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SENATE RESOURCES COMMITTEE  
LEGISLATION CHECKLIST

IDENTIFICATION:

BILL NUMBER: *CSHB 479 (FIN)*  
BILL NAME: *Relating to the issuance of citations for the violation of certain offenses with state park; red. facilities.*  
SPONSOR(S): *Mattz* RELATED BILLS PENDING:  
DATE INTRODUCED: *3/27/94*  
REFERRALS: *Resources  
Finance*

INITIAL RESEARCH:

BILL SUMMARY COMPLETED: SUMMARY BY LEGAL DIVISION:  
SPONSOR CONTACTED FOR DEPT. OF LAW SUMMARY:  
BACKUP MATERIALS: FISCAL NOTE:  
AGENCY RESPONSE: OTHER INTERESTED SENATORS OR REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:  
RESPONSES FROM INTERESTED PERSONS/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/COMMITTEE  
SUBSTITUTES DRAFTED:

*Gail Horetzki, AG - <sup>3429</sup>~~3400~~ - Lisa Nelson - will call back*  
*Ron Sommerille - will testify*  
*Rep Hayes, sponsor - Neil Munson - Phelps - will testify*  
*DNR - Neil Johnson*  
*Public Safety*

# MEMORANDUM

HB 479  
State of Alaska

TO: Sandra Schubert  
Senate Resources

DATE: April 27, 1984

FILE NO:

TELEPHONE NO:

FROM: Carol Wilson *ow*  
Special Assistant  
Department of Natural Resources

SUBJECT: Citations for State Park  
Violations

Listed below are examples of how a bail schedule may be applied to enforce park regulations.

11 AAC 12.050 REFUSE AND WASTE. This regulation prohibits the disposal of refuse in a state park. The following example shows the application of this regulation with a bail schedule in place:

A group of fishermen from Anchorage are camping at a campground on the Kenai Peninsula. During the course of their stay they litter the campsite and are preparing to return to Anchorage when contacted by a park ranger. The ranger elects to issue a citation for a violation of 11 AAC 12.050. REFUSE AND WASTE. The individuals cited for the offense would be responsible for mailing to the appropriate authority and location the established bail amount for the violation. A fifty dollar fine would be reasonable for littering the campsite.

Without a bail schedule, the violators would be forced to return to court on the Kenai Peninsula for a hearing on their violation and forced to return a second time for trial should they plead "not guilty" to the offense. The ranger would also be required to appear in court.

11 AAC 12.100. VEHICLES. This regulation prohibits the use of vehicles in areas that are closed to vehicle use. An application of this regulation with the bail schedule in place might occur like this:

The Eagle River area of Chugach Park has received two inches of snow, the first snow of the winter. The area is closed to the use of vehicles. Two individuals are contacted by a ranger and cited for operating in a closed area and asked to leave. The individuals were cooperative and merely anxious to try their new machines. With the bail schedule they need only mail in their fine of from 25 to 30 dollars for the offense. Without the bail schedule, the violators would have to appear before a magistrate for a hearing on their offense, and could receive a maximum sentence of a year in jail or a thousand dollar fine. All DNR violations are Class A misdemeanors punishable at that level.

11 AAC 12.120. DISTURBANCE OF NATURAL MATERIAL. This regulation prohibits random cutting and digging and removing of material objects in a state park. Application:

A park ranger in Northcentral Alaska encounters a camper at Chena Lake and Recreation Area who has cut two small live trees to use as a shelter, with

visquine, for his dog. The ranger issues a citation to the Anchorage visitor. The violator may return to Anchorage and mail in his fine of from 50 to 75 dollars. Without a bail schedule allowing such a process, the violator must remain in Northcentral Alaska for his court appearance.

Should a park ranger encounter a situation where a violator cuts 50 live trees in order to build a large structure, then a mandatory court appearance is necessary. The damage to the natural resources in this case is of such magnitude that the courts are better able to deal with it.

11 AAC 12.210. LIMITATION AS TO NUMBERS. The number of vehicles and persons occupying a campsite may be limited. Application:

A group of teenagers have pulled four vehicles into a campsite that is designed for one vehicle. The cars are circled nose to nose on the grass so that all of the radio speakers are focused on the center of the circle. The park ranger, who has dealt with the individuals before and has broken up such activity without issuing a citation, elects to issue citations at this time. The violators, who have not seriously damaged park facilities or resources, can mail in the fine of from 50 to 75 dollars, which should get their attention but not cause additional expense to the State.

11 AAC 12.230. CAMPING. This regulation prohibits camping within a mile of a developed campsite and imposes a 15 day annual stay limit in a state park. Application:

Seasonally the State of Alaska is visited by thousands of people. Many come to stay living in our park facilities briefly until they establish themselves.

The area ranger has contacted the head of a household living in a campground on several occasions and has asked the family to move because they have overstayed their camping limit. Getting no results from the repeated request to move along, the ranger issues a citation to the head of the household. He informs the violator that unless they move, other citations will follow. The violator has the opportunity to send in a fine of from 25 to 50 dollars. Should the violator not comply, then the ranger may bring him to court through a citation which requires a court appearance.

not adopted

SENATE RESOURCES COMMITTEE  
LETTER OF INTENT  
FOR  
CSHB 479 (Finance)

It is the intent of the Resources Committee in passing out this bill that the Supreme Court shall specify certain park violations for which bail amounts can be set and for which citations could be issued which would not require court appearances. It is intended that this procedure be similar to that currently employed under the motor vehicle code for traffic citations. Through implementation of this procedure it is intended that savings in time to the court system, enforcement agencies and violators would be realized.

However, the Committee recognizes that only some park misdemeanors would be identified under this new statute as amenable to disposition without court appearance. Other misdemeanors would continue to require court appearances by the cited violators. In statements to the Committee the following misdemeanors were mentioned as examples of those violations for which the provisions of this bill might in all likelihood apply:

- 1) littering,
- 2) defacing public property,
- 3) building a campfire in a closed area,
- 4) camping over the designated time limit.

The following misdemeanors were mentioned as examples of those violations for which the provisions of this bill should probably not apply:

- 1) serious damage to park facilities, such as destroying a picnic shelter,
- 2) serious damage to park resources, such as cutting 50 live trees,
- 3) noncompliance with a park ranger's repeated request to cease an unlawful action.

It is the intention of the Committee that the Supreme Court, in consultation with the advisory committee established in CSHB 479 (Fin), would identify misdemeanors under this bill consistent with the above lists.

Bettye Fahrenkamp, Chairman  
Senate Resources Committee

# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ROBERT H. ZIEGLER, SR., Vice Chairman  
DICK ELIASON  
PAUL FISCHER  
VIC FISCHER  
BOB MULCAHY  
ARLISS STURGULEWSKI



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

## Senate Committee on Resources

### MINUTES

April 27, 1984  
3:08 pm

Beltz Room  
Room 211, Capitol

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### MEMBERS PRESENT

Senator Fahrenkamp, Chairman  
Senator Paul Fischer  
Senator Vic Fischer  
Senator Mulcahy  
Senator Sturgulewski

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### CALENDAR

CSSJR 38 (State Affairs), Relating to a nuclear free arctic.

HB 479, An Act relating to the issuance of citations for the violation of certain offenses within state park and recreational facilities.

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### CSJR 38 (State Affairs)

Senator Vic Fischer, sponsor of the resolution, explained that SJR 38 would call upon the Governor and the Alaska Congressional delegation to promote efforts to establish a nuclear free zone in the arctic. He spoke in support of a proposed Resources committee substitute that defines the "arctic" as the region above the arctic circle, and clarifies that safe and benign uses of nuclear technology would not be limited by this resolution. Fischer moved CSSJR 38 (Resources) from committee with individual recommendations. There was no objection.

### HB 479

Senator Mulcahy asked the Department to submit to the committee a list of citations and appropriate fines when available.

Senator Sturgulewski moved CSHB 479 (Finance) from committee with individual recommendations. There was no objection.

Korean Cattle Proposal

Bob Breeze, representing the HanA-Samick Corporation, gave an overview of the proposal to lease State of Alaska and University of Alaska lands on the Kenai Peninsula for a beef export project.

The meeting adjourned at 3:30 pm.

# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ROBERT H. ZIEGLER, SR., Vice Chairman  
DICK ELIASON  
PAUL FISCHER  
VIC FISCHER  
BOB MULCAHY  
ARLISS STURGULEWSKI



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## Senate

### Committee on Resources

#### MINUTES

April 25, 1984  
3:12 pm

Beltz Room  
Room 211, Capitol

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#### MEMBERS PRESENT

Senator Fahrenkamp, Chairman  
Senator Ziegler, Vice Chairman  
Senator Paul Fischer  
Senator Vic Fischer  
Senator Mulcahy  
Senator Sturgulewski

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#### CALENDAR

HCSSB 269 (2d Finance), An Act relating to the sale of royalty oil by the State of Alaska to Chevron, U.S.A., Inc.

SB 288, An Act relating to the Board of Fisheries.

SB 289, An Act relating to discharge of firearms, and hunting and fishing in state park and recreation areas.

CSSB 407 (Resources), An Act relating to the prevention and abatement of water pollution.

HB 479, An Act relating to the issuance of citations for the violation of certain offenses within state park and recreational facilities.

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#### SB 289

Skip Harding, Deputy Director, Division of Parks and Recreation, Department of Natural Resources, reviewed the status of current regulations governing the discharge of firearms in state parks, specifically those for Denali State Park. Draft regulations that reflect a restructuring of all park regulations, including provisions for allowing lawful discharge of firearms in most areas, will be out for public review within three weeks. He testified that the Department did not support this bill.

Ron Sommerville, Alaska Outdoor Council, spoke in support of CSSB 289.

Senator Mulcahy moved to adopt the committee substitute for SB 289 and report it out of committee with individual recommendations. There was no objection.

HB 479

Skip Harding, Deputy Director, Division of Parks and Recreation, Department of Natural Resources, explained that HB 479 would save the Department of Law, the Department of Natural Resources, and the public a significant amount of time and money by allowing the Supreme Court to establish a bail schedule for park violations.

Lisa Nelson, Criminal Division, Department of Law, spoke in support of the bill.

Senator Mulcahy requested a list of those park violations that would have a bail schedule set.

HCS SB 269 (2d Finance)

Kay Brown, Director, Division of Oil and Gas, Department of Natural Resources, reviewed the changes in the royalty oil contracts that had been negotiated over the interim. The major change in the Chevron contract is a 2-year price reopener.

George Day, Public Affairs Officer, Chevron, U.S.A., Inc., spoke in support of the bill.

Senator Fahrenkamp moved that the committee recommend that the Senate concur with the House amendments to the bill. There was no objection.

SB 288

Senator Vic Fischer moved an amendment to SB 288 that would require that at least two members of the Board be participants in sport fisheries.

Senator Bettye Fahrenkamp moved to adopt CSSB 288 and report it from committee with individual recommendations. There was no objection.

CSSB 407

Randy Bayliss, Department of Environmental Conservation, spoke in support of the committee substitute, explaining that it would direct the Department to inventory significant streams, set standards for a "placer mining use" classification, and plan for resource use in basin-wide areas.

Senator Vic Fischer proposed amending Section 1, Subsection 1, to read "...adequately inventoried and properly classified..."

Phil Holdsworth, Alaska Miners Association, proposed two amendments and a letter of intent to CSSB 407. They would urge the commissioner to utilize all information and the expertise of other agencies in stream classification.

Senator Mulcahy moved to adopt CSSB 407 and the letter of intent for CSSB 407 and report it from committee with individual recommendations. There was no objection.

The meeting adjourned at 4:25 pm.

Bill was on the floor May 11, 1984.  
Judiciary asked for referral.

# HB 479

They adopted a Letter of Intent  
(that we drafted but didn't adopt). Judiciary  
added the last sentence (see attached).

HB 479 - AN ACT RELATING TO THE ISSUANCE OF CITATIONS FOR THE  
VIOLATION OF CERTAIN OFFENSES WITHIN STATE PARK AND  
RECREATIONAL FACILITIES: AND PROVIDING FOR AN EFFECTIVE DATE.

HB 479 AUTHORIZES THE STATE SUPREME COURT TO ESTABLISH A BAIL FEE  
SCHEDULE FOR PARK VIOLATIONS. AT PRESENT, ANY CITATION ISSUED FOR  
VIOLATION OF STATE PARK REGULATIONS MEANS A MANDATORY COURT APPEARANCE.  
THE OFFENDER WOULD BE GIVEN THE OPTION OF NOT  
CONTESTING THE CITATION AND MERELY SENDING IN THE FEE, OR CHALLENGING  
THE VIOLATION AND ASKING FOR A COURT APPEARANCE.  
UNDER PRESENT LAW, A BAIL SCHEDULE FOR VIOLATIONS IS ONLY ALLOWED FOR  
TRAFFIC REGULATIONS.

#### EXAMPLES OF VIOLATIONS ARE

SPEED LIMITS (exceeding basic speed)  
REFUSE & WASTE (littering)  
FIRES (in closed areas)  
EXPLOSIVES AND FIREARMS (in closed areas)  
PEDDLING

THE NATIONAL PARK SERVICE AND THE US FISH & WILDLIFE SERVICE HAVE BAIL  
SCHEDULES WITH FINES RANGING FROM \$50 to \$100. THEY SAY IT SAVES THE  
PUBLIC AND COURT SYSTEM A GREAT DEAL OF TIME AND MONEY.

Senate Judiciary Committee

Letter of Intent

CSHB 479 (FIN)

It is the intent of the Judiciary Committee in passing out this bill that the Supreme Court shall specify certain park violations for which bail amounts can be set and for which citations could be issued which would not require court appearances. It is intended that this procedure be similar to that currently employed under the motor vehicle code for traffic citations. Through implementation of this procedure it is intended that savings in time to the court system, enforcement agencies and violators would be realized.

However, the committee recognizes that only some park misdemeanors would be identified under this new statute as amenable to disposition without court appearance. Other misdemeanors would continue to require court appearances by the cited violators. In statements to the committee, the following misdemeanors were mentioned as examples of those violations for which the provisions of this bill might in all likelihood apply:

- 1) littering,
- 2) defacing public property,
- 3) building a campfire in a closed area,
- 4) camping over the designated time limit.

The following misdemeanors were mentioned as examples of those violations for which the provisions of this bill should probably not apply:

- 1) serious damage to park facilities, such as destroying a picnic shelter,
- 2) serious damage to park resources, such as cutting 50 live trees,
- 3) noncompliance with a park ranger's repeated request to cease an unlawful action.

HB 479

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It is the intention of the committee that the Supreme Court, in consultation with the advisory committee, established in CSHB 479 (FIN), would identify misdemeanors under this bill consistent with the above lists. The Supreme Court, in conjunction with the advisory committee, is also encouraged to attempt to adopt a mechanism which would take into account the need for greater sanctions against egregious and repeat offenders of bailable offenses.

*added in  
Judiciary*

/s/ Bill Ray

Senator Bill Ray, Chairman  
Senate Judiciary Committee

CS FOR HOUSE BILL NO. 479 (FIN) was referred to the Rules Committee.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: CSHB 479(FIN)  
 Title: "An act ... issuance of citations... within state parks."  
 Sponsor: Representative Hayes  
 Requestor: Senate Resources  
 Date of Request: 4/2/84

FISCAL DETAIL

Agency Affected: Public Safety  
 Program Category Affected: Administration of Justice  
 BRU, Program or Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Francis C. Allan G.C.A. Phone: 269-5691  
 Division: Alaska State Troopers ml Date: 03/28/84

Approved by Commissioner: Robert J. Sundberg Date: \_\_\_\_\_  
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Analysis of Fiscal Note for Bail Schedule legislation

Present System - Each person cited for a violation of a park regulation must go to court. If a Park Ranger cites an Anchorage person for a minor violation in Ninilchik, approximately ten days later the Ranger and the individual must attend the court session in Kenai. Both individuals spend at least one day in the Kenai court plus the cost of meals, lodging and transportation. These expenditures and inconveniences do not include the costs of a judge, court clerks, District Attorney and the correspondence necessary to document the case, which generally run \$300-400 for each arraignment.

