

ALASKA LEGISLATURE COMMITTEE BILL FILES - 1987 - 1988 8879

HB 111, CSHB 111 . . . . . 260

HB

|||



STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST: \_\_\_\_\_  
 Revision Date: April 7, 1987  
 Title: Survey requirements for State land disposal  
 Sponsor: Koponen, Zawacki, Navarre, Martin  
 Requestor: House Finance

Bill Version: CS HB 111 Res  
 Publish Date: \_\_\_\_\_  
 Agency Affected: Natural Resources  
 BRU: Land and Water Management  
 Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		**				

\*\* \$25-\$60 per acre of land transferred

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Total cost will be dependent upon the number of acres transferred by the state.

Prepared by: Larry Ostrovsky Phone: 465-2400  
 Division: Commissioner's Office Date: 4/7/87

Approved by Commissioner: Jennie Boston Gorsuch Date: 4/8/87  
 Agency: Natural Resources

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)  
 Senate Secretary

RECEIVED  
APR 03 1987

LEGISLATIVE FINANCE

Original sponsors: Koponen, Zawacki,  
Navarre, et al.

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 111 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to survey requirements for state  
7 land intended for disposal and to the description of  
8 the land; and providing for an effective date."

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

10 \* Section 1. AS 38.04.045(b) is amended to read:

11 (b) Before the conveyance of surface rights to state land of-  
12 fered under AS 38.05.055 - 38.05.057, AS 38.08, or AS 38.09, an offi-  
13 cial rectangular [CADASTRAL] survey grid shall be accomplished, unless  
14 a comparable, acceptable survey exists that has been conducted by the  
15 federal Bureau of Land Management. The rectangular survey section  
16 corner positions shall be monumented and shown on a cadastral survey  
17 plat approved by the state. For [HOWEVER, FOR] those areas where the  
18 state may wish to convey surface estate outside of an official rectan-  
19 gular [CADASTRAL] survey grid, the commissioner [DIRECTOR] may waive  
20 monumentation of [ALL] individual section corner positions and substi-  
21 tute an official control survey with control points being monumented  
22 and shown on control survey plats approved by the state. The commis-  
23 sioner may not issue more than one conveyance for each two sections or  
24 portions of sections within a township outside of an official rectan-  
25 gular survey grid. No portion of land to be conveyed may be located  
26 more than two miles from [SUCH] a survey control monument except that  
27 the commissioner may waive this requirement on a determination that a  
28 single purpose use does [TOPOGRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR  
29 THE PUBLIC INTEREST DO] not justify the requirement. The lots and

1 tracts in state subdivisions shall be monumented and the cadastral  
2 survey and plats for the subdivision shall be approved by the state.  
3 Where land is located within a municipality with planning, platting,  
4 and zoning powers, plats for state subdivisions shall comply with  
5 local ordinances and regulations in the same manner and to the same  
6 extent as plats for subdivisions by other landowners. State subdivi-  
7 sions shall be filed in the district recorder's office. The re-  
8 quirements of this section do not apply to land made available through  
9 a cabin permit system, for material sales, for [OR] short-term leases,  
10 for parcels adjoining a surveyed right-of-way, or for areas that have  
11 been open to random staking under the remote parcel program or  
12 homestead program in the past; however, for short-term leases the  
13 lessee must comply with local subdivision ordinances unless waived by  
14 the municipality under procedures specified by ordinance. In this  
15 subsection, "a single purpose use" includes a communication site, an  
16 aid to navigation, and a park site.

17 \* Sec. 2. AS 38.09.010(b) is amended to read:

18 (b) The commissioner shall complete a rectangular [CADASTRAL]  
19 survey grid of homestead entry state land under AS 38.04.045 before  
20 disposing of state land for homestead entry. A homestead entry parcel  
21 shall be established in aliquot parts of a surveyed section or as lots  
22 or tracts that are fractions of aliquot parts of a surveyed section.  
23 The commissioner shall ensure practical access to each homestead entry  
24 parcel but the commissioner may waive the rectangular [CADASTRAL]  
25 survey grid if no more than one conveyance is made for each two  
26 sections or portions of sections within a township [ON A DETERMINATION  
27 THAT TOPOGRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR THE PUBLIC INTEREST  
28 DO NOT JUSTIFY OR REQUIRE THE CADASTRAL SURVEY].

29 \* Sec. 3. AS 38.09.020(a) is amended to read:

1 (a) A homestead entry permit entitles an applicant to enter land  
2 within an area designated under AS 38.09.010 and to [SURVEY,] occupy  
3 [,] and improve the land in order to qualify for a patent under this  
4 chapter.

5 \* Sec. 4. AS 38.09.020(b) is amended to read:

6 (b) An applicant for a homestead entry permit shall personally  
7 stake the corners and flag the boundaries of the land entered under  
8 this chapter and shall personally file with the commissioner a de-  
9 scription of the land entered. A homestead entry shall be described  
10 by aliquot parts unless otherwise permitted by the commissioner. The  
11 commissioner may require the applicant to establish a deposit for the  
12 costs of survey before issuing the homestead entry permit.

13 \* Sec. 5. AS 38.09.040(a) is amended to read:

14 (a) A homestead entry permit may be revoked by the commissioner  
15 for any substantial breach of the permit conditions or the require-  
16 ments of this chapter, including

17 (1) an assignment, conveyance, or transfer of the permit  
18 not authorized under AS 38.09.030(c);

19 (2) failure of the permit holder to submit an aliquot parts  
20 description of the homestead entry or, a plat of survey where the  
21 commissioner waived the requirement of a rectangular survey grid to  
22 the commissioner within five [TWO] years after the issuance of the  
23 permit [OR UNDER (b) OF THIS SECTION];

24 (3) failure of the permit holder to erect a dwelling in the  
25 time required under AS 38.09.050(a), except that if the commissioner  
26 finds that the dwelling has been nearly completed and progress toward  
27 completion is being made at the expiration of the time required, the  
28 commissioner may extend the time required for completion for not more  
29 than one year;

1 (4) failure to brush the boundaries of the land within 90  
2 days after issuance of the homestead entry permit unless the parcel is  
3 described by aliquot parts;

4 (5) failure to clear and either put into production or  
5 prepare for cultivation 25 percent of the land classified for agricul-  
6 tural use within five years after the issuance of the permit.

7 \* Sec. 6. AS 38.09.050(a) is amended to read:

8 (a) The commissioner shall issue a patent to homestead entry  
9 land if the permit holder

10 (1) resides and lives on the homestead entry land for not  
11 less than 25 months within five years after the issuance of the home-  
12 stead entry permit;

13 (2) submits an aliquot parts description or completes an  
14 approved survey of the land in an area where the commissioner waives  
15 the rectangular survey grid within five [TWO] years after the issuance  
16 of the permit [OR UNDER AS 38.09.040(b)];

17 (3) erects a habitable, permanent dwelling on the homestead  
18 within three years after the issuance of the homestead entry permit;

19 (4) brushes the boundaries of the land unless the parcel is  
20 described by aliquot parts within 90 days after the issuance of the  
21 permit;

22 (5) clears and either puts into production or prepares for  
23 cultivation either 25 percent of the land classified for agricultural  
24 use or 50 percent of the land having class II or III soils, whichever  
25 is less, within five years after issuance of the permit.

26 \* Sec. 7. AS 38.09.040(b) is repealed.

27 \* Sec. 8. This Act takes effect immediately under AS 01.10.070(c).

# Alaska Society of Professional Land Surveyors

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



P.O. BOX 81588  
FAIRBANKS, ALASKA 99708

April 28, 1987

House Finance Committee  
Al Adams, Chairman  
Pouch V  
Juneau, AK 99811

Ref: HB 111 (Cadastral Survey Bill)

Dear Representative Adams:

Members of the Alaska Society of Professional Land Surveyors have been working with the legislature on a cadastral survey bill since 1984, when the first draft appeared.

In 1985, during the Fourteenth Legislature, HB 286 was introduced, sponsored by Representative Niilo Koponen, with co-sponsors including Mike M. Miller, John Sund, Peter Goll, Terry Martin, Rick Uehling, and Roger Jenkins. HB 286 passed the House by a vote of 32 to 8, but languished in the Senate, partially due to concerns by Senator Rick Halford that it might be overly restrictive, but also because session time had run out.

Similar concerns surfaced when the re-introduced bill, HB 111, came up for a hearing in House Resources this year. This February, members of the Alaska Society of Professional Land Surveyors met with Senator Halford, Representative Heinrich Springer, and Department of Natural Resources personnel, and a compromise was worked out to our mutual satisfaction. Most significant was a provision for recovery of some of the cost of cadastral surveys the state has invested in from entrymen.

HB111 would be income-generating in effect, not in great amounts, but enough to fund a few survey positions at DNR without looking for additional funds. We urge that the House Finance Committee schedule HB 111 for a hearing as soon as possible, with a view towards passage this year. It would be inconsistent fiscal policy to cut the budget while allowing a non-controversial, painless, income generating bill to die in committee.

Sincerely yours,

Patrick H. Kalen, PLS,  
President, A.S.P.L.S.

Alaska State Legislature  
Representative Niilo Koponen



Pouch V  
Juneau, Alaska 99811  
(907) 465-4992

542 4th Avenue, Suite C  
Fairbanks, Alaska 99701  
(907) 456-8161

MEMORANDUM

TO: REPRESENTATIVE AL ADAMS  
FROM: REPRESENTATIVE NIILLO KOPONE'N  
DATE: 4 MAY 1987



RE: CSHB111 (Res), "An Act relating to survey requirements for state land intended for disposal and to the description of the land; and providing for an effective date."

I would greatly appreciate your scheduling CSHB111(Res) for hearing in House Finance as soon as possible.

My justification for this bill is contained in the attached copy of my earlier memo, and in the attached position paper.

Attachments

Alaska State Legislature  
Representative Niilo Koponen

Pouch V  
Juneau, Alaska 99811  
(907) 465-4992

542 4th Avenue, Suite C  
Fairbanks, Alaska 99701  
(907) 456-8161

MEMORANDUM

TO: REPRESENTATIVE AL ADAMS  
FROM: REPRESENTATIVE NIILLO KOPONEN  
DATE: 14 APRIL 1987  
RE: CSHB111(Res)

I would appreciate it if you would schedule CSHB111(Res) for hearing in House Finance at your earliest convenience.

The purpose of this legislation is to encourage the use of the proven standard rectangular land survey system (cadastral surveys) on state lands prior to their disposal, to reduce the costs of survey to citizens obtaining state lands, and to provide for reimbursement of survey costs by the state.

