

HB

79

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/9/95

FURTHER:

REPORTED BY
SPS _____

DATE TURNED INTO OFFICE: 3-28-95

The Finance Committee considered CS FOR HOUSE BILL NO. 79(FIN)

Allowing the Department of Natural Resources to quitclaim land or interests in land, including submerged or shore land, to a municipality to correct errors or omissions of the municipality.

and recommends:

- be replaced with S CSCSB 79 (FIN)
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical change
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Steve Thies</i>	✓				
<i>Bill E. Kelly</i>	✓				
<i>Wesley Douglas</i>	✓				
<i>Paul P. Zhanoff</i>	✓				
<i>Barry Shantz</i>	✓				
Co-Chair: <i>[Signature]</i>	✓				
Co-Chair: <i>Rick Halford</i>	✓				

NEW FISCAL NOTE(S).

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

CYRA	1/26/95	-	e	
DNA	1/25/95	-	e	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

No. _____
Bill Version: HB 79
(H) Publish Date: 2/3/95

Revision Date: January 26, 1995 Dept. Affected: Community & Regional Affairs
Title: An Act allowing the Department of Natural Resources to quitclaim land or... BRU: none
Sponsor: Representative Mackie Component: none
Requestor: House C & RA Committee COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0

REVENUE FUND SOURCE:

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

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

Estimate of current (FY94) impact \$ none

ANALYSIS: (Attach a separate page if necessary)

This legislation would give the Department of Natural Resources (DNR) the authority to quitclaim land or interests in land to a municipality to correct certain errors or omissions of the municipality. There is no fiscal impact on DCRA from this bill.

Prepared by: Remond Henderson, Director *Remond Henderson* Phone: 465-4708
Division: Division of Administrative Services Date: 1/26/95
Approved by Commissioner: Mike Austin Date: 1/26/95
Agency: Community & Regional Affairs

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FISCAL NOTE

No. _____
 Bill Version: HB 79
 (H) Publish Date: 2/3/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: Original Dept Affected: Natural Resources
 Title: An Act allowing the Department of Natural Resources to quitclaim land or interests in land, including... BRU: Resource Development
 Component: Land Development
 Sponsor: Representative Mackie
 Requestor: _____ Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY96	FY97	FY98	FY99	FY00	FY01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ None

POSITIONS

POSITIONS	FY96	FY97	FY98	FY99	FY00	FY01
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This legislation would authorize the department to convey lands to the City of Skagway that they inadvertently subdivided and sold as subdivision lots on filled shore lands within the Skagway River. Conveyance of these lands will eliminate a cloud of title to the private property owners. This legislation will automatically be repealed in 1998 after the conveyance to Skagway has been completed. There are no known public interest values that would be impacted by this conveyance.

There will be no fiscal impact to the department associated with passage of this legislation. The cost to convey land to the City of Skagway will be partially absorbed by the department as part of the municipal entitlement conveyance program work, or paid by the City of Skagway. There is no anticipated loss of revenue associated with this legislation as the lands to be conveyed to Skagway are not currently under lease agreements.

Amendments to this bill and HB20 could be combined as they are very similar, but address different tide and submerged land conveyance issues.

Prepared by: Ron Swanson, Director *Nico Swan* Phone: 762-2692
 Division: Land Date: 25-Jan-95
 Approved by Commissioner: Nico Swan, for M. Luther and Act. Comm. Date: 1/25/95
 Agency: Natural Resources

Moved -
no objection

9-LS0032\C.3 ✓
Luckhaupt
3/27/95

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSHB 79(FIN)

- 1 Page 3, line 27, following "to a":
2 Delete "municipality"
3 Insert "first class city"
4 Following "of the":
5 Delete "municipality"
6 Insert "city"
- 7 Page 3, line 29:
8 Delete "municipality"
9 Insert "city"
- 10 Page 3, line 31:
11 Delete "municipality"
12 Insert "city"
- 13 Page 4, line 1:
14 Delete "municipality's"
15 Insert "city's"

