

HB

17

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSHB 17(RES)

1 Page 4, following line 19:

2 Insert a new subsection to read:

3 "(g) Notwithstanding another provision of AS 40.15.300 - 40.15.380, the
4 commissioner shall approve, without review under AS 40.15.300 - 40.15.380, a plat
5 under AS 38.04.045 that consists solely of land owned by the state. The
6 commissioner may not charge a fee for the approval under this subsection."

7 Page 4, line 27:

8 Delete "each primary type"

9 Insert "at least a 5/8 inch by 24 inch rebar and cap"

10 Page 4, line 30, following "with":

11 Insert "at least"

12 Page 7, lines 14 - 16:

13 Delete

14 "(B) does not include cadastral plats, cadastral control plats,
15 open-to-entry plats, remote parcel plats created by or on behalf of the state, or
16 plats created by or on behalf of the United States Department of the Interior,"

17 Insert

18 "(B) does not include cadastral plats or cadastral control plats
19 created by or on behalf of the United States Department of the Interior,"

The Department of Natural Resources recommends that the following language be added to HB 17 in Sec. 9, AS 40.15.000(b):

shall (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. If the plat consists solely of state-owned land, review and approval of the plat under AS 38.04.045 serve the dual purpose of review under AS 40.15.300 - 40.15.380, and no additional fee may be charged by the commissioner for the plat approval required by this section. The approval by the commissioner shall be affixed to the plat in the form of the following statement:

Reason for the proposed change: AS 38.04.045 requires a survey before Title 38 land is patented out of state ownership as a preference-right grant, remote parcel disposal, municipal entitlement grant, etc. The department's normal Title 38 plat review before final conveyance covers all of the issues that an HB 17 plat review would address: checking for proper monumentation, legal access to the parcel, utility easements, etc. (An HB 17 plat review would also check that the subdivider has title to the land, but that is not necessary where the state itself is the subdivider.) No purpose would be served by carrying out or charging for a duplicative review of a state land disposal survey plat under HB 17. However, the department thinks that having two signature blocks for the commissioner on such a plat—one as Title 38 landowner, the other as platting authority—is still useful so that the Recorder's Office knows that both functions have been completed.

The exception recommended above would prevent "double-charging" for plat reviews on all state land disposal parcels in the unorganized boroughs. This would include any remaining random-staked homestead surveys and remote parcel surveys.

MEMORANDUM
DEPARTMENT OF NATURAL RESOURCES

State of Alaska
DIVISION OF LAND

TO: Brett Huber

DATE: April 23, 1997

FROM: Jane Angvik
Director

SUBJECT: HB 17

I was in error in my comments to you about monuments. The definition I sent was only for state land, NOT private lands.

I understand it will be suggested that the language on p.4 line 26 be changed as follows. We have no objection.

existence of [each primary type] a monument with at least a 5/8 inch by 24 inch rebar and cap monument at controlling exterior corners....

and add to line 29

monumented with at least a 5/8 inch....

On the subject of p.7 line 17, and adding homestead plats. When I spoke with you this afternoon, I was not aware that there is a provision in Title 38 which contradicts the intent of adding the homestead language. If this language is added the Title 38 provision would have to be repealed, an issue which would be opposed by boroughs. I have attached Title 38.09.080(b) FYI.

Please give a call if you want to chat.

610

611

HOMESTEAD ACT

§ 38.09.100

NOTES TO DECISIONS

prepare for cultivation either 25 percent of the cropland soils, of the permit.

of this section, improvements or AS 38.05.090 and the state land entry. (§ 1 ch 103 SLA 1983; am

or in less" and repealed subsection (b), the extension for a permit holder making

amendment, effective June 9, 1988, substituting a description of the homestead entry permit where the commissioner determines that the requirement of a rectangular or "a plat of survey" in paragraph (a)(2).

commissioner shall issue a patent to

not less than 25 months within the permit;

an approved survey of the land under a survey grid within five years

homestead within three years after

by aliquot parts or as a lot of

for cultivation either 25 percent of the cropland soils, whichever is

permit holder from residing in the permanent dwelling.

utility easements or rights-of-way corridors, and transportation

under AS 38.09.090 shall provide for the issuance of patent.

AS 38.09.090 shall contain the

delayed until at least five years after the provisions of AS 38.09.030(c);

for the issuance of patent. (§ 1 SLA 1987; am § 6 ch 123 SLA

amendment, effective June 9, 1988, renumbered (a)(2), which read "complete on the land within five years after the permit."

Applied in Alaska Survival v. State, Dep't of Natural Resources, 723 P.2d 1281 (Alaska 1986).

