

COMMITTEE REPORT
HOUSE

(11)

FURTHER:

3/8/85

Date: 4-29-85

Mr. Speaker:

The Committee on FINANCE has had HB 170

"An Act relating to land surveys."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 170 (Fin) same title
 new title
and recommends DO PASS
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
2-12-85
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Pat Karchot
Paul Vehl

Ronald J. Jans

MEMBERS HAVING
OTHER RECOMMENDATIONS:

De [unclear] to [unclear]

[unclear]
CHAIRMAN

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: ASHB 170 (FIN)
 Title: An act relating to land surveys

FISCAL DETAIL

Agency Affected: Natural Resources
 Program Category Affected: NRMEC

Sponsor: Koponen, Sund, Navarre
 Requestor: Jehling, Jenkins, Kingstad,
 Date of Request: & Pearce

BRU, Program or Subprogram(s) Affected: Information/Records Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

It is assumed that approximately 500 documents at \$8.00 each would be recorded each year under this proposed Bill.

Prepared By: Joseph C. Burch
 Division: Technical Services

Phone: 786-2400
 Date: 2/11/85

Approved by Commissioner: James D. Zammit
 Agency: Natural Resources

Date: 2/12/85

Distribution (by Agency preparing fiscal note):
 Legislative Finance

COMMITTEE REPORT

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and recommends DO PASS
[] AND attaches a "Letter of Intent" [] New Fiscal Note
[] reports it back without recommendation [X] Zero Fiscal Note Attached
2-12-85
[] referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

John P. ...
Mike ...
Jim ...
Pat ...
Mike ...
Steve ...
Don ...
James ...

John P. ... NO REC.

John P. ...
Vice - CHAIRMAN

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

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Date of Request: _____

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GENERAL FUND	0	0	0	0	0	0
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Prepared By: Joseph C. Burch
Division: Technical Services

Phone: 786-2400
Date: 2/11/85

Approved by Commissioner: Thomas D. Zimrel
Agency: Natural Resources

Date: 2/12/85

Distribution (by Agency preparing fiscal note):

Original sponsors: Koponen, Sund,
Navarre, et al

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 170 (Finance)

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; and providing for
7 an effective date."

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

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

10 CHAPTER 65. LAND SURVEYS.

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

16 Sec. 34.65.020. ENTRY UPON LAND FOR SURVEY PURPOSES. (a) A
17 land surveyor or an employee of a land surveyor may enter public or
18 private land or water in the state only to occupy, locate, relocate,
19 install, or replace survey monuments, to locate boundaries, determine
20 geodetic positions, and to make surveys and maps.

21 (b) The land surveyor shall give reasonable notice to the owner
22 or occupant of the land of an intent to enter private land for survey
23 purposes. The notice shall indicate the anticipated date of the entry
24 for survey purposes.

25 (c) Notice under (b) of this section is not required for a
26 survey along previously surveyed boundaries within a platted
27 subdivision accepted or recorded by the federal government or approved
28 under AS 29.33.160 or AS 40.15.010.

29 (d) A land surveyor or an employee of a land surveyor who

1 complies with the notice requirements of (b) of this section is liable
2 to the landowner only for actual damages.

3 (e) The attorney general may bring an action in the name of the
4 state to restrain and prevent the obstruction of entry under (a) of
5 this section.

6 Sec. 34.65.030. RECORDS OF SURVEY. After making a survey in
7 conformity with the practice and definition of land surveying, a land
8 surveyor shall file with the district recorder a record of the survey
9 within 90 days if the survey discloses

10 (1) material evidence or physical change that in whole or
11 in part does not appear on a plat of record previously filed in the
12 office of the district recorder or in the records of the Bureau of
13 Land Management;

14 (2) a material discrepancy with a plat of record previously
15 filed in the office of the district recorder or in the records of the
16 Bureau of Land Management; or

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

19 Sec. 34.65.040. RECORDS OF MONUMENT. (a) A land surveyor who
20 in the course of a survey establishes, reestablishes, uses as control,
21 or restores a monument to make it readily identifiable or reasonably
22 durable shall file a monument record, unless the monument and its
23 accessories are substantially as described in a monument record filed
24 under this chapter or on a survey plat of record.