Proposed System - A bail schedule would establish a predetermined fee for violation of regulations or statutes and the person would have the option of not contesting the citation and sending in the fee or challenging the violation and asking for a court appearance. It is anticipated that most people will elect not to challenge the citation and simply send in the fee. This would save money for the individual, the District Attorney's office, the courts and parks staff. The only cost we anticipate on this matter is for the printing of citation forms at an annual cost of \$1000.00 to \$2000.00. This is approximately what is spent on the existing citation program, so no real new costs should occur. Because of the savings in costs for the state, the individual, and more efficient management of our Park Rangers, the Bail Schedule will be a cost-effective program.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 11/27/83

I. REQUEST

Bill/Resolution No.: \_\_\_\_\_  
Title: Bail Schedule  
Sponsor: \_\_\_\_\_  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected: Natural Resources  
Program Category Affected: Div. of Parks  
BRU, Program of Subprogram(s) Affected: Park Management/Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Mike Lee Phone: (907) 264-2123  
Division: Parks Date: 11/23/83  
Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
Department: Natural Resources

Distribution:

Original to Legislative Finance  
Copy to Office of Management and Budget (for Legislature introduced bills)  
Copy to Department (for Governor introduced bills)  
Copy to Sponsor  
Copy to Requestor (if different from Sponsor)

9/14/83

## Fact Sheet on Bail Legislation

The State Division of Parks is proposing legislation which would allow the Supreme Court to set a bail forfeiture schedule for violations of State Statutes and Alaska Administrative Codes which apply to State Parks.

1. Why is a bail schedule for violation of park regulations necessary?

At the present time any citation issued for violation of State Park Regulations means a mandatory court appearance -- usually in the court nearest where the violation occurs. This means that a person -- perhaps an Anchorage resident -- who receives a citation for exploding fireworks in a Kenai Peninsula park, must return to Kenai to make the mandatory appearance.

2. What does the court system think about the problem?

The courts are very crowded. Presently they must schedule time to see each individual regardless of how he/she intends to plead. On small violations this is an obvious waste of time to all parties.

3. Why is this legislation needed?

Under present law a bail schedule for violations is only allowed for traffic regulations. This new legislation would allow and instruct the Supreme Court to set a bail schedule for violation of park regulations.

4. Would a bail schedule eliminate court appearances in all cases?

No, the park ranger/peace officer issuing the citation could still summon an individual to a mandatory court appearance if the violation were of unusual significance. Any individual could still plead not guilty and request a court appearance.

5. Is this new for Alaska?

No, the most notable example is the bail schedule for traffic violations. Traffic court would be literally overwhelmed without this help. The Fish & Wildlife Protection Division is also requesting legislation for a bail schedule on fish and game violations.

6. Does the Federal Government have a bail schedule?

Yes, the National Park Service has a bail schedule which they revised in 1982 and will revise again in the fall of 1983. The attached schedule includes such items as: camping over the time limit - \$100.00; pets not on leash - \$50.00; fireworks - \$50.00, etc. The U.S. Fish & Wildlife Service has a very similar schedule and they say it saves the public a great deal of money in travel costs (to and from court) alone.

7. Would a bail schedule be favored by the Department of Natural Resources/Division of Parks?

Yes, park enforcement people need to retain discretionary authority to use the bail schedule or cite into court, but they, too, would be able to spend a great deal more time in the field if they were not tied up in court appearances. Additionally, fewer court appearances would result, thus helping to alleviate the glut of work facing the Alaska Court System and unnecessary demands upon state park rangers.

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

### DIVISION OF PARKS

BILL SHEFFIELD, GOVERNOR

619 WAREHOUSE AVE., SUITE 210  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 276-2653

November 8, 1983

The Honorable Joe L. Hayes, Speaker  
Alaska House of Representatives  
P. O. Box 1821  
Anchorage, Alaska 99510

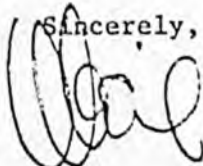
Dear Representative Hayes: *Joe*

I appreciated the opportunity to meet with you recently. I'm specifically excited over the possibility of your introducing legislation to authorize the State Supreme Court to establish a bail fee schedule for park violations.

Our rangers occasionally apprehend persons vandalizing recreation facilities, operating vehicles in closed areas, building fires in closed areas under dangerous circumstances--to name a few violations. Without a bail schedule, both the violator and usually the ranger must appear before a judge or magistrate. This simply uses up valuable staff time, inconveniences the minor violator, clogs our courts.

I've enclosed a question and answer sheet and draft legislation. I would sincerely appreciate your efforts to see this draft bill become law. If there is anything I can do for you, let me know.

Sincerely,



Neil C. Johannsen  
Director

Attachments

Revisor's notes. — Formerly AS 41.20.440. Renumbered in 1983.

**Sec. 41.21.918. Duties of coordinator.** The director of the division of parks shall designate a member of the division staff as coordinator of the Alaska youth hostel program. The coordinator shall

(1) recommend to the division of parks locations for the construction of youth hostels;

(2) advise the division on use policy for the Alaska youth hostel system;

(3) render other assistance considered necessary and appropriate by the division;

(4) establish criteria for the grant programs authorized under AS 41.21.912(2) and have approval authority for grants made under AS 41.21.912(2). (§ 1 ch 39 SLA 1977)

Revisor's notes. — Formerly AS 41.20.450. Renumbered in 1983.

**Article 9. General Provisions.**

**Section**

950. Penalties

955. Enforcement authority

990. Definitions

**Sec. 41.21.950. Penalties.** A person who violates a provision of this chapter or a regulation adopted under this chapter is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than six months, or by both. (§ 1 ch 161 SLA 1970)

Revisor's notes. — Formerly AS 41.20.043. Renumbered in 1983. Enacted as 41.20.200 and renumbered in 1970.

**Sec. 41.21.955. Enforcement authority.** (a) For offenses committed within parks and recreational facilities subject to the department's supervision, the following persons are peace officers of the state and they shall enforce the provisions of this chapter and the regulations adopted under this chapter:

(1) an employee of the department authorized by the commissioner;

(2) a police officer in the state;

(3) any other person authorized by the commissioner.

(b) Each person designated in (a) of this section may, when enforcing the provisions of this chapter or a regulation adopted under this chapter,

Revisor's notes. — Formerly AS 41.20.440. Renumbered in 1983.

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**Article 9. General Provisions.**

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(1) an employee of the department authorized by the commissioner;

(2) a police officer in the state;

(3) any other person authorized by the commissioner.

(b) Each person designated in (a) of this section may, when enforcing the provisions of this chapter or a regulation adopted under this chapter,

TO: Carol Wilson

Bail Schedule Information as requested.

The below list of citations are from the Department of Natural Resources  
11 AAC 12 regulations that will be affected by bail schedule.

Citation

- 11 AAC 12.020 Speed Limits in Parks
- 11 AAC 12.030 Waters closed to aircraft or boats
- 11 AAC 12.050 Refuse and Waste
- 11 AAC 12.100 Vehicles
- 11 AAC 12.110 Motor Vehicle Operation
- 11 AAC 12.120 Horses
- 11 AAC 12.130 Fats
- 11 AAC 12.140 Construction of structure
- 11 AAC 12.150 Construction of signs
- 11 AAC 12.160 Assembly
- 11 AAC 12.170 Disturbance of natural materials
- 11 AAC 12.180 Fires
- 11 AAC 12.190 Explosives and firearms
- 11 AAC 12.200 Underwater diving safety
- 11 AAC 12.210 Limitation as to numbers
- 11 AAC 12.230 Camping
- 11 AAC 12.300 Paddling

The Division of Parks and Outdoor Recreation will request what the bail range  
for ticket issued against the above listed violations will be in the \$50 to \$100  
area.

attachment

Camping over designated time limit  
defacing or removing natural objects  
without a permit

violation

PART 2.  
PARKS, RECREATION AND PUBLIC USE

Chapter

12. Public Use (11 AAC 12.010—  
11 AAC 12.340)
14. Contracts (11 AAC 14.010—  
11 AAC 14.300)
15. Trails and Footpaths Grant Program  
(11 AAC 15.010—11 AAC 15.100)
16. Historic, Prehistoric and Archaeo-  
logical Resources (11 AAC 16.010—  
11 AAC 16.900)
17. Outdoor Recreational, Open Space, and  
Historic Properties Development Fund  
Grant Program (11 AAC 17.010—  
11 AAC 17.900)
18. Incompatible Uses (11 AAC 18.010—  
11 AAC 18.200)
20. State Parks (11 AAC 20.010—  
11 AAC 20.400)

CHAPTER 12.  
PUBLIC USE

Article

1. State Park Land and Water Restrictions  
(11 AAC 12.010—11 AAC 12.050)
2. Trails, Roads and Campsites  
(11 AAC 12.100—11 AAC 12.230)
3. General Provisions (11 AAC 12.300—  
11 AAC 12.340)

ARTICLE 1.  
STATE PARK LAND AND  
WATER RESTRICTIONS

Section

10. Limitation on use of park lands and  
waters
20. Speed limits in parks
30. Waters closed to aircraft or boats
40. Special events
50. Refuse and waste

11 AAC 12.010. LIMITATION ON USE OF  
PARK LANDS AND WATERS. Land or water  
in a state park may be designated by the director  
for exclusive use by hikers, skiers, cyclists  
swimmers, snowmobilers, and other  
recreationalists and may be closed to all uses in

order to protect the public health and welfare or the environment. Notice shall be posted on the land or water in such a manner as to identify prohibited uses. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44)

Authority: AS 41.20.020  
AS 41.20.040

**11 AAC 12.020. SPEED LIMITS IN PARKS.**

Maximum speed limits may be posted and standard traffic control signs erected to regulate and control the operation or parking of a vehicle or boat on state park land or water. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44)

Authority: AS 41.20.020

**11 AAC 12.030. WATERS CLOSED TO AIRCRAFT OR BOATS.** (a) When it is necessary in the interest of public safety or to further park management objectives, the director may

(1) impose aircraft and boat restrictions on state park waters; or

(2) close park waters to the use of aircraft or boats.

