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STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

*Rec'd 4/17/87  
After bill r/d  
SB133 is currently  
in R(adv). 7/10  
towards to HFL*

REQUEST: \_\_\_\_\_

Bill Version: .CSSB 133  
Publish Date: \_\_\_\_\_

Revision Date: 4/9/87  
Title: General grant entitlement  
(municipal selection)  
Sponsor: Hensley, et al  
Requestor: Senate Finance

Agency Affected: Natural Resources  
BRU: Land and Water Management  
Components: Land Conveyance

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		61.5	168.9	168.9	168.9	168.9
TRAVEL		5.0	5.0	4.0	3.0	3.0
CONTRACTUAL		4.0	6.0	6.0	4.0	4.0
SUPPLIES		2.0	2.0	2.0	1.5	1.5
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		72.5	181.9	181.9	181.9	181.9

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

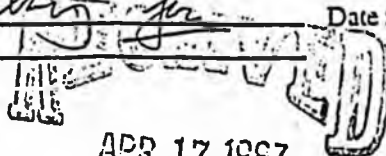
FULL-TIME		1.0	3.0	3.0	3.0	3.0
PART-TIME		2.0	1.0	1.0	1.0	1.0
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)  
(See attached)

Prepared by: Gary Gustafson Phone: 465-2400  
Division: Land and Water Management Date: 3/5/87

Approved by Commissioner: [Signature] Date: 4/16/87  
Agency: Natural Resources

- Distribution (by preparer):
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management and Budget
  - Impacted Agency(ies)
  - Senate Secretary



LEGISLATIVE FINANCE

CSSB 133  
Fiscal Note Analysis

With the passage of CSSB 133, the department will be required to determine and certify the entitlement of an estimated 146 first and second class cities within the state within six months. Because the bill changes the definition of vacant, unappropriated and unreserved (vu) land, and expands the date of eligibility, while retaining the language which states that cities are entitled to 10% of "the maximum total acreage of" vu land within their boundaries which existed "at any time" between their initial eligibility (presumably the enactment of the referenced statutes in 1972) and the new date (January 1, 1988), the research involved will be quite extensive.

Many of the 146 cities will be unaffected by the legislation. However, to facilitate the Certification by the Director, numerous state records must be searched to assure the correct acreage for each municipality and make that determination. These records include those of the Department of Community and Regional Affairs (city incorporations and boundaries), the Department of Natural Resources (land title records, status plats, classification and planning documents) and the federal government (land title records, status plats, and other Bureau of Land Management (BLM) records).

Presently, city boundaries are not depicted in the department's Land Administration (computer) System (LAS) nor on state status plats. This will necessitate a time consuming manual adjudication process which must be accomplished within the six month limitation. In order to accomplish this expedited certification process the department will require the following for a maximum of twelve months:

CERTIFICATION

1. A Project Manager (Natural Resource Manager I, range 18, 12 months). The Manager will supervise a staff consisting of a Natural Resource Technician II (range 12), and a Clerk Typist III (range 8). The manager must have sufficient background to understand and work with the various processes involved, including the land transfer process from the federal government to the state, and from the state to municipalities (Title 29, etc.). The manager must act as liaison and problem solver for involved agencies and cities. This position will also be responsible for public notice and conducting hearings associated with the process of certification. The Manager will also review records and make determinations concerning those records as necessary for creating background for certification. The Manager must also work with the department's title personnel to recheck these results with the federal title documents and plats to assure everything is in order; and with the Technician to ensure correct mapping from department documents.

2. The necessary record and resource gathering, mapping and general support for the manager will be provided by the Natural Resource Technician (range 12, first 6 months or less). The Technician, with the direct supervision of the Officer will review and delineate on a single pictorial document the following: correct municipal boundaries (from information obtained from the Department of Community and Regional Affairs by the Technician); many classifications from old land planning reports, classification orders (original and renumbered), regional, area and management plans. This document will be used to provide a focal point from which a rational review of all the data may be accomplished.

3. The Clerk Typist III (range 8, 10-12 months) would supply data entry, clerical, typing and general office support for the Certification staff. The Clerk will be responsible for typing documents, decisions, etc.; monitoring files; and inputting computer data.

#### ADMINISTRATION

After the initial certification and adjudication and administrative phase will take place primarily in the Northern Region in Fairbanks, as the North Slope Borough would be able to select its entitlement of 89,950 acres while the new Northwest Borough would be able to select approximately 240,000 acres. This requires use of all of the state records and its various systems; coordinating with the borough in the actual selection; formulating the decision which would transfer management authority to the borough; reviewing the survey data, writing survey instructions, negotiating survey contracts for the vast areas many of which are totally unsurveyed, reviewing the survey accomplished by the private surveyors; and finally, conveying title.

To date the division has conveyed 372,000 acres of the total municipally selected amount of 785,000 acres. The number of people involved has run to a high of 15 people in past years, while the division presently has only 1 3/4 people working on municipal entitlements. The present reduction is attributable to a wind down phase as most action is awaiting survey of the land. To expeditiously handle the selections and get the land conveyed a level 18 manager, one grade 16 officer, and 1 technician at a level 12 with a Clerk Typist, level 8 would be required. These people would be permanent and located in Fairbanks. The duties of this staff focus on the process following certification: Land selection and conveyance. The administration staff should be assembled and begin work during the last month of FY 88 in order to coordinate with the certification team.

In order to assist the municipalities in selecting the lands to which they are entitled and to transfer these lands to the municipalities with maximum efficiency, the Manager will work directly with the municipal land officer in each municipality for land identification. In that process the Manager must review general growth demographics and in conjunction with many plans, data, and

studies in the resource libraries throughout Alaska that are particularly applicable to the area in question. The Manager will consult with other agencies; act as primary liaison between various state agencies, the individual city or municipality; provide information to the municipalities; and resolve problems.

The Officer II will be responsible for handling the logistics involved in the conveyance of title to several hundred thousand acres of land including the many legal notices and public hearings. A major problem in the past has been the lack of capability for handling the attendant paperwork which has slowed the process of transferring title. A definitive filing system with computerization of the selection status of each application will be developed by this individual. The Officer, together with the Technician, would handle mapping and title work for the conveyance process. Working from the maps assembled for the certification, the Officer would add information concerning the selection and adjudication processes, and verify the information. That process might include a search of the old general land office records, Bureau of Land Management survey data and possible later state cadastral data to accurately determine survey status. The Technician would assist the Officers and the Manager with basic research and resource gathering, and mapping. The Clerk would supply support for the staff including typing, filing, and data entry.

