

HB

80

SENATE COMMITTEE REPORT

DATE: 3/28/95

FURTHER: Finance

DATE TURNED INTO OFFICE: 4/30/95

CRA Committee considered CS FOR HOUSE BILL NO. 80(CRA)

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

and recommends:

- be replaced with S CS HB 80 (CRA)
- adopt previous CS ()
- attached amendment(s)
- adopt Letter of Intent by Committee
- further referral to the Committee

- Senate Bill: same title
- new title
- House Bill:**
- same title
- technical change
- new: SCR#

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>Tom Kelly</i>	—		
		<i>John Hoff</i>	✓		
CHAIR: <i>John Ingram</i>	✓				

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>Natural Resources</i>	<i>3/14/95</i>		✓
<i>Community & Regional Affairs</i>	<i>1/27/95</i>		✓

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

HOUSE BILL 80

CS HOUSE BILL 80(CRA)
(JAMES)

DNR APPROVAL OF PLATS IN UNORGANIZED BOROUGHS
IN: 3/28/95 OUT:
FURTHER REFERRALS: FINANCE
REQUEST FOR HEARING: 3/28/95
HEARING DATE: 4/19/95

REMARKS: PASSED HOUSE 30Y - 5N (BUNDE, DAVIES, FINKELSTEIN, KUBINA,
NAVARRE)

SIMILAR LEGISLATION INTRODUCED LAST SESSION (HB 352 JAMES)
HOUSE COMMUNITY & REGIONAL AFFAIRS COMMITTEE SUBSTITUTE
PASSED OUT OF COMMITTEE WITH 4DP AND 2 NR
HOUSE RESOURCES COMMITTEE SUBSTITUTE PASSED OUT OF COMMITTEE
WITH 2DP AND 5NR
BILL DIED IN HOUSE FINANCE

*AMENDMENT TO BE OFFERED
PER REQUEST OF DEPT OF NATURAL
RESOURCES AND WITH
CONCURRENCE OF SPONSOR*

PROPOSED AMENDMENT TO CSHB 80(CRA)
(DNR APPROVAL OF PLATS IN UNORG BOR)

BY: SENATOR TORGERSON

PAGE 7, LINE 9:

AFTER "OR," DELETE "EXCEPT FOR LAND OWNED BY CORPORATIONS ORGANIZED UNDER P.L.92-203"

PAGE 7, LINE 10:

AFTER "PUBLIC" DELETE "OR COMMON CARRIER"

PAGE 7, LINE 11:

AFTER "ACCESS" DELETE ";" AND ADD ", EXCLUDING COMMON CARRIER AND PUBLIC UTILITY ACCESS;"

PAGE 7, LINE 13:

AFTER "STATE" DELETE ", "

PAGE 7, LINE 14:

DELETE "CORPORATIONS ORGANIZED UNDER P.L. 92-203" AND INSERT:
"PLATS CREATED BY OR ON BEHALF OF THE BUREAU OF LAND MANAGEMENT,"

PAGE 7, LINE 15:

AFTER "DEDICATIONS" DELETE REMAINDER OF LANGUAGE IN SUB SECTION
(B)

HOUSE BILL 80 (DNR APPROVAL OF PLATS IN UNORGANIZED BOROUGHS)

DIFFERENCES BETWEEN ORIGINAL BILL AND SENATE COMMUNITY & REGIONAL AFFAIRS COMMITTEE SUBSTITUTE.....

ALL THE CHANGES THAT WERE MADE BY THE SENATE COMMUNITY & REGIONAL AFFAIRS COMMITTEE SUBSTITUTE WERE TECHNICAL AMENDMENTS PROPOSED BY THE DEPARTMENT OF NATURAL RESOURCES.....

ALL THE CHANGES ARE CONTAINED IN THE DEFINITION SECTION ON PAGE 7.....

I WOULD BE HAPPY TO EXPLAIN EACH OF THESE CHANGES IN DETAIL IF THE MEMBER SO DESIRES.....

THE FIRST CHANGE WAS MADE IN SUB-SECTION 5.....PARAGRAH "A"..... UNDER THE DEFINITION OF "SUBDIVISION".....IT SIMPLY CLARIFIES THAT COMMON CARRIER AND PUBLIC UTILITY RIGHTS-OF-WAYS (UNDER THE JURISDICTION OF THE A-P-U-C) DO NOT CREATE A SUBDIVISION FOR ALL LAND OWNERSHIPS.....NOT JUST FOR ANCSA CORPORATIONS.....

