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Offered: 5/6/82  
Referred: Judiciary  
and Finance

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 2 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to land; and providing for an effec-  
7 tive date."

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

9 \* Section 1. AS 38 is amended by adding a new chapter to read:

10 CHAPTER 09. HOMESTEAD ENTRY.

11 Sec. 38.09.010. HOMESTEAD ENTRY. (a) The director may designate  
12 and make available for homestead entry under this chapter state land  
13 available

14 (1) under AS 38.05.057; or

15 (2) under AS 38.05.077 unless the director determines that  
16 the land is more suitable for recreational or residential use.

17 (b) A homestead entry made under AS 38.05.057 may not exceed 320  
18 acres.

19 (c) A homestead entry made under AS 38.05.077 may not exceed 160  
20 acres.

21 (d) A person who has applied for or received state land under this  
22 chapter is not eligible for a loan under AS 03.10 for the habitable  
23 dwelling or the clearing of the land required under AS 38.09.040.

24 Sec. 38.09.020. QUALIFICATIONS FOR HOMESTEAD ENTRY. A person is  
25 qualified to apply for a homestead entry under this chapter if the  
26 person is

27 (1) qualified under AS 38.05.057 to participate in the dis-  
28 posal of land by lottery; or

29 (2) qualified under AS 38.05.077 to make an entry under the

1 remote parcel disposal procedures.

2 Sec. 38.09.030. APPLICATION FOR HOMESTEAD ENTRY. (a) A person  
3 who has staked the exterior boundaries of a homestead entry under AS 38.-  
4 05.077 and a person who has been selected to purchase land designated  
5 for homestead entry by lottery shall apply for the homestead entry on a  
6 form prepared by the department.

7 (b) The department may charge a fee for filing an application  
8 under this chapter.

9 (c) A person who within the eight years immediately preceding the  
10 date of the application under (a) of this section has leased a remote  
11 parcel from the state or applied for a homestead entry under this chapter  
12 is not eligible for land under this chapter.

13 (d) A person who has obtained more than 15 acres of state land is  
14 not eligible for land under this chapter.

15 Sec. 38.09.040. PATENT FOR HOMESTEAD ENTRY. (a) A person who has  
16 made a homestead entry under this chapter and filed an application under  
17 AS 38.09.030(a) is entitled to a patent if, within seven years from the  
18 date of the application, the applicant

19 (1) occupies the land for a total of 35 months;

20 (2) erects a habitable dwelling;

21 (3) clears and prepares for cultivation not less than

22 (A) one-fourth of the land entered if the land is limited  
23 to agricultural use; or

24 (B) one-eighth of the land entered if the land is not  
25 limited to agricultural use;

26 (4) brushes the boundaries of the homestead entry and main-  
27 tains the brushed boundaries so that they are easily visible from the  
28 ground;

29 (5) causes a survey of the homestead entry to be made that is

1 acceptable to the director.

2 (b) The director shall require an applicant for homestead entry to  
3 submit proof necessary to establish compliance with the requirements of  
4 (a) of this section. An applicant is not required to submit proof under  
5 (a)(4) or (5) of this section if the land comprising the homestead entry  
6 has been surveyed.

7 (c) As used in this section, "habitable dwelling"

8 (1) means a permanent dwelling of not less than 400 square  
9 feet and its fixtures and facilities;

10 (2) does not include a mobile home unless it is permanently  
11 attached to a permanent foundation.

12 Sec. 38.09.050. HOMESTEAD APPLICATION VOID. An application for  
13 homestead entry and the interest of the applicant under the homestead  
14 entry is void if the applicant fails to comply with a requirement of  
15 AS 38.09.040(a). On the request of the director, the attorney general  
16 shall bring an action to declare the homestead entry void and, if neces-  
17 sary, to eject the homestead applicant.

18 \* Sec. 2. AS 38.04.020(g)(3) is amended to read:

19 (3) Land designated agricultural, commercial, industrial, or  
20 suitable for other disposal may [SHALL] be sold under AS 38.05.055 or  
21 38.05.057. Land designated agricultural or suitable for disposal other  
22 than as commercial or industrial may be sold under AS 38.05.077.

23 \* Sec. 3. AS 38.04.021(a) is amended to read:

24 Sec. 38.04.021. DISPOSAL OF MUNICIPAL [GRANT] LAND [ENTITLEMENTS].

25 (a) A municipality may apply for financial assistance for the execution  
26 of a land disposal program [OF GENERAL GRANT LAND ENTITLEMENTS RECEIVED  
27 FROM THE STATE UNDER AS 29.18.201 - 29.18.213] by submitting a request  
28 to the commissioner for inclusion in the request submitted to the legis-  
29 lature under AS 38.04.020(e). A municipality may request financial

1 assistance for expenses of surveying land, designing subdivision plats,  
2 installing improvements required by municipal ordinance or regulation of  
3 the local platting board, and other reasonable direct costs of land  
4 disposal.