(b) Before imposing restrictions or closure under (a) of this section, the director shall publish, in a newspaper of general circulation in the area of the state park in which the water to be closed or restricted is located, a notice of his intentions describing the state park waters involved and the proposed limitations.

(c) After imposing the restrictions or closure the director shall post and publish a notice setting forth the restrictions or closure. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44)

Authority: AS 41.20.020  
AS 41.20.040

**11 AAC 12.040. SPECIAL EVENTS.** The use of a state park for an organized athletic event or competitive recreational event characterized as a spectator attraction is unlawful without a permit issued by the director. The permit shall be issued when the director determines that the activity will not irreparably damage the resources and is compatible with the primary purpose of the area. (Eff. 1/13/73, Reg. 44)

Authority: AS 41.20.020  
AS 41.20.040

**11 AAC 12.050. REFUSE AND WASTE.** (a) Waste or refuse shall not be brought into a state park for the purpose of disposal.

(b) Waste or refuse shall not be placed in water within a state park or on land capable of allowing discharge into the waters of the state.

(c) Waste or refuse created in the course of activities in a state park shall be removed from the park by those responsible for its creation unless deposited in a waste receptacle placed for that purpose by the division. (Eff. 1/13/73, Reg. 44)

Authority: AS 11.20.590  
AS 41.20.020

**ARTICLE 2.  
TRAILS, ROADS AND CAMPSITES**

**Section**

- 100. Vehicles
- 110. Motor vehicle operations
- 120. Horses
- 130. Pets
- 140. Construction of structures
- 150. Construction of signs
- 160. Assembly
- 170. Disturbance of natural materials
- 180. Fires
- 190. Explosives and firearms
- 200. Underwater diving safety
- 210. Limitation as to numbers
- 220. Unattended camps
- 230. Camping

**11 AAC 12.100. VEHICLES.** It is unlawful to place, drive or operate a vehicle on state park land or water except in an area or on a roadway, parking area, or trail of the state park designated by the director for the use of vehicles, or on an established state highway. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44)

Authority: AS 41.20.020  
AS 41.20.040

**11 AAC 12.110. MOTOR VEHICLE OPERATIONS.**

Snowmachine and other motor vehicle operators shall be 16 years of age or older. Adequate proof of age shall be presented at the request of a law enforcement officer. (Eff. 1/13/73, Reg. 44)

Authority: AS 41.20.020

**11 AAC 12.120. HORSES.** Horses and pack stock shall not be ridden, driven, led, or otherwise used in a state park except in an area or on a roadway or trail of the state park designated by the director for the use of horses. (Eff. 1/13/73, Reg. 44)

Authority: AS 41.20.020  
AS 41.20.040

(2) the maximum number of people to occupy a facility or area; and

(3) any other provision the director deems necessary to protect the health and welfare of

**11 AAC 12.130. PETS.** Dogs and other pets, while in a building, campground or other developed area of a state park, shall be on a leash not exceeding nine feet in length at all times. The director may prohibit dogs and other pets from areas or buildings in a state park. Seeing-eye dogs are exempt from prohibitions against pets in a building, campground, or other area of a state park. A dog or other pet running at large in a state park may be destroyed by a state park official. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44)

Authority: AS 03.55.010 AS 41.20.020  
AS 03.55.020 AS 41.20.040  
AS 18.75.020

**11 AAC 12.140. CONSTRUCTION OF STRUCTURES.** No dock, cabin, home, building, or other structure may be constructed or maintained on state park lands or waters unless authorized by the director. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44)

Authority: AS 41.20.020  
AS 41.20.040

**11 AAC 12.150. CONSTRUCTION OF SIGNS.** Construction or display of signs in a state park is prohibited unless authorized by the director. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44)

Authority: AS 41.20.020  
AS 41.20.040

**11 AAC 12.160. ASSEMBLY.** (a) An assembly of more than 20 people in a state park is prohibited without a permit. A permit may be obtained by applying to the director. Where more than one application for the same period of time is received by the director, a permit shall be issued to the applicant filing the first application.

(b) The permit may provide

(1) restrictions as to facilities or area;

people using the facility or area and the environment. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44)

Authority: AS 41.20.020  
AS 41.20.040

**11 AAC 12.170. DISTURBANCE OF NATURAL MATERIAL.** (a) Disturbing, damaging, defacing, or removing natural objects including plants, minerals, or fossils is prohibited except that a permit may be obtained from the director to remove certain materials for collection, preservation for study and interpretation purposes.

(b) A person may gather berries, fruits, mushrooms and similar edibles for personal consumption, but not for sale or distribution. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44)

Authority: AS 41.20.020  
AS 41.20.040

**11 AAC 12.180. FIRES.** On state park land all fires shall be in a portable or other camp stove or confined to a structure or facility provided in the park for this purpose, unless otherwise authorized by the director or by regulation. State fire permit regulations apply to park lands. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44)

Authority: AS 41.20.020  
AS 41.20.040

**11 AAC 12.190. EXPLOSIVES AND FIREARMS.** Discharge of explosives, firearms, mechanical or air-operated guns, gas-operated explosive devices, fireworks, or similar devices in a unit of the state park system is prohibited, except as otherwise provided in 11 AAC 20. The director will, in his discretion, authorize the use of these items for lawful hunting, construction or maintenance purposes, or for the general public safety or welfare. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44; am 7/19/73, Reg. 47; am 10/6/83, Reg. 87)

Authority: AS 41.20.020 AS 41.20.261  
AS 41.20.040 AS 41.20.280  
AS 41.20.230

**11 AAC 12.200. UNDERWATER DIVING SAFETY.** A person engaged in underwater diving, using scuba or other special gear shall place a flagged buoy in the area. The flag shall be red with one white diagonal stripe and large enough to be identifiable at 100 yards. The diver shall rise to the surface within 50 feet of the

flagged buoy. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44)

Authority: AS 41.20.020

**11 AAC 12.210. LIMITATION AS TO NUMBERS.** The number of vehicles and persons occupying a campsite unit may be limited by a local park officer for the preservation of the site and safety of the campers. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44)

Authority: AS 41.20.020

**11 AAC 12.220. UNATTENDED CAMPS.** A campsite shall be occupied on the first night after camping equipment has been set up. Equipment left unattended for a period of 72 hours at a campsite may be impounded by a park officer unless advance arrangements have been made with a park officer. (Eff. 1/13/73, Reg. 44)

Authority: AS 41.20.020

**11 AAC 12.230. CAMPING.** (a) Within a developed campground camping is permitted only in a developed campsite. Camping is prohibited within one mile of a developed campground, except in an area designated by the director.

(b) It is unlawful for a person to camp in a state park for more than 15 days in a calendar year except when authorized by a park officer. If the director determines that a campsite in a state park is in danger of being damaged or subject to unusual demand he may limit camping at that site to a period of less than 15 days. Notification of a time limit of less than 15 days shall be posted at the campsite or in the campground. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44)

Authority: AS 41.20.020  
AS 41.20.040

### ARTICLE 3. GENERAL PROVISIONS.

Section	
300.	Peddling
310.	Fees
320.	(Repealed)
330.	Transfer to local agencies
340.	Definitions

**11 AAC 12.300. PEDDLING.** Engaging in the business of touching, selling, or peddling any liquids or edibles for human consumption, or distributing circulars, or hawking, peddling, or vending any goods, wares, services or merchandise in a state park is prohibited except as provided in 11 AAC 14.200. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44)

Authority: AS 41.20.020  
AS 41.20.040

**11 AAC 12.310. FEES.** (a) Fees for use of a state park facility shall be established by the director and posted at the facility. Use of the facility without payment of the prescribed fee is prohibited. Fees shall be subject to annual review.

