

Introduced: 2/1/83  
Referred: Resources and  
Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2

SENATE BILL NO. 102

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 for agricultural use and make available  
13 for homestead entry state land, in amounts and at times as the direc-  
14 tor may determine under AS 38.05.035.

15

(b) If land designated as homestead entry land has not been sub-  
16 ject to cadastral survey which established rectangular survey section  
17 corners, the director shall complete a cadastral survey which estab-  
18 lishes the section corners.

19

(c) Notice of the designation and offering of land for homestead  
20 entry shall be given by the director under AS 38.05.345. Parcels  
21 shall be described by aliquot parts or survey and may not be larger  
22 than quarter sections.

23

(d) Land designated for homestead entry is not subject to pref-  
24 erence rights under any provisions of AS 38.05.

25

Sec. 38.09.020. HOMESTEAD ENTRY PERMITS. (a) A homestead entry  
26 permit entitles a person to enter onto a designated parcel to survey,  
27 occupy, and improve the parcel in order to qualify for an agricultural  
28 rights patent as provided by this chapter.

29

(b) The director shall issue homestead entry permits either by

1 lottery or in order of application. Simultaneous applications shall  
2 be determined by lottery.

3 (c) An applicant for a homestead entry permit shall

4 (1) submit proof acceptable to the director that he or she  
5 is at least 18 years of age and has been a resident of the state for  
6 not less than one year immediately before the date of his or her ap-  
7 plication;

8 (2) pay a fee of \$500, of which \$400 shall be refunded upon  
9 issuance of patent;

10 (3) agree to comply with the requirements for obtaining an  
11 agricultural rights patent set out in AS 38.09.040.

12 (c) An applicant may not hold more than one homestead entry per-  
13 mit and may not apply for another if he or she has received a patent  
14 under this chapter.

15 (d) The permit may not be assigned, conveyed, or in any manner  
16 transferred, except by testate or intestate succession.

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

21 (1) an attempt by the permittee to assign, convey, or oth-  
22 erwise transfer the permit;

23 (2) failure of the permittee to submit a plat of survey  
24 within 18 months after issuance of the permit;

25 (3) erection of permanent improvements upon the parcel be-  
26 fore timely submittal of a plat of survey;

27 (4) failure to erect a dwelling or to clear the land in the  
28 time required under AS 38.09.040(a), except that if the director finds  
29 that the dwelling or clearing has been nearly completed and progress

1 toward completion is being made at the expiration of the time re-  
2 quired, the time required may be extended for not more than one year;

3 (5) use of the parcel for commercial purposes unless a sub-  
4 stantial portion of the parcel is also used for agricultural purposes.

5 (b) Upon revocation of a homestead entry permit, improvements or  
6 personal property upon the parcel shall be managed in accordance with  
7 AS 38.05.090.

8 Sec. 38.09.040. ISSUANCE OF PATENT. (a) The director shall is-  
9 sue an agricultural rights patent to homestead entry land if the per-  
10 mit holder for that parcel

11 (1) completes an approved survey of the land;

12 (2) erects, within three years after the date of issuance  
13 of the homestead entry permit, a habitable, permanent, single-family  
14 dwelling on the homestead that meets all applicable state and local  
15 regulations; for the purposes of this paragraph, mobile homes are not  
16 considered to be permanent dwellings unless they are placed on and at-  
17 tached to a permanent foundation;

18 (3) clears and either puts into production or prepares for  
19 cultivation 25 percent of the land within five years after the date of  
20 issuance of the homestead entry permit.

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

24 (c) The director may reserve on each agricultural rights patent  
25 such easements for roads, trails, or other purposes as he or she de-  
26 termines to be in the best interests of the state.

27 Sec. 38.09.050. LAND WITHIN MUNICIPALITIES. (a) Land located  
28 within the boundaries of an organized borough or city may not be  
29 designated for homestead entry under this chapter until the proposed

1 use of the land has been studied and approved by the local planning  
2 authority. However, if the local planning authority fails to take  
3 action approving or disapproving the proposed designation within 90  
4 days after it receives written notice of the proposed designation by  
5 the director, the director may designate the land for homestead entry  
6 without local approval.

7 (b) Nothing in this chapter or AS 29.18 prevents the director  
8 from designating for homestead entry land that would otherwise be  
9 available for borough or city selection under AS 29.18.201 -- 29.18.-  
10 213. If designated for homestead entry, the land is not available for  
11 city or borough selection.

12 (c) The disposal of homestead entry land is not subject to local  
13 platting, recording, or subdivision requirements established under  
14 AS 29.33 and AS 40.15, but any subsequent subdivision of the land is  
15 subject to all such requirements.

16 Sec. 38.09.060. REGULATIONS. The commissioner may adopt regu-  
17 lations to implement this chapter.

18 Sec. 38.09.900. DEFINITIONS. In this chapter

19 (1) "commissioner" means the commissioner of the Department  
20 of Natural Resources;

21 (2) "director" means the director of the division of lands  
22 in the Department of Natural Resources;

23 (3) "habitable dwelling" means a dwelling of a permanent  
24 nature, together with fixtures and facilities, including sanitary fa-  
25 cilities, required by law or customary in the vicinity of the land  
26 made available for homestead entry;

27 (4) "resident" means a person who has resided in the state  
28 for at least one year, does not claim residence in another state, and  
29 shows by all attending circumstances that his or her intent is to make

1       this state his or her permanent residence.

2       \* Sec. 2. AS 18.56 is amended by adding a new section to read:

3               Sec. 18.56.102. VETERAN HOMESTEAD ENTRY LOANS. The corporation  
4       may purchase a mortgage loan for the construction of a dwelling by a  
5       veteran on homestead entry land as described in AS 38.09 even if the  
6       corporation has already purchased, under AS 18.56.098, a loan obtained  
7       by the veteran for the purchase, improvement, or rehabilitation of  
8       another residence.

9       \* Sec. 3. This Act takes effect immediately in accordance with AS 01.-  
10    10.070(c).