

SB 62

H. Fin
7

STATE OF ALASKA
1988 LEGISLATIVE SESSION

Bill Version: CS SB 62 (Resources)
Publish Date: _____

FISCAL NOTE

REQUEST:

Revision Date: _____	Agency Affected: <u>Department of Revenue</u>
Title: <u>Public Access to Recreation</u>	BRU: <u>Treasury</u>
Areas _____	
Sponsor: <u>Resources Committee</u>	Components: _____
Requestor: <u>Senate Finance</u>	

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
OPERATING						
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	-	-	-	-
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: Attach a separate page for analysis.

Prepared By: Milt Barker MB
Division: Treasury

Phone: 465-2350
Date: February 16, 1988

Approved by Commissioner: _____
Agency: Department of Revenue

Date: 2/16/88

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

RECEIVED

FEB 19 1988

LEGISLATIVE FINANCE

2/10/88
N.F.R.

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CS SB 62 (Rules)
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: 2/11/88
Title: Public Access to
Recreational Areas
Sponsor: Strugulewski
Requestor: House Finance

Agency Affected: Natural Resources
BRU: Land & Water Management
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
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)

[Empty box for analysis]

Prepared by: Janet Burlison Phone: 465-3400
Division: Land & Water Management Date: 2/11/88
Approved by Commissioner: [Signature] Date: 2-11-88
Agency: Natural Resources

- Distribution (by preparer):
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

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FEB 13 1988

LEGISLATIVE FINANCE

FISCAL NOTE

REQUEST:

Revision Date: 2/23/88
Title: An Act related to access to recreation areas
Sponsor: Sturqulewski, et al
Requestor: House Finance

Agency Affected: Fish and Game
BRU: Sport Fish
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
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: *Paul Stebb* Phone: 465-4180
Division: Sport Fish Date: 2/23/88
Approved by Commissioner: *Omni Collinsworth* Date: 2-23-88
Agency: Fish and Game

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

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FEB 24 1988
page 1 of 1
LEGISLATIVE



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Commissioner's Office	BILL NUMBER SB 62	SPONSOR Sturgulewski, et al.
SHORT TITLE OF BILL Access to recreation areas			
DEPARTMENT POSITION Support with amendments			
PREPARED BY Norval Netsch	DATE 2/23/88	COMMISSIONER'S SIGNATURE <i>Norval Netsch</i>	DATE 2-23-88

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Natural Resources Department of Revenue	CONSTITUENT GROUP(S) AFFECTED BY BILL General public, specifically recreational boaters and sport fishers
ORGANIZATIONAL SUPPORT FOR BILL Alaska Sport Fishing Association Alaska Flyfishers	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

To assure state retention of public lands along all water bodies during dispatch to private use and provide long-term funding of recreational water access acquisitions.

ANALYSIS OF BILL/PROGRAM EFFECTS

Assures retention of public lands along all waterways for recreational resource use.

Through establishment of "Public Access Fund" assures continuing revenue for public access to aquatic resources.

Establishes legislative intent for use of funds received by the state under the Federal Aid in Sport Fish Restoration Act.

AMENDMENTS PROPOSED

None.

See attached comments.

Department position on SB 62

The Department of Fish and Game supports the legislative intent of SB 62. The establishment of rights-of-way and easements and the exchange of land to create public access will benefit the public at very little cost to the state. Too often state land is disposed of without adequate consideration given to public recreational needs. The establishment of a dedicated funding source for public access purchases will help serve a growing demand in Alaska.

The department will endeavor to use up to 20 percent of the total federal allocation for recreational boating and sport fishing access; however, this figure is viewed as a target and not a mandate. Over the past four years the department has used over 17 percent of federal funds for access projects which clearly indicates the importance that the department places on access. The department will continue to base future access project funding levels on a thorough review of all management, restoration, enhancement and access needs.

