

**SB81**

# SENATE FINANCE COMMITTEE REPORT

DATE: 2/25/91

FURTHER:

DATE TURNED INTO OFFICE: 4-5-91

The Finance Committee considered SENATE BILL NO. 81

"An Act establishing the Department of Natural Resources as the platting authority in certain areas of the state; and providing for an effective date."

and recommended:

replace with \_\_\_\_\_ CS SB 81 (FIX)  
 or adopt \_\_\_\_\_ CS \_\_\_\_\_

same title  
 new title  
 technical title change (HB only)

attached amendment(s)  
 \_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):

APPROVES PREVIOUS:

Dept/Date:

Dept/Date:

fiscal note(s) DNR 74.0 3-19-91

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) DC+RA 4/2/91

zero fiscal note(s) DOTPE 2/7/91  
DEC 2/5/91

appropriation-no fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

*J. Duncan*  
*Al Adams*  
*James H. ...*  
*John ...*  
*John ...*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. *John ...* 2. *John ...*  
Co-Chairs: Signatures and Recommendations

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. CSSB 81

Revision Date: 19-Mar-91 Department Affected: Natural Resources  
 Title: Establishing DNR as platting authority BRU: Land & Water Management  
in certain areas Components: Land & Water Management  
 Sponsor: Senator Fahrenkamp  
 Requestor: Senate Finance COMPONENT SERIAL NO. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	66.0	66.0	66.0	66.0	66.0	66.0
TRAVEL						
CONTRACTUAL	5.0	5.0	5.0	5.0	5.0	5.0
SUPPLIES	3.0	3.0	3.0	3.0	3.0	3.0
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	74.0	74.0	74.0	74.0	74.0	74.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	74.0	74.0	74.0	74.0	74.0	74.0
FEDERAL FUNDS						
OTHER						
TOTAL	74.0	74.0	74.0	74.0	74.0	74.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of Current year impact: None

ANALYSIS: (Attach a separate page if necessary)  
  
 See Attached

Prepared by: Ron Swanson Phone: 762-2680  
 Division: Land & Water Date: 19-Mar-91

Approved by Commissioner: Harold Heinze Date: 19-Mar-91  
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB,  
 & Impacted Agency(ies).

Position Title <b>Cadastral Surveyor I</b>		No. of Positions	Range/Step <b>19 A</b>	Barg. Unit <b>GGU</b>
Time Status <b>FT</b>	Staff Months <b>12</b>	Location <b>Anchorage</b>		Election District
		Justification		
Type of Expenditure		Amount		
1		2		3
Salary		41.4		
Benefits		16.8		
Premium Pay				
Other				
Total Personal Services				58.2
Travel				
Contractual				4.0
Commodities				2.0
Equipment				
Other				
Total Cost				64.2
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004			64.2
I-A Receipts	1006			
CIP Receipts	1061			
Other				
Personal Services Salary and Benefits costs are from PACS.				

A professional land surveyor is required to review all survey plats outside of organized municipalities with platting authority to ensure that all plats meet minimum requirements before they are recorded. SB 81 requires that all plats must be reviewed within 45 days of submittal. The bill also requires that surveys of subdivisions have sufficient ties to monuments of record to ensure the accurate geographic position of the new subdivision and that the plat is done in such a way to make individual lots readily locatable to future owners and surveyors retracing the lots in the future.

We expect that we will need to review between 150 to 200 plats per year under this program. The review will ensure that all plats meet state standards and future land owners rights of valid ownership are protected.

Existing staff cannot handle this increased workload. This is a new service. The department is proposing a reduction of Cadastral Survey staff from 20 positions to 12 in the FY 1992 budget.

**Request For  
New Position**

Agency Natural Resources  
 BRU Land and Water  
 Component Land and Water

Page      of       
 Revised Date     

**FY 92**

Position Title Clerk Typist III		No. of Positions 1	Range/Step 3B	Barg. Unit GGU
Time Status PP3	Staff Months 3	Location Anchorage		Election District
		Justification		
Type of Expenditure		Amount		
1	2	3		
Salary	5.1			
Benefits	2.7			
Premium Pay				
Other				
Total Personal Services		7.8		
Travel				
Contractual		1.0		
Commodities		1.0		
Equipment				
Other				
Total Cost		9.8		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	9.8		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
*Personal Services Salary and Benefits costs are from PACS.				

Three months of a Clerk-Typist time will be needed to receive submittals, track plats through until recorded, process correspondence associated with the platting authorities review, and to maintain files.

Existing staff cannot handle this increased workload. This is a new service. The department is proposing a reduction of Cadastral Survey staff from 20 positions to 12 in the FY 92 budget.

**Request For  
New Position**

Agency Natural Resources  
 BRU Land and Water  
 Component Land and Water

Page      of       
 Revised Date     

**FY 92**

## Fiscal Note for SB 81, continued

This bill requires the Department of Natural Resources to approve a plat or return it to the applicant for modification or correction within 45 days. If the department fails to take action within 45 days, and the applicant does not consent to an extension of time, the plat is automatically approved and a certificate of approval must be issued. Because of the need to review an estimated 150 plats per year within the 45 day time period, a new, full time Cadastral Surveyor I position and a part time Clerk Typist III position are required. Additional funds are needed for rental space, telephones and supplies.

