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1 IN THE HOUSE

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 167

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 director shall classify and make available for homestead entry
13 state land.

14 (b) The director shall complete a cadastral survey of homestead
15 entry land which establishes rectangular survey section corners before
16 making the land available for entry.

17 (c) Notice of the designation and offering of land for homestead
18 entry shall be given by the director under AS 38.05.345. A parcel
19 shall be described by aliquot parts or survey and may not be larger
20 than a quarter section or exceed 160 acres.

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 a person to enter a designated parcel and to survey,
25 occupy, and improve the parcel in order to qualify for a patent under
26 this chapter.

27 (b) An applicant for a homestead entry permit shall stake the
28 corners of the land entered.

29 (c) The director shall issue a homestead entry permit in order

1 of application.

2 (d) An applicant for a homestead entry permit shall

3 (1) submit proof acceptable to the director that the appli-
4 cant is at least 18 years of age and has been a resident of the state
5 for not less than one year immediately before the date of application;

6 (2) pay a fee of \$500;

7 (3) agree to comply with the requirements of AS 38.09.040;

8 (4) certify that the corners of the land entered have been
9 staked.

10 (e) An applicant may not hold more than one homestead entry
11 permit at one time and may not receive a patent to more than 160 acres
12 under this chapter.

13 (f) The permit may not be assigned, conveyed, or in any manner
14 transferred except by testate or intestate succession.

15 Sec. 38.09.030. REVOCATION OF ENTRY PERMITS. (a) A homestead
16 entry permit may be revoked by the director for any substantial breach
17 of the permit conditions or the requirements of this chapter, includ-
18 ing

19 (1) an assignment, conveyance, or other transfer of the
20 permit;

21 (2) failure of the permittee to submit a plat of survey to
22 the director within 18 months after issuance of the permit;

23 (3) failure to erect a dwelling or to clear the land in the
24 time required under AS 38.09.040(a), except that if the director finds
25 that the dwelling or clearing has been nearly completed and progress
26 toward completion is being made at the expiration of the time requir-
27 ed, the director may extend the time required for completion for not
28 more than one year;

29 (4) failure to brush the boundaries of the parcel within

1 one year.

2 (b) Upon revocation of a homestead entry permit, improvements or
3 personal property upon the parcel shall be managed under AS 38.05.090.

4 Sec. 38.09.040. ISSUANCE OF PATENT. (a) The director shall
5 issue a patent to homestead entry land if the permit holder for that
6 parcel

7 (1) resides on the homestead entry land for not less than
8 five months a year for five years;

9 (2) completes an approved survey of the land within 18
10 months after issuance of the permit;

11 (3) erects, within three years after the date of issuance
12 of the homestead entry permit, a habitable, permanent, single-family
13 dwelling on the homestead; for the purposes of this paragraph, a
14 mobile home is not a permanent dwelling unless it is placed on and
15 attached to a permanent foundation;

16 (4) clears five percent of the land within five years after
17 the issuance of the homestead entry permit; for the purposes of this
18 paragraph, land used for improvements is considered to be cleared;

19 (5) brushes the boundaries of the parcel within one year
20 after issuance of the permit.

21 (b) A person who receives a patent under this chapter is enti-
22 tled to the refund of \$400 paid under AS 38.09.020(d)(2).

23 (c) Nothing in this chapter prohibits a homestead entry permit
24 holder from residing in a temporary dwelling on the homestead before
25 erection of the permanent dwelling.

26 (d) The director may reserve from a patent easements for roads,
27 trails, or other purposes determined to be in the best interests of
28 the state.

29 Sec. 38.09.050. LAND WITHIN MUNICIPALITIES. (a) Nothing in

1 this chapter or AS 29.18.201 - 29.18.213 prevents the director from
2 designating for homestead entry land that would otherwise be available
3 for borough or city selection under AS 29.18.201 - 29.18.213. Land
4 designated for homestead entry is not available for city or borough
5 selection.

6 (b) The disposal of homestead entry land is not subject to local
7 platting, recording, or subdivision requirements established under
8 AS 29.33 and AS 40.15 but subsequent subdivision of the land is sub-
9 ject to the requirements.

10 Sec. 38.09.060. REGULATIONS. The commissioner may adopt regula-
11 tions to implement this chapter.

12 Sec. 38.09.900. DEFINITIONS. In this chapter

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

15 (2) - "director" means the director of the division of land
16 and water management in the Department of Natural Resources;

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

21 (4) "resident" means a person who has resided in the state
22 for at least one year, does not claim residence in another state, and
23 shows by all attending circumstances an intent to make this state the
24 person's permanent residence.

25 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
26 10.070(c).