

Leg. Finance-House & Senate Finance Comte Files (1991-1992) 841

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State of Arizona  
House of Representatives  
Thirty-ninth Legislature  
Second Regular Session  
1990

ISSUED BY  
**JIM SHUMWAY**  
SECRETARY OF STATE

CHAPTER 255  
HOUSE BILL 2675

AN ACT

RELATING TO EDUCATION, TRANSPORTATION AND THE ENVIRONMENT; ESTABLISHING A PROGRAM OF ENVIRONMENTAL EDUCATION; ESTABLISHING AN ENVIRONMENTAL NUMBER PLATE FUND; PRESCRIBING CERTAIN FUND PURPOSES; PROVIDING FOR ENVIRONMENTAL NUMBER PLATES AND FEES; PRESCRIBING DEFINITIONS; REQUIRING PUBLIC SCHOOLS TO INTEGRATE ENVIRONMENTAL EDUCATION INTO CURRICULUM; PRESCRIBING GUIDELINES AND AN ENVIRONMENTAL EDUCATION INFORMATION RESOURCE SYSTEM; PROVIDING FOR AN ASSESSMENT OF ENVIRONMENTAL EDUCATION PROGRAMS; PRESCRIBING THAT UNIVERSITIES ESTABLISH AN ENVIRONMENTAL EDUCATION TRAINING PROGRAM; ESTABLISHING A DEPARTMENT OF EDUCATION ENVIRONMENTAL EDUCATION FUND; PRESCRIBING CERTAIN FUND ADMINISTRATION; ESTABLISHING THE INTERAGENCY COMMITTEE ON ENVIRONMENTAL EDUCATION; PRESCRIBING APPOINTMENT, MEETINGS AND DUTIES OF THE INTERAGENCY COMMITTEE ON ENVIRONMENTAL EDUCATION; ESTABLISHING THE ARIZONA ENVIRONMENTAL EDUCATION TASK FORCE; PRESCRIBING APPOINTMENT, MEETINGS AND DUTIES OF THE ARIZONA ENVIRONMENTAL EDUCATION TASK FORCE AND THE CHAIRMAN; ESTABLISHING AN ARIZONA ENVIRONMENTAL EDUCATION TASK FORCE FUND; PRESCRIBING IMPLEMENTATION OF ENVIRONMENTAL EDUCATION PROGRAMS; AMENDING TITLE 15, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-214; AMENDING TITLE 15, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-706; AMENDING TITLE 15, CHAPTER 10, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 7.1; AMENDING TITLE 15, CHAPTER 13, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-1643; AMENDING TITLE 28, CHAPTER 3, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-308.08; AMENDING TITLE 49, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 4; AMENDING SECTION 28-301.03, ARIZONA REVISED STATUTES, AND PROVIDING FOR A CERTAIN DELAYED REPEAL DATE.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Legislative intent

3 The legislature recognizes that the education of the people in this  
4 state is critical to maintaining the delicate balance among all forms of  
5 life and their environments. It is the intent of the legislature that the  
6 public schools, community colleges, state universities and state agencies  
7 provide a continuing awareness of the essential mission to preserve the

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recreation. For these reasons and because coastal barriers are so vulnerable to damage from erosion and flood, they are dangerous places to live, expensive places to insure, and the wrong places to build.

The Coastal Barriers Resources System was created 7 years ago to ban Federal flood insurance, housing loans, highway grants, and other support for ecologically harmful development in certain coastal barriers. According to the Department of the Interior, the system has already saved the Federal Government more than \$1 billion.

The bill before us today reflects 2 years of hearings, meetings, and site visits conducted by members and staff, using recommendations provided by the Department of the Interior as a starting point. The amendments made by the bill would add over 750,000 acres of undeveloped coastal barriers and associated wetlands to the system. Included in the system, for the first time, would be almost 30,000 acres along the shores of the Great Lakes; 65,000 acres in the Florida Keys; over 20,000 acres in Puerto Rico; and 3,700 acres in the Virgin Islands. Hundreds of thousands of acres of wetlands and secondary coastal barriers along the Atlantic and gulf coasts would be added to the system, as well.

It is important to emphasize that under the bill, citizens will not be prevented from developing currently undeveloped coastal barriers, but they will have to do so, not at the risk of the Federal taxpayer, but at their own risk and expense.

In closing, I would like to thank the chairman of the full committee, the gentleman from North Carolina [Mr. JONES]; the chairman of the Subcommittee on Oceanography and Great Lakes, the gentleman from Michigan [Mr. HERTEL]; and the ranking minority member of our committee, the gentleman from Michigan [Mr. DAVIS]; for their help in bringing this bill to the floor. I also congratulate the junior Senator from Rhode Island for his leadership in gaining approval for the bill in the other body.

Mr. Speaker, it is not often we come up with a program that protects the environment, protects people, and protects the Federal Treasury, but that's what the Coastal Barrier Resources System has been doing for the past 8 years, and that's what this bill will help us do twice as effectively in the future.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I rise in support of H.R. 2840 and urge its adoption.

H.R. 2840 was passed by the House earlier this year. It is the product of extensive work by House and Senate committees, including hearings, site visits, and consultations with the af-

ected public. The bill we are addressing today contains primarily the House language with the exception of small changes made by the Senate. The members of our committee have examined these changes and found them to be acceptable.

H.R. 2840 is one of those rare pieces of legislation that help protect the environment while saving the taxpayers money. I believe it should be supported by the Members of the House.

Mr. STUDDS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. ORTIZ].

(Mr. ORTIZ asked and was given permission to revise and extend his remarks.)

Mr. ORTIZ. Mr. Speaker, I do support the bill. It is a good bill. I thank the chairman of the committee, the gentleman from Massachusetts [Mr. STUDDS].

Mr. DAVIS. Mr. Speaker, I rise in support of H.R. 2840, a bill that may well affect the lives of the 2,300 Great Lakes landowners who live in my district. The reason I know this is because I contacted every one of them to explain the Coastal Barrier Resources System and to ask for their help in our deliberations. Because of this, I would like to thank Chairman HERTEL and STUDDS for their extraordinary cooperation in seeing that the extension of the Coastal Barrier Resources System to this new geographic area is done as fairly and accurately as possible. Chairman HERTEL should be especially commended for marshaling this bill through the House and seeing that our interests were protected when the Senate considered this bill.

The bill before us will include 33,000 acres of Great Lakes shoreline and habitat in the system, of which over 13,000 acres are in my district alone. In fact, my district will have more coastal barrier units—36—than any other in the country, and Michigan will have more new CBRA areas—46—than any other State in the Nation, save Virginia and New York.

The areas which were not included in the bill in many cases were misidentified by the Department of the Interior because of outdated maps, unclear aerial photography, and lack of site visits to verify their eligibility. However, the included areas represent the Great Lakes' most fragile coastal shores which are prone to erosion and flooding caused by severe winter storms and which serve as important fish and wildlife habitat.

Mr. Speaker, I urge my colleagues to support the bill as is, which may do much to protect Federal investments when the Great Lakes rise to record levels again, while preserving a delicate balance for those who live and work there. Much time and energy has been spent here, especially by Chairman HERTEL, and we should not leave this legislation unfinished.

□ 0320

Mr. STUDDS. Mr. Speaker, I have no further requests for time. Let me just assure Members that all the usual and requisite commendations of Members on both sides of the aisle are included in the Extensions of Remarks.

Mr. GOSS. Mr. Speaker, I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2840.

The question was taken and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

#### NATIONAL ENVIRONMENTAL EDUCATION ACT

Mr. JONTZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3176) to promote environmental education, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. GOODLING. Reserving the right to object, Mr. Speaker, I will not object, and I take this time only to allow the gentleman to explain his motion.

Mr. JONTZ. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Indiana.

Mr. JONTZ. Mr. Speaker, I would be happy to explain.

This is the National Environmental Education Act, S. 3176. This is a revised version of the legislation which passed this House on Friday, September 28.

S. 3176 would establish an Office of Environmental Education within the EPA to administer and coordinate the Federal Government's environmental education contributions.

The bill establishes an environmental education and training program for teacher training in the development and delivery of environmental education programs.

The bill also establishes an environmental educational grant program to support activities of local school systems, colleges, and public broadcasting organizations.

In addition, this legislation would establish college-level environmental internships in Federal agencies and would establish a National Environmental Education and Training Foundation.

The bill authorizes \$12 million for each fiscal year 1992 and 1993, \$13 million for fiscal year 1994, and \$14 million for fiscal year 1995 and 1996 for the EPA and the Foundation for these activities.

Mr. Speaker, I want to take a moment first of all to thank my colleague on the Education and Labor

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STRATEGIC PLAN

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	Strategic Plan For Establishing The EPA Environmental Education Program

**DRAFT**

July 1990

*'In the end, environmental education boils down to a simple yet profoundly important imperative: preparing ourselves for life and all its surprises in the next century. When the 21st century rolls around, it will not be enough for a few specialists to know what is going on while the rest of us wander around in ignorance'*

- William K. Reilly, Administrator  
U.S. Environmental Protection Agency

**SB80**

# SENATE FINANCE COMMITTEE REPORT

DATE: 3/26/91

FURTHER:

DATE TURNED INTO OFFICE: 1-28-92

The Finance Committee considered SENATE BILL NO. 80

"An Act relating to eligibility for retirement under the teachers' retirement system."

and recommended:

- replace with \_\_\_\_\_ CS \_\_\_\_\_  same title
- or adopt \_\_\_\_\_ CS \_\_\_\_\_  new title
- attached amendment(s)  technical title change (HB only)
- \_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

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

ATTACHES NEW FISCAL NOTE(S):

APPROVES PREVIOUS:

fiscal note(s) Dept/Date: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

fiscal note(s) Dept/Date: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_  
DDA 1-27-92  
Unid. 1-28-92

zero fiscal note(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

appropriation-no fiscal note

SIGNING DO PASS:  
[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OTHER RECOMMENDATIONS:  
Al Adams - do not pass  
[Signature] No Rec  
[Signature] No Rec  
Rick Kelly (No Rec)  
\_\_\_\_\_  
\_\_\_\_\_

1. [Signature] Do pass

2. [Signature]

Co-Chairs: Signatures and Recommendations

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. SB 80

Revision Date: January 23, 1992  
 Title: "An Act relating to eligibility for retirement under the teachers' retirement system."  
 Sponsor: Duncan  
 Requestor: Senate Finance

Department Affected: Administration  
 BRU: Retirement and Benefits  
 Component: Retirement and Benefits

COMPONENT SERIAL NO. 

