

COMMITTEE REPORT
HOUSE

(11)

FURTHER:

2/1/85

Date: 4-16-85

The Committee on FINANCE has had HB 21
"An Act relating to homesites for veterans."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 21 (Fin) same title
 new title
and recommends DO PASS
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
4-15-85 - New One
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

[Signature]

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[Signature]

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[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

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[Signature]

[Signature]
CHAIRMAN

Original sponsors: Goll and Szymanski

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 21 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to homesites for veterans."

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

8 * Section 1. AS 38.08 is amended by adding a new section to read:

9 Sec. 38.08.015. HOMESITES FOR VETERANS. A veteran who qualifies
10 for a homesite entry permit under AS 38.08.030 and who complies with
11 the provisions of AS 38.08.060(a)-(d), except AS 38.08.060(a)(3), may
12 not be required to reimburse the state for the costs incurred by the
13 state in surveying and platting undertaken by the state in accordance
14 with this chapter.

15 * Sec. 2. AS 38.08.120 is amended by adding a new paragraph to read:

16 (4) "veteran" means a person honorably discharged from the
17 armed services of the United States who has at any time resided con-
18 tinuously for at least one year in the state and who has performed
19 service in the armed forces of the United States for a period of 180
20 days or more during one or more of the following periods unless a
21 shorter period of service resulted from a service connected injury or
22 disability:

23 (A) between April 6, 1917 and December 1, 1918;

24 (B) between September 16, 1940 and July 25, 1947;

25 (C) between June 25, 1950 and January 31, 1955; or

26 (D) between August 4, 1964 and November 7, 1975.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST FISCAL DETAIL
 Bill/Resolution No.: CSHB 21 (res) ^{Fin} Agency Affected: Natural Resources
 Title: Homesites for Veterans Program Category Affected: _____

Sponsor: Goll BRU, Program or Subprogram(s) Affected: _____
 Requestor: _____ Land and Water Management
 Date of Request: 4/15/85

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		0				
200 TRAVEL		0				
300 CONTRACTUAL		0				
400 SUPPLIES		0				
500 EQUIPMENT		0				
600 LAND & STRUCTURES		0				
700 GRANTS, CLAIMS		0				
800 MISCELLANEOUS		0				
TOTAL OPERATING		0				
CAPITAL		0				
REVENUE		(86.0)				

FUNDING: (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS		0				
OTHER		0				
TOTAL		0				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Any funds necessary to implement this bill can be absorbed within the agency's existing budget.

APA

Prepared By: Al Adams, Chair Phone: 465-3706
 Division: House Finance Committee Date: 4/15/85

Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY


POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

MEMORANDUM

April 17, 1985

SUBJECT: Constitutionality of exemption for one year
resident veterans from certain costs under
the homesite entry program (CSHB 21(Fin))

TO: Representative Al Adams

FROM: Randall J. Moen 
Legislative Counsel

Your request under CSHB 21 (Fin) to exempt only those qualified Alaska resident veterans who have resided at any time in the state for one year from certain costs under the homesite entry program is subject to serious constitutional challenges under the 14th Amendment (Equal Protection Clause) of the U.S. Constitution and Article I, sec. 1 of the Alaska Constitution. I shall address only the 14th Amendment problem.

The Equal Protection Clause protects new residents of a state from being disadvantaged because of their recent migration. Zobel v. Williams, 457 U.S. 55, 72 L.Ed. 2d 672, 102 S. Ct. 2309 (1982). A state statute which distributes benefits based on the length of residency violates the equal protection clause of the 14th Amendment unless the state can show valid state interests are rationally served by conditioning of the benefits on the length of residency. Id.

The effect of CSHB 21 (Fin) allows only those Alaska resident veterans who have resided in Alaska at any time for one year to forego reimbursement to the state of certain costs incurred by the state under the homesite entry program. Thus, newly arrived Alaska resident veterans are treated differently than other Alaska resident veterans who have lived in Alaska at any time for at least one year.

