

Offered: 3/30/83  
Referred: Finance

Original sponsors: Uehling, Barnes,  
Cowdery, et al

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2

CS FOR HOUSE BILL NO. 130 (Resources)

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 homesteads; and providing for an

7

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 ACT.

11

Sec. 38.09.010. DESIGNATION OF LAND FOR HOMESTEAD ENTRY. (a)

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The commissioner shall classify and make available for homestead entry

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state land. State land made available for homestead entry under

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this chapter shall be distributed throughout the state.

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(b) The commissioner shall complete a cadastral survey of home-

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stead entry land that establishes a control point at the intersection

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of each exterior boundary line of the parcel of state land before

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designating the state land for homestead entry.

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(c) Notice of the designation and offering of land for homestead

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entry shall be given by the commissioner under AS 38.05.345.

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(d) Land designated for homestead entry is not subject to a

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preference right under AS 38.05.

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Sec. 38.09.020. HOMESTEAD ENTRY PERMITS. (a) A homestead entry

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permit entitles an applicant to enter a designated parcel and to

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survey, occupy, and improve the parcel in order to qualify for a

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patent under this chapter.

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(b) An applicant for a homestead entry permit shall stake the

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corners of the land entered and shall file with the commissioner a

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description of the land entered. A parcel shall be described by

1 aliquot parts or survey and may not be less than 40 acres nor exceed  
2 160 acres.

3 (c) The commissioner shall issue homestead entry permits in  
4 order of application.

5 Sec. 38.09.030. QUALIFICATION FOR HOMESTEAD ENTRY. (a) An  
6 applicant for a homestead entry permit shall

7 (1) submit proof acceptable to the commissioner that the  
8 applicant is at least 18 years of age and has been a resident of the  
9 state for not less than one year immediately before the date of appli-  
10 cation;

11 (2) pay a fee of \$5 per acre according to the description  
12 provided by the applicant;

13 (3) agree to comply with the requirements of AS 38.09.050;

14 (4) certify that the corners of the land entered have been  
15 staked;

16 (5) assume full responsibility for the accuracy of the  
17 description of the land filed with the commissioner under AS 38.09.-  
18 020(b).

19 (b) An applicant may not hold more than one homestead entry  
20 permit at one time and may not receive a patent to more than 160 acres  
21 under this chapter.

22 (c) The homestead entry permit may not be assigned, conveyed, or  
23 in any manner transferred except

24 (1) by testate or intestate succession;

25 (2) to a spouse during marriage; or

26 (3) by order of a court as part of a divorce settlement.

27 Sec. 38.09.040. REVOCATION OF ENTRY PERMITS. (a) A homestead  
28 entry permit may be revoked by the commissioner for any substantial  
29 breach of the permit conditions or the requirements of this chapter,

1 including

2 (1) an assignment, conveyance, or other transfer of the  
3 permit;

4 (2) failure of the permit holder to submit a plat of survey  
5 to the commissioner within two years after the issuance of the permit;

6 (3) failure of the permit holder to erect a dwelling in the  
7 time required under AS 38.09.050(a), except that if the commissioner  
8 finds that the dwelling has been nearly completed and progress toward  
9 completion is being made at the expiration of the time required, the  
10 commissioner may extend the time required for completion for not more  
11 than one year;

12 (4) failure to brush the boundaries of the parcel within 30  
13 days after issuance of the homestead entry permit.

14 (b) Upon revocation of a homestead entry permit, improvements or  
15 personal property upon the parcel shall be managed under AS 38.05.090  
16 and the state land remains available for homestead entry under this  
17 chapter.

18 Sec. 38.09.050. ISSUANCE OF PATENT. (a) The commissioner shall  
19 issue a patent to homestead entry land if the permit holder for that  
20 parcel

21 (1) resides and lives on the homestead entry land for not  
22 less than 25 months within five years after the issuance of the home-  
23 stead entry permit;

24 (2) completes an approved survey of the land within two  
25 years after the issuance of the permit;

26 (3) erects a habitable, permanent dwelling on the homestead  
27 within three years after the issuance of the homestead entry permit;

28 (4) brushes the boundaries of the parcel within 30 days  
29 after the issuance of the permit.

1 (b) Nothing in this chapter prohibits a homestead entry permit  
2 holder from residing in a temporary dwelling on the homestead before  
3 erection of the permanent dwelling.

4 (c) The commissioner may reserve or exclude from a patent  
5 easements or rights-of-way for roads, trails, public access ways,  
6 utility corridors, and transportation facilities.

7 Sec. 38.09.060. LAND WITHIN MUNICIPALITIES. (a) Nothing in  
8 this chapter or AS 29.18.201 - 29.18.213 prevents the commissioner  
9 from designating for homestead entry land that would otherwise be  
10 available for borough or city selection under AS 29.18.201 - 29.18.-  
11 213. Land designated for homestead entry is not available for city or  
12 borough selection.

13 (b) The disposal of homestead entry land is subject to local  
14 platting, recording, or subdivision requirements established under  
15 AS 29.33 and AS 40.15.

16 Sec. 38.09.070. REGULATIONS. The commissioner shall adopt  
17 regulations to implement this chapter.

18 Sec. 38.09.900. DEFINITIONS. In this chapter

19 (1) "commissioner" means the commissioner of natural re-  
20 sources;

21 (2) "habitable dwelling" means a dwelling of a permanent  
22 nature, together with fixtures and facilities, including sanitary  
23 facilities, required by law or customary in the vicinity of the land  
24 made available for homestead entry;

25 (3) "permanent dwelling" does not include a mobile home  
26 unless it is placed on and attached to a permanent foundation;

27 (4) "resident" means an individual who has resided in the  
28 state for at least one year, does not claim residence in another  
29 state, and shows by all attending circumstances an intent to make this

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Sponsor: [illegible]

Received [illegible] [illegible]  
[illegible]

- 1 state the individual's permanent residence.
- 2 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-
- 3 10.070(c).