

HB

21

reports. — For 977 (CSHD 2), see 663.  
s. — 63 Am. Jur. to 64.  
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(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 — The 1983 amendment repealed subsection (b).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)

**Section**  
 10. Design entry  
 20. Homesite  
 30. Qualification  
 40. Revocation  
 50. Issuance  
 60. Marking

**Collateral**  
 2d, Public Law  
 73A C.J.S.

**Sec. 38.09.1**  
 The commission shall make a survey of the state land made available for distribution.  
 (b) The commission shall make a survey of the homestead land made available for distribution.  
 (c) Notice shall be given to the owner of the land made available for distribution.  
 (d) Land made available for distribution shall be distributed in accordance with the requirements of this section.  
 (e) The commission shall make a survey for each area made available for distribution.  
 (1) the minimum size of the land made available for distribution;  
 (2) the direction of the survey;  
 (3) a description of the land made available for distribution;  
 (4) a requirement that the land made available for distribution be a point of reference for the survey;  
 (5) a specification of the time within which the survey shall be completed;  
 (6) the time within which the survey shall be completed.  
 (f) The commission shall make a survey of the homestead land made available for distribution.  
 (a) of this section shall apply to the entry on more



*Grand Camp*  
*Alaska Native Brotherhood*

71ST, ANNUAL ANB-ANS GRAND CAMP CONVENTION  
JUNEAU, ALASKA  
NOVEMBER 14-19, 1983

RESOLUTION NO. 16

WHEREAS, "House Bill 433, An Act relating to homesites for veterans",  
and

WHEREAS, Section 1. AS 38.08 was amended by adding a new section to  
read:

Sec. 38.08.015. Homesites for Veterans. A veteran who quali-  
fies for a homesite entry permit under AS 38.08.030 may not be  
required to reimburse the State for the costs incurred by the  
State in surveying and platting undertaken by the State in  
accordance with this chapter.

"Veteran" means a person who

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

- (1) Between April 6, 1917 and December 1, 1918;
- (11) Between September 16, 1940 and December 31, 1947;
- (111) Between June 25, 1950 and January 31, 1955
- (1V) Between August 4, 1964 and November 7, 1975

(b) Received an honorable discharge.

THEREFORE BE IT RESOLVED that the 71st Annual Grand Camp Convention of  
the Alaska Native Brotherhood and Sisterhood assembled in  
Juneau, Alaska support H.B. 433 and diligently pursue this bill  
in the 1984 legislature.

ATTEST:

I certify that this resolution  
was adopted by the ANB ANS Grand  
Camp in Convention at Juneau  
during the week of Nov. 14-19,  
1983.

*Ronald Williams* 586-7600  
Ronald Williams, Grand President

*Albert Kookesh*  
Albert Kookesh, Grand Secretary

Past ANB Grand Presidents  
Roy Peratrovich  
Alfred Widmark  
Cyrus Peck

Frank Peratrovich  
Patrick J. Paul  
Thomas Jackson  
John Hope

Frank See  
Walter Soboleff  
Richard Silt  
Steven V. Hotch

Nelson D. Frank  
Frank J. Williams  
Herbert Hope  
Robert R. Martin

# DNR AMENDMENT 1

Introduced: 1/14/85  
Referred: Resources and  
Finance

1 IN THE HOUSE

BY COLL

2

HOUSE BILL NO. 21

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 *(and who complies with the provisions of AS 38.08.060 (a-d) except (a)(3),*  
11 *for a homesite entry permit under AS 38.08.030/may not be required to*  
12 *reimburse the state for the costs incurred by the state in surveying*  
13 *and platting undertaken by the state in accordance with this chapter.*

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

14 (4) "veteran" means a person who

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

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

20 (ii) between September 16, 1940 and December 31,  
21 1947;

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

23 or

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

25 (B) received an honorable discharge.

