



Original sponsors: Uehling, Barnes,  
Cowdery, et al

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 130 (Finance)

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 commissioner shall classify and make available for homestead entry  
13 state land. State land made available for homestead entry under this  
14 chapter shall be distributed throughout the state.

15 (b) The commissioner shall complete a cadastral survey of home-  
16 stead entry land that establishes a control point at the intersection  
17 of each exterior boundary line of the parcel of state land before  
18 designating the state land for homestead entry.

19 (c) Notice of the designation and offering of land for homestead  
20 entry shall be given by the commissioner under AS 38.05.345.

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

27 (b) An applicant for a homestead entry permit shall stake the  
28 corners and flag the boundaries of the land entered and shall file  
29 with the commissioner a description of the land entered. A homestead

1 entry may not exceed 10 percent of the total acreage of a parcel of  
2 state land made available for disposal after the effective date of  
3 this Act. A homestead entry shall be described by aliquot parts and  
4 may not be less than 2 1/2 acres or greater than 160 acres.

5 Sec. 38.09.030. QUALIFICATION FOR HOMESTEAD ENTRY. (a) An  
6 applicant for a homestead entry permit shall

7 (1) submit proof acceptable to the commissioner that the  
8 applicant is at least 18 years of age and has been a resident of the  
9 state for not less than one year immediately before the date of appli-  
10 cation;

11 (2) pay a fee of \$5 per acre according to the description  
12 provided by the applicant;

13 (3) agree to comply with the requirements of AS 38.09.050;

14 (4) certify that the corners of the land entered have been  
15 staked and the boundaries have been flagged;

16 (5) assume full responsibility for the accuracy of the  
17 description of the land filed with the commissioner under AS 38.09.-  
18 020(b).

19 (b) An applicant may not hold more than one homestead entry  
20 permit at one time and may not receive a patent or patents to more  
21 than 160 acres under this chapter.

22 (c) The homestead entry permit may not be assigned, conveyed, or  
23 in any manner transferred except

24 (1) by testate or intestate succession;

25 (2) to a spouse during marriage;

26 (3) by order of a court as part of a divorce settlement;

27 (4) to either a member of the immediate family or a grantee  
28 of the applicant in the case of an extreme emergency or illness which  
29 disables the applicant.

1           Sec. 38.09.040. REVOCATION OF ENTRY PERMITS. (a) A homestead  
2 entry permit may be revoked by the commissioner for any substantial  
3 breach of the permit conditions or the requirements of this chapter,  
4 including

5           (1) an assignment, conveyance, or other transfer of the  
6 permit;

7           (2) failure of the permit holder to submit a plat of survey  
8 to the commissioner within two years after the issuance of the permit;

9           (3) failure of the permit holder to erect a dwelling in the  
10 time required under AS 38.09.050(a), except that if the commissioner  
11 finds that the dwelling has been nearly completed and progress toward  
12 completion is being made at the expiration of the time required, the  
13 commissioner may extend the time required for completion for not more  
14 than one year;

15           (4) failure to brush the boundaries of the parcel within 90  
16 days after issuance of the homestead entry permit.

17           (b) Upon revocation of a homestead entry permit, improvements or  
18 personal property upon the parcel shall be managed under AS 38.05.090  
19 and the state land remains available for homestead entry under this  
20 chapter.

21           Sec. 38.09.050. ISSUANCE OF PATENT. (a) The commissioner shall  
22 issue a patent to homestead entry land if the permit holder

23           (1) resides and lives on the homestead entry land for not  
24 less than 25 months within five years after the issuance of the home-  
25 stead entry permit;

26           (2) completes an approved survey of the land within two  
27 years after the issuance of the permit;

28           (3) erects a habitable, permanent dwelling on the homestead  
29 within three years after the issuance of the homestead entry permit;

1 (4) brushes the boundaries of the parcel within 90 days  
2 after the issuance of the permit.

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

6 (c) The commissioner may reserve or exclude from a patent ease-  
7 ments or rights-of-way for roads, trails, registered trap lines,  
8 public access ways, utility corridors, and transportation facilities.

9 Sec. 38.09.060. MARKING BOUNDARIES. If it is impractical to  
10 brush the boundaries of a homestead entry, an applicant shall flag the  
11 boundaries.

12 Sec. 38.09.070. PRIORITY OF APPLICATIONS. The commissioner  
13 shall issue a homestead entry permit to the first applicant for land  
14 to comply with AS 38.09.020(b).

15 Sec. 38.09.080. LAND WITHIN MUNICIPALITIES. (a) Nothing in  
16 this chapter or AS 29.18.201 - 29.18.213 prevents the commissioner  
17 from designating for homestead entry land that would otherwise be  
18 available for borough or city selection under AS 29.18.201 - 29.18.-  
19 213. Land designated for homestead entry is not available for city or  
20 borough selection.

21 (b) The disposal of homestead entry land is subject to local  
22 platting, recording, or subdivision requirements established under  
23 AS 29.33 and AS 40.15.

24 Sec. 38.09.090. REGULATIONS. The commissioner shall adopt  
25 regulations to implement this chapter.

26 Sec. 38.09.900. DEFINITIONS. In this chapter

27 (1) "brush" means to clear a swath along the boundary lines  
28 of a homestead entry so that the boundary lines may be identified from  
29 the ground;

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

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

7 (4) "permanent dwelling" does not include a mobile home  
8 unless it is placed on and attached to a permanent foundation;

9 (5) "registered trap lines" means trap lines registered  
10 under law;

11 (6) "resident" means an individual who has resided in the  
12 state for one year, does not claim residence in another state, and  
13 shows by all attending circumstances an intent to make this state the  
14 individual's permanent residence.

15 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
16 10.079(c).

LETTER OF INTENT

FOR

CSHB 130 (Fin):

The issues surrounding the subject of homesteading are varied and often complex, therefore as both a courtesy and method of clarification the following information is being offered regarding CSHB 130 (Fin).

It is the intent of the Legislature that the Department of Natural Resources make state land available to qualified, willing Alaskans who can, through their efforts and initiative, enter into and settle upon the land as addressed in Article VIII, Section 1 of our state constitution.

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ARTICLE VIII  
NATURAL RESOURCES

SECTION 1. It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest. (emphasis added)

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It is further intended that:

- \* Alaskan residents be able to own up to 160 acres of land after meeting the basic homestead requirements stipulated in CSHB 130 (Fin), and furthermore, that all rights to that land which the State has the authority to dispose of, including gravel and other attending surface rights, shall be conveyed with patent.
- \* the amount of land classified and made available for home-stead entry should be equal to or greater than the amount of land offered through any other state land disposal program.
- \* state land of good quality be made available in reasonable quantities and offered throughout the state on a continuing basis for homestead entry.
- \* present land classifications should not eliminate the possible use of any state land for homesteading purposes, and furthermore, the need to provide quality land to citizens for settlement is recognized as a legitimate and vital use of a natural resource.

- \* residents who stake this land be responsible for the selection and description of the parcels they choose.
- \* the location of parcels offered by the Department of Natural Resources be such that practical and reasonable access by traditional methods is possible by citizens participating in the homestead program.
- \* the public be adequately informed of the regulatory requirements promulgated by the Department of Natural Resources, including an explanation of the criteria for describing the homestead entry land, so as to facilitate the homesteading process and eliminate as much as possible the potential for staking conflicts.
- \* necessary easements be reserved from patents to provide adequate and reasonable public access to both homestead selection and the surrounding land and waters.

Respectfully Submitted,

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Al Adams, Chairman  
House Finance Committee

al

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: CSHB 130 Date on Bill: 24 March 1983  
Title: An act relating to homesteads  
Sponsor: Uehling  
Requestor: Resources Committee

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital	-0-	-0-	-0-	-0-
Operating	-0-	-0-	-0-	-0-
Total	-0-	-0-	-0-	-0-

b. Revenues:

REVENUE	-0-	-0-	-0-
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2. Source of funds to offset fiscal impact of bill:

Existing program budget for land offering program.

