

LEG. FINANCE - BILLS 1983 - 1984 1836

CSHB 118 - HB 130

1836

Offered: 3/18/83
Referred: Finance

Original sponsors: Shultz and Liska

1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 118 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to a brown and grizzly bear tag fee
7 for a resident; and providing for an effective date."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 16.05.340(a)(18)(A) is amended to read:
10 (A) Bear, brown or grizzly, each.....25
11 The Board of Game may, by regulation effective for not more than
12 one year, eliminate the resident brown or grizzly bear tag and
13 fee for all or a portion of a game management unit.
14 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
15 10.070(c).

Offered: 2/15/83
Referred: Rules

Original sponsors: Shultz and Liska

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR HOUSE BILL NO. 118 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to a brown and grizzly bear tag fee
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10 (A) Bear, brown or grizzly, each.....25
11 The Board of Game may, by regulation effective for not more than
12 one year, reduce or eliminate the fee for a resident brown or
13 grizzly bear big game tag for a game management unit.
14 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
15 10.070(c).

Offered: 2/7/83
Referred: Finance

Original sponsors: Shultz and Liska

1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 CS FOR HOUSE BILL NO. 118 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
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12 for a resident brown or grizzly bear big game tag for a game
13 management unit.
14 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
15 10.070(c).

Introduced: 1/16/83
Referred: Resources and
Finance

1 IN THE HOUSE

BY SHULTZ

2

HOUSE BILL NO. 118

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the brown and grizzly bear tag
7 requirement for Alaska residents; and providing for
8 an effective date."

9

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

10

* Section 1. AS 16.05.340(a)(18)(A) is amended to read:

11

(A) Bear, brown or grizzly, each, except in game

12

management units where, in order to help assure the conservation

13

and development of bear resources on the sustained yield princi-

14

ple, the Board of Game may by regulation, exempt a resident from

15

paying the fee.....25

16

* Sec. 2. This Act takes effect immediately in accordance with AS 01..

17

10.070(c).

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: SCSCSHB 118 (Res)
 Title: "Act relating to a brown & grizzly..."
 Sponsor: Senate Resources
 Requestor: Senate Finance

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: FWP
 BRU, Program of Subprogram(s) Affected: Fish & Wildlife Protection

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis No fiscal impact anticipated

Prepared By: Col. Robert J. Stickles, Director Phone: 269-5532
 Division: Fish & Wildlife Protection Date: _____
 Approved by Commissioner: X [Signature] Date: 3/25/83
 Department: Public Safety

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH N
JUNEAU, ALASKA 99811
PHONE:

March 24, 1983

465-4322

The Honorable Don Bennet
Chairman, Senate Finance Committee
State Capitol
Pouch V
Juneau, Alaska 99811

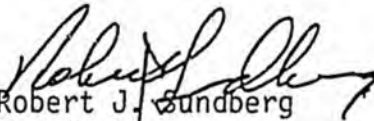
Dear Senator Bennet:

I would like to present the following position which the Division of Fish and Wildlife Protection, Department of Public Safety holds with regard to the SCS CSHB 118 (Res) under proposal:

SCS CSHB 118 (Res) - Support

This will increase the incidental take of brown/grizzly bear in selected areas and assist in meeting species management plan.

Sincerely,


Robert J. Sundberg
Commissioner

cc: Representative John Ringstad

P. O. Box 28
Glennallen, AK 99588
December 30, 1982

The Honorable Richard Shultz
District 17 Representative
Pouch V
Juneau, AK 99801

Dear Representative Shultz:

At the December 7, 1982 Copper Basin Fish and Game Advisory Committee meeting held in Glennallen, an in-depth discussion was held by the committee and a number of local citizens.

At that time, the focal subject of much of this discussion was of brown bear and grizzly bear predation problems and their effects on local game, people and property.

As Unit 11 and 13, in the Copper Basin, are by far the most hunted for caribou and moose, our game numbers are constantly under pressure from hunters. In addition, recent studies have shown that these two units harbor the heaviest concentration of brown bear in the state and per capita possibly the world.

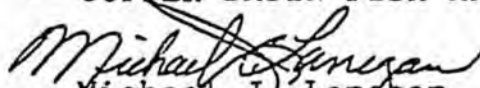
As you may know, we have many adverse confrontations between people and bears each year in our area. Within a half mile of the community of Glennallen, as many as twelve bears wander freely to and from the local garbage dump at all times of the day and night. Some residents have found it necessary to maintain an all-night watch to keep their houses from entry by bears.

In view of the many problems involved with these bears, and their tremendous predation on game animals, this committee and these citizens would like to solicit your aid in the temporary removal of the required \$25 brown bear tag fees. As most residents here cannot justify the \$25 expenditure, we feel that the removal of these fees would allow the taking of many local bears, which are not removed because of the cost of these tags.

On behalf of the people of this community, please consider our request an urgent one and worthy of your efforts to help us in the removal of this required expenditure, which many cannot afford. Thank you for your help in this matter.

Sincerely,

COPPER BASIN FISH AND GAME ADVISORY BOARD


Michael J. Lanegan
Secretary

ML/11

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF FISH & WILDLIFE PROTECTION

BILL SHEFFIELD GOVERNOR
ROBERT J. SUNDBERG
COMMISSIONER

P. O. BOX 6188, ANNEX
ANCHORAGE, ALASKA 99502

January 31, 1983

Rec'd
Feb 4 1983

Representative John Ringstad
Chairman, House Resources Committee
State Capitol
Pouch V
Juneau, AK 99811


Dear Representative Ringstad:

I would like to present the following position which the Division of Fish and Wildlife Protection, Department of Public Safety holds with regard to House Bill 118 under proposal:

HB 118 - Support

This will increase the incidental take of brown/grizzly bear in selected areas and assist in meeting species management plan.

Sincerely,


Robert J. Sundberg
Commissioner

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY
DIVISION OF FISH & WILDLIFE PROTECTION

BILL SHEFFIELD, GOVERNOR
ROBERT J. SUNDBERG
COMMISSIONER

P. O. BOX 6188, ANNEX
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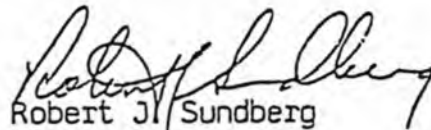
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HB 118 - Support

This will increase the incidental take of brown/grizzly bear in selected areas and assist in meeting species management plan.

Sincerely,


Robert J. Sundberg
Commissioner

COMMITTEE REPORT
SENATE

FURTHER:



2/28/83

Date: 3-16-83

Mr. President:

The Committee on RESOURCES has had CSHB 118 (FIN)

Relating to a brown and grizzly bear tag fee for a resident; eff. date

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 SCS for CSHB 118 (Res) same title new title

and recommends my do pass

AND attaches a "Letter of Intent" ~~new fiscal note~~ same as house

reports it back without recommendation

referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Paul Fritze
Bob Mylech
William D. ...
...
3 up

MEMBERS HAVING
OTHER RECOMMENDATIONS:

...
CHAIRMAN Do Pass

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Committee Substitute for House Bill 118
 Title Brown and Grizzly bear tag fee for residents
 Requested by House Resources Date 2/04/83

II. FISCAL DETAIL

Agency Affected Department of Fish and Game
 Program Category Affected Game Resource Conservation JRM/EC
 BRU, Program, Or Subprogram(s) Affected Division of Game
 (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 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES		0	0	0	0	0
200 TRAVEL		0	0	0	0	0
300 CONTRACTUAL		0	0	0	0	0
400 COMMODITIES		0	0	0	0	0
500 EQUIPMENT		0	0	0	0	0
600 LAND & STRUCTURES		0	0	0	0	0
700 GRANTS, CLAIMS, ETC.		0	0	0	0	0
TOTAL		0	0	0	0	0

FUNDING (Thousands of Dollars)

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

POSITIONS

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

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

This proposal would result in a reduction of fish and game tag receipt revenues ranging from zero to \$4,000. No other fiscal impact.

At Resources Committee meeting of 2/04/83, ADF&G indicated the impact would be zero.

IV. DATE February 4, 1983 PREPARED BY John Ringstad, Chairman

Original; Legislative Finance AGENCY/PHONE _____
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)

P. O. Box 28
Glennallen, AK 99588
December 30, 1982

The Honorable Richard Shultz
District 17 Representative
Pouch V
Juneau, AK 99801

Dear Representative Shultz:

At the December 7, 1982 Copper Basin Fish and Game Advisory Committee meeting held in Glennallen, an in-depth discussion was held by the committee and a number of local citizens.

At that time, the focal subject of much of this discussion was of brown bear and grizzly bear predation problems and their effects on local game, people and property.

As Unit 11 and 13, in the Copper Basin, are by far the most hunted for caribou and moose, our game numbers are constantly under pressure from hunters. In addition, recent studies have shown that these two units harbor the heaviest concentration of brown bear in the state and per capita possibly the world.


As you may know, we have many adverse confrontations between people and bears each year in our area. Within a half mile of the community of Glennallen, as many as twelve bears wander freely to and from the local garbage dump at all times of the day and night. Some residents have found it necessary to maintain an all-night watch to keep their houses from entry by bears.

