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Outdoor
Recreational
Facilities
(creation of)

SENATE BILL NO. 9, by Senators Vic Fischer and Josephson. Amends law governing the state's system of wilderness trails and campsites (AS 41.20.070 - 120). Expands the system to include "historical, recreational, and wilderness trails, waterways, and campsites." The Division of Parks in the Dept. of Natural Resources would continue to administer the expanded program. Lands to be included in the system would be those designated by the state (DNR in consultation with Depts. of Fish & Game and Transportation & Public Facilities) or those nominated by local governments and approved by the Commissioner of Natural Resources.

Adds several paragraphs to AS 41.20.080 (selection of land) which list the requirements for land included in the system (e.g., must serve the recreational needs of a substantial number of people, must provide access to areas of historical, natural, or recreational interest, etc.). Requires that, when practicable, a trail in the system must follow historic routes.

Adds clause which states that nothing in the law requires the transfer of title to land within an existing or proposed unit of the system from a municipality to the state or the transfer of maintenance or management responsibilities except as may be contained in an agreement between the parties. Would allow the Dept. of Natural Resources to enter into cooperative management agreements with federal agencies, municipal governments, and private landowners. Adds requirement that trails, waterways, or campsites designated or acquired under the law contain sufficient reservations of land to provide for the purposes for which the unit is established.

Provides that money appropriated by the legislature may be spent on any units within the system, including portions of the system owned by municipalities, and may be spent on management, maintenance, and administration of existing units and planning or acquisition of proposed units, including payments to municipalities for these purposes.

Adds new section 41.20.105 which allows the Dept. of Natural Resources to enter into a cooperative agreement with a municipality of the state for the acquisition, development, and marking of trails within the municipality. Amends section on Regulations (41.20.100) to direct the Commissioner of Natural Resources to adopt regulations for the inclusion of local government trails within the system and regulations relating to payments to municipalities for the program.

Amends Sec. 41.20.110 (construction & maintenance of campsites) to require the Dept. of Transportation & Public Facilities to develop and construct trail heads for the trail system and to develop and provide for safe and adequate public access to waterways. A trail head must provide public parking and must mark the existence of the trail.

Directs the Div. of Tourism to prepare informational material for state and national distribution promoting the use of the system.

INTRODUCTION OF BILLS (Senate)(cont'd)

SB 9 (cont'd)

Requires the Division of Parks to file a yearly report with the Governor and Legislature which shows areas included in the system, arrangements made or entered into for use, development, maintenance, or marking of units, and money spent or committed. Also requires the Division of Parks to prepare and maintain a five-year development plan for the system. See SB 23, p. 7, similar.

Provides Act effective July 1, 1983.

Introduced January 18 and referred to Resources and Finance.

Alaska
Railroad
Authority
(creation of)

SENATE BILL NO. 10, by Senator Kerttula. Would establish an Alaska Railroad Authority (AS 42.40.010 - 42:40.880) as an instrumentality of the state within the Department of Transportation and Public Facilities, with a legal existence separate from the state. Legislative findings indicate that the United States government determines to discontinue federal operation of the Alaska Railroad and the continued operation is possible only if the state acquires the railroad. Does not provide for an effective date (effective 90 days after Governor's signature).

Introduced January 18 and referred to Transportation and Finance.

Appropriation
(Alaska Power
Authority)

SENATE BILL NO. 11, by Senators Kerttula and Ziegler. Would appropriate \$221,180,000 from the General Fund to the Alaska Power Authority for the construction of various power projects around the state. Subject to AS 37.25.020, which relates to the funds being available only for the life of the project. Effective July 1, 1983.

Introduced January 18 and referred to Resources and Finance.

Salmon
Seine
Vessels
(max. length)

SENATE BILL NO. 12, by Senator Ziegler by request. Repeals AS 16.05.835, which limits vessel length to 50 feet (or 58 feet overall) unless the vessel was used in seine fishing in the state before 1962. Effective immediately.

Introduced January 18 and referred to Resources.

Arson
(definition)

SENATE BILL NO. 13, by Senator Ziegler by request. Amends the definition of first degree arson contained in AS 11.46.400. A person commits the crime if person "intentionally damages any property by starting a fire or causing an explosion and by that act recklessly places another person in danger of serious physical injury." The definition is clarified by the addition of the following language: "For purposes of this section, 'another person' includes but is not limited to a fire protection officer, peace officer or public employee who responds to the fire or explosion." Does not provide for an effective date (effective 90 days after Governor's signature).

