

Introduced: 3/6/64
Referred: Judiciary

BY SENATORS MCNEALY,
OWEN AND V. PHILLIPS

1 IN THE SENATE

2 SENATE BILL NO. 313

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act defining 'occupant' in relation to
7 occupied tidelands and submerged lands; and
8 providing for an effective date."

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

10 * Section 1. AS 38.05.320(d)(1) is amended to read:

11 (1) "occupant" means a person or his successor in
12 interest, who actually occupied for business, residential or
13 other beneficial purpose, tidelands, or tidelands and sub-
14 merged lands contiguous to tidelands, in the state, on and
15 before January 3, 1959, with substantial permanent improve-
16 ments. The holder of a permit or clearance in respect to
17 interference of navigation, or of a special use permit from a
18 government agency does not qualify as an "occupant" unless
19 entry on the land had, through exercise of reasonable dili-
20 gence, resulted in occupancy and substantial permanent im-
21 provements to the extent that (A) such improvements, if com-
22 menced before January 3, 1959, were in place and completed
23 before January 3, 1960, (B) such improvements were within
24 the physical area embraced in the permit or clearance, and
25 (C) that such permit or clearance had not expired before
26 January 3, 1959, as to the physical area; no person is an
27 occupant by reason of having (A) placed a fish trap in
28 position for operation or upon the tide or submerged land for
29 storage, (B) placed a set net or piling for a set net, or

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any other device or facility for taking fish, (C) placed pilings or dolphins for log storage or other moorage, (D) placed floats or vessels upon the tide or submerged land, (E) placed telephone, power or other transmission facilities, roads, trails or other improvements not requiring exclusive use or possession of tide or submerged lands, or (F) claimed the land by virtue of some form of constructive occupancy; where land is occupied by a person other than the owner of the improvements on it, the owner of the improvements is, for the purposes of this section, the occupant of the lands;

* Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.