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795

SENATE AMENDMENT

By Senator Fischer

To: \_\_\_\_\_ SENATE BILL No. SB 795

To: \_\_\_\_\_ HOUSE BILL No. \_\_\_\_\_

PAGE: 1      LINE: 26

Page 1, line 26, strike the period at the end of the sentence and add the following, "and other owners of properties which meet the criteria established by the Historic Sites Advisory Committee."



# Alaska State Legislature

## SENATE Resources Committee

Official Business

BETTYE FAHRENKAMP, Chairman  
VIC FISCHER, Vice-Chairman  
BRAD BRADLEY  
DICK ELIASON  
DON GILMAN  
BOB MULCAHY  
ARLISS STURGULEWSKI

POUCH V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3835

TO: Senate Resources Committee  
FROM: Senate Resources Committee Staff  
RE: Hearing, 3/24/82  
DATE: March 22, 1982

-----  
Please find attached background information for  
Wednesday's teleconference hearing on the following two  
bills:

- SB 794 Establishing certain areas as units of the  
state marine park system.
- SB 795 Relating to outdoor recreation and historic  
projects.

This hearing will be held at 1:30 p.m. in the Beltz Room.

# Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN  
VIC FISCHER, VICE-CHAIRMAN  
BRAD BRADLEY  
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## Senate

### Committee on Resources

#### MEMORANDUM

TO: Billy G. Berrier, Director  
Division of Legal Services, LAA

FROM: Bettye Fahrenkamp, Chairman  
Senate Resources Committee *Bettye Fahrenkamp*

DATE: March 1, 1982

RE: Legal sectional analysis of SB 794 and SB 795

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The following legislation has been referred to the Senate Resources Committee for consideration:

SB 794: "An Act establishing certain areas as units of the state marine park system; and providing for an effective date."

SB 795: "An Act relating to outdoor recreation and historic projects; and providing for an effective date."

The sponsor of the bills has requested that the bills be scheduled for hearing. Preparatory to the hearing(s), I would like a legal sectional analysis of the bills to be completed by the Division of Legal Services, and submitted to the Senate Resources Committee.



# Alaska State Legislature

## SENATE Resources Committee

Official Business

BETTYE FAHRENKAMP, Chairman  
VIC FISCHER, Vice-Chairman  
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POUCH V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3835

TO: Senate Resources Committee  
FROM: Senate Resources Committee Staff  
RE: Committee Meeting, 4/14/82  
DATE: April 12, 1982

---

Please find attached background information for Wednesday's hearing on the following bills:

- SB 794 Establishing certain areas as units of the Alaska Marine Park System.
- SB 795 Relating to outdoor recreation and historic projects
- SSSB 796 Providing for the management of state owned land in the Haines area, establishing the Alaska Chilkat Bald Eagle Preserve and the Haines State Forest Resource Management Area.
- SB 872 Relating to sanitation, sanitary practices, and quality assurance in the seafood processing industry.

The meeting will be held at 1:30 p.m. in the Beltz Room.

SENATE RESOURCES COMMITTEE  
LEGISLATION CHECKLIST

BILL NUMBER SB 795

IDENTIFICATION:

BILL NAME: "An Act relating to outdoor recreation and historic projects;  
and providing for an effective date."

SPONSOR(S): Fischer

RELATED BILLS PENDING:

DATE INTRODUCED: 2/16/82

REFERRALS

Resources

INITIAL RESEARCH:

INITIAL BILL SUMMARY COMPLETED

SUMMARY BY LEGAL DIVISION:  
DEPT. OF LAW SUMMARY:

SPONSOR CONTACTED FOR BACKUP  
MATERIALS: *3/9 + Fiscal Note*

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR  
REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS AND/OR GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE

BACKGROUND MATERIAL DISTRIBUTED

PSA/PRESS RELEASE

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/CS DRAFTED:

*Gary Thurlow - Mat/Se Bronnoff Mgr. 745-4801*



# Matanuska-Susitna Borough

BOX B. PALMER, ALASKA 99645 • PHONE 745-4801  
DEPARTMENT OF ADMINISTRATION

March 25, 1982

3/30  
MAR 29 1982

The Honorable Bettye Fahrenkamp  
Senate Resources Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Bettye:

Re: Senate Bill 795--An Act Relating to Outdoor Recreation and  
Historic Projects

I was at the teleconference in Anchorage this March 24, 1982, but your Committee ran out of time so I did not get to testify. I was in Anchorage that day for the Susitna Feasibility report of Acres Engineering.

We have had a very active Borough Trails Committee in the Matanuska-Susitna Borough for the past three years. During the first two years they have worked on major historic and resource trails that could be incorporated into a State system. For that reason the Trails Committee has taken a keen interest in Senate Bill 189 relating to a State trails system that could incorporate many local government initiated trails.

The Borough Assembly a couple of weeks ago passed a strong endorsement of this particular bill.

