

Original Sponsor: Rules Committee
by request of the Legislative Council

Offered: 4/6/68
Referred: Rules

1 IN THE SENATE

2

HOUSE CS FOR SENATE BILL NO. 363

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to entry procedures on certain state
7 lands."

8

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

9

* Section 1. AS 38.05 is amended by adding a new section to read:

10

Sec. 38.05.077. ENTRY PROCEDURES ON CERTAIN STATE LAND. When

11

lands have been classified as "lands open to entry," an individual who is
12 qualified to acquire state lands under existing law may enter upon and
13 occupy the lands under the following procedures.

14

(1) Lands may be classified as lands open to entry only after
15 the classification has been approved at a public hearing or hearings con-
16 ducted by the state in the area where the lands to be classified are
17 located. A person who is qualified to acquire state lands under ex-
18 isting law may request a public hearing by petition.

19

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

26

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

1 (4) Before a person can purchase the parcel of land upon
2 which he has entered, he shall have a survey made of the entry. The
3 entryman may contract to have the survey completed by anyone who is
4 qualified under the laws of this state to make such surveys. The survey
5 shall be made in accordance with the criteria established by the divi-
6 sion of lands. When the entry has been made upon lands previously sur-
7 veyed into parcels by the division of lands, the entryman's survey
8 costs of the parcel upon which he has made his entry shall be the pro
9 rata cost which the area of entry bears to the total survey costs on an
10 acreage basis. This formula may be predicated upon water frontage on a
11 pro rata basis when in the judgment of the director, the formula would
12 achieve a more equitable distribution of the total survey costs.

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

17 (6) When the entry has been made upon lands that have been
18 selected by the state and upon which the state has not received tenta-
19 tive approval or patent, the entry shall be approved only on the basis
20 of a renewable lease. When tentative approval or patent has been re-
21 ceived by the state, the lessee may relinquish his lease and acquire
22 patent to the entry by negotiated purchase upon the terms and conditions
23 provided for in this section.

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

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