SENATE FINANCE
COMMITTEE
Amendment Number: 1-B
Bill Number: HR 79
Sponsor: _____ Date: _____
Logged In By: LSJ

AMENDMENT

BS - 3
Adopted

OFFERED IN THE SENATE

TO: CSHB 79(FIN)

1 Page 3, line 27, following "to a municipality":

2 Insert ", but only to the extent the municipality has a remaining entitlement to
3 land under AS 29.65."

4 Page 3, line 29:

5 Following "municipality":

6 Delete "s"

7 Insert "i"

8 Following "quitclaim":

9 Insert "of land or interest shall be counted against the municipality's remaining
10 entitlement under AS 29.65 and"

11 Page 3, line 30, through page 4, line 1:

12 Delete "except that, if the municipality has a remaining entitlement to land under
13 AS 29.65. the land or interest quitclaimed is counted against the municipality's
14 remaining entitlement"

SENATE FINANCE
COMMITTEE

Amendment Number: 1-C

Bill Number: HB 79

Sponsor: _____ Date: _____

Logged In By: [Signature]

Voice Amend.
p. 3
Jan. 1, 1993

JCS CS FOR HOUSE BILL NO. 79(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 3/6/95

Referred: Rules

Sponsor(s): REPRESENTATIVE MACKIE

A BILL

FOR AN ACT ENTITLED

1 "An Act allowing the Department of Natural Resources to quitclaim land or
2 interests in land, including submerged or shore land, to a municipality to correct
3 errors or omissions of the municipality when inequitable detriment would result
4 to a person due to that person's reliance upon the errors or omissions of the
5 municipality."

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

7 * Section 1. AS 38.05.035(b) is amended to read:

8 (b) The director may

9 (1) delegate the administrative duties, functions or powers imposed
10 upon the director to a responsible employee in the division;

11 (2) grant preference rights for the lease or purchase of state land
12 without competitive bid in order to correct errors or omissions of a state or federal
13 administrative agency when inequitable detriment would otherwise result to a diligent
14 claimant or applicant due to situations over which the claimant or applicant had no

1 control; the exercise of this discretionary power operates only to divest the state of its
2 title to or interests in land and may be exercised only

3 (A) with the express approval of the commissioner; and

4 (B) if the application for the preference right is filed with the
5 director within three years from

6 (i) the occurrence of the error or omission;

7 (ii) the date of acquisition by the state of the land; or

8 (iii) the date of a court decision or settlement nullifying
9 a disposal of state land;

10 (3) grant a preference right to a claimant who shows bona fide
11 improvement of state land or of federal land subsequently acquired by the state and
12 who has in good faith sought to obtain title to the land but who, through error or
13 omission of others occurring within the three years before (A) the application for the
14 preference right, (B) the date of acquisition by the state of the land, or (C) the date of
15 a court decision or settlement nullifying a disposal of state land, has been denied title
16 to it; upon a showing satisfactory to the commissioner, the claimant may lease or
17 purchase the land at the price set on the date of original entry on the land or, if a price
18 was not set at that time at a price determined by the director to fairly represent the
19 value of unimproved land at the time the claim was established, but in no event less
20 than the cost of administration including survey; the error or omission of a predecessor
21 in interest or an agent, administrator, or executor which has clearly prejudiced the
22 claimant may be the basis for granting a preference right;

23 (4) sell land by lottery for less than the appraised value when, in the
24 judgment of the director, past scarcity of land suitable for private ownership in any
25 particular area has resulted in unrealistic land values;

26 (5) when the director determines it is in the best interest of the state
27 and will avoid injustice to a person or the heirs or devisees of a person, dispose of
28 land, by direct negotiation to that person who presently uses and who used and made
29 improvements to that land before January 3, 1959, or to the heirs or devisees of the
30 person; the amount paid for the land shall be its fair market value on the date that the
31 person first entered the land, as determined by the director; a parcel of land disposed