		6	4
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

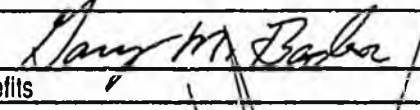
GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

POSITIONS:

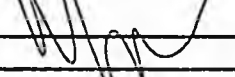
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: Zero.

ANALYSIS: (Attach a separate page if necessary.)  
 We estimate that no more than five members would be advantaged by this bill. This fiscal impact on the Teachers' Retirement System (TRS) is too small to be significant.

Prepared by: Gary M. Bader   
 Division: Retirement and Benefits

Phone: (907) 465-4460  
 Date: January 23, 1992

Approved by Commissioner: Nancy Bear Usura   
 Agency: Administration

Date: 1/27/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

**FISCAL NOTE**

**STATE OF ALASKA  
1992 LEGISLATIVE SESSION**

**BILL NO. SB80**

Revision Date:  
Title: "An Act relating to eligibility for  
retirement under the teachers' retirement system"  
Sponsor: Senator Duncan  
Requestor:

Department Affected: University of Alaska  
BRU:  
Component:

Component Serial No. All

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY93	FY94	FY95	FY96	FY97	FY98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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FUNDING: (Thousands of Dollars)	FY93	FY94	FY95	FY96	FY97	FY98
GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:	FY93	FY94	FY95	FY96	FY97	FY98
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

**ANALYSIS: (Attach a separate page if necessary.)**  
  
The university does not anticipate a significant number of employees who would qualify under this section.

Prepared by: Marsha Hubbard, Director Phone: 474-7593  
 Division: Statewide Budget Office Date: 1/28/92  
 Approved by: Brian Rogers, Vice President for Finance  
 Agency: University of Alaska Date: 1/28/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

**SENATE BILL NO. 80**

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATOR DUNCAN

Introduced: 1/22/91

Referred: State Affairs and Finance

**A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to eligibility for retirement under the teachers' retirement system."

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

3 \* Section 1. AS 14.25.110(a) is amended to read:

4 (a) Subject to AS 14.25.167, a member is eligible for a normal retirement benefit if the  
5 member

6 (1) was first hired before July 1, 1975, has attained the age of 55 years, and has  
7 at least 15 years of credited service, the last five of which have been membership service, or is  
8 otherwise vested in the system;

9 (2) has attained the age of 60 years and has at least eight years of membership  
10 service;

11 (3) has attained the age of 60 years, has at least five years of membership service,  
12 and has at least three years of Alaska BIA service;

13 (4) has at least 25 years of credited service, the last five of which have been  
14 membership service;

- 1 (5) has at least 20 years of membership service;
- 2 (6) has at least 20 years of combined membership service and Alaska BIA service,  
3 the last five of which have been membership service; [OR]
- 4 (7) has, for each of 20 school years,
- 5 (A) at least one-half year of membership service as a part-time teacher;
- 6 (B) one full year of membership service as a full-time teacher; or
- 7 (C) any combination of service qualified under this paragraph; or
- 8 (8) has attained the age of 55 years and has at least four years of membership  
9 service and four years of outside service acquired as a certificated employee in an approved  
10 or accredited nonpublic school in the state or as a teacher in an approved or accredited  
11 nonpublic institution of higher learning in the state and claims the outside service on or  
12 before June 30, 1992.

13 \* Sec. 2. AS 14.25.110(b) is amended to read:

14 (b) Subject to AS 14.25.167, a member is eligible for an early retirement benefit upon  
15 completing the service requirements in (a)(1) or (8) of this section and attaining the age of 50  
16 years or upon completing the service requirements in (a)(2) or (3) of this section and attaining  
17 the age of 55 years.



# Alaska State Legislature

SENATOR JIM DUNCAN

P. O. Box V JUNEAU, ALASKA 99811-3100  
(907) 465-4766

COMMITTEES:  
VICE CHAIR —  
FINANCE  
VICE CHAIR —  
STATE AFFAIRS  
RULES  
BUDGET & AUDIT  
ETHICS REFORM

## MEMORANDUM

**DATE:** January 21, 1992  
**TO:** Senator Pat Pourchot, Co-Chair  
Senate Finance Committee  
**FROM:** Senator Jim Duncan  
**RE:** SB 80, relating to retirement eligibility under the Teachers' Retirement System.

I request that you schedule SB 80, relating to retirement eligibility under the Teachers' Retirement System for a hearing in the Senate Finance Committee as soon as possible.

SB 80 will allow an employee to match up to four years of outside service as a certificated employee in an approved or accredited non-public school in the state or as a teacher in an approved or accredited non-public institution of higher learning in the state with member services.

Other states such as Ohio allow outside service to be matched with member service to vest. Since all service in this case must have been to in-state institutions, it is appropriate to adopt the same practice in Alaska.

I urge your favorable consideration of SB 80.

# Alaska State Legislature

f. n. ?  
Legislative Research Agency



P.O. Box Y  
Juneau, AK 99811-3100  
Phone: (907) 165-3991  
Fax: (907) 163-3351

July 17, 1990

## MEMORANDUM

TO: Senator Jim Duncan

ATTN: Roxanne Stewart

FROM: Carol R. Vendor *CRV*  
Legislative Analyst

RE: Use of Outside Service for TRS Vesting in Other States  
Research Request 91.002

You asked if Teachers' Retirement Systems (TRS) in other states allow teachers to purchase outside service and whether the outside service may be used to satisfy vesting requirements.

I spoke with John Rogers of the National Education Association in Washington, D.C. Mr. Rogers was not familiar with the specifics of each state's TRS. However, he believed that, generally, outside service may not be used to satisfy vesting requirements. He suggested I call the progressive states of California, Michigan, New York, and Ohio. I also called Montana, New Mexico, and Washington.<sup>1</sup> Of these seven states, only Ohio allows teachers to use outside service to satisfy vesting requirements. Following is a summary of my phone conversations with retirement representatives in these states.

*California* - The Teachers' Retirement System does not allow teachers to purchase outside service. The TRS requires five years of California TRS service to vest.

*Michigan* - The Educational Retirement System (ERS) allows teachers to purchase a maximum of 15 years of outside service. However, outside service may not be used to satisfy vesting requirements and it must be matched with service in the Michigan ERS. Teachers are allowed to purchase outside service prior to vesting, but the outside service is not added to total service until the member is vested. Ten years of Michigan ERS service is required to vest.

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<sup>1</sup>According to 1988 Comparative Survey of Major Public Pension Plans prepared by the Wisconsin Retirement Research Committee, Arizona, Colorado, Hawaii, Idaho, Nevada, Oregon, Utah, and Wyoming do not have a separate retirement system for teachers. Teachers in these states belong to the same retirement system as other public employees.

Senator Duncan  
July 17, 1990  
Page 2

*New York* - The Teachers' Retirement System does not allow teachers to purchase outside service. To vest in TRS, a teacher must have ten years of service in the public school system.

*Ohio* - The Teachers' Retirement System allows teachers to purchase a maximum of five years of outside service. This service must be matched with service in the Ohio TRS. The Ohio TRS requires five years of service to vest and outside service may be used to satisfy vesting requirements. Therefore, a teacher who has three years of Ohio TRS service and purchases three years of outside service is vested in the Ohio TRS.

*Montana* - Teachers hired prior to July 1, 1989 may purchase a maximum of five years of outside service. The TRS requires five years of Montana TRS service to vest. A teacher must be vested prior to purchasing outside service. Teachers hired after July 1, 1989 may not purchase outside service.

*New Mexico* - The Educational Retirement System requires five years of New Mexico ERS service to vest. A teacher may purchase up to five years of outside service prior to vesting, but the outside service may not be used to satisfy vesting requirements.

*Washington* - The Teachers' Retirement System does not allow teachers to purchase outside service. The TRS requires five years of Washington TRS service to vest.

If I may be of further assistance, please contact this office.

**DEPARTMENT OF ADMINISTRATION**

DIVISION OF RETIREMENT & BENEFITS

PLEASE REPLY TO:

P.O. BOX CR  
JUNEAU, ALASKA 99811-0203  
PHONE: (907)465-4460

701 EAST TUDOR ROAD, SUITE 240  
ANCHORAGE, ALASKA 99503-7445  
PHONE: (907) 563-5885

Fax# 465-3086

Public Employees Retirement System  
Teachers Retirement System  
Judicial Retirement System  
Elected Public Officers Retirement System  
National Guard Retirement System  
Territorial Retirement System  
Retirees Voluntary Dental-Vision-Audio Plan  
Supplemental Benefits System  
Group Health/Life Insurance Benefits  
Deferred Compensation Plan  
Public Employers Social Security Contributions

STEVE COWPER, GOVERNOR

October 10, 1990

The Honorable Jim Duncan  
Alaska State Senator  
P.O. Box V  
Juneau, Alaska 99811

*Jim*  
Dear Senator Duncan:

The actuarial analysis of your request concerning outside service in the TRS has been completed. As we understand your request, you wanted to explore the viability of treating some or all outside service as membership (vesting) service. You had also asked that we review the Ohio model and consider it's applicability to the TRS.

The Ohio model requires, basically, that the member must match outside service with membership service on a one-for-one basis before it can be used for vesting purposes. Therefore, if, as in the TRS, eight years of membership service is required for vesting, a member could combine four years of outside service with four years of membership service to meet the requirement.

In our review, we broke outside service into two scenarios; 1) teaching service in Alaska for non-public schools and 2) teaching service outside of Alaska. We then applied the Ohio Model analysis to both scenarios.

We estimate that under scenario 1, three employees would become vested who would not otherwise. This would increase TRS liabilities by \$23,000 and annual TRS contributions by \$2,100. There would be no measurable effect on the funding status or contribution rate.

Under scenario 2, 126 teachers would become vested. This would increase TRS liabilities by \$945,000 and decrease the TRS funding ratio by .06%. The annual contribution would increase by \$88,000, a .02% increase in the contribution rate.

The cost to provide this enhanced benefit under scenario 1 is minimal. However, we must still remind ourselves that the underlying purpose of the

The Honorable Jim Duncan  
October 10, 1990  
Page 2

system is "...to encourage qualified teachers to enter and remain in service with participating employers...". The question that must still be asked is whether this type of an enhancement is necessary. Certainly all indications to us by the employers are that they are not having difficulty in encouraging and retaining teachers.

I hope that this information is helpful in your deliberations. Once again, I apologize for the delay in this response. If we can be of additional help, please contact us.

