SCOMM

115:7

Interim
716 W. 4th Avenue
Anchorage, AK 99501
Phone: 907-269-0174
Fax: 907-269-0177

Session:
State Capitol Bldg., Suite 406
Juneau, AK 99801
Phone: 907-465-3783
Fax: 907-465-2293

SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

REPRESENTATIVE LISA MURKOWSKI, CHAIR

VETERANS' PREFERENCE FOR LAND PURCHASES:

AGENDA
April 8, 1999
5pm

PRESENTATION:
Dick Mylius
Resource Assessment & Development
Division of Lands

BACKGROUND:

There are two types of Veterans' preference for the purchase of state lands. 39.05.067 provides for a separate sale of land for veterans only before land is offered to the general public. There are many restrictions on this transaction, first and foremost, the land must be "unoccupied residential land." The State no longer makes such land classifications and leaves that responsibility to municipalities and boroughs. This preference has not been utilized very often; according to Tam Cook at Legal Services, the preference has only been used 113 times since 1970.

The second, 38.05.940, provides that veterans is entitled to a discount of 25 percent on the purchase price of state land. The restrictions on this transaction is considerably less and according to the Division of Land, this preference accounted for approximately one-third of all state land purchases since 1991.

STATUTE REFERENCE:

Sec. 38.05.067. Veterans preference.

(a) Except as provided in (d) of this section, before offering to the general public any unoccupied residential land, the director shall offer the land at a restricted sale at which only veterans may buy.

(b) The director may not sell the land under this section at less than the fair appraised market value. The director shall adopt regulations necessary to ensure that land sold under this section is for bona fide residential use and not for speculation.

(c) When not in conflict with this section, other provisions of AS 38.05.045 - 38.05.067 apply to sales under this section.

(d) This section does not apply to the sale of state land under AS 38.05.057, AS 38.08, or AS 38.09.

(e) In this section, "veteran" means a person with 90 days or more of active service in the armed forces of the United States who has been honorably discharged or a person with 90 days or more of service in the Alaska Territorial Guard.

38.05.067 RESTRICTIONS under (d)

Sec. 38.05.057. Disposal of land by lottery.

(a) The commissioner may dispose of land, including land limited to use for agricultural purposes, by lottery. The purchase price of land sold by lottery shall be the fair market value of the land as determined by the commissioner. The commissioner may sell land by lottery for less than the fair market value of the land on a determination that scarcity of land for private use in the area of the land to be sold has resulted in unrealistic land values. The commissioner shall conduct the lottery in public. A purchaser selected by lot shall deposit an amount equal to five percent of the purchase price within 30 days after receiving notification of the selection.

Sec. 38.08.010. Classification of land for homesite entry.

(a) The director shall designate, classify and make available for homesite entry state land in amounts and at times as required in AS 38.04.020 or as may otherwise be required by law.

(b) Land classified as homesite entry land shall be divided into parcels not exceeding five acres in reasonably compact form, with boundaries conforming as nearly as practicable to natural geologic and topographic features. However a parcel may exceed five acres if the director determines that the larger parcel is necessary to

(1) comply with local zoning ordinances; or

(2) permit the design of a subdivision because of topographical features, soil conditions, on-site sewage disposal requirements, or water drainage or supply considerations unique to the subdivision.

(c) [Repealed, Sec. 45 ch 85 SLA 1979].

(d) The director shall, to as great an extent as possible, classify land for homesite entry based upon the distribution of population in the state.

II. Sec. 38.05.940. Veterans' land discount.

(a) An eligible veteran is entitled to a discount of 25 percent on the purchase price of state land sold under this title and classified under AS 38.05.005 - 38.05.270 for a use other than commercial or industrial use.

(b) To be eligible for a discount under this section, a veteran shall submit proof, as required by regulation, that the veteran

(1) is 18 years of age or older on the date of sale;

(2) has been a state resident for a period of not less than one year immediately preceding the date of sale; and

(3) has served

(A) in the Alaska Territorial Guard for at least 90 days, unless the service was shortened due to a service connected disability; or

(B) on active duty in the U.S. Armed Forces at least 90 days, unless tenure was shortened due to a service connected disability or due to receiving an early separation upon return from a tour of duty overseas, and has received an honorable discharge or a general discharge under honorable conditions.