1 of under this paragraph shall be of a size consistent with the person's prior use, but
2 may not exceed five acres;

3 (6) dispose of an interest in land limited to use for agricultural purposes
4 by lottery;

5 (7) convey to an adjoining landowner for its fair market value a
6 remnant of land that the director considers unmanageable or a parcel of land created
7 by a highway right-of-way alignment or realignment, or a parcel created by the
8 vacation of a state-owned right-of-way if

9 (A) the director determines that it is in the best interests of the
10 state;

11 (B) the parcel does not exceed the minimum lot size under an
12 applicable zoning code; and

13 (C) the director and the platting authority having land use
14 planning jurisdiction agree that conveyance of the parcel to the adjoining
15 landowner will result in boundaries that are convenient for the use of the land
16 by the landowner and compatible with municipal land use plans;

17 (8) for good cause extend for up to 90 days the time for rental or
18 installment payments by a lessee or purchaser of state land under this chapter if
19 reasonable penalties and interest set by the director are paid;

20 (9) quitclaim land or an interest in land to the federal government on
21 a determination that the land or the interest in land was wrongfully or erroneously
22 conveyed by the federal government to the state;

23 (10) negotiate the sale or lease of state land at fair market value to a
24 person who acquired by contract, purchase, or lease rights to improvements on the land
25 from another state agency or who leased the land from another state agency;

26 (11) quitclaim land or an interest in land, including submerged or
27 shore land, to a municipality to correct errors or omissions of the municipality
28 when inequitable detriment would result to a person due to that person's reliance
29 on the errors or omissions of the municipality, the quitclaim shall be made on
30 such terms and conditions as the director considers appropriate except that, if the
31 municipality has a remaining entitlement to land under AS 29.65, the land or

made before Jan, 1993 Adopted.

Amends 1-B Adopted 1-C

1 interest quitclaimed is counted against the municipality's remaining entitlement.

2 * Sec. 2. AS 38.05.035(b)(11) is repealed January 1, 1997.

DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

3/28/95
Called
Jerry for
Final 9:30
am

907-465-3867 or 465-2450
907-465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 27, 1995

SUBJECT: CSHB 79(FIN) - Limiting the Types of Municipalities Entitled to Receive Quitclaims Under the Committee Substitute (Work Order No. 9-LS0032\C.2 - \C.3)

TO: Representative Jerry Mackie

FROM: Gerald P. Luckhaupt *GPL*
Legislative Counsel

Enclosed are the amendments you requested. Amendment C.2 inserts "first class city" for "municipality" the first time it appears in the language being added on page 3 of the CS. This change leaves the remaining language and its references to "municipality", while not technically incorrect, sounding somewhat funny or strained. Therefore, I drafted amendment C.3 to ensure that the amendment works and makes sense.

Keeping the other references to "municipality" as amendment C.2 does, does not improve or otherwise make that amendment better in terms of the title than amendment C.3. I believe that, no matter which amendment is utilized, a title amendment is not necessary. The title provides for "quitclaim[s] of land or interests in land . . . to a municipality . . ." It does not provide for quitclaims to all municipalities. Therefore, I believe that amendments C.2 and C.3 fit within the title of CSHB 79(FIN).

GPL.klb
95-207.klb

Enclosures

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSHB 79(FIN)

- 1 Page 3, line 27, following "to a":
- 2 Delete "municipality"
- 3 Insert "first class city"

SENATE FINANCE
COMMITTEE
Amendment Number: _____
Bill Number: 4879
Sponsor: _____ Date: _____
Logged In By: LSL

Alaska State Legislature

REPRESENTATIVE
JERRY MACKIE



House of Representatives

ALASKA STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-4925

PO. BOX 795
CRAIG, ALASKA 99921
(907) 826-1008 OFFICE
(907) 826-2930 HOME

March 10, 1995

MEMORANDUM

To: Sen. Halford, Chair
Senate Finance Committee

From: Rep. Mackie *Jm*

Re: Request for a hearing on HB 79.

