

## SENATE BILL NO. 375

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE BY REQUEST

Introduced: 4/13/94  
Referred: CRA, RES

## A BILL

## FOR AN ACT ENTITLED

1 "An Act relating to general grant land entitlements."

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

3 \* Section 1. AS 29.65 is amended by adding a new section to read:

4 Sec. 29.65.035. DETERMINATION OF ENTITLEMENT. The general grant  
5 land entitlement of a municipality is 10 percent of the maximum total acreage of  
6 vacant, unappropriated, unreserved land within the boundaries of the municipality, or  
7 the amount under former AS 29.65.010, whichever is greater.

8 \* Sec. 2. AS 29.65.040(a) is amended to read:

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

14 \* Sec. 3. AS 29.65.040(b) is amended to read:

1 (b) General grant land entitlements provided by former AS 29.65.030 are  
2 property rights that vest on the date of incorporation of the municipality. The  
3 entitlement shall be fulfilled as provided in AS 29.65.050.

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

5 (c) If [LAND MAY BE SELECTED OR NOMINATED FOR SELECTION  
6 BY A MUNICIPALITY TO SATISFY A GENERAL GRANT LAND  
7 ENTITLEMENT UNDER FORMER AS 29.18.201 AND 29.18.202 AT ANY TIME  
8 BEFORE OCTOBER 1, 1980. LAND MAY BE SELECTED OR NOMINATED FOR  
9 SELECTION BY A MUNICIPALITY TO SATISFY A GENERAL GRANT LAND  
10 ENTITLEMENT UNDER AS 29.65.010 AT ANY TIME BEFORE OCTOBER 1,  
11 1990. HOWEVER, IF] a municipal selection or nomination or a part of a municipal  
12 selection or nomination is rejected by the director, the municipality may [, NOT  
13 LATER THAN 90 DAYS AFTER RECEIPT OF THE REJECTION OR FINAL  
14 DECISION ON AN APPEAL FILED UNDER AS 29.65.050(d),] select additional state  
15 land as necessary to satisfy its entitlement.

16 \* Sec. 5. AS 29.65.040 is amended by adding a new subsection to read:

17 (f) General grant land entitlements provided by AS 29.65.035 are vested  
18 property rights that must be fulfilled as provided in AS 29.65.050.

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

20 (b) [ALL APPROVED SELECTIONS UNDER FORMER AS 29.18.190 AND  
21 29.18.200 FOR WHICH PATENT HAS NOT BEEN ISSUED TO A MUNICIPALITY  
22 ON JULY 1, 1978, SHALL BE REVIEWED BY THE DIRECTOR WITHIN NINE  
23 MONTHS AFTER JULY 1, 1978.] Any approved selection of land that was vacant,  
24 unappropriated, or unreserved on the date of selection is valid as of the date of the  
25 approval under former AS 29.18.190, 29.18.200, 29.18.201, 29.18.202, [AND]  
26 29.18.203, AS 29.65.010, 29.65.020, or 29.65.030, and a patent shall be issued to the  
27 municipality within three months after approval by the director of a plat of survey.  
28 [THE ACREAGE SHALL BE CREDITED TOWARD FULFILLMENT OF THE  
29 MUNICIPALITY'S ENTITLEMENT.] A municipality is not entitled to receive patent  
30 under this chapter to more than its entitlement determined under AS 29.65.035;  
31 patents received under former AS 29.18.190, 29.18.200, 29.18.201, 29.18.202,

1 29.18.203, AS 29.65.010, 29.65.020, or 29.65.030 shall be credited toward  
2 fulfillment of the municipality's entitlement [AS 29.65.010 - 29.65.030]. Any prior  
3 approval by the director of municipal selections for land that was not vacant,  
4 unappropriated, or unreserved on the date of selection shall be rescinded, and patent  
5 may not be issued except when disposal to a third party by sale or lease has occurred.  
6 Transfers of land to municipalities under this chapter are subject to AS 38.05.321.  
7 Classification actions as reflected on the land status records of the Department of  
8 Natural Resources are determinative of land classification status for purposes of this  
9 chapter.

10 \* Sec. 7. AS 29.65.050(c) is amended to read:

11 (c) The director shall approve or disapprove each selection for patent within  
12 nine months of its selection by a municipality. Before a decision is issued the  
13 Department of Community and Regional Affairs shall review the selection and  
14 recommend approval or disapproval of it. The director may disapprove a selection  
15 only upon a finding that the public interest in retaining state ownership of the land  
16 outweighs the municipality's interest in obtaining the land. A patent shall be issued  
17 to the municipality for land selected in satisfaction of a general grant land entitlement  
18 vested under AS 29.65.035 [AS 29.65.010 - 29.65.030] within three months after  
19 approval by the director of a plat of survey.

20 \* Sec. 8. AS 29.65.129 is amended to read:

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

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

27 (3) "general grant land"

28 (A) means land patented or tentatively approved to the state  
29 from the United States under Sec. 6(a) or (b) of the Alaska Statehood Act;

30 (B) does not include

31 (i) university land as defined in AS 38.05.965:



1 land approved for patent to a municipality shall be credited, acre for acre, toward  
2 fulfillment of that municipality's entitlement under AS 29.65.035 [AS 29.65.010 -  
3 29.65.030 OR FORMER AS 29.18.201 - 29.18.203]. If the director later determines  
4 it to be in the best interests of the state to transfer some or all of the additional rights  
5 in that approved or patented agricultural land, those rights shall pass without  
6 consideration to the municipality in which the land is located. The notice and review  
7 provisions of AS 38.05.945 are applicable to conveyance of rights under this section.

8 \* Sec. 12. AS 29.65.010, 29.65.020, 29.65.030, 29.65.040(d), 29.65.040(e), 29.65.060,  
9 29.65.080, 29.65.130(4), 29.65.130(8), and 29.65.130(9) are repealed.