Line Item Explanation

Y E A R 1

100 - Personal Services

Certification

P.P.T.            -            Anc

18	23.3 (12 months)
12	12.2 (9 months)
8	<u>12.0 (10 months)</u>
	47.5

Administration

P.F.T.            -            Fbx

18	4.6 (1 month)
16	4.0 (1 month)
12	3.2 (1 month)
8	<u>2.3 (1 month)</u>
	14.1

200 - (5.0) Travel to Pt. Barrow, Kotzebue, and various cities.

300 - (4.0) Extensive legal advertising, hearings, printing, charter, telephones, certified mailings.

400 - (2.0) Supplies and commodities for staff.

Annual total year 1: \$72.6

Y E A R 2

Administration

P.F.T.            -            Fbx

18	54.8
16	48.2
12	38.4
8	<u>27.5</u>
	168.9

200 - (5.0) Travel to Pt. Barrow, Kotzebue, and various cities.

300 - (6.0) Extensive legal advertising, hearings, printing, charter, telephone, certified mailings.

400 - (2.0) Supplies and commodities for staff.

Annual total year 2: \$181.9

SENATE COMMITTEE REPORT

FURTHER:

DATE TURNED INTO OFFICE 4/9/87

Mr. President:

FINANCE

Committee considered SB 133

general grant land entitlements; efd.

and recommended:

replace with \_\_\_\_\_ CS FOR SB 133 (FIN) )  same title  
 or adopt \_\_\_\_\_ CS FOR \_\_\_\_\_ )  new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

letter of intent adopted \_\_\_\_\_

Committee  attached or  adopted fiscal note(s)

new  updated or  previous

zero  fiscal impact 725

MEMBERS SIGNING DO PASS

[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]

OTHER RECOMMENDATIONS

Paul Fish N. Re  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature] DO PASS  
Chairman signature and recommendation

Committee Backup Attached

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST: \_\_\_\_\_  
 Revision Date: 3/5/87  
 Title: general grant entitlement  
       (municipal selection)  
 Sponsor: Henslev, et al  
 Requestor: \_\_\_\_\_

Bill Version: SB 133  
 Publish Date: 4-1-87

Agency Affected: Natural Resources  
 BRU: Land and Water Management

Components: Land Conveyance

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		61.5	168.9	168.9	168.9	168.9
TRAVEL		5.0	5.0	4.0	3.0	3.0
CONTRACTUAL		4.0	6.0	6.0	4.0	4.0
SUPPLIES		2.0	2.0	2.0	1.5	1.5
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		72.5	181.9	181.9	181.9	181.9

CAPITAL						
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* REVENUE		(3,500.0)	(3,500.0)	(3,500.0)	(3,500.0)	(3,500.0)
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		1.0	3.0	3.0	3.0	3.0
PART-TIME		2.0	1.0	1.0	1.0	1.0
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

\* If the North Slope Borough is allowed to selected state lands valuable for materials, these figures represent the current incoming revenue that will be lost.

(SEE ATTACHED)

Prepared by: Gary Gustafson GG Phone: 465-2400  
 Division: Land and Water Management Date: 3/5/87

Approved by Commissioner: Lennie Boston Gonsuk Date: 3/5/87  
 Agency: Natural Resources

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)  
 Senate Secretary

**RECEIVED**  
 MAR 06 1987

LEGISLATIVE FINANCE

SB 133  
Fiscal Note Analysis

With the passage of S.B. 133 the department will be required to determine and certify the entitlement of an estimated 146 first and second class cities within the state within six months. Because the bill changes the definition of vacant, unappropriated and unreserved (vuu) land, and expands the date of eligibility, while retaining the language which states that cities are entitled to 10% of "the maximum total acreage of" vuu land within their boundaries which existed "at any time" between their initial eligibility (presumably the enactment of the referenced statutes in 1972) and the new date (January 1, 1988), the research involved will be quite extensive.

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Presently, city boundaries are not depicted on the department's Land Administration (computer) System (L.A.S.) nor on state status plats. This will necessitate a time consuming manual adjudication process which must be accomplished within the six month limitation. In order to accomplish this expedited certification process the department will require the following new permanent part time positions for a maximum of twelve months:

#### CERTIFICATION

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Line Item Explanation

Y E A R 1

100 - Personal Services				
<u>Certification</u>	-	P.P.T.	-	Anc
18	-	23.3	(12 months)	
12	-	12.2	(9 months)	
8	-	12.0	(10 months)	
		<u>47.5</u>		
<u>Administration</u>		P.F.T.	-	Fbx
18		4.6	(1 month)	
16		4.0	(1 month)	
12		3.2	(1 month)	
8		2.3	(1 month)	
		<u>14.1</u>		

200 - (5.0) Travel to Pt. Barrow, Kotzebue, and various cities.

300 - (4.0) Extensive legal advertising, hearings, printing, charter, telephones, certified mailings

400 - (2.0) Supplies and commodities for staff.

Annual total year 1: 72.6

Y E A R 2

<u>Administration</u>		P.F.T.	-	Fbx
18		54.8		
16		48.2		
12		38.4		
8		27.5		
		<u>168.9</u>		

200 - (5.0) Travel to Pt. Barrow, Kotzebue, and various cities.

300 - (6.0) Extensive legal advertising, hearings, printing, charter, telephone, certified mailings.

400 - (2.0) Supplies and commodities for staff.

Annual total year 2: \$181.9

Original sponsors: Hensley, Halford  
and Faiks

*Finance*  
BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

1 IN THE SENATE

2

CS FOR SENATE BILL NO. 133 (~~G&RA~~) (*Finance*)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to general grant land entitlements;

7

and providing for an effective date."

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

9

\* Section 1. AS 29.65.020(a) is amended to read:

10

(a) The general grant land entitlement of a city formerly eligi-

11

ble to receive general grant land under the provisions of former

12

AS 29.18.190 and 29.18.200 is 10 percent of the maximum total acreage

13

of vacant, unappropriated, unreserved land in the boundaries of each

14

city at any time between the initial date of eligibility under former

15

AS 29.18.190 and 29.18.200 and January 1, 1988 [JULY 1, 1978]. Within

16

six months after January 1, 1988 [JULY 1, 1978], the director shall

17

determine the entitlement for each city eligible to receive general

18

grant land under this section [FORMER AS 29.18.202] and certify that

19

entitlement to the city.

