

LEG. FINANCE - BILLS 1979 - 1980 1288

CSSB 152 cont., SB 158

1288

1 62.310 and 44.62.312, regarding public meetings, and AS 44.62.320(a)
2 regarding legislative review of regulations, the Administrative Proce-
3 dure Act (AS 44.62) does not apply to this chapter. The corporation
4 shall make available to members of the public copies of the regulations
5 adopted under (b) - (e) of this section. Within 45 days after adoption,
6 the chairman of the board shall submit a regulation adopted under (b) -
7 (e) of this section to the chairman of the Administrative Regulation
8 Review Committee under AS 24.20.400 - 24.20.460. The provisions of
9 AS 44.62.320(a) apply to regulations adopted under (b) - (e) of this
10 section.

11 (b) The board may adopt regulations by motion or by resolution or
12 in any other manner permitted by its bylaws.

13 (c) The board may adopt regulations to carry out the purposes of
14 this chapter, and shall adopt regulations necessary for the following
15 purposes:

16 (1) determination of borrower eligibility;

17 (2) loan guidelines and terms including, but not limited to,
18 maximum loan amounts and required loan-to-value ratios, but excluding
19 mortgage loan interest rates;

20 (3) characteristics of housing eligible for loans or for
21 purchase of loans.

22 (d) Except as provided in (e) of this section, at least 15 days
23 before the adoption, amendment, or repeal of a regulation on a subject
24 specified in (c)(1) - (3) of this section, the board shall give public
25 notice of the proposed action by publishing the notice in at least three
26 newspapers of general circulation in the state and by mailing a copy of
27 the notice to every person who has filed a request for notice of pro-
28 posed regulations with the board or the corporation. The public notice
29 must include a statement of the time, place, and nature of the proceed-

1 ings for the adoption, amendment, or repeal of the regulation and must
2 include an informative summary of the proposed subject of the regula-
3 tion. On the date and at the time and place designated in the notice,
4 the board shall give each interested person or his authorized represen-
5 tative, or both, the opportunity to present statements, arguments, or
6 contentions in writing, and shall give members of the public an oppor-
7 tunity to present oral statements, arguments, or contentions for a total
8 period of at least one hour. The board shall consider all relevant
9 matter presented to it before adopting, amending, or repealing a regu-
10 lation. At a hearing under this subsection, the board may continue or
11 postpone the hearing to a time and place which it determines. A regula-
12 tion which is adopted, or its amendment or repeal, may vary in content
13 from the informative summary specified in this subsection if the subject
14 matter of the regulation, or its amendment or repeal, remains the same
15 and the original notice was written so as to assure that members of the
16 public are reasonably notified of the proposed subject of the board's
17 action in order for them to determine whether their interest could be
18 affected by the board's action on that subject.

19 (e) A regulation or order of repeal on a subject specified in (c)
20 of this section may be adopted as an emergency regulation or order of
21 repeal if the board makes a finding in its order of adoption or repeal,
22 including a statement of the facts which constitute the emergency, that
23 the adoption of the regulation or order of repeal is necessary for the
24 immediate preservation of the orderly operation of the corporation's
25 loan programs. The requirements of (d) of this section do not apply to
26 the initial adoption of an emergency regulation covering a subject
27 specified in (c)(1) - (3) of this section; however, upon adoption of an
28 emergency regulation, the board shall, within 10 days after adoption,
29 give notice of the adoption in accordance with (d) of this section. No

1 emergency regulation adopted under this subsection remains in effect
2 more than 120 days unless the board complies with (d) of this section
3 during the 120-day period.

4 (f) A regulation adopted under (b) - (e) of this section becomes
5 effective immediately upon its adoption by the board, unless otherwise
6 specifically provided by the order of adoption.

7 (g) The provisions of (b) - (e) of this section do not apply to
8 regulations governing interest rates on the corporation's loan programs.

9 Sec. 26.16.140. GENERAL POWERS. In addition to other powers
10 granted in this chapter, the corporation may

11 (1) make veterans' loans under AS 26.16.020;

12 (2) prescribe terms and rates of interest on loans made by
13 the corporation;

14 (3) collect and pay reasonable fees and charges in connection
15 with making, purchasing and servicing its loans, notes, bonds, commit-
16 ments and other evidences of indebtedness;

17 (4) acquire real property, or an interest in real property,
18 in its own name, by purchase, transfer or foreclosure, when the acquisi-
19 tion is necessary or appropriate to protect a loan in which the corpora-
20 tion has an interest; sell, transfer and convey any such property to a
21 buyer; and, if the sale, transfer or conveyance cannot be affected with
22 reasonable promptness or at a reasonable price, rent or lease the pro-
23 perty to a tenant pending the sale, transfer or conveyance;

24 (5) sell, at public or private sale, to any purchaser, in-
25 cluding the Federal National Mortgage Association, all or any part of a
26 mortgage or other instrument or document securing a loan permitted by
27 this chapter;

28 (6) purchase, in order to meet the requirements of the sale
29 of its mortgages to the Federal National Mortgage Association, stock of

1 the Federal National Mortgage Association;

2 (7) procure insurance against any loss in connection with its
3 operation;

4 (8) consent to the modification of the rate of interest, time
5 of payment of an installment of principal or interest, or any other
6 terms, of a loan, to which the corporation is a party;

7 (9) borrow money as provided in this chapter to carry out its
8 corporate purposes; and issue its obligations as evidence of such borrow-
9 ing;

10 (10) include in any borrowing the amounts necessary to pay
11 financing charges, interest on the obligations for a period not exceed-
12 ing one year after the date on which the corporation estimates funds
13 will otherwise be available to pay the interest, consultant, advisory
14 and legal fees and such other expenses as are necessary or incident to
15 this borrowing;

16 (11) make and execute agreements, contracts and other instru-
17 ments necessary or convenient in the exercise of the powers and func-
18 tions of the corporation under this chapter, including contracts with
19 any person, firm, corporation, governmental agency or other entity;

20 (12) receive, administer and comply with the conditions and
21 requirements respecting any appropriation or gift, grant or donation of
22 property or money;

23 (13) sue and be sued in its own name;

24 (14) adopt an official seal;

25 (15) adopt bylaws for the regulation of its affairs and the
26 conduct of its business and prescribe rules, regulations and policies in
27 connection with the performance of its functions and duties;

28 (16) employ fiscal consultants, engineers, attorneys, real
29 estate counselors, appraisers and such other consultants and employees

1 as may be required in the judgment of the corporation, and fix and pay
2 their compensation from funds available to the corporation;

3 (17) adopt and publish regulations respecting its lending
4 programs and other regulations to carry out its purposes;

5 (18) do all acts necessary, convenient or desirable to carry
6 out the powers expressly granted or necessarily implied in this chapter;

7 (19) invest or reinvest, subject to its contracts with note-
8 holders and bondholders, any money or funds held by the corporation in
9 any obligations or other securities or investments in which banks or
10 trust companies in the state may legally invest funds held in reserves
11 or sinking funds or any funds not required for immediate disbursement,
12 and in certificates of deposit or time deposits secured by obligations
13 of, or guaranteed by, the state or the United States of America.

14 Sec. 26.16.150. LOAN INSURANCE. (a) There is a special fund of
15 the state to be known as the "veterans' loan insurance fund" (called the
16 "loan insurance fund") which shall be completely segregated and set
17 apart from all other funds of the state, and which is a trust fund for
18 the uses and purposes of this section and into and from which money
19 shall be paid as provided in this section. The loan insurance fund
20 shall be held by the commissioner of revenue, subject to the power of
21 the commissioner of commerce and economic development to enter into and
22 perform agreements for the use of money in the loan insurance fund and
23 to pledge, assign or grant interests in the loan insurance fund as
24 provided in this section. The commissioner of commerce and economic
25 development may enter into agreements with the corporation for the
26 exercise of any power or approval relating to the loan insurance fund
27 under this section, including, without limitation, agreements as to the
28 use of money in the loan insurance fund, agreements regarding the terms
29 and conditions upon which payments from the loan insurance fund shall be

1 made to the corporation for loans insured under this section, and agree-
2 ments regarding the payment of and security for loan insurance bonds,
3 and in connection with these agreements the commissioner of commerce and
4 economic development may pledge, assign or grant other interests in the
5 loan insurance fund to the corporation as may be necessary or appropri-
6 ate in connection with the insurance of loans and to provide for the
7 payment of and security for loan insurance bonds. An agreement or any
8 of the rights of the corporation under the agreement and payments re-
9 ceived or to be received under the agreement may be pledged or assigned
10 by the corporation for the benefit of the holders of loan insurance
11 bonds.

12 (b) In addition to any other fees and charges which the corpora-
13 tion may charge on mortgage loans, it may collect or cause to be
14 collected on all mortgage loans made with the proceeds of the sale of
15 mortgage insurance bonds, either or both a special mortgage loan insur-
16 ance commitment fee or a mortgage loan insurance premium. The special
17 mortgage loan insurance commitment fees and special mortgage loan in-
18 surance premiums when received shall be deposited in the loan insurance
19 fund by the corporation, or by any mortgage loan servicer, trustee, or
20 agent designated by the corporation to receive them, and shall be held,
21 invested and, together with all investment income derived from them,
22 reinvested by the commissioner of revenue in investments authorized
23 under AS 37.10.070(a), subject to any agreement with the corporation
24 under (a) of this section.

25 (c) If, at any time after receipt by the corporation of a payment
26 from the loan insurance fund with respect to a loan or any portion of
27 the principal and interest and other amounts payable on a loan, the
28 corporation recovers an amount on the loan or portion of it from any
29 source other than the loan insurance fund, it shall apply the amount

1 recovered in the following order: first to repay the general fund of
2 the state to the extent of appropriations made pursuant to requests made
3 under (f) of this section, and second, to repay the loan insurance fund.

4 (d) A state veterans' mortgage loan may be insured if the loan-to-
5 value ratio at the time of the insurance does not exceed 90 per cent or,
6 if the loan-to-value ratio does exceed that percentage, if it is
7 federally insured or guaranteed or insured by a qualified mortgage
8 insurance company to the extent of the excess. The endorsement of the
9 corporation on the mortgage at the time of purchase or acquisition of
10 the mortgage loan is conclusive evidence that the mortgage loan is
11 insured under the provisions of this section. The insurance is payable
12 solely from the mortgage insurance fund.

13 (e) Mortgage loans may only be insured when the amount of mortgage
14 loans in the loan insurance fund as a percentage of the sum of all
15 mortgage loans to be insured and all unpaid principal on mortgage loans
16 insured by the corporation, equals or exceeds the fund requirement. As
17 used in this section, the "fund requirement" is calculated as follows as
18 to the following mortgage loans insured by the corporation:

19 (1) in the case of state veteran mortgage loans insured by a
20 qualified mortgage insurance company or, if not so insured or guaran-
21 teed, with a loan-to-value ratio at the time of the mortgage insurance
22 application less than 80 per cent, the greater of (A) two per cent of
23 the unpaid principal amount of those mortgage loans, or (B) a percentage
24 which the corporation with the approval of the commissioner of commerce
25 and economic development determines is actuarially sound for operation
26 of the loan insurance fund;

27 (2) in the case of state veterans' mortgage loans not insured
28 by a qualified mortgage insurance company and with a loan-to-value ratio
29 at the time of the mortgage insurance application between 80 and 90 per

1 cent, the greater of (A) six per cent of the unpaid principal amount of
2 those state veterans' loans, or (B) a percentage which the corporation
3 with the approval of the commissioner of commerce and economic develop-
4 ment determines is actuarially sound for the operation of the loan
5 insurance fund.

6 (f) On December 1 of each year the commissioner of commerce and
7 economic development shall determine the amount on deposit in the loan
8 insurance fund. If the amount in the fund is less than the fund re-
9 quirement, the commissioner shall request the corporation to transfer
10 from any available funds the amount necessary to restore the loan in-
11 surance fund to the fund requirement and the corporation shall promptly
12 comply with the request from any funds available subject to agreements
13 with holders of any of its obligations. If sufficient funds are not
14 provided as the result of such requests, the commissioner shall, no
15 later than January 2 of the following year, make and deliver to the
16 governor and to the chairmen of the house and senate finance committees
17 his certificate stating the sum required to restore the fund to the fund
18 requirement and the sum so certified may be appropriated and paid to the
19 fund during the then current state fiscal year. Nothing in this sub-
20 section creates a debt or liability of the state.

21 (g) The commissioner of revenue may sell to the corporation, and
22 the corporation may purchase, state veterans' loans purchased for and
23 held in the general fund on such terms and conditions as the commis-
24 sioner of revenue and the corporation consider appropriate. When the
25 commissioner of revenue sells a state veterans' loan to the corporation
26 he may cause to be deposited in the loan insurance fund from the pro-
27 ceeds of sale an amount not exceeding the lesser of (1) six per cent of
28 the proceeds of sale, or (2) the difference between the amount the
29 commissioner of revenue actually receives on the sale and the amount the

1 commissioner determines would have been received if the state veterans'
2 loans had been sold in the private mortgage market. The determination
3 shall be based on information reasonably available to the commissioner
4 of revenue at the time of sale and is conclusive in determining the
5 amount of the deposit.

6 (h) As used in this section, unless the context clearly indicates
7 a different meaning:

8 (1) "loan-to-value ratio" means the ratio between the prin-
9 cipal amount of a mortgage loan and the appraised value, as determined
10 by the corporation, of the residential housing financed by that mortgage
11 loan;

12 (2) "mortgage insurance bond" means a bond, note or other
13 obligation of the corporation, the proceeds of which are authorized to
14 be expended to purchase or make a mortgage loan insured under this
15 section;

16 (3) "qualified mortgage insurance company" means a mortgage
17 insurance company satisfactory to the corporation;

18 (4) "special mortgage loan insurance commitment fee" and
19 "special mortgage loan insurance premium" mean, respectively, a fee of
20 such per cent of the principal amount of a mortgage loan to be insured
21 under this section, and an annual insurance premium of such per cent of
22 the portion of the unpaid principal amount of a mortgage loan insured
23 under this section which is not federally insured or guaranteed or
24 insured by a private mortgage insurance company, which the corporation
25 with the approval of the commissioner of commerce and economic develop-
26 ment determines is actuarially sound for the operation of the mortgage
27 insurance fund;

28 (5) "state veterans' loan" means a mortgage loan for residen-
29 tial housing made in accordance with AS 26.16.020;

1 (6) the determination of what is "actuarially sound" with
2 respect to the operation of the loan insurance fund shall be based on a
3 consideration of the factors which will provide sufficient revenues for
4 the operation of the fund, without regard to amounts which may have been
5 or may, after the date of determination of actuarial soundness, be
6 appropriated under (f) of this section, including, without limitation,
7 estimates of future defaults and losses on loans insured under this
8 section based on actual default and loss experience on those loans or on
9 similar loans in Alaska or elsewhere, estimates of recoveries on de-
10 faulted or foreclosed loans based on that experience, the terms and
11 conditions of the loans insured under this section, estimates of
12 earnings and income of amounts on deposit in the loan insurance fund,
13 and any other appropriate factors.

14 Sec. 26.16.160. BONDS AND NOTES. (a) The corporation, by reso-
15 lution, may issue bonds and bond anticipation notes in order to provide
16 funds to carry out its purposes.