Sincerely,

*Bob*

Robert Stalnaker  
Deputy Director

RFS/ksl  
RB 90-008

1-28-92  
SFC

TESTIMONY OF JON STABLES  
ASSISTANT BUSINESS MANAGER, ASEA/AFSCME LOCAL 52  
BEFORE THE SENATE FINANCE COMMITTEE  
ON SENATE BILL 329  
"ALASKA STATE PENSION INVESTMENT BOARD"  
JANUARY 28, 1992

GOOD MORNING. FOR THE COMMITTEE RECORD, MY NAME IS JON STABLES AND I AM THE ASSISTANT BUSINESS MANAGER FOR THE ALASKA STATE EMPLOYEES ASSOCIATION/AFSCME LOCAL 52. MY BUSINESS ADDRESS IS 641 WEST WILLOUGHBY, SUITE 100, JUNEAU, ALASKA 99801.

I WANT TO THANK FINANCE COMMITTEE CO-CHAIRMEN JAY KERTTULA AND PAT POURCHOT FOR ALLOWING ME TO TESTIFY ON BEHALF OF SENATE BILL 329 TODAY, AND FOR THEIR WORK IN DEVELOPING THIS LEGISLATION.

I SHOULD POINT OUT THAT MY TESTIMONY TODAY REFLECTS THE DESIRES OF THE APPROXIMATELY 9,000 MEMBERS AND OFFICERS OF THE ALASKA STATE EMPLOYEES ASSOCIATION.

AS I AM SURE THE COMMITTEE MEMBERS RECALL, OUR ASSOCIATION SUPPORTED SENATE BILL 18 LAST YEAR, WHICH WOULD HAVE ESTABLISHED A SEPARATE STATE INVESTMENT BOARD. WE FELT THIS WAS A VERY GOOD PIECE OF LEGISLATION AND OUR ONLY REGRET IS THAT GOVERNOR HICKEL VETOED THE BILL LAST SUMMER.

WHILE SENATE BILL 329 CONTAINS A FEW SIGNIFICANT CHANGES FROM SENATE BILL 18, WE AT ASEA RECOGNIZE IT AS A COMPROMISE EFFORT TO AVOID THE GOVERNOR'S VETO THIS YEAR.

WE SUPPORT SENATE BILL 329 BECAUSE IT PROVIDES FOR THE MEMBERS AND BENEFICIARIES OF THE PUBLIC EMPLOYEES RETIREMENT SYSTEM, THE TEACHERS RETIREMENT SYSTEM, THE SUPPLEMENTAL BENEFITS SYSTEM

(CONTINUED)

SENATE FINANCE COMMITTEE  
TESTIMONY OF JON STABLES ON S.B. 329  
PAGE TWO

AND THOSE EMPLOYEES WITH INVESTMENTS IN THE DEFERRED COMPENSATION FUND TO ELECT THEIR REPRESENTATIVES TO THE INVESTMENT BOARD. I'M SURE IT COMES AS NO SURPRISE TO THE COMMITTEE THAT WE BELIEVE IT PRUDENT AND SENSIBLE PUBLIC POLICY TO ALLOW PUBLIC EMPLOYEES A SAY IN HOW THEIR MONEY IS INVESTED.

FURTHER, WE BELIEVE CREATION OF SUCH AN INVESTMENT BOARD, WHETHER AS A QUASI-INDEPENDENT ENTITY OR UNDER AN EXISTING STATE DEPARTMENT, IS A MAJOR STEP TOWARD AVOIDING THE TYPE OF FIASCO THAT CAME TO A HEAD LAST YEAR WITH THE STATE'S SUPPLEMENTAL BENEFITS SYSTEM AND THE SO-CALLED "GUARANTEED" INVESTMENT CONTRACTS WITH THE EXECUTIVE LIFE CORPORATION OF CALIFORNIA. MANY A CANDIDATE FOR PUBLIC OFFICE HAS BEEN BETTER ABLE TO DELIVER ON HIS OR HER CAMPAIGN GUARANTEES THAN THAT FIRM.

MANY OF THE RISKS INHERENT IN THE WAY S.B.S. FUNDS WERE INVESTED IN THE PAST WOULD BE ELIMINATED BY THE PROVISIONS IN SENATE BILL 329. FOR THE REASONS I HAVE STATED, FOR THE PROTECTION OF FUNDS INVESTED BY ALASKA'S HARD WORKING PUBLIC EMPLOYEES, AND FOR THE GOOD OF THEIR MORALE, ASEA STRONGLY URGES THE SENATE FINANCE COMMITTEE TO RECOMMEND APPROVAL OF SENATE BILL 329, AND TO PASS IT OUT TO THE SENATE RULES COMMITTEE SO IT CAN BE SCHEDULED FOR A FLOOR VOTE.

AGAIN, MY THANKS TO THE COMMITTEE CO-CHAIRMEN AND THE BILL'S SPONSOR FOR PROVIDING THE OPPORTUNITY TO TESTIFY TODAY. IF YOU HAVE ANY QUESTIONS REGARDING ASEA'S POSITION ON S.B. 329, I WILL BE PLEASED TO TRY TO ANSWER THEM.

THANK YOU.

(END TESTIMONY)

*Roya*

P.O. Box 020605  
Juneau, Alaska 99802  
April 22, 1990

Senator Jim Duncan  
Box V  
Juneau, Alaska 99811

Dear Senator Duncan:

Please initiate and/or support legislation to extend eligibility for retirement under the teachers' retirement system (TRS) to persons, like myself, who taught for many years at Alaska Methodist University.

Alaska Methodist University was a fine university and a credit to the State of Alaska. I believe AMU would have continued to flourish had it not been for the State university system moving into the Anchorage area and offering courses at prices with which we simply could not compete. Those of us who taught at AMU contributed significantly to the State of Alaska, devoting many years to university teaching in Alaska. I believe it would be reasonable and fair for the State to recognize our contribution.

I had planned to retire in the teachers' retirement system by continuing to teach at UAS, where I am presently employed, but I have just lost my job, leaving me little hope of staying in the system until vested. I have taught at the university level for 17 years, 15 of which were in Alaska (9 at AMU, and 6 at UAS). With the exception of two years (1976-1978), I have been a continuous resident of Alaska since 1963. Alaska is my home and I intend to stay here.

Thank you for your attention to this matter.

Sincerely,

*Gerard Garland*  
Gerard Garland

**FISCAL NOTE**

**STATE OF ALASKA  
1991 LEGISLATIVE SESSION**

**BILL NO. SB 80**

Revision Date: \_\_\_\_\_ Department Affected: **University of Alaska**  
 Title: **Eligibility for Retirement under TRS** BRU: **Statewide Program and Services**  
 Component: \_\_\_\_\_  
 Sponsor: **Duncan**  
 Requestor: \_\_\_\_\_ Component Serial No. **All**

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY92	FY93	FY94	FY95	FY96	FY97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

FUNDING: (Thousands of Dollars)	FY92	FY93	FY94	FY95	FY96	FY97
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:	FY92	FY93	FY94	FY95	FY96	FY97
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: \_\_\_\_\_

**ANALYSIS:** (Attach a separate page if necessary.) SB 80 expands the eligibility for normal and early retirement under the TRS by allowing members to claim four years of certain outside service by June 30, 1992. The University feels that at this time, these changes do not result in significant cost increases.

Prepared by: Marsha Hubbard, Director  
 Division: Statewide Budget Office

Phone: 474-7593  
 Date: 3-11-91

Approved by: Brian Rogers, Vice President for Finance  
 Agency: University of Alaska

Date: \_\_\_\_\_

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

*Outdated 1991 note.*

FISCAL NOTE

No. 1

Version: SR 80

(S) Publish Date: 3/26/91

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
Title: "An act relating to eligibility for retirement under the teachers' retirement system."

Department Affected: Administration  
BRU: Retirement and Benefits

Sponsor: Duncan  
Requestor: \_\_\_\_\_

Component: Retirement and Benefits  
COMPONENT SERIAL NO. 64

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS

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

Estimate of current year impact: zero

ANALYSIS: (attach a separate page if necessary.)

We estimate that no more than five members would be advantaged by this bill. The fiscal impact on the TRS is too small to be significant.

Prepared By: Gary Bader *Gary M. Bader*  
Division: Retirement and Benefits

Phone: 465-4460  
Date: \_\_\_\_\_

Approved by Commissioner: Millett Keller *Millett Keller*  
Agency: Department of Administration

Date: 3/22/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB & Impacted Agency(ics).

Rev 10/90

*Outdated 1991 note.*

Page 1 of 1

**SB81**

# ( ) USE COMMITTEE REPORT

(11)

Date Referred: May 16, 1991

FURTHER REFERRALS:

Date of Committee Action: 5/17/91

The FINANCE Committee considered:

CSSB 81(FIN) am

CS FOR SENATE BILL NO. 81 (FINANCE) am

PLATTING AUTHORITY FOR STATE

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

**RECOMMENDATIONS:**

be replaced with HCS CSSB 81 (FIN)  the same title  
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact \_\_\_\_\_

1  fiscal note(s) DNR

zero fiscal note \_\_\_\_\_

3  zero fiscal note(s) DOT PF 2/25/91 DCRA 4/15/91  
DEC 2/25/91

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>EP Meehan</u> <u>MAClean</u>	<input checked="" type="checkbox"/>	<del>_____</del>			
<u>Mike Navarre</u> <u>NAVARRE</u>	<input checked="" type="checkbox"/>	<u>_____</u> <u>JACKO</u>		<input checked="" type="checkbox"/>	
<u>Mark Boyer</u> <u>Boyer</u>	<input checked="" type="checkbox"/>	<u>_____</u> <u>Barnes</u>		<input checked="" type="checkbox"/>	
<u>Tom Brown</u> <u>BROWN</u>	<input checked="" type="checkbox"/>	<u>_____</u> <u>Shay</u>		<input checked="" type="checkbox"/>	
<u>_____</u> <u>KOPONEN</u>	<input checked="" type="checkbox"/>	<u>_____</u> <u>Phillips</u>		<input checked="" type="checkbox"/>	
<u>_____</u> <u>hanson</u>	<input checked="" type="checkbox"/>	<u>_____</u> <u>Ulmer</u>		<input checked="" type="checkbox"/>	

Mike Navarre Eileen P. Meehan  
 Co-CHAIRMAN'S SIGNATURE  
NAVARRE MAClean

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

no. 1  
BILL NO. 1 Version: SB 81  
(S) Publish Date: 2/25/91

**FISCAL NOTE**

Revision Date: Department Affected: DOT&PF  
Title: DNR Platting Authority in Unorganized Borough BRU: Admin. Services  
Sponsor: Fahrenkamp Component: Leasing  
Requestor: Component Serial Number:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY92	FY93	FY94	FY95	FY96	FY97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>CAPITAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>REVENUE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL FUNDING:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

POSITIONS

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

Estimate of current year impact: None.

ANALYSIS: (Attach a separate page if necessary)

The bill, as drafted, will not unduly affect impact capital or fiscal budgets. However, there are two portions of the bill, which if changed or eliminated, would have serious fiscal implications. These include the the language found in Sections 40.15.360 and 40.15.380. So long as these sections remain intact, we fully support and endorse this bill.

Prepared by: Kit Duke, Regional Director

Phone: 266-1440

Division: Central Region

Date: February 7, 1991

Approved by Commissioner: Frank G. Turpin

Phone: 465-3900

Agency: Department of Transportation and Public Facilities

Date: February 7, 1991

Distribution By Preparer: Leg

Changes in CS5891 (Fin) have no fiscal impact. This fiscal note is appropriate.

Changes in CS5801 (PS) have no fiscal impact. This fiscal note is appropriate.

REV 2/7/91

4-5-91 date KU Comte Aide (initial)

2/25/91 date RT Comte Aide (initial)

FISCAL NOTE

Bill Version: SB 81  
 (S) Publish Date: 2/25/91

STATE OF ALASKA  
 1991 LEGISLATIVE SESSION

Revision Date: Feb. 8, 1991 Department Affected: Environmental Conservation  
 Title: DNR Platting Bill BRU: Environmental Quality  
 Component: Environmental Quality Projects  
 Sponsor: Senator Fahrenkamp  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

1	0	1	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year impact: None

Changes in CS 5881 (Fin) cessary.)  
 have no fiscal impact. This  
 fiscal note is appropriate.

4-5-91 KN  
 date Comte Aide (initial)

Changes in CS 5881 (RS)  
 have no fiscal impact. This  
 fiscal note is appropriate.

2/28/91 PT  
 date Comte Aide (initial)

Prepared By: Dick Farnell Phone: 465-2656  
 Division: Environmental Quality Date: Feb. 5, 1991  
 Approved by Commissioner: Frank Taylor  
 Agency: Environmental Conservation Date: \_\_\_\_\_

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

No. 3  
 Bill Version: CS SB 81 (FIN)  
 (S) Publish Date: 4/5/91

STATE OF ALASKA  
 1991 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Department Affected: Community & Regional Affairs  
 Title: "An Act establishing..Dept of BRU: \_\_\_\_\_  
Natural Resources as..plattng authority" Component: \_\_\_\_\_  
 Sponsor: Sen Fahrenkamp  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Changes in CS SB 81 (Fin) have no fiscal impact. This fiscal note is appropriate.

4-5-91 date ku Comte Aide (initial)

Prepared By: Remond Henderson, Director *Remond Henderson* Phone: 465-4708  
 Division: Administrative Services Date: 4/2/91  
 Approved by Commissioner: Edgar Blatchford *Edgar Blatchford*  
 Agency: Community & Regional Affairs Date: 4/2/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

No. 4

Bill Version: CSSB 81(FIN)

BILL 1

(S) Publish Date: 4/5/91

Revision Date: 19-Mar-91 Department Affected: Natural Resources  
 Title: Establishing DNR as platting authority BRU: Land & Water Management  
in certain areas Components: Land & Water Management  
 Sponsor: Senator Fahrenkamp  
 Requestor: Senate Finance COMPONENT SERIAL NO. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	66.0	66.0	66.0	66.0	66.0	66.0
TRAVEL						
CONTRACTUAL	5.0	5.0	5.0	5.0	5.0	5.0
SUPPLIES	3.0	3.0	3.0	3.0	3.0	3.0
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	74.0	74.0	74.0	74.0	74.0	74.0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	74.0	74.0	74.0	74.0	74.0	74.0
FEDERAL FUNDS						
OTHER						
TOTAL	74.0	74.0	74.0	74.0	74.0	74.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of Current year impact: None

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared by: Ron Swanson Phone: 762-2680  
 Division: Land & Water Date: 19-Mar-91

Approved by Commissioner: Harold Heinze Date: 19-Mar-91  
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB,  
 & Impacted Agency(ies).

Position Title		Cadastral Surveyor I		No. of Positions	Range/Step	19 A	Barg. Unit	GGU
Time Status	FTT	Staff Months	12	Location		Anchorage		
				Election District				
				Justification				
Type of Expenditure			Amount					
1			2		3			
Salary			41.4					
Benefits			16.8					
Premium Pay								
Other								
Total Personal Services					58.2			
Travel								
Contractual					4.0			
Commodities					2.0			
Equipment								
Other								
Total Cost					64.2			
Funding Source for Total Cost								
Federal Receipts			1002					
G. F. Match			1003					
General Fund			1004		64.2			
I-A Receipts			1006					
CIP Receipts			1061					
Other								
Personal Services Salary and Benefits costs are from PACS.								

A professional land surveyor is required to review all survey plats outside of organized municipalities with platting authority to ensure that all plats meet minimum requirements before they are recorded. SB 81 requires that all plats must be reviewed within 45 days of submittal. The bill also requires that surveys of subdivisions have sufficient ties to monuments of record to ensure the accurate geographic position of the new subdivision and that the plat is done in such a way to make individual lots readily locatable to future owners and surveyors retracing the lots in the future.

We expect that we will need to review between 150 to 200 plats per year under this program. The review will ensure that all plats meet state standards and future land owners rights of valid ownership are protected.

Existing staff cannot handle this increased workload. This is a new service. The department is proposing a reduction of Cadastral Survey staff from 20 positions to 12 in the FY 1992 budget.

284  
Request For  
New Position

Agency Natural Resources  
BRU Land and Water  
Component Land and Water

Page      of       
Revised Date     

FY 92

Position Title Clerk Typist III		No. of Positions 1	Range/Step 3B	Barg. Unit GGU
Time Status PP3	Staff Months 3	Location Anchorage		Election District
Type of Expenditure		Amount		
1	2	3		
Salary	5.1			
Benefits	2.7			
Premium Pay				
Other				
Total Personal Services		7.8		
Travel				
Contractual		1.0		
Commodities		1.0		
Equipment				
Other				
Total Cost		9.8		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	9.8		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
*Personal Services Salary and Benefits costs are from PACS.				
Justification				
<p>Three months of a Clerk-Typist time will be needed to receive submittals, track plats through until recorded, process correspondence associated with the platting authorities review, and to maintain files.</p> <p>Existing staff cannot handle this increased workload. This is a new service. The department is proposing a reduction of Cadastral Survey staff from 20 positions to 12 in the FY 92 budget.</p>				

3  
4

**Request For  
New Position**

Agency Natural Resources  
 BRU Land and Water  
 Component Land and Water

Page      of       
 Revised Date     

**FY 92**

03-19-91 10:24  
03/13/91 10:23

89077622529

ANCH DLWM

--- DLWM JUNEAU

4003 005

→ ANCH DLWM

0002

Fiscal Note for SB 81, continued

This bill requires the Department of Natural Resources to approve a plat or return it to the applicant for modification or correction within 45 days. If the department fails to take action within 45 days, and the applicant does not consent to an extension of time, the plat is automatically approved and a certificate of approval must be issued. Because of the need to review an estimated 150 plats per year within the 45 day time period, a new, full time Cadastral Surveyor I position and a part time Clerk Typist III position are required. Additional funds are needed for rental space, telephones and supplies.

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): SENATORS FAHRENKAMP, Sturgulewski

## A BILL

## FOR AN ACT ENTITLED

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

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

5 \* Section 1. AS 29.03.030 is amended to read:

6           Sec. 29.03.030. PLATTING AUTHORITY. The [SUBJECT TO AS 40.15.075, THE]  
7 Department of Natural Resources is the platting authority for the state except within a  
8 municipality that has the power of land use regulation and that has adopted ordinances  
9 implementing AS 29.40 [IN THE UNORGANIZED BOROUGH IN THE AREA OUTSIDE  
10 ALL CITIES].

11 \* Sec. 2. AS 40.15.010 is amended to read:

12           Sec. 40.15.010. APPROVAL, FILING, AND RECORDING OF SUBDIVISIONS. Before  
13 the lots or tracts of any subdivision or dedication may be sold or offered for sale, the subdivision  
14 or dedication shall be approved by [SUBMITTED FOR APPROVAL TO] the authority having

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

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

8 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be subdivided or  
9 dedicated is situated within a municipality that has the power of land use regulation and that  
10 has adopted ordinances implementing AS 29.40 [FIRST OR SECOND CLASS BOROUGH],  
11 the proposed subdivision or dedication shall be submitted to the municipal [BOROUGH]  
12 planning commission for approval. If a municipality that has the power of land use  
13 regulation and that has adopted ordinances implementing AS 29.40 [THE LAND IS  
14 SITUATED WITHIN A CITY IN THE UNORGANIZED BOROUGH OR THE THIRD CLASS  
15 BOROUGH, THE PROPOSED SUBDIVISION OR DEDICATION SHALL BE SUBMITTED  
16 TO THE CITY PLANNING COMMISSION FOR APPROVAL. THE BOROUGH PLANNING  
17 COMMISSION IS THE PLATTING AUTHORITY FOR THE FIRST OR SECOND CLASS  
18 BOROUGH, THE CITY PLANNING COMMISSION IS THE PLATTING AUTHORITY FOR  
19 THE CITY, AND THE DEPARTMENT OF NATURAL RESOURCES IS THE PLATTING  
20 AUTHORITY IN THE REMAINING AREAS OF THE STATE AND THIRD CLASS  
21 BOROUGH FOR THE CHANGE OR VACATION OF EXISTING PLATS OR A PORTION OF  
22 SUCH PLATS, AS PROVIDED IN AS 40.15.075. IF THE BOROUGH OR THE CITY] does  
23 not have a planning commission, the [BOROUGH ASSEMBLY OR THE CITY] governing body  
24 [, RESPECTIVELY,] is the platting authority and the proposed subdivision or dedication shall  
25 be submitted to it. A subdivision may not be filed and recorded until it is approved by the  
26 platting authority.

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

28 (b) The Department of Natural Resources is the platting authority in the areas of the state  
29 not described in (a) of this section.

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

31 Sec. 40.15.200. APPLICATION TO STATE AND POLITICAL SUBDIVISIONS. All

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

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

9 ARTICLE 4. PLATTING IN AREAS OUTSIDE CERTAIN MUNICIPALITIES.

10 Sec. 40.15.300. EXAMINATION OF PLATS BEFORE RECORDING. (a) The  
11 commissioner shall exercise the platting authority for the state except within a municipality that  
12 has the power of land use regulation and that has adopted ordinances implementing AS 29.40.

13 (b) The commissioner shall review and approve each plat under AS 40.15.300 -  
14 40.15.380 before the plat is recorded under AS 40.17. The approval by the commissioner shall  
15 be affixed to the plat in the form of the following statement:

16 PLAT APPROVAL

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

19 \_\_\_\_\_  
20 Commissioner

\_\_\_\_\_ Date

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

24 (d) Within 45 days after a plat is filed, the commissioner shall approve the plat or return  
25 it to the applicant for modification or correction. Unless the applicant for plat approval consents  
26 to an extension of time, the plat is approved and a certificate of approval shall be issued by the  
27 commissioner if the commissioner fails to act within that period. The commissioner shall state  
28 in writing reasons for disapproval of a plat.

29 (e) A recorded plat may not be altered or replatted except on petition of the state, a  
30 municipality, a public utility, or the owner of a majority of the land affected by the proposed  
31 alteration or replat. The petition shall be filed with the commissioner and shall be accompanied

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (f) The minimum monumentation requirements for

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

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

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

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

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

#### 19 ARTICLE 5. GENERAL PROVISIONS.

20 Sec. 40.15.900. DEFINITIONS. In this chapter,

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

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

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

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

29 (5) "subdivision"

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

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

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

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

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

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

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

Alaska State Legislature

SENATOR BETTYE FAHRENKAMP  
CHAIRMAN, LEGISLATIVE COUNCIL  
CHAIRMAN, ADMINISTRATIVE REGULATION  
REVIEW COMMITTEE  
119 N. CUSHMAN STREET, SUITE 201  
FAIRBANKS, ALASKA 99701  
OFFICE (907) 452-4882  
HOME (907) 456-2899



WHILE IN JUNEAU  
P.O. BOX V  
JUNEAU, ALASKA 99811  
CAPITOL, ROOM 125  
OFFICE (907) 465-3834  
HOME (907) 780-6027

MEMORANDUM

TO: Representative Mike Navarre and Representative Eileen Maclean, Co-Chairs, House Finance Committee.

FROM: Senator Bettye Fahrenkamp

DATE: May 10, 1991

SUBJECT: SB 81.  
An Act establishing the Department of Natural Resources as the platting authority in certain areas of the state; relating to subdivisions and dedications; efd.

BILL SUMMARY:

- \* DNR is established as the plat approval authority in areas of the state without land use planning ordinances.
- \* Minimal monumentation standards are established (page 4, line 4). The commissioner is directed to establish plat standards, but is specifically prohibited from setting engineering standards for subdivisions.
- \* Maps prepared for the purpose of transferring leasehold interests; extraction of natural resources; or solely for the issuance of licenses or permits are exempted from approval requirement. Land disposals by aliquot part descriptions of 40 acres or more within surveyed sections are also exempt.

FISCAL IMPACT:

\$74.0 FN from DNR; Zero FNs from DEC, C&RA, and DOT.

DEPARTMENT POSITION:

Supported by DNR, DEC, DOT, C&RA. Requested by State Surveying and Mapping Advisory Board. Supported by AFN.

ABOUT THE BILL:

Under present law, in areas of the state without land use planning ordinances, there is no requirement for subdivision plats to meet standards of mapping and monumentation before recording. This leads to problems of proving clear and clean title to subdivision parcels. With increased activity in subdivision, acquisition and conveyance in the unorganized borough; state agencies, survey professionals and Native regional corporations have come to the legislature to propose this bill as a solution.

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

This bill was drafted at the request of the State Surveying and Mapping Advisory Board in order to address certain deficiencies and ambiguities in statute pertaining to subdivision plats in the unorganized borough.

Present Situation: In the areas of the state, outside of boroughs and municipalities with the power of land use regulation pertaining to subdivision plat approval under AS 29.40, there is no requirement for any authority to approve the plat of a subdivision except for re-plats and vacations. At least two state agencies have limited approval authority. DEC has authority to see that a subdivision plat addresses environmental health questions, i.e. sewage and water provisions. DOT has authority relating to access from public roads and highways. However, no agency is granted authority to approve the plat of a subdivision to ensure that it will substantiate clear and clean title to the component parcels. This can lead to expensive r-plats and contentious litigation when questions of clear title arise.

WHAT THIS BILL DOES:

- ◆ CLOSES LOOPHOLE THAT ALLOWS RECORDING OF SUBDIVISIONS IN THE UNORGANIZED BOROUGH WITH INADEQUATE MONUMENTATION AND SLOPPY PREPARATION.
- ◆ APPLIES ONLY TO AREAS OF THE STATE WHERE THERE IS NO MUNICIPALITY WITH LAND USE PLANNING ORDINANCES.
- ◆ ENSURES CLEAR AND CLEAN TITLE TO PARCELS.
- ◆ APPLIES TO SUBDIVISIONS FOR THE PURPOSE OF SALE OR BUILDING DEVELOPMENT, DOES NOT INCLUDE CADASTRAL PLATS, CADASTRAL CONTROL PLATS, OPEN-TO-ENTRY PLATS, OR REMOTE PARCEL PLATS CREATED BY, OR ON BEHALF OF THE STATE.
- ◆ DOES NOT APPLY TO MAPS PREPARED FOR LEASES, NATURAL RESOURCE EXTRACTION OR LICENSES OR PERMITS.
- ◆ DOES NOT APPLY TO ALIQUOT PART SUBDIVISIONS 40 ACRES OR LARGER.
- ◆ MINIMUM MONUMENTATION:  
5 OR FEWER LOTS= MONUMENT AT CONTROLLING EXTERIOR CORNER OF SUBDIVISION.  
MORE THAN 5 LOTS= MONUMENT AT EACH CORNER OF THE SUBDIVISION.  
IF NO MONUMENT OF RECORD LIES ON PARCEL OR TRACT BOUNDARY,

PLAT WILL REFLECT A BOUNDARY SURVEY AND TIE TO A MONUMENT OF RECORD.

◆ ESTABLISHES SPECIFIC MONUMENTATION REQUIREMENTS FOR GOVERNMENTAL BODIES ACQUIRING RIGHTS OF WAY FOR ROADS, AIRPORTS AND OTHER PUBLIC PURPOSES (THESE ARE MINIMAL AND REFLECT CURRENT DOT PRACTICES).

◆ FISCAL: BILL REQUIRES APPROVAL OR RETURN TO APPLICANT WITHIN 45 DAYS. ESTIMATED 150 PLATS PER YEAR WOULD FALL UNDER THIS SECTION. DNR FISCAL NOTE FOR \$74.0/YEAR IS FOR 1 FTE CADASTRAL SURVEYOR I AND A PART TIME CLERK TYPIST III. NOTE: DNR FY 92 DECREMENT REQUEST OF REDUCTION FROM 20 TO 12 CADASTRAL SURVEYORS. HOUSE BUDGET REFLECTS 14. THIS WOULD ADD ONE MORE BACK. STATE WOULD STILL HAVE 5 LESS CADASTRAL SURVEYORS THAN FY 91.

◆ THIS BILL DOES NOT AFFECT LAND USE PLANNING AUTHORITY IN MUNICIPALITIES OR BOROUGHs THAT HAVE ORDINANCES.

◆ DOES THIS BILL MAKE SUBDIVISION PLAT REQUIREMENTS MORE STRINGENT IN THE UNORGANIZED BOROUGH?

YES, BECAUSE NOW THERE ARE NO REQUIREMENTS FOR APPROVAL, OTHER THAN FOR VACATIONS OF RIGHTS OF WAY ETC. AND RE-PLATS. REMEMBER, THIS BILL ONLY APPLIES TO AREAS OUTSIDE OF MUNICIPALITIES THAT HAVE LAND USE PLANNING ORDINANCES.

**DEPT. OF COMMUNITY & REGIONAL AFFAIRS**

OFFICE OF THE COMMISSIONER

May 8, 1991

- P.O. BOX B  
JUNEAU, ALASKA 99811-2100  
PHONE: (907) 465-4700
- 949 E. 36TH AVENUE, SUITE 400  
ANCHORAGE, ALASKA 99508-4302  
PHONE: (907) 563-1073

POSITION PAPER

RE: Committee Substitute for SB 81 (Fin) am

SPONSOR: Senators Fahrenkamp and Sturgulewski

Background and Position

The Department of Community and Regional Affairs has participated in the Alaska Surveying and Mapping Advisory Board's development of legislation to provide for a platting authority in those rural areas of Alaska where none now exists. The bill proposes that the Department of Natural Resources become the platting authority for those areas. Additional sections have been added to the bill to establish basic standards for plats and their recording. The philosophy of the proposed legislation has been to establish a minimal standard that will not place a burden on the development and management of rural land.

Because of the bill's philosophy, the Department of Community and Regional Affairs (DCRA) supports the bill. The basis of DCRA's support is due in part to language in the bill that allows for a plat review exemption for subdivisions of large parcels of land and for parcels with less intensive uses such as leases, licenses and permits.

The Department has identified one item it feels warrants clarification in the bill. The Department's recommendation on this item is for clarification only and is not intended to alter the intent of the bill in any way.

Clarification of "map" in Sec. 40.15.360 APPLICABILITY.

The word "map" in Sec. 40.15.360 is intended to refer to documents other than plats which are submitted to delineate land subject to leasehold interests, natural resource extraction or similar situations where individuals, corporations and municipalities do not intend to pass title.

Position Paper - CS SB 81 (Fin) am  
May 8, 1991  
Page Two

Recommendations

Without a definition of "map" to clarify this intent, it is suggested that the following amendment be made to Sec. 40.15.360;

Sec. 40.15.360. APPLICABILITY. The provisions of AS 40.15.300 - 40.15.380 do not apply to maps, site plans or any such graphic representation prepared for

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

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

  
Edgar Blatchford, Commissioner

Repealed

**Sec. 40.15.290. Definitions.** In this chapter

(1) "street" includes streets, avenues, boulevards, roads, lanes, alleys, and other ways;

(2) "subdivision"

(A) means the division of a tract or parcel of land into two or more lots, sites, or other divisions for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or areas subdivided;

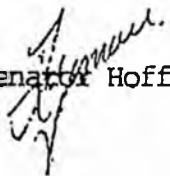
(B) does not include cadastral plats, cadastral control plats, open-to-entry plats, or remote parcel plats created by or on behalf of the state regardless of whether these plats include easements or other public dedications. (§ 7 (ch II) ch 115 SLA 1953; am § 3 ch 95 SLA 1955; am § 41 ch 113 SLA 1981)

provided in SB 81  
DEFINITIONS

# Alaska Federation of Natives, Inc.

April 2, 1991

Mr Lyman Hoffman  
Alaska Senate  
P. O. Box V  
Juneau, Alaska 99811

  
Dear Senator Hoffman:

The drafting of CSSB 81 was an effort of the Department of Natural Resources Platting Advisory Board. Membership of the Advisory Board represents DNR, DCRA, private surveying interests and the AFN Land Committee.

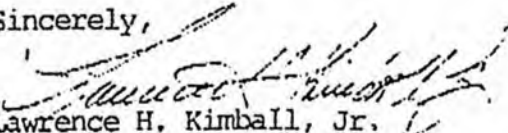
The AFN Land Committee represents twelve regional and twenty five village ANCSA corporations. Mr Pete Nagel of Chugach Alaska Corporation has held a seat on the Advisory Board representing the Land Committee. The entire Land Committee has met on a quarterly basis to review draft language.

The CSSB 81 currently in Senate Finance Committee is supported by the Land Committee. The bill will assist ANCSA corporations in their efforts to purify title by codifying surveying and recording standards for those areas outside of municipal jurisdictions that administer subdivision and platting regulations.

The Land Committee appreciates your interest in this bill and requests your continued support for it.

Thank you.

Sincerely,

  
Lawrence H. Kimball, Jr.  
Chairman, AFN Land Committee

SB81

# SENATE FINANCE COMMITTEE REPORT

DATE: 2/25/91

FURTHER:

DATE TURNED INTO OFFICE: 4-5-91

The Finance Committee considered SENATE BILL NO. 81

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

and recommended:

replace with \_\_\_\_\_ CS SB 81 (FIX)  
 or adopt \_\_\_\_\_ CS \_\_\_\_\_

same title  
 new title  
 technical title change (HB only)

attached amendment(s)  
 \_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

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

ATTACHES NEW FISCAL NOTE(S):

Dept/Date:

fiscal note(s) DNR 74.0 3-19-91

APPROVES PREVIOUS:

Dept/Date:

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) DC+RA 4/2/91

zero fiscal note(s) DOTPE 2/7/91  
DEC 2/5/91

appropriation-no fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. [Signature] 2. [Signature]  
Co-Chairs: Signatures and Recommendations

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. CSSB 81

Revision Date: 19-Mar-91 Department Affected: Natural Resources  
 Title: Establishing DNR as platting authority BRU: Land & Water Management  
in certain areas Components: Land & Water Management  
 Sponsor: Senator Fahrenkamp  
 Requestor: Senate Finance COMPONENT SERIAL NO. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	66.0	66.0	66.0	66.0	66.0	66.0
TRAVEL						
CONTRACTUAL	5.0	5.0	5.0	5.0	5.0	5.0
SUPPLIES	3.0	3.0	3.0	3.0	3.0	3.0
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	74.0	74.0	74.0	74.0	74.0	74.0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	74.0	74.0	74.0	74.0	74.0	74.0
FEDERAL FUNDS						
OTHER						
TOTAL	74.0	74.0	74.0	74.0	74.0	74.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of Current year impact: None

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared by: Ron Swanson Phone: 762-2680  
 Division: Land & Water Date: 19-Mar-91

Approved by Commissioner: Harold Heinze Date: 19-Mar-91  
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB,  
& Impacted Agency(ies).

Position Title <b>Cadastral Surveyor I</b>		No. of Positions	Range/Step <b>19 A</b>	Barg. Unit <b>GGU</b>
Time Status <b>FT</b>	Staff Months <b>12</b>	Location <b>Anchorage</b>		Election District
		Justification		
Type of Expenditure		Amount		
1		2		3
Salary		41.4		
Benefits		16.8		
Premium Pay				
Other				
Total Personal Services				58.2
Travel				
Contractual				4.0
Commodities				2.0
Equipment				
Other				
Total Cost				64.2
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004			64.2
I-A Receipts	1006			
CIP Receipts	1061			
Other				
Personal Services Salary and Benefits costs are from PACS.				

A professional land surveyor is required to review all survey plats outside of organized municipalities with platting authority to ensure that all plats meet minimum requirements before they are recorded. SB 81 requires that all plats must be reviewed within 45 days of submittal. The bill also requires that surveys of subdivisions have sufficient ties to monuments of record to ensure the accurate geographic position of the new subdivision and that the plat is done in such a way to make individual lots readily locatable to future owners and surveyors retracing the lots in the future.

We expect that we will need to review between 150 to 200 plats per year under this program. The review will ensure that all plats meet state standards and future land owners rights of valid ownership are protected.

Existing staff cannot handle this increased workload. This is a new service. The department is proposing a reduction of Cadastral Survey staff from 20 positions to 12 in the FY 1992 budget.

**Request For  
New Position**

Agency Natural Resources  
 BRU Land and Water  
 Component Land and Water

Page      of       
 Revised Date     

**FY 92**

Position Title Clerk Typist III		No. of Positions 1	Range/Step 3B	Barg. Unit GGU
Time Status PP3	Staff Months 3	Location Anchorage		Election District
		Justification		
Type of Expenditure		Amount		
1	2	3		
Salary	5.1			
Benefits	2.7			
Premium Pay				
Other				
Total Personal Services		7.8		
Travel				
Contractual		1.0		
Commodities		1.0		
Equipment				
Other				
Total Cost		9.8		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	9.8		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
*Personal Services Salary and Benefits costs are from PACS.				

Three months of a Clerk-Typist time will be needed to receive submittals, track plats through until recorded, process correspondence associated with the platting authorities review, and to maintain files.

Existing staff cannot handle this increased workload. This is a new service. The department is proposing a reduction of Cadastral Survey staff from 20 positions to 12 in the FY 92 budget.

**Request For  
New Position**

Agency Natural Resources  
 BRU Land and Water  
 Component Land and Water

Page      of       
 Revised Date     

**FY 92**

## Fiscal Note for SB 81, continued

This bill requires the Department of Natural Resources to approve a plat or return it to the applicant for modification or correction within 45 days. If the department fails to take action within 45 days, and the applicant does not consent to an extension of time, the plat is automatically approved and a certificate of approval must be issued. Because of the need to review an estimated 150 plats per year within the 45 day time period, a new, full time Cadastral Surveyor I position and a part time Clerk Typist III position are required. Additional funds are needed for rental space, telephones and supplies.

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. CS SB 81 (Res)

Revision Date: \_\_\_\_\_ Department Affected: Community & Regional Affairs  
 Title: "An Act establishing..Dept of Natural Resources as..plattig authority" BRU: \_\_\_\_\_  
 Component: \_\_\_\_\_  
 Sponsor: Sen Fahrenkamp  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

--	--	--	--

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Remond Henderson, Director *Remond Henderson* Phone: 465-4708  
 Division: Administrative Services Date: 4/2/91  
 Approved by Commissioner: Edgar Blatchford *Edgar Blatchford*  
 Agency: Community & Regional Affairs Date: 4/2/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

STATE OF ALASKA  
STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

**DEPT. OF COMMUNITY & REGIONAL AFFAIRS**

OFFICE OF THE COMMISSIONER

March 14, 1991

- P.O. BOX B  
JUNEAU, ALASKA 99811-2100  
PHONE: (907) 465-4700
- 949 E. 36TH AVENUE, SUITE 400  
ANCHORAGE, ALASKA 99508-4302  
PHONE: (907) 563-1073

POSITON PAPER

RE: Committe Substitute for Senate Bill 81 (Resources)

SPONSOR: Senator Fahrenkamp

Program Effects of the Bill

This bill defines the authority of the Department of Natural Resources (DNR) as the platting authority within certain areas of the State. Additional sections have been added to establish broad standards for plats and their approval.

Comments

The Department of Community and Regional Affairs supports this bill. Our only remaining concern is whether it is clear at the present time or whether there will be any confusion in the future regarding the exemption of ANCSA 14(c) lands. In light of this concern we offer for consideration the following addition in Section 6 of the bill.

AS 40.15.290 is amended to include a new subsection:

AS 40.15.290.(2)(C) "does not include plats done to implement the requirements of Section 14(c) of the Alaska Native Claims Settlement Act."

Section 7 of the bill requires the Commissioner of DNR to review and approve each plat before recording. ANCSA Section 14(c) plats are not required to have platting authority approval because the federal law requiring those surveys pre-empts state law. Present Recorder's Office policy allows for recordation of ANCSA plats without platting authority approval, but only as a policy. To prevent confusion, it should be made clear that under State law the platting authority approval is required to record ANCSA Section 14(c) plats.

  
Edger Bratchford, Commissioner

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Bill No. 1  
Version: SB 81  
(S) Publish Date: 2/25/91

**FISCAL NOTE**

Revision Date: Department Affected: DOT&PF  
Title: DNR Platting Authority in Unorganized Borough BRU: Admin. Services  
Sponsor: Fahrenkamp Component: Leasing  
Requestor: Component Serial Number:

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY92	FY93	FY94	FY95	FY96	FY97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING:</b>	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

**FUNDING: (Thousands of Dollars)**

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL FUNDING:</b>	0	0	0	0	0	0

**POSITIONS**

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

Estimate of current year impact: None.

**ANALYSIS: (Attach a separate page if necessary)**

The bill, as drafted, will not unduely affect impact capital or fiscal budgets. However, there are two portions of the bill, which if changed or eliminated, would have serious fiscal implications. These include the the language found in Sections 40.15.360 and 40.15.380. So long as these sections remain intact, we fully support and endorse this bill.

Prepared by: Kit Duke, Regional Director

Phone: 266-1440

Division: Central Region

Date: February 7, 1991

Approved by Commissioner: Frank G. Turpin

Phone: 465-3900

Agency: Department of Transportation and Public Facilities

Date: February 7, 1991

Changes in CSB 81 (Fix) have no fiscal impact. This Legislative Sponsor, Requestor, OR fiscal note is appropriate.

Changes in CSB 81 (Fix) have no fiscal impact. This fiscal note is appropriate.

1-5-91 date ML Comte Aide (initial)

2/25/91 date RT Comte Aide (initial)  
FUGO & VA

FISCAL NOTE

Bill Version: SB 81

(S) Publish Date: 2/25/91

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Revision Date: Feb. 8, 1991

Department Affected: Environmental Conservation

Title: DNR Platting Bill

BRU: Environmental Quality

Component: Environmental Quality Projects

Sponsor: Senator Fahrenkamp

Requestor: \_\_\_\_\_

COMPONENT SERIAL NO.

1	0	1	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year impact: None

ANALYS Changes in CS SB 81 (Fix) have no fiscal impact. This fiscal note is appropriate.

4-5-91 date AN Comte Aide (initial)

Changes in CS SB 81 (PS) have no fiscal impact. This fiscal note is appropriate.