3. Assumptions:

Given the anticipated high cost of implementing and administering this program, due to potential difficulties with adjudication and inspection of staking programs, the Department's other land offering programs will be reduced.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Ned Farguher Phone: 465-2400  
Division: Commissioner's Office Date: 28 March 1983  
Approved by Commissioner: Patricia D Arnold, Deputy Date: 28 March 1983  
Department: Natural Resources

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

## Summary of Teleconference - House Resources

Topic: Homesteading

March 3, 1983

### Homesteading in General

Nearly all participants enthusiastically supported the concept of a homestead program. The overriding reason seems to be in keeping with the Article VIII, Sec. 1 & 2 of our Constitution:

#### ARTICLE VIII NATURAL RESOURCES

SECTION 1. It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

SECTION 2. The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

In short, participants seem to agree that Alaskan residents should have the opportunity to own land and determine for themselves what the use and lifestyle is appropriate on that land.

### Stipulations

Overall, the testimony seemed to indicate that 160 acres was an acceptable parcel size, and that a reasonable portion of that acreage should be cleared.

- a) SURVEYING - Yes, an accurate survey should be required, but it should not cost prohibitive. State funded surveys for major control points such as section corners would help reduce costs. Also, either loans, or additional time to complete survey requirements would help.
- b) HABITABLE DWELLING - Yes, a permanent habitable dwelling should be required.
- c) ACCESS - This topic of discussion came up repeatedly. First, their needs to be accessible to homesteads via rights-of-way preferably along section lines. Secondly, homesteads should not block public

Other Suggestions:

- a) SPECIAL EXCEPTIONS - One participant raised the issue of handicapped residents who may need special provisions to compete in the program. Veteran benefits were also cited by this individual.
- b) TRADITIONAL ACCESS - Trails, traplines and traditional routes of access should be maintained if at all possible.
- c) RESIDENCY - Most participants support the 1 year residency requirement, however, some felt that a longer term should be required (Constitutionally that would present the district possibility of a court challenge).
- d) ABANDONED ENTRIES - Should revert back to the state.
- e) MUNICIPAL CONSIDERATIONS - Should meet local municipal requirements for zoning and platting.
- f) SUBDIVIDING - It was suggested that a turn limit be set before sale or subdividing can occur.
- g) ADDITIONAL OCCUPANCY TIME - Two participants felt that homesteaders should live the greater portion of at least one year out of the total required on the homestead entry.
- h) SPOUSES - One person suggested that marriage should not prohibit two individuals from each filing separate homesteads.

### CSHB 130 Summary

- A. The nature of the patents issued.

CSHB 130 grants patent under sec. 50, by implication without minerals.

- B. The amounts of land available.

CSHB 130 limits a homestead entry to a minimum of 40 acres and a maximum of 160 acres. Sec. 020 (b).

- C. Responsibilities of the Commissioner.

CSHB 130 requires the commissioner to classify and make state land available for homestead entry. The commissioner shall complete a "cadastral survey of homestead entry land" before making the land available. Parcels shall be described by aliquot parts or survey.

- D. Qualifications of the applicant at application.

CSHB 130 requires that the applicant be 18 years of age and a one-year resident of the state before application.

CSHB 130 requires an applicant not hold more than one permit at a time or receive more than 160 acres under this program. Sec. 30(b).

- E. Requirements of the entryman before patent.

CSHB 130 requires the applicant, within five years of the issuance of the entry permit, to occupy the land for not less than 25 months within the five years, erect a habitable, permanent dwelling, brush the boundaries within 30 days of the issuance of the permit. Sec. 40(a).

- F. Conditions disabling an applicant from patent.

CSHB 130 permits revocation of an entry permit for "Substantial breach of the permit conditions or the requirements of this chapter." The requirements of the chapter (sec. 40) prohibit transfer of the permit, failure to submit a plat of survey within 24 months of the issuance of the permit, failure to erect a dwelling within three years of the issuance of the permit, and failure to brush the boundaries within 30 days of the issuance of the permit.

- G. Restrictions on the land or the patentee after patent.

CSHB 130 permits the director to reserve from the patent easements for roads, trails, or other purposes determined to be in the best interest of the state.

H. Definition of the required dwelling.

Sectional Analysis

CSHB 130

Section 1 establishes a new chapter AS 38.09, a Homestead Act.

Within the chapter, sec. 10(a) directs the director to classify and make land available for homestead entry. Sec. 10(b) requires the director to complete a cadastral survey before making the land available for entry. The land will be described by aliquot parts, sections, or survey. Notice of the availability of the land will be given under the general notice section, AS 38.05.345.

Under sec. 10(d), the disposals of the land are not subject to AS 38.05 preferences, e.g., resident discounts and veteran preferences.

Sec. 20 describes the entry permits. Under sec. 20(a), a homestead entry permit entitles a person to do those acts which qualify the person for a homestead patent.

— Sec. 20(b) requires a staking of the corners of the land entered.

Sec. 20(c) requires the director to issue permits in the order of application. Section 30(a) requires an applicant to indicate age and residence in the state as suggested above. It requires a payment of a \$5/acre application fee. An applicant agrees to comply with the requirements of sec. 50 conditions for the issuance of patent. The applicant certifies that the corners have been staked:

Sec. 30(b) limits an applicant to one permit at a time and a lifetime limit of 160 acres.

Sec. 30(c) provides that the permit may not be transferred except by testate or intestate succession.

Sec. 40 permits revocation of a permit for the violation of a permit condition or for a requirement of the chapter, including a transfer of the permit, for the failure of the permittee to brush the boundaries of the parcel within 30 days, or failure of the permittee to erect a dwelling within three years. The director may extend the time of the requirement if substantial completion has occurred.

Sec. 40(b) directs that the provisions of AS 38.05.090 be used to dispose of improvements or personal property left on the land after revocation of a permit.

Sec. 50(a) permits the issuance of patent. While no outside limitation on the life of a permit is stated, if the permittee complies with the stated requirements, a patent shall be issued:

residence on the homestead entry for not less than 25 months within five years;

completion of an approved survey within 24 months after issuance of the permit;

erection of a dwelling within three years after issuance of the permit;

brushing the boundaries within 30 days after issuance of the permit.

Sec. 50(b) permits use of temporary housing.

Sec. 50(c) permits the director to reserve easements, etcetera found to be in the best interests of the state.

Sec. 60 permits the director to use land "otherwise . . . available for borough or city selection" for the homestead entry program. And the disposal of homestead entry land is subject to "local platting, recording, or subdivision requirements established under AS 29.33 and AS 40.15." Subdivision after patent is subject to those requirements.

Sec. 70 permits the commissioner to adopt regulations.

Sec. 900 adopts definitions of commissioner, director, habitable dwelling, and resident.

Section 2 provides an immediate effective date.

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH M  
JUNEAU, ALASKA 99811  
PHONE: 907-485-2400

April 5, 1983

The Honorable Al Adams  
Chairman  
House Finance Committee  
Pouch V  
Juneau, AK 99811

Dear Representative Adams:

I have attached an amendment to CS HB 130 for your consideration. We seek this amendment because:

1. a remote staking program will be more expensive to administer;
2. a remote staking program encourages inefficient use of the State's land resources; and
3. the Department should have the flexibility to limit parcel sizes in all cases to accommodate the kind of land being offered and the demand for the land.

We will be available to testify to these and other issues in the bill. Please let me know if you have specific questions.

Sincerely,



Robert D. Arnold  
Deputy Commissioner

Attachment

The Department of Natural Resources recommends the following amendments to CSHB 130:

Page 1 - delete lines 27, 28 and 29. Page 2 - delete lines 1 and 2:

(b) An applicant for a homestead entry permit shall stake the corners of the land entered and shall file with the commissioner a description of the land entered. A parcel shall be described by aliquot parts or survey and may not be less than 40 acres nor exceed 160 acres.

Page 1 - add to the end of line 20:

Parcels shall be described by aliquot parts or survey and may not be larger than quarter sections.

Page 2 - amend lines 3 and 4 as follows:

(c) The commissioner shall issue homestead entry permits either by lottery or in order of application.

A copy of the bill is attached with these changes noted.

(907) 465-2400

March 30, 1983

The Honorable John Ringstad  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Representative Ringstad:

Because there seemed to be some question about the Department's opposition to CS HB 130 in the March 28 hearing in House Resources Committee, I would like to take the opportunity to clear up any misunderstanding arising from my telephone call to you.

The principal objections I raised in that call were to the staking program, and its consequences, and our inability to offer lands in all areas of the State. Let me elaborate upon these and raise some additional issues by way of summarizing this Department's position:

1. The staking program provided for in CS HB 130 will result in a very large number of competing applicants whose staked lands may be overlapping one another. This would require adjudication of claims before permits could be issued and would probably result in numerous appeals with their attendant high administrative costs. Furthermore, staking results in "high grading" of an area, leaving small blocks of land in State management; in other words, it results in poor land management at high relative costs.

