

SCOMM

#9:147

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1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 2 (Resources) am S

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing state land to be made available as
7 homesites."

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

9 * Section 1. PURPOSE OF ACT. The longstanding policy of the state, de-
10 clared in the Constitution of the State of Alaska (art. VIII, sec. 1) and the
11 Alaska Land Act (AS 38.05.350), has been to encourage the settlement of the
12 state's land and the development of its resources by making them available
13 for maximum use consistent with the public interest. In authorizing the
14 classification of land for settlement as homesites, this Act is intended to
15 further that policy explicitly, by recognizing that the immediate production
16 of revenues to the state through the auction of land to the highest bidder,
17 virtually the only method by which state land has been made available to the
18 public for residential use, is secondary in importance to the primary, and
19 ultimately more beneficial and productive, goal of providing land for Alaskans
20 to settle at a cost reasonably within their means, and that the highest and
21 best use of some land may clearly be for habitation.

22 * Sec. 2. AS 38 is amended by adding a new chapter to read:

23 CHAPTER 8. HOMESITES.

24 Sec. 38.08.010. CLASSIFICATION OF LAND FOR HOMESITE ENTRY. (a)

25 The director shall classify, survey, and plat for homesite entry 25,000
26 acres of state land which is otherwise vacant, unappropriated and unre-
27 served and is suitable for erection of residential dwellings to use as a
28 permanent abode.

29 (b) Land classified as homesite entry land shall be divided into

1 parcels not exceeding five acres in reasonably compact form, with
2 boundaries conforming as nearly as practicable to natural geologic
3 and topographic features.

4 (c) No land may be classified for homesite entry which

5 (1) lacks drainage sufficient for construction of residential
6 dwellings;

7 (2) has soil which has been classified and interpreted as
8 appropriate for agriculture in soil surveys conducted by the Soil Con-
9 servation Service of the United States Department of Agriculture;

10 (3) is known to be mineralized with commercially valuable
11 minerals;

12 (4) is located where homesites would threaten fish regenera-
13 tion;

14 (5) is located where existing services provided by the state
15 and political subdivisions of the state would be inaccessible;

16 (6) lacks sufficient water for a residential dwelling used as
17 a permanent abode; or

18 (7) is unsuitable for on-site sewage disposal, if other
19 methods of sewage disposal are not feasible.

20 Sec. 38.08.020. OFFERING OF LAND FOR HOMESITE ENTRY. Following
21 classification of land for homesite entry, offerings of homesite entry
22 land shall be made on a rotating basis from among the four judicial
23 districts of the state. The director shall publish notice of the
24 availability of the land for at least three consecutive weeks through
25 the electronic media and in at least three newspapers of general circu-
26 lation in the state, at least one of which, if possible, shall be a
27 newspaper of general circulation in the vicinity of the available land.

28 Sec. 38.08.030. APPLICATIONS FOR HOMESITE ENTRY; FEES. (a) To
29 qualify for a homesite entry permit, an applicant shall

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

2 (2) submit proof acceptable to the commissioner that he is a
3 resident of the state at the time of application, and that he has been a
4 resident of the state for not less than six years immediately pre-
5 ceding the date his application was submitted, or that he has been a
6 resident for 20 years cumulatively;

7 (3) agree to comply with the requirements for obtaining a
8 patent to land set out under sec. 60 of this chapter.

9 (b) Fees for filing an application may not exceed \$10.

10 Sec. 38.08.040. ISSUANCE OF ENTRY PERMIT. (a) An applicant
11 meeting the qualifications for homesite entry under sec. 30 of this
12 chapter shall be issued a revocable permit to occupy and improve the
13 homesite in order to qualify for issuance of patent as provided in this
14 chapter. The application fee is the sole rent chargeable on the permit
15 for its duration.

16 (b) If the number of applicants qualified for homesite entry
17 exceeds the number of available homesites offered, or if several appli-
18 cants apply and qualify for the same homesite, priority in award of an
19 entry permit shall be accorded to that applicant showing proof of the
20 longest residency in the state.

21 (c) The permit may not be assigned, conveyed or otherwise trans-
22 ferred, but rights under the permit may devolve by testate or intestate
23 succession. An attempt to assign, convey, or to otherwise transfer the
24 permit, is void and constitutes a substantial breach.

25 (d) An applicant may apply for more than one available homesite.
26 No person holding a homesite patent may apply for a homesite entry
27 permit, no person may simultaneously hold more than one homesite entry
28 permit, and no person who is a member of the homesite entry permit
29 holder's household may be issued a homesite entry permit while a member

1 of the homesite entry permit holder's household.