20

\* Sec. 2. AS 29.65.030(a) is amended to read:

21

(a) The general grant land entitlement of a municipality incor-

22

porated after July 1, 1978, that does not qualify for an entitlement

23

under AS 29.65.010 or 29.65.020 is 10 percent of the maximum total

24

acreage of vacant, unappropriated, unreserved land within the bound-

25

aries of the municipality between [ON] the date of its incorporation

26

and two years after that date. However, a municipality may not re-

27

ceive an entitlement under this subsection that exceeds 21.4 acres per

28

person residing in the municipality on the date of its incorporation.

29

\* Sec. 3. AS 29.65.030(b) is amended to read:

1 (b) Within two years and six months after the date of incorpo-  
2 ration of the [A] municipality [THAT IS INCORPORATED AFTER JULY 1,  
3 1978], the director shall determine the entitlement of each municipal-  
4 ity eligible to receive general grant land under (a) of this section  
5 and certify the entitlement to the municipality.

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

7 (a) After July 1, 1978, general grant land entitlements provided  
8 in former AS 29.18.201 and [FORMER AS] 29.18.202 are vested property  
9 rights that must be fulfilled as provided in AS 29.65.050 or 29.65.-  
10 080. After January 1, 1988, general grant land entitlements provided  
11 in AS 29.65.010 are vested property rights that must be fulfilled as  
12 provided in AS 29.65.050 or 29.65.080.

13 \* Sec. 5. AS 29.65.040(c) is amended to read:

14 (c) Land may be selected or nominated for selection by a munic-  
15 ipality to satisfy a general grant land entitlement under former  
16 AS 29.18.201 and 29.18.202 at any time before October 1, 1980. Land  
17 may be selected or nominated for selection by a municipality to satis-  
18 fy a general grant land entitlement under AS 29.65.010 at any time  
19 before October 1, 1990. However, if a municipal selection or nomina-  
20 tion or a part of a municipal selection or nomination is rejected by  
21 the director, the municipality may, not later than 90 days after  
22 receipt of the rejection, select additional state land as necessary to  
23 satisfy its entitlement.

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

25 (b) All approved selections under former AS 29.18.190 and 29.-  
26 18.200 for which patent has not been issued to a municipality on July  
27 1, 1978, shall be reviewed by the director within nine months after  
28 July 1, 1978. Any approved selection of land that was vacant, unap-  
29 propriated, or unreserved on the date of selection is valid as of the

1 date of the approval under former AS 29.18.190, [AND] 29.18.200,  
2 29.18.201, 29.18.202, and 29.18.203 and a patent shall be issued to  
3 the municipality within three months after approval by the director of  
4 a plat of survey. The acreage shall be credited toward fulfillment of  
5 the municipality's entitlement. A municipality is not entitled to  
6 receive patent under this chapter to more than its entitlement de-  
7 termined under AS 29.65.010 - 29.65.030. Any prior approval by the  
8 director of municipal selections for land that was not vacant, unap-  
9 propriated, or unreserved on the date of selection shall be rescinded,  
10 and patent may not be issued except when disposal to a third party by  
11 sale or lease has occurred. Transfers of land to municipalities under  
12 this chapter are subject to AS 38.05.321. Classification actions as  
13 reflected on the land status records of the Department of Natural  
14 Resources are determinative of land classification status for purposes  
15 of this chapter.

16 \* Sec. 7. AS 29.65 is amended by adding a new section to read:

17 Sec. 29.65.122. PROHIBITION. A municipality may not acquire  
18 subsurface rights to land of the federal government by trading land  
19 received as a general grant land entitlement.

20 \* Sec. 8. AS 29.65.130(10) is amended to read:

21 (10) "vacant, unappropriated, unreserved land" means  
22 general grant land as defined in (3) of this section, excluding miner-  
23 als as required by sec. 6(i) of the Alaska Statehood Act, that

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

26 (B) has not been approved for patent to a municipal-  
27 ity under this chapter or former AS 29.18.190 and 29.18.200; [OR]

28 (C) is unclassified or, if classified under AS 38.-  
29 05.300, is classified for agricultural, grazing, material, public

1           recreation, or settlement [COMMERCIAL, INDUSTRIAL, PRIVATE  
2           RECREATIONAL, RESIDENTIAL, UTILITY, OR OPEN-TO-ENTRY] purposes,  
3           or is classified in accordance with an agreement between a munic-  
4           ipality and the state providing for state management of land of  
5           the municipality; or

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

9       \* Sec. 9. Before January 1, 1988, the Department of Natural Resources  
10      shall consult with each municipality affected by this Act regarding classi-  
11      fications of state land within its boundaries and may assist the munic-  
12      ipality in identifying land suitable for selection in fulfillment of its  
13      general grant land entitlement.

14      \* Sec. 10. AS 29.65.010(b), 29.65.020(b), 29.65.030(c), and 29.65.110  
15      are repealed.

16      \* Sec. 11. Section 9 of this Act takes effect immediately under AS 01.-  
17      10.070(c).

18      \* Sec. 12. Sections 1 - 8 and 10 of this Act take effect January 1,  
19      1988.

4/9/87  
Sen.  
Hensley  
Adopted

AMENDMENT

COMMITTEE SUBSTITUTE FOR SENATE BILL 133 (C&RA)

Page 1, Lines 26 - 28

Delete: "HOWEVER, A MUNICIPALITY MAY NOT RECEIVE AN ENTITLEMENT UNDER THIS SUBSECTION THAT EXCEEDS 21.4 ACRES PER PERSON RESIDING IN THE MUNICIPALITY ON THE DATE OF ITS INCORPORATION."

