

HB

808

House Judiciary Committee
April 12, 1976

The meeting was called to order by Chairman Gardiner at 1:30. Members present were Cotten, Eliason, Parr, Gardiner, Specking and Bradley.

HB 808 HIPPIE HOMESTEAD BILL

HB
808

Oral Freeman, sponsor:

Land should be made available for homesites for Alaskan residents. \$10.00 is to cover paperwork when receive patent.

Mr. Parr moved page 1, line 24, change to read "shall classify and survey"
No objection, adopted.

Mr. Parr moved page 2, line 1 after "years" add "and after paying cost of survey of the land" No objection, adopted.

Mr. Gardiner moved page 3 (D) change to read "agree to pay for land survey made under this subsection." No objection, adopted.

Mr. Cotten moved that page 2-3, change age of majority to 18 years of age. No objection, adopted.

The meeting was adjourned at 3:00 p.m.

39.50.200 (9). Mr. Specking objected. Question : 3-3 so motion failed.

HB 808 HIPPIE HOMESTEAD BILL

HB
808

Oral Freeman, sponsor:

Regarding remarks by Department of Natural Resources:

- 1) A lottery would defeat the purpose of making land available to Alaskan citizens.
- 4) False statements on residency, cancellation should be punishment enough. Burden of proof is on applicant.
- 3) 300 sites on a 2 year cycle. Trial program. Not very many sites. Should be able to do more than 300 sites in 2 years. According to fiscal note, this would be \$2000/site. a bit ridiculous!

Mr. Specking moved that only one permit be issued per household. No objection, adopted.

Page 2, line 5, Change "2" to "2 1/2" No objection, adopted.

Mr. Cotten moved page 3, line 17, add "and conveyed," No objection, adopted.

Mr. Cotten moved on page 2, line 29 to change "seven" to "three" Question: 2-4 so failed.

Mr. Parr moved to change (2) on page 2 so that DNR does not have an out to do nothing. Suggests that perhaps should be on a rotating basis of Judicial districts. Question: 4-1 so adopted.

Mr. Cotten moved that publication should be at least 3 times. Page 2 (3). No objection, adopted.

The meeting was adjourned at 9:55.

House Judiciary Committee
April 17, 1976

The meeting was called to order by Chairman Gardiner at 9:00 a.m. Present were Brown, Cotten, Specking, Bradley and Gardiner.

SB 696 TELECOMMUNICATIONS

SB
696

George Shaganaw, GOT:
Larry Golden:

Groups other than government should have access to the use of the transponder when not being used otherwise.

Shaganaw: we are not ready for use by public.

Village sites shall be chosen on bases of criteria, not political whim, be AFN.

Mr. Bradley moved to adopt Eric Eckholm's new language for Senate HESS letter of intent.

Mr. Brown moved to change "stations" to "facilities" in proposed change. No objection, adopted.

Senate HESS letter of intent with changes adopted.

Mr. Specking moved to include \$150,000 for public radio network. No objection, adopted.

Mr. Bradley moved HCS out of committee with letter of intent.

SB 484 ABANDONED MOTOR VEHICLES

SB
484

Page 3, lind 16: Mr. Brown moved to change "disposal" to "sale or relinquishment". Question 3-1 so adopted.

Mr. Specking moved that in order to be eligible, the tower must be certified. Withdrawn.

Mr. Brown moved HCS out of committee. No objection,so ordered.

HB 808 HIPPIE HOMESTEAD BILL

HB
808

Mr. Specking concerned that trailer owners are being discriminated against.

Mr. Specking requested standards in a letter of intent. No objection, so ordered.

