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Referred: Finance

BY SWANSON, BEIRNE, BENNETT, COWPER,  
DANKWORTH, HAYES, OSE, PARR AND  
KELLY

1 IN THE HOUSE

SCS CS

HOUSE BILL NO. 352 om

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 agricultural homesites; and providing for an effective  
8 date."

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

10 \* Section 1. PURPOSE OF ACT. The longstanding policy of the state, de-  
11 clared in the Constitution of the State of Alaska (art. VIII, sec. 1) and the  
12 Alaska Land Act (AS 38.05.350), has been to encourage the settlement of the  
13 state's land and the development of its resources by making them available  
14 for maximum use consistent with the public interest. In authorizing the  
15 classification of land for settlement as agricultural homesites, this Act is  
16 intended to further that policy explicitly by recognizing that agricultural  
17 production in the state is in its infancy and that by making land available  
18 to the public the development of agriculture as a renewable resource will be  
19 enhanced by attracting persons needed to assist in the development of agri-  
20 culture in areas of the state as a major resource.

21 \* Sec. 2. AS 38.08 is amended by adding new sections to read:

22 Sec. 38.08.300. CLASSIFICATION OF LAND FOR AGRICULTURAL HOMESITE  
23 ENTRY. Within 30 days after designation of an agricultural development  
24 project under sec. 30 of this chapter, the director of the division of  
25 lands shall select and classify land which is vacant, unappropriated and  
26 unreserved located within or in the approximate vicinity of a project  
27 designated under sec. 30(d) of this chapter that

28 (1) is suitable for erection of residential dwellings to use  
29 as a permanent abode;

1 (2) does not contain soils equivalent to classes I - III as  
2 used by the United States Soil Conservation Service;

3 (3) contains sufficient surface area to provide one agri-  
4 cultural homesite for every 640 acres included within a project desig-  
5 nated under this chapter.

6 Sec. 38.08.310. SURVEY AND ENTRY. (a) The director shall survey  
7 for agricultural homesite entry state land classified under sec. 300 of  
8 this chapter. A person qualified under (5) of this subsection to acquire  
9 state land may enter upon agricultural homesite entry land under a per-  
10 mit issued by the director and, after occupying the land in a habitable  
11 dwelling for three consecutive years and paying the cost of having the  
12 land surveyed, he shall be issued a patent to the land, conveying title  
13 to the land on the condition that the land not be further subdivided.  
14 Entry and patent under this section are subject to the following condi-  
15 tions and procedures:

16 (1) Agricultural homesite entry land shall be divided into  
17 parcels of five acres, in reasonably compact form.

18 (2) Following classification of land for agricultural home-  
19 site entry, the director shall publish notice of the availability of the  
20 land for at least three consecutive weeks in at least three newspapers  
21 of general circulation in the state, at least one of which, if possible,  
22 shall be a newspaper of general circulation in the vicinity of the  
23 available land.

24 (3) Fees for filing an application may not exceed \$10. An  
25 applicant may apply for more than one available agricultural homesite,  
26 but no applicant, together with members of the same household, may be  
27 issued more than one agricultural homesite entry permit or patent during  
28 the lifetime of the applicant.

29 (4) If the number of applicants qualified for agricultural

1 homesite entry exceeds the number of available agricultural homesites  
2 offered, or if several applicants apply and qualify for the same agri-  
3 cultural homesite, priority in award of an entry permit shall be on the  
4 basis of length of residence in the state.

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

7 (A) at the time of application have attained the age of  
8 18;

9 (B) submit proof of not less than five years continuous  
10 residence in the state immediately preceding the date his applica-  
11 tion was submitted;

12 (C) agree to erect the habitable dwelling within five  
13 years after entry;

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

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

18 (b) An applicant satisfying the requirements for agricultural  
19 homesite entry under this section shall be issued a revocable permit to  
20 occupy and improve the agricultural homesite for patent as provided in  
21 this section. The application fee is the sole rent chargeable on the  
22 permit for its duration. The permit may not be revoked except for sub-  
23 stantial breach of the terms and conditions of the agricultural homesite  
24 entry under (a) of this section. The permit may not be assigned, con-  
25 veyed or otherwise transferred, but rights under the permit may devolve  
26 by testate or intestate succession. An attempt to assign, convey, or to  
27 otherwise transfer the permit, is void and constitutes a substantial  
28 breach.

29 (c) Upon revocation and termination of a permit, improvements or

1 chattels upon the agricultural homesite shall be managed, and subsequent  
2 issuance of a permit for entry on the agricultural homesite shall be  
3 conditioned, in the same manner as provided in AS 38.05.090 for removal  
4 or reversion of improvements upon termination of leases of state land.

5 (d) No state land which is located within the boundaries of an  
6 organized borough or city may be classified for agricultural homesite  
7 entry under this section until the proposed use of the land has been  
8 studied and reviewed jointly by the director and the local planning  
9 authority. Nothing in this section or AS 29.18.190 prevents the director  
10 from classifying for agricultural homesite entry land which would  
11 otherwise be available for borough or city selection under AS 29.18.190.  
12 If classified for agricultural homesite entry, the land shall not be  
13 available for city or borough selection.

14 (e) Nothing in this section obligates the state to provide ser-  
15 vices to land which is the subject of agricultural homesite entry and  
16 patent.

17 (f) In this section "habitable dwelling" means a dwelling of a  
18 permanent nature, together with fixtures and facilities, including  
19 sanitary facilities, required or customary in the vicinity of the land  
20 made available for agricultural homesite entry. The commissioner by  
21 regulation shall establish reasonable requirements to satisfy the  
22 standard of a habitable dwelling set out in this subsection.

23 \* Sec. 3. This Act takes effect upon the effective date of a version of  
24 an Act entitled "An Act providing for the creation of agricultural development  
25 projects."