

Offered: 3/24/86
Referred: Finance

Original sponsor: Adams

1 IN THE HOUSE

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

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CS FOR HOUSE BILL NO. 587 (C&RA)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to general grant land entitlements;

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and providing for an effective date."

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

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* Section 1. AS 29.65 is amended by adding a new section to read:

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Sec. 29.65.015. DETERMINATION OF ENTITLEMENTS FOR MUNICIPAL-

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ITIES. The general grant land entitlement of a municipality is 10

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percent of the maximum total acreage of vacant, unappropriated, unre-

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served land within its boundaries at any time between the date of its

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incorporation and two years after the expiration of the state's right

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to make selections under sec. 6(a) or (b) of the Alaska Statehood Act.

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By January 1 of each year the director shall determine or update the

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unfulfilled entitlement for each municipality under this section and

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certify that entitlement to that municipality.

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* Sec. 2. AS 29.65 is amended by adding a new section to read:

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Sec. 29.65.025. LIMITATIONS ON ENTITLEMENTS. (a) A municipal-

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ity is eligible for only one general grant land entitlement. A munic-

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ipality that qualifies for an entitlement under AS 29.65.010 and

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29.65.015 shall receive the larger of the two entitlements.

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(b) A municipality may not receive a general grant land en-

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titlement under AS 29.65.010 or 29.65.015 that exceeds 400,000 acres.

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(c) All conveyances of legal title to land by the state to a

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municipality under AS 29.65.010 or a former law shall be credited

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toward fulfillment of the entitlement for that municipality. All

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payments for land under AS 29.65.080 or former AS 29.18.208 shall be

1 credited toward fulfillment of the entitlement for that municipality.

2 (d) Land classified under AS 38.05.300 for wildlife habitat may
3 not be selected or conveyed in fulfillment of a general grant land
4 entitlement.

5 * Sec. 3. AS 29.65.040 is repealed and reenacted to read:

6 Sec. 29.65.040. STATUS OF ENTITLEMENTS. (a) After January 1,
7 1987, a general grant land entitlement under AS 29.65.010 is a vested
8 property right that must be fulfilled in accordance with AS 29.65.025
9 and 29.65.080.

10 (b) A general grant land entitlement under AS 29.65.015 is a
11 property right that vests on the date of incorporation of the munici-
12 pality. The entitlement must be fulfilled in accordance with AS 29.-
13 65.025.

14 * Sec. 4. AS 29.65.060 is repealed and reenacted to read:

15 Sec. 29.65.060. SCHOOL AND MENTAL HEALTH LAND. (a) School land
16 and mental health land within the boundaries of a municipality may not
17 be included for purposes of determining the general grant land en-
18 titlement of that municipality.

19 (b) A municipality may not receive school land or mental health
20 land in fulfillment of its general grant land entitlement.

21 * Sec. 5. AS 29.65.080(b) is amended to read:

22 (b) A municipality shall receive payment for its land deficiency
23 from the municipal land account. A municipality is eligible to re-
24 ceive payment for land deficiency if, after July 1, 1980, the amount
25 of land selected by a municipality that is physically suitable for
26 residential, commercial, or industrial purposes amounts to less than
27 one-third acre per capita. Any entitlement under AS 29.65.010 that is
28 less than one-third acre per capita will, for the purposes of this
29 subsection, be considered a land deficiency. An unselected remaining

1 entitlement will, for the purpose of deficiency payment under this
2 subsection, be considered as land physically suitable for residential,
3 commercial, or industrial purposes. A municipality eligible under
4 this subsection is entitled to receive a payment for land deficiency
5 equal to \$1,000 per acre for a number of acres equal to the difference
6 between one-third of the population of the municipality less the
7 number of acres physically suitable for residential, commercial or
8 industrial purposes that has been selected by the municipality. For
9 the purpose of this subsection, the population of the municipality
10 shall be the population determined by the commissioner under former
11 AS 43.18.010 for the program year beginning July 1, 1978, for a munic-
12 ipality whose entitlement was determined under former AS 29.18.201 [IN
13 ACCORDANCE WITH AS 29.65.060(f)]. No payment may be made to a munic-
14 ipality under this subsection in excess of \$9,000,000.

15 * Sec. 6. AS 29.65.080(g) is amended to read:

16 (g) Payments authorized by this section may only [NOT] be made
17 to a municipality [ELIGIBLE] for an entitlement under AS 29.65.010
18 [AS 29.65.020 or 29.65.030].

19 * Sec. 7. AS 29.65.130(10) is amended to read:

20 (10) "vacant, unappropriated, unreserved land" means
21 general grant land as defined in (3) of this section, excluding miner-
22 als as required by sec. 6(i) of the Alaska Statehood Act, that

23 (A) has not been set aside by statute for one or more
24 particular uses or purposes;

25 (B) has not been approved for patent to a municipal-
26 ity under this chapter or former AS 29.18.190 and 29.18.200; or

27 (C) is unclassified or, if classified under AS 38.-
28 05.300, is classified for agricultural, grazing, material, public
29 recreation, resource management, settlement, transportation

1 corridor, forestry, or wildlife habitat [COMMERCIAL, INDUSTRIAL,
2 PRIVATE RECREATIONAL, RESIDENTIAL, UTILITY, OR OPEN-TO-ENTRY
3 PURPOSES,] or is classified in accordance with an agreement
4 between a municipality and the state providing for state manage-
5 ment of land of the municipality.

6 * Sec. 8. Before January 1, 1987, the Department of Natural Resources
7 shall consult with each municipality affected by this Act regarding classi-
8 fications of state land within its boundaries and shall assist the munic-
9 ipality in identifying land suitable for selection in fulfillment of its
10 general grant land entitlement.

11 * Sec. 9. AS 29.65.010(b), 29.65.020, 29.65.030, 29.65.050, 29.65.090
12 and 29.65.110 are repealed.

13 * Sec. 10. Sections 4 and 8 of this Act take effect immediately in
14 accordance with AS 01.10.070(c).

15 * Sec. 11. Sections 1 - 3, 5 - 7, and 9 of this Act take effect
16 January 1, 1987.