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: SB 62
Publish Date: _____

Revision Date: _____
Title: Public Access to Recreational Areas

Agency Affected: Natural Resources
BRU: Land and Water Management

Sponsor: Sturgulewski
Requestor: Senate C&RA

Components: _____

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):

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

MAY 13 1987

SENATE COMMITTEE REPORT

FURTHER:

3/12/87

DATE TURNED INTO OFFICE 4/28/87

Mr. President:

FINANCE

Committee considered SB 62

public access to recreation areas.

and recommended:

replace with _____ CS FOR _____) same title
 or adopt _____ CS FOR SB 62 (Res)) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Paul Finkel
Rich Velt (DO PASS)
[Signature]

[Signature] No Rec
William Kemble
[Signature] No Rec

[Signature] DO PASS
Chairman signature and recommendation

Committee Backup Attached

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

SAME FOR

Bill Version: CS SB 62 (1987)

Publish Date: 2/9/87

REQUEST: _____

Revision Date: 1/27/87

Title: Public Access to Recreational Areas

Sponsor: Sturgulewski

Requestor: Senate C&RA

Agency Affected: Natural Resources

BRU: L&WM

Components: _____

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: 1/17/87

Approved by Commissioner: Wm D Arnold Deputy Date: 1/28/87

Agency: Natural Resources

Distribution (by preparer):

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

N.P.

5862

Original sponsors: Sturgulewski, Kerttula,
Szymanski and Fischer

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SENATE BILL NO. 62 (Resources)
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 38.04 is amended by adding a new section to read:

26 Sec. 38.04.052. ACCESS TO WATERWAYS. (a) Wherever state land
27 is surveyed for disposal into private use, legal rights-of-way and
28 easements shall be reserved along public waterways of the state.
29 Except for state land disposed of under AS 38.05.035(b)(2), (3), or

1 (5) or 38.05.068, the right-of-way or easement shall be at least 50
2 feet wide but the commissioner may require a wider right-of-way or
3 easement depending on local conditions. Where severe topographical
4 conditions make a right-of-way or easement of 50 feet or more im-
5 practical, the commissioner may issue a written finding of imprac-
6 ticability and waive or modify the requirement.

7 (b) The commissioner shall also establish rights of-way or
8 easements to ensure access to rights-of-way or easements that are
9 along the public waterways. Easements under this subsection shall be
10 established approximately once each mile unless the commissioner
11 issues a written finding that severe topographical conditions make
12 this requirement impractical.

13 (c) The commissioner may exchange land under AS 38.50 to create
14 access to water of the state with high value for recreational uses.

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

16 Sec. 38.05.874. PUBLIC ACCESS FUND CREATED. (a) The public
17 access fund is established as a special account in the general fund
18 and funds may be deposited into the special account and withdrawn from
19 it as provided in this section. The fund consists of money and inter-
20 est derived under this subsection and contributions from individuals
21 and corporations. The fund shall be invested by the commissioner of
22 revenue. The commissioner of revenue ^{shall} be reimbursed for actual
23 administrative costs incurred under this subsection by appropriation
24 from the public access fund.

25 (b) Except as provided in (a) of this section, the commissioner
26 shall administer the fund. The commissioner, after public hearings
27 and in concurrence with the commissioner of fish and game, may use
28 money in the fund to develop recreational access, including the pur-
29 chase and lease of land, easements, and rights-of-way to enhance

1 public access to recreational areas.

2 (c) The title to rights of public access to recreational areas
3 obtained by the commissioner vests in the state. The commissioner
4 shall include in the instrument transferring title to the state a
5 clause requiring that the land be used for public access. If the land
6 ceases to be available for public access, the state shall either

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

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

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

17 (e) The legislature may appropriate to the fund.

18 (f) The commissioner may adopt regulations under the Administra-
19 tive Procedure Act (AS 44.62) that are necessary to implement this
20 section.

21 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

Original sponsors: Sturgulewski, Kerttula,
Szymanski and Fischer

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2

CS FOR SENATE BILL NO. 62 (C&RA)

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
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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 38.04 is amended by adding a new section to read:

26 Sec. 38.04.052. ACCESS TO WATERWAYS. (a) Wherever state land
27 is surveyed for disposal into private use, legal rights-of-way and
28 easements shall be reserved along public waterways of the state.
29 Except for state land disposed of under AS 38.05.035(b)(2), (3), (5)

1 or 38.05.068, the right-of-way or easement shall be at least 50 feet
2 wide but the commissioner may require a wider right-of-way or easement
3 depending on local conditions.

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

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

9 Sec. 38.05.874. PUBLIC ACCESS FUND CREATED. (a) There is
10 created in the general fund a public access fund. The fund consists
11 of money and interest derived under this subsection and contributions
12 from individuals and corporations. The fund shall be invested by the
13 commissioner of revenue. The commissioner of revenue shall prepare
14 the permanent fund dividend application for 1988 and subsequent years
15 to allow applicants to designate that \$5 of the dividend be subtracted
16 from their check and deposited in the public access fund. The commis-
17 sioner of revenue may use money in the public access fund to pay
18 actual administrative costs incurred under this subsection.

