

Introduced: 3/10/86  
Referred: Resources and  
Finance

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2

SENATE BILL NO. 462

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 access to recreation areas."

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

8 \* Section 1. LEGISLATIVE FINDINGS AND INTENT. (a) The legislature  
9 finds that the recreational use of state waters for fishing, hunting,  
10 boating, and other recreational uses is very important to the people of the  
11 state and that the economic activity connected with this use is substantial  
12 and of importance to the economy of the state. The legislature further  
13 finds that many of the state's popular rivers are severely overcrowded and  
14 that increasing the ease of access to additional rivers and streams suit-  
15 able for recreational uses would enhance the enjoyment by the people, would  
16 be beneficial to the economy, and would reduce the overcrowding on the  
17 already popular rivers and streams.

18 (b) It is the intent of the legislature to permit state programs to  
19 develop access to additional rivers and streams of the state near the  
20 state's major population areas.

21 \* Sec. 2. AS 38.04 is amended by adding a new section to read:

22 Sec. 38.04.052. ACCESS TO WATERWAYS. (a) Wherever state land  
23 is surveyed for disposal into private use, legal rights-of-way and  
24 easements shall be reserved along public waterways of the state. The  
25 right-of-way or easement shall be at least 20 feet wide but the com-  
26 missioner may require a wider right-of-way or easement depending on  
27 local conditions.

28 (b) The commissioner shall also establish rights-of-way or  
29 easements to ensure access to rights-of-way or easements that are

1 along the public waterways. Easements under this subsection shall be  
2 established not less often than once each mile.

3 (c) If the commissioner determines that the land adjacent to  
4 waterways in an area of the state is of high value for recreational  
5 use, the commissioner may classify the land for retention in state  
6 ownership and recommend legislation to protect the area.

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

8 Sec. 38.05.880. PUBLIC ACCESS FUND. (a) The public access fund  
9 is created in the general fund of the state. The commissioner of  
10 natural resources shall administer the fund. The commissioner, after  
11 public hearings and consultation with the commissioner of fish and  
12 game and the commissioner of transportation and public facilities, may  
13 use money in the fund to purchase and lease land, easements, and  
14 rights-of-way to enhance public access to recreational areas.

15 (b) The title to rights of public access to recreational areas  
16 obtained by the commissioner vests in the state. If the land is  
17 acquired for less than fair market value, the commissioner shall  
18 include in the instrument transferring title to the state a clause  
19 requiring that the land be used for public access and providing that  
20 if the land ceases to be used for public access, it will automatically  
21 revert to the grantor and to the heirs of the grantor. If the commis-  
22 sioner, after a public hearing, authorizes the sale or exchange of a  
23 right of public access in return for a similar or better right of  
24 public access, the sale or exchange is final and the property may not  
25 revert to the grantor or to the heirs of the grantor.

26 (c) If the state receives funds under 16 U.S.C. 777-777k  
27 (Wallop-Breaux Act), the funds shall be used to implement the pro-  
28 visions of this section.

29 (d) The commissioner may adopt regulations under the

1       Administrative Procedure Act (AS 44.62) that are necessary to imple-  
2       ment this section.

3       \* Sec. 4. AS 38.50.010 is amended to read:

4               Sec. 38.50.010. AUTHORIZATION. Subject to the requirements of  
5       this chapter, the director, with the concurrence of the commissioner,  
6       is authorized to dispose of state land or interest in land by exchang-  
7       ing it for land, interest in land, or other consideration. Exchanges  
8       shall be for the purpose of consolidating state land holdings, creat-  
9       ing land ownership and use patterns which will permit more effective  
10       administration of the state public domain, creating access to rivers  
11       and streams of the state with high value for recreational uses, facil-  
12       itating the objectives of state programs, or other public purposes.