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

REQUEST: 0 Bill Version: SBI33  
 Publish Date: \_\_\_\_\_  
 Revision Date: \_\_\_\_\_ Agency Affected: \_\_\_\_\_  
 Title: An act relating to general grant  
land entitlements BRU: \_\_\_\_\_  
 Sponsor: Hensley, et. al Components: \_\_\_\_\_  
 Requestor: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	0	0				
FEDERAL FUNDS						
OTHER						
TOTAL	0	0				

**POSITIONS:**

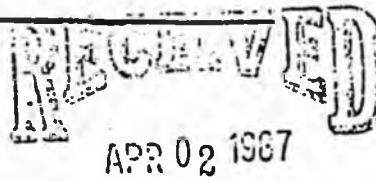
FULL-TIME	0	0				
PART-TIME	0	0				
TEMPORARY	0	0				

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Al Carson Phone: 267-2285  
 Division: Habitat Division Date: 3/5/87

Approved by Commissioner: *Norman Olson* Date: 3/26/87  
 Agency: Department of Fish and Game

Distribution (by preparer) :  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)  
 Senate Secretary



LEGISLATIVE FINANCE

# Alaska State Senate

P.O. Box V  
Juneau, AK 99811  
Phone: (907) 465-2444  
465-3862/465-4923



Senate Finance Committee  
State Affairs Committee  
Vice-Chair, Rules Committee  
Chair, Administrative Regulation Review

William L. Hensley

April 9, 1987

The Honorable Steve Cowper  
Governor, State of Alaska  
P.O. Box A  
Juneau, AK 99811

Dear Steve:

Attached is a description of the legal events which led to the North Slope Borough not receiving its municipal land entitlement. This description does not absolve the borough of its actions, but certainly it puts the issue in a different light.

The borough's current desire for its land entitlement should not be characterized as legislative redress of a sore loser who fought in court to the bitter end. Rather, the borough's efforts to terminate the litigation was seemingly miscalculated. I would appreciate if Bob Evans would meet with Avrum Gross on the particulars of the issue. I feel this would be beneficial to an understanding of the municipal land bill, Senate Bill 133.

Sincerely,

  
William L. Hensley  
Alaska State Senate

WLH/mjs

cc: Bob Evans  
Office of the Governor

North Slope Borough

Avrum Gross

# MEMORANDUM

State of Alaska

TO: Theodore G. Smith, Director  
Division of Forest, Land and  
Water Management  
Alaska Dept. of Natural Resources

DATE: November 3, 1980

FILE NO: A66-059-81

TELEPHONE NO:

FROM: WILSON L. CONDON  
ATTORNEY GENERAL

SUBJECT: Eligibility of North  
Slope Borough for  
Municipal Land Grant  
under AS 29.18.201  
et seq.

By: Thomas E. Meacham  
Assistant Attorney General  
AGO-Anchorage

Your office has raised the question whether the North Slope Borough properly qualified itself, pursuant to statute, to select and receive title to state lands under the Municipal Land Grant Act, AS 29.18.201 et seq. This memorandum is intended as a follow-up to my memorandum of February 19, 1980 on the same subject.

## I.

### SEQUENCE OF EVENTS

The North Slope Borough on August 10, 1973 filed applications with the Alaska Division of Lands to acquire the surface of certain lands within the Borough, and generally located within the Prudhoe Bay oilfield area, pursuant to the provisions of AS 29.18.190-.200, the original Municipal Land Grant Act. That act generally provided that municipalities could acquire up to 10% of the vacant, unappropriated, unreserved state lands within their respective boundaries, subject to the best interests of the State. The North Slope Borough's land selection applications were denied by the Director of the Division of Lands in a decision dated January 3, 1974 on the basis that it was not in the best interest of the State to convey to the Borough the surface of these lands. This decision was subsequently affirmed on appeal by the Commissioner of Natural Resources, and that decision was in turn appealed by the Borough to the Superior Court, Third Judicial District. A decision by Judge Lewis on that appeal was rendered on January 3, 1977 finding in favor of the State on the issue of the "State's best interests" as a proper basis for rejecting the Borough's land selections. That decision was in turn appealed by the Borough to the Alaska Supreme Court in early 1977, oral argument was held on November 14, 1977, and a decision was pending in that Court in 1978 when the Alaska Legislature substantially revised the municipal land entitlement program and concurrently repealed AS 29.18.190-.200, the original Municipal Land Grant Act. North Slope Borough v. LeResche, 581 P.2d 1112 (1978).

Memo to Theodore G. Smith  
November 3, 1980  
Page 2  
A66-059-81

The new legislation adopted by the Alaska Legislature in Chapter 180, SLA 1978 granted the North Slope Borough a fixed land entitlement of 89,850 acres. AS 29.18.201(11). However, each municipality which was engaged in litigation against the State on July 1, 1978 regarding land selections under the repealed AS 29.18.190-.200 was required by AS 29.18.211(a) of the new statute to make an election to pursue its legal rights and remedies under the old statute, or to dismiss any pending litigation and accept the land entitlement specified by the new statute. AS 29.18.211 states in part as follows:

Election of Benefits. (a) A municipality which on July 1, 1978 is engaged in litigation, or which becomes engaged in litigation, regarding a claim to state land under former sections 190 and 200 of this chapter shall elect either to obtain the benefits provided in sections 201-213 of this chapter or to pursue the litigation and thereby waive any claim to entitlement under sections 201-213 of this chapter. An election shall be made by filing a motion for dismissal with prejudice in the court in which the litigation is pending. If the claim involves a municipality identified in section 201 of this chapter, the municipality shall file its motion for dismissal within 60 days of July 1, 1978. . . . Failure of the municipality to file a motion for dismissal during the time period provided in this subsection shall be considered a waiver of entitlement under section 201-213 of this chapter.

II.  
ISSUES AND CONCLUSIONS

Three questions are raised in this matter:

- (1) Was the North Slope Borough engaged in litigation on July 1, 1978?
- (2) Did the North Slope Borough, if engaged in litigation on July 1, 1978, properly elect to obtain the benefits provided by AS 29.18.201-.213?

Memo to Theodore G. Smith  
November 3, 1980  
Page 3  
A66-059-81.

- (3) If the North Slope Borough was engaged in litigation on July 1, 1978, and if it did not properly elect, pursuant to AS 29.18.211(a), to receive the benefits under AS 29.18.201-.213, may the Department nevertheless accept the Borough's land selection applications and convey lands to it pursuant to the land entitlement specified by AS 29.18.201(11)?

