas of Alaska by a favored group. Guides have had opportunities to obtain land in wilderness areas as have the rest of the populace. Some have trespass cabins and may wish to seek ways to legalize them through SB 269.

SB 269 is counterproductive to wise land management and the need to keep development to a minimum in the wilderness areas of Alaska.

SB 269 would have no impact on improving the guiding industry or tourism. It is, in my opinion, a way to favor one group of people over another, and a way to legalize possible trespass cabins.

Please vote against SB 269.

Sincerely,

Ken Bunch