5 \* Sec. 4. AS 38.05.057(a) is amended to read:

6 (a) The commissioner may dispose of land, including land limited  
7 to use for agricultural purposes, by lottery. The purchase price of  
8 land sold by lottery shall be the fair market value of the land as  
9 determined by the commissioner. The commissioner may sell land by  
10 lottery for less than the fair market value of the land if he determines  
11 that scarcity of land for private use in the area of the land to be sold  
12 has resulted in unrealistic land values. Before the commissioner deter-  
13 mines the purchase price for land which is located in a municipality and  
14 which is to be sold under this section, he shall consult with the  
15 assessor of the municipality. The lottery shall be conducted in public  
16 by the commissioner or his representative. An applicant may not be  
17 selected to purchase land unless he is present on the date and at the  
18 place that the lottery is conducted unless medical reasons, attendance  
19 at school, or military service [OUTSIDE THE STATE] prevent attendance.  
20 [AN APPLICANT MAY BE REPRESENTED BY AN AGENT ON THE DAY OF THE LOTTERY  
21 IF THE LAND OFFERED FOR SALE IS COMMERCIAL, INDUSTRIAL, OR AGRICULTURAL  
22 LAND.] On the day of the lottery a purchaser selected by lot shall  
23 deposit an amount equal to five percent of the purchase price, or if the  
24 purchaser elects to use land discounts granted under AS 38.05.058, five  
25 percent of the purchase price after deduction of the discount. If the  
26 land is designated for homestead entry, the applicant selected by lottery  
27 for homestead entry must file an application under AS 38.09.030(a).

28 \* Sec. 5. AS 38.05.077(a) is amended to read:

29 (a) The commissioner shall designate remote parcel selection areas

1 and shall dispose of remote parcels in accordance with AS 38.04.020.  
2 The commissioner may set the number of remote parcels that may be  
3 selected in each remote parcel selection area. A remote parcel may be  
4 purchased under AS 38.05.078 or an applicant may receive a patent to a  
5 remote parcel under AS 38.09. A remote parcel purchased under AS 38.05.-  
6 078 may not exceed 40 acres. A remote parcel acquired under AS 38.09  
7 may not exceed 160 acres.

8 \* Sec. 6. AS 38.05.077(b) is amended to read:

9 (b) The commissioner may designate remote parcel selection areas  
10 where staking will be restricted to aliquot parts when parcels are 40  
11 acres or larger and shall prescribe parcel selection procedures for each  
12 remote parcel selection area designated under (a) of this section. The  
13 parcel selection procedures shall include

14 (1) the maximum size of a remote parcel that may be selected  
15 in the parcel selection area;

16 (2) (repealed)

17 (3) the minimum distance between remote parcels in the parcel  
18 selection area;

19 (4) parcel dimensions, configuration, orientation and other  
20 parcel design requirements;

21 (5) a description of land within the area that may not be  
22 included in a parcel;

23 (6) a requirement that landmarks, monuments or other points  
24 be used as points of reference for the measurement of distances within  
25 an area; and

26 (7) specification for the type of stakes to use to mark the  
27 corners of a parcel.

28 \* Sec. 7. AS 38.05.077(d) is amended to read:

29 (d) Not later than 15 days after staking the exterior boundaries

1 of a remote parcel, the person who staked the parcel shall file a sketch  
2 plat with the department which shows the location of the remote parcel.  
3 At the time of filing the sketch plat, the person who staked the parcel  
4 shall apply to lease the land or apply for homestead entry under AS 38.-  
5 09. An application [TO LEASE THE LAND] shall be on a standard form  
6 prepared by the department. The annual rental payment for the first  
7 year of the lease shall be submitted to the department with the applica-  
8 tion. After the application to lease a remote parcel is approved, the  
9 commissioner shall offer to lease the land to the person who staked the  
10 remote parcel. A lease granted under this section shall contain the  
11 following terms:

12 (1) a remote parcel may be leased for five years;

13 (2) a remote parcel lease may be renewed at the option of the  
14 lessee for a second five-year period under the same terms as provided  
15 for the first five-year period of the remote parcel lease;

16 (3) a rental payment shall be paid annually and shall be \$10  
17 for each acre;

18 (4) unless the land is surveyed, the lessee shall, within one  
19 year of approval of the lease application and continuously for the lease  
20 period, physically delineate the boundaries of the parcel by brushing a  
21 line so that they are readily visible from the ground.

22 \* Sec. 8. AS 38.05.077(i)(3) is amended to read:

23 (3) certify that the applicant [HE] has not previously leased  
24 a remote parcel from the state nor made application for a homestead entry  
25 on state land within eight years immediately preceding the date of stak-  
26 ing a remote parcel.

27 \* Sec. 9. AS 38.05.082(a) is amended to read:

28 (a) The director, with the approval of the commissioner, may lease  
29 tide, [AND] submerged, and shore lands for fisheries development. Fish-

1 eries development includes the utilization of shore gill nets, [OR] set  
2 nets, or fish wheels for the taking of fish. Every lease issued under  
3 this section shall reserve to the public a right-of-way for access to  
4 navigable waters and other tide, [AND] submerged, and shore lands.

