

Offered: 2/9/84  
Referred: Finance

Original sponsors: Goll, Grussendorf  
and Herrmann

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 455 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

9 \* Section 1. LEGISLATIVE PURPOSE AND FINDINGS. (a) The purpose of  
10 this Act is to provide a mechanism to correct defects in the title of the  
11 state to land and in doing so, to settle certain claims, including Native  
12 allotment claims, against the state.

13 (b) The legislature finds that the correction of title defects is a  
14 matter of statewide significance, is in the public interest, and will  
15 foreclose possible protracted and divisive litigation.

16 \* Sec. 2. AS 38.05.035(b) is amended to read:

17 (b) The director may

18 (1) delegate the administrative duties, functions or powers  
19 imposed upon the director [HIM] to a responsible employee in the  
20 division;

21 (2) grant preference rights for the lease or purchase of  
22 state land without competitive bid in order to correct the past or  
23 future errors or omissions of a state or federal administrative agency  
24 when inequitable detriment would otherwise result to a diligent claim-  
25 ant or applicant due to situations over which the claimant or appli-  
26 cant had no control; the exercise of this discretionary power operates  
27 only to divest the state of its title to or interests in land and may  
28 be exercised only with the express approval of the commissioner;

29 (3) grant a preference right to a claimant who shows bona

1        fide improvement of state land, or federal land subsequently acquired  
2        by the state, and who has in good faith sought to obtain title to the  
3        land but who, through error or omission of others, has been denied  
4        title to it; upon a showing satisfactory to the commissioner, the  
5        claimant may lease or purchase the land at the price set on the date  
6        of original entry on the land or, if a price was not set at that time  
7        at a price determined by the division to fairly represent the value of  
8        unimproved land at the time the claim was established, but in no event  
9        less than the cost of administration including survey; the error or  
10       omission of a predecessor in interest or an agent, administrator, or  
11       executor which has clearly prejudiced the claimant may be the basis  
12       for granting a preference right;

13                (4) sell land [LANDS] by lottery for less than its [THEIR]  
14       appraised value when, in the director's [HIS] judgment, past scarcity  
15       of land suitable for private ownership in any particular area has  
16       resulted in unrealistic land values;

17                (5) when the director [HE] determines it is in the best  
18       interest of the state and will avoid injustice to a person or the  
19       [HIS] heirs or devisees of the person, dispose of land, by direct  
20       negotiation to that person who presently uses and who used and made  
21       improvements to that land before January 3, 1959 or the [HIS] heirs or  
22       devisees of that person; the amount paid for the land shall be its  
23       fair market value on the date that the person first entered the land,  
24       as determined by the director; a parcel of land disposed of under this  
25       paragraph shall be of a size consistent with the person's prior use,  
26       but may not exceed five acres;

27                (6) dispose of an interest in land limited to use for  
28       agricultural purposes by lottery;

29                (7) convey to an adjoining landowner a parcel of land

1 created by a highway right-of-way alignment or realignment, or a  
2 parcel created by the vacation of a state-owned right-of-way if

3 (A) the director [HE] determines that it is in the  
4 best interests of the state;

5 (B) the parcel does not exceed the minimum lot size  
6 under an applicable zoning code; and

7 (C) the director and the platting authority having  
8 land use planning jurisdiction agree that conveyance of the  
9 parcel to the adjoining landowner will result in boundaries that  
10 are convenient for the use of the land by the landowner and  
11 compatible with municipal land use plans;

12 (8) for good cause extend for up to 90 days the time for  
13 rental or installment payments by a lessee or purchaser of state land  
14 under AS 38.05 if reasonable penalties and interest set by the direc-  
15 tor are paid;

16 (9) quitclaim land or an interest in land to the federal  
17 government on a determination that the land or the interest in land  
18 was wrongfully or erroneously conveyed by the federal government to  
19 the state.

20 \* Sec. 3. AS 38.05.125 is amended by adding a new subsection to read:

21 (b) The provisions of (a) of this section do not apply to a  
22 quitclaim of land or an interest in land made under AS 38.05.035-  
23 (b)(9).

24 \* Sec. 4. AS 38.05.321(c) is amended to read:

25 (c) The provisions of this section do not apply to

26 (1) state land classified as agricultural land which has  
27 been selected by a municipality under the provisions of AS 29.18.190 -  
28 29.18.200 if the selection is an approved selection before April 1,  
29 1978 and is otherwise valid under AS 29.18.205(b); or

1                    (2) a quitclaim of the interest of the state to the federal  
2                    government under AS 38.05.035(b)(9).

3                    \* Sec. 5. This Act takes effect immediately in accordance with AS 01.-  
4                    10.070(c).