2. There are some areas of the State in which homestead lands could not, or perhaps should not, be made available. Suitable state lands are very scarce in southeastern and certainly not abundant in southcentral Alaska.

March 30, 1983

3. We do not believe that to offer large acreages at no cost for simply residential use represents a fair balancing of the interests of the State. A 40-acre maximum should be placed on non-agricultural homesteads and 160 or 320 maximum on agricultural homesteads with a clearing requirement. We have testified in some detail on these three points, but if you have additional questions, please let us know.

4. Cadastral survey at pivot points in the area boundary will reduce the State's cost on the front end but increase the applicant's cost for individual parcel boundary survey. While we do not object to passing the survey cost on to the applicant, State survey of all section corners on the front end will result in substantial savings in administrative costs and will serve the State and private development interests in the future. Furthermore, once a surveyor is mobilized in an area, additional points are relatively inexpensive to place as part of an original survey.

To clarify the zero fiscal note, I should reiterate that the Department will be required to reduce other disposal programs to absorb the cost of a homestead program. The extent to which total acreage offered or the total number of persons who will benefit from the various programs will be reduced is dependent on the design of a homestead program with low administrative costs.

As you know, we do not oppose the homestead concept, but we think that it is necessary to design a program that will allow the Department to properly manage state resources within an increasingly restricted budget.

We have appreciated the opportunity to work together with the Committee on this legislation, and regret that we were not able to come to agreement on the committee substitute. Please share these comments with the Committee.

Sincerely,

*Bob*

Robert D. Arnold  
Deputy Commissioner



# Tanana Chiefs Conference, Inc.

Doyon Building  
201 First Avenue  
Fairbanks, Alaska 99701  
Phone (907) 452-8251

March 29, 1983

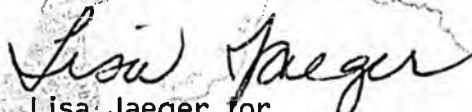
The Honorable Albert Adams  
Pouch V  
Juneau, Alaska 99811

Dear Rep. Adams:

Enclosed is a copy of our recommendations concerning homestead legislation. We have a great deal of state land in our region and have had many problems with state land disposal programs. We can't help but feel that a new homestead program could increase our problems. We have seen maps produced by DNR which exemplify potential areas for homesteading in our region. We already see serious conflicts.

Sincerely,

TANANA CHIEFS CONFERENCE, INC.

  
Lisa Jaeger for  
William C. "Spud" Williams

LJ/0707n  
enc.

# Tanana Chiefs Conference, Inc.

Doyon Building  
201 First Avenue  
Fairbanks, Alaska 99701  
Phone (907) 452-8251

March 11, 1983

The Honorable John Ringstad  
Pouch V  
Juneau, Alaska 99811

Dear Rep. Ringstad:

The Tanana Chiefs Conference represents 43 communities in the interior. The region contains more state land than any other Native region. Members of our staff have been to dozens of public meetings in our communities strictly to discuss current and potential activities on state land.

In relation to proposed homestead legislation, we have two major concerns:

- 1) Much state land is already being used to support our communities economically. The Department of Natural Resources has little data on current hunting, fishing, woodcutting, and berrypicking activities on state land. Any homesteading program would have to be confined to areas which least damage the delicate balance between the rural communities and their current uses on state land.
- 2) Giving away state assets without substantial "sweat equity" only encourages speculation. Fewer requirements for "proving up" on the land encourage more spectators to participate in the program rather than those people who really need and want to homestead and will make a positive contribution to rural communities. We have to think about programs for reserving quality land for disposal to future generations as well.

To discourage speculation, we would like to make the following recommendations:

- a) The application fee should be at least \$500 unless it costs substantially more to process the application; then it should be higher.
- b) There should be a substantial residency requirement. The current House bills both have acceptable requirements in this regard.
- c) All current bills propose a permanent structure and survey requirements between 18 months and 7 years. We favor the structure, to be built and survey completed within three (3) years. A shorter period of time better allows DNR to assess what is happening to the land it manages. Also, if people don't follow through, the land could be available for additional people to enter sooner.

Page 2  
March 11, 1983

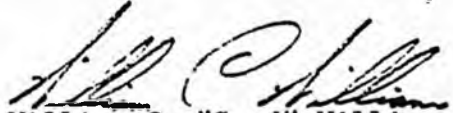
- d) We would encourage a 25% clearing requirement within five (5) years for agricultural entry only. For a potential homestead program which grants surface rights not tied to agriculture, there should be no clearing requirement. Such nonessential clearing is disruptive of habitat and adjoining land uses and serves no rational purpose.
- e) A restriction on subdivision for a period of time after patent would discourage state subsidized speculation, as well as show a commitment to the State.
- f) Persons who made similar purchases under AS 38.05.055 or AS 38.05.057 within the previous eight (8) years should not be eligible.
- g) We recommend a maximum acreage of 160 acres for agricultural rights entry and a maximum acreage of 40 acres for surface entry (i.e., HB 130).
- h) Agricultural entry should have some sort of soil requirement, such as 50% class II-III soils.

Any homesteading program should fall under the existing classification process covered by AS 38.04.060 - 38.04.070. That process helps insure that the most suitable land would be made available. Miscellaneous programs not umbrelled by these statutes makes for a situation which discourages overall comprehensive planning.

We appreciate the opportunity to comment and we certainly hope that you consider these recommendations heavily.

Sincerely,

TANANA CHIEFS CONFERENCE, INC.

  
William C. "Spud" Williams  
President

cc: Each Member of the House & Senate  
Resources Committee  
Commissioner Esther Wunnicke



## Northern Alaska Environmental Center

218 DRIVEWAY  
FAIRBANKS, ALASKA 99701  
(907) 452-5021

April 1, 1983

The Honorable Albert P. Adams  
Chairman, Finance Committee  
Pouch V  
Juneau, Alaska 99811

Dear Chairman Adams,

The Northern Alaska Environmental Center has some serious reservations concerning House Bill 130: "AN ACT RELATING TO HOMESTEADS, AND PROVIDING FOR AN EFFECTIVE DATE."

The bill reads: "The Commissioner shall classify and make available for homestead entry..." This language would appear to circumvent the public input process as it relates to the classification of land for disposal. We would prefer that any new land disposal plan continue to fall under the current land classification process.

A careful reading of the legislation reveals no prohibition against the subsequent subdivision of the "homestead" land after patent. We feel that neither the purpose nor the need for this form of land disposal has been adequately addressed but would hope that its purpose is not to provide a state subsidy of free land for land speculators.

The Northern Alaska Environmental Center seriously doubts the need for this legislation at all. We wonder why the citizens of Alaska should give up a potentially valuable resource and receive nothing in return? Alaska already has a land disposal system in full swing that, at least, brings a return to the taxpayers. Why create another system with yet another set of built-in problems and receive so little in return?

Sincerely;

Robert D. Warren  
Executive Director

cc: Niilo Koponen  
Mike Davis  
Anthony Vaska

# Alaska State Legislature

Representative Mae Tischer  
District 11  
3705 Oregon Drive  
Anchorage, Alaska 99503



While In Juneau  
Pouch V  
Juneau, Alaska 99811  
(907) 465-3759

## House of Representatives

MAE TISCHER

### MEMORANDUM

TO: House Finance Committee Members  
Representative Ringstad  
Representative Uehling

DATE: April 6, 1983

FROM: Representative Mae Tischer *mae*

RE: CSHB 130 (Res)

As I will be out of town and unable to attend the Finance Committee meeting today regarding CSHB 130 (Res) I would like to make several points very clear.

The concept of homesteading and the specific provisions which should be included were thoroughly discussed in the Resource Committee. Among those considered vital to the bill were the following: 1) Staking and 2) Granting of unencumbered title to the land with no restrictions on land use. Numerous concessions were made to accommodate the Department of Natural Resource's concerns. The Committee adopted DNR's language for easements and included provisions in the bill which will shift the burden of responsibility for any problem with overlapping claims to the applicant thus eliminating DNR's objection to staking. I believe every effort was made to accommodate DNR's concerns.

