

12037 SENATE RESOURCES

**HB**

**395**

# ALASKA STATE LEGISLATURE

## REPRESENTATIVE KURT OLSON

- Co-Chair, Community and Regional Affairs
- Member, Resources

Session: January - May  
State Capitol  
Juneau, AK 99801-1182  
Phone: 907-465-2693  
Fax: 907-465-3835



Interim: May - December  
145 Main Street Loop, Ste 221  
Kenai, AK 99611  
Phone: 907-283-2690  
Fax 907-283-2763

Official Business

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TO: Senator Thomas Wagoner - Chair  
Senate Resources Committee

FROM: Representative Kurt Olson

DATE: April 10, 2006

RE: Hearing on CSHB 395 (FIN) (am)

I respectfully request a hearing in the Senate Resources Committee on HB 395, An Act relating to the period of the fire season, at your earliest convenience.

Attached please find a copy of the bill, sponsor statement, and zero fiscal note. Additionally please find letters of support and 3 maps.

If you need any further information, please contact my staff Konrad Jackson at ext. 2693.

Thank you for your attention to this request.

# ALASKA STATE LEGISLATURE

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- Co-Chair, Community and Regional Affairs
- Member, Resources

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## SPONSOR STATEMENT

### CSHB 395 (FIN) am FIRE SEASON START DATE

The spruce bark beetle kill on the Kenai Peninsula has created an enormous amount of dry grass and dead trees susceptible to lightning strikes and man made fires. The threat grows greater every year.

For the past several years the climate in our area has been gradually warming earlier in the year, leaving wild areas dry and increasing the probability of a major wildfire early in or even before the start of the current fire season.

The largest uncontained fire on the Southern Kenai Peninsula ever recorded, the Tracy Avenue fire, started prior to May 1, 2005, threatening residents and property. This fire might have been contained had the equipment and personnel been available the first day.

The threat of early season fires is a statewide issue. These pre-green up fires are a very real threat in the Mat-Su Valley, the Anchorage bowi and the Fairbanks area. Since many of these fires are man made, they tend to be near populated areas thus increasing the risk to life and property.

Moving the fire season start date to April 1 will allow the state to become actively involved in fire prevention and control earlier in the fire season and hopefully stop the progress of a disastrous pre-summer fire.

The bill was amended to change the fire season end date to August 31 to allow for a zero fiscal note and to include an immediate effective date.

I respectfully ask for your support of this bill.

# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: HB 395  
 (H) Publish Date: 2/8/06

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Natural Resources  
 Title: An Act Extending the Period of the Fire Season RDU: Statewide Fire Suppression Program  
 Component: Fire Suppression Preparedness  
 Sponsor: OLSON, Hawker, Seaton  
 Requester: (H) RES Component No.: 2705

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	514.5	514.5	514.5	514.5	514.5	514.5
Travel						
Contractual	395.6	395.6	431.5	431.5	431.5	431.5
Supplies	12.0	12.0	12.0	12.0	12.0	12.0
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>922.1</b>	<b>922.1</b>	<b>958.0</b>	<b>958.0</b>	<b>958.0</b>	<b>958.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	922.1	922.1	958.0	958.0	958.0	958.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>922.1</b>	<b>922.1</b>	<b>958.0</b>	<b>958.0</b>	<b>958.0</b>	<b>958.0</b>

Estimate of any current year (FY2006) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

Fires are occurring in greater numbers and with a greater risk to life and property earlier in the year than they have historically. The Tracy Avenue Fire, which started in April 2005 and threatened the community of Homer, was the earliest large, complex fire in the State's history. The Division of Forestry is not currently staffed nor equipped to adequately respond to fires that occur this early. This legislation would change the start of the designated fire season and, if funded, would provide the Division of Forestry with the ability to adequately respond to these early fires threatening communities and the ability to regulate open burning through issuance of burn permits.

Prepared by: Chris Maisch, Director Phone: (907) 356-5850  
 Division: Forestry Date/Time: 2/3/2006  
 Approved by: Michael Menge, Commissioner Date: 2/3/2006  
 Agency: Natural Resources

FISCAL NOTE #1

STATE OF ALASKA  
2006 LEGISLATIVE SESSION

BILL NO. HB 395 \_\_\_\_\_

ANALYSIS CONTINUATION

This bill provides for a one month earlier fire season. This will require extensions to permanent seasonal fire staff and extensions to helicopter and air tanker contracts.

Personal Services \$514.5

This provides an extension to permanent seasonal firefighters, prevention staff, and fire support staff which allows for fire response and fire prevention during the earlier fire season.

Contractual Services \$395.6

This provides for contract extensions for helicopters and an air tanker to cover the earlier fire season plus additional normal operating costs (utilities, lease space, phones, etc.) associated with a longer fire season. Higher contractual costs starting in FY 2009 are based on expected changes in the renegotiations to the next 5 year air tanker contract.

Supplies \$12.0

Routine operating supplies associated with a longer fire season.

# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: CSHB 395(FIN)  
 (H) Publish Date: 3/6/20

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Natural Resources  
 Title An Act Extending the Period of the Fire Season RDU Statewide Fire Suppression  
 Component Fire Suppression Program  
 Sponsor Olson  
 Requester HFC Component No. 2705

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

Prepared by: House Finance Committee

Phone 465-4945/465-3779

Rep. Kevin Meyer, Co-Chair

Date 3/2/2006

Rep. Mike Chenault, Co-Chair



# Fairbanks North Star Borough

Office of the Mayor

809 Pioneer Road

P.O. Box 71267

Fairbanks, Alaska 99707-1267

907/459-1300

Fax 907/459-1102

Email [mayor@co.fairbanks.ak.us](mailto:mayor@co.fairbanks.ak.us)

February 12, 2006

**Via Facsimile 907-465-2833**

**Via Facsimile 907-465-3476**

Co-Chair Mike Chenault &  
State Capitol  
Juneau, Alaska

Co-Chair Kevin Meyer  
State Capitol  
Juneau, Alaska

**Subject: Letter In Support of HB 395: Fire Season Start Date**

Dear Messrs. Co-Chairman Chenault & Meyer:

I am writing today in support of HB 395: Fire Season Start Date.

Recent fire seasons in Interior Alaska have made no small secret of the dangers faced within the Fairbanks North Star Borough. Most memorable to us all should be the 2004 Boundary Fire.

Changing the start of fire season from May 1st to April 1st is both necessary and appropriate. The Fairbanks North Star Borough's typical fire danger begins in early to mid May. However, supplies, crews, and other resources may not yet be in place to react to our needs without this legislation. Allowing our commissioner to screen crews and order supplies will prepare a necessary pool of resources for our area to draw upon at a critical juncture saving valuable time and resources during an incident.

The fiscal note attached to this legislation is minimal, and appears unable to incorporate the savings that will undoubtedly occur due to expedited response to incidence. I anticipate that adoption of this legislation would also produce a savings to the department as fires are contained before requiring additional crews and equipment, and a reduction in campaign fires is realized.

Please support this legislation with a recommendation of Do Pass.

Thank you.

Jim Whitaker, Mayor

cc: Representative Richard Foster  
Representative Jim Holm  
Representative Bruce Weyhrauch  
Representative Reggie Joule

Representative Mike Hawker  
Representative Mike Kelly  
Representative Beth Kerttula  
Representative Carl Moses

