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HOUSE COMMITTEE REPORT

(7)

Date Referred: January 21, 1994

FURTHER REFERRALS:

Resources
Finance

Date of Committee Action: _____

The COMMUNITY AND REGIONAL AFFAIRS Committee considered:

SSHB 352

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 352

SUBDIVISION PLAT APPROVAL: UNORGANIZED BOR

"An Act relating to the approval of subdivision plats in areas outside organized boroughs, in the unorganized borough outside of cities, and in the third class boroughs; and relating to the definitions of 'street' and 'subdivision'."

RECOMMENDATIONS:

be replaced with CSHB 352 the same title a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____

fiscal note(s) _____

zero fiscal note DNR

zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Jan Sanders</i>	✓	<i>E.J. Willis</i>		X	
<i>Don Brude</i>	✓	<i>W.K. Williams</i>		✓	
<i>[Signature]</i>	✓				
<i>Harley Olberg</i>	✓				

Harley Olberg
CHAIRMAN'S SIGNATURE

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FAX: (907) 465-3886

January 28, 1994

The Honorable Jeannette James
Alaska State House of Representatives
State Capitol
Juneau, AK 99801-1182

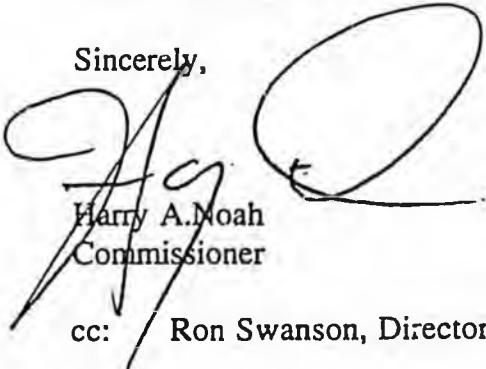
Dear Representative James:

The Department of Natural Resources supports the Sponser Substitute for House Bill 352, which includes the addition of the definitions of "streets" and "subdivisions." We also understand that the Alaska Society of Professional Surveyors also supports HB 352. They specifically requested that the bill include the definitions of "streets" and "subdivisions" as in the Sponsor Substitute. These two definitions are needed to establish a common definition of streets and subdivisions for use by all state agencies that are involved in permitting and approval of subdivisions. The lack of a common definition has made it difficult for surveyors to meet the requirements of all state agencies.

This bill will greatly benefit anyone purchasing or having property in the unorganized borough or third class boroughs. There is more and more subdivision activity in our outlying areas. The passage of this bill will ensure that land offered for sale in these areas meets the applicable laws, reduces the chances of clouded title, ensures proper location of sale parcels, and ensures that all subdivided parcels have legal access.

Thank you for sponsoring this bill. If the Department can be of assistance, please contact Ron Swanson at 762-2692.

Sincerely,



Harry A. Noah
Commissioner

cc: Ron Swanson, Director, Division of Land

james-hb.352



*Department of Transportation
and Public Facilities*

POSITION PAPER

BILL NO: HB 352

APPROVED: 

TITLE: Subdivision Plat Approval:
Unorganized Boroughs

DATE: February 9, 1994

In principal, we support the need for a platting authority in the unorganized borough, but we believe this bill will be detrimental to certain activities we perform as a public agency. Specifically, the application of subdivision procedures to (1) plats solely used to establish right-of-way boundaries, and (2) to lots used to convey leasehold interests on airports is unnecessary and cumbersome.

Platting Procedures and Right-of-Way Acquisitions

The general process of subdivision rules simply does not work well in the context of right-of-way plats. For example, a typical subdivision is done to create lots, voluntarily with the landowner's consent. In contrast, right-of-way acquisitions are often accomplished under condemnation procedures, making such routinely required tasks as surveying, platting, boundary monumentation, signature approvals and recording, prior to conveyance, exceedingly difficult or impossible.

In recent years the various platting authorities in the organized borough (under the authorities of AS 09.55.275, 35.30.020, and 40.15.070) have required that their platting ordinances fully apply to our right-of-way acquisitions. Fortunately, most of these jurisdictions have discovered how atypical right-of-way plats really are, and in response have amended their ordinances to specifically address right-of-way platting. In general, the amended ordinances validated the long-standing procedures we had been following prior to local enforcement. One borough in particular, has not taken this relaxed approach, to the detriment of project advancement in their jurisdiction.

In many other states, state law specifically exempts right-of-way plats from the oversight of local platting authorities, in favor of a general mandate, to conduct such platting with regard to recording plat documents, and appropriate boundary monumentation. Such an exemption would be the best solution to our circumstances.

Moreover, the new definition of "subdivision" contained in Section 3 further ensnares our activities. In a recent Fairbanks project, a land owner objecting to a condemnation action challenged the state, in part, due to a claim that the state failed to comply with AS 40.15.200. The judge specifically ruled that our subdivision plat was exempt based on the existing definition of "a tract or parcel of land into two or more lots". By adding the new

For Further Information contact J.K. Ginger Johnson at 465-3904.

