

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672
4908 HRES HB 16 - HB 18

48

HB

16

Alaska State Legislature

REPRESENTATIVE
ADELHEID HERRMANN

PO BOX 83
NAKNEK, ALASKA 99833
(907) 246-4495

While in Juneau
BOX V

JUNEAU, ALASKA 99811
(907) 465-4942, 465-4943



CO-CHAIRMAN
RESOURCES COMMITTEE

MEMBER
TRANSPORTATION
COMMITTEE

House of Representatives

DISTRICT 26

ADAK
AKUTAN
ALEKNAGIK
ATKA
BELKOFSKI
CLARK'S POINT
GOLD BAY
DILLINGHAM
DUTCH HARBOR
EGEGIK
EKUK
EKWOK
FALSE PASS
IGIUGIG
ILIAMNA
KING COVE
KING SALMON
KOKHANOK
KOLIGANEK
LEVELOCK
MANOKOTAK
NAKNEK
NELSON LAGOON
NEWHALEN
NEW STUYAHOK
NIKOLSKI
NONDALTON
PEDRO BAY
PILOT POINT
PORT ALSWORTH
PORT HEIDEN
PORT MOLLER
PORTAGE CREEK
SAND POINT
SOUTH NAKNEK
SQUAW HARBOR
ST. GEORGE
ST. PAUL
TOGIK
TWIN HILLS
UGASHIK
UNALASKA

MEMORANDUM

TO: Representative Sam Cocten
Co-Chair, House Resources Committee

FROM: Representative Adelheid Herrmann
Co-Chair, House Resources Committee

DATE: January 23, 1987

SUBJECT: Fisheries Subcommittee Referrals

In my absence, I would appreciate it if you could refer the measures listed below to the Special Committee on Fisheries which will function as a House Resources Subcommittee. A memorandum explaining the way I see conducting business in the fisheries subcommittee will follow shortly after my return.

Thank you for your cooperation.

HB 38 Fisheries Enhancement Loans by Taylor
HB 63 Board of Fisheries by Hoffman
HJR 5 Reflagging of Fish Processing Vessels by Davidson

S87S1/RESADMN2

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 22, 1988

The Honorable Ben Grussendorf
Speaker of the House
House of Representatives
P.O. Box V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill making appropriations for the operating, loan program, and capital expenses of state government (i.e., the FY '88 budget bill). Additional material pertaining to this budget will be furnished to the legislature by my staff.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Cowper".

Steve Cowper
Governor

A M E N D M E N T S

Offered in House Resources

To: CSHB 16

Page 2, line 15, change (c) to read "Before allowing a contractor to operate a facility in a unit of the state park system, the commissioner shall determine that the service is related to and will further the appreciation of the natural, historical or cultural values for which the unit was established.

Page 2, after line 29, insert (6) "~~determine that the proposed contact does not interfere~~ with the ~~existing~~ public ~~use~~ and enjoyment of the park."

Page 3, line 14, change the word "may" to "shall"

Page 3, line 15, add the following after the word "section": "and the regulations shall be enacted prior to the commissioner entering into any contracts."

1/29/87

A M E N D M E N T

Offered in House Resources

By Sund

TO: HB 16

Line 12, after "fees for the" add "following activities;"

Line 13, delete [overnight use of state park developed campsites.]

Line 13, before "When" add new subsection (b).

Line ~~14~~¹², after ~~"hearings"~~ add the following;

- "(1) public use cabin or other overnight lodging rentals;
- (2) overnight use of a developed campsite;
- (3) special park use permits; *allow*
- ~~(4)~~ non-competitive and non-exclusive commercial use permits, and;
- (5) guided tours of historic sites."

Renumber remaining sections accordingly.

(—)

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS AND OUTDOOR RECREATION

3501 C STREET
ANCHORAGE, ALASKA 99503
PHONE: (907) 561-2020

MAILING ADDRESS:
P.O. BOX 7001
ANCHORAGE, ALASKA 99510

January 27, 1987

The Honorable Sam Cotten, Co-Chairman
The Honorable Adelheid Herrman, Co-Chairwoman
House Resources Committee
Alaska State Legislature
PO Box V
Juneau, Alaska 99811

Dear Representatives Cotten and Herrman:

Subject: Responses to questions raised on 1/26 regarding HB 16,
which authorizes user fees in state park areas

Several questions were raised in the morning teleconference held January 26 regarding the bills that would allow fees for use of state park facilities. The information below should answer most of the concerns voiced in that meeting.

1. Why would the division use concessioners or private operators to manage certain sites?

The primary reason for the fee system and or concession management of some park units is the radical reduction in the Alaska State Park budget and a corresponding reduction in field staff. Concessioners can help to bridge the gap by providing maintenance and other park services that the state cannot provide. Research shows that concession-operated parks have much less vandalism and the visitor's experience is enhanced by the on-site concession manager or operator.

Concession management has been successfully used in many federal and state parks in Alaska. In Chugach State Park a concession operation has been successfully negotiated at the Potter Section House site, and the division is currently negotiating a concession contract for the Big Delta State Historic Park. Contracts at both of these sites will include full concessioner maintenance and operation of park facilities which will greatly reduce the projected operating expenses of those parks.

January 27, 1987

2. What campgrounds or other sites would be considered for concession management instead of complete state management?

Alaska State Parks intends to enter into the fee collection and concession management process slowly so that we can learn about potential pitfalls and avoid problems. The division has no plans at this time for a massive concession program, and intends to assess each area and site before launching into the concession process.

A preliminary analysis shows that the Bird Creek and Eagle River campgrounds in Chugach State Park might be operated by a concessioner. The Chena River Recreation Site in Fairbanks is another campground with potential for concession management.

Before deciding to concession a park unit campground, the division would assess the potential of the concession operation, determine whether the operation is in keeping with the site's purposes, and invite public review through the various state park Citizens Advisory Boards or through public meetings.

3. Should the bill retain a degree of flexibility regarding concessions?

In many sites that could be operated by concessioners, campground fees may not produce enough revenues to make an economically viable operation. Fees for boat rentals, picnic areas and boat launches may be acceptable, and other operations like camp stores, tackle and firewood sales may also be desired. The bill must remain flexible to allow these concession management options.

In all concession operations the division retains control over rates charged for services, advertising, and operations to be allowed. In most cases the park visitor would probably notice very little difference between the concession operated fee system and one operated by the state.

4. If a park unit does not generate much revenue will that unit receive less attention from Alaska State Parks?

The division intends to recover only a portion of the operating cost of the Alaska State Park System. It does not intend to take a "Cash Register Approach" to state park management. Other purposes specified in the park system enabling legislation include: provision of recreational opportunities; preservation of natural, cultural, and historic resources; and other purposes specific to certain park units. These purposes and goals determine the allocation of state resources to certain park units.

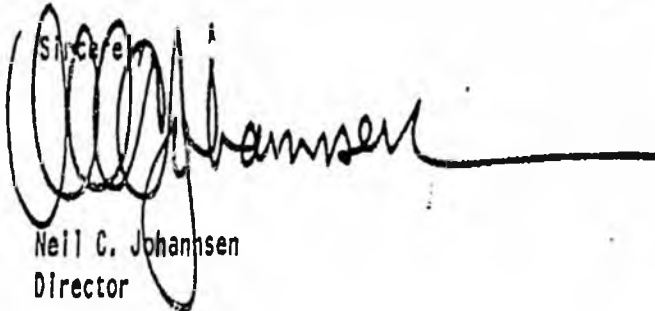
The Honorable Sam Cotten
The Honorable Adelheid Herrman
Page 3
January 27, 1987

The division also intends to continue its efforts to be sensitive at all times to the needs of "special populations" such as the handicapped, senior citizens, school and community groups. We also plan an annual pass similar to the federal "Golden Eagle" pass.

5. Why should the revenues collected be spent on managing the Alaska State Park System?

Visitors to park units are more willing to pay fees when they know that the revenues will be spent on maintaining and operating the parks. It does "cost money to make money" and the division expects to incur additional expenses in initiating, operating, and maintaining the fee collection systems. These costs should be more than offset by the revenues collected. Park staff, volunteers, and other cooperating groups also have more incentive to create an effective fee collection system when the revenues collected are directly related to improvements in their park units.

Thank you for your interest in and support of Alaska State Parks. If you have any further questions, please feel free to contact me.

Sincerely,


Neil C. Johansen
Director

CC: Sponsors
Committee Members
Commissioner's Office
Mike Bradner



Official Business

COMMITTEE:

Resources

DATE:

1/26/87

SIGN-IN

Subject of meeting:

HB 16

HB 19

NAME

ADDRESS

PHONE

REPRESENTING

DO YOU WANT TO TESTIFY?

NAME	ADDRESS	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?
<i>Rep. Rex Larson</i>				<i>yes</i>
<i>Barbara Hunt</i>	<i>C-502</i>		<i>Rep. CARSON</i>	<i>—</i>
<i>Linda Kinger</i>	<i>400 W.oughlay</i>	<i>465-2400</i>		<i>No</i>
<i>Gail Patton</i>	<i>204 No. Franklin, #3</i>	<i>586-2345</i>	<i>AK. Env. Lobby</i>	<i>Yes</i>
<i>Neil Johannsen</i>	<i>DNR Div. Parks</i>	<i>2400</i>	<i>DNR</i>	<i>off net</i>
<i>Judy Brady</i>	<i>Comm.</i>	<i>2400</i>	<i>DNR</i>	

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST:

Revision Date: March 4, 1987
 Title: Fees for use of state park facilities
 Sponsor: House Resources
 Requestor: House Finance

Bill Version: CSHB 16 (Finance)
 Publish Date: _____

Agency Affected: Natural Resources
 BRU: Park Management

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		28	30	34	34	34
TRAVEL		18	8	3	3	3
CONTRACTUAL		20	15	10	10	10
SUPPLIES		3	2	2	2	2
EQUIPMENT		27	20	10	10	10
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		96	75	59	59	59

CAPITAL						
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REVENUE		30	170	334	490	550
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FUNDING: (Thousands of Dollars)

GENERAL FUND		96	75	59	59	59
FEDERAL FUNDS						
OTHER						
TOTAL		96	75	59	59	59

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY		1	2	1	1	1

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Neil Johannsen
 Division: Parks and Outdoor Recreation

Phone: 465-2400
 Date: 2-1-87

Approved by Commission: C. Johnson for JMB
 Agency: Natural Resources

Date: 3/5/87

Distribution (by preparer):

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

Fiscal Note Information
for CSHB 16 (Finance)

Costs
FY88

personnel services \$28.0

- *increase existing Natural Res. Manager I position in charge of concessions and fees from 6 months to 12 months \$25.8
- *hire one seasonal Alaska Conservation Corps staff person or support a volunteer college intern through a \$15/day stipend cost is \$2.2

Travel \$18.0

- *statewide regulations hearings to adopt fee structure \$8.0
- *meetings & hearings on proposed concessions \$5.0
- *field inspections of concessions \$5.0

Contractual \$20.0

- *establish campground fee registration and payment systems at 20 campgrounds. \$1,000 per campground as follows:
 - signs \$200
 - Iron Ranger fee device \$350
 - lock device \$ 50
 - labor to install \$400

Supplies and Materials \$3.0

- *purchase of printed payment envelopes \$2.5
- *accounting and reporting forms \$0.5

Equipment \$27.0

- *install fee box device in park ranger vehicles to transport fees to park offices. Prevents tampering with funds
225 vehicles at \$680 per vehicle \$17.0
- *Safes and lock boxes for 10 area offices. Estimated cost is \$1.0 per office. \$10.0

Revenues
FY88

Fees:

Commercial Use Permits \$6.0 (120 at \$50 each)
Public Cabins \$5.0 (1986 level of revenues)

Concessions (Franchise Fee Payments)

Potter Section House \$10.5 (3% of \$350.0 gross receipts)
Rika's Roadhouse \$8.5 (3% of \$280.0 gross receipts)

estimated total revenue for FY88 is \$30.0

Future Revenues (campground fees are added and additional concessions and commercial use permits are established)

FY 89	\$170	FY 91	\$490
FY 90	\$334	FY 92	\$550

SPEECH
HOUSE RESOURCE COMMITTEE
HB 16
1-29-87

MR. CHAIRMAN, DISTINGUISHED MEMBERS OF THE HOUSE RESOURCES COMMITTEE, FOR THE RECORD MY NAME IS REPRESENTATIVE RAMONA BARNES AND I AM HERE TODAY TO SPEAK IN BEHALF OF HB 16 WHICH IS CURRENTLY BEFORE YOUR COMMITTEE. AS YOU ARE AWARE HB 16 PROVIDES THE DEPARTMENT OF NATURAL RESOURCES WITH THE AUTHORITY TO COLLECT A FEE FOR THE OVERNIGHT USE OF STATE PARK DEVELOPED CAMPSITES. I AM IN SUPPORT OF THIS BILL. IT PLACES A PART OF THE FINANCIAL BURDEN FOR THE UPKEEP OF THE CAMPSITES ON THE PRIMARY USERS--THE CAMPERS. THIS PRACTICE IS ENTIRELY APPROPRIATE AND IS IN CONFORMANCE WITH MOST STATES AND THE FEDERAL GOVERNMENT WHICH HAVE HISTORICALLY CHARGED USER FEE'S FOR THE USE OF THEIR CAMPGROUNDS.

