

HB

|||

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST: \_\_\_\_\_

Bill Version: HB 111  
Publish Date: \_\_\_\_\_

Revision Date: February 18, 1987

Agency Affected: Natural Resources  
BRU: Land and Water Management

Title: Survey Requirements for State  
Land Disposal

Sponsor: Kotonen, Zawacki, Navarre, Martin  
Requestor: House Resources

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. If the only transactions in FY88 were the trade of lands to establish the Eagle River Greenbelt, the cost would be \$100,000. There will, however, be additional transfers.

Prepared by: Carol J. Wilson  
Division: Commissioner's Office

Phone: 465-2400  
Date: 2/23/87

Approved by Commissioner: *William D. Arnold*  
Agency: Natural Resources

Date: 2/18/87

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



HOUSE COMMITTEE REPORT

(9)

Date referred: 2/9/87

FURTHER REFERRALS: Finance

DATE: 4/3/87

The Resources 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 CSHB 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 \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

SIGNING DO PASS:

\_\_\_\_\_  
*Jan Gtz*  
 \_\_\_\_\_  
*Cliff Davidson*  
 \_\_\_\_\_  
*Mike Farwood*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

SIGNING OTHER RECOMMENDATIONS:

\_\_\_\_\_  
*Donk Stubby*  
*Adelheid Neumann No Rec.*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
*Jan Gtz*  
 Chairman's signature

STATE OF ALASKA  
THE LEGISLATURE

POUCHY STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 5, 1997

SUBJECT: Survey requirements  
(Amendment to HB 111)

TO: Representative Sam Cotten

FROM: Richard A. Bradley  
Legislative Counsel *RB*

Ned Farquhar has asked that I put into legislative language amendments to two sections of HB 111.

It seemed reasonable to do this by memorandum.

The amendments to the first section of the bill amend AS 38.04.045(b); the suggestion would apparently delete essentially all the material kept in sec. 45(b) in HB 111 and keep as law essentially all that HB 111 proposes to repeal.

Section 1 of HB 111 now reads:

\* Section 1. AS 38.04.045(b) is amended to read:

(b) Before the conveyance of surface rights to state land, an official cadastral survey shall be accomplished, unless a comparable, acceptable survey exists that has been conducted by the federal Bureau of Land Management. The rectangular survey section corner positions shall be monumented and shown on a cadastral survey plat approved by the state. [HOWEVER, FOR THOSE AREAS WHERE THE STATE MAY WISH TO CONVEY SURFACE ESTATE OUTSIDE OF AN OFFICIAL CADASTRAL SURVEY GRID, THE DIRECTOR MAY WAIVE MONUMENTATION OF ALL INDIVIDUAL SECTION CORNER POSITIONS AND SUBSTITUTE AN OFFICIAL CONTROL SURVEY WITH CONTROL POINTS BEING MONUMENTED AND SHOWN ON CONTROL SURVEY PLATS APPROVED BY THE STATE. NO PORTION OF LAND TO BE CONVEYED MAY BE LOCATED MORE THAN TWO MILES FROM SUCH A SURVEY CONTROL MONUMENT

EXCEPT THAT THE COMMISSIONER MAY WAIVE THIS REQUIREMENT ON A DETERMINATION THAT TOPOGRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR THE PUBLIC INTEREST DO NOT JUSTIFY THE REQUIREMENT.] The lots and tracts in state subdivisions shall be monumented and the cadastral survey and plats for the subdivision shall be approved by the state. Where land is located within a municipality with planning, platting, and zoning powers, plats for state subdivisions shall comply with local ordinances and regulations in the same manner and to the same extent as plats for subdivisions by other landowners. State subdivisions shall be filed in the district recorder's office. The requirements of this section do not apply to land made available through a cabin permit system, material sales, or short-term leases; however, for short-term leases the lessee must comply with local subdivision ordinances unless waived by the municipality under procedures specified by ordinance.