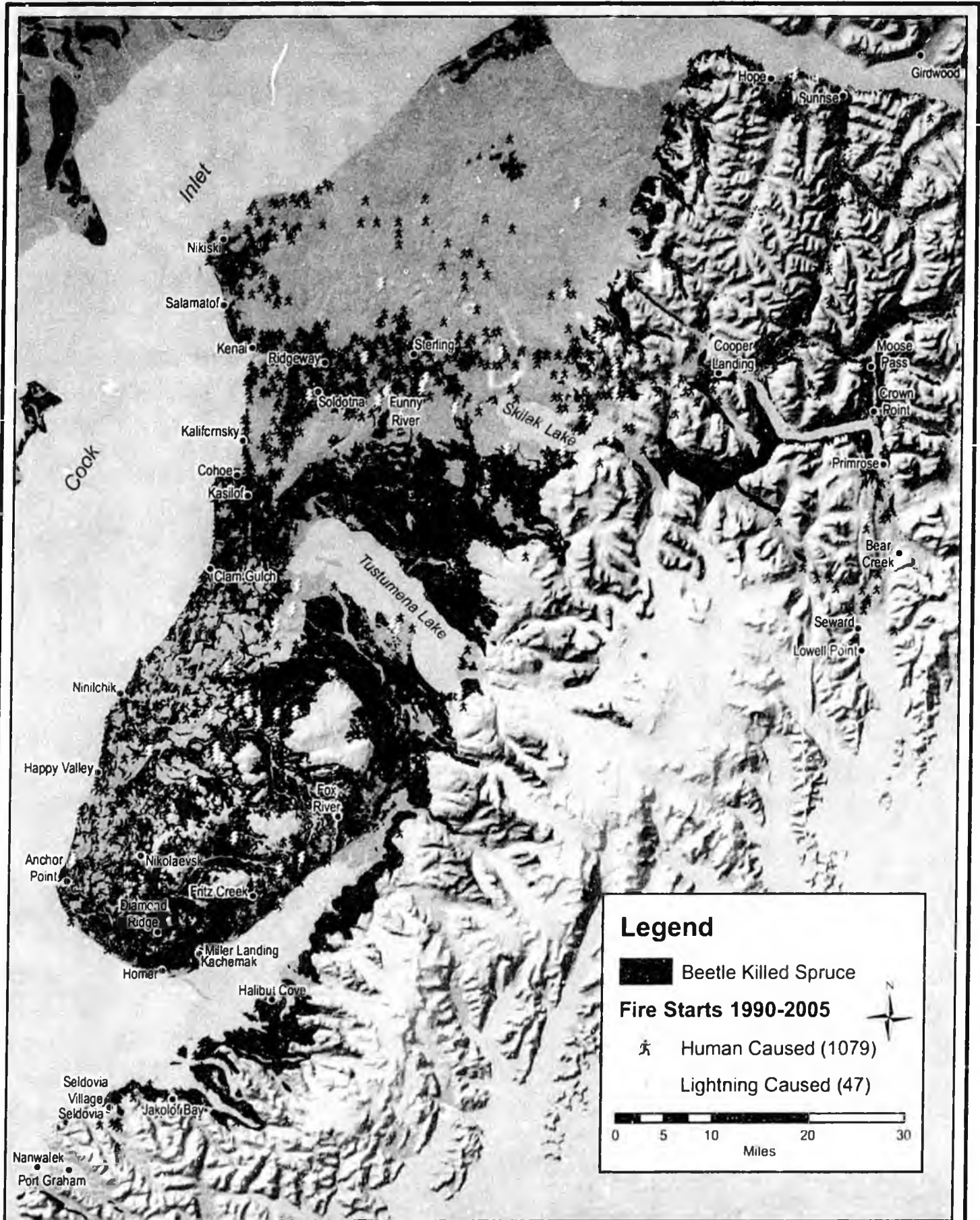
JW:jy/csm

**Memorandum****To:** Representative Kurt Olson**From:** Dennis Steffy **Date:** 17 February 2006**Subject:** Bringing forward the fire date

Kurt, I strongly support bringing the date of the fire season forward as described in the Clarion recently. My property was totally burned off in the Gas Well Fire in the early spring of 1969 and is just now beginning to lose the aspects of a desert. I have property on the east side of Kachemak Bay and am suitably terrified that the Kachemak Bay State Park's standing and beetle kill adjoining my property will go someday and take us along with it.

I believe this bill is a good and necessary response to the changing conditions of our spring weather.





## Kenai Peninsula Fire Starts

Kenai Peninsula Borough (KPB), Spruce Bark Beetle Management Program (SBBMP)  
 Fire start locations represent number of fire start events and are not intended to represent precise locations of fire starts. Source: State of Alaska Division of Forestry  
 © 1990 or SBBMP as not represented by areas. Coordinates or distances on this map. Discrepancies in the data or boundary agreements are due to use of data from different sources.  
 This map is not a legal representation and is intended for general information purposes only and is not to be used for any other purpose.  
 Map Project: CCM/LEP/TV, M. B. Miller, State of ALASKA, FIRE STARTS map  
 by Bobbi Jo Lay & Mary Hulse

August 1, 2005



**Senate Resources**

**April 28, 2006**

**HB 395 Sponsor Packet**

Cover Sheet _____	1 page
Sponsor Statement _____	1 page
CS HB 395(FIN) (\Y version) _____	1 page
#1 Fiscal Note: DNR 2/3/06 _____	2 pages
#2 Fiscal Note: House Finance Committee _____	1 page
Letter of Support – Fairbanks North Star Borough _____	1 page
Memo of Support – MAPTS Soldotna _____	1 page
Total Pages: _____	8 pages

# ALASKA STATE LEGISLATURE

## REPRESENTATIVE KURT OLSON

- Co-Chair, Community and Regional Affairs
- Member, Resources

Session: January - May  
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## SPONSOR STATEMENT

### CSHB 395 (FIN) am FIRE SEASON START DATE

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For the past several years the climate in our area has been gradually warming earlier in the year, leaving wild areas dry and increasing the probability of a major wildfire early in or even before the start of the current fire season.

The largest uncontained fire on the Southern Kenai Peninsula ever recorded, the Tracy Avenue fire, started prior to May 1, 2005, threatening residents and property. This fire might have been contained had the equipment and personnel been available the first day.

The threat of early season fires is a statewide issue. These pre-green up fires are a very real threat in the Mat-Su Valley, the Anchorage bowl and the Fairbanks area. Since many of these fires are man made, they tend to be near populated areas thus increasing the risk to life and property.

Moving the fire season start date to April 1 will allow the state to become actively involved in fire prevention and control earlier in the fire season and hopefully stop the progress of a disastrous pre-summer fire.

The bill was amended to change the fire season end date to August 31 to allow for a zero fiscal note and to include an immediate effective date.

I respectfully ask for your support of this bill.

**CS FOR HOUSE BILL NO. 395(FIN)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FOURTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE FINANCE COMMITTEE**

**Offered: 3/6/06**

**Referred: Rules**

**Sponsor(s): REPRESENTATIVES OLSON, Hawker, Seaton, Dahlstrom, LeDoux, Gruenberg, Foster, Kerttula, Guttenberg, Lynn**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the period of the fire season; and providing for an effective date."**

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

3 **\* Section 1. AS 41.15.050 is amended to read:**

4 **Sec. 41.15.050. Fire season.** The period from April [MAY] 1 to August 31  
5 [SEPTEMBER 30], inclusive, of each year is designated the fire season. The  
6 commissioner may designate other periods as fire season. The commissioner may  
7 proclaim an additional period for all or any portion of the state when weather or other  
8 conditions require action for the protection of forested land. The commissioner may  
9 also, during the fire season, prohibit, or allow only by permit, the setting of fires,  
10 smoking, entry, or other use on the land, when, in the judgment of the commissioner,  
11 the activities would unduly increase the fire danger.

12 **\* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).**

# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

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 Requester: (H) RES Component No.: 2705

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Prepared by: Chris Maisch, Director Phone: (907) 356-5850  
 Division: Forestry Date/Time: 2/3/2006  
 Approved by: Michael Menge, Commissioner Date: 2/3/2006  
 Agency: Natural Resources

FISCAL NOTE #1

STATE OF ALASKA  
2006 LEGISLATIVE SESSION

BILL NO. HB 395

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2006 LEGISLATIVE SESSION

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(H) Publish Date: 3/6/2006

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Natural Resources  
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Component: Fire Suppression Program  
Sponsor: Olson  
Requester: HFC Component No.: 2705

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**POSITIONS**

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Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

Prepared by: House Finance Committee

Phone 465-4945/465-3779

Rep. Kevin Moyer, Co-Chair

Date 3/2/2006

Rep. Mike Chenault, Co-Chair



# Fairbanks North Star Borough

Office of the Mayor

809 Pioneer Road

P.O. Box 71267

Fairbanks, Alaska 99707-1267

907/459-1300

Fax 907/459-1102

Email [mayor@co.fairbanks.ak.us](mailto:mayor@co.fairbanks.ak.us)

February 12, 2006

**Via Facsimile 907-465-2833**

**Via Facsimile 907-465-3476**

Co-Chair Mike Chenault  
State Capitol  
Juneau, Alaska

&

Co-Chair Kevin Meyer  
State Capitol  
Juneau, Alaska

**Subject: Letter In Support of HB 395: Fire Season Start Date**

Dear Messrs. Co-Chairman Chenault & Meyer:

I am writing today in support of HB 395: Fire Season Start Date.

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Please support this legislation with a recommendation of Do Pass.

Thank you.

Jim Whitaker, Mayor

cc: Representative Richard Foster  
Representative Jim Holm  
Representative Bruce Weyhrauch  
Representative Reggie Joule

Representative Mike Hawker  
Representative Mike Kelly  
Representative Beth Kertula  
Representative Carl Moses

JW:jy/csm

**Memorandum**

**To:** Representative Kurt Olson

**From:** Dennis Steffy 

**Date:** 17 February 2006

**Subject:** Bringing forward the fire date

Kurt, I strongly support bringing the date of the fire season forward as described in the Clarion recently. My property was totally burned off in the Gas Well Fire in the early spring of 1969 and is just now beginning to lose the aspects of a desert. I have property on the east side of Kachemak Bay and am suitably terrified that the Kachemak Bay State Park's standing and beetle kill adjoining my property will go someday and take us along with it.

I believe this bill is a good and necessary response to the changing conditions of our spring weather.

**HB**

**4 15**

Melanie Lesh is here with DNR -  
do you want a Dept. statement  
on the record - given the negative  
comments?

OOPS = see update with Dick  
Wyllis.