Sec. 38.09.060. Marking boundaries. If it is impractical to brush the boundaries of a homestead entry, an applicant shall flag the boundaries. (§ 1 ch 103 SLA 1983)

Sec. 38.09.070. Priority of applications. The commissioner shall issue a homestead entry permit to the first applicant for land to comply with AS 38.09.020(b). (§ 1 ch 103 SLA 1983)

Sec. 38.09.080. Land within municipalities. (a) If a municipality has filed a selection of state land under AS 29.65 or former AS 29.18.201 — 29.18.213 with the commissioner, the state land selected may not be designated for homestead entry; if the commissioner determines that land selected by a municipality is not available for patent to the municipality under AS 29.65 or former AS 29.18.201 — 29.18.213, the state land is available for designation by the commissioner for homestead entry under AS 38.09.010.

(b) The disposal of homestead entry land is subject to local platting, recording, or subdivision requirements established under AS 29.35.180 and AS 40.15. (§ 1 ch 103 SLA 1983; am § 61 ch 74 SLA 1985)

Effect of amendments. — The 1985 amendment inserted "AS 29.65 or former" in two places in subsection (a) and substituted "AS 29.35.180" for "AS 29.33" in subsection (b).

Sec. 38.09.090. Purchase. (a) If an applicant complies with the requirements of AS 38.09.050(a)(2), (4), and (5) and pays to the commissioner an amount equal to five percent of the fair market value within two years of the issuance of an entry permit, an applicant may purchase the land under AS 38.05.065. The purchase price is the fair market value of the land at the issuance of the entry permit as determined by the commissioner.

(b) An applicant who complies with AS 38.09.050(a)(2) — (5) and who tenders the commissioner an amount equal to five percent of the present fair market value of the land within five years of the issuance of the permit may purchase the land under AS 38.05.065. The purchase price is the fair market value of the land at the time of the purchase. (§ 1 ch 103 SLA 1983; am § 54 ch 152 SLA 1984)

Cross references. — For reservations to which contracts for sale of and deeds to state land are subject, see AS 38.05.125.

Sec. 38.09.100. Lessees of remote parcels. (a) A lessee of a remote parcel under former AS 38.05.077 may elect to obtain title to the remote parcel under AS 38.09.050. If a lessee of a remote parcel elects to obtain title under AS 38.09.050, July 28, 1983, shall be considered the date of the issuance of the homestead entry permit.

(b) Except as provided in (a) of this section, nothing in this chapter affects the rights and obligations of lessees of remote parcels under former AS 38.05.077.

(c) Notwithstanding the provisions of former AS 38.05.077 and 38.05.078, the heirs or devisees of a deceased lessee of a remote parcel may sell their interest in the lease of the remote parcel. The sellers shall notify the commissioner of the sale. (§ 1 ch 103 SLA 1983; am § 1 ch 12 SLA 1987; am § 86 ch 14 SLA 1987)

Effect of amendments. — The first 1987 amendment added subsection (c).

The second 1987 amendment in the first sentence of subsection (a) and in subsection (b) inserted "former" preceding "AS 38.05.077" and made a minor punctuation change in subsection (a).

Editor's note. — AS 38.05.077, referred to in two places in this section, was repealed by § 7, ch. 103, SLA 1983.

SENATE COMMITTEE REPORT

DATE: 3/5/97

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 2 APRIL 1998

Resources Committee considered CS FOR HOUSE BILL NO. 17(RES)

"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 17 (RES)
- 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 DQ PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>Loren D. Roman</i>	✓		
		<i>Linda Mee</i>	✓		
		<i>Best Name</i>	✓		
CHAIR:		<i>Rick Hallock</i>	✓		

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>DNR</i>	<i>1/22/97</i>		<i>71.3</i>

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

Bill No. 1
 Version: HB 17
 (H) Publish Date: 1/31/97

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Revision Date: _____ Dept Affected: Natural Resources
 Title: An Act establishing the DNR as the platting BRU: Resource Development
 authority in certain areas of the state; relating to subdivisions... Component: Land Development
 Sponsor: James
 Requestor: H(RES) Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	66.3	66.3	66.3	66.3	66.3	66.3
TRAVEL						
CONTRACTUAL	1.0					
SUPPLIES	4.0	4.0	4.0	4.0	4.0	4.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	71.3	70.3	70.3	70.3	70.3	70.3
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	21.3					
1005 GF/Program Receipts	50.0	70.3	70.3	70.3	70.3	70.3
1037 GF/Mental Health						
Other						
TOTAL	71.3	70.3	70.3	70.3	70.3	70.3

Estimate of any current year (FY97) 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)

Approximately 250 plats per year will be submitted for review. The present fee for plat review is \$200 per plat. We propose to amend the regulation to increase the plat review fee to \$300 per plat so that program costs are recovered. This revenue will pay for a new position, Land Surveyor Assistant II, to carry out the responsibilities of this proposal.

