

HB

2

STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3500

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 21, 1977

SUBJECT: House Bill 2, Authorizing Land to be Made Available as
Homesites (W.O. #3407)

TO: The Honorable Sally Smith

FROM: George Utermohle
Research Analyst

House Bill 2 seeks to encourage settlement and development of state lands by authorizing the grant of 2.5 acres for residential purposes to each qualified state resident. This bill emphasizes that the distribution and settlement of state land serves a greater public good than does the disposal of land to the highest bidder.

SUMMARY OF HB 2

After the Director of Lands has classified and surveyed available state land for homesite entry, he shall make it available to qualified state residents. To qualify for a homesite under this program, the applicant must be 18 years of age, be a three year resident of Alaska, not be a member of a household which has already applied for a homesite permit, and agree to fulfill the conditions of the homesite permit. If there is more than one applicant for a specific homesite, the permit shall be granted on the basis of length of residence. The bill does not state how length of residence will determine which applicant receives the permit. It can be assumed that the intent is that a greater length of residence confers a greater priority, but it is not clear.

Once the qualified applicant has received his permit to occupy the homesite which he has selected, he must build and occupy a suitable dwelling. The Director of Lands will issue regulations describing what is a habitable dwelling for the vicinity in which the homesite is located. The Director will also issue regulations to establish the time limits in which the dwelling must be built. Once the dwelling has been built, the homesite applicant must occupy the dwelling for at least seven months each year for three years in order to acquire patent to the homesite.

Only one permit shall be issued to each qualified person during his lifetime.

The only costs to the homesite applicant shall be a one time permit application fee, not to exceed \$10, and the cost of the land survey. The applicant does not pay rent for the homesite.

If the homesite applicant does not comply with the terms of his permit, the permit will be revoked. Any improvements which the applicant has made to the land prior to the revocation of the permit must be removed in accordance with AS 38.05.090. If the improvements are not removed in the time allowed and are valued at more than \$10,000, they may be sold at public auction. The purchaser will then be required to remove the improvements. The money received at auction, less costs to the Division of Lands, shall go to the former homesite applicant. If the improvements are not removed and are valued at less than \$10,000, they revert to the state. If the improvements are fixed to the land, they may be sold to the subsequent homesite applicant or to the state.

The Director of Lands must make homesite land available in each of the four judicial districts on a rotating basis. The availability of land must be advertised widely throughout the state by the Director. State land within an organized borough or city cannot be classified for homesites without consultation with the local planning authority. Land classified for homesite entry is not available for selection by boroughs or cities under their municipal land selection rights (AS 29.18.190).

By making land available for homesite entry the state does not obligate itself to supply services to the land, such as water, sewer, or electricity. These services are normally supplied by the landowners themselves operating through service districts or local governments or by private enterprise.

Members of a household which already holds a homesite permit or patent cannot obtain a permit. The terms "members of the same household" as used in the bill is not defined. If the term is not defined in the bill, the Director of Lands will define it when he established regulations for the homesite entry program. There are numerous ways to define the term, but the simplest way may be to include anyone who is declared a dependent for personal income tax purposes as a member of a household.

AVAILABILITY OF LAND FOR HOMESITE ENTRY

To date the state has received patent to 19,200,000 acres of its 104,556,000 acre entitlement. Of this 19.2 million acres, 14.4 million acres has been classied by the Director of Lands. Thus the existing vacant, unappropriated, and unreserved lands of the state is about 4.8 million acres which is available for classification as available for homesite entry.

If the Director of Lands deems that it is in the best interest of the state, he may reclassify all existing classified lands, except those reserved by the legislature, as available to homesite entry. 2.5 million acres of the land included within existing classifications are classified as open to entry. The open to entry program has been suspended since 1973, so it is conceivable that this land could be made available for homesite entry.

GU:mo

Feb. 7, 1977

Dear Sally Smith,

I would like to make some recommendations for changes in HB 2 and 6.

There seem to be at least two easily identifiable groups of people supporting these bills: those who urge the transfer of land from public to private hands for philosophical reasons and those who want land completely isolated from urban areas for "subsistence" living.

I have very strong objections to designating land completely isolated from urban areas for homesite entry.

The argument of those proponents of homesteading who seem primarily interested in the conveyance of public land into private hands seems to be: Young people should have a chance to carve their homes out of the wilderness as I was able to do in the past. The major fallacy in this reasoning is that while we're making new young people daily, no new wilderness is being made. Some generation of young people must face the fact that one can no longer carve his home out of the wilderness; let it be now while there is still some wilderness.

The subsistence living groups appear to stress the values of a simple life far from the stresses of urban life, of being able to observe and relate intimately with nature, and of being dependent only on oneself. While the first two statements are valid motives for many people, the last one clearly reveals self-deception. However simple one's life may be, such things as Aladdin lamps, flour and wood stoves do not spring forth fully made from the Alaskan wilderness; all these people need some sort of cash income which they most likely get from periodic trips to the city.

A subtle and more profound difficulty with subsistence living (at least for urban whites without a cultural background of subsistence) lies in the inability of almost anyone to know who they will be in 10, 20, 30 years. A young couple goes into the wilderness; their babies become toddlers, become school age children and so forth. I think there almost always comes a time in the growth of a family when either the parents or the children desire educational and social opportunities not available in an isolated wilderness setting. As the family might find it difficult financially (especially after years of wilderness living) to move to an urban area, pressure develops for a road, electricity etc., a piece of wilderness is no more, and these people have ultimately destroyed what they first came to enjoy.

Finally there is a problem of implementation in that a family with possibly a dog team to feed needs a lot more land than 2-1/2 or 5 acres to keep themselves and their dogs in moose or caribou and their stoves in wood. The same holds true for a trapper. Each 2-1/2 or 5 acre homesite would have to be miles from any other.

If it is necessary for the State to supply subsistence living sites, a possible method for guaranteeing an opportunity for a subsistence lifestyle experience for future generations would be for the State to lease such wilderness sites. A precedent for this has existed for some years in those cases where a person or family rents an existing cabin in the wilderness for a winter or so. Thus "subsistence" living becomes a period of one's life one studies and saves for like a year taken off to travel around the world or go back to school, and the development pressure inherent in the growth of a family is eliminated. I would recommend that private enterprise continue to supply subsistence homesites in the manner it has done in the past.

House Bills 2 and 6 in Section 2, (d) point out it is inherently more difficult to classify home site entry land in urban areas than it is in isolated areas. Perhaps these Bills could be rewritten to reverse this. An obvious way is to limit homesite entry land to organized boroughs and cities.

Regions which feel the loss brought on by disappearing wilderness more keenly than we have been inclined to in Alaska, plan their residential areas in compact form rather than in isolated units a mile or so apart. House Bills 2 and 6 deal with the form homesites will take only by naming the acreage. I feel it would be environmentally more desirable to group the homesites in subdivisions like the Spinach Creek Subdivision in the Fairbanks area. Lot size should not be arbitrarily set at 5 acres, but should be determined by the ability of the land to accept waste water and of the water table to recharge.

I suspect that the majority of Alaskans favor homesites close to jobs and an urban area, not isolated wilderness sites. Likewise the closer the homesites are to work, the more Alaskans will be able to live on their homesite and commute to work which should provide a considerable impetus for the conveyance of public lands into private hands.

Thank you for considering my opinion in this matter.

Sincerely,

Joanne E. Groves

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College, Alaska
99708

MINUTES - HOUSE RESOURCE COMMITTEE - JANUARY 14, 1976

Present were: Huntington, Osterback, Swanson, Smith, Rhode, Brown, Hershberger, Chmn. Anderson and Staff Assistant Van Doren.
Absent was Eliason.

Subject: HB 132

Sponsor Representative Keith Specking commented that a new approach is needed in solving the problem of opening up state lands to entry. Present policy does not work. The lease approach is necessary, rather than the fee-simple. "We should not bury our heads in the sand and allow any and all lands open to entry. Included in a lease can be requirements and restrictions not permissible in an outright sale. Also, if we rely on the newly created Planning Unit within the Div. of Lands, an endless series of sessions on land planning can end in no action.

Discussion ensued regarding getting more land into private hands, with comment being made that this was a paramount issue last year. Mention was made that under the former lease program leases could be open to entry. Also under question was the problem of who inherits under the proposed bill.

Commissioner Martin acknowledged the pressures for private ownership of land, and agreed that the first open to entry plan had inequities built into it. The Administration agrees that a private land program must become functional. However, some items to consider are:

What does the legislature want to be allowed on the land

i.e. agriculture, second home, main home, wilderness, recreation

How can a fair market value be obtained

What use does private ownership wish to make of the land

Do we want to put people into new areas, with the attendant problems of roads, schools, stores, etc.

Every program that moves land puts a great burden on the small group that must administer the program

The Division of Lands is concerned with the end use of the land, and the eventual combining of possibly incompatible uses.

Commissioner Martin agreed to present to the committee a more formal list of administrative concerns for land ownership.

Additional discussion included problem of guaranteeing Alaskans land; pulling back into use lands identified now as wilderness areas; how to get local persons involved in planning the use of their land; the fact that Alaska is a land-tight state. Swanson stressed that we must have multiple use of the land, not prime use.

Representative Smith moved that the committee adopt the draft copy of CS HB 132, with Line 17 to read ----cognizant platting authority.
Motion passed.

January 26 was scheduled as the date for the next hearing of HB 132.
January 15 was scheduled as the date for hearing HB 278, and possibly HB 313 (now tabled).

