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Referred: Resources, State
Affairs and Finance

1 IN THE SENATE

BY BRADLEY

2 SENATE BILL NO. 785

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 homesteads for veterans."

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

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

9 CHAPTER 09. VETERANS HOMESTEAD ACT.

10 Sec. 38.09.010. CLASSIFICATION OF LAND FOR HOMESTEAD ENTRY.

11 (a) The director shall designate, classify, and make available for
12 homestead entry state land in amounts and at times as required in
13 AS 38.04.020 or as may otherwise be required by law.

14 (b) Land classified as homestead entry land shall be divided into
15 parcels of 80 acres in reasonably compact form, with boundaries con-
16 forming as nearly as practicable to natural geologic and topographic
17 features.

18 (c) Land classified as homestead entry land shall be suitable for
19 homesteading under regulations adopted by the Department of Natural
20 Resources.

21 Sec. 38.09.020. OFFERING OF LAND FOR HOMESTEAD ENTRY. Following
22 classification of land for homestead entry, offerings of homestead entry
23 land shall be made from among the four judicial districts of the state.
24 The director shall publish notice of the availability of the land for at
25 least three consecutive weeks through the electronic media and in at
26 least three newspapers of general circulation in the state, at least one
27 of which, if possible, shall be a newspaper of general circulation in
28 the vicinity of the available land.

29 Sec. 38.09.030. APPLICATIONS FOR HOMESTEAD ENTRY. (a) To qualify

1 for a homestead entry permit, an applicant shall

2 (1) be a veteran or a surviving spouse of a veteran;

3 (2) submit proof acceptable to the director that he is a
4 resident of the state at the time of application, and that he has been a
5 resident of the state for not less than one year immediately preceding
6 the date his application was submitted;

7 (3) agree to comply with the requirements for obtaining a
8 patent to land set out under AS 38.09.060.

9 (b) Fees for filing an application may not exceed \$10.

10 Sec. 38.09.040. ISSUANCE OF ENTRY PERMIT. (a) An applicant
11 meeting the qualifications for homestead entry under AS 38.09.030 shall
12 be issued a revocable permit to occupy and improve the homestead in
13 order to qualify for issuance of patent as provided in this chapter.
14 The application fee is the sole rent chargeable on the permit for its
15 duration.

16 (b) If the number of applicants qualified for homestead entry
17 exceeds the number of available homesteads offered, or if several appli-
18 cants apply and qualify for the same homestead, priority in award of an
19 entry permit shall be accorded to that applicant showing proof of the
20 longest residency in the state.

21 (c) The permit may not be assigned, conveyed, or otherwise trans-
22 ferred, but rights under the permit may devolve by testate or intestate
23 succession. An attempt to assign, convey, or otherwise transfer the
24 permit is void and constitutes a substantial breach.

25 (d) An applicant may apply for more than one available homestead
26 but may not hold more than one homestead entry permit.

27 Sec. 38.09.050. REVOCATION OF ENTRY PERMIT. (a) A homestead
28 entry permit may be revoked only for a substantial breach of the terms
29 and conditions of the homestead entry permit.

1 (b) A homestead entry permit may not be revoked for failure to
2 erect a dwelling in the time required under AS 38.09.060(a)(2) if the
3 director finds that the dwelling has been substantially completed and
4 progress toward completion is being made at the expiration of the time
5 required.

6 (c) Upon revocation and termination of a homestead entry permit,
7 improvements or chattels upon the homestead shall be managed, and sub-
8 sequent issuance of a permit for entry on the homestead shall be condi-
9 tioned, in the same manner as provided in AS 38.05.090 for removal or
10 reversion of improvements upon termination of leases of state land.

11 Sec. 38.09.060. ISSUANCE OF PATENT. (a) A person who enters upon
12 homestead entry land under a homestead entry permit issued by the di-
13 rector shall be issued a patent to the land conveying an unencumbered
14 title if that person

15 (1) occupies the land for a cumulative total of 12 months
16 within the three-year period following issuance of the homestead entry
17 permit;

18 (2) erects, within three years of the date of issuance of the
19 homestead entry permit, a habitable dwelling on the homestead that meets
20 all applicable state and local regulations; for the purposes of this
21 paragraph, mobile homes are not considered to be permanent dwellings
22 unless they are placed on a permanent foundation;

23 (3) reimburses the state for the survey and platting under-
24 taken in accordance with this chapter; the director shall provide by
25 regulation for installment payments of this reimbursement.

26 (b) Nothing in this chapter shall be construed to prohibit a
27 person issued a homestead entry permit from residing in a temporary
28 habitable dwelling on the homestead until revocation of the homestead
29 entry permit.

1 (c) A person may not be issued more than one patent under this
2 section.

3 (d) If the director finds that the dwelling has been substantially
4 completed under AS 38.09.050(b), he shall issue a patent upon completion
5 of the dwelling, notwithstanding (a)(2) of this section.

6 Sec. 38.09.070. LAND LOCATED WITHIN MUNICIPALITIES. State land
7 that is located within the boundaries of an organized borough or city
8 may not be classified for homestead entry under this chapter until the
9 proposed use of the land has been studied and approved jointly by the
10 director and the local planning authority. Nothing in this section or
11 AS 29.18.190 prevents the director from selecting and classifying for
12 homestead entry land that would otherwise be available for borough or
13 city selection under AS 29.18.190. If classified for homestead entry,
14 the land is not available for city or borough selection.

15 Sec. 38.09.080. DISCLAIMER OF INTENT TO PROVIDE SERVICES. Nothing
16 in this chapter obligates the state to provide services to land that is
17 the subject of homestead entry and patent.

18 Sec. 38.09.090. REGULATIONS. The commissioner shall adopt regu-
19 lations in accordance with AS 44.62.180 - 44.62.290 to carry out the
20 purposes of this chapter.

21 Sec. 38.09.100. DEFINITIONS. In this chapter

22 (1) "director" means the director of the division of lands in
23 the Department of Natural Resources;

24 (2) "habitable dwelling" means a dwelling of a permanent
25 nature, together with fixtures and facilities, including sanitary facil-
26 ities, required or customary in the vicinity of the land made available
27 for homestead entry;

28 (3) "resident" means a person who is not claiming residence
29 in another state and shows by all attending circumstances that his

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intent is to make this state his permanent residence;

(4) "veteran" means a person with 180 days or more of active service in the armed forces of the United States who has been honorably discharged or who was killed in the line of duty while on active service in the armed forces of the United States.

* Sec. 2. AS 38.04.020(a) is amended by adding a new paragraph to read:

(5) disposal for veterans homesteads under AS 38.09.