The Contractual money purchases the updates to federal microfiche survey records needed to implement this proposal.

Supplies include copy purchases from the Records Office, office supplies, rent space and phone usage.

Prepared by: Jane Angvik, Director Phone: 269-8503
 Division: Land Date: 22-Jan-97
 Approved by Commissioner: [Signature] Date: 1/22/97
 Agency: Natural Resources

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSHB 17 (RES)

Revision Date: 31-Mar-98 Dept Affected: Natural Resources
 Title: Establishing DNR as platting authority in certain BRU: Resource Development
areas of the State Component: Land Development
 Sponsor: Rep. James
 Requestor: SRES Component Serial No. 431

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES	66.3	66.3	66.3	66.3	66.3	66.3
TRAVEL						
CONTRACTUAL	1.0					
SUPPLIES	4.0	4.0	4.0	4.0	4.0	4.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	71.3	70.3	70.3	70.3	70.3	70.3
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	21.3					
1005 GF/Program Receipts	50.0	70.3	70.3	70.3	70.3	70.3
1037 GF/Mental Health						
Other						
TOTAL	71.3	70.3	70.3	70.3	70.3	70.3

Estimate of any current year (FY98) 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)

Approximately 250 plats per year will be submitted for review. The present fee for plat review for a two-lot subdivision is \$250. However, plat review fees contained in regulations increase with the number of lots contained in the subdivision and it is expected that current fee schedules will recover the cost of the new Survey Assistant position.

The Contractual money purchases the updates to federal microfiche survey records needed to implement this proposal.

Supplies include copy purchases from the Records Office and office supplies.

Prepared by: Jane Angvik /DD Phone: 269-8518
 Division: Land Date: 31-Mar-98
 Approved by Commissioner: [Signature] Date: 4-2-98
 Agency: Natural Resources

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SEN. LINCOLN,

THE PRIMARY PROBLEM WITH HB 17 IS THAT IT IS NOT NEEDED. HERE IN THE CHITINA RECORDING DISTRICT, LESS THAN 20 PLATS WERE RECORDED IN 1996 AND I JUST FILED A PLAT THAT RECIEVED THE NUMBER 97-20. FEW OF THOSE RECORDED ARE SUBDIVISIONS, MOST ARE "RECORDS OF SURVEY". MOST TRANSFERS OF LAND ARE DONE WITH A DEED, WITHOUT A SURVEY. THE ADDED EXPENCE AND TIME NEEDED FOR DNR TO REVIEW PLATS I'M SURE WILL ONLY DECREASE THE NUMBER OF SUBDIVISION SURVEYS NOW BEING DONE. WHAT WOULD BETTER SERVE THE PUBLIC, WOULD BE THE REQUIRERMENT THAT ALL TRANSFERS OF LAND BE SURVEYED AND THE RECORDERS OFFICE INSTRUCTED TO REFUSE TRANSFERS WITHOUT A SURVEY. ALL PLATTING AUTHORITIES REQUIRE A SURVEY OF THE LANDS BEING TRANSFERED. IF THE CONCERN IS TO PREVENT SLOPPY SURVEYS, THAT WOULD BE A MATTER FOR THE BOARD OF REGISTRATION TO ADDRESS AND THE MARKET PLACE.

THANKS FOR LISTENING.....JACK L. PHILLIPS, RLS.

Glenn Allan

DNR approval of plats in unorganized borough
CSHB 17 by Rep. Jeannette James
4/23/97

Last year this was HB 80, the Bill died in the rush of adjournment. HB 17 is a good bill that has been in the process for many Legislative sessions. House Bill 17 is a cleaned up and refined version of my prior bills HB 80 1996, HB 352 1994 and the old SB 211 1993, and SB 81 1991. The bill has been in the works for two decades.

I believe the work over the last several years has crafted the bill into one that has no opposition and is supported by the DNR, surveyors and all impacted classes of people.

Essentially HB 17 brings all of the unorganized Boroughs under the purview of DNR as pertains to platting of real estate. For example there is currently no control over anyone creating landlocked subdivisions with no possible access in the unorganized Boroughs. DNR has a specific time frame (45 days) to approve/disapprove the plat, if the review is not done timely, the plat is approved by default.

HB 17 cleans up some definition problems by defining the word subdivision so all agencies use the same terminology.

HB 17 has a fiscal note. Carol Carroll can explain the fiscal options.

Attached is a historical correspondence overview of the evolution of the bill, it shows that all parties concerns were satisfactorily addressed and resolved.