Meeting was adjourned.

HOUSE RESOURCE COMMITTEE - Minutes - January 26, 1976

Subject: HB 132

Domestic

Present were Osterback, Brown, Swanson, Eliason, Hershberger, Rhode, Staff Assistant Van Doren and Chmn. Anderson.
Excused was Huntington.

Guests included Sharon Lobaugh, Commissioner Guy Martin, Jamie Love, Joel Bennett, Waco Shelly, Sharon Mitchell and Rep. Keith Specking.

Meeting opened at 8:10 a.m, with a statement by Commissioner Guy Martin. Mr. Martin stated that the purpose of the bill seemed to be a single-purpose one--to make available single, non-contiguous areas of land to private parties. Along with urging that the Dept. of Fish and Game take a close look at the bill from the standpoint of appraising the effect on habitat areas, he stated that the bill needs to address who it intends to help. As it now stands, there is no real differentiation between Alaskans and others. (Commissioner Martin later added that it is now very difficult to spell out "Alaskan resident" requirements in any legislation.)

The biggest question posed by the bill lies in the uncertainty of land status in the state. It is a difficult time to make any additional commitment on land. Already, the demand far exceeds the land. "We don't want to cause pressures that will exceed our abilities to control". An "Open-to-Entry" program must be in addition to and supplemented by other plans and regulations.

Mr. Martin continued by urging that the committee consider the best eventual use of the land (i.e. mineral exploration, recreation, natural habitat, etc.) before opening it up. Also, there is a need to look at local government participation -- educational, transportation, communication -- and delineate responsibilities--not get the state tied up in unforeseen commitments.

Title control needs to be spelled out in the bill. If the state really wants to control the use of the land, then leases are needed, not outright sale.

Rights of individuals must be faced--if new people are encouraged by availability of land to enter an area, how do their rights compare to the rights of the people already in the area?? (Rep. Specking stressed that this could be controlled by allowing people in a given area to veto land availability)

Chmn. Anderson stated that the administration should deal with how they will implement the bill--how they will deal with the problems.

Mr. Martin commented that the administration would be faced with the same problems as the committee, and that as much should be spelled

out in the bill itself as possible.

Rep. Eliason emphasized putting more "shalls" in the bill. Rep. Swanson added that the "creeping bureaucracy" can be toned down by putting more strength in the bill. However, Swanson also mentioned that the reason many people want these isolated parcels of land is to "do their own thing" with their own property. This can be accomplished by minimal, but explicit, building and environmental standards, spelled out in the bill.

Rep. Brown stated that there should be criminal penalties for misusing land.

Questions of how to determine the fair market value of land in an area where no land has been previously sold were raised. In answer, Rep. Specking suggested the option of continuing the leases rather than eventual sale. He also suggested working closely with the Forest Service on the bill, since they have had a "successful" land program for many years.

A question by Rep. Eliason as to why only one member of a household could apply for the land, and the constitutionality of such a statement, was answered by Rep. Specking, stating that although it would limit only a husband or wife, not both, from participation in the program, it would not hinder any child from participating on setting up his own household. Specking stated that it became in part a self-limiting program.

Rep. Eliason stated that the public should be able to initiate hearings as to the desirability of opening a given section before it is opened.

Chmn. Anderson reviewed the past history of the bill, asking Commissioner Martin if the committee was addressing adequately the problems created by the previous program. Rep. Specking commented that the problems with leasing could have been solved administratively by the previous administrator. Commissioner Martin would be the one to best know whether he could comfortably work with the leasing program as it is now on the books.

Rep. Swanson insisted that the committee see copies of any regulations the administration would use to implement current or proposed legislation on open-to-entry lands, before passing any new legislation. Rep. Brown added that any regulations must be tight enough to refer problems back to the legislature.

Sharon Lobaugh, representing the Alaska Conservation Society, asked about any hearings in any other part of the state on this bill. Chmn. Anderson answered that we needed to get action before this session was over, and consequently could not travel any more. Her only other comment; that the Society was in favor of any leases reverting back to the state if they became available.

With the comment that the committee would wait for Rep. Speckings next draft of the bill, before setting up another date, meeting adjourned.

HOUSE RESOURCE COMMITTEE - Minutes - April 5, 1976

Present were Hershberger, Swanson, Rhode, Huntington, Osterback, Eliason, Staff Assistant Van Doren and Chairman Anderson.

Subject: HB 808
CS SS HB 626 (report only)

Minutes

Rep. Rhode was asked to review his substitute for SSHB626. Background included the fact that a sanctuary isn't needed because the area already is a Habitat area. The draft Committee Substitute is the same as the Senate bill. It was moved to adopt the Rhode substitute. Motion carried. Staff was instructed to send copies to the people coming to Juneau for the hearing Friday, April 9, at 8:00 a.m.

Re: HB 808--Rep. Oral Freeman testified on his bill. Interest has been expressed from around the state for a new classification of land and a method of disposing of said lands. Previously, disposal has been on a sale basis, to raise revenue. Lands used to be bought for speculation. Southeast Alaska is boxed in by forests--there won't be much land available under this bill in this area. There should be much more in the Interior. Mr. Freeman stressed that there is nothing in this bill that would benefit him personally.

Rep. Swanson added testimony. He has received many replies to this proposed legislation. It is good legislation, and would be helpful to the whole state.

Freeman: As long as the intent of the bill is retained, changing language would be no problem to him. The biggest complaint is that people already owning property can't qualify under this bill. Possibly those persons with property who apply for one of these sites could be put at the bottom of the list in preference.

Chairman Anderson asked about the state plan for disposal of lands. Does this bill respond to that plan?

Freeman: Some say that the bill is too vague. However, that's a deliberate fact. Freeman feels that the Division of Lands should handle the details of regulation. This bill was worked out with the local representative of the Division of Lands.

Anderson: Most criticisms received have been constructive criticisms. There is concern that regulations must be set up before the lands become available--not after.

Rhode stated that the residency requirement as stated in the proposed legislation has been questioned.

Commissioner Martin testified. (Copy available) The whole problem of land disposal has been discussed often, including many times before this committee. Many of the answers to problems are not yet available. For instance, the bill doesn't say whether it is addressing rural or urban lands. As it stands now, Martin would oppose the bill. Re: a fiscal note, as the bill now stands, up to \$13,000,000 per year would be needed to administer the bill. And--the bill presently favors non-residents.

Bob Pavitt, a professional planner, and a lobbyist, spoke. The Planning Association of Alaska wishes to bring to the attention of the committee the foresight that is lacking in the bill. There is no quarrel as to the proposed land use, but the highest and best use of a given parcel of land has not yet been established. There is no overall plan for Alaska as yet. Re: Section 2 of the bill--planners suggest that it takes lots of study to establish whether land is suitable for habitation. Pertinent questions: How do you determine whether a home has been lived in for 5 months per year? After title has been conveyed, how do you prohibit subdivision? Pavitt feels that the end result will be a bureaucracy serving the program instead of planning. Another point--it allows an applicant to file on several sites at the same time. Also, how about land owned in other states? This is not mentioned in the legislation. Pavitt urged that the committee keep in mind the reasons that Open to Entry was shut down. He urged that surveys be done before anything else happens.

Pavitt mentioned the fact that trailers could be moved in to the sites. Also, how can a bank loan money when the person building the house doesn't yet own the land? And additional service would be demanded by the public living on these sites.

Planners aren't negative to the concept, just this particular bill, and HB 132. A program must be developed which will accomplish the planning background before this bill becomes law.

In response to questions, Pavitt stated that the plan under study by the planners would be completed within the year.

Rep. Eliason: If these sites fall within the boundaries of a borough, the planning and zoning controls would be undertaken by the borough.

Pavitt responded by mentioning overlapping land selections. Some boroughs have selected for public use. Others have not. Planners are willing to work with anyone who will put together the concept with good planning.

Sharon Lobaugh, representing the Alaska Conservation Society, spoke. They endorse the concept of the bill, with the following suggestions. On page 2, subsections 4, 5 and 6, restraints imposed would be creating problems. She mentioned that the initial land disposition policy in Alaska was to equalize the rights of the residents. Most of that original land is still vacant. Speculation created high prices on the parcels. A mosaic of private ownership now exists throughout the state. The Conservation Society's major concern is that the bill doesn't solve the land management problem.

Anderson: Do you agree that no other land disposition should take place until the land management plan is complete?

Lobaugh urged that the committee members refer to the administrations presentation for answers to some of the questions.

Phil Holdsworth, of the LUPC, presented a statement. At the meeting in Anchorage on April 21 and 22, the LUPC will study for adoption a report on the use of the state lands. There are suggestions within this report on the Open to Entry issue.

Swanson asked whether action on this proposed legislation would help the deliberations of the LUPC. Answer: Yes.

Anderson asked for discussion of amendments proposed by Swanson.

Huntington asked that the committee return later for the discussion.

Swanson: Page 1, Line 23, change the "may" to "shall". This must be a positive program.

Eliason objected, stating that guidelines were missing in the program. Swanson replied stating that 19 pages of legislation would simply mean that nothing could happen under the bill.

Freeman reminded the committee that the Division of Lands now disposes of land for residences by selling the land. The bill does not require payment for the land.

Eliason stated that the "shall" wording removes the option of selling or giving.

Swanson: Page 1, Line 28, "not less than 5 months" should be changed to "not less than 9 months". Page 2, Line 16, strike the "of the same household" language and add "must be of the age of majority". Renumber the sections.