25 (b) An agency whose activities will disturb or destroy a monu-
26 ment or its accessories shall have a land surveyor

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

29 (2) restore or replace the monument and its accessories

1 after the activities have ceased; and

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

4 (c) A person who disturbs or destroys a monument shall file a
5 notice of the disturbance or destruction in the office of the district
6 recorder.

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

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

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

14 Sec. 34.65.050. WHEN RECORD OF SURVEY IS NOT REQUIRED. A record
15 of survey is not required for a survey

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

17 (2) when a plat of the survey has been filed or will be
18 filed within 18 months after the field survey is completed.

19 Sec. 34.65.060. DUTIES OF THE COMMISSIONER. (a) The commis-
20 sioner shall adopt regulations to implement this chapter.

21 (b) The commissioner shall provide a standard form for a monu-
22 ment record.

23 Sec. 34.65.070. DUTIES OF THE DISTRICT RECORDER. (a) The
24 district recorder shall provide a copy of a monument record or a copy
25 of a record of survey to the municipal clerk for the municipality in
26 which the monument or survey is located.

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

1 Sec. 34.65.100. DEFINITIONS. In this chapter

2 (1) "accessory" means physical evidence adjacent to a
3 monument used for the future identification and restoration of a
4 monument;

5 (2) "commissioner" means the commissioner of natural re-
6 sources;

7 (3) "land surveyor" means a professional land surveyor
8 licensed under AS 08.48;

9 (4) "monument" means

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

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

12 (C) an exterior primary monument controlling a re-
13 corded survey;

14 (D) a geodetic control monument established by a state
15 or federal agency;

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

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

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

22 * Sec. 2. This Act takes effect July 1, 1985.
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28
29

Alaska State Legislature

REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE
COMMITTEE ON OIL AND GAS




ANCHORAGE
P.O. BOX 104836
ANCHORAGE, AK 99510
(907) 338-2425

JUNEAU
POUCH V
STATE CAPITOL
JUNEAU, AK 99811
(907) 465-3712

House of Representatives MEMORANDUM

DATE: April 29, 1985

TO: House Finance Committee

FROM: Representative Pat Pourchot 

RE: HB 170, Relating to Land Surveys

HB 170, relating to land surveys and sponsored by Representative Koponen, was originally considered by the Finance Committee on March 28. At that hearing several members of the committee expressed concerns that Section 1 of the bill effectively gave rights of "legal trespass" to a surveyor without having to give notice to the landowner. Since that time, I have worked with the sponsor, DNR staff, surveyors and other interested parties to come up with some acceptable notice requirements prior to a surveyor entering private land.

Surveyors presented a "worst case" scenario where notification of landowners would be particularly onerous, such as in an urban area, surveying a lot along a previously surveyed boundary where the surveyor might have to contact dozens of property owners whose land he or she would be technically crossing by walking along a rear or side boundary.

I believe we have come to an equitable compromise. The proposed CS requires reasonable notice to landowners or occupants prior to entry by the surveyor. We have also included an exception to notice requirements for surveys along previously surveyed boundaries within platted subdivisions approved or performed by the federal government (i.e. the Bureau of Land Management) or approved under Title 29 or Title 40 which relates to surveys within unorganized areas of the state.

I believe this compromise addresses the legitimate concerns of surveyors in urban and subdivision situations while protecting private property owners against trespass without prior notification.

I recommend the attached draft CS for adoption.



COOK INLET REGION, INC.

April 18, 1985

Representative Albert P. Adams
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Representative Adams:

Cook Inlet Region, Inc. (CIRI) is opposed to House Bill Number 170 in its present form. CIRI views the proposed legislation as a flagrant abuse of private property rights. This bill does nothing more than legalize trespass and places an additional management burden on our Corporation. Our primary concern is that the proposed legislation does not address CIRI's permitting rights.

Presently, CIRI requires a permit for all activities that occur on its lands. These permits do several things: (1) provide notification of proposed activities; (2) identify types and scale of activities; (3) provide stipulations to mitigate any adverse impacts of the proposed activities, and (4) indemnify CIRI from all liability associated with activities on CIRI lands.