(b) An annual entrance fee of \$10 for each motor vehicle using state park lands or waters is established effective January 1, 1974. A numbered decal showing the year for which it is valid will be issued upon payment of the fee and shall be attached and displayed as prescribed by the instructions accompanying the decal. The display of a currently valid decal is required on motor vehicles placed, driven or operated in the state park system. Nothing in this section requires the payment of the park entrance fee for motor vehicles driven or transported through the state park system on the state highway system nor does it apply to vehicles which remain loaded on a transporter and are not operated within the state park system.

For the purposes of this section "motor vehicles" excludes the following:

- (1) watercraft;
- (2) aircraft;
- (3) snowmachines; and,
- (4) unlicensed off-road vehicles, including motorcycles. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44; am 7/19/73, Reg. 47)

Authority: AS 11.55.050  
AS 41.20.020  
AS 41.20.040

**11 AAC 12.320. FISHING, HUNTING AND TRAPPING.** Repealed. (Eff. 7/19/73, Reg. 47)

**11 AAC 12.330. TRANSFER TO LOCAL AGENCIES.** Title to a state park facility located in a political subdivision may be transferred to the subdivision, provided that the transfer document contains a suitable reservation to guarantee continued operation of the facility in accordance with these regulations for a period of time deemed adequate by the director. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44)

Authority: AS 41.20.020  
AS 41.20.040

**11 AAC 12.340. DEFINITIONS.** In this chapter

(1) "assembly" means the gathering or meeting of a group of people for a common purpose;

(2) "boat" means any device in which a person or property may be carried on or beneath the surface of the water;

(3) "campground" means an area developed and maintained by the division which contains one or more campsites as defined in (4) of this section;

(4) "campsite" means any space designated for individual or family camping and normally containing a table and fireplace and parking space;

(5) "director" means the director of the division of parks, Department of Natural Resources or his authorized agent;

(6) "division" means the division of parks, Department of Natural Resources;

(7) "park officer" means an employee of the state or a political subdivision whose duties include responsibility for management, protection, or maintenance of state park lands or facilities;

(8) "road," "trail" means each road or trail established and designated by the director;

(9) "snowmachine" means a self-propelled vehicle designed to travel over ice or snow and steered by skis, wheels, or skids and includes all terrain vehicles;

(10) "state park land" means the state land managed by the division and designated for use as public recreation land and includes waysides, recreation areas, parks and historic sites;

(11) "state park water" means the water located within the state park land, managed by the division and designated for use as public recreation water;

(12) "vehicle" means a manual or self-propelled device by which a person or property is or may be transported or drawn and includes bicycles, air-cushioned vehicles, snowmachines, and other tracked or wheeled devices. (Bff. 8/1/6E, Reg. 27; am 1/13/73, Reg. 44)

Authority: AS 41.20.020  
AS 41.20.040

**CHAPTER 18.  
INCOMPATIBLE USES**

**Article**

- 1. Park Uses (11 AAC 18.010—11 AAC 18.020)
- 2. General Provisions (11 AAC 18.200)

**ARTICLE 1. PARK USES**

**Section**

- 10. State park incompatible uses
- 20. Access routes

**11 AAC 18.010, STATE PARK INCOMPATIBLE USES.** On public lands located within the boundaries of a state park, surface or subsurface mineral (including gravel and rock) exploration or extraction, removal or cutting of timber or other plant growth, grazing or pasturing of domestic animals, or other activities which do not increase park values or which do not add to the value of a recreational experience are incompatible uses and are prohibited without a permit from the director. The director shall issue a permit if he determines that the

(1) ecology of state park lands will not be irreparably damaged or imperiled;

(2) state park lands are protected from pollution;

(3) public use values of the state park are maintained and protected; and

(4) public safety, health and welfare will not be damaged or imperiled. (Eff. 1/13/73, Reg. 44)

Authority: AS 41.20.020  
AS 41.20.040

**11 AAC 18.020, ACCESS ROUTES.** (a) An access route to gain access across state park land or water to a privately-owned parcel of property wholly or partially within a state park may be obtained by applying for an access permit on an application form provided by the director. The permit will be issued when the director determines that there is no reasonable land or water route, by road or otherwise, to the applicant's property across land or water located outside the state park, unless the director determines that park values would be irreparably

damaged by any construction activity and subsequent use.

(b) Any part of an access route permitted to be constructed under (a) of this section which is in state park land or water

(1) is to be constructed and maintained by the permittee in accordance with the specifications provided by the director;

(2) is the property of the state of Alaska; and

(3) may be used by the general public when permitted by the director. (Eff. 1/13/73, Reg. 44)

Authority: AS 41.20.020  
AS 41.20.040

**ARTICLE 2. GENERAL PROVISIONS**

**Section**

- 200. Definitions

**11 AAC 18.200 DEFINITIONS.** In this chapter

(1) "pollution" means the contamination or altering of waters, land, or subsurface land of the state in a manner which creates a nuisance or makes waters, land or subsurface land unclean or noxious or impure, or unfit so that they are actually or potentially harmful or detrimental or injurious to public health, safety or welfare to domestic, commercial, industrial or recreation use, or to livestock, wild animals, birds, fish or other aquatic life;

(2) "state park" means state land and water managed by the division and designated for use as public recreation land and includes wayides, recreation areas, parks and historic sites;

(3) "domestic animal" includes any animal which is controlled or herded by a person. (Eff. 1/13/73, Reg. 44)

Authority: AS 41.20.020

**CHAPTER 20.  
STATE PARKS**

**Article**

1. Chugach State Park (11 AAC 20.010)
2. Kachemak Bay State Park (11 AAC 20.100)
3. Kachemak Bay State Wilderness Park (11 AAC 20.200)
4. Wood-Tikchik State Park (11 AAC 20.300-11 AAC 20.360)
5. Denali State Park (11 AAC 20.400)

**ARTICLE 1.  
CHUGACH STATE PARK**

**Section**

**10. Use of firearms**

11 AAC 20.010. **USE OF FIREARMS.** The use and discharge of firearms for the purpose of lawful hunting will be permitted on all state land in the Chugach State Park except within the following drainages:

- (1) Eklutna River excluding Thunderbird Creek;
- (2) Meadow Creek;
- (3) Eagle River below the gorge and within ¼ mile either side of the Iditarod Trail, excluding the South Fork;
- (4) South and Middle Fork Campbell Creek;
- (5) Rabbit Creek; and
- (6) McHugh Creek.

(b) The use and discharge of firearms in the following drainages is limited to shotguns with shot shells for the purpose of lawful hunting:

- (1) Rainbow Creek; and
- (2) Indian Valley south of the north line of Sections 31, 32, and 33, T11N, R1W, S.M. (Eff. 1/16/74, Reg. 48; am 8/11/80, Reg. 75).

Authority: AS 11.55.050  
AS 41.20.020  
AS 41.20.230

**ARTICLE 2.  
KACHEMAK BAY STATE PARK**

**Section**

**100. Use of firearms**

11 AAC 20.100. **USE OF FIREARMS.** The use and discharge of firearms for the purpose of lawful hunting will be permitted on all state lands in the Kachemak Bay State Park. (Eff. 1/16/74, Reg. 48)

Authority: AS 11.55.050  
AS 41.20.020  
AS 41.20.280

**ARTICLE 3.  
KACHEMAK BAY STATE  
WILDERNESS PARK**

**Section**

**200. Use of firearms**

11 AAC 20.200. **USE OF FIREARMS.** The use and discharge of firearms for the purpose of lawful hunting will be permitted on all state lands in the Kachemak Bay State Wilderness Park. (Eff. 1/16/74, Reg. 48)

Authority: AS 11.55.050  
AS 41.20.020  
AS 41.20.260

**ARTICLE 4.  
WOOD-TIKCHIK STATE PARK**

**Section**

300. Wood-Tikchik State Park management council
310. Qualification of members
320. Designated alternates
330. Officers
340. Quorum
350. Meetings
360. Management plan

11 AAC 20.300. **WOOD-TIKCHIK STATE PARK MANAGEMENT COUNCIL.** (a) The term of membership on the Wood-Tikchik State Park management council is three years.

(b) The initial terms for the members appointed from the following nominations are as follows:

(1) the village council of Kolliganek - one year;

(2) the village council of New Stuyahok - two years;

(3) the village council of Aleknagik - three years;

(4) the city council of Dillingham - one year;

(5) the Bristol Bay Native Association, Inc. - two years.