17 (b) The principal and interest on these bonds or notes is payable
18 from corporation funds. Bond anticipation notes may be payable from the
19 proceeds of the sale of bonds or from the proceeds of sale of other bond
20 anticipation notes or, in the event bond or bond anticipation note
21 proceeds are not available, the notes may be paid from other funds or
22 assets of the corporation. Bonds or notes may be additionally secured
23 by a pledge of a grant or contribution from the federal government, or a
24 corporation, association, institution or person, or a pledge of money,
25 income, or revenues of the corporation from any source.

26 (c) Bonds or bond anticipation notes may be issued in one or more
27 series and shall be dated, bear interest at the rate or rates per year
28 or within the maximum rate, be in the denomination, be in the form,
29 either coupon or registered, carry the conversion or registration pro-

1 visions, have the rank or priority, be executed in the manner and form,
2 be payable from the sources in the medium of payment and place or places
3 in or outside the state, be subject to authentication by a trustee or
4 fiscal agent, and be subject to the terms of redemption with or without
5 premium, as the resolution of the corporation may provide. Bond anti-
6 cipation notes shall mature at such time or times as may be determined
7 by the corporation. Bonds shall mature at such time, not exceeding 50
8 years from their date, as may be determined by the corporation. Before
9 the preparation of definitive bonds or bond anticipation notes, the
10 corporation may issue interim receipts or temporary bonds or bond anti-
11 cipation notes, with or without coupons, exchangeable for bonds or bond
12 anticipation notes when these definitive bonds or bond anticipation
13 notes have been executed and are available for delivery.

14 (d) Bonds or bond anticipation notes may be sold in the manner, on
15 the terms and at the price the corporation determines.

16 (e) If an officer whose signature or a facsimile of whose signa-
17 ture appears on any bonds or notes or coupons attached to them ceases to
18 be an officer before the delivery of the bond, note or coupon, his
19 signature or facsimile is valid the same as if he had remained in office
20 until delivery.

21 (f) In resolution of the corporation authorizing or relating to
22 the issuance of bonds or bond anticipation notes, the corporation has
23 power by provisions in the resolution which will constitute covenants of
24 the corporation and contracts with the holders of the bonds or bond
25 anticipation notes

26 (1) to pledge to any payment or purpose all or any part of
27 its revenues to which its right then exists or may thereafter come into
28 existence, and the money derived from the revenues, and the proceeds of
29 any bonds or notes;

1 (2) to covenant against pledging all or any part of its
2 revenues, or against permitting or suffering a lien on the revenues or
3 its property;

4 (3) to covenant as to the use and disposition of any and all
5 payments of principal or interest received by the corporation on loans
6 or other investments held by the corporation;

7 (4) to covenant as to establishment of reserves or sinking
8 funds and the making of provision for and the regulation and disposition
9 of the reserves or sinking funds;

10 (5) to covenant for or against limitations on a right to sell
11 or otherwise dispose of property of any kind;

12 (6) to covenant as to bonds and notes to be issued, and their
13 limitations, terms and conditions, and as to the custody, application
14 and disposition of the proceeds of the bonds and notes;

15 (7) to covenant as to the issuance of additional bonds or
16 notes, or as to limitations on the issuance of additional bonds or notes
17 and the incurring of other debts;

18 (8) to covenant as to the payment of the principal of or
19 interest on the bonds or notes, as to the sources and methods of the
20 payment, as to the rank or priority of the bonds or notes with respect
21 to a lien or security, or as to the acceleration of the maturity of the
22 bonds or notes;

23 (9) to provide for the replacement of lost, stolen, destroyed
24 or mutilated bonds or notes;

25 (10) to covenant against extending the time for the payment of
26 bonds or notes or interest on the bonds or notes;

27 (11) to covenant as to the redemption of bonds or notes and
28 privileges of their exchange for other bonds or notes of the corpora-
29 tion;

1 (12) to covenant to create or authorize the creation of
2 special funds of money to be held in pledge or otherwise for operating
3 expenses, payment or redemption of bonds or notes, reserves or other
4 purposes, and as to the use and disposition of the money held in the
5 funds;

6 (13) to establish the procedure, if any, by which the terms of
7 any contract or covenant with or for the benefit of the holders of bonds
8 or notes may be amended or abrogated, the amount of bonds or notes the
9 holders of which must consent to amendment or abrogation, and the manner
10 in which the consent may be given;

11 (14) to covenant as to the custody of any of its properties or
12 investments, their safekeeping and insurance, and the use and disposi-
13 tion of insurance money;

14 (15) to covenant as to the time or manner of enforcement or
15 restraint from enforcement of any rights of the corporation arising by
16 reason of or with respect to nonpayment of any principal or interest of
17 any mortgage loans or construction loans;

18 (16) to provide for the rights and liabilities, powers and
19 duties arising upon the breach of any covenant, condition or obligation,
20 and to prescribe the events of default and the terms and conditions upon
21 which any or all the bonds, notes or other obligations of the corpora-
22 tion become or may be declared due and payable before maturity and the
23 terms and conditions upon which any such declaration and its consequen-
24 ces may be waived;

25 (17) to vest in a trustee or trustees in or outside the state
26 such property, rights, powers and duties in trust as the corporation may
27 determine, which may include any or all of the rights, powers and duties
28 of any trustee appointed by the holders of any bonds or notes, and to
29 limit or abrogate the right of the holders of any bonds or notes of the

1 corporation to appoint a trustee under this chapter or limit the rights,
2 powers and duties of the trustee;

3 (18) to pay the cost or expenses incident to the enforcement
4 of the bonds or notes or of the provisions of the resolution or of any
5 covenant or agreement of the corporation with the holders of its bonds
6 or notes;

7 (19) to agree with any corporate trustee which may be a trust
8 company or bank having the powers of a trust company in or outside the
9 state as to the pledging or assigning of revenues or funds to which or
10 in which the corporation has any rights or interest; the agreement may
11 further provide for such other rights and remedies exercisable by the
12 trustee as may be proper for the protection of the holders of any bonds
13 or notes of the corporation and not otherwise in violation of law and
14 may provide for the restriction of the rights of an individual holder of
15 bonds or notes of the corporation;

16 (20) to appoint and provide for the duties and obligations of
17 any paying agent or paying agents, or such other fiduciaries as the
18 resolution may provide in or outside the state;

19 (21) to limit the rights of the holders of any bonds or notes
20 to enforce any pledge or covenant securing bonds or notes;

21 (22) to make covenants other than and in addition to the
22 covenants expressly authorized in this section, of like or different
23 character, and to make the covenants to do or refrain from doing such
24 acts and things as may be necessary, or convenient and desirable, in
25 order to better secure bonds or notes or which, in the absolute discre-
26 tion of the corporation, will tend to make bonds or notes more market-
27 able, notwithstanding that the covenants, acts or things may not be
28 enumerated in this section.

29 Sec. 26.16.170. INDEPENDENT FINANCIAL ADVISOR. In negotiating the

1 private sale of bonds or bond anticipation notes to an underwriter, the
2 corporation shall retain a financial advisor who is independent from the
3 underwriter.

4 Sec. 26.16.180. VALIDITY OF ANY PLEDGE. The pledge of assets or
5 revenues of the corporation to the payment of the principal or interest
6 on any obligations of the corporation is valid and binding from the time
7 the pledge is made and any such assets or revenues are immediately
8 subject to the lien of the pledge without physical delivery or further
9 act. The lien of any pledge is valid and binding against all parties
10 having claims of any kind in tort, contract or otherwise against the
11 corporation, irrespective of whether those parties have notice of the
12 lien of the pledge. Nothing in this section prohibits the corporation
13 from selling assets subject to a pledge, except that a sale may be
14 restricted by the trust agreement or resolution providing for the
15 issuance of the obligations.

16 Sec. 26.16.190. CAPITAL RESERVE FUND. (a) For the purpose of
17 securing any one or more issues of its obligations, the corporation may
18 establish one or more special funds, called "capital reserve funds", and
19 shall pay into those capital reserve funds (1) any money appropriated
20 and made available by the state for the purpose of any of those funds,
21 (2) any proceeds of the sale of its obligations, to the extent provided
22 in the resolution or resolutions of the corporation authorizing their
23 issuance, and (3) any other money which may be made available to the
24 corporation for the purposes of those funds from any other source. All
25 money held in a capital reserve fund, except as provided in this section,
26 shall be used as required, solely for (1) the payment of the principal
27 of obligations or of the sinking fund payments with respect to those
28 obligations, (2) the purchase or redemption of obligations, (3) the
29 payment of interest on obligations, or (4) the payment of any redemption

1 premium required to be paid when those obligations are redeemed before
2 maturity; however, money in any fund may not be withdrawn from it at any
3 time in an amount which would reduce the amount of that fund to less
4 than the capital reserve requirement set out in (b) of this section,
5 except for the purpose of making, with respect to those obligations,
6 payment, when due, of principal, interest, redemption premiums and the
7 sinking fund payments for the payment of which other money of the cor-
8 poration is not available. Any income or interest earned by, or incre-
9 ment to, a capital reserve fund, due to the investment of the fund or
10 any other amounts in it, may be transferred by the corporation to other
11 funds or accounts of the corporation to the extent that the transfer
12 does not reduce the amount of the capital reserve fund below the capital
13 reserve fund requirement.

14 (b) If the corporation decides to issue obligations secured by a
15 capital reserve fund, the obligations may not be issued if the amount in
16 the capital reserve fund is less than such a per cent, not exceeding 10
17 per cent of the principal amount of all of those obligations secured by
18 that capital reserve fund then to be issued and then outstanding in
19 accordance with their terms, as may be established by resolution of the
20 corporation (called the "capital reserve fund requirement"), unless the
21 corporation, at the time of issuance of the obligations, deposits in the
22 capital reserve fund from the proceeds of the obligations to be issued
23 or from other sources, an amount which, together with the amount then in
24 the fund, will not be less than the capital reserve fund requirement.

25 (c) In computing the amount of a capital reserve fund for the
26 purpose of this section, securities in which all or a portion of the
27 funds are invested shall be valued at par or, if purchased at less than
28 par, at amortized costs as the term is defined by resolution of the
29 corporation authorizing the issue of the obligations, or by some other

1 reasonable method established by the corporation by resolution. Valua-
2 tion on a particular date shall include the amount of any interest
3 earned or accrued to that date.

4 (d) To assure the continued operation and solvency of the corpora-
5 tion for the carrying out of its corporate purposes, provision is made
6 in (a) of this section for the accumulation in capital reserve funds of
7 an amount equal to their capital reserve fund requirement.

8 (e) The chairman of the corporation shall annually, no later than
9 January 2, make and deliver to the governor and chairman of the house
10 and senate finance committees his certificate stating the sum, if any,
11 required to restore any capital reserve fund to the capital reserve fund
12 requirement. The legislature may appropriate such a sum, and all sums
13 appropriated during the then current fiscal year by the legislature for
14 the restoration shall be deposited by the corporation in the proper
15 capital reserve fund. Nothing in this section creates a debt or liabil-
16 ity of the state.

17 (f) Whenever the corporation has created and established a capital
18 reserve fund, the commissioner of revenue may lend surplus money in the
19 general fund to the corporation for deposit in a capital reserve fund in
20 an amount equal to the capital reserve fund requirement. The loans
21 shall be made on such terms and conditions as may be agreed upon the
22 commissioner of revenue and the corporation, including without limita-
23 tion terms and conditions providing that the loans need not be repaid
24 until the obligations of the corporation secured and to be secured by
25 the capital reserve fund are no longer outstanding.

26 Sec. 26.16.200. REMEDIES. A holder of obligations or coupons
27 attached to them issued under the provisions of this chapter, and a
28 trustee under a trust agreement or resolution authorizing the issuance
29 of the obligations, except as restricted by a trust agreement or resolu-

1 tion, either at law or in equity, may enforce all rights granted under
2 this chapter or under the trust agreement or resolution, or under any
3 other contract executed by the corporation under this chapter, and may
4 enforce and compel the performance of all duties required by this
5 chapter or by the trust agreement or resolution to be performed by the
6 corporation or by any officer of it.

7 Sec. 26.16.210. NEGOTIABLE INSTRUMENTS. All obligations and
8 interest coupons attached to them are negotiable instruments under the
9 laws of this state, subject only to any applicable provisions for regis-
10 tration.

11 Sec. 26.16.220. OBLIGATIONS ELIGIBLE FOR INVESTMENT. Obligations
12 issued under the provisions of this chapter are securities in which all
13 public officers and public bodies of the state and its political sub-
14 divisions, all insurance companies, trust companies, banking associa-
15 tions, investment companies, executors, administrators, trustees and
16 other fiduciaries may properly and legally invest funds, including
17 capital in their control or belonging to them. These obligations may be
18 deposited with any state or municipal officer of an agency or political
19 subdivision of the state for any purpose for which the deposit of bonds,
20 notes or obligations of the state is authorized by law.

21 Sec. 26.16.230. REFUNDING OBLIGATIONS. (a) The corporation may
22 provide for the issuance of refunding obligations for the purpose of
23 refunding any obligations then outstanding which have been issued under
24 the provisions of this chapter, including the payment of any redemption
25 premium on them and any interest accrued or to accrue to the date of
26 redemption of the obligations. The issuance of the obligations, the
27 maturities and other details of them, the rights of the holders of them,
28 and the rights, duties and obligations of the corporation in respect of
29 them are governed by the provisions of this chapter which relate to the

1 issuance of obligations, insofar as those provisions may be appropriate.

2 (b) Refunding obligations may be sold or exchanged for outstanding
3 obligations issued under this chapter and, if sold, the proceeds may be
4 applied, in addition to any other authorized purposes, to the purchase,
5 redemption or payment of the outstanding obligations. Pending the
6 application of the proceeds of any such refunding obligations, with any
7 other available funds, to the payment of the principal, accrued interest
8 and any redemption premium on the obligations being refunded, and, if so
9 provided or permitted in the resolution authorizing the issuance of the
10 refunding obligations or in the trust agreement securing them, to the
11 payment of any interest on the refunding obligations and any expenses in
12 connection with the refunding, the proceeds may be invested in direct
13 obligations of, or obligations the principal of and the interest on
14 which are unconditionally guaranteed by, the United States of America
15 which mature or which will be subject to redemption, at the option of
16 the holders of them, not later than the respective dates when the
17 proceeds, together with the interest accruing on them, will be required
18 for the purposes intended.

19 Sec. 26.16.240. CREDIT OF STATE NOT PLEDGED. (a) Obligations
20 issued under the provisions of this chapter do not constitute a debt,
21 liability or obligation of the state or of any political subdivision of
22 the state or a pledge of the faith and credit of the state or of any
23 such political subdivision but are payable solely from the revenues or
24 assets of the corporation. Each obligation issued under this chapter
25 shall contain on its face a statement that the corporation is not
26 obligated to pay it nor the interest on it except from the revenues or
27 assets pledged for it and that neither the faith and credit nor the
28 taxing power of the state or of any political subdivision of the state
29 is pledged to the payment of the principal of or the interest on the

1 obligation.

2 (b) Expenses incurred by the corporation in carrying out the
3 provisions of this chapter are payable from funds provided under this
4 chapter and no liability may be incurred by the corporation in excess of
5 these funds.

6 Sec. 26.16.250. OFFICERS NOT LIABLE. A member or other officer of
7 the corporation is not subject to personal liability or accountability
8 by reason of his execution of any obligations or the issuance of them.