In the past six months various local trail user groups have worked very hard on shorter multi-purpose trails, many of which trails probably would not qualify under Senate Bill 189, but which would qualify for funding under Senate Bill 795.

These are largely trails fairly close to Palmer, Wasilla, and Talkeetna which are used by the local 4-H Pony Patrol people, Arabian horse people, Morgan horse people, Nordic Ski Club members, snowmachiners, etc. These people have given Senator Kerttula and Representative Carney a petition with 1,027 signatures asking that the trails be preserved in the Matanuska-Susitna Borough.

Many of the trails these people are concerned about have been in use since at least the 1930's, but in most cases the right-of-way for these trails is in a very uncertain status. In this respect the trails are very much like the Iditarod Trail, where the racers get pushed from one side to the other as various property owners near Knik Road change their mind as to what they are willing to put up with. (This year the local native corporation didn't want the racers to go near Native cemetery, so the Iditarod racers were pushed off of Native corporation land into land owned by

persons who happened to be out of the State, and who most likely had no idea that their lands were being used as a trail for this year.)

In any event, the trails the local user groups have identified are very feasible trails. It would be possible to nail down the right-of-way probably at an expense of about \$1,500 per mile, \$900 for a rough line of sight survey, with, another \$600 per mile for new trails or grown over trails where brushing would be required.

We would expect that the usage of these trails would rapidly increase. In fact usage has increased steadily, particularly in the past several years. I am quite sure that most of the forage raised in this Borough now goes to horses, rather than cows.

The users seem willing enough to do their share of work to keep costs down. The Talkeetna Chamber of Commerce has spent a lot of time on a 22 mile Nordic ski trail, all of which has to be surveyed, and some of which has to be brushed. Mac Stevens, a local surveyor in Talkeetna has done a good deal of volunteer work on that trail for the Chamber.

Locally, we would expect to get a lot of labor out of local groups, particularly the horsemen associations and the Hatcher Pass Winter Sports Association, and we would anticipate that these people would maintain the trails once they are established.

In this Borough the population just about doubles each decade--we are presently at about 20,000 population and we should have a population of at least 40,000 by 1992. In many ways it is exciting to live within a growing and developing community, because the very fact of development increases opportunities that would otherwise never exist. I would hope, however, that a price of growth would not be the loss of the opportunity to engage in outdoor recreation, which is a part of our local life that is important to many people, particularly for our younger people, but increasingly for everyone.

We could also put Senate Bill 795 monies to use on parks, historical and museum uses. We have a very active group of persons interested in historic sites in the Borough.

I do not have any problem with the mechanics of Senate Bill 795, because it is sufficiently similar to the old federal Bureau of Outdoor Recreation program that I think I can foresee how it would actually work in practice. From past experience, I think that this type of program does work quite well and is fair.

Sincerely,



Gary Thurlow  
Borough Manager

er

cc: Senator Vic Fisher  
Senator Donald Gilman  
Senator Artiss Sturgulewski

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS

JAY S. HAMMOND, GOVERNOR

619 WAREHOUSE DR., SUITE 210  
ANCHORAGE, ALASKA 99501

PHONE: 274-4676

*SB 795  
research file*

April 13, 1982

Re:

Alaska State Legislature  
Senate Committee on Natural Resources  
Pouch V  
Juneau, Alaska 99811

ATTN: Ms. Resa King

Dear Resa:

Attached please find a memo which briefly outlines the structure and responsibilities of the Historic Sites Advisory Committee. A review of my notes indicates that this should provide sufficient information to answer the questions raised by Senator Fahrenkamp during the recent hearing on SB 795.

If I can be of any further assistance, please do not hesitate to call.

Sincerely,

  
Chip Demmerlein  
Director  
CD:cLR

# MEMORANDUM

*Deliver to Steve Barton*  
State of Alaska

TO: Chip Dennerlein  
Director

DATE: March 30, 1982

THRU: Robert O. Baker  
Deputy Director, Statewide

FILE NO: 3110-3

TELEPHONE NO:

FROM: Ty L. Dilliplane, Chief  
Office of History & Archaeology

SUBJECT: Historic Sites Advisory Committee

Per your request, this memo will briefly outline the functions of the state's Historic Sites Advisory Committee (HSAC). The HSAC was created per AS 41.35.110 and consists of seven members. Two members are on the Committee automatically by virtue of their positions: these are the State Historic Preservation Officer and the Director of the Alaska State Museum. The five other members are appointed to the Committee by the Governor. Two of these members must represent native Alaskans, while the remaining seats are occupied by an archaeologist, architect, and an historian (AS 41.35.120). The chairperson of the HSAC is elected to that position by the membership (I was elected chairman at the March 10th meeting). There must be at least two meetings per year (AS 41.35.170).