BILL NO: HB 352

TITLE: Subdivision Plat Approval: Unorganized Boroughs

DATE: February 9, 1994

clause "or by creation of public access" to the definition, we could lose future legal challenges. It is important to again point out the impracticality of requiring that we subdivide a piece of property, prior to conveyance, that is being purchased involuntarily.

Another feature of typical subdivision procedures is the time involved to provide public notice, hold hearings and proceed through multiple-step approvals. Yet our transportation projects are already subject to other public hearing and public notice requirements, making the subdivision public reviews tedious, expensive and a cause of delay.

We would urge that the legislation be amended to generally exempt right-of-way plats in favor of existing practices used by the department.

Leasehold Interest Lots on State Airports

Historically, when leasing lots on state-owned airports we have retained unallocated land until a leasing demand arises. Then, based upon the requirements of the lessee, the department establishes the lot size, access ways, and other requirements. In earlier versions of this bill (such as SB 81 in the previous Legislature) we successfully convinced the sponsor to insert language which declared that subdivision procedures do not apply to maps prepared for the purpose of transferring a leasehold interest.

We believe that a similar provision is beneficial to the important business development functions that airport leases play, and that the requirements of subdivision reviews, surveying, monumentation and recording, do not serve the public interest in these circumstances.

Alaska State Legislature

REPRESENTATIVE
JEANNETTE JAMES
P.O. Box 56622
North Pole, Alaska 99705
(907) 488-0862

House District 34



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-3743

House Of Representatives

Sponsor Substitute for HB 352
January 31, 1994

SPONSOR STATEMENT

Currently no legal authority reviews plats in the unorganized boroughs for compliance with State law. This means that there is no agency review of access to each lot, the outcome is that there are landlocked lots created. Currently "paper plats" are allowed to be recorded without being surveyed, HB 352 corrects this oversight. This legislation requires the Department of Natural Resources to review plats for compliance with State law.

There are several definitions of Street and Subdivision in various statutes, this legislation defines them as requested by the Department of Natural Resources.

Amendment #2

Page 3 B

As ~~40-15-070~~ does not apply to
plats prepared for the Dept of Transf
PF for the purpose of creating or
adjusting Right-of-way boundaries or
transferring leasehold interests at state-
owned airports.



HOUSE COMMUNITY AND REGIONAL AFFAIRS

DATE: 2/10/94

PLACE: Rm. 124

SUBJECT OF MEETING:
 HB 352
 HB 398

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Ron Swanson	DNR	P.O. Box 10-7005 Anch	99510		762-2692	(Y) N	HB 352 ? HB 398
Jack Ottosen	DOT PK	3737 Channel Junction	99501		405 6954	(Y) N	IF QUESTIONS ON P.P.
John Walsh	DCRA	Box 112100 JUN	99811		4898	(Y) N	IF QUESTIONS HB 398, 55398, CS 398
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

FISCAL NOTE

STATE OF ALASKA

BILL NO. SSHB352

1994 LEGISLATIVE SESSION

Revision Date: <u>24-Jan-94</u>	Dept Affected: <u>Natural Resources</u>
Title: <u>"An Act relating to the approval of subdivision</u>	BRU: <u>Resource Development</u>
<u>plans in areas outside organized boroughs..."</u>	Component: <u>Land Development</u>
Sponsor: <u>Representative James</u>	
Requestor: <u>Representative James</u>	Component Serial No. <u>431</u>

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	66.0	66.0	66.0	66.0	66.0	66.0
TRAVEL						
CONTRACTUAL	10.0					
SUPPLIES	4.0	4.0	4.0	4.0	4.0	4.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	80.0	70.0	70.0	70.0	70.0	70.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	80.0	70.0	70.0	70.0	70.0	70.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	80.0	70.0	70.0	70.0	70.0	70.0

Estimate of any current year (FY94) cost: \$ None

POSITIONS

FULL-TIME	1	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS:

(Attach a separate page if necessary)

See attached analysis page.

Prepared by: <u>Ron Swanson, Director</u>	Phone: <u>762-2692</u>
Division: <u>Land</u>	Date: <u>24-Jan-94</u>
Approved by Commissioner: <u>Harry A. Noah</u>	Date: <u>24-Jan-94</u>
Agency: <u>Natural Resources</u>	

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

ATTACHMENT A

BACK UP FOR FISCAL NOTE FY 95

PERSONAL SERVICES:

Anticipate 250 subdivision plats submitted for review per year.

Preliminary reviews will be performed by CSA II, at \$31.41 per hour.

Estimated review time will be 7.5 hours per plat.

250 plats X 7.5hrs/plat X \$31.41/hr = \$58,893.00 \$58,893.00

Final reviews and approval will be performed by CS I, at \$39.58 per hour.

Estimated review and approval time will be 0.75 hours per plat.