In view of the many problems involved with these bears, and their tremendous predation on game animals, this committee and these citizens would like to solicit your aid in the temporary removal of the required \$25 brown bear tag fees. As most residents here cannot justify the \$25 expenditure, we feel that the removal of these fees would allow the taking of many local bears, which are not removed because of the cost of these tags.

On behalf of the people of this community, please consider our request an urgent one and worthy of your efforts to help us in the removal of this required expenditure, which many cannot afford. Thank you for your help in this matter.

Sincerely,

COPPER BASIN FISH AND GAME ADVISORY BOARD


Michael J. Langan
Secretary

ML/11

January 24, 1983

Representative Dick Schultz
State Capitol Building
Juneau, Alaska 99801

Dear Dick:

On January 5, 1983 the Tok Cutoff-Nabesna Road Advisory Committee met in a general meeting to discuss hunting regulations. There were several things discussed with two of them pertaining to you.

#1 We would like to see legislation written and passed that would control or rather stop harrassment of hunters, trappers, and fishermen. We would be able to carry on our life-style without harrassment from the "greenies".

#2 We would like to see legislation written and passed that would eliminate the \$25 trophy tag for resident grizzly/brown bear hunters. We believe the State is rich enough without charging its residents a \$25 fee.

Our committee will be meeting within a few weeks and correspondence from you would be appreciated. I would like to able to tell the folks something about these two items.

Good luck and if there is anything I or this committee can do to help, please let me know.

Sincerely,



Bill Ellis, Chairman
Tok Cutoff-Nabesna Rd. Advisory Committee
S. R. Box 380
Gakona, Alaska 99586
907/822-3426

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: SCSCSHB 118 (Res)
 Title: "Act relating to a brown & grizzly..."
 Sponsor: Senate Resources
 Requestor: Senate Finance

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: FWP
 BRU, Program of Subprogram(s) Affected: Fish & Wildlife Protection

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
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500 EQUIPMENT						
600 LAND & STRUCTURES						
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TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis No fiscal impact anticipated

Prepared By: Col. Robert J. Stickles, Director Phone: 269-5532
 Division: Fish & Wildlife Protection Date: _____
 Approved by Commissioner: [Signature] Date: 3/25/83
 Department: Public Safety

Distribution:

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 Copy to Requestor (if different from Sponsor)

3/8/83

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER**

POUCH N
JUNEAU, ALASKA 99811
PHONE:

March 24, 1983

465-4322

The Honorable Don Bennet
Chairman, Senate Finance Committee
State Capitol
Pouch V
Juneau, Alaska 99811

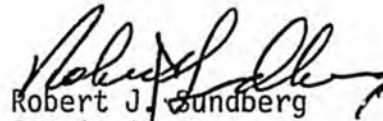
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SCS CSHB 118 (Res) - Support

This will increase the incidental take of brown/grizzly bear in selected areas and assist in meeting species management plan.

Sincerely,


Robert J. Sundberg
Commissioner

cc: Representative John Ringstad

STATE OF ALASKA
FISCAL NOTE

Revision Date 1983

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Title: "Act relating to a brown & grizzly..."
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CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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IV. ANALYSIS: Attach a separate page for any Analysis No fiscal impact anticipated

Prepared By: Col. Robert J. Stickles, Director Phone: 269-5532
Division: Fish & Wildlife Protection Date:

Approved by Commissioner: *[Signature]* Date: 3/25/83
Department: Public Safety

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STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH N
JUNEAU, ALASKA 99811
PHONE:

March 24, 1983

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State Capitol
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Robert J. Sundberg
Commissioner

cc: Representative John Ringstad

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.: SCSCSHB 118 (Res)
 Title: "Act relating to a brown & grizzly..."
 Sponsor: Senate Resources
 Requestor: Senate Finance

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: FWP
 BRU, Program of Subprogram(s) Affected: Fish & Wildlife Protection

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
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200 TRAVEL						
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CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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IV. ANALYSIS: Attach a separate page for any Analysis No fiscal impact anticipated

Prepared By: Col. Robert J. Stickles, Director Phone: 269-5532
 Division: Fish & Wildlife Protection Date:

Approved by Commissioner: X [Signature] Date: 3/25/83
 Department: Public Safety

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STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH N
JUNEAU, ALASKA 99811
PHONE:

March 24, 1983

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The Honorable Don Bennet
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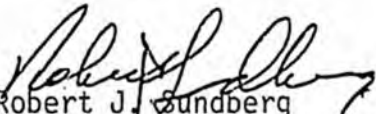
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SCS CSHB 118 (Res) - Support

This will increase the incidental take of brown/grizzly bear in selected areas and assist in meeting species management plan.

Sincerely,


Robert J. Sundberg
Commissioner

cc: Representative John Ringstad

COMMITTEE REPORT
HOUSE

FURTHER:

(11)

3/11/83

Date: 4/11/83

Mr. Speaker:

The Committee on FINANCE has had HB 125

an Act relating to 'emergency closure days' in response to a threat to the health or safety of students.

under consideration and reports it back as follows:

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

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

CHAIRMAN

Introduced: 1/26/83
Referred: Health, Education &
Social Services and Finance

1 IN THE HOUSE

BY LARSON

2

HOUSE BILL NO. 125

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to 'emergency closure days' in
7 response to a threat to the health or safety of
8 students."

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

10 * Section 1. AS 14.03.030 is amended to read:

11 Sec. 14.03.030. SCHOOL TERM. The school term begins and ends on
12 the dates fixed by the governing body of the school district. How-
13 ever, the term shall include not less than 180 days in session, except
14 that, subject to the approval of the commissioner [.]

15 (1) a day used for in-service training of teachers may be
16 substituted for a day in session, up to a maximum of 10 days; and

17 (2) an "emergency closure day" may be substituted for a day
18 in session because of conditions posing a threat to the health or
19 safety of students.

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: House Bill No. 125 No. 1 Date on Bill: 1/26/83
Title: "An Act relating to 'emergency closure days' in response to a threat to the health and
Sponsor: Representative Larson safety of students.
Requestor: _____

1. Estimated fiscal impacts on: Department of Health & Social Services

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital	0	0	0	0
Operating	0	0	0	0
Total	0	0	0	0

B. Revenues:

Revenue				

2. Source of funds to offset fiscal impact of bill:

Responsibility for identification of funding is that of the author of the bill.

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared by: Dean Tirador, M.D. *Dean Tirador* Phone: 465-2113
Division: Public Health Date: 2/8/83

Approved by Commissioner: Robert Larson Smith, M.D. *Robert Larson Smith* Date: 2/22/83
Department: Health and Social Services

5. Distribution:

Original to Legislative Finance
Copy to OMB
Copy to Sponsor
Copy to Requestor

2/8/83

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB - 125 No. 2
Title An Act relating to 'emergency closure days'...
Requested by House HESS Date 2/22/83

II. FISCAL DETAIL

Agency Affected Education
Program Category Affected Elementary and Secondary Education
BRU, Program, Or Subprogram(s) Affected K-12 Foundation Support
(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 83.	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		0	0	0	0	0
TOTAL		0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						
OPERATING						
CAPITAL						

POSITIONS N/A

FULL TIME						
PART TIME						
TEMPORARY						

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

THIS FISCAL NOTE IS PRESENTLY BEING REVIEWED BY THE OFFICE OF MANAGEMENT AND BUDGET.

This bill has no fiscal impact.

IV. DATE 2/22/83 PREPARED BY Steve Hole 

AGENCY Education

Original: Legislative Finance PHONE 465-2865

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)

The following individual is expected to testify on HB 125:

Representative Ron Larson, prime sponsor

Steve Hole, Legislative Liason, Department of Education may
testify

SCHOOL CLOSURE DAYS

Having been an active teacher in Alaska for the past 23½ years, I have personally seen many days when schools have remained opened simply to meet the mandate of "student in session days", when it was clearly obvious that in doing so, the health and safety of many individual students were being compromised.

The superintendent of school districts needs to be able, at least on a limited basis, to provide school closure days, when in their opinion the health and safety of students may be jeopardized by requiring student attendance. (Example: days with extreme weather conditions, breakdown of school heating system, loss of electrical power, possible bomb threats, or other unforeseen threats to health and safety conditions).

I might note that as a classroom teacher, I found that classroom procedures and general learning experiences are best retained by using normal procedures for missed work, instead of trying to make up missed work by holding school on Saturdays or extending school days on the end of the regular school year.

A personal example I might cite is: during one such day last year, I know of five automobile accidents involving students trying to get to school under extreme icy road conditions. School was held all that day with only 15-20% of the students present, and therefore, no regular classroom type instruction took place. The only purpose or value in holding school that day was to satisfy a requirement under State law. I might also add that the Matanuska-Susitna Borough is also being sued at this time over a bus accident that took place on a day when road conditions were extremely icy.

Summary: Hb 125 by Larson

"An Act relating to 'emergency closure days' in response to a threat to the health or safety of students."

Section 1. AS 14.03.030- Public Schools Generally, School Term

This section is amended by adding a new subsection providing for "(2) an 'emergency closure day' may be substituted for a day in session because of conditions posing a threat to the health or safety of students."

Substitution of an emergency closure day would be subject to the approval of the Commissioner of Education, and the proposed new law does not specify a maximum allowable number of days.

