

**HB**

**80**

9-LS0200C ✓  
Luckhaupt  
2/15/95

CS FOR HOUSE BILL NO. 80( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVE JAMES

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing the Department of Natural Resources as the platting authority  
2 in certain areas of the state; relating to subdivisions and dedications; and providing  
3 for an 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,  
7 THE] Department of Natural Resources is the platting authority for the state except  
8 within a municipality that has the power of land use regulation and that is exercising  
9 platting authority [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  
13 SUBDIVISIONS. Before the lots or tracts of any subdivision or dedication may be sold

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

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

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

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

31 (b) The Department of Natural Resources is the platting authority in the areas of

1 the state not described in (a) of this section.

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

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

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

13 ARTICLE 4. PLATTING IN AREAS OUTSIDE CERTAIN MUNICIPALITIES.

14 Sec. 40.15.300. EXAMINATION OF PLATS BEFORE RECORDING. (a) The  
 15 commissioner shall exercise the platting authority for the state except within a municipality  
 16 that has the power of land use regulation and that is exercising platting authority.

17 (b) The commissioner shall review and approve each plat under AS 40.15.300 -  
 18 40.15.380 before the plat is recorded under AS 40.17. The approval by the commissioner  
 19 shall be affixed to the plat in the form of the following statement:

20 PLAT APPROVAL

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

23 \_\_\_\_\_  
 24 Commissioner Date

25 (c) The recorder may not accept for filing and recording a plat for which the  
 26 commissioner's approval is required under this section without the approval of the  
 27 commissioner endorsed on the plat.

28 (d) Within 45 days after a plat is filed, the commissioner shall approve the plat or  
 29 return it to the applicant for modification or correction. Unless the applicant for plat  
 30 approval consents to an extension of time, the plat is approved and a certificate of  
 31 approval shall be issued by the commissioner if the commissioner fails to act within that

1 period. The commissioner shall state in writing reasons for disapproval of a plat.

2 (e) A recorded plat may not be altered or replatted except on petition of the state,  
3 a municipality, a public utility, or the owner of a majority of the land affected by the  
4 proposed alteration or replat. The petition shall be filed with the commissioner and shall  
5 be accompanied by a copy of the existing plat showing the proposed alteration or replat.  
6 The provisions of AS 29.40.130 and 29.40.140(a) apply to an alteration or replat  
7 submitted under this subsection. The provisions of (d) of this section do not apply to an  
8 alteration or replat petition, but the commissioner shall state in writing reasons for  
9 disapproval of the petition.

10 (f) In the case of a vacation of a street, right-of-way, or other public area, the  
11 provisions of AS 29.40.140(b) and 29.40.160(a) and (b) apply. When applying these  
12 provisions to land outside a municipality, the word "municipality" should be read as "state"  
13 when the context requires.

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

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

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

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

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

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

27 Sec. 40.15.330. PLAT STANDARDS. The commissioner shall establish plat  
28 standards by regulation.

29 Sec. 40.15.340. ENGINEERING STANDARDS. Except for subdivisions of state  
30 land, the commissioner may not establish engineering standards for subdivisions.

31 Sec. 40.15.350. CERTIFIED COPY OF PLAT AS EVIDENCE. A copy of a plat

1 certified by the recorder of the recording district in which it is filed or recorded as a true  
2 and complete copy of the original filed or recorded in the recording office for the district  
3 is admissible in evidence in all courts in the state with the same effect as the original.

4 Sec. 40.15.360. APPLICABILITY. The provisions of AS 40.15.300 - 40.15.380  
5 do not apply to maps, site plans, or other graphic representations prepared for

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

8 (2) disposing of land by aliquot part descriptions of 40 acres or more  
9 within surveyed sections provided that the least aliquot part unit shall be not less than a  
10 1/4 1/4 section.

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

13 Sec. 40.15.380. APPLICABILITY TO GOVERNMENTAL BODIES; RIGHT-  
14 OF-WAY ACQUISITION PLATS. (a) Except as provided in this section, AS 40.15.300  
15 - 40.15.380 apply to the state, its agencies, instrumentalities, and political subdivisions in  
16 the same manner and to the same extent that they apply to other landowners.

17 (b) A plat for a subdivision created by the acquisition by the state, its agencies,  
18 instrumentalities, or political subdivisions, of a right-of-way, airport parcel, or land for a  
19 similar public purpose in an area outside a municipality that has the power of land use  
20 regulation and that is exercising plating authority, is subject only to the approval  
21 provisions of this section and any provision of AS 40.15.300 - 40.15.380 not in conflict  
22 with this section.

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

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

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

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

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

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

30 (d) The commissioner shall review each right-of-way acquisition plat for  
31 compliance with this section. If the plat does not meet the requirements of this section,

1 it shall be returned to the submitting agency with an explanation of the deficiencies. A plat  
2 for which the commissioner's approval is required under AS 40.15.300 may not be  
3 recorded under AS 40.17 without the commissioner's approval endorsed on the plat.

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

6 (f) The minimum monumentation requirements for

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

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

18 (g) If construction of improvements is scheduled to follow the right-of-way  
19 acquisition, the placement of the centerline monuments may be delayed until the  
20 improvements have been completed, in which case a statement designating the schedule  
21 for placing the monuments must be included on the plat.

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

## 27 ARTICLE 5. GENERAL PROVISIONS.

28 Sec. 40.15.900. DEFINITIONS. In this chapter,

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

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

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

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

6 (5) "subdivision"

7 (A) means the division of a tract or parcel of land into two or  
8 more lots by the landowner or, except for land owned by corporations organized  
9 under P.L. 92 - 203, by the creation of public or common carrier access;

10 (B) does not include cadastral plats, cadastral control plats,  
11 open-to-entry plats, remote parcel plats created by or on behalf of the state, or  
12 corporations organized under P.L. 92 - 203, regardless of whether these plats  
13 include easements or other public dedications, plats prepared by the Department  
14 of Transportation and Public Facilities for the purpose of transferring leasehold  
15 interests at state-owned airports or creating or adjusting right-of-way boundaries,  
16 or plats prepared by the Department of Community and Regional Affairs for the  
17 leasing of municipal trust land under AS 44.47.150;

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

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

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

8-LS147DR  
Luckhaupt  
3/17/94

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 352 (P00)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVE JAMES

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the approval, change, or vacation of subdivision plats in  
2 areas outside organized boroughs, in the unorganized borough outside of cities,  
3 and in the third class boroughs; and relating to the definitions of 'street' and  
4 'subdivision'."

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

6 \* Section 1. AS 34.65.100 is amended by adding a new paragraph to read:

7 (6) "subdivision" has the meaning given in AS 40.15.290.

8 \* Sec. 2. AS 38.04.910 is amended by adding a new paragraph to read:

9 (13) "subdivision"

10 (A) means the division of a tract or parcel of land into two or  
11 more lots or by the creation of public access;

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

1 or plats prepared by the Department of Transportation and Public Facilities for  
2 the purpose of transferring leasehold interests at state-owned airports or  
3 creating or adjusting right-of-way boundaries.

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

5 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be subdivided  
6 or dedicated is situated within a first or second class borough, the proposed subdivision  
7 or dedication shall be submitted to the borough planning commission for approval. If  
8 the land is situated within a city in the unorganized borough or the third class borough,  
9 the proposed subdivision or dedication shall be submitted to the city planning  
10 commission for approval. The borough planning commission is the platting authority  
11 for the first or second class borough, the city planning commission is the platting  
12 authority for the city, and the Department of Natural Resources is the platting authority  
in the remaining areas of the state and third class borough [FOR THE CHANGE OR  
VACATION OF EXISTING PLATS OR A PORTION OF SUCH PLATS,  
AS PROVIDED IN AS 40.15.075]. If the borough or the city does not have a  
planning commission, the borough assembly or the city governing body, respectively,  
is the platting authority and the proposed subdivision or dedication shall be submitted  
8 to it. A subdivision may not be filed and recorded until it is approved by the platting  
19 authority.

20 \* Sec. 4. AS 40.15.075 is amended to read:

21 Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH AND  
22 THIRD CLASS BOROUGH. The Department of Natural Resources is the platting  
23 authority in the area outside organized boroughs and outside cities in the unorganized  
24 borough and in the third class borough. The department may not disapprove a new  
25 subdivision plat except for failure (1) to comply with applicable state law; or (2)  
26 of the plat to provide for, or otherwise specifv. access to each lot, site, or other  
27 division of the subdivision. The department when [FOR ONLY THE PURPOSES  
28 OF] hearing and acting on petitions for the change or acation of plats [AND] shall  
29 execute this function substantially in conformity with the provisions of AS 29.40.130  
30 - 29.40.160. Costs of publication and mailing authorized in AS 29.40.130 shall be paid  
31 to the department [DEPARTMENT OF NATURAL RESOURCES] by the petitioner.

8-LS1472R  
Luckhaupt  
3/14/94

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 352( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:  
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Sponsor(s): REPRESENTATIVE JAMES

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the approval, change, or vacation of subdivision plats in  
2 areas outside organized boroughs, in the unorganized borough outside of cities,  
3 and in the third class boroughs; and relating to the definitions of 'street' and  
4 'subdivision'."

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

6 \* Section 1. AS 34.65.100 is amended by adding a new paragraph to read:

7 (6) "subdivision" has the meaning given in AS 38.04.910.

8 \* Sec. 2. AS 38.04.910 is amended by adding a new paragraph to read:

9 (13) "subdivision"

10 (A) means the division of a tract or parcel of land into two or  
11 more lots or by the creation of public access;

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

1 or plats prepared by the Department of Transportation and Public Facilities for  
2 the purpose of transferring leasehold interests at state-owned airports or  
3 creating or adjusting right-of-way boundaries.

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

5 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be subdivided  
6 or dedicated is situated within a first or second class borough, the proposed subdivision  
7 or dedication shall be submitted to the borough planning commission for approval. If  
8 the land is situated within a city in the unorganized borough or the third class borough,  
9 the proposed subdivision or dedication shall be submitted to the city planning  
10 commission for approval. The borough planning commission is the platting authority  
11 for the first or second class borough, the city planning commission is the platting  
12 authority for the city, and the Department of Natural Resources is the platting authority  
13 in the remaining areas of the state and third class borough [FOR THE CHANGE OR  
14 VACATION OF EXISTING PLATS OR A PORTION OF SUCH PLATS,  
15 AS PROVIDED IN AS 40.15.075]. If the borough or the city does not have a  
16 planning commission, the borough assembly or the city governing body, respectively,  
17 is the platting authority and the proposed subdivision or dedication shall be submitted  
18 to it. A subdivision may not be filed and recorded until it is approved by the platting  
19 authority.