Representative Pourchot has submitted amended language that satisfies our notification concerns. However, the bill still ignores CIRI's right to require permits for use of its land, and more importantly, does not afford CIRI any protection against liability suits. Until these concerns are addressed we strongly oppose this bill and recommend that it is not passed.

I am willing to discuss our concerns and provide whatever additional information you may need. Thank you.

Sincerely,

COOK INLET REGION, INC.



Don Marx, Director
Land Management and Administration

DM/slb:198:2

CC: Regional Corporations
AFN

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

up
POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

MEMORANDUM

February 21, 1985

SUBJECT: Land surveys (HB 170)
TO: .. Representative Niilo Koponen
FROM: Richard A. Bradley
Legislative Counsel *B*

You have requested a sectional analysis of the above described bill.

As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 of the bill adds a new chapter to AS 34 (Property) relating to land surveys.

Sec. 10 states the purpose of the chapter: (1) to authorize right of entry on land for survey purposes (cf. sec. 20) and (2) establish a method for preserving evidence of land surveys (cf. secs. 30 - 70).

Sec. 20 establishes the right of a land surveyor and the employees of a surveyor to enter on land for the purposes of surveying it. When on the land, the land surveyor is responsible only for "actual damages". I believe that this rule is intended to alter the usual rule that damages to some extent are presumed to have occurred in a trespass; in this situation, damages would only be available on the showing of affirmative and actual (as opposed to legal) damages. And the section authorizes the attorney general to bring an action to "restrain and prevent an obstruction of entry" under (a) of the section.

Sec. 30 relates to "records of survey."

Sec. 30(a) provides that a land surveyor shall file a record of survey within 90 days of the completion of a survey when the survey discloses (1) "material evidence or physical change" that is not reflected on a previous "plat of record;" (2) a "material discrepancy" with a previously filed "plat of record;" or (3) evidence that by "reasonable analysis" might alter existing recorded "positions of boundaries."

Sec. 30(b) provides that a land surveyor shall file a monument record when the land surveyor "reestablishes, uses as a control, or restores a monument to make it readily identifiable or reasonably durable" unless the monument and its accessories are as described in an existing monument record or a survey plat of record.

Sec. 30(c) provides that when activities on the land, as for example construction, will "disturb or destroy a monument or its accessories", the land surveyor shall

- (1) file a monument before the monument and its accessories are disturbed or destroyed;
- (2) restore or replace the monument and its accessories after the activities have ceased; and
- (3) file a new monument record after restoring or replacing the monument and its accessories.

Sec. 30(d) provides that a land surveyor may file a monument record at any time.

Sec. 30(e) provides that when a land surveyor is required to file a monument record by this section, the monument record shall be filed within 90 days of the "completion of the survey or of the establishment, reestablishment, or rehabilitation of a monument.

Sec. 30(f) requires a land surveyor to sign and seal a monument record.

Sec. 40 deals with situations when a record of survey is not required. The section provides that a record of survey is not required for survey made by the Bureau of Land Management; to some extent, the result suggested here would be

inevitable since the legislature does not have the power to impose burdens on a Federal agency.

The section also provides that a record of survey is not required when a plat of survey either has been filed or will be filed within 18 months of the field survey.

Sec. 50 directs the commissioner of natural resources to adopt regulations to implement the chapter. It also directs the commissioner to adopt a standard form for a record of survey.

Sec. 60 relates to the duties of the district recorder.

Sec. 60(a) directs the district recorder to provide a copy of a monument record or a copy of the record of survey to the municipal clerk for the municipality in which the record or survey is located.

Sec. 60(b) provides that the district recorder is to keep a proper index of monument records and records of survey by "survey name, tract designation, subdivision designation, or United States public land designation."

Sec. 70 defines terms for the chapter, including "accessory," "monument," and "united States public land survey monument."

If I may be of further assistance, please advise.

RAB:csh
c3/014



Alaska Section
AMERICAN CONGRESS ON SURVEYING AND MAPPING

P. O. BOX 376
ANCHORAGE, ALASKA 99510

April 19, 1985

Representative Albert Adams
Chairman, House Finance Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Adams:

On behalf of the 207 members of the Alaska Section, American Congress on Surveying and Mapping, I urge prompt consideration by your committee of House Bill 170 pertaining to right of entry for surveyors and for the recordation of records of surveys and monument records. A do pass recommendation of the bill in the original form as submitted by Representative Koponen and other sponsors is urged by this professional group. This legislation is of benefit to not only the surveying and mapping professions, but the public at large and is becoming sorely needed as the scope of land use accelerates in Alaska.

