

Offered: 5/7/86
Referred: Finance

Original sponsors: Bennett, Ferguson
and Coghill

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 269 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to cabins on state land; and provid-
7 ing for an effective date."

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

9 * Section 1. LEGISLATIVE PURPOSE. (a) The legislature determines that
10 it is in the public interest to create the Alaska Public Use Cabin System
11 and place within that system cabins owned or built by the state on the
12 reserved or unreserved public land of the state and that the system be
13 managed for the benefit of the residents of the state and visitors to the
14 state.

15 (b) It is further in the public interest to allow persons who are
16 able to demonstrate historic use and occupancy of cabins on state land to
17 purchase the land to resolve land conflicts; to ensure the legally protect-
18 ed use and enjoyment of cabins; and to provide for the continued existence
19 of emergency shelters in remote areas.

20 * Sec. 2. (a) Except as otherwise provided in this section, on the
21 application before June 1, 1988, of a person who can demonstrate the his-
22 toric use and occupancy of a cabin on state land and investments in the
23 cabin before December 31, 1974, and continuing through June 1, 1986, the
24 commissioner of natural resources shall sell not to exceed one acre of
25 state land occupied by the cabin, if the land was not closed to entry under
26 applicable federal or state law at the time the cabin was constructed, un-
27 less the commissioner makes a written best interest finding based on clear
28 and convincing evidence that a land or resource management conflict exists.

29 (b) The land shall be sold for the fair market value of the land as

1 determined by the commissioner on the date of the approval of the applica-
2 tion. The applicant shall pay the costs of appraisal, public notice, and
3 surveying the land.

4 (c) Except as provided in (e) of this section, on the application
5 before June 1, 1988, of a person who can demonstrate the historic use and
6 occupancy of a cabin on state land and investments in the cabin before
7 December 31, 1974, and continuing through June 1, 1986, the commissioner
8 may sell the state land occupied by a cabin within an area that was with-
9 drawn under AS 41 after the cabin was built. The land may not be sold if
10 the state land was withdrawn under AS 41 before the cabin was built. The
11 use of the cabin and the land may not exceed the use that existed at the
12 time the land was withdrawn under AS 41.

13 (d) The commissioner may not sell land occupied by a cabin within an
14 area withdrawn under AS 16.

15 (e) The commissioner may not sell land occupied by a cabin within
16 mental health trust land or school land of the state.

17 (f) If the cabin is located on state land that is adjacent to a body
18 of water, the commissioner shall reserve a 50-foot easement for public
19 access above the mean high water line. The commissioner may establish
20 reasonable restrictions in the grant of the land at the time of sale or
21 under AS 38.05.037(a) on the use, access to, and the transfer of the land
22 sold under this section, including a restriction against the commercial use
23 of the cabin.

24 (g) A cabin on land that may be sold under this section may not be
25 acquired or removed by the commissioner before June 1, 1988; a cabin that
26 has been applied for under this section may not be acquired or removed
27 until the application has been adjudicated and unless the application is
28 denied.

29 * Sec. 3. AS 41.21.020(a) is amended to read:

1 (a) The Department of Natural Resources shall
2 (1) develop a continuing plan for the conservation and
3 maximum use in the public interest of the scenic, historic, archae-
4 ologic, scientific, biological, and recreational resources of the
5 state;
6 (2) plan for and develop a system of state parks and
7 recreational facilities, to be established as the legislature author-
8 izes and directs;
9 (3) acquire by gift, purchase, or transfer from state or
10 federal agencies, or from individuals, corporations, partnerships or
11 associations, land necessary, suitable and proper for roadside, pic-
12 nic, recreational, or park purposes;
13 (4) control, develop and maintain state parks and recre-
14 ational areas;
15 (5) provide for the acquisition, care, control, super-
16 vision, improvement, development, extension, and maintenance of
17 public recreational land, and make necessary arrangements, contracts,
18 or commitments for the improvement and development of land acquired
19 under AS 41.21.010 - 41.21.040;
20 (6) adopt, in accordance with this section and the Admin-
21 istrative Procedure Act (AS 44.62), regulations governing the use and
22 designating incompatible uses within the boundaries of state park and
23 recreational areas to protect the property and to preserve the peace;
24 (7) cooperate with the United States and its agencies and
25 local subdivisions of the state to secure the effective supervision,
26 improvement, development, extension, and maintenance of state parks,
27 state monuments, state historical areas, and state recreational areas,
28 and secure agreements or contracts for the purpose of AS 41.21.010 -
29 41.21.040;

1 (8) encourage the organization of state public park and
2 recreational activities in the local political subdivisions of the
3 state;

4 (9) provide for consulting service designed to develop
5 local park and recreation facilities and programs;

6 (10) provide clearing-house services for other state agen-
7 cies concerned with park and recreation matters; [AND]

8 (11) perform other duties as are prescribed by executive
9 order or by law;

10 (12) maintain memorials to Alaska veterans located in state
11 parks;

12 (13) adopt, in accordance with the Administrative Procedure
13 Act (AS 44.62), regulations governing the use of the Chena River State
14 Recreation Area and designating incompatible uses within the bound-
15 aries of the Chena River State Recreation Area in accordance with
16 AS 41.21.490;

17 (14) manage the cabins owned by the state under AS 41.21.-
18 880.

19 * Sec. 4. AS 41.21. is amended by adding a new section to article 7 to
20 read:

21 Sec. 41.21.880. PUBLIC USE CABINS. (a) There is established a
22 system of public use cabins to be managed by the commissioner and
23 called the Alaska Public Use Cabin System. The commissioner shall
24 publicize the existence of the public use cabins and shall establish a
25 reservation system for the cabins.

26 (b) The commissioner shall establish a fee schedule for the use
27 of the cabins. Fees collected under this subsection shall be deposit-
28 ed in the general fund. The commissioner of administration shall
29 separately account for fees collected and deposited by the

1 commissioner under this subsection. The annual estimated balance in
2 the account may be appropriated by the legislature to the Department
3 of Natural Resources to carry out the purposes of this section. In
4 establishing the fees, the commissioner shall consider

5 (1) the cost to the state of building, renovating, and
6 maintaining the cabins;

7 (2) the cost of administering reservations and collecting
8 the fees for the use of the cabins; and

9 (3) the public interest.

10 (c) Within available appropriations, the commissioner may build
11 or acquire cabins for inclusion in the cabin system. Under state
12 contracting procedures the commissioner may contract for the construc-
13 tion, rehabilitation, operation, and maintenance of cabins within the
14 system.

15 (d) The commissioner may cooperate with local groups with state
16 and federal agencies to maintain and improve the cabin system. The
17 commissioner shall evaluate existing and potential cabin sites and
18 conduct resource planning and public review in the process of des-
19 ignating cabins into the system. The commissioner may develop an
20 operational plan for the renovation, construction, or removal of
21 cabins.

22 (e) A person using a public use cabin may not recover damages
23 from the state for an injury arising out of the use of the public use
24 cabin unless the injury was caused by the gross negligence of the
25 state.

26 (f) In establishing and managing a public use cabin system on
27 state game refuges, critical habitat areas, and game sanctuaries
28 established under AS 16.20, the commissioner shall obtain the concur-
29 rence of the commissioner of fish and game.