Your request would alter it to read:

\* Section 1. AS 38.04.045(b) is amended to read:

(b) For ~~BEFORE THE CONVEYANCE OF~~ <sup>rectangular</sup> SURFACE RIGHTS TO STATE LAND, AN OFFICIAL ~~CADASTRAL~~ SURVEY SHALL BE ACCOMPLISHED, UNLESS A COMPARABLE, ACCEPTABLE SURVEY EXISTS THAT HAS BEEN CONDUCTED BY THE FEDERAL BUREAU OF LAND MANAGEMENT. THE RECTANGULAR SURVEY SECTION CORNER POSITIONS SHALL BE MONUMENTED AND SHOWN ON A ~~CADASTRAL~~ SURVEY PLAT APPROVED BY THE STATE. HOWEVER, FOR those areas where the state may wish to convey surface estate outside of an official rectangular [CADASTRAL] survey grid, the ~~director~~ may waive monumentation of ~~all~~ individual section corner positions and substitute an official control survey with control points being monumented and shown on control survey plats approved by the state. No more than 18 conveyances may be made within a township outside of an official rectangular survey grid. No portion of land to be conveyed may be located more than two miles from [SUCH] a survey control monument except that the commissioner may waive this requirement on a determination that a single purpose use does [TOPOGRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR THE PUBLIC INTEREST DO] not justify the requirement. As used in this subsection, a "single purpose use" includes a communication site, an aid to navigation, and a park site. [THE LOTS AND TRACTS IN STATE SUBDIVISIONS SHALL BE

COMMISSIONER

CALIA-PA

~~XXXXXXXXXX~~

←

MONUMENTED AND THE CADASTRAL SURVEY AND PLATS FOR THE SUBDIVISION SHALL BE APPROVED BY THE STATE. WHERE LAND IS LOCATED WITHIN A MUNICIPALITY WITH PLANNING, PLATTING, AND ZONING POWERS, PLATS FOR STATE SUBDIVISIONS SHALL COMPLY WITH LOCAL ORDINANCES AND REGULATIONS IN THE SAME MANNER AND TO THE SAME EXTENT AS PLATS FOR SUBDIVISIONS BY OTHER LANDOWNERS. STATE SUBDIVISIONS SHALL BE FILED IN THE DISTRICT RECORDER'S OFFICE. THE REQUIREMENTS OF THIS SECTION DO NOT APPLY TO LAND MADE AVAILABLE THROUGH A CABIN PERMIT SYSTEM, MATERIAL SALES, OR SHORT-TERM LEASES; HOWEVER, FOR SHORT-TERM LEASES THE LESSEE MUST COMPLY WITH LOCAL SUBDIVISION ORDINANCES UNLESS WAIVED BY THE MUNICIPALITY UNDER PROCEDURES SPECIFIED BY ORDINANCE.]

The papers that Ned gave me would also amend AS 38.09.010(b). To some extent, it is not clear how the suggested amendment works because the suggestion starts in the middle of the section; it is not clear what is to be done with the portion of the material on page 2 of the bill between lines 9 - 14. Assuming that it remains, Sec. 2 of the bill would read as follows:

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

(b) The commissioner shall complete a cadastral survey of homestead entry state land under AS 38.04.045 before disposing of state land for homestead entry. A homestead entry parcel shall be established in aliquot parts of a surveyed section or as lots or tracts that are fractions of aliquot parts of a surveyed section. The commissioner shall ensure practical access to each homestead entry parcel but the commissioner may waive the rectangular [CADASTRAL] survey grid if no more than 18 entries are made within a township or where optimum parcel configuration would not follow aliquot parcel boundary lines [ON A DETERMINATION THAT TOPOGRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR THE PUBLIC INTEREST DO NOT JUSTIFY OR REQUIRE THE CADASTRAL SURVEY].

*msed*  
One further observation seems necessary.

While I have not sought to make a determination on this point, since the two sections here seem such a substantial reversal of the contents of the existing two sections, a review of the remaining sections of the bill may be necessary.

Representative Cotten

Page 4

March 5, 1987

And because of the press of other business, I have not really sought to rationalize the changes made or to fully understand them.

If I may be of further assistance, please advise.

RAB:mkr  
m9/099

March 16, 1987

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Patricia A. Keim  
General Delivery  
Skwentna, AK 99667

Re: ADL 217066 ASLS 85-199

Dear Mrs. Keim:

This letter is in response to your letter of February 20, 1987 indicating that some of your improvements may be located outside the Skwentna Flats Remote Project.

Mr. Forbes, your surveyor, was in on March 3, 1987 with a sketch plat showing the location of your new house and the airstrip. It appears that there are approximately four acres that lie beyond the project and your parcel boundaries.