The HSAC's duties, as listed under AS 41.35.180, are the following:

1. develop criteria for the evaluation of state monuments and historic sites and all real and personal property which may be considered to be of historic, prehistoric or archaeological significance as would justify their acquisition and ownership by the state;
2. cooperate with the Department of Natural Resources inulating and administering a statewide historic sites survey under the National Historic Preservation Act of 1966, Public Law 89-665 (80 Stat. 915);
3. review those surveys and historic preservation plans that may be required, and approve properties for nomination to the National Register as provided for in the National Historic Preservation Act of 1966, Public Law 89-665;
4. provide necessary assistance to the governor and the legislature for achieving balanced and coordinated state policies and programs for the preservation of the state's historic, prehistoric and archaeological resources.

I hope that the above information answers your questions.

TLD/jdg

# COMMITTEE REPORT

## SENATE

2/16/82

FURTHER: *None*

Date: 4/14/82

Mr. President:

The Committee on RESOURCES has had SB 795  
*outdoor recreation and historic projects*

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with        amendments(s)  same title
- replace with CS for         new title
- and recommends
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the        Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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\_\_\_\_\_  
CHAIRMAN

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. S.B. 795  
 Title Outdoor Recreation and Historic Projects  
 Requested by Sen. Fischer Date 3/12/82

II. FISCAL DETAIL  
 Agency Affected Natural Resources - Parks  
 Program Category Affected Parks & Recreation (NRMEC)  
 BRU, Program, or Subprogram(s) Affected Park Operations  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		8,391.9	8,391.9			
<b>TOTAL</b>		<b>8,391.9</b>	<b>8,391.9</b>			

FUNDING (Thousands of Dollars)

GENERAL FUND		8,391.9	8,391.9			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		1.0	1.0			
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The grants amount indicated above is based on the formula included in section 1 of the bill: \$20 per person times the July 1, 1991, total State population of 419,593.

The full-time position identified above would be a technical assistance person funded from a surcharge on the grants, as authorized in section 1 of the bill.

IV. DATE 3/18/82 PREPARED BY Hilton Wolfe *Hilton Wolfe*  
 AGENCY Natural Resources - Parks  
 PHONE 465-2421  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

### DIVISION OF PARKS

JAY S. HAMMOND, GOVERNOR

619 WAREHOUSE DR., SUITE 210  
ANCHORAGE, ALASKA 99501

PHONE: 274-4676

February 24, 1982

The Honorable Vic Fischer  
Alaska State Senate  
Pouch "V"  
Juneau, Alaska 99811

Dear Vic,

Attached please find a copy of SB 795 ("An Act relating to outdoor recreation and historic projects"). I believe this is the version of the bill as it was introduced. It addresses all of the concerns which we discussed regarding the administration of a State grant program for outdoor recreation projects.

There is, however, one remaining point which should be addressed if the bill is to become a truly effective vehicle for assisting with the preservation of important historic structures in Alaska. Section 41.22.050(c) limits historic properties grant recipients to municipalities. While such a limitation is appropriate and advisable for outdoor recreation projects, the same limitation for the historic properties area will severely reduce the ability of the grant program to fulfill its objectives. As we pointed out in our comments on earlier drafts of the bill, many historic properties are owned by private individuals or corporations. For this reason, cooperative assistance to private owners of historic properties has always constituted the backbone of historic preservation programs at both the Federal and State levels. With simple guidelines, such programs have operated effectively in many areas of the country without abuse.

The situation I describe can easily be corrected by a simple change to Section 41.22.050(c). I suggest that the attached draft bill be amended as follows:

Page 1, line 26, strike the period at the end of the sentence and add the following, "and other owners of properties which meet the criteria established by the Historic Sites Advisory Committee."

Since the Historic Sites Advisory Committee (a citizens group within the Division of Parks) is a statutory board

The Honorable Vic Fischer  
February 24, 1982  
Page 2.

established to guide the management of Alaska's cultural resources, placing the establishment of qualifying criteria in their hands is an appropriate approach which should be acceptable to the legislature.

Please consider supporting an amendment of SB 795. Without such amendment I believe the historic community in Alaska will not perceive that the bill meets their needs.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Chip Dennerlein". The signature is stylized with a large loop at the end.

Chip Dennerlein  
Director

# Alaska MUNICIPAL League

TELEPHONES  
(907) 586-1325  
586-6526

204 N. FRANKLIN ST.  
JUNEAU, ALASKA 99801

March 29, 1982

to: Senate Resources Committee  
from: Ginny Chitwood *G.C.*  
re: SB 795 - Outdoor Recreation & Historic Projects

Alaska Municipal League endorses SB 795, an act relating to outdoor recreation and historic projects.

In general, we support block grants instead of categorical grants, but this area is one we believe appropriate for a categorical program, because the impact transcends local boundaries. In most cases, outdoor recreation and historic projects have broad, regional and even statewide scope that justifies assistance to the communities. In the past there were federal grant programs for this purpose, but those funds are no longer available.