Amendments added in House Resources Committee

1. Amendment deleted portion regarding DEC platting review, they no longer review plats.
2. Amendment changed monumentation requirements so monuments on straight roads can be half the number of required on curves.
3. Amendment added three departments to subdivision definition, survey AS 34.65.100, lands AS 38.04.910 and DEC AS 46.03.900.

Available to testify

Craig Savage L.S.
Carol Carroll DNR
Jane Angvik DNR
Pat Kalen L.S.



Department of Transportation
and Public Facilities

POSITION PAPER

*Concern addressed
with amendment*

[Signature]

BILL NO: HB 352

APPROVED: _____

TITLE: Subdivision Plat Approval:
Unorganized Boroughs

DATE: February 9, 1994

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

Platting Procedures and Right-of-Way Acquisitions

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

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

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

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

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

BILL NO: HB 352

TITLE: Subdivision Plat Approval: Unorganized Boroughs

DATE: February 9, 1994

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

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

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

Leasehold Interest Lots on State Airports

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

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

MEMORANDUM

STATE OF ALASKA

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

South Central Regional Office

3601 C Street, Suite 1334

Anchorage, Alaska 99503

TO: Commissioner Sandor

DATE: March 10, 1993

THRU: Janice Adair
Assistant Commissioner

FILE #:

FROM: Svend Brandt-Erichsen 

PHONE #: (907) 563-6529

SUBJECT: Subdivisions and DNR

This memo is a follow up to our meeting with Commissioner Olds and Patrick Kalen, land surveyor. I have outlined the issues discussed for your review, and identified recommended actions which should respond to DNR's concerns.

A substantial portion of the meeting was spent on the definition of subdivision. Also discussed was a bill backed by DNR to establish platting authority for the unorganized borough. The two issues are related because DNR's bill died last year in part due to differences between surveyors, represented by Kalen, and DEC over the definition of subdivision, and DEC's authority to review subdivisions.

SUMMARY OF ISSUE:

DNR and DEC have two different definitions of subdivision because they use the term for different purposes.

DNR's definition is contained in the statutory chapter that governs recording of subdivisions. Recording occurs to provide formal notice of title and title restrictions. Under this chapter, a subdivision can not be recorded, and lots from it can not be sold, until the subdivision plat has been approved by the platting authority.

The express exceptions to DNR's definition of subdivision are for specific types of plats involving either large tracts of land or certain State land disposal programs. The primary benefit of the exception is to remove the requirement of platting authority approval prior to recording.

DEC's definition appears in regulation, and is intended to cover all divisions of a parcel of land which might result in development - whether those divisions are for purposes of sale, or simply for development. The requirement for DEC approval prior to recording has been upheld by the State Supreme Court in State v. Anderson (1988).

DEC's definition differs from DNR's in two ways:

- a) it does not exempt those plats expressly excluded from DNR's definition; and
- b) it includes unrecorded actions that divide interest in property, such as leases.

DEC is interested in a broader circle of transactions than DNR because DEC is reviewing potential wastewater generation and treatment and protection of drinking water, whereas DNR is tracking land ownership.

DIRECTION FROM COMMISSIONERS:

DEC and DNR should use the same definition of subdivision, if at all possible.
Reason: reduce potential confusion.

RECOMMENDATION:

1. For plats expressly exempted from DNR's statutory definition:

a) cadastral plats and cadastral control plats -- DEC concurs that these plats, due to the size of the parcels, do not trigger wastewater disposal concerns. As a result, DEC will take whatever action is necessary [i.e. field directive, or, if necessary, regulation change] to exempt them from review.

b) open to entry and remote parcel plats -- The agreement between DNR and DEC appears to be working well, and absent specific problems that need to be addressed, it should be left in place for these parcels. [Since DNR program has ended, this is a diminishing set of transactions.]

2. For transactions covered by DEC definition, but which do not have to be recorded:

EITHER --

a) Leave DEC definition as is, since there is no overlap with DNR authority, and there have been no objections from those directly affected [surveyors are not involved in these transactions]

OR --

b) Amend DEC's definition to restrict 'subdivision' to plats or other recorded instruments [corresponding to DNR's definition], and add a new definition for leases or other unrecorded divisions of property. This second category would still be reviewed in the same way as recorded subdivisions.

Based on our meeting and a subsequent discussion I had with DNR's Lands Division Director, our commitment to pursue option (b) would help them get their platting bill through. It would address the potential for confusion over different definitions of subdivision. It also would not change the types of transactions we review, only what we call some of them. As a result, there should not be a negative effect on our ability to protect public health.