To comply with your request for inclusion of the 4 acres with your homestead is not just a simple matter of adjusting the project boundaries to your parcel. The land outside the project boundary on which your improvements are located is classified wildlife habitat. The state cannot sell lands designated with this classification. Therefore, the land will have to be reclassified to settlement before any conveyance action. In order to accomplish this, various agencies such as the Alaska Department of Fish and Game, Division of Forestry, Division of Parks and Outdoor Recreation and the Mat-Su Borough must review the Regional Manager's Decision whether to allow an exception to the Susitna Area Plan and change the primary use of the land. If they concur then the reclassification process can begin. This will involve public notice and if no adverse comments are received, it can then be classified to settlement. You would then be able to acquire this land as part of your 40 acre homestead.

However, at this time we cannot be certain of the outcome of this process. Therefore, no further activity is authorized on that portion of land located outside the existing project boundaries.

RECEIVED  
MAR 17 1987  
DIVISION OF MINING  
ANCHORAGE, ALASKA

Ms. Keim  
March 16, 1987  
Page 2

You will have to pay for some of the costs associated with this action since this was an error on your part in not properly locating yourself and your improvements. We have attached a statement that you need to sign and return to us before we can begin with this action. This statement means you will pay for such costs as public noticing (newspaper advertisements) for classification, mineral closure, and conveyance and other associated costs concerning this action.

If you have any questions concerning this matter, please contact Gary L. Saupé of my staff at 762-2284.

Sincerely,

Margaret J. Hayes  
Regional Manager

HJM:GLS:hsp/C76CP

cc Dick Lefebvre  
Jerome Pape

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.  
JUNEAU, ALASKA 99801  
PHONE: (907) 465-2400

February 17, 1987

The Honorable Sam Cotten, Co-Chair  
The Honorable Adelheid Herrmann, Co-Chair  
House Resources Committee  
P.O. Box V  
Juneau, AK 99811

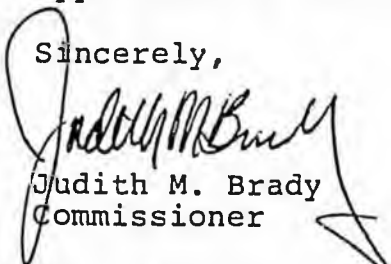
Dear Representatives Cotten and Herrmann:

Subject: House Bill 111, relating to survey requirements for state land intended for disposal.

Position: The Department of Natural Resources is unable to support this bill because it would completely eliminate the department's ability to waive cadastral survey requirements. Currently, cadastral survey waivers are allowed when the topographic features of the land, the diffuse nature of the proposed settlement, or the public interest warrant a waiver.

Background: The large majority of state lands are not surveyed and, although the desirability of cadastral survey is widely recognized, the cost can be very high. In remote areas that will not be developed in the near future, it does not make fiscal sense to conduct cadastral survey prior to land offerings, particularly low-density offerings such as homesteads. In addition, enhanced survey technology in the future may allow less costly approaches to survey.

Sincerely,

  
Judith M. Brady  
Commissioner

cc: Committee members  
Sponsors  
Governor's Legislative Liaison

Offered: 1/24/86  
Referred: Finance

2/20/87

ASACS SUGGESTED  
AMENDMENTS

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

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 286 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

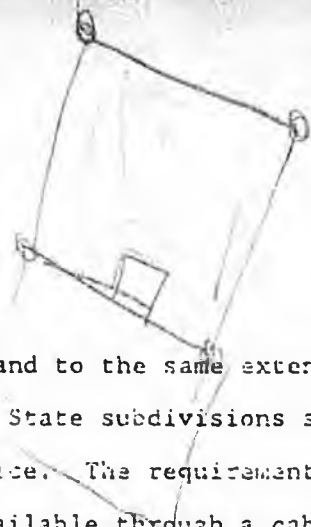
5 A BILL

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."

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 <sup>RECTANGULAR</sup> [CADASTRAL] SURVEY GRID,  
18 THE <sup>COMMISSIONER</sup> [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 <sup>REGULAR</sup> ~~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:  
*(b) THE COMMISSIONER MAY REQUIRE ENTRY THEN TO PAT FOR*

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

*THE COST OF A SURVEY FOR AN ALIQUOT PARTS ENTRY  
PRIOR TO THE ISSUANCE OF THE ENTRY PERMIT.*



IN AN AREA WHERE THE  
RECTANGULAR SURVEY CRIP WAS WAIVED,

OR

✓



1 description of the homestead entry ~~in~~ <sup>OR</sup> 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;

UNLESS THE PARCEL IS DESCRIBED BY ALIQUOT

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 <sup>OR</sup> COMPLETES AN  
22 APPROVED SURVEY <sup>IN AN AREA WHERE THE RECTANGULAR SURVEY</sup> 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, <sup>UNLESS THE PARCEL IS DESCRIBED BY ALIQUOT PARTS</sup> 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

ALIQUOT PARTS  
CRIP WAS WAIVED

- 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.

