

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992
6764 HOUSE COMMUNITY & REGIONAL AFFAIRS

8672

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4
5 Section 3: Agrees to let a sublease to the successful respondent to
6 the RFP on substantially the same terms and conditions described in the
7 option agreement between AEDC and the Municipality.
8

- 9
10 a. The master sublease let by the Municipality must conform to the
11 Municipality's lease agreement with ARRC that applies to Ship
12 Creek waterfront lands, as the lease exist when the master sublease
13 between the Municipality and the developer/lessee is executed.
14
15 b. The "minimum rent" described in Section 4.b(1) of the AEDC - ARRC
16 master lease option agreement shall, with regard to the
17 Municipality's developable waterfront lands, be assessed at the
18 rate of five percent of the established value of the lands. The
19 established value of the filled portion of the leasehold shall be
20 \$3.00 per square foot through 1996. After 1996, the established
21 value will conform with the AEDC - ARRC master lease option
22 agreement and the lease agreement between the Municipality and
23 ARRC, with the latter agreement in the superior position with
24 regard to conflicting provisions, subject to subsection (a) above.
25 "Gross revenue percentage rent" and "additional rent" if due, will
26 be payable to the Municipality of Anchorage in addition to the
27 "minimum rent" described in this Section.
28
29 c. That portion of the master sublease that applies to unfilled tide-
30 lands will be exempt from rent payments through 1996. After 1996,
31 unfilled tidelands will be leased at a "minimum rent" consistent
32 with the fair market value of unfilled tidelands, as determined
33 lawfully by independent appraisal, until such time as the tidelands
34 are filled. For example, if the fair market value of unfilled
35 tidelands is established by independent appraisal to be \$1.00 per
36 square foot, the base lease rate shall be five percent of that
37 amount per year, or \$0.05 per square foot, minus any capital im-
38 provement credits the developer/sublessee may earn.
39
40 d. However, in no event shall the rents paid to the Municipality be
41 less than that required to be paid by the MOA to ARRC under the
42 original lease.
43

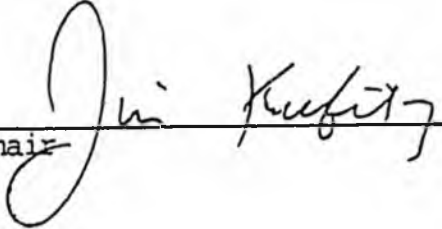
44 Section 4: Agrees that notwithstanding any other section of this reso-
45 lution that the Municipality will abide by the terms of the EDA grant and
46 will retain the lands necessary to assure development and maintenance of
47 the boat ramp, boat docks, marine receiving area, storage area, and the
48 new industrial/commercial building. The Municipality will abide by the
49 requirements of Special Condition No. 8 of the EDA grant.

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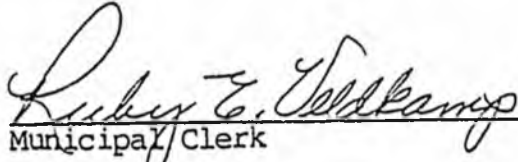
Section 5: Agrees that public access to Ship Creek Point be maintained to protect the public's right to open access to navigable waters.

Section 6: This resolution is effective upon passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this 27th day of November, 1990.


Chair

ATTEST:


Municipal Clerk

ECONOMIC DEVELOPMENT

AEDC seeks support in Juneau for area

By Scott Hawkins and Catherine Palmer
Anchorage Economic Development Corp.

In the early stages of Alaska's 17th Legislature, the Anchorage Economic Development Corp.'s (AEDC) economic development projects for 1991 appear to have garnered some early bipartisan support. The support comes from both houses of the Legislature as well as from the Hickel administration and the municipality.

This broad, bipartisan support for AEDC's agenda is encouraging in two respects. First, it shows wide recognition of the importance of aggressive but prudent economic expansion initiative. Second, it suggests that Anchorage legislators are more and more cognizant that "areawide" appropriations for economic development project infrastructure will become increasingly important in years ahead. That is, as budgets grow tighter and the need for economic diversification intensifies in the future, areawide appropriations will need to absorb a substantial amount of Anchorage's



Rep. Kay Brown

Photo by Danny Daniels



Sen. Drue Pearce

Photo by David Predeger

available capital project monies.

To foster economic diversification in 1991, AEDC has made four requests to the Alaska Legislature. These include three capital projects — Ship Creek basin redevelopment project, Old Seward/East 70th road improvement district (RID) and a proposal for a Glacier/Winner Creek development planning and feasibility analysis — plus a proposal for reform of Alaska's worldwide unitary method of taxation.

Ship Creek Redevelopment

- Goal: To attract a qualified urban waterfront development team to undertake a major tourism-oriented project in the Ship Creek basin.

- Benefits: An estimated investment in the range of \$50 million to \$100 million over five years, and 300 to 500 permanent new jobs.

- Needs: Public infrastructure improvements, including access, tidelands fill, and utilities.

- Proposal: To provide \$10 million of the infrastructure needs with a 1991 appropriation, and the balance in 1992 or later. This will be an essential element of attracting a strong development proposal, and will allow the project to break ground in the 1992 construction season.

Securing a \$10 million areawide appro-

priation for the Ship Creek redevelopment project is AEDC's top priority. This project is currently number one on the municipality's economic development request list to the Legislature. The project is also supported by members of the Hickel Administration, including the Department of Transportation, the Alaska Railroad Corp., and the Department of Commerce and Economic Development.

In addition, the Ship Creek redevelopment project appears to have bipartisan support in the Legislature. The chairman of the House Rules Committee, Rep. Johnny Ellis, may introduce a special appropriations bill for the Ship Creek basin project in mid-February. Support in the Senate is being led by AEDC board delegate Sen. Drue Pearce.

Old Seward/East 70th RID

- Goal: To complete a "road improvement district" funding plan that will allow a local seafood processor to gain federal certification to tap new markets.

- Benefits: Estimated investment of about \$2 million, creation of 35 new jobs, improved business climate for several small businesses in the area, and improved road and lighting conditions for residents in the area.

- Needs/Proposal: The total project is



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HB

1911

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 6, 1991

FURTHER REFERRALS:

HES
Finance

Date of Committee Action: 4-3-91

The COMMUNITY AND REGIONAL AFFAIRS Committee considered:

HB 191

HOUSE BILL NO. 191

EARLY CHILDHOOD INTERVENTION SERVICES

"An Act relating to early intervention services for certain young children and their families; and providing for an effective date."

- RECOMMENDATIONS: [] the same title
 be replaced with _____ [] a new title
 have attached amendments(s)
 do pass
 do not pass
 no recommendations
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact 455

[] fiscal note(s) _____

[] zero fiscal note _____

[] zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Richard Stokes ^{Foster}	⊗	<i>[Signature]</i> ^{BAKER}		X	
Bettye Davis	X	<i>[Signature]</i>			
<i>[Signature]</i> ^{Mackie}	X				
Cheri Davis	X				
		<i>[Signature]</i>		X	

[Signature]

 CHAIRMAN'S SIGNATURE

3111 C STREET, SUITE 455
ANCHORAGE, ALASKA 99503
(907) 561-7628

WHILE IN SESSION
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3704

ALASKA STATE HOUSE

CHAIR
RULES COMMITTEE

JUDICIARY

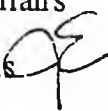
SPECIAL COMMITTEE ON INTERNATIONAL
TRADE & TOURISM

LEGISLATIVE COUNCIL

REPRESENTATIVE JOHNNY ELLIS

MEMORANDUM

TO: Representative Jerry Mackie, Chair
Community & Regional Affairs

FROM: Representative Johnny Ellis 

RE: Scheduling House Bill 191

DATE: March 27, 1991

Please consider scheduling House Bill 191 as soon as possible.

House Bill 191 establishes a statewide system of programs which provide early intervention services to children under the age of three who are experiencing or are *at risk* of experiencing developmental delays or disabilities.

The difference between this bill and other programs helping people with disabilities is that this intends to help people *before* the problem has become established. It reaches out to parents of children under the age of three who are developmentally delayed or are *at risk* of experiencing developmental delays or disabilities.

Early intervention has been proven effective in three ways:

1. Early intervention reduces and sometimes totally eliminates the long-term effects of disabling conditions.
2. Early Intervention lowers long term costs to government and society as a whole.
3. Early Intervention reduces the incidence of child abuse, divorce, and domestic violence in families suffering the stress of having children who experience disabilities.

Ten percent of Alaska's children are either experiencing or are at risk of experiencing developmental delays or disabilities.

Thank you for considering House Bill 191.



House Bill No. 191

For An Act entitled: " An Act relating to early intervention services for certain young children and their families; and providing for an effective date ."

Summary

This bill amends AS 47.20, Exceptional Children and AS 78.80 Persons with Handicaps. Section 1, Findings, is added and includes the urgent and substantial need to: support the development of children under the age of three with disabilities; reduce the stress on families of children with disabilities; recognize the strengths, diversity and importance of parents and families in young children's lives; encourage parent-to-parent support; reduce the likelihood of institutionalization; and reduce the long term educational costs by minimizing the need for special education.

Section 2, Subsection 060, Purpose, is added and includes: family support; bringing together and making optimal use of federal, state, local and private resources; and expanding the availability of services. Subsection 070, Establishment of Program, is added and includes the establishment and coordination of a statewide system of interagency programs which will: provide appropriate services to the eligible population; educate the public; organize and encourage training programs for service providers; and facilitate transitions between programs in the interagency system. Subsection 080, Program Eligibility, is added and includes children under the age of three who experience a developmental delay or disability, and their families. If the needs of children with delays or disabilities are met, children who are at risk for disabilities or delays will be served with available funds. Subsection 090, Finding and Evaluating Eligible Participants, is added and includes: a comprehensive system for finding children and families in need of services and providing evaluations to determine the extent and nature of those needs. Subsection 100, Individual Family Service Plan, is added to include the development of individualized family service plans and for case management services to assist families in obtaining services from the interagency system. Subsection 110, Other Duties of the Department, is added to include the adoption of regulations regarding: personnel development; resolution of interagency and intra-agency disputes; provisions for due process with respect to the rights of children and parents; the compiling of data. Subsection 290, Definitions, is added and includes definitions for: department; developmentally delayed; disability; and early intervention services.

Section 3. AS 47.80.900 (6) Persons with Handicaps, is amended to remove the reference to AS 47.20.050, which is repealed.

AS 47.20.005, Purpose, is repealed and replaced by Section 2 subsection 060.

AS 47.20.020, Assistance authorized, is repealed and replaced by Section 2 subsection 070.

AS 47.20.020, Standards for assistance, is repealed.

AS 47.20.050, Definitions, is repealed and replaced by Section 2, subsection 290.

Discussion

The interagency system of early intervention services proposed in this bill includes services provided by both the public and private sector. In addition to the Section of Maternal, Child and Family Health's Infant Learning Programs, Public Health Nursing, Division of Family and Youth Services, Division of Mental Health and Developmental Disabilities, Department of Education, Division of Corporations, private physicians, hospitals and other private providers of services are among the individuals and agencies comprising the interagency system of services. The intent of providing early intervention services to families of young children who experience developmental delays or disabilities is to provide support to the family to help maintain the family unit in their community of choice, and to help maximize the child's potential to lead an independent productive life.

The infant learning programs provide services to families of children, ages birth to three, who experience disabilities or developmental delays. These services are provided in the families home and community. The infant learning program works with the family to develop services which will assist the family in meeting their child's development needs.

If there is no infant learning program available to work with the child and family, the burden on the family as well as other, already stressed, systems in Public Health Nursing, Division of Family and Youth Services and other agencies are increased. Without the backup of infant learning programs to work directly with children and their parents, many of whom have fetal alcohol or other drug related syndromes, the social service and other health systems must pick up the full burden of providing services with their existing staff and resources.

Although there are 24 Infant Learning Programs (ILPs) in Alaska, there are several regions that do not have access to any ILP services. Many existing programs are unable to serve all the communities located in their catchment area. Due to staff shortages in many regions of the state, children who have been referred to programs may be placed on long wait lists or may not receive services at all. There are currently 388 infants and toddlers who experience developmental delays or disabilities in the

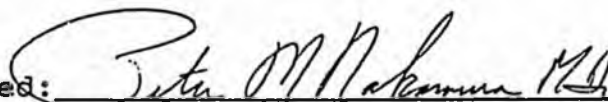
state who are on wait lists or live in areas where no infant learning services are available.

The coordination required for the provision of services through the interagency system proposed in HB 191 will result in a more efficient utilization of the existing resources. The expansion of the early intervention system, including infant learning program services to all areas of the state, will provide families in villages with access to services and will help reduce the wait list for services in urban areas. The Department has responsibility for providing many of the services included in the interagency system. The expansion of infant learning programs statewide will help ensure that the system is coordinated with the private sector and that the services needed by young children with disabilities and their families are provided in a timely and cost effective manner.

Recommendation

The Department supports this bill which will provide equal access across the state to a system of services for one of our most vulnerable groups of children and families.

Recommended:

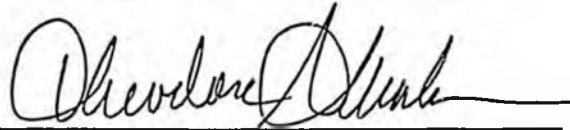


Peter M. Nakamura, MD, MPH
Director
Division of Public Health

Date:

4/2/21

Approved:



Theodore A. Mafa, MD, MPH
Commissioner
Department of Health
and Social Services

Date:

4/2/21

REQUEST: FISCAL NOTE

Revision Date: _____ Agency Affect: Health & Social Services
 Title: Early intervention services for BRU: Community Developmental
certain young children & families Disabilities Grants
 Sponsor: Ellis, Ulmer Components: Respite Care
 Requester: House CRA

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims			650.0	800.0	950.0	1,200.0
Miscellaneous						
TOTAL OPERATING	0.0	0.0	650.0	800.0	950.0	1,200.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (Thousands of Dollars)

General Funds/MHT	0.0	0.0	650.0	800.0	950.0	1,200.0
Federal Funds						
Other						
TOTAL	0.0	0.0	650.0	800.0	950.0	1,200.0

POSITIONS

Full-Time		0	0	0	0	0
Part-Time		0	0	0	0	0
Temporary		0	0	0	0	0

ANALYSIS: (attach a separate page if necessary)

See Attached

Prepared By: Margaret Lowe *MSR/Suppl. fr.*
 Division: MENTAL HEALTH & DEVEL. DISABILITIES

Phone: 465-3370
 Date: 03/29/91

Approved By Commissioner: Theodore Mala, M.D., MPH *[Signature]*
 Agency: HEALTH & SOCIAL SERVICES

Date: 2 Apr 9

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

Respite care services offered by the Division of Mental Health and Developmental Disabilities are part of the interagency system of services in HB 191. However, a small percentage of families eligible for services under HB 191 do not meet the Division's developmental disability eligibility criteria. These funds would provide respite services for those families who qualify for services under HB 191, but do not meet the criteria for respite services in the Division of Mental Health and Developmental Disabilities.

