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STATE OF ALASKA
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1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Rules Committee, 5/5/86, 8:30 am



Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

Pouch V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

HOUSE RULES STANDING COMMITTEE MEETING

MONDAY, MAY 5, 1986

8:30 A.M. - CAPITOL, ROOM 208

A G E N D A

- HB 286 - "An Act relating to access to state land intended for disposal and to the description of the land."
(Representative Koponen)

- SB 204 - "An Act relating to contracts for architectural, engineering, and land surveying services; and providing for an effective date."
(Senator Sturgulewski)

- SB 402 - "An Act relating to ice classics."
(Senator Sackett)

- HCR 62 - "Suspending Uniform Rule 41(b), 24(c), and 35 of the Alaska State Legislature concerning Senate Bill. No. 402."
(House Rules Committee)



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I N D E X

- I. MEMO DATED MAY 2, 1986 TO HOUSE RULES COMMITTEE MEMBERS FROM REPRESENTATIVE KOPONEN
- II. PROPOSED VERSION CSHB 286(RULES)
- III. POSITION PAPER FROM REP. KOPONEN REGARDING HB 286
- IV. REVISED (5/1/86) FISCAL NOTE CSHB 286(RULES)
- V. CSHB 286(RESOURCES)
- VI. HB 286

Alaska State Legislature
Representative Niilo Koponen

I

Pouch V
Juneau, Alaska 99811
(907) 465-4992

542 4th Avenue, Suite C
Fairbanks, Alaska 99701
(907) 456-8161

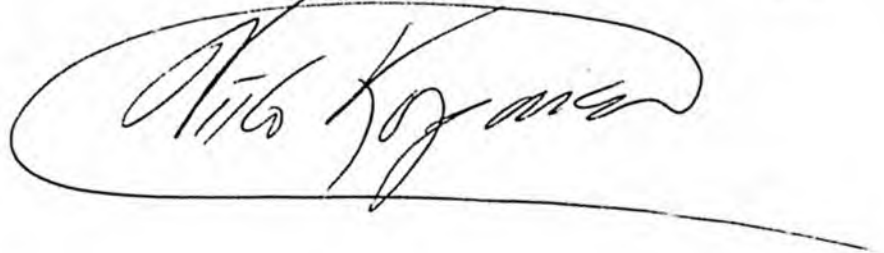
MEMO to House Rules Committee

From Niilo

5/2/86

Re: Change of effective date on HB 286

In order to gain greater support for this bill we've changed the effective date to July 87. This will make the bill more palatable to many as well as lowering the fiscal note from DNR.

A handwritten signature in cursive script, reading "Niilo Koponen", enclosed within a large, hand-drawn oval. The signature is written in black ink on a white background.

Original sponsors: Koponen, M.M.Miller,
Sund, et al

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 286 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH 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; ^{added:} 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, 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. ^{added} This Act takes effect July 1, 1987.

Representative Koponen's Position Paper HB 286

HB 286 is a measure that will implement proven land management goals in regard to the continuing disposal of State lands to Alaskan citizens.

In the past land disposals were made without the benefit of boundaries being monumented and identified on the ground. In the name of expediency and false economy land was released with no regard to a proven identification system that has been in use in the Federal system for 200 years.

This system is the cadastral rectangular land survey which allowed any parcel to be readily identified, plotted accurately on status maps, and virtually eliminated boundary disputes. Federal law prescribes that all public domain lands will be physically surveyed and monumented in conformance with the rectangular survey and aliquot part system prior to disposal. This cadastral system has been followed in all public domain states except Alaska.

The rectangular cadastral system is understood by surveyors, title companies, lending institutions, recording offices, attorneys, and most citizens. It is the backbone of all land record systems and has procedural manuals adopted and in place.

What is occurring in Alaska however, is a system of metes and bounds, the least desirable of all possible land identification systems. It creates a patch-work of oddly shaped and irregularly adjoining parcels to which access and intelligent utility distribution is next to impossible. It creates slivers of unclaimed State land that become worthless to the citizens of the State. It is expensive and difficult to survey accurately, creates voluminous land records, and makes it impossible to plot parcels correctly on a status map without a field survey and encumbers all residual land within a township until all applicant's parcels are surveyed.

For the new landowner under a system of metes and bounds the problems are just starting. He must shoulder the burden of having an adequate survey made in preparation of a legal description of the land. A legal description is necessary to obtain financing for improvements, and clear title from a title company. Boundary problems with neighbors often occur and the landowner may find no legal or practical access to the parcel.

HB 286 will eliminate these inequities and shortcomings. It will set in place a proven and recognized system of land identification that acknowledges the State's responsibility to carefully manage our land resources.

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

IV

Revision Date: 5/1/86

REQUEST

Bill/Resolution No.: CSHB 286
 Title: Survey and disposal of state lands

 Sponsor: Koponen
 Requestor: Koponen
 Date of Request: 5/1/86

FISCAL DETAIL

Agency Affected: Natural Resources
 BRU: Information Management

 Components: _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

| OPERATING | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 | FY 91 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | | | | | |

| | | | | | | |
|----------------|--|--|---------|-----|-----|-----|
| CAPITAL | | | 1,597.0 | --- | --- | --- |
|----------------|--|--|---------|-----|-----|-----|

| | | | | | | |
|----------------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|----------------|--|--|--|--|--|--|

FUNDING : (Thousands of Dollars)

| | | | | | | |
|---------------|--|--|--|--|--|--|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | | | | | |

POSITIONS :

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS : Attach a separate page if necessary

If the bill is amended to show a July 1, 1987 effective date, the projected FY 87 costs will not occur. At this time only the FY 88 cadastral funding capital costs can be anticipated on the current land offerings schedule. Operating costs will not increase.

Prepared by: Ned Farquhar
 Division: Commissioner's Office

Phone: 465-2400
 Date: 5/1/86

Approved by Commissioner: *Ned Farquhar*
 Agency: Natural Resources

Date: 5/1/86

Distribution (by Agency preparing fiscal note):

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