

Introduced: 1/16/80
Referred: Resources and
Finance

1 IN THE SENATE

BY SUMNER BY REQUEST

2 SENATE BILL NO. 335 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

9 * Section 1. AS 38.05.095(a) is amended to read:

10 (a) A [EXCEPT AS PROVIDED IN (b) OF THIS SECTION, A] lessee may
11 sublease or assign the land or portion of it upon which he has a lease
12 if, after application to the director, the director issues a permit.
13 The director may issue a permit if he finds that it is in the best
14 interest of the state to do so.

15 * Sec. 2. AS 38.05.315(b) is amended to read:

16 (b) Notwithstanding AS 38.05.070 - 38.05.080 and [,] 38.05.095,
17 [AND AS 38.05.100 OF THIS CHAPTER] the director, upon application filed
18 by an applicant eligible under (b) - (d) of this section, may, by nego-
19 tiation and without public auction in the manner prescribed in (b) - (d)
20 of this section, lease state land for a term of not more than 55 years.
21 Before leasing, the director shall prepare a land use plan and a land
22 classification to insure that the proposed use is compatible with area
23 utilization. Before the land may be leased under (b) - (d) of this
24 section, it must be shown to the satisfaction of the director that the
25 land is to be used for an established or definitely proposed project,
26 and that the eligible applicant has the financial ability to carry out
27 the project. The commissioner may establish limitations on the acreage
28 which may be leased under (b) - (d) of this section to an applicant.

29 * Sec. 3. AS 38.05.315(d) is amended to read:

1 (d) The director may lease the land to an eligible applicant at a
2 reasonable annual rental, taking into consideration the purposes for
3 which the land is to be used and the financial resources of the appli-
4 cant. The [, BUT IN NO CASE MAY THE] rental may not be less than one
5 percent of the fair market value on lands acquired primarily for
6 development, or less than five percent of the fair market value on
7 [SCHOOL,] university [, MENTAL HEALTH,] or acquired lands, except that
8 an eligible applicant is exempt from the payment of annual rent on state
9 land leased for a youth encampment. Renewal leases may be issued at the
10 discretion of the director upon the expiration of a primary or renewal
11 term. Each lease shall contain a provision for its termination as to
12 all or part of the lands upon a finding by the director that the land or
13 a part of it has not been used by the lessee for the purpose specified
14 in the lease for a period of two years. No lease may be assigned or
15 subleased except with the consent of the director, and in any case may
16 only be transferred to an applicant eligible under (b) - (d) of this
17 section. A lessee may not change the use specified in the lease to
18 another or additional use except with the consent of the director. If,
19 at any time after the land is leased, the lessee attempts to assign the
20 lease or transfer control over the land to another, or if the land is
21 devoted to a use other than that for which the land was leased without
22 the consent of the director, the lease automatically terminates.

23 * Sec. 4. AS 38.05.095(b) and 38.05.097 are repealed.

24 * Sec. 5. AS 38.05 is amended by adding a new section to read:

25 Sec. 38.05.328. OCCUPANT PREFERENCE. (a) A person who occupies
26 a permanent dwelling on state land without the right to own or possess
27 the land is entitled to receive an offer to purchase the land from the
28 state before it is offered to the public for disposal for private use if

29 (1) the person pays \$500 a year penalty for each year that

1 he used the land without legal authority, not to exceed \$2,500;
2 (2) the dwelling was constructed on the land before
3 January 1, 1970;
4 (3) other state land in the vicinity of the dwelling is
5 offered for disposal to the public not later than six months after the
6 sale under this section is completed; and
7 (4) the dwelling is the person's permanent place of abode.
8 (b) The purchase price offered to a person eligible to purchase
9 state land under (a) of this section shall be the full appraised fair
10 market value of the land exclusive of permanent improvements constructed
11 on the land by the occupant or his ancestor before January 1, 1970.
12 (c) When not in conflict with this section, the provisions of
13 AS 38.05.045 - 38.05.069 apply to a land sale under this section.
14 (d) The director shall publish a notice of each sale under this
15 section in newspapers of general circulation in the vicinity of the
16 land to be sold. The notice shall be published once each week for
17 four consecutive weeks before the contract of sale is executed.
18 * Sec. 6. This Act is retroactive to July 1, 1978.
19 * Sec. 7. This Act takes effect immediately in accordance with AS 01.10.-
20 070(c).
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