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Alaska State Legislature

ARLISS STURGOULEWSKI, Chairman
DEBBIE FAHRENKAMP, Vice Chairman
MARK COGHILL
JOE JOHNSON
VICKI FISHER
TOM HALFORD
STED CHANUTE



P. O. BOX V
JUNEAU, ALASKA 99811
(907) 485-4907

Senate Committee on Resources

TO: Senate Resource Committee Members April 18, 1986

FROM: Senate Resource Committee Staff

RE: Proposed SCS for CS for House Bill No. 561 (Resources)
"An Act relating to public use cabins and providing for
an effective date."

HB 561 is the House companion to SB 397 which the committee has previously heard. The House made two changes to HB 561 that differ from the committee has previously looked at. These changes are marked on the enclosed bill. The first change (page 3, lines 12 - 18) is designed to eliminate any possible constitutional problem with dedication of funds. The second change (page 4, lines 10 - 13) specifies that the state is not liable for damages a person using a public use cabin may suffer unless the injury was caused by the gross negligence of the state.

The proposed Resources CS would make two deletions to the House bill. These deletions were suggested by Senator Josephson's office because it was felt that the language suggested for removal was unneeded and caused confusion. Senator Josephson is the prime sponsor in the Senate. The first proposed deletion is on page 3, lines 24 - 27, and the second is on page 4, lines 22 - 29. Both of these changes are marked on the enclosed bill. Deletion of these passages will not cause any policy change in the bill.

Attached in this packet is a copy of the write up for SB 397 plus a fiscal note and sectional analysis for HB 561.

Alaska State Legislature

ARLISS STURGULEWSKI, Chairman
BETTYE FAHRENKAMP, Vice Chairman
JACK COGHILL
DICK ELIASON
VIC FISCHER
RICK HALFORD
FRED ZHAROFF



POUCH V
JUNEAU, ALASKA 99811
(907) 465-4907

Senate Committee on Resources

TO: Senate Resource Committee Members March 7, 1986
FROM: Senate Resource Committee Staff *MSU*
RE: Proposed Resources Committee Substitute for SB 397
"An Act relating to public use cabins and providing for
an effective date."

SB 397 will set up the Alaska Public Use Cabin System using unclaimed trespass cabins and other cabins that will come into state ownership in future years. The new cabin system is modeled on the public rental cabin system administered by the U.S. Forest Service.

The bill gives the Department of Natural Resources the responsibility to make necessary improvements to the cabins and allows the Department to cooperate with private groups and other government agencies to improve the cabins in the system. Once established, the Department will publicize the state cabin system and take reservations from the public.

In this packet is a letter and fiscal note from DNR. The letter suggests a number of technical amendments and these amendments are incorporated in the proposed CS. An identical CS was recently adopted by the House Resources Committee.

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

POUCH M
JUNEAU, ALASKA 99811
PHONE: 907-465-2400

OFFICE OF THE COMMISSIONER

March 5, 1986

36

The Honorable Arliss Sturgulewski
Chair, Resources Committee
Alaska State Senate
P.O. Box V
Juneau, AK 99811

Dear Senator Sturgulewski:

*These amendments
were included
previously.*

I am writing to suggest some amendments to SB 397, on public use cabins.

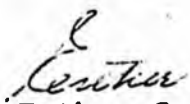
The department strongly supports the concept of the proposed bill. After adopting regulations for privately owned cabins on state land in 1984, we have made an important new beginning for cabins on state land. The bill before you will allow the people of the state to make beneficial use of abandoned and unauthorized cabins and may help reduce recreational and land disposal pressures statewide. The bill also provides our citizens better access to public lands and resources.

Contrary to a recent newspaper editorial, there is no conflict between this bill and SB 269, passed out last year by the committee. The intent of SB 397 is to establish a system of specially designated cabins for general public use, a very different goal from that in SB 269, which would provide for the sale of state land to owners of some cabins built without authorization on state lands. Although the department does not support the passage of SB 269, I believe that both bills could be passed by the Legislature without conflict.

The purpose of each suggested amendment is given on the attached pages.

Please contact me or my staff if you have questions or comments.

Sincerely,



Esther C. Wunnicke
Commissioner

cc: Senator Josephson

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 397
 Title : Public Use Cabins

 Sponsor : Senate Josephson
 Requestor : Senate Resources
 Date of Request : 03-04-86

FISCAL DETAIL

Agency Affected : Natural Resources
 BRU : Parks & Recreation Mgmt

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	6.6	10				
TRAVEL	2.5	2.5				
CONTRACTUAL	48.3	44.4				
SUPPLIES	42.0	43.0				
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	99.4	99.9				

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

REVENUE	72.0	96.0				
---------	------	------	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND	72.0	96.0				
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Personal Services - inspection and maintenance of cabins by field personnel;
 Contractual - rehabilitation of public cabins using local labor;
 Supplies - building materials for cabins;
 Revenue - FY 87 on operation of 24 cabins; FY 88 - 36 cabins.

Prepared by : Fred Vreeman, Econ. Programs Manager *FV* Phone : 762-4506
 Division : Parks and Outdoor Recreation Date : 3-05-86

Approved by Commissioner : Nims D Amund *NDA* Date : 3/5/86
 Agency : Natural Resources

Distribution (by Agency preparing fiscal note):

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

opinion

Anchorage Daily News



Winner, 1976 Pulitzer Prize Gold Medal for Public Service

Gerald E. Grilly
Publisher

Howard Weaver
Managing Editor

Suzan Nightingale
Editorial Page Editor

Katherine Fanning, Editor and Publisher 1971 to 1983
Lawrence Fanning, Editor and Publisher 1967 to 1971

Alaska's Only Morning Newspaper • Founded in 1946 by Norman C. Brown

Catching the right kind of cabin fever

The "duck shack" controversy never will be resolved to everyone's satisfaction, but here's a program for using some of the so-called trespass cabins built on state land that makes sense. Under terms of identical bills introduced in the House and Senate this week, about 100 of the cabins would be converted into public recreation cabins managed by the state.

A 1984 change in state regulations mandated that people who built the cabins on state land could register them in exchange for lifetime title to them. Cabins that were not registered are being taken over by the state.

The program would be similar to the U.S. Forest Service's highly popular recreation cabin system. The 177 Forest Service cabins are so popular with campers here they're booked solid every summer. There's no reason why the state can't expect a similar response to its recreational cabins — especially since many are located in southcentral Alaska, where demand is greatest.

Division of Parks Director Neil Johannsen says the full 100 cabins could be open to the public within five years. Although Mr. Johannsen estimates it would cost between \$2,000 and \$3,000 to refurbish each cabin, he predicts the cabins will pay for themselves within three years with \$10-\$15 nightly fees.

New cabins are so expensive — about \$15,000 apiece — that the conversion of duck shacks into modest recreational cabins is a real bargain. The state shouldn't pass up this opportunity to put these abandoned duck shacks to good use.

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 561
 Title : An Act Establishing an
Alaska Public Recreation Cabin
Program
 Sponsor : Red Clocksin
 Requestor : HOUSE resources
 Date of Request : 2-10-86

FISCAL DETAIL

Agency Affected : Natural Resources
 BRU : Parks & Recreation mgmt
Parks & Recreation mgmt
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY	FY	FY	FY
PERSONAL SERVICES	6.6	10				
TRAVEL	2.5	2.5				
CONTRACTUAL	48.3	44.4				
SUPPLIES	42.0	43.0				
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	99.4	99.9				

CAPITAL	----	----				
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REVENUE	72.	96.				
----------------	------------	------------	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND	72.0	96.0				
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Personal Services - inspection and maintenance of cabins by field personnel;
 Contractual - rehabilitation of public cabins using local labor;
 Supplies - building materials for cabins;

Revenue - FY 87 based on operation of 24 cabins; FY 88 - 36 cabins.

Prepared by: Fred Vreeman, Econ. Programs Manager Phone: 762-4506
 Division: Parks and Outdoor Recreation Date: 2/10/86

Approved by Commissioner: Wm. D. Arnold, Deputy Date: _____
 Agency: Natural Resources

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agencies)

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 18, 1986

SUBJECT: Public use cabins
(HB 561)

TO: Representative Don Clocksin

FROM: Richard A. Bradley
Legislative Counsel

John Ellis has requested a sectional analysis of the above described bill.

