

HOUSE BILL NO. 203

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE KAWASAKI

Introduced: 3/29/17

Referred:

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the sale of certain state land for use as remote recreational cabin**
2 **sites."**

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

4 * **Section 1.** AS 38.05.125(a) is amended to read:

5 (a) Each contract for the sale, lease, or grant of state land, and each deed to
6 state land, properties, or interest in state land, made under AS 38.05.045 - 38.05.120,
7 38.05.321, 38.05.600, 38.05.610, 38.05.810 - 38.05.825, AS 38.08, or AS 38.50,
8 except as provided in AS 38.50.050, is subject to the following reservations: "The
9 party of the first part, Alaska, hereby expressly saves, excepts, and reserves out of the
10 grant hereby made, unto itself, its lessees, successors, and assigns forever, all oils,
11 gases, coal, ores, minerals, fissionable materials, geothermal resources, and fossils of
12 every name, kind, or description, and which may be in or upon said land above
13 described, or any part thereof, and the right to explore the same for such oils, gases,
14 coal, ores, minerals, fissionable materials, geothermal resources, and fossils, and it

also hereby expressly saves and reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, the right to enter by itself, its or their agents, attorneys, and servants upon said land, or any part or parts thereof, at any and all times for the purpose of opening, developing, drilling, and working mines or wells on these or other land and taking out and removing therefrom all such oils, gases, coal, ores, minerals, fissionable materials, geothermal resources, and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, the right by its or their agents, servants, and attorneys at any and all times to erect, construct, maintain, and use all such buildings, machinery, roads, pipelines, powerlines, and railroads, sink such shafts, drill such wells, remove such soil, and to remain on said land or any part thereof for the foregoing purposes and to occupy as much of said land as may be necessary or convenient for such purposes hereby expressly reserving to itself, its lessees, successors, and assigns, as aforesaid, generally all rights and power in, to, and over said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and rights hereby expressly reserved."

* **Sec. 2.** AS 38.05 is amended by adding a new section to article 15 read:

Sec. 38.05.610. Remote recreational cabin staking program. (a)

Notwithstanding AS 38.04, AS 38.05.045 - 38.05.069, and in addition to the procedures established by the commissioner for the sale or lease of remote recreational cabin sites under AS 38.05.600, the commissioner shall, at the request of a prospective purchaser, sell state land for a remote recreational cabin site if the land and the purchaser meet the requirements of this section and the sale is consistent with the public interest. The purchase price of the land must be the fair market value of the land as determined by appraisal under this section.

(b) To apply to purchase a parcel under this section, a prospective purchaser shall stake the desired parcel. Within 30 days after staking the parcel, the prospective purchaser shall apply to the commissioner to purchase the parcel, certifying that the prospective purchaser is qualified under this section. Within 30 days after receipt of an application, the commissioner shall determine whether the application is complete and

1 the prospective purchaser is qualified to purchase a parcel under this section, and shall
2 notify the prospective purchaser. If the parcel is unencumbered and available for sale
3 under this section, the commissioner shall issue a deed within 30 days after payment
4 of the purchase price of the parcel.

5 (c) A parcel sold under this section may not exceed two and one-half acres. A
6 parcel sold under this section may include lake, river, or other navigable water
7 frontage, subject to the following limitations:

8 (1) the lake, river, or other navigable water frontage must be at least
9 300 feet and may not exceed 400 feet;

10 (2) only one parcel with frontage on a lake may be sold under this
11 section for each 10 acres of water of that lake; and

12 (3) a parcel sold under this section with frontage on a river must be
13 located at least two meander miles from any other parcel with river frontage sold
14 under this section.

15 (d) State land classified for retention in state ownership and state land selected
16 by a municipality may not be sold under this section.

17 (e) To qualify to purchase land under this section, a prospective purchaser

18 (1) shall be 18 years of age or older at the time of application;

19 (2) shall be a state resident as defined in AS 43.23.095 for at least one
20 year immediately preceding the date of application and shall submit proof of residency
21 as required by regulation; and

22 (3) may not have purchased land previously under this section.

23 (f) Sales under this section shall be at fair market value determined as of the
24 time of entry by the department or by an appraiser from the list of appraisers approved
25 by the department. Before land may be sold under this section, it must be surveyed by
26 the department or by a surveyor registered under AS 08.48. The appraisal and survey
27 shall be completed within 12 months of entry. The purchaser shall pay for the
28 appraisal and survey or reimburse the state for the appraisal, survey, and platting costs
29 for the recreational cabin site. Sales under this section may be at public or private sale.