2/28/91 date PT Comte Aide (initial)

Prepared By: Dick Farnell

Phone: 465-2656

Division: Environmental Quality

Date: Feb. 5, 1991

Approved by Commissioner: Paul Fader  
Agency: Environmental Conservation

Date: \_\_\_\_\_

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FINANCE CS... changes from Resources CS 7-LS0343V - Luckhaupt

- A. Definition for "subdivision" reverts to original definition now in Definition Section - Page 6, Lines 18-25
- B. All definitions moved to Definition Section
- C. "Maps" replaces "subdivision" on Page 4, Line 19
- D. semi-colons replace commas, Page 4, Lines 20-21

E. Lines 22-23 on Page 4 - changed grammatically

CS FOR SENATE BILL NO. 81 (FINANCE)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:  
Referred:

Sponsor(s): SENATOR FAHRENKAMP

A BILL

FOR AN ACT ENTITLED

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

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

5 \* Section 1. AS 29.03.030 is amended to read:

6 Sec. 29.03.030. PLATTING AUTHORITY. The [SUBJECT TO AS 40.15.075, THE]  
7 Department of Natural Resources is the platting authority for the state except within a  
8 municipality that has the power of land use regulation and that has adopted ordinances  
9 implementing AS 29.40 [IN THE UNORGANIZED BOROUGH IN THE AREA OUTSIDE  
10 ALL CITIES].

11 \* Sec. 2. AS 40.15.010 is amended to read:

12 Sec. 40.15.010. APPROVAL, FILING, AND RECORDING OF SUBDIVISIONS. Before  
13 the lots or tracts of any subdivision or dedication may be sold or offered for sale, the subdivision  
14 or dedication shall be approved by [SUBMITTED FOR APPROVAL TO] the authority having

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

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

8 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be subdivided or  
9 dedicated is situated within a municipality that has the power of land use regulation and that  
10 has adopted ordinances implementing AS 29.40 [FIRST OR SECOND CLASS BOROUGH],  
11 the proposed subdivision or dedication shall be submitted to the municipal [BOROUGH]  
12 planning commission for approval. If a municipality that has the power of land use  
13 regulation and that has adopted ordinances implementing AS 29.40 [THE LAND IS  
14 SITUATED WITHIN A CITY IN THE UNORGANIZED BOROUGH OR THE THIRD CLASS  
15 BOROUGH, THE PROPOSED SUBDIVISION OR DEDICATION SHALL BE SUBMITTED  
16 TO THE CITY PLANNING COMMISSION FOR APPROVAL. THE BOROUGH PLANNING  
17 COMMISSION IS THE PLATTING AUTHORITY FOR THE FIRST OR SECOND CLASS  
18 BOROUGH, THE CITY PLANNING COMMISSION IS THE PLATTING AUTHORITY FOR  
19 THE CITY, AND THE DEPARTMENT OF NATURAL RESOURCES IS THE PLATTING  
20 AUTHORITY IN THE REMAINING AREAS OF THE STATE AND THIRD CLASS  
21 BOROUGH FOR THE CHANGE OR VACATION OF EXISTING PLATS OR A PORTION OF  
22 SUCH PLATS, AS PROVIDED IN AS 40.15.075. IF THE BOROUGH OR THE CITY] does  
23 not have a planning commission, the [BOROUGH ASSEMBLY OR THE CITY] governing body  
24 [, RESPECTIVELY,] is the platting authority and the proposed subdivision or dedication shall  
25 be submitted to it. A subdivision may not be filed and recorded until it is approved by the  
26 platting authority.

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

28 (b) The Department of Natural Resources is the platting authority in the areas of the state  
29 not described in (a) of this section.

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

31 Sec. 40.15.200. APPLICATION TO STATE AND POLITICAL SUBDIVISIONS. All

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

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

9 ARTICLE 4. PLATTING IN AREAS OUTSIDE CERTAIN MUNICIPALITIES.

10 Sec. 40.15.300. EXAMINATION OF PLATS BEFORE RECORDING. (a) The  
 11 commissioner shall exercise the platting authority for the state except within a municipality that  
 12 has the power of land use regulation and that has adopted ordinances implementing AS 29.40.

13 (b) The commissioner shall review and approve each plat under AS 40.15.300 -  
 14 40.15.380 before the plat is recorded under AS 40.17. The approval by the commissioner shall  
 15 be affixed to the plat in the form of the following statement:

16 PLAT APPROVAL

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

19 \_\_\_\_\_

20 Commissioner

20 Date

21 (c) The recorder may not accept for filing and recording a plat for which the  
 22 commissioner's approval is required under AS 40.15.300 without the approval of the  
 23 commissioner endorsed on the plat.

24 (d) Within 45 days after a plat is filed, the commissioner shall approve the plat or return  
 25 it to the applicant for modification or correction. Unless the applicant for plat approval consents  
 26 to an extension of time, the plat is approved and a certificate of approval shall be issued by the  
 27 commissioner if the commissioner fails to act within that period. The commissioner shall state  
 28 in writing reasons for disapproval of a plat.

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

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

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

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

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

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

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

12 Sec. 40.15.340. ENGINEERING STANDARDS. The commissioner may not establish  
13 engineering standards for subdivisions.

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

18 Sec. 40.15.360. APPLICABILITY. The provisions of AS 40.15.300 - 40.15.380 do not  
19 apply to maps prepared for <sup>[SUBDIVISIONS]</sup>

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

22 (2) disposing of land by aliquot part descriptions of 40 acres or more within  
23 surveyed sections. (GRAMMATICAL CHANGE)

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

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

30 (b) A plat for a subdivision created by the acquisition by the state, its agencies,  
31 instrumentalities, or political subdivisions, of a right-of-way, airport parcel, or land for a similar

1 public purpose in an area outside a municipality that has the power of land use regulation that  
2 has adopted ordinances implementing AS 29.40, is subject only to the approval provisions of this  
3 section and any provision of AS 40.15.300 - 40.15.380 not in conflict with this section.

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

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

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

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

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

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

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

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

18 (f) The minimum monumentation requirements for

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

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

30 (g) If construction of improvements is scheduled to follow the right-of-way acquisition,  
31 the placement of the centerline monuments may be delayed until the improvements have been

1 completed, in which case a statement designating the schedule for placing the monuments must  
2 be included on the plat.

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

## 8 ARTICLE 5. GENERAL PROVISIONS.

9 Sec. 40.15.900. DEFINITIONS. In this chapter,

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

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

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

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

18 (5) "subdivision"

19 (A) means the division of a tract or parcel of land into two or more lots,  
20 sites, or other divisions for the purpose, whether immediate or future, of sale or building  
21 development, and includes resubdivision and, when appropriate to the context, relates to  
22 the process of subdividing or to the land or areas subdivided;

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

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

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

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

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

PROPOSED FINANCE COMMITTEE SUBSTITUTE SB 81

MARCH 25, 1991

#1. PAGE 3, Line 16: Delete "or by creation of public access" and replace with original definition--SITES, OR OTHER DIVISIONS FOR THE PURPOSE, WHETHER IMMEDIATE OR FUTURE, OF SALE OR BUILDING DEVELOPMENT, AND INCLUDES RESUBDIVISION AND, WHEN APPROPRIATE TO THE CONTEXT, RELATES TO THE PROCESS OF SUBDIVIDING OR TO THE LAND OR AREAS SUBDIVIDED;

Senator Adams requests a return to the original definition of subdivision; new definition creates burden of submitting subdivision plats when conveying access.

NOTE: Attached Finance Committee Substitute removes definitions of "street" and "subdivision" from Sec. 6 on page 3, line 9 and moves them to Sec. 40.15.900 DEFINITIONS on page 6, lines 15-25. In #2 below, APPLICABILITY section moved from page 5, line 3 to page 4, line 18.

#2. PAGE 4, Line 19:...apply to maps [SUBDIVISIONS] prepared

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

(2) for disposing of land by [SURVEYED SECTIONS WHERE THE] aliquot part[S] descriptions of [DESCRIBED ARE] 40 acres or more [LARGER] within surveyed sections.

It was pointed out that (1) and (2) under 40.15.360

APPLICABILITY, do not actually fall under the definition of SUBDIVISION, therefore, "subdivisions prepared" is inaccurate. "Maps" was actually deleted from the original bill. New language makes for improved understanding. Semicolons replace commas after "interest" and "resources" adding clarity and setting all three purposes off individually.

#### LAND OWNERSHIP IN UNORGANIZED BOROUGH AND DISPOSAL BY ALIQUOT PARTS

See attached letter to Senator Pat Pourchot, Co-Chairman, Senate Finance Committee from Gary Gustafson, Director, Division of Land and Water Management, Department of Natural Resources. Forty acre or larger aliquot part subdivisions are excluded from requirements of the statute. Monumentation requirements for subdivisions of 5 or fewer lots are reduced to only the exterior corners. This is less than required by most municipalities.

#### REVISED FISCAL NOTE

DNR's revised fiscal note shows an increase from 73.8 to 74.0 and a continuation through FY 97. Request for new position and position forms are included. Please note that the department is also proposing a reduction in the Cadastral Survey staff from 20 to 12 positions in the FY 92 budget.

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

This bill was drafted at the request of the State Surveying and Mapping Advisory Board in order to address certain deficiencies and ambiguities in statute pertaining to subdivision plats in the unorganized borough.

Present Situation: In the unorganized borough, outside of municipalities with the power of land use regulation under AS 29.40, there is no requirement for any authority to approve the plat of a subdivision except for re-plats and vacations. At least two state agencies have limited approval authority. DEC has authority to see that a subdivision plat addresses environmental health questions, i.e. sewage and water provisions. DOT has authority relating to access from public roads and highways. However, no agency is granted authority to approve the plat of a subdivision to ensure that it will substantiate clear and clean title to the component parcels. This can lead to expensive re-plats and contentious litigation when questions of clear title arise.

What this bill will do: DNR will have approval authority for subdivision plats only in areas of the unorganized borough where

there is no municipality exercising land use authority. This bill specifically prohibits DNR from establishing engineering standards in conjunction with their approval authority (AS 40.15.340).

Committee Substitute Changes to original bill: 1. Clarified and tightened the definitions of "Subdivision" and "Streets". 2. Changed Section 1. from "...for the state except within a municipality that has the power of land use regulation." to "...power of land use regulation and has adopted ordinances implementing AS 29.40" (statute giving land use planning powers to municipalities in unorganized borough). This was a clarification made at the suggestion of the Department of Community and Regional Affairs. 3. Adds the word "solely" to the applicability section (AS 40.15.360). "...or solely for the issuance of licenses or permits;". This prevents the attachment of a superfluous or bogus licenses and permits to a plat simply to avoid DNR approval. 4. Adds AS 40.15.310 (c) " The commissioner shall require that a plat submitted for approval bear the certificate of approval of any other state agency having subdivision plat approval authority." Originally, DEC wanted to be specifically named in this bill as having approval authority. The Resources Committee indicated this would be unwieldy since DEC already has the authority established in statute and legal rulings and to reference one agency would require referencing all others.