CSHB111(Res) Sec. 1 amends AS 38.04.045 (Survey and subdivision) by prescribing limits to the Department of Natural Resources' authority to dispose of land without prior rectangular survey, but allowing old disposal areas to continue to have disposals based on the non-rectangular survey systems that had already been in use there. It also waives the prior rectangular survey requirement for parcels adjoining surveyed rights-of-way and for single-purpose use sites such as communications sites.

Sec. 2, 4, & 5 amend AS 38.09 (Homestead Act) by applying similar limits to conveyances of homestead entry parcels without prior rectangular survey, by providing for the recovery of the costs of prior rectangular survey by the state from the homestead entry applicant, and by allowing more time for applicants to have a survey performed in those cases where their homesteads were made available to the public without prior rectangular survey.

CSHB111(Res) has a zero fiscal note.

If you need further information on this bill, please feel free to contact me or my staff.

Alaska State Legislature  
Representative Niilo Koponen

Pouch V  
Juneau, Alaska 99811  
(907) 465-4992

542 4th Avenue, Suite C  
Fairbanks, Alaska 99701  
(907) 456-8161

POSITION PAPER

CSHB 111 (Res) - An Act relating to survey requirements for state land intended for disposal and to the description of the land; and providing for an effective date

Representative Niilo Koponen  
14 April 1987

CSHB 111 (Res) will implement proven land survey goals for continuing disposal of state lands to Alaskan citizens and will facilitate ready identification and good legal title of parcels so transferred. This bill is a modification of HB 286, which passed the House last year.

In the recent past land disposals have been made in haste, without the benefit of boundaries being monumented and identified on the ground. In the name of expediency and false economy land was released without regard to a proven identification system that has been in use on the federal lands for 200 years.

This system is the cadastral rectangular land survey, which allows every parcel to be readily identified, plotted accurately on status maps, and greatly reduces boundary disputes. Federal law prescribes that all public domain lands be physically surveyed and monumented in conformance with the rectangular survey and aliquot part system prior to disposal. This cadastral system has been followed in all public domain states except Alaska during the last decade.

Since this survey requirement was waived we have over-relied on a system of metes and bounds, the oldest and least desirable of all possible land identification systems. It creates a patchwork of oddly shaped and irregularly adjoining parcels to which access and intelligent utility distribution is next to impossible. It creates slivers of unclaimed state land that become worthless to the citizens of the state. It is expensive and difficult to survey accurately, creates voluminous land records, and makes it impossible to plot parcels correctly on a status map without a field survey and encumbers all residual land within a township until all applicants' parcels are individually surveyed.

For a new land applicant the problems are just beginning. He must shoulder the expensive burden of having an adequate survey made in preparation of a legal description of the land, necessary to obtain financing for improvements, and clear title. Boundary problems with neighbors often occur and the landowner may find no legal or practical access to his parcel.

CSHB 111 (Res) will greatly reduce these inequities and shortcomings. It will again set in place a proven system of land identification as the state's primary land survey system prior to disposal of lands, while still allowing the Commissioner, in carefully limited instances, the authority to prepare for disposal of certain lands by alternative survey methods when absolutely necessary. A law of parallel intent (HB170 Chapter 32 SLA 85) for privately held lands is already in place.

Original sponsors: Koponen, Zawacki,  
Navarre, et al.

1 IN THE HOUSE BY THE RESOURCES COMMITTEE  
2 CS FOR HOUSE BILL NO. 111 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to survey requirements for state  
7 land intended for disposal and to the description of  
8 the land; and providing for an effective date."

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

10 \* Section 1. AS 38.04.045(b) is amended to read:

11 (b) Before the conveyance of surface rights to state land of-  
12 fered under AS 38.05.055 - 38.05.057, AS 38.08, or AS 38.09, an offi-  
13 cial rectangular [CADASTRAL] survey grid shall be accomplished, unless  
14 a comparable, acceptable survey exists that has been conducted by the  
15 federal Bureau of Land Management. The rectangular survey section  
16 corner positions shall be monumented and shown on a cadastral survey  
17 plat approved by the state. For [HOWEVER, FOR] those areas where the  
18 state may wish to convey surface estate outside of an official rectan-  
19 gular [CADASTRAL] survey grid, the commissioner [DIRECTOR] may waive  
20 monumentation of [ALL] individual section corner positions and substi-  
21 tute an official control survey with control points being monumented  
22 and shown on control survey plats approved by the state. The commis-  
23 sioner may not issue more than one conveyance for each two sections or  
24 portions of sections within a township outside of an official rectan-  
25 gular survey grid. No portion of land to be conveyed may be located  
26 more than two miles from [SUCH] a survey control monument except that  
27 the commissioner may waive this requirement on a determination that a  
28 single purpose use does [TOPOGRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR  
29 THE PUBLIC INTEREST DO] not justify the requirement. The lots and

1 tracts in state subdivisions shall be monumented and the cadastral  
2 survey and plats for the subdivision shall be approved by the state.  
3 Where land is located within a municipality with planning, platting,  
4 and zoning powers, plats for state subdivisions shall comply with  
5 local ordinances and regulations in the same manner and to the same  
6 extent as plats for subdivisions by other landowners. State subdivi-  
7 sions shall be filed in the district recorder's office. The re-  
8 quirements of this section do not apply to land made available through  
9 a cabin permit system, for material sales, for [OR] short-term leases,  
10 for parcels adjoining a surveyed right-of-way, or for areas that have  
11 been open to random staking under the remote parcel program or  
12 homestead program in the past; however, for short-term leases the  
13 lessee must comply with local subdivision ordinances unless waived by  
14 the municipality under procedures specified by ordinance. In this  
15 subsection, "a single purpose use" includes a communication site, an  
16 aid to navigation, and a park site.

17 \* Sec. 2. AS 38.09.010(b) is amended to read:

18 (b) The commissioner shall complete a rectangular [CADASTRAL]  
19 survey grid of homestead entry state land under AS 38.04.045 before  
20 disposing of state land for homestead entry. A homestead entry parcel  
21 shall be established in aliquot parts of a surveyed section or as lots  
22 or tracts that are fractions of aliquot parts of a surveyed section.  
23 The commissioner shall ensure practical access to each homestead entry  
24 parcel but the commissioner may waive the rectangular [CADASTRAL]  
25 survey grid if no more than one conveyance is made for each two  
26 sections or portions of sections within a township [ON A DETERMINATION  
27 THAT TOPOGRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR THE PUBLIC INTEREST  
28 DO NOT JUSTIFY OR REQUIRE THE CADASTRAL SURVEY].

29 \* Sec. 3. AS 38.09.020(a) is amended to read:

1 (a) A homestead entry permit entitles an applicant to enter land  
2 within an area designated under AS 38.09.010 and to [SURVEY,] occupy  
3 [,] and improve the land in order to qualify for a patent under this  
4 chapter.

5 \* Sec. 4. AS 38.09.020(b) is amended to read:

6 (b) An applicant for a homestead entry permit shall personally  
7 stake the corners and flag the boundaries of the land entered under  
8 this chapter and shall personally file with the commissioner a de-  
9 scription of the land entered. A homestead entry shall be described  
10 by aliquot parts unless otherwise permitted by the commissioner. The  
11 commissioner may require the applicant to establish a deposit for the  
12 costs of survey before issuing the homestead entry permit.

13 \* Sec. 5. AS 38.09.040(a) is amended to read:

14 (a) A homestead entry permit may be revoked by the commissioner  
15 for any substantial breach of the permit conditions or the require-  
16 ments of this chapter, including

17 (1) an assignment, conveyance, or transfer of the permit  
18 not authorized under AS 38.09.030(c);

19 (2) failure of the permit holder to submit an aliquot parts  
20 description of the homestead entry or, a plat of survey where the  
21 commissioner waived the requirement of a rectangular survey grid to  
22 the commissioner within five [TWO] years after the issuance of the  
23 permit [OR UNDER (b) OF THIS SECTION];

24 (3) failure of the permit holder to erect a dwelling in the  
25 time required under AS 38.09.050(a), except that if the commissioner  
26 finds that the dwelling has been nearly completed and progress toward  
27 completion is being made at the expiration of the time required, the  
28 commissioner may extend the time required for completion for not more  
29 than one year;

1 (4) failure to brush the boundaries of the land within 90  
2 days after issuance of the homestead entry permit unless the parcel is  
3 described by aliquot parts;

4 (5) failure to clear and either put into production or  
5 prepare for cultivation 25 percent of the land classified for agricul-  
6 tural use within five years after the issuance of the permit.

7 \* Sec. 6. AS 38.09.050(a) is amended to read:

8 (a) The commissioner shall issue a patent to homestead entry  
9 land if the permit holder

10 (1) resides and lives on the homestead entry land for not  
11 less than 25 months within five years after the issuance of the home-  
12 stead entry permit;

13 (2) submits an aliquot parts description or completes an  
14 approved survey of the land in an area where the commissioner waives  
15 the rectangular survey grid within five [TWO] years after the issuance  
16 of the permit [OR UNDER AS 38.09.040(b)];

17 (3) erects a habitable, permanent dwelling on the homestead  
18 within three years after the issuance of the homestead entry permit;

19 (4) brushes the boundaries of the land unless the parcel is  
20 described by aliquot parts within 90 days after the issuance of the  
21 permit;

22 (5) clears and either puts into production or prepares for  
23 cultivation either 25 percent of the land classified for agricultural  
24 use or 50 percent of the land having class II or III soils, whichever  
25 is less, within five years after issuance of the permit.

26 \* Sec. 7. AS 38.09.040(b) is repealed.

27 \* Sec. 8. This Act takes effect immediately under AS 01.10.070(c).

1 IN THE HOUSE

BY KOPONEN, ZAWACKI,  
NAVARRE AND MARTIN

2

HOUSE BILL NO. 111

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to survey requirements for state  
7 land intended for disposal and to the description of  
8 the land; and providing for an effective date."

