

Introduced: 2/8/65
Referred: Local
Government

RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 90

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the transfer of tide-
7 lands and submerged lands to home rule
8 cities and cities of the first class; and
9 providing for an effective date."

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

11 * Section 1. AS 38.05.320(b) is amended to read:

12 (b) Home rule cities and cities of the first class
13 incorporated on or before April 1, 1964, may apply, in the
14 manner prescribed by the director, and in accordance with
15 such regulations as the director may adopt, for a conveyance
16 to them of all lands seaward of the boundaries of the home
17 rule cities and cities of the first class existing on June 30
18 1965 which are between the mean high tide line in, or forming
19 the boundary of, the home rule cities and cities of the first
20 class, and a line to be shown on a plat made a part of the
21 application which shall be the pierhead line established
22 under the Act of September 7, 1957, or the harbor line estab-
23 lished under the Act of March 3, 1899, or if no pierhead
24 line or harbor line is established then a line subject to
25 approval by the director, with the concurrence of the com-
26 missioner, which shall be seaward of all tidelands and sub-
27 merged lands occupied or suitable for occupation and develop-
28 ment without unreasonable interferences with navigation.
29 The director shall convey these tide and submerged lands to

1 home rule cities and cities of the first class. Applications
2 by preference right claimants filed with the director before
3 June 30, 1964, shall continue to be processed to a final
4 determination and conveyance, if any, by the director, if
5 such preference right claimants are entitled to a conveyance
6 from the director under the laws existing previous to July 22,
7 1964.

8 (1) Each home rule city and city of the first class
9 granted a conveyance shall prepare an official subdivision
10 plat of the area conveyed showing all structures and improve-
11 ments and the boundaries of each tract occupied or developed
12 together with the name of the owner or claimant. The subdivi-
13 sional plat shall include within the boundaries of each
14 tract occupied or developed such surrounding tide and sub-
15 merged lands as are reasonably necessary in the opinion of the
16 governing body of the home rule cities and cities of the first
17 class for the use and enjoyment of the structures and improve-
18 ments by the owner or claimant, but shall not include tide or
19 submerged lands which if granted to the occupant would un-
20 justly deprive an occupant of adjoining lands from his reason-
21 able use and enjoyment of them.

22 (2) An occupant of land included in the conveyance
23 to home rule cities and cities of the first class, who occu-
24 pied or developed the land on and before September 7, 1957,
25 has a class I preference right to the lands from the home rule
26 cities and cities of the first class upon the execution of a
27 waiver to the state and the home rule cities and cities of the
28 first class of all rights the occupant may have acquired under
29 Public Law 85-303 (71 Stat. 623).

1 (3) An occupant of land included in the conveyance
2 to home rule cities and cities of the first class, who has a
3 class II preference right by reason of the conveyance to home
4 rule cities and cities of the first class, and is unwilling
5 to waive the right has a preference right to the lands which
6 it is mandatory for the home rule cities and cities of the
7 first class to expeditiously honor upon application from the
8 occupant after the Secretary of the Army has submitted to the
9 Secretary of the Interior and the governor of the state maps
10 showing the pierhead line established by the corps of
11 engineers with respect to the tract so granted.

12 (4) An occupant of land included in the conveyance
13 to home rule cities and cities of the first class, who occu-
14 pied or developed the land after September 7, 1957, and
15 before January 3, 1959, and who continued to occupy it on
16 January 3, 1959, has a class III preference right to the
17 lands from the home rule cities and cities of the first class.

18 (5) In making a conveyance to an occupant, the
19 home rule cities and cities of the first class shall include
20 as a part of the tract conveyed and in addition to the occu-
21 pied or developed lands, such additional tide and submerged
22 lands as are reasonably necessary in the opinion of the
23 governing body of the home rule cities and cities of the
24 first class 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 (6) Each home rule city and city of the first

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class receiving conveyances 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 home rule cities and cities of the first class. A party aggrieved by its determination may appeal to the superior court.

(7) When no preference right has been granted to purchase or lease tidelands, the home rule cities and cities of the first class may sell or lease the tidelands conveyed to them, and may impose terms or conditions for the sale or lease. Such terms and conditions shall include such reservations of rights of way as are necessary to provide reasonable access to public waters.

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