Introduced January 18 and referred to Judiciary.



Matanuska-Susitna Borough

BOX 2, PALMER, ALASKA 99645 • PHONE 745-4801

DEPARTMENT OF ADMINISTRATION

March 24, 1983

MAR 26 1983

Saved for our file

The Honorable Barbara Lacher
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Barbara:

Subject: HB 199 AND SB 23 - TRAILS AND RECREATIONAL PROJECTS

You had asked about the Assembly's position on HB 199 on trails and SB 23 on outdoor recreation and historic projects.

The Assembly, at its March 23, 1983 meeting, unanimously endorsed the above bills.

See the attached:

AM 13-99 - House Bill 199 and Senate Bill 23 Relating to Recreational Projects.

Letter of Alaska Association for Historic Preservation and Alaska Recreation and Park Association to Governor Sheffield.

Sincerely,

Gary Thurlow
Gary Thurlow
Borough Manager

er

cc: Governor Bill Sheffield
Robert Goldberg
Alaska Association for Historic Preservation
Loren Smith
Alaska Recreation and Park Association
Janet McCabe, Chairman
Legislative Committee, AAHP, ARPA

Matanuska - Susitna Borough
assembly memorandum

no. A.M. 83-99

from: Rodney Schulling, Asst. Planning Director date: March 17, 1983
subject: House Bill 199 and Senate Bill 23 Relating to
Recreational Projects

The Planning Commission has reviewed House Bill 199 (copy attached) amending current legislation relating to development of State trails and other recreational facilities. The Planning Commission agrees in principle with this legislation and has so stated in Resolution 83-18; however, they have some concerns which, if the Assembly agrees, should be conveyed with any endorsement of subject legislation. These concerns include a suggestion that the Borough be more specifically involved in planning and designation of elements which would be incorporated in a State recreational system within the Borough. The Planning Commission is also concerned that provisions be made to identify local control of local projects and that funding be provided to support their development.

A companion Senate bill - SB 23 - was not reviewed by the Planning Commission but does seem to address some of the funding concerns of the Commission. A copy of this bill is also attached for Assembly review.

A proposed Assembly resolution supporting HB 199 and SB 23 in principle is attached for your consideration. Administration recommends approval and suggests that the Planning Commission concerns expressed above be conveyed in an accompanying letter to sponsor legislators along with any other concerns the Assembly may have.

Respectfully submitted,

Claudio Arenas
Claudio Arenas
Planning Director

Reviewed and approved:

Gary Thunlow
Gary Thunlow, Manager

*Approved by
Assembly
March 23, 1983*

Alaska Recreation and
Park Association
P.O. Box 2664-DT
Anchorage, Alaska 99510

Date Filed: 3-10-83 Initial:
The Alaska Association for
Historic Preservation
Old City Hall
524 West Fourth Avenue, Suite 203
Anchorage, Alaska 99501

Honorable Bill Sheffield
Governor of Alaska
Pouch A
Juneau, Alaska 99811

Dear Governor Sheffield:

At this time of year you and your administration are besieged by requests for capital funds for various local projects. Certainly, this type of pressure is being applied to members of the Legislature. These requests are difficult to compare and evaluate on a statewide basis.

Our two statewide organizations, the Alaska Recreation and Park Association and the Alaska Association for Historic Preservation would like to propose an approach towards capital budgeting for local recreation facilities and historic preservation projects that would fit in with your efforts to provide a well considered and controlled capital budget.

Senate Bill No. 23 was drafted several years ago with the assistance of the Alaska Division of Parks. It establishes a program by which the State, through the Alaska Division of Parks, would fund local recreation and historic preservation projects on the basis of competitive applications received annually from localities throughout the state. The bill also authorizes the Division to provide technical assistance to communities in identifying projects and preparing applications. This assistance puts small communities on a more equitable basis with larger places in the annual competition for funds.

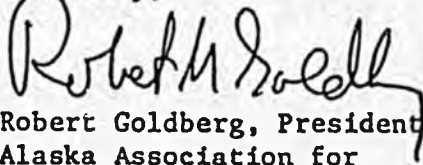
The program embodied in this bill has had substantial testing and precedent. It is based on the Land and Water Conservation Fund Program and the Historic Preservation Grant Program that were much used throughout Alaska in the decade preceding 1981 when federal funds were eliminated. These two highly successful programs combined federal funding with State administration to achieve an equitable distribution of dollars for local recreational and historic preservation projects. The requirement for local matching funds and an annual competition of applicants ensured that only those projects that had solid public benefit and local support received public funds. Unfortunately, recent federal cutbacks have eliminated both programs, except for a small amount appropriated for recreational projects during the current fiscal year. Senate Bill No. 23 would reinstitute these programs using State funding to match local dollars for locally initiated projects.