I respectfully request a committee hearing of HB 79 at your earliest convenience. Attached is a sponsor statement, a copy of the bill, and other backup material. The Departments of Natural Resources and Community & Regional Affairs have submitted zero fiscal notes. I would be happy to supply any additional information you may require.

Thank you for your consideration of this request.

Alaska State Legislature

ALASKA STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-4925

REPRESENTATIVE
JERRY MACKIE



House of Representatives

PO BOX 795
CRAIG, ALASKA 99921
(907) 826-3008 OFFICE
(907) 826-2930 HOME

SPONSOR STATEMENT

ON

CS HB 79(FIN)

I introduced HB 79 at the request of the City of Skagway to correct a long standing land ownership problem in Skagway. Fifty years ago a dike was constructed along the Skagway River to protect the town from flooding. Over the years, the area between the original river bank and the dike has been reclaimed and subdivided by the city with lots sold and built upon (see attached map). Even the High school is located in the area.

The problem is that the city did not have clear title to this land from the start. Hence, the title for subsequent private property owners is also clouded. Not only are the owners' investments and improvements at risk, but bank financing for further improvements or sales is foreclosed.

In the past several years, the city and the Department of Natural Resources have unsuccessfully sought an administrative remedy for the problem. While current statute allows DNR administrative discretion in resolving land ownership errors and omissions for individual citizens [AS 38.05.035 (b) (2) and (b) (3)], there is no similar provision for errors and omissions of a municipality.

HB 79 would add such a provision. The new proposed subsection, AS 35.05.035 (b) (11), allows the director of the division of lands the discretion to quitclaim land to a municipality to correct past errors and omissions. The director may also set any terms or conditions that is deemed appropriate for the transaction. Furthermore, land title transferred to a municipality in this manner is counted against the municipality's general land grant entitlement from the state.

Section 2 provides a January 1, 1997 repeal of AS 35.05.035 (b) (11). Thus, the opportunity to correct municipal land ownership errors is limited to a one and one-half year period.

Finally, this bill was introduced in the last session. It progressed through the House and Senate until time ran out in the Senate Rules committee. It is my hope that the bill will be enacted this year so that the problem is resolved.

Okayed by
Cam &
Sen. Sharp
9-LS0032VF
3/23/95
2:30pm

SENATE CS FOR CS FOR HOUSE BILL NO. 79(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE MACKIE

A BILL

FOR AN ACT ENTITLED

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12 without competitive bid in order to correct errors or omissions of a state or federal
13 administrative agency when inequitable detriment would otherwise result to a diligent
14 claimant or applicant due to situations over which the claimant or applicant had no

1 control; the exercise of this discretionary power operates only to divest the state of its
2 title to or interests in land and may be exercised only

3 (A) with the express approval of the commissioner; and

4 (B) if the application for the preference right is filed with the
5 director within three years from

6 (i) the occurrence of the error or omission;

7 (ii) the date of acquisition by the state of the land; or

8 (iii) the date of a court decision or settlement nullifying
9 a disposal of state land;

10 (3) grant a preference right to a claimant who shows bona fide
11 improvement of state land or of federal land subsequently acquired by the state and
12 who has in good faith sought to obtain title to the land but who, through error or
13 omission of others occurring within the three years before (A) the application for the
14 preference right, (B) the date of acquisition by the state of the land, or (C) the date of
15 a court decision or settlement nullifying a disposal of state land, has been denied title
16 to it; upon a showing satisfactory to the commissioner, the claimant may lease or
17 purchase the land at the price set on the date of original entry on the land or, if a price
18 was not set at that time at a price determined by the director to fairly represent the
19 value of unimproved land at the time the claim was established, but in no event less
20 than the cost of administration including survey; the error or omission of a predecessor
21 in interest or an agent, administrator, or executor which has clearly prejudiced the
22 claimant may be the basis for granting a preference right;

