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COMMITTEE REPORT

SENATE

FURTHER:

Date: 7/27/13

Mr. President:

The Committee on Subcommittee has had 10/13/13

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for 2950 (S. 1111) same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

Section 1

Adds a new chapter stating the the commissioner shall classify and make available for homestead entry state land. The commissioner survey land and give notice of the designation and offering of land for homestead shall be given by the commissioner under AS 38.05.345.

Outlines privileges of an applicant to survey, occupy and improve the land. Requires applicant to stake land and file description with commissioner.

Outlines qualification for homestead entry applicants:

1. At least 18 years of age.
2. Pay a fee of \$5 per acre.
3. Comply with existing law.
4. Certify land has been staked.
5. Assume responsibility for land description accuracy.

Limits applicant permit acquisition at any one time and limits acquisition of a patent to not more than 160 acres.

Homestead may not be assigned, conveyed or transferred. There are three exceptions.

Entry permits may be revoked by commissioner for five reasons:

1. Substantial breach of permit conditions.
2. Unpermissible assignment, conveyance or transfer.
3. Failure of permit holder to submit plats.
4. Failure of permit holder to meet requirements under AS 38.09.050(a).
5. Failure to brush boundaries within prescribed time period.

Outlines criteria for patent issuance by commissioner:

1. Resides on land not less than 25 months within 5 years of permit issuance.
2. Completes an approved survey within two years of permit issuance.
3. Erects habitable, permanent dwelling within 3 years of permit issuance.
4. Brushes boundaries within 30 days after issuance of permit.

Land available for borough or city selection may be designated as homestead entry.

Definitions.

Section 2

Immediate effective date.

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: CSHB 130 Date on Bill: 24 March 1983
 Title: An act relating to homesteads
 Sponsor: Hebling
 Requestor: Resources Committee

1. Estimated fiscal effects on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital	-0-	-0-	-0-	-0-
Operating	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-
b. Revenues:				
Revenue	-0-	-0-	-0-	-0-

2. Source of funds to offset fiscal impact of bill:

Existing program budget for land offering program.

3. Assumptions:

Given the anticipated high cost of implementing and administering this program, due to potential difficulties with adjudication and inspection of staking programs, the Department's other land offering programs will be reduced.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Ned Farguhar Phone: 465-2400
 Division: Commissioner's Office Date: 28 March 1983
 Approved by Commissioner: WMS D Arnold, Deputy Date: 28 March 1983
 Department: Natural Resources

5. Distribution:

Original to Legislative Finance
 Copy to OMB

Alaska State Legislature

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Senate

Committee on Resources

June 13, 1983

Memo

To: Senate Resource Committee Members

From: Senate Resources Committee Staff

Subject: Proposed CS for CSHB 130, Homesteads

Attached is a proposed CS which we will be considering today at 3:00pm. This bill contains several changes from the draft which was handed out on June 10. The additional changes are marked with an asterisk below.

The proposed Committee CS makes the following changes from the House CS:

- Would require DNR to provide lands classified for agriculture in addition to other lands made available for homestead entry. Ag lands could be larger parcels (up to 160 acres), would require a 25% clearing and preparation for cultivation in addition to the other "sweat equity" requirements, and under existing statute only ag rights patent would be issued.
- Would change the maximum acreage available for homestead staking for non-ag lands from 160 acres to 40 acres.
- Would give DNR latitude similar to current remote parcel statute to specify staking conditions, parcel spacing, acreage, etc.
- Applicants would be limited to one homestead per lifetime rather than 160 acres per lifetime as in House CS.
- The remote parcel program would be repealed and most of the relevant requirements and benefits rolled into the homestead program. Current remote parcel lessees would be protected and would also have the option of obtaining patent through sweat equity requirements of homestead program.
- Like remote parcel program homestead entry stakers would have the option of purchasing parcels at fair market value if they elect to within two years of staking and meet survey, brushing, and clearing requirements (ag only).
- * ---If land purchased within two years, patent would contain condition that land not be sold or subdivided within 5 years of patent.
- The time to complete a survey by entrymen could be administratively extended from two to three years if a good-faith effort to obtain a survey has been made.