20 \* Sec. 4. AS 40.15.075 is amended to read:

21 Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH AND  
22 THIRD CLASS BOROUGH. The Department of Natural Resources is the platting  
23 authority in the area outside organized boroughs and outside cities in the unorganized  
24 borough and in the third class borough. The department may not disapprove a new  
25 subdivision plat except for failure (1) to comply with applicable state law; or (2)  
26 of the plat to provide for, or otherwise specify, access to each lot, site, or other  
27 division of the subdivision. The department when [FOR ONLY THE PURPOSES  
28 OF] hearing and acting on petitions for the change or vacation of plats [AND] shall  
29 execute this function substantially in conformity with the provisions of AS 29.40.130  
30 - 29.40.160. Costs of publication and mailing authorized in AS 29.40.130 shall be paid  
31 to the department [DEPARTMENT OF NATURAL RESOURCES] by the petitioner.

1 The department [DEPARTMENT OF NATURAL RESOURCES] shall adopt  
2 reasonable regulations governing the exercise of the authority conferred by this section  
3 and may adopt regulations establishing fees for the services provided under this  
4 section. Fees established under this section shall reflect the administrative cost  
5 to the department and must include costs for personal, contractual, and material  
6 services. A fee established under this section is in addition to other charges  
7 authorized by this section.

8 \* Sec. 5. AS 40.15.290 is amended to read:

9 Sec. 40.15.290. DEFINITIONS. In this chapter,

10 (1) "street" means an access way in common use including all of the  
11 land lying within a dedicated right-of-way as delineated on a plat showing streets,  
12 whether improved or unimproved [INCLUDES STREETS, AVENUES,  
13 BOULEVARDS, ROADS, LANES, ALLEYS, AND OTHER WAYS];

14 (2) "subdivision"

15 (A) means the division of a tract or parcel of land into two or  
16 more lots by the landowner or, except for land owned by corporations  
17 organized under P.L. 92 - 203, by the creation of public access [, SITES,  
18 OR OTHER DIVISIONS FOR THE PURPOSE, WHETHER IMMEDIATE OR  
19 FUTURE, OF SALE OR BUILDING DEVELOPMENT, AND INCLUDES  
20 RESUBDIVISION AND, WHEN APPROPRIATE TO THE CONTEXT,  
21 RELATES TO THE PROCESS OF SUBDIVIDING OR TO THE LAND OR  
22 AREAS SUBDIVIDED];

23 (B) does not include cadastral plats, cadastral control plats,  
24 open-to-entry plats, [OR] remote parcel plats created by or on behalf of the  
25 state, or corporations organized under P.L. 92 - 203, regardless of whether  
26 these plats include easements or other public dedications, or plats prepared  
27 by the Department of Transportation and Public Facilities for the purpose  
28 of transferring leasehold interests at state-owned airports or creating or  
29 adjusting right-of-way boundaries.

30 \* Sec. 6. AS 46.03.900 is amended by adding a new paragraph to read:

31 (36) "subdivision" has the meaning given in AS 40.15.290.

8-LS14720  
Luckhaupt  
2/24/94

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 352( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVE JAMES

A BILL

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12 or dedicated is situated within a first or second class borough, the proposed subdivision  
13 or dedication shall be submitted to the borough planning commission for approval. If  
14 the land is situated within a city in the unorganized borough or the third class borough,

1 the proposed subdivision or dedication shall be submitted to the city planning  
2 commission for approval. The borough planning commission is the platting authority  
3 for the first or second class borough, the city planning commission is the platting  
4 authority for the city, and the Department of Natural Resources is the platting authority  
5 in the remaining areas of the state and third class borough [FOR THE CHANGE OR  
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16 borough and in the third class borough. The Department of Natural Resources may  
17 not disapprove a new subdivision plat except for failure (1) to comply with  
18 applicable state law; or (2) of the plat to provide for, or otherwise specify, access  
19 to each lot, site, or other division of the subdivision. The Department of Natural  
20 Resources when [FOR ONLY THE PURPOSES OF] hearing and acting on petitions  
21 for the change or vacation of plat [AND] shall execute this function substantially in  
22 conformity with the provisions of AS 29.40.130 - 29.40.160. Costs of publication and  
23 mailing authorized in AS 29.40.130 shall be paid to the Department of Natural  
24 Resources by the petitioner. The Department of Natural Resources shall adopt  
25 reasonable regulations governing the exercise of the authority conferred by this section  
26 and may adopt regulations establishing fees for the services provided under this  
27 section. Fees established under this section shall reflect the administrative cost  
28 to the department and must include costs for personal, contractual, and material  
29 services. A fee established under this section is in addition to other charges  
30 authorized by this section.

31 \* Sec. 5. AS 40.15.290 is amended to read:

1           Sec. 40.15.290. DEFINITIONS. In this chapter,

2                   (1) "street" means an access way in common use including all of the  
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4 whether improved or unimproved [INCLUDES STREETS, AVENUES,  
5 BOULEVARDS, ROADS, LANES, ALLEYS, AND OTHER WAYS];

6                   (2) "subdivision"

7                           (A) means the division of a tract or parcel of land into two or  
8 more lots or by the creation of public access [, SITES, OR OTHER  
9 DIVISIONS FOR THE PURPOSE, WHETHER IMMEDIATE OR FUTURE,  
10 OF SALE OR BUILDING DEVELOPMENT, AND INCLUDES  
11 RESUBDIVISION AND, WHEN APPROPRIATE TO THE CONTEXT,  
12 RELATES TO THE PROCESS OF SUBDIVIDING OR TO THE LAND OR  
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14                           (B) does not include cadastral plats, cadastral control plats,  
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16 state regardless of whether these plats include easements or other public  
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18 Public Facilities for the purpose of transferring leasehold' interests at state-  
19 owned airports or creating or adjusting right-of-way boundaries.

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*Pat Galin*  
*DFC*  
*containing*  
*Mat note*

*James*  
*Legislative hearing - 2/22*

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 352(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVE JAMES

*James SB 81*

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the approval, change, or vacation of subdivision plats in  
2 areas outside organized boroughs, in the unorganized borough outside of cities,  
3 and in the third class boroughs; and relating to the definitions of 'street' and  
4 'subdivision'."

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

6 \* Section 1. AS 40.15.070 is amended to read:

7           Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be subdivided  
8 or dedicated is situated within a first or second class borough, the proposed subdivision  
9 or dedication shall be submitted to the borough planning commission for approval. If  
10 the land is situated within a city in the unorganized borough or the third class borough,  
11 the proposed subdivision or dedication shall be submitted to the city planning  
12 commission for approval. The borough planning commission is the platting authority  
13 for the first or second class borough, the city planning commission is the platting  
14 authority for the city, and the Department of Natural Resources is the platting authority

1 in the remaining areas of the state and third class borough [FOR THE CHANGE OR  
2 VACATION OF EXISTING PLATS OR A PORTION OF SUCH PLATS,  
3 AS PROVIDED IN AS 40.15.075]. If the borough or the city does not have a  
4 planning commission, the borough assembly or the city governing body, respectively,  
5 is the platting authority and the proposed subdivision or dedication shall be submitted  
6 to it. A subdivision may not be filed and recorded until it is approved by the platting  
7 authority.

8 \* Sec. 2. AS 40.15.075 is amended to read:

9 Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH AND  
10 THIRD CLASS BOROUGHES. The Department of Natural Resources is the platting  
11 authority in the area outside organized boroughs and outside cities in the unorganized  
12 borough and in the third class borough. The Department of Natural Resources may  
13 not disapprove a new subdivision plat except for failure (1) to comply with  
14 applicable state law; or (2) of the plat to provide for, or otherwise specifv. access  
15 to each lot, site, or other division of the subdivision. The Department of Natural  
16 Resources when [FOR ONLY THE PURPOSES OF] hearing and acting on petitions  
17 for the change or vacation of plats [AND] shall execute this function substantially in  
18 conformity with the provisions of AS 29.40.130 - 29.40.160. Costs of publication and  
19 mailing authorized in AS 29.40.130 shall be paid to the Department of Natural  
20 Resources by the petitioner. The Department of Natural Resources shall adopt  
21 reasonable regulations governing the exercise of the authority conferred by this section  
22 and may adopt regulations establishing fees for the services provided under this  
23 section. Fees established under this section shall reflect the administrative cost  
24 to the department and must include costs for personal, contractual, and material  
25 services. A fee established under this section is in addition to other charges  
26 authorized by this section.

27 \* Sec. 3. AS 40.15.290 is amended to read:

28 Sec. 40.15.290. DEFINITIONS. In this chapter,

29 (1) "street" means an access way in common use including all of the  
30 land lying within a dedicated right-of-way as delineated on a plat showing streets,  
31 whether improved or unimproved [INCLUDES STREETS, AVENUES,

1 The department [DEPARTMENT OF NATURAL RESOURCES] shall adopt  
 2 reasonable regulations governing the exercise of the authority conferred by this section  
 3 and may adopt regulations establishing fees for the services provided under this  
 4 section. Fees established under this section shall reflect the administrative cost  
 5 to the department and must include costs for personal, contractual, and material  
 6 services. A fee established under this section is in addition to other charges  
 7 authorized by this section.

8 \* Sec. 5. AS 40.15.290 is amended to read:

9 Sec. 40.15.290. DEFINITIONS. In this chapter,

10 (1) "street" means an access way in common use including all of the  
 11 land lying within a dedicated right-of-way as delineated on a plat showing streets,  
 12 whether improved or unimproved [INCLUDES STREETS, AVENUES,  
 13 BOULEVARDS, ROADS, LANES, ALLEYS, AND OTHER WAYS];

14 (2) "subdivision"

15 (A) means the division of a tract or parcel of land into two or  
 16 more lots by the landowner or, except for land owned by corporations  
 17 organized under P.L. 92 - 203, by the creation of public access [, SITES,  
 18 OR OTHER DIVISIONS FOR THE PURPOSE, WHETHER IMMEDIATE OR  
 19 FUTURE, OF SALE OR BUILDING DEVELOPMENT, AND INCLUDES  
 20 RESUBDIVISION AND, WHEN APPROPRIATE TO THE CONTEXT,  
 21 RELATES TO THE PROCESS OF SUBDIVIDING OR TO THE LAND OR  
 22 AREAS SUBDIVIDED];

23 (B) does not include cadastral plats, cadastral control plats,  
 24 open-to-entry plats, [OR] remote parcel plats created by or on behalf of the  
 25 state, or corporations organized under P.L. 92 - 203, regardless of whether  
 26 these plats include easements or other public dedications, or plats prepared  
 27 by the Department of Transportation and Public Facilities for the purpose  
 28 of transferring leasehold interests at state-owned airports or creating or  
 29 adjusting right-of-way boundaries.

30 \* Sec. 6. AS 46.03.900 is amended by adding a new paragraph to read:

31 (36) "subdivision" has the meaning given in AS 40.15.290.

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AMENDMENT

H-1

OFFERED IN THE HOUSE  
TO: SSHB 352

BY REPRESENTATIVE JAMES

Page 1, line 1, following "approval":

Insert ", change, or vacation"

Page 2, line 20, following "section .