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

10 \* Section 1. AS 38.04.045(b) is amended to read:

11 (b) Before the conveyance of surface rights to state land, an  
12 official cadastral survey shall be accomplished, unless a comparable,  
13 acceptable survey exists that has been conducted by the federal Bureau  
14 of Land Management. The rectangular survey section corner positions  
15 shall be monumented and shown on a cadastral survey plat approved by  
16 the state. [HOWEVER, FOR THOSE AREAS WHERE THE STATE MAY WISH TO  
17 CONVEY SURFACE ESTATE OUTSIDE OF AN OFFICIAL CADASTRAL SURVEY GRID,  
18 THE DIRECTOR MAY WAIVE MONUMENTATION OF ALL INDIVIDUAL SECTION CORNER  
19 POSITIONS AND SUBSTITUTE AN OFFICIAL CONTROL SURVEY WITH CONTROL  
20 POINTS BEING MONUMENTED AND SHOWN ON CONTROL SURVEY PLATS APPROVED BY  
21 THE STATE. NO PORTION OF LAND TO BE CONVEYED MAY BE LOCATED MORE THAN  
22 TWO MILES FROM SUCH A SURVEY CONTROL MONUMENT EXCEPT THAT THE COMMIS-  
23 SIONER MAY WAIVE THIS REQUIREMENT ON A DETERMINATION THAT TOPOGRAPHIC  
24 FEATURES, DIFFUSE SETTLEMENT, OR THE PUBLIC INTEREST DO NOT JUSTIFY  
25 THE REQUIREMENT.] The lots and tracts in state subdivisions shall be  
26 monumented and the cadastral survey and plats for the subdivision  
27 shall be approved by the state. Where land is located within a munic-  
28 ipality with planning, platting, and zoning powers, plats for state  
29 subdivisions shall comply with local ordinances and regulations in the

1 same manner and to the same extent as plats for subdivisions by other  
2 landowners. State subdivisions shall be filed in the district re-  
3 corder's office. The requirements of this section do not apply to  
4 land made available through a cabin permit system, material sales, or  
5 short-term leases; however, for short-term leases the lessee must  
6 comply with local subdivision ordinances unless waived by the munic-  
7 ipality under procedures specified by ordinance.

8 \* Sec. 2. AS 38.09.010(b) is amended to read:

9 (b) The commissioner shall complete a cadastral survey of home-  
10 stead entry state land under AS 38.04.045 before disposing of state  
11 land for homestead entry. A homestead entry parcel shall be estab-  
12 lished in aliquot parts of a surveyed section or as lots or tracts  
13 that are fractions of aliquot parts of a surveyed section. The com-  
14 missioner shall ensure practical access to each homestead entry parcel  
15 [BUT THE COMMISSIONER MAY WAIVE THE CADASTRAL SURVEY ON A DETERMINA-  
16 TION THAT TOPOGRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR THE PUBLIC  
17 INTEREST DO NOT JUSTIFY OR REQUIRE THE CADASTRAL SURVEY].

18 \* Sec. 3. AS 38.09.020(a) is amended to read:

19 (a) A homestead entry permit entitles an applicant to enter land  
20 within an area designated under AS 38.09.010 and to [SURVEY,] occupy  
21 [,] and improve the land in order to qualify for a patent under this  
22 chapter.

23 \* Sec. 4. AS 38.09.040(a) is amended to read:

24 (a) A homestead entry permit may be revoked by the commissioner  
25 for any substantial breach of the permit conditions or the require-  
26 ments of this chapter, including

27 (1) an assignment, conveyance, or transfer of the permit  
28 not authorized under AS 38.09.030(c);

29 (2) failure of the permit holder to submit an aliquot parts

1        description of the homestead entry [A PLAT OF SURVEY] to the commis-  
2        sioner within two years after the issuance of the permit or under (b)  
3        of this section;

4                (3) failure of the permit holder to erect a dwelling in the  
5        time required under AS 38.09.050(a), except that if the commissioner  
6        finds that the dwelling has been nearly completed and progress toward  
7        completion is being made at the expiration of the time required, the  
8        commissioner may extend the time required for completion for not more  
9        than one year;

10               (4) failure to brush the boundaries of the land within 90  
11        days after issuance of the homestead entry permit;

12               (5) failure to clear and either put into production or  
13        prepare for cultivation 25 percent of the land classified for agricul-  
14        tural use within five years after the issuance of the permit.

15        \* Sec. 5. AS 38.09.050(a) is amended to read:

16               (a) The commissioner shall issue a patent to homestead entry  
17        land if the permit holder

18                (1) resides and lives on the homestead entry land for not  
19        less than 25 months within five years after the issuance of the home-  
20        stead entry permit;

21                (2) submits an aliquot parts description [COMPLETES AN  
22        APPROVED SURVEY] of the land within two years after the issuance of  
23        the permit [OR UNDER AS 38.09.040(b)];

24                (3) erects a habitable, permanent dwelling on the homestead  
25        within three years after the issuance of the homestead entry permit;

26                (4) brushes the boundaries of the land within 90 days after  
27        the issuance of the permit;

28                (5) clears and either puts into production or prepares for  
29        cultivation either 25 percent of the land classified for agricultural

- 1        use or 50 percent of the land having class II or III soils, whichever  
2        is less, within five years after issuance of the permit.
- 3        \* Sec. 6. AS 38.09.040(b) is repealed.
- 4        \* Sec. 7. This Act takes effect July 1, 1988.

CSHB

///

SENATE COMMITTEE REPORT

FURTHER:

5/18/87

DATE TURNED INTO OFFICE 5/17/88

Mr. President:

FINANCE Committee considered CSHB 111(Res)

survey requirements for state land intended for disposal and to the description of the land; efd.

and recommended:

replace with CS FOR CSHB 111 (Fin)  same title  
 or adopt \_\_\_\_\_ CS FOR \_\_\_\_\_ )  new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

letter of intent adopted \_\_\_\_\_

Committee  attached or  adopted fiscal note(s)

new  updated or  previous  
 zero  fiscal impact  
*SFC*

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

*[Handwritten signatures]*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*[Handwritten signatures]*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*[Handwritten signature]*  
\_\_\_\_\_  
Chairman signature and recommendation

Committee Backup Attached

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Dept. of Natural Resources  
 Title: Survey requirements for state land disposal BRU: Land and Water Management  
 Sponsor: Koponen, et al  
 Requestor: Senate Finance Committee Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: *Rick Halford* Phone: 465-3753  
 Division: Senator Rick Halford, Co-chairman Date: May 7, 1988  
Senate Finance Committee  
 Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Agency: \_\_\_\_\_

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

Original sponsors: Koponen, Zawacki,  
Navarre, et al.

1 IN THE HOUSE

BY THE <sup>Finance</sup> RESOURCES COMMITTEE

2

SCS FOR HOUSE BILL NO. 111 (<sup>Finance</sup> Resources)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to survey requirements for state  
7 land intended for disposal and to the description of  
8 the land; and providing for an effective date."

9

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

10

\* Section 1. AS 38.04.045(b) is amended to read:

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

(b) Before the conveyance of surface rights to state land of-  
ferred under AS 38.05.055 - 38.05.057, AS 38.08, or AS 38.09, an offi-  
cial rectangular [CADASTRAL] survey grid shall be accomplished, unless  
a comparable, acceptable survey exists that has been conducted by the  
federal Bureau of Land Management. The rectangular survey section  
corner positions shall be monumented and shown on a cadastral survey  
plat approved by the state. For [HOWEVER, FOR] those areas where the  
state may wish to convey surface estate outside of an official rectan-  
gular [CADASTRAL] survey grid, the commissioner [DIRECTOR] may waive  
monumentation of [ALL] individual section corner positions and substi-  
tute an official control survey with control points being monumented  
and shown on control survey plats approved by the state. The commis-  
sioner may not issue more than one conveyance for each ~~two~~ sections<sup>a</sup> or  
portions of ~~sections~~ within a township outside of an official rectan-  
gular survey grid. No portion of land to be conveyed may be located  
more than two miles from [SUCH] a survey control monument except that  
the commissioner may waive this requirement on a determination that a  
single purpose use does [TOPOGRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR  
THE PUBLIC INTEREST DO] not justify the requirement. The lots and

1 tracts in state subdivisions shall be monumented and the cadastral  
2 survey and plats for the subdivision shall be approved by the state.  
3 Where land is located within a municipality with planning, platting,  
4 and zoning powers, plats for state subdivisions shall comply with  
5 local ordinances and regulations in the same manner and to the same  
6 extent as plats for subdivisions by other landowners. State subdivi-  
7 sions shall be filed in the district recorder's office. The re-  
8 quirements of this section do not apply to land made available through  
9 a cabin permit system, for material sales, for [OR] short-term leases,  
10 for parcels adjoining a surveyed right-of-way, or for areas that have  
11 been open to random staking under the remote parcel program or  
12 homestead program in the past; however, for short-term leases the  
13 lessee must comply with local subdivision ordinances unless waived by  
14 the municipality under procedures specified by ordinance. In this  
15 subsection, "a single purpose use" includes a communication site, an  
16 aid to navigation, and a park site.

17 \* Sec. 2. AS 38.09.010(b) is amended to read:

18 (b) The commissioner shall complete a rectangular [CADASTRAL]  
19 survey grid of homestead entry state land under AS 38.04.045 before  
20 disposing of state land for homestead entry. A homestead entry parcel  
21 shall be established in aliquot parts of a surveyed section or as lots  
22 or tracts that are fractions of aliquot parts of a surveyed section.  
23 The commissioner shall ensure practical access to each homestead entry  
24 parcel but the commissioner may waive the rectangular [CADASTRAL]  
25 survey grid if no more than one conveyance is made for each ~~two~~  
26 sections, or portions of <sup>a</sup>sections, within a township [ON A DETERMINATION  
27 THAT TOPOGRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR THE PUBLIC INTEREST  
28 DO NOT JUSTIFY OR REQUIRE THE CADASTRAL SURVEY].

29 \* Sec. 3. AS 38.09.020(a) is amended to read:

1           (a) A homestead entry permit entitles an applicant to enter land  
2 within an area designated under AS 38.09.010 and to [SURVEY,] occupy  
3 [,] and improve the land in order to qualify for a patent under this  
4 chapter.

5 \* Sec. 4. AS 38.09.020(b) is amended to read:

6           (b) An applicant for a homestead entry permit shall personally  
7 stake the corners and flag the boundaries of the land entered under  
8 this chapter and shall personally file with the commissioner a de-  
9 scription of the land entered. A homestead entry shall be described  
10 by aliquot parts unless otherwise permitted by the commissioner. The  
11 commissioner may require the applicant to establish a deposit for the  
12 costs of survey before issuing the homestead entry permit.