It is difficult to envision a legitimate state interest that can be rationally served by making a durational residency distinction between the two classes of Alaska resident veterans. Unless it can be demonstrated by the state that a legitimate state interest exists and that your committee substitute is rationally related to the legitimate state

Representative Al Adams
April 17, 1985
Page 2

interest, your committee substitute will be deemed unconstitutional under the Equal Protection Clause of the U.S. Constitution.

RJM:ojb
J14/003

Amendment to HB 21 - Representative Cotten

Delete Section 2 and replace with:

"veteran" means a person honorably separated from the military service of the United States who has at any time resided continuously for at least a year in the state and who served in the armed forces of the United States for at least 180 days or whose service was for less than 180 days because of injury or disability incurred in the line of duty, between (A) April 6, 1917 and December 1, 1918; (B) September 16, 1940 and July 25, 1947; (C) June 25, 1950 and January 31, 1955; or (D) August 4, 1964 and November 7, 1975.

A M E N D M E N T

Offered in the HOUSE

By Uehling

To: CSHB 21 (Resources)

Page 1, line 6, delete "for veterans"

Page 1, following line 14, insert a new bill section to read:

"* Sec. 2. AS 38.08.060(a) is amended to read:

(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 17 [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 this chapter; the director shall provide by regulation for installment payments of this requirement."

"* Sec. 4. Section 2 of this act is retroactive to May 1, 1983."

Renumber remaining bill section accordingly.

TITLE 18.

Health and Safety.

CHAPTER 55.

Housing, Urban Renewal, and Planning Assistance.

ARTICLE 2.

Moderate Cost and Rental Housing.

CITATION Sec. 18.55.470.

(5) "veteran" means a person honorably separated from the military service of the United States who has at any time resided continuously for at least a year in the state and who served in the armed forces of the United States for at least 90 days or whose service was for less than 90 days because of injury or disability incurred in the line of duty, between: (A) September 16, 1940 and July 25, 1947; (B) June 25, 1950 and January 31, 1955; or (C) August 4, 1964 and November 7, 1975; "veteran" also includes the spouse or widow or widower of a veteran.

TITLE 18.

Health and Safety.

CHAPTER 56.

Alaska Housing Finance Corporation.

CITATION Sec. 18.56.098.

SPECIAL MORTGAGE LOAN PURCHASE PROGRAM.

(j) If the money used to purchase a mortgage loan made to a veteran under this section comes from an issue of bonds of the corporation guaranteed by the state, each bond must be issued as part of an issue substantially all of the proceeds of which are used to provide residences for qualifying veterans. In this subsection a qualifying veteran is a person who is a "qualified veteran" as the term is defined or may subsequently be defined under the Mortgage Subsidy Bond Tax Act of 1980 (26 U.S.C. 103A), as amended.

TITLE 26.

Military Affairs and Veterans.

CHAPTER 10.

Veterans.

ARTICLE 2.

Miscellaneous Provisions.

CITATION Sec. 26.10.060.

EXTENSION OF UNIVERSAL MILITARY TRAINING AND SERVICE ACT PROVISIONS TO ALASKA EMPLOYEES.

(b) As used in this section, "veteran" means a person subject to the Universal Military Training and Service Act.

TITLE 26.

Military Affairs and Veterans.

CHAPTER 10.

Veterans.

ARTICLE 2.

Miscellaneous Provisions.

CITATION Sec. 26.10.080.

DEATH GRATUITY.

(2) "veteran" means

(A) a person who served in a branch of the armed services of the United States

(i) who at the time of entry into the service was a resident of the territory or state, who had been a resident for not less than one year immediately before entry into the service, and who returned to the territory or state within one year after discharge as a resident with the intention of remaining in the territory or state; or

(ii) who was a resident of the state for not less than one year immediately preceding the time of death; or

(B) a person who served in the Alaska Army National Guard, the Alaska Air National Guard, or the Alaska Naval Militia, or who served in a reserve unit of the United States armed forces in Alaska if the reserve unit required a minimum of one weekend of duty each month and 15 consecutive days of active duty training each year for not less than three years.

