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STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH M
JUNEAU, ALASKA 99811

PHONE: (907) 465-2400

May 17, 1982

The Honorable Frank R. Ferguson
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Ferguson:

In response to your concern regarding a potential conflict between grazing interests and the homestead provisions of HB 2, the Department could support an amendment as follows:

Section 2. AS 38 is amended by adding a new chapter to read:

CHAPTER 09. HOMESTEAD ENTRY

Sec. 38.09.010. HOMESTEAD ENTRY. (a) The director may designate and make available for homestead entry under this chapter state land available

(1) under AS 38.05.057 unless the director determines that the land is more suitable for recreational, residential or grazing use; or

(2) under AS 38.05.077 unless the director determines that the land is more suitable for recreational, residential or grazing use.

(b) (same)

(c) (same)

(d) (same)

This amendment would be in accord with our intent regarding the application of homesteading on State lands.

The Honorable Frank R. Ferguson
Page Two
May 17, 1982

If you have any questions, or if we can be of further assistance,
please give me a call.

Sincerely,

A handwritten signature in cursive script that reads "John".

John W. Katz
Commissioner

A M E N D M E N T

Offered in the HOUSE

By Cato

TO: HCS CSSB 875(Res) am H

Page 2, following 16:

Insert the following new section:

* Sec. 6. AS 14.40 is amended by adding a new section to read:

Sec. 14.40.405. PROCEEDS FROM SALES OR USE OF LANDS. The Board of Regents may not use the proceeds of sales, leases, exchanges, or other dispositions of university-grant lands or interests therein except for capital improvements to the campus of the senior college or of the community college proximately located to the university-grant land sold, leased, or exchanged.

Renumber following bill sections accordingly

Page 8, lines 15 - 19:

Delete all material and substitute the following:

* Sec. 16. AS 38.05.180(aa) added by sec. 15 of this Act applies only to uninterpreted data acquired after the effective date of sec. 15 of this Act.

* Sec. 17. Sections 7 - 14 of this Act take effect July 1, 1982.

* Sec. 18. Sections 1 - 6 and 15 - 16 of this Act take effect immediately in accordance with AS 01.10.070(c).

*Amendment 40
SB 875*

IN THE HOUSE

BY THE RESOURCE COMMITTEE

~~SENATE CS FOR HOUSE BILL 222~~ 2 (Resources)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWELFTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to land; and providing for an effective date."

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

* Section 1. AS 38.05.(82(a) is amended to read:

(a) The director, with the approval of the commissioner, may lease tide, [AND] submerged, and shore lands for fisheries development. Fisheries development includes the utilization of shore gill nets, [OR] set nets, or fish wheels for the taking of fish. Every lease issued under this section shall reserve to the public a right-of-way for access to navigable waters and other tide, [AND] submerged, and shore lands.

* Sec. 2. AS 38 is amended by adding a new chapter to read:

CHAPTER 90. HOMESTEAD ENTRY.

Sec. 38.09.010. HOMESTEAD ENTRY. (a) The director may designate and make available for homestead entry under this chapter state land limited to use for agricultural purposes under AS 38.05.057.

(b) A homestead entry made under AS 38.05.057 may not exceed 320 acres.

(c) A person who has applied for or received state land under this chapter is not eligible for a loan under AS 03.10 for the habitable dwelling or the clearing of the land required under AS 38.09.040.

Sec. 38.09.020. QUALIFICATIONS FOR HOMESTEAD ENTRY. A person is qualified to apply for a homestead entry under this chapter if the person has not previously received state land under this chapter and is qualified under AS 38.05.057 to participate in the disposal of land by

by lottery shall apply for the
homestead entry

lottery.

Sec. 38.09.030. APPLICATION FOR HOMESTEAD ENTRY. (a) A person who has been selected for homestead entry on a form prepared by the department.

(b) The department may charge a fee for filing an application under this chapter.

(c) A person applying for a homestead entry shall certify that he has not previously received land under this chapter.

Sec. 38.09.040. PATENT FOR HOMESTEAD ENTRY. (a) A person who has made a homestead entry under this chapter and filed an application under AS 38.09.030(a) is entitled to a patent with the conditions described in (b) of this section if, within seven years from the date of the application, the applicant

- (1) occupies the land for a total of 35 months;
- (2) erects a habitable dwelling;
- (3) clears and prepares for cultivation not less than one-fourth of the land entered;
- (4) brushes and boundaries of the homestead entry and maintains the brushed boundaries so that they are easily visible from the ground;
- (5) causes a survey of the homestead entry to be made that is acceptable to the director.