We believe that Senate Bill No. 23 deserves administrative support. For minimal statewide implementation, the FY 1984 fiscal note should be at least \$4 million. Since the bill establishes a process of statewide

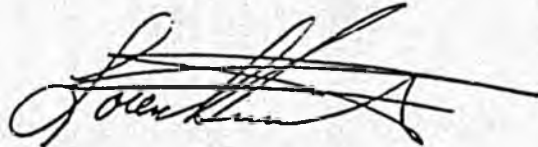
distribution of funding, it needs the support of the Administration. With your help the bill could establish a rational and cost effective system for distribution of funding for local recreation and historic preservation, a system which could provide an alternative to the ad hoc approach which has prevailed in recent years.

We look forward to discussing this proposal with you in further detail.

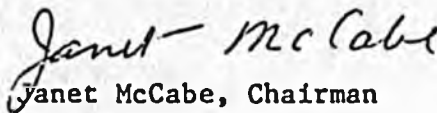
Sincerely,



Robert Goldberg, President
Alaska Association for
Historic Preservation



Loren Smith, President
Alaska Recreation and
Park Association



Janet McCabe, Chairman
Legislative Committee, AAHP, and
Legislative Committee, ARPA

Enclosure

Senate Bill No. 23

cc:

Neil C. Johansson, Director
Alaska Division of Parks

Gary Thurlow, Manager
Matanuska-Susitna Borough

Senator Vic Fischer
Senator Arlis Sturgulewski
Senator Joe Josephson
Representative Randy Phillips
Representative Barbara Lacher
Representative Mike Szymanski

MAR 9 - 1983

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 199 Date on Bill: 2/14/83
Title: An Act relating to outdoor recreational facilities; providing for a state . . .
Sponsor: Lacher, Phillips, Clocksin and Larson
Requestor: _____

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital								
Operating								
Total			0	0	0	0		

b. Revenues:

Revenue								
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2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Terry Miller Phone: 465-2010
Division: Tourism Date: _____

Approved by Commissioner: Richard A. Lyon Date: _____
Department: Commerce and Economic Development

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

Alaska State Legislature



House of Representatives

Committee on Transportation

Rep. Bette Cato, Chairman

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4858

AMENDMENT TO HB 199
HOUSE TRANSPORTATION COMMITTEE

Sec. 7 PAGE 4, LINE 16 INFORMATIONAL MATERIAL

Delete "The division of tourism in the Department of Commerce and Economic Development" and

Insert "The division of parks in the Department of Natural Resources".

COMMITTEE REPORT

HOUSE

FURTHER: RESOURCES
FINANCE

2/21/83

Date: 4/7/93

Mr. Speaker:

The Committee on TRANSPORTATION has had HB 199

An Act relating to outdoor recreational facilities; providing for a state historical, recreational, and wilderness trails, waterways, and campsite system; and providing for an effective date.

under consideration and reports it back as follows:

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

**MEMBERS SIGNING
DO PASS**

Mike Dumas Polans

M.W. Miller Do Pass

[Signature]

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**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

[Signature]

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CHAIRMAN



Alaska State Legislature

HB 199

Senate

Official Business

Senator Bettye Fahrenkamp
Chairman

Pouch V
State Capitol
Juneau, Alaska 99811

March 23, 1983
3:10 p.m.

211 Beltz Room

MEMBERS PRESENT

Senator Fahrenkamp
Senator Ziegler
Senator Elfason

Senator Vic Fischer
Senator Mulcahy
Senator Sturgulewski

SB 9 - An Act relating to outdoor recreational facilities; providing for a state historical, recreational, and wilderness trails, waterways and campsite system.

SB 128 - An Act establishing certain areas as marine park units of the Alaska state park system.

CSHB 151 - An Act making a special appropriation to the Department of Natural Resources, Division of Parks, for acquisition and development of the House of Wickersham in Juneau.

SB 9 - Neil Johannsen, Director, State Division of Parks testified that the administration supports SB 9. He would recommend that the fiscal note be stricken to zero. Discussion followed as to implementation of the bill if it was not funded. Regarding the Iditarod Trail, he stated that BLM will not act on the trail management plan until a joint understanding by the State of Alaska and the Department of Interior has been reached on management strategies. At that time a plan will be submitted to the Alaskan delegation in Washington, D. C. and funds requested.

