

Offered: 5/16/87  
Referred: Rules

5-0512M

Original sponsors: Hensley, Halford  
and Faiks

1 IN THE SENATE BY THE FINANCE COMMITTEE  
2 HOUSE CS FOR CS FOR SENATE BILL NO. 133 (Finance)  
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. However, a municipality may not re-  
27 ceive an entitlement under this subsection that exceeds 20 acres per  
28 person residing in the municipality on the date of its incorporation.  
29 For purposes of this section the population of a municipality shall be

1 determined by the department in accordance with AS 29.60.020  
2 and 29.60.150.

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

4 (b) Within two years and six months after the date of incorpo-  
5 ration of the [A] municipality [THAT IS INCORPORATED AFTER JULY 1,  
6 1978], the director shall determine the entitlement of each municipal-  
7 ity eligible to receive general grant land under (a) of this section  
8 and certify the entitlement to the municipality.

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

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

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

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

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

28 (b) All approved selections under former AS 29.18.190 and 29.-  
29 18.200 for which patent has not been issued to a municipality on July

1 1, 1978, shall be reviewed by the director within nine months after  
2 July 1, 1978. Any approved selection of land that was vacant, unap-  
3 propriated, or unreserved on the date of selection is valid as of the  
4 date of the approval under former AS 29.18.190, [AND] 29.18.200,  
5 29.18.201, 29.18.202, and 29.18.203 and a patent shall be issued to  
6 the municipality within three months after approval by the director of  
7 a plat of survey. The acreage shall be credited toward fulfillment of  
8 the municipality's entitlement. A municipality is not entitled to  
9 receive patent under this chapter to more than its entitlement de-  
10 termined under AS 29.65.010 - 29.65.030. Any prior approval by the  
11 director of municipal selections for land that was not vacant, unap-  
12 propriated, or unreserved on the date of selection shall be rescinded,  
13 and patent may not be issued except when disposal to a third party by  
14 sale or lease has occurred. Transfers of land to municipalities under  
15 this chapter are subject to AS 38.05.321. Classification actions as  
16 reflected on the land status records of the Department of Natural  
17 Resources are determinative of land classification status for purposes  
18 of this chapter.

19 \* Sec. 7. AS 29.65.060 is amended by adding a new subsection to read:

20 (g) Notwithstanding (a) of this section, a municipality may not  
21 select school land or mental health land after October 4, 1985.  
22 Nothing in this section affects the legal rights of any person with  
23 regard to selections of school land or mental health land made by a  
24 municipality on or before October 4, 1985.

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

26 Sec. 29.65.122. PROHIBITION. A municipality may not acquire  
27 subsurface rights to land of the federal government by trading land  
28 received as a general grant land entitlement. A municipality may not  
29 acquire any interest in land within the Arctic National Wildlife

1     Refuge by trading land with the Federal Government for land received  
2     as a general grant land entitlement.

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

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

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

9             (B)     has not been approved for patent to a municipal-  
10    ity under this chapter or former AS 29.18.190 and 29.18.200; [OR]

11            (C)     is unclassified or, if classified under AS 38.-  
12    05.300, is classified for agricultural, grazing, material, public  
13    recreation, or settlement [COMMERCIAL, INDUSTRIAL, PRIVATE  
14    RECREATIONAL, RESIDENTIAL, UTILITY, OR OPEN-TO-ENTRY] purposes,  
15    or is classified in accordance with an agreement between a munic-  
16    ipality and the state providing for state management of land of  
17    the municipality; or

18            (D)     was classified no earlier than September 1, 1983,  
19    as resource management and is still classified as resource man-  
20    agement under AS 38.05.300.

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

26     \* Sec. 11. The general grant land entitlement authorized for the North-  
27     west Arctic Borough under AS 29.65.030(a), as amended in sec. 2 of this  
28     Act, is a partial entitlement for the borough. After completion of the  
29     Northwest Area Plan prepared under AS 38.04.065, the governor shall submit

1 to the legislature recommendations for additional general grant land en-  
2 titlements for the Northwest Arctic Borough consistent with the general  
3 grant land entitlement policy developed by the governor. The governor  
4 shall also submit recommendations for additional general grant land enti-  
5 tlements for other newly-formed municipalities consistent with the general  
6 grant land entitlement policy developed by the governor.

7 \* Sec. 12. AS 29.65.010(b), 29.65.020(b), 29.65.030(c), and 29.65.110  
8 are repealed.

9 \* Sec. 13. Section 7 of this Act is retroactive to October 4, 1985.

10 \* Sec. 14. Sections 7, 10, and 13 of this Act take effect immediately  
11 under AS 01.10.070(c).

12 \* Sec. 15. Sections 1 - 6, 8, 9, 11, and 12 of this Act take effect  
13 January 1, 1988.