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SENATE RESOURCES COMMITTEE
LEGISLATION CHECKLIST

IDENTIFICATION:

BILL NUMBER: *SB 355*

BILL NAME: *Qualifications for parent to homesites*

SPONSOR(S): *Rae*

RELATED BILLS PENDING:

DATE INTRODUCED: *1-17-84*

HB 541

REFERRALS: *Resources*
Finance

1/25/84

INITIAL RESEARCH:

BILL SUMMARY COMPLETED:

SUMMARY BY LEGAL DIVISION:

SPONSOR CONTACTED FOR
BACKUP MATERIALS:

DEPT. OF LAW SUMMARY:

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS/GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE:

BACKGROUND MATERIAL DISTRIBUTED:

PSA/PRESS RELEASE:

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/COMMIT'
SUBSTITUTES DRAFTED:

SB 355 - relating to qualifications to patents for homesites
Sponsor: Senator Ray

Under AS 38.08.060 a permit holder for a homesite must meet three requirements (see below)* to be eligible for a patent to the land.

SB 355, by adding a new subsection, .060(e), allows the permit holder the opportunity to waive requirement (a)1 for (e), which at 5% of the fair market value at the time the permit was granted and conformity to subsections (b) and (c), will allow the permittee to acquire a patent to the homesite under the purchase provisions provided for in 38.05.065 (terms of contract sale).

The concept of SB 355 is embodied in the work draft of Senator Fahrenkamp's Title 38 rewrite. The differences in the two versions are:

1. The 5% downpayment stipulation in SB 355 is not included in the rewrite; and,
2. purchase under 38.05.065 is based on the fair market value at the expiration date of the permit in Senator Fahrenkamp's version, not at the time the permit is issued.

PATENT REQUIREMENTS

Sec. 38.08.060. Issuance of patent. (a) A person who enters upon homesite entry land under a permit issued by the director shall be issued a patent to the land conveying an unencumbered title if that person

(1) occupies the land for a cumulative total of 35 months within the seven-year period following issuance of the homesite entry permit;

(2) erects a habitable, permanent, single-family dwelling on the homesite, which meets all applicable state and local regulations, within five years of the date of issuance of the homesite entry permit; for the purposes of this paragraph, mobile homes are not considered to be permanent dwellings unless they are placed on a permanent foundation;

(3) reimburses the state for the survey and platting undertaken in accordance with AS 38.08.010 — 38.08.120; the director shall provide by regulation for installment payments of this requirement.

(b) Nothing in AS 38.08.010 — 38.08.120 shall be construed to prohibit a person issued a homesite entry permit from residing in a temporary habitable dwelling on the homesite until revocation of the homesite entry permit.

(c) No person may be issued more than one patent during his lifetime, nor may any person who is a member of a patent holder's household be issued a patent while a member of the patent holder's household.

(d) If a dwelling is found to have been substantially completed under AS 38.08.100, patent shall be issued upon completion of the dwelling, notwithstanding (a) (2) of this section. (§ 2 ch 142 SLA 1977; am § 11 ch 181 SLA 1978; am § 42 ch 85 SLA 1979; am § 38 ch 113 SLA 1981)

Effect of amendments. — The 1978 amendment substituted "five years" for "three years" in paragraph (2) of subsection (a).

The 1979 amendment, in paragraph (1) of subsection (a), substituted "35 months within the five-year period" for "21 months within the three-year period" and deleted "or five months with 20 years Alaskan cumulative residence" from the end.

The 1981 amendment substituted "seven-year" for "five-year" in paragraph (1) of subsection (a).

Editor's notes. — Section 47, ch. 113, SLA 1981 provides: "A person who is granted a homesite entry permit before July 1, 1981, is entitled to a patent to the land if the person satisfies the conditions imposed (1) in the homesite entry permit; or (2) by AS 38.08.060(a)."