**Senate Resources**

**April 27, 2006**

**HB 415 Sponsor Packet**

Cover Sheet _____	1 page
Sponsor Statement _____	1 page
Sectional Analysis _____	2 pages
CS HB 415 (JUD) (\L version) _____	3 pages
HB0415a (original version) _____	3 pages
Fiscal Note - ADMIN 3/20/06 _____	1 page
Peninsula Clarion Article _____	2 pages
Liability and Recreational Use Statutes _____	8 pages
Letters of Support (see page 18 outline provided) _____	37 pages
 Total Pages: _____	 58 pages

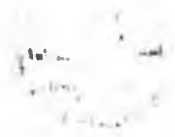
# ALASKA STATE LEGISLATURE

*Chair*  
STATE AFFAIRS

*Member*  
RESOURCES

*Member*  
HEALTH, EDUCATION AND SOCIAL SERVICES

*Member*  
WAYS AND MEANS



**REPRESENTATIVE PAUL SEATON**  
House District 35

*Session:*  
State Capitol Building  
Juneau, Alaska 99801  
Phone 907-465-2689  
Fax 907-465-3472  
1-800-665-2689  
Rep.Paul.Seaton@legis.state.ak.us

*Interim:*  
345 W. Sterling Highway  
Suite 102B  
Homer, Alaska 99603  
Phone 907-235-2921  
Fax 907-235-4008

## HB 415 Sponsor Statement

House Bill 415 encourages recreational use of private lands by protecting landowners who allow free public access to their lands.

HB 415 stipulates that a private landowner does not owe to a person using his or her property for recreational purposes, (1) a duty to keep the land safe for use, (2) a duty to warn of unsafe conditions, or (3) a duty to curtail the use of their land for recreational purposes. A landowner receives no protection under the bill if they either charge for access or are guilty of intentional, reckless or grossly negligent conduct.

Current state law does not directly address recreational use of private lands. Alaska's Recreational Activities statute, AS.09.65.290, passed by the legislature in 2003, mainly addresses commercial operators. Some landowners are protected by Alaska's unimproved land statute, AS.09.65.200, but it is difficult to determine what lands qualify in more developed areas. Lands near any sort of structure, or that have been altered slightly from their natural state, such as a hay field, may not be covered under that statute.

Parties interested in allowing public access of their lands are unable to assess their risks. The courts likewise have few means of interpreting legislative intent regarding the relationship between landowner and recreational land user. HB 415 eliminates these ambiguities by granting immunity for the recreational use of private lands in the same manner adopted by most other states.

HB 415 promotes recreation throughout Alaska by clarifying the rights and responsibilities of landowners, encouraging them to allow the public free recreational use of their lands.



# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

February 6, 2006

**SUBJECT:** Sectional Summary (HB 415 (Work Order No. 24-LS1446I))

**TO:** Representative Paul Seaton

**FROM:** Dennis C. Bailey *DCB*  
Legislative Counsel

You have requested a sectional analysis of the above described draft bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

**Section 1.** Subsection (a) provides that a landowner allowing recreational activity on the landowner's land, without charge does not (1) owe a duty to maintain the safety or to control the risks of recreational activity; (2) owe a duty to warn recreational users of dangerous conditions; (3) owe a duty to curtail recreational use; (4) ensure that the land is safe; (5) confer the legal status of invitee or license; or (6) assume responsibility for injury to persons or property.

Subsection (b) states that the protections for a landowner does not apply if the landowner collects a charge or if the landowner's conduct is intentional, reckless, or grossly negligent.

Subsection (c) states that the bill has no effect on a recreational release with a participant.

Subsection (d) states that recreational land use may not form the basis for a claim of adverse possession or similar claim except for the claims of governmental entities under AS 09.45.052(d).

Subsection (e)(1) defines "charge" as a price for access except that a charge is not (1) lease payments from the state or other political subdivision of the state; (2) property tax relief in exchange for opening land for recreational activity; or (3) contributions to improve access or mitigate hazards.

Subsection (e)(2) defines private land to include (1) improved or unimproved land, (2) an easement of right-of-way, (3) roads and trails, (4) water and water courses, and (5) buildings, structures and equipment.

Representative Paul Seaton  
February 6, 2006  
Page 2

Subsection (e)(3) defines "landowner" as a private holder of the possessory interest in property, leases, or easements.

Subsection (e)(4) defines recreational activity consistent with AS 09.65.290.

DCB:ljw  
06-058.ljw

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activity;

(2) owe a duty to warn persons using the land for a recreational activity of any dangerous condition, known or unknown, apparent or hidden;

(3) owe a duty to curtail or prevent use of the land for recreational activities;

(4) implicitly ensure that the land is safe for any purpose;

(5) confer a legal status, such as invitee or licensee, to which a special duty of care is owed; or

(6) assume responsibility for any injury to persons or property.

(b) This section does not apply to a civil action

(1) if the landowner collects a charge for entry on the land for a recreational activity; or

(2) based on intentional, reckless, or grossly negligent conduct of the landowner.

(c) This section may not be construed to conflict with, nor does it have any effect on, a liability release agreement between a participant in a recreational activity and a landowner.

(d) Except as provided for under AS 09.45.052(d), land use allowed by a landowner for a recreational activity without charge may not form the basis of a claim for adverse possession, prescriptive easement, or a similar claim.

(e) In this section,

(1) "charge" means a fee or admission price imposed for access to or use of land, a recreational activity, a service, an entertainment, or another activity, except that the following is not considered a "charge":

(A) consideration received by the landowner from the state or political subdivision for land leased or dedicated to the state or political subdivision;

(B) property tax relief in exchange for a landowner's agreement to open land for a recreational activity;

(C) a contribution in kind, service, or cash from a user if all of the contribution is used to improve access or trails, to remedy or reduce

1 damage, to provide warning of a hazard, or to remove a hazard from the land;

2 (2) "land" includes private

3 (A) improved or unimproved land;

4 (B) ways or land subject to an easement or right-of-way;

5 (C) roads and trails;

6 (D) water and watercourses on or running through the land;

7 (E) buildings, structures, other improvements, machinery, and  
8 equipment on the land;

9 (3) "landowner" means

10 (A) a private owner or holder of the possessory or controlling  
11 interest in land, including a fee simple interest or life estate;

12 (B) a private lessee;

13 (C) the private holder of an easement; or

14 (D) another private person in control of the land;

15 (4) "recreational activity" has the meaning given in AS 09.65.290.

16 \* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 415  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): 3/20/06 - 8:55 a.m. Dept. Affected: Administration  
 Title An act relating to landowners' immunity RDU Risk Management  
for allowing recreational activity Component Risk Management  
 Sponsor Representative Sealon  
 Requester (H) RES Component No. 71

**Expenditures/Revenues** (Thousands of Dollars)  
 Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

Risk Management is not affected by this legislation.

"Land" and "landowner" as specifically defined within this proposed legislation is limited to private not public ownership - therefore there is no application to state lands and agency operations covered by the Risk Management self insurance program.

Prepared by: J. Brad Thompson, Director Phone 465-5723  
 Division: Risk Management Date/Time 3/20/06 - 8:55 a.m.  
 Approved by: Michael Tibbles, Deputy Commissioner Date 3/20/2006  
 Agency: Administration



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Web posted Friday, February 17, 2006

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- Outdoors
- People
- Classifieds
- Letters to Editor
- Schools

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- Business
- Religion
- Seniors
- Stocks
- Movies
- NIE
- Dispatch
- TV Listings
- For Kids
- Pets

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- Forms
- Exploring
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- Circulation
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**February**

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

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  Concept 
  Pattern  
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This week's stories

## Land-use bill could open more private land to recreation

*Liability to have a good time*

By **HAL SPENCE**  
Peninsula Clarion

Devony Lehner lives on 18 acres of mostly undeveloped land adjacent to the Baycrest Ski Trails near Homer, and since 2001 has permitted skiers, hikers and horseback riders recreational access to her land free of charge.

A lover of the outdoors, she thinks it is simply the right thing to do. But always in the back of her mind is concern that should someone have an accident on her property, she might be sued.

"We bought parcels to make that (Baycrest) trail area as expansive as possible," Lehner said. "Trails here cross a lot of private land. I'm a big advocate of trail use, and I believe if you support something, then you should really support it. But it is nerve-racking to think that someone might be skiing down Cathy's Hill and run into a tree and that we might be liable."

The threat of liability may prevent other private property owners from opening their land for recreational use, essentially limiting the public's access to the great outdoors —not only near Homer, but around the state.

A bill sponsored by Rep. Paul Seaton, R-Homer, may provide the kind of protection sought by private property owners like Lehner who would share their land with the public.

The bill, introduced Feb. 1, would provide immunity for private landowners across Alaska when they allow recreational use of their properties without charge. The bill would not cover commercial operators who charge a fee for land use.

The liability issue "has thwarted trails development," Seaton said. "This would allow for the free use of land for recreational purposes" without the landowner, in most cases, being liable for injuries.

The bill spells out that a property owner who directly or indirectly permits use of their land without charge would not have to make the land be safe for entry or be required to "eliminate, alter, or control the inherent risks of a recreational activity."

A landowner would not have to warn users of any known or unknown dangers — such as a stump beneath the snow. Nor would a landowner have to do anything in particular to prevent use of the land, such as posting "no trespassing" signs or erecting fences. Merely providing

**Miss a day?**

Use the list to see the stories from the past week.

- Sunday
- Friday
- Thursday
- Wednesday
- Tuesday
- Monday

**Today's front page**



access would not become an implicit assurance that the land was safe, nor would it confer any legal status on a user.