The law currently requires that the school term in Alaska include at least 180 days in session, except that subject to approval of the Commissioner, up to 10 days of in-service teacher training may be substituted for required school days.

This legislation does not provide for an effective date, therefore, the bill would be effective 90 days after the Governor's signature.

folder content

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summary
statutes
fiscal note DOE = Ø
fiscal note HSS = Ø

right

bill
back-up from Rep. Larson

Chapter 03. Public Schools Generally.

Section

- 10. Establishment of school system
- 20. School year
- 30. School term
- 40. Day in session
- 50. School holidays
- 60. Elementary, junior high, and secondary schools
- 70. School age
- 80. Free education

Section

- 83. Contracting for services
- 90. Sectarian or denominational doctrines prohibited
- 100. Use of school facilities
- 110. Questionnaires and surveys administered in public schools
- 130. Display of flag
- 140. Emergency drills

Collateral references. — 68 Am. Jur. 2d Schools § 1 et seq.
 78 C.J.S. Schools and School Districts, §§ 1, 2, 12 et seq.
 Equivalence of educational facilities extended by public school system to members of white and members of colored race. 103 ALR 713.
 Residence for purpose of admission to public school. 83 ALR2d 497.

Modern status of doctrine of sovereign immunity as applied to public schools and institutions of higher learning. 33 ALR3d 703.
 Noncustodial parent's rights as respects education of child. 36 ALR3d 1093.
 Tort liability of public schools and institutions of higher learning for educational malpractice. 1 ALR4th 1139.

Sec. 14.03.010. Establishment of school system. There is established in the state a system of public schools to be administered and maintained as provided in this title. (§ 1 ch 98 SLA 1966)

NOTES TO DECISIONS

This title was enacted pursuant to Alaska Const., art. VII, § 1. *Hootch v. Alaska State-Operated School Sys.*, Sup. Ct. Op. No. 1154 (File No. 2157), 536 P.2d 793 (1975).
History of public education in Alaska. — See *Hootch v. Alaska State-Operated School Sys.*, Sup. Ct. Op.

No. 1154 (File No. 2157), 536 P.2d 793 (1975).
Collateral references. — Incorporated educational body as an institution belonging to the state. 65 ALR 1394.
 What is common or public school within contemplation of constitutional or statutory provisions. 113 ALR 697.

Sec. 14.03.020. School year. The school year begins on the first day of July and ends on the 30th day of June. (§ 1 ch 98 SLA 1966)

Sec. 14.03.030. School term. The school term begins and ends on the dates fixed by the governing body of the school district. However, the term shall include not less than 180 days in session, except that, subject to the approval of the commissioner, a day used for in-service training of teachers may be substituted for a day in session, up to a maximum of 10 days. (§ 1 ch 98 SLA 1966; am § 1 ch 65 SLA 1972; am § 1 ch 137 SLA 1976; am § 1 ch 24 SLA 1979)

Effect of amendments. — The 1979 amendment deleted the former third sentence providing for approval of school schedules for a school term of less than 180 days in session.

Sec. 14.03.040. Day in session. Each day within the school term is a day in session except Saturdays, Sundays, and days designated as holidays by or according to AS 14.03.050. A school board may approve Saturdays as a day in session. The day in session in every school shall be at least four hours long, exclusive of intermissions, for the first, second, and third grades and five hours, exclusive of intermissions, for all other grades. The commissioner may approve a shorter day in session for any grade. The period of the day in session shall be devoted to the instruction of pupils or to study periods for the pupils. (§ 1 ch 98 SLA 1966; am § 2 ch 137 SLA 1976)

Sec. 14.03.050. School holidays. (a) Public schools shall not be in session on school holidays which are Labor Day, Thanksgiving Day, the day immediately following Thanksgiving Day, Christmas Day, New Years Day, Memorial Day, and the Fourth of July. If one of these holidays falls on a Saturday, the Friday immediately preceding is a school holiday. If one of these holidays falls on a Sunday the Monday immediately following is a school holiday. A teacher shall not be required to perform employment services on these holidays, nor may the salary of a teacher be diminished because the teacher does not perform employment services on a school holiday.

(b) The public schools shall be in session on all other holidays falling upon school days and shall conduct appropriate exercises in recognition of the day.

(c) The governing body of the school district may declare additional holidays. (§ 1 ch 98 SLA 1966)

Editor's notes. — In the last sentence of subsection (a), "the teacher" was substituted for "he" by the revisor of statutes pursuant to AS 01.05.031 and § 4, ch. 58, SLA 1982.

Sec. 14.03.060. Elementary, junior high, and secondary schools. (a) An elementary school consists of grades kindergarten through grade eight or any appropriate combination of grades within this range.

(b) A secondary school consists of grades seven through 12 or any appropriate combination of grades within this range. The establishment of one or two grades beyond the 12th grade is optional with the governing body of the school district.

(c) Grades seven through eight, nine, and ten or any appropriate combination of grades within this range may be organized as a junior high school.

(d) This section does not prevent a high school from issuing a diploma to a student who has completed the 12th grade. (§ 1 ch 98 SLA 1966)

POSITION PAPER

HOUSE BILL NO. 125

"An Act relating to 'emergency closure days' in response to a threat to the health or safety of students."

This Bill amends AS 14.03.030 by adding a provision that an "emergency closure day" may be substituted for a day in session because of conditions posing a threat to the health or safety of students.

The Department of Health and Social Services cannot comment on the educational impact of the new provision. Emergency closures for strictly health or safety reasons are a relatively uncommon event and can be kept at a minimum by strict enforcement of existing statutes and regulations relating to immunization requirements and building and safety codes. In the past year, there have been no instances in which the Division of Public Health has recommended closure of a school due to health reasons. The most likely reasons for closure would probably relate to environmental considerations due to failure of utilities such as heating, water or sewerage systems.

Recommended by:

E. S. Rabeau
E. S. Rabeau, M.D., Director
Division of Public Health

Date:

Feb. 5, 1983

Approved by:

Robert London Smith
Robert London Smith, Ph.D.
Commissioner
Department of Health and Social Services

Date:

2/9/83

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: House Bill No. 125 Date on Bill: 1/26/83
 Title: "An Act relating to 'emergency closure days 'in response to a threat to the health and
 Sponsor: Representative Larson safety of students.'
 Requestor: _____

1. Estimated fiscal impacts on: Department of Health & Social Services

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital			0	0	0	0		
Operating			0	0	0	0		
Total			0	0	0	0		

B. Revenues:

Revenue								
---------	--	--	--	--	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

Responsibility for identification of funding is that of the author of the bill.

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by OMB in the Office of the Governor. It does not represent the policy of the Sheffield-Administration or the final estimate of fiscal impact.

Prepared by: Dean Tirador, M.D. *W. H. H. H. H.* Phone: 465-2113
 Division: Public Health Date: 2/8/83

Approved by Commissioner: Robert Larson, M.D. *Robert Larson* Date: 2/22/83
 Department: Health and Social Services

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/8/83

POSITION PAPER

HOUSE BILL NO. 125

"An Act relating to 'emergency closure days' in response to a threat to the health or safety of students."

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Recommended by:

E. S. Rabeau
E. S. Rabeau, M.D., Director
Division of Public Health

Date:

Feb 5, 1983

Approved by:

Robert London Smith
Robert London Smith, Ph.D.
Commissioner
Department of Health and Social Services

Date:

2/9/83

POSITION PAPER

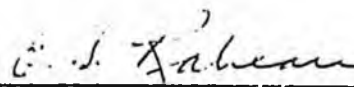
HOUSE BILL NO. 125

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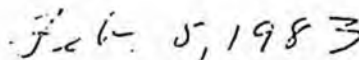
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Recommended by:

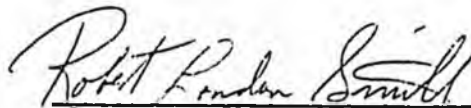


E. S. Rabeau, M.D., Director
Division of Public Health

Date:



Approved by:



Robert London Smith, Ph.D.
Commissioner

Department of Health and Social Services

Date:



THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB - 125
 Title An Act relating to 'emergency closure days'...
 Requested by House HESS Date 2/22/83

II. FISCAL DETAIL

Agency Affected Education
 Program Category Affected Elementary and Secondary Education
 BRU, Program, Or Subprogram(s) Affected K-12 Foundation Support
 (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 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		0	0	0	0	0
TOTAL		0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						
OPERATING						
CAPITAL						

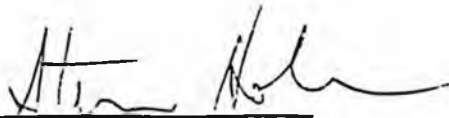
POSITIONS N/A

FULL TIME						
PART TIME						
TEMPORARY						

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

THIS FISCAL NOTE IS PRESENTLY BEING REVIEWED BY THE OFFICE OF MANAGEMENT AND BUDGET.


This bill has no fiscal impact.

IV. DATE 2/22/83 PREPARED BY Steve Hole 
 AGENCY Education
 Original: Legislative Finance PHONE 465-2865
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/82)

DEPARTMENT OF EDUCATION

Position Paper - HB 125

The Department supports this bill.



