

**SB**

**45**



Official Business

# Alaska State Legislature

## Senate

**RICK  
HALFORD**

State Capitol  
Juneau, Alaska  
99801-1182  
Phone (907) 465-4958  
Fax (907) 465-4928

P.O. Box 670190  
Chugiak, Alaska 99567  
Phone (907) 694-4958  
Fax (907) 694-0549

600 E. Railroad Avenue  
Wasilla, Alaska 99654  
Phone (907) 376-4958

### CSSB 45(FIN) am S Sponsor Statement

The Finance Committee Substitute for Senate Bill 45 amended Senate provides limited immunity to landowners when a conservation easement, which allows public access to the easement for recreational purposes, is granted to the state or a municipality, providing that there was no compensation paid for the access or use. The same limited immunity is granted to the state or municipality accepting the easement.

This legislation comes forward in response to the desire to preserve and expand recreational access for Alaskans, and for visitors to the State. The ability to access lands for purposes of skiing, hiking, hunting, fishing, snow-machining and numerous other outdoor recreational activities is an important aspect to enjoying the benefits of our great state. The potential for liability and litigation for private landowners who allow the public free access to their lands for recreational purposes has created pressure to further restrict entry and a disincentive to the establishment of other outdoor activity.

Promoting recreational opportunity and establishing additional trail systems has become a priority for a number of groups and organizations around the state. We have received requests and/or support for this legislation from numerous entities including: the State Division of Parks, the Municipality of Anchorage, the Anchorage Economic Development Corporation, the City of Wasilla, the Wasilla, Palmer, Fairbanks and State Chambers of Commerce, the Alaska Snowmachine Association, the Mat-Su Motor Musers, the Alaska Boaters' Association, and the Alaska Outdoor Council.

CSSB 45(FIN) am S also makes a technical correction to the statutes governing vacation of RS 2477 rights-of-way and section line easements granted under former 43 U.S.C. 932. In addition, CSSB 45(FIN) am S provides concise direction in Title 29, the statutes pertaining to local governments, that is reflective of the procedures for easement vacation existing in Title 19.

CSSB 45(FIN) am S will assist in the effort to expand recreational opportunities for Alaskans and visitors alike. I urge your support for this legislation.

APR 20 1999



REALTOR®

ALASKA ASSOCIATION OF REALTORS, INC.  
741 Sesame Street, Suite 100 • Anchorage, Alaska 99503  
Telephone 907-563-7133 • Fax 907-561-1779

April 16, 1999

Senator Halford  
State Capitol  
Juneau, Alaska 99801-1182

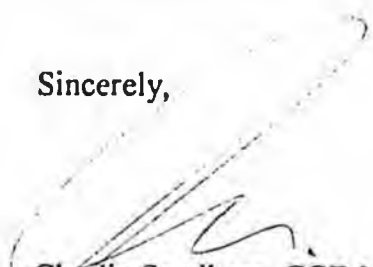
Dear Senator Halford,

The Alaska Association of REALTORS with over 1,100 members statewide supports Senate Bill 45 relating to tort immunity for personal injuries or death occurring on land.

We agree with Senate Bill 45 providing immunity from tort liability to a landowner, except for an act or omission that constitutes gross negligence or reckless or intentional misconduct.

The Alaska Association of REALTORS encourages the passage of SB 45.

Sincerely,



Charlie Sandberg, CCIM, CRS, GRI  
1999 President



ALASKA BOATING ASSOCIATION



Rick Halford, Senator  
State Capital  
Juneau, Alaska  
99801-1182

Subj. SB 45

Feb. 4<sup>th</sup>, 1999

Dear Senator Halford,

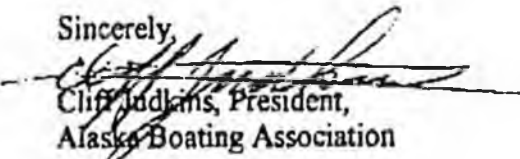
Thank you for introducing SB 45. I see this issue from two sides.

As an owner of remote property I allow snowmachines and dog sleds to cross my property at will. I have never had any property damage. People seem to respect private property. However, I am continually aware of the liability that I am exposed to; I just hate to put up signs and prohibit people from going about their business. I certainly feel the exposure and I can understand that people with less commitment to public access would close their property.

