

SB

1911

(7)

JUDICIARY COMMITTEE REPORT

Date Referred: May 13, 1991

FURTHER REFERRALS:

Date of Committee Action: 5-14-91

The JUDICIARY Committee considered:

CSSB 191(JUD)

CS FOR SENATE BILL NO. 191 (JUDICIARY)

HOMESITE ENTRY PERMITS

"An Act relating to the homesite entry program; and providing for an effective date."

RECOMMENDATIONS:

be replaced with _____ the same title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) DNR 4-15-91

SIGNING <u>DO</u> PASS	DP	<u>OTHER</u> RECOMMENDATIONS	DNP	NR	AM
<i>Terry Marden</i>	✓				
<i>Kevin Pat Parnell</i>	✓				
<i>[Signature]</i>		<i>[Signature]</i>		✓	
		<i>[Signature]</i>		✓	

[Signature]
CHAIRMAN'S SIGNATURE

**STATE OF ALASKA
1991 LEGISLATIVE SESSION**

Revision Date: 19-Mar-91

Department Affected: Natural Resources

Title: Homestead Entry Program

BRU: Land & Water

Components: Land & Water

Sponsor: Senator Eliason

Requestor: Senate Judiciary

COMPONENT SERIAL NO. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME				
PART-TIME				
TEMPORARY				

CS SB 191
have no fiscal impact. This
fiscal note is appropriate.
4-5-91 ORB
date Comte Aide (initial).

Estimate of Current year impact:

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Gary Gustafson

Phone: 762-2672

Division: Land & Water

Date: 19-Mar-91

Approved by Commissioner: Harold Heinze CWJ

Date: 19-Mar-91

Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB,
& Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. CSB 191 Jud

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ANALYSIS: (Attach a separate page if necessary)

Prepared by: Gary Gustafson Phone: 762-2672
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 Approved by Commissioner: Harold Heinze Date: 19-Mar-91
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Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB,
& Impacted Agency(ies).

ALASKA STATE LEGISLATURE SENATE

SENATOR RICHARD I. ELIASON

PRESIDENT OF THE SENATE
LABOR & COMMERCE COMMITTEE
RESOURCES COMMITTEE
RULES COMMITTEE
CHAIRMAN, SPECIAL COMMITTEE ON
DOMESTIC & INTERNATIONAL
COMMERCIAL FISHERIES



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M E M O R A N D U M

TO: Rep. Donley, Chairman
House Judiciary Committee *Paul*

FROM: Sen. Dick Eliason

DATE: May 10, 1991

RE: Scheduling of SB 191 (Homesite Entry Program)

I would like to request that you schedule a House Judiciary Committee hearing for SB 191.

SB 191 is intended to correct several inequities and administrative problems of the homesite entry program. Over the last few years of administering the program DNR has been faced with several situations which had either not been anticipated or had not been spelled out in enough detail when the program was initiated.

Under current law, a person or household can only hold one homesite permit. Since the law does not provide for any exceptions, if someone who has their own homesite permit inherits another one, they would be forced to give up their own or the inherited permit. Or if two permit holders get married, one or the other would be forced to give up their permit.

Other problems or lack of legal clarity have come to light regarding the divorce or marriage dissolution of permit holder, deadlines for building a structure on the homesite, and requirements for mobile homes on homesites. SB 191 will correct these problems.

Last session the Senate unanimously passed a bill which addressed the inheritance problem just as this bill does. That bill died in House Rules. This bill reintroduces the solution to that problem and cleans up the other concerns as well.

The Department of Natural Resources testified that the bill, as it left the Senate, will not cause any problems regarding past rulings. All of the homesite cases which have come up regarding the marriage or inheritance problem have been kept in abeyance, and any homesite titles granted under the old provisions regarding mobile homes and so on will not be affected by this bill.

The bill has a zero fiscal note.

When we set up state programs, we can't always foresee every situation that might develop. This bill is aimed at correcting and clarifying the laws on the homesite entry program to make the program better, fairer, and easier to administer.