The proposed law would not protect a landowner who charged for access to land for a recreational activity, or protect against civil action arising from "intentional, reckless, or grossly negligent conduct of the landowner."

Bruce Hess, a Homer-area resident, is a founding member of an informal group called the Coalition for Homer Open Space and Trails, which began discussing the land-use liability dilemma about a year ago.

"There were lots of individual (recreation-specific) groups, like skiers and snowmachiners, but no one was talking about these issues that are a concern to all those groups," Hess said. "After looking at the (state) statutes, we saw an ambiguity about how liability was handled. There was room for improvement."

The coalition, commonly called CO-HOST, began researching how free-use liability for landowners is dealt with by other states.

"I think people will be more willing (to open their land to public use) if there were clear legislation to allow recreational use on private property." Hess said.

"We looked at this really closely, looked at hundreds of pages of case law searching for a way to protect generous landowners, not people trying to make money on it," said Ian Laing, an aide to Seaton.

Currently, state law regarding access liability protection applies to unimproved land, though the definition about what is or is not improved is not clear. The proposed law would shift focus from the type of land involved to the type of use, applying to improved and unimproved land, Laing said.

For instance, if a portion of a trail across private property coursed down the side of a driveway, a landowner would be protected should an injury occur along the driveway.

While landowners charging commercial fees for simple access would not be protected from liability under the proposed law, the bill would permit certain kinds of "charges." For instance, compensation paid for land leased or dedicated to the state or a political subdivision would not be considered a commercial fee.

Nor would property tax relief granted in exchange for a landowner's agreement to open land to free recreational use, or where in-kind contributions, services or cash from a user were employed to improve access or trails, reduce or remedy damage, or provide warning about or removal of hazards.

About 45 other states have similar statutes. Seaton's bill, Laing said, would bring Alaska into parity with those other states.



<u>Ann. §18-11-301</u>	1983, 1991					from land leased to public agency allowed
<b>California</b>						
<u>California Govt. Code §2-2-3-2-§46</u>	1963, 1988	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
<b>Colorado</b>						
<u>Colorado Rev. Stat. §33-41-101</u>	1963, 1970	Not Specified	Not Specified	No	Yes	Yes, but fees from land leased to public agency allowed
<b>Connecticut</b>						
<u>Connecticut Gen. Stat. §52-557(f)</u>	1971, 1990	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
<b>Delaware</b>						
<u>Delaware Code Ann. §7-VI-5901</u>	1953	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
<b>Florida</b>						
<u>Florida State Ann. §XXVIII-375.251</u>	1963	No	No	No	Yes	Yes
<b>Georgia</b>						
<u>Georgia Code Ann. §51-3-20</u>	1965	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
<b>Hawaii</b>						
<u>Hawaii Rev. Stat. §3-28-520-1</u>	1969	No	No	No	Yes	Yes, but fees from land leased to

						public agency allowed
<b>Idaho</b>						
<u>Idaho Code</u> <u>§36-16</u>	1976, 1988	No	No	No	Not Specified	Yes
<b>Illinois</b>						
<u>Illinois Ann.</u> <u>Stat. §745-65-1</u>	1965	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
<b>Indiana</b>						
<u>Indiana Code</u> <u>Ann. §14-22-10</u>	1969, 1995, 1998	No, for recreation trails; not specified for other locations.	Not Specified	No	Yes	Yes
<b>Iowa</b>						
<u>Iowa Code Ann.</u> <u>§XI-2-461(C)</u>	1967	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
<b>Kansas</b>						
<u>Kansas Stat.</u> <u>Ann. §58-3201</u>	1965, 1988	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
<b>Kentucky</b>						
<u>Kentucky Rev.</u> <u>Stat. Ann.</u> <u>§XXXVI-411-190</u>	1968, 2000	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
<b>Louisiana</b>						
<u>Louisiana Rev.</u> <u>Stat. Ann. §9-</u> <u>III-V-2-2791 &amp;</u> <u>2795</u>	1964, 1989	No	No	No	Yes	Yes

**Maine**

<u>Maine Rev. Stat. Ann. §14-1-7-159(A)</u>	1979, 1995	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
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**Maryland**

<u>Maryland Nat. Res. Code Ann. §5-1101</u>	1957, 1998	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
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**Massachusetts**

<u>Massachusetts Gen. Law Ann. §1-21-17(C)</u>	1972	Not Specified	Not Specified	Not Specified	Yes	Yes, but voluntary payments are allowed
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**Michigan**

<u>Michigan Comp. Laws Ann. §324.73301</u>	1994	No	No	No	Yes	Yes, but may charge a fee for "U-Pick" crops & not lose immunity
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**Minnesota**

<u>Minnesota Stat. Ann. §604(A)20</u>	1961, 1994	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
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**Mississippi**

<u>Mississippi Code Ann. §89-2-1</u>	1978, 1986	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
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**Missouri**

<u>Missouri §XXXVI-537.345</u>	1983	No	No	No	Yes	Yes
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**Montana**

<u>Montana Rev. Code Ann. §70-</u>	1965, 1995	No	Not Specified	No	Yes	Yes
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**16-301**

**Nebraska**

<u>Nebraska Rev. Stat. §37-730</u>	1965, 1998	No	No	No	Yes	Yes, except can charge group rates & not lose immunity
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**Nevada**

<u>Nevada Rev. Stat. §41.510</u>	1963, 1995	No	No	No	Yes	Yes
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**New Hampshire**

<u>New Hampshire Rev. Stat. Ann. §XVIII-212:34</u>	1961, 1982	No	No	No	Yes	Yes, but may charge a fee for "U-Pick" crops & not lose immunity
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**New Jersey**

<u>New Jersey Stat. Ann. §13-1 (B)8-15-133</u>	1968, 1984	No	No	No	Yes	Yes
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**New Mexico**

<u>New Mexico Stat. Ann. §17-4-7; §66-3-1013; §16-3-9</u>	1973	No	Not Specified	No	Yes	Yes, but fees from land leased to public agency allowed
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**New York**

<u>New York Gen. Oblig. Law §9-103</u>	1963	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
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**North Carolina**

<u>North Carolina Gen. Stat. §113 (A)-6-95</u>	1987 Trails Act, 1993	Not Specified	Not Specified	Not Specified	Not Specified	Only applies to trails & not other uses of land
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**North Dakota**

<u>North Dakota Cent. Code §53-</u>	1965, 1993	No	No	No	Yes	Yes, but fees from land
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08-1

leased to  
public agency  
allowed

**Ohio**

Ohio Rev. Code 1963, No Not No Not Specified Yes  
Ann. §XV-33-18 1995 Specified

**Oklahoma**

Oklahoma Stat. 1965, No No No Yes Yes, but fees  
Ann. Title §76- 1994 from land  
10 leased to  
public agency  
allowed

**Oregon**

Oregon Rev. 1971, No No No Yes Yes, but fees  
Stat. §105.672 1995 leased to  
public agency  
allowed

**Pennsylvania**

Pennsylvania 1965 No No No Yes Yes, but fees  
Stat. Ann. §68- from land  
11-477 leased to  
public agency  
allowed

**Rhode Island**

Rhode Island 1978 No No No Yes Yes, but fees  
Gen. Law §32-6- from land  
1 leased to  
public agency  
allowed

**South  
Carolina**

South Carolina 1962 No No No Yes Yes, but fees  
Code Ann. §27- from land  
3-10 leased to  
public agency  
allowed

**South Dakota**

South Dakota 1966, No No No Yes Yes, but  
Comp. Laws 1990 nonmonetary  
Ann. §20-9-11 gifts up to  
\$100 allowed

**Tennessee**

<u>Tennessee Code</u> 1988	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
<u>Ann. §11-10-101</u>					

**Texas**

<u>Texas Stat. &amp; Codes §4-75.001</u>	1965, 1999	No	Not specified	No	Yes	No. Revenue from charges may not exceed 2x prop. taxes
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**Utah**

<u>Utah Code Ann. §57-14-1</u>	1971, 1997	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
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**Vermont**

<u>Vermont Stat. Ann. §10-020-441 &amp; §12-5791</u>	1967, 1993	No	Not Specified	No	Yes	Yes
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**Virginia**

<u>Virginia Code §29.1-509</u>	1950	No	No	No	Yes	Yes, but may charge fees to maintain the land & not lose immunity
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**Washington**

<u>Washington Rev. Code Ann. §4-24.200</u>	1967, 1997	Not Specified	Not Specified	Not Specified	Yes	Yes, but may charge for cutting firewood & not lose immunity
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**West Virginia**

<u>West Virginia Code §19-25-1</u> Also see <u>West Virginia's Whitewater Responsibility</u>	1965	No	No	No	Yes	Yes
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Act 520-3b-1 to 5

**Wisconsin**

<u>Wisconsin Stat. Ann. 5895.52</u>	1963, 1995	No	No	No	Not Specified	No, so long as total revenues don't exceed \$2000 annually
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**Wyoming**

<u>Wyoming Stat. Ann. 634-19-101</u>	1965	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
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**CLARIFICATION OF TERMS:**

**YEAR PASSED:** When was the recreational use statute passed or modified?

**DUTY TO KEEP SAFE:** Does the owner owe a duty of care to keep their premises safe for entry and use by others for recreational purposes?