TERM SPECIAL USE PERMIT

Act of March 4, 1915, as amended July 28, 1956,
or Act of March 30, 1948
(Ref. FSM 2710)

a. Record no. (1-2) <p style="text-align: center;">70</p>	b. Region (3-4) <p style="text-align: center;">---</p>	c. Forest (5-6) <p style="text-align: center;">---</p>
d. District (7-8) <p style="text-align: center;">---</p>	e. User number (9-12) <p style="text-align: center;">-----</p>	f. Kind of use (13-15) <p style="text-align: center;">---</p>
g. State (16-17) <p style="text-align: center;">---</p>	h. County (18-20) <p style="text-align: center;">---</p>	k. Card no. (21) <p style="text-align: center;">1</p>

Permission is hereby granted to _____

of _____
hereinafter called the permittee, to use subject to the conditions set out below, the following described lands or improvements for the period of _____ years from the date thereof:

This permit covers _____ acres and is issued for the purpose of:

1. Construction or occupancy and use under this permit shall begin within _____ months, and construction, if any, shall be completed within _____ months, from the date of the permit. This use shall be actually exercised at least _____ days each year, unless otherwise authorized in writing.

2. In consideration for this use, the permittee shall pay to the Forest Service, U.S. Department of Agriculture, the sum of _____ Dollars (\$ _____) for the period from _____ 19____, to _____, 19____, and thereafter annually on _____ Dollars (\$ _____):

Provided, however, That the charges for this use shall be readjusted as of, and effective on, the beginning of each 5-year period from the due date of the first annual payment in order to place the charges on a basis commensurate with the value of use authorized by this permit.

3. This permit is accepted subject to the conditions set forth herein, and to conditions _____ to _____ attached hereto and made a part of this permit.

PERMITTEE	NAME OF PERMITTEE	SIGNATURE OF AUTHORIZED OFFICER	DATE
		TITLE	
ISSUING OFFICER	NAME AND SIGNATURE	TITLE	DATE

4. Development plans; lay-out plans; construction, reconstruction, or alteration of improvements; or revision of lay-out or construction plans for this area must be approved in advance and in writing by the forest supervisor. Trees or shrubbery on the permitted area may be removed or destroyed only after the forest officer in charge has approved, and has marked or otherwise designated that which may be removed or destroyed. Timber cut or destroyed will be paid for by the permittee as follows: Merchantable timber at appraised value; young-growth timber below merchantable size at current damage appraisal value; provided that the Forest Service reserves the right to dispose of the merchantable timber to others than the permittee at no stumpage cost to the permittee. Trees, shrubs, and other plants may be planted in such manner and in such places about the premises as may be approved by the forest officer in charge.

5. The permittee shall maintain the improvements and premises to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the forest officer in charge.

6. This permit is subject to all valid claims.

7. The permittee, in exercising the privileges granted by this permit, shall comply with the regulations of the Department of Agriculture and all Federal, State, county, and municipal laws, ordinances, or regulations which are applicable to the area or operations covered by this permit.

8. The permittee shall take all reasonable precaution to prevent and suppress forest fires. No material shall be disposed of by burning in open fires during the closed season established by law or regulation without a written permit from the forest officer in charge or his authorized agent.

9. The permittee shall exercise diligence in protecting from damage the land and property of the United States covered by and used in connection with this permit, and shall pay the United States for any damage resulting from negligence or from the violation of the terms of this permit or of any law or regulation applicable to the national forests by the permittee, or by any agents or employees of the permittee acting within the scope of their agency or employment.

10. The permittee shall fully repair all damage, other than ordinary wear and tear, to national forest roads and trails caused by the permittee in the exercise of the privilege granted by this permit.

11. No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this agreement or to any benefit that may arise herefrom unless it is made with a corporation for its general benefit.

12. Except as provided in Clause 16 below, upon abandonment, termination, revocation, or cancellation of this permit, the permittee shall remove within a reasonable time all structures and improvements except those owned by the United States, and shall restore the site, unless otherwise agreed upon in writing or in this permit. If the permittee fails to remove all such structures or improvements within a reasonable period, they shall become the property of the United States, but that will not relieve the permittee of liability for the cost of their removal and the restoration of the site.

13. This permit is not transferable. If the permittee through voluntary sale or transfer, or through enforcement of contract, foreclosure, tax sale, or other valid legal proceeding shall cease to be the owner of the physical improvements other than those owned by the United States situated on the land described in this permit and is unable to furnish adequate proof of ability to redeem or otherwise reestablish title to said improvements, this permit shall be subject to cancellation. But if the person to whom title to said improvements shall have been transferred in either manner above provided is qualified as a permittee, and is willing that his future occupancy of the premises shall be subject to such new conditions and stipulations as existing or prospective circumstances may warrant, his continued occupancy of the premises will be authorized by a permit to him, which may be for the unexpired term of this permit or for such new period as the circumstances justify.