2 Sec. 38.08.050. REVOCATION OF ENTRY PERMIT. (a) The entry permit
3 may only be revoked for failure to erect a dwelling as required under
4 sec. 60 of this chapter, or for other substantial breach of the terms
5 and conditions of the homesite entry permit.

6 (b) Upon revocation and termination of a permit, improvements or
7 chattels upon the homesite shall be managed, and subsequent issuance of
8 a permit for entry on the homesite shall be conditioned, in the same
9 manner as provided in AS 38.05.090 for removal or reversion of improve-
10 ments upon termination of leases of state land.

11 Sec. 38.08.060. ISSUANCE OF PATENT. (a) A person who enters upon
12 homesite entry land under a permit issued by the director shall be
13 issued a patent to the land conveying an unencumbered title if that
14 person

15 (1) occupies the land for a cumulative total of 21 months
16 within the three-year period following issuance of the homesite entry
17 permit or five months, with 20 years Alaskan cumulative residence.

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

23 (3) reimburses the state for the survey and platting under-
24 taken in accordance with this chapter. The director shall provide by
25 regulation for installment payments of this reimbursement.

26 (b) Nothing in this chapter shall be construed to prohibit a
27 person issued a homesite entry permit from residing in a temporary
28 habitable dwelling on the homesite until revocation of the homesite
29 entry permit.

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

4 (d) If a dwelling is found to have been substantially completed
5 under sec. 100 of this chapter, patent shall be issued upon completion
6 of the dwelling, notwithstanding (a)(2) of this section.

7 Sec. 38.08.070. LAND LOCATED WITHIN MUNICIPALITIES. No state land
8 which is located within the boundaries of an organized borough or city
9 may be classified for homesite entry under this chapter until the pro-
10 posed use of the land has been studied and approved jointly by the
11 director and the local planning authority. Nothing in this section or
12 AS 29.18.190 prevents the director from selecting and classifying for
13 homesite entry land which would otherwise be available for borough or
14 city selection under AS 29.18.190. If classified for homesite entry,
15 the land shall not be available for city or borough selection.

16 Sec. 38.08.080. REQUIRED ZONING. No state land which is located
17 within the boundaries of a municipality which exercises planning and
18 zoning authority under AS 29 may be offered by the director for homesite
19 entry under this chapter until the land has been zoned by the governing
20 body of the municipality for residential use only. No state land which
21 is located within a municipality which does not exercise planning and
22 zoning authority, or which is located in the unorganized borough, may be
23 offered by the director for homesite entry under this chapter unless the
24 division of lands has adopted zoning regulations to restrict the
25 use of the land to residential purposes.

26 Sec. 38.08.090. DISCLAIMER OF INTENT TO PROVIDE SERVICES.
27 Nothing in this chapter obligates the state to provide services to
28 lands which are the subject of homesite entry and patent.

29 Sec. 38.08.100. SUBSTANTIAL COMPLETION OF DWELLING. An

1 entry permit may not be revoked for failure to erect a dwelling in
2 the time required under sec. 60(a)(2) of this chapter if the director
3 finds that erection of the dwelling has been substantially completed
4 and progress toward completion is being made at the expiration of the
5 time required.

6 Sec. 38.08.110. REGULATIONS. The commissioner shall adopt
7 regulations in accordance with AS 44.62.180 - 44.62.290 to carry out the
8 purposes of this chapter.

9 Sec. 38.08.120. DEFINITIONS. In this chapter

10 (1) "commissioner" means the commissioner of natural re-
11 sources;

12 (2) "habitable dwelling" means a dwelling of a permanent
13 nature, together with fixtures and facilities, including sanitary
14 facilities, required or customary in the vicinity of the land made
15 available for homesite entry.

16 (3) "resident" means a person who is not claiming residence
17 in another state and shows by all attending circumstances that his
18 intent is to make this state his permanent residence.

19 * Sec. 3. AS 29.33.090 is amended by adding a new subsection to read:

20 (c) The assembly shall regulate and restrict the use of state land
21 within the borough which is vacant, unappropriated and unreserved and
22 which is found suitable for classification and disposal for homesite
23 entry under AS 38.08.010. Compliance with the provisions of this sub-
24 section is a prerequisite to issuance of homesite entry permits for land
25 within the borough.

26 * Sec. 4. AS 29.13.100 is amended by adding a new paragraph to read:

27 (37) AS 29.33.090(c) (zoning of state land for homesite
28 entry)

29 * Sec. 5. No land may be classified and made available for homesite

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entry under AS 38.08.010-38.08.120 within any portion of the new
capital site established under AS 44.06 before July 1, 1982.