As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 of the bill states legislative purpose in the establishment of a public use cabin system.

Section 2 of the bill amends AS 41.21.020(a), a section dealing with the duties of the Department of Natural Resources with regard to AS 41.21, Parks and Recreational Facilities. A new paragraph (14) is added relative to the subject of this bill.

Section 3 of the bill provides the substantive provisions of the bill. It adds a new section, sec. 41.21.880, to article 7, an article relating to "trails, footpaths, and campsites." The section establishes the "Alaska Public Use Cabin System."

Sec. 880(b) provides that the commissioner may establish a fee schedule for use of cabins within the "system". Considerations to be used in setting the fees are provided.

Representative Clocksin
Page 2
February 18, 1986

Sec. 880(c) provides that the commissioner may renovate the cabins "constructed on public land without proper authority". The authority to build or acquire cabins is also granted.

Sec. 880(d) permits the commissioner to "cooperate with local groups" and with other state and federal agencies to maintain and improve the "system."

Sec. 880(e) requires the commissioner to make an annual report to the legislature on stated aspects of the "system."

Sec. 880(f) defines the term "public use cabins".

Section 4 of the bill provides an immediate effective date.

If I may be of further assistance, please advise.

RAB:csh
c5/078

includes fair market value & surveying costs

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unless, after a public hearing, the commissioner makes a written finding based on clear and convincing evidence that the sale would cause a resource conflict that cannot be resolved by restrictions on use under AS 38.05.880 (a) or (b)

MASTER

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2
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 public use cabins; and providing
7 for and effective date."

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

9 * Section 1. LEGISLATIVE PURPOSE. The legislature determines that it
10 is in the public interest to create the Alaska Public Use Cabin System and
11 place within that system cabins owned or built by the state on the reserved
12 or unreserved public land of the state and that the system be managed for
13 the benefit of the residents of the state and visitors to the state.

14 It is further in the public interest to allow persons who are
15 able to demonstrate historic use and occupancy of cabins on state land to
16 purchase the land to resolve land conflicts; to ensure the legally protect-
17 ed use and enjoyment of cabins; and to provide for the continued existence
18 of emergency shelters in remote areas.

19 * Sec. 2. AS 38.05 is amended by adding a new section to read:

20 Sec. AS 38.05.880. EXISTING CABIN PREFERENCE. On the applica-
21 tion of a person ^{before June 1, 1988} who can demonstrate the historic use and occupancy of
22 a cabin on state land and investments in the cabin before January 1,
23 1978 and continuing until June 1, 1986, the commissioner of natural
24 resources shall sell not to exceed one acre of state land occupied by
25 the cabin. If the cabin is located on state land that is adjacent to

26 a body of water, the commissioner shall reserve an easement for public
27 access not to exceed 30 feet wide above the mean high water line. The
28 commissioner may not establish restrictions ~~on the use of the cabin or~~
29 on future transfers of the land sold under this section. However, the

at the time of sale

1 commissioner may establish reasonable restrictions:

2 (a) ^{against} ~~on~~ the commercial use of a particular cabin in the event
3 that the local fish and game advisory committee of the area in which
4 the cabin is located objects to the unrestricted commercial use of
5 said cabin;

6 (b) ^{against} ~~on~~ the non-recreational use of a cabin which is located on
7 land that has been withdrawn under AS 16 or AS 41. ~~prior to the sale of~~
8 ~~the land to a person.~~

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

10 ~~Sec. AS 38.05.881. APPLICATION PERIOD FOR EXISTING CABIN PREFER-~~
11 ~~ENCE. An application for the purchase of land pursuant to AS 38.05.-~~
12 ~~880 must be submitted prior to June 1, 1988.~~

13 * Sec. 4. AS 41.21.020(a) is amended ~~to read:~~ ^{by adding a new subsection}

- 14 (a) The Department of Natural Resources shall
- 15 (1) develop a continuing plan for the conservation and
- 16 maximum use in the public interest of the scenic, historic,
- 17 archaeological, scientific, biological, and recreational resources of
- 18 the state;
- 19 (2) plan for and develop a system of state parks and
- 20 recreational facilities, to be established as the legislature
- 21 authorizes and directs,
- 22 (3) acquire by gift, purchase or transfer from state or
- 23 federal agencies, or from individuals, corporations, partnerships or
- 24 associations, land necessary, suitable and proper for roadside,
- 25 picnic, recreational, or park purposes;
- 26 (4) control, develop and maintain state parks and
- 27 recreational areas;
- 28 (5) provide for the acquisition, care, control,
- 29 supervision, improvement, development, extension, and maintenance of

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1 public recreational land, and make necessary arrangements, contracts,
2 or commitments for the improvement and development of land acquired
3 under AS 41.21.010 - 41.21.040;

4 (6) adopt, in accordance with this section and the
5 Administrative Procedures Act (AS 44.62), regulations governing the
6 use and designating incompatible uses within the boundaries of state
7 park and recreational areas to protect the property and to preserve
8 the peace;

9 (7) cooperate with the United States and its agencies and
10 local subdivision of the state to secure the effective supervision,
11 improvement, development, extension, and maintenance of state parks,
12 state monuments, state historical areas, and recreational areas, and
13 secure agreements or contracts for the purpose of AS 41.21.010 -
14 41.21.040;

15 (8) encourage the organization of state public park and
16 recreational activities in the local political subdivisions of the
17 state;

18 (9) provide for consulting service designed to develop
19 local park and recreation facilities and programs;

20 (10) provide clearing-house services for other state
21 agencies concerned with park and recreation matters; and

22 (11) perform other duties as are prescribed by executive
23 order or by law;

24 (12) maintain memorials to Alaska veterans located in state
25 parks;

26 (13) adopt, in accordance with the Administrative
27 Procedures Act (AS 44.62), regulations governing the use of the Chena
28 River State Recreation Act in accordance with AS 41.21.490;

29 (14) manage the cabins owned by the state under AS 41.21.

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1 880.

2 * Sec. 5. AS 41.21 is amended by adding a new section to read:

3 Sec. 41.21.880. PUBLIC USE CABINS. (a) There is established a
4 system of public use cabins to be managed by the commissioner and
5 called the Alaska Public Use Cabin System. The commissioner shall
6 publicize the existence of the public use cabins and shall establish a
7 reservation system for the cabins.

8 (b) The commissioner shall establish a fee schedule for the use
9 of the cabins. Fees collected under this subsection shall be deposit-
10 ed in the general fund. The commissioner of administratio shall
11 separately account for fees collected and deposited by the commission-
12 er of natural resources under this subsection. The annual estimated
13 balance in the account may be appropriated by the legislature to the
14 Department of Natural Resources to carry out the purposes of this
15 section. In establishing the fees, the commissioner shall consider

16 (1) the cost to the state of building, renovating, and
17 maintaining the cabins;

18 (2) the cost of administering reservations and collecting
19 the fees charged for use of the cabins; and

20 (3) the public interest.

21 (c) ~~Cabins that were constructed on public land without proper~~
22 ~~authority and that have been or will be acquired by the state may be~~
23 ~~renovated by the commissioner for inclusion in the Alaska Public Use~~
24 ~~Cabin System. Within available appropriations, the commissioner may~~
25 ~~build or acquire cabins for inclusion in the cabin system. However,~~
26 ~~cabins that were constructed on public land without proper authority~~
27 ~~may not be acquired by the State prior to June 1, 1988, unless the~~
28 ~~consent of the person who is able to demonstrate historic use and~~
29 ~~occupancy of the cabin pursuant to AS 38.05.80 is obtained. Under~~

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1 state contracting procedures the commissioner may contract for the
2 construction, rehabilitation, operation, and maintenance of cabins
3 within the system.

4 (d) The commissioner may cooperate with local groups with state
5 and federal agencies to maintain and improve the cabin system. The
6 commissioner shall evaluate existing and potential cabin sites and
7 conduct resource planning and public review in the process of desig-
8 nating cabins into the system. ~~The commissioner may develop an opera-~~
9 ~~tional plan for the renovation, construction, or removal of cabins.~~
10 ~~Cabins that were constructed on public land without proper authority~~
11 ~~may not be removed prior to June 1, 1988.~~ Cabins which have been
12 applied for pursuant to AS 38.05.880 may not be removed until the
13 final disposition of the application is made and said application is
14 denied.

