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193

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY


OFFICE OF THE CLERK
LEGISLATIVE AFFAIRS AGENCY
1000 EAST BROADWAY
ANCHORAGE, ALASKA 99514

MEMORANDUM

April 9, 1987

SUBJECT: Heirs and devisees in the sale of inherited
remote parcels [HB 193]

TO: Representative Mike W. Miller

FROM: Richard A. Bradley 
Legislative Counsel

Gene Therriault has asked me to comment on the question whether "heirs" is a complete description of those who might be entitled to the benefits intended by HB 193. He notes that the definitions within AS 13 describe the "heirs" as those who take in the absence of a will under intestate succession and "devisees" as those who take under a will.

The suggestion is accurate.

While Black's Law Dictionary agrees that "heirs" is "popularly" understood as including those who take under a will, the technical understanding is not so.

The addition of "or devisees" after "heirs" on page 1, line 12 of HB 193 would cure the question raised.

If I may be of further assistance, please advise.

RAB:mkr
m10/124

Alaska State Legislature

Representative Mike W. Miller
P.O. Box 55094
North Pole, Alaska 99705



While in Juneau
Pouch V
Juneau, Alaska 99811
(907) 465-4976

House of Representatives

MEMORANDUM

TO: Representative John Sund

FROM: Representative Mike Miller

RE: House Bill 193, "An Act relating to the sale of inherited parcels."

DATE: 4/7/87

House Bill 193 is before the Resources Committee today for your consideration. This bill is designed to address a problem that has developed from the remote parcel disposal statutes that were repealed in 1984.

Former AS 38.05.077 and 38.05.078 allowed individuals to stake the boundaries of a remote parcel on state land and enter into a five year renewable lease for use of the property. Prior to the expiration of the lease and following a survey of the property, these individuals were granted the right to purchase the parcel at its fair market value at the time of lease.

In order to avoid land speculation, AS 38.05.077 clearly determined that "A remote parcel lease may not be assigned, conveyed or otherwise transferred, but rights under the lease may devolve by testate or intestate succession." Likewise, AS 38.05.078 stated "a contract of sale for land in a remote parcel shall containing the following conditions: 1) the land may not be sold, leased, or otherwise conveyed before 10 years after the date the contract of sale is signed by the purchaser, but title to the land may devolve by testate or intestate succession."

These statutory restrictions do not take into consideration that a person receiving such a lease or property right, through testate or intestate succession, may not have the desire or means to fulfill the terms of the lease or contract of sale and therefore, would lose their inheritance.

Passage of HB 193 would alleviate this problem by allowing an individual who has received a remote parcel lease or contract of sale, through testate or intestate succession, to sell their interest in the parcel. The State would retain its protection against land speculation since the right to make such a sale would only be triggered by the death of the individual holding the property rights.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLCOUGHBY AVE.
JUNEAU, ALASKA 99801-1736
PHONE: (907) 555-2400

March 25, 1987

The Honorable Adelheid Herrmann
The Honorable Sam Cotten
Co-Chairs, House Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representatives Herrmann and Cotten:

Subject: HB 193, an act relating to the sale of inherited remote parcels.

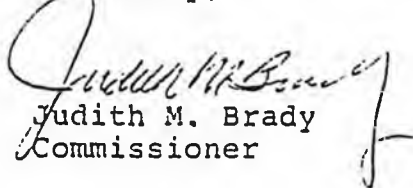
Position: The Department of Natural Resources supports the proposed changes in AS 38.09.100, lessees of remote parcels.

Background: The original drafters of AS 38.09.100, the statute that sets up leasing of remote parcels, did not allow remote parcel leases to be assigned in order to reduce the possibilities for speculation. HB 193 would allow the assignment of a remote parcel lease only in the event of the death of the lessee. The incidents to which this change would apply are few, because the remote parcel program was discontinued in 1983.

Recommendation: The Department of Natural Resources supports the proposed changes in AS 38.09.100.

If you would like additional information or have any questions, please contact my office.

Sincerely,


Judith M. Brady
Commissioner

Committee Members
Bill Sponsors
George Sullivan
Rod Swope

Inherited
Remote Parcels
(sale of) SENATE BILL NO. 368, by Sen. Bennett. Allows the heirs of a deceased lessee of a remote parcel to sell their interest in the lease, notwithstanding the provisions of a former law relating to the purchase of remote parcels (AS 38.05.078). Does not provide effective date (takes effect 90 days after Governor signs bill).

Introduced January 29 and referred to Resources.