19 (b) Except as provided in (a) of this section, the commissioner
20 shall administer the fund. The commissioner, after public hearings
21 and in consultation with the commissioner of fish and game and the
22 commissioner of transportation and public facilities, may use money in
23 the fund to develop recreational access, including the purchase and
24 lease of land, easements, and rights-of-way to enhance public access
25 to recreational areas.

26 (c) The title to rights of public access to recreational areas
27 obtained by the commissioner vests in the state. The commissioner
28 shall include in the instrument transferring title to the state a
29 clause requiring that the land be used for public access. If the land

1 ceases to be available for public access, the state shall either
2 (1) pay to the fund the assessed value of the land at that
3 time; or

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

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

12 (e) The legislature may appropriate to the fund.

13 (f) The commissioner may adopt regulations under the Administra-
14 tive Procedure Act (AS 44.62) that are necessary to implement this
15 section.

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

17 Sec. 38.50.010. AUTHORIZATION. Subject to the requirements of
18 this chapter, the director, with the concurrence of the commissioner,
19 is authorized to dispose of state land or interest in land by exchang-
20 ing it for land, interest in land, or other consideration. Exchanges
21 shall be for the purpose of consolidating state land holdings, creat-
22 ing land ownership and use patterns which will permit more effective
23 administration of the state public domain, creating access to waters
24 of the state with high value for recreational uses, facilitating the
25 objectives of state programs, or other public purposes.

26 * Sec. 5. This Act takes effect immediately under AS 01.10.070(c).

Introduced: 1/19/87
Referred: Community & Regional Affairs,
Resources and Finance

5-0221A

1 IN THE SENATE

BY STURGULEWSKI AND KERTTULA,
SZYMANSKI AND FISCHER

2 SENATE BILL NO. 62

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."

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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 38.04 is amended by adding a new section to read:

26 Sec. 38.04.052. ACCESS TO WATERWAYS. (a) Wherever state land
27 is surveyed for disposal into private use, legal rights-of-way and
28 easements shall be reserved along public waterways of the state. The
29 right-of-way or easement shall be at least 50 feet wide but the
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-1-

SB 62

1 commissioner may require a wider right-of-way or easement depending on
2 local conditions.

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

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

8 Sec. 38.05.874. PUBLIC ACCESS FUND CREATED. (a) There is
9 created in the general fund a public access fund. The fund consists
10 of money derived under this subsection and contributions from indi-
11 viduals and corporations. The fund shall be invested by the commis-
12 sioner of revenue. The commissioner of revenue shall prepare the
13 permanent fund dividend application to allow applicants to designate
14 that \$5 of the dividend be subtracted from their check and deposited
15 in the public access fund. The commissioner of revenue may use money
16 in the public access fund to pay administrative costs incurred under
17 this subsection.

18 (b) Except as provided in (a) of this section, the commissioner
19 shall administer the fund. The commissioner, after public hearings
20 and in consultation with the commissioner of fish and game and the
21 commissioner of transportation and public facilities, may use money in
22 the fund to develop boating access, including the purchase and lease
23 of land, easements, and rights of way to enhance public access to
24 recreational areas.

25 (c) The title to rights of public access to recreational areas
26 obtained by the commissioner vests in the state. The commissioner
27 shall include in the instrument transferring title to the state a
28 clause requiring that the land be used for public access. If the land
29 ceases to be available for public access, the state shall pay the

1 assessed value of the land to the fund.

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

7 (e) The legislature may appropriate to the fund.

8 (f) The commissioner may adopt regulations under the Administra-
9 tive Procedure Act (AS 44.62) that are necessary to implement this
10 section.

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

12 Sec. 38.50.010. AUTHORIZATION. Subject to the requirements of
13 this chapter, the director, with the concurrence of the commissioner,
14 is authorized to dispose of state land or interest in land by exchang-
15 ing it for land, interest in land, or other consideration. Exchanges
16 shall be for the purpose of consolidating state land holdings, creat-
17 ing land ownership and use patterns which will permit more effective
18 administration of the state public domain, creating access to waters
19 of the state with high value for recreational uses, facilitating the
20 objectives of state programs, or other public purposes.
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STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

MAR 5 1987

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

MEMORANDUM

March 4, 1987

SUBJECT: Public access
[CSSB 62(Resources)]

TO: Senator Arliss Sturgulewski

FROM: Richard A. Bradley
Legislative Counsel

You have requested my comments on two issues arising out of the Senate Resources Committee hearing on CSSB 62(Resources). The two issues are whether the bill title is adequate and whether there is a dedicated fund problem.

