

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672
4998 HRES SB 16 - SB 55

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STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400

OFFICE OF THE COMMISSIONER

March 3, 1988

The Honorable Sam Cotten
Co-Chair, House Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Representative Cotten:

Subject: SB 16 relating to the disposition of unclaimed real property interests.

Position: CSSB 16 (Res) provides the state may retain historical sites, but precludes state retention for other reasons. However, there are escheated properties in other areas where, for one reason or another, the state may wish to retain ownership, e.g., properties in or adjacent to parks or other designated areas or properties of particularly high public value.

Background: The purpose of escheat is to provide for disposition of unclaimed property, usually after the death of the owner, intestate. If a parcel is located in a park or other legislatively designated area, it may well be less expensive for the state to retain the land, as opposed to selling the property and then asking the Legislature to appropriate funds to repurchase the property for inclusion in the designated area. For example, if a parcel within the Kenai River management area was escheated under this bill, the department would have to dispose of the parcel rather than keeping it for public use. The opportunity to use a parcel of land in an exchange may also be in the best interest of the state.

Recommendation: The Legislature transferred the escheat program from the Department of Revenue to the Department of Natural Resources in 1986. That legislation provides acceptable guidelines for the escheat program. Regulations have been drafted, but are not approved as yet.

Regarding this particular bill, the department has the following technical recommendations:

March 3, 1988

The department recommends that "owner" be better defined. Currently "owner" can be legally undetermined heirs, devisees, assignees and adverse possessors.

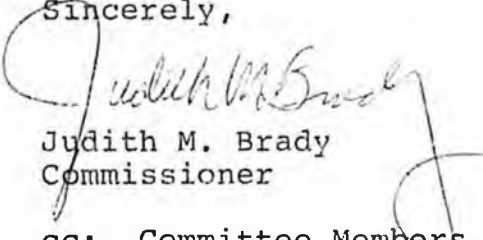
Page 1, lines 10-13 Add "Abandoned" before "Unclaimed Estate"

Page 2, line 13 delete "shall sell"; add "shall offer for sale"

Page 4, lines 5, 6 - Make the bill apply to all escheated real property not sold, including property escheated under predecessor statutes.

We will be pleased to continue working with committee staff as this bill progresses.

Sincerely,



Judith M. Brady
Commissioner

cc: Committee Members
Bill Sponsors
Rod Swope
Bob Evans

FISCAL NOTE

REQUEST:

Revision Date: 3/4/88
Title: Disposition Unclaimed Real Property
Sponsor: Senator Faiks
Requestor: House Resources

Agency Affected: DNR
BRU: LSWM
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		50.0	50.0	50.0	50.0	50.0
TRAVEL		2.0	2.0	2.0	2.0	2.0
CONTRACTUAL		29.0	29.0	29.0	29.0	29.0
SUPPLIES		1.0	1.0	1.0	1.0	1.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		82.0	82.0	82.0	82.0	82.0
CAPITAL						
REVENUE		50.0*	50.0*	50.0*	50.0*	50.0*

FUNDING: (Thousands of Dollars)

GENERAL FUND		82.0	82.0	82.0	82.0	82.0
FEDERAL FUNDS						
OTHER						
TOTAL		82.0	82.0	82.0	82.0	82.0

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

* Improves existing management of unclaimed real property. Under aggressive management the program could yield annual revenues in the neighborhood of \$50,000 and the existing inventory has value of approximately \$215,000. Current level of effort is low.

Prepared by: Janet Burleson Phone: 465-2400
Division: Land and Water Management Date: 3/4/88
Approved by Commissioner: [Signature] Date: 3/4/88
Agency: Department of Natural Resources

Distribution (by preparer) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

			<u>89</u>	<u>90</u>
100	<u>Personnel</u>	1 NRM I	50.0	
200	<u>Travel</u>		2.0	
300	<u>Contractual</u> Appraisals, etc.		29.0	
400	<u>Supplies</u>		<u>1.0</u>	
			82.0	

These figures represent a Natural Resource Manager I and the costs to advertise, appraise and convey these parcels.

**STATE OF ALASKA 1987, LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: CSB 16 Red
Publish Date: 3-3-87

Revision Date: _____

Agency Affected: Natural Resources

Title: Unclaimed real property
management

BRU: Land & Water Public Use

Sponsor: Faiks

Components: _____

Requestor: Senate Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
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REVENUE		50.0 (?)	50.0 (?)	50.0 (?)	50.0 (?)	50.0 (?)
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Improves existing management of unclaimed real property.
Under aggressive management the program could yield annual revenues in the neighborhood of \$50,000 and the existing inventory has value of approximately \$215,000. Current level of effort is low.

Prepared by: Tom Hawkins
Division: Land and Water Management

Phone: 762-4355
Date: 1/22/87

Approved by Commissioner: *Justin Bradley*
Agency: Natural Resources

Date: _____

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary



Alaska State Legislature

HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES

POUCH V
JUNEAU, ALASKA 99811
(907) 465-3715

MEMORANDUM

March 4, 1988

TO: Rep. Sam Cotton, Co-Chair
Rep. Adelheid Herrmann, Co-Chair
Resources Committee members

FROM: Ned Farquhar, staff

SUBJECT: SB 16 (Faiks): Escheat properties

Existing escheat law

Under state law enacted in 1986 (attached), real property for which there is no owner eventually reverts to the ownership of the state. The law requires thorough title research, judicial review, and an effort to locate potential owners.

Why the law was changed in 1986

Until 1986 the Department of Revenue managed escheat lands and sold them to raise revenue for the state. However, the Legislature amended the escheat laws in 1986 because there were cases in which continued state ownership made sense. For instance, properties with historical importance, conservation potential, or community values were being sold even though there was agency and public opposition to selling the property.

SB 16

SB 16 would revert to the previously existing situation: the state would be required to sell all escheated real property to which it gains title. The only exception to this rule would be that the state could (under strict conditions) retain designated historic sites. This reverses the presumption that the state should make an interest finding regarding the best management and ownership of escheat parcels (existing AS 38.95.230).

Characteristics of escheated land

As shown by the Department's inventory of escheat land, escheat parcels vary widely in their character. Often the parcels are remote mining claims. However, sometimes the parcels are highly valuable properties with public interest values.

State land managers believe that several escheat properties have deserved special management or retention by the state or by another party. I requested case histories of three particular parcels (attached). In summary, one is a cabin site at Talkeetna with historical value; a second is Powder Island, near Seldovia, which is a valuable piece of real estate that has been considered as trade stock for land exchanges or for conservation; and a third is the Craig park site, which under the old law had to be sold and eventually was bought by Craig with a legislative appropriation.

The existing escheat properties list

Although it could probably be enhanced if the Department were to initiate an active search for escheat properties, the Department's existing list contains only eight properties (attached). It isn't realistic to expect these properties to bring in substantial revenue, particularly under the conditions set out in SB 16. On the other hand, if the state is in the position of having to appropriate funds to reacquire these lands (as it did at Craig before the Legislature changed the escheat statute), the sell-off could be needlessly and inefficiently expensive.

Questions about SB 16

SB 16 presents the Legislature with a clear policy choice: does it wish to see these properties sold in virtually every case or does it wish to provide the option of retaining the property for special management or conveyance by other means? If SB 16 is enacted, the only escheat properties that may be retained are designated historic sites.

The bill also contains other more technical issues. The central section of the bill (Sec.5 of the Senate Resources CS) requires the Department to sell property within 90 days after a judgement of escheat. What if there is no buyer? Must the sale be competitive, by lottery or auction? Is there a fair-market value requirement, and may the Department establish a minimum bid? Does the requirement to sell within 90 days amount to a marketing constraint that will suppress competition and cause the state to recover lower values?

(1) permits shall be issued for a period of not more than 10 years, with succeeding 10-year renewal options, if periodic use and occupancy is established, and the conditions of (a) of this section continue to be met;

(2) a cabin shall be constructed and maintained according to reasonable specifications established by the director; one cabin constructed under a permit may contain not more than 400 square feet; however, in no case may another cabin constructed under the same permit exceed 192 square feet.

(3) a permit shall specify the number of cabins allowed to be constructed and indicate their specific geographical location; the director may establish a maximum number of cabins per person or otherwise limit their number because of the probability of adverse consequences;

(4) adequate provision must be made for waste and garbage disposal, as determined by the director;

(5) the payment of a trapping cabin permit fee of \$10.

(d) A permit issued under (a) and (b) of this section entitles its holder to use timber in the immediate vicinity of the cabin for personal noncommercial purposes only. No ownership rights to the land are conveyed by the issuance of a trapping cabin permit under this section.

(e) A person who makes a false statement as to any material fact relating to a permit issued under this section is guilty of a misdemeanor. A person who violates this subsection or any of the terms and conditions of a permit issued under this section may have the permit immediately revoked and is subject to payment of all costs required in dismantling the cabin structure. (1 ch 115 SLA 1976; am § 40 ch 113 SLA 1981; am § 1 ch 41 SLA 1982; am § 76 ch 152 SLA 1984)

Article 5. Real Property Escheated to State.

Section

- 200. Real property subject to escheat
- 210. Enforcement of rights by department
- 220. Judgment of escheat
- 230. Management of escheated real property by department

Section

- 240. Time within which to claim escheated real property
- 250. Proceeds of sale or redemption
- 260. Disposition of sale proceeds seven years after the judgment of escheat
- 270. Definition

Sec. 38.95.200. Real property subject to escheat. (a) Real property in an intestate estate for which no taker can be found and real property devised by will for which no devisee, heir, or other claimant can be found escheats to the state.

(b) Real property of a defunct organization or corporation, for which no proceeding for distribution instituted has been instituted within four years after the organization becomes defunct, escheats to the state. (§ 12 ch 133 SLA 1986)

Sec. 38.95.210. Enforcement

(a) When the Department of Natural Resources has reason to believe that real property has escheated to the state, the department shall bring an action in the superior court to determine whether the property has escheated to the state.

(b) The department may maintain an action in the superior court for the recovery of escheated real property, or for the determination of the title to the property. (§ 12 ch 133 SLA 1986)

Sec. 38.95.220. Judgment of escheat

(a) If the department determines that real property has escheated to the state, the superior court shall issue a judgment of escheat.

(b) A court order approving settlement of real property to the state is a judgment of escheat. (AS 38.95.220, 1986)

Sec. 38.95.230. Management of escheated real property

(a) After a judgment of escheat is entered, the department may sell, lease, exchange, or otherwise dispose of real property that has escheated to the state. The department shall make a written finding that it is in the best interests of the state either to

(1) obtain an appraisal of the fair market value of the property and sell, lease, exchange, assign, or otherwise dispose of the property, including retention in state management; or

(2) retain the real property in state management and obtain an appraisal.

(b) The appraisal value of the property shall be the selling price from a public sale, less the expenses of sale or appraisal. The proceeds of the sale of the property for purposes of redemption under AS 38.95.240(c).