15 (e) A person using a public use cabin may not recover damages
16 from the state for an injury arising out of the use of the public use
17 cabin unless the injury was caused by the gross negligence of the
18 state.

19 (f) In establishing and managing a public use cabin system on
20 state game refuges, critical habitat areas, and game sanctuaries
21 established under AS 16.20, the commissioner shall obtain the concur-
22 rence of the commissioner of fish and game.

23 (g) The commissioner shall make an annual report to the legisla-
24 ture on the costs, occupancy rates, fees collected, and the number and
25 location of cabins in the system, and other information considered
26 relevant by the commissioner.

27 ~~(h) In this section, "public use cabins" includes cabins desig-~~
28 ~~nated by the commissioner that~~

29 (1) ~~were constructed on state land without proper authority~~

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1 ~~of law and that have been acquired by the state in the past or that~~
 2 ~~are acquired by the state in the future and meet minimum standards for~~
 3 ~~safety and liability requirements; or~~

4 ~~(2) are cabins owned by the state and used for temporary~~
 5 ~~recreational use.~~

6 * Sec. 6. This Act takes effect immediately in accordance with AS
 7 01.10.070(c).

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1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act

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

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9 is in the public interest to create the Alaska Public Use Cabin System and
10 place within that system cabins owned or built by the state on the reserved
11 or unreserved public land of the state and that the system be managed for
12 the benefit of the residents of the state and visitors to the state.

13 It is further in the public interest to allow persons who are
14 able to demonstrate historic use and occupancy of cabins on state land to
15 purchase the land to resolve land conflicts; to ensure the legally
16 protected use and enjoyment of cabins, and to provide for the continual
17 existence of emergency shelters in remote areas.

18 * Sec. 2. AS 38.05 is amended by adding a new section to read:

19 Sec. AS 38.05.880. EXISTING CABIN PREFERENCE. On the applica-
20 tion of a person ^{before June 1, 1987} who can demonstrate the historic use and occupancy of
21 a cabin on state land and investments in the cabin before January 1,
22 unless the land was closed to entry by State or Federal Statute
1978 and continuing until June 1, 1986, the commissioner of natural

23 resources shall ^{except} sell not to exceed one acre of state land occupied by
24 the cabin. If the cabin is located on state land that is adjacent to
25 a body of water, ^{except that existing improvements are allowed to continue with} the commissioner shall reserve an easement for public
26 access not to exceed ⁽³⁰⁾ feet wide above the mean water line. The
27 commissioner may not establish restrictions on the use of the cabin or
28 on future transfers of the land sold under this section. However, the
29 commissioner may establish reasonable restrictions:

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29
state
to
land
existing
structure

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1 (a) on the commercial use of a particular cabin in the event
2 that the local fish and game advisory committee of the area in which
3 the cabin is located objects to the unrestricted commercial use of
4 said cabin;

5 (b) on the non-recreational use of a cabin which is located on
6 land that has been withdrawn under AS 16 or AS 41 ~~prior~~ ^{prior} to the sale of
7 the land to a person.

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12 * Sec. 4. AS 41.21.020(a) is amended to read

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13 (a) The Department of Natural Resources shall

14 (1) develop a continuing plan for the conservation and
15 maximum use in the public interest of the scenic, historic, archaeo-
16 logic, scientific, biological, and recreational resources of the
17 state;

18 (2) plan for and develop a system of state parks and recre-
19 ational facilities, to be established as the legislature authorizes
20 and directs;

21 (3) acquire by gift, purchase, or transfer from state or
22 federal agencies, or from individuals, corporations, partnerships or
23 associations, land necessary, suitable and proper for roadside, pic-
24 nic, recreational, or park purposes;

25 (4) control, develop and maintain state parks and recre-
26 ational areas;

27 (5) provide for the acquisition, care, control, super-
28 vision, improvement, development, extension, and maintenance of public
29 recreational land, and make necessary arrangements, contracts, or

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1 commitments for the improvement and development of land acquired under
2 AS 41.21.010 - 41.21.040;

3 (6) adopt, in accordance with this section and the Adminis-
4 trative Procedures Act (AS 44.62), regulations governing the use and
5 designating incompatible uses within the boundaries of state park and
6 recreational areas to protect the property and to preserve the peace;

7 (7) cooperate with the United States and its agencies and
8 local subdivisions of the state to secure the effective supervision,
9 improvement, development, extension, and maintenance of state parks,
10 state monuments, state historical areas, and state recreational areas,
11 and secure agreements or contracts for the purpose of AS 41.21.010 -
12 41.21.040;

13 (8) encourage the organization of state public park and
14 recreational activities in the local political subdivisions of the
15 state;

16 (9) provide for consulting service designed to develop
17 local park and recreation facilities and programs;

18 (10) provide clearing-house services for other state agen-
19 cies concerned with park and recreation matters; and

20 (11) perform other duties as are prescribed by executive
21 order or by law;

22 (12) maintain memorials to Alaska veterans located in state
23 parks;

24 (13) adopt, in accordance with the Administrative Procedure
25 Act (AS 44.62), regulations governing the use of the Chena River State
26 Recreation Area and designating incompatible uses within the boundar-
27 ies of the Chena River State Recreation Area in accordance with AS
28 41.21.490;

29 (14) manage the cabins owned by the state under AS

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1 41.21.880.

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7 reservation system for the cabins.

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9 of the cabins. Fees collected under this subsection shall be deposit-
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11 separately account for fees collected and deposited by the commission-
12 er of natural resources under this subsection. The annual estimated
13 balance in the account may be appropriated by the legislature to the
14 Department of Natural Resources to carry out the purposes of this
15 section. In establishing the fees, the commissioner shall consider

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17 maintaining the cabins;

18 (2) the cost of administering reservations and collecting
19 the fees charged for use of the cabins; and

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21 (c) ~~Cabins that were constructed on public land without proper~~
22 ~~authority and that have been or will be acquired by the state may be~~
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24 ~~Cabin System. Within available appropriations, the commissioner may~~

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Handwritten note: "adding new language"

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1 state contracting procedures the commissioner may contract for the
2 construction, rehabilitation, operation, and maintenance of cabins
3 within the system.

4 (d) The commissioner may cooperate with local groups with state
5 and federal agencies to maintain and improve the cabin system. The
6 commissioner shall evaluate existing and potential cabin sites and
7 conduct resource planning and public review in the process of desig-
8 nating cabins into the system. The commissioner may develop an opera-
9 tional plan for the renovation, construction, or removal of cabins.
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16 from the state for an injury arising out of the use of the public use
17 cabin unless the injury was caused by the gross negligence of the
18 state.

19 (f) In establishing and managing a public use cabin system on
20 state game refuges, critical habitat areas, and game sanctuaries
21 established under AS 16.20, the commissioner shall obtain the concur-
22 rence of the commissioner of fish and game.

23 (g) The commissioner shall make an annual report to the legisla-
24 ture on the costs, occupancy rates, fees collected, and the number and
25 location of cabins in the system, and other information considered
26 relevant by the commissioner.

27 ~~(h) In this section, "public use cabins" includes cabins desig-~~
28 ~~nated by the commissioner that~~

29 ~~(1) were constructed on state land without proper authority~~

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1 of law and that have been acquired by the state in the past or that
 2 are acquired by the state in the future and meet minimum standards for
 3 safety and liability requirements; or

4 (2) are cabins owned by the state and used for temporary
 5 recreational use.

6 * Sec. 6. This Act takes effect immediately in accordance with AS
 7 01.10.070(c).

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HOUSE FINANCE COMMITTEE
LETTER OF INTENT
FOR
CS HB 561 (FINANCE)

It is the intent of the Legislature that citizens of the State and visitors to the State be able to enjoy the natural environment to the greatest extent possible. The establishment of new public cabins may be particularly appropriate in areas of heavy recreational interest or use. In more remote locations public use cabins should be established only after consideration of the weather and physical environment in the surrounding area, and the reasons the area is most often used. Public cabins should be established on a priority basis with more remote cabins being added to the system only after a specific need for public facility is determined. Such need shall be based on Department findings and public comment from users and residents of the area.

