

Original Sponsor:
Mr. Hammond

Offered: 3/14/64
Referred: Local Govern-
ment

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 390

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 state
7 lands to organized boroughs."

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

9 * Section 1. AS 07.10.150 is repealed and re-enacted to read:

10 Sec. 07.10.150. STATE LANDS. An organized borough may
11 select up to 10 per cent of the vacant, unappropriated, un-
12 reserved state lands located within the borough boundaries
13 which have been selected under general and community grants
14 or otherwise acquired. Ten per cent of the tide and sub-
15 merged lands lying seaward of state, borough, or private up-
16 lands are also available for selection by the borough. Lands
17 selected are subject to any valid existing rights. Selection
18 procedures shall be established by regulations promulgated by
19 the Department of Natural Resources in conformity with the
20 Administrative Procedure Act (AS 44.62).

21 * Sec. 2. AS 07.10.160 is repealed and re-enacted to read:

22 Sec. 07.10.160. SELECTION PROCEDURE. (a) The direc-
23 tor of the division of lands shall adjudicate each selection
24 by a borough, and shall grant tentative approval of the
25 selection, if appropriate. His approval is effective as of
26 the date of notation on the official land records of the
27 division. Lands selected and tentatively approved shall be
28 managed by the division in the same manner that university
29 lands are managed under AS 38.05.030, but subject to the

1 approval of the borough assembly rather than the Board of
2 Regents. The division shall credit receipts from disposals
3 of land to the account of the borough through the department
4 of revenue, after deducting direct costs of appraisal,
5 survey, advertising, and sale.

6 (b) When a borough is ready to accept full management
7 of any or all of the lands selected by it and tentatively
8 approved by the director, and has adopted ordinances con-
9 sistent with AS 38.05, the division shall have the land
10 surveyed at the borough's expense and shall patent the lands
11 to the borough. All leases, permits, and sale contracts
12 are transferred to the borough with the patent. The division
13 shall turn over to the borough all pertinent documents and
14 records. Transfers to the borough do not affect existing
15 rights. Tidelands conveyed to the borough may not be dis-
16 posed of by sale, grant, deed or patent but may only be
17 leased by the borough. Tidelands disposed of contrary to
18 the provisions of this subsection are forfeited to the
19 state and shall be recovered by appropriate proceedings
20 instituted by the attorney general.

21 (c) To preserve their integrity, timber management
22 units remain under the management of the state. Land in
23 timber management units may be reclassified by agreement of
24 the state and the borough.

25 (d) AS 38.05.125 applies to grants of land to boroughs.
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