(c) Seven years after the judgment of escheat, if the property has not been otherwise disposed of by the department, the state land for classification, disposal, and management.

Sec. 38.95.240. Redemption of escheated real property

(a) Within seven years after the judgment of escheat under AS 38.95.220, a person who is not the defendant in the action may bring an action in the superior court to recover the real property if the plaintiff alleges that the plaintiff had no knowledge of the judgment of escheat. If the court shall award the plaintiff the real property, the plaintiff shall manage the property under AS 38.95.230(a)(2), (c).

riod of not more than 10 years, conditions, if period lease and occupations of (a) of this section con-

id maintained according to ready the director; the cabin con- not more than 10 square feet; bin constructed under the same

ber of cabins allowed to be con- geographical location; the director of cabins per permit or otherwise ability of adverse consequences; made for waste and garbage dis-

bin permit fee \$10.

d (b) of this section entitles its ate vicinity of the cabin for per- No ownership rights to the land rapping cabin permit under this

tatement as to a material fact this section is guilty of a misde- subsection or any other terms and this section may give the permit to payment of all costs required in 1 ch 115 SLA 1982; am § 40 ch 1982; am § 76 ch 1982 SLA 1984)

Property Escheated to State.

- Section 240. Time within which to claim escheated real property
- 250. Proceeds of sale and redemption
- 260. Disposition of proceeds seven years after the judgment of escheat
- 270. Definition

subject to escheat (a) Real prop- h no taker can be found and real to devisee, heir, or other claimant organization or corporation, for which instituted has been instituted within becomes defunct, escheats to the

Sec. 38.95.210. Enforcement of rights by department. (a) When the Department of Natural Resources is informed or has reason to believe that real property has escheated to the state, the department shall bring an action in superior court to establish whether the property has escheated to the state.

(b) The department may maintain an action to recover the possession of escheated property, or for the enforcement of the state's right to the property. (§ 12 ch 133 SLA 1986)

Sec. 38.95.220. Judgment of escheat. (a) If the superior court determines that the real property has escheated to the state, the superior court shall issue a judgment of escheat.

(b) A court order approving settlement of an estate that distributes real property to the state is a judgment of escheat. (§ 12 ch 133 SLA 1986)

Sec. 38.95.230. Management of escheated real property by department. (a) After a judgment of escheat under AS 38.95.220, the department may sell, lease, exchange, assign, or otherwise manage real property that has escheated to the state. In determining the proper disposition of escheated real property the department shall, within two years after the judgment of escheat under AS 38.95.220, make a written finding that it is in the best interests of the state either to

(1) obtain an appraisal of the fair market value of the real property and sell, lease, exchange, assign, or otherwise manage the property, including retention in state management; or

(2) retain the real property in state management without obtaining an appraisal.

(b) The appraised value of property handled under (a)(1) of this section, or the selling price from a sale under AS 38.05.055 if it is lower, less the expenses of sale or appraisal, is the established value of the property for purposes of redemption by an heir or other taker under AS 38.95.240(c).

(c) Seven years after the judgment of escheat, real property that has not been otherwise disposed of by the department becomes general state land for classification, disposal, and use. (§ 12 ch 133 SLA 1986)

Sec. 38.95.240. Time within which to claim escheated real property. (a) Within seven years after a judgment of escheat under AS 38.95.220, a person who is not a party to the escheat proceeding may bring an action in the superior court to prove the person's claim to the real property. If the plaintiff establishes the claim and establishes that the plaintiff had no knowledge of the prior escheat proceeding, the court shall award the plaintiff the property if it has been managed under AS 38.95.230(a)(2), or the appraised value of the prop-

erty under AS 38.95.230(b) if the property has been managed under AS 38.95.230(a)(1).

(b) If it is determined that the plaintiff is entitled to the property, the department shall deliver the property to the plaintiff. The rents, profits, interest, or dividends that accrue to the state during its possession of the property are the property of the state and may not be recovered.

(c) If it is determined that the plaintiff is entitled to the appraised value of property that has been disposed of under AS 38.95.230(a)(1), at the department's discretion it may offer to the plaintiff land owned by the state and available for disposal that is of comparable value to the appraised value under AS 38.95.230(a)(1). If the department does not offer land of comparable value, or if the plaintiff refuses the department's offer, the plaintiff is entitled to the established value of the property under AS 38.95.230(b).

(d) The time limitation of seven years does not apply to a minor or an incapacitated person as defined by AS 13.26.005, but such a person must bring an action to prove the person's claim to the real property within one year after the incapacity ceases.

(e) This section does not prevent the state from transferring escheated real property to a person who provides proof satisfactory to the department that the person is the owner of the real property when the department determines the transfer to be appropriate. (§ 12 ch 133 SLA 1986)

Sec. 38.95.250. Proceeds of sale or redemption. The department shall deposit the proceeds of real property sold under AS 38.95.230(a)(1) less the expenses of sale, including attorney fees and appraisal and publication costs in an escheated real property trust account. The department shall maintain the proceeds in the account for a period of at least seven years after the date of the judgment of escheat. The department may use money in the trust account to pay claims made under AS 38.95.240. (§ 12 ch 133 SLA 1986)

Sec. 38.95.260. Disposition of sale proceeds seven years after the judgment of escheat. Seven years after the judgment of escheat, net proceeds from the sale of escheated real property may be transferred from the escheated real property trust account to the general fund and credited to the land disposal income account under AS 38:04.022, unless a person who was the owner or one of the owners of the property when the property escheated to the state has outstanding child support obligations, in which case the proportion of the net proceeds that is attributable to the ownership interest of the person shall be applied to the satisfaction of the child support obligations and the

balance remaining after the satisfaction of the disposal income account. (§ 12 ch 133 SLA 1986)

Sec. 38.95.270. Definition. In this section, "Department of Land Administration" means the Department of Land Administration created by AS 38.95.010. (§ 12 ch 133 SLA 1986)

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balance remaining after the satisfaction shall be credited to the land
disposal income account. (§ 12 ch 133 SLA 1986)

Sec. 38.95.270. Definition. In AS 38.95.200 — 38.95.270, "depart-
ment" means the Department of Natural Resources. (§ 12 ch 133 SLA
1986)

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES, DIVISION OF LAND AND WATER MANAGEMENT

Reference: Escheat lands Background information for testimony on CSSS 1E

Date: March 1, 1988

This is a very brief compilation of some background information on three escheat parcels.

ESCHEAT 43, HARRY C. ROBB Estate :

Location: Talkeetna Townsite, Lot 14, Block 10, USS 1260
(T26N, R5W, Seward Meridian)

Total acres: 0.11

Date of Final Judgement of Escheat to State: Feb 6, 1978.

Date parcel removed from trust status (7 years from Judgement):
Feb 6, 1985.

Estimate of Value: \$9,200.00 (Matanuska-Susitna Borough assessment July 1987)

Other associated actions:

1. ADL 203861 is a management agreement application, not finalized. The application is for a proposed cooperative management agreement between Talkeetna Historical Society and Department of Natural Resources (Parks). The Society proposed to maintain the Robb log cabin to prevent further deterioration. The application was initiated Oct 2, 1979.
2. The property was rejected for registry by the Historic Site Advisory Commission in 1979.

ESCHEAT 46, FRANK PASTOR MANTON Estate (Powder Island) :

Location: Lot 4, Section 6, T9S, R14W, Seward Meridian, 1/2 mile south of Seldovia in Seldovia Bay.

Total acres: 11.91

Date of Final Judgement of Escheat to State: Jan 3, 1980.

Date parcel removed from trust status (7 years from Judgement): Jan 3, 1987

Estimate of Value: \$298,200.00 (Jan 6, 1986).

Other associated actions:

1. Trespassers have been removed.
2. One of several parcels (40,000 acres) involved with the Seldovia Native land exchange application ADL 221933. This proposed exchange is no longer an active proposal.

ESCHEAT 49, Tennes Aarstad Estate :

Location: Townsite, Homesite Survey 591, US Survey 2811,
(T74S, R81E, Copper River Meridian)

Total acres: 2.5.

Date of Final Judgement of Escheat to State: Oct 2, 1981.

Parcel sold May 8, 1985 to City of Craig, \$100,000.00 (cash is being held in trust until Oct 2, 1988).

Other associated actions:

Cooperative Management Agreement signed July 3, 1982 (prior to sale) between Department of Revenue and Department of Natural Resources which permitted DRN to manage the land and DNR to contract with City of Craig to permit Craigs use of the property.

ESCHEAT CASEFILES-TITLE ADMIN UNIT-LAND & WATER MGNT

FILE #	ACRES	END 7 YEARS	LAND VALUE	COMMENTS
ESC 17	0	1952	MINIMAL	NENANA SMALL UNRESOLVED AC, FLOOD P
ESC 18	16	1944	UNKN	FED. MINING CLAIM, NEAR NOME
ESC 36	15	1971	UNKN	FED. MINING CL W/MCO, FBKS AREA
ESC 32	0.04	1972	520	APPROX VALUE, SUBSTANDARD LOT
ESC 43	0.25	FEB1985	3500	IMPROV W/HIST BLDG, HIST SOC WANTS'
ESC 46	11.00	MAR187	298000	APPRAISAL 1986, POWDER ISL.
ESC 51	60.00	MAR632	58700	TAX ASSESSMENT, WILDLF HAB CL.
ESC 53	8.00	DEC1193	16800	MINING CL, 2 LOTS, TURNAGAIN PASS
TOTALS	130.2		381500	

DNR MAY SELL THE PARCELS AFTER OBTAINING TITLE, BUT MUST PLACE THE PROCEEDS IN THE EXISTING TRUST ACCOUNT UNTIL 7 YEARS FROM THE COURT JUDGEMENT.

DELIVER TO: <u>Janet Burleson</u>	LOCATION: <u>Juneau</u>
FROM: <u>Carol Shobe</u>	LOCATION: <u>Anchorage</u>
TELEPHONE/TELECOPIER # <u>586-2254</u>	TOTAL NUMBER OF PAGES _____
TRANSMITTING ON/SPEED _____	DATE <u>3-1-88</u> TIME <u>2:20</u>
PHONE FOR PROBLEMS-NAME/NUMBER <u>262-2351 Helen</u>	
COMMENTS _____	

Alaska State Legislature

file

PRESIDENT
907-465-3755



JAN FAIKS
POST OFFICE BOX V
JUNEAU, ALASKA 99811

Senate

May 9, 1987

MEMORANDUM

TO: All Senators

FROM: Jan Faiks
President of the Senate

SUBJECT: Background on Senate Bill 16
An Act relating to the disposition of unclaimed
real property

The Resource Committee CS to Senate Bill 16 is now before the Senate for consideration.

This bill, and the statutes it seeks to replace, concern escheated real property. "Escheat" refers to property which reverts to the State in situations where there is no one to inherit it.

SB 16 seeks to simplify the procedures for the disposition of escheated real property by requiring the State to sell such property, thereby creating revenue for the State and returning property to the private sector.