Based upon our analysis of all relevant information, it appears that the North Slope Borough was engaged in litigation on July 1, 1978; that it failed to properly elect to receive the benefits of AS 29.18.201-213 by filing a motion to dismiss its lawsuit with prejudice within the time allowed, and therefore that the Department may not lawfully approve the Borough's land selection applications for conveyance of the acreage of state lands specified in AS 29.18.201. As a result of the Borough's failure to initiate and complete the necessary steps within the time permitted, it appears that a legislative solution should be sought regarding the land entitlement, if any, of the North Slope Borough.

### III. DISCUSSION

Because the Borough was a municipality identified in Section 201 of the Municipal Land Grant Act (it is listed, together with a specified acreage, in section 201 (11)), and since it was on July 1, 1978 "engaged in litigation" in the Alaska Supreme Court regarding its land entitlement under the old act, it was required by section 211 of the new Act to file a motion for dismissal with prejudice of that litigation in the Supreme Court within sixty days after July 1, 1978.<sup>1/</sup> The Supreme Court's decision in North Slope Borough v. LeResche

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<sup>1/</sup> Presumably, a municipality could have been engaged in litigation regarding its land entitlement under the repealed act on July 1, 1978, yet not be required to file a motion for dismissal with prejudice as required by AS 29.18.211(a), only if a final judgment, order or mandate were entered by the court in which the case was pending, and the time for an appeal, rehearing, or reconsideration had expired with finality, all within the 60-day period set by Section 211(a). The hypothetical municipality in such a case would have ceased being "engaged in litigation" prior to the deadline for its election of benefits.

Memo to Theodore G. Smith  
November 3, 1980  
Page 4  
A66-059-81

was issued on August 4, 1978, well into the 60-day time period, and its mandate, finally ending the case, would have normally issued on August 15, 1978 pursuant to Rule 29 of the Alaska Rules of Appellate Procedure, had not the Borough taken steps to keep the litigation alive. After August 4, 1978 the Borough took steps on two occasions to obtain additional time in which to file possible motions for rehearing. Their request was granted, the time for seeking rehearing expired some six days after the close of the 60-day period, and the mandate of the Supreme Court, ending the litigation with finality, was entered on September 11, 1978, twelve days after the close of the 60-day period. Thus, counting the days of July and August subsequent to July 1, 1978, the date of August 30, 1978 appears to be the last day on which the North Slope Borough could have filed the required motion for dismissal with prejudice.

Mr. Charles Cranston, attorney for the Borough, argues in his letter of August 11, 1980 that because July 1, 1978 was a Saturday, and thus was not a "business day", the 60-day period did not begin to run until Monday, July 3, 1978, with a resulting closing day of August 31, 1980. While this distinction is not critical, since the Borough failed to make its election in accordance with AS 29.18.211 prior to either of these dates, this question deserves brief comment. AS 01.10.080, clarifying the correct computation of a time period specified by law, states as follows:

The time in which an act provided by law is required to be done is computed by excluding the first day and including the last, unless the last day is a holiday, and then it is also excluded.

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1/ (Continued) To thereafter require it to file a notice of dismissal in a case which had already been resolved with finality and prejudice by operation of law would be to require a meaningless gesture, though the gesture would technically be required by AS 29.18.211(a) if the municipality was in fact involved in litigation on July 1, 1978, regardless of the subsequent final disposition of the case within the 60-day time period. Isakson v. Rickey, 550 P.2d 359 (Ak. 1976); Sherman v. Holiday Const. Co., 435 P.2d 16 (Ak. 1967).

In the present case, the facts discussed in this memorandum differ markedly from the hypothetical illustration.

Memo to Theodore G. Smith  
November 3, 1980  
Page 5  
A66-059-81

This statute, though it excludes the last day if it is a holiday, makes no exclusion for the first day of the time period if it is a holiday. Logic supports the plain language of the statute -- that AS 01.10.080 may not be interpreted to exclude the commencing day of a time period if that day is a holiday: the inability of a person to take the required action at the commencing day of the time period is not detrimental to the protection of his rights, since he may take the required action on any subsequent day of the time period. However, if the closing day of a time period is a holiday, the person would lose the use of that last day unless the next subsequent business day was included within the time period by operation of law. This AS 01.10.080 clearly does.

While the word "holiday" is not defined in AS 01.10.080, Mr. Cranston interprets it to mean a day which is other than a "business day" (i.e., Monday through Friday). Rule 6, Alaska Rules of Civil Procedure, requires the computation of a time period in a manner identical to that specified in AS 01.10.080, and further excludes the last day of the period if it is ". . . a Saturday, a Sunday, or a legal holiday . . .". Even under Mr. Cranston's analysis (which appears incorrect because July 1, 1978 is not excluded by AS 01.10.080 even though it is a Saturday and thereby extends the 60-day period by one day), the period specified by AS 29.18.211(a) would have ended on August 31, 1978.

The mayor of the North Slope Borough, the late Eben Hopson, was advised in detail by the Assistant Commissioner of the Alaska Department of Natural Resources by letter dated July 10, 1978 that the Borough was required to make a timely election of benefits pursuant to the terms of section 211. By a letter to the Assistant Commissioner dated August 31, 1978 Mr. Cranston, as attorney for the North Slope Borough, stated the following:

This is to notify you that the North Slope Borough will proceed under the recently enacted Land Selections Act for its Land Selection. This letter shall constitute the election required of the North Slope Borough under the Act.

Memo to Theodore G. Smith  
November 3, 1980  
Page 6  
A66-059-81

The letter was stamped as "received" by the Division of Lands, Department of Natural Resources on September 12, 1978. This letter is ineffective to fulfill the requirements of AS 29.18.211, since it does not constitute the ". . . filing of a motion for dismissal with prejudice in the court in which the litigation is pending . . .". Mr. Cranston does not claim that any motion for dismissal with prejudice, as required by the statute, was ever filed before the Alaska Supreme Court during the pendency of the action and prior to the closing of the time period specified in Section 211. Instead, he has argued that the case became "dismissed" as a matter of law by the failure of the Borough to file its motion for rehearing prior to September 5, 1978, the last day permitted for such filing, notwithstanding the closure of the 60-day statutory time period some six days before. He has not argued that the Borough's case became "final" or "dismissed" within the specified 60-day period.