Marshall L. Lind
Commissioner

Attachment: Motion by State
Board of Education

Excerpt from the minutes of the February 14, 1983 meeting of the State Board of Education.

YEAS

NAYS

Don Gray
Sam Kito
Ernestine Griffin
Barney Gottstein
William Eubank
Sue Hull

MOTION CARRIED 6-0.

HOUSE BILL 125

William Eubank moved and Barney Gottstein seconded the motion to approve House Bill 125, "An Act relating to 'emergency days' in response to a threat to the health or safety of students."

MOTION CARRIED 5-0.

HOUSE BILL 90

Barney Gottstein moved and William Eubank seconded the motion to oppose House Bill 90, "An Act transferring the administration of school or education-related facility construction from the Department of Education to the Department of Transportation and Public Facilities; and providing for an effective date."

MOTION CARRIED 6-0.

SENATE BILL 78

Steve Hole provided the background on Senate Bill 78, "An Act making the Public Employment Relations Act applicable to employees of school districts, and providing for an effective date." There was a lengthy discussion on this Bill, and audience participants providing comments were Jean Krause, President, NEA/Alaska; Robert Greene, Executive Secretary, Association of Alaska School Boards; Robert Manners, Executive Secretary, NEA/Alaska; and James Tozer, of the Department of Education.

The Board recessed for lunch at 11:52 a.m. and returned at 1:45 p.m. to continue discussion on Senate Bill 78.

Sue Hull moved and Sam Kito seconded the motion to recommend to the Governor that he oppose Senate Bill 78.

Don Gray moved and William Eubank seconded the motion to table the previous motion until the April meeting.

Roll call vote was taken on the motion to table:

Original sponsors: Uehling, Barnes,
Cowdery, et al

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 130 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to homesteads; and providing for an
7 effective date."

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

9 * Section 1. AS 38 is amended by adding a new chapter to read:

10 CHAPTER 09. HOMESTEAD ACT.

11 Sec. 38.09.010. DESIGNATION OF LAND FOR HOMESTEAD ENTRY. (a)

12 The commissioner shall classify and make available for homestead entry
13 state land. State land made available for homestead entry under this
14 chapter shall be distributed throughout the state.

15 (b) The commissioner shall complete a cadastral survey of home-
16 stead entry land that establishes a control point at the intersection
17 of each exterior boundary line of the parcel of state land before
18 designating the state land for homestead entry.

19 (c) Notice of the designation and offering of land for homestead
20 entry shall be given by the commissioner under AS 38.05.345.

21 (d) Land designated for homestead entry is not subject to a
22 preference right under AS 38.05.

23 Sec. 38.09.020. HOMESTEAD ENTRY PERMITS. (a) A homestead entry
24 permit entitles an applicant to enter land within a designated parcel
25 and to survey, occupy, and improve the land in order to qualify for a
26 patent under this chapter.

27 (b) An applicant for a homestead entry permit shall stake the
28 corners and flag the boundaries of the land entered and shall file
29 with the commissioner a description of the land entered. A homestead

1 entry may not exceed 10 percent of the total acreage of a parcel of
2 state land made available for disposal after the effective date of
3 this Act. A homestead entry shall be described by aliquot parts and
4 may not be less than 2 1/2 acres or greater than 160 acres.

5 Sec. 38.09.030. QUALIFICATION FOR HOMESTEAD ENTRY. (a) An
6 applicant for a homestead entry permit shall

7 (1) submit proof acceptable to the commissioner that the
8 applicant is at least 18 years of age and has been a resident of the
9 state for not less than one year immediately before the date of appli-
10 cation;

11 (2) pay a fee of \$5 per acre according to the description
12 provided by the applicant;

13 (3) agree to comply with the requirements of AS 38.09.050;

14 (4) certify that the corners of the land entered have been
15 staked and the boundaries have been flagged;

16 (5) assume full responsibility for the accuracy of the
17 description of the land filed with the commissioner under AS 38.09.-
18 020(b).

19 (b) An applicant may not hold more than one homestead entry
20 permit at one time and may not receive a patent or patents to more
21 than 160 acres under this chapter.

22 (c) The homestead entry permit may not be assigned, conveyed, or
23 in any manner transferred except

24 (1) by testate or intestate succession;

25 (2) to a spouse during marriage;

26 (3) by order of a court as part of a divorce settlement;

27 (4) to either a member of the immediate family or a grantee
28 of the applicant in the case of an extreme emergency or illness which
29 disables the applicant.

1 Sec. 38.09.040. REVOCATION OF ENTRY PERMITS. (a) A homestead
2 entry permit may be revoked by the commissioner for any substantial
3 breach of the permit conditions or the requirements of this chapter,
4 including

5 (1) an assignment, conveyance, or other transfer of the
6 permit;

7 (2) failure of the permit holder to submit a plat of survey
8 to the commissioner within two years after the issuance of the permit;

9 (3) failure of the permit holder to erect a dwelling in the
10 time required under AS 38.09.050(a), except that if the commissioner
11 finds that the dwelling has been nearly completed and progress toward
12 completion is being made at the expiration of the time required, the
13 commissioner may extend the time required for completion for not more
14 than one year;

15 (4) failure to brush the boundaries of the parcel within 90
16 days after issuance of the homestead entry permit.

17 (b) Upon revocation of a homestead entry permit, improvements or
18 personal property upon the parcel shall be managed under AS 38.05.090
19 and the state land remains available for homestead entry under this
20 chapter.

21 Sec. 38.09.050. ISSUANCE OF PATENT. (a) The commissioner shall
22 issue a patent to homestead entry land if the permit holder

23 (1) resides and lives on the homestead entry land for not
24 less than 25 months within five years after the issuance of the home-
25 stead entry permit;

26 (2) completes an approved survey of the land within two
27 years after the issuance of the permit;

28 (3) erects a habitable, permanent dwelling on the homestead
29 within three years after the issuance of the homestead entry permit;

1 (4) brushes the boundaries of the parcel within 90 days
2 after the issuance of the permit.

3 (b) Nothing in this chapter prohibits a homestead entry permit
4 holder from residing in a temporary dwelling on the homestead before
5 erection of the permanent dwelling.

6 (c) The commissioner may reserve or exclude from a patent ease-
7 ments or rights-of-way for roads, trails, registered trap lines,
8 public access ways, utility corridors, and transportation facilities.

9 Sec. 38.09.060. MARKING BOUNDARIES. If it is impractical to
10 brush the boundaries of a homestead entry, an applicant shall flag the
11 boundaries.

12 Sec. 38.09.070. PRIORITY OF APPLICATIONS. The commissioner
13 shall issue a homestead entry permit to the first applicant for land
14 to comply with AS 38.09.020(b).

15 Sec. 38.09.080. LAND WITHIN MUNICIPALITIES. (a) Nothing in
16 this chapter or AS 29.18.201 - 29.18.213 prevents the commissioner
17 from designating for homestead entry land that would otherwise be
18 available for borough or city selection under AS 29.18.201 - 29.18.-
19 213. Land designated for homestead entry is not available for city or
20 borough selection.

21 (b) The disposal of homestead entry land is subject to local
22 platting, recording, or subdivision requirements established under
23 AS 29.33 and AS 40.15.

24 Sec. 38.09.090. REGULATIONS. The commissioner shall adopt
25 regulations to implement this chapter.

26 Sec. 38.09.900. DEFINITIONS. In this chapter

27 (1) "brush" means to clear a swath along the boundary lines
28 of a homestead entry so that the boundary lines may be identified from
29 the ground;

1 (2) "commissioner" means the commissioner of natural re-
2 sources;

3 (3) "habitable dwelling" means a dwelling of a permanent
4 nature, together with fixtures and facilities, including sanitary
5 facilities, required by law or customary in the vicinity of the land
6 made available for homestead entry;

7 (4) "permanent dwelling" does not include a mobile home
8 unless it is placed on and attached to a permanent foundation;

9 (5) "registered trap lines" means trap lines registered
10 under law;

11 (6) "resident" means an individual who has resided in the
12 state for one year, does not claim residence in another state, and
13 shows by all attending circumstances an intent to make this state the
14 individual's permanent residence.

15 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
16 10.079(c).

LETTER OF INTENT

FOR

CSHB 130 (Fin):

The issues surrounding the subject of homesteading are varied and often complex, therefore as both a courtesy and method of clarification the following information is being offered regarding CSHB 130 (Fin).

It is the intent of the Legislature that the Department of Natural Resources make state land available to qualified, willing Alaskans who can, through their efforts and initiative, enter into and settle upon the land as addressed in Article VIII, Section 1 of our state constitution.

ARTICLE VIII
NATURAL RESOURCES

SECTION 1. It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest. (emphasis added)

It is further intended that:

- * Alaskan residents be able to own up to 160 acres of land after meeting the basic homestead requirements stipulated in CSHB 130 (Fin), and furthermore, that all rights to that land which the State has the authority to dispose of, including gravel and other attending surface rights, shall be conveyed with patent.
- * the amount of land classified and made available for home-stead entry should be equal to or greater than the amount of land offered through any other state land disposal program.
- * state land of good quality be made available in reasonable quantities and offered throughout the state on a continuing basis for homestead entry.
- * present land classifications should not eliminate the possible use of any state land for homesteading purposes, and furthermore, the need to provide quality land to citizens for settlement is recognized as a legitimate and vital use of a natural resource.