We have one minor amendment to suggest on page 2, line 8: change "city or borough" to "city, (or) borough, or unified municipality" to clarify that unified municipalities would be eligible to apply for grants as well as cities and boroughs.

Thank you for your consideration.



# Alaska State Legislature

## Official Business

BETTYE FAHRENKAMP, Chairman  
VIC FISCHER, Vice-Chairman  
BRAD BRADLEY  
DICK ELIASON  
DON GILMAN  
BOB MULCAHY  
ARLISS STURGULEWSKI

## SENATE Resources Committee

### MEMBERS PRESENT

Senator Fahrenkamp  
Senator Fischer  
Senator Eliason  
Senator Gilman  
Senator Mulcahy  
Senator Sturgulewski

POUCH V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3835

April 14, 1982  
1:35 p.m.

Beltz Room  
Room 211 - Capitol

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### Hearing:

- SB 794 Establishing certain areas as units of the Alaska marine park system.  
SB 795 Relating to outdoor recreation and historic projects.  
SSSB 796 Providing for the management of state owned land in the Haines area, establishing the Alaska Chilkat Bald Eagle Preserve and the Haines State Forest Resource Management Area.
- 

### SSSB 796

Resa King, Administrative Assistant, described the two meetings that had been held with Klukwan, Tlingit/Haida Central Council, Audubon Society, City of Haines, and the Department of Natural Resources since the April 7th hearing on SSSB 796, and stated that memos outlining those meetings were in the Committee members' packets. The meetings were to, 1) satisfy the concerns of Klukwan, and 2) answer questions raised by the legal division.

Jeff Haynes, Deputy Commissioner, Department of Natural Resources, expressed support for the bill, but indicated that technical amendments may need to be made before final passage.

Senator Mulcahy moved CSSSSB 796 with individual recommendations.

### SB 794

Phil Holdsworth, Juneau, expressed concern that the areas listed in Section 2 of the bill include many which are the only potential sites for log transfer facilities and industrial docks, especially in Southeast.

Jeff Haynes, DNR, explained that the areas listed in Section 2 are study areas, and will not necessarily be included in the marine park system. Decisions on which lands to include will involve a visible

Senate Resources Committee

April 14, 1982

Page 2

public process, and no lands will be included without legislative approval. Haynes stated that areas other than those listed in Section 2 can be studied also.

Senator Gilman expressed concern over language in the bill that would close the park lands to multiple use. He moved an amendment deleting page 1, lines 22-29 (CS) and asked unanimous consent.

Senator Fischer moved CSSB 794, as amended, with individual recommendations.

SB 795

Senator Fischer moved an amendment deleting page 3, lines 14-17 (CS #2) and asked unanimous consent. He then moved CSSB 795 as amended with individual recommendations.

The meeting was adjourned at 2:05 p.m.

SEARCHED - QUERY  
00021 '41.22.0'\$.CITATION.

41.22.010 DOCUMENT# 1 OF 3

HEADINGS TITLE 41.  
PUBLIC RESOURCES.  
CHAPTER 22.  
OUTDOOR RECREATIONAL, OPEN SPACE, AND HISTORIC PROPERTIES  
DEVELOPMENT.  
ARTICLE 1.  
OUTDOOR RECREATIONAL, OPEN SPACE, AND HISTORIC PROPERTIES  
DEVELOPMENT FUND.

CITATION SEC. 41.22.010.

CATCH LINE

OUTDOOR RECREATIONAL, OPEN SPACE, AND HISTORIC PROPERTIES  
DEVELOPMENT FUND.

TEXT

THERE IS IN THE DEPARTMENT OF NATURAL RESOURCES AN OUTDOOR  
RECREATIONAL, OPEN SPACE, AND HISTORIC PROPERTIES DEVELOPMENT  
FUND TO BE ADMINISTERED BY THE DIVISION OF PARKS. APPROPRIATIONS  
OR OTHER MONEY DEPOSITED IN THE FUND SHALL BE UTILIZED BY THE  
DEPARTMENT TO PAY THE NONFEDERAL SHARE OF COSTS OF PROJECTS WHICH  
ARE INITIATED BY THE STATE TO ACQUIRE, DEVELOP, OR EXTEND OUTDOOR  
RECREATION SITES AND FACILITIES AND TO ACQUIRE, PRESERVE, OR  
PROTECT HISTORIC SITES, BUILDINGS AND MONUMENTS. PLANS FOR  
EXPENDITURES FROM THE FUND SHALL BE SUBMITTED BY THE GOVERNOR IN  
ACCORDANCE WITH THE EXECUTIVE BUDGET ACT (AS 37.07) AS PART OF  
HIS ANNUAL BUDGET PRESENTATION TO THE LEGISLATURE.

