

Introduced: 2/2/87
Referred: Community & Regional
Affairs, Resources and Finance

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

IN THE HOUSE

BY ADAMS

HOUSE BILL NO. 102

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to general grant land entitlements,
and providing for an effective date."

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

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

Sec. 29.65.015. DETERMINATION OF ENTITLEMENTS FOR MUNICIPALITIES. The general grant land entitlement of a municipality is 10 percent of the maximum total acreage of vacant, unappropriated, unreserved land within its boundaries at any time between the date of its incorporation and two years after the expiration of the state's right to make selections under sec. 6(a) or (b) of the Alaska Statehood Act. By December 31 of each year the director shall determine or update the unfulfilled entitlement for each municipality under this section and certify that entitlement to that municipality.

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

Sec. 29.65.025. LIMITATIONS ON ENTITLEMENTS. (a) A municipality is eligible for only one general grant land entitlement. A municipality that qualifies for an entitlement under AS 29.65.010 and 29.65.015 shall receive the larger of the two entitlements.

(b) A municipality may not receive a general grant land entitlement under AS 29.65.010 or 29.65.015 that exceeds 355,210 acres.

(c) The following shall be credited toward fulfillment of the general grant land entitlement of a municipality:

(1) conveyances of legal title to land by the state to the municipality before January 1, 1988, under a former law;

1 (2) payments for land before January 1, 1988, under former
2 AS 29.18.208;

3 (3) conveyances of legal title to land before January 1,
4 1988, and thereafter under AS 29.65.010;

5 (4) payments for land before January 1, 1988, and there-
6 after under AS 29.65.080;

7 (5) disposals of land to the municipality before January 1,
8 1988, and thereafter under AS 38.05.810 for which the state receives
9 no consideration.

10 (d) Land classified under AS 38.05.300 for wildlife habitat only
11 may not be selected or conveyed in fulfillment of a general grant land
12 entitlement.

13 (e) In each conveyance of land in fulfillment of a general grant
14 land entitlement, the state shall reserve the right to explore, enter,
15 develop, and occupy the surface as reasonably necessary for access to
16 the mineral estate in accordance with AS 38.05.125.

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

18 Sec. 29.65.040. STATUS OF ENTITLEMENTS. (a) After January 1,
19 1988, a general grant land entitlement under AS 29.65.010 is a vested
20 property right that must be fulfilled in accordance with AS 29.65.025,
21 29.65.060, and 29.65.080.

22 (b) A general grant land entitlement under AS 29.65.015 is a
23 property right that vests on the date of incorporation of the munici-
24 pality. The entitlement must be fulfilled in accordance with AS 29.-
25 65.025.

26 * Sec. 4. AS 29.65.060(a) is amended to read:

27 (a) If an entitlement determined under AS 29.65.010 [OR 29.65.-
28 020] results in a per capita entitlement for the municipality of less
29 than one and one-half acre, the municipality may select vacant school

1 land or mental health land in the municipality in partial fulfillment
2 of its land entitlement under this chapter. School land or mental
3 health land may be selected notwithstanding the fact that this land is
4 not unappropriated and unreserved within the meaning of this chapter
5 and under former AS 29.18.190 and 29.18.200, but each selection of
6 school land or mental health land by a municipality must be vacant,
7 unappropriated, or unreserved land as defined in this chapter, except
8 that it need not be general grant land.

9 * Sec. 5. AS 29.65.060(b) is amended to read:

10 (b) The acreage of school land, university land or mental health
11 land, if any, in a municipality may not be included in the determina-
12 tion of entitlement under AS 29.65.010 or 29.65.015 [29.65.020].

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

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

17 * Sec. 7. AS 29.65.130(3) is amended to read:

18 (3) "general grant land"

19 (A) means land patented or tentatively approved to the
20 state from the United States under sec. 6(a) or (b) of the Alaska
21 Statehood Act;

22 (B) does not include mental health land, school land,
23 or university land;

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

25 (10) "vacant, unappropriated, unreserved land" means
26 general grant land as defined in (3) of this section, excluding miner-
27 als as required by sec. 6(1) of the Alaska Statehood Act, that

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

1 (B) has not been approved for patent to a municipal-
2 ity under this chapter or former AS 29.18.190 and 29.18.200; or
3 (C) is unclassified or, if classified under AS 38.-
4 05.300, is classified for agricultural, grazing, material, public
5 recreation, resource management, settlement, transportation
6 corridor, forestry, or wildlife habitat [COMMERCIAL, INDUSTRIAL,
7 PRIVATE RECREATIONAL, RESIDENTIAL, UTILITY, OR OPEN-TO-ENTRY
8 PURPOSES,] or is classified in accordance with an agreement
9 between a municipality and the state providing for state manage-
10 ment of land of the municipality.

11 * Sec. 9. AS 38.05.321(b) is amended to read:

12 (b) State land classified as agricultural land that has been
13 selected by a municipality under former AS 29.18.190 - 29.18.200 or
14 former AS 29.18.205(e) may be approved by the director for patent
15 under AS 29.65 [AS 29.65.050(c)]; however, only rights in the land for
16 agricultural purposes may be transferred and all other interests in
17 the land will remain with the state. Agricultural land approved for
18 patent to a municipality shall be credited, acre for acre, toward
19 fulfillment of that municipality's entitlement under AS 29.65 [AS 29.-
20 65.010 - 29.65.030] or former AS 29.18.201 - 29.18.203. If the direc-
21 tor later determines it to be in the best interests of the state to
22 transfer some or all of the additional rights in that approved or
23 patented agricultural land, those rights shall pass without considera-
24 tion to the municipality in which the land is located. The notice and
25 review provisions of AS 38.05.945 are applicable to conveyance of
26 rights under this section.

27 * Sec. 10. AS 38.05.321(c) is amended to read:

28 (c) The provisions of this section do not apply to

29 (1) state land classified as agricultural land that has

1 been selected by a municipality under the provisions of former AS 29.-
2 18.190 - 29.18.200 if the selection is an approved selection before
3 April 1, 1978 and is otherwise valid under former AS 29.65.050(b) or
4 former AS 29.18.205(b); or

5 (2) a quitclaim of the interest of the state to the federal
6 government under AS 38.05.035(b)(9).

7 * Sec. 11. Before January 1, 1988, the Department of Natural Resources
8 shall consult with each municipality affected by this Act regarding classi-
9 fications of state land within its boundaries and may assist the munic-
10 ipality in identifying land suitable for selection in fulfillment of its
11 general grant land entitlement.

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

14 * Sec. 13. Section 11 of this Act takes effect immediately under
15 AS 01.10.070(c).

16 * Sec. 14. Sections 1 - 10 and 12 of this Act take effect January 1,
17 1988.

18
19
20
21
22
23
24
25
26
27
28
29