9 Sec. 26.16.260. TAX EXEMPTION. (a) The exercise of the powers
10 granted by this chapter will be in all respects for the benefit of the
11 people of the state, for their well-being and prosperity and for the
12 improvement of their social and economic conditions, and the corporation
13 is not required to pay a tax or assessment on any property owned by the
14 corporation under the provisions of this chapter or upon the income from
15 it, except taxes on real property of which the corporation is fee owner.

16 (b) All obligations issued under this chapter are hereby declared
17 to be issued by a body corporate and public of the state and for an
18 essential public and governmental purpose, and the obligations, and the
19 interest and income on and from the obligations, and all fees, charges,
20 funds, revenues, income and other money pledged or available to pay or
21 secure the payment of the obligations, or interest on the obligations,
22 are exempt from taxation except for transfer, inheritance and estate
23 taxes.

24 Sec. 26.16.270. ANNUAL REPORT. The corporation shall prepare and
25 transmit annually a report accounting to the governor and the legisla-
26 ture for the efficient discharge of all responsibility assigned by law or
27 by directive to the corporation.

28 Sec. 26.16.280. DEFINITIONS. In this chapter, unless the context
29 clearly indicates a different meaning,

1 (1) "corporation" means the Alaska Veterans' Loan Corporation
2 established by this chapter;

3 (2) "board" means the board of directors of the corporation;

4 (3) "governmental agency" means any department, division,
5 public agency, political subdivision or other public instrumentality of
6 the state or federal government.

7 * Sec. 3. All assets of the World War II veterans' loan fund established
8 under AS 26.15.090 are transferred to the Alaska Veterans' Loan Corporation
9 to be used for the purposes of AS 26.16.

10 * Sec. 4. All loan servicing functions presently performed by the Depart-
11 ment of Commerce and Economic Development on loans made under the provisions
12 of AS 26.15 are transferred to the Alaska Veterans' Loan Corporation created
13 in AS 26.16. The Alaska Veterans' Loan Corporation shall assume the duties
14 which the Department of Commerce and Economic Development is obligated to
15 perform under agreements made in connection with veterans loans and is
16 entitled to service fees and other compensation which the department is
17 entitled to receive.

18 * Sec. 5. AS 26.15 is repealed.

19 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-
20 070(c).

5856
Bever

March 14, 1979

M E M O R A N D U M

TO: John Sackett, Chairman
Senate Finance Committee

FROM: Garrey Peska
Administrative Assistant

CSSB 152 is a possibility for re-starting the Veteran's housing loan program.

On Thursday, the Department of Revenue and their Bond Counsel will say that separate authorities are a bad precedent.

Proliferations of various governmental or quasi-governmental agencies selling bonds could wipe out our bond market.

This bill should be included in our list of discussion topics for Thursday's joint meeting with House Finance.

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 12, 1979

SUBJECT: Veterans' Loan Corporation - CSSB 152

TO: Senator Brad Bradley; Chairman
Senate Commerce Committee

FROM: Billy G. Berrier *BGB*
Director
Division of Legal Services

You have asked for a summary of this bill. In broad outline, the bill creates an independent public corporation located within the Department of Commerce and Economic Development to make veterans' loans. The functions of the Division of Veterans' Affairs in making loans are vested in the corporation and the authorizing statute allowing the division to make veterans' loans is repealed. Veterans' loans are limited to single family homes and owner occupied duplexes with the other lending authorities the division now has not being carried forward. The revolving loan fund and the servicing of existing loans are transferred to the corporation. The corporation is structured so that it essentially parallels the structure of the Alaska Housing Finance Corporation, is given revenue bonding authority; and an insurance fund, which must be funded by appropriations, is created.

Section 1 of the bill contains the findings that veterans' loans are for a public purpose. Although probably not essential, this type of finding in a bill creating a public corporation has weight with the court if the question is raised.

Sec. 26.16.010 establishes the corporation within the Department of Commerce and Economic Development as a public corporation with legal existence independent of the state.

Sec. 26.16.020 is the section authorizing the corporation to make loans. This section carries the authority the division now has to make loans for single family and owner-occupied duplexes forward to the corporation. Other loans the division is now authorized to make are not authorized by this bill.

Senator Brad Bradley
Page 2
March 12, 1979

Therefore veterans' loans could be made only for single family homes and owner-occupied duplexes.

Sec. 26.16.030 defines eligibility for veterans' loans. The language of the present eligibility criteria is substantially modified to eliminate duplications and inconsistency but the criteria is not changed.

Secs. 26.16.050 through 140 set up the mechanism and functioning of the corporation. Except for the requirement that at least four members of the board be veterans and the change discussed in the next paragraph this is substantially identical to the structure and powers of Alaska Housing Finance Corporation.

Under AS 26.16.140(a) the corporation is given the authority to "make" loans rather than the authority of AHFC to "purchase or participate in the purchase of loans". The corporation is therefore the direct lender for veterans' loans.

Sec. 26.16.150 creates a loan insurance fund for the loans made by the corporation. This is in effect a guarantee fund which would obtain money from state appropriations. Although it is probably not feasible at this time, the corporation is authorized under (g) of this section to purchase the portfolio of veterans' loans held by the Department of Revenue. In the future this purchase may become feasible and useful so authorization for it should exist.

Secs. 26.16.160 through 260 are the normal revenue bonding boilerplate which is needed for issuance and sale of the bonds.

Sec. 26.16.270 requires an annual report to the governor and legislature accounting for the corporation's activities for the year.

Sec. 3 of the bill transfers the assets of the World War II revolving loan fund now held by the Division of Veterans' Affairs to the Corporation.

Sec. 4 transfers the responsibility for servicing loans owned by the general fund and serviced by the division to the corporation. The existing duties and rights to compensation are transferred to the corporation.

Senator Brad Bradley
Page 3
March 12, 1979

Sec. 5. repeals the existing veterans' act. It is my understanding that the bonus program is no longer in existence so that the loans program which is transferred by this bill to the corporation is the only substantial function of the division.

BGB:jdn

Notes by Garrey Peska

3/13/79

CSSB 152

- * Creates a separate corporation with authority to sell revenue bonds.
- * Corporation would make loans directly to Vets for housing (single family & owner occupied duplexes).
- * Transfers all assets of the old Vets loan fund to the corporation.
- * Board of Directors consists of 6 -- Commissioner of Commerce and 5 veterans appointed by the Governor with no legislative approval.
- * Corporation will prescribe terms and rates of interest.
- * Provides a loan insurance fund similar to AHFC's (\$1 million state appropriation provides for \$50 million in loans in the case of AHFC).

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3600

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 12, 1979

SUBJECT: Veterans' Loan Corporation - CSSB 152

TO: Senator Brad Bradley, Chairman
Senate Commerce Committee

FROM: Billy G. Berrier *BGB*
Director
Division of Legal Services

You have asked for a summary of this bill. In broad outline, the bill creates an independent public corporation located within the Department of Commerce and Economic Development to make veterans' loans. The functions of the Division of Veterans' Affairs in making loans are vested in the corporation and the authorizing statute allowing the division to make veterans' loans is repealed. Veterans' loans are limited to single family homes and owner occupied duplexes with the other lending authorities the division now has not being carried forward. The revolving loan fund and the servicing of existing loans are transferred to the corporation. The corporation is structured so that it essentially parallels the structure of the Alaska Housing Finance Corporation, is given revenue bonding authority; and an insurance fund, which must be funded by appropriations, is created.

Section 1 of the bill contains the findings that veterans' loans are for a public purpose. Although probably not essential, this type of finding in a bill creating a public corporation has weight with the court if the question is raised.

Sec. 26.16.010 establishes the corporation within the Department of Commerce and Economic Development as a public corporation with legal existence independent of the state.

Sec. 26.16.020 is the section authorizing the corporation to make loans. This section carries the authority the division now has to make loans for single family and owner-occupied duplexes forward to the corporation. Other loans the division is now authorized to make are not authorized by this bill.

Therefore veterans' loans could be made only for single family homes and owner-occupied duplexes.

Sec. 26.16.030 defines eligibility for veterans' loans. The language of the present eligibility criteria is substantially modified to eliminate duplications and inconsistency but the criteria is not changed.

Secs. 26.16.050 through 140 set up the mechanism and functioning of the corporation. Except for the requirement that at least four members of the board be veterans and the change discussed in the next paragraph this is substantially identical to the structure and powers of Alaska Housing Finance Corporation.

Under AS 26.16.140(a) the corporation is given the authority to "make" loans rather than the authority of AHFC to "purchase or participate in the purchase of loans". The corporation is therefore the direct lender for veterans' loans.

Sec. 26.16.150 creates a loan insurance fund for the loans made by the corporation. This is in effect a guarantee fund which would obtain money from state appropriations. Although it is probably not feasible at this time, the corporation is authorized under (g) of this section to purchase the portfolio of veterans' loans held by the Department of Revenue. In the future this purchase may become feasible and useful so authorization for it should exist.

Secs. 26.16.160 through 260 are the normal revenue bonding boilerplate which is needed for issuance and sale of the bonds.

Sec. 26.16.270 requires an annual report to the governor and legislature accounting for the corporation's activities for the year.

Sec. 3 of the bill transfers the assets of the World War II revolving loan fund now held by the Division of Veterans' Affairs to the Corporation.

Sec. 4 transfers the responsibility for servicing loans owned by the general fund and serviced by the division to the corporation. The existing duties and rights to compensation are transferred to the corporation.

Senator Brad Bradley
Page 3
March 12, 1979

Sec. 5. repeals the existing veterans' act. It is my understanding that the bonus program is no longer in existence so that the loans program which is transferred by this bill to the corporation is the only substantial function of the division.

BGB:jdn

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. SB 152—An Act relating to eligibility for State Veterans loans.
 Title _____
 Requested by Bradley Date 2/16/79

II. FISCAL DETAIL
 Agency Affected Commerce & Economic Development
 Program Category Affected Development
 Budget Request Unit(s) Affected Veterans' Revolving Loan Fund

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES		145.4	152.7	160.3	168.3	176.7
200 TRAVEL		4.0	4.5	5.0	5.0	6.0
300 CONTRACTUAL		20.0	20.2	20.4	20.8	21.3
400 COMMODITIES						
500 EQUIPMENT		5.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		174.4	177.4	185.7	194.6	204.0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify) <u>Veterans</u>						
<u>Revolving Loan Fund</u>		174.4	177.4	185.7	194.6	204.0

POSITIONS

FULL TIME		8	8	8	8	8
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

If this bill is passed there will be an increase demand due to more veterans being eligible for the loan program. An additional 8 employees will be needed to meet the demand. At the present time the veterans' program is not making loans due to the necessary funding being cut off by Department of Revenue.

Juneau General Office	Loan Closer I
	Accounting Clerk II
Juneau Regional Office	Loan Examiner I
	Loan Closer I
Anchorage Regional Office	Clerk Typist III
	Loan Closer I
Fairbanks Regional Office	Loan Examiner III
	Loan Closer I

IV. DATE _____ PREPARED BY Jack L. Tinsley
 AGENCY Division of Veterans' Affairs
 PHONE 465-2555
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. SB 152—An Act relating to eligibility for State Veterans loans.
 Title _____
 Requested by Bradley Date 2/16/79

II. FISCAL DETAIL
 Agency Affected Commerce & Economic Development
 Program Category Affected Development
 Budget Request Unit(s) Affected Veterans' Revolving Loan Fund

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES		145.4	152.7	160.3	168.3	176.7
200 TRAVEL		4.0	4.5	5.0	5.0	6.0
300 CONTRACTUAL		20.0	20.2	20.4	20.8	21.3
400 COMMODITIES						
500 EQUIPMENT		5.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		174.4	177.4	185.7	194.6	204.0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify) <u>Veterans</u>						
<u>Revolving Loan Fund</u>		174.4	177.4	185.7	194.6	204.0

POSITIONS

FULL TIME		8	8	8	8	8
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

If this bill is passed there will be an increase demand due to more veterans being eligible for the loan program. An additional 8 employees will be needed to meet the demand. At the present time the veterans' program is not making loans due to the necessary funding being cut off by Department of Revenue.

Juneau General Office	Loan Closer I
	Accounting Clerk II
Juneau Regional Office	Loan Examiner I
	Loan Closer I
Anchorage Regional Office	Clerk Typist III
	Loan Closer I
Fairbanks Regional Office	Loan Examiner III
	Loan Closer I

IV. DATE _____ PREPARED BY Jack L. Tinsley
 AGENCY Division of Veterans' Affairs
 PHONE 465-2555
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. SB 152—An Act relating to eligibility for State Veterans loans.
 Title _____
 Requested by Bradley Date 2/16/79

II. FISCAL DETAIL
 Agency Affected Commerce & Economic Development
 Program Category Affected Development
 Budget Request Unit(s) Affected Veterans' Revolving Loan Fund

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES		145.4	152.7	160.3	168.3	176.7
200 TRAVEL		4.0	4.5	5.0	5.0	6.0
300 CONTRACTUAL		20.0	20.2	20.4	20.8	21.3
400 COMMODITIES						
500 EQUIPMENT		5.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		174.4	177.4	185.7	194.6	204.0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify) <u>Veterans</u>						
<u>Revolving Loan Fund</u>		174.4	177.4	185.7	194.6	204.0

POSITIONS

FULL TIME		8	8	8	8	8
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

If this bill is passed there will be an increase demand due to more veterans being eligible for the loan program. An additional 8 employees will be needed to meet the demand. At the present time the veterans' program is not making loans due to the necessary funding being cut off by Department of Revenue.

Juneau General Office	Loan Closer I
	Accounting Clerk II
Juneau Regional Office	Loan Examiner I
	Loan Closer I
Anchorage Regional Office	Clerk Typist III
	Loan Closer I
Fairbanks Regional Office	Loan Examiner III
	Loan Closer I

IV. DATE _____ PREPARED BY Jack L. Tinsley
 AGENCY Division of Veterans' Affairs
 PHONE 465-2555
 Original: Legislative Finance
 cc: Budget and Management

Introduced: 2/13/79
Referred: Commerce and
Finance

1 IN THE SENATE

BY BRADLEY

2 SENATE BILL NO. 152

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to eligibility for state veterans'
7 loans; and providing for an effective date."

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

9 * Section 1. AS 26.15.130(a)(1) is amended to read:

10 (1) persons who served in the armed forces of the United
11 States for 90 days or more, or whose service was for less than 90 days
12 because of injury or disability incurred in the line of duty, between
13 April 6, 1917, and November 11, 1918, and beginning September 16, 1940
14 to six months after termination of hostilities involving United States
15 forces in Indo-China, or in a combat zone during any period of armed
16 conflict, who were separated from the armed forces with a discharge
17 other than dishonorable [,] and who are physically present in the state
18 and intend to maintain their permanent home in the state, and who
19 demonstrate that intent by registering to vote, by designating a loca-
20 tion in the state as their home of record upon official civilian or
21 military personnel records

22 [(A) WHO, AT THE TIME OF INDUCTION INTO THE SERVICE,
23 WERE RESIDENTS OF THE TERRITORY, WHO HAD BEEN RESIDENTS FOR NOT
24 LESS THAN ONE YEAR IMMEDIATELY BEFORE THEIR INDUCTION, AND WHO
25 RETURNED TO THE TERRITORY OR STATE AFTER DISCHARGE AS RESIDENTS
26 WITH THE INTENTION OF REMAINING IN THE TERRITORY OR STATE; OR

27 (B) WHO, NOT BEING BONA FIDE RESIDENTS OF THE TERRITORY
28 BEFORE THEIR ENTRY INTO THE SERVICE, HAVE BEEN RESIDENTS OF THE
29 TERRITORY OR STATE FOR FIVE OR MORE YEARS];

1 * Sec. 2. AS 26.15.160(1)(B) is repealed and re-enacted to read:

2 (B) who are physically present in the state and intend
3 to maintain their permanent home in the state, and who demonstrate
4 their intent by registering to vote, designating a location in the
5 state as their home of record upon official civilian or military
6 personnel records; and

7 * Sec. 3. This Act is inapplicable to applications for loans received by
8 the Department of Commerce and Economic Development before July 1, 1979.