ADDITIONALLY, THE IMPLEMENTATION OF THIS LEGISLATION IS OF PARTICULAR IMPORTANCE NOW BECAUSE, AS YOU ARE ALL AWARE, THE BUDGETARY SHORTFALLS WE ARE EXPERIENCING HAS SEVERELY RESTRICTED DNR'S ABILITY TO CONTINUE TO MAINTAIN AND UPKEEP THE PARKS AND CAMPSITES IN AN ADEQUATE MANNER.

THE INFLUX OF REVENUE FROM USER FEES WOULD CERTAINLY HELP ALLEVIATE THIS SITUATION.

FOR THESE REASONS I SUPPORT THE CONCEPT OUTLINED IN HB 16, BUT WOULD URGE THE COMMITTEE TO CONSIDER THE FOLLOWING COMMENTS WHILE MARKING IT UP IN COMMITTEE TODAY:

1- HB 16 RESTRICTS THE COLLECTION OF FEES TO OVERNIGHT USE OF DEVELOPED CAMPSITES. I AM IN FAVOR OF THIS LANGUAGE AS I FEEL THAT FEE'S SHOULD ONLY BE COLLECTED FOR OVERNIGHT USE OF A DEVELOPED CAMPSITES AND NOT FOR INDIVIDUALS OR GROUPS WHO USE THE FACILITIES ONLY DURING THE DAY (I.E. PICNICER, HIKERS, ETC).

2- HB 16 ALLOWS THE DEPARTMENT OF NATURAL RESOURCES TO SET A FEE FOR EACH CAMPING AREA USING THE 4 GUIDLINE SET FORTH IN SECTION (A)(1-4).

I AM IN FAVOR OF ALLOWING THE DEPARTMENT TO DEVELOP ITS OWN FEE SCHEDULE USING THE 4 GUIDLINES BUT WOULD URGE THE COMMITTEE TO ADD LANGUAGE WHICH WOULD PUT A \$5.00 CAP ON THE FEE CHARGED.

2

THE REASON FOR THIS FEE CAP IS THAT A PARTICULAR AREA MAY HAVE AN UNUSUALLY HIGH MAINTENANCE OR ADMINISTRATION COST, (BECAUSE OF ITS GEOGRAPHIC LOCATION OR THE NUMBER OF PERSONS USING IT), WHICH MAY CAUSE THE FEE IN THAT AREA TO BE PROHIBITIVELY HIGH. THIS WOULD DISCOURAGE PERSONS FROM USING WHAT MAY OTHERWISE BE A FAVORITE CAMPING AREA. BY PUTTING A CAP OF \$5.00 ON THE AMOUNT COLLECTED WE WOULD ACCOMPLISH TWO THINGS:

1- WE WOULD AVOID DISCRIMINATING BETWEEN PERSONS WHO COULD AFFORD TO PAY THE HIGHER FEE AND THOSE WHO CAN'T.

2- IT WOULD ENCOURAGE UNIFORM RATES THROUGHOUT THE PARK SYSTEM.

BECAUSE THE STATE PARKS ARE A PUBLIC ENTITY I FEEL VERY STRONGLY THAT ALL PERSONS SHOULD HAVE EQUAL ACCESS TO THEM REGARDLESS OF THE PERSONS ECONOMIC STATUS OR THE LOCATION OF A PARTICULAR CAMPSITE. FOR THIS REASON I ENCOURAGE THE COMMITTEE TO ADD LANGUAGE WHICH WOULD SET A CAP ON THE AMOUNT OF FEE CHARGED.

3- IT WAS MENTIONED IN THE LAST RESOURCE COMMITTEE MEETING THAT THE DEPARTMENT WOULD HAVE THE OPTION OF CREATING A SPECIAL FEE SCHEDULE FOR PERSONS OR GROUPS WHO USE THE PARK FACILITIES ON A MORE FREQUENT BASIS. I WOULD ENCOURAGE THE DEPARTMENT, THROUGH REGULATION TO ESTABLISH A WEEKLY, MONTHLY, OR ANNUAL PASS FOR PERSONS OR GROUPS WHO WOULD WANT TO PURCHASE ONE. THIS WOULD KEEP THE COST DOWN FOR FREQUENT USERS AND WOULD LOWER THE DEPARTMENT'S COSTS IN FEE COLLECTION.

4- IN '...' DRAFT LEGISLATION THE DEPARTMENT OF NATURAL RESOURCES HAS PROPOSED LANGUAGE WHICH WOULD ALLOW THE PARK SERVICE TO CONCESSIONAIRE OUT, THROUGH CONTRACT, CERTAIN PARK FACILITIES FOR PRIVATE ADMINISTRATION. THIS LANGUAGE IS PROPOSED BY THE DEPARTMENT BECAUSE IN CERTAIN INSTANCES PRIVATE MANAGEMENT OF A PARK UNIT IS MORE EFFICIENT THAN CONTINUED STATE MANAGEMENT.

NOT WITHSTANDING THE FACT THAT PRIVATE MANAGEMENT MAY BE MORE EFFICIENT THAN STATE MANAGEMENT OF CERTAIN PARK UNITS I AM OPPOSED TO THE ADDITION OF THIS LANGUAGE TO HB 16.

AS I MENTIONED PREVIOUSLY I VERY FIRMLY BELIEVE THAT OUR STATE PARKS ARE A PUBLIC ENTITY AND THAT THEY SHOULD REMAIN OPEN TO PUBLIC ACCESS REGARDLESS OF A PERSONS ECONOMIC STATUS. BY ALLOWING PRIVATE OPERATORS TO RUN CERTAIN PARK FACILITIES, USUALLY ON A PROFIT BASIS, WE OPEN THE DOOR TO COMMERCIALIZATION OF OUR PUBLIC PARKS--WHICH MAY ULTIMATELY DENY ECONOMICALLY DISADVANTAGED PERSONS ACCESS TO THESE FACILITIES. ADDITIONALLY, ALTHOUGH CONCESSION OPERATED UNITS WOULD BE REQUIRED TO MEET ALL STATE PARK MAINTENANCE REQUIREMENTS, ULTIMATE CONTROL AND SUPERVISION OF THE UNIT WOULD NO LONGER BE IN THE PARKS HANDS WHICH MAY IN THE END BE TO THE PARK SERVICE'S DISADVANTAGE.

5

FOR THESE REASONS I AM OPPOSED TO THE DEPARTMENTS PROPOSED CONCESSIONAIRE LANGUAGE AND URGE THE COMMITTEE NOT TO INCLUDE IT IN THE DRAFT BILL BEFORE YOU.

6- THE LAST COMMENTS I WOULD LIKE TO MAKE BEFORE THIS COMMITTEE DO NOT RELATE DIRECTLY TO HB 16, BUT THEY DO, I BELIEVE, RELATE TO THE DEPARTMENTS BUDGETARY CONCERNS WHICH IS PROBABLY WHAT PROMPTED THE INTRODUCTION OF HB 16 IN THE FIRST PLACE. THE FOLLOWING POINTS WHICH I AM PRIMARILY DIRECTING TOWARDS THE DEPARTMENT OF NATURAL RESOURCES, ARE SUGGESTIONS RELATING TO THE USE OF VOLUNTEER LABOR WITHIN THE PARKS, AND MAY OR MAY NOT REQUIRE LEGISLATIVE ACTION.

1- I WOULD ENCOURAGE THE DEPARTMENT OF NATURAL RESOURCES TO COORDINATE WITH THE DEPARTMENT OF LAW AND CORRECTIONS TO USE MINIMUM SECURITY PRISONERS (SUCH AS MISD., DWT, OFFENDERS) AS PARK WORKERS, AS WELL AS COURT REFERRED AND JUVENILE OFFENDERS.

2- IT IS SUGGESTED THAT THE DEPARTMENT ACTIVELY SOLICIT VOLUNTEERS AND DONATIONS FROM INDIVIDUALS AS WELL AS FROM ORGANIZED PRIMARY USER/INTEREST GROUPS SUCH AS:

A. THE SIERRA CLUB, FRIENDS OF THE EARTH, AUDIBON SOCIETY, FRIENDS OF CHUGACH STATE PARK, KAWANAS, AND LIONS CLUB, ETC.

B. OUTDOOR RECREATIONAL CLUBS SUCH AS SKIING, HIKING, MOUNTAINEERING, CANOEING, FISHING, WILDLIFE, PHOTOGRAPHY CLUBS HIGH SCHOOL OUTDOOR CLUBS, BOY SCOUTS AND GIRL SCOUTS.

C. PROFESSIONAL GUIDES, OUTFITTERS AND RETAIL OUTLETS.

3- IN ORDER TO ENCOURAGE INDIVIDUALS AND GROUPS TO VOLUNTEER THEIR SERVICES IT IS FURTHER SUGGESTED THAT THE DEPARTMENT MAKE AN EXCEPTION TO THE USER FEE REQUIREMENT. THIS EXCEPTION WOULD ALLOW INDIVIDUALS OR GROUPS WHO VOLUNTEER THEIR SERVICES TO BE EXEMPT FROM PAYING FEE'S ON A PRO-RATA BASIS.

FOR EXAMPLE:

- ONE DAY VOLUNTEER WORK AT THE PARK = 2-3 USER DAYS FREE.
- TWO DAYS VOLUNTEER WORK = A FREE MONTHLY PASS
- THREE DAYS VOLUNTEER WORK = A FREE SEASON'S PASS

THESE SUGGESTIONS, WHICH MAY INITIALLY INVOLVE MORE WORK FOR PARK SERVICE EMPLOYEE'S, COULD IN THE LONG RUN CREATE FAR REACHING RESULTS. AS THE DIVISION OF PARKS IS ALREADY AWARE, BECAUSE THEY CURRENTLY HAVE A SUCCESSFUL VOLUNTEER PROGRAM, VOLUNTEERS CAN MAKE A SIGNIFIGANT CONTRIBUTION TO THEIR PARK SYSTEM. THIS IN TURN HELPS TO LESSEN THE LOAD FOR PARK SERVICE PERSONNEL. I FEEL STRONGLY THAT A SUCCESSFUL PARK VOLUNTEER PROGRAM IS ONE OF THE KEYS WHICH WILL HELP THE DIVISION OF PARKS THROUGH ITS BUDGETARY CRISIS.

THANK YOU FOR YOUR TIME AND CONSIDERATION OF THESE COMMENTS AND I WOULD BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE.

MEMO

TO: Representative Sam Cotten
Co-Chair House Resources Committee

FROM: Representative Ron Larson *R.L.*
Original Sponsor of HB 19

DATE: January 21, 1987

SUBJ: Park User Fees Position Paper

The Park User Fee bill (HB 19) is my effort to ensure that fees can be collected at State Parks through a simple process. (I am envisioning a low maintenance "Iron Ranger" positioned in a park.)