We understand there has been considerable discussion by some members of your committee regarding the precise wording for the right to entry portions of the proposed legislation. It is extremely difficult to word this section in such a manner as to meet the unique circumstances that exist in the various geographical areas of Alaska, especially as they pertain to identification of ownership and occupancy of lands in the general area where a survey is to be conducted and meet any notice requirement without serious impact on one party or another. What would work well under notice requirements in remote areas are absurd in developed cities. We, therefore, feel a formal advance notice procedure will be found to be totally unworkable in some areas or under some conditions.

In lieu of advance notice, we feel the restriction that surveyors may gain entry only for the surveying of legal property boundaries and not for other developmental type projects will be sufficient restriction to prevent misuse of the right to entry. We, therefore, strongly urge this proposed legislation in its original submitted form be passed out of your Committee with "do pass" recommendation.

Respectfully requested,
ALASKA SECTION, AMERICAN CONGRESS ON
SURVEYING AND MAPPING

C. A. Herschbach

C.A. Herschbach, R.L.S., M.I.S
Chairman

CAH:kh

cc: John Ringstad
Jim Duncan
Ronald Larson
Mike Szymanski
Sam Cotten

Steve Frank
John Binkley
Pat Porchout
Steve Rieger
Rick Uehling

JUSTIFICATION
AMENDMENTS TO AS 34 (ADDITION OF CHAPTER 65)

Section Authorizing Entry On Land For Survey Purposes

Thousands of survey monuments exist in the State of Alaska identifying section corners, township corners, various property boundaries and serving as geodetic control points in remote areas where no other survey control presently exists. Taxpayers' dollars were utilized to establish these monuments, as they were intended for purposes benefiting the public. Various Federal agencies, primarily the Bureau of Land Management, Coast and Geodetic Survey, Geological Survey, Corps of Engineers and Army Mapping Service and, more recently, various State of Alaska agencies established these monuments. Utilization of this existing monumentation is mandatory if the surveyors, mappers and photogrammetrists in the State are to conduct the surveys required by the public for property boundaries, subdivisions, construction projects and mineral, oil and gas exploration programs. Traditionally, access to this survey control has been available to these professionals as required to conduct these surveys. Access is primarily by foot, air or water and utilization of the station usually involves only the temporary setting up of a theodolite, distance measuring equipment, satellite survey system, photo control panel or in some cases, leaving a small, unmanned, battery-powered transmitter on a small tower or tripod to continuously broadcast signals for offshore or airborne positioning systems. No damage to the monument or its surrounding environment is entailed.

In addition, in the course of conducting surveys, surveyors must often physically traverse adjoining property boundaries or gain access to hilltops, mountain peaks or shorelines so as to gain line of sight or for other technical reasons. Again, the occupancy is limited in nature and normally involves no damage to the environment.

With increasing transfer of lands from the public domain into private ownership, access to these survey control monuments, property boundaries and key terrain features is becoming increasingly curtailed. Owners, applicants and alleged owners of the underlying property on which the monument is located or to which access must be gained, even in extremely remote areas of the State, are now requiring advance permission, and often the payment of considerable rental fees to briefly occupy the station or terrain feature. In some cases, there is outright refusal of access if the owners are not in agreement with the program for which a survey is being undertaken, regardless of the fact that the resultant program may be on State, Federal

or third party ownership. To further complicate the matter, often two or more persons or groups claim ownership to the same lands, leaving the surveyor in the position of not knowing from whom to obtain permission or alternatively, obtaining permission from the apparent owner only to be challenged by a second party claiming ownership. As survey monumentation in the remote areas of the State is extremely sparse, this allows the owner or alleged owner of the lands underlying a primary control monument to control developments over a vast area far outside their ownership. In some cases, a single monument may serve as primary control for thousands of square miles so use of alternate monuments is not feasible or even impossible.

