

HB

80

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred: February 27, 1995

FURTHER REFERRALS:

Date of Committee Action: 3/14/95

The FINANCE Committee considered:

HB 80

HOUSE BILL NO. 80

DNR APPROVAL OF PLATS IN UNORG BOROUGH

"An Act relating to the approval, change, or vacation 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'."

recommends it be replaced with the following committee substitute CS HB 80 (CRA) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) DNR fiscal note(s) DORA 3/22/95
DORA 2/22/95
 zero fiscal note(s) zero fiscal note(s) DORA 2/22/95

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Mark Hanley</i>	Hanley	X			
<i>Edson Mulder</i>	Mulder	X			
<i>Vic Kohring</i>	Kohring	X			
<i>Ben Grussendorf</i>	Grussendorf	X			
<i>Ron Brown</i>	Brown	X			
<i>Walter Kelly</i>	Kelly	✓			
<i>Gene Theriault</i>	Theriault	X			
<i>Larry Martin</i>	Martin	X			

CHAIR'S SIGNATURE *Mark Hanley*
 Hanley

FISCAL NOTE

STATE OF ALASKA

BILL NO. CSHB 80(fin)

1995 LEGISLATIVE SESSION

Revision Date: 14-Mar-95 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

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES	47.5	47.5	47.5	47.5	47.5	47.5
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						
TOTAL OPERATING	64.0	50.0	50.0	50.0	50.0	50.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (1005)	50.0	50.0	50.0	50.0	50.0	50.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	64.0	50.0	50.0	50.0	50.0	50.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	64.0	50.0	50.0	50.0	50.0	50.0

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

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

The Finance Committee requested to make this a revenue neutral fiscal note. In order to do this the department will make this a PPT 8.5 months position. If the position does not keep up with the work the Finance Committee suggested increasing the fee to allow the position to process the workload.

The attached information shows the detail cost breakdown. In FY96 there is a one-time setup cost of \$14.0, which the Finance Committee agreed to.

Prepared by: Ron Swanson Phone: 762-2692
 Division: Land Date: 14-Mar-95
 Approved by Commission: [Signature] Date: 14-Mar-95
 Agency: Natural Resources

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

For a full-year \$64.5

Prorated for revenue -neutral

\$47.5 (FY97 and out)

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 will attempt to process the additional workload associated with this legislation with an additional permanent part-time professional land surveyor. If this fails we'll increase fees and make the position full-time.

Revision Date: February 21, 1995 Dept. Affected: Community & Regional Affairs
 Title: An Act establishing the DNR as the BRU: Local Government Assistance
plating authority in certain parts of... Component Municipal Lands Trustee
 Sponsor: Representative James
 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						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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 plating authority in the unorganized borough. This committee's substitute version of the bill exempts certain activities pertaining to the department's Municipal Lands Trustee program from the provisions of the bill. As such, the bill poses no fiscal impacts for the department.

Prepared by: Remond Henderson, Director *Remond Henderson* Phone: 465-4708
 Division: Division of Administrative Services Date: 2/21/95
 Approved by Commissioner: *R. Henderson for M. Imlau* Date: 2/21/95
 Agency: Community & Regional Affairs

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House of Representatives

House District 34

HB 80 DNR APPROVAL OF PLATS

January 31, 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.

Sec. 40.15.075

AUTHORITY IN THE UNORGANIZED BOROUGH AND THIRD CLASS BOROUGH.

The Department of Natural Resources is the platting authority in the area outside organized boroughs and outside cities in the unorganized borough and in the third class borough for only the purposes of hearing and acting on petitions for the change or vacation of plats and shall execute this function substantially in conformity with the provisions of AS 29.40.130 - 29.40.160. Costs of publication and mailing authorized in AS 29.40.130 shall be paid to the Department of Natural Resources by the petitioner. The Department of Natural Resources shall adopt reasonable regulations governing the exercise of the authority conferred by this section.

History -

(Sec. 1 ch 112 SLA 1971; am Sec. 7 ch 118 SLA 1972; am Sec. 64 ch 74 SLA 1985; am Sec. 37 ch 161 SLA 1988)

Amendment Notes -

The 1985 amendment substituted "AS 29.40.130 - 29.40.160" for "AS 29.33.210 - 29.33.240" at the end of the first sentence and in the second sentence deleted "as well as other costs" following "mailing" and substituted "AS 29.40.130" for "AS 29.33.210."