I feel this proposed legislation is necessary and should be passed as expeditiously as possible. An effective date of July 1, 1987 seems suitable, in that it gives direction to the implementing agency. A concrete effective date will allow the affected agency to prepare a sufficient and systematic hearing schedule. The agency would then have a usable timetable for informing the public.

My bill is fairly simple in that it directs the managing agency to develop all specifics through subsequent regulations. I am not committed to the ceiling amount of \$5 per vehicle per day. However, I would like to see flexible fee amounts defined generally (daily, weekly, or monthly rates) so as to guarantee reasonable fee structuring.

I see HB 19 as compatible with HB 16 in terms of legislative intent.

MEMORANDUM

TO: Rep. Sam Cotten, Co-Chair
Rep. Adelheid Herrmann, Co-Chair
Members of the Resources Committee

FROM: Ned Farquhar, Staff *Ned*

SUBJECT: Campground fee bills (HB 16, HB 19)

DATE: January 23, 1987

Rep. Navarre's HB 16 and Rep. Larson's HB 19 on state park campground fees will be heard in Committee on Monday, January 26. Natural Resources Commissioner Brady will be at the meeting and Neil Johannsen, Director of Parks, should be on the telephone from Anchorage.

Background

There has been a lot of discussion of state park campground fees in recent years. During the Fourteenth Legislature, the House Resources Committee introduced a bill (HB 267) to institute the fees; the bill moved promptly through the House but was still in the Senate Finance Committee (CSHB 267 Res am) at the end of the session. When the issue came up during the Thirteenth Legislature, the only new authority to collect fees in state parks was provided for tours of historic sites (AS 41.35.045, attached).

Issues

Alaska is the only state without a campground fee program, even though much of the use of our campgrounds is by out-of-state visitors. Supporters of the fees believe that fees increase public responsibility for the parks and campgrounds, return revenues to the State, and can be instituted at a relatively low cost with low administrative overhead. Opponents believe that state park campgrounds should be turned over to private operators or owners who will then have to compete in the tourism market.

The bills

Both bills allow the Department of Natural Resources to establish campground fees. The slight differences in language describing capcities are not material.

HB 16 would establish a more flexible fee program, without a limit on the amount of the fee. However, in determining the fees, the Department would be required to justify them and

subject them to public scrutiny. It would be effective immediately. The bill contains repealers of existing statutory language (copies attached) prohibiting the collection of fees in state park campgrounds (AS 28.10.411(e) and associated language (AS 41.35.045(b))).

HB 19 is a simpler bill, leaving unstated any considerations that would be required of the Department in establishing the fees. The effective date would coincide with the beginning of the new fiscal year. The bill does not include the repeal of AS 28.10.411(e), exempting cars with Alaska license plates from fees.

Fiscal impacts

The costs of the bills are to comply with the administrative requirements for promulgation of regulations, to install fee collection devices, and to administer the collection process. There would be no personal services costs.

Agency concerns

1. In the past, the Department has proposed that the fee program be included in the state's program receipts authorization. This would allow better maintenance of campgrounds and would assure a direct relationship between the collection of fees and campground conditions. Because there are conditions and other fee-collection language in statute, the development of program receipt language could be complicated.

2. The Department is interested in expanding beyond campground fees into concessions and other revenue-raising measures (boat launches, picnic and parking areas, food and lodging, gifts and other goods and services). If this is discussed and advanced, it would be a good idea to assure that there are public-interest and park protections explicitly stated in the statute (i.e., hearings/notice, market-value and assured revenue to the State, park value protections, implementing regulations, and public preliminary and final best-interest findings).

Attachments

Rep. Navarre has provided a letter from Chugach Park Advisory Board members who believe that user fees will benefit the park and users (p.2). Rep. Larson's staff has prepared a comparative analysis of the bills.

Chapter 30. Area Redevelopment.

1NW1/4, W1/2-
1/4NW1/4, SE1/4-
SW1/4SE1/4,
1/4NE1/4SE1/4.

eridian
SW1/4NW1/4,
1/4NE1/4SE1/4,
eridian
1/4SE1/4NE1/4
1/4NW1/4, E1/2-
NW1/4NE1/4.

1/4
1/4SW1/4SW1/4,
1/4SE1/4, NE1/4-
1/4, NW1/4SE1/4-
1/4NE1/4NW1/4
1/4SW1/4, NW1/4-
1/4SE1/4, S1/2-
1/4, S1/2NE1/4-

1/4
NW1/4NW1/4-

AS 41.35.045 (a-b)

HISTORIC SITES
GUIDED TOUR FEE
(1984)



Sec. 41.35.045. Fees for guided tours through historical sites.
a) The department may establish and collect fees for guided tours through historical sites.

b) The exemption from fees in AS 28.10.411(e) is not applicable to this section. (§ 1 ch 84 SLA 1984)

Revisor's notes. — Enacted as AS 41.021. Renumbered in 1984.

Sec. 41.35.180. Duties of committee. The committee shall
1) develop criteria for the evaluation of state monuments and historic sites and all real and personal property which may be considered to be of historic, prehistoric or archeological significance as would justify their acquisition and ownership by the state;
2) cooperate with the department in formulating and administering a statewide historic sites survey under 16 U.S.C. 470-470n (P.L. 89-665, National Historic Preservation Act of 1966):

supplement 159

(e) Notwithstanding any other provision of law, the fees paid for registering a vehicle under AS 28.10.421(b)(1), (2), (5), (6) or (d) shall include all fees required for entry into and use of a state park or campground. (§ 7 ch 178 SLA 1978; am § 85 ch 6 SLA 1984)



AS 28.10.420(e)
EXEMPTION FROM
PARK FEES FOR
ALASKA VEHICLES

6) a two- or four-wheeled trailer not used or maintained for the transportation of persons or property for hire or for other commercial use, including, but not limited to, a boat trailer, baggage trailer, box trailer, utility trailer or house trailer \$ 5.

c) The annual registration fees under this subsection are imposed and are based upon the actual unladen weight as established by the manufacturer's advertised weight or upon the actual weight which the owner shall furnish, subject to the approval of the commissioner or the commissioner's representative, for a vehicle, including a motor vehicle pulling a trailer or semi-trailer, used or maintained for the transportation of passengers for hire, excepting taxicabs and buses under (b) of this section, or for the transportation of property for hire or for other commercial use, including a commercial vehicle such as a trailer, semi-trailer, truck, wrecker, tow car, hearse, ambulance, and tractor, as follows:

- 1) up to and including 5,000 pounds \$45;

178 31
SI and 311

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SI and 311

178 31
SI and 311

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SI and 311

178 31
SI and 311

file HB16

December 8, 1986

Representative Mike Navarre
312 Tyee Street
Soldotna, Alaska 99669

Re: Economic importance of Chugach State Park
Harmful effects of Chugach State Park budget cuts
Support for Chugach State Park funding

Dear Representative Navarre:

As members of the Chugach State Park Citizen's Advisory Board, we have become increasingly concerned about the effects of State budget cuts on the Park. Enclosed is a copy of a report documenting these effects. Also enclosed is a copy of an article by Bill Sherwonit of the Anchorage Times, providing further information about the problems caused by budget cuts.

Chugach State Park is very heavily used both by Alaska residents and by visitors to Alaska. Use of the Park has been rising steadily. The Park has enormous potential for aiding the development of tourism in Alaska.

Although the task of managing and protecting Chugach State Park has grown as the number of visitors has increased, the Park operating budget has been cut by 29 percent over the past two years. Due to these budget cuts, essential maintenance is not being performed; law enforcement, search and rescue, and interpretation have all but ended; and facilities are being closed. The newly completed Potter Section House--the single most visible facility in the Park--was closed two days after it was dedicated, since there are no new funds to operate it. Without ranger patrols, damage due to vandalism and illegal ATV use is increasing. In addition, capital projects necessary to prevent severe environmental degradation are not being undertaken. The results of this degradation will be with us and our children for decades.

In response to this situation, the Chugach State Park Citizen's Advisory Board passed a unanimous resolution at its October meeting that "No more cuts should be made to the operating budget of Chugach State Park."



CHUGACH STATE PARK CITIZENS' ADVISORY BOARD

We are well aware that the State of Alaska is facing severe reductions in revenues, that cuts have been made throughout state government, and that further significant cuts will be necessary. Nevertheless, we feel that it is essential that the State continue to fund the Chugach State Park budget at a level necessary to prevent degradation of the environment, to protect public safety, and to encourage continued growth of the tourism industry.

Parks have the potential to provide revenues for the state through user fees such as campground fees. Alaska is the only state in the union which does not currently collect campground fees. We urge you to support legislation which would permit the collection of campground fees.

Most importantly, we urge you to work for the protection of funding for the Chugach State Park operating budget.

Shaun McCisna, Chair Sincerely,

Murray Knapp

Tom C... ..

Mark Shih

James C Beck

Mark Hickok

Tom Meacham

Susan Plough

Members, Chugach State Park
Citizens' Advisory Board

Enclosures



CHUGACH STATE PARK CITIZENS' ADVISORY BOARD



Official Business

Alaska State Legislature

House of Representatives

Pouch V
State Capitol
Juneau, Alaska 99811

DATE: January 21, 1987
TO: Representative Sam Cotten
FROM: Representative Ron Larson *R.L.*
RE: Working memo comparing House Bills 16 and 19

As co-chair of the House Resources Committee, I thought you might be interested in the attached memo completed by one of my staff. The memo compares House Bills 16 and 19, both of which propose establishing park user fees.

DATE: January 20, 1986

TO: Representative Ron Larson

FROM: Larry Bussone

SUBJ: Comparison of House Bills 16 and 19 (park user fees)

Following is a comparison of House Bill No. 16 ("their bill"), sponsored by Representatives Navarre, Koponne, Swackhammer, Brown, and Goll, and House Bill No. 19 ("your bill"), sponsored by Representatives Ellis, Menard, and Larson.

(1) Both bills propose amending AS 41.21 to provide for park user fees.

(2) The placement of the proposed amendments varies. Both place the amendment within "Chapter 21. Parks and Recreational Facilities." and "Article 1. Administration." Their bill proposes the amendment at AS 41.21.023, which would be between "AS 41.21.020. Duties of Department of Natural Resources." and "AS 41.21.025. Zoning of private land within state parks." Your bill places the amendment at AS 41.21.050, which is at the end of Article 1.

(3) Their bill proposes that "The department . . . establish and collect fees for the overnight use of state park developed campsites." Your bill proposes that "The commissioner may, by regulation, establish a fee for the use of an improved campsite within a state park or recreation area" and later provides for developing procedures for collecting fees. I assume that the "department" and the "commissioner" are essentially the same. Both provide for the collection of fees. Their bill establishes fees for "the overnight use of state park developed campsites"; yours establishes fees for "an improved campsite within a state park or recreation area." I don't know if there is an important difference between the two, or if one is preferential to the other.

(4) Both bills call for the establishment of fees through regulations. The major difference between the bills is that their bill calls for considering four factors when setting fees: (a) the cost to the state of operating the facility; (b) the fees charged for the use of a similar facility by a nongovernmental entity; (c) the cost of

administering a fee collection program for the facility; and (d) the public interest. Your bill simply says that the fee may not exceed \$5 per vehicle per day.

(5) Their bill defines "developed campsite" and "state park"; yours does not.

(6) Their bill calls for the repeal of AS 28.10.411(e) ("Notwithstanding any other provision of law, the fees paid for registering a vehicle under AS 28.10.421(b)(1), (2), (5), (6) or (d) shall include all fees required for entry into and use of a state park or campground.") and AS 41.35.045(b) ("The exemption from fees in AS 28.10.411(e) is not applicable to this section." [The section establishes fees for guided tours through historical sites.]). Yours does not.

(7) Their bill calls for an immediate effective date under AS 01.10.070(c). Your bill calls for an effective date of July 1, 1987.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

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

January 23, 1987

The Honorable Adelheid Herrmann, Co-Chairwoman
The Honorable Sam Cotten, Co-Chairman
House Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representatives Herrmann and Cotten:

Subject: HB 16 which relates to the levy and collection of fees for the use of state park facilities.