5 \* Sec. 10. AS 03.10.030 is amended by adding a new subsection to read:

6 (g) A person who has received state land under AS 38.09 is not  
7 eligible for a loan under this chapter for improvements to that land  
8 before patent to the land has been received.

9 \* Sec. 11. AS 38.05.180 is amended by adding a new subsection to read:

10 (aa) In order to achieve the purposes of this chapter, the commis-  
11 sioner may require a person conducting geophysical exploration for oil  
12 or gas resources or drilling a stratigraphic test well on unleased state  
13 land to provide the commissioner with access to and copies of all un-  
14 interpreted exploration data acquired from these activities. The com-  
15 missioner shall pay all reasonable costs of reproducing the data. The  
16 commissioner shall keep confidential all uninterpreted exploration data  
17 submitted to the department under this subsection and any reproduction,  
18 analysis, processing, or interpretation of the uninterpreted exploration  
19 data prepared by the department or by a third party on behalf of the  
20 department which is based in whole or in part upon the uninterpreted  
21 exploration data. An employee, agent, or contractor of the state, who  
22 knowingly and wilfully reveals uninterpreted exploration data or infor-  
23 mation that is required to be kept confidential under this subsection is  
24 guilty of a class B felony upon conviction. Each agent or contractor of  
25 the department who has access to uninterpreted exploration data or  
26 information derived from uninterpreted exploration data submitted under  
27 this subsection shall execute and post a bond in an amount determined by  
28 the commissioner. The bond shall be to the benefit of the state and the  
29 permittee. As used in this subsection, "uninterpreted exploration data"

1 (1) means

2 (A) field data that has been initially processed and is  
3 ready for geologic and geophysical analysis;

4 (B) data that corresponds to the data that a geophysical  
5 contractor would provide participants in a group seismic survey;  
6 and

7 (2) includes associated material necessary to locate, identi-  
8 fy, analyze, or interpret the field data.

9 \* Sec. 12. AS 38.05.180(aa) added by sec. 11 of this Act applies to un-  
10 interpreted exploration data acquired from geophysical surveys that were  
11 commenced on unleased state land on or after January 1, 1982.

12 \* Sec. 13. The purpose of secs. 13 - 17 of this Act is to provide for the  
13 settlement of certain claims and litigation and to transfer legal title and  
14 management of university-grant lands from the Department of Natural Resources  
15 to the Board of Regents of the University of Alaska.

16 \* Sec. 14. Nothing in secs. 13 - 17 of this Act precludes or prejudices  
17 negotiations between the Municipality of Anchorage and the University of  
18 Alaska to settle Case Number 3AN-79-2801 Civil, Third Judicial District,  
19 State of Alaska or prejudices or otherwise affects the pursuit or outcome of  
20 that litigation or diminishes or affects the rights or interests of the  
21 University of Alaska or the Municipality of Anchorage in that pending liti-  
22 gation.

23 \* Sec. 15. The commissioner of natural resources is authorized and  
24 directed to convey to the Board of Regents of the University of Alaska all  
25 right, title, and interest of the State of Alaska in and to those university-  
26 grant lands identified in Appendices E and N in the document entitled "Settle-  
27 ment Agreement Between the Department of Natural Resources, the Department of  
28 Revenue, and the Department of Administration and the University of Alaska  
29 and the Board of Regents, as Trustees for the University of Alaska," which

1 was submitted to the Alaska State Legislature on March 26, 1982 (the date of  
2 the introduction of Senate Bill No. 875 (Twelfth Legislature)), the terms of  
3 which are hereby ratified as to the duties and obligations of the State of  
4 Alaska and the Board of Regents of the University of Alaska. However, the  
5 compensation due the university is subject to further appropriation by the  
6 1983 legislature.

7 \* Sec. 16. AS 14.40.170(a)(4) is amended to read:

8 (4) have the care, control and management of all the real and  
9 personal property of the university, including the management of those  
10 university-grant lands conveyed to the Board of Regents of the University  
11 of Alaska under sec. 15 of Senate Committee Substitute for Committee  
12 Substitute for House Bill No. 2 (Resources) (Twelfth Legislature) in  
13 accordance with the purposes provided for by the Act of March 4, 1915  
14 (38 Stat. 1214), as amended, and the Act of January 21, 1929 (45 Stat.  
15 1091), as amended;

16 \* Sec. 17. AS 14.40.170(a) is amended by adding a new paragraph to read:

17 (7) adopt reasonable rules providing for prudent trust manage-  
18 ment, and providing for adequate public notice of all sales, leases, ex-  
19 changes or other dispositions of university-grant lands or interests  
20 in university-grant lands.

21 \* Sec. 18. Sections 1 - 10 of this Act take effect July 1, 1982.

22 \* Sec. 19. Sections 11 - 17 of this Act take effect immediately in accor-  
23 dance with AS 01.10.070(c).

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