

1 IN THE HOUSE

BY KOPONEN, ZAWACKI,
NAVARRE AND MARTIN

2

HOUSE BILL NO. 111

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to survey requirements for state
land intended for disposal and to the description of
the land; and providing for an effective date."

7

8

9

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

10

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

11

(b) Before the conveyance of surface rights to state land, an

12

official cadastral survey shall be accomplished, unless a comparable,

13

acceptable survey exists that has been conducted by the federal Bureau

14

of Land Management. The rectangular survey section corner positions

15

shall be monumented and shown on a cadastral survey plat approved by

16

the state. [HOWEVER, FOR THOSE AREAS WHERE THE STATE MAY WISH TO

17

CONVEY SURFACE ESTATE OUTSIDE OF AN OFFICIAL CADASTRAL SURVEY GRID,

18

THE DIRECTOR MAY WAIVE MONUMENTATION OF ALL INDIVIDUAL SECTION CORNER

19

POSITIONS AND SUBSTITUTE AN OFFICIAL CONTROL SURVEY WITH CONTROL

20

POINTS BEING MONUMENTED AND SHOWN ON CONTROL SURVEY PLATS APPROVED BY

21

THE STATE. NO PORTION OF LAND TO BE CONVEYED MAY BE LOCATED MORE THAN

22

TWO MILES FROM SUCH A SURVEY CONTROL MONUMENT EXCEPT THAT THE COMMIS-

23

SIONER MAY WAIVE THIS REQUIREMENT ON A DETERMINATION THAT TOPOGRAPHIC

24

FEATURES, DIFFUSE SETTLEMENT, OR THE PUBLIC INTEREST DO NOT JUSTIFY

25

THE REQUIREMENT.] The lots and tracts in state subdivisions shall be

26

monumented and the cadastral survey and plats for the subdivision

27

shall be approved by the state. Where land is located within a munic-

28

ipality with planning, platting, and zoning powers, plats for state

29

subdivisions shall comply with local ordinances and regulations in the

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

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

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

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

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

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

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

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

29 (2) failure of the permit holder to submit an aliquot parts

1 description of the homestead entry [A PLAT OF SURVEY] to the commis-
2 sioner within two years after the issuance of the permit or under (b)
3 of this section;

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

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

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

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

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

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

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

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

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

28 (5) clears and either puts into production or prepares for
29 cultivation either 25 percent of the land classified for agricultural

- 1 use or 50 percent of the land having class II or III soils, whichever
- 2 is less, within five years after issuance of the permit.
- 3 * Sec. 6. AS 38.09.040(b) is repealed.
- 4 * Sec. 7. This Act takes effect July 1, 1988.