SENATE BILL NO. 191

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATORS ELIASON, Duncan, Menard

Introduced: 3/13/91
Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

"An Act relating to the homesite entry program; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*** Section 1.** AS 38.08.040(c) is amended to read:

(c) The permit may not be assigned, conveyed, or in any manner transferred except by testate or intestate succession, to a spouse during marriage, by order of a court as part of a divorce **or dissolution of marriage** settlement, or to either a member of the immediate family or a grantee of the applicant in the case of an extreme emergency or illness that disables the applicant. An attempt to assign, convey, [OR IN ANY MANNER] transfer**, or acquire a** [THE] permit except as permitted by this subsection **or by (e) of this section** is void and constitutes a substantial breach of the permit.

*** Sec. 2.** AS 38.08.040(d) is amended to read:

(d) An applicant may apply for more than one available homesite. **Except as provided in (e) of this section,**

(1) a [A] person holding a homesite patent may not apply for a homesite entry

1 permit;

2 (2) [,] a person may not simultaneously hold more than one homesite entry

3 permit; [,] and

4 (3) a person who is a member of the homesite entry permit holder's household

5 may not be issued a homesite entry permit while a member of the homesite entry permit holder's

6 household.

7 * Sec. 3. AS 38.08.040 is amended by adding a new subsection to read:

8 (e) The limitations against applying for or holding a homesite patent or homesite entry

9 permit set out in (c) and (d) of this section do not apply to a homesite patent or homesite entry

10 permit

11 (1) transferred by testate or intestate succession; or

12 (2) transferred with the approval of the director in the case of an extreme

13 emergency involving a person applying for or holding a patent or permit or in the case of an

14 illness that disables the person.

15 * Sec. 4. AS 38.08.060(a) is amended to read:

16 (a) A person who enters upon homesite entry land under a permit issued by the director

17 shall be issued a patent to the land conveying an unencumbered title if that person

18 (1) occupies the land for a cumulative total of 35 months within the seven-year

19 period following issuance of the homesite entry permit;

20 (2) erects a habitable, permanent, single-family dwelling on the homesite, **that**

21 [WHICH] meets all applicable state and local regulations, within five years of the date of

22 issuance of the homesite entry permit; for the purposes of this paragraph, **a** mobile **home is**

23 [HOMES ARE] not considered to be **a** permanent **dwelling** [DWELLINGS] unless **it is** [THEY

24 ARE] placed on **and permanently attached to** a permanent foundation;

25 (3) reimburses the state for the survey and platting undertaken in accordance with

26 this chapter; the director shall provide by regulation for installment payments of this requirement.

27 * Sec. 5. AS 38.08.060(c) is amended to read:

28 (c) **Except as provided in (f) and (g) of this section, a** [A] person

29 (1) may not be issued more than one patent during a lifetime;

30 (2) [, NOR MAY ANY PERSON] who is a member of a patent holder's

31 household **may not** be issued a **permit** [PATENT] while a member of the patent holder's

household.

* **Sec. 6.** AS 38.08.060(d) is amended to read:

(d) If a dwelling is found to have been substantially completed under **AS 38.08.100(1)** [AS 38.08.100], patent shall be issued upon completion of the dwelling **if that completion meets the requirements of AS 38.08.100(2)**, notwithstanding (a)(2) of this section.

* **Sec. 7.** AS 38.08.060 is amended by adding new subsections to read:

(f) Notwithstanding (c) of this section, an applicant who inherits the homesite entry permit of another applicant may

(1) qualify under this section for each homesite entry;

(2) use the efforts of the deceased applicant to qualify for the patent to the inherited entry; and

(3) be issued a patent under this section.

(g) The limitations against applying for or holding a homesite patent or homesite entry permit set out in this section do not apply to a homesite patent or permit

(1) transferred by testate or intestate succession; or

(2) transferred with the approval of the director in the case of an extreme emergency involving a person holding a patent or permit or in the case of an illness that disables the person.

* **Sec. 8.** AS 38.08.100 is amended to read:

Sec. 38.08.100. **REVOCATION OF ENTRY PERMIT** [SUBSTANTIAL COMPLETION OF DWELLING]. **The director may revoke a homesite** [AN] entry permit [MAY NOT BE REVOKED] for failure to

(1) erect a dwelling in the time required under AS 38.08.060(a)(2) **unless** [IF] the director finds that erection of the dwelling has been substantially completed and progress toward completion is being made at the expiration of the time required**; or**

(2) convert a substantially completed dwelling for which an exception has been made under (1) of this section into a habitable permanent dwelling within one year after the deadline set out in AS 38.08.060(a)(2).

* **Sec. 9.** Section 87, ch. 152, SLA 1984 is amended to read:

Sec. 87. For homesite entry permits issued by the commissioner of natural resources under AS 38.08.040 before July 1, 1983, the director

1 (1) may

2 (A) grant the person [MAY BE GRANTED] 10 years to accumulate the

3 35 months of residence required under AS 38.08.060(a)(1);

4 (B) grant the person [AND MAY BE GRANTED] eight years to erect

5 a habitable, permanent, single family dwelling on the homesite as required under

6 AS 38.08.060(a)(2);

7 (2) shall revoke a homestead entry permit for failure

8 (A) to erect a dwelling in the time required by (1)(B) of this section

9 unless the director finds that erection of the dwelling has been substantially

10 completed and progress toward completion is being made at the expiration of the

11 time required;

12 (B) to convert a substantially completed dwelling for which an

13 exception has been made under (1) of this section into a habitable permanent

14 dwelling within one year after the deadline set out in (A) of this paragraph.

15 * **Sec. 10.** The provisions of this Act apply to all homesite entry patents and permits that are in effect

16 as of the effective date of this Act.

17 * **Sec. 11.** This Act takes effect July 1, 1991.