In my opinion, neither issue presents a problem.

The title of the bill relates to "public access to recreation areas"; as I understand the question, some members of the committee wondered whether the "public access fund" in sec. 3 of the bill was described by that title. In my view, the section is within the title.

The legislative drafting style in Alaska has, particularly in recent years, been to use a broad title. As the Legislative Drafting Manual suggests, the "title must be broad enough to cover everything in the bill, but it must not be so broad as to lose its function of giving notice of the bill's contents. Conversely, a title that tries to describe each major element of a bill must not be so specific that it fails to cover the minor elements of the bill." [Manual, at 12.]

Thus the view is that the descriptive title requirement of the Alaska Constitution [art. II, sec. 13] is served by the broad inclusive title. We avoid an alternative drafting style that might have described this bill as "relating to public access to recreation areas, establishing legislative findings and intent, permitting the Commissioner of Natural Resources to acquire right-of-ways or easements for access

Senator Sturgulewski
March 5, 1987
Page 2

to recreation areas, establishing a public access fund, permitting the legislature to appropriate to the fund, and for other purposes."

Other states sometimes use that style; we do not. The considered reason for our position is the one suggested in the Manual: That overinclusiveness creates more problems than it solves. The public access fund created in sec. 3 of the bill is contained within a title that relates to "public access."

The second question of concern to the committee was the interaction of the public access fund and the general prohibition against the establishment of a dedicated fund.

The fund in question is admittedly "dedicated" in any real sense of the word -- but it is not prohibited since the source of the fund is not the general revenues of the state. The provisions of art. IX, sec. 7 provide, in part:

SECTION 7. DEDICATED FUNDS. The proceeds of any state tax or license shall not be dedicated to any special purpose

The material omitted related to nongermane exceptions to the prohibition.

The language of sec. 7 has no application to funds that are not themselves "the proceeds of any state tax or license"; as you recall, the Supreme Court instructed us to read those words broadly in State v. Alex, 646 P.2d 203 (Alaska 1982). However, since the funds are not in any sense the proceeds of a tax or license levied by the legislature, the dedicated fund prohibition can have no application.

Note that when the state makes a contribution to the fund under Sec. 38.05.874(e) as would be enacted in sec. 3 of the bill, the funds have been appropriated. The dedicated fund prohibition has no application to sec. 3 of the bill.

If I may be of further assistance, please advise.

RAB:mkr
m9/092

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST _____

Bill Version: CS SB 62 (Resources)
Publish Date: _____

Revision Date: 3/26/87
Title: An act relating to public access to recreation areas
Sponsor: Sturgulewski, Kerttula, et al
Requestor: Senate Finance

Agency Affected: Revenue
BRU: Administrative Services
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

No fiscal impact.

Prepared By: Ervin B. Jones
Division: Administrative Services

Phone: 465-2313
Date: 3/26/87

Approved by Commissioner: [Signature]
Agency: Revenue

Date: 3/26/87

Distribution (by agency preparing fiscal note):

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

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 62

Publish Date: _____

REQUEST: _____

Revision Date: _____

Agency Affected: Revenue

Title: An act relating to Public Access
to Recreation Areas

BRU: Permanent Fund Dividend

Sponsor: Sturgewlewski, Kertulla

Components: Recreational use of state

Requestor: Community & Regional Affairs

waterway

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	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

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: Sally Smith
Division: Public Services

Phone: 465-2392
Date: February 2, 1987

Approved by: [Signature]
Commissioner: _____
Agency: Revenue

Date: 2/17/87

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management & Budget
- Impacted Agency(ies)
- Senate Secretary

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 62
Publish Date: _____

REQUEST: _____

Revision Date: _____
Title: Public Access to Recreation
Areas _____
Sponsor: Sturgulewski
Requestor: Senate C & RA

Agency Affected: Department of Revenue
BRU: Treasury
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: Attach a separate page for analysis.

