



# LAWS OF ALASKA

1973

Source

HB 73 am

Chapter No.

18

## AN ACT

Restricting open-to-entry lands to state residents.

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

\* Section 1. AS 38.05.077 is amended to read:

Sec. 38.05.077. ENTRY PROCEDURES ON CERTAIN STATE LAND. (a) When land has been classified as "land open to entry", a resident who is qualified under law to acquire state land may enter upon and occupy the land under the following procedures.

(1) Land may be classified as land open to entry only after the classification has been approved at a public hearing or hearings conducted by the state in the area where the land to be classified is located. A resident who is qualified under law to acquire state land may request a public hearing by petition.

(2) Concurrent with the entry the entryman shall file with the division of lands an application to lease, which application shall be accompanied by the appropriate minimum annual rental and filing fee, together with a sketch plat of the area entered. When the application has been approved, the division shall tender the entryman a negotiated five-year lease, which is subject to renewal on its expiration date for a like term.

(3) If entry is made upon a parcel of land which has not been surveyed by the state or federal government and entry is permitted, the entry may not encompass an area which exceeds five acres or includes more than 400 feet of water frontage of any sort.

(4) Before a person may purchase the parcel of

land upon which he has entered, he shall have a survey made of the entry. The entryman may contract to have the survey completed by anyone who is qualified under the laws of this state to make this survey. The survey shall be made in accordance with the criteria established by the division of lands. When the entry has been made upon land previously surveyed into parcels by the division of lands, the entryman's survey costs of the parcel upon which he has made his entry shall be the pro rata cost which the area of entry bears to the total survey costs on an acreage basis. This formula may be predicated upon water frontage on a pro rata basis when in the judgment of the director, the formula would achieve a more equitable distribution of the total survey costs.

(5) When the entry is made on land that adjoins an existing survey, the survey of the entry shall be made in a manner that conforms to the pre-existing survey and the director reserves the right to require modification of the survey to accomplish this end.

(6) When the entry has been made upon land that has been selected by the state and upon which the state has not received tentative approval or patent, the entry shall be approved only on the basis of a renewable lease. When tentative approval or patent has been received by the state, the lessee may relinquish his lease and acquire patent to the entry by negotiated purchase upon the terms and conditions provided for in this section.

(7) No individual may acquire more than one parcel of land from the state under the provisions of this section.

(8) When the entryman has qualified to receive title to the land upon which he has made entry by satisfying all the requirements of this section, he shall deposit with the director a sum of money equal to the fair market value of the land at the time of entry.

(b) In (a) of this section "resident" means a person who

- (1) maintains a place of residence within the state;
- (2) is not claiming residency in another state;
- (3) has been a resident of the state for at least one year immediately preceding his application to lease;
- (4) shows by all attending circumstances that his intent is to make this state his permanent residence.