



LAWS OF ALASKA

1991

Source

SCS CSHB 143(CRA)

Chapter No.

51

AN ACT

Relating to general grant land selections; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 15, 1991

Actual Effective Date: June 16, 1991; section 1 is retroactive to June 2, 1986

AN ACT

1 Relating to general grant land selections; and providing for an effective date.
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5 * Section 1. AS 29.65.030(a) is amended to read:

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

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

16 (b) Within two years and six months after the date of incorporation of the municipality,
17 the director shall determine the entitlement of each municipality eligible to receive general grant
18 land under (a) of this section and certify the entitlement to the municipality. However, the
19 governing body of a city may, by resolution, request the director to certify the entitlement
20 to the city on an expeditious basis. The director shall determine and certify the entitlement
21 within six months after receipt of the resolution.

Chapter 51

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

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

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

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

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

20 (d) Before disapproving a selection, the director shall notify the municipality in writing
21 of the decision and set out reasons for it. The municipality may submit a written response within
22 30 days after receipt of the notice. Within 30 days after the period for responding has expired,
23 the director shall affirm, modify, or reverse the decision and supply the municipality with written
24 notice of that action. If the selection is disapproved, the municipality may file notice of an
25 appeal with the director. The appeal shall be heard under procedures adopted by regulation of
26 the Department of Natural Resources. Before reaching a decision on an appeal the Department
27 of Natural Resources shall request the Department of Community and Regional Affairs to review
28 the matter and submit a recommendation. After reviewing the recommendation, a decision on
29 the appeal shall be submitted by the Department of Natural Resources to the municipality in
30 writing within 30 days after the notice of appeal was filed with the director. A municipality may

1 appeal an adverse decision to the superior court under AS 44.62.560 - 44.62.570.

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

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

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

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

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

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

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

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

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