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Offered: 3/12/82
Referred: Finance

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 2 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state land; establishing a homestead
7 entry program; and providing for an effective date."

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

9 * Section 1. AS 38 is amended by adding a new chapter to read:

10 CHAPTER 09. HOMESTEAD ENTRY.

11 Sec. 38.09.010. HOMESTEAD ENTRY. (a) The director may designate
12 and make available for homestead entry under this chapter state land
13 available

14 (1) under AS 38.05.057; or

15 (2) under AS 38.05.077 unless the director determines that
16 the land is more suitable for recreational or residential use.

17 (b) A homestead entry made under AS 38.05.057 may not exceed 320
18 acres.

19 (c) A homestead entry made under AS 38.05.077 may not exceed 160
20 acres.

21 (d) A person who has applied for or received state land under this
22 chapter is not eligible for a loan under AS 03.10 for the habitable
23 dwelling or the clearing of the land required under AS 38.09.040.

24 Sec. 38.09.020. QUALIFICATIONS FOR HOMESTEAD ENTRY. A person is
25 qualified to apply for a homestead entry under this chapter if the
26 person is

27 (1) qualified under AS 38.05.057 to participate in the dis-
28 posal of land by lottery; or

29 (2) qualified under AS 38.05.077 to make an entry under the

1 remote parcel disposal procedures.

2 Sec. 38.09.030. APPLICATION FOR HOMESTEAD ENTRY. (a) A person
3 who has staked the exterior boundaries of a homestead entry under AS 38.-
4 05.077 and a person who has been selected to purchase land designated
5 for homestead entry by lottery shall apply for the homestead entry on a
6 form prepared by the department.

7 (b) The department may charge a fee for filing an application
8 under this chapter.

9 (c) A person applying for a homestead entry shall certify that he
10 has not previously leased a remote parcel from the state or applied for
11 homestead entry under this chapter within the eight years immediately
12 preceding the date of the application.

13 Sec. 38.09.040. PATENT FOR HOMESTEAD ENTRY. (a) A person who has
14 made a homestead entry under this chapter and filed an application under
15 AS 38.09.030(a) is entitled to a patent if, within seven years from the
16 date of the application, the applicant

17 (1) occupies the land for a total of 35 months;

18 (2) erects a habitable dwelling;

19 (3) clears and prepares for cultivation not less than

20 (A) one-fourth of the land entered if the land is limited
21 to agricultural use; or

22 (B) one-eighth of the land entered if the land is not
23 limited to agricultural use;

24 (4) brushes the boundaries of the homestead entry and main-
25 tains the brushed boundaries so that they are easily visible from the
26 ground;

27 (5) causes a survey of the homestead entry to be made that is
28 acceptable to the director.

29 (b) The director shall require an applicant for homestead entry

1 to submit proof necessary to establish compliance with the requirements
2 of (a) of this section. An applicant is not required to submit proof
3 under (a)(4) or (5) of this section if the land comprising the homestead
4 entry has been surveyed.

5 (c) As used in this section, "habitable dwelling"

6 (1) means a permanent dwelling of not less than 200 square
7 feet and its fixtures and facilities;

8 (2) does not include a mobile home unless it is permanently
9 attached to a permanent foundation.

10 Sec. 38.09.050. HOMESTEAD APPLICATION VOID. An application for
11 homestead entry and the interest of the applicant under the homestead
12 entry is void if the applicant fails to comply with a requirement of
13 AS 38.09.040(a). On the request of the director, the attorney general
14 shall bring an action to declare the homestead entry void and, if neces-
15 sary, to eject the homestead applicant.

16 * Sec. 2. AS 38.04.020(g)(3) is amended to read:

17 (3) Land designated agricultural, commercial, industrial, or
18 suitable for other disposal may [SHALL] be sold under AS 38.05.055 or
19 38.05.057. Land designated agricultural or suitable for disposal other
20 than as commercial or industrial may be sold under AS 38.05.077.