This problem, nonexistent prior to five years or so ago, is annually becoming more critical. As much as surveyors, mappers and photogrammatrists wish to see the property rights of all individuals or groups to be properly protected, the time has come for some protection for all of the citizens of the State to utilize the survey monumentation which was established with their tax dollars, and to allow surveyors to determine citizen's property boundaries. Similar legislation has been found necessary in nearly all the other states of the union.

The Alaska Section, American Congress on Surveying and Mapping and the Alaska Society of Professional Land Surveyors and their members feel the time has now arrived that this legislation is mandatory if the rights of all individual citizens of this State are to be protected.

Section Requiring Record Of Survey And Monument Record

A present requirement exists in Alaska that subdivisional plats be recorded with the district recorder so as to be available for use by all citizens of interest. Hundreds of other land surveys are annually conducted, however, defining boundaries and rights-of-way, for which no such recording requirement exists and which presently do not become a part of any public record. Although some informal exchange of information currently takes place between the professional surveyors in the State, there is no official depository for records of this sort where a public or private surveyor can research records of previous surveys prior to undertaking a survey in the same area. This often results in repeated duplication of effort, boundary conflicts (between two surveyors utilizing totally different techniques to approach the same problem) and, at the very least, incursion of unnecessary costs by the surveyor's client if a private survey.

or the public at large if the survey is for public purposes. Similarly, as surveys are undertaken and key monumentation recovered, no current regulation or law requires the surveyor record any public document indicating the existence, lack of existence, condition of, or current status of key control monumentation in the project area. This is especially critical where monumentation will or likely will be destroyed during forthcoming construction following the initial survey. Replacement of these destroyed monuments is extremely costly unless adequate records exist prior to any disturbance, indicating the exact original position of the monument with ties to appropriate access ways.

These professional associations and their members believe it is the duty of all professional surveyors to file a record of survey and monument records for all appropriate surveys they undertake and that an appropriate procedure be established by the State to provide the mechanism for the recording of these documents.

The burden and cost of this recordation will primarily fall upon the surveyor and not the government entity. The sole cost to the State of Alaska or its subentities will be the cost of accepting and maintaining these records. It is estimated the total number of documents would not exceed 1000 per year. This very minor cost would be greatly offset by the value to State agencies, boroughs and municipalities that could make great use of the vast amount of information so recorded and made readily available with no cost of field acquisition whatsoever. Likewise, when individual citizens of the State require survey in the future, they will often achieve a cost saving because of the ready availability of these documents.

The majority of other states currently have statutes requiring recordation of monument and/or survey records. This is especially true in the western states where fewer surveys exist, with the resultant greater distance between monuments and longer time intervals between occasions when monuments may be inspected by professional surveyors.

Bradley
3/27/85

Original sponsors: Koponen, Sund,
Navarre, et al

KEY
— additions to Jud C.S.
[] deletions from Jud C.S.

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

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13 method for preserving evidence of land surveys by filing records of
14 survey and monument records. The provisions of this chapter supple-
15 ment laws relating to land survey platting and subdivision surveys.

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19 relocate, install, or replace survey monuments, to locate boundaries,
20 determine geodetic positions, and to make surveys and maps.

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

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

26 Sec. 34.65.030. RECORDS OF SURVEY. After making a survey in
27 conformity with the practice and definition of land surveying, a land
28 surveyor shall file with the district recorder a record of the survey
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2 in part does not appear on a plat of record previously filed in the
3 office of the district recorder or in the records of the Bureau of
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6 filed in the office of the district recorder or in the records of the
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10 ^[b]
11 Sec. 34.65.040. RECORDS OF MONUMENT. (a) A land surveyor who
12 in the course of a survey establishes, reestablishes, uses as control,
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17 ^[(c)]
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25 the monument or its accessories.

26 ^[(d)]
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survey or of the establishment, reestablishment, or rehabilitation of
a monument.

^[(f)] (e) A monument record shall be signed and sealed by the land

1 surveyor responsible for the survey.

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

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6 filed within 18 months ^[of] after the field survey is completed.

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8 sioner shall adopt regulations to implement this chapter.

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13 of a record of survey to the municipal clerk for the municipality in
14 which the monument or survey is located.

