

ALASKA LEGISLATURE COMMITTEE FILES 1901 - 1900 00 / 2  
5198 SCRA SB 60 - SB 133

770



**SENATOR FRED F. ZHAROFF**  
**ALASKA STATE LEGISLATURE**

P.O. BOX 405, KODIAK, ALASKA 99615 (907) 486-5259

DURING SESSION:

P.O. BOX V, JUNEAU, ALASKA 99811 • (907) 465-3473 • 465-3474

DISTRICT N


ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

18 February, 1988

*File*

MEMORANDUM

TO: Senator Arliss Sturgulewski, Chair  
Senate Community and Regional Affairs Committee

FROM: Senator Fred Zharoff 

I would like to request your consideration for scheduling a hearing on SB 60 "An act establishing the Alaska Community College System; and providing for an effective date".

Thank you for your consideration of this request.

# The Accent

Anchorage Community College Student Newspaper

Vol. 6, No. 13

Anchorage, Alaska

February 15 to February 21, 1988

## Union's status remains undecided

by Cammie Walker-Gable  
Accent editor

A labor grievance filed by the Alaska Community College Federation of Teachers (ACCFT) against the University last June was ruled on by arbitrator Tim Bornstein last week.

Bornstein's ruling, considered by the UA to be a victory in its favor, did not in fact make a decision on the union's contract—only the Uni-

versity's right to eliminate the community colleges.

The original labor grievance filed by ACCFT disputes the University's right to eliminate the community college as well as the ACCFT's bargaining agreement. Bornstein's ruling states, "The University of Alaska did not violate the provisions of Article 13.1 A and B . . . when it eliminated the community college system." However, the award con-

tinues, "this award does not determine the status of the ACCFT and survival of its bargaining rights (if any) or the survival of negotiated collective bargaining rights and benefits (if any) for members of the ACCFT's bargaining unit."

Bornstein stresses that the union's contract is an issue which must still be settled by either an arbitrator or the Alaska Labor Relations Board.

Ralph McGrath, an ACC teacher

and ACCFT statewide grievance chair, is still optimistic about Bornstein's ruling, despite the union's hopes that the ruling would be completely in their favor: "There's no question that the University prevailed on Article 13.1 A and B of the contract. One issue has been resolved but there's 93 other pages (referring to the contract) to be resolved."

According to McGrath, the union  
continued on the back page

## Union's status remains undecided

continued from the front page

is in the same position they were in before the arbitration, that is "the University says we ceased to exist after the merger, but we say the union still exists and there are numerous issues to still be worked out," such as tenure, working conditions, rank, the sick leave bank, faculty positions and everything else the contract stands for.

Bornstein, in a phone interview on Thursday, stated he was "very careful not to decide" on the union's contract issue, stressing that this issue still needs to be decided.

Via a press release on Bornstein's ruling, UA President O'Dowd, said "to have this endorsement of the process of restructuring provided by

an objective third party is gratifying. Of course we've much yet to do. We must continue, as creatively and energetically as we can, this process of building a better University of Alaska."

The union has not decided what course of action they will take yet, although a grievance was filed in mid 1987 with the Alaska Labor Relations Board, which has yet to be determined.

As far as the merger issue goes, McGrath says the decision now rests in the hands of the Legislature and the ballot initiative.

Since the arbitrator determined that neither the union or the University was the losing party, both shared in paying his \$8800 bill.

UNIVERSITY OF ALASKA  
FY89 OPERATING AND CAPITAL  
BUDGET REQUEST

December 15, 1987

Statewide Budget Office  
Facilities Planning and Construction

FY89 Allocations Merged with Other Allocations in FY89  
UNIVERSITY OF ALASKA STATEWIDE

	<u>General Fund</u>	<u>Total Funds</u>
<b>ACFT CONTRACT PROVISIONS</b>		
FY87 Authorized	\$ 202.1	\$ 202.1
FY88 Authorized	202.1	202.1
FY88 Revised Authorized	202.1	202.1
FY89 Transfers: Transfer to Statewide Services	(202.1)	(202.1)
<b>GNOSIS</b>		
FY87 Authorized	\$ 372.5	\$ 372.5
FY88 Authorized	200.0	200.0
FY88 Revised Authorized	200.0	200.0
FY89 Transfers: Transfer GNOSIS to Statewide Networks	(200.0)	(200.0)
<b>STATEWIDE RESTRUCTURING CONTINGENCY</b>		
FY87 Authorized	\$ -	\$ -
FY88 Authorized	600.0	600.0
FY88 Revised Authorized	600.0	600.0
One-time Items	(600.0)	(600.0)

# UA uses ACC teachers' Leave money to help balance UA budget

by Beth Sharp  
Accent staff

UA President Donald O'Dowd says the money set aside for ACC's professional development leave has been used for university budget balancing.

"There was a PDL (professional development leave) amount in the statewide budget, the magnitude of which I don't remember, and that money was used as part of the savings for budget balancing. So there is not a fund remaining there for that purpose," O'Dowd said in a Facul-

ty Senate meeting February 5.

Asked if the money went to administrative savings, O'Dowd said it went to university savings.

UAA Chancellor Marv Looney's stance is that those funds need to be distributed at UAA for sabbatical leave, said Gerry Bomotti, UAA vice chancellor of administrative affairs.

"My understanding is that the chancellor is pressing very hard for that," Bomotti said.

The university needs that money because sabbatical leave is in the process of being awarded, and there's

a larger faculty to deal with than there used to be due to restructuring.

Before restructuring, UAA selected ten people to serve on a sabbatical review committee. These people reviewed applications and ranked the applicants. This year, UAA set aside \$87,000 to cover the costs of hiring temporary replacements for those going on sabbatical leave.

The Alaska Community College Federation of Teachers (ACCFT) had an account set up in statewide administration. According to

ACCFT President Gerry Park, the account had \$202,000 in it. He says he doesn't know where it went.

Bomotti says \$88,000 of that \$202,000 was set aside for professional development leave.

O'Dowd says that's not there anymore.

UAA Chancellor Marv Looney is working to convince O'Dowd to let the university have that \$88,000 for sabbatical leave, says Bomotti.

Looney and O'Dowd could not be reached for comment.

**continued on the back page**

## Controversy over leave fund and ranking

continued from front page

Bomotti said the university needs that \$88,000 because ACC and UAA faculties have been integrated.

But that's not the only problem with sabbatical leave. There was a problem with the ranking of the applicants. Since the faculties were merged, the sabbatical review committee had 17 people in it instead of ten. There were 26 faculty who applied for leave. When the committee ranked the faculty, there was a large difference of opinion. For instance, if three people on the committee ranked a faculty member as one of the top three candidates, three or four other committee members ranked the person in the bottom five or six.

In the February 5 Faculty Senate hearing, Senate President Steve Norrell addressed the problem.

"After the (sabbatical review) committee met, several persons contacted myself and other members of the Faculty Senate expressing concern about the distribution of various faculty members on that list. It appeared that one group of faculty dominated one end of the list; and the other group of faculty dominated the other end of the list," Norrell said.

Out of the top ten candidates, only two were from ACC. And the way sabbatical leave works is that the money is given starting with the person the committee ranks highest. Money is given until there is no more money.

Said Norrell, "I took it upon myself to ask as many questions as I could about what went on during those deliberations without asking anyone to violate any confidences, and I arrived at the conclusion that the awarding of professional development sabbatical leave suffered from a very serious misunder-

ing of the criteria that were going to be used to make those awards.

"The misunderstanding appeared to fall into two categories, the first being an understanding of what the criteria meant from the viewpoint of preparing an application, the second stemming from difficulties in interpreting those criteria by the evaluators of the applications."

Norrell said it was clear that the committee did not discuss the ranking or why individual people were ranked the way they were, "so there was no opportunity for an informed discussion, shall we say, of the criteria."

One member of the committee said that there was opportunity for discussion, but no one discussed anything.

The executive committee of the Faculty Senate, realizing they needed to award the sabbatical leaves quickly so recipients could begin making plans, submitted the recommendations to Bill Keppler, vice chancellor of academic affairs.

"The first recommendation was to return the list (of ranked applicants) to the sabbatical leave committee, asking them in effect to do everything over again, but this time to carefully discuss the evaluations and the rankings and come up with a reordered list if that's the way it turned out," Norrell said.

"The second option that was offered to the vice chancellor was to separate the community college faculty from the university faculty, arrange them in a sequence that would agree with the sequence that they appeared in on the original rank list, and then simply go down the line making awards to each group alternately, he said.

Keppler decided on the second option.

B-6 Monday, January 23, 1988, The Anchorage Times

# UAA faculty group plans alternative to new system

By Michael Dean  
Times Writer

A group of University of Alaska Anchorage faculty has proposed an alternative to the merger of community college and university teachers that is under way in the state's higher education system.

The three-part proposal recommends, as a first step, to continue merging the administrations of UAA and Anchorage Community College as part of the Board of Regents restructuring plan. One institution, the University of Alaska Anchorage, would be created. But, under the second step of the faculty plan, the community college and university would be separate units with separate accreditations. Faculty of each would operate under workloads and standards appropriate for the individual entities. The third recommendation is to maintain the extended sites in Matanuska-Susitna, Kenai and Kodiak as independently accredited community colleges served by the merged Southcentral administration.

Some 250 educators were present when Bob Madigan, a psychology professor at UAA and one of five co-authors of the proposal, offered the proposal to the UAA Faculty Senate for consideration on Friday. Also in attendance were University of Alaska President Donald O'Dowd and UAA Chancellor Marvin Looney.

Some teachers wanted an immediate vote for endorsement, but the vote was tabled to give people a chance to study the proposal more thoroughly.

The five authors were Ted Eschenbach, professor of engineering; John Harrington, professor of chemistry; Will Jacobs, professor of history, Madigan and Kris Mann, professor of biology.

According to the single-page document, the integration of former university and community college staff that has begun will not be cost effective, but it "will enmesh the campus in a tedious, disruptive process leading to years of instability as major policies are rewritten, faculty members relocated, and academic programs redesigned."

The authors also claim the integration, as planned, will seriously compromise the missions of the two institutions. "What we seek is a solution that will preserve the distinct missions of the university and the community college and allow the campus to return its energy to teaching, research and service," the report says.

"Normally I don't want to interfere in the administration of a university," O'Dowd told the faculty during a 20-minute presentation about issues affecting the university system. "I don't think it is healthy." But he said in light of concerns people at UAA have communicated to him, "I plan to spend a lot more time here in the weeks ahead. It's the largest and most important campus in the state."

Among the concerns he listed were complaints that the academic administrative structure is confusing and people don't know who is in charge, there has been a de-emphasis of affirmative action and that communication must be improved between the faculty and the administration.

A major concern of the president is the UAA faculty's unprecedented vote of no confidence in Looney last December.

Speaking of the faculty's proposal Friday, Looney said it is good to keep dialogue open, "but I feel we have moved a considerable distance down the road in the last nine months (and) it is difficult to make a major change in the middle of a stream."

To: UAA Faculty Members

January 21, 1988

We believe that the restructuring process set in motion in the fall of 1986 has reached a critical point. The integration of the former university and community college faculties has begun. It is now clear that faculty integration will enmesh the campus in a tedious, disruptive process leading to years of instability as major policies are rewritten, faculty members relocated, and academic programs redesigned. We do not believe that cost savings will result from this exercise. Furthermore, if the integration is completed as presently planned, the missions of both the university and the community college will be seriously compromised.

It is our intent to promote an open discussion of alternatives to the present course of the merger. What we seek is a solution that will preserve the distinct missions of the university and the community college and allow the campus to return its energy to teaching, research and service.

At the Faculty Senate meeting on Friday January 22, we will introduce as New Business consideration of the following recommendations for changes in the merger plan.

1. Continue with the merged ACC-UAA-CREE administration.
2. Establish separate community college and university units under this administration, maintaining separate accreditations. Faculty assigned to each unit will operate under workloads and standards appropriate to their mission. The combination of these units will make up the University of Alaska Anchorage.
3. Maintain the extended sites in Matanuska-Susitna, Kenai, and Kodiak as independently accredited community colleges served by the merged Southcentral administration.

These recommendations constitute an important and needed mid-course correction to the restructuring effort. If adopted they will preserve the missions, faculties, and student bodies of both the community colleges and the university, continue the advantages of closer academic collaboration, and maintain the savings achieved in administrative costs. We offer them as people who have invested much of our professional lives in the University of Alaska and who want it to be an institution worthy of respect, attractive both to students and to the scholars we hope will succeed us.

