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Referred: Labor & Commerce
and Judiciary

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1 IN THE HOUSE

2 HOUSE BILL NO. 170

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to land surveys."

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

8 * Section 1. AS 34 is amended by adding a new chapter to read:

9 CHAPTER 65. LAND SURVEYS.

10 Sec. 34.65.010. PURPOSE. The purpose of this chapter is to
11 authorize right of entry on land for survey purposes, and to provide a
12 method for preserving evidence of land surveys by filing records of
13 survey and monument records. The provisions of this chapter supple-
14 ment laws relating to land survey platting and subdivision surveys.

15 Sec. 34.65.020. ENTRY UPON LAND BY PROFESSIONAL LAND SURVEYORS.

16 (a) A land surveyor or an employee of a land surveyor may enter
17 public or private land or water in the state only to occupy, locate,
18 relocate, install, or replace survey monuments, to locate boundaries,
19 determine geodetic positions, and to make surveys and maps.

20 (b) A land surveyor or an employee of a land surveyor is liable
21 to the landowner only for actual damages.

22 (c) The attorney general may bring an action in the name of the
23 state to restrain and prevent the obstruction of entry under (a) of
24 this section.

25 Sec. 34.65.030. RECORDS OF SURVEY. (a) After making a survey
26 in conformity with the practice and definition of land surveying, a
27 land surveyor shall file with the district recorder a record of the
28 survey within 90 days if the survey discloses

29 (1) material evidence or physical change that in whole or

1 in part does not appear on a plat of record previously filed in the
2 office of the district recorder or in the records of the Bureau of
3 Land Management;

4 (2) a material discrepancy with a plat of record previously
5 filed in the office of the district recorder or in the records of the
6 Bureau of Land Management; or

7 (3) evidence that by reasonable analysis might result in
8 alternate positions of boundaries from those of record.

9 (b) A land surveyor who in the course of a survey establishes,
10 reestablishes, uses as control, or restores a monument to make it
11 readily identifiable or reasonably durable shall file a monument
12 record, unless the monument and its accessories are substantially as
13 described in a monument record filed under this chapter or on a survey
14 plat of record.

15 (c) A person or agency whose activities will disturb or destroy
16 a monument or its accessories shall have a land surveyor

17 (1) file a monument record before the monument or its
18 accessories are disturbed or destroyed;

19 (2) restore or replace the monument and its accessories
20 after the activities have ceased; and

21 (3) file a new monument record after restoring or replacing
22 the monument or its accessories.

23 (d) A land surveyor may file a monument record for any monument.

24 (e) A land surveyor who is required to file a monument record
25 under this section shall do so within 90 days of the completion of the
26 survey or of the establishment, reestablishment, or rehabilitation of
27 a monument.

28 (f) A monument record shall be signed and sealed by the land
29 surveyor responsible for the survey.

1 Sec. 34.65.040. WHEN RECORD OF SURVEY IS NOT REQUIRED. A record
2 of survey is not required for a survey

3 (1) made by the Bureau of Land Management;

4 (2) when a plat of the survey has been filed or will be
5 filed within 18 months of the field survey.

6 Sec. 34.65.050. DUTIES OF THE COMMISSIONER. (a) The commis-
7 sioner shall adopt regulations to implement this chapter.

8 (b) The commissioner shall provided a standard form for a record
9 of survey.

10 Sec. 34.65.060. DUTIES OF THE DISTRICT RECORDER. (a) The
11 district recorder shall provide a copy of a monument record or a copy
12 of a record of survey to the municipal clerk for the municipality in
13 which the monument or survey is located.

14 (b) The district recorder shall keep a proper index of monument
15 records and records of survey by the survey name, tract designation,
16 subdivision designation, or United States public land designation.

17 Sec. 34.65.070. DEFINITIONS. In this chapter

18 (1) "accessory" means physical evidence adjacent to a
19 monument used for the future identification and restoration of a
20 monument;

21 (2) "commissioner" means the commissioner of natural re-
22 sources;

23 (3) "land surveyor" means a professional land surveyor
24 licensed under AS 08.48;

25 (4) "monument" means

26 (A) a United States public land survey monument;

27 (B) an Alaska state land survey primary monument;

28 (C) an exterior primary monument controlling a re-
29 corded survey;

1 (5) "United States public land survey monument"

2 (A) means a survey monument established in a cadastral
3 survey by the Bureau of Land Management or its predecessor;

4 (B) includes a monument in a United States special
5 survey and United States mineral survey that is a part of the
6 public land records of the Bureau of Land Management.