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. CS SB 81 (Res)

Revision Date: \_\_\_\_\_ Department Affected: Community & Regional Affairs  
 Title: "An Act establishing..Dept of Natural Resources as..plattig authority" BRU: \_\_\_\_\_  
 Sponsor: Sen Fahrenkamp Component: \_\_\_\_\_  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Remond Henderson, Director *Remond Henderson* Phone: 465-4708  
 Division: Administrative Services Date: 4/2/91  
 Approved by Commissioner: Edgar Blatchford *Edgar Blatchford*  
 Agency: Community & Regional Affairs Date: 4/2/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

STATE OF ALASKA  
STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

**DEPT. OF COMMUNITY & REGIONAL AFFAIRS**

OFFICE OF THE COMMISSIONER

March 14, 1991

- P.O. BOX B  
JUNEAU, ALASKA 99811-2100  
PHONE: (907) 465-4700
- 949 E. 36TH AVENUE, SUITE 400  
ANCHORAGE, ALASKA 99508-4302  
PHONE: (907) 563-1073

POSITON PAPER

RE: Committe Substitute for Senate Bill 81 (Resources)

SPONSOR: Senator Fahrenkamp

Program Effects of the Bill

This bill defines the authority of the Department of Natural Resources (DNR) as the platting authority within certain areas of the State. Additional sections have been added to establish broad standards for plats and their approval.

Comments

The Department of Community and Regional Affairs supports this bill. Our only remaining concern is whether it is clear at the present time or whether there will be any confusion in the future regarding the exemption of ANCSA 14(c) lands. In light of this concern we offer for consideration the following addition in Section 6 of the bill.

AS 40.15.290 is amended to include a new subsection:

AS 40.15.290.(2)(C) "does not include plats done to implement the requirements of Section 14(c) of the Alaska Native Claims Settlement Act."

Section 7 of the bill requires the Commissioner of DNR to review and approve each plat before recording. ANCSA Section 14(c) plats are not required to have platting authority approval because the federal law requiring those surveys pre-empts state law. Present Recorder's Office policy allows for recordation of ANCSA plats without platting authority approval, but only as a policy. To prevent confusion, it should be made clear that under State law the platting authority approval is required to record ANCSA Section 14(c) plats.

  
Edger Bratchford, Commissioner

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Bill No. 1  
Version: SB 81  
(S) Publish Date: 2/25/91

**FISCAL NOTE**

Revision Date: Department Affected: DOT&PF  
Title: DNR Platting Authority in Unorganized Borough BRU: Admin. Services  
Sponsor: Fahrenkamp Component: Leasing  
Requestor: Component Serial Number:

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY92	FY93	FY94	FY95	FY96	FY97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING:</b>	0	0	0	0	0	0
<b>CAPITAL</b>	0	0	0	0	0	0
<b>REVENUE</b>	0	0	0	0	0	0

**FUNDING: (Thousands of Dollars)**

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL FUNDING:</b>	0	0	0	0	0	0

**POSITIONS**

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

Estimate of current year impact: None.

**ANALYSIS: (Attach a separate page if necessary)**

The bill, as drafted, will not unduely affect impact capital or fiscal budgets. However, there are two portions of the bill, which if changed or eliminated, would have serious fiscal implications. These include the the language found in Sections 40.15.360 and 40.15.380. So long as these sections remain intact, we fully support and endorse this bill.

Prepared by: Kit Duke, Regional Director

Phone: 266-1440

Division: Central Region

Date: February 7, 1991

Approved by Commissioner: Frank G. Turpin

Phone: 465-3900

Agency: Department of Transportation and Public Facilities

Date: February 7, 1991

Changes in CSB 81 (Fix) have no fiscal impact. This Legislative Sponsor, Requestor, OR fiscal note is appropriate.

Changes in CSB 81 (Fix) have no fiscal impact. This fiscal note is appropriate.

1-5-91 date ML Comte Aide (initial)

2/25/91 date RT Comte Aide (initial)  
FUGO & VA

FISCAL NOTE

Bill Version: SB 81  
 (S) Publish Date: 2/25/91

STATE OF ALASKA  
 1991 LEGISLATIVE SESSION

Revision Date: Feb. 8, 1991 Department Affected: Environmental Conservation  
 Title: DNR Platting Bill BRU: Environmental Quality  
 Component: Environmental Quality Projects  
 Sponsor: Senator Fahrenkamp  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

1	0	1	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: None

ANALYS	Changes in <u>CS SB 81 (FIX)</u> have no fiscal impact. This fiscal note is appropriate. <u>4-5-91</u> date <u>AN</u> Comte Aide (initial)	Changes in <u>CS SB 81 (RS)</u> have no fiscal impact. This fiscal note is appropriate. <u>2/28/91</u> date <u>PT</u> Comte Aide (initial)
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Prepared By: Dick Farnell Phone: 465-2656  
 Division: Environmental Quality Date: Feb. 5, 1991