Ted Eschenbach, Engineering  
 John Harrington, Chemistry  
 Will Jacobs, History  
 Bob Madigan, Psychology  
 Kris Mann, Biology

*Ted Eschenbach*  
*John P. Harrington*  
*Will Jacobs*  
*Bob Madigan*  
*Kris Mann*

# The Anchorage Times

SATURDAY MORNING, DECEMBER 5, 1987

25¢



Marvin Looney  
... under fire from faculty

## UAA teachers' vote shows 'no confidence' in chancellor

By Jean Lamming  
Times Writer

Roughly one-third of the teachers at the University of Alaska Anchorage took unprecedented action Friday by passing a resolution saying they have no confidence in their leader of 11 months, UAA Chancellor Marvin Looney.

"There is a widespread, strong feeling of discontent and it was culminated today in this resolution," said UAA Faculty Senate President Steven Norrell. "It

means the faculty as a body has no confidence in Dr. Looney as a chancellor.

"There is no more serious a statement the faculty could make," the biology professor said.

The 97-2 vote was made at 4 p.m. Friday after an hour of discussion at a regular meeting of the faculty senate, a campus governing group involved in faculty issues, Norrell said.

Norrell said the vote tally was preliminary.

The resolution, which will be sent to University of Alaska President Donald O'Dowd, is the first of its kind, said Norrell. "No governing body in the University of Alaska system has ever done this."

But O'Dowd said Friday night he wasn't sure how to interpret the resolution.

"It's a little unclear," he said from his Fairbanks home. "I don't know what it means."

O'Dowd said the group's message  
See Teachers, page A-12

# Teachers: Unrest

Continued from page A-1

sage is clouded by the fact that he didn't think the resolution was on the meeting agenda, nor did he believe that all UAA faculty members were apprised of it. "I understood it was an issue brought up by a group of people at the meeting," he said.

This was the first senate meeting to include former Anchorage Community College teachers, now part of the UAA campus, and the agenda called for the new group to draft a constitution, O'Dowd said.

He said he views the faculty vote as another indication of the unrest caused by eliminating jobs and merging the community college and university.

"I assume it's a combination of concern and anxiety that stems from bringing together two institutions," O'Dowd said.

He plans a trip to Anchorage to talk to teachers. "It's a matter of concern," he said. "It's something that we need to respond to."

According to Norrell, the voting body represented UAA and

the former ACC campus. "There was a good mix of ACC and UAA faculty."

Norrell said the resolution stressed faculty dissatisfaction with Looney's method of choosing faculty members, which Norrell said leaves out faculty input. Teachers also are concerned with Looney's stand on affirmative action in the university ranks and the way he has structured the office of the vice chancellor for academic affairs.

Looney was appointed to the post by O'Dowd weeks after the University of Alaska Board of Regents made a controversial decision to merge the state's community colleges and universities.

Community college supporters are fighting the merger in a statewide drive for a ballot initiative and in court.

The teachers who took part in Friday night's vote represent about one-third of the teachers at the Anchorage campus.

Looney could not be reached at his hotel in Salt Lake City Friday night, where he is attending a conference.

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

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : SB60  
Tide : An act establishing the Alaska  
Community College System

Sponsor Senator Zharoff  
Requestor : \_\_\_\_\_  
Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : University of Alaska  
BRU : Community colleges.  
Statewide Administration

Components : \_\_\_\_\_

**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		8,077.3	8,319.8	8,569.9	8,871.5	9,091.3
<b>TOTAL OPERATING</b>		<b>8,077.3</b>	<b>8,319.8</b>	<b>8,569.9</b>	<b>8,871.5</b>	<b>9,091.3</b>

CAPITAL		104,000.0				
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REVENUE						
---------	--	--	--	--	--	--

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		8,077.3	8,319.8	8,569.9	8,871.5	9,091.3
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME		115	115	115	115	115
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Amounts shown are net of transfers from University of Alaska. See attached.

Prepared by : Brian Roners, Budget Director

Division : University of Alaska

Phone : 474-6490

Date : February 4, 1987

Approved by Commissioner William G. ...

Agency : University of Alaska

Date : February 4, 1987

Distribution (by Agency preparing fiscal note) :

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

S B

7 7



# Matanuska-Susitna Borough

BOX . PALMER, ALASKA 99645 • PHONE 745-4801  
1608

BOROUGH ASSEMBLY

March 25, 1987

MAR 27 1987

MC

Honorable Steve Cowper, Governor  
State of Alaska  
Pouch A  
Juneau, AK 99811

RE: Senate Bill 77 & House Bill 37 - Burden of Proof in Board of  
Equalization Proceedings

Dear Governor Cowper:

The Matanuska-Susitna Borough Assembly adopted Resolution No. 87-38 on  
March 17, 1987. The Assembly is opposed to the referenced legislation  
for reasons mentioned in the resolution which is enclosed.

If you have any questions or need additional information, please feel  
free to contact Mayor Dorothy Jones at the address noted above or call  
her at 745-9682 or 733-2395.

Sincerely,

*Chris Seagraves*  
Chris Seagraves, Clerk  
Matanuska-Susitna Borough

CS/cls  
Enclosure

cc: Scott Burgess, AML  
Mike Worley, C&RA  
Ron Larson, Representative  
Curt Menard, Representative  
Jalmer Kerttula, Senator  
Mike Symanski, Senator  
Albert Adams, House Finance Committee  
Arliss, Sturzelewski, Senate C&RA Committee

boards of equalization was firmly in opposition to the shift of the burden of proof, and

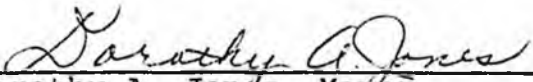
WHEREAS, the changes to Title 29 under House Bill 37 and Senate Bill 77 would conflict with those sections of the law that set out the bases for an adjustment of an assessment, and

WHEREAS, it appears that the perceived need for shift of the burden of proof arises out of problems that are occurring in only one municipality and those problems are not caused by the requirement that the appellant bear the burden of proof;

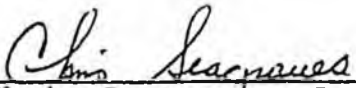
NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE MATANUSKA-SUSITNA BOROUGH:

That the legislature is urged to leave undisturbed the present, conventional procedure which places the burden of proof in property assessment appeals on the appellant.

PASSED AND APPROVED by the Assembly of the Matanuska-Susitna Borough this 17<sup>th</sup> day of March, 1987.

  
\_\_\_\_\_  
Dorothy A. Jones, Mayor

ATTEST:

  
\_\_\_\_\_  
Chris Seagraves, Borough Clerk

(SEAL)



ADOPTED AUGUST 1972

March 2, 1987

# CITY of WRANGELL, ALASKA

INCORPORATED JUNE 15, 1903

BCY 531, 99929

(907) 874-2381

MAR 4 1987

*MC*

Senator Lloyd Jones  
Alaska State Legislature  
Pouch "V"  
Juneau, Alaska 99811

RE: Senate Bill No. 77

Dear Senator Jones:

The Wrangell City Council reviewed House Bill No. 37 and companion Senate Bill No. 77, relating to certain municipal property tax procedures, at their meetings held February 10 and 24, 1987. The Council is opposed to the amendment to AS 29.45.210(b) which would shift the burden of proof from the appellant to the assessor.

The present system of dealing with appeals to assessments does not place an undue hardship on property owners. It is consistent with other judicial proceedings that the burden of proof is on the appellant. Indeed, this amendment could invite frivolous appeals if appeals can be filed without proof that the assessment was unequal, excessive, improper or under evaluation.

Although you sponsored this bill, we respectfully request that you withdraw your support.

Sincerely,

Joyce Rasler  
City Manager

cc: Representative J. Sund  
Representative R. Taylor  
Senate Community & Regional Affairs  
Committee

# **CORRECTION**

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

Introduced by: Manager  
Drafted by: GL/GLS

MATANUSKA-SUSITNA BOROUGH

Resolution Serial No. 87-038

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH OPPOSING THE  
SHIFT OF BURDEN OF PROOF IN BOARD OF EQUALIZATION  
PROCEEDINGS.

WHEREAS, in judicial proceedings, the burden of proof is on the person who petitions for relief or files the complaint, and

WHEREAS, the same system is used in most, if not all, jurisdictions that levy property taxes, and

WHEREAS, this system has proved to be a fair and adequate means of dealing with challenges to assessments of real property, and

WHEREAS, the judicial system has dealt with appeals to court of assessments and assessment procedures and has approved the burden of proof being placed on the property owner to show inequity and has recognized the appropriateness of such public policy, and

WHEREAS, shifting the burden of proof to the municipality will induce many property owners to file appeals where there is no basis for an appeal as the property owner has no burden to show anything and nothing to lose, and

WHEREAS, the increase in frivolous appeals will unnecessarily increase the cost of assessing procedures and could overwhelm boards of equalization, and

WHEREAS, if the burden of proof in local property tax assessment appeals is shifted to the assessor, a persuasive argument can be made that a similar shift should be made for the state assessment of oil and gas properties and for numerous other appeals of state administrative decisions, and

WHEREAS, Senate Bill 77 and House Bill 37, now pending before the Fifteenth Legislature would shift the burden of proof from the appellant to the assessor, and

WHEREAS, written and oral testimony presented at the House Community and Regional Affairs Committee hearing on House Bill 37 given by elected officials and members of

boards of equalization was firmly in opposition to the shift of the burden of proof, and

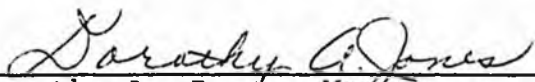
WHEREAS, the changes to Title 29 under House Bill 37 and Senate Bill 77 would conflict with those sections of the law that set out the bases for an adjustment of an assessment, and

WHEREAS, it appears that the perceived need for shift of the burden of proof arises out of problems that are occurring in only one municipality and those problems are not caused by the requirement that the appellant bear the burden of proof;


NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE MATANUSKA-SUSITNA BOROUGH:

That the legislature is urged to leave undisturbed the present, conventional procedure which places the burden of proof in property assessment appeals on the appellant.

PASSED AND APPROVED by the Assembly of the Matanuska-Susitna Borough this 17<sup>th</sup> day of March, 1987.

  
\_\_\_\_\_  
Dorothy A. Jones, Mayor

ATTEST:

  
\_\_\_\_\_  
Chris Seagraves, Borough Clerk

(SEAL)



# CITY of WRANGELL, ALASKA

INCORPORATED JUNE 15, 1903

BOX 531, 99929 (907) 874-2381

MAR 4 1987

ADOPTED AUGUST 1972

March 2, 1987

*MC*

Senator Lloyd Jones  
Alaska State Legislature  
Pouch "V"  
Juneau, Alaska 99811

RE: Senate Bill No. 77

Dear Senator Jones:

The Wrangell City Council reviewed House Bill No. 37 and companion Senate Bill No. 77, relating to certain municipal property tax procedures, at their meetings held February 10 and 24, 1987. The Council is opposed to the amendment to AS 29.45.210(b) which would shift the burden of proof from the appellant to the assessor.

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Although you sponsored this bill, we respectfully request that you withdraw your support.

Sincerely,

Joyce Rasler  
City Manager

cc: Representative J. Sund  
Representative R. Taylor  
Senate Community & Regional Affairs  
Committee

**DEPT. OF COMMUNITY & REGIONAL AFFAIRS**

OFFICE OF THE COMMISSIONER

POUCH B  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-4700

949 E. 36TH AVENUE, SUITE 400  
ANCHORAGE, ALASKA 99508  
PHONE: (907) 563-1073

January 26, 1987

POSITION PAPER

RE: House Bill 37

SPONSOR: Representative Taylor

Program Effects of Bill

Section 1 of the bill simply underscores the rights of access to public information pursuant to the Freedom of Information Act. Its adoption would have no effect on municipal government.

Section 2 of the bill attempts to shift the "burden of proof" from the appellant to the assessor in appeals of municipal assessments to the Board of Equalization. This amendment presumably would require the assessor to prove the appellant's estimate of assessed value wrong. If the assessor were unable to do so, the Board would be obligated by law, to find in favor of the appellant.

