

Land Discounts: 11 AAC 67.900-915

11 AAC 67.900. Applicability

(a) Land discounts are applicable only to the purchase of state land sold for noncommercial, nonindustrial use. As part of the notice of sale required by AS 38.05.945(b), the director will indicate if land discounts may be used for that sale.

(b) Discounts apply to the land purchase price only, and not to any interest due on the unpaid balance, or to any costs determined by the director to be reimbursable to the state.

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

History: Eff. 5/13/79, Register 70; am 10/14/79, Register 72; am 3/30/83, Register 85

Authority: AS 38.04.900; AS 38.05.020; AS 38.05.058

11 AAC 67.902. Discount computation

A land discount is based on total years of residence only, in increments of five percent per full year. However, periods of residency of other than 12 months may be added to compute total years of residence.

History: Eff. 5/13/79, Register 70

Authority: AS 38.04.900; AS 38.05.020; AS 38.05.058

11 AAC 67.905. Discount application

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

(b) The final date to apply for a land discount is as follows:

(1) For a sale at auction, the application must be filed no later than the date the apparent high bidder is determined. If the purchaser does not apply for a land discount on or before that date, he waives any right to a discount for that sale. The down payment will be conditionally reduced on the basis of the discount the applicant claims. Within 20 days after filing the discount application, unless the director grants an extension of time for good cause, the applicant shall present the proof required by 11 AAC 67.907(a).

(2) For any other type of sale, the application must be filed and adjudication under 11 AAC 67.907 must be completed before the sale contract is entered into. If the purchaser does not apply for a land discount before the sale contract is entered into, he waives any right to a discount for that sale. Along with the application, the applicant shall present the proof required by 11 AAC 67.907(a).

(c) The discount application date is used as

(1) the end date for computing the applicant's total length of residency, and the percentage of the discount he is eligible for, if any;

- (2) the end date of the 12-month period during which the applicant must have been physically present in Alaska; and
- (3) the date by which the applicant must be at least 18 years old.

History: Eff. 5/13/79, Register 70

Authority: AS 38.04.900; AS 38.05.020; AS 38.05.058

11 AAC 67.907. Procedure

(a) The applicant shall present proof of residency, length of residency, and intent to make Alaska his continuous residence, using any proof satisfactory to the director under 11 AAC 67.010, to support his land discount application.

(1) If, in demonstrating his eligibility to participate in the land disposal, the discount applicant has already proved continuous residency for the whole period for which he is claiming a discount, he need not present any additional documentation except for the affidavit that may be required under (2) of this subsection.

(2) To show whether the applicant has been physically present in the state for the 12 months immediately preceding the application, an applicant who was absent during that time for any single period of more than 30 days shall give, by affidavit, the dates of and the reason for each such absence. The applicant shall justify that the absence was in no way contrary to his intent to maintain residency in Alaska. The applicant bears the burden of proof.

(b) The director shall make a written determination of the applicant's eligibility and the amount of discount within 30 days after receiving the required information.

(c) In accordance with 11 AAC 02, the applicant may appeal the director's determination to the commissioner within 30 calendar days after the date of delivery of the determination.

(d) At the time of final determination, the applicant may withdraw the application and thereby reserve his land discount right for a later sale, but only if the final determination would result in a discount less than that applied for.

(e) If the purchaser paid a down payment based on a discount greater than that for which he is finally determined eligible, or based on a discount application that is later withdrawn, he shall immediately pay the additional down payment due, including interest.

History: Eff. 5/13/79, Register 70; am 11/7/90, Register 116

Authority: AS 38.04.900; AS 38.05.020; Former AS 38.05.058

11 AAC 67.910. Binding determination

The only determination binding on the state is the final determination on an application as accepted by the applicant or, if appealed, as determined by the commissioner.

History: Eff. 5/13/79, Register 70

Authority: AS 38.04.900; AS 38.05.020; AS 38.05.058

11 AAC 67.912. Combining discounts

Repealed 10/14/79.

11 AAC 67.915. Single use of discount

Any use of an applicant's discount makes him ineligible for a discount on any later purchase of state land, even if the full amount of discount the person is eligible for was not used.

History: Eff. 5/13/79, Register 70

Authority: AS 38.04.900; AS 38.05.020; AS 38.05.058