Approved by Commissioner: Paul Fader  
 Agency: Environmental Conservation Date: \_\_\_\_\_

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

*FINANCE CS... changes from Resources CS*  
 7-LS0343V - Luckhaupt 3/25/91  
 A. Definition for "subdivision" reverts to original definition now in Definition Section - Page 6, Lines 18-25  
 B. All definitions moved to Definition Section  
 C. "Maps" replaces "subdivision" on Page 4, Line 19  
 D. semi-colons replace commas, Page 4, Lines 20-21  
 E. Lines 22-23 on Page 4 - changed grammatically

CS FOR SENATE BILL NO. 81 (FINANCE)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:  
Referred:

Sponsor(s): SENATOR FAHRENKAMP

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing the Department of Natural Resources as the platting authority in  
2 certain areas of the state; relating to subdivisions and dedications; and providing for an  
3 effective date."

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

5 \* Section 1. AS 29.03.030 is amended to read:

6 Sec. 29.03.030. PLATTING AUTHORITY. The [SUBJECT TO AS 40.15.075, THE]  
7 Department of Natural Resources is the platting authority for the state except within a  
8 municipality that has the power of land use regulation and that has adopted ordinances  
9 implementing AS 29.40 [IN THE UNORGANIZED BOROUGH IN THE AREA OUTSIDE  
10 ALL CITIES].

11 \* Sec. 2. AS 40.15.010 is amended to read:

12 Sec. 40.15.010. APPROVAL, FILING, AND RECORDING OF SUBDIVISIONS. Before  
13 the lots or tracts of any subdivision or dedication may be sold or offered for sale, the subdivision  
14 or dedication shall be approved by [SUBMITTED FOR APPROVAL TO] the authority having

1 jurisdiction, as prescribed in this chapter and [. THE REGULAR APPROVAL OF THE  
2 AUTHORITY SHALL BE SHOWN ON IT OR ATTACHED TO IT AND THE SUBDIVISION  
3 OR DEDICATION] shall be filed and recorded in the office of the recorder. The recorder may  
4 not accept a subdivision or dedication for filing and recording unless it shows this approval. [IF  
5 NO PLATTING AUTHORITY EXISTS AS PROVIDED IN AS 40.15.070 AND 40.15.075,  
6 LAND MAY BE SOLD WITHOUT APPROVAL.]

7 \* Sec. 3. AS 40.15.070 is amended to read:

8 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be subdivided or  
9 dedicated is situated within a municipality that has the power of land use regulation and that  
10 has adopted ordinances implementing AS 29.40 [FIRST OR SECOND CLASS BOROUGH],  
11 the proposed subdivision or dedication shall be submitted to the municipal [BOROUGH]  
12 planning commission for approval. If a municipality that has the power of land use  
13 regulation and that has adopted ordinances implementing AS 29.40 [THE LAND IS  
14 SITUATED WITHIN A CITY IN THE UNORGANIZED BOROUGH OR THE THIRD CLASS  
15 BOROUGH, THE PROPOSED SUBDIVISION OR DEDICATION SHALL BE SUBMITTED  
16 TO THE CITY PLANNING COMMISSION FOR APPROVAL. THE BOROUGH PLANNING  
17 COMMISSION IS THE PLATTING AUTHORITY FOR THE FIRST OR SECOND CLASS  
18 BOROUGH, THE CITY PLANNING COMMISSION IS THE PLATTING AUTHORITY FOR  
19 THE CITY, AND THE DEPARTMENT OF NATURAL RESOURCES IS THE PLATTING  
20 AUTHORITY IN THE REMAINING AREAS OF THE STATE AND THIRD CLASS  
21 BOROUGH FOR THE CHANGE OR VACATION OF EXISTING PLATS OR A PORTION OF  
22 SUCH PLATS, AS PROVIDED IN AS 40.15.075. IF THE BOROUGH OR THE CITY] does  
23 not have a planning commission, the [BOROUGH ASSEMBLY OR THE CITY] governing body  
24 [, RESPECTIVELY,] is the platting authority and the proposed subdivision or dedication shall  
25 be submitted to it. A subdivision may not be filed and recorded until it is approved by the  
26 platting authority.

27 \* Sec. 4. AS 40.15.070 is amended by adding a new subsection to read:

28 (b) The Department of Natural Resources is the platting authority in the areas of the state  
29 not described in (a) of this section.

30 \* Sec. 5. AS 40.15.200 is amended to read:

31 Sec. 40.15.200. APPLICATION TO STATE AND POLITICAL SUBDIVISIONS. All

1 subdivisions of land made by the state, its agencies, instrumentalities and political subdivisions  
 2 are subject to the provisions of AS 40.15.010 - 40.15.200 [THIS CHAPTER] and AS 29.40.070 -  
 3 29.40.160, or home rule ordinances or regulations governing subdivisions, and shall comply with  
 4 ordinances and other local regulations adopted under AS 40.15.010 - 40.15.200 [THIS  
 5 CHAPTER] and AS 29.40.070 - 29.40.160 or former AS 29.33.150 - 29.33.240, or under home  
 6 rule authority, in the same manner and to the same extent as subdivisions made by other  
 7 landowners.