Swanson asked for a change as to allowing the Director of Lands to open more lands for entry--creating another "shall" situation. And on Page 2, Line 26, strike all of "a". Insert "At time of application applicant must have had 3 years of continuous residency immediately prior to application."

Eliason expressed concern as to creating a class of people.

Swanson: Page 4, Line 5, change "specific" to "reasonable".

Huntington: Expressed objection to "shall" wording in regards to the Director opening additional lands.

Freeman said that there isn't ever going to be enough land available for everyone. This bill addresses the people who need it most.

Swanson stated that you can't create a privileged class.

Huntington said that possibly 1-acre sites would be better than 2-acre ones, to accommodate more people. Swanson replied that we should have enough land in Alaska for everyone. Huntington reminded him that the bill speaks to state lands only.

Swanson stated that there is land available along the Alcan Highway from Fairbanks to the Canadian border, within travel distance of cities---. Regulations could be written so as to avoid the problems encountered in the Open to Entry program.

Osterback suggested that the nine month requirement created a problem in that a fisherman couldn't live on the land long enough each year. Swanson answered that if that's your permanent residence, it should be o.k. to be away at a job.

It was moved to adopt the proposed "shall" wording on Page 1, Line 23.

Eliason reminded the committee that it was necessary to modify the bill to meet administration requirements.

Swanson wondered whether the Director of Lands would work under the proposed program on a trial basis to try the legislation on for size.

Rhode felt that the "shall" wording, as applied to duties of the Director of Lands, was modified enough by the language in the rest of the bill.

Freeman felt that the fiscal note suggested by Martin would be increased by the "shall" wording. However, political pressure would cause the bill to go into effect anyway.

Motion to adopt the first amendment failed.

Re: Line 28, page 1, changing the 5 months to 9 months, motion was made to adopt the new wording. Rhode suggested that the 5 month wording should be 7, not 9, to coincide with other regulations.

Swanson reminded the group that these were to be homesites, not homesteads.

No action was taken on the second motion.

Meeting recessed, and resumed at 11:15 a.m. Motion was made to incorporate the 7 month wording. Motion carried.

Motion was made to adopt the amendment striking the "members of the same household" wording. Discussion ensued and Freeman stated that the intent was to avoid a husband and wife each filing. Swanson stated that the language of the bill (living in the house for 7 months) would take care of the problem.

Anderson appointed Swanson chairman of a committee to draft a Committee Substitute, or draft amendments, to HB808. Huntington was appointed to the committee.

Hearing will resume Tuesday, April 6, at 8:00 a.m.

OFFICE OF THE GOVERNOR
JUNEAU

JAY S. HAMMOND
GOVERNOR



FOR INFORMATION CONTACT:

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GOVERNOR HAMMOND INTRODUCES RESIDENTIAL HOMESITE BILL
February 22, 1977
#34

Put in all files
HB 2

Governor Jay Hammond today introduced his residential homesite bill which is to make land available at a reasonable cost to landless Alaskans who are willing to live on the land and build a home.

Governor Hammond's bill was intended as an improved version of the "Hippie Homestead" bills which were first introduced in the Legislature last year. At that time, Governor Hammond announced that he favored the concept of such legislation, but that there were so many problems inherent in the bills being considered that the Governor indicated his strong opposition.

According to the Governor, "I believe my opposition to the legislation last year made it imperative for me to come forward with a responsible alternative, and the bill introduced today is intended to present that alternative. My bill would make land available to some Alaskans within two years, and if the program is successful, grow in following years to make planned residential homesites available to many Alaskans each year on a lottery basis. What is most important to understand is that this single bill cannot solve the problems

of Alaska land scarcity or cost. Residential homesite legislation can be only a start, and it is my intention ultimately to have a comprehensive program involving State, Federal and local governments as well as private owners in an effort to make land available at reasonable cost in all areas of the State."

The Governor's bill introduced today will make homesites up to 2.5 acres available in areas planned with the cooperation and approval of local governments to Alaskan residents who live on the land for an aggregate of 21 months during a three-year period and erect a suitable dwelling within that time. The Governor's bill will make the first land available in areas where high costs and land scarcity problems are the most serious.

The Governor also said, "This bill is designed to avoid the abuses of past land disposal programs. In the strongest of terms I wish to emphasize the efforts undertaken by the Administration have been to frame this legislation so as to meet the objectives of a good concept without creating other problems which led to my opposition to similar legislation last year. Notwithstanding my continued support of the concept, I will not hesitate to oppose again legislation which adds elements which caused the abuses of the past or which make the cost of administration so burdensome that it is not in the best interests of the State to continue."

STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
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LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 21, 1977

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TO: The Honorable Sally Smith

FROM: George Utermohle
Research Analyst

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- Every program that moves land puts a great burden on the small group that must administer the program
- The Division of Lands is concerned with the end use of the land, and the eventual combining of possibly incompatible uses.

Commissioner Martin agreed to present to the committee a more formal list of administrative concerns for land ownership.

Additional discussion included problem of guaranteeing Alaskans land; pulling back into use lands identified now as wilderness areas; how to get local persons involved in planning the use of their land; the fact that Alaska is a land-tight state. Swanson stressed that we must have multiple use of the land, not prime use.

Representative Smith moved that the committee adopt the draft copy of CS HB 132, with Line 17 to read ----cognizant platting authority.
Motion passed.

January 26 was scheduled as the date for the next hearing of HB 132.
January 15 was scheduled as the date for hearing HB 278, and possibly HB 313 (now tabled).

Meeting was adjourned.

HOUSE RESOURCE COMMITTEE - Minutes - January 26, 1976

Subject: HB 132

Home site

Present were Osterback, Brown, Swanson, Eliason, Hershberger, Rhode, Staff Assistant Van Doren and Chmn. Anderson.
Excused was Huntington.

Guests included Sharon Lobaugh, Commissioner Guy Martin, Jamie Love, Joel Bennett, Waco Shelly, Sharon Mitchell and Rep. Keith Specking.

Meeting opened at 8:10 a.m, with a statement by Commissioner Guy Martin. Mr. Martin stated that the purpose of the bill seemed to be a single-purpose one--to make available single, non-contiguous areas of land to private parties. Along with urging that the Dept. of Fish and Game take a close look at the bill from the standpoint of appraising the effect on habitat areas, he stated that the bill needs to address who it intends to help. As it now stands, there is no real differentiation between Alaskans and others. (Commissioner Martin later added that it is now very difficult to spell out "Alaskan resident" requirements in any legislation.)

The biggest question posed by the bill lies in the uncertainty of land status in the state. It is a difficult time to make any additional commitments on land. Already, the demand far exceeds the land. "We don't want to cause pressures that will exceed our abilities to control". An "Open-to-Entry" program must be in addition to and supplemented by other plans and regulations.

Mr. Martin continued by urging that the committee consider the best eventual use of the land (i.e. mineral exploration, recreation, natural habitat, etc.) before opening it up. Also, there is a need to look at local government participation -- educational, transportation, communication -- and delineate responsibilities--not get the state tied up in unforeseen commitments.

Title control needs to be spelled out in the bill. If the state really wants to control the use of the land, then leases are needed, not outright sale.

Rights of individuals must be faced--if new people are encouraged by availability of land to enter an area, how do their rights compare to the rights of the people already in the area?? (Rep. Specking stressed that this could be controlled by allowing people in a given area to veto land availability)

Chmn. Anderson stated that the administration should deal with how they will implement the bill--how they will deal with the problems.

Mr. Martin commented that the administration would be faced with the same problems as the committee, and that as much should be spelled

out in the bill itself as possible.

Rep. Eliason emphasized putting more "shalls" in the bill. Rep. Swanson added that the "creeping bureaucracy" can be toned down by putting more strength in the bill. However, Swanson also mentioned that the reason many people want these isolated parcels of land is to "do their own thing" with their own property. This can be accomplished by minimal, but explicit, building and environmental standards, spelled out in the bill.

Rep. Brown stated that there should be criminal penalties for misusing land.

Questions of how to determine the fair market value of land in an area where no land has been previously sold were raised. In answer, Rep. Specking suggested the option of continuing the leases rather than eventual sale. He also suggested working closely with the Forest Service on the bill, since they have had a "successful" land program for many years.

A question by Rep. Eliason as to why only one member of a household could apply for the land, and the constitutionality of such a statement, was answered by Rep. Specking, stating that although it would limit only a husband or wife, not both, from participation in the program, it would not hinder any child from participating on setting up his own household. Specking stated that it became in part a self-limiting program.

Rep. Eliason stated that the public should be able to initiate hearings as to the desirability of opening a given section before it is opened.

Chmn. Anderson reviewed the past history of the bill, asking Commissioner Martin if the committee was addressing adequately the problems created by the previous program. Rep. Specking commented that the problems with leasing could have been solved administratively by the previous administrator. Commissioner Martin would be the one to best know whether he could comfortably work with the leasing program as it is now on the books.

Rep. Swanson insisted that the committee see copies of any regulations the administration would use to implement current or proposed legislation on open-to-entry lands, before passing any new legislation. Rep. Brown added that any regulations must be tight enough to refer problems back to the legislature.

Sharon Lobaugh, representing the Alaska Conservation Society, asked about any hearings in any other part of the state on this bill. Chmn. Anderson answered that we needed to get action before this session was over, and consequently could not travel any more. Her only other comment; that the Society was in favor of any leases reverting back to the state if they became available.

With the comment that the committee would wait for Rep. Speckings next draft of the bill, before setting up another date, meeting adjourned.

