

1 IN THE HOUSE

BY MR. FREEMAN

2 HOUSE BILL NO. 91

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act amending Section 4, Article III,
7 Chapter 184, SLA 1957."

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

9 Section 1. Section 4, Article III, Chapter 184, SLA 1957
10 is hereby amended to read as follows:

11 Sec. 4. PUBLIC USE: PREFERENCE TO OCCUPANTS: RECOG-
12 NIZING VALUE OF IMPROVEMENTS IN COMPUTING PURCHASE PRICE.

13 (1) The lease, sale, or other disposal of any
14 Alaska lands or resources may be made to any Alaska or
15 Federal agency, political subdivision or non-profit
16 organization for less than the appraised value, as may be
17 determined by the Board, or its successor agency or official
18 to be fair and proper and in the best interests of the
19 public, with due consideration being given to the nature (a)
20 of the public services or function rendered by the said
21 agency, subdivision or non-profit organization making
22 application therefor, and (b) of the terms of the grant under
23 which the land was acquired by Alaska.

24 (2) (a) In the disposition of tide lands or
25 submerged lands owned by the State IN ANY MANNER OF ANY
26 TIDELANDS ACQUIRED PURSUANT TO ANY FEDERAL STATUTE HERE-
27 AFTER ENACTED, which are occupied by or developed for a
28 municipal corporation or any other political subdivision,
29 organized under the laws of Alaska, or are occupied by or

1 developed for any residential, industrial or AND commercial
2 or other beneficial purposes, on the effective date of this
3 Act, OR AS MAY BE OTHERWISE REQUIRED BY SUCH FEDERAL
4 STATUTES, 7 the Board, or its successor agency or official,
5 notwithstanding any other provisions of this Act, shall
6 afford a preference right in accordance with SUCH FEDERAL
7 STATUTES OR 7 this Act to the lawful occupants thereof or
8 such occupant's successor in interest.

9 In the event the said land is occupied by a person
10 other than the owner of the improvements thereon, the owners
11 of the improvements shall, for the purpose of this sub-
12 section, be considered the occupant of said lands.

13 FOR THE PURPOSE OF THIS SUBSECTION, THE FOLLOWING
14 DEFINITIONS SHALL APPLY:

15 1. "TIDELANDS" SHALL MEAN THOSE LANDS PERIODICALLY
16 OR CONTINUOUSLY COVERED BY TIDAL WATERS LYING SEAWARD
17 OF SURVEYED TOWNS BETWEEN THE ELEVATION OF MEAN HIGH
18 TIDE AND THE PIERHEAD LINE.

19 2. "PIERHEAD LINE" SHALL MEAN A PIERHEAD LINE
20 ESTABLISHED NOW OR IN THE FUTURE, BY THE CORPS OF
21 ENGINEERS OF THE DEPARTMENT OF THE ARMY AS THE OUTER
22 LIMIT TO WHICH MAN-MADE FACILITIES MAY BE PERMITTED
23 TO EXTEND OVER AND IN NAVIGABLE WATERS WITHIN OR
24 ADJACENT TO A SURVEYED TOWNSITE. 7

25 (b) The preference rights to purchase granted in
26 this subsection, (2) (b), shall apply only to the lawful
27 occupant of tideland who, as of February 1, 1957, held a
28 valid permit from the United States of America, through an
29 authorized agency thereof either for the use of such tide-

1 lands or submerged lands [/TIDELAND/] or certifying that the
2 occupant's use did not interfere with navigation or who,
3 by themselves or together with their predecessors in interest,
4 have occupied such tide lands or submerged lands [/TIDELAND/]
5 for a continuous period of five years prior to February 1,
6 1957. Such preference rights shall be transferable. Such
7 preference rights shall be forfeited and lost unless applica-
8 tion in writing is made for acquisition of said land within
9 one year from the date of determination by regulation or
10 ordinance as being the first date upon which applications
11 will be accepted by the Board, or successor agency or
12 official, municipal corporation, or other political sub-
13 division. The Board, or successor agency or official, and
14 the governing body of any municipal corporation or other
15 political subdivision having control of such tide lands
16 or submerged lands, [/TIDELANDS/] shall honor such preference
17 rights herein granted with reasonable diligence.

