

Offered: 3/6/87
Referred: Rules

5-0206L

Original sponsors: Navarre, Koponen,
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1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR HOUSE BILL NO. 16 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to the levy and collection of fees
7 for the use of state park system facilities; relating
8 to contracts for services and facilities in the state
9 park system; and providing for an effective date."
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
11 * Section 1. AS 41.21 is amended by adding new sections to read:
12 Sec. 41.21.026. FEES FOR THE USE OF STATE PARK SYSTEM FACILI-
13 TIES. (a) The department may not, either directly or through another
14 person, charge or collect a fee for an ordinary use of a park unit or
15 the use of a restroom in a park unit.
16 (b) In addition to the prohibition in (a) of this section, the
17 department may not establish and collect fees for the use of a park
18 unit, except for
19 (1) rental of public use cabins or other overnight lodg-
20 ings;
21 (2) overnight use of a developed campsite;
22 (3) special park use permits;
23 (4) noncompetitive and nonexclusive commercial use permits;
24 (5) use of a sewage holding tank dump station;
25 (6) guided tours of historic sites; and
26 (7) use of an improved boat ramp in a park facility
27 developed principally for boat launching.
28 (c) The department shall establish the fees for uses under (b)
29 of this section by regulation. Before setting the fees, the

1 department shall consider at public hearings

2 (1) the cost to the state of operating the facility or
3 managing the activity;

4 (2) the normal fees charged for similar facilities or
5 activities by governmental and nongovernmental entities;

6 (3) the cost of administering a fee collection program for
7 the facility or activity; and

8 (4) the public interest.

9 (d) In this section, "developed campsite" means a campsite
10 having access to the following public facilities:

11 (1) restrooms;

12 (2) a picnic table;

13 (3) an outdoor cooking facility; and

14 (4) an approved water source.

15 Sec. 41.21.027. MAINTENANCE AND COLLECTION CONTRACTS IN THE
16 STATE PARK SYSTEM. (a) The state may contract under AS 36.30 (State
17 Procurement Code) for

18 (1) the collection of fees charged for uses under AS 41.-
19 21.026(b); and

20 (2) park unit maintenance activities; "park unit mainte-
21 nance activities" means

22 (A) refuse collection;

23 (B) janitorial maintenance of facilities;

24 (C) litter pickup;

25 (D) painting;

26 (E) fireplace cleaning;

27 (F) sewage pumping;

28 (G) minor repair and replacement of facilities;

29 (H) snowplowing and road maintenance;

1 (I) brushing trails, picnic areas, and campsites;

2 (J) other normal park unit maintenance activities.

3 (b) The state may combine in a single contract the services
4 listed in (a)(1) and (2) of this section.

5 (c) A contract under this section is not subject to AS 41.21.-
6 028.

7 Sec. 41.21.028. CONCESSION CONTRACTS IN THE STATE PARK SYSTEM.

8 (a) The state may not enter into a concession contract under AS 36 to
9 provide services or to operate or construct facilities in a park unit
10 unless the commissioner finds that the proposed concession contract

11 (1) will implement the purposes of the park unit and is
12 authorized by the park management plan, if any, that applies to the
13 park unit;

14 (2) will enhance public use and enjoyment of the park unit
15 while maintaining a high quality environment and the opportunity for
16 high quality recreational experiences;

17 (3) will provide services or facilities that are not feasi-
18 ble or affordable for the state to provide directly;

19 (4) will not create substantial adverse environmental
20 effects;

21 (5) is based on a need or desire of the public;

22 (6) recognizes and accommodates, at no cost, ordinary uses
23 in a park unit;

24 (7) requires the contractor to hire residents of the state,
25 to the extent available and qualified, when hiring persons to work in
26 the park under the contract;

27 (8) provides the state with a fair and equitable portion,
28 in money or services, of the contractor's receipts from the provision
29 of the service or the operation of the facility;

1 (9) provides that the department retains control over the
2 level of fees and the design and appearance of any facility to be con-
3 structed;

4 (10) requires the contractor to accommodate visitors with
5 special circumstances, including handicapped persons, senior citizens,
6 and school children;

7 (11) provides that during the term of the contract the
8 commissioner shall regularly review and inspect the

9 (A) operation of the facility; and

10 (B) contractor's provision of service to the public;

11 and

12 (12) provides that the contract shall be terminated if the
13 contractor fails to protect park values and resources or fails to
14 maintain a high-quality environment and recreation experience.

15 (b) Before bids or proposals are sought or contract negotiations
16 begun under AS 36.30 for a concession contract under (a) of this
17 section, the commissioner shall

18 (1) make a preliminary inquiry at the local level to
19 identify community concerns;

20 (2) if it is appropriate to proceed further, make a pre-
21 liminary decision that includes the findings required by (a) of this
22 section and

23 (A) an assessment of existing visitor uses that may be
24 affected by the activities of the contractor;

25 (B) an assessment of the potential conflicts or sig-
26 nificant effects on park wildlife, water, scenic values, or other
27 resources;

28 (C) an identification of the types of services or
29 goods that the contractor is to provide;

1 (D) the terms and conditions of the contract;
2 (E) a determination of whether the contract activity
3 would be more appropriately located on land outside of the park
4 or on private land within the park; and
5 (F) the views and comments of the park advisory board,
6 when one exists, for the park unit in which the activity is being
7 considered;
8 (3) after making a preliminary decision under (2) of this
9 subsection,
10 (A) seek public comment on the preliminary decision
11 through reasonable public notice and, if facilities may be built
12 under the concession contract, conduct public hearings;
13 (B) after considering the public comment obtained
14 under this subsection, issue a final decision on whether or not
15 the state will proceed into a concession contract award process.
16 (c) The commissioner shall provide for public review and comment
17 before a concession contract under this section is renewed or ex-
18 tended.
19 (d) By the 15th day of each first regular session of the legis-
20 lature, the commissioner shall make available to the legislature a
21 report on the provision of services or operation of facilities under
22 concession contracts under this section during the previous two fiscal
23 years, including
24 (1) contract activities;
25 (2) new or expanded contracts whose estimated or actual
26 gross receipts exceed \$25,000; and
27 (3) violations of contract standards.
28 (e) The commissioner may adopt regulations to implement this
29 section.

1 (f) The commissioner may not enter into a concession contract
2 for the Alaska Chilkat Bald Eagle Preserve.

3 (g) In this section

4 (1) "concession contract" does not include a contract under
5 AS 41.21.027;

6 (2) "facilities" includes campgrounds, boat launches,
7 lodges, food service operations, and gift shops.

8 Sec. 41.21.029. DEFINITIONS. (a) In AS 41.21.026 - 41.21.029

9 (1) "ordinary use" means a use that is not generally asso-
10 ciated with developed facilities, including fishing, hunting, walking,
11 swimming in a natural body of water, picnicking, or automobile parking
12 associated with another ordinary use;

13 (2) "park unit" means a unit of the state park system.

14 * Sec. 2. AS 41.21.030 is amended by adding a new subsection to read:

15 (b) The commissioner of administration shall separately account
16 for fees and other money collected under AS 41.21.026 - 41.21.029 and
17 deposited under (a) of this section. The annual estimated balance in
18 the account may be used by the legislature to make appropriations to
19 the department to carry out the purposes of this chapter.

20 * Sec. 3. AS 28.10.411(e) and AS 41.35.045 are repealed.

21 * Sec. 4. This Act takes effect July 1, 1987.