- To facilitate individual surveys and avoid staking errors, DNR is required to monument no less than one mile from each homestead entry available for staking. The House bill only required exterior boundary monumentation.
- * ---Sections 2-6 were added to the draft CS to conform other sections in Title 38 to the repeal of the remote parcel program. Where applicable, references to remote parcels or to the statute sections were substituted with references to homesteads and its statute chapter.
- * ---Section 9 on page 8 was added to have the repeal of the remote parcel program and other statute references take effect July 1, 1984 rather than immediately with the homestead program. The purpose is to permit the DNR time to continue to offer remote parcel lands before the homestead program can be implemented.

AMENDMENT

One optional amendment is attached which would authorize the DNR to conduct a lottery to limit the number of stakers permitted to go out and stake in a certain area.

*Nothing
to go*

HOMESTEAD BILL SUMMARY

CSHB 130(Fin) am
(House-passed)

SCS CSHB 130(Resources)
(Senate Resources-passed)

Method of Disposal	Stake corners, flag boundaries, file by aliquot parts	Same, subject to DNR staking procedures, possible lottery to limit number of stakers
Parcel Size	2.5-160 acres, not to exceed 10% of area open	40 acres maximum for non-ag land 160 acres maximum for ag land
Fee	\$5/acre filing fee	Same
Survey	Required within 2 years	Required within 2 years, except that commissioner can extend a year with good-faith effort
Habitable Dwelling	Build within 3 years, or 4 years if substantially complete	Same
Reside on Land	Must reside 25 months within 5 years	Same
Clearing	Must brush boundaries within 90 days	Same. If ag land, must clear 25% and prepare for cultivation within 5 years
Nature of Patent	Surface estate patent after sweat equity requirements met.	Surface estate patent after sweat equity met, or after down payment within 2 years of staking if applicant opts for fair market value purchase. If purchased, can't sell or subdivide for 5 years. Ag rights only patent to ag lands.
Applicant Qualifications	Age 18, 1-year resident, Only patent to 160 acres in lifetime.	Age 18, 1-year resident, Only one homestead patent per lifetime.
Other Provisions	Disposals subject to local platting, subdivision requirements.	Same. Repeals remote parcel program effective July 1, 1984 and rolls in major provisions into homestead program

"HOMESTEAD GOALS"

APPLICABLE STATE LAND DISPOSAL PROGRAMS

Return to traditional,
pioneer way of land settle-
ment: psychological goals

State "homestead" law repealed in 1979 in favor of other similar disposal programs. Federal "homestead" lands withdrawn in 1973. Federal "homestead" law repealed in 1976 except for Alaska for 10 more years. BLM reopened Minchumina federal lands for homestead entry in 1982, other areas may be opened.

Cheap or Free Land

All state programs require a minimum of survey costs (\$1000-2000); Most require purchase at fair market value less up to 50% residency discount until April of 1983 (court struck).

Sweat Equity

Homesites. Construct dwelling in 5 years; Occupy land 35 mos. in 7 years; Reimburse state survey costs.

Disposal by Staking of Land

Remote Parcels.

Larger Acreage

Remote Parcels are maximum 40 acres; Ag auction or lottery sales 200-2000+ acres.

Lands Suitable for Agriculture

Auction or Lottery Sales of both large ag project lands and small ag land parcels.

FY-83 ORDER (D.O. 83-17)

Department of Natural Resources

Specific Disposal Targets

- Identify 67,000 net acres for FY-85
- Develop 67,000 net acres for FY-84
- Offer 60,000 net new acres in FY-83
- Return all previously offered projects to over-the-counter inventory in FY-83
- Minimum 15,000+ acres small Ag annually
- Target 7/1/85 for minimum over the counter:
 - A. Remote Parcel - 150,000 net stakable
 - B. Subdivision - 20,000 net acres
- Pursue Homestead Legislation

General Disposal Policies

- Improve Quality
- Emphasize Accessible Areas
- Remote Areas - Restricted to Community Expansion & Development Areas & Limited Recreation
- Encourage Capital Improvement Funding for Municipalities/State
- Pursue Inventory Replacement/Over-The-Counter Program
- Other Policies