Introduced: 1/19/87  
 Referred: Resources and  
 Finance

1 IN THE HOUSE

BY BROWN AND KOPONEN

2

HOUSE BILL NO. 41

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 the confidentiality of certain  
 7 oil and gas information."

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

9 \* Section 1. AS 31.05.035(c) is amended to read:

10 *must* (c) The reports and information required in (a) of this section  
 11 ~~shall~~ be kept confidential for 24 months following the 30-day filing  
 12 period unless the owner of the well gives written permission to re-  
 13 lease the reports and information at an earlier date. [IF THE COMMIS-  
 14 SIONER OF NATURAL RESOURCES FINDS THAT THE REQUIRED REPORTS AND INFOR-  
 15 MATION CONTAIN SIGNIFICANT INFORMATION RELATING TO THE VALUATION OF  
 16 UNLEASED LAND IN THE SAME VICINITY, THE COMMISSIONER SHALL KEEP THE  
 17 REPORTS AND INFORMATION CONFIDENTIAL FOR A REASONABLE TIME AFTER THE  
 18 DISPOSITION OF ALL AFFECTED UNLEASED LAND, UNLESS THE OWNER OF THE  
 19 WELL GIVES WRITTEN PERMISSION TO RELEASE THE REPORTS AND INFORMATION  
 20 AT AN EARLIER DATE.] Well location, depth, status and production data  
 21 and production reports required by the commission to be filed subse-  
 22 quent to the 30-day filing period is [SHALL BE CONSIDERED] public  
 23 information and may [SHALL] not be classified confidential.  
 24 Production data, as used in this subsection, means volume, gravity,  
 25 and gas-oil ratio of all production of oil or gas after the well  
 26 begins regular production.

2/20/87

A. S 38.09.010 (b)

NEW SECTION 2 (b) . (LINE 15, P2, HB 111)

BUT THE COMMISSIONER MAY WAIVE THE  
RECTANGULAR SURVEY GRID IF NO MORE THAN  
TEN HOMESTEAD ENTRIES ARE MADE WITHIN  
A TOWNSHIP, WHERE OPTIMUM PARCEL  
CONFIGURATION WOULD NOT FOLLOW ALIQUOT  
PARCEL BOUNDARY LINES, THE COMMISSIONER  
MAY WAIVE THE RECTANGULAR SURVEY GRID  
UPON THE COMPLETION OF SURVEY AND MONUMENTATION  
OF ADEQUATE ACCESS AND UTILITY CORRIDORS.

2/20/87

OK   
OK Allen N. Tolson

4/1/87

HB 111

INCURRED BY THE STATE  
 PRIOR TO DISPOSAL  
 12:15  
 12:30

LINE

⑤ ADD "NOT LIMITED TO" - SKIP THIS  
SAYS FRANK - WE AGREE

⑥ P. 3 LINE 6 - SEE PNR 3/9/87

CHANGED LANGUAGE - OK BY ASPLS

"A SURVEY DEPOSIT PRIOR TO ISSUANCE OF A  
HOMESTEAD ENTRY PERMIT TO COVER THE  
COST OF SURVEY", + DELETE  
AS MARKED

NEP FARQUAR LEAVES

⑦ TIME LIMIT - 2 TO "5 YEARS"

WILL OBJECTS SOMENAT

CHANGE WOULD GO FROM TWO YRS  
TO FIVE YEARS (PK + J. NOT IN TOTAL  
AGREEMENT) ! SEE END OF BILL -

38,09,040 (B) IS REPEALED - P. 4, L 29

OK BY ASPLS -

BACK TO REOFFERRINGS -

↓ FOR REINQUISHED PARCELS

RESTRICTED TO ABOUT FIFTEEN  
AREAS - AND ONLY TO EXISTING PARCEL  
BOUNDARIES - NO BOUNDARY EXTENSIONS

WILL GIVE PNR A LOT OF TROUBLE.