As President of the Alaska Boating Association, a member of the Alaska Outdoor Council and a member of the Mat-Su Fish and Game Advisory Committee I am continually confronted by cases of public access restrictions where it is necessary to cross private land to access public land. Anything that we can do to promote and assure equal access to Alaska's resources is worth the effort. We also support the technical correction concerning vacation of RS 2477 rights of way and section line easements.

Again, we are in full support of SB 45.

Sincerely,

  
Cliff Judkins, President,  
Alaska Boating Association

Cliff Judkins - President • P.O. Box 874124 • Wasilla, Alaska 99687  
(907) 373-3591 • Fax 373-3592 • E-Mail: [cjudkins@customcpu.com](mailto:cjudkins@customcpu.com)



## Alaska Outdoor Council

PO Box 73902  
Fairbanks, AK 99707-3902  
Tel./FAX: (907) 455-4AOC (4262)  
[outdoor@polarnet.com](mailto:outdoor@polarnet.com)

FEB 08 1999

February 3, 1999

Senator Rick Halford  
Alaska State Legislature  
State Capitol MS 3101  
Juneau, AK 99801-1182

Dear Senator Halford:

The Alaska Outdoor Council's board of directors voted unanimously to support Senate Bill 45, your bill relating to tort immunity and maintaining RS2477 right of ways.

Adopting SB45 as law will be a great benefit to public-spirited landowners who support public use trails and other uses on private lands. Our "litigious society" really chills those people's enthusiasm when the prospect looms of being liable in tort for injuries that are no fault of theirs. Without the protection afforded by SB45 a proliferation of no trespassing signs is predictable.

The second part of SB 45 is critically important to ensure that attrition of public access does not occur or is minimized. Under present circumstances the very limited expectations for new roads, railroads, etc. may lend credibility to the idea that RS2477 rights of ways are largely expendable. Following such a philosophy would be a great disservice to the outdoor user public. The public will have to rely more on legally sanctioned trails as increasing private ownership materializes, and access rules on federal areas become more rigid.

The Alaska Outdoor Council urges passage of SB45. Thank you again for your efforts on these vital public access matters.

Sincerely,

Richard H. Bishop  
Vice President

*P.S. Question arose: How would this relate to Dipnetters who pay \$10 state fee for access & services on Native Corp. land?*



TELEPHONE (907) 694-4702

FAX (907) 694-1205

# Chugiak-Eagle River Chamber of Commerce

P.O. BOX 770363  
EAGLE RIVER, ALASKA 99577

11401 OLD GLENN HIGHWAY, SUITE 110A  
EAGLE RIVER, ALASKA 99577

"Place of Many Places"

Chugiak-Eagle River Chamber of Commerce  
Board of Directors  
RESOLUTION 98-007

## A RESOLUTION IN SUPPORT OF A STATEWIDE TRAILS PLAN & LIABILITY REDUCTION LEGISLATION

WHEREAS the Chugiak-Eagle River Chamber Commerce is a community based nonprofit organization which encourages projects that allow for quality community growth and development in the state of Alaska; and

WHEREAS sufficient data exists demonstrating the positive recreational impact of regulated and controlled snowmobile corridors on communities in the lower 48 and Canada; and

WHEREAS in the State of Alaska there exists a significant number of people whose needs for local snowmobile infrastructure and other use opportunities have gone largely unmet; and

WHEREAS the state of Alaska currently has existing (as well as planned) world-class trails and infrastructure for other recreational user groups such as cross-country skiing and dog mushing; and

WHEREAS the creation of snowmobile infrastructure will complement the existing summer tourist industry thereby enhancing or creating year-round visitor industry jobs - which will benefit all affected Alaska communities; and

WHEREAS the Chugiak-Eagle River Chamber supports the development of snowmobile corridors which would create a state-wide trail system.

NOW THEREFORE BE IT RESOLVED that the Chugiak-Eagle River Chamber of Commerce Board of Directors recommends to the Governor and Legislature of the State of Alaska that these entities develop in an expeditious manner statewide trails design criteria. BE IT FURTHER RESOLVED that the Chamber of Commerce supports the creation of liability reduction legislation which would hold harmless landowners and other

entitles whose property becomes part of the statewide trails system.