Insert "and may adopt regulations establishing fees for the services provided under this section. Fees established under this section shall reflect the administrative cost to the department and must include costs for personal, contractual, and material services. A fee established under this section is in addition to other charges authorized by this section"

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 352  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE JAMES

Introduced: 1/21/94

Referred: Community & Regional Affairs, Resources, Finance

A BILL

FOR AN ACT ENTITLED

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

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

5 \* Section 1. AS 40.15.070 is amended to read:

6           Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be subdivided  
7 or dedicated is situated within a first or second class borough, the proposed subdivision  
8 or dedication shall be submitted to the borough planning commission for approval. If  
9 the land is situated within a city in the unorganized borough or the third class borough,  
10 the proposed subdivision or dedication shall be submitted to the city planning  
11 commission for approval. The borough planning commission is the platting authority  
12 for the first or second class borough, the city planning commission is the platting  
13 authority for the city, and the Department of Natural Resources is the platting authority  
14 in the remaining areas of the state and third class borough [FOR THE CHANGE OR

1 VACATION OF EXISTING PLATS OR A PORTION OF SUCH PLATS,  
2 AS PROVIDED IN AS 40.15.075]. If the borough or the city does not have a  
3 planning commission, the borough assembly or the city governing body, respectively,  
4 is the platting authority and the proposed subdivision or dedication shall be submitted  
5 to it. A subdivision may not be filed and recorded until it is approved by the platting  
6 authority.

7 \* Sec. 2. AS 40.15.075 is amended to read:

8 Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH AND  
9 THIRD CLASS BOROUGHES. The Department of Natural Resources is the platting  
10 authority in the area outside organized boroughs and outside cities in the unorganized  
11 borough and in the third class borough. The Department of Natural Resources may  
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13 applicable state law; or (2) of the plat to provide for, or otherwise specify, access  
14 to each lot, site, or other division of the subdivision. The Department of Natural  
15 Resources when [FOR ONLY THE PURPOSES OF] hearing and acting on petitions  
16 for the change or vacation of plats [AND] shall execute this function substantially in  
17 conformity with the provisions of AS 29.40.130 - 29.40.160. Costs of publication and  
18 mailing authorized in AS 29.40.130 shall be paid to the Department of Natural  
19 Resources by the petitioner. The Department of Natural Resources shall adopt  
20 reasonable regulations governing the exercise of the authority conferred by this section.

21 \* Sec. 3. AS 40.15.290 is amended to read:

22 Sec. 40.15.290. DEFINITIONS. In this chapter

23 (1) "street" means an access way in common use including all of the  
24 land lying within a dedicated right-of-way as delineated on a plat showing streets,  
25 whether improved or unimproved [INCLUDES STREETS, AVENUES,  
26 BOULEVARDS, ROADS, LANES, ALLEYS, AND OTHER WAYS];

27 (2) "subdivision"

28 (A) means the division of a tract or parcel of land into two or  
29 more lots or by the creation of public access [, SITES, OR OTHER  
30 DIVISIONS FOR THE PURPOSE, WHETHER IMMEDIATE OR FUTURE,  
31 OF SALE OR BUILDING DEVELOPMENT, AND INCLUDES

1  
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RESUBDIVISION AND, WHEN APPROPRIATE TO THE CONTEXT,  
RELATES TO THE PROCESS OF SUBDIVIDING OR TO THE LAND OR  
AREAS SUBDIVIDED];

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

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1/19/94

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 352  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE JAMES

Introduced:  
Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the approval of subdivision plats in areas outside organized  
2 boroughs, in the unorganized borough outside of cities, and in the third class  
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18 mailing authorized in AS 29.40.130 shall be paid to the Department of Natural  
19 Resources by the petitioner. The Department of Natural Resources shall adopt  
20 reasonable regulations governing the exercise of the authority conferred by this section.

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22 Sec. 40.15.290. DEFINITIONS. In this chapter

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24 land lying within a dedicated right-of-way as delineated on a plat showing streets,  
25 whether improved or unimproved [INCLUDES STREETS, AVENUES,  
26 BOULEVARDS, ROADS, LANES, ALLEYS, AND OTHER WAYS];

27 (2) "subdivision"

28 (A) means the division of a tract or parcel of land into two or  
29 more lots or by the creation of public access [, SITES, OR OTHER  
30 DIVISIONS FOR THE PURPOSE, WHETHER IMMEDIATE OR FUTURE,  
31 OF SALE OR BUILDING DEVELOPMENT, AND INCLUDES

1 RESUBDIVISION AND, WHEN APPROPRIATE TO THE CONTEXT,  
2 RELATES TO THE PROCESS OF SUBDIVIDING OR TO THE LAND OR  
3 AREAS SUBDIVIDED];

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

HOUSE BILL NO. 352

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE JAMES

Introduced: 1/10/94

Referred: Community & Regional Affairs, Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the approval of subdivision plats in areas outside organized  
2 boroughs, in the unorganized borough outside of cities, and in the third class  
3 boroughs."

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

5 \* Section 1. AS 40.15.070 is amended to read:

6           Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be subdivided  
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8 or dedication shall be submitted to the borough planning commission for approval. If  
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10 the proposed subdivision or dedication shall be submitted to the city planning  
11 commission for approval. The borough planning commission is the platting authority  
12 for the first or second class borough, the city planning commission is the platting  
13 authority for the city, and the Department of Natural Resources is the platting authority  
14 in the remaining areas of the state and third class borough [FOR THE CHANGE OR

1 VACATION OF EXISTING PLATS OR A PORTION OF SUCH PLATS,  
2 AS PROVIDED IN AS 40.15.075]. If the borough or the city does not have a  
3 planning commission, the borough assembly or the city governing body, respectively,  
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5 to it. A subdivision may not be filed and recorded until it is approved by the platting  
6 authority.

7 \* Sec. 2. AS 40.15.075 is amended to read:

8 Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH AND  
9 THIRD CLASS BOROUGH. The Department of Natural Resources is the platting  
10 authority in the area outside organized boroughs and outside cities in the unorganized  
11 borough and in the third class borough. The Department of Natural Resources may  
12 not disapprove a new subdivision plat except for failure (1) to comply with  
13 applicable state law; or (2) of the plat to provide for, or otherwise specify, access  
14 to each lot, site, or other division of the subdivision. The Department of Natural  
15 Resources when [FOR ONLY THE PURPOSES OF] hearing and acting on petitions  
16 for the change or vacation of plats [AND] shall execute this function substantially in  
17 conformity with the provisions of AS 29.40.130 - 29.40.160. Costs of publication and  
18 mailing authorized in AS 29.40.130 shall be paid to the Department of Natural  
19 Resources by the petitioner. The Department of Natural Resources shall adopt  
20 reasonable regulations governing the exercise of the authority conferred by this section.

*Jeannette  
go this what you  
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Luckhaupt  
1/3/94

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HOUSE BILL NO. 352

IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE JAMES

Introduced:  
Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the approval of subdivision plats in areas outside organized  
2 boroughs, in the unorganized borough outside of cities, and in the third class  
3 boroughs."

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

5 \* Section 1. AS 40.15.070 is amended to read:

6 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be subdivided  
7 or dedicated is situated within a first or second class borough, the proposed subdivision  
8 or dedication shall be submitted to the borough planning commission for approval. If  
9 the land is situated within a city in the unorganized borough or the third class borough,  
10 the proposed subdivision or dedication shall be submitted to the city planning  
11 commission for approval. The borough planning commission is the platting authority  
12 for the first or second class borough, the city planning commission is the platting  
13 authority for the city, and the Department of Natural Resources is the platting authority  
14 in the remaining areas of the state and third class borough [FOR THE CHANGE OR

1 VACATION OF EXISTING PLATS OR A PORTION OF SUCH PLATS,  
2 AS PROVIDED IN AS 40.15.075]. If the borough or the city does not have a  
3 planning commission, the borough assembly or the city governing body, respectively,  
4 is the platting authority and the proposed subdivision or dedication shall be submitted  
5 to it. A subdivision may not be filed and recorded until it is approved by the platting  
6 authority.

7 \* Sec. 2. AS 40.15.075 is amended to read:

8 Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH AND  
9 THIRD CLASS BOROUGH. The Department of Natural Resources is the platting  
10 authority in the area outside organized boroughs and outside cities in the unorganized  
11 borough and in the third class borough. The Department of Natural Resources may  
12 not disapprove a new subdivision plat except for failure to comply with applicable  
13 state law. The Department of Natural Resources when [FOR ONLY THE  
14 PURPOSES OF] hearing and acting on petitions for the change or vacation of plats  
15 [AND] shall execute this function substantially in conformity with the provisions of  
16 AS 29.40.130 - 29.40.160. Costs of publication and mailing authorized in  
17 AS 29.40.130 shall be paid to the Department of Natural Resources by the petitioner.  
18 The Department of Natural Resources shall adopt reasonable regulations governing the  
19 exercise of the authority conferred by this section.

## SENATE BILL NO. 211

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Introduced: 5/5/93  
Referred: TRA, CRA

## A BILL

## FOR AN ACT ENTITLED

1 "An Act relating to the definitions of subdivision and street."

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

3 \* Section 1. AS 29.71.800(22) is amended to read:

4 (22) "street" has the meaning given in AS 40.15.290 [INCLUDES  
5 STREETS, AVENUES, BOULEVARDS, ROADS, LANES, ALLEYS, AND OTHER  
6 WAYS];

7 \* Sec. 2. AS 29.71.800(23) is amended to read:

8 (23) "subdivision" has the meaning given in AS 40.15.290  
9 [(A) MEANS THE DIVISION OF A PARCEL OF LAND  
10 INTO TWO OR MORE LOTS OR OTHER DIVISIONS FOR THE PURPOSE  
11 OF SALE OR BUILDING DEVELOPMENT, INCLUDES RESUBDIVISION,  
12 AND RELATES TO THE PROCESS OF SUBLIVIDING OR TO THE LAND  
13 SUBDIVIDED;

14 (B) DOES NOT INCLUDE CADASTRAL PLATS,

1           CADASTRAL CONTROL PLATS, OPEN-TO-ENTRY PLATS, OR REMOTE  
2           PARCEL PLATS CREATED BY OR ON BEHALF OF THE STATE  
3           REGARDLESS OF WHETHER THESE PLATS INCLUDE EASEMENTS OR  
4           OTHER PUBLIC DEDICATIONS];

5       \* Sec. 3. AS 40.15.290 is amended to read:

6           Sec. 40.15.290. DEFINITIONS. In this chapter

7                   (1) "street" means an access way in common use including all of the  
8                   land lying within a dedicated right-of-way as delineated on a plat showing streets,  
9                   whether improved or unimproved [INCLUDES STREETS, AVENUES,  
10                   BOULEVARDS, ROADS, LANES, ALLEYS, AND OTHER WAYS];

11                   (2) "subdivision"

12                           (A) means the division of a tract or parcel of land into two or  
13                           more lots or by the creation of public access [, SITES, OR OTHER  
14                           DIVISIONS FOR THE PURPOSE, WHETHER IMMEDIATE OR FUTURE,  
15                           OF SALE OR BUILDING DEVELOPMENT, AND INCLUDES  
16                           RESUBDIVISION AND, WHEN APPROPRIATE TO THE CONTEXT,  
17                           RELATES TO THE PROCESS OF SUBDIVIDING OR TO THE LAND OR  
18                           AREAS SUBDIVIDED];

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

22       \* Sec. 4. AS 34.65.100 is amended by adding a new paragraph to read:

23                   (6) "subdivision" has the meaning given in AS 40.15.290.