Comments

The Department strongly opposes the passage of House Bill 37. If the language in Section 2 of the bill were adopted into law, we believe the municipal board of equalization appeal process would be unnecessarily disrupted, the State would be adopting a double-standard within statutes which would disadvantage municipalities, and the State would be providing a catalyst for the deterioration of property tax bases in municipalities throughout Alaska. In support of our position, we offer the following comments:

1. The language in Section 2 is unnecessary, would disrupt the appeal process, and be counterproductive.

It is our understanding this language has been introduced to resolve certain problems perceived to exist within the appeal process in the Municipality of Anchorage. We do not believe the language would be effective in accomplishing its objective if it were adopted. The correct way to resolve those problems is for the State Assessor to investigate the City's municipal appeal process under the authority given that office by AS 29.45.105 (attached) and work with the Municipality to adopt policies or ordinances necessary to correct any problems which might exist there. In fact, the Office of the State Assessor is in the process of doing so at this time.

The language in Section 2 of the bill would confuse and disrupt the appeal process by introducing language in statutes which would be contradictory and misleading. Shifting the burden of proof from the appellant to the assessor in the first sentence under AS 29.45.210(b) appears to create contradictions with the second sentence under that same subsection. We do not think it likely the assessor will provide "proof of unequal, excessive, improper, or undervaluation." Therefore, that burden would continue to fall on the appellant. The second sentence goes on to say the proof must be "stated in a valid written appeal or proven at the appeal hearing." Clearly, that statement refers to the appellant and not the assessor. In addition, the proposed amendment is inconsistent with AS 29.45.190 (attached). The entire appeal process described under that section requires the appellant to provide grounds which will trigger the formal appeal and, presumably, facts which will prove the assessment incorrect.

We believe the adoption of the language in Section 2 of the bill would actually mislead property owners into believing they could appeal their assessments without providing proof or evidence to support their case. Clearly, that is not consistent with the statutes cited above.

2. The language in Section 2 would create a double-standard in law and would disadvantage municipalities.

Currently, AS 43.56.130(e) (attached), which describes the appeal process for the oil and gas industry, places the burden of proof on the appellant. If the language under Section 2 were adopted, the oil and gas community could correctly argue that State law provided an advantage in the appeal process for commercial and industrial property assessed by municipalities, and a disadvantage to oil and gas property assessed by the State. We think it would be likely the oil and gas industry would press for legislation which would similarly amend AS 43.56 to impose the burden of proof on the State in questions of oil and gas property valuation.

3. The adoption of Section 2 would provide a catalyst for the deterioration of the municipal tax base.

The shift of the burden of proof offered in Section 2 attempts to benefit the average taxpayer by requiring the municipal assessor to prove his case before the Board of Equalization. The fact is, boards of equalization across the State already require the assessor to do so. In our exposure to assessment appeals, we have seen only rare, isolated cases where a board of equalization did not give the benefit of the doubt to the appellant. Those cases almost exclusively involved appeals by large corporations or owners of large, valuable commercial or industrial properties.

Since the average property owner is already given the benefit of the doubt by boards of equalization, the proposed amendment in Section 2 would do nothing to benefit that party. The property owners who would receive the real benefit of such a change would be the owners of income producing properties.

Many small municipalities in Alaska rely heavily on the property tax revenues collected from one or two large commercial facilities (canneries, pulp mills, etc.) on their assessment rolls. The owners of those larger and more valuable properties have the most to gain from a property tax reduction. They also have ready access to professionals such as appraisers, attorneys, etc., who could successfully argue questions of assessment before boards of equalization in smaller communities. The courts, of course, would be required under the suggested burden of proof change to find in favor of the appellant if he could present a case establishing substantial doubt as to the validity of the municipality's assessed value. Larger companies would be in a much stronger position to obtain reductions in assessed values than the average taxpayer. We believe it is likely that smaller municipalities would see their property tax bases deteriorate if the language in Section 2 were adopted. This deterioration would come at a time when communities are already concerned about diminishing state-shared revenues and are attempting to broaden municipal tax bases wherever possible to generate more revenues locally.

In summary, we believe the amendment suggested in Section 2 of HB 37 would be counterproductive and could provide an economically dangerous avenue for deterioration of the municipal property tax base. We encourage the Legislature not to adopt this bill.

*David G. Hoffman* By *Doug Griff*  
David G. Hoffman, Commissioner

**Sec. 29.45.100. No limitations on taxes to pay bonds.** The limitations provided for in AS 29.45.080 — 29.45.090 do not apply to taxes levied or pledged to pay or secure the payment of the principal and interest on bonds. Taxes to pay or secure the payment of principal and interest on bonds may be levied without limitation as to rate or amount, regardless of whether the bonds are in default or in danger of default. (§ 12 ch 74 SLA 1985)

**Sec. 29.45.103. Taxation records.** (a) Municipal records dealing with assessment, valuation or taxation may be inspected by the State Assessor or a designee.

(b) If a municipality's assessment and valuation has been done by a private contractor, records concerning the municipality's valuation and assessment shall be made available to the State Assessor or a designee on request. (§ 12 ch 74 SLA 1985)

**Sec. 29.45.105. Errors in taxation procedures.** (a) If a municipality receives a notice from the State Assessor that major errors have been found in its assessment, valuation or taxation procedures, the municipality shall correct its procedures before the beginning of the next fiscal year or file an appeal under (b) of this section.

(b) A municipality may appeal a notice from the State Assessor that it has made a major error in assessment, valuation or taxation procedures by filing an appeal with the commissioner within 30 days after receipt of notice of error.

(c) The commissioner, after consulting with the Alaska Association of Assessing Officers, shall render a decision within 60 days after the receipt of a request under (b) of this section. If the commissioner determines that a major error has been made in assessment, valuation or taxation procedures the commissioner shall notify the municipality of changes that must be made and the municipality shall correct its procedures before the beginning of the next fiscal year.

(d) If errors in its assessment, valuation or taxation procedures have resulted in a loss of revenue to the state, the municipality shall reimburse the state for the amount of revenues lost. (§ 12 ch 74 SLA 1985)

**Sec. 29.45.110. Full and true value.** (a) The assessor shall assess property at its full and true value as of January 1 of the assessment year, except as provided in this section, AS 29.45.060, and 29.45.230. The full and true value is the estimated price that the property would bring in an open market and under the then prevailing market conditions in a sale between a willing seller and a willing buyer both conversant with the property and with prevailing general price levels.

30 days before the equalization hearings. If the address is not known to the assessor, the notice may be addressed to the person at the post office nearest the property. Notice is effective on the date of mailing. (§ 12 ch 74 SLA 1985)

**Sec. 29.45.180. Corrections.** (a) A person receiving an assessment notice shall advise the assessor of errors or omissions in the assessment of the person's property. The assessor may correct errors or omissions in the roll before the board of equalization hearing.

(b) If errors found in the preparation of the assessment roll are adjusted, the assessor shall mail a corrected notice allowing 30 days for appeal to the board of equalization. (§ 12 ch 74 SLA 1985)

**Sec. 29.45.190. Appeal.** (a) A person whose name appears on the assessment roll or the agent or assigns of that person may appeal to the board of equalization for relief from an alleged error in valuation not adjusted by the assessor to the taxpayer's satisfaction.

(b) The appellant shall, within 30 days after the date of mailing of notice of assessment, submit to the assessor a written appeal specifying grounds in the form that the board of equalization may require. Otherwise, the right of appeal ceases unless the board of equalization finds that the taxpayer was unable to comply.

(c) The assessor shall notify an appellant by mail of the time and place of hearing.

(d) The assessor shall prepare for use by the board of equalization a summary of assessment data relating to each assessment that is appealed.

(e) A city in a borough may appeal an assessment to the borough board of equalization in the same manner as a taxpayer. Within five days after receipt of the appeal, the assessor shall notify the person whose property assessment is being appealed by the city. (§ 12 ch 74 SLA 1985)

**Sec. 29.45.200. Board of equalization.** (a) The governing body sits as a board of equalization for the purpose of hearing an appeal from a determination of the assessor, or it may delegate this authority to one or more boards appointed by it. An appointed board may be composed of not less than three persons, who may be members of the governing body, municipal residents, or a combination of members of the governing body and residents. The governing body shall by ordinance establish the qualifications for membership.

(b) The board of equalization is governed in its proceedings by rules adopted by ordinance that are consistent with general rules of administrative procedure. The board may alter an assessment of a lot only pursuant to an appeal filed as to the particular lot.

(c) The board shall provide by regulation for notices of hearings to interested persons and municipalities.

(d) If an appellant fails to appear at the hearing, the board may proceed with the hearing in the absence of the appellant.

(e) The appellant bears the burden of proof at the hearing.

(f) The only grounds for adjustment of assessed value is proof of unequal, excessive or improper valuation or valuation not determined in accordance with the standards set out in this chapter, based on facts stated in a written appeal timely filed or proved at the hearing.

(g) The board shall certify its determinations to the department within seven days of the hearing.

(h) *[Repealed, § 5 ch 107 SLA 1976.]*

(i) An owner or municipality may appeal to the superior court for, and is entitled to, trial de novo of the board's action. (§ 1 ch 1 FSSLA 1973; am § 5 ch 107 SLA 1976)

**Sec. 43.56.135. Certification.** No later than June 1 of each year, the department shall certify the final assessment roll and mail to the owner of the taxable property or an authorized agent a statement of the amount of tax due. (§ 4 ch 107 SLA 1976)

**Sec. 43.56.140. Supplementary assessment rolls.** The department shall include property omitted from the assessment roll on a supplementary roll, using the procedures set out in this chapter for the original roll. (§ 1 ch 1 FSSLA 1973)

**Sec. 43.56.150. Collection and deposit.** (a) The tax levied by AS 43.56.010(a) is payable to the department on or before June 30 of the taxable year.

(b) The department may provide for voluntary prepayment and for payment by installments.

(c) The tax levied under AS 43.56.010(a), interest and penalties collected with respect to this levy shall be deposited in the general fund. (§ 1 ch 1 FSSLA 1973; am § 3 ch 107 SLA 1976)

**Sec. 43.56.160. Interest and penalty.** When the tax levied by AS 43.56.010(a) becomes delinquent, a penalty of 10 per cent shall be added. Interest on the delinquent taxes, exclusive of penalty, shall be assessed at a rate of eight per cent a year. (§ 1 ch 1 FSSLA 1973)

**Sec. 43.56.170. Lien for tax.** *[Repealed, § 4 ch 94 SLA 1976. For current law, see AS 43.10.035.]*

**Sec. 43.56.180. Remedy.** The remedy of distraint of property set out in AS 43.20.270 applies to the tax levied by AS 43.56.010(a). However, only property subject to the tax may be distrained. (§ 1 ch 1 FSSLA 1973)

**Sec. 43.56.190. Penalties.** *[Repealed, § 46 ch 113 SLA 1980. For current law, see AS 43.05.290.]*

S B

1 3 3

*average cap - 233,000 vs 13,000 another measure  
management. 11  
check leg  
history*

*Quebec Bay 1978*  
1 IN THE SENATE  
2 Date of printing 2/18/87

*Done full text leg  
D copy too short*  
BY HENSLEY, HALFORD AND FAIKS  
SENATE BILL NO. 133

IN THE LEGISLATURE OF THE STATE OF ALASKA  
FIFTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to general grant land entitlements;  
and providing for an effective date."

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

\* Section 1. AS 29.65.020(a) is amended to read:

(a) The general grant land entitlement of a city formerly eligible to receive general grant land under the provisions of former AS 29.18.190 and 29.18.200 is 10 percent of the maximum total acreage of vacant, unappropriated, unreserved land in the boundaries of each city at any time between the initial date of eligibility under former AS 29.18.190 and 29.18.200 and January 1, 1988 [JULY 1, 1978]. Within six months after January 1, 1988 [JULY 1, 1978], the director shall determine the entitlement for each city eligible to receive general grant land under this section [FORMER AS 29.18.202] and certify that entitlement to the city.

\* Sec. 2. AS 29.65.030(a) is amended to read:

(a) The general grant land entitlement of a municipality incorporated after July 1, 1978, that not qualify for an entitlement under AS 29.65.010 or 29.65.020 is 10 percent of the maximum total acreage of vacant, unappropriated, unreserved land within the boundaries of the municipality between [ON] the date of its incorporation and two years after that date.

\* Sec. 3. AS 29.65.030(b) is amended to read:

(b) Within two years and six months after the date of incorporation of the [A] municipality [THAT IS INCORPORATED AFTER JULY 1,

1 1978], the director shall determine the entitlement of each  
2 municipality eligible to receive general grant land under (a) of this  
3 section and certify the entitlement to the municipality.