TITLE 29.

Municipal Government.

CHAPTER 53.

Municipal Assessment and Taxation.

ARTICLE 1.

Municipal Property Tax.

CITATION Sec. 29.53.020.

REQUIRED EXEMPTIONS.

(1) "disabled veteran" means a disabled person separated from the military service of the United States under a condition that is not dishonorable who is a resident of the state, whose disability was incurred or aggravated in the line of duty in the military service of the United States, and whose disability has been rated as 50 percent or more by the branch of service in which that person served or by the Veterans' Administration;

TITLE 29.

Municipal Government.
CHAPTER 73.
Miscellaneous Provisions.

CITATION Sec. 29.73.060.

PROPERTY TAX EQUIVALENCY PAYMENTS.

(e) In this section "disabled veteran" means a disabled person separated from the military service of the United States under a condition that is not dishonorable who is a resident of the state, whose disability was incurred or aggravated in the line of duty in the military service of the United States, and whose disability has been rated as 50 percent or more by the branch of service in which that person served or by the Veterans' Administration.

TITLE 38.

Public Lands.
CHAPTER 05.
Alaska Land Act.
ARTICLE 2.
Sale of Lands.

CITATION Sec. 38.05.067.

VETERANS PREFERENCE.

(d) In this section "veteran" means a person with 90 days or more of active service in the armed forces of the United States who has been honorably discharged.

(e) This section does not apply to the sale of state land under AS 38.04.020(g)(2) and AS 38.09.

TITLE 39.

Public Officers and Employees.
CHAPTER 25.
State Personnel Act.
ARTICLE 3.
Personnel Rules.

CITATION Sec. 39.25.150.

SCOPE OF THE RULES.

(A) "veteran" means a person with 181 days or more active service in the armed forces of the United States who has been honorably discharged after having served during any period between April 6, 1917, and December 1, 1919, between September 16, 1940, and December 31, 1947, or between June 27, 1950, and November 7, 1975;

(B) "disabled veteran" means a veteran who is entitled to compensation under laws administered by the United States Veterans' Administration, or a person who was honorably discharged or released from active duty because of a service-connected disability;

TITLE 26.

Military Affairs and Veterans.

CHAPTER 15.

Veterans Loans.

CITATION Sec. 26.15.130.

ELIGIBILITY FOR LOANS.

TEXT

(a) Qualifications for loans under this chapter are:

(1) persons who served in the armed forces of the United States for 90 days or more, or whose service was for less than 90 days because of injury or disability incurred in the line of duty, between April 6, 1917, and November 11, 1918, and beginning September 16, 1940, to November 7, 1975, or in a combat zone during any period of armed conflict, who were separated from the armed forces with a discharge other than dishonorable, and

(A) who, at the time of induction into the service, were residents of the territory or state, who had been residents for not less than one year immediately before their induction, and who returned to the territory or state after discharge as residents with the intention of remaining in the territory or state; or

(B) who, not being bona fide residents of the territory or state before their entry into the service, have been residents of the territory or state for one or more years;

(2) persons who were dependent on a member of the armed forces or a veteran of World War II at the time of the member's or veteran's death, if

(A) the member or veteran was a resident of the territory or state for one year before induction into the service; and

(B) the member or veteran served in the armed forces for at least 90 days between September 16, 1940, and July 25, 1947, but no benefits for loans accrue to dependents of an enlistee or re-enlistee for time served after November 1, 1945, regardless of whether the enlistment or reenlistment was before or after November 1, 1945; and

(C) the member or veteran died before the official date of the termination of that war; and

(D) the member's or veteran's discharge was not dishonorable;

(3) persons who have served in the Alaska Army National Guard or the Alaska Air National Guard or the Alaska Naval Militia for not less than six years and who have not received a discharge other than honorable.

