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Offered: 3/25/77
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 2 am

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 is amended by adding a new chapter to read:

23 CHAPTER 8. HOMESITES.

24 Sec. 38.08.010. CLASSIFICATION OF LAND FOR HOMESITE ENTRY. (a)

25 The director shall classify, survey, and plat for homesite entry state
26 land which is otherwise vacant, unappropriated and unreserved and is
27 suitable for erection of residential dwellings to use as a permanent
28 abode.

29 (b) Land classified as homesite entry land shall be divided into

1 parcels not exceeding two and one-half acres, in reasonably compact
2 form, with boundaries conforming as nearly as practicable to natural
3 geologic and topographic features.

4 (c) Nothing in this section shall be construed to mean that the
5 director must classify all vacant, unappropriated or unreserved state
6 land as homesite entry land.

7 Sec. 38.08.020. OFFERING OF LAND FOR HOMESITE ENTRY. Following
8 classification of land for homesite entry, offerings of homesite entry
9 land shall be made on a rotating basis from among the four judicial
10 districts of the state. The director shall publish notice of the
11 availability of the land for at least three consecutive weeks through
12 the electronic media and in at least three newspapers of general circu-
13 lation 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 Sec. 38.08.030. APPLICATIONS FOR HOMESITE ENTRY; FEES. (a) To
16 qualify for a homesite entry permit, an applicant shall

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

18 (2) submit proof acceptable to the commissioner that he is a
19 resident of the state at the time of application, and that he has been
20 a resident of the state for not less than three years immediately
21 preceding the date his application was submitted, or that he has been a
22 resident for 20 years cumulatively;

23 (3) agree to comply with the requirements for obtaining a
24 patent to land set out under sec. 60 of this chapter.

25 (b) Fees for filing an application may not exceed \$10.

26 Sec. 38.08.040. ISSUANCE OF ENTRY PERMIT. (a) An applicant
27 meeting the qualifications for homesite entry under sec. 30 of this
28 chapter shall be issued a revocable permit to occupy and improve the
29 homesite in order to qualify for issuance of patent as provided in this

1 chapter. The application fee is the sole rent chargeable on the permit
2 for its duration.

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

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

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

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

22 (b) 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 AS 38.05.090 for removal or reversion of improve-
26 ments upon termination of leases of state land.

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

1 person

2 (1) occupies the land for a cumulative total of 21 months
3 within the three-year period following issuance of the homesite entry
4 permit;

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

10 (3) reimburses the state for the survey and platting under-
11 taken in accordance with this chapter. The director shall provide by
12 regulation for installment payments of this reimbursement.

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

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

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

23 Sec. 38.08.070. LAND LOCATED WITHIN MUNICIPALITIES. No state land
24 which is located within the boundaries of an organized borough or city
25 may be classified for homesite entry under this chapter until the pro-
26 posed use of the land has been studied and approved jointly by the
27 director and the local planning authority. Nothing in this section or
28 AS 29.18.190 prevents the director from selecting and classifying for
29 homesite entry land which would otherwise be available for borough or

1 city selection under AS 29.18.190. If classified for homesite entry,
2 the land shall not be available for city or borough selection.

3 Sec. 38.08.080. REQUIRED ZONING. No state land which is located
4 within the boundaries of a municipality which exercises planning and
5 zoning authority under AS 29 may be offered by the director for homesite
6 entry under this chapter until the land has been zoned by the governing
7 body of the municipality for residential use only. No state land which
8 is located within a municipality which does not exercise planning and
9 zoning authority, or which is located in the unorganized borough, may be
10 offered by the director for homesite entry under this chapter unless the
11 division of lands has adopted zoning regulations under AS 38.05.037 to
12 restrict the use of the land to residential purposes.

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

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

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

24 Sec. 38.08.120. DEFINITIONS. In this chapter

25 (1) "commissioner" means the commissioner of natural re-
26 sources;

27 (2) "habitable dwelling" means a dwelling of a permanent
28 nature, together with fixtures and facilities, including sanitary
29 facilities, required or customary in the vicinity of the land made

1 available for homesite entry.

2 (3) "resident" means a person who is not claiming residence
3 in another state and shows by all attending circumstances that his
4 intent is to make this state his permanent residence.

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

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

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

13 (37) AS 29.33.090(c) (zoning of state land for homesite
14 entry)