

HB

|||

HOUSE COMMITTEE REPORT

(11)

Date referred: 4/6/87

FURTHER REFERRALS:

DATE: 5-14-87

The Finance Committee has considered HB 111

"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."

RECOMMENDS:

- replace with CS HB 111 (RES) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published 4-6-87
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

Ronald J. Linn

Bob Murrell

Mark Bauer

Steve Frank

Fay Brown

Mike Davis

SIGNING OTHER RECOMMENDATIONS:

Al Adams

Steve Thompson

Key Walker

Albert H. Adams
Chairman's signature

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____
 Revision Date: April 7, 1987
 Title: Survey requirements for State land disposal
 Sponsor: Koponen, Zawacki, Navarre, Martin
 Requestor: House Finance

Bill Version: CS HB 111 Res
 Publish Date: _____
 Agency Affected: Natural Resources
 BRU: Land and Water Management
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		**				

** \$25-\$60 per acre of land transferred

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Total cost will be dependent upon the number of acres transferred by the state.

Prepared by: Larry Ostrovsky Phone: 465-2400
 Division: Commissioner's Office Date: 4/7/87

Approved by Commissioner: Jennie Boston Gorsuch Date: 4/8/87
 Agency: Natural Resources

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)
 Senate Secretary

RECEIVED
APR 03 1987

LEGISLATIVE FINANCE

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

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).

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 81588
FAIRBANKS, ALASKA 99708

April 28, 1987

House Finance Committee
Al Adams, Chairman
Pouch V
Juneau, AK 99811

Ref: HB 111 (Cadastral Survey Bill)

Dear Representative Adams:

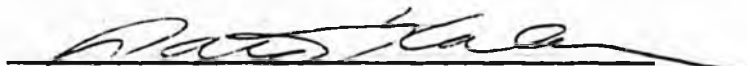
Members of the Alaska Society of Professional Land Surveyors have been working with the legislature on a cadastral survey bill since 1984, when the first draft appeared.

In 1985, during the Fourteenth Legislature, HB 286 was introduced, sponsored by Representative Niilo Koponen, with co-sponsors including Mike M. Miller, John Sund, Peter Goll, Terry Martin, Rick Uehling, and Roger Jenkins. HB 286 passed the House by a vote of 32 to 8, but languished in the Senate, partially due to concerns by Senator Rick Halford that it might be overly restrictive, but also because session time had run out.

Similar concerns surfaced when the re-introduced bill, HB 111, came up for a hearing in House Resources this year. This February, members of the Alaska Society of Professional Land Surveyors met with Senator Halford, Representative Heinrich Springer, and Department of Natural Resources personnel, and a compromise was worked out to our mutual satisfaction. Most significant was a provision for recovery of some of the cost of cadastral surveys the state has invested in from entrymen.

HB111 would be income-generating in effect, not in great amounts, but enough to fund a few survey positions at DNR without looking for additional funds. We urge that the House Finance Committee schedule HB 111 for a hearing as soon as possible, with a view towards passage this year. It would be inconsistent fiscal policy to cut the budget while allowing a non-controversial, painless, income generating bill to die in committee.

Sincerely yours,


Patrick H. Kalen, PLS,
President, A.S.P.L.S.

Alaska State Legislature
Representative Niilo Koponen



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

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

MEMORANDUM

TO: REPRESENTATIVE AL ADAMS
FROM: REPRESENTATIVE NIILLO KOPONE'N
DATE: 4 MAY 1987



RE: CSHB111 (Res), "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."

I would greatly appreciate your scheduling CSHB111(Res) for hearing in House Finance as soon as possible.

My justification for this bill is contained in the attached copy of my earlier memo, and in the attached position paper.

Attachments

Alaska State Legislature
Representative Niilo Koponen

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

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

MEMORANDUM

TO: REPRESENTATIVE AL ADAMS
FROM: REPRESENTATIVE NIILLO KOPONEN
DATE: 14 APRIL 1987
RE: CSHB111(Res)

I would appreciate it if you would schedule CSHB111(Res) for hearing in House Finance at your earliest convenience.

The purpose of this legislation is to encourage the use of the proven standard rectangular land survey system (cadastral surveys) on state lands prior to their disposal, to reduce the costs of survey to citizens obtaining state lands, and to provide for reimbursement of survey costs by the state.

CSHB111(Res) Sec. 1 amends AS 38.04.045 (Survey and subdivision) by prescribing limits to the Department of Natural Resources' authority to dispose of land without prior rectangular survey, but allowing old disposal areas to continue to have disposals based on the non-rectangular survey systems that had already been in use there. It also waives the prior rectangular survey requirement for parcels adjoining surveyed rights-of-way and for single-purpose use sites such as communications sites.

Sec. 2, 4, & 5 amend AS 38.09 (Homestead Act) by applying similar limits to conveyances of homestead entry parcels without prior rectangular survey, by providing for the recovery of the costs of prior rectangular survey by the state from the homestead entry applicant, and by allowing more time for applicants to have a survey performed in those cases where their homesteads were made available to the public without prior rectangular survey.

CSHB111(Res) has a zero fiscal note.

If you need further information on this bill, please feel free to contact me or my staff.

Alaska State Legislature
Representative Niilo Koponen

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

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

POSITION PAPER

CSHB 111 (Res) - 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

Representative Niilo Koponen
14 April 1987

CSHB 111 (Res) will implement proven land survey goals for continuing disposal of state lands to Alaskan citizens and will facilitate ready identification and good legal title of parcels so transferred. This bill is a modification of HB 286, which passed the House last year.

In the recent past land disposals have been made in haste, without the benefit of boundaries being monumented and identified on the ground. In the name of expediency and false economy land was released without regard to a proven identification system that has been in use on the federal lands for 200 years.

This system is the cadastral rectangular land survey, which allows every parcel to be readily identified, plotted accurately on status maps, and greatly reduces boundary disputes. Federal law prescribes that all public domain lands 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 during the last decade.

Since this survey requirement was waived we have over-relied on a system of metes and bounds, the oldest and least desirable of all possible land identification systems. It creates a patchwork 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 applicants' parcels are individually surveyed.

For a new land applicant the problems are just beginning. He must shoulder the expensive burden of having an adequate survey made in preparation of a legal description of the land, necessary to obtain financing for improvements, and clear title. Boundary problems with neighbors often occur and the landowner may find no legal or practical access to his parcel.

CSHB 111 (Res) will greatly reduce these inequities and shortcomings. It will again set in place a proven system of land identification as the state's primary land survey system prior to disposal of lands, while still allowing the Commissioner, in carefully limited instances, the authority to prepare for disposal of certain lands by alternative survey methods when absolutely necessary. A law of parallel intent (HB170 Chapter 32 SLA 85) for privately held lands is already in place.

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

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).

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
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, 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.