(b) Dependents shall be unmarried and the deceased member of the armed forces or deceased veteran shall have been their chief means of support and they shall be either a widow, widower, minor son, minor daughter, or mother, father, sister or brother incapable of self-support. Dependents shall be residents of the territory or state at the time of making application and intend to reside in the territory or state permanently. The rights of minor children may be exercised only if they have no surviving parent and have an appointed guardian who may apply on their behalf to secure a loan for their care, support, education or other purposes mentioned in AS 26.15.040 or to receive the bonus for those purposes.

TITLE 26.

Military Affairs and Veterans.

CHAPTER 15.

Veterans Loans.

CITATION Sec. 26.15.160.

EXTENSION OF CHAPTER TO VETERANS OF KOREA AND VIET NAM.

TEXT

The provisions of this chapter, except those provisions relating to the payment of bonuses, are extended to persons who served other than dishonorably on active duty between June 25, 1950, and January 31, 1955, who served other than dishonorably on active duty between August 4, 1964, and November 7, 1975, and to dependents of such persons, subject to the following provisions and eligibility qualifications.

(1) Persons are eligible

(A) who were discharged other than dishonorably from the armed forces of the United States or who are released to a reserve component; and

(B) who at the time of entry into the service were bona fide residents of the territory or State of Alaska and had been residents of the territory or state for not less than one year before their entry into the service; and who have returned to the territory or state within a reasonable length of time after discharge or separation as residents with the intention of remaining in the territory or state; or who, not being bona fide residents of the territory before their entry into the service, have lived in the territory or state for at least five years following their release from active military service; and

(C) who served in the armed forces of the United States for 90 days or more, or whose service was for a lesser period because of injury or disability incurred in line of duty, between June 25, 1950, and January 31, 1955, or who served in the armed forces of the United States for 90 days or more or whose service was for a lesser period because of injury or disability incurred in line of duty, between August 4, 1964, and July 1, 1977.

(2) Persons are eligible who were dependent upon a member of the armed forces or upon a veteran eligible for the benefits of this chapter at the time of the member's or veteran's death if the member or veteran was a resident of the territory for one year before entry into service and died before November 5, 1975. Dependents shall be unmarried and the deceased veteran or member of the armed forces shall have been their chief means of support and they shall be either a widow, widower, minor child, or a mother, father, sister, or brother incapable of self-support. Dependents shall be residents of the state at the time of application and shall intend to remain residents in the state permanently. The rights of minor children under this chapter may be exercised only if they have no surviving parent and have an appointed guardian who may apply on their behalf for the benefits of this chapter for their care, support or education.

(3) No person unless he has lived in the state or territory for at least five years following his release from active military service is eligible for the benefits of this section who is eligible for veterans' benefits under the laws of any other state or territory. A World War II veteran who received a bonus under AS 26.15.120 and 26.15.150 need not repay the bonus in order to qualify under the loan provisions of this section.

(4) For persons otherwise eligible for the benefits under this section, who did not return to the state or territory within one year after separation from the service unless prevented from doing so for medical, educational or other valid purposes approved by the Department of Commerce and Economic Development within one year after separation from the service, an additional requirement of four years' residence in the state or territory before their entry into the service is imposed to entitle them to the benefit provisions of this section.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Page 1 of 2

Revision Date: _____

REQUEST
 Bill/Resolution No.: HB 21 (Res)
 Title: Homesites for Veterans

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

Sponsor: Goll
 Requestor: _____
 Date of Request: _____

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		24.5	4.4	4.4	4.4	4.4
200 TRAVEL						
300 CONTRACTUAL		0.5	0.1	0.1	0.1	0.1
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		25.0	4.5	4.5	4.5	4.5

CAPITAL						
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REVENUE		(86.0)	(86.0)	(86.0)	(86.0)	(86.0)
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FUNDING: (Thousands of Dollars)