4 \* Sec. 4. AS 29.65.040(a) is amended to read:

5 (a) After July 1, 1978, general grant land entitlements provided  
6 in former AS 29.18.201 and [FORMER AS] 29.18.202 are vested property  
7 rights that must be fulfilled as provided in AS 29.65.050 or 29.65.-  
8 080. After January 1, 1988, general grant land entitlements provided  
9 in AS 29.65.010 are vested property rights that must be fulfilled as  
10 provided in AS 29.65.050 or 29.65.080.

11 \* Sec. 5. AS 29.65.040(c) is amended to read:

12 (c) Land may be selected or nominated for selection by a munic-  
13 ipality to satisfy a general grant land entitlement under former  
14 AS 29.18.201 and 29.18.202 at any time before October 1, 1980. Land  
15 may be selected or nominated for selection by a municipality to  
16 satisfy a general grant land entitlement under AS 29.65.010 at any  
17 time before October 1, 1990. However, if a municipal selection or  
18 nomination or a part of a municipal selection or nomination is reject-  
19 ed by the director, the municipality may, not later than 90 days after  
20 receipt of the rejection, select additional state land as necessary to  
21 satisfy its entitlement.

22 \* Sec. 6. AS 29.65.050(b) is amended to read:

23 (b) All approved selections under former AS 29.18.190 and  
24 29.18.200 for which patent has not been issued to a municipality on  
25 July 1, 1978, shall be reviewed by the director within nine months  
26 after July 1, 1978. Any approved selection of land that was vacant,  
27 unappropriated, or unreserved on the date of selection is valid as of  
28 the date of the approval under former AS 29.18.190, [AND] 29.18.200,  
29 29.18.201, 29.18.202, and 29.18.203 and a patent shall be issued to

1 the municipality within three months after approval by the director of  
2 a plat of survey. The acreage shall be credited toward fulfillment of  
3 the municipality's entitlement. A municipality is not entitled to  
4 receive patent under this chapter to more than its entitlement de-  
5 termined under AS 29.65.010 - 29.65.030. Any prior approval by the  
6 director of municipal selections for land that was not vacant, unap-  
7 propriated, or unreserved on the date of selection shall be rescinded,  
8 and patent may not be issued except when disposal to a third party by  
9 sale or lease has occurred. Transfers of land to municipalities under  
10 this chapter are subject to AS 38.05.321. Classification actions as  
11 reflected on the land status records of the Department of Natural  
12 Resources are determinative of land classification status for purposes  
13 of this chapter.

14 \* Sec. 7. AS 29.65.130(10) is amended to read:

15 (10) "vacant, unappropriated, unreserved land" means  
16 general grant land as defined in (3) of this section, excluding miner-  
17 als as required by sec. 6(i) of the Alaska Statehood Act, that

18 (A) has not been set aside by statute for one or more  
19 particular uses or purposes;

20 (B) has not been approved for patent to a municipal-  
21 ity under this chapter or former AS 29.18.190 and 29.18.200; or

22 (C) is unclassified or, if classified under AS 38.-  
23 05.300, is classified for agricultural, grazing, material, public  
24 recreation, resource management settlement, or transportation  
25 corridor [COMMERCIAL, INDUSTRIAL, PRIVATE RECREATIONAL, RESI-  
26 DENTIAL, UTILITY, OR OPEN-TO-ENTRY] purposes, or is classified in  
27 accordance with an agreement between a municipality and the state  
28 providing for state management of land of the municipality.

29 \* Sec. 8. Before January 1, 1988, the Department of Natural Resources

1 shall consult with each municipality affected by this Act regarding classi-  
2 fications of state land within its boundaries and may assist the munic-  
3 ipality in identifying land suitable for selection in fulfillment of its  
4 general grant land entitlement.

5 \* Sec. 9. AS 29.65.010(b), 29.65.020(b), 29.65.030(c), and 29.65.110  
6 are repealed.

7 \* Sec. 10. Section 8 of this Act takes effect immediately under AS 01.-  
8 10.070(c).

9 \* Sec. 11. Sections 1 - 7 and 9 of this Act take effect January 1,  
10 1988.

Original sponsors: Hensley, Halford  
and Faiks

1 IN THE SENATE

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 133 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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7 and providing for an effective date."

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25 aries of the municipality between [ON] the date of its incorporation  
26 and two years after that date. However, a municipality may not re-  
27 ceive an entitlement under this subsection that exceeds <sup>21.4</sup>~~25~~ acres per  
28 person residing in the municipality on the date of its incorporation.

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3 1978], the director shall determine the entitlement of each municipal-  
4 ity eligible to receive general grant land under (a) of this section  
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20 (A) has not been set aside by statute for one or more  
21 particular uses or purposes;

22 (B) has not been approved for patent to a municipali-  
23 ty under this chapter or former AS 29.18.190 and 29.18.200; [OR]

24 (C) is unclassified or, if classified under AS 38.-  
25 05.300, is classified for agricultural, grazing, material, public  
26 recreation, or settlement ~~transportation corridor~~ [COMMERCIAL, INDUSTRIAL, PRIVATE  
27 RECREATIONAL, RESIDENTIAL, UTILITY, OR OPEN-TO-ENTRY] purposes,  
28 or is classified in accordance with an agreement between a munic-  
29 ipality and the state providing for state management of land of

1 the municipality; or

2 (D) was classified no earlier than September 1, 1983,  
3 for resource management purposes and is still classified for  
4 resource management purposes under AS 38.05.300.

5 \* Sec. 8. Before January 1, 1988, the Department of Natural Resources  
6 shall consult with each municipality affected by this Act regarding classi-  
7 fications of state land within its boundaries and may assist the munic-  
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11 are repealed.

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13 10.070(c).

14 \* Sec. 11. Sections 1 - 7 and 9 of this Act take effect January 1,  
15 1988.

A M E N D M E N T

Offered in the SENATE

TO: SB 133

By the Community and

Regional Affairs Committee

Page 3, after line 13:

Insert a new bill section to read:

"\* Sec. 7. AS 29.65 is amended by adding a new section to read:

Sec. 29.65.122. PROHIBITION. A municipality may not acquire subsurface rights to land of the federal government by trading land received as a general grant land entitlement."

Renumber the following bill sections accordingly.

Page 4, line 7:

Delete "8"

Insert "9"

Page 4, line 9:

Delete "1 - 7 and 9"

Insert "1 - 8 and 10"

DNR position / not Administration position yet

# MEMORANDUM

# State of Alaska

TO: David Hoffman  
Commissioner  
Department of Community  
and Regional Affairs

DATE: March 24, 1987

FILE NO:

TELEPHONE NO: 465-2400

FROM: Judith M. Brady *JMB*  
Commissioner  
Department of Natural Resources

SUBJECT: SB 133 - Muni  
Entitlement Bill

The acreage cap formula we are considering would best fit in the section of the bill which applies only to new municipalities. Accordingly, I suggest the following be added to the end of what is now Section 2 of the bill:

"A municipality may not receive a general grant land entitlement under AS 29.65.030 that exceeds a per capita entitlement on the date of incorporation of 20 acres."

We believe this is the best method of providing for a cap as it focuses on acres/capita -- a concept already recognized in AS 29.65 (the municipal entitlement act) whereby a muni could receive payment in lieu of land if certain lands selected by a muni were undevelopable. The payments were based upon a usable acres per capita basis. As is clear from the figures, under the proposed bill, the NW Arctic Borough would receive a per capita entitlement far in excess of that received by any other Alaskan borough.

The proposed cap language would result in an entitlement for the NW Arctic Borough of approximately 115,800 acres, as opposed to approximately 240,000 acres under the existing bill which was 41.5 acres/capital.

<u>Borough</u>	<u>Entitlement</u>	<u>1980 Population</u>	<u>Acres/Capita</u>
Anchorage	44,893	174,431	.25
Juneau	19,584	19,528	1.0
Bristol Bay	2,898	1,094	2.6
Fairbanks	112,000	53,983	2.0
Kenai	155,780	25,282	6.1
Mat-Su	355,210	17,816	19.9
North Slope	89,850	4,199	21.4
NW Arctic	240,000	5,790	41.4
	(144,750)	(5,790)	2(25.0)
	(115,800)	(5,790)	(20.0)

The other boroughs are all in the 1-3 acres/capita vicinity. The average for all boroughs with a 1978 entitlement was only 2.6 acres/capita. I believe the 20 acres/capita is a defensible figure.

6110

13,000

5790

2.25

# Alaska State Legislature

ARLISS STURGULEWSKI, Chairman  
TIM KELLY, Vice Chairman  
RICK HALFORD  
MIKE SZYMANSKI  
FRED ZHAROFF



P. O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-4989

## Senate Community and Regional Affairs Committee

TO: Senate C&RA Members

March 31, 1987

FROM: Senate C&RA Staff

A handwritten signature in dark ink, appearing to be "MCK".

RE: SB 133 - Relating to General Grant Land Entitlements

Please bring the previously distributed packet on SB 133 to today's C&RA meeting.

Attached is a proposed committee substitute for SB 133. There are three changes in the CS and these are highlighted. There is also an amendment attached for the committee's consideration.

The first change occurs on page 1, lines 26 through 28. This change caps the entitlement a municipality may receive at 25 acres per capita based on the population at the date of incorporation. A memo from DNR on this issue is included in this packet.

The second change is on page three, line 26. This change deleted "transportation corridor" from the definition of vacant, unappropriated, unreserved land.

The third change occurs on page 4, lines 2 through 4. This change excludes land classified resource management prior to September 1, 1983 from selection by municipalities. Specifically this provision would preclude the selection of the surface estate of Prudhoe.

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 3/12/87 5-DAY NOTICE  
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: FINANCE

\*\*FISCAL NOTE(S) ATTACHED                      \*\*  
IN ACCORDANCE WITH AS 24.08.035  
(see below)

DATE TURNED INTO OFFICE 4/1/87

Mr. President:

COMMUNITY & REGIONAL AFFAIRS Committee considered SB 133

general grant land entitlements; efd.

and recommended:

replace with CS for SB 133 (C+RA)  same title  
 attached amendment(s) and  new title

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

letter of intent adopted and attached

\*\* Committee  attached or  adopted fiscal note(s)  
 zero  fiscal impact

MEMBERS SIGNING DO PASS

Rich Halford - unless amended

OTHER RECOMMENDATIONS

Fred A. Gray No Rec.  
Tim Kelly No Rec.  
Mike Szymanski - No Rec.

Arthur Stangulinski Do Pass  
Chairman signature and recommendation

Committee Backup Attached



Senate Community and  
Regional Affairs Committee

Senator Arliss Sturgulewski, Chairman

(5755)



General Grant Land

classified by Comm. prior

to Sept 1, 1983 as Res:

mg. does not qualify as

U, U, U. land for purposes

of a new establishment

established by this  
act.

*Pseudoclassified land classified resource mgt. prior to 1983*

*D+RA + DNR will have language on dates*

*SB414 from last year - leg grants being counted against entitlement.*

*Ch of* 1 IN THE SENATE

BY HENSLEY, HALFORD AND FAIKS

*Transportation<sup>2</sup> corridor*

SENATE BILL NO. 133

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - FIRST SESSION

A BILL

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21 *NWAS only* (a) The general grant land entitlement of a municipality incor-  
22 porated after July 1, 1978, that does not qualify for an entitlement  
23 under AS 29.65.010 or 29.65.020 is 10 percent of the maximum total  
24 acreage of vacant, unappropriated, unreserved land within the bound-  
25 aries of the municipality between [ON] the date of its incorporation  
26 and two years after that date.

27 \* Sec. 3. AS 29.65.030(b) is amended to read:

28 (b) Within two years and six months after the date of incorpo-  
29 ration of the [A] municipality [THAT IS INCORPORATED AFTER JULY 1,

1 1978], the director shall determine the entitlement of each  
2 municipality eligible to receive general grant land under (a) of this  
3 section and certify the entitlement to the municipality.

4 \* Sec. 4. AS 29.65.040(a) is amended to read:

5 (a) After July 1, 1978, general grant land entitlements provided  
6 in former AS 29.18.201 and [FORMER AS] 29.18.202 are vested property  
7 rights that must be fulfilled as provided in AS 29.65.050 or 29.65.-  
8 080. After January 1, 1988, general grant land entitlements provided  
9 in AS 29.65.010 are vested property rights that must be fulfilled as  
10 provided in AS 29.65.050 or 29.65.080.

