

Introduced: 3/22/78
Referred: Resources and
Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 905

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to disposal of state land; and
7 providing for an effective date."

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

9 * Section 1. AS 38.05 is amended by adding new sections to read:

10 Sec. 38.05.041. AVAILABILITY OF LAND. On a continuing or annual
11 basis, the director shall make available for private use an array of
12 state land suitable for a variety of uses. During fiscal year 1979,
13 the director shall make available a minimum of 50,000 acres, not more
14 than 10 per cent of which may be made available for leasing. Annually
15 thereafter, the following three options for the state land availability
16 program must be submitted to the legislature along with the admini-
17 stration's budget: an increased-level program, a current-level program,
18 and a reduced-level program. At least one option must include at
19 least 50,000 acres.

20 Sec. 38.05.042. LAND CREDIT PROGRAM. (a) Purpose. The purpose
21 of this section is to make land available and more affordable to
22 Alaskans for their personal use and enjoyment in an equitable manner
23 based upon each individual's contribution to Alaska as measured by
24 length of residence and in the tradition of private land ownership.
25 The legislature finds that it is in the public interest to award
26 credits to Alaskans which can be applied to the purchase or lease of
27 state land in compensation of each resident's contribution to the
28 state, to partially offset the relatively high cost of living in the
29 state, and to encourage a strong, stable resident population. The

1 legislature further finds that it is in the public interest to achieve
2 these purposes in an expedited but orderly procedure so as to meet the
3 responsibility of the state for public safety, maintaining low govern-
4 mental costs, and pursuing other land resources policies as set out in
5 this chapter, in AS 38.04, and in the constitution.

6 (b) Land Credit Program. The director shall accept land credits
7 awarded under this section for up to 90 per cent of the total purchase
8 price or lease rental of surface rights to land sold or leased under
9 this chapter. Land credits may not be applied to the purchase price or
10 lease rental of mineral rights to land or of rights to school land,
11 university land, or mental health land.

12 (c) Eligibility. To be eligible for land credits, a person must
13 (1) have been physically present in the state for the 12-month period
14 before application, except for brief intervals, military service,
15 attendance at an educational or training institution or for absence
16 for good cause, (2) maintain a place of residence in the state, (3) be
17 registered to vote in the state, unless he is under 18 years of age,
18 (4) not have claimed residency in any other state for any purpose
19 during the 12-month period immediately before application, and (5)
20 show by all attending circumstances that his intent is to make Alaska
21 his continuous residence. A person who has met these criteria but who
22 has moved out of state and then returned, is eligible to receive any
23 credits for previous residency in compliance with the criteria set out
24 in this subsection, after 12 months from the date of his return and
25 again meeting the criteria set out in this subsection.

26 (d) Application: To use land credits under this section a land
27 credit certificate must be obtained from the lieutenant governor upon
28 submission of an application and appropriate proof meeting the criteria
29 set out in (c) of this section. No person may apply for a land credit

1 certificate until he is at least 18 years of age but a person may
2 accrue credits before he reaches 18 years of age. A holder of a land
3 credit certificate shall submit his certificate to the director as
4 proof of his eligibility and credits accrued. A person who submits
5 information to the lieutenant governor or the director under this
6 section, knowing it to be false, is guilty of a felony and, upon con-
7 viction, is punishable by imprisonment for not more than five years or
8 by a fine of not more than \$50,000, or by both.

9 (e) Land Credits. One land credit is available to an applicant
10 for each 12-month period of residency in the state in compliance with
11 the criteria set out in (c) of this section. Land credits, valued at
12 \$1000 each, may be used only toward the purchase price or lease rental
13 of land under this chapter and are not transferable or assignable.
14 Credits may be used in whole units only, but total credits accrued may
15 be divided among parcel acquisitions. Land credit accrual ceases on
16 January 1, 1990.

17 (f) Use of Land Credits. Land credits may be applied toward the
18 acquisition of surface rights to state land under this section in
19 amounts up to 90 per cent of the total purchase price or lease rental
20 of the land. At least 10 per cent of the total purchase price or
21 lease rental must be paid in cash. Credits may not be applied to
22 mineral rights disposals or to costs such as survey costs, road develop-
23 ment costs, utility assessments, or other costs as determined by the
24 director which are reimbursable to the state. In all cases, a cash
25 down payment of at least five per cent of the price of the land must
26 be made at the time of acquisition.

27 (g) Offerings. Through programs authorized by this chapter, and
28 as directed in AS 38.04.020 - 38.04.055, the director shall make land
29 available subject to this section on a continuing annual basis. In

1 any one offering of land, a person may acquire only one parcel. Two
2 or more persons may join in the purchase of a parcel. No person may
3 lease or purchase more than 160 acres using land credits. However, a
4 person may use land credits to acquire a single parcel larger than 160
5 acres as long as the ratio of the value of credits used to total cost
6 of acquiring the parcel does not exceed the ratio of 160 acres to the
7 total area of the parcel. The director, based on demand and supply of
8 suitable land, shall offer land under this section in a variety of
9 locations across the state:

10 (h) Regulations. The director and the lieutenant governor may
11 each adopt regulations necessary to implement the provisions of this
12 section relevant to their respective offices.

13 (i) Non-severability. If any portion of this section is held
14 invalid by a court of competent jurisdiction, the entire section is
15 invalid, notwithstanding AS 01.10.030.

16 * Sec. 2. This Act takes effect 30 days after certification of the
17 election results at which 1978 Initiative No. 10, entitled Alaska Homestead
18 Act, is voted upon, if the initiative is rejected by the voters.