GENERAL FUND		25.0	4.5	4.5	4.5	4.5
FEDERAL FUNDS						
OTHER						
TOTAL		25.0	4.5	4.5	4.5	4.5

POSITIONS:

FULL-TIME						
PART-TIME		1				
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See Attached

Prepared By: Michael E. Vediner Phone: 465-2400
 Division: Land and Water Management Date: January 18, 1985
 Approved by Commissioner: Robert D. Arnold, Deputy Date: January 18, 1985
 Agency: Natural Resources

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

January 18, 1985

ANALYSIS:

Operating expenditures will be minimal in the implementation of this bill. Of approximately 2200 homesite entry permits now issued, 20 percent are held by veterans. As much as \$25,000 will be required to obtain and review necessary documentation of eligibility of these permittees. This figure covers management, clerical, typing, and postage costs. At projected rate, homesite entry permittees authorized after implementation of this bill will require an additional annual increment of \$4500 to administer.

A net revenue loss will be incurred with this bill as follows. 20 percent of the total number of homesites issued is 440. At an average cost of \$1450 for surveying and platting each homesite, the total forgiveness of these costs is \$640,000 over the next ten years. In addition, at the current rate of 75 homesites per year, an additional 15 will be issued to veterans. This will further increase the revenue loss by \$22,000 per year. Using these figures a net annual revenue loss of \$86,000 will be incurred. Of course, as the program becomes more attractive the percentage of veterans in the numbers, and consequently the net annual revenue loss, will increase.

Part time position in FY 86 is for clerical staff.



Alaska State Legislature

HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES

POUCH V
JUNEAU, ALASKA 99811
(907) 465-3715

January 30, 1985

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

Dear Representative Adams:

It was brought to the House Resources Committee's attention as CSHB 21 (Res) was being passed out of the committee today in final form, that a small technical change should be made in the bill. That change involves line 27, after the word received insert an honorable discharge or ... a discharge under honorable conditions. This addition will clarify the type of discharged veterans who should receive the benefits of this legislation as explained by Representative Goll who is the prime sponsor of this piece of legislation. It was decided that this change could be addressed in the House Finance Committee for reasons of expediency.

If you have any questions regarding this matter, please feel free to contact me or my staff at 465-3715.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dick Shultz".

Representative Dick Shultz, Co-Chair
House Resources Committee

DS:tem

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land appraised

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borne by the lessee in accordance with the Agricultural Loan

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in subsection

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guided by the department regulations under § 1 ch 127

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partment of

(3) "cropped" means the management of a domestic planting including harvest. (§ 1 ch 127 SLA 1967)

Revisor's notes. — This section was reorganized in 1984 to place the defined terms in alphabetical order.

Chapter 08. Homesites.

Section

- 10. Classification of land for homesite entry
- 20. Public notice
- 30. Applications for homesite entry; fees
- 40. Issuance of entry permit
- 50. Revocation of entry permit

Section

- 60. Issuance of patent
- 90. Disclaimer of intent to provide services
- 100. Substantial completion of dwelling
- 110. Regulations
- 120. Definitions

Revisor's notes. — Through administrative reorganization, the Department of Natural Resources has eliminated the division of lands. Duties and responsibilities given to the division of lands under this chapter have been assigned to other divisions of the department. Duties and responsibilities given to the director of the division of lands under this chapter have been assigned to the deputy commissioner for operations, who has

been given the additional title "director of lands."

Cross references. — For purpose of 1977 Act that enacted this chapter, see sec. 1, ch. 142, SLA 1977 in the Temporary and Special Acts; for designation of land for disposal under the homesite entry program and assessment of supply and demand under that program, see secs. 1 and 2, ch. 181, SLA 1978 in the Temporary and Special Acts.

Sec. 38.08.010. Classification of land for homesite entry. (a) The director shall designate, classify and make available for homesite entry state land in amounts and at times as required in AS 38.04.020 or as may otherwise be required by law.

