

# STATE OF ALASKA THE LEGISLATURE

2021

Source  
CSSJR 8(RES)

Legislative  
Resolve No.  
4



Urging the Alaska delegation in Congress, the United States Department of the Interior, and the Governor to facilitate a land grant endowment to the University of Alaska; urging the Alaska delegation in Congress to reintroduce the University of Alaska Fiscal Foundation Act; and urging the Department of Natural Resources to work with the University of Alaska to identify lands suitable for the land endowment.

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## **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

**WHEREAS** the University of Alaska plays a vital role in educating students from the state and around the world and conducts invaluable research; and

**WHEREAS** the University of Alaska did not receive any of the federal land granted to states for higher education under the Morrill Land-Grant College Act of 1862 and received only a fraction of the reserved land allocated under the 1915 Wickersham land grant; and

**WHEREAS** the Alaska Statehood Act repealed the 1915 Wickersham land grant and removed the state's eligibility for land under the Morrill Land-Grant College Act of 1862, instead granting a 103,000,000-acre entitlement to the new State of Alaska; and

**WHEREAS** various interpretations of the state's obligation to transfer land to the

University of Alaska resulted in an extended period during which the university struggled to get its remaining land grant, while much of the land originally reserved for the university has been transferred to other entities; and

**WHEREAS** the Twenty-First Alaska State Legislature passed Senate Bill No. 7 and the Twenty-Fourth Alaska State Legislature passed House Bill No. 130, granting approximately 250,000 acres of state land to the University of Alaska; and

**WHEREAS** the Alaska Supreme Court, in *Southeast Alaska Conservation Council v. State*, 202 P.3d 1162 (Alaska 2009), ruled that the transfer of land under those enactments violated the prohibition on dedicated funds in art. IX, sec. 7, Constitution of the State of Alaska, and ordered the land to be conveyed from the University of Alaska back to the state; and

**WHEREAS**, among the states that received grants of land for higher education, with the exception of Delaware, the University of Alaska received the smallest amount of land from the federal government, leaving the University of Alaska with an inadequate and deficient land endowment; and

**WHEREAS** fulfilling the intent of the Sixty-Third United States Congress in 1915, the Eighty-Fifth United States Congress in 1958, the Twenty-First Alaska State Legislature in 2000, and the Twenty-Fourth Alaska State Legislature in 2005 to provide a permanent land endowment for the University of Alaska will require a joint effort by the federal and state governments to establish a land grant that is "required by the federal government for state participation in federal programs," as specified under art. IX, sec. 7, Constitution of the State of Alaska; and

**WHEREAS**, in September 2020, the Alaska delegation in Congress introduced, with the support of Governor Dunleavy, S. 4696 and H.R. 8398, the University of Alaska Fiscal Foundation Act, to establish a federal program under which up to 360,000 acres of land selected by, but not yet conveyed to, the state could be conveyed from the federal government to the Board of Regents of the University of Alaska to be held in trust for the university, subject to a federally imposed trust obligation;

**BE IT RESOLVED** that the Alaska State Legislature respectfully urges the Alaska delegation in Congress, the United States Department of the Interior, and the Governor to continue to cooperate in bringing about an ultimate resolution as soon as possible that will

address this long-standing land endowment issue, conform to state constitutional requirements, and provide the University of Alaska with an appropriately sized land endowment proportionate to the great natural resources of the state; and be it

**FURTHER RESOLVED** that the Alaska State Legislature respectfully urges the Alaska delegation in Congress to reintroduce the University of Alaska Fiscal Foundation Act; and be it

**FURTHER RESOLVED** that the Alaska State Legislature respectfully urges the Department of Natural Resources to continue to work cooperatively with the University of Alaska to prioritize identification of lands suitable for the land endowment.

**COPIES** of this resolution shall be sent to the Honorable Deb Haaland, United States Secretary of the Interior; the Honorable Mike Dunleavy, Governor of Alaska; and the Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.