

HB

296

<TARGET><BILL>HB 296</BILL><SUBJECT>HB
296</SUBJECT><COMM>HCRA28</COMM></TARGET>

ALASKA STATE LEGISLATURE

Interim:
716 West 4th Avenue
Anchorage, Alaska 99501
Phone: (907) 269-0216
Fax (907) 269-0218
Rep.Gabrielle.LeDoux@akleg.gov



Session:
Alaska State Capitol
Juneau, Alaska 99801
Phone: (907) 465-4998
Fax: (907) 465-4419
Toll Free: (800) 698-4998

REPRESENTATIVE GABRIELLE LEDOUX
WWW.GABRIELLELEDoux.COM

Hearing Request

House Bill 296

"An act providing for certain individuals who have erected a building on land leased from the state to receive a preference right to purchase certain state land without competitive bid."

We would like to request a hearing for House Bill 296. Attached are the original bill, proposed committee substitute, explanation of the changes in the CS and a sponsor statement.

Please address all questions or concerns to Thomas Brown in Representative LeDoux's office at (907)465-4998

Gabrielle LeDoux

28-LS1375U
Bullock
2/24/14

CS FOR HOUSE BILL NO. 296(CRA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES LEDOUX, Keller

A BILL

FOR AN ACT ENTITLED

1 **"An Act providing for certain individuals who have erected a building on land leased**
2 **from the state to receive a preference right to purchase certain state land without**
3 **competitive bid."**

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

5 *** Section 1. AS 38.05.035(f) is amended to read:**

6 (f) The director shall grant a preference right to the purchase or lease without
7 competitive bid of up to five acres of state land to an individual who has erected a
8 building on the land and used the land for bona fide business purposes for five or more
9 years under a federal permit or without the need for a permit and, after selection by the
10 state, under a state use permit or lease, if the business produced no less than 25 percent
11 of the total income of the applicant for the five years preceding the application to
12 purchase or lease the land. The director shall sell or lease the land at a price
13 determined by the director to represent the current fair market value of the unimproved
14 land but in no event less than the cost of administration including survey if required. If

1 the director determines in a written finding that the purchase or lease of the land would
2 interfere with public use by residents of the area, the director may condition the
3 purchase or lease to mitigate the adverse effects on the public use or may reject the
4 application for the preference right. A lease granted under this subsection may not be
5 for a period in excess of 50 years. [IN THIS SUBSECTION, "BUSINESS
6 PURPOSES" MEANS A PURPOSE PERMITTED UNDER THE
7 CLASSIFICATION OF THE LAND AT THE TIME THE LAND WAS ENTERED.]

8 * Sec. 2. AS 38.05.035 is amended by adding new subsections to read:

9 (p) Where there is a valid municipal entitlement selection on state land under
10 AS 29.65.010 - 29.65.030 that has a state-issued land lease that has been issued
11 competitively under AS 38.05.070 and before the decision to approve the municipal
12 entitlement land selection, the director shall grant a preference right to purchase
13 without further competitive bid of up to five acres of the state land to an individual
14 who has erected a building approved by a lease on the state land and used the land for
15 bona fide business purposes for 10 or more years under a state lease, if the business
16 produced not less than 25 percent of the total income of the applicant for the 10 years
17 preceding the application to purchase the land. An application for a preference right
18 under this section must be filed with the director within 120 days after notice to the
19 lessee of the municipal entitlement land selection. If the director grants the preference
20 right, the director shall sell the land at a price determined by the director to represent
21 the current fair market value of the unimproved land determined by an appraisal under
22 AS 38.05.840 and a survey, both at the cost of the applicant. If the director determines
23 that the purchase of the land would interfere with public use by residents of the area,
24 the director may condition the purchase to mitigate the adverse effects on the public in
25 the written finding under AS 38.05.035(e) or may reject the application if those effects
26 cannot be avoided or mitigated. If the preference right application is approved, the
27 amount of land within the overall municipal entitlement under AS 29.65.010 -
28 29.65.030 shall be reduced by the amount of land covered under this section; however,
29 subject to appropriation, the revenue from the purchase of the parcel will be given to
30 the municipality if the municipal entitlement land selection is approved.

31 (q) In (f) and (p) of this section,

1
2
3
4

(1) "building" means a permanent type of structure not less than 500 square feet in size with solid walls, foundation, and roof;

(2) "business purposes" means a purpose consistent with the classification of the land at the time the land was entered.

PAGE, LINE	28-LS0864\U	28-LS0864\N
Page 2, Line 9	"an active..."	"a valid"
Page 2, Line 10	"on which there is a..."	"that has a..."
Page 2, Lines 10-11		Clarifies that the state-issued land lease had been issued competitively
Page 2, Line 12		Clarifies that the municipal entitlement is a "land selection"
Page 2, Line 13		Adds the word "further"
Page 2, Line 13		Removes the word "leasee"
Page 2, Lines 14-17		Clarifies the conditions under which an individual will be granted a preference right
Page 2, Lines 17-19		Provides for a time limit within which to apply for the preference right (120 days)
Page 2, Line 19		Adds "If the director grants the preference right..."
Page 2, Lines 21-22		References the appraisal statute AS 38.05.840
Page 2, Line 25		References the statute that outlines how a written determination is administered
Page 2, Lines 26-30		Inserts provision for compensating municipalities for land purchased by a leaseholder with a preference right

ALASKA STATE LEGISLATURE

Interim:
716 West 4th Avenue
Anchorage, Alaska 99501
Phone: (907) 269-0216
Fax (907) 269-0218
Rep.Gabrielle.LeDoux@akleg.gov



Session:
Alaska State Capitol
Juneau, Alaska 99801
Phone: (907) 465-4998
Fax: (907) 465-4419
Toll Free: (800) 698-4998

REPRESENTATIVE GABRIELLE LEDOUX
WWW.GABRIELLELEDoux.COM

SPONSOR STATEMENT

HOUSE BILL 296

"An act providing for certain individuals who have erected a building on land leased from the state to receive a preference right to purchase certain state land without competitive bid."

House Bill 296 creates a new preference right for individuals holding a state lease to purchase the land before the State conveys the land to a municipality. In order to obtain a preference right, the individual must have invested in the land, erected a building on the land, and derived at least 25% of their total income from the land over the previous ten years. This preference right to purchase is without competitive bid and the land shall be sold to the applicant at a fair market value.

I encourage your support on HB 296.