## DNR AMENDMENT 2

### Definition of Veteran

The definition of veteran for purposes of this measure (§2 AS 38.08.120) is different than the existing wording in AS 38.05.940 (b) (3&4). In order to avoid confusion and difficulty in administering two qualification standards for veterans, the department recommends the following amendment to HB 21, section 2:

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

(4) "veteran" as used in this section shall have the same meaning as in AS 38.05.940 (b) (3&4). [MEANS A PERSON WHO

(A) PERFORMED SERVICE IN THE ARMED FORCES OF THE UNITED STATES FOR A PERIOD OF 180 DAYS OR MORE DURING ONE OR MORE OF THE FOLLOWING PERIODS UNLESS A SHORTER PERIOD OF SERVICE RESULTED FROM A SERVICE CONNECTED INJURY OR DISABILITY:

(I) BETWEEN APRIL 6, 1917 AND DECEMBER 1, 1918;

(II) BETWEEN SEPTEMBER 16, 1940 AND DECEMBER 31, 1947;

(III) BETWEEN JUNE 25, 1950 AND JANUARY 31, 1955;

OR

(IV) BETWEEN AUGUST 4, 1964 AND NOVEMBER 7, 1975;

(B) RECEIVED AN HONORABLE DISCHARGE.]

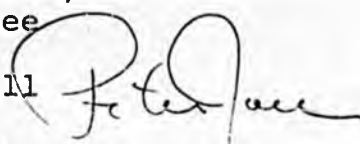


STATE OF ALASKA  
HOUSE OF REPRESENTATIVES

M E M O R A N D U M

January 21, 1985

TO: Representative Dick Shultz, Co-Chairman  
House Resources Committee

FROM: Representative Peter Goll 

SUBJECT: HB 21

The intent of HB 21 is to provide consideration to war-time veterans seeking a homesite for purposes of establishing a permanent residence.

Other land disposal programs and many state loan programs award veterans discounts or preferences. This bill would exempt veterans from reimbursing the state for the cost of survey and platting which are required under AS 38.08.060(a)(3). The application fee, would still be required prior to the state's issuing a patent.

The definition of veteran serving during periods of conflict was developed last session, and consistent with the dates established by federal and state law.

A number of citizens will be testifying. Mr. Leo Land will be traveling from Haines, expressly to testify on this legislation. My staff has provided your office with the names of other persons and groups who are interested in the legislation. Your assistance in assuring that they receive prior notice is greatly appreciated.

A sectional analysis has also been provided to committee staff.

Thank you very much for your prompt scheduling of HB 21.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 18, 1985

SUBJECT: HB 21, Sectional Analysis  
TO: Representative Peter Goll  
FROM: Randall J. Moen *RJM*  
Legislative Counsel

Section 1 Allows a qualified veteran to acquire state land under a homesite entry permit without having to reimburse the state for surveying and platting costs incurred by the state on the homesite.

Section 2 Defines the word "veteran" for purposes of section 1, above, to mean a person who served in the armed forces of the U.S.A. for 180 days or more during a prescribed period of time and received an honorable discharge. The 180 day service requirement does not apply if the person received a service connected injury or disability.

RJM:csh  
c2/180

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB 21  
Title: Homesites for Veterans

Sponsor: Goll  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Natural Resources  
Program Category Affected: \_\_\_\_\_

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
<b>OPERATING</b>						
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						
<b>TOTAL OPERATING</b>		25.0	4.5	4.5	4.5	4.5

<b>CAPITAL</b>						
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<b>REVENUE</b>		(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						
<b>TOTAL</b>		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.

Original sponsor: Goll

IN THE HOUSE

BY THE RESOURCES COMMITTEE

CS FOR HOUSE BILL NO. 21 (Resources)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

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

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

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

Sec. 38.08.015. HOMESITES FOR VETERANS. A veteran who qualifies for a homesite entry permit under AS 38.03.030 and who complies with the provisions of AS 38.08.060(a)-(d), except AS 38.08.060(a)(3), may not be required to reimburse the state for the costs incurred by the state in surveying and platting undertaken by the state in accordance with this chapter.

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

(4) "veteran" means a person who

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

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

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

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

or

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

(B) received a discharge under honorable conditions.