

Original Sponsors: Rader,
M. Reed, Sanders, et al

Offered: 3/14/63
Referred: Finance
Judiciary

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR 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. Every lease issued

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1 under this section shall reserve to the public a right of
2 way for access to navigable waters and other tide and
3 submerged land.

4 (b) The director may classify lands as subject to
5 leases for fisheries development and publicly invite
6 applications for lease of the selected areas. Each applica-
7 tion shall be accompanied by an affidavit to the effect that
8 the applicant presently intends to personally utilize the
9 leased area for fishing purposes the following season. If
10 two or more applications are received for the same shore area,
11 the director shall award the lease to the most qualified
12 applicant. In determining the qualifications of applicants,
13 the director shall consider the length of time during which
14 the applicant has been engaged in set netting, the proximity
15 of his past fishing sites to the land to be leased, his
16 present ability to utilize the location to its maximum
17 potential, and such other factors relevant to the equitable
18 assignment of the disputed area. If the director cannot
19 determine a preference between conflicting applicants for the
20 same lease site on the basis of qualifications, he shall
21 select between the applicants by lot. An aggrieved applicant
22 may appeal to the commissioner within five days for a review
23 of the director's determination.

24 (c) A lease for set net fishing may be issued for any
25 period not exceeding 10 years. If the commissioner deter-
26 mines that the land is not being utilized for the purpose for
27 which the lease is issued, the lease may be declared void.
28 The director shall establish a reasonable rental for the
29 lease, equal to the administrative costs involved in

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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.