Senator Vic Fischer listed amendments he wished to see included in SB 9. Senator Fahrenkamp suggested that Sen. Fischer work closely with Citizen's Advisory Commission which has worked on the Iditarod plan.

Senator Fischer moved a zero fiscal note on SB 9. There were no objections.

Jim Wilson representing himself expressed concern over the lack of safeguards in the bill permitting continued historic use of trails for mining, etc.

Mary Lou King representing herself supports SB 9.

SB 128 - Neil Johannsen, Director of Alaska State Parks, gave background information and the history of the acquisition of land for marine parks. Discussion followed regarding amount of state land selected from national forests allocated to prime recreation use, similar projects in other areas, the law suit over land selections with the Forest Service, the support of various groups including Alaska Visitor's Association and communities in the Prince William Sound area. He suggested various amendments to improve upon the bill; i.e. special purpose sites, the inclusion of Board of Game,

permission to construct aquaculture facilities, cooperative agreements with other owners in management and access across marine sites. He recommended a zero fiscal note.

Senator Fischer moved the committee fiscal note. There were no objections.

Jay Nelson, Representative of Alaska Environmental Lobby, testified that SB 128 would assure good conservation of land and supports the bill. He supports zero fiscal note on SB 128. He also supports CSHB 151 and SB 9.

Carl Yanagawa, Department of Fish and Game testified that his department supports SB 128.

Senator Vic Fischer moved that a committee substitute be prepared to incorporate proposed changes. There were no objections.

Senator Fahrenkamp stated that the Committee would consider SB 128 on Monday, March 28.

CSHB 151 - Ned Farquhar, Special Assistant to DNR Commissioner Wunnicke requested permission to delay the Administration's comments on CSHB 151 one week.

Senator Fahrenkamp concurred in the request.

Kitty Gaer, a private citizen testified in support of CSHB 151.

Perry Lovett, Mayor of Cordova and a member of Alaska Parks and Recreation testified in support of SB 9 and SB 128. He also supports amendments offered by State Division of Parks. However, he expressed concern regarding a zero fiscal note.

Meeting adjourned at 4:15 p.m.

after the close of the fiscal year for which the sums are authorized, unless they are obligated for expenditure, in which case they shall remain available until spent. Any amounts not obligated remaining unexpended at the end of the three-year period lapse.

(c) The amount expended by a city or borough under § 355(a) of this chapter or by the Department of Highways under § 355(b) and § 360 of this chapter, shall never in any one fiscal year be less than 10 per cent of the total amount of the funds it receives in that year for the purposes authorized in §§ 355 — 360 of this chapter. (§ 1 ch 107 SLA 1972; am § 3 ch 75 SLA 1974)

Effect of amendment. — The 1974 amendment, in subsection (a), substituted "of not less than three-eighths of one per cent nor more than" for "up to" near the beginning and "shall be appropriated" for "may be appropriated" and "footpaths and shelter construction and maintenance" for "and footpath" near the middle.

Sec. 41.20.370. Use and marking of trails and footpaths. Trails established under § 355(a) of this chapter may be used for more than one type of transportation, motorized or nonmotorized, as considered appropriate by the commissioner of natural resources. Except along highways within the jurisdiction of the Department of Highways, the Department of Natural Resources shall provide a uniform system of marking trails and footpaths. (§ 1 ch 107 SLA 1972)

Sec. 41.20.375. Reports. Cities and boroughs receiving grants under §§ 355 — 375 of this chapter shall submit to the commissioner of natural resources complete reports covering its expenditures relating to the establishment of trails and footpaths. Reports shall be submitted annually, on projects extending over 12 months. Reports on shorter projects shall be submitted at the completion of the project. (§ 1 ch 107 SLA 1972)

Article 11. Alaska Conservation Action Corps.

Section
385. Declaration of purpose
390. Corps
395. Activities of corps

Section
400. Compensation
405. Restrictions

Editor's note. — Section 2, ch. 168, SLA 1972, provides: "This Act takes effect upon certification by the commissioner of natural resources to the governor that

appropriated federal funds are available under P.L. 91-378, on other federal law, to pay compensation to corps members."

Sec. 41.20.385. Declaration of purpose. The purpose of §§ 385 — 405 of this chapter is to provide avenues of action for youth in the state

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Sec. 41.2

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§ 41.20.360

PUBLIC RESOURCES

§ 41.20.365

(d) Upon approval of the plan, funds shall be utilized and disbursed to cities and boroughs and to the Department of Highways according to regulations established by the commissioner of natural resources.