(c) The initial terms for the members appointed from the following nominations are as follows:

(1) the commissioner of natural resources - three years; and

(2) the commissioner of fish and game - one year. (Eff. 3/30/79, Reg. 69)

Authority: AS 41.20.020  
AS 41.20.480

**11 AAC 20.310. QUALIFICATION OF MEMBERS.** Each nominee submitted to the governor for selection under sec. 300(b) of this chapter must be a resident of the area represented by the nominating body. (Eff. 3/30/79, Reg. 69)

Authority: AS 41.20.020  
AS 41.20.480

**11 AAC 20.320. DESIGNATED ALTERNATES.** Each member of the management council may designate an alternate to serve on the council in the member's absence. Designated alternates must possess the same qualifications as members selected by the governor. (Eff. 3/30/79, Reg. 69)

Authority: AS 41.20.020  
AS 41.20.480

**11 AAC 20.330. OFFICERS.** The council shall elect a chairman and a vice-chairman by majority vote. The term of the officers will be one calendar year. The chairman is the presiding officer and shall call meetings of the council. The vice-chairman shall assist the chairman and shall assume his duties when the chairman is

absent. The commissioner of natural resources, or his designee, is ex officio secretary for the council. (Eff. 3/30/79, Reg. 69)

Authority: AS 41.20.020  
AS 41.20.480

**11 AAC 20.340. QUORUM.** A majority of the members serving on the council constitutes a quorum for the transaction of business. Every act done or decision made by a majority of the members present at a meeting of the council at which a quorum is present is the act of the council. (Eff. 3/30/79, Reg. 69)

Authority: AS 41.20.020  
AS 41.20.480

**11 AAC 20.350. MEETINGS.** (a) The council shall meet at least once each year and may meet at other times if considered necessary. The council shall select the time and place for the transaction of business.

(b) The council may meet at any time upon the call of the chairman, upon the request of a majority of the council members, or upon the request of the commissioner of natural resources, or the commissioner of fish and game, or the designee of either. (Eff. 3/30/79, Reg. 69)

Authority: AS 41.20.020  
AS 41.20.480

**11 AAC 20.360. MANAGEMENT PLAN.** The council, with the advice and assistance of the department of natural resources, shall draft a management plan to be presented at public meetings within two years from the initial appointments. After receiving public testimony on the draft management plan, a final draft must be submitted to the commissioner of natural resources for approval and implementation, and to the commissioner of fish and game for approval and implementation of elements governing fish and wildlife management. The management council may recommend changes to the management plan and implementation procedures at any time after its approval and implementation. (Eff. 3/30/79, Reg. 69)

Authority: AS 41.20.020  
AS 41.20.480

ARTICLE 5,  
DENALI STATE PARK

Section

400. Use of firearms.

11 AAC 20.400. USE OF FIREARMS. The use and discharge of firearms for the purpose of lawful hunting is allowed west of the west bank of the Chulitna River. (Eff. 10/6/83, Reg. 87)

Authority: AS 41.20.02



# Alaska State Legislature

HOUSE OF REPRESENTATIVES  
COMMITTEE ON RESOURCES

JOHN RINGSTAD, CO-CHAIRMAN  
RICHARD SHULTZ, CO-CHAIRMAN  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3715

To: Committee Members

From: Committee Staff

Date: February 10, 1984

Re: CS HB 479

Committee staff, after reviewing HB 479, has discovered several statutory problems with the bill, thus felt it necessary to draft a committee substitute that has the very same intent, but with much cleaner language.

✓ Section 1 of CS HB 479 writes language into the criminal code (AS 12.25) which allows an ~~exception~~<sup>ex</sup> for people who have received a citation to not have to appear in court. This gives clear ~~exception~~<sup>ex</sup>, where the original bill did not do this.

✓ Section 2 clearly gives the park ranger enforcement authority to issue citations. This was not present in the original bill.

Section 3, -subsection (a) <sup>gives</sup> allows a peace officer arresting and citing authority in a state park or recreational facility.

-subsection (b) requires the State Supreme Court to establish a bail schedule for those offenses committed inside a state park. This is the same as in the original bill, but new language allows for the DNR to aid in establishing the bail schedule (citation amount).

others ? -subsection (c) is the same as in the original bill, but clarify the problem of people who forget to sign the citation. In the original bill, if a person forgot to sign the citation, but sent in the penalty money, the court could not deposit the money.

-subsection (d) is the same as in the original bill. This says that when you pay your bail, you are then formally convicted of the misdemeanor which you committed.

-subsection (e) is the same, less the last sentence, which is addressed in new subsection (f). Subsection (e) says that if a person fails to pay the bail amount, the citation then is considered a summons.

after court appearance & guilty verdict -subsection (f) is new language that just makes sure that the penalty imposed will not exceed the bail <sup>amount</sup>. With the original bill language, there was a question as to whether a judge could impose a higher penalty if the person lost his/her case.

Regulation  
OFFENSE

## MINIMUM FINE SCHEDULE

## OFFENSE

## FINE

## A. Movable Optional/Mail-In

14AAC10.030(D2)	Expired Parking Meter	\$ 2
11AAC12.020	Speed 10-19MPH Over Posted Limit-State Parks	2MI
11AAC12.020	Speed 3-9MPH Over Posted Limit-State Parks	2MI
13AAC02.275(B)	Speed 10-19MPH Over Posted Limit	2MI
13AAC02.275(B)	Speed 3-9MPH Over Posted Limit	2MI
13AAC02.280(A-D)	Altered Limits 3-9MPH Over Posted Limit	2MI
13AAC02.280(A-D)	Altered Limits 10-19MPH Over Posted Limit	2MI
13AAC02.325(B, C, E)	Spd Lim Tow/Min Lght/Sch us Yel Lgh-10-19MPH	2MI
13AAC02.325(B, C, E)	Spd Lim Tow/Min Lght/Sch Bus Yel Lgh- 3- 9MPH	2MI
13AAC02.325(F)	Overweight/Size Speed Viol 10-19MPH Over	2MI
13AAC02.325(F)	Overweight/Size Speed Viol 3-9MPH Over	2MI
14AAC10.030(A2, C3)	Speed 10-19MPH Over Prescribed Limits	2MI
14AAC10.030(A2, C3)	Speed 3-9MPH Over Prescribed Limits	2MI
17AAC25.080(A)	Permit Viol-Speed 10-19MPH Over Authorized Spd	2MI
17AAC25.080(A)	Permit Viol-Speed 3-9MPH Over Authorized Speed	2MI
14AAC10.030(D1, D3)	Illegal Parking/Abandoning Vehicle	5
AS05.30.010	Operating An Unregistered Snowmachine	10
AS05.30.040(B)	Failure To Display Numbered Registration Decal	10
AS05.30.100	Snowmachine Oper To Report Accidents	10
AS19.25.030	Damages To Obstructions, Signs & Construction	10
AS28.10.031(B)	Certificate Of Registration Carried In Veh	10
AS28.10.451	Violate Registration/Title Requirements	10
AS28.10.461	Plates/Decals/Permits Must Be Prop Displayed	10
AS28.10.461	Certificate Of Registration Carried In Veh	10
AS28.10.471	Oper Veh With Suspended/Revoked/Expired Reg	10
AS28.10.481	Improper Use Of Evidence of Registration/ Title	10
AS28.15.281(B)	Permitting Unauthorized Person To Drive	10
AS28.35.140	Obstructing Or Blocking Traffic	10
13AAC02.015	Pedestrian Control Signal	10

## Uniform Bail Schedule Cont'd

STATE	OFFENSE	BAIL
	B. Mandatory Court Appearance	
13AAC04.325(A)	Bicycle Taillight Requirements	**
13AAC04.325(A,B)	Motorcycle Taillight Requirements	**
13AAC04.330(A,B)	Motorcycle Stop/Turn Light Requirements	**
13AAC04.335(A)	Motorcycle Reflector Requirements	**
13AAC04.340(A)	Motorcycle/Motor-Driven Cycle Brake Req	**
13AAC04.345(A)	Motorcycle Passenger Carrying Requirements	**
13AAC04.345(B)	Motorcycle Handlebar Requirements	**
13AAC04.355(A,B)	Other Motorcycle Equipment Required	**
13AAC06.030	Sch Bus Driver Permit/OL Req In Pos/Displayed	**
AS11.20.590(B)	Littering From A Motor Vehicle	***
AS28.35.245	Motorcycle Helmet Required Minor Drivers	***
11AAC12.020	Speed 20MPH Or More Over Limit-State Parks	***
13AAC02.140(A,B)	Fty To Authorized Emergency Vehicle	***
13AAC02.260(A)	Stop For School Bus Flashing Red Lights	***
13AAC02.275(B)	Speed 20MPH Or More Over Posted Limit	***
13AAC02.280(A-D)	Altered Limits 20MPH Or More Over Posted Limit	***
13AAC02.325(B,C,E)	Spd Lim Tow/Min Lght/Sch Bus Yel Lgt-15MPH	***
13AAC02.325(D)	Speeding School Zone/Playground Crosswalk	***
13AAC02.325(F)	Overweight/Size Speed Vio 20MPH Or More Over	***
13AAC02.330(A)	Racing On Highways	***
13AAC02.530(A,B)	Littering/Depositing Material On Highway	***
13AAC04.007(C,D)	Not To Move Unsafe Veh Unless Authorized	***
13AAC04.227(A,B)	Steering Asses./Wheel Align/Body Condition	***
14AAC10.030(A2,C3)	Speed 20MPH Or More Over Prescribed Limits	***
14AAC10.030(C2)	Vehicle To Be In Safe Operating Condition	***
17AAC25.030(A)	Permit Viol Speed 20MPH Or More Over Auth Spd	***

\*\* Corrected and Dismissed or Appears In Court  
 \*\*\* Mandatory

HOUSE RESOURCES  
STANDING COMMITTEE  
February 22, 1984  
6:25 p.m.

