

Division of Lands:

Big Lake forest management and protection facility	\$95,000
Anchorage equipment storage and carpenter shop building	60,000

Sec. 4. This Act takes effect on the day after its passage and approval or on the day it becomes law, without such approval.

Approved April 20, 1963

CHAPTER 93

AN ACT

Relating to the leasing of land for fisheries development; and providing for an effective date.

(C.S.H.B. 161)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Legislative Findings. (a)

The state has a vital interest in the fishery resources of the state, the fishing industry, and the human rights of the fishermen. In furtherance of those interests, the legislature finds that the Alaska Land Act (AS 38.05) should contain certain provisions for these vital interests.

(b) The legislature finds as a fact that in the interest of conservation the number of net locations is limited by regulation; that, in the interest of conservation and to provide stabilization essential to industry, to protect human rights, and as an exercise of the police power, the legislature finds it necessary to amend the Alaska Land Act (AS 38.05) so that it aids in the achievement of those purposes by providing for the orderly utilization of lands and tidelands.

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

Sec. 38.05.082. Leases for Shore Fisheries Development. (a) The director,

with the approval of the commissioner, may lease tide and submerged lands for fisheries development. Fisheries development includes the utilization of shore gill nets or set nets for the taking of fish. Every lease issued under this section shall reserve to the public a right-of-way for access to navigable waters and other tide and submerged lands.

(b) The director may classify lands as subject to leases for fisheries development, and publicly invite applications for lease of the selected areas. Each

application shall be accompanied by an affidavit to the effect that the applicant presently intends to personally utilize the leased area for fishing purposes the following season. If two or more applications are received for the same shore area, the director shall award the lease to the most qualified applicant. In determining the qualifications of applicants, the director shall consider the length of time during which the applicant has been engaged in set netting, the proximity of his past fishing sites to the land to be leased, his present ability to utilize the location to its maximum potential, and such other factors relevant to the equitable assignment of the disputed area. If the director cannot determine a preference between conflicting applicants for the same lease site on the basis of qualifications, he shall select between the applicants by lot. An aggrieved applicant may appeal to the commissioner within five days for a review of the director's determination.

(c) A lease for set net fishing may be issued for any period not exceeding 10 years. If the commissioner determines that the land is not being utilized for the purpose for which the lease is issued, the lease may be declared void. The director shall establish a reasonable rental for the lease, equal to the administrative costs involved in processing the leasehold applications.

(d) Subleasing and renewals of leases are governed by secs. 95 - 100 of this chapter.

(e) The lease of submerged lands conveys no interest in the water above

the land or in the fish in the water.

Sec. 3. **Effective Date.** This Act

takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 20, 1963

CHAPTER 94

AN ACT

Relating to benefits for World War II veterans; preferences for Alaska veterans; and providing for an effective date.

(H.B. 224)

Be it enacted by the Legislature of the State of Alaska:

Section 1. AS 26.15.130(a)(1) is amended to read:

(1) persons who served in the armed forces of the United States for 90 days or more, or whose service was for less than 90 days because of injury or disability incurred in line of duty, between September 16, 1940, and July 25, 1947, who were separated from the armed forces with an honorable discharge or honorable separation, and (A) who, at the time of induction into the service, were residents of the territory, who had been residents for not less than one year immediately before their induction, and who returned to the territory or state after discharge as residents with the in-

tention of remaining in the territory or state; or (B) who, not being bona fide residents of the territory before their entry into the service, have lived in the territory or state for at least 10 years following their release from active military service;

Sec. 2. Any loans made between July 18, 1960, and the effective date of this Act to World War II veterans who, not being bona fide residents of the territory before their entry into the service, have lived in the territory or state for at least 10 years following their release from active military service are valid loans.

Sec. 3. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 20, 1963

CHAPTER 95

AN ACT

Relating to the regulation of public utilities.

(H.B. 228)

Be it enacted by the Legislature of the State of Alaska:

Section 1. AS 42.05 is amended by adding new sections to read:

Sec. 42.05.193. **Certificates of Convenience and Necessity.** No public utility shall operate after January 1, 1964, without first having obtained from the commission under the provisions of this chapter a certificate declaring that public convenience and necessity require

or will require the operation and delineating the area where service is to be provided.

Sec. 42.05.194. **Certificates Granted to Existing Utilities.** A certificate shall be granted if it appears to the commission that the public utility was actually operating in good faith on October 15, 1962, within the confines of the requested area, or that the public utility was installing the facilities necessary to furnish service