

CS FOR HOUSE BILL NO. 232(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 4/26/02

Referred: Finance

Sponsor(s): REPRESENTATIVES FATE, Wilson, Foster

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the disposal of state land by lottery; and relating to sale or lease of**
2 **remote recreational cabin sites."**

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

4 *** Section 1.** AS 38.05.057(a) is amended to read:

5 (a) The commissioner may dispose of land, including land limited to use for
6 agricultural purposes, by lottery. The purchase price of land sold by lottery shall be
7 the fair market value of the land as determined by the commissioner. The
8 commissioner may sell land by lottery for less than the fair market value of the land on
9 a determination that scarcity of land for private use in the area of the land to be sold
10 has resulted in unrealistic land values. The lottery shall be conducted in public by the
11 commissioner. A purchaser selected by lot shall deposit an amount equal to **20** [FIVE]
12 percent of the purchase price within 30 days after receiving notification of the
13 selection.

14 *** Sec. 2.** AS 38.05.125(a) is amended to read:

1 (a) Each contract for the sale, lease, or grant of state land, and each deed to
 2 state land, properties, or interest in state land, made under AS 38.05.045 - 38.05.120,
 3 38.05.321, **38.05.600**, 38.05.810 - 38.05.825, AS 38.08, or AS 38.50, except as
 4 provided in AS 38.50.050, is subject to the following reservations: "The party of the
 5 first part, Alaska, hereby expressly saves, excepts, and reserves out of the grant hereby
 6 made, unto itself, its lessees, successors, and assigns forever, all oils, gases, coal, ores,
 7 minerals, fissionable materials, geothermal resources, and fossils of every name, kind,
 8 or description, and which may be in or upon said land above described, or any part
 9 thereof, and the right to explore the same for such oils, gases, coal, ores, minerals,
 10 fissionable materials, geothermal resources, and fossils, and it also hereby expressly
 11 saves and reserves out of the grant hereby made, unto itself, its lessees, successors,
 12 and assigns forever, the right to enter by itself, its or their agents, attorneys, and
 13 servants upon said land, or any part or parts thereof, at any and all times for the
 14 purpose of opening, developing, drilling, and working mines or wells on these or other
 15 land and taking out and removing therefrom all such oils, gases, coal, ores, minerals,
 16 fissionable materials, geothermal resources, and fossils, and to that end it further
 17 expressly reserves out of the grant hereby made, unto itself, its lessees, successors, and
 18 assigns forever, the right by its or their agents, servants, and attorneys at any and all
 19 times to erect, construct, maintain, and use all such buildings, machinery, roads,
 20 pipelines, powerlines, and railroads, sink such shafts, drill such wells, remove such
 21 soil, and to remain on said land or any part thereof for the foregoing purposes and to
 22 occupy as much of said land as may be necessary or convenient for such purposes
 23 hereby expressly reserving to itself, its lessees, successors, and assigns, as aforesaid,
 24 generally all rights and power in, to, and over said land, whether herein expressed or
 25 not, reasonably necessary or convenient to render beneficial and efficient the complete
 26 enjoyment of the property and rights hereby expressly reserved."

27 * **Sec. 3.** AS 38.05.600(a) is amended to read:

28 (a) The commissioner may provide for the sale or lease of state land for
 29 remote recreational cabin sites. Sales under this section shall be at fair market value
 30 determined as of the time of entry **by the department or by an appraiser from the**
 31 **list of appraisers approved by the department. Land to be sold under this section**

1 **shall be surveyed before sale by the department or by a surveyor registered**
 2 **under AS 08.48. The appraisal and survey shall be completed within 12 months**
 3 **of entry. The** [, AND THE] purchaser shall **pay for the appraisal and survey or**
 4 reimburse the state for the appraisal, survey, and platting costs for the recreational
 5 cabin site. **Sales under this section may be at public or private sale.**

6 * **Sec. 4.** AS 38.05.600 is amended by adding new subsections to read:

7 (d) Each year, subject to appropriation from the state land disposal income
 8 fund under AS 38.04.022, to implement this section, the commissioner shall

9 (1) prepare a three-year schedule of proposed land offerings under this
 10 section from lands that were not selected by the state for mineral values and lands
 11 having a low mineral potential based on a geophysical survey completed not more
 12 than 15 years before the offering, identifying at least 300 parcels for disposal each
 13 year; and

14 (2) provide public notice of the proposed land offerings.

15 (e) The maximum number of staking authorizations the department may issue
 16 at a public offering for a designated staking area is equal to twice the number of
 17 square miles in the designated staking area.

18 (f) The commissioner may solicit nominations each year from the public for
 19 areas to be offered for disposal under this program. The commissioner may add areas
 20 nominated by the public to the schedule prepared under (e) of this section if the land is
 21 classified for disposal and the disposal is consistent with other requirements of
 22 AS 38.04 and this chapter.

23 (g) A person may nominate a parcel for disposal under this section. If the
 24 person provides an affidavit to the commissioner showing at least three consecutive
 25 years of recreational use, other than merely transiting over the parcel by any means, of
 26 the parcel by the person, or that the person has held the area under a mining claim, as
 27 shown through not less than five consecutive years of production royalty reports to the
 28 state, on claims that are contiguous to the parcel, before offering the parcel for
 29 disposal to the public, the commissioner shall offer the parcel to the person
 30 nominating the parcel for disposal. If the commissioner accepts the nomination of a
 31 parcel for disposal, the commissioner may also provide for disposal of additional

1 parcels in the surrounding area, subject to (f) of this section.

2 (h) A parcel sold under this section may not exceed two and one-half acres. A
3 parcel sold under this section may include lake, river, or other navigable water
4 frontage, subject to the following limitations:

5 (1) the lake, river, or other navigable water frontage must be at least
6 300 feet and may not exceed 400 feet;

7 (2) only one parcel with frontage on a lake may be sold under this
8 section for each 25 acres of water of that lake; and

9 (3) a parcel sold under this section with frontage on a river must be
10 located at least two meander miles from any other parcel with river frontage sold
11 under this section.