Prepared By: Milt Barker MB
Division: Treasury

Phone: 465-2350
Date: January 30, 1987

Approved by Commissioner: [Signature]
Agency: Department of Revenue

Date: 2/17/87

Distribution (by preparer):

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

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 62

Publish Date: _____

REQUEST _____

Revision Date: _____

Title: An act relating to public access
to recreation areas

Agency Affected: Revenue

BRU: Administration and Support

Sponsor: Sturgulewski, Kerttula, et al

Requestor: C & RA

Components: Administrative Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES	-	15.1	6.6	6.6	6.6	6.6
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	6.0	6.0	6.0	6.0	6.0
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	21.1	12.6	12.6	12.6	12.6
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

SB 62

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	21.1	12.6	12.6	12.6	12.6
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	21.1	12.6	12.6	12.6	12.6

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

Prepared By: Ervin B. Jones

Division: Administrative Services

Phone: 465-2313

Date: 2/4/87

Approved by Commissioner: [Signature]

Agency: Revenue

Date: 2/6/87

Distribution (by Agency preparing fiscal note):

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

Department of Revenue
Administrative Services Division
Fiscal Note Analysis
SB 62
2/6/87

Assumptions:

- 1) It is assumed that the provision Sec. 3 would only be effective for PFD years 1988 and thereafter. This assumption is necessary because the 1987 PFD applications are already being printed, and will be shipped in 3 weeks. The addition of the option envisioned by this bill will cause major revisions to the construction of the packet, and would most certainly cause re-bidding of the printing project. The result would be a late filing period and significant program costs and public confusion and discontent. Alternatively, the creation of a separate form would create substantial new program costs, not addressed in this fiscal note, and considerable public confusion.

It is assumed that the Department of Revenue may comply with the above section of the bill by providing a "check-off" on the 1988 PFD form itself, or an attendant schedule.

- 2) The choice, once made on the PFD application, is irrevocable for that year.
- 3) The dividend is still subject to attachment and general assignment. Only after those attachments and assignments are satisfied will this pledge be recognized.
- 4) Given the language of Sec. 3, line 15-17, I assume that any required appropriation for administrative costs would be a general fund appropriation, since the public access fund would be an account in the general fund.

Program Summary

The application for the 1988 PFD would be revised, providing for a "check-off" for the public access fund, and explaining the option to all applicants.

The Document Processing group will need to review applications for the donation option and the data entry section will be keying additional information on each application. This will be accomplished by extending a seasonal Data Entry Clerk I by three months.

Data capture programs, batch programs, screen programs, history files and all other DP programs in the PFD system would be modified to record the potential choice and to direct payment to the fund. The PFD applicant choosing to contribute to the fund would be notified by mail at the time of PFD distribution that the contribution had been paid directly to the public access fund. The accounting controls on the dividend fund and the warrant issues will become much more complicated by the introduction of myriad warrant amounts. The Department of Fish & Game would be provided an accounting of the number of applicants contributing to the public access fund each year, and the total amount transferred to the fund. The attached schedule provides a breakdown of the estimate of man-hours required to accomplish the programming.

1. Positions

1 PPT Analyst/Programmer IV, R 19 at \$4,281.06/Mo.
including salary and benefits for 2 months = \$8.5

This position will augment the regular DP staff to perform the system analysis and programming required, as described above. This funding would be needed for design and programming only, with maintenance of the changes and new programs to be done by current staff.

1 PPT Data Entry Clerk I, R 8 at \$2,221.64/Mo
including salary and benefits, for 3 months = \$6.6

This position would perform the equivalent additional data capture (ongoing requirement)

TOTAL Personal Services \$15.1

2. Other Expenditures:

a) Travel - None. \$-.0-

b) Contractual - Add an additional page to the PFD booklet to display the contribution choice available. Although the Department was able to squeeze the Olympic Fund check-off on the existing form, the addition of another option, however simple, will require another printed page. (on-going requirement) \$-6.0-

c) Supplies - None. \$-.0-

d) Equipment - None. Will use existing work areas \$-.0-

TOTAL EXPENDITURES \$21.1

3. Funding - General Fund.

4. Section Cost Analysis - N/A.

Computations - N/A.

Economic Impact - N/A.

Impact on Local Government - N/A.

Attachments: Summary of Data Processing Requirements.