HISTORY (SEC. 1 CH 32 SLA 1976)

41.22.020 DOCUMENT# 2 OF 3

HEADINGS TITLE 41.  
PUBLIC RESOURCES.  
CHAPTER 22.  
OUTDOOR RECREATIONAL, OPEN SPACE, AND HISTORIC PROPERTIES  
DEVELOPMENT.  
ARTICLE 1.  
OUTDOOR RECREATIONAL, OPEN SPACE, AND HISTORIC PROPERTIES  
DEVELOPMENT FUND.

CITATION SEC. 41.22.020.

CATCH LINE

FUND UTILIZATION FOR LOCAL PROJECTS.

(A) IN ADDITION TO USES OF FUND MONEY AUTHORIZED IN SEC. 10  
OF THIS CHAPTER, MONEY OF THE FUND SHALL BE UTILIZED TO MAKE  
GRANTS TO MUNICIPALITIES, OF UP TO ONE-HALF THE NONFEDERAL SHARE  
OF COSTS OF PROJECTS DESCRIBED IN SEC. 10 OF THIS CHAPTER WHICH  
ARE INITIATED BY A MUNICIPALITY, AND LOANS OF AMOUNTS NECESSARY  
TO ENABLE MUNICIPALITIES TO MAKE OPTION PAYMENTS ON PARKS AND  
OPEN SPACE LAND FOR THE ACQUISITION OF WHICH FEDERAL FUNDS ARE  
ANTICIPATED.

(B) PRIORITY OF NEED FOR LOANS UNDER (A) OF THIS SECTION  
SHALL BE DETERMINED BY AN EXAMINATION OF THE VALUE OF LANDS FOR  
PARK AND OPEN SPACE PURPOSES IF PERMANENTLY ACQUIRED, OF THE  
LIKELIHOOD THAT THE LANDS WILL BE PERMANENTLY ACQUIRED BY  
EXERCISE OF THE OPTION, AND OF THE IMMINENCE OF THE RISK OF LOSS  
FOR PARK AND RECREATION PURPOSES IF OPTIONS ARE NOT OBTAINED.

(C) LOANS UNDER (A) OF THIS SECTION SHALL BE CONDITIONED ON  
REPAYMENT WITHIN 10 YEARS, AT AN ANNUAL INTEREST RATE OF SIX PER

CENT.

(D) IN (A) OF THIS SECTION "MUNICIPALITIES" INCLUDES CITIES OR ORGANIZED BOROUGHES OF ANY CLASS EXERCISING POWERS TO INITIATE PROJECTS DESCRIBED IN SEC. 20 OF THIS CHAPTER AND ACQUIRE PARKS AND OPEN SPACE LAND, AS OTHERWISE AUTHORIZED BY LAW, AND INCLUDES BUT IS NOT LIMITED TO UNIFIED MUNICIPALITIES ORGANIZED UNDER AS 29.68.240 - 29.68.440.

HISTORY (SEC. 1 CH 32 SLA 1976)

4841.22.030 DOCUMENT# 3 OF 3

HEADINGS TITLE 41.

PUBLIC RESOURCES.

CHAPTER 22.

OUTDOOR RECREATIONAL, OPEN SPACE, AND HISTORIC PROPERTIES DEVELOPMENT.

ARTICLE 1.

OUTDOOR RECREATIONAL, OPEN SPACE, AND HISTORIC PROPERTIES DEVELOPMENT FUND.

CITATION SEC. 41.22.030.

CATCH LINE

POWERS AND DUTIES OF DEPARTMENT.

TEXT THE DEPARTMENT MAY ADOPT REGULATIONS NECESSARY TO CARRY OUT THE PURPOSES OF SECS. 10 - 30 OF THIS CHAPTER AND DESIGNATE AGENTS AND DELEGATE POWERS TO THEM AS IS NECESSARY.

HISTORY (SEC. 1 CH 32 SLA 1976)

00601 \* END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.



# Alaska State Legislature

## Official Business

BETTYE FAHRENKAMP, Chairman  
VIC FISCHER, Vice-Chairman  
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## SENATE Resources Committee

### MEMBERS PRESENT

Senator Fahrenkamp  
Senator Fischer  
Senator Eliason  
Senator Gilman  
Senator Mulcahy  
Senator Sturgulewski

POUCH V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3835

March 24, 1982  
1:30 p.m.

Beltz Room  
Room 211 - Capitol

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### Teleconference Hearing:

- SB 794 An Act establishing certain areas as units of the state marine park system.
- SB 795 An Act relating to outdoor recreation and historic projects.
- 

Senator Fischer stated that he introduced SB 794 as a response to hearings held in the Resources Subcommittee on Parks and Recreation, and SB 795 as the result of requests from municipalities.

Jeff Haines, Deputy Commissioner, Department of Natural Resources, strongly endorsed a marine park system, but offered a Committee Subst. allowing for various management methods within the system. He further urged that the system get started this year with inclusion of a few areas, and that DNR make recommendations for further inclusions after looking closely at all the proposals.