THE SECOND AND THIRD CHANGES ARE ALSO IN SUB-SECTION 5.....UNDER PARAGRAPH "B".....

ONE CHANGE CLARIFIES THAT THE DEPARTMENT OF NATURAL RESOURCES WOULD ONLY REVIEW PLATS AND TITLE AFTER THE ORIGINAL CONVEYANCE FROM THE FEDERAL GOVERNMENT.....IN OTHER WORDS.....THEY WOULD NOT CONSIDER CONVEYANCES FROM THE BUREAU OF LAND MANAGEMENT TO THE STATE..... ANCSA CORPORATIONS.....FOR NATIVE ALLOTMENTS OR HOMESTEADS TO BE SUBDIVISIONS.....EVEN THOUGH THEY MAY HAVE PUBLIC ACCESS RESERVATIONS IN THEM.....SUCH AS ANCSA.....17 (B).....EASEMENTS.....

THE LAST CHANGE WAS NEEDED BECAUSE THE CURRENT EXCEPTIONS IN THE DEFINITION WERE PREVIOUSLY DEALT WITH IN THE SAME BILL UNDER SECTIONS 40.(POINT) 15.(POINT) 360 AND 380 LOCATED ON PAGE 5



Alaska Section
AMERICAN CONGRESS ON SURVEYING AND MAPPING

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

April 18, 1995

Ref: HB NO. 80
Hon. John Torgerson
State Capitol
Juneau, Alaska

Dear Senator Torgerson:

We are in general support of the concept of this legislation, as it is a subject on which the American Congress on Surveying and Mapping worked long and hard with other professional societies and affected state agencies over several years, 1988 to 1992.

We have come down to a problem over the definition of the word "subdivision" in the past. A bill in the 17th Legislature (SB 81, 4/5/81) was sponsored by a working group called the State Surveying and Mapping Advisory Board. The bill was held in 1992 at our request due to uncertainty over the meaning and application of this word. We have sought separate legislation to address the problem. (SB 211 in the 18th legislature.)

So it with some dismay, if not surprise, that we see attempts to make special new definitions for the word "subdivision" for the unorganized borough. Exemptions have crept into the definition. They apply to entities that do not enjoy exemptions in any platting jurisdiction in the rest of the state where the vast majority of platting activity takes place.

We do not believe that any exemptions are in order. Suggestions made by Ron Swanson in a letter to you dated April 7 go a long way toward alleviating our concern. It does contain an exemption for common carriers. Although we would like to see a uniform definition, we understand that the common carriers are things like the Tesoro pipeline and the Alyeska pipeline. They do not fall under the intent of subdivision ordinances, and have not been subject to platting jurisdictions they pass through. We endorse the bill strongly if the changes suggested by Mr. Swanson can be incorporated.

Sincerely,

A handwritten signature in dark ink, appearing to read "Patrick Kalen", is written over a horizontal line.

Patrick Kalen, Chairman of Legislative Affairs for ACSM

Alaska State Legislature

REPRESENTATIVE JEANNETTE JAMES

Walter Wilcox M.Ed., M.P.A.

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House of Representatives
House District 34

RECEIVED
MAR 28 1995
Ans'd.....

3-28-95

To: Senator Torgerson, Chairman CRA Committee

From: Rep. Jeannette James 

Re: HB 80, Senate CRA hearing request

Please schedule this excellent Bill for your CRA Committee as soon as possible, it was read across the Senate floor today.

HB 80 gives DNR the authority to review plats in the unorganized borough, currently there is no statutory review. The Bill also defines the word subdivision so all State Departments have the same definition.

HB 80 is revenue neutral, program receipts cover costs in the "out" years. A \$10,000.00 one time appropriation for year one is included. There is no known opposition, DNR helped write the Bill and supports HB 80.

Thank you.

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR TORGERSON

TO: CSHB 80(CRA)

1 Page 7, lines 17 - 18:

2 Delete ", except for land owned by corporations organized under P.L. 92 - 203,"

3 Page 7, lines 18 - 19:

4 Delete "or common carrier access"

5 Insert "access, excluding common carrier and public utility access"

6 Page 7, line 22:

7 Delete "corporations organized under P.L. 92 - 203"

8 Insert "plats created by or on behalf of the United States Department of the Interior,

9 Bureau of Land Management,"

10 Page 7, line 23, following "dedications" through line 27:

11 Delete all material except the semicolon.

Approved 4/19/95

FISCAL NOTE

Revision Date:
Title:

Department Affected: DOT&PF
BRU: D & C

Sponsor: James
Requestor:

Component: E & O
Component Serial Number: 547

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING:	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS	0	0	0	0	0	0
1003 GF MATCH	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/PROGRAM RECEIPTS	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL FUNDING:	0	0	0	0	0	0

POSITIONS

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

Estimate of current year (FY95) impact: \$ none

ANALYSIS: (Attach a separate page if necessary)

There will be some additional costs associated with the add monumentation requirements which translates into less roadways being built and also, there maybe some delays associated with obtaining platting approvals.

