

Offered: 5/15/87  
Referred: Finance

5-0221P

Original sponsors: Sturgulewski, Kerttula,  
Szymanski and Fischer

1 IN THE SENATE BY THE RESOURCES COMMITTEE  
2 HOUSE CS FOR 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. The legislature finds  
10 that access to state waters for fishing, hunting, guiding, boating, lodge  
11 operation and other recreational uses is very important to the economy of  
12 the state. State waters, and public access to those waters, is critical to  
13 the interrelated recreation, tourism, guiding and lodge industries. These  
14 industries support a large number of small, resident Alaska businesses.  
15 Recreational use of state waters is also extremely important to the people  
16 of the state. The legislature further finds that many of the state's  
17 popular freshwater and marine fisheries are severely overcrowded and that  
18 increasing the ease of access to additional waters suitable for recreation-  
19 al uses would enhance the enjoyment by the people, would be beneficial to  
20 the economy, and would reduce the overcrowding on the already popular  
21 waters.  
22 \* Sec. 2. AS 38.05.127 is amended by adding new subsections to read:  
23 (f) Rights-of-way or easements to waterways established under  
24 (a)(2) of this section shall be established approximately once each  
25 mile unless the commissioner makes a written finding that regulating  
26 or limiting access is necessary for other beneficial uses or public  
27 purposes.  
28 (g) The commissioner may exchange land under AS 38.50 to create  
29 access to public water of the state.

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

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4 and funds may be deposited into the special account and withdrawn from  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

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

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

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

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

27 (d) If the state receives funds under 16 U.S.C. 777-777k (Sport  
28 Fish Restoration Act), as amended, approximately 20 percent of the  
29 funds shall be used to implement the provisions of this section.

1       Expenditure of funds received by the state under this subsection is  
2       subject to the approval of the commissioner of fish and game.

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

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