The Fourteenth Legislature adopted House Bill 182 relating to a Uniform Unclaimed Property Act. The Governor subsequently signed the bill and it became Chapter 133 of the Session Laws of 1986. This legislation is now codified in AS 13.16.381, and AS 38.95.200-270.

Under the current statutes, AS 38.95.200-270 enumerate the steps which must be followed by the Department of Natural Resources (herein after referred to as the Department) when it has received escheated real property. My concern is that

OUT OF SESSION

6060 YUKON DRIVE ANCHORAGE, ALASKA 99516 907-274-6611

these steps are inefficient and costly. The steps are as follows:

1. The Department must first be informed or have reason to believe that real property has escheated to the State. (AS 38.95.210)
2. The Department must then bring an action in Superior Court to establish whether the property has escheated to the State, or it may maintain an action to recover the possession of escheated property, or the enforcement of the State's right to the property. (AS 38.95.210)
3. The Department must then get a court judgment of escheat. (AS 38.95.220)
4. The Department has two years from the judgment of escheat to determine the proper disposition of the property by making a "best interest finding". The Department may, at its option, sell, lease, exchange, assign, or otherwise manage the property. (AS 38.95.230) The method of disposition selected determines the procedures to be followed by the Department.
5. A series of procedural and valuation steps must then be consulted in the event that a claim to the property is filed within seven years from the judgment of escheat. (AS 38.95.240)

Senate Bill 16 has two significant effects on these statutes. First, it facilitates the disposition of escheated real property by requiring the Department to sell it, unless the property could be considered as an historic site. By eliminating the other disposition options currently available, several procedural and valuation steps are also eliminated. Specifically, the two-year lag period for disposition, need for a written "best interest" finding, and the property appraisal requirements of AS 38.95.230 would be eliminated. Awards to plaintiffs would also be simplified by eliminating the present variables of AS 38.95.240, since the courts would award the property or an amount equal to the net proceeds of the sale.

Additionally, since the Department must then sell the escheated property by public auction, the property is returned to the private sector and revenue is created for the State.

The current statutes allow the State, at its option, to sell, lease, exchange, assign, or otherwise manage the property, thus taking more time for disposition, costing more money to maintain, and not effectively utilizing the property.

This bill contains the following provisions:

Section 1. DISPOSITION OF UNCLAIMED ESTATE BY PERSONAL REPRESENTATIVE. Amends AS 13.16.381 by requiring the personal representative of an intestate estate to handle the unclaimed real property of the estate in accordance with AS 38.95 (Miscellaneous Provisions under Public Lands).

Section 2. NOTICE. Amends AS 38.05.945 (a) by requiring that notice be given under the procedures of that statute of a proposed sale of escheated real property by the department under AS 38.95.230 (Disposal of escheated real property by the department).

Section 3. Notice of the proposed sale of land which the department has leased for mineral rights must be given, as required by AS 38.05.945 (a).

Section 4. Notice of the proposed sale of land for which the department has issued a production license must be given, as required by AS 38.05.945 (a).

Section 5. DISPOSAL OF ESCHEATED REAL PROPERTY BY DEPARTMENT. Repeals and reenacts AS 38.95.230. Within 90 days after a judgement of escheat, and after notice has been given, the department must sell the escheated real property unless it issues a written finding that the designation of the property as an historic site would be in the best interest of the state. If so, the department must request the Historic Sites Advisory Committee to determine if the property should be designated an historic. If the committee decides not to recommend the designation or if the governor decides not to make the designation, the department shall make arrangements to sell the property as soon as possible after receiving notice of the decision.

Section 6. CLAIMS TO ESCHEATED REAL PROPERTY. Repeals and reenacts AS 38.95.240. Within seven years from the judgment of escheat, a person who was not a party to the escheat proceeding may bring an action in superior court to prove the person's claim to the real property, or may bring the claim directly before the department. If it is determined that the claim is valid, the department must transfer the property if the state still owns it, or must transfer an amount equal to the net proceeds from the sale of the real property.

Section 7. PROCEEDS OF SALE. The department must maintain the net proceeds from the sale of escheated real property in a trust account. The department may use that money to pay successful claimants under AS 38.95.240.

Section 8. DEFINITIONS.

SECTION 9. This act applies to real property which is the subject of an escheat proceeding begun on or after the effective date of this act.

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

403 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1756
PHONE: (907) 465-2400

March 3, 1988

The Honorable Sam Cotten
Co-Chair, House Resources Committee
P.O. Box 7
Juneau, AK 99811

Dear Representative Cotten:

Subject: SB 16 relating to the disposition of unclaimed real property interests.

Position: CSSB 16 (Res) provides the state may retain historical sites, but precludes state retention for other reasons. However, there are escheated properties in other areas where, for one reason or another, the state may wish to retain ownership, e.g., properties in or adjacent to parks or other designated areas or properties of particularly high public value.

Background: The purpose of escheat is to provide for disposition of unclaimed property, usually after the death of the owner, intestate. If a parcel is located in a park or other legislatively designated area, it may well be less expensive for the state to retain the land, as opposed to selling the property and then asking the Legislature to appropriate funds to repurchase the property for inclusion in the designated area. For example, if a parcel within the Kenai River management area was escheated under this bill, the department would have to dispose of the parcel rather than keeping it for public use. The opportunity to use a parcel of land in an exchange may also be in the best interest of the state.

Recommendation: The Legislature transferred the escheat program from the Department of Revenue to the Department of Natural Resources in 1986. That legislation provides acceptable guidelines for the escheat program. Regulations have been drafted, but are not approved as yet.

Regarding this particular bill, the department has the following technical recommendations:

March 3, 1988

The department recommends that "owner" be better defined. Currently "owner" can be legally undetermined heirs, devisees, assignees and adverse possessors.

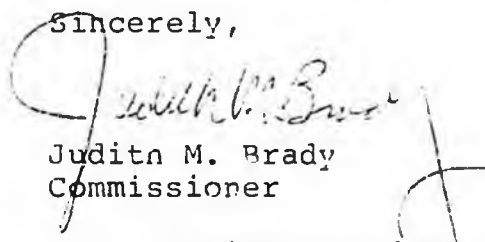
Page 1, lines 10-13 Add "Abandoned" before "Unclaimed Estate"

Page 2, line 13 delete "shall sell"; add "shall offer for sale"

Page 4, lines 5, 6 - Make the bill apply to all escheated real property not sold, including property escheated under predecessor statutes.

We will be pleased to continue working with committee staff as this bill progresses.

Sincerely,



Judith M. Brady
Commissioner

cc: Committee Members
Bill Sponsors
Rod Swcpe
Bob Evans

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 16 (Res)
PUBLISH DATE: _____

FISCAL NOTE

REQUEST: _____

Revision Date: 3/4/88
Title: Disposition Unclaimed Real Property
Sponsor: Senator Faiks
Requestor: House Resources

Agency Affected: DNR
BRU: L&WM
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		50.0	50.0	50.0	50.0	50.0
TRAVEL		2.0	2.0	2.0	2.0	2.0
CONTRACTUAL		29.0	29.0	29.0	29.0	29.0
SUPPLIES		1.0	1.0	1.0	1.0	1.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		82.0	82.0	82.0	82.0	82.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE		50.0*	50.0*	50.0*	50.0*	50.0*
---------	--	-------	-------	-------	-------	-------

FUNDING: (Thousands of Dollars)

GENERAL FUND		82.0	82.0	82.0	82.0	82.0
FEDERAL FUNDS						
OTHER						
TOTAL		82.0	82.0	82.0	82.0	82.0

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

* Improves existing management of unclaimed real property. Under aggressive management the program could yield annual revenues in the neighborhood of \$50,000 and the existing inventory has value of approximately \$215,000. Current level of effort is low.

Prepared by: Tarot Bursler Phone: 465-3100
Division: Land and Water Management Date: 3/4/88

Approved by Commissioner: [Signature] Date: 3/4/88
Agency: Department of Natural Resources

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

			<u>89</u>	<u>90</u>
100	<u>Personnel</u>	1 NRM I	50.0	
200	<u>Travel</u>		2.0	
300	<u>Contractual</u> Appraisals, etc.		29.0	
400	<u>Supplies</u>		<u>1.0</u>	
			82.0	

These figures represent a Natural Resource Manager I and the costs to advertise, appraise and convey these parcels.

S B

18

(9)

HOUSE COMMITTEE REPORT

5/16/87

Finance

Date referred:

FURTHER REFERRALS:

DATE:

1-22-88
CSSB 18 (C&RA)

Resources

The _____ Committee has considered

"An Act creating the Anchorage Coastal Wildlife Refuge and renaming the Potter Point State Game Refuge as the Anchorage Coastal Wildlife Refuge; and providing for an effective date."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note 1-13-88
- zero with analysis same as previous zero fiscal note published _____

SIGNING DO PASS:

Mike Hovane
[Signature]
Cliff Davidson
Heinrich Springer
Adelheid Herrman
Jan G. [Signature]

SIGNING OTHER RECOMMENDATIONS:

Mike Ronge - No Rec
Dink Shurtz - No Rec

Jan G. [Signature]

Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: 2/9/87
 Title: An Act creating Anchorage Coastal Wildlife Refuge
 Sponsor: Szymanski, Sturgulewski, et al
 Requestor: Hse Res Comm
 Agency Affected: Fish and Game
 BRU: Habitat
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
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: 1/18/88
 Approved by Commissioner [Signature] Date: 1-18-88
 Agency: Fish and Game

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: 2/9/87
Title: An Act creating Anchorage Coastal Wildlife Refuge
Sponsor: Szymanski, Sturgulewski, et al
Requestor: Hse Res Comm

Agency Affected: Fish and Game
BRU: Habitat
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
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
Division: Commissioner's Office

Phone: 465-4100
Date: 1/18/88

Approved by Commissioner: *Ronald Szymanski*
Agency: Fish and Game

Date: 1-18-88

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)



Alaska State Legislature

Senator Mike Szymanski

While in Session:
P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4978/4979

MEMORANDUM

TO: Senate Resource Committee Members

FROM: Senator Mike Szymanski

SUBJECT: SB 18 - Anchorage Coastal Wildlife Refuge
Background/Intent

DATE: February 14, 1987

Interim
11920 Johns Rd.
Anchorage, AK 99515
(907) 349-3373

1024 W. 6th
Anchorage, AK 99501
(907) 276-6739

In 1971, the Alaska State Legislature created Potter Point State Game Refuge (AS 16.20.030(b)) which extends southeasterly along the coastline of Anchorage from Pt. Campbell to Potter Creek. This easily accessible, urban refuge provides excellent wildlife viewing opportunities for city residents, and it enhances the Anchorage economy through its value as a tourist attraction.

In June 1983, the Municipality of Anchorage (MOA) established the Potter Marsh Task Force to address management problems that were developing both within and around the Refuge, and to subsequently make recommendations for improving management of the refuge. The Task Force is supported by the MOA, Alaska Department of Fish and Game (ADF&G), Alaska Department of Natural Resources (DNR) and interested public members.