Response: The Department of Natural Resources strongly supports the concept of charging a fee for the use of developed state park or recreation area campsites.

Background: The Alaska State Park System is the only one in the nation that does not levy user fees for its facilities. Within Alaska, the U.S. Forest Service, National Park Service, Fish and Wildlife Service, Bureau of Land Management, and several municipalities all charge fees for campground use.

While the department currently charges fees for overnight use of cabins and for special or commercial use permits for parks and recreation areas, a motor vehicle statute AS 28.10.411(e) (copy enclosed) effectively prevents us from charging campsite fees for any vehicle registered in Alaska.

Recommendations: We recommend several additions to this bill to accommodate the realities of operating park and recreation areas with a reduced budget. Our proposed amendments would also allow continuation of existing park fee programs that may otherwise "sunset" this year as a result of last year's procurement bill (HB 696).

1. Expand the list of facilities for which fees can be charged to include public use cabins or other overnight lodging rentals, special park use permits, and non-competitive and non-exclusive commercial use permits. We currently charge fees for these uses but will be prevented from doing so on July 1, 1987, unless

these charges are specifically authorized by statute. We would prefer that a limitation on the dollar amount of fees not be included in the bill. Fees could be established by regulation, in consideration of the public interest.

2. Add a new section to allow concessionaires who contract with the department for operation of park or recreation areas to charge fees for day-uses as well as camping. There are some park campground facilities that could be successfully operated by the private sector if fees for boat launching, parking for access to boat launching facilities, lodging, food and other goods and services could be charged. The following language would achieve that purpose:

Notwithstanding the provisions of subsection (a) above, concessionaires operating park facilities under contract with the state may levy fees for activities including but not limited to: use of boat launch facilities, picnic areas, parking for access to water-based recreation opportunities, overnight lodging, food, gifts and other goods or services.

3. Add a new section to allow collected park fees to be appropriated to the department to help fund park and recreation area operations. The following language would establish this park "program receipts" authority for the department:

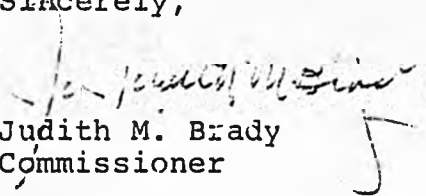
Revenues collected by the state under this subsection shall be deposited in the general fund. The commissioner of administration shall separately account for revenues collected and deposited by the commissioner under this subsection. The annual estimated balance in the account may be appropriated by the Legislature to the Department of Natural Resources to carry out the purposes of AS 41.21.020.

Conclusion: Enacting a park fee bill will allow those who use costly park facilities to help pay for their maintenance and development. In addition, allowing the state to charge camping or recreational use fees will eliminate the unfair competition that now exists with private campground owners who must charge fees to stay in business.

January 23, 1987

I have enclosed a draft park fee bill which incorporates the ideas contained within HB 19 and the department's recommendations into one. I have also provided a briefing paper related to this draft bill. Please let me know if I may provide additional information about park user fees.

Sincerely,


Judith M. Brady
Commissioner

Enclosures

cc: Sponsors
Committee Members
Neil Johannsen
Mike Bradner

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version : HB 16
Publish Date : _____

Revision Date: _____

Agency Affected: Natural Resources
BRU: Parks Management

Title: Fees for use of state parks facilities

Sponsor: Navarre

Components : _____

Requestor: House Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		0	0			
TRAVEL		12.0	6.0	3.0	3.0	3.0
CONTRACTUAL		30.0	15.0	7.0	7.0	7.0
SUPPLIES		3.0	2.0	2.0	2.0	2.0
EQUIPMENT		40.0	20.0	10.0	10.0	10.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		85.0	43.0	22.0	22.0	22.0
CAPITAL						
REVENUE		0	300.0	400.0	450.0	550.0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Start-up costs for fabrication and installation of "Iron Ranger" collection facility, signs, site preparation, brochures and payment envelopes, administrative supplies, money safe, public notices and information. Phase is over 2-3 year period to cover 110 park units with 1,700 campsites. Maintenance and replacement costs one-fourth of start-up cost.

Prepared by: Neil C. Johannsen Phone: 762-4505
Division: Parks and Outdoor Recreation Date: 1/21/87

Approved by Commissioner: William D. Zornow, Deputy Date: 1/21/87
Agency: Natural Resources

Distribution (by preparer):

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

title fee required under § 441 of this chapter, the department shall issue a new certificate of title. (§ 7 ch 178 SLA 1978)

Article 5. Fees and Charges.

Section
411. Registration fees levied
421. Registration fee rates

Section
431. Annual motor vehicle registration tax
441. Schedule of other fees and charges

Sec. 28.10.411. Registration fees levied. (a) For every year during any part of which a vehicle is subject to registration under this chapter, a registration fee shall be paid to the department at the time of original registration and at each annual renewal of registration after that time.

(b) Motor carrier and bus transportation fees paid on vehicles subject to the Alaska Motor Freight Carrier Act (AS 42.10) and the Alaska Bus Act (AS 42.15) shall be paid to the department at the same time the registration fee is paid.

(c) A resident 65 years of age or older is entitled to an exemption from tax under this section for one motor vehicle subject to registration. No exemption may be granted except upon written application for the exemption on a form prescribed by the department.

(d) The Department of Community and Regional Affairs shall pay to the borough and to the city in which a person who is granted an exemption under (c) of this section resides an amount equal to the tax levied under § 431(b) of this chapter regardless of whether the borough or city is eligible for the tax levied under that section.

(e) Notwithstanding any other provision of law, the fees paid for registering a vehicle under § 421(b)(1), (2), (5), (6) or (d) of this chapter shall include all fees required for entry into and use of a state park or campground. (§ 7 ch 178 SLA 1978)

Sec. 28.10.421. Registration fee rates. (a) Unless otherwise provided by law, the fees prescribed in this section shall be paid to the department at the times provided under §§ 101—111 of this chapter.

(b) The annual registration fees under this subsection are imposed within the following classifications for:

- (1) a passenger vehicle or motor home not used or maintained for the transportation of persons or property for hire or for other commercial use \$30;
- (2) a pick-up truck or a van not exceeding 6,000 pounds unladen weight and not used or maintained for the transportation of persons or property for hire or for other commercial use \$35;
- (3) a taxicab \$65;
- (4) a motor bus with a seating capacity for 20 or more persons and used exclusively for commercial purposes in the transporting of visitors or tourists \$80;
- (5) a motorcycle or a motor-driven cycle \$15;

Statute which prohibits the charging Alaska residents for entering or using a state park or campground

IN THE LEGISLATURE OF THE STATE OF ALASKA
FIFTEENTH LEGISLATURE-FIRST SESSION
A BILL

TITLE: For an Act entitled:

"An Act relating to the levy and collection of fees for the use of state park facilities; and providing for an effective date."

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

*Section 1. AS 41.21 is amended by adding a new section to read:

Section 41.20.023. FEES FOR THE USE OF STATE PARK FACILITIES: (a) The department may by regulation establish and collect fees for the following activities:

- (1) public use cabin or other overnight lodging rentals;
- (2) overnight use of a developed campsite;
- (3) special park use permits;
- (4) non-competitive and non-exclusive commercial use permits, and;
- (5) guided tours of historic sites.

(b) When setting these fees, the department shall consider at public hearings:

- (1) the cost to the state of operating the facility or managing the activity;
- (2) the fees charged for the use of a similar facility or activity by a non-governmental entity;
- (3) the cost of administering a fee collection program for the facility or activity; and
- (4) the public interest.

(c) Notwithstanding the provisions of subsection (a) above, concessionaires operating park facilities under contract with the state may levy fees for activities including but not limited to: use of boat launch facilities, picnic areas, parking for access to water-based recreation opportunities, overnight lodging, food, gifts and other goods or services.

(d) Revenues collected by the state under this subsection shall be deposited in the general fund. The commissioner of administration shall separately account for revenues collected and deposited by the commissioner under this subsection. The annual estimated balance in the account may be appropriated by

the legislature to the Department of Natural Resources to carry out the purposes of AS 41.21.020. section.

(e) In this section

(1) "developed campsite" means a campsite having access to the following public facilities: restrooms, an picnic table, an outdoor cooking facility, and an approved water source;

(2) "state park" has the meaning given in AS 38.04.910.

*Sec. 2. AS 28.10.411(e), AS 41.35.045 and AS 41.21.030 are repealed.

* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.070(c).

Introduction

The state has constructed over 1,700 campsites and many other recreational facilities in 110 units of the state park system. These campsites are one of the states most popular recreation attractions, serving Alaskans and visitors to Alaska alike. This investment in outdoor recreation in Alaska serves the state's visitor industry as well as the outdoor recreation needs of Alaskans.

Background

Of the 40 state park systems in the United States, Alaska stands alone in not levying any entry or user fees for its facilities. Within Alaska the U.S. Forest Service, National Park Service, Fish & Wildlife Service, the BLM, and several Municipalities charge fees in campgrounds. Alaska State Parks had a limited fee program until 1978.

In 1978 the Alaska Legislature passed a somewhat obscure piece of legislation in a body of law dealing primarily with motor vehicles. As 28.10.411(e) says that if you have an Alaska license plate on your car, you do not have to pay fees for use of a state park or campground. The only exception to this is a fee allowed for guided tours of historic parks.

In the last four years Alaska State Parks has unsuccessfully supported numerous bills that would allow implementation of a fee system. With short state budgets and falling oil revenues it is even more critical than ever to pass a fee bill this year. Revenues from facility fees will supplement the cost of operating state park units. Projected revenues for the first year of the fee program are \$100,000 in the first year, and may be as high as \$500,000 within the first five years. The program will reduce state subsidy of an important but expensive program.

Summary of Attached Bill

The attached bill allows Alaska State Parks to implement a fee program for state park campsites, public use cabins, and park use permits. The bill also allows the division to establish concession contracts with private operators if private management of a park unit is more efficient than continued state management. Revenues collected would be used by the Division to help pay for maintaining and operating the parks.

Implementation of the Fee Program

Research tells us that the "Iron Ranger", a self-registration and fee deposit system, is probably the most effective method of fee collection for most Alaska State Park units. Staff time needed to operate the system is minimal, installation is quite inexpensive, maintenance is limited, and user compliance with the system elsewhere is quite high. By using Campground Hosts (volunteers) to contact campers, we expect to increase user compliance and understanding of the fee system.

Fees for campsites would probably be six to eight dollars for a developed site with water, toilet, table and firepit, and three to five dollars for more primitive sites. Backcountry camping would stay free.

In the first year of the fee program the Division intends to implement fee collection systems at many of our major park campgrounds, and concession operation of several others. Concession operated units would meet all state park maintenance guidelines but could offer additional services such as retail sales of food and supplies, boat and equipment rentals, and park tours. Fees for concession operated units and payments to the state by private operators will be established by competitive bid.

Signs, bulletin boards, brochures, and personal contacts with campers will all be designed to increase understanding about the park unit and make park visitors comfortable with the fee program.

User and Public Reaction

More than half of the campground users will pay without hesitation. In other locations in Alaska 80% compliance has been recorded and this is increased to 92% compliance with limited staff or volunteer contact. After the first year of implementation park visitors will probably be accepting of the program. Some research in other park systems shows that vandalism in campgrounds with fees is significantly reduced.

Most private campground operators in Alaska favor the idea of a state park fee program. Private operators have long felt that free state campgrounds constitute unfair competition with their businesses.

State Park Fee Bill (DPOR Draft - 12/16/86)

1. Campground Fee System

	<u>Authorization Needed</u>	<u>Revenues Expected</u>
FY-88	87.4	108.6
FY-89	65.0	170.0
FY-90	50.0	210.0

2. Concession Operated Park Units

FY-88	14.0	25.0
FY-89	10.0	40.0
FY-90	10.0	60.0

(Concession operated park units allow the division to realize savings in maintenance and operations budgets in addition to the payments to the state above)

Legislative authorization to spend revenues generated by the fee program will help to defray the cost of park operation and maintenance. In addition the savings realized from concessioner maintenance will allow the division to keep park units open that otherwise would have services reduced due to budget constraints.