The 1988 amendment, effective January 1, 1989, substituted "Department of Natural Resources" for "Division of Lands" in the first sentence and for "division" in the second sentence, and deleted "upon the Division of Lands" at the end of the third sentence.

Repealed

Repealed sections 2 pages

Sec. 40.15.290

DEFINITIONS.

In this chapter

(1) "street" 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, 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 regardless of whether these plats include easements or other public dedications.

History -

(Sec. 7 (ch II) ch 115 SLA 1953; am Sec. 3 ch 95 SLA 1955; am Sec. 41 ch 113 SLA 1981)

Revisors Notes -

Formerly AS 40.15.190. Renumbered in 1988.

Decisions -

Quoted in *Kenai Peninsula Borough v. Kenai Peninsula Bd. of Realtors, Inc.*, 652 P.2d 471 (Alaska 1982); *State v. Weidner*, 684 P.2d 103 (Alaska 1984).

Repealed

DEPARTMENT OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
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-LS0200A)

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 Jeannett. ---.mes

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 **CSSB 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

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

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

January 28, 1994

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

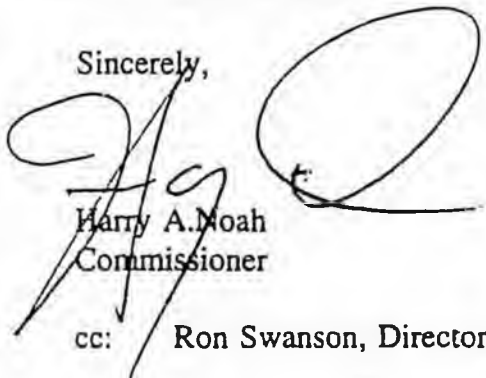
Dear Representative James:

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

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

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

Sincerely,



Harry A. Noah
Commissioner

cc: Ron Swanson, Director, Division of Land 762-2692

james-hb.352

FISCAL NOTE

(o. 2
 Bill Version: CS HB 80(CRA)
 (H) Publish Date: 2/22/95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: Original Dept Affected: Natural Resources
 Title: ONR Approval of Plats in Unorganized Boroughs BRU: Resource Development
 Component: Land Development
 Sponsor: Representative James
 Recusor: _____ Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY96	FY97	FY98	FY99	FY00	FY01
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						
TOTAL OPERATING	31.0	67.0	67.0	67.0	67.0	67.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (1005)	50.0	50.0	50.0	50.0	50.0	50.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	31.0	67.0	67.0	67.0	67.0	67.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	31.0	67.0	67.0	67.0	67.0	67.0

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

POSITIONS

FULL-TIME	11	11	11	11	11	11
PART-TIME	01	01	01	01	01	01
TEMPORARY	01	01	01	01	01	01

ANALYSIS: (Attach a separate page if necessary)

SEE ATTACHED

Revised

Prepared by: Ron Swanson Phone: 762-2692
 Division: Land Date: 20-Jan-95
 Approved by Commissioner: Erica Buss for Mr. Rostenkowski, Planning Comm. Date: 1/20/95
 Agency: Natural Resources

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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

Contractual:

The state must purchase existing land records, survey plats and field survey notes from SLM 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.

ORIGINAL

FISCAL NOTE

No. 1
Version: CS HB 80(CRA)
(H) Publish Date: 2/22/95

Revision Date: January 27, 1995 Dept. Affected: Community & Regional Affairs
Title: An Act establishing the DNR as the BRU: Local Government Assistance
plating authority in certain parts of... Component: Municipal Lands Trustee
Sponsor: Representative James
Requestor: House C & RA Committee COMPONENT SERIAL NO. 581

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						
TOTAL OPERATING	75.0	75.0	75.0	75.0	75.0	75.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE FUND SOURCE:						
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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						
TOTAL	75.0	75.0	75.0	75.0	75.0	75.0

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. Iversen* Date: 1/27/95

Agency: Community & Regional Affairs

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