

Offered: 1/30/86
Referred: Rules

Original sponsors: Rodey, Bennett,
Kerttula, et al

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 CS FOR SENATE BILL NO. 201 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act creating a public access fund."

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

8 * Section 1. FINDINGS. The legislature finds that the people of the
9 state desire to ensure and improve public access to areas of recreational
10 value and enjoyment in the state. Therefore, the legislature shall estab-
11 lish a public access fund in the general fund.

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

13 Sec. 38.05.874. PUBLIC ACCESS FUND CREATED. (a) There is
14 created in the general fund a public access fund. The fund consists
15 of money derived under this subsection and contributions from
16 individuals and corporations. The fund shall be invested by the
17 commissioner of revenue. The legislature may appropriate money to the
18 fund. The commissioner of revenue shall prepare the permanent fund
19 dividend application to allow applicants to designate that \$5 of the
20 dividend be subtracted from their check and deposited in the public
21 access fund. The Department of Revenue may use money in the public
22 access fund to pay administrative costs incurred under this
23 subsection.

24 (b) Except as provided in (a) of this section, the commissioner
25 of natural resources shall administer the fund. The commissioner of
26 natural resources, after public hearings and in consultation with the
27 commissioner of fish and game and the commissioner of transportation
28 and public facilities, may purchase and lease land, easements, and
29 rights of way to enhance public access to recreational areas.

1 (c) Title to rights of public access to recreational areas
2 obtained by the commissioner of natural resources vests in the state.
3 If land is acquired for substantially less than fair market value the
4 commissioner of natural resources shall include in an instrument
5 conferring title on the state a clause requiring that the land be used
6 for public access and providing that if the property ceases to be used
7 for public access, it will automatically revert to the grantor and to
8 the heirs of the grantor. However, if the commissioner of natural
9 resources, after public hearing, authorizes the sale or exchange of a
10 right of public access in return for a similar or better right of
11 public access, the sale or exchange is valid and the property does not
12 revert to the grantor or to the heirs of the grantor.

13 (d) The commissioner of natural resources may adopt regulations
14 under the Administrative Procedure Act (AS 44.62) that are necessary
15 to carry out the purposes of this section.