SB 18 is supported by the Administration, the Rabbit Creek Community Council, the Oceanview Community Council, the National Rifle Association, the Municipality of Anchorage and various environmental and development groups in the Anchorage area. It is an example of multiple-use legislation which has been developed and supported by diverse groups and individuals and I respectfully request its passage by the Committee.

SB 18 would:

1) Rename the existing Potter Point State Game Refuge the "Anchorage Coastal Wildlife Refuge".

Section 1, AS 16.20.031 (a) would establish the Anchorage Coastal Wildlife Refuge to be managed for the protection of waterfowl, shore birds, salmon, and other fish and wildlife species, and their habitat and for the use and enjoyment of the people of the State. Section 3 repeals AS 16.20.030(b) which is the existing statute establishing the Potter Point State Game Refuge. This new name more accurately reflects the Refuge's location and relation to the city of Anchorage.

Senate District E

Mar-Su • So. Anchorage • Bird/Indian • Girdwood • Whittier • Nikiski • Cooper Landing • Hope • Seward • Cordova • Valdez

2) Provide a precise legal description, in surveyable section lines, of the boundaries of the State-owned land and water included in the Refuge.

The 1971 legislation reads, "The following described state-owned land and adjacent state water, excluding existing and applied-for highway, pipelines and railway rights-of-way as of May 20, 1971, are established as the Potter Point State Game Refuge: All land and water south and west of and adjacent to the toe of the bluff which extends from Campbell Point southeasterly to Potter Creek." This language does not define any real or measurable limit as to how far the Refuge boundary extends seaward, and the inland boundary is open to wide interpretation. Many times, this lack of clarity has resulted in confusion for state agencies, private development interests, and the general public. Therefore, SB 18 in Section 1, subsections (1) through (7) describes in detail the legal refuge boundaries.

3) Add additional tidelands and near shore upland to the existing refuge.

The MOA has asked that Refuge boundaries be expanded northward from Pt. Campbell to Pt. Woronzof to include municipally owned wetlands within the Refuge for management by ADF&G. In 1979, under the Anchorage Coastal Zone Management Plan, these lands were identified as Areas Meriting Special Attention and classified as Preservation Wetlands. Inclusion of these lands within the Refuge does not afford them any more protection than they already have under the preservation status, but would facilitate the uniform management of Anchorage's coastal lands. The new boundaries (described in Section 1, subsections (1) through (7)) were cooperatively drawn by the MOA, ADF&G, and DNR.

4) Restrict the state and municipality from acquiring property by eminent domain for inclusion within the Refuge.

This would protect private property owners by requiring that property to be included within the anchorage Coastal Wildlife Refuge be acquired through purchase, exchange, or otherwise (Section 1(e)), and prohibiting acquisition by eminent domain.

5) Provide for management of the Refuge by ADF&G and DNR.

Section 1(b) provides that, as in the past, both ADF&G and DNR would exercise their respective authorities over the Refuge, except as provided in Section 1(d). Management of the Anchorage Coastal Wildlife Refuge will be consistent with a management plan prepared by the ADF&G under AS16.20.040-16.20.060. The plan will be completed within one year or the effective date of the Act (Section 2).

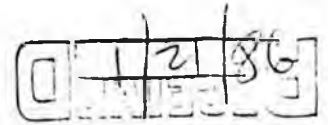
The management plan prepared by ADF&G shall also provide for a corridor for transportation and utilities between Fire Island and the Anchorage mainland (Section 1(c)). This is to ensure access to the island's owners for future development and would also be of economic benefit to the MOA.

Hunting, as in the past and in accordance with state regulations will continue to be allowed on state-owned lands within the Refuge west and north of the Alaska Railroad.

While the land and water areas of the Anchorage Coastal Wildlife Refuge are closed to mineral entry under AS 38.05.185 - 38.05.275, the boundary extension north of Pt. Campbell was drawn so that all previously issued offshore mining permits were excluded from within the Refuge. Oil and gas leasing will not be affected (Section 1(f)) by this legislation

ALASKA WATERFOWL ASSOCIATION

3105A LAKESHORE DRIVE, SUITE 102
ANCHORAGE, ALASKA 99503
TEL. (907) 243-3235



January 14, 1986

Senator Edna DeVries, Chair
Senate Community & Regional Affairs
Box V
Juneau, Alaska 99811

RE: HB 186
Anchorage Coastal
Wildlife Refuge

Dear Senator DeVries:

Our organization of over 200 people support the Anchorage Coastal Wildlife Refuge. We would urge you to report it out of your committee with a do pass. If there are any problems with this bill please let me know by return mail. We believe it is time to finish this worthwhile task and proceed to the next one. Hopefully our great grandchildren will hear the sounds of waterfowl 100 years in the future.

Very truly yours,


John W. Hendrickson
President

c.c: Mayor Tony Knowles
Senator Vic Fischer
Representative Syzmanski ✓

JWH:kmf

Fell



ANCHORAGE
Audubon Society, Inc.
A CHAPTER OF THE NATIONAL AUDUBON SOCIETY

February 12, 1986

Post Office Box 101161
Anchorage, Alaska
99510

Honorable Jan Faiks
Alaska State Senator
Pouch V
State Capitol
Juneau, AK 99811

Dear Senator Faiks:

During last year's session I communicated with you regarding House Bill 186 which has been referred to your Finance Committee and to the Senate Community and Regional Affairs Committee. As President of the 1,600 member Anchorage Audubon Society, Inc., I am writing to you to request prompt consideration of HB 186 by the Senate Finance Committee and its favorable recommendation of the Bill.

As you may know, this Bill received its impetus from the Potter's Marsh Task Force, a consortium of state and federal government agencies, profit and non-profit groups interested in conservation, and development interests. The Bill expands the refuge in some respects so that the boundaries of the refuge more closely coincide with the Marsh's actual physical boundaries. The Bill specifically protects private property owners by prohibiting the state's exercise of its powers of condemnation. Most importantly, from our Society's point of view, the Bill specifically requires the development of a long-range management plan.

Potter's Marsh is one of the most accessible and outstanding nongame recreational and educational opportunities which serves not only your South Anchorage constituency but the entire Anchorage Bowl. Potter's Marsh receives in excess of 200,000 visits from tourists and residents each year. From our point of view, it is imperative that a long-range plan be developed in order that the Marsh's full potential as a recreational and educational facility can be developed while, at the same time, maximizing the protection of

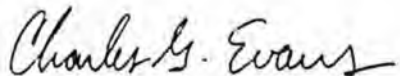
its eco-system so that future residents and visitors may continue to enjoy its outstanding benefits.

As an example of the unparalleled opportunities provided by the Marsh, keep in mind that the Marsh is used each spring by significant numbers of trumpeter swans. These magnificent birds are making a comeback from the endangered species list. Each spring, the Marsh is a haven, feeding ground, and staging area for the swans northern migration to west of Anchorage. Most of the school children of our country will never see a trumpeter swan during their lifetime. Yet, here in Anchorage, the Marsh provides a natural habitat where they may be observed by all without appreciable danger. This is the kind of opportunity passage of House Bill 186 will guaranty for the future of Anchorage and your constituency.

If you have any questions, I will be happy to discuss them with you personally. My work number is 278-4691. Please let me know when HB 186 will be scheduled for hearing. If necessary, I will be happy to testify at the hearing. Thank you for your consideration and prompt passage out of your Committee of HB 186.

Yours very truly,

ANCHORAGE AUDUBON SOCIETY, INC.

By: 
Charles G. Evans, President

CGE:afg

cc: Senator Edna DeVries
Rep. Mike Szymanski
Mayor Tony Knowles
Greg Jones
Dave Cline, National Audubon Society
Toni McPherson, Okiotak Editor

Municipality
of
Anchorage

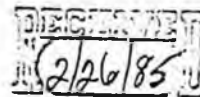


P.O. BOX 6-650
ANCHORAGE, ALASKA 99502-0650
(907) 264-4960

TONY FINGWLES
MAYOR

INTERGOVERNMENTAL AFFAIRS

February 20, 1985



Hon. Edna DeVries
Pouch V
Juneau, Alaska 99811

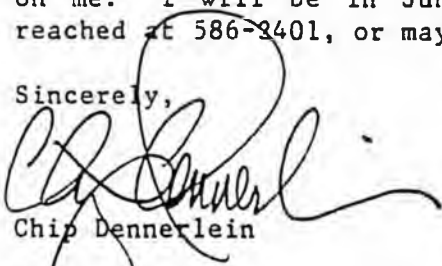
Dear Sen. DeVries:

During a recent hearing concerning S.B. 19, creating the Anchorage Coastal State Wildlife Refuge, you asked whether the Anchorage Assembly supported the legislation. At that time, I responded by highlighting several actions which the Assembly had taken with respect to the management of lands within the Refuge for preservation and public recreation purposes, including adoption of the Coastal Zone Management Plan and an Anchorage Wetlands Plan. While both of these documents and other actions spoke directly to land use, we wanted to make certain that the Assembly had an opportunity to speak directly on the issue of S.B. 19 itself.

Attached is Assembly Resolution 85-42, recommending enactment of S.B. 19 creating the Anchorage Coastal State Wildlife Refuge, which was passed by the Assembly on February 19, 1985.

If I can be of any further assistance in moving along S.B. 19, please call on me. I will be in Juneau the first three days of next week, and can be reached at 586-2401, or may see you on the Hill.

Sincerely,



Chip Dennerlein

Enclosure

cc: Sen. Vic Fischer
Rep. Mike Szymanski



Rabbit Creek Community Council

16350 Sandpiper Drive,
Anchorage, Alaska 99516

February 12, 1987

Senate Resource Committee,
Juneau, Alaska

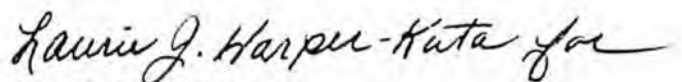
Dear Senators,

We respectfully request this letter be read into the Resource Committee hearing minutes on February 25th, 1987.

The Rabbit Creek Community Council (RCCC) is pleased that the bill creating Anchorage Coastal Wildlife Refuge has been reintroduced into the legislature as Senate Bill 18. We unanimously support this bill which provides a refuge for the protection of waterfowl, shorebirds, salmon, and other fish and wildlife species, and their habitat and for the enjoyment and use of the people of the state. We trust that the Senate and House will take positive and immediate action on SB 18 that has the wide support of your constituents.

The RCCC looks forward to working with you throughout this legislative session. If there are any questions or concerns that you might have with which we could help, please contact me (h. 345-2453, w.261-4664).