250 plats X 0.75hrs/plat X \$39.58/hr = \$7,421.00 \$ 7,421.00

TOTAL PERSONAL SERVICES \$66,314.00

CONTRACTUAL:

The State must purchase existing land records, survey plats and field survey notes from BLM and the recording offices to carry out the functions required by this bill. The one time purchase cost for microfiche copys of survey plats and field notes to cover the State is \$10,000.00. Document purchases from the recording office will be covered through the supply budget. _____

TOTAL CONTRACTUAL \$10,000.00

SUPPLY:

The supply budget will consist of phone calls, copy purchases from the Recorders Office, office supplies and space rent. Estimate of \$4,000.00. _____

TOTAL SUPPLY \$ 4,000.00

FISCAL NOTE

STATE OF ALASKA

BILL NO. CSSSHB352

1994 LEGISLATIVE SESSION

Revision Date: <u>11-Feb-94</u>	Dept Affected: <u>Natural Resources</u>
Title: <u>Establishing DNR as Plotting Authority in</u>	BRU: <u>Resource Development</u>
<u>certain areas of the State</u>	Component: <u>Land Development</u>
Sponsor: <u>Representative James</u>	
Requestor: <u>House Resources</u>	Component Serial No. <u>431</u>

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	66.0	66.0	66.0	66.0	66.0	66.0
TRAVEL						
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MISCELLANEOUS						
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CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

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1003 GF Match						
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TOTAL	80.0	70.0	70.0	70.0	70.0	70.0

Estimate of any current year (FY94) cost: \$ _____

POSITIONS

FULL-TIME	1	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS:

(Attach a separate page if necessary)

See attached analysis page.

Prepared by: <u>Ron Swanson, Director</u>	Phone: <u>762-2692</u>
Division: <u>Land</u>	Date: <u>11-Feb-94</u>
Approved by Commissioner: <u>Harry A. Noah</u>	Date: <u>11-Feb-94</u>
Agency: <u>Natural Resources</u>	

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TOTAL SUPPLY \$ 4,000.00

Analysis

This bill will greatly benefit anyone purchasing property in the unorganized borough or third class boroughs. There is more and more subdivision activity in our outlying areas. The passage of this bill will ensure that land offered for sale meets the applicable laws, reduces the chances of clouded title, ensures proper location of parcels, and ensures that all subdivided parcels have legal access.

The committee substitute (House Community and Regional Affairs) added a section that authorizes the department to "adopt regulations establishing fees for the services provided." Fees are to include costs for personal, contractual, and material services. Based on this amendment this fiscal note reflects a change from general fund to general fund/program receipt funding.

We estimate that the DNR Survey Unit's work load will increase by approximately 250 plat reviews per year. Attached is a cost breakdown of dealing with this additional work.

We currently have existing regulations that should cover the costs of this program. These regulations cover both preliminary, final plat reviews and recording fees. These costs are \$200.00 per plat, with an additional charge of \$50.00 per parcel. At an average cost of \$350.00 per review, \$87,500.00 would be generated which is higher than our requested program receipt funding level of \$80,000.00. These plat review fees are comparable with existing borough platting fees.

THE
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DOCUMENTS
ARE
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ORIGINAL
COPIES

1193-RC

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 3

DATE & TIME

DATE & TIME 02/17/93 3:00 TO 4:30 STAT0216 85.00000

SPONSOR NAME

SPONSOR NAME HOUSE COMMUNITY AND REGIONAL AFFAIRS

QUALITY OLBERG

CONTACT NAME

CONTACT NAME WAYS

PHONE 907/463-1857

CONTACT ADDRESS

SPONSOR REMARKS (PG1): TESTING NOT ALLOWED

30 MINUTE LIMIT

TESTING NOT ALLOWED

AGENDA

1. HOUSE ADOPTION BY APPROVAL

2. HOUSE ADOPTION BY CONSENT

PARTICIPATING LISTS

ANCHORAGE

ANCHORAGE

FBI AIRBORNE

JRU ONLINE

ANCHORAGE

ANCHORAGE

119 CUSHMAN ST

ANCHORAGE

LOCATION STAFF

LOCATION STAFF

LOCATION STAFF

LOCATION STAFF

PARTICIPANTS IN ANCHORAGE

RICH

1600 4 ST. STE 100

LEE

420 L ST. STE 400

CORY

20X 100

MAX

PO BOX 929

JIM

10050 PROSPECT DR

WILSON

ANCHORAGE

ANCHORAGE

MILLER

ANCHORAGE

MARAVANSKY

ANCHORAGE

BARNETT

ANCHORAGE

ST GEORGE

ANCHORAGE

ST GEORGE

ANCHORAGE

WHITTIER

WHITTIER

ST GEORGE

ST GEORGE

WHITTIER

ANCHORAGE

TSPT. HB 398

AK 99501 (907)272-6664

TSPT. HB 398

AK 99501 (907)272-19A7

TSPT. HB 398

AK 99573 (907)472-2357

OBSV. HB 398

AK 99501 (907)859-2263

OBSV. HB 398

AK 99501 (907)346-3755

PARTICIPANTS IN DILLINGHAM

DLC

MR. LAWRENCE F. LANGST

PO BOX 589

CITY OF DLC

DILLINGHAM

OBSV. HB 398

AK 99573 (907)864-0293