23 (4) sell land by lottery for less than the appraised value when, in the
24 judgment of the director, past scarcity of land suitable for private ownership in any
25 particular area has resulted in unrealistic land values;

26 (5) when the director determines it is in the best interest of the state
27 and will avoid injustice to a person or the heirs or devisees of a person, dispose of
28 land, by direct negotiation to that person who presently uses and who used and made
29 improvements to that land before January 3, 1959, or to the heirs or devisees of the
30 person; the amount paid for the land shall be its fair market value on the date that the
31 person first entered the land, as determined by the director; a parcel of land disposed

1 of under this paragraph shall be of a size consistent with the person's prior use, but
2 may not exceed five acres;

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8 vacation of a state-owned right-of-way if

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10 state;

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13 (C) the director and the platting authority having land use
14 planning jurisdiction agree that conveyance of the parcel to the adjoining
15 landowner will result in boundaries that are convenient for the use of the land
16 by the landowner and compatible with municipal land use plans;

17 (8) for good cause extend for up to 90 days the time for rental or
18 installment payments by a lessee or purchaser of state land under this chapter if
19 reasonable penalties and interest set by the director are paid;

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21 a determination that the land or the interest in land was wrongfully or erroneously
22 conveyed by the federal government to the state;

23 (10) negotiate the sale or lease of state land at fair market value to a
24 person who acquired by contract, purchase, or lease rights to improvements on the land
25 from another state agency or who leased the land from another state agency;

26 (11) quitclaim land or an interest in land, including submerged or
27 shore land, to a first class city, but only to the extent the city has a remaining
28 entitlement to land under AS 29.65, to correct errors or omissions of the city,
29 made before January 1, 1993, when inequitable detriment would result to a
30 person due to that person's reliance on the errors or omissions of the city; the
31 quitclaim of land or interest in land shall be counted against the city's remaining

new

1 entitlement under AS 29.65 and shall be made on such terms and conditions as
2 the director considers appropriate.

3 * Sec. 2. AS 38.05.035(b)(11) is repealed January 1, 1997.

MEMO

TO: File for HB 79

FROM: kh

DATE: March 27, 1995

RE: Legal Opinion on Amendment to CSHB 79 (Fin)

I spoke via telephone during the noon hour today with Jerry Luckhaupt of the Division of Legal Services. Advised him of the amendment offered by Senator Frank at page 3, subsection 11, which would delete "municipality" and insert first class city in place thereof throughout the subsection. Advised of committee concern that the bill be restricted in application since it is intended to solve a problem experienced by the City of Skagway. Advised of further committee concern that the above amendment might require a title change to this house legislation and noted Senator Frank's alternate proposal to replace "municipality" with first class city in the first instance it is used within subsection 11 but to allow subsequent references to municipality to remain.

Mr. Luckhaupt suggested that the subsection would read better if first class city was used in the first instance and city was thereafter substituted for municipality. I asked that he provide us an opinion on the restrictive nature of the proposed amendments as well as whether or not the title would change. He advised that he did not believe the amendment would necessitate a title change since a first class city is a municipality. Mr. Luckhaupt said he would provide both an opinion and proposed amendment language. I noted that the bill would be back before committee at 9:00 a.m. tomorrow morning.

3/27/95
p. 3
SF

9-LS0032AC
Amend.
Pending
Legal
Opinion

CS FOR HOUSE BILL NO. 79(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 3/6/95

Referred: Rules

Sponsor(s): REPRESENTATIVE MACKIE

A BILL

FOR AN ACT ENTITLED

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13 administrative agency when inequitable detriment would otherwise result to a diligent
14 claimant or applicant due to situations over which the claimant or applicant had no

1 control; the exercise of this discretionary power operates only to divest the state of its
2 title to or interests in land and may be exercised only

