

1 IN THE SENATE

BY HUBER

2 SENATE BILL NO. 5

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

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 five 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 (C) agree, within a period of time determined to be  
2 reasonable by the director, to erect the habitable dwelling;

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

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

7 (b) An applicant satisfying the requirements for homesite entry  
8 under this section shall be issued a revocable permit to occupy and im-  
9 prove the homesite for patent as provided in this section. The appli-  
10 cation fee is the sole rent chargeable on the permit for its duration.  
11 The permit may not be revoked except for substantial breach of the terms  
12 and conditions of the homesite entry under (a) of this section. The  
13 permit may not be assigned, conveyed or otherwise transferred, but  
14 rights under the permit may devolve by testate or intestate succession.  
15 An attempt to assign, convey, or to otherwise transfer the permit, is  
16 void and constitutes a substantial breach.

17 (c) Upon revocation and termination of a permit, improvements or  
18 chattels upon the homesite shall be managed, and subsequent issuance of  
19 a permit for entry on the homesite shall be conditioned, in the same  
20 manner as provided in sec. 90 of this chapter for removal or reversion  
21 of improvements upon termination of leases of state land.

22 (d) No state land which is located within the boundaries of an  
23 organized borough or city may be classified for homesite entry under  
24 this section until the proposed use of the land has been studied and  
25 reviewed jointly by the director and the local planning authority.  
26 Nothing in this section or AS 29.18.190 prevents the director from  
27 selecting and classifying for homesite entry land which would otherwise  
28 be available for borough or city selection under AS 29.18.190. If clas-  
29 sified for homesite entry, the land shall not be available for city or

1           borough selection.

2           (e) Nothing in this section obligates the state to provide ser-  
3           vices to lands which are the subject of homesite entry and patent.

4           (f) In this section "habitable dwelling" means a dwelling of a  
5           permanent nature, together with fixtures and facilities, including  
6           sanitary facilities, required or customary in the vicinity of the land  
7           made available for homesite entry. The commissioner by regulation shall  
8           establish reasonable requirements to satisfy the standard of a habitable  
9           dwelling set out in this subsection.

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