AMENDMENT ONE - HB 16 (1/29/87)

For concessions:

1. Change the title by adding after "facilities":
and allowing for contract operation of some park facilities

2. Insert after p.1, line 25:

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

41.21.024. CONTRACT OPERATION OF FACILITIES IN STATE PARKS. (a) The commissioner may allow concessionaires to operate park facilities under contract. These facilities may include but are not limited to boat launches, lodges, and food and gift shops. The department may not allow the collection of fees for ordinary park uses such as streamside fishing, walking, swimming, or picnicking, or for automobile parking associated with these uses.

(b) In considering concession proposals and choosing concession operators, the commissioner shall assure the protection of park values and resources and the maintenance of a high-quality environment and recreation experience.

(c) Prior to entering into a contract for operations in a state park, the commissioner shall:

(1) determine the services or goods sought from a concessionaire;

(2) assess the qualifications of bidders to meet required standards of performance;

(3) determine terms and conditions including fair and equitable return to the state expected from a concession operator;

(4) retain control over the level of fees to prevent unreasonable or excessive charges for essentially public services;

(5) retain control over the design and appearance of facilities;

(6) provide special consideration as appropriate for visitors with special circumstances, including but not limited to handicapped persons, senior citizens, and schoolchildren;

(7) issue public notice on a proposed contract and hold public hearings in response to public demand; and

(8) find that the proposed contract will be in the best interests of the state and the park system, and is consistent with any applicable park management plan.

(d) The commissioner ^{may} shall adopt regulations for the implementation of this section.

2. Renumber following sections accordingly.

AMDM I - cont

3

AMENDMENT TWO - HB 16 (1/29/87)

For program receipts:

Use State parks' draft, but place at the end of existing AS 41.21.030 (per legislative drafting request).

1. Insert after p.1, line 25:

* Sec. 3. AS 41.21.030 is amended to read:

Sec. 41.21.030. Disposition of funds. (a) Except as provided in (b), (a)ll money received from the operation of parks and recreational facilities, including money from concessions, rentals, or donations, shall be deposited in the general fund of the state.

(b) Revenues collected by the state under AS 41.21.023 shall be deposited in the general fund. The commissioner of administration shall separately account for revenues collected and deposited by the commissioner under this subsection. The annual estimated balance in the account may be appropriated by the Legislature to the Department of Natural Resources to carry out the purposes of this chapter.

2. Delete "(b)" on line 26.

28. 10. 411(e)

3. Renumber following sections accordingly.

AMENDMENT II

4

AMENDMENT THREE - HB 16 (1/29/87)

To include cabins and special use permits in fee
collections:

1. Insert on p.1, line 12 after "for":
special park use permits allowing noncompetitive,
nonexclusive commercial uses and for
2. Insert on p.1, line 13 after "state park":
cabins and

A M E N D M E N T

Offered in the HOUSE

TO: HB 16

Page 1, following line 20, insert:

"(b) The commissioner of administration shall separately account for fees collected under this section and deposited under AS 41.21.030. The annual estimated balance in the account may be used by the legislature to make appropriations to the department to carry out the purposes of this chapter."

Page 1, line 21, delete "(b)" and insert "(c)"

Hogman

A M E N D M E N T S

Offered in House Resources

To: CSHB 16

Page 2, line 15, change (c) to read "Before allowing a contractor to operate a facility in a unit of the state park system, the commissioner shall determine that the service is related to and will further the appreciation of the natural, historical or cultural values for which the unit was established.

Page 2, after line 29, insert (6) "determine that the proposed contact does not interfere with the existing public use and enjoyment of the park.

Page 3, line 14, change the word "may" to "shall"

Page 3, line 15, add the following after the word "section": "and the regulations shall be enacted prior to the commissioner entering into any contracts."

MASTER

5-0206B
Bannister
1/30/87

*- Mike Frank -
teletype -*

Original sponsors: Navarre, Koponen,
Swackhammer, et al.

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 16 (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 the levy and collection of fees
7 for the use of state park system facilities and the
8 contractual operation of facilities of the state park
9 system; and providing for an effective date."

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

11 * Section 1. AS 41.21 is amended by adding new sections to read:

12 Sec. 41.21.027. FEES FOR THE USE OF STATE PARK SYSTEM FACILI-
13 TIES. (a) The department may by regulation establish and collect
14 fees for the

15 (1) rental of public use cabins or other overnight lodg-
16 ings;

17 (2) overnight use of a developed campsite;

18 (3) special park use permits;

19 (4) noncompetitive and nonexclusive commercial use permits;

20 and

21 (5) guided tours of historic sites.

22 (b) When setting fees under (a) of this section, the department
23 shall consider at public hearings

24 (1) the cost to the state of operating the facility or
25 managing the activity;

26 (2) the fees charged for a similar facility or activity by
27 a nongovernmental entity;

28 (3) the cost of administering a fee collection program for
29 the facility or activity; and

1 (4) the public interest.

2 (c) In this section, "developed campsite" means a campsite
3 having access to the following public facilities:

4 (1) restrooms;

5 (2) a picnic table;

6 (3) an outdoor cooking facility; and

7 (4) an approved water source.

8 Sec. 41.21.028. CONTRACTUAL OPERATION OF FACILITIES IN THE STATE
9 *In accordance w/ AS 36.30* ~~CONTRACTUAL OPERATION OF FACILITIES IN THE STATE~~
10 PARK SYSTEM. (a) The commissioner may allow contractors to operate
11 facilities in the units of the state park system.

12 (b) Before allowing a contractor to operate a facility in a unit
13 of the state park system, the commissioner shall determine that the
14 operation would protect park values and resources and maintain a
15 high-quality environment and recreation experience.

16 (c) Before the state enters into a contract under AS 36.30 for
17 the operation of a facility, the commissioner shall

18 (1) determine the services or goods that the contractor is
19 to provide;

20 (2) assess the ability of the proposals or bids to meet the
21 standards of performance established by the commissioner;

22 (3) establish the terms and conditions of the contract,
23 including a provision that the contractor shall provide the state, in
24 money or services, with a fair and equitable portion of the
25 contractor's receipts from the operation of the facility;

26 (4) issue notice to the public on the proposed contract and
27 hold public hearings as appropriate to respond to public demand; and

28 (5) determine that the proposed contract is in the best
29 interest of the state and the state park system, and is consistent
with any applicable park management plan.

1 (d) A contract to operate a facility under this section must
2 provide that

3 (1) the department retains control over the

4 (A) level of fees, in order to prevent unreasonable or
5 excessive charges for essentially public services;

6 (B) design and appearance of facilities;

7 (2) the contractor accommodate, as appropriate, those
8 visitors with special circumstances, including handicapped persons,
9 senior citizens, and school children.

10 (e) Users of the park who do not choose to use the facilities
11 run by contractors may not be charged fees for ordinary park uses,
12 including fishing, hunting, walking, swimming, picnicking, or automo-
13 bile parking associated with an ordinary park use.

14 (f) The commissioner may adopt regulations to implement this
15 section.

16 (g) In this section, "facilities" includes campgrounds, boat
17 launches, lodges, food service operations, and gift shops.

18 * Sec. 2. AS 28.10.411(e) and AS 41.35.045 are repealed.

19 * Sec. 3. This Act takes effect July 1, 1987.
20
21
22
23
24
25
26
27
28
29

5-0206B
Bannister
2/2/87

Original sponsors: Navarre, Koponen,
Swackhammer, et al.

*new language ~~of~~
since Monday 2/2 is
bracketed in the
left margin.*

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 16 (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 the levy and collection of fees
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. AS 41.21 is amended by adding new sections to read:

12 Sec. 41.21.027. FEES FOR THE USE OF STATE PARK SYSTEM FACILI-
13 TIES. (a) The department may by regulation establish and collect
14 fees for the

15 (1) rental of public use cabins or other overnight lodge-
16 ings;

17 (2) overnight use of a developed campsite;

18 (3) special park use permits;

19 (4) noncompetitive and nonexclusive commercial use permits;

20 and

21 (5) guided tours of historic sites.

22 (b) When setting fees under (a) of this section, the department
23 shall consider at public hearings

24 (1) the cost to the state of operating the facility or
25 managing the activity;

26 (2) the fees charged for a similar facility or activity by
27 a nongovernmental entity;

28 (3) the cost of administering a fee collection program for
29 the facility or activity; and

1 (4) the public interest.

2 * [(c) The commissioner of administration shall separately account
3 for fees collected under this section and deposited under AS 41.21.-
4 030. The annual estimated balance in the account may be used by the
5 legislature to make appropriations to the department to carry out the
6 purposes of this chapter.

7 (d) In this section, "developed campsite" means a campsite
8 having access to the following public facilities:

- 9 (1) restrooms;
- 10 (2) a picnic table;
- 11 (3) an outdoor cooking facility; and
- 12 (4) an approved water source.

*Survival
Resource*

13 Sec. 41.21.028. CONTRACTUAL OPERATION OF FACILITIES IN THE STATE
14 PARK SYSTEM. (a) The commissioner may allow contractors to operate
15 facilities in the units of the state park system.

16 (b) Before allowing a contractor to operate a facility in a unit
17 of the state park system, the commissioner shall determine that the
18 operation would protect park values and resources and maintain a
19 high-quality environment and recreation experience.

20 (c) Before the state enters into a contract under AS 36.30 for
21 the operation of a facility, the commissioner shall

- 22 (1) determine the services or goods that the contractor is
- 23 to provide;
- 24 (2) establish the terms and conditions of the contract,
- 25 including a provision that the contractor shall provide the state, in
- 26 money or services, with a fair and equitable portion of the contrac-
- 27 tor's receipts from the operation of the facility;

28 * [(3) set the length of the contract after considering the
29 useful life of any facility to be constructed by the contractor;

1 (4) issue notice to the public on the proposed contract and
2 hold public hearings as appropriate to respond to public demand;

3 (5) assess the ability of the proposals or bids to meet the
4 standards of performance established by the commissioner; and

5 (6) determine that the proposed contract is in the best
6 interest of the state and the state park system, and is consistent
7 with any applicable park management plan.

8 (d) A contract to operate a facility under this section must
9 provide that the

10 (1) department retains control over the

11 (A) level of fees, in order to prevent unreasonable or
12 excessive charges for essentially public services;

13 (B) design and appearance of facilities;

14 (2) contractor accommodate, as appropriate, those visitors
15 with special circumstances, including handicapped persons, senior
16 citizens, and school children;

17 (3) operation of the facility is subject to regular review
18 and inspection by the commissioner;

19 (4) contract shall be terminated if the contractor fails to
20 protect park values and resources or fails to maintain a high-quality
21 environment and recreation experience in accordance with (b) of this
22 section as embodied in the contract.

23 (e) Users of the park who do not choose to use the facilities
24 run by contractors may not be charged fees for ordinary park uses,
25 including fishing, hunting, walking, swimming, picnicking, or automo-
26 bile parking associated with an ordinary park use.

27 (f) The commissioner shall

28 (1) regularly review and inspect the operations of each
29 contractor;

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confid

(2) allow public review before a contract under this section is renewed or extended;

(3) report annually to the legislature on the operation of facilities under this section, including

(A) concessions;

(B) new or expiring contracts over \$25,000;

(C) violations of contract standards during the previous year.

(g) The commissioner may adopt regulations to implement this section.

(h) In this section, "facilities" includes campgrounds, boat launches, lodges, food service operations, and gift shops.

* Sec. 2. AS 28.10.411(e) and AS 41.35.045 are repealed.

* Sec. 3. This Act takes effect July 1, 1987.