14. The permittee may sublease the use of land and improvements covered under this permit and the operation of concessions and facilities authorized; Provided the express written permission of the Forest Supervisor has been secured. The permittee shall continue to be responsible for compliance with all conditions of this permit by persons to whom such premises may be sublet.

15. This permit may be revoked upon breach of any of the conditions herein.

16. If during the term of this permit or any extension thereof, the Secretary of Agriculture or any official of the Forest Service acting by or under his authority shall determine that the public interest requires termination of this permit, this permit shall terminate upon thirty days' written notice to the permittee of such determination, and the United States shall have the right thereupon to purchase the permittee's improvements, to remove them, or to require the permittee to remove them, at the option of the United States, and the United States shall be obligated to pay an equitable consideration for the improvements or for removal of the improvements and damages to the improvements resulting from their removal. The amount of the consideration shall be fixed by mutual agreement between the United States and the permittee and shall be accepted by the permittee in full satisfaction of all claims against the United States under this clause; *Provided*, That if mutual agreement is not reached, the Forest Service shall determine the amount and if the permittee is dissatisfied with the amount thus determined to be due him he may appeal the determination in accordance with the Appeal Regulation (36 C.F.R. 211.20 - 211.37) and the amount as determined on appeal shall be final and conclusive on the parties hereto; *Provided further*, That upon the payment to the permittee of 75% of the amount fixed by the Forest Service, the right of the United States to remove or require the removal of the improvements shall not be stayed pending final decision on appeal.

17. The permittee agrees that the amount which the United States shall be required to pay for improvements in accordance with Clause 16 shall in no event exceed \$ _____, and that this instrument may be introduced in any judicial proceedings for the acquisition of such improvements by the United States as the stipulation of the permittee and the United States with regard to the maximum amount which the United States shall be required to pay for the taking thereof.

18. In case of change of address the permittee shall immediately notify the forest supervisor.

19. In the event of any conflict between any of the preceding printed clauses or any provision thereof and any of the following clauses or any provisions thereof, the following clauses will control.

SPECIAL USE PERMIT

Act of June 4, 1897
This permit is revocable and nontransferable
(Ref. FSM 2710)

a. Record no. (1-2)	b. Region (3-4)	c. Forest (5-6)
70 --	--	--
d. District (7-8)	e. User number (9-12)	f. Kind of use (13-15)
--	----	----
g. State (16-17)	h. County (18-20)	k. Card no. (21)
--	---	1 -

Permission is hereby granted to _____

of _____
hereinafter called the permittee, to use subject to the conditions set out below, the following described lands or improvements:

This permit covers _____ acres and/or _____ miles and is issued for the purpose of:

1. Construction or occupancy and use under this permit shall begin within _____ months, and construction, if any, shall be completed within _____ months, from the date of the permit. This use shall be actually exercised at least _____ days each year, unless otherwise authorized in writing.

2. In consideration for this use, the permittee shall pay to the Forest Service, U.S. Department of Agriculture, the sum of _____ Dollars (\$ _____) for the period from _____ 19____, to _____, 19____, and thereafter annually on _____ Dollars (\$ _____):

Provided, however, Charges for this use may be made or readjusted whenever necessary to place the charges on a basis commensurate with the value of use authorized by this permit.

3. This permit is accepted subject to the conditions set forth herein, and to conditions _____ to _____ attached hereto and made a part of this permit.

PERMITTEE	NAME OF PERMITTEE	SIGNATURE OF AUTHORIZED OFFICER	DATE
		TITLE	
ISSUING OFFICER	NAME AND SIGNATURE	TITLE	DATE

4. Development plans; layout plans; construction, reconstruction, or alteration of improvements; or revision of layout or construction plans for this area must be approved in advance and in writing by the forest supervisor. Trees or shrubbery on the permitted area may be removed or destroyed only after the forest officer in charge has approved, and has marked or otherwise designated that which may be removed or destroyed. Timber cut or destroyed will be paid for by the permittee as follows: Merchantable timber at appraised value; young-growth timber below merchantable size at current damage appraisal value; *provided* that the Forest Service reserves the right to dispose of the merchantable timber to others than the permittee at no stumpage cost to the permittee. Trees, shrubs, and other plants may be planted in such manner and in such places about the premises as may be approved by the forest officer in charge.

