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1 IN THE HOUSE

2 HOUSE BILL NO. 286

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 access to state land intended for
7 disposal and to the description of the land."

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

9 * Section 1. AS 38.04.045(b) is amended to read:

10 (b) Before the conveyance of surface rights to state land, an
11 official cadastral survey shall be accomplished, unless a comparable,
12 acceptable survey exists that has been conducted by the federal Bureau
13 of Land Management. The rectangular survey section corner positions
14 shall be monumented and shown on a cadastral survey plat approved by
15 the state. [HOWEVER, FOR THOSE AREAS WHERE THE STATE MAY WISH TO
16 CONVEY SURFACE ESTATE OUTSIDE OF AN OFFICIAL CADASTRAL SURVEY GRID,
17 THE DIRECTOR MAY WAIVE MONUMENTATION OF ALL INDIVIDUAL SECTION CORNER
18 POSITIONS AND SUBSTITUTE AN OFFICIAL CONTROL SURVEY WITH CONTROL
19 POINTS BEING MONUMENTED AND SHOWN ON CONTROL SURVEY PLATS APPROVED BY
20 THE STATE. NO PORTION OF LAND TO BE CONVEYED MAY BE LOCATED MORE THAN
21 TWO MILES FROM SUCH A SURVEY CONTROL MONUMENT EXCEPT THAT THE COMMIS-
22 SIONER MAY WAIVE THIS REQUIREMENT ON A DETERMINATION THAT TOPOGRAPHIC
23 FEATURES, DIFFUSE SETTLEMENT, OR THE PUBLIC INTEREST DO NOT JUSTIFY
24 THE REQUIREMENT.] The lots and tracts in state subdivisions shall be
25 monumented and the cadastral survey and plats for the subdivision
26 shall be approved by the state. Where land is located within a munic-
27 ipality with planning, platting, and zoning powers, plats for state
28 subdivisions shall comply with local ordinances and regulations in the
29 same manner and to the same extent as plats for subdivisions by other

1 landowners. State subdivisions shall be filed in the district re-
2 corder's office. The requirements of this section do not apply to
3 land made available through a cabin permit system, material sales, or
4 short-term leases; however, for short-term leases the lessee must
5 comply with local subdivision ordinances unless waived by the munic-
6 ipality under procedures specified by ordinance.

7 * Sec. 2. AS 38.09.010(b) is amended to read:

8 (b) The commissioner shall complete a cadastral survey of home-
9 stead entry state land under AS 38.04.045 before disposing of state
10 land for homestead entry. A homestead entry parcel shall be estab-
11 lished in aliquot parts of a surveyed section or as lots or tracts
12 that are fractions of aliquot parts of a surveyed section. The com-
13 missioner shall ensure practical access to each homestead entry parcel
14 [BUT THE COMMISSIONER MAY WAIVE THE CADASTRAL SURVEY ON A DETER-
15 MINATION THAT TOPOGRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR THE PUBLIC
16 INTEREST DO NOT JUSTIFY OR REQUIRE THE CADASTRAL SURVEY].

17 * Sec. 3. AS 38.09.020(a) is amended to read:

18 (a) A homestead entry permit entitles an applicant to enter land
19 within an area designated under AS 38.09.010 and to [SURVEY,] occupy
20 [,] and improve the land in order to qualify for a patent under this
21 chapter.

22 * Sec. 4. AS 38.09.040(a) is amended to read:

23 (a) A homestead entry permit may be revoked by the commissioner
24 for any substantial breach of the permit conditions or the require-
25 ments of this chapter, including

26 (1) an assignment, conveyance, or transfer of the permit
27 not authorized under AS 38.09.030(c);

28 (2) failure of the permit holder to submit an aliquot parts
29 description of the homestead entry [A PLAT OF SURVEY] to the

1 commissioner within two years after the issuance of the permit or
2 under (b) of this section;

3 (3) failure of the permit holder to erect a dwelling in the
4 time required under AS 38.09.050(a), except that if the commissioner
5 finds that the dwelling has been nearly completed and progress toward
6 completion is being made at the expiration of the time required, the
7 commissioner may extend the time required for completion for not more
8 than one year;

9 (4) failure to brush the boundaries of the land within 90
10 days after issuance of the homestead entry permit;

11 (5) failure to clear and either put into production or
12 prepare for cultivation 25 percent of the land classified for agricul-
13 tural use within five years after the issuance of the permit.

14 * Sec. 5. AS 38.09.050(a) is amended to read:

15 (a) The commissioner shall issue a patent to homestead entry
16 land if the permit holder

17 (1) resides and lives on the homestead entry land for not
18 less than 25 months within five years after the issuance of the home-
19 stead entry permit;

20 (2) submits an aliquot parts description [COMPLETES AN
21 APPROVED SURVEY] of the land within two years after the issuance of
22 the permit or under AS 38.09.040(b);

23 (3) erects a habitable, permanent dwelling on the homestead
24 within three years after the issuance of the homestead entry permit;

25 (4) brushes the boundaries of the land within 90 days after
26 the issuance of the permit;

27 (5) clears and either puts into production or prepares for
28 cultivation either 25 percent of the land classified for agricultural
29 use or 50 percent of the land having class II or III soils, whichever

- 1 is less, within five years after issuance of the permit.
- 2 * Sec. 6. AS 38.09.040(b) is repealed.