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HOUSE COMMITTEE REPORT

(9)

Date referred: 5/11/87

FURTHER REFERRALS:

3/15
Finance

DATE: 5/15/87

The Resources Committee has considered CSSB 62(R1s)

"An Act relating to public access to recreation areas; and providing for an effective date"

RECOMMENDS:

- replace with HCS ~~246~~ CSSB 62 (Res)
- attached amendment(s)
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

- the same title
- a new title

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact
- zero fiscal note
- zero with analysis
- same as previous fiscal note published _____
- same as previous zero fiscal note published _____

SIGNING DO PASS:

Adelheid Herrmann

Heinrich Springer

Lynne Hoff

Cliff Davidson

Paul Stultz

SIGNING OTHER RECOMMENDATIONS:

Adelheid Herrmann
CO- Chairman's signature

Alaska State Legislature



SENATOR
ARLISS STURGULEWSKI

Chairman, Senate Community and Regional Affairs Committee
Vice-Chairman, Senate Judiciary Committee
Member, Senate Resources Committee

2957 SHELDON JACKSON STREET
ANCHORAGE, ALASKA 99508

Write in Juneau
P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3818

Senate

MEMORANDUM

May 14, 1987

TO: All Members
House Resources Committee

FROM: Senator Arliss Sturgulewski *(Signature)*
Senate District F

RE: CSSB 62(Rules) - Public Access to Recreational Areas

Senate Bill 62 is designed to help solve the problem of lack of access to Alaska's rivers, streams, and salt water. The bill has zero fiscal notes and I am not aware of any opposition.

The findings in the bill emphasize that access to state waters for fishing, hunting, guiding, boating, lodge operation, and other recreational uses is very important to the economy of the state.

Public access to state waters is critical to the interrelated recreation, tourism, guiding and lodge industries. Recreational use of our state waters is also extremely important to the people of the state.

Many of the state's most popular freshwater and marine fisheries are severely overcrowded. Increasing the ease of access, which this bill is designed to do, will increase people's enjoyment, be beneficial to the economy, and reduce overcrowding of some of Alaska's most popular fishing areas.

Attached is a copy of a sectional analysis of the bill. I also feel it is important to point out what the bill does not do.

This bill does not affect private property, there is no eminent domain section in the bill.

The bill does not lock up state land.

The bill does not require appropriations from the legislature.

It does not have any constitutional problems regarding dedicated funds or anything else.

According to the Department of Natural Resources (DNR) and Legal Services, nothing in the bill in any way diminishes the ability of DNR to trade land for other purposes.

What the bill does is - help solve the problem of lack of access to Alaska's rivers, streams, and salt water.

The bill has the support of and zero fiscal notes from the Departments of Fish and Game and Natural Resources. It is a priority of the Alaska Outdoor Council and the Alaska Sportfishing Association, and is endorsed by the National Rifle Association.

Representatives of the Alaska Miners Association, the Resource Development Council, and the Alaska Environmental Lobby have gone on the record in support of the bill.

Enclosure

SECTIONAL ANALYSIS
CSSB 62(Rules)

Section 1 of the bill is findings and intent.

Subsection 1(a) emphasizes the importance of access to the state's waters, both fresh and marine.

Subsection 1(b) states the intent of the legislature to encourage state programs to develop access to additional waters near state's major population areas.

This subsection does not preclude access projects in rural areas, if supported by local residents, but it focuses on projects near urban areas. This is because the greatest need is near urban areas and residents in some rural areas may have some misgivings regarding access areas.

Section 2 amends AS 38.05.127 ACCESS TO NAVIGABLE OR PUBLIC WATERS, by adding two new subsections.

Subsection 2(f) requires that rights-of-way on easements established by existing law to public waterways be established approximately once each mile unless the commissioner makes a written finding that regulating or limiting access is necessary for other beneficial uses on public purposes.

Subsection 2(g) clarifies that "creating access to waters of the state with high value for recreational uses" is a reason for which DNR is permitted to enter into land trades.

Section 3 creates a public access fund. This fund is to be used to develop access, including the purchase and lease of land, easements, and rights-of-way to enhance public access to recreation areas.

Subsection 3(a) creates the fund. The fund consists of contributions from individuals and corporations. The legislature may also appropriate to the fund. The fund is invested by the commissioner of the Department of Revenue.

Subsection 3(b) specifies that the commissioner of DNR, in concurrence with the commissioner of Fish and Game, shall administer the fund.

Subsection 3(c) vests title to rights of public access to recreational areas obtained by the commissioner in the state and mandates a clause requiring the land be used for public access. If the land ceases to be used for access, the state shall either (1) pay the fund the assessed value of the land at that time; or (2) if the land was purchased with federal Wallop-Breaux funds (16 U.S.C. 777-777K Sport Fish Restoration Act), reimburse the federal government.

Subsection 3(d) requires that expenditure of Wallop-Breaux funds under this section is subject to the approval of the commissioner of Fish and Game.

This is a federal requirement. This subsection also requires that approximately 20 percent of Wallop-Breaux funds be used to develop access.

Subsection 3(e) specifies the legislature may appropriate to the public access fund.

Subsection 3(f) gives the commissioner of DNR authority to adopt necessary regulations.

Section 4 is an immediate effective date change.

Original sponsors: Sturgulewski, Kerttula,
Szymanski and Fischer

1 IN THE SENATE

BY THE RULES COMMITTEE

2

CS FOR SENATE BILL NO. 62 (Rules)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to public access to recreation

7

areas; and providing for an effective date."

