

**SENATE BILL NO. 56**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATOR LEMAN

Introduced: 1/27/95

Referred: CRA, RES

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to rights in certain tide and submerged land."**

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

3 \* **Section 1.** AS 38.05 is amended by adding a new section to read:

4           Sec. 38.05.825. CONVEYANCE OF TIDE AND SUBMERGED LAND TO  
5 MUNICIPALITIES. (a) The commissioner shall convey to a municipality tide or  
6 submerged land requested by the municipality that is occupied or suitable for  
7 occupation and development if the

8                       (1) use of the land would not unreasonably interfere with navigation  
9 or public access;

10                      (2) municipality has applied to the commissioner for conveyance of the  
11 land under this section;

12                      (3) land is classified for waterfront development or for another use that  
13 is consistent or compatible with the use proposed by the municipality, or the proposed  
14 use of the land is consistent or compatible with a land use plan adopted by the  
15 municipality, the department, or the Alaska Coastal Policy Council; and

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(4) land

(A) is required for the accomplishment of a public or private development approved by the municipality;

(B) is the subject of a lease from the state to the municipality;

or

(C) has been approved for lease to the municipality.

(b) The commissioner may not convey land under this section that has been designated by statute unless the commissioner determines that the proposed use is consistent or compatible with the purpose of the statutory designation. If land designated by statute is conveyed, uses of the land after conveyance are restricted to those uses determined by the commissioner to be consistent or compatible with the purpose of the designation.

(c) Upon receipt of an application, the commissioner shall determine whether the requested conveyance meets the requirements of this section and issue a written decision regarding that determination. Upon a determination that the requirements have been met, the commissioner shall approve the conveyance of the land to the municipality. After conveyance to the municipality is approved, the municipality has management authority of the land and may convey the land by lease or sale. The cost of the survey and all subdivision or other platting required for conveyance shall be borne by the municipality.

(d) A conveyance under this section may contain only those restrictions required by law, including AS 38.05.127 and (b) of this section. Land conveyed is subject to the public trust doctrine that may be enforced by the state in a court of competent jurisdiction. The municipality shall be required to ensure that reasonable access to public waters is provided. Title to land conveyed under this section that is retained by the municipality reverts to the state upon the dissolution of the municipality.

(e) This section does not enlarge or diminish the general grant land entitlement of a municipality under AS 29.65, nor is a conveyance under this section counted against the municipality's general grant land entitlement.