

CS FOR SENATE BILL NO. 191 (JUDICIARY)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 4/15/91
Referred: Rules

Sponsor(s): SENATORS ELIASON, Duncan, Menard

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

14 (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

1 household.

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

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

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

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

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

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

12 (3) be issued a patent under this section.

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

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

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

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

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

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

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

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

30 Sec. 87. For homesite entry permits issued by the commissioner of natural resources
31 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 following sections apply to homesite entry patents and permits that are in effect on
16 the effective date of this Act and to homesite entry permits and patents issued on and after the effective
17 date of this Act:

18 (1) AS 38.08.040(c), amended by sec. 1 of this Act;

19 (2) AS 38.08.040(d), amended by sec. 2 of this Act;

20 (3) AS 38.08.040(e), added by sec. 3 of this Act;

21 (4) AS 38.08.060(a), amended by sec. 5 of this Act; and

22 (5) AS 38.08.060(f) and (g), added by sec. 7 of this Act.

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