Signed this 12<sup>th</sup> day of November 1998.

Respectfully submitted by,



Mark Eidem  
President

APR 06 1999

## SnoTRAC

Snowmobile Trails Advisory Committee  
3601 "C St. #1280  
Anchorage, AK 99503

March 30, 1999

Senator Rick Halford  
State Capital, Room 121  
Juneau, AK 99801-1182

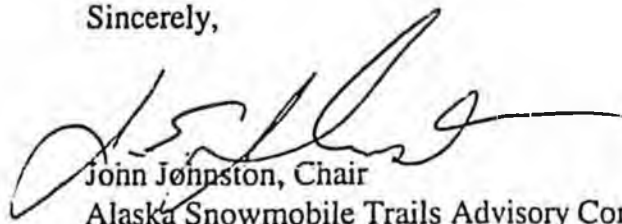
Dear Senator Halford:

At the March 19, 1999 regular meeting of the Alaska Snowmobile Trails Advisory Committee (SnoTRAC), there was unanimous support for a motion to support both Senate Bill 45 and House Bill 88, providing immunity to private property owners from liability when they allow recreational trail use across their property.

The committee feels very strongly that if traditional trails are to be protected in Alaska for the public good, and if new trails are to be established which may in part require crossing private property, that the state will need to provide some protection to property owners as provided in these two bills.

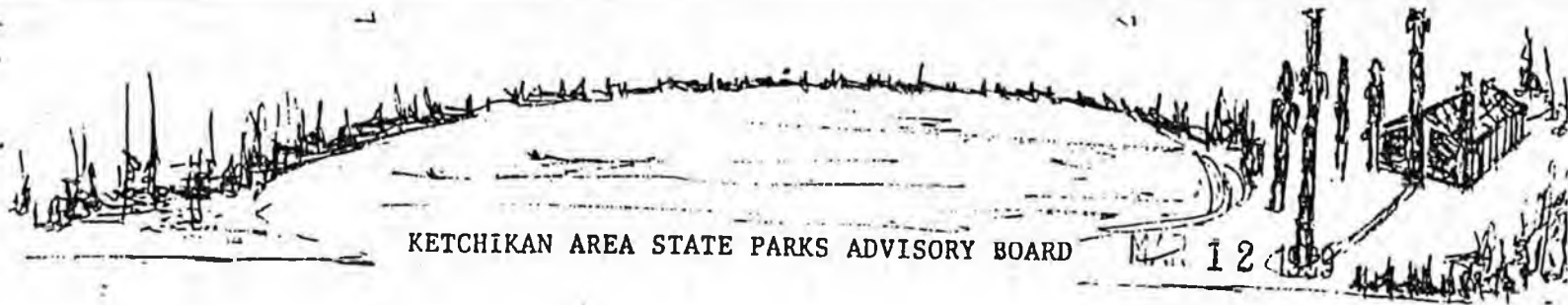
The SnoTRAC committee urges the Legislature and the Administration to enact this much needed new law.

Sincerely,



John Johnston, Chair  
Alaska Snowmobile Trails Advisory Committee

cc: Senator Robin Taylor  
Representative Norman Rokeberg



March 10, 1999

Honorable Rick Halford  
Senate Judiciary  
State Capital  
Juneau, Alaska 99801-1182

Dear Senator Halford,

The Ketchikan Area State Parks Advisory Board has resolved unanimously to support the passage of Senate Bill 45, providing protection from litigation for private property owners who have trails crossing their land. However, we would like to see added a requirement that easements across private land be dedicated for continued public use.

The Board would appreciate very much your pushing the bill, getting it out and through the Senate process, with the addition mentioned above, if possible. We feel that this protection is necessary for both private land owners and the public interest. Free and open trails have long been a tradition in Alaska.

We also support House Bill 88 which has a similar goal of protection for the land owner and the dedication of trails to public use.

Thank you very much for your consideration.

Sincerely,

Robert Olsen, Chair  
Ketchikan Area State Parks Advisory Board

From: Mr. Howard Davis Jr.  
PO Box 395  
Clam Gulch, AK 99568  
262-5124

Bill: SB 45 Title: LAND OWNER IMMUNITY/ RT-OF-WAY VACATION

Message:

The Caribou Cabin Hoppers with a membership in excess of 250 representing in excess of 1000 individuals, supports SB45, an act relating to tort immunity for personal injury or death.

