HB

21

5/2/85

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House Rules 5-2-85

Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

Pouch V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

HOUSE RULES STANDING COMMITTEE
THURSDAY, MAY 2, 1985

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HB 21 - "An Act relating to homesites for veterans."
(by Representative Goll)

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Moen
4/25/85

Original sponsors: Goll and Szymanski

IN THE HOUSE BY THE RULES COMMITTEE

CS FOR HOUSE BILL NO. 21 (Rules)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to homesites for veterans."

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

* Section 1. AS 38.08 is amended by adding a new section to read:

Sec. 38.08.015. HOMESITES FOR VETERANS. A veteran who qualifies for a homesite entry permit under AS 38.08.030 and who complies with the provisions of AS 38.08.060(a)-(d), except AS 38.08.060(a)(3), may not be required to reimburse the state for the costs incurred by the state in surveying and platting undertaken by the state in accordance with this chapter.

* Sec. 2. AS 38.08.120 is amended by adding a new paragraph to read:

(4) "veteran" means a person honorably discharged from the armed services of the United States DELETE: "who has at any time resided continuously for at least one year in the state and" who has performed service in the armed forces of the United States for a period of 180 days or more during one or more of the following periods unless a shorter period of service resulted from a service connected injury or disability:

(A) between April 6, 1917 and December 1, 1918;

(B) between September 16, 1940 and July 25, 1947;

(C) between June 25, 1950 and January 31, 1955; or

(D) between August 4, 1964 and November 7, 1975.

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

MEMORANDUM April 17, 1985

SUBJECT: Constitutionality of exemption for one year resident veterans from certain costs under the homesite entry program (CSHB 21(Fin))

TO: Representative Al Adams

FROM: Randall J. Moen
Legislative Counsel

Your request under CSHB 21 (Fin) to exempt only those qualified Alaska resident veterans who have resided at any time in the state for one year from certain costs under the homesite entry program is subject to serious constitutional challenges under the 14th Amendment (Equal Protection Clause) of the U.S. Constitution and Article I, sec. 1 of the Alaska Constitution. I shall address only the 14th Amendment problem.

The Equal Protection Clause protects new residents of a state from being disadvantaged because of their recent migration. Zobel v. Williams, 457 U.S. 55, 72 L.Ed. 2d 672, 102 S. Ct. 2309 (1982). A state statute which distributes benefits based on the length of residency violates the equal protection clause of the 14th Amendment unless the state can show valid state interests are rationally served by conditioning of the benefits on the length of residency. Id.

The effect of CSHB 21 (Fin) allows only those Alaska resident veterans who have resided in Alaska at any time for one year to forego reimbursement to the state of certain costs incurred by the state under the homesite entry program. Thus, newly arrived Alaska resident veterans are treated differently than other Alaska resident veterans who have lived in Alaska at any time for at least one year.

It is difficult to envision a legitimate state interest that can be rationally served by making a durational residency distinction between the two classes of Alaska resident veterans. Unless it can be demonstrated by the state that a legitimate state interest exists and that your committee substitute is rationally related to the legitimate state

interest, your committee substitute will be deemed unconstitutional under the Equal Protection Clause of the U.S. Constitution.

RJM:ojb
J14/003

BILL HISTORY HB 21

HOUSE CALENDAR:

BILL HB0021
PAGE 00017
DATE 01/14/85
CHAMBER HOUSE
TEXT HOUSE BILL NO. 21 by Goll, entitled:
"An Act relating to homesites for veterans."
was read the first time and referred to the Resources and Finance Committees.

BILL HB0021
PAGE 00228
DATE 02/01/85
CHAMBER HOUSE
TEXT The Resources Committee has considered HOUSE BILL NO. 21 (relating to homesites for veterans), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 21 (Resources) (same title) and reports it back as follows: Shultz (Co-Chairman), Herrmann, Cato, Jenkins, Thompson, Sund and M.W. Miller recommend do pass; Pearce and Wallis have no recommendation. A fiscal note was attached.
HB 21 was referred to the Finance Committee.
The fiscal note appears in House Journal Supplement No. 12.

BILL HB0021
PAGE 00954
DATE 04/16/85
CHAMBER HOUSE
TEXT Representative Szymanski added his name as co-sponsor to HOUSE BILL NO. 21 (relating to homesites for veterans).

BILL HB0021
PAGE 00979
DATE 04/18/85
CHAMBER HOUSE
TEXT The Finance Committee has considered HOUSE BILL NO. 21 (homesites for veterans), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 21 (Finance) (same title) and reports it back as follows: Ringstad (Vice-Chairman), Szymanski, Uehling, Larson, Cotten, Frank and Duncan recommend do pass. Rieger and Pourchot have no recommendation.
A new fiscal note was attached and appears in House Journal Supplement No. 50.
HB 21 was referred to the Rules Committee for placement on the calendar.

Veterans' Homesites (surveying & platting costs)

HOUSE BILL NO. 21, by Rep. Goll. Amends state policy regarding homesites (AS 38.08) in order that a veteran not be required to repay the state for costs incurred for surveying and platting the property. Does not provide for an effective date (takes effect 90 days after Governor signs bill).