Sincerely,



Maureen McCrea
President



NATIONAL RIFLE ASSOCIATION OF AMERICA
INCORPORATED 1871

1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20036

RUPE ANDREWS
FIELD REPRESENTATIVE
ALASKA

9416 LONGRUN DRIVE
JUNEAU AK 99801
907/789-7422

March 14, 1986

Senator Edna DeVries
427-Capitol
Alaska State Legislature
Pouch V (MS 3100)
Juneau, AK 99811

Dear Senator DeVries:

Other professional committments will prevent me from personally testifying before your committee on Senate CS for CS for House Bill 186, "An Act Creating the Anchorage Coastal Wildlife Refuge".

Section 16.20.031 (d), clearly states that any management plan adopted by ADF&G may not restrict the area where the present Rabbit Creek Range is located, and further, this section describes said rifle range boundaries. This section protects in perpetuity the shooting facilities.

From the perspective of the National Rifle Association, we support HB 186 in the above version and urge its' approval and adoption by your committee and adoption by the Alaska Senate.

Thank you for letting me take this means to comment.

Sincerely,

Rupe Andrews, Alaska Field Representative

League of Women Voters of Alaska

9151 Skywood Lane
Juneau, Alaska 99801
February 26, 1985

The Honorable Adelheid Herrmann, Co-Chairman
The Honorable Richard Shultz, Co-Chairman
House Resources Committee
Alaska Legislature
Pouch V
Juneau, Alaska 99811

Re: HB 186: Anchorage Coastal Wildlife Refuge


Dear Representatives Herrmann and Shultz:

The League of Women Voters of Alaska supports HB 186, creating the Anchorage Coastal Wildlife Refuge. We think the bill, as presently structured, sets aside and protects a unique area that is de facto critical habitat for a large population of water fowl and other wildlife, and which should be preserved in its natural state for the protection of the wildlife and the enjoyment of people who wish to view the wildlife.

Speaking from personal experience, when I first arrived in Alaska eight years ago, during my first week as an Anchorage resident, one the most memorable experiences for myself and my small daughter was a visit to the area of the proposed refuge, where we spent several hours enjoying the viewing of a wide variety of water fowl (including their young). The availability of such an experience is especially important in a location close to a large population center such as Anchorage, where it can be enjoyed by many people, including children. The protection and wise management of that area is an important step toward preserving the kind of experiences that attracted most of us to become Alaskans.

Thank you for considering our views.

Sincerely,


Elizabeth Cuadra, Board Member
(Natural Resources Portfolio)

DEC:sd

cc: Committee Members (Wallis, Sund, Thompson, M. W. Miller,
Cato, Pearce, and Jenkins)
Sponsors (Szymanski and Clocksin)

S B

2 3

STATE OF ALASKA
1988 LEGISLATIVE SESSION

CSSB 23 (Resources)
BILL VERSION: _____
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: 2/1/88
Title: Agricultural Rights to Land
Sponsor: Senator Cochill
Requestor: House Resources Committee

Agency Affected: Natural Resources
BRU: Agriculture
Land & Water Public Use
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
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)

Applications for contract changes will be processed as existing staff is available. The burden of gathering information to provide clear and convincing evidence that a contract modification is justified will primarily fall to the applicant. Parcel inspections and other field work will be performed as staff and travel funds are available.

Prepared by: Carol Wilson

Phone: 465-2400

Division: Commissioner's Office

Date: 2/1/88

Approved by Commissioner: Judith M. B...

Date: 1/2/88

Agency: Natural Resources

Distribution (by preparer):

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

DEPARTMENT OF NATURAL RESOURCES'
RECOMMENDED REVISIONS TO
SENATE BILL 23
April 2, 1987

File
MAY

73

* Section 1. AS 38.05.059 is repealed and reenacted to read:

Sec. 38.05.059. LIMITATIONS AND CONDITIONS ON SALE OF AGRICULTURAL LAND. (a) [A PERSON MAY PURCHASE FROM THE STATE A TOTAL OF NOT MORE THAN ONE PARCEL OF LAND THAT IS PART OF AN AGRICULTURAL DEVELOPMENT PROJECT UNDER AS 44.37.475 DURING ANY EIGHT-YEAR PERIOD.]

Scout

(b) In a sale of state land classified as agricultural land the use of the land shall be restricted as provided under this section. The commissioner shall convey a fee simple conditional title to the surface estate subject to a condition subsequent that the land be used only for agricultural purposes. The commissioner shall reserve a right of reentry after notice and an opportunity for a hearing if the land is used for other than agricultural purposes. A reversion of title upon reentry does not affect the validity of a prior lien or security interest on the land.

Land

(c) As a condition to the issuance of a contract of sale of state land classified as agricultural land, the commissioner may require a farm development agreement and the submission of a conservation plan that establish reasonable requirements based on economic feasibility of development and sound agricultural principles.

(d) A person purchasing land from the state under (b) - (c) of this section, or a purchaser's successor in interest, may request that the commissioner modify conditions imposed in the purchase, except that the commissioner may not modify conditions of the fee simple conditional title conveyed by the purchase. In deciding whether to modify conditions imposed in the purchase, the commissioner must find that the modification is in the public interest and that the modification is necessary

(1) to rectify a mistake of fact that existed at the time the contract for purchase was entered into;

(2) to alleviate a substantial hardship not foreseeable by either party at the time the contract to purchase was entered into; or

(3) to alleviate a financial burden that is substantial, if the modification requires the expenditure of an amount of money or effort comparable to that originally required and in a specific manner designed to more efficiently benefit agricultural development in the state.

(e) An application to modify conditions imposed in the purchase and submitted under (d) of this section must make a clear and convincing showing that the modification is warranted under (d)(1), (2), or (3) of this section. A person granted a modification under (d)(3) of this section is ineligible for another modification under that section for a period of five years from the date of the modification.

(f) The commissioner may not convey title under (b) of this section to a person who has not complied with a farm development agreement or conservation plan required, or as modified under (d) of this section, by the commissioner.

(g) In this section, "agricultural purposes" includes farming, ranching, grazing, and storage or control of agricultural crops or livestock, and the construction of the farm residence of the grantee as well as other buildings commonly needed for agricultural purposes on not more than 20 acres of the land transferred under this section.

~~*SEC. 2. AS 38.05.020(b)(7) is repealed.*~~

WE THE UNDERSIGNED FARMERS AT POINT
MACKENZIE DO HEREBY STATE THAT WE
SUPPORT THE HEREBINAINE VERSION OF SB 23

Erwanda Cade Smith * 116
Robert L. Thom Parcel 15 Pt Mac.

C. M. Connor M.D. Tract 28 ~~116~~
Gary Stromberg Tract 124
C. W. Woodruff Tract 29

Charles Jerome Camp * 124

Ray Henderson 01

Harry Massick tract 8

M. T. Agnew Tract 127

Bud Johnson Tract 5
-2-

John Lee Tracts 30 & 31

DEPARTMENT OF NATURAL RESOURCES'
RECOMMENDED REVISIONS TO
SENATE BILL 23
April 2, 1987

File
MAY

23

* Section 1. AS 38.05.059 is repealed and reenacted to read:

Sec. 38.05.059. LIMITATIONS AND CONDITIONS ON SALE OF AGRICULTURAL LAND. (a) [A PERSON MAY PURCHASE FROM THE STATE A TOTAL OF NOT MORE THAN ONE PARCEL OF LAND THAT IS PART OF AN AGRICULTURAL DEVELOPMENT PROJECT UNDER AS 44.37.475 DURING ANY EIGHT-YEAR PERIOD.]

Some (b) In a sale of state land classified as agricultural land the use of the land shall be restricted as provided under this section. The commissioner shall convey a fee simple conditional title to the surface estate subject to a condition subsequent that the land be used only for agricultural purposes. The commissioner shall reserve a right of reentry after notice and an opportunity for a hearing if the land is used for other than agricultural purposes. A reversion of title upon reentry does not affect the validity of a prior lien or security interest on the land.

Some (c) As a condition to the issuance of a contract of sale of state land classified as agricultural land, the commissioner may require a farm development agreement and the submission of a conservation plan that establish reasonable requirements based on economic feasibility of development and sound agricultural principles.

(d) A person purchasing land from the state under (b) - (c) of this section, or a purchaser's successor in interest, may request that the commissioner modify conditions imposed in the purchase, except that the commissioner may not modify conditions of the fee simple conditional title conveyed by the purchase. In deciding whether to modify conditions imposed in the purchase, the commissioner must find that the modification is in the public interest and that the modification is necessary

(1) to rectify a mistake of fact that existed at the time the contract for purchase was entered into;

(2) to alleviate a substantial hardship not foreseeable by either party at the time the contract to purchase was entered into; or

(3) to alleviate a financial burden that is substantial, if the modification requires the expenditure of an amount of money or effort comparable to that originally required and in a specific manner designed to more efficiently benefit agricultural development in the state.

(e) An application to modify conditions imposed in the purchase and submitted under (d) of this section must make a clear and convincing showing that the modification is warranted under (d)(1), (2), or (3) of this section. A person granted a modification under (d)(3) of this section is ineligible for another modification under that section for a period of five years from the date of the modification.

(f) The commissioner may not convey title under (b) of this section to a person who has not complied with a farm development agreement or conservation plan required, or as modified under (d) of this section, by the commissioner.

(g) In this section, "agricultural purposes" includes farming, ranching, grazing, and storage or control of agricultural crops or livestock, and the construction of the farm residence of the grantee as well as other buildings commonly needed for agricultural purposes on not more than 20 acres of the land transferred under this section.

~~*SEC. 2. AS 38.05.020(5)(7) is repealed.*~~

WE THE UNDERSIGNED FARMERS AT POINT
MACKENZIE DO HEREBY STATE THAT WE
SUPPORT THE REPEALING VERSION OF SB 23

Erwanda Cad Smith * 116
Robert L. Thom Parcel 15 Pt Mac.

C. M. Conroy M.D. Tract 28 ~~116~~
Daryl Stromberg Tract 124
P.O. Woodbury Tract 29

Charles Jerome Camp * 124

Wayne Henshaw #1

Darryl Massick tract 8

M. T. Rogers Tract 127

Bruce Johnson Tract 5

Patricia Lee Tracts 30+31

HOUSE COMMITTEE REPORT

(9)

Date referred: 1/11/88

FURTHER REFERRALS: Judiciary
Finance

DATE: 4-19-88

The Resources Committee has considered CSSB 23(Res)

"An Act relating to agricultural rights to land."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: House letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published ~~2-2-88~~
- zero with analysis 2-2-88

SIGNING DO PASS:

Sam Galt
Adelheid Herrmann
Heath Spryger
1002 100101
Cliff Davidson

SIGNING OTHER RECOMMENDATIONS:

Mike Hayward - voice
Lyne Hoffman

Sam Galt
 Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: 2/1/88
Title: Agricultural Rights to Land
Sponsor: Senator Coghill
Requestor: House Resources Committee

Agency Affected: Natural Resources
BRU: Agriculture
Land & water public use
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
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)

Applications for contract changes will be processed as existing staff is available. The burden of gathering information to provide clear and convincing evidence that a contract modification is justified will primarily fall to the applicant. Parcel inspections and other field work will be performed as staff and travel funds are available.