Al Adams

Al Adams, Chair
House Finance Committee

Adopted by House April 9

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 3/24/86

REQUEST Page 1 of 2

FISCAL DETAIL

Bill/Resolution No. : CS HB 561 (FIN)
Title : Recreational cabin program

Agency Affected: Dept. of Natural Resources
BRU: Parks & Recreation Management

Sponsor: Clocksie
Requestor: House Finance Committee
Date of Request: 3/24/86

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		0	0	0	0	0
TRAVEL		0	0	0	0	0
CONTRACTUAL		22.5	22.5	22.5	22.5	22.5
SUPPLIES		22.5	22.5	22.5	22.5	22.5
EQUIPMENT		0	0	0	0	0
LAND & STRUCTURES		0	0	0	0	0
GRANTS, CLAIMS		0	0	0	0	0
MISCELLANEOUS		0	0	0	0	0
TOTAL OPERATING		45.0	45.0	45.0	45.0	45.0

CAPITAL		0	0	0	0	0
---------	--	---	---	---	---	---

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

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS		0	0	0	0	0
OTHER		45.0	45.0	45.0	45.0	45.0
TOTAL		45.0	45.0	45.0	45.0	45.0

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

See attached analysis

Prepared by: Al Adams, Chair *APA*
Division: House Finance Committee

Phone: 465-3706
Date: 3/24/86

Approved by Commissioner: _____
Agency: _____

Date: _____

Distribution (by Agency preparing fiscal note):

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

This fiscal note provides a more reasonable estimate of program receipts. Additionally, expenses are limited to revenues generated by charging fees for the use of the cabins. If additional revenues are generated in future years, the Department may seek additional operating funds through the annual budget process.

Funds are divided equally between supplies and contractual since these are the only expenses that the department can not be expected to absorb within normal budget appropriations. These funds will be used to purchase supplies needed to renovate cabins and to pay necessary cabin labor and air fare to remote sites.

Each cabin is expected to generate approximately \$3,000 in fees. This fiscal note assumes that 15 cabins will generate this much in FY 87. The original fiscal note assumed 24 cabins would generate \$3,000, but only 12 are currently in operation. It is very unlikely that 12 additional cabins will be renovated in time to generate an additional \$36,000 in FY 87.

Bradley
3/6/86

Original sponsors: Josephson, V.Fischer,
Rodey, et al

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2
3 CS FOR SENATE BILL NO. 397 (Resources)
4 IN THE LEGISLATURE OF THE STATE OF ALASKA
5 FOURTEENTH LEGISLATURE - SECOND SESSION

6 A BILL

7 For an Act entitled: "An Act relating to public use cabins; and providing
8 for an effective date."

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

10 * Section 1. LEGISLATIVE PURPOSE. The legislature determines that it
11 is in the public interest to create the Alaska Public Use Cabin System and
12 place within that system cabins owned or built by the state on the reserved
13 or unreserved public land of the state and that the system be managed for
14 the benefit of the residents of the state and visitors to the state.

15 * Sec. 2. AS 41.21.020(a) is amended to read:

16 (a) The Department of Natural Resources shall

17 (1) develop a continuing plan for the conservation and
18 maximum use in the public interest of the scenic, historic, archaeo-
19 logic, scientific, biological, and recreational resources of the
20 state;

21 (2) plan for and develop a system of state parks and recre-
22 ational facilities, to be established as the legislature authorizes
23 and directs;

24 (3) acquire by gift, purchase, or transfer from state or
25 federal agencies, or from individuals, corporations, partnerships or
26 associations, land necessary, suitable and proper for roadside, pic-
27 nic, recreational, or park purposes;

28 (4) control, develop and maintain state parks and recre-
29 ational areas;

1 (5) provide for the acquisition, care, control, super-
2 vision, improvement, development, extension, and maintenance of public
3 recreational land, and make necessary arrangements, contracts, or
4 commitments for the improvement and development of land acquired under
5 AS 41.21.010 - 41.21.040;

6 (6) adopt, in accordance with this section and the Adminis-
7 trative Procedure Act (AS 44.62), regulations governing the use and
8 designating incompatible uses within the boundaries of state park and
9 recreational areas to protect the property and to preserve the peace;

10 (7) cooperate with the United States and its agencies and
11 local subdivisions of the state to secure the effective supervision,
12 improvement, development, extension, and maintenance of state parks,
13 state monuments, state historical areas, and state recreational areas,
14 and secure agreements or contracts for the purpose of AS 41.21.010 -
15 41.21.040;

16 (8) encourage the organization of state public park and
17 recreational activities in the local political subdivisions of the
18 state;

19 (9) provide for consulting service designed to develop
20 local park and recreation facilities and programs;

21 (10) provide clearing-house services for other state agen-
22 cies concerned with park and recreation matters; and

23 (11) perform other duties as are prescribed by executive
24 order or by law;

25 (12) maintain memorials to Alaska veterans located in state
26 parks;

27 (13) adopt, in accordance with the Administrative Procedure
28 Act (AS 44.62), regulations governing the use of the Chena River State
29 Recreation Area and designating incompatible uses within the

Take care of
Belle's objects
about land disposal

boundaries of the Chena River State Recreation Area in accordance with AS 41.21.490;

(14) manage the cabins owned by the state under AS 41.-21.880. (15) *manage + maintain the Pioneer's cemetery in Sitka*

* Sec. 3. AS 41.21 is amended by adding a new section to article 7 to read:

Sec. 41.21.880. PUBLIC USE CABINS. (a) There is established a system of public use cabins to be managed by the commissioner and called the Alaska Public Use Cabin System. The commissioner shall publicize the existence of the public use cabins and may establish a reservation system for the cabins.

(b) The commissioner shall establish a fee schedule for the use of the cabins. The commissioner may recover program costs through the administration of a program receipts account, subject to legislative approval. In establishing the fees, the commissioner shall consider

(1) the cost to the state of building, renovating, and maintaining the cabins;

(2) the cost of administering reservations and collecting the fees charged for use of the cabins; and

(3) the public interest.

(c) Cabins that were constructed on public land without proper authority and that have been or will be acquired by the state may be renovated by the commissioner for inclusion in the Alaska Public Use Cabin System. Within available appropriations, the commissioner may build or acquire cabins for inclusion in the cabin system. Under state contracting procedures the commissioner may contract for the construction, rehabilitation, operation, and maintenance of cabins within the system.

(d) The commissioner may cooperate with local groups and with

1 state and federal agencies to maintain and improve the cabin system.
2 The commissioner shall evaluate existing and potential cabin sites and
3 conduct resource planning and public review in the process of des-
4 ignating cabins into the system. The commissioner may develop an
5 operational plan for the renovation, construction, or removal of
6 cabins.

7 (e) In establishing and managing a public use cabin system on
8 state game refuges, critical habitat areas, and game sanctuaries
9 established under AS 16.20, the commissioner shall obtain the concur-
10 rence of the commissioner of fish and game.

11 (f) The commissioner shall make an annual report to the legisla-
12 ture on the costs, occupancy rates, fees collected, the number and
13 location of cabins in the system, and other information considered
14 relevant by the commissioner.

15 (g) In this section, "public use cabins" includes cabins desig-
16 nated by the commissioner that

17 (1) were constructed on state land without proper authority
18 of law and that have been acquired by the state in the past or that
19 are acquired by the state in the future and meet minimum standards for
20 safety and liability requirements; or

21 (2) are cabins owned by the state and used for temporary
22 recreational use.

23 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
24 10.070(c).

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1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 386 (FIN)

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 cabins on state land; and pro-
7 viding for and effective date."

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

9 * Section 1. LEGISLATIVE PURPOSE. The legislature determines that it
10 is in the public interest to create the Alaska Public Use Cabin System and
11 place within that system cabins owned or built by the state on the reserved
12 or unreserved public land of the state and that the system be managed for
13 the benefit of the residents of the state and visitors to the state.

14 It is further in the public interest to allow persons who are
15 able to demonstrate historic use and occupancy of cabins on state land to
16 purchase the land to resolve land conflicts; to ensure the legally protect-
17 ed use and enjoyment of cabins; and to provide for the continued existence
18 of emergency shelters in remote areas.