1248 - RECESS

P. 3 .

HB 111

4/11/87

(NEW BACK)

1:39 RESTART MEETING

↓ ON ITEM ③

PK: INCLINED TO RECOMMEND GOING ALONG WITH DNR'S DESIRE TO REOPEN THE DNR CHANGE, SUBJECT TO A FEW RESTRICTIONS:

A. WANT TO LOOK AT MAPS - SEE THE 15 AREAS

B. CALL A COUPLE OF SURVEYORS -

C. MEET WITH MILO.

D. WORDING - OR TO AREAS THAT HAVE BEEN OPEN TO RANDOM STAKING UNDER THE REMOTE PARCEL PROGRAM OR HOMESTEAD PROGRAM IN THE PAST" AGREED

2:30 ⑤ FEDERAL SURVEY ISSUE? NOT WORRIED ABOUT IT? RECESS <sup>UNTIL</sup> ④ 4:30 P.M.

4 P.M. ⑦ REOPEN ITEM ON # OF CONVEYANCES - <sup>BACK TO 18</sup> ON LINE 23, AFTER "TOWNSHIP" AND "OR ONE ENTRY FOR EACH TWO SECTIONS OF LAND WITHIN THE DISPOSAL AREA"

P. 1

HB 111 MEETING

4/1/87

PAK  
FRANK MIELKE  
JEROME PAPE  
NEF FARQUAR  
SHARON MACLEIN  
JOHN DUNKER

11:35 AM

① INTRODUCTIONS —

GO OVER MINOR CONFUSION  
OVER 3/6 + 3/9 DRAFT



USE 3/9 DRAFT —

MIELKE SUGGESTION:

AFTER "LAND" ON LINE 11, PAGE 1

ADD "OFFERED UNDER AS 38.05.055 - .057,  
RE AS 38.08 AND AS 38.09"

OK BY ASPLS —

11:45 AM, ② CHANGE 18 TO 20 —

OK WITH ASPLS — A-SREEN

③ SUGGEST REOPENING AREAS TO

REMOTE STAKING THAT HAVE BEEN

OPENED BEFORE? RE OBJECT PUT

THIS TO THE BOTTOM OF THE LIST

NOON - (SHARON LEAVES)

OR FOR PARCELS ADJACENT TO  
MAINTAINING

④ SUGGESTION: ~~AS TO BE DONE WITHIN TWO~~

~~MILES~~ OF A SURVEYED RIGHT-OF-WAY

~~OR OTHER CORRIDOR~~ (NEW ONE ON

ME) OBJECT, DISCUSS — OK AS MODIFIED,

PUT ON LINE 8, P 2, AFTER THE  
WORD "LEASES;"

DRAFT

23 March '87

MEMO

To: Ned Farquhar

From: John Dunker

Re.: HBill Survey Requirements for State Land

The following are Representative Koponen's views on DNR's suggestions for changes to HBill, and on other areas under consideration for change in the bill. Hereinafter I refer to Rep. Koponen as "sponsor".

Unless otherwise noted, "bill" page and line references are to the original HBill, and "draft" page and line references are to Work Draft 5-0587B of 3/9/87. (Note that DNR's note of 3/9/87 entitled "Suggested changes..."etc., refers to pages and lines of the earlier Work Draft 5-0587B of 3/6/87; I have applied their suggestions to corresponding lines of the later draft to avoid confusion.)

--DNR's Suggestion 1.: Draft p.1, 1.22

(Maximum number of 25 conveyances to be allowed within a township without a prior rectangular survey.) Sponsor prefers the compromise of 18 conveyances per township that was reached by Rep. Springer's subcommittee.

--DNR's Suggestion 2.: Draft p.2, 1.11

(Exemption from rectangular survey requirement for special single-purpose uses.) Sponsor is not opposed to adding "but is not limited to" after "includes", but suggests inclusion of language making clear that the intent is not to extend the exemption to multiple-entry disposal programs.

--DNR's Suggestion 3.: (This was a typo, corrected in the 3/9/87 draft.)

--DNR's Suggestion 4.: Draft p.2, 1.6-12

(Deletion in draft of 3/6/87 was restored in draft of 3/9/87.) Sponsor agrees that this should not have been deleted; approves of restoration in later draft.

--DNR's Suggestion 4 (continued): Draft p.2, 1.8

There are two major insertions suggested here by DNR. The sponsor is amenable to the idea of the first, "or to areas where a right-of-way for access has been surveyed", if clarified so as to limit this further exemption from the bill's general provisions to make it clear that such

DRAFT

3 of 5

rights-of-way are to be surveyed and monumented, and that only parcels adjacent to said rights-of-way be exempted from the requirement of rectangular survey prior to disposal. The sponsor would entertain some broadening here if the survey profession were to suggest other language allowing the exemption to parcels appurtenant to or approximate to the surveyed right-of-way to some limited extent, but not retaining the loose term "areas".