Prepared by: Carol Wilson
Division: Commissioner's Office

Phone: 465-2400
Date: 2/1/88

Approved by Commissioner: [Signature]
Agency: Natural Resources

Date: 2/2/88

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)



Alaska State Legislature

HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES

POUCH V
JUNEAU, ALASKA 99811
(907) 465-3713

LETTER OF INTENT

CSSB 23 (RESOURCES)

It is the intent of the Legislature to allow the Commissioner of the Department of Natural Resources to modify the Farm Development Plan at the request of a contract purchaser/lessee; however, the Commissioner does not have the authority to modify the purchase price or interest rate unless other law applies.

The Commissioner may, in consultation with the purchaser/lessee negotiate and add new terms and conditions not previously identified in the contract/lease, such as but not limited to providing additional access to State resources or requiring the applicant to bring the loan current prior to allowing an amendment, if it is in the State's best interest to do so.

Handwritten signature of Sam Cotten.

Rep. Sam Cotten
co-chair, House Resources

Handwritten signature of Adelheid Herrmann.

Rep. Adelheid Herrmann
co-chair, House Resources

Senator John B. (Jack) Coghill
Alaska State Legislature



Box V
Juneau, Alaska 99811
(907) 465-4797

Box 55028
North Pole, Alaska 99705
(907) 488-0862

February 2, 1988

MEMORANDUM

To: Members of the House Resources Committee
From: Senator Coghill
Re: SB 23, "An Act relating to agricultural rights to lands."

SB 23 allows the commissioner of the Department of Natural Resources to convey a fee simple title with a condition subsequent when conveying land classified as agricultural land. The condition being that the land can only be used for agricultural purposes.

Presently, DNR regulations provide for this form of title. Some lending institutions are presently under the impression that the "ag rights" land patent only gives the farmer the right to use the land for agricultural purposes, but does not give the farmer the rest of title rights such as devisability and inheritability.

Subsection (c) allows the commissioner to modify conditions imposed in the purchase, such as the development schedule. In order to modify the purchase agreement, the commissioner must find that the change is in the public interest and is necessary. One of three tests must be met. These are stated in lines 2-9, page 2. An application for modification must show by clear and convincing evidence that the change is justified.

This bill was the result of compromise in the Senate Resources Committee. The original bill would have given the commissioner the authority to lift the agricultural purposes condition if in the future this was warranted. I still believe that tying up land without any procedure for lifting the restrictions is not sound policy. But I will support this legislation to assist those farmers who can not meet the rigid development requirements placed in their sales agreements.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

POUCH V - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

May, 1988

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

Mary Van Nimwegen

House Resources 4-19-88 8:30a.m.

FISCAL NOTE

REQUEST:

Revision Date: 2/1/88

Title: Agricultural Rights to Land

Sponsor: Senator Coahill

Requestor: House Resources Committee

Agency Affected: Natural Resources

BRU: Agriculture

Land & Water Public Use

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
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)

Applications for contract changes will be processed as existing staff is available. The burden of gathering information to provide clear and convincing evidence that a contract modification is justified will primarily fall to the applicant. Parcel inspections and other field work will be performed as staff and travel funds are available.

Prepared by: Carol Wilson

Phone: 465-2400

Division: Commissioner's Office

Date: 2/1/88

Approved by Commissioner: Judith M. Bailey

Date: 1/2/88

Agency: Natural Resources

Distribution (by preparer):

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

S B

H I

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

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

Mary Van Nimwegen

House Resources

1-30-87

2-18-87

5-6-87

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400

May 5, 1987

The Honorable Sam Cotten
The Honorable Adelheid Herrmann
Co-Chairs, House Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Representatives Cotten and Herrmann:

Subject: CSSB 41, which provides for the sale of state land underlying cabins used and occupied before 1981 and continuing in use.

Response: Because it would grant a preference right not justified by unique or extenuating circumstances to unauthorized users of state land the department does not support this bill.

Analysis: Although the department is generally required to make land available by providing Alaskans the same opportunity to obtain land openly and competitively, fifteen statutes provide for preference rights to persons or groups, giving them priority or exclusive rights to purchase or lease lands. These special preference rights are based on the historical difficulties faces by Alaskans to acquire interests in land and are due in great part to the confused nature of land ownership patterns in Alaska. Of those preference rights, the ones that may be similar in purpose to CSSB 41 are:

AS 38.05.035(b)(2): allows a diligent applicant, who failed to obtain title because of state or federal error or omission and who has suffered an "inequitable detriment" to purchase or lease land without competitive bid.

AS 38.05.035(b)(3): allows an applicant who has made improvements and good faith efforts to obtain title to purchase a land without competition if the efforts to obtain title were prejudiced by another party.

AS 38.05.035(b)(5): allows an applicant (or his heirs) who made improvements to land before 1959 and who would suffer an injustice otherwise to purchase up to five acres of land without competitive bid.

Representative Cotten
Representative Herrmann

-2-

May 5, 1987

AS 38.05.035(f): allows an applicant legally using federal lands for business purposes for five or more years before state selection to purchase or use lands without competitive bid.

AS 38.05.068: allows a U.S. Forest Service permittee to obtain title to land once the land is transferred to the state before such land could be offered to others.

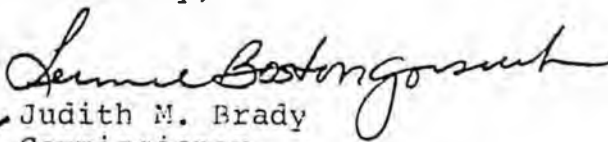
Unlike the preference rights described above, CSSB 41 would not require that the applicant be an innocent victim of actions of others, or be a pre-statehood authorized user who would suffer injustice, or be a permittee whose legal use rights were jeopardized by a change in the ownership of the land. CSSB 41 would simply allow the commissioner to sell land to persons who had used and invested in cabins before 1981 and since.

One other preference right opportunity exists in departmental regulations. Owing to the existence of a very large number of unauthorized cabins on the state's land, regulations were adopted to allow their users to obtain lifetime permits as long as they were not located in state parks. About 300 such permits have been issued. Even though the unauthorized users are rewarded, in a sense, the state can assume ownership of their cabins in the future and renewal of permits is based on consistency with public purpose findings.

If CSSB 41 were enacted, persons holding such personal use cabin permits would be among the likely applicants. In addition, persons who have built in state parks and refuges who are ineligible for such permits would be likely applicants for fee ownership.

Recommendations: In the event the Legislature desires to enact a bill similar to CSSB 41, we recommend that criteria be added so that whatever discretion is afforded the commissioner it may be measured against tests of injustices suffered. In addition, we recommend that the department be given discretion as to the width of easements to be reserved along waterways and that purchasers be required to pay the costs of appraisal as well as survey.

Sincerely,


for Judith M. Brady
Commissioner

cc: Committee Members
Bill Sponsors
Rod Swope
George Sullivan

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Bill Version: CSSB 41 (Resources)

REQUEST: _____

Publish Date: _____

Revision Date: 2/23/87

Agency Affected: Natural Resources

Title: Cabins on State Land

BRU: Land and Water Management

Sponsor: Senator Bennett

Components: _____

Requestor: House Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		232.0*	232.0*	232.0*	232.0*	
TRAVEL		40.0	40.0	40.0	40.0	
CONTRACTUAL		85.0**	85.0**	85.0**	85.0**	
SUPPLIES		6.0	6.0	6.0	6.0	
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		363.0	363.0	363.0	363.0	

CAPITAL						
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REVENUE		125.0	125.0	125.0	125.0	
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FUNDING: (Thousands of Dollars)

GENERAL FUND		363.0	363.0	363.0	363.0	
FEDERAL FUNDS						
OTHER						
TOTAL		363.0	363.0	363.0	363.0	

POSITIONS:

FULL-TIME		4*	4*	4*	4*	
PART-TIME		2*	2*	2*	2*	
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

*If proposed amendments are adopted these figures could be cut in half.
**If proposed amendments are adopted these figures may be reduced by \$35.0.

Prepared by: Tom Hawkins

Phone: 465-2400

Division: Land and Water Management

Date: 2/23/87

Approved by Commissioner: *Samuel Goswami*

Date: 4/5/87

Agency: Natural Resources

Distribution (by preparer):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS S3 41

With the passage of S3 41, the Department of Natural Resources would encounter a large number of applications which could not be processed using existing personnel. If the bill is not amended to incorporate a relatively short anniversary date, it is really impossible to determine when the impact to the state will actually occur, or whether anyone will be available to do the work when it is required. Without the anniversary date it would have to be assumed, for example, that all 2,000 applications would be submitted and have to be advertised separately. This could cost the state \$140,000 in advertising alone unless this cost is passed on to the applicant.

Five positions at a range 16 would be needed to process the applications statewide (two in Southcentral, two in Northern and one in the Southeast Regions). If the proposed amendments to make notice and appraisal costs the responsibility of the applicant is approved and a relatively short anniversary date is incorporated in the legislation the number of necessary positions required could be cut in half, and the contractual services money reduced by \$140,000.

Because the estimates range as high as 2,000 eligible cabins, the program would have to continue for a number of years. This fiscal note projects that number to four. The number of applications processed the first year of the program would necessarily be low due to the organization of and preparation for processing. Regulations may also be necessary to define historical use and occupancy and what qualifies as an investment. Also, it is necessary to delineate what happens to the cabin should the application be denied.

Line Item Explanation

100- Five positions, range 16 (NRO II), 232.0*

200- Travel to field check cabins/appraisals/surveys, review area resources for possible conflicts, 40.0

300- Advertising, hearings, legal assistance for adjudicating applications and administrative appeals, preparation and issuance of some title documents, 190.0**

400- Supplies and commodities for staff, 6.0

*This annual figure may be cut in half if the proposed amendment to make notice and appraisal costs the responsibility of the applicant is approved.

**This figure may be reduced by \$140,000 (\$35,000 per year) if the same amendment is passed.

The addition to the bill of a relatively short anniversary date to submit applications will decrease its impact on the state.



Alaska State Legislature

Senate

Office of the Secretary

OFFICIAL BUSINESS

PO BOX V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

SENATE LETTER OF INTENT
ON
CS FOR SENATE BILL NO. 41(Fin)

It is the intent of the legislature that the Department of Natural Resources use best efforts to get the associated costs of surveying of the five-acre cabin sites within reasonable levels. It is further the intent of the legislature that this may include using the metes and bounds surveying process when the cost of a cadastral survey is prohibitive.

ADOPTED BY THE SENATE April 3, 1987.

116-145

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____
Revision Date: _____
Title: Cabins on state land
Sponsor: Senator Bennett
Requestor: Senate Finance

Bill Version: CSSB 41 (Fin)
Publish Date: 3-24-87

Agency Affected: Dept. of Natural Resources
BRU: Land and water management
Components: Land Conveyances

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
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	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: 
Division: Senator Don Bennett, Co-chairman
Senate Finance Committee
Approved by Commissioner: _____
Agency: _____

Phone: 465-3714
Date: March 18, 1987
Date: _____

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

SB 41

Tanana Chiefs Conference. Inc.