8

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

9

* Section 1. LEGISLATIVE FINDINGS AND INTENT. (a) The legislature

10 finds that access to state waters for fishing, hunting, guiding, boating,

11 lodge operation and other recreational uses is very important to the econo-

12 my of the state. State waters, and public access to those waters, is

13 critical to the interrelated recreation, tourism, guiding and lodge indus-

14 tries. These industries support a large number of small, resident Alaska

15 businesses. Recreational use of state waters is also extremely important

16 to the people of the state. The legislature further finds that many of the

17 state's popular freshwater and marine fisheries are severely overcrowded

18 and that increasing the ease of access to additional waters suitable for

19 recreational uses would enhance the enjoyment by the people, would be

20 beneficial to the economy, and would reduce the overcrowding on the already

21 popular waters.

22

(b) It is the intent of the legislature to encourage state programs

23 to develop access to additional waters of the state near the state's major

24 population areas.

25

* Sec. 2. AS 38.05.127 is amended by adding new subsections to read:

26

(f) Rights-of-way or easements to waterways established under

27

(a)(2) of this section shall be established approximately once each

28

mile unless the commissioner makes a written finding that regulating

29

or limiting access is necessary for other beneficial uses or public

1 purposes.

2 (g) The commissioner may exchange land under AS 38.50 to create
3 access to public water of the state.

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

5 Sec. 38.05.874. PUBLIC ACCESS FUND CREATED. (a) The public
6 access fund is established as a special account in the general fund
7 and funds may be deposited into the special account and withdrawn from
8 it as provided in this section. The fund consists of money and inter-
9 est derived under this subsection and contributions from individuals
10 and corporations. The fund shall be invested by the commissioner of
11 revenue. The commissioner of revenue may be reimbursed for actual
12 administrative costs incurred under this subsection by appropriation
13 from the public access fund.

14 (b) Except as provided in (a) of this section, the commissioner
15 shall administer the fund. The commissioner, after public hearings
16 and in concurrence with the commissioner of fish and game, may use
17 money in the fund to develop recreational access, including the pur-
18 chase and lease of land, easements, and rights-of-way to enhance
19 public access to recreational areas.

20 (c) The title to rights of public access to recreational areas
21 obtained by the commissioner vests in the state. The commissioner
22 shall include in the instrument transferring title to the state a
23 clause requiring that the land be used for public access. If the land
24 ceases to be available for public access, the state shall either

25 (1) pay to the fund the assessed value of the land at that
26 time; or

27 (2) if the land was purchased with funds derived under 16
28 U.S.C. 777-777k (Sport Fish Restoration Act), as amended, reimburse
29 the sport fish restoration program.

1 (d) If the state receives funds under 16 U.S.C. 777-777k (Sport
2 Fish Restoration Act), as amended, approximately 20 percent of the
3 funds shall be used to implement the provisions of this section.
4 Expenditure of funds received by the state under this subsection is
5 subject to the approval of the commissioner of fish and game.

6 (e) The legislature may appropriate to the fund. →

7 * Sec. 4. This Act takes effect immediately under AS 01.10.07C(c).

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C.P.J.
W.B.

Alaska State Legislature



SENATOR
ARLISS STURGULEWSKI

Chairman, Senate Community and Regional Affairs Committee
Vice-Chairman, Senate Judiciary Committee
Member, Senate Resources Committee

2957 SHELDON JACKSON STREET
ANCHORAGE, ALASKA 99508

White in Juneau
P. O. BOX 5
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(907) 465-3818

Senate

MEMORANDUM

May 14, 1987

TO: All Members
House Resources Committee

FROM: Senator Arliss Sturgulewski *AS*
Senate District F

RE: CSSB 62(Rules) - Public Access to Recreational Areas

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Section 4 is an immediate effective date change.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400

May 12, 1987

The Honorable Adelheid Herrmann, CoChair
The Honorable Sam Cotten, CoChair
House Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Representatives Herrmann and Cotten:

Subject: SB 62 - Creation of a public access fund and providing for public access to recreation areas.

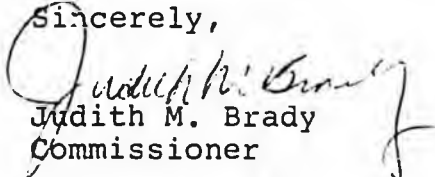
Response: The department supports the creation of a public access fund as described in this bill and the concurrent recognition that access to public water is important to the economy and the people of the state. The provision of this bill that allows Alaskans to contribute directly to the public access fund is an excellent idea.

Section 4 confirms the department's understanding that exchanges are one tool available for access acquisition.

Section 2 reinforces current department policy which requires reservation of periodic access routes to public waters when land is offered for private ownership. It also provides sufficient flexibility for waiving the requirement when it does not serve the best interests of the public.

Recommendation: The department urges passage of SB 62.

Sincerely,


Judith M. Brady
Commissioner

cc: House Resources Committee Members
Senator Sturgulewski
George Sullivan
Rod Swope

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version : SB 62

Publish Date : _____

Revision Date: _____

Agency Affected: Natural Resources

Title: Public Access to Recreational Areas

BRU: Land and Water Management

Sponsor: Sturgulewski

Components : _____

Requestor: Senate C&RA

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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: Carol Wilson

Phone: 465-2400

Division: Commissioner's Office

Date: _____

Approved by Commissioner: *Dennis Gorsuch*

Date: 5-11-87

Agency: Natural Resources

Distribution (by preparer):

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- Impacted Agency(ies)
- Senate Secretary