- * residents who stake this land be responsible for the selection and description of the parcels they choose.
- * the location of parcels offered by the Department of Natural Resources be such that practical and reasonable access by traditional methods is possible by citizens participating in the homestead program.
- * the public be adequately informed of the regulatory requirements promulgated by the Department of Natural Resources, including an explanation of the criteria for describing the homestead entry land, so as to facilitate the homesteading process and eliminate as much as possible the potential for staking conflicts.
- * necessary easements be reserved from patents to provide adequate and reasonable public access to both homestead selection and the surrounding land and waters.

Respectfully Submitted,

Al Adams, Chairman
House Finance Committee

al

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: CSHB 130 Date on Bill: 24 March 1983
Title: An act relating to homesteads
Sponsor: Uehling
Requestor: Resources Committee

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital	-0-	-0-	-0-	-0-
Operating	-0-	-0-	-0-	-0-
Total	-0-	-0-	-0-	-0-

b. Revenues:

REVENUE	-0-	-0-	-0-
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2. Source of funds to offset fiscal impact of bill:

Existing program budget for land offering program.

3. Assumptions:

Given the anticipated high cost of implementing and administering this program, due to potential difficulties with adjudication and inspection of staking programs, the Department's other land offering programs will be reduced.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Ned Farguher Phone: 465-2400
Division: Commissioner's Office Date: 28 March 1983
Approved by Commissioner: Patricia D Arnold, Deputy Date: 28 March 1983
Department: Natural Resources

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

Summary of Teleconference - House Resources

Topic: Homesteading

March 3, 1983

Homesteading in General

Nearly all participants enthusiastically supported the concept of a homestead program. The overriding reason seems to be in keeping with the Article VIII, Sec. 1 & 2 of our Constitution:

ARTICLE VIII NATURAL RESOURCES

SECTION 1. It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

SECTION 2. The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

In short, participants seem to agree that Alaskan residents should have the opportunity to own land and determine for themselves what the use and lifestyle is appropriate on that land.

Stipulations

Overall, the testimony seemed to indicate that 160 acres was an acceptable parcel size, and that a reasonable portion of that acreage should be cleared.

- a) SURVEYING - Yes, an accurate survey should be required, but it should not cost prohibitive. State funded surveys for major control points such as section corners would help reduce costs. Also, either loans, or additional time to complete survey requirements would help.
- b) HABITABLE DWELLING - Yes, a permanent habitable dwelling should be required.
- c) ACCESS - This topic of discussion came up repeatedly. First, their needs to be accessible to homesteads via rights-of-way preferably along section lines. Secondly, homesteads should not block public

Other Suggestions:

- a) SPECIAL EXCEPTIONS - One participant raised the issue of handicapped residents who may need special provisions to compete in the program. Veteran benefits were also cited by this individual.
- b) TRADITIONAL ACCESS - Trails, traplines and traditional routes of access should be maintained if at all possible.
- c) RESIDENCY - Most participants support the 1 year residency requirement, however, some felt that a longer term should be required (Constitutionally that would present the district possibility of a court challenge).
- d) ABANDONED ENTRIES - Should revert back to the state.
- e) MUNICIPAL CONSIDERATIONS - Should meet local municipal requirements for zoning and platting.
- f) SUBDIVIDING - It was suggested that a turn limit be set before sale or subdividing can occur.
- g) ADDITIONAL OCCUPANCY TIME - Two participants felt that homesteaders should live the greater portion of at least one year out of the total required on the homestead entry.
- h) SPOUSES - One person suggested that marriage should not prohibit two individuals from each filing separate homesteads.

CSHB 130 Summary

- A. The nature of the patents issued.

CSHB 130 grants patent under sec. 50, by implication without minerals.

- B. The amounts of land available.

CSHB 130 limits a homestead entry to a minimum of 40 acres and a maximum of 160 acres. Sec. 020 (b).

- C. Responsibilities of the Commissioner.

CSHB 130 requires the commissioner to classify and make state land available for homestead entry. The commissioner shall complete a "cadastral survey of homestead entry land" before making the land available. Parcels shall be described by aliquot parts or survey.

- D. Qualifications of the applicant at application.

CSHB 130 requires that the applicant be 18 years of age and a one-year resident of the state before application.

CSHB 130 requires an applicant not hold more than one permit at a time or receive more than 160 acres under this program. Sec. 30(b).

- E. Requirements of the entryman before patent.

CSHB 130 requires the applicant, within five years of the issuance of the entry permit, to occupy the land for not less than 25 months within the five years, erect a habitable, permanent dwelling, brush the boundaries within 30 days of the issuance of the permit. Sec. 40(a).

- F. Conditions disabling an applicant from patent.

CSHB 130 permits revocation of an entry permit for "Substantial breach of the permit conditions or the requirements of this chapter." The requirements of the chapter (sec. 40) prohibit transfer of the permit, failure to submit a plat of survey within 24 months of the issuance of the permit, failure to erect a dwelling within three years of the issuance of the permit, and failure to brush the boundaries within 30 days of the issuance of the permit.

- G. Restrictions on the land or the patentee after patent.

CSHB 130 permits the director to reserve from the patent easements for roads, trails, or other purposes determined to be in the best interest of the state.

H. Definition of the required dwelling.

Sectional Analysis

CSHB 130

Section 1 establishes a new chapter AS 38.09, a Homestead Act.

Within the chapter, sec. 10(a) directs the director to classify and make land available for homestead entry. Sec. 10(b) requires the director to complete a cadastral survey before making the land available for entry. The land will be described by aliquot parts, sections, or survey. Notice of the availability of the land will be given under the general notice section, AS 38.05.345.

Under sec. 10(d), the disposals of the land are not subject to AS 38.05 preferences, e.g., resident discounts and veteran preferences.

Sec. 20 describes the entry permits. Under sec. 20(a), a homestead entry permit entitles a person to do those acts which qualify the person for a homestead patent.

— Sec. 20(b) requires a staking of the corners of the land entered.

Sec. 20(c) requires the director to issue permits in the order of application. Section 30(a) requires an applicant to indicate age and residence in the state as suggested above. It requires a payment of a \$5/acre application fee. An applicant agrees to comply with the requirements of sec. 50 conditions for the issuance of patent. The applicant certifies that the corners have been staked:

Sec. 30(b) limits an applicant to one permit at a time and a lifetime limit of 160 acres.

Sec. 30(c) provides that the permit may not be transferred except by testate or intestate succession.

Sec. 40 permits revocation of a permit for the violation of a permit condition or for a requirement of the chapter, including a transfer of the permit, for the failure of the permittee to brush the boundaries of the parcel within 30 days, or failure of the permittee to erect a dwelling within three years. The director may extend the time of the requirement if substantial completion has occurred.

Sec. 40(b) directs that the provisions of AS 38.05.090 be used to dispose of improvements or personal property left on the land after revocation of a permit.

Sec. 50(a) permits the issuance of patent. While no outside limitation on the life of a permit is stated, if the permittee complies with the stated requirements, a patent shall be issued:

residence on the homestead entry for not less than 25 months within five years;

completion of an approved survey within 24 months after issuance of the permit;

erection of a dwelling within three years after issuance of the permit;

brushing the boundaries within 30 days after issuance of the permit.

Sec. 50(b) permits use of temporary housing.

Sec. 50(c) permits the director to reserve easements, etcetera found to be in the best interests of the state.

Sec. 60 permits the director to use land "otherwise . . . available for borough or city selection" for the homestead entry program. And the disposal of homestead entry land is subject to "local platting, recording, or subdivision requirements established under AS 29.33 and AS 40.15." Subdivision after patent is subject to those requirements.

Sec. 70 permits the commissioner to adopt regulations.

Sec. 900 adopts definitions of commissioner, director, habitable dwelling, and resident.

Section 2 provides an immediate effective date.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH M
JUNEAU, ALASKA 99811
PHONE: 907-485-2400

April 5, 1983

The Honorable Al Adams
Chairman
House Finance Committee
Pouch V
Juneau, AK 99811

Dear Representative Adams:

I have attached an amendment to CS HB 130 for your consideration. We seek this amendment because:

1. a remote staking program will be more expensive to administer;
2. a remote staking program encourages inefficient use of the State's land resources; and
3. the Department should have the flexibility to limit parcel sizes in all cases to accommodate the kind of land being offered and the demand for the land.

We will be available to testify to these and other issues in the bill. Please let me know if you have specific questions.

Sincerely,



Robert D. Arnold
Deputy Commissioner

Attachment

The Department of Natural Resources recommends the following amendments to CSHB 130:

Page 1 - delete lines 27, 28 and 29. Page 2 - delete lines 1 and 2:

(b) An applicant for a homestead entry permit shall stake the corners of the land entered and shall file with the commissioner a description of the land entered. A parcel shall be described by aliquot parts or survey and may not be less than 40 acres nor exceed 160 acres.

Page 1 - add to the end of line 20:

Parcels shall be described by aliquot parts or survey and may not be larger than quarter sections.