I support the passage of CSHB 130 (Res) in its present form. If, however, amendments are introduced today, I also have several which I would like considered (copies attached). My aide, Gail Thibodeau, will be in attendance at the meeting and I authorize her to speak on my behalf.

Thank you for considering my comments.

Amendment to CSHB 130 (Res)

Insert a new section to read as follows:

AS 38.05.300 (a) is amended to read:

Sec. 38.05.300. Classification of lands. (a) The commissioner shall classify for use lands in areas where he considers it necessary and proper, however 40% of all state land available through state land disposal programs must be classified and made available for homestead entry as provided in AS 38.09. This section does not prevent reclassification of lands where the public interest warrants reclassification, nor does it preclude multiple purpose use of lands whenever different uses are compatible. No state land, water, or land and water area shall, except by act of the state legislature, be closed to multiple purpose use, if the area involved contains more than 640 acres.

Amendment to CSHB 130 (Res)

Page 1, line 14 is amended to read:

this chapter shall be proportionately distributed throughout the state so as to provide residents in all areas of the state a reasonable opportunity to participate in the homestead entry program.

Amendment to CSHB 130 (Res)

Page 2, line 1 - delete (be less than 40 acres nor)

Amendment to CSHB 130 (Res)

Page, 3, line 12 - Delete (30) and insert 90 in its place.

Page 3, line 28 - Delete (30) and insert 90 in its place.

# Alaska State Legislature

Representative Mae Tischer  
District 11  
3305 Oregon Drive  
Anchorage, Alaska 99503



While in Juneau  
Pouch V  
Juneau, Alaska 99811  
(907) 465-3759

## House of Representatives

MAE TISCHER

### MEMORANDUM

TO: House Finance Committee Members  
Representative Ringstad  
Representative Uehling

DATE: April 6, 1983

FROM: Representative Mae Tischer *mae*

RE: CSHB 130 (Res)

As I will be out of town and unable to attend the Finance Committee meeting today regarding CSHB 130 (Res) I would like to make several points very clear.

The concept of homesteading and the specific provisions which should be included were thoroughly discussed in the Resource Committee. Among those considered vital to the bill were the following: 1) Staking and 2) Granting of unencumbered title to the land with no restrictions on land use. Numerous concessions were made to accommodate the Department of Natural Resource's concerns. The Committee adopted DNR's language for easements and included provisions in the bill which will shift the burden of responsibility for any problem with overlapping claims to the applicant thus eliminating DNR's objection to staking. I believe every effort was made to accommodate DNR's concerns.

I support the passage of CSHB 130 (Res) in its present form. If, however, amendments are introduced today, I also have several which I would like considered (copies attached). My aide, Gail Thibodeau, will be in attendance at the meeting and I authorize her to speak on my behalf.

Thank you for considering my comments.

Amendment to CSHB 130 (Res)

Insert a new section to read as follows:

AS 38.05.300 (a) is amended to read:

Sec. 38.05.300. Classification of lands. (a) The commissioner shall classify for use lands in areas where he considers it necessary and proper, however 40% of all state land available through state land disposal programs must be classified and made available for homestead entry as provided in AS 38.09. This section does not prevent reclassification of lands where the public interest warrants reclassification, nor does it preclude multiple purpose use of lands whenever different uses are compatible. No state land, water, or land and water area shall, except by act of the state legislature, be closed to multiple purpose use, if the area involved contains more than 640 acres.

Amendment to CSHB 130 (Res)

Page 1, line 14 is amended to read:

this chapter shall be proportionately distributed throughout the state so as to provide residents in all areas of the state a reasonable opportunity to participate in the homestead entry program.

Amendment to CSHB 130 (Res)

Page 2, line 1 - delete (be less than 40 acres nor)

Amendment to CSHB 130 (Res)

Page 3, line 12 - Delete (30) and insert 90 in its place.

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CSHB 130 (Fin)

Effect of Amendments

Sec. 38.09.020. HOMESTEAD ENTRY PERMITS. (b) contains five changes from the Resource Committee Substitute. They are as follows:

- 1) The Committee Substitute requires the applicant for a homestead entry permit to not only stake the corners of the land entered, but also to flag the boundaries before filing a claim with the Department of Natural Resources.
- 2) The size of the homestead entry is limited by two factors: the 160 acre maximum and the size of the total acreage of the parcel of state land offered for homestead entry. The homestead entry may not exceed 10% of the total acreage of each parcel offered by the State for homestead entry, meaning that if the State were to make 100 acres in the Ketchikan area available for homesteading, the maximum parcel size would be 10 acres.
- 3) The provision allowing for homestead entry parcels to be described by survey was deleted. ALL parcels must be described by aliquot parts.
- 4) The minimum size of a homestead entry was reduced from 40 acres to 2 1/2 acres.
- 5) Subparagraph (c) (which stated "the commissioner shall issue homestead entry permits in order of application") was deleted.

Sec. 38.09.030. QUALIFICATION FOR HOMESTEAD ENTRY.

- (a)(1) The residency requirement was raised from one year to two years.
- (a)(4) Again, the stipulation that the boundaries must be flagged, in addition to the staking requirement, before an applicant is eligible to receive a permit.
- (c)(4) A provision was included to allow for the transfer of a homestead entry permit in the case of an extreme emergency or illness which disables the applicant.

Sec. 38.09.040. REVOCATION OF ENTRY PERMITS.

- (a)(4) The brushing requirement was extended from 30 days to 90 days. If brushing is not completed within 90 days, the homestead entry permit may be revoked.

Sec. 38.09.050. ISSUANCE OF PATENT.

- (a)(4) The brushing requirement was extended from 30 days to 90 days. Brushing must be completed within 90 days in order for an applicant to receive patent to homestead entry land.
- (c) Easements or rights-of-way may also be reserved or excluded from patent for registered trap lines, in addition to those currently listed in the Resource Committee Substitute.

Sec. 38.09.060. MARKING BOUNDARIES. This section would allow the Department of Natural Resources to waive the brushing requirement in areas of the state where it would be impractical, such as in heavily forested areas or on tundra.

Sec. 38.09.070. PRIORITY OF APPLICATION. This section spells out the procedure the Department of Natural Resources will use in issuing applications. It leaves no doubt that an applicant must stake the corners of the land entered, flag the boundaries and then be the FIRST to file with the Department of Natural Resources in order to receive a homestead entry permit for that parcel of land. If that criteria is not met, no permit will be issued.

Sec. 38.09.900. DEFINITIONS. Definitions of "brush" and "registered trap lines" were added. The definition of a "resident" requires two years residency in the state, rather than only one.

Offered: 3/30/83  
Referred: Finance

Original sponsors: Uehling, Barnes,  
Cowdery, et al

1 IN THE HOUSE BY THE RESOURCES COMMITTEE  
2 CS FOR HOUSE BILL NO. 130 (Resources)  
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 commissioner shall classify and make available for homestead entry  
13 state land. State land made available for homestead entry under  
14 this chapter shall be distributed throughout the state.

15 (b) The commissioner shall complete a cadastral survey of home-  
16 stead entry land that establishes a control point at the intersection  
17 of each exterior boundary line of the parcel of state land before  
18 designating the state land for homestead entry.

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

22 (d) Land designated for homestead entry is not subject to a  
23 preference right under AS 38.05.

24 Sec. 38.09.020. HOMESTEAD ENTRY PERMITS. (a) A homestead entry  
25 permit entitles an applicant to enter a designated parcel and to  
26 survey, occupy, and improve the parcel in order to qualify for a  
27 patent under this chapter.

28 (b) An applicant for a homestead entry permit shall stake the  
29 corners of the land entered and shall file with the commissioner a  
description of the land entered. A parcel shall be described by

1 aliquot parts or survey and may not be less than 40 acres nor exceed  
2 160 acres. ]

3 (c) The commissioner shall issue homestead entry permits <sup>either by lottery or</sup> in  
4 order of application.

5 Sec. 38.09.030. QUALIFICATION FOR HOMESTEAD ENTRY. (a) An  
6 applicant for a homestead entry permit shall

7 (1) submit proof acceptable to the commissioner that the  
8 applicant is at least 18 years of age and has been a resident of the  
9 state for not less than one year immediately before the date of appli-  
10 cation;

11 (2) pay a fee of \$5 per acre according to the description  
12 provided by the applicant;

13 (3) agree to comply with the requirements of AS 38.09.050;

14 (4) certify that the corners of the land entered have been  
15 staked;

16 (5) assume full responsibility for the accuracy of the  
17 description of the land filed with the commissioner under AS 38.09.-  
18 020(b).

