

CS FOR HOUSE BILL NO. 143 (RESOURCES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 4/5/91
Referred: Finance

Sponsor(s): REPRESENTATIVE MACLEAN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to general grant land selections; and providing for an effective date."

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

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

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

13 * Sec. 2. AS 29.65.030(b) is amended to read:

14 (b) Within two years and six months after the date of incorporation of the municipality,

1 the director shall determine the entitlement of each municipality eligible to receive general grant
2 land under (a) of this section and certify the entitlement to the municipality. **However, the**
3 **governing body of a city may, by resolution, request the director to certify the entitlement**
4 **to the city on an expeditious basis. The director shall determine and certify the entitlement**
5 **within six months after receipt of the resolution.**

6 * Sec. 3. AS 29.65.040(c) is amended to read:

7 (c) Land may be selected or nominated for selection by a municipality to satisfy a
8 general grant land entitlement under former AS 29.18.201 and 29.18.202 at any time before
9 October 1, 1980. Land may be selected or nominated for selection by a municipality to satisfy
10 a general grant land entitlement under AS 29.65.010 at any time before October 1, 1990.
11 However, if a municipal selection or nomination or a part of a municipal selection or nomination
12 is rejected by the director, the municipality may, not later than 90 days after receipt of the
13 rejection **or final decision on an appeal filed under AS 29.65.050(d)**, select additional state
14 land as necessary to satisfy its entitlement.

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

16 (c) The director shall approve **or disapprove** each selection for patent within nine
17 months of its selection by a municipality. **Before a decision is issued the Department of**
18 **Community and Regional Affairs shall review the selection and recommend approval or**
19 **disapproval of it. The director may disapprove a selection only upon a finding that the**
20 **public interest in retaining state ownership of the land outweighs the municipality's interest**
21 **in obtaining the land. A [, AND A] patent shall be issued to the municipality for land selected**
22 in satisfaction of a general grant land entitlement vested under AS 29.65.010 - 29.65.030 within
23 three months after approval by the director of a plat of survey

24 * Sec. 5. AS 29.65.050 is amended by adding a new subsection to read:

25 (d) Before disapproving a selection, the director shall notify the municipality in writing
26 of the decision and set out reasons for it. The municipality may submit a written response within
27 30 days after receipt of the notice. Within 30 days after the period for responding has expired,
28 the director shall affirm, modify, or reverse the decision and supply the municipality with written
29 notice of that action. If the selection is disapproved, the municipality may file notice of an
30 appeal with the director. The appeal shall be heard under procedures adopted by regulation of
31 the Department of Natural Resources by a municipal land mediation committee composed of a

1 person appointed by the commissioner of natural resources, a person appointed by the
2 commissioner of community and regional affairs, and an elected municipal official appointed by
3 the governor. A decision on the appeal shall be submitted to the municipality in writing within
4 30 days after the notice of appeal was filed with the director. A municipality may appeal an
5 adverse decision of the municipal land mediation committee to the superior court under
6 AS 44.62.560 - 44.62.570.

7 * Sec. 6. AS 29.65.070 is amended by adding a new subsection to read:

8 (d) The commissioner of natural resources may not restrict the shape of a selection
9 without considering municipal interests, considering the burden of survey costs to the
10 municipality, and evaluating other alternatives to preserve access or uses of statewide concern.
11 Restrictions imposed on the shape of a parcel that may be selected may be waived by the director
12 if waiver is in the public interest.

13 * Sec. 7. AS 29.65.120 is amended to read:

14 Sec. 29.65.120. ADMINISTRATION. The commissioner of natural resources may, after
15 consultation with the Department of Community and Regional Affairs, adopt regulations in
16 accordance with the Administrative Procedure Act (AS 44.62) necessary to carry out the purposes
17 of this chapter.

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

19 Sec. 29.65.129. POLICY. Consistent with the best interest of the state, it is the policy
20 of the state to provide a newly formed municipality with a general grant land entitlement that is
21 no less than 10 percent of vacant, unappropriated, unreserved land located within its boundaries.
22 It is the policy of the state to provide for expeditious transfer and patent of land to a municipality
23 in fulfilling its entitlement.

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

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

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

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

1 (C) is unclassified or, if classified under AS 38.05.300, is classified for
2 agricultural, grazing, material, public recreation, wildlife habitat other than critical
3 wildlife habitat, or settlement purposes, or is classified in accordance with an agreement
4 between a municipality and the state providing for state management of land of the
5 municipality; or

6 (D) was classified no earlier than September 1, 1983, as resource
7 management and is still classified as resource management under AS 38.05.300.

8 * Sec. 10. Notwithstanding AS 29.65.030(b) as amended in sec. 2 of this Act, the director of lands
9 shall, by January 1, 1992, in accordance with AS 29.65.030(a) as amended in sec. 1 of this Act and
10 AS 29.65.130(10) as amended in sec. 9 of this Act, redetermine and recertify the entitlement of each
11 municipality incorporated after June 1, 1986. If as a result of the recertification, the general grant land
12 entitlement of a municipality is increased, land may be selected by the municipality in fulfillment of the
13 amount of the increase at any time within one year after the recertification under this section is issued.

14 * Sec. 11. Sections 1 and 9 of this Act are retroactive to June 2, 1986.

15 * Sec. 12. This Act takes effect immediately under AS 01.10.070(c).