The opinion of the Alaska Supreme Court in the case of North Slope Borough v. LeResche was issued on August 4, 1978, and the Court found in favor of the State and against the Borough. That decision would not have become a final mandate, pursuant to Rule 28 of the Alaska Rules of Appellate Procedure, until the time for the filing of any petition for rehearing had expired. That time is established by Rule 27 as ten days from the date of decision (unless extended by an order of the Court), or in this case until August 15, 1978. On August 9, 1978 counsel for the North Slope Borough filed his request for an extension of time for the submission of a possible petition for rehearing. That request did not specify a date to which he sought an extension. On August 11, 1978, again with the 10-day period set by Rule 27, counsel again sought an extension, and requested that the extension run until September 4, 1978. These actions by counsel for the Borough after issuance of the decision, and pursuant to Rule 27 of the Rules of Appellate Procedure, clearly extended the "pendency of litigation" within the meaning of Section 211 of the Municipal Land Grant Act.

Memo to Theodore G. Smith  
November 3, 1980  
Page 10  
A66-059-81

prior discussion that the Borough's lawsuit was pending after the 60-day time period expired. Therefore there is no need to examine the status of possible federal constitutional issues which could have been pursued beyond Alaska's highest court.

Based upon the foregoing, it is our legal conclusion that the North Slope Borough was a municipality engaged in litigation within the meaning of AS 29.18.211(a) during the period July 1 - August 30, 1978; that the Borough failed within that time period to make an effective election of remedies as specified in section 211; that the result of such a failure must, pursuant to statute, be considered a waiver of land entitlement under section 201-213 of the Act; and therefore that the Department has no statutory authority to process or approve pending North Slope Borough applications for selection and conveyance of lands pursuant to the Act. Obviously, resolution of this matter within the limits of authority of the Department of Natural Resources will require further legislative action, since its present resolution is beyond the authority of the Department, under the circumstances in which the North Slope Borough has placed itself after August 30, 1978.

If I may be of further assistance regarding this matter, please contact me at your convenience.

TEM/sls

cc: Robert E. LeResche, Commissioner  
Department of Natural Resources

Geof Haynes, Deputy Commissioner  
Department of Natural Resources

Wilson L. Condon  
Attorney General

Rodger Pegues  
Assistant Attorney General

Memo to Theodore G. Smith  
November 3, 1980  
Page 7  
A66-059-81

The Alaska Supreme Court, by an order dated August 29, 1978 considered the Borough's amended motion of August 14, 1978 (apparently dated August 11, 1978) and granted the Borough an extension of time until September 5, 1978 within which to file any petition for rehearing. Thus, by action of the Court and pursuant to the request of counsel, the pendency of North Slope Borough v. LeResche was continued until at least September 5, 1978, if the Borough chose not to file a petition for rehearing and filed nothing with the Court to earlier terminate the litigation.

No petition for rehearing was in fact filed. Nor did the Borough take any steps during this time to dismiss the suit with prejudice. Counsel for the Borough argues that its office may not have received a copy of the Court's order dated August 29, 1978, and thus it may have believed that the time in which to file a petition for rehearing had automatically expired, presumably on August 15, the tenth day following August 4, 1978. This argument is clearly contrary to the appellate rules, since Rule 37 specifies that the first motion for an extension of time routinely granted, and may be granted by a single Justice. Further, this matter is of such routine that the Clerk of the Court may grant an unopposed extension pursuant to Appellate Rule 37(e), which occurred in the present case. Thus it appears clear that counsel for the Borough was not justified in believing that its lawsuit had died simply because it had apparently not received written notification of the grant of its requested first extension of time. Counsel's argument that it was the Supreme Court, and not the Borough, which "breathed further life" into the litigation so as to extend it beyond either August 30 or August 31 is not well taken.

#### IV.

#### THE LEGAL AFFECT OF THE FAILURE TO FILE A NOTICE OF DISMISSAL

AS 29.18.211 specifies, in explicit terms, the manner in which a municipality then engaged in litigation was to make its election to receive benefits under the new legislation, if it chose to do so rather than pursue the litigation. Those municipalities then engaged in litigation were to ". . . file a notice of dismissal with prejudice in the court in which the litigation was pending. . . ." The requirement of filing a notice of dismissal in court precludes the assignment of

Memo to Theodore G. Smith  
November 3, 1980  
Page 8  
A66-059-81

any legal effect to the letter from the Borough's attorney, Charles Cranston, to the Associate Commissioner of the Department of Natural Resources on August 31, 1978. Further, section 211 requires that an effective notice of dismissal be filed "with prejudice", which in legal terms signifies that the moving party, after acceptance of the motion by the court, is precluded from ever again raising the claims dismissed; in other words, the dismissal is final and irrevocable as to that party and acts as a judgment on the merits. Maib v. Maryland Casualty Co., 135 P.2d 71 (Wash. 1943); Zimmerman v. Texaco, Inc., 409 S.W.2d 607 (Tex. Civ. App. 1966). The letter of August 31, 1978, even if it were otherwise determined to be an effective election of benefits, does not carry the connotation of a dismissal "with prejudice" before a court authorized and empowered to accept such a dismissal and to give it legal effect.

Mr. Cranston's letter of August 11, 1980 admits that the Borough's litigation in the Supreme Court terminated with finality after expiration of the 60-day period provided by AS 29.18.211. Mr. Cranston argues that the litigation terminated ". . . at the most two and perhaps one business day" after termination of the period. Assuming that the 60-day period for filing closed on August 30, 1978, which we believe is the correct interpretation of AS 01.10.080, the lawsuit remained alive, by order of the Supreme Court, until September 5, 1978. Thus it is clear that the North Slope Borough's litigation was alive and "pending" within the meaning of AS 29.18.211 for five days following the closing of the period for election specified by AS 29.18.211, without the Borough having properly elected to receive benefits under the new Act by filing a petition in the Supreme Court for dismissal with prejudice on or prior to August 30, 1978..

The attorney for the North Slope Borough asserts that the procedures specified in section 211 for the election of benefits are merely directory, and not mandatory, upon the Borough and the Department, and therefore any non-compliance may be excused by administrative discretion. This view is not supported by the Municipal Land Grant Act, nor by the legal interpretation placed upon grants of public land generally. Grants of public land to particular recipients have been construed strictly in favor of the government, and against the grantee, in numerous

Memo to Theodore G. Smith  
November 3, 1980  
Page 9  
A66-059-81

instances. Caldwell v. U.S., 250 U.S. 14 (1980); Wisconsin Central R.R. Co. v. U.S.; 164 U.S. 190 (1896); Great Northern Ry. Co. v. U. S., 315 U.S. 262 (1942); Andrus v. Charlestone Stone Products Co., 436 U.S. 604 (1978). This appears to be the general rule, and no significant line of cases is found which would construe a grant of public lands against the grantor, and in favor of the grantee.