Prepared by: Loren Rasmussen, P.E.

Phone: 465-2960

Division: Engineering and Operations Standards

Date: March 14, 1995

Approved by Commissioner: Joseph L. Perkins, P.E.

Phone: 465-3901

Agency: Department of Transportation and Public Facilities

Date: March 14, 1995

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSHB 80(fin)

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 *[Signature]* Phone: 762-2692
 Division: Land Date: 14-Mar-95
 Approved by Commissioner: *[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.

Alaska State Legislature

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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.

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

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130 Seward Street, Suite 109
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 Jeannette 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 **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
DEPARTMENT OF NATURAL RESOURCES

DIVISION OF LAND

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

April 7, 1995

The Honorable John Torgerson
Alaska State Senate
State Capitol
Juneau, Alaska 99801-1182

Re: CSHB 80 (CRA)

Dear Senator Torgerson:

After the House passed HB 80, which establishes DNR as the platting authority in certain areas of the state, it was pointed out to me that the definition of "subdivision" needs to be amended. This bill is next scheduled for hearing before the Community and Regional Affairs Committee.

The first change (paragraph A) clarifies that common carrier and public utility rights-of-ways (under the jurisdiction of the Alaska Public Utilities Commission) do not create a subdivision for all land ownerships, not just for ANCSA corporations.

The second change (paragraph B) clarifies that DNR would only review plats and title after the original conveyance from the federal government. In other words we would not consider conveyances from the Bureau of Land Management to the state, ANCSA corporations, for Native allotments or homesteads to be subdivisions even though they may have public access reservations in them, such as ANCSA 17(b) easements.

The third change (paragraph B) is needed because the current exceptions in the definition are previously dealt with in the same bill under Section 40.15.360 and .380.

The recommended changes are:

Sec. 40.15.900 DEFINITIONS. In this chapter,

(5) "subdivision"

(A) means the division of a tract or parcel of land into two or more lots by the landowner or [EXCEPT FOR LAND OWNED BY CORPORATIONS ORGANIZED UNDER P.L.92-203,] by the creation of public [OR COMMON CARRIER] access, excluding common carrier and public utility access;

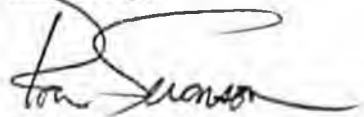
Senator Torgerson
CSHB 80 (CRA)
April 7, 1995
Page 2

(B) Does not include cadastral plats, cadastral control plats, open-to-entry plats, remote parcel plats created by or on behalf of the state [,] or [CORPORATIONS ORGANIZED UNDER P.L. 92-203] plats created by or on behalf of the Bureau of Land Management, regardless of whether these plats include easements or other public dedications [,PLATS PREPARED BY THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES FOR THE PURPOSE OF TRANSFERRING LEASEHOLD INTERESTS AT STATE-OWNED AIRPORTS, OR PLATS PREPARED BY THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS FOR THE LEASING OF MUNICIPAL TRUST LAND UNDER AS 44.47.150];

I have contacted all the agency personnel and organization representatives listed on the copy list below. None opposed these proposed amendments.

Please feel free to contact me if you have any questions or would like to discuss this further.

Sincerely,



Ron Swanson
Director

cc: Representative James
Pat Kalan, ASPLS
Lee Sharp
Rick Harris, Sealaska
Rick Elliott, DCRA
Clyde Stolfus, DOT/PF
Nico Bus, DNR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF LAND

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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.

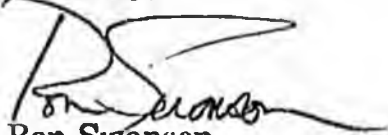
The definition for "subdivision" I recommend that addresses these concerns is:

(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
DOT/PF
Nico Bus

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

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

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

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

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

ARTICLE 4. PLATTING IN AREAS OUTSIDE CERTAIN MUNICIPALITIES.

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

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

PLAT APPROVAL

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

Commissioner Date

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

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

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

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

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

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

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

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

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

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

(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.

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

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

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 platting 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).