9 * Sec. 4. This Act takes effect July 1, 1979.
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

3/23/90
Date

SB 158 Repurchase of Prop. Foreclosed *Back up?*
Repeated Laws 2.14.80 MAR 17 1980

Mr. Earl Mickel
P. O. Box 5106
Ketchikan, Alaska 99901
March 13, 1980

Honorable Jay S. Hammond
Governor
State of Alaska
Pouch A
Juneau, Alaska 99811

Dear Governor:

I am writing in regard to S.B. 158 introduced by Senator Ziegler. This Bill would provide redemption rights to those owners whose properties were foreclosed on under the State Tax Act. The Tax Act was repealed under emergency legislation because of its unworkability and a question of its legality.

You requested a Bill which passed last year that repealed the Land Registration Act and yet permitted redemption by owners whose lands had been previously foreclosed on under that act. The same rights should apply to lands foreclosed on under the Tax Act which had been repealed. It is interesting to note that my particular land was foreclosed on some ten (10) years after repeal of the Tax Act. I have been trying for years, through the Division of Lands, to redeem my property and as a last resort, this issue is now before the State Senate. By legislation previously enacted other government entities must allow redemption on foreclosed property within this state.

Unfortunately the Division of Lands is testifying against S.B. 158 with no justified reason.

It is very expensive for me to attend, or send a representative to each committee meeting to overcome input from the Division of Lands.

I ask you for some justification for the Divisions opposition to S.B. 158. I suggest you analyse your position and would ask the Division of Lands to support this

MAR 17 1980

Honorable Jay S. Hammond
March 13, 1980
Page 2

legislation, which gives owners their proper redemption rights. I have lived and worked in Alaska for twenty-three (23) years and feel that I am entitled to ownership of my own property without it being taken by the state for \$330.00 worth of taxes.

I am anxiously awaiting your reply.

Sincerely,

Earl Mickel

cc: Senator Robert H. Ziegler, Sr.
Chairman Senate Judiciary Committee
Pouch V
Mail Stop Number 3100
Juneau, Alaska 99811

Senator John C. Sackett
Chairman Senate Finance Committee
Pouch V
Mail Stop Number 3100
Juneau, Alaska 99811

February 27, 1980

Senator Bob Ziegler
Pouch V
Juneau, Alaska 99811

Hi Bob;

The Redemption Bill S.B. 158 cleared the Resources Committee by a 4-2-1 vote. Sumner - Farenk - Bennett & Meland yes. Mulkahey - Dankworth - No Recommendation. Kertulla No.

It is now in the Finance Committee. Sackett holds the pat hand. Please suggest are next move. I have written him and each member of that committee previously and believe all other correspondence went to his committee.

To be blunt, can you do anything to have Finance bring this bill up?

We will follow any suggestions that you have.

You can call me at 225-5391 or Jeff at 225-4131 if there is any hurry.

Currall

Thanks.

Sincerely,


Earl E. Mickel

225-

4108

(Targos Realty)

EM/ed

TO: Michael C. T. Smith
Director, Division of Lands
Department of Natural Resources

DATE: October 22, 1975

FILE NO:

Yellow

ATTN: L. T. Main

TELEPHONE NO:

FROM: AVRUM M. GROSS
ATTORNEY GENERAL

SUBJECT: U. S. Mineral Survey
2011 - - Earl Mickel;
applicability of
AS 34.10.220.

By: Rodger W. Pegues
Assistant Attorney General

Mr. Mickel has offered to repurchase the subject property pursuant to AS 34.10.220. The file indicates, however, that the land was not acquired by the State pursuant to the Land Registration Law of 1953, to which the repurchase right of AS 34.10.220 applies, but rather was acquired pursuant to the Alaska Property Tax Act of 1949, to which AS 34.10.220 does not apply. The Alaska Property Tax Act of 1949, Ch. 10, SLA 1949, adopted the foreclosure provisions of the Alaska Land Registration Law by particular reference to those sections of that law which provided for foreclosure and redemption. As a general rule, when one statute adopts the terms of another by particular reference to specific sections, it takes them as they then exist. It is as if the terms were set out in the adopting statute. Subsequent modifications to the adopted statute do not apply to the adopting statute except by express direction or necessary implication. See 1A SUTHERLAND, STATUTORY CONSTRUCTION §532-533 (4th ed. 1972).

At the time the Land Registration Law was reenacted in 1953, the Property Tax Act had been repealed. Compare Ch. 134 SLA 1953 with Ch. 27 SLA 1953. Accordingly, when the legislature acted in 1959 to amend the Registration Law to provide a right of repurchase \$5, Ch. 179, SLA 1959, it was acting solely upon the latter law and not upon the long-repealed Property Tax Act.

The 1949 Property Tax Act adopted the foreclosure provisions of the Land Registration Law as they then existed. That law then provided that if redemption was not made within 60 days of the filing of delinquencies, those holding an interest in the property were barred and forever foreclosed of all right and interest in the property. See AS 34.10.080, §22-2-9 ACLA (1949). The repurchase provisions of the 1959 legislation, AS 34.10.220(a), may not properly be construed as applying to property acquired pursuant to the Property Tax Act without a clear showing of legislative intent to that effect.

The intent of the legislature is set out in the applicable statute as follows:

It is the intent of the legislature to enact into the 'Land Registration Law of 1953' a true right of redemption

1104-2.2

Michael C. T. Smith
Director, Division of Lands
Attn: L. T. Main

October 22, 1975

-2-

in the owner . . . or other person
having an interest in property
affected by that law. AS 34.10.180
(emphasis added).

The interest in property affected in the instant case was not affected by "that law" (the Registration Law) but by the Property Tax Act. By its express terms, therefore, the amendment to the Registration Law does not affect property acquired under the Property Tax Act. It is also noteworthy that, in adopting the amendment, the legislature expressly referred to the several prior amendments to the Registration Law but not to the Property Tax Act. See §1, Ch. 17, SLA 1957. Contemporaneous amendments refer to "penalties" (for failure to register) but not to back taxes. See, §3, Ch. 179, SLA 1959. There is, therefore, no indication that in enacting the redemption provisions in 1957 and the repurchase provisions in 1959, the legislature had any intention of applying the new provisions to property acquired under the Property Tax Act.

The Land Registration Law was designed to clear title to long abandoned real property in Alaska. The Property Tax Act was designed to acquire public revenues. The legislature might well extend a right of repurchase under the former consistently with its general purpose and notions of equity. There is, after all, no great mischief or wrong in a failure to register one's property, and no good reason not to allow a forgetful owner to recover his property. But it would be difficult to imply the same intent with respect to a failure to pay taxes. The taxpayer had his choice of paying his taxes or foregoing his interest in the property. He cannot refuse to pay his taxes when he perceives insufficient value in the land to warrant his doing so, then come in years later and obtain title to now valuable property by tendering the amount of his back taxes plus interest. Absent evidence of legislative intent to the contrary, we see no good reason to infer that the legislature intended to give delinquent taxpayers a right to repurchase.

We note that the materials you sent us reveal nothing but a naked allegation that Mr. Mickel has or had any interest in the subject property. Even if the repurchase provisions of AS 34.10.220 applied to the subject property, proof of his interest in the property would have to be shown.

RWP:ml1

Introduced: 2/13/79
Referred: Resources and
Finance

BY THE JUDICIARY COMMITTEE
BY REQUEST

1 IN THE SENATE

2 SENATE BILL NO. 158

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the repurchase of property fore-
7 closed under repealed laws; and providing for an
8 effective date."

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

10 * Section 1. (a) Subject to (b) and (c) of this section, the last owner
11 of record or his assigns may repurchase property foreclosed by the territory
12 or state under AS 34.10 (Land Registration Law) repealed by ch. 182, SLA 1978
13 or under ch. 10, SLA 1949 as amended by ch. 88, SLA 1949 and repealed by ch.
14 23, SLA 1953 (State Tax Act). The property shall be sold by the state for
15 the full amount applicable to the property under the judgment and decree of
16 foreclosure, with interest at the rate of eight per cent a year from the date
17 of entry of the judgment and decree of foreclosure to the date of repurchase,
18 together with other charges imposed on the property.

19 (b) An owner or his assigns may not repurchase property described in
20 (a) of this section which has been sold before July 1, 1979, by the state or
21 territory or which is held by the state for a public purpose authorized by
22 law and on which improvements have been constructed.

23 (c) The right of repurchase granted in this section may not be exer-
24 cised after July 1, 1981.

25 (d) The division of lands in the Department of Natural Resources shall
26 publish notice of the expiration of repurchase rights granted in (a) of this
27 section in the manner provided by AS 38.05.345 before January 1, 1980 and
28 again before January 1, 1981.

29 * Sec. 2. Section 26, ch. 182, SLA 1978 is repealed.

1 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
2 070(c).

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

COMMITTEE REPORT
SENATE

FURTHER

Finance

2/13/79

Date:

1/14/80

Mr. President:

The Committee on Resources has had SB 158
relating to repurchase of property foreclosed under repealed laws

under consideration and (a majority of the committee) (the committee)
reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

1 Don Stinnett

1 Betty Schenkung

1 Bill Schumb

1 Jim McLaughlin

MEMBERS HAVING
OTHER RECOMMENDATIONS:

2 Bob Mulvihy No Rec

~~3~~ Keith... Do not pass

2 D... - No Rec

Bill Schumb
CHAIRMAN

Introduced: 2/13/79
Référéred: Resources and
Finance

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE
BY REQUEST

2 SENATE BILL NO. 158

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the repurchase of property fore-
7 closed under repealed laws; and providing for an
8 effective date."

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

10 * Section 1. (a) Subject to (b) and (c) of this section, the last owner
11 of record or his assigns may repurchase property foreclosed by the territory
12 or state under AS 34.10 (Land Registration Law) repealed by ch. 182, SLA 1978
13 or under ch. 10, SLA 1949 as amended by ch. 88, SLA 1949 and repealed by ch.
14 23, SLA 1953 (State Tax Act). The property shall be sold by the state for
15 the full amount applicable to the property under the judgment and decree of
16 foreclosure, with interest at the rate of eight per cent a year from the date
17 of entry of the judgment and decree of foreclosure to the date of repurchase,
18 together with other charges imposed on the property.

19 (b) An owner or his assigns may not repurchase property described in
20 (a) of this section which has been sold before July 1, 1979, by the state or
21 territory or which is held by the state for a public purpose authorized by
22 law and on which improvements have been constructed.

23 (c) The right of repurchase granted in this section may not be exer-
24 cised after July 1, 1981.

25 (d) The division of lands in the Department of Natural Resources shall
26 publish notice of the expiration of repurchase rights granted in (a) of this
27 section in the manner provided by AS 38.05.345 before January 1, 1980 and
28 again before January 1, 1981.

29 * Sec. 2. Section 26, ch. 182, SLA 1978 is repealed.

SB 158

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
070(c).

JB 158

COMMITTEE COPY

ALASKA STATE LEGISLATURE

ELEVENTH Legislature FIRST Session

SENATE BILL NO. 158

By THE JUDICIARY COMMITTEE BY REQUEST

"An Act relating to the repurchase of property foreclosed under repealed laws; and providing for an effective date."

Introduced in the Senate 2/13/79, 19....

HISTORY IN THE SENATE

19 79	Read first time and referred to Committee on										
2 13	Resources and Finance										
2 14	Reported back with <i>Disapprove</i> recommendation that <i>if do pass, I do not pass, & no rec. to finance.</i>										
	Read second time and										
	Read third time and										
	<table border="0"> <tr><td>PASS</td><td>Effective Date</td></tr> <tr><td>Yeas</td><td>Yeas</td></tr> <tr><td>Nays</td><td>Nays</td></tr> <tr><td>Absent</td><td>Absent</td></tr> <tr><td>Excused</td><td>Excused</td></tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
PASS	Effective Date										
Yeas	Yeas										
Nays	Nays										
Absent	Absent										
Excused	Excused										
	Reconsideration										
	<table border="0"> <tr><td>PASS</td><td>Effective Date</td></tr> <tr><td>Yeas</td><td>Yeas</td></tr> <tr><td>Nays</td><td>Nays</td></tr> <tr><td>Absent</td><td>Absent</td></tr> <tr><td>Excused</td><td>Excused</td></tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
PASS	Effective Date										
Yeas	Yeas										
Nays	Nays										
Absent	Absent										
Excused	Excused										
	Reported correctly engrossed										
	Signed by President										
	Sent to House										
SECRETARY OF THE SENATE											

HISTORY IN THE HOUSE

19	Read first time and referred to Committee on										
	Reported back with recommendation that										
	Read second time and										
	Read third time and										
	<table border="0"> <tr><td>PASS</td><td>Effective Date</td></tr> <tr><td>Yeas</td><td>Yeas</td></tr> <tr><td>Nays</td><td>Nays</td></tr> <tr><td>Absent</td><td>Absent</td></tr> <tr><td>Excused</td><td>Excused</td></tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
PASS	Effective Date										
Yeas	Yeas										
Nays	Nays										
Absent	Absent										
Excused	Excused										
	Reconsideration										
	<table border="0"> <tr><td>PASS</td><td>Effective Date</td></tr> <tr><td>Yeas</td><td>Yeas</td></tr> <tr><td>Nays</td><td>Nays</td></tr> <tr><td>Absent</td><td>Absent</td></tr> <tr><td>Excused</td><td>Excused</td></tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
PASS	Effective Date										
Yeas	Yeas										
Nays	Nays										
Absent	Absent										
Excused	Excused										
	Reported correctly engrossed										
	Signed by Speaker										
	Returned to Senate										
CHIEF CLERK OF THE HOUSE											

HISTORY IN THE SENATE

19	Received from House
	To enrolling
	Reported correctly enrolled
	Sent to Governor
 by Governor
	Filed with Lt. Governor
	Chapter No.

The Honorable John Sakett, Senator
Alaska State Senate
Finance Committee
Juneau, Alaska 99811

January 20, 1980

Re: Senate Bill # 158

Dear Senator Sakett,

As the past manager of the Ketchikan Title Agency, I was directly involved in research respecting several parcels of land in our recording district including land known as U. S. Survey 2011. This land is one of the few properties (perhaps the only property) still owned by the State and which was foreclosed under the (repealed) Alaska Tax Act of 1949. This land would be affected by the subject bill which is presently in your committee for consideration.

