

Offered: 5/17/87
Referred: Transportation

5-0206Z

Original sponsors: Navarre, Koponen,
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1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 SENATE CS FOR 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) A fee may not be charged or collected in a park unit for
14 the following services unless the fee is charged or collected under a
15 concession contract under AS 41.21.027:

16 (1) rental of public use cabins or other overnight lodg-
17 ings;

18 (2) overnight use of a developed campsite;

19 (3) special park use permits;

20 (4) competitive and exclusive commercial use permits;

21 (5) noncompetitive and nonexclusive commercial use permits;

22 (6) use of a sewage holding tank dump station;

23 (7) guided tours of historic sites; and

24 (8) use of an improved boat ramp in a park facility devel-
25 oped principally for boat launching.

26 (b) A fee may not be charged or collected for an ordinary use of
27 a park unit or the use of a restroom in a park unit.

28 (c) The department shall establish the fees that may be charged
29 or collected under (a) of this section by regulation. Before setting

1 the fees, the department shall consider at public hearings

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

4 (2) the public interest.

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

7 (1) restrooms;

8 (2) a picnic table;

9 (3) an outdoor cooking facility; and

10 (4) an approved water source.

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

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

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

21 (1) will implement the purposes of the park unit and is
22 authorized by the park management plan, if any, that applies to the
23 park unit;

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

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

29 (4) will not create unacceptable adverse environmental

1 effects;

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

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

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

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

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

14 (10) encourages the contractor to accommodate visitors with
15 special circumstances, including handicapped persons, senior citizens,
16 and school children; and

17 (11) provides that the contract may be terminated if the
18 contractor fails to fulfill the requirements of this section or the
19 contract.

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

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

25 (2) if it is appropriate to proceed further, make a pre-
26 liminary decision that includes the findings required by (b) of this
27 section and

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

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

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

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

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

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

13 (3) after making a preliminary decision under (2) of this
14 subsection,

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

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

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

24 (e) The commissioner may adopt regulations to implement this
25 section.

26 (f) With the exception of guided tours, commercial activities
27 are not permitted within the Alaska Chilkat Bald Eagle Preserve.

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

29 (1) "ordinary use" means a use that is not generally

1 associated with developed facilities, including fishing, hunting,
2 walking, swimming in a natural body of water, picnicking, or automo-
3 bile parking associated with another ordinary use;

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

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

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

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

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

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

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