201 First Ave.
Fairbanks. Alaska 99701
(907) 452-8251

May 5, 1987

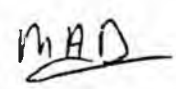
Representative Sam Cotten
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Rep. Cotten:

The Tanana Chiefs Conference, Inc. is concerned about CSSB 41 (FIN) by Senator Don Bennett, which would allow trespassers to purchase State land under their cabins. Enclosed is the latest copy of our monthly newspaper which has an article concerning this on page 2, upper left corner. We would appreciate your reading it. Rather than rely on the Governor to veto such a bill, we would like to see the bill not get that far.

Sincerely,

TANANA CHIEFS CONFERENCE, INC.



Mitch Demientieff
President

S B

5 3

Senator Johne Binkley

Alaska State Senate
P.O. Box V • Juneau, Alaska 99811 • (907) 465-4985



Finance Committee
Co-Chairman

MEMORANDUM

May 11, 1987

To: Representative Sam Cotten

From: Senator Johne Binkley *J. Binkley*

Subject: Resolution suspending uniform rules regarding changes to the title of Senate Bill 53.

Senate Bill 53 would clarify and confirm the Board of Fisheries' authority to establish superexclusive use area regulations, presently in place for several Bering Sea herring fisheries. The superexclusive regulation was adopted by the Board of Fisheries to ensure, among other things, a significant local participation in these small developing fisheries. The number of fishermen and vessels that can participate in these fisheries, in a way somewhat analogous to the limited entry system for salmon fisheries in Alaska.

The District Court in Nome ruled last year that the Board of Fisheries did not have the statutory authority to establish the superexclusive use area regulation. Senate Bill 53 would resolve any doubts raised by the court as to whether the Board has that authority.

The Senate Finance Committee Substitute for SB 53 passed the Senate 18-1. However, some concerns regarding the Senate version were raised in the House Resources Committee, and a new version was drafted. Unfortunately, the title of the Senate Finance version is not broad enough to allow the language worked out in the House Resources Committee.

I would therefore respectfully request that the House of Representatives consider suspending Uniform Rules 41(b), 24(c), and 35 of the Alaska State Legislature concerning SB 53. Thank you.



Finance Committee
Co-Chairman

Senator John Binkley

Alaska State Senate
P.O. Box V • Juneau, Alaska 99811 • (907) 465-4985

MEMORANDUM

May 6, 1987

TO: REPRESENTATIVE ADELHEID HERRMAN, CO-CHAIR
REPRESENTATIVE SAM COTTEN, CO-CHAIR
House Resources Committee

FROM: SENATOR JOHN BINKLEY *John Binkley*

Subj: CSSB 53: "An Act establishing criteria for the allocation of fishery resources by the Board of Fisheries among commercial fisheries and among groups of commercial fishermen within a fishery for the purpose of preventing economic distress among commercial fishermen and those dependent upon them for a livelihood; and providing for an effective date."

For several years local advisory committees and fishermen attempted to resolve the problem of how people in the Cape Romanzof, Norton Sound, Nelson Island, Nunivak Island, and Goodnews Bay areas could be given the opportunity to develop commercial herring fisheries as part of their economic base. The regulation which later became known as "superexclusive use area" ^{1/} was first adopted by the Board of Fisheries in 1982. It was intended to assist people in certain western Alaska areas who were recognized as being among the most economically disadvantaged in the state.

^{1/} A person who participates as a permit holder in a superexclusive use area may not during the same season participate either as a permit holder or a crewmember in either another superexclusive use area or any nonexclusive area. The regulation also provides that a person who participates as a crewmember in commercial herring fishing in a superexclusive use area may not during the same season participate as a permit holder in either another superexclusive use area or any nonexclusive area. Under the regulation, a person may participate--as a crewmember only--in commercial herring fishing in all the areas, superexclusive and nonexclusive.

Representative Adelheid Herrmann
Representative Sam Cotten
May 6, 1987
Page 2

The regulation reflects a decision by the board to construct a mechanism which would allow those people in those communities to develop the knowledge, skills and financial base to insure that their participation in the commercial herring fisheries would continue, and would not be overwhelmed by the more efficient, larger vessels with more ample financial backing from other areas of the state and outside the state.

In conjunction with continuing and expanding the superexclusive use areas, the board entered written findings regarding superexclusive areas for the Arctic/Yukon/Kuskokwim (AYK) herring fisheries. The board noted in the findings that the superexclusive use area, though not appropriate for all fisheries, is a management tool that has enabled the "orderly conservation and development" of the AYK herring fisheries. The board has also found that the commercial herring fisheries are an important segment of the local economies of these communities, in which there are "few employment alternatives to commercial [herring] fishing."

The board found that the herring fisheries were only recently developing, and that the local people "in general do not have sophisticated equipment or skills," though they "do have the capability to fully harvest and utilize all available resources in their area." The board expressed the intent to allow local people the "opportunity to acquire the skills and equipment so that they may fairly compete" with the other, more efficient fishing fleets, and noted that superexclusive use areas would permit the local people the time to develop "those skills needed to be competitive," and income generated from the fisheries would enable them to upgrade their vessels and gear.

The board noted that because the fisheries in question are "so recently developed compared to other Alaska sac roe fisheries," there is less knowledge of the resource status than elsewhere in the state. The board concluded that regulations which "reduce the amount of effort and efficiency of the participants" or which reduce the growth rate of effort and efficiency are necessary. Further, a "slower paced fishery on stocks of unknown magnitude, distribution, and resiliency" is desirable. Finally, the significant degree of subsistence utilization of the herring resource in the region, compared to other regions in the state, "supports the board's desire for a cautious, conservative regulatory environment."

Representative Adelheid Herrmann
Representative Sam Cotten
May 6, 1987
Page 3

The intent of the board to assist the local communities in developing their fishing capabilities so that they may be competitive with the other more efficient components of the herring fishery throughout the state has been consistent from the outset. The data developed over the years for which the regulation was adopted indicates that this regulatory mechanism promotes the intended results.

The board has expressed concern that the lack of data on these particular herring resources, and the reliance of the area on herring for subsistence uses, a slow paced, less efficient fishery is appropriate. As the skills and technology of the local people increase, and as the knowledge of those herring resources grows, the board may determine it is appropriate at a later date to remove this regulatory mechanism.

On February 6, 1986, a criminal complaint was filed in the district court for the second judicial district at Nome, alleging that a Mr. Hebert had violated 5 AAC 27.987(a) and (b) during June 1985, by delivering herring as a permit holder in a superexclusive use area (Norton Sound) and in nonexclusive areas (Bristol Bay and Security Cove) during the same season. On May 5, 1986, a motion to dismiss was filed on behalf of Mr. Hebert. On August 18, 1986, the court dismissed the case, holding that the regulation did not serve any conservation purpose, and that the allocation purpose intended by the board exceeded its authority. On September 19, 1986, the state filed a notice of appeal from the court's decision. On October 21, 1986, the Court of Appeals granted the state's motion for leave to have filed a late notice of appeal.

In essence, the District Court found that the board acted outside the scope of its statutory authority when it established the superexclusive use areas at Cape Romanzof and Norton Sound. Although the court recognized that improving and maintaining the economic health of those localities is a "legitimate and highly desirable goal for the state," the board has the authority to act only for the purposes of conserving or developing the fishery resources of the state. And although the board has authority under AS 16.05.251(e) to allocate among different fishery user groups (i.e., personal use, sport, and commercial), the board does not have authority to allocate among members of a single user group, the court said.

Representative Adelheid Herrmann
Representative Sam Cotten
May 6, 1987
Page 4

CS for SB 53 would remedy the problems pointed out by the court.

Section 1 expands the authority of the board by allowing it to prevent economic distress among commercial fishermen and those dependent upon them for a livelihood by establishing criteria for the allocation of fishery resources among commercial fisheries and among groups of commercial fishermen within a fishery. Granting the board such authority is consistent not only with the Hebert case, but also with Art. VIII, sec. 15, of the Alaska Constitution. That section allows the state to limit entry into any fishery to prevent economic distress among fishermen and those dependent upon them for a livelihood. This is an exception to the prohibition in that same section against the establishment of an exclusive right or special privilege of fishery.

Section 2 of the bill provides for an immediate effective date.

There are mechanisms in place which would prevent arbitrary abuse by the board in making allocation determinations as a result of this bill. For instance, Article VIII, section 17 of the state constitution states that "Laws and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated with reference to the subject matter and purpose to be served by the law or regulation." Article VIII, section 2, requires the legislature to "provide for the utilization, development, and conservation of all natural resources . . . for the maximum benefit of its people." And AS 16.05.251(e) requires the board to establish criteria for allocations. These provisions should be adequate to protect against arbitrary abuse of the board's discretion.

CSSB 53 (FIN)

LEGISLATIVE INTENT

The Legislature believes that the Board of Fisheries presently has the authority to establish regulations where appropriate to prevent severe economic distress among commercial fishermen and those dependent upon them for a livelihood, such as the superexclusive use area and vessel restriction regulations established in certain Bering Sea herring fisheries. The Legislature intends that this legislation clarify and confirm the Board's authority in making the type of allocative decisions exhibited by the Bering Sea herring regulations, and that through this legislation, the Legislature seeks to resolve any doubts raised by the Hebert case as to whether the Board of Fisheries had the authority to establish superexclusive use areas.

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Bill Version: HB 63 & SB 53
Publish Date: _____

REQUEST: _____

Revision Date: 5/8/87 Agency Affected: Fish and Game
Title: An Act authorizing Bd. of Fish and Game to adopt regulations establishing certain types of registration
Sponsor: Hoffman/Binkley and use areas Components: _____
Requestor: House Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
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: 5/18/87

Approved by Commissioner: (Orin) Callinsworth Date: 5.14.87
Agency: Fish and Game

Distribution (by preparer):

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

HOUSE COMMITTEE REPORT

5/10

Date referred: 4/30/87

FURTHER REFERRALS: Finance

DATE: May 16, 1987

Title Resources Committee has considered CSSB 53 (Fin)

"An Act establishing criteria for the allocation of fishery resources by the Board of Fisheries among commercial fisheries and among groups of commercial fishermen within an administrative area for the purpose of preventing economic distress among commercial fishermen and those dependent upon them for a livelihood; and providing for an effective date."

