

CS FOR SENATE BILL NO. 375(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 5/2/94
 Referred: Finance

Sponsor(s): SENATE JUDICIARY COMMITTEE BY REQUEST

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 general grant land within the boundaries of the municipality, or the amount under
 7 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
3 PRIOR APPROVAL BY THE DIRECTOR OF MUNICIPAL SELECTIONS FOR
4 LAND THAT WAS NOT VACANT, UNAPPROPRIATED, OR UNRESERVED ON
5 THE DATE OF SELECTION SHALL BE RESCINDED, AND PATENT MAY NOT
6 BE ISSUED EXCEPT WHEN DISPOSAL TO A THIRD PARTY BY SALE OR
7 LEASE HAS OCCURRED]. Transfers of land to municipalities under this chapter are
8 subject to AS 38.05.321. [CLASSIFICATION ACTIONS AS REFLECTED ON THE
9 LAND STATUS RECORDS OF THE DEPARTMENT OF NATURAL RESOURCES
10 ARE DETERMINATIVE OF LAND CLASSIFICATION STATUS FOR PURPOSES
11 OF THIS CHAPTER.]

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

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

22 * Sec. 8. AS 29.65.129 is amended to read:

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

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

30 (3) "general grant land"

31 (A) means land patented or tentatively approved to the state

1 from the United States under Sec. 6(a) or (b) of the Alaska Statehood Act,
2 excluding minerals as required by Sec. 6(i) of the Alaska Statehood Act,
3 that has not been

4 (i) set aside by statute for one or more particular
5 uses or purposes;

6 (ii) conveyed by the state to any person other than an
7 agency, corporation, or other entity of the state;

8 (iii) approved for conveyance to a municipality under
9 this chapter, AS 38.05.810, or former AS 29.18.190, 29.18.200,
10 AS 29.65.010, 29.65.020, or 29.65.030;

11 (B) does not include

12 (i) university land as defined in AS 38.05.965;

13 (ii) mental health land granted under Title II, sec.
14 202 of P.L. 84-830, as amended before or after July 1, 1978;

15 (iii) school land consisting of those rectangular
16 sections 16 and 36 within each township surveyed on or before
17 January 3, 1959, and confirmed and transferred to the state upon
18 its admission under Sec. 6(k), Alaska Statehood Act, 72 Stat. 339,
19 and any other land designated solely for school revenues; or

20 (iv) land included within a state approved drilling
21 unit under AS 31.05.100;

22 * Sec. 10. AS 29.65.130(5) is amended to read:

23 (5) "municipal land selection" means a request by a municipality, filed
24 in writing with the director under authority of former AS 29.18.190, [AND] 29.18.200,
25 AS 29.65.010, 29.65.020, or 29.65.030 for vacant, unappropriated, unreserved land,
26 or under this chapter for [VACANT, UNAPPROPRIATED, UNRESERVED] general
27 grant land within its municipal boundaries in partial fulfillment of its municipal
28 entitlement;

29 * Sec. 11. AS 38.05.321(b) is amended to read:

30 (b) State land classified as agricultural land that has been selected by a
31 municipality in fulfillment or partial fulfillment of the municipality's general grant

1 land entitlement [UNDER FORMER AS 29.18.190 - 29.18.200 OR FORMER
2 AS 29.18.205(e)] may be approved by the director for patent [UNDER
3 AS 29.65.050(c)]; however, only rights in the land for agricultural purposes may be
4 transferred and all other interests in the land will remain with the state. Agricultural
5 land approved for patent to a municipality shall be credited, acre for acre, toward
6 fulfillment of that municipality's entitlement under AS 29.65.035 [AS 29.65.010 -
7 29.65.030 OR FORMER AS 29.18.201 - 29.18.203]. If the director later determines
8 it to be in the best interests of the state to transfer some or all of the additional rights
9 in that approved or patented agricultural land, those rights shall pass without
10 consideration to the municipality in which the land is located. The notice and review
11 provisions of AS 38.05.945 are applicable to conveyance of rights under this section.

12 * Sec. 12. AS 29.65.010, 29.65.020, 29.65.030, 29.65.040(d), 29.65.040(e), 29.65.060,
13 29.65.080, 29.65.130(4), 29.65.130(8), 29.65.130(9), and 29.65.130(10) are repealed.