(b) Notwithstanding any other provision of law, state land received under this chapter may not be subdivided or used for a purpose that is inconsistent with agricultural uses of the land.

(c) The director shall require an applicant for homestead entry to submit proof necessary to establish compliance with the requirements of (a) of this section. An applicant is not required to submit proof under (a)(4) or (5) of this section if the land comprising the homestead entry

has been surveyed.

(d) As used in this section, "habitable dwelling"

(1) means a permanent dwelling of not less than 200 square feet and its fixtures and facilities;

(2) does not include a mobile home unless it is permanently attached to a permanent foundation.

Sec. 38.09.050. HOMESTEAD APPLICATION VOID. An application for homestead entry and the interest of the applicant under the homestead entry is void if the applicant fails to comply with a requirement of AS 38.09.040(a). On the request of the director, the attorney general shall bring an action to declare the homestead entry void and, if necessary, to eject the homestead applicant.

Sec. 38.09.060. HOMESTEAD PATENT VOID. A patent received under AS 38.09.040(a) is void if the grantee or a successor in interest of the grantee violates a provision of AS 38.09.040(b). On the request of the director, the attorney general shall bring an action to declare the homestead patent void and, if necessary, to eject a grantee or a successor in interest of a grantee.

* Sec. 3. AS 38.04 is amended by adding a new section to read:

Sec. 38.04.920. GRAZING LANDS. Notwithstanding any other provision of law, state lands classified for agricultural purposes currently used for grazing or with a vegetation coverage suitable for grazing shall retain current use or classification upon the effective date of this Act.

* Sec. 4. AS 38.04.020(g)(3) is amended to read:

(3) Land designated agricultural, commercial, industrial, or suitable for other disposal may [SHALL] be sold under AS 38.05.055 or 38.05.057.

* Sec. 5. AS 38.05.057(a) is amended to read:

(a) The commissioner may dispose of land, including land limited to use for agricultural purposes, by lottery. The purchase price of land sold by lottery shall be the fair market value of the land as determined by the commissioner. The commissioner may sell land by lottery for less than the fair market value of the land if he determines that scarcity of land for private use in the area of the land to be sold has resulted in unrealistic land values. Before the commissioner determines the purchase price for land which is located in a municipality and which is to be sold under this section, he shall consult with the accessor of the municipality. The lottery shall be conducted in public by the commissioner or his representative. An applicant may not be selected to purchase land unless he is present on the date and at the place that the lottery is conducted unless medical reasons, attendance at school, or military services [OUTSIDE THE STATE] prevent attendance. [AN APPLICANT MAY BE REPRESENTED BY AN AGENT ON THE DAY OF THE LOTTERY IF THE LAND OFFERED FOR SALE IS COMMERCIAL, INDUSTRIAL, OR AGRICULTURAL LAND.] On the day of the lottery a purchaser selected by lot shall deposit an amount equal to five percent of the purchase price, or if the purchaser elects to use land discounts granted under AS 38.05.058, five percent of the purchase price after deduction of the discount. If the land is designated for homestead entry, the applicant selected by lottery for homestead entry must file an application under AS 38.09.030(a).

* Sec. 6. AS 38.05.077(i)(3) is amended to read:

(3) certify that he has not previously leased a remote parcel from the state within eight years immediately preceding the date of staking a remote parcel nor made application for a homestead entry on state land.

COMMITTEE REPORT

HOUSE

4/23
for today

FURTHER: Judiciary & Finance

(7)

4/20/82

Date: April 22, 1982

Mr. Speaker:

The Committee on Resources has had CSSB 875 (Res)

"An Act relating to the transfer of the ownership and management of University of Alaska trust land from the Department of Natural Resources to the Board of Regents of the University of Alaska; and providing for an effective date."

under consideration and reports it back as follows:

[] do pass [] do not pass

[] do pass with attached amendments(s)

[] replace with HCS for CSSB 875 (Resources) [] same title [] new title

and recommends DO PASS

[] AND attaches a "Letter of Intent" [] New Fiscal Note

[] reports it back without recommendation

[] referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Rich Hallock
John W. Fisher
W. K. Thompson
James H. ...

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Eric Sutcliffe (NO REC)

Ken Fanning
CO-CHAIRMAN