REQUEST: FISCAL NOTE

Revision Date: _____ Agency Affect: Health & Social Services
 Title: Early intervention services for BRU: State Health Services
certain young children & families
 Sponsor: Ellis, Ulmer Components: Maternal, Child & Family Health
 Requester: House CRA

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
Personal Services			235.0	336.0	437.0	538.0
Travel			26.0	31.0	36.0	41.0
Contractual		100.0	250.0	400.0	550.0	700.0
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	0.0	100.0	511.0	767.0	1,023.0	1,279.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (Thousands of Dollars)

General Funds/MHT	0.0	100.0	511.0	767.0	1,023.0	1,279.0
Federal Funds						
Other						
TOTAL	0.0	100.0	511.0	767.0	1,023.0	1,279.0

POSITIONS

Full-Time		0	4	6	7	9
Part-Time		0	0	0	0	0
Temporary		0	0	0	0	0

ANALYSIS: (attach a separate page if necessary)

See Attached.

Prepared By: Alfred G. Zangri
 Division: PUBLIC HEALTH
 Approved By Commissioner: Theodore Mala, M.D., MPH
 Agency: HEALTH & SOCIAL SERVICES

Phone: 465-3090
 Date: 03/29/91
 Date: 2 Apr 91

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

H.B. 191

FISCAL NOTE

These funds include increases for a number of programs in the system needed to meet the needs of this population. For example, these programs include the infant learning program, public health nursing and maternal child health services in the Handicapped Children's Program. Full implementation includes providing basic ILP services, evaluations, and all identified services needed by the child and family.

The total cost for full implementation will be less than the projected costs once private insurance, sliding fee scales and all medicaid reimbursements are taken into consideration.

Personal services costs include several public health nursing positions, and limited fiscal personnel to obtain full reimbursement from medicaid, private insurance and other billable sources, which will significantly defray costs.

Travel costs include the costs necessary to serve increased numbers of families in villages and remote areas as well as monitoring and technical assistance for local programs.

Contractual costs include purchasing medical and therapy services for children and families. The grants line includes funds for infant learning programs in unserved areas and to reduce wait lists.

REQUEST: FISCAL NOTE

Revision Date: _____ Agency Affects: Health & Social Services
 Title: Early intervention services for BRU: State Health Services
certain young children & families
 Sponsor: Ellis, Ulmer Components: Infant Learning
 Requester: House CRA

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims		3,000.0	4,250.0	5,500.0	6,750.0	8,000.0
Miscellaneous						
TOTAL OPERATING	0.0	3,000.0	4,250.0	5,500.0	6,750.0	8,000.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (Thousands of Dollars)

General Funds/MHT	0.0	3,000.0	4,250.0	5,500.0	6,750.0	8,000.0
Federal Funds						
Other						
TOTAL	0.0	3,000.0	4,250.0	5,500.0	6,750.0	8,000.0

POSITIONS

Full-Time		0	0	0	0	0
Part-Time		0	0	0	0	0
Temporary		0	0	0	0	0

ANALYSIS: (attach a separate page if necessary)

See Attached

Prepared By: Alfred G. Zanjari
 Division: PUBLIC HEALTH

Phone: 465-3090
 Date: 03/29/91

Approved By Commissioner: Theodore Mala, M.D., MPH
 Agency: HEALTH & SOCIAL SERVICES

Date: 2 Apr 91

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

H.B. 191

FISCAL NOTE

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Contractual costs include purchasing medical and therapy services for children and families. The grants line includes funds for infant learning programs in unserved areas and to reduce wait lists.

HB

193

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 6, 1991

FURTHER REFERRALS:

Resources
Finance

Date of Committee Action: 4-29-91

The COMMUNITY AND REGIONAL AFFAIRS Committee considered:

HB 193

HOUSE BILL NO. 193

DISPOSALS OF STATE LAND & MINERALS

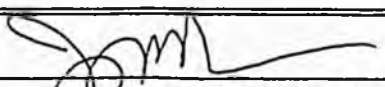
"An Act relating to disposals of state land, materials, and minerals and of interests in state land."

- RECOMMENDATIONS: [] the same title
 be replaced with _____ [] a new title
 have attached amendments(s)
 do pass
 do not pass
 no recommendations
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

- ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal impact _____ fiscal note(s) _____
 zero fiscal note DNR zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Richard Stokes		J. E. Longaker		✓	
Richard Stokes	*	J. M.		✓	
Betty Davis	X	Cheri Davis		✓	
Gail Phillips	X	Gary White		✓	



 CHAIRMAN'S SIGNATURE



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

TO: Representative Jerry Mackie, Chair
House Community and Regional Affairs Committee

FROM: Representative Kay Brown

DATE: March 25, 1991

SUBJ: HB 193 — State Land Disposal Program

In anticipation of the House Community and Regional Affairs hearing on HB 193 next Wednesday, March 27, please find attached the following materials:

1. Sponsor Statement
2. Sectional Analysis
3. Copy of HB 193

It is my understanding that the Department of Natural Resources will be providing you with a fiscal note for this legislation under separate cover.

If you have any questions concerning this legislation, please let me know or contact Mary Owen of my staff at 465-4998.

attachments

SPONSOR STATEMENT

HB 193 — State Land Lottery Program Amendments

House Bill 193 would make amendments to the state land disposal procedures. At the request of the Department of Natural Resources, I have introduced this legislation to make two basic changes to the state land disposal program.

First, HB 193 expands an existing legal authority of the Commissioner of the Department of Natural Resources to extend state land contract payment deadlines for homesites, homesteads, and pipeline right-of-way leases, and deadlines for obligations such as the requirement to build a habitable dwelling where needed due to war, riot, or acts of God.

Second, in response to a court ruling, the bill deletes a requirement that applicants must attend a state land auction, lottery, homesite offering, or homestead drawing in person in order to acquire state land. The Superior Court (Chambers v. State) ruled that the local attendance requirement is unconstitutional because it discriminates against non-local applicants for state land. The state did not appeal to the Supreme Court. The Attorney General advises that the state is bound to abide by the court judgment.

To prevent confusing applicants about state program requirements, and in order to respect the constitutional rights of all lottery applicants, the requirement should be repealed.

Sectional Analysis

HB 193 — State Land Lottery Program Amendments

Section 1

Amends AS 38.05.020(b)(5), the general authority of the Commissioner of the Department of Natural Resources to extend payment deadlines for a lease or sale of state land, minerals, or materials, because of war, riot, or acts of God. Expands this power by allowing such payment extensions for pipeline right-of-way leases (AS 38.35).

HB 193 would also allow the commissioner to extend a homesite or homestead requirement (AS 38.08 and AS 38.09), such as the requirement to build a habitable dwelling, for the same reasons.

This section also removes an obsolete date referenced in AS 38.05.020(b)(1) and modernizes AS 38.05.020(b)(6) by inserting a reference to an existing agricultural land lottery statute (AS 38.05.057(c)) in place of a law that was repealed in 1979.

Section 2

Amends AS 38.05.050 by repealing the requirement that a state land auction, lottery, or homesite disposal be held in a community near the land being offered. Together with sections 3-4, the effect is to give all state land applicants an equal opportunity to compete for the land, even if they live at a distance.

Section 3

Amends AS 38.05.055 by deleting the requirement that bidders for state land auctions personally attend the auction. Allows the bidder to be represented by an attorney or agent, regardless of the type of land being sold. Either the bidder or the bidder's representative may accept the receipt for the purchase deposit.

This section also corrects the list of state land offering methods that do not require a high-bid public auction by adding a statutory reference to the state homesteading program (AS 38.09).

Section 4

Amends AS 38.05.057(a) by deleting the requirement that applicants for most state land lotteries personally attend the lottery. (The same procedure is also used for homesite offerings.) Deletes the requirement that the winning applicant deposit a down payment on the day of the lottery.

Section 5

Amends AS 38.05.057(g) to require that the winning lottery applicant be notified and be given 30 days to make the down payment. The effect is to replace the former means of payment, which required applicants to appear personally at the lottery and to make down payments on the spot.

Section 6

Amends AS 38.05.057(j) to allow representation by an agent at a special type of agricultural land lottery. Also, inserts a cross-reference to AS 38.05.057(c), which allows special qualifications to be used for certain agricultural land lotteries in lieu of the general lottery qualifications set out in AS 38.05.056(b), and deletes a reference to an Agricultural Action Council statute that was repealed in 1979.

Section 7

Amends AS 38.05.059 by referring to the existing AS 38.05.057(c) rather than to the Agricultural Action Council statute that was repealed in 1979. Carries out legislative intent that applicants for special-qualification agricultural lotteries be limited to purchasing only one such parcel every eight years.

Section 8

Amends AS 38.09.010(g) by deleting the commissioner's discretion to require that homestead entry permit applicants personally attend the homestead drawing.

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
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March 25, 1991

The Honorable Jerry Mackie, Chair
House Community and Regional Affairs Committee
P.O. Box V
Juneau, AK 99811

Dear Representative Mackie:

Subject: HB 193, which relates to disposals of state land, materials, minerals, and interests in state land.

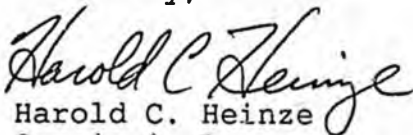
Position: The Department of Natural Resources supports this bill.

Background: The bill makes several changes in the department's land disposal procedures. It deletes the requirement that state land auction or lottery applicants must attend the disposal in person. The Superior Court recently determined that this requirement was unconstitutional because it discriminates against non-local applicants (*Chambers v. State*). In addition, the bill deletes the requirement that disposals be held in a community located near the land to be sold.

The bill also allows the department to extend payment and some other deadlines for homesites and homesteads, in case of war, riot or acts of God.

I have enclosed a sectional analysis of this bill that details the changes in statute. Please let me know if you need additional information.

Sincerely,



Harold C. Heinze
Commissioner

enclosures

cc: Committee Members
Representative Brown
Bruce Kendall, Legislative Liaison, Office of the Governor

HB 193
Analysis of Bill

Section 1 expands AS 38.05.020(b)(5) (DNR's general authority to extend payment deadlines for a lease or sale of state land, minerals, or materials in case of war, riot, or acts of God) to apply under same limited circumstances to payment deadlines for homesites, homesteads, and pipeline right-of-way leases, and other homesite and homestead deadlines (such as dwelling construction requirement). Removes an obsolete date from (b)(1); modernizes (b)(6) by referring to an existing agricultural land lottery statute in place of a law repealed in 1979.

Section 2 repeals requirement in AS 38.05.050 that a state land auction, lottery, or homesite disposal be held in a community near the land being offered. The combined effect of sections 2, 3 and 4 is to give all state land applicants an equal opportunity to compete for the land, even if they live at a distance.

Section 3 deletes requirement in AS 38.05.055 that bidders at most state land auctions personally attend the auction. Allows the bidder to be represented by an attorney or agent, regardless of the type of land being sold. Either the bidder or the bidder's representative may accept the receipt for the purchase deposit (cont. on p. 2). Also corrects the list of state land offering methods that do not require a high-bid public auction by adding homesteading, AS 38.09.

Section 4 deletes requirement in AS 38.05.057(a) that applicants for most state land lotteries personally attend the lottery. (Same procedure is used for homesites.) Deletes requirement that the winning applicant deposit a down payment on the day of the lottery.

Section 5 amends AS 38.05.057(g) to require that the winning lottery applicant be notified and be given 30 days to make the down payment. The effect is to replace the former means of payment, which assumed that applicants appeared personally at the lottery and made down payments on the spot.

Section 6 amends AS 38.05.057(j) to allow representation by an agent at a special type of agricultural land lottery. Also, inserts a cross-reference to AS 38.05.057(c), which allows special qualifications to be used for certain agricultural land lotteries in lieu of the general lottery qualifications set out in AS 38.05.057(b), and deletes a reference to an Agricultural Action Council statute that was repealed in 1979.

Section 7 amends AS 38.05.059 by referring to the existing AS 38.05.057(c) rather than to Agricultural Action Council statute that was repealed in 1979. Restores original legislative intent that applicants for special-qualification agricultural lotteries be limited to purchasing only one such parcel every eight years.

Section 8 amends AS 38.09.010(g) by deleting the commissioner's discretion to require that homestead entry permit applicants personally attend the homestead drawing.

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. HB 193

Revision Date: 19-Mar-91 Department Affected: Natural Resources
 Title: Disposal of State Land BRU: Land & Water
 Components: Land & Water
 Sponsor: Rep. Brown
 Requestor: House Community & Regional Affairs COMPONENT SERIAL NO. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPEFATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of Current year impact:

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Gary Gustafson Phone: 762-2672
 Division: Land & Water Date: 19-Mar-91
 Approved by Commissioner: Harold Heinze Date: 19-Mar-91
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

RECEIVED
Department of Law

IN THE SUPERIOR COURT OF THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

JUN 15 1989

Office of the Attorney General
Anchorage Branch
Anchorage, Alaska

HAROLD CHAMBERS, THOMAS CRESAP,)
JUDITH MATHERSON, SAMUEL)
NELSON III, and JOHN RINGLAND,)

Plaintiffs,)

vs.)

Case No. 88-4634 Civil

STATE OF ALASKA, Department of)
Natural Resources, Division of)
Land and Water Management, and)
JUDITH BRADY, Commissioner of)
Department of Natural)
Resources,)

Defendants.)

