

Introduced: 1/15/79  
Referred: State Affairs and  
Finance

1 IN THE SENATE

BY KERTTULA

2 SENATE BILL NO. 19

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH 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 AS 38.05.325 is repealed and re-enacted to read: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. HOMESTEAD ENTRY. (a) The director shall, before  
11 January 1, 1984, classify and survey for homestead entry 6,000,000 acres  
12 of state land which is otherwise vacant, unappropriated and unreserved.  
13 The director shall classify and survey an additional 6,000,000 acres of  
14 state land which is otherwise vacant, unappropriated, unreserved and  
15 suitable for homestead entry before January 1, 1986. At the time of  
16 survey and classification of the homestead entry land, the director  
17 shall reserve and set aside for use land suitable for transportation  
18 corridors, materials sites, and parks and public recreation areas.  
19 After classification and survey of the homestead entry land and not  
20 earlier than January 1, 1981, a person qualified by law to acquire state  
21 land may enter upon the land under a permit issued by the director, and,  
22 after occupying the land by being physically present on the land for a  
23 period of not less than 30 days within the first 12 months following his  
24 entry upon the land, he shall be issued a patent to the land conveying  
25 an unencumbered title to all surface rights in the land. Entry and  
26 patent under this section are subject to the following conditions and  
27 procedures:

28 (1) Homestead entry land shall be surveyed into parcels of  
29 40, 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 three newspapers of general circulation  
7 in the state, at least one of which, if possible, shall be a newspaper  
8 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 an appli-  
11 cant may not be issued more than one homestead entry permit or patent  
12 during his lifetime.

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 for award of an  
16 entry permit shall be determined by the date and time an application is  
17 filed with the director; the applicant filing the earliest application  
18 for an available homestead shall be granted an entry permit.

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

20 (A) at the time of application have attained the age of  
21 19;

22 (B) submit proof of not less than three years continuous  
23 residence in the state immediately before the date his application  
24 was submitted;

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

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

12 (c) After revocation and termination of a permit, improvements or  
13 other property on the homestead shall be managed, and subsequent issu-  
14 ance of a permit for entry on the homestead shall be conditioned, in the  
15 same manner as provided in AS 38.05.090 for removal or reversion of  
16 improvements after termination of leases of state land.

17 (d) State land which is located within the boundaries of an organ-  
18 ized borough or city may not be classified for homestead entry under  
19 this section until the proposed use of the land has been studied and  
20 reviewed jointly by the director and the local planning authority.  
21 Nothing in this section or AS 29.18.201 - 29.18.213 prevents the direc-  
22 tor from selecting and classifying for homestead entry land which would  
23 otherwise be available for borough or city selection under AS 29.18.-  
24 201 - 29.18.213. If classified for homestead entry, land is not avail-  
25 able for city or borough selection.

26 (e) State land which is classified as mineral or timber land is  
27 not open for homestead entry under this section.

28 (f) Nothing in this section obligates the state to provide ser-  
29 vices to land which is the subject of homestead entry and patent for 15

1           years after it is open for entry.

2           \* Sec. 2. This Act expires on January 1, 1981, if a total of 70,000,000  
3 acres of vacant, unappropriated or unreserved land has not been transferred  
4 to the state from the public domain of the United States.

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