19 (b) An applicant may not hold more than one homestead entry  
20 permit at one time and may not receive a patent to more than 160 acres  
21 under this chapter.

22 (c) The homestead entry permit may not be assigned, conveyed, or  
23 in any manner transferred except

24 (1) by testate or intestate succession;

25 (2) to a spouse during marriage; or

26 (3) by order of a court as part of a divorce settlement.

27 Sec. 38.09.040. REVOCATION OF ENTRY PERMITS. (a) A homestead  
28 entry permit may be revoked by the commissioner for any substantial  
29 breach of the permit conditions or the requirements of this chapter,

1 including

2 (1) an assignment, conveyance, or other transfer of the  
3 permit;

4 (2) failure of the permit holder to submit a plat of survey  
5 to the commissioner within two years after the issuance of the permit;

6 (3) failure of the permit holder to erect a dwelling in the  
7 time required under AS 38.09.050(a), except that if the commissioner  
8 finds that the dwelling has been nearly completed and progress toward  
9 completion is being made at the expiration of the time required, the  
10 commissioner may extend the time required for completion for not more  
11 than one year;

12 (4) failure to brush the boundaries of the parcel within 30  
13 days after issuance of the homestead entry permit.

14 (b) Upon revocation of a homestead entry permit, improvements or  
15 personal property upon the parcel shall be managed under AS 38.05.090  
16 and the state land remains available for homestead entry under this  
17 chapter.

18 Sec. 38.09.050. ISSUANCE OF PATENT. (a) The commissioner shall  
19 issue a patent to homestead entry land if the permit holder for that  
20 parcel

21 (1) resides and lives on the homestead entry land for not  
22 less than 25 months within five years after the issuance of the home-  
23 stead entry permit;

24 (2) completes an approved survey of the land within two  
25 years after the issuance of the permit;

26 (3) erects a habitable, permanent dwelling on the homestead  
27 within three years after the issuance of the homestead entry permit;

28 (4) brushes the boundaries of the parcel within 30 days  
29 after the issuance of the permit.

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

4 (c) The commissioner may reserve or exclude from a patent  
5 easements or rights-of-way for roads, trails, public access ways,  
6 utility corridors, and transportation facilities.

7 Sec. 38.09.060. LAND WITHIN MUNICIPALITIES. (a) Nothing in  
8 this chapter or AS 29.18.201 - 29.18.213 prevents the commissioner  
9 from designating for homestead entry land that would otherwise be  
10 available for borough or city selection under AS 29.18.201 - 29.18.-  
11 213. Land designated for homestead entry is not available for city or  
12 borough selection.

13 (b) The disposal of homestead entry land is subject to local  
14 platting, recording, or subdivision requirements established under  
15 AS 29.33 and AS 40.15.

16 Sec. 38.09.070. REGULATIONS. The commissioner shall adopt  
17 regulations to implement this chapter.

18 Sec. 38.09.900. DEFINITIONS. In this chapter

19 (1) "commissioner" means the commissioner of natural re-  
20 sources;

21 (2) "habitable dwelling" means a dwelling of a permanent  
22 nature, together with fixtures and facilities, including sanitary  
23 facilities, required by law or customary in the vicinity of the land  
24 made available for homestead entry;

25 (3) "permanent dwelling" does not include a mobile home  
26 unless it is placed on and attached to a permanent foundation;

27 (4) "resident" means an individual who has resided in the  
28 state for at least one year, does not claim residence in another  
29 state, and shows by all attending circumstances an intent to make this

1 state the individual's permanent residence.

2 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-

3 10.070(c).

BY UEHLING, BARNES,  
COWDERY, FLOOD AND WARD

1 IN THE HOUSE

2

HOUSE BILL NO. 130

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 homestead entry; and providing  
7 for an 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 ENTRY.

11 Sec. 38.09.010. HOMESTEAD ENTRY. (a) The director may designate and permit homestead entry on state land

12 (1) under the procedures established in AS 38.05.057; or

13 (2) under the procedures established in AS 38.05.077 unless  
14 the director determines that the land is more suitable for recreational or residential use.

15 (b) A homestead entry made under AS 38.05.057 may not exceed 320  
16 acres.

17 (c) A homestead entry made under AS 38.05.077 may not exceed 160  
18 acres.

19 Sec. 38.09.020. QUALIFICATIONS FOR HOMESTEAD ENTRY. (a) A  
20 person is qualified to apply for a homestead entry under this chapter  
21 if the person is

22 (1) qualified under AS 38.05.057 to participate in the disposal of land by lottery; or

23 (2) qualified under AS 38.05.077 to make an entry under the remote parcel disposal procedures.

24 (b) A person who within the eight years immediately preceding  
25 the date of the application under (a) of this section has leased a

1 remote parcel from the state or applied for a homestead entry under  
2 this chapter is not eligible for land under this chapter.

3 Sec. 38.09.030. APPLICATION FOR HOMESTEAD ENTRY. (a) A person  
4 who has staked the exterior boundaries of a homestead entry under the  
5 procedures established in AS 38.05.077 and a person who has been  
6 selected to purchase land designated for homestead entry by lottery  
7 shall apply for the homestead entry on a form prepared by the depart-  
8 ment.

9 (b) The department may charge a fee for filing an application  
10 under this chapter.

11 Sec. 38.09.040. PATENT FOR HOMESTEAD ENTRY. (a) A person who  
12 has made a homestead entry under this chapter and filed an application  
13 under AS 38.09.030(a) is entitled to a patent if, within seven years  
14 from the date of the application, the applicant

15 (1) occupies the land for a total of 35 months;

16 (2) erects a habitable dwelling;

17 (3) clears and prepares for cultivation not less than

18 (A) one-fourth of the land entered if the land is  
19 limited to agricultural use; or

20 (B) one-eighth of the land entered if the land is not  
21 limited to agricultural use;

22 (4) brushes the boundaries of the homestead entry and main-  
23 tains the brushed boundaries so that they are easily visible from the  
24 ground;

25 (5) causes a survey of the homestead entry to be made that  
26 is acceptable to the director.

27 (b) The director shall require an applicant for homestead entry  
28 to submit proof necessary to establish compliance with the require-  
29 ments of (a) of this section. An applicant is not required to submit

1 proof under (a)(4) or (5) of this section if the land comprising the  
2 homestead entry has been surveyed.

3 (c) As used in this section, "habitable dwelling"

4 (1) means a permanent dwelling of not less than 200 square  
5 feet and its fixtures and facilities;

6 (2) does not include a mobile home unless it is permanently  
7 attached to a permanent foundation.

8 (d) A person who has applied for or received state land under  
9 this chapter is not eligible for a state loan under AS 03.10 for the  
10 habitable dwelling or the clearing of the land required under this  
11 section.

12 Sec. 38.09.050. HOMESTEAD APPLICATION VOID. An application for  
13 homestead entry and the interest of the applicant under the homestead  
14 entry is void if the applicant fails to comply with a requirement of  
15 AS 38.09.040(a). On the request of the director, the attorney general  
16 shall bring an action to declare the homestead entry void and, if  
17 necessary, to eject the homestead applicant.

18 \* Sec. 2. AS 03.10.030 is amended by adding a new subsection to read:

19 (i) A person who has received state land under AS 38.09 is not  
20 eligible for a state loan under this chapter for improvements to that  
21 land before patent to the land has been received.

22 \* Sec. 3. AS 38.04.020(g)(3) is amended to read:

23 (3) Land designated agricultural, commercial, industrial,  
24 or suitable for other disposal may [SHALL] be sold under AS 38.05.055  
25 or 38.05.057. Land designated agricultural or suitable for disposal  
26 other than as commercial or industrial may be sold under AS 38.05.077.

