

HOUSE BILL NO. 520
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE SHARP

Introduced: 2/18/92
Referred: Resources, Finance

A BILL
FOR AN ACT ENTITLED

1 "An Act eliminating restrictions on land that is obtained from the state under the
2 homestead land entry program, and authorizing the commissioner of natural resources to
3 terminate certain restrictions on land that is obtained from the state under the former
4 remote parcel land program and under the homestead land entry program."

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

6 * **Section 1. PURPOSE.** (a) Former AS 38.05.078, establishing the remote parcel land program,
7 authorized a lessee to purchase the remote parcel, but required inclusion in the land sale contract of a
8 prohibition against the purchaser's subdivision of the parcel and against the purchaser's resale, lease, or
9 other conveyance of the land for a period of 10 years. These prohibitions continue to affect land covered
10 by a number of land sale contracts entered into while that program was in effect. In like fashion, the
11 chapter establishing the successor program, AS 38.09, the current state homestead entry program,
12 contains provisions authorizing purchase of homestead entry land. AS 38.09.050(d) prohibits the
13 subdivision of land obtained under patent for a period of five years and AS 38.09.050(e) prohibits
14 subdivision of purchased land for 10 years and its resale, lease, or other conveyance for five years.

1 (b) The purpose of this Act is to provide that the restrictions placed on the purchaser's use of
2 land acquired under the former remote parcel land program or the current homestead land entry program
3 may be removed at the request of the purchaser, landowner, or person obtaining title as authorized by
4 law, subject to recomputation of the value of the land and payment of the incremental value by the title
5 holder to the state.

6 * Sec. 2. AS 38.09.050(d) and 38.09.050(e) are repealed.

7 * Sec. 3. IMPLEMENTATION OF ACT. (a) Subject to the provisions of (c) of this section, the
8 commissioner of natural resources may terminate the restrictions on the transactions identified in (b) of
9 this section upon application by

10 (1) the purchaser under a land sale contract entered into under former AS 38.05.077 -
11 38.05.078, or by a person to whom title to the land has devolved by testate or intestate succession;

12 (2) the holder of a patent to land issued under AS 38.09, including land for which title
13 is authorized for transfer by AS 38.09.100, or by a person to whom title to the land has been transferred
14 as authorized under AS 38.09.030(c).

15 (b) The provisions of (a) of this section apply to restrictions on

16 (1) the resale, lease, or other conveyance of remote parcel land that are contained within
17 a land contract entered into under former AS 38.05.078(d)(1);

18 (2) the subdivision of land that are contained within a land contract entered into under
19 former AS 38.05.070(d)(2);

20 (3) the subdivision of land acquired under AS 38.09 that are set out in a patent issued
21 under AS 38.09.050(d) on or after the date that is five years before the effective date of this Act;

22 (4) the resale, lease, or other conveyance of land that are set out in a patent issued under
23 AS 38.09.050(e)(1) on or after the date that is five years before the effective date of this Act; and

24 (5) the subdivision of land acquired under AS 38.09 that are set out in a patent issued
25 under AS 38.09.050(e)(2) after July 27, 1983.

26 (c) The commissioner of natural resources

27 (1) shall, as to every parcel that was sold or is subject to a contract for sale for which
28 an application is received under (a) of this section, recompute the parcel's purchase price to reflect its
29 fair market value without the restriction at the time of its original computation; and

30 (2) may not terminate a restriction set out in (b) of this section unless the commissioner
31 receives from the applicant payment of the difference between the parcel's purchase price determined

1 in conjunction with the preparation and execution of the land sale contract or patent, and the purchase
2 price as recomputed under (1) of this subsection.