

Offered: 3/25/86
Referred: Finance

Original sponsor: Resources Committee

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2

CS FOR SENATE BILL NO. 462 (Resources)

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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 guiding, boating, lodge operation and other recreational uses is very
11 important to the economy of the state. State waters, and public access to
12 those waters, is critical to the interrelated recreation, tourism, guiding
13 and lodge industries. These industries support a large number of small,
14 resident Alaska businesses. Recreational use of state waters is also
15 extremely important to the people of the state. The legislature further
16 finds that many of the state's popular freshwater and marine fisheries are
17 severely overcrowded and that increasing the ease of access to additional
18 waters suitable for recreational uses would enhance the enjoyment by the
19 people, would be beneficial to the economy, and would reduce the overcrowd-
20 ing on the already popular waters.

21 (b) It is the intent of the legislature to encourage state programs
22 to develop access to additional waters of the state near the state's major
23 population areas.

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

25 Sec. 38.04.052. ACCESS TO WATERWAYS. (a) Wherever state land
26 is surveyed for disposal into private use, legal rights-of-way and
27 easements shall be reserved along public water of the state determined
28 valuable for fishing by the commissioner. The right-of-way or ease-
29 ment shall be at least 50 feet wide but the commissioner may require a

1 wider right-of-way or easement depending on local conditions.

2 (b) The commissioner shall also establish rights-of-way or
3 easements to ensure access to rights-of-way or easements that are
4 along the public waterways. Easements under this subsection shall be
5 established not less often than once each mile.

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

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

16 (b) The title to rights of public access to recreational areas
17 obtained by the commissioner vests in the state. The commissioner
18 shall include in the instrument transferring title to the state a
19 clause requiring that the land be used for public access. If the land
20 ceases to be available for public access, the state shall pay the
21 assessed value of the land to the fund.

22 (c) If the state receives funds under 16 U.S.C. 777-777k (Sport
23 Fish Restoration Act), approximately 20 percent of the funds shall be
24 used to implement the provisions of this section. Expenditure of
25 funds received by the state under this subsection is subject to the
26 approval of the commissioner of fish and game.

27 (d) The legislature may appropriate to the fund.

28 (e) The commissioner may adopt regulations under the Administra-
29 tive Procedure Act (AS 44.62) that are necessary to implement this

1 section.

2 * Sec. 4. AS 38.50.010 is amended to read:

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