11 \* Sec. 5. AS 29.65.040(c) is amended to read:

12 (c) Land may be selected or nominated for selection by a munic-  
13 ipality to satisfy a general grant land entitlement under former  
14 AS 29.18.201 and 29.18.202 at any time before October 1, 1980. Land  
15 may be selected or nominated for selection by a municipality to  
16 satisfy a general grant land entitlement under AS 29.65.010 at any  
17 time before October 1, 1990. However, if a municipal selection or  
18 nomination or a part of a municipal selection or nomination is reject-  
19 ed by the director, the municipality may, not later than 90 days after  
20 receipt of the rejection, select additional state land as necessary to  
21 satisfy its entitlement.

22 \* Sec. 6. AS 29.65.050(b) is amended to read:

23 (b) All approved selections under former AS 29.18.190 and  
24 29.18.200 for which patent has not been issued to a municipality on  
25 July 1, 1978, shall be reviewed by the director within nine months  
26 after July 1, 1978. Any approved selection of land that was vacant,  
27 unappropriated, or unreserved on the date of selection is valid as of  
28 the date of the approval under former AS 29.18.190, [AND] 29.18.200,  
29 29.18.201, 29.18.202, and 29.18.203 and a patent shall be issued to

1 the municipality within three months after approval by the director of  
2 a plat of survey. The acreage shall be credited toward fulfillment of  
3 the municipality's entitlement. A municipality is not entitled to  
4 receive patent under this chapter to more than its entitlement de-  
5 termined under AS 29.65.010 - 29.65.030. Any prior approval by the  
6 director of municipal selections for land that was not vacant, unap-  
7 propriated, or unreserved on the date of selection shall be rescinded,  
8 and patent may not be issued except when disposal to a third party by  
9 sale or lease has occurred. Transfers of land to municipalities under  
10 this chapter are subject to AS 38.05.321. Classification actions as  
11 reflected on the land status records of the Department of Natural  
12 Resources are determinative of land classification status for purposes  
13 of this chapter.

14 \* Sec. 7. AS 29.65.130(10) is amended to read:

15 (10) "vacant, unappropriated, unreserved land" means  
16 general grant land as defined in (3) of this section, excluding miner-  
17 als as required by sec. 6(i) of the Alaska Statehood Act, that

18 (A) has not been set aside by statute for one or more  
19 particular uses or purposes;

20 (B) has not been approved for patent to a municipal-  
21 ity under this chapter or former AS 29.18.190 and 29.18.200; or

22 (C) is unclassified or, if classified under AS 38.-  
23 05.300, is classified for agricultural, grazing, material, public  
24 recreation, resource management, <sup>or</sup> settlement, ~~or transportation~~ <sup>DNR</sup>

25 ~~corridor~~ [COMMERCIAL, INDUSTRIAL, PRIVATE RECREATIONAL, RESI-  
26 DENTIAL, UTILITY, OR OPEN-TO-ENTRY] purposes, or is classified in  
27 accordance with an agreement between a municipality and the state  
28 providing for state management of land of the municipality.

29 \* Sec. 8. Before January 1, 1988, the Department of Natural Resources

1 shall consult with each municipality affected by this Act regarding classi-  
2 fications of state land within its boundaries and may assist the munic-  
3 ipality in identifying land suitable for selection in fulfillment of its  
4 general grant land entitlement.

5 \* Sec. 9. AS 29.65.010(b), 29.65.020(b), 29.65.030(c), and 29.65.110  
6 are repealed.

7 \* Sec. 10. Section 8 of this Act takes effect immediately under AS 01.-  
8 10.070(c).

9 \* Sec. 11. Sections 1 - 7 and 9 of this Act take effect January 1,  
10 1988.

# STATE OF ALASKA

## DEPT. OF COMMUNITY & REGIONAL AFFAIRS

### MUNICIPAL & REGIONAL ASSISTANCE DIVISION

STEVE COWPER, GOVERNOR

MAR 12 1987

March 12, 1987

The Honorable Fred Zharoff  
Alaska State Senate  
P.O. Box V  
Juneau, AK 99811

Dear Senator Zharoff:

At the Senate Community and Regional Affairs Committee hearing on SB 133 held on March 5, you posed a question regarding notification of other agencies, particularly the Department of Natural Resources, of boundary changes approved by the Local Boundary Commission. I responded at the time that I assumed this important information was shared with appropriate agencies, but that I wanted to confirm my response with LBC staff and provide a more complete answer. This letter fulfills that commitment.

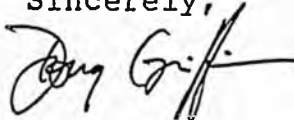
Whenever a certificate of incorporation or boundary change is signed by the Commissioner, we have the certificate recorded by the State Recorder's Office. In addition, a copy of the certificate, along with a map, is sent to the municipality affected and to each of the agencies listed on the enclosed pages. You will note that the agencies listed include the Department of Natural Resources, Division of Land and Water Management, the agency responsible for the administration of the municipal land entitlement program.

- P.O. BOX BH  
JUNEAU, ALASKA 99811-2110  
PHONE: (907) 465-4750
- 949 E. 36TH AVENUE, SUITE 400  
ANCHORAGE, ALASKA 99508-4302  
PHONE: (907) 561-8586
- P.O. BOX 348  
BETHEL, ALASKA 99559-0348  
PHONE: (907) 543-3475
- P.O. BOX 41  
NOME, ALASKA 99762-0041  
PHONE: (907) 443-5457
- P.O. BOX 280  
KOTZEBUE, ALASKA 99752-0280  
PHONE: (907) 442-3675
- 1514 CUSHMAN STREET, ROOM 210  
FAIRBANKS, ALASKA 99701-6286  
PHONE: (907) 452-7126
- P.O. BOX 10041  
DILLINGHAM, ALASKA 99576-0041  
PHONE: (907) 842-2247

The Honorable Fred Zharoff  
March 12, 1987  
Page Two

If you have any questions or desire further information, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Griffin". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Doug Griffin  
Legislative Liaison

Enclosures

cc: The Honorable Arliss Sturgulewski, Chair  
Senate Community and Regional Affairs

David G. Hoffman, Commissioner  
Department of Community and  
Regional Affairs

Marty Rutherford, Director  
Municipal and Regional  
Assistance Division

Gary Bader, Director  
Division of Administrative Services  
Department of Administration  
P.O. Box C  
Juneau, AK 99811

Ervin B. Jones, Director  
Division of Administrative Services  
Department of Revenue  
P.O. Box SA  
Juneau, AK 99811

Thomas J. Hawkins, Director  
Division of Land and Water Management  
P.O. Box 7-005  
Anchorage, AK 99510

U. S. Bureau of the Census  
Geography Division  
Washington, D.C. 20233

U.S. Geological Survey  
National Mapping Division  
Attn: Tom Taylor  
4230 University Drive  
Anchorage, AK 99508

Richard J. Knapp, Commissioner  
Department of Transportation and Public Facilities  
P.O. Box Z  
Juneau, AK 99811

Al Bloomquist  
Division of Plans, Programs and Budget  
Department of Transportation and Public Facilities  
P.O. Z-2500  
Juneau, AK 99811

Betty Calhoon  
Alcoholic Beverage Control Board  
550 West 7th Avenue  
Anchorage, AK 99501

Brian Rae  
Division of Research and Analysis  
Department of Labor  
P.O. Box 1149  
Juneau, AK 99802

Sandi Stout  
Division of Elections  
Office of Director  
P.O. Box AF  
Juneau, AK 99811

Larry Huxel  
Department of Education  
Education, Finance and Support Service  
P.O. Box F  
Juneau, AK 99811

Ms. Gail Ozmina  
Townsite Trustee  
Bureau of Land Management  
P.O. Box 13  
Anchorage, AK 99513

Jim Plasman  
Revenue Sharing/Municipal Assistance Coordinator  
Department of Community and Regional Affairs  
Municipal & Regional Assistance Division  
P.O. Box BH  
Juneau, AK 99811

Bruce Webb, Cartographer  
Department of Community and Regional Affairs  
Municipal & Regional Assistance Division  
949 E. 36th Avenue, Suite 400  
Anchorage, AK 99508

Municipal and Regional Assistance Division  
Regional Office

Local Boundary Commission  
LBC/GEO files

# STATE OF ALASKA

## DEPT. OF COMMUNITY & REGIONAL AFFAIRS

### OFFICE OF THE COMMISSIONER

March 4, 1987

#### POSITION PAPER

STEVE COWPER, GOVERNOR

- POUCH B  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-4700
- 949 E. 36TH AVENUE, SUITE 40C  
ANCHORAGE, ALASKA 99508  
PHONE: (907) 563-1073

RE: SB 133--"An Act Relating to General Grant Land Entitlements.

SPONSOR: Senators Hensley, Halford and Faiks

#### Program Effects of Bill

The bill accomplishes five purposes. It permits the Northwest Arctic Borough to select about 230,000 acres of land; it re-vests the North Slope Borough's 89,850 acre entitlement; it extends the period for city selection of state entitlement lands to January 1, 1988; it re-classifies land into categories suitable for municipal selection; and it establishes a consultation process between the Department of Natural Resources (DNR), and municipalities regarding land classification and selection.

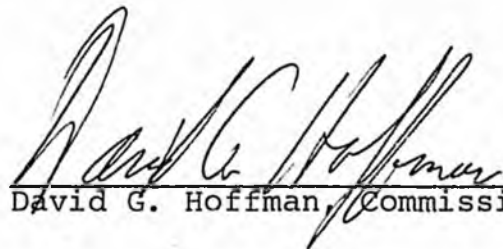
#### Comments

The Department endorses the bill as presently drafted. However, we support an amendment to the language in Section 1. Currently the bill closes the date for <sup>municipal</sup> city entitlements on January 1, 1988. The Department would prefer to see language permitting <sup>municipal</sup> city selections up until two years after the state's final selections from the federal government. The logic for extending the selection date is to give every <sup>municipal</sup> city which may contain state land within its boundaries in the future but does not now, the same opportunity to receive title to land as that enjoyed by existing cities with state selections. We think this is the most equitable approach since it places cities on an equal footing over time.

The Department supported a position last year to include land classified for forestry and wildlife habitat in the entitlement base. That provision is not in this bill, nor does the Department intend to recommend that it be included, out of our desire to see that this important bill is passed with the recommended amendment in section #1.

SB 133  
March 4, 1987  
Page Two

We feel the bill, with the suggested amendment, will promote equity among the state's municipalities; will guarantee an adequate land base in areas of the state which may wish to form regional governments; and will serve long-term economic development needs by placing land in local government and private ownership. Finally, in an era in which local governments must become more resourceful as they encounter fiscal restraints, a local land base for generating revenues and economic opportunities is that much more.

  
David G. Hoffman, Commissioner

# 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

March 5, 1987

The Honorable Arliss Sturgulewski, Chair  
Senate Community and Regional Affairs Committee  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Senator Sturgulewski:

Subject: SB 133 - An act relating to general grant land entitlement.

Position: The Department of Natural Resources supports the bill but has some concern over several provisions.

Recommendation: The bill allows the North Slope Borough (NSB) to select the surface estate to Prudhoe Bay and surrounding area. The department believes it is essential that the bill be altered in order to exempt this important state resource and revenue generation area from municipal selection. We have several ideas as to how this might be accomplished and would work with the bill's sponsor and your committee staff to amend the bill in this regard.

Secondly, we believe consideration should be given to the inclusion of an acreage cap for AS 29.65.030, the determination of entitlement for newly incorporated municipalities. This would help dissuade municipalities from incorporating merely to obtain a large land entitlement, particularly in rural areas where most state vacant unappropriated and unreserved (VUU) land is not particularly well suited to development or other municipal purposes.

The department strongly advocates the language in Section 7 which alters the VUU definition to match the department's new classification categories which were established by regulation in 1983.

The department is also pleased to note that the bill corrects a long-standing inequity whereby some cities maintain a zero acre land entitlement, even though their boundaries encompass state VUU land (as a result of post 1978 land transfers or

Senator Sturgulewski

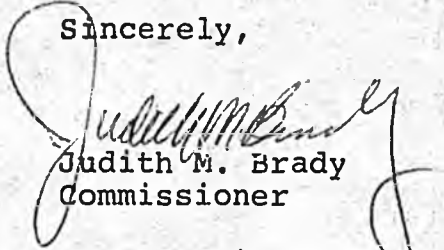
-2-

March 5, 1987

annexations). However, the burden of determining new or revised entitlements falls squarely upon the department. Therefore, the department has assembled an appropriate fiscal note equal to the task.