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

18 Sec. 34.65.100^[7]. DEFINITIONS. In this chapter

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

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

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

26 (4) "monument" means

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

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

29 (C) an exterior primary monument controlling a

1 recorded survey;

2 (D) a geodetic control monument established by a state
3 or federal agency;

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

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

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

10 * Sec. 2. This Act takes effect July 1, 1985.

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United States Department of the Interior 9658 (920)

IN REPLY REFER TO

BUREAU OF LAND MANAGEMENT

Alaska State Office
701 C Street, Box 13
Anchorage, Alaska 99513

JAN 18 1985

Honorable Niilo Koponen
Alaska State House of Representatives
Pouch V
Room C110, State Capitol Building
Juneau, Alaska 99811

Dear Mr. Koponen:

This letter references and supports the legislation being proposed by the Alaska Society of Professional Land Surveyors (ASPLS) concerning Right of Entry, Recordation, and Amendments to Title 38 of the Alaska Statutes.

The Bureau of Land Management (BLM) fully recognizes the need for the enactments of this legislation to further the orderly conduct of surveying and mapping activities in Alaska. Significant problems are already confronting the citizens and the Federal and State governments in the establishment, administration, and management of property boundaries and their associated records.

* The justification which has been written in support of this proposed legislation provides a clear picture of the needs but could have been expanded to convey the impact of the programs affected in the State. The BLM alone has a legislated workload which will require over a half billion dollars of surveying and mapping activities to identify lands for patent to the State, Native corporations and private claimants. Without this legislation the enactment of this work will be fraught with great wastes of human efforts and dollars due to the lack of required records keeping, higher costs to perform surveys and an inevitable increase in boundary legislation.

Your solid support of the enactment of the ASPLS proposed legislation is requested for the benefit of all Alaskans and the efficient use of State and Federal tax dollars.

We would be pleased to respond to any questions or comments you might have regarding this subject.

Sincerely,

Offered: 3/8/85
Referred: Finance

Original sponsors: Koponen, Sund,
Navarre, et al

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 170 (Judiciary)

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 authorize right of entry on land for survey purposes, and to provide a method for preserving evidence of land surveys by filing records of survey and monument records. The provisions of this chapter supplement laws relating to land survey platting and subdivision surveys.

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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 public or private land or water in the state only to occupy, locate, relocate, install, or replace survey monuments, to locate boundaries, determine geodetic positions, and to make surveys and maps.

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

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

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

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(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 provide 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.

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17 Sec. 34.65.070. DEFINITIONS. In this chapter

18 (1) "accessory" means physical evidence adjacent to a
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Alaska Society of Professional Land Surveyors

AFFILIATE OF AMERICAN CONGRESS OF SURVEYING AND MAPPING
MEMBER OF WESTERN FEDERATION OF PROFESSIONAL LAND SURVEYORS



P.O. BOX 2106
ANCHORAGE, ALASKA 99510

January 17, 1985

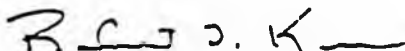
Representative Niilo Koponen
Alaska State House of Representatives
Pouch V
Room C110, State Capitol Bldg.
Juneau, Alaska 99811

Dear Representative Koponen:

The Anchorage Chapter of Alaska Society of Professional Land Surveyors at their annual dinner January 11, gave their unanimous approval to the legislation being proposed by the ASPLS Legislative committee concerning Right of Entry, Recordation, and Amendments to Title 38. We believe these bills to be of extreme importance to the efficient and orderly conduct of surveying and mapping in the State of Alaska. Many hours have gone into preparing this legislation by our State legislative committee and we respectfully request your review and support of this important legislation in the forthcoming session.

As president of the Anchorage Chapter and member of the legislative committee, I plan to be in Juneau the 23rd and 24th of January with other members of the Alaska Section American Congress of Surveying and Mapping and the Alaska Society of Professional Land Surveyors. At this time we would be pleased to meet with you and your staff and discuss any aspects of the proposed legislation.

Sincerely,



Robert T. Kean, President
c/o Kean & Assoc.
6510 Homer Drive
Anchorage, AK 99502

Introduced: 2/4/85
Referred: Labor & Commerce
and Judiciary

BY KOPONEN, SUND, NAVARRE,
UEHLING, JENKINS, RINGSTAD
AND PEARCE

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