The sponsor does not accept the second insertion suggested here, "or to areas that have been open to random staking in the past", in that the intent of the bill is not only to prevent the use of control-monument surveys in new areas of state land proposed for disposal, but to limit the damage already done by these surveys in areas of prior disposals. Only if a prior random-staking disposal area did not yet have the density maximum allowed on p.1, 1. 22,23, or if an access right-of-way were later surveyed and monumented to which parcels could then be tied, should a prior disposal area be exempted from rectangular survey requirements. If the purpose of DNR's second suggested insertion here is to exempt prior-staked parcels from the bill's general requirements, then the sponsor would not object to language to that effect.

--DNR's Suggestion 5: p.2,1.21

DRAFT

4 of 5

(Comments same as <sup>under</sup> DNR's Suggestion 1.)  
1

--DNR's Suggestion 6: p.3, 1.6,7

(Alternative method and timing of DNR's recovering costs of survey.) The sponsor does not object to this suggested change.

--DNR's Suggestion 7: p.3, 1. 17

(Extending period of time for aliquot part description or control monument survey plat from two years to five years.) The sponsor sees no need to allow more time for permittees to submit an aliquot parts description when an entry has been made on land already having a rectangular survey; in fact, the time could be less with no burden to the permittee and with benefits to the state and subsequent locators/permittees. This is one of the advantages of returning to the system of rectangular surveys prior to disposal, as provided in this bill. As to allowing more time for permittees to secure a control monument survey plat, the sponsor suspects that cost, not time, is the problem. However, if DNR's experience is that permittees need the additional three years to obtain the control monument survey plat, the sponsor does not object to granting it in this bill.

would like  
with  
clarification

--DNR Suggestion 8: p.4, 1. 8-11

DRAFT

5 of 5

(See above under DNR Suggestion 7.)

--Other issues under consideration:

The sponsor is not opposed to language waiving the requirements of the bill for long-term right-of-way leases for access and/or utility rights-of-way that would require their own survey and monumentation. This would presumably be inserted in bill p. 2, l. 5, after the first instance of the word "leases", or by a separate sentence at the end of bill Sec. 1. Such a waiver would be for the right-of-way lease only, and not for remote parcel or homestead parcel-type programs that might take place in the vicinity. When the waiver in this section is made for an access right-of-way lease, however, the survey and monumentation for it then could provide the monumentation that would allow the commissioner to permit entries adjacent or appurtenant to the right-of way. This would not be the case with utility right-of-way leases that did not also provide for an incorporated access right-of-way.

DNR 3/9/81

Suggested changes to CSHB 111 (Resources)

1. Page 1, line 22; change 18 to 25.
2. Page 1, line 29; add "but is not limited to" after "includes".
3. Page 1, line 29; if the line ends with the word "site", a period should be added after the word site.
4. Page 2, lines 8 - 12 should not be deleted, and on line 9, after the word leases, add "or to areas where a right-of-way for access has been surveyed, or to areas that have been open to random staking in the past".
5. Page 2, line 21; change 18 to 25.
6. Page 3, line 8; add "a survey deposit prior to issuance of a homestead entry permit to cover the cost of either an aliquot part or access route survey" after the word "pay", and delete "the costs of survey for an aliquot part entry before the commissioner issues the entry permit".
7. Page 3, line 19; change two to five, and delete "or under (b) of this section".
8. Page 4, line 12; change two to five.

AS 38.04.045(b)

2/20/87

NEW SECTION 1:

FOR THOSE AREAS WHERE THE STATE  
MAY WISH TO CONVEY SURFACE ESTATE  
OUTSIDE OF AN OFFICIAL RECTANGULAR  
SURVEY GRID, THE COMMISSIONER MAY  
WAIVE MONUMENTATION OF INDIVIDUAL  
SECTION CORNER POSITIONS AND SUBSTITUTE  
AN OFFICIAL <sup>CONTROL</sup> SURVEY WITH CONTROL POINTS  
BEING MONUMENTED AND SHOWN ON <sup>CONTROL</sup> SURVEY  
PLATS APPROVED BY THE STATE. NO MORE  
THAN ~~TEN~~ <sup>TEN</sup> CONVEYANCES SHALL BE MADE  
WITHIN A TOWNSHIP OUTSIDE OF AN OFFICIAL  
RECTANGULAR SURVEY GRID. NO PORTION  
OF LAND TO BE CONVEYED MAY BE LOCATED  
MORE THAN TWO MILES FROM A <sup>CONTROL</sup> SURVEY  
MONUMENT. NO PORTION OF LAND TO  
BE CONVEYED MAY BE LOCATED MORE THAN  
TWO MILES FROM SUCH A SURVEY CONTROL  
MONUMENT EXCEPT THAT THE COMMISSIONER  
MAY WAIVE THIS REQUIREMENT ON A DETERMINATION  
THAT A SINGLE PURPOSE USE SUCH AS, BUT  
NOT LIMITED TO, COMMUNICATION SITES, ~~OR~~  
AIDS TO NAVIGATION, PARK SITES, ETC,  
DO NOT JUSTIFY THE REQUIREMENT.