Finally, the department has several other minor comments and suggestions which will be made during the committee hearing on the bill. My staff and I remain available to answer questions and provide assistance.

Sincerely,



Judith M. Brady  
Commissioner

cc: Committee Members  
Sponsor  
George Sullivan, Governor's Office  
Rod Swope, Governor's Office

# Alaska State Legislature

ARLIS STURGULEWSKI, Chairman  
TIM KELLY, Vice Chairman  
RICK HALFORD  
MIKE SZYMANSKI  
FRED ZHAROFF

P. O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-4989

## Senate Community and Regional Affairs Committee

TO: Senate C&RA Members

March 5, 1987

FROM: Senate C&RA Staff



RE: SB 133 - Relating to General Grant Land Entitlements

Enclosed in this packet are a sectional analysis, position paper, and fiscal note from the Department of Natural Resources; a position paper from the Department of Community and Regional Affairs; and the 1987 policy statement from the Alaska Municipal League on land conveyances.

Both departments support this bill, but have some differences of opinion over proposed amendments. In particular, it seems the departments disagree on the closing date for municipal entitlements and the size of the North West Arctic Borough's entitlement.

Representative of both departments and of the sponsor will be at the meeting to discuss the bill. It is not expected that SB 133 will pass out of the committee today but will be back before the members in the near future.

# Alaska State Legislature

ARLISS STURGULEWSKI, Chairman  
TIM KELLY, Vice Chairman  
RICK HALFORD  
MIKE SZYMANSKI  
FRED ZHAROFF



P. O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-4989

## Senate Community and Regional Affairs Committee

TO: Senate C&RA Members

March 5, 1987

FROM: Senate C&RA Staff

A handwritten signature in dark ink, appearing to be "MEL".

RE: SB 133 - Relating to General Grant Land Entitlements

Enclosed in this packet are a sectional analysis, position paper, and fiscal note from the Department of Natural Resources; a position paper from the Department of Community and Regional Affairs; and the 1987 policy statement from the Alaska Municipal League on land conveyances.

Both departments support this bill, but have some differences of opinion over proposed amendments. In particular, it seems the departments disagree on the closing date for municipal entitlements and the size of the North West Arctic Borough's entitlement.

Representative of both departments and of the sponsor will be at the meeting to discuss the bill. It is not expected that SB 133 will pass out of the committee today but will be back before the members in the near future.

PART IV  
LAND USE

A. LOCAL OPTIONS

1. Planning and Zoning: The League feels strongly that laws pertaining to the powers of local planning and zoning must allow for the greatest flexibility at the local level.

2. Land Use: The League supports the requirement that the State comply with all local land use and subdivision regulations.

B. LAND SELECTION

1. Easements: The League urges modification of State Statutes which encourage the practice of blanketing all waterways within municipal selections with reservations for public easements and encumbering patents with undefined easements. The League, however, supports the policy of preserving needed specific rights-of-way and easements which provide for present and future public access with the concurrence of affected municipalities.

2. Conveyance and Land Use

(a) The League urges the immediate conveyance of Native and State lands presently identified and jointly agreed upon for selection.

(b) The League urges the State to move expeditiously to complete in-lieu, cash entitlements, and to convey lands to municipalities with the least amount of encumbrance and restrictions, and to take whatever actions are necessary to correct existing inequities and overcome all remaining obstacles, to fulfill land entitlements, for all municipalities to receive their entitled share.

(c) The League urges the funding of a cooperative intergovernmental land use planning commission to expedite conveyance of lands not yet jointly agreed upon by considering municipal, state, and federal interests in lands affected by the land selection process.

(d) The League urges state funding for the surveying of municipally-selected State land.

(e) The League urges the modification of regulations for greater flexibility in the use of grant funds by municipalities for the disposal of municipal grant land entitlements.

(f) The League urges that an entitlement program be established for those municipalities not previously allowed to participate in the conveyance and entitlement process.

*Alaska*  
**MUNICIPAL**  
*League*

TELEPHONE  
(907) 586-1325

105 MUNICIPAL WAY, SUITE 301  
JUNEAU, ALASKA 99801

MAR 10 1987

March 6, 1987

Mr. McKie Campbell  
Office of Senator Arliss Sturgulewski  
State of Alaska  
P.O. Box V  
Juneau, Alaska 99811

RE: SB 133

Dear Mr. Campbell,

In response to SB 133 Land Entitlement, the Alaska Municipal League supports this piece of legislation.

During the annual meeting of the Alaska Municipal League held this past November in Juneau, Land Entitlement was established as one of the top priorities of the League for the 1987 Legislative Session.

I have contacted Mr. Bruce Woolard of the City of Anderson who is the Chairman of the Subcommittee on Land Use, Resources and Economic Development to respond more in depth to SB 133.

As I stated previously, the Alaska Municipal League supports SB 133.

Should you have any questions, please contact me.

Yours truly,

---

David L. Soulak  
Chairman  
Alaska Municipal League Legislative Committee

DLS/cac

cc: Mayor Carte'  
Scott Burgess  
Bruce Woolard

*Abstract  
Fisher  
Kelly  
Kelly  
Symons* 135

Original sponsors: Hensley, Halford and Faiks

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 133 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to general grant land entitlements;  
7 and providing for an effective date."

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

9 \* Section 1. AS 29.65.020(a) is amended to read:

10 (a) The general grant land entitlement of a city formerly eligi-  
11 ble to receive general grant land under the provisions of former  
12 AS 29.18.190 and 29.18.200 is 10 percent of the maximum total acreage  
13 of vacant, unappropriated, unreserved land in the boundaries of each  
14 city at any time between the initial date of eligibility under former  
15 AS 29.18.190 and 29.18.200 and January 1, 1988 [JULY 1, 1978]. Within  
16 six months after January 1, 1988 [JULY 1, 1978], the director shall  
17 determine the entitlement for each city eligible to receive general  
18 grant land under this section [FORMER AS 29.18.202] and certify that  
19 entitlement to the city.

20 \* Sec. 2. AS 29.65.030(a) is amended to read:

21 (a) The general grant land entitlement of a municipality incor-  
22 porated after July 1, 1978, that does not qualify for an entitlement  
23 under AS 29.65.010 or 29.65.020 is 10 percent of the maximum total  
24 acreage of vacant, unappropriated, unreserved land within the bound-  
25 aries of the municipality between [ON] the date of its incorporation  
26 and two years after that date. [REDACTED]

27 \* Sec. 3. AS 29.65.030(b) is amended to read:

28 (b) Within two years and six months after the date of incorpo-  
29 ration of the [A] municipality [THAT IS INCORPORATED AFTER JULY 1,

1 1978], the director shall determine the entitlement of each municipal-  
2 ity eligible to receive general grant land under (a) or this section  
3 and certify the entitlement to the municipality.

4 \* Sec. 4. AS 29.65.040(a) is amended to read:

5 (a) After July 1, 1978, general grant land entitlements provided  
6 in former AS 29.18.201 and [FORMER AS] 29.18.202 are vested property  
7 rights that must be fulfilled as provided in AS 29.65.050 or 29.65.-  
8 080. *Subject to AS 29.65.02*  
9 After January 1, 1988, general grant land entitlements provided  
10 in AS 29.65.010 are vested property rights that must be fulfilled as  
11 provided in AS 29.65.050 or 29.65.080.

12 \* Sec. 5. AS 29.65.040(c) is amended to read:

13 (c) Land may be selected or nominated for selection by a munic-  
14 ipality to satisfy a general grant land entitlement under former  
15 AS 29.18.201 and 29.18.202 at any time before October 1, 1980. Land  
16 may be selected or nominated for selection by a municipality to satis-  
17 fy a general grant land entitlement under AS 29.65.010 at any time  
18 before October 1, 1990. However, if a municipal selection or nomina-  
19 tion or a part of a municipal selection or nomination is rejected by  
20 the director, the municipality may, not later than 90 days after  
21 receipt of the rejection, select additional state land as necessary to  
22 satisfy its entitlement.

23 \* Sec. 6. AS 29.65.050(b) is amended to read:

24 (b) All approved selections under former AS 29.18.190 and 29.-  
25 18.200 for which patent has not been issued to a municipality on July  
26 1, 1978, shall be reviewed by the director within nine months after  
27 July 1, 1978. Any approved selection of land that was vacant, unap-  
28 propriated, or unreserved on the date of selection is valid as of the  
29 date of the approval under former AS 29.18.190, [AND] 29.18.200,  
29.18.201, 29.18.202, and 29.18.203 and a patent shall be issued to

1 the municipality within three months after approval by the director of  
2 a plat of survey. The acreage shall be credited toward fulfillment of  
3 the municipality's entitlement. A municipality is not entitled to  
4 receive patent under this chapter to more than its entitlement de-  
5 termined under AS 29.65.010 - 29.65.030. Any prior approval by the  
6 director of municipal selections for land that was not vacant, unap-  
7 propriated, or unreserved on the date of selection shall be rescinded,  
8 and patent may not be issued except when disposal to a third party by  
9 sale or lease has occurred. Transfers of land to municipalities under  
10 this chapter are subject to AS 38.05.321. Classification actions as  
11 reflected on the land status records of the Department of Natural  
12 Resources are determinative of land classification status for purposes  
13 of this chapter.

14 \* Sec. 7. AS 29.65 is amended by adding a new section to read:

15 Sec. 29.65.122. PROHIBITION. A municipality may not acquire  
16 ~~subsurface~~ <sup>subsurface</sup> rights to land of the federal government by trading land  
17 received as a general grant land entitlement. ~~transferred~~

18 \* Sec. 8. AS 29.65.130(10) is amended to read:

19 (10) "vacant, unappropriated, unreserved land" means  
20 general grant land as defined in (3) of this section, excluding miner-  
21 als as required by sec. 6(i) of the Alaska Statehood Act, that

22 (A) has not been set aside by statute for one or more  
23 particular uses or purposes;

24 (B) has not been approved for patent to a municipal-  
25 ity under this chapter or former AS 29.18.190 and 29.18.200; [OR]

26 (C) is unclassified or, if classified under AS 38.-  
27 05.300, is classified for agricultural, grazing, material, public  
28 recreation, or settlement <sup>transportation corridor</sup> [COMMERCIAL, INDUSTRIAL, PRIVATE  
29 RECREATIONAL, RESIDENTIAL, UTILITY, OR OPEN-TO-ENTRY] purposes,

1 or is classified in accordance with an agreement between a munic-  
2 ipality and the state providing for state management of land of  
3 the municipality; or

4 (D) was classified no earlier than September 1, 1983,  
5 for resource management purposes and is still classified for  
6 resource management purposes under AS 38.05.300.

7 Sec. 9. Before January 1, 1988, the Department of Natural Resources  
8 shall consult with each municipality affected by this Act regarding classi-  
9 fications of state land within its boundaries and may assist the munic-  
10 ipality in identifying land suitable for selection in fulfillment of its  
11 general grant land entitlement.

12 \* Sec. 10. AS 29.65.010(b), 29.65.020(b), 29.65.030(c), and 29.65.110  
13 are repealed.

14 \* Sec. 11. Section 9 of this Act takes effect immediately under AS 01.-  
15 10.070(c).

16 \* Sec. 12. Sections 1 - 8 and 10 of this Act take effect January 1,  
17 1988.

18  
19  
20  
21 addition of Resource Management classification *in winter*  
22 *from*  
23 13000 to approx 240,000

AMENDMENT

#5

OFFERED IN THE SENATE:

By: Halford

To: 133 SENATE BILL No. 133

HOUSE BILL No. \_\_\_\_\_

PAGE: 3

LINE: 17

*add new sentence to Sect 7*

*A Municipality may not acquire any interest in land within the Arctic National Wildlife Refuge by trading land with the Federal Government for land received as a general grant land entitlement.*

*adopted  
11-10*

By Sen Kuttia

5-0512La  
Cook

A M E N D M E N T #1

Offered in the SENATE

TO: CSSB 133(Finance)

Page 3, line 16:

Delete "subsurface rights to"

Insert "any interest in"

*Kuttia*

*wd*

4-12

A M E N D M E N T

#2

Offered in the SENATE

By Kerttula

TO: CSSB 133(Fin)

Page 2, line 8:

Delete "After"

Insert "Subject to AS 29.65.122, after"

*Filed*

*Is this redundant?*

A M E N D M E N T

Offered in the SENATE

By Kerttula

TO: CSSB 133(Finance)

~~W/d~~

Page 3, line 28:

Delete "or"

After "settlement"

Insert ", or transportation corridor"

took out DNR advised  
if someone got a r.o.w. would be considered  
transp. cord.