13 \* Sec. 5. AS 38.09.040(a) is amended to read:

14           (a) A homestead entry permit may be revoked by the commissioner  
15 for any substantial breach of the permit conditions or the require-  
16 ments of this chapter, including

17                 (1) an assignment, conveyance, or transfer of the permit  
18 not authorized under AS 38.09.030(c);

19                 (2) failure of the permit holder to submit an aliquot parts  
20 description of the homestead entry or, a plat of survey where the  
21 commissioner waived the requirement of a rectangular survey grid to  
22 the commissioner within five [TWO] years after the issuance of the  
23 permit [OR UNDER (b) OF THIS SECTION];

24                 (3) failure of the permit holder to erect a dwelling in the  
25 time required under AS 38.09.050(a), except that if the commissioner  
26 finds that the dwelling has been nearly completed and progress toward  
27 completion is being made at the expiration of the time required, the  
28 commissioner may extend the time required for completion for not more  
29 than one year;

1 (4) failure to brush the boundaries of the land within 90  
2 days after issuance of the homestead entry permit unless the parcel is  
3 described by aliquot parts;

4 (5) failure to clear and either put into production or  
5 prepare for cultivation 25 percent of the land classified for agricul-  
6 tural use within five years after the issuance of the permit.

7 \* Sec. 6. AS 38.09.050(a) is amended to read:

8 (a) The commissioner shall issue a patent to homestead entry  
9 land if the permit holder

10 (1) resides and lives on the homestead entry land for not  
11 less than 25 months within five years after the issuance of the home-  
12 stead entry permit;

13 (2) submits an aliquot parts description or completes an  
14 approved survey of the land in an area where the commissioner waives  
15 the rectangular survey grid within five [TWO] years after the issuance  
16 of the permit [OR UNDER AS 38.09.040(b)];

17 (3) erects a habitable, permanent dwelling on the homestead  
18 within three years after the issuance of the homestead entry permit;

19 (4) brushes the boundaries of the land unless the parcel is  
20 described by aliquot parts within 90 days after the issuance of the  
21 permit;

22 (5) clears and either puts into production or prepares for  
23 cultivation either 25 percent of the land classified for agricultural  
24 use or 50 percent of the land having class II or III soils, whichever  
25 is less, within five years after issuance of the permit.

26 \* Sec. 7. AS 38.09.040(b) is repealed.

27 \* Sec. 8. This Act takes effect immediately under AS 01.10.070(c).

Original sponsors: Koponen, Zawacki,  
Navarre, et al.

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 111 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to survey requirements for state  
7 land intended for disposal and to the description of  
8 the land; and providing for an effective date."

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

10 \* Section 1. AS 38.04.045(b) is amended to read:

11 (b) Before the issuance of a long-term lease under AS 38.05.070  
12 or of a patent for [CONVEYANCE OF SURFACE RIGHTS TO] state land, an  
13 official cadastral survey shall be accomplished, unless a comparable,  
14 approved [ACCEPTABLE] survey exists that has been conducted by the  
15 federal Bureau of Land Management. Before land may be offered under  
16 AS 38.05.055 - 38.05.057, AS 38.08, or AS 38.09, an official rectangu-  
17 lar survey grid shall be established. The rectangular survey section  
18 corner positions shall be monumented and shown on a cadastral survey  
19 plat approved by the state. For [HOWEVER, FOR] those areas where the  
20 state may wish to convey surface estate outside of an official rectan-  
21 gular [CADASTRAL] survey grid, the commissioner [DIRECTOR] may waive  
22 monumentation of [ALL] individual section corner positions and substi-  
23 tute an official control survey with control points being monumented  
24 and shown on control survey plats approved by the state. The commis-  
25 sioner may not issue more than one conveyance for each section within  
26 a township outside of an official rectangular survey grid. No portion  
27 of land to be conveyed may be located more than two miles from an  
28 official [SUCH A] survey control monument except that the commissioner  
29 may waive this requirement on a determination that a single purpose

1 use does [TOPOGRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR THE PUBLIC  
2 INTEREST DO] not justify the requirement if the existing status of the  
3 land is known with reasonable certainty. The lots and tracts in state  
4 subdivisions shall be monumented and the cadastral survey and plats  
5 for the subdivision shall be approved by the state. Where land is  
6 located within a municipality with planning, platting, and zoning  
7 powers, plats for state subdivisions shall comply with local ordi-  
8 nances and regulations in the same manner and to the same extent as  
9 plats for subdivisions by other landowners. State subdivisions shall  
10 be filed in the district recorder's office. The requirements of this  
11 section do not apply to land made available through a cabin permit  
12 system, for material sales, for [OR] short-term leases, for parcels  
13 adjoining a surveyed right-of-way, or for land that has been open to  
14 random staking under the remote parcel program or homestead program in  
15 the past; however, for short-term leases the lessee must comply with  
16 local subdivision ordinances unless waived by the municipality under  
17 procedures specified by ordinance. In this subsection, "a single  
18 purpose use" includes a communication site, an aid to navigation, and  
19 a park site.

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

21 (12) "long-term lease" means a lease for a term of 10 years  
22 or more.

23 \* Sec. 3. AS 38.09.010(b) is amended to read:

24 (b) The commissioner shall complete a rectangular [CADASTRAL]  
25 survey grid of homestead entry state land under AS 38.04.045 before  
26 disposing of state land for homestead entry. A homestead entry parcel  
27 shall be established in aliquot parts of a surveyed section or as lots  
28 or tracts that are fractions of aliquot parts of a surveyed section.  
29 The commissioner shall ensure practical access to each homestead entry

1 parcel but the commissioner may waive the rectangular [CADASTRAL]  
2 survey grid if no more than one conveyance is made for each section  
3 within a township [ON A DETERMINATION THAT TOPOGRAPHIC FEATURES,  
4 DIFFUSE SETTLEMENT, OR THE PUBLIC INTEREST DO NOT JUSTIFY OR REQUIRE  
5 THE CADASTRAL SURVEY].

6 \* Sec. 4. AS 38.09.020(b) is amended to read:

7 (b) An applicant for a homestead entry permit shall personally  
8 stake the corners and flag the boundaries of the land entered under  
9 this chapter and shall personally file with the commissioner a de-  
10 scription of the land entered. A homestead entry shall be described  
11 by aliquot parts unless otherwise permitted by the commissioner. The  
12 commissioner may require the applicant to establish a deposit for the  
13 costs of survey before issuing the homestead entry permit. The com-  
14 missioner of administration shall separately account for money re-  
15 ceived under this subsection that the commissioner deposits in the  
16 general fund. The annual estimated balance in the account may be  
17 appropriated by the legislature to carry out the purposes of this  
18 section.

19 \* Sec. 5. AS 38.09.040(a) is amended to read:

20 (a) A homestead entry permit may be revoked by the commissioner  
21 for a substantial breach of the permit conditions or the requirements  
22 of this chapter, including

23 (1) an assignment, conveyance, or transfer of the permit  
24 not authorized under AS 38.09.030(c);

25 (2) failure of the permit holder to submit an aliquot parts  
26 description of the homestead entry or, a plat of survey where the  
27 commissioner waived the requirement of a rectangular survey grid to  
28 the commissioner within five years after the issuance of the permit;

29 (3) failure of the permit holder to erect a dwelling in the

1 time required under AS 38.09.050(a), except that if the commissioner  
2 finds that the dwelling has been nearly completed and progress toward  
3 completion is being made at the expiration of the time required, the  
4 commissioner may extend the time required for completion for not more  
5 than one year;

6 (4) failure to brush the boundaries of the land not de-  
7 scribed by aliquot parts or as a lot of record within 90 days after  
8 issuance of the homestead entry permit;

9 (5) failure to clear and either put into production or  
10 prepare for cultivation either 25 percent of the land classified for  
11 agricultural use or 50 percent of the cropland soils, whichever is  
12 less, within five years after the issuance of the permit.

13 \* Sec. 6. AS 38.09.050(a) is amended to read:

14 (a) The commissioner shall issue a patent to homestead entry  
15 land if the permit holder

16 (1) resides and lives on the homestead entry land for not  
17 less than 25 months within five years after the issuance of the home-  
18 stead entry permit;

19 (2) submits an aliquot parts description or completes an  
20 approved survey of the land in an area where the commissioner waives  
21 the rectangular survey grid within five years after the issuance of  
22 the permit;

23 (3) erects a habitable, permanent dwelling on the homestead  
24 within three years after the issuance of the homestead entry permit;

25 (4) brushes the boundaries of the land not described by  
26 aliquot parts or as a lot of record within 90 days after the issuance  
27 of the permit;

28 (5) clears and either puts into production or prepares for  
29 cultivation either 25 percent of the land classified for agricultural

1 use or 50 percent of the cropland soils, whichever is less, within  
2 five years after issuance of the permit.

3 \* Sec. 7. This Act takes effect immediately under AS 01.10.070(c).  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

5/7/88

Amendment to: CS HB 111 (Res)

By: Hensley

*Insert*

Page 2 Line 2

Following "requirement,"

*with 3  
reasonable 4-*

Add provided that existing land status is known with certainty

~~Page 2, Lines 9 - 12~~

~~Following "leases."~~

Add: or

~~Delete: [or for areas that have been open to random staking under the  
remote parcel program or homestead program in the past]~~

~~Adopted~~

WORK DRAFT

WORK DRAFT

WORK DRAFT

5-0587X  
Bradley  
3/24/88

*Rep Koponen  
& memo*

Original sponsors: Koponen, Zawacki,  
Navarre, et al.

1 IN THE HOUSE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 111 ( )

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to survey requirements for state  
7 land intended for disposal and to the description of  
8 the land; and providing for an effective date."

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

10 \* Section 1. AS 38.04.045(b) is amended to read:

11 (b) Before the issuance of a long-term lease under AS 38.05.070  
12 or of a patent for [CONVEYANCE OF SURFACE RIGHTS TO] state land, an  
13 official cadastral survey shall be accomplished, unless a comparable,  
14 approved [ACCEPTABLE] survey exists that has been conducted by the  
15 federal Bureau of Land Management. Before land may be offered under  
16 AS 38.05.055 - 38.05.057, AS 38.08, or AS 38.09, an official rectangu-  
17 lar survey grid shall be established. The rectangular survey section  
18 corner positions shall be monumented and shown on a cadastral survey  
19 plat approved by the state. For [HOWEVER, FOR] those areas where the  
20 state may wish to convey surface estate outside of an official rectan-  
21 gular [CADASTRAL] survey grid, the commissioner [DIRECTOR] may waive  
22 monumentation of [ALL] individual section corner positions and substi-  
23 tute an official control survey with control points being monumented  
24 and shown on control survey plats approved by the state. The commis-  
25 sioner may not issue more than one conveyance for each section within  
26 a township outside of an official rectangular survey grid. No portion  
27 of land to be conveyed may be located more than two miles from an  
28 official [SUCH A] survey control monument except that the commissioner  
29 may waive this requirement on a determination that a single purpose

1 use does [TOPOGRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR THE PUBLIC  
 2 INTEREST DO] not justify the requirement. <sup>Insert</sup> The lots and tracts in  
 3 state subdivisions shall be monumented and the cadastral survey and  
 4 plats for the subdivision shall be approved by the state. Where land  
 5 is located within a municipality with planning, platting, and zoning  
 6 powers, plats for state subdivisions shall comply with local ordi-  
 7 nances and regulations in the same manner and to the same extent as  
 8 plats for subdivisions by other landowners. State subdivisions shall  
 9 be filed in the district recorder's office. The requirements of this  
 10 section do not apply to land made available through a cabin permit  
 11 system, for material sales, for [OR] short-term leases, for parcels  
 12 adjoining a surveyed right-of-way, or for land that has been open to  
 13 random staking under the remote parcel program or homestead program in  
 14 the past; however, for short-term leases the lessee must comply with  
 15 local subdivision ordinances unless waived by the municipality under  
 16 procedures specified by ordinance. In this subsection, "a single  
 17 purpose use" includes a communication site, an aid to navigation, and  
 18 a park site.