(c) A veteran is entitled to only one discount under this section during the veteran's lifetime.

(d) A discount under this section may be applied only to the acquisition of surface rights to state land. A discount under this section may not be applied to survey costs, road development costs, utility assessments, or other costs that the commissioner determines are reimbursable to the state.

(e) A discount under this section may not be used toward the purchase of land offered at a restricted sale under AS 38.05.067 .

FEB 09 1999

Alaska State Legislature
Representative John Harris

State Capitol Rm. 110, Juneau AK 99801-1182
907-465-4859

MEMORANDUM

To: Representative Joe Green
House Majority Leader

From: Representative John Harris

Date: February 9, 1999

Subject: Veterans Preference at state land sales

In reference to your Memo of Feb. 2, regarding Al Turinski, we have reviewed AS. 38.05.067 and spoken with Dick Mylius of the division of lands and Tam Cook at legal services. It is apparent that AS 38.05.067 may require more attention. There have been 113 Veterans preference land purchases since 1970

1. As stated in Sec. 38.05.067 , land offered for sale must be unoccupied residential land. The state of Alaska no longer classifies land as residential land. Classification is left to city and borough Officials.

2.The land sale must be offered as a veteran only sale at which only veterans may participate. The State of Alaska has not designated such a sale in some time.

3. The land offered for sale may not be tide land, submerged or shore land, timber land or grazing land. Also, lottery sales, homestead acts and home site entry do not qualify under AS 38.05.067

There is a law giving veterans a one time 25% discount on land sold by the State of Alaska which has very few restrictions attached. This is the course most veterans take today.

Subject: Veterans Preference
Date: Sat, 10 Apr 1999 11:44:51 -0900
From: Carol Carroll <carolc@dnr.state.ak.us>
To: Casey_Sullivan@legis.state.ak.us

Casey, in response to the HMV meeting, DMVA questions. I talked with the Veterans coordinator in DMVA about the Veterans exclusive sale preference in DNR. I asked if it was an issue for the Veterans Advisory Council. He said no it hadn't risen to that level although he had heard complaints in the past. In fact, veterans preferred to use the discount.

We also discussed assisting DNR with information dissemination to Veterans on DNR land sales. DMVA will begin to provide DNR brochures to our network of Veterans Service Officers and also include a notification in the Veterans newsletter.

On the DNR side, I have asked the Information Resources section to download the Veterans information from our systems. I will let you know when it is available.

Interesting, that with the DMVA/DNR connection, we didn't think to combine our efforts to notify vets and it took a committee meeting to bring up the idea. Sometimes you don't see things right in front of your face.

Name: Carol Carroll
E-mail: Carol Carroll <carolc@dnr.state.ak.us>
Date: 04/10/1999
Time: 11:44:53

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF LAND

TONY KNOWLES, GOVERNOR

RESOURCE ASSESSMENT
& DEVELOPMENT SECTION
3601 C STREET, SUITE 1130
ANCHORAGE, ALASKA 99503-5947
PHONE: (907) 269-8534
FAX: (907) 269-8915

April 2, 1999

The Honorable Lisa Murkowski
Alaska House of Representatives
State Capitol
Juneau, AK 99801

Dear Representative Murkowski:

Enclosed is a fact sheet that provides some background information for the Division of Land's presentation on veterans' preferences for land sales scheduled for April 8 before the Special House Committee on Military and Veterans' Affairs.

The fact sheet discusses two land sale programs – the Veterans Land Discount under AS 38.05.940 and the Veterans Land Sale Preference under AS 38.05.067.

The Veterans Land Discount program has proven to be very popular and can be used for any residential or recreational land sale conducted by DNR. It provides eligible veterans a 25 percent discount on the purchase of residential or recreational land sold by the state. DNR actively promotes this program whenever we sell land. Since 1995, 295 veteran's have used this program, out of 985 parcels sold, which calculates to 30 percent of all purchasers.

