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Referred: Community & Regional Affairs,
Resources and Finance

1 IN THE SENATE

BY FERGUSON

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2d SPONSOR SUBSTITUTE FOR SENATE BILL NO. 414

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - SECOND SESSION

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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 and 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 municipi-
12 pality. The entitlement must be fulfilled in accordance with AS 29.-
13 65.025.

14 * Sec. 4. AS 29.65.050 is amended by adding a new subsection to read:

15 (d) The commissioner of natural resources is authorized to
16 negotiate and enter into an agreement with the Municipality of
17 Anchorage prior to January 1, 1987, whereby the municipality's en-
18 titlement under this chapter may be fully satisfied by the conveyance
19 of state land within the municipal boundaries which the commissioner
20 determines is not necessary for retention in state ownership, whether
21 or not the land is vacant, unappropriated, and unreserved. The agree-
22 ment may provide for the conveyance of no more than 5,000 acres of
23 state land which the commissioner determines is worth no less than
24 \$5,000,000.

25 * Sec. 5. AS 29.65.060 is repealed and reenacted to read:

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

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

3 * Sec. 6. AS 29.65.080(b) is amended to read:

4 (b) A municipality shall receive payment for its land deficiency
5 from the municipal land account. A municipality is eligible to re-
6 ceive payment for land deficiency if, after July 1, 1980, the amount
7 of land selected by a municipality that is physically suitable for
8 residential, commercial, or industrial purposes amounts to less than
9 one-third acre per capita. Any entitlement under AS 29.65.010 that is
10 less than one-third acre per capita will, for the purposes of this
11 subsection, be considered a land deficiency. An unselected remaining
12 entitlement will, for the purpose of deficiency payment under this
13 subsection, be considered as land physically suitable for residential,
14 commercial, or industrial purposes. A municipality eligible under
15 this subsection is entitled to receive a payment for land deficiency
16 equal to \$1,000 per acre for a number of acres equal to the difference
17 between one-third of the population of the municipality less the
18 number of acres physically suitable for residential, commercial or
19 industrial purposes that has been selected by the municipality. For
20 the purpose of this subsection, the population of the municipality
21 shall be the population determined by the commissioner under former
22 AS 43.18.010 for the program year beginning July 1, 1978, for a munic-
23 ipality whose entitlement was determined under former AS 29.18.201 [IN
24 ACCORDANCE WITH AS 29.65.060(f)]. No payment may be made to a munic-
25 ipality under this subsection in excess of \$9,000,000.

26 * Sec. 7. AS 29.65.080(g) is amended to read:

27 (g) Payments authorized by this section may only [NOT] be made
28 to a municipality [ELIGIBLE] for an entitlement under AS 29.65.010
29 [AS 29.65.020 OR 29.65.030].

1 * Sec. 8. AS 29.65.130(10) is amended to read:

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

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

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

9 (C) is unclassified or, if classified under AS 38.-
10 05.300, is classified for agricultural, grazing, material, public
11 recreation, resource management, settlement, transportation
12 corridor, forestry, or wildlife habitat [COMMERCIAL, INDUSTRIAL,
13 PRIVATE RECREATIONAL, RESIDENTIAL, UTILITY, OR OPEN-TO-ENTRY
14 PURPOSES,] or is classified in accordance with an agreement
15 between a municipality and the state providing for state manage-
16 ment of land of the municipality. *

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

22 * Sec. 10. AS 29.65.010(b), 29.65.020, 29.65.030, 29.65.050, 29.65.090
23 and 29.65.110 are repealed.

24 * Sec. 11. Sections 4 and 9 of this Act take effect immediately in
25 accordance with AS 01.10.070(c).

26 * Sec. 12. Sections 1 - 3, 5 - 8, and 10 of this Act take effect
27 January 1, 1987.