Chip Dennerlein, Director, Division of Parks, explained that SB 795 is based on current law, but with many technical improvements. He supports the 5% surcharge provision.

### SB 794

Ray Menaker, Haines, expressed support for SB 794, and for DNR's idea of including only the noncontroversial areas the first year.

Celia Hunter, Fairbanks, stated that a marine park system is long overdue, and expressed the hope that it can be expanded to Southeast.

George Weiss, Whittier, urged passage of both SB 794 and 795, as a benefit to all Alaskans and the tourism industry.

David Finkelstein, Anchorage, spoke on behalf of several environmental groups. He supports the marine park system concept to assure that some coastline land in Prince William Sound remains available for public use. He further urged land exchanges to get some private land into the marine park system.

Carl Propes, Director of Lands and Natural Resources, Chugach Natives, Inc., stated that he supports SB 794 with several changes, and will be submitting amendments within the next few days. He would like some proposed areas to become Chugach lands, and urged proper management of cultural and historical sites.

Dave Allison, Alaska Environmental Lobby, expressed support for SB 794 and 795 as expansion of the State's economic base that would preserve environmental values. He would like to see the system established this year, and called DNR's suggested approach "valid and viable".

Sally Kebisch, Anchorage, Sierra Club, expressed support for SB 794 and 795.

Peg Tileston, Anchorage, stated that she supports SB 794, and urged that the marine park system be expanded to other areas of the state.

Julie Kelly, Anchorage, expressed support for SB 794 and the expansion of the marine park system to other areas of the state.

Nancy Gross, Anchorage, expressed support for SB 794.

Jim Brennan, Anchorage, expressed support for SB 794.

Gene Camieron, Dive Alaska, stated that he supports SB 794, but urged consideration of underwater sports.

Nancy Lethcoe, Alaska Wilderness Sailing Safaris, Valdez, said she supports SB 794 with reservations. She expressed concern over the incomplete U.S. Forest Service land use planning, the conflict between the natural environment and park development, the need for public comment during the development of DNR's management plans, and the cost of park maintenance.

Jim Hall, Director of Parks for the City and Borough of Juneau, and member of the Alaska Parks and Recreation Association, expressed support for SB 794 and 795.

#### SB 795

Karen Hofstad, Petersburg Chamber of Commerce, said she supports SB 795, and expressed Petersburg's need for an RV park close to town.

Dotty Olson, Wrangell Chamber of Commerce Task Force, expressed support for SB 794, and urged expansion of the marine park system to Southeast, and for SB 795, explaining Wrangell's desire for an outdoor logging museum.

Pat Watson, Director/Curator Wrangell Museum, and Wrangell Cooperative IRA Association, expressed support for SB 795, referring to the preservation of the state's history as "vital".

Maurane Laurence, Wrangell Chamber Task Force, said she supports SB 794, urging it be extended to include areas in Southeast. She also supports SB 795.

Mike Schmidt, City and Borough of Sitka, expressed support for SB 795, urging that the law get on the books this year even if there is no funding available.

Bob Doyle, Community Schools, Sitka, said he supports SB 795, but is concerned about how funds will actually be disbursed.

Chip Dennerlein explained that an advisory commission composed of four citizens, the Lieutenant Governor, and the Director of Parks selects projects based on their merits.

John Cooper, Assistant Director, Alaska Historical and Transportation Museum, Palmer, stated he supports the concept of SB 795, but raised several questions: What constitutes historic property? How are advisory commission members chosen? Is equitable distribution of funds assured? He further urged that qualified nonprofit groups be considered for participation in the program, and that grants for purchase of historical objects be provided.

Carol Kirkpatrick, Haines, expressed support for SB 795.

Norman Blake, Haines, said he supports SB 794, urging its expansion to Southeast, and supports SB 795.

Paul Wilman, City of Haines, expressed support for both SB 794 and 795, stating that historic sites are great visitor attractions. He favors the portion of SB 795 that places the responsibility for initiation of a project with the municipality.

John Noble, Director, Parks and Recreation, Seward, supports SB 795.

Karen Hornaday, Chairman, Parks and Recreation Commission, Homer, expressed support for SB 795.

Jane Williams, Circle City Trail, Fairbanks, expressed support for SB 795, urging that Youth Hostels, historical buildings along trails, and archeological and anthropological sites be addressed in the bill.

Floyd Reishus, Fairbanks North Star Borough Nordic Ski Club, expressed support for both SB 794 and SB 795.

George Hall, Alaska Historical Society, Anchorage, stated that he supports SB 795, but urged inclusion of a mechanism to assure that historic projects get as much attention as recreation projects.

Janet McCabe, Anchorage, expressed support for SB 795, urging that a fiscal note be included to at least get the program started this year.

Pat McGee, Alaska Youth Hostel Council, said she supports SB 794 and SB 795.

Senator Fahrenkamp asked that those people who were unable to testify today send written comments.