Page 2 - amend lines 3 and 4 as follows:

(c) The commissioner shall issue homestead entry permits either by lottery or in order of application.

A copy of the bill is attached with these changes noted.

(907) 465-2400

March 30, 1983

The Honorable John Ringstad
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Ringstad:

Because there seemed to be some question about the Department's opposition to CS HB 130 in the March 28 hearing in House Resources Committee, I would like to take the opportunity to clear up any misunderstanding arising from my telephone call to you.

The principal objections I raised in that call were to the staking program, and its consequences, and our inability to offer lands in all areas of the State. Let me elaborate upon these and raise some additional issues by way of summarizing this Department's position:

1. The staking program provided for in CS HB 130 will result in a very large number of competing applicants whose staked lands may be overlapping one another. This would require adjudication of claims before permits could be issued and would probably result in numerous appeals with their attendant high administrative costs. Furthermore, staking results in "high grading" of an area, leaving small blocks of land in State management; in other words, it results in poor land management at high relative costs.

2. There are some areas of the State in which homestead lands could not, or perhaps should not, be made available. Suitable state lands are very scarce in southeastern and certainly not abundant in southcentral Alaska.

March 30, 1983

3. We do not believe that to offer large acreages at no cost for simply residential use represents a fair balancing of the interests of the State. A 40-acre maximum should be placed on non-agricultural homesteads and 160 or 320 maximum on agricultural homesteads with a clearing requirement. We have testified in some detail on these three points, but if you have additional questions, please let us know.

4. Cadastral survey at pivot points in the area boundary will reduce the State's cost on the front end but increase the applicant's cost for individual parcel boundary survey. While we do not object to passing the survey cost on to the applicant, State survey of all section corners on the front end will result in substantial savings in administrative costs and will serve the State and private development interests in the future. Furthermore, once a surveyor is mobilized in an area, additional points are relatively inexpensive to place as part of an original survey.

To clarify the zero fiscal note, I should reiterate that the Department will be required to reduce other disposal programs to absorb the cost of a homestead program. The extent to which total acreage offered or the total number of persons who will benefit from the various programs will be reduced is dependent on the design of a homestead program with low administrative costs.

As you know, we do not oppose the homestead concept, but we think that it is necessary to design a program that will allow the Department to properly manage state resources within an increasingly restricted budget.

We have appreciated the opportunity to work together with the Committee on this legislation, and regret that we were not able to come to agreement on the committee substitute. Please share these comments with the Committee.

Sincerely,

Bob

Robert D. Arnold
Deputy Commissioner



Tanana Chiefs Conference, Inc.

Doyon Building
201 First Avenue
Fairbanks, Alaska 99701
Phone (907) 452-8251

March 29, 1983

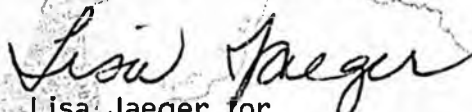
The Honorable Albert Adams
Pouch V
Juneau, Alaska 99811

Dear Rep. Adams:

Enclosed is a copy of our recommendations concerning homestead legislation. We have a great deal of state land in our region and have had many problems with state land disposal programs. We can't help but feel that a new homestead program could increase our problems. We have seen maps produced by DNR which exemplify potential areas for homesteading in our region. We already see serious conflicts.

Sincerely,

TANANA CHIEFS CONFERENCE, INC.


Lisa Jaeger for
William C. "Spud" Williams

LJ/0707n
enc.

Tanana Chiefs Conference, Inc.

Doyon Building
201 First Avenue
Fairbanks, Alaska 99701
Phone (907) 452-8251

March 11, 1983

The Honorable John Ringstad
Pouch V
Juneau, Alaska 99811

Dear Rep. Ringstad:

The Tanana Chiefs Conference represents 43 communities in the interior. The region contains more state land than any other Native region. Members of our staff have been to dozens of public meetings in our communities strictly to discuss current and potential activities on state land.

In relation to proposed homestead legislation, we have two major concerns:

- 1) Much state land is already being used to support our communities economically. The Department of Natural Resources has little data on current hunting, fishing, woodcutting, and berrypicking activities on state land. Any homesteading program would have to be confined to areas which least damage the delicate balance between the rural communities and their current uses on state land.
- 2) Giving away state assets without substantial "sweat equity" only encourages speculation. Fewer requirements for "proving up" on the land encourage more spectators to participate in the program rather than those people who really need and want to homestead and will make a positive contribution to rural communities. We have to think about programs for reserving quality land for disposal to future generations as well.

To discourage speculation, we would like to make the following recommendations:

- a) The application fee should be at least \$500 unless it costs substantially more to process the application; then it should be higher.
- b) There should be a substantial residency requirement. The current House bills both have acceptable requirements in this regard.
- c) All current bills propose a permanent structure and survey requirements between 18 months and 7 years. We favor the structure, to be built and survey completed within three (3) years. A shorter period of time better allows DNR to assess what is happening to the land it manages. Also, if people don't follow through, the land could be available for additional people to enter sooner.

Page 2
March 11, 1983

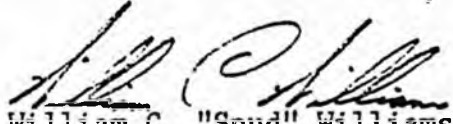
- d) We would encourage a 25% clearing requirement within five (5) years for agricultural entry only. For a potential homestead program which grants surface rights not tied to agriculture, there should be no clearing requirement. Such nonessential clearing is disruptive of habitat and adjoining land uses and serves no rational purpose.
- e) A restriction on subdivision for a period of time after patent would discourage state subsidized speculation, as well as show a commitment to the State.
- f) Persons who made similar purchases under AS 38.05.055 or AS 38.05.057 within the previous eight (8) years should not be eligible.
- g) We recommend a maximum acreage of 160 acres for agricultural rights entry and a maximum acreage of 40 acres for surface entry (i.e., HB 130).
- h) Agricultural entry should have some sort of soil requirement, such as 50% class II-III soils.

Any homesteading program should fall under the existing classification process covered by AS 38.04.060 - 38.04.070. That process helps insure that the most suitable land would be made available. Miscellaneous programs not umbrelled by these statutes makes for a situation which discourages overall comprehensive planning.

We appreciate the opportunity to comment and we certainly hope that you consider these recommendations heavily.

Sincerely,

TANANA CHIEFS CONFERENCE, INC.


William C. "Spud" Williams
President

cc: Each Member of the House & Senate
Resources Committee
Commissioner Esther Wunnicke



Northern Alaska Environmental Center

218 DRIVEWAY
FAIRBANKS, ALASKA 99701
(907) 452-5021

April 1, 1983

The Honorable Albert P. Adams
Chairman, Finance Committee
Pouch V
Juneau, Alaska 99811

Dear Chairman Adams,

The Northern Alaska Environmental Center has some serious reservations concerning House Bill 130: "AN ACT RELATING TO HOMESTEADS, AND PROVIDING FOR AN EFFECTIVE DATE."

The bill reads: "The Commissioner shall classify and make available for homestead entry..." This language would appear to circumvent the public input process as it relates to the classification of land for disposal. We would prefer that any new land disposal plan continue to fall under the current land classification process.

A careful reading of the legislation reveals no prohibition against the subsequent subdivision of the "homestead" land after patent. We feel that neither the purpose nor the need for this form of land disposal has been adequately addressed but would hope that its purpose is not to provide a state subsidy of free land for land speculators.

The Northern Alaska Environmental Center seriously doubts the need for this legislation at all. We wonder why the citizens of Alaska should give up a potentially valuable resource and receive nothing in return? Alaska already has a land disposal system in full swing that, at least, brings a return to the taxpayers. Why create another system with yet another set of built-in problems and receive so little in return?

Sincerely;

Robert D. Warren
Executive Director

cc: Niilo Koponen
Mike Davis
Anthony Vaska

Alaska State Legislature

Representative Mae Tischer
District 11
3705 Oregon Drive
Anchorage, Alaska 99503



While In Juneau
Pouch V
Juneau, Alaska 99811
(907) 465-3759

House of Representatives

MAE TISCHER

MEMORANDUM

TO: House Finance Committee Members
Representative Ringstad
Representative Uehling

DATE: April 6, 1983

FROM: Representative Mae Tischer *mae*

RE: CSHB 130 (Res)

As I will be out of town and unable to attend the Finance Committee meeting today regarding CSHB 130 (Res) I would like to make several points very clear.

The concept of homesteading and the specific provisions which should be included were thoroughly discussed in the Resource Committee. Among those considered vital to the bill were the following: 1) Staking and 2) Granting of unencumbered title to the land with no restrictions on land use. Numerous concessions were made to accommodate the Department of Natural Resource's concerns. The Committee adopted DNR's language for easements and included provisions in the bill which will shift the burden of responsibility for any problem with overlapping claims to the applicant thus eliminating DNR's objection to staking. I believe every effort was made to accommodate DNR's concerns.

I support the passage of CSHB 130 (Res) in its present form. If, however, amendments are introduced today, I also have several which I would like considered (copies attached). My aide, Gail Thibodeau, will be in attendance at the meeting and I authorize her to speak on my behalf.

Thank you for considering my comments.