24       \* Sec. 5. AS 38.04.910 is amended by adding a new paragraph to read:

25                   (13) "subdivision" has the meaning given in AS 40.15.290.

26       \* Sec. 6. AS 46.03.900 is amended by adding a new paragraph to read:

27                   (36) "subdivision" has the meaning given in AS 40.15.290.

1 BOULEVARDS, ROADS, LANES, ALLEYS, AND OTHER WAYS];

2 (2) "subdivision"

3 (A) means the division of a tract or parcel of land into two or  
4 more lots or by the creation of public access [, SITES, OR OTHER  
5 DIVISIONS FOR THE PURPOSE, WHETHER IMMEDIATE OR FUTURE,  
6 OF SALE OR BUILDING DEVELOPMENT, AND INCLUDES  
7 RESUBDIVISION AND, WHEN APPROPRIATE TO THE CONTEXT,  
8 RELATES TO THE PROCESS OF SUBDIVIDING OR TO THE LAND OR  
9 AREAS SUBDIVIDED];

10 (B) does not include cadastral plats, cadastral control plats,  
11 open-to-entry plats, [OR] remote parcel plats created by or on behalf of the  
12 state regardless of whether these plats include easements or other public  
13 dedications. or plats prepared by the Department of Transportation and  
14 Public Facilities for the purpose of transferring leasehold interests at state-  
15 owned airports or creating or adjusting right-of-way boundaries.

Revision Date: January 27, 1995 Dept. Affected: Community & Regional Affairs  
 Title: An Act establishing the DNR as the platting authority in certain parts of . BRU: Local Government Assistance  
 Sponsor: Representative James Component Municipal Lands Trustee  
 Requestor: House C & RA Committee COMPONENT SERIAL NO. 681

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	75.0	75.0	75.0	75.0	75.0	75.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>75.0</b>	<b>75.0</b>	<b>75.0</b>	<b>75.0</b>	<b>75.0</b>	<b>75.0</b>
<b>CAPITAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

REVENUE FUND SOURCE:

--	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	75.0	75.0	75.0	75.0	75.0	75.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>75.0</b>	<b>75.0</b>	<b>75.0</b>	<b>75.0</b>	<b>75.0</b>	<b>75.0</b>

POSITIONS:

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

Estimate of current (FY94) impact \$ none

**ANALYSIS:** (Attach a separate page if necessary)  
 This bill establishes DNR as the platting authority in the unorganized borough. With regard to fiscal impacts the bill would effect DCRA because certain leasing activity undertaken by the Municipal Lands Trust (MLT) Program would become subject to a new requirement for site surveying and plat approval. DCRA now generally bases its leases on office property plats rather than formal surveys. MLT staff estimate that there would be a requirement for 20-25 such surveys per year, for an estimated cost of about \$75,000 in contracted survey costs.

Prepared by: Remond Henderson, Director *Remond Henderson* Phone: 465-4708  
 Division: Division of Administrative Services Date: 1/27/95  
 Approved by Commissioner: *Remond Henderson for M. Irwin* Date: 1/27/95  
 Agency: Community & Regional Affairs

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. HB 80

Revision Date: Original Dept Affected: Natural Resources  
 Title: DNR Approval of Plats In Unorganized Boroughs BRU: Resource Development  
 Component: Land Development  
 Sponsor: Representative James  
 Requestor: \_\_\_\_\_ Component Serial No. 431

(Thousands of Dollars)

Expenditures/Revenues	FY96	FY97	FY98	FY99	FY00	FY01
<b>OPERATING EXPENDITURES</b>						
PERSONAL SERVICES	64.5	64.5	64.5	64.5	64.5	64.5
TRAVEL						
CONTRACTUAL	11.5	1.5	1.5	1.5	1.5	1.5
SUPPLIES	5.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>81.0</b>	<b>67.0</b>	<b>67.0</b>	<b>67.0</b>	<b>67.0</b>	<b>67.0</b>
<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CHANGE IN REVENUES (1005)</b>	<b>50.0</b>	<b>50.0</b>	<b>50.0</b>	<b>50.0</b>	<b>50.0</b>	<b>50.0</b>

(Thousands of Dollars)

FUND SOURCE	FY96	FY97	FY98	FY99	FY00	FY01
1002 Federal Receipts						
1003 GF Match						
1004 GF	81.0	67.0	67.0	67.0	67.0	67.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>81.0</b>	<b>67.0</b>	<b>67.0</b>	<b>67.0</b>	<b>67.0</b>	<b>67.0</b>

Estimate of any current year (FY95) cost: \$ None anticipated

POSITIONS	FY96	FY97	FY98	FY99	FY00	FY01
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

Prepared by: Ron Swanson Phone: 762-2692  
 Division: Land Date: 20-Jan-95  
 Approved by Commissioner: \_\_\_\_\_ Date: 1/20/95  
 Agency: Natural Resources

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

## BACK UP FOR FISCAL NOTE HB80

### Estimate of Expenditures for HB80:

#### Personal Services:

Anticipate 250 subdivision plats submitted for review per year.

Reviews will be performed by a Land Surveyor I (R19).

Estimated review time is 7.5 hours per plat. Based on 250 plats per year, this will require one new full-time position.

TOTAL PERSONAL SERVICES	\$64,500.00
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#### Contractual:

The state must purchase existing land records, survey plats and field survey notes from BLM and make copies of plats held by the recording offices to carry out the functions required by this bill. The one time purchase cost for microfiche copies of survey plats and field notes to cover the state is \$10,000. Document copying costs from the recording office will be covered through the supply budget. An additional \$1,500 in contractual costs will be incurred annually, for items such as phone/fax bills, space rent and other miscellaneous contractual costs.

TOTAL CONTRACTUAL (FY96)	\$11,500.00
TOTAL CONTRACTUAL (FY97-FY01)	\$1,500.00

#### Supply:

The supply budget will cover the one time cost of copying survey plats held in the Recorder's Office. An additional \$1,000 in supplies costs will be incurred annually, for items such as office supplies and document copying costs.

TOTAL SUPPLY (FY96)	\$5,000.00
TOTAL SUPPLY (FY97-FY01)	\$1,000.00

### Estimate of increased revenue for HB80:

Anticipated revenue from plat review fees will be 250 plat reviews x \$200.00/review	\$50,000.00
--	-------------

#### Comments:

In the last three years, the Division of Land has seen a reduction of six professional land surveyors due to budget reductions. We cannot absorb the additional workload associated with this legislation without an additional full-time professional land surveyor.

# FISCAL NOTE

BILL NO. CSSSHB352

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

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

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						
<b>TOTAL OPERATING</b>	<b>80.0</b>	<b>70.0</b>	<b>70.0</b>	<b>70.0</b>	<b>70.0</b>	<b>70.0</b>
<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

FUND SOURCE (Thousands of Dollars)

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

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: Hon Swanson, Director Phone: 762-2692  
 Division: Land Date: 11-Feb-94  
 Approved by Commissioner: Harry A. Noah Date: 11-Feb-94  
 Agency: Natural Resources

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

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.

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. SSHB352

**1994 LEGISLATIVE SESSION**

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

**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						
<b>TOTAL OPERATING</b>	<b>80.0</b>	<b>70.0</b>	<b>70.0</b>	<b>70.0</b>	<b>70.0</b>	<b>70.0</b>
<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**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 GFMHTIA						
Other						
<b>TOTAL</b>	<b>80.0</b>	<b>70.0</b>	<b>70.0</b>	<b>70.0</b>	<b>70.0</b>	<b>70.0</b>

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

**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.

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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

TONY KNOWLES, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF LAND

360 1/2 STREET SUITE 500  
P.O. BOX 107005  
ANCHORAGE, ALASKA 99510-7005  
PHONE (907) 762-3552

*amendments to*

*HB 80*

*CS*

February 21, 1995

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

Re: HB 80

Dear Representative James:

Thank you for sending me the draft of the Committee Substitute for House Bill 80 to review. This bill addresses the concerns that I raised with you in my February 1, 1995 letter.

I have a couple of minor technical changes that I would recommend. Starting on page 4, line 21, change to read:

*adopted* { Sec 40.15.320 MONUMENTS. (a) In a subdivision with five or fewer lots, the existence of [EACH] primary type monuments at [A] controlling exterior corners of the subdivision shall be established by the surveyor.

(b) In a subdivision of more than five lots, each interior corner shall be monumented with a 5/8" x 24" rebar and cap.

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

*adopted* { The second change deals with the definition of "subdivision" on page 7 line 15. This can be dealt with one of two ways. The first way is to delete the phrase "or creating or adjusting right-of-way boundaries".

The second option is to add the following phrase:

~~interest at state-owned airports or creating or adjusting right-of-way boundaries, providing the right-of-way boundaries have not been previously dedicated to the public.~~

Representative James  
HB 30  
February 21, 1995  
Page 2

One of these two changes are needed to eliminate a conflict with Section 40.15.380 which does with the applicability to governmental bodies; right-of-way acquisition plats. I believe the original intent of DOT/PF was to avoid having to go through the plat dedication process of interior lots and right-of-ways within the boundaries of an airport. I agree with that.

Other-roads and highways that are dedicated for public purposes do create a subdivision and should not be excepted from the plat review and dedication process.

Please feel free to contact me if I can be of any further help or answer any additional questions.

Sincerely,



Ron Swanson  
Director

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF LAND

3601 C STREET, SUITE 1122  
ANCHORAGE, ALASKA 99503-5947  
PHONE: (907) 762-2692

February 1, 1995

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

Re: HB 80

Dear Representative James:

The testimony on January 31 before the House, Community and Regional Affairs Committee was interesting. I will be glad to help you in any way I can to help you get a bill that is agreeable to all parties.

Pat Kalan's testimony on former SB 81, 17 Legislature, was well taken. That bill was a true compromise as he stated, which was agreed to by all the state agencies, the surveying community and the Alaska Federation of Natives. The only reason it did not pass was that all parties could not agree at the last minute on the definition of "street" and "subdivision." Your bill, with a couple of minor changes, accomplishes the definition objective.