The meeting was adjourned at 3:05 p.m.

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. S.B. 795  
 Title Outdoor Recreation and Historic Properties  
 Requested by Sen. Fischer Date 4/4/82

II. FISCAL DETAIL

Agency Affected Natural Resources - Parks  
 Program Category Affected NRMEC - Parks & Recreation  
 BRU, Program, Or Subprogram(s) Affected Park Operations  
 (Note: If more than one budget component is affected, separate line-item amount, and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-				

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
		-0-				

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

IV. DATE 4/4/82 PREPARED BY Hilton Wolfe  
 AGENCY Natural Resources  
 Original: Legislative Finance PHONE 465-2421  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 33-001 (Rev. 12/81)

PRIME SPONSOR: Fischer

CO-SPONSOR(S): None

LEGISLATION SUMMARY

SB 795: "An Act relating to outdoor recreation and historic projects; and providing for an effective date."

Sec. 1: Adds new language to existing law regarding outdoor recreational, open space and historic properties, establishing the outdoor recreation and historic properties grant fund in the Department of Natural Resources, to be administered by the division of parks. The fund shall be used to make grants of up to 75% of the cost of municipal projects to acquire, develop or extend outdoor recreation sites and facilities, and municipal historic properties projects.

Authorizes the Department of Natural Resources to adopt regulations pursuant to the purposes of the bill; requires the Department to provide annual reports on the status of the program to the legislature.

Defines terms used in the bill; specifically (in part), "historic properties project" is defined to mean projects meeting criteria set by the Historic Sites Advisory Committee.

Authorizes the division of parks to provide technical and administrative assistance to applicants for grants, and to retain up to 5% of appropriations to the grant fund to cover the cost of technical and administrative assistance to applicants.\*

Authorizes annual appropriations to the fund equal to \$20 per capita of the Alaskan population, as estimated by the Alaska Department of Labor.\*\*

Sec. 2: Repeals existing law regarding the outdoor recreational, open space, and historic properties development fund in the Department of Natural Resources.

Sec. 3. Effective date of July 1, 1982.

\*NOTE: This portion of the bill appears to have drafting/grammatical problems, which tend to obscure the meaning and intent.

\*\*NOTE: Department of Labor statistics state that the July 1, 1981 population of Alaska is 422,187; this would yield a maximum appropriation to the fund of \$8,443,740, if this bill was in effect at present.

LEGISLATION SUMMARY

SB 795: "An Act relating to outdoor recreation and historic projects; and providing for an effective date."

Sec. 1: Amends existing law regarding outdoor recreational, open-space and historic properties, adding new language establishing the outdoor recreation and historic properties grant fund in the Department of Natural Resources, to be administered by the division of parks. The fund shall be used to make grants of up to 75% of the cost of projects by empowered municipalities to acquire, develop or extend outdoor recreation sites and facilities, and municipal or private historic properties projects.

Authorizes the Department to adopt regulations pursuant to the purposes of the bill; requires the Department to annually report to the legislature on the status of the program.

Definitions. "Historic properties project" is defined to mean projects meeting criteria set by the Historic Sites Advisory Commission.

Authorizes the division of parks to provide technical and administrative assistance to applicants for grants, and to retain up to 5% of appropriations to the grant fund to cover the cost of the assistance.

Authorizes annual appropriations to the fund equal to \$20 per capita of the Alaskan population, as estimated by the Alaska Department of Labor.

Sec. 2: Repeals existing law regarding the outdoor recreational, open-space, and historic properties development fund in the Department of Natural Resources.

Sec. 3: July 1, 1982 effective date.



# Alaska State Legislature

## SENATE Resources Committee

Official Business

BETTYE FAHRENKAMP, Chairman  
VIC FISCHER, Vice-Chairman  
BRAD BRADLEY  
DICK ELIASON  
DON GILMAN  
BOB MULCAHY  
ARLISS STURGULEWSKI

POUCH V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3835

TO: Resource Committee Members      DATE: 4/12/82

FROM: Resources Committee Staff      RE: Policy Decision on  
SB 795 - Outdoor  
recreation and  
historic projects.  
Hearing: 4/14/82

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In working on a Committee Substitute to answer the questions raised in Richard Bradley's March 11th memorandum the sponsor's staff and I believe one of his points falls under a policy decision for the committee to determine. This section is Sec. 41.22.070(b) on page 2, lines 28 - 29 and continues on page 3, lines 1 - 2. This section states:

"(b) The division of parks may retain not to exceed five percent of the amount appropriated to the outdoor recreation and historic properties grant fund for administrative and technical assistance costs related to the administration of AS 41.22.050."

Mr. Bradley's memorandum states in part:

". . . And to the extent that the provision may take administrative support for the division of parks out of the annual appropriation review by the legislature, it may be questionable public policy."