**DUTY TO WARN:** Does the owner owe any duty to warn visitors of hazardous conditions, structures, or activities on their property to persons entering for recreational purposes?

**ASSURANCE OF SAFETY:** Does the owner who gives permission to another for recreational activities on their property thereby extend any assurance that the premises are safe?

**LIABILITY FOR MISCONDUCT WILFUL/WANTON:** Does the statute limit the landowner's liability for wilful or malicious failure to guard or warn against known dangerous conditions, uses, structures, or activities?

**PROTECTION LOST IF FEE CHARGED:** Does the statute limit the landowner's liability for injuries suffered in any case where access permission is granted for commercial enterprise or profit? In other words, does the landowner lose their protection under the statute if they charge an access fee?

**CREDITS:**

American Whitewater collected the majority of this data via private research, correspondence, and assistance from the following sources:

## Letters of Support – HB 415

### Organizations

---

Alaska State Chamber of Commerce  
Kenai Peninsula Borough (Resolution)  
City of Homer (Resolution)  
Alaska Trails  
Kachemak Heritage Land Trust  
State Farm  
Matsu Sled Dog Council  
Lessmeier & Winters  
Pratt Museum  
Coalition for Open Space and Trails  
Snowmad Snowmachine Club  
Homer Soil and Water Conservation District  
Kachemak Nordic Ski Club

### Individuals

---

James & Dianne Mahaffey	Anchorage
Steve Ulvi	Fairbanks
Kelley Griffin	Wasilla
Wayne Clark	Gustavus
Kathryn Kennedy	Ninilchik
Doug Schweisow	Homer
Phylis Tolva	Homer
Kenton Bloom	Homer
Dave & Molly Brann	Homer
Milli Martin	Homer
Lois Bettini	Homer
Kevin & Jeanne Walker	Homer
Carol Grace	Homer
Roberta Highland	Homer
Al Poindexter	Homer
David Schcer	Homer
Mairiis Kilcher	Homer
Lindsay Winkler	Homer
Wayne Watson	Homer
Heather Beggs	Homer
Bruce Hess	Homer
Valerie Connor	Homer
Tamara Schmidt	Homer
Barb Seaman	Homer
Kenneth Jones	Homer
Jeanne Parker	Homer



## KENAI PENINSULA BOROUGH

144 N. BINKLEY · SOLDOTNA, ALASKA · 907-262-7820  
BUSINESS (907) 262-4441 FAX (907) 262-1892

JOHN J. WILLIAMS  
MAYOR

### MEMORANDUM

**TO:** Ron Long, Assembly President  
Members, Kenai Peninsula Borough Assembly

**FROM:** Milli Martin, Assembly Member *(initials)*

**DATE:** March 2, 2006

**SUBJECT:** Resolution 2006-027, supporting HB 415 relating to landowners' immunity for allowing use of private land for recreational activities

Alaska currently does not have a statute that clearly protects landowners of improved land from liability for damages sustained from the use of their land for private recreational purposes, including motorized and nonmotorized uses.

A local trails group in Homer worked with Rep. Paul Seaton's office to draft HB 415, a bill to provide immunity to private landowners who allow free recreational uses on their land. It would not apply to commercial recreational uses or cases of intentional, reckless, or grossly negligent conduct on the part of the landowner.

AS 09.65.200 currently gives tort immunity only if the land is unimproved. This proved to be a conundrum for the University of Alaska, in litigation where the court found the issue concerned improved property, i.e. a sledding hill, and therefore denied immunity to the University, under the current statute.

As written, HB 415 will give full tort immunity to private property owners, and greatly assist in encouraging private property owners to allow the public to access their property for recreational uses.

I respectfully request your support of this Resolution.

Thank you.

Introduced by:

<http://www.borough.kenai.ak.us/assemblyclerk/Assembly/Resolutions>.

Introduced by:

Martin

Date:

03/14/06

Action:

Adopted

Vote:

7 Yes, 0 No, 2 Absent

## **KENAI PENINSULA BOROUGH**

### **RESOLUTION 2006-027**

#### **A RESOLUTION SUPPORTING HB 415 RELATING TO LANDOWNERS' IMMUNITY FOR ALLOWING USE OF PRIVATE LAND FOR RECREATIONAL ACTIVITIES**

**WHEREAS**, although Alaska Statute 09.65.200 provides immunity to land owners for certain uses of their unimproved land, Alaska currently does not have a statute that protects landowners from liability for the use of their improved land for private recreational use such as skiing, hiking, snowmachining, and horseback riding; and

**WHEREAS**, House Bill 415 would enact a statute to delineate the responsibilities of landowners who allow free public access to their lands for recreational uses; and

**WHEREAS**, the bill states that a private property owner does not owe a person using the land for recreational purposes a duty to keep the land safe for use, a duty to warn of unsafe conditions, a duty to prevent recreational use of the land, and does not assume responsibility for any injury to persons or property; and

**WHEREAS**, HB 415 also provides that recreational land use allowed by a landowner without charge may not be used to obtain a prescriptive easement or to adversely possess the property; and

**WHEREAS**, approximately 45 other states have similar statutes; and

**WHEREAS**, HB 415 will encourage private property owners to allow recreational uses on their lands, possibly leading to the development of more trails and expanding recreational opportunities for all Alaskans;

**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That the Kenai Peninsula Borough Assembly supports and endorses the passage of House Bill 415m as currently written.

**SECTION 2.** That copies of this resolution shall be forwarded to all members of the Alaska State Legislature and the Honorable Governor Frank Murkowski.

**SECTION 3.** That this resolution shall become effective immediately upon adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 14TH DAY OF MARCH, 2006.**

**CITY OF HOMER  
HOMER, ALASKA**

Mayor/  
Parks & Recreation  
Commission

**RESOLUTION 06-30**

A RESOLUTION OF THE CITY COUNCIL OF HOMER ALASKA IN SUPPORT OF HOUSE BILL 415 ENTITLED "AN ACT RELATING TO LANDOWNERS' IMMUNITY FOR ALLOWING USE OF LAND FOR A RECREATIONAL ACTIVITY; AND PROVIDING FOR AN EFFECTIVE DATE".

WHEREAS, Current Alaska law does not address recreational land use directly; and

WHEREAS, Protection is granted only on lands qualifying as "unimproved", however it is difficult to legally define an improvement, which is a great concern to landowners when considering recreational land use; and

WHEREAS, This distinction should not be the benchmark used for protecting landowners when considering recreational land use; and

WHEREAS, HB 415 encourages the recreational use of private lands by protecting land owners that allow free public access to their lands; and

WHEREAS, HB 415 clearly stipulates that a private land owner does not owe a person using their property for recreational purposes,

- A duty to keep the land safe for use
- A duty to warn for unsafe conditions
- A duty to curtail the use of their land for recreational purposes; and

WHEREAS, A landowner receives no protection under HB 415 if they charge for access or are guilty of intentional, reckless or grossly negligent conduct.

NOW, THEREFORE, BE IT RESOLVED That the City Council of Homer Alaska finds that the passage of HB 415 is in the best interest of landowners allowing use of their land for a recreational activity; and

BE IT FURTHER RESOLVED That the Council hereby expresses its strong support for HB 415 and urges that the Legislature and Governor pass it into law.

**Headquarters:**  
217 2nd Street, Suite 201  
Juneau, Alaska 99801  
(907) 586-2323 FAX 463-5515  
www.alaskachamber.com



**Regional Office:**  
601 W. 5th Ave., Suite 700  
Anchorage, Alaska 99501  
(907) 278-2722 FAX 278-6643

★ STATE ★  
CHAMBER  
OF COMMERCE

March 20, 2006

Representative Paul Seaton  
Alaska House of Representatives  
State Capitol  
Juneau, Alaska 99801

Representative Seaton,

The Alaska State Chamber of Commerce supports House Bill 415. Private landowners often play a pivotal role in accessing Alaska's outdoors through leasing or granting permission to use their own private property. This role helps small businesses blossom while providing recreational access for Alaska's burgeoning tourist and adventure activities. Without legal protections, new tourist and adventure activities may be limited or threatened altogether. We believe HB 415 will increase business in Alaska by protecting private property owners from the potentiality of far-reaching lawsuits.

Jobs and economic opportunity are limited in many parts of Alaska, HB 415 may have additional benefits by creating opportunities in Alaska's remotest locations. The State Chamber encourages your constructive work with regards to HB 415 and we are hopeful that the bill will move through the legislative process.

Best Regards,

Wayne A. Stevens  
President/CEO  
Alaska State Chamber of Commerce

**Alaska State Chamber of Commerce  
2006 Position  
Amend the Tort Laws and Regulations**

The Alaska State Chamber of Commerce supports amending tort laws and regulations to reduce the number of wasteful law suits and exorbitant settlements and awards that cause insurance rates to climb and businesses to become less competitive in Alaska.

