

Introduced: 2/8/65
Referred: Local Government

1 IN THE HOUSE

RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

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

1 shall convey these tide and submerged lands to home rule
2 cities and cities of the first or second class. Applications
3 by preference right claimants filed with the director before
4 June 30, 1964, shall continue to be processed to a final
5 determination and conveyance, if any, by the director, if
6 such preference right claimants are entitled to a conveyance
7 from the director under the laws existing previous to July
8 22, 1964.

9 (1) Each home rule city and city of the first or
10 second class granted a conveyance shall prepare an official
11 subdivision plat of the area conveyed showing all structures
12 and improvements and the boundaries of each tract occupied or
13 developed, together with the name of the owner or claimant.
14 The subdivisional plat shall include within the boundaries
15 of each tract occupied or developed such surrounding tide
16 and submerged lands as are reasonably necessary in the
17 opinion of the governing body of the home rule cities and
18 cities of the first or second class for the use and enjoy-
19 ment of the structures and improvements by the owner or
20 claimant, but shall not include tide or submerged lands
21 which if granted to the occupant would unjustly deprive an
22 occupant of adjoining lands from his reasonable use and en-
23 joyment of them.

24 (2) An occupant of land included in the convey-
25 ance to home rule cities and cities of the first or second
26 class, who occupied or developed the land on and before
27 September 7, 1957, has a class I preference right to the lands
28 from the home rule cities and cities of the first or second class
29 upon the execution of a waiver to the state and the home rule

1 cities and cities of the first or second class of all rights
2 the occupant may have acquired under Public Law 85-303
3 (71 Stat. 623).

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

16 (4) An occupant of land included in the convey-
17 ance to home rule cities and cities of the first or second
18 class, who occupied or developed the land after September 7,
19 1957, and before January 3, 1959, and who continued to
20 occupy it on January 3, 1959, has a class III preference
21 right to the lands from the home rule cities and cities of
22 the first or second class.

23 (5) In making a conveyance to an occupant, the
24 home rule cities and cities of the first or second class
25 shall include as a part of the tract conveyed and in
26 addition to the occupied or developed lands, such additional
27 tide and submerged lands as are reasonably necessary in the
28 opinion of the governing body of the home rule cities and
29 cities of the first or second class for the occupant's use

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

and enjoyment of the occupied or developed land, but the conveyance shall not include any area which would unjustly deprive an occupant of adjoining lands from reasonable use and enjoyment of those lands or which, if developed, will interfere with navigation.

(6) Each home rule city and city of the first or second 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 or second 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 or second 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.

L