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

20 (12) "long-term lease" means a lease for a term of 10 years  
 21 or more.

22 \* Sec. 3. AS 38.09.010(b) is amended to read:

23 (b) The commissioner shall complete a rectangular [CADASTRAL]  
 24 survey grid of homestead entry state land under AS 38.04.045 before  
 25 disposing of state land for homestead entry. A homestead entry parcel  
 26 shall be established in aliquot parts of a surveyed section or as lots  
 27 or tracts that are fractions of aliquot parts of a surveyed section.  
 28 The commissioner shall ensure practical access to each homestead entry  
 29 parcel but the commissioner may waive the rectangular [CADASTRAL]

1        survey grid if no more than one conveyance is made for each section  
2        within a township [ON A DETERMINATION THAT TOPOGRAPHIC FEATURES,  
3        DIFFUSE SETTLEMENT, OR THE PUBLIC INTEREST DO NOT JUSTIFY OR REQUIRE  
4        THE CADASTRAL SURVEY].

5        \* Sec. 4. AS 38.09.020(b) is amended to read:

6            (b) An applicant for a homestead entry permit shall personally  
7        stake the corners and flag the boundaries of the land entered under  
8        this chapter and shall personally file with the commissioner a de-  
9        scription of the land entered. A homestead entry shall be described  
10       by aliquot parts unless otherwise permitted by the commissioner. The  
11       commissioner may require the applicant to establish a deposit for the  
12       costs of survey before issuing the homestead entry permit. The com-  
13       missioner of administration shall separately account for money re-  
14       ceived under this subsection that the commissioner deposits in the  
15       general fund. The annual estimated balance in the account may be  
16       appropriated by the legislature to carry out the purposes of this  
17       section.

18        \* Sec. 5. AS 38.09.040(a) is amended to read:

19            (a) A homestead entry permit may be revoked by the commissioner  
20        for a substantial breach of the permit conditions or the requirements  
21        of this chapter, including

22            (1) an assignment, conveyance, or transfer of the permit  
23        not authorized under AS 38.09.030(c);

24            (2) failure of the permit holder to submit an aliquot parts  
25        description of the homestead entry or, a plat of survey where the  
26        commissioner waived the requirement of a rectangular survey grid to  
27        the commissioner within five years after the issuance of the permit;

28            (3) failure of the permit holder to erect a dwelling in the  
29        time required under AS 38.09.050(a), except that if the commissioner

1 finds that the dwelling has been nearly completed and progress toward  
2 completion is being made at the expiration of the time required, the  
3 commissioner may extend the time required for completion for not more  
4 than one year;

5 (4) failure to brush the boundaries of the land not de-  
6 scribed by aliquot parts or as a lot of record within 90 days after  
7 issuance of the homestead entry permit;

8 (5) failure to clear and either put into production or  
9 prepare for cultivation either 25 percent of the land classified for  
10 agricultural use or 50 percent of the cropland soils, whichever is  
11 less, within five years after the issuance of the permit.

12 \* Sec. 6. AS 38.09.050(a) is amended to read:

13 (a) The commissioner shall issue a patent to homestead entry  
14 land if the permit holder

15 (1) resides and lives on the homestead entry land for not  
16 less than 25 months within five years after the issuance of the home-  
17 stead entry permit;

18 (2) submits an aliquot parts description or completes an  
19 approved survey of the land in an area where the commissioner waives  
20 the rectangular survey grid within five [TWO] years after the issuance  
21 of the permit [OR UNDER AS 38.09.040(b)];

22 (3) erects a habitable, permanent dwelling on the homestead  
23 within three years after the issuance of the homestead entry permit;

24 (4) brushes the boundaries of the land not described by  
25 aliquot parts or as a lot of record within 90 days after the issuance  
26 of the permit;

27 (5) clears and either puts into production or prepares for  
28 cultivation either 25 percent of the land classified for agricultural  
29 use or 50 percent of the cropland soils, whichever is less, within

1        five years after issuance of the permit.

2        \* Sec. 7. This Act takes effect immediately under AS 01.10.070(c).

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

FISCAL NOTE

REQUEST:

Revision Date: February 17, 1988 Agency Affected: Natural Resources  
 Title: Survey Requirements for State Land Disposal BRU: Land and Water Management  
 Sponsor: Kononen, Zawacki, Navarre, Martin Components: \_\_\_\_\_  
 Requestor: Senate Finance

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	300,000	300,000	300,000	300,000	300,000	300,000
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		**				
** \$25 - \$60 per acre of land transferred						
CAPITAL						
REVENUE	300,000	300,000	300,000	300,000	300,000	300,000

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary) Total cost dependent upon the number of acres transferred by the State, and whether the Commissioner waives the deposit for costs of survey. The Department expects to offer approximately 5000 acres of homestead land annually which will be paid for by the homestead permittees.

Prepared by: Lawrence Z. Ostrovsky Phone: 465-2400  
 Division: Commissioner's Office Date: 2/17/88

Approved by Commissioner: *William B...* Date: \_\_\_\_\_  
 Agency: Natural Resources

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

*by SFC 5/7/88*

FISCAL NOTE

REQUEST:

Revision Date: February 4, 1988 Agency Affected: Natural Resources  
 Title: Survey Requirements for State BRU: Land and water Management  
Land Disposal  
 Sponsor: Koponen, Zawacki, Navarre, Components: \_\_\_\_\_  
 Requestor: Senate Finance Mar 21/88

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 83	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		**				
** \$25-\$60 per acre of land transferred						
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Total cost dependent upon the number of acres transferred by the State, and whether the Commissioner waives the deposit for costs of survey.

Prepared by: Larry Ostrovsky Phone: 465-2400  
 Division: Commissioner's Office Date: 2/4/88

Approved by Commissioner: Judith M. Bury Date: \_\_\_\_\_  
 Agency: Natural Resources

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

WORK DRAFT

WORK DRAFT

WORK DRAFT

RECEIVED FEB 17 1988

5-0587L  
Bradley  
2/17/88

Original sponsors: Koponen, Zawacki,  
Navarre, et al.

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 111 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to survey requirements for state  
7 land intended for disposal and to the description of  
8 the land; and providing for an effective date."

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

10 \* Section 1. AS 38.04.045(b) is amended to read:

11 (b) Before the issuance of a patent or a long-term lease under  
12 AS 38.05.070(c) [CONVEYANCE OF SURFACE RIGHTS] to state land offered  
13 under AS 38.05.055 - 38.05.057, AS 38.08, or AS 38.09, an official  
14 rectangular [CADASTRAL] survey grid shall be accomplished, unless a  
15 comparable, acceptable survey exists that has been conducted by the  
16 federal Bureau of Land Management. Before land may be offered under  
17 AS 38.05.055 - 38.05.057, AS 38.08, or AS 38.09, an official rectangu-  
18 lar survey grid shall be established. The rectangular survey section  
19 corner positions shall be monumented and shown on a cadastral survey  
20 plat approved by the state. For [HOWEVER, FOR] those areas where the  
21 state may wish to convey surface estate outside of an official rectan-  
22 gular [CADASTRAL] survey grid, the commissioner [DIRECTOR] may waive  
23 monumentation of [ALL] individual section corner positions and substi-  
24 tute an official control survey with control points being monumented  
25 and shown on control survey plats approved by the state. The commis-  
26 sioner may not issue more than one conveyance for each section or  
27 portion of a section within a township outside of an official rectan-  
28 gular survey grid. No portion of land to be conveyed may be located  
29 more than two miles from [SUCH] a survey control monument except that

1 the commissioner may waive this requirement on a determination that a  
2 single purpose use does [TOPOGRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR  
3 THE PUBLIC INTEREST DO] not justify the requirement. <sup>Insert Amendment</sup> The lots and  
4 tracts in state subdivisions shall be monumented and the cadastral  
5 survey and plats for the subdivision shall be approved by the state.  
6 Where land is located within a municipality with planning, platting,  
7 and zoning powers, plats for state subdivisions shall comply with  
8 local ordinances and regulations in the same manner and to the same  
9 extent as plats for subdivisions by other landowners. State subdivi-  
10 sions shall be filed in the district recorder's office. The re-  
11 quirements of this section do not apply to land made available through  
12 a cabin permit system, for material sales, for [OR] short-term leases,  
13 for parcels adjoining a surveyed right-of-way, or for areas that have  
14 been open to random staking under the remote parcel program or home-  
15 stead program in the past; however, for short-term leases the lessee  
16 must comply with local subdivision ordinances unless waived by the  
17 municipality under procedures specified by ordinance. In this sub-  
18 section, "a single purpose use" includes a communication site, an aid  
19 to navigation, and a park site.

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

21 (12) "long-term lease" means a lease for a term of more than  
22 10 years.

23 \* Sec. 3. AS 38.09.010(b) is amended to read:

24 (b) The commissioner shall complete a rectangular [CADASTRAL]  
25 survey grid of homestead entry state land under AS 38.04.045 before  
26 disposing of state land for homestead entry. A homestead entry parcel  
27 shall be established in aliquot parts of a surveyed section or as lots  
28 or tracts that are fractions of aliquot parts of a surveyed section.  
29 The commissioner shall ensure practical access to each homestead entry

1 parcel but the commissioner may waive the rectangular [CADASTRAL]  
2 survey grid if no more than one conveyance is made for each section or  
3 portion of a section within a township [ON A DETERMINATION THAT TOPO-  
4 GRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR THE PUBLIC INTEREST DO NOT  
5 JUSTIFY OR REQUIRE THE CADASTRAL SURVEY].

