

Original sponsors: Sturgulewski, Kerttula,  
Szymanski and Fischer

1 IN THE SENATE BY THE RULES COMMITTEE  
2 CS FOR SENATE BILL NO. 62 (Rules)  
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 38.05.127 is amended by adding new subsections to read:  
26 (f) Rights-of-way or easements to waterways established under  
27 (a)(2) of this section shall be established approximately once each  
28 mile unless the commissioner makes a written finding that regulating  
29 or limiting access is necessary for other beneficial uses or public

1 purposes.

2 (g) The commissioner may exchange land under AS 38.50 to create  
3 access to public water of the state.

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

5 Sec. 38.05.874. PUBLIC ACCESS FUND CREATED. (a) The public  
6 access fund is established as a special account in the general fund  
7 and funds may be deposited into the special account and withdrawn from  
8 it as provided in this section. The fund consists of money and inter-  
9 est derived under this subsection and contributions from individuals  
10 and corporations. The fund shall be invested by the commissioner of  
11 revenue. The commissioner of revenue may be reimbursed for actual  
12 administrative costs incurred under this subsection by appropriation  
13 from the public access fund.

14 (b) Except as provided in (a) of this section, the commissioner  
15 shall administer the fund. The commissioner, after public hearings  
16 and in concurrence with the commissioner of fish and game, may use  
17 money in the fund to develop recreational access, including the pur-  
18 chase and lease of land, easements, and rights-of-way to enhance  
19 public access to recreational areas.

20 (c) The title to rights of public access to recreational areas  
21 obtained by the commissioner vests in the state. The commissioner  
22 shall include in the instrument transferring title to the state a  
23 clause requiring that the land be used for public access. If the land  
24 ceases to be available for public access, the state shall either

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

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

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

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

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