With regard to this particular land grant, it is evident that the qualifying requirements of section 211 are mandatory, and not merely directory, for several reasons. First, the statute directs that "an election shall be made", which is a legislative statement clearly mandatory, not permissive. Second, the specific details of an acceptable election -- a motion for dismissal with prejudice filed in the court in which litigation is pending -- are clearly spelled out in section 211. Third, a fixed period for the filing of an effective motion for dismissal is specified. Fourth, and perhaps most importantly, the effect of the failure of a litigating municipality to file the required motion within the required time period is clearly stated: it ". . . shall be considered a waiver of entitlement under section 201-213 . . .". This statutory sanction is both definite and mandatory; unless it were contained in statute, any automatic waiver and forfeiture of land benefits would generally be a disfavored sanction, and outside the permissible administrative discretion of the Department. However, AS 29.18.201-213 makes it the sanction both authorized and required by law, supporting the interpretation that the provisions of AS 29.18.211 are mandatory and not directory.

V.  
FEDERAL ISSUES

Though some federal constitutional issues were raised in the Borough's appeal, they are not considered here. Theoretically, their existence could raise the possibility that the Borough, even after entry of the mandate by the Alaska Supreme Court, could have sought a hearing before the U. S. Supreme Court by appeal or writ of certiorari on these issues, thus keeping the lawsuit "alive" or pending beyond the date of entry of the Alaska Supreme Court's mandate. However, it is clear from the

Original sponsors: Hensley, Halford  
and Faiks

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 133 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

9 \* Section 1. AS 29.65.020(a) is amended to read:

10 (a) The general grant land entitlement of a city formerly eligi-  
11 ble to receive general grant land under the provisions of former  
12 AS 29.18.190 and 29.18.200 is 10 percent of the maximum total acreage  
13 of vacant, unappropriated, unreserved land in the boundaries of each  
14 city at any time between the initial date of eligibility under former  
15 AS 29.18.190 and 29.18.200 and January 1, 1988 [JULY 1, 1978]. Within  
16 six months after January 1, 1988 [JULY 1, 1978], the director shall  
17 determine the entitlement for each city eligible to receive general  
18 grant land under this section [FORMER AS 29.18.202] and certify that  
19 entitlement to the city.

20 \* Sec. 2. AS 29.65.030(a) is amended to read:

21 (a) The general grant land entitlement of a municipality incor-  
22 porated after July 1, 1978, that does not qualify for an entitlement  
23 under AS 29.65.010 or 29.65.020 is 10 percent of the maximum total  
24 acreage of vacant, unappropriated, unreserved land within the bound-  
25 aries of the municipality between [ON] the date of its incorporation  
26 and two years after that date.

27 \* Sec. 3. AS 29.65.030(b) is amended to read:

28 (b) Within two years and six months after the date of incorpo-  
29 ration of the [A] municipality [THAT IS INCORPORATED AFTER JULY 1,

1 1978], the director shall determine the entitlement of each municipal-  
2 ity eligible to receive general grant land under (a) of this section  
3 and certify the entitlement to the municipality.

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

5 (a) After July 1, 1978, general grant land entitlements provided  
6 in former AS 29.18.201 and [FORMER AS] 29.18.202 are vested property  
7 rights that must be fulfilled as provided in AS 29.65.050 or 29.65.-  
8 080. After January 1, 1988, general grant land entitlements provided  
9 in AS 29.65.010 are vested property rights that must be fulfilled as  
10 provided in AS 29.65.050 or 29.65.080.

11 \* Sec. 5. AS 29.65.040(c) is amended to read:

12 (c) Land may be selected or nominated for selection by a munic-  
13 ipality to satisfy a general grant land entitlement under former  
14 AS 29.18.201 and 29.18.202 at any time before October 1, 1980. Land  
15 may be selected or nominated for selection by a municipality to satis-  
16 fy a general grant land entitlement under AS 29.65.010 at any time  
17 before October 1, 1990. However, if a municipal selection or nomina-  
18 tion or a part of a municipal selection or nomination is rejected by  
19 the director, the municipality may, not later than 90 days after  
20 receipt of the rejection, select additional state land as necessary to  
21 satisfy its entitlement.

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

23 (b) All approved selections under former AS 29.18.190 and 29.-  
24 18.200 for which patent has not been issued to a municipality on July  
25 1, 1978, shall be reviewed by the director within nine months after  
26 July 1, 1978. Any approved selection of land that was vacant, unap-  
27 propriated, or unreserved on the date of selection is valid as of the  
28 date of the approval under former AS 29.18.190, [AND] 29.18.200,  
29 29.18.201, 29.18.202, and 29.18.203 and a patent shall be issued to

1 the municipality within three months after approval by the director of  
2 a plat of survey. The acreage shall be credited toward fulfillment of  
3 the municipality's entitlement. A municipality is not entitled to  
4 receive patent under this chapter to more than its entitlement de-  
5 termined under AS 29.65.010 - 29.65.030. Any prior approval by the  
6 director of municipal selections for land that was not vacant, unap-  
7 propriated, or unreserved on the date of selection shall be rescinded,  
8 and patent may not be issued except when disposal to a third party by  
9 sale or lease has occurred. Transfers of land to municipalities under  
10 this chapter are subject to AS 38.05.321. Classification actions as  
11 reflected on the land status records of the Department of Natural  
12 Resources are determinative of land classification status for purposes  
13 of this chapter.

14 \* Sec. 7. AS 29.65 is amended by adding a new section to read:

15 Sec. 29.65.122. PROHIBITION. A municipality may not acquire  
16 subsurface rights to land of the federal government by trading land  
17 received as a general grant land entitlement.

