

Offered: 4/6/87
Referred: Finance

5-0587B

Original sponsors: Koponen, Zawacki,
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1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 CS FOR HOUSE BILL NO. 111 (Resources)
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
7 land intended for disposal and to the description of
8 the land; and providing for an effective date."
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 of-
12 fered under AS 38.05.055 - 38.05.057, AS 38.08, or AS 38.09, an offi-
13 cial rectangular [CADASTRAL] survey grid shall be accomplished, unless
14 a comparable, acceptable survey exists that has been conducted by the
15 federal Bureau of Land Management. The rectangular survey section
16 corner positions shall be monumented and shown on a cadastral survey
17 plat approved by the state. For [HOWEVER, FOR] those areas where the
18 state may wish to convey surface estate outside of an official rectan-
19 gular [CADASTRAL] survey grid, the commissioner [DIRECTOR] may waive
20 monumentation of [ALL] individual section corner positions and substi-
21 tute an official control survey with control points being monumented
22 and shown on control survey plats approved by the state. The commis-
23 sioner may not issue more than one conveyance for each two sections or
24 portions of sections within a township outside of an official rectan-
25 gular survey grid. No portion of land to be conveyed may be located
26 more than two miles from [SUCH] a survey control monument except that
27 the commissioner may waive this requirement on a determination that a
28 single purpose use does [TOPOGRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR
29 THE PUBLIC INTEREST DO] not justify the requirement. The lots and

1 tracts in state subdivisions shall be monumented and the cadastral
2 survey and plats for the subdivision shall be approved by the state.
3 Where land is located within a municipality with planning, platting,
4 and zoning powers, plats for state subdivisions shall comply with
5 local ordinances and regulations in the same manner and to the same
6 extent as plats for subdivisions by other landowners. State subdivi-
7 sions shall be filed in the district recorder's office. The re-
8 quirements of this section do not apply to land made available through
9 a cabin permit system, for material sales, for [OR] short-term leases,
10 for parcels adjoining a surveyed right-of-way, or for areas that have
11 been open to random staking under the remote parcel program or
12 homestead program in the past; however, for short-term leases the
13 lessee must comply with local subdivision ordinances unless waived by
14 the municipality under procedures specified by ordinance. In this
15 subsection, "a single purpose use" includes a communication site, an
16 aid to navigation, and a park site.

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

18 (b) The commissioner shall complete a rectangular [CADASTRAL]
19 survey grid of homestead entry state land under AS 38.04.045 before
20 disposing of state land for homestead entry. A homestead entry parcel
21 shall be established in aliquot parts of a surveyed section or as lots
22 or tracts that are fractions of aliquot parts of a surveyed section.
23 The commissioner shall ensure practical access to each homestead entry
24 parcel but the commissioner may waive the rectangular [CADASTRAL]
25 survey grid if no more than one conveyance is made for each two
26 sections or portions of sections within a township [ON A DETERMINATION
27 THAT TOPOGRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR THE PUBLIC INTEREST
28 DO NOT JUSTIFY OR REQUIRE THE CADASTRAL SURVEY].

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

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

5 * Sec. 4. AS 38.09.020(b) is amended to read:

6 (b) An applicant for a homestead entry permit shall personally
7 stake the corners and flag the boundaries of the land entered under
8 this chapter and shall personally file with the commissioner a de-
9 scription of the land entered. A homestead entry shall be described
10 by aliquot parts unless otherwise permitted by the commissioner. The
11 commissioner may require the applicant to establish a deposit for the
12 costs of survey before issuing the homestead entry permit.

13 * Sec. 5. AS 38.09.040(a) is amended to read:

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

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

19 (2) failure of the permit holder to submit an aliquot parts
20 description of the homestead entry or, a plat of survey where the
21 commissioner waived the requirement of a rectangular survey grid to
22 the commissioner within five [TWO] years after the issuance of the
23 permit [OR UNDER (b) OF THIS SECTION];

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

1 (4) failure to brush the boundaries of the land within 90
2 days after issuance of the homestead entry permit unless the parcel is
3 described by aliquot parts;

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

7 * Sec. 6. AS 38.09.050(a) is amended to read:

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

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

13 (2) submits an aliquot parts description or completes an
14 approved survey of the land in an area where the commissioner waives
15 the rectangular survey grid within five [TWO] years after the issuance
16 of the permit [OR UNDER AS 38.09.040(b)];

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

19 (4) brushes the boundaries of the land unless the parcel is
20 described by aliquot parts within 90 days after the issuance of the
21 permit;

22 (5) clears and either puts into production or prepares for
23 cultivation either 25 percent of the land classified for agricultural
24 use or 50 percent of the land having class II or III soils, whichever
25 is less, within five years after issuance of the permit.

26 * Sec. 7. AS 38.09.040(b) is repealed.

27 * Sec. 8. This Act takes effect immediately under AS 01.10.070(c).