Inherited
Remote Parcels
(sale of) SPONSOR SUBSTITUTE FOR SENATE BILL NO. 368, by Sen. Bennett. Would allow the heirs of a deceased lessee of a remote parcel to sell their interest in the lease of the remote parcel in spite of former laws that stated otherwise (this version adds another statute reference of repealed law - only change from original bill).

Introduced February 28 and referred to Resources.

Inherited
Remote Parcels
(sale of) SS FOR SENATE BILL NO. 368, (see pages 82;271). Reported back to the Senate March 4 by Resources recommending it do pass. Concurring: Sturgulewski (Chair), Coghill, Fahrenkamp, Zharoff, V. Fischer and Halford.

Passed the Senate March 7, 16-0-3-1. Excused: Josephson, Sackett, Zharoff. Absent: Abood.

Inherited
Remote Parcels
(sale of) SPONSOR SUBSTITUTE FOR SENATE BILL NO. 368, (see page 82). Received in the House 3/10/86. Referred to Resources, Finance.

Inherited
Remote Parcels
(sale of) SPONSOR SUBSTITUTE FOR SENATE BILL NO. 368, (see pages 82; 271;302;334). Reported back to the House April 14, 1986 by Resources recommending a substitute and that it do pass. Concurring were Shultz (co-chair), Cato, Sund, Thompson, M.W. Miller, Wallis and Pearce. Referred to Judiciary.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3900

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

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

H.JUD.

4-16-88

1:30p.m.

HOUSE COMMITTEE REPORT

7)
ate referred: 4/8/87

FURTHER REFERRALS:

DATE: 4/16/87

the Judiciary Committee has considered HB 193

an Act relating to the sale of inherited remote parcels."

RECOMMENDS:

- replace with CS HB 193 (JUD) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

DOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNATURES TO PASS:

SIGNING OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

Chairman's signature

Beckley

J-09056

Original sponsor: Miller

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IN THE HOUSE

BY THE JUDICIARY COMMITTEE

CS FOR HOUSE BILL NO. 193 (Judiciary)
IN THE LEGISLATURE OF THE STATE OF ALASKA
FIFTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the sale of inherited remote parcels."

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

* Section 1. AS 38.09.100 is amended by adding a new subsection to read:

(c) Notwithstanding the provisions of former AS 38.05.077 and 38.05.078, the heirs or devisees of a deceased lessee of a remote parcel may sell their interest in the lease of the remote parcel. The sellers shall notify the commissioner of the sale.

only change in CS (Jud)

5-0903B
Bradley
4/9/87

Adopted

Original sponsor: Miller

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IN THE HOUSE

BY THE JUDICIARY COMMITTEE

CS FOR HOUSE BILL NO. 193 (Judiciary)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - FIRST SESSION

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interests if nec.

Passed out

Alaska State Legislature

REPRESENTATIVE
MIKE W. MILLER
P.O. Box 55094
North Pole, Alaska 99705
(907) 488-2687

District 18
North Pole
Badger Road
Eielson
Moose Creek
Salcha




White in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-4976

House of Representatives

MEMORANDUM

TO: Representative John Sund

FROM: Representative Mike Miller 

RE: House Bill 193, "An Act relating to the sale of inherited parcels."

DATE: 4/22/87

House Bill 193 is before the full House of Representatives today for consideration. This bill is designed to address a problem that has developed from the remote parcel disposal statutes which were repealed in 1984.

Former AS 38.05.077 and 38.05.078 allowed individuals to stake the boundaries of a remote parcel on state land and enter into a five year renewable lease for use of the property. Prior to the expiration of the lease and following a survey of the property, these individuals were granted the right to purchase the parcel at its fair market value at the time of lease.

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Passage of HB 193 would alleviate this problem by allowing an individual who has received a remote parcel lease or contract of sale, through testate or intestate succession, to sell their interest in the parcel. The State would retain its protection against land speculation since the right to conduct such a sale would only be triggered by the death of the lease holder.

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: HB 193
Publish Date: _____

Revision Date: _____
Title: An act relating to the sale of inherited remote parcels
Sponsor: Miller
Requestor: House Resources

Agency Affected: Natural Resources
BRU: Land and Water Management
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The Department of Natural Resources anticipates no additional staff time or expenditures associated with this legislation.

Prepared by: Paula Burgess Phone: 465-3400
Division: Land and Water Management Date: 3/25/87

Approved by Commissioner: *Judith H. Brant* Date: 3/25/87
Agency: Natural Resources

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)
 Senate Secretary