Amendment to CSHB 130 (Res)

Insert a new section to read as follows:

AS 38.05.300 (a) is amended to read:

Sec. 38.05.300. Classification of lands. (a) The commissioner shall classify for use lands in areas where he considers it necessary and proper, however 40% of all state land available through state land disposal programs must be classified and made available for homestead entry as provided in AS 38.09. This section does not prevent reclassification of lands where the public interest warrants reclassification, nor does it preclude multiple purpose use of lands whenever different uses are compatible. No state land, water, or land and water area shall, except by act of the state legislature, be closed to multiple purpose use, if the area involved contains more than 640 acres.

Amendment to CSHB 130 (Res)

Page 1, line 14 is amended to read:

this chapter shall be proportionately distributed throughout the state so as to provide residents in all areas of the state a reasonable opportunity to participate in the homestead entry program.

Amendment to CSHB 130 (Res)

Page 2, line 1 - delete (be less than 40 acres nor)

Amendment to CSHB 130 (Res)

Page, 3, line 12 - Delete (30) and insert 90 in its place.

Page 3, line 28 - Delete (30) and insert 90 in its place.

Alaska State Legislature

Representative Mae Tischer
District 11
3305 Oregon Drive
Anchorage, Alaska 99503



While in Juneau
Pouch V
Juneau, Alaska 99811
(907) 465-3759

House of Representatives

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Representative Ringstad
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Amendment to CSHB 130 (Res)

Page 3, line 12 - Delete (30) and insert 90 in its place.

Page 3, line 28 - Delete (30) and insert 90 in its place.

CSHB 130 (Fin)

Effect of Amendments

Sec. 38.09.020. HOMESTEAD ENTRY PERMITS. (b) contains five changes from the Resource Committee Substitute. They are as follows:

- 1) The Committee Substitute requires the applicant for a homestead entry permit to not only stake the corners of the land entered, but also to flag the boundaries before filing a claim with the Department of Natural Resources.
- 2) The size of the homestead entry is limited by two factors: the 160 acre maximum and the size of the total acreage of the parcel of state land offered for homestead entry. The homestead entry may not exceed 10% of the total acreage of each parcel offered by the State for homestead entry, meaning that if the State were to make 100 acres in the Ketchikan area available for homesteading, the maximum parcel size would be 10 acres.
- 3) The provision allowing for homestead entry parcels to be described by survey was deleted. ALL parcels must be described by aliquot parts.
- 4) The minimum size of a homestead entry was reduced from 40 acres to 2 1/2 acres.
- 5) Subparagraph (c) (which stated "the commissioner shall issue homestead entry permits in order of application") was deleted.

Sec. 38.09.030. QUALIFICATION FOR HOMESTEAD ENTRY.

- (a)(1) The residency requirement was raised from one year to two years.
- (a)(4) Again, the stipulation that the boundaries must be flagged, in addition to the staking requirement, before an applicant is eligible to receive a permit.
- (c)(4) A provision was included to allow for the transfer of a homestead entry permit in the case of an extreme emergency or illness which disables the applicant.

Sec. 38.09.040. REVOCATION OF ENTRY PERMITS.

- (a)(4) The brushing requirement was extended from 30 days to 90 days. If brushing is not completed within 90 days, the homestead entry permit may be revoked.

Sec. 38.09.050. ISSUANCE OF PATENT.

- (a)(4) The brushing requirement was extended from 30 days to 90 days. Brushing must be completed within 90 days in order for an applicant to receive patent to homestead entry land.
- (c) Easements or rights-of-way may also be reserved or excluded from patent for registered trap lines, in addition to those currently listed in the Resource Committee Substitute.

Sec. 38.09.060. MARKING BOUNDARIES. This section would allow the Department of Natural Resources to waive the brushing requirement in areas of the state where it would be impractical, such as in heavily forested areas or on tundra.

Sec. 38.09.070. PRIORITY OF APPLICATION. This section spells out the procedure the Department of Natural Resources will use in issuing applications. It leaves no doubt that an applicant must stake the corners of the land entered, flag the boundaries and then be the FIRST to file with the Department of Natural Resources in order to receive a homestead entry permit for that parcel of land. If that criteria is not met, no permit will be issued.

Sec. 38.09.900. DEFINITIONS. Definitions of "brush" and "registered trap lines" were added. The definition of a "resident" requires two years residency in the state, rather than only one.

Offered: 3/30/83
Referred: Finance

Original sponsors: Uehling, Barnes,
Cowdery, et al

1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 CS FOR HOUSE BILL NO. 130 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to homesteads; and providing for an
7 effective date."

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

9 * Section 1. AS 38 is amended by adding a new chapter to read:

10 CHAPTER 09. HOMESTEAD ACT.

11 Sec. 38.09.010. DESIGNATION OF LAND FOR HOMESTEAD ENTRY. (a)

12 The commissioner shall classify and make available for homestead entry
13 state land. State land made available for homestead entry under
14 this chapter shall be distributed throughout the state.

15 (b) The commissioner shall complete a cadastral survey of home-
16 stead entry land that establishes a control point at the intersection
17 of each exterior boundary line of the parcel of state land before
18 designating the state land for homestead entry.

19 (c) Notice of the designation and offering of land for homestead
20 entry shall be given by the commissioner under AS 38.05.345. *Parcels shall*
21 *be described by aliquot parts or survey and may not be larger than quarter sections*

22 (d) Land designated for homestead entry is not subject to a
23 preference right under AS 38.05.

24 Sec. 38.09.020. HOMESTEAD ENTRY PERMITS. (a) A homestead entry
25 permit entitles an applicant to enter a designated parcel and to
26 survey, occupy, and improve the parcel in order to qualify for a
27 patent under this chapter.

28 (b) An applicant for a homestead entry permit shall stake the
29 corners of the land entered and shall file with the commissioner a
description of the land entered. A parcel shall be described by

1 aliquot parts or survey and may not be less than 40 acres nor exceed
2 160 acres.]

3 (c) The commissioner shall issue homestead entry permits ^{either by lottery or} in
4 order of application.

5 Sec. 38.09.030. QUALIFICATION FOR HOMESTEAD ENTRY. (a) An
6 applicant for a homestead entry permit shall

7 (1) submit proof acceptable to the commissioner that the
8 applicant is at least 18 years of age and has been a resident of the
9 state for not less than one year immediately before the date of appli-
10 cation;

11 (2) pay a fee of \$5 per acre according to the description
12 provided by the applicant;

13 (3) agree to comply with the requirements of AS 38.09.050;

14 (4) certify that the corners of the land entered have been
15 staked;

16 (5) assume full responsibility for the accuracy of the
17 description of the land filed with the commissioner under AS 38.09.-
18 020(b).

19 (b) An applicant may not hold more than one homestead entry
20 permit at one time and may not receive a patent to more than 160 acres
21 under this chapter.

22 (c) The homestead entry permit may not be assigned, conveyed, or
23 in any manner transferred except

24 (1) by testate or intestate succession;

25 (2) to a spouse during marriage; or

26 (3) by order of a court as part of a divorce settlement.

27 Sec. 38.09.040. REVOCATION OF ENTRY PERMITS. (a) A homestead
28 entry permit may be revoked by the commissioner for any substantial
29 breach of the permit conditions or the requirements of this chapter,

1 including

2 (1) an assignment, conveyance, or other transfer of the
3 permit;

4 (2) failure of the permit holder to submit a plat of survey
5 to the commissioner within two years after the issuance of the permit;

6 (3) failure of the permit holder to erect a dwelling in the
7 time required under AS 38.09.050(a), except that if the commissioner
8 finds that the dwelling has been nearly completed and progress toward
9 completion is being made at the expiration of the time required, the
10 commissioner may extend the time required for completion for not more
11 than one year;

12 (4) failure to brush the boundaries of the parcel within 30
13 days after issuance of the homestead entry permit.

14 (b) Upon revocation of a homestead entry permit, improvements or
15 personal property upon the parcel shall be managed under AS 38.05.090
16 and the state land remains available for homestead entry under this
17 chapter.

18 Sec. 38.09.050. ISSUANCE OF PATENT. (a) The commissioner shall
19 issue a patent to homestead entry land if the permit holder for that
20 parcel

21 (1) resides and lives on the homestead entry land for not
22 less than 25 months within five years after the issuance of the home-
23 stead entry permit;

24 (2) completes an approved survey of the land within two
25 years after the issuance of the permit;

26 (3) erects a habitable, permanent dwelling on the homestead
27 within three years after the issuance of the homestead entry permit;

28 (4) brushes the boundaries of the parcel within 30 days
29 after the issuance of the permit.

1 (b) Nothing in this chapter prohibits a homestead entry permit
2 holder from residing in a temporary dwelling on the homestead before
3 erection of the permanent dwelling.

4 (c) The commissioner may reserve or exclude from a patent
5 easements or rights-of-way for roads, trails, public access ways,
6 utility corridors, and transportation facilities.

7 Sec. 38.09.060. LAND WITHIN MUNICIPALITIES. (a) Nothing in
8 this chapter or AS 29.18.201 - 29.18.213 prevents the commissioner
9 from designating for homestead entry land that would otherwise be
10 available for borough or city selection under AS 29.18.201 - 29.18.-
11 213. Land designated for homestead entry is not available for city or
12 borough selection.