Members Present: Rep. Ringstad, Co-Chairman  
Rep. Shultz, Co-Chairman  
Rep. Larson  
Rep. Bussell  
Rep. Goll  
Rep. Liska  
Rep. Cowdery  
Rep. Uehling

Members Absent: Rep. Vaska

COMMITTEE CALENDAR

HB 479 "An Act relating to the issuance of citations for the violation of certain offenses within State park and recreational facilities."

HB 486 "An Act authorizing fees for the use of State park facilities; and providing for an effective date."

WITNESS REGISTER

No testimony was taken.

PREVIOUS ACTION

HB 479 First Reading - 1/9/84  
Committee Referrals - Resources, Judiciary, Finance and Rules

No previous action in Resources

HB 486 First Reading - 1/9/84  
Committee Referrals - Resources, Finance and Rules

No previous action in Resources

ACTION NARRATIVE

TAPE# 18

Recording  
Number 0002

Co-Chairman Ringstad called to order the meeting of the House Resources Committee at 6:25 p.m., and brought HB 479 before the members noting that the CS had been adopted at the previous hearing.

Number 0020

Rep. Shultz moved that the committee pass CSHB 479 with individual recommendations and asked unanimous consent. Rep. Goll objected to address a concern he has regarding the discretionary powers authorized by the bill. Rep. Ringstad said the intent was to get the bill to Judiciary where Rep. Bussell will consolidate it with other similar bills. Rep. Goll removed his objection and with no further objection the bill passed from the committee.

Number 0042

Co-Chairman Ringstad brought up the proposed CS for HB 486.

Number 0050

Rep. Cowdery asked a question regarding the application of the fees in developed campsites. Rep. Ringstad responded that the intent is to charge only for the campsite, not for use of the entire park.

Number 0060

Rep. Cowdery asked a question regarding the fee for guided tours of historical sites. Rep. Ringstad replied that that would apply to specific facilities such as the House of Wickersham.

Number 0065

Rep. Goll commented in regard to Rep. Cowdery's concern that there was not intended to be a fee for general use of parks.

Number 0078

Rep. Cowdery expressed concern that the State parks would be competing with private facilities. Rep. Ringstad responded that the intent of the language is to give the division several factors to weigh in establishing their fees.

Number 0100

Rep. Uehling reminded the members that Neil Johannsen had testified that the fees would be applied only to 12 to 15 specific parks.

Number 0106

Rep. Larson commented that the parks should be a service to all, not profit-oriented, and wondered what would be the division's parameters on setting the fees.

- Number 0127 Rep. Cowdery reiterated his concern that the parks to which fees would apply should be listed in the bill.
- Number 0142 Rep. Brussell stated that he has received lots of POMs on the issue over the last week and that it was bad public policy to have the administration doing the Legislature's work by establishing by regulation what should be laid out in statute.
- Number 0190 Rep. Liska expressed concern that the committee was handing the division a blank check by allowing it to establish the fees. Rep. Ringstad referred to the proposed fee schedule Mr. Johannsen had provided at the previous meeting.
- Number 0220 Rep. Larson commented that if the fee schedule did not reflect the committee's intent when it is officially proposed, the Legislature can use the Regulation Review Committee to effect a change.
- Number 0240 Rep. Goll who had proposed the change reflected in the CS, said he would have no problem deleting "developed campsites and public-use cabins" leaving fees on only "guided tours of historic sites."
- Number 0248 Rep. Cowdery said it would be in the public interest to clearly define what are educational facilities and what would be the fees as well as to what they would apply.
- Number 0270 Rep. Uehling suggested the committee should leave the language as is allowing the division some measure of flexibility in administering the program.
- Number 0280 Rep. Goll expressed his concern that with the current administration he had no problem, but with a change in Parks, it's hard to predict what might happen.
- Number 0335 Rep. Cowdery said in reference to Rep. Uehling's remarks, that the Legislature needs to do its job during the session.
- Number 0348 Rep. Larson commented that there is a lot of good in having fees, such as ensuring the availability of campsites and that guided tours are a part of tourism.

Number 0364 Rep. Bussell returned from his office with a stack of POM's which he reviewed for the members. He said that although there was a mix of opinions, the majority was against the fees.

Number 0440 Rep. Larson addressed the vandalism problem and suggested that fees help to keep vandalism down.

Number 0462 Rep. Cowdery asked what groups had been contacted regarding the bill.

Number 0482 Rep. Uehling moved and asked unanimous consent that the committee adopt the CS. There was no objection.

Number 0488 Rep. Uehling moved that the committee pass CSHB 486 with individual recommendations and asked for unanimous consent. There was no objection and CSHB 486 passed from committee.

Number 0495 Co-Chairman Ringstad announced that the committee meeting scheduled for Friday had been cancelled.

Number 0499 Co-Chairman Ringstad adjourned the meeting at 6:50 p.m..

HOUSE RESOURCES  
STANDING COMMITTEE  
February 10, 1984  
3:25 p.m.

Members Present: Rep. Ringstad, Co-Chairman  
Rep. Cowdery  
Rep. Larson  
Rep. Coll  
Rep. Uehling

Members Absent: Rep. Shultz, Co-Chairman  
Rep. Bussell  
Rep. Vaska  
Rep. Liska

COMMITTEE CALENDAR

HB 479 "An Act relating to the issuance of citations for the violation of certain offenses within state park and recreational facilities."

HB 486 "An Act authorizing fees for the use of state park facilities; and providing for an effective date."

WITNESS REGISTER

Neil Johannsen  
Director  
Division of Parks DNR  
619 Warehouse Ave, Suite 210  
Anchorage, Alaska 99501  
276-2653  
Position Statement: Favors passage of both bills

Neil Phelps-Monson  
Speaker's Office  
House of Representatives  
Pouch V  
Juneau, Alaska 99811  
465-3740  
Position Statement: Favors passage of HB 479

Rep. Bob Bettisworth  
Pouch V  
Juneau, Alaska 99811  
465-4967  
Position Statement: Prime sponsor of HB 486, favors passage

Gayle Horetski

Department of Law  
Pouch KC  
Juneau, Alaska 99811  
465-3428  
Position Statement: Favcrs passage of HB 479

Sam McDowell  
Issach Walton League  
336 East 23rd  
Anchorage, Alaska 99503  
272-6605  
Position Statement: Favors passage of both bills

Ron Somerville  
Alaska Outdoor Council  
3780 McGinnis Drive  
Juneau, Alaska 99801  
789-2399  
Position Statement: Favors passage of both bills

PREVIOUS ACTION

HB 479                      First Reading - 1/9/84  
  
                                 Committee Referrals - Resources, Judiciary,  
                                 Finance and Rules  
  
                                 No previous action in Resources

HB 486                      First Reading - 1/9/84  
  
                                 Committee Referrals - Resources, Finance and  
                                 Rules  
  
                                 No previous action in Resources

ACTION NARRATIVE

TAPE# 15A  
Recording  
Number 0002                      Co-Chairman Ringstad called to order the  
                                 meeting of the House Resources Committee,  
                                 and brought before the members the bills on  
                                 the calendar.

Number 0014                      Neil Phelps-Monson, Representing Speaker  
                                 Hayes, the prime sponsor of HB 479,  
                                 introduced the bill to the members.

