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Summary of Teleconference

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

access to streams, lakes, or public lands. Lastly, access to one's homestead should not be hindered by other homestead selections.

d) STAKING - Yes, their should be traditional staking requirements and boundary lines should be brushed and reasonably marked.

e) ENTRY - Participants, overall, did not support the lottery or auction approach to disposal and mentioned several times that HB 130 was not acceptable because it too closely resembled current land disposal programs. A traditional (select your own ground, stake it, and file for an entry permit) approach appears to have the strongest support.

f) CLEARING REQUIREMENTS - Nearly everyone felt that some clearing was reasonable, but many participants stressed that it should be a reasonable requirement Not one that adds extreme expense, but rather a "sweat equity" for the homestead entree.

g) OCCUPANCY - Again, most people favored occupancy requirements with the stipulation that homesteaders be required to make their home on the selection for a reasonable portion of 5 to 7 yrs. Suggestions varied, but an average of 5 mos. a year seemed to prevail.

h) OWNERSHIP - Nearly all participants wished to obtain a "fee simple" title or patent to the homestead selection upon fulfillment of requirements. Many expressed a desire for more sub-surface rights and water rights, in addition to surface ownership.

i) AGRICULTURE USE - Overall participants did not favor stipulations for Agriculture. Citing existing Ag programs and the need for homesteading, not necessarily small farm projects, those testifying seemed to stress the need for people to determine what use they had for their 160 acres. Most testimony indicated that on good land, some form of agriculture would be desirable, but it should not be made conditional by the state.

j) PRIOR LAND HOLDERS - Several participants expressed the need to let people who have participated in previous land programs also have the opportunity to homestead, as it was not available before.

k) LOANS - Many participants felt that loans should be available to offset expenses incurred while fulfilling homestead requirements.

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 distinct 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.

HOMESTEAD BILL SUMMARY

	SB 102 Governor	SB 43 Moss	HB 130 Uehling, Barnes, Cowdrey, Flood, and Ward	HB 167 Tischer, Bettisworth, Busseil, Fritz, Liska, Schultz Ward and Syzmanski
Method	Lottery, and , over-the-counter- designated parcels	Application	Lottery or staking	Staking
Parcel Size	160 acre max.	160 acre max.	320 acres max. ag. land 160 acres max. non-ag.	160 acres max.
Fee	500/400	100 or 75 with title search	Discretionary	500/400
Survey required	Within 18 months	Within 5 years	Within 7 years	Within 18 months
Build Habitable Dwelling	Within 3 years	Within 5 years	Within 7 years	Within 3 years
Occupy the land	None	15 mos. in 5 years	35 mos. in 7 years	5 mos. for 5 years
Clearing required	25% in 5 years	None	1/4 ag land in 7 yrs. 1/8 non-ag land in 7 years	5% within 5 years
Comments:				

	SB 102 Governor	SB 43 Moss	HB 130 Uehling, Barner, Cowdery, Flood and Ward	HB 167 Tischer, Bettisworth, Bussell, Fritz, Liska, Shultz, Ward, Szymanski
Type of Land eligible for conveyance as homestead entry land	State land classified for agricultural use (excluding land within borough or city boundaries until proposed use of land has been studied and approved by the local planning authority.)	All vacant, unappropriated and unreserved general grant land suitable for agricultural use.	Any land available under the State's lottery disposal program (AS 38.05.057) or the remote parcel program (AS 38.05.077). Remote parcel program excludes commercial or industrial use land.	Any State land.
Method of Disposal	Lottery, over-the-counter designated parcels	Application	Lottery - any State land designated for homestead entry that is available through the lottery disposal program. Staking - any State land designated for homestead entry that is available through the remote parcel program.	Staking
Parcel Size	160 acres maximum	160 acres maximum	320 acres max.-land available thru lottery program. 160 acres max.-land available thru remote parcel program.	160 acres maximum
Requirements to obtain an entry permit (homestead grant in the case of SB43)	1) 18 years of age. 2) 1 year resident 3) \$500 fee (\$400 refundable upon issuance of patent).	1) 18 years of age 2) 1 year resident 3) Written application. Continued on page 2.	1) 18 years of age 2) 1 year resident 3) A fee for filing an application may be charged by the Continued on page 2.	1) 18 years of age 2) 1 year resident 3) \$500 fee (\$400 refundable upon issuance of patent) Continued on page 2.