8 \* Sec. 6. AS 40.15 is amended by adding new sections to read:

9 ARTICLE 4. PLATTING IN AREAS OUTSIDE CERTAIN MUNICIPALITIES.

10 Sec. 40.15.300. EXAMINATION OF PLATS BEFORE RECORDING. (a) The  
 11 commissioner shall exercise the platting authority for the state except within a municipality that  
 12 has the power of land use regulation and that has adopted ordinances implementing AS 29.40.

13 (b) The commissioner shall review and approve each plat under AS 40.15.300 -  
 14 40.15.380 before the plat is recorded under AS 40.17. The approval by the commissioner shall  
 15 be affixed to the plat in the form of the following statement:

16 PLAT APPROVAL

17 This plat is approved by the commissioner of natural resources, or the  
 18 commissioner's designee, in accordance with AS 40.15.

19 \_\_\_\_\_

20 Commissioner

20 Date

21 (c) The recorder may not accept for filing and recording a plat for which the  
 22 commissioner's approval is required under AS 40.15.300 without the approval of the  
 23 commissioner endorsed on the plat.

24 (d) Within 45 days after a plat is filed, the commissioner shall approve the plat or return  
 25 it to the applicant for modification or correction. Unless the applicant for plat approval consents  
 26 to an extension of time, the plat is approved and a certificate of approval shall be issued by the  
 27 commissioner if the commissioner fails to act within that period. The commissioner shall state  
 28 in writing reasons for disapproval of a plat.

29 Sec. 40.15.310. REQUIREMENTS FOR PLAT APPROVAL. (a) Each plat must show  
 30 on its face a certificate of ownership, with the names and addresses of each owner listed. Each  
 31 owner of record shall sign the certificate and the signatures shall be acknowledged.

1 (b) The surveyor preparing the plat shall sign and affix the seal of the surveyor.

2 (c) The commissioner shall require that a plat submitted for approval bear the certificate  
3 of approval of any other state agency having subdivision plat approval authority.

4 Sec. 40.15.320. MONUMENTS. (a) In a subdivision with five or fewer lots, the  
5 existence of each monument at a controlling exterior corner of the subdivision shall be  
6 established by the surveyor.

7 (b) In a subdivision of more than five lots, each lot corner shall be monumented.

8 (c) If a monument of record does not lie on the parcel or tract boundary, the plat shall  
9 reflect a boundary survey and tie to a monument of record.

10 Sec. 40.15.330. PLAT STANDARDS. The commissioner shall establish plat standards  
11 by regulation.

12 Sec. 40.15.340. ENGINEERING STANDARDS. The commissioner may not establish  
13 engineering standards for subdivisions.

14 Sec. 40.15.350. CERTIFIED COPY OF PLAT AS EVIDENCE. A copy of a plat  
15 certified by the recorder of the recording district in which it is filed or recorded as a true and  
16 complete copy of the original filed or recorded in the recording office for the district is  
17 admissible in evidence in all courts in the state with the same effect as the original.

18 Sec. 40.15.360. APPLICABILITY. The provisions of AS 40.15.300 - 40.15.380 do not  
19 apply to maps prepared for

20 (1) the purpose of transferring a leasehold interest; the extraction of natural  
21 resources; or solely for the issuance of licenses or permits; or

22 (2) disposing of land by aliquot part descriptions of 40 acres or more within  
23 surveyed sections. (GRAMMATICAL CHANGE)

24 Sec. 40.15.370. REGULATIONS. The commissioner may adopt regulations to  
25 implement, clarify, or make specific the provisions of AS 40.15.300 - 40.15.380.

26 Sec. 40.15.380. APPLICABILITY TO GOVERNMENTAL BODIES; RIGHT-OF-WAY  
27 ACQUISITION PLATS. (a) Except as provided in this section, AS 40.15.300 - 40.15.380 apply  
28 to the state, its agencies, instrumentalities, and political subdivisions in the same manner and to  
29 the same extent that they apply to other landowners.

30 (b) A plat for a subdivision created by the acquisition by the state, its agencies,  
31 instrumentalities, or political subdivisions, of a right-of-way, airport parcel, or land for a similar

1 public purpose in an area outside a municipality that has the power of land use regulation that  
2 has adopted ordinances implementing AS 29.40, is subject only to the approval provisions of this  
3 section and any provision of AS 40.15.300 - 40.15.380 not in conflict with this section.

4 (c) A right-of-way acquisition plat must contain the

5 (1) location and name of the acquisition project;

6 (2) approximate timetable for the acquisition and construction;

7 (3) dimensions and area of the proposed tract, parcel, or parcels to be acquired  
8 and the remainder of the parcel or parcels;

9 (4) name of the record owner or owners of the subject parcels;

10 (5) signature and seal of the surveyor preparing the plat.