5. The permittee shall maintain the improvements and premises to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the forest officer in charge.

6. This permit is subject to all valid claims.

7. The permittee, in exercising the privileges granted by this permit, shall comply with the regulations of the Department of Agriculture and all Federal, State, county, and municipal laws, ordinances, or regulations which are applicable to the area or operations covered by this permit.

8. The permittee shall take all reasonable precautions to prevent and suppress forest fires. No material shall be disposed of by burning in open fires during the closed season established by law or regulation without a written permit from the forest officer in charge or his authorized agent.

9. The permittee shall exercise diligence in protecting from damage the land and property of the United States covered by and used in connection with this permit, and shall pay the United States for any damage resulting from negligence or from the violation of the terms of this permit or of any law or regulation applicable to the National Forests by the permittee, or by any agents or employees of the permittee acting within the scope of their agency or employment.

10. The permittee shall fully repair all damage, other than ordinary wear and tear, to national forest roads and trails caused by the permittee in the exercise of the privilege granted by this permit.

11. No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this agreement or to any benefit that may arise herefrom unless it is made with a corporation for its general benefit.

12. Upon abandonment, termination, revocation, or cancellation of this permit, the permittee shall remove within a reasonable time all structures and improvements except those owned by the United States, and shall restore the site, unless otherwise agreed upon in writing or in this permit. If the permittee fails to remove all such structures or improvements within a reasonable period, they shall become the property of the United States, but that will not relieve the permittee of liability for the cost of their removal and restoration of the site.

13. This permit is not transferable. If the permittee through voluntary sale or transfer, or through enforcement of contract, foreclosure, tax sale, or other valid legal proceeding shall cease to be the owner of the physical improvements other than those owned by the United States situated on the land described in this permit and is unable to furnish adequate proof of ability to redeem or otherwise reestablish title to said improvements, this permit shall be subject to cancellation. But if the person to whom title to said improvements shall have been transferred in either manner provided is qualified as a permittee and is willing that his future occupancy of the premises shall be subject to such new conditions and stipulations as existing or prospective circumstances may warrant, his continued occupancy of the premises may be authorized by permit to him if, in the opinion of the issuing officer or his successor, issuance of a permit is desirable and in the public interest.

14. In case of change of address, the permittee shall immediately notify the forest supervisor.

15. The temporary use and occupancy of the premises and improvements herein described may be sublet by the permittee to third parties only with the prior written approval of the forest supervisor but the permittee shall continue to be responsible for compliance with all conditions of this permit by persons to whom such premises may be sublet.

16. This permit may be terminated upon breach of any of the conditions herein or at the discretion of the regional forester or the Chief, Forest Service.

17. In the event of any conflict between any of the preceding printed clauses or any provisions thereof and any of the following clauses or any provisions thereof, the following clauses will control

TITLE 2700 - LAND USES MANAGEMENT

2713 - POLICIES APPLICABLE TO INDIVIDUAL USES50 - Residence

Other than Recreation. Residence, for other than recreation purposes, may be permitted in isolated locations when needed for the exercise of legitimate use of the Forest or adjacent areas. In addition, old settlers who formerly made their living from use of the National Forest or adjacent areas in the locality applied for, and have no other homes, may be granted residence permits. Residence areas for group occupancy will be approved by the Regional Forester. All residence use shall be located where there will be no conflict with present or planned recreational development or with other resource use.

Authorization for such residence use will be on an annual permit basis without promise of elimination. Individual permits within approved group areas will be issued by the Forest Supervisor. Residence permits may not be granted for sites within designated or anticipated roadside, waterfront, or other near-natural zones.

Residence permits issued under this policy are intended for use as a headquarters for the permittee during the entire year. (See FSH 2713, Item No. 9.)

