

Original sponsors: Freeman, Anderson,
H. Beirne, et al

Offered: 4/6/76
Referred: Judiciary

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 808

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

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

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

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

1 for three consecutive years, he shall be issued a patent to the land
2 conveying an unencumbered title. Entry and patent under this section
3 are subject to the following conditions and procedures:

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

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

10 (3) Following classification of land for homesite entry, the
11 director shall publish notice of the availability of the land in at
12 least three newspapers of general circulation in the state, at least one
13 of which, if possible shall be a newspaper of general circulation in the
14 vicinity of the available lands.

15 (4) Fees for filing an application may not exceed \$10. An
16 applicant may apply for more than one available homesite but, no appli-
17 cant may be issued more than one homesite entry permit or patent during
18 the lifetime 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, priority in award of an
22 entry permit shall be accorded on the basis of proof of length of
23 residence within the state and to an applicant who, at the time of
24 application, holds no title to, or interest, other than as a tenant for
25 a limited term, in a dwelling suitable as a permanent place of abode
26 (including but not limited to a mobile home irrespective of whether or
27 not it is attached to land or connected to utilities).

28 (6) To qualify for homesite entry, an applicant shall

29 (A) at the time of application have attained the legal

1 age of majority as provided in AS 25.25.010;

2 (B) submit proof of not less than three years' contin-
3 uous residence in the state immediately preceding the date his
4 application was submitted;

5 (C) within a period of time determined to be reasonable
6 by the director, erect the habitable dwelling;

7 (D) agree to have a land survey made which is approved
8 by the director and is made at the applicant's expense; and

9 (E) agree to occupy the habitable dwelling for the re-
10 quired time as provided in this subsection.

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

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

26 (d) No state land which is located within the boundaries of an
27 organized borough or city may be classified for homesite entry under
28 this section until the proposed use of the land has been studied and
29 reviewed jointly by the director and the local planning authority.

1 Nothing in this section or AS 29.18.190 prevents the director from
2 selecting and classifying for homesite entry land which would otherwise
3 be available for borough or city selection under AS 29.18.190. If clas-
4 sified for homesite entry, the land shall not be available for city or
5 borough selection.

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

8 (f) In this section "habitable dwelling" means a dwelling of a
9 permanent nature, together with fixtures and facilities, including
10 sanitary facilities, required or customary in the vicinity of the land
11 made available for homesite entry. The commissioner by regulation shall
12 establish reasonable requirements to satisfy the standard of a habitable
13 dwelling set out in this subsection.