11 (d) The commissioner shall review each right-of-way acquisition plat for compliance with  
12 this section. If the plat does not meet the requirements of this section, it shall be returned to the  
13 submitting agency with an explanation of the deficiencies. A plat for which the commissioner's  
14 approval is required under AS 40.15.300 may not be recorded under AS 40.17 without the  
15 commissioner's approval endorsed on the plat.

16 (e) After approval by the commissioner, the original plat shall be filed with the  
17 appropriate district recorder within 30 days by the submitting agency.

18 (f) The minimum monumentation requirements for

19 (1) right-of-way acquisition subdivisions are a 5/8" x 24" reinforcement bar with  
20 appropriate identification cap set on the margin of the right-of-way at all points marking the  
21 beginning and end of each curve and on tangents so that the distance between monumented points  
22 does not exceed 1,320 feet; an alternate method may be utilized that consists of placing primary  
23 type monuments at centerline points marking the beginning and end of each curve and on  
24 tangents so that no distance exceeds 1,320 feet; all recovered monumented property corners of  
25 records, the lines of which are intersected by a right-of-way acquisition, shall be monumented  
26 as part of the right-of-way plat, either on the right-of-way line or at the original monument  
27 position;

28 (2) an airport parcel and land for a similar public purpose subdivision not defined  
29 by centerline shall be as provided in AS 40.15.320.

30 (g) If construction of improvements is scheduled to follow the right-of-way acquisition,  
31 the placement of the centerline monuments may be delayed until the improvements have been

1 completed, in which case a statement designating the schedule for placing the monuments must  
2 be included on the plat.

3 (h) The state, its agencies, instrumentalities, or political subdivisions may acquire or  
4 obtain conveyances, including dedication of lots or tracts of a right-of-way acquisition plat,  
5 before submittal of a right-of-way acquisition plat for approval by the commissioner. A right-of-  
6 way acquisition conveyance may be recorded before approval and recording of the right-of-way  
7 acquisition plat.

## 8 ARTICLE 5. GENERAL PROVISIONS.

9 Sec. 40.15.900. DEFINITIONS. In this chapter,

10 (1) "commissioner" means the commissioner of natural resources;

11 (2) "monument" means a fixed physical object marking a point on the surface of  
12 the earth used to commence or control a survey or to establish a lot corner;

13 (3) "plat" means a map or delineated representation of a tract or parcel of land  
14 showing the subdivision of land into lots, blocks, streets, or other divisions;

15 (4) "street" means an access way in common use including all of the land lying  
16 within a dedicated right-of-way as delineated on a plat showing streets, whether improved or  
17 unimproved;

18 (5) "subdivision"

19 (A) means the division of a tract or parcel of land into two or more lots,  
20 sites, or other divisions for the purpose, whether immediate or future, of sale or building  
21 development, and includes resubdivision and, when appropriate to the context, relates to  
22 the process of subdividing or to the land or areas subdivided;

23 (B) does not include cadastral plats, cadastral control plats, open-to-entry  
24 plats, or remote parcel plats created by or on behalf of the state regardless of whether  
25 these plats include easements or other public dedications.

26 (6) "surveyor" means an individual licensed to practice land surveying in the state  
27 under AS 08.48.

28 \* Sec. 7. AS 40.15.075 and 40.15.290 are repealed.

29 \* Sec. 8. AS 40.15.330 and 40.15.370, added in sec. 6 of this Act, take effect immediately under  
30 AS 01.10.070(c).

31 \* Sec. 9. Except as provided in sec. 8 of this Act, this Act takes effect September 1, 1991.

PROPOSED FINANCE COMMITTEE SUBSTITUTE SB 81

MARCH 25, 1991

#1. PAGE 3, Line 16: Delete "or by creation of public access" and replace with original definition--SITES, OR OTHER DIVISIONS FOR THE PURPOSE, WHETHER IMMEDIATE OR FUTURE, OF SALE OR BUILDING DEVELOPMENT, AND INCLUDES RESUBDIVISION AND, WHEN APPROPRIATE TO THE CONTEXT, RELATES TO THE PROCESS OF SUBDIVIDING OR TO THE LAND OR AREAS SUBDIVIDED;

Senator Adams requests a return to the original definition of subdivision; new definition creates burden of submitting subdivision plats when conveying access.

NOTE: Attached Finance Committee Substitute removes definitions of "street" and "subdivision" from Sec. 6 on page 3, line 9 and moves them to Sec. 40.15.900 DEFINITIONS on page 6, lines 15-25. In #2 below, APPLICABILITY section moved from page 5, line 3 to page 4, line 18.

#2. PAGE 4, Line 19:...apply to maps [SUBDIVISIONS] prepared

(1) for the purpose of transferring a leasehold interest; [,] for the extraction of natural resources; [,] or solely for the issuance of licenses or permits; or

(2) for disposing of land by [SURVEYED SECTIONS WHERE THE] aliquot part[S] descriptions of [DESCRIBED ARE] 40 acres or more [LARGER] within surveyed sections.

It was pointed out that (1) and (2) under 40.15.360

APPLICABILITY, do not actually fall under the definition of SUBDIVISION, therefore, "subdivisions prepared" is inaccurate. "Maps" was actually deleted from the original bill. New language makes for improved understanding. Semicolons replace commas after "interest" and "resources" adding clarity and setting all three purposes off individually.