I am concerned, however, that if HB 80 travels through the legislative process that more and more exceptions to the definitions will be added. This would essentially defeat the entire purpose of your legislation and may leave us in the same predicament that we are in today.

One option is to use the old SB 81 but insert the definitions from your bill along with the changes suggested below. With the "guidelines" spelled out in SB 81 most of the concerns expressed by DOT/PF, DCRA and DEC will go away.

The only exception to this may be the desire of DOT/PF to exclude right-of-ways. I agree that common carrier right-of-ways should be excepted because they do not necessarily create a "subdivision." I must agree with the testimony of Malcom Menzies that roads create a "subdivision" and DOT/PF should not be the sole exception to the rule. I do agree that the exclusion of airport leases and leases issued by DCRA under the Municipal Land Trust program are justified and do not harm the integrity of your legislation.

Representative Jeannette James  
House Bill 80  
February 1, 1995  
Page 2

The concerns expressed by Sealaska last year can also be protected with the changes below without jeopardizing the needed plat review when Native owned land is later subdivided after title has been conveyed by the federal government. Like DOT/PF, I do not believe that land conveyed to Native corporations should be treated any differently than any other land conveyed by the federal government into private ownership.

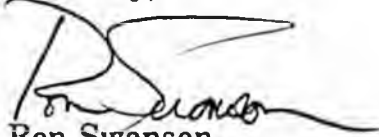
The definition for "subdivision" I recommend that addresses these concerns is:

(A) means the division of a tract or parcel of land into two or more lots by the landowner or by the creation of public, excluding common carrier, access;

(B) does not include cadastral plats, cadastral control plats, open-to-entry plats, remote parcel plats created by or on behalf of the state regardless of whether these plats include easements or other public dedications, or plats prepared by the Department of Transportation and Public Facilities, for the purpose of transferring leasehold interest at state-owned airports, or plats prepared by the Department of Community and Regional Affairs for the leasing of municipal trust land under Sec. 44.47.150.

Please feel free to contact me if I can be of further help or to answer any questions.

Sincerely,



Ron Swanson  
Director

cc: Pat Kalan  
DCRA  
DOTPF  
Nico Bus

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

P.O. BOX 107005  
ANCHORAGE, AK 99510-7005  
PHONE: (907) 762-2483  
FAX: (907) 562-4871

April 20, 1994

George W. Davidson, P.E., L.S.  
Chairman  
Department of Commerce and Economic Development  
Division of Occupational Licensing  
Board of Registration for Architects, Engineers and Land Surveyors  
P.O. Box 110806  
Juneau, AK 99811-0806

File: 546-1  
Subj: Plats filed without DEC's approval


Dear Mr. Davidson:

Your letter of March 17, 1994, addresses a topic that has been around for some time and there is no simple answer for it. The recording office has very stringent guidelines for refusing to record a document and enforcement of the regulations for all state agencies is not one of them.

Local platting authorities are responsible for the enforcement of platting requirements. In areas outside organized boroughs, however, there is no platting authority. For the past three years, Department of Natural Resources, Division of Land, has tried to get a bill through the legislature to make the Division of Land the statewide platting authority in the unorganized boroughs. Without platting authority, there is nothing DNR can do to enforce DEC's requirements. Past efforts to gain passage of the bills have failed because the professional survey society wanted all state agencies to have a common definition for a subdivision. This year, all have agreed to the definition that is contained in House Bill 352. Regulations differed greatly as to what constituted a subdivision. Presently, this bill is in House Finance. Without passage of this bill, there is nothing DNR can do on this issue.

House Bill 352 has a lot of merit and I encourage you to press for its passage through legislative contacts. In the interim, DEC could do a mass mail-out to all registered surveyors stating it is the surveyors responsibility to obtain DEC's approval of all subdivision plats prior to recording. It may require a couple of mail-outs to alleviate the problem.

Sincerely,

  
Harry A. Noah  
Commissioner

HAN:gb

cc: Representative Jeanette James

development and that the construction of an expressway could not be reasonably included under those terms. Under the "subdivision" definitions proposed by SB #211 and HB #352, our projects would clearly be included.

The proposal to make DNR the platting authority in the unorganized borough is not in itself a bad idea. However, without the protections offered by the draft SB #81 or similar protections given by the Anchorage, Mat-Su, and Kenai ordinances, we might find DNR having to treat applications by the Department as they would an application from any private owner as required by statute. In the past, DNR has not been exceptionally responsive to our needs and schedules. As such, any benefit to the public that could be derived from producing a project within a reasonable timeframe and cost would likely be lost.

Ultimately, it would be a public benefit to obtain legislation that would allow DOT&PF to perform platting of acquisitions in a uniform manner throughout the state, rather than deal with the variations within each authority. It may be doubtful this will ever happen and or that the Department will ever be exempted from compliance as is the case in many other states.

Therefore, I hope that the Department can influence these proposed bills in a way that does not lead to further impeding of our ability to produce our projects.

owner, we find ourselves in several bizarre situations. A private landowner typically subdivides his own land voluntarily for personal economic benefit. The Department essentially subdivides land it does not own in anticipation of acquiring the land for a public purpose. This acquisition, under condemnation or threat of condemnation in effect creates an involuntary subdivision, a topic that is generally not covered in platting ordinances. In order to comply with a typical platting ordinance, a property to be acquired would have to be surveyed, platted, monumented, approved, and recorded prior to conveyance. Even with a cooperative property owner, this process could add years to the process and would require replatting each time a revision occurred. Other difficulties include requirements for extensive surveying and monumentation of the remainder parcels, conflicts with local authority design standards, additional public hearing requirements, extensive delays in processing our applications and zoning problems on remainders. These conflicts can effectively limit how the Department uses its power of eminent domain. In 1991, the Fairbanks North Star Borough specifically passed an ordinance with the intention of limiting the Department's use of eminent domain. The ordinance stated that a right of way line could not be placed within 15 feet of a building without the waiver of the property owner. This ordinance purports to give the property owner the sole power to determine his compensation for proximity damages or to possibly frustrate a taking altogether. The AGO has however, issued an opinion that this ordinance is invalid.

Given these conflicts, it may seem amazing that we have made any progress with acquisitions in the last few years. There are several reasons why the sky has not fallen in yet. First, the Municipality of Anchorage and the Kenai and Mat-Su boroughs had amended their platting ordinances to specifically address right of way platting. These amendments had the effect of validating the majority of our existing procedures. We have spent several years negotiating with the FNSB with no resulting written agreement on platting. By informal agreement, we have substantially increased the level of platting and monumentation required on projects in comparison to the other regions. With no written agreement, we continue to receive challenges from property owners that the FNSB is not treating us in a similar fashion to other private landowners as required by statute. Our local AGO has informed us in the past that they would not file a condemnation action within a platting authority prior to receipt of preliminary replat approval. This is based on their belief that without such approval, we would be in violation of AS 09.55.275 Replat Approval and therefore might not withstand an Authority and Necessity challenge. Second, projects in the unorganized borough have not previously required special platting considerations. Third, several smaller platting authorities may have elected not to force the issue in order avoid jeopardizing projects.

The critical problem with the definition of "subdivision" as offered by SB #211 and HB #352 is that it includes "creation of public access". In 1991 on the University to Peger portion of the Johansen Expressway project, a property owner challenged the State's authority and necessity in taking a portion of his land. A part of the challenge was based upon a claim that the Department failed to comply with AS 40.15.200. The Superior court judge ruled that the definition of "subdivision" in AS 40.15.290(2)(A) meant the division of a parcel into two or more lots for the purpose of sale or building

Although it appeared that all parties were satisfied with this bill, a last minute revision to the definition of "subdivision" prompted the Professional Surveyor group to have the bill killed. The Society (ASPLS) has been at odds for years with DEC over their claim of approval authority for virtually all survey related products. The proposed revision of "subdivision" would have effectively enhanced DEC's authority in platting and was therefore considered by ASPLS to be unacceptable for passage.

In 1993, ASPLS lobbying efforts with DEC resulted in an agreeable definition of "subdivision". It was decided that this definition would be offered alone as SB #211 in order to solve that immediate problem rather than risk failure in passing the complete SB #81. Passage of SB #211 would adversely effect the Department in that the definition includes creation of public access without the protections incorporated within SB #81.

In January of 1994, HB #352 was submitted. This bill has the same adverse effect as SB #211 in that it does not address the Department's concerns.

### Concerns

AS 09.55.275 Replat Approval , AS 35.30.020 Compliance with municipal ordinances and AS 40.15.200 Application to state and political subdivisions require the Department to follow the platting ordinances of local authorities. Each of these statutes clearly state that an agency is to be treated in the same manner as a private landowner. The first two statutes have provisions for a Governor's waiver if the state agency clearly demonstrates an overriding state interest. Under these statutes, the Department would be required to comply with any newly formed platting authority in the unorganized borough as we are with the existing platting authorities.

The primary problem with most platting ordinances is that they generally attempt to fit the square peg of "right of way acquisitions" into the round hole of "subdivision development".

The purpose of a typical platting ordinance or statute is to protect the public welfare by providing for clear, accurate and locatable land descriptions, and to define a process for the surveying of land and the recording of plats. The purpose of the constitutionally provided power of eminent domain is to allow the acquisition of private property in a manner which is most compatible with the greatest public good and least private injury. The definition of each activity proclaims protection of the public welfare while providing a general benefit to the community. The above noted statutes apparently intended to eliminate the perceived damages caused by the Department when these two activities came into conflict. In requiring an agency to be treated on an equal basis with other private land owners, the statutes appear to place the power of the local authority in a superior position to the State's power of eminent domain.

While attempting to comply with a typical platting ordinance as any other private land

# MEMORANDUM

## State of Alaska Department of Transportation & Public Facilities

TO: Jeffery C. Ottesen  
Chief, ROW & Environment  
Headquarters

DATE: February 4, 1994

FILE NO:

TELEPHONE NO: 474-2413

FROM: John F. Bennett, PLS  
ROW Engineering Supervisor  
Northern Region

SUBJECT: Senate Bill #211  
House Bill #352

As we briefly discussed on 2/2/94, I believe the passage of either of these two bills in their current form could have an adverse effect on our acquisition costs and schedules.

### Background

SB #211 essentially defines the words "subdivision" and "street" and would apply the definition throughout the statutes and regulations where currently there exists several conflicting definitions.

HB #352 also addresses these definitions and provides that DNR will become the platting authority in the unorganized borough. This bill represents the most recent entry creating a platting authority in the unorganized borough.

In January of 1989, the State Survey and Mapping Advisory Board issued a draft platting statute that defined a subdivision to include "the creation of public access". The Department's response at the time was that we believed that our current ROW platting procedures were sufficient and met the intent of the proposed legislation and therefore should be exempt. This proposal apparently died along with the Advisory Board for lack of support by the incoming administration.