Alaska State Legislature

ARLISS STURGULEWSKI, Chairman
TIM KELLY, Vice Chairman
RICK HALFORD
MIKE SZYMANSKI
FRED ZHAROFF



P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4989

Senate Community and Regional Affairs Committee

TO: Senate C&RA Members

April 23, 1987

FROM: Senate C&RA Staff

ME

RE: CSHB 16 (C&RA) - Relating to the levy and collection of fees for the use of state park system facilities; relating to contracts for services and facilities in the state park system; and providing for an effective date

Attached is a copy of the proposed CS for HB 16. Also attached is the mark up on the house bill so you may clearly see the changes. The CS was prepared in conjunction with the Division of Parks, legal services, the AG's office, and staff of other representatives and senators, including the original sponsor.

Staff will review the changes and the reason for them at the meeting. Please bring your previously distributed packet to the meeting.

NED,

FOR YOUR INFO.

— AL MEINERS

5-0206N
Bannister
4/23/37

Original sponsors: Navarre, Koponen,
Swackhammer, et al.

1 IN THE HOUSE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 16 (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 the levy and collection of fees
7 for the use of state park system facilities; relating
8 to contracts for services and facilities in the state
9 park system; and providing for an effective date."

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

11 * Section 1. AS 41.21 is amended by adding new sections to read:

12 Sec. 41.21.026. FEES FOR THE USE OF STATE PARK SYSTEM FACILI-
13 TIES. (a) The department may charge or collect a fee in a park unit
14 for

- 15 (1) rental of public use cabins or other overnight lodg-
- 16 ings;
- 17 (2) overnight use of a developed campsite;
- 18 (3) special park use permits;
- 19 (4) noncompetitive and nonexclusive commercial use permits;
- 20 (5) use of a sewage holding tank dump station;
- 21 (6) guided tours of historic sites; and
- 22 (7) use of an improved boat ramp in a park facility devel-
- 23 oped principally for boat launching.

24 (b) The department may not charge or collect a fee for an ordi-
25 nary use of a park unit or the use of a restroom in a park unit.

26 (c) The department shall establish the fees that may be charged
27 or collected under (a) of this section by regulation. Before setting
28 the fees, the department shall consider at public hearings

- 29 (1) the cost to the state of operating the facility or

1 managing the activity;

2 (2) the normal fees charged for similar facilities or
3 activities by governmental and nongovernmental entities;

4 (3) the cost of administering a fee collection program for
5 the facility or activity; and

6 (4) the public interest.

7 (d) In this section, "developed campsite" means a campsite
8 having access to the following public facilities:

9 (1) restrooms;

10 (2) a picnic table;

11 (3) an outdoor cooking facility; and

12 (4) an approved water source.

13 Sec. 41.21.027. CONCESSION CONTRACTS IN THE STATE PARK SYSTEM.

14 (a) Subject to the restrictions in this section, the state may enter
15 into concession contracts under AS 36 to provide services or construct
16 facilities in a park unit.

17 (b) The state may not enter into a concession contract under (a)
18 of this section if the proposed contract involves estimated annual
19 gross receipts of more than \$100,000, construction of facilities, a
20 term longer than four years, or the provision of services other than
21 those normally provided at similar facilities in the state, unless the
22 commissioner finds that the proposed concession contract

23 (1) will implement the purposes of the park unit and is
24 authorized by the park management plan, if any, that applies to the
25 park unit;

26 (2) will enhance public use and enjoyment of the park unit
27 while maintaining a high quality environment and the opportunity for
28 high quality recreational experiences;

29 (3) will provide services or facilities that are not

1 feasible or affordable for the state to provide directly;

2 (4) will not create unacceptable adverse environmental
3 effects;

4 (5) is based on a need and desire of the public;

5 (6) recognizes and accommodates, at no cost, ordinary uses
6 in a park unit;

7 (7) requires the contractor to hire residents of the state,
8 to the extent available and qualified, when hiring persons to work in
9 the park under the contract;

10 (8) provides the state with a fair and equitable portion,
11 in money or services, of the contractor's receipts from the provision
12 of the service or the operation of the facility;

13 (9) provides that the department retains control over the
14 level of fees and the design and appearance of any facility to be con-
15 structed;

16 (10) encourages the contractor to accommodate visitors with
17 special circumstances, including handicapped persons, senior citizens,
18 and school children; and

19 (11) provides that the contract may be terminated if the
20 contractor fails to fulfill the requirements of this section ^{and} ~~and~~ the
21 contract.

22 (c) Before bids or proposals are sought or contract negotiations
23 begun for a concession contract under (b) of this section, the commis-
24 sioner shall

25 (1) make a preliminary inquiry at the local level to iden-
26 tify community concerns;

27 (2) if it is appropriate to proceed further, make a pre-
28 liminary decision that includes the findings required by (b) of this
29 section and

1 (A) an assessment of existing visitor uses that may be
2 affected by the activities of the contractor;

3 (B) an assessment of the potential conflicts or sig-
4 nificant effects on park wildlife, water, scenic values, or other
5 resources;

6 (C) an identification of the types of services or
7 goods that the contractor is to provide;

8 (D) the terms and conditions of the contract;

9 (E) a determination of whether the contract activity
10 would be more appropriately located on land outside of the park
11 or on private land within the park; and

12 (F) the views and comments of the park advisory board,
13 when one exists, for the park unit in which the activity is being
14 considered;

15 (3) after making a preliminary decision under (2) of this
16 subsection,

17 (A) seek public comment on the preliminary decision
18 through reasonable public notice and, if facilities may be built
19 under the concession contract, conduct public hearings;

20 (B) after considering the public comment obtained
21 under this paragraph, issue a final decision on whether or not
22 the state will proceed into a concession contract award process.

23 (d) The commissioner shall provide for public review and comment
24 before a concession contract under this section is renewed or ex-
25 tended.

26 (e) The commissioner may adopt regulations to implement this
27 section.

28 (f) A person who enters into a concession contract with the
29 state under this section may not charge or collect a fee for an

1 ordinary use of a park unit or for the use of a restroom in a park
2 unit.

3 Sec. 41.21.028. DEFINITIONS. (a) In AS 41.21.026 - 41.21.028

4 (1) "ordinary use" means a use that is not generally asso-
5 ciated with developed facilities, including fishing, hunting, walking,
6 swimming in a natural body of water, picnicking, or automobile parking
7 associated with another ordinary use;

8 (2) "park unit" means a unit of the state park system.

9 * Sec. 2. AS 41.21.030 is amended by adding new subsections to read:

10 (b) The commissioner of administration shall separately account
11 for fees and other money collected under AS 41.21.026 - 41.21.028 and
12 deposited under (a) of this section. The annual estimated balance in
13 the account may be used by the legislature to make appropriations to
14 the department to carry out the purposes of this chapter.

15 (c) In (a) of this section, "money from concessions" means, for
16 a concession contract under AS 41.21.027, the consideration received
17 by the state from the contract.

18 * Sec. 3. AS 28.10.411(e) and AS 41.35.045 are repealed.

19 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).
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4/23/87

Original sponsors: Navarre, Koponen,
Swackhammer, et al.

1 IN THE HOUSE

Senate

2 CS FOR HOUSE BILL NO. 16
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - FIRST SESSION

BY THE ~~FINANCE COMMITTEE~~
SYRA ~~COMMUNITY AND~~
REGIONAL AFFAIRS
~~COMMITTEE~~

5 A BILL

6 For an Act entitled: "An Act relating to the levy and collection of fees
7 for the use of state park system facilities; relating
8 to contracts for services and facilities in the state
9 park system; and providing for an effective date."

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

11 * Section 1. AS 41.21 is amended by adding new sections to read:

12 Sec. 41.21.026. FEES FOR THE USE OF STATE PARK SYSTEM FACILI-
13 TIES. (a) The department may ~~not, either directly or through another~~
14 ~~person,~~ charge or collect a fee for an ~~ordinary use of a park unit or~~
15 ~~the use of a restroom in a park unit.~~

16 ~~(b) In addition to the prohibition in (a) of this section, the~~
17 ~~department may not establish and collect fees for the use of a park~~
18 ~~unit, except for~~

- 19 (1) rental of public use cabins or other overnight lodg-
- 20 ings;
- 21 (2) overnight use of a developed campsite;
- 22 (3) special park use permits;
- 23 (4) noncompetitive and nonexclusive commercial use permits;
- 24 (5) use of a sewage holding tank dump station;
- 25 (6) guided tours of historic sites; and
- 26 (7) use of an improved boat ramp in a park facility
- 27 developed principally for boat launching.

28 *(b) Insert*
(c) The department shall establish the fees for uses under (b)
29 of this section by regulation. Before setting the fees, the

HB0016D

-1-

CSHB 16(Fin) am

(b) The department may not charge or collect a fee for an ordi-
nary use of a park unit or the use of a restroom in a park unit.

1 department shall consider at public hearings

2 (1) the cost to the state of operating the facility or
3 managing the activity;

4 (2) the normal fees charged for similar facilities or
5 activities by governmental and nongovernmental entities;

6 (3) the cost of administering a fee collection program for
7 the facility or activity; and

8 (4) the public interest.

9 (d) In this section, "developed campsite" means a campsite
10 having access to the following public facilities:

11 (1) restrooms;

12 (2) a picnic table;

13 (3) an outdoor cooking facility; and

14 (4) an approved water source.

15 ~~Sec. 41.21.027. MAINTENANCE AND COLLECTION CONTRACTS IN THE~~
16 ~~STATE PARK SYSTEM. (a) The state may contract under AS 36.30 (State~~
17 ~~Procurement Code) for~~

18 ~~(1) the collection of fees charged for uses under AS 41.-~~
19 ~~21.026(b); and~~

20 ~~(2) park unit maintenance activities; "park unit mainte-~~
21 ~~nance activities" means~~

22 ~~(A) refuse collection;~~

23 ~~(B) janitorial maintenance of facilities;~~

24 ~~(C) litter pickup;~~

25 ~~(D) painting;~~

26 ~~(E) fireplace cleaning;~~

27 ~~(F) sewage pumping;~~

28 ~~(G) minor repair and replacement of facilities;~~

29 ~~(H) snowplowing and road maintenance;~~

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~~(I) brushing trails, picnic areas, and campsites;
(J) other normal park unit maintenance activities.
(b) The state may combine in a single contract the services listed in (a)(1) and (2) of this section.
(c) A contract under this section is not subject to AS 41.21.-028.~~

Sec. 41.21.027. CONCESSION CONTRACTS IN THE STATE PARK SYSTEM

(a) ~~The state may not enter into a concession contract under AS 36 to provide services or to operate or construct facilities in a park unit unless the commissioner finds that the proposed concession contract~~

- (1) will implement the purposes of the park unit and is authorized by the park management plan, if any, that applies to the park unit;
- (2) will enhance public use and enjoyment of the park unit while maintaining a high quality environment and the opportunity for high quality recreational experiences;
- (3) will provide services or facilities that are not feasible or affordable for the state to provide directly;
- (4) will not create ^{unacceptable} ~~substantial~~ adverse environmental effects;
- (5) is based on a need and desire of the public;
- (6) recognizes and accommodates, at no cost, ordinary uses in a park unit;
- (7) requires the contractor to hire residents of the state, to the extent available and qualified, when hiring persons to work in the park under the contract;
- (8) provides the state with a fair and equitable portion, in money or services, of the contractor's receipts from the provision of the service or the operation of the facility;

HB0016D

CSHB 16(Fin) am

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(a) Subject to the restrictions in this section, the state may enter into concession contracts under AS 36 to provide services or construct facilities in a park unit.

(b) The state may not enter into a concession contract under (a) of this section if the proposed contract involves estimated annual gross receipts of more than \$100,000, construction of facilities, a term longer than four years, or the provision of services other than those normally provided at similar facilities in the state, unless the commissioner finds that the proposed concession contract

1 (9) provides that the department retains control over the
2 level of fees and the design and appearance of any facility to be con-
3 structed;

4 (10) ^{ENCOURAGES} ~~requires~~ the contractor to accommodate visitors with
5 special circumstances, including handicapped persons, senior citizens,
6 and school children;

7 ~~(11) provides that during the term of the contract the~~
8 ~~commissioner shall regularly review and inspect the~~

9 ~~(A) operation of the facility; and~~

10 ~~(B) contractor's provision of service to the public;~~

11 and

12 (12) provides that the contract ~~shall~~ ^{may} be terminated if the
13 contractor fails to ^{fulfill the requirements of this section or} ~~protect park values and resources or fails to~~
14 ~~maintain a high-quality environment and recreation experience.~~
the contract.