19 * Sec. 2. AS 38.05 is amended by adding a new section to read:

20 Sec. AS 38.05.880. EXISTING CABIN PREFERENCE. On the applica-
21 tion before June 1, 1988, of a person who can demonstrate the historic
22 use and occupancy of a cabin on state land and investments in the
23 cabin before January 1, 1978 and continuing until June 1, 1986, the
24 commissioner of natural resources shall sell not to exceed one acre of
25 state land occupied by the cabin. However, the land may not be sold
26 if the land was specifically closed to entry under AS 16 or AS 41,
27 before the cabin was built on state land. If the cabin is located on
28 state land that is adjacent to a body of water, the commissioner shall
29 reserve an easement for public access not to exceed 50 feet wide above

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1 the mean high water line except that existing improvements may con-
2 tinue within the easement. The commissioner may not establish re-
3 strictions on the use of the cabin or on future transfers of the land
4 sold under this section. However, the commissioner may at the time of
5 sale establish reasonable restrictions:

6 (a) against the commercial use of a particular cabin in the
7 event that the local fish and game advisory committee of the area in
8 which the cabin is located objects to the unrestricted commercial use
9 of said cabin;

10 (b) against the non-recreational use of a cabin which is located
11 on land that has been withdrawn under AS 16 or AS 41.

12 * Sec. 3. AS 41.21.020(a) is amended to read:

13 (a) The Department of Natural Resources shall

14 (1) develop a continuing plan for the conservation and
15 maximum use in the public interest of the scenic, historic, archaeo-
16 logic, scientific, biological, and recreational resources of the
17 state;

18 (2) plan for and develop a system of state parks and recre-
19 ational facilities, to be established as the legislature authorizes
20 and directs;

21 (3) acquire by gift, purchase, or transfer from state or
22 federal agencies, or from individuals, corporations, partnerships or
23 associations, land necessary, suitable and proper for roadside,
24 picnic, recreational, or park purposes;

25 (4) control, develop and maintain state parks and recre-
26 ational areas;

27 (5) provide for the acquisition, care, control, super-
28 vision, improvement, development, extension, and maintenance of public
29 recreational land, and make necessary arrangements, contracts, or

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1 commitments for the improvement and development of land acquired under
2 AS 41.21.010 - 41.21.040;

3 (6) adopt, in accordance with this section and the Adminis-
4 trative Procedures Act (AS 44.62), regulations governing the use and
5 designating incompatible uses within the boundaries of state park and
6 recreational areas to protect the property and to preserve the peace;

7 (7) cooperate with the United States and its agencies and
8 local subdivision of the state to secure the effective supervision,
9 improvement, development, extension, and maintenance of state parks,
10 state monuments, state historical areas, and recreational areas, and
11 secure agreements or contracts for the purpose of AS 41.21.010 -
12 41.21.040;

13 (8) encourage the organization of state public park and
14 recreational activities in the local political subdivisions of the
15 state;

16 (9) provide for consulting service designed to develop
17 local park and recreation facilities and programs;

18 (10) provide clearing-house services for other state agen-
19 cies concerned with park and recreation matters; and

20 (11) perform other duties as are prescribed by executive
21 order or by law;

22 (12) maintain memorials to Alaska veterans located in state
23 parks;

24 (13) adopt, in accordance with the Administrative Proce-
25 dures Act (AS 44.62), regulations governing the use of the Chena River
26 State Recreation Act in accordance with AS 41.21.490;

27 (14) manage the cabins owned by the state under AS 41.21.
28 880.

29 Sec. 4. AS 41.21 is amended by adding a new section to read:

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1 Sec. 41.21.880. PUBLIC USE CABINS. (a) There is established a
2 system of public use cabins to be managed by the commissioner and
3 called the Alaska Public Use Cabin System. The commissioner shall
4 publicize the existence of the public use cabins and shall establish a
5 reservation system for the cabins.

6 (b) The commissioner shall establish a fee schedule for the use
7 of the cabins. Fees collected under this subsection shall be deposit-
8 ed in the general fund. The commissioner of administration shall
9 separately account for fees collected and deposited by the commis-
10 sioner of natural resources under this subsection. The annual estimated
11 balance in the account may be appropriated by the legislature to the
12 Department of Natural Resources to carry out the purposes of this
13 section. In establishing the fees, the commissioner shall consider

14 (1) the cost to the state of building, renovating, and
15 maintaining the cabins;

16 (2) the cost of administering reservations and collecting
17 the fees charged for use of the cabins; and

18 (3) the public interest.

19 (c) Cabins that were constructed on public land with or without
20 proper authority and that have been or will be acquired by the state
21 may be renovated by the commissioner for inclusion in the Alaska
22 Public Use Cabin System. Within available appropriations, the commis-
23 sioner may build or acquire cabins for inclusion in the cabin system.
24 However, cabins that were constructed on public land with or without
25 proper authority may not be acquired by the State prior to June 1,
26 1988, unless the consent of the person who is able to demonstrate
27 historic use and occupancy of the cabin pursuant to AS 38.05.880 is
28 obtained or unless the cabin is located on land which was closed to
29 entry under AS 16 or AS 41 prior to the time the cabin was built.

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1 Under state contracting procedures the commissioner may contract for
2 the construction, rehabilitation, operation, and maintenance of cabins
3 within the system.

4 (d) The commissioner may cooperate with local groups with state
5 and federal agencies to maintain and improve the cabin system. The
6 commissioner shall evaluate existing and potential cabin sites and
7 conduct resource planning and public review in the process of design-
8 ating cabins into the system. The commissioner may develop an opera-
9 tional plan for the renovation, construction, or removal of cabins.
10 Cabins that were constructed on public land with or without proper
11 authority may not be removed prior to June 1, 1988. Cabins which have
12 been applied for pursuant to AS 38.05.880 may not be removed until the
13 final disposition of the application is made and said application is
14 denied.

15 (e) A person using a public use cabin may not recover damages
16 from the state for an injury arising out of the use of the public use
17 cabin unless the injury was caused by the gross negligence of the
18 state.

19 (f) In establishing and managing a public use cabin system on
20 state game refuges, critical habitat areas, and game sanctuaries
21 established under AS 16.20, the commissioner shall obtain the concur-
22 rence of the commissioner of fish and game.

23 (g) The commissioner shall make an annual report to the legisla-
24 ture on the costs, occupancy rates, fees collected, and the number and
25 location of cabins in the system, and other information considered
26 relevant by the commissioner.

27 * Sec. 6. This Act takes effect immediately in accordance with AS
28 01.10.070(c).
29

Alaska State Legislature

ARLISS STURGULEWSKI, Chairman
BETTYE FAHRENKAMP, Vice Chairman
JACK COGHILL
DICK ELIASON
VIC FISCHER
RICK HALFORD
FRED ZHAROFF



POUCH V
JUNEAU, ALASKA, 99811
(907) 465-4907

Senate Committee on Resources

TO: Senate Resource Committee Members March 7, 1986
FROM: Senate Resource Committee Staff *MEU*
RE: Proposed Resources Committee Substitute for SB 397
"An Act relating to public use cabins and providing for
an effective date."

SB 397 will set up the Alaska Public Use Cabin System using unclaimed trespass cabins and other cabins that will come into state ownership in future years. The new cabin system is modeled on the public rental cabin system administered by the U.S. Forest Service.

The bill gives the Department of Natural Resources the responsibility to make necessary improvements to the cabins and allows the Department to cooperate with private groups and other government agencies to improve the cabins in the system. Once established, the Department will publicize the state cabin system and take reservations from the public.

In this packet is a letter and fiscal note from DNR. The letter suggests a number of technical amendments and these amendments are incorporated in the proposed CS. An identical CS was recently adopted by the House Resources Committee.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH M
JUNEAU, ALASKA 99811
PHONE: 907-485-2400

March 5, 1986

536

The Honorable Arliss Sturgulewski
Chair, Resources Committee
Alaska State Senate
P.O. Box V
Juneau, AK 99811

Dear Senator Sturgulewski:

I am writing to suggest some amendments to SB 397, on public use cabins.

The department strongly supports the concept of the proposed bill. After adopting regulations for privately owned cabins on state land in 1984, we have made an important new beginning for cabins on state land. The bill before you will allow the people of the state to make beneficial use of abandoned and unauthorized cabins and may help reduce recreational and land disposal pressures statewide. The bill also provides our citizens better access to public lands and resources.

Contrary to a recent newspaper editorial, there is no conflict between this bill and SB 269, passed out last year by the committee. The intent of SB 397 is to establish a system of specially designated cabins for general public use, a very different goal from that in SB 269, which would provide for the sale of state land to owners of some cabins built without authorization on state lands. Although the department does not support the passage of SB 269, I believe that both bills could be passed by the Legislature without conflict.