# ALASKA TRAILS



Enhancing the Alaska trail experience  
by supporting sustainable, legal trails  
through education, facilitation, and  
funding, and the promotion of their  
health, social, and economic benefits

PO Box 140264  
Anchorage, AK  
99514-0264  
907-333-4442  
[www.alaska-trails.org](http://www.alaska-trails.org)

March 14, 2006

Representative Paul Seaton  
Capitol Building, Room 102  
Juneau, AK 99801

Dear Representative Seaton:

During our Board of Director's meeting today, we reviewed House Bill 415, "An Act relating to landowners' immunity for allowing use of land for recreational activity." The Board unanimously supports your efforts to protect private property owners from lawsuits that could result from the informal recreational use of trails and property when no fees are collected by the landowner.

Liability from recreational activities has been a long-term concern by the private landowners within Alaska. Since Alaska Trails was formed in 2003, we have addressed trail issues statewide. We recognize the liability concern as the number one reason why private landowners are hesitant to grant public access across their lands. HB 415 addresses that concern and we support its passage.

Thank you for your efforts to reduce this landowner concern and to increase recreational opportunities, especially trail access, across Alaska.

Please do not hesitate to contact us if we can provide additional support for HB415.

Sincerely,

Jack Mosby  
President



## Kachemak Heritage Land Trust

315 Klondike Avenue • Homer, AK 99603 • ph: 907-235-5263 • fax: 907-235-1503 • [www.kachemaklandtrust.org](http://www.kachemaklandtrust.org)

February 20, 2006

Representative Paul Seaton  
Capitol Building Room 102  
Juneau, Alaska 99801

Dear Representative Seaton,

I am very pleased to write today to express strong support for House Bill No. 415, as it is currently written, on behalf of the board of directors and membership of Kachemak Heritage Land Trust. After working many years on trails issues primarily in the Homer area, it is wonderful to see your work to provide private landowners with more immunity for allowing increased recreational activity. It is our experience that many landowners would like to allow public access through their lands and while they support trail development and use, potential liability is a common concern.

House Bill No. 415 will make a significant difference in the future development of a strategic network of public trails, enhancing recreational opportunities for both residents and visitors. We see this as a very positive action that will result in improved public health, increased economic vitality for the area, and a wonderful land-use planning tool in the forefront of rapidly increasing residential development.

Thank you very much for your attention to and persistence in this effort. I am pleased to report that we have emailed many of our members to make them aware of your work to bring House Bill No. 415 and have encouraged them to add their support.

Sincerely,

Barbara Seaman  
Executive Director

Preserving, for public benefit, land on Alaska's Kenai Peninsula with  
natural, recreational, or cultural values by working with willing  
landowners.



4014 Lake Street, suite 201  
Homer, Alaska 99603  
907-235-8177 ext. 5  
[hsxcd@xvz.net](mailto:hsxcd@xvz.net)

March 2, 2006

Rep. Paul Seaton  
Capitol Building, Room 102  
Juneau, AK 99801

Dear Representative Seaton:

During our February 9<sup>th</sup> Board of Supervisors meeting, the board members reviewed House Bill 415, "An Act relating to landowners' immunity for allowing use of land for recreational activity," and expressed strong support for this bill. The Board unanimously supported your efforts to protect private property owners from frivolous lawsuits that could result from the informal use of trails and property for recreational uses.

Since 2001, the Homer Soil and Water Conservation District has worked with recreational issues on the Kenai Peninsula and have recognized a strong need for greater liability protection for landowners. This bill addresses this need and we are thrilled to see it in the legislature this session.

We would like to highlight that we support this bill in its current state; should any changes be made to the bill's language, we would like to consider any new implications of those changes.

Thanks for your hard work in Juneau, Paul. We appreciate your representation and thank you for your work on House Bill 415.

Please let us know if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Gibson".

Steve Gibson  
Board Member

*Paul - Thanks for your work on this  
We think it's important - S.*

*"To provide education and leadership in the conservation and sustainable use of soil-  
and water- related resources through cooperative programs that protect, restore  
and improve our environment."*

**LESSMEIER & WINTERS**

LAWYERS - LLC

VINTAGE BUSINESS PARK  
3000 VINTAGE BOULEVARD  
SUITE 100  
JUNEAU, ALASKA 99801

MICHAEL L. LESSMEIER  
GREGORY W. LESSMEIER  
SHELDON E. WINTERS

TELEPHONE: (907) 786-4998  
FACSIMILE: (907) 786-4998  
E-MAIL: lw@gl.net

Via Telefax to 465-3472

February 14, 2006

Representative Paul Seaton  
Alaska State House of Representatives  
State Capitol Room 102  
Juneau, Alaska 99801

**Re: House Bill 415**

Dear Representative Seaton:

I am the registered lobbyist for State Farm and am pleased to voice State Farm's support for House Bill 415 relating to landowners' immunity for recreational activity. If there is anything we can do to help or any information we can provide, please let me know.

Sincerely,

LESSMEIER & WINTERS  
Lobbyists For State Farm

By: 

Sheldon E. Winters

SEW/caf

0013-006/Letter to Seaton re HB 413.wpd

Coalition for Homer Open Space and Trails  
(907) 235-2926

January 18, 2006

Representative Paul Seaton  
Capitol Building, Rm. 102  
Juneau, AK 99801

Dear Representative Seaton:

This past November the Coalition for Homer Open Space and Trails met with you and your staff to discuss potential changes to the Alaska liability statutes, especially as they affect landowner liability and recreational activities.

We thank you for your time on this effort and would like to express our strong support for continuing the pursuit of alternative language that will help landowners to feel more comfortable with their liability concerns and be more apt to allow access for recreational opportunities across their land.

As it stands, the existing statutes are confusing for landowners to understand their rights and responsibilities and, as such, landowners have become more concerned about their liability. We hope the new legislation will clarify the rights or property owners to allow public use of their land without fear of petty liability actions.

Please contact me at the above listed number if you have any questions or suggestions regarding COHOST and the ideas expressed in this letter. Your support and involvement could make a very positive difference.

Sincerely,

Bruce Hess  
Founding Member

Homer Alaska  
2/24/06

Rep. Paul Seaton  
State Capital  
Juneau, AK 99801

Dear Paul,

I am writing in support of H.B. 415

As a lifelong skier and user of trails, downhill facilities, and ski jumps at several places in Alaska and in Minnesota; and as a younger enthusiast I've been aware of the risk and responsibilities of both user and landowner. I believe the proposed legislation would greatly enhance the availability of recreational areas and, at the same time, leave in place protection of both landowner and user.

Thank you for your service to Alaska and your consideration of our particular needs

Respectfully

Maurice Mitchell

my name is Roberta Highland, I am representing the Kachemak Bay Conservation Society. We have a membership of 130.

Our mission is dedicated to protecting the environment & encouraging sustainable use & stewardship of the natural resources in the Kachemak Bay region. We strongly support HB 415. There are many areas experiencing population increases, homes being one of them. Trails are a quality of life issue, as the population grows. This bill encourages the recreational use of private lands by defining the liability of landowners who allow free public access to their lands. This legislation will enable us to expand recreational opportunities & protect land owners. Trails have been proven to ↑ property values & are of homes. Dreams is to be an area connected by trails. This bill would assist us in realizing this dream.



# Alaska State Legislature

Please enter into the record my testimony to the Resource  
COURTTEE NAME  
 committee on H.B. 415, dated 3-22-06  
BILL / SUBJECT TODAY'S DATE

The Alaska Association of Conservation Districts Board of Directors discussed this bill at their last meeting. They represent the 18 Conservation Districts across the state. One of the principle benefits of this bill recognized by the board is to relieve landowners worry about folks hunting on private land and may allow more area be available for hunting. The board supported the bill in its entirety & unanimous. This bill allows neighbors to be good neighbors. Thank You.

Signature: Al Poindester  
TESTIFY  
Alaska Association of Conservation Districts  
REPRESENTING  
4014 Lake Street, Ste 201 Homer, AK. 99603  
ADDRESS  
235-8177 x4  
PHONE NO.



# Alaska State Legislature

Please enter into the record my testimony to the resources  
COMMITTEE NAME

committed on HB 415, dated 03/22/06  
BILL SUBJECT TODAY'S DATE

My name is David Scheer, Homer resident and partner in a design firm in Homer.

IDA Design has been working on a number of projects recently that involve planning and development of large tracts of land. Most of these projects are planned with significant areas of open space, trails and wildlife corridors, but it has been a struggle to figure out clearly how to allow public access without opening my clients to significant liability.

From my perspective as a designer and developer, HB 415 will increase the freedom of private property owners to decide the best use of their own land. As a member of the community, HB 415 will be a real benefit for the public. It will allow cities to see an increase in public use areas even while economic development and growth in fill vacant lands. Private land open to public use also increases public recreation space with no additional burden on

Signatures: ~~IDA projects - over land acquisition and maintenance.~~

David Scheer  
REPRESENTING

David Scheer  
ADDRESS

1311 Lakeshore #3, Homer  
PHONE NO.

235-1505



# Alaska State Legislature

Please enter into the record my testimony to the House Resources Committee  
COMMITTEE NAME  
 committee on HB 415, dated 3-22-06  
BILL / SUBJECT TODAY'S DATE

I am landowner of Seaside Farms in Homer, and owner of 50 acres homestead on Kochomak Bay; plus I am trustee of Kitcher Homestead Trust consisting of 600 acres under a conservation easement.