In accomplishing this research, we made the following observations which may be - and we feel should be - pertinent to your deliberations in this matter:

- 1.) This land was patented by the U.S.A. to a company whose principal office was located at a known address in Los Angeles, California.
- 2.) The initial foreclosure was begun under the (repealed) Land Registration Act but when compliance to this act was determined, the foreclosure was changed to, included in and finally accomplished under the (repealed) Alaska Tax Act.
- 3.) The unpopular Alaska Tax Act was repealed in 1953. But even though the act was repealed, the foreclosure continued on this land and a few others until the lands were finally taken by decree more than 9 years later in 1962.
- 4.) Notice of the foreclosure was not advertized in either of our two (then) existing newspapers but, rather, in only the Juneau paper which was not generally circulated in Ketchikan.
- 5.) Notice of the foreclosure was never sent to the registered office of the owners in Los Angeles, California.
- 6.) The final foreclosure did not provide a method for an owner to redeem the property by paying the fine or by paying the back taxes within a certain time limit as is the normal practice.
- 7.) The foreclosures allowed the Territory or State take title to these lands for a mear fraction of their actual worth - in some instances for the foreclosure of fine levied in an amount as little as ten dollars.
- 8.) All owners were not treated equally after the final foreclosure. In one case an owner who had been foreclosed was able to induce the State to return the lands to him. While this should have established a precedent for other such returns, the State now refuses to consider the return of the above mentioned land even though the owners have tendered to the State monies sufficient to pay the back-taxes plus interest to date.
- 9.) The State has by this date re-sold nearly all of these properties to third party purchasers but still holds (at least) U. S. Survey 2011 which is affected by the subject bill.

- 10.) *In 1978 the Legislature repealed the Land Registration Act realizing the inequities of the Act and the foreclosures which had been accomplished under its authority. The repeal provided that the foreclosed owner had the right to redeem his property within a three year period from the date of the Act's repeal.*
- 11.) *Certain State Statutes provide that an owner of a tax-foreclosed property has the absolute right to redeem his land after foreclosure by paying the back-taxes plus penalty and interest. (See A.S. 29.53.375). Unfortunately, the Statute only directs the city/borough to perform such returns because the city/borough is the only governmental body taxing real estate at the present time. However, the intention of the Statute is perfectly clear in that a foreclosed owner is to be protected through a redemption process. Redemption is a basic right that must be enjoyed by all foreclosed owners.*

Representatives of the owners of U. S. Survey 2011 have tried all manner of overtures to the State in seeking a return of their lands (short of an expensive and time consuming law suit) but have not been able to resolve the situation with the division of lands or at other levels of the bureaucracy and, therefore, have turned to you for relief in this matter. Since the 1978 Legislature repealed the Land Registration Act and granted relief to those owners foreclosed thereunder, it seems only fair and just to grant similar relief to those few remaining owners who were foreclosed under the repealed Alaska Tax Act.

I am certain that the subject bill has merit and hope that you will do all within your power to insure its passage. Should I be able to be of further assistance, please contact me.

Very truly yours,


R. P. Creighton
605 Bawden Street
Ketchikan, Alaska 99901

S. E. ALASKA SUMMARY ON FORCLOSED
 PROPERTIES 2/8/80 - A. W. PEKOVICH
 S. E. DISTRICT

	REVENUE STATEMENT		TOTAL PARCEL INVOLVED
1) # OF FORECLOSURES TO DATE	30	195	219
2) # FORCLOSED IN ERROR	2	4	6
3) # REDEEMED	2	90	92
4) # SOLD	0		
5) # ELIGIBLE FOR REDEMPTION PRIOR TO MEDICAL DECISION	0	6 (215.55 acres)	6
6) # ^{ADDITIONAL} ELIGIBLE FOR REDEMPTION AFTER MEDICAL DECISION	0	14 (167.89 acres)	14
7) # NOT ELIGIBLE FOR REDEMPTION DUE TO STATE IMPROVEMENTS	0	1 (LESS THAN 1-ACRE)	1
8) # ELIGIBLE FOR REDEMPTION PRIOR TO SB 158	0	20 (283.44 acres)	20
9) # NOT ELIGIBLE WITHOUT SB # 158	26 (1457.64 1333.14 acres)	0	26

S.E. ANCHORAGE TRACTS - FORECLOSED UNDER THE ALASKA PROPERTY TAX

ACT & NOT REDEEMABLE OR REPURCHASABLE

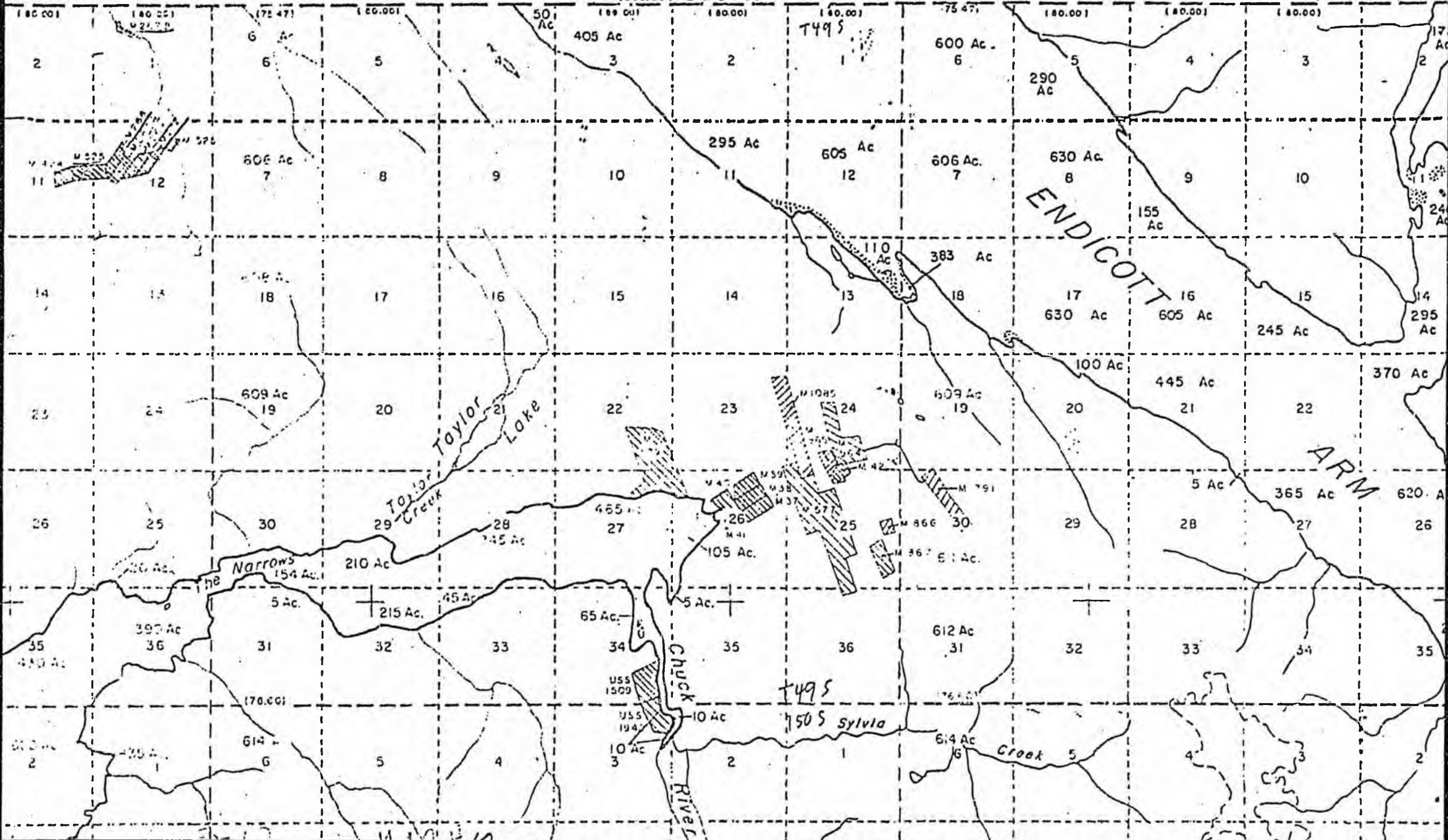
MUNICIPALITY AND/OR BOROUGH)

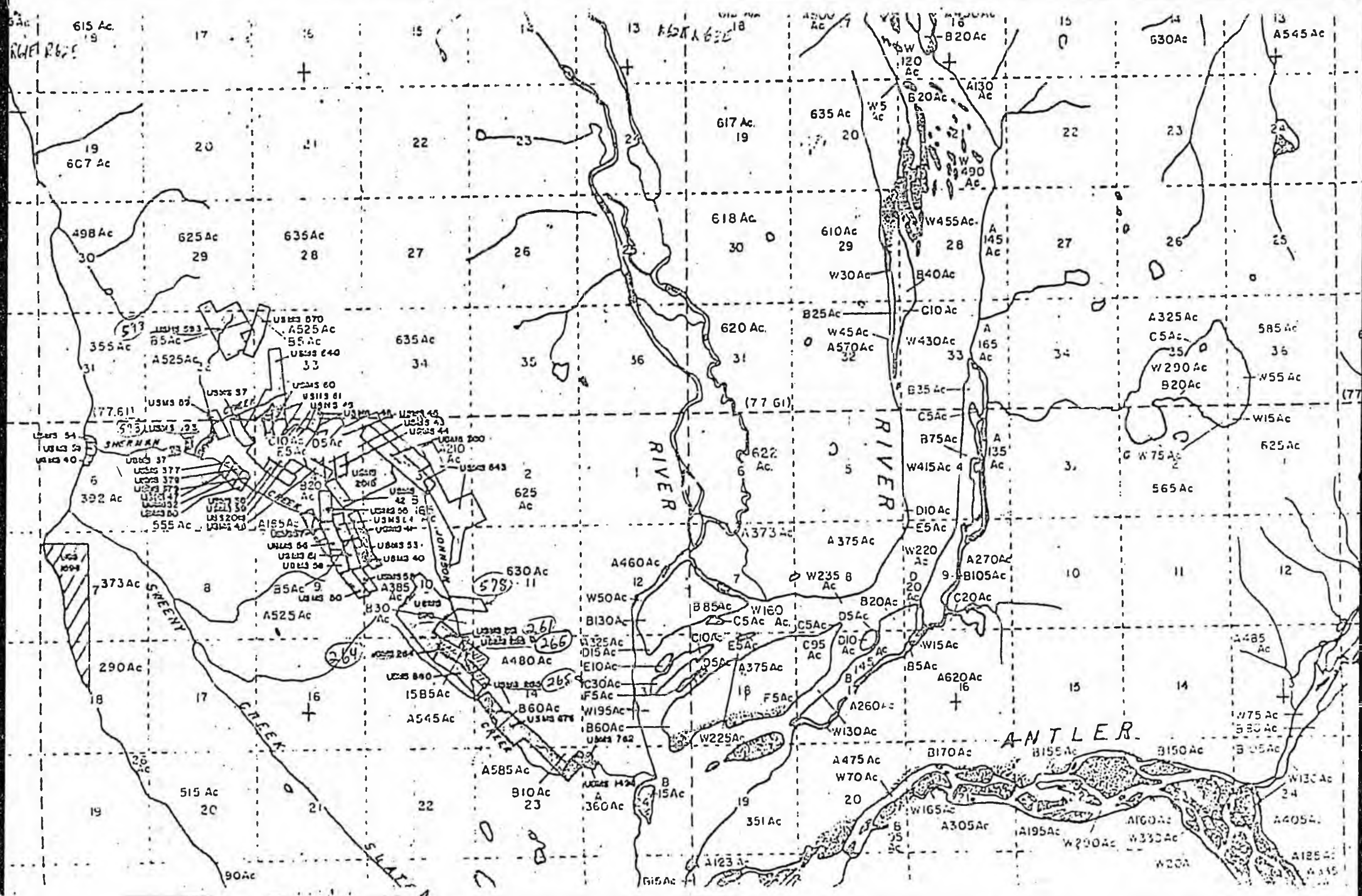
2	Legal Description	Acres	CR:		Section		Ownership (HFCG, CG, GS, MH, Univ., Fcl.)	Patent / or TA	Classification Status			Notes	
			T	R	Pro- tracted	Sur- veyed			Class./ Unclass/ Recl	Rec.	Date		
	BEAVER BAY - JUNEAU						FCL-4 CA9545A					11-3-58	
	U.S.M.S. 592-A	4.75	34S	62E	1294-32		FCL-74 CA 7432A		CR-11-14			7-26-63	
	BEAVER BAY - JUNEAU						FCL-4 CA9545A					8-19-63	
	U.S.M.S. 593-F	90.54	35S	62E	5		FCL-74 CA7432A		CR-11-14			8-26-63	
	BEAVER BAY - JUNEAU						FCL-4 CA7545A					8-19-63	
	U.S.M.S. 578	153.85	35S	62E	10, 11, 15		FCL-78 CA7432A		CR-11-14			8-26-63	
	BEAVER BAY - JUNEAU												
	U.S.M.S. 261	19.68	35S	62E	10, 15		FCL-78 CA7432A		CR-11-14			8-26-63	
	BEAVER BAY - JUNEAU												
	U.S.M.S. 264	20.04	35S	62E	15		FCL-75 CA7432A		CR-11-14			8-26-63	
	BEAVER BAY - JUNEAU												
	U.S.M.S. 265	18.18	35S	62E	14, 15		FCL-75 CA7432A		CR-11-14			8-26-63	
	BEAVER BAY - JUNEAU												
	U.S.M.S. 266	17.30	35S	62E	14, 15		FCL-75 CA7432A		CR-11-14			8-26-63	
	BEAVER BAY - JUNEAU												
	U.S.M.S. 268B	4.90	48S	74E	30, 31		FCL-77 CA7432A		CR-13-12			7-26-63	
	BEAVER BAY - JUNEAU												
	U.S.M.S. 267B	4.77	49S	74E	1		FCL-77 CA7432A		CR-13-12			7-26-63	
	BEAVER BAY - JUNEAU												
	U.S.M.S. 525B	5.00	49S	74E	1, 12		FCL-77 CA7432A		CR-13-12			7-26-63	
	BEAVER BAY - JUNEAU												
	U.S.M.S. 270	15.00	49S	74E	1, 12		FCL-77 CA7432A		CR-13-12			7-26-63	
	BEAVER BAY - JUNEAU												
	U.S.M.S. 269	15.00	49S	74E	1, 12		FCL-77 CA7432A		CR-13-12			7-26-63	
	BEAVER BAY - JUNEAU												
	U.S.M.S. 267A	15.00	49S	74E	1, 12		FCL-77 CA7432A		CR-13-12			7-26-63	

STANDARD

PARALLEL R 75 E SOUTH T 48 S

R 76 E





5 Ac 615 Ac
RIVER 625

13 14 15 16 17 18

13 14 15 16
630 Ac A545 Ac

19 20 21 22
607 Ac

617 Ac 19

635 Ac 20

W50 Ac B20 Ac

498 Ac 625 Ac 635 Ac
30 29 28

618 Ac 30

610 Ac 29

W455 Ac B40 Ac

USMS 870
A525 Ac
USMS 640
33
USMS 87
USMS 88
USMS 89
USMS 90
USMS 91
USMS 92
USMS 93
USMS 94
USMS 95
USMS 96
USMS 97
USMS 98
USMS 99
USMS 100
USMS 101
USMS 102
USMS 103
USMS 104
USMS 105
USMS 106
USMS 107
USMS 108
USMS 109
USMS 110
USMS 111
USMS 112
USMS 113
USMS 114
USMS 115
USMS 116
USMS 117
USMS 118
USMS 119
USMS 120
USMS 121
USMS 122
USMS 123
USMS 124
USMS 125
USMS 126
USMS 127
USMS 128
USMS 129
USMS 130
USMS 131
USMS 132
USMS 133
USMS 134
USMS 135
USMS 136
USMS 137
USMS 138
USMS 139
USMS 140
USMS 141
USMS 142
USMS 143
USMS 144
USMS 145
USMS 146
USMS 147
USMS 148
USMS 149
USMS 150
USMS 151
USMS 152
USMS 153
USMS 154
USMS 155
USMS 156
USMS 157
USMS 158
USMS 159
USMS 160
USMS 161
USMS 162
USMS 163
USMS 164
USMS 165
USMS 166
USMS 167
USMS 168
USMS 169
USMS 170
USMS 171
USMS 172
USMS 173
USMS 174
USMS 175
USMS 176
USMS 177
USMS 178
USMS 179
USMS 180
USMS 181
USMS 182
USMS 183
USMS 184
USMS 185
USMS 186
USMS 187
USMS 188
USMS 189
USMS 190
USMS 191
USMS 192
USMS 193
USMS 194
USMS 195
USMS 196
USMS 197
USMS 198
USMS 199
USMS 200