Introduced January 14 and referred to Resources, Finance.

HOUSE BILL NO. 21, (see page 42). Reported back to the House February 1 by Resources recommending is be replaced with a substitute and that it do pass. Concurring: Shultz, Herrmann (co-Ch), Cato, Jenkins, Thompson, Sund and M. W. Miller. Not concurring: Pearce and Wallis had no recommendation. To Finance.

The Resources substitute would require the veteran to comply with patent provisions, such as occupying the land for 35 months with the seven-year period following issuance of homesite permit, erection of a habitable dwelling.

HOUSE BILL NO. 21, (see pages 42;212). On April 16 Rep. Szymanski added his name as co-sponsor.

HOUSE BILL NO. 21, (see pages 42;212). Reported back to the House April 17 by Finance recommending it be replaced with a substitute and that it do pass. Concurring: Ringstad (V-Ch), Szymanski, Uehling, Larson, Cotten, Frank and Duncan. Not concurring: Rieger and Pourchot have no recommendation. To Rules.

The Finance substitute changes the definition of "veteran" by including language that would require the person to have "at any time resided continuously for at least one year in the state." Also changes the period of time veteran must have served during WWII to between September 16, 1940 and July 25, 1947 (previous version had December 31, 1947).

Ok
Sup 50

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST
Bill/Resolution No.: CSHB 21(Fin)
Title: Homesites for Veterans

Sponsor: Goll
Requestor:
Date of Request: 4/15/85

FISCAL DETAIL
Agency Affected: Natural Resources
Program Category Affected:

BRU, Program or Subprogram(s) Affected:
Land and Water Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		0				
200 TRAVEL		0				
300 CONTRACTUAL		0				
400 SUPPLIES		0				
500 EQUIPMENT		0				
600 LAND & STRUCTURES		0				
700 GRANTS, CLAIMS		0				
800 MISCELLANEOUS		0				
TOTAL OPERATING		0				
CAPITAL		0				
REVENUE		(86.0)				

FUNDING: (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS		0				
OTHER		0				
TOTAL		0				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Any funds necessary to implement this bill can be absorbed within the agency's existing budget.

APA

Prepared By: Al Adams, Chair
Phone: 465-3706
Division: House Finance Committee
Date: 4/15/85

Approved by Commissioner:
Date:
Agency:

Distribution (by Agency preparing fiscal note):
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: HB 21 (Res) .CS

Title: Homesites for Veterans

Sponsor: Goll

Requestor:

Date of Request:

FISCAL DETAIL

Agency Affected: Natural Resources

Program Category Affected:

BRU, Program or Subprogram(s) Affected: Land and Water Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		24.5	4.4	4.4	4.4	4.4
200 TRAVEL						
300 CONTRACTUAL		0.5	0.1	0.1	0.1	0.1
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		25.0	4.5	4.5	4.5	4.5
CAPITAL						
REVENUE		(86.0)	(86.0)	(86.0)	(86.0)	(86.0)

FUNDING: (Thousands of Dollars)

GENERAL FUND		25.0	4.5	4.5	4.5	4.5
FEDERAL FUNDS						
OTHER						
TOTAL		25.0	4.5	4.5	4.5	4.5

POSITIONS:

FULL-TIME						
PART-TIME		1				
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See Attached

Prepared By: Michael E. Vediner Phone: 465-2400

Division: Land and Water Management Date: January 18, 1985

Approved by Commissioner: Robert D. Arnold, Deputy Date: January 18, 1985

Agency: Natural Resources

Distribution (by Agency preparing fiscal note):
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

ANALYSIS:

Operating expenditures will be minimal in the implementation of this bill. Of approximately 2200 homesite entry permits now issued, 20 percent are held by veterans. As much as $25,000 will be required to obtain and review necessary documentation of eligibility of these permittees. This figure covers management, clerical, typing, and postage costs. At projected rate, homesite entry permittees authorized after implementation of this bill will require an additional annual increment of $4500 to administer.

A net revenue loss will be incurred with this bill as follows. 20 percent of the total number of homesites issued is 440. At an average cost of $1450 for surveying and platting each homesite, the total forgiveness of these costs is $640,000 over the next ten years. In addition, at the current rate of 75 homesites per year, an additional 15 will be issued to veterans. This will further increase the revenue loss by $22,000 per year. Using these figures a net annual revenue loss of $86,000 will be incurred. Of course, as the program becomes more attractive the percentage of veterans in the numbers, and consequently the net annual revenue loss, will increase.

Part time position in FY 86 is for clerical staff.

Official Business

COMMITTEE: Rules

DATE: May 2, 1985

SIGN-IN

Subject of meeting: HB 21, HCR 31, HCR 26, HB 237

NAME	ADDRESS	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?
Leo A Land	Box 122 Haines	766-2466	American Legion	yes
CHARLES TROYER	JUNEAU	465-4600	DEPT. OF MILITARY and VETERANS' AFFAIRS	IF REQUESTED
LORON JONES	~~Box~~ Pouch V	465-4925	Rep. Coll	yes TO ANSWER QUESTIONS
Ned Farquhar	DNR		HB 21	answer questions