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Referred: Resources and
Judiciary

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1 IN THE HOUSE

2 SS HOUSE BILL NO. 359

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act granting homesteads to Alaskan citizens; and
7 providing for an effective date."

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

9 * Section 1. AS 38.05 is amended by adding new sections to read:

10 ARTICLE 13. HOMESTEAD GRANTS OF STATE LAND.

11 Sec. 38.05.410. LEGISLATIVE FINDING AND POLICY. The legislature
12 finds that only approximately one million acres of the 363 million total
13 land acreage of Alaska is in private ownership on the effective date of
14 this Act. The legislature further finds that individual land ownership
15 is integral to the material well-being of the people and encourages more
16 citizen awareness and involvement in the affairs of the state. Further,
17 the legislature is cognizant that all land was privately owned at the
18 time of the nation's founding and believes that private land ownership
19 is integral to the American system. In addition, the legislature is
20 aware that the Constitution of the State of Alaska declares that it is
21 the policy of the state to encourage the settlement of its land and the
22 development of its resources by making them available for maximum use
23 consistent with the public interest (art. VIII, sec. 1), and further
24 that the constitution permits the legislature to implement this policy
25 by providing for the grant of state land (art. VIII, sec. 9). The
26 legislature finds that of the approximately 104 million acres to which
27 the state is entitled under the Statehood Act, less than 75,000 acres
28 have been made available by the state to citizens for settlement and
29 development purposes, and that the failure to make more land available

1 is a failure to implement the policy of art. VIII, sec. 1 of the Alaska
2 Constitution. The legislature declares its purpose to make available
3 to its citizens at least 80 per cent of state land received after
4 January 1, 1977, for settlement and development, and further declares
5 that a policy of private land ownership is in the best interests of the
6 people of the state.

7 Sec. 38.05.420. LAND AVAILABLE FOR HOMESTEADING. (a) Except as
8 provided in (1) and (2) of this subsection, not less than 80 per cent
9 of the land owned by the state shall be classified and made available
10 as homestead land within 90 days from the effective date of this Act:

11 (1) land classified by the state under sec. 300 of this
12 chapter or otherwise reserved under law before January 1, 1977;

13 (2) land within the boundaries of an organized borough or
14 city under sec. 460(c) of this chapter.

15 (b) Not less than 80 per cent of the land that is patented to
16 the state after the effective date of this Act, shall be classified and
17 made available as homestead land within 90 days from the date it is
18 patented to the state.

19 (c) Following classification of land as homestead land the director
20 shall publish notice of the availability of the land for at least three
21 consecutive weeks in at least three newspapers of general circulation in
22 the state, at least one of which, if possible, shall be a newspaper of
23 general circulation in the vicinity of the available land.

24 (d) Subject to the amount of patented land made available to the
25 state, the director shall survey and make available within one year from
26 the effective date of this Act, no less than 10 million acres for home-
27 stead land. However, at least 2 1/2 million acres shall be surveyed and
28 made available as homestead land within six months from the effective
29 date of this Act. After the first year at least 2 1/2 million acres

1 shall be surveyed and made available for this purpose each successive
2 three-month period.

3 Sec. 38.05.430. ELIGIBILITY AND APPLICATION. (a) Subject to (d)
4 of this section, a person who has been a resident of the state con-
5 tinuously for the three years preceding application is eligible to
6 receive a homestead grant upon appropriate application, with proof of
7 residency, submitted to the director.

8 (b) Each qualified applicant is eligible to receive only one home-
9 stead grant during his lifetime, but the applicant may apply for more
10 than one homestead parcel.

11 (c) If the number of applicants qualified for homestead grants
12 exceeds the number of available homestead parcels offered, priority shall
13 be established on the basis of length of residence in the state. If
14 several applicants apply and qualify for the same homestead land,
15 priority shall be established on the basis of lot, under regulations
16 adopted by the director.

17 (d) If a resident applying and qualifying for homestead land has
18 received an individual homestead grant or other allotment for land for
19 homesite purposes under federal or state law before the effective date
20 of this Act, the parcel he is entitled to receive under secs. 410 - 500
21 of this chapter shall be reduced by an amount equal to the acreage of the
22 prior grant of land, except that lands received under the Alaska Native
23 Claims Settlement Act (P.L. 92-203) shall not be considered for purposes
24 of this subsection.

25 Sec. 38.05.440. SIZE OF GRANT. Each applicant shall receive 160
26 acres in one parcel, or less in one parcel, at his option.

27 Sec. 38.05.450. LEGAL DESCRIPTION. The homestead grant shall be
28 described on the basis of protracted descriptions, and title, subject to
29 sec. 125 of this chapter shall be transferred to the grantee after

1 completion of the survey specified in sec. 480 of this chapter.

2 Sec. 38.05.460. RESTRICTIONS AND IMPROVEMENTS. (a) Subject to
3 (b) of this section, no improvements may be required on homestead land
4 and no restrictions may be imposed on homestead land, except as required
5 by general law or home rule municipalities.

6 (b) For a period of five years, no grantee of homestead land may
7 extract timber on a commercial basis, sell, or subdivide the land.

8 (c) No state land which is located within the boundaries of an
9 organized borough or city may be classified as homestead land under sec.
10 420 of this chapter until January 1, 1979. After January 1, 1979, land
11 classified as homestead land is not available for city or borough
12 selection under AS 29.18.190.

13 Sec. 38.05.470. TAXES. Land acquired under the homestead grant
14 program is exempt from municipal property tax for a period of five
15 years from the date of the grant.

16 Sec. 38.05.480. APPLICATION FEE AND SURVEY. (a) The state shall
17 have the land surveyed and bear 50 per cent of the survey cost. The
18 remaining survey cost shall be borne by the applicant.

19 (b) The director shall establish an application fee of not more
20 than \$10 for homestead applications. The applicant, at his option but
21 subject to the approval of the director, may engage a private surveying
22 company to perform the survey.

23 Sec. 38.05.490. SEIZURE FOR SATISFACTION OF DEBTS. Except to
24 satisfy a loan made to the grantee to finance the construction of a
25 single-family dwelling on the homestead land, the homestead land may not
26 be seized to satisfy a debt for a period of five years after title to
27 the land has been transferred to the grantee.

28 Sec. 38.05.500. DEFINITIONS. In secs. 410 - 500 of this chapter

29 (1) "director" means the director of the division of lands;

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(2) "resident" means a person who

(A) except for brief intervals, military service, attendance at an educational or training institution, or for absences for good cause, is physically present in the state for the required period;

(B) maintains a place of residence in the state;

(C) has established residency for voting purposes in the state;

(D) has not, within the period of required residency, claimed residency in another state; and

(E) shows by all attending circumstances that his intent is to make Alaska his permanent residence;

(3) "trust lands" include all those lands received by grant of the Federal government for the purposes of supporting schools, the University of Alaska, and the state's mental health program.

* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-070(c).