STATE OF ALASKA  
THE LEGISLATURE

POLICY - STATE CAPITOL  
JUN. U. ALASKA 99811  
907-465 3600

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 11, 1982

SUBJECT: Outdoor recreation/historic properties -- SB 795  
(Work Order No. 12-2668)

TO: Senator Bettye Fahrenkamp  
Chairman, Senate Resources Committee

FROM: Richard A. Bradley *B*  
Legislative Counsel

You have requested a sectional analysis of SB 795, a bill relating to outdoor recreation and historic projects.

The existing provisions of law relating to "outdoor recreational, open space, and historic properties development", AS 41.22.010 - 41.22.030, are repealed in \* Sec. 2 of the bill.

\* Sec. 1 establishes new sections dealing with this general subject.

Sec. 41.22.050(a) establishes in the Department of Natural Resources an outdoor recreation and historic properties grant fund. The program is administered by the division of parks.

Sec. 41.22.050(b) provides that "appropriations and other money deposited in the fund" shall be used by the department to make grants to acquire, develop or extend "outdoor sites and facilities" under criteria established by the commissioner. The site or facility must be initiated by a municipality. A grant under this subsection may not exceed 75 percent of the total cost of the project.

Sec. 41.22.050(c) provides that "appropriations and other money deposited in the fund" shall be used by the department to make grants for a "historic properties project". The project must be initiated by the municipality. And a grant under this subsection may not exceed 75 percent of the total cost of the project.

Sec. 41.22.050(d) authorizes the department to adopt regulations to carry out the chapter.

Sec. 41.22.050(e) requires an annual report to the legislature on the grant program.

Sec. 41.22.050(f) establishes definitions. The term historic properties project is defined to mean a project for the acquisition, rehabilitation, [etc.] of "historic sites, buildings and monuments" that meet criteria established by the "historic sites advisory committee". The historic sites advisory committee is established in DNR by the provisions of AS 41.35.110 - 41.35.240 (the Alaska Historic Preservation Act).

A municipality is defined in Sec. 41.22.060(f)(3) as a city or borough having the power to provide for "recreation facilities". Note that if the municipal code changes the present formula [AS 29.48.030(a)(15)], the phrase should be conformed in this bill.

Sec. 41.22.060(f)(4) provides a definition of "outdoor recreation projects".

Sec. 41.22.070(a) authorizes the division of parks to provide technical assistance to an applicant in "planning, preparing applications for grants, and project administration".

Sec. 70(b) provides that the division of parks may "retain not to exceed five percent of the amount appropriated to the outdoor recreation and historic properties grant fund for administrative and technical assistance. . . ."

The provision is unusual.

The committee should understand what this provision does not do: it does not limit the administrative expenses of the division of parks to this five percent because this provision would not prevent the division from seeking additional program administration funds from the legislature. And to the extent that the provision may take administrative support for the division of parks out of the annual appropriation review by the legislature, it may be questionable public policy.

Senator Bettye Fahrenkamp  
Page 3  
March 11, 1982

Sec. 41.22.080 provides that the legislature may appropriate an amount equal to \$20 per capital based on the estimated population of the state to the outdoor recreation and historic properties grant fund.

This is equally an unusual provision. As you immediately recognize, it states more of a hope than an effective legislative commitment. The legislature may appropriate an amount that is equivalent to \$4.37 per capita, \$5<sup>00</sup> per capita, or no money at all. The provision is not effective as law to achieve anything; if a political statement of intent is desired, then a "statement of legislative intent" would be as effective and less confusing to the public.

RAB:ljb

PUBLIC SERVICE ANNOUNCEMENT

MARCH 9, 1982

THE SENATE RESOURCES COMMITTEE, CHAIRED BY SENATOR BETTYE FAHRENKAMP, WILL HOLD A TELECONFERENCE HEARING ON SB 794 AND SB 795, WEDNESDAY, MARCH 24TH AT 1:30 TO 3:00 P.M., PACIFIC STANDARD TIME.

SB 794 WILL ESTABLISH UNITS OF THE STATE MARINE PARK SYSTEM. SB 795 WILL PROVIDE A MECHANISM FOR FUNDING OUTDOOR RECREATION AND HISTORIC PROJECTS.

AREA RESIDENTS INTERESTED IN PRESENTING TESTIMONY OR OBSERVING THE HEARING MAY PARTICIPATE VIA THE LEGISLATIVE TELECONFERENCE NETWORK AT ALL OF THEIR LOCATIONS.

TO: Billy Berrier, Director  
Legal Services

DATE: 4/14/82

Attn: Bradley

FROM: Senator Fahrenkamp  
Chairman

RE: Final CSSB 795(Res)

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Attached is a work draft for CSSB 795(Res) that the Committee would like a final bill completed incorporating the following change:

Page 3, lines 14 - 17:

Delete the entire section "(b)"

If you have any questions please contact Resa King at 465-3834. When the bill is completed please return to Room 211 Capitol Building.