

1 IN THE SENATE

BY SENATOR SMITH

2 SENATE BILL NO. 209

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to leasing 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. AS 38.05.082(b) is amended to read:

11 (b) The director may classify lands as subject to  
12 leases for fisheries development, and publicly invite appli-  
13 cations for lease of the selected areas. Before a person  
14 may file an application with the director, he shall send the  
15 application to the commissioner of fish and game for approval.  
16 Within five days after receiving an application, the commis-  
17 sioner of fish and game shall return the application to the  
18 applicant. The commissioner of fish and game shall approve  
19 each application the granting of which will not jeopardize  
20 a fisheries resource. The director may not grant an appli-  
21 cation that is not approved by the commissioner of fish and  
22 game. Each application shall be accompanied by an affidavit  
23 to the effect that the applicant presently intends to  
24 personally utilize the leased area for fishing purposes the  
25 following season and shall contain a detailed explanation  
26 of the proposed fisheries development. If two or more ap-  
27 plications are received for the same shore area, the director  
28 shall award the lease to the most qualified applicant. In  
29 determining the qualifications of applicants, the director

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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 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.

\* Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.