

Original sponsor(s): C&RA Committee

1 IN THE HOUSE BY THE C&RA COMMITTEE

2 CS FOR HOUSE BILL NO. 588 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

9 * Section 1. AS 29.65.030(a) is amended to read:

10 (a) The general grant land entitlement of a municipality incor-
11 porated after July 1, 1978, that does not qualify for an entitlement
12 under AS 29.65.010 or 29.65.020 is 10 percent of the maximum total
13 acreage of vacant, unappropriated, unreserved land within the bound-
14 aries of the municipality between the date of its incorporation and
15 two years after that date. [HOWEVER, A MUNICIPALITY MAY NOT RECEIVE
16 AN ENTITLEMENT UNDER THIS SUBSECTION THAT EXCEEDS 20 ACRES PER PERSON
17 RESIDING IN THE MUNICIPALITY ON THE DATE OF ITS INCORPORATION. FOR
18 PURPOSES OF THIS SECTION THE POPULATION OF A MUNICIPALITY SHALL BE
19 DETERMINED BY THE DEPARTMENT IN ACCORDANCE WITH AS 29.60.020 AND
20 29.60.150.]

21 * Sec. 2. AS 29.65.040(c) is amended to read:

22 (c) Land may be selected or nominated for selection by a munici-
23 pality to satisfy a general grant land entitlement under former
24 AS 29.18.201 and 29.18.202 at any time before October 1, 1980. Land
25 may be selected or nominated for selection by a municipality to satis-
26 fy a general grant land entitlement under AS 29.65.010 at any time
27 before October 1, 1990. However, if a municipal selection or nomina-
28 tion or a part of a municipal selection or nomination is rejected by
29 the director, the municipality may, not later than 90 days after

1 receipt of the rejection or final decision on an appeal filed under
2 AS 29.65.050(d). select additional state land as necessary to satisfy
3 its entitlement.

4 * Sec. 3. AS 29.65.050(c) is amended to read:

5 (c) The director shall approve or disapprove each selection for
6 patent within nine months of its selection by a municipality. Before
7 a decision is issued the Department of Community and Regional Affairs
8 shall review the selection and recommend approval or disapproval of
9 it. The director may disapprove a selection only upon a finding that
10 the public interest in retaining state ownership of the land outweighs
11 the municipality's interest in obtaining the land. A [, AND A] patent
12 shall be issued to the municipality for land selected in satisfaction
13 of a general grant land entitlement vested under AS 29.65.010 - 29.-
14 65.030 within three months after approval by the director of a plat of
15 survey.

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

17 (d) Before disapproving a selection the director shall notify
18 the municipality in writing of the decision and set out reasons for
19 it. The municipality may submit a written response within 30 days
20 after receipt of the notice. Within 30 days after the period for
21 responding has expired, the director shall affirm, modify, or reverse
22 the decision and supply the municipality with written notice of that
23 action. If the selection is disapproved, the municipality may file
24 notice of an appeal with the director. The appeal shall be heard
25 under procedures adopted by regulation of the Department of Natural
26 Resources by a municipal land mediation committee composed of a person
27 appointed by the commissioner of natural resources, a person appointed
28 by the commissioner of community and regional affairs, and an elected
29 municipal official appointed by the governor. A decision on the

1 appeal shall be submitted to the municipality in writing within 30
2 days after the notice of appeal was filed with the director. A munic-
3 ipality may appeal an adverse decision of the municipal land mediation
4 committee to the superior court under AS 44.62.560 - 44.62.570.

5 * Sec. 5. AS 29.65.070 is amended by adding a new subsection to read:

6 (d) The commissioner may not, through regulations or otherwise,
7 place restrictions on the shape of a parcel of land that may be
8 selected by a municipality.

9 * Sec. 6. AS 29.65.130(10) is amended to read:

10 (10) "vacant, unappropriated, unreserved land" means general
11 grant land as defined in (3) of this section, excluding minerals as
12 required by sec. 6(i) of the Alaska Statehood Act, that

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

15 (B) has not been approved for patent to a municipality
16 under this chapter or former AS 29.18.190 and 29.18.200;

17 (C) is unclassified or, if classified under AS 38.05.-
18 300, is classified for agricultural, grazing, material, public
19 recreation, wildlife habitat other than critical wildlife habi-
20 tat, or settlement purposes, or is classified in accordance with
21 an agreement between a municipality and the state providing for
22 state management of land of the municipality; or

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

26 * Sec. 7. Notwithstanding AS 29.65.030(b), the director of lands shall,
27 by January 1, 1992, in accordance with AS 29.65.030(a) as amended in sec. 1
28 of this Act and AS 29.65.130(10) as amended in sec. 6 of this Act, redeter-
29 mine and recertify the entitlement of each municipality that has a general

1 grant land entitlement that has not been fulfilled by July 1, 1991. If as
2 a result of the recertification, the general grant land entitlement of a
3 municipality is increased, land may be selected by the municipality in
4 fulfillment of the amount of the increase at any time within one year after
5 the recertification under this section is issued.

6 * Sec. 8. Sections 1, 6, and 7 of this Act are retroactive to June 2,
7 1986.

8 * Sec. 9. Sections 1 and 6 - 8 of this Act take effect immediately
9 under AS 01.10.070(c).

10 * Sec. 10. Sections 2 - 5 of this Act take effect July 1, 1991.