The purpose of each suggested amendment is given on the attached pages.

Please contact me or my staff if you have questions or comments.

Sincerely,



Esther C. Wunnicke
Commissioner

cc: Senator Josephson

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 397
 Title : Public Use Cabins

 Sponsor : Senate Josephson
 Requestor : Senate Resources
 Date of Request : 03-04-86

FISCAL DETAIL

Agency Affected : Natural Resources
 BRU : Parks & Recreation Mgmt

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	6.6	10				
TRAVEL	2.5	2.5				
CONTRACTUAL	48.3	44.4				
SUPPLIES	42.0	43.0				
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	99.4	99.9				

CAPITAL						
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REVENUE	72.0	96.0				
---------	------	------	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND	72.0	96.0				
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Personal Services - inspection and maintenance of cabins by field personnel;
 Contractual - rehabilitation of public cabins using local labor;
 Supplies - building materials for cabins;
 Revenue - FY 87 on operation of 24 cabins; FY 88 - 36 cabins.

Prepared by : Fred Vreeman, Econ. Programs Manager *FV* Phone : 762-4506
 Division : Parks and Outdoor Recreation Date : 3-05-86

Approved by Commissioner : Norm D Amundson, Deputy Date : 3/5/86
 Agency : Natural Resources

Distribution (by Agency preparing fiscal note) :

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

SB 397
DNR AMENDMENT 1

The following amendments are technical in nature and are not intended to change the intent of the bill. They are suggested to facilitate interpretation of the statute and management of the public cabins system.

1. p. 1, line 11: delete "all"
2. p. 3, line 10: delete "shall", insert "may"
3. p. 3, line 17: after "the cost of" insert "administering reservations and"
4. p. 3, line 24, at end of sentence: add "Under state contracting procedures the commissioner may contract for the construction, rehabilitation, operation, and maintenance of cabins within the system."
5. p. 4, line 2, at the end of the line: add "cabins designated by the commissioner"
6. p. 4, line 3: delete "cabins"
7. p. 4, line 5, after "future": add "and meet minimum standards for safety and liability requirements"
8. p. 4, line 5: delete "and" and insert "or"
9. p. 4, line 6, delete "cabins"

3/5/86

SB 397
DNR AMENDMENT TWO

The following amendment will allow the department to operate the public cabin system on a program receipts basis.

p. 3, line 13, after "cabins": insert "and may recover program costs through the administration of a program receipts account, subject to legislative approval"

3/5/86

SB 397
DNR AMENDMENT THREE

This amendment would allow the department discretion to select the most appropriate cabins for designation into the public use cabin system with public participation, and to develop a system plan as needed.

p. 3, line 23, after "System.": insert "The commissioner shall evaluate existing and potential cabin sites and conduct resource planning and public review in the process of designating cabins into the system. The commissioner may develop an operational plan for the renovation, construction, or removal of cabins."

3/5/86

SB 397
DNR AMENDMENT FOUR

This amendment allows the Department of Fish and Game to control the designation of public use cabins within refuges, critical habitats, and sanctuaries. This amendment, proposed by the Department of Fish and Game, is acceptable to DNR.

- p. 3, line 26: add at the end "The commissioner shall obtain the concurrence of the Department of Fish and Game in establishing and managing a public use cabin system on state game refuges, critical habitat areas, and game sanctuaries established pursuant to AS 16.20."

3/5/86

Opinion

Anchorage Daily News



Winner, 1976 Pulitzer Prize Gold Medal for Public Service

Gerald E. Grilly
Publisher

Howard Weaver
Managing Editor

Suzan Nightingale
Editorial Page Editor

Katherine Fanning, Editor and Publisher 1971 to 1983
Lawrence Fanning, Editor and Publisher 1967 to 1971

Alaska's Only Morning Newspaper • Founded in 1946 by Norman C. Brown

Catching the right kind of cabin fever

The "duck shack" controversy never will be resolved to everyone's satisfaction, but here's a program for using some of the so-called trespass cabins built on state land that makes sense. Under terms of identical bills introduced in the House and Senate this week, about 100 of the cabins would be converted into public recreation cabins managed by the state.

A 1984 change in state regulations mandated that people who built the cabins on state land could register them in exchange for lifetime title to them. Cabins that were not registered are being taken over by the state.

The program would be similar to the U.S. Forest Service's highly popular recreation cabin system. The 177 Forest Service cabins are so popular with campers here they're booked solid every summer. There's no reason why the state can't expect a similar response to its recreational cabins — especially since many are located in southcentral Alaska, where demand is greatest.

Division of Parks Director Neil Johannsen says the full 100 cabins could be open to the public within five years. Although Mr. Johannsen estimates it would cost between \$2,000 and \$3,000 to refurbish each cabin, he predicts the cabins will pay for themselves within three years with \$10-\$15 nightly fees.

New cabins are so expensive — about \$15,000 apiece — that the conversion of duck shacks into modest recreational cabins is a real bargain. The state shouldn't pass up this opportunity to put these abandoned duck shacks to good use.

TELECONFERENCE PARTICIPATION

LEARN ALASKA
562-2975

Sponsor SEN. PETERSON
Subject _____
Date/Time 3/7 FRIDAY

LIO

V* Anchorage	Petersburg
Barrow	Sitka
Bethel	* Soldotna EVERETT
* Delta Junction	Valdez
V* Dillingham TOM NOJEN 397	_____ _____ _____ _____ _____ LTC
V* Fairbanks	Cordova
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Ketchikan	Naknek
* Kodiak	Newhalen
Kotzebue	Saint Paul
* Mat-Su MARK WEAVER 155 JERRY GIAQUE 155 JOHN NASH 155	Sand Point
Nome	Seward
	Togiak
	Unalaska
	Wrangell



REPRESENTATIVE DON CLOCKSIN

Alaska House of Representatives

MAJORITY LEADER

1024 WEST SIXTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 274-4031

WHILE IN JUNEAU:
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3704

FOR IMMEDIATE RELEASE

Wednesday, February 12, 1986

For additional information, contact

Representative Don Clocksin	465-3704
Johnny Ellis	465-3718
Senator Joe Josephson	465-4525
David Finkelstein	465-4525

CLOCKSIN AND JOSEPHSON INTRODUCE PUBLIC USE CABIN BILLS.

House Majority Leader Don Clocksin, D-Anchorage and Senator Josephson, D-Anchorage, have introduced bills, HB 561 and SB 397, that direct that the state establish "AKPUCS" - the Alaska Public Use Cabin System - using unclaimed trespass cabins and cabins that will come into state ownership in future years.

The new cabin system is modeled on the highly successful public rental cabin system administered by the U. S. Forest Service. The bill gives the Department of Natural Resources the responsibility to make necessary improvements to the cabins and allows the Department to cooperate with private groups and other government agencies to improve the cabins in the system. Once established, the Department will publicize the state cabin system and take reservations from the public.

While existing recreational cabins in state parks would be incorporated into the proposed system, the main source of cabins would be the unclaimed trespass cabins, often referred to in the Anchorage area as "duck shacks". According to Representative Clocksin, "There is a large demand all over the state, but especially in urban areas like Anchorage, by individuals and families who want to make use of recreational opportunities on state lands. This bill is a responsible approach to allowing the public to make use of a public resource."

Representative Clocksin went on to say, "This bill will make these cabins available to the general public for recreational purposes. I believe there are many Alaskans like me who want to have a retreat available for hunting, fishing, or other outdoor activities. The Alaska Public Use Cabin System will provide such cabins all over the state."

Senator Josephson stated, "There need not be any fear on the part of Alaskans that the Alaska Public Use Cabin System will take any rights away from current cabin users. Cabin owners will be unaffected by the bill, and even those with trespass cabins are being granted lifetime permits by the Department under recent regulations. Only unclaimed trespass cabins and those with expiring permits will become part of the system."

Josephson added, "Although there will probably be funds for only a few new cabins in future years, the cabins available now and in the near future will form a substantial state system. By working in concert with the U. S. Forest Service we can form a statewide system of over 300 public-use cabins available to Alaskans as well as out-of-state tourists."

#

Lawmakers consider state cabin system

By BRUCE SCANDLING
The Associated Press

JUNEAU — Backpackers, fishermen and hunters would be able to hang their hats in about 100 state-owned recreational cabins around Alaska, if a new legislative proposal becomes law.

The state program would be modeled after a cabin system run by the U.S. Forest Service in Alaska, said Sen. Joe Josephson, an Anchorage Democrat who is one of the sponsors of the proposal.

But such a program could face tough opposition from Senate President Don Bennett, a Fairbanks Republican who has fought against the state takeover of once-private cabins.

Josephson said he planned to unveil his proposal Wednesday. An identical measure was introduced Tuesday in the House by Majority Leader Don Clockain, D-Anchorage, and more than a dozen co-sponsors.

The proposal would create

the Alaska Public Use Cabin System and set aside money for the state to refurbish private cabins it has recently taken over.

A 1984 regulation change said people who built so-called "trespass cabins" on state land could register them in exchange for lifetime title to the property.

But unregistered cabins are being taken over by the state, under that rule. The state could eventually take over dozens of unclaimed cabins, said Neil Johannsen, director of the state Division of Park

He said the proposal would require about \$100,000 annually to set up a reservation system — and pay for remodeling cabins. About 15 to 20 cabins could be added to the system every year, Johannsen said. It would cost between \$10 and \$15 a night to reserve a cabin.

Johannsen pegged the average remodeling cost at \$2,000 to \$3,000 per cabin, and said the program could pay for

itself within three years.

Many of the newly refurbished cabins would be located in Southcentral Alaska, since that's where dozens of unclaimed cabins are located, Johannsen said.

"The trick is to initially make sure you concentrate on quality cabins in high-demand areas," he said.

Of the 177 forest service cabins in Alaska, 140 are located in the Tongass National Forest of Southeast Alaska. The rest are in the Chugach National Forest of Southcentral Alaska.

Johannsen said the state already operates about 30 cabins in Alaska, several near Nancy Lake north of Anchorage. But the emphasis is turning away from building new cabins, which cost up to \$15,000 each.

The state could operate as many as 100 cabins within five years, under the plan, Johannsen said.

Josephson said the proposal should not scare people

who already own cabins in Alaska.

"Cabin owners will be unaffected by this bill, and even those with trespass cabins are being granted lifetime permits," he said. "Only unclaimed trespass cabins and those with expiring permits will become part of the system."

Bennett said it's not the state's business to takeover and manage cabins once owned by private citizens.

"I think we're better off to let the people own them and decide if they want to rent them out," Bennett said Tuesday. "That way, it doesn't cost anything to manage."

Burglar strikes home twice, steals gold dust and jewelry crimestoppers/274-STOP

A house along Rabbit Creek Road was burglarized twice between November 25 and November 30. Both times entry was made through windows. The burglar was apparently familiar with the dog, the alarm system and the contents of the home.

Taken in the first burglary was a small, square, blue safe with wheels, weighing between 100 to 150 pounds. In the latter break-in, a second safe was

opened. More than 200 ounces of gold dust, gold nuggets and silver ingots, along with a quantity of coins, watches, jewelry and personal items were stolen with the two safes.

To date, Crimestoppers information has led to the arrest of 22 people in connection with more than 100 burglaries. Should your information lead to an arrest and indictment, you would be eligible for up to \$1,000 in cash.

Official works on bid to hold Alaska summit

The Associated Press

JUNEAU — Alaska's still in the running as a site for the next summit meeting between President Ronald Reagan and Soviet Leader Mikhail Gorbachev, but it's too early to count on winning the campaign, says an Alaska official in Washington.

The Senate State Affairs Committee last week passed a resolution encouraging an Alaska summit after hearing a status report on the bid from John Katz, Gov. Bill Sheffield's Washington representative.

Katz told the committee over a telephone hook-up that State Department officials have slowed efforts to find a site because the summit, originally planned for sometime this summer, has been postponed until autumn.

"They cautioned us not to be too optimistic or too raise

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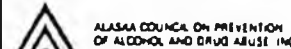
CLANCY

director of the Midnight Mission
in Los Angeles, California

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Anchorage Hilton Hotel

For more information about this special event, contact:
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STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH M
JUNEAU, ALASKA 99811
PHONE: 907-465-2400

April 1, 1986

The Honorable Arliss Sturgulewski
Chair, Senate Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Sturgulewski:

In response to Senator Eliason's request at the Committee's meeting on SB 397, I am providing information about the question of management and maintenance of the Sitka Pioneer Home Cemetery.

The management and maintenance of cemeteries is not within the mission of the Division of Parks and Outdoor Recreation, which like other state agencies, is faced with budget reductions. Assignment of the Sitka cemetery to our parks division would both present new expenses and set a precedent for maintenance of other cemeteries by the state parks division.

The Sitka cemetery under consideration has been chemically denuded and is void of vegetation. To restore it will be a major expense for any agency. Our staff has estimated that rehabilitation alone would probably cost at least \$200,000 or more, with annual maintenance costs of \$50-100,000/year.

The state parks division operates four heavily used recreational sites in Sitka. Parks staffing for Sitka is minimal, depending largely on volunteers, youth employees and court referrals to achieve adequate levels of maintenance and operation. Recent extensive renovation of the Old Sitka State Historic Site and the resulting increase in management and maintenance requirements were not accompanied by additional operating funds. The division will be stretched thinner than before as it attempts to continue offering the same level of service to all areas.

The Hon. Arliss Sturgulewski -2-

April 1, 1986

My staff has discussed the predicament at the Pioneers Home Cemetery with Senator Eliason and state and federal agency staff and I believe we all recognize that the cemetery needs a lot of work. Without funding, the work cannot be done.

Sincerely,



Esther C. Wunnicke
Commissioner

cc: Senator Eliason
Linda Kruger

DF 4/17/86
 Compromise Proposal

SB 269 Provisions

Senate Passed Bill

House Resources Committee Bill

Compromise Proposal

SB 269 Provisions	Senate Passed Bill	House Resources Committee Bill	Compromise Proposal
1. Commissioner's discretion for approval	Shall	May	Shall, unless resource management conflict
2. Cut-off date	Erected before 1968	Occupancy 1981 to present	Erected before 1968
3. Land status at time of entry	Land must have been open to entry at the time cabin was erected	No provision	Land must not have been closed to entry
4. Effect of parks and refuges	Allowed in post 1968 withdrawals	Allowed regardless of withdrawals after cabin's erection	Allowed in post- <u>1968</u> withdrawals
5. Restrictions on use or sale of cabin	None	None	Two restrictions relating to parks & commercial use, etc.
6. Waterfront easement	20 feet	20 feet	50 feet; existing improvements allowed
7. Area plan effect	None	No sale if prohibited by area plan	None
8. Fair market value	As determined by Commissioner	At date of application	

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH M
JUNEAU, ALASKA 99811
PHONE: 907-485-2400

The Honorable Dick Shultz
Co-Chair, Resources Committee
Alaska State House
P.O. Box V
Juneau, AK 99811

February 28, 1986

Dear Representative Shultz:

I am writing to suggest some amendments to HB 561, on public use cabins. Yesterday my staff presented these amendments to your staff and to Representative Clocksin's, and I am now submitting them for the Committee's consideration.

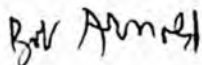
The department strongly supports the concept of the proposed bill. After adopting regulations for privately owned cabins on state land in 1984, we have made an important new beginning for cabins on state land. The bill before you will allow the people of the state to make beneficial use of abandoned and unauthorized cabins and may help reduce recreational and land disposal pressures statewide. The bill also provides our citizens better access to public lands and resources.

Contrary to a recent newspaper editorial, there is no conflict between HB 561 and SB 269, also under consideration by the committee. The intent of HB 561 is to establish a public cabins system for general public use, a very different goal from that in SB 269. Although the department does not support the passage of SB 269, I believe that both bills could be passed by the Legislature without conflict.

The purpose of each suggested amendment is given on the attached pages. I have also provided a marked-up copy of the original bill incorporating the proposed amendments.

Please contact me or my staff if you have questions or comments.

Sincerely,



fw Esther C. Wunnicke
Commissioner

cc: Rep. Clocksin

HB 561
DNR AMENDMENT 1

The following amendments are technical in nature and are not intended to change the intent of the bill. They are suggested to facilitate interpretation of the statute and management of the public cabins system.

