

Offered: 5/7/88
Referred: Rules

5-0587X

Original sponsors: Koponen, Zawacki,
Navarre, et al.

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 111 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND 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 issuance of a long-term lease under AS 38.05.070
12 or of a patent for [CONVEYANCE OF SURFACE RIGHTS TO] state land, an
13 official cadastral survey shall be accomplished, unless a comparable,
14 approved [ACCEPTABLE] survey exists that has been conducted by the
15 federal Bureau of Land Management. Before land may be offered under
16 AS 38.05.055 - 38.05.057, AS 38.08, or AS 38.09, an official rectangu-
17 lar survey grid shall be established. The rectangular survey section
18 corner positions shall be monumented and shown on a cadastral survey
19 plat approved by the state. For [HOWEVER, FOR] those areas where the
20 state may wish to convey surface estate outside of an official rectan-
21 gular [CADASTRAL] survey grid, the commissioner [DIRECTOR] may waive
22 monumentation of [ALL] individual section corner positions and substi-
23 tute an official control survey with control points being monumented
24 and shown on control survey plats approved by the state. The commis-
25 sioner may not issue more than one conveyance for each section within
26 a township outside of an official rectangular survey grid. No portion
27 of land to be conveyed may be located more than two miles from an
28 official [SUCH A] survey control monument except that the commissioner
29 may waive this requirement on a determination that a single purpose

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

20 * Sec. 2. AS 38.04.910 is amended by adding a new paragraph to read:

21 (12) "long-term lease" means a lease for a term of 10 years
22 or more.

23 * Sec. 3. AS 38.09.010(b) is amended to read:

24 (b) The commissioner shall complete a rectangular [CADASTRAL]
25 survey grid of homestead entry state land under AS 38.04.045 before
26 disposing of state land for homestead entry. A homestead entry parcel
27 shall be established in aliquot parts of a surveyed section or as lots
28 or tracts that are fractions of aliquot parts of a surveyed section.
29 The commissioner shall ensure practical access to each homestead entry

1 parcel but the commissioner may waive the rectangular [CADASTRAL]
2 survey grid if no more than one conveyance is made for each section
3 within a township [ON A DETERMINATION THAT TOPOGRAPHIC FEATURES,
4 DIFFUSE SETTLEMENT, OR THE PUBLIC INTEREST DO NOT JUSTIFY OR REQUIRE
5 THE CADASTRAL SURVEY].

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

7 (b) An applicant for a homestead entry permit shall personally
8 stake the corners and flag the boundaries of the land entered under
9 this chapter and shall personally file with the commissioner a de-
10 scription of the land entered. A homestead entry shall be described
11 by aliquot parts unless otherwise permitted by the commissioner. The
12 commissioner may require the applicant to establish a deposit for the
13 costs of survey before issuing the homestead entry permit. The com-
14 missioner of administration shall separately account for money re-
15 ceived under this subsection that the commissioner deposits in the
16 general fund. The annual estimated balance in the account may be
17 appropriated by the legislature to carry out the purposes of this
18 section.

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

20 (a) A homestead entry permit may be revoked by the commissioner
21 for a substantial breach of the permit conditions or the requirements
22 of this chapter, including

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

25 (2) failure of the permit holder to submit an aliquot parts
26 description of the homestead entry or, a plat of survey where the
27 commissioner waived the requirement of a rectangular survey grid to
28 the commissioner within five years after the issuance of the permit;

29 (3) failure of the permit holder to erect a dwelling in the

1 time required under AS 38.09.050(a), except that if the commissioner
2 finds that the dwelling has been nearly completed and progress toward
3 completion is being made at the expiration of the time required, the
4 commissioner may extend the time required for completion for not more
5 than one year;

6 (4) failure to brush the boundaries of the land not de-
7 scribed by aliquot parts or as a lot of record within 90 days after
8 issuance of the homestead entry permit;

9 (5) failure to clear and either put into production or
10 prepare for cultivation either 25 percent of the land classified for
11 agricultural use or 50 percent of the cropland soils, whichever is
12 less, within five years after the issuance of the permit.

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

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

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

19 (2) submits an aliquot parts description or completes an
20 approved survey of the land in an area where the commissioner waives
21 the rectangular survey grid within five years after the issuance of
22 the permit;

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 not described by
26 aliquot parts or as a lot of record within 90 days after the issuance
27 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 cropland soils, whichever is less, within
- 2 five years after issuance of the permit.
- 3 * Sec. 7. This Act takes effect immediately under AS 01.10.070(c).