Recreation and Year-long.g. Sample Specifications for Development of Recreation Residence Sites

(3) Building Materials. In approving construction of recreation or yearlong residence, there is no obligation to accept building materials simply because they are cheaper or more convenient for the permittee. However, as stated in FSH 2315, "There is no prejudice against the use of any durable building material which can be applied or adapted to meet the principles of design." On the other hand, caution must be exercised to avoid emphasizing durability at the expense of appearance

The following materials are approved for use in Region 10 under the circumstances specified:

(a) Foundations. Full Cell treated timbers may be used for foundation material in areas where it is impractical to transport materials for concrete or masonry foundations, and if the design accomplishes the objectives of FSH 2713 and 2315.24 for foundations. Construction using treated timbers must meet proper engineering

TITLE 2700 - LAND USES MANAGEMENT

standards. Adequate footings and bracing for piers will be required. Clearance between bottom of floor joints and the ground level shall not be less than 18 inches as specified in FSH 2713.

*-Cedar or hemlock piling 12" or more in diameter may be used for foundation material when treated with wood preservative and anchored below the frost line.

Untreated timbers may be used for foundation material for hunters' cabins authorized under the provisions of FSH 2713, if approved by Forest Supervisors.-*

(b) Roofing. The only metal roofing authorized for residences is embossed brown or green enameled aluminum with a minimum thickness of .024 inches. It must meet or exceed the standards for roofing specified for Region 10 A-frame cabins. Use of *-unpainted-* aluminum roofing for residences will be permitted only in remote locations where *-the buildings are not visible from the water.-* One type of rolled roofing will be permissible only for residences in remote locations or for hunter cabins. This is two-ply, 19-inch selvage edge, 17-inch mineral surfaced, rolled roofing, 60-pound weight, in acceptable colors.

Composition shingles are approved for use in all situations. They should be asphalt tab strip shingles of acceptable colors (see FSH 2315.23) with a minimum weight of 168 pounds per square.

(c) Chimneys and Fireplaces. Metal, factory-built chimneys, roofjacks, and/or fireplaces may be approved provided they meet Underwriter's Laboratory standards and are properly installed. However, if stone, brick, or concrete chimneys and fireplaces are permitted, adequate foundations must be required.

Original sponsors: Freeman, Anderson,
H. Beirne, et al

Offered: 4/6/76
Referred: Judiciary

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 808

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing state land to be made available a
7 homesites."

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

9 * Section 1. PURPOSE OF ACT. The longstanding policy of the state, de-
10 clared in the Constitution of the State of Alaska (art. VIII, sec. 1) and t.
11 Alaska Land Act (AS 38.05.350), has been to encourage the settlement of the
12 state's land and the development of its resources by making them available
13 for maximum use consistent with the public interest. In authorizing the
14 classification of land for settlement as homesites, this Act is intended to
15 further that policy explicitly, by recognizing that the immediate production
16 of revenues to the state through the auction of land to the highest bidder,
17 virtually the only method by which state land has been made available to the
18 public for residential use, is secondary in importance to the primary, and
19 ultimately more beneficial and productive goal, of providing land for Alaska
20 to settle at a cost reasonably within their means, and that the highest and
21 best use of some land may clearly be for habitation.

22 * Sec. 2. AS 38.05 is amended by adding a new section to read:

23 Sec. 38.05.327. CLASSIFICATION OF LAND FOR HOMESITE ENTRY. (a)
24 The director ^{shall} ~~may~~ classify ^{and survey} ~~for~~ homesite entry state land which is other-
25 wise vacant, unappropriated and unreserved and is suitable for erection
26 of a residential dwelling to use as a permanent abode. A person quali-
27 fied under law to acquire state land may enter upon homesite entry land
28 under a permit issued by the director and, after occupying the land in
29 habitable dwelling for a period of not less than seven months each year

for three consecutive years, ^{and after paying for the ~~entry~~ ^{cost of the} survey of the} he shall be issued a patent to the land ^{land} conveying an unencumbered title. Entry and patent under this section are subject to the following conditions and procedures:

(1) Homesite entry land shall be divided into parcels not exceeding two ^{one half} acres, in reasonably compact form.

(2) As far as feasible, offerings of homesite entry land shall be made on a rotating regional basis, ^{among the judicial districts of} and at a rate consistent with ^{the state} the planning processes of the division and taking into account other statutory responsibilities of the division.