18 \* Sec. 8. AS 29.65.130(10) is amended to read:

19 (10) "vacant, unappropriated, unreserved land" means  
20 general grant land as defined in (3) of this section, excluding miner-  
21 als as required by sec. 6(i) of the Alaska Statehood Act, that

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

24 (B) has not been approved for patent to a municipal-  
25 ity under this chapter or former AS 29.18.190 and 29.18.200; [OR]

26 (C) is unclassified or, if classified under AS 38.-  
27 05.300, is classified for agricultural, grazing, material, public  
28 recreation, or settlement [COMMERCIAL, INDUSTRIAL, PRIVATE  
29 RECREATIONAL, RESIDENTIAL, UTILITY, OR OPEN-TO-ENTRY] purposes,

1 or is classified in accordance with an agreement between a munic-  
2 ipality and the state providing for state management of land of  
3 the municipality; or

4 (D) was classified no earlier than September 1, 1983,  
5 for resource management purposes and is still classified for  
6 resource management purposes under AS 38.05.300.

7 \* Sec. 9. Before January 1, 1988, the Department of Natural Resources  
8 shall consult with each municipality affected by this Act regarding classi-  
9 fications of state land within its boundaries and may assist the munic-  
10 ipality in identifying land suitable for selection in fulfillment of its  
11 general grant land entitlement.

12 \* Sec. 10. AS 29.65.010(b), 29.65.020(b), 29.65.030(c), and 29.65.110  
13 are repealed.

14 \* Sec. 11. Section 9 of this Act takes effect immediately under AS 01.-  
15 10.070(c).

16 \* Sec. 12. Sections 1 - 8 and 10 of this Act take effect January 1,  
17 1988.

1 IN THE SENATE BY HENSLEY, HALFORD AND FAIKS  
2 SENATE BILL NO. 133  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FIFTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL

6 For an Act entitled: "An Act relating to general grant land entitlements;  
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13 of vacant, unappropriated, unreserved land in the boundaries of each  
14 city at any time between the initial date of eligibility under former  
15 AS 29.18.190 and 29.18.200 and January 1, 1988 [JULY 1, 1978]. Within  
16 six months after January 1, 1988 [JULY 1, 1978], the director shall  
17 determine the entitlement for each city eligible to receive general  
18 grant land under this section [FORMER AS 29.18.202] and certify that  
19 entitlement to the city.

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26 and two years after that date.

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28 (b) Within two years and six months after the date of incorpo-  
29 ration of the [A] municipality [THAT IS INCORPORATED AFTER JULY 1,

1 1978], the director shall determine the entitlement of each  
2 municipality eligible to receive general grant land under (a) of this  
3 section and certify the entitlement to the municipality.

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16 satisfy a general grant land entitlement under AS 29.65.010 at any  
17 time before October 1, 1990. However, if a municipal selection or  
18 nomination or a part of a municipal selection or nomination is reject-  
19 ed by the director, the municipality may, not later than 90 days after  
20 receipt of the rejection, select additional state land as necessary to  
21 satisfy its entitlement.

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

23 (b) All approved selections under former AS 29.18.190 and  
24 29.18.200 for which patent has not been issued to a municipality on  
25 July 1, 1978, shall be reviewed by the director within nine months  
26 after July 1, 1978. Any approved selection of land that was vacant,  
27 unappropriated, or unreserved on the date of selection is valid as of  
28 the date of the approval under former AS 29.18.190, [AND] 29.18.200,  
29 29.18.201, 29.18.202, and 29.18.203 and a patent shall be issued to

1 the municipality within three months after approval by the director of  
2 a plat of survey. The acreage shall be credited toward fulfillment of  
3 the municipality's entitlement. A municipality is not entitled to  
4 receive patent under this chapter to more than its entitlement de-  
5 termined under AS 29.65.010 - 29.65.030. Any prior approval by the  
6 director of municipal selections for land that was not vacant, unap-  
7 propriated, or unreserved on the date of selection shall be rescinded,  
8 and patent may not be issued except when disposal to a third party by  
9 sale or lease has occurred. Transfers of land to municipalities under  
10 this chapter are subject to AS 38.05.321. Classification actions as  
11 reflected on the land status records of the Department of Natural  
12 Resources are determinative of land classification status for purposes  
13 of this chapter.

14 \* Sec. 7. AS 29.65.130(10) is amended to read:

15 (10) "vacant, unappropriated, unreserved land" means  
16 general grant land as defined in (3) of this section, excluding miner-  
17 als as required by sec. 6(i) of the Alaska Statehood Act, that

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

20 (B) has not been approved for patent to a municipal-  
21 ity under this chapter or former AS 29.18.190 and 29.18.200; or

22 (C) is unclassified or, if classified under AS 38.-  
23 05.300, is classified for agricultural, grazing, material, public  
24 recreation, resource management, settlement, or transportation  
25 corridor [COMMERCIAL, INDUSTRIAL, PRIVATE RECREATIONAL, RESI-  
26 DENTIAL, UTILITY, OR OPEN-TO-ENTRY] purposes, or is classified in  
27 accordance with an agreement between a municipality and the state  
28 providing for state management of land of the municipality.

29 \* Sec. 8. Before January 1, 1988, the Department of Natural Resources

1 shall consult with each municipality affected by this Act regarding classi-  
2 fications of state land within its boundaries and may assist the munic-  
3 ipality in identifying land suitable for selection in fulfillment of its  
4 general grant land entitlement.

5 \* Sec. 9. AS 29.65.010(b), 29.65.020(b), 29.65.030(c), and 29.65.110  
6 are repealed.

7 \* Sec. 10. Section 8 of this Act takes effect immediately under AS 01.-  
8 10.070(c).

9 \* Sec. 11. Sections 1 - 7 and 9 of this Act take effect January 1,  
10 1988.

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 3/12/87 5-DAY NOTICE  
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: FINANCE

\*\*FISCAL NOTE(S) ATTACHED        \*\*  
IN ACCORDANCE WITH AS 24.08.035  
(see below)

DATE TURNED INTO OFFICE 4/1/87

Mr. President:

COMMUNITY & REGIONAL AFFAIRS Committee considered SB 133

general grant land entitlements; efd.

and recommended:

replace with CS for SB 133 (C+RA)  same title  
 attached amendment(s) and  new title

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

letter of intent adopted and attached

\*\* Committee  attached or  adopted fiscal note(s)  
 zero  fiscal impact

MEMBERS SIGNING DO PASS

Rick Halford - unless amended

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OTHER RECOMMENDATIONS

Tim Shauff No Rec.  
Tim Kelly No Rec.  
Mr. [Signature] No Rec.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Arthur Stangeland Do Pass  
Chairman signature and recommendation

Committee Backup Attached