#### LAND OWNERSHIP IN UNORGANIZED BOROUGH AND DISPOSAL BY ALIQUOT PARTS

See attached letter to Senator Pat Pourchot, Co-Chairman, Senate Finance Committee from Gary Gustafson, Director, Division of Land and Water Management, Department of Natural Resources. Forty acre or larger aliquot part subdivisions are excluded from requirements of the statute. Monumentation requirements for subdivisions of 5 or fewer lots are reduced to only the exterior corners. This is less than required by most municipalities.

#### REVISED FISCAL NOTE

DNR's revised fiscal note shows an increase from 73.8 to 74.0 and a continuation through FY 97. Request for new position and position forms are included. Please note that the department is also proposing a reduction in the Cadastral Survey staff from 20 to 12 positions in the FY 92 budget.

**An Act establishing the Department of Natural Resources as the platting authority in certain areas of the state; relating to subdivisions and dedications; and providing for an effective date.**

This bill was drafted at the request of the State Surveying and Mapping Advisory Board in order to address certain deficiencies and ambiguities in statute pertaining to subdivision plats in the unorganized borough.

Present Situation: In the unorganized borough, outside of municipalities with the power of land use regulation under AS 29.40, there is no requirement for any authority to approve the plat of a subdivision except for re-plats and vacations. At least two state agencies have limited approval authority. DEC has authority to see that a subdivision plat addresses environmental health questions, i.e. sewage and water provisions. DOT has authority relating to access from public roads and highways. However, no agency is granted authority to approve the plat of a subdivision to ensure that it will substantiate clear and clean title to the component parcels. This can lead to expensive re-plats and contentious litigation when questions of clear title arise.

What this bill will do: DNR will have approval authority for subdivision plats only in areas of the unorganized borough where

there is no municipality exercising land use authority. This bill specifically prohibits DNR from establishing engineering standards in conjunction with their approval authority (AS 40.15.340).

Committee Substitute Changes to original bill: 1. Clarified and tightened the definitions of "Subdivision" and "Streets". 2. Changed Section 1. from "...for the state except within a municipality that has the power of land use regulation." to "...power of land use regulation and has adopted ordinances implementing AS 29.40" (statute giving land use planning powers to municipalities in unorganized borough). This was a clarification made at the suggestion of the Department of Community and Regional Affairs. 3. Adds the word "solely" to the applicability section (AS 40.15.360). "...or solely for the issuance of licenses or permits;". This prevents the attachment of a superfluous or bogus licenses and permits to a plat simply to avoid DNR approval. 4. Adds AS 40.15.310 (c) " The commissioner shall require that a plat submitted for approval bear the certificate of approval of any other state agency having subdivision plat approval authority." Originally, DEC wanted to be specifically named in this bill as having approval authority. The Resources Committee indicated this would be unwieldy since DEC already has the authority established in statute and legal rulings and to reference one agency would require referencing all others.

WALTER J. HICKEL, GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES**

**DIVISION OF LAND AND WATER MANAGEMENT**

3601 C STREET  
P.O. Box 107005  
ANCHORAGE, ALASKA 99510-7005  
PHONE: (907) 762-2692

March 19, 1991

The Honorable Pat Pourchot, Co-Chairman  
Senate Finance Committee  
P.O. Box V  
Juneau, Alaska 99811

Re: Senate Bill 81, State Platting Authority

Dear Senator Pourchot:

At the committee meeting held on March 12, 1991 you requested more information about three subjects. The following is in response to those questions.

Land ownership outside of organized municipalities

Of the 367,700,000 acres of land in the state, 201,261,238 acres lie outside of organized municipalities. This is comprised of 45,123,770 acres of state land, 22,660,538 acres land conveyed under ANCSA, and 133,476,930 acres of federal land (31,957,676 acres managed by BLM, 49,462,615 acres managed by the F&WS, 15,621,972 acres managed by the Forest Service, and 36,434,230 managed by the NPS).

There is also 5,055,536 acres of land in private ownership which includes Native allotments. We were not able, in this short period of time, separate that amount into how much is outside of municipalities. However, I would expect that the vast majority lies inside of municipalities.

Disposal by aliquot parts

The proposed legislation, at Section 40.15.360, states that the provisions making the state the platting authority do not apply to surveyed sections that are being disposed of by aliquot parts that are described as 40 acres or larger. This 40 acre aliquot part exclusion is the same that is offered in the Matanuska-Susitna, Fairbanks North Star, and Kenai Peninsula Boroughs.

The platting requirements that are being proposed in Senate Bill 81 are very easy to accomplish and have been abbreviated to a point that a further platting waiver to a smaller aliquot part is not necessary nor in a future land owners best interest. For example

Senator Pourchot  
March 19, 1991  
Page 2

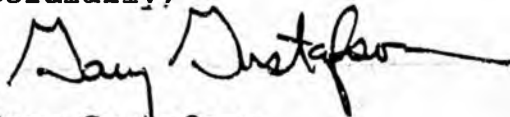
the legislation lightens the monumentation requirement for subdivisions of 5 and fewer lots to the point where only the exterior corners need to be monumented. This is also less than is required by most municipalities.