2/20/87

  
OR Allen N. Tolsted

DMR 3/9/81

Suggested changes to CSHB 111 (Resources)

1. Page 1, line 22; change 18 to 25.
2. Page 1, line 29; add "but is not limited to" after "includes".
3. Page 1, line 29; if the line ends with the word "site", a period should be added after the word site.
4. Page 2, lines 8 - 12 should not be deleted, and on line 9, after the word leases, add "or to areas where a right-of-way for access has been surveyed, or to areas that have been open to random staking in the past".
5. Page 2, line 21; change 18 to 25.
6. Page 3, line 8; add "a survey deposit prior to issuance of a homestead entry permit to cover the cost of either an aliquot part or access route survey" after the word "pay", and delete "the costs of survey for an aliquot part entry before the commissioner issues the entry permit".
7. Page 3, line 19; change two to five, and delete "or under (b) of this section".
8. Page 4, line 12; change two to five.

5-0587B  
Bradley  
3/9/87

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, an  
12 official rectangular [CADASTRAL] survey grid shall be accomplished,  
13 unless a comparable, acceptable survey exists that has been conducted  
14 by the federal Bureau of Land Management. The rectangular survey  
15 section corner positions shall be monumented and shown on a cadastral  
16 survey plat approved by the state. For [HOWEVER, FOR] those areas  
17 where the state may wish to convey surface estate outside of an offi-  
18 cial rectangular [CADASTRAL] survey grid, the commissioner [DIRECTOR]  
19 may waive monumentation of [ALL] individual section corner positions  
20 and substitute an official control survey with control points being  
21 monumented and shown on control survey plats approved by the state.  
22 The commissioner may not issue more than 18 conveyances within a  
23 township outside of an official rectangular survey grid. No portion  
24 of land to be conveyed may be located more than two miles from [SUCH]  
25 a survey control monument except that the commissioner may waive this  
26 requirement on a determination that a single purpose use does [TOPO-  
27 GRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR THE PUBLIC INTEREST DO] not  
28 justify the requirement. The lots and tracts in state subdivisions  
29 shall be monumented and the cadastral survey and plats for the sub-

1 division shall be approved by the state. Where land is located within  
2 a municipality with planning, platting, and zoning powers, plats for  
3 state subdivisions shall comply with local ordinances and regulations  
4 in the same manner and to the same extent as plats for subdivisions by  
5 other landowners. State subdivisions shall be filed in the district  
6 recorder's office. The requirements of this section do not apply to  
7 land made available through a cabin permit system, material sales, or  
8 short-term leases; however, for short-term leases the lessee must  
9 comply with local subdivision ordinances unless waived by the munic-  
10 ipality under procedures specified by ordinance. In this subsection,  
11 "a single purpose use" includes a communication site, an aid to nav-  
12 igation, and a park site.

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

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

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

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

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

1 (b) An applicant for a homestead entry permit shall personally  
2 stake the corners and flag the boundaries of the land entered under  
3 this chapter and shall personally file with the commissioner a de-  
4 scription of the land entered. A homestead entry shall be described  
5 by aliquot parts unless otherwise permitted by the commissioner. The  
6 commissioner may require the applicant to pay the costs of survey for  
7 an aliquot part entry before the commissioner issues the entry permit.

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

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

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

14 (2) failure of the permit holder to submit an aliquot parts  
15 description of the homestead entry or, a plat of survey where the  
16 commissioner waived the requirement of a rectangular survey grid to  
17 the commissioner within two years after the issuance of the permit or  
18 under (b) of this section;

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

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

28 (5) failure to clear and either put into production or  
29 prepare for cultivation 25 percent of the land classified for

1 agricultural use within five years after the issuance of the permit.

