

HB

193

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
Saicha



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

House of Representatives

MEMORANDUM

TO: Representative Sam Cotten

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 This bill is designed to address a problem that has developed from the remote parcel disposal statutes that were repealed in 1984.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 contain 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 WILLCUGHBY AVE.
JUNEAU, ALASKA 99801-1798
PHONE: (907) 455-2400

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.

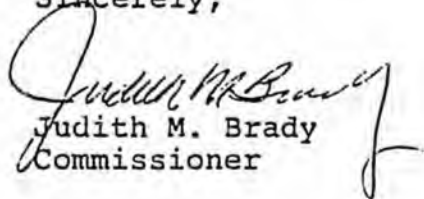
Position: The Department of Natural Resources supports the proposed changes in AS 38.09.100, lessees of remote parcels.

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

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version : HB 193
Publish Date : _____

REQUEST: _____

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						
---------	--	--	--	--	--	--

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: *W. W. Miller* 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

HOUSE COMMITTEE REPORT

4/8

(9)

Date referred: 3/18/87

FURTHER REFERRALS: Judiciary

DATE: 4-8-87
HB 193

The Resources Committee has considered
"An Act relating to the sale of inherited remote parcels."

RECOMMENDS:

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

ADOPTS: _____ 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

SIGNING DO PASS:

Sen Gt
Walter Herrmann
Heinrich Sprungel
W. Davidson
John L...

SIGNING OTHER RECOMMENDATIONS:

Sen Gt
 Chairman's signature

Alaska State Legislature

REPRESENTATIVE
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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."

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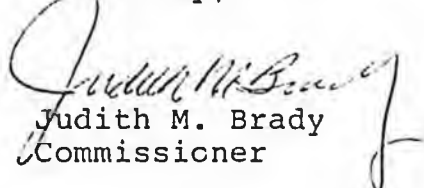
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Judith M. Brady
Commissioner

Committee Members
Bill Sponsors
George Sullivan
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Prepared by: Paula Burgess Phone: 465-3400
Division: Land and Water Management Date: 3/25/87

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

- Distribution (by preparer):
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