

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) am
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) If a munic-
16 ipality has filed a selection of state lands under AS 29.18.201 -
17 29.18.213 with the commissioner, the state lands selected may not be
18 designated for homestead entry; if the commissioner determines that
19 land selected by a municipality is not available for patent to the
20 municipality under AS 29.18.201 - 29.18.213, the state land is avail-
21 able for designation by the commissioner for homestead entry under
22 AS 38.09.010.

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

26 Sec. 38.09.090. REGULATIONS. The commissioner shall adopt
27 regulations to implement this chapter.

28 Sec. 38.09.900. DEFINITIONS. In this chapter

29 (1) "brush" means to clear a swath along the boundary lines

1 of a homestead entry so that the boundary lines may be identified from
2 the ground;

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

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

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

11 (5) "registered trap lines" means trap lines registered
12 under law;

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

17 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
18 10.070(c).