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

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

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

8 (2) submits an aliquot parts description or completes an  
9 approved survey of the land in an area where the commissioner waives  
10 the rectangular survey grid within two years after the issuance of the  
11 permit [OR UNDER AS 38.09.040(b)];

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

14 (4) brushes the boundaries of the land unless the parcel is  
15 described by aliquot parts within 90 days after the issuance of the  
16 permit;

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

21 \* Sec. 7. AS 38.09.040(b) is repealed.

22 \* Sec. 8. This Act takes effect July 1, 1988.

5-0587B  
Bradley  
4/2/87

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."

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  
12 *new since 3/1*

(b) Before the conveyance of surface rights to state land of-  
fered under AS 38.05.055 - 38.05.057, AS 38.08, or AS 38.09, an offi-  
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

23 *amended since 13/11/87*

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.

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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-  
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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;

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

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

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

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

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

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

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

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

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

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

*Sec. 8. Immediate off date*

5-0587B  
Bradley  
3/9/87

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

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15 section corner positions shall be monumented and shown on a cadastral  
16 survey plat approved by the state. For [HOWEVER, FOR] those areas  
17 where the state may wish to convey surface estate outside of an offi-  
18 cial rectangular [CADASTRAL] survey grid, the commissioner [DIRECTOR]  
19 may waive monumentation of [ALL] individual section corner positions  
20 and substitute an official control survey with control points being  
21 monumented and shown on control survey plats approved by the state.

22 (The commissioner may not issue more than 18 <sup>EST per approval</sup> conveyances within a  
23 township outside of an official rectangular survey grid.) No portion  
24 of land to be conveyed may be located more than two miles from [SUCH]  
25 a survey control monument except that the commissioner may waive this  
26 requirement on a determination that a single purpose use does [TOPO-  
27 GRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR THE PUBLIC INTEREST DO] not  
28 justify the requirement. The lots and tracts in state subdivisions  
29 shall be monumented and the cadastral survey and plats for the sub-



1 division shall be approved by the state. Where land is located within  
 2 a municipality with planning, platting, and zoning powers, plats for  
 3 state subdivisions shall comply with local ordinances and regulations  
 4 in the same manner and to the same extent as plats for subdivisions by  
 5 other landowners. State subdivisions shall be filed in the district  
 6 recorder's office. The requirements of this section do not apply to  
 7 land made available through a cabin permit system, material sales, or  
 8 short-term leases; however, for short-term leases the lessee must  
 9 comply with local subdivision ordinances unless waived by the munic-  
 10 ipality under procedures specified by ordinance. In this subsection,  
 11 "a single purpose use" includes a communication site, an aid to nav-  
 12 igation, and a park site. *but not limited*

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

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

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

25 (a) A homestead entry permit entitles an applicant to enter land  
 26 within an area designated under AS 38.09.010 and to [SURVEY,] occupy  
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1 (b) An applicant for a homestead entry permit shall personally  
 2 stake the corners and flag the boundaries of the land entered under  
 3 this chapter and shall personally file with the commissioner a de-  
 4 scription of the land entered. A homestead entry shall be described  
 5 by aliquot parts unless otherwise permitted by the commissioner. The  
 6 commissioner may require the applicant to pay <sup>a survey deposit</sup> the costs of survey for  
 7 an aliquot part entry before the commissioner issues the entry permit.

8 \* Sec. 5. AS 38.09.040(a) is amended to read: prior to Homestead

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

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

14 (2) failure of the permit holder to submit an aliquot parts  
 15 description of the homestead entry or, a plat of survey where the  
 16 commissioner waived the requirement of a rectangular survey grid to  
 17 the commissioner within two years after the issuance of the permit [or  
 18 under (b) of this section; ] 15

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

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

28 (5) failure to clear and either put into production or  
 29 prepare for cultivation 25 percent of the land classified for

1 agricultural use within five years after the issuance of the permit.

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

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

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

8 (2) submits an aliquot parts description or completes an  
9 approved survey of the land in an area where the commissioner waives  
10 the rectangular survey grid within two years after the issuance of the  
11 permit [OR UNDER AS 38.09.040(b)];

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

14 (4) brushes the boundaries of the land unless the parcel is  
15 described by aliquot parts within 90 days after the issuance of the  
16 permit;

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

21 \* Sec. 7. AS 38.09.040(b) is repealed.

22 \* Sec. 8. This Act takes effect July 1, 1988.