DNR Land Disposal Programs

DISPOSAL PROGRAM	PARCEL SIZE	PRICE TO PURCHASER	TERMS	FREQUENCY OF PARTICIPATION	METHOD OF DETERMINING WINNER	OVER THE COUNTER	APPLICANT QUALIFICATIONS		ON SITE REQUIREMENTS FOR TITLE	
							AGE	AK. RESID.		
LOTTERY	ANY	APPRAISED FAIR MARKET VALUE	5% DEPOSIT, MAXIMUM 20 YEAR PAYOFF	1 PER 8 YEARS EXCEPT FOR SALE BY LOTTERY OF PLANNED AGR. PROJECTS	LOTTERY	APPLIES TO REMAINING PARCELS	18	1 YEAR	NONE	• LAND DISCOUNT APPLICABLE (EXCEPT FOR COMMERCIAL OR INDUSTRIAL PARCELS)
AUCTION SALE	ANY	BID PRICE (MINIMUM BID, APPRAISED VALUE)	5% DEPOSIT, 20 YEAR PAYOFF	1 PARCEL PER AUCTION	HIGH BID AT PUBLIC AUCTION	APPLIES TO REMAINING PARCELS	18	NONE	NONE	LAND DISCOUNT APPLICABLE (EXCEPT FOR COMMERCIAL OR INDUSTRIAL PARCELS)
HOMESITE	GENERALLY 5 ACRES OR LESS	SURVEY AND PLATTING COSTS ONLY	PAYMENTS SPECIFIED BY CONTRACT	1 IN A LIFE-TIME PER HOUSEHOLD	LOTTERY	APPLIES TO REMAINING PARCELS	18	3 YEARS IMMEDIATE PRIOR OR RESID W/ 20 YEARS CUMMUL	CONSTRUCT DWELLING WITHIN 5 YEARS, OCCUPY LAND 35 MONTHS IN 7 YEARS	ENTRY PERMIT NON ASSIGNABLE
REMOTE PARCEL	MAXIMUM 40 ACRES	APPRAISED FAIR MARKET VALUE AS OF DATE OF LEASE	LEASE: \$10 PER ACRE PURCHASE: 5% DOWN 20-YEAR PAYOFF	1 PER 8 YEARS	UNLIMITED: FIRST-COME, FIRST-SERVED BASIS		18	1 YEAR	STAKE CORNERS, BOUND LINES AND SURVEY PARCEL	<ul style="list-style-type: none"> • LEASE CANNOT BE ASSIGNED, CONVEYED OR OTHERWISE TRANSFERRED • LAND MAY NOT BE SOLD, LEASED CONVEYED OR SUBDIVIDED FOR 10 YEARS FROM DATE OF SALE CONTRACT • LAND DISCOUNT APPLICABLE
					LIMITED: DRAWING	APPLIES TO REMAINING ENTRIES				
LEASE	ANY	% OF APPRAISED VALUE OR HIGH BID	PAYMENTS SPECIFIED BY CONTRACT	1 PARCEL PER AUCTION	HIGH BID AT PUBLIC AUCTION	APPLIES TO REMAINING PARCELS	18	NONE	NONE	DEVELOPMENT PLAN FOR COMMERCIAL/INDUSTRIAL USE REQUIRED
AGRICULTURAL INTEREST	ANY	APPRAISED VALUE OR HIGH BID	SEE LOTTERY OR AUCTION TERMS	1 PER 8 YEARS	BY LOTTERY OR HIGH BID AT PUBLIC AUCTION	APPLIES TO LOTTERY. MAY APPLY TO AUCTION	18	1 YEAR	<ul style="list-style-type: none"> • A FARM DEVELOPMENT PLAN MAY BE REQUIRED • A FARM CONSERVATION PLAN IS REQUIRED 	<ul style="list-style-type: none"> • MAY REQUIRE PRE QUALIFICATION • RECEIVES AGR INTEREST ONLY • LAND DISCOUNT APPLICABLE

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Mile .5 Knik Road
Pouch 4008
Wasilla, Alaska 99687
(907) 376-4595

Kenai Peninsula Area Office
Mile 92 Sterling Highway
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Soldotna, Alaska 99669
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Southeastern District Office

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(907) 465-3400

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Haines, Alaska 99827
(907) 766-2120

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State Office Building, Room 205
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Ketchikan, Alaska 99901
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Northcentral District Office

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Fairbanks, Alaska 99701
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Delta Area Office
Mile 267.5 Richardson Highway
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THE APPLICANT MUST BE PRESENT AT THE ACTUAL DISPOSAL TO BE AWARDED PARCELS IN MOST LAND SALES. SEE THE SALES BROCHURE FOR EXCEPTIONS.