HOUSE RESOURCE COMMITTEE - Minutes - April 5, 1976

Present were Hershberger, Swanson, Rhode, Huntington, Osterback, Eliason, Staff Assistant Van Doren and Chairman Anderson.

Subject: HB 808
CS SS HB 626 (report only)

Minutes

Rep. Rhode was asked to review his substitute for SSHB626. Background included the fact that a sanctuary isn't needed because the area already is a Habitat area. The draft Committee Substitute is the same as the Senate bill. It was moved to adopt the Rhode substitute. Motion carried. Staff was instructed to send copies to the people coming to Juneau for the hearing Friday, April 9, at 8:00 a.m.

Re: HB 808--Rep. Oral Freeman testified on his bill. Interest has been expressed from around the state for a new classification of land and a method of disposing of said lands. Previously, disposal has been on a sale basis, to raise revenue. Lands used to be bought for speculation. Southeast Alaska is boxed in by forests--there won't be much land available under this bill in this area. There should be much more in the Interior. Mr. Freeman stressed that there is nothing in this bill that would benefit him personally.

Rep. Swanson added testimony. He has received many replies to this proposed legislation. It is good legislation, and would be helpful to the whole state.

Freeman: As long as the intent of the bill is retained, changing language would be no problem to him. The biggest complaint is that people already owning property can't qualify under this bill. Possibly those persons with property who apply for one of these sites could be put at the bottom of the list in preference.

Chairman Anderson asked about the state plan for disposal of lands. Does this bill respond to that plan?

Freeman: Some say that the bill is too vague. However, that's a deliberate fact. Freeman feels that the Division of Lands should handle the details of regulation. This bill was worked out with the local representative of the Division of Lands.

Anderson: Most criticisms received have been constructive criticisms. There is concern that regulations must be set up before the lands become available--not after.

Rhode stated that the residency requirement as stated in the proposed legislation has been questioned.

Commissioner Martin testified. (Copy available) The whole problem of land disposal has been discussed often, including many times before this committee. Many of the answers to problems are not yet available. For instance, the bill doesn't say whether it is addressing rural or urban lands. As it stands now, Martin would oppose the bill. Re: a fiscal note, as the bill now stands, up to \$13,000,000 per year would be needed to administer the bill. And--the bill presently favors non-residents.

Bob Pavitt, a professional planner, and a lobbyist, spoke. The Planning Association of Alaska wishes to bring to the attention of the committee the foresight that is lacking in the bill. There is no quarrel as to the proposed land use, but the highest and best use of a given parcel of land has not yet been established. There is no overall plan for Alaska as yet. Re: Section 2 of the bill--planners suggest that it takes lots of study to establish whether land is suitable for habitation. Pertinent questions: How do you determine whether a home has been lived in for 5 months per year? After title has been conveyed, how do you prohibit subdivision? Pavitt feels that the end result will be a bureaucracy serving the program instead of planning. Another point--it allows an applicant to file on several sites at the same time. Also, how about land owned in other states? This is not mentioned in the legislation. Pavitt urged that the committee keep in mind the reasons that Open to Entry was shut down. He urged that surveys be done before anything else happens.

Pavitt mentioned the fact that trailers could be moved in to the sites. Also, how can a bank loan money when the person building the house doesn't yet own the land? And additional service would be demanded by the public living on these sites.

Planners aren't negative to the concept, just this particular bill, and HB 132. A program must be developed which will accomplish the planning background before this bill becomes law.

In response to questions, Pavitt stated that the plan under study by the planners would be completed within the year.

Rep. Eliason: If these sites fall within the boundaries of a borough, the planning and zoning controls would be undertaken by the borough.

Pavitt responded by mentioning overlapping land selections. Some boroughs have selected for public use. Others have not. Planners are willing to work with anyone who will put together the concept with good planning.

Sharon Lobaugh, representing the Alaska Conservation Society, spoke. They endorse the concept of the bill, with the following suggestions. On page 2, subsections 4, 5 and 6, restraints imposed would be creating problems. She mentioned that the initial land disposition policy in Alaska was to equalize the rights of the residents. Most of that original land is still vacant. Speculation created high prices on the parcels. A mosaic of private ownership now exists throughout the state. The Conservation Society's major concern is that the bill doesn't solve the land management problem.

Anderson: Do you agree that no other land disposition should take place until the land management plan is complete?

Lobaugh urged that the committee members refer to the administrations presentation for answers to some of the questions.

Phil Holdsworth, of the LUPC, presented a statement. At the meeting in Anchorage on April 21 and 22, the LUPC will study for adoption a report on the use of the state lands. There are suggestions within this report on the Open to Entry issue.

Swanson asked whether action on this proposed legislation would help the deliberations of the LUPC. Answer: Yes.

Anderson asked for discussion of amendments proposed by Swanson.

Huntington asked that the committee return later for the discussion.

Swanson: Page 1, Line 23, change the "may" to "shall". This must be a positive program.

Eliason objected, stating that guidelines were missing in the program. Swanson replied stating that 19 pages of legislation would simply mean that nothing could happen under the bill.

Freeman reminded the committee that the Division of Lands now disposes of land for residences by selling the land. The bill does not require payment for the land.

Eliason stated that the "shall" wording removes the option of selling or giving.

Swanson: Page 1, Line 28, "not less than 5 months" should be changed to "not less than 9 months". Page 2, Line 16, strike the "of the same household" language and add "must be of the age of majority". Renumber the sections.

Swanson asked for a change as to allowing the Director of Lands to open more lands for entry--creating another "shall" situation. And on Page 2, Line 23, strike all of "a". Insert "At time of application applicant must have had 3 years of continuous residency immediately prior to application."

Eliason expressed concern as to creating a class of people.

Swanson: Page 4, Line 5, change "specific" to "reasonable".

Huntington: Expressed objection to "shall" wording, in regards to the Director opening additional lands.

Freeman said that there isn't ever going to be enough land available for everyone. This bill addresses the people who need it most.

Swanson stated that you can't create a privileged class.

Huntington said that possibly 1-acre sites would be better than 2-acre ones, to accommodate more people. Swanson replied that we should have enough land in Alaska for everyone. Huntington reminded him that the bill speaks to state lands only.

Swanson stated that there is land available along the Alcan Highway from Fairbanks to the Canadian border, within travel distance of cities---. Regulations could be written so as to avoid the problems encountered in the Open to Entry program.

Osterback suggested that the nine month requirement created a problem in that a fisherman couldn't live on the land long enough each year. Swanson answered that if that's your permanent residence, it should be o.k. to be away at a job.

It was moved to adopt the proposed "shall" wording on Page 1, Line 23.

Eliason reminded the committee that it was necessary to modify the bill to meet administration requirements.

Swanson wondered whether the Director of Lands would work under the proposed program on a trial basis to try the legislation on for size.

Rhode felt that the "shall" wording, as applied to duties of the Director of Lands, was modified enough by the language in the rest of the bill.

Freeman felt that the fiscal note suggested by Martin would be increased by the "shall" wording. However, political pressure would cause the bill to go into effect anyway.

Motion to adopt the first amendment failed.

Re: Line 28, page 1, changing the 5 months to 9 months, motion was made to adopt the new wording. Rhode suggested that the 5 month wording should be 7, not 9, to coincide with other regulations.

Swanson reminded the group that these were to be homesites, not homesteads.

No action was taken on the second motion.

Meeting recessed, and resumed at 11:15 a.m. Motion was made to incorporate the 7 month wording. Motion carried.

Motion was made to adopt the amendment striking the "members of the same household" wording. Discussion ensued and Freeman stated that the intent was to avoid a husband and wife each filing. Swanson stated that the language of the bill (living in the house for 7 months) would take care of the problem.

Anderson appointed Swanson chairman of a committee to draft a Committee Substitute, or draft amendments, to HB808. Huntington was appointed to the committee.

Hearing will resume Tuesday, April 6, at 8:00 a.m.

MEMORANDUM

file

TO: Guy Martin
Commissioner

DATE : January 28, 1977

FROM: *DK*
Dave Hanson, Chief
Planning & Research

SUBJECT: Differences in Homesite Bills

The most important substantive differences between the administration bill and the Freeman Bill are set forth in the following summary. Two additional bills, the Huber Bill and the Phillips Bill, are substantially the same as the Freeman Bill except for the following differences:

Freeman - Maximum of 2.5 acres, Minimum of 3 years residency in Alaska

Phillips - Maximum of 5 acres, Minimum of 5 years residency in Alaska

Huber - Maximum of 5 acres, Minimum of 3 years residency in Alaska

A more detailed analysis of all substantive changes is attached.

2.5 acres

MAJOR DIFFERENCES

2.5 acres

Administration Bill

Type of Title - only residential development rights

Ownership of the property - cannot own other land

Local govt

Borough Relationship - requires *local govt* approval

Bond - \$500 bond *(for reclamation of abandoned homesite, if nec.)*

Method of Disposal - Lottery

Residency requirement for qualifying - 1 year

Mobile Homes as habitable dwellings - not adequate for building requirement.

Land Availability - All of State but consideration of local or regional needs

Freeman Bill

Total unencumbered title - *fee*

No provision limitation

Requires only joint study and review by *local govt* and state

Bond not required

Length of Residency *test*

3 years

Mobile homes not mentioned

Rotating among Judicial Divisions

Administration Bill

Obligation for State Services - Land must be developed to conform with state or borough regulations, unless waived by local govt.