	SB 102	SB 43	HB 130	HB 167
Requirements to obtain an entry permit (homestead grant in the case of SB43 cont.)		<ul style="list-style-type: none"> 4) \$100 fee (\$75 if a title search is completed) 5) File an affidavit saying that the purpose for entering land is for actual settlement and cultivation. 6) Mark exterior boundaries of property 7) Publish a notice of application once/week for 3 consecutive weeks in a newspaper of general circulation. 	<p>dept. The amt. charged is left to the dept's discretion.</p> <ul style="list-style-type: none"> 4) Certify that applicant has not: <ul style="list-style-type: none"> a) previously leased a remote parcel or made application for homestead entry within 8 yrs. preceding date of staking a remote parcel, or b) purchased land at a sale by lottery in the State within 8 years. <p>Additionally, under remote parcel program, the individual must stake boundaries of property and file a sketch plat w/in 15 days.</p>	<ul style="list-style-type: none"> 4) Stake corners of land <p>and file a sketch plat w/in 15 days.</p>
No. of times eligible to apply for a homestead entry permit (homestead grant in the case of SB 43)	1 (if previously received patent to any land under this program) May not hold more than one permit at a time.	1	1 (not even once if previously has leased a remote parcel from the State or purchased land at a sale by lottery in the State within 3 years.)	No limit on number of times; however, may not receive patent to more than 160 acres total and may not hold more than 1 permit at a time.
Requirements for obtaining patent or in case of SB 43, requirements for retaining title to the land.	<ul style="list-style-type: none"> 1) Submit survey plat within 18 months. 2) Erect a habitable permanent dwelling within 3 years. 3) Clear and either put into production or prepare for cultivation 25% of land within 5 years. 	<ul style="list-style-type: none"> 1) Complete a survey that conforms to regulations adopted by the Dept. of Natural Resources within 5 years. 2) Occupy land for a cumulative total of 15 months within 5 years. 3) Erect a habitable permanent dwelling. 	<ul style="list-style-type: none"> 1) Occupy land for a total of 35 months. 2) Erect a habitable permanent dwelling that is not less than 200 sq. ft. 3) Clear and prepare for cultivation not less than 25% of land if limited to agricultural use; and not less than 12 1/2% if not limited to agricultural use. 4) Brush and maintain boundaries so they are easily visible from the ground. 5) Complete a survey that is acceptable to the director. 	<ul style="list-style-type: none"> 1) Submit a survey plat within 18 months. 2) Brush boundaries within 1 year. 3) Reside on entry land for not less than 5 mos. each year for 5 years. 4) Erect within 3 years a permanent habitable dwelling.

	SB 102	SB 43	HB 130	HB 107
Type of patent conveyed	Agricultural rights	Unencumbered title	Either agricultural rights or Unencumbered title	Unencumbered title
Additional conditions imposed on permittee	<ol style="list-style-type: none"> 1) No attempts may be made to convey or otherwise transfer the permit. 2) No permanent improvements to the land may be made before survey submitted. 3) Land may not be used for commercial purposes unless a substantial portion is used for agricultural purposes. 4) Director may reserve easements for roads, trails, etc. 	<ol style="list-style-type: none"> 1) Grantee may not remove timber or materials on a commercial basis. 2) Grantee may not sell or otherwise dispose of title to land for 5 years after receiving patent. 3) A 50' tract on each side of section line between sections of land acquired from State is dedicated to public access to public and navigable waters. 	<ol style="list-style-type: none"> 1) Permittee is not eligible for a State loan under the Alaska Agricultural Loan Act for improvements to that land before patent is granted. 	<ol style="list-style-type: none"> 1) Permit may not be assigned, conveyed, or transferred. 2) Director may reserve easements for roads, trails, etc.
Homestead Entry land exemptions or special exceptions.	<ol style="list-style-type: none"> 1) Disposal of homestead entry land not subject to local platting, recording, or subdivision requirements, but subsequent subdivision of land will be subject to all requirements. 2) Not subject to preference rights under the Alaska Land Act (AS 38.05) 3) Provides for veteran homestead entry loans from the Alaska Housing Finance Corporation. 	<ol style="list-style-type: none"> 1) Homestead entry land is exempt from municipal property tax for 1 yr. from grant of patent. 2) For 5 yrs. after grant of patent, at least 10% of increase in assessed value, if due to agricultural improvements, will be exempt from municipal taxation. 3) Homestead entry land may not be forfeited to enforce a judicial lien, process or proceeding to collect an unsecured debt until patent is granted. 4) Not subject to publication notice law (AS 38.05.345) 		<ol style="list-style-type: none"> 1) Not subject to preference rights under Alaska Land Act (AS 38.05). 2) Disposal of Homestead entry land not subject to local platting, recording, or subdivision requirements, but subsequent subdivision of the land will be subject to all requirements.
Surveys required of the State	If no rectangular survey section corners present on land, director must complete a cadastral survey establishing these corners.			If no rectangular survey section corners present on land, director must complete a cadastral survey establishing these corners