Positions

Enclosed is a revised fiscal note and the request for new positions. I apologize for not including the position forms with the original the fiscal note.

Please feel free to contact me if you or members of the committee have any additional questions.

Cordially,

A handwritten signature in black ink, appearing to read "Gary Gustafson", with a long horizontal flourish extending to the right.

Gary Gustafson  
Director

cc: Senator Fahrenkamp, Dan Austin  
Commissioner Heinze

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

400 WILLOUGHBY AVENUE  
JUNEAU, ALASKA 99801-1796  
PHONE: (907) 465-2400  
FACSIMILE: (907) 586-2754

February 6, 1991

The Honorable Lloyd Jones, Chair  
Senate Resources Committee  
P.O. Box V  
Juneau, AK 99811

Dear Senator Jones:

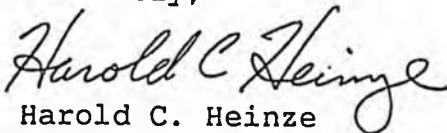
Subject: SB 81, Platting Authority in Certain Areas of the State.

Position: The Department of Natural Resources supports the intent of this bill. We are working with the sponsor concerning various technical amendments.

Background: Currently, the Department of Natural Resources is the platting authority for the unorganized borough outside of cities. Our authority, however, is restricted to the review of plats where a right-of-way is to be vacated. Review of plats for adherence to minimal survey and monumentation standards does not occur and, as a result, problem plats are recorded. This bill would give the department the authority to review plats in the unorganized borough, before they are recorded, for adherence to minimal survey and monumentation standards.

Recommendations: We will continue to work closely with the sponsor, other affected state agencies, and the Survey and Mapping Advisory Board in the development of this bill.

Sincerely,



Harold C. Heinze  
Commissioner

cc: Committee Members  
Senator Fahrenkamp  
Bruce Kendall, Legislative Liaison, Office of the Governor  
Edgar Blatchford, Commissioner, Department of Community and  
Regional Affairs  
John Sandor, Commissioner, Department of Environmental  
Conservation  
Frank Turpin, Commissioner, Department of Transportation and  
Public Facilities

Fiscal Note for SB 81, continued

This bill requires the Department of Natural Resources to approve a plat or return it to the applicant for modification or correction within 45 days. If the department fails to take action within 45 days, and the applicant does not consent to an extension of time, the plat is automatically approved and a certificate of approval must be issued. Because of the need to review an estimated 150 plats per year within the 45 day time period, a new, full time Cadastral Surveyor I position and a part time Clerk Typist III position are required. Additional funds are needed for rental space, telephones and supplies.

# **KALEN & ASSOCIATES, Inc.:** Engineers & Surveyors

1041 Chena Ridge Road  
Fairbanks, AK 99709  
(907) 479-2628 / 479-2656

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Mineral Surveys  
Land Planning  
Design

Civil Engineering  
Forensic Expertise  
CADD

March 27, 1991

Senator Bettye Fahrenkamp  
Pouch V  
Juneau, Alaska, 99811

Attn: Dan Austin

Ref: SB 81, State Survey Authority

Dear Senator Fahrenkamp:

I would like to bring you up to date on this legislation. The American Congress of Surveying and Mapping passed a resolution at the annual meeting on March 13 that stated simply "We support SB 81." Present at the meeting were three members of the Surveying and Mapping Advisory Board. Sam Best, in particular, is strongly in support of the bill "because we worked on it for three years."

Earlier in the day (March 13), at its annual meeting, the Alaska Society of Professional Land Surveyors declined to take up the bill specifically. They instead passed a resolution requesting that legislation be sought prohibiting the affixing of a DEC signature block on plats. DEC has rewritten the definition of the word subdivision to include remote parcels in 18 AAC 72.990 (80), directly in conflict with AS 40.15.190 (2) (B). Land surveyors within the Department of Natural Resources objected. The response of the director was to order compliance with the DEC regulation. Now private surveyors are being requested to dig test holes on remote parcel surveys.

DEC implies that they may be able to reject remote parcel stakings by virtue of their new regulations. Just how much DEC review would be involved in small subdivisions in remote areas is now a valid question to ask. The Surveying and Mapping Advisory Board never objected to DEC review, just to the signature line. However, that may become a valid question now that the remote parcel survey exemption in statute has been repealed by DNR compliance with the DEC regulation. The whole Board has not met to discuss this item.

The definition of the word "subdivision" has taken a lot of time, and involved many agencies and groups. Again, the Surveying and Mapping Advisory Board has not met and discussed this change. The Board is due to sunset in April, unless action is taken by Commissioner Heinze to extend our mission. I have scheduled a regular meeting for April 29, which may be our last.

I have a great deal of time and sweat in the Survey Authority bill, and remain quite sensitive to the notion that we must somehow salvage our three year effort. However, in light of the situation with DEC, which I believe is much more of a "turf" battle than any cost effective approach to protecting Alaska's land and water from pollution, I do not think that further hearings on SB 81 are in order.