(b) Land classified as homesite entry land shall be divided into parcels not exceeding five acres in reasonably compact form, with boundaries conforming as nearly as practicable to natural geologic and topographic features. However a parcel may exceed five acres if the director determines that the larger parcel is necessary to

(1) comply with local zoning ordinances; or

(2) permit the design of a subdivision because of topographical features, soil conditions, on-site sewage disposal requirements, or water drainage or supply considerations unique to the subdivision.

(c) [Repealed, § 45 ch 85 SLA 1979.]

(d) The director shall, to as great an extent as possible, classify land for homesite entry based upon the distribution of population in the state. (§ 2 ch 142 SLA 1977; am §§ 7, 8, 15 ch 181 SLA 1978, am § 45 ch 85 SLA 1979; am § 37 ch 113 SLA 1981)

Revisor's notes. — In the second sentence of subsection (b), the word "however" was added at the beginning of the sentence and "the" was substituted for "a" preceding "larger parcel" in 1981.

Effect of amendments. — The 1981 amendment added the second sentence of subsection (b).

Legislative history reports. — For report on ch. 142, SLA 1977 (CSHB 2), see 1977 House Journal, p. 663.

Collateral references. — 63 Am. Jur. 2d, Public Lands, §§ 56 to 64.
73A C.J.S., Public Lands, §§ 36 to 57.

Sec. 38.08.020. Public notice. The director shall publish notice of the availability of the land in the same manner as provided in AS 38.05.945. (§ 2 ch 142 SLA 1977; am § 9 ch 181 SLA 1978; am § 41 ch 85 SLA 1979; am § 104 ch 6 SLA 1984)

Effect of amendments. — The 1984 amendment made an internal reference change.

Sec. 38.08.030. Applications for homesite entry; fees. (a) To qualify for a homesite entry permit, an applicant shall

(1) at the time of application have attained the age of 18;

(2) submit proof acceptable to the commissioner that the applicant is a resident of the state at the time of application, and that the applicant has been a resident of the state for not less than one year immediately preceding the date the application was submitted;

(3) agree to comply with the requirements for obtaining a patent to land set out under AS 38.08.060.

(b) Fees for filing an application may not exceed \$10. (§ 2 ch 142 SLA 1977; am § 10 ch 181 SLA 1978; am § 67 SLA 1993)

Effect of amendments. — The 1983 amendment rewrote paragraph (2) of subsection (a).

Sec. 38.08.040. Issuance of entry permit. (a) An applicant meeting the qualifications for homesite entry under AS 38.08.030 shall be issued a revocable permit to occupy and improve the homesite in order to qualify for issuance of patent as provided in this chapter. The application fee is the sole rent chargeable on the permit for its duration.

(b) *[Repealed, § 19 ch 67 SLA 1983.]*

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

ports. — For (CSHB 2), see

- 63 Am. Jur. 14. §§ 36 to 57.

sh notice of ided in AS am § 41 ch

es. (a) To

3; : applicant the appli- or immedi-

patent to

2 ch 142

applicant s.030 shall mesite in pter. The its dura-

y manner se during r to either ant in the icant. An nit except bstantial

(d) An applicant may apply for more than one available homesite. A person holding a homesite patent may not apply for a homesite entry permit, a person may not simultaneously hold more than one homesite entry permit, and a person who is a member of the homesite entry permit holder's household may not be issued a homesite entry permit while a member of the homesite entry permit holder's household. (§ 2 ch 142 SLA 1977; am § 39 ch 113 SLA 1981; am § 19 ch 67 SLA 1983; am § 50 ch 152 SLA 1984)

Effect of amendments. — The 1983 amendment repealed subsection (b). The 1984 amendment rewrote subsection (c).

Sec. 38.08.050. Revocation of entry permit. (a) The entry permit may only be revoked for failure to erect a dwelling as required under AS 38.08.060, or for other substantial breach of the terms and conditions of the homesite entry permit.