ALASKA STATE LEGISLATURE

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Shirley Craft
Alaska State Senator

MEMORANDUM

To: The Honorable Charles E. Cole,
Attorney General

From: Barbara Bitney, ^{BB}
Legislative Aide to Senator Shirley Craft

Date: February 17, 1992

Re: The definition of the word "subdivision".

The Senator would like a legal opinion on the definition of the word "subdivision" under AS 40.15.290, and a comparison to the definition is written under AAC 18.72.990 (80), applying to the Department of Environmental Conservation.

The information she's been given states that, "the Department of Environmental Conservation has rewritten the definition of the word "subdivision" to include remote parcels in 18 AAC 72.990 (80), directly in conflict with AS 40.15.190 (2) (B). Land surveyors within the Department of Natural Resources objected. The response of the director was to order compliance with the DEC regulation."

Have the Department's of Natural Resources (DNR) and Environmental Conservation (DEC) overstepped their statutory boundaries by adopting a policy (see attached memorandum) that requires remote parcels to be subject to DEC subdivision plan review, instead of going through the normal legislative process?

Has the definition of "subdivision" under 18 AAC 72.990 (80), been expanded to the point of giving DEC jurisdiction over every land transaction, saying that it must be approved by DEC before the DNR (or any other platting jurisdiction) will grant final plat approval?

I have attached copies of AS 40.15.290 and 18 AAC 72.990 for your convenience. If you have any questions, please call me at 465-3834.

ALASKA SOCIETY OF PROFESSIONAL LAND SURVEYORS

March 15, 1993

Senator Loren Leman
State Capitol
Juneau, Alaska 99801-1182

Ref: State Survey Authority Bill, subdivisions

Dear Senator Leman:

I am sorry I missed you when I was in Juneau in February. I am writing on behalf of the Alaska Society of Professional Land Surveyors, who have come to regard you as a friend in the Legislature due to your attention to our concerns in the Sixteenth and especially in the Seventeenth Legislature.

I spoke with Senator Steve Frank concerning the subject of the State Survey Authority, proposed in the Seventeenth Legislature as SB 81. It failed to become law when the land surveyors realized that the definition of the word subdivision as written in statute, AS 40.15.290 (2), was not operative. A conflicting state regulation, 18 AAC 90.900 (80) superseded it whenever the two definitions were in conflict. (See the enclosed memo from Jerry Luckhaupt to Senator Shirley Craft dated February 26, 1992.) Senator Frank is aware of key events concerning this proposed legislation. I met with him in February to discuss where we should go from here. Since the definitions are where the problems with SB 81 were encountered, we agreed that getting that problem resolved is a logical beginning. Extending authority over all plats in the unorganized borough is something that we can look at later. Currently, DNR has its authority limited to only replats and vacations. SB 81 would have extended that authority over all types of transactions.

On behalf of the ASPLS I met in Juneau with DNR and DEC and arrived at a tentative understanding that we would like to have a single definition of the word "subdivision". The Commissioners of each agency support the concept of ending this confusion.

I recently received the enclosed internal memo from DEC confirming our understanding. We hope that you can help generate a Committee bill from the Senate Resources Committee that defines the word subdivision. I spoke with this at some length with Senator Steve Frank, who was instrumental in helping the surveyors at the eleventh hour of the Seventeenth Legislature on this subject last year, and he informed me that he would speak with you on the subject.

As you can see from the enclosed memo from DEC, we will not have any problem over a definition that has the effect of exempting control plats and cadastral plats from the definition of the word, but remote parcels may be a problem. All three are

currently not subdivisions according to AS 40.15.290 as it exists on the books today. 18 AAC 72.990 (83) conflicts with the statute definition, expanding it to include many types of transactions. We (ASPLS) agree that in general, DEC should have review authority over the other transactions, but they should call them something else. Concerning the Remote Parcel program, the intent of the legislature in declaring that these plats are not subdivisions should be examined.

The wording that ASPLS hopes to see applies to both the word "street" and the word "subdivision" as they appeared in CSSB 81(RES) as it passed the Senate in 1991 (copy included). However, this time, the words "street" and "subdivision" would apply to all state agencies and municipalities, rather than just to the DNR in the unorganized borough. DEC is expected to change their regulations to address the other types of transactions found in the 18AAC definition.

Concerning Svend Brandt-Erichsen's memo to Commissioner Sandor dated March 10, 1993, we are basically in agreement, except perhaps for interpreting what the legislative intent was when the word "subdivision" was defined in statute, and certain exemptions were listed. As Mr. Brandt-Erichsen notes, the Remote Parcel program has ended, so the number of these transactions will diminish to zero in time.

We do not anticipate having difficulty working with DEC on revised regulations for the other types of transactions. But we do want to look at them before we give expanded platting authority to the DNR in the unorganized borough.

