

HOUSE BILL NO. 134

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

Introduced: 2/12/91

Referred: House Special Committee on Military and Veterans' Affairs, Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the effective date of the veterans' land discount applicable to state
2 land and to land discounts allowed under that program; and providing for an effective
3 date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1. FINDINGS AND PURPOSE.** (a) The legislature finds that

6 (1) AS 38.05.058, enacted by sec. 6, ch. 181, SLA 1978, established a land discount
7 program. The state's land discount program authorized a progressively reduced purchase price for state
8 land acquired for residential use based on the applicant's number of years of residence in the state. The
9 program established a maximum discount on the purchase price of the land that an applicant might claim.

10 (2) In 1979, the state's land discount program authorized by AS 38.05.058 was amended
11 by secs. 23 - 25, ch. 85, SLA 1979, to increase the maximum discount that an applicant who was a
12 qualified veteran could claim under that program.

13 (3) In *Gilman v. Martin*, 662 P.2d 120 (Alaska 1983), the Alaska Supreme Court
14 considered the granting of a land discount by a municipal ordinance based on the applicant's length of

1 residence. Applying the conclusion reached in *Zobel v. Williams*, 457 U.S. 55, 102 S.Ct. 2309,
2 72 L.Ed.2d 672 (1982), the court determined that the municipal ordinance establishing a land discount
3 program was unconstitutional as a violation of the equal protection clauses of the United States and
4 Alaska Constitutions. The decision, published April 1, 1983, did not involve the examination of the
5 analogous state land discount statute, AS 38.05.058.

6 (4) Following publication of the opinion, the Department of Natural Resources, acting
7 apparently on advice from the Department of Law, determined that the state's residential land discount
8 provisions of AS 38.05.058, including the veterans' land discount provision, would no longer be
9 implemented.

10 (5) The First Session of the Thirteenth Alaska State Legislature substantially revised state
11 laws that were based on residency and residence requirements. In sec. 19, ch. 67, SLA 1983, the
12 legislature eliminated the land discount program, repealing AS 38.05.058 effective July 16, 1983.

13 (6) The Second Session of the Thirteenth Alaska State Legislature established the current
14 veterans' land discount benefit, AS 38.05.940, by sec. 48, ch. 152, SLA 1984. The provision took effect
15 July 6, 1984.

16 (7) Taken together, the court opinion, administrative decision of the Department of
17 Natural Resources, and legislative revision of the veterans' land discount left certain veterans without
18 the opportunity to claim a land discount benefit provided by state law.

19 (b) The purpose of this Act is to provide the benefit of the veterans' land discount of current
20 law to certain veterans who had applied for that discount under the former land discount program and
21 whose discount applications were not honored due to the administrative decision of the Department of
22 Natural Resources based on the decision in *Gilman v. Martin*. The provision is particularly intended to
23 apply to veterans who had submitted applications claiming the veterans' land discount of former law,
24 including but not limited to persons who were unable to claim the benefit of the veterans' land discount
25 on land offered for sale at the June 4, 1983, lottery sale.

26 * Sec. 2. AS 38.05.940, as enacted by sec. 48, ch. 152, SLA 1984, is retroactive to April 1, 1983.

27 * Sec. 3. APPLICABILITY. (a) This Act applies only to persons who qualified for the veterans'
28 land discount of AS 38.05.940, enacted by sec. 48, ch. 152, SLA 1984, and made retroactive to April 1,
29 1983, by sec. 2 of this Act, and who, after March 31, 1983, and before July 6, 1984, purchased from
30 the state land for which the discount may apply.

31 (b) For land that a person purchased from the state after March 31, 1983, and before July 6,

1 1984, to which the veterans' land discount of AS 38.05.940, enacted by sec. 48, ch. 152, SLA 1984, and
2 made retroactive to April 1, 1983, by sec. 2 of this Act, applies, a person may not claim both the benefit
3 of the maximum land discount authorized to veterans by the provisions of former AS 38.05.058, enacted
4 by secs. 23 - 25, ch. 85, SLA 1979, and the benefit of the veterans' land discount of AS 38.05.940.

5 (c) The Department of Natural Resources shall repay to a person who qualifies for the veterans'
6 land discount under sec. 2 of this Act the amount paid by the person in excess of the amount that would
7 have been due by application of the veterans' land discount.

8 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).