27 \* Sec. 4. AS 38.05.057(a) is amended to read:

28 (a) The commissioner may dispose of land, including land limited  
29 to use for agricultural purposes, by lottery. The purchase price of

1 land sold by lottery shall be the fair market value of the land as  
2 determined by the commissioner. The commissioner may sell land by  
3 lottery for less than the fair market value of the land on a determi-  
4 nation [IF HE DETERMINES] that scarcity of land for private use in the  
5 area of the land to be sold has resulted in unrealistic land values.  
6 The commissioner shall consult with the assessor of a municipality  
7 before determining the purchase price for land that is located in the  
8 municipality and that is to be sold under this section [BEFORE THE  
9 COMMISSIONER DETERMINES THE PURCHASE PRICE FOR LAND WHICH IS LOCATED  
10 IN A MUNICIPALITY AND WHICH IS TO BE SOLD UNDER THIS SECTION, HE SHALL  
11 CONSULT WITH THE ASSESSOR OF THE MUNICIPALITY]. The lottery shall be  
12 conducted in public by the commissioner or a [HIS] representative of  
13 the commissioner.. An applicant may not be selected to purchase land  
14 unless the applicant [HE] is present on the date and at the place that  
15 the lottery is conducted unless medical reasons, attendance at school,  
16 or military service [OUTSIDE THE STATE] prevent attendance. [AN  
17 APPLICANT MAY BE REPRESENTED BY AN AGENT ON THE DAY OF THE LOTTERY IF  
18 THE LAND OFFERED FOR SALE IS COMMERCIAL, INDUSTRIAL, OR AGRICULTURAL  
19 LAND.] On the day of the lottery a purchaser selected by lot shall  
20 deposit an amount equal to five percent of the purchase price, or if  
21 the purchaser elects to use land discounts granted under AS 38.05.058,  
22 five percent of the purchase price after deduction of the discount.  
23 If the land is designated for homestead entry, the applicant selected  
24 by lottery for homestead entry must file an application under AS 38.-  
25 09.030(a).

26 \* Sec. 5. AS 38.05.077(a) is amended to read:

27 (a) The commissioner shall designate remote parcel selection  
28 areas and shall dispose of remote parcels in accordance with AS 38.-  
29 04.020. The commissioner may set the number of remote parcels that

1           may be selected in each remote parcel selection area. A remote parcel  
2           may be purchased under AS 38.05.078 or an applicant may receive a  
3           patent to a remote parcel under AS 38.09. A remote parcel purchased  
4           under AS 38.05.078 may not exceed 40 acres. A remote parcel acquired  
5           under AS 38.09 may not exceed 160 acres.

6           \* Sec. 6. AS 38.05.077(d) is amended to read:

7                   (d) Not later than 15 days after staking the exterior boundaries  
8           of a remote parcel, the person who staked the parcel shall file a  
9           sketch plat with the department which shows the location of the remote  
10          parcel. At the time of filing the sketch plat, the person who staked  
11          the parcel shall apply to lease the land or apply for homestead entry  
12          under AS 38.09. An application [TO LEASE THE LAND] shall be on a  
13          standard form prepared by the department. The annual rental payment  
14          for the first year of the lease shall be submitted to the department  
15          with the application. After the application to lease a remote parcel  
16          is approved, the commissioner shall offer to lease the land to the  
17          person who staked the remote parcel. A lease granted under this  
18          section shall contain the following terms:

19                   (1) a remote parcel may be leased for five years;

20                   (2) a remote parcel lease may be renewed at the option of  
21          the lessee for a second five-year period under the same terms as  
22          provided for the first five-year period of the remote parcel lease;

23                   (3) a rental payment shall be paid annually and shall be  
24          \$10 for each acre;

25                   (4) unless the land is surveyed, the lessee shall, within  
26          one year of approval of the lease application and continuously for the  
27          lease period, physically delineate the boundaries of the parcel by  
28          brushing a line so that they are readily visible from the ground.

29           \* Sec. 7. AS 38.05.077(i)(3) is repealed and reenacted to read:

1                   (3) not have either previously leased a remote parcel from  
2                   the state or have made application for a homestead entry on state land  
3                   within eight years immediately preceding the date of staking a remote  
4                   parcel and certify the facts in the application.

5       \* Sec. 8. This Act takes effect July 1, 1983.

6

Offered: 3/30/83  
Referred: Finance

Original sponsors: Uehling, Barnes,  
Cowdery, et al

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12 The commissioner shall classify and make available for homestead entry  
13 state land. State land made available for homestead entry under  
14 this chapter shall be distributed throughout the state.  
15 (b) The commissioner shall complete a cadastral survey of home-  
16 stead entry land that establishes a control point at the intersection  
17 of each exterior boundary line of the parcel of state land before  
18 designating the state land for homestead entry.  
19 (c) Notice of the designation and offering of land for homestead  
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22 preference right under AS 38.05.  
23 Sec. 38.09.020. HOMESTEAD ENTRY PERMITS. (a) A homestead entry  
24 permit entitles an applicant to enter a designated parcel and to  
25 survey, occupy, and improve the parcel in order to qualify for a  
26 patent under this chapter.  
27 (b) An applicant for a homestead entry permit shall stake the  
28 corners of the land entered and shall file with the commissioner a  
29 description of the land entered. A parcel shall be described by

1 aliquot parts or survey and may not be less than 40 acres nor exceed  
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4 order of application.

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8 applicant is at least 18 years of age and has been a resident of the  
9 state for not less than one year immediately before the date of appli-  
10 cation;

11 (2) pay a fee of \$5 per acre according to the description  
12 provided by the applicant;

13 (3) agree to comply with the requirements of AS 38.09.050;

14 (4) certify that the corners of the land entered have been  
15 staked;

16 (5) assume full responsibility for the accuracy of the  
17 description of the land filed with the commissioner under AS 38.09.-  
18 020(b).

19 (b) An applicant may not hold more than one homestead entry  
20 permit at one time and may not receive a patent to more than 160 acres  
21 under this chapter.

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28 entry permit may be revoked by the commissioner for any substantial  
29 breach of the permit conditions or the requirements of this chapter,

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3 permit;

4 (2) failure of the permit holder to submit a plat of survey  
5 to the commissioner within two years after the issuance of the permit;

6 (3) failure of the permit holder to erect a dwelling in the  
7 time required under AS 38.09.050(a), except that if the commissioner  
8 finds that the dwelling has been nearly completed and progress toward  
9 completion is being made at the expiration of the time required, the  
10 commissioner may extend the time required for completion for not more  
11 than one year;

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13 days after issuance of the homestead entry permit.

14 (b) Upon revocation of a homestead entry permit, improvements or  
15 personal property upon the parcel shall be managed under AS 38.05.090  
16 and the state land remains available for homestead entry under this  
17 chapter.

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23 stead entry permit;

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25 years after the issuance of the permit;

26 (3) erects a habitable, permanent dwelling on the homestead  
27 within three years after the issuance of the homestead entry permit;

28 (4) brushes the boundaries of the parcel within 30 days  
29 after the issuance of the permit.

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

4 (c) The commissioner may reserve or exclude from a patent  
5 easements or rights-of-way for roads, trails, public access ways,  
6 utility corridors, and transportation facilities.

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12 borough selection.

13 (b) The disposal of homestead entry land is subject to local  
14 platting, recording, or subdivision requirements established under  
15 AS 29.33 and AS 40.15.

16 Sec. 38.09.070. REGULATIONS. The commissioner shall adopt  
17 regulations to implement this chapter.

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20 sources;

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23 facilities, required by law or customary in the vicinity of the land  
24 made available for homestead entry;

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27 (4) "resident" means an individual who has resided in the  
28 state for at least one year, does not claim residence in another  
29 state, and shows by all attending circumstances an intent to make this

1 state the individual's permanent residence.

2 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-

3 10.070(c).

Offered: 6/15/83  
Referred: Judiciary

Original sponsors: Uehling, Tischer,  
Harnes, et al

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15 be distributed throughout the state.

16 (b) The commissioner shall complete a cadastral survey of home-  
17 stead entry state land before designating the state land for homestead  
18 entry. No portion of land made available for homestead entry may be  
19 located more than a mile from a survey control monument.

20 (c) Notice of the designation and offering of land for homestead  
21 entry shall be given by the commissioner under AS 38.05.345.

22 (d) Land designated for homestead entry is not subject to a  
23 preference right under AS 38.05.

24 (e) The commissioner shall prescribe a homestead entry procedure  
25 for each area designated under (a) of this section. The homestead  
26 entry procedure shall establish

27 (1) the minimum distance between homestead entries in the  
28 area;

29 (2) the dimensions, configuration, orientation or other

1 design requirements for a homestead entry in the area;

2 (3) a description of land within the area that may not be  
3 included in a homestead entry;

4 (4) a requirement that a landmark, monument or other point  
5 be used as a point of reference for the measurement of distances  
6 within an area;

7 (5) a specification of the type of stakes to be used to  
8 mark the corners of a homestead entry;

9 (6) the time within which a homestead entry must be staked.

