

**HOUSE BILL NO. 319**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-THIRD LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES FATE, Wolf**

**Introduced: 5/14/03**

**Referred: State Affairs, Resources, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the disposal of state land by lottery; and relating to the disposal,**  
2 **including sale or lease, of 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 **10** [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 schedule of land offerings under this section from lands  
 10 that were not selected by the state for mineral values and lands having a low mineral  
 11 potential based on a geophysical survey completed not more than 15 years before the  
 12 offering, identifying the parcels for disposal each year; and

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

14 (e) The space between remote recreational cabin sites offered under this  
 15 section may not be less than 660 feet in any direction.

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

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

31 (h) A parcel sold under this section may not exceed two and one-half acres. A

1 parcel sold under this section may include lake, river, or other navigable water  
2 frontage, subject to the following limitations:

3 (1) the lake, river, or other navigable water frontage must be at least  
4 300 feet and may not exceed 400 feet;

5 (2) only one parcel with frontage on a lake may be sold under this  
6 section for each five acres of water of that lake unless, in the public interest, the  
7 commissioner adopts a regulation indicating a different ratio of water to each parcel  
8 with frontage; and

9 (3) a parcel sold under this section with frontage on a river must be  
10 located at least one-quarter of a meander mile from any other parcel with river  
11 frontage sold under this section.