21 * Sec. 3. AS 38.05.057(a) is amended to read:

22 (a) The commissioner may dispose of land, including land limited
23 to use for agricultural purposes, by lottery. The purchase price of
24 land sold by lottery shall be the fair market value of the land as
25 determined by the commissioner. The commissioner may sell land by
26 lottery for less than the fair market value of the land if he determines
27 that scarcity of land for private use in the area of the land to be sold
28 has resulted in unrealistic land values. Before the commissioner deter-
29 mines the purchase price for land which is located in a municipality and

1 which is to be sold under this section, he shall consult with the
2 assessor of the municipality. The lottery shall be conducted in public
3 by the commissioner or his representative. An applicant may not be
4 selected to purchase land unless he is present on the date and at the
5 place that the lottery is conducted unless medical reasons, attendance
6 at school, or military service [OUTSIDE THE STATE] prevent attendance.
7 [AN APPLICANT MAY BE REPRESENTED BY AN AGENT ON THE DAY OF THE LOTTERY
8 IF THE LAND OFFERED FOR SALE IS COMMERCIAL, INDUSTRIAL, OR AGRICULTURAL
9 LAND.] On the day of the lottery a purchaser selected by lot shall
10 deposit an amount equal to five percent of the purchase price, or if the
11 purchaser elects to use land discounts granted under AS 38.05.058, five
12 percent of the purchase price after deduction of the discount. If the
13 land is designated for homestead entry, the applicant selected by lottery
14 for homestead entry must file an application under AS 38.09.030(a).

15 * Sec. 4. AS 38.05.077(a) is amended to read:

16 (a) The commissioner shall designate remote parcel selection areas
17 and shall dispose of remote parcels in accordance with AS 38.04.020.
18 The commissioner may set the number of remote parcels that may be
19 selected in each remote parcel selection area. A remote parcel may be
20 purchased under AS 38.05.078 or an applicant may receive a patent to a
21 remote parcel under AS 38.09. A remote parcel purchased under AS 38.05.-
22 078 may not exceed 40 acres. A remote parcel acquired under AS 38.09
23 may not exceed 160 acres.

24 * Sec. 5. AS 38.05.077(b) is amended to read:

25 (b) The commissioner may designate remote parcel selection areas
26 where staking will be restricted to aliquot parts when parcels are 40
27 acres or larger and shall prescribe parcel selection procedures for each
28 remote parcel selection area designated under (a) of this section. The
29 parcel selection procedures shall include

- 1 (1) the maximum size of a remote parcel that may be selected
2 in the parcel selection area;
- 3 (2) (repealed)
- 4 (3) the minimum distance between remote parcels in the parcel
5 selection area;
- 6 (4) parcel dimensions, configuration, orientation and other
7 parcel design requirements;
- 8 (5) a description of land within the area that may not be
9 included in a parcel;
- 10 (6) a requirement that landmarks, monuments or other points
11 be used as points of reference for the measurement of distances within
12 an area; and
- 13 (7) specification for the type of stakes to use to mark the
14 corners of a parcel.

15 * Sec. 6. AS 38.05.077(d) is amended to read:

16 (d) Not later than 15 days after staking the exterior boundaries
17 of a remote parcel, the person who staked the parcel shall file a sketch
18 plat with the department which shows the location of the remote parcel.
19 At the time of filing the sketch plat, the person who staked the parcel
20 shall apply to lease the land or apply for homestead entry under AS 38.-
21 09. An application [TO LEASE THE LAND] shall be on a standard form
22 prepared by the department. The annual rental payment for the first
23 year of the lease shall be submitted to the department with the applica-
24 tion. After the application to lease a remote parcel is approved, the
25 commissioner shall offer to lease the land to the person who staked the
26 remote parcel. A lease granted under this section shall contain the
27 following terms:

- 28 (1) a remote parcel may be leased for five years;
- 29 (2) a remote parcel lease may be renewed at the option of the

1 lessee for a second five-year period under the same terms as provided
2 for the first five-year period of the remote parcel lease;

3 (3) a rental payment shall be paid annually and shall be \$10
4 for each acre;

5 (4) unless the land is surveyed, the lessee shall, within one
6 year of approval of the lease application and continuously for the lease
7 period, physically delineate the boundaries of the parcel by brushing a
8 line so that they are readily visible from the ground.

9 * Sec. 7. AS 38.05.077(i)(3) is amended to read:

10 (3) certify that he has not previously leased a remote parcel
11 from the state nor made application for a homestead entry on state land
12 within eight years immediately preceding the date of staking a remote
13 parcel.

14 * Sec. 8. AS 03.10.030 is amended by adding a new subsection to read:

15 (g) A person who has received state land under AS 38.09 is not
16 eligible for a loan under this chapter for improvements to that land
17 before patent to the land has been received.

18 * Sec. 9. This Act takes effect July 1, 1982.
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