Department of Revenue
Administrative Services Division
Fiscal Note Analysis
SB 62
Summary of Data Processing Requirements
2/6/87

Wang data entry processing	75.0 hours
Includes:	Data entry Batch lists Corrections Wang to IBM transfer
IBM Update jobs	30.0 hours
Includes:	Edits Batch listings Log sheets
DMS Online programs for lookup and changes	37.5 hours
Nightly Update of Changes	22.5 hours
Warrant Jobs	90.0 hours
Includes:	Printing warrants with different amounts. Include check stub messages. Modify warrant registers as needed for balancing. Create new program(s) for transferring accumulated contributions to the Public Access Fund, and to account for the reserve necessary due to returned and cancelled PFD warrants.
Miscellaneous	45.0 hours
Includes:	Setting up test files on IBM Systems testing Administrative functions, i.e. paper work required by Admin. DP to add files and programs to tables.
TOTAL HOURS	300.0 hours



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Commissioner's Ofc.	BILL NUMBER SB 62	SPONSOR Sturculewski, et.al
DEPARTMENT POSITION Support with amendments			
PREPARED BY Louis S. Bandirola	DATE 1/29/87	COMMISSIONER'S SIGNATURE <i>Donnell</i>	DATE 1/29/87

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Natural Resources Department of Revenue, DOT&PF	CONSTITUENT GROUP(S) AFFECTED BY BILL General public, specifically recreational boaters and other resource users.
ORGANIZATIONAL SUPPORT FOR BILL Alaska Sport Fishing Association Alaska Flyfishers	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

To assure state retention of public lands along all water bodies during dispatch to private use and provide long term funding of recreational water access acquisitions.

ANALYSIS OF BILL/PROGRAM EFFECTS

Assures retention of public lands along all water way for recreational resource use.

Through establishment of "Public Access Fund" assures continuing revenue for public access to aquatic resources.

Requires state participation through federal Sport Fish Restoration Program at determined level by Department of Fish and Game.

AMENDMENTS PROPOSED

See Attachment .

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

SB 62 - Suggested Amendments

AS 38.04.874 page 2

line 9-11

---. The fund consists of money and interest derived under this subsection and contributions from individuals and corporations. The fund shall be invested in an interest accruing account by the commissioner of revenue.

line 14-17

---. that \$5.00 or such sum over \$5.00 of the dividend be subtracted from their check and deposited in the public access fund. The commissioner of revenue may request use of money in the public access fund to pay actual administrative costs incurred under this subsection after the account balance exceeds one million dollars.

line 18

(b) Except as provided in (a) and (d) of this section, the commissioner...

line 22

the fund to develop recreational [BOATING] access, including the purchase and lease...

line 29 (c) and page 3 line 1

---. ceases to be available for public access, the state shall pay the current assessed value of the land to the fund or reimburse the federal program as required through participation in the Sport Fish Restoration Program in subsection (d).

line 2

Subsection (d) should be reworded as follows:

(d) If the state receives funds under 16 U.S.C. 777-777k as amended (Sport Fish Restoration Act), 10 percent of the federal funds shall be used for recreation boating access and facilities, with the state match share allocated from the public access fund. Expenditure of funds received by the state under this subsection shall be administered by the commissioner of fish and game in accordance with federal rules and regulations.

SENATE COMMITTEE REPORT

FURTHER: FINANCE

further finance

DATE TURNED INTO OFFICE 3-12-87

Mr. President:

RESOURCES _____ Committee considered _____ SB 62

public access to recreation areas.

and recommended:

replace with _____ CS FOR SB62(Rs)) same title
 or adopt _____ CS FOR _____) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous
 zero-CRA's fiscal impact

MEMBERS SIGNING DO PASS

[Handwritten signatures: Tom Jones, Dick Sleason, Curtis Sturgis, Tom Durca, Paul Grube]

OTHER RECOMMENDATIONS

[Handwritten signature: Curtis Sturgis]

[Handwritten signature: John P. ...]
Chairman signature and recommendation

Committee Backup Attached

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 1/15/87 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: RESOURCES
FINANCE

**FISCAL NOTE(S) ATTACHED yes **
IN ACCORDANCE WITH AS 24.08.035
(see below)

1/19/87

DATE TURNED INTO OFFICE _____

Mr. President:

COMMUNITY & REGIONAL AFFAIRS Committee considered SB 62

relating to public access to recreation areas.

and recommended:

replace with CS for SB 62 (CRA) same title
 attached amendment(s) and new title

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING DO PASS

Tim Kelly

OTHER RECOMMENDATIONS

Paul J. Hancock (No Rec)

Artis Funglerhi Do Pass
Chairman signature and recommendation

Committee Backup Attached