

Offered: 5/5/87
Referred: Finance

5-0512N

Original sponsors: Hensley, Halford
and Faiks

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 133 (Resources)
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 municipal-
2 ity eligible to receive general grant land under (a) of this section
3 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 satis-
16 fy a general grant land entitlement under AS 29.65.010 at any time
17 before October 1, 1990. However, if a municipal selection or nomina-
18 tion or a part of a municipal selection or nomination is rejected by
19 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 29.-
24 18.200 for which patent has not been issued to a municipality on July
25 1, 1978, shall be reviewed by the director within nine months after
26 July 1, 1978. Any approved selection of land that was vacant, unap-
27 propriated, or unreserved on the date of selection is valid as of the
28 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 29.65.060 is amended by adding a new subsection to read:

15 (g) Notwithstanding (a) of this section, a municipality may not
16 select school land or mental health land after October 4, 1985.
17 Nothing in this section affects the legal rights of any person with
18 regard to selections of school land or mental health land made by a
19 municipality on or before October 4, 1985.

20 * Sec. 8. AS 29.65 is amended by adding a new section to read:

21 Sec. 29.65.122. PROHIBITION. A municipality may not acquire
22 subsurface rights to land of the federal government by trading land
23 received as a general grant land entitlement. A municipality may not
24 acquire any interest in land within the Arctic National Wildlife
25 Refuge by trading land with the Federal Government for land received
26 as a general grant land entitlement.

27 * Sec. 9. AS 29.65.130(10) is amended to read:

28 (10) "vacant, unappropriated, unreserved land" means
29 general grant land as defined in (3) of this section, excluding

1 minerals as required by sec. 6(i) of the Alaska Statehood Act, that
2 (A) has not been set aside by statute for one or more
3 particular uses or purposes;
4 (B) has not been approved for patent to a municipal-
5 ity under this chapter or former AS 29.18.190 and 29.18.200; [OR]
6 (C) is unclassified or, if classified under AS 38.-
7 05.300, is classified for agricultural, grazing, material, public
8 recreation, or settlement [COMMERCIAL, INDUSTRIAL, PRIVATE
9 RECREATIONAL, RESIDENTIAL, UTILITY, OR OPEN-TO-ENTRY] purposes,
10 or is classified in accordance with an agreement between a munic-
11 ipality and the state providing for state management of land of
12 the municipality; or
13 (D) was classified no earlier than September 1, 1983,
14 as resource management and is still classified as resource man-
15 agement under AS 38.05.300.

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

21 * Sec. 11. AS 29.65.010(b), 29.65.020(b), 29.65.030(c), and 29.65.110
22 are repealed.

23 * Sec. 12. Section 7 of this Act is retroactive to October 4, 1985.

24 * Sec. 13. Sections 7, 10, and 12 of this Act take effect immediately
25 under AS 01.10.070(c).

26 * Sec. 14. Sections 1 - 6, 8, 9, and 11 of this Act take effect
27 January 1, 1988.