The platting authority bill was resurrected as SB #546 in 1990. This bill also included the creation of public access within the definition of "subdivision". Central Region prepared an amendment to the bill which specifically addressed a "Right of Way Acquisition Plat". This amendment also identified appropriate review and approval procedures, monumentation requirements, and discussed the disposition of remainder parcels.

The bill was eventually revised to incorporate the Department's proposed amendment and was introduced in 1991 as HB #81. This bill addressed our concerns in two major areas. 1) Sec. 40.15.360 Applicability "The provisions of AS 40.15.300 - 40.15.380 do not apply to maps prepared for (1) the purpose of transferring a leasehold interest;" This section effectively exempted our airport leasing operations from the provisions of the bill and allowed the Department to retain the flexibility needed to manage its property. 2) Sec. 40.15.380 Applicability to governmental bodies: Right-of Way Acquisition Plats. This section exempted right of way mapping from the other provisions of the bill and defined specific procedures that were essentially in line with the Department's current way of doing business.

# Alaska Society of Professional Land Surveyors

AFFILIATE OF AMERICAN CONGRESS OF SURVEYING AND MAPPING  
MEMBER OF WESTERN FEDERATION OF PROFESSIONAL LAND SURVEYORS



Patrick H. Kalen, PLS  
1041 Chena Ridge Rd.  
Fairbanks, AK 99709

3/17/94

ATTACHMENT 'A' TO RESOLVE A  
CONFLICT WITH TITLE 17.05.070, WITHIN  
SB 81 LANGUAGE, ON PAGE 4, INSERT THE  
FOLLOWING:

"RIGHTS OF WAY UNDER THE JURISDICTION  
OF DOT & PF WILL BE DISPOSED OR VACATED  
ACCORDING TO THE PROVISIONS OF AS 17.05.070"

WE WOULD LIKE TO SEE SB 81 LANGUAGE  
INCORPORATED INTO HB 352.

NOTE DOT MEMO OF 2/4/94.

THIS MEMO GOES WITH CS SB 81 OF 17TH  
LEGISLATURE, PROPOSED REVISION LANGUAGE TO

HB 352

13E  
SB 3 211

development, and includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or areas subdivided;

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

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

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

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

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

---

COOK INLET REGION, INC.

March 25, 1994

Jeannette James  
House of Representatives  
Alaska Legislature  
State Capitol (MS 3100)  
Juneau, Alaska 99801-1182

Dear Representative James:

Cook Inlet Region, Inc. (CIRI) appreciated the opportunity to comment on proposed language for House Bill 352.

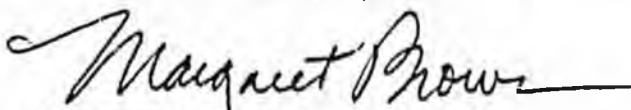
Legislative counsel did contact Mr. Lawrence Kimball of my staff requesting assistance in developing language that will satisfy ANCSA corporation concerns.

As you are aware, proposed language was developed by Sealaska and CIRI staff and introduced during an HB 352 hearing in House Resources Committee. It is my understanding that House Resources has passed the bill out with the recommended language changes. CIRI supports HB 352 as it exited House Resources.

Thank you for providing the opportunity for CIRI to address important ANCSA issues in this legislation.

Sincerely,

COOK INLET REGION, INC.



Margaret L. Brown  
Senior Vice President

2/4029

cc: Bill Williams, House Resources Committee

CS FOR SENATE BILL NO. 81 (FINANCE) am  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION

NOT  
FINAL  
SUBMISSION  
JULY 10 1991  
AS 05-100  
RULES OK

BY THE SENATE FINANCE COMMITTEE

Amended: 4/19/91  
Offered: 4/5/91  
Referred: Rules

Sponsor(s): SENATORS FAHRENKAMP, Sturzulewski

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

File 352

ALASKA SOCIETY OF PROFESSIONAL LAND SURVEYORS

March 23, 1994

Senator Loren Leman  
State Capitol  
Juneau, Alaska 99801-1182

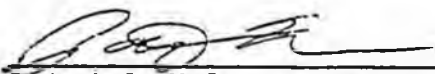
Ref: Subdivision Definition Bill, SB 211

Dear Senator Leman:

We hope that this bill can be calendared for a hearing soon. Discussions with the Department of Transportation and Public Facilities have revealed that it will be necessary to add language to the bill outlining procedures for handling right-of-way acquisitions - see the analysis by John Bennett, DOT&PF Right of Way, Northern Region. Such rules were worked out in detail to the satisfaction of the private sector, DOT&PF, the Alaska Federation of Natives, and the other branches of state government in the Seventeenth Legislature, essentially the second half of Senate Bill 81 of that legislature, from page 5, line 6 to page 6, line 24. (Copy enclosed).

What ASPLS would like is to get this language attached to the bill in a committee substitute. Note that Rep. Jeannette James is working in the same subject area, with a proposal to expand the Alaska DNR's survey authority to cover the unorganized borough. We will not object to wrapping this language into her bill, HB 352. However, the State Survey Authority is another subject, affecting different interests, and our proposal will stand alone. We would like to make the definition of "subdivision" uniform in statute. We would not like to lose our bill due to difficulties that could arise in the State Survey Authority bill.

Sincerely yours,



Patrick Kalen, PLS, ASPLS Legislative Affairs Committee Chairman

- copy: Senator Mike Miller, Chairman, Senate Resources Committee
- Senator Steve Frank
- Senator Bert Sharp
- Representative Jeanette James
- Jeff Otteson, DOT&PF
- Ron Mitchell, PLS, President, ASPLS
- Ron Swanson, Director, Division of Land Management, DNR
- Deena Henkins, DEC
- Sharon Macklin

Enclosures: as noted.

*19.05.070*

1 by a copy of the existing plat showing the proposed alteration or replat. The provisions of AS  
2 29.40.130 and 29.40.140(a) apply to an alteration or replat submitted under this subsection. The  
3 provisions of (d) of this section do not apply to an alteration or replat petition, but the  
4 commissioner shall state in writing reasons for disapproval of the petition.

5 (f) In the case of a vacation of a street, right-of-way, or other public area, the provisions  
6 of AS 29.40.140(b) and 29.40.160(a) and (b) apply. When applying these provisions to land  
7 outside a municipality, the word "municipality" should be read as "state" when the context  
8 requires.

*Conflict w/ Title 19.05.070: SEE ATTACHMENT 'A'*

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

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

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

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

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

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

21 Sec. 40.15.330. PLAT STANDARDS. The commissioner shall establish plat standards  
22 by regulation.

23 Sec. 40.15.340. ENGINEERING STANDARDS. The commissioner may not establish  
24 engineering standards for subdivisions.

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

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

31 (1) the purpose of transferring a leasehold interest; the extraction of natural

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 Date

21 (c) The recorder may not accept for filing and recording a plat for which the  
22 commissioner's approval is required under this section without the approval of the commissioner  
23 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 (e) A recorded plat may not be altered or replatted except on petition of the state, a  
30 municipality, a public utility, or the owner of a majority of the land affected by the proposed  
31 alteration or replat. The petition shall be filed with the commissioner and shall be accompanied

1 beginning and end of each curve and on tangents so that the distance between monumented points  
2 does not exceed 1,320 feet; an alternate method may be utilized that consists of placing primary  
3 type monuments at centerline points marking the beginning and end of each curve and on  
4 tangents so that no distance exceeds 1,320 feet; all recovered monumented property corners of  
5 records, the lines of which are intersected by a right-of-way acquisition, shall be monumented  
6 as part of the right-of-way plat, either on the right-of-way line or at the original monument  
7 position:

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

10 (g) If construction of improvements is scheduled to follow the right-of-way acquisition,  
11 the placement of the centerline monuments may be delayed until the improvements have been  
12 completed, in which case a statement designating the schedule for placing the monuments must  
13 be included on the plat.

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

19 ARTICLE 5. GENERAL PROVISIONS.

20 Sec. 40.15.900. DEFINITIONS. In this chapter,

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

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

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

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

29 (5) "subdivision"

30 (A) means the division of a tract or parcel of land into two or more lots,  
31 sites, or other divisions for the purpose, whether immediate or future, of sale or building

USE SB 211

1 resources: or solely for the issuance of licenses or permits; or

2 (2) disposing of land by aliquot part descriptions of 40 acres or more within  
3 surveyed sections.

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

6 Sec. 40.15.380. APPLICABILITY TO GOVERNMENTAL BODIES; RIGHT-OF-WAY  
7 ACQUISITION PLATS. (a) Except as provided in this section, AS 40.15.300 - 40.15.380 apply

8 to the state, its agencies, instrumentalities, and political subdivisions in the same manner and to  
9 the same extent that they apply to other landowners. *That is, good for disposal/DNR would not come with this section.*

10 (b) A plat for a subdivision created by the acquisition by the state, its agencies,  
11 instrumentalities, or political subdivisions, of a right-of-way, airport parcel, or land for a similar  
12 public purpose in an area outside a municipality that has the power of land use regulation that  
13 has adopted ordinances implementing AS 29.40, is subject only to the approval provisions of this  
14 section and any provision of AS 40.15.300 - 40.15.380 not in conflict with this section.

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

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

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

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

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

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

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

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

29 (f) The minimum monumentation requirements for

30 (1) right-of-way acquisition subdivisions are a 5/8" x 24" reinforcement bar with  
31 appropriate identification cap set on the margin of the right-of-way at all points marking the

# MEMORANDUM

## State of Alaska Department of Transportation & Public Facilities

TO: Ginger Johnson  
Legislative Liaison  
Commissioner's Office

DATE: April 7, 1994

FILE NO:

TELEPHONE NO: 451-2381

FROM: *MSS*  
Martin S. Ott, Chief  
Planning & Admin. Services  
Northern Region

SUBJECT: HB 183

The following is language that could be added to HB 183, in response to Senator Kertulla's concerns, to incorporate material sources into the identification and management of a corridor/right-of-way between Fairbanks and western Seward Peninsula.

Suggested language additions (underlined):

(b)(1) The railroad alignment and identification of a railroad right-of-way of not less than 500 feet, plus adjacent sites which can be developed for necessary construction materials, shall guide the identification and delineation of the corridor; and...

(d)(1) The Department of Natural Resources shall promptly classify, or reclassify, and reserve any state land within the corridor, including sites identified for development of construction materials, for use as a corridor; and...

In addition, we suggest that under (b)(2) the department should be directed to (and given the authority to) consider the location of, and the need for access to, resources which could contribute significantly to the State's economic base. For example: possible access to documented mineral deposits in the Western Brooks Range and on the Seward Peninsula should be considered in the location of the corridor.

Please call me if these suggestions need more discussion.