10 (f) The commissioner shall establish the maximum size of a  
11 homestead entry that may be selected in each area designated under (a)  
12 of this section except that the commissioner may not permit an entry  
13 on more than

14 (1) 160 acres of land classified for agricultural use; or

15 (2) 40 acres of land not classified for agricultural use.

16 (g) The commissioner may limit the number of persons permitted  
17 to stake homestead entries within an area designated under (a) of this  
18 section by a lottery of qualified applicants.

19 Sec. 38.09.020. HOMESTEAD ENTRY PERMITS. (a) A homestead entry  
20 permit entitles an applicant to enter land within an area designated  
21 under AS 38.09.010 and to survey, occupy, and improve the land in  
22 order to qualify for a patent under this chapter.

23 (b) An applicant for a homestead entry permit shall personal-  
24 ly stake the corners and flag the boundaries of the land entered  
25 under this chapter and shall personally file with the commissioner  
26 a description of the land entered. A homestead entry shall be de-  
27 scribed by aliquot parts unless otherwise permitted by the commis-  
28 sioner.

29 Sec. 38.09.030. QUALIFICATION FOR HOMESTEAD ENTRY. (a) An

1 applicant for a homestead entry permit shall

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

6 (2) pay a fee of \$5 per acre according to the description  
7 provided by the applicant;

8 (3) agree to comply with the requirements of AS 38.09.050;

9 (4) certify that the corners of the land entered have been  
10 staked and the boundaries have been flagged;

11 (5) assume full responsibility for the accuracy of the  
12 description of the land filed with the commissioner under AS 38.09.-  
13 020(b).

14 (b) Except as provided in (c) of this section, an applicant may  
15 not hold more than one homestead entry permit at one time and may not  
16 receive a patent to more than one homestead entry in a lifetime.

17 (c) The homestead entry permit may not be assigned, conveyed, or  
18 in any manner transferred except

19 (1) by testate or intestate succession;

20 (2) to a spouse during marriage;

21 (3) by order of a court as part of a divorce settlement;

22 (4) to either a member of the immediate family or a grantee  
23 of the applicant in the case of an extreme emergency or illness which  
24 disables the applicant.

25 Sec. 38.09.040. REVOCATION OF ENTRY PERMITS. (a) A homestead  
26 entry permit may be revoked by the commissioner for any substantial  
27 breach of the permit conditions or the requirements of this chapter,  
28 including

29 (1) an assignment, conveyance, or transfer of the permit

1 not authorized under AS 38.09.030(c);

2 (2) failure of the permit holder to submit a plat of survey  
3 to the commissioner within two years after the issuance of the permit  
4 or under (b) of this section;

5 (3) failure of the permit holder to erect a dwelling in the  
6 time required under AS 38.09.050(a), except that if the commissioner  
7 finds that the dwelling has been nearly completed and progress toward  
8 completion is being made at the expiration of the time required, the  
9 commissioner may extend the time required for completion for not more  
10 than one year;

11 (4) failure to brush the boundaries of the land within 90  
12 days after issuance of the homestead entry permit;

13 (5) failure to clear and either put into production or  
14 prepare for cultivation 25 percent of the land classified for agricul-  
15 tural use within five years after the issuance of the permit.

16 (b) If the commissioner determines that a permit holder has made  
17 a good faith effort to obtain a plat of survey, the commissioner may  
18 extend the time required for completion of the plat of survey for not  
19 more than three years after the issuance of the permit.

20 (c) If a homestead entry permit is revoked under (a) of this  
21 section, improvements or personal property upon the land shall be  
22 managed under AS 38.05.090 and the state land remains available for  
23 homestead entry under this chapter.

24 Sec. 38.09.050. ISSUANCE OF PATENT. (a) The commissioner shall  
25 issue a patent to homestead entry land if the permit holder

26 (1) resides and lives on the homestead entry land for not  
27 less than 25 months within five years after the issuance of the home-  
28 stead entry permit;

29 (2) completes an approved survey of the land within two

1 years after the issuance of the permit or under AS 38.09.040(b);

2 (3) erects a habitable, permanent dwelling on the homestead  
3 within three years after the issuance of the homestead entry permit;

4 (4) brushes the boundaries of the land within 90 days after  
5 the issuance of the permit;

6 (5) clears and either puts into production or prepares for  
7 cultivation 25 percent of the land classified for agricultural use  
8 within five years after issuance of the permit.

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

12 (c) The commissioner may reserve or exclude from a patent ease-  
13 ments or rights-of-way for roads, trails, trap lines, public access  
14 ways, utility corridors, and transportation facilities.

15 Sec. 38.09.060. MARKING BOUNDARIES. If it is impractical to  
16 brush the boundaries of a homestead entry, an applicant shall flag the  
17 boundaries.

18 Sec. 38.09.070. PRIORITY OF APPLICATIONS. The commissioner  
19 shall issue a homestead entry permit to the first applicant for land  
20 to comply with AS 38.09.020(b).

21 Sec. 38.09.080. LAND WITHIN MUNICIPALITIES. (a) If a munic-  
22 ipality has filed a selection of state lands under AS 29.18.201 -  
23 29.18.213 with the commissioner, the state lands selected may not be  
24 designated for homestead entry; if the commissioner determines that  
25 land selected by a municipality is not available for patent to the  
26 municipality under AS 29.18.201 - 29.18.213, the state land is avail-  
27 able for designation by the commissioner for homestead entry under  
28 AS 38.09.010.

29 (b) The disposal of homestead entry land is subject to local

1 platting, recording, or subdivision requirements established under  
2 AS 29.33 and AS 40.15.

3 Sec. 38.09.090. PURCHASE. If an applicant complies with the  
4 requirements of AS 38.09.050(a)(2), (4), and (5) and pays to the com-  
5 missioner an amount equal to five percent of the fair market value  
6 within two years of the issuance of an entry permit, an applicant may  
7 purchase the land under AS 38.05.065. The purchase price is the fair  
8 market value of the land at the issuance of the entry permit as de-  
9 termined by the commissioner. A patent for land purchased under this  
10 section and issued under AS 38.09.050 shall provide that within five  
11 years after the date of the patent the land may not be subdivided or  
12 sold, leased, or otherwise conveyed except under AS 38.09.030(c).

13 Sec. 38.09.100. LESSEES OF REMOTE PARCELS. (a) A lessee of a  
14 remote parcel under AS 38.05.077 may elect to obtain title to the  
15 remote parcel under AS 38.09.050. If a lessee of a remote parcel  
16 elects to obtain title under AS 38.09.050, the effective date of this  
17 Act shall be considered the date of the issuance of the homestead  
18 entry permit.

19 (b) Except as provided in (a) of this section, nothing in this  
20 chapter affects the rights and obligations of lessees of remote  
21 parcels under AS 38.05.077.

22 Sec. 38.09.110. REGULATIONS. The commissioner shall adopt  
23 regulations to implement this chapter.

24 Sec. 38.09.900. DEFINITIONS. In this chapter

25 (1) "brush" means to clear a swath along the boundary lines  
26 of a homestead entry so that the boundary lines may be identified from  
27 the ground;

28 (2) "commissioner" means the commissioner of natural re-  
29 sources;

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

(4) "permanent dwelling" does not include a mobile home unless it is placed on and attached to a permanent foundation;

(5) "resident" means an individual who has resided in the state for one year, does not claim residence in another state, and shows by all attending circumstances an intent to make this state the individual's permanent residence.

\* Sec. .. AS 38.04.020(d)(1) is amended to read:

(1) land suitable for homestead [REMOTE PARCEL] disposal;

\* Sec. 3. AS 38.04.020(e)(1) is amended to read:

(1) for survey and disposal of land proposed to be made available for homestead [REMOTE PARCEL] staking, with the general location of the land;

\* Sec. 4. AS 38.04.020(g)(1) is amended to read:

(1) Land designated as suitable for homestead [REMOTE PARCEL] disposal shall be classified and surveyed under this chapter and AS 38.05 and made available for staking and lease under AS 38.09 [AS 38.05.077].