I will attach some back-up information on SB191. If you need additional information please contact my office. I would suggest that Mr. Ron Swanson of DNR, Division of Land and Water Management (762-2529), be contacted to testify, perhaps by teleconference from Anchorage, regarding the details of the bill.

Thank you for your consideration.

RESOURCES COMMITTEE REPORT

(9)

Date Referred: April 24, 1991

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 5/10/91

The RESOURCES Committee considered:

CSSB 191(JUD)

CS FOR SENATE BILL NO. 191 (JUDICIARY)

HOMESITE ENTRY PERMITS

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APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

SENATE zero fiscal note(s) DNR

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Chip Davidson</i> DAVIDSON	✓				
<i>David Finkelstein</i> FINKELSTEIN	✓				
<i>Lincoln</i> LINCOLN	✓				
<i>Andrew D. Leman</i> LEMAN	✓				
<i>Charles Carney</i> CARNEY	✓				
<i>Bill Hudson</i> HUDSON	✓				
<i>Tom Moyer</i> MOYER	✓				

Chip Davidson
 CHAIRMAN'S SIGNATURE

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FACSIMILE: (907) 586-2754

April 3, 1991

The Honorable Rick Halford, Chair
Senate Judiciary Committee
P.O. Box V
Juneau, AK 99811

Dear Senator Halford:

Subject: SB 191, which corrects inequities and administrative problems in the department's homesite entry land disposal program.

Position: The Department of Natural Resources supports this bill.

Background: The state's homesite program allows state residents of at least 18 years of age to apply for a permit to occupy and improve a homesite parcel in order to qualify for patent to the land. Only one homesite parcel is allowed per person and per household. To receive patent to the land, the applicant must erect a permanent, habitable dwelling within five years of receiving the permit and live on the land for 35 months within a seven year period. Five percent of the fair market value of the land may be paid to the state as a substitute for the 35 month living requirement.

In administering the department's homesite entry land disposal program, a number of inequities and administrative problems have come to light, including: inheritance of permits, transfer of permits, more than one permit per household because of divorce and remarriage, the deadline for building a structure on the homesite, and when deadline extensions may be granted. This bill would address these inequities and problems.

Please let me know if you have questions about this matter.

Sincerely,


Harold C. Heinze
Commissioner

enclosures

cc: Senator Eliason
Senator Duncan
Senator Menard
Committee Members
Bruce Kendall, Legislative Liaison, Office of the Governor

SB 191 Analysis

Section 1: Allows a permit to be transferred as part of the dissolution of a marriage; also allows a permit to be inherited.

Section 2: Allows a person to hold a permit to more than one homesite because of an inheritance, or because of a disabling injury to the original permit holder.

Section 3: New language needed to implement Sections 1 and 2.

Section 4: Amends the existing building requirement to ensure that dwellings are permanently attached to a permanent foundation. Mobile homes have, in the past, been placed on foundations to meet building requirements, and then removed once the department completed its inspection. Under this new language, mobile homes would still be allowed, but they would need to be permanently attached to a permanent foundation.

Section 5: Allows permit holders who marry after receiving their permits to both obtain title to homesteads. Currently, only one patent per household is allowed.

Section 6: Allows an applicant to obtain title to a homesite if the building requirements, as clarified by this bill, are met.

Section 7: Allows the applicant to obtain title to more than one homesite by inheritance and use the efforts of the deceased applicant to qualify for the homesite, or receive title if the permit was obtained from a disabled permit holder. (This is similar to Sections 1 and 2, but relates to obtaining title to the land. Sections 1 and 2 relate to holding the permit.)

Section 8: Amends the current law to allow an applicant an additional year to complete a dwelling if the director finds that a dwelling has been substantially completed within 5 years, but is not yet habitable. This would make the homesite program consistent with the homestead program (AS 38.09.040(a)(3)).

Section 9: Provides the same building requirement opportunities to applicants who received their entry permits prior to July 1, 1983 as is currently provided to applicants.

Section 10: Makes the provisions of this bill apply to anyone who currently holds a homesite entry permit.

Section 11: Adds an effective date of July 1, 1991 for the bill.