(b) Upon revocation and termination of a permit, improvements or chattels upon the homesite shall be managed, and subsequent issuance of a permit for entry on the homesite shall be conditioned, in the same manner as provided in AS 38.05.090 for removal or reversion of improvements upon termination of leases of state land. (§ 2 ch 142 SLA 1977)

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 this chapter; the director shall provide by regulation for installment payments of this requirement.

(b) Nothing in this chapter 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) A person may not be issued more than one patent during a 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.

(e) A permit holder who meets each of the provisions of (a) of this section except for (a)(1) and who tenders the commissioner an amount equal to five percent of the purchase price of the land within seven years of the issuance of the permit may purchase the land under AS 38.05.065. The purchase price of the land is the fair market value of the land at the time of purchase. (§ 2 ch 142 SLA 1977; am § 11 ch 181 SLA 1978; am § 42 ch 85 SLA 1979; am § 38 ch 113 SLA 1981; am § 51 ch 152 SLA 1984)

Cross references. — For special conditions relating to entry permits issued before July 1, 1983, see sec. 87, ch. 152, SLA 1984 in the Temporary and Special Acts.

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

The 1984 amendment added subsection (e).

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)."

Secs. 38.08.070 — 38.08.080. Required planning authority and zoning approval of land within municipality. [Repealed, § 45 ch 85 SLA 1979.]

Sec. 38.08.090. Disclaimer of intent to provide services. Nothing in this chapter obligates the state to provide services to land which is the subject of homesite entry and patent. (§ 2 ch 142 SLA 1977)

Sec. 38.08.100. Substantial completion of dwelling. An entry permit may not be revoked for failure to erect a dwelling in the time required under AS 38.08.060(a)(2) if the director finds that erection of the dwelling has been substantially completed and progress toward completion is being made at the expiration of the time required. (§ 2 ch 142 SLA 1977)

Sec. 38.08.110. Regulations. The commissioner shall adopt regulations in accordance with AS 44.62.180 — 44.62.290 to carry out the purposes of this chapter, including, but not limited to, regulations relating to easements and access routes. (§ 2 ch 142 SLA 1977; am § 12 ch 181 SLA 1978)

Sec. 38.08.120. Definitions. In this chapter

- (1) "commissioner" means the commissioner of natural resources;
- (2) "habitable dwelling" means a dwelling of a permanent nature, together with fixtures and facilities, including sanitary facilities, required or customary in the vicinity of the land made available for homesite entry;
- (3) "resident" means a person who is not claiming residence in another state and shows by all attending circumstances an intent to maintain a permanent residence in the state. (§ 2 ch 142 SLA 1977)

Offered: 2/1/85
Referred: Finance

Original sponsor: Goll

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 21 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to homesites for veterans."

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

8 * Section 1. AS 38.08 is amended by adding a new section to read:

9 Sec. 38.08.015. HOMESITES FOR VETERANS. A veteran who qualifies
10 for a homesite entry permit under AS 38.08.030 and who complies with
11 the provisions of AS 38.08.060(a)-(d), except AS 38.08.060(a)(3), may
12 not be required to reimburse the state for the costs incurred by the
13 state in surveying and platting undertaken by the state in accordance
14 with this chapter.

15 * Sec. 2. AS 38.08.120 is amended by adding a new paragraph to read:

16 (4) "veteran" means a person who

17 (A) performed service in the armed forces of the
18 United States for a period of 180 days or more during one or more
19 of the following periods unless a shorter period of service
20 resulted from a service connected injury or disability:

21 (i) between April 6, 1917 and December 1, 1918;

22 (ii) between September 16, 1940 and December 31,
23 1947;

24 (iii) between June 25, 1950 and January 31, 1955;

25 or

26 (iv) between August 4, 1964 and November 7, 1975;

27 (B) received a discharge under honorable conditions.