

Introduced: 3/6/61
Referred: Resources
Finance and Judiciary

BY MESSRS. RADER, M. REED,
SANDERS, STRANDBERG, TAYLOR,
TILLION, WHITE, WIGGINS,
BAGGEN, BINKLEY, COLE, GRAVEL,
HILLSTRAND, JARVELA, LEONARD,
LOTTSELDT, MCCOMBE, MOSELEY,
PARSONS AND KENDALL

1 IN THE HOUSE

2 HOUSE BILL NO. 161

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the leasing of land for
7 fisheries development; and providing for an
8 effective date."

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

10 * Section 1. LEGISLATIVE FINDINGS. (a) The state has a
11 vital interest in the fishery resources of the state, the fishing
12 industry, and the human rights of the fishermen. In furtherance
13 of those interests the legislature finds that the Alaska Land Act
14 (AS 38.05) should contain certain provisions for these vital
15 interests.

16 (b) The legislature finds as a fact that in the interest of
17 conservation the number of net locations are limited by regula-
18 tion, that in the interest of conservation, and to provide
19 stabilization essential to industry, to protect human rights, and
20 as an exercise of the police power the legislature finds it
21 necessary to amend the Alaska Land Act (AS 38.05) so that it aids
22 in the achievement of those purposes by providing for the orderly
23 utilization of lands and tidelands.

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

25 Sec. 38.05.082. LEASES FOR SHORE FISHERIES DEVELOPMENT.

26 (a) The director, with the approval of the commissioner, may
27 lease tide and submerged lands for fisheries development.

28 Fisheries development includes the utilization of shore gill
29 nets or set nets for the taking of fish.

HB #161

-1-

1 (b) The director shall classify lands as subject
2 to leases for fisheries development and publicly invite
3 applications for lease of the selected areas. Each appli-
4 cation shall be accompanied by an affidavit to the effect
5 that the applicant presently intends to personally utilize
6 the leased area for fishing purposes the following season.
7 If two or more applications are received for the same shore
8 area, the director shall first give preference to the
9 upland owner for the use of a tract of tideland, or con-
10 tiguous submerged land, which is seaward of the upland
11 property of the applicant. If there is no such upland
12 owner who submits an application, the director shall award
13 the lease to the most qualified applicant. In determining
14 the qualifications of applicants, the director shall
15 consider the length of time during which the applicant has
16 been engaged in set netting, the proximity of his past
17 fishing sites to the land to be leased, his present ability
18 to utilize the location to its maximum potential, and such
19 other factors relevant to the equitable assignment of the
20 disputed area. If the director cannot determine a
21 preference between conflicting applicants for the same lease
22 site on the basis of qualifications, he shall select
23 between the applicants by lot. An aggrieved applicant may
24 appeal to the commissioner within five days for a review of
25 the director's determination.

26 (c) A lease for set net fishing may be issued for
27 any period not exceeding 10 years. If the commissioner
28 determines that the land is not being utilized for the
29 purpose for which the lease is issued, the lease may be

HB #161

1 declared void. The director shall establish a reasonable
2 rental for the lease, equal to the administrative costs
3 involved in processing the leasehold applications.

4 (d) Subleasing and renewals of leases are
5 governed by secs. 38.05.095--38.05.096 of this chapter.

6 (e) The lease of submerged lands conveys no
7 interest in the water above the land or in the fish in the
8 water.

9 * Sec. 3. EFFECTIVE DATE. This Act takes effect on the day
10 after its passage and approval or on the day it becomes law with-
11 out such approval.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29