

1 IN THE HOUSE BY MESSRS. STRANDBERG AND TILLION
2 HOUSE BILL NO. 307
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRD LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the transfer of tide and
7 submerged lands."

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

9 * Section 1. AS 38.05.320(a) is amended to read:

10 (a) It is the policy of the state to allow preference
11 rights for the acquisition of tidelands and submerged lands
12 [OCCUPIED OR DEVELOPED FOR MUNICIPAL BUSINESS, RESIDENTIAL
13 OR OTHER BENEFICIAL PURPOSES ON OR BEFORE THE DATE OF ADMIS-
14 SION OF ALASKA INTO THE UNION]. Nothing in this section
15 vests the right in a person to acquire the lands until a
16 conveyance from the state is delivered to the grantee.

17 * Sec. 2. AS 38.05.320(b) is amended to read:

18 (b) A municipal corporation [INCORPORATED ON OR BEFORE
19 JANUARY 3, 1959,] may apply, in the manner prescribed by the
20 director, and in accordance with such regulations as the
21 director may adopt [WITHIN THREE YEARS FROM THE DATE OF
22 DETERMINATION BY REGULATION AS BEING THE FIRST DATE UPON WHICH
23 APPLICATIONS WILL BE ACCEPTED BY THE DIRECTOR], for a con-
24 veyance to it of all lands seaward of the municipal corpora-
25 tion which are between the mean high tide line in, or forming
26 the boundary of, the municipal corporation, and a line to be
27 shown on a plat made a part of the application which shall
28 be the pierhead line established under the Act of September
29 7, 1957, or the harbor line established under the Act of

1 March 3, 1899, or if no pierhead line or harbor line is
2 established then a line subject to approval by the director,
3 with the concurrence of the commissioner, which shall be
4 seaward of all tidelands and submerged lands occupied or
5 suitable for occupation and development without unreasonable
6 interference with navigation. The director shall convey these
7 tide and submerged lands to the municipal corporations.

8 (1) Each municipal corporation granted a conveyance
9 shall prepare an official subdivision plat of the area con-
10 veyed showing all structures and improvements and the
11 boundaries of each tract occupied or developed, together with
12 the name of the owner or claimant. The subdivisional plat
13 shall include within the boundaries of each tract occupied or
14 developed such surrounding tide and submerged lands as are
15 reasonably necessary in the opinion of the governing body of
16 the municipal corporation for the use and enjoyment of the
17 structures and improvements by the owner or claimant, but
18 shall not include tide or submerged lands which if granted to
19 the occupant would unjustly deprive an occupant of adjoining
20 lands from his reasonable use and enjoyment of them.

21 (2) An occupant of land included in the conveyance
22 to a municipal corporation, who occupied or developed the land
23 on and before September 7, 1957, has a class I preference
24 right to the lands from the municipal corporation upon the
25 execution of a waiver to the state and the municipal corpora-
26 tion of all rights the occupant may have acquired under
27 Public Law 85-303 (71 Stat. 623).

28 (3) An occupant of land included in the conveyance
29 to a municipal corporation, who has a class II preference



1 right by reason of the conveyance to a municipal corporation,
2 and is unwilling to waive the right has a preference right to
3 the lands which it is mandatory for the municipal corporation
4 to expeditiously honor upon application from the occupant
5 after the Secretary of the Army has submitted to the Secretary
6 of the Interior and the governor of the state maps showing
7 the pierhead line established by the corps of engineers with
8 respect to the tract so granted.

9 (4) An occupant of land included in the conveyance
10 to a municipal corporation, who occupied or developed the
11 land after September 7, 1957, and before January 3, 1959, and
12 who continued to occupy it on January 3, 1959, has a class III
13 preference right to the lands from the municipal corporation.

14 (5) The preference rights granted an occupant are
15 lost unless the occupant applies to exercise the preference
16 right within two years from the date the municipal corpora-
17 tion determines by ordinance that it will accept applications
18 for the exercise of preference rights.

19 (6) In making a conveyance to an occupant, the
20 municipal corporation shall include as a part of the tract
21 conveyed and in addition to the occupied or developed lands,
22 such additional tide and submerged lands as are reasonably
23 necessary in the opinion of the governing body of the municipi-
24 pal corporation for the occupant's use and enjoyment of the
25 occupied or developed land, but the conveyance shall not in-
26 clude any area which would unjustly deprive an occupant of
27 adjoining lands from reasonable use and enjoyment of those
28 lands or which, if developed, will interfere with navigation.

29 (7) Each municipal corporation receiving convey-

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ances shall by ordinance provide for reasonable regulations governing the filing and processing of applications, publication of notices and the adjudication of disputes between claimants by the governing body of the corporation. A party aggrieved by its determination may appeal to the superior court.

(8) When no preference right has been granted to purchase or lease tidelands, the municipal corporation may sell or lease the tidelands conveyed to it, and may impose terms or conditions for the sale or lease.

* Sec. 3. AS 38.05.320(d) is amended by adding a new paragraph to read:

(8) "municipal corporation" includes a borough.