

Introduced: 3/11/74  
Referred: Resources and  
Judiciary

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE  
BY REQUEST

2 HOUSE BILL NO. 771

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public rights-of-way."

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

8 \* Section 1. INTENT. It is the intent of this Act that free access  
9 along state waters be provided for the use and enjoyment of the citizens  
10 of the state.

11 \* Sec. 2. AS 38.05 is amended by adding a new section to read:

12 Sec. 38.05.355. PUBLIC RIGHT-OF-WAY RESERVATIONS REQUIRED. (a)  
13 After the effective date of this Act, no state land may be sold, leased,  
14 or otherwise disposed of under AS 38 unless a right-of-way is reserved  
15 to the state for public access adjacent to all shorelands, tide and  
16 submerged lands, and other navigable waters. The right-of-way reserved  
17 under this section shall be no less than 15 feet in width, and be  
18 closed to the operation of motorized vehicles, unless expressly author-  
19 ized in specific areas by the commissioner.

20 (b) Persons holding an interest in land prior to the effective  
21 date of this Act, including but not limited to a lease application,  
22 agreement to lease, or an option to renew or lease, are not subject to  
23 the right-of-way reservation provided in (a) of this section.

24 (c) When a lease or other interest in land granted under the  
25 authority of AS 38 terminates without renewal and the interest reverts  
26 to the state, the provisions of this section apply to a succeeding  
27 lessee or interest holder.