The public often crossed or used trails on both the unimproved + improved parts of these lands in the past, for recreational purposes. We have enjoyed sharing the trails + properties with neighbors + the public but are concerned about liability. It is often impossible + prohibitive for landowners to get adequate insurance. This bill, if passed, would make it easier for ~~the~~ public to enjoy use of private lands.

Please pass this bill!! It is important.  
 I strongly support passage of this bill.

Signed: Marilyn Kitcher  
TESTIFY

Self and as Trustee, Kitcher Homestead Trust  
REPRESENTING

10904 Seaside Farm Rd. Homer, AK 99603  
ADDRESS

935-7540  
PHONE



# Alaska State Legislature

Please enter into the record my testimony to the Resources  
COMMITTEE NAME  
 committee on HB 415, dated 3/22/08  
BILL / SUBJECT TODAY'S DATE

Rep. Kammars, Rep. Samuels, & members of the committee,  
 Please accept this testimony from the Homer Soil  
 Water Conservation District expressing strong support  
 for House Bill 415. We support these bill for four reasons:

- (1) this bill provides clarity that leaves no doubt in a  
 landowner's mind regarding their liability;
- (2) it is standard language adopted by approximately 45  
 states in our nation;
- (3) does not threaten a landowner's property rights because  
 it specifically states that this informal, non-commercial use does not  
 constitute a basis for a prescriptive easement;
- (4) other statutes that simply state negligence do not  
 provide enough clarity, as HB 415 does in section 3, b, 1.

We recognize the many other pressures on your time &  
 hope that the significant support you'll find from our  
 testimony today & in the future will help move this bill  
 quickly into law.

TESTIFYER: Lindsay Winkler Lindsay Winkler  
SIGNATURE PRINTED NAME  
Homer Soil & Water Conservation District  
REPRESENTING  
4041 Lake St, Suite 201, Homer, 99603  
ADDRESS  
(907) 225-8177 x.116  
PHONE NO.

**Ian Laing**

---

**From:** Doug or Lois [odonata@homemet.net]  
**Sent:** Saturday, March 25, 2006 7:36 AM  
**To:** Dave and Molly Brann; Milli Martin; Rep. Paul Seaton  
**Subject:** support HB 415  
**Follow Up Flag:** Follow up  
**Flag Status:** Green

As active, longtime, summer and winter trails users, and private land-owners who have a non-motorized, cross-country ski trail available for public use on our own land, we strongly support HB 415 , and encourage you to do so.

Sincerely,

Doug Schwiesow and Lois Bettini

66584 Diamond Ridge Road

Homer, Alaska 99603

**Ian Laing**

---

**From:** Kevin Walker [kevin\_walker99802@yahoo.com]  
**Sent:** Thursday, February 02, 2006 2:07 PM  
**To:** Rep. Paul Seaton  
**Subject:** RECREATIONAL LAND USE HB 415

Rep Seaton,  
I'm glad to see the RECREATIONAL LAND USE bill has made it to the legislature. This should help improve the quality of life in all of Alaska by allowing people more access to trail systems that are connected by trails.

It could probably be argued that this is an energy saving bill - people will be able to get to their recreational areas by using the trails instead of having to drive to the trailheads.

Thanks,

Kevin Walker  
59975 Golden Plover  
Homer, Alaska 99603  
235-5304

---

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around <http://mail.yahoo.com>

**Louie Flora**

---

**From:** POMS@legis.state.ak.us  
**Sent:** Thursday, March 23, 2006 9:21 AM  
**To:** Louie Flora  
**Subject:** New Pom:HB 415 Liability For Recreational Land Use

Kelley Griffin  
Hc 30 Box 5355z

Wasilla 99654-9712,

I am a Yukon Quest and Iditarod musher. Training and racing trails are critical to my livelihood. Give trail users a tool to maintain access and create new trails! Landowners should not be held liable for mishaps on a trail on their property! Pass HB0415A!!

**Ian Laing**

---

**From:** Kelley G [kelleyg@gci.net]  
**Sent:** Wednesday, March 22, 2006 5:26 PM  
**To:** Rep. Paul Seaton; Rep. Harry Crawford; Rep. Mary Kapsner  
**Subject:** HB 415A

To Whom it May Concern,

I am a member of the MatSu Sled Dog Council, Inc. a non-profit dedicated to education and preservation of dog mushing in Alaska, as well as a Yukon Quest and Iditarod musher. Trails are a critical part of the equation in the sport of dog mushing, which is the official state sport.

Due to the massive amount of development, especially in the MatSu, we are losing trails everyday. Even trails along public right of ways are in danger because of road development.

And in light of today's litigious society, many landowners are reluctant to allow historic or new passage across their properties, which further restricts and in many cases, cuts trails into unusable pieces.

Please give trail developers a powerful tool to maintain access and create new trails! Landowners should not be held liable for mishaps on a trail on their property! I am a property owner with a self-made trail that makes me nervous about allowing anybody else to use, and as firmly as I believe in trails, I have to consider whether the allowing access is worth the possibility of losing everything I own.

Please pass HB0415A!!

Sincerely,

Kelley Griffin  
HC 35 Box 5355 Z  
Wasilla, AK 99654  
907-373-1126  
Voter ID# 07408940  
Voter Precinct - Knik/ Goose Bay

**Ian Laing**

---

**From:** Heather Beggs [Director@prattmuseum.org]  
**Sent:** Thursday, January 19, 2006 11:27 AM  
**To:** 'Bruce Hess'  
**Cc:** Ian Laing  
**Subject:** RE:

Hi Ian,

This email is in support of CoHost's draft changes to the liability statute and your revision efforts to that effect. The Pratt Museum supports this effort and is willing to write a more formal letter in the future if necessary. Please let us know how we can be of assistance.

Thank you,  
Heather

Heather Beggs  
Museum Director

Pratt Museum  
3779 Bartlett Street  
Homer, AK 99603  
(907) 235-8635 ext.33/Fax 235-2764  
[director@prattmuseum.org](mailto:director@prattmuseum.org)  
[www.prattmuseum.org](http://www.prattmuseum.org)

**Ian Laing**

---

**From:** Phyllis at Northern Enterprises [kshores@ptialaska.net]  
**Sent:** Friday, January 20, 2006 10:43 AM  
**To:** Rep. Paul Seaton  
**Subject:** trails

January 20, 2006

Good Morning,

I have actively been a member of the Snomad Snowmachine Club here in Homer for 8 years. It is a good organization and supports our community abundantly. I enjoy atv activities of all kind and accept full responsibility for that. I have concerns about public access across private property and the liability issues connected with that. The land owner should not bear the responsibility, ideally the state should. I see this as an action that would insure the trails would stay open to be enjoyed in this great state of ours.

Thank you,

Phyllis Tolva

---

FREE Emoticons for your email! [Click Here!](#)



**Ian Laing**

---

**From:** Valerie Connor [redherring007@hotmail.com]  
**Sent:** Thursday, February 16, 2006 12:21 PM  
**To:** Ian Laing  
**Subject:** HB 415

Dear Ian,

I wanted to thank you for the work you have put into HB 415. Your support on this issue is much appreciated.

I would like to go on record as being in favor of this bill. It has the potential to benefit many communities around Alaska. With increasing sprawl, diminishing open spaces and health problems associated with inactivity, this bill is greatly needed. I can't imagine who would be against this bill. It benefits everyone. I believe many landowners would welcome a trail through their lands if they were relieved of the burden of a possible lawsuit. Please add my name to the list of supporters for HB 415.

Many thanks,

Valerie Connor

963 Cape Douglas Way Homer, AK 99603

235-6371

**Louie Flora**

---

**From:** POMS@legis.state.ak.us  
**Sent:** Wednesday, March 22, 2006 10:51 AM  
**To:** Louie Flora  
**Subject:** New Pom:HB 415 Liability For Recreational Land Use

Tamara Schmidt  
Po Box 65

Homer 99603-0065,

I strongly support HB 415 which addresses liability issues for landowners to allow recreational use of their private property. This legislation will enable us to expand recreational opportunities and protect land owners.

---

**From:** WEClark [W3CLARK@gci.net]  
**Sent:** Tuesday, March 21, 2006 9:44 AM  
**To:** Emily Stancliff  
**Subject:** Voice support for HB 415

My name is Wayne G. Clark. I live at P.O. Box 164; Gustavus, Alaska 99826 (Spring, summer, fall), and the winters in Douglas, Alaska 99824. Due to the fact I will be on a boat in transit to Gustavus on Weds. March 22, I will not be able to phone in my support for the HB 415 hearing.

As a retired teacher who taught outdoor classes, a wilderness guide, hunter, and hiker, I feel the bill addresses the needed description of liability to landowners enabling them to allow free access to their lands. This I feel, will help to encourage future growth of the state's recreational trails. Many trails around the state are used by scores individuals to see the beauty of our State, and to appreciate its resources. Any steps to enhance their use should be strongly supported. It is the free access to our waters, and great trail systems that bring many back to enjoy our wonderful outdoors here, and seems to be the things many remember when they return from their visits.

Therefore, I ask your support for HB 415.

