

Veteran's Land Discounts: 11 AAC 67.891-897

11 AAC 67.891. Applicability

(a) Veterans' land discounts are applicable only to the purchase of state land classified "settlement" that the department does not consider suitable for commercial or industrial use. The notice of sale required by AS 38.05.945(b) will indicate if veterans' land discounts may be used for that sale.

(b) A veterans' land discount applies to the land purchase price only, and not to any interest due on the unpaid balance, or to any costs determined by the commissioner to be reimbursable to the state.

(c) Interest on the unpaid balance of the purchase price is computed on the discounted price only.

(d) As used in AS 38.05.940, "active duty in the U.S. Armed Forces" means service documented as active duty on Department of Defense form DD 214 in either the United States Army, Navy, Marines, Air Force, or Coast Guard; the Army, Navy, Marine, or Air Force Reserve; or a state national guard unit.

History: Eff. 8/16/89, Register 111

Authority: AS 38.05.020; AS 38.05.940

11 AAC 67.893. Discount application

(a) An application for a veterans' land discount must be submitted to the division on a form supplied by the division. All information on the form, or otherwise required by the division and by this section, must be sworn to by the person supplying the information.

(b) The final date to apply for, and other requirements regarding, a veterans' land discount are as follows:

(1) For a sale at auction or lottery, the application must be filed within 30 days after the applicant receives the notification of the award. An applicant who does not apply for a veterans' discount on or before the due date waives any right to a discount for that sale. The down payment will be conditionally reduced on the basis of the discount that the applicant claims. Within 30 days after filing the discount application, unless the commissioner grants an extension of time for good cause, the applicant shall present the proof required by 11 AAC 67.895(a) and (b).

(2) For a sale other than at lottery or at auction, the application must be filed, and adjudication under 11 AAC 67.895 must be completed, before the sale contract is entered into; an applicant who does not apply for a veterans' land discount before the sale contract is entered into waives any right to a discount for that sale. Along with the application, the applicant shall present the proof required by 11 AAC 67.895(a) and (b).

(c) For purposes of the residency and age eligibility requirements of AS 38.05.940(b)(1) and (b)(2), the discount application date is considered to be the date of sale.

History: Eff. 8/16/89, Register 111; am 2/8/2001, Register 157

Authority: AS 38.05.020; AS 38.05.940

11 AAC 67.895. Procedure

(a) The applicant must present proof of the period of residency required by AS 38.05.940(b), using any proof satisfactory to the commissioner under 11 AAC 67.010, to support the veterans' land discount application. If, in demonstrating eligibility to participate in the land disposal, the discount applicant has already proved state residency for at least one year immediately preceding the date of sale, the applicant need not present any additional documentation of residency. However, an applicant who was on active duty service during any portion of the claimed period of residency must present proof that the applicant's home of record was Alaska during that period by filing a Department of Defense form DD 2058, State of Legal Residence Certificate, authenticated as an extract of the applicant's military personnel file, or equivalent documentation acceptable to the commissioner.

(b) The applicant must present proof of AS 38.05.940(b)'s requirement of at least 90 days' active duty served in the U.S. armed forces, or proof that tenure was shortened due to the circumstances allowed by AS 38.05.940(b)(3), and must submit proof that the applicant received an honorable discharge or a general discharge under honorable conditions, as required by AS 38.05.940(b), by filing a Department of Defense form DD 214, Report of Separation from Active Duty, or equivalent documentation satisfactory to the commissioner showing the length of service, duty status, the character of the discharge, and the home of record.

(c) If the commissioner determines that an applicant is ineligible for a discount, the department will send the applicant written notice of the determination within 30 days after receiving the required information. The applicant may, within 30 days after receipt of the determination, ask the commissioner for a reconsideration of the determination.

(d) If an applicant paid a down payment based on a veterans' land discount for which the applicant is later determined ineligible, the additional amount due on the down payment must be paid before the contract is executed.

History: Eff. 8/16/89, Register 111

Authority: AS 38.05.020; AS 38.05.940

11 AAC 67.897. Binding determination

The only determination binding on the state is its determination after receiving the information required under 11 AAC 67.895(a) and (b) or, if the applicant requests reconsideration, the commissioner's final determination under 11 AAC 67.895(c).

History: Eff. 8/16/89, Register 111

Authority: AS 38.05.020; AS 38.05.940