

Original sponsor: Resources Committee

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For Today's Calendar

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 875 (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 effective
7 date."

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

9 * Section 1. PURPOSE. The purpose of secs. 1 - 5 of this Act is to
10 provide for the settlement of certain claims and litigation and to transfer
11 legal title and management of university-grant lands from the Department of
12 Natural Resources to the Board of Regents of the University of Alaska.

13 * Sec. 2. Nothing in secs. 1 - 5 of this Act precludes or prejudices
14 negotiations between the Municipality of Anchorage and the University of
15 Alaska to settle Case Number 3AN-79-2801 Civil, Third Judicial District,
16 State of Alaska or prejudices or otherwise affects the pursuit or outcome of
17 that litigation or diminishes or affects the rights or interests of the
18 University of Alaska or the Municipality of Anchorage in that pending litiga-
19 tion.

20 * Sec. 3. CONVEYANCE. The commissioner of the Department of Natural
21 Resources is authorized and directed to convey to the Board of Regents of the
22 University of Alaska all right, title, and interest of the State of Alaska in
23 and to those university-grant lands identified in Appendices E and N in the
24 document entitled "Settlement Agreement Between the Department of Natural
25 Resources, the Department of Revenue, and the Department of Administration
26 and the University of Alaska and the Board of Regents, as Trustees for the
27 University of Alaska," which was submitted to the Alaska State Legislature on
28 March 26, 1982, the date of the introduction of this bill, the terms of which
29 are hereby ratified as to the duties and obligations of the State of Alaska

1 and the Board of Regents of the University of Alaska, but subject to the
2 appropriation of money and additional legislation to implement that agreement.

3 * Sec. 4. AS 14.40.170(a)(4) is amended to read:

4 (4) have the care, control and management of all the real and
5 personal property of the university, including the management of those
6 university-grant lands conveyed to the Board of Regents of the University
7 of Alaska pursuant to sec. 3 of Committee Substitute for Senate Bill
8 No. 875 (Resources)(Twelfth Legislature) in accordance with the purposes
9 provided for by the Act of March 4, 1915 (38 Stat. 1214), as amended, and
10 the Act of January 21, 1929 (45 Stat. 1091), as amended;

11 * Sec. 5. AS 14.40.170(a) is amended by adding a new paragraph to read:

12 (7) adopt reasonable rules providing for prudent trust manage-
13 ment, and providing for adequate public notice of all sales, leases,
14 exchanges or other dispositions of university-grant lands, or interests
15 therein.

16 * Sec. 6. AS 38 is amended by adding a new chapter to read:

17 CHAPTER 09. HOMESTEAD ENTRY.

18 Sec. 38.09.010. HOMESTEAD ENTRY. (a) The director may designate
19 and make available for homestead entry under this chapter state land
20 available

21 (1) under AS 38.05.057; or

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

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

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

28 (d) A person who has applied for or received state land under this
29 chapter is not eligible for a loan under AS 03.10 for the habitable

1 dwelling or the clearing of the land required under AS 38.09.040.

2 Sec. 38.09.020. QUALIFICATIONS FOR HOMESTEAD ENTRY. A person is
3 qualified to apply for a homestead entry under this chapter if the
4 person is

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

7 (2) qualified under AS 38.05.077 to make an entry under the
8 remote parcel disposal procedures.

9 Sec. 38.09.030. APPLICATION FOR HOMESTEAD ENTRY. (a) A person
10 who has staked the exterior boundaries of a homestead entry under AS 38.-
11 05.077 and a person who has been selected to purchase land designated
12 for homestead entry by lottery shall apply for the homestead entry on a
13 form prepared by the department.

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

16 (c) A person applying for a homestead entry shall certify that he
17 has not previously leased a remote parcel from the state or applied for
18 homestead entry under this chapter within the eight years immediately
19 preceding the date of the application.

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

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

25 (2) erects a habitable dwelling;

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

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

29 (B) one-eighth of the land entered if the land is not

1 limited to agricultural use;

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

5 (5) causes a survey of the homestead entry to be made that is
6 acceptable to the director.