Time limit for the Bill - repealed July 1982

SUNRISE PROVISION -

Freeman Bill

No obligation to provide state services

No limit

Attachments

Differences between the Administration and Legislative Bill introduced by Freeman et al concerning "An Act authorizing state land to be made available as homesites"

Page/line
of House Bill 2
(Freeman Bill)

Freeman Bill

Administration Bill

Purpose of the
Act 1-20

Provide land for Alaskans to settle at a cost reasonably within their means, ~~where the applicant has no other means of obtaining land.~~

Provide a means for landless residents to obtain land without the ordinary cost of purchasing undeveloped land, and to relieve real or artificial related land availability problems during periods of scarcity.

Classification
1-24

Director shall classify

Commissioner may classify and develop. Commissioner shall consider regional and local land price scarcity and funds budgeted.

Type of land
1-25

Vacant, unappropriated and unreserved land

Appropriate land for the program purposes

1-28

permit.

Conditional Contract for partial patent

1-29

Occupy seven months each year for three consecutive years

Occupy the homesite an aggregate of 21 months within three years

2-1

pay cost of survey at end of three years

Pay a pro-rated share of the cost of survey before conditional contract is issued

2-2

Patent to the land conveying an unencumbered title ~~fee~~

Partial patent to the land conveying residential development rights only

2-5

Parcels not exceeding 2 1/2 acres in reasonably compact form

Parcels of appropriate size conforming with local or state zoning but not exceeding 2 1/2 acres

2-7

Offered on a rotating regional basis from the judicial districts

Consider regional or local land scarcity and price factors

2-20

Following classification publish notice

No requirement to publish notice immediately

2-20

Priority in award based on length of residency

Lottery

Page/line
of House Bill 2
(Freeman Bill)

Freeman Bill

Administration Bill

2-26

18 y rs old

At least 19 years of age

2-27

Three years continuous
residence in the State

1 year resident as further
defined

3-1

Erect a habitable dwelling
within a reasonable time
determined by the director

Erect a dwelling within
three years which meets
state and local regulations

3-22

Studied and reviewed jointly
by the director and the local
planning agency

Notice and review under
Sec. 305

3-29

If classified, it is not
available for city or
borough selection

Silent - (land must be class-
ified reserved use before
the Borough can select it)

4-2

No obligation to provide
services to lands

The land must be developed
to conform with state or
borough regulations, *unless*
waived.

4-4

Permanent dwelling with
required or customary sani-
tary facilities - reasonable
requirements to satisfy the
standard of a habitable
dwelling established by the
Commissioner.

Erect a habitable dwelling
which meets all state and
local regulations. Also
provision that trailers
do not qualify as habitable
dwellings.

*At 3-22 is, conflict with
munic selections is
avoided in 28 State Bill*

Residential Homesite Legislation
Bill Comparisons

	<u>#</u> <u>Administration</u>	<u>#</u> <u>HB 2, HB 6</u> <u>Freeman, Huber, Phillips</u>
<u>Purpose</u> -	Provide low-cost land to landless Alaskan residents who are willing to live on the land, build a dwelling, and share whatever public costs are involved.	Similar, but no exclusion if other land is owned.
<u>Eligibility</u> -	Resident one year (19 years old)	Freeman - 3 year resident Huber - 3 year resident Phillips - 5 year resident (18 years old)
<u>Method of Disposal</u> -	Lottery from among applications	Length of residence among applicants (DNR to adjudge disputes)
<u>Landsize</u> -	Up to 2 1/2 acres	Freeman - up to 2 1/2 acres Huber - up to 5 acres Phillips - up to 5 acres
<u>Land Available</u> -	Commissioner shall classify - appropriate land for purposes of program	Director, Division of Lands shall classify (from vacant, unappropriated, unreserved land)
<u>Choice of Homesite Program Areas</u>	Based on local, or regional land needs, scarcity and cost	Rotate among Judicial Districts
<u>Planning and Preparation of Areas</u> -	Selection of area, planning and subdivision by State prior to opening of area	Same
<u>Local government Role</u>	Must approve of plan after consultation	Consultation study by local government - no approval required
<u>State and Local Requirements</u> (sewer, roads)	Must be met unless waived by local government or State	No obligation to meet these requirements (theory is that they cannot or should not be binding on State Homesite program)

Administration

Freeman, Huber, Phillips

Live-on Requirement

21 months aggregate during
3 year period

7 months each year for 3 years

Building Requirement

Erect dwelling within
3 years. Standards set
by DNR for habitable
dwelling

Erect dwelling within reason-
able time. Same standards.

Title Ultimately
Given

Patent conveying only
residential development
rights - (prevent specu-
lation and high tax value)

Fee patent

Costs to Homesite
Owner

- Survey Costs
- Other costs of develop-
ment (roads, sewer)
unless waived by local
government

Survey costs
No others - theory is that
local or State requirements
can be overridden

Sunset Provision

July, 1982

No limit

Bond-for Reclamation
of site, if abandoned

\$500

No provision

FISCAL NOTE ASSUMPTIONS FOR
AN ACT AUTHORIZING STATE LAND TO BE
MADE AVAILABLE AS HOMESITES
(ADMINISTRATION BILL)

The following information is intended to outline the principal fiscal assumptions which were made in order to estimate the costs involved with a possible homesite program. The information will list positions by year, the number of lots and areas covered, and approximate value of the land transferred by the State.

SIZE OF PROGRAM

<u>Year</u>	<u>Settled Areas</u>		<u>Remote Areas</u>	
	<u># Lots</u>	<u># Areas</u>	<u># Remote Lots</u>	<u># of Remote Areas</u>
1978	64	1 or 2	10	1 or 2
1979	128	2 - 4	20	2 - 4
1980	192	5 - 8	30	5 - 8

PERSONAL SERVICES

<u>Year</u>	<u>Positions Required</u>	<u>Salary</u>
1978	1 Associate Planner	\$ 21,048.00
	1 Land Management Officer I	16,884.00
Total	<u>2</u>	<u>37,932.00</u>
1979	1 Associate Planner	21,048.00
	1 Land Management Officer II	19,560.00
Total	<u>2</u>	<u>40,608.00</u>
1980	1 Associate Planner	21,048.00
	1 Land Management Officer II	19,560.00
	1 Land Management Officer I	16,884.00
Total	<u>3</u>	<u>57,492.00</u>

ESTIMATED SURVEY COSTS FOR A STATE HOMESITE PROGRAM

(Settled Area Lots)

<u>Year</u>	<u># Lots</u>	<u>Cost per lot</u>	<u>Total</u>	<u>Actual Total</u>
1978	64	436.00	27904	27904
1979	128	436.00	55808	27904
1980	192	436.00	83712	27904

ESTIMATED SURVEY COSTS FOR A STATE HOMESITE PROGRAM

(Remote Area Lots)

<u>Year</u>	<u># Lots</u>	<u>Cost per lot</u>	<u>Total</u>	<u>Actual Total</u>
1978	10	1825	18250	18250
1979	20	1825	36500	18250
1980	30	1825	54750	18250

Total estimated survey costs per year for a Homesite Program - 46,154

NOTE: The survey costs remain the same because it is assumed that the survey costs for the previous year will be repaid to the State. When the program ends it is assumed that there will be no survey cost to the State.

APPROXIMATE UNDEVELOPED LAND VALUE OF STATE RURAL HOMESITE LAND
(LAND VALUES NOT FIGURED IN FISCAL NOTE)

<u>Year</u>	<u>Cost per acre</u>	<u># Acres needed</u>	<u>Total Land Value</u>
1978	2000 - 2500	80	160,000 - 200,000
1979	2000 - 2500	160	320,000 - 400,000
1980	2000 - 2500	320	640,000 - 800,000

APPROXIMATE UNDEVELOPED LAND VALUE OF STATE REMOTE HOMESITE LAND

<u>Year</u>	<u>Cost per acre</u>	<u># Acres needed</u>	<u>Total Land Value</u>
1978	500 - 2000	25	12,500 - 50,000
1979	500 - 2000	50	25,000 - 100,000
1980	500 - 2000	75	37,500 - 150,000

Feb. 7, 1977

Dear Sally Smith,

I would like to make some recommendations for changes in HB 2 and 6.

There seem to be at least two easily identifiable groups of people supporting these bills: those who urge the transfer of land from public to private hands for philosophical reasons and those who want land completely isolated from urban areas for "subsistence" living.

I have very strong objections to designating land completely isolated from urban areas for homesite entry.

The argument of those proponents of homesteading who seem primarily interested in the conveyance of public land into private hands seems to be: Young people should have a chance to carve their homes out of the wilderness as I was able to do in the past. The major fallacy in this reasoning is that while we're making new young people daily, no new wilderness is being made. Some generation of young people must face the fact that one can no longer carve his home out of the wilderness; let it be now while there is still some wilderness.

The subsistence living groups appear to stress the values of a simple life far from the stresses of urban life, of being able to observe and relate intimately with nature, and of being dependent only on oneself. While the first two statements are valid motives for many people, the last one clearly reveals self-deception. However simple one's life may be, such things as Aladdin lamps, flour and wood stoves do not spring forth fully made from the Alaskan wilderness; all these people need some sort of cash income which they most likely get from periodic trips to the city.

A subtle and more profound difficulty with subsistence living (at least for urban whites without a cultural background of subsistence) lies in the inability of almost anyone to know who they will be in 10, 20, 30 years. A young couple goes into the wilderness; their babies become toddlers, become school age children and so forth. I think there almost always comes a time in the growth of a family when either the parents or the children desire educational and social opportunities not available in an isolated wilderness setting. As the family might find it difficult financially (especially after years of wilderness living) to move to an urban area, pressure develops for a road, electricity etc., a piece of wilderness is no more, and these people have ultimately destroyed what they first came to enjoy.