15 (13) ^c Before bids or proposals are sought or contract negotiations
16 begun under AS 36.30 for a concession contract under ^b (a) of this
17 section, the commissioner shall

18 (1) make a preliminary inquiry at the local level to
19 identify community concerns;

20 (2) if it is appropriate to proceed further, make a pre-
21 liminary decision that includes the findings required by (a) of this
22 section and

23 (A) an assessment of existing visitor uses that may be
24 affected by the activities of the contractor;

25 (B) an assessment of the potential conflicts or sig-
26 nificant effects on park wildlife, water, scenic values, or other
27 resources;

28 (C) an identification of the types of services or
29 goods that the contractor is to provide;

1 (D) the terms and conditions of the contract;

2 (E) a determination of whether the contract activity
3 would be more appropriately located on land outside of the park
4 or on private land within the park; and

5 (F) the views and comments of the park advisory board,
6 when one exists, for the park unit in which the activity is being
7 considered;

8 (3) after making a preliminary decision under (2) of this
9 subsection.

10 (A) seek public comment on the preliminary decision
11 through reasonable public notice and, if facilities may be built
12 under the concession contract, conduct public hearings;

13 (B) after considering the public comment obtained
14 under this subsection, issue a final decision on whether or not
15 the state will proceed into a concession contract award process.

16 (c) The commissioner shall provide for public review and comment
17 before a concession contract under this section is renewed or ex-
18 tended.

19 ~~(d) By the 15th day of each first regular session of the legis-~~
20 ~~lature, the commissioner shall make available to the legislature a~~
21 ~~report on the provision of services or operation of facilities under~~
22 ~~concession contracts under this section during the previous two fiscal~~
23 ~~years, including~~

24 ~~(1) contract activities;~~

25 ~~(2) new or expanded contracts whose estimated or actual~~
26 ~~gross receipts exceed \$25,000; and~~

27 ~~(3) violations of contract standards.~~

28 (e) The commissioner may adopt regulations to implement this
29 section.

28 | (f) A person who enters into a concession contract with the
29 | state under this section may not charge or collect a fee for an
INSECT SC9 | ordinary use of a park unit or for the use of a restroom in a park
| unit.

1 ~~(f) The commissioner may not enter into a concession contract~~
2 ~~for the Alaska Chitkat Bald Eagle Preserve.~~

3 ~~(g) In this section~~

4 ~~(1) "concession contract" does not include a contract under~~
5 ~~AS 41.21.027,~~

6 ~~(2) "facilities" includes campgrounds, boat launches,~~
7 ~~lodges, food service operations, and gift shops.~~

8 Sec. 41.21.029. DEFINITIONS. (a) In AS 41.21.026 - 41.21.029

9 (1) "ordinary use" means a use that is not generally asso-
10 ciated with developed facilities, including fishing, hunting, walking,
11 swimming in a natural body of water, picnicking, or automobile parking
12 associated with another ordinary use;

13 (2) "park unit" means a unit of the state park system.

14 * Sec. 2. AS 41.21.030 is amended by adding a new subsection to read:

15 (b) The commissioner of administration shall separately account
16 for fees and other money collected under AS 41.21.026 - 41.21.029 and
17 deposited under (a) of this section. The annual estimated balance in
18 the account may be used by the legislature to make appropriations to
19 the department to carry out the purposes of this chapter.

20 * Sec. 3. AS 28.10.411(e) and AS 41.35.045 are repealed.

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

15 | (c) In (a) of this section, "money from concessions" means, for
16 | a concession contract under AS 41.21.027, the consideration received
17 | by the state from the contract.

HB

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STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: HB 13
Publish Date: _____

Revision Date: March 9, 1987

Agency Affected: Natural Resources
BRU: Parks and Outdoor recreation

Title: Willow Creek State Recreation Area

Sponsor: Rep. Larson, Rep. Menard

Components: _____

Requestor: House Resources

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-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This area will not be actively managed until funding for development, as described in the plan for the area, is obtained.

Prepared by: Carol Wilson
Division: Commissioner's Office

Phone: 465-2400
Date: 4/9/87

Approved by Commissioner: C. Wilson for JMS
Agency: Natural Resources

Date: 4/9/87

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

REQUEST: _____

Bill Version: HR 93
Publish Date: _____

Revision Date: February 11, 1987
Title: Recreation Rivers

Agency Affected: Natural Resources
BRU: Land and Water Management

Sponsor: Rep. Cotten
Requestor: House Resources Committee

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		86.5	86.5			
TRAVEL		2.0	2.0			
CONTRACTUAL		74.7	74.7	66.7		
SUPPLIES		3.0	3.0			
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		166.2	166.2	66.7		

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		166.2	166.2	66.7		
FEDERAL FUNDS						
OTHER						
TOTAL		166.2	166.2	66.7		

POSITIONS:

FULL-TIME		2	2			
PART-TIME		1	1			
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attachment

Prepared by: Tom Hawkins
Division: Land and Water Management

Phone: 465-2400
Date: 2/11/87

Approved by Commissioner: James D. Amundson, Deputy
Agency: Natural Resources

Date: 2/11/87

Distribution (by preparer):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 93

This bill would require the Department of Natural Resources to do instream flow studies and reservations, and produce management plans for six river areas. The instream flow reservations are to be completed within three years; the management plans are to be completed in two stages, 1989 and 1992. We hope to have the instream flow studies and reservations completed by a contractor over a three year period, for a total cost of approximately \$200,000. The planning team would require a Range 16 Natural Resource Officer II, a Range 12B Natural Resource Technician II, and a half-time Range 8 Clerk Typist III. The team would need approximately two years to complete the plans.

- 100 - Two and one-half positions for two years.
- 200 - Per diem and travel for meetings.
- 300 - Travel and printing expenses for the plans.
- 400 - Supplies and commodities for staff.

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: HB 18

Publish Date: _____

Revision Date: February 10, 1987

Agency Affected: Natural Resources

Title: Willow Creek State Recreation

BRU: Parks and Outdoor Recreation

Sponsor: Rep. Larson, Rep. Menard

Components: _____

Requestor: House Resources Committee

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		33.9	33.9	33.9	33.9	
TRAVEL		2.0	2.0	2.0	2.0	
CONTRACTUAL		15.0	15.0	15.0	15.0	
SUPPLIES		6.5	6.5	6.5	6.5	
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		57.4	57.4	57.4	57.4	

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		57.4	57.4	57.4	57.4	
FEDERAL FUNDS						
OTHER						
TOTAL		57.4	57.4	57.4	57.4	

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Neil Johannson

Phone: 465-2400

Division: Parks and Outdoor Recreation

Date: 2/10/87

Approved by Commissioner: *Dorothy McBurn*

Date: 2-11-87

Agency: Natural Resources

Distribution (by preparer):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 18

The requested operating funds are to provide staff for the recreation area to begin development of river access trails and control resource degradation, timber cutting, indiscriminate off-road vehicle use and provide basic public services.

100 - Park Ranger I for 6 months; Natural Resources Technician for 5 months.

200 - Travel from Willow to Wasilla and Anchorage offices for site management, coordination and planning.

300 - Vehicle mileage cost and contracted maintenance and janitorial services.

400 - Supplies, tools, cleaning agents, field equipment and office supplies.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

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

February 10, 1987

The Honorable Adelheid Herrmann, Co-Chair
The Honorable Sam Cotten, Co-Chair
House Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representatives Herrmann and Cotten:

Subject: House Bill 18, which would establish the Willow Creek State Recreation Area.

Position: The Department of Natural Resources supports the establishment of the Willow Creek State Recreation Area to assure its continued availability for public use and allow its active management for recreational purposes.

Background: Willow Creek is an intensively used sportfishing area which also provides boating access to the Susitna River. Boating conditions on the creek are dangerous and conflicts between boaters and shore anglers frequently occur.

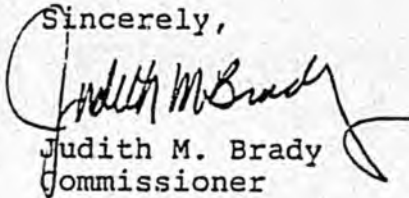
As funds are appropriated, the area would be developed to provide public parking and camping areas, road access to the mouth of Willow Creek, and a public boat launch facility. Once it is fully developed, the area will help to disperse southcentral Alaska recreation users and alleviate the severe congestion of Kenai Peninsula fishing and boating sites.

The Division of Parks and Outdoor Recreation has developed a joint plan with the Matanuska-Susitna Borough for management of this 3,581 acre area (2,747 acres of Borough land, 834 acres of state land) and will continue to work cooperatively with the borough for its development and operation.

February 10, 1987

Please let me know if you would like additional information.

Sincerely,

A handwritten signature in cursive script that reads "Judith M. Brady". The signature is written in dark ink and is positioned to the right of the typed name and title.

Judith M. Brady
Commissioner

cc: Sponsor
Committee Members

Alaska State Legislature

HB 18

Session Address:
STATE CAPITOL BUILDING
BOX V
JUNEAU, ALASKA 99811
(907) 485-3727



Interim Address:
BOX 53
PALMER, ALASKA 99645
(907) 745-3826 - Palmer
(907) 376-6628 - Wasilla

Representative Ronald L. Larson
District 16B

MEMORANDUM

TO: Representative Sam Cotten
Representative Adelheid Herrmann
Co-chairs-House Resources Committee
FROM: Representative Ron Larson *R.L.*
Primary Sponsor of HB18
SUBJ: Willow Creek State Recreation Area
DATE: February 8, 1987

The intention of HB18 is to create a state recreational area in a highly used area of the Matanuska-Susitna Borough. The mouth of Willow Creek is a prime destination for many southcentral residents, especially during the summer sportfishing season.

This bill will only set aside the public land; it will not create any new positions, nor is there a request for any capital improvements within this bill.

The natural theme of the Matanuska-Susitna valley is tourism. We see this bill, as a major step towards that destiny. This concept has been placed high on the local legislative priorities for years.

Successful economic development of this area will be based on proper land management of this valuable area. Therefore, I feel the borough should be in concurrence with the state agencies on the design and management of this area.

As you are aware, this bill has a history dating back several years. Despite its' maturation, I support its' concept and urge your favorable advice and vote.

Curt Menard

351 W. Swanson Ave.
Wasilla, Alaska 99687

Or

P.O. Box V
Juneau, Alaska 99811

376-5315 Work
745-8122 Work
376-5855 Home
465-2679 Juneau



MEMORANDUM

DATE: February 12, 1987

TO: Sam Cotten, Co-Chairman
Adelheid Herrmann, Co-Chairman
House Resources Committee

FROM: Representative Curt Menard

RE: HB 18, Establishing a Willow Creek Recreation Area

Recognizing the intense and growing recreational demands of all Alaskans and because of Southcentral Alaska's accessibility to major population centers and transportation routes, demands on recreational resources are extremely high. There is fierce competition with other land uses such as farming, urban growth, resource development, and habitat protection needs.

Establishing the Willow Creek Recreational Area is a project both beneficial and needed. As early as the territorial days, state officials recognized Willow Creek's significance when they nominated the area for Park status in the 1950s.

Today, the Willow Creek Recreational Area is more important than ever. Not only will local area residents benefit from increased access and the subsidiary benefits of increased tourism, but it will serve to more effectively disperse the tens of thousands who converge during the summer months on the overcrowded Kenai Peninsula.

Even now, Willow Creek serves as a major access point to the Susitna, Deshka, Alexander and Lake Creek areas. In the near future, with effort from Fish and Game and the salmon enhancement program, 1987 will be the first year Willow Creek will see a converging of a greatly increased King and Silver Salmon run. This will turn the Willow Creek into another area for "King Mania"!

Obviously, the existing fourteen space parking lot and six campsites will be totally unable to handle anything but the smallest fraction of the demand for access by fishermen and tourists. I urge swift passage of this legislation. Thank you.