NP/slw

Post-It <sup>®</sup> brand fax transmittal memo 7871		# of pages	1
To <i>Ginger Johnson</i>	From <i>Martin Ott</i>		
Co <i>DOT &amp; PF</i>	Co <i>DOT &amp; PF</i>		
Dept <i>Planning</i>	Phone <i>451-5150</i>		
Fax # <i>5816-8365</i>	Fax # <i>451-2313</i>		

*4/12  
Sen. Sharp  
wanted 50 year  
than 100 year  
life for the bill  
JL*



**Sealaska**

One Sealaska Plaza  
Suite 400  
Juneau, Alaska 99801-1276  
(907) 586-1512  
FAX (907) 586-9214

March 17, 1994

Representative Bill Williams  
Chairman, House Resources  
State Capitol, Room 128  
Juneau, Alaska 99801-1182

Re: Redraft of House Bill 352

Dear Representative Williams:

Thank you again for the opportunity to provide Sealaska Corporation's comments on the revised working draft version of House Bill 352 (CSSSHB 352). The changes found on lines 17 and 25 of page 3 of this bill are acceptable to Sealaska. However, similar changes need to be made to lines 11 and 13 of page 1 of the bill to correct what could be a potential problem regarding a conflict between federal and state law over the question of when ANCSA land is developed and the consequences of that determination.

Under the definition of "developed" found in ANCSA, once land has been subdivided, it becomes "developed" and, therefore, may be subject to taxation as discussed in our earlier comments. To avoid the potential of lands becoming unintentionally "subdivided" without the Native corporation involvement, the proposed modifications need to be made to Section 2 of CSSSHB 352.

Sections 1 and 2 of the revised working draft version of CSSSHB 352 refer to Titles 34 and 38 of the Alaska Statutes. Even though Title 38 addresses state land and not private lands, Title 34 does address private lands and refers to Title 38 for the definition of "subdivision." Therefore, to avoid the conflict between federal and state law discussed above, the definition of "subdivision" should be consistent throughout the statutes. By incorporating the changes to Section 2(A) and (B) of CSSSHB 352, this consistency is achieved. Enclosed is a brief description of the proposed changes to Section 2.

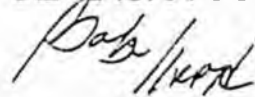
Representative Bill Williams  
March 17, 1994  
Page -2-

Sealaska has communicated this modification to Representative James, and she has graciously consented to propose these amendments at the House Resources Committee hearing. Sealaska hopes that you will support this modification as well.

Thank you again for the opportunity to provide you with Sealaska Corporation's comments on CSSSHB 352. If there are any questions, please contact me.

Sincerely,

SEALASKA CORPORATION



Robert W. Loescher  
Executive Vice President  
Natural Resources

RWL/SFS/amt

Enclosure: Proposed amendments to CSSSHB 352(RES)

cc/enc: Leo Barlow  
Bruce Keizer  
Rick Harris  
Ernie Hillman  
Senator Randy Phillips  
Senator Loren Leman  
Senator Georgianna Lincoln  
Senator Fred Zharoff  
Senator Jim Duncan  
Senator Robin Taylor  
Senator Al Adams  
Representative Jeannette Janes  
Representative Harley Olberg  
Representative Jerry Sanders  
Representative Cynthia Toohey  
Representative Con Bunde  
Representative John Davies  
Representative Ed Willis  
Representative Bill Hudson  
Representative Jerry Mackie  
Representative Eileen Maclean  
Commissioner Harry Noah  
Sam Kito  
AFN Land Managers  
Julie Kitka  
SEPA

PROPOSED AMENDMENTS TO SECTION 2 OF HB 352

Amendment No. 1

Page 1, Section 2(A) Line 11

. . . more lots by the landowner or, except for land owned by corporations organized under P.L. 92-203, by the creation of public access.

Amendment No. 2

Page 1, Section 2(B) Line 13

. . . on behalf of the state or corporations organized under P.L. 92-203, regardless . . .



One Sealaska Plaza  
Suite 400  
Juneau, Alaska 99801-1276  
(907) 586-1512  
FAX (907) 586-9214

March 24, 1994

Senator Bert Sharp  
Chairman, Senate Transportation  
State Capitol, Room 514  
Juneau, Alaska 99801-1182

Senator Loren Leman  
State Capitol, Room 113  
Juneau, Alaska 99801-1182

Re: Senate Bill 211

Dear Senators Sharp and Leman:

Sealaska Corporation has provided its comments to House Bill 352 (CSSS HB 352). From this process, Sealaska has reviewed Senate Bill 211, which seeks to define "street" and "subdivision" in the same fashion as HB 352. From Sealaska's perspective, Section 3 of Senate Bill 211 modifies the definitions of "street" and "subdivision" found in AS 40.15.290. The modification to the term "subdivision" is the most problematic for Native corporations. As discussed below, under a broad interpretation of the proposed definition, any parcel of land that is divided into two or more parcels by the creation of a public access would come within the definition of "subdivision" and within the purview of DNR's platting authority and the local government's taxing authority.

In a recent Alaska Supreme court decision, Kenai Peninsula Borough v. Cook Inlet Region, Inc., 807 P.2d 487 (Alaska 1991), the

H B 352

Senator Bert Sharp  
Senator Loren Lemman  
March 24, 1994  
Page -2-

court intimated that the subdivision of land may bring that land within the definition of "developed" for tax purposes.

It is our view that AS 29.45.030 is consistent with ANCSA with respect to the meaning of developed. The definition of developed in that statute is broad enough to include subdivided land which is ready for sale. Subdividing is legally a purposeful modification of property, for it enables separate parcels of the property to be sold. Similarly, as a sale of property is a use, a subdivision which suffices to permit sales effects a gainful and productive condition.

Id. 807 P.2d at 498.

If this bill passes, vast areas of ANCSA land could be considered subdivided because many areas are bisected by 17(b) easements—public accessways. This amendment, in its broadest terms and possible interpretation, if adopted, will cause problems for the Native corporations. They may find their lands, which were previously undeveloped, to be now subdivided and perhaps "developed." As such, they would be automatically subject to the platting authority of DNR, and possible taxation, even though the owners have done nothing to develop the land, nor derived any economic benefit from it.

Further, changes need to be made to the definition of "subdivision" to correct what could be a potential problem regarding a conflict between federal and state law over the question of when ANCSA land is developed and the consequences of that determination.

Under the definition of "developed" found in ANCSA, once land has been subdivided, it becomes "developed" and, therefore, may be subject to taxation as discussed above. To avoid the potential of lands becoming unintentionally "subdivided" without Native

Senator Bert Sharp  
Senator Loren Lemman  
March 24, 1994  
Page -3-

corporation involvement, the proposed modifications need to be made to Section 3 of Senate Bill 211.


To avoid the situations just discussed, Sealaska Corporation proposes that the enclosed draft committee substitute be advanced. This proposal exempts lands conveyed to Native corporations from the broad definition of "subdivision." Specifically, Sealaska proposes the addition of "by the landowner or, except for lands owned by corporations organized under Public law 92-203, by the creation of public or common carrier access" to the text in Sec. 3(2)(A), and the addition of "or corporations organized under Public Law 92-203," in Sec. 3(2)(B).

I understand that this bill is presently in the Senate Transportation Committee but has not been scheduled for a hearing at this time. Once this bill has been scheduled for a hearing, Sealaska Corporation is prepared to offer testimony at that hearing as well as provide any other support that your office needs.

Thank you for the opportunity to provide you with Sealaska Corporation's comments on Senate Bill 211. If there are any questions, please contact me.

Sincerely,

SEALASKA CORPORATION



Robert W. Loescher  
Executive Vice President  
Natural Resources

RWL/SFS/amt

Enclosure: Proposed draft of Senate Bill 211(TRA)

cc/enc: Leo Barlow  
Bruce Keizer  
Rick Harris

Senator Bert Sharp  
Senator Loren Leman  
March 24, 1994  
Page -4-

Ernie Hillman  
Senator Randy Phillips  
Senator Georgianna Lincoln  
Senator Fred Zharoff  
Senator Jim Duncan  
Senator Robin Taylor  
Senator Al Adams  
Representative Bill Williams  
Representative Jeannette James  
Representative Harley Olberg  
Representative Jerry Sanders  
Representative Cynthia Toohey  
Representative Con Bunde  
Representative John Davies  
Representative Ed Willis  
Representative Bill Hudson  
Representative Jerry Mackie  
Representative Eileen Maclean  
Commissioner Harry Noah  
Sam Kito  
AFN Land Managers  
Julie Kitka  
SEPA

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 211  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY SENATOR BERT SHARP

Introduced: \_\_\_\_\_  
Referred: TRA, CRA

A BILL  
FOR AN ACT ENTITLED

"An Act relating to the definitions of 'subdivision' and 'street'."

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

\* Section 1. AS 29.71.800(22) is amended to read:

(22) "street" has the meaning given in AS 40.15.290 [INCLUDES STREETS, AVENUES, BOULEVARDS, ROADS, LANES, ALLEYS, AND OTHER WAYS];

\* Sec. 2. AS 29.71.800(23) is amended to read:

(23) "subdivision" has the meaning given in AS 40.15.290

[(A) MEANS THE DIVISION OF A PARCEL OF LAND INTO TWO OR MORE LOTS OR OTHER DIVISIONS FOR THE PURPOSE OF SALE OR BUILDING DEVELOPMENT, INCLUDES RESUBDIVISION, AND RELATES TO THE PROCESS OF SUBDIVIDING OR TO THE LAND SUBDIVIDED;

(B) DOES NOT INCLUDE CADASTRAL PLATS, CADASTRAL CONTROL PLATS, OPEN-TO-ENTRY PLATS, OR REMOTE PARCEL PLATS CREATED BY OR ON BEHALF OF THE STATE REGARDLESS OF WHETHER THESE PLATS INCLUDE EASEMENTS OR OTHER PUBLIC DEDICATIONS];

\* Sec. 3. AS 40.15.290 is amended to read:

Sec. 40.15.290. DEFINITIONS. In this chapter

(1) "street" means an access way in common use including all of the land lying within a dedicated right-of-way as delineated on a plat showing streets, whether improved or unimproved [INCLUDES STREETS, AVENUES, BOULEVARDS, ROADS, LANES, ALLEYS, AND OTHER WAYS];

(2) "subdivision"

(A) means the division of a tract or parcel of land into two or more lots by the landowner or, except for lands owned by corporations organized under Public Law 92-203, by the creation of public or common carrier access [, 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];

(B) does not include cadastral plats, cadastral control plats, open-to-entry plats, [OR] remote parcel plats created by or on behalf of the state, or corporations organized under Public Law 92-203, regardless of whether these plats include easements or other public dedications.

\* Sec. 4. AS 34.65.100 is amended by adding a new paragraph to read:

(6) "subdivision" has the meaning given in AS 40.15.290.

\* Sec. 5. AS 38.04.910 is amended by adding a new paragraph to read:

(13) "subdivision" has the meaning given in AS 40.15.290.