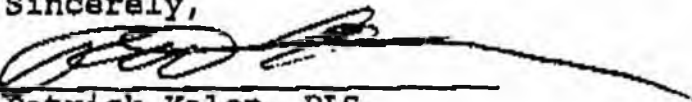
I also note that board members are responding individually and separately to rather startling changes to SB 81. The suggestion that access be taken out of the word "subdivision" would make moot the work on the bill concerning public rights of way. That was a lot of the work that took place this fall, a couple days worth, anyway. I want to work with AFN on this subject. I am hopeful that we can reach some agreement on the definition of that pesky little word. But as long as DEC has one of their own, we must consider what that implies for subdivisions in remote areas. If DEC is right, there is no point in the legislature even taking up the word "subdivision" at all, unless we simply adopt the definition that DEC created by regulation.

There is also a proposal put out by the Surveying and Mapping Advisory Board to create a State Surveyor, or Surveyor-General. In light of recent events at DNR, this idea is on the front burner. ACSM endorsed the concept again at the March 13 Annual Meeting. I hope that you might be able to consider the notion that a State Surveyor ought to be in charge of a State Survey Authority. However, the proposal in front of the legislature now is to eliminate the Chief Cadastral Surveyor.

It is possible that I am in the minority on the Board in having deep concerns. I will schedule a meeting of the Surveying and Mapping Advisory Board in the near future to discuss the bill and try to regain the consensus that we seem to have lost over the last couple weeks.

I make this response on my company letterhead because of the mixed messages you are receiving from the Surveying and Mapping Societies and the Surveying and Mapping Advisory Board.

Sincerely,



Patrick Kalen, PLS

copy: Surveying and Mapping Advisory Board members  
Senator Al Adams  
Senator Pat Porchout  
Senator Jalmar Kertulla  
Commissioner Harold Heinze

Enclosures.



R&M ENGINEERING, INC.

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March 25, 1991

Mr. Dan Austin, Aide  
Senator Bettye Fahrenkamp  
P.O. Box V  
Juneau, Alaska 99811

FAX 586-6246

Dear Dan,

This letter acknowledges receipt of your FAX dated March 20, 1991, concerning SB 81. Please be advised that as a member of the Alaska Surveying and Mapping Advisory Board, I approve of the committee substitute. I will be out of Alaska during the last week of March when this item is before Senate Finance. For the record, please consider this letter my approval of the committee substitute.

Should there be questions, or if we may be of further assistance, please do not hesitate to contact us at your convenience.

Sincerely,

Malcolm A. Menzies, P.E., L.S.  
Committee Member  
Alaska Department of Natural Resources  
Surveying and Mapping Advisory Board

fej

cc: Mr. Pat Kalen, L.S.  
Mr. Tony Follett  
Senate Finance Committee

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL

Revision Date: 6-Feb-91 Department Affected: Natural Resources  
 Title: Establishing DNR as Platting BRU: Land & Water Management  
 Authority in certain areas of state Components: Land & Water Management  
 Sponsor: Senator Fahrenkamp  
 Requestor: Senate Resources COMPONENT SERIAL NO. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	65.8	67.7				
TRAVEL						
CONTRACTUAL	5.0	5.0				
SUPPLIES	3.0	3.0				
EQUIPMENT						
LAND&STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	73.8	75.7	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	73.8	75.7				
FEDERAL FUNDS						
OTHER						
TOTAL	73.8	75.7	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	1.0	1.0				
PART-TIME	1.0	1.0				
TEMPORARY						

Estimate of Current year impact:

ANALYSIS:	(Attach a separate page if necessary)
See Attached	Changes in <u>C&gt;SB81 (Re)</u> reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate. <u>2/25/91</u> date <u>HT</u> Comte Aide (initial)

Prepared by: Dick LeFebvre Phone: 762.2692  
 Division: Land and Water Management Date: 6-Feb-91  
 Approved by Commissioner: Harold Heinze Date: 6-Feb-91  
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Fiscal Note for SB 81, continued

This bill requires the Department of Natural Resources to approve a plat or return it to the applicant for modification or correction within 45 days. If the department fails to take action within 45 days, and the applicant does not consent to an extension of time, the plat is automatically approved and a certificate of approval must be issued. Because of the need to review an estimated 150 plats per year within the 45 day time period, a new, full time Cadastral Surveyor I position and a part time Clerk Typist III position are required. Additional funds are needed for rental space, telephones and supplies.

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. CSSB 81 (FIN)

Revision Date: 4/16/91  
 Title: Establishing DNR as platting authority  
 Sponsor: Senator Fahrenkamp  
 Requestor: \_\_\_\_\_

Department Affected: DEC  
 BRU: Environmental Quality  
 Component: EQ Projects

COMPONENT SERIAL NO. 

1	1	0	1	1	6
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Janice Adair  
 Division: Commissioner's Office

Phone: 465-2600  
 Date: 4/16/91

Approved by Commissioner: *Arvid Feiler*  
 Agency: Department of Environmental Conservation

Date: 4/18/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).