

COMMITTEE REPORT
SENATE

FURTHER:

4/24/84

Date 5/18/84

Mr. President

The Committee on FINANCE considered CSHB 624 (Res)
qualifications for a homesite; efd.

and (a majority of the committee) (the committee) reports it back with
the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Joe Breen

Bob ...

John ...

[Signature]
Chairman

Chairman recommendation _____

LETTER OF INTENT (SENATE FINANCE COMMITTEE)

CSHA 624 (Res)

On January 20, 1984, The Department promulgated regulations which defined the terms, "extreme emergency" and "illness which disables the applicant" in homestead cases. The Committee understand and expects that like regulations for the terms used in CSHB 624 will be used in homesite cases after enactment of this measure.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

*FR accompany
bill into
committee*

De

Revision Date: _____

REQUEST
Bill/Resolution No.: HB 624
Title: An Act...homesites

FISCAL DETAIL
Agency Affected: Natural Resources
Program Category Affected: NRMEC

Sponsor: Larson
Requestor: House Resources
Date of Request: _____

BRU, Program or Subprogram(s) Affected:
Land and Water Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

No impact.

ANALYSIS: Attach a separate page for analysis

Prepared By: Dick LeFebvre Phone: 276-2653
Division: Land and Water Management Date: March 13, 1984

MF Approved by Commissioner: *Norm D. Armstrong, Deputy* Date: March 13, 1984
Agency: Natural Resources

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Offered: 3/14/84
Referred: Rules

Original sponsor: Larson

1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 CS FOR HOUSE BILL NO. 624 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to qualifications for a homesite;
7 and providing for an effective date."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 38.08.040(c) is repealed and reenacted to read:
10 (c) The permit may not be assigned, conveyed, or in any manner
11 transferred except by testate or intestate succession, to a spouse
12 during marriage, by order of a court as part of a divorce settlement,
13 or to either a member of the immediate family or a grantee of the
14 applicant in the case of an extreme emergency or illness that disables
15 the applicant. An attempt to assign, convey, or in any manner trans-
16 fer the permit except as permitted by this subsection is void and
17 constitutes a substantial breach of the permit.
18 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
19 10.070(c).

1412624

(d) In accordance with AS 38.09.030(c)(4) an entry permit may be transferred to a member of the entryperson's immediate family, or to a grantee in the case of an extreme emergency or illness which disables the entryperson. The entry permit may be transferred to a grantee only in cases where no member of the immediate family is eligible, capable and willing to assume the entry permit. In this instance the entryperson shall submit a sworn statement attesting to the fact that the aforementioned conditions are met.

(e) The recipient of an entry permit which is assigned, conveyed, or transferred under AS 38.09.030(c) must meet the residency and age requirements of AS 38.09.030(a)(1).

(f) If the operation of AS 38.09.030(c) places a person in the position of holding more than one homestead entry permit simultaneously, the terms and conditions of each entry permit must be complied with independently in order to gain patent to a homestead. In addition, no person may take patent to more than one homestead in that person's lifetime for which the entry permit has been transferred to that person under the provisions of AS 38.09.030(c).

(g) Assignments, conveyances, and transfers of homestead entry permits must be accompanied by a filing fee established by the director. No assignment, conveyance, or transfer is effective until approved in writing by the director.

(h) All restrictions and procedures applicable to the assignment, conveyance, or transfer of an entry permit under this section are applicable to purchase contracts executed under AS 38.09.090.

(i) For transferability purposes:

(1) a contract to purchase is considered the same as an entry permit:

(2) an "extreme emergency" means an event or situation not reasonably foreseeable, and may not be based on mere financial considerations, or relocation for personal or business reasons. Mere expediency, convenience, or the best interests of the entryperson do not constitute an "extreme emergency";

(3) an "illness which disables the applicant" is evidenced by a doctor's certification that the holder of an entry permit is incapable of complying with the terms of the homestead program for a period of not less than one year;

(4) "members of the immediate family" means to the entryperson's spouse, mother, father, sister, brother, daughter or son;

Alaska State Legislature

RONALD L. LARSON
DISTRICT 16B

POUCH V
JUNEAU, ALASKA 99811
(907) 485-3727



BOX 53
PALMER, ALASKA 99645
(907) 743-3826

House of Representatives

MEMORANDUM

May 1, 1984

TO: Members Senate Finance Committee
FROM: Representative Ron Larson *R.L.*
SUBJECT: HB 624

The following piece of legislation passed the House March 20, 1984 by a division of 40 to 0. In the Senate it was referred to both the Senate Resources Committee and the Senate Finance Committee. It passed out of Senate Resources April 2

4, 1984. Any consideration you may be able to give this particular piece of legislation in moving it through the Senate would be very much appreciated.

HB 624 - "An Act relating to qualifications for a homesite."

This legislation will allow current holders of homesite parcels to transfer their rights in the property to another individual, when due to an incapacitating illness or injury, he or she cannot fulfill the on site residency requirements. This allowance would be the same as is currently provided for under the homestead statutes, AS 38.09.030(c)(4).

Under present homesite statutes, if a person has fulfilled all requirements except for residency, he or she could lose the rights to the property because of a serious illness or injury preventing them from residing on the homesite. Often, in the case of a disabling illness or injury, a person is required to live closer to medical facilities or may require special care.

The homesite law does provide for a legal transfer of property upon a person's death; however, if they survive a serious illness or operation, which incapacitates them, they would lose all their rights and property improvements on their homesite. This bill would simply provide the same provisions under the homesite law which were provided for in the homestead statutes, dealing with this type of emergency.

Introduced: 2/13/84
Referred: Resources

1 IN THE HOUSE

BY LARSON

2

HOUSE BILL NO. 624

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to qualifications for a homesite."

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

8 * Section 1. AS 38.08.040(c) is repealed and reenacted to read:

9 (c) The permit may not be assigned, conveyed, or in any manner
10 transferred except by testate or intestate succession, to a spouse
11 during marriage, by order of a court as part of a divorce settlement,
12 or to either a member of the immediate family or a grantee of the
13 applicant in the case of an extreme emergency or illness that disables
14 the applicant. An attempt to assign, convey, or in any manner
15 transfer the permit except as permitted by this subsection is void and
16 constitutes a substantial breach of the permit.