

1 IN THE SENATE BY HENSLEY, HALFORD AND FAIKS

2 SENATE BILL NO. 133

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

9 \* Section 1. AS 29.65.020(a) is amended to read:

10 (a) The general grant land entitlement of a city formerly eligi-  
11 ble to receive general grant land under the provisions of former  
12 AS 29.18.190 and 29.18.200 is 10 percent of the maximum total acreage  
13 of vacant, unappropriated, unreserved land in the boundaries of each  
14 city at any time between the initial date of eligibility under former  
15 AS 29.18.190 and 29.18.200 and January 1, 1988 [JULY 1, 1978]. Within  
16 six months after January 1, 1988 [JULY 1, 1978], the director shall  
17 determine the entitlement for each city eligible to receive general  
18 grant land under this section [FORMER AS 29.18.202] and certify that  
19 entitlement to the city.

20 \* Sec. 2. AS 29.65.030(a) is amended to read:

21 (a) The general grant land entitlement of a municipality incor-  
22 porated after July 1, 1978, that does not qualify for an entitlement  
23 under AS 29.65.010 or 29.65.020 is 10 percent of the maximum total  
24 acreage of vacant, unappropriated, unreserved land within the bound-  
25 aries of the municipality between [ON] the date of its incorporation  
26 and two years after that date.

27 \* Sec. 3. AS 29.65.030(b) is amended to read:

28 (b) Within two years and six months after the date of incorpo-  
29 ration of the [A] municipality [THAT IS INCORPORATED AFTER JULY 1,

1 1978], the director shall determine the entitlement of each  
2 municipality eligible to receive general grant land under (a) of this  
3 section and certify the entitlement to the municipality.

4 \* Sec. 4. AS 29.65.040(a) is amended to read:

5 (a) After July 1, 1978, general grant land entitlements provided  
6 in former AS 29.18.201 and [FORMER AS] 29.18.202 are vested property  
7 rights that must be fulfilled as provided in AS 29.65.050 or 29.65.-  
8 080. After January 1, 1988, general grant land entitlements provided  
9 in AS 29.65.010 are vested property rights that must be fulfilled as  
10 provided in AS 29.65.050 or 29.65.080.

11 \* Sec. 5. AS 29.65.040(c) is amended to read:

12 (c) Land may be selected or nominated for selection by a munic-  
13 ipality to satisfy a general grant land entitlement under former  
14 AS 29.18.201 and 29.18.202 at any time before October 1, 1980. Land  
15 may be selected or nominated for selection by a municipality to  
16 satisfy a general grant land entitlement under AS 29.65.010 at any  
17 time before October 1, 1990. However, if a municipal selection or  
18 nomination or a part of a municipal selection or nomination is reject-  
19 ed by the director, the municipality may, not later than 90 days after  
20 receipt of the rejection, select additional state land as necessary to  
21 satisfy its entitlement.

22 \* Sec. 6. AS 29.65.050(b) is amended to read:

23 (b) All approved selections under former AS 29.18.190 and  
24 29.18.200 for which patent has not been issued to a municipality on  
25 July 1, 1978, shall be reviewed by the director within nine months  
26 after July 1, 1978. Any approved selection of land that was vacant,  
27 unappropriated, or unreserved on the date of selection is valid as of  
28 the date of the approval under former AS 29.18.190, [AND] 29.18.200,  
29 29.18.201, 29.18.202, and 29.18.203 and a patent shall be issued to

1 the municipality within three months after approval by the director of  
2 a plat of survey. The acreage shall be credited toward fulfillment of  
3 the municipality's entitlement. A municipality is not entitled to  
4 receive patent under this chapter to more than its entitlement de-  
5 termined under AS 29.65.010 - 29.65.030. Any prior approval by the  
6 director of municipal selections for land that was not vacant, unap-  
7 propriated, or unreserved on the date of selection shall be rescinded,  
8 and patent may not be issued except when disposal to a third party by  
9 sale or lease has occurred. Transfers of land to municipalities under  
10 this chapter are subject to AS 38.05.321. Classification actions as  
11 reflected on the land status records of the Department of Natural  
12 Resources are determinative of land classification status for purposes  
13 of this chapter.

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

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

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

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

22 (C) is unclassified or, if classified under AS 38.-  
23 05.300, is classified for agricultural, grazing, material, public  
24 recreation, resource management, settlement, or transportation  
25 corridor [COMMERCIAL, INDUSTRIAL, PRIVATE RECREATIONAL, RESI-  
26 DENTIAL, UTILITY, OR OPEN-TO-ENTRY] purposes, or is classified in  
27 accordance with an agreement between a municipality and the state  
28 providing for state management of land of the municipality.

29 \* Sec. 8. Before January 1, 1988, the Department of Natural Resources

1 shall consult with each municipality affected by this Act regarding classi-  
2 fications of state land within its boundaries and may assist the munic-  
3 ipality in identifying land suitable for selection in fulfillment of its  
4 general grant land entitlement.

5 \* Sec. 9. AS 29.65.010(b), 29.65.020(b), 29.65.030(c), and 29.65.110  
6 are repealed.

7 \* Sec. 10. Section 8 of this Act takes effect immediately under AS 01.-  
8 10.070(c).

9 \* Sec. 11. Sections 1 - 7 and 9 of this Act take effect January 1,  
10 1988.