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Offered: 4/18/77  
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 352

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 those areas.

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 agriculture is authorized to select and classify land which is vacant,  
26 unappropriated and unreserved located within a project designated under  
27 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) contains sufficient surface area to provide one agri-  
2 cultural homesite per every 640 acres included within a project desig-  
3 nated under this chapter.

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

16 (1) Agricultural homesite entry locations shall be selected by  
17 the director.

18 (2) Agricultural homesite entry land shall be divided into  
19 parcels of five acres, in reasonably compact form.

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

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

1 the lifetime of the applicant.

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

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

9 (A) at the time of application have attained the age of  
10 18;

11 (B) submit proof of not less than five years residence  
12 in the state immediately preceding the date his application was  
13 submitted;

14 (C) agree that he will be a participant in the agri-  
15 cultural project;

16 (D) agree to erect the habitable dwelling within five  
17 years after entry;

18 (E) agree to pay for the cost of a survey and a pro rata  
19 share of the department's cost of administration of the disposal of  
20 the agricultural homesite entry land required under this subsection  
21 before a patent is issued; and

22 (F) agree to occupy the habitable dwelling for the re-  
23 quired time as provided in this subsection.

24 (b) An applicant satisfying the requirements for agricultural  
25 homesite entry under this section shall be issued a revocable permit to  
26 occupy and improve the agricultural homesite for patent as provided in  
27 this section. The application fee is the sole rent chargeable on the  
28 permit for its duration. The permit may not be revoked except for sub-  
29 stantial breach of the terms and conditions of the agricultural homesite

1 entry under (a) of this section. The permit may not be assigned, con-  
2 veyed or otherwise transferred, but rights under the permit may devolve  
3 by testate or intestate succession. An attempt to assign, convey, or to  
4 otherwise transfer the permit, is void and constitutes a substantial  
5 breach.

6 (c) Upon revocation and termination of a permit, improvements or  
7 chattels upon the agricultural homesite shall be managed, and subsequent  
8 issuance of a permit for entry on the agricultural homesite shall be  
9 conditioned, in the same manner as provided in AS 38.05.090 for removal  
10 or reversion of improvements upon termination of leases of state land.

11 (d) Consideration paid for a subsequent conveyance, assignment or  
12 lease of agricultural homesite land shall not be more than the fair  
13 market value of the improvements located on the land.

14 (e) No state land which is located within the boundaries of an  
15 organized borough or city may be classified for agricultural homesite  
16 entry under this section until the proposed use of the land has been  
17 studied and reviewed jointly by the director and the local planning  
18 authority. Nothing in this section or AS 29.18.190 prevents the director  
19 from classifying for agricultural homesite entry land which would  
20 otherwise be available for borough or city selection under AS 29.18.190.  
21 If classified for agricultural homesite entry, the land shall not be  
22 available for city or borough selection.

23 (f) Nothing in this section obligates the state to provide ser-  
24 vices to land which is the subject of agricultural homesite entry and  
25 patent.

26 (g) In this section "habitable dwelling" means a dwelling of a  
27 permanent nature, together with fixtures and facilities, including  
28 sanitary facilities, required or customary in the vicinity of the land  
29 made available for agricultural homesite entry. The commissioner by

1 regulation shall establish reasonable requirements to satisfy the  
2 standard of a habitable dwelling set out in this subsection.

3 \* Sec. 3. This Act takes effect upon the effective date of a version of  
4 an Act entitled "An Act providing for the creation of agricultural develop-  
5 ment projects."

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