

Offered: 5/13/87
Referred: Finance

5-0206P

Original sponsors: Navarre, Koponen,
Swackhammer, et al.

1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 16 (Resources)
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 charge or collect a fee in a park unit
14 for
15 (1) rental of public use cabins or other overnight lodg-
16 ings;
17 (2) overnight use of a developed campsite;
18 (3) special park use permits;
19 (4) competitive and exclusive commercial use permits;
20 (5) noncompetitive and nonexclusive commercial use permits;
21 (6) use of a sewage holding tank dump station;
22 (7) guided tours of historic sites; and
23 (8) use of an improved boat ramp in a park facility devel-
24 oped principally for boat launching.
25 (b) The department may not charge or collect a fee for an ordi-
26 nary use of a park unit or the use of a restroom in a park unit.
27 (c) The department shall establish the fees that may be charged
28 or collected under (a) of this section by regulation. Before setting
29 the fees, the department shall consider at public hearings

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

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

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

7 (4) the public interest.

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

10 (1) restrooms;

11 (2) a picnic table;

12 (3) an outdoor cooking facility; and

13 (4) an approved water source.

14 Sec. 41.21.027. CONCESSION CONTRACTS IN THE STATE PARK SYSTEM.

15 (a) Subject to the restrictions in this section, the state may enter
16 into concession contracts under AS 36 to provide services or construct
17 facilities in a park unit.

18 (b) The state may not enter into a concession contract under (a)
19 of this section if the proposed contract involves estimated annual
20 gross receipts of more than \$100,000, construction of facilities, a
21 term longer than four years, or the provision of services other than
22 those normally provided at similar facilities managed by the state,
23 unless the commissioner finds that the proposed concession contract

24 (1) will implement the purposes of the park unit and is
25 authorized by the park management plan, if any, that applies to the
26 park unit;

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

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

3 (4) will not create unacceptable adverse environmental
4 effects;

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

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

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

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

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

17 (10) encourages the contractor to accommodate visitors with
18 special circumstances, including handicapped persons, senior citizens,
19 and school children; and

20 (11) provides that the contract may be terminated if the
21 contractor fails to fulfill the requirements of this section or the
22 contract.

23 (c) Before bids or proposals are sought or contract negotiations
24 begun for a concession contract under (b) of this section, the commis-
25 sioner shall

26 (1) make a preliminary inquiry at the local level to iden-
27 tify community concerns;

28 (2) if it is appropriate to proceed further, make a pre-
29 liminary decision that includes the findings required by (b) of this

1 section and

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

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

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

9 (D) the terms and conditions of the contract;

10 (E) a determination of whether the contract activity
11 would be more appropriately located on land outside of the park
12 or on private land within the park; and

13 (F) the views and comments of the park advisory board,
14 when one exists, for the park unit in which the activity is being
15 considered;

16 (3) after making a preliminary decision under (2) of this
17 subsection,

18 (A) seek public comment on the preliminary decision
19 through reasonable public notice and, if facilities may be built
20 under the concession contract, conduct public hearings;

21 (B) after considering the public comment obtained
22 under this paragraph, issue a final decision on whether or not
23 the state will proceed into a concession contract award process.

24 (d) The commissioner shall provide for public review and comment
25 before a concession contract under this section is renewed or ex-
26 tended.

27 (e) The commissioner may adopt regulations to implement this
28 section.

29 (f) A person who enters into a concession contract with the

1 state under this section may not charge or collect a fee for an ordi-
2 nary use of a park unit or for the use of a restroom in a park unit.

3 (g) With the exception of guided tours, commercial activities
4 are not permitted within the Alaska Chilkat Bald Eagle Preserve.

5 Sec. 41.21.028. DEFINITIONS. In AS 41.21.026 - 41.21.028

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

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

11 * Sec. 2. AS 41.21.030 is amended by adding new subsections to read:

12 (b) The commissioner of administration shall separately account
13 for fees and other money collected under AS 41.21.026 - 41.21.028 and
14 deposited under (a) of this section. The annual estimated balance in
15 the account may be used by the legislature to make appropriations to
16 the department to carry out the purposes of this chapter.

17 (c) In (a) of this section, "money from concessions" means, for
18 a concession contract under AS 41.21.027, the consideration received
19 by the state from the contract.

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

21 * Sec. 4. Until regulations are adopted under AS 41.21.026(c), added by
22 sec. 1 of this Act, regulations existing on the effective date of this Act
23 that are otherwise applicable to user fees remain in effect.

24 * Sec. 5. This Act takes effect immediately under AS 01.10.070(c).