\* Sec. 5. AS 38.05.057(f) is amended to read:

(f) If only one application for a parcel is received, the commissioner shall offer the parcel to the applicant who applied for the parcel if the applicant is qualified to participate in the lottery. If more than one application is received for a parcel, [OR IF MORE APPLICATIONS ARE RECEIVED FOR THE RIGHT TO SELECT A REMOTE PARCEL OFFERED UNDER AS 38.05.077 THAN THE NUMBER OF REMOTE PARCELS

1 AUTHORIZED,] the commissioner shall select the applicant who is  
2 entitled to receive a conveyance of the land by lottery. If the  
3 commissioner does not receive an application for a parcel of state  
4 land or if a purchaser fails to sign a lease agreement or contract of  
5 sale, the parcel shall be offered to the first eligible person to  
6 apply for the parcel. If the parcel was designated as a homesite and  
7 offered to the public under AS 38.05.047(f), the parcel shall be  
8 disposed of under the terms required by AS 38.08.

9 \* Sec. 6. AS 38.05.067(e) is amended to read:

10 (e) This section does not apply to the sale of state land under  
11 AS 38.04.020(g)(2) and AS 38.09 [, AS 38.05.077, and 38.05.078].

12 \* Sec. 7. AS 38.05.077 and 38.05.078 are repealed.

13 \* Sec. 8. Section 1 of this Act takes effect immediately in accordance  
14 with AS 01.10.070(c).

15 \* Sec. 9. Sections 2 - 7 of this Act take effect July 1, 1984.

Offered: 4/14/83  
Referred: Rules

Original sponsors: Uehling, Barnes,  
Cowdery, et al

1 IN THE HOUSE BY THE FINANCE COMMITTEE  
2 CS FOR HOUSE BILL NO. 130 (Finance) am  
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 commissioner shall classify and make available for homestead entry  
13 state land. State land made available for homestead entry under this  
14 chapter shall be distributed throughout the state.  
15 (b) The commissioner shall complete a cadastral survey of home-  
16 stead entry land that establishes a control point at the intersection  
17 of each exterior boundary line of the parcel of state land before  
18 designating the state land for homestead entry.  
19 (c) Notice of the designation and offering of land for homestead  
20 entry shall be given by the commissioner under AS 38.05.345.  
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 an applicant to enter land within a designated parcel  
25 and to survey, occupy, and improve the land in order to qualify for a  
26 patent under this chapter.  
27 (b) An applicant for a homestead entry permit shall stake the  
28 corners and flag the boundaries of the land entered and shall file  
29 with the commissioner a description of the land entered. A homestead

1 entry may not exceed 10 percent of the total acreage of a parcel of  
2 state land made available for disposal after the effective date of  
3 this Act. A homestead entry shall be described by aliquot parts and  
4 may not be less than 2 1/2 acres or greater than 160 acres.

5 Sec. 38.09.030. QUALIFICATION FOR HOMESTEAD ENTRY. (a) An  
6 applicant for a homestead entry permit shall

7 (1) submit proof acceptable to the commissioner that the  
8 applicant is at least 18 years of age and has been a resident of the  
9 state for not less than one year immediately before the date of appli-  
10 cation;

11 (2) pay a fee of \$5 per acre according to the description  
12 provided by the applicant;

13 (3) agree to comply with the requirements of AS 38.09.050;

14 (4) certify that the corners of the land entered have been  
15 staked and the boundaries have been flagged;

16 (5) assume full responsibility for the accuracy of the  
17 description of the land filed with the commissioner under AS 38.09.-  
18 020(b).

19 (b) An applicant may not hold more than one homestead entry  
20 permit at one time and may not receive a patent or patents to more  
21 than 160 acres under this chapter.

22 (c) The homestead entry permit may not be assigned, conveyed, or  
23 in any manner transferred except

24 (1) by testate or intestate succession;

25 (2) to a spouse during marriage;

26 (3) by order of a court as part of a divorce settlement;

27 (4) to either a member of the immediate family or a grantee  
28 of the applicant in the case of an extreme emergency or illness which  
29 disables the applicant.

1           Sec. 38.09.040. REVOCATION OF ENTRY PERMITS. (a) A homestead  
2 entry permit may be revoked by the commissioner for any substantial  
3 breach of the permit conditions or the requirements of this chapter,  
4 including

5           (1) an assignment, conveyance, or other transfer of the  
6 permit;

7           (2) failure of the permit holder to submit a plat of survey  
8 to the commissioner within two years after the issuance of the permit;

9           (3) failure of the permit holder to erect a dwelling in the  
10 time required under AS 38.09.050(a), except that if the commissioner  
11 finds that the dwelling has been nearly completed and progress toward  
12 completion is being made at the expiration of the time required, the  
13 commissioner may extend the time required for completion for not more  
14 than one year;

15           (4) failure to brush the boundaries of the parcel within 90  
16 days after issuance of the homestead entry permit.

17           (b) Upon revocation of a homestead entry permit, improvements or  
18 personal property upon the parcel shall be managed under AS 38.05.090  
19 and the state land remains available for homestead entry under this  
20 chapter.

21           Sec. 38.09.050. ISSUANCE OF PATENT. (a) The commissioner shall  
22 issue a patent to homestead entry land if the permit holder

23           (1) resides and lives on the homestead entry land for not  
24 less than 25 months within five years after the issuance of the home-  
25 stead entry permit;

26           (2) completes an approved survey of the land within two  
27 years after the issuance of the permit;

28           (3) erects a habitable, permanent dwelling on the homestead  
29 within three years after the issuance of the homestead entry permit;

1           (4) brushes the boundaries of the parcel within 90 days  
2 after the issuance of the permit.

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

6           (c) The commissioner may reserve or exclude from a patent ease-  
7 ments or rights-of-way for roads, trails, registered trap lines,  
8 public access ways, utility corridors, and transportation facilities.

9           Sec. 38.09.060. MARKING BOUNDARIES. If it is impractical to  
10 brush the boundaries of a homestead entry, an applicant shall flag the  
11 boundaries.

12           Sec. 38.09.070. PRIORITY OF APPLICATIONS. The commissioner  
13 shall issue a homestead entry permit to the first applicant for land  
14 to comply with AS 38.09.020(b).

15           Sec. 38.09.080. LAND WITHIN MUNICIPALITIES. (a) If a munic-  
16 ipality has filed a selection of state lands under AS 29.18.201 -  
17 29.18.213 with the commissioner, the state lands selected may not be  
18 designated for homestead entry; if the commissioner determines that  
19 land selected by a municipality is not available for patent to the  
20 municipality under AS 29.18.201 - 29.18.213, the state land is avail-  
21 able for designation by the commissioner for homestead entry under  
22 AS 38.09.010.

23           (b) The disposal of homestead entry land is subject to local  
24 platting, recording, or subdivision requirements established under  
25 AS 29.33 and AS 40.15.

26           Sec. 38.09.090. REGULATIONS. The commissioner shall adopt  
27 regulations to implement this chapter.

28           Sec. 38.09.900. DEFINITIONS. In this chapter

29           (1) "brush" means to clear a swath along the boundary lines

1 of a homestead entry so that the boundary lines may be identified from  
2 the ground;

3 (2) "commissioner" means the commissioner of natural re-  
4 sources;

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

9 (4) "permanent dwelling" does not include a mobile home  
10 unless it is placed on and attached to a permanent foundation;

11 (5) "registered trap lines" means trap lines registered  
12 under law;

13 (6) "resident" means an individual who has resided in the  
14 state for one year, does not claim residence in another state, and  
15 shows by all attending circumstances an intent to make this state the  
16 individual's permanent residence.

17 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
18 10.070(c).

*ed*

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: CSHB 130 Date on Bill: 24 March 1983  
Title: An act relating to homesteads  
Sponsor: Uehling  
Requestor: Resources Committee

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital	-0-	-0-	-0-	-0-
Operating	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-
b. Revenues:				
Revenue	-0-	-0-	-0-	-0-

2. Source of funds to offset fiscal impact of bill:

Existing program budget for land offering program.

3. Assumptions:

Given the anticipated high cost of implementing and administering this program, due to potential difficulties with adjudication and inspection of staking programs, the Department's other land offering programs will be reduced.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Ned Farquhar Phone: 465-2400  
Division: Commissioner's Office Date: 28 March 1983  
Approved by Commissioner: AMS D Arnold, Deputy Date: 28 March 1983  
Department: Natural Resources

5. Distribution: