

COMMITTEE REPORT

SENATE

FURTHER:

3/25/86

Date _____

Mr. President

The Committee on FINANCE considered SB 462
relating to access to recreation areas.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

COMMITTEE REPORT
SENATE

FURTHER:

FINANCE

3/10/86

Date 3/24/86

Mr. President

The Committee on RESOURCES considered SB 462

relating to access to recreation areas.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 462 (RES)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature] No Rec.

[Signature]
Chairman

Do Pass
Chairman recommendation

Offered: 3/25/86
Referred: Finance

Original sponsor: Resources Committee

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SENATE BILL NO. 462 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to access to recreation areas."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. LEGISLATIVE FINDINGS AND INTENT. (a) The legislature
9 finds that the recreational use of state waters for fishing, hunting,
10 guiding, boating, lodge operation and other recreational uses is very
11 important to the economy of the state. State waters, and public access to
12 those waters, is critical to the interrelated recreation, tourism, guiding
13 and lodge industries. These industries support a large number of small,
14 resident Alaska businesses. Recreational use of state waters is also
15 extremely important to the people of the state. The legislature further
16 finds that many of the state's popular freshwater and marine fisheries are
17 severely overcrowded and that increasing the ease of access to additional
18 waters suitable for recreational uses would enhance the enjoyment by the
19 people, would be beneficial to the economy, and would reduce the overcrowd-
20 ing on the already popular waters.

21 (b) It is the intent of the legislature to encourage state programs
22 to develop access to additional waters of the state near the state's major
23 population areas.

24 * Sec. 2. AS 38.04 is amended by adding a new section to read:

25 Sec. 38.04.052. ACCESS TO WATERWAYS. (a) Wherever state land
26 is surveyed for disposal into private use, legal rights-of-way and
27 easements shall be reserved along public water of the state determined
28 valuable for fishing by the commissioner. The right-of-way or ease-
29 ment shall be at least 50 feet wide but the commissioner may require a
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1 wider right-of-way or easement depending on local conditions.

2 (b) The commissioner shall also establish rights-of-way or
3 easements to ensure access to rights-of-way or easements that are
4 along the public waterways. Easements under this subsection shall be
5 established not less often than once each mile.

6 ^a Sec. 3. AS 38.05 is amended by adding a new section to read:

7 Sec. 38.05.880. PUBLIC ACCESS FUND. (a) The public access fund
8 is created in the general fund of the state. The commissioner of
9 natural resources shall administer the fund. The commissioner, after
10 public hearings in the communities most affected by the action and
11 consultation with the commissioner of fish and game and the
12 commissioner of transportation and public facilities, may use money in
13 the fund to develop boating access, including the purchase and lease
14 of land, easements, and rights-of-way to enhance public access to
15 recreational areas.

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

22 (c) If the state receives funds under 16 U.S.C. 777-777k (Sport
23 Fish Restoration Act), approximately 20 percent of the funds shall be
24 used to implement the provisions of this section. Expenditure of
25 funds received by the state under this subsection is subject to the
26 approval of the commissioner of fish and game.

27 (d) The legislature may appropriate to the fund.

28 (e) The commissioner may adopt regulations under the Administra-
29 tive Procedure Act (AS 44.62) that are necessary to implement this

1 section.

2 * Sec. 4. AS 38.50.010 is amended to read:

3 Sec. 38.50.010. AUTHORIZATION. Subject to the requirements of
4 this chapter, the director, with the concurrence of the commissioner,
5 is authorized to dispose of state land or interest in land by exchang-
6 ing it for land, interest in land, or other consideration. Exchanges
7 shall be for the purpose of consolidating state land holdings, creat-
8 ing land ownership and use patterns which will permit more effective
9 administration of the state public domain, creating access to waters
10 of the state with high value for recreational uses, facilitating the
11 objectives of state programs, or other public purposes.
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Introduced: 3/10/86
Referred: Resources and
Finance

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 SENATE BILL NO. 462

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to access to recreation areas."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. LEGISLATIVE FINDINGS AND INTENT. (a) The legislature
9 finds that the recreational use of state waters for fishing, hunting,
10 boating, and other recreational uses is very important to the people of the
11 state and that the economic activity connected with this use is substantial
12 and of importance to the economy of the state. The legislature further
13 finds that many of the state's popular rivers are severely overcrowded and
14 that increasing the ease of access to additional rivers and streams suit-
15 able for recreational uses would enhance the enjoyment by the people, would
16 be beneficial to the economy, and would reduce the overcrowding on the
17 already popular rivers and streams.

18 (b) It is the intent of the legislature to permit state programs to
19 develop access to additional rivers and streams of the state near the
20 state's major population areas.

21 * Sec. 2. AS 38.04 is amended by adding a new section to read:

22 Sec. 38.04.052. ACCESS TO WATERWAYS. (a) Wherever state land
23 is surveyed for disposal into private use, legal rights-of-way and
24 easements shall be reserved along public waterways of the state. The
25 right-of-way or easement shall be at least 20 feet wide but the com-
26 missioner may require a wider right-of-way or easement depending on
27 local conditions.

28 (b) The commissioner shall also establish rights-of-way or
29 easements to ensure access to rights-of-way or easements that are
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1 along the public waterways. Easements under this subsection shall be
2 established not less often than once each mile.

3 (c) If the commissioner determines that the land adjacent to
4 waterways in an area of the state is of high value for recreational
5 use, the commissioner may classify the land for retention in state
6 ownership and recommend legislation to protect the area.

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

8 Sec. 38.05.080. PUBLIC ACCESS FUND. (a) The public access fund
9 is created in the general fund of the state. The commissioner of
10 natural resources shall administer the fund. The commissioner, after
11 public hearings and consultation with the commissioner of fish and
12 game and the commissioner of transportation and public facilities, may
13 use money in the fund to purchase and lease land, easements, and
14 rights-of-way to enhance public access to recreational areas.

15 (b) The title to rights of public access to recreational areas
16 obtained by the commissioner vests in the state. If the land is
17 acquired for less than fair market value, the commissioner shall
18 include in the instrument transferring title to the state a clause
19 requiring that the land be used for public access and providing that
20 if the land ceases to be used for public access, it will automatically
21 revert to the grantor and to the heirs of the grantor. If the commis-
22 sioner, after a public hearing, authorizes the sale or exchange of a
23 right of public access in return for a similar or better right of
24 public access, the sale or exchange is final and the property may not
25 revert to the grantor or to the heirs of the grantor.

26 (c) If the state receives funds under 16 U.S.C. 777-777i
27 (Wallop-Breaux Act), the funds shall be used to implement the pro-
28 visions of this section.

29 (d) The commissioner may adopt regulations under the

1 Administrative Procedure Act (AS 44.62) that are necessary to imple-
2 ment this section.

3 * Sec. 4. AS 38.50.010 is amended to read:

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ALASKA STATE LEGISLATURE

14th Legislature 2nd Session

SENATE BILL NO. 462

By THE RESOURCES COMMITTEE

"An Act relating to access to recreation areas."

Introduced in the Senate 3/10, 1986

HISTORY IN THE SENATE

19 86

Read first time and referred to Committee on

3

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Resources & Finance

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25

Reported back with recommendation that

Resources replace w/cs, if do pass, 1 no rec, to finance. Fin.

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by President
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by Speaker
Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Received from House

To enrolling

Reported correctly enrolled

Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.

Introduced: 3/10/86
Referred: Resources and
Finance

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2

SENATE BILL NO. 462

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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12 and of importance to the economy of the state. The legislature further
13 finds that many of the state's popular rivers are severely overcrowded and
14 that increasing the ease of access to additional rivers and streams suit-
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Offered: 3/25/86
Referred: Finance

Original sponsor: Resources Committee

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2 CS FOR SENATE BILL NO. 462 (Resources)

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23 Fish Restoration Act), approximately 20 percent of the funds shall be
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10 of the state with high value for recreational uses, facilitating the
11 objectives of state programs, or other public purposes.

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : CSSB 462 (Res)
Title : Access to recreation areas

Sponsor : Senate Resources
Requestor : _____
Date of Request : _____

FISCAL DETAIL

Agency Affected : ADF&G
BRU : Sport Fish Division

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE		0	0	0	0	0
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Anticipate access acquisition under the Federal Aid in Sport Fish Restoration Program to increase slightly and with DNR and DOT/PF participation to not require extraordinary increase of functions. No additional operational costs expected.

Prepared by : Richard Logan Phone : 465-4180
Division : Sport Fish Date : 3/24/85

Approved by Commissioner : *Orin Callinworth* Date : 3-24-86
Agency : Department of Fish and Game

Distribution (by Agency preparing fiscal note) :

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

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 3-21-86

REQUEST

Bill/Resolution No. : SB 462
 Title : Access to Recreation Areas

Sponsor : Senate Resources
 Requestor : Senate Resources
 Date of Request : 3-21-86

FISCAL DETAIL

Agency Affected : Natural Resources
 BRU : Park & Recreation Mgmt.

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by: Ned Farquhar *Ned Farquhar* Phone: 465-2400
 Division: Commissioner's Office Date: 3-21-86

Approved by Commissioner: *Ned Farquhar* Date: 3/22/86
 Agency: Natural Resources

Distribution (by Agency preparing fiscal note):

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