



LAWS OF ALASKA

1988

Source

HCS CSSB 62 (Fin)

Chapter No.

53

AN ACT

Relating to public access to recreation areas; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

Approved by the Governor: May 25, 1988
Actual Effective Date: May 26, 1988

AN ACT

Relating to public access to recreation areas; and
providing for an effective date.

* Section 1. LEGISLATIVE FINDINGS AND INTENT. The legislature finds that access to state waters for fishing, hunting, guiding, boating, lodge operation and other recreational uses is very important to the economy of the state. State waters, and public access to those waters, is critical to the interrelated recreation, tourism, guiding and lodge industries. These industries support a large number of small, resident Alaska businesses. Recreational use of state waters is also extremely important to the people of the state. The legislature further finds that many of the state's popular freshwater and marine fisheries are severely overcrowded and that increasing the ease of access to additional waters suitable for recreational uses would enhance the enjoyment by the people, would be beneficial to the economy, and would reduce the overcrowding on the already popular waters.

* Sec. 2. AS 38.05.127 is amended by adding new subsections to read:

(f) Rights-of-way or easements to waterways established under (a)(2) of this section shall be established approximately once each mile unless the commissioner makes a written finding that regulating or limiting access is necessary for other beneficial uses or public purposes.

(g) The commissioner may exchange land under AS 38.50 to create access to public water of the state.

Chapter 53

* Sec. 3. AS 38.05 is amended by adding a new section to read:

Sec. 38.05.874. PUBLIC ACCESS FUND CREATED. (a) The public access fund is established as a special account in the general fund and funds may be deposited into the special account and withdrawn from it as provided in this section. The fund consists of money contributed to it by individuals and corporations and interest derived from those contributions. The fund shall be invested by the commissioner of revenue. The Department of Revenue may be reimbursed for actual administrative costs incurred under this subsection by appropriation from the public access fund.

(b) Except as provided in (a) of this section, the commissioner shall administer the fund. The commissioner, after public hearings and in concurrence with the commissioner of fish and game, may use money in the fund to develop recreational access, including the purchase and lease of land, easements, and rights-of-way to enhance public access to recreational areas.

(c) The title to rights of public access to recreational areas obtained by the commissioner vests in the state. The commissioner shall include in the instrument transferring title to the state a clause requiring that the land be used for public access. If the land ceases to be available for public access, the state shall either

(1) pay to the fund the assessed value of the land at that time; or

(2) if the land was purchased with funds derived under 16 U.S.C. 777-777k (Sport Fish Restoration Act), as amended, reimburse the sport fish restoration program.

(d) The legislature may appropriate to the fund. The interest earned on funds appropriated to the public access fund by the legislature shall be deposited in the general fund. The commissioner o

Chapter 53

1 administration shall separately account for the interest deposited in
2 the general fund under this subsection. The annual estimated balance
3 in the account may be appropriated by the legislature to the public
4 access fund.

5 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).
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