

BY FREEMAN, HAUGEN,  
GARDINER, SWANSON,  
AND BROWN

1 IN THE HOUSE

2 SCS ( ) HOUSE BILL NO. 2 am (Res.) am S

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST 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

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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 on the basis of length of residence in the state.

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

25 (A) at the time of application have attained the age of  
26 18;

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

1 (b) If the number of applicants qualified for homesite entry  
2 exceeds the number of available homesites offered, or if several appli-  
3 cants apply and qualify for the same homesite, priority in award of an  
4 entry permit shall be accorded to that applicant showing proof of the  
5 longest residency in the state.

6 (c) The permit may not be assigned, conveyed or otherwise trans-  
7 ferred, but rights under the permit may devolve by testate or intestate  
8 succession. An attempt to assign, convey, or to otherwise transfer the  
9 permit, is void and constitutes a substantial breach.

10 (d) An applicant may apply for more than one available homesite.  
11 No person holding a homesite patent may apply for a homesite entry  
12 permit, no person may simultaneously hold more than one homesite entry  
13 permit, and no person who is a member of the homesite entry permit  
14 holder's household may be issued a homesite entry permit while a member  
15 of the homesite entry permit holder's household.

16 Sec. 38.08.050. REVOCATION OF ENTRY PERMIT. (a) The entry permit  
17 may only be revoked for failure to erect a dwelling as required under  
18 sec. 60 of this chapter, or for other substantial breach of the terms  
19 and conditions of the homesite entry permit.

20 (b) Upon revocation and termination of a permit, improvements or  
21 chattels upon the homesite shall be managed, and subsequent issuance of  
22 a permit for entry on the homesite shall be conditioned, in the same  
23 manner as provided in AS 38.05.090 for removal or reversion of improve-  
24 ments upon termination of leases of state land.

25 Sec. 38.08.060. ISSUANCE OF PATENT. (a) A person who enters upon  
26 homesite entry land under a permit issued by the director shall be  
27 issued a patent to the land conveying an unencumbered title if that  
28 person

29 (1) occupies the land for a period of not less than seven

1 months each year for three consecutive years from the date of the  
2 issuance of the homesite entry permit;

3 (2) erects a habitable, permanent, single-family dwelling on  
4 the homesite, which meets all applicable state and local regulations,  
5 within three years of the date of issuance of the homesite entry permit;  
6 for the purposes of this paragraph, mobile homes are not considered to  
7 be permanent dwellings;

8 (3) reimburses the state for the survey and platting under-  
9 taken in accordance with this chapter.

10 (b) Nothing in this chapter shall be construed to prohibit a  
11 person issued a homesite entry permit from residing in a temporary  
12 habitable dwelling on the homesite until revocation of the homesite  
13 entry permit or issuance of a patent to the homesite.

14 (c) No person may be issued more than one patent during his life-  
15 time, nor may any person who is a member of a patent holder's household  
16 be issued a patent while a member of the patent holder's household.

17 (d) If a dwelling is found to have been substantially completed  
18 under sec. 100 of this chapter, patent shall be issued upon completion  
19 of the dwelling, notwithstanding (a)(2) of this section.

20 Sec. 38.08.070. LAND LOCATED WITHIN MUNICIPALITIES. No state land  
21 which is located within the boundaries of an organized borough or city  
22 may be classified for homesite entry under this chapter until the pro-  
23 posed use of the land has been studied and approved jointly by the  
24 director and the local planning authority. Nothing in this section or  
25 AS 29.18.190 prevents the director from selecting and classifying for  
26 homesite entry land which would otherwise be available for borough or  
27 city selection under AS 29.18.190. If classified for homesite entry,  
28 the land shall not be available for city or borough selection.

29 Sec. 38.08.080. REQUIRED ZONING. No state land which is located

1 within the boundaries of a municipality which exercises planning and  
2 zoning authority under AS 29 may be offered by the director for homesite  
3 entry under this chapter until the land has been zoned by the governing  
4 body of the municipality for residential use only. No state land which  
5 is located within a municipality which does not exercise planning and  
6 zoning authority, or which is located in the unorganized borough, may be  
7 offered by the director for homesite entry under this chapter unless the  
8 division of lands has adopted zoning regulations under AS 38.05.037 to  
9 restrict the use of the land to residential purposes.

10 Sec. 38.08.090. DISCLAIMER OF INTENT TO PROVIDE SERVICES. Nothing  
11 in this chapter obligates the state to provide services to lands which  
12 are the subject of homesite entry and patent.

13 Sec. 38.08.100. SUBSTANTIAL COMPLETION OF DWELLING. An entry  
14 permit may not be revoked for failure to erect a dwelling in the time  
15 required under sec. 60(a)(2) of this chapter if the director finds that  
16 erection of the dwelling has been substantially completed and progress  
17 toward completion is being made at the expiration of the time required.

18 Sec. 38.08.110. REGULATIONS. The commissioner shall adopt regula-  
19 tions in accordance with AS 44.62.180 - 44.62.290 to carry out the  
20 purposes of this chapter.

21 Sec. 38.08.120. DEFINITIONS. In this chapter

22 (1) "commissioner" means the commissioner of natural re-  
23 sources;

24 (2) "habitable dwelling" means a dwelling of a permanent  
25 nature, together with fixtures and facilities, including sanitary  
26 facilities, required or customary in the vicinity of the land made  
27 available for homesite entry.

28 (3) "resident" means a person who is not claiming residence  
29 in another state and shows by all attending circumstances that his

1 intent is to make this state his permanent residence.

2 \* Sec. 3. AS 29.33.090 is amended by adding a new subsection to read:

3 (c) The assembly shall regulate and restrict the use of state land  
4 within the borough which is vacant, unappropriated and unreserved and  
5 which is found suitable for classification and disposal for homesite  
6 entry under AS 38.05.327. Compliance with the provisions of this sub-  
7 section is a prerequisite to issuance of homesite entry permits for land  
8 within the borough.

9 \* Sec. 4. AS 29.13.100 is amended by adding a new paragraph to read:

10 (37) AS 29.33.090(c) (zoning of state land for homesite  
11 entry)