The Veterans Land Sale Preference under AS 38.05.067 allows DNR to hold land auctions for residential properties and limit those auctions to participation only by qualified veterans. By statute, this program does not allow for use of the discount. The program can only be used for residential lands and places numerous restrictions on the use of the properties. As a result of these restrictions, this program was found to be much less attractive to veterans. Also, DNR owns a very limited supply of land that qualifies under this program, for example the land must be zoned by a municipality for exclusively residential use and most state land is not zoned at all. DNR has not used this program sine 1983, and in the past five years has had only one person request that we implement this program.

Dick Mylius of my staff will be available to discuss these programs with the Committee on April 8. Should you need to contact him, he can be reached at 269-8532

Sincerely,

Jane Angvik
Director

cc: John Shively, Commissioner, DNR
Carol Carroll, DNR, Director Support Services
Dick Mylius, Chief, Resource Assessment and Development Section

Fact Sheet

Alaska Department of NATURAL RESOURCES

Division of Land – June 1998

Title: Veteran's Programs & the Department of Natural Resources

The Department of Natural Resources administers three benefits granted to eligible veterans by the Alaska State legislature. These benefits are outlined below:

Veterans' Land Discount

Under this program eligible veterans can receive a 25 percent discount on the purchase of residential/recreational land from the state. However, the Veteran's Discount can only be used once in an applicant's lifetime. **This discount cannot be used for purchase of agricultural, commercial, or industrial land.**

To be eligible, an individual must submit proof, acceptable to the department, that the purchaser:

- Is 18 years of age or older at the date of sale;
- Has been a resident of the State of Alaska for period of not less than one year immediately preceding the date of sale;
- And has:
  a) been in the Alaska Territorial Guard for at least 90 days, unless service was shortened by a service connected disability, and has received an honorable discharge or general discharge under honorable terms, or
  b) served on active duty in the U.S. armed forces for at least 90 days, unless tenure was shortened due to a service connected disability or due to receiving an early separation after a tour of duty overseas, and has received an honorable discharge or general discharge under honorable terms.

The Veteran's' Land Discount cannot be applied to survey and platting costs, or other costs reimbursable to the state. Applications for the discount must be made at the time of purchase or before entering a land sale contract.

Use of the Veteran's Land Discount is not permitted in conjunction with the Veteran's Land Sale Preference benefit.

Veteran's Land Sale Preference

In 1984, the legislature created the Subdivision and Homesite programs which are specifically excluded from the veteran's preference and made the Veteran's Land Discount unavailable on land acquired under the Veteran's Land Sale preference program. Since that time, veterans have found the program much less attractive. The department has not held a Veteran's Preference Sale since 1983. The land disposal conducted by the department under the lottery program since 1985 have not included any land, which qualified under the veteran's preference sale statute.

If the department offers state land under the Veteran's Land Sale Preference in the future, it will be sold at auction and well publicized in advance. Eligible veterans would have to meet all other sale requirements.

To be an eligible veteran, a person must have 90 days or more of active service in the armed forces of the United States and have been honorable discharged, or have been in the Alaska Territorial guard for 90 days or more.

A person who purchases land at a Veteran's Preference Sale:

a) may not sell or otherwise transfer ownership of the land within 5 years, except as determined by the Director, Division of Land;
b) must submit proof within two years that residential development has begun, including proof of developed access and that improvements such as utility installation, a permanent foundation, or the construction of waste disposal and sanitary facilities have been started.

The Veteran's Land Sale Preference is for residential land only, and does not apply to the subdivision, homesite, and homestead programs.

Disable Veteran's Annual Camping Pass

The legislature granted Alaska's disabled veterans the right to receive one Alaska State Parks Camping Pass free of charge. This DAV Camping Pass, which is valid in all developed Alaska State Park campgrounds, is good for two years. An additional DAV camping pass may be purchased at the same price as a second resident camping pass, and does not include any other passes (i.e. day use passes, boat launch passes, etc.) issued by Alaska State Parks.

To receive a free camping pass, an eligible disabled veteran must present proof of a "service connected disability" and Alaska residency at any office that issues the camping passes. Proof of residency can be in the form of an Alaska Driver's License, Alaska Sport Fishing License, Alaska Voter Registration Card, or other documentation suitable to the department.