6 \* Sec. 4. AS 38.09.020(a) is amended to read:

7 (a) A homestead entry permit entitles an applicant to enter land  
8 within an area designated under AS 38.09.010 and to [SURVEY,] occupy  
9 [,] and improve the land in order to qualify for a patent under this  
10 chapter.

11 \* Sec. 5. AS 38.09.020(b) is amended to read:

12 (b) An applicant for a homestead entry permit shall personally  
13 stake the corners and flag the boundaries of the land entered under  
14 this chapter and shall personally file with the commissioner a de-  
15 scription of the land entered. A homestead entry shall be described  
16 by aliquot parts unless otherwise permitted by the commissioner. The  
17 commissioner may require the applicant to establish a deposit for the  
18 costs of survey before issuing the homestead entry permit.

19 \* Sec. 6. AS 38.09.040(a) is amended to read:

20 (a) A homestead entry permit may be revoked by the commissioner  
21 for a substantial breach of the permit conditions or the requirements  
22 of this chapter, including

23 (1) an assignment, conveyance, or transfer of the permit  
24 not authorized under AS 38.09.030(c);

25 (2) failure of the permit holder to submit an aliquot parts  
26 description of the homestead entry or, a plat of survey where the  
27 commissioner waived the requirement of a rectangular survey grid to  
28 the commissioner within five years after the issuance of the permit;

29 (3) failure of the permit holder to erect a dwelling in the

1 time required under AS 38.09.050(a), except that if the commissioner  
2 finds that the dwelling has been nearly completed and progress toward  
3 completion is being made at the expiration of the time required, the  
4 commissioner may extend the time required for completion for not more  
5 than one year;

6 (4) failure to brush the boundaries of the land not de-  
7 scribed by aliquot parts or as a lot of record within 90 days after  
8 issuance of the homestead entry permit unless the parcel is described  
9 by aliquot parts;

10 (5) failure to clear and either put into production or  
11 prepare for cultivation either 25 percent of the land classified for  
12 agricultural use or 50 percent of the cropland soils, whichever is  
13 less, within five years after the issuance of the permit.

14 \* Sec. 7. AS 38.09.050(a) is amended to read:

15 (a) The commissioner shall issue a patent to homestead entry  
16 land if the permit holder

17 (1) resides and lives on the homestead entry land for not  
18 less than 25 months within five years after the issuance of the home-  
19 stead entry permit;

20 (2) submits an aliquot parts description or completes an  
21 approved survey of the land in an area where the commissioner waives  
22 the rectangular survey grid within five [TWO] years after the issuance  
23 of the permit [OR UNDER AS 38.09.040(b)];

24 (3) erects a habitable, permanent dwelling on the homestead  
25 within three years after the issuance of the homestead entry permit;

26 (4) brushes the boundaries of the land not described by  
27 aliquot parts or as a lot of record within 90 days after the issuance  
28 of the permit;

29 (5) clears and either puts into production or prepares for

1 cultivation either 25 percent of the land classified for agricultural  
2 use or 50 percent of the cropland soils, whichever is less, within  
3 five years after issuance of the permit.

4 \* Sec. 8. This Act takes effect immediately under AS 01.10.070(c).  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

5-0587L  
Bradley  
2/5/88

Original sponsors: Koponen, Zawacki,  
Navarre, et al.

1 IN THE HOUSE

2 SENATE

3 II

*Outdated*

*2/5/88*

BY THE FINANCE COMMITTEE

1 (Finance)

2 ALASKA

3 SESSION

4 For an Act entitled

5 y requirements for state  
6 and to the description of  
7 an effective date."

8 BE IT ENACTED BY

9 ALASKA:

10 \* Section 1. AS 38.04.045(b) is amended to read:

11 (b) Before the conveyance of surface rights to state land of-  
12 ferred under AS 38.05.055 - 38.05.057, AS 38.08, or AS 38.09, an offi-  
13 cial rectangular [CADASTRAL] survey grid shall be accomplished, unless  
14 a comparable, acceptable survey exists that has been conducted by the  
15 federal Bureau of Land Management. The rectangular survey section  
16 corner positions shall be monumented and shown on a cadastral survey  
17 plat approved by the state. For [HOWEVER, FOR] those areas where the  
18 state may wish to convey surface estate outside of an official rectan-  
19 gular [CADASTRAL] survey grid, the commissioner [DIRECTOR] may waive  
20 monumentation of [ALL] individual section corner positions and substi-  
21 tute an official control survey with control points being monumented  
22 and shown on control survey plats approved by the state. The commis-  
23 sioner may not issue more than one conveyance for each section or  
24 portion of a section within a township outside of an official rectan-  
25 gular survey grid. No portion of land to be conveyed may be located  
26 more than two miles from [SUCH] a survey control monument except that  
27 the commissioner may waive this requirement on a determination that a  
28 single purpose use does [TOPOGRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR  
29 THE PUBLIC INTEREST DO] not justify the requirement. The lots and

5-0587L

Bradley  
2/5/88

Original sponsors: Koponen, Zawacki,  
Navarre, et al.

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 111 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to survey requirements for state  
7 land intended for disposal and to the description of  
8 the land; and providing for an effective date."

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

10 \* Section 1. AS 38.04.045(b) is amended to read:

11 (b) Before the conveyance of surface rights to state land of-  
12 fered under AS 38.05.055 - 38.05.057, AS 38.08, or AS 38.09, an offi-  
13 cial rectangular [CADASTRAL] survey grid shall be accomplished, unless  
14 a comparable, acceptable survey exists that has been conducted by the  
15 federal Bureau of Land Management. The rectangular survey section  
16 corner positions shall be monumented and shown on a cadastral survey  
17 plat approved by the state. For [HOWEVER, FOR] those areas where the  
18 state may wish to convey surface estate outside of an official rectan-  
19 gular [CADASTRAL] survey grid, the commissioner [DIRECTOR] may waive  
20 monumentation of [ALL] individual section corner positions and substi-  
21 tute an official control survey with control points being monumented  
22 and shown on control survey plats approved by the state. The commis-  
23 sioner may not issue more than one conveyance for each section or  
24 portion of a section within a township outside of an official rectan-  
25 gular survey grid. No portion of land to be conveyed may be located  
26 more than two miles from [SUCH] a survey control monument except that  
27 the commissioner may waive this requirement on a determination that a  
28 single purpose use does [TOPOGRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR  
29 THE PUBLIC INTEREST DO] not justify the requirement. The lots and

1 tracts in state subdivisions shall be monumented and the cadastral  
2 survey and plats for the subdivision shall be approved by the state.  
3 Where land is located within a municipality with planning, platting,  
4 and zoning powers, plats for state subdivisions shall comply with  
5 local ordinances and regulations in the same manner and to the same  
6 extent as plats for subdivisions by other landowners. State subdivi-  
7 sions shall be filed in the district recorder's office. The re-  
8 quirements of this section do not apply to land made available through  
9 a cabin permit system, for material sales, for [OR] short-term leases,  
10 for parcels adjoining a surveyed right-of-way, or for areas that have  
11 been open to random staking under the remote parcel program or home-  
12 stead program in the past; however, for short-term leases the lessee  
13 must comply with local subdivision ordinances unless waived by the  
14 municipality under procedures specified by ordinance. In this sub-  
15 section, "a single purpose use" includes a communication site, an aid  
16 to navigation, and a park site.

17 \* Sec. 2. AS 38.09.010(b) is amended to read:

18 (b) The commissioner shall complete a rectangular [CADASTRAL]  
19 survey grid of homestead entry state land under AS 38.04.045 before  
20 disposing of state land for homestead entry. A homestead entry parcel  
21 shall be established in aliquot parts of a surveyed section or as lots  
22 or tracts that are fractions of aliquot parts of a surveyed section.  
23 The commissioner shall ensure practical access to each homestead entry  
24 parcel but the commissioner may waive the rectangular [CADASTRAL]  
25 survey grid if no more than one conveyance is made for each section or  
26 portion of a section within a township [ON A DETERMINATION THAT TOPO-  
27 GRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR THE PUBLIC INTEREST DO NOT  
28 JUSTIFY OR REQUIRE THE CADASTRAL SURVEY].

29 \* Sec. 3. AS 38.09.020(a) is amended to read:

1 (a) A homestead entry permit entitles an applicant to enter land  
2 within an area designated under AS 38.09.010 and to [SURVEY,] occupy  
3 [,] and improve the land in order to qualify for a patent under this  
4 chapter.

5 \* Sec. 4. AS 38.09.020(b) is amended to read:

6 (b) An applicant for a homestead entry permit shall personally  
7 stake the corners and flag the boundaries of the land entered under  
8 this chapter and shall personally file with the commissioner a de-  
9 scription of the land entered. A homestead entry shall be described  
10 by aliquot parts unless otherwise permitted by the commissioner. The  
11 commissioner may require the applicant to establish a deposit for the  
12 costs of survey before issuing the homestead entry permit.

13 \* Sec. 5. AS 38.09.040(a) is amended to read:

14 (a) A homestead entry permit may be revoked by the commissioner  
15 for a substantial breach of the permit conditions or the requirements  
16 of this chapter, including

17 (1) an assignment, conveyance, or transfer of the permit  
18 not authorized under AS 38.09.030(c);

19 (2) failure of the permit holder to submit an aliquot parts  
20 description of the homestead entry or, a plat of survey where the  
21 commissioner waived the requirement of a rectangular survey grid to  
22 the commissioner within five years after the issuance of the permit;

23 (3) failure of the permit holder to erect a dwelling in the  
24 time required under AS 38.09.050(a), except that if the commissioner  
25 finds that the dwelling has been nearly completed and progress toward  
26 completion is being made at the expiration of the time required, the  
27 commissioner may extend the time required for completion for not more  
28 than one year;

29 (4) failure to brush the boundaries of the land not

1 described by aliquot parts or as a lot of record within 90 days after  
2 issuance of the homestead entry permit unless the parcel is described  
3 by aliquot parts;

4 (5) failure to clear and either put into production or  
5 prepare for cultivation either 25 percent of the land classified for  
6 agricultural use or 50 percent of the cropland soils, whichever is  
7 less, within five years after the issuance of the permit.

8 \* Sec. 6. AS 38.09.050(a) is amended to read:

9 (a) The commissioner shall issue a patent to homestead entry  
10 land if the permit holder

11 (1) resides and lives on the homestead entry land for not  
12 less than 25 months within five years after the issuance of the home-  
13 stead entry permit;

14 (2) submits an aliquot parts description or completes an  
15 approved survey of the land in an area where the commissioner waives  
16 the rectangular survey grid within five [TWO] years after the issuance  
17 of the permit [OR UNDER AS 38.09.040(b)];

18 (3) erects a habitable, permanent dwelling on the homestead  
19 within three years after the issuance of the homestead entry permit;

20 (4) brushes the boundaries of the land not described by  
21 aliquot parts or as a lot of record within 90 days after the issuance  
22 of the permit;

23 (5) clears and either puts into production or prepares for  
24 cultivation either 25 percent of the land classified for agricultural  
25 use or 50 percent of the cropland soils, whichever is less, within  
26 five years after issuance of the permit.