3 (A) with the express approval of the commissioner; and

4 (B) if the application for the preference right is filed with the
5 director within three years from

6 (i) the occurrence of the error or omission;

7 (ii) the date of acquisition by the state of the land; or

8 (iii) the date of a court decision or settlement nullifying

9 a disposal of state land;

10 (3) grant a preference right to a claimant who shows bona fide
11 improvement of state land or of federal land subsequently acquired by the state and
12 who has in good faith sought to obtain title to the land but who, through error or
13 omission of others occurring within the three years before (A) the application for the
14 preference right, (B) the date of acquisition by the state of the land, or (C) the date of
15 a court decision or settlement nullifying a disposal of state land, has been denied title
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8 vacation of a state-owned right-of-way if

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10 state;

11 (B) the parcel does not exceed the minimum lot size under an
12 applicable zoning code; and

13 (C) the director and the platting authority having land use
14 planning jurisdiction agree that conveyance of the parcel to the adjoining
15 landowner will result in boundaries that are convenient for the use of the land
16 by the landowner and compatible with municipal land use plans;

17 (8) for good cause extend for up to 90 days the time for rental or
18 installment payments by a lessee or purchaser of state land under this chapter if
19 reasonable penalties and interest set by the director are paid;

20 (9) quitclaim land or an interest in land to the federal government on
21 a determination that the land or the interest in land was wrongfully or erroneously
22 conveyed by the federal government to the state;

23 (10) negotiate the sale or lease of state land at fair market value to a
24 person who acquired by contract, purchase, or lease rights to improvements on the land
25 from another state agency or who leased the land from another state agency;

26 (11) quitclaim land or an interest in land, including submerged or
27 shore land, to a ^{first class city} municipality to correct errors or omissions of the ^{Yardick} municipality
28 when inequitable detriment would result to a person due to that person's reliance
29 on the errors or omissions of the ^{first class city} municipality, the quitclaim shall be made on
30 such terms and conditions as the director considers appropriate ~~except if the~~
31 ~~municipality has a remaining entitlement to land under AS 22.65, the land or~~

3/27/95
OF
Adopted
Sec-B

Yardick
is a
first
class
city.

first class city
RH
Adopted
HB0079b
J. G. J. V. 1993
-3-

first class city's

1 ~~interest determined is counted as the municipality's~~ ~~entitlement.~~

2 * Sec. 2. AS 38.05.035(b)(11) is repealed January 1, 1997.

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
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130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 27, 1995

SUBJECT: CSHB 79(FIN) - Limiting the Types of Municipalities Entitled to Receive Quitclaims Under the Committee Substitute (Work Order No. 9-LS0032\C.5)

TO: Senator Steve Frank
Attn: Kathy

FROM: Gerald P. Luckhaupt *GLP*
Legislative Counsel

Enclosed is the amendment you requested. Amendment C.5 inserts "first class city" for "municipality" the first time it appears in the language being added on page 3 of the CS. The amendment also inserts "city" everywhere else "municipality" appears in the amendment.

Keeping the other references to "municipality" as was proposed, does not improve or otherwise make that approach better in terms of the title than amendment C.5. I believe that this amendment does not require a title change. The title provides for "quitclaim[s] of land or interests in land . . . to a municipality . . ." It does not provide for quitclaims to all municipalities. Therefore, I believe that amendment C.5 fits within the title of CSHB 79(FIN), as it appropriately provides for quitclaims to a first class city, which is a municipality.

GPL:klb
95-210.klb

Enclosure

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSHB 79(FIN)

1 Page 3, line 27:

2 Following "to a":

3 Delete "municipality"

4 Insert "first class city"

5 Following "of the":

6 Delete "municipality"

7 Insert "city"

8 Page 3, line 29:

9 Delete "municipality"

10 Insert "city"

11 Page 3, line 31:

12 Delete "municipality"

13 Insert "city"

14 Page 4, line 1:

15 Delete "municipality's"

16 Insert "city's"