

CS FOR HOUSE BILL NO. 134 (MLV)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

Offered: 3/1/91
Referred: Resources, Finance

Sponsor(s): HOUSE SPECIAL COMMITTEE MILITARY AND VETERANS' AFFAIRS

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 on advice from the Department of Law, determined that the state's residential land discount provisions
8 of AS 38.05.058, including the veterans' land discount provision, would no longer be implemented.

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

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

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

18 (b) The purpose of this Act is to ensure that all veterans are treated equally and that the veterans
19 who purchased land from the state after March 31, 1983, and before July 6, 1984, are not denied the
20 veterans' discount that was available to all other veterans purchasing land from the state. Granting this
21 retroactive discount serves the public purpose of making clear to those who contemplate joining the
22 nation's armed forces in the future that the state will honor their sacrifice on behalf of the nation and
23 grant benefits to them in the same manner that it has granted benefits to other veterans.

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

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

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

5 (b) For land that a person purchased from the state after March 31, 1983, and before July 6,
6 1984, to which the veterans' land discount of AS 38.05.940, enacted by sec. 48, ch. 152, SLA 1984, and
7 made retroactive to April 1, 1983, by sec. 2 of this Act, applies, a person may not claim both the benefit
8 of the maximum land discount authorized to veterans by the provisions of former AS 38.05.058, enacted
9 by secs. 23 - 25, ch. 85, SLA 1979, and the benefit of the veterans' land discount of AS 38.05.940.

10 (c) The Department of Natural Resources shall repay, without interest, to a person who qualifies
11 for the veterans' land discount under sec. 2 of this Act the amount paid by the person in excess of the
12 amount that would have been due by application of the veterans' land discount.

13 * **Sec. 4. IMPLEMENTATION OF THIS ACT.** (a) The commissioner of natural resources shall
14 publish, at least once a week for at least four successive weeks in newspapers of general circulation
15 within the state, a notice of the availability of the veterans' land discount authorized by sec. 2 of this
16 Act.

17 (b) A person who is eligible for the veterans' land discount authorized by sec. 2 of this Act

18 (1) shall apply to the Department of Natural Resources for the discount;

19 (2) may not obtain the veterans' land discount authorized by sec. 2 of this Act unless the
20 person submits a complete application for the veterans' land discount not later than one year after the
21 effective date of this Act.

22 (c) The provisions of this Act do not apply to a person who obtained land using a veterans' land
23 discount under former AS 38.05.058 or under AS 38.05.940

24 (1) if the person has relinquished land obtained with the benefit of the discount or
25 defaulted on payments due the state for land obtained with the benefit of the discount; or

26 (2) if the person has assigned the land obtained with the benefit of the discount; however,
27 the assignee of that land may obtain the benefit of the veterans' land discount under this Act if the
28 assignee is otherwise qualified for the discount and has not obtained land using a veterans' land discount
29 under former AS 38.05.058 or under AS 38.05.940.

30 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).