

SENATE BILL NO. 255

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY SENATOR YUNDT

Introduced: 2/23/26

Referred: Community and Regional Affairs, Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the selection and conveyance of municipal general grant lands;**
2 **providing for the transfer of real property to the Matanuska-Susitna Borough; and**
3 **providing for an effective date."**

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

5 * **Section 1.** AS 29.65.050(b) is amended to read:

6 (b) All approved selections under former AS 29.18.190 and 29.18.200 for
7 which patent has not been issued to a municipality on July 1, 1978, shall be reviewed
8 by the director within nine months after July 1, 1978. Any approved selection of land
9 that was vacant, unappropriated, unreserved land on the date of selection is valid as of
10 the date of the approval under former AS 29.18.190, 29.18.200, 29.18.201, 29.18.202,
11 and 29.18.203, and a patent shall be issued to the municipality within three months
12 after approval by the director of a plat of survey **or upon the director's receipt of**
13 **notice from the municipality that it will accept the land without a survey under**
14 **AS 29.65.070(a).** The acreage shall be credited toward fulfillment of the

municipality's entitlement. A municipality is not entitled to receive patent under this chapter to more than its entitlement determined under AS 29.65.010 - 29.65.030. Any prior approval by the director of municipal selections for land that was not vacant, unappropriated, unreserved land on the date of selection shall be rescinded, and patent may not be issued except when disposal to a third party by sale or lease has occurred. Transfers of land to municipalities under this chapter are subject to AS 38.05.321. Classification actions as reflected on the land status records of the Department of Natural Resources are determinative of land classification status for purposes of this chapter.

* **Sec. 2.** AS 29.65.050(c) is amended to read:

(c) The director shall approve or disapprove each selection for patent within nine months of its selection by a municipality. Before a decision is issued, the Department of Commerce, Community, and Economic Development shall review the selection and recommend approval or disapproval of it. The director may disapprove a selection only upon a finding that the public interest in retaining state ownership of the land outweighs the municipality's interest in obtaining the land. If the director determines that the public interest in land selected in satisfaction of an entitlement under AS 29.65.010(a)(13), (14), (15), or (16) can be adequately protected by issuing a patent that is subject to stipulations, conditions, or covenants, and if the municipality agrees to accept the land subject to those stipulations, conditions, or covenants, the director may approve a selection that would otherwise be disapproved and may issue the patent with the stipulations, conditions, or covenants agreed to by the municipality. A patent shall be issued to the municipality for land selected in satisfaction of a general grant land entitlement vested under AS 29.65.010 - 29.65.030 within three months after

(1) approval by the director of a plat of survey; or

(2) the director's receipt of notice from the municipality that it will accept the land without a survey under AS 29.65.070(a).

* **Sec. 3.** AS 29.65.070(a) is amended to read:

(a) If land selected by a municipality is **not surveyed** [UNSURVEYED] at the time of approval, the director **may** [SHALL] survey, or may approve the

1 municipality's survey of, the exterior boundaries of an approved selection without
 2 interior subdivision, and, **for surveyed land**, shall issue patent in terms of the exterior
 3 boundary survey. The cost of the survey shall be borne by the municipality. If land
 4 selected by a municipality has been surveyed at the time of its selection, the
 5 boundaries shall conform to the public land subdivisions established by the approved
 6 survey. **A municipality may request a patent for land that has not been surveyed.**
 7 **The director may issue a patent for an approved selection that has not been**
 8 **surveyed if the municipality has provided notice that it will accept the land**
 9 **without a survey. In issuing a patent for a parcel of land that has not been**
 10 **surveyed, the director shall issue a patent that includes sufficient detail to**
 11 **describe the exterior boundary of the selection.**

12 * **Sec. 4.** AS 38.04.045(b) is amended to read:

13 (b) **Except as provided in AS 29.65.070, before** [BEFORE] the issuance of a
 14 long-term lease under AS 38.05.070 or of a patent for state land, an official cadastral
 15 survey shall be accomplished, unless a comparable, approved survey exists that has
 16 been conducted by the federal Bureau of Land Management. Before land may be
 17 offered under AS 38.08 or AS 38.09, or before land may be offered under
 18 AS 38.05.055 or 38.05.057, except land that is classified for agricultural uses, an
 19 official rectangular survey grid shall be established. The rectangular survey section
 20 corner positions shall be monumented and shown on a cadastral survey plat approved
 21 by the state. For those areas where the state may wish to convey surface estate outside
 22 of an official rectangular survey grid, the commissioner may waive monumentation of
 23 individual section corner positions and substitute an official control survey with
 24 control points being monumented and shown on control survey plats approved by the
 25 state. The commissioner may not issue more than one conveyance for each section
 26 within a township outside of an official rectangular survey grid. Land to be conveyed
 27 may not be located more than two miles from an official survey control monument
 28 except that the commissioner may waive this requirement on a determination that a
 29 single purpose use does not justify the requirement if the existing status of the land is
 30 known with reasonable certainty. The lots and tracts in state subdivisions shall be
 31 monumented and the cadastral survey and plats for the subdivision shall be approved

by the state. Where land is located within a municipality with planning, platting, and zoning powers, plats for state subdivisions shall comply with local ordinances and regulations in the same manner and to the same extent as plats for subdivisions by other landowners. State subdivisions shall be filed and recorded in the district recorder's office. The requirements of this section do not apply to land made available for material sales, for short-term leases, for parcels adjoining a surveyed right-of-way, or for land that has been open to random staking under the homestead program in the past; however, for short-term leases, the lessee shall comply with local subdivision ordinances unless waived by the municipality under procedures specified by ordinance. In this subsection, "a single purpose use" includes a communication site, an aid to navigation, and a park site.

* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSFER OF REAL PROPERTY TO THE MATANUSKA-SUSITNA BOROUGH. (a) The director of lands shall convey the state's interests in the surface estate of the six parcels of land described in (b) of this section to the Matanuska-Susitna Borough in partial fulfillment of the Matanuska-Susitna Borough's general grant of land determined under AS 29.65.010(a)(11) and shall credit the acreage transferred under this Act toward fulfillment of the borough's entitlement. Notwithstanding the requirements of AS 29.65.050, as amended by secs. 1 and 2 of this Act, and AS 29.65.070, as amended by sec. 3 of this Act, that the director of lands may issue a patent for a parcel of land that has not been surveyed after receiving notice from the municipality that it will accept the patent without survey, municipal notice is not required for the transfer of land under this section that has not been surveyed.

(b) The six parcels of land subject to this Act are identified as follows:

(1) approximately 251 acres, identified by the Matanuska-Susitna Borough as parcel no. 212784;

(2) approximately 640 acres, identified by the Matanuska-Susitna Borough as parcel no. 214413;

(3) approximately 39 acres, identified by the Matanuska-Susitna Borough as parcel no. 206599;

(4) approximately 319 acres, identified by the Matanuska-Susitna Borough as

- 1 parcel no. 214259;
2 (5) approximately five acres, identified by the Matanuska-Susitna Borough as
3 parcel no. 541327;
4 (6) approximately 11 acres, identified by the Matanuska-Susitna Borough as
5 parcel no. 201355.
6 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).