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Offered: 4/24/76
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 808 (Judiciary)

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 shall classify and survey for homesite entry state land
25 which is otherwise vacant, unappropriated and unreserved and is suitable
26 for erection of residential dwellings to use as a permanent abode. A
27 person qualified under law to acquire state land may enter upon homesite
28 entry land under a permit issued by the director and, after occupying
29 the land in a habitable dwelling for a period of not less than seven

1 months each year for three consecutive years and paying the cost of
2 having the land surveyed, he shall be issued a patent to the land
3 conveying an unencumbered title. Entry and patent under this section
4 are subject to the following conditions and procedures:

5 (1) Homesite entry land shall be divided into parcels not
6 exceeding two and one-half acres, in reasonably compact form.

7 (2) Offerings of homesite entry land shall be made on a
8 rotating regional basis from among the four judicial districts of the
9 state.

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

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, together with members of the same household, may be issued more
18 than one homesite entry permit or patent during the lifetime of the
19 applicant.

20 (5) If the number of applicants qualified for homesite entry
21 exceeds the number of available homesites offered, or if several appli-
22 cants apply and qualify for the same homesite, priority in award of an
23 entry permit shall be accorded first to an applicant who holds no title
24 to, or interest other than as a tenant for a limited term, in a dwelling
25 suitable as a permanent place of abode (including but not limited to a
26 mobile home irrespective of whether or not it is attached to land or
27 connected to utilities), and second on the basis of length of residence
28 in the state.

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

1 (A) at the time of application have attained the age of
2 18;

3 (B) submit proof of not less than three years continuous
4 residence in the state immediately preceding the date his applica-
5 tion was submitted;

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

8 (D) agree to pay for the survey required under this
9 subsection before a patent is issued; and

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

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

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

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

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

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

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