

1 IN THE HOUSE

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2 HOUSE BILL NO. 41

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to preference rights of local
7 governments for tidelands acquisition."

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

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

10 (b) Unified municipalities organized under AS 29.85, home [HOME]
11 rule cities and cities of the first class incorporated on or before
12 January 1, 1971 [APRIL 1, 1964,] may apply, in the manner prescribed by
13 the director, and in accordance with such regulations as the director
14 may adopt, for a conveyance to them of all lands seaward of the home
15 rule cities and cities of the first class which are between the mean
16 high tide line in, or forming the boundary of, the home rule cities
17 and cities of the first class, and a line to be shown on a plat made
18 a part of the application which shall be the pierhead line established
19 under the Act of September 7, 1957, or the harbor line established
20 under the Act of March 3, 1899, or if no pierhead line or harbor line
21 is established then a line subject to approval by the director, with
22 the concurrence of the commissioner, which shall be seaward of all
23 tidelands and submerged lands occupied or suitable for occupation and
24 development without unreasonable interference with navigation. The
25 director shall convey these tide and submerged lands to home rule
26 cities and cities of the first class. Applications by preference right
27 claimants filed with the director before June 30, 1964, shall continue
28 to be processed to a final determination and conveyance, if any, by
29 the director, if such preference right claimants are entitled to a

1 conveyance from the director under the laws existing previous to
2 July 22, 1964.

3 (1) Each home rule city and city of the first class granted
4 a conveyance shall prepare an official subdivision plat of the area
5 conveyed showing all structures and improvements and the boundaries
6 of each tract occupied or developed, together with the name of the
7 owner or claimant. The subdivisional plat shall include within the
8 boundaries of each tract occupied or developed such surrounding tide
9 and submerged lands as are reasonably necessary in the opinion of the
10 governing body of the home rule cities and cities of the first class
11 for the use and enjoyment of the structures and improvements by the
12 owner or claimant, but shall not include tide or submerged lands which
13 if granted to the occupant would unjustly deprive an occupant of
14 adjoining lands from his reasonable use and enjoyment of them.

15 (2) An occupant of land included in the conveyance to home
16 rule cities and cities of the first class, who occupied or developed
17 the land on and before September 7, 1957, has a class I preference
18 right to the lands from the home rule cities and cities of the first
19 class upon the execution of a waiver to the state and the home rule
20 cities and cities of the first class of all rights the occupant may
21 have acquired under Public Law 85-303 (71 Stat. 623).

22 (3) An occupant of land included in the conveyance to home
23 rule cities and cities of the first class, who has a class II preference
24 right by reason of the conveyance to home rule cities and cities of
25 the first class, and is unwilling to waive the right has a preference
26 right to the lands which it is mandatory for the home rule cities and
27 cities of the first class to expeditiously honor upon application from
28 the occupant after the Secretary of the Army has submitted to the
29 Secretary of the Interior and the governor of the state maps showing

1 the pierhead line established by the corps of engineers with respect
2 to the tract so granted.

3 (4) An occupant of land included in the conveyance to home
4 rule cities and cities of the first class, who occupied or developed
5 the land after September 7, 1957, and before January 3, 1959, and
6 who continued to occupy it on January 3, 1959, has a class III pref-
7 erence right to the lands from the home rule cities and cities of the
8 first class.

9 (5) In making a conveyance to an occupant, the home rule
10 cities and cities of the first class shall include as a part of the
11 tract conveyed and in addition to the occupied or developed lands, such
12 additional tide and submerged lands as are reasonably necessary in the
13 opinion of the governing body of the home rule cities and cities of
14 the first class for the occupant's use and enjoyment of the occupied
15 or developed land, but the conveyance shall not include any area which
16 would unjustly deprive an occupant of adjoining lands from reasonable
17 use and enjoyment of those lands or which, if developed, will inter-
18 fere with navigation.

19 (6) Each home rule city and city of the first class receiving
20 conveyances shall by ordinance provide for reasonable regulations
21 governing the filing and processing of applications, publication of
22 notices, and the adjudication of disputes between claimants by the
23 governing body of the home rule cities and cities of the first class.
24 A party aggrieved by its determination may appeal to the superior
25 court.

26 (7) When no preference right has been granted to purchase
27 or lease tidelands, the home rule cities and cities of the first class
28 may sell or lease the tidelands conveyed to them, and may impose terms
29 or conditions for the sale or lease. Such terms and conditions shall

1 include such reservation of rights-of-way as are necessary to provide
2 reasonable access to public waters.
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