Subject: Senate Bill # 45  
Date: Tue, 4 May 1999 20:10:16 -0800  
From: "Tom Logan" <yahama@email.msn.com>  
Organization: Microsoft Corporation  
To: <Senator\_Rick\_Halford@Legis.state.ak.us>

As one of the directors of the Big Lake Chamber Thanks of this Bill Hope to see it's passage  
Pray for our troops.

LOGAN, THOMAS E  
PO BOX 520253  
BIG LAKE AK 99652-0253  
District: 28-003 Party: R Sex: M

Subject: Trail Liability legislation

Date: Wed, 14 Apr 1999 09:30:22 -0800

From: Steve & Sarah Swift Masterman <ssmaster@mosquionet.com>

To: Senator\_Robin\_Taylor@legis.state.ak.us,  
Senator\_Rick\_Halford@legis.state.ak.us,  
Senator\_Dave\_Donley@legis.state.ak.us,  
Senator\_Johnny\_Ellis@legis.state.ak.us,  
Senator\_John\_Torgerson@legis.state.ak.us

Dear Senator,

I am writing to voice my support for SB45. By offering protection to land owners who allow people to use their land recreationally, this bill will increase the likelihood that land owners will support and allow trails and other recreational use on their land. This benefits the state in several ways. First, it obviously would increase recreational opportunities for residents of Alaska. Second, it could decrease the need for the state, federal, and local governments to spend money acquiring trail rights of way, and maintaining trails for residents. Third, it would decrease the amount of litigation in our already overburdened court system. Please support SB45!

Thank you for your time and interest,

Sarah Swift Masterman

PO Box 263

Ester, AK 99725

District: 29-457 Party: N Sex: F

ssmaster@mosquionet.com

Subject: SB45 Trail Liability  
Date: Wed, 14 Apr 1999 18:20:30 -0800 (AKDT)  
From: kayaker@mtaonline.net  
To: Senator Rick Halford <Senator\_Rick\_Halford@legis.state.ak.us>

Mat-Su State Parks Citizens Advisory Board

HC 32 Box 6706, Wasilla, Alaska 99654  
(907) 745-3975 Fax (907) 745-0938

April 14, 1999

Re: SB45; Trail Liability

Dear Legislative Members:

The members of the Mat-Su State Parks Citizens Advisory Board have passed a resolution (#99-09) in support of Senate Bill 45 regarding trail liability for personal property owners.

This bill will protect and assist in dedicating many of our established trail systems in the state. Our board is represented by a variety of recreational users. Snowmachiners, skiers, motorized and non-motorized boaters support this proposed legislation. We urge you to support this legislation to enhance and protect Alaska's recreational assets. Thank you.

Sincerely,  
Mat-Su State Parks Citizens Advisory Board  
Toby Riddell  
Chair

Subject: Senate Bill 45  
Date: Fri, 19 Feb 1999 09:55:06 -0900  
From: "Scott Heidorn" <sheidorn@igloo.pplant.uaf.edu>  
To: Senator Robin Taylor <Senator\_Robin\_Taylor@legis.state.ak.us>  
CC: Senator\_Rick\_Halford@legis.state.ak.us

Dear Senator Taylor and Senator Halford,

It is great to see SB 45 with it's improvements to existing legislation. I hope these improvements will go far enough in meeting our ultimate goal and that is to encourage private property owners to open their land to public recreation use. Over the years two important issues have come to light as different states developed trail programs.

The first major change in legislation involved the issue of compensation. Compensation can take on a variety of meanings from offering a hind quarter of deer to the farmer that allows access, to property tax relief for trail access. Other forms of compensation include trail development improvements to property which result in increased property value or the offering of a gratuity for access. A variety of reward for access have become a necessity to initiate and maintain access. If SB 45 can address this issue as outlined in the model legislation I sent to you from the American Motorcycle Association it will be a better tool for me to work with.

