

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

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered: 5/19/91
Referred: Resources

Sponsor(s): REPRESENTATIVES MACLEAN, Boyer

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. Before reaching a decision on an appeal the Department

1 of Natural Resources shall request the Department of Community and Regional Affairs to review
2 the matter and submit a recommendation. After reviewing the recommendation, a decision on
3 the appeal shall be submitted by the Department of Natural Resources to the municipality in
4 writing within 30 days after the notice of appeal was filed with the director. A municipality may
5 appeal an adverse decision to the superior court under AS 44.62.560 - 44.62.570.

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

7 (d) The commissioner of natural resources shall require that each selection be compact
8 in form with its length not exceeding approximately four times its width. The restrictions on
9 form may be waived by the commissioner based on land use, terrain, effect of the form of the
10 selection on access to it and other parcels, and effect of the form of the selection on surveying
11 and management costs to the state and the municipality.

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

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

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

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

23 * Sec. 9. Notwithstanding AS 29.65.030(b) as amended in sec. 2 of this Act, the director of lands
24 may not certify an entitlement to a municipality until after January 2, 1994. Each entitlement for which
25 certification is delayed under this section shall be certified by the director no later than January 1, 1996.
26 The director shall by January 1, 1996, for each municipality incorporated after June 1, 1986, for which
27 an entitlement was certified before the effective date of this section, redetermine and recertify the
28 entitlement in accordance with AS 29.65.030(a), as amended in sec. 1 of this Act.

29 * Sec. 10. Section 1 of this Act is retroactive to June 2, 1986.

30 * Sec. 11. This Act takes effect immediately under AS 01.10.070(c).