

BY FREEMAN, ANDERSON, H. BEIRNE, BRADLEY,
BRADNER, COWPER, DUNCAN, ELIASON, M. BEIRNE
GARDINER, HACKNEY, HAUGEN, HERSHBERGER,
HUNTINGTON, KELLEY, MCKINNON, MALONE,
NAUGHTON, OSE, OSTERBACK, OSTROSKY, PARKER
PARR, RHODE, SPECKING, SULLIVAN, SWANSON
AND URION

1 IN THE HOUSE

2 CS HOUSE BILL NO. 808 (Jud) am re-eng

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing state land to be made available as
7 homesites."

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

9 * Section 1. PURPOSE OF ACT. The longstanding policy of the state, de-
10 clared in the Alaska Land Act (AS 38.05.350), has been to encourage the
11 settlement of the state's land and the development of its resources by making
12 them available for maximum use consistent with the public interest. In
13 authorizing the classification of land for settlement as homesites, this Act
14 is intended to further that policy explicitly, by recognizing that the immedi-
15 ate production of revenues to the state through the auction of land to the
16 highest bidder, virtually the only method by which state land has been made
17 available to the public for residential use, is secondary in importance to
18 the primary, and ultimately more beneficial and productive goal, of providing
19 land for Alaskans to settle at a cost reasonably within their means, and that
20 the highest and best use of some land may clearly be for habitation.

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

22 Sec. 38.05.327. CLASSIFICATION OF LAND FOR HOMESITE ENTRY. (a)

23 The director may classify for homesite entry state land which is other-
24 wise vacant, unappropriated and unreserved and is suitable for erection
25 of a residential dwelling to use as a permanent abode. A person quali-
26 fied under law to acquire state land may enter upon homesite entry land
27 under a permit issued by the director and, after occupying the land in a
28 habitable dwelling for a period of not less than five months each year
29 for three consecutive years, he shall be issued a patent to the land

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1 conveying an unencumbered title. Entry and patent under this section
2 are subject to the following conditions and procedures:

3 (1) Homesite entry land shall be divided into parcels not
4 exceeding two acres, in reasonably compact form.

5 (2) Insofar as feasible, offerings of homesite entry land
6 shall be made on a rotating regional basis and at a rate consistent with
7 the planning processes of the division and taking into account other
8 statutory responsibilities of the division.

9 (3) Following classification of land for homesite entry, the
10 director shall publish notice of the availability of the land in at
11 least three newspapers of general circulation in the state, at least one
12 of which, if possible shall be a newspaper of general circulation in the
13 vicinity of the available lands. Fees for filing an application may not
14 exceed \$10.

15 (4) An applicant may apply for more than one available home-
16 site but no applicant, together with members of the same household, may
17 be issued more than one homesite entry permit or patent during the life-
18 time of the applicant.

19 (5) If the number of applicants qualified for homesite entry
20 exceeds the number of available homesites offered, or if several appli-
21 cants apply and qualify for the same homesite, preference in award of an
22 entry permit shall be accorded on the basis of proof of length of resi-
23 dence within the state, whether continuous and uninterrupted or con-
24 tinual for successive periods of time.

25 (6) To qualify for homesite entry, the applicant must

26 (A) at the time of application hold no title to, or in-
27 terest, other than as a tenant for a limited term, in a habitable
28 dwelling;

29 (B) within a period of time determined to be reasonable

1 by the director, erect the habitable dwelling;

2 (C) agree to have a land survey made which is approved
3 by the director and is made at the applicant's expense; and

4 (D) agree to occupy the habitable dwelling for the re-
5 quired time as provided in this subsection.

6 (b) An applicant satisfying the requirements for homesite entry
7 under this section shall be issued a revocable permit to occupy and im-
8 prove the homesite for patent as provided in this section. The appli-
9 cation fee is the sole rent chargeable on the permit for its duration.
10 The permit may not be revoked except for substantial breach of the terms
11 and conditions of the homesite entry under (a) of this section. The
12 permit may not be assigned or otherwise transferred, but rights under
13 the permit may devolve by testate or intestate succession. An attempt
14 to assign, or to otherwise transfer the permit, is void and constitutes
15 a substantial breach.

16 (c) Upon revocation and termination of a permit, improvements or
17 chattels upon the homesite shall be managed, and subsequent issuance of
18 a permit for entry on the homesite shall be conditioned, in the same
19 manner as provided in sec. 90 of this chapter for removal or reversion
20 of improvements upon termination of leases of state land.

21 (d) No state land which is located within the boundaries of an
22 organized borough or city may be classified for homesite entry under
23 this section until the proposed use of the land has been studied and
24 reviewed jointly by the director and the local planning authority.
25 Nothing in this subsection or AS 29.18.190 prevents the director from
26 selecting and classifying for homesite entry land which would otherwise
27 be available for borough or city selection under AS 29.18.190.

28 (e) Nothing in this section obligates the state to provide ser-
29 vices to lands which are the subject of homesite entry and patent.

1 (f) In this section "habitable dwelling" means a dwelling of a
2 permanent nature, together with fixtures and facilities, including
3 sanitary facilities, required or customary in the vicinity of the land
4 made available for homesite entry. The commissioner by regulation shall
5 establish specific requirements to satisfy the standard of a habitable
6 dwelling set out in this subsection.
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