

1 IN THE SENATE

BY BRADLEY

2 SENATE BILL NO. 253

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state land open to entry."

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

8 * Section 1. AS 38.05.077(a) is amended to read:

9 (a) When land has been classified as "land open to entry," a
10 resident who has been a resident for no less than five years and who is
11 qualified under law to acquire state land may enter upon and occupy the
12 land under the following procedures.

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

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

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

29 (4) Before a person may purchase the parcel of land upon

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

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

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

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

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

29 * Sec. 2. AS 38.05.077 is amended by adding new paragraphs to read:

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(9) The entryman receiving title to land under this section shall hold the land for at least three years from the time he receives title to it before leasing, assigning or conveying it to another person qualified to receive it under (10) of this section.

(10) Title to land acquired under this section may pass only to a person who is an heir to a decedent entryman, or be transferred to a person who would qualify as an heir of the entryman under the statutes of intestate succession. No land acquired under this section may be leased or assigned to a person who would not qualify as an heir of the entryman under the statutes of intestate succession.

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