Sincerely,



Patrick Kalen, PLS, ASPLS Legislative Affairs Committee Chairman

copy: Senator Steve Frank
Senator Loren Leman
Craig Savage, President, ASPLS
DEC Commissioner John Sandor
DNR Commissioner Glenn Olds

enclosures: as noted

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF LAND AND WATER

WALTER J. HICKEL, GOVERNOR

3601 C STREET
P.O. Box 107005
ANCHORAGE, ALASKA 99510-7005
PHONE: (907) 782-2692

May 16, 1992

Craig Savage, President
Alaska Society of Professional
Land Surveyors
623 W 6th Ave
Anchorage, AK 99501

Re: Platting in the Unorganized Borough

Dear Mr Savage:

Currently subdivision plats outside Boroughs and Cities need not be surveyed, and arguably need not even be recorded. This leaves the door open for paper plat subdivisions to be created by virtually anyone wishing to subdivide. There is no way to know how many or what kind of survey problems are in the making, although from time to time we do stumble across some oddities, as I'm sure your membership does as well.

There has been legislation proposed in the last 2 sessions, most recently Senate Bill 81, to remedy this problem in surveying and platting requirements. These bills were authored by the Surveying and Mapping Advisory Board and supported by DNR. In the proposed legislation DNR was to be the agency designated to review plats for compliance.

There appears to be little or no opposition to the concept of a law addressing the above stated issue. What has stood in the way of passage has been some technical objections by the industry and professional surveying societies. I would like to reopen the dialogue between the state agencies and the surveying community to resolve these problems and to gain support for legislation to resolve surveying and platting problems in the unorganized borough. I would like to meet with you, or your designee, to arrive at acceptable legislation to all of us. I propose that we use SB 81 as a starting point.

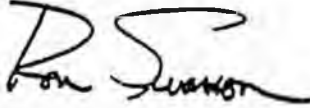
Please contact me, at 762-2692, or Norm Johnson, at 762-2425, at your convenience to arrange this meeting.

I am sending a similar letter to ACSM as well as notifying the

Craig Savage
May 16, 1992
Page 2

Departments of Environmental Conservation and Transportation and
Public Facilities.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Swanson". The signature is stylized with a large initial "R" and "S".

Ron Swanson
Director

attachment - SB 81

cc: Janice Adair, DEC
Clyde Stoltzfus, DOT/PF
Carol Wilson, DNR
Marty Welbourn, DNR - LRS
Carol Shobe, DNR - TCS
Norm Johnson, DNR - LRS
Jerome Pape, DNR - LRS

BRIEFING: AS 40.15, SUBDIVISION AND DEDICATION

ISSUE: Currently subdivision plats outside Boroughs and Cities need not be surveyed, and arguably need not even be recorded. This leaves the door open for paper plat subdivisions to be created by virtually anyone wishing to subdivide. To be adequate to convey a locatable and uniquely described parcel, a plat needs to be tied to acceptable horizontal control of record. Paper plats (those done without field survey) almost assuredly produce gaps, overlaps and clouded boundaries. There is no way to know how many or what kind of survey and title problems are in the making since there are no laws governing surveying and platting in the unorganized borough. We do stumble across oddities from time to time that would be impossible to locate or abstract for title. Some review for compliance is necessary to assure that minimum survey and platting standards are met and that plats are put into the public record

A BILL, SB 81

BACKGROUND: There have been Bills in the last 2 legislatures to remedy this holiday in surveying and platting requirements to convey subdivision parcels. Neither were successful in becoming law. These bills were authored by the now defunct Surveying and Mapping Advisory Board and supported by DNR. In the proposed legislation DNR was to be the agency designated to review plats for compliance.

THIS BILL WAS

There is little or no opposition to passage of a bill addressing the above stated issue. What has stood in the way of passage has been the issue of DEC having the power to approve or disapprove all subdivisions of any interest in any land. The surveying community represented by the Alaska Society of Professional Land Surveyors opposes this blanket DEC authority. ASPLS sees a narrower role for DEC in plats of survey. If title 46 utilized a definition of subdivision similar to title 29 and 40, DEC would be restricted from review of rectangular system surveys and remote parcels. Also, DEC approval on a plat is not seen as appropriate because DEC regulations are subject to change and a plat is designed to live forever. For those residential subdivisions that should be of concern to DEC let their certificates accompany rather than appear on the plat. The surveyors opposing the bill would like to see these issues combined and resolved in one bill.

PROPOSED ACTION: DNR is still interested in pursuing a bill that takes care of platting in the unorganized borough and enough of the DEC issue to make it palatable to the surveying community. To this end we have invited the surveying societies and DEC to iron out their differences and begin drafting legislation acceptable to both.