1. p. 1, line 11: delete "all"
2. p. 3, line 10: delete "shall", insert "may"
3. p. 3, line 17: after "the cost of" insert "administering reservations and"
4. p. 3, line 24: add a new sentence: "Under state contracting procedures the commissioner may contract for the construction, rehabilitation, operation, and maintenance of cabins within the system."
5. p. 4, line 2: add at the end of the line: "cabins designated by the commissioner"
6. p. 4, line 3: delete "cabins"
7. p. 4, line 5: add after "future": "and meet minimum standards for safety and liability requirements"
8. p. 4, line 5: delete "and" and insert "or"
9. p. 4, line 6, delete "cabins"

2/28/86

HB 561
DNR AMENDMENT TWO

The following amendment will allow the department to operate the public cabin system on a program receipts basis.

p. 3, line 13, after "cabins": insert "and may recover program costs through the administration of a program receipts account, subject to legislative approval"

2/28/86

HB 561
DNR AMENDMENT THREE

This amendment would allow the department discretion to select the most appropriate cabins for designation into the public use cabin system with public participation, and to develop a system plan as needed.

p. 3, line 23, after "System.": insert "The commissioner shall evaluate existing and potential cabin sites and conduct resource planning and public review in the process of designating cabins into the system. The commissioner may develop an operational plan for the renovation, construction, or removal of cabins."

2/28/86

HB 561
DNR AMENDMENT FOUR

This amendment allows the Department of Fish and Game to control the designation of public use cabins within refuges, critical habitats, and sanctuaries. This amendment, proposed by the Department of Fish and Game, is acceptable to DNR.

p. 3, line 26: add at the end "The commissioner shall obtain the concurrence of the Department of Fish and Game in establishing and managing a public use cabin system on state game refuges, critical habitat areas, and game sanctuaries established pursuant to AS 16.20."

2/28/86

DNR - MARK-UP 2/28

Introduced: 2/11/86
Referred: Resources and
Finance

BY CLOCKSIN, SZYMANSKI, SHULTZ,
PETTYJOHN, BOUCHER, COTTEN, DAVIS,
GOLL, GRUENBERG, KOPONEN, M. M. MILLER,
NAVARRE, PIGNALBERI AND POURCHOT

IN THE HOUSE

HOUSE BILL NO. 561

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to public use cabins; and providing
for an effective date."

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

* Section 1. LEGISLATIVE PURPOSE. The legislature determines that it
is in the public interest to create the Alaska Public Use Cabin System and
place within that system [all] cabins owned or built by the state on the
reserved or unreserved public land of the state and that the system be
managed for the benefit of the residents of the state and visitors to the
state.

* Sec. 2. AS 41.21.020(a) is amended to read:

(a) The Department of Natural Resources shall

(1) develop a continuing plan for the conservation and
maximum use in the public interest of the scenic, historic, archaeo-
logic, scientific, biological, and recreational resources of the
state;

(2) plan for and develop a system of state parks and recre-
ational facilities, to be established as the legislature authorizes
and directs;

(3) acquire by gift, purchase, or transfer from state or
federal agencies, or from individuals, corporations, partnerships or
associations, land necessary, suitable and proper for roadside, pic-
nic, recreational, or park purposes;

(4) control, develop and maintain state parks and recre-
ational areas;

1 (5) provide for the acquisition, care, control, super-
2 vision, improvement, development, extension, and maintenance of public
3 recreational land, and make necessary arrangements, contracts, or
4 commitments for the improvement and development of land acquired under
5 AS 41.21.010 - 41.21.040;

6 (6) adopt, in accordance with this section and the Adminis-
7 trative Procedure Act (AS 44.62), regulations governing the use and
8 designating incompatible uses within the boundaries of state park and
9 recreational areas to protect the property and to preserve the peace;

10 (7) cooperate with the United States and its agencies and
11 local subdivisions of the state to secure the effective supervision,
12 improvement, development, extension, and maintenance of state parks,
13 state monuments, state historical areas, and state recreational areas,
14 and secure agreements or contracts for the purpose of AS 41.21.010 -
15 41.21.040;

16 (8) encourage the organization of state public park and
17 recreational activities in the local political subdivisions of the
18 state;

19 (9) provide for consulting service designed to develop
20 local park and recreation facilities and programs;

21 (10) provide clearing-house services for other state agen-
22 cies concerned with park and recreation matters; and

23 (11) perform other duties as are prescribed by executive
24 order or by law;

25 (12) maintain memorials to Alaska veterans located in state
26 parks;

27 (13) adopt, in accordance with the Administrative Procedure
28 Act (AS 44.62), regulations governing the use of the Chena River State
29 Recreation Area and designating incompatible uses within the

1 boundaries of the Chena River State Recreation Area in accordance with
2 AS 41.21.490;

3 (14) manage the cabins owned by the state under AS 41.-
4 21.880.

5 * Sec. 3. AS 41.21 is amended by adding a new section to article 7 to
6 read:

7 Sec. 41.21.880. PUBLIC USE CABINS. (a) There is established a
8 system of public use cabins to be managed by the commissioner and
9 called the Alaska Public Use Cabin System. The commissioner shall
10 publicize the existence of the public use cabins and ^{in AS} shall establish a
11 reservation system for the cabins.

12 (b) The commissioner ^{may} shall establish a fee schedule for the use
13 ^{and may recover program costs through the administration of a program receipts account, subject} of the cabins. In establishing the fees, the commissioner shall ^{to legislative} approval.
14 consider

15 (1) the cost to the state of building, renovating, and
16 maintaining the cabins;

17 (2) ^(administering reservations and) the cost of collecting the fees charged for use of the
18 cabins; and

19 (3) the public interest.

20 (c) Cabins that were constructed on public land without proper
21 authority and that have been or will be acquired by the state may be
22 renovated by the commissioner for inclusion in the Alaska Public Use
23 Cabin System. ^(insert DNR amendment three) Within available appropriations, the commissioner may

24 build or acquire cabins for inclusion in the cabin system. ^{Under state contracting}
^{procedures the commissioner may contract for the construction, rehabilitation, operation and maintenance} of cabins.

25 (d) The commissioner may cooperate with local groups and with ^(insert DNR amendment four) state and federal agencies to maintain and improve the cabin system. ^{with the system}

26 (e) The commissioner shall make an annual report to the legisla-
27 ture on the costs, occupancy rates, fees collected, the number and
28 location of cabins in the system, and other information considered
29

1 relevant by the commissioner.

→ 2 (f) As used in this section, "public use cabins" include *cabins*
→ 3 *designated by the commissioner*
4 (1) [cabins] that were constructed on state land without
5 proper authority of law and that have been acquired by the state in
6 *and meet minimum standards for safety and liability requirements,*
7 the past or that are acquired by the state in the future, [and] *or*

8 (2) [cabins] owned by the state and used for temporary recre-
9 ational use.

* Sec. 4. This Act takes effect immediately in accordance with AS 01.-
10.070(c).

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

2/12/86

Date _____

Mr. President

The Committee on RESOURCES considered SB 397
relating to public use cabins; efd.

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

Introduced: 2/12/86
Referred: Resources and
Finance

BY JOSEPHSON, V. FISCHER,
RODEY AND KERTTULA

1 IN THE SENATE

2 SENATE BILL NO. 397

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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22 ational facilities, to be established as the legislature authorizes
23 and directs;

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25 federal agencies, or from individuals, corporations, partnerships or
26 associations, land necessary, suitable and proper for roadside, pic-
27 nic, recreational, or park purposes;

28 (4) control, develop and maintain state parks and recre-
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S

COMMITTEE COPY

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2 vision, improvement, development, extension, and maintenance of public
3 recreational land, and make necessary arrangements, contracts, or
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29 location of cabins in the system, and other information considered

1 relevant by the commissioner.

2 (f) As used in this section, "public use cabins" include

3 (1) cabins that were constructed on state land without
4 proper authority of law and that have been acquired by the state in
5 the past or that are acquired by the state in the future; and

6 (2) cabins owned by the state and used for temporary recre-
7 ational use.

8 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
9 10.070(c).

ALASKA STATE LEGISLATURE

14th... Legislature2nd Session

SENATE ...BILL..... NO. 397...

By JOSEPHSON, V.FISCHER, RODEY
KERTTULA

"An Act relating to public use
cabins; and providing for an
effective date."

Introduced in the Senate .2/12..., 19..86

HISTORY IN THE SENATE

1986

2 12

Read first time and referred
to Committee on

Resources & Finance

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 President
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Read first time and referred
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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.