Finally there is a problem of implementation in that a family with possibly a dog team to feed needs a lot more land than 2-1/2 or 5 acres to keep themselves and their dogs in moose or caribou and their stoves in wood. The same holds true for a trapper. Each 2-1/2 or 5 acre homesite would have to be miles from any other.

If it is necessary for the State to supply subsistence living sites, a possible method for guaranteeing an opportunity for a subsistence lifestyle experience for future generations would be for the State to lease such wilderness sites. A precedent for this has existed for some years in those cases where a person or family rents an existing cabin in the wilderness for a winter or so. Thus "subsistence" living becomes a period of one's life one studies and saves for like a year taken off to travel around the world or go back to school, and the development pressure inherent in the growth of a family is eliminated. I would recommend that private enterprise continue to supply subsistence homesites in the manner it has done in the past.

House Bills 2 and 6 in Section 2, (d) point out it is inherently more difficult to classify home site entry land in urban areas than it is in isolated areas. Perhaps these Bills could be rewritten to reverse this. An obvious way is to limit homesite entry land to organized boroughs and cities.

Regions which feel the loss brought on by disappearing wilderness more keenly than we have been inclined to in Alaska, plan their residential areas in compact form rather than in isolated units a mile or so apart. House Bills 2 and 6 deal with the form homesites will take only by naming the acreage. I feel it would be environmentally more desirable to group the homesites in subdivisions like the Spinach Creek Subdivision in the Fairbanks area. Lot size should not be arbitrarily set at 5 acres, but should be determined by the ability of the land to accept waste water and of the water table to recharge.

I suspect that the majority of Alaskans favor homesites close to jobs and an urban area, not isolated wilderness sites. Likewise the closer the homesites are to work, the more Alaskans will be able to live on their homesite and commute to work which should provide a considerable impetus for the conveyance of public lands into private hands.

Thank you for considering my opinion in this matter.

Sincerely,

Joanne E. Groves

Joanne E. Groves

Box 81199

College, Alaska

99708



Alaska State Legislature
House

HOUSE RESOURCES COMMITTEE

Alvin Osterback, Chairman

Pouch V, State Capitol
Juneau, Alaska 99811
(907) 465-3715

February 24, 1977

Memo to: Alvin Osterback

From: Resources Subcommittee on
Parks, Timber and Lands
Sally Smith, Chairman

Re: HB 2 and HB 247, Relating to Homesites

The Resources Subcommittee on Parks, Timber and Lands recommends that the Resources Committee take up HB 2 and make any revisions deemed necessary on that specific bill. The Committee recommends No Action on HB 247.

Respectfully Submitted,

Sally Smith
Sally Smith, Chairman

Mike Miller

Dick Eliason

*Put
copies
in
these
files
Put original
in mine*



Alaska State Legislature
House

HOUSE RESOURCES COMMITTEE

Alvin Osterback, Chairman

Pouch V, State Capitol
Juneau, Alaska 99811
(907) 465-3715

M E M O R A N D U M

8 March 1977

SUBJECT: HB 2 Homesites, sponsored by Rep. Freeman

TO: Rep. Terry Gardiner, Chairman
House Judiciary Committee

FROM: Al Osterback, Chairman
House Resources Committee

al Osterback

Attached is the transcript from our March 4, 1977 meeting on HB 2. It begins with Rep. Freeman's testimony. Guy R. Martin's testimony begins on page 5.

Note: VETO comment on page 13.

HOUSE RESOURCES COMMITTEE
FRIDAY 4 MARCH 1977

House Bill 2

Mr. Chairman and members of the committee, I will try not to get too long winded with this. You and I are well acquainted with this but I don't know about the three other members. I don't know how much time was spent looking at this but I will try to be brief about it and if there are any questions why maybe that would be the best way to handle the thing.

To begin with the purpose of the bill, I think it is stated just about as well as they can state it, and the purpose of the act as a matter of fact I'm kinda proud of that, I wrote that one myself word for word; the reason for the bill in the first place is because there is quite a number of young people in my district came to me and complained about the problem they are having obtaining a place to build a home. The price of land, land is scarce and the price is so outrageously high that by the time they figure out a way to come by the land there was nothing left or any way they could build house on it. I went back and checked the map that the state had been using since the disposing of their land for residential purposes and that is by auction. They surveyed the land into lots and auctioned it off at public auctions and then the high bidder could buy it with 10% down, 10 years to pay, 7% interest and this seemed like this was the proper way to do it. The problem is that the people who were buying the land were buying it not merely for a place to build a home on, they were buying it for speculation and I have no quarrel with the speculators, there is nothing illegal or immoral about it, but what they were doing because they had enough money they could afford to do that, because the land was scarce and the opportunity available and spare money available, the people that were buying the land were not the people who really needed it. As I said from

Statehood the state has disposed of the land mainly for the purpose of providing revenue. The first year of the Statehood, I didn't object to that because the state did need the money but since the advent of the North slope oil I don't think the few dollars the state get from selling it's land and ending up in the hands of speculators is the best and highest use for that land. So to try to solve this problem I drew on my own experience, when I came to Alaska 31 years ago, the Federal Government had a home sight program available. Under the terms of that act a person could get up to five (5) acres of land by occupying it and building a habitable dwelling. You can find these words, as best as I could remember them, in the language of this bill. Then for the price of the survey you were given patent of the land free and clear. As I said the first home I ever had in this state was one of those home site. I'm not saying that I couldn't have made it without it but in those days it was a great help to me. But at the time the help did mean something to me and I appreciate it very much and I have a great belief in the idea of this program. So what I was trying to do here at State level was to duplicate that so if you go through this bill, you will find a lot of language, as I said to the best that I could remember from that act. To the provisions of this bill you are required to live in the State three years and then when the state has land available you apply for a permit. The permit costs you \$10.00 and then if you are fortunate enough to get one of the lots you live on it and build a habitable dwelling of course and you live in the house atleast seven (7) months out of the year for three (3) consecutive years and at that time the State will give you the patent to the land for the price of the survey. I suppose everybody has a different idea in his own mind about how this thing should work but I envision that it would work no differently

than it does now and that the State would go out to the proper location, we will give them their choice, and will survey the lot and then make them available to the public. There is one thing in this provision here that you will notice, I'll touch on it lightly because I'm sure that Commissioner Martin here I would assume that he is probably going to testify on the Governor's home ^{site} ~~type~~ bill and there is a great difference but there is one thing that I would like to call to your attention that is in the provision of this bill that I think is most important and what I consider the guts of this thing and that is the provisions that says, "at any time when there are more applicants than there are lots available (page 2) or if several applicants apply and qualify for the same home site, priority in award of an entry shall ~~shall be on the basis of length of residence in the State. The purpose~~ be on the basis of length of residence in the State. The purpose of that Mr. Chairman is to go back to what I was saying in the beginning and that was to make land available to young Alaskan citizens who were not fortunate enough to have the money to do otherwise. I envision that when this happens that there will always be the case that there will be more people applying for lots than there are lots available and so it seems to me that it would be only fair to give a preference to those people who live in Alaska the longest. To give you an example so as to be more specific about it, the people who I was trying to reach in the first place, lets say a young Alaskan born and raised in this country that is 25 or 26 years old and is not fortunate enough to have the financial status enough to buy a lot and build a home. If you give them preference based on length of residence obviously a youngster that has lived here 25 years compared to a somebody twice his age who has only lived here ten (10) years, the young guy is going to have the advantage and I think that this

is only fair. For myself I wouldn't have one of them if you gave it to me, I had one and I know how much sweat, blood and tears it takes to make a home out of one of those things the hard way, the way I did it. So I wouldn't want one but I would think to me that this is the most important part of the whole bill and is one that I feel real strongly about. I couldn't think of any other way that I could reach the people that I was trying to reach other than with an example. Again drawing from my own experience if you get a peice of land even if you don't have much money, you can get a peice of land to start with and you can build enough of a house to move into and stop paying rent and start buying boards and nails with the money you paid for rent eventually you can build a nice home. I know because I did it and there is nothing in this that I consider a give away it is simply giving a chance to some type person that might not be able to do it other wise. I think with that Mr. Chairman, I think you can well imagine I can go on for hours on this, I have had lots of practice on it and I will be glad to answer any questions on this. Are there any questions on this from the Committee? Mr. Snider questions.

Mr. Freeman on the resident requirement (I can't understand the rest of this question on the tape, all mumbled).

Mr. Freeman: When I started this bill I never spent more time or effort on anything or peice for the Legislature in my life. I've worked on this for a long time by myself, when I went as far as I could I called in man from the Division of Lands and explained to him and explained to him what I was trying to do. I asked him to go over it with me and work with me and make any suggestions that he might have, which he did. Then when I finished that I went to the Director of Legislative Affairs and told him I would like to have somebody back a bill for me and I did not want just any bill

drafter, I wanted somebody that could read what I proposed to do and believe in it and would work with me. That after some time was granted they came up with the right man and we went over angle we could think of and this is one of the things that we touched on. The attorney that worked on it said he could see no reason and he named (I can't remember all of them) numerous cases in our State law, longevity bonus for old timers is one of them where they use the length of residence. I don't have any fears for it.

Hearing on ???