27 \* Sec. 7. This Act takes effect immediately under AS 01.10.070(c).  
28  
29

Alaska State Legislature  
Representative Niilo Koponen

Pouch V  
Juneau, Alaska 99811  
(907) 465-4992

542 4th Avenue, Suite C  
Fairbanks, Alaska 99701  
(907) 456-8161

RECEIVED JAN 19 1988

MEMORANDUM

TO; SENATOR RICK HALFORD, Chair, Senate Finance Committee

FROM; REPRESENTATIVE NIILLO KOPONEN 

DATE; 18 JANUARY 1988

RE; CSHB111 (RES), "An Act relating to survey requirements for state land intended for disposal and to the description of the land; and providing for an effective date."

At the close of the first regular session, HB111 had reached the Senate Finance Committee, after having received a waiver of hearing in the Senate Resources Committee. I had requested a waiver in Senate Finance also, but there had apparently been no time to respond.

I wish to request that you schedule HB111 for hearing. I suggest early February, since the Alaska Society of Professional Land Surveyors will be meeting in Juneau then (4 & 5 February, I believe).

The purpose of this legislation is to encourage the use of the proven standard rectangular land survey system (cadastral surveys) on state lands prior to their disposal, to reduce the costs of survey to citizens obtaining state lands, and to provide for reimbursement of rectangular survey costs by the state.

CSHB111(Res) Sec. 1 amends AS 38.04.045 (Survey and subdivision) by prescribing limits to the Department of Natural Resources' authority to dispose of land without prior rectangular survey, but allowing old remote parcel or homestead program areas to continue to have disposals based on the non-rectangular survey systems that had already been in use there. It also waives the prior rectangular survey requirement for parcels adjoining surveyed rights-of-way and for single-purpose use sites such as communications sites.

Sec. 2, 4, & 5 amend AS 38.09 (Homestead Act) by applying similar limits to conveyances of homestead entry parcels without prior rectangular survey, by providing for the recovery of the costs of prior rectangular survey by the state from the homestead entry applicant, and by allowing more time for applicants to have a survey performed in those cases where their homesteads were made available to the public without prior rectangular survey.

CSHB111(Res) has a zero fiscal note.

If you need further information on this bill, please feel free to contact me or my staff.

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by a horizontal line extending to the right.

No. 2

STATE OF ALASKA 1987 LEGISLATIVE SESSION (Replaces No. 1)  
FISCAL NOTE

REQUEST: \_\_\_\_\_  
 Revision Date: April 7, 1987  
 Title: Survey requirements for  
State land disposal  
 Sponsor: Koponen, Zawacki, Navarre, Martin  
 Requestor: House Finance

Bill Version: CSHB 111(Res)  
 Publish Date: HOUSE 5/16/87

Agency Affected: Natural Resources  
 BRU: Land and Water Management  
 Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		***				
** \$25-\$60 per acre of land transferred						
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Total cost will be dependent upon the number of acres transferred by the state.

Prepared by: Larry Ostrovsky Phone: 465-2400  
 Division: Commissioner's Office Date: 4/7/87

Approved by Commissioner: Jennie Boston Date: 4/8/87  
 Agency: Natural Resources

- Distribution (by preparer):
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management and Budget
  - Impacted Agency(ies)
  - Senate Secretary

# Alaska Society of Professional Land Surveyors

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



P.O. BOX 81568  
FAIRBANKS, ALASKA 99708

April 28, 1987

House Finance Committee  
Al Adams, Chairman  
Pouch V  
Juneau, AK 99811

Ref: HB 111 (Cadastral Survey Bill)

Dear Representative Adams:

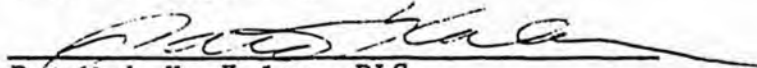
Members of the Alaska Society of Professional Land Surveyors have been working with the legislature on a cadastral survey bill since 1984, when the first draft appeared.

In 1985, during the Fourteenth Legislature, HB 286 was introduced, sponsored by Representative Niilo Koponen, with co-sponsors including Mike M. Miller, John Sund, Peter Goll, Terry Martin, Rick Uehling, and Roger Jenkins. HB 286 passed the House by a vote of 32 to 8, but languished in the Senate, partially due to concerns by Senator Rick Halford that it might be overly restrictive, but also because session time had run out.

Similar concerns surfaced when the re-introduced bill, HB 111, came up for a hearing in House Resources this year. This February, members of the Alaska Society of Professional Land Surveyors met with Senator Halford, Representative Heinrich Springer, and Department of Natural Resources personnel, and a compromise was worked out to our mutual satisfaction. Most significant was a provision for recovery of some of the cost of cadastral surveys the state has invested in from entrymen.

HB111 would be income-generating in effect, not in great amounts, but enough to fund a few survey positions at DNR without looking for additional funds. We urge that the House Finance Committee schedule HB 111 for a hearing as soon as possible, with a view towards passage this year. It would be inconsistent fiscal policy to cut the budget while allowing a non-controversial, painless, income generating bill to die in committee.

Sincerely yours,

  
Patrick H. Kalen, PLS,  
President, A.S.P.L.S.

Alaska State Legislature  
Representative Niilo Koponen

Pouch V  
Juneau, Alaska 99811  
(907) 465-4992

542 4th Avenue, Suite C  
Fairbanks, Alaska 99701  
(907) 456-8161

MEMORANDUM

TO: SEN. JOHN B. (JACK) COGHILL, CHAIRMAN  
SENATE RESOURCES COMMITTEE

FROM: REP. NIILLO KOPONEN 

DATE: 16 MAY 1987

RE: CSHB 111 (Res), "An Act relating to survey requirements for state land intended for disposal and to the description of the land; and providing for an effective date."

I wish to request your waiver of hearing on this bill, pending referral, so that it might have a chance of passage this session, allowing its implementation by DNR should they require it.

HB 111 passed the House this morning, 39 yeas, 0 nays, 1 absent. It had replaced HB 286, which passed the House in the '86 session. The current CS is the result of considerable work in House Resources involving the Department of Natural Resources and meeting their concerns.

The attached materials explain this bill and my views on it. Your support and expediting would be greatly appreciated.

Attachments

Alaska State Legislature  
Representative Niilo Koponen

Pouch V  
Juneau, Alaska 99811  
(907) 465-4992

542 4th Avenue, Suite C  
Fairbanks, Alaska 99701  
(907) 456-8161

MEMORANDUM

TO: ALL HOUSE MEMBERS

FROM: REP. NIILLO KOPONEN

DATE: ~~16 MAY 1987~~

RE: CSHB 111 (Res)

HB 111 is on today's calendar. Last year a similar bill, HB 286, passed the House. It was re-introduced this year, and considerably modified in the House Resources Committee to address certain concerns of the Department of Natural Resources.

A few years ago, in an effort to make large amounts of state land available to private citizens in a short period of time, the state conducted land disposals in areas lacking a rectangular survey grid, relying instead on widely-spaced control monuments. Parcels staked by participants in these disposals had to be surveyed at the individual participant's expense. These control monument-based surveys are often prohibitively expensive, and have resulted in an odd scattering of randomly-spaced parcels, often leaving unusably narrow unclaimed lands between them, clouding the remaining public lands and making it difficult to manage or to dispose of.

The purpose of this legislation is to minimize these problems in future by encouraging the use of the proven standard rectangular land survey system (cadastral surveys) on state lands prior to their disposal, by reducing the costs of survey to citizens obtaining state lands, and by providing for reimbursement of rectangular survey costs by the state.

CSHB 111 (Res) Sec. 1 amends AS 38.04.045 (Survey and subdivision) by prescribing limits to the Department of Natural Resources' authority to dispose of land without prior rectangular survey, but allowing old remote parcel or homestead program areas to continue to have disposals based on the non-rectangular survey systems that had already been in use there. It also waives the prior rectangular survey

requirement for parcels adjoining surveyed rights-of-way and for single-purpose use sites such as communications sites.

Sec. 2, 4, & 5 amend AS 38.09 (Homestead Act) by applying similar limits to conveyances of homestead entry parcels without prior rectangular survey, by providing for the recovery of the costs of prior rectangular survey by the state from the homestead entry applicant, and by allowing more time for applicants to have a survey performed in those cases where their homesteads were made available to the public without prior rectangular survey.

CSHB 111 (Res) has a zero fiscal note.

Passage of this bill re-establishes the proven rectangular system of land survey as the primary system for state land disposals in the future, without removing the flexibility that DNR requires for other programs or special purposes. Your support for this legislation would be greatly appreciated.

RECEIVED FEB 17 1988

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

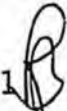
LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 17, 1988

SUBJECT: Survey requirements: amendments proposed by  
Pat Kalen (SCS CSHB 111(Fin))

TO: Senator Rick Halford  
Co-Chairman, Senate Finance Committee

FROM: Richard A. Bradley   
Legislative Counsel

I believe that the amendments included in this bill actually respond to Mr. Kalen's request though the format is not identical to his request. I have discussed this with Frank Meilke from the Department of Natural Resources and he agrees with my difficulties with the Kalen approach and, I believe, in my solution.

Mr. Kalen wanted to add the phrase "issuance of a long-term lease offered under AS 38.05.075 or a patent" in place of the existing phrase "conveyance of surface rights". The problem is that AS 38.05.075 is not as good a reference as, for example, AS 38.05.070(c) because AS 38.05.075 contains no references to either short- or long-term leases. And even using AS 38.05.070(c) does not solve the problem because it does not define the difference between a "short-term lease" and a "long-term lease" (though it is indirectly suggested in (b) and (c)). The closest thing to a definition is found at AS 38.04.910(7) where "short-term lease" is defined but long-term is not.

My solution is to use AS 38.05.070(c) as the reference and to add a definition of "long-term lease" at AS 38.04.910. There will still be no definition of either "long-term" or "short-term leases" in AS 38.05 but that may not be a problem; the law being amended in this bill is in AS 38.04.

If I may be of further assistance, please advise.