635 Ac 34

620 Ac 31

B25 Ac W45 Ac A570 Ac 32

A145 Ac C10 Ac

A325 Ac C5 Ac W290 Ac B20 Ac

585 Ac 36

USMS 54
USMS 55
USMS 56
USMS 57
USMS 58
USMS 59
USMS 60
USMS 61
USMS 62
USMS 63
USMS 64
USMS 65
USMS 66
USMS 67
USMS 68
USMS 69
USMS 70
USMS 71
USMS 72
USMS 73
USMS 74
USMS 75
USMS 76
USMS 77
USMS 78
USMS 79
USMS 80
USMS 81
USMS 82
USMS 83
USMS 84
USMS 85
USMS 86
USMS 87
USMS 88
USMS 89
USMS 90
USMS 91
USMS 92
USMS 93
USMS 94
USMS 95
USMS 96
USMS 97
USMS 98
USMS 99
USMS 100
USMS 101
USMS 102
USMS 103
USMS 104
USMS 105
USMS 106
USMS 107
USMS 108
USMS 109
USMS 110
USMS 111
USMS 112
USMS 113
USMS 114
USMS 115
USMS 116
USMS 117
USMS 118
USMS 119
USMS 120
USMS 121
USMS 122
USMS 123
USMS 124
USMS 125
USMS 126
USMS 127
USMS 128
USMS 129
USMS 130
USMS 131
USMS 132
USMS 133
USMS 134
USMS 135
USMS 136
USMS 137
USMS 138
USMS 139
USMS 140
USMS 141
USMS 142
USMS 143
USMS 144
USMS 145
USMS 146
USMS 147
USMS 148
USMS 149
USMS 150
USMS 151
USMS 152
USMS 153
USMS 154
USMS 155
USMS 156
USMS 157
USMS 158
USMS 159
USMS 160
USMS 161
USMS 162
USMS 163
USMS 164
USMS 165
USMS 166
USMS 167
USMS 168
USMS 169
USMS 170
USMS 171
USMS 172
USMS 173
USMS 174
USMS 175
USMS 176
USMS 177
USMS 178
USMS 179
USMS 180
USMS 181
USMS 182
USMS 183
USMS 184
USMS 185
USMS 186
USMS 187
USMS 188
USMS 189
USMS 190
USMS 191
USMS 192
USMS 193
USMS 194
USMS 195
USMS 196
USMS 197
USMS 198
USMS 199
USMS 200

77.61
392 Ac

635 Ac 34

620 Ac 31

622 Ac 6

625 Ac 2

A373 Ac 5

622 Ac 6

A373 Ac 5

A375 Ac 7

W235 Ac 8

B20 Ac C5 Ac

D10 Ac E5 Ac

W220 Ac A270 Ac

B105 Ac C20 Ac

W75 Ac 565 Ac

625 Ac 3

373 Ac 7

630 Ac 11

A460 Ac 12

W50 Ac B85 Ac W160

C5 Ac C5 Ac

D5 Ac D10 Ac

W15 Ac B85 Ac

A620 Ac 16

A480 Ac 14

W225 Ac

A375 Ac W130 Ac

A260 Ac

B170 Ac B155 Ac

B150 Ac B105 Ac

W75 Ac B30 Ac

B105 Ac

4485 Ac

290 Ac 18

1585 Ac 14

A545 Ac 23

B60 Ac W195 Ac

B60 Ac

W225 Ac

A375 Ac

F5 Ac

A260 Ac

B170 Ac B155 Ac

B150 Ac B105 Ac

W75 Ac B30 Ac

B105 Ac

4485 Ac

1585 Ac 14

A545 Ac 23

B60 Ac W195 Ac

515 Ac 20

A585 Ac 23

B10 Ac 23

A360 Ac

W225 Ac

A375 Ac

F5 Ac

A260 Ac

B170 Ac B155 Ac

B150 Ac B105 Ac

W75 Ac B30 Ac

B105 Ac

4485 Ac

351 Ac 19

A475 Ac W70 Ac

A305 Ac A195 Ac

W200 Ac W330 Ac

W200 Ac A185 Ac

90 Ac 19

360 Ac 23

A123 Ac

W225 Ac

A375 Ac

F5 Ac

A260 Ac

B170 Ac B155 Ac

B150 Ac B105 Ac

W75 Ac B30 Ac

B105 Ac

4485 Ac

351 Ac 19

A475 Ac W70 Ac

A305 Ac A195 Ac

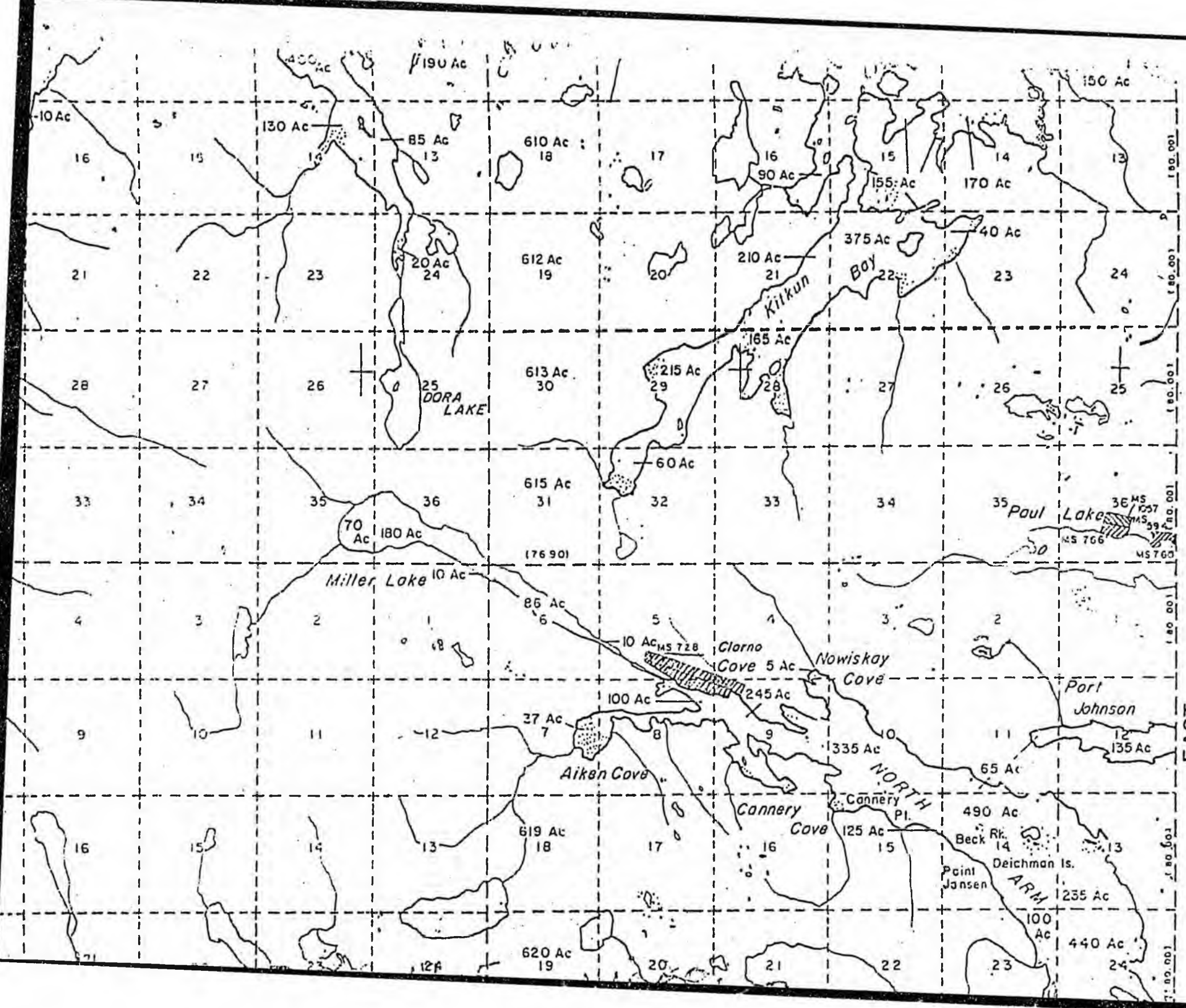
W200 Ac W330 Ac

W200 Ac A185 Ac

W200 Ac A185 Ac

615 Ac 1

615 Ac 1



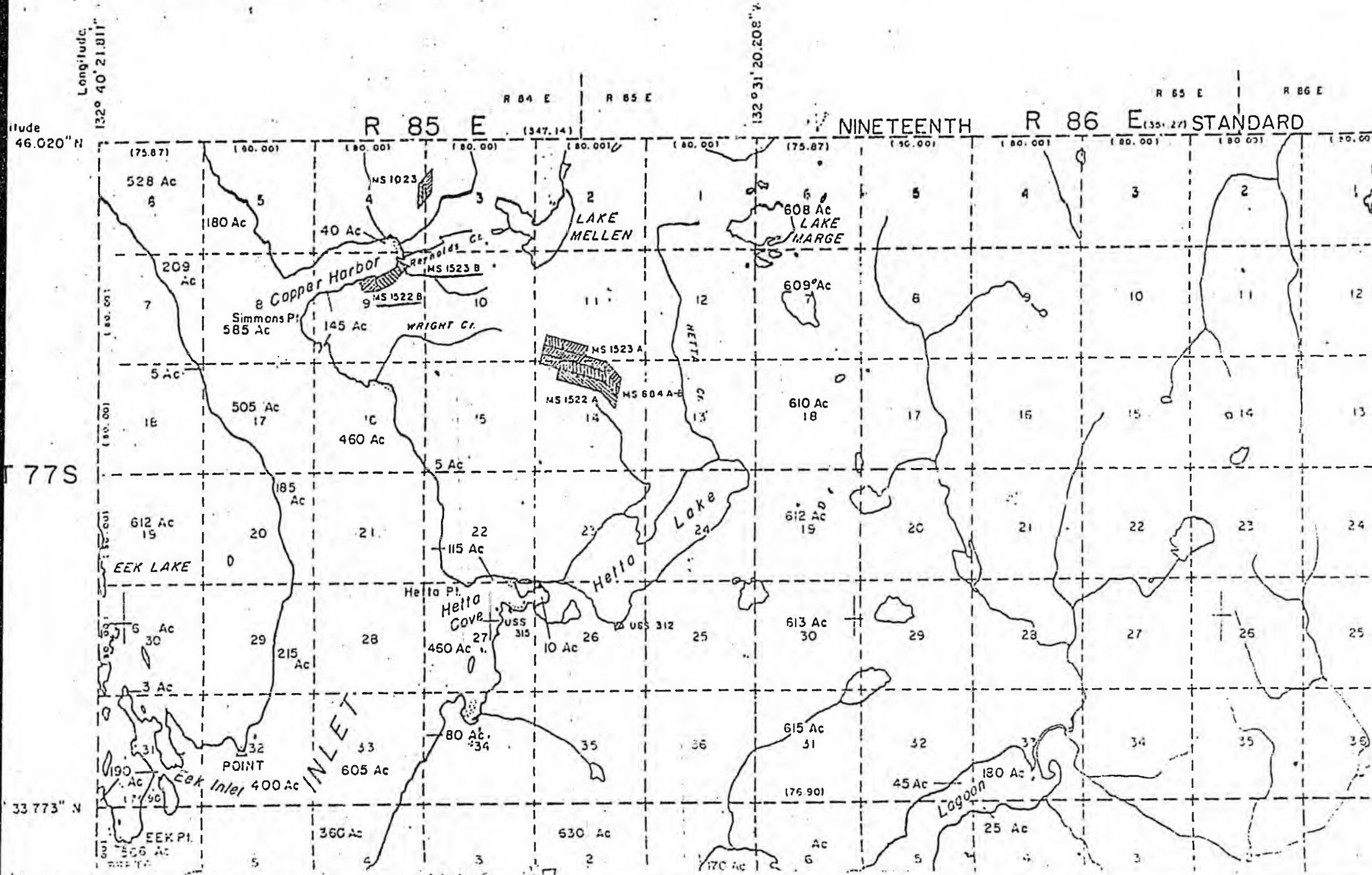
T 77 S

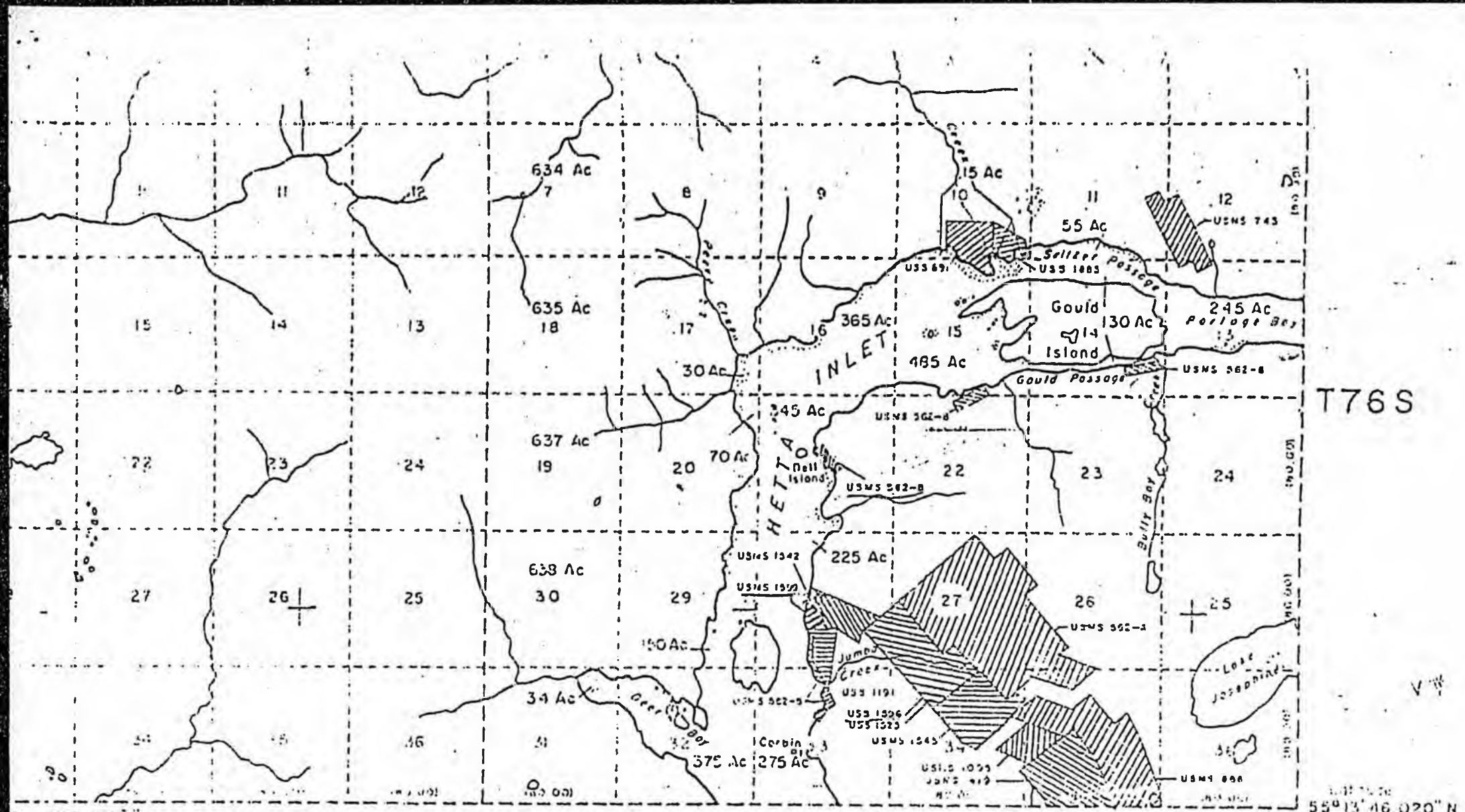
55° 08' 33.773" N

EAST

T 78 S

MS 1009
 Pt = 5785'