RECOMMENDS:

- replace with ACS CSSB 53 (Res) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: Res. letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published 5/8/87
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Adelheid Herrmann Herrmann
Heinrich Springer Springer
Lynn Hoff Hoffman
Jim Cotten Cotten
Bill Davidson Davidson

John Smith Smith
Do Not Pass Pearce
True League Sund
Mike Navarre - no rec Navarre

Adelheid Herrmann Herrmann
 Chairman's signature



Alaska State Legislature

HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES

POUCH V
JUN-AU, ALASKA 99811
(907) 465-3715

HOUSE RESOURCES COMMITTEE LETTER OF INTENT FOR

HCS CSSB 53

The Legislature believes that the Board of Fisheries presently has the authority to establish regulations such as the superexclusive use area and vessel restrictions established in certain Bering Sea herring fisheries. The Legislature intends that this legislation clarify and confirm the Board's authority in making the type of allocative decisions exhibited by the Bering Sea herring regulations, and that through this legislation, the Legislature seeks to resolve any doubts raised by the Hebert case as to whether the Board of Fisheries had the authority to establish superexclusive use areas for regulating commercial fishing.

A handwritten signature in cursive script that reads "Adelheid Herrmann".

Adelheid Herrmann
Adelheid Herrmann
Co-chairman
May 16, 1987

The bill does not make any change in the status quo of the Board of Fisheries activities.

The Board of Fisheries established superexclusive use areas in the western herring fisheries four years ago. In addition, exclusive use regulations have been established by the Board for salmon and king crab.

Exclusive use areas do not prohibit anyone from participating in the fisheries.

The fisheries are still open to anyone wishing to participate. It only restricts the number of separate herring fisheries a person may participate in. Numerous individuals from Anchorage, S.E. Alaska and outside the State have fished in these areas during the last four seasons while superexclusive registration has been in effect.

The proposed legislation does not require or mandate any action by the Board of Fisheries.

The legislation merely insures that the Board of Fisheries has the option of using exclusive, superexclusive and nonexclusive use areas as a management tool. The decision to do so remains with the Board.

LEGISLATIVE INTENT

The Legislature believes that the Board of Fisheries presently has the authority to establish regulations such as the superexclusive use area and vessel restrictions established in certain Bering Sea herring fisheries. The Legislature intends that this legislation clarify and confirm the Board's authority in making the type of allocative decisions exhibited by the Bering Sea herring regulations, and that through this legislation, the Legislature seeks to resolve any doubts raised by the Hebert case as to whether the Board of Fisheries had the authority to establish superexclusive use areas for regulating commercial fishing.

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 63 ()
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing the Board of Fisheries to adopt
7 regulations establishing certain types of registra-
8 tion and use areas."

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

10 * Section 1. AS 16.05.251(a) is amended by adding a new paragraph to
11 read:

12 (14) establishing nonexclusive, exclusive, and superexclu-
13 sive registration and use areas for conservation purposes or to imple-
14 ment allocation decisions made in accordance with criteria established
15 under (e) of this section.
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CS FOR HOUSE BILL NO. 53

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act authorizing the Board of Fisheries to adopt regulations establishing certain types of registration and use areas for regulating commercial fishing."

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

* Section 1. AS 16.05.251(a) is amended by adding a new paragraph to read:

(14) establishing nonexclusive, exclusive, and superexclusive registration and use areas for regulating commercial fishing.

Original sponsor: Binkley

1
2 IN THE SENATE

3 HOUSE CS FOR CS FOR SENATE BILL NO. 53 ()

4 IN THE LEGISLATURE OF THE STATE OF ALASKA

5 FIFTEENTH LEGISLATURE - FIRST SESSION

6 A BILL

7 For an Act entitled: "An Act authorizing the Board of Fisheries to adopt
8 regulations establishing certain types of registra-
9 tion and use areas for regulating commercial fish-
10 ing; and providing for an effective date."

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

12 * Section 1. AS 16.05.251(a) is amended by adding a new paragraph to
13 read:

14 (14) establishing nonexclusive, exclusive, and superexclu-
15 sive registration and use areas for regulating commercial fishing.

16 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).
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HOUSE COMMITTEE REPORT

Date referred: 4/24/87

FURTHER REFERRALS: Finance

DATE: 2/2/88

The Resources Committee has considered CSSB 55(Res)

"An Act establishing the Minto Flats State Game Refuge; and providing for an effective date."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

See CT

Adalheid Herrmann

Heinrich Spruike

Dick Strutz

Cliff Davidson

Lynn Hoff

Mike Naume

SIGNING OTHER RECOMMENDATIONS:

Blue Kance

W. K. K.

See CT

Chairman's signature



Alaska State Legislature

HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES

POUCH V
JUNEAU, ALASKA 99811
(907) 465-3715

House Resources Committee
Letter of Intent
for SCS SB 55 (Res)
An Act Establishing the Minto Flats State Game Refuge

It is the intent of the legislature that major land owners and agencies with land management authority within or directly adjacent to the refuge be represented on the planning team.

A handwritten signature in cursive script, appearing to read "Sam Cotten".

Representative Sam Cotten
Co-chair, House Resources
February 2, 1988

A handwritten signature in cursive script, appearing to read "Adelheid Herrmann".

Representative Adelheid Herrmann
Co-chair, House Resources
February 2, 1988



Greater Fairbanks

Chamber

of Commerce

First National Center

P.O. Box 74446

100 Cushman Street

(907) 452-1105

Fairbanks, Alaska 99707

RESOLUTION 3-0487

MINTO FLATS STATE GAME REFUGE

- WHEREAS, SB-55 has been introduced in the Legislature to create a Minto Flats State Game Refuge in the Minto Flats area; and
- WHEREAS, the proposed refuge is intended to protect and enhance habitat, conserve fish and wildlife, and allow the continuation of hunting, fishing, trapping, and other compatible uses; and
- WHEREAS, the Department of Natural Resources Tanana Basin Area Plan, already in effect, is capable of offering similar resource protection; and
- WHEREAS, State land in the Minto Flats area should continue to be managed under the provisions of the Tanana Basin Area Plan; and
- WHEREAS, much of the proposed refuge is already designated as the Minto Game Management Area for the purposes of game management; and
- WHEREAS, the Minto Flats area should continue to be designated as the Minto Game Management Area for the purposes of managing game resources; and
- WHEREAS, there is no identifiable impending threat to the habitat or resources of Minto Flats which makes its designation as a game refuge desirable or necessary; and
- WHEREAS, Minto Flats is an important recreation area for the surrounding communities; and
- WHEREAS, land designations such as "game refuge" have historically facilitated stringent restrictions, management plans and court decisions which decrease the ability of the public to access the land and utilize its resources in even a traditional manner; and
- WHEREAS, such stringent restrictions increase over time to the point that the original purpose for the designation is negated; and
- WHEREAS, the proposed refuge includes portions of existing trails which are protected by RS 2477 rights-of-way, and which are important as access to and through the area, and

WHEREAS, the proposed refuge would overlie portions of identified corridors for possible future transportation system extensions west from Nenana, and north and west from Dunbar, to western Alaska, and/or to mineral deposits in the Kobuk River area; and

WHEREAS, the proposed refuge overlies one of the alignment alternatives for the proposed TransAlaska Gas System Pipeline; and

WHEREAS, the refuge proposal includes a mineral closure for which there is no need;

NOW, THEREFORE, be it resolved that State land in the Minto Flats area should NOT be designated as a State Game Refuge.

DATED THIS

Fourteenth

DAY OF

April

, 1987

BY

James P. Dodson

James Dodson, Chairman of the Board

BY


Althea St. Martin

Althea St. Martin, Acting President



Tanana Chiefs Conference, Inc.

201 First Ave.
Fairbanks, Alaska 99701
(907) 452-8251
YUKON-TANANA SUBREGION



April 30, 1987

Representative Sam Cotten
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, Alaska 99811

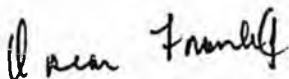
Dear Representative Cotten:

My name is Oscar Frank, Jr., I am the Community Resources Coordinator for the Tanana Chiefs Conference, Inc.-Yukon-Tanana Subregion Office. Minto is one of several villages in the Yukon-Tanana Subregion and they've been working with different user groups on seeking legislative designation, a Minto Flats State Game Refuge.

There is only one game refuge in Interior Alaska, and that is Creamer's Field. The Minto Flats Support Group has been meeting throughout the past year on seeking a Minto Flats Game Refuge. The game refuge would protect fish and wildlife and still provide opportunities for public use.

The enclosed T.C.C. resolution 87-2 are Minto Villagers reasons for establishing the Minto Flats Game Refuge. If I can be of any assistance, please call me at 452-8251.

Sincerely,



Oscar Frank, Jr., Community Resources Coordinator
Yukon-Tanana Subregion

OF/sw

Enclosure: T.C.C. resolution 87-2

TANANA CHIEFS CONFERENCE, INC.
Board of Directors


Resolution No. 87-2

Minto Flats Wildlife Refuge

- WHEREAS, the Villages of Minto and Nenana have subsisted on Fish and Game from the Minto Flats for centuries and
- WHEREAS, there is need to protect the Minto Flats Fish and Game habitat; and
- WHEREAS, protecting the habitat for the use of all Alaskans is in the best interest of all interested parties; and
- WHEREAS, a Bill establishing the Minto Flats State Game Refuge is now under consideration by the State Legislature; and
- WHEREAS, sportsman's organizations, environmental organizations, and various other interested groups have signed off on this bill.
- NOW THEREFORE BE IT RESOLVED that the Tanana Chiefs Conference Board of Directors supports the Minto Flats Wildlife Refuge.
- AND BE IT FURTHER RESOLVED that the Board urges the Legislature to conduct teleconference hearings involving all interested parties.

C E R T I F I C A T I O N

I hereby certify that this resolution was duly passed by the Tanana Chiefs Conference, Inc. Board of Directors on March 19, 1987 at Fairbanks, Alaska and a quorum was duly established.



Daisy Northway
Secretary-Treasurer
Tanana Chiefs Conference, Inc.

Submitted by: Fairbanks Subregion

April 12, 1987

The Honorable Jack Coghill
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Jack;

Thanks for returning my call.

The Minto Bill -(enclosed)- is the culmination of months of work that put all the assorted constituents in agreement to alleviate the legislators of the risk of support..

Review the signatures and groups and especially the language -(the term guarantee). We were in 100% consensus that the regulators should be kept on the defensive and that sustained yield management is more than adequate to care for all concerns. Refuge is the wrong land classification. Public Shooting Area is more in the character of the public's desires. We don't have that land designation so Refuge is OK with the "Guarantees" left in.

It is felt that with the "Guarantees" deleted, Refuge legislation is not acceptable.

Scott Grundy of Habitat left the mineral industry out of the agreement process, this I objected to, and lost. The miners contacted me and I suggested they lobby in support of their position and I would personally support them.

You will find my signature missing from the approval sheet. I was the designee for the Outdoor Council that negotiated the terms of the Bill. Sam Harbo signed for the Council.

The best I can tell, Scott Grundy and the Habitat division get all of the credit for the deception that has taken place. They have used our signatures and endorsements on a bill that we didn't agree to. I think Binkley was deceived also.

A few things that we are finding out:

1. The regulators can't be trusted with legislative intent.
2. We already have in excess of 168,000,000 acres in refuge, wilderness, parks, etc. restricting human use - how much is adequate?