Another issue many states are addressing involves frivolous law suits. Other states have found that private property owners are still at risk of having to defend themselves in court just to prove a law suit was frivolous. The states with successful trail programs are recognizing this and changing legislation to either allow the state to step in on the property owners behalf or developing an avenue for the courts to evaluate the case before the property owner is financially burdened.

SB 45 may or may not, in its current form, be the tool I need to preserve and promote trails for the snowmobilers whose economic impact state wide exceeds \$80 million annually. However, I am the one who will apply this legislation by trying to convince private property owners that they will not be burdened by allowing public access to their land. Thanks for all your effort on on SB 45 and I look forward to the day when we are successful in having lease agreements signed that allow recreational use of private property.

Respectfully,

Scott Heidorn

HEIDORN, SCOTT W  
PO BOX 84591  
FAIRBANKS AK 99708-4591  
District: 33-255 Party: U Sex: M

**Subject: SB 45**

**Date:** Wed, 14 Apr 1999 13:22:49 -0800

**From:** "Brad" <paddler@mosquitonet.com>

**To:** <Senator\_Robin\_Taylor@legis.state.ak.us>

**CC:** <Senator\_Rick\_Halford@legis.state.ak.us>, <Senator\_Dave\_Donley@legis.state.ak.us>, <Senator\_Johnny\_Ellis@legis.state.ak.us>, <Senator\_John\_Torgerson@legis.state.ak.us>

Dear Senator Taylor,

Senator Halford's SB 45 is an important step in melding the interests of Alaska's recreationists and those of private and public land owners. It provides those land owners who are benevolent towards the recreationists in letting them use portions of their property for access, through-travel, or even picnicking or camping, with the protection they deserve so that they will remain open to those uses. Yet, this bill does not remove a user's right to compensation when gross negligence is involved in the use of public property.

This is a win-win bill, and I urge you to consider recommending its passage.

Thank you for your public service.

Brad Snow, President  
Fairbanks Paddlers  
paddler@mosquitonet.com

Subject: SB 45

Date: Wed, 31 Mar 1999 07:52:36 -0900

From: gizmo@arctic.net (Lance Stevens)

To: "Senator Robin Taylor" <Senator\_Robin\_Taylor@legis.state.ak.us>

CC: "Michele Trainor" <mtt@knix.net>,  
"Senator Rick Halford" <Senator\_Rick\_Halford@legis.state.ak.us>

Dear Senator Taylor:

I am asking that you allow SB 45 to move out of committee. This is important legislation that will allow Alaska to become a state where trails are abundant and landowners who donate the easements are protected. So many of our trails currently cross private property at some point in the route that if we do not do something, long established trails could be closed due to a private land owner no longer wishing to risk his financial future in the name of public recreation.

If you have concerns on this bill I would like to help address them and look for ways to overcome them. As the legislative representative for ASSA, I would also like to express our thanks in supporting SJR 5. Keeping public lands open to the public is often under appreciated until something is taken away. We hope that you work with the supporters of SB 45 and not allow trails to be taken away from Alaskans.

Sincerely,

Lance Stevens

ASSA Legislative Rep.

17419 Kantishna

Eagle River, AK 99577

907-694-1825

gizmo@arctic.net

District: 25-453 Party: U Sex: M

Subject: SB 45

Date: Fri, 2 Apr 1999 09:48:17 -0900

From: "Michele Trainor" <mtt@knix.net>

To: <Senator\_Rick\_Halford@legis.state.ak.us>

CC: "Lance Stevens" <gizmo@arctic.net>

Dear Senator Halford,

It is my understanding that SB 45 is momentarily stalled pending changes in its wording and interpretation. Liability is currently the single most contributing factor towards access denial. Alaska has probably one of the most complete trails system in the United States. However, with the threat of liability looming over landowners' heads, we are finding access routes severed and/or denied. No one can fault the landowner for such actions. Please, if there is anything the Alaska State Snowmobile Association can do to help this process along, do not hesitate to contact us. As it stands, our state association is one of the few denied insurance coverage for this very reason. Therefore, we cannot pass it on to local clubs. The ASSA appreciates all the help and attention you have given to this matter. Thank you so very much for your time and consideration.

Sincerely,

Michele T. Trainor

.....  
Michele T. Trainor  
President, ASSA  
[mtt@knix.net](mailto:mtt@knix.net)