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1 IN THE SENATE

BY RODEY, HALFORD
AND SZYMANSKI

2

SENATE BILL NO. 26

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act creating a public access fund."

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 access to state waters for fishing, hunting, guiding, boating,
10 lodge operation and other recreational uses is very important to the econo-
11 my of the state. State waters, and public access to those waters, is
12 critical to the interrelated recreation, tourism, guiding and lodge indus-
13 tries. These industries support a large number of small, resident Alaska
14 businesses. Recreational use of state waters is also extremely important
15 to the people of the state. The legislature further finds that many of the
16 state's popular freshwater and marine fisheries are severely overcrowded
17 and that increasing the ease of access to additional waters suitable for
18 recreational uses would enhance the enjoyment by the people, would be
19 beneficial to the economy, and would reduce the overcrowding on the already
20 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 38.05 is amended by adding a new section to read:

25 Sec. 38.05.874. PUBLIC ACCESS FUND CREATED. (a) There is
26 created in the general fund a public access fund. The fund consists
27 of money derived under this subsection and contributions from indi-
28 viduals and corporations. The fund shall be invested by the commis-
29 sioner of revenue. The commissioner of revenue shall prepare the

1 permanent fund dividend application to allow applicants to designate
2 that \$5 of the dividend be subtracted from their check and deposited
3 in the public access fund. The Department of Revenue may use money in
4 the public access fund to pay administrative costs incurred under this
5 subsection.

6 (b) Except as provided in (a) of this section, the commissioner
7 shall administer the fund. The commissioner, after public hearings
8 and in consultation with the commissioner of fish and game and the
9 commissioner of transportation and public facilities, may use money in
10 the fund to develop boating access, including the purchase and lease
11 of land, easements, and rights of way to enhance public access to
12 recreational areas.

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

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

24 (e) The legislature may appropriate to the fund.

25 (f) The commissioner may adopt regulations under the Administra-
26 tive Procedure Act (AS 44.62) that are necessary to implement this
27 section.

28 * Sec. 3. AS 38.50.010 is amended to read:

29 Sec. 38.50.010. AUTHORIZATION. Subject to the requirements of

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