T76S

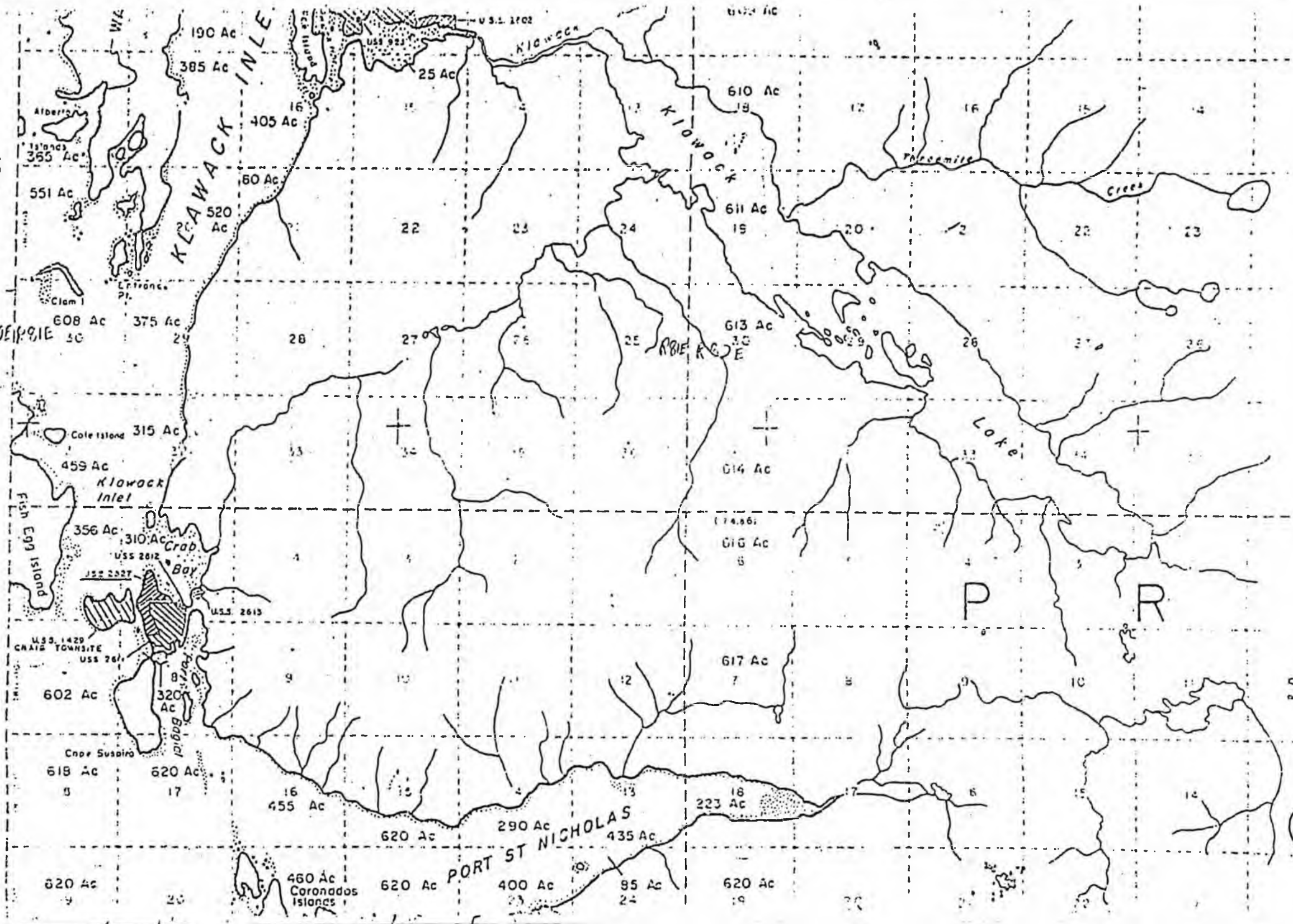
R 83 E SOUTH R 84 E
 132° 42' 53.028" W
 55° 13' 46.020" N
 Longitude 132° 33' 46.721" W

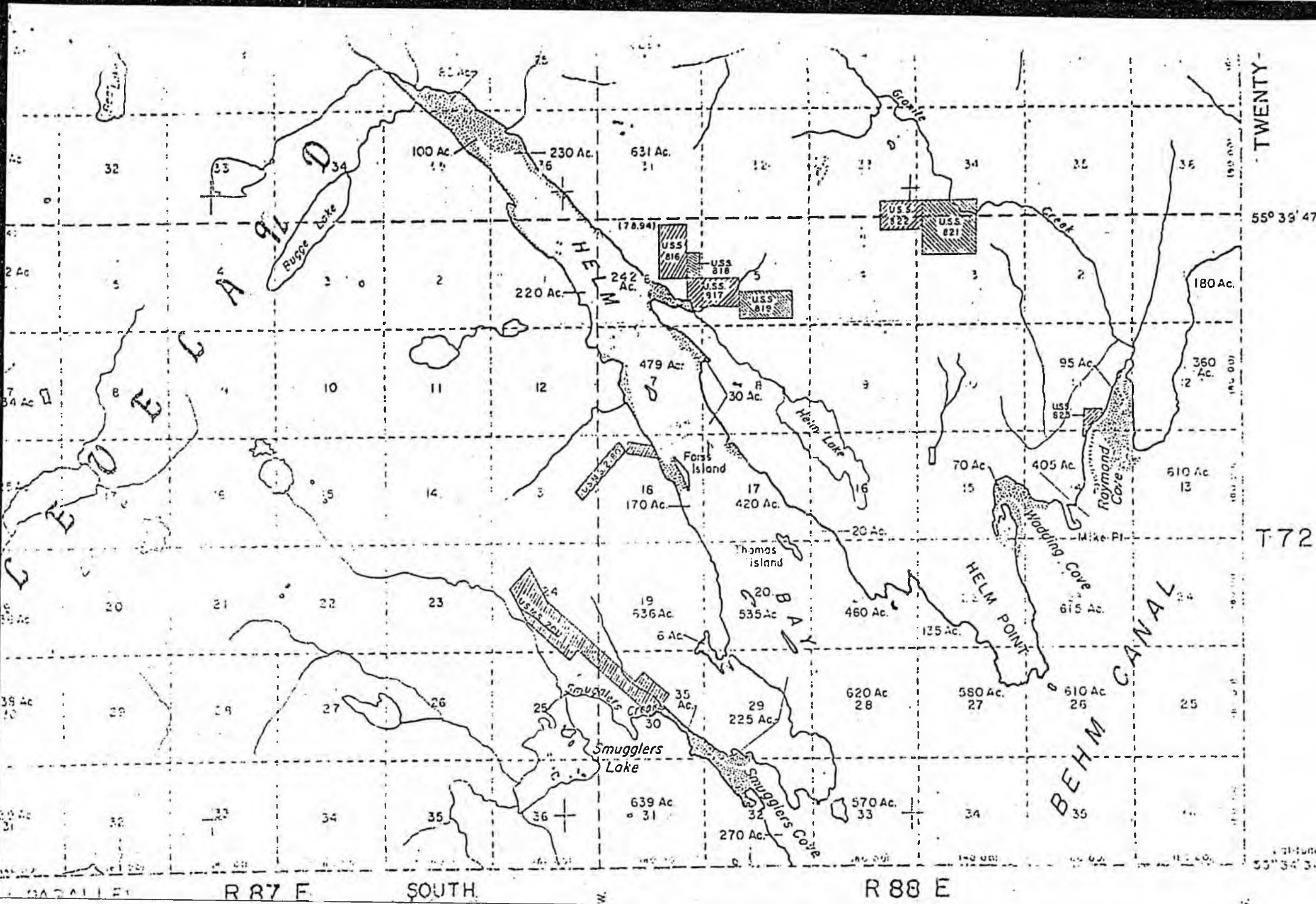
T73S

9° 22' 73.5" N

EAST

T74S





TWENTY

55° 39' 47.1

T 72 S

55° 34' 34

R 87 E

SOUTH

R 88 E

M. G. E. I

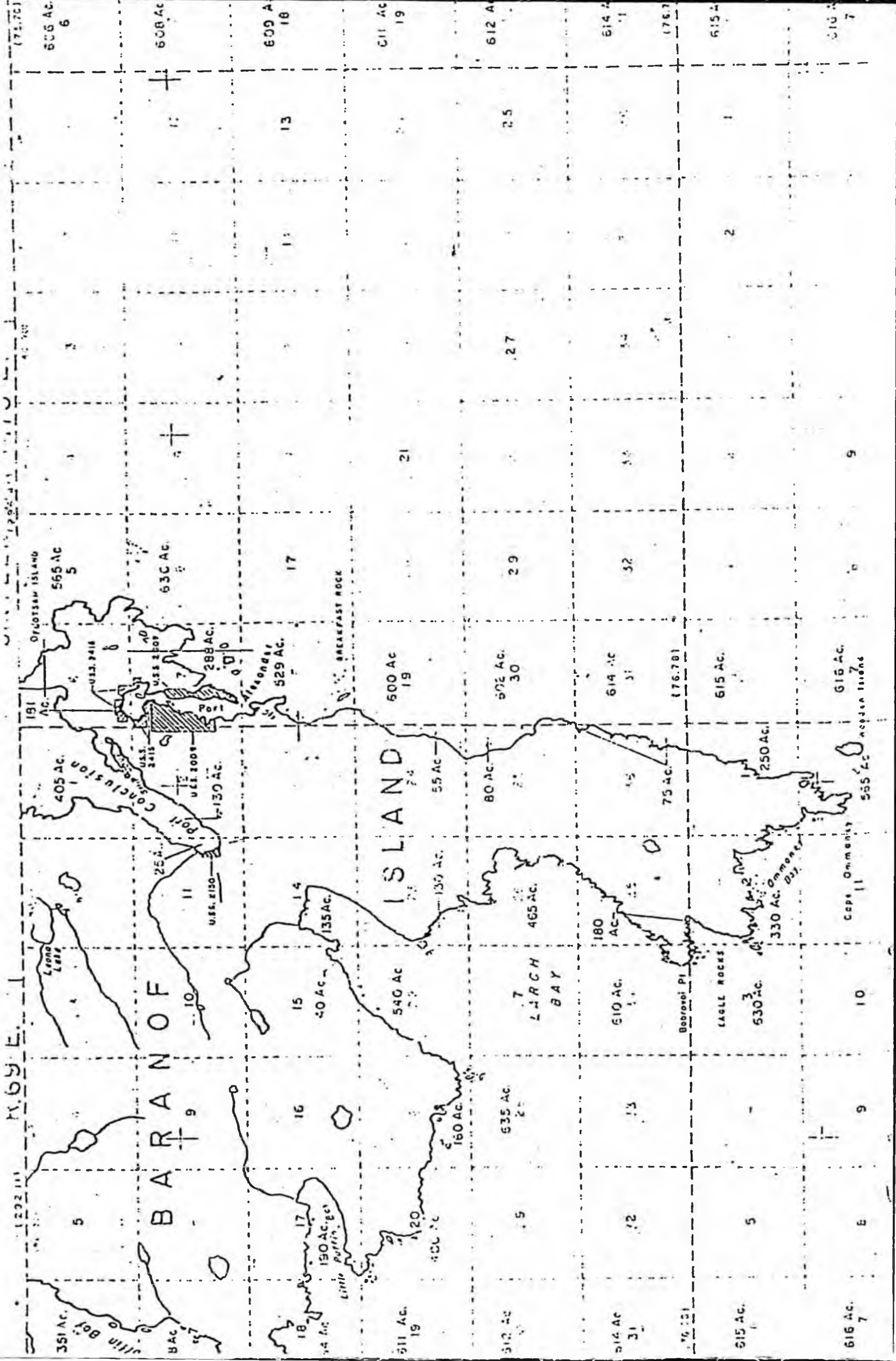
1292 III

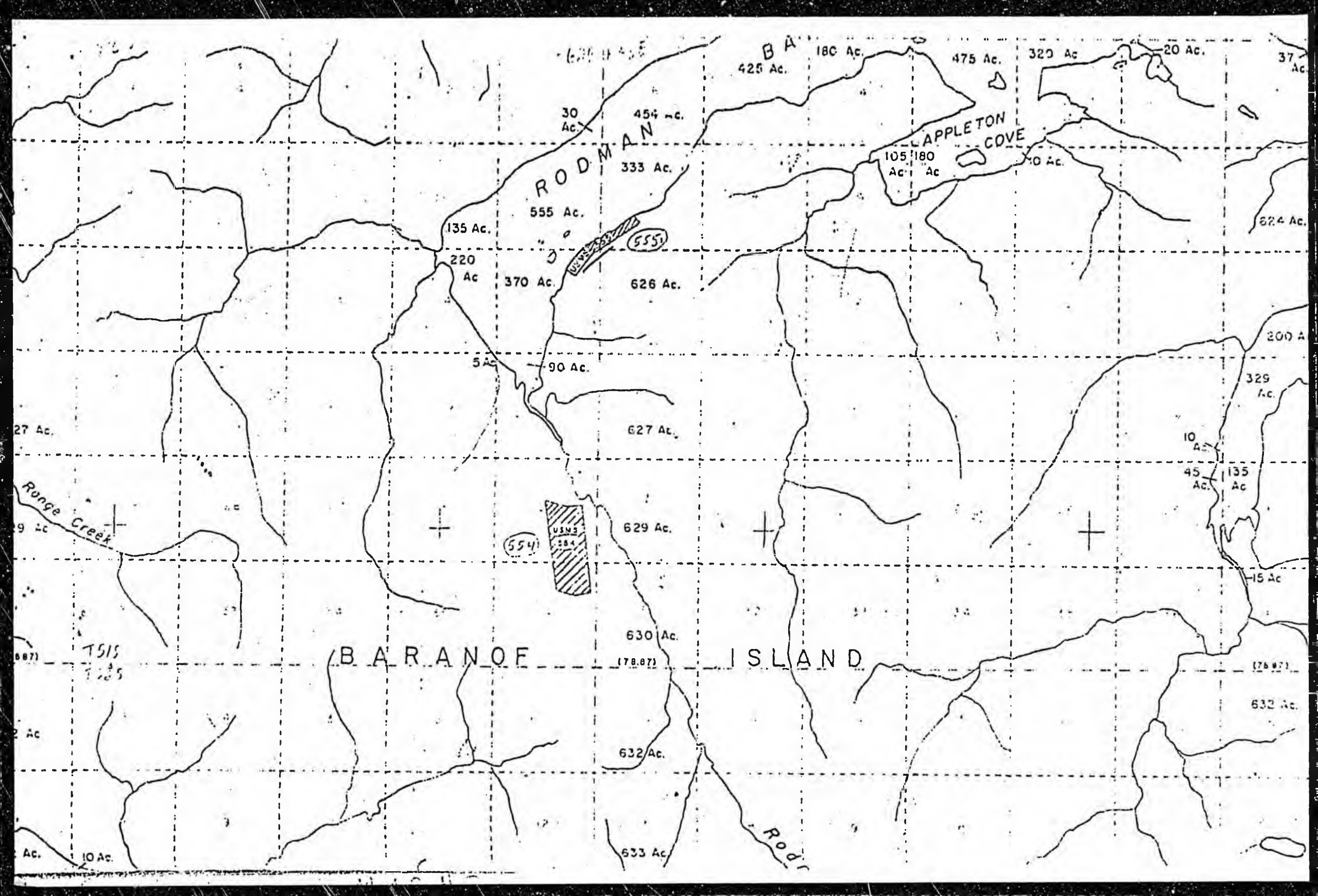
(75.70)