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

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

13 (1) means a permanent dwelling of not less than 200 square
14 feet and its fixtures and facilities;

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

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

23 * Sec. 7. AS 38.04.020(g)(3) is amended to read:

24 (3) Land designated agricultural, commercial, industrial, or
25 suitable for other disposal may [SHALL] be sold under AS 38.05.055 or
26 38.05.057. Land designated agricultural or suitable for disposal other
27 than as commercial or industrial may be sold under AS 38.05.077.

28 * Sec. 8. AS 38.05.057(a) is amended to read:

29 (a) The commissioner may dispose of land, including land limited

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

22 * Sec. 9. AS 38.05.077(a) is amended to read:

23 (a) The commissioner shall designate remote parcel selection areas
24 and shall dispose of remote parcels in accordance with AS 38.04.020.
25 The commissioner may set the number of remote parcels that may be
26 selected in each remote parcel selection area. A remote parcel may be
27 purchased under AS 38.05.078 or an applicant may receive a patent to a
28 remote parcel under AS 38.09. A remote parcel purchased under AS 38.05.-
29 078 may not exceed 40 acres. A remote parcel acquired under AS 38.09.-

1 may not exceed 160 acres.

2 * Sec. 10. AS 38.05.077(b) is amended to read:

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

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

10 (2) (repealed)

11 (3) the minimum distance between remote parcels in the parcel
12 selection area;

13 (4) parcel dimensions, configuration, orientation and other
14 parcel design requirements;

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

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

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

22 * Sec. 11. AS 38.05.077(d) is amended to read:

23 (d) Not later than 15 days after staking the exterior boundaries
24 of a remote parcel, the person who staked the parcel shall file a sketch
25 plat with the department which shows the location of the remote parcel.
26 At the time of filing the sketch plat, the person who staked the parcel
27 shall apply to lease the land or apply for homestead entry under AS 38.-
28 09. An application [TO LEASE THE LAND] shall be on a standard form
29 prepared by the department. The annual rental payment for the first

1 year of the lease shall be submitted to the department with the applica-
2 tion. After the application to lease a remote parcel is approved, the
3 commissioner shall offer to lease the land to the person who staked the
4 remote parcel. A lease granted under this section shall contain the
5 following terms:

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

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

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

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

16 * Sec. 12. AS 38.05.077(i)(3) is amended to read:

17 (3) certify that he has not previously leased a remote parcel
18 from the state nor made application for a homestead entry on state land
19 within eight years immediately preceding the date of staking a remote
20 parcel.

21 * Sec. 13. AS 03.10.030 is amended by adding a new subsection to read:

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

25 * Sec. 14. AS 38.05.180 is amended by adding a new subsection to read:

26 (aa) In order to achieve the purposes of (a) of this section, to
27 conduct the pre-sale analysis required by (f) of this section, and to
28 assist the department in knowledgeably managing the leasing, exploration,
29 and development of oil and gas resources underlying state land, the

1 commissioner may require persons conducting geophysical exploration for
2 oil or gas resources or drilling a stratigraphic test well on unleased
3 state land to provide him with access to and copies of all uninterpreted
4 exploration data acquired from these activities. The commissioner shall
5 pay all reasonable costs of reproducing the data. The commissioner
6 shall keep all exploration data submitted to the department under this
7 subsection confidential in accordance with AS 38.05.035(a)(9)(C). All
8 employees of the department who have access to exploration data submitted
9 under this subsection are subject to AS 11.56.860. All agents or con-
10 tractors of the department who have access to exploration data submitted
11 under this subsection shall execute and post a bond in an amount deter-
12 mined by the commissioner. The bond shall be for the benefit of the
13 state and the persons providing the exploration data.

14 * Sec. 15. AS 38.05.180(aa) added by sec. 14 of this Act applies only to
15 uninterpreted data acquired after the effective date of sec. 14 of this Act.

16 * Sec. 16. Sections 6 - 13 of this Act take effect July 1, 1982.

17 * Sec. 17. Sections 1 - 5 and 14 - 15 of this Act take effect immediately
18 in accordance with AS 01.10.070(c).