

Introduced: 1/16/73
Referred: Resources and
Judiciary

1 IN THE HOUSE

BY WARWICK

2 HOUSE BILL NO. 73 *am*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act restricting open-to-entry lands to state
7 residents."

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

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

10 Sec. 38.05.077. ENTRY PROCEDURES ON CERTAIN STATE LAND. (a)

11 When land has been classified as "land open to entry," a resident
12 [AN INDIVIDUAL] who is qualified under law to acquire state land may
13 enter upon and occupy the land under the following procedures.

14 (1) Land may be classified as land open to entry only after
15 the classification has been approved at a public hearing or hearings
16 conducted by the state in the area where the land to be classified is
17 located. A resident [PERSON] who is qualified under law to acquire
18 state land 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
22 fee, together with a sketch plat of the area entered. When the appli-
23 cation has been approved, the division shall tender the entryman a
24 negotiated five-year lease, which is subject to renewal on its expira-
25 tion date for a like term.

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

1 (4) Before a person may 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 this survey. The
5 survey shall be made in accordance with the criteria established by
6 the division of lands. When the entry has been made upon land previously
7 surveyed 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
10 an acreage basis. This formula may be predicated upon water frontage
11 on a pro rata basis when in the judgment of the director, the formula
12 would 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
16 require modification of the survey to accomplish this end.

17 (6) When the entry has been made upon land that has 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
21 received 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 qualified to receive title to the
27 land upon which he has made entry by satisfying all the requirements
28 of this section, 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.

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

(1) maintains a place of residence within the state;

(2) has not claimed residency in another state;

(3) shows by all attending circumstances that his intent is
to make this state his permanent residence.