606 AC
6

BARANOF

ISLAND





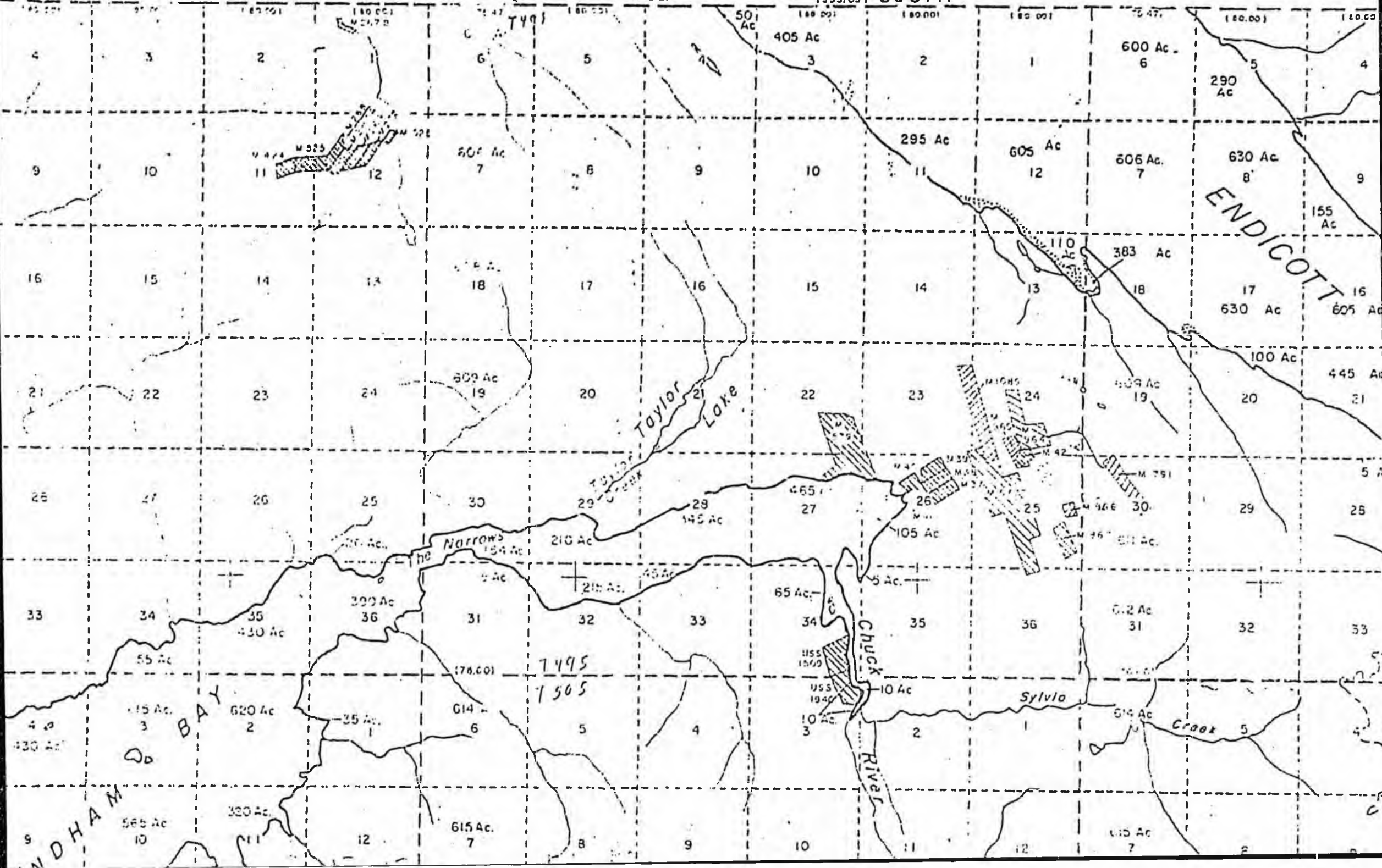
R-74 E

STANDARD

148¹ PARALLEL

R 75 E

(332.03) SOUTH



16?

Y
NO.

NAME OF LAST KNOWN OWNER	DESCRIPTION OF PROPERTY	TYPE	1949	1950	1951	1952	TOTAL
Admiralty-Alaska Gold Mining Co.	10 pat M/Cs, Pat 1121602, USMS 1492. Funter Bay, W Coast, Admiralty Isl., E shore line. 92 unpat M/Cs, 1 mill-site, Funter Bay, W Coast, Admiralty Isl., E shore line.	Real	\$515.00	\$ 50.00 465.00	\$ 515.00	\$ 465.00	\$ 2,010.00 <i>de</i>
Alaska Empire Gold Mining Company	112 unpat, non-prod M/Cs, Hawk Inlet. (These claims may possibly be patented.) Overlook 1 to 14 incl. Golden Bear 1,2,3, Allan, Williams Fraction 1,2,3, Bengley, Dorothy, Husky 1 to 5, incl., Geo. 1 & 2, Premier-1&2, Williams 4,7,8,9,10, Williams H, Montana, Minnie, Cobalt 1&2, Batella 1&2, Mykor, Sylvia, Mary 1&2, Eagle 1 to 4, incl., Walla Walla 1&2, Lake, Cliff 1&2, Wild Cat 1,2,3, Cardiff, Galveston, Brown 1,2,3,4,10, Homestake 1&2, Alma, George 2nd, Amelia 2, Boston 1&2, Hull 1&2, Prairie, Argor, Sunset, Sunrise 1,2,3, Deer Valley 1&2, California 1&2, Raisin Valley 1,2,3, Dear Meadow 1&2, Dublin, Texas, Riverside 1&2, New York 1&2, Fairview, Kendenhall 1&2, Saddle Rock 1 to 4, incl., Bandy, Lucky Strike, Lost Cabin, Liverpool, Stockton, Sky Scraper 1&2, Homestead 1&2.	Real	560.00	560.00	560.00	560.00	2,240.00 <i>DC</i>

NAME OF LAST KNOWN OWNER	DESCRIPTION OF PROPERTY	TYPE	VAL	VAL	VAL	VAL	TOTAL
Alaska Goldfields Corp.	26 unpat M/Cs at Jualin on Berners Bay, approx 50 mi. N of Juneau; 4 pat M/Cs 32246 (Pat No.) USMS 261,264, 265, 266, Minerva, Cover, Banhee, Undino; Uxline Millsite, Pat 47375, Jualin on Berners Bay, approx 50 MI. N of Juneau	Real	115.00				120.00
Alaska Gold Mountain Mines	10 pat non-prod M/Cs, Pat 1114055, USMS 2011; 12 unpat non-prod M/Cs, Ketchikan Dist. Pat claims: Smugglers Cove, Smugglers Cove No. 1 through 4, Polaris, Ciencuita, La Joya, El Potrero, Valkyrie. Unpat Claims: Anchor, Piedra Verde (Also known as Waterfall), Grand de Oro, Mountain Top Extension, Sun, Thor, El Tecelote, Polaris No. 1, Moon, Sve, Mountain Top, Polaris 3.	Real	110.00			110.00	330.00
Alaska Snettisham Gold Mining Company	15 unpat non-prod M/Cs, USMS 382A 382D; Finale, Minerva, Minnehaha, Even Number, Denby, Olds, Black Jack, Junction, Luzon, Friday, Ebner, Belle of Snettisham, Mormon Girl, Odd Number, Big Dubble; 6 millsites: Even Number, Mormon Girl, Friday, Big Dubble Odd Number, Snettisham Belle	Real	105.00	105.00	105.00	105.00	420.00

NO.	NAME OF LAST KNOWN OWNER	DESCRIPTION OF PROPERTY	TYPE	1949	1951	1951	1952	TOTAL
	American Coral Marble Company	12 non-prod, Pat M/Cs: Grizzly, Big Tree, Cedar, Muscle, Rainy Day, North Side, Mountain, Monumental, Sun Shino, Parallel, Star Lit, Fox Fire, Haina Sound area, Clarence Strait, Ketchikan Mining Dist., USMS 728, USS 035, Pat 127435	Real	\$ 60.00	\$ 60.00	100.00	60.00	210.00
	Anderson, Eskil	USMS 1596, 10 unpat non-prod M/Cs: Goshen 1 to 10, incl, Copper Mountain area, Kotta Inlet, Ketchikan Rec Dist, & 2 millsites, USMS 1599, Goshen No. 5&10 at Kotta Inlet	Real	60.00	10.00 50.00	10.00 50.00		130.00
	Hansen, Andrew	Pat 1106499, USS 2157, 60x1600, approx 3 Ac., and improv, 1 1/2 Mi. E of Sitka	Real	20.00	20.00	20.00	20.00	80.00
	Ivanhoe Mining Co.	5 pat M/Cs Pat 42006, USMS 593, USS 27: Rustler, Ellen, Telephone, Princess, and Ivanhoe. 1 Millsite, USMS 593B, "Ellen", Berners Bay Dist	Real	30.00	30.00	30.00	30.00	120.00
	Johnston, John	Pat #44523, USMS #652, Serial JU-61 4 M/Cs, Kupreanof Island "Buck Horn," "Copper Bell," "Treasure Box," "Tuscarora"	Real	20.00	20.00	20.00	20.00	80.00

<u>NAME OF LAST KNOWN OWNER</u>	<u>DESCRIPTION OF PROPERTY</u>	<u>TYPE</u>	<u>1949</u>	<u>1950</u>	<u>1951</u>	<u>1952</u>	<u>TOTAL</u>
Oceanic Fisheries Co.	USS #2150, US Pat #1001247, 60 mi S of Sitka, land & improv, Petersburg Rec Dist	Real	2438.39	\$ 391.36	\$ 344.33	\$ 160.00	1,334.03
Power, Edward Harrison	3 M/Cs Pat #36203, USMS #555, Knox, Power, Hudson located at Rodman Day in Sitka Min. Dist 2 pat M/Cs #35102, USMS #554, Dewey & Fitzhugh Lee located at Rodman Day in Sitka Min Dist.	Real	25.00	25.00	25.00	25.00	100.00
Union Trust Co.	10 M/Cs Pat #41983, USMS #578, Trixie, Rose, Lucky Chance, Jean Burke, Hard Scrabble, Ophir, Last Chance, Wonder, Rover, & Independence located in Berners Bay Area	Real	50.00	50.00	50.00	50.00	200.00
Wells, Lorenzo B.	8 Pat M/Cs & Mill Sites in Sundum Area; 5 Pat #30397, USMS No. 267 A & B, USMS 268 & 270 A & B Bald Eagle Hold Eagle Millsite, Golden Slipper, Lone Tree & Tennessee Mill. 1 Pat #30397 USMS #269, New Hackett; 2 Pat #39603, USMS #425 A & B, Sundum Chief & Sundum Chief Millsite.	Real	25.00 5.00 10.00	25.00 5.00 10.00	5.00 25.00 10.00	5.00 25.00 10.00	160.00

<u>TY</u> <u>NO.</u>	<u>NAME OF LAST KNOWN OWNER</u>	<u>DESCRIPTION OF PROPERTY</u>	<u>TYPE</u>	<u>1949</u>	<u>1950</u>	<u>1951</u>	<u>1952</u>	<u>TOTAL</u>
	West Coast Iron & Steel Company	11 millsites - Jambo 1-11, Pat # 42005, USMS #562 B; 2 millsites - Netta 2 & 3, USMS #1523 B; 1 millsite - Netta #1, USMS #1522 B (All in Netta Inlet, Prince of Wales Island)	Real	315.00 55.00	3 70.00	3 70.00	3 70.00	0 200.00
	Wilcox, John	Pat #1113090, Tract I East Craig; USS #2327 0.19 ac land & improv	Real	20.00	20.00	20.00	20.00	80.00

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

POUCH M - JUNEAU 95811

February 8, 1980

Senator Don Bennett
Senate Resource Committee
Room 125
Capitol Building

Dear Senator Bennett:

The following attachments are submitted in response to your request at the Resources Committee hearing on SB 158 last week:

1. Summary of Foreclosed Properties subject to possible redemption if SB 158 were to become law.
2. Map locations and acreage included in each foreclosed property.
3. Listing, by property, of tax money due at the time of foreclosure.

If there is any additional information which would be of assistance to the Committee, please let me know.

Sincerely,

Robert E. LeResche
Robert E. LeResche
Commissioner

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 158

Title PROPERTY FORGOTTEN UNDER REPEALED PROPERTY TAX ACT

Requested by SENATE RESOURCES

Date 2/12/83

II. FISCAL DETAIL

Agency Affected NATURAL RESOURCES

Program Category Affected MANAGEMENT AND ADMINISTRATION

BRU, Program, or Subprogram(s) Affected RECORDS MANAGEMENT

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		41.5				
200 TRAVEL		3.0				
300 CONTRACTUAL		24.0				
400 COMMODITIES		1.0				
500 EQUIPMENT		1.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	71.0	0	0	0	

FUNDING (Thousands of Dollars)

GENERAL FUND	0	71.0	0	0	0	
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	0	1.0	0	0	0	
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

- 100 - 1 LAND MANAGEMENT OFFICER III R(8)
- 200 - TRAVEL TO INSPECT LAND RECORDS / SITE INSPECTIONS
- 300 - \$10,000 - ADVERTISING CAMPAIGN - locate those who have claims
14,000 - LEGAL ASSISTANCE TO RESOLVE TROSPASS,
THIRD PARTY CLAIMS Title search

IV. DATE 2/13/83

PREPARED BY Claud Hoffman

AGENCY DNR

PHONE 263-2211

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)