Number 0026                      Neil Johannsen, Director of Parks, spoke on  
                                 HB 479 favoring its passage.

- Number 0054 Rep. Uehling asked how much the state could be expected to save, and if the change would become a source of income. Mr. Johannsen replied that the savings would be in terms of time, in allowing the park rangers to spend more time doing more constructive business.
- Number 0068 Rep. Cowdery asked if court time constituted a major part of a ranger's workload. Mr. Johannsen replied that it was only a minor amount of time.
- Number 0087 Rep. Larson asked a question regarding the wording of the officer's discretion in giving citations. Mr. Johannsen replied that it would depend on the circumstances of the violation.
- Number 0111 Rep. Larson asked a question regarding the bail amount being more or less if the offender appeared in court. Mr. Johannsen referred the question to Gayle Horetski of the Department of Law.
- Number 0122 Ms. Horetski described the proposed CS, and then addressed Rep. Larson's concerns, saying the penalty cannot be greater if a person prefers to appear in court, as that is unconstitutional.
- Number 0223 Rep. Goll asked a question regarding the difference between "shall except..." in the original, and "may" in the CS. A discussion on "arrest" and officer's discretion ensued.
- Number 0326 Rep. Larson moved that the committee adopt the CS, and asked for unanimous consent. No objection was voiced.
- Number 0335 Rep. Goll asked a question regarding endorsement of the citation by the offender. Ms. Horetski explained that it now amounts to a "promise to appear."
- Number 0360 Rep. Goll asked if there was any requirement for the citing officer to ascertain positive identity. Ms. Horetski referred him to AS 12.21.130, referenced in the bill, that fulfills the requirement.
- Number 0380 Sam McDowell, of the Issach Walton League, gave a statement in favor of the bill, as long as it doesn't compound the problem.

Number 0440 Rep. Goll asked what he meant by not compounding the problem. Mr. McDowell replied that the law should be worded properly so that the citation will stick.

Number 0457 Ron Somerville of Alaska Outdoor Council gave a statement that his organization supports mailable bonds.

Number 0487 Rep. Bettisworth gave a statement introducing HB 486.

Number 0515 Rep. Larson asked a question regarding the wording of "recreational and educational" facilities. Rep. Bettisworth replied that one fee would cover use of all facilities within the park.

Number 0524 Rep. Goll asked about the repealer in the CS. Rep. Bettisworth replied that was the only change between the bills.

Number 0536 Rep. Cowdery stated that he was opposed to the idea, and asked the sponsor if he would turn away Alaskans who couldn't pay the fee. Rep. Bettisworth replied that he would, and that there are plenty of other places for people to go. He added that some people like the security and facilities parks offer, and are willing to pay for them.

Number 0568 Rep. Goll asked about the political ramifications of user fees, and whether that would make it difficult to get more land into parks. Rep. Bettisworth replied that it would have little effect, and that the legislature is not inclined to continue to fund the \$12 million necessary to keep them going.

Number 0611 Rep. Goll asked a question about the money. Rep. Bettisworth replied it is for maintenance and operations.

Number 0625 Rep. Larson asked if it would take more personnel to administer the program. Rep. Bettisworth said the fiscal note is \$57,000, but would take in \$200,000. Rep. Larson then asked if tentative fees had been discussed yet. Rep. Bettisworth replied that none had been set.

Number 0673 Mr. Johannsen said his division supports the bill, and related his experience in

California after the passage of Proposition 13. He said Alaska is the only state with no user fees on parks, that most other states average 25% of their budgets captured by fees, that fees keep vandalism down, and that of the park providers in Alaska, USFS, NPS, BLM, and private operators all charge.

Number 0775

Rep. Larson asked if fees had been determined. Johannsen referred to a proposal, described the use of "iron rangers" for self-registration, and cited statistics showing 77-92% compliance.

Number 0843

Rep. Cowdery asked if we shouldn't list the parks and their fees in the bill. Mr. Johannsen replied that he would prefer to have the flexibility to expand. Rep. Cowdery asked if DNR would be running ads in the papers to let people know fees were going to be imposed. Mr. Johannsen said they would do what ever was necessary to inform the public.

Number 0874

Rep. Goll asked about the political reaction to the fees and future expansion. Mr. Johannsen said he would have only reasonable fees in parks worth paying for. He doesn't expect a backlash, but as he enjoys his job and would like to keep it, would walk, not run.

Number 0935

Rep. Goll asked if there would be a problem with people going elsewhere to avoid paying the fee. Mr. Johannsen said that by and large most people prefer an organized, patrolled campground.

Number 0969

Rep. Goll asked a question regarding the wording of recreational and educational facilities. Mr. Johannsen said he had no problem with a change in the wording.

Tape# 15B  
Recording  
Number 0003

Rep. Uehling asked questions regarding funding. Mr. Johannsen explained the request for safes and for a 1/2 time bookkeeper.

Number 0014

Rep. Uehling asked a question regarding the House of Wickersham. Mr. Johannsen said a non-profit organization could run it but couldn't by law charge any fees.

- Number 0038 Rep. Larson asked if the fees could be waived for certain groups. Mr. Johannsen said it was their intent to waive fees for school outings.
- Number 0062 Rep. Larson asked what percent of the M&O the expected \$200,000 in revenue would be? Mr. Johannsen replied that M&O is current \$4 million. Rep. Larson then asked if there would be a difference in fees charged residents and non-residents. Mr. Johannsen said some states do, some don't, and some structure them as reprisals. The problem is that much of the park monies are federal grants.
- Number 0115 Rep. Goll noted the resident/non-resident variant in fishing licenses, and asked if the fees would really have any impact. Mr. Johannsen said he didn't think so, and that BC and Yukon parks are quite a bit higher by comparison.
- Number 0162 Rep. Larson asked if a user's length of stay would be limited. Mr. Johannsen said it would depend on the demand for the park. Rep. Larson asked what percent are "residential users", meaning people who live in the parks. Mr. Johannsen said it was much higher during pipeline days, but apparently didn't know a figure. He said fewer than 250 campsites in the state's 3000 inventory would be charged for.
- Number 0210 Rep. Goll asked if the language could be changed to "campsites and conducted tours at historical sites." Mr. Johannsen said he had no problem with it.
- Number 0258 Co-Chairman Ringstad appointed a subcommittee on HB 600, relating to royalty oil. The subcommittee will be chaired by Rep. Cowdery, and will have as members, Representatives Uehling, Vaska and Ringstad. Co-Chairman Ringstad then adjourned the meeting at 4:50 p.m..

SB 289, An Act relating to discharge of firearms, and hunting and fishing in state park and recreation areas.

In 1981 the confiscation of a moose shot within Denali State Park brought to light problems with the regulation of hunting by the Department of Fish and Game and the Game Board vis a vis the regulation of the discharge of firearms by the Division of Parks, Department of Natural Resources. Although Denali State Park was legally open to hunting by the park enacting legislation and by Game Board regulations, the entire park (320,000 acres) was closed to the discharge of firearms by DNR regulations under broad park management authority. Furthermore, the public hunting regulation booklet failed to adequately show the nature of this "closed" area. Although the Fairbanks Ombudsman directed that more complete public notification of this situation be given, the conflicting management policies of DNR and ADF&G remained.

SB 289 was introduced to clarify that where hunting and fishing are authorized under fish and game regulations in park areas, DNR could not restrict such use or restrict lawful discharge of firearms in such use. A draft committee substitute that would allow closures for public safety purposes has been prepared.

In testimony provided at the public hearing on SB 289 in May 1983, DNR requested postponement of action on the bill so that they could initiate regulations addressing the situation. A first step was taken prior to this year's hunting season, when regulations were amended to open the western half of Denali State Park to the discharge of firearms. Further, general park regulations, including those affecting firearms discharge, are undergoing revision. Expected to be complete by January, 1984, these regulations are just now in the final hearing process.

CS SB 407 (Resources), An Act relating to the prevention and abatement of water pollution.

CS SB 407 (Resources) addresses the longstanding concerns of placer miners, environmentalists, and governmental agencies relative to the use of water in placer mining. The draft Committee Substitute would establish specific classification categories for waters of the state, and provide criteria for establishing water quality standards for each classification. In addition, a statewide inventory of state waters would be conducted and basinwide management plans would be developed.

HB 479, An Act relating to the issuance of citations for the violation of certain offenses within state park and recreational facilities.

HB 479 would allow the Supreme Court to set a bail forfeiture schedule for violations of State laws and regulations that apply to parks. The offender would be given the option of not contesting the citation and merely sending in the fee, or challenging the violation and asking for a court appearance.