Post-It™ brand fax transmittal memo 7671 # of pages 1

To <u>DIT. Kelson</u>	From <u>Norm Johnson</u>
Co.	Co.
Dept.	Phone #
Fax #	Ext #

586-9520

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 Road
Fairbanks, AK 99709
(907) 479-2882/2856

2

Request Amend

February 14, 1996

Rep. Jennette James
Alaska State Capitol
Juneau, Alaska 99801

Attn: Walt Wilcox

Ref: HB 80, definition, Sec. 40.15.380(f)(1)

Dear Rep. James:

I recently checked over the files for this bill, in hopes that we can move it soon. It is possible that we overlooked something. If I am right, it should be non-controversial and easily fixed. The definition for the word subdivision appears in Title 29 as well as in Title 40, and is referenced in several other statutes. Uniformity of definition of the word subdivision is a very important technical point. The wording and the definition in HB 80 are OK, but we may need to include extra references so as not to have conflicting definitions in statute. See the enclosed copy of SB 211. Don't we need to include sections 1, 2 and ~~3~~ to avoid the conflict?

We hope this poses no difficulty for finishing the bill and moving it. I have included a copy of SB 211 of the Eighteenth Legislature. If you have any questions, do not hesitate to call me.

Sincerely yours,

Patrick Kalen, PLS
Chairman, Legislative Affairs Committee

ALASKA SOCIETY OF PROFESSIONAL LAND SURVEYORS
Patrick H. Kalen, Legislative Chair
(907) 479-2628 / Fax 479-8830

May 2, 1996

Senator Bert Sharp
Attn: Cam Toohey
Alaska State Senate
Juneau, Alaska
FAX 1-907-465-2070

Ref: HB 80, revisions to monuments requirements, Sec. 40.15.380(f)(1)

Dear Senator Sharp:

These two revisions to HB 80 are critical. We want very much to see Jeannette James' bill pass. Thank you for listening to us. The amendments are to give DOT&PF flexibility in monumenting rights-of-way, and to make the definition of the words "subdivision" and "street" uniform in statute. The language comes from Loren Leman's draft of SB 211 that was introduced as a Senate Resources Committee Bill in the 18th Legislature.

I have included a copy of the wording of the amendment on the next page. We hope that this bill can move from Senate Finance soon and become law. If you have any questions, do not hesitate to call me.

Sincerely yours,



Patrick Kalen, PLS
Chairman, Legislative Affairs Committee

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

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 Road
Fairbanks, AK 99709
(907) 479-2682/2694

①
Request Amended

February 13, 1996

Rep. Jeanette James
Alaska State Capitol
Juneau, AK 99801

Ref: HB 80, revisions to monuments requirements, Sec. 40.15.380(f)(1)

Dear Rep. James:

During the Surveying and Mapping Conference held February 5 to February 9 in Anchorage, it recently came to our attention that there is movement within DOT&PF toward greater flexibility in schemes for monumenting rights-of-way. There is broad support for this in the private sector, as we are finding the centerline monuments that have been popular and heavily used in recent years to be quite dangerous to work around. They also pose installation and maintenance problems for DOT&PF.

Discussions with DOT&PF lead us to suggest some revision to a portion of your bill that sets requirements for monumentation that is rigid and allows no flexibility for other methods of monumentation that address safety and efficiency. Proposed changes begin at line 17 on page 6 after the words "with appropriate identification set on", delete all words down to line 22, "all recovered monumented property corners of record-----". Substitute wording is as follows:

"points from which the right-of-way may be defined, not exceeding 1320 feet except when line of sight permits greater distances;"

I have included a copy of the marked up page. We hope that this bill can move from Senate Finance soon and become law. If you have any questions, do not hesitate to call me.

Sincerely yours,

Patrick Kalen, PLS
Chairman, Legislative Affairs Committee



Alaska Section
AMERICAN CONGRESS ON SURVEYING AND MAPPING

Patrick N. 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,


Patrick Kalen, Chairman of Legislative Affairs for ACSM



Alaska Section
AMERICAN CONGRESS ON SURVEYING AND MAPPING

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

February 21, 1995

Ref: HB NO. 80, Proposed Committee Substitute

Rep Jeanette James
State Capitol
Juneau, Alaska

Dear Rep James:

We appreciate the opportunity to testify today on your bill. We are impressed by the sensitivity you and your staff have shown to our concerns.

Apologies are extended to you for any difficulty my testimony may have presented. Although there are still some minor glitches in the committee substitute, it seemed obvious this afternoon that the bill should move out of the Community and Regional Affairs Committee. Hopefully, committee substitute language can be worked out in the Resources Committee.