Evidence of service-connected disability can only be provided through the presentation of a Veteran's Administration Patient Data card (red, white, and blue) imprinted with "service connected disability" under the photo identification. A membership card for the "Disabled American Veterans" organization, or a current year letter is also acceptable and is available through the local Veteran's Administration office or you may call 1-800-827-1000.

For further information, please contact the Anchorage or Fairbanks Public Information Centers:

3601 C Street Suite 200
Anchorage, AK 99503-5929
Phone: 907-269-8400 Fax: 907-269-8901
TDD: 907-269-8411

Or

3700 Airport Way
Fairbanks, AK 99709-4699
Phone: 907-451-2705 Fax: 907-451-2706
TDD: 907-451-2770

VETERANS' PREFERENCE FOR LAND PURCHASES:

AGENDA
April 8, 1999

CALL TO ORDER

ROLL CALL

advertisement
Dept been need expressed

PRESENTATION:
Dick Mylius (MY-LEE-US)
Resource Assessment & Development
Division of Lands

Testify:
Al Turinski, Glenallen (MAYBE!)

OTHERS?

QUESTIONS:

1) Is it true that the veterans' preference that allows for a separate sale can only occur within a municipality or a borough?

2) What's the History behind this particular preference?

3) If we changed the law and removed "unoccupied residential land" from the stature, what effect would that have on the department?

4)

5)

6)

7)

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SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

REPRESENTATIVE LISA MURKOWSKI, CHAIR

VETERANS' PREFERENCE FOR LAND PURCHASES:

Bob Kragseng

no land sales 1989-94

AGENDA
April 8, 1999
5pm

PRESENTATION:
Dick Mylius
Resource Assessment & Development
Division of Lands

Chief

BACKGROUND:

There are two types of Veterans' preference for the purchase of state lands. 38.05.067 provides for a separate sale of land for veterans only before land is offered to the general public. There are many restrictions on this transaction, first and foremost, the land must be "unoccupied residential land." The State no longer makes such land classifications and leaves that responsibility to municipalities and boroughs. This preference has not been utilized very often; according to Tam Cook at Legal Services, the preference has only been used 113 times since 1970.

The second, 38.05.940, provides that veterans is entitled to a discount of 25 percent on the purchase price of state land. The restrictions on this transaction is considerably less and according to the Division of Land, this preference accounted for approximately one-third of all state land purchases since 1991.

STATUTE REFERENCE:

veterans only sale

Sec. 38.05.067. Veterans preference.

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state no longer makes land classifications

(b) The director may not sell the land under this section at less than the fair appraised market value. The director shall adopt regulations necessary to ensure that land sold under this section is for bona fide residential use and not for speculation.

(c) When not in conflict with this section, other provisions of AS 38.05.045 - 38.05.067 apply to sales under this section.

not popular

more expensive, more oversight

land auction to only qualified veterans not since 1988

lottery homesites Homestead Act

(d) This section does not apply to the sale of state land under AS 38.05.057, AS 38.08, or AS 38.09.

(e) In this section, "veteran" means a person with 90 days or more of active service in the armed forces of the United States who has been honorably discharged or a person with 90 days or more of service in the Alaska Territorial Guard.

38.05.067 RESTRICTIONS under (d)

Sec. 38.05.057. Disposal of land by lottery.

(a) The commissioner may dispose of land, including land limited to use for agricultural purposes, by lottery. The purchase price of land sold by lottery shall be the fair market value of the land as determined by the commissioner. The commissioner may sell land by lottery for less than the fair market value of the land on a determination that scarcity of land for private use in the area of the land to be sold has resulted in unrealistic land values. The commissioner shall conduct the lottery in public. A purchaser selected by lot shall deposit an amount equal to five percent of the purchase price within 30 days after receiving notification of the selection.

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(1) comply with local zoning ordinances; or

(2) permit the design of a subdivision because of topographical features, soil conditions, on-site sewage disposal requirements, or water drainage or supply considerations unique to the subdivision.

(c) [Repealed, Sec. 45 ch 85 SLA 1979].

(d) The director shall, to as great an extent as possible, classify land for homesite entry based upon the distribution of population in the state.