18 Municipal corporations or other political subdivisions
19 may make application to the Board, or its successor agency
20 or official, for conveyance of title of all or a portion
21 of the tide lands or submerged lands situated within or
22 adjacent to a municipal corporation or other political
23 subdivision. Such application shall be in the form of a
24 plat embracing the tide lands or submerged lands and con-
25 taining thereon a meets and bounds description of the
26 exterior boundaries of the tide lands and submerged lands
27 covered by the plat. Such plats shall not embrace tide
28 lands or submerged lands seaward of a harbor line in those
29 cases where harbor lines have been established by the Corps

1 of Engineers, U. S. Army, in accordance with the Act of
2 1899. In those cases where harbor lines have not been
3 established the plat shall generally embrace tide lands
4 or submerged lands which have been occupied or which are
5 suitable for development without interfering with navigation
6 Plats in the latter class are subject to approval by the
7 Board, or its successor agency or official, before convey-
8 ance of title as hereinafter provided.

9 Upon receipt of application it shall be mandatory for
10 the Board, or successor agency or official, to convey all
11 tide lands or submerged lands [TIDELAND] situated within
12 or adjacent to a municipal corporation or other political
13 subdivisions, to such corporation or political subdivisions.
14 The governing bodies shall thereafter convey such lands to
15 the lawful occupant or such occupant's successor in interest,
16 who shall be afforded the preference right of purchase
17 granted herein; provided, however, [AND UNLESS REQUIRED
18 OTHERWISE BY FEDERAL LAW,] the purchase price of any such
19 tideland tract conveyed by the governing body of such
20 municipal corporation or other political subdivision shall
21 not exceed the actual cost of surveying, transferring, and
22 conveying the lands to the lawful occupants or such
23 occupant's successors in interest. Any governing body may
24 request assistance from the Board, or successor agency or
25 official, to complete the conveyance of any such lands, and
26 the Board, or successor agency or official, in its discretion
27 may provide such assistance.

28 The Board, or successor agency or official, shall
29 convey such tide lands or submerged lands, for which no

1 municipal corporation or political subdivision has made
2 application and such lands [/TIDELANDS/], not within or
3 adjacent to a municipal corporation or any political sub-
4 division, to the lawful occupant or such occupant's
5 successor in interest who shall be afforded the preference
6 right of purchase granted herein; provided, however, [/AND
7 UNLESS REQUIRED OTHERWISE BY FEDERAL LAW,] the purchase
8 price of any such lands [/TIDELAND TRACT/] conveyed by the
9 Board shall not exceed the actual cost of surveying, trans-
10 ferring and conveying the lands to the lawful occupant or
11 such occupant's successor in interest.

12 (c) Any occupant or the occupant's successor in
13 interest granted a preference right by [/FEDERAL STATUTE OR/]
14 this section, not qualified to exercise any such right under
15 subsection (2) (b) herein, shall be given a preferred right
16 to purchase or lease tide lands or submerged lands [/TIDE-
17 LANDS/] occupied by such occupant or the occupant's successor
18 in interest; provided, however, the Board, or successor
19 agency or official, the municipal corporation or any
20 political subdivision selling or leasing such lands may
21 impose such terms or conditions as it deems desirable;
22 but in case of sale, the purchase price shall equal the
23 appraised fair market value, less any value accruing from
24 the improvements, or the development by the grantee, or
25 his predecessor in interest, or reflecting his equities.

26 (d) Where no preference right has been granted
27 to purchase or lease tide lands or submerged lands [/TIDE-
28 LANDS/] the Board, or successor agency or official, the
29 municipal corporation or any political subdivision may, in

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its discretion, sell or lease any such lands, and may impose such terms or conditions as it deems desirable, but in case of sale, the purchase price of the land shall equal the appraised fair market value thereof.