RAB:bb  
wkb2/109

Alaska State Legislature  
Representative Niilo Koponen

Pouch V  
Juneau, Alaska 99811  
(907) 465-4992

542 4th Avenue, Suite C  
Fairbanks, Alaska 99701  
(907) 456-8161

POSITION PAPER

HB 111 - An Act relating to survey requirements for state land intended for disposal and to the description of the land; and providing for an effective date

Representative Niilo Koponen  
February 18, 1987

HB 111 will implement proven land management goals for continuing disposal of State lands to Alaskan citizens and will provide ready identification and good legal title of parcels so transferred. This Bill is identical to HB 286 which passed the House last year.

In the recent past land disposals were made in haste, without the benefit of boundaries being monumented and identified on the ground. In the name of expediency and false economy land was released without regard to a proven identification system that has been in use in the Federal system for 200 years.

This system is the cadastral rectangular land survey which allows every parcel to be readily identified, plotted accurately on status maps, and virtually eliminates boundary disputes. Federal law prescribes that all public domain lands be physically surveyed and monumented in conformance with the rectangular survey and aliquot part system prior to disposal. This cadastral system has been followed in all public domain states except Alaska during the past decade.

Since this survey requirement was waived we have developed a system of metes and bounds, the oldest and least desirable of all possible land identification systems. It creates a patchwork of oddly shaped and irregularly adjoining parcels to which access and intelligent utility distribution is next to impossible. It creates slivers of unclaimed State land that become worthless to the citizens of the State. It is expensive and difficult to survey accurately, creates voluminous land records, and makes it impossible to plot parcels correctly on a status map without a field survey and encumbers all residual land within a township until all applicant's parcels are individually surveyed.

For a new landowner the problems are just starting. He must shoulder the burden of having an adequate survey made in preparation of a legal description of the land. A legal description is necessary to obtain financing for improvements, and clear title from a title company. Boundary problems with neighbors often occur and the landowner may find no legal or practical access to his parcel.

HB 111 will eliminate these inequities and shortcomings. It will set in place a proven and recognized system of land identification that acknowledges the State's responsibility to carefully manage lands slated for disposal. A law of parallel intent (HB 170 Chapter 32 SLA 85) for privately held lands is already in place.

Alaska State Legislature  
Representative Niilo Koponen

Pouch V  
Juneau, Alaska 99811  
(907) 465-4992

542 4th Avenue, Suite C  
Fairbanks, Alaska 99701  
(907) 456-8161

POSITION PAPER

HB 111 - An Act relating to survey requirements for state land intended for disposal and to the description of the land; and providing for an effective date

Representative Niilo Koponen  
February 18, 1987

HB 111 will implement proven land management goals for continuing disposal of State lands to Alaskan citizens and will provide ready identification and good legal title of parcels so transferred. This Bill is identical to HB 286 which passed the House last year.

In the recent past land disposals were made in haste, without the benefit of boundaries being monumented and identified on the ground. In the name of expediency and false economy land was released without regard to a proven identification system that has been in use in the Federal system for 200 years.

This system is the cadastral rectangular land survey which allows every parcel to be readily identified, plotted accurately on status maps, and virtually eliminates boundary disputes. Federal law prescribes that all public domain lands be physically surveyed and monumented in conformance with the rectangular survey and aliquot part system prior to disposal. This cadastral system has been followed in all public domain states except Alaska during the past decade.

Since this survey requirement was waived we have developed a system of metes and bounds, the oldest and least desirable of all possible land identification systems. It creates a patchwork of oddly shaped and irregularly adjoining parcels to which access and intelligent utility distribution is next to impossible. It creates slivers of unclaimed State land that become worthless to the citizens of the State. It is expensive and difficult to survey accurately, creates voluminous land records, and makes it impossible to plot parcels correctly on a status map without a field survey and encumbers all residual land within a township until all applicant's parcels are individually surveyed.

For a new landowner the problems are just starting. He must shoulder the burden of having an adequate survey made in preparation of a legal description of the land. A legal description is necessary to obtain financing for improvements, and clear title from a title company. Boundary problems with neighbors often occur and the landowner may find no legal or practical access to his parcel.

HB 111 will eliminate these inequities and shortcomings. It will set in place a proven and recognized system of land identification that acknowledges the State's responsibility to carefully manage lands slated for disposal. A law of parallel intent (HB 170 Chapter 32 SLA 85) for privately held lands is already in place.

Original sponsors: Koponen, Zawacki,  
Navarre, et al.

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 111 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to survey requirements for state  
7 land intended for disposal and to the description of  
8 the land; and providing for an effective date."

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

10 \* Section 1. AS 38.04.045(b) is amended to read:

11 (b) Before the conveyance of surface rights to state land of-  
12 fered under AS 38.05.055 - 38.05.057, AS 38.08, or AS 38.09, an offi-  
13 cial rectangular [CADASTRAL] survey grid shall be accomplished, unless  
14 a comparable, acceptable survey exists that has been conducted by the  
15 federal Bureau of Land Management. The rectangular survey section  
16 corner positions shall be monumented and shown on a cadastral survey  
17 plat approved by the state. For [HOWEVER, FOR] those areas where the  
18 state may wish to convey surface estate outside of an official rectan-  
19 gular [CADASTRAL] survey grid, the commissioner [DIRECTOR] may waive  
20 monumentation of [ALL] individual section corner positions and substi-  
21 tute an official control survey with control points being monumented  
22 and shown on control survey plats approved by the state. The commis-  
23 sioner may not issue more than one conveyance for each two sections or  
24 portions of sections within a township outside of an official rectan-  
25 gular survey grid. No portion of land to be conveyed may be located  
26 more than two miles from [SUCH] a survey control monument except that  
27 the commissioner may waive this requirement on a determination that a  
28 single purpose use does [TOPOGRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR  
29 THE PUBLIC INTEREST DO] not justify the requirement. The lots and

1 tracts in state subdivisions shall be monumented and the cadastral  
2 survey and plats for the subdivision shall be approved by the state.  
3 Where land is located within a municipality with planning, platting,  
4 and zoning powers, plats for state subdivisions shall comply with  
5 local ordinances and regulations in the same manner and to the same  
6 extent as plats for subdivisions by other landowners. State subdivi-  
7 sions shall be filed in the district recorder's office. The re-  
8 quirements of this section do not apply to land made available through  
9 a cabin permit system, for material sales, for [OR] short-term leases,  
10 for parcels adjoining a surveyed right-of-way, or for areas that have  
11 been open to random staking under the remote parcel program or  
12 homestead program in the past; however, for short-term leases the  
13 lessee must comply with local subdivision ordinances unless waived by  
14 the municipality under procedures specified by ordinance. In this  
15 subsection, "a single purpose use" includes a communication site, an  
16 aid to navigation, and a park site.

17 \* Sec. 2. AS 38.09.010(b) is amended to read:

18 (b) The commissioner shall complete a rectangular [CADASTRAL]  
19 survey grid of homestead entry state land under AS 38.04.045 before  
20 disposing of state land for homestead entry. A homestead entry parcel  
21 shall be established in aliquot parts of a surveyed section or as lots  
22 or tracts that are fractions of aliquot parts of a surveyed section.  
23 The commissioner shall ensure practical access to each homestead entry  
24 parcel but the commissioner may waive the rectangular [CADASTRAL]  
25 survey grid if no more than one conveyance is made for each two  
26 sections or portions of sections within a township [ON A DETERMINATION  
27 THAT TOPOGRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR THE PUBLIC INTEREST  
28 DO NOT JUSTIFY OR REQUIRE THE CADASTRAL SURVEY].

29 \* Sec. 3. AS 38.09.020(a) is amended to read:

1 (a) A homestead entry permit entitles an applicant to enter land  
2 within an area designated under AS 38.09.010 and to [SURVEY,] occupy  
3 [,] and improve the land in order to qualify for a patent under this  
4 chapter.

5 \* Sec. 4. AS 38.09.020(b) is amended to read:

6 (b) An applicant for a homestead entry permit shall personally  
7 stake the corners and flag the boundaries of the land entered under  
8 this chapter and shall personally file with the commissioner a de-  
9 scription of the land entered. A homestead entry shall be described  
10 by aliquot parts unless otherwise permitted by the commissioner. The  
11 commissioner may require the applicant to establish a deposit for the  
12 costs of survey before issuing the homestead entry permit.

13 \* Sec. 5. AS 38.09.040(a) is amended to read:

14 (a) A homestead entry permit may be revoked by the commissioner  
15 for any substantial breach of the permit conditions or the require-  
16 ments of this chapter, including

17 (1) an assignment, conveyance, or transfer of the permit  
18 not authorized under AS 38.09.030(c);

19 (2) failure of the permit holder to submit an aliquot parts  
20 description of the homestead entry or, a plat of survey where the  
21 commissioner waived the requirement of a rectangular survey grid to  
22 the commissioner within five [TWO] years after the issuance of the  
23 permit [OR UNDER (b) OF THIS SECTION];

24 (3) failure of the permit holder to erect a dwelling in the  
25 time required under AS 38.09.050(a), except that if the commissioner  
26 finds that the dwelling has been nearly completed and progress toward  
27 completion is being made at the expiration of the time required, the  
28 commissioner may extend the time required for completion for not more  
29 than one year;

1 (4) failure to brush the boundaries of the land within 90  
2 days after issuance of the homestead entry permit unless the parcel is  
3 described by aliquot parts;

4 (5) failure to clear and either put into production or  
5 prepare for cultivation 25 percent of the land classified for agricul-  
6 tural use within five years after the issuance of the permit.

7 \* Sec. 6. AS 38.09.050(a) is amended to read:

8 (a) The commissioner shall issue a patent to homestead entry  
9 land if the permit holder

10 (1) resides and lives on the homestead entry land for not  
11 less than 25 months within five years after the issuance of the home-  
12 stead entry permit;

13 (2) submits an aliquot parts description or completes an  
14 approved survey of the land in an area where the commissioner waives  
15 the rectangular survey grid within five [TWO] years after the issuance  
16 of the permit [OR UNDER AS 38.09.040(b)];

17 (3) erects a habitable, permanent dwelling on the homestead  
18 within three years after the issuance of the homestead entry permit;

19 (4) brushes the boundaries of the land unless the parcel is  
20 described by aliquot parts within 90 days after the issuance of the  
21 permit;

22 (5) clears and either puts into production or prepares for  
23 cultivation either 25 percent of the land classified for agricultural  
24 use or 50 percent of the land having class II or III soils, whichever  
25 is less, within five years after issuance of the permit.

26 \* Sec. 7. AS 38.09.040(b) is repealed.

27 \* Sec. 8. This Act takes effect immediately under AS 01.10.070(c).