

Offered: 4/14/83  
Referred: Rules

Original sponsors: Uehling, Barnes,  
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1 IN THE HOUSE BY THE FINANCE COMMITTEE  
2 CS FOR HOUSE BILL NO. 130 (Finance)  
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)

12 The commissioner shall classify and make available for homestead entry  
13 state land. State land made available for homestead entry under this  
14 chapter shall be distributed throughout the state.

15 (b) The commissioner shall complete a cadastral survey of home-  
16 stead entry land that establishes a control point at the intersection  
17 of each exterior boundary line of the parcel of state land before  
18 designating the state land for homestead entry.

19 (c) Notice of the designation and offering of land for homestead  
20 entry shall be given by the commissioner under AS 38.05.345.

21 (d) Land designated for homestead entry is not subject to a  
22 preference right under AS 38.05.

23 Sec. 38.09.020. HOMESTEAD ENTRY PERMITS. (a) A homestead entry  
24 permit entitles an applicant to enter land within a designated parcel  
25 and to survey, occupy, and improve the land in order to qualify for a  
26 patent under this chapter.

27 (b) An applicant for a homestead entry permit shall stake the  
28 corners and flag the boundaries of the land entered and shall file  
29 with the commissioner a description of the land entered. A homestead

1 entry may not exceed 10 percent of the total acreage of a parcel of  
2 state land made available for disposal after the effective date of  
3 this Act. A homestead entry shall be described by aliquot parts and  
4 may not be less than 2 1/2 acres or greater than 160 acres.

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 and the boundaries have been flagged;

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 or patents to more  
21 than 160 acres 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;

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

27 (4) to either a member of the immediate family or a grantee  
28 of the applicant in the case of an extreme emergency or illness which  
29 disables the applicant.

1           Sec. 38.09.040. REVOCATION OF ENTRY PERMITS. (a) A homestead  
2 entry permit may be revoked by the commissioner for any substantial  
3 breach of the permit conditions or the requirements of this chapter,  
4 including

5                   (1) an assignment, conveyance, or other transfer of the  
6 permit;

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

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

15                   (4) failure to brush the boundaries of the parcel within 90  
16 days after issuance of the homestead entry permit.

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

21           Sec. 38.09.050. ISSUANCE OF PATENT. (a) The commissioner shall  
22 issue a patent to homestead entry land if the permit holder

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

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

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

1                   (4) brushes the boundaries of the parcel within 90 days  
2 after the issuance of the permit.

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

6                   (c) The commissioner may reserve or exclude from a patent ease-  
7 ments or rights-of-way for roads, trails, registered trap lines,  
8 public access ways, utility corridors, and transportation facilities.

9                   Sec. 38.09.060. MARKING BOUNDARIES. If it is impractical to  
10 brush the boundaries of a homestead entry, an applicant shall flag the  
11 boundaries.

12                   Sec. 38.09.070. PRIORITY OF APPLICATIONS. The commissioner  
13 shall issue a homestead entry permit to the first applicant for land  
14 to comply with AS 38.09.020(b).

15                   Sec. 38.09.080. LAND WITHIN MUNICIPALITIES. (a) Nothing in  
16 this chapter or AS 29.18.201 - 29.18.213 prevents the commissioner  
17 from designating for homestead entry land that would otherwise be  
18 available for borough or city selection under AS 29.18.201 - 29.18.-  
19 213. Land designated for homestead entry is not available for city or  
20 borough selection.

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

24                   Sec. 38.09.090. REGULATIONS. The commissioner shall adopt  
25 regulations to implement this chapter.

26                   Sec. 38.09.900. DEFINITIONS. In this chapter

27                   (1) "brush" means to clear a swath along the boundary lines  
28 of a homestead entry so that the boundary lines may be identified from  
29 the ground;

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

3                   (3) "habitable dwelling" means a dwelling of a permanent  
4 nature, together with fixtures and facilities, including sanitary  
5 facilities, required by law or customary in the vicinity of the land  
6 made available for homestead entry;

7                   (4) "permanent dwelling" does not include a mobile home  
8 unless it is placed on and attached to a permanent foundation;

9                   (5) "registered trap lines" means trap lines registered  
10 under law;

11                   (6) "resident" means an individual who has resided in the  
12 state for one year, does not claim residence in another state, and  
13 shows by all attending circumstances an intent to make this state the  
14 individual's permanent residence.

15       \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
16 10.070(c).