

Introduced: 3/16/77
Referred: State Affairs and
Resources

1 IN THE SENATE

BY KERTTULA

2 SENATE BILL NO. 253

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 for
7 homestead entry.

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

9 * Section 1. AS 38.05.325 is repealed and re-enacted to read:

10 Sec. 38.05.325. CLASSIFICATION OF LAND FOR HOMESTEAD ENTRY. (a)

11 The director shall, before January 1, 1984, classify and survey for
12 homestead entry 6,000,000 acres of state land which is otherwise vacant,
13 unappropriated and unreserved. The director shall classify and survey
14 an additional 6,000,000 acres of state land which is otherwise vacant,
15 unappropriated, unreserved and suitable for homestead entry before
16 January 1, 1986. At the time of survey and classification of the home-
17 stead entry land the director shall reserve and set aside for use land
18 suitable for transportation corridors, materials sites, and public
19 interest areas. After classification and survey of the homestead entry
20 land and not earlier than January 1, 1981, a person qualified by law to
21 acquire state land may enter upon the land under a permit issued by the
22 director, and, after occupying the land by being physically present on
23 the land for a period of not less than 30 days within the first 12
24 months following his entry upon the land, he shall be issued a patent to
25 the land conveying an unencumbered title to all surface rights in the
26 land. Entry and patent under this section are subject to the following
27 conditions and procedures:

28 (1) Homestead entry land shall be divided into parcels of 40,
29 80 and 160 acres.

1 (2) Offerings of homestead entry land shall be made on a
2 rotating regional basis from among the four judicial districts of the
3 state.

4 (3) Following classification of land for homestead entry, the
5 director shall publish notice of the availability of the land for at
6 least three consecutive weeks in at least three newspapers of general
7 circulation in the state, at least one of which, if possible, shall be a
8 newspaper of general circulation in the vicinity of the available land.

9 (4) Fees for filing an application may not exceed \$10. An
10 applicant may apply for more than one available homestead, but no appli-
11 cant may be issued more than one homestead entry permit or patent during
12 the lifetime of the applicant.

13 (5) If the number of applicants qualified for homestead entry
14 exceeds the number of available homesteads offered, or if several appli-
15 cants apply and qualify for the same homestead, priority in award of an
16 entry permit shall be on the basis of when an application is filed with
17 the director; the earliest filing shall be granted an entry permit.

18 (6) To qualify for homestead entry, an applicant shall

19 (A) at the time of application have attained the age of
20 19;

21 (B) submit proof of not less than three years continuous
22 residence in the state immediately preceding the date his applica-
23 tion was submitted;

24 (7) Persons otherwise qualified for homestead entry under (6)
25 of this subsection and who hold title to land within the state through a
26 grant of a patent under a state or federal homestead entry law shall be
27 ineligible for homestead entry upon land opened by the director until 18
28 months after the date land is opened for entry.

29 (b) An applicant satisfying the requirements for homestead entry

1 under this section shall be issued a revocable permit to occupy the
2 homestead for patent as provided in this section. The application fee
3 is the sole rent chargeable on the permit for its duration. The permit
4 may not be revoked except for substantial breach of the terms and con-
5 ditions of the homestead entry under (a) of this section. The permit
6 may not be assigned, conveyed or otherwise transferred, but rights under
7 the permit may devolve by testate or intestate succession. An attempt
8 to assign, convey, or to otherwise transfer the permit, is void and
9 constitutes a substantial breach.

10 (c) Upon revocation and termination of a permit, improvements or
11 chattels upon the homestead shall be managed, and subsequent issuance of
12 a permit for entry on the homestead shall be conditioned, in the same
13 manner as provided in sec. 90 of this chapter for removal or reversion
14 of improvements upon termination of leases of state land.

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

24 (e) No state land which is classified as mineral or timber land
25 may be open for entry under this section.

26 (f) Nothing in this section obligates the state to provide ser-
27 vices to land which is the subject of homestead entry and patent for 15
28 years after it is open for entry.

29 * Sec. 2. This Act expires on January 1, 1981 if the state has not pre-

1 viously received the transfer of 70,000,000 acres of land which is vacant,
2 unappropriated or unreserved from the public domain of the United States.
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