13 (b) The disposal of homestead entry land is subject to local
14 platting, recording, or subdivision requirements established under
15 AS 29.33 and AS 40.15.

16 Sec. 38.09.070. REGULATIONS. The commissioner shall adopt
17 regulations to implement this chapter.

18 Sec. 38.09.900. DEFINITIONS. In this chapter

19 (1) "commissioner" means the commissioner of natural re-
20 sources;

21 (2) "habitable dwelling" means a dwelling of a permanent
22 nature, together with fixtures and facilities, including sanitary
23 facilities, required by law or customary in the vicinity of the land
24 made available for homestead entry;

25 (3) "permanent dwelling" does not include a mobile home
26 unless it is placed on and attached to a permanent foundation;

27 (4) "resident" means an individual who has resided in the
28 state for at least one year, does not claim residence in another
29 state, and shows by all attending circumstances an intent to make this

1 state the individual's permanent residence.

2 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-

3 10.070(c).

BY UEHLING, BARNES,
COWDERY, FLOOD AND WARD

1 IN THE HOUSE

2 HOUSE BILL NO. 130

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to homestead entry; and providing
7 for an effective date."

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

9 * Section 1. AS 38 is amended by adding a new chapter to read:

10 CHAPTER 09. HOMESTEAD ENTRY.

11 Sec. 38.09.010. HOMESTEAD ENTRY. (a) The director may designate and permit homestead entry on state land

12 (1) under the procedures established in AS 38.05.057; or

13 (2) under the procedures established in AS 38.05.077 unless
14 the director determines that the land is more suitable for recreational or residential use.

15 (b) A homestead entry made under AS 38.05.057 may not exceed 320
16 acres.

17 (c) A homestead entry made under AS 38.05.077 may not exceed 160
18 acres.

19 Sec. 38.09.020. QUALIFICATIONS FOR HOMESTEAD ENTRY. (a) A
20 person is qualified to apply for a homestead entry under this chapter
21 if the person is

22 (1) qualified under AS 38.05.057 to participate in the disposal of land by lottery; or

23 (2) qualified under AS 38.05.077 to make an entry under the remote parcel disposal procedures.

24 (b) A person who within the eight years immediately preceding
25 the date of the application under (a) of this section has leased a
26
27
28
29

1 remote parcel from the state or applied for a homestead entry under
2 this chapter is not eligible for land under this chapter.

3 Sec. 38.09.030. APPLICATION FOR HOMESTEAD ENTRY. (a) A person
4 who has staked the exterior boundaries of a homestead entry under the
5 procedures established in AS 38.05.077 and a person who has been
6 selected to purchase land designated for homestead entry by lottery
7 shall apply for the homestead entry on a form prepared by the depart-
8 ment.

9 (b) The department may charge a fee for filing an application
10 under this chapter.

11 Sec. 38.09.040. PATENT FOR HOMESTEAD ENTRY. (a) A person who
12 has made a homestead entry under this chapter and filed an application
13 under AS 38.09.030(a) is entitled to a patent if, within seven years
14 from the date of the application, the applicant

15 (1) occupies the land for a total of 35 months;

16 (2) erects a habitable dwelling;

17 (3) clears and prepares for cultivation not less than

18 (A) one-fourth of the land entered if the land is
19 limited to agricultural use; or

20 (B) one-eighth of the land entered if the land is not
21 limited to agricultural use;

22 (4) brushes the boundaries of the homestead entry and main-
23 tains the brushed boundaries so that they are easily visible from the
24 ground;

25 (5) causes a survey of the homestead entry to be made that
26 is acceptable to the director.

27 (b) The director shall require an applicant for homestead entry
28 to submit proof necessary to establish compliance with the require-
29 ments of (a) of this section. An applicant is not required to submit

1 proof under (a)(4) or (5) of this section if the land comprising the
2 homestead entry has been surveyed.

3 (c) As used in this section, "habitable dwelling"

4 (1) means a permanent dwelling of not less than 200 square
5 feet and its fixtures and facilities;

6 (2) does not include a mobile home unless it is permanently
7 attached to a permanent foundation.

8 (d) A person who has applied for or received state land under
9 this chapter is not eligible for a state loan under AS 03.10 for the
10 habitable dwelling or the clearing of the land required under this
11 section.

12 Sec. 38.09.050. HOMESTEAD APPLICATION VOID. An application for
13 homestead entry and the interest of the applicant under the homestead
14 entry is void if the applicant fails to comply with a requirement of
15 AS 38.09.040(a). On the request of the director, the attorney general
16 shall bring an action to declare the homestead entry void and, if
17 necessary, to eject the homestead applicant.

18 * Sec. 2. AS 03.10.030 is amended by adding a new subsection to read:

19 (i) A person who has received state land under AS 38.09 is not
20 eligible for a state loan under this chapter for improvements to that
21 land before patent to the land has been received.

22 * Sec. 3. AS 38.04.020(g)(3) is amended to read:

23 (3) Land designated agricultural, commercial, industrial,
24 or suitable for other disposal may [SHALL] be sold under AS 38.05.055
25 or 38.05.057. Land designated agricultural or suitable for disposal
26 other than as commercial or industrial may be sold under AS 38.05.077.

27 * Sec. 4. AS 38.05.057(a) is amended to read:

28 (a) The commissioner may dispose of land, including land limited
29 to use for agricultural purposes, by lottery. The purchase price of

1 land sold by lottery shall be the fair market value of the land as
2 determined by the commissioner. The commissioner may sell land by
3 lottery for less than the fair market value of the land on a determi-
4 nation [IF HE DETERMINES] that scarcity of land for private use in the
5 area of the land to be sold has resulted in unrealistic land values.
6 The commissioner shall consult with the assessor of a municipality
7 before determining the purchase price for land that is located in the
8 municipality and that is to be sold under this section [BEFORE THE
9 COMMISSIONER DETERMINES THE PURCHASE PRICE FOR LAND WHICH IS LOCATED
10 IN A MUNICIPALITY AND WHICH IS TO BE SOLD UNDER THIS SECTION, HE SHALL
11 CONSULT WITH THE ASSESSOR OF THE MUNICIPALITY]. The lottery shall be
12 conducted in public by the commissioner or a [HIS] representative of
13 the commissioner.. An applicant may not be selected to purchase land
14 unless the applicant [HE] is present on the date and at the place that
15 the lottery is conducted unless medical reasons, attendance at school,
16 or military service [OUTSIDE THE STATE] prevent attendance. [AN
17 APPLICANT MAY BE REPRESENTED BY AN AGENT ON THE DAY OF THE LOTTERY IF
18 THE LAND OFFERED FOR SALE IS COMMERCIAL, INDUSTRIAL, OR AGRICULTURAL
19 LAND.] On the day of the lottery a purchaser selected by lot shall
20 deposit an amount equal to five percent of the purchase price, or if
21 the purchaser elects to use land discounts granted under AS 38.05.058,
22 five percent of the purchase price after deduction of the discount.
23 If the land is designated for homestead entry, the applicant selected
24 by lottery for homestead entry must file an application under AS 38.-
25 09.030(a).

26 * Sec. 5. AS 38.05.077(a) is amended to read:

27 (a) The commissioner shall designate remote parcel selection
28 areas and shall dispose of remote parcels in accordance with AS 38.-
29 04.020. The commissioner may set the number of remote parcels that

1 may be selected in each remote parcel selection area. A remote parcel
2 may be purchased under AS 38.05.078 or an applicant may receive a
3 patent to a remote parcel under AS 38.09. A remote parcel purchased
4 under AS 38.05.078 may not exceed 40 acres. A remote parcel acquired
5 under AS 38.09 may not exceed 160 acres.

6 * Sec. 6. AS 38.05.077(d) is amended to read:

7 (d) Not later than 15 days after staking the exterior boundaries
8 of a remote parcel, the person who staked the parcel shall file a
9 sketch plat with the department which shows the location of the remote
10 parcel. At the time of filing the sketch plat, the person who staked
11 the parcel shall apply to lease the land or apply for homestead entry
12 under AS 38.09. An application [TO LEASE THE LAND] shall be on a
13 standard form prepared by the department. The annual rental payment
14 for the first year of the lease shall be submitted to the department
15 with the application. After the application to lease a remote parcel
16 is approved, the commissioner shall offer to lease the land to the
17 person who staked the remote parcel. A lease granted under this
18 section shall contain the following terms:

19 (1) a remote parcel may be leased for five years;

20 (2) a remote parcel lease may be renewed at the option of
21 the lessee for a second five-year period under the same terms as
22 provided for the first five-year period of the remote parcel lease;

23 (3) a rental payment shall be paid annually and shall be
24 \$10 for each acre;

25 (4) unless the land is surveyed, the lessee shall, within
26 one year of approval of the lease application and continuously for the
27 lease period, physically delineate the boundaries of the parcel by
28 brushing a line so that they are readily visible from the ground.

29 * Sec. 7. AS 38.05.077(i)(3) is repealed and reenacted to read:

1 (3) not have either previously leased a remote parcel from
2 the state or have made application for a homestead entry on state land
3 within eight years immediately preceding the date of staking a remote
4 parcel and certify the facts in the application.

5 * Sec. 8. This Act takes effect July 1, 1983.

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