Sec 38.09. Homestead Act

II. **Sec. 38.05.940. Veterans' land discount.**

(a) An eligible veteran is entitled to a discount of 25 percent on the purchase price of state land sold under this title and classified under AS 38.05.005 - 38.05.270 for a use other than commercial or industrial use.

agricultural Recreational

(b) To be eligible for a discount under this section, a veteran shall submit proof, as required by regulation, that the veteran

Popular

(1) is 18 years of age or older on the date of sale;

(2) has been a state resident for a period of not less than one year immediately preceding the date of sale; and

(3) has served

30% parcels sold have used discount

actively promote

(A) in the Alaska Territorial Guard for at least 90 days, unless the service was shortened due to a service connected disability; or

(B) on active duty in the U.S. Armed Forces at least 90 days, unless tenure was shortened due to a service connected disability or due to receiving an early separation upon return from a tour of duty overseas, and has received an honorable discharge or a general discharge under honorable conditions.

(c) A veteran is entitled to only one discount under this section during the veteran's lifetime.

(d) A discount under this section may be applied only to the acquisition of surface rights to state land. A discount under this section may not be applied to survey costs, road development costs, utility assessments, or other costs that the commissioner determines are reimbursable to the state.

(e) A discount under this section may not be used toward the purchase of land offered at a restricted sale under AS 38.05.067. (veteran's preference)

FEB 0 9 1999

Alaska State Legislature
Representative John Harris

State Capitol Rm. 110, Juneau AK 99801-1182
907-465-4859

MEMORANDUM

To: Representative Joe Green
House Majority Leader

From: Representative John Harris JH

Date: February 9, 1999

Subject: Veterans Preference at state land sales

In reference to your Memo of Feb. 2, regarding Al Turinski, we have reviewed AS. 38.05.067 and spoken with Dick Mylius of the division of lands and Tam Cook at legal services. It is apparent that AS 38.05.067 may require more attention. There have been 113 Veterans preference land purchases since 1970

1. As stated in Sec. 38.05.067 , land offered for sale must be unoccupied residential land. The state of Alaska no longer classifies land as residential land. Classification is left to city and borough Officials.

how/when does the state decide to set veteran only sale

2.The land sale must be offered as a veteran only sale at which only veterans may participate. The State of Alaska has not designated such a sale in some time.

3. The land offered for sale may not be tide land, submerged or shore land, timber land or grazing land. Also, lottery sales, homestead acts and home site entry do not qualify under AS 38.05.067

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VETERANS' PREFERENCE FOR LAND PURCHASES:

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FEB 0 9 1999

Alaska State Legislature
Representative John Harris

State Capitol Rm. 110, Juneau AK 99801-1182
907-465-4859

MEMORANDUM

To: Representative Joe Green
House Majority Leader

From: Representative John Harris

Date: February 9, 1999

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Sec. 38.09.010. Designation of land for homestead entry.

(a) The commissioner shall designate and make available for homestead entry state land, including landclassified for agricultural use. State land made available for homestead entry under this chapter shall be distributed throughout the state.

(b) The commissioner shall complete a rectangular survey grid of homestead entry state land under AS 38.04.045 before disposing of state land for homestead entry. A homestead entry parcel shall be established in aliquot parts of a surveyed section or as lots or tracts that are fractions of aliquot parts of a surveyed section. The commissioner shall ensure practical

Alaska State Legislature

Official Business

House Majority Leader

State Capitol
Juneau, AK 99801-1182
(907) 465-3718

TO: Representative Lisa Murkowski, Chair
House Special Committee on Military & Veterans Affairs

FR: Representative Joe Green
House Majority Leader

RE: Veterans Issues

DATE: February 2, 1999

Mr. Al Turinski, a long time acquaintance who used to live in Anchorage years ago but who now lives in Glennallen, called my office just prior to the move to Juneau with a problem. Mr. Turinski is a veteran. He unsuccessfully sought to apply his status as a veteran to gain a preference in the selection of state land during a state land disposal. AS 38.05.067 provides for such a preference:

Sec. 38.05.067. Veterans preference.