Commissioner Martin: Mr. Chairman, thank you very much. I do have some objections on this bill. I think I might say three things about this bill to begin with. I'm really speaking about all the bills (can't understand the rest of this sentence).

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Mr. Martin was then reminded that they were only taking testimony on House Bill 2 today.

Mr. Martin: I'm afraid my testimony is really cast in terms of comparing it with our own, I hope that will be acceptable to the Committee.

First of all, I think we should say the work that the administration owes a great deal to Mr. Freeman's idea and we really share that idea. We think that it is important to make land available to people who need land and we think there is a very serious problem in this State in availability and pricing of land, particularly in certain areas. We also think that there is something that is just inherent in living in Alaska that gives people reason and cause to expect land to be available and available on a reasonable basis.

I think we start in exactly the same place that Mr. Freeman does and being frustrated with the situation as it is and trying to find ways to get around that. As you know, administration opposed this legi-

slation last year and will oppose it again this year as presently
structured but it doesn't come from any difference of what it is
basically after regards to this overall land program. I think there
are some things that the committee might well know about our approach
in this legislation which is very important. One is, I think and Mr.
Freeman has done this extrodinarily well o.. this bill, to recognize
that one bill or program can't meet all needs of the State for land
availability. I think that in his own bill as well as in the bill
that has been proposed by the administration we have attempted to
carve out a singular purpose. One of the reasons that the Admini-
stration ultimately opposed the bill last year as it moved through
Legislative process is that the single purpose of ~~Mr. Freeman~~
proposed and the single purpose that we think might be entered by
this bill got distorted and miltiplied and expanded and we tried to
do to much with a single peice of legislation. What we are going to
need ultimately is actually a whole range of programs that answe
different kinds of needs. We are going to need programs that enable
this State to retain certain lands and state ownership for such things
as mineral development, timber development, recreation and other ~~things~~ *PURPOSES.*
We are going to need programs by which we lease land for such things
as agricultural development, grazing for special uses and the way
the programs will actually dispose of land for residential purposes,
recreational purposes, or for other reasons in industrial development.
We went into a range of programs (I think I said th before to this
Committee) and I think I am going to have to ask not just the State
but the other land owners that own land in this State to participate
in that program. We are going to have to ask the Federal Government
local government, and we are going to have to ask private land owners,
and native corporations to make their lands available just as we
asked the State to do it. We are going to be submitting an analysis

to this committee we hope within the next month or so which describes the land availability situation in this State. I think one of the things that we are going to see from that is that the State is not itself in possession of lands in certain areas which is capable of meeting certain needs due to the way that the fire land selection has been made, due to the way rules and inheritant Alaskan Native Land Settlement Act. A good deal of land left available in this State or is owned in this State for certain purposes is in the hands of either the Federal government, native corporation or if it is in the hands of the State, it University mental health and school trust wing rather than simple State Public domain so that we are going to have to look at who owns the land before we decide on uses. Again I just want to reiterate that I think Mr. Freeman has done something that we very much approve of and that is that he focused his bill on a certain prupose and has identified a specific reason and drafted a bill to get there . We basically have drafted the administration bill that we think is a better version of the same idea to go to the needs that he articulates and that is the need to make land available to people who need land to build on. It's not a recreational cabin bill, its not a homestead bill, it's not a bill that intentions to do a wide range of things. It;s a bill to make land available ~~to make land available~~ to people to build on. Now our view points, ~~our~~ are somewhat different from Mr. Freeman's, has a number of differences in it and I would like to point to those differences now to indicate to you how we think we would reach the same result Mr. Freeman would but would do so in a way which would be totally more satisfactory for the future.

First of all we would convey in our bill only residential development rights. Mr. Freeman apparently desires to convey full fee titles and we would object to that protion of the bill. First of

all what the bill does, is it intends to convey land to people to build homes, in other words, by passing the bill to Legislature would be identifying a need and then designing a program to meet that need. But in less time than was limited we believe the two things are going to happen fairly rapidly under this bill that are undesirable if that is what the Legislature is surely trying to do. One is, once title is conveyed there may not be any reason to believe that the land will stay in residential use, yet the program would have been created and the land would have been conveyed so as to allow residential use to occur. Second thing we think will happen, the land will be the subject of speculation and in virtually every situation in this State where there is land scarcity that scarcity is due less to the simple availability of the land than it is to the cost of the land. Two exceptions to that bill and I think Mr. Freeman knows it, are Ketchikan and Sitka where there is a true scarcity of land. In most cases the scarcity is only a function of price rather than a function of simple land not being on the market. In fact the place where there is the most land on the market is a place where the price speculation and price inflation has been worse, namely the (can't understand rest of sentence).

The second major difference from (incidentally I should just add to this, the Legislature has already looked very seriously at this idea of limiting titles when it is conveyed as a vehicle for limited speculation only. Last year they passed a bill for agricultural title that I think is one of the most progressive and innovated things we have done for years in this State. I think we should look at that same concept when we convey title under this bill. It will hold taxes down so people will take it, it will mean that the use won't be changed and I think ultimately it will ^{mean} mean

that there won't be speculation.

Second major difference in our approach from Mr. Freeman's is that we would limit the people who are eligible to get land under our bill to people who don't otherwise own land. Now Mr. Freeman makes, what I think is a fairly ^{good case} (case for individuals owning land in the State of Alaska, but I must say that I think that if we're after the sort of individual that Mr. Freeman is talking about the Alaskan who is here and wants a peice of land to live on and build on then it seems to me that we should address people who don't otherwise own land. I see nothing in Mr. Freeman bill that would prevent a 55 year resident of Alaska who is a bank president from holding to simply contracting to have somebody to build a house on a peice that he ^{had won} ~~won~~. We believed that what we are doing is trying to reach atleast 50% of Alaskan who don't own land rather than to provide a second peice of land for someone who may already own it. Again, it distors the purpose for bill and it allows people to essentially get second homes and what you are really creating here is a recreational hom site bill rather than a bill that is suppose to make land available to people to build a house on so we think we run a great risk in this bill in creating basically land welfare, just giving Alaska land away. I think that their justification for that but the greatest justification for it is to do so in a system that makes that land available to people who just don't own land. I understand that that was controversial last year but I think that I would object to the program very strongly that simply gives State land away to people who already own land or are building somewhere else and simply picking up another peice of land and are doing so simply because they live here in the state longer than someone else. I might say that I also disagree with Mr. Freeman, I understand very much his desire to help as he has described to me personally as well as to

this committee, an individual who has lived here 27 years in this State and is a young man and wants land. I will leave it to the common judgement of this committee whether or not if there are two or three or four hundred homesites available each year in this state whether or not a person who has lived here 27 years is going to get any of that land or whether its going to be someone who is 55 or 60 years old who owns another piece of land. It seems to me that we ought to target the program and limit it to what we actually want to do. Still another difference is and it is in the same regard is that we would replace Mr. Freeman's system with a lottery system where there is to much demand for available homesites. The legislature will have the capability under this bill to decide how big this program is going to be because basically it is creating an administrative costs and giving away land so the size of the program can be directly determined by the bugetary commitment that the legislature wants to make. We propose our program to be small and to grow over the years if it works. I think that basically Mr. Freeman will accept that kind of growth pattern but we believe that no matter how large the program is within a reasonable bounds there will be more people asking for homesites than there are homesites available. We would prefer a lottery system to resolve those differences rather than (interference on tape, can't understand up to this sentence) or seek one from the administration through the department of law on this matter. I am not prepared to offer one today but my indications are that constitutional problems are inherent in this concept and if you want the bill to succeed I don't think we should put a time bomb in it that might make it legally assailable because of a durational residency requirement. Now again I leave it to your judgement as to whether or not you think that the program will reward the individual that has been suggested or whether it will infact reward

other people by trying to determine who gets land based on who has lived here the longest. I don't want to dwell on it but I could tell you that our figures, we'll be submitting these to you, show that the idea of attempting to ask the division of Land or another State agency to judicate how long Alaskans have been here is an administrative nightmare. It would ask for some extremely difficult choices to be made and would cost substantially more as we see it depending on the size of the program to decide which people have been here the longest. Quite frankly I think we would see in too many cases litigation over who it is that has lived here the longest. I can think of both arguments that are easy to resolve and ones that hard to resolve but in any case I think we face some real problems both in terms of litigation and terms of constitutionality of requirements and in terms of the cost by imposing a test which is basically one which requires an awfully tough judgement called by the division of Land. On the other hand we believe a lottery system has a certain aspect of equity, it is easy to establish and administer, there is very little question about who wins and it doesn't require the additional administrative costs. Another very significant difference between the approach Mr. Freeman has taken and the one that Governor Hammond has authorized is that we require local government participation approval before any of these homesite subdivisions are put on the block. Mr. Freeman required the consultation occur and he apparently indicates in his bill where local, it's really not addressed from the bill but basically it seems to operate on the theory that the local government will not impose control on such subdivisions. The fact of the matter is that local governments are highly likely to impose control in the area of water, sewer and roads that are simply local requirements that can't be overcome. What we require in our bill is that the