Alaska State Legislature



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BOX V
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Interim Address:
BOX 53
PALMER, ALASKA 99645
(907) 745-3828 - Palmer
(907) 378-8628 - Wasilla

Representative Ronald L. Larson
District 16B

MEMORANDUM

TO: Representative Sam Cotten
Representative Adelheid Herrmann
Co-chairs-House Resources Committee

FROM: Representative Ron Larson
Primary Sponsor of HB18

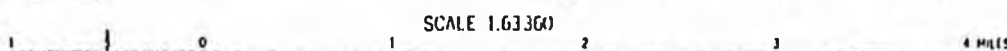
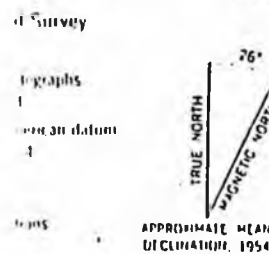
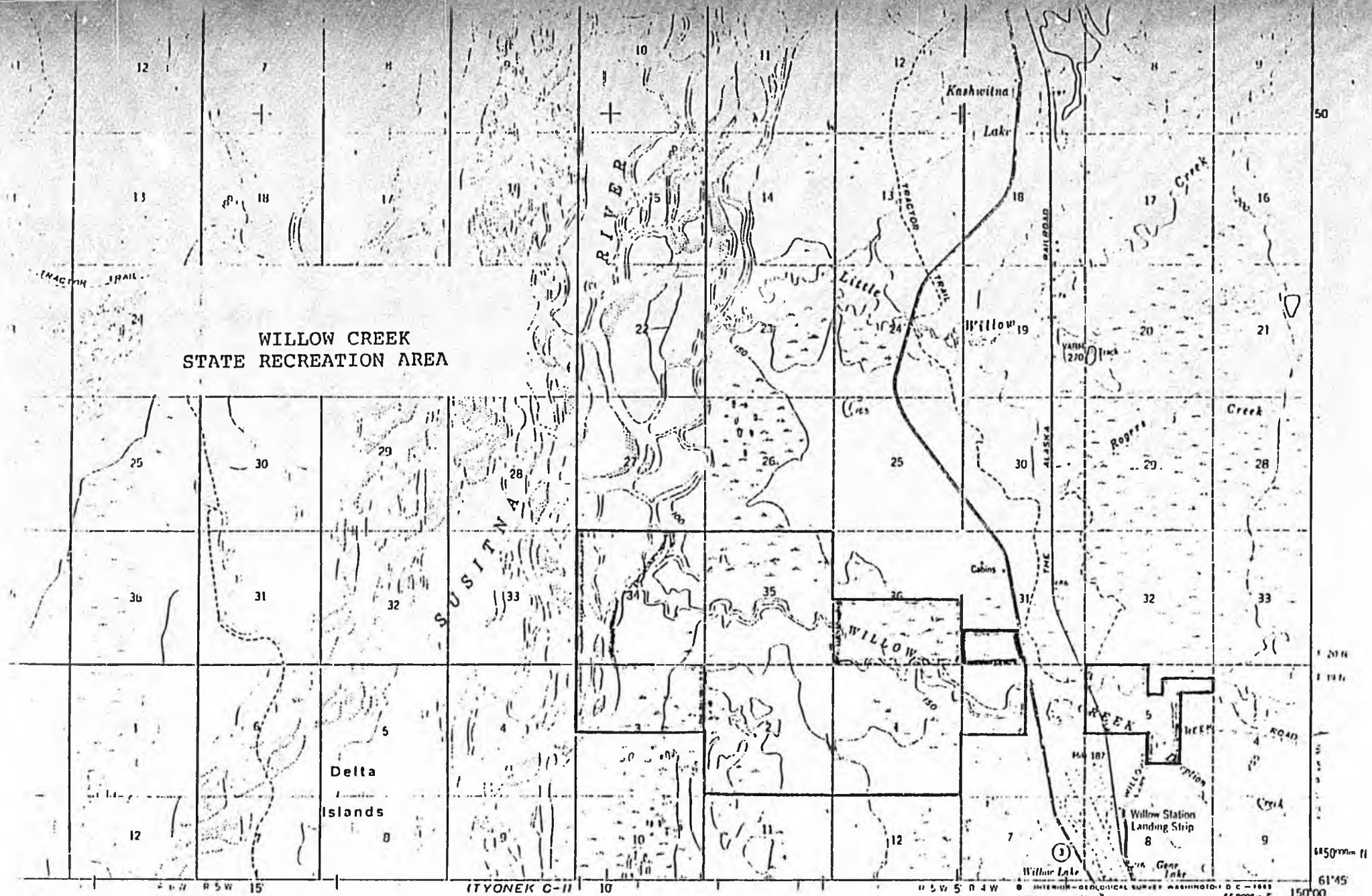
SUBJ: Willow Creek State Recreation Area-Suggested
Amendments

DATE: March 9, 1987

1. AS 41.21.491(a)
Purpose (Page 1, Line 12 and 13)
(2) Emphasize and promote public and private [MANAGE]
recreational uses and associated economic
development activities in the unit;
2. AS 41.21.492(a)
Designation of Management Responsibilities. (Page 2,
Line 18-23)
(a) The land and water described in AS 41.21.491(a) and
the land and water owned by the Matanuska-Susitna
Borough and designated by the borough under AS
41.21.491(b) are assigned to the Department of Natural
Resources, upon adoption of a management agreement by
the Matanuska-Susitna Borough, for control,
maintenance, and development, consistent with the
purposes of AS 41.21.491 - 41.21.496.
3. AS 41.21.494.
Regulations. (Page 3, Line 14 and 15)
(2) allow boating in certain areas only after access is
developed at Willow Creek mouth;
(3) allow for private leasing and development;
(renumber rest of regulations)

*add
new
provisions*

WILLOW CREEK
STATE RECREATION AREA



CONTOUR INTERVAL 50 FEET
DATUM IS MEAN SEA LEVEL

State Land
Borough Land
Mental Health Land

ROAD CLASSIFICATION
Medium duty ——— Light duty - - - - -
Unimproved dirt
State Route ()

FOR SALE BY U.S. GEOLOGICAL SURVEY
FAIRBANKS, ALASKA, DISTRICT OFFICE, WASHINGTON 25, D.C.

TYONEK (D-1), ALASKA
61-45-W150A3/15x22 5

Original sponsors: Larson and Menard

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 18 (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 establishing the Willow Creek State Recre-
7 ation Area; and providing for an effective date."

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

9 * Section 1. PURPOSE. The purpose of this Act is to:

10 (1) designate as a state recreation area the land and water
11 described in AS 41.21.491(a);

12 (2) emphasize and promote public and private recreational uses
13 and associated economic development activities in the unit; and

14 (3) maintain and enhance the fishery and wildlife habitat in the
15 unit.

16 * Sec. 2. AS 41.21 is amended by adding new sections to article 4 to
17 read:

18 Sec. 41.21.491. WILLOW CREEK STATE RECREATION AREA. (a) The
19 surface estate in the land and water owned by the state as of the
20 effective date of this Act and all land and water acquired by the
21 state in the future, including shore and submerged land, lying within
22 the parcels described in this subsection is designated as the Willow
23 Creek State Recreation Area:

24 Township 19 North, Range 4 West, Seward Meridian

25 Section 5: Lot 3, Lot 4, S1/2NE1/4NE1/4, SE1/4NW1/4NE1/4,

26 SW1/4NE1/4, N1/2NW1/4SE1/4, S1/2NW1/4

27 Section 6: Lot 3, Lot 4, Lot 5, SE1/4NW1/4

28 Township 19 North, Range 5 West, Seward Meridian

29 Section 1: SE1/4, W1/2, Tract A, Tract B, Tract C

1 Section 2

2 Section 3: N1/2

3 Township 20 North, Range 5 West, Seward Meridian

4 Section 34

5 Section 35

6 Section 36: S1/2

7 (b) The Department of Natural Resources may agree to manage land
8 owned by the Matanuska-Susitna Borough that is within the parcels
9 described in (a) of this section and that is designated by ordinance
10 or resolution of the borough as a part of the Willow Creek State
11 Recreation Area.

12 (c) Subject to valid existing rights, the land and water de-
13 scribed in (a) of this section are designated as a special purpose
14 area under art. VIII, sec. 7, Constitution of the State of Alaska.

15 (d) Except for oil and gas leasing under AS 38.05.180, the
16 mineral estate in the state-owned land and water described in (a) of
17 this section is closed to mineral entry under AS 38.05.181 - 38.05.-
18 280.

19 Sec. 41.21.492. DESIGNATION OF MANAGEMENT RESPONSIBILITIES. (a)
20 The land and water described in AS 41.21.491(a), including land and
21 water owned by the Matanuska-Susitna Borough and designated by the
22 borough in a management agreement under AS 41.21.491(b), are assigned
23 to the Department of Natural Resources for control, maintenance, and
24 development, consistent with the purposes of AS 41.21.491 - 41.21.497.

25 (b) Nothing in AS 41.21.491 - 41.21.497 affects the responsibil-
26 ities of

27 (1) the Department of Fish and Game, the Board of Fisher-
28 ies, or the Board of Game under AS 16 and AS 41.99.010;

29 (2) the Department of Environmental Conservation under

1 AS 46.03; or

2 (3) state agencies and municipalities under AS 44.19.-
3 145(a)(11) and AS 46.40.100.

4 Sec. 41.21.493. COMPREHENSIVE MANAGEMENT PLAN. The commissioner
5 shall develop and adopt a comprehensive management plan for the Willow
6 Creek State Recreation Area with the concurrence of the Matanuska-
7 Susitna Borough.

8 Sec. 41.21.494. REGULATIONS. The commissioner shall adopt
9 regulations under the Administrative Procedure Act (AS 44.62) that are
10 necessary to achieve the purposes of AS 41.21.491 - 41.21.497 and to
11 implement the plan adopted under AS 41.21.493. The regulations shall

12 (1) designate incompatible uses and prohibit or restrict
13 them;

14 (2) allow road, railroad, and utility crossing of Willow
15 Creek so as to minimize disturbance to the river's habitat and scenic
16 and recreation values;

17 (3) allow fishery rehabilitation or enhancement practices
18 under terms that are compatible with AS 41.21.491 - 41.21.497;

19 (4) allow the legal taking of fur-bearing animals; and

20 (5) allow for hunting, except where it must be prohibited
21 for reasons of public safety.

22 Sec. 41.21.495. ADDITIONAL LAND. (a) The commissioner may
23 acquire, in the name of the state, title to or an interest in land or
24 improvements on land that is adjacent to or within the boundaries of
25 the Willow Creek State Recreation Area in order to achieve the pur-
26 poses of AS 41.21.491 - 41.21.497. This acquisition may be by lease,
27 purchase, exchange under AS 38.50, bequest, gift, or other lawful
28 means, but not by eminent domain.

29 (b) The commissioner may adjust the boundaries of the Willow

1 Creek State Recreation Area under AS 38.05.295 - 38.05.300 by adding
2 state-owned land and water to achieve the purposes of AS 41.21.491 -
3 41.21.497.

4 Sec. 41.21.496. COOPERATIVE MANAGEMENT AGREEMENTS. The commis-
5 sioner may enter into cooperative management agreements with a federal
6 agency, a municipality, another state agency, or a private landowner
7 to achieve the purposes of AS 41.21.491 - 41.21.497.

8 Sec. 41.21.497. CIVIL ENFORCEMENT. In addition to any other
9 remedy provided by law, the attorney general may seek an injunction
10 and damages, at the request of the commissioner, a violation of a
11 regulation adopted under AS 41.21.494 or a regulation that is applica-
12 ble to the Willow Creek State Recreation Area established under
13 AS 41.21.491.

14 * Sec. 3. The commissioner of natural resources shall adopt the compre-
15 hensive management plan under AS 41.21.493, enacted by sec. 2 of this Act,
16 within two years after the effective date of this Act. Until a boat launch
17 is constructed in the recreation area, the commissioner may not restrict
18 boating activities within the Willow Creek State Recreation Area except to
19 protect public safety.

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