

Introduced: 1/26/83
Referred: Resources and Finance

BY UEHLING, BARNES,
COWDERY, FLOOD AND WARD

1 IN THE HOUSE

2

HOUSE BILL NO. 130

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to homestead entry; and providing
7 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 desig-
12 nate and permit homestead entry on state land

13 (1) under the procedures established in AS 38.05.057; or

14 (2) under the procedures established in AS 38.05.077 unless
15 the director determines that the land is more suitable for recre-
16 ational 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 Sec. 38.09.020. QUALIFICATIONS FOR HOMESTEAD ENTRY. (a) A
22 person is qualified to apply for a homestead entry under this chapter
23 if the person is

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

26 (2) qualified under AS 38.05.077 to make an entry under the
27 remote parcel disposal procedures.

28 (b) A person who within the eight years immediately preceding
29 the date of the application under (a) of this section has leased a

1 remote parcel from the state or applied for a homestead entry under
2 this chapter is not eligible for land under this chapter.

3 Sec. 38.09.030. APPLICATION FOR HOMESTEAD ENTRY. (a) A person
4 who has staked the exterior boundaries of a homestead entry under the
5 procedures established in AS 38.05.077 and a person who has been
6 selected to purchase land designated for homestead entry by lottery
7 shall apply for the homestead entry on a form prepared by the depart-
8 ment.

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

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

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

16 (2) erects a habitable dwelling;

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

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

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

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

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

27 (b) The director shall require an applicant for homestead entry
28 to submit proof necessary to establish compliance with the require-
29 ments of (a) of this section. An applicant is not required to submit

1 proof under (a)(4) or (5) of this section if the land comprising the
2 homestead entry has been surveyed.

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

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

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

8 (d) A person who has applied for or received state land under
9 this chapter is not eligible for a state loan under AS 03.10 for the
10 habitable dwelling or the clearing of the land required under this
11 section.

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

18 * Sec. 2. AS 03.10.030 is amended by adding a new subsection to read:

19 (1) A person who has received state land under AS 38.09 is not
20 eligible for a state loan under this chapter for improvements to that
21 land before patent to the land has been received.

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

23 (3) Land designated agricultural, commercial, industrial,
24 or suitable for other disposal may [SHALL] be sold under AS 38.05.055
25 or 38.05.057. Land designated agricultural or suitable for disposal
26 other than as commercial or industrial may be sold under AS 38.05.077.

27 * Sec. 4. AS 38.05.057(a) is amended to read:

28 (a) The commissioner may dispose of land, including land limited
29 to use for agricultural purposes, by lottery. The purchase price of

1 land sold by lottery shall be the fair market value of the land as
2 determined by the commissioner. The commissioner may sell land by
3 lottery for less than the fair market value of the land on a determi-
4 nation [IF HE DETERMINES] that scarcity of land for private use in the
5 area of the land to be sold has resulted in unrealistic land values.
6 The commissioner shall consult with the assessor of a municipality
7 before determining the purchase price for land that is located in the
8 municipality and that is to be sold under this section [BEFORE THE
9 COMMISSIONER DETERMINES THE PURCHASE PRICE FOR LAND WHICH IS LOCATED
10 IN A MUNICIPALITY AND WHICH IS TO BE SOLD UNDER THIS SECTION, HE SHALL
11 CONSULT WITH THE ASSESSOR OF THE MUNICIPALITY]. The lottery shall be
12 conducted in public by the commissioner or a [HIS] representative of
13 the commissioner.. An applicant may not be selected to purchase land
14 unless the applicant [HE] is present on the date and at the place that
15 the lottery is conducted unless medical reasons, attendance at school,
16 or military service [OUTSIDE THE STATE] prevent attendance. [AN
17 APPLICANT MAY BE REPRESENTED BY AN AGENT ON THE DAY OF THE LOTTERY IF
18 THE LAND OFFERED FOR SALE IS COMMERCIAL, INDUSTRIAL, OR AGRICULTURAL
19 LAND.] On the day of the lottery a purchaser selected by lot shall
20 deposit an amount equal to five percent of the purchase price, or if
21 the purchaser elects to use land discounts granted under AS 38.05.058,
22 five percent of the purchase price after deduction of the discount.
23 If the land is designated for homestead entry, the applicant selected
24 by lottery for homestead entry must file an application under AS 38.-
25 09.030(a).

26 * Sec. 5. AS 38.05.077(a) is amended to read:

27 (a) The commissioner shall designate remote parcel selection
28 areas and shall dispose of remote parcels in accordance with AS 38.-
29 04.020. The commissioner may set the number of remote parcels that

1 may be selected in each remote parcel selection area. A remote parcel
2 may be purchased under AS 38.05.078 or an applicant may receive a
3 patent to a remote parcel under AS 38.09. A remote parcel purchased
4 under AS 38.05.078 may not exceed 40 acres. A remote parcel acquired
5 under AS 38.09 may not exceed 160 acres.

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

7 (d) Not later than 15 days after staking the exterior boundaries
8 of a remote parcel, the person who staked the parcel shall file a
9 sketch plat with the department which shows the location of the remote
10 parcel. At the time of filing the sketch plat, the person who staked
11 the parcel shall apply to lease the land or apply for homestead entry
12 under AS 38.09. An application [TO LEASE THE LAND] shall be on a
13 standard form prepared by the department. The annual rental payment
14 for the first year of the lease shall be submitted to the department
15 with the application. After the application to lease a remote parcel
16 is approved, the commissioner shall offer to lease the land to the
17 person who staked the remote parcel. A lease granted under this
18 section shall contain the following terms:

19 (1) a remote parcel may be leased for five years;

20 (2) a remote parcel lease may be renewed at the option of
21 the lessee for a second five-year period under the same terms as
22 provided for the first five-year period of the remote parcel lease;

23 (3) a rental payment shall be paid annually and shall be
24 \$10 for each acre;

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

29 * Sec. 7. AS 38.05.077(i)(3) is repealed and reenacted to read:

1 (3) not have either previously leased a remote parcel from
2 the state or have made application for a homestead entry on state land
3 within eight years immediately preceding the date of staking a remote
4 parcel and certify the facts in the application.

5 * Sec. 8. This Act takes effect July 1, 1983.

6