Sincerely,

wayne g. clark

(907)-364-3226/ (907) 697-2335/ (907) 209-1441(c)

**Ian Laing**

---

**From:** Carol at Northern Enterprises [kshores@ptialaska.net]

**Sent:** Thursday, January 26, 2006 8:01 AM

**To:** Ian Laing

**Subject:** Land usage-liability

Good Afternoon Mr. Seaton,

I have actively been a member of the Snomad Snowmachine Club here in Homer for 4 years. This organization has been very helpful and offered many benefits to the entire community.

I enjoy both atv and snowmachine activity and understandably accept full responsibility for that.

Over the last couple of years I have noted more and more that the issue of liability of public access across private property is a major concern. As a land owner, I do not feel that I should have to bear the responsibility for someone wishing to use my property in order to have fun, I feel that this should be a state issue. I feel that with the states assistance in this matter our trails would be able to stay open to be enjoyed by all.

Thank you,

Carol Grace

Ian Laing

---

**From:** Wayne Watson [watson@xyz.net]  
**Sent:** Friday, February 17, 2006 10:05 AM  
**To:** Rep. Paul Seaton  
**Subject:** support HB415  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Paul,

This message is to let you know of my support for HB415. I believe this could be important legislation to the development of ski and other recreational trails across the State.

Kind regards,

H. Wayne Watson  
P.O. Box 884  
Homer, AK 99603  
907-235-4283

Ian Laing

---

**From:** Jeanne & Kevin Walker [jkwalker@alaska.net]  
**Sent:** Friday, February 17, 2006 4:53 PM  
**To:** Rep. Paul Seaton  
**Cc:** cohosts@gmail.com  
**Subject:** HB 415  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Rep Seaton,

I strongly support HB 415 and feel that it will dramatically improve the quality of life, health, and recreation in Alaska. Without the fear of liability problems, landowners will be more generous in allowing trails to cross their property.

It could possibly be argued there is also a fuel savings here - with trails that actually go from point A to point B, people may be able to walk, bike, or ski instead of driving their cars.

Thanks,  
Kevin Walker

PO Box 1542  
Homer, Alaska 99603  
[www.alaska.net/~walkerbroost](http://www.alaska.net/~walkerbroost)  
1-907-235-5304  
Cellphone: 1-907-299-7723

**Rep. Paul Seaton**

---

**From:** Kenneth Jones [ken\_jonz@hotmail.com]  
**Sent:** Saturday, February 18, 2006 8:44 AM  
**To:** Rep. Paul Seaton  
**Subject:** HB 415

Dear Rep. Paul

I enthusiastically support HB 415. I have property that I have no desire to post no trespassing and I also recreate on private property of others. This is a well thought out and necessary piece of legislation. Please add my support to HB 415.

Yours truly,  
Ken Jones  
907 235 6417

Ian Laing

---

**From:** Seabright [seabright@alaska.net]  
**Sent:** Wednesday, January 18, 2006 4:05 PM  
**To:** Ian Laing  
**Subject:** Comprehensive tort immunity

This letter is intended to reflect my support for the proposed changes to the tort immunity laws affecting recreational trail use. I have found the existing set of laws do not support the private landowner who wishes to grant an easement to the public for recreational use. The requirement that the easement be granted to the State or municipality has created a Catch 22. The willing private landowner grants an easement to the public. In most cases we have found both the State and Kenai Peninsula will not accept these easements. Under current law the result is no tort immunity for the landowner. This problem is a serious impediment to the Kachemak Greenway, the Parkway Project, an interconnected system of open space and trails between Diamond Creek, Bridge Creek, Twitter Creek and Fritz Creek drainages. The system includes existing trust lands, private trail easements, easements across public lands and existing recreational sites at Baycrest, Lookout Mountain, McNeil Canyon and Evelene State Park. One day the public should be able to walk from the beach at Diamond Creek clear over to the beach at Cottonwood/Eastland. This system will become the backbone of a significant recreational resource. Let me know if I can provide any additional information.

Cordially,

Kenton Bloom

Ian Laing

---

**From:** Dave and Molly Brann [brann@alaska.net]  
**Sent:** Thursday, January 19, 2006 10:08 AM  
**To:** Rep. Paul Seaton  
**Cc:** Ian Laing  
**Subject:** Re: RE:

Rep. Paul Seaton,

Hi Paul, Just a short note to assure you the Kachemak Nordic Ski Club, 200+ members, are in full support of creating a clear recreational use statute. The existing statute(s) while somewhat beneficial are confusing to the private landowner and don't cover all the situations we would like to see included. A new statute would make it much easier for the private landowner and trails groups to work together to provide recreational opportunities for residents and visitors alike. For over twenty years the biggest problem related to developing and maintaining ski trails in the Homer area has been the landowners fear of being sued. A new statute would be of benefit to the whole state.

I also am sure our local Raven Ridge Homeowners Assoc. would also be very supportive of a new comprehensive statute.

Sincerely,  
Dave Brann

**Ian Laing**

---

**From:** Barb Seaman [barb@kachemaklandtrust.org]  
**Sent:** Wednesday, January 18, 2006 1:04 PM  
**To:** Ian Laing  
**Subject:** recreational use statute

Hi Ian,

So glad to hear you are working on a new liability statute and not just an update of the existing one. Bruce Hess just emailed asking that those of us who support this effort let you know.

Kachemak Heritage Land Trust absolutely supports the work you and Rep. Seaton have taken on to update/re-write Alaska's recreational use liability statute. I will be happy to provide a formal letter of support for this effort when the time comes.

Thank you so much for your time and attention!

Barb Seaman  
Executive Director  
Kachemak Heritage Land Trust  
P.O. Box 2400  
Homer, Alaska 99603  
907.235.5263

**Ian Laing**

---

**From:** Jeanne Parker [otterbdancing@gci.net]  
**Sent:** Monday, February 20, 2006 1:15 PM  
**To:** Ian Laing  
**Cc:** cohosts@gmail.com  
**Subject:** HB 415

Hi Ian,

I want to let you know that I support HB 415. I am a strong supporter of public use of trails, and any way that these can be established more easily is worth the effort.

Thanks Jeanne Parker, Homer, AK.

**Louie Flora**

---

**From:** POMS@legis.state.ak.us  
**Sent:** Wednesday, March 15, 2006 1:32 PM  
**To:** Louie Flora  
**Subject:** New Pom:HB 415 Liability For Recreational Land Use

Mairiis Kilcher  
40904 Seaside Farm Rd

Homer 99603-9460,

I strongly support HB 415. I would appreciate a hearing on it in House Resources Committee.

**Ian Laing**

---

**From:** Dianne Mahaffey [dmahaff@alaska.net]  
**Sent:** Friday, March 10, 2006 9:01 AM  
**To:** Rep. Paul Seaton  
**Subject:** HB415

We want to commend you on your work to introduce and move forward HB415.

As long-time trail users in Alaska, we feel this is a very important piece of legislation.

Thank you for your efforts.

James R. & Dianne D. Mahaffey  
9601 Midden Way  
Anchorage, AK 99507

**Ian Laing**

---

**From:** Afish-n-See/Kennedy's [afishnsee@alaska.com]  
**Sent:** Tuesday, March 07, 2006 8:49 AM  
**To:** Rep. Paul Seaton  
**Cc:** cohosts@gmail.com; Molly Brann  
**Subject:** in favor of HB 415

Representative Seaton,

I am a cross country skier and land owner who would benefit from the passing of HB 415. The protection to private land owners that this bill would provide would definitely encourage me to participate. I currently go to great measure to prevent trespassing on my land. Also as a skier who travels to Homer occasionally to ski I am aware that is a big issue there. Many fine trails could be expanded without huge cost if this bill passes.

Thank you for your help to pass HB 415,

Kathryn Kennedy  
P.O. Box 39011  
Ninilchik, Alaska 99639  
907-567-3310  
afishnsee@alaska.com

Ian Laing

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**From:** Dave and Molly Brann [brann@alaska.net]  
**Sent:** Sunday, March 12, 2006 9:01 PM  
**To:** Ian Laing  
**Subject:** HB 415, Newsletter

Hi Ian,

After a successful Marathon Ski Race from Lookout Mt. to the Baycrest Trails today, 80 participants with a fair number from Anchorage and points north, I just wanted to point out once again the value of HB 415. A good portion of the 30 mile trail crossed private property (with their permission) but each of them was at risk under existing state statutes. After spending 8 hours on a snowmachine seeing to the safety of participants and trail maintenance I came home to read Paul's newsletter.

I fully understand the importance of the oil tax, the mining laws, the Pers/Ters issue but frankly was frustrated by the lack of even the mention of HB 415. A one sentence mention of the bill or a request for an opinion would have been nice. As you know there are a good group of people working hard just to get the bill before the public. A note in the newsletter would lend some credence to that effort.

I know it is a busy time and a busy place and do appreciate all that you do.

Sincerely,  
Dave Brann

**Senate Resources**

**April 27, 2006**

**HB 419 Sponsor Packet**

Cover Sheet _____	1 page
Sponsor Statement _____	1 page
Sectional Analysis _____	2 pages
HB0419a _____	2 pages
DEC Fiscal Note 3/21/06 _____	1 page
Total Pages: _____	7 pages