As we have pointed out, much of that language was arrived at after long discussions with representatives of the affected parties in the room as the State Survey and Mapping Advisory Board met and drafted the rules in 1990 and 1991. Many compromises were made, so there are few changes that can be contemplated without opening up old arguments.

One such area is the monuments requirement. The changes sought in the area of monuments in section 40.15.320 by the DNR are a case in point. All concerned worried about increased costs for rural areas, and in our discussions in 1990 and 1991 we agreed after debate that primary monuments should not be require (although we had to admit that DNR might be able to sneak them in in regulation). The Statewide Platting Officer of DNR called me regarding revising this are last week. I advised him that we should be wary of revisions. I called him a couple times, but failed to connect due to conflicts with state working hours.

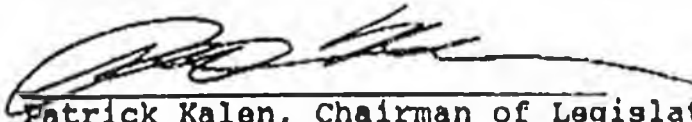
We do not support the requirement for primary monuments at controlling exterior corners, or the call for 5/8" rebar at interior corners. We think the original compromise language is adequate. Of course the DNR can propose to make these requirements in regulation. We agree with the representative at today's committee hearing who expressed concern over placing too much detail in statute.

Regarding the definition of the word "subdivision", we hope that you can look at SB 211 of the 18th legislature. We remain concerned about cluttering the definition. It may not be necessary to call out the Department of Public Facilities or the Department of Community and Regional affairs in the definition. Leasing is addressed in the Applicability section.

In addition to the language, also note that that bill also made the definition uniform throughout statute, and made it apply to all agencies. Since 1992, when we stopped SB 81 of the 17th Legislature at the 11th hour, we have placed the definition of "subdivision" and "street" ahead of the larger issue of the State Survey Authority.

We look forward to resolving these minor glitches. Please call me if you have any questions.

Sincerely,



Patrick Kalen, Chairman of Legislative Affairs for ACSM

Copy:

Mike Horne, Chairman of Legislative Affairs for ASPLS
Ron Swanson, Director, Division of Lands



Alaska Section
AMERICAN CONGRESS ON SURVEYING AND MAPPING

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

February 21, 1995

Ref: HB NO. 80, Proposed Committee Substitute

Rep Jeanette James
State Capitol
Juneau, Alaska

Attn: Walt Wilcox

Dear Rep James:

We are delighted by the new draft of HB 80. As we have noted in previous correspondence and testimony, many of the ideas, objections and specific concerns that have come up in the course of discussions of your bill were addressed in the language of SB 81 of the 17th legislature. Much of that language was arrived at after long discussions with representatives of the affected parties in the room as the State Survey and Mapping Advisory Board met and drafted the rules in 1990 and 1991. We see slightly changed language in the first two pages from that which the original State Survey Authority bill contained. It is written more concisely, while retaining the meaning and purpose of the original language by directly stating that the legislation refers to platting authority. (The original bill used cross references to title 29 instead of the words platting authority). We like the improved wording in the beginning of the bill.

The primary problem to resolve remains the area of the definition of the word "subdivision" on page 7, lines 6 through 17. We object to the exception in part A and to the exclusions for state agencies in part B of the definition.

Two things come to mind: First, one should consider what rules the state must work under in the majority of jurisdictions covering most of the land transactions in the state. That is, does the state enjoy such exemptions in organized platting authority areas? We think not. Second is the difference between temporary transfer of limited interests such as leases. The original bill, and, of course, your proposed committee substitute, limit applicability of the survey authority in Section 40.15.360, APPLICABILITY (page 5, line 4). Transfer of leasehold interests, extraction of natural resources, issuance of permits and disposal of aliquot part descriptions over 40 acres are not subject to platting authority.

8-LS10151E

ORIGINAL

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 SUBDIVIDING 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.

STATE

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

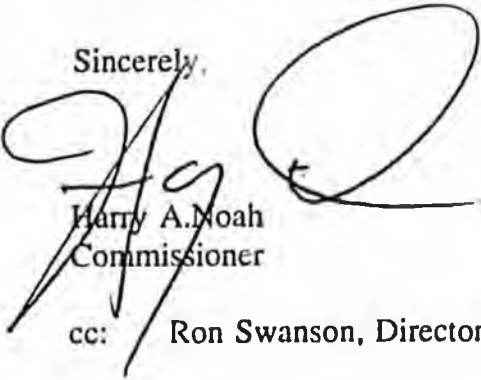
Dear Representative James:

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

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