~~Carl Kivi~~

D.N.R. would ~~classify~~ <sup>take action to</sup> classify

No top cord - now.

# 4

6-10

5-0512Ld  
Cook

A M E N D M E N T

Offered in the SENATE

TO: CSSB 133(Finance)

*Kerfulla*  
*Fahw*  
*Fahw*  
*Joseph*  
*Stuyler*

By Kerfulla

Page 1, line 26:

After "date"

Insert "However, a municipality may not receive an entitlement  
 under this subsection that exceeds 21.4 acres per person residing in  
 the municipality on the date of its incorporation"

STATE OF ALASKA 1987 LEGISLATIVE SESSION

FISCAL NOTE SENATE

BILL VERSION: CSSB 133(C&RA)  
 PUBLISH DATE: 4/1/87

REQUEST: \_\_\_\_\_

Revision Date: 3/5/87

Title: general grant entitlement  
(municipal selection)

Sponsor: Hansley, et al

Requestor: \_\_\_\_\_

Agency Affected: Natural Resources

BRU: Land and Water Management

Components: Land Conveyance

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		61.5	168.9	168.9	168.9	168.9
TRAVEL		5.0	5.0	4.0	3.0	3.0
CONTRACTUAL		4.0	6.0	6.0	4.0	4.0
SUPPLIES		2.0	2.0	2.0	1.5	1.5
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		72.5	181.9	181.9	181.9	181.9

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

REVENUE		(3,500.0)	(3,500.0)	(3,500.0)	(3,500.0)	(3,500.0)
---------	--	-----------	-----------	-----------	-----------	-----------

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		1.0	3.0	3.0	3.0	3.0
PART-TIME		2.0	1.0	1.0	1.0	1.0
TEMPORARY						

ANALYSIS :

\* If the North Slope Borough is allowed to selected state lands valuable for materials, these figures represent the current incoming revenue that will be lost.

Prepared by: Gary Gustafson GG Phone: 465-2400  
 Division: Land and Water Management Date: 3/5/87

Approved by Commissioner: William R. Gustafson Date: 3/5/87  
 Agency: Natural Resources

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

SENATE BILL NO. 133 by Senators Hensley, Halford and Faiks, entitled:

"An Act relating to general grant land entitlements; and providing for an effective date."

was read the first time and referred to the Community and Regional Affairs Committee and the Finance Committee.

The Community and Regional Affairs Committee considered SENATE BILL NO. 133 (general grant land entitlements; efd) and recommended it be replaced with

CS FOR SENATE BILL NO. 133 (C&RA)

Senator Sturgulewski, Chairman signed "do pass". Senator Halford signed "do pass unless amended". Senators Zharoff, Kelly and Szymanski signed "no recommendation".

Fiscal note with impact published today from Department of Natural Resources.

SENATE BILL NO. 133 was referred to the Finance Committee.

The Finance Committee considered SENATE BILL NO. 133 (general grant land entitlements; efd) and a majority of the committee recommended it be replaced with

CS FOR SENATE BILL NO. 133 (FIN)

and do pass. The report was signed by Senator Binkley, Co-chairman and concurred in by Senators Zharoff, Uehling, Hensley, Bennett and Duncan. Senator Fischer signed "no recommendation".

SENATE BILL NO. 133 was referred to the Rules Committee.

The Rules Committee considered SENATE BILL NO. 133 (general grant land entitlements; efd) and a majority of the committee recommended calendar April 15. The report was signed by Senator Eliason, Chairman and concurred in by Senators Hensley, Binkley and Bennett.

SENATE BILL NO. 133 is on the April 15 calendar.

SENATE BILL NO. 133 (general grant land entitlements; afd) was read the second time.

Senator Binkley moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 879. Senator Kerttula objected.

The question being: "Shall the Finance Committee Substitute on SENATE BILL NO. 133 be adopted?" The roll was taken with the following result:

## CSSB 133 (FIN)

Yeas: 13 Bennett, Binkley, Coghill, Duncan,  
Eliason, Faiks, Fischer, Halford,  
Hensley, Jones, Josephson,  
Sturgulewski, Uehling

Nays: 5 Abood, Fahrenkamp, Kelly,  
Kerttula, Szymanski

Excused: 2 Rodey, Zharoff

and so, <CS FOR SENATE BILL NO. 133 (FIN)> was adopted.

CS FOR SENATE BILL NO. 133 (FIN) was read the second time.

Senator Halford moved and asked unanimous consent that CS FOR SENATE BILL NO. 133 (FIN) be held one day. Without objection, CS FOR SENATE BILL NO. 133 (FIN) will be on the April 16 calendar in second reading.

# Alaska State Senate

P.O. Box V  
Juneau, AK 99811  
Phone: (907) 465-2444  
465-3862/465-4923



Senate Finance Committee  
State Affairs Committee  
Vice-Chair, Rules Committee  
Chair, Administrative Regulation Review

William L. Hensley

## M E M O R A N D U M

DATE: April 15, 1987

TO: All Senators

FROM: Senator Willie Hensley *WH*

SUBJ: Municipal lands entitlement

CSSB 133 (FIN) is a bill that resolves three outstanding municipal land entitlement issues. Corrected are land entitlement deficiencies for many of Alaska's small cities, the North Slope Borough, and the new Northwest Arctic Borough. The bill is crafted to avoid further entanglement or complication with the mental health trust lands issue.

The small cities 10% land entitlement program terminated in 1978. Subsequent federal approval of state land selections within many small municipal boundaries offer the possibility for equal treatment where before 1978 there was none.

The North Slope Borough was originally entitled to 89,850 acres. A court suite contesting the state's overriding interests in certain parcels of land and the NSB selection rights led to enactment of AS 29.65.110. This provision essentially says that if a municipality maintains a court action against the state on entitlement selection rights and loses, the municipality loses its entitlement. The NSB notified the state of its intention to withdraw from the litigation, but inadvertantly was technically tardy on a deadline proscribed by law. The bill re-vests the Borough's original entitlement.

The new Northwest Arctic Borough's entitlement suffered from the failure of last year's municipal land entitlement legislation. Without changes to the definition of "vacant, unappropriate, and un-reserved" (vu) land, it would receive 13,000 acres. CSSB 133 (FIN) would accomplish the same changes desired in last year's legislation and preserve the original intent of the 10% entitlement program.

The following is a brief sectional analysis:

Sectional analysis of lands entitlement bill: CSSB 133 (C&RA)

Section 1: Opens up the 10% selection to small cities that did not get or take option before. Would also affect cities who by annexation now have vuu state lands within their boundaries.

Section 2 and 3: Allows Northwest Arctic Borough (NWAB) to benefit from vuu definition in section 8. Does not affect other existing boroughs.

Section 4: Allows North Slope Borough (NSB) to re-vest entitlement under existing law AS 29.65.010, 89,850 acres.

Section 5: Allows NSB time to make selections.

Section 6: This is a consistency section. Since AS 29.65.010(b) and 29.65.020(b) are repealed in section 10, this incorporates those same protections. These changes do not constitute an additional land entitlement to what was given municipalities under previous law AS 29.18.201 and 29.18.203.

Section 7: Prohibits land exchange for federal subsurface.

Section 8: Changes some of the land classifications that are included in the definition of "vacant, unappropriated, unreserved" (vuu) land. Subsection D exempts Prudhoe Bay from selection.

Section 9: Urges DNR to consult and assist municipalities in fulfillment of entitlement offering.

Section 10: Repealer section including AS 29.65.110, court litigation section.

# Alaska State Legislature

ARLISS STURGULEWSKI, Chairman  
TIM KELLY, Vice Chairman  
RICK HALFORD  
MIKE SZYMANSKI  
FRED ZHAROFF

P. O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-4989



## Senate Community and Regional Affairs Committee

TO: Senate C&RA Members

March 5, 1987

FROM: Senate C&RA Staff

A handwritten signature in dark ink, appearing to be 'MJK' or similar initials.

RE: SB 133 - Relating to General Grant Land Entitlements

Enclosed in this packet are a sectional analysis, position paper, and fiscal note from the Department of Natural Resources; a position paper from the Department of Community and Regional Affairs; and the 1987 policy statement from the Alaska Municipal League on land conveyances.

Both departments support this bill, but have some differences of opinion over proposed amendments. In particular, it seems the departments disagree on the closing date for municipal entitlements and the size of the North West Arctic Borough's entitlement.

Representative of both departments and of the sponsor will be at the meeting to discuss the bill. It is not expected that SB 133 will pass out of the committee today but will be back before the members in the near future.

*① need to break down part-entitlement and one-entitlement  
Reg. D. N. B.*

M E M O R A N D U M

S T A T E O F A L A S K A

TO: TOM HAWKINS, DIRECTOR  
LAND AND WATER MANAGEMENT

DATE: FEBRUARY 20, 1987

FILE NO:

TELEPHONE NO: 762-4346

FROM: GARY GUSTAFSON, CHIEF  
LAND MANAGEMENT  
LAND AND WATER MANAGEMENT

SUBJECT: SB 133 ANALYSIS

ANALYSIS OF SB 133 - AN ACT RELATING TO GENERAL GRANT LAND ENTITLEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. EXTENDS THE TIME DURING WHICH CITIES MAY RECEIVE AN ENTITLEMENT OF TEN PERCENT OF THE MAXIMUM TOTAL VACANT, UNAPPROPRIATED, UNRESERVED (VUU) LAND WITHIN THEIR BOUNDARIES FROM JULY 1, 1978 TO JANUARY 1, 1988. THIS BENEFITS CITIES WHERE:

- A. THE STATE HAS BEEN CONVEYED ADDITIONAL LAND FROM THE FEDERAL GOVERNMENT SINCE 1978; OR
- B. ANNEXATIONS SINCE 1978 HAVE ADDED ADDITIONAL STATE LAND; OR
- C. STATE LAND CLASSIFICATIONS HAVE OCCURRED OR CHANGED SINCE 1978 WHICH CREATED ADDITIONAL VUU LAND.

THIS SECTION CORRECTS A LONG-STANDING INEQUITY WHEREBY ONLY THOSE CITIES WITH STATE LAND WITHIN THEIR BOUNDARIES IN 1978 RECEIVED AN ENTITLEMENT. IN 1978, 125 CITIES RECEIVED A ZERO (0) LAND ENTITLEMENT. IT IS ESTIMATED THAT APPROXIMATELY 30 CITIES WOULD RECEIVE EITHER A NEW OR ENHANCED ENTITLEMENT AS A RESULT OF THIS SECTION. SOME CITIES EXPECTED TO BENEFIT ARE ANDERSON, SEWARD, WHITTIER AND WASILLA.

SECTION 2. ALTERS DETERMINATION OF ENTITLEMENT FOR NEWLY INCORPORATED MUNICIPALITIES TO APPLY ONLY TO THOSE WHICH DO NOT ALREADY HAVE A STATUTORY ENTITLEMENT. THE ONLY MUNICIPALITY WHICH FITS THIS CATEGORY IS THE NORTHWEST ARCTIC BOROUGH

(NWAB). THE TEN PERCENT FIGURE IS TAKEN FROM THE MAXIMUM TOTAL OF VUU LAND IN THE MUNICIPALITY BETWEEN THE DATE OF INCORPORATION AND TWO YEARS THEREAFTER. THIS CHANGE ALLOWS THE NWAB TO BENEFIT FROM THE CHANGES ALSO PROPOSED TO THE DEFINITION OF VUU LAND IN SECTION 7 OF THIS BILL WHICH EXPANDS THE ELIGIBLE CLASSIFICATION CATEGORIES BY WHICH ENTITLEMENTS ARE DETERMINED. THEREFORE, INSTEAD OF A 13,000 ACRE ENTITLEMENT (UNDER APPEAL), NWAB WOULD LIKELY RECEIVE ABOUT 230,000 ACRES.