(e) Before the distribution of funds by the commissioner, consideration shall be given to the extent of funding available under other federal, local and state aid programs.

(f) Nothing in §§ 355—375 of this chapter prohibits a city or borough for which a grant is authorized from entering into an agreement with the Department of Natural Resources for the establishment and maintenance of trails and footpaths outside cities and boroughs. (§ 1 ch 107 SLA 1972; am § 1 ch 75 SLA 1974)

Effect of amendment. — The 1974 "paths" for "foothpaths" in the first amendment, in subsection (c), substituted sentence and added the second sentence.

Sec. 41.20.360. Paths and trails along highways. The commissioner of highways shall administer the plan and program providing for the establishment and maintenance of footpaths, bridle paths, bicycle paths, ski trails, dog sled trails, motorized vehicle trails and other paths and trails along certain designated existing highways, or when a highway, road or street is being constructed, reconstructed or relocated after June 7, 1972. Trails established under an approved plan submitted by the Department of Highways may be used for those types of uses written into the plan. A uniform system of marking the paths and trails established under this section shall be established by the commissioner of highways. (§ 1 ch 107 SLA 1972; am § 2 ch 75 SLA 1974)

Effect of amendment. — The 1974 amendment inserted "bridle paths, bicycle paths, ski trails, dog sled trails, motorized vehicle trails and other paths" in the first sentence, substituted "those types of uses written into the plan" for "more than one type of transportation, motorized or nonmotorized, as determined by the commissioner of highways" in the second sentence, and substituted "paths" for "foothpaths" in the third sentence.

Sec. 41.20.365. Authorization of funds. (a) An amount of not less than three-eighths of one per cent nor more than one per cent of the total yearly state and federal matching sum combined, under the federal-aid highways program (23 U.S.C., secs. 101 — 511), shall be appropriated annually from the general fund to the Department of Natural Resources for the purposes of providing grants to eligible cities and boroughs for trails, footpaths and shelter construction and maintenance in appropriate areas, including but not limited to existing park and recreation areas and for the purpose of providing grants to the Department of Highways for developing the program specified in § 355(k) and § 360 of this chapter.

(b) Except as provided in (c) of this section, the sums appropriated under this section shall continue to be available for expenditure by the departments or by eligible cities and boroughs for a period of three years

T2S, R1W, Seward Meridian. (§ 1 ch 66 SLA 1971; am § 1 ch 73 SLA 1975)

Effect of amendment. — The 1975 amendment divided the former third sentence into the present third and fifth sentences by substituting the language beginning "Lands covered by §§ 330 — 345" and ending "described parcels" for "and is described as follows," substituted "(1) — (4) of this section" for "§§ 330 — 340 of this chapter" in the third sentence, added the present fourth sentence, and added paragraph (5).

Sec. 41.20.340. Incompatible use prohibited. The commissioner of natural resources shall designate by regulation incompatible uses within the boundaries of the Caines Head State Recreation Area in accordance with § 335 of this chapter, and those incompatible uses designated are prohibited or restricted, as provided by regulation. (§ 1 ch 66 SLA 1971)

Sec. 41.20.345. Purchase authorized. The commissioner of natural resources may acquire, by purchase in the name of the state, title to or interest in real property lying within the boundaries of the Caines Head State Recreation Area. The state may not acquire by eminent domain privately owned land for inclusion in the Caines Head State Recreation Area. (§ 1 ch 66 SLA 1971)

Article 10. Trails and Footpaths.

Section	Section
355. Grants for the establishment of trails and footpaths	370. Use and marking of trails and footpaths
360. Paths and trails along highways	375. Reports
365. Authorization of funds	

Sec. 41.20.355. Grants for the establishment of trails and footpaths. (a) Within the limits of available appropriations, a city or borough of any class is entitled to state grants for the purpose of acquiring land or rights-of-way over land and establishing and maintaining trails and footpaths on that land or those rights-of-way.

(b) Within the limits of available appropriations, the Department of Highways is entitled to state grants for the establishment and maintenance of footpaths and trails along certain designated existing highways or when a highway, road or street is being constructed, reconstructed or relocated after June 7, 1972.

(c) Before a grant is awarded under this section, application shall be submitted to the commissioner of natural resources, accompanied by a comprehensive plan for the establishment of trails and paths. The plan may provide for ski trails, dog sled trails, motorized vehicle trails, bicycle paths, bridle paths, footpaths and other trails and paths, and designate separate and incompatible uses of these trails and paths.