(a) Except as provided in (d) of this section, before offering to the general public any unoccupied residential land, the director shall offer the land at a restricted sale at which only veterans may buy.
(b) The director may not sell the land under this section at less than the fair appraised market value. The director shall adopt regulations necessary to ensure that land sold under this section is for bona fide residential use and not for speculation.
(c) When not in conflict with this section, other provisions of AS 38.05.045 - 38.05.067 apply to sales under this section.
(d) This section does not apply to the sale of state land under AS 38.05.057, AS 38.08, or AS 38.09.
(e) In this section, "veteran" means a person with 90 days or more of active service in the armed forces of the United States who has been honorably discharged or a person with 90 days or more of service in the Alaska Territorial Guard.

According to Mr. Turinski, there hasn't been a successful application of a veteran's bidders preference for a state land disposal in the last decade. I would appreciate it if you, under the auspices of the Special Committee on Military & Veterans Affairs, could do two things: First, contact Mr. Turinski at 822-5060 and get more details about his particular case, and second, get statistics from the DNR Division of Land on how many veterans have been granted a preference under AS 38.05.067. With this information, I would appreciate an opportunity to discuss this situation with you to determine if veterans are indeed having a problem, and if so, if legislation is needed to correct the problem. For your information, the MVA Committee looked into veteran's preferences a few years ago. Tom Wright in Speaker Porter's office was the committee aide at that time and may be able to offer some useful history.

Finally, I am forwarding a copy of this memo to Representative John Harris, who represents Glennallen, and Mr. Turinski.

Thank you.

ALASKA STATE LEGISLATURE

Chair:
MILITARY AND VETERANS AFFAIRS

Member:
JUDICIARY
COMMUNITY AND REGIONAL AFFAIRS
LABOR AND COMMERCE

Session:
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REPRESENTATIVE LISA MURKOWSKI
Government Hill • Elmendorf • East Anchorage

February 24, 1999

Mr. Richard LeFebvre, Acting-Director
Division of Lands
Department of Natural Resources
3601 C St. Ste 1122
Anchorage, AK 99503-5947

Dear Mr. LeFebvre:

I am inviting the Division of Lands to give a presentation to the Special House Committee on Military and Veterans' Affairs.

It has come to our attention that there are numerous preferences awarded to veterans with regard to State land purchases. We would like for you or one of your staff to provide a brief overview to the committee outlining the different types of preferences, the history of each, and statistical information regarding the usage of the various preferences.

We would like to hold a hearing on this matter sometime in mid-March. Our committee meets on Tuesdays or Thursdays at 5pm. Please contact Casey Sullivan in my office to confirm a date.

Thank you for your consideration.

Sincerely,

Lisa Murkowski
State Representative

Alaska State Legislature

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DEPT. OF REVENUE

Representative Joe Green
District 10
House Majority Leader

TO: Representative Lisa Murkowski, Chair
House Special Committee on Military & Veterans Affairs

FR: Representative Joe Green
House Majority Leader

RE: Veterans Land Preferences

DATE: February 22, 1999

Thank you for looking into Mr. Turinski's situation. It sounds like both you and John Harris found problems with the program.

My advice would be to hold an oversight hearing on the land preferences program. The goal of the hearing would be to educate the committee on the program and make them aware of the problems. I would suggest that you invite Representative Harris to join you at the table for the hearing. Request the Division of Land to address the committee generally on AS 38.05.067 and 11 AAC 67.050, and specifically on the conflicts between the two. You could then determine if legislation is needed to resolve the conflicts, and if so, pursue that course.

Casey
Pls schedule

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REPRESENTATIVE LISA MURKOWSKI
Government Hill • Elmendorf • East Anchorage

To: **Representative Green**

From: **Representative Murkowski**

CC:

Date: **02/17/99**

Re: **Veterans land-purchase preference**

I apologize for not getting back to you sooner on this subject. My staff called Mr. Turinski to discuss his case and learned that Representative Harris' office was taking the lead in investigating his claims.

There does appear to be problems with the veteran's preference statute and the restrictions imposed. This may be a contributing factor as to why the preference program is underutilized. However, there are other preferences in the form of discounts. On the surface, threse appear more popular and a less restrictive avenue.

I understand that the MLV committee did take the land issue up not long ago and the situation became quickly contentious. What do you advise?