^{3 publications} (3) Following classification of land for homesite entry, the director shall publish notice of the availability of the land in at least three newspapers of general circulation in the state, at least one of which, if possible shall be a newspaper of general circulation in the vicinity of the available lands.

(4) Fees for filing an application may not exceed \$10. An applicant may apply for more than one available homesite but, no applicant may be issued more than one homesite entry permit or patent during the lifetime of the applicant.

(5) If the number of applicants qualified for homesite entry exceeds the number of available homesites offered, or if several applicants apply and qualify for the same homesite, priority in award of an entry permit shall be accorded on the basis of proof of length of residence within the state and to an applicant who, at the time of application, holds no title to, or interest, other than as a tenant for a limited term, in a dwelling suitable as a permanent place of abode (including but not limited to a mobile home irrespective of whether or not it is attached to land or connected to utilities).

(6) To qualify for homesite entry, an applicant shall

(A) at the time of application have attained the legal

1 age of ^{18 years} majority as provided in AS 25.25.010;

2 (B) submit proof of not less than three years' contin-
3 uous residence in the state immediately preceding the date his
4 application was submitted;

5 *Place in a different section* (C) within a period of time determined to be reasonable
6 by the director, erect the habitable dwelling;

7 (D) agree to ^{pay for} have a land survey ^{required under this sub-} made which is approved ^{section}
8 by the director and is made at the applicant's expense; and

9 (E) agree to occupy the habitable dwelling for the re-
10 quired time as provided in this subsection.

11 (b) An applicant satisfying the requirements for homesite entry
12 under this section shall be issued a revocable permit to occupy and im-
13 prove the homesite for patent as provided in this section. The appli-
14 cation fee is the sole rent chargeable on the permit for its duration.
15 The permit may not be revoked except for substantial breach of the terms
16 and conditions of the homesite entry under (a) of this section. The
17 permit may not be assigned, ^{convoid} or otherwise transferred, but rights under
18 the permit may devolve by testate or intestate succession. An attempt
19 to assign, ^{convoid} or to otherwise transfer the permit, is void and constitutes
20 a substantial breach.

21 (c) Upon revocation and termination of a permit, improvements or
22 chattels upon the homesite shall be managed, and subsequent issuance of
23 a permit for entry on the homesite shall be conditioned, in the same
24 manner as provided in sec. 90 of this chapter for removal or reversion
25 of improvements upon termination of leases of state land.

26 (d) No state land which is located within the boundaries of an
27 organized borough or city may be classified for homesite entry under
28 this section until the proposed use of the land has been studied and
29 reviewed jointly by the director and the local planning authority.

1 Nothing in this section or AS 29.18.190 prevents the director from
2 selecting and classifying for homesite entry land which would otherwise
3 be available for borough or city selection under AS 29.18.190. If clas-
4 sified for homesite entry, the land shall not be available for city or
5 borough selection.

6 (e) Nothing in this section obligates the state to provide ser-
7 vices to lands which are the subject of homesite entry and patent.

8 (f) In this section "habitable dwelling" means a dwelling of a
9 permanent nature, together with fixtures and facilities, including
10 sanitary facilities, required or customary in the vicinity of the land
11 made available for homesite entry. The commissioner by regulation shall
12 establish reasonable requirements to satisfy the standard of a habitable
13 dwelling set out in this subsection.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

4-17-76

Fast home site building requirements
Letter of intent
Proslgate regulations

Multifaseted program
this is not to be insted of other programs

These standards are not to make it
unreasonable language

4-7151 Ken Mitchell

Spicific to regional areas

Standards for different uses -

Recreation Residence

Should waterfront property be limited to 400 ft.

Carrying is a problem. Should it not be done before moving on land. Should state pay that.

Page 1 line 24 put in committee report that there shall be a reasonable amount of land not all land.

Department must do this

$$\begin{array}{r} 2 \\ 2.25 \overline{) 450} \\ \underline{450} \\ 0 \end{array}$$

4-14-76

limit it one permit per household

lined should be 2 1/2 acres rather than 2

have to live on land for 7 months