

Offered: 2/9/87  
Referred: Resources and Finance

5-0221B

Original sponsors: Sturgulewski, Kerttula,  
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1 IN THE SENATE BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE  
2 CS FOR SENATE BILL NO. 62 (C&RA)  
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 public access to recreation  
7 areas; and providing for an effective date."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. LEGISLATIVE FINDINGS AND INTENT. (a) The legislature  
10 finds that access to state waters for fishing, hunting, guiding, boating,  
11 lodge operation and other recreational uses is very important to the econo-  
12 my of the state. State waters, and public access to those waters, is  
13 critical to the interrelated recreation, tourism, guiding and lodge indus-  
14 tries. These industries support a large number of small, resident Alaska  
15 businesses. Recreational use of state waters is also extremely important  
16 to the people of the state. The legislature further finds that many of the  
17 state's popular freshwater and marine fisheries are severely overcrowded  
18 and that increasing the ease of access to additional waters suitable for  
19 recreational uses would enhance the enjoyment by the people, would be  
20 beneficial to the economy, and would reduce the overcrowding on the already  
21 popular waters.  
22 (b) It is the intent of the legislature to encourage state programs  
23 to develop access to additional waters of the state near the state's major  
24 population areas.  
25 \* Sec. 2. AS 38.04 is amended by adding a new section to read:  
26 Sec. 38.04.052. ACCESS TO WATERWAYS. (a) Wherever state land  
27 is surveyed for disposal into private use, legal rights-of-way and  
28 easements shall be reserved along public waterways of the state.  
29 Except for state land disposed of under AS 38.05.035(b)(2), (3), (5)

1 or 38.05.068, the right-of-way or easement shall be at least 50 feet  
2 wide but the commissioner may require a wider right-of-way or easement  
3 depending on local conditions.

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

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

9 Sec. 38.05.874. PUBLIC ACCESS FUND CREATED. (a) There is  
10 created in the general fund a public access fund. The fund consists  
11 of money and interest derived under this subsection and contributions  
12 from individuals and corporations. The fund shall be invested by the  
13 commissioner of revenue. The commissioner of revenue shall prepare  
14 the permanent fund dividend application for 1988 and subsequent years  
15 to allow applicants to designate that \$5 of the dividend be subtracted  
16 from their check and deposited in the public access fund. The commis-  
17 sioner of revenue may use money in the public access fund to pay  
18 actual administrative costs incurred under this subsection.

19 (b) Except as provided in (a) of this section, the commissioner  
20 shall administer the fund. The commissioner, after public hearings  
21 and in consultation with the commissioner of fish and game and the  
22 commissioner of transportation and public facilities, may use money in  
23 the fund to develop recreational access, including the purchase and  
24 lease of land, easements, and rights-of-way to enhance public access  
25 to recreational areas.

26 (c) The title to rights of public access to recreational areas  
27 obtained by the commissioner vests in the state. The commissioner  
28 shall include in the instrument transferring title to the state a  
29 clause requiring that the land be used for public access. If the land

1 ceases to be available for public access, the state shall either  
2 (1) pay to the fund the assessed value of the land at that  
3 time; or

4 (2) if the land was purchased with funds derived under 16  
5 U.S.C. 777-777k (Sport Fish Restoration Act), as amended, reimburse  
6 the sport fish restoration program.

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

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

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

16 \* Sec. 4. AS 38.50.010 is amended to read:

17 Sec. 38.50.010. AUTHORIZATION. Subject to the requirements of  
18 this chapter, the director, with the concurrence of the commissioner,  
19 is authorized to dispose of state land or interest in land by exchang-  
20 ing it for land, interest in land, or other consideration. Exchanges  
21 shall be for the purpose of consolidating state land holdings, creat-  
22 ing land ownership and use patterns which will permit more effective  
23 administration of the state public domain, creating access to waters  
24 of the state with high value for recreational uses, facilitating the  
25 objectives of state programs, or other public purposes.

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