WALTER J. HICKEL, GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES**

**DIVISION OF LAND AND WATER MANAGEMENT**

3601 C STREET  
P.O. Box 107005  
ANCHORAGE, ALASKA 99510-7005  
PHONE: (907) 762-2692

March 19, 1991

The Honorable Pat Pourchot, Co-Chairman  
Senate Finance Committee  
P.O. Box V  
Juneau, Alaska 99811

Re: Senate Bill 81, State Platting Authority

Dear Senator Pourchot:

At the committee meeting held on March 12, 1991 you requested more information about three subjects. The following is in response to those questions.

Land ownership outside of organized municipalities

Of the 367,700,000 acres of land in the state, 201,261,238 acres lie outside of organized municipalities. This is comprised of 45,123,770 acres of state land, 22,660,538 acres land conveyed under ANCSA, and 133,476,930 acres of federal land (31,957,676 acres managed by BLM, 49,462,615 acres managed by the F&WS, 15,621,972 acres managed by the Forest Service, and 36,434,230 managed by the NPS).

There is also 5,055,536 acres of land in private ownership which includes Native allotments. We were not able, in this short period of time, separate that amount into how much is outside of municipalities. However, I would expect that the vast majority lies inside of municipalities.

Disposal by aliquot parts

The proposed legislation, at Section 40.15.360, states that the provisions making the state the platting authority do not apply to surveyed sections that are being disposed of by aliquot parts that are described as 40 acres or larger. This 40 acre aliquot part exclusion is the same that is offered in the Matanuska-Susitna, Fairbanks North Star, and Kenai Peninsula Boroughs.

The platting requirements that are being proposed in Senate Bill 81 are very easy to accomplish and have been abbreviated to a point that a further platting waiver to a smaller aliquot part is not necessary nor in a future land owners best interest. For example

Senator Pourchot  
March 19, 1991  
Page 2

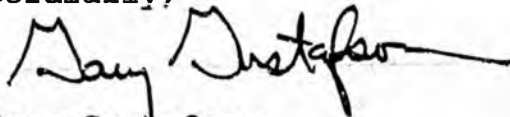
the legislation lightens the monumentation requirement for subdivisions of 5 and fewer lots to the point where only the exterior corners need to be monumented. This is also less than is required by most municipalities.

Positions

Enclosed is a revised fiscal note and the request for new positions. I apologize for not including the position forms with the original the fiscal note.

Please feel free to contact me if you or members of the committee have any additional questions.

Cordially,



Gary Gustafson  
Director

cc: Senator Fahrenkamp, Dan Austin  
Commissioner Heinze

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

400 WILLOUGHBY AVENUE  
JUNEAU, ALASKA 99801-1796  
PHONE: (907) 465-2400  
FACSIMILE: (907) 586-2754

February 6, 1991

The Honorable Lloyd Jones, Chair  
Senate Resources Committee  
P.O. Box V  
Juneau, AK 99811

Dear Senator Jones:

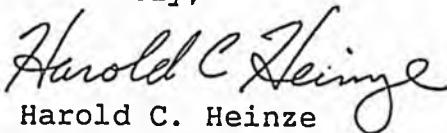
Subject: SB 81, Platting Authority in Certain Areas of the State.

Position: The Department of Natural Resources supports the intent of this bill. We are working with the sponsor concerning various technical amendments.

Background: Currently, the Department of Natural Resources is the platting authority for the unorganized borough outside of cities. Our authority, however, is restricted to the review of plats where a right-of-way is to be vacated. Review of plats for adherence to minimal survey and monumentation standards does not occur and, as a result, problem plats are recorded. This bill would give the department the authority to review plats in the unorganized borough, before they are recorded, for adherence to minimal survey and monumentation standards.

Recommendations: We will continue to work closely with the sponsor, other affected state agencies, and the Survey and Mapping Advisory Board in the development of this bill.

Sincerely,



Harold C. Heinze  
Commissioner

cc: Committee Members  
Senator Fahrenkamp  
Bruce Kendall, Legislative Liaison, Office of the Governor  
Edgar Blatchford, Commissioner, Department of Community and  
Regional Affairs  
John Sandor, Commissioner, Department of Environmental  
Conservation  
Frank Turpin, Commissioner, Department of Transportation and  
Public Facilities

Fiscal Note for SB 81, continued

This bill requires the Department of Natural Resources to approve a plat or return it to the applicant for modification or correction within 45 days. If the department fails to take action within 45 days, and the applicant does not consent to an extension of time, the plat is automatically approved and a certificate of approval must be issued. Because of the need to review an estimated 150 plats per year within the 45 day time period, a new, full time Cadastral Surveyor I position and a part time Clerk Typist III position are required. Additional funds are needed for rental space, telephones and supplies.

# **KALEN & ASSOCIATES, Inc.:** Engineers & Surveyors

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(907) 479-2628 / 479-2656

Land Surveys  
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March 27, 1991

Senator Bettye Fahrenkamp  
Pouch V  
Juneau, Alaska, 99811

Attn: Dan Austin

Ref: SB 81, State Survey Authority

Dear Senator Fahrenkamp:

I would like to bring you up to date on this legislation. The American Congress of Surveying and Mapping passed a resolution at the annual meeting on March 13 that stated simply "We support SB 81." Present at the meeting were three members of the Surveying and Mapping Advisory Board. Sam Best, in particular, is strongly in support of the bill "because we worked on it for three years."

Earlier in the day (March 13), at its annual meeting, the Alaska Society of Professional Land Surveyors declined to take up the bill specifically. They instead passed a resolution requesting that legislation be sought prohibiting the affixing of a DEC signature block on plats. DEC has rewritten the definition of the word subdivision to include remote parcels in 18 AAC 72.990 (80), directly in conflict with AS 40.15.190 (2) (B). Land surveyors within the Department of Natural Resources objected. The response of the director was to order compliance with the DEC regulation. Now private surveyors are being requested to dig test holes on remote parcel surveys.

DEC implies that they may be able to reject remote parcel stakings by virtue of their new regulations. Just how much DEC review would be involved in small subdivisions in remote areas is now a valid question to ask. The Surveying and Mapping Advisory Board never objected to DEC review, just to the signature line. However, that may become a valid question now that the remote parcel survey exemption in statute has been repealed by DNR compliance with the DEC regulation. The whole Board has not met to discuss this item.

The definition of the word "subdivision" has taken a lot of time, and involved many agencies and groups. Again, the Surveying and Mapping Advisory Board has not met and discussed this change. The Board is due to sunset in April, unless action is taken by Commissioner Heinze to extend our mission. I have scheduled a regular meeting for April 29, which may be our last.

I have a great deal of time and sweat in the Survey Authority bill, and remain quite sensitive to the notion that we must somehow salvage our three year effort. However, in light of the situation with DEC, which I believe is much more of a "turf" battle than any cost effective approach to protecting Alaska's land and water from pollution, I do not think that further hearings on SB 81 are in order.

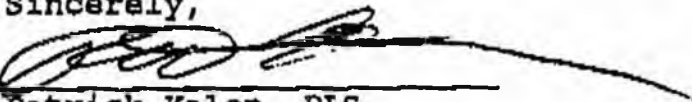
I also note that board members are responding individually and separately to rather startling changes to SB 81. The suggestion that access be taken out of the word "subdivision" would make moot the work on the bill concerning public rights of way. That was a lot of the work that took place this fall, a couple days worth, anyway. I want to work with AFN on this subject. I am hopeful that we can reach some agreement on the definition of that pesky little word. But as long as DEC has one of their own, we must consider what that implies for subdivisions in remote areas. If DEC is right, there is no point in the legislature even taking up the word "subdivision" at all, unless we simply adopt the definition that DEC created by regulation.

There is also a proposal put out by the Surveying and Mapping Advisory Board to create a State Surveyor, or Surveyor-General. In light of recent events at DNR, this idea is on the front burner. ACSM endorsed the concept again at the March 13 Annual Meeting. I hope that you might be able to consider the notion that a State Surveyor ought to be in charge of a State Survey Authority. However, the proposal in front of the legislature now is to eliminate the Chief Cadastral Surveyor.

It is possible that I am in the minority on the Board in having deep concerns. I will schedule a meeting of the Surveying and Mapping Advisory Board in the near future to discuss the bill and try to regain the consensus that we seem to have lost over the last couple weeks.

I make this response on my company letterhead because of the mixed messages you are receiving from the Surveying and Mapping Societies and the Surveying and Mapping Advisory Board.

Sincerely,



Patrick Kalen, PLS

copy: Surveying and Mapping Advisory Board members  
Senator Al Adams  
Senator Pat Porchout  
Senator Jalmar Kertulla  
Commissioner Harold Heinze

Enclosures.



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March 25, 1991

Mr. Dan Austin, Aide  
Senator Bettye Fahrenkamp  
P.O. Box V  
Juneau, Alaska 99811

FAX 586-6246

Dear Dan,

This letter acknowledges receipt of your FAX dated March 20, 1991, concerning SB 81. Please be advised that as a member of the Alaska Surveying and Mapping Advisory Board, I approve of the committee substitute. I will be out of Alaska during the last week of March when this item is before Senate Finance. For the record, please consider this letter my approval of the committee substitute.

Should there be questions, or if we may be of further assistance, please do not hesitate to contact us at your convenience.

Sincerely,

Malcolm A. Menzies, P.E., L.S.  
Committee Member  
Alaska Department of Natural Resources  
Surveying and Mapping Advisory Board

fej

cc: Mr. Pat Kalen, L.S.  
Mr. Tony Follett  
Senate Finance Committee

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL

Revision Date: 6-Feb-91 Department Affected: Natural Resources  
 Title: Establishing DNR as Platting BRU: Land & Water Management  
 Authority in certain areas of state Components: Land & Water Management  
 Sponsor: Senator Fahrenkamp  
 Requestor: Senate Resources COMPONENT SERIAL NO. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	65.8	67.7				
TRAVEL						
CONTRACTUAL	5.0	5.0				
SUPPLIES	3.0	3.0				
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	73.8	75.7	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	73.8	75.7				
FEDERAL FUNDS						
OTHER						
TOTAL	73.8	75.7	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	1.0	1.0				
PART-TIME	1.0	1.0				
TEMPORARY						

Estimate of Current year impact:

ANALYSIS: (Attach a separate page if necessary)

See Attached

Changes in C>SB81 (Re) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate.

2/25/91 date HT Comte Aide (initial)

Prepared by: Dick LeFebvre Phone: 762.2692  
 Division: Land and Water Management Date: 6-Feb-91  
 Approved by Commissioner: Harold Heinze Date: 6-Feb-91  
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Fiscal Note for SB 81, continued

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