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Referred: Finance

5-0221L

Original sponsors: Sturgulewski, Kerttula,
Szymanski and Fischer

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 62 (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 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), or

1 (5) or 38.05.068, the right-of-way or easement shall be at least 50
2 feet wide but the commissioner may require a wider right-of-way or
3 easement depending on local conditions. Where severe topographical
4 conditions make a right-of-way or easement of 50 feet or more im-
5 practical, the commissioner may issue a written finding of imprac-
6 ticability and waive or modify the requirement.

7 (b) The commissioner shall also establish rights-of-way or
8 easements to ensure access to rights-of-way or easements that are
9 along the public waterways. Easements under this subsection shall be
10 established approximately once each mile unless the commissioner
11 issues a written finding that severe topographical conditions make
12 this requirement impractical.

13 (c) The commissioner may exchange land under AS 38.50 to create
14 access to water of the state with high value for recreational uses.

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

16 Sec. 38.05.874. PUBLIC ACCESS FUND CREATED. (a) The public
17 access fund is established as a special account in the general fund
18 and funds may be deposited into the special account and withdrawn from
19 it as provided in this section. The fund consists of money and inter-
20 est derived under this subsection and contributions from individuals
21 and corporations. The fund shall be invested by the commissioner of
22 revenue. The commissioner of revenue may be reimbursed for actual
23 administrative costs incurred under this subsection by appropriation
24 from the public access fund.

25 (b) Except as provided in (a) of this section, the commissioner
26 shall administer the fund. The commissioner, after public hearings
27 and in concurrence with the commissioner of fish and game, may use
28 money in the fund to develop recreational access, including the pur-
29 chase and lease of land, easements, and rights-of-way to enhance

1 public access to recreational areas.

2 (c) The title to rights of public access to recreational areas
3 obtained by the commissioner vests in the state. The commissioner
4 shall include in the instrument transferring title to the state a
5 clause requiring that the land be used for public access. If the land
6 ceases to be available for public access, the state shall either

7 (1) pay to the fund the assessed value of the land at that
8 time; or

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

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

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

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

21 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).