local government must approve of these subdivisions and that in order for any local government requirements of subdivisions not to apply rather than simply overruling them or attempting to overrule them with State law we require they be waived by local government. We think that is a concept that shouldn't be lost. I think that this committee will probably get very much the same sort of testimony from local government. Those are real differences that we think are important and there are a couple other differences that I want to mention briefly to the committee. One is we think that one of the great ??? of the open entry program and it's not a difference but a similarity between the two programs, was that the open entry program basically simply opened the land in that any directions for administration or any guidelines. We think both Mr. Freeman's bill and the State's bill are well founded in the sense that they require prior decision making by the State and prior subdivision prior to putting this land on the market. But we think that in spite of this there could very well be problems with a program like this that we should monitor closely. The way we have proposed our program is to have it start small, grow to a size which within three (3) or four (4) years would put 200 or 300 sites on the block every year and then to put a sunset provision in the bill itself so that future legislators do not have to face unpleasant political tasks of having to repeal the program that didn't work if in fact that is the case. If it works and is as popular as we hope it might be then the legislature will simply have to re-enact the program as it is. We think that putting a sunset provision on it is important. There is one error in our bill that I would point out and that is that the eligibility age in Mr. Freeman's bill is 18 and our is 19. Ours should be 18. We believe that we have some additional flexibility in our bill in that the occupancy requirements for each

year Mr. Freeman requires seven (7) months for each of three (3) years and we require a period of 21 months during a period of three (3) years. We simply think that some people may want to rather than living out there every summer during the good weather may want to go for extended periods of time where they build and not live at all on the land during the first year while they are maybe working or putting together finances and I think that the flexibility is a good idea. There are some other differences that are important. Now turning very briefly to the fisical note I think we have supplied a very thorough fisical note on this bill and will be supplying a fisical note agenda that deals with Mr. Freeman's bill at aearly time. Basically speaking we believe that the bills are, is you assume that the size of the program would be comparable, that is building up from an initial first year effort of 64 settled area lots and 10 remote lots up to a level in three (3) years of ~~42~~¹⁹² settled area lots and 30 remote area lots. We think the costs are reasonably similar start with about \$104,000 the first year. Mr. Freeman's bill would add because of the length of residency test and the judication desires substantially to that costs. As we see it it would be from 40,000 to 60,000 a year and I will be supplying those figures to the committee. I guess in closing Mr. Chairman, before taking any questions I would like to say this. We think that the idea of this bill is a ggod one and we think that even in it's best form it has problems and is some what marginally acceptable but it does respond to a very important public need. If the same thing happens to this bill as happened to the one last year, if it gets distorted in purpose and gets ornaments attached to it, I can tell you that my own recommendations will that the bill is vetoed. I think it has potential to be one of the very fine part of an over-all program if the bill is reasonably limited and is put together in

in a form which is workable and administrable but I hope the committee will take a close look at some of the ideas that we have attempted to put forward in our version of this bill which are acceptable before acting on other bills. I am dissappointed to hear that you are not considering our bill today Mr. Chairman, we think that it is well worth considering and that we have put a considerable amount of time in on it to try to develop an acceptable way to make this concert work. Thank you.

Unable to understand this part of the tape, volumn to low on your tape.

(I don't know who is talking)

Commissioner we are going down two different paths trying to stay up with you. In reference to the title in your testimony, you said that Mr. Freeman's bill is pretitled and the Governor's bill gave something else.

Commissioner: Yes. A limited title, a residential title which would permit exactly the purpose of the bill, that is to own the land, it is a ?????, it would for instance own the land, have title to the land but only for residential purposes. It would mean that the land then couldn't be subdivided later or turned to other purposes including industrial purposes, or comercial purposes but would remain within the purpose for which it was conveyed.

Question: Let me point out something, in my parochial way of thinking when you are giving somebody some land to be their land yet you're tieing a string on it and saying that seven (7) or eight (8) years from now if the road is rerouted or in circumstances change that in fact the people they own slightly over 80,000 square feet (can't understand the rest of this line up to here) but they can't use this for their own purpose. Here again I am going down two roads, I think

the thing is to give land to people yet we are tying a string on it. as if the people are prudent enough to use the land as they see fit.

Answer: Mr. Mayor, I agree but I think what we are doing is talking about two different programs. I agree, I think that there are many occasions where you want to convey land to people with full fee title to exactly the kind of freedom that you say but I'm not certain that you want to do that as a part of the program which is created for the specific purpose that Mr. Freeman sets out here. For instance, this State already has a very solid program for doing just that. A situation in which land can be put on the market and be sold at a fair market value and have people pay a fair market value for it. but as I understand the purpose of this legislation is to put land in the hands of the people who then need to build a place to live. Let me take the middle case if I may to tell what I mean, kind of a half way case between your road and what may happen. Let's assume the land goes up and again as Mr. Freeman admits, we are largely looking at settled areas and to make land available to people so they can build. Let's say that just one or two people out of this subdivision, not because there is a road but because they simply see that they can get more for their land back. Say I'm going to convert my land to commercial use or I'm going to convert it to some other use, but the rest of the people there got their land under this program in the faith and the belief that they were going to be part of the residential area where they could build and do that. It seems to me that the Legislature by passing this bill is saying, "we want people to have land in a low cost to build residency homes. If the program you really want is to give land to people to do anything they want with then I think we are talking about a different program, although I agree completely with your objective.

Question: Let me ask you then, if we went along with the other bill aren't we in fact legislating zoning which my constituents in Fairbanks area are up in arms about between the second and third class borough.

Answer: I don't think you are actually zoning it because ultimately for one of these subdivisions to be put in it would have to be approved by the local government according to our bill but not Mr. Freeman's anyway. It seems to me that you are legislating a more serious problem for the local areas by simply saying the Division of Land will go out and locate this land where ever they want after consulting with the Borough but not requiring their approval Mr. Bennett. You are doing something far worse than zoning for them you are simply inflicting a State government action on them without any ability on their part to approve it.

Question: I shook a lot of hands and talked to alot of people last summer and last fall, I would hate to say how many thousands, in the Fairbanks area there were at least 20,000 to 30,000 over a period of weeks and when the subject of land came up and it most always did, one of the things that they were really upset about was ~~one of the~~ in Mr. Freeman's bill earlier and was tagged on the homestead bill was primarily that a young couple who had in fact entered mortgage though they were great young people trying to do their thing entered into the mortgage buying a piece of ground not realizing that this was coming up and by virtue of bought a piece of ground and were in the process of paying off this piece of ground, they are totally disqualified for the (call it theivery if you want but thats kind of bizarre because they spend more money on gas, oil and maintenance commuting back and forth (tape faded out, can't understand). This was one of the biggest hangups that in fact people who spent their money, what they had felt was prudently and wisely and not

down in the bars on 2nd Street, were in fact being penalized by this very program and only the shiftless people who in fact had not tempted to put down their taxes in our States are the one that are eligible. Please explain this as I don't understand it.

Answer: I understand and I don't say that the case that you make out of this is an unsympathetic one but it seems to me that other side of that case is the one that I raised. That is it seems to me that there would be no reason under the bill as presently structures HP2 that a real estate developer who has been here in this State all his life and is 47 years old couldn't get a piece of land ~~because it had~~ ^{and have} a house built on it and then sell it.

Question: In the real world doesn't that always happen no matter what we are doing there is a percentage (tape fades out, can't understand).

Answer: I guess I goofed that but I don't think that it minimizes the point. It seems to me what you really have to decide is the purpose in the program. If the purpose of the program is to allow people who have lived here a long time to get land for free from the State, that is one thing but if your purpose is to help people who can't otherwise get land then I think the best group to define that is people who don't own it. I would not agree I guess with your characterization of people who don't own land in this State are as you say people who and I think implying that they're not particularly valuable people because they haven't "put down tap roots". I think there are a good many people in this State who don't own land who are extraordinarily fine people who simply have not been able to meet the incredibly high costs of land in this State. What we have proposed here and these are excellent people, just as good as the young couple who made the mortgage down payment, my feeling is that by defining that group you have really your best opportunity to answer a need without unduly opening the program up to what I think both you and I

would both agree is abuse.

Mr. Bennett: On the converse side of your agreement, I fully agree with you but I think what you are doing is the fact that you are making first rate citizens out of those who are not and while those in fact and I am not putting values on which group is actually better, but what you have done is took one group and put them in second choice and the other group in first choice and I don't think that that is constitutionally correct.

Mr. Martin: I guess our difference is this, I'm sympathetic and you are sympathetic to your proposals, I'm just not sure that this is the program to do it. For instance, we have looked at this question of speculation and said that the worst speculation, the worst inflation of land prices are the places where the greatest amount of land is available. Other words where (can't understand rest of sentence). What we are looking for is a program which will make land available and we think it is fine to make it available not at a free cost but at a low cost, we think it is fine to make it available, let's say, at a market value cost but to do so under terms and this is the basics for our limited title idea, by which speculation won't occur. I guess I'm with you on the idea that you should be able to do anything you want to with your land but allowing people, for instance, who have agricultural land in the valley to do anything they want with it has resulted basically in a lost of virtually all of the agricultural land potential land in that area. I don't look at limiting titles so much as the problem of ruining the basic human rights of an individual as helping to protect them from the speculation of the high taxes that have driven so many people out of that area. They are balancing values but I think we really have to begin look in this State at a way to reduce speculation and reduce the change of land out of the use which you and I might agree is the principal use of the land. In this

case, it's residential land. I understand the balance but I think we are now at a point where speculation of high taxes are forcing many people out of uses that we might agree are valuable to the land.

(Volume too low on your tape, can't understand)

I do have information on the bill, I have introduced the bill which is identical to Mr. Freeman bill, the only exception is the residency requirement and the acreage. My bill is House Bill 6. to which it says that a person has to be a minimum of five (5) years in the State in order to be qualified for five (5) acres and I do some information for some changes on this bill. I will more than happy to Xerox some copies for the committee.