- SECTION 3. ALLOWS THE DEPARTMENT ANOTHER TWO YEARS TO CALCULATE THE NWAB ENTITLEMENT, CONSISTENT WITH TWO YEAR EXTENSION IN SECTION 2, ABOVE.
- SECTION 4. PROVIDES THAT BOROUGH ENTITLEMENTS ARE VESTED PROPERTY RIGHTS AFTER JANUARY 1, 1988. ONLY AFFECTS THE NORTH SLOPE BOROUGH (NSB) AS ALL OTHER BOROUGH ENTITLEMENTS ARE ALREADY VESTED.
- SECTION 5. ALLOWS NSB UNTIL OCTOBER 1, 1990 TO COMPLETE NEW MUNICIPAL LAND SELECTIONS.
- SECTION 6. ADDS ALL THE FORMER ENTITLEMENT STATUTES UNDER AS 29.18 TO THE LIST OF VALID APPROVED SELECTIONS - ENSURES NO NEW ENTITLEMENTS ARE ESTABLISHED.
- SECTION 7. AMENDS THE VUU DEFINITION TO ELIMINATE THOSE CLASSIFICATION CATEGORIES NO LONGER IN EXISTENCE (COMMERCIAL, INDUSTRIAL, PRIVATE RECREATIONAL, RESIDENTIAL, UTILITY AND OPEN-TO-ENTRY) AND REPLACES THEM WITH THOSE NEW CLASSIFICATION CATEGORIES CONSIDERED APPROPRIATE FOR ENTITLEMENT DETERMINATION AND SELECTION (MATERIAL, PUBLIC RECREATION, RESOURCE MANAGEMENT, SETTLEMENT, OR TRANSPORTATION CORRIDOR). THE AGRICULTURAL AND GRAZING CLASSIFICATIONS REMAIN UNALTERED AND AVAILABLE FOR SELECTION, AS DO UNCLASSIFIED LANDS.

- SECTION 8. PROVIDES FOR DEPARTMENTAL CONSULTATION WITH AFFECTED MUNICIPALITIES REGARDING STATE LAND CLASSIFICATIONS AND ASSISTANCE IN IDENTIFYING LANDS SUITABLE FOR SELECTION.
- SECTION 9. REPEALS THE PROVISIONS THAT PREEMPTED ADDITIONAL ENTITLEMENTS BEYOND THOSE IN FORMER AS 29.18.201 AND 29.18.203 (SEE SECTION 6). ~~ALSO REPEALS THE STATUTE AFFECTING THE NSB WHICH PROVIDED THAT THEY EITHER HAD TO ACCEPT THE BENEFITS PROVIDED IN THE MUNICIPAL ENTITLEMENT ACT BY DISMISSING THE LITIGATION IN NSB V. LEBESCHE OR WAIVE ANY ENTITLEMENT. THIS STATUTE HAD CAUSED THE NSB TO FORFEIT ITS 89,850 ACRE ENTITLEMENT WHEN IT DID NOT TIMELY DISMISS THE LITIGATION.~~
- SECTION 10. PROVIDES THE DEPARTMENT'S CONSULTATION AND ASSISTANCE TAKES EFFECT IMMEDIATELY.
- SECTION 11. PROVIDES THE REMAINDER OF THE ACT TAKES EFFECT ON JANUARY 1, 1988.
-

# 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

March 5, 1987

The Honorable Arliss Sturgulewski, Chair  
Senate Community and Regional Affairs Committee  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Senator Sturgulewski:

Subject: SB 133 - An act relating to general grant land entitlement.

Position: The Department of Natural Resources supports the bill but has some concern over several provisions.

Recommendation: The bill allows the North Slope Borough (NSB) to select the surface estate to Prudhoe Bay and surrounding area. The department believes it is essential that the bill be altered in order to exempt this important state resource and revenue generation area from municipal selection. We have several ideas as to how this might be accomplished and would work with the bill's sponsor and your committee staff to amend the bill in this regard.

Secondly, we believe consideration should be given to the inclusion of an acreage cap for AS 29.65.030, the determination of entitlement for newly incorporated municipalities. This would help dissuade municipalities from incorporating merely to obtain a large land entitlement, particularly in rural areas where most state vacant unappropriated and unreserved (VUU) land is not particularly well suited to development or other municipal purposes.

The department strongly advocates the language in Section 7 which alters the VUU definition to match the department's new classification categories which were established by regulation in 1983.

The department is also pleased to note that the bill corrects a long-standing inequity whereby some cities maintain a zero acre land entitlement, even though their boundaries encompass state VUU land (as a result of post 1978 land transfers or

Senator Sturgulewski

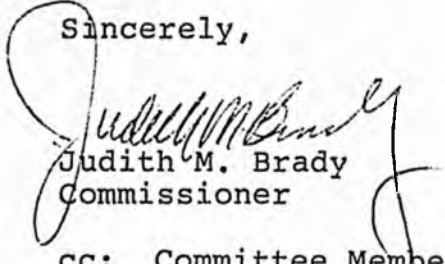
-2-

March 5, 1987

annexations). However, the burden of determining new or revised entitlements falls squarely upon the department. Therefore, the department has assembled an appropriate fiscal note equal to the task.

Finally, the department has several other minor comments and suggestions which will be made during the committee hearing on the bill. My staff and I remain available to answer questions and provide assistance.

Sincerely,



Judith M. Brady  
Commissioner

cc: Committee Members  
Sponsor  
George Sullivan, Governor's Office  
Rod Swope, Governor's Office

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST: \_\_\_\_\_  
 Revision Date: 3/5/87  
 Title: general grant entitlement  
       (municipal selection)  
 Sponsor: Henslev, et al  
 Requestor: \_\_\_\_\_

Bill Version: SE 133  
 Publish Date: \_\_\_\_\_

Agency Affected: Natural Resources  
 BRU: Land and Water Management  
 Components: Land Conveance

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		61.5	168.9	168.9	168.9	168.9
TRAVEL		5.0	5.0	4.0	3.0	3.0
CONTRACTUAL		4.0	6.0	6.0	4.0	4.0
SUPPLIES		2.0	2.0	2.0	1.5	1.5
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		72.5	181.9	181.9	181.9	181.9

CAPITAL						
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* REVENUE		(3,500.0)	(3,500.0)	(3,500.0)	(3,500.0)	(3,500.0)
-----------	--	-----------	-----------	-----------	-----------	-----------

*Revenue on high side*

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

*pl. slope ground work*

POSITIONS:

FULL-TIME		1.0	3.0	3.0	3.0	3.0
PART-TIME		2.0	1.0	1.0	1.0	1.0
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

\* If the North Slope Borough is allowed to selected state lands valuable for materials, these figures represent the current incoming revenue that will be lost.

(SEE ATTACHED)

Prepared by: Gary Gustafson GG Phone: 465-2400  
 Division: Land and Water Management Date: 3/5/87

Approved by Commissioner: Lemmie Boston Ansonuk Date: 3/5/87  
 Agency: Natural Resources

Distribution (by preparer):

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

SB 133  
Fiscal Note Analysis

With the passage of S.B. 133 the department will be required to determine and certify the entitlement of an estimated 146 first and second class cities within the state within six months. Because the bill changes the definition of vacant, unappropriated and unreserved (vuu) land, and expands the date of eligibility, while retaining the language which states that cities are entitled to 10% of "the maximum total acreage of" vuu land within their boundaries which existed "at any time" between their initial eligibility (presumably the enactment of the referenced statutes in 1972) and the new date (January 1, 1988), the research involved will be quite extensive.

Many of the 146 cities will undoubtedly be unaffected by the legislation, however to facilitate the Certification by the Director, numerous state records must be searched to assure the correct acreage for each municipality and make that determination. These records include those of the Department of Community and Regional Affairs (city incorporations and boundaries), the Department of Natural Resources (land title records, status plats, classification and planning documents) and the federal government (land title records, status plats, and other Bureau of Land Management (B.L.M.) records).

Presently, city boundaries are not depicted on the department's Land Administration (computer) System (L.A.S.) nor on state status plats. This will necessitate a time consuming manual adjudication process which must be accomplished within the six month limitation. In order to accomplish this expedited certification process the department will require the following new permanent part time positions for a maximum of twelve months:

#### CERTIFICATION

1. A Project Manager (Natural Resource Manager I, range 18, 12 months). The Manager will supervise a staff consisting of a Natural Resource Technician II (range 12), and a Clerk Typist 3 (range 8). The manager must have sufficient background to understand and work with the various processes involved, including the land transfer process from the federal government to the state, and from the state to municipalities (Title 29, etc.). The manager must act as liason and problem solver for involved agencies and cities. This position will also be responsible for public notice and conducting hearings associated with the process of certification. The Manager will also review records and make determinations concerning those records as necessary for creating background for certification. The Manager must also work with the department's title personnel to recheck these results with the federal title documents and plats to assure everything is in order; and with the Technician to ensure correct mapping from department documents.

2. The necessary record and resource gathering, mapping and general support for the manager will be provided by the Natural Resource Technician (range 12, first 6 months or less). The Technician, with the direct supervision of the Officer will review and delineate on a single pictorial

document the following: correct municipal boundaries (from information obtained from the Department of Community and Regional Affairs by the Technician); many classifications from old land planning reports, classification orders (original and renumbered), regional, area and management plans. This document will be used to provide a focal point from which a rational review of all the data may be accomplished.

3. The Clerk Typist III (range 8, 10-12 months) would supply data entry, clerical, typing and general office support for the Certification staff. The Clerk will be responsible for typing documents, decisions, etc.; monitoring files; and inputting computer data.

#### ADMINISTRATION

After the initial certification the adjudication and administrative phase will take place primarily in the Northern Region in Fairbanks, as the North Slope Borough would be able to select its entitlement of 89,950 acres while the new Northwest Borough would be able to select approximately 240,000 acres. This requires use of all of the state records and its various systems; coordinating with the borough in the actual selection; formulating the decision which would transfer management authority to the borough; reviewing the survey data, writing survey instructions, negotiating survey contracts for the vast areas many of which are totally unsurveyed, reviewing the survey accomplished by the private surveyors; and finally, conveying title.

To date the division has conveyed 372,000 acres of the total municipally selected amount of 785,000 acres. The number of people involved has run to a high of 15 people in past years, while the division presently has only 1 3/4 people working on Municipal Entitlements. The present reduction is attributable to a wind down phase as most action is awaiting survey of the land. To expeditiously handle the selections and get the land conveyed a level 18 manager, one grade 16 officer, and 1 technician at a level 12 with a Clerk Typist level 8 would be required. These people would be permanent and located in Fairbanks. The duties of this staff focus on the process following certification: Land selection and conveyance. The administration staff should be assembled and begin work during the last month of FY 88 in order to coordinate with the certification team.

In order to assist the municipalities in selecting the lands to which they are entitled and to transfer these lands to the municipalities with maximum efficiency, the Manager will work directly with the municipal land officer in each municipality for land identification. In that process the Manager must review general growth demographics and in conjunction with many plans, data, and studies in the resource libraries throughout Alaska that are particularly applicable to the area in question. The Manager will consult with other agencies; act as primary liaison between various state agencies, the individual city or municipality; provide information to the municipalities; and resolve problems.

The Officer II will be responsible for handling the logistics involved in the conveyance of title to several hundred thousand acres of land including the many legal notices and public hearings. A major problem in the past has been the lack of capability for handling the attendant paperwork which

has slowed the process of transferring title. A definitive filing system with computerization of the selection status of each application will be developed by this individual. The Officer, together with the Technician, would handle mapping and title work for the conveyance process. Working from the maps assembled for the certification, the Officer would add information concerning the selection and adjudication processes, and verify the information. That process might include a search of the old general land office records, Bureau of Land Management survey data and possible later state cadastral data to accurately determine survey status. The Technician would assist the Officers and the Manager with basic research and resource gathering, and mapping. The Clerk would supply support for the staff including typing, filing, and data entry.

Line Item Explanation

Y E A R 1

100 - Personal Services				
<u>Certification</u>	-	P.F.T.	-	Anc
18	-	23.3	(12 months)	
12	-	12.2	(9 months)	
3	-	<u>12.0</u>	(10 months)	
		47.5		
<u>Administration</u>		P.F.T.	-	Fbx
18		4.6	(1 month)	
16		4.0	(1 month)	
12		3.2	(1 month)	
8		<u>2.3</u>	(1 month)	
		14.1		

200 - (5.0) Travel to Pt. Barrow, Kotzebue, and various cities.

300 - (4.0) Extensive legal advertising, hearings, printing, charter, telephones, certified mailings

400 - (2.0) Supplies and commodities for staff.

Annual total year 1: 72.6

Y E A R 2

<u>Administration</u>		P.F.T.	-	Fbx
18		54.8		
16		48.2		
12		38.4		
8		<u>27.5</u>		
		168.9		

200 - (5.0) Travel to Pt. Barrow, Kotzebue, and various cities.

300 - (6.0) Extensive legal advertising, hearings, printing, charter, telephone, certified mailings.

400 - (2.0) Supplies and commodities for staff.

Annual total year 2: \$181.9