

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8716 HOUSE RESOURCES

HB

59

HOUSE COMMITTEE REPORT

(9)

Date Referred: March 8, 1995

FURTHER REFERRALS:

Finance

Date of Committee Action: 3/20/95

The RESOURCES Committee considered:

HB 59

HOUSE BILL NO. 59

RAFFLE OR AUCTION OF BIG GAME PERMITS

"An Act relating to raffles and auctions of certain permits to take big game; and providing for an effective date."

recommends it be replaced with the following committee substitute CS HB 59 (RES) the same title a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) _____

fiscal note(s) F+G 3/8/95

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Carl W. Davis</i>				X
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	

CHAIR'S SIGNATURE

[Signature]

REPRESENTATIVE CON FUNDE
CO-CHAIR HEALTH, EDUCATION
& SOCIAL SERVICES
VICE-CHAIR RULES

**Alaska State Legislature
House of Representatives**

DURING SESSION:
STATE CAPITOL, ROOM 108
JUNEAU, ALASKA 99801-1182
1 (907) 465-4843

DURING INTERIM:
716 WEST 4th AVENUE
ANCHORAGE, ALASKA 99501-2133
1 (907) 258-8168

**SPONSOR STATEMENT
HB 59**

The purpose of HB 59 is to allow qualified organizations to raffle or auction big game permits as a revenue source for game management. A qualified organization which auctions a permit can retain a percentage of the sale plus administrative costs, while the remaining amount will be returned to the state for fish and game activities.

HB 59 authorizes the Dept. of Fish and Game to issue one bison harvest permit each year for a bison from the Delta bison herd. The permit may be auctioned or raffled by a qualified organization on behalf of the Dept. of Fish and Game. The organization is entitled to receive reimbursement for expenses plus up to 50 percent of the net proceeds to use for the promotion of fish and game law enforcement, and up to 10 percent of the net proceeds to use for purposes established by the organization.

This legislation will allow the Department of Fish and Game to issue, through a competitive auction or raffle, up to two harvest permits each year for each of the following species: Dall sheep, bison, musk ox, brown or grizzly bear, moose, caribou, and wolf. The qualified organization that conducts the auction may retain up to ten percent of the profits plus administrative costs. The remaining profit will be deposited into the Fish and Game fund.

There are at least 11 western states that have provisions for auctioning or raffling big game harvest permits. Every state with a similar program has had a positive impact on their budget. This legislation will provide another revenue source for the Dept of Fish and Game and will enable the continuation of game management programs for the common use of the people.

CS FOR HOUSE BILL NO. 59()

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES BUNDE, Toohey

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to raffles and auctions of certain permits to take big game; and
2 providing for an effective date."

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

4 * Section 1. AS 16.05.343 is repealed and reenacted to read:

5 Sec. 16.05.343. AUCTIONS OR RAFFLES FOR BIG GAME HARVEST
6 PERMITS. (a) The department, subject to regulations adopted by the Board of Game,
7 may issue one bison harvest permit each year for a bison from the Delta bison herd
8 through a competitive auction or raffle. Notwithstanding AS 36.30, the department
9 may authorize a qualified organization to conduct the auction or raffle on behalf of the
10 department. If the auction or raffle is conducted by a qualified organization, the
11 organization may retain an amount from the gross proceeds of the auction or raffle
12 equal to the administrative cost of the auction or raffle plus an amount not to exceed
13 10 percent of the net proceeds, which the qualified organization may use for the
14 purposes for which the organization was established. All remaining proceeds from the

1 auction or raffle of the bison harvest permit whether conducted by the department or
2 as otherwise authorized by the department shall be deposited in the fish and game fund
3 under AS 16.05.100. The exercise of a privilege conferred by a bison harvest permit
4 issued under this subsection is subject to laws relating to the time, place, and manner
5 of taking bison from the Delta bison herd. In this subsection, "qualified organization"
6 means a nonprofit corporation established to promote fish and game law enforcement
7 or an organization established to promote management of hunted game species and use
8 of game populations for hunting, that complies with applicable laws governing
9 activities under this subsection.

10 (b) The department, subject to regulations adopted by the commissioner, may
11 issue, through a competitive auction or raffle, up to two harvest permits each year for
12 each of the following big game species: Dall sheep, bison, musk ox, brown or grizzly
13 bear, moose, caribou, and wolf. Notwithstanding AS 36.30, the department may
14 authorize a qualified organization to conduct the auction or raffle on behalf of the
15 department. If the department does authorize a qualified organization to conduct an
16 auction or raffle for a big game species, the department shall make available to a
17 qualified organization based in the state at least one harvest permit for that species.
18 If the auction or raffle is conducted by a qualified organization, the organization may
19 retain an amount from the gross proceeds of the auction or raffle equal to the
20 administrative cost of the auction or raffle plus an amount not to exceed 10 percent
21 of the net proceeds. The proceeds from the auction or raffle of a big game harvest
22 permit may not be used to make a contribution to any candidate for political office or
23 to any organization supporting or opposing ballot propositions or to pay expenses
24 associated with lobbying the legislature or administration. All proceeds from the
25 auction or raffle of the big game harvest permit less the amount that is retained by a
26 qualified organization under this subsection shall be deposited in the fish and game
27 fund under AS 16.05.100. A person who is issued a big game harvest permit under
28 this subsection shall receive upon the person's request a complimentary hunting license
29 and a big game tag for the big game species for which the big game harvest permit
30 is issued. A hunting license issued under this subsection must bear the inscription
31 "Governor's license" or a similar designation. A person who receives a big game

1 harvest permit, hunting license, or big game tag under this subsection may exercise the
2 privileges conveyed by the permit, license, or tag only in accordance with applicable
3 law. In this subsection, "qualified organization" means a nonprofit corporation
4 established to promote fish and game law enforcement or an organization that is
5 established to promote management of hunted game species and use of game
6 populations for hunting and that complies with applicable laws governing activities
7 under this subsection.

8 (c) Activities conducted by the department, or on behalf of the department,
9 under this section are not subject to AS 05.15.

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

AMENDMENT

OFFERED IN THE HOUSE

TO: HB 59

- 1 Page 1, lines 12 - 14:
- 2 Delete "(1) an amount not to exceed 50 percent of the net proceeds, which the
- 3 qualified organization shall use to promote fish and game law enforcement, and (2)"

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HB 59

- 1 Page 2, line 10: ⁹
- 2 Delete "ethical"

- 3 Page 3, line 6: ⁵
- 4 Delete "ethical"

HOUSE BILL NO. 59

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE BUNDE

Introduced:

Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to raffles and auctions of certain permits to take big game; and
2 providing for an effective date."

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

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6 PERMITS. (a) The department, subject to regulations adopted by the Board of Game,
7 may issue one bison harvest permit each year for a bison from the Delta bison herd
8 through a competitive auction or raffle. Notwithstanding AS 36.30, the department may
9 authorize a qualified organization to conduct the auction or raffle on behalf of the
10 department. If the auction or raffle is conducted by a qualified organization, the
11 organization may retain an amount from the gross proceeds of the auction or raffle equal
12 to the administrative cost of the auction or raffle plus (1) an amount not to exceed 50
13 percent of the net proceeds, which the qualified organization shall use to promote fish and
14 game law enforcement, and (2) an amount not to exceed 10 percent of the net proceeds,

1 which the qualified organization may use for the purposes for which the organization was
2 established. All remaining proceeds from the auction or raffle of the bison harvest permit
3 whether conducted by the department or as otherwise authorized by the department shall
4 be deposited in the fish and game fund under AS 16.05.100. The exercise of a privilege
5 conferred by a bison harvest permit issued under this subsection is subject to laws relating
6 to the time, place, and manner of taking bison from the Delta bison herd. In this
7 subsection, "qualified organization" means a nonprofit corporation established to promote
8 fish and game law enforcement or an organization established to promote management
9 of hunted game species and ethical use of game populations for hunting, that complies
10 with applicable laws governing activities under this section.

11 (b) The department, subject to regulations adopted by the commissioner, may
12 issue, through a competitive auction or raffle, up to two harvest permits each year for
13 each of the following big game species: Dall sheep, bison, musk ox, brown or grizzly
14 bear, moose, caribou, and wolf. Notwithstanding AS 36.30, the department may
15 authorize a qualified organization to conduct the auction or raffle on behalf of the
16 department. If the department does authorize a qualified organization to conduct an
17 auction or raffle for a big game species, the department shall make available to a
18 qualified organization based in the state at least one harvest permit for that species. If the
19 auction or raffle is conducted by a qualified organization, the organization may retain an
20 amount from the gross proceeds of the auction or raffle equal to the administrative cost
21 of the auction or raffle plus an amount not to exceed 10 percent of the net proceeds. The
22 proceeds from the auction or raffle of a big game harvest permit may not be used to make
23 a contribution to any candidate for political office or to any organization supporting or
24 opposing ballot propositions or to pay expenses associated with lobbying the legislature
25 or administration. All proceeds from the auction or raffle of the big game harvest permit
26 less the amount that is retained by a qualified organization under this subsection shall be
27 deposited in the fish and game fund under AS 16.05.100. A person who is issued a big
28 game harvest permit under this subsection shall receive upon the person's request a
29 complimentary hunting license and a big game tag for the big game species for which the
30 big game harvest permit is issued. A hunting license issued under this subsection must
31 bear the inscription "Governor's license" or a similar designation. A person who receives

1 a big game harvest permit, hunting license, or big game tag under this subsection may
2 exercise the privileges conveyed by the permit, license, or tag only in accordance with
3 applicable law. In this subsection, "qualified organization" means a nonprofit
4 organization that is established to promote management of hunted game species and
5 ethical use of game populations for hunting and that complies with applicable laws
6 governing activities under this subsection.

7 (c) Activities conducted by the department, or on behalf of the department, under
8 this section are not subject to AS 05.15.

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

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

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

January 23, 1995

SUBJECT: Sectional Summary of HB 59; An Act relating to raffles and auctions of certain permits to take big game.

TO: Representative Con Bunde

FROM: George Utermohle *GU*
Legislative Counsel

You have requested a sectional summary of HB 59; An Act relating to raffles and auctions of certain permits to take big game.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill repeals and reenacts AS 16.05.343.

Subsection (a) authorizes the Department of Fish and Game to auction or raffle one permit each year for a bison from the Delta bison herd. The department is also authorized to have a qualified organization conduct the auction or raffle on its behalf. The qualified organization is entitled to receive reimbursement for its expenses in conducting the auction or raffle, plus up to 60 percent of the net proceeds of the auction or raffle to be used for specified purposes. The remaining proceeds from the auction or raffle shall be deposited into the fish and game fund. A qualified organization is a nonprofit corporation established to promote fish and game law enforcement or an organization established to promote management of hunted game species and ethical use of game populations for hunting, that complies with applicable laws governing activities under this section.

Subsection (a) changes the existing law by increasing the amount that the qualified organization can receive for conducting the auction or raffle from 10 percent to 60 percent of the net proceeds and by specifying how the qualified organization may spend the funds that it receives (50 percent of net proceeds to support fish and game law enforcement and 10 percent of net proceeds for any purpose consistent with the organization's purpose). The definition of qualified organization is expanded to include an organization established to promote management of hunted game species and ethical use of game populations for hunting.

Representative Con Bunde

January 23, 1995

Page 2

Subsection (b) allows the Department of Fish and Game to auction or raffle up to two harvest permits for seven different game animals. The department may authorize a qualified organization to conduct the auction or raffle on its behalf. If the department chooses to authorize an organization to auction or raffle a harvest permit for a game species, the department must make at least one permit for that game species available to a qualified organization based in the state. A qualified organization that conducts an auction or raffle for the department is entitled to recover the administrative expenses of conducting the auction or raffle and to receive up to 10 percent of the net proceeds. The proceeds of an auction or raffle may not be used to support political candidates, support or oppose ballot propositions, or lobby the legislature or the administration. All remaining proceeds from an auction or raffle must be deposited into the fish and game fund. A person who obtains a harvest permit under this subsection may also obtain a free hunting license and big game tag for the game species for which the harvest permit was received. A qualified organization is a nonprofit organization established to promote management of hunted game species and ethical use of game populations for hunting.

Subsection (c) provides that activities conducted under this section are not subject the laws governing charitable gaming under AS 05.15.

Section 2 of the bill provides that the bill takes effect immediately.

If I may be of further assistance, please advise.

GU:klb

95-002.klb

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB59

Revision Date: _____ Dept. Affected: Fish and Game
 Title: An Act relating to raffles and auctions of certain BRU: Wildlife Conservation
permits to take big game. Component: Wildlife Conservation
 Sponsor: Representative Bunde
 Requester: House State Affairs COMPONENT SERIAL NO. 473

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	1.0	0.0	1.0	0.0	1.0	0.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	1.0	0.0	1.0	0.0	1.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1024)	25.0	25.0	50.0	50.0	100.0	100.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MH11A						
Other (1024 Fish & Game Fund)	1.0	0.0	1.0	0.0	1.0	0.0
TOTAL	1.0	0.0	1.0	0.0	1.0	0.0

Estimate of any current year (FY95) cost: \$ 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

ANALYSIS: (Attach a separate page if necessary)

See attached page for assumptions used in revenue fund source estimates.

Prepared by: Wayne Regelin, Acting Director
 Division: Wildlife Conservation
 Approved by Commissioner: Frank Bunde
 Agency: Alaska Department of Fish and Game

Phone: 465-4192
 Date: 1/18/95
 Date: 1/19/95

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Assumptions:Operating Expenditures:

Approximately \$1.0 in contracting, advertising, and postage costs would be spent biennially to establish, develop, and provide opportunities for qualified organizations to participate in the program.

Revenue:

The department anticipates that the Fish & Game Fund will earn between 25.0 and 100.0 annually from the auction/raffle of big game hunting permits, depending on the number of permits offered, state of the economy, other variables.

Anticipated earnings are based on experience of other states and raffle of the Delta bison permit. The single Delta bison permit currently raffled in support of the Alaska Fish & Wildlife Safeguard program earns the F&G Fund between 15.0 and 20.0 per annum. The auction of bighorn sheep permits in different western states has raised amounts ranging from 20.0 to 250.0. Permits for other species (e.g., moose, bison, deer, elk, antelope) have earned from 3.0 to 16.0 at auction.

Because of the possibilities Alaska has to offer in the way of hunting opportunity and combination hunts, we expect that as the program develops and becomes established, the long-term potential for revenue will increase.

DEPARTMENT OF FISH AND GAME
POSITION PAPER

Bill No: HB 59

Sponsor: Representative Bunde

Division: Wildlife Conservation

Bill Title: An Act relating to raffles and auctions of certain permits to take big game; and providing for an effective date.

Department Position: Support

Background/Legislative Intent: This bill would allow the department to raffle or auction up to two permits annually to take each of seven selected big game species. The raffle or auction would be conducted by the department or a qualified organization. Up to ten percent of the profits from the raffle or auction could be retained by the organization with the balance deposited into the Fish and Game Fund. The bill prohibits a qualified organization from using any proceeds to make political contributions, lobby the government, or to support or oppose ballot measures. Persons receiving permits under this Act would be eligible to receive a complimentary hunting license and appropriate big game tag.

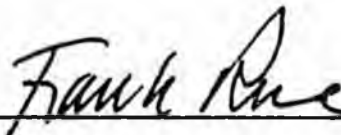
In addition, this bill would amend AS 16.05.343 (Delta bison harvest permit auction) to direct a larger portion of the funds currently raised by that auction/raffle to be used for the promotion of law enforcement.

Analysis of Bill/Program Effects: Similar raffles/auctions in other western states have raised millions of dollars for state wildlife management programs. Because of the possibilities Alaska has to offer in the way of hunting opportunity and combination hunts, we anticipate that the long-term potential for generating revenue for wildlife management will be substantial. Revenues raised will be used by the Division of Wildlife Conservation for research and management programs.

Permits issued under this bill will not diminish hunting opportunities for resident hunters and will not have adverse biological impacts on any wildlife population.

Amendments Proposed: None.

Commissioner's Signature



Date 1-19-95

Organizations That Auction or Raffle Big Game Permits

Foundation for North American Wild Sheep

		Sheep	Moose	Goat
Nevada	1984-1993	\$415,000		
Montana	1986-1993	\$789,000	\$35,000	
Arizona	1984-1993	\$742,000		
Wyoming	1983-1993	\$480,000		
Utah	1983-1993	\$192,000		
North Dakota	1986-1993	\$209,000		
Idaho	1988-1993	\$216,000		
California	1988-1993	\$339,000		
Colorado	1989-1993	\$195,000		\$45,000
New Mexico	1990-1993	\$238,000		
Oregon	1992-1993	\$159,000		

Safari Club International

Wyoming	Sheep Permit	1990	\$36,000
	Mountain Moose	1990	\$10,000
	Sheep Permit	1991	\$24,500

The Safari Club has been auctioning and raffling permits for many years. Only data from recent years was available.

Rocky Mountain Elk Foundation

Nevada	Elk Tag	1993	\$12,000
California	Elk Tag	1993	\$20,000
Arizona	Elk Tag	1993	\$42,000

The Rocky Mountain has been auctioning and raffling permits for many years. Only data from recent years was available.

1994 SHEEP PERMIT PAYMENT SCHEDULE**UTAH PERMIT**

\$51,000 Desert sheep
\$62,500 Bighorn sheep
Remit at time of auction less 10%

NEW MEXICO PERMIT

\$58,000 Remit full amount with an invoice for 10% within 30
days of auction

03

IDAHO PERMIT

\$48,000 Remit 95% by March 30th

ARIZONA PERMIT

\$245,000 Remit 100%

NEVADA PERMIT

\$79,000 Remit 100% by April 22nd with the name of designated
hunter.

MONTANA PERMIT

\$310,000 Remit 90% within 60 days of auction

MONTANA MOOSE PERMIT

\$9,000 Remit 90% within 60 days of auction

CALIFORNIA PERMIT

\$110,000 Remit 100% within 60 days of auction by

COLORADO SHEEP PERMIT

\$67,000 Remit 90% within 60 days of auction

COLORADO GOAT PERMIT

\$9,500 Remit 90% within 60 days of auction

OREGON PERMIT

\$110,000 Remit 90% within 60 days of auction

NORTH DAKOTA

\$47,500 Remit 90% within 60 days of auction

WASHINGTON PERMIT

\$100,000 Remit 90% within 60 days of auction

TEXAS PERMIT

\$70,000 Remit 90% within 60 days

1993 FUNDED PROJECTS

93-01	Quarry Bighorn Sheep Recovery Program	\$ 5,000.00	CO
93-03	Bighorn Sheep Transplant Vehicle	\$ 1,000.00	ID
93-04	National Bighorn Sheep Interpretive Center	\$35,000.00	WY
93-06	Bighorn Sheep Population/Habitat Monitor	\$ 2,000.00	MT WLM
93-07	S. Fork Bighorn Sheep Habitat Improvement	\$ 1,400.00	WY
93-08	Water Run Water Development	\$ 1,500.00	OR USFS
93-11	No-Wolf Option Occurrence	\$ 1,000.00	WY
93-13	Bighorn Sheep Hunter Education	\$ 450.00	ID
93-15	California Bighorn Troop/Troopmaster	\$30,000.00	ID
93-16	Bighorn Sheep Interpretive Sign	\$ 4,000.00	CA USFS
93-17	Development of Assisted Reproductive Techniques	\$19,000.00	TX
93-18	Mount Huai Radio-Telemetry	\$ 2,350.00	WA USFS
93-19	Population Characteristics of St. Vrain Herd	\$ 2,000.00	CO
93-20	Hoop Lake Conservation Easement	\$ 4,000.00	UT
93-21	Bartonsville Area Purchase	\$30,000.00	UT
93-23	California Water Project	\$ 5,000.00	CA
93-23	Arizona Water Project	\$ 8,000.00	AZ
93-24	American Wilderness Leadership School	\$12,000.00	WY
93-26	Shell Canyon Reintroduction Project	\$ 1,500.00	WY USFS
93-27	Campaign for "Common Sense Amendment"	\$35,000.00	DC
93-28	FNAWS Participation in WCTA/WLTA	\$35,000.00	DC
93-29	Quarry Bighorn Sheep Habitat Improvement	\$ 4,000.00	CO USFS
93-30	Remport Range Habitat Improvement	\$ 5,000.00	CO USFS
93-32	Bediment Mesa Ridge Top Travel Lanes #2	\$ 2,500.00	CO USFS
93-33	Arroyo Creek Habitat Improvement	\$ 750.00	CO USFS
93-35	What Determines if/Size in Bighorn Sheep Populations	\$ 500.00	ALBERTA
93-36	Use of Salt to Alter Desert Sheep Habitat	\$ 1,300.00	MT
93-37	Bighorn Habitat Availability Along Rocky Mtn East Front	\$ 1,125.00	MT
93-38	Riftwater Bighorn Habitat Improvement	\$ 1,000.00	MT
93-40	Contribution of IOGA Industry To Economy	\$10,000.00	ID
93-43	Spotted Range Water Development	\$ 9,000.00	WV
93-48	North Laboratory Research Sheep Facility	\$ 4,000.00	ID
93-50	Disease in Wild Sheep Research	\$ 6,000.00	WA
93-51	Disease in Wild Sheep Research	\$ 6,000.00	WA
93-57	Orphan Rim Cattle	\$ 1,300.00	OR
93-58	Doughtery Rim Cattle	\$ 5,200.00	OR
93-59	Doughtery Rim Transplant	\$ 1,000.00	OR
93-60	Deathouse Ridge Bighorn Transplant	\$ 2,000.00	OR
93-61	Sandbe Spring Development	\$ 2,900.00	OR
93-64	CA Bighorn Sheep Longhorn Treatment	\$ 1,000.00	OR
93-65	Silver Bell Mtn. Sheep Management Investigation	\$10,000.00	AZ
93-DM1	Protection of CA Bighorn Oryx/Coyote Canyon Lands	\$10,000.00	ID
93-DM2	Project Wild	\$24,000.00	BC
93-DM3	Assistance in Finding International Cattle	\$ 1,000.00	ALBERTA
93-DM4	Madison Lease Emergency Funding	\$ 1,000.00	MT
1993 Grant-In-Aid Funding		\$352,545.00	

WHERE THE MONEY GOES

Grant-In-Aid Total to Date (4/93)

Alaska	\$373,054.22
Arizona	\$984,452.80
California	\$593,869.00
Canada	\$697,450.67
Colorado	\$347,735.00
Connecticut	\$ 28,600.00
Idaho	\$490,470.00
Illinois	\$ 4,000.00
Iowa	\$ 8,750.00
Mexico	\$195,750.00
Montana	\$901,533.00
Nevada	\$577,973.01
New Mexico	\$306,890.86
North Dakota	\$232,500.00
Oregon	\$265,710.00
South Dakota	\$ 8,500.00
Texas	\$120,810.00
Utah	\$393,273.42
Washington D.C.	\$262,500.00
Washington	\$ 30,250.00
Wyoming	\$514,084.25
Total	\$7,338,177.73

FNAWS CHAPTERS TO DATE

Alaska FNAWS	\$ 21,295.00
Eastern FNAWS	\$ 95,000.00
Idaho FNAWS	\$ 44,000.00
Iowa FNAWS	\$ 13,500.00
Minnesota-Wisconsin FNAWS	\$306,800.00
Utah FNAWS	\$ 57,300.00
Wyoming FNAWS	\$ 51,156.00
Montane FNAWS	\$ 1,000.00
Total	\$589,051.00

COOPERATIVE FUNDING

93-01 Iowa FNAWS	\$2,000.00	93-28 Iowa FNAWS	\$1,000.00
93-03 Grand Slam Club	\$4,000.00	93-48 Iowa FNAWS	\$2,500.00
93-04 Iowa FNAWS	\$2,500.00	93-59 Iowa FNAWS	\$1,500.00
93-13 Iowa FNAWS	\$ 150.00		
Total 1993 Cooperative Funding	\$14,950.00		

1993 STATE SHEEP PERMITS

Arizona	\$ 303,000.00	Nevada	\$ 71,000.00
California	\$ 100,000.00	New Mexico	\$ 55,000.00
Colorado	\$ 36,000.00	North Dakota	\$ 28,000.00
Colorado	\$ 1,500.00 (Goat)	Oregon	\$ 103,000.00
Idaho	\$ 31,000.00	Wyoming	\$ 55,000.00
Montana	\$ 205,000.00	Mexico	\$ 80,000.00
Montana	\$ 12,000.00 (Goat)	Utah Bighorn	\$ 55,000.00
Utah Desert	\$ 45,000.00		
Total	\$1,191,500.00		

TOTAL 1993 GRANT-IN-AID FUNDING
\$1,560,035.00

\$\$\$\$\$\$\$ To Date For Putting
Wild Sheep On The Mountain
\$9,964,770.45

FNAWS AFFILIATES TO DATE

Arizona Desert Bighorn Sheep Society	\$584,109.17
Rocky Mountain Bighorn Society	\$187,300.00
Elko Nevada Bighorn Unlimited	\$ 45,229.00
Fallon Nevada Bighorn Unlimited	\$169,350.00
Fraternity of the Desert Bighorn	\$562,358.00
Grand Slam Club	\$ 33,515.00
Texas Bighorn Sheep Society	\$435,480.55
Total	\$2,037,541.72

NEVADA

George Tsukamoto, Chief, Division of Game

All monies from all tags auctioned, elk, deer, antelope and sheep are directed solely for the purchase of helicopters.

George feels this helicopters are the single most effect tool in gathering census information for wildlife.

They have contracted helicopters in the past, however, this is sometimes difficult, i.e. during fire season, and costly - they average 1400 hours of flying time per year at \$475 an hour equals \$665,000.

They started with one helicopter, a B-1 piston, they have since sold that one and purchased two jet ranger helicopters. Their ultimate goal is to have three helicopters.

NEW MEXICO

Andrew Sandoval, Chief Habitat Director, Bighorn Sheep Coordinator

By legislative mandate, the monies from the sheep permit that is auctioned must only go to programs for wild sheep. They are also on a federal aid program, where for every dollar they generate from tags, the federal government will match it with three dollars. For example, this year the auction tag brought \$55,000 for New Mexico, the federal government will match it with \$165,000 for a total of \$220,000, which can only be used for sheep programs.

Projects which they use the money for include: 2 transplants for desert sheep, a historical evaluation of habitat for desert and bighorn sheep. A salting program to separate the recreational users of the land from the sheep to cause them less stress. Follow up of transplants and census and survey work.

Mr. Sandoval expressed his appreciation of FNAWS and hopes that our good working relationship will continue. He is very appreciative of the fact, that without FNAWS, a good many of his sheep programs would not exist.

NORTH DAKOTA

Ron Stromstad, Chief

The monies generated from the tags and GLA funding make up 60% of the budget designated for sheep programs, consequently, all monies from the permits are designated for sheep programs and their administrative costs.

In general, the programs include sheep census, balting and treating lungworm, analyzing new sites for release of sheep and lambing surveys.

An ongoing program that they have been dealing with for the last two years is multi year bighorn research project, underwritten by FNAWS, Cenex, Meridian Oil, and FNAWS MN-WI chapter, to attempt to isolate methods of mitigating oil and gas developments to the bighorn herd.

OREGON

Walt Van Dyke, Assistant Staff Biologist, Big Game

By department policy, the money from the auction permits is earmarked specifically for sheep projects in an account called "The Bighorn Sheep Donation Fund". Sheep programs have been elevated within the department because of the money generated from the auction permits and our grant-in-aid monies. The auction of the permits also is popular with the general public.

75% of the money is used for trapping and transplants. This year the Oregon Department of fish & wildlife plans to ask for an additional 14 tags for sheep. Walt feels that this is a direct result of the trapping and transplanting programs that have been funded by the auction permits.

The rest of the money goes to disease research in Oregon and support research efforts with University of Washington and University of California, and cooperative programs with other agencies involving habitat improvement i.e. prescribed burns, range rehabilitation and guzzler installments.

Walt says he appreciates the Foundation for all the efforts, and without FNAWS they would not have the money to accomplish all that they have in the last 5 years.

UTAH

Wes Shields - Big Game Program Coordinator

The money from the auction tag permits goes into a dedicated account for wild sheep only (which is approved by the Utah). This money makes up 90% of the budget for the programs for desert and bighorn sheep. All other monies from the routine drawing of permits goes into a general fund, consequently, the money from the auction permit means alot to them.

From the permits that were auctioned this year, the major project is:

They will be giving \$40,000 of the permit money to the Utah Chapter of FNAWS who will in turn buy out the AUM domestic sheep. This will directly affect the Rattlesnake bighorn sheep population that currently competes with 3,000 domestic sheep for grazing land.

The other monies go to survey and transplant work. They are currently working on a program where they have received 25 sheep from Colorado for transplant . They are also working with Arizona on a cooperative management program for the herd near St. George and the Arizona border.

IDAHO

Lloyd Oldenberg, Wildlife Game and Research Manager

All the monies from the auction tags go into a special account that can only be used for wild sheep. This is Idaho Fish & Game Department policy. These funds are supplemented by the Department's budget to complete the projects. As of June 9, 1993, there was \$30,000 in this special account. They are currently doing a sheep census until June 30th. The money will undoubtedly go to paying for the helicopter time.

A list of all the projects that have benefited from the auction permit monies is attached.

One of the things the monies do not support is administrative costs.

COLORADO

Tom Lyle, DNR, Division of Wildlife

Under Colorado law, all monies obtained from the permit must be spent on bighorn sheep. This is exclusive of the in-house budget already targeted for the sheep.

Habitat work is their first priority. They work in cooperation with the Forest Service for habitat improvement. This includes controlled burning, patch cutting and re-vegetation.

One project they had been working on was the compatibility between bighorn sheep and mountain goats. This was a three year project, however the funds ran out after two years. The funds from the auction of the permit will now enable them to finish this project.

Another area where the money is spent is on educational displays.

Colorado is primarily a deer and elk state, and Tom Lyle feels that without the proceeds raised by the FNAWS, the majority of projects for sheep would not have been possible.

CALIFORNIA

Steve Torres, Statewide Program Coordinator for bighorn sheep

The monies generated from the tag goes into a "pot" that is specifically earmarked for bighorn sheep. The \$61,000 raised in 1992 made up about 1/5th of the budget. The attached report outlines all the programs for the sheep, which includes, the collaring of sheep, general research, and translocation.

This year, with the \$100,000 generated, they are excited. They are working on opening a 4th hunting area for bighorn sheep. It will be in the Chocolate Mountains, which is located in the southeastern part of the state, bordering Mexico and Arizona. Most of the money will be used for aerial surveys to determine if populations are ready for harvest.

All monies generated from the sale of tags for bighorn sheep is legislatively mandated to go to the sheep.

ARIZONA

Ray Lee, Big Game Management Supervisor

Under Arizona law, every dollar from the purchase of the permits has to be returned to the Arizona Game and Fish. The money is deposited into an interest bearing account until the Game & Fish department and the Arizona Society of Bighorn sheep can reach an agreement of how the money should be spent. Major projects include: transplants, helicopter fees, capture equipment and medical supplies for injured animals, and water development.

This is their tenth year doing this. Last years expenditures are attached.

3/7

REPRESENTATIVE CON BUNDE
CO-CHAIR HEALTH, EDUCATION
& SOCIAL SERVICES
VICE-CHAIR RULES

**Alaska State Legislature
House of Representatives**

DURING SESSION:
STATE CAPITOL, ROOM 108
JUNEAU, ALASKA 99801-1182
1 (907) 465-4843

DURING INTERIM:
716 WEST 4th AVENUE
ANCHORAGE, ALASKA 99501-2133
1 (907) 258-8168

MEMORANDUM

DATE: February 27, 1995
TO: Rep. Jeannett James
Chair House State Affairs Committee
FROM: Rep. Con Bunde
Co-Chair House HESS
RE: HB 59

House bill 59 is in the House State Affairs Committee. This memo is to request a committee hearing as soon as you are able to schedule the bill.

The attached packet contains the required supporting documentation. If you need further information please call Patti at ext. 6824.

Thank you for your cooperation.

PROFESSIONAL SERVICES MATRIX

DOLLAR VALUE OF CONTRACT	COMPETITION	PUBLIC NOTICE	AWARD METHOD	FORMS USED	KEEP ON FILE
\$0 - 5,000 (Small Purchase)	<ul style="list-style-type: none"> Use procedures which provide reasonable and adequate competition Make records which facilitate auditing 2 AAC 12.400(a)(4) Assure service meets definition of Professional Services (AAM 82.020) 	No minimum requirements.	<ul style="list-style-type: none"> Purchase direct using adequate and reasonable competition. (2 AAC 12.400) If awarding to nonresidents, determination is required (AS 36.30.382) 	Contract must be in writing <ul style="list-style-type: none"> ASPS (form 02-189) unless waived by Agency Head (number assigned by agency) 	<ul style="list-style-type: none"> Copy of ASPS (unless waived) Copy of RFP (if used) Copy of any contract and amendments Copy of RAP (if used) Copy of all records Copy of solicitation and written record of competition Determinations, awards, etc Determination if awarding nonresident (AS 36.30.362)
\$5,001-\$25,000	<ul style="list-style-type: none"> Solicit a minimum of 3 firms' written or oral proposals Follow up oral proposals in writing and make part of file Assure service meets definition of Professional Services (AAM 82.020) 	<ul style="list-style-type: none"> May use contractors' list, if so, rotate (2 AAC 12.400) Public Notice occurs when offerors are solicited 	<ul style="list-style-type: none"> Written justification of award to file (2 AAC 12.400(d)(1)) Award to most qualified, responsible offer and take into account Alaska bidder preference and solicitation preferences and award criteria in solicitation (2 AAC 12.400(d)(2)) 	<ul style="list-style-type: none"> ASPS (form 02-189) unless waived by Agency Head (number assigned by agency) Standard Professional Services Agreement (form #02-093) and appropriate appendices or Document approved by Attorney General's Office RAP (form #02-100) if applicable 	<ul style="list-style-type: none"> Copy of ASPS (unless waived) Copy of record of solicitation RFP Copy of RAP (if used) Copy or written record of proposal or response Copy of determination justification regarding award Contract and amendments Procurement Summary Report if a RAP justifies procurement (AS 36.30.610-620) Determination if awarding nonresident (AS 36.30.382) Records must include: <ol style="list-style-type: none"> who made solicitation specifications of service solicited date of solicitation names of firms contacted names of persons contacted response of each person/firm (2 AAC 12.400(d)(1) & AS 36.30.920) Summary of responses All determinations (2 AAC 12.400(c)(1))

Post-it Fax Note	7671	Date	3-16	# of pages	2
To	PATTY	From	GERON BRICE		
Co/Dept.		Co	ADF & G C.O.		
Phone #		Phone #	465-4100		
Fax #	3871	Fax #	465-2332		

Notes: Procurements of legal services must be approved in advance by the Attorney General.
RFPs for Architectural, Engineering, and Land Survey follow different procedures.

DOLLAR VALUE OF CONTACT	COMPETITION	PUBLIC NOTICE	AWARD METHOD	FORMS USED	KEEP ON FILE
<p>\$25,001 - up</p> <p>Competitive Sealed Proposal</p>	<ul style="list-style-type: none"> • Issue a Request for Proposal (AS 36.30.200) • Request for Proposal must contain: <ul style="list-style-type: none"> a. date, time, place for delivery of CSP, b. specific description of professional services required, c. terms under which services are to be provided, d. sufficient information for an offeror to submit proposal, e. evaluation criteria, f. relative importance of price, and g. price must be allocated a minimum of 40% of the total points (AAM 52.160(3)) • Assure service meets definition of Professional Services (AAM 82.020) • State clearly where all mandatory requirements are located in order to accept CSPs as responsive • See AAM 81-82, AS 36.30, 2 AAC Chapter 12. 	<ul style="list-style-type: none"> • Advertise 21 days in advance in <ul style="list-style-type: none"> a. Administrative Journal, and b. Use Contractors' List (VIS), or c. Advertise in Newspaper <ul style="list-style-type: none"> - general circulation or d. - other appropriate media. 	<ul style="list-style-type: none"> • Evaluation committee made up of the procurement officer and at least two state officials • Only in-state resident on evaluation committee (AAM 82.160) unless an exception approved • Evaluate based only on factors set out in RFP. • Written proposals only • Cost must be a minimum of 46% of total points unless an exception to AAM 82.160(3) is approved <ul style="list-style-type: none"> • 5% Alaska bidders preference applies to cost • 10% overall Alaska Offerors Preference applies. • Other product preferences apply if applicable. 10% disabled bidder preferences apply • Must have valid Alaska business license at time designated for opening proposals (AS 36.30.210(e)) • Issue Notice of Intent to Award (2 AAC 12.310). • Award made to proposal deemed most advantageous to the state by the procurement officer (AS 36.30) 	<ul style="list-style-type: none"> • ASPS (form #02-188) signed by agency designated person • ASPS number must be assigned by GS • Standard Professional Services Agreement (form #02-098) and appropriate appendices, or document approved by Attorney General's office • RAP (form #02-100) if applicable • Procurement Report (form #02-115) 	<ul style="list-style-type: none"> • Copy of ASPS • Copy of RAP (if used) • Copy of each proposal submitted. • The register of proposals prepared under AS 36.30.230. • Written determination of award prepared under AS 36.30.250 • Copy of Notice of Intent to Award • All determinations required by statute and law • Procurement summary report (AS 36.30.610-620) • Copy of contract • Copy all amendments • Copy of correspondence to and from all prospective proposers • Copies of licenses • Advertising Order, if applicable • Copy of insurance coverage • Copy of RFP and amendments. • Register of all prospective proposers sent RFP • Register of RFP amendments • List of proposal evaluation committee members • Copy of all scoring sheets • Summary evaluation scoring sheet on file • Solicitation and procurement facts sheet (form #02-092) optional • Confidential items identified

Ronald Fox
815 6th Ave
Ft. Ho, AK 99701

Dear Legislators & Senators:

I am sorry that another commitment prevents me from attending this teleconference. I did, however, want to voice my support for House Bill #59.

Although I do not have exact figures, I can say that the efforts ~~with~~ from Alaska Fish & Wildlife Superfund in the Delta Bison Refuge produced significant ^{FINANCIAL} benefits to the State of Alaska - ~~and~~ with ~~with~~ the three years netting the State in excess of \$40,000.

This Bill will provide additional game that will only bring positive gain to the State.

Thank you.

Ronald Fox

Public Opinion Message

Title First Name	Middle Name	Last Name	Suffix
Mailing Address	Zip		
Home Address	Zip		

Telephone Affiliation City

House	Members	Senate	Members	Committees
Austerman+	Hanlev'- Navarre	Adams/	Lincoln/	C&RA
Barnes'+	Ivan/+ Nicholia/	Donlev'	Miller^+	FINANCE
Brice^	James^+ Coan+	Duncan/	Pearce'+	HESS
Brown'	Kelly^+ Parnell'-	Ellis'	Phillips'-	JUDICIARY
Bunde'-	Kohring'- Phillips+	Frank^+	Rieger'+	LABOR & COMM
Davies^	Kott'+ Porter'-	Green+	Salo'	RESOURCES
B. Davis'	Kubina/ Robinson	Halford'+	Sham^+	RULES
G. Davis+	Mackie/ Rokeberg'+	Hoffman/	Taylor+	STATE AFFAIRS
Eiton	MacLean/ Sanders'+	Kelly'+	Torgerson+	TRANS
Finkestein'	Martin'- Therriault^+	Laman'-	Zharoff/	
Foster/+	Masek+ Toonev'+	POMs Policy You may telephone or hand deliver your message to any LIO. POMs may not exceed 50 words. They must include your name, address and telephone number (if possible) and the name of the receiving legislator(s). They may not contain vulgar language.		
Green'-	Moses/+ Vezev^+			
Grussendorf//	Mulder'- Williams/+ Willis'			

~~Cause~~

Anchorage'	Maionty+	BILL #	
Busn/	Minerty		
Fairbanks (Interact)		Support	Oppose Amend Not Related

~~Subject~~

--

50 Word Maximum Message

1	2	3	4	5
6	7	8	9	10
11	12	13	14	15
16	17	18	19	20
21	22	23	24	25
26	27	28	29	30
31	32	33	34	35
36	37	38	39	40
41	42	43	44	45
46	47	48	49	50



Alaska State Legislature

Please enter into the record my testimony to the FINANCE committee name

committee on HB 59, dated 1/16/95
bill/subject

I WOULD LIKE TO INDICATE MY SUPPORT FOR
HB 59 & REQUEST THE CONSIDERATION
OF ADDING ONE EACH OF THE FOLLOWING
SPECIES TO PARAGRAPH (D) FOR RAFFLE
BY A QUALIFIED ORGANIZATION

DEER SWEET, MOOSE OR BROWN/GRIZZLY BEAR
MOOSE CARIBOU & WOLF. MONIES FROM
THIS RAFFLE WOULD BE EXTREMELY IMPORTANT TO THE
ALASKA WILDLIFE SAFEGUARD PROGRAM.

Signed: STEVEN DANIELS
Testifier

Representing (Optional)
1169 Holmes Road, No. Pole Alaska
Address 99705

HB

79

HOUSE COMMITTEE REPORT

2/13/95
 Finance

(9)
 Date Referred: February 3, 1995

FURTHER REFERRALS:

Date of Committee Action: 2/13/95

The RESOURCES Committee considered:

HB 79

HOUSE BILL NO. 79

MUNICIPAL LAND ERROR CORRECTIONS

"An Act allowing the Department of Natural Resources to quitclaim land or interests in land, including submerged or shore land, to a municipality to correct errors or omissions of the municipality when inequitable detriment would result to a person due to that person's reliance upon the errors or omissions of the municipality."

recommends it be replaced with the following committee substitute _____ [] the same title
 [] a new title

[] additional referral to _____ Committee
 [] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 [] fiscal note(s) _____ [] fiscal note(s) _____

[] zero fiscal note(s) _____ (2) [] zero fiscal note(s) C+RA, DN?
 _____ 2/13/95

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Nicholia</i> Nicholia			X	
<i>William Williams</i> Williams	✓			
<i>Scott Ogden</i> Ogden	✓			
<i>Barbara Barnes</i> Barnes			X	
<i>Alvin Gusterman</i> Gusterman			X	
<i>John Green</i> Green	✓			
	(3)		(3)	

CHAIR'S SIGNATURE _____

Alaska State Legislature

ALASKA STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-4925

REPRESENTATIVE
JERRY MACKIE

PO. BOX 795
CRAIG, ALASKA 99921
(907) 826-3008 OFFICE
(907) 826-2930 HOME

House of Representatives

February 2, 1995

FEB 02 1995

MEMORANDUM

To: Rep. Green Co-chair
Rep. Williams, Co-chair
House Resources Committee

From: Rep. Mackie 

Re: Request for a hearing on HB 79.

I respectfully request a committee hearing of HB 79 at your earliest convenience. Attached is a sponsor statement, a copy of the bill, and other backup material. The Departments of Natural Resources and Community & Regional Affairs have submitted zero fiscal notes.

The bill was reported out of CRA committee today and will be in Resources tomorrow.

Thank you for your attention to this request.

Alaska State Legislature



REPRESENTATIVE
JERRY MACKIE

ALASKA STATE CAPITOL
JUNEAU, ALASKA 99801-1122
(907) 463-4925

P.O. BOX 795
CRAIG, ALASKA 99921
(907) 826-3008 OFFICE
(907) 826-2930 HOME

House of Representatives

SPONSOR STATEMENT

ON
HB 79

I introduced HB 79 at the request of the City of Skagway to correct a long standing land ownership problem in Skagway. Fifty years ago a dike was constructed along the Skagway River to protect the town from flooding. Over the years, the area between the original river bank and the dike has been reclaimed and subdivided by the city with lots sold and built upon (see attached map). Even the High school is located in the area.

The problem is that the city did not have clear title to this land from the start. Hence, the title for subsequent private property owners is also clouded. Not only are the owners' investments and improvements at risk, but bank financing for further improvements or sales is foreclosed.

In the past several years, the city and the Department of Natural Resources have unsuccessfully sought an administrative remedy for the problem. While current statute allows DNR administrative discretion in resolving land ownership errors and omissions for individual citizens [AS 38.05.035 (b) (2) and (b) (3)], there is no similar provision for errors and omissions of a municipality.

HB 79 would add such a provision. The new proposed subsection, AS 35.05.035 (b) (11), allows the director of the division of lands the discretion to quitclaim land to a municipality to correct past errors and omissions. The director may also set any terms or conditions that is deemed appropriate for the transaction. Furthermore, land title transferred to a municipality in this manner is counted against the municipality's general land grant entitlement from the state.

Section 2 provides a January 1, 1998 repeal of AS 35.05.035 (b) (11). Thus, the opportunity to correct municipal land ownership errors is limited to a two and one-half year period.

Finally, this bill was introduced in the last session. It progressed through the House and Senate until time ran out in the Senate Rules committee. It is my hope that the bill will be enacted this year so that the problem is resolved.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB79

Revision Date: Original Dept Affected: Natural Resources
 Title: An Act allowing the Department of Natural Resources to quitclaim land or interests in land, including... BRU: Resource Development
 Resources to quitclaim land or interests in land, including... Component: Land Development
 Sponsor: Representative Mackie
 Requestor: _____ Component Serial No. 431

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS	FY96	FY97	FY98	FY99	FY00	FY01
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This legislation would authorize the department to convey lands to the City of Skagway that they inadvertently subdivided and sold as subdivision lots on filled shore lands within the Skagway River. Conveyance of these lands will eliminate a cloud of title to the private property owners. This legislation will automatically be repealed in 1998 after the conveyance to Skagway has been completed. There are no known public interest values that would be impacted by this conveyance.

There will be no fiscal impact to the department associated with passage of this legislation. The cost to convey land to the City of Skagway will be partially absorbed by the department as part of the municipal entitlement conveyance program work, or paid by the City of Skagway. There is no anticipated loss of revenue associated with this legislation as the lands to be conveyed to Skagway are not currently under lease agreements.

Amendments to this bill and HB20 could be combined as they are very similar, but address different tide and submerged land conveyance issues.

Prepared by: Ron Swanson, Director *Nico Ben* Phone: 762-2692
 Division: Land Date: 25-Jan-95
 Approved by Commissioner: *Nico Ben for M. Furber for Act. Comm.* Date: 1/25/95
 Agency: Natural Resources

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

Revision Date: January 26, 1995 Dept. Affected: Community & Regional Affairs
 Title: An Act allowing the Department of Natural Resources to quitclaim land or... BRU: none
 Sponsor: Representative Mackie Component none
 Requestor: House C & RA Committee COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0

REVENUE FUND SOURCE:

--	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

Estimate of current (FY94) impact \$ none

ANALYSIS: (Attach a separate page if necessary)

This legislation would give the Department of Natural Resources (DNR) the authority to quitclaim land or interests in land to a municipality to correct certain errors or omissions of the municipality. There is no fiscal impact on DCRA from this bill.

Prepared by: Remond Henderson, Director *Remond Henderson* Phone: 465-4708
 Division: Division of Administrative Services Date: 1/26/95
 Approved by Commissioner: *Miles Austin* Date: 1/26/95
 Agency: Community & Regional Affairs

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

CITY OF SKAGWAY, ALASKA

P.O. Box 415

Skagway, Alaska 99840

January 26, 1995

*Representative Alan Austerman, Co-Chair and
Representative Ivan Ivan, Co-Chair,
House Community and Regional Affairs Committee,
House of Representatives,
Juneau, Alaska 99801*

RE: HOUSE BILL No. 79

Dear Rep. Austerman and Rep Ivan:

I would like to take this opportunity to encourage you and the members of the House Community and Regional Affairs Committee to favorably consider House Bill No. 79.

This legislation, when adopted, will assist the City of Skagway in resolving a land ownership question which has been identified two years ago but which has not been able to be resolved because current law does not provide a workable solution.

The current situation is worsened because individuals in Skagway are affected by this dead-end and I believe the legislation as proposed will allow the municipality to take an active part in resolving any questions of land title that we now know about, or that may arise in the "riverine" area in the future.

Thank you for your attention.

Sincerely,



James R. Filip,

City Manager

cc: Representative Jerry Mackie

Mr. Andrew W. Peckovich, DNR

CITY OF SKAGWAY

GATEWAY TO THE GOLD RUSH OF '98"

P. O. BOX 413 SKAGWAY, ALASKA 99840

(PHONE) 907-983-2297

(FAX) 907-983-2151

January 13, 1994

Representative Jerry Mackie
Room 602, Court
State Capitol
Juneau 99801-1182

Dear Jerry,

I would like to take this opportunity to request your assistance in supporting legislation which would correct a land use problem in Skagway.

The details of the situation focus on a section of the community which was flooded by the Skagway River on a regular basis then protected by the construction of a dike approximately 50-years ago. The newly dried out land was subdivided as an extension of the existing street and lot grid and sold or used for community purposes.

The problem that has resulted today from these earlier efforts involves reluctance on the part of a title insurance company to provide coverage on a lot in the reclaimed zone.

Dave Gray has been working diligently with the city in arriving at a solution to this problem that will serve all parties well.

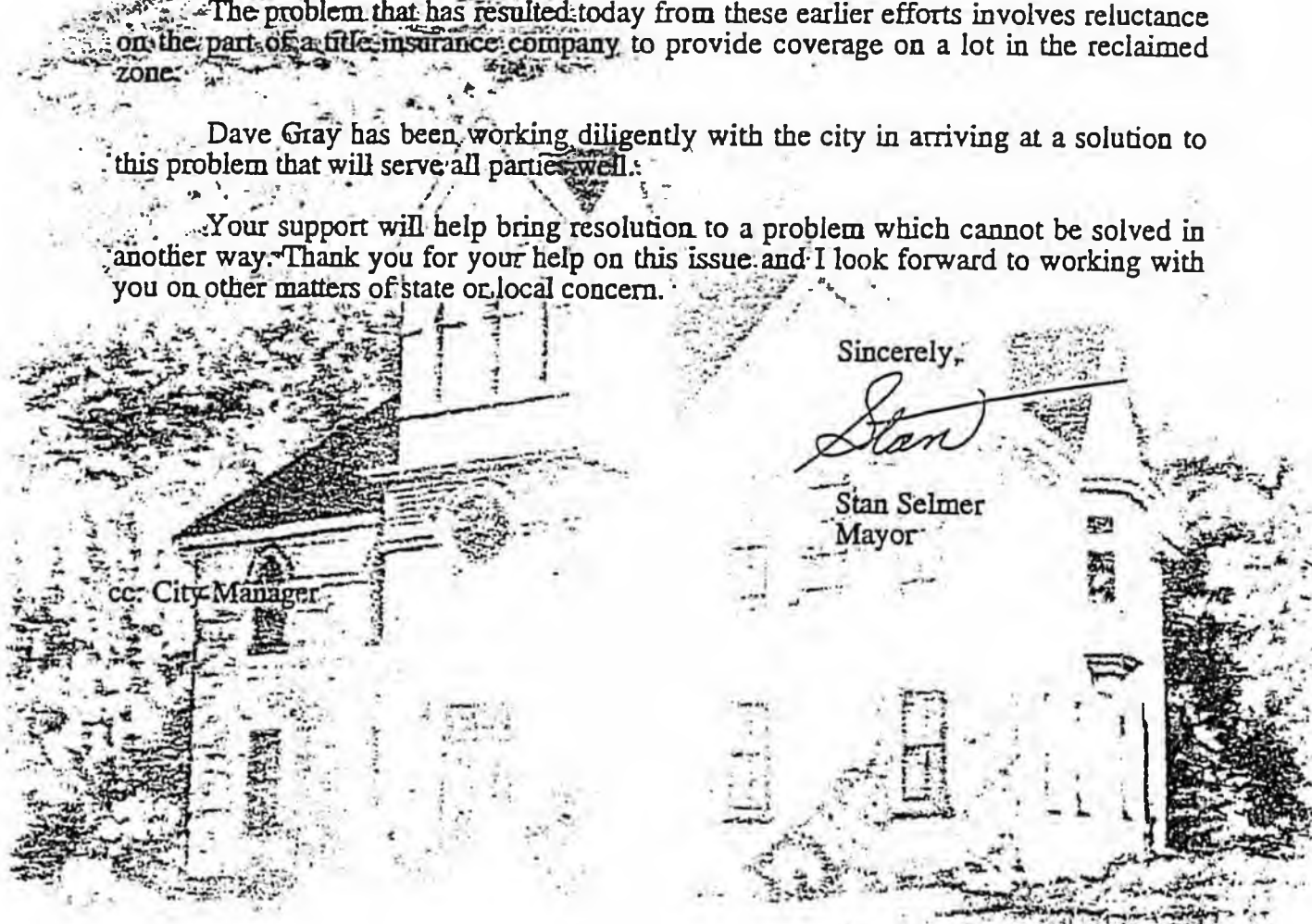
Your support will help bring resolution to a problem which cannot be solved in another way. Thank you for your help on this issue and I look forward to working with you on other matters of state or local concern.

Sincerely,



Stan Selmer
Mayor

cc: City Manager



DEPARTMENT OF NATURAL RESOURCES

SOUTHEAST REGIONAL OFFICE

DIVISION OF LAND

400 WILLOUGHBY AVENUE, SUITE 400
JUNEAU, ALASKA 99901
PHONE: (907) 465-3400
FAX: (907) 586-2954

January 7, 1993

Meg Hayes
c/o Law Offices of James B. Gottstein
406 G Street, Suite 206
Anchorage, Alaska 99501

*Pekovich Sentimental
Lands: see attached
Ac. H.C.*

Re: City of Skagway Title Problem

Dear Meg:

Sorry for the delay, but enclosed please find the map indicating the lands at Skagway that are involved in the title problem which we would like to have released from the list of PSL lands and convey to the City of Skagway. I have also attached a copy of the draft legislation that Representative Mackie may want to advance.

The heavy black line on the attached City of Skagway Base Map represents the eastern boundary of the Skagway River (original meander) in the problem area and the western boundary, in that area, of the original townsite prior to construction of the dike by the Navy in the 40's. The low land behind the dike was later filled, and some of the newly elevated area subdivided and deeded by the city to the respective purchasers. A few of the newly created lots are also in use by the City for public purposes, including the school. To add to the problem, although there are deeds and a base map depicting the new lots, the inclusion of this land into the original townsite subdivision as depicted on the Skagway Base Map is not covered by a proper plat (no recorded plat). Please let me know if you need more. We would like to obtain the release of all lands, including platted right-of-ways, e.g Alaska Street west of the dike. Any suggestions?

I would recommend dropping from the PSL all lands east of the dike abutting the eastern boundary of the Skagway River lying south of the northern boundary of 23rd Street, and west of the original townsite survey.

Sincerely,



Andrew W. Pekovich
Manager, Southeast Region

Enclosure: Marked Up Skagway Base Line Map

CC: Jim Filip, City of Skagway w/attach.
Dave Gray, Representative Mackie's Office w/attach.
Salli Salughter, DNR PIO w/attach.
Bruce Phelps, DOL, Anch. w/attach.

MEMORANDUM

State of Alaska



Alaska Department of
**NATURAL
RESOURCES**

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF LAND
S.E. REGIONAL OFFICE

TO: Ron Swanson (Name)
Director, Div. of Land

DATE: December 17, 1993

FILE:

TELEPHONE: 465-3400

FROM: Andrew W. Pekovich
Regional Manager, CENR
Division of Land
Department of Natural Resources

SUBJECT: City of Skagway
Skagway River Subdivision

I would recommend consideration of the following legislation to Representative Mackie, unless you want to just sell the land to the City of Skagway at "fair market value" or feel that we already have the right under AS 38.05.810 to convey for "less than fair market value", without any overriding state benefit, without imposing a reverter, and without establishing a president we cannot live with

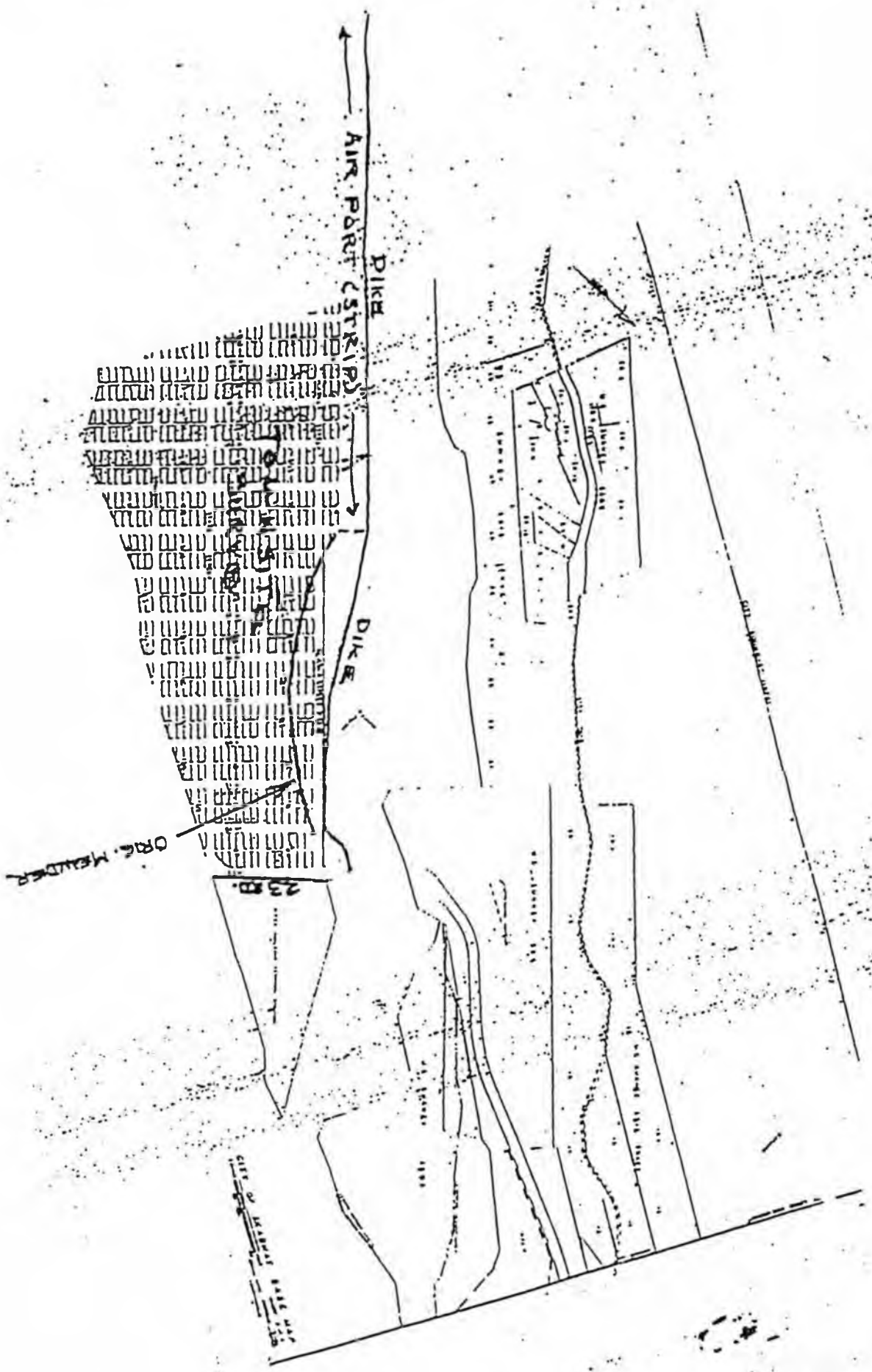
"The director, pursuant to AS 38.05.035 (b), may without classification or reverter, convey lands to a municipality ~~which made application to the Division for lease or purchase prior to~~ with or without compensation, to allow the municipality to correct an error inadvertently created by its inclusion of these lands in a subdivision and conveyance to third parties."

I believe the language is generic enough to not be labeled special, and would recommend a deadline which would just cover applications existing at the time of the deadline. If you approve I will pass this language to Dave Gray for consideration of Representative Mackie.

Appears that this would affect most of 22 lots and a fraction of 9 others. All are small lots. Have FAXED a plat.

CC: Nan Schonenbach

*Ok
w/me
[Signature]*



AIR PORT STRIP

DIKE

DIKE

CITY OF WASHINGTON

230

CITY OF WASHINGTON

CITY OF WASHINGTON

CITY OF WASHINGTON



Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

Phone: 907-463-3366

Fax: 907-463-3312

The Alaska Environmental Lobby has some reservations concerning HB 79, Municipal Land Error Corrections:

HB 79 requires the commissioner of DNR to convey land to a municipality if that municipality had, through "errors or omissions," caused harm or injury to a third party who had relied on the faulty information. In other words, if a developer were to unknowingly use state land in a project because of misinformation provided by the local municipality, the municipality could apply to the state for ownership of the land.

Some problems with HB 79 - paragraph (11) on p. 2-3 authorizes the Commissioner of DNR to transfer state land- - uplands, submerged lands, and shorelines (beds and banks of navigable waters)-- to municipalities to "correct errors or omissions of the municipality...". This provision relieves the municipalities of the responsibility for correcting their own mistakes with their own land.

HB 79, Municipal land error corrections, provides the municipality with the incentive to make mistakes. Other than the actual costs of conveyance, the municipality would receive potentially valuable state land **without** cost. The municipality should bear some of the responsibility for making the mistake, such as paying fair market value for the conveyance.

HB 79 stipulates repeal of Sec. 2 by January 1998. This time allowance seems excessive in light of the potential/possible abuses. Because the intent of the sponsor in this bill is to redress long standing land title errors, it would seem more reasonable to shorten the time limit to less than 18 months.

HB

80

HOUSE COMMITTEE REPORT

9)

Date Referred: February 22, 1995

FURTHER REFERRALS:

Date of Committee Action: 2/27/95

The RESOURCES Committee considered:

HB 80

HOUSE BILL NO. 80

DNR APPROVAL OF PLATS IN UNORG BOROUGH

An Act relating to the approval, change, or vacation of subdivision plats in areas outside organized boroughs, the unorganized borough outside of cities, and in the third class boroughs; and relating to the definitions of 'tract' and 'subdivision'.

Commends it be replaced

with the following committee substitute CS HB 80 (CRA)

[] the same title

[x] a new title

Additional referral to _____ Committee attached amendment(s)

OPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS:

(Dept/Date)

fiscal note(s) _____

[x] fiscal note(s)

DNR & CRA 2/22

zero fiscal note(s) _____

[] zero fiscal note(s)

OPINIONS WITH RECOMMENDATIONS

	DP	DNP	NR	AM
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			

REPORTER'S SIGNATURE

[Signature]

REPRESENTATIVE
JEANNETTE JAMES

P.O. Box 56622
North Pole, Alaska 99705
(907) 488-1546
FAX (907) 488-9006

While In Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-3743
FAX (907) 465-2381

House of Representatives

House District 34

HB 80 DNR APPROVAL OF PLATS

January 31, 1995

SPONSOR STATEMENT

Currently no legal authority reviews plats in the unorganized boroughs for compliance with State law. This means that there is no agency review of access to each lot, the outcome is that there are landlocked lots created.

Currently "paper plats" are allowed to be recorded without being surveyed, HB 80 corrects this oversight. This legislation requires the Department of Natural Resources to review plats for compliance with State law.

There are several definitions of Street and Subdivision in various Statutes, this legislation defines them as requested by the Department of Natural Resources.

Sec. 40.15.075

AUTHORITY IN THE UNORGANIZED BOROUGH AND THIRD CLASS BOROUGH.

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

History -

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

Amendment Notes -

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

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

Repealed

Repealed sections 2 pages

Sec. 40.15.290

DEFINITIONS.

In this chapter

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

(2) "subdivision"

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

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

History -

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

Revisors Notes -

Formerly AS 40.15.190. Renumbered in 1988.

Decisions -

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

Repealed

HOUSE CS FOR CS FOR SENATE BILL NO. 81 (FINANCE) am H
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 1/21/92
 Offered: 5/18/91
 Referred: Rules

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 is exercising platting
 9 authority [IN THE UNORGANIZED BOROUGH IN THE AREA OUTSIDE ALL CITIES].

10 * Sec. 2. AS 40.15.010 is amended to read:

11 Sec. 40.15.010. APPROVAL, FILING, AND RECORDING OF SUBDIVISIONS. Before
 12 the lots or tracts of any subdivision or dedication may be sold or offered for sale, the subdivision
 13 or dedication shall be approved by [SUBMITTED FOR APPROVAL TO] the authority having
 14 jurisdiction, as prescribed in this chapter: and [. THE REGULAR APPROVAL OF THE

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

6 * Sec. 3. AS 40.15.070 is amended to read:

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

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

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

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

29 Sec. 40.15.200. APPLICATION TO STATE AND POLITICAL SUBDIVISIONS. All
30 subdivisions of land made by the state, its agencies, instrumentalities and political subdivisions
31 are subject to the provisions of AS 40.15.010 - 40.15.200 [THIS CHAPTER] and AS 29.40.070 -

1 29.40.160, or home rule ordinances or regulations governing subdivisions, and shall comply with
2 ordinances and other local regulations adopted under AS 40.15.010 - 40.15.200 [THIS
3 CHAPTER] and AS 29.40.070 - 29.40.160 or former AS 29.33.150 - 29.33.240, or under home
4 rule authority, in the same manner and to the same extent as subdivisions made by other
5 landowners.

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

7 ARTICLE 4. PLATTING IN AREAS OUTSIDE CERTAIN MUNICIPALITIES.

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

11 (b) The commissioner shall review and approve each plat under AS 40.15.300 -
12 40.15.380 before the plat is recorded under AS 40.17. The approval by the commissioner shall
13 be affixed to the plat in the form of the following statement:

14 PLAT APPROVAL

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

17 _____
18 Commissioner

_____ Date

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

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

27 (e) A recorded plat may not be altered or replatted except on petition of the state, a
28 municipality, a public utility, or the owner of a majority of the land affected by the proposed
29 alteration or replat. The petition shall be filed with the commissioner and shall be accompanied
30 by a copy of the existing plat showing the proposed alteration or replat. The provisions of
31 AS 29.40.130 and 29.40.140(a) apply to an alteration or replat submitted under this subsection.

1 The provisions of (d) of this section do not apply to an alteration or replat petition, but the
2 commissioner shall state in writing reasons for disapproval of the petition.

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

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

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

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

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

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

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

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

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

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

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

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

31 (2) disposing of land by aliquot part descriptions of 40 acres or more within

1 surveyed sections provided that the least aliquot part unit shall be not less than a 1/4 1/4 section.

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

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

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

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

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

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

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

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

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

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

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

27 (f) The minimum monumentation requirements for

28 (1) right-of-way acquisition subdivisions are a 5/8" x 24" reinforcement bar with
29 appropriate identification cap set on the margin of the right-of-way at all points marking the
30 beginning and end of each curve and on tangents so that the distance between monumented points
31 does not exceed 1,320 feet; an alternate method may be utilized that consists of placing primary

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

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

6 * Sec. 7. AS 40.15.075 and 40.15.290 are repealed.

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

Revision Date: February 21, 1995 Dept. Affected: Community & Regional Affairs
 Title: An Act establishing the DNR as the BRU: Local Government Assistance
plating authority in certain parts of... Component Municipal Lands Trustee
 Sponsor: Representative James
 Requestor: House C & RA Committee COMPONENT SERIAL NO. 681

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0

REVENUE FUND SOURCE:

--	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current (FY94) Impact \$ none

ANALYSIS: (Attach a separate page if necessary)
 This bill establishes DNR as the plating authority in the unorganized borough. This committee substitute version of the bill exempts certain activities pertaining to the department's Municipal Lands Trustee program from the provisions of the bill. As such, the bill poses no fiscal impacts for the department.

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

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 Page 1 of 1

FISCAL NOTE

STATE OF ALASKA

BILL NO. _____

HB 80

1995 LEGISLATIVE SESSION

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

(Thousands of Dollars)

Expenditures/Revenues	FY96	FY97	FY98	FY99	FY00	FY01
OPERATING EXPENDITURES						
PERSONAL SERVICES	64.5	64.5	64.5	64.5	64.5	64.5
TRAVEL						
CONTRACTUAL	11.5	1.5	1.5	1.5	1.5	1.5
SUPPLIES	5.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	81.0	67.0	67.0	67.0	67.0	67.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (1005)	50.0	50.0	50.0	50.0	50.0	50.0

(Thousands of Dollars)

FUND SOURCE	FY96	FY97	FY98	FY99	FY00	FY01
1002 Federal Receipts						
1003 GF Match						
1004 GF	81.0	67.0	67.0	67.0	67.0	67.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	81.0	67.0	67.0	67.0	67.0	67.0

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

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

SEE ATTACHED

Prepared by: Ron Swanson Phone: 762-2692
 Division: Land Date: 20-Jan-95
 Approved by Commissioner: [Signature] Date: 1/20/95
 Agency: Natural Resources

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BACK UP FOR FISCAL NOTE HB80

Estimate of Expenditures for HB80:

Personal Services:

Anticipate 250 subdivision plats submitted for review per year.

Reviews will be performed by a Land Surveyor I (R19).

Estimated review time is 7.5 hours per plat. Based on 250 plats per year, this will require one new full-time position.

TOTAL PERSONAL SERVICES	\$64,500.00
-------------------------	-------------

Contractual:

The state must purchase existing land records, survey plats and field survey notes from BLM and make copies of plats held by the recording offices to carry out the functions required by this bill. The one time purchase cost for microfiche copies of survey plats and field notes to cover the state is \$10,000. Document copying costs from the recording office will be covered through the supply budget. An additional \$1,500 in contractual costs will be incurred annually, for items such as phone/fax bills, space rent and other miscellaneous contractual costs.

TOTAL CONTRACTUAL (FY96)	\$11,500.00
TOTAL CONTRACTUAL (FY97-FY01)	\$1,500.00

Supply:

The supply budget will cover the one time cost of copying survey plats held in the Recorder's Office. An additional \$1,000 in supplies costs will be incurred annually, for items such as office supplies and document copying costs.

TOTAL SUPPLY (FY96)	\$5,000.00
TOTAL SUPPLY (FY97-FY01)	\$1,000.00

Estimate of increased revenue for HB80:

Anticipated revenue from plat review fees will be 250 plat reviews x \$200.00/review = \$50,000.00

Comments:

In the last three years, the Division of Land has seen a reduction of six professional land surveyors due to budget reductions. We cannot absorb the additional workload associated with this legislation without an additional full-time professional land surveyor.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HJR 4

Revision Date: _____ Dept. Affected: Department of Law
 Title: ...authorizing the use of the initiative to amend BRU: Legal Services
the Constitution... Component: Operations
 Sponsor: Representative Martin
 Requester: House State Affairs COMPONENT SERIAL NO. 0093

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

House Joint Resolution No. 4 proposes an amendment to the state's constitution that would permit the people to propose and enact constitutional amendments through the initiative process. Currently, an amendment to the constitution must be proposed by two-thirds of each house of the legislature before it can be considered by the voters at a general election. The proposed amendment would permit use of an application with one hundred qualified voters as sponsors to initiate a constitutional amendment proposal. And, after certification by the lieutenant governor, a petition signed by qualified voters, equal in number to ten percent of those who voted in the preceding general election and resided in at least two-thirds of the state's election districts, would be required to place the proposition on the statewide ballot. This method is identical to the process required for proposing and adopting or rejecting a law by initiative.

Adoption of HJR 4, which would place this proposal on the ballot at the next general election, will not have a fiscal impact on the Department of Law.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: 2/14/95
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/15/95
 Agency: Department of Law

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130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 13, 1995

SUBJECT: Comparison of HB 80 and CSSB 81(FIN)(18th Legislature)
(Work Order No. 9-LS0200\A)

TO: Representative Jeannette James
Attn: Walt Wilcox

FROM: Gerald P. Luckhaupt 
Legislative Counsel

You have asked for a comparison of HB 80 and CSSB 81(FIN)(18th Legislature). Several other later versions of SB 81 exist. I have enclosed those for your review.

CSSB 81(FIN)

Section 1. Provides that DNR is the platting authority in all areas of the state except within a municipality that has the power of land use planning and has adopted ordinances implementing AS 29.40. This section would conceivably encourage municipalities with the power of land use planning to exercise those powers and implement AS 29.40 so as to avoid having DNR as the platting authority. **HB 80** only provides in bill secs. 3 and 4 that DNR is the platting authority in the unorganized borough outside cities (regardless of whether those cities have implemented AS 29.40) and in the third class borough. Second class cities outside boroughs are not required under state law to provide for planning, platting, and land use regulation as are other cities and boroughs. See AS 29.35.180 and 29.35.260.

Section 2. Amends AS 40.15.010 presumably to clarify the approval requirement contained therein. There is no comparable provision in **HB 80**.

Section 3. Amends AS 40.15.070 to specify that municipalities are the platting authorities for their own areas if they have adopted ordinances implementing AS 29.40. **HB 80** also amends this section but only by eliminating language that limits DNR's current authority as the platting authority in the unorganized borough and the third class borough.

Section 4. Amends AS 40.15.070 by adding a new subsection that provides that DNR is the platting authority in all other areas of the state. The current language of AS 40.15.070 that provides similar (but not identical) authority to DNR is retained in sec. 3 of **HB 80**.

Representative Jeannette James

February 13, 1995

Page 2

Section 5. Amends AS 40.15.200 to provide that all subdivisions of land made by the state, and its subdivisions, are subject to AS 40.15.010 - 40.15.200 but not the rest of AS 40.15. **HB 80** doesn't change current AS 40.15.200.

Section 6. Adds new sections with platting requirements for the areas of the state where DNR is the platting authority. New definitions are also provided. For the most part there are no comparable provisions to these additions in **HB 80**. In sec. 4 of **HB 80**, DNR may only disapprove a plat as provided in other applicable state law and for failure to specify access DNR may charge fees for the approval of plats. In **CSSB 81(FIN)** DNR is not provided authority to charge fees. **HB 80** only provides definitions of street and subdivision. The definitions of street are consistent with **CSSB 81(FIN)** -- the definitions of subdivision are not.

The changes to the definitions of subdivision in other parts of Alaska Statutes that are contained in bill secs. 1 - 2, and 6 of **HB 80** are not contained in **CSSB 81(FIN)**.

JBC:lmb
95-120.lmb

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF LAND

360 C STREET SUITE 300
P.O. BOX 107005
ANCHORAGE, ALASKA 99510-7005
PHONE (907) 762-3692

February 21, 1995

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

Re: HB 80

Dear Representative James:

Thank you for sending me the draft of the Committee Substitute for House Bill 80 to review. This bill addresses the concerns that I raised with you in my February 1, 1995 letter.

I have a couple of minor technical changes that I would recommend. Starting on page 4, line 21, change to read:

Sec 40.15.320 MONUMENTS. (a) In a subdivision with five or fewer lots, the existence of [EACH] primary type monuments at [A] controlling exterior corners of the subdivision shall be established by the surveyor.

(b) In a subdivision of more than five lots, each interior corner shall be monumented with a 5/8" x 24" rebar and cap.

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

The second change deals with the definition of "subdivision" on page 7 line 15. This can be dealt with one of two ways. The first way is to delete the phrase "or creating or adjusting right-of-way boundaries".

The second option is to add the following phrase:

interest at state-owned airports or creating or adjusting right-of-way boundaries, providing the right-of-way boundaries have not been previously dedicated to the public.

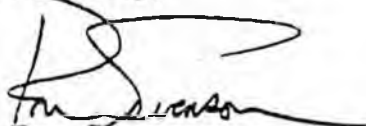
Representative James
HB 30
February 21, 1995
Page 2

One of these two changes are needed to eliminate a conflict with Section 40.15.380 which does with the applicability to governmental bodies; right-of-way acquisition plats. I believe the original intent of DOT/PF was to avoid having to go through the plat dedication process of interior lots and right-of-ways within the boundaries of an airport. I agree with that.

Other roads and highways that are dedicated for public purposes do create a subdivision and should not be excepted from the plat review and dedication process.

Please feel free to contact me if I can be of any further help or answer any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Swanson", written over a horizontal line.

Ron Swanson
Director

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF LAND

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

February 1, 1995

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

Re: HB 80

Dear Representative James:

The testimony on January 31 before the House, Community and Regional Affairs Committee was interesting. I will be glad to help you in any way I can to help you get a bill that is agreeable to all parties.

Pat Kalan's testimony on former SB 81, 17 Legislature, was well taken. That bill was a true compromise as he stated, which was agreed to by all the state agencies, the surveying community and the Alaska Federation of Natives. The only reason it did not pass was that all parties could not agree at the last minute on the definition of "street" and "subdivision." Your bill, with a couple of minor changes, accomplishes the definition objective.

I am concerned, however, that if HB 80 travels through the legislative process that more and more exceptions to the definitions will be added. This would essentially defeat the entire purpose of your legislation and may leave us in the same predicament that we are in today.

One option is to use the old SB 81 but insert the definitions from your bill along with the changes suggested below. With the "guidelines" spelled out in SB 81 most of the concerns expressed by DOT/PF, DCRA and DEC will go away.

The only exception to this may be the desire of DOT/PF to exclude right-of-ways. I agree that common carrier right-of-ways should be excepted because they do not necessarily create a "subdivision." I must agree with the testimony of Malcom Menzies that roads create a "subdivision" and DOT/PF should not be the sole exception to the rule. I do agree that the exclusion of airport leases and leases issued by DCRA under the Municipal Land Trust program are justified and do not harm the integrity of your legislation.

Representative Jeannette James
House Bill 80
February 1, 1995
Page 2

The concerns expressed by Sealaska last year can also be protected with the changes below without jeopardizing the needed plat review when Native owned land is later subdivided after title has been conveyed by the federal government. Like DOT/PF, I do not believe that land conveyed to Native corporations should be treated any differently than any other land conveyed by the federal government into private ownership.

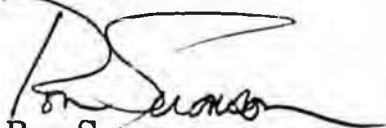
The definition for "subdivision" I recommend that addresses these concerns is:

(A) means the division of a tract or parcel of land into two or more lots by the landowner or by the creation of public, excluding common carrier, access;

(B) does not include cadastral plats, cadastral control plats, open-to-entry plats, remote parcel plats created by or on behalf of the state regardless of whether these plats include easements or other public dedications, or plats prepared by the Department of Transportation and Public Facilities, for the purpose of transferring leasehold interest at state-owned airports, or plats prepared by the Department of Community and Regional Affairs for the leasing of municipal trust land under Sec. 44.47.150.

Please feel free to contact me if I can be of further help or to answer any questions.

Sincerely,



Ron Swanson
Director

cc: Pat Kalan
DCRA
DOTPF
Nico Bus

KALEN & ASSOCIATES, Inc.:

Engineers & Surveyors

Land Surveys • Mineral Surveys • Subdivisions
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DATE: 2/21/95

TIME: 12:25 AM

NO. OF PAGES, INCLUDING THIS ONE: 5

JOB NO.: NA

FROM: PATRICIA KALBN

TO:
REP JOANNETTE JAMES
ATTN: WALT WILCOX

COMPANY: HOUSE OF REPRESENTATIVES

FAX NO.: 465-2381

MESSAGE: HERE IT IS

1) COVER LETTER, 2P.

2) COPY OF SB 211 OF 18TH
LEGISLATURE. IT HAS THE RIGHT
LANGUAGE.





Alaska Section
AMERICAN CONGRESS ON SURVEYING AND MAPPING

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

February 21, 1995

Ref: HB NO. 80, Proposed Committee Substitute

Rep Jeanette James
State Capitol
Juneau, Alaska

Attn: Walt Wilcox

Dear Rep James:

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

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


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

The question is, how do we resolve the problem of the definition of the word "subdivision"? Find attached a copy of Senate Bill NO. 211, a Committee bill by the Senate Resources Committee of the eighteenth legislature. Here you will find the definition, and the application that we want. This definition is concise and clear. We intended to make the definition uniform throughout statute wherever the context was division of land. As you can see, we have simplified language that would read: "subdivision means the division of a tract or parcel of land into two or more lots or by the creation of public access."

See the attached copy of SB 211 of the 18th Legislature for the remaining wording, such as the portion of statute to be repealed.

Again, we have been pleased to work with you on this subject. We remain hopeful that the problem of the definition of the word subdivision can be resolved in this legislation.

Sincerely,



Patrick Kalen, Chairman of Legislative Affairs for ACSM

Copy:

Mike Horne, Chairman of Legislative Affairs for ASPLS

ORIGINAL

SENATE BILL NO. 211
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Introduced: 5/5/93
Referred: TRA, CRA

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the definitions of subdivision and street."

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

3 * Section 1. AS 29.71.800(22) is amended to read:

4 (22) "street" has the meaning given in AS 40.15.290 [INCLUDES
5 STREETS, AVENUES, BOULEVARDS, ROADS, LANES, ALLEYS, AND OTHER
6 WAYS];

7 * Sec. 2. AS 29.71.800(23) is amended to read:

8 (23) "subdivision" has the meaning given in AS 40.15.290
9 [(A) MEANS THE DIVISION OF A PARCEL OF LAND
10 INTO TWO OR MORE LOTS OR OTHER DIVISIONS FOR THE PURPOSE
11 OF SALE OR BUILDING DEVELOPMENT, INCLUDES RESUBDIVISION,
12 AND RELATES TO THE PROCESS OF SUBDIVIDING OR TO THE LAND
13 SUBDIVIDED;

14 (B) DOES NOT INCLUDE CADASTRAL PLATS,

1 CADASTRAL CONTROL PLATS, OPEN-TO-ENTRY PLATS, OR REMOTE
2 PARCEL PLATS CREATED BY OR ON BEHALF OF THE STATE
3 REGARDLESS OF WHETHER THESE PLATS INCLUDE EASEMENTS OR
4 OTHER PUBLIC DEDICATIONS);

5 * Sec. 3. AS 40.15.290 is amended to read:

6 Sec. 40.15.290. DEFINITIONS. In this chapter

7 (1) "street" means an access way in common use including all of the
8 land lying within a dedicated right-of-way as delineated on a plat showing streets,
9 whether improved or unimproved [INCLUDES STREETS, AVENUES,
10 BOULEVARDS, ROADS, LANES, ALLEYS, AND OTHER WAYS];

11 (2) "subdivision"

12 (A) means the division of a tract or parcel of land into two or
13 more lots or by the creation of public access [, SITES, OR OTHER
14 DIVISIONS FOR THE PURPOSE, WHETHER IMMEDIATE OR FUTURE,
15 OF SALE OR BUILDING DEVELOPMENT, AND INCLUDES
16 RESUBDIVISION AND, WHEN APPROPRIATE TO THE CONTEXT,
17 RELATES TO THE PROCESS OF SUBDIVIDING OR TO THE LAND OR
18 AREAS SUBDIVIDED];

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

22 * Sec. 4. AS 34.65.100 is amended by adding a new paragraph to read:

23 (6) "subdivision" has the meaning given in AS 40.15.290.

24 * Sec. 5. AS 38.04.910 is amended by adding a new paragraph to read:

25 (13) "subdivision" has the meaning given in AS 40.15.290.

26 * Sec. 6. AS 46.03.900 is amended by adding a new paragraph to read:

27 (36) "subdivision" has the meaning given in AS 40.15.290.

KALEN & ASSOCIATES, Inc.:

Engineers & Surveyors

Land Surveys • Mineral Surveys • Subdivisions
Civil Engineering • Forensic Expertise • CADD

FAX TRANSMITTAL

DATE: 1/31/95

TIME: _____

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JOB NO.: NA

FROM: PAT KALEN

TO:

JEANEFFE JAMAS -

ATTN: WALT WILCOX

COMPANY: ALASKA LEGISLATURE - HOUSE OF REPRESENTATIVES

FAX NO.: 465-2381

MESSAGE: (1) REFERENCE OUR LETTER OF JAN 20, 1994 REGARDING HB 352 OF 18TH LEGISLATURE, AND MATERIAL SUPPLIER THEN: WE BELIEVE THAT MOST LANGUAGE FROM SB 81 OF 17TH LEGISLATURE SHOULD BE INCLUDED IN CURRENT HB 80.

(2) EXEMPTION FOR PRIVATE CORPORATIONS IS VERY BROAD. FEDERAL SUBDIVISION IS NOT SUBJECT TO STATE LAW (SEE LINE 17 AND 25, PAGE 3).

(3) NOT EXEMPTION (LINES 27-29) LEAVE OUT NUMEROUS TRANSACTIONS - WE WOULD LIKE POTENTIAL COVERED AS IT WAS IN SB 81 OF 17TH LBC. *PK*



*Department of Transportation
and Public Facilities*

POSITION PAPER

BILL NO: HB 352

APPROVED: 

TITLE: Subdivision Plat Approval:
Unorganized Boroughs

DATE: February 9, 1994

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

Platting Procedures and Right-of-Way Acquisitions

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

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

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

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

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

BILL NO: HB 352

TITLE: Subdivision Plat Approval: Unorganized Boroughs

DATE: February 9, 1994

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

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

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

Leasehold Interest Lots on State Airports

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

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

ALASKA SOCIETY OF PROFESSIONAL LAND SURVEYORS

February 4, 1994

Senator Loren Leman
State Capitol
Juneau, Alaska 99801-1182

Ref: State Survey Authority Bill, Subdivisions

Dear Senator Leman:

Representative Jeannette James has introduced a bill (HB352) that goes into the same area of statute and the same subject area as SB 211. However it goes much farther, granting survey authority to the DNR.

We discussed a situation with Representative James indicating that there is cause for concern. In the absence of any rules, anyone may create a subdivision. A land surveyor need not be involved. Typically a lawyer is, but even this is not a requirement for filing a deed. The DEC regulation definition of subdivision is so broad that any agreement of any kind that gives a person an interest in real property can be construed to be a subdivision. And access does not need to be provide to each lot, the situation that Rep James says led her to introduce HB 352.

We remain concerned that we resolve what we mean by the word "subuivision" and who does them before we go too far down that road granting DNR authority to review them. The Senate Resources Committee bill, SB 211, concisely accomplishes what is required to avoid future confusion in lines 22 to 27. We are willing to discuss all other issues, up to and including taking another look at our original proposal, SB 81 of the 17th Legislature. But we hope for assurance that you can help us to hold the "bottom line" on uniformity in statute for the term "subdivision".

I have included all of the same enclosures in this letter that I supplied to Representative James with my letter of February 4, 1994 to her on the subject.

Sincerely,


Patrick Kalen, PLS, ASPLS Legislative Affairs Committee Chairman

copy: Senator Mike Miller, Chairman, Senate Resources Committee
Senator Steve Frank
Craig Savage, President, ASPLS
Ron Swanson, Director, Division of Land Management, DNR
Alex Viteri, DEC
Sharon Macklin

enclosures: as noted

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

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

January 28, 1994

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

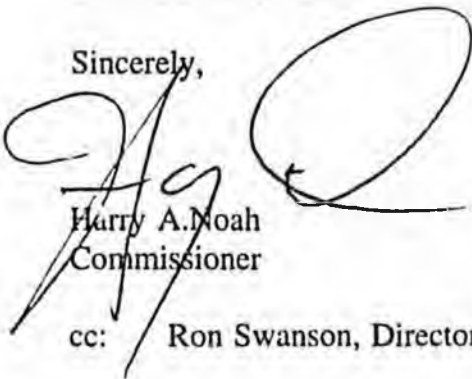
Dear Representative James:

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

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

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

Sincerely,



Harry A. Moah
Commissioner

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

james-hb.352

ALASKA SOCIETY OF PROFESSIONAL LAND SURVEYORS

January 30, 1994

Representative Jeannette James
State Capitol
Juneau, Alaska 99801-1182

Ref: State Survey Authority, Subdivisions

Dear Representative James:

We appreciate your interest in this subject. Please find enclosed some letters that track our work on the subject. As you can see, it is the definition of the word "subdivision" that is the final issue to be resolved. We include for your file on HB 352 the following material:

- 1) Letter to ASPLS and ACSM from Ron Swanson dated 5/16/92.
- 2) DNR briefing paper faxed to Pat Kalen from DNR on 2/9/93.
- 3) ASPLS letter to Ron Swanson 2/24/93 by Craig Savage.
- 4) DEC memo 3/10/93, Svend Brandt-Erichsen to Commissioner.
- 5) ASPLS letter of 3/15/93, P. Kalen to Senator Loren Leman.
- 6) ASPLS letter of 3/15/93, P. Kalen to Senator Steve Frank.
- 7) Page 94 of 18 AAC 72.290, with "subdivision" defined.
- 8) SB 81 from Seventeenth Legislature.
- 9) Memo of 2/17/92 from Sen. Craft's office to AG's office.
- 10) Response from Division of Legal Services dated 2/26/92.

Senate Bill 81 was widely supported and nearly became law near the end of 1992. Two things came to light that caused concern to ASPLS. First, our definition was lost, one that had been worked on very hard for many hours by a volunteer advisory board. Then we were informed that the words in AS 40 (and AS 29) defining "subdivision" did not have the effect of law anyway, having been superseded by regulations. The explanation is that in passing enabling legislation for DEC (AS 46) the legislature gave DEC the power to write regulations as they felt they needed, regardless of contradictions of statute language.

DNR did not interpret the statute/regulation conflict this way until 1992, and control surveys, open to entry surveys, cadastral surveys and remote parcel surveys were not treated as subdivisions. Then DNR and DEC reached an agreement to review the remaining Remote Parcels (a program that had been going on since 1981) as "subdivisions". The rules that were drawn were poorly conceived (i.e using monument holes for "test holes"). The surveying

community was not contacted or consulted about these changes, just given copies of directives to leaseholders concerning the new rules. Difficulties arose on selected Remote Parcel surveys.

It did not seem advisable to pass a law placing subdivision review in DNR's hands when we were at odds over what they are. So we asked for our bill, SB 81 to be held.

Your bill, HB 352, contains the same simple fix to Title 40 that would resolve the issue of "illegal" subdivisions and give authority to the DNR. You may also wish to address the larger issue of proposed rules for right-of-way plats that we outlined in SB 81 of the 17th Legislature. There is much other detail in the SB 81 proposal that has merit. The Senate Resources Committee introduced SB 211 last spring prior to adjoining the first session of the Eighteenth Legislature. SB 211 addresses this issue directly, by placing the word in statute and making it apply to all state agencies that deal with the subject.

Most important to us is the portions of SB 211 that will make the word "subdivision" uniform in state statute when referring to plats prepared by land surveyors. Lines 22 to 27 of SB 211 are the essence of what we are requesting. Making the definition uniform in statute is actually a higher priority than the definitions themselves. We also believe (and understand that DEC agrees) that large cadastral surveys do not invoke water quality issues.

As you can infer from the material enclosed, DEC is willing and able to make revisions to the definition of "subdivision" found in 18 AAC 72.990(80), which conflicts with the AS 40.15.290 definition. Regulations would be needed to cover the land transaction situations that do not lead to a plat prepared by a land surveyor, such as "sales, contracts, leases or any other means". We expect to support DEC regulations revisions in this regard.

We hope that you can address our concern regarding this issue. We have also written to Senator Loren Lemam (copy enclosed) on the subject - he has paid close attention to surveying and engineering issues since he has been in the legislature - and we have copied him on the other subject documents referred to above as well.

Sincerely,



Patrick Malen, PLS, ASPLS Legislative Affairs Committee Chairman

copy: Senator Mike Miller, Chairman, Senate Resources Committee
Senator Loren Lemam
Senator Steve Frank
Craig Savage, President, ASPLS
Ron Swanson, Director of Division of Lands, DNR
Alex Viteri, DEC
Sharon Macklin

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF LAND AND WATER

WALTER J. HICKEL, GOVERNOR

3801 C STREET
P.O. Box 107005
ANCHORAGE, ALASKA 99510-7005
PHONE: (907) 762-2692

May 16, 1992

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

Re: Platting in the Unorganized Borough

Dear Mr Savage:

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

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

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

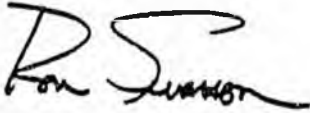
Please contact me, at 762-2692, or Norm Johnson, at 762-2425, at your convenience to arrange this meeting.

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

Craig Savage
May 16, 1992
Page 2

Departments of Environmental Conservation and Transportation and
Public Facilities.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ron Swanson".

Ron Swanson
Director

attachment - SB 81

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

BRIEFING: AS 40.15, SUBDIVISION AND DEDICATION

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

A BILL, SB 81

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

THIS BILL WAS

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

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

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

To <u>Dzt. Kelen</u>	From <u>Norm Johnson</u>
Co.	Co.
Dept.	Phone #
Fax #	Ext #

ALASKA SOCIETY OF PROFESSIONAL LAND SURVEYORS

AFFILIATE OF AMERICAN CONGRESS ON SURVEYING AND MAPPING
AFFILIATE OF NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS
MEMBER, WESTERN FEDERATION OF PROFESSIONAL LAND SURVEYORS

P.O. BOX 101465
ANCHORAGE, ALASKA 99510

24 February, 1993

Department of Natural Resources
Division of Land
P.O. Box 107005
Anchorage, AK 99510-7005

Attn: Ron Swanson, Director

Dear Mr. Swanson:

As you are aware, ASPLS has been in pursuit of administrative code and/or legislation which will define the word "subdivision" as it applies to land use in a consistent manner throughout Alaska. Last year our organization was instrumental in blocking otherwise excellent and long overdue legislation to establish a State platting authority in the unorganized borough because the Department of Environmental Conservation insisted that their administratively established definition of the word apply to their regulatory requirements within this legislation while the statutory definition be applied to the Department of Natural Resources.

This year, as we looked at the possibility of re-submitting the proposed legislation to Juneau, it became apparent that little headway was being made in changing the definition. The definition so painstakingly worked out by the parties represented by the now defunct Surveying and Mapping Advisory Board two years ago appears to have been forgotten and the authority for final plat approval continues to be handed over to the DEC with their tests for acceptability in the proposed legislation.

In order to establish a consistent and reasonable approach to the problem, our Legislative Committee Chair, Pat Kalen, approached DNR Commissioner Olds and DEC Commissioner Sandor, and met with both gentlemen in Juneau on February 12 in an attempt to establish some common ground. Mr. Kalen reported to the Board of Directors of ASPLS that both Commissioners agreed that a single definition of terms is the only reasonable solution, and both agreed that it would be best to establish definitions before continuing to press for the previous legislation. The consensus was that the best approach would be to establish a definition legislatively to apply to all titles of State Statutes, provided that we can agree on what is, and what is not, a subdivision. We are currently in

contact with the Senate Resources Committee concerning introduction of legislation. ASPLS still maintains that the definition worked out by the SMAB is the most acceptable to all parties involved, (then and now) and should be the definition included in proposed legislation. We want to emphasize that we do not object to the DEC regulating development, sales and leases for water quality or other environmental concerns within their areas of responsibility. We simply want to reserve the word "subdivision" for what Land Surveyors do when they create new boundaries: division of tracts or parcels of land into two or more lots or creation of public access.

In a different but very much related area, ASPLS approached DNR Commissioner Olds last year about the possibility of reactivating the SMAB, for the purpose of addressing standards for terminology, practice, and data handling among the private sector and the various State, Federal and local agencies involved with administration of land in Alaska. You probably remember that Commissioner Olds replied to us that he favored including industry representation on an existing committee such as the Surveying and Mapping Advisory Committee (SMAC) in the interest of furthering the goal of the current administration to limit the number of boards. Our Board of Directors has discussed this idea and agreed that it is an avenue worth exploring. We need answers to some questions regarding the purposes, methods and make-up of the SMAC. These questions are itemized along with others at the end of this letter. Two other items need to be addressed first.

Recently the Chief Cadastral Surveyor communicated the intent of the Division of Land to establish revisions to 11 AAC 53 and requested feedback on the proposed revisions so that as much as possible our input could be assimilated and applied to the new code. Public hearings were envisioned for scheduling in the next few months and we were beginning to look forward to including the revised code in the upcoming edition of the ASPLS' Standards of Practice Manual due for publication this fall. Progress on the revisions appeared to be slowing for no apparent reason in the past few weeks, however, and no explanation was forthcoming.

Then last week we were informed by an employee of the Department of Transportation and Public Facilities that during a visit to your DNR offices they saw a note to the effect that no information was to be shared with anyone on the re-write of Alaska Statutes, Title 38, Public Lands. A subsequent call to an acquaintance at DNR confirmed that a re-write of Title 38 is underway and that a memo on interdepartmental E-mail admonishes that the process not be discussed. The list of questions to which this situation gives rise is somewhat lengthy:

1. What portions of Title 38 are being addressed?
2. What changes are being proposed?
3. Why are these changes being proposed?
4. Why is the process being conducted "under wraps"?
5. Are the revisions to 11 AAC 53 being made with an eye to the Title 38 revisions?

Many more questions came up as our Board's discussion progressed, but most of them require answers to these first five. In addition to answers to our questions above, we would also appreciate information on the SMAC:

1. Does the Committee have a stated purpose or mission?
2. Does it have a formal structure?
3. Does it have specific authority or is it strictly an advisory group?
4. What agencies are represented and by whom?
5. Is it involved in the re-write of Title 38?
6. Would you consider representation from the private sector as suggested by Commissioner Olds?

Thank you in advance for your prompt response to our many questions. This information will enable us to make recommendations and decisions at our upcoming annual meeting, and to take any action necessary in a timely manner.

Sincerely,
ASPLS



Craig L. Savage, P.L.S.
President

copy: Commissioner Glenn Olds
Pat Kalen