\* Sec. 6. AS 46.03.900 is amended by adding a new paragraph to read:

(36) "subdivision" has the meaning given in AS 40.15.290.

**DIVISION OF LEGAL SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**

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FAX (907) 465-2029  
Mail Stop 3101


130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

**MEMORANDUM**

February 13, 1995

**SUBJECT:** Comparison of HB 80 and CSSB 81(FIN)(18th Legislature)  
(Work Order No. 9-LS0200\A)

**TO:** Representative Jeannette James  
Attn: Walt Wilcox

**FROM:** Gerald P. Luckhaupt   
Legislative Counsel

You have asked for a comparison of HB 80 and CSSB 81(FIN)(18th Legislature). Several other later versions of SB 81 exist. I have enclosed those for your review.

**CSSB 81(FIN)**

**Section 1.** Provides that DNR is the platting authority in all areas of the state except within a municipality that has the power of land use planning and has adopted ordinances implementing AS 29.40. This section would conceivably encourage municipalities with the power of land use planning to exercise those powers and implement AS 29.40 so as to avoid having DNR as the platting authority. **HB 80** only provides in bill secs. 3 and 4 that DNR is the platting authority in the unorganized borough outside cities (regardless of whether those cities have implemented AS 29.40) and in the third class borough. Second class cities outside boroughs are not required under state law to provide for planning, platting, and land use regulation as are other cities and boroughs. See AS 29.35.180 and 29.35.260.

**Section 2.** Amends AS 40.15.010 presumably to clarify the approval requirement contained therein. There is no comparable provision in **HB 80**.

**Section 3.** Amends AS 40.15.070 to specify that municipalities are the platting authorities for their own areas if they have adopted ordinances implementing AS 29.40. **HB 80** also amends this section but only by eliminating language that limits DNR's current authority as the platting authority in the unorganized borough and the third class borough.

**Section 4.** Amends AS 40.15.070 by adding a new subsection that provides that DNR is the platting authority in all other areas of the state. The current language of AS 40.15.070 that provides similar (but not identical) authority to DNR is retained in sec. 3 of **HB 80**.

Representative Jeanne James

February 13, 1995

Page 2

**Section 5.** Amends AS 40.15.200 to provide that all subdivisions of land made by the state, and its subdivisions, are subject to AS 40.15.010 - 40.15.200 but not the rest of AS 40.15. **HB 80** doesn't change current AS 40.15.200.

**Section 6.** Adds new sections with platting requirements for the areas of the state where DNR is the platting authority. New definitions are also provided. For the most part there are no comparable provisions to these additions in **HB 80**. In sec. 4 of **HB 80**, DNR may only disapprove a plat as provided in other applicable state law and for failure to specify access DNR may charge fees for the approval of plats. In **CSSE 81(FIN)** DNR is not provided authority to charge fees. **HB 80** only provides definitions of street and subdivision. The definitions of street are consistent with **CSSB 81(FIN)** -- the definitions of subdivision are not.

The changes to the definitions of subdivision in other parts of Alaska Statutes that are contained in bill secs. 1 - 2, and 6 of **HB 80** are not contained in **CSSB 81(FIN)**.

JBC:lmb

95-120.lmb

## HOUSE CS FOR CS FOR SENATE BILL NO. 81 (FINANCE)

## IN THE LEGISLATURE OF THE STATE OF ALASKA

## SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 5/18/91

Referred: Rules

Sponsor(s): SENATORS FAHRENKAMP, Sturgulewski

## 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

\_\_\_\_\_ Date

21 (c) The recorder may not accept for filing and recording a plat for which the  
22 commissioner's approval is required under this section without the approval of the commissioner  
23 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 (e) A recorded plat may not be altered or replatted except on petition of the state, a  
30 municipality, a public utility, or the owner of a majority of the land affected by the proposed  
31 alteration or replat. The petition shall be filed with the commissioner and shall be accompanied

1 by a copy of the existing plat showing the proposed alteration or replat. The provisions of  
2 AS 29.40.130 and 29.40.140(a) apply to an alteration or replat submitted under this subsection.  
3 The provisions of (d) of this section do not apply to an alteration or replat petition, but the  
4 commissioner shall state in writing reasons for disapproval of the petition.

5 (f) In the case of a vacation of a street, right-of-way, or other public area, the provisions  
6 of AS 29.40.140(b) and 29.40.160(a) and (b) apply. When applying these provisions to land  
7 outside a municipality, the word "municipality" should be read as "state" when the context  
8 requires.

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

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

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

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

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

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

21 Sec. 40.15.330. PLAT STANDARDS. The commissioner shall establish plat standards  
22 by regulation.

23 Sec. 40.15.340. ENGINEERING STANDARDS. Except for subdivisions of state land,  
24 the commissioner may not establish engineering standards for subdivisions.

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

29 Sec. 40.15.360. APPLICABILITY. The provisions of AS 40.15.300 - 40.15.380 do not  
30 apply to maps, site plans, or other graphic representations prepared for

31 (1) the purpose of transferring a leasehold interest; the extraction of natural

1 resources; or solely for the issuance of licenses or permits or

2 (2) disposing of land by aliquot part descriptions of 40 acres or more within  
3 surveyed sections provided that the least aliquot part unit shall be not less than a 1/4 1/4 section.

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

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

10 (b) A plat for a subdivision created by the acquisition by the state, its agencies,  
11 instrumentalities, or political subdivisions, of a right-of-way, airport parcel, or land for a similar  
12 public purpose in an area outside a municipality that has the power of land use regulation that  
13 has adopted ordinances implementing AS 29.40, is subject only to the approval provisions of this  
14 section and any provision of AS 40.15.300 - 40.15.380 not in conflict with this section.

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

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

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

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

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

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

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

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

29 (f) The minimum monumentation requirements for

30 (1) right-of-way acquisition subdivisions are a 5/8" x 24" reinforcement bar with  
31 appropriate identification cap set on the margin of the right-of-way at all points marking the

1 beginning and end of each curve and on tangents so that the distance between monumented points  
2 does not exceed 1,320 feet; an alternate method may be utilized that consists of placing primary  
3 type monuments at centerline points marking the beginning and end of each curve and on  
4 tangents so that no distance exceeds 1,320 feet; all recovered monumented property corners of  
5 records, the lines of which are intersected by a right-of-way acquisition, shall be monumented  
6 as part of the right-of-way plat, either on the right-of-way line or at the original monument  
7 position;

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

10 (g) If construction of improvements is scheduled to follow the right-of-way acquisition,  
11 the placement of the centerline monuments may be delayed until the improvements have been  
12 completed, in which case a statement designating the schedule for placing the monuments must  
13 be included on the plat.

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

## 19 ARTICLE 5. GENERAL PROVISIONS.

20 Sec. 40.15.900. DEFINITIONS. In this chapter.

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

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

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

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

29 (5) "subdivision"

30 (A) means the division of a tract or parcel of land into two or more lots,  
31 sites, or other divisions for the purpose, whether immediate or future, of sale or building

1 development, and includes resubdivision and, when appropriate to the context, relates to  
2 the process of subdividing or to the land or areas subdivided;

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

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

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

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

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

# Alaska State Legislature

REPRESENTATIVE  
**JEANNETTE JAMES**

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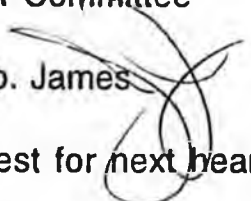
## House of Representatives

House District 34

# Memo:

February 16, 1995

To: C&RA Committee

From: Rep. James 

Re: Request for next hearing on HB 80

Attn: Alan and Ivan Co-Chairs

Please reschedule the above referenced Bill for a hearing at your earliest convenience. It was held over from a previous meeting.

Enclosed is:

CS for HB 80, the CS is based on testimony of the DNR, DCRA, and the surveyors. The bill as rewritten is based on the 18th Legislatures SB 81 from 1991.

Sectional comparison of HB 80 and CSSB 81(FIN)(18th Legislature)

CSSB 81(FIN)(18th Legislature)

New fiscal note from DCRA.

Letter on suggested changes from DNR.

REPRESENTATIVE  
**JEANNETTE JAMES**

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House of Representatives

House District 34

HB 80 Gates of the Arctic

January 16, 1995

## 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 80 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.

# Alaska State Legislature

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## House Of Representatives

Sponsor Substitute for HB 352  
January 31, ~~1994~~ 1995

### 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.

Alaska State Legislature

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House of Representatives

House District 34

**MEMO**

January 17, 1995

To: C&RA Committee

From: Rep James

Re: Request for hearing on HB 80

Attn: Alan and Ivan Co-Chairs

Please schedule the above referenced Bill for a hearing at your earliest convenience.

Alaska State Legislature

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House District 34



House of Representatives

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MEMO

2/18/94

To: Resources Committee

From: Rep. Jeannette James

Attention: Rep. Williams

Re: HB 352 Schedule request

Please schedule HB 352 for a hearing at your earliest convenience.

Please call my staff member Walter Wilcox if there are any questions.

Thank you in advance.

HB 3

Amendment #2

Page 3 B

~~As 4015070~~ does not apply to  
plats prepared for the Dept of Transp  
PF for the purpose of creating or  
adjusting Right-of-way boundaries or  
transferring leasehold interests at state-  
owned airports.

1  
2  
3  
4  
5  
6

RESUBDIVISION AND, WHEN APPROPRIATE TO THE CONTEXT,  
RELATES TO THE PROCESS OF SUBDIVIDING OR TO THE LAND OR  
AREAS SUBDIVIDED];

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

*plats prepared by or on behalf of the state  
for the purpose of creating or adjusting right-of-  
way boundaries or transferring leasehold  
interests at state-owned airports.*

*Amend #2*

BILL: HB 352

SHORT TITLE: SUBDIVISION PLAT APPROVAL UNORGANIZED BOR

BILL VERSION: SSHB 352

SPONSOR(S): REPRESENTATIVE(S)

CURRENT STATUS: (H) RES

STATUS DATE: 02/15/94

THEN FIN

HEARING: (H) RES MAR 18 08:15 AM

TITLE: "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'."

01/07/94	2020	(H)	PREFILE RELEASED
01/10/94	2020	(H)	READ THE FIRST TIME - REFERRAL(S)
01/10/94	2020	(H)	CRA, RESOURCES, FINANCE
01/21/94	2124	(H)	SPONSOR SUBSTITUTE INTRODUCED-REFERRALS
01/21/94	2124	(H)	CRA, RESOURCES, FINANCE
02/15/94	2403	(H)	CRA RPT CS(CRA) NEW TITLE 4DP 2NR
02/15/94	2404	(H)	DP: SANDERS, BUNDE, TOOHEY, OLBERG
02/15/94	2404	(H)	NR: WILLIS, WILLIAMS
02/15/94	2404	(H)	-ZERO FISCAL NOTE (DNR) 2/15/94
02/15/94	2404	(H)	REFERRED TO RESOURCES