

SENATE BILL NO. 351

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Introduced: 3/22/02

Referred: Community and Regional Affairs, Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to conveyance of tide and submerged land to municipalities."**

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

3 * **Section 1.** AS 38.05.825(a) is amended to read:

4 (a) Unless the commissioner **identifies a specific state use or statutory**
5 **reservation of the land and** finds that the public interest in retaining state ownership
6 of the land **for that use** clearly outweighs the municipality's interest in obtaining the
7 land, the commissioner shall convey to a municipality tide or submerged land
8 requested by the municipality [THAT IS OCCUPIED OR SUITABLE FOR
9 OCCUPATION AND DEVELOPMENT] if the

10 (1) land is within or contiguous to the boundaries of the municipality;

11 (2) **ownership** [USE] of the land **by the municipality** would not
12 unreasonably interfere with navigation or public access;

13 (3) municipality has **requested** [APPLIED TO THE
14 COMMISSIONER FOR] conveyance of the land under this section; **and**

15 (4) land is not subject to a shore fisheries lease under AS 38.05.082,

1 or, if the land is subject to a shore fisheries lease, the commissioner determines it is in
2 the best interests of the state to convey the land [;

3 (5) LAND IS CLASSIFIED FOR WATERFRONT DEVELOPMENT
4 OR FOR ANOTHER USE THAT IS CONSISTENT OR COMPATIBLE WITH THE
5 USE PROPOSED BY THE MUNICIPALITY, OR THE PROPOSED USE OF THE
6 LAND IS CONSISTENT OR COMPATIBLE WITH A LAND USE PLAN
7 ADOPTED BY THE MUNICIPALITY, THE DEPARTMENT, OR THE ALASKA
8 COASTAL POLICY COUNCIL; AND

9 (6) LAND

10 (A) IS REQUIRED FOR THE ACCOMPLISHMENT OF A
11 PUBLIC OR PRIVATE DEVELOPMENT APPROVED BY THE
12 MUNICIPALITY;

13 (B) IS THE SUBJECT OF A LEASE FROM THE STATE TO
14 THE MUNICIPALITY; OR

15 (C) HAS BEEN APPROVED FOR LEASE TO THE
16 MUNICIPALITY].

17 * **Sec. 2.** AS 38.05.825(c) is amended to read:

18 (c) Upon receipt of an application, the commissioner shall determine whether
19 the requested conveyance meets the requirements of this section and issue a written
20 decision regarding that determination. Upon a determination that the requirements
21 have been met, the commissioner shall approve the conveyance of the land to the
22 municipality **and convey title to the municipality. If the commissioner fails to**
23 **issue a decision within 90 days of receipt of the request, the request of the**
24 **municipality shall be considered granted, and the commissioner shall convey title**
25 **to the municipality.** After conveyance **of title** to the municipality [IS APPROVED],
26 the municipality has management authority of the land and may lease, **develop, or sell**
27 the land. **If the land to be conveyed has not been surveyed, the municipality shall**
28 **provide the commissioner with a proposed legal description of the property to be**
29 **conveyed. Conveyance shall be based upon that description unless the**
30 **commissioner can show defects in the description. Any property conveyed**
31 **without prior survey must be surveyed and, if necessary, resubdivided before its**

1 **lease, development, or sale** [, BUT MAY NOT SELL IT]. The cost of **any required**
2 [THE] survey and all subdivision or other platting required for **lease, development, or**
3 **sale** [CONVEYANCE] shall be borne by the municipality.