ORDER

This case comes on with Plaintiffs' motion for summary judgment seeking a ruling that AS 38.05.057(a) is unconstitutional and permanently enjoining the state from enforcing it. Plaintiffs also request that the court find them to be "public interest litigants" under civil rule 82(a) as defined in Alaska Survival v. State, 723 P.2d 1281, 1292 (Alaska 1986).

This court having considered the pleadings, affidavits, memoranda of the parties, and arguments of counsel, and otherwise being fully informed;

IT IS HEREBY ORDERED that Plaintiffs' motion for summary judgment is GRANTED, and Plaintiffs are declared to be Public Interest Litigants.

STATEMENT OF FACTS

Under current law, the lottery system generally works as

follows: To be eligible an applicant must be 18 years of age, have been an Alaska resident for 12 months, and have not purchased land by lottery sale within the preceding eight years, except for certain lottery lands. AS 38.05.057(b), 11 AAC 67.060(c). An applicant at a lottery drawing may only file one application per parcel. 11 AAC 67.060(a). When an applicant's name is drawn, the applicant must immediately identify himself and elect whether or not to accept the parcel. 11 AAC 67.069. A parcel is awarded to the first applicant chosen who has not been awarded another parcel. 11 AAC 67.060(b). Once a parcel has been accepted and the drawing for the next parcel has begun, the accepting applicant is then ineligible to obtain another parcel of the same type by lottery during the current offering. If the applicant is not present, is not excused, or fails to accept the parcel, he or she is deemed to have declined the parcel and another name will be drawn, and so on, until the parcel is awarded. 11 AAC 67.069. The physical presence of an applicant for a homesite parcel is required. AS 38.05.057(a), 11 AAC 67.068. This final requirement is the one which has given rise to this lawsuit.

In pertinent part, AS 38.05.057(a) provides:

An applicant may not be selected to purchase land unless the applicant is present on the date and at the place that the lottery is conducted unless medical reasons, attendance at school, or military service outside the state prevent attendance. An applicant may be represented by an agent on the date of the lottery if the land offered for sale is commercial, industrial, or agricultural land.

11 AAC 67.068 implements the statute and provides with more

specificity the conditions under which a person may be excused from attendance at a lottery.

The five plaintiffs in this case are residents of Anchorage and are employed by the Anchorage School District. Each applied to participate in the lottery for a ~~homesite parcel of land in~~ the Naukati Bay West disposal in southeast Alaska. Plaintiffs Nelson and Ringland also applied to participate in the lottery for homesite land in the Coffman Cove disposal. Both lotteries were to have been held in Coffman Cove at the school gymnasium on May 17, 1988. Coffman Cove is located on Prince of Wales Island in southeast Alaska.

Plaintiffs either could not get time off from work or could not afford to pay the cost of a trip to Coffman Cove, or both, and therefore could not attend the May 17, 1988 lotteries.

The lotteries have been postponed pending resolution of this case by a stipulation of the parties dated May 10, 1988.

Plaintiffs have standing to maintain this action. Johns v. Commercial Fishing Entry Commission, 699 P.2d 334, 336-8 (Alaska 1985), Trustees for Alaska v. State, 736 P.2d 324 (Alaska 1987). The State does not contest Plaintiffs' standing to challenge AS 38.05.057(a).

It is undisputed that a primary purpose of the physical presence requirement is to give a preference to people who reside in the vicinity of the land being sold, reducing without eliminating land sales to non-local residents.

Plaintiffs challenge the constitutionality of the physical

presence requirement of AS 38.05.057(a). This requirement violates the equal protection clause of the Alaska Constitution by discriminating against Alaskans who reside in areas remote to the land being sold. This discrimination is found in the form of unfair additional hardship and application costs of traveling to far distant areas to apply for a chance to buy state land.

DISCUSSION

First the Standard of Proof must be established under Alaska's sliding scale equal protection clause, found in Article I, section 1 of the Alaska Constitution. Unlike the federal Constitution where the analysis is forced to fit one of three discrete levels of scrutiny (strict scrutiny, intermediate scrutiny, or rational basis), the Alaska Constitution has a "sliding scale" where the substantiality of the ends/means relationship of the questioned law together with the legitimacy of the state interest are weighed against the importance of the right being infringed upon. Alaska Pacific Assurance Co. v. Brown, 687 P.2d 264 (Alaska 1984). Also, unlike the federal courts, the Alaska court will not hypothesize facts which will sustain otherwise questionable legislation. Herrick's Aero-Auto-Aqua Repair Service v. State, 754 P.2d 1111, 1114 (ALASKA 1988).

This court must determine the level of scrutiny to be applied, the legitimacy of the state purpose, and the closeness of the relationship between the ends AS 38.05.057(a) achieves and the means by which it achieves them.

Level of Scrutiny: Strict scrutiny should be applied here

because a fundamental right is implicated. That right is for equal access to state resources found in article VIII, section 17 of the Alaska Constitution. That section reads as follows:

Section 17. Uniform Application. Laws and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated with reference to the suspect matter and purpose to be served by the law or regulation.

State v. Ostrosky, 667 P.2d 184, 1193-1194 (Alaska 1983)

where the court applied a low level of scrutiny to an equal protection claim involving access to natural resources does not apply here. That case struck a claim that a law mandating that limited entry fishing permits could only be transferred by purchase or inheritance discriminated on the basis of wealth and lineage. Article VIII, section 15 of the Alaska Constitution specifically removes the fundamental right of equal access to natural resources granted by article VIII, section 17 to allow limited entry fishing.

Legitimacy of State Purpose: Legislative history and the state's own admission indicate that a primary purpose for the physical presence requirement was to prefer residents who live near the land being sold. Some discussion in the legislative history indicates that the legislature did consider the discriminatory impact of the physical presence rule. To determine the statutory purpose, the court may consider the act's legislative history and the statement of purpose contained in the act, if any. Isakson v. Rickay, 550 P.2d 359, 363 (Alaska 1976).

Giving preference to local residents over non-local

residents is not a valid purpose. Other purposes advanced by the state are: To increase the likelihood that the land offered would be used by the purchaser, to lessen the adverse impact of the land disposal program on local communities and governments, to encourage settlement and development of state land, to reduce local opposition to land disposals, to reduce adverse impacts of land disposals on rural communities, to increase involvement of local residents, to discourage the purchase of state land for speculative purposes, and to reduce disappointment and the consequent termination of purchase contracts of people who purchase land they have never seen. In light of evidence presented by the state, these purposes standing alone are not compelling.

Ends/Mean Relationship: The ends/means relationship in the challenged statute is very close since the physical presence requirement severely limits (without terminating) participation by non-local residents. Plaintiffs have made no showing that the law does not achieve its primary desired result. However there is no evidence that AS 38.05.057(a) achieved its secondary purposes stated above.

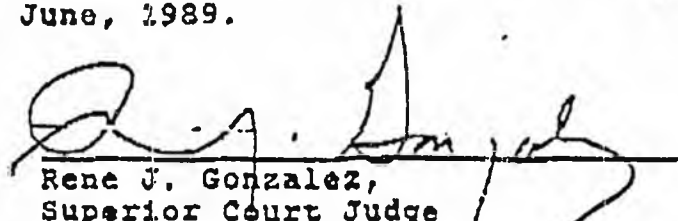
CONCLUSION


The equal protection clause of the Alaska Constitution requires that all similarly situated Alaskans be treated equally by any state action. This court finds that all Alaska residents are similarly situated for purposes of applying for state homestead land disposal lottery sales.

AS 38.05.057(a) unfairly discriminates between local and non-local residents at each land lottery held; the discriminated against class varying with each lottery depending on location. This discrimination is in violation of the equal protection clause of the Alaska Constitution. Therefore Plaintiffs' motion for summary judgment is GRANTED and the physical presence requirement of AS 38.05 075(a) is stricken.

Further, Plaintiffs are found to be Public Interest Litigants as defined in Alaska Survival v. State, 733 P.2d 1281, 1292 (Alaska 1986) and Thomas v. Bailey, 611 P.2d 536 (Alaska 1980).

DATED this 13th day of June, 1989.


Rene J. Gonzalez,
Superior Court Judge

I certify that on 6-14-89
a copy of the above was mailed to each
of the following at their addresses of
record:

Secretary/Dep. City Clerk

J. Bamberger
M. Deville



Alaska State Legislature

House of Representatives Community & Regional Affairs

Land Disposal Issues and HB 193

- 1) History of State Land Disposals
 - a) data
- 2) State Land Classification/Land Disposal Bank
- 3) Impacts on state & municipal services
- 4) Municipal land entitlement, land disposals and mental health lands
- 5) Recommendations

Ten Year History of Demand for State Settlement Land Disposals

YEAR	APPLICATIONS*	NOTE
1981	32,000	
1982	22,200	
1983	13,000	
1984	28,900	
1985	21,200	
1986	41,200	
1987	-0-	= no offering
1988	7,900	
1989	n/a	= Over-the-Counter Offering
1990	6,200	

Total 172,600
Average 17,260

* Figures are total applications received for all programs. Data on number of applicants by program unavailable. \$10 filing fee for homestead applications imposed in 1988 resulted in a substantial drop in the number of applications filed.

TEN YEAR HISTORY OF STATE SETTLEMENT LAND DISPOSALS BY PROGRAM

PROGRAM		OFFERED		TAKEN	
		Parcels	Acres	Parcels	Acres
1981	Subdivisions	2,202	11,288	916	7,970
	Homesite	625	2,893	342	2,022
	Limited Remote Parcel	1,075	51,600	708	18,460
	Agricultural	24	6,771	24	6,771
	Subtotal	3,926	72,332	1,990	35,223
1982	Subdivisions	3,745	18,900	1,601	9,178
	Homesites	874	4,527	579	2,581
	Limited Remote Parcels	2,667	70,400	2,198	6,406
	Unlimited Remote Parcel(1)		(122,800)	607	10,493
	Agricultural	17	4,285	17	4,265
Subtotal	7,303	18,092	5,002	32,903	
1983	Subdivision	3,052	11,444	1,342	8,946
	Homesite	515	2,917	428	2,331
	Limited Remote Parcels	153	5,020	87	1,583
	Unlimited Remote Parcel(1)		(70,500)	506	8,270
	Agricultural	82	9,043	61	8,827
Subtotal	3,782	18,424	2,424	21,757	
1984	Subdivision	699	5,781	383	3,083
	Homesite	172	748	156	671
	Limited Remote Parcels				
	Unlimited Remote Parcel(1)		(228,080)	1,569	19,323
	Agricultural	16	5,975	10	5,975
	Homestead-Residential	163	11,020	69	2,008
	Homestead-Agricultural	32	3,766	26	2,620
Subtotal	1,082	27,288	2,214	33,690	
1985	Subdivision	289	1,187	194	792
	Homesite	62	193	62	193
	Agricultural	8	2,514	8	2,514
	Homestead-Residential (3)	724	24,560	680	22,116
	Homestead-Agricultural	2	320	2	320
Subtotal	1,085	28,774	926	25,935	
1986	Subdivision	232	1,844	119	698
	Homesite	67	433	45	338
	Agricultural	0	0	0	0
	Homestead-Residential (3)	173	20,581	165	4,781
	Homestead-Agricultural	28	2,778	28	2,778
Subtotal	500	25,436	357	8,671	
1987	NO OFFERINGS				
1988	Subdivision (4)	426	2,093	0	
	Homesite	63	155	0	
	Agricultural	0		0	
	Homestead-Residential	118	3,282	114	3,192
	Homestead-Agricultural	1	72	1	72
Subtotal	119	3,334	115	3,264	
1989	Subdivision	141	570	untabulated	
	Homesite	81	343	untabulated	
	Agricultural	10	7,321	untabulated	
	Homestead-Residential	100	2,285	untabulated	
	Homestead-Agricultural	11	1,745		
Subtotal	343	12,270			
1990	Subdivision	601	2,900	untabulated	
	Homesite	105	334	untabulated	
	Agricultural	3	756	3	756
	Homestead-Residential	0		0	
	Homestead-Agricultural	0		0	
Subtotal	609	3,990	3	756	
GRAND TOTAL		18,806	304,946	13,035	170,099

Page 2

NOTES:

(1) "Acreage offered" is gross, not net, and therefore is not included in totals.

(2) Acreage taken is estimated as the maximum acreage allowed.

(3) Does not include acreage staked in areas where an unlimited number of stakings is allowed.

(4) Subdivision and Homesite disposals postponed by Chambers lawsuit. Parcels later included in 1990 disposal.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FACSIMILE: (907) 586-2754

January 24, 1991

RECEIVED
JAN 30 1991

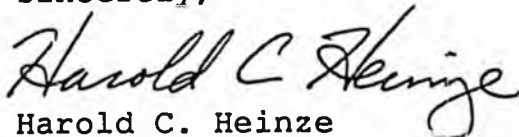
The Honorable Ben Grussendorf
Speaker of the House
P.O. Box V
Juneau, AK 99811

Dear Mr. Speaker:

The enclosed report fulfills three requirements: (1) a report to the Legislature on the status of land in the disposal bank [AS 38.04.020(d)]; a report to the Legislature which describes and shows the location of all classifications of state land made during the preceding year [AS 38.05.300(b)]; and a report to the Legislature reflecting all money deposited in the state land disposal income account during the prior fiscal year [AS 38.04.022(b)].

Copies of this document are being distributed to all members of the Legislature.

Sincerely,



Harold C. Heinze
Commissioner

cc: w/enclosure members of the House

1990 REPORT TO THE LEGISLATURE

State Land Classification Land Disposal Bank Land Disposal Income Account

January 1991

Prepared by
Division of Land & Water
Gary Gustafson, Director

Walter J. Hickel, Governor
State of Alaska

Harold C. Heinze, Commissioner
Department of Natural Resources

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16- Land Disposal Income Account

**REPORT:
STATE LAND CLASSIFICATION
LAND DISPOSAL BANK
LAND DISPOSAL INCOME ACCOUNT**

Executive Summary

1990 REPORT TO THE LEGISLATURE

This report fulfills three requirements:

1. A report to the legislature on the status of land in the disposal bank, due on January 15 of each year.[AS 38.04.020(d)]
2. A report to the legislature which describes and shows the location of all classifications of state land made during the preceding year, due by February 1 of each year.[AS 38.05.300(b)]
3. A report to the legislature reflecting all money deposited in the state land disposal income account during the prior fiscal year.[AS 38.04.022(b)]

SUMMARY

1. Land classification identifies the purposes for which state land is to be managed. All land classification actions are based on a land use plan prepared by the Department of Natural Resources. All classification categories are for multiple use, although a particular use may be considered primary. Land may be given a total of three classifications in combination.

Adopted plans cover over 82 million acres (50%) of all state land; or 70 million acres (82%) of state uplands. Other plans are now in progress. In 1990, the department classified 4,910,022 acres of state land, bringing the net total amount of classified land to 87,064,573 acres. Most of the 1990 classifications were the result of the Tanana Basin Area Plan update.

2. The Land Disposal Bank contains land classified for disposal. The total amount of land in the disposal bank as of December 31, 1990, equals approximately 571,343 acres: 212,650 acres for homesteads; 14,181 acres for subdivisions; 344,512 acres for agricultural disposal and 1,640 acres for commercial and industrial disposal. (30,878 acres of agricultural lands are included in both homesteads and agricultural disposal and are therefore subtracted to avoid double counting.)
3. The Land Disposal Income Account was established in the state general fund to receive revenue from the sale of state land. The legislature may appropriate money for implementation of state land disposal programs from this account. During the 1990 fiscal year, approximately 6.3 million dollars were deposited in this account.

¹ Note: This total is slightly different from the total reflected in Table 3, 1990 Statewide Classification Statewide Total. This difference is due recently discovered classification category acreage discrepancies in the original Tanana Basin and the Prince of Wales Island Area Plans. Therefore, we can reflect total gross acreage here, but cannot yet include correct acreage in Table 3. The corrected figures will be calculated and shown in the 1991 legislative report.

I. STATE LAND CLASSIFICATION PLANNING, CLASSIFICATION, AND MANAGEMENT

LAND AND RESOURCE PLANNING

All land classification actions are based on a land use plan prepared by the Department of Natural Resources. The planning process is described in Figure 1, below. Land use plans provide guidance for the use and development of state land and resources. State law requires that these plans be consistent with local governmental land use plans to the maximum extent determined to be consistent with state interests. The department prepares three types of land use plans: area plans, management plans, and site-specific plans.

Area plans, such as the 15.5-million acre Bristol Bay Area Plan, cover relatively large regions of the state. With participation by agencies and the public, resources are identified and land use values are determined. Area plans allocate state land for primary and secondary uses. To ensure multiple use and avoid conflicts, the allocations are accompanied by management intent statements which give direction to land managers and guidelines for applying specific land classifications. About 70 million acres of state land are now covered by adopted area plans in populated as well as rural regions of the state. (See Figures 2 and 3.)

The table below shows ten completed area plans. Two previously completed area plans, Delta-Salcha (1982) was encompassed in the Tanana Basin Plan when it was recently updated. The Willow Sub-basin Area Plan will also be encompassed in the upcoming Susitna Area Plan update.

Completed area plans listed below show approximate state acreage within their planning areas. This acreage includes not only patented, tentatively approved, and selected state land which have come to the state under various federal land entitlements, but also shore, tide and submerged land granted under the federal Submerged Lands Act of 1953.

Table 1A:	ADOPTED AREA PLANS	ACRES	COMPLETION DATE
	Bristol Bay	15,500,000 acres	1984
	Copper River Basin	3,300,000 acres	1986
	Haines-Skagway	400,000 acres	1979
	Kuskokwim	16,000,000 acres	1988
	Northwest	16,000,000 acres	1989
	Prince William Sound	5,300,000 acres	1988
	Prince of Wales Island	1,035,000 acres	1990
	Susitna	9,500,000 acres	1985
	Tanana Basin (updated)	14,804,000 acres	1990
	Willow Sub-basin	<u>460,000 acres</u>	1982
	TOTAL	82,049,000 acres	

Table 1B:	AREA PLANS IN PROGRESS	PROJECTED COMPLETION DATE
	Kenai Area Plan	December, 1993
	Central Southeast Area Plan	December, 1993
	Yakataga Area Plan	June, 1993

Management plans, such as the 115,000-acre Matanuska Valley Moose Range Management Plan, are more detailed than area plans and usually cover smaller areas. The process for preparing a management plan is similar to that of an area plan.

Management Plans are written to resolve issues in more detail than the land use decisions resulting from an area plan. Management plans may consider a smaller area in greater detail or provide direction for a specific resource decision within a larger area.

Table 1C: MANAGEMENT PLANS IN PROGRESS PROJECTED COMPLETION DATE

Susitna Forest Management Guidelines	February, 1991
Susitna Recreation Rivers	January, 1991
Shorelands of Togiak National Wildlife Refuge	May, 1991

Site-specific plans are more detailed than area or management plans and usually cover a relatively small area. Site-specific plans ordinarily address a specific land use such as would be necessary to properly classify an area for a timber sale, lease, material sale, etc. The process for preparing a site-specific plan is similar in some aspects to the preparation of an area or management plan.

CLASSIFICATION

Land classification is an integral step in the process of making Alaska's land available for public and private use. It serves to identify the purposes for which the land has been allocated.

All classification categories are for multiple use, although a particular use may be considered primary. In some cases, land may be assigned three classifications in combination. Uses are presumed to be compatible until proven otherwise. All of the categories also allow surface leasing, mineral locations, sale of materials and oil and gas leasing unless restricted by law, through a land use plan or mineral order. The settlement classification category provides for the sale of land and the agricultural classification provides for the sale of rights in the land for agricultural purposes. Public notice must be given prior to classifying or reclassifying land (AS 38.05.945).

State land and water may not be administratively closed to multiple use if the area involved contains more than 640 acres (AS 38.05.300). Larger, single purpose areas such as parks and critical habitat areas must be established by the legislature. State land classifications now total about 82.7 million acres. Please refer to Figure 6 on page 11 which shows the progress of land classification over the ten years that this reporting has been required by the legislature.

In 1987, in the wake of the Supreme Court's decision in Alaska Survival, the legislature made major changes in the land use planning statute, AS 38.04.065. In August, 1989, the land planning and classification regulations (11 AAC 55) were amended to conform with the new law. These amendments dealt with procedures for revising land use plans, preparing a site-specific plan, and dealing with classification proposals such as a proposed addition to the land bank. The amendments also included a new classification category, waterfront development land, to distinguish tidelands suitable for commercial or industrial uses from land needed for residential uses.

Any land classified since September 1983 is open to locatable mineral entry unless the land is closed by law or a mineral closing order. Land classified in certain categories before September 1983 was automatically closed to mineral entry or required a mining lease before mining could begin. Such land retains its mineral entry restrictions or closure until it is reclassified.

LAND AND WATER MANAGEMENT

Land use plans and the classifications that result from them are fundamental tools in achieving the department's basic goals of sound land and resource stewardship, responsible decision-making, and greater economic vitality and quality of life for Alaskans. The decisions made through planning and reflected in land classification help achieve these goals by ensuring that suitable land is acquired by the state, managed for the overall welfare and satisfaction of present and future generations, and made available for private development of resources where doing so benefits the state.

Plans recommend lands to select to fill the remainder of our 105 million acre land entitlement and lands to be relinquished. The state's land base is increasing annually through the transfer of land under federal land entitlements. As the state's entitlement nears fulfillment, the remaining selections become particularly important. Please refer to Figure 4, "Alaska Land Status" (P.7), which illustrates Alaska's land entitlement and land classification status.

As Alaska's land base and population grow and stabilize, and as development in the state expands, demand for public and private use of state land increases tremendously. Planning is a primary mechanism used by the department to resolve competing demands, decide the best use, and minimize conflicts between coexisting multiple uses.

A basic decision the department must make is which lands will remain in state ownership and which should be offered for sale. Land use plans ensure that a sufficient amount of good quality land is offered for sale, and assists in the decision of which land to offer. Classification for settlement follows the plan and is the initial step in the formal process of land disposal.

Most land retained by the state is managed for public use. The department's plans give land managers guidance on such actions as granting permits, leases, material sales (i.e., sand and gravel) and rights-of-way. Statements of management intent for each area determine whether a proposed action should take place and guidelines specify how actions will be managed to protect other resources and minimize conflicts. Classification for retained land reflects the primary uses designated in area plans. Classification by itself does not give guidance for managing lands. Plans must be referred to for this guidance.

Water management by the state is also affected by the department's land use plans and their resulting classifications. Land allocation of water rights must be consistent with the plan's land management intent and guidelines. Land allocations consider water quality and quantity; its value for human consumption, recreation, fish and wildlife habitat, land transportation; and its use in various kinds of resource development, such as mining or agriculture.

Water management decisions such as the allocation of water rights must be consistent with the plan's land management intent and guidelines. Plans also may give some guidance directly to water management, for example, by setting priorities for studying rivers in a region for possible instream flow reservations to protect important resource areas.

FIGURE 1.

PLANNING PROCESS

1. Identify Issues

Hold public meetings to identify issues and concerns in the area.

2. Gather Information

Throughout the planning process collect information about natural resources, present and past land use, land ownership, and the local economy.

3. Prepare and Evaluate Land Use Alternatives

Describe possible choices for managing state land based on public interests, local resources, and state policies. Describe the effects of each choice on goals for the management of an area.

4. Public Reviews Alternatives

Hold public meetings to review the land use choices and identify those that people prefer.

5. Prepare Draft Plan

The planning team and advisory board create a draft plan using public and agency comments. The agencies review the first draft and settle any land use conflicts that remain.

6. Public Reviews Draft Plan

Hold public meetings to provide the public the opportunity to comment on the draft plan and identify parts that need to be changed.

7. Prepare Final Plan

Review agency and public comments and revise the plan. The plan is prepared for publication.

8. Approve Plan

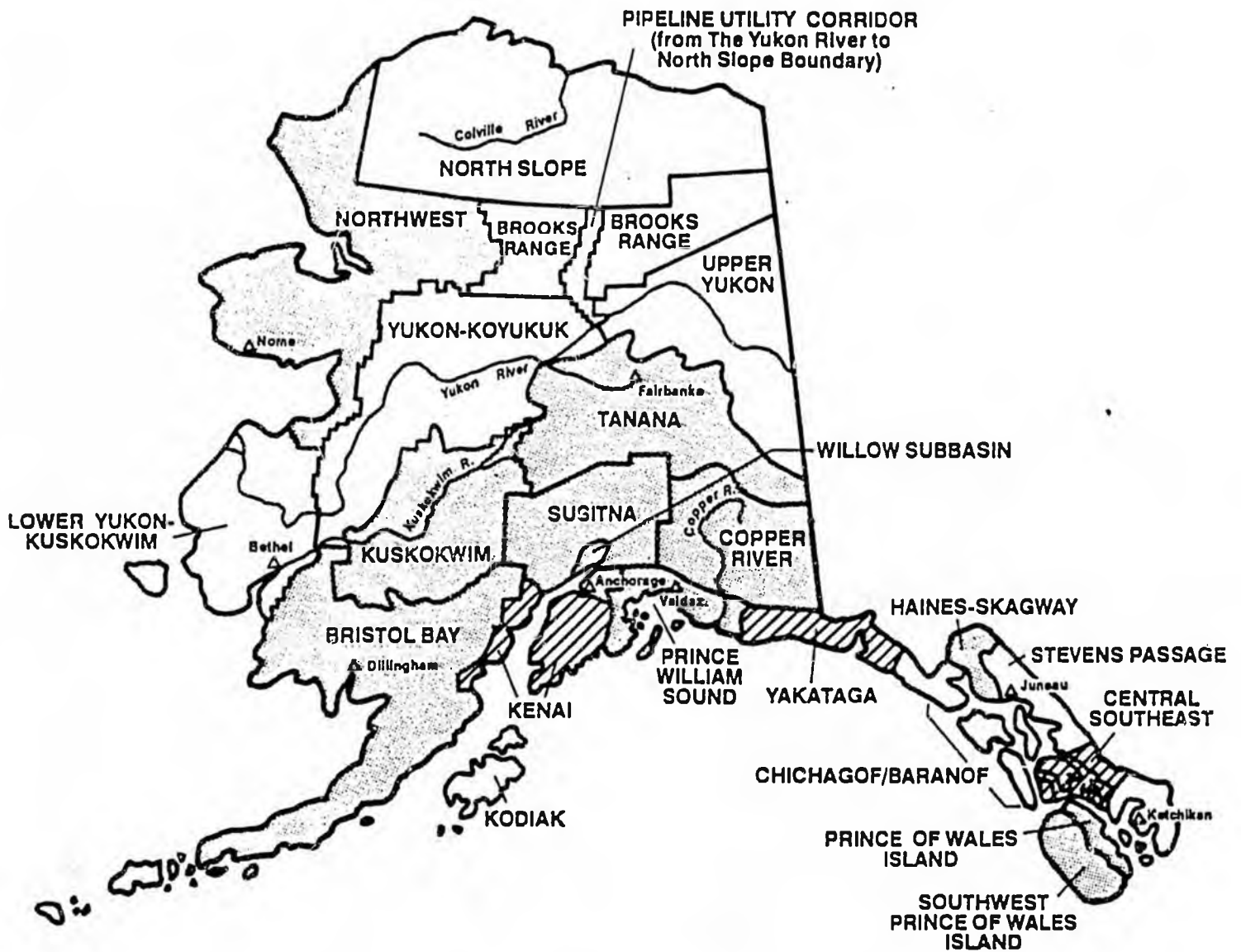
The Commissioner of the Department of Natural Resources approves and signs the plan.

9. Adopt and Implement Plan

The plan guides land management decisions in the planning area.

FIGURE 2.

Alaska Department of Natural Resources AREA PLANS



January 1991



Alaska Department of
**NATURAL
RESOURCES**

AREA PLANNING STATUS




-  Completed area plans
-  Area plans in progress
-  Not scheduled for area plans at this time

FIGURE 3. Area Plan Status

TOTAL = 165 Million Acres (uplands, and tide, shore & submerged lands)

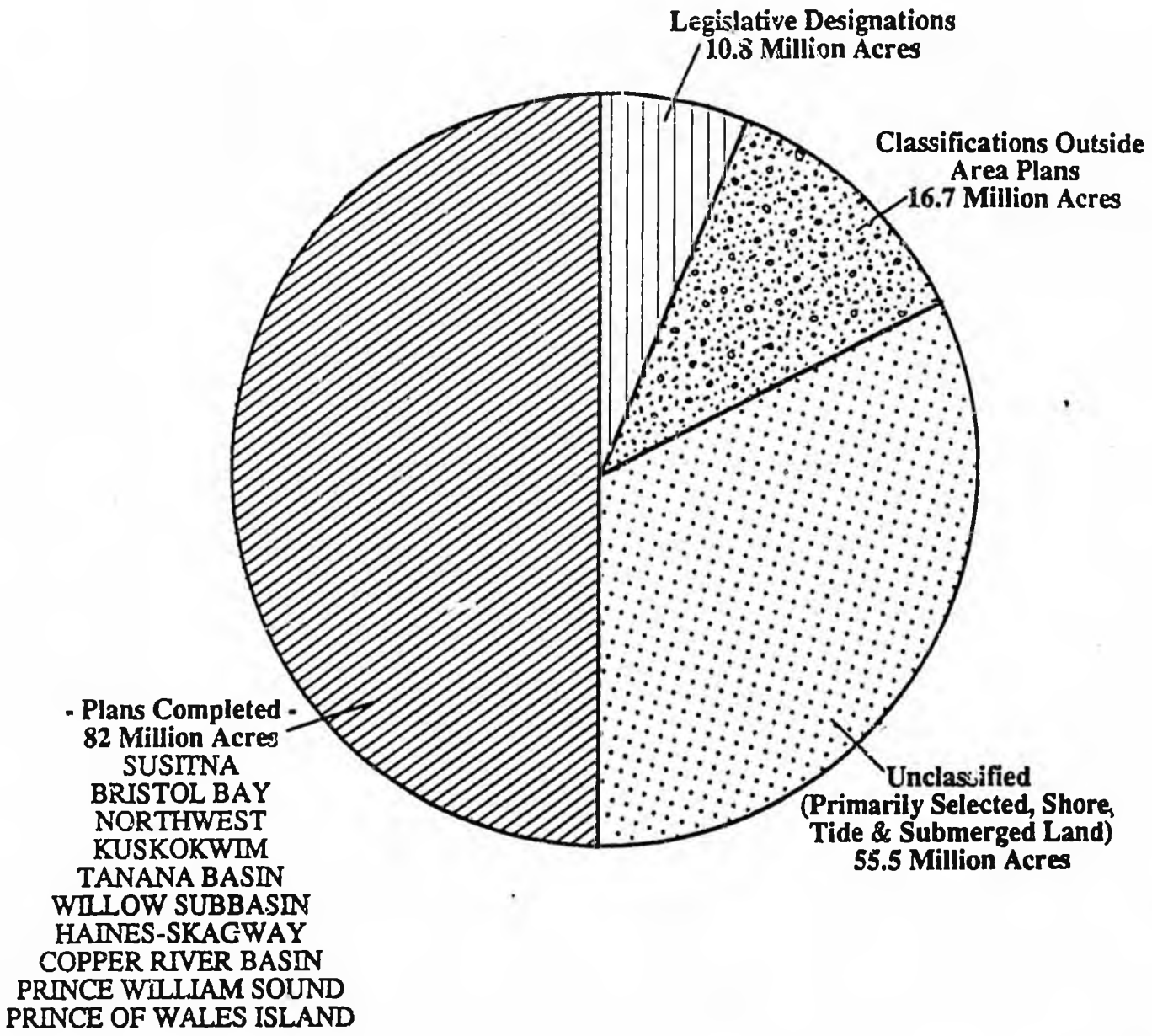
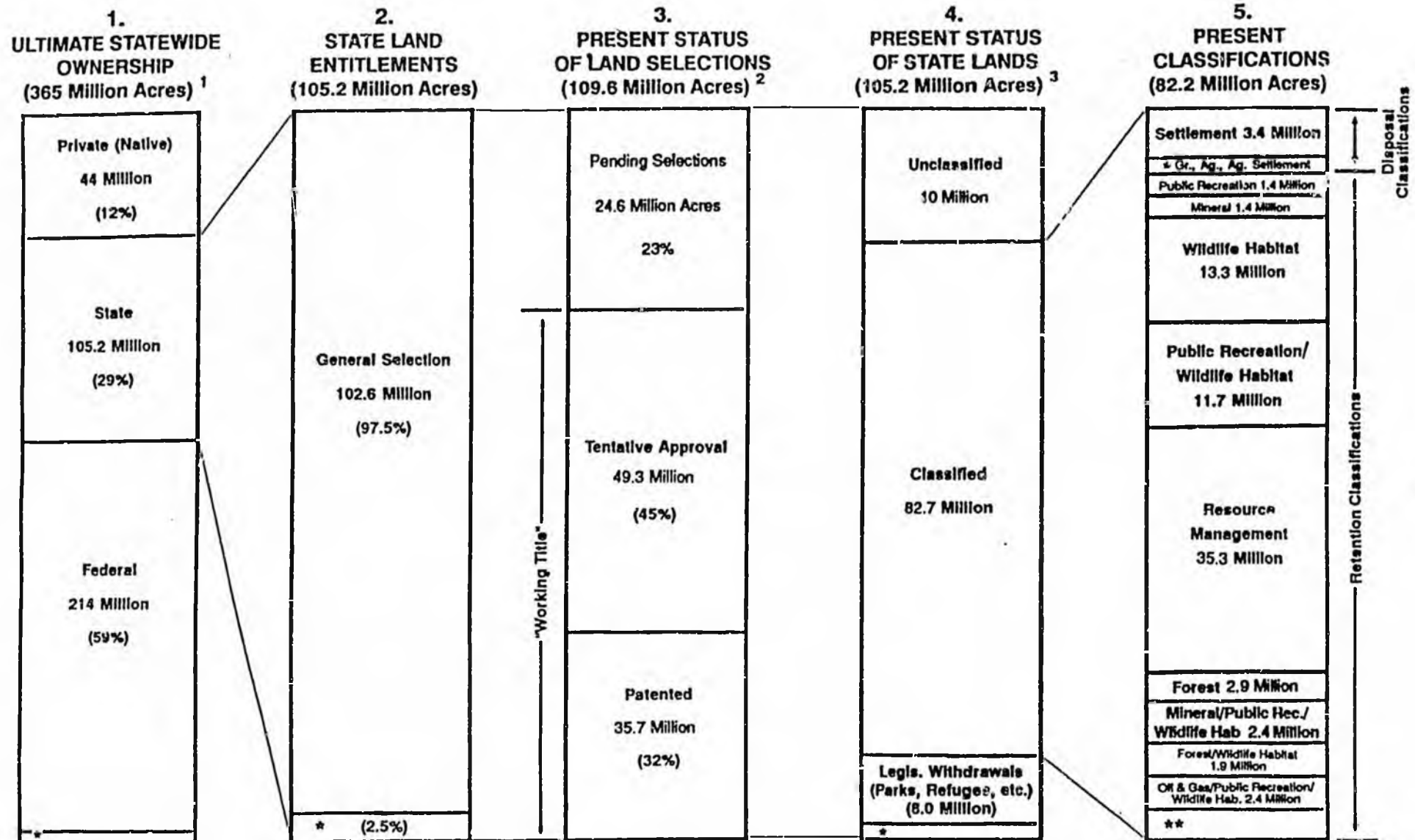


FIGURE 4. ALASKA LAND ENTITLEMENT STATUS

December, 1990



* Private (non-Native)
1.1 Million (<1%)

* Cook Inlet Land Exchange 500,000
School 175,000
University 100,000
Mental Health 1 Million
Community Grant 400,000
National Forest Community Grant 400,000

* Disposals (Lease or Sale)
1.3 Million

* Grazing 153,000
Agricultural 600,000
Agricultural/Settlement 23,000

** Other specific and multiple classifications of less than 1 million acres each - 4.9 million

¹ Represents ultimate ownership if land entitlements and land ownership had remained static at the time of passage of the Alaska Native Claims Settlement Act. In reality, proportions have and will continue to change as a result of public land sales, Native land sales and land exchanges.

² Includes 4.4 million acres of over-selection.

³ Does not reflect submerged, tide or shoreland ownership.

Disposal Classifications

Retention Classifications

FIGURE 5. Progress of Area Plans

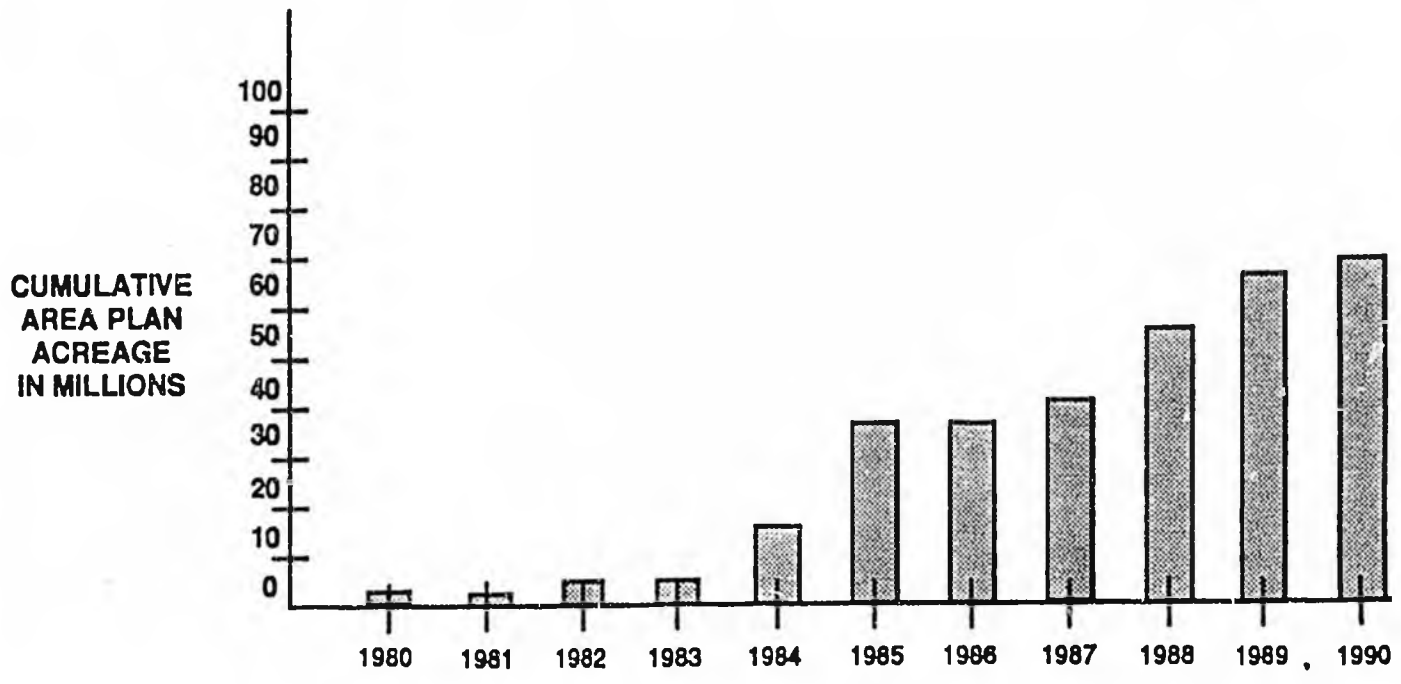
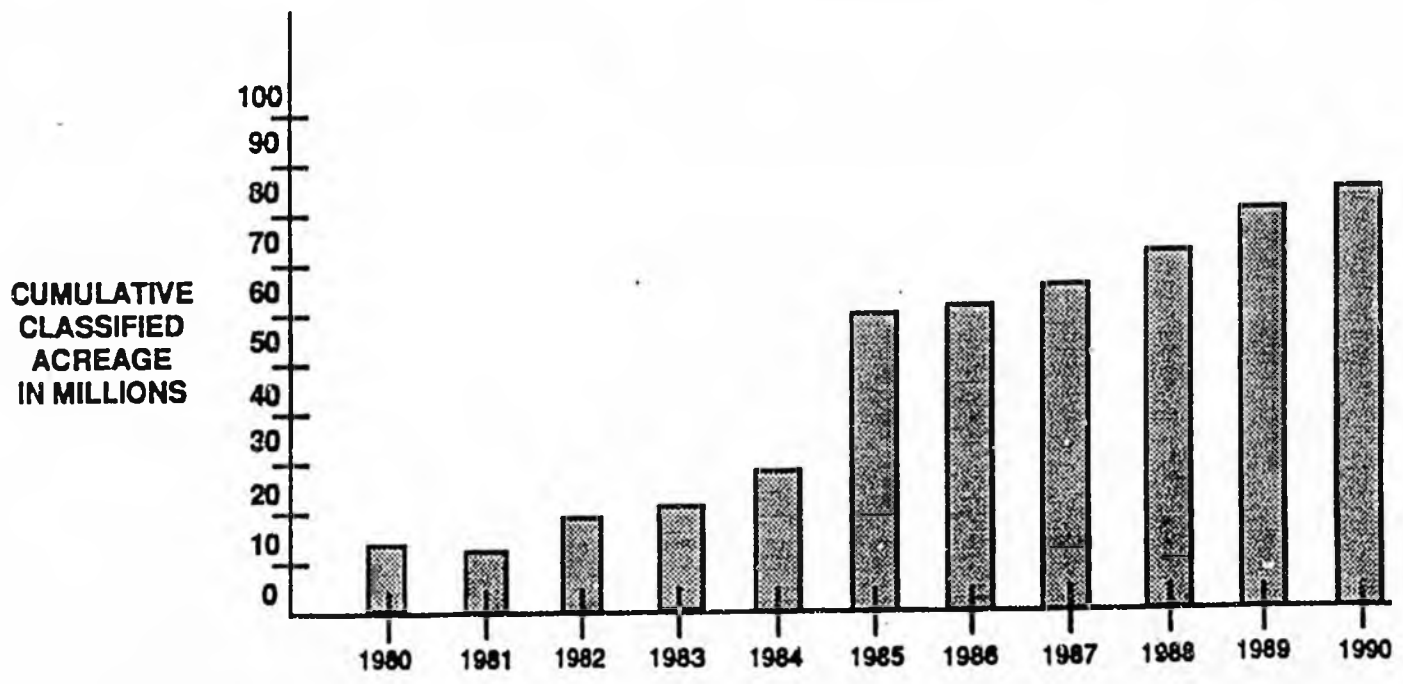


FIGURE 6. Progress of Land Classifications



Summary of 1990 Land Classification Actions

UPDATED TANANA BASIN AREA PLAN

The Tanana Basin Area Plan was adopted by the Department of Natural Resources on April 4, 1985. The plan has since been updated and revised. The updated plan, which encompasses 14.8 million acres, was signed by the Commissioner of the Department of Natural Resources on November 30, 1990.

Table 2. Tanana Basin Update Classification Acreage

CLASSIFICATION	ACREAGE
Agriculture	164,840
Agriculture/Settlement	75,992
Forest	168,340
Forest/Public Recreation	19,040
Forest/Wildlife Habitat	631,026
Forest/Minerals/Public Recreation	25,920
Forest/Minerals/Wildlife Habitat	227,339
Forest/Public Recreation/Wildlife Habitat	291,568
Materials	15,740
Minerals	17,400
Minerals/Public Recreation	59,312
Minerals/Wildlife Habitat	1,282,520
Minerals/Public Recreation/Wildlife Habitat	700,433
Public Recreation	71,696
Public Recreation/Wildlife Habitat	3,513,574
Public Recreation/Transportation Corridor/Wildlife	10,880
Public Recreation/Water Resources/Wildlife Habitat	19,200
Reserved Use	1,920
Resource Management	1,831,050
Settlement	826,008
Water Resources	28,640
Wildlife Habitat	4,821,815
TOTAL	14,804,253

KASHWITNA MANAGEMENT PLAN

The Kashwitna Management Plan was adopted by the Department of Natural Resources on October 24, 1990. The Commissioner of the Department of Fish and Game signed the plan November 15, 1990. The plan amends the 1982 Willow Sub-Basin Area Plan (WSAP), in the Kashwitna Unit. The Kashwitna Management Plan also amends the WSAP in the Iron Creek and Little Willow Creek subunits to consolidate agricultural homestead areas and to provide a wider habitat and recreation buffer along Little Willow Creek.

Reclassification of state lands to implement the Kashwitna Management Plan resulted in 655 acres of Water Resources/Wildlife Habitat Land previously classified Agricultural/Settlement; 1275 acres of Public Recreation/Wildlife Habitat Land previously classified Agricultural; and 2050 acres of Agricultural Land previously classified Reserved Use.

CAPE YAKATAGA SITE-SPECIFIC LAND USE PLAN

Approximately 534,577 acres were classified in the Yakataga area in 1990 under Classification Number SC-90-002. The site-specific plan prepared as the supporting document for the classification action determines management intent, guidelines, and classification for state lands, tidelands, and submerged lands stretching from Icy Bay to Cape Suckling. Most of the land was reclassified from "Forest Land" (classified in 1980) to Resource Management Land in response to public comment on the draft site-specific plan. Most of the unclassified lands were also classified as Resource Management. The two main classifications to Resource Management approximates 520,000 acres. Of that total, about 265,517 acres were previously unclassified lands and about 254,333 acres were previously classified as Forest Land.

The management plan stated that the state would complete an area-wide land use plan prior to further timber harvest. In addition, the 1990 legislature passed HB 346, creating the Yakataga State Game Refuge and directing the department to complete the Yakataga Area Plan by July 1, 1993. As indicated earlier in this report, the Yakataga Area Plan is now in progress.

KAMISHAK SPECIAL USE AREA

Approximately 102,846 acres were classified as Wildlife Habitat during 1990 for lands located within the recently established Kamishak Special Use Area situated in the Kamishak Bay/River area in the vicinity of the McNeil River State Game Sanctuary and the Katmai National Park and Preserve.

CLASSIFICATION OF TIDE AND SUBMERGED LANDS

The state may classify tide, shore and submerged lands into any appropriate state land classification. Preference is granted to the upland owner for the use of a tract of tideland, or tideland and contiguous submerged land which is seaward from the owner's upland property as long as the use is consistent with state interests. (AS.38.05.850)

The largest amount of tide and submerged lands classified in 1990 was the tide and submerged lands within the Bristol Bay Area Plan (BBAP) stretching from Unimak Pass to the Kanektok River, excluding legislatively designated areas. Although BBAP was adopted in 1984, classification of those lands did not occur until 1990. Classification Order SC-90-005 encompassing approximately 2,250,000 acres, was signed by the Commissioner of the Department of Natural Resources on October 22, 1990. These tide and submerged lands had been previously unclassified, except for the Walrus Islands which had been classified Reserved Use in 1962 to for the legislatively established Walrus Island State Game Sanctuary. All of the tide and submerged lands were classified Wildlife Habitat, as specified in the BBAP.

Over 5,000 acres of tide and submerged lands were classified as part of the department's aquatic farming or mariculture program. These were the first plans and classifications done under the program which was established by the legislature in 1988.

TABLE 3. 1990 Land Classification Statewide Total

Classification	Acres	Acres Added	Acres Removed	Net Acreage Change	Total Acres 12/31/89	Total Acres 12/31/90
Agricultural Land		775	0	775	598,273	599,048
Agricultural/Settlement Land		0	0	0	22,754	22,754
Coal Land		0	0	0	2,560	2,560
Coal/Forest/Wildlife Habitat Land		0	0	0	89,573	89,573
Coal/Oil and Gas/Wildlife Habitat Land		0	0	0	52,010	52,010
Coal/Wildlife Habitat Land		0	0	0	69,750	69,750
Forest/Grazing/Public Recreation Land		0	0	0	618	618
Forest Land		0	(258,040)	(258,040)	3,174,113	2,916,073
Forest/Oil & Gas/Wildlife Habitat Land		0	0	0	37,330	37,330
Forest/Public Recreation/Water Resource Land		0	0	0	110,036	110,036
Forest/Public Recreation/Wildlife Habitat Land		63	0	63	833,282	833,345
Forest/Settlement Land		0	0	0	11,011	11,011
Forest/Transportation Corridor Land		0	0	0	6,280	6,280
Forest/Transportation Corridor/Settlement		0	0	0	46,296	46,296
Forest/Water Resource/Wildlife Habitat Land		0	0	0	3,040	3,040
Forest/Wildlife Habitat Land		13,798	0	13,798	1,939,878	1,953,576
Grazing		0	0	0	151,420	151,420
Grazing/Public Recreation/Water Resources Land		0	0	0	16,830	16,830
Grazing/Public Recreation/Wildlife Habitat Land		0	0	0	3,858	3,858
Heritage Resources		0	0	0	40	40
Heritage Resources/Public Recreation/Wildlife Habitat		0	0	0	5,165	5,165
Heritage Res/Water Development		12	0	12	0	12
Material Land		0	0	0	5,088	5,088
Material/Wildlife Habitat Land		0	0	0	0	680
Mineral Land		320	0	320	1,389,429	1,389,749
Mineral/Public Recreation Land		0	0	0	13,170	13,170
Mineral/Public Recreation/Wildlife Habitat Land		3,523	0	3,523	2,407,428	2,410,951
Mineral/Settlement Land		0	0	0	1,040	1,040
Mineral/Transportation/Wildlife Habitat Land		0	0	0	153,541	153,541
Mineral/Wildlife Habitat Land		0	0	0	1,820,985	1,820,985

1990 Land Classification Statewide Total Table 3 (continued)

Classification	Acres	Acres Added	Acres Removed	Net Acreage Change	Total Acres 12/31/89	Total Acres 12/31/90
Oil & Gas/Public Recreation/ Wildlife Habitat Land		0	0	0	2,396,537	2,396,537
Oil & Gas/Settlement Land		0	0	0	1,520	1,520
Oil and Gas/Wildlife Habitat Land		0	0	0	226,192	226,192
Public Recreation Land		0	0	0	1,445,682	1,445,682
Public Recreation/Resource Management Land		0	0	0	890	890
Public Recreation/Settlement Land		0	0	0	4,400	4,400
Public Recreation/ Settlement/Wildlife Habitat Land		0	0	0	18,575	18,575
Public Recreation/Transportation Corridor Land		0	0	0	4,480	4,480
Public Recreation/ Water Resources Land		0	0	0	9,890	9,890
Public Recreation/Water Resources/Wildlife Habitat Land		0	0	640	108,779	108,779
Public Recreation/ Wildlife Habitat Land		1,275	0	1,275	11,714,697	11,715,972
Reserved Use Land		12	(2,050)	(2,038)	537,555	535,512
Resource Assessment Land		0	0	0	150,000	150,000
Resource Management Land		520,298	(3,585)	516,713	34,853,582	35,370,295
Settlement Land		141	0	141	3,380,585	3,380,726
Settlement/Public Recreation		2,340	0	2,340	0	2,340
Settlement/Wildlife Habitat Land		495	0	495	560	1,055
Transportation Corridor		0	0	0	6,880	6,880
Transportation Corridor/ Wildlife Habitat Land		0	0	62,432	62,432	62,432
Waterfront Development		3,042	0	3,042	0	3,042
Water Resources Land		0	0	0	108,455	108,455
Wildlife Habitat Land		2,354,399	0	2,354,399	13,213,582	15,567,981
Wildlife Habitat/Waterfront Development		860	0	860	0	860
Wildlife Habitat/Public Recreation/Water Development		5,684	0	5,684	0	5,684
Wildlife Habitat/Water Resources Land		655	0	655	943,800	944,455
Total		2,907,692	263,675	2,644,017	82,154,551	84,798,568²

² Acreages for specific classification categories were not available for the Prince of Wales Islands Area Plan or for new acreage within the Tanana Basin Area Plan. These acreage figures will be included in the 1991 State Land Classification Report.

Appendix

DESCRIPTION OF CLASSIFICATION CATEGORIES - 11 AAC 55

Agricultural Land. Land classified agricultural is, by reason of climate, physical features, and location, suitable for present or future agricultural cultivation or development and is intended for present or future agricultural use. When agricultural land is disposed of, only an agricultural interest may be conveyed.

Coal Land. Land classified coal is where known coal resources exist and development is occurring or is reasonably likely to occur, or where the coal potential has been determined to be high or moderate under 11 AAC 58.010.

Forest Land. Land classified forest is, or has been, forested and is suited for forest management because of its physical, climatic, and vegetative conditions.

Geothermal Land. Land classified geothermal is where known geothermal resources exist and where development is occurring or is reasonably likely to occur, or where there is reason to believe commercial quantities of geothermal resources exist.

Grazing Land. Land classified grazing is suitable in the cultivated or uncultivated state for supporting domestic livestock or reindeer.

Heritage Resources Land. Land classified heritage resources is where there is active preservation of, or research for, significant historical, prehistorical, paleontological, or other cultural values, or where there is reason to believe that these values exist.

Material Land. Land classified material is land suitable for the extraction of common varieties of sand, gravel, stone, peat, clay, and similar materials.

Mineral Land. Land classified mineral is where known mineral resources exist and where development is occurring, or is reasonably likely to occur, or where there is reason to believe that commercial quantities of minerals exist.

Oil and Gas Land. Land classified oil and gas is where known oil and gas resources exist and where development is occurring, or is reasonably likely to occur, or where there is reason to believe that commercial quantities of oil and gas exist.

Public Recreation Land. Land classified public recreation is suitable for recreation uses, waysides, parks, campsites, scenic overlooks, hunting, fishing or boating access sites, trail corridors, or greenbelts along bodies of water or roadways.

Reserved Use Land.

(1) Land classified reserved use is:

- (a) reserved for transfer to another governmental or nongovernmental agency that is performing a public service;
- (b) reserved for transfer through land exchange; or
- (c) designated for a public facility.

(2) Nothing in this section requires classification of land identified for a future land exchange under AS 38.50.

Resource Management Land. Land classified resource management is either:

- (1) land that might have a number of important resources but for which a specific resource allocation decision is not possible because of a lack of adequate resource, economic, or other relevant information, or is not necessary because the land is presently inaccessible and remote and development is not likely to occur within the next 10 years; or
- (2) land that contains one or more resource values, none of which is of sufficiently high value to merit designation as a primary use.

Settlement Land. An upland area classified settlement is land that is, by reason of its physical qualities and location, suitable for year-round or seasonal residential or private recreational use or for commercial or industrial development. Tideland, submerged land, or shoreland classified settlement is land that is suitable for floathomes, or land that is immediately adjacent to upland areas with existing or proposed settlement and that will be managed to support those existing or proposed upland settlement uses.

Transportation Corridor Land. Land classified transportation corridor is identified for the location of easements and rights-of-way under AS 38.04.065(f), including transportation, pipeline, or utility corridor purposes, or is under consideration for a right-of-way lease.

Waterfront Development Land. Land classified waterfront development is tideland, submerged land, or shoreland that is suitable to be used for commercial or industrial activities such as fish processing, aquatic farming, mineral and log transfer facilities, or commercial recreation.

Water Resources Land. Land classified water resources encompasses watersheds or portions of watersheds and is suitable for such uses as water supply, watershed protection, or hydropower sites.

Wildlife Habitat Land. Land classified wildlife habitat is primarily valuable for:

- (1) fish and wildlife resource production, whether existing or through habitat manipulation, to supply sufficient numbers or a diversity of species to support commercial, recreational, or traditional uses on an optimum sustained yield basis; or
- (2) a unique or rare assemblage of a single or multiple species of regional, state, or national significance.

II. LAND DISPOSAL BANK

The Land Disposal Bank contains land classified for disposal. AS 38.04.020(d) requires that on January 15th of each year, the commissioner report to the legislature the status of state land suitable for the following purposes within the land disposal bank.

Homestead Disposal

A total of 212,650 acres are identified for homestead disposal and considered suitable for staking in the homestead program. Homestead land is classified as Agricultural Land for agricultural homesteads and as Settlement Land for non-agricultural homesteading.

Subdivision Disposal

An estimated 14,181 acres of parcels foreclosed upon, relinquished or previously offered and not yet sold, are classified and suitable for disposal as subdivision parcels. These subdivision parcels include both surveyed homesite parcels and subdivisions available over-the-counter or in future lottery or auction sales.

Agricultural, Commercial and Industrial Disposal

A total of 344,512 acres are classified for agricultural purposes. Commercial and industrial land has been converted to the settlement classification. The bank contained about 1,640 acres of land designated for commercial and industrial use as of January 1, 1983.

Other Purposes

Most land is made available through the categories mentioned above. Certain land, however, is sold by auction in odd lots or for other special purposes. There is currently no land identified for other purposes.

Total Land in Disposal Bank

The total amount of land in the disposal bank as of December 31, 1990, is estimated to be 571,343 acres. This represents a decrease of 8291 acres over 1989.

³ Lands must be classified into a disposal category before they are actually included in the Land Bank (AS 38.04.020(c)).

⁴ Portions of the land disposal records are manually maintained. Therefore, while actual figures have been used in this report when available, conservative estimates are used in cases where they are reasonably accurate and actual data collection time would substantially outweigh the marginal benefit which might be derived from more precise figures.

⁵ The total reflects the subtraction of 30,878 acres of agriculturally classified land which are identified under both homestead disposal and agricultural, commercial and industrial disposal above.

III. LAND DISPOSAL INCOME ACCOUNT

The revenue from the sale of state land is deposited a special state Land Disposal Income Account within the state General Fund. The legislature may appropriate money for implementation of state land disposal programs form this account. Under AS 38.04.022(b), the Department of Natural Resources is required to submit a report reflecting all money deposited in the fund during the prior fiscal year 30 days after the legislature convenes. During fiscal year 1990, approximately 6.3 million dollars were deposited in this account.

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
P.O. BOX WF
JUNEAU, ALASKA 99811
PHONE: (907) 465-3795

Date: December 5, 1990

To: Senator Jay Kerttula, Chairman
Legislative Budget and Audit

From: Roger LaVine, Fiscal Analyst *RL 12/5/90*
Legislative Finance

Subject: Department's response to legislative intent for land disposals.

Attached is the department's response to legislative intent that requires them to annually inform the legislature about the cost of state land disposals.

Part of the legislative intent requires the department to include in the sale price or capital budget the full cost of providing roads, road maintenance, and school facilities to disposals areas. The department in their response states that they have not complied with this part of the intent, because of the difficulty of estimating the cost of roads and schools before they have been constructed. In addition the department states it can not charge for schools or roads before they have been constructed. Further, the department states that it attempts to keep disposal densities low so that a large infrastructure will not be necessary.

The department appears to be in compliance with other parts of the intent requiring land disposals to comply with local zoning regulations and provide a survey of new school facilities need as a result of land disposal.

If I can be of further help please contact me.

Attachments:

MEMORANDUM

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

TO: Mike Greany, Director
Legislative Finance Division

DATE: November 21, 1990

FILE NO.:


FROM: Rod Swope
Commissioner

TELEPHONE: 465-2400

SUBJECT: Legislative Intent
State Land Disposals

The following information is provided to comply with the Legislature's intent that the Department of Natural Resources annually report on the costs associated with state land disposals.

Legislative Intent Statement:

That all future land disposal subdivisions, including small agricultural disposals of forty acres or less, meet borough zoning regulations, and the full cost of providing roads, road maintenance, and school facilities to these disposal areas be included in the sale price or the Department of Natural Resources' capital budget.

Department Response For FY 90:

The Department of Natural Resources complies with AS 38.04.045 (b) and AS 38.04.050 for survey and subdivision, as well as for access to private use areas. Under these statutes, when land is located within a municipality with platting, planning and zoning powers, plats for state subdivisions must comply with local ordinances and regulations. The state must meet the same requirements as other landowners.

Many municipalities will not approve survey plats without required roads or easements actually being constructed. If roads are constructed in advance of a disposal, the full cost of the service provided is prorated amongst the disposal parcels. The purchaser then reimburses the state for the parcel's share of expenses. When roads and other services are constructed or provided after a disposal, the new land owner, not the department, bears the full cost of the projects.

Estimating the cost of future roads and schools and including these costs in the purchase price for state land is an extremely difficult task. The department is required by law to sell land at fair market value. We cannot charge for something (such as a future road) that is not there. It is also very difficult to estimate and allocate fairly the costs of roads and schools that are not yet needed or constructed. We cannot predict accurately who will buy the land or what services the purchasers will need or want. We do, however, attempt to keep disposal densities low so that a large infrastructure will not be necessary. We also consult with local

Mike Greany, Director
Legislative Finance Division

-2-

November 21, 1990

governments to determine the disposal locations and densities that best complement local plans for expanding services and facilities.

In FY 90, \$660.0 in CIP funding was provided for general land surveys. This money is being used to complete two subdivision plans and surveys, and six cadastral surveys that are necessary for future homestead (some will be agricultural) disposals. No other funds related to land disposals were made available to the department in FY 90.

The demand for state land is highest near existing communities. To the extent the supply of state land allows, the department's land offerings are concentrated in or near areas that are already settled. This allows new land owners to use existing services and facilities. The density and, to some extent, the amount of land offered in remote areas is limited. This minimizes the need for new services and facilities.

Overall, the near term fiscal consequences of state land offerings are very small. Because state land offerings are rarely located where employment opportunities are available, few purchasers live on their parcels year-round.

Legislative Intent Statement:

That the Department of Natural Resources provide an annual survey of new school facilities that must be provided as a result of new land disposals so that the Legislature may evaluate this cost to local and state governments.

Department Response For FY 90:

The department does not believe that the FY 90 land disposals, which are largely homestead projects, will result in a need for new school facilities. In addition, because the department is subject to local government planning, platting and zoning powers, affected local governments are responsible for assessing service impacts (including schools) prior to plat approval.

cc: Legislative Budget and Audit Committee

Date: March 10, 1989

To: Senator Jay Kerttula, Chairman
Legislative Budget and Audit

From: Roger LaVine, Fiscal Analyst
Legislative Finance

Subject: Department's response to legislative intent for land disposals.

Attached is the Department of Natural Resources response to Legislative intent that requires them to annually inform the legislature about the cost of state land disposals.

Part of the Legislative intent requires the department to include in the sale price or capital budget the full cost of providing roads, road maintenance, and school facilities to disposals areas. The department in their response states that they have not complied with this part of the intent, because of the difficulty of estimating the cost of roads and schools before they have been constructed. In addition, the department states it can not charge for schools or roads before they have been constructed.

The department appears to be in compliance with other parts of the intent. requiring land disposals to comply with local zoning regulations and provide a survey of new school facilities need as a result of land disposal.

If I can be of further help please contact me.

MEMORANDUM
DEPARTMENT OF NATURAL RESOURCES

State of Alaska
Commissioner's Office

TO: Mike Greany, Director
Legislative Finance Division

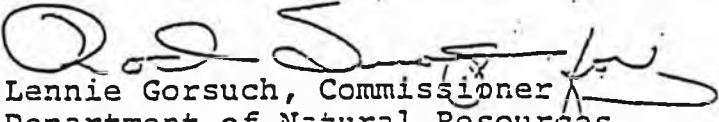
DATE: March 1, 1989

FILE NO:

TELEPHONE NO: 465-2400

THRU:

SUBJECT: Legislative Intent
For Land Disposals

FROM: 
Lannie Gorsuch, Commissioner
Department of Natural Resources

The following is provided to comply with the Legislature's stated intent that the Department of Natural Resources annually inform the Legislature about the cost of state land disposals. This report is for Fiscal Year 1989.

STATEMENT OF LEGISLATIVE INTENT:

That all future land disposal subdivisions, including small agricultural disposals of forty acres or less, meet borough zoning regulations, and the full cost of providing roads, road maintenance, and school facilities to these disposal areas be included in the sale price or the Department of Natural Resources' capital budget.

DEPARTMENT RESPONSE:

The department complies with AS 38.04.045(b) & .050 for survey and subdivision, and access to private use areas. Under this statute, where land is located within a municipality with platting, planning and zoning powers, plats for state subdivisions must comply with local ordinances and regulations in the same manner as required for other landowners.

Estimating the cost of future roads and schools and including these costs in the purchase price of land sold by the state is an extremely difficult task. The department is required by statute to sell land at fair market value (it cannot charge for what is not there). In addition, it is very difficult to estimate and allocate fairly the costs of roads and schools before they have been constructed. We cannot accurately predict who will buy the land or the services purchasers will need or want.

No new CIP funding for land disposals was authorized for FY89.

The demand for state land is highest near communities. To the extent the supply of state land allows, land offerings are concentrated in or near areas that are already settled. This permits new land owners to use existing services and facilities.

Mike Greany, Director
Legislative Finance Division

-2-

March 1, 1989

The density and, to some extent, the amount of land offered in remote areas is limited. This minimizes the need for new services and facilities. We determine the location and density of land offerings in consultation with local governments to complement their plans for expanding public services and facilities.

Overall, the near term fiscal consequences of state land offerings are very small. Because state land offerings are rarely located where employment opportunities are available, few people live on their parcels year-round.

STATEMENT OF LEGISLATIVE INTENT:

That the Department of Natural Resources provide an annual survey of new school facilities that must be provided as a result of new land disposals so that the Legislature may evaluate this cost to local and state governments.

DEPARTMENT RESPONSE:

The department does not anticipate that the FY89 land disposal offerings, composed largely of homestead projects, will necessitate new school facilities. Furthermore, because the department is already subject to local government planning, platting, and zoning powers, the affected local governments are responsible for assessing service impacts (including schools) prior to plat approval (AS 38.04.050).

Included with this report is the department's publication Annual Report on State Land Offerings; FY87 and 20 Year Forecast. This publication sets forth the department's philosophy of land disposals and gives a statewide perspective over the next 20 years.

cc: Senator Jay Kerttula, Chairman
Legislative Budget and Audit Committee

STATE OF ALASKA

THE LEGISLATURE

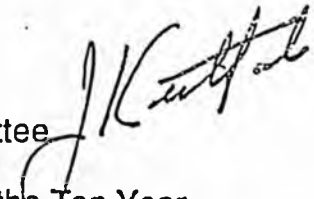
BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
POUCH WF-STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3795

MEMORANDUM

DATE: January 13, 1987

TO: All Legislators

FROM: Senator Jay Kerttula, Chairman
Legislative Budget and Audit Committee 

SUBJ: Transmittal of Report - Addendum to the Ten Year
Cost Projection of Roads, Road Maintenance, and
Educational Costs Related to State Land Disposals

The Legislative Budget and Audit Committee, at the December 17, 1986 meeting, approved the attached report prepared by Legislative Finance to be distributed to all Legislators.

This addendum provides an update of the ten year cost projection which identified service costs related to the State Land Disposal Program. Based on the assumptions used in this report, projected service costs for the ten year period total \$526,297,000.

Legislative concern about service costs to land disposals is not new. Intent placed in both the FY 86 and FY 87 operating budgets of the Department of Natural Resources (DNR), required the department to ".....provide an annual survey of new school facilities that must be provided as a result of new land disposals so that the Legislature may evaluate this cost to local and state government". For FY 86 no such survey was provided. For FY 87 to date, the department's response is not clear on whether a survey of new school facilities will be provided to the Legislature or not.

By copy of this memorandum, DNR is requested to fully address compliance with this intent.

cc: Judith M. Brady, Commissioner
Department of Natural Resources

Marshall Lind, Commissioner
Department of Education

Rocky Gutierrez, Commissioner
Department of Transportation and Public Facilities

ADDENDUM
TO
THE TEN YEAR COST PROJECTION OF ROADS, ROAD MAINTENANCE, AND
EDUCATIONAL COSTS RELATED TO STATE LAND DISPOSALS

Background

This brief addendum, prepared at the request of the Legislative Budget and Audit Committee, provides an update of the cost estimates provided in the September 4, 1985 report entitled The Ten Year Cost Projection of Roads, Road Maintenance, and Educational Costs Related to State Land Disposals. A copy of the original report is attached. This report was presented to the Legislative Budget and Audit Committee and sent to Department of Natural Resource's Commissioner Esther Wunnicke.

Original cost projections were based on a number of detailed assumptions set forth within the body of the report which estimated for a ten year period the (1.) amount of gross acreage disposed, (2.) the amount of acreage disposed in terms of subdivisions, homesteads, or agriculture, (3.) the average size of each disposal, (4.) the amount of road construction required per year, (5.) construction costs for interior and access roads, (6.) occupancy rate, (7.) number of school aged children, (8.) the cost of providing school facilities, and finally, (9.) the state's operational contribution per student. These assumptions were based on the best available data available from the Department of Natural Resources (DNR), Department of Transportation and Public Facilities, the Department of Education, and a municipal planning department. These assumptions remain unchanged.

DNR officials, in reviewing the original report, agreed with a majority of the assumptions made, but strongly disagreed with the amount of road construction required, the occupancy rate, and number of school age children. These three assumptions are the key elements in projecting the costs associated with future land disposals. Although in disagreement, DNR failed to provide any new data on which to base a reduction in the amount of road construction or in the projected occupancy rates. As for new information on the cost of schools, Legislative intent, placed in the DNR operating budget for Fiscal Year 1986, required the DNR to ".....provide an annual survey of new school facilities that must be provided as a result of new land disposals so that the legislature may evaluate this cost to local and state government". The Division of Land and Water Management, officially responded that no staff existed to perform such a survey, but prior to the end of Fiscal Year 1986, the Department of Education would be contacted to see how to best meet the requirements of this intent. At the date of this addendum, no effort has been made to comply with this intent

and no new information concerning the cost of school facilities is available for consideration.

There is one new assumption, which at this date, must be considered. Governor Sheffield's final budget for Fiscal Year 1988 eliminates the Land Disposal Program. A one-time offering of 5,000 acres of relinquished parcels will be conducted. Although it is unknown if the elimination of this program will be approved by the new administration and the legislature, it is fair to say the status of the program is very uncertain. Therefore, the assumption is made for the purpose of this addendum, that the Land Disposal Program will continue to be funded at continuation level and that changes in this level of funding will have a direct effect on yearly land disposal acreages and consequently, all cost projections.

The Summary of Projected Costs, included in the original report as appendix C., has been revised as follows:

(1.) Certain costs of the Department of Fish and Game, Divisions of Habitat and Subsistence have been included. These rough estimates account for the comprehensive review of land disposals, including providing comment, and developing recommendations. These efforts, related to land disposals alone, represent a small portion of these agencies' overall budgets.

(2.) The costs for archaeology work performed by the Department of Natural Resources in relation to land disposals has been added. These costs currently represent a small portion of the budget for archaeological surveys. For calendar year 1987 and beyond, archaeological survey costs are based on DNR estimates which set funding at a level necessary to comply with A.S. 41.35.

There are no other revisions to the Summary of Projected Costs, however it is noted that there are additional costs attributable to land disposals incurred by the Division of Fish and Wildlife Protection for extended enforcement in these areas. Because these costs are extremely difficult to estimate, they have not been included.

Finally, it is important to note that the land disposal program produces substantial revenues to the general fund. In FY 86, over \$8,599,000.00 was generated from land sale contracts from all previous sales. The cost of contract administration for FY 86 was approximately \$950,000.00. Revenues from land disposals are estimated to increase to \$9,868,000.00 in FY 88.

Attachments: (2) Ten Year Cost Projection
Appendix C, Revised

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
POUCH WF-STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3795

December 6, 1985

Commissioner Esther Wunnicke
Department of Natural Resources
Pouch M
Juneau, Ak. 99811

Commissioner:

At the request of the Legislative Budget and Audit Committee, a report has been prepared which provides a ten year cost projection of roads, road maintenance, and educational costs attributable to State land disposals. This report was prepared by Legislative Finance and was presented at the November meeting of the L.B. & A. Committee. A copy is enclosed for your information.

For the ten year period, the estimated cost of road construction and road maintenance is \$307,982,000, while the estimated cost of schools and the State's operational contribution for their operation is \$215,250,000. The total "service liability" for this ten year period, without adjustments for inflation, is estimated to exceed one half billion dollars.

One may disagree with some of the assumptions contained in this report, but one thing is clear: the disposal of State land creates a large liability for providing services to a relatively small number of people. This concern is not new. In fact, these concerns were expressed in the enabling legislation for land disposals. A.S. 38.04.010 (a) states "In making state land available for private use, the director shall seek to guide year-round settlement to areas where public services already exist, or can be extended with reasonable economy.....". Also, Legislative intent, placed in the department's FY 86 operating budget, requires an annual survey of new school facility costs and the inclusion of road and school facility costs within the selling price of the disposal or the capital budget.

Comissioner Esther Wunnicke

(2)

December 6, 1985

i am hopeful that this report, coupled with Legislative intent, will provide the necessary impetus for the department to more carefully examine the costs created by land disposals and consider these costs not only in selecting land for disposal, but in the sales price as well.

Sincerely,

Senator Jay Kerttula, Chairman
Legislative Budget and Audit Committee

enclosure

A Ten Year Cost Projection of Roads,
Road Maintenance, and Educational Costs Related to
State Land Disposals

This report responds to a May 20, 1985 Legislative Budget and Audit Committee request for a ten year estimate of the cost to the State for providing necessary and legally required services to new land disposals. This report provides estimates for the primary costs attributable to land disposals: road construction, road maintenance, school construction and the State's contribution for school operation. Water and Sewer facility cost estimates are not included because individual land owners are originally required to provide their own on-site systems and no basis could be found for predicting where state funded facilities might ultimately be necessary.

As with any projected estimate of this nature, a number of assumptions had to be developed and relied on in order to provide these estimates. These detailed assumptions are set forth in the body of this report. It is important to note that these assumptions may or may not prove to be accurate.

The ten year cost estimate for road construction and maintenance is presented in Appendix A, on page 4. The projected number of students, new school construction costs and the State's contribution for school operations is presented in Appendix B, on page 5. The projected costs for all items are summarized in Appendix C, on page 6.

Assumptions for this Report

1. Yearly land disposal amount will be 20,000 net acres per year which excludes land set aside for right-of-ways, drainage, etc. This is based on the State Land Area Plans, and recent Department of Natural Resources (draft) projections. This level would provide a stable disposal program for about the next twenty years. Actual draft department estimates range from 15,700-21,300 net acres per year.

2. Yearly disposal amount by disposal type will be determined as follows:

	10%	or	2,000	acres	for	Subdivisions
	60%	or	12,000	acres	for	Homesteads
	30%	or	6,000	acres	for	Agriculture
Totals:	100%		20,000	acres		

The calculation of disposal type is a necessary element in ultimately estimating the cost of roads and schools. The percentages used here reflect the fact that due to a decrease in the amount of capital monies available in the next ten years, the Department of Natural Resources will offer more Homestead disposals which are generally less costly to prepare for sale.

3. The average size of each disposal will be as follows:

Subdivisions - 400 acres per disposal - 100 parcels at 4 acres each
 Homesteads - 2000 acres per disposal - 50 parcels at 40 acres each
 Agricultural - 3000 acres per disposal - 10 parcels at 300 acres each

The figure for Subdivision and Homesteads are similar to those used by the Division of Land and Water Management in a draft projection of FY87 costs. Agricultural figures are the writer's estimate based on Land Area Plans.

4. The total amount of road construction required each year will be based on the following schedule. This report assumes that all land disposals will be provided with minimal interior and access roads. It is important to note that in actuality an undetermined number of remote disposals will not require roads because of prohibitive construction cost and the fact that many land owners are opposed to outside access.

	<u>Interior Road</u>	<u>Access Road</u>
Subdivision	2.25 miles	3.00 miles
Homesteads	15.00 miles	5.00 miles
Agricultural	5.00 miles	15.00 miles

5. Construction costs for interior roads will be \$125,000 per mile and for access roads \$150,000 per mile. Road maintenance will be calculated at \$5,500 per mile. These rough estimates come from the Department of Transportation and Public Facilities and are representative of costs used in 1984 for road maintenance service area estimates.

6. The occupancy rate for all disposals will be calculated as 0% in year one and increase by 10% per year to a maximum of 90% in year 10. (A recent case history of three disposal sites done by a consultant for the department showed roughly a 13% occupancy rate. However, these three sites were not representative of the overall disposals as two of the sites were solely recreational. State census data contains some disposal areas or "clusters", but it is impossible to distinguish the owners of State disposed land from other residents).

7. Per each occupied Subdivision unit, Homestead unit, and Agricultural unit, there will be one school age child. According to the Macanaska Susitna Borough Planning Department, a 1984 census concentrating on the rural East portion of the borough found average household size to be 2.63 persons. A borough wide census puts 23.5% of the population at school age or .6 students per household. As this .6 student per household figure does not consider pre-school age children, it is considered low. Using the estimate of one school age child per occupied unit will help account for pre-school age children.

8. The cost of providing school facilities to these disposal sites will be calculated at two portable school units per 10 students. Two portable units have been recently installed at Point MacKenzie on borough land for \$385,400. Although these two units will house some 38 students, borough officials report the cost would be almost the same for as few students as 8. For this report the cost of providing school facilities will be \$400,000 for every ten students, or \$40,000 per student. It is interesting to note that using square footage estimates and average construction costs from the Department of Education; the cost per 10 students would be \$962,500 or \$96,250 per student for permanent facilities. It is most likely that at some undetermined point, existing portable facilities will be replaced by permanent facilities at a much higher cost.

9. The State's operational contribution to the operational cost of education will be \$5,000 yearly per student based on the average FY86 foundation program contribution.

APPENDIX A

10 Year Cost Estimate
for
Road Construction and Road Maintenance for Subdivisions,
Homesteads and Agricultural disposals

(dollar amounts presented in thousands with no adjustment for inflation)

Cal. Year	<u>Interior Roads</u>		<u>Access Roads</u>		<u>Road Maintenance</u>	
	<u>Miles</u> ¹	<u>Cost</u> ²	<u>Miles</u> ³	<u>Cost</u> ⁴	<u>Miles</u> ⁵	<u>Cost</u> ⁶
1986	111.3	\$13,912.0	75.0	\$11,250.0	186.3	\$1024.6
1987	111.3	\$13,912.0	75.0	\$11,250.0	372.6	\$2,049.2
1988	111.3	\$13,912.0	75.0	\$11,250.0	558.9	\$3,073.8
1989	111.3	\$13,912.0	75.0	\$11,250.0	745.2	\$4,098.4
1990	111.3	\$13,921.0	75.0	\$11,250.0	931.5	\$5,123.0
1991	111.3	\$13,912.0	75.0	\$11,250.0	1,117.8	\$6,147.6
1992	111.3	\$13,912.0	75.0	\$11,250.0	1,304.1	\$7,172.2
1993	111.3	\$13,912.0	75.0	\$11,250.0	1,490.4	\$8,196.8
1994	111.3	\$13,912.0	75.0	\$11,250.0	1,676.7	\$9,221.4
1995	111.3	\$13,912.0	75.0	\$11,250.0	1,863.0	\$10,246.0
TOTALS	1,113.0	\$139,120.0	750.0	\$112,500.0	1,863.0	\$56,353.0

¹ 111.3 interior road miles represents yearly disposal amounts (assumption #2), divided by the average size of each type of disposal (assumption #3), and multiplied by required road construction mileage (assumption #4).

² Cost determined by multiplying miles by \$125,000 (assumption #5)

³ 75.0 access road miles represent yearly disposal amounts (assumption #2), divided by the average size of each type of disposal (assumption #3), and multiplied by required road construction mileage (assumption #4).

⁴ cost determined by multiplying miles by \$150,000 (assumption #5)

⁵ maintenance miles are cumulative total of interior and access roads

⁶ cost determined by multiplying miles by maintenance cost of \$5,500 per mile (assumption #5).

APPENDIX B

10 Year Estimate of the Number of Students, New School Construction Costs
and the State's Contribution to Operational Costs for Education

(in thousands of dollars with no inflation factor)

<u>Cal. Year</u>	<u>Year of Disposal</u>										<u>Total Students</u>	<u>New Students Per Year</u>	<u>New School Const.</u>	<u>Oper. Costs</u>	
	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>					
<u>1986</u>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
<u>1987</u>	82	0	0	0	0	0	0	0	0	0	82	82	\$ 3,280.0	\$ 410.0	
<u>1988</u>	164	82	0	0	0	0	0	0	0	0	246	164	\$ 6,560.0	\$ 1,230.0	
<u>1989</u>	246	164	82	0	0	0	0	0	0	0	492	246	\$ 9,840.0	\$ 2,460.0	
<u>1990</u>	328	246	164	82	0	0	0	0	0	0	820	328	\$ 13,120.0	\$ 4,100.0	
<u>1991</u>	410	328	246	164	82	0	0	0	0	0	1,230	410	\$ 16,400.0	\$ 6,150.0	
<u>1992</u>	492	410	328	246	164	82	0	0	0	0	1,722	492	\$ 19,680.0	\$ 8,610.0	
<u>1993</u>	574	492	410	328	246	164	82	0	0	0	2,296	574	\$ 22,960.0	\$11,480.0	
<u>1994</u>	656	574	492	410	328	246	164	82	0	0	2,952	656	\$ 26,240.0	\$14,760.0	
<u>1995</u>	738	656	574	492	410	328	246	164	82	0	3,690	738	\$ 29,520.0	\$18,450.0	
													<u>\$ 147,600.0</u>	<u>\$ 67,650.0</u>	
													TOTALS	\$147,600.0	\$67,650.0

APPENDIX C

Summary of Projected Costs

(in thousands with no inflation factor)

<u>Cal. Year</u>	<u>Road Const. & Maintenance</u>	<u>School Const. & State Oper.</u>	<u>Cal. Year Total</u>
1986	\$ 26,186.6	\$ 0	\$ 26,186.6
1987	\$ 27,211.2	\$ 3,690.0	\$ 30,901.2
1988	\$ 28,235.8	\$ 7,790.0	\$ 36,025.8
1989	\$ 29,260.4	\$ 12,300.0	\$ 41,560.4
1990	\$ 30,294.0	\$ 17,220.0	\$ 47,514.0
1991	\$ 31,309.6	\$ 22,550.0	\$ 53,859.6
1992	\$ 32,334.2	\$ 28,290.0	\$ 60,624.2
1993	\$ 33,358.8	\$ 34,440.0	\$ 67,798.8
1994	\$ 34,383.4	\$ 41,000.0	\$ 75,383.4
1995	<u>\$ 35,408.0</u>	<u>\$ 47,970.0</u>	<u>\$ 83,378.0</u>
TOTALS	\$307,982.0	\$ 215,250.0	\$523,232.0

APPENDIX C - REVISED
 Summary of Projected Costs
 (in thousands with no inflation factor)

CAL Year	Road Const. & Maintenance	School Const. & State Oper.	F & G Habitat	F & G Subsistence	Archaeological Surveys	Cal. Year Total
1986	\$ 26,186.6	\$ 0	\$ 50.0	\$ 75.0	\$ 15.0	\$ 26,326.6
1987	\$ 27,211.2	\$ 3,690.0	\$ 50.0	\$ 75.0	\$ 200.0 (1)	\$ 31,226.2
1988	\$ 28,235.8	\$ 7,790.0	\$ 50.0	\$ 75.0	\$ 200.0	\$ 36,350.8
1989	\$ 29,260.4	\$ 12,300.0	\$ 50.0	\$ 75.0	\$ 200.0	\$ 41,885.4
1990	\$ 30,294.0	\$ 17,220.0	\$ 50.0	\$ 75.0	\$ 200.0	\$ 47,839.0
1991	\$ 31,309.6	\$ 22,550.0	\$ 50.0	\$ 75.0	\$ 200.0	\$ 54,184.6
1992	\$ 32,334.2	\$ 28,290.0	\$ 50.0	\$ 75.0	\$ 200.0	\$ 60,949.2
1993	\$ 33,358.8	\$ 34,440.0	\$ 50.0	\$ 75.0	\$ 200.0	\$ 68,123.8
1994	\$ 34,383.4	\$ 41,000.0	\$ 50.0	\$ 75.0	\$ 200.0	\$ 75,708.4
1995	\$ 35,408.0	\$ 47,970.0	\$ 50.0	\$ 75.0	\$ 200.0	\$ 83,703.0
TOTALS	\$ 307,982.0	\$ 215,250.0	\$ 500.0	\$ 750.0	\$ 1,815.0	\$ 526,297.0

(1) Archaeological Survey costs projected for calendar year 1987 and beyond are based on D.N.R. estimates which increase archeological survey funding to a level necessary to comply with A.S. 41.35.

A SPECIAL REPORT

**MUNICIPAL GENERAL GRANT
LAND